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CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION

OF THE

SIXTY-FIFTH CONGRESS

OF

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OF AMERICA

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PROCEEDINGS AND DEBATES OF THE SIXTY-FIFTH CONGRESS
SECOND SESSION.

SENATE.

MONDAY, *December 3, 1917.*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Sixty-fifth Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The VICE PRESIDENT (THOMAS R. MARSHALL, of Indiana) called the Senate to order at 12 o'clock noon.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we worship Thee. We know no sovereign will but Thine. Thy law is supreme in our lives and in our land. We have come together facing the mightiest task that has ever confronted any generation of men. As we stand in the light of Thy Word we thank Thee for the assurance that we have taken our place upon Thy side.

We pray Thy blessing upon all in authority in our land, that they may have a supreme passion for our highest ideals of national life. We pray Thy blessing upon all the people, that they may have a vision splendid of the task that Thou hast committed to us, and that they may count it a glad surrender of anything, a price not too high to pay for the establishment of the end that Thou hast in view—peace among men and the brotherhood of nations. We ask for Christ's sake. Amen.

CALLING OF THE ROLL.

The VICE PRESIDENT. Senators, the day designated by the Constitution of the United States and the hour adopted by custom for the convening of the Congress of the United States having arrived, the Secretary will call the roll of the duly elected, qualified, and acting Senators of the United States for the purpose of determining whether a quorum of the Senate is present.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	New	Smith, Ariz.
Bankhead	Goff	Newlands	Smith, Ga.
Beckham	Gore	Norris	Smith, Md.
Borah	Gronna	Overman	Smith, Mich.
Brady	Hale	Owen	Smith, S. C.
Brandegee	Hardwick	Page	Smoot
Calder	Hitchcock	Penrose	Sterling
Chamberlain	Hollis	Pittman	Stone
Colt	James	Pomerene	Sutherland
Culberson	Johnson, S. Dak.	Ransdell	Swanson
Cummins	Kellogg	Reed	Tillman
Curtis	Kirby	Robinson	Trammell
Dillingham	La Follette	Saulsbury	Underwood
Fernald	Lodge	Shafroth	Vardaman
Fletcher	McLean	Sheppard	Wadsworth
France	Martin	Shields	Warren
Frelinghuysen	Nelson	Simmons	Williams

Mr. SMITH of Michigan. I desire to announce the unavoidable absence of my colleague [Mr. TOWNSEND] on account of sickness in his family.

Mr. HOLLIS. I was requested to announce that the Senator from Montana [Mr. WALSH] is absent because of illness.

I also desire to announce that the senior Senator from Illinois [Mr. LEWIS] is detained on important public business.

Mr. SAULSBURY. I regret to announce that my colleague [Mr. WOLCOTT] is too ill to attend the session of the Senate to-day.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. SHIELDS. I wish to announce the absence of my colleague [Mr. MCKELLAR] on account of illness.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] on account of illness.

Mr. ASHURST. I have been requested to announce that the Senator from Montana [Mr. MYERS], the Senator from Washington [Mr. POINDEXTER], the Senator from Kansas [Mr. THOMPSON], and the Senator from Utah [Mr. KING] are necessarily absent from the Senate because of official business.

Mr. CHAMBERLAIN. I desire to state that my colleague [Mr. MCNARY] is unavoidably detained for a few days. He will be here the latter part of the week.

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a constitutional quorum of the Senate of the United States present.

LIST OF SENATORS.

The list of Senators by States is as follows:

Alabama—John H. Bankhead and Oscar W. Underwood.
Arizona—Henry F. Ashurst and Marcus A. Smith.
Arkansas—Joseph T. Robinson and William F. Kirby.
California—James D. Phelan and Hiram W. Johnson.
Colorado—Charles S. Thomas and John F. Shafroth.
Connecticut—Frank B. Brandegee and George P. McLean.
Delaware—Willard Saulsbury and Josiah O. Wolcott.
Florida—Duncan U. Fletcher and Park Trammell.
Georgia—Hoke Smith and Thomas W. Hardwick.
Idaho—William E. Borah and James H. Brady.
Illinois—Jas. Hamilton Lewis and Lawrence Y. Sherman.
Indiana—James E. Watson and Harry S. New.
Iowa—Albert B. Cummins and William S. Kenyon.
Kansas—William H. Thompson and Charles Curtis.
Kentucky—Ollie M. James and J. C. W. Beckham.
Louisiana—Joseph E. Ransdell and Robert F. Broussard.
Maine—Bert M. Fernald and Frederick Hale.
Maryland—John Walter Smith and Joseph I. France.
Massachusetts—Henry Cabot Lodge and John W. Weeks.
Michigan—William Alden Smith and Charles E. Townsend.
Minnesota—Knute Nelson and Frank B. Kellogg.
Mississippi—John Sharp Williams and James K. Vardaman.
Missouri—William J. Stone and James A. Reed.
Montana—Henry L. Myers and Thomas J. Walsh.
Nebraska—Gilbert M. Hitchcock and George W. Norris.
Nevada—Francis G. Newlands and Key Pittman.
New Hampshire—Jacob H. Gallinger and Henry F. Hollis.
New Jersey—William Hughes and Joseph S. Freylinghuysen.
New Mexico—Albert B. Fall and Andrieus A. Jones.
New York—James W. Wadsworth, jr., and William M. Calder.
North Carolina—Furnifold M. Simmons and Lee S. Overman.
North Dakota—Porter J. McCumber and Asle J. Gronna.
Ohio—Atlee Pomerene and Warren G. Harding.
Oklahoma—Thomas P. Gore and Robert L. Owen.
Oregon—George E. Chamberlain.
Pennsylvania—Boies Penrose and Philander C. Knox.
Rhode Island—LeBaron B. Colt and Peter G. Gerry.
South Carolina—Benjamin R. Tillman and Ellison D. Smith.
South Dakota—Thomas Sterling and Edwin S. Johnson.
Tennessee—John K. Shields and Kenneth D. McKellar.
Texas—Charles A. Culberson and Morris Sheppard.
Utah—Reed Smoot and William H. King.
Vermont—William P. Dillingham and Carroll S. Page.
Virginia—Thomas S. Martin and Claude A. Swanson.
Washington—Wesley L. Jones and Miles Poindexter.
West Virginia—Nathan Goff and Howard Sutherland.
Wisconsin—Robert M. La Follette.
Wyoming—Francis E. Warren and John B. Kendrick.

NOTIFICATION TO THE HOUSE.

Mr. MARTIN submitted the following resolution (S. Res. 152), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. MARTIN submitted the following resolution (S. Res. 153), which was read, considered by unanimous consent, and agreed to.

Resolved, That a committee consisting of two Senators be appointed to join such a committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

The VICE PRESIDENT appointed as the committee Mr. MARTIN and Mr. GALLINGER.

HOUR OF DAILY MEETING.

Mr. MARTIN submitted the following resolution (S. Res. 154), which was read, considered by unanimous consent, and agreed to:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

DEATH OF SENATOR PAUL O. HUSTING.

Mr. LA FOLLETTE. Mr. President, with great personal sorrow, shared, I am certain, by the Members of this body, it becomes my sad duty to formally announce the death of my late colleague, Senator PAUL O. HUSTING. He died in Wisconsin under tragic circumstances, without precedent and parallel, I believe, in the history of this body.

The present time and occasion do not admit of a suitable testimonial to my late colleague, but hereafter and during the present session I shall ask the Senate to set apart a day when appropriate tribute may be paid to his memory.

Mr. President, I send the following resolutions to the desk and ask for their adoption.

The VICE PRESIDENT. The Secretary will read the resolutions.

The resolutions (S. Res. 155) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. PAUL O. HUSTING, late a Senator from the State of Wisconsin.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. LA FOLLETTE. Mr. President, as a further mark of respect to Senator HUSTING's memory, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 4, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 3, 1917.*

This being the day designated by the Constitution for the annual meeting of Congress, the Members of the House of Representatives assembled in their Hall for the second session of the Sixty-fifth Congress, and at 12 o'clock noon were called to order by the Speaker, who on taking the chair was greeted with general applause.

PRAYER.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, infinite in all Thine attributes, in whom we put our trust, out of the deeps of the soul we cry unto Thee for wisdom, strength, courage, to uphold, sustain and guide us in this, the darkest hour in human history. Help us as a people, from the least to the greatest, to appreciate the gravity of the situation, and unite us in the bonds of patriotism, that we may throw all our intellectual, moral, and physical strength into the contest, with a grim determination to win or perish; that the ideals enunciated by the Master may find their full fruition in liberty, justice and equal rights for all mankind; to the honor and glory of Thy holy name.

Impress each and every Member of the Congress now convened to take up the stupendous tasks which wait upon them, with the great responsibility resting upon them, that with persistent energy and consummate skill they may provide ways and means for a speedy and successful prosecution of the war which has been thrust upon us.

Let Thy blessing descend copiously upon our President and his advisers. Keep him in health, strength, and vigor, and imbue him with wisdom from above, that he may administer the affairs of state with justice and equity to all; and direct our soldiers and sailors in the prosecution of our just cause.

Be graciously near to the men who are called to the colors, that they may speak more eloquently than words, in deeds of heroism and valor, that Old Glory may float on in triumph, and make the world a better and a safer place for men to dwell in. And Thine be the praise, through Him who died that liberty, truth, justice and righteousness might live forever. Amen.

ROLL CALL BY STATES.

The SPEAKER. The Clerk will call the roll by States, to ascertain the presence of a quorum.

The Clerk proceeded to call the roll by States, when the following Members were ascertained to be present:

ALABAMA.

S. Hubert Dent, jr.
Henry B. Steagall.
Fred L. Blackmon.
J. Thomas Heflin.
William B. Oliver.
Edward B. Almon.
George Huddleston.
William B. Bankhead.

ARIZONA.

Carl Hayden.

ARKANSAS.

Thaddeus H. Caraway.
William A. Oldfield.
John N. Tillman.
Otis Wingo.
Samuel M. Taylor.
William S. Goodwin.

CALIFORNIA.

Clarence F. Lea.
John E. Raker.
John I. Nolan.
Denver S. Church.
Charles H. Randall.
Henry Z. Osborne.
William Kettner.

COLORADO.

Charles B. Timberlake.
Edward Keating.

CONNECTICUT.

Augustine Lonergan.
Richard P. Freeman.
John Q. Tilson.
James P. Glynn.

DELAWARE.

Albert F. Polk.

FLORIDA.

Herbert J. Drane.
Frank Clark.

GEORGIA.

James W. Overstreet.
Frank Park.
Charles R. Crisp.
William C. Adamson.
James W. Wise.
Gordon Lee.
Charles H. Brand.
Carl Vinson.
William W. Larsen.

IDAHO.

Addison T. Smith.
Burton L. French.

ILLINOIS.

Martin B. Madden.
William W. Wilson.
Adolph J. Sabath.
James McAndrews.
Niels Juul.
George E. Foss.
Ira C. Copley.
Charles E. Fuller.
John C. McKenzie.
William J. Graham.
Clifford Ireland.
John A. Sterling.
Joseph G. Cannon.
William B. McKinley.
Henry T. Rainey.
Loren E. Wheeler.
William A. Rodenberg.
Martin D. Foster.
Thomas S. Williams.

AT LARGE.

William E. Mason.

INDIANA.

William E. Cox.
Lincoln Dixon.
Everett Sanders.
Richard N. Elliott.
Merrill Moores.
Albert H. Vestal.
Fred S. Purnell.
William R. Wood.
Milton Kraus.
Louis W. Fairfield.
Henry A. Barnhart.

IOWA.

Charles A. Kennedy.
Harry E. Hull.
Burton E. Sweet.
James W. Good.
C. William Ramseyer.
Cassius C. Dowell.
Horace M. Towner.
William R. Green.
Frank P. Woods.
George C. Scott.

KANSAS.

Daniel R. Anthony, jr.
Edward C. Little.
Philip P. Campbell.
Dudley Doolittle.
Jouett Shouse.
William A. Ayres.

KENTUCKY.

Alben W. Barkley.
David H. Kinchelce.
Robert Y. Thomas, jr.
Ben Johnson.
Arthur B. Rouse.
James C. Cantrill.
William J. Fields.
John W. Langley.
Caleb Powers.

LOUISIANA

Albert Estopinal.
H. Garland Dupré.
Whitmell P. Martin.
John T. Watkins.
Riley J. Wilson.
Jared Y. Sanders.
Ladislas Lazaro.
James B. Aswell.

MAINE.

Wallace H. White, jr.
John A. Peters.
Ira G. Hersey.

MARYLAND.

Jesse D. Price.
J. Fred. C. Talbott.
Charles P. Coady.
J. Charles Linthicum.
Frederick N. Zihlman.

MASSACHUSETTS.

Frederick H. Gillett.
Calvin D. Paige.
Samuel E. Winslow.
Michael F. Phelan.
Frederick W. Dallinger.
Alvan T. Fuller.
James A. Gallivan.
Richard Olney, 2d.
William S. Greene.
Joseph Walsh.

MICHIGAN.

Frank E. Doremus.
Mark R. Bacon.
John M. C. Smith.
Carl E. Mapes.
Patrick H. Kelley.
Louis C. Cramton.
Joseph W. Fordney.
Gilbert A. Currie.
Frank D. Scott.
W. Frank James.
Charles A. Nichols.

MINNESOTA.

Sydney Anderson.
Franklin F. Ellsworth.
Charles R. Davis.
Carl C. Van Dyke.
Harold Knutson.
Andrew J. Volstead.
Clarence B. Miller.
Halvor Steenerson.
Thomas D. Schall.

MISSISSIPPI.

Ezekiel S. Candler.
Percy E. Quin.
James W. Collier.

MISSOURI.

Milton A. Romjue.
Joshua W. Alexander.
Charles F. Booher.
William P. Borland.
Clement C. Dickinson.
Courtney W. Hamlin.
Dorsey W. Shackleford.
Champ Clark.
William L. Igoe.
Leonidas C. Dyer.
Walter L. Hensley.
Joseph J. Russell.
Thomas L. Rubey.

MONTANA.

AT LARGE.

John M. Evans.
Miss Jeannette Rankin.

NEBRASKA.

Charles O. Lobeck.
Ashton C. Shallenberger.
Moses P. Kinkaid.

NEVADA.

AT LARGE.

E. E. Roberts.

NEW HAMPSHIRE.

Edward H. Wason.

NEW JERSEY.

William J. Browning.
Isaac Bacharach.
John R. Ramsey.
Edward W. Gray.
Frederick R. Lehlbach.
John J. Eagan.
James A. Hamill.

NEW MEXICO.

William B. Walton.

NEW YORK.

Chas. Pope Caldwell.
Harry H. Dale.
James P. Maher.
Frederick W. Rowe.
John J. Fitzgerald.
Daniel J. Griffin.
Oscar Wm. Swift.
Reuben L. Haskell.
Daniel J. Riordan.
Meyer London.
Christopher D. Sullivan.
Thomas F. Smith.
Peter J. Dooling.
John F. Carew.
George B. Francis.
Walter M. Chandler.
Isaac Siegel.
Henry Bruckner.
Daniel C. Oliver.
Benjamin L. Fairchild.
Charles B. Ward.
Rollin B. Sanford.
George R. Lunn.
Bertrand H. Snell.
Luther W. Mott.
Homer P. Snyder.
Walter W. Magee.
Norman J. Gould.
Thomas R. Dunn.
Archie D. Sanders.
William F. Waldow.
Charles M. Hamilton.

NORTH CAROLINA.

Claude Kitchin.
George E. Hood.
Edward W. Pou.
Charles M. Stedman.
Hannibal L. Godwin.
Robert L. Doughton.
Edwin Y. Webb.
Zeb Weaver.

OHIO.

Warren Gard.
John S. Snook.
Simeon D. Fess.
John A. Key.
Isaac R. Sherwood.
Horatio C. Claypool.
Clement Brumbaugh.
Arthur W. Overmyer.
George White.
David A. Hollingsworth.
John G. Cooper.
Robert Crosser.
Henry I. Emerson.

OKLAHOMA.

Thomas A. Chandler.
William W. Hastings.
Charles D. Carter.
Tom D. McKeown.
Joseph B. Thompson.
Scott Ferris.
Dick T. Morgan.

OREGON.

Willis C. Hawley.
Nicholas J. Sinnott.
Clifton N. McArthur.

PENNSYLVANIA.

William S. Vare.
J. Hampton Moore.
George W. Edmonds.
George P. Darrow.
Thomas S. Butler.
Henry W. Watson.
John R. Farr.
Thomas W. Templeton.
Robert D. Heaton.
Arthur G. Dewalt.
Louis T. McFadden.
Edgar R. Kiess.
Aaron S. Kreider.
John M. Rose.
Andrew R. Brodbeck.
Edward E. Robbins.
Bruce F. Sterling.
Henry A. Clark.
Nathan L. Strong.
Stephen G. Porter.
M. Clyde Kelly.
John M. Morin.
Guy E. Campbell.
Thomas S. Crago.
Mahlon M. Garland.
Joseph McLaughlin.

RHODE ISLAND.

Walter R. Stiness.

SOUTH CAROLINA.

Richard S. Whaley.
James F. Byrnes.
Fred H. Dominick.
William F. Stevenson.
Asbury F. Lever.

SOUTH DAKOTA.

Charles H. Dillon.
Royal C. Johnson.
Harry L. Gandy.

TENNESSEE.

Sam R. Sells.
John A. Moon.
Cordell Hull.
William C. Houston.
Joseph W. Byrns.
Lemuel P. Padgett.
Thetus W. Sims.
Finis J. Garrett.
Hubert F. Fisher.

TEXAS.

Eugene Black.
Sam Rayburn.
Hatton W. Sumners.
Rufus Hardy.
Joseph J. Mansfield.
James P. Buchanan.
Tom Connally.
Marvin Jones.
James B. Slayden.
John N. Garner.
Thomas L. Blanton.
Jeff. McLemore.
Daniel E. Garrett.

UTAH.

Milton H. Welling.
James H. Mays.

VERMONT.

Frank L. Greene.

VIRGINIA.

William A. Jones.
Edward E. Holland.
Andrew J. Montague.
Edward W. Saunders.
Carter Glass.
Thomas W. Harrison.
Charles C. Carlin.
C. Bascom Slemp.
Henry D. Flood.

WASHINGTON.

John F. Miller.
Lindley H. Hadley.
Albert Johnson.
William L. La Follette.
C. C. Dill.

WEST VIRGINIA.

M. M. Neely.
Stuart F. Reed.
Harry C. Woodyard.
Edward Cooper.
Adam B. Littlepage.

WISCONSIN.

Henry Allen Cooper.
Edward Voigt.
William J. Cary.
William H. Stafford.
James H. Davidson.
David G. Classon.
Irvine L. Lenroot.

The SPEAKER. On this roll call 324 Members have answered to their names, a quorum.

COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. KITCHIN. Mr. Speaker, I move the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

House resolution 174.

Resolved, That a committee of three Members be appointed on the part of the House to join the committee appointed by the Senate to wait upon the President and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to; and the Speaker appointed as the committee on the part of the House Mr. KITCHIN, Mr. FITZGERALD, and Mr. GILLETT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Wahlorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

And that in compliance of the foregoing resolution the Vice President had appointed as said committee Mr. MARTIN and Mr. GALLINGER.

Also the following resolution:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

Also the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. PAUL O. HUSTING, late a Senator from the State of Wisconsin.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

LEAVE OF ABSENCE.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask leave of absence for an indefinite time for my colleague [Mr. NELSON] on account of important business.

The SPEAKER. The gentleman from Wisconsin asks indefinite leave of absence for his colleague [Mr. NELSON]. Is there objection?

There was no objection.

NOTIFICATION OF THE SENATE.

Mr. FITZGERALD. Mr. Speaker, I offer the following resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 175.

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared and that the House is ready to proceed to business.

The resolution was agreed to.

HOUR OF DAILY MEETING.

Mr. POU. Mr. Speaker, I offer the resolution which I send to the Clerk's desk, and ask for the immediate consideration thereof.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 176.

Resolved, That until otherwise ordered the hour of daily meeting of the House of Representatives shall be 12 o'clock m.

The resolution was agreed to.

SWEARING IN OF MEMBERS ELECT.

Mr. GILLETT. Mr. Speaker, I ask that Mr. WILFRED W. LUFKIN, Member elect from the sixth district of Massachusetts, be sworn in.

The SPEAKER. The gentleman from Massachusetts will bring the Member elect to the bar of the House.

Mr. TILSON. I ask that the Member elect from the fourth district of Connecticut, Mr. SCHUYLER MERRITT, be sworn in.

The SPEAKER. The gentleman from Connecticut will bring his colleague to the bar of the House. The Chair has examined the credentials of these two gentlemen and finds them correct.

Mr. LUFKIN and Mr. MERRITT appeared at the bar of the House and took the oath of office prescribed by law.

Mr. STERLING of Pennsylvania. Mr. Speaker, the Hon. E. H. BESHLIN, Member elect from the twenty-eighth district of Pennsylvania, is present and would like to be sworn in as a Member at this time. He holds a certificate from the canvassing board of the congressional district, as is provided by the law of the State, and by this congressional canvassing board a certification is made to the State department of the State of Pennsylvania. This certification has been made, but the State department has not yet issued a certificate. Upon the primary evidence which the Member elect holds that certificate is issued. I take it that the entire membership of the House from Pennsylvania will concur in the statement that there is no doubt about the election of Representative BESHLIN, and I ask unanimous consent that he be sworn in at this time, on the primary evidence of his election that he holds.

Mr. MADDEN. Mr. Speaker, I shall have to object to that. I do not believe it is wise to establish the precedent of swearing in a man as a Member of the House until the proper authorities have issued a certificate of his election.

Mr. FITZGERALD. Mr. Speaker, it has been the uniform practice of the House for a number of years to swear in Members if the statement is made that there is no question of the election.

Mr. SIMS. If there is no contest.

Mr. FITZGERALD. It has been done on both sides of the House, and is the practice unless there is some extraordinary reason why it should not be done.

Mr. MADDEN. There is no reason further than the necessary precaution that I believe ought to be taken not to make a man a Member of the House by swearing him in until the certificate of his election has been issued by the proper authorities of his State. I do not remember during my membership of the House of any man being sworn in here until his credentials were furnished.

Mr. FITZGERALD. Let me call the gentleman's attention to the fact that the gentleman from California [Mr. OSBORNE], on that side of the House, was sworn in in the absence of a certificate on the mere statement made here. That has been the universal custom of the House.

Mr. KITCHIN. I think that the gentleman from Ohio [Mr. FESS] and the gentleman from West Virginia [Mr. BOWERS] were both sworn in without a certificate.

Mr. FITZGERALD. And especially when the statement is made that there is no controversy over the election.

Mr. MADDEN. I would like to inquire of the gentleman from Pennsylvania who makes the request, whether the men at the front—the soldiers in the camps—who voted in this case have had their votes counted?

Mr. STERLING of Pennsylvania. In reply to the question by the gentleman from Illinois, the act of the Assembly of Pennsylvania requires a certificate primarily from the canvassing board of the district. The canvassing board counted the entire vote, including the soldiers' vote, and made the certification last Friday to the State department, but the State department has not yet issued the certificate, which it must under the law, based upon the statement of the canvassing board which the gentleman holds. As to there being any doubt about this result, I will say to the gentleman from Illinois that our friends on both sides of the House from Pennsylvania are always on guard as to their rights, and there is no doubt in this case as to the election.

Mr. MADDEN. I have no doubt about the election myself.

Mr. BUTLER. What was the majority?

Mr. STERLING of Pennsylvania. About seventeen hundred.

Mr. MADDEN. I have not any doubt about the election. My only anxiety was to prevent the establishment of a precedent. However, if precedents have already been established and similar cases have been before the House, which I did not recall, and no harm is to come from granting the request made by the gentleman from Pennsylvania, of course I am not captious about my attitude and do not intend to object. I think it well enough to know the facts in the case, and as those facts have been stated by the gentleman from Pennsylvania I withdraw my objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BESHLIN then appeared at the bar of the House and took the oath required by law.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HICKS, for one week, on account of absence in Europe;

To Mr. BATHRICK, indefinitely, on account of important business;

To Mr. GREGG, for one day, having missed connections;

To Mr. DENISON, for one week, on account of important business;

To Mr. GALLIVAN, for two weeks, on account of important business;

To Mr. PARKER of New Jersey, for one week, on account of absence in Europe;

To Mr. DALE of Vermont, for one week, on account of absence in Europe; and

To Mr. LUNDEEN, on account of absence in the Hawaiian Islands on Government business.

Mr. WALSH. Mr. Speaker, I ask indefinite leave of absence for my colleague, Mr. TINKHAM, on account of absence in Europe.

The SPEAKER. Is there objection?

There was no objection.

Mr. NOLAN. Mr. Speaker, I make the same request for my colleague, Mr. CURRY, on account of sickness.

The SPEAKER. Is there objection?

There was no objection.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 1 o'clock and 35 minutes p. m.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand in recess until 1 o'clock and 35 minutes p. m. Is there objection?

There was no objection.

Accordingly the House stood in recess until 1 o'clock and 35 minutes p. m.

AFTER THE RECESS.

The recess having expired, the House was called to order at 1 o'clock and 35 minutes p. m.

NOTIFICATION OF THE PRESIDENT.

Mr. KITCHIN. Mr. Speaker, your committee appointed to wait upon the President and inform him that a quorum of the two Houses had assembled and that Congress was ready to receive any communication he might wish to make, with a like committee on the part of the Senate, has performed that duty, and the President wishes us to inform the House that he will be pleased to deliver his message in person at a joint session of the two Houses at 12 o'clock and 30 minutes p. m. to-morrow. I send the following resolution to the desk and ask its immediate consideration.

The Clerk read as follows:

House concurrent resolution 28.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 4th day of December, 1917, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

DEATH OF REPRESENTATIVE MARTIN, OF ILLINOIS.

Mr. RAINEY. Mr. Speaker, it is with profound regret that I announce the death of my colleague, the Hon. CHARLES MARTIN, of Illinois. I send to the Clerk's desk a resolution and ask for its present consideration, after which I shall move that the House adjourn out of respect to his memory. At some convenient time in the future I shall ask that a day be set apart for the delivery of eulogies in this House.

The Clerk read as follows:

House resolution 185.

Resolved, That the House has heard with profound sorrow of the death of the Hon. CHARLES MARTIN, late a Representative from the State of Illinois.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased this House do now adjourn.

The SPEAKER. The question is on agreeing to the resolutions.

The resolutions were agreed to.

ADJOURNMENT.

Accordingly, in accordance with the resolution heretofore adopted, at 1 o'clock and 38 minutes p. m. the House adjourned until to-morrow, Tuesday, December 4, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting tentative draft of bill to increase the number of midshipmen at the United States Naval Academy (H. Doc. No. 388); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Interior, transmitting a statement of expenditures on account of the Indian Service for the fiscal year ended June 30, 1917, from the appropriation "Industrial work and care of timber" (H. Doc. No. 389); to the Committee on Expenditures in the Interior Department and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting report of expenditures made for the purchase of cattle for the benefit of Indians on the Standing Rock Reservation in North Dakota and South Dakota for fiscal year ended June 30, 1917 (H. Doc. No. 390); to the Committee on Expenditures in the Interior Department and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting cost account showing the moneys expended on each Indian irrigation project during the fiscal year 1917 and the total expenditures on each such project as computed to June 30, 1917 (H. Doc. No. 391); to the Committee on Expenditures in the Interior Department and ordered to be printed.

5. A letter from the Secretary of the Navy, transmitting tentative draft of bill to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes (H. Doc. No. 392); to the Committee on Naval Affairs and ordered to be printed.

6. A letter from the Secretary of Commerce, transmitting communication from the Commissioner of Fisheries relating to the remarkable results of the rescue work for fishes in the overflowed lands of the Mississippi River Basin (H. Doc. No. 393); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

7. A letter from the chairman of the Shipping Board, transmitting first annual report of the United States Shipping Board, covering the period of its existence to and including October 31, 1917 (H. Doc. No. 394); to the Committee on the Merchant Marine and Fisheries and ordered to be printed.

8. A letter from the Clerk of the House of Representatives, transmitting a list of reports to be made to Congress by the public officers during the Sixty-fifth Congress (H. Doc. No. 395); to the Committee on Accounts and ordered to be printed.

9. A letter from the Clerk of the House of Representatives, transmitting report of names and time employed of all the clerks and other employees of the House of Representatives and a detailed statement of the items and the manner in which the contingent fund of the House has been expended (H. Doc. No. 387); to the Committee on Accounts and ordered to be printed.

10. A letter from the secretary of the Territory of Hawaii, transmitting a copy of the Journal of the Senate of the Territory of Hawaii for the ninth regular session of the legislature (H. Doc. No. 396); to the Committee on the Territories.

11. A letter from the Acting Postmaster General, transmitting a report of the public property in the Post Office Department on November 1, 1917 (H. Doc. No. 397); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

12. A letter from the Secretary of the Interior, transmitting a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from public or tribal funds were made during the fiscal year ended June 30, 1917 (H. Doc. No. 398); to the Committee on Expenditures in the Interior Department and ordered to be printed.

13. A letter from the Secretary of the Interior, transmitting detailed statement of expenditures from the tribal funds of the Chippewa Indians of Minnesota for the fiscal year ended June 30, 1917 (H. Doc. No. 399); to the Committee on Expenditures in the Interior Department and ordered to be printed.

14. A letter from the Secretary of the Interior, transmitting detailed report of expenditures made for the purpose of encouraging industry among Indians at various Indian reservations during the fiscal year ended June 30, 1917 (H. Doc. No. 400); to the Committee on Expenditures in the Interior Department and ordered to be printed.

15. A letter from the Secretary of the Interior, transmitting detailed report of the expenditures made for the purpose of encouraging industry among the various Indians of the reservations during the fiscal year ended June 30, 1917 (H. Doc. No. 401); to the Committee on Expenditures in the Interior Department and ordered to be printed.

16. A letter from the Secretary of the Interior, transmitting a report for the fiscal year ended June 30, 1917, relating to the appropriation "Indian schools, support, 1917" (H. Doc. No. 402); to the Committee on Expenditures in the Interior Department and ordered to be printed.

17. A letter from the Secretary of the Interior, transmitting a report for the fiscal year 1917, showing the amounts expended at each school and agency from the appropriation for construction, lease, purchase, repair, and improvement of school and agency buildings (H. Doc. No. 403); to the Committee on Expenditures in the Interior Department and ordered to be printed.

18. A letter from the Secretary of the Interior, transmitting a report showing no hostilities occurred with any tribe of Indians with which the United States had treaty stipulations, since the last report (H. Doc. No. 404); to the Committee on Indian Affairs and ordered to be printed.

19. A letter from the Secretary of the Interior, transmitting detailed report of expenditures made for the purpose of encouraging industry and self-support among the Indians on the Tongue River Reservation, in Montana, during the fiscal year ended June 30, 1917 (H. Doc. No. 405); to the Committee on Expenditures in the Interior Department and ordered to be printed.

20. A letter from the Secretary of the Interior, transmitting report of expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1917 (H. Doc. No. 406); to the Committee on Expenditures in the Interior Department and ordered to be printed.

21. A letter from the Secretary of the Interior, transmitting a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1917 (H. Doc. No. 407); to the Committee on Expenditures in the Interior Department and ordered to be printed.

22. A letter from the Secretary of the Interior, transmitting a detailed report of expenditures for the fiscal year ending June 30, 1917, from the appropriation for the relief of distress and prevention of disease among Indians, on account of the construction of hospitals (H. Doc. No. 408); to the Committee on Expenditures in the Interior Department and ordered to be printed.

23. A letter from the Secretary of the Interior, transmitting a report of all moneys collected and deposited during the fiscal year ended June 30, 1917, under the appropriation, "Determining heirs of deceased Indian allottees, 1917" (H. Doc. No. 409); to the Committee on Indian Affairs and ordered to be printed.

24. A letter from the Secretary of the Interior, transmitting a detailed report of the expenditures made in making per capita payments to the Apache, Kiowa, and Comanche Indians during the fiscal year ended June 30, 1917 (H. Doc. No. 410); to the Committee on Expenditures in the Interior Department and ordered to be printed.

25. A letter from the Secretary of the Interior, transmitting report that no diversion of expenditures were made during the fiscal year ended June 30, 1917, under the provisions of the act of March 1, 1907 (H. Doc. No. 411); to the Committee on Indian Affairs and ordered to be printed.

26. A letter from the Secretary of the Interior, transmitting detailed report of the expenditures made from the tribal funds of the Confederated Bands of Utes for the fiscal year ended June 30, 1917 (H. Doc. No. 412); to the Committee on Expenditures in the Interior Department and ordered to be printed.

27. A letter from the Secretary of the Interior, transmitting statement of expenditures from the tribal funds of the Blackfeet Indians of Montana for the fiscal year ended June 30, 1917 (H. Doc. No. 413); to the Committee on Expenditures in the Interior Department and ordered to be printed.

28. A letter from the Secretary of the Interior, transmitting statement of expenditures for the fiscal year ended June 30, 1917, of money carried on the books of this department under the caption "Indian money, proceeds of labor" (H. Doc. No. 414); to the Committee on Expenditures in the Interior Department and ordered to be printed.

29. A letter from the Secretary of the Interior, transmitting detailed statement of receipts and expenditures on account of pay patients for the fiscal year ended June 30, 1917, at Freedmen's Hospital (H. Doc. No. 415); to the Committee on Expenditures in the Interior Department and ordered to be printed.

30. A letter from the Secretary of the Interior, transmitting detailed report of expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont., for the fiscal year ended June 30, 1917 (H. Doc. No. 416); to the Committee on Expenditures in the Interior Department and ordered to be printed.

31. A letter from the Secretary of the Interior, transmitting report showing the diversion of appropriations for the pay of specified employees in the Indian Service for the fiscal year ended June 30, 1917 (H. Doc. No. 417); to the Committee on Expenditures in the Interior Department and ordered to be printed.

32. A letter from the chairman of the Interstate Commerce Commission, transmitting report showing, as to each exchange of typewriters the period of its use and price, including exchange value (H. Doc. No. 418); to the Committee on Appropriations and ordered to be printed.

33. A letter from the Secretary of the Smithsonian Institution, transmitting information regarding the purchase of typewriters and exchange thereof (H. Doc. 419); to the Committee on Appropriations and ordered to be printed.

34. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing the travel of all officials and employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to travel constantly) (H. Doc. No. 420); to the Committee on Appropriations and ordered to be printed.

35. A letter from the chairman of the Interstate Commerce Commission, transmitting detailed report of the commission's employees subject to increased rates of compensation for the fiscal year ending June 30, 1918 (H. Doc. No. 421); to the Committee on Appropriations and ordered to be printed.

36. A letter from the Public Printer, transmitting detailed report showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for therein (H. Doc. No. 422); to the Committee on Appropriations and ordered to be printed.

37. A letter from the Secretary of the Interior, transmitting a copy of a letter from Dr. William A. White, superintendent of St. Elizabeths Hospital, transmitting a financial report (H. Doc. No. 423); to the Committee on Appropriations and ordered to be printed.

38. A letter from the Secretary of the Navy, transmitting a detailed report showing the number of persons, the grades or character of position, the original rates of compensation, and the increased rates of compensation of employees provided for in legislative, executive, and judicial appropriation act of March 3, 1917 (H. Doc. No. 424); to the Committee on Naval Affairs and ordered to be printed.

39. A letter from the Acting Postmaster General, transmitting a statement showing the required information regarding typewriters purchased and exchanged by the Post Office Department during the period from July 1, 1916, to June 30, 1917 (H. Doc. No. 425); to the Committee on Appropriations and ordered to be printed.

40. A letter from the Attorney General, transmitting detailed report required by the various acts of Congress providing for a percentage increase in compensation for personal services (H. Doc. No. 426); to the Committee on Appropriations and ordered to be printed.

41. A letter from the Secretary of the Interior, transmitting a statement showing the documents received and distributed during the fiscal year ended June 30, 1917 (H. Doc. No. 427); to the Committee on Printing and ordered to be printed.

42. A letter from the chairman of the Federal Trade Commission, transmitting report of typewriters, adding machines, and other similar labor-saving devices exchanged during the fiscal year ended June 30, 1917 (H. Doc. No. 428); to the Committee on Appropriations and ordered to be printed.

43. A letter from the Clerk of the House of Representatives, transmitting a detailed report of the operation of the 5 per cent and 10 per cent increase in the appropriation for salaries of officers and employees of the House of Representatives (H. Doc. No. 429); to the Committee on Appropriations and ordered to be printed.

44. A letter from the Secretary of the Interior, transmitting a report for the fiscal year ending June 30, 1917, showing exchanges made by that department and its several bureaus and offices of typewriters, adding machines, and other similar labor-saving devices (H. Doc. No. 430); to the Committee on Appropriations and ordered to be printed.

45. A letter from the Secretary of the United States Senate, transmitting a detailed report showing the number of persons employed and paid by the Senate of the United States, the grades and character of their positions, the original rates of compensation as provided by the act approved March 3, 1917 (H. Doc. No. 431); to the Committee on Appropriations and ordered to be printed.

46. A letter from the chairman of the Interstate Commerce Commission, transmitting a statement showing the employment under appropriation for the valuation of carriers for the fiscal year ended June 30, 1917 (H. Doc. No. 432); to the Committee on Appropriations and ordered to be printed.

47. A letter from the Secretary of War, transmitting a detailed statement showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for employees (H. Doc. No. 433); to the Committee on Military Affairs and ordered to be printed.

48. A letter from the Secretary of the Smithsonian Institution, transmitting detailed statement of expenditures for the fiscal year ended June 30, 1917 (H. Doc. No. 434); to the Committee on Appropriations and ordered to be printed.

49. A letter from the Secretary of the Smithsonian Institution, transmitting a statement showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation paid for the quarter ending September 30, 1917 (H. Doc. No. 435); to the Committee on Appropriations and ordered to be printed.

50. A letter from the Secretary of the Smithsonian Institution, transmitting statement showing in detail what officers or employees of the branches of the Government service under the direction of the Smithsonian Institution have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1917 (H. Doc. No. 436); to the Committee on Appropriations and ordered to be printed.

51. A letter from the chief clerk of the Court of Claims, transmitting statement of all judgments rendered by the Court of Claims for the year ended December 1, 1917 (H. Doc. No. 437); to the Committee on the Judiciary and ordered to be printed.

52. A letter from the Secretary of the Navy, transmitting lists of papers that have accumulated in the files of navy yards, naval stations, and other offices of the Naval Establishment, which were not needed or useful in the transaction of current business (H. Doc. No. 438); to the Committee on the Disposition of Useless Executive Papers and ordered to be printed.

53. A letter from the Acting Postmaster General, transmitting statement showing what officers or employees (other than special agents, inspectors, or employees who in the discharge of their regular duties are required to constantly travel) have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1917 (H. Doc. No. 439); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

54. A letter from the Acting Postmaster General, transmitting a report of the finances of the department for the preceding year, amount expended in the department for the preceding year, also report of increased compensation for three months ending September 30, 1917, additional to salaries (H. Doc. No. 440); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

55. A letter from the Assistant Secretary of Labor, transmitting itemized report of expenditures during the fiscal year 1917 from appropriations Bureau of Naturalization, 1916 and 1917 (H. Doc. No. 441); to the Committee on Expenditures in the Department of Labor and ordered to be printed.

56. A letter from the Secretary of the Interior, transmitting letter from surgeon in chief of the Freedmen's Hospital transmitting detailed statement of expenses for professional and other services (H. Doc. No. 442); to the Committee on Appropriations and ordered to be printed.

57. A letter from the Secretary of the Interior, transmitting statement showing what officers or employees of the department have traveled on official business outside of the District of Columbia (H. Doc. No. 443); to the Committee on Expenditures in the Interior Department and ordered to be printed.

58. A letter from the Secretary of the Treasury, transmitting report of the contingent expenses of the Treasury Department for the fiscal year ended June 30, 1917 (H. Doc. No. 444); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

59. A letter from the Attorney General, transmitting a statement of the expenditures of the appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1917, as furnished by the presiding judge of that court (H. Doc. No. 445); to the Committee on Expenditures in the Department of Justice and ordered to be printed.

60. A letter from the Postmaster General, transmitting a memorandum of allowances granted payable from the appropriation for unusual conditions for the fiscal year 1917 (H. Doc. No. 446); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

61. A letter from the president of the United States Civil Service Commission, transmitting statement showing what officers and employees of the commission have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1917 (H. Doc. No. 447); to the Committee on Appropriations and ordered to be printed.

62. A letter from the Secretary of the Interior, transmitting letter from the Assistant Commissioner of the General Land Office, giving detailed statement of traveling expenses of clerks detailed from the office of one Surveyor General to another during the fiscal year ended June 30, 1917 (H. Doc. No. 448); to the Committee on Appropriations and ordered to be printed.

63. A letter from the secretary of the Commission of Fine Arts, transmitting statement bearing on appropriation, "Increase of compensation, Commission of Fine Arts, 1918" (H. Doc. No. 449); to the Committee on Appropriations and ordered to be printed.

64. A letter from the president of the Board of Commissioners, District of Columbia, transmitting a report of the official doings of the government of the District of Columbia for the fiscal year ended June 30, 1917 (H. Doc. No. 584); to the Committee on the District of Columbia and ordered to be printed.

65. A letter from the president of the Board of Commissioners, District of Columbia, transmitting a detailed report showing number of persons, the grades or character of positions, the original rates of compensation, and increased rates of compensation of the employees for the District of Columbia for the fiscal year ending June 30, 1917 (H. Doc. No. 450); to the Committee on Appropriations and ordered to be printed.

66. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Winsor B. French v. The United States (H. Doc. No. 451); to the Committee on War Claims and ordered to be printed.

67. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas T. Munhall v. The United States (H. Doc. No. 452); to the Committee on War Claims and ordered to be printed.

68. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles W. Haskins, son of Philo J. Haskins, deceased, v. The United States (H. Doc. No. 453); to the Committee on War Claims and ordered to be printed.

69. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry E. Davies, son of Henry E. Davies, deceased, v. The United States (H. Doc. No. 454); to the Committee on War Claims and ordered to be printed.

70. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William E. Ludlow v. The United States (H. Doc. No. 455); to the Committee on War Claims and ordered to be printed.

71. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Emily J. Smith, widow (remarried) of Alexander Dockery, deceased, v. The United States (H. Doc. No. 456); to the Committee on War Claims and ordered to be printed.

72. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Seth M. Hinman v. The United States (H. Doc. No. 457); to the Committee on War Claims and ordered to be printed.

73. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel Fallows v. The United States (H. Doc. 458); to the Committee on War Claims and ordered to be printed.

74. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Clyde C. Westover, administrator of the estate of John W. Westover, deceased, v. The United States (H. Doc. No. 459); to the Committee on War Claims and ordered to be printed.

75. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of W. D. Wiley and J. T. Wiley, sons and sole heirs of John T. C. Wiley, deceased, v. The United States (H. Doc. No. 460); to the Committee on War Claims and ordered to be printed.

76. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Hiram Argersinger v. The United States (H. Doc. No. 461); to the Committee on War Claims and ordered to be printed.

77. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Phebe A. Brewer, widow of Andrew J. H. Brewer, deceased, v. The United States (H. Doc. No. 462); to the Committee on War Claims and ordered to be printed.

78. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Solomon N. Isaminger, son and one of the heirs of James Isaminger, deceased, v. The United States (H. Doc. No. 463); to the Committee on War Claims and ordered to be printed.

79. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Zerilda Brodie, widow of Robert Brodie, deceased, v. The United States (H. Doc. No. 464); to the Committee on War Claims and ordered to be printed.

80. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Samuel W. Mann v. The United States (H. Doc. No. 465); to the Committee on War Claims and ordered to be printed.

81. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ella H. Candy, widow of Charles Candy, deceased, v. The United States (H. Doc. No. 466); to the Committee on War Claims and ordered to be printed.

82. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Absalom C. Phillips v. The United States (H. Doc. No. 467); to the Committee on War Claims and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 4582) to correct the military record of Charles Engle, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LUNN: A bill (H. R. 6512) to amend an act entitled "An act to increase the revenue, and for other purposes," approved October 3, 1917; to the Committee on the Post Office and Post Roads.

By Mr. SIMS: A bill (H. R. 6513) to erect a post-office building in the city of McKenzie, State of Tennessee; to the Committee on Public Buildings and Grounds.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 6514) making an appropriation for the improvement of the Pawtucket River, R. I.; to the Committee on Rivers and Harbors.

By Mr. BROWNING: A bill (H. R. 6515) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912, as amended March 3, 1913; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 6516) to authorize and direct the Secretary of War to accept as a substantial compliance with an act of Congress the bridge across St. Francis River at St. Francis, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: A bill (H. R. 6517) to provide an increase in compensation for employees in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. SIMS: A bill (H. R. 6518) to provide for the appointment of postmasters of all classes by the Postmaster General, and for other purposes; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 6519) to provide for a road to the Shiloh National Military Park; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 6520) to prevent interstate commerce in commodities produced by labor employed more than eight hours a day without added compensation; to the Committee on Labor.

By Mr. SIMS: A bill (H. R. 6521) to erect a post-office building in the city of Lexington, State of Tennessee; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6522) to erect a post-office building in the city of Huntingdon, State of Tennessee; to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 6523) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or of racing odds; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6524) to refund the cotton tax realized to the Government under the various acts of Congress; to the Committee on War Claims.

Also, a bill (H. R. 6525) declaring the carrying openly or concealed about the person any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a felony; to the Committee on the District of Columbia.

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ction as provided by the act approved March 3, 1917 (H. Doc. No.

for unusual conditions for the fiscal year 1917 (H. Doc. No.

United States (H. Doc. No. 462); to the Committee on War Claims and ordered to be printed.

on the District of Columbia.

Also (by request), a bill (H. R. 6526) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or of racing odds; to the Committee on Interstate and Foreign Commerce.

Also (by request), a bill (H. R. 6527) to prevent the nullification of State antigambling laws by international or interstate transmission of race-gambling bets or of racing odds; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 6528) to provide that the United States shall construct rural post roads between the county seats of the several States; to the Committee on the Post Office and Post Roads.

By Mr. BLANTON: A bill (H. R. 6529) to provide for the common defense and general welfare by conserving and increasing the production of food, leather, and clothing through furnishing immediate needed relief to drought-stricken portions of the States of Texas, Colorado, and New Mexico; preventing by the immediate advancement for necessary feed the impending starvation of several million head of cattle and other valuable live stock; and by advancing needed means for supplies, feed for teams, and seeds for planting, thus making provision for the cultivation of thousands of productive farms, which otherwise would be uncultivated and nonproductive in 1918; and appropriating therefor money, hereafter reimbursable; to the Committee on Appropriations.

By Mr. SIMS: A bill (H. R. 6530) declaring the selling, exchanging, or giving away any pistol, bowie knife, dirk or dirk knife, blackjack, dagger, sword cane, slung shot, brass or other metal knuckle in the District of Columbia a misdemeanor; to the Committee on the District of Columbia.

Also, a bill (H. R. 6531) to repeal an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: A bill (H. R. 6532) to increase pensions of certain soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 6533) to establish a supreme council of national defense; to the Committee on Military Affairs.

By Mr. MOTT: A bill (H. R. 6534) to amend the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. COOPER of Ohio: A bill (H. R. 6535) amending the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. RANDALL: A bill (H. R. 6536) to prohibit the sale, manufacture, transportation, or importation of alcohol or alcoholic beverages during the term of the present war, except for certain purposes, and to provide for the commandeering of all distilled liquors for governmental purposes; to the Committee on the Judiciary.

By Mr. IGOE: A bill (H. R. 6537) to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis within the States of Illinois and Missouri; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: A bill (H. R. 6538) to increase pensions of Army nurses; to the Committee on Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 6539) to amend an act entitled "An act to incorporate the National McKinley Birthplace Memorial Association," approved March 4, 1911; to the Committee on the Judiciary.

By Mr. ASWELL: A bill (H. R. 6540) to repeal the internal-revenue taxes upon wholesome foods and the special license taxes imposed upon producers and dealers in such wholesome foods; to the Committee on Ways and Means.

By Mr. SHERWOOD: A bill (H. R. 6541) providing for relief for all American citizens who have reached the age of 65 years and who are incapable of manual labor and whose incomes are less than $200 per annum; to the Committee on Labor.

By Mr. GRAHAM of Illinois: A bill (H. R. 6542) to regulate the printing and the distribution of public documents; to the Committee on Printing.

Also, a bill (H. R. 6543) to amend an act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, as amended by an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 6544) to prohibit and punish the interstate deportation of laborers and other persons; to the Committee on the Judiciary.

By Mr. WALSH: A bill (H. R. 6545) to establish the department of marine and fisheries; to the Committee on the Merchant Marine and Fisheries.

By Mr. GRAHAM of Illinois: A bill (H. R. 6546) to amend an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. SNYDER: A bill (H. R. 6547) to repeal section 209 of the act of October 3, 1917; to the Committee on Ways and Means.

By Mr. WATSON of Pennsylvania: A bill (H. R. 6548) to increase the pensions of officers and enlisted men who served in the Army, Navy, or Marine Corps of the United States during the Civil War; to the Committee on Pensions.

By Mr. GARRETT of Texas: A bill (H. R. 6549) to amend an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. SINNOTT: A bill (H. R. 6550) to subject Federal officials, including Members of Congress, to the provisions of the war excess-profits tax of the act to provide revenue to defray war expenses, approved October 3, 1917; to the Committee on Ways and Means.

Also, a bill (H. R. 6551) to exempt officers and enlisted men of the military and naval forces of the United States from payment of the war tax on tickets of admission to places of amusement; to the Committee on Ways and Means.

Also, a bill (H. R. 6552) for the relief of desert-land entrymen enlisted and engaged in organized Red Cross service of the United States during the existing war; to the Committee on the Public Lands.

Also, a bill (H. R. 6553) for the relief of homestead entrymen or settlers enlisting and engaged in organized Red Cross service of the United States during the existing war; to the Committee on the Public Lands.

By Mr. SWEET: Resolution (H. Res. 178) authorizing the Clerk of the House of Representatives to pay to the widow of E. L. Currier, late a messenger on the soldiers' roll, the sum equal to six months' salary and funeral expenses; to the Committee on Accounts.

By Mr. SIMS: Resolution (H. Res. 179) amending the rules of the House of Representatives; to the Committee on Rules.

By Mr. POU: Resolution (H. Res. 180) providing for an assistant clerk for the Committee on Rules during the second session of the Sixty-fifth Congress; to the Committee on Accounts.

By Mr. PARK: Resolution (H. Res. 181) assigning clerks to certain committees of the House; to the Committee on Accounts.

Also, a resolution (H. Res. 182) authorizing clerks to certain committees of the House; to the Committee on Accounts.

By Mr. LOBECK: Resolution (H. Res. 183) to allow a clerk to the Committee on Expenditures in the Treasury Department; to the Committee on Accounts.

By Mr. MARTIN: Resolution (H. Res. 184) to investigate the causes for the prevailing scarcity of sugar and prevent a recurrence of the same; to the Committee on Rules.

By Mr. LINTHICUM: Joint resolution (H. J. Res. 164) to permit any soldier, sailor, marine, or other person engaged in the service of the United States during the present war to accept decorations for valor from any of the nations allied with the United States in the prosecution of said war; to the Committee on Foreign Affairs.

By Mr. DYER: Joint resolution (H. J. Res. 165) providing for a joint committee to be known as Committee on Appropriations of the Senate and House; to the Committee on Rules.

By Mr. CARLIN: Joint resolution (H. J. Res. 166) extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. KINKAID: Joint resolution (H. J. Res. 167) amending section 201 of the act entitled "An act to increase the revenue, and for other purposes"; to the Committee on Ways and Means.

By Mr. HILLIARD: Concurrent resolution (H. Con. Res. 27) providing for the study and investigation of the subject of value and relative value; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 6554) granting a pension to Charles W. Bradford; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 6555) granting a pension to Agnes H. Welsh; to the Committee on Pensions.

Also, a bill (H. R. 6556) granting an increase of pension to William A. Woods; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 6557) granting an increase of pension to Alexander Klinedinst; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 6558) granting a pension to Samuel Ash; to the Committee on Pensions.

Also, a bill (H. R. 6559) granting an increase of pension to James M. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 6560) granting an increase of pension to Edward L. Dodd; to the Committee on Pensions.

Also, a bill (H. R. 6561) granting an increase of pension to Edward Durbin; to the Committee on Pensions.

Also, a bill (H. R. 6562) granting an increase of pension to Marion F. Willis; to the Committee on Pensions.

Also, a bill (H. R. 6563) granting an increase of pension to Casey A. Cox; to the Committee on Pensions.

Also, a bill (H. R. 6564) granting a pension to Stella Porter; to the Committee on Pensions.

Also, a bill (H. R. 6565) granting a pension to Mary J. Titus; to the Committee on Pensions.

Also, a bill (H. R. 6566) granting an increase of pension to Green P. Gray; to the Committee on Pensions.

Also, a bill (H. R. 6567) granting an increase of pension to James Cullivan; to the Committee on Pensions.

By Mr. BRUCKNER: A bill (H. R. 6568) granting an increase of pension to Margaret C. Fargo; to the Committee on Pensions.

Also, a bill (H. R. 6569) granting an increase of pension to Joseph B. Braman; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 6570) granting a pension to Lou Shoat; to the Committee on Pensions.

Also, a bill (H. R. 6571) granting a pension to Fred F. Bennett; to the Committee on Pensions.

Also, a bill (H. R. 6572) granting a pension to Oliver M. McRoberts; to the Committee on Pensions.

Also, a bill (H. R. 6573) granting a pension to Charles B. Stice; to the Committee on Pensions.

Also, a bill (H. R. 6574) granting a pension to Izabell Way; to the Committee on Pensions.

Also, a bill (H. R. 6575) granting a pension to Frank H. Smith; to the Committee on Pensions.

Also, a bill (H. R. 6576) granting a pension to Charles E. Ingels; to the Committee on Pensions.

Also, a bill (H. R. 6577) granting a pension to Frank West; to the Committee on Pensions.

Also, a bill (H. R. 6578) granting a pension to Jerusha Ramsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6579) granting a pension to Fannie M. Huggins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6580) granting a pension to Margaret A. Land; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6581) granting a pension to Daily Houston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6582) granting a pension to Thomas Jefferson Rothgeb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6583) granting a pension to Dora R. Boyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6584) granting a pension to Joseph Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6585) granting a pension to Lucilla E. McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6586) granting a pension to George W. Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6587) granting a pension to Oxley Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6588) granting a pension to C. W. Stanton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6589) granting a pension to Arabelle McCurry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6590) granting a pension to Francis M. Vaughn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6591) granting a pension to David S. Toland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6592) granting a pension to Mary C. McLaughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6593) granting a pension to Delilah Van Akers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6594) granting an increase of pension to Lee Toms; to the Committee on Pensions.

Also, a bill (H. R. 6595) granting an increase of pension to Frank E. Bales; to the Committee on Pensions.

Also, a bill (H. R. 6596) granting an increase of pension to George D. Henning; to the Committee on Pensions.

Also, a bill (H. R. 6597) granting an increase of pension to Thomas C. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6598) granting an increase of pension to Samuel H. McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6599) granting an increase of pension to Daniel Newby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6600) granting an increase of pension to Louisa Singer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6601) granting an increase of pension to Samuel Radcliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6602) granting an increase of pension to Mark V. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6603) granting an increase of pension to C. H. Jewett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6604) granting an increase of pension to Washington A. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6605) granting an increase of pension to William A. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6606) granting an increase of pension to Cyrus D. Christy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6607) granting an increase of pension to John Quinlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6608) granting an increase of pension to Isaac N. Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6609) granting an increase of pension to George W. Hendricks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6610) granting an increase of pension to Edgar Cross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6611) granting an increase of pension to John H. Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6612) granting an increase of pension to Samuel Ratcliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6613) granting an increase of pension to L. D. Frogue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6614) granting an increase of pension to John F. Leonard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6615) granting an increase of pension to Mathew E. Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6616) granting an increase of pension to Joseph B. Atwater; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6617) granting an increase of pension to Harvey J. Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6618) granting an increase of pension to James Rush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6619) granting an increase of pension to James P. Barton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6620) granting an increase of pension to Henry Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6621) granting an increase of pension to Thomas C. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6622) granting an increase of pension to Isaac A. Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6623) granting an increase of pension to Humphrey T. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6624) granting an increase of pension to Marsha E. Towles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6625) granting an increase of pension to John C. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6626) granting an increase of pension to Dzonra Tucker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6627) granting an increase of pension to John A. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6628) granting an increase of pension to Payton S. Lynn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6629) granting an increase of pension to Augustus B. Dotson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6630) granting an increase of pension to Walter F. Soper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6631) granting an increase of pension to Eli Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6632) granting an increase of pension to James Rolls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6633) granting an increase of pension to Julia Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6634) granting an increase of pension to John I. Smallwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6635) granting an increase of pension to William J. Raymond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6636) granting an increase of pension to Mary V. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6637) granting an increase of pension to Louisa D. Denton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6638) for the relief of David Porter Haseltine; to the Committee on Military Affairs.

Also, a bill (H. R. 6639) for the relief of John Carr; to the Committee on Military Affairs.

Also, a bill (H. R. 6640) for the relief of Josiah Wilcox; to the Committee on Military Affairs.

Marine and Fisheries.

William A. Woods; to the Committee on Invalid Pensions.

Samuel H. McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6641) for the relief of Philander M. Coats; to the Committee on Military Affairs.

Also, a bill (H. R. 6642) for the relief of Cary Lance; to the Committee on Military Affairs.

Also, a bill (H. R. 6643) for the relief of Samuel T. King; to the Committee on Military Affairs.

Also, a bill (H. R. 6644) for the relief of George W. McKean; to the Committee on Military Affairs.

Also, a bill (H. R. 6645) for the relief of Jacob Scott; to the Committee on Military Affairs.

Also, a bill (H. R. 6646) for the relief of Edward L. Bell; to the Committee on Military Affairs.

Also, a bill (H. R. 6647) for the relief of Thomas F. Kelley; to the Committee on Naval Affairs.

Also, a bill (H. R. 6648) for the relief of C. E. Moore; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 6649) for the relief of Robert Hildebrand; to the Committee on Claims.

Also, a bill (H. R. 6650) for the relief of the estate of William Morrison; to the Committee on War Claims.

Also, a bill (H. R. 6651) to correct the military record of Rankin A. Hutsell; to the Committee on Military Affairs.

Also, a bill (H. R. 6652) to correct the military record of James Anderson; to the Committee on Military Affairs.

Also, a bill (H. R. 6653) to correct the military record of Stephen A. Clark; to the Committee on Military Affairs.

Also, a bill (H. R. 6654) to amend the military record of Alonzo Rich; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 6655) granting an increase of pension to George T. Harwood; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 6656) granting a pension to Thomas S. Shipp; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 6657) granting a pension to Frank Carney; to the Committee on Pensions.

Also, a bill (H. R. 6658) granting a pension to Margaret Tennant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6659) granting a pension to Edith L. Morgan; to the Committee on Pensions.

Also, a bill (H. R. 6660) granting an increase of pension to John Brookins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6661) granting a pension to Adelia Hamilton; to the Committee on Invalid Pensions.

By Mr. CURRY of California: A bill (H. R. 6662) for the relief of Charles L. McCulley; to the Committee on Naval Affairs.

By Mr. FERRIS: A bill (H. R. 6663) granting a pension to Julius M. Deal; to the Committee on Pensions.

Also, a bill (H. R. 6664) granting a pension to Pearl B. McDonald; to the Committee on Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 6665) granting an increase of pension to Charles L. Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6666) granting an increase of pension to Berl P. Penny; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 6667) granting a pension to Michael P. Connaughton; to the Committee on Pensions.

Also, a bill (H. R. 6668) granting a pension to Harry Scott; to the Committee on Pensions.

Also, a bill (H. R. 6669) granting a pension to Anna Kelley; to the Committee on Pensions.

Also, a bill (H. R. 6670) granting a pension to Walter S. Stewart; to the Committee on Pensions.

Also, a bill (H. R. 6671) granting a pension to James R. Phillips; to the Committee on Pensions.

Also, a bill (H. R. 6672) granting a pension to Mary C. Heller; to the Committee on Pensions.

Also, a bill (H. R. 6673) granting an increase of pension to William W. Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6674) to correct the military record of Algernon N. Smith; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 6675) granting a pension to Robert B. Walton; to the Committee on Pensions.

Also, a bill (H. R. 6676) granting a pension to Margaret C. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6677) granting a pension to Ada G. Sherwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6678) granting a pension to Emily C. Seymour; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6679) granting a pension to Sarah Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6680) granting an increase of pension to Alonzo Leverich; to the Committee on Pensions.

Also, a bill (H. R. 6681) granting an increase of pension to Aretus F. Loomis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6682) granting an increase of pension to Spear T. Harman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6683) granting an increase of pension to Simon J. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6684) granting an increase of pension to Joshua J. Bender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6685) granting an increase of pension to Orrin T. Blood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6686) granting an increase of pension to Myron I. Hartwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6687) granting an increase of pension to Bennit D. Haeussler, alias Bennit Hisler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6688) granting an increase of pension to Sylvanus C. Oppelt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6689) granting an increase of pension to George Stoneking; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6690) granting an increase of pension to J. Wesley Brown; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 6691) granting an increase of pension to Daniel M. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6692) granting a pension to R. D. Shackleford; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 6693) granting an increase of pension to Francisco Brown; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 6694) granting an increase of pension to James Halloran; to the Committee on Pensions.

Also, a bill (H. R. 6695) granting a pension to William Herbert Fish; to the Committee on Pensions.

Also, a bill (H. R. 6696) granting a pension to Chester J. Baxter; to the Committee on Pensions.

Also, a bill (H. R. 6697) granting a pension to Julia M. Ashby; to the Committee on Pensions.

Also, a bill (H. R. 6698) granting an increase of pension to Joseph B. Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6699) granting an increase of pension to Porter W. Roundy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6700) granting an increase of pension to Horatio S. Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6701) granting an increase of pension to William M. Gosnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6702) granting an increase of pension to Henrietta Borgstadt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6703) granting an increase of pension to Henry Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6704) granting an increase of pension to George F. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6705) for the relief of E. C. Adams; to the Committee on Claims.

Also, a bill (H. R. 6706) for the relief of Katherine Abel; to the Committee on Claims.

By Mr. IGOE: A bill (H. R. 6707) granting a pension to Alice Brookman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6708) granting an increase of pension to Joseph Ranft; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 6709) granting a pension to Delia A. Lapham; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 6710) granting an increase of pension to George Shearer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6711) granting an increase of pension to Alvin M. Holt; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 6712) granting a pension to Charles W. Brace; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6713) granting an increase of pension to John S. McGinness; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 6714) granting a pension to Sarah M. Collett; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 6715) granting a pension to William E. Sloane; to the Committee on Pensions.

Also, a bill (H. R. 6716) granting a pension to William H. Beal, alias Wade H. Brown; to the Committee on Pensions.

Also, a bill (H. R. 6717) granting a pension to George H. Burton; to the Committee on Pensions.

Also, a bill (H. R. 6718) granting a pension to John C. Graves; to the Committee on Pensions.

Also, a bill (H. R. 6719) granting a pension to Joseph F. Mattson; to the Committee on Pensions.

Also, a bill (H. R. 6720) granting a pension to Schuyler van Tasseli; to the Committee on Pensions.

Also, a bill (H. R. 6721) granting a pension to Augustus A. Bush; to the Committee on Pensions.

Also, a bill (H. R. 6722) granting a pension to Martha P. Malcomson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6723) granting a pension to Mary F. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6724) granting a pension to Adaline Ballard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6725) granting a pension to Mary Fiske; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6726) granting a pension to Mary E. Fowler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6727) granting a pension to Violetta Wyckoff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6728) granting an increase of pension to Marshall F. Truax; to the Committee on Pensions.

Also, a bill (H. R. 6729) granting an increase of pension to George C. Presley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6730) granting an increase of pension to George W. Mower; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6731) granting an increase of pension to Rodney S. Cathcart; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 6732) granting an increase of pension to John A. Barr; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 6733) granting an increase of pension to Edwin Totten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6734) granting an increase of pension to Daniel B. Bailey; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 6735) granting a pension to Carl Z. Work; to the Committee on Pensions.

Also, a bill (H. R. 6736) granting a pension to James M. Onion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6737) granting an increase of pension to General F. M. Bean; to the Committee on Pensions.

Also, a bill (H. R. 6738) granting an increase of pension to Thomas G. Willstead; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6739) granting an increase of pension to William F. Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6740) granting an increase of pension to Arthur C. Shrewsbury; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 6741) granting a pension to Joseph Rutroff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6742) granting an increase of pension to Lewis Feltner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6743) granting an increase of pension to Alexander G. Duff; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 6744) granting an increase of pension to Hugh Glasgow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6745) granting an increase of pension to William Steimle; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 6746) granting a pension to James A. Kelley; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 6747) granting a pension to Sarah Alice Anthony; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 6748) to correct the military record of Alkana C. Burk; to the Committee on Military Affairs.

By Mr. MOORES of Indiana: A bill (H. R. 6749) granting a pension to Ida M. Loucks; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 6750) granting a pension to Carey Nation; to the Committee on Pensions.

By Mr. OVERMYER: A bill (H. R. 6751) granting a pension to Billie Bird; to the Committee on Pensions.

Also, a bill (H. R. 6752) granting a pension to Mame Kramer; to the Committee on Pensions.

Also, a bill (H. R. 6753) granting a pension to Louisa Thorworth; to the Committee on Pensions.

Also, a bill (H. R. 6754) granting a pension to Albert E. Aldrich; to the Committee on Pensions.

Also, a bill (H. R. 6755) granting a pension to Irvin Gray; to the Committee on Pensions.

Also, a bill (H. R. 6756) granting a pension to Margaret C. Miller; to the Committee on Pensions.

Also, a bill (H. R. 6757) granting a pension to Albert H. Blinn; to the Committee on Pensions.

Also, a bill (H. R. 6758) granting a pension to Benjamin L. Price; to the Committee on Pensions.

Also, a bill (H. R. 6759) granting a pension to Jacob Painter; to the Committee on Pensions.

Also, a bill (H. R. 6760) granting a pension to John Scanlan; to the Committee on Pensions.

Also, a bill (H. R. 6761) granting a pension to Harvey Shimer; to the Committee on Pensions.

Also, a bill (H. R. 6762) granting a pension to William E. Crozier; to the Committee on Pensions.

Also, a bill (H. R. 6763) granting a pension to Henry Reimiller; to the Committee on Pensions.

Also, a bill (H. R. 6764) granting a pension to Christine E. Geiger; to the Committee on Pensions.

Also, a bill (H. R. 6765) granting a pension to Howard H. Long; to the Committee on Pensions.

Also, a bill (H. R. 6766) granting a pension to Effie B. Saxby; to the Committee on Pensions.

Also, a bill H. R. 6767) granting a pension to Albert W. Ankney; to the Committee on Pensions.

Also, a bill (H. R. 6768) granting a pension to George M. Federkiel; to the Committee on Pensions.

Also, a bill (H. R. 6769) granting a pension to Rebecca Guilliat-Smith; to the Committee on Pensions.

Also, a bill (H. R. 6770) granting a pension to Frank A. Pfefferle; to the Committee on Pensions.

Also, a bill (H. R. 6771) granting a pension to Albert M. Kinsey; to the Committee on Pensions.

Also, a bill (H. R. 6772) granting a pension to Margaretha Metzger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6773) granting a pension to Mary Busher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6774) granting a pension to Jacob Gish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6775) granting a pension to James Bellamy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6776) granting a pension to Teresa Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6777) granting a pension to William B. Olds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6778) granting a pension to Sarah H. Deyo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6779) granting an increase of pension to Ed Lentz; to the Committee on Pensions.

Also, a bill (H. R. 6780) granting an increase of pension to Joseph Schlaffer; to the Committee on Pensions.

Also, a bill (H. R. 6781) granting an increase of pension to John A. Geiger, jr.; to the Committee on Pensions.

Also, a bill (H. R. 6782) granting an increase of pension to William E. Gault; to the Committee on Pensions.

Also, a bill (H. R. 6783) granting an increase of pension to George W. Carter; to the Committee on Pensions.

Also, a bill (H. R. 6784) granting an increase of pension to William T. Snyder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6785) granting an increase of pension to Benjamin F. Ash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6786) granting an increase of pension to Samuel R. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6787) granting an increase of pension to Joseph Sticker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6788) granting an increase of pension to Samuel Dale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6789) granting an increase of pension to Jacob Buzzard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6790) granting an increase of pension to Alexander Tittle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6791) granting an increase of pension to John Shoup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6792) granting an increase of pension to Patrick Mahan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6793) granting an increase of pension to Demas L. Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6794) granting an increase of pension to Samuel Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6795) granting an increase of pension to John Cotner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6796) granting an increase of pension to Joseph Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6797) granting an increase of pension to David Allcut; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6798) granting an increase of pension to Joseph W. Coy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6799) granting an increase of pension to Martin V. B. Showers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6800) granting an increase of pension to George R. Cozzens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6801) granting an increase of pension to John Tuckerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6802) granting an increase of pension to Orlin Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6803) granting an increase of pension to Thomas Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6804) granting an increase of pension to Capt. Henry H. Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6805) granting an increase of pension to Hiram H. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6806) granting an increase of pension to Lucius A. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6807) granting an increase of pension to J. H. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6808) granting an increase of pension to Henry Friar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6809) granting an increase of pension to Eugene B. Dwight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6810) granting an increase of pension to Romanes Binkley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6811) granting an increase of pension to Franklin B. Grubb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6812) granting an increase of pension to Oliver P. Huffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6813) granting an increase of pension to Lewis Mesnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6814) granting an increase of pension to Jacob Krieger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6815) granting an increase of pension to Anthony Lafor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6816) granting an increase of pension to Francis Penny; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6817) granting an increase of pension to Jeremiah Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6818) granting an increase of pension to Albert A. Root; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6819) granting an increase of pension to Vinel E. McCreary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6820) granting an increase of pension to Thomas Starchman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6821) granting an increase of pension to Theodore G. Carlisle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6822) granting an increase of pension to John Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6823) granting an increase of pension to John M. Fesler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6824) granting an increase of pension to John K. Gessner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6825) granting an increase of pension to Reuben Stine; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 6826) granting a pension to Lyman Frink Gray; to the Committee on Pensions.

Also, a bill (H. R. 6827) granting an increase of pension to Sylvester Smart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6828) granting an increase of pension to Alfred K. Nelson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6829) granting an increase of pension to Josiah James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6830) granting an increase of pension to Joseph Hackett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6831) for the relief of Simon N. Frost, deceased; to the Committee on Naval Affairs.

By Mr. RAMSEYER: A bill (H. R. 6832) granting an increase of pension to Cyrus Pinkerton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6833) granting an increase of pension to George D. Lottridge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6834) granting an increase of pension to James D. Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6835) granting an increase of pension to Henry C. Nesler; to the Committee on Invalid Pensions.

By Mr. ROBERTS: A bill (H. R. 6836) granting a pension to Florence A. Drake; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 6837) granting an increase of pension to John T. Follette; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 6838) granting a pension to Laura A. Hayner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6839) granting an increase of pension to John Belcher; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 6840) granting an increase of pension to David S. Oliphant; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 6841) for the relief of Jefferson Franks; to the Committee on Military Affairs.

Also, a bill (H. R. 6842) for the relief of Mildred J. Bray; to the Committee on Claims.

Also, a bill (H. R. 6843) granting a pension to George Watson; to the Committee on Pensions.

Also, a bill (H. R. 6844) granting a pension to Louisa Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6845) granting a pension to Louisa Smith, widow of Richard Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6846) granting an increase of pension to John W. Scott; to the Committee on Pensions.

Also, a bill (H. R. 6847) granting an increase of pension to Thomas J. Lee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6848) granting an increase of pension to Joseph I. Mahar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6849) granting an increase of pension to Mrs. Melvinia C. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6850) for the relief of Francis M. Kirby; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 6851) granting a pension to Mary V. Ralnsberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6852) granting an increase of pension to Helon C. Norton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6853) granting an increase of pension to Jonathan Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6854) granting an increase of pension to Thomas Croft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6855) granting an increase of pension to Henry J. Fruchey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6856) granting an increase of pension to Frank A. Moses; to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 6857) granting a pension to Charles M. Merrill; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 6858) granting a pension to Abbie H. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6859) granting a pension to Cora E. Goodrich; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 6860) granting an increase of pension to Dennis Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6861) granting an increase of pension to Pliny Gerow; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 6862) granting an increase of pension to David K. W. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6863) granting an increase of pension to Michael C. Bierring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6864) granting an increase of pension to Thomas T. Owens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6865) granting a pension to George H. Naylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6866) granting an increase of pension to James M. Thayer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6867) granting an increase of pension to John F. Vaughn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6868) granting an increase of pension to John U. Whitford; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 6869) granting a pension to Mary Jane Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6870) granting a pension to James L. Wolleat; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 6871) granting a pension to Martin L. Payne; to the Committee on Pensions.

By Mr. WATSON of Pennsylvania: A bill (H. R. 6872) granting a pension to Melvin B. Krause; to the Committee on Pensions.

Also, a bill (H. R. 6873) granting a pension to Emma Vanderslice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6874) granting a pension to Mary J. Guy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6875) granting an increase of pension to Pearl Gertrude George; to the Committee on Pensions.

Also, a bill (H. R. 6876) granting an increase of pension to Lewis Warley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6877) granting an increase of pension to James Hagen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6878) granting an increase of pension to Eli C. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6879) granting an increase of pension to George W. Livezey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6880) granting an increase of pension to Joseph Scattergood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6881) granting an increase of pension to Morgan S. Bechtel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6882) for the relief of Paschall C. Hibbs; to the Committee on Military Affairs

By Mr. McANDREWS: Resolution (H. Res. 177) to pay Eugene J. Holland, clerk of the late Charles Martin, a Representative in Congress, $166.66; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of I. C. Temple and 56 other citizens of Huntingdon County, Pa., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of E. T. Stewart and 58 other citizens of Penobscot County, Me., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of J. E. Mountjoy and sundry other citizens of Gallatin County, Ky., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of William Patton and 135 other citizens of Cincinnati, Hamilton County, Ohio, favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of sundry citizens of Gallatin County, Mont., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of Theo Hunt and 16 other citizens of Wayne County, Ind., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of A. Davis and sundry other citizens of Penobscot County, Me., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of sundry citizens of Lyon County, Minn., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of Harry Schwartz and sundry other citizens of Grady County, Okla., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of R. F. Lavender and sundry other citizens of Jasper County, Iowa, favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of T. B. Greer and sundry other citizens of Peoria County, Ill., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of sundry citizens of Spokane County, Wash., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), memorial of South Dakota Woman's Christian Temperance amendment, favoring the Susan B. Anthony amendment; to the Committee on Woman Suffrage.

Also (by request), memorial of "A group of loyal American women," favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also (by request), memorial of a women's meeting held in Pocatello, Idaho, favoring the suffrage amendment, and protesting against "illegal imprisonment of women"; to the Committee on Woman Suffrage.

Also (by request), memorial of National Woman's Party, meeting at Convention Hall, Hutchinson, Kans., in protest against "illegal arrest and imprisonment" of women and in favor of the Federal suffrage amendment; also, memorial on same points by Kansas State convention of National Woman's Party, held at Topeka, Kans., September 28, 1917; and a further memorial of same import by meeting of National Woman's Party, held at Crawford Theater, Witchita, Kans., September 29, 1917; to the Committee on Woman Suffrage.

Also (by request), memorial of a meeting of the National Woman's Party, held at Spokane, Wash., October 23, 1917, favoring the Federal suffrage amendment and condemning the "illegal imprisonment" of women; to the Committee on Woman Suffrage.

Also (by request), memorial of a meeting of the National Woman's Party, held at Pilgrim Hall, Boston, November 4, 1917, favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also (by request), memorial of sundry citizens of Indiana, Ohio, Pennsylvania, Illinois, Kansas, Iowa, Arkansas, Alabama, California, Colorado, Connecticut, Florida, Georgia, Delaware, Texas, Kentucky, Michigan, Maine, Minnesota, Missouri, Mississippi, Massachusetts, Louisiana, Maryland, Nebraska, North Dakota, Wisconsin, North Carolina, New Hampshire, New Jersey, New York, Oklahoma, South Dakota, South Carolina, Tennessee, and Washington, D. C., favoring passage of the Purple Cross bill (H. R. 5410); to the Committee on Military Affairs.

Also (by request), memorial of citizens of Paterson, N. J., and Oklahoma City, Okla., favoring suffrage for women; to the Committee on Woman Suffrage.

Also (by request), memorial of Utah Branch of Woman's Party, protesting against treatment of women for asking suffrage; to the Committee on the Judiciary.

Also (by request), petition of Pioneers of Alaska, protesting against passage of Alexander bill, to tax canneries; to the Committee on the Merchant Marine and Fisheries.

Also (by request), memorial of members of Federal Employees' Union No. 14651, relative to bill for retired pay for Government employees; to the Committee on Reform in the Civil Service.

Also (by request), petition of the San Francisco (Cal.) Real Estate Board, favoring law for increase in pay of letter carriers; to the Committee on the Post Offices and Post Roads.

Also (by request), petition of the Equal Franchise Society of Philadelphia, Pa., favoring suffrage amendment; to the Committee on Woman Suffrage.

Also (by request), memorials of citizens of Pomona, Cal., Wheeling, W. Va., Canton, Hayti, Walnut Grove, Perry, Holden, Bloomfield, St. Louis, and Parkville, Mo., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of Army and Navy Veterans, United States of America, pledging assistance to the country to prosecute the war to the end; to the Committee on Military Affairs.

Also (by request), petition of National Council of American Cotton Manufacturers, asking law relative to vessels of foreign registry in coastwise trade; to the Committee on the Merchant Marine and Fisheries.

Also (by request), petition of National Woman's Party, Newark, N. J., favoring woman suffrage; to the Committee on Woman Suffrage.

Also (by request), memorial of mayor and council of the borough of Little Ferry, N. J., favoring the independence of Bohemia; to the Committee on Foreign Affairs.

Also (by request), memorial of members of St. John's Evangelical Lutheran Church, Chicago, Ill., favoring increase in the number of chaplains in the Army; to the Committee on Military Affairs.

Also (by request), memorial of Chamber of Commerce of Brooklyn, N. Y., favoring interning every alien enemy; to the Committee on Military Affairs.

Also (by request), memorial of Civic Convention of the Territory of Alaska, supporting position taken by the United States in the war; to the Committee on Military Affairs.

Also (by request), petition of Ladies' Auxiliary, National Association of Letter Carriers, No. 11, favoring increase in salaries of letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. BROWNING: Petition of Samuel B. Goff, of Camden, N. J., asking law forbidding growth and manufacture of tobacco; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of sundry citizens of Brooklyn, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. FESS: Memorial of members of the S. N. Yeoman Post, No. 418, Sons of the American Revolution, urging Congress to increase Civil War pensions to $50 per month; to the Committee on Invalid Pensions.

Also, memorial of Rural Letter Carriers' Association of Logan County, Ohio, favoring putting rural delivery service upon same basis as city carriers; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of Cigar Makers' Union No. 99, of Ottawa, Ill., against Senate joint resolution No. 17; to the Committee on the Judiciary.

Also, papers to accompany a bill granting an increase of pension to Charles L. Dunham; to the Committee on Invalid Pensions.

By Mr. HILLIARD: Petitions of Martha E. Baker and others, of Denver, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Denver Typographical Union, No. 49, and Ray Gardenswartz, Samuel O'Conner, Earl McMillen, Laura F. Miller, Morris Weinstein, W. H. Goldblatt, Julius Marcus, Albert

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Petrone, Harry Feldman, Joseph Kitsis, Joseph Buckhalter, Mrs. Maria Kellogg, Lizabeth A. Williams, James A. Shadwick, Benjamin M. Slater, Mrs. T. B. Williams, E. S. Lake, James L. Bannister, W. G. Bailey, Fred W. Turner, C. F. Widdows, and 365 others, all of Denver, Colo., praying for a congressional investigation of the conviction of Tom Mooney for murder in connection with the preparedness-day parade explosion in San Francisco; to the Committee on Labor.

By Mr. KENNEDY of Rhode Island: Petitions of Chauncey L. Magoon, Rev. J. E. Kennedy, Arthur M. Howard, Rev. G. L. Michelson, Albert Rothwell, Halbert Bowser, Walter A. Knight, Joseph Parkinson, Elden B. Jones, William R. Esten, Dudley A. Bowsen, Albert Scothon, George H. Thomas, J. W. Quinham, all of Lonsdale; Rev. William B. Barr, of Central Falls; R. Woodhead and James Manelly, of Valley Falls; James W. Bowen, of Saylesville; and James L. Jenks, John Walker, Rev. Edward R. Evans, and Rev. Frank Rector, Pawtucket, all in the State of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Providence (R. I.) local of United Brewery Workmen, Stephen White, Peter J. Cline, M. W. Hawkins, Frank Cole, and Edward J. McGuirk, Providence; and Terrence Gibson, Pawtucket, all in the State of Rhode Island, protesting against national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Lutheran Conference of Providence; Rev. W. H. Lape, of Shawomet; Rev. Francis H. Spear, of Warren; Rev. George McClellan Fiske, Second Presbyterian Sunday School, Anna Gordon Chapter, Woman's Christian Temperance Union; St. Paul's Methodist Episcopal Sunday School; Providence Epworth League Union; and Rev. William O. Keirstead, all of Providence, R. I., favoring national prohibition legislation; to the Committee on the Judiciary.

By Mr. SCULLY: Memorial of War Service Committee of New York and New Jersey Section, Woman's Department of National Civic Federation, favoring daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Defense Society, favoring declaration of war against Austria-Hungary; to the Committee on Military Affairs.

Also, memorial of Tri-County Association of Letter Carriers, favoring passage of House bill 1654, the Madden bill; to the Committee on the Post Office and Post Roads.

Also, petition of the National Security League, Passaic, N. J., asking law to punish all persons, etc., responsible for pro-German activities; to the Committee on the Judiciary.

Also, petition of the National Security League, Passaic, N. J., favoring bill to cause expulsion of ROBERT M. LA FOLLETTE from the Senate of the United States; to the Committee on the Judiciary.

By Mr. SNYDER: Petitions of Carducci Lodge, No. 924, Free and Accepted Masons, of Utica, N. Y., relative to restraining activities of disloyal persons; to the Committee on the Judiciary.

Also, memorial of Chamber of Commerce, Utica, N. Y., favoring restraint of disloyal persons, newspapers, etc., in United States; to the Committee on the Judiciary.

Also, petition of sundry citizens of Oriskany Falls and Utica, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Tent No. 14, Daughters of Veterans, Utica, N. Y., favoring moral protection of the Army; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of John G. McEwen Camp, No. 6, United Spanish War Veterans, Duluth, Minn., favoring passage of House bill No. 6388 favoring advancing of retired officers called back to service on account of the war; to the Committee on Military Affairs.

SENATE.

TUESDAY, *December 4, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray for divine illumination that we may discern the measure of those responsibilities thrust upon us that can not be expressed in terms of commercial value, that lie deeper even than the bonds of blood or of national life. Give us the divine inspiration that we may discern God's leadership in this time of testing. May we have the comforting assurance that every step of the way we are following God's guidance for the accomplishment of the divine purpose in us as a people. For Christ's sake. Amen.

WARREN G. HARDING, a Senator from the State of Ohio; PHILANDER C. KNOX, a Senator from the State of Pennsylvania; PORTER J. MCCUMBER, a Senator from the State of North Dakota; CHARLES E. TOWNSEND, a Senator from the State of Michigan; JOHN W. WEEKS, a Senator from the State of Massachusetts; and JOSIAH O. WOLCOTT, a Senator from the State of Delaware, appeared in their seats to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MARTIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORTS OF SECRETARY OF THE SENATE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Senate, transmitting, pursuant to law, a statement of receipts and expenditures of the Senate for the fiscal year ended June 30, 1917 (S. Doc. No. 121), which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Secretary of the Senate, transmitting, pursuant to law, an account of all property, including stationery, belonging to the United States in his possession on the 3d day of December, 1917 (S. Doc. No. 122), which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

Mr. South, the Chief Clerk of the House of Representatives, appeared and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has assembled and that the House is ready for business.

Also, that a committee of three were appointed by the Speaker on the part of the House of Representatives to join with the committee on the part of the Senate to wait on the President of the United States and to notify him that a quorum of the two Houses has assembled and that Congress is ready to receive any communication that he may be pleased to make, and that Mr. KITCHIN, Mr. FITZGERALD, and Mr. GILLETT were appointed as a committee on the part of the House.

Further, that the House has agreed to a concurrent resolution authorizing the two Houses of Congress to assemble in the Hall of the House of Representatives on Tuesday, the 4th day of December, 1917, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them, in which it requests the concurrence of the Senate.

Also, that the Speaker of the House has signed the enrolled bill (H. R. 5833) granting six months' pay to Ida Cottrell Hodgson, widow of Frederick Grady Hodgson, deceased, colonel, United States Army, retired.

The message also communicates to the Senate the intelligence of the death of Hon. CHARLES MARTIN, late a Representative from the State of Illinois, and transmits resolutions of the House thereon.

NOTIFICATION TO THE PRESIDENT.

Mr. MARTIN and Mr. GALLINGER appeared, and

Mr. MARTIN said: Mr. President, the committee appointed by the Senate to wait upon the President in conjunction with a like committee from the House and inform him that a quorum of each of the Houses of Congress is present and will be pleased to have any communication he desires to make have performed that duty. The President instructed us to say that it will be his pleasure to address the two Houses of Congress in the Hall of the House of Representatives to-day at 12.30 p. m.

PETITIONS AND MEMORIALS.

Mr. CUMMINS. I present a large number of petitions signed by thousands of men and women in my State favoring the adoption of a constitutional amendment for woman suffrage. I move that the petitions be referred to the Committee on Woman Suffrage.

The motion was agreed to.

Mr. LODGE presented petitions of sundry citizens of Abington, Amherst, Andover, Arlington, Ashby, Assonet, Auburndale, Ayer, Bedford, Berkley, Bernardston, Belmont, Beverley, Boston, Braintree, Brookline, Bradford, Brockton, Cambridge, Charlton, Chelsea, Chester, Clinton, Danvers, Dartmouth, Dedham, Deerfield, Easton, Easthampton, Everett, Florence, Fitchburg, Fall River, Greenfield, Georgetown, Gardner, Granby, Holyoke, Hadley, Haverhill, Hingham, Longmeadow, Lynn, Leeds, Lowell, Lawrence, Lexington, Montague, Middlefield, Methuen, Malden, Melrose, Merrimac, Milton, Marblehead, Mount Washington, Natick, Newburyport, North Andover, North Weymouth, North Adams, Northfield, Nahant, New Bedford, Newton, Northbridge, Plainfield, Pittsfield, Peabody, Quincy, Rockland, Revere, Randolph, South Hadley, Sunderland, Stockbridge, Salem, Somerville, Springfield, Swampscott, Stoneham, Sherborn, Sharon, Scituate, Swansea, Turners Falls, Tewksbury, Upton, Williamstown, Williamsburg, Whitinsville, Weymouth, Wakefield, War-

wick, Worcester, Winthrop, Watertown, Winchester, Wellesley, Westminster, and Ware, all in the State of Massachusetts, praying for the enactment of legislation for submission to the States of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. COLT presented petitions of sundry citizens of Portsmouth and Bristol Ferry, in the State of Rhode Island, praying for the enactment of legislation for submission to the States of an amendment to the Constitution granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

Mr. McLEAN presented a petition of the Sons and Daughters of Liberty of New Haven, Conn., and a petition of sundry citizens of Bridgeport, Conn., praying for the enactment of legislation providing for the draft of certain aliens into the military service of the United States, which were referred to the Committee on Military Affairs.

He also presented petitions of the Junior Order, United American Mechanics, of Bethel, Bridgeport, Danbury, Hartford, Middletown, New Britain, New Haven, and Stamford, all in the State of Connecticut, praying for the enactment of legislation to restrict immigration, which were referred to the Committee on Immigration.

Mr. TOWNSEND presented a petition of sundry citizens of Michigan, praying that Army medical officers be placed on the same basis relative to commissions as naval medical officers, which was referred to the Committee on Military Affairs.

He also presented a petition of the Common Council of Detroit, Mich., praying for the enactment of legislation providing for the regulation of salaries of post-office clerks, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN presented petitions of sundry employees of the United States post offices at Laramie, Sheridan, Cheyenne, Rawlins, and Rock Springs, all in the State of Wyoming, praying for an increase of salaries for employees in the Post Office Service, which were referred to the Committee on Post Offices and Post Roads.

Mr. GRONNA presented resolutions adopted by the Woman's Committee of the Council of National Defense, North Dakota division, praying for moral regulations in Army camps, for the conservation of food, and granting the right of suffrage to women, which were referred to the Committee on Woman Suffrage.

He also presented a petition of the Sunday School of the Methodist Episcopal Church of Ray, N. Dak., and a petition of the Woman's Christian Temperance Union of Bowdon, N. Dak., praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the Commercial Club of Fargo, N. Dak., praying for the enactment of legislation relative to the designation, construction, and maintenance of a system of national highways, which was referred to the Committee on Agriculture and Forestry.

PRODUCTS OF FEMALE LABOR—CHANGE OF REFERENCE.

Mr. FLETCHER. Mr. President, there seems to have been a mistake made in the reference of the bill (S. 778) to prohibit interstate and foreign commerce in certain products of female labor, and for other purposes. It was referred to the Committee on Commerce, whereas it should have gone to the Committee on Interstate Commerce. I ask that the reference be corrected.

The VICE PRESIDENT. Without objection, the Committee on Commerce will be discharged from the further consideration of the bill and it will be referred to the Committee on Interstate Commerce.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2985) to repeal sections 209, 1101, 1102, 1103, 1104, 1105, 1106, and 1107 of "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Finance.

A bill (S. 2986) granting a pension to Frances D. Miller (with accompanying papers);

A bill (S. 2987) granting a pension to Paul B. Gomoll (with accompanying papers);

A bill (S. 2988) granting an increase of pension to Francis J. Kearney (with accompanying papers); and

A bill (S. 2989) granting an increase of pension to George Murray (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2990) granting an increase of pension to Daniel H. Pettengill;

A bill (S. 2991) granting an increase of pension to Josiah C. Tandy;

A bill (S. 2992) granting an increase of pension to Addison S. Martin; and

A bill (S. 2993) granting an increase of pension to Nathaniel Southard (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 2994) for the relief of desert-land entrymen enlisted and engaged in organized Red Cross service of the United States during the existing war;

A bill (S. 2995) authorizing the issuance of a patent to Portland Railway, Light & Power Co. to 52.72 acres of land in Clackamas County, Oreg. (with accompanying papers); and

A bill (S. 2996) for the relief of certain persons, their heirs or assigns, who heretofore conveyed lands inside national forests to the United States; to the Committee on Public Lands.

A bill (S. 2997) granting a pension to Lawrence F. Hickey;

A bill (S. 2998) granting a pension to Harold A. Salisbury;

A bill (S. 2999) granting an increase of pension to John S. Birdsall (with accompanying papers); and

A bill (S. 3000) granting a pension to Walter Denney (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3001) to amend the act of October 3, 1917, entitled "An act to provide revenue to defray war expenses, and for other purposes"; to the Committee on Finance.

By Mr. NEWLANDS:

A bill (S. 3002) for the relief of the Copper River and Northwestern Railway Co.; to the Committee on Finance.

A bill (S. 3003) for the relief of Benjamin F. Spates; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 3004) granting a pension to Stillman B. Judkins; and

A bill (S. 3005) granting an increase of pension to James Churchill; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 3006) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes; and

A bill (S. 3007) to increase the number of midshipmen at the United States Naval Academy (with accompanying papers); to the Committee on Naval Affairs.

By Mr. SUTHERLAND:

A bill (S. 3008) granting an increase of pension to James Richards; to the Committee on Pensions.

A bill (S. 3009) granting the consent of Congress to the P. M. C. Coal Co. to construct and maintain a bridge across Tug River, connecting Pike County, Ky., and Mingo County, W. Va.; to the Committee on Commerce.

By Mr. SWANSON:

A bill (S. 3010) to provide additional and reliable freight facilities to the naval proving ground and smokeless powder factory, Indianhead, Md.; to the Committee on Naval Affairs.

By Mr. COLT:

A bill (S. 3011) for the relief of Winfield S. Solomon; to the Committee on Military Affairs.

A bill (S. 3012) granting an increase of pension to Thomas Percival (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3013) granting an increase of pension to Joseph Martin (with accompanying papers); and

A bill (S. 3014) granting a pension to Mary M. Ayer (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 3015) granting a pension to Abbie Holbrook;

A bill (S. 3016) granting an increase of pension to Angus C. Burns (with accompanying papers);

A bill (S. 3017) granting an increase of pension to Cornelius McGoff (with accompanying papers); and

A bill (S. 3018) granting a pension to Phebe Bushee (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3019) granting an increase of pension to Joseph M. Harbaugh; and

A bill (S. 3020) granting an increase of pension to Nathaniel Wilt; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3021) to increase the compensation of postmasters, assistant postmasters, and other postal employees; to the Committee on Post Offices and Post Roads.

A bill (S. 3022) granting a pension to Mary J. Milton (with accompanying papers);

A bill (S. 3023) granting a pension to Joseph Smith (with accompanying papers);

A bill (S. 3024) granting a pension to William H. Nott (with accompanying papers); and

A bill (S. 3025) granting a pension to Solomon J. Campbell (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3026) granting an increase of pension to Ephriam Briggs;

A bill (S. 3027) granting an increase of pension to Thomas White;

A bill (S. 3028) granting an increase of pension to William B. Vaughn (with accompanying papers);

A bill (S. 3029) granting a pension to Alice Noble (with accompanying papers);

A bill (S. 3030) granting an increase of pension to Zachariah Campbell (with accompanying papers);

A bill (S. 3031) granting an increase of pension to Wesley Loos (with accompanying papers);

A bill (S. 3032) granting an increase of pension to Luther H. Smith (with accompanying papers);

A bill (S. 3033) granting an increase of pension to James Jackson (with accompanying papers);

A bill (S. 3034) granting an increase of pension to Samuel C. Roach (with accompanying papers);

A bill (S. 3035) granting an increase of pension to James Brooks (with accompanying papers);

A bill (S. 3036) granting an increase of pension to Thomas B. Henry (with accompanying papers);

A bill (S. 3037) granting an increase of pension to David Tenpenny (with accompanying papers);

A bill (S. 3038) granting an increase of pension to De Witt C. Callen (with accompanying papers);

A bill (S. 3039) granting an increase of pension to Henry Piele (with accompanying papers);

A bill (S. 3040) granting an increase of pension to James L. Lamar (with accompanying papers);

A bill (S. 3041) granting a pension to Lorinda C. Rand (with accompanying papers);

A bill (S. 3042) granting an increase of pension to Fred Deppe (with accompanying papers);

A bill (S. 3043) granting an increase of pension to William Kunkle (with accompanying papers);

A bill (S. 3044) granting a pension to Eliza E. Herman (with accompanying papers);

A bill (S. 3045) granting a pension to George Coghill (with accompanying papers);

A bill (S. 3046) granting a pension to William W. Wilhite (with accompanying papers);

A bill (S. 3047) granting an increase of pension to James F. De Witt (with accompanying papers);

A bill (S. 3048) granting an increase of pension to George N. Morse (with accompanying papers);

A bill (S. 3049) granting a pension to Isaac F. Roberts (with accompanying papers);

A bill (S. 3050) granting an increase of pension to Thomas Williams (with accompanying papers);

A bill (S. 3051) granting an increase of pension to Lucetta A. Bryant (with accompanying papers);

A bill (S. 3052) granting an increase of pension to David B. Owens (with accompanying papers);

A bill (S. 3053) granting an increase of pension to Andrew J. Ash (with accompanying papers);

A bill (S. 3054) granting a pension to Jesse L. Knight (with accompanying papers);

A bill (S. 3055) granting an increase of pension to Henry Keeler (with accompanying papers);

A bill (S. 3056) granting an increase of pension to Mary McCray (with accompanying papers);

A bill (S. 3057) granting an increase of pension to John W. Alyea (with accompanying papers);

A bill (S. 3058) granting a pension to C. P. Ellis (with accompanying papers); and

A bill (S. 3059) granting an increase of pension to H. E. Wentworth (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3060) to correct the military record of John L. McGregor; to the Committee on Military Affairs.

A bill (S. 3061) for the relief of Joseph W. Skill (with accompanying papers); to the Committee on Claims.

A bill (S. 3062) for the relief of retired commissioned warrant officers detailed on active duty; and

A bill (S. 3063) for the repair, preservation, care, and future maintenance of the restored historical naval brig *Niagara*, Commodore Oliver Hazard Perry's flagship in the Battle of Lake Erie (with accompanying papers); to the Committee on Naval Affairs.

A bill (S. 3064) granting an increase of pension to Charles H. Whiteley;

A bill (S. 3065) granting an increase of pension to Albert M. Young;

A bill (S. 3066) granting an increase of pension to Henry Goodman;

A bill (S. 3067) granting an increase of pension to Mary H. Stacey;

A bill (S. 3068) granting an increase of pension to George Vance;

A bill (S. 3069) granting an increase of pension to Joseph E. McCabe;

A bill (S. 3070) granting an increase of pension to Jacob Short (with accompanying papers);

A bill (S. 3071) granting an increase of pension to William P. Delaney (with accompanying papers);

A bill (S. 3072) granting an increase of pension to Ira Hess (with accompanying papers);

A bill (S. 3073) granting an increase of pension to George H. Pittman, sr. (with accompanying papers);

A bill (S. 3074) granting a pension to Louisa Simon (with accompanying papers); and

A bill (S. 3075) granting an increase of pension to Christopher C. Ghearhart (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A joint resolution (S. J. Res. 105) amending section 201 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Finance.

By Mr. OVERMAN:

A joint resolution (S. J. Res. 106) extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

A joint resolution (S. J. Res. 107) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury; to the Committee on the Library.

EMPLOYMENT OF CONVICT LABOR.

Mr. SMITH of Georgia. I introduce a bill which I ask may be printed in the RECORD and referred to the Committee on Education and Labor.

The bill (S. 3076) to employ convict labor for the production of war supplies and to authorize their purchase by the Federal Government; to regulate the compensation and hours of labor and fix standards; to prohibit the purchase of war supplies manufactured by convicts under private contract; to limit the effect of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory; and to equip the United States penitentiary at Atlanta, Ga., Leavenworth, Kans., and McNeill Island, Wash., and the United States Army prison and disciplinary barracks and the United States naval prison for the manufacture of supplies for the use of the Government; for the compensation of the prisoners for their labor, and for other purposes; was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That when an emergency exists or when war is imminent, creating a demand for supplies which can not easily be produced or supplied by privately owned or conducted factories not employing convict labor, the purchasing agents for the departments or bureaus charged with the buying of war or governmental supplies are hereby empowered, subject to the approval of the President, in addition to any method of purchase or procurement now authorized, to place an order for such supplies with the superintendent or other head of any Federal, naval, military, State, county, or municipal governmental penal institution willing to undertake the manufacture, production, and delivery of such supplies.

The compensation to be paid for such supplies shall be fair and just, and shall, so far as possible, be the prevailing price for like commodities in the vicinity of the institution furnishing them. Compensation and hours of labor for inmates of Federal, naval, military, District of Columbia, State, county, and municipal governmental institutions performing work shall be based upon the standard hours and wages prevailing in the vicinity in which the institution is located. The pro rata cost of maintaining the prisoner should be deducted from his compensation. The supplies manufactured by such institutions shall conform to the standards established by the bureau or department requiring said supplies.

SEC. 2. That the purchasing agents for the departments and bureaus charged with buying the material for the manufacture of war supplies for the United States Government shall not negotiate for the supplying of such materials with any private person or persons or companies using the labor of persons convicted of crime and incarcerated

in a penal or correctional institution, nor shall the purchasing agent and departments charged with the buying of war or governmental supplies purchase the same from such persons or companies: *Provided*, That all goods, wares, and merchandise manufactured, produced, or mined wholly or in part by convict labor, except paroled convicts, or in any prison or reformatory, transported into any State or Territory of the United States or remaining therein for use, consumption, sale, or storage, except those disposed of by sale to the Federal Government, as above provided for, shall, upon arrival and delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured, produced, or mined in such State or Territory, and shall not be exempt therefrom by reason of being introduced in the original package or otherwise.

SEC. 3. That the Secretary of War is authorized and directed, in his discretion, to establish, equip, maintain, and operate in the United States Army prison and disciplinary barracks or its branches a factory or factories for the manufacture of equipment or supplies for the United States Government; that the Secretary of War is further authorized to employ the prisoners in the United States Army prison and disciplinary barracks or its branches in the construction of military roads and highways and to make agreements for the use of the necessary machinery and the finding of available material and to supervise the work of county and State highway officials who may be charged with the development of the proposed roads: *And provided further*, That the Secretary of War be, and he hereby is, authorized to cause to be paid to the military prisoners compensation in accordance with section 1 and such rules and regulations as he may prescribe.

SEC. 4. The Secretary of the Navy is authorized, in his discretion, to establish, equip, maintain, and operate in the United States naval prisons a factory or factories for the manufacture of equipment and supplies for the United States Government. All expenditures in connection with erecting and equipping such factories, and providing sufficient working capital therefor, shall be charged in "General account, Navy." The output of all factories shall be disposed of at current market prices, as determined by the Secretary of the Navy, or his authorized agent, and the proceeds of such sale shall be deposited in the Treasury to the credit of a fund to be known as the "Navy prison fund." Annually a percentage to be determined by the Secretary of the Navy shall be transferred on the books of the Treasury Department from the credit of the Navy prison fund to the credit of "General account of advances, Navy," until "General account of advances, Navy," shall have been reimbursed for all advances charged to it on account of Navy prison factories. The expenses of operating and maintaining the aforesaid factory or factories shall be charged to the said Navy prison fund: *Provided*, That any other expenses in connection with Navy prisons and prisoners may, in the discretion of the Secretary of the Navy, be charged to the Navy prison fund whenever sufficient moneys therefor are available in said fund: *Provided further*, That the Secretary of the Navy shall be, and he hereby is, authorized to employ naval prisoners in the construction of military roads and highways and to make agreements for the use of the necessary machinery and the finding of available material and to supervise county and State highway officials who may be charged with the development of roads and highways. All funds received on account of such work shall be credited to the Navy prison fund: *And provided further*, That the Secretary of the Navy be, and he is hereby, authorized to cause to be paid to naval prisoners compensation in accordance with section 1, under such rules and regulations as he may prescribe, such compensation to be charged against the Navy prison fund.

SEC. 5. That the Attorney General of the United States is authorized and directed to establish, equip, maintain, and operate at the United States penitentiary, Atlanta, Ga., a factory or factories for the weaving of textiles and mail sacks and other similar mail-carrying equipment for the use of the United States Government; and at the United States penitentiary, Leavenworth, Kans., a factory or factories for the manufacture of furniture and office equipment for the use of the United States Government, and at the United States penitentiary, McNeill Island, Wash., a pulp and paper mill for the manufacture of print and other kinds of paper for the use of the United States Government. The factories shall not be so operated as to abolish any existing Government workshop or curtail the production within its present limits of any such Government workshop.

SEC. 6. That from and after July 1, 1919, articles so manufactured shall not be purchased from any source other than governmental for the United States Government or any department, bureau, or other agency thereof, unless the Attorney General or his authorized agent shall certify that the same can not be furnished by such prison factory or factories, unless otherwise provided by law, and no claim shall be audited or paid without such certificate.

SEC. 7. That articles so manufactured shall be sold at the current market prices, as determined by the Attorney General or his authorized agent, and all moneys or reimbursements received from such sales shall be deposited to the credit of the respective working capital fund created by this act.

SEC. 8. That the Attorney General is authorized and empowered to provide for the payment to the inmates of such penitentiaries such pecuniary earnings, in accordance with section 1, under such rules and regulations as he may prescribe. Such earnings shall be paid out of the working capital of the penitentiary in which prisoner is confined.

SEC. 9. That there is created for each United States penitentiary at Atlanta, Ga.; Leavenworth, Kans.; and at McNeill Island, Wash., a fund to be known as the working capital, which fund shall be available for carrying on the industrial enterprises authorized herein, or which may be authorized hereafter by law to be carried on in said penitentiaries. The receipts from the sale of products or by-products of the said industries and the sale of condemned machinery or equipment shall be credited to the respective working capital funds and shall be available for appropriations by Congress annually for the purpose set forth in this act.

SEC. 10. That the said working capitals shall be disbursed under the direction of the Attorney General and shall be available for the purchase, repair, or replacement of machinery or equipment in order at least to maintain the efficiency of the plant, for the purchase of raw material or parts, for the employment of necessary civilian officers and employees at the penitentiary and in Washington, and for the repair and maintenance of buildings and equipment, and for all other necessary expenses in carrying out the provisions of this act.

SEC. 11. That the products of said industries shall not be disposed of except as provided in this act.

SEC. 12. That all laws and parts of laws to the extent that they are in conflict with this act are repealed.

SEC. 13. That whoever shall order, purchase, or cause convict-made goods to be transported in interstate commerce in contravention of the provisions of this law shall be fined not more than $1,000, or imprisoned for not more than six months, or both, or for any subsequent offense shall be imprisoned for not more than one year.

SEC. 14. That this act shall take effect immediately.

COINAGE OF SILVER.

Mr. SHAFROTH. I introduce a joint resolution for reference to the Committee on Banking and Currency.

The joint resolution (S. J. Res. 108) to provide for a commission to negotiate an international agreement as to the coinage of silver was read twice by its title and referred to the Committee on Banking and Currency.

Mr. SHAFROTH. I ask that the joint resolution be printed in the RECORD.

The joint resolution was ordered to be printed in the RECORD, as follows:

Whereas the settlement of balances of trade with silver-using countries threatens the depletion of our stock of gold, although such countries prefer that such balances should be paid in silver; and

Whereas to relieve such condition it is necessary that the production of silver be increased; and

Whereas the enormous expansion in world credits during the past three years necessitates the enlargement of the base upon which such credits are founded: Therefore be it

Resolved, etc., That the President be authorized to appoint a commission of three members to visit our allied and the neutral nations of the world, with a view of making an international agreement as to the coinage of silver, subject to approval by Congress; and

SEC. 2. That the sum of $100,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated to pay the expenses and compensation of such commission.

WAR WITH AUSTRIA-HUNGARY, BULGARIA, AND TURKEY.

Mr. PITTMAN. At the request of the junior Senator from Utah [Mr. KING] and on his behalf, he being necessarily absent, I introduce a joint resolution and ask that it be printed in the RECORD and referred to the Committee on Foreign Relations.

The joint resolution (S. J. Res. 109) declaring that the state of war exists between the United States of America and the Governments of Austria-Hungary, Bulgaria, and Turkey was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

Whereas the Congress did upon the 6th day of April, 1917, declare that the state of war exists between the United States of America and the Imperial Government of Germany; and

Whereas in the course of the war it has become manifest that the Governments of Austria-Hungary, of Bulgaria, and of Turkey have become and are vassals of the Imperial Government of Germany; and

Whereas the military forces and materials of Austria-Hungary, of Bulgaria, and of Turkey are being exerted and employed by Germany against the United States of America; and

Whereas the defeat of Austria-Hungary, of Bulgaria, and of Turkey is necessary to a military decision against Germany: Now, therefore, be it

Resolved, etc., That the state of war exists between the United States of America and the Governments of Austria-Hungary, of Bulgaria, and of Turkey; and that the United States wage and make war against said Governments as and for the vassals of the Imperial Government of Germany.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. I introduce a joint resolution and ask that it be printed in the RECORD and referred to the Committee on Education and Labor.

The joint resolution (S. J. Res. 110) to amend an act entitled "An act to provide for the promotion of vocational education," approved February 23, 1917, was read twice by its title and referred to the Committee on Education and Labor, as follows:

Resolved, etc., That section 7 of the act entitled "An act to provide for the promotion of vocational education," etc., approved February 23, 1917, be, and the same is hereby, amended by adding at the end thereof the words "including the rental of quarters in the District of Columbia from the date of the organization of said board until otherwise provided."

APPOINTMENTS IN THE ARMY.

Mr. HITCHCOCK. I move the indefinite postponement of Order of Business 132, being the bill (S. 2973) to authorize the temporary appointment of generals and lieutenant generals in the Army of the United States, and for other purposes. The bill was incorporated in an amendment to the war-risk insurance bill passed near the close of the last session.

The VICE PRESIDENT. The question is on the motion to indefinitely postpone the bill.

The motion was agreed to.

AMENDMENT OF THE RULES—CONFERENCE REPORTS.

Mr. CURTIS. Mr. President, I give the following notice, which I desire to have read under the rule.

The VICE PRESIDENT. The notice will be read.

The Secretary read as follows:

I give notice that on Thursday, December 6, I will move to amend the standing rules of the Senate by adding the following paragraph to Rules XXVII:

"2. Conferees may not include in their report matters not committed to them by either House, and in case any new matter is included, the same shall be subject to a point of order, and upon such point of order being made by any Senator, if sustained by the Presiding Officer of the Senate, such new matter shall be ruled out and eliminated from the report: *Provided*, That the elimination of such new matter upon a point of order shall in no way affect the remainder of the conference report."

WITHDRAWAL OF PAPERS—AMY MAPES.

Mr. NORRIS. I ask permission from the Senate to withdraw all papers relating to the bill S. 6912, Sixty-third Congress, and the bill S. 712, Sixty-fourth Congress. The bills were introduced to obtain a pension for Amy Mapes, and no adverse report was made thereon.

The VICE PRESIDENT. Without objection, that action will be taken.

The order was reduced to writing, as follows:

Ordered, That leave be granted to withdraw from the files of the Senate the papers in relation to S. 6912, Sixty-third Congress, and S. 712, Sixty-fourth Congress, no adverse reports having been made thereon.

INDUSTRIAL PREPAREDNESS.

Mr. GALLINGER. I submit a resolution which I ask to have read, printed, and lie on the table subject to call.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 157), as follows:

Whereas the American Federation of Labor, at its recent convention in Buffalo, without a dissenting voice, went on record as favoring a policy of industrial preparedness, and the enactment of laws by Congress that will adequately protect all wage earners of our country against loss of employment through an invasion of our markets by the products of other nations; and

Whereas from the enactment of the Underwood-Simmons tariff law until the commencement of the European war, covering a period of about 10 months, the importations of foreign-made goods into our country reduced our favorable balance of trade by $260,866,122, an average of over $26,000,000 a month, being a reduction of 43 per cent, thus demonstrating conclusively that, if continued, it would have destroyed our industrial system; and

Whereas the total of our imports from all the nations of the world during the fiscal year 1917 was over $850,000,000 greater than for 1913, the year before the commencement of the European war, while the revenue for 1917 was $92,000,000 less than for 1913, conclusively proving that the duty rate of about 8 per cent which now prevails, the lowest in the history of the country, utterly fails to adequately protect either American industry or American labor: Therefore be it

Resolved, That in view of existing conditions, as well as in anticipation of the industrial conditions that will necessarily exist at the close of the war in which we are engaged, it is the duty of the Congress of the United States, without delay or hesitation, to place on the statute books a law that will protect all classes of our people, and especially the laboring and agricultural classes, from the disastrous effects of an inundation of foreign-made goods and products.

The VICE PRESIDENT. The resolution will lie on the table and be printed.

LOULA M. WILSON.

Mr. BECKHAM submitted the following resolution (S. Res. 156), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Loula M. Wilson, widow of Charles C. Wilson, late assistant clerk to the Committee on Expenditures in the Department of Labor of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. POMERENE submitted the following resolution (S. Res. 158), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Privileges and Elections of the United States Senate be, and it is hereby, authorized to employ an additional clerk at the rate of $100 per month, to be paid out of the miscellaneous items of the contingent fund of the Senate, from December 3, 1917, to the end of the present session of Congress.

FUNERAL OF THE LATE SENATOR HUSTING.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 159), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Paul O. Husting, late a Senator from the State of Wisconsin, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

House concurrent resolution 28.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 4th day of December, 1917, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. MARTIN. I move that the Senate concur in the resolution which has just been read.

The motion was agreed to.

IDA COTTRELL HODGSON—ENROLLED BILL SIGNED.

The VICE PRESIDENT. The Chair desires to call to the attention of the Senate the following state of facts with reference to House bill 5833. It is a bill granting six months' pay to Ida Cottrell Hodgson, widow of Frederick Grady Hodgson, deceased, colonel, United States Army, retired. The records of both the House and the Senate disclose that this bill was passed at the first session of the present Congress. It was signed by the Speaker of the House, but did not arrive at the Senate in time to be signed by the Presiding Officer of the Senate. The Chair believes that he has a right now to attach his signature to the bill. Is there any objection on the part of any Senator? If the question is thought to be of sufficient moment to require an investigation, the Chair will wait.

Mr. WARREN. The bill was within 10 feet of the Presiding Officer when the hour came for final adjournment. The passage of the bill was entirely regular, and I know of no reason why it should not be signed now, as it undoubtedly would have been signed had it reached the Vice President's desk before final adjournment.

The VICE PRESIDENT. There is nothing in the Constitution of the United States to prevent its being signed and the Chair knows of nothing in the rules of the Senate, and as no attention has been called to any statute the Chair will sign the bill and lay it before the Senate.

The Secretary announced the signature of the Vice President to the enrolled bill (H. R. 5833) granting six months' pay to Ida Cottrell Hodgson, widow of Frederick Grady Hodgson, deceased, colonel, United States Army, retired.

PROMOTION OF EXPORT TRADE.

The VICE PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order.

The bill (S. 634) to promote export trade, and for other purposes, was announced as first in order on the calendar.

The VICE PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is on page 3, line 23, before the word "competitors" to insert the word "domestic."

Mr. SMOOT. May I ask whether the bill has been read?

The VICE PRESIDENT. It has been read and amended, and there are certain pending amendments, but the time is so near for the convening of the two Houses in joint session that the Chair will assume the responsibility of not submitting the question on the amendment.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT. The hour having arrived at which, under the concurrent resolution, the Senate of the United States is to proceed to the Hall of the House of Representatives for the purpose of hearing any communication that the President of the United States may desire to make to the Congress of the United States, the order will now be carried out.

Thereupon the Senate, preceded by its Sergeant at Arms, and headed by the Vice President and the Secretary, proceded to the Hall of the House of Representatives.

At 1 o'clock and 12 minutes p. m. the Senate returned to its Chamber, and the Vice President resumed the chair.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 468).

The address of the President of the United States this day delivered at a joint session of the two Houses of Congress is as follows:

Gentlemen of the Congress, eight months have elapsed since I last had the honour of addressing you. They have been months crowded with events of immense and grave significance for us. I shall not undertake to retail or even to summarize those events. The practical particulars of the part we have played in them will be laid before you in the reports of the Executive Departments. I shall discuss only our present outlook upon

these vast affairs, our present duties, and the immediate means of accomplishing the objects we shall hold always in view.

I shall not go back to debate the causes of the war. The intolerable wrongs done and planned against us by the sinister masters of Germany have long since become too grossly obvious and odious to every true American to need to be rehearsed. But I shall ask you to consider again and with a very grave scrutiny our objectives and the measures by which we mean to attain them; for the purpose of discussion here in this place is action, and our action must move straight towards definite ends. Our object is, of course, to win the war; and we shall not slacken or suffer ourselves to be diverted until it is won. But it is worth while asking and answering the question, When shall we consider the war won?

From one point of view it is not necessary to broach this fundamental matter. I do not doubt that the American people know what the war is about and what sort of an outcome they will regard as a realization of their purpose in it. As a nation we are united in spirit and intention. I pay little heed to those who tell me otherwise. I hear the voices of dissent,—who does not? I hear the criticism and the clamour of the noisily thoughtless and troublesome. I also see men here and there fling themselves in impotent disloyalty against the calm, indomitable power of the nation. I hear men debate peace who understand neither its nature nor the way in which we may attain it with uplifted eyes and unbroken spirits. But I know that none of these speaks for the nation. They do not touch the heart of anything. They may safely be left to strut their uneasy hour and be forgotten.

But from another point of view I believe that it is necessary to say plainly what we here at the seat of action consider the war to be for and what part we mean to play in the settlement of its searching issues. We are the spokesmen of the American people and they have a right to know whether their purpose is ours. They desire peace by the overcoming of evil, by the defeat once for all of the sinister forces that interrupt peace and render it impossible, and they wish to know how closely our thought runs with theirs and what action we propose. They are impatient with those who desire peace by any sort of compromise,—deeply and indignantly impatient,—but they will be equally impatient with us if we do not make it plain to them what our objectives are and what we are planning for in seeking to make conquest of peace by arms.

I believe that I speak for them when I say two things: First, that this intolerable Thing of which the masters of Germany have shown us the ugly face, this menace of combined intrigue and force which we now see so clearly as the German power, a Thing without conscience or honour or capacity for covenanted peace, must be crushed and, if it be not utterly brought to an end, at least shut out from the friendly intercourse of the nations; and, second, that when this Thing and its power are indeed defeated and the time comes that we can discuss peace,—when the German people have spokesmen whose word we can believe and when those spokesmen are ready in the name of their people to accept the common judgment of the nations as to what shall henceforth be the bases of law and of covenant for the life of the world,—we shall be willing and glad to pay the full price for peace, and pay it ungrudgingly. We know what that price will be. It will be full, impartial justice,—justice done at every point and to every nation that the final settlement must affect, our enemies as well as our friends.

You catch, with me, the voices of humanity that are in the air. They grow daily more audible, more articulate, more persuasive, and they come from the hearts of men everywhere. They insist that the war shall not end in vindictive action of any kind; that no nation or people shall be robbed or punished because the irresponsible rulers of a single country have themselves done deep and abominable wrong. It is this thought that has been expressed in the formula "No annexations, no contributions, no punitive indemnities." Just because this crude formula expresses the instinctive judgment as to right of plain men everywhere it has been made diligent use of by the masters of German intrigue to lead the people of Russia astray—and the people of every other country their agents could reach, in order that a premature peace might be brought about before autocracy has been taught its final and convincing lesson, and the people of the world put in control of their own destinies.

But the fact that a wrong use has been made of a just idea is no reason why a right use should not be made of it. It ought to be brought under the patronage of its real friends. Let it be said again that autocracy must first be shown the utter futility of its claims to power or leadership in the modern world. It is impossible to apply any standard of justice so long as such forces are unchecked and undefeated as the present masters of Germany command. Not until that has been done can Right be set up as arbiter and peace-maker among the nations. But when that has been done,—as, God willing, it assuredly will be,—we shall at last be free to do an unprecedented thing, and this is the time to avow our purpose to do it. We shall be free to base peace on generosity and justice, to the exclusion of all selfish claims to advantage even on the part of the victors.

Let there be no misunderstanding. Our present and immediate task is to win the war, and nothing shall turn us aside from it until it is accomplished. Every power and resource we possess, whether of men, of money, or of materials, is being devoted and will continue to be devoted to that purpose until it is achieved. Those who desire to bring peace about before that purpose is achieved I counsel to carry their advice elsewhere. We will not entertain it. We shall regard the war as won only when the German people say to us, through properly accredited representatives, that they are ready to agree to a settlement based upon justice and the reparation of the wrongs their rulers have done. They have done a wrong to Belgium which must be repaired. They have established a power over other lands and peoples than their own,—over the great Empire of Austria-Hungary, over hitherto free Balkan states, over Turkey, and within Asia,—which must be relinquished.

Germany's success by skill, by industry, by knowledge, by enterprise we did not grudge or oppose, but admired, rather. She had built up for herself a real empire of trade and influence, secured by the peace of the world. We were content to abide the rivalries of manufacture, science, and commerce that were involved for us in her success and stand or fall as we had or did not have the brains and the initiative to surpass her. But at the moment when she had conspicuously won her triumphs of peace she threw them away, to establish in their stead what the world will no longer permit to be established, military and political domination by arms, by which to oust where she could not excel the rivals she most feared and hated. The peace we make must remedy that wrong. It must deliver the once fair lands and happy peoples of Belgium and northern France from the Prussian conquest and the Prussian menace, but it must also deliver the peoples of Austria-Hungary, the peoples of the Balkans, and the peoples of Turkey, alike in Europe and in Asia, from the impudent and alien dominion of the Prussian military and commercial autocracy.

We owe it, however, to ourselves to say that we do not wish in any way to impair or to rearrange the Austro-Hungarian Empire. It is no affair of ours what they do with their own life, either industrially or politically. We do not purpose or desire to dictate to them in any way. We only desire to see that their affairs are left in their own hands, in all matters, great or small. We shall hope to secure for the peoples of the Balkan peninsula and for the people of the Turkish Empire the right and opportunity to make their own lives safe, their own fortunes secure against oppression or injustice and from the dictation of foreign courts or parties.

And our attitude and purpose with regard to Germany herself are of a like kind. We intend no wrong against the German Empire, no interference with her internal affairs. We should deem either the one or the other absolutely unjustifiable, absolutely contrary to the principles we have professed to live by and to hold most sacred throughout our life as a nation.

The people of Germany are being told by the men whom they now permit to deceive them and to act as their masters that they are fighting for the very life and existence of their Empire, a war of desperate self-defense against deliberate aggression. Nothing could be more grossly or wantonly false, and we must seek by the utmost openness and candour as to our real aims to convince them of its falseness. We are in fact fighting for their emancipation from fear, along with our own,—from the fear as well as from the fact of unjust attack by neighbours or rivals or schemers after world empire. No one is threatening the existence or the independence or the peaceful enterprise of the German Empire.

The worst that can happen to the detriment of the German people is this, that if they should still, after the war is over, continue to be obliged to live under ambitious and intriguing masters interested to disturb the peace of the world, men or classes of men whom the other peoples of the world could not trust, it might be impossible to admit them to the partnership of nations which must henceforth guarantee the world's peace. That partnership must be a partnership of peoples, not a mere partnership of governments. It might be impossible, also, in such untoward circumstances, to admit Germany to the free economic intercourse which must inevitably spring out of the other partnerships of a real peace. But there would be no aggression in that; and such a situation, inevitable because of distrust, would in the very nature of things sooner or later cure itself, by processes which would assuredly set in.

The wrongs, the very deep wrongs, committed in this war will have to be righted. That of course. But they can not and must not be righted by the commission of similar wrongs against Germany and her allies. The world will not permit the commission of similar wrongs as a means of reparation and settlement. Statesmen must by this time have learned that the opinion of the world is everywhere wide awake and fully comprehends the issues involved. No representative of any self-governed nation will dare disregard it by attempting any such covenants of selfishness and compromise as were entered into at the Congress of Vienna. The thought of the plain people here and everywhere throughout the world, the people who enjoy no privilege and have very simple and unsophisticated standards of right and wrong, is the air all governments must henceforth breathe if they would live. It is in the full disclosing light of that thought that all policies must be conceived and executed in this midday hour of the world's life. German rulers have been able to upset the peace of the world only because the German people were not suffered under their tutelage to share the comradeship of the other peoples of the world either in thought or in purpose. They were allowed to have no opinion of their own which might be set up as a rule of conduct for those who exercised authority over them. But the congress that concludes this war will feel the full strength of the tides that run now in the hearts and consciences of free men everywhere. Its conclusions will run with those tides.

All these things have been true from the very beginning of this stupendous war; and I can not help thinking that if they had been made plain at the very outset the sympathy and enthusiasm of the Russian people might have been once for all enlisted on the side of the allies, suspicion and distrust swept away, and a real and lasting union of purpose effected. Had they believed these things at the very moment of their revolution and had they been confirmed in that belief since, the sad reverses which have recently marked the progress of their affairs towards an ordered and stable government of free men might have been avoided. The Russian people have been poisoned by the very same falsehoods that have kept the German people in the dark, and the poison has been administered by the very same hands. The only possible antidote is the truth. It can not be uttered too plainly or too often.

From every point of view, therefore, it has seemed to be my duty to speak these declarations of purpose, to add these specific interpretations to what I took the liberty of saying to the Senate in January. Our entrance into the war has not altered our attitude towards the settlement that must come when it is over. When I said in January that the nations of the world were entitled not only to free pathways upon the sea but also to assured and unmolested access to those pathways I was thinking, and I am thinking now, not of the smaller and weaker nations alone, which need our countenance and support, but also of the great and powerful nations, and of our present enemies as well as our present associates in the war. I was thinking, and am thinking now, of Austria herself, among the rest, as well as of Serbia and of Poland. Justice and equality of rights can be had only at a great price. We are seeking permanent, not temporary, foundations for the peace of the world and must seek them candidly and fearlessly. As always, the right will prove to be the expedient.

What shall we do, then, to push this great war of freedom and justice to its righteous conclusion? We must clear away with a thorough hand all impediments to success and we must make every adjustment of law that will facilitate the full and free use of our whole capacity and force as a fighting unit.

One very embarrassing obstacle that stands in our way is that we are at war with Germany but not with her allies. I therefore very earnestly recommend that the Congress immediately declare the United States in a state of war with Austria-Hungary. Does it seem strange to you that this should be the conclusion of the argument I have just addressed to you? It is not. It is in fact the inevitable logic of what I have said. Austria-Hungary is for the time being not her own mistress but simply the vassal of the German Government. We must face the facts as they are and act upon them without sentiment in this stern business. The government of Austria-Hungary is not acting upon its own initiative or in response to the wishes and feelings of its own peoples but as the instrument of another nation. We must meet its force with our own and regard the Central Powers as but one. The war can be successfully conducted in no other way. The same logic would lead also to a declaration of war against Turkey and Bulgaria. They also are the tools of Germany. But they are mere tools and do not yet stand in the direct path of our necessary action. We shall go wherever the necessities of this war carry us, but it seems to me that we should go only where immediate and practical considerations lead us and not heed any others.

The financial and military measures which must be adopted will suggest themselves as the war and its undertakings develop, but I will take the liberty of proposing to you certain other acts of legislation which seem to me to be needed for the support of the war and for the release of our whole force and energy.

It will be necessary to extend in certain particulars the legislation of the last session with regard to alien enemies; and also necessary, I believe, to create a very definite and particular control over the entrance and departure of all persons into and from the United States.

Legislation should be enacted defining as a criminal offense every wilful violation of the presidential proclamations relating to alien enemies promulgated under section 4067 of the Revised Statutes and providing appropriate punishments; and women as well as men should be included under the terms of the acts placing restraints upon alien enemies. It is likely that as time goes on many alien enemies will be willing to be fed and housed at the expense of the Government in the detention camps and it would be the purpose of the legislation I have suggested to confine offenders among them in penitentiaries and other similar institutions where they could be made to work as other criminals do.

Recent experience has convinced me that the Congress must go further in authorizing the Government to set limits to prices. The law of supply and demand, I am sorry to say, has been replaced by the law of unrestrained selfishness. While we have eliminated profiteering in several branches of industry it still runs impudently rampant in others. The farmers, for example, complain with a great deal of justice that, while the regulation of food prices restricts their incomes, no restraints are placed upon the prices of most of the things they must themselves purchase; and similar inequities obtain on all sides.

It is imperatively necessary that the consideration of the full use of the water power of the country and also the consideration of the systematic and yet economical development of such of the natural resources of the country as are still under the control of the federal government should be immediately resumed and affirmatively and constructively dealt with at the earliest possible moment. The pressing need of such legislation is daily becoming more obvious.

The legislation proposed at the last session with regard to regulated combinations among our exporters, in order to provide for our foreign trade a more effective organization and method of cooperation, ought by all means to be completed at this session.

And I beg that the members of the House of Representatives will permit me to express the opinion that it will be impossible to deal in any but a very wasteful and extravagant fashion with the enormous appropriations of the public moneys which must continue to be made, if the war is to be properly sustained, unless the House will consent to return to its former practice of initiating and preparing all appropriation bills through a single committee, in order that responsibility may be centred, expenditures standardized and made uniform, and waste and duplication as much as possible avoided.

Additional legislation may also become necessary before the present Congress again adjourns in order to effect the most efficient coordination and operation of the railway and other transportation systems of the country; but to that I shall, if circumstances should demand, call the attention of the Congress upon another occasion.

If I have overlooked anything that ought to be done for the more effective conduct of the war, your own counsels will supply the omission. What I am perfectly clear about is that in the present session of the Congress our whole attention and energy should be concentrated on the vigorous, rapid, and successful prosecution of the great task of winning the war.

We can do this with all the greater zeal and enthusiasm because we know that for us this is a war of high principle, debased by no selfish ambition of conquest or spoliation; because we know, and all the world knows, that we have been forced into it to save the very institutions we live under from corruption and destruction. The purposes of the Central Powers strike straight at the very heart of everything we believe in; their methods of warfare outrage every principle of humanity and of knightly honour; their intrigue has corrupted the very thought and spirit of many of our people; their sinister and secret diplomacy has sought to take our very territory away from us and disrupt the Union of the States. Our safety would be at an end, our honour forever sullied and brought into contempt were we to permit their triumph. They are striking at the very existence of democracy and liberty.

It is because it is for us a war of high, disinterested purpose, in which all the free peoples of the world are banded together for the vindication of right, a war for the preservation of our nation and of all that it has held dear of principle and of purpose, that we feel ourselves doubly constrained to propose for its outcome only that which is righteous and of irreproachable intention, for our foes as well as for our friends. The cause being just and holy, the settlement must be of like motive and quality. For this we can fight, but for nothing less noble or less worthy of our traditions. For this cause we entered the war and for this cause will we battle until the last gun is fired.

I have spoken plainly because this seems to me the time when it is most necessary to speak plainly, in order that all the world may know that even in the heat and ardour of the struggle and when our whole thought is of carrying the war through to its end we have not forgotten any ideal or principle for which the name of America has been held in honour among the nations and for which it has been our glory to contend in the great generations that went before us. A supreme moment of history has come. The eyes of the people have been opened and they see. The hand of God is laid upon the nations. He will show them favour, I devoutly believe, only if they rise to the clear heights of His own justice and mercy.

ADJOURNMENT UNTIL FRIDAY.

Mr. MARTIN. I move that the Senate adjourn until noon on Friday.

Mr. POMERENE. Will the Senator from Virginia withhold his motion for just a moment?

Mr. MARTIN. I will do so.

Mr. POMERENE. As Senators are aware, Senate bill 634, the so-called export bill, has been made the unfinished business. I should like to have gone on with it to-day, but at least one of the Senators has said to me that he desires to address the Senate on the subject. I shall ask on Friday, if there is nothing of more importance before us, that the Senate shall proceed with the bill after the morning business has been completed.

Mr. MARTIN. I renew my motion that the Senate adjourn until noon on Friday.

The motion was agreed to; and (at 1 o'clock and 15 minutes p. m.) the Senate adjourned until Friday, December 7, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 4, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

By Thy grace, O God, our Heavenly Father, we live, conceive, resolve, and aspire. Make us susceptible to the push from within and the pull from without, which are ever leading us onward and upward to larger life, clearer vision, higher resolves, nobler aspirations and achievements. We thank Thee for the beautiful world in which Thou hast placed us, for the homes we live in, for the Government of which we are integral parts, with all its sacred institutions and ever-widening opportunities. We thank Thee that our Republic is in no way responsible for the terrible war now raging. We are in it not by choice, but because we are forced to defend our rights, protect our lives, homes, and all that is dear to our hearts. Hasten the day, we beseech Thee, when peace, not war; hope, not despair; good will, not revenge; love, not hate, shall reign supreme in all the earth, in the Spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 28.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 4th day of December, 1917, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request.

The Clerk read as follows:

Present engagements require my stay in Europe a little longer. Request continued leave of absence.

LAGUARDIA,
Fourteenth New York.

The SPEAKER. Without objection, the request is granted.

There was no objection.

Mr. BROWNING. Mr. Speaker, I ask indefinite leave of absence for my colleague [Mr. CAPSTICK] on account of illness.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Members will remember that these three front rows of seats are reserved for the Senate and the diplomatic representatives of foreign countries and this section over here in the corner.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 12.20.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that the House stand in recess until 12.20. Is there objection? [After a pause.] The Chair hears none.

Accordingly (at 12 o'clock and 7 minutes p. m.) the House stood in recess until 12.20 p. m. At the expiration of the recess the House resumed its session and was called to order by the Speaker.

JOINT MEETING OF THE SENATE AND HOUSE.

At 12 o'clock and 25 minutes p. m. the Doorkeeper, J. J. Sinnott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints Messrs. KITCHIN, FITZGERALD, FLOOD, GILLETT, and COOPER of Wisconsin as a committee to wait on the President and conduct him into the Hall.

The VICE PRESIDENT. On the part of the Senate, the Chair appoints Senators MARTIN, SAULSBURY, HITCHCOCK, GALLINGER, and PENROSE.

At 12 o'clock and 30 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk, amid prolonged applause.

The SPEAKER. Gentlemen of the Sixty-fifth Congress, I present the President of the United States. [Applause.]

ADDRESS OF THE PRESIDENT (H. DOC. NO. 468).

The PRESIDENT. Mr. Speaker, Mr. President, and gentlemen of the Congress, eight months have elapsed since I last had the honour of addressing you. They have been months crowded with events of immense and grave significance for us. I shall not undertake to retail or even to summarize those events. The practical particulars of the part we have played in them will be laid before you in the reports of the Executive Departments. I shall discuss only our present outlook upon these vast affairs, our present duties, and the immediate means of accomplishing the objects we shall hold always in view.

I shall not go back to debate the causes of the war. The intolerable wrongs done and planned against us by the sinister masters of Germany have long since become too grossly obvious and odious to every true American to need to be rehearsed. But I shall ask you to consider again and with a very grave scrutiny our objectives and the measures by which we mean to attain them; for the purpose of discussion here in this place is action, and our action must move straight towards definite ends. Our object is, of course, to win the war; and we shall not slacken or suffer ourselves to be diverted until it is won. [Applause.] But it is worth while asking and answering the question, When shall we consider the war won?

From one point of view it is not necessary to broach this fundamental matter. I do not doubt that the American people know what the war is about and what sort of an outcome they will regard as a realization of their purpose in it. As a nation we are united in spirit and intention. I pay little heed to those who tell me otherwise. I hear the voices of dissent,—who does not? I hear the criticism and the clamour of the noisily thoughtless and troublesome. [Applause.] I also see men here and there fling themselves in impotent disloyalty against the calm, indomitable power of the nation. I hear men debate peace who understand neither its nature nor the way in which we may attain it with uplifted eyes and unbroken spirits. But I know that none of these speaks for the nation. They do not touch the heart of anything. They may safely be left to strut their uneasy hour and be forgotten. [Applause.]

But from another point of view I believe that it is necessary to say plainly what we here at the seat of action consider the war to be for and what part we mean to play in the settlement of its searching issues. We are the spokesmen of the American people and they have a right to know whether their purpose is

not heed any others.

nation and of all that it has held dear of principle and of pur-

ours. They desire peace by the overcoming of evil, by the defeat once for all of the sinister forces that interrupt peace and render it impossible, and they wish to know how closely our thought runs with theirs and what action we propose. They are impatient with those who desire peace by any sort of compromise,—deeply and indignantly impatient,—but they will be equally impatient with us if we do not make it plain to them what our objectives are and what we are planning for in seeking to make conquest of peace by arms.

I believe that I speak for them when I say two things: First, that this intolerable Thing of which the masters of Germany have shown us the ugly face, this menace of combined intrigue and force which we now see so clearly as the German power, a Thing without conscience or honour or capacity for covenanted peace, must be crushed [applause] and, if it be not utterly brought to an end, at least shut out from the friendly intercourse of the nations; and, second, that when this Thing and its power are indeed defeated and the time comes that we can discuss peace,—when the German people have spokesmen whose word we can believe and when those spokesmen are ready in the name of their people to accept the common judgment of the nations as to what shall henceforth be the bases of law and of covenant for the life of the world [applause]—we shall be willing and glad to pay the full price for peace, and pay it ungrudgingly. We know what that price will be. It will be full, impartial justice,—justice done at every point and to every nation that the final settlement must affect, our enemies as well as our friends. [Applause.]

You catch, with me, the voices of humanity that are in the air. They grow daily more audible, more articulate, more persuasive, and they come from the hearts of men everywhere. They insist that the war shall not end in vindictive action of any kind [applause]; that no nation or people shall be robbed or punished because the irresponsible rulers of a single country have themselves done deep and abominable wrong. [Applause.] It is this thought that has been expressed in the formula "No annexations, no contributions, no punitive indemnities." Just because this crude formula expresses the instinctive judgment as to right of plain men everywhere it has been made diligent use of by the masters of German intrigue to lead the people of Russia astray—and the people of every other country their agents could reach, in order that a premature peace might be brought about before autocracy has been taught its final and convincing lesson, and the people of the world put in control of their own destinies.

But the fact that a wrong use has been made of a just idea is no reason why a right use should not be made of it. It ought to be brought under the patronage of its real friends. Let it be said again that autocracy must first be shown the utter futility of its claims to power or leadership in the modern world. It is impossible to apply any standard of justice so long as such forces are unchecked and undefeated as the present masters of Germany command. Not until that has been done can Right be set up as arbiter and peace-maker among the nations. But when that has been done,—as, God willing, it assuredly will be,—we shall at last be free to do an unprecedented thing, and this is the time to avow our purpose to do it. [Applause.] We shall be free to base peace on generosity and justice, to the exclusion of all selfish claims to advantage even on the part of the victors. [Applause.]

Let there be no misunderstanding. Our present and immediate task is to win the war, and nothing shall turn us aside from it until it is accomplished. Every power and resource we possess, whether of men, of money, or of materials, is being devoted and will continue to be devoted to that purpose until it is achieved. Those who desire to bring peace about before that purpose is achieved I counsel to carry their advice elsewhere. [Applause.] We will not entertain it. We shall regard the war as won only when the German people say to us, through properly accredited representatives, that they are ready to agree to a settlement based upon justice and the reparation of the wrongs their rulers have done. [Applause.] They have done a wrong to Belgium which must be repaired. They have established a power over other lands and peoples than their own,—over the great Empire of Austria-Hungary, over hitherto free Balkan states, over Turkey, and within Asia,—which must be relinquished. [Applause.]

Germany's success by skill, by industry, by knowledge, by enterprise we did not grudge or oppose, but admired, rather. She had built up for herself a real empire of trade and influence, secured by the peace of the world. We were content to abide the rivalries of manufacture, science, and commerce that were involved for us in her success and stand or fall as we had or did not have the brains and the initiative to surpass her. But at the moment when she had conspicuously won her triumphs of peace she threw them away, to establish in their stead what the world will no longer permit to be established, military and political domination by arms, by which to oust where she could not excel the rivals she most feared and hated. The peace we make must remedy that wrong. It must deliver the once fair lands and happy peoples of Belgium and northern France [applause] from the Prussian conquest and the Prussian menace, but it must also deliver the peoples of Austria-Hungary, the peoples of the Balkans, and the peoples of Turkey, alike in Europe and in Asia, from the impudent and alien domination of the Prussian military and commercial autocracy. [Applause.]

We owe it, however, to ourselves to say that we do not wish in any way to impair or to rearrange the Austro-Hungarian Empire. It is no affair of ours what they do with their own life, either industrially or politically. We do not purpose or desire to dictate to them in any way. We only desire to see that their affairs are left in their own hands, in all matters, great or small. We shall hope to secure for the peoples of the Balkan peninsula and for the people of the Turkish Empire the right and opportunity to make their own lives safe, their own fortunes secure against oppression or injustice and from the dictation of foreign courts or parties.

And our attitude and purpose with regard to Germany herself are of a like kind. We intend no wrong against the German Empire, no interference with her internal affairs. We should deem either the one or the other absolutely unjustifiable, absolutely contrary to the principles we have professed to live by and to hold most sacred throughout our life as a nation.

The people of Germany are being told by the men whom they now permit to deceive them and to act as their masters that they are fighting for the very life and existence of their Empire, a war of desperate self-defense against deliberate aggression. Nothing could be more grossly or wantonly false, and we must seek by the utmost openness and candour as to our real aims to convince them of its falseness. We are in fact fighting for their emancipation from fear, along with our own,—from the fear as well as from the fact of unjust attack by neighbours or rivals or schemers after world empire. No one is threatening the existence or the independence or the peaceful enterprise of the German Empire.

The worst that can happen to the detriment of the German people is this, that if they should still, after the war is over, continue to be obliged to live under ambitious and intriguing masters interested to disturb the peace of the world, men or classes of men whom the other peoples of the world could not trust, it might be impossible to admit them to the partnership of nations which must henceforth guarantee the world's peace. [Applause.] That partnership must be a partnership of peoples, not a mere partnership of governments. It might be impossible, also, in such untoward circumstances, to admit Germany to the free economic intercourse which must inevitably spring out of the other partnerships of a real peace. But there would be no aggression in that; and such a situation, inevitable because of distrust, would in the very nature of things sooner or later cure itself, by processes which would assuredly set in.

The wrongs, the very deep wrongs, committed in this war will have to be righted. That of course. But they cannot and must not be righted by the commission of similar wrongs against Germany and her allies. The world will not permit the commission of similar wrongs as a means of reparation and settlement. Statesmen must by this time have learned that the opinion of the world is everywhere wide awake and fully comprehends the issues involved. No representative of any self-governed nation will dare disregard it by attempting any such covenants of selfishness and compromise as were entered into at the Congress of Vienna. The thought of the plain people here and everywhere throughout the world, the people who enjoy no privilege and have very simple and unsophisticated standards of right and wrong, is the air all governments must henceforth breathe if they would live. It is in the full disclosing light of that thought that all policies must be conceived and executed in this midday hour of the world's life. German rulers have been able to upset the peace of the world only because the German people were not suffered under their tutelage to share the comradeship of the other peoples of the world either in thought or in purpose. They were allowed to have no opinion of their own which might be set up as a rule of conduct for those who exercised authority over them. But the congress that concludes this war will feel the full strength of the tides that run now in the hearts and consciences of free men everywhere. Its conclusions will run with those tides.

All these things have been true from the very beginning of this stupendous war; and I can not help thinking that if they had been made plain at the very outset the sympathy and enthusiasm of the Russian people might have been once for all

enlisted on the side of the Allies, suspicion and distrust swept away, and a real and lasting union of purpose effected. Had they believed these things at the very moment of their revolution and had they been confirmed in that belief since, the sad reverses which have recently marked the progress of their affairs towards an ordered and stable government of free men might have been avoided. The Russian people have been poisoned by the very same falsehoods that have kept the German people in the dark, and the poison has been administered by the very same hands. The only possible antidote is the truth. It can not be uttered too plainly or too often.

From every point of view, therefore, it has seemed to be my duty to speak these declarations of purpose, to add these specific interpretations to what I took the liberty of saying to the Senate in January. Our entrance into the war has not altered our attitude towards the settlement that must come when it is over. When I said in January that the nations of the world were entitled not only to free pathways upon the sea but also to assured and unmolested access to those pathways I was thinking, and I am thinking now, not of the smaller and weaker nations alone, which need our countenance and support, but also of the great and powerful nations, and of our present enemies as well as our present associates in the war. I was thinking, and am thinking now, of Austria herself, among the rest, as well as of Serbia and of Poland. Justice and equality of rights can be had only at a great price. We are seeking permanent, not temporary, foundations for the peace of the world and must seek them candidly and fearlessly. As always, the right will prove to be the expedient.

What shall we do, then, to push this great war of freedom and justice to its righteous conclusion? We must clear away with a thorough hand all impediments to success and we must make every adjustment of law that will facilitate the full and free use of our whole capacity and force as a fighting unit.

One very embarrassing obstacle that stands in our way is that we are at war with Germany but not with her allies. I therefore very earnestly recommend that the Congress immediately declare the United States in a state of war with Austria-Hungary. [Applause.] Does it seem strange to you that this should be the conclusion of the argument I have just addressed to you? It is not. It is in fact the inevitable logic of what I have said. Austria-Hungary is for the time being not her own mistress but simply the vassal of the German Government. [Applause.] We must face the facts as they are and act upon them without sentiment in this stern business. The government of Austria-Hungary is not acting upon its own initiative or in response to the wishes and feelings of its own peoples but as the instrument of another nation. We must meet its force with our own and regard the Central Powers as but one. The war can be successfully conducted in no other way. The same logic would lead also to a declaration of war against Turkey and Bulgaria. [Applause.] They also are the tools of Germany. But they are mere tools and do not yet stand in the direct path of our necessary action. We shall go wherever the necessities of this war carry us, but it seems to me that we should go only where immediate and practical considerations lead us and not heed any others.

The financial and military measures which must be adopted will suggest themselves as the war and its undertakings develop, but I will take the liberty of proposing to you certain other acts of legislation which seem to me to be needed for the support of the war and for the release of our whole force and energy.

It will be necessary to extend in certain particulars the legislation of the last session with regard to alien enemies; and also necessary, I believe, to create a very definite and particular control over the entrance and departure of all persons into and from the United States. [Applause.]

Legislation should be enacted defining as a criminal offense every wilful violation of the presidential proclamations relating to alien enemies promulgated under section 4067 of the Revised Statutes and providing appropriate punishments; and women as well as men should be included under the terms of the acts placing restraints upon alien enemies. [Applause.] It is likely that as time goes on many alien enemies will be willing to be fed and housed at the expense of the Government in the detention camps and it would be the purpose of the legislation I have suggested to confine offenders among them in penitentiaries and other similar institutions where they could be made to work as other criminals do. [Applause.]

Recent experience has convinced me that the Congress must go further in authorizing the Government to set limits to prices. The law of supply and demand, I am sorry to say, has been replaced by the law of unrestrained selfishness. While we have eliminated profiteering in several branches of industry it still runs impudently rampant in others. The farmers, for example, complain with a great deal of justice that, while the regulation of food prices restricts their incomes, no restraints are placed upon the prices of most of the things they must themselves purchase; and similar inequities obtain on all sides.

It is imperatively necessary that the consideration of the full use of the water power of the country and also the consideration of the systematic and yet economical development of such of the natural resources of the country as are still under the control of the federal government should be immediately resumed and affirmatively and constructively dealt with at the earliest possible moment. The pressing need of such legislation is daily becoming more obvious.

The legislation proposed at the last session with regard to regulated combinations among our exporters, in order to provide for our foreign trade a more effective organization and method of cooperation, ought by all means to be completed at this session.

And I beg that the members of the House of Representatives will permit me to express the opinion that it will be impossible to deal in any but a very wasteful and extravagant fashion with the enormous appropriations of the public moneys which must continue to be made, if the war is to be properly sustained, unless the House will consent to return to its former practice of initiating and preparing all appropriation bills through a single committee, in order that responsibility may be centred, expenditures standardized and made uniform, and waste and duplication as much as possible avoided. [Applause.]

Additional legislation may also become necessary before the present Congress again adjourns in order to effect the most efficient coordination and operation of the railway and other transportation systems of the country; but to that I shall, if circumstances should demand, call the attention of the Congress upon another occasion.

If I have overlooked anything that ought to be done for the more effective conduct of the war, your own counsels will supply the omission. What I am perfectly clear about is that in the present session of the Congress our whole attention and energy should be concentrated on the vigorous, rapid, and successful prosecution of the great task of winning the war. [Applause.]

We can do this with all the greater zeal and enthusiasm because we know that for us this is a war of high principle, debased by no selfish ambition of conquest or spoliation; because we know, and all the world knows, that we have been forced into it to save the very institutions we live under from corruption and destruction. The purposes of the Central Powers strike straight at the very heart of everything we believe in; their methods of warfare outrage every principle of humanity and of knightly honour; their intrigue has corrupted the very thought and spirit of many of our people; their sinister and secret diplomacy has sought to take our very territory away from us and disrupt the Union of the States. Our safety would be at an end, our honour forever sullied and brought into contempt were we to permit their triumph. They are striking at the very existence of democracy and liberty.

It is because it is for us a war of high, disinterested purpose, in which all the free peoples of the world are banded together for the vindication of right, a war for the preservation of our nation and of all that it has held dear of principle and of purpose, that we feel ourselves doubly constrained to propose for its outcome only that which is righteous and of irreproachable intention, for our foes as well as for our friends. The cause being just and holy, the settlement must be of like motive and quality. For this we can fight, but for nothing less noble or less worthy of our traditions. For this cause we entered the war and for this cause will we battle until the last gun is fired. [Applause.]

I have spoken plainly because this seems to me the time when it is most necessary to speak plainly, in order that all the world may know that even in the heat and ardour of the struggle and when our whole thought is of carrying the war through to its end we have not forgotten any ideal or principle for which the name of America has been held in honour among the nations and for which it has been our glory to contend in the great generations that went before us. A supreme moment of history has come. The eyes of the people have been opened and they see. The hand of God is laid upon the nations. He will show them favour, I devoutly believe, only if they rise to the clear heights of His own justice and mercy. [Prolonged applause.]

At 1 o'clock and 4 minutes p. m. the President retired from the Hall of the House.

At 1 o'clock and 5 minutes p. m. the Speaker announced that the joint session was dissolved.

Thereupon the Vice President and Members of the Senate returned to their Chamber.

REFERENCE OF PRESIDENT'S ADDRESS.

The SPEAKER. The message the President has just read is referred to the Committee of the Whole House on the state of the Union, and will be distributed immediately to the Members by the pages.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. BURROUGHS (at the request of Mr. WASON), for three days, on account of official business;

To Mr. SEARS (at the request of Mr. CLARK of Florida), until next Monday, on account of death in family; and

To Mr. YOUNG of Texas, for one week, on account of illness in his family.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p. m.) the House adjourned until Wednesday, December 5, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Agriculture, transmitting detailed statement showing the places, quantity, and price of seeds purchased, and the dates of purchase, as required by the act of August 11, 1916 (H. Doc. No. 469); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

2. A letter from the Secretary of Agriculture, transmitting a statement showing for the fiscal year 1917 the motor-propelled and horse-drawn vehicles and motor boats purchased by the Department of Agriculture (H. Doc. No. 470); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

3. A letter from the Secretary of Agriculture, transmitting a statement showing the sums paid from the funds allotted to the Bureau of Chemistry for the compensation of, or payment of expenses to, officers or other persons employed by any State, county, or municipal governments during the fiscal year 1917 (H. Doc. No. 471); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting report of the Secretary's office, the Solicitor's office, and the various bureaus and offices of the department (H. Doc. No. 472); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of Agriculture, transmitting report of contributions on account of cooperative work with the Forest Service and the amount refunded to depositors on account of excess deposits national forest fund for the fiscal year 1917 (H. Doc. No. 473); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Librarian of Congress, transmitting a statement showing in detail what officers or employees of the Library of Congress have traveled on official business from Washington to points outside the District of Columbia during the fiscal year 1917 (H. Doc. No. 474); to the Committee on Appropriations and ordered to be printed.

7. A letter from the superintendent of Library buildings and grounds, Library of Congress, transmitting information relative to travel from Washington, D. C., in connection with official business of this office during the fiscal year 1917 (H. Doc. No. 475); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of Agriculture, transmitting a statement showing the exchange of typewriters, adding machines, and other similar labor-saving devices in the Department of Agriculture for the fiscal year 1917 (H. Doc. No. 476); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

9. A letter from the Librarian of Congress, transmitting a statement giving the number of persons, the grades or character of positions, the original rates of compensation, and increased rates of compensation provided for therein (H. Doc. No. 477); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of Agriculture, transmitting a detailed statement of the manner in which the appropriation, "Miscellaneous expenses, Department of Agriculture, 1917," has been expended (H. Doc. No. 478); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

11. A letter from the Assistant Secretary of Labor, transmitting a statement of the travel performed during the fiscal year ended June 30, 1917, by officers and employees of the Department of Labor (H. Doc. No. 479); to the Committee on Expenditures in the Department of Labor and ordered to be printed.

12. A letter from the Assistant Secretary of Labor, transmitting detailed statement of expenditures from the appropriations, "Contingent expenses, Department of Labor, 1917" (H. Doc. No. 480); to the Committee on Expenditures in the Department of Labor and ordered to be printed.

13. A letter from the Assistant Secretary of Labor, transmitting statement in relation to increased rates of compensation of employees of the Department of Labor, required by section 7 of act approved March 3, 1917, and section 2 of the act approved June 12, 1917 (H. Doc. No. 481); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of Agriculture, transmitting a statement showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation carried on the various rolls of the bureaus and offices of this department on September 30, 1917 (H. Doc. No. 482); to the Committee on Agriculture and ordered to be printed.

15. A letter from the superintendent of Library buildings and grounds, Library of Congress, transmitting information regarding purchases of typewriting and other labor-saving machines, and exchanges made in part payment therefor by the Library of Congress during the fiscal year 1917 (H. Doc. No. 483); to the Committee on Appropriations and ordered to be printed.

16. A letter from the Librarian of Congress, transmitting statement regarding increased compensation paid employees under "Library buildings and grounds" (H. Doc. No. 484); to the Committee on Appropriations and ordered to be printed.

17. A letter from the Secretary of Agriculture, transmitting a statement showing the names of all persons employed in the Bureau of Animal Industry during the fiscal year ended June 30, 1917, except those whose salaries were paid exclusively from the meat-inspection appropriation (H. Doc. No. 485); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

18. A letter from the Secretary of Agriculture, transmitting a detailed statement of expenditures of the Department of Agriculture for the fiscal year ended June 30, 1917 (H. Doc. No. 486); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

19. A letter from the Secretary of Agriculture, transmitting a detailed report showing the publications received and distributed by this department during the fiscal year ended June 30, 1917 (H. Doc. No. 487); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

20. A letter from the Secretary of the Treasury, transmitting report showing each exchange of typewriters, adding machines, and other similar labor-saving devices during the fiscal year ended June 30, 1917 (H. Doc. No. 488); to the Committee on Appropriations and ordered to be printed.

21. A letter from the Postmaster General submitting the annual report of the operations of the Postal Savings System for the fiscal year ended June 30, 1917 (H. Doc. No. 489); to the Committee on the Post Office and Post Roads and ordered to be printed.

22. A letter from the Secretary of Agriculture, transmitting statement regarding disposition of paper not needed or useful in the transaction of the current business of that department (H. Doc. No. 490); to the Committee on Agriculture and ordered to be printed.

23. A letter from the commissioner of the Freedman's Savings & Trust Co., Washington, D. C., transmitting annual report of the commissioner (ex officio) of the Freedmen's Savings & Trust Co. for the year ended December 1, 1917 (H. Doc. No. 491); to the Committee on the District of Columbia and ordered to be printed.

24. A letter from the Secretary of Agriculture, transmitting a report of the disbursements for the fiscal year ended June 30, 1916, under acts to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts (H. Doc. No. 492); to the Committee on Agriculture and ordered to be printed.

25. A letter from the Secretary of the Treasury, transmitting copy of a communication from the superintendent of the State, War, and Navy Department building, submitting a supplemental estimate required for the maintenance, policing, etc., of the temporary office building for the War and Navy Departments now in course of construction in Henry Park for the period from

December 15, 1917, to June 30, 1918 (H. Doc. No. 493); to the Committee on Appropriations and ordered to be printed.

26. A letter from the Secretary of the Treasury, transmitting copy of a communication from the President of the Columbia Institution for the Deaf, submitting a supplemental estimate required by the institution for the fiscal year 1918 (H. Doc. No. 494); to the Committee on Appropriations and ordered to be printed.

27. A letter from the Secretary of the Treasury, transmitting detailed report of the expenditures under the appropriation "Preventing the spread of epidemic diseases" for the fiscal year ending June 30, 1917 (H. Doc. No. 495); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

28. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War of October 22, 1917, furnishing statements of all moneys arising from proceeds of public property received by the War Department during the fiscal year ended June 30, 1917, which were not covered into the Treasury of the United States; also of payments made from such funds during the year (H. Doc. No. 496); to the Committee on Expenditures in the War Department and ordered to be printed.

29. A letter from the Secretary of the Treasury, transmitting a supplementary estimate of appropriation required by the Bureau of War-Risk Insurance for the fiscal year 1918 (H. Doc. No. 497); to the Committee on Appropriations and ordered to be printed.

30. A letter from the Secretary of the Treasury, transmitting a statement of the number of persons employed in meat inspection, the salary or per diem paid to each, where they have been or are employed, together with contingent expenses, for the period beginning July 1, 1916, and ending June 30, 1917 (H. Doc. No. 498); to the Committtte on Expenditures in the Department of Agriculture and ordered to be printed.

31. A letter from the Secretary of War, transmitting 1,244 reports of inspections of disbursements and transfers by officers of the Army received in the office of the Inspector General during the past fiscal year; to the Committee on Expenditures in the War Department.

32. A letter from the Secretary of the Treasury, transmitting estimates of receipts of Indian tribal funds, expenditures recommended therefrom by the Secretary of the Interior for the benefit of Indians, and estimates of amounts required to be expended under treaty stipulations and agreements for the fiscal year ending June 30, 1919 (H. Doc. 499); to the Committee on Indian Affairs and ordered to be printed.

33. A letter from the Secretary of Agriculture, transmitting statement showing in detail the travel from Washington to points outside of the District of Columbia performed by officers and employees of the Department of Agriculture during the fiscal year 1917 (H. Doc. No. 500); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LOBECK, from the Committee on Expenditures in the Treasury Department, to which was referred the bill (H. R. 344) for the regulation of salaries in the custodian service of the Treasury Department, reported the same without amendment, accompanied by a report (No. 202), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4132) granting a pension to Sarah E. Thacker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2477) granting a pension to Charles P. Hagely; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 595) granting a pension to George C. Williams; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5572) granting a pension to Edward J. Meacum; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2904) granting an increase of pension to Henry W. Kappes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 592) granting a pension to Nancy C. Vickrey; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHERWOOD: A bill (H. R. 6883) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 6884) to amend sections 10 and 37 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

Also, a bill (H. R. 6885) to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto by the city of St. Louis, within the States of Illinois and Missouri; to the Committee on Interstate and Foreign Commerce.

By Mr. BENJAMIN L. FAIRCHILD: A bill (H. R. 6886) to provide for the entry under bond of exhibits of arts, sciences, and industries; to the Committee on Industrial Arts and Expositions.

By Mr. SNELL: A bill (H. R. 6887) to acquire the manuscript of Charles Chaillé-Long containing an account of the unveiling of the McClellan statue; to the Committee on the Library.

By Mr. CARTER of Massachusetts: A bill (H. R. 6888) to exempt officers and enlisted men of the military and naval forces of the United States from payment of the war tax on railroad tickets; to the Committee on Ways and Means.

Also, a bill (H. R. 6889) to amend an act entitled "An act to increase the revenue, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. KING: A bill (H. R. 6890) providing for the extension of the post office at Galesburg, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Ohio: A bill (H. R. 6891) to provide for the erection of a public building in the city of Niles, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. WOODYARD: A bill (H. R. 6892) to amend and reenact an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 6893) providing for the housing of Government employees in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. SWITZER: A bill (H. R. 6894) to increase the rates of pensions of Civil War soldiers; to the Committee on Invalid Pensions.

By Mr. WALDOW: Resolution (H. Res. 186) to print 500,000 copies of the address of President Wilson to the American Federation of Labor Convention at Buffalo, N. Y., November 12, 1917; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 6895) granting a pension to Hugh G. Smelcer; to the Committee on Pensions.

Also, a bill (H. R. 6896) granting a pension to Mary Lee Jeter; to the Committee on Pensions.

By Mr. BACHARACH: A bill (H. R. 6897) granting a pension to George W. Hyland; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 6898) granting an increase of pension to Elijah C. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6899) granting an increase of pension to William J. Marsh; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 6900) granting a pension to Mary Igler; to the Committee on Pensions.

Also, a bill (H. R. 6901) granting a pension to Jackson W. Bankston; to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 6902) granting a pension to Rosa B. Sutherlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6903) to correct the military record of Daniel D. May; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 6904) granting a pension to Effie C. Stout; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 6905) granting a pension to Lottie Kyle; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 6906) granting a pension to Frederick A. Ebling; to the Committee on Pensions.

Also, a bill (H. R. 6907) granting a pension to James Roberts; to the Committee on Pensions.

Also, a bill (H. R. 6908) granting a pension to Laura D. Caldwell; to the Committee on Pensions.

Also, a bill (H. R. 6909) granting a pension to Benjamin F. Phipps; to the Committee on Pensions.

By Mr. DOWELL: A bill (H. R. 6910) granting an increase of pension to Mary Cavanagh; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 6911) granting an increase of pension to Lewis B. Rex; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 6912) granting an increase of pension to John Getz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6913) for the relief of Katie Pennock; to the Committee on Military Affairs.

By Mr. HUTCHINSON: A bill (H. R. 6914) for the relief of James E. Van Horne; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 6915) granting a pension to Mattie Kate Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6916) granting an increase of pension to Cornelius C. Wing; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 6917) granting a pension to Anna Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6918) granting a pension to Lilly Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6919) granting an increase of pension to Timothy Hixson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6920) granting an increase of pension to Joseph L. Shields; to the Committee on Pensions.

Also, a bill (H. R. 6921) granting an increase of pension to Irving A. Hubbard; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 6922) granting an increase of pension to Maria Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6923) for the relief of Catharine A. McCue; to the Committee on Claims.

By Mr. KETTNER: A bill (H. R. 6924) granting an increase of pension to Mary Dunning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6925) granting an increase of pension to Mary Dunning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6926) for the relief of John Sachs; to the Committee on Military Affairs.

By Mr. LEE of Georgia: A bill (H. R. 6927) granting a pension to Carrall A. Cantrell; to the Committee on Pensions.

Also, a bill (H. R. 6928) granting an increase of pension to Randolph Snell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6929) granting an increase of pension to Laura G. Hight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6930) granting an increase of pension to Martha Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6931) granting an increase of pension to Susan E. Bell; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 6932) granting a pension to Mutell M. Railey; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 6933) granting an increase of pension to Joseph Ochs; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 6934) granting an increase of pension to Nathaniel Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6935) granting an increase of pension to James H. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6936) granting an increase of pension to Joseph P. Case; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6937) granting an increase of pension to John W. Wilkerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6938) granting an increase of pension to James H. Fontaine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6939) granting an increase of pension to Franklin Venable; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6940) granting an increase of pension to William M. Spann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6941) granting an increase of pension to Madison Ross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6942) granting an increase of pension to Samuel F. Crump; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6943) granting an increase of pension to William H. Capshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6944) granting an increase of pension to Daniel Haynes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6945) granting an increase of pension to Thomas Fulkerson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6946) granting an increase of pension to Charles J. Sander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6947) granting an increase of pension to Malcolm G. Parsons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6948) for the relief of James Grimmitt; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 6949) granting an increase of pension to Silas Flournoy; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 6950) granting a pension to Wesley O. Staver; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 6951) granting a pension to Charlotte A. Hopkins; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 6952) granting an increase of pension to Edward Suckow; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 6953) granting an increase of pension to John L. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6954) granting a pension to William Coonrod; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause I of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Wyoming, Kansas, Montana, Wisconsin, Indiana, Michigan, New York, North Dakota, Connecticut, Maine, Illinois, Massachusetts, Missouri, Nebraska, New Jersey, Iowa, Pennsylvania, and Ohio, favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

By Mr. BARNHART: Petitions of citizens of Elkhart, St. Joseph, Laporte, Marshall, Fulton, Kosciusko, and Starke Counties, Ind., favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. BRODBECK: Papers to accompany bill for increase of pension of Alexander Klinedinst; to the Committee on Invalid Pensions.

By Mr. BROWNING: Petition of Samuel B. Goff, of Camden, N. J., favoring law to prevent growth and manufacture of tobacco in the United States; to the Committee on Agriculture.

By Mr. DOWELL: Petition of employees of post office, Des Moines, Iowa, relative to increase in pay; to the Committee on the Post Office and Post Roads.

Also, petition of women of Polk County, Iowa, favoring Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. FOCHT: Evidence in support of House bill 5503 for the relief of Levi Mattern; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 5499, for the relief of Benjamin F. Goodman; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 5501, for the relief of William Francis; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 5504, for the relief of Elias C. Minium; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 5500, for the relief of Alex B. Grosh; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of Albert H. Van Deusen, favoring the volunteer officers' retirement bill; to the Committee on Military Affairs.

Also, memorial of Rockford (Ill.) Chamber of Commerce, favoring bill for universal military training; to the Committee on Military Affairs.

By Mr. GRIEST: Petitions of members of Otterbein United Brethren Church, Lancaster, and members of United Brethren and Methodist Sunday Schools of New Holland, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. MADDEN: Petition of members of Men's Club of the Sixth Presbyterian Church, of Chicago, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of sundry citizens of Illinois, favoring universal military training; to the Committee on Military Affairs.

By Mr. PLATT: Petition of Edward G. Owens and 70 other citizens of Cornwall, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNELL: Petition of citizens of Ticonderoga, N. Y., an vicinity, favoring national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Memorial of War Council of Providence, R. I., Chamber of Commerce, favoring declaration of state of

war between United States and Austria, Bulgaria, and Turkey; to the Committee on Foreign Affairs.

By Mr. TOWNER: Petition of post-office clerks and letter carriers of Shenandoah, Iowa, asking increase in pay; to the Committee on the Post Office and Post Roads.

Also, petition of 90 citizens of Bedford and Gravity, Iowa, asking Congress to forbid by legislative action the use of grains in the manufacture of malt or vinous liquors within the United States; to the Committee on the Judiciary.

By Mr. WOODYARD: Memorial of West Virginia State Federation of Women's Clubs, favoring woman suffrage; to the Committee on Woman Suffrage.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 5, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, help us to worship Thee in spirit and in truth, that we may praise and magnify Thy Holy Name, in thought and deed. For it is written:

"Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful:

"But his delight is in the law of the Lord; and in His law doth he meditate day and night.

"And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper."

May we seek Thy counsels and walk worthy of the vocation whereunto we are called, that our work may be well pleasing in Thy sight, as individuals and as a Nation, in these days which try men's souls; and thus prove ourselves worthy of the dignity Thou hast conferred upon us. In Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request, which the Clerk will report.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., December 5, 1917.

DEAR MR. SPEAKER: I respectfully request leave of absence for Mr. BROWNE of Wisconsin for one week on account of illness.

Yours,

I. L. LENROOT.

The SPEAKER. Without objection, the request will be granted. There was no objection.

SALE OF WASTE PAPER, ETC.

The SPEAKER laid before the House two letters from the Doorkeeper of the House of Representatives, which were referred to the Committee on Accounts and ordered to be printed, one transmitting a statement of money received from sale of waste paper from December 1, 1916, to December 1, 1917 (H. Doc. No. 502), and the other transmitting an inventory of all property under his charge belonging to the United States (H. Doc. No. 501).

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 5833. An act granting six months' pay to Ida Cottrell Hodgson, widow of Frederick Grady Hodgson, deceased, colonel, United States Army, retired.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the roster of committees.

The Clerk proceeded to call the roll of committees.

REQUISITION OF SHIPS BY THE GOVERNMENT.

Mr. PADGETT (when the Committee on Naval Affairs was called). Mr. Speaker, there is a bill on the Union Calendar, H. R. 1770, Calendar No. 6, to authorize the President in time of war or national emergency to requisition or take over ships, boats, and other water craft for the use of the Government. That legislation has already been enacted in other bills, and I ask that this bill be stricken from the calendar.

The SPEAKER. Without objection, the bill will lie on the table.

There was no objection.

The SPEAKER. The Clerk will call the next committee.

The Clerk resumed the call of committees.

LEAVES OF ABSENCE BY HOMESTEAD ENTRYMEN.

Mr. FERRIS (when the Committee on the Public Lands was called). Mr. Speaker, I call up the bill H. R. 4617.

The SPEAKER. Which calendar is it on?

Mr. FERRIS. It is on the Union Calendar; Union Calendar No. 35, page 9.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the bill, with the gentleman from New York [Mr. FITZGERALD] in the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. FITZGERALD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of the bill H. R. 4617, which the Clerk will report.

The Clerk read the bill, as follows:

A bill (H. R. 4617) to authorize absence by homestead settlers and entrymen, and for other purposes.

Be it enacted, etc., That during the pendency of the existing war any homestead settler or entryman shall be entitled to a leave of absence from his land for the purpose of performing farm labor, and such absence, while actually engaged in farm labor, shall, upon compliance with the terms of this act, be counted as constructive residence: *Provided*, That each settler or entryman leaving his claim for the purpose herein provided shall file notice thereof in the United States Land Office, and at the expiration of the calendar year file in said land office of the district wherein his claim is situated a written statement, under oath and corroborated by two witnesses, giving the date or dates when he left his claim, date or dates of return thereto, and where and for whom he was engaged in farm labor during such period or periods of absence: *Provided further*, That nothing herein shall excuse any homestead settler or entryman from making improvements or performing the cultivation required by applicable law upon his claim or entry. The Secretary of the Interior is authorized to provide rules and regulations for carrying this act into effect.

Mr. FERRIS. Mr. Chairman, I understand we are to have two hours of debate, one hour on a side.

The CHAIRMAN. The gentleman is recognized for one hour.

Mr. FERRIS. I will use only a few minutes. This bill, Mr. Chairman, was drawn in the Interior Department and dropped in the basket by myself as chairman of the committee at the request of the department. It is desired by them. It is in all things a proper measure. It is also a necessary one.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield before he proceeds?

Mr. FERRIS. Certainly.

Mr. STAFFORD. Will the gentleman kindly indicate what number on the calendar the bill is?

Mr. FERRIS. The calendar number is 35. It will be found on page 9. The bill is H. R. 4617. It is on the Union Calendar.

As I have just stated, Mr. Chairman, this bill was drafted in the Interior Department. It is a little bill affecting absences of homesteaders during this war. It allows them to go out and seek employment. It has a twofold purpose. It helps the homesteader. It helps the nonhomesteader to get help. It increases production. It is all right. It carries no appropriation.

As the favorable report of the Interior Department shows, it is necessary for two reasons. First, it is necessary to help the homesteader out by allowing him to absent himself from his claim and earn something on the outside. It is also necessary to secure labor to look after the crops, for, as everyone knows, labor is very scarce. More than a million able-bodied men have just been carried into the service of the Government for the war.

The report of the department is very clear and very emphatic, and I do not think I could do better than to read it to the House. It is just a paragraph. The letter is from Secretary Lane, under date of May 17, 1917. I read:

DEPARTMENT OF THE INTERIOR,
Washington, May 17, 1917.

MY DEAR MR. FERRIS: I transmit herewith draft of measure designed to aid in the cultivation and harvesting of crops in the public land States during the pending war.

The bill proposes to permit absence of the settler or entryman from his homestead when engaged in farm labor and to credit such periods of absence as residence in meeting the requirements of the homestead laws. This is conditioned on his filing evidence of the number and periods of his absences, and that while so absent he was engaged in farm labor. The bill also requires him to meet the requirements of the homestead law in the cultivation and improvement of his own claim, for it would be of no benefit if he failed to cultivate his own land and spent the time cultivating the land of others.

I believe such legislation as this is timely and desirable, and that if enacted it would help to meet the increasing demand for farm labor.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

The letter is addressed to myself as chairman of the committee.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. SHERWOOD. The bill as drawn is approved by the Secretary of the Interior?

Mr. FERRIS. Yes. I have just read the favorable report. He drafted the bill.

Mr. SHERWOOD. And it is approved by a unanimous report of the committee?

Mr. FERRIS. Yes; a unanimous report.

Mr. LENROOT. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. LENROOT. I should like to ask the gentleman how much leave of absence an entryman is entitled to under the general homestead law?

Mr. FERRIS. On a showing, I think a man can get six months.

Mr. DYER. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. DYER. Will the gentleman state what the law is in reference to men in the military or naval service?

Mr. FERRIS. We passed a bill in the last session providing that when a man is actually in the service he is given credit for the time he is in the service exactly as if he were residing on his homestead, and his claim is not subject to be homesteaded or contested by anyone else; so it fixes up the man in the Army service all right. This bill merely proposes to let those not in the war go out and work. This relates only to those homesteaders not in the war. Only lasts during the war. I do not think there can be any objection.

Mr. DYER. The time a man is in the service is credited to him the same as if he was residing on the land.

Mr. FERRIS. Yes.

Mr. LENROOT. But this is not a matter of service in the war.

Mr. FERRIS. Oh, no. The gentleman from Wisconsin did not understand my statement. The gentleman from Missouri was asking me about a bill which we passed in the last session, an entirely different bill.

Mr. TIMBERLAKE. In answering a question as to the leave of absence under the general homestead law the gentleman stated that it was six months. I beg to correct that. It is five months.

Mr. FERRIS. The gentleman would know better than I about that, and I gladly accept his statement. It was an error on my part of one month. I guess I was thinking of the six months' period to get on the land at the initiation of the homestead. I thank the gentleman.

Mr. DOWELL. Under this bill it is necessary for a man at the expiration of his leave of absence to return and serve out the rest of his time on his land under the law.

Mr. FERRIS. Oh, precisely; and to carry on the cultivation that is required of him. I do not think it is such a tremendously important bill, but there is a great clamor in the West for farm labor, and the Secretary of the Interior thought this bill would accomplish two things: First, that it would allow a homesteader to get out and earn a little money for himself, and, second, that it would furnish labor which is so much needed in the wheat section. It is almost impossible to get help out there at all. It never was as scarce or high priced in the memory of any of us here.

Mr. MOORE of Pennsylvania. I want to put a question to the gentleman, so that it may be unnecessary later on, when we are considering other bills. The gentleman is chairman of the Committee on the Public Lands. During the last session of Congress it was the common understanding that no bills would be called up except war bills.

Mr. FERRIS. That is true.

Mr. MOORE of Pennsylvania. Does the gentleman understand that the action of the majority has changed in that respect?

Mr. FERRIS. I have no information as to the policy of the House. The gentleman knows I am not a leader. I do not pretend to know anything about the general policy of the House.

Mr. MOORE of Pennsylvania. I regard the gentleman as a leader on that side.

Mr. FERRIS. The gentleman flatters me too much.

Mr. MOORE of Pennsylvania. The gentleman is the chairman of his committee. Does he regard this as a war measure?

Mr. FERRIS. The Secretary of the Interior did regard it as a war measure for two reasons. One is that it allows the homesteader an opportunity to go away from his land and work for other people during harvest time, when there is a scarcity of labor, and in that way to earn a little money for himself, and, second, it helps to furnish labor to harvest the crops. As the gentleman knows, they have had a great deal of trouble about that. More than a million men have been carried away into the war, and it leaves a shortage of farm labor. So the bill serves two purposes, and I feel sure it will do no harm to anyone or to the Government.

Mr. MOORE of Pennsylvania. It may be a serious matter as affecting the farmers, but it has no direct bearing upon the war.

Mr. FERRIS. Anything which helps the farmers to raise crops helps us to win the war.

Mr. MOORE of Pennsylvania. This is the first bill coming up in this new session of Congress. It will establish a precedent with regard to war legislation.

Mr. FERRIS. I would most respectfully refer the gentleman from Pennsylvania to the gentleman from North Carolina [Mr. KITCHIN] about the policy of the House. I certainly know nothing about that, and do not pretend to know anything about it. Mr. KITCHIN is always willing and able to go into those things. I do not pretend to do more than help with them.

Mr. MOORE of Pennsylvania. The gentleman has not consulted with the gentleman from North Carolina?

Mr. FERRIS. I have not. I called the bill up when our committee was unexpectedly called. In the last session the Secretary of the Interior thought this was an emergency measure. I tried to get it through when the calendar was called, but did not succeed in doing so at that time, so I feel it my duty to try and get it through at the first opportunity. It affects some 200,000 homesteaders. It is important. The House I feel sure will be glad to pass it.

Mr. WALSH. Will the gentleman from Oklahoma state when the notice required by the proviso must be filed? It provides that the settler leaving a claim shall file notice with the Land Office. Can he wait until he is ready to go back?

Mr. FERRIS. No; I think he must file his notice when he desires to go.

Mr. WALSH. The next clause requires the filing at the expiration of the calendar year of a written statement of where and for whom and when he worked. Now, might he not think, under the phraseology of the bill, that he could wait and file his notice at the same time?

Mr. FERRIS. If the gentleman believes that there is any doubt about that I would be very glad to have him offer an amendment and to help get it adopted. This bill was drafted by the Interior Department. They thought it important to meet an emergency, or two emergencies; first, to let the homesteader get away from his land and earn a little something for himself and carry on his cultivation on his own claim, and, second, that it would furnish some labor to the farmers in the West and help them harvest their crops. If there is anything wrong with it I shall be glad to assist in putting it in the proper shape. No one wants any provision to creep into the law that is not proper. We are always anxious to obtain help on our bills.

Mr. WALSH. Does not the gentleman think it would be well to have the notice filed at the time the homesteader leaves his claim, so that the department may know where these men are?

Mr. FERRIS. I think so; and if the bill as drawn does not cover it, I will be glad to have the gentleman offer an amendment to correct it in that respect.

Mr. MADDEN. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. MADDEN. I understood the gentleman from Oklahoma to say that the Secretary of the Interior considered this an emergency measure.

Mr. FERRIS. Yes; he did. His written report shows that. He also had his office confer with me about it several times.

Mr. MADDEN. The gentleman will recall that he also regarded the building of a railway in Alaska as an emergency measure.

Mr. FERRIS. I know, and the gentleman from Illinois and myself were not in complete accord with him on that occasion, but we were ironed out very flat, and the House of Representatives did not agree with us.

Mr. MADDEN. I still think we were right and the Secretary of the Interior was wrong.

Mr. FERRIS. The gentleman from Illinois and I may cling to our opinions still about that, but that is water that has gone over the wheel. [Laughter.]

Mr. MADDEN. I am inclined to think that the gentleman from Oklahoma is only half-hearted in his support of the Secretary of the Interior on that matter.

Mr. FERRIS. Oh, no; that is not the case at all. I merely said I did not think this was any life-and-death proposition because, as the gentleman from Wisconsin [Mr. LENROOT] says, they can come in and make a formal application for leave of absence, which has to come up through the Land Office, and takes three or four months, and then has to be finally acted upon by the Interior Department. They can get a leave of absence, but it has to be acted upon by the Commissioner of the General Land Office and the Secretary of the Interior, and the harvest is over before they can get the leave of absence. This law will allow them to notify the Land Office that they are

going away to labor and when they get back they must file a notice that they did labor on the farm for a certain length of time.

Mr. LENROOT. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. LENROOT. I think the gentleman is mistaken in saying that this formality is required in the five months' leave of absence.

Mr. FERRIS. I thought that that was the fact. I know I had a tremendous lot of appeals to hurry up the applications.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. TIMBERLAKE. The five months' leave of absence under the provisions of the law is granted without having to make an application. They simply notify the local land office that they intend to leave, and at the end of five months they must file a notice that they have returned to the claim, and it is not necessary to have it acted upon by the Secretary of the Interior.

Mr. FERRIS. Well, the gentleman has been the register of a land office and knows more about it than I do; but I say that I have had numbers of appeals to hurry up the approval of the leave of absence, and I wonder if the gentleman is not mistaken.

Mr. TIMBERLAKE. I will say to the gentleman that if the leave of absence is wanted beyond the five months provided by the law it must be procured as the gentleman from Oklahoma has stated—it must be acted upon by the local office and transmitted to the Interior Department for final action.

Mr. FERRIS. I gladly accept the gentleman's explanation. I have had trouble in years gone by getting them approved. It may be better now.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I will.

Mr. TILSON. Did I understand the gentleman to state that there were two hours' debate on each side on this question?

Mr. FERRIS. No; one hour on each side, and I am not going to consume any more time.

Mr. TILSON. I wondered why this measure required so much time.

Mr. MOORE of Pennsylvania. If the gentleman from Oklahoma will yield, I think I can get the attention of the gentleman from North Carolina [Mr. KITCHIN] at this time.

Mr. FERRIS. I will yield to the gentleman from Pennsylvania, who wants to ask the gentleman from North Carolina a question.

Mr. MOORE of Pennsylvania. I desire to ask the gentleman from North Carolina whether there is to be any change in policy in regard to war legislation at this session? At the last session it was decided that we would consider nothing but war legislation. It would be interesting and important to know if at this session new bills are to be taken up.

Mr. KITCHIN. I will say to the gentleman from Pennsylvania that I hope, after we get rid of the bills now on the calendar, our legislation will be confined to the supply bills, to war measures, and I would include in that the conservation bills that we have been discussing for the last year or two.

Mr. MOORE of Pennsylvania. But at the present time it is not the intention of the majority to take up general legislation?

Mr. KITCHIN. That is my idea, and I hope that the sentiment of the House will be with me. I think, too, the questions of woman suffrage and prohibition should be considered. My judgment is that we can consider them before Christmas and get those two questions behind us, one way or the other.

Mr. MOORE of Pennsylvania. If prohibition and woman suffrage are to be considered they will come up early?

Mr. KITCHIN. Before Christmas; and I have no doubt that a day will be fixed and that at least a week's notice will be given.

Mr. MOORE of Pennsylvania. Will pension legislation be included?

Mr. KITCHIN. Yes; I imagine that it will.

Mr. CLARK of Missouri. If the gentleman from Oklahoma will yield, I will ask the gentleman from North Carolina a question. Does he not think it would be a good thing to abolish the Christmas holidays?

Mr. KITCHIN. No; I do not think so, and I will tell the gentleman from Missouri why. [Applause.] Many of us have our homes away from Washington, and I reckon that about two-thirds of the membership of the House are in my fix. I am bound to go home for a week or two to attend to my business—arrange with my creditors for the next year. [Laughter.]

Mr. CLARK of Missouri. Let me make this suggestion——

Mr. KITCHIN. Before the gentleman makes his suggestion let me say that if we stay here through the Christmas holidays it will not facilitate legislation one minute or hasten the adjournment one minute, because this House can get through all of its necessary legislation if it makes up its mind—and it will make up its mind—by the 1st of June. [Applause.] But we can not make up the mind of gentlemen at the other end of the Capitol. We can not control them. Take the last session; this House would have got through every bit of its work certainly by June 1, and if we had known that the Senate would cooperate with us we could have got through by May 15. We were adjourning a week at a time with a gentlemen's agreement for three weeks, waiting on the Senate, but we could not hurry them. I do not think by our staying in session or keeping the Senate in session during the holidays we will quicken adjournment one day.

Mr. CLARK of Missouri. They may improve as time goes on in the Senate. [Laughter.]

Mr. KITCHIN. I shall not agree with our distinguished Speaker to that extent, but I do agree with him that there is a great deal of room for improvement.

Mr. CLARK of Missouri. My idea about this is that if we went to work and got rid of these bills we could get away from here some time before election next fall, but if we go on at the same gait at which we have been going we shall not get away from here until away along in November.

Mr. KITCHIN. I presume our Speaker in using the term "we" is representing the Senate.

Mr. CLARK of Missouri. Oh, no—God forbid! [Laughter.]

Mr. KITCHIN. The Speaker knows that no House or Senate in any Congress in this country or any legislative body in any other country ever facilitated work more or was more prompt and diligent in legislation than was the House during the last session of Congress.

Mr. CLARK of Missouri. That is true.

Mr. KITCHIN. Of course, there was more harmonious, concerted action in this body during the last session than in any other Congress. I am quite sure that the House can get through its work by taking a good recess at Christmas.

Mr. CLARK of Missouri. I have felt out the temper of the House, and that is all I was trying to do.

Mr. MADDEN. Mr. Chairman, will the gentleman from Oklahoma yield to me for a moment?

Mr. FERRIS. Yes.

Mr. MADDEN. I understood the gentleman from North Carolina to say there would be no legislation considered except such legislation as is along the lines he enumerated.

Mr. KITCHIN. I said I hoped so. I can not tell definitely, but I hope the House will confine itself to such legislation, and I believe the sentiment and thought of the House will be along those lines, will conclude that that is the wisest and best course to take.

Mr. MADDEN. I desire to call the attention of the gentleman from North Carolina to the fact that there is a very widespread sentiment throughout the country in favor of an increase in compensation for the men who are engaged in the Postal Service of the United States, and legislation will probably be reported from the Committee on the Post Office and Post Roads in favor of that sort of increase.

Mr. KITCHIN. Such things will come from the different committees who have charge of the supply bills. I spoke particularly of the passage of the supply bills.

Mr. MADDEN. Such legislation as that would probably not come in the supply bill.

Mr. KITCHIN. It would come in the supply bill like any other legislation relative to the Post Office. Of course, a Member could make a point of order, and then we might obtain a rule, just as we have done heretofore.

Mr. MADDEN. But it is not contemplated to shut out that kind of legislation?

Mr. KITCHIN. Oh, no—whatever would naturally come in the Post Office bill. Sometimes new legislation is put on the bill or we have a special rule. Sometimes no point of order is made.

Mr. MADDEN. But the legislation could be brought in outside of the bill?

Mr. KITCHIN. Yes; and I will say to the gentleman if you could get it in outside you could get it in under the rule right on the bill.

Mr. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. NOLAN. Is it the gentleman's intention that this suggestion should apply to general legislation on Calendar Wednesday?

Mr. KITCHIN. Yes; I would say so, except as to those bills already on the calendar.

Mr. NOLAN. I mean legislation considered by the various committees and reported, which goes on the calendar. Is it the

gentleman's idea that general legislation should be interfered with that would come up on Calendar Wednesday?

Mr. KITCHIN. I hope the House will conclude that the only things we should take up are the matters designated.

Mr. NOLAN. Under the general rules of the House, legislation of the kind I have in mind is in order on Calendar Wednesday. Is it the gentleman's idea that we should dispense with Calendar Wednesday?

Mr. KITCHIN. No. My idea is that if a majority of the House does not want to take up certain legislation, it ought not to be taken up.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. MONTAGUE. Referring to the suggestion of the gentleman from North Carolina [Mr. KITCHIN] that we will not expedite business because we will anticipate the Senate, in my judgment the best way to expedite the public business is for each body to do its own business as expeditiously as practicable.

Mr. KITCHIN. Just as we have been doing.

Mr. MONTAGUE. I shall not argue that with the gentleman. I think we have done very well, but I think we could have done better, and I am not imputing any delay to the gentleman from North Carolina [Mr. KITCHIN] in making that allusion; but if the House is through with its business ahead of the Senate, or if the Senate is through with its business in advance of the House, then the body that is tardy will have focused upon it the influence and criticism of the people of the country, and that is the power that will expedite the business of the American Congress.

Mr. KITCHIN. I wish to say to the gentleman that I can assure him that we will get through all of the business of the House many days, many weeks, and, I believe, several months before the other end will.

Mr. MONTAGUE. I appreciate the gentleman's assurance, but I desire to renew this suggestion, and I submit it to the consideration of the House. We could have gotten through our business last session much sooner than we did.

Mr. KITCHIN. I doubt it——

Mr. MONTAGUE. One minute——

Mr. KITCHIN. I doubt it. We had all the time on hand—if the gentleman will recall, and I assume he was here——

Mr. MONTAGUE. I was here all the time.

Mr. KITCHIN. I assume so, and I am going to assume everybody was here—he will recall that we had to adjourn for lack of business. We had all our bills passed and over in the Senate, and we adjourned for weeks at a time under a gentleman's agreement.

Mr. MONTAGUE. And I will say to the gentleman that it was that agreement, in my opinion, that expedited the adjournment of Congress.

Mr. KITCHIN. But we had dispatched our business.

Mr. MONTAGUE. That is the argument I am making, and I will say to the gentleman that the quicker we dispatch our business the quicker business will be dispatched at the other end of the Capitol.

Mr. KITCHIN. Do I understand the gentleman to be arguing that we should take no recess for the holidays?

Mr. MONTAGUE. I was not speaking of that. I was throwing out the general suggestion that we should not determine the pace of our business at this end of the Capitol by the fact that we move faster than at the other end of the Capitol.

Mr. KITCHIN. I agree with the gentleman that the faster we move here there will be some impetus on the other end of the Capitol to move faster.

Mr. MONTAGUE. But the public at large does not make a distinction between the two branches of the Congress, and if there is a delay it imputes it to both branches of the Congress indiscriminately, and therefore if we desire to get through before the election is held next year—and I have doubts of our getting through before that time—the quicker we perform our duties at this end of the Capitol the quicker will it be done at the other end of the Capitol. An adjournment of the House under a "gentleman's agreement" relieves us of censure, and quickens the movement of the other branch of the Congress, and vice versa.

Mr. KITCHIN. The gentleman is right, but I see no reason for complaining. We are at work here with bills on the calendar set apart for this day, and gentlemen interrupt us for quite a length of time in talking about what we ought to do when we are already doing it, and in that way they are stopping business.

Mr. LENROOT. Will the gentleman yield?

The CHAIRMAN. The time is in the control of the gentleman from Oklahoma.

Mr. FERRIS. I yield.

Mr. LENROOT. Mr. Chairman, I would like to ask the gentleman from North Carolina if the House takes a Christmas recess would that interfere with the consideration of the appropriation bills by the various committees having those bills in charge during the Christmas recess?

Mr. KITCHIN. I think not; I had that in mind. There are no appropriation bills ready now, and none will be ready before Christmas. It is impossible for them to do it with the greatest amount of work they have to do. These several committees are now at work, but it will be after Christmas before their bills will be ready.

Mr. LENROOT. Will they work during the Christmas recess?

Mr. KITCHIN. I imagine so as well as if we were in session.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. I yield.

Mr. STAFFORD. By what authority does the gentleman say the committees having appropriation bills in charge will work during the Christmas holidays?

Mr. KITCHIN. They are already working upon them through their subcommittees.

Mr. STAFFORD. A year ago the subcommittee of the Committee on Appropriations having the legislative, executive, and judicial appropriation bill in charge, was convened a week before the regular session and worked during that entire week in order to have the bill in readiness before the holidays. And I question whether the members of the Committee on Appropriations are going to work during the Christmas holidays.

Mr. KITCHIN. I imagine that some members of those committees will remain here during the holidays as they have always done.

Mr. WALSH. Will the gentleman yield?

Mr. FERRIS. I yield.

Mr. WALSH. Does not the gentleman think we had better proceed with the discussion of this bill and stop worrying about the election next fall?

Mr. KITCHIN. Mr. Chairman, I hope now these gentlemen who are so anxious for business will stop delaying the business of the House and let us proceed with what is on the calendar. [Applause.]

SEVERAL MEMBERS. Amen!

Mr. FERRIS. Mr. Chairman, unless somebody else has a question, the gentleman from Massachusetts [Mr. WALSH] has an amendment which he desires to offer.

Mr. LENROOT. Mr. Chairman, I desire some time.

Mr. FERRIS. Mr. Chairman, I reserve the balance of my time.

Mr. LENROOT. Mr. Chairman, coming back to the consideration of the bill that is before the committee, it is a bill that authorizes, in addition to the five months' leave of absence now authorized by law, leave of absence for the entire year if engaged in farm labor, to be credited to the entryman as if he had remained upon his homestead.

Mr. DYER. Will the gentleman yield there?

Mr. LENROOT. Yes.

Mr. DYER. Will the gentleman state why they include only farm labor? There are many other industrial occupations that a man can give his time to for the benefit of the war. Why not include any labor?

Mr. LENROOT. I can not give the gentleman the reason for that because I am opposed to the entire bill. I suppose this bill will pass. It has, I suppose, the solid support of the West. It has, I suppose, the support of the administration, inasmuch as it is favorably recommended by the Secretary of the Interior. During the last session it was sought to enact this bill as a war measure. No one would think of acting favorably upon a bill of this kind as a peace measure; but there would be much more reason for its passage in time of peace than there is now when we are in war. We all know that the greatest efforts are being made to cultivate every acre of land possible and produce the maximum amount of food to support ourselves and our allies. And yet, strangely enough, this bill if enacted into law, instead of increasing the production of food, will actually decrease its production. It offers a premium to a homesteader to not plant his land with crops, but to leave it and engage in farm labor.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. TIMBERLAKE. I would like to call the attention of the gentleman to the fact that there is nothing in this bill which would relieve the homestead entryman from the cultivation required under the homestead law—that is, that at least 20 acres shall be cultivated and planted with crops each year.

Mr. LENROOT. Now, that is entirely consistent with the statement I have made. If a homestead entryman has 160 acres, it is true that under this bill he still would be required

to cultivate 20 acres; but under this bill, where he might be cultivating the other 140 acres, it will lie idle and raise not one pound of food or one bushel of grain. Is not that correct?

Mr. TIMBERLAKE. That is correct, and I would like to add this to it: That in many cases the homestead entrymen are now cultivating all of the available land upon their 160 acres or 320 acres. The rest is fit for nothing except for grazing purposes, and therefore they have done all that is within their power.

Mr. LENROOT. I want to ask the gentleman a question, then. If any homestead entryman is cultivating 160 acres and produces crops from it, how much time has he got to leave that entry and work for somebody else in farm labor?

Mr. TIMBERLAKE. Permit me to say that that character of homestead entryman would never make the application for this.

Mr. LENROOT. That is the point I am making. So the observation the gentleman makes does not apply at all to any man who would take advantage of this bill.

Mr. SMITH of Idaho. Does not the gentleman realize that there are many homesteaders that have no means to cultivate more than 20 acres, and that in order to get the means with which to do it they must go away and work to secure the money for that purpose?

Mr. LENROOT. No; I do not.

Mr. SMITH of Idaho. Well, it is an actual fact that there are thousands of homesteaders in the western country who have no capital beyond possibly a team of horses and who are unable to buy seed to plant or implements to cultivate the land.

Mr. LENROOT. The gentleman understands that under the present law they can have an absence of five months in which to earn money and provide means to cultivate their crops. Now, if you are going to permit him to have 7 months in addition, or 12 months, cultivating only the minimum required by law, any intelligent man will see that it does not mean increased production of food in this country, but that it means a decreased production of food.

Mr. SMITH of Idaho. Would it not mean an increased production of food if this man were engaged in farm labor for some other entryman, if he does not have the means to cultivate his own land?

Mr. LENROOT. Oh, yes; but as between a man working for wages for some one else and cultivating his own land, the gentleman will see that the increased production of food will be greater upon the land cultivated by the homestead entryman than if he be working for some one else. And in that connection let me say that the five months' leave of absence now granted the entryman is sufficient to provide that labor, so far as planting crops is concerned, in addition to his own, and, so far as harvesting crops is concerned, in addition to his own. Two months of planting, three months of harvesting, mean all that is necessary in either the planting or harvesting of the crop. So, Mr. Chairman, we have this strange condition of affairs, that in this crying need for a greater food production we have the Secretary of the Interior indorsing a bill and a committee bringing before this House a bill that invites homestead entrymen in the West not to cultivate to the utmost their entry but to cultivate the very least that the law requires.

Mr. JUUL and Mr. SINNOTT rose.

Mr. LENROOT. I yield to the gentleman from Illinois [Mr. JUUL].

Mr. JUUL. Is it not a fact that in line 5 the bill specially provides that in order to gain this leave of absence he must be engaged in farm labor?

Mr. LENROOT. Certainly.

Mr. JUUL. And is it not a further fact that in line 5, on page 2, it provides that nothing therein shall excuse any homestead settler or entryman from making improvements or performing the cultivation required by applicable law upon his claim or entry?

Mr. LENROOT. I have just answered that, that in one case the law requires 20 acres, and he would cultivate 20, whereas if he stayed on his land he might be cultivating 40 or 60 or 80 or 100, or even 160. He will not be doing it under this bill.

Mr. JUUL. Is it not a fact that he might go on a neighboring farm supplied with horses and plows and other material, and that he may not himself have such materials with which to work?

Mr. LENROOT. Yes; but as I stated a while ago, a man working for $2 or $2.50 a day for some one else—where that other man would get some labor and still cultivate his land—and letting his own go uncultivated, does not mean an increased production of food, but a decrease.

Mr. JUUL. But if he has machinery in the one case and not in the other case, would it not be an increase?

Mr. LENROOT. No; not at all, because that man will get labor to cultivate and gather his crop.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes; I will yield to the gentleman.

Mr. SINNOTT. Does not the gentleman know that, with reference to five months' leave of absence granted under the present law, that the five months' leave of absence as a rule—at least, in my State, where the homesteads are taken at an elevation of something like 3,000 feet above the sea level—is taken during the winter months, so that the homesteader may leave his own homestead in the inclement weather, when there is very little need of his presence, whereas this proposed additional leave of absence would enable a man to take that leave of absence during the growing and crop-gathering season, and therefore would enable him to assist in the production of crops.

Mr. LENROOT. I will say in reply to that, that if a man is situated as the gentleman from Oregon says he is situated—I take it that he is speaking of a timbered country, now——

Mr. SINNOTT. No; a nontimbered country, bordering on the timbered country.

Mr. LENROOT. Well, it is not necessary for that man to take his leave of absence for the five months. The gentleman will admit that.

Mr. JOHNSON of Washington. Even there he would starve to death absolutely.

Mr. TIMBERLAKE. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. TIMBERLAKE. I just want to state to the gentleman with reference to the statement he has made, that most of the entrymen would refuse this privilege if allowed. I want to say that a very small percentage of the homestead entrymen in the West, so far as I am acquainted with them, even now avail of this privilege of a five months' leave of absence, and it is only availed of where the parties are not in sufficiently strong financial circumstances to enable them to cultivate their full entry. If they were able financially to cultivate their full entry, they would be engaged in that work at the prices they are receiving for farm products to-day. It is only to relieve the very small percentage that are not able to do this that this bill is drawn, and it would enable them to go out and help other people, and in that sense it is an emergency war measure. Just now in the West it is absolutely necessary on account of the labor situation that something of this kind be granted.

Mr. LENROOT. The gentleman evidently speaks of work on the beet crop. Is not five months' absence sufficient for a man to engage in farm labor, both in the planting of the crop and in the harvesting of the same?

Mr. TIMBERLAKE. No; it is not. In my judgment, there are many instances where it is not.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Not now. I want to get through. In some instances what the gentleman says may be true. I will grant that. But here is what your practical situation is: Here is a farmer who has a son. Under the law, without the passage of this bill—assume that he has taken an entry—he will cultivate it and live upon it. He will cultivate it to the fullest extent, but the son will go back to the home after this bill is passed. He will be able to make a showing of being engaged in farm labor, helping his father; and in that kind of a case you would have 20 acres cultivated, whereas without this bill he would have 160 acres.

Mr. TIMBERLAKE. The son goes back to help his father put in 50 or maybe 500 acres. Is not that preferable?

Mr. LENROOT. Oh, no. The gentleman assumes that if the son will not go back to the farm the farmer will get no help on his farm.

Mr. TIMBERLAKE. That is true.

Mr. LENROOT. I do not believe it is true, because men may be engaged in farm labor under supervision and direction without previous experience, and such men may enable the farmer to cultivate the full amount of his crop, whereas if you take a man away from the land which he is cultivating you will not increase the crop on the one hand but have decreased it on the other.

Mr. WHEELER. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. WHEELER. Perhaps 75 per cent of the homesteaders will cultivate 20 acres and no more, simply what is required under the law.

Mr. LENROOT. That is true under this bill.

Mr. WHEELER. If that is true, if a large portion of that 75 per cent is employed elsewhere, don't you think that perhaps they will cultivate 40 acres instead of 20 acres?

Mr. LENROOT. No; not elsewhere, and for this reason: If the law as it stands were complied with as now, with the present high prices of farm products, the man on his land will cultivate every acre he can cultivate. But under this law, where he can work for wages somewhere, he will be content

with 20 acres being cultivated and the balance of the entry lying idle.

Mr. SMITH of Idaho. At the present price of farm products a man can earn more money in cultivating his own land and selling his products than by working for somebody else, and as soon as he gets enough money to enable him to cultivate his own land he will not need this.

Mr. LENROOT. That is the condition in time of peace.

Mr. JOHNSON of Washington. That situation does exist in time of peace.

Mr. LENROOT. The whole question resolves itself into this: Will you get a greater amount of production if this bill is passed, or will you get a less amount?

I have no question but that you will have a less amount of production if this bill is passed; and if that is true, then in this crisis, in this time of war, when every ounce of food production is needed, this bill ought not to pass. Congress ought not to enact legislation that is going to decrease food production. It ought to enact legislation that will increase food production.

Miss RANKIN. Will the gentleman yield?

Mr. LENROOT. I yield to the lady from Montana.

Miss RANKIN. Does not the gentleman realize that the homesteaders are going to leave their own land and work on other land if it is so much more profitable to do so, as the gentleman assumes, and that it will merely mean that they will take their five months in the summer which they have under the existing law, and it will force them to live on their claims during the winter months when there is nothing that they can do on their own claims, whereas this will release their labor in the winter months. If it is so much more profitable to work on other land, they are going to do it anyway.

Mr. LENROOT. I would like to ask the lady from Montana, if a man can do nothing on his own farm in the winter months, what work will there be for him to do for some other farmer in the winter months?

Mr. SINNOTT. Some of them work in lumber camps during the winter.

Mr. LENROOT. Ah, but this bill does not provide for that. This bill proposes to give entrymen leave of absence for the purpose of performing farm labor.

Mr. KINKAID. Is the gentleman not aware of the fact that the practice now is for homesteaders to work by the day, especially in the haying season and during harvest, and in general, for other farmers, and for that reason they are absent more or less from their claims under the existing law?

Mr. LENROOT. Certainly.

Mr. KINKAID. And this is well known to the General Land Office, which sanctions the practice.

Mr. LENROOT. That has been stated time and again. I have stated it. The gentleman need not restate it.

Mr. KINKAID. I was not in the Hall at the time the gentleman must have stated it. Then does the gentleman not recognize this fact, that many entrymen during the first year or two after making their filings have not enough land broken and under cultivation to occupy their time during the growing season, and that therefore they have time to spare to go and help near-by farmers who have large farms and with whom labor is very scarce? And does not the gentleman know that the labor question upon the farms has become a very serious problem? Now, why not allow them to utilize the homesteading element?

Mr. LENROOT. I can not yield further. I thought the gentleman wanted to ask me a question.

Mr. KINKAID. Why not allow them to utilize the help which they can get near at hand from the more recent homestead entrymen?

Mr. LENROOT. Mr. Chairman, the gentleman from Nebraska very strongly corroborates the argument I have just been making. He states that many of them have not sufficient land broken to cultivate it, and so they desire to work for other people. Why, of course, that is just the trouble. If they are not given this permission, they will break that additional land and cultivate it and raise crops upon it, while the gentleman evidently desires that that unbroken land shall remain unbroken and uncultivated during this time of war when food production is so necessary.

Mr. KINKAID. Just one question. Does not the gentleman know that they can not break it all in the first season?

Mr. LENROOT. Why?

Mr. KINKAID. It is sod the first season, and they can not cultivate it, except to put in a sod crop.

Mr. LENROOT. Why can they not break it the first season?

Mr. KINKAID. When they have broken it they can not cultivate it the first season. It has to lie for a season to let the sod rot.

Mr. LENROOT. Do they not cultivate the first breaking?

Mr. KINKAID. No, sir.

Mr. LENROOT. Not at all?

Miss RANKIN. No.

Mr. KINKAID. No, sir.

Mr. LENROOT. The gentleman stated a moment ago that they did not have enough broken so that they could go on and cultivate their own farms.

Mr. KINKAID. Certainly. The law recognizes that they will break only a portion of it the first year.

Mr. LENROOT. Why do they not break more?

Mr. KINKAID. They have not the means; they have not the teams; they have not the time to break it all the first year. The law recognizes that.

Mr. LENROOT. Now, let us see. The gentleman says they have not the means, the teams, nor the time. So far as means are concerned, if they have a team to break 20 acres the same team will break 20 acres more, will it not?

Mr. LOBECK. Provided they can get feed for the team.

Mr. SMITH of Idaho. Where will the man get the feed for his team?

Mr. GREEN of Iowa. Did my friend ever do any breaking?

Mr. LENROOT. Yes.

Mr. GREEN of Iowa. With his own team?

Mr. LENROOT. No.

Mr. GREEN of Iowa. If the gentleman had done that, he might know more about how this thing is done.

Mr. LENROOT. The gentleman from Nebraska says they have not the teams nor the time. If they have not the time, still the gentleman wants to give them more time to get away so that they will have less time to farm their own claims.

Mr. KINKAID. The Interior Department for years has recognized that they will not break all their land the first season. The homesteader as a rule is a poor man, and his teams can not break all his land in one season. He has to plow several seasons in order to do that.

Mr. LENROOT. I can not yield further, but I want to ask the gentleman a question. The gentleman has occupied a very conspicuous and honorable position, a most commendable position with reference to homestead entrymen, and he has done a world of good for the homestead entrymen of his State. I want to ask him whether the homestead entrymen of his State have not been fairly successful under the present homestead law?

Mr. KINKAID. Thanking the gentleman from Wisconsin for his very generous compliment, they have succeeded well, but they have broken only a small portion of their land the first year, and the Interior Department has recognized that that is the way to do, and that that is the way they must do.

Mr. LENROOT. I want to ask the gentleman another question, because we all want information. What did they do in the meantime under the old law, when they could not break any more land the first year?

Mr. KINKAID. They worked for their neighbors who had money to spare to pay for farm labor.

Mr. LENROOT. That was under existing law?

Mr. KINKAID. Yes.

Mr. LENROOT. Why could not that be continued?

Mr. KINKAID. Sometimes the question of absence and abandonment was raised by a fellow who wanted the other man's claim, and he contested the claim on the ground of abandonment. I have received hundreds of inquiries from homesteaders saying that they wanted to go to work for their neighbors, and they wanted to be assured from the Interior Department that they would not lose their claims. I also received letters from farmers and ranchmen who wanted to employ them, and I submitted the matter to the General Land Office and received a written reply that entrymen might be absent for the purpose of helping to harvest hay and save crops, and they went on and did the work and were saved from a contest.

Mr. SINNOTT. Will the gentleman yield?

Mr. LENROOT. In a moment. Now, my good friend from Nebraska has raised another question concerning this bill that I had not thought of. He intimates that it was dangerous for a homestead entryman to leave his homestead under existing law; that he ran great danger of losing it. I want to call attention to the fact that if that condition exists under the present law it is increased 100 per cent under this bill, because under this bill he is required to be engaged in farm labor, and whether or not a sufficient showing can be made of those facts, he must take the chances and have that difficulty added to the present difficulties. Under existing law there is no such requirement, and he is given leave of absence for five months. Now I will yield to the gentleman from Oregon.

Mr. SINNOTT. The gentleman was speaking about the cultivation of homesteads under existing law, and he referred to the State of Nebraska. Is it not true that the remaining homestead

lands do not at all compare with the rich Nebraska lands; that those Nebraska lands were settled under existing law with the interpretation applied to it that one was conforming to the law when he went upon his homestead once in six months? That is the way the majority of the homesteads were proved up in the past—that the presence of a homesteader once in six months was sufficient compliance with the law. That interpretation enabled the homesteader to work elsewhere and earn enough money to cultivate his land, and were it not for that interpretation many of the homesteads in the country would not be settled as they now are.

Mr. LENROOT. The gentleman from Oregon has not been here quite as long as some of us. He speaks of the rich lands of Nebraska. That is true of some parts of Nebraska, but I do not believe the gentleman from Oregon could have been here when the distinguished gentleman from Nebraska [Mr. KINKAID] convinced this House that they needed a very much larger area of land in homesteads in Nebraska because of the very arid character of the Nebraska land.

Mr. SINNOTT. Well, they have a sandy, arid section in Nebraska.

Mr. LENROOT. And that is what we were discussing. So, as a matter of fact, the gentleman's case not being a typical case, it is much less favorable to the homesteader than the homesteader in the gentleman's own State.

Mr. TILSON. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. TILSON. I want to ask the gentleman two questions. Criticism has been made by the gentleman from Oklahoma as to the difficulty of getting the five months' leave of absence.

Mr. LENROOT. The gentleman from Oklahoma was mistaken. There are certain cases where the law allows an additional leave of absence, and in those cases where the leave of absence is wanted beyond five months they must pursue the procedure detailed by the gentleman from Oklahoma. But the five months' leave of absence only requires a notice in the local land office.

Mr. TILSON. Does not the gentleman think that the intelligent self-interest of the homesteader will guide him to do that which will produce the most, so that the public will get the benefit of it if more freedom of movement is given to him, as is contemplated in this law; whether that will not cause them to produce more for themselves and, in so doing, for the public good?

Mr. LENROOT. No; and I will tell the gentleman why. Assume, if you please, that the homestead entryman has the chance to go out to work and get $5 a day, and that if he did not go some other man would take his place. But if he was compelled to work on his farm and cultivate the land he would make only $4 a day. The gentleman will readily see that in one case, where he was making $5 a day, there would be less food production than in the case where he would cultivate his own land and making only $4 a day.

Mr. TILSON. I can not quite follow the gentleman. If he can produce more food by staying at home, he would have more food.

Mr. LENROOT. If he goes out and works on a farm; if he did not go there some man from Chicago—some city man, perhaps—would do that work. There is just as much food production on the farm that he is going to, but less on the farm that he comes from. It is very plain; it is not a question of which will be the most profitable to the man, but when we are considering the questions of public lands and homesteads we have the right to expect that the primary consideration in this time of war shall not be profit to the homesteader but shall be food production under existing law.

Mr. OSBORNE. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. OSBORNE. Is the gentleman aware that of the public lands of the United States, all of the most valuable have long ago been entered?

Mr. LENROOT. Of course, we are all aware of that.

Mr. OSBORNE. And that the lands which people go on these days are rough and, as a rule, unproductive lands, that the friends of these men who go on the land often have to support them, in order that they may pay for them, for the five years, and that it is absolutely impossible for the men on much of this land to earn a living off the land itself, because it is rough, desert land, with very little timber, difficult to get water on, and all those things, so that he must of necessity earn something or somebody must contribute something to his relief.

Mr. LENROOT. Mr. Chairman, that is merely stating what has been stated over and over again. The law now permits him five months leave of absence to earn money with which to support himself upon this land, but my whole contention is that there should be just one test applied to all of this. Is this going to mean greater or less production? I can not see how any intelligent man can come to the conclusion otherwise than that when you offer a premium to a man to not cultivate any more land than the law requires, you are going to get less food production instead of more. I reserve the remainder of my time.

Mr. FERRIS. Mr. Chairman, I yield two minutes to the gentleman from Nebraska [Mr. SLOAN], in order that he may cite a case where it works both ways, where it helps to supply labor to the man actually farming, and where the homesteader himself really needs to be away from the homestead. I think he can give us a "cow" case, as the lawyers would say.

Mr. SLOAN. Mr. Chairman, we all know that surplus food is not produced upon the homesteads, nor will it be produced upon the homesteads. The surplus food is being produced on the large farms and large ranches of the country. The chairman of the committee has asked me to give a particular case. I never saw this bill, and did not know that is was in existence until to-day. But I have a case that especially applies. The situation I find myself in is this: I have a little farm adjoining my home town. We raise enough food there to feed from two to three companies. This war has taken my superintendent. A good many of the ambitious young men have been trying to obtain homesteads. This homestead law that we have now will take my foreman. That foreman would be of great value in food production for the coming year. Much more than he could possibly be upon any homestead.

I accept the challenge of the ranking member of the Committee on the Public Lands that it is a question of the production of food measured up against the labor problem. If we want to produce a large amount of food, then the farmers and the ranchmen should have men to work upon the large farms and the large ranches. They will produce more surplus than many homesteaders could produce because the homesteader seldom produces enough to satisfy his own family demands during the period of his occupancy as a homesteader.

Mr. LENROOT. Mr. Chairman, will the gentleman yield to me there, and I shall yield one minute of my time to him?

Mr. SLOAN. Yes.

Mr. LENROOT. Does the gentleman agree that food production is primarily the paramount consideration?

Mr. SLOAN. I do in this connection.

Mr. LENROOT. Then if the statement be correct, I want to ask the gentleman whether he thinks it would not be wise, from his standpoint, to suspend the homestead laws entirely during the existence of the war?

Mr. SLOAN. I do not. The homestead law is a means of developing this country. It has been an effective means of developing the country in the past, and it should not be suspended; but it should be, like every other process of our growth and development, regulated, and I assume that this bill will have that effect.

Mr. LENROOT. One more question. I agree with the gentleman that it should not be suspended, but according to the gentleman's theory the more homesteads we have now during the war the less food will be produced. Is that correct?

Mr. SLOAN. If you hold the homesteaders to full time upon those homesteads, it will have that effect. Those of us who live out there know the problems that we have. We know what a drain continued occupancy of the homesteads will be upon the farm-labor market. We feel that the more men you keep upon those homesteads and the longer you compel them to be there the less amount of production there will be of food in this country. Especially is that true if you are trying to produce in that great Northwest a surplus of food for the people of this country and the other countries who are cooperating with us in the great war. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I yield five minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Chairman, in common with all the Members of this House, I have the utmost respect for the views of the gentleman from Wisconsin [Mr. LENROOT], especially when he is discussing a subject with which he is familiar; but no man who has lived in the West could have listened to the speech the gentleman has just delivered without feeling that he has never spent very much time west of the Missouri River. The bill now before the House has the support, I believe, of every Member of Congress from the Western States. It is being supported by the men who are familiar with local conditions.

I have in my congressional district probably ten or fifteen thousand homesteaders. Their claims are located in the vicinity of irrigated lands. In these irrigated sections the labor problem is a very serious one. When the gentleman from Wisconsin tells you that if the homesteader is not released to

work upon the farm, then some other man is there ready to take his place, he again demonstrates that he knows nothing about conditions in the West. The other man is not there and the homesteader is needed.

If the homesteader can make a success of his homestead he will not go to work on the irrigated farm, because he can earn more on his homestead than he possibly could on the irrigated farm.

Climatic conditions may render it necessary for him to seek employment away from his homestead. After he has put in his crop it may be apparent to him and to everyone else that he can not make his crop that year because of lack of rainfall, and then he should be at liberty to go off his claim into the irrigated section and help make the crop there. It will result, as the gentleman from Nebraska [Mr. SLOAN] has stated, in an increase of food production. The men of the West are interested in this; the Members of Congress from the West are interested in it, and they come before this House and present a problem which vitally affects their section of the country, and when they come here with this unanimity of feeling and report to you upon local conditions their statement should be considered. Personally I have lived in that section all my life. I know hundreds and thousands of homesteaders, I am intimately familiar with their condition, and I say to you as a Member of this House, just as my colleagues from the West say to you, that this legislation is urgently needed, that it will increase food production, and I hope that the other Members will take our word for it and pass the bill. [Applause.]

Mr. LENROOT. Will the gentleman yield for a question?

Mr. KEATING. I will.

Mr. LENROOT. I would like to ask the gentleman the same question I did the gentleman from Nebraska. Does the gentleman think during the existence of this war the fewer homesteads taken the greater the production of food?

Mr. KEATING. No; I do not. I do not believe that, and the gentleman from Wisconsin has misunderstood my argument. I stated a few moments ago that if the homesteader could make good on his homestead he would not go to work elsewhere.

Mr. LENROOT. But if the homesteader takes a new homestead to-morrow, and has the ability to cultivate 20 acres that might be engaged in food production, according to the gentleman's theory, it will virtually decrease food production.

Mr. KEATING. If he is not able to produce anything on the 20 acres he is to that extent decreasing production, but the gentleman is splitting hairs, because he is not familiar with western conditions. That is the difficulty with the gentleman. The gentleman is very earnest, very sincere in discussing this question of food conservation, but the difficulty with the gentleman is that he has not spent sufficient time west of the Missouri River to familiarize himself with local conditions.

Mr. FERRIS. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I come from a large center of population, and we are interested primarily in the reduction of the cost of food raised in the country and to be consumed by our people, and I realize, as a representative of that great center of population, that labor is going to be scarce on all the farms of the country, because of the number of men taken into the war. But I can see, I think, that the men in the arid regions of the country who are homesteaders, endeavoring to establish farms on which to raise food supplies, may well find themselves unable to raise the crops which they have planted and find it necessary as a result of that to find employment on farms where labor is required, and thus be able to earn enough money to go back to the arid homestead and develop it to the extent that they may be required under the law. If this bill results in any such condition as that, it ought to be passed. If the establishment of an opportunity is afforded for men who can not engage themselves in the arid regions successfully to raise food to go on other farms where food can be raised, we ought to facilitate that movement, and if this bill accomplishes that purpose it is a movement in the right direction. We will find ourselves short of food, many varieties of food, before the war is over. It ought to be our purpose not only to facilitate the operation of the farm but to give every opportunity for those who are endeavoring to establish farms to find sufficient employment at some period of the year to enable them to finance their work. This bill proposes that, and I am in favor of it for that reason, and I know of no better method that can be employed to conserve the food supply than to enact some such legislation as this bill proposes. [Applause.]

Mr. FERRIS. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen, my view of this bill is that it is conservation and will add to the food supply 50 per cent of what can be raised from the homestead claims that are in existence at the present time. There are possibly 250,000 homestead claimants who will be affected by this legislation. Anyone who is familiar with the Western States knows that the homesteader has not only one year but two, three, four, and sometimes five years to get into shape so that he can successfully cultivate 10 acres or more of land that will yield him a profitable return. Talk about cultivation! He has not the horses; he has not the wagon; he has not the plows; he has not the machinery; he has not the money to buy those things; and to-day when you buy the necessary machinery, the necessary horses, and the necessary seeds you can not get them because you do not have the money, and therefore, even if your land was in shape to cultivate, you can not get those things that are absolutely necessary to give you a crop without the money.

Now, from personal observation I have seen many men who could have done much better had it been so that in former years they could have left their home and gone to other places to work. The five months' leave of absence is used primarily now in the winter, when they can do but little on the farm. The family is taken to town, where the children can go to school, and the man goes to the sawmills or to other places where he can earn money to assist him in the improvement of his farm. This bill will have this effect: It will give the man a chance to cultivate every acre of his land and improve every bit of it up to the extent of his ability, and he will not neglect to cultivate one acre that he would have cultivated before. Very often the wife and children stay upon the farm and assist him to cultivate it while he is gone, if he is given the opportunity to get away. In most of the cases he can not get outside work close by. He has to go 10, 15, 20, or 25 miles in many, many cases. This bill will give him an opportunity, after he has placed his own farm in cultivation as far as his ability financially will permit—the wife and children are looking after it in his absence—and he can then go to his neighbor 10 or 15 miles away and grant assistance in harvesting the crop that could not possibly be otherwise harvested. This will enable him to do that. The man is familiar with the history of the country and knows that without this leave of absence somebody might want his place and file a contest upon it and he would be in litigation, and therefore would not cultivate, would not improve his farm until the litigation was ended. There are thousands of cases of that kind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. I yield one minute more to the gentleman.

Mr. RAKER. So, as a matter of fact, I believe candidly, that of, say, 250,000 farmers now in the Western States that will be compelled, of course, to give their time to their own farms, we will have relieved 100,000 of those men who will have tilled their own farms to the very utmost and given them an opportunity to offer their labor and their ability to assist in increasing the food supply by helping their neighbors and at the same time protecting their own homesteads.

This bill is in favor of increasing the food supply. The Government will not be injured, and when we can advance the food supply and increase it by not doing away with any proper laws in regard to the improvement of the homestead we ought to do it, because it is a general advancement for all concerned. And the bill ought to pass, beyond all question, without a dissenting vote.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, the argument against this bill, it seems to me, is founded on the fallacious theory that a man will go off and work for wages for somebody else when he can stay at home on his own farm and produce more crops and personally make more money. Any farmer who is so feeble-minded as to arrive at such a conclusion is not of sufficient mental equipment as to be of much help in either place, in my judgment. Any farmer who has land of his own to develop and equipment to run that farm in days like these, when the crops he raises call for present prices, is going to stay there and raise them and not go to wandering around the country working for somebody else.

The argument against this bill is encumbered with another difficulty, and that is that the men in the older, settled communities fail to realize the conditions under which men labor who have homestead properties in the Far West. The new system in regard to homesteads includes many bad lands, and many will find only perhaps 20 acres that they can cultivate. This will not interfere with that. The law requires him to cultivate as much as that law intends him to cultivate. He can not avoid that. A large proportion of these homesteads is only available as grazing lands. They put a little under cultivation

that is arable, and then they go to work somewhere and make a living while they are getting some stock together to put into the pasture and fencing the pasture. They will not lose anything by this absence. You take the lands that are good, cultivatable, and arable, and any man with any common sense is going to cultivate them as far as he is able in the present situation. Men here ask what the settler does the first year that prevents more than 20 acres of breaking. The first thing that they do is to build a house, and then they build a barn, and then they dig a well, and if they do not strike water in the first well they dig another. My cousin Tom Meade dug a well 100 feet deep and found no water, and then went down in the valley in order to get another one. My brother Will's house in Oklahoma blew away, and he had to turn in and build another. The prairie fire swept away his hay. Those are some of the difficulties those fellows meet. You can not think of all of them in a moment.

Mr. FERRIS. Will the gentleman yield?

Mr. LITTLE. In just a minute. Then these people have to break the land. As has been suggested, that can not be cultivated the first season. You can not raise anything but a little sod corn, with no ears on it. The first year a man has no income, and you must understand that most of them come without money and have to make a living. Therefore they are allowed to go away in the winter and make a living while they hold the farm. The second year, as a matter of fact, they do not raise much of anything on a homestead. It is pretty much of a failure. Several years go by before the settler becomes a farmer. Everybody who has been there knows that. Then he must pay off the debts he has made. It takes two or three years to get a farm under way.

The gentleman from Iowa [Mr. GREEN] asked if you ever saw them break very much or very rapidly with one little team. The men on these claims do not have the big horses found in Wisconsin; they do the best they can with bronchos. They follow hungry oxen along barren furrows for thousands of miles, the grasshoppers hanging on their flanks and the drought at their heels, to make homes and schools and civilization on the plains. A Government homestead is simply a slippery tail hold on the prospect of making a good living by hard work at some future day. Men do not speculate on a chance to hang on by their eyebrows.

The chance to defraud the Government is purely nominal. The opportunity for speculation is simply infinitesimal. The prospects of starving to death are good. The chance of being frozen out is the biggest one the settler has. The menace of speculation is as imaginary as a pipe dream in Chinatown. The serious danger to the West is that families who have eked out an existence on those claims will now be driven from them by the increase in the price of their supplies, and whole sections will be deserted. Their aid on big farms in neighboring counties will take the place of those gone to war and will enable many a family to keep a home for which they are now striving. Their labor transferred from undeveloped claims to old farms will help to feed a threatened world.

The CHAIRMAN (Mr. SAUNDERS of Virginia). The time of the gentleman from Kansas has expired.

Mr. LITTLE. I would like to have one minute more.

Mr. FERRIS. I yield the gentleman one minute more.

The CHAIRMAN. The gentleman is recognized for one more minute.

Mr. LITTLE. I loaned a man, for example, on a homestead $150 on a pair of mules. The law did not allow him to leave the State with those mortgaged mules. Some months later I found he was just back from Colorado. He came to see me, and I said to him, "Where have you been?" He said, "I was over in Colorado." My mortgage was no good while that team was in Colorado. He was liable to go to the penitentiary. He had been over on the Missouri Pacific, working on their grades. He was violating the law, but I did not say a word to him about that. He had to get some money somehow.

You say, "Would we have this homestead law abrogated during the war?" We would not if you pass this bill. Otherwise I would favor the abrogation of it. These men are seeking to found homes and family seats. They go with nothing in their hands, and they must be allowed to make a living in some way while they are trying to do that.

Mr. RAKER. These men must have the money to buy plows and other implements, and they can not buy them without credit, and ordinarily they are without credit.

Mr. LITTLE. No; they have no credit. They can not get $50 in credit when they take their claims.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. FIELDS. What would it cost a man to equip himself to go out on a homestead? Suppose he is now without a team; what would it cost him?

Mr. LITTLE. I loaned my brother $400 to start with. He came back for some more, even then. At the present time, to buy a team, a plow, a cow, and to buy machinery and to build a home, it will take at least four years' work to lay the foundation that he has to make in the first year. You should not object, gentlemen, to his working away from home for a few months and thus keeping a hold on his only prospect for a home.

Mr. FIELDS. Under the present prices those things would cost fifteen hundred dollars, would they not?

Mr. LITTLE. I think that is correct.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. FERRIS. Mr. Chairman, several Members have asked for time, but I would be glad if they would dispense with further debate and allow us to get through with this bill.

Mr. KREIDER. Mr. Chairman, may I ask the chairman of the committee a question?

Mr. FERRIS. Yes; I yield for that; certainly.

Mr. KREIDER. As it is now, an entryman can leave his homestead and go elsewhere and work for a period of five months, can he not?

Mr. FERRIS. Yes; that is the law. He can get a leave of absence and go.

Mr. KREIDER. He can get a leave of absence and leave now for five months under the present law without this proposed law?

Mr. FERRIS. That is true.

Mr. KREIDER. Now, then, is it true that, as it is provided here, when he leaves his homestead and works on a farm elsewhere, that time is to be counted as constructive residence on the entry?

Mr. FERRIS. That is true under this bill.

Mr. KREIDER. Do I understand from that that a man could go there and enter a claim and make, possibly, a few little improvements, and then hire out under this law and work elsewhere without invalidating his homestead entry and get title to it under the law?

Mr. FERRIS. This does not relieve him from making any improvements for the breaking. He has to plant 40 acres if he has 160, or 80 acres if he has 320, or 120 if he has 640. I think I am right as to that. But he must go on with the cultivation. This gives him a chance to steal away from his own entry and work for somebody else.

Mr. KREIDER. But did he not have the right to do that before for five months?

Mr. FERRIS. Yes; but if he stayed over a day somebody would contest his entry. Let me call the gentleman's attention to this fact: In that semiarid country, where these lands are entered, they quite often do not raise anything on account of the drought. This past year in a part of my State corn never got high enough to tassel, and even the sunflowers were not even knee-high. The entryman must go out and work for somebody. The gentleman from Nebraska [Mr. SLOAN] has a farm in the humid belt, where it rains, and even there, where they need farm help, they can not get a colored person to rake their yard or shock their corn or do any work at any price. There is no one to do any of that work. Under the new 640-acre law that we passed there are 70,000 applications pending for homesteads. We appropriated at the last session $150,000,000 and then seventeen and one-half million dollars—for what? For propaganda to teach somebody how to farm. Let us pass this bill and let the man who is struggling to get a home for his family go away and work for somebody who needs his assistance. This costs nothing from the Treasury. These people are making a brave fight to succeed.

Mr. KREIDER. I do not say that I am opposed to this legislation, but I notice this in legislation, that there is a Representative from one section of the country who proposes legislation, and for his particular section certain legislation is just and proper, and yet when you pass such legislation in a general way, applying all over the country in other sections, it opens up a proposition which may lead to land grabbing, and the law may be put to a purpose which it was never intended it should be. I insist that this legislation should be considered from every viewpoint. It occurred to me that if an entryman had now the privilege of leaving the farm for a period of five months, either for the purpose of helping a neighbor to farm or for the purpose of working in a mine or in a lumber camp, he already has an opportunity to do that which is sought to be given him by the passage of this bill. If I am wrong about that I am perfectly willing to be corrected, but it occurred to me that such

would be the case if he were allowed to leave, as is now provided by law, for five months.

Mr. FERRIS. The gentleman is not wrong. He is right in nearly everything he says. Let me make this statement. There are 17 States in the West having some public lands. All these Eastern States have no public lands. The scattered public land that is left unsettled is mostly poor, gravely, arid land. That is the character of most of it. Some of it can be cultivated in a ravine, for example, where there is a little soil and a little water, but the rest must be used for pasture. Men are now going out there trying to reduce portions of that West to a real productive area. I do not know whether they can do it or not. Corn chops are $4.50 a hundred. Hay is $45 a ton. Everything else is in proportion. I do not know whether they can go out and reduce that wild prairie or not. Most of it, I fear, can not be reduced. This bill gives the entryman more than the five months the gentleman from Pennsylvania refers to. It gives him an opportunity to go out and husk corn and help other farmers produce on productive farms and earn some money for himself to return to his own barren claim. He is put to the bitterest test. His is the hardest part. He has few of the comforts, most of the hardships. He asks but little. He gets but little. There should be no controversy about this bill. It gives them a chance in dry years to go and plow for somebody else after they have failed on their own land, and then to return again and keep the home fires burning.

Mr. LITTLE. Has not the gentleman seen thousands of them starved out from these little places that they could not hold?

Mr. FERRIS. Precisely. That happens every year.

Mr. KREIDER. The gentleman is pleading a cause which is very just and proper, but the homesteader is not denied that privilege now. He can go and shuck Mr. SLOAN's corn now. He can go and plant his seed. But, my dear sir, if he is to raise a crop on 20 acres of ground on his homestead he can not go away and leave it for seven or eight months.

Mr. FERRIS. In that semiarid country, where the land is nonirrigable, nonmineral, and nontimber, just the poor, bald, arid prairie land, for many years they do not raise enough on the land to feed a hen and chickens.

Mr. KREIDER. I have no objection to the homesteader getting away and earning a little money on the outside, but he can do that under existing law.

Mr. LENROOT. How is a man going to make a living in the winter if he is away in the summer?

Mr. KNUTSON. Is it not a fact that no homesteader is going to leave his homestead to go to work on some one else's farm if he can make more money raising crops on his own homestead?

Mr. FERRIS. Of course not, and I am not in favor of offering lavish inducements to the homesteader to leave his homestead for any purpose; but out in that semiarid country, when a man goes on a homestead claim it is the acid test whether he can stay there at all or not. It is a case of hustle from the day he goes on the land until he goes away. I myself have been a homesteader on better land than this within the last 15 years, and I know what the rattle of chain harness means. I know what it is to live in a cabin made of rough pine boards standing on end. I know what it is to hear the music of the wind whistling through it. I know what it means to have a barrel of water that you have hauled out of some frog pond sitting in the back end of the wagon. I know what the norther and the north wind mean, and these people who go out onto these homesteads have a tremendous tussle to know whether or not they can stay there until Christmas. We are appropriating in a single session $21,000,000,000 of the people's money. Now, this bill takes not one cent out of the Treasury, but merely gives the homesteader a little additional chance. I am willing to do this little for him. Last year we appropriated in one bill $150,000,000 and in another bill $17,500,000 to hire spindle-legged dudes to go out and teach the broad-shouldered farmer how to hitch up a team of mules. We at least ought to be content to give the real homesteader a chance when he appears at the Land Office and pays his $14 and goes out and struggles with the unbroken and unsubdued sod of a homestead claim. We at least ought to give him a chance to go away and shuck corn for his neighbor when his neighbor can not even get a corn shucker. [Applause.]

Mr. KREIDER. I want it understood that I am not making the slightest objection to that.

The CHAIRMAN. The Clerk will read the bill for amendment.

The bill was read, as follows:

Be it enacted, etc., That during the pendency of the existing war any homestead settler or entryman shall be entitled to a leave of absence from his land for the purpose of performing farm labor, and such absence, while actually engaged in farm labor, shall, upon compliance with the terms of this act, be counted as constructive residence: *Provided*, That each settler or entryman leaving his claim for the purpose herein provided shall file notice thereof in the United States Land Office, and at the expiration of the calendar year file in said land office of the district wherein his claim is situated a written statement, under oath and corroborated by two witnesses, giving the date or dates when he left his claim, date or dates of return thereto, and where and for whom he was engaged in farm labor during such period or periods of absence: *Provided further*, That nothing herein shall excuse any homestead settler or entryman from making improvements or performing the cultivation required by applicable law upon his claim or entry. The Secretary of the Interior is authorized to provide rules and regulations for carrying this act into effect.

Mr. FERRIS. The gentleman from Massachusetts [Mr. WALSH] has a little amendment that he wishes to offer, and I hope the Committee of the Whole will agree to it.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 1, line 9, before the word "leaving," insert the words "within 15 days after," so that it will read: "*Provided*, That each settler or entryman within 15 days after leaving his claim for the purpose herein provided shall file notice thereof," etc.

Mr. FERRIS. I think the committee has no objection to that. It was the intent of the committee to have the homesteader give notice if he left his claim, and the gentleman from Massachusetts wants him to do it within 15 days. I hope the amendment will be agreed to.

Mr. LENROOT. May we have the amendment reported again?

The CHAIRMAN. Without objection the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

Mr. STAFFORD. Mr. Chairman, judging from the temper of the House I recognize that there is an overwhelming sentiment in favor of this bill. Yet I believe if it is passed it will encourage speculation so far as the occupation of our western lands is concerned. We are throwing the doors wide open to speculators if this bill becomes a law. No permanent location will be required. Nothing except the tilling of 20 acres each year. What is necessary more than anything else for the development of the West, in time of peace and in time of war, is permanent location of these entrymen on their homesteads.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. STAFFORD. Not at present. Permit me to pursue my argument, and then I will yield. This bill will not require the establishment of any permanent home on a homestead. Considerable of the legislation that has been reported by the Public Lands Committee in the past Congress and in prior Congresses has been for the benefit, not of the dwellers in our large cities who really wish to go West and build up bona fide homesteads, but it has been for the benefit of those who have already obtained homesteads and who wish to obtain additional lands. This bill is primarily for the benefit of those who have made entries under the homestead law, and who wish to be relieved from the burden that the Government has required from the enactment of the first homestead laws, namely, that homesteaders shall reside on their homesteads. Pass this bill and you waive that requirement entirely. This is to the disadvantage of those bona fide homesteaders who go West and make an entry of 160 acres and who wish a settlement of the community for the building of schools and churches. You take away from the bona fide settler the benefit of the association and the settlement that is the natural result of our homestead policy. But this bill puts a premium on subsequent entrymen merely to make entry to obtain a patent without any intention of building a home. Now I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. During the last 10 years we have heard a great deal about speculation in public lands. Will the gentleman please enlighten the House how it will be possible for anyone to speculate in a homestead entry such as is proposed?

Mr. STAFFORD. Oh, a person does not have to live in the western country to know that there are large quantities of vacant public lands open to entry, lands in our forest reserves which are partially agricultural and partially timbered. A man has settled in that country, and his sons who have grown up want to make entries. Under this bill they can go and enter upon the land, because it is tributary to the land that they own. They know about it. They preempt it, and under this bill they will not be required to do anything except merely till 20 acres.

They may live 100 miles, or 20 miles, or any distance whatever from the new land and still obtain the homestead right without any improvement whatever. I am informed by those coming from the western country that the real homestead settlers are opposed to this character of legislation. They want bona fide settlers and not squatters on the lands; they do not want men

who when the time has expired will get a patent and then sell out to large ranchmen without any improvement whatever.

Mr. KNUTSON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KNUTSON. What is this land for if it is not to be entered upon?

Mr. STAFFORD. The land under the homestead law is not only for the entry of the settler but it is for the building of homes; that is the primary object and has been ever since the homestead laws were established. We have been lessening the requirement, I know; the time has been diminished from five to three years, but still we ought not to relinquish all the necessary requirements in order to compel a man to build a home for himself.

Mr. KREIDER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. KREIDER. Would it not be possible under this law to have men employed by a corporation file on the lands and cultivate the first 20 acres without having any bona fide residence there?

Mr. STAFFORD. Yes; there is nothing in this law that requires any bona fide residence.

Mr. FERRIS. Oh, my friend, there is under the general law.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. TIMBERLAKE. The gentleman makes the statement that no residence is required, that a man could absent himself after entry and comply with the law. I think the gentleman did not intend to make the statement quite so broad. Before the homestead entryman can avail himself of the five months' leave of absence he must have established a bona fide residence on the land by taking his family there. The residence must be bona fide before he can avail himself of the five months' leave of absence. Then he can get the additional term only when he has complied with the law.

Mr. STAFFORD. Oh, the gentleman says "if" and "so." The language of the bill is so broad that any entryman, any homestead settler will be entitled to a leave of absence. He may go on the land, and after he has once entered on the land and makes his filing he is relieved of the requirements of residence and is only obliged to till 20 acres of land in gaining a homestead.

Mr. TIMBERLAKE. This bill does not dispense with the requirement——

Mr. STAFFORD. Oh, the gentleman reads into the bill something that is not there. This bill reads:

> That during the pendency of the existing war any homestead settler or entryman shall be entitled to a leave of absence from his land for the purpose of performing farm labor, and such absence, while actually engaged in farm labor, shall—

He can come on the land, make his filing at the register's office, and as soon as he makes the filing all that is necessary for him to do is to cultivate 20 acres of land. If this bill passes, it is capable of the most gross abuse ever charged against the entry on our public lands.

Mr. JOHNSON of Washington. How long does it take to break up the 20 acres?

Mr. STAFFORD. Oh, the gentleman from Washington lives in a timber country, and it is for his interest and those gentlemen who live in that country and have sons to have this bill passed in this way. I am not against building up the western country, but I want it built up by real homesteaders who will live on the land.

Mr. McKENZIE. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. McKENZIE. I desire to ask the gentleman whether he ever traveled through this section of the country he is discussing in daylight; and if so, in his judgment, would it not require more than five months to find 20 acres of land that could be tilled? [Laughter.]

Mr. STAFFORD. Oh, the gentleman is facetious. Yes; I have traveled through this country on foot more than the gentleman will ever travel on foot. I have just recently been tramping in the northern Wisconsin woods and have seen the condition of that land under our land laws, and I want to protect this large public domain, not only for the benefit of the settlers who live tributary to the land, but for the large number of men in the cities who are demanding public lands, and after the war closes will continue increasingly to demand land, to make the lands available for settlement. I am not in favor of allowing these persons to gain 320 acres of land of a homestead character without the requirement of building a home there and making it really his home.

Mr. GOOD. Mr. Chairman, I want to offer an amendment.

Mr. FERRIS. Let us first vote on the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

> Page 2, line 8, after the word "entry," insert the following:
> "*Provided further*, That the provisions of this act shall apply only to homestead settlers and entrymen who may have filed their claims prior to the passage of this act."

Mr. GOOD. Mr. Chairman, I am in sympathy with the provisions of the bill. I believe a great many of these entrymen and settlers, if required to build homes, to break up the land, and make a farm out of raw land, will spend a great deal of time that might more profitably be expended on agricultural lands already subject to cultivation; but I do not believe that we ought to permit by the passage of this act a man to go out and file a claim and do little or nothing more and have the advantage over the boys who are in the trenches, over men who are now engaged on the farm and can not go and file a claim, by simply filing a claim without doing much work and at the same time be given the same advantages given to one on the land.

I have no objection myself to the provisions of this bill, but, it seems to me, we ought not to throw down the bars entirely and permit men simply to file a claim and not go near it, if this war should last for three years, and still have all of the privileges of the men who now live upon their claims.

Mr. FERRIS. Mr. Chairman, the gentleman in his amendment has used the word "claims." I think that introduces into the law a new term. Would the gentleman have objection to changing that to the word "applications"?

Mr. GOOD. No.

Mr. FERRIS. Because by application is the way one initiates a homestead. I think the gentleman is on the right track.

Mr. GOOD. I ask unanimous consent to modify my amendment by striking out the word "claims" and inserting in lieu thereof the word "applications."

The CHAIRMAN. Without objection, the amendment will be so modified.

There was no objection.

Mr. LITTLE. Do I understand that all of the entries from now on will be subject to the present law and would have none of the advantages under the amendment?

Mr. GOOD. That is true, if this amendment is adopted.

Mr. LITTLE. Does the gentleman not think that would be an injustice?

Mr. GOOD. That is the reason I am offering the amendment.

Mr. LITTLE. There is a lot of bare-legged speculators who would try to take advantage of this.

Mr. WINGO. Mr. Chairman, will the gentleman please explain how you can speculate in this land under existing law?

Mr. GOOD. I do not know whether any of this land has a speculative value.

Mr. WINGO. The gentleman has raised the question, and it has been raised before, and it is the bugaboo of Members. Tell me how you can speculate in homestead lands under existing law?

Mr. LENROOT. This law does permit speculation.

Mr. WINGO. How will this bill permit speculation?

Mr. LITTLE. It is a penitentiary offense to attempt to hold homestead lands for speculation.

Mr. WINGO. You can not have speculation. If the gentleman is familiar with the present situation not only in the West, but I am sure also in many of the States, as it is in mine, he will recognize that the restrictions now are so great that the homestead lands are not being opened up, and that men have ceased opening them because they would rather go and buy deeded lands. That is what every man advises his friends. Long ago I ceased advising men to take up Government homesteads. You can not have any speculation under this bill; you can not have any speculation in homestead lands now at all.

Mr. GOOD. My object in offering the amendment was not to prevent speculation but to prevent a person who now wants to go out there and make his entry being credited with constructive residence when he does not intend to do the required work upon the claim or to reside upon the claim as now required by law.

As the gentleman knows, the law giving a man the right to enter the public land was predicated upon the very thought that they would go there and improve it and make it their home, at least for a period. This bill, without my amendment, would give a resident the right to go and file his claim and then without doing any work be counted as a constructive residence.

Mr. FERRIS. Oh, no.

Mr. GOOD. This amendment provides that persons who want to go there in the future even under this law must go there and live upon the land according to the terms of the present law and at the same time people who are desirous of taking up agricultural pursuits, who have already taken up land, will be given the relief the Secretary wants.

Mr. WINGO. I think the gentleman is wrong; but, assuming that he is right, does he think it wise to have two classes of homesteaders under the same law? Assume you are correct, can the gentleman see anything except a theoretical objection?

Mr. GOOD. Yes.

Mr. WINGO. Is not the primary purpose in the homestead law to increase the number of home owners and increase the productivity of the farms by opening up additional lands?

Mr. GOOD. Yes.

Mr. WINGO. Anything that makes a start within the provisions of the act so that the land is ultimately used for the purposes of the act. Is not that the fact?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of six minutes' debate on this amendment be closed.

Mr. LENROOT. Mr. Chairman, will the gentleman yield before the Chair puts that? I desire to know whether the chairman is for or against the amendment?

Mr. FERRIS. I am for the amendment, and I intend to state my reasons why in the one minute reserved.

Mr. LENROOT. I would like to have two minutes.

Mr. FERRIS. Then I ask unanimous consent that at the expiration of eight minutes of debate debate upon the amendment close, five minutes of that time to be controlled by the gentleman from Arkansas [Mr. WINGO], two minutes by the gentleman from Wisconsin [Mr. LENROOT], and one minute by myself.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I have no particular interest in the matter and I should not have taken the floor except that the discussion has disclosed a certain amount of misinformation as to present conditions that exist with reference to homesteads. My experience and observation have been that we have gone to an extreme. A great many years ago we did have frauds in homestead entries. We have so tightened up on the matter now that, to my mind, it is impracticable for a man to enter a homestead. I would not advise a man to do it. The hardships are too great, because the restrictions thrown around homestead entries are so great that not only is it reasonably impossible for frauds to be perpetrated but men are harassed by the vigilance of the agents of the Government in being sure that there is no fraud.

Now, as I take it, the proposed amendment here will not let down the bars. It simply proposes, as I understand, to give during the war a greater leave of absence than the present law permits while actually engaged in farm labor. We all recognize the fact that we need an increased production of foodstuffs in this country and will for many years after the war is over. Now, the gentleman from Iowa [Mr. GOOD] is afraid a man may come in under this law and claim the benefit of constructive possession or occupation of this land and not comply with the spirit of the law. I think it would be to the public good if we could induce men now to start making homestead entries even if they did not progress as rapidly in the development or improvement of those homesteads as in ordinary times, because after the war is over, when the benefits of this act will expire, he then must come in and carry out the law and develop and improve it, and there will be an incentive to him not to commit a fraud, so that the benefit of constructive possession and occupation is to make him ultimately pursue the homestead entry and comply with the law for actual occupation and for development and cultivation as required. What other benefits can he get? He can get none whatever. And this act, as I understand it, is simply for the purpose of permitting a man to go out and engage in some productive enterprise upon a farm. We know this much, that during the first one or two years a man upon a homestead does not produce in quantity or even in quality the amount of crops he does after it has been put in a high state of cultivation which is only possible after several years residence and labor upon a new piece of ground. The very first year when he goes to plant what is commonly known in my part of the country as "new ground" it is impossible to produce as much stuff that year as upon old ground. Under this act a man may go and rent a piece of old ground and produce possibly three or four times as much as the new land on the homestead——

Mr. RUCKER. He can not produce and he can not cultivate.

Mr. WINGO. No; he can not cultivate as much new ground and can not produce per acre as much as he can on old ground, and I see nothing in this act for a man to be afraid of for fear abuses will creep in or that straw entries will be made because there will be no incentive for a man to make a straw entry because he could not profit by it after the war is over. I am afraid it will not be sufficient inducement for the homesteader to help relieve the situation with respect to farm labor that now exists.

Mr. RUCKER. Will the gentleman yield?

Mr. WINGO. I will.

Mr. RUCKER. Under the amendment now being considered, would not that make a discrimination against the very class of men who ought not to be discriminated against?

Mr. WINGO. Surely, I think.

Mr. RUCKER. Is it not true that perhaps there may be to-day thousands, many thousands of men who after a while may want a homestead who would have to be dealt with entirely differently from those who have heretofore been fortunate enough——

Mr. WINGO. Oh, my objection to the amendment is largely theoretical, and it is this, that you do not want to inject a new classification. In other words, you do not want any additional classes under the homestead laws unless they are absolutely necessary. It is largely theoretical.

Mr. RUCKER. They have to file a declaration, but the men who are engaged during the war can not file an application, and they will have to be dealt with differently.

Mr. FERRIS. Suppose a man wants to tie up a large area of land, and suppose he has a lot of hired men, cowboys, to enter, to make application. These men may go to the land office and file entries. That might open up a fraud and might retard the development of that community, and I rather think there is considerable merit in the suggestion of the gentleman from Iowa. Suppose a case like this: Suppose now the cattleman had 50 men working for him—I do not know there is any such. I feel like in an abundance of safety we had better adopt the amendment of the gentleman from Iowa. It may not be necessary, but it will do no harm.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. LENROOT. Mr. Chairman, I believe I have two minutes.

The CHAIRMAN. The gentleman has two minutes.

Mr. LENROOT. Mr. Chairman, the gentleman from Arkansas [Mr. WINGO] inquires how there can be speculation under this bill, and I grant with this amendment there can not be; but without it, it is framed so that it opens the door wide for speculation. Under existing law it is true that one must establish his residence, but without the amendment of the gentleman from Iowa speculation will come about in this way: A cowboy, as suggested by the gentleman from Oklahoma, makes entry upon 320 acres of land, never needs to establish a residence upon it at all. When the minimum amount of cultivation required by law is satisfied, he sells to the man who owns a ranch. Is not that a speculation pure and simple?

Mr. WINGO. I deny that you can do that under the working of this bill.

Mr. LENROOT. You certainly can, because under the law after a man makes an entry he has, I think, six months within which to establish residence; and without the gentleman's amendment no residence is necessary to be established at all.

Mr. WINGO. The gentleman overlooks some other provisions of law that this does not repeal.

Mr. LENROOT. It does, in this sense: It permits a constructive residence to take the place of actual residence during the time of his absence.

Mr. LITTLE. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. LITTLE. Does not the gentleman realize that the transaction he speaks of would lay the man liable to be sent to the penitentiary?

Mr. LENROOT. No; I do not know that. Not if this bill passes permitting constructive residence to a man who works upon a farm.

Mr. WINGO. How long is the constructive residence?

Mr. LENROOT. During the entire period of his absence.

Mr. WINGO. During the period of the war.

Mr. LENROOT. During the period of his absence if that is during the period of the war, and if this war should last three

years he may get a patent to that land without having a home upon it at all.

Mr. WINGO. Does the gentleman think he could make final proof?

Mr. LENROOT. Certainly, he can. But with the amendment of the gentleman from Iowa that can not be done, because then it will only apply to those who prior to this time have actually established residence upon the land.

Mr. FERRIS. Mr. Chairman, I am going to vote for the amendment of the gentleman from Iowa [Mr. GOOD]. Of course, this bill does not repeal existing law which requires actual, bona fide residence. But there is a possibility that they might creep in there and take up a lot of land and not move on it and carry it along under this law, which no one wants to do and which no one on the committee or anyone else advocated. And to avoid any doubt about it I am going to vote for the gentleman's amendment.

Mr. WINGO. The amendment does not change the proviso on the second page of the bill?

Mr. FERRIS. The amendment provides a payment and bona fide residence.

Mr. WINGO. Does the gentleman know of anything to prevent his staying one day and then moving off?

Mr. FERRIS. It is expected to apply to those who move into a community and expect to become a part of it.

Mr. WINGO. Even if you pass this act without the amendment of the gentleman, a man could not make final proof under the present existing law without showing actual, bona fide residence?

Mr. FERRIS. That is true; but suppose he carried it along three years? Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. GOOD].

The amendment was agreed to.

Mr. DYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DYER: Page 1, line 5, after the word "farm," insert the words "or industrial"; also the same thing in line 6, same page, and line 4, page 2.

Mr. DYER. Mr. Chairman, I hope the gentleman from Oklahoma, the chairman of the committee, will not object to that amendment. He knows, of course, and we all know, that men are needed as badly in the industrial pursuits—in manufacturing munitions of war and making the things that are of need to the Army and Navy—as on the farm, and I think all men ought to be dealt with fairly and equally.

Mr. FERRIS. Will the gentleman yield?

Mr. DYER. I yield.

Mr. FERRIS. I rather hope the gentleman will not insist upon that amendment. The industrial area is far removed from the agricultural area as a rule. This is a proposition to increase the production of the homestead area.

Mr. DYER. The gentleman will realize that men have been called from the farms and from their businesses to go and help in manufacturing lines, in which the labor is awfully scarce at this time. The Government itself is crippled in the production of the things that are needed for the war itself because of scarcity of labor. And we ought to give every opportunity and advantage to the men who have these claims and who are willing and can obtain employment where they will do more good at this time—during the winter months—in working in the industrial pursuits in the big cities.

Mr. KINKAID. Will the gentleman yield?

Mr. DYER. I will.

Mr. KINKAID. Is the gentleman not aware of the fact that there is a greater and more serious problem now existing on account of the scarcity of farm labor than there is as to industrial labor? Even if he is not, I feel very confident that such is the fact.

Mr. DYER. I think the gentleman——

Mr. KINKAID. Just a further question. And this homestead labor is adapted to the farm. It is experienced farm labor, and that is the kind of labor that farmers need.

Mr. DYER. I will say to the gentleman that a great many of the homestead claims have been taken up by men from the cities, from the industrial centers, and that they can now be ill spared from that work to go and prove up these claims. And unless they are included it will necessarily mean that many of these men, thousands of them, will be taken away from pursuits in which they are now absolutely needed. The gentleman ought not, in my judgment, to oppose this amendment, and I hope that he will not do so.

The CHAIRMAN (Mr. FITZGERALD). The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. DYER].

The question was taken, and the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise and report the bill favorably to the House with amendments.

The CHAIRMAN. The gentleman from Oklahoma moves that the committee do now rise and report the bill favorably to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 4617) to authorize absence by homestead settlers and entrymen, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request, which the Clerk will report.

The Clerk read as follows:

BOSTON, MASS., *December 4, 1917.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.:

I respectfully request that I be given leave of absence from my duties as a Member of Congress for two weeks on account of personal business.

PETER F. TAGUE.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Has the Committee on Public Lands any further business?

Mr. FERRIS. There is nothing further, Mr. Speaker.

The SPEAKER. The Clerk will proceed with the call of committees.

The Clerk resumed the call of committees.

COAL AND ASPHALT, CHOCTAW AND CHICKASAW NATIONS.

Mr. CARTER of Oklahoma (when the Committee on Indian Affairs was called). Mr. Speaker, I call up the bill H. R. 195, Union Calendar No. 67.

The SPEAKER. Which calendar did the gentleman say it is on?

Mr. CARTER of Oklahoma. The Union Calendar.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 195, with the gentleman from North Carolina [Mr. POU] in the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 195, with Mr. POU in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 195, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] is recognized for one hour.

Mr. STAFFORD. Mr. Chairman, a question of order. The bill must be first read. There has not been any reading of the bill.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell the coal and asphalt deposits, leased and unleased, in the segregated mineral area of the Choctaw and Chickasaw Nations, in Oklahoma, in the manner hereinafter set forth.

Before offering such coal and asphalt deposits for sale the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause the same to be appraised by a board of appraisers, consist-

ing of three members, to be appointed by the President, one upon the recommendation of the Secretary of the Interior, one upon the recommendation of the principal chief of the Choctaw Nation, and one upon the recommendation of the governor of the Chickasaw Nation, the compensation of each to be uniform and fixed by the President of the United States, and such appointments shall be made within 60 days after the passage of this act. Such appraisement, both as to leased and unleased lands, shall be described in tracts to conform to the descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior, and shall be completed, sworn to by such appraisers, and final report made to the Secretary of the Interior within six months from the date of the appointment of the appraisers.

SEC. 2. That the sale of such deposits shall be thoroughly advertised, and shall at the end of 90 days from the final report of such appraisers be offered for sale in tracts to conform with the report of such appraisers at not less than the appraised value so fixed, except that isolated tracts of less than 960 acres may be sold separately under like provisions: *Provided*, That 20 per cent of the purchase price shall be paid in cash, and the remainder shall be paid in four equal annual payments from the date of the sale, and all deferred payments on all deposits sold under the provisions of this act shall bear interest at the rate of 5 per cent per annum, and shall mature and become due before the expiration of four years after the date of such sale.

SEC. 3. That immediately after the expiration of one year after the coal and asphalt deposits shall have been offered for sale, or forfeited for nonpayment under the terms of the sale, the Secretary of the Interior, under rules and regulations to be prescribed by him, shall readvertise and cause to be sold to the highest bidder at public auction all coal and asphalt deposits remaining unsold and all coal and asphalt deposits forfeited by reason of such nonpayment of any part of the purchase price: *Provided*, That the Secretary of the Interior, in his discretion, may reject any or all bids which he does not consider adequate, but at the expiration of six months thereafter the Secretary of the Interior may again readvertise and offer the same for final sale to the highest bidder at public auction, upon such terms as he may prescribe and at such valuation, independent of the appraised value, as he may fix.

SEC. 4. *Provided*, That such deposits of coal or asphalt on the leased lands shall be sold subject to all rights of the lessee, and that any person acquiring said deposits of coal or asphalt shall take the same subject to said rights and acquire the same under the express understanding and agreement that the Department of the Interior will cancel and withdraw all rules and regulations and relinquish all authority heretofore exercised over the operation of said mines by reason of the Indian ownership of said property, and that said properties thereafter shall be operated under and in conformity with such laws as may be applicable thereto, and that advance royalty paid by any lessee and standing to the credit of said lessee shall be credited by said purchaser to the extent of the amount thereof, and that no royalties shall be paid by said lessee to said purchaser until the credit so given shall be exhausted at the rate of 8 cents per ton mine run, and that the royalty to be paid thereafter by said lessee to said purchaser shall be 8 cents per ton mine run of coal, and that any lessee may, at any time after completion of such sale, transfer or dispose of his leasehold interest without any restriction whatever; and that any lessee shall have the preferential right, provided the same is exercised within 90 days after the approval of the completion of the appraisement of the minerals as herein provided, to purchase at the appraised value any or all of the surface of the lands lying within such lease held by him and heretofore reserved by order of the Secretary of the Interior and upon the terms as above provided, and shall also have the preferential right to purchase the coal deposits embraced in any lease held by such lessee by taking same at the highest price offered by any responsible bidder at public auction; and if any lessee becomes the purchaser of any coal deposits on any undeveloped lease owned by him, then one-half of the advance royalties paid by any lessee on such lease shall be credited on the purchase price thereof, and the advance royalties heretofore paid by any lessee shall be credited to such lessee on account of any production of coal on any other lease which he may own and operate: *And provided*, That nothing herein contained shall be construed as limiting or curtailing the rights of any lessee from acquiring additional surface lands for mining operations as provided by the act of Congress of February 19, 1912.

SEC. 5. That the surface of any segregated coal and asphalt lands in the Choctaw and Chickasaw Nations, in the State of Oklahoma, which may have been, or may be, condemned under the laws of the State of Oklahoma for State penal institutions or for county or municipal purposes, as authorized by the Indian appropriation act approved March 3, 1909, shall be construed to include the entire estate, save the coal and asphalt reserved: *Provided*, That the State of Oklahoma shall have the preferential right of purchase, at the appraised value thereof, upon the same terms applying to other coal and asphalt deposit sales under this act, all coal and asphalt deposits underlying the surface heretofore purchased by the said State of Oklahoma, and more particularly described as follows: Southeast quarter and south half of the northeast quarter of section 33; south half of and northeast quarter and south half of northwest quarter, and northeast quarter of northwest quarter of section 34; all of section 35, and southeast quarter of southwest quarter of section 26; and south half of southeast quarter of section 26; and south half of southwest quarter of section 25; and northwest quarter and west half of southwest quarter and west half of east half of southwest quarter and northeast quarter of northeast quarter of southwest quarter and west half of southeast quarter of northeast quarter of southwest quarter and west half of east half of southeast quarter of southwest quarter of section 36, township 6 north, range 14 east.

SEC. 6. That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules, regulations, terms, and conditions, not inconsistent with this act, as he may deem necessary to carry out its provisions, and shall establish an office for such purpose at McAlester, Pittsburg County, Okla.

SEC. 7. That when the full purchase price for any property sold hereunder is paid, the chief executives of the two tribes shall execute and deliver, with the approval of the Secretary of the Interior, to each purchaser an appropriate patent conveying to the purchaser the property so sold: *Provided*, That the purchaser of any coal or asphalt deposits shall have the right at any time before final payment is due to pay the full purchase price on said coal and asphalt deposits, with accrued interest, and shall thereupon be entitled to a patent therefor as herein provided.

SEC. 8. That there is hereby appropriated, out of any Choctaw and Chickasaw funds in the Treasury not otherwise appropriated, the sum of $50,000 to pay the expenses of appraisement, advertisement, and sale herein provided for, and the proceeds derived from the sales hereunder shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. CARTER of Oklahoma. Mr. Chairman, this bill not only provides for the carrying out of a delayed pledge with the Choctaw and Chickasaw Indians, which was entered into between their representatives and the representatives of the Federal Government in 1902, but it opens up to development and production some 300,000 acres of coal lands which now lie dormant and bottled up, so that coal can not be produced on that area.

It will be necessary for me to go back just a little and explain. In 1893 the conditions had become so chaotic in Indian Territory and such a demand was made by the white people in that portion of our present State for statehood that the Indian appropriation bill carried an item providing for the creation of a commission to settle the affairs of the Five Civilized Tribes. This commission afterwards became known as the Dawes Commission. That commission attempted to negotiate agreements with the different tribes, and the Choctaws and the Chickasaws were the first to come to terms. The irony of fate has willed that their affairs are still unsettled.

One of the concessions made to the Indians was that these coal deposits should be sold and the money divided per capita among them. I think it is fair to say that the United States Government undertook to carry out that contract in good faith. An appraisement of the land was made, and the lands were offered for sale. While some of the bids may have reached the appraised value, the bulk of them did not bring the price which the Secretary of the Interior deemed at that time sufficient, so that the lands were not sold within the time provided by the act, which, as I recall, was three years.

Prior to this time a system of leasing had been entered into by the Federal Government for the Indians. Some 100,000 acres of this area was leased, and coal production has been going on upon that portion since that time. The testimony of the lessees in the hearing before our subcommittee, as I recall now, set forth that much of the coal under this 100,000 acres had been mined, but leaving considerable of the mineral under lease still unmined. The other 345,000 acres have had no mining operations whatever, because the system of leasing was stopped when the sale was provided for. Then when the time expired in which the sale should be made there was no way left for these lands to be developed.

The purpose of this bill is to provide for the sale of those lands in tracts of 960 acres at public auction to the highest bidder on terms of four years, reserving all the rights of the present lessees in the leased lands. Now, when I say that this land is to be sold to the highest bidder at public auction, I call attention to the fact that the provision for the first sale in the bill does not contain that language. My recollection is that as originally introduced and agreed upon the bill did contain that provision, but it was sent to the department for a report. The department rewrote the bill, and in rewriting it by some inadvertence the words "at public auction to the highest bidder" were left out. I have since consulted department officials about that, and they tell me it was not the intention of the department to leave out those words; that they wanted them in the bill; and at the proper time I shall offer an amendment to insert the necessary language. The two subsequent sales carry that language, as I now recall.

This is about all the statement I care to make, unless some Member desires to ask me a question.

Mr. LENROOT. Will the gentleman yield for two or three questions?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. I should like to ask the gentleman why there is no report on this bill.

Mr. CARTER of Oklahoma. By the Secretary of the Interior?

Mr. LENROOT. Yes.

Mr. CARTER of Oklahoma. There was a report made on an identical bill in the last session of Congress, and when the new bill was sent to the Secretary the Commissioner of Indian Affairs told me he thought as long as they had reported on a similar bill it was unnecessary to make any other report.

Mr. LENROOT. Was the other bill identical?

Mr. CARTER of Oklahoma. Identical.

Mr. LENROOT. There is some language in the report of the Secretary upon the previous bill in which he seems to refer to some things that do not seem to be included in this bill.

Mr. CARTER of Oklahoma. His recommendations have been included in the present bill.

Mr. LENROOT. I could not find that. I may find it later.

Mr. CARTER of Oklahoma. I think I can explain that to the gentleman's satisfaction.

Mr. LENROOT. On page 3 of the report, about the fourth paragraph from the bottom, I find this language:

> The Secretary of the Interior has never affirmatively accepted their joint valuation of $12,238,189 as his own, and therefore I suggest that the bill be amended at the end of line 12, page 1, by inserting the words "which shall be" in lieu of the words "as heretofore," sufficient data being on file in the records of this department to determine on an appraised value to be accepted.

Mr. CARTER of Oklahoma. On what page of the report is that?

Mr. LENROOT. On page 3, about the fourth paragraph from the bottom. The gentleman will see that the amendment suggested by the Secretary of the Interior can not be traced in this bill at all, being applicable to another bill.

Mr. CARTER of Oklahoma. That is true. Those words ought to be in there if they are not.

Mr. LENROOT. I do not know what they apply to, and I can not tell from the bill.

Mr. CARTER of Oklahoma. They apply to the appraisement.

Mr. STAFFORD. Will the gentleman yield?

Mr. CARTER of Oklahoma. In just a moment, if the gentleman will permit me. If the gentleman will read line 9, on page 1 of the bill, he will see that it reads—

Shall cause the same to be appraised.

Mr. LENROOT. Yes; by a board of appraisers.

Mr. CARTER of Oklahoma. That covers the Secretary's recommendations. It may not be in the same language, but it covers his idea.

Mr. LENROOT. Then the bills are not identical? Is that true?

Mr. CARTER of Oklahoma. The bill that was sent to the Secretary was not identical with this, but the bill was amended to conform to the Secretary's request. That was done in the session before the present Congress, and the present bill is identical with that bill as amended in accordance with the Secretary's recommendation.

Mr. LENROOT. Where are the words "which shall be" in lieu of the words "as heretofore"?

Mr. CARTER of Oklahoma. The old bill contained the words "as heretofore appraised," and the Secretary of the Interior wanted the lands reappraised. The original bill did not provide for the reappraisement but provided for the sale of the land on the old appraisal. The bill was amended to conform to the Secretary's recommendation.

Mr. LENROOT. That was the information I was asking for.

Mr. CARTER of Oklahoma. Now I yield to the gentleman from Wisconsin.

Mr. STAFFORD. The bill now before the House was reported on the day before the adjournment of the last session?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. The Committee on Indian Affairs reported three bills on that day, as I recall.

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. They were not privileged under the understanding then in force, to be considered at that session.

Mr. CARTER of Oklahoma. I am not so sure about that.

Mr. STAFFORD. The gentleman now brings in a bill that is of vast importance, one that has never been submitted to the Secretary of the Interior in its present form. The bill which was referred to the Secretary of the Interior for his consideration was, in form at least, entirely different, whether it is substantially the same or not, I have not been able to ascertain, that being House bill 12544, which was introduced on March 1, 1916. I wish to inquire whether the gentleman contemplates passing this bill this afternoon?

Mr. CARTER of Oklahoma. I want to pass it as quickly as I can, but I do not want to pass it until the House is thoroughly satisfied with it.

Mr. STAFFORD. It is a most important bill, as the gentleman will acknowledge.

Mr. CARTER of Oklahoma. It is important to my people. I know that.

Mr. STAFFORD. The gentleman has the right of way on next Calendar Wednesday. There are some provisions in here that have not been digested by a large membership of the House. Here is one that relates to the rights of present lessees of the coal lands to be credited on the purchase price with the royalties that they have heretofore paid for coal already mined.

Mr. CARTER of Oklahoma. Oh, no. I can explain to the gentleman about that.

Mr. STAFFORD. On a hurried reading of the bill I got the idea that they were to be credited with royalties on coal already mined.

Mr. CARTER of Oklahoma. No. When the leases were made certain advanced royalties were required before the coal would be mined. Certain operators undertook to work two leases under one opening and have taken it out of one lease and on the other there was none. They have paid the department the royalty on both leases.

Now, that advanced royalty is to be credited when the coal is mined, but it is not on coal already mined. This bill provides that the lessee shall get credit for royalties paid on coal that has not been mined, but not upon coal that has been mined. It is on the advance royalty that the law gives them credit for at 8 cents a ton when mined.

Mr. STAFFORD. In view of the importance of the bill, I question whether the bill should be taken up when reported so recently as this. Considering the fact that no one has considered the bills reported the day before we adjourned, this bill might as well be considered as having been reported into the House first on yesterday.

Mr. CARTER of Oklahoma. The gentleman's statement is correct, as far as this one report is concerned, but the bill had been gone into by the committee and reported during the Sixty-fourth Congress, but was not reached on the calendar. There were three different hearings in the 64th Congress, and the report was made on it to the House, but it was not reached on the calendar. On the day before the last session adjourned this bill was reported out. It was reported for two reasons. The first reason was that it was providing for the mining of coal which was greatly in demand, and it was thought by some of us that this would bring it within the war-measure rule. In order to keep the calendar from being congested we held it back until the day before the session adjourned and reported it. The committee went into it thoroughly, and this is the second report.

Mr. STAFFORD. But the bill has never been considered in the House before?

Mr. CARTER of Oklahoma. We never had an opportunity to consider it.

Mr. STAFFORD. Does not the gentleman think that all his rights would be preserved if we allowed it to go over until next calendar Wednesday?

Mr. CARTER of Oklahoma. I think we might consider it a little bit right now. I want everybody to be satisfied about it, but I think if it goes over to next calendar Wednesday we had better not displace it on the calendar.

Mr. STAFFORD. It would not be displaced on the calendar.

Mr. LENROOT. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. Reading from the report of the committee on this bill, I find, under date of March 10, 1916, the Secretary reported favorably upon H. R. 12544, a bill similar in text and substance to H. R. 195, which is this bill. I have had placed before me a copy of the old bill, and in that bill there was no provision whatever concerning the relinquishment of all control by the Department of the Interior over these leases.

Mr. CARTER of Oklahoma. There was not. Is the gentleman reading from the bill as reported?

Mr. LENROOT. I am reading from the report of the Secretary on the bill 12544, which stated that it is similar to the bill now pending.

Mr. CARTER of Oklahoma. It is similar in text and substance. After the bill was taken up and, as I recall now, before it was reported, there came certain people, attorneys and others, who were interested in seeing that no violence was done to any person having vested rights under the leases. These leases had been made some 15 years before. The tribal authorities, citizens on the land, and a representative of the department got together and these additions were made. They were not changes, but additions.

Mr. LENROOT. They were substantial additions.

Mr. CARTER of Oklahoma. Yes; and very necessary.

Mr. LENROOT. Does not the gentleman think the Department of the Interior should report to the committee and to this House upon so vital a question as the relinquishment of control over the leases?

Mr. CARTER of Oklahoma. Let me ask the gentleman from Wisconsin this question: After the lands pass out of the hands of the Indians into the hands of the purchasers, does the gentleman think the department should then have any control over them?

Mr. LENROOT. Provided the land on which the leases are existing can be sold for as high a price to the purchaser as if the lease did not exist, I would agree with the gentleman; but if that is not true, I do not agree with the gentleman.

Mr. CARTER of Oklahoma. I think if this language is placed in the bill they can be sold for as high a price.

Mr. LENROOT. That is another question. There is another difference in the bills. In the old bill there is no reference whatever to the granting to the State of Oklahoma of the entire estate except the coal and asphalt, nor do I find any reference in the old bill for the granting of the right to the State of Oklahoma to purchase the coal and asphalt deposits lying under the surface. Does the gentleman think that it is entirely a fair statement to say that this bill is similar in text and substance to that bill?

Mr. CARTER of Oklahoma. That only authorizes the sale of some fifteen hundred acres of coal to the State. The bill is similar; those were additions to it.

Mr. LENROOT. I will say this to my friend, that we had a right to rely upon the report of the committee without sending for the old bill. We had a right to rely upon the assumption that these things were in the old bill, which is not true.

Mr. CARTER of Oklahoma. The principal difference is that the additions made here is in relation to the title to the lands after they have passed to the purchaser, to define the rights between the lessee and the purchaser of the land. They all refer to these relations, except the provision giving Oklahoma the right to purchase coal deposits on certain lands. That gives the right to Oklahoma to purchase 1,580 acres lying adjacent to the penitentiary, to use for State penitentiary purposes. There is another provision to which the gentleman calls attention about the condemnation proceedings conferring upon the State all rights except the coal and asphalt. Condemnation proceedings for the State were carried out under the Indian appropriation act of 1909. The bill for the sale of the surface of the coal lands was not passed until February 19, 1912, some three years thereafter. When the bill for the sale of the surface was passed it carried practically, almost identically, the language that is carried here with relation to the sale of the surface. It provided that the surface therein described should constitute the entire estate, save the coal and the asphalt. I can read the exact language:

The surface herein referred to shall include the entire estate save the coal and asphalt reserve.

This simply makes the State's title conform to surface-sale provision.

Mr. LENROOT. Getting back to the original question as to whether or not the purchaser, being subrogated in every way to the Interior Department so far as being landlord is concerned, the gentleman assumes that the Indian would be just as well off because the entire estate would be sold, and he would get the entire proceeds in cash. Section 4 provides that such deposits shall be sold subject to all rights of the lessees, and so forth, and then goes on and provides that all control over operation now exercised by the Department of the Interior shall be relinquished and that there shall be no control over the operations of the lessee so far as the Government is concerned. Is it not possible that a purchaser bidding upon two tracts of coal land, one upon which there is no lease and the other upon which there is one of these leases at 8 cents a ton—is that the correct amount?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. That a purchaser, believing that it is worth to him 16 cents a ton royalty, is going to bid as much for that tract under lease as he is for the other tract?

Mr. CARTER of Oklahoma. In reply to that I will say that a vein of coal contains about 1,000 tons of coal to the foot thickness per acre. These veins will probably average 3 or 4 feet—hardly 4 feet, but we will call it 4 feet for a basis. A 4-foot vein, then, would contain 4,000 tons of coal, and the royalty on that at 8 cents would amount to $320 per acre—a great deal more than you will ever be able to realize from any of these lands. I have not any idea that these lands will bring over ten to eighteen million dollars when sold, because some of them are barren of coal and in some of them the coal veins are too narrow to ever produce a profit.

Mr. LENROOT. Do I gather from the gentleman that the Indian would actually receive much more money by going on under this system?

Mr. CARTER of Oklahoma. Yes; no doubt of it; but he would not receive it for the next seven or eight generations, perhaps, under the present system.

Mr. LENROOT. Why should the lands now under lease be included?

Mr. CARTER of Oklahoma. They should be included because we have made a solemn agreement with the Indians that we would wind that estate up and sell those lands. They should be included because the Federal Government ought to keep its word, just as it requires and expects an individual to keep his word.

Mr. LENROOT. Even if it is to the absolute detriment of the Indian?

Mr. CARTER of Oklahoma. It will not be to the detriment of the Indian, because the present mining output, as I recollect it, now is about 3,000,000 tons a year. That would amount in royalty to about $240,000 per year, scarcely anything when divided among 30,000 people; and if you would sell this land, place it in the hands of people where it can be developed, and pay out the money you sell it for to the Indians, you will do him a substantial good, because you will give him enough to improve the land that he is already allotted and enable him to make a showing—much better than to pay it in driblets of $10.

Mr. LENROOT. I would like to ask the gentleman one other question with reference to these appraisers. One of the appraisers, it seems, is to be appointed by the principal chief of the Choctaw Nation.

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. I would like to ask the gentleman something about the chief of the Choctaw Nation.

Mr. CARTER of Oklahoma. The chief of the Choctaw Nation is Victor M. Lock, quite a high-class young man. He is now a major in the United States Army and is at one of the training camps. He will probably go to France. The governor of the Chickasaw Nation is Gov. D. H. Johnston, who has been chief of the Chickasaws since 1902, I believe—has he not, Mr. CAMPBELL?

Mr. CAMPBELL of Kansas. 1900, I think.

Mr. CARTER of Oklahoma. A high-class, educated man.

Mr. LENROOT. Is he an Indian?

Mr. CARTER of Oklahoma. Yes, a Chickasaw Indian; and the chief of the Choctaws is a Choctaw Indian.

Mr. LENROOT. That is all I care to inquire about at this time.

Mr. HASTINGS. And if my colleague will permit, these appraisers are to be appointed by the President upon the recommendations, one of the governor of the Chickasaw Nation and one of the governor of the Choctaw Nation and one upon the recommendation of the Secretary of the Interior.

Mr. CARTER of Oklahoma. Yes.

Mr. HASTINGS. All to be appointed by the President of the United States.

Mr. CARTER of Oklahoma. All to be appointed by the President, and the appraisement must be sworn to within a stipulated time before the sale is made.

Mr. CAMPBELL of Kansas. Were these lands appraised some seven or eight years ago?

Mr. CARTER of Oklahoma. Yes; longer than that, I think it was.

Mr. CAMPBELL of Kansas. About eight years ago?

Mr. CARTER of Oklahoma. About eight or nine years ago.

Mr. CAMPBELL of Kansas. And offered for sale at that time?

Mr. CARTER of Oklahoma. Yes. They were offered for sale in 1905; that is about 12 years ago.

Mr. CAMPBELL of Kansas. And there was a considerable portion of the land sold at that time?

Mr. CARTER of Oklahoma. None, not an acre.

Mr. CAMPBELL of Kansas. The surface was sold.

Mr. CARTER of Oklahoma. No. The land offered in 1905 was the entire estate, surface and mineral, and none of that was sold. Since that time, under the act of February 19, 1912, there have been sold probably all the surface, and I think the surface has brought more money than was offered for surface and mineral at that time.

Mr. CAMPBELL of Kansas. Has the coal ever been surveyed separate from the surface?

Mr. CARTER of Oklahoma. Yes.

Mr. CAMPBELL of Kansas. Is that survey the one under which estimates were made that there were so many billions of dollars worth of coal?

Mr. CARTER of Oklahoma. Two of them, one of them ran almost to a billion dollars. Then an estimate was made after that under the supervision of J. George Wright and the then mining inspector of the Indian Territory, William Cameron. They appraised the coal at something over $12,000,000.

Mr. CAMPBELL of Kansas. The next question I desire to ask is, What was the expense of that appraisement?

Mr. CARTER of Oklahoma. Fifty thousand dollars.

Mr. CAMPBELL of Kansas. Now it is proposed to expend $50,000 for another appraisement?

Mr. CARTER of Oklahoma. Fifty thousand dollars for an appraisement and the expenses incident to sale and advertising.

Mr. CAMPBELL of Kansas. The other appraisement cost $50,000. Is there any reason to believe that a subsequent

appraisement now could be made cheaper than the former appraisement was made?

Mr. CARTER of Oklahoma. The gentleman means a billion dollars?

Mr. CAMPBELL of Kansas. Yes.

Mr. CARTER of Oklahoma. I think so. There has been an appraisement made since of something over $12,000,000.

Mr. CAMPBELL of Kansas. No; I mean the cost of the appraisement.

Mr. CARTER of Oklahoma. Yes; I think it could be made much cheaper because the Secretary of the Interior has all the data filed in his office upon which to make the appraisement.

Mr. CAMPBELL of Kansas. Why make the appraisement at all? There has been a pretty thorough estimate of the amount of coal that was there at the time the former appraisement was made. They know the amount of coal that has been mined since then and why spend $50,000 more in making another appraisement?

Mr. CARTER of Oklahoma. A very small portion of the $50,000, I take it, will be spent for the appraisement, but most of it will be spent for advertising and sale of the mineral.

Mr. CAMPBELL of Kansas. The language of the bill provides for the appraisement.

Mr. CARTER of Oklahoma. The language of the bill provides—

That there is hereby appropriated, out of any Choctaw and Chickasaw funds in the Treasury not otherwise appropriated, the sum of $50,000 to pay the expenses of appraisement, advertisement, and sale herein provided for.

It is for all three of those purposes. I will say to the gentleman that when this bill was introduced, in view of the fact that two appraisements had already been made of the land, no appraisement was provided, but, as I said in the discussion with the gentleman from Wisconsin [Mr. LENROOT] awhile ago, we provided that it should be sold upon the appraisement heretofore made, or some language to that effect. When the bill was sent to the Secretary, he insisted that there should be another appraisement, and that was put in out of deference to his request. He had the land to sell, and he did not believe he ought to take the responsibility of the sale without having the reappraisement.

Mr. CAMPBELL of Kansas. That is what I was getting at. We have been endeavoring for years and years to get some adjustment of the Indian affairs among the Five Civilized Tribes that would close up that estate and separate from it a lot of men who have been living off of the Five Civilized Tribes for many years, and it occurred to me at the time the Secretary returned the bill asking for this $50,000 that it was done by somebody in the office who simply wanted to provide additional jobs and get additional money out of the Choctaw and Chickasaw Nation for doing work that is absolutely unnecessary, because there is now on file in the office of the Secretary of the Interior a thorough appraisement of all the coal underlying this estate. They can not deduct from that coal; they can not add to it, except that which has been mined since the appraisement was made, and they know the amount that has been mined, so there is absolutely no necessity for appropriating any amount of money for another appraisement of that property, and it can only be done to provide jobs for somebody who may better be employed in raising wheat, corn, or potatoes.

Mr. CARTER of Oklahoma. I do not believe there is anybody in the world more concerned in having these affairs closed up than I am, for the bane of my existence from the time I reach the Oklahoma line until I get back here is some fellow asking me when we are going to get the tribal affairs closed up. Now, there is a difference between tribal affairs and individual Indian affairs. The tribal affairs can be wound up and still the individual Indian can be amply protected. I want to emphasize the fact that there is no one more anxious to get these affairs closed up and expenses stopped than I am. Every step I have made in Congress has been toward that goal. Now, those affairs can not be closed up until this property is sold. When that is done, then they can be closed up and wound up, and that accounts for my anxiety to pass this bill as soon as possible. I agree with the gentleman perhaps that it may not have been necessary to have another appraisement, but the Secretary said the other two appraisements had been so widely apart—one $12,000,000 and the other almost a billion dollars—that he did not feel safe in relying upon them, and he thought, since he had the responsibility of selling these 400,000 acres of coal lands, that he ought to be permitted to have a reappraisement.

Now, I do not know just what jobs——

Mr. LENROOT. I think the gentleman is mistaken somewhat in that statement.

Mr. CARTER of Oklahoma. I think not.

Mr. LENROOT. May I read a paragraph from the report of the Secretary?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. It says:

The Secretary of the Interior has never affirmatively accepted their joint valuation of $12,238,189 as his own, and therefore I suggest that the bill be amended at the end of line 12, page 1, by inserting the words "which shall be" in lieu of the words "as heretofore," sufficient data being on file in the records of this department to determine on an appraised value to be accepted.

Mr. CARTER of Oklahoma. That is exactly what I said.

Mr. LENROOT. You said "a new appraisement to be made." He said in this report that nothing more was necessary except to enable them from their own record——

Mr. CARTER of Oklahoma. I am glad the gentleman called my attention to that. I shall be willing to have the appraisers stricken out and have the Secretary make the appraisement in his own way.

Mr. CAMPBELL of Kansas. It has been my contention from the time this matter first came before this committee that there was sufficient data on file now to enable the Secretary of the Interior to ascertain about the amount of the coal and its value.

Mr. CARTER of Oklahoma. I think the only reason this appraisement proposition was put in as it is was that the Choctaw Tribe and the Chickasaw Tribe wanted to have representatives present when the price of these deposits was finally passed upon.

Mr. CAMPBELL of Kansas. Could not that be done in the office of the Secretary of the Interior by the Secretary?

Mr. CARTER of Oklahoma. I think so.

Mr. CAMPBELL of Kansas. And by the governors of the Choctaw and Chickasaw Nations?

Mr. CARTER of Oklahoma. I think so.

Mr. CAMPBELL of Kansas. Without all this formality?

Mr. CARTER of Oklahoma. There is not very much formality, I will say to the gentleman.

Mr. CAMPBELL of Kansas. Than the informality of placing the hands of some appraisers in the pockets of the Choctaw people and taking out this amount of money.

Mr. CARTER of Oklahoma. I am perfectly willing to let that go out. It was out of deference to the Choctaw and Chickasaw Tribes that that was put in.

Mr. LENROOT. That the appraisement should be made by the Secretary?

Mr. CARTER of Oklahoma. Exactly.

Mr. LENROOT. Simply to authorize him to go through the formality of appraisement?

Mr. CARTER of Oklahoma. I think he would do that, anyway. I think he would consult the Choctaw and Chickasaw chiefs anyway.

Mr. CAMPBELL of Kansas. How much coal was taken out since the last appraisement was made?

Mr. CARTER of Oklahoma. I have not the data on how much was taken out then. I might be able to tell how much was taken out during the last year, although I am not sure of that. I have not the total production here. My friend from New York [Mr. SNYDER] calls my attention to the fact that there were about 4,000,000 tons taken out last year, and I assume it is about the same this year.

Mr. CAMPBELL of Kansas. At the time the first bill was introduced to sell this coal, as I recall it, the coal production had fallen to a very low ebb?

Mr. CARTER of Oklahoma. Yes.

Mr. CAMPBELL of Kansas. And the producers were having considerable difficulty in selling even the small quantity that they were producing?

Mr. CARTER of Oklahoma. That is true.

Mr. CAMPBELL of Kansas. On account of the large use of oil?

Mr. CARTER of Oklahoma. Yes.

Mr. CAMPBELL of Kansas. And that condition has only changed since the beginning of the war?

Mr. CARTER of Oklahoma. Well, the gentleman knows, of course, a great deal more about the price of oil than I do, but if he will only refresh his memory he will recall that the price of oil began to rise about six or seven years ago, and it went up continually until some two or three years ago, when it became too high to be used in place of fuel. The Sante Fe Railroad and other railroads that had been using oil began to take out oil burners and restore coal burners. So the oil is not a competitor now at all. It is worth $2 to $3.50 a barrel, and is not a competitor as fuel.

Mr. CAMPBELL of Kansas. Not at this time?

Mr. CARTER of Oklahoma. No.

Mr. CAMPBELL of Kansas. And so far as the price of coal is concerned, this would be a much better time to sell than

three years ago, when there was such an insistent demand for the sale of the coal property?

Mr. CARTER of Oklahoma. Much better.

Mr. CAMPBELL of Kansas. I have forgotten just how much longer those leases run.

Mr. CARTER of Oklahoma. The last one expires in 1932, 15 years from now. The others begin expiring one or two years before that.

Mr. CAMPBELL of Kansas. Has there been a recent estimate as to how long it would take the present lessees to remove the coal under their leases?

Mr. CARTER of Oklahoma. I have not seen the estimates at all, and if I am wrong the gentleman from New York [Mr. SNYDER] will correct me, as I think he was present when the operators stated that perhaps one-half or two-thirds of the mineable coal had been taken out of the leases then being operated. The leased land only amounts to 100,000 acres, and there are 445,000 acres all told. So that leaves 345,000 acres of land which is not complicated by leases at all and which at this time is dormant and can not be mined under the present law.

Mr. CAMPBELL of Kansas. Has this unleased land been tested?

Mr. CARTER of Oklahoma. Yes; with diamond drills.

Mr. CAMPBELL of Kansas. So that it is known just how much coal is there?

Mr. CARTER of Oklahoma. I think it is known as well as it could be known without actual development.

Mr. CAMPBELL of Kansas. Do you know in a general way how many tests have been made on a quarter section?

Mr. CARTER of Oklahoma. I could not give any accurate information on that. A great many drill holes were made with this 350,000.

Mr. BUTLER. How many seams are there?

Mr. CARTER of Oklahoma. The hearings show 52 drill holes were made on the entire leased area.

Mr. BUTLER. How many seams are there on it?

Mr. CAMPBELL of Kansas. There is a light vein, and then this particular vein running from 3 feet 8 inches to 4 feet?

Mr. CARTER of Oklahoma. Yes; the vein varies. In the McAlester field the veins are about 3 feet thick, and when you get toward Hartshorn, as I recall, the coal thickens. In some places the McAlester vein west of Hartshorn is only about 2 feet 6 inches. That is the best coal that there is in the field—what is known as the two McAlester veins. Then you get to another coal field of a different character of coal when you reach the Colgate field. There the veins are thicker, but the coal is less valuable.

Mr. BUTLER. How many veins are there?

Mr. CARTER of Oklahoma. From one to three, but the third vein is too small to be profitable and considerable of the second vein is very thin. The McCurtain field in the northern part of this area contains one vein about 7 feet thick, but it is very erratic. That is to say, it varies greatly and abruptly in thickness, pitch, and other conditions.

Mr. BUTLER. In normal times what would this coal sell for per ton at the mine?

Mr. CARTER of Oklahoma. You mean the coal itself?

Mr. BUTLER. Yes; the coal at the mine.

Mr. CARTER of Oklahoma. The coal at the mine would sell now for about——

Mr. BUTLER. No; I mean at normal times.

Mr. CARTER of Oklahoma. It would sell for about $2.50 or $3.

Mr. BUTLER. The royalty is what?

Mr. CARTER of Oklahoma. Eight cents a ton.

Mr. CHANDLER of Oklahoma. I wish to say that that price of $2.50 or $3 is for lump coal. The mine run would be about $2.00 or $2.65.

Mr. CARTER of Oklahoma. The average would run about $2.50. I want to say further, in reply to the gentleman, that these veins of coal stand at a very acute pitch, and it is a very expensive coal to mine—the most expensive, as I understand, in the United States. It costs sometimes $2.75 or $3 a ton to mine it.

Mr. BUTLER. Did not the gentleman say it is worth only $2.60?

Mr. CARTER of Oklahoma. That is the lump coal that is worth $3. In normal times it is worth $2.50 or $3 a ton.

Mr. BUTLER. I would like to know what the profit is.

Mr. CARTER of Oklahoma. The cost of operating the mine, including overhead expenses and all, is about what the coal brings. As evidence of that fact, nearly all the mines closed up except a few that undertook to furnish coal to the railroad.

Mr. BUTLER. It is the same old story—no profit.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Certainly.

Mr. LENROOT. What is the present law with reference to the disposition of the surface? Is it on sale at an appraised value?

Mr. CARTER of Oklahoma. Practically all of it is sold.

Mr. LENROOT. I call the attention of the gentleman to page 4, beginning with line 16 of the bill, to this language:

> That any lessee shall have the preferential right, provided the same is exercised within 90 days after the approval of the completion of the appraisement of the minerals as herein provided, to purchase at the appraised value any and all of the surface of the land lying within such lease—

And so forth.

Mr. CARTER of Oklahoma. When I answered the gentleman's question I meant all had been sold that was subject to sale. There was some set aside which the operator might need for the operation of the mines.

Mr. LENROOT. They were appraised, but not sold?

Mr. CARTER of Oklahoma. They were not offered for sale.

Mr. LENROOT. Is the appraised value here—the old appraised value?

Mr. CARTER of Oklahoma. No. It was the appraisement made in 1912.

Mr. LENROOT. Under the surface act?

Mr. CARTER of Oklahoma. Yes. This appraised value was made at the same appraisement as that at which the land had recently been sold.

Mr. LENROOT. The only reason why the lessee could not purchase it was that it had been withdrawn?

Mr. CARTER of Oklahoma. The law gave him the right to purchase it at the appraised value, but he evidently thought it had been appraised too high. This continues the right to purchase at the appraised value given in the act of 1912.

Mr. LENROOT. It does not change the existing law in any particular?

Mr. CARTER of Oklahoma. I do not think so.

Mr. LENROOT. Then what was the purpose of putting it in?

Mr. CARTER of Oklahoma. It was put in there as a matter of abundant caution, so that nothing in this law would repeal the right of the lessee to purchase that land.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. I assume that these 445,000 acres of coal lands are in a compact territory?

Mr. CARTER of Oklahoma. No. If the gentleman will think a moment he will know that they run in narrow strips. Wherever the anticlinal comes up it pushes the coal out. You may have one anticlinal here and another in another place.

Mr. STAFFORD. But it is in a well-defined district?

Mr. CARTER of Oklahoma. Yes; but it is not compact.

Mr. STAFFORD. What is the entire area?

Mr. CARTER of Oklahoma. It is 445,000 acres.

Mr. STAFFORD. Can the gentleman describe it in a rectangular area?

Mr. CARTER of Oklahoma. It runs northeast and southwest something over 100 miles.

Mr. STAFFORD. Is it tributary to railroad properties?

Mr. CARTER of Oklahoma. Yes; the most of it is—not right on the railroad, but by building spurs out 8 or 10 miles you could reach practically all of it.

Mr. STAFFORD. I assume that the land that is now operated under lease is on the direct line of some railroad.

Mr. CARTER of Oklahoma. Yes; most of the lands that have been leased are along the main trunk lines.

Mr. STAFFORD. In the law that we passed authorizing the disposition of the surface rights, was any provision made that the purchasers of the mineral deposits would have a right to enter upon the surface?

Mr. CARTER of Oklahoma. Not to enter upon the surface. This is Indian land and not public land. But they were given the preferential right to purchase whatever surface was necessary for the mining operations, not to exceed a certain amount, at the appraised value.

Mr. STAFFORD. I am referring to the land of which the surface rights only were sold, with the reservation of the coal and asphaltum rights.

Mr. CARTER of Oklahoma. Practically all the surface has been sold except that part that was reserved to the operators. You see, the operators had certain rights under their leases. They had the right to so much of the surface of the land as was necessary for their mining operations. So when we passed the bill for the sale of the surface we provided for the setting aside of this amount of land reserved for the mining operations, to let them purchase it at the appraised value. About all the balance, except this reservation, was to be sold. Now, the operators have universally refused to purchase this land, because they said it was appraised at too high a price. This provision here simply attempts to continue that long enough to see if the operators want to change their minds after the deposits are placed on sale.

Mr. STAFFORD. Am I right in my assumption that as to the coal lands that have not been leased the surface rights have already been disposed of?

Mr. CARTER of Oklahoma. All disposed of.

Mr. STAFFORD. Then I ask the question whether, as to these surface rights that have been disposed of, there is a reservation to grant to any subsequent purchaser of the coal rights the right to enter upon the surface?

Mr. CARTER of Oklahoma. Absolutely. It is given the best protection that the lawyers of this House, including the gentleman from Kansas [Mr. CAMPBELL], the gentleman from Illinois [Mr. MANN], and the Solicitor for the Department of the Interior, could write. They said it was adequate, the lessees were satisfied with it at the time, and the Indians were satisfied with it. That was done in the act of February 19, 1912. I will say to the gentleman in a word that it gives the owner or lessee the right to enter upon the lands covering his lease and the right of underground ingress and egress without compensation to the surface owner, and the further right to acquire such portions of the surface necessary to mining operations. If the owner and the lessee are unable to agree on the price for the land taken over, then two appraisers may be appointed, one by each party. If these disagree, then the Federal judge of the district may appoint the third arbitrator, and their decision is final. In the meantime the lessee or owner of the deposits has the use of the surface in controversy.

Mr. STAFFORD. Would those privileges extend to the lands which have not been leased?

Mr. CARTER of Oklahoma. They extend to all. As the gentleman will understand, that right is reserved to the Indians. The coal was reserved to the Indians when they sold the surface. These rights were all reserved to the Indians.

Mr. STAFFORD. One further question. On the lands that have been leased are there divers companies that are operating the mines?

Mr. CARTER of Oklahoma. Oh, yes; there are some 110 or 111 leases, and I suppose there are 30 or 40 companies operating under them.

Mr. SNYDER. The number of leases is 113.

Mr. CARTER of Oklahoma. Some of them have not been operating. I presume most of them are operating now, since we have the high war prices for coal, but, as my friend from Kansas knows, a few years ago they were having a pretty tough time to get by.

Mr. STAFFORD. The gentleman has fixed 8 cents a ton royalty in this bill. My attention was called some time ago to royalties being paid in West Virginia as high as 10 cents a ton. I do not know anything about the quality of this coal as compared with the coal mined in West Virginia.

Mr. CARTER of Oklahoma. Mining conditions in West Virginia and mining conditions in Oklahoma are absolutely different. I suppose the coal in West Virginia can be mined for 30 or 40 per cent less than it can in Oklahoma.

Mr. STAFFORD. By reason of the character of the veins?

Mr. CARTER of Oklahoma. By reason of the thickness of the veins, by reason of the fact that a great deal of the coal mined in Oklahoma has a faulty top of shale or other brittle substance, by reason of the fact that the floor of most of the mines is clay, causing bucking, making track conditions bad, and by reason of the gaseous conditions which exist in the mines.

Mr. STAFFORD. I thank the gentleman for the information.

Mr. CARTER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, Mr. POU, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral lands in the Choctaw and Chickasaw Nations, Oklahoma, and had come to no resolution thereon.

ORDER OF BUSINESS TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

Mr. GILLETT. Will the gentleman yield for one moment?

Mr. KITCHIN. Yes.

Mr. GILLETT. I think it would very much add to the convenience of Members if the gentleman could inform the House if he has decided yet whether the declaration of war resolution is to be taken up to-morrow?

Mr. KITCHIN. I have not talked with the chairman of the Committee on Foreign Affairs, but I understand from gentlemen who have talked with him that it will probably be reported to-morrow, and that he will ask unanimous consent for its immediate consideration. If he can not get that, then it will be taken up on Friday.

Mr. GILLETT. Either to-morrow or Friday?

Mr. KITCHIN. Yes.

Mr. GILLETT. That is still uncertain, though?

Mr. KITCHIN. Yes.

ADJOURNMENT.

The SPEAKER pro tempore. The gentleman from North Carolina moves that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Thursday, December 6, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chairman of the Interstate Commerce Commission, transmitting a special report, supplementing its annual report, with reference to transportation conditions as affecting and affected by the war (H. Doc. No. 503); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

2. A letter from the Secretary of War, transmitting data relative to exchange of typewriters and adding machines in part payment for new machines used for the same purpose as those exchanged by the Panama Canal for the period July 1, 1916, to June 30, 1917 (H. Doc. No. 504); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Postmaster General, transmitting a statement showing for clerks, assistant postmasters, carriers, laborers, chauffeurs, etc., under the supervision of the First Assistant Postmaster General, the number of persons, the grades and character of positions, the original rates of compensation, and the increased rates of compensation (H. Doc. No. 505); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of War, transmitting report required for submission to Congress on the first day of this session, showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation (H. Doc. No. 506); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a combined statement of the receipts and disbursements, balances, etc., of the Government during the fiscal year ended June 30, 1917 (H. Doc. No. 507); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Navy, transmitting explanation of report required under section 5 of the act approved June 15, 1917 (H. Doc. No. 508); to the Committee on Expenditures in the Navy Department and ordered to be printed.

7. A letter from the Secretary of War, transmitting statement showing by bureaus and offices the number and designation of the persons employed under the appropriations for the temporary employment of the additional force in the War Department and the annual rate of compensation paid to each (H. Doc. No. 509); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1917 (H. Doc. No. 613); to the Committee on Ways and Means and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting detailed reports of appropriations of the amount of 5 and 10 per cent increased compensation paid to certain employees of the Treasury Department (H. Doc. No. 510); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Postmaster General, transmitting list of claims on account of loss by fire, burglary, etc., acted upon by the Postmaster General from July 1, 1916, to June 30, 1917 (H. Doc. No. 511); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TALBOTT: A bill (H. R. 6955) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CANDLER of Mississippi: A bill (H. R. 6956) in aid of the common schools in Mississippi; to the Committee on the Public Lands.

Also, a bill (H. R. 6957) to prohibit in the District of Columbia the intermarriage of whites with negroes or Mongolians; to the Committee on the District of Columbia.

Also, a bill (H. R. 6958) providing for a certain percentage of cancellation of stamps, and making an allowance for rents, fuel, and lights, etc., to fourth-class postmasters; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 6959) to extend the limits of Shiloh National Military Park; to the Committee on Military Affairs.

Also, a bill (H. R. 6960) to refund to lawful claimants the cotton tax collected for the years 1863, 1864, 1865, 1866, 1867, and 1868; to the Committee on War Claims.

Also, a bill (H. R. 6961) making an appropriation for the improvement of the Tombigbee River in the State of Mississippi and in the State of Alabama; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6962) to grant to the several States all the public lands therein for common-school purposes when the same shall become less than 50,000 acres in such State; to the Committee on the Public Lands.

By Mr. JOHNSON of Washington: A bill (H. R. 6963) to provide for a survey of the city waterway at Tacoma, Wash.; to the Committee on Rivers and Harbors.

By Mr. FULLER of Massachusetts: A bill (H. R. 6964) to subject Members of Congress to the provisions of the war excess-profits tax of the act to provide revenue to defray war expenses, approved October 3, 1917; to the Committee on Ways and Means.

By Mr. RANDALL: A bill (H. R. 6965) to reduce night work in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. FLOOD: A bill (H. R. 6966) authorizing the Secretary of State to procure a suitable portrait of Gen. George Washington and present the same to the Military College of the Argentine Republic; to the Committee on Foreign Affairs.

By Mr. PADGETT: A bill (H. R. 6967) to increase the number of midshipmen at the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. ASHBROOK: A bill (H. R. 6968) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 6969) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 6970) authorizing the issuance of a patent to Portland Railway, Light & Power Co. to 52.72 acres of land in Clackamas County, Oreg.; to the Committee on the Public Lands.

Also, a bill (H. R. 6971) to reserve as a part of the Oregon National Forest certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co. v. The United States; to the Committee on the Public Lands.

By Mr. SWIFT: A bill (H. R. 6972) to amend an act entitled "An act to increase the revenue, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. VESTAL: A bill (H. R. 6973) fixing rate of pension for soldiers of the Civil War; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 6974) increasing the salaries of all civilian employees of the United States whose salaries are now fixed at $1,800 per annum or less, including employees of the Post Office Department, and providing that the same war taxes on incomes and salaries shall apply to salaried officers of the United States, including Senators and Representatives in Congress, as upon all other persons subject to tax; to the Committee on Appropriations.

By Mr. PADGETT: A bill (H. R. 6975) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes; to the Committee on Naval Affairs.

By Mr. TILSON: A bill (H. R. 6976) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 6977) to enlarge and extend the post-office building at St. Cloud, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. STEELE: A bill (H. R. 6978) to regulate the manner of submitting to the several States proposed amendments to the Constitution of the United States, etc.; to the Committee on the Judiciary.

By Mr. ADAMSON: A bill (H. R. 6979) to regulate the personnel of the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: A bill (H. R. 6980) referring the claim of the State of Rhode Island to the Court of Claims for adjudication; to the Committee on War Claims.

By Mr. RAMSEYER: A bill (H. R. 6981) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers and officers who served in the War with Mexico," approved May 11, 1912, so as to increase certain pensions $15 per month; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 6982) to authorize and empower the Secretary of the Navy to enter into and contract for the construction of a line of railway from a point in the District of Columbia to Indianhead, Md.; to the Committee on Naval Affairs.

By Mr. TALBOTT: Resolution (H. Res. 187) allowing a messenger to the Committee on Disposition of Useless Executive Papers; to the Committee on Accounts.

By Mr. OLDFIELD: Joint resolution (H. J. Res. 168) amending section 201 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. FLOOD: Joint resolution (H. J. Res. 169) declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same; to the Committee on Foreign Affairs.

By Mr. EMERSON: Joint resolution (H. J. Res. 170) to require the food administrator to make proper distribution of sugar now held in the warehouses in the United States; to the Committee on Agriculture.

By Mr. CANDLER of Mississippi: Joint resolution (H. J. Res. 171) providing for the introduction of testimony in behalf of the defendant in all preliminary hearings of a criminal nature; to the Committee on the Judiciary.

By Mr. SABATH: Joint resolution (H. J. Res. 172) providing for the taking over by the United States Government during the period of the war of railways and coal mines; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 6983) granting an increase of pension to William Stanton Fry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6984) granting an increase of pension to Emma J. Rank; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 6985) granting an increase of pension to Enoch W. Laney; to the Committee on Pensions.

Also, a bill (H. R. 6986) granting an increase of pension to Isaac Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6987) granting an increase of pension to John Gender; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6988) granting an increase of pension to John C. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6989) granting an increase of pension to William A. Pine; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 6990) granting an increase of pension to Edgar C. Martin; to the Committee on Pensions.

By Mr. BRODBECK: A bill (H. R. 6991) granting an increase of pension to Joseph M. Wagner; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 6992) granting a pension to James P. Newton; to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 6993) granting an increase of pension to Albert G. Dow; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 6994) for the relief of A. W. McClure; to the Committee on War Claims.

Also, a bill (H. R. 6995) for the relief of Susan C. Robinson; to the Committee on War Claims.

Also, a bill (H. R. 6996) for the relief of Matilda H. Reed; to the Committee on War Claims.

Also, a bill (H. R. 6997) for the relief of Dr. O. R. Early; to the Committee on War Claims.

Also, a bill (H. R. 6998) for the relief of J. R. Wilson; to the Committee on War Claims.

Also, a bill (H. R. 6999) for the relief of Lucretia Lambert; to the Committee on War Claims.

Also, a bill (H. R. 7000) for the relief of Isabella Rowsey; to the Committee on War Claims.

Also, a bill (H. R. 7001) for the relief of Mary Johnson; to the Committee on War Claims.

Also, a bill (H. R. 7002) for the relief of Mrs. E. A. Hubbard; to the Committee on War Claims.

Also, a bill (H. R. 7003) for the relief of David Ingram; to the Committee on War Claims.

Also, a bill (H. R. 7004) for the relief of Francis E. Whitfield and Lucy G. Whitfield; to the Committee on War Claims.

Also, a bill (H. R. 7005) for the relief of Jennie Gaston Henderson, sole and only heir of L. B. Gaston, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7006) for the relief of D. M. Whitaker and heirs of estate of H. H. Whitaker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7007) for the relief of B. H. Davis, administrator of the estate of Enos Davis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7008) for the relief of the estate of William Clement, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7009) for the relief of the estate of John Linton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7010) for the relief of estate of W. F. Young; to the Committee on War Claims.

Also, a bill (H. R. 7011) for the relief of estate of Andrew J. Kincaid; to the Committee on War Claims.

Also, a bill (H. R. 7012) for the relief of the estate of W. R. Smith, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7013) for relief of estate of W. R. Smith; to the Committee on War Claims.

Also, a bill (H. R. 7014) for the relief of estate of Marcus Cook, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7015) for the relief of the estate of Josiah White, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7016) for the relief of the estate of Richard Mann, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7017) for the relief of estate of J. M. Cumby, heir of M. B. Cumby; to the Committee on War Claims.

Also, a bill (H. R. 7018) for the relief of the estate of J. W. Hopkins, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7019) for the relief of the estate of Henry Mitts, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7020) for the relief of the estate of J. K. Morrison, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7021) for the relief of the estate of R. C. Bumpass; to the Committee on War Claims.

Also, a bill (H. R. 7022) for the relief of the estate of Mary H. Moore, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7023) for the relief of the heirs of George W. Gardner, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7024) for the relief of heirs of John Hamilton; to the Committee on War Claims.

Also, a bill (H. R. 7025) for the relief of the heirs of Gladney, Gardner & Co.; to the Committee on War Claims.

Also, a bill (H. R. 7026) for the relief of the heirs of John B. Jones, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7027) for the relief of the heirs of Richard E. Holt, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7028) for the relief of heirs of E. C. Cornelius, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7029) for the relief of the heirs of Peter F. Archer, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7030) for the relief of the heirs of Sarah R. Farmer, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7031) for the relief of the heirs of M. A. McAnulty, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7032) for the relief of the heirs of Harriet F. and Robert McPeters; to the Committee on War Claims.

Also, a bill (H. R. 7033) for the relief of heirs or estate of T. M. D. Coln, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7034) for the relief of heirs or estate of Jesse Mabry, deceased; to the Committee on War Claims.

Also, a bill (H. R. 7035) to carry into effect the findings of the Court of Claims in the matter of the claim of the Methodist Church of Kossuth, Miss.; to the Committee on War Claims.

By Mr. CARAWAY: A bill (H. R. 7036) granting an increase of pension to William R. Boren; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 7037) granting a pension to Katherine Hauns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7038) granting a pension to Emelie Varney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7039) granting a pension to Edith Clark; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 7040) granting an increase of pension to George Devol; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7041) granting an increase of pension to John Troxler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7042) granting an increase of pension to Simon Bollinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7043) granting an increase of pension to Benjamin Griffith; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 7044) granting a pension to Elizabeth Obermeyer; to the Committee on Invalid Pensions.

By Mr. FISHER: A bill (H. R. 7045) granting a pension to Walter L. Jewell; to the Committee on Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 7046) granting an increase of pension to Levi H. Brown; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 7047) granting an increase of pension to Robert Finley Conover; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 7048) granting a pension to Charles A. King; to the Committee on Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 7049) granting an increase of pension to James F. McMannis; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 7050) granting a pension to William L. Brown; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 7051) granting an increase of pension to Edward F. Gurry; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 7052) granting an increase of pension to Alfred H. Wren, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7053) granting an increase of pension to Wilson S. Spade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7054) granting an increase of pension to John H. Eversole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7055) granting an increase of pension to Charles H. Mosher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7056) granting a pension to Leo Voelker; to the Committee on Pensions.

By Mr. KING: A bill (H. R. 7057) to remove the charge of desertion from the military record of Henry Harding; to the Committee on Military Affairs.

Also, a bill (H. R. 7058) granting an increase of pension to William M. Ferris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7059) granting an increase of pension to Thomas Collins; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 7060) granting a pension to Abraham Beachy; to the Committee on Pensions.

Also, a bill (H. R. 7061) granting a pension to Sarah Elizabeth Keplinger; to the Committee on Pensions.

Also, a bill (H. R. 7062) granting an increase of pension to John Working; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7063) granting an increase of pension to J. Wallace Ellis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7064) granting an increase of pension to Robert Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7065) granting an increase of pension to Benjamin A. Linvill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7066) granting an increase of pension to Christopher C. Stevenson; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 7067) granting an increase of pension to J. Porter Dunham; to the Committee on Invalid pensions.

Also, a bill (H. R. 7068) granting a pension to Clara Larish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7069) granting an increase of pension to B. W. Brittain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7070) granting an increase of pension to Henry C. Conner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7071) granting an increase of pension to Oliver Barr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7072) granting an increase of pension to Thomas Croft; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7073) granting an increase of pension to Bateman D. Carey; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 7074) for the relief of Mrs. Thomas McGovern; to the Committee on Claims.

By Mr. McKENZIE: A bill (H. R. 7075) granting an increase of pension to John R. Perrine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7076) granting an increase of pension to Henry Allison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7077) granting an increase of pension to James B. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7078) granting an increase of pension to William Vincent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7079) granting an increase of pension to Hugh S. Stanley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7080) granting an increase of pension to Samuel L. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7081) granting an increase of pension to Henry King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7082) granting an increase of pension to Charles W. A. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7083) granting an increase of pension to William T. Preston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7084) granting an increase of pension to James C. Goldthorp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7085) granting an increase of pension to John Hatch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7086) granting a pension to Anna Schmieg; to the Committee on Pensions.

By Mr. MEEKER: A bill (H. R. 7087) granting a pension to Stanley M. Riggs; to the Committee on Pensions.

Also, a bill (H. R. 7088) granting an increase of pension to John Condon; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 7089) for the relief of the heirs of Adam and Noah Brown; to the Committee on Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 7090) granting an increase of pension to Thomas J. Parker; to the Committee on Pensions.

By Mr. OSBORNE: A bill (H. R. 7091) for the relief of John D. Humphrey; to the Committee on Military Affairs.

By Mr. OVERMYER: A bill (H. R. 7092) granting a pension to Mary Couter; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 7093) granting an increase of pension to James E. Reed; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 7094) granting an increase of pension to William R. Whittaker; to the Committee on Invalid Pensions.

By Mr. SCOTT of Iowa: A bill (H. R. 7095) granting an increase of pension to Emanuel Rickman; to the Committee on Pensions.

By Mr. SCHALL: A bill (H. R. 7096) granting an increase of pension to August Dorman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7097) granting a pension to George Archambault; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 7098) granting an increase of pension to Emma J. Flannagan; to the Committee on Pensions.

By Mr. STINESS: A bill (H. R. 7099) granting an increase of pension to Thomas L. Jennison; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 7100) to reimburse the Farmers Savings Bank of Brandon, Iowa, for currency destroyed by fire; to the Committee on Claims.

By Mr. TILLMAN: A bill (H. R. 7101) granting a pension to Charles E. Cullom; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 7102) granting an increase of pension to Jasper W. Shoemaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7103) to remove the charge of desertion from the military record of Norman H. Watson; to the Committee on Military Affairs.

By Mr. VOIGT: A bill (H. R. 7104) granting an increase of pension to Charles G. Ginther; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7105) granting a pension to Anna Smith; to the Committee on Invalid Pensions.

By Mr. WATSON of Pennsylvania: A bill (H. R. 7106) for the relief of Franklin W. Hilt, alias Franklin W. Righter; to the Committee on Military Affairs.

Also, a bill (H. R. 7107) granting an increase of pension to Henry C. Livezey; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 7108) granting an increase of pension to James Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7109) granting an increase of pension to John W. Leathers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7110) granting a pension to Jacob Barger; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 7111) granting a pension to Lillian Warren Kemp; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Colorado, Connecticut, Indiana, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Minnesota, Missouri, Michigan, Montana, Nebraska, North Carolina, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, and Virginia, favoring the passage of the Moon purple cross bill (H. R. 5410) or the Wolcott purple cross bill (S. 2692); to the Committee on Military Affairs.

By Mr. BACON: Petition of College of Pharmacy, President H. B. Hutchins, and 65 others, of the University of Michigan, favoring passage of the Edmonds bill (H. R. 5531), to increase the efficiency of the Medical Department of the United States Army, etc.; to the Committee on Military Affairs.

By Mr. BRODBECK: Evidence in support of bill granting increase of pension to Joseph M. Wagner; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: Memorial of Local No. 310, International Molders' Union, Racine, Wis., favoring investigation of the explosion in Los Angeles, Cal.; to the Committee on Labor.

By Mr. CURRIE of Michigan: Petition of W. A. Finney and other members of the Grand Army of the Republic, urging increase in pensions of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. DARROW: Petition of 61 citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Equal Franchise Society, of Philadelphia, Pa., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DILLON: Petition of various surviving officers of the Civil War, asking passage of officers' retired list bill; to the Committee on Military Affairs.

Also, petition of employees of the Mitchell (S. Dak.) post office, favoring the Madden bill relative to increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. ESTOPINAL: Petition of members of various labor unions, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Memorial of the Old Time Printers' Association, of Chicago, Ill., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Charles Look, favoring law for increasing pensions of Civil War veterans who were maimed; to the Committee on Invalid Pensions.

Also, petition of J. D. Tower & Sons Co. of Mendota, Ill., favoring law for universal military training; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: Petitions of Zach-Chandler Post, Grand Army of the Republic, of South Haven, and George H. Thomas Post, No. 14, Grand Army of the Republic, of Benton Harbor, Mich., asking increase in pensions of veterans of Civil War; to the Committee on Invalid Pensions.

By Mr. HERSEY: Memorial of Free Baptist Church of Island Falls, Me., urging national prohibition; to the Committee on the Judiciary.

By Mr. HILLIARD: Petition of John Milton Walker and 9 others and Women's Auxiliary of the First Baptist Church, of Denver, Colo., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Ivah Dunklee and Gertrude Stearns, of Denver, Colo., urging woman-suffrage amendment; to the Committee on Woman Suffrage.

By Mr. KENNEDY of Rhode Island: Petition of Rev. J. J. Williams, pastor Broad Street Baptist Church, Central Falls, R. I., favoring passage of national prohibition amendment; to the Committee on the Judiciary.

Also, petition of Joseph A. Newton, of Pawtucket, R. I., favoring passage of national prohibition legislation; to the Committee on the Judiciary.

Also, resolution of State Council of Rhode Island Junior Order of United American Mechanics, favoring passage of H. R. 5667 and H. R. 4852, for further restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of Rev. William J. Smith and 25 others of Burrilville, in the State of Rhode Island, favoring passage of national prohibition legislation; to the Committee on the Judiciary.

By Mr. LEE of Georgia: Papers to accompany H. R. 6929, a bill for pension for Laura G. Hight; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 6928, a bill to increase pension of Randolph Snell; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 6930, for increase in pension of Martha Johnson; to the Committee on Pensions.

Also, papers to accompany H. R. 6931, a bill to increase pension of Susan E. Bell; to the Committee on Pensions.

By Mr. LUFKIN: Petitions of Post 68, Grand Army of the Republic, of Georgetown; Post 45, Grand Army of the Republic, of Gloucester; and Allen Post, No. 67, Grand Army of the Republic, of Manchester, all in the State of Massachusetts, asking increase in rate of pensions of veterans of Civil War; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Memorial of Philadelphia Board of Trade, relative to section 209 of the war-revenue act; to the Committee on Ways and Means.

Also, memorial of Philadelphia Bourse, relative to act to prevent cessation of work by employees of public-service corporations engaged in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Philadelphia Bourse, favoring amendment of war-revenue act of 1917 with respect to war excess-profits tax; to the Committee on Ways and Means.

By Mr. OSBORNE: Memorial of 500 women of San Francisco and 700 women of Los Angeles, Cal., urging national suffrage amendment; to the Committee on Woman Suffrage.

Also, memorial of congregation of the First United Presbyterian Church of Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Petitions of sundry citizens and church societies of the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of State council of Rhode Island, Junior Order United American Mechanics, favoring passage of House bill 5667; to the Committee on Immigration and Naturalization.

By Mr. RANDALL: Petition of 90 voters of Downey precinct, Cal., favoring immediate adoption of national prohibition amendment; to the Committee on the Judiciary.

Also, memorial of Epworth League of First Methodist Church of Pomona, Cal., in favor of passage of national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, memorial of congregation of Second Presbyterian Church of Long Beach, Cal., favoring passage of national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, memorial of mass meeting of 700 women in Alexandria Hotel, Los Angeles, Cal., against cruel treatment of suffragist prisoners for exercising their right of petition at the gates of the White House; to the Committee on the Judiciary.

Also, memorial of mass meeting of 300 women at U. S. Grant Hotel, San Diego, Cal., against cruel treatment of suffragist prisoners for exercising their right of petition at the gates of the White House; to the Committee on the Judiciary.

Also, memorial of Washington Street Methodist Sunday School, Pasadena, Cal., praying for submission of national prohibition constitutional amendment to the States; to the Committee on the Judiciary.

Also, memorial of Washington Street Methodist Church, Pasadena, Cal., asking submission of proposed amendment to the Constitution providing for national prohibition; to the Committee on the Judiciary.

Also, protest of Protestant churches of Norwich, N. Y., against waste of $150,000,000 worth of foodstuffs in the manufacture of intoxicating liquors; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of Minnesota Woman Suffrage Association and Northern Minnesota Conference of the Methodist Episcopal Church, of Minneapolis, Minn., favoring woman suffrage amendment; to the Committee on Woman Suffrage.

Also, petition of the Minnesota Rural Letter Carriers' Association, asking equipment and maintenance allowance and for other relief; to the Committee on the Post Office and Post Roads.

Also, petition of postal employees of Fergus Falls, Minn., favoring House bill 1654, for increase in pay; to the Committee on the Post Office and Post Roads.

Also, petition of the Ninth Division Mail Association, favoring increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Memorial of State Council of Rhode Island, Junior Order of United American Mechanics, favoring passage of House bills 4852 and 5667, for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. STRONG: Petition of members of the First Baptist Church, Saltsburg; voters of New Bethlehem and vicinity; Protestant churches of Clymer; National Prohibition League, Foxburg; Woman's Christian Temperance Union, Apollo; Woman's Foreign Missionary Society, Apollo; and letters from A. F. Deemer, Marion Center; Mrs. Amos Hiles, Oak Ridge; G. W. Moody, Oak Ridge; Baptist C. Scott, A. R. Hilty, J. H. Hartman, Frank B. Rumbaugh, Apollo, all in the State of Pennsylvania, favoring enactment of the prohibition amendment to the Federal Constitution; to the Committee on the Judiciary.

By Mr. TILSON: Petition of William H. Murray and 100 other clerical employees of New Haven, Conn., post office, favoring the Madden bill; to the Committee on the Post Office and Post Roads.

By Mr. VARE: Memorial of Equal Franchise Society of Philadelphia, asking passage of suffrage amendment; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 6, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Profoundly grateful Almighty God, our Heavenly Father, for all the blessings Thou hast bestowed upon us, and deeply sensible of our dependence upon Thee, we most fervently pray that Thou wilt continue Thy ministrations unto our needs.

Purify our minds, exalt our thoughts, that we may render willing and faithful service unto Thee and our fellow men.

Hold us close to Thee this day, and guide us in all our undertakings, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following communications:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 5, 1917.

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Owing to the fact that I am confined to my home in Washington through illness, and my inability to be present during the consideration and final disposition of the resolution declaring war on Austria-Hungary, I wish that you would kindly convey to the Members of the House my desire to support the passage of this measure.

With kind personal regards, I am,
Yours, sincerely,

W. J. CARY.

ST. LOUIS, MO., *December 6, 1917.*

Hon. CHAMP CLARK,
Washington, D. C.:

Please ask that I be excused for remainder of this week on account serious illness in my family.

E. E. DENISON.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 6, 1917.

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: Representative H. J. DRANE, of Florida, desires to be excused from attendance in the House for the remainder of the week. He is very ill at his room in the Congress Hall Hotel, and on the advice of his physician will be compelled to absent himself for several days.

Very sincerely,

GUY E. CAMPBELL.

The several requests were granted.

LEAVE OF ABSENCE FOR HOMESTEAD SETTLERS AND ENTRYMEN.

Mr. FERRIS. Mr. Speaker, on yesterday we passed the bill H. R. 4617 with two amendments. I found on consulting the clerk of my committee that the Senate had passed an identical bill, S. 2334, last fall. I ask unanimous consent to discharge the Committee on the Public Lands of the House from the further consideration of Senate bill 2334 and ask for the present consideration of the same. If that request is granted, I will ask to strike out all after the enacting clause and insert the House bill, and also to vacate the proceedings of yesterday.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to discharge the Committee on the Public Lands from the further consideration of the bill S. 2334 and the present consideration of the same. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 2334) to authorize absence by homestead settlers and entrymen, and for other purposes.

Be it enacted, etc., That during the pendency of the existing war any homestead settler or entryman shall be entitled to a leave of absence from his land for the purpose of performing farm labor, and such absence, while actually engaged in farm labor, shall, upon compliance

with the terms of this act, be counted as constructive residence: *Provided*, That each settler or entryman leaving his claim for the purpose herein provided shall file notice thereof in the United States Land Office, and at the expiration of the calendar year file in said land office of the district wherein his claim is situated a written statement, under oath and corroborated by two witnesses, giving the date or dates when he left his claim, date or dates of return thereto, and where and for whom he was engaged in farm labor during such period or periods of absence: *Provided further*, That nothing herein shall excuse any homestead settler or entryman from making improvements or performing the cultivation required by applicable law upon his claim or entry. The Secretary of the Interior is authorized to provide rules and regulations for carrying this act into effect.

Mr. FERRIS. Mr. Speaker, I now ask unanimous consent to strike out all of the Senate bill after the enacting clause and incorporate the bill H. R. 4617, with the two amendments, that we passed yesterday.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to strike out all after the enacting clause in the Senate bill just read and substitute the House bill passed yesterday, together with the two amendments that were agreed to. Is there objection?

There was no objection.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to vacate the proceedings had yesterday with reference to the passage of House bill 4617, and that the bill be laid on the table.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to vacate the proceedings of yesterday in the passage of the bill H. R. 4617 and that the bill be laid on the table. Is there objection?

There was no objection.

AUSTRIA-HUNGARY.

Mr. FLOOD. Mr. Speaker, I have been directed by the Committee on Foreign Affairs to report unanimously a resolution declaring that a state of war exists between this country and the Austria-Hungarian Government and to ask unanimous consent that this resolution be taken up to-morrow immediately after the reading of the Journal.

The SPEAKER. The gentleman from Virginia asks unanimous consent that a resolution declaring that a state of war exists between this country and Austria-Hungary be taken up immediately after the reading of the Journal to-morrow.

Mr. GILLETT. Mr. Speaker, may I ask the gentleman from Virginia what debate he expects to allow?

Mr. FLOOD. We were discussing that in committee yesterday, and it was suggested that we have one hour on each side.

Mr. GILLETT. There is not the slightest disposition on this side of the House to protract or delay the passage of the resolution, and I do not know that there is any disposition to protract the debate, but it seems to me that that is a small limit of time.

Mr. FLOOD. I am willing to agree to a longer time, but I think we ought to pass it to-morrow.

Mr. GILLETT. I think that would be desirable.

Mr. KITCHIN. We can fix the time to-morrow.

Mr. BORLAND. Will the gentleman from Virginia yield?

Mr. FLOOD. Certainly.

Mr. BORLAND. Is there a report accompanying the resolution?

Mr. FLOOD. As soon as unanimous consent is given I will state that I am preparing a report and will have it finished in half an hour, and I will ask unanimous consent to file it during the day.

Mr. BORLAND. When will it be available to Members?

Mr. FLOOD. It will be printed to-day.

Mr. FORDNEY. Does the resolution include Turkey and Bulgaria?

Mr. FLOOD. It does not.

Mr. DYER. Will there be an opportunity to offer an amendment including Turkey and Bulgaria?

Mr. GILLETT. I suppose any germane amendment will be in order.

Mr. FLOOD. Of course germane amendments can be offered.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the consideration of the resolution declaring war against Austria-Hungary immediately after the reading of the Journal to-morrow, and that he may file the report to-day. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on the subject of the war resolution at this time.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to address the House for 15 minutes on the war resolution. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, which I do not intend to do, in view of the request of the gentleman, I wish to ask the gentleman from Virginia whether the President or the State Department has indicated a desire at this time to have a declaration of war against Bulgaria and Turkey?

Mr. FLOOD. None, except that it would be ill advised at this time to make such a declaration.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. MILLER] to address the House at the present time for 15 minutes on this resolution declaring that a state of war exists with Austria-Hungary?

Mr. FOSTER. Reserving the right to object, may I ask the reason the gentleman wishes to address the House at the present time?

Mr. MILLER of Minnesota. I am glad to make the statement. A few days ago I consulted with the chairman of our committee, and it was the opinion that the resolution would come up for consideration to-day. I regret to say that I made an arrangement to leave the city this evening on important public business which will keep me away from the city to-morrow, and I feel that there are a few words which I ought to say in reference to this resolution, and this will be my only opportunity.

Mr. GILLETT. And the gentleman is a member of the committee.

The SPEAKER. Is there objection?

Mr. FOSTER. I think that is satisfactory to me. I have no objection.

The SPEAKER. The Chair hears none, and the gentleman from Minnesota is recognized for 15 minutes.

Mr. MILLER of Minnesota. Mr. Speaker and gentlemen of the House, I feel that it is somewhat of an imposition to ask that you be detained to-day for 15 minutes to listen to the remarks I feel it my duty to make on this important resolution. My sole excuse is the one I have just given, responding to the inquiry made by the gentleman from Illinois [Mr. FOSTER]. I say in justice to myself that if there is one thing that I believe at this hour more strongly than anything else, it is that we must begin to make this war a war of fact and accomplishment and of deadly certainty, and this determination requires that we should declare war against every enemy of our allies, including Bulgaria and Turkey. Yet I am one of those who voted for the resolution as it stands. The resolution reported from the Committee on Foreign Affairs is a unanimous one. I think there is no harm in stating that some of us, perhaps, are strongly of the opinion that the resolution should be extended, but that in deference to the wishes of the President of the United States we have put our private considerations in our pockets, and we are going to stand with him now united. [Applause.] I feel, however, that it is the duty of every Member of Congress to exercise his best thought and to take conscientious action on those things that lie within the line of his duty. The reasoning that causes the President to ask that we declare war on Austria-Hungary is the exact reasoning which should impel us to declare war on Bulgaria and Turkey. He was very adroit, skillful, masterly in the language he used. I marveled at the capacity he displayed. He has reasons to which I am willing to defer now, but I confidently predict that before many weeks have passed he will come and ask that we declare war on Bulgaria and Turkey. We might as well face the truth. The American people are not afraid of any task, however gigantic, and are willing to pay the price demanded in order that a great end be gained. There are some things that have occurred in the past by which our feet to-day can be guided. We do not need to launch out alone on an uncharted sea and in darkness. When this terrible war began three years and more ago, for a time Italy held out. In the end she declared war—against whom? Austria-Hungary alone. She had just concluded a war with Turkey and was still at enmity with the Turkish Empire, as far as their respective interests were concerned in northern Africa and in Asia Minor. Bulgaria loomed up with hostile intent in the Balkans. Italy confined herself to a declaration of war against Austria-Hungary, and she made the fatal mistake of her life.

When you go into this war you must calculate that you are going into it to fight the enemies of your friends, otherwise you are but half in the war, and you are but a weak prop to your friends. The hour may at any time strike when your attitude prevents your friends from coming to your assistance. Little Serbia held out against all the power of the Austrian Government to overrun her land, and when Bulgaria entered the war and struck Serbia on the flank with the German hosts helping the Austrians, Serbia fell in a few weeks. Likewise Montenegro, that little mountainous country whose soil had never felt the tread of hostile foot for more than 600 years. The rest of

Europe had resounded to the battle drums and triumph of marching hordes and conquerors, but Montenegro remained sacred to the blood of her ancestors. Ah, why were the allies unable to stop the advancing hosts? Because Italy was not at war with Bulgaria and Germany, and when from Montenegro and Serbia came the Macedonian cry for help Italy could not send the men and guns which, united with the strength of the allies, undoubtedly would have saved Serbia and Montenegro. We have that in the past, but we have more than that. Italy has a good cause against the United States at this hour. There is no secret in Europe, there is no secret in this Chamber, and I venture there is little secret in Washington that the Italian Government has been begging of the United States these many months not for men, because they have millions in their camps, not so much for money, though they needed funds, but, above all, they begged for as they needed, guns, military matériel, and those munitions that would enable those men to be transformed into fighting units, and we failed to answer their repeated call. Why? Because we were not at war with Austria-Hungary!

My friends, when two or three or four men stand in battle array against you, united and strong, with all their power being hurled against you, how in the name of sense can you pick out one man and say, "I will fight him and leave the rest alone"? It can not be done, if you are going to give to your allies that friendly help and strength which they have a right to expect. [Applause.] And, my friends, Italy paid the price and finds that the labor of two years has been wiped away in two days. To-day, instead of conquering on her enemy's soil, she is struggling to hold back an invading host, one that already holds within its greedy clutch a large and splendid area of her land. And the end is not yet. How much of that mistake can be charged up against the United States I do not know, but I do know that they feel much of it should be. Let us not prolong the piecemeal fighting any longer. We are in this war. The President wisely said we are in it to its end, and the only end is victory. The only way victory can come is for all the allies to become united completely and fight together against a common foe. Is there any consideration that should cause us to postpone declaring war against Bulgaria and Turkey? I know of none. The reason we are about to declare war against Austria-Hungary, stripped of its camouflage, is simply military necessity.

Austria-Hungary in effect has been at war with us now these many months. Her ports have been the sally ports from which have come the death-dealing submarine in its ruthless warfare. From her wealth of guns have come cannon that at this hour it may be are hurling shot against our boys in the trenches on the front in France. Her resources are Germany's resources. Germany's enemies are her enemies, and, my friends, at this hour we must not forget that every friend of Germany is our foe. The world is not making war by piecemeal. The whole world practically is in the struggle. That which has caused the German and the Austrian and the Bulgarian and the Turk to perform such prodigies of military achievement on land is not because they are the most numerous, not because in material they surpass, not indeed because they know the art of war better than the allies, but because they have had their strength, solid and uniform, responding to one will, moving wherever that will designs they should go.

And the allies have been entering the war here and there. Ah, at last those who are now in the struggle on our side over yonder realize that this war must be death to the German power. That means death to the Bulgarian and Turkish part of it. Bulgaria, we know, entered this war for a selfish purpose. She counted the silver coin of plunder, weighed them against the blood of her own sons, and decided for war. She has no friend among the allies; she deserves none. She knows that she can not come with them. She knows that live or die her fortunes are irretrievably linked with those of the German-Austrian powers. She has made common cause with their piracy, and together they will hang or together they will plunder the world. My friends, Bulgaria to-day is vigorously in the war. Permit not yourselves to be deceived by the subtle thought that springs from what source I know not but can suspect, that if we withhold our war declaration from Bulgaria and Turkey, we may perhaps wean Bulgaria and Turkey from the central powers. Just as easily think that soft Christian words and repeating the Golden Rule will wean the robber from his plunder. It can not be done. You will separate Bulgaria from Germany in just one way—by the physical might of your armies, bursting the connection in two, and you will do it in no other way.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more.

The SPEAKER. The gentleman from Illinois [Mr. FOSS] asks unanimous consent that the gentleman may have 10 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MILLER of Minnesota. What claim has Turkey for our consideration? We are in the midst of horrors and it seems sometimes to us perhaps that the world has never known horrors before. But think of the history of Europe and of a part of Asia in the years that are past. It is a period drenched with the tears of dying Christians and the blood of martyred saints. It is a period when the Turkish power, with blood and savagery, held sway over a part of Europe that should have ended long, long ago. Is it possible for the Ottoman Empire to make common cause with us? No. She is now where she belongs. The Turkish Sultan belongs on the bosom of the German Kaiser to-day. [Applause.] They make good bedfellows. They are animated by the same lust of conquest, power, and blood. Turkey, like Bulgaria, knows she has nothing whatever to hope from the allies. She knows that she must live or die with the central powers of Europe. I hope she will die with them and soon. [Applause.] If this war, undertaken in the noble and lofty way in which we entered it, in its prosecution requiring the death of hundreds of thousands of Americans, because it will; if this war, with its expenditure of blood and treasure, shall end with the Turks still massacring Christians and still putting the blight of their presence on Europe, our money shall have been spent and our boys shall have been given in vain. If there is one thing which Christianity and civilization require it is now, as it has been for a century, that Turkish control in Europe shall cease to exist. [Applause.] I for one am opposed to making any common cause with the Turk. I am willing to meet him, but it must be with the butt end of a rifle in my hand and the bayonet pointed squarely at his heart. [Applause.] We can not hope to separate Bulgaria and Turkey from the central powers unless we do it by force of arms. It is not too much to hope that that very thing can be accomplished. It would not be proper in this public place, although it would give me the utmost pleasure to do so, to state to you some of the military strategy I have learned in recent weeks. I am justified, however, in stating that it contemplates, as it should contemplate, the possible use of the arms and power of the United States against both Bulgaria and Turkey. We must cast aside the shackles. We must throw away our intellectual theories of war. Let us go into it whole-heartedly and fight with our allies to the end. Then another thing, and of great importance. We all know that the German Empire daily receives news of our preparations and our plans that we sitting here in this chamber ourselves often do not know.

Many of us have recently been astounded to find how accurate has been the German information of what we are doing and what we plan to do. Information requires a source. I feel justified in stating to you that many of our friends among the allies feel that the presence in Washington of the representatives of Turkey and Bulgaria constitute an international menace. It may be true that we do exercise pretty close censorship, but there are ways and ways of people finding out and sending information. Ah, it would be indeed a sad moment should we come to realize that we had been harboring in our own country men who had given to our enemy information that resulted in the deaths of our boys. We are none of us dependent upon what others think, but I believe you think as I do, that we are going to see this thing through to the finish, and we are going to undertake the steps necessary to that end. And I want to say to you in that connection this, that if we declare war on all the foes of England, France, and Italy—which lands may Heaven bless, for they are still fighting, and they are about all of the allies that are now on the firing line—if we declare war on all their foes, it will be an inspiration to their men, and with renewed vigor, confidence, and hope they will hurl themselves upon our foes. Oh, my friends, it would tell to them that our cause is a common one. We are willing to make the same sacrifices, willing to perform the same heroic deeds, determined to do our full part, that the world may at last be rid of this military monster in whose living presence they have been forced to live these many, many years.

These are my thoughts and my feelings. I would not be true to myself if I did not express them. But with these thoughts and these feelings I still believe that harmony is the choicest, dearest thing we can achieve to-day, and I am willing under the exigencies of the case to wait a patient hour, until the Chief Executive will come to do that which I feel certain he will do—ask us to declare war against all the foes of our friends and with our friends fight all our foes together. [Loud applause.]

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that I may proceed for 10 minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent that he may proceed for 10 minutes. Is there

objection? [After a pause.] The Chair hears none. [Applause.]

Mr. FLOOD. Mr. Speaker, I have great admiration for my distinguished friend who has just addressed the House, admiration for his character, for his intellect, and for his patriotism. And I heartily indorse the patriotic sentiment he expressed in closing the very interesting speech which he has made to the House, but I dissent from most of the statements and conclusions of his speech.

He is in favor of declaring war against Turkey and Bulgaria, but he is willing to follow the leadership of our great Chief Executive, who has not reached a conclusion that the time has arrived for declaring war against those countries. This is well enough, but his views in reference to Turkey and Bulgaria are entirely wrong. [Applause.]

All of us realize, Mr. Speaker, that to a great extent the burden of the great European war is upon this country, and every Member of this body is willing to assume that burden, and willing to put into that war our man power and our resources, to the end that we may have a complete victory over our enemies of the central governments. [Applause.] And I believe the President is fully apprised of all the military situations in connection with this war, and whenever it becomes necessary for the proper prosecution of the war, for the speediest winning of the war, to declare war upon any nation that is allied with Germany the President will come to Congress and recommend such a declaration, and that declaration will be adopted with a practical unanimity by this body. [Applause.]

The time has come, Mr. Speaker, in the opinion of the President and those who are in closest touch with the situation, to declare war against Austria-Hungary. The Committee on Foreign Affairs has reported unanimously a resolution carrying such declaration, and I hope, and I believe, that to-morrow that declaration will be unanimously adopted by the House of Representatives. [Applause.] But the time has not come, in the opinion of the President and in the judgment of those who are more intimately associated with this matter in all of its details, than the military experts whom my friend from Minnesota [Mr. MILLER] quoted are, to declare war against Bulgaria and Turkey. On the contrary, there are strong reasons why we should not do this now. I will trespass upon the time of this House for a few moments and give the reasons which have occurred to me why this country should not at this time declare war against those two countries. The time may come when we may have to do it; that time has not come yet.

My friend from Minnesota spoke in strong terms of our duty to Italy. Italy or no other one of the allied powers has suggested to this country that the prosecution of this war could be beneficially effected or its termination hastened by a declaration of war against Turkey or Bulgaria.

At the present time there can be no question of any direct military operation by the United States against these countries. Particularly is that true in reference to Turkey. The question of the advisability of declaring war against Turkey therefore must be considered first from the standpoint of the moral effect of such a declaration, and, second, from the standpoint of the indirect damage to Turkey and the United States which would naturally and probably result from such declaration.

Considering the second of these questions first, it should be remembered that Turkey's interests in the United States are very insignificant, while the interests of the United States in Turkey are very large. The importance of the American missionary and educational institutions in Turkey are too well known to require a detailed description before this House. It will be sufficient to say that during the past 100 years the American missionary societies have expended over $20,000,000 in Turkey, and that the present value of the American missionary property in Turkey, mainly used for educational purposes, amounts to several millions of dollars. In the event of war between the United States and Turkey all this property would be destroyed or confiscated.

Our State Department is in receipt of letters from prominent American citizens acquainted with the situation in Turkey, calling its attention to the great personal danger to the Americans in Turkey if the United States should declare war against that country before the missionaries and other American citizens could leave that country. And time should be given for them to get out if we contemplate declaring war against the Ottoman Empire. At the present time the American institutions in Turkey are being fairly well treated.

There is practically nothing to fear from the activities of the Turkish subjects in the United States, the vast majority of whom are Christian Syrians, Assyrians, and Armenians. The number of real Turks in the United States is very limited. The report of the Immigration Commission, published in 1911, states that only 12,954 true Turks came to America from Turkey during the 12 years from 1899 to 1910, inclusive.

And I want to state here that my friend the gentleman from Minnesota [Mr. MILLER] was mistaken in stating that the Turkish Embassy here is open.

I may have been somewhat responsible for his making that mistake, but the fact is Turkey severed diplomatic relations with this country on April 20, 1917. There is no representative of Turkey in this country now, and there is no opportunity for any representative of Turkey or any Turks here to give information to Germany as to the affairs of this country or as to our purposes.

Mr. GILLETT. Mr. Speaker, if the gentleman will permit, the Bulgarian Legation is here, is it not?

Mr. FLOOD. Yes; the Bulgarian Legation is here. I will come to that in a few moments.

Mr. MILLER of Minnesota. If the gentleman from Virginia will permit, I would like to propound an inquiry, whether there are not some Turkish consuls in the United States?

Mr. FLOOD. No; they are all gone.

It is well known that a great deal of friction between the Turks and Germans is being developed at the present time. My friend from Minnesota does not think so, but that is the impression I got from talking to the officials of our State Department and officials of the administration.

Even the prowar party in Turkey is divided into two factions, and while it is reported that Enver Pasha and his followers are strongly pro-German, Talaat Bey is at the head of a party who are only concerned with the interests of Turkey and are beginning to look with suspicion upon German ambitions. I believe that a declaration of war against Turkey by the United States, unless the United States is in a position to strike Turkey, will have the tendency to strengthen the German influence in that country, an influence which everyone who is familiar with it agrees is weakening.

The Turks, so far as is known, have no troops on the western front, and have few, if any, effective submarines. In fact, they have not made and are not making any attacks on citizens of this country. The danger of direct conflict between the forces of the United States and those of Turkey is therefore very small.

These are the reasons for not declaring war against Turkey at this time. I believe they are much stronger than any reasons that can be advanced for a declaration of war against that country. [Applause.]

Now, with reference to Bulgaria——

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that the gentleman may have 10 minutes more.

Mr. FLOOD. Five minutes will be plenty.

Mr. FOSS. I ask that he may have five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Virginia may proceed for five minutes more. Is there objection?

There was no objection.

Mr. FLOOD. The situation with reference to Bulgaria is even stronger than that with Turkey; that is, the reasons why we should not declare war against Bulgaria are stronger than those with reference to Turkey. Bulgaria has not even broken off diplomatic relations with this country. They have the kindest feelings toward America. Americans are well thought of there. I have clipped from the Washington Times an interview with Dr. Stephen Panaretoff, the Bulgarian minister here, in which he says:

> It is well known that great pressure has been brought to bear upon Germany's allies to break with the United States. * * * Bulgaria alone has been able to resist this and follow her own inclinations.
>
> I do not expect to see Bulgars fighting outside of what is considered Bulgar territory. Our men have never fought on the west front and never will. Even Teuton prisoners captured by Italians declare that there are no Bulgars engaged in the drive against Italy. There may be Bulgar-speaking troops from Albania or Macedonia in Teuton ranks, but they are in no way identified with the Bulgarian Army.

That is from the minister here. He certainly is not unfriendly to this country.

Mr. GILLETT. Mr. Speaker, will the gentleman allow me a moment?

Mr. FLOOD. Yes.

Mr. GILLETT. I was told recently by an authority quite as high as the one he has cited that Bulgarian officers were serving in the Germany Army in its attack on Italy.

Mr. FLOOD. I saw that statement in the newspapers, but the interview of the Bulgarian minister contradicts the newspaper reports.

Mr. GILLETT. I was told this directly. I do not like to give my authority without his permission, but I think no authority here could be higher or more reliable.

Mr. FLOOD. I do not believe there can be any higher authority than the Bulgarian minister. I believe his information about this matter to be as accurate as anybody's could be, and I submit his statement to the House for what the House may think it is worth.

The wisdom of a declaration of war by the United States at the present time against Bulgaria would be even more doubtful than would be the wisdom of a declaration of war by the United States against Turkey. The Bulgarian race has always been extremely friendly toward the United States. Robert College at Constantinople is often referred to by Bulgarians as "the cradle of Bulgarian liberty." The Bulgarian minister to the United States was for more than 30 years a professor at Robert College, and he has always been friendly toward the United States, and his good sense would make him friendly to the entente powers.

The Bulgarian interest in this war, as the interview of the minister indicates, is a purely local one. That nation is merely fighting out their old feud with the Serbians. The Bulgarians not only have no interest in the German plans for world conquests but, on the contrary, they are already beginning to appreciate the dangers of German domination. There are no Bulgarian troops on the western frontier, and Bulgaria has no submarines; there is, therefore, no danger of any direct conflict between the American and Bulgarian forces.

It is difficult, therefore, to see how a declaration of war by the United States against Bulgaria at the present moment would in any way, directly or indirectly, tend to assist in the bringing about of a victory for the United States and the entente or hasten the end of this terrible conflict.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. TILSON. What has the gentleman to say as to the danger of information going through diplomatic channels to our enemies from this country?

Mr. FLOOD. The Bulgarians can send no information abroad that does not go through our State Department. Everything that the Bulgarian Legation here sends to its country from anywhere in this country goes through the State Department, so there can be no danger from that source. There is no danger of our coming to armed conflict with Bulgaria and practically none with Turkey. These are the reasons why the Committee on Foreign Affairs thought that at this time there should not be any declaration of war against those two countries. I have undertaken to give those reasons in reply to my friend from Minnesota, so that when we take up to-morrow the declaration of war against Austria-Hungary—the strong, virile, and ruthless ally of Germany—we may get a unanimous vote in favor of that declaration. [Applause.]

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 54 minutes p. m.) the House adjourned until to-morrow, Friday, December 7, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, submitting statement showing the manner in which all expenditures have been made under the appropriation "Experimental and research laboratory," fiscal year ending June 30, 1917 (H. Doc. No. 512); to the Committee on Expenditures in the Navy Department and ordered to be printed.

2. A letter from the acting superintendent of United States Botanic Garden, transmitting statement regarding increased compensation paid employees of the United States Botanic Garden (H. Doc. No. 513); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting statement of the amounts expended to December 1, 1917, from appropriations under the control of the Treasury Department (H. Doc. No. 514); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

4. A letter from the Secretary of the Navy, transmitting statement showing the amount of money of all pay and for all allowances for each grade of officers in the Navy, including retired officers (H. Doc. No. 515); to the Committee on Expenditures in the Navy Department and ordered to be printed.

5. A letter from the Secretary of War, transmitting annual report of the Board of Ordnance and Fortifications for the fiscal year ended June 30, 1917 (H. Doc. No. 587); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, submitting statement of expenditures of the Coast Guard for the fiscal year ended June 30, 1917 (H. Doc. No. 516); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting estimates of appropriations for defraying the expenses of collecting the revenue from customs for the fiscal year ending June 30, 1919 (H. Doc. No. 517); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting the report of the Director of the Bureau of War-Risk Insurance, giving details of the receipts and expenditures of the bureau from December 1, 1916, to November 30, 1917 (H. Doc. No. 518); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 169) declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same, reported the same with amendment, accompanied by a report (No. 203), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 803) granting a pension to Walter L. Jewell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4312) granting an increase of pension to Tivis C. Simmons; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HULBERT: A bill (H. R. 7112) to provide for the enlistment and service of women in the military service of the United States; to the Committee on Military Affairs.

By Mr. RANDALL: A bill (H. R. 7113) to prohibit transportation of intoxicating liquors into certain States, Territories, or Districts; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 7114) to provide a commission to secure plans and designs for a monument or memorial to the memory of the Negro soldiers and sailors who fought in the wars of our country; to the Committee on the Library.

By Mr. RAKER: Resolution (H. Res. 188) authorizing clerks to certain committees of the House; to the Committee on Accounts.

By Mr. ALEXANDER: Resolution (H. Res. 190) to provide an assistant clerk to the Committee on the Merchant Marine and Fisheries; to the Committee on Accounts.

By Mr. LONDON: Joint resolution (H. J. Res. 173) to initiate the organization of an international league to secure a durable peace; to the Committee on Foreign Affairs.

By Mr. CHURCH: Joint resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy; to the Committee on Patents.

By Mr. KINCHELOE: Joint resolution (H. J. Res. 175) amending section 201 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. JAMES: Joint resolution (H. J. Res. 176) authorizing the Secretary of State to open negotiations with the Government of Italy to conclude a treaty defining the status of former Italian subjects; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUCKNER: A bill (H. R. 7115) granting an increase of pension to Robert Stevenson; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 7116) granting a pension to Montie Johnson; to the Committee on Pensions.

Also, a bill (H. R. 7117) granting a pension to George Smith; to the Committee on Pensions.

Also, a bill (H. R. 7118) granting a pension to C. A. Sutherland; to the Committee on Pensions.

Also, a bill (H. R. 7119) granting an increase of pension to William P. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7120) granting an increase of pension to Elias Shannon; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 7121) granting a pension to Edward J. Gleason; to the Committee on Pensions.

By Mr. DEWALT: A bill (H. R. 7122) granting a pension to Ida R. Borrell; to the Committee on Pensions.

Also, a bill (H. R. 7123) granting a pension to George Hall; to the Committee on Pensions.

Also, a bill (H. R. 7124) granting a pension to William V. Schwoyer; to the Committee on Pensions.

Also, a bill (H. R. 7125) granting an increase of pension to Cyrus Boone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7126) for the relief of John Purdy; to the Committee on Military Affairs.

Also, a bill (H. R. 7127) for the relief of Thomas H. Reed; to the Committee on Military Affairs.

By Mr. DOWELL: A bill (H. R. 7128) granting an increase of pension to John Jellison; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 7129) granting a pension to Margaret Cassidy; to the Committee on Pensions.

Also, a bill (H. R. 7130) granting a pension to Emma Potts; to the Committee on Pensions.

Also, a bill (H. R. 7131) granting a pension to Thomas F. Hassett; to the Committee on Pensions.

Also, a bill (H. R. 7132) granting a pension to Laura Hilgeman; to the Committee on Pensions.

Also, a bill (H. R. 7133) granting a pension to Mary L. Marik; to the Committee on Pensions.

Also, a bill (H. R. 7134) granting a pension to Charles F. Lang; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7135) granting a pension to Lotta K. Boyd; to the Committee on Pensions.

Also, a bill (H. R. 7136) granting a pension to Sam Blanton; to the Committee on Pensions.

Also, a bill (H. R. 7137) granting a pension to Oscar Grear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7138) granting a pension to Richard L. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7139) granting a pension to William L. Woestendiek; to the Committee on Pensions.

Also, a bill (H. R. 7140) granting a pension to Anna Buhrman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7141) granting a pension to Louise Krause; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7142) granting a pension to Celsus G. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7143) granting a pension to Fritz Wilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7144) granting a pension to Wilber K. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7145) granting a pension to Walter S. Reece; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7146) granting a pension to Thomas C. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7147) granting a pension to Charles T. Durant; to the Committee on Pensions.

Also, a bill (H. R. 7148) granting a pension to Jessie Rowland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7149) granting a pension to Adeline Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7150) granting a pension to Julia Casey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7151) granting a pension to Henry Johnson; to the Committee on Pensions.

Also, a bill (H. R. 7152) granting a pension to Henry Lebrecht; to the Committee on Pensions.

Also, a bill (H. R. 7153) granting a pension to Louise Furst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7154) granting a pension to Sarah C. Tippling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7155) granting an increase of pension to William Warren; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7156) granting a pension to George C. Emmert; to the Committee on Pensions.

Also, a bill (H. R. 7157) granting a pension to Augusta Hoecker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7158) granting a pension to George Fredericks; to the Committee on Pensions.

Also, a bill (H. R. 7159) granting a pension to Thomas J. Hunt; to the Committee on Pensions.

Also, a bill (H. R. 7160) granting a pension to Wheeler Smith; to the Committee on Pensions.

Also, a bill (H. R. 7161) granting a pension to Tony Jud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7162) granting an increase of pension to Frederick A. Churchill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7163) granting a pension to Freda Burow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7164) granting an increase of pension to Bertha Herder; to the Committee on Pensions.

Also, a bill (H. R. 7165) granting an increase of pension to Charles A. Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7166) granting an increase of pension to Felix Karl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7167) granting an increase of pension to Maria A. Murat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7168) granting an increase of pension to Xaver Zachringer, alias John Ruh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7169) granting an increase of pension to Ellen Jines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7170) granting an increase of pension to Thomas Carten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7171) granting an increase of pension to Pleasant F. Clutts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7172) granting an increase of pension to Ellen H. Frost; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7173) granting an increase of pension to Edward P. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7174) granting an increase of pension to Peter R. Matthew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7175) granting an increase of pension to Margaret Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7176) granting an increase of pension to Gideon W. Carmichael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7177) granting an increase of pension to Robert Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7178) granting an increase of pension to George Claxton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7179) granting an increase of pension to Julia F. Wagner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7180) granting an increase of pension to John A. Spann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7181) granting an increase of pension to Sarah J. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7182) for the relief of John H. Rheinlander; to the Committee on Claims.

Also, a bill (H. R. 7183) for the relief of C. M. Perkins; to the Committee on Claims.

Also, a bill (H. R. 7184) for the relief of Thomas Furlong; to the Committee on Claims.

Also, a bill (H. R. 7185) for the relief of the Knight Motor Co., a corporation; to the Committee on Claims.

Also, a bill (H. R. 7186) for the relief of Rudolph L. Wise; to the Committee on Claims.

Also, a bill (H. R. 7187) for the relief of Irene Gillespie; to the Committee on Claims.

Also, a bill (H. R. 7188) for the relief of Charles W. Howard; to the Committee on Military Affairs.

Also, a bill (H. R. 7189) for the relief of John H. Drosselmeyer; to the Committee on Military Affairs.

Also, a bill (H. R. 7190) for the relief of Bartholomew Buckley; to the Committee on Military Affairs.

Also, a bill (H. R. 7191) for the relief of Daniel O'Connell; to the Committee on Military Affairs.

Also, a bill (H. R. 7192) for the relief of Aaron B. Van Pelt, alias Benjamin Van Pelt; to the Committee on Military Affairs.

Also, a bill (H. R. 7193) authorizing the President to appoint Archibald Grymes Hutchinson a first lieutenant of Infantry, and for other purposes; to the Committee on Military Affairs.

By Mr. ELLIOTT: A bill (H. R. 7194) granting an increase of pension to Robert O. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7195) granting an increase of pension to Elisha L. Powers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7196) granting an increase of pension to James Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7197) granting a pension to William J. Nash; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 7198) granting a pension to Susan M. Gregory; to the Committee on Pensions.

Also, a bill (H. R. 7199) granting a pension to Albert C. Schuman; to the Committee on Pensions.

Also a bill (H. R. 7200) granting an increase of pension to Charles H. Lakey; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 7201) granting a pension to Adelbert Lewis; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 7202) granting an increase of pension to James G. B. Lamb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7203) for the relief of John Burke; to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 7204) granting an increase of pension to Peter Wetterich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7205) granting an increase of pension to John G. Murray; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 7206) granting a pension to Eliza J. St. Clair; to the Committee on Pensions.

By Mr. MASON: A bill (H. R. 7207) for the relief of the estate of John C. Phillips; to the Committee on War Claims.

By Mr. SHERWOOD: A bill (H. R. 7208) to reimburse Ralph Rogers, son and sole heir of Dudley Rogers, for expenses incurred; to the Committee on Military Affairs.

By Mr. SIEGEL: A bill (H. R. 7209) granting an increase of pension to Joseph D. Donellen; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 7210) granting an increase of pension to Charles Story; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7211) granting an increase of pension to John Daily; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7212) granting an increase of pension to William Emrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7213) granting an increase of pension to Henry R. Playford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7214) granting an increase of pension to Humphrey Bay; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 7215) granting an increase of pension to Benevell Haugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7216) granting an increase of pension to John Shoup; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 7217) granting an increase of pension to Alfred Holmes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7218) granting an increase of pension to John Cherry; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of sundry citizens and church organizations of the State of Missouri, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of the Philadelphia Embalmers' Association, favoring the Purple Cross bill; to the Committee on Military Affairs.

Also (by request), petition of sundry citizens of Floyd County, Tex., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Alabama, California, Colorado, Connecticut, Delaware, Indiana, Illinois, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Virginia, and West Virginia, favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of the Pineoleum Co. and the Crockery Board of Trade of New York, against reducing mailing rates of publishers; to the Committee on Ways and Means.

Also, petition of Tenants' Union of New York, favoring Government operation of all public utilities; to the Committee on the Judiciary.

By Mr. DYER: Memorial of St. Louis Real Estate Exchange, Cornelius H. Fauntleroy, and Merchants' Exchange, of St. Louis, Mo., relative to time for completion of bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petition of Tuthill Spring Co., of Chicago, Ill., against repeal of law concerning second-class postage; to the Committee on Ways and Means.

Also, petition of Woman's American Baptist Foreign Mission Society, favoring prohibition; to the Committee on the Judiciary.

Also, petition of Hod Carriers, Building and Common Laborers' Executive Council of Chicago and vicinity, relative to legislation to facilitate building industry; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of Michigan: Petitions of sundry citizens of the State of Michigan, favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. KENNEDY of Rhode Island: Petitions of S. Raymond Hawthorne, Mrs. William E. Morrison, Emma E. Eldridge, Winifred Thompson, L. B. Watkins, Ida B. Smith, Rhode Island State Federation of Women's Clubs, Isabel MacLeod, Mrs. Frank E. Wilhelm, Edith Patterson, Sadie MacGinnins, Rev. George McClellan Fiske, Mrs. George McTroke, Mary E. Arnold, Mrs. Winslow Upton, Mrs. G. H. Fowler, Mrs. Martha McBush, Margaret S. Dwight, Marian L. Cooper, Susan M. Barnes, Lida Shawkin, Henry L. Thompson, Charles A. Tompkins, all of Providence; Robert Cussman, Pawtucket; and Rev. M. S. Kauffman, of Central Falls, all in the State of Rhode Island, favoring passage of national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Rev. William Pressey, of Ashton; Brotherhood of Embury Methodist Episcopal Church, Central Falls; Greenville Free Baptist Sunday School; Frank Manion, Saylesville; Peabody Bible Class of Park Place Congregational Church, Pawtucket; Circle Lacordaire, of Woonsocket; John A. Thompson and 14 others of Pawtucket Young Men's Christian Association; John Caveiti and 17 others of Pawtucket, all in the State of Rhode Island, in favor of passage of national prohibition legislation; to the Committee on the Judiciary.

By Mr. LUFKIN: Petition of citizens of Merrimac, Salem, Beverly, Haverhill, Danvers, and Newburyport, all in the State of Massachusetts, favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. MERRITT: Memorial of Branch No. 60, National Association of Letter Carriers, of Stamford, Conn., favoring House bill 1654; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of George R. Hearne and 174 other citizens of Hancock County, Ill., favoring Purple Cross bill; to the Committee on Military Affairs.

By Mr. SNYDER: Petitions of officers and teachers of First Baptist Church, of Ilion, and sundry citizens of Augusta, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Herodotus Club, of Whitesboro and Fortnightly Club of Remsen, N. Y., for moral protection of the Army; to the Committee on Military Affairs.

SENATE.

FRIDAY, *December 7, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have come together to take counsel how best to give expression to our sense of the sacred obligations of this place and hour. We turn first to Thee, the Source of all wisdom and of all power. We pray for unity of counsel that we may stand face to face with the great issues of the present time. May our fellowship in the common interests of our country and of the world be a demonstration to all men of our possession of those spiritual forces that have never surrendered in the history of the world. Bring us together by a common need, by a common danger, most of all by a common devotion to the ideals of our national life. We ask for Christ's sake. Amen.

PETER G. GERRY, a Senator from the State of Rhode Island; WESLEY L. JONES, a Senator from the State of Washington; and KENNETH D. MCKELLAR, a Senator from the State of Tennessee, appeared in their seats to-day.

The Secretary proceeded to read the Journal of the proceedings of Tuesday, December 4, 1917, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ANNUAL REPORT OF THE SECRETARY OF THE TREASURY (H. DOC. NO. 613).

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1917, which was referred to the Committee on Finance and ordered to be printed.

ANNUAL REPORT OF THE ATTORNEY GENERAL (H. DOC. NO. 595).

The VICE PRESIDENT laid before the Senate the annual report of the Attorney General for the fiscal year 1917, which was referred to the Committee on the Judiciary and ordered to be printed.

REPORT OF BOARD OF ORDNANCE AND FORTIFICATION (H. DOC. NO. 587).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, the annual report of the Board of Ordnance and Fortification, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

ANNUAL REPORT OF THE RECLAMATION SERVICE (H. DOC. NO. 597).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the sixteenth annual report of the Reclamation Service, which was referred to the Committee on Irrigation and Reclamation and ordered to be printed.

MARITIME CANAL CO. OF NICARAGUA (H. DOC. NO. 528).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of the report of the Maritime Canal Co. of Nicaragua, which, with the accompanying papers, was referred to the Committee on Interoceanic Canals and ordered to be printed.

ANNUAL REPORT OF THE INTERSTATE COMMERCE COMMISSION (H. DOC. NO. 599).

The VICE PRESIDENT laid before the Senate the thirty-first annual report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce and ordered to be printed.

ANNUAL REPORT OF THE LIBRARIAN OF CONGRESS (H. DOC. NO. 586).

The VICE PRESIDENT laid before the Senate the annual report of the Librarian of Congress and the Superintendent of the Library Buildings and Grounds for the fiscal year ended June 30, 1917, which was referred to the Committee on the Library and ordered to be printed.

EXPENDITURES, DEPARTMENT OF AGRICULTURE (H. DOC. NO. 486).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, detailed statement of expenditures of the Department of Agriculture for the fiscal year 1917, which, with accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

DISPOSITION OF PAPERS IN AGRICULTURE DEPARTMENT (H. DOC. NO. 490).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement relative to the disposition of papers not needed or useful in the transaction of the current business of the department, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

BUREAU OF CHEMISTRY (H. DOC. NO. 471).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the sums paid from the funds allotted to the Bureau of Chemistry for the compensation of or payment of expenses to officers or other persons employed by any State, county, or municipal government during the fiscal year 1917, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PURCHASE OF VEHICLES (H. DOC. NO. 470).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the motor-propelled and horse-drawn vehicles and motor boats purchased by the Department of Agriculture for the fiscal year 1917, which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PURCHASE OF SEEDS (H. DOC. NO. 469).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the places, quantity, and price of seeds purchased and the dates of purchase, etc., which, with the accompanying papers, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

THE FOREST SERVICE (H. DOC. NO. 473).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report of contributions on account of cooperative work with the Forest Service and the amount refunded to depositors on account of excess deposits, national forest fund, for the fiscal year 1917, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MISCELLANEOUS EXPENSES, DEPARTMENT OF AGRICULTURE (H. DOC. NO. 478).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement of the disbursements of the appropriation "Miscellaneous expenses, Department of Agriculture, 1917," which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

LABOR-SAVING DEVICES (H. DOC. NO. 476).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the exchanges of labor-saving devices during the fiscal year 1917, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

COMPENSATION OF EMPLOYEES OF AGRICULTURE DEPARTMENT (H. DOC. NO. 482).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation carried on the various rolls of the bureaus and offices of the department on September 30, 1917, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

BUREAU OF ANIMAL INDUSTRY (H. DOC. NO. 485).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the names of all persons employed in the Bureau of Animal Industry during the fiscal year 1917, except those whose salaries were paid exclusively by the meat-inspection appropriation, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

TRAVEL OF EMPLOYEES OF AGRICULTURAL DEPARTMENT (H. DOC. NO. 500).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the travel from Washington to points outside the District of Columbia of officers and employees of the department during the fiscal year 1917, which, with accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

UNITED STATES COURT OF CUSTOMS APPEALS (H. DOC. NO. 445).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting a statement of the expenditures of the appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1917, which was referred to the Committee on Appropriations and ordered to be printed.

COMPENSATION FOR PERSONAL SERVICES (H. DOC. NO. 426).

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, a detailed report required by various acts of Congress providing for a percentage increase in compensation for personal services, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIBRARY OF CONGRESS.

The VICE PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a statement of the employees in the Library of Congress subject to increased rates of compensation for the fiscal year 1917 (H. Doc. No. 477), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a statement showing the travel from Washington to points outside the District of Columbia of officers and employees of the Library of Congress during the fiscal year 1917 (H. Doc. No. 474), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIBRARY BUILDING AND GROUNDS.

The VICE PRESIDENT laid before the Senate a communication from the Superintendent Library Building and Grounds, transmitting, pursuant to law, a statement of employees subject to increased rates of compensation for the fiscal year ending June 30, 1918 (H. Doc. No. 484), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Superintendent Library Building and Grounds, transmitting, pursuant to law, a detailed statement of labor saving devices used in his office exchanged in part payment for new machines for the fiscal year 1917, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Superintendent Library Building and Grounds, transmitting, pursuant to law, a statement showing the travel of employees in his office during the fiscal year 1917 (H. Doc. No. 475), which was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS (H. DOC. NO. 437).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to law, a statement of all judgments rendered by the Court of Claims for the year ended December 1, 1917, the amount thereof, the party in whose favor rendered, and a brief synopsis of the nature of the claims, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

ANNUAL REPORT OF THE PUBLIC PRINTER.

The VICE PRESIDENT laid before the Senate the annual report of the Public Printer for the fiscal year ended June 30, 1917, which was referred to the Committee on Printing.

ANNUAL REPORT OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate the annual report of the Commissioners of the District of Columbia for the fiscal year ended June 30, 1917, which was referred to the Committee on the District of Columbia.

ANNUAL REPORT OF UNITED STATES SHIPPING BOARD (H. DOC. NO. 394).

The VICE PRESIDENT laid before the Senate the First Annual Report of the United States Shipping Board, covering the period of its existence to and including October 31, 1917, which was referred to the Committee on Commerce and ordered to be printed.

INTERSTATE COMMERCE COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a detailed report of employees of the commission subject to increased rates of compensation for the fiscal year ending June 30, 1918 (H. Doc. No. 421), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a special report, supplementing its annual report, with reference to transportation conditions as affecting and affected by the war in which the United States is now engaged, etc., (H. Doc. No. 503), which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a detailed statement of labor-saving devices used by employees of the commission exchanged in part payment for new machines for the fiscal year ended June 30, 1917 (H. Doc. No. 418), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing the travel of all officers and employees other than special agents, etc., who have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1917 (H. Doc. No. 420), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a statement showing the employment under appropriation for the valuation of carriers for the fiscal year ended June 30, 1917 (H. Doc. No. 432), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EMPLOYEES OF WAR DEPARTMENT (H. DOC. NO. 509).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a statement showing, by bureaus and offices, the number and designation and compensation of persons employed under the appropriations for temporary employment of additional force in the War Department, which, with the accompanying papers, was referred to the Committee on Military Affairs and ordered to be printed.

THE BOTANIC GARDEN (H. DOC. NO. 513).

The VICE PRESIDENT laid before the Senate a communication from the superintendent of the United States Botanic Garden, transmitting, pursuant to law, a statement relative to increased compensation to employees, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

EXTENSION OF CAPITOL GROUNDS (H. DOC. NO. 534).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing the receipts from rentals, extension of the Capitol Grounds for the period December 1, 1916, to December 1, 1917, which, with accompanying papers, was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

TRAVEL OF EMPLOYEES OF INTERIOR DEPARTMENT (H. DOC. NO. 443).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing the number of officers or employees of the department who have traveled on official business outside of the District of Columbia during the fiscal year ended June 30, 1917, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

EXCHANGE OF TYPEWRITERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing exchanges made by the Interior Department and its several bureaus and offices of typewriters, adding machines, and other similar labor-saving devices for the fiscal year ended June 30, 1917 (H. Doc. No. 430), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a letter from the Assistant Commissioner of the General Land Office, giving a detailed statement of traveling expenses of clerks detailed from the office of one surveyor general to another during the fiscal year ended June 30, 1917 (H. Doc. No. 448), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

FREEDMEN'S HOSPITAL.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement of receipts and expenditures on account of pay patients at the Freedmen's Hospital, Washington, D. C., for the fiscal year ended June 30, 1917 (H. Doc. No. 415), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a letter from the surgeon in chief of the Freedmen's Hospital, Washington, D. C., together with a detailed statement of expenses for professional and other services (H. Doc. No. 442), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

DISTRIBUTION OF DOCUMENTS (H. DOC. NO. 427).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement showing the documents received and distributed during the fiscal year ended June 30, 1917, which was referred to the Committee on Printing and ordered to be printed.

SUPPORT OF AGRICULTURAL COLLEGES (H. DOC. NO. 492).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the disbursements for the fiscal year ending June 30, 1918, made in the States and Territories under the provisions of the act applying a portion of the proceeds of the public lands to the more complete endowments and support of

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant of Congress during the fiscal year 1917 (H. Doc. No. 474), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

a statement showing the employment under appropriation for the valuation of carriers for the fiscal year ended June 30, 1917

provisions of the act applying a portion of the proceeds of the public lands to the more complete endowments and support of

the colleges for the benefit of agriculture and the mechanic arts, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REPORT OF ST. ELIZABETHS HOSPITAL (H. DOC. NO. 423).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a copy of a letter from Dr. William A. White, superintendent of the St. Elizabeths Hospital, transmitting the financial report for that institution for the fiscal year 1917, which, with the accompanying paper, was referred to the Committee on the District of Columbia and ordered to be printed.

INDUSTRIAL WORK AND CARE OF TIMBER (H. DOC. NO 389).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of expenditures on account of the Indian Service for the fiscal year ended June 30, 1917, from the appropriations "Industrial work and care of timber," which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

CHIPPEWA INDIAN FUND (H. DOC. NO. 399).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed statement of expenditures from the tribal funds of the Chippewa Indians of Minnesota for the fiscal year ended June 30, 1917, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDIAN IRRIGATION PROJECTS (H. DOC. NO. 391).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a cost account showing the moneys expended on each Indian irrigation project during the fiscal year 1917, and the total expenditures on each such subject as computed to June 30, 1917, which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

INDIAN SCHOOLS (H. DOC. NO. 403).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report for the fiscal year 1917 showing the amounts expended at each Indian school and agency from the appropriation "For construction, lease, purchase, repair, and improvement of school and agency buildings," which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDUSTRIES AMONG INDIANS (H. DOC. NO. 400).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of the expenditures made for the purpose of encouraging industry among the various Indian reservations during the fiscal year ended June 30, 1917, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

SUPPORT OF INDIAN SCHOOLS (H. DOC. NO. 402).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report for the fiscal year ended June 30, 1917, relating to the appropriation "Indian schools, support, 1917," which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

HEIRS OF DECEASED INDIANS (H. DOC. NO. 409).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of all moneys collected and deposited during the fiscal year ended June 30, 1917, under the appropriation "Determining heirs of deceased Indian allottees, 1917," which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

DISEASE AMONG INDIANS (H. DOC. NO. 408).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of expenditures for the fiscal year ended June 30, 1917, from the appropriation for the relief of distress and prevention of disease among Indians, on account of the construction of hospitals, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

APACHE, KIOWA, AND COMANCHE INDIANS (H. DOC. NO. 410).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of the expenditures made in making per capita payments to the Apache, Kiowa, and Comanche Indians during the fiscal year ended June 30, 1917, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDIAN MONEYS (H. DOC. NO. 414).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of expenditures for the fiscal year ended June 30, 1917, of money carried on the books of the Interior Department under the caption "Indian money, proceeds of labor," which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

SIOUX INDIANS (H. DOC. NO. 406).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of expenditures from the permanent fund of the Sioux Indians during the fiscal year ended June 30, 1917, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

BLACKFEET INDIANS (H. DOC. NO. 413).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of expenditures from the tribal funds of the Blackfeet Indians of Montana for the fiscal year ended June 30, 1917, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

STANDING ROCK INDIAN RESERVATION (H. DOC. NO. 390).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report of the expenditures made for the purchase of cattle for the benefit of Indians on the Standing Rock Reservation in North Dakota and South Dakota for the fiscal year ended June 30, 1917, which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

CONFEDERATED BANDS OF UTES (H. DOC. NO. 412).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of the expenditures made from the tribal funds of the Confederated bands of Utes for the fiscal year ended June 30, 1917, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

EXPENDITURES OF INTERIOR DEPARTMENT (H. DOC. NO. 411).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, the report that no diversion of expenditures was made during the fiscal year ended June 30, 1917, under the provisions of the act of March 1, 1907, which was referred to the Committee on Indian Affairs and ordered to be printed,

EMPLOYEES OF INTERIOR DEPARTMENT (H. DOC. NO. 472).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the employees subject to increased rates of compensation for the fiscal year 1917, which was referred to the Committee on Indian Affairs and ordered to be printed.

TONGUE RIVER RESERVATION (H. DOC. NO. 405).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of expenditures made for the purpose of encouraging industry and self-support among the Indians on the Tongue River Reservation in Montana during the fiscal year ended June 30, 1917, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

INDIAN TREATIES (H. DOC. NO. 404).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing that no hostilities have occurred with any tribe of Indians with which the United States has treaty stipulations during the past fiscal year, which was referred to the Committee on Indian Affairs and ordered to be printed.

NORTHERN CHEYENNE INDIANS (H. DOC. NO. 416).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a detailed report of expenditures made for the purchase of cattle for the Northern Cheyenne Indians on the Tongue River Reservation, Mont., for the fiscal year ended June 30, 1917, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

THE INDIAN SERVICE (H. DOC. NO. 417).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report showing the diversion of appropriations for the pay of specified employees in the Indian Service for the fiscal year ended June 30, 1917, which, with the accompanying papers, was referred to the Committee on Indian Affairs and ordered to be printed.

SURVEYS ON INDIAN LANDS (H. DOC. NO. 407).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement of the cost of all survey and allotment work on Indian reservations for the fiscal year ended June 30, 1917, which, with the accompanying paper, was referred to the Committee on Indian Affairs and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. At the conclusion of the last session of Congress the Chair asked an opinion from the Committee on Rules with reference to the duty of the Chair in laying down petitions and memorials. The Chair has not heard from the Committee on Rules, and the Chair is going to announce the opinion that, unless otherwise ordered by the Committee on Rules, petitions and memorials from citizens of the several States must be sent to the Senators representing those States for presentation to the Senate. The Chair is not going to pay further attention to letters and communications from individual citizens of the United States and will only hand down such petitions and memorials as are of a national character.

Mr. PENROSE. Mr. President, as an individual Senator I want to congratulate and commend the Chair for the ruling which he has just announced.

The VICE PRESIDENT. The Chair wishes to add a further word. He believes it is the right and privilege of a Senator from a State to determine whether petitions and memorials of citizens of his State are of sufficient importance to lay before the Senate. The presentation of petitions and memorials is in order.

Mr. STONE. If it is in order, I desire to submit a report from a committee.

The VICE PRESIDENT. It is not yet in order.

Mr. GALLINGER presented a petition of 36 citizens of Milan and Dummer, in the State of New Hampshire, praying for national prohibition, which was ordered to lie on the table.

Mr. NELSON presented resolutions adopted by the Commercial Club of Duluth, Minn., favoring the passage of the so-called Chamberlain universal military service bill, which were referred to the Committee on Military Affairs.

Mr. LODGE presented a memorial of the Negro Civic League, of Springfield, Mass., remonstrating against the inhuman killing, lynching, and burning of colored citizens by the mob, which was referred to the Committee on Civil Service and Retrenchment.

Mr. FLETCHER presented a petition of the Zellwood Equal Franchise League, of Zellwood, Fla., and a petition of sundry citizens of Orange County, Fla., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of Plant City Local Lodge, No. 18, Brotherhood of Maintenance of Way Employees, of Plant City, Fla., praying for the enactment of legislation providing for an eight-hour law for the government of maintenance-of-way employees of the railroad systems of the United States, which was referred to the Committee on Interstate Commerce.

Mr. TOWNSEND presented petitions of sundry citizens of Berrien, Van Buren, and St. Joseph Counties, all in the State of Michigan, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. KNOX presented memorials of sundry labor organizations, all in the State of Pennsylvania, remonstrating against national prohibition, which were ordered to lie on the table.

He also presented a petition of members of the staff and nurses of the Kane Summit Hospital, of Kane, Pa., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of the congregation of the Presbyterian Church of Montour, Pa., praying for the enactment of legislation to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. PENROSE presented resolutions adopted by the Philadelphia Bourse, of Philadelphia, Pa., favoring legislation to prevent cessation of work by employees of public service corporations engaged in interstate commerce, which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the Philadelphia Bourse, of Philadelphia, Pa., favoring the adoption of an amendment to the revenue act of 1917, with respect to war excess-profits tax upon incomes derived from professions and occupations, which were referred to the Committee on Finance.

Mr. JOHNSON of South Dakota. I present a memorial, which I ask to have read.

The VICE PRESIDENT. Is there objection to the reading of the memorial?

Mr. SMOOT. What is the memorial?

The VICE PRESIDENT. It is a memorial from the South Dakota Woman's Christian Temperance Union.

Mr. SMOOT. I have no objection to having it printed in the RECORD. Why should we take the time of the Senate now to read it? Nobody will listen to the reading. Therefore I will object.

Mr. PENROSE. We have a very important resolution coming up. I have on my desk upstairs several hundred similar communications, but I shall not trespass on the time of the Senate to have those read, as I have too much respect for this body and too much consideration for the labors of the body.

The VICE PRESIDENT. Then, the Senator from Pennsylvania objects to the reading of the memorial?

Mr. PENROSE. I do.

The VICE PRESIDENT. Shall the memorial be read? [Putting the question.] The noes have it, and it will not be read.

Mr. JOHNSON of South Dakota. I ask that the memorial be printed in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. JOHNSON of South Dakota. I understand that the vote just taken does not exclude the printing of it in the RECORD.

The VICE PRESIDENT. No; it excludes the reading of it. It goes in the RECORD without objection.

The memorial was ordered to be printed in the RECORD, as follows:

SOUTH DAKOTA WOMAN'S CHRISTIAN TEMPERANCE UNION,
Mitchell, S. Dak., November 21, 1917.

Senator E. S. JOHNSON,
Senate Office Building, Washington, D. C.

DEAR SIR: The following is a copy of the resolution passed at the South Dakota W. C. T. U. State convention at Yankton, S. Dak., October 20, 1917, which we request be read into the CONGRESSIONAL RECORD:

"*Resolved*, That the twenty-ninth State convention of the Woman's Christian Temperance Union in convention assembled call upon President Wilson and the Democratic administration to pass the Susan B. Anthony amendment in the coming Congress as a war measure at this critical time when the Government is calling upon women everywhere to assist in bearing the burdens of war.

"*Resolved*, That this resolution be sent to the President; the Vice President; Senator THOMAS MARTIN, majority leader of the Senate; Senator JACOB GALLINGER, minority leader; Senator A. A. JONES, chairman of the Senate Woman Suffrage Committee; Speaker CHAMP CLARK; Hon. CLAUDE KITCHIN, majority leader of the House; Representative JAMES MANN, minority leader; Representative E. Y. WEBB, chairman of the House Committee on the Judiciary; and to our Senators and Representatives."

MARY H. ERSKINE,
Recording Secretary.

Mr. SMITH of Michigan. I present a petition signed by the president of the University of Michigan at Ann Arbor and other prominent men connected with that university, in favor of the Edmonds bill, so called, to increase the efficiency of the Medical Corps of the Army. I ask that the petition be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNIVERSITY OF MICHIGAN,
Ann Arbor, November 28, 1917.

Hon. WILLIAM ALDEN SMITH,
Grand Rapids, Mich.

DEAR SIR: We, the undersigned, wish to call your attention to the following reasons why we urge your support of the Edmonds bill, known as H. R. 5551, which will be brought up in the December session of Congress, and which is intended to increase the efficiency of the Medical Department of the United States Army, to provide a pharmaceutical corps in that department, and to improve the status and efficiency of the pharmacists in the Army.

First. It will increase the efficiency of the Medical Corps of the United States Army by supplying a place for specially trained men who can cooperate with physicians and surgeons.

Second. The enlistment of the professional services of properly qualified pharmaceutical chemists will enable physicians and surgeons to devote more of their time to the diagnosis and direction of the care of sick and wounded.

Third. It will give the profession of pharmacy a standing in the Medical Corps and will afford an opportunity for the promotion of pharmacists for special services which they may render, and place the profession on the same basis as that already established for dentistry and veterinary practice.

Fourth. Not only as a war measure, but in the development of the United States Army in times of peace, there must of necessity be developed a closer association between pharmacists and the medical profession.

HARRY B. HUTCHINS,
President University of Michigan
(And others).

Mr. BORAH. I present resolutions adopted by the Idaho Mining Association at a meeting held in Wallace, Idaho, favoring a revision of the war-profits provisions of the revenue law. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

PROHIBITION IN THE DISTRICT OF COLUMBIA.

Mr. BECKHAM. Mr. President, I present a very brief article which appeared in the Evening Star of last Monday, December 3, showing the result of one month of prohibition in the city of Washington. As this is one of the largest cities in the country where prohibition has been imposed, I think it will be of interest to the Senate and to the country generally to see the figures and facts shown by this article. It is brief, and I ask that the Secretary may read it and that it be incorporated in the RECORD.

Mr. OWEN. Mr. President, I ask for order. We can not hear anything that is being said.

The VICE PRESIDENT. The Senate will be in order. Is there objection to reading the article?

Mr. PENROSE. I did not hear what the Senator from Kentucky desires to have read, there was such confusion in the Chamber.

The VICE PRESIDENT. It is an article from the Evening Star of Monday, December 3.

Mr. GALLINGER. On what subject, I will inquire?

The VICE PRESIDENT. Relative to prohibition in the District of Columbia.

Mr. PENROSE. Without regard to the subject of the article, I intend to object in the future to the reading of articles from newspapers.

The VICE PRESIDENT. Does the Senator from Pennsylvania object to the reading of this article?

Mr. PENROSE. I do.

The VICE PRESIDENT. The question is, Shall the article be read?

On a division the Senate decided the question in the negative.

Mr. BECKHAM. I ask that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIGURES GIVE RESULTS OF DRY LAW IN DISTRICT—ONE EFFECT, IT IS STATED, IS DEPLETION OF LABOR AT THE WORKHOUSE.

One month's record of prohibition in the District of Columbia, as shown by police records, has reduced drunkenness by more than 76 per cent.

Compared with 838 arrests for drunkenness in November, 1916, the police during the month just closed made but 199 arrests for this cause, Commissioner Brownlow announced to-day. This is a reduction of 639 cases, or a percentage reduction of 76 plus.

During November, 1916, the highest number of arrests in any week for which "old King Booze" was responsible was 218. The highest number for any week of last month was 61.

As a result of the big falling off in liquor cases the population in the District workhouse at Occoquan has taken a tremendous slump. That this institution shortly may be embarrassed by a lack of prison labor for continuing its comprehensive development scheme is now a probability.

Commissioner Brownlow stated that police reports show that conditions have improved generally throughout the city since the dry law went into effect.

QUARTERS FOR VOCATIONAL BOARD.

Mr. SMITH of Georgia. From the Committee on Education and Labor I report back favorably without amendment the joint resolution (S. J. Res. 110) to amend an act entitled "An act to provide for the promotion of vocational education," approved February 23, 1917.

I wish to state, Mr. President, that the board was organized in August last. It was utterly impossible at that time for any of the departments to furnish them with quarters. The joint resolution simply enlarges their authority for the use of money already appropriated to them for the payment of rental for rooms in which they are to do their work. It is very important that the joint resolution should be passed at once, and I ask unanimous consent for its consideration.

Mr. SMOOT. At the last session of Congress this question came before the Committee on Appropriations in the shape of an amendment, and the information the committee received at that time was such that the committee did not think that it ought to be placed on the appropriation bill, and therefore it was not favorably acted upon by the committee.

I wish to say to the Senator from Georgia that the office building we are now erecting, the one on Sixth and Pennsylvania Avenue, on the site of the old railroad station, is going to relieve many of the offices now occupied to such an extent that I have no doubt the Vocational Board will have ample space in the building in which they originally wanted to go. It will be but a short time before that building will be completed.

The VICE PRESIDENT. The Chair can not hear what is going on. The Senate will be in order.

Mr. SMOOT. The joint resolution reported by the Senator virtually authorizes hereafter that a part of the appropriation for the Vocational Board shall be expended for the renting of rooms. I think they can get along until the building I referred to is finished, and I do not believe that we ought to authorize the expenditure of a part of the appropriation for the purpose of renting rooms as provided for in the joint resolution.

Mr. SMITH of Georgia. I wish to say to the Senator that they could not get space anywhere and were forced to rent a floor, for which the members of the board assumed personal responsibility, or else they could not have done their work.

Mr. SMOOT. I wish to ask the Senator if the joint resolution is limited to the appropriation that was made last year?

Mr. SMITH of Georgia. I am perfectly willing to limit it to six months.

Mr. SMOOT. If the joint resolution is to be passed, I shall certainly insist upon a limit to six months.

Mr. GALLINGER. I notice the junior Senator from Colorado [Mr. SHAFROTH] in his seat. I wonder why he does not inquire why the board does not occupy the Maltby Building, so called. I passed the building yesterday and I think it is entirely empty. I had offices in that building once and they were most delightful. I was sorry when I was transferred to the sub-basement of the Capitol. I can not understand why when the Government owns buildings that are vacant they are not occupied, and that is a case in point.

Mr. SMITH of Georgia. Who controls the Maltby Building?

Mr. GALLINGER. The Government owns it.

Mr. SMITH of Georgia. I know; but who controls it?

Mr. GALLINGER. I suppose the Government controls it.

Mr. SMITH of Georgia. What officer of the Government?

Mr. GALLINGER. I think the Senate perhaps has control of it.

Mr. OVERMAN. I will say to the Senator that it is under Mr. Woods, the Superintendent of the Capitol Building and Grounds.

Mr. SMITH of Georgia. But Mr. Woods has not the authority to turn it over to the Vocational Board.

Mr. OVERMAN. He is the custodian of it.

Mr. GALLINGER. Let us give him authority. It was known as the Senate Annex, and I suppose it is still known as the Senate Annex. Certainly the Senate could give authority for the use of the building. I will ask the Senator if he has any knowledge as to what rooms could be obtained and what the rental at the present time would be. I understand that rentals in this city at the present time are simply prohibitive, almost.

Mr. SMITH of Georgia. They are now using a floor in a building near the Interior Department Building for which they are paying about $300 a month rent. I have a long statement here from the board in which they say they were everywhere trying to get quarters and they were turned down and they could not get space, and there was most important work for the board to do not only due to appropriations in the States but due to special calls for vocational instruction growing out of the war. I know they are doing a splendid work. The board simply rented their present quarters on their own responsibility. They had no authority to pay for them, but they could not do their work without renting quarters, and they did so at a cost of about $300 a month.

Mr. GALLINGER. That an opportunity may be had to look into the matter and especially to take a survey of the Maltby Building, I object to the present consideration of the joint resolution.

The VICE PRESIDENT. The joint resolution will be placed on the Calendar.

EXTENSION OF CLAYTON ACT.

Mr. OVERMAN. I report back with an amendment from the Committee on the Judiciary unanimously the joint resolution (S. J. Res. 106) extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and I ask for its present consideration. I wish to say that a similar joint resolution passed Congress at the last session extending the jurisdiction of section 10 of the Clayton Act for one year. It is more important now to give another extension on account of the railroad situation than it was a year ago. I ask for the present consideration of the joint resolution. I do not think there will be any objection, as a similar joint resolution was passed extending the act for one year. This only provides for the extension for another 12 months.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment was, to add at the end of the joint resolution a colon and the following:

Provided, That said section shall become effective on January 8, 1918, as to any corporation hereafter organized.

So as to make the joint resolution read:

Resolved, etc., That the effective date on and after which the provisions of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall become and be effective is hereby deferred and extended to January 1, 1919: *Provided*, That said section shall become effective on January 8, 1918, as to any corporation hereafter organized.

The amendment was agreed to.

Mr. REED. Mr. President, I simply want to make a statement for the purpose of placing in the RECORD my position regarding this measure. The amendment offered, which has been accepted, to the joint resolution is an amendment I offered in the committee. I am not sure that it will reach the point aimed at; it was hastily prepared; but I think it will have the effect of permitting a bill heretofore passed by Congress at least to become operative as to corporations hereafter organized or as to future transactions between corporations already organized.

With the amendment as adopted, I shall not oppose the passage of the joint resolution further than to say that, in my judgment, this legislation should not be taken up at the present time. In my opinion the laws heretofore passed, and the operation of which it is now sought to postpone, were wise laws, and there is no good or sufficient reason for further postponing their operation. In my humble judgment this legislation ought not to be entered upon at all. It should be in connection with that contemplated legislation which proposes to make some radical changes in the control of railroad properties. I simply want to make this protest of record, and I have no objection to the taking of an immediate vote.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

WAR AGAINST AUSTRIA-HUNGARY (S. REPT. NO. 178).

Mr. STONE. Mr. President, the Committee on Foreign Relations having had under consideration the address delivered by the President of the United States to Congress on December 4, instant, and particularly that part of the President's address respecting the relations existing between the Government of the United States and the Imperial and Royal Austro-Hungarian Government, have adopted a joint resolution, which I am directed by that committee to report to the Senate, with the recommendation that it shall be agreed to. I now send the joint resolution to the desk and ask that it may be read.

The VICE PRESIDENT. The Senator from Missouri reports from the Committee on Foreign Relations a joint resolution, which the Secretary will read.

The joint resolution (S. J. Res. 111) declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same, was read the first time by its title and the second time at length, as follows:

Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and the people of the United States of America; Therefore be it

Resolved, etc., That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government, and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government, and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.

Mr. STONE. Mr. President, I ask the Chair whether the morning business has been concluded?

The VICE PRESIDENT. It has not been.

Mr. STONE. Then, not desiring to interfere with the ordinary routine matters, I shall——

Mr. MARTIN. I suggest to the Senator from Missouri to ask unanimous consent for the immediate consideration of the joint resolution. The passage of the joint resolution is more important than the introduction of any morning business.

Mr. TOWNSEND. Let us finish the routine morning business, Mr. President.

Mr. MARTIN. I suggest to the Senator from Missouri to ask unanimous consent for the present consideration of the joint resolution.

Mr. STONE. Well, Mr. President, with such divided counsel from Senators, some desiring to go on with morning business, I think I shall adopt the idea of giving notice that immediately upon the conclusion of the routine morning business I shall, if necessary, move to proceed to the consideration of the joint resolution just reported, unless unanimous consent to do that may be had.

I now wish to say, Mr. President, that if anything comes up between the presentation of morning business which is likely to prolong that part of the work of the Senate, I may feel obligated to undertake to displace it by a motion.

The VICE PRESIDENT. Are there further reports of committees? If not the introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 3077) for the retirement of public-school teachers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROBINSON:

A bill (S. 3078) to promote the welfare of industries and wage earners of the United States, to extend the United States Employment Service in the Department of Labor, and for other purposes; to the Committee on Education and Labor.

By Mr. FLETCHER:

A bill (S. 3079) fixing the salary of the clerks of the United States district courts; prescribing how and when they shall account for the fees collected; providing for the office expenses of such clerks, including salaries of deputy clerks and clerical assistants; and for the travel and subsistence expense of such clerks and their deputies when necessarily absent from their official residences; to the Committee on the Judiciary.

A bill (S. 3080) to promote Lieut. Col. Joseph Y. Porter, Medical Corps, United States Army, retired, to be a colonel in the Medical Corps of the Army, on the retired list, and under the provisions of the national draft act, approved June 3, 1916, to place him on active military duty and service in the Army; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 3081) to extend the time for the completion of the Municipal Bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 3083) granting to the Lincoln Highway Association, incorporated under the laws of the State of Michigan, a right of way through certain public lands of the United States; to the Committee on Public Lands.

A bill (S. 3084) granting an increase of pension to Theodore M. Burge (with accompanying papers); to the Committee on Pensions.

By Mr. BRADY:

A bill (S. 3085) to convey certain lands to the city of Pocatello, State of Idaho, for a municipal park and for the protection of its water supply; to the Committee on Public Lands.

By Mr. WADSWORTH:

A bill (S. 3086) to carry out the findings of the Court of Claims in the case of Arthur E. Colgate, administrator of the estate of Clinton G. Colgate, deceased; and

A bill (S. 3087) for the relief of the owners of the British steamship *Clearpool*; to the Committee on Claims.

A bill (S. 3088) granting an increase of pension to Eliza Tracy Page; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3089) to amend section 9 of the Federal reserve act, approved December 23, 1913, as amended by the act of June 21, 1917; to the Committee on Banking and Currency.

A bill (S. 3090) granting a pension to Cynthia Rudler Osgood; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3091) granting an increase of pension to Elizabeth Ingersoll; and

A bill (S. 3092) granting a pension to Carrie Smart; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3093) granting an increase of pension to Hiram B. Newlon;

A bill (S. 3094) granting an increase of pension to John F. Brainard;

A bill (S. 3095) granting an increase of pension to Isaac D. Rowden;

A bill (S. 3096) granting a pension to Mary D. Cleaver; and

A bill (S. 3097) granting an increase of pension to Simeon Ely; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 3098) to amend an act entitled "An act making appropriations for the Naval Service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; to the Committee on Naval Affairs.

By Mr. TOWNSEND:

A bill (S. 3099) granting a pension to Edwin E. Baker (with accompanying papers);

A bill (S. 3100) granting a pension to Enos S. Whitcomb (with accompanying papers);

A bill (S. 3101) granting a pension to Sarah E. Sprague (with accompanying papers); and

A bill (S. 3102) granting a pension to Chester R. Smith (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3103) granting an increase of pension to John Welsch (with accompanying papers);

A bill (S. 3104) granting an increase of pension to Edwin Doan (with accompanying papers);

A bill (S. 3105) granting an increase of pension to Evan W. Loyd (with accompanying papers);

A bill (S. 3106) granting an increase of pension to William S. Peacock (with accompanying papers); and

A bill (S. 3107) granting a pension to Eugene M. Symonds (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3108) granting an increase of pension to John W. Morrill (with accompanying papers);

A bill (S. 3109) granting a pension to Sarah B. Heath (with accompanying papers);

A bill (S. 3110) granting a pension to Harry A. Leonard (with accompanying papers);

A bill (S. 3111) granting a pension to Sophronia N. Pierce (with accompanying papers); and

A bill (S. 3112) granting a pension to Josefa Stoneman; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3113) to increase the salaries of employees of the United States Government, the District of Columbia, or either House of Congress; to the Committee on Appropriations.

A bill (S. 3114) granting an increase of pension to Marion L. Wilson; and

A bill (S. 3115) granting an increase of pension to William D. Rash; to the Committee on Pensions.

IMPORTATION OF ALCOHOLIC BEVERAGES.

Mr. SHAFROTH. I introduce a bill and ask that it be referred to the Committee on Agriculture and Forestry.

The bill (S. 3082) to prohibit the sale, manufacture, transportation, or importation of alcohol or alcoholic beverages during the term of the present war, except for certain purposes, and to provide for the commandeering of all distilled liquors for governmental purposes, was read twice by its title.

The VICE PRESIDENT. The Chair thinks the bill should go to the Committee on Finance.

Mr. SHAFROTH. I will state, Mr. President, that the bill contemplates the prohibition of the manufacture of liquor from food, and inasmuch as the Committee on Agriculture and Forestry at the last session carefully considered that question, I have asked that the bill be referred to that committee; but I have no objection to having it referred to any other committee.

The VICE PRESIDENT. It has to do with importations, and that affects the revenue.

Mr. LODGE. It affects the revenue.

The VICE PRESIDENT. The bill will be referred to the Committee on Finance.

AMERICAN LEGION OF HONOR.

Mr. OWEN. I introduce a joint resolution authorizing the creation of an American Legion of Honor, to authorize the President to grant decorations to be known as the cross of valor, and a decoration or a medal for meritorious service, and to permit officers, employees, and citizens of the United States to receive and wear war decorations tendered to them by any of the nations now engaged in war with the present Government of Germany.

Mr. President, the old rule of the United States forbidding officers of the United States to receive decorations was because they were almost universally given by autocracies, but there is no reason why the democracies of the world should not give decorations to their soldiers who render important services to the democracies. There is every sound reason why we should do special honor to those who merit it and to permit them to enjoy the right to wear the evidence of valor, patriotism, and high service.

I ask that the joint resolution be referred to the Committee on the Library.

The joint resolution (S. J. Res. 112) authorizing the creation of an American Legion of Honor, and for other purposes, was read twice by its title and referred to the Committee on the Library.

Mr. CHAMBERLAIN subsequently said: I should like to ask to what committee the joint resolution introduced by the Senator from Oklahoma [Mr. OWEN] was referred a moment ago?

The VICE PRESIDENT. To the Committee on the Library.

Mr. CHAMBERLAIN. The joint resolution should go to the Committee on Military Affairs, and I request that it be referred to that committee.

The VICE PRESIDENT. Does the Senator from Oregon move that the joint resolution be referred to the Committee on Military Affairs?

Mr. CHAMBERLAIN. I do.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon.

The motion was agreed to.

IMPORTATION OF CHINESE FARMERS.

Mr. GALLINGER submitted the following resolution (S. Res. 160), which was read and referred to the Committee on Agriculture and Forestry:

Resolved, That the Committee on Agriculture and Forestry is hereby directed to make careful investigation into the advisability of recommending legislation that will permit the importation of Chinese farmers into the United States, under proper restrictions and regulations, during the continuance of the war.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. SHIELDS submitted the following resolution (S. Res. 161), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interoceanic Canals of the United States Senate be, and it is hereby, authorized to employ an additional clerk at the rate of $100 per month, to be paid out of the miscellaneous items of the contingent fund of the Senate, from December 3, 1917, to the end of the present session of the Congress.

AMENDMENT OF THE RULES—CONFERENCE REPORTS.

Mr. CURTIS. Mr. President, on last Tuesday I gave notice that I would move to amend the standing rules of the Senate by adding a paragraph to Rule XXVII. Since that time I have talked with the chairman of the Committee on Rules on the subject and he desires that the motion go to the committee. I therefore offer a resolution and ask that it be referred to the Committee on Rules.

The resolution (S. Res. 162) was read and referred to the Committee on Rules, as follows:

Resolved, That the Standing Rules of the Senate be, and they hereby are, amended as follows:

Amend Rule XXVII by adding the following paragraph:

"2. Conferees may not include in their report matters not committed to them by either House, and in case any new matter is included the same shall be subject to a point of order, and upon such point of order being made by any Senator, if sustained by the presiding officer of the Senate, such new matter shall be ruled out and eliminated from the report: *Provided*, That the elimination of such new matter upon a point of order shall in no way affect the remainder of the conference report."

COMMISSION ON NAVY YARDS AND NAVAL STATIONS (H. DOC. NO. 1946, PT. 5, 64TH CONG., 2D SESS.).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, Report No. 5, of the Commission on Navy Yards and Naval Stations.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

LAWS OF THE PHILIPPINES (S. DOC. NO. 124).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on the Philippines:

To the Senate and House of Representatives:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith a set of the laws enacted by the Fourth Philippine Legislature during its first session, from October 16, 1916, to February 8,

1917, inclusive, and its special session, from February 12 to 22, 1917, inclusive.

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS (S. DOC. NO. 123).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress, the Third Annual Report of the National Advisory Committee for Aeronautics, including a statement of the expenditures to June 30, 1917.

The estimates of the committee, together with its plans for enlarged activities contemplated through its laboratories and scientific staff at Langley Field, outlined in the closing paragraphs of the report have my hearty approval.

The attention of the Congress is also invited to the request of the committee that the appendixes to its report be published with the report.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

REPORTS OF UNITED STATES CIVIL SERVICE COMMISSION (H. DOC. NO. 622).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the thirty-third and thirty-fourth annual reports of the United States Civil Service Commission for the fiscal years ended June 30, 1916, and June 30, 1917.

The attention of the Congress is especially invited to the needs of the commission as set forth in these reports.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

WAR AGAINST AUSTRIA-HUNGARY.

The VICE PRESIDENT. Morning business is closed.

Mr. STONE. Mr. President, I ask unanimous consent that the joint resolution reported by me from the Committee on Foreign Relations this morning may now be considered.

The VICE PRESIDENT. The Senator from Missouri asks unanimous consent to proceed to the consideration of the joint resolution declaring that a state of war exists between the Government of the United States and the Imperial and Royal Austro-Hungarian Government. Is there any objection? The Chair hears none, and the joint resolution is before the Senate as in Committee of the Whole.

Mr. STONE. Let the joint resolution be read.

The VICE PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution (S. J. Res. 111) declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States and making provisions to prosecute the same, the first time by its title and the second time at length, as follows:

Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and the people of the United States of America: Therefore be it

Resolved, etc., That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government; and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.

Mr. STONE. Mr. President, the resolution I have submitted on behalf of the Committee on Foreign Relations speaks for itself.

The Government of the United States by formal declaration is at war with the Imperial German Government. There can be no doubt about that. The resolution which I have reported declares that a like state of war exists between the United States and the Imperial and Royal Austro-Hungarian Government.

In this great world struggle all men know of the intimate and apparently indissoluble relation existing between the Governments of Germany and Austria-Hungary. We have declared war against Germany; we are at war with Germany. This state of war between Germany and the United States has been formally declared. In this mighty struggle Germany and the United States are enemies; but what of Austria-Hungary? That Government and nation is the ally, the chief ally, of Germany in the war in which we are engaged.

The Government of the United States has not been quick to declare war against Austria-Hungary, but, on the contrary, this Government has waited patiently on the development of events. In the course of this development it has become palpable and clear that an actual state of war already exists between the United States and Austria-Hungary. There would seem to be no way to avoid that conclusion. In the progress of events it has become manifest that the United States is inevitably and in fact as much at war with Austria-Hungary as with Germany. In the circumstances it is impossible that amicable relations between the two countries should be continued.

In the progress of this stupendous conflict certain conditions have arisen, and there was no way by which any of these Governments could avoid them. The United States is at war with Germany and is lending its support in every way to those nations with which the United States is necessarily associated in the conduct of the war. On the other hand, the Government of Austria-Hungary is lending its aid and devoting all its energy to the support of the war in alliance with Germany and in antagonism to the United States. In the prosecution of the war German and Austro-Hungarian troops are coordinated and are cooperating. On the other hand, the United States is cooperating with the entente allies. We are sending troops and supplies to aid the entente allies, including vast sums to finance the entente allies; the Government of the United States is furnishing men, supplies, and money to all the entente-allied Governments; a supreme war council has been organized at Paris, on which body the Government of the United States is authoritatively represented and on which also Great Britain, France, and Italy are represented, to coordinate the allied forces of these Governments, with a view to concert and cooperation in the conduct of the war. This supreme war council has defined battle fronts in Europe, one of which has been defined to embrace France, Belgium, and Italy. This reach is laid out as one continuous battle front under one general command.

I am told that American troops are up to this date massed in France, but if they are operating on one long continuous battle front, which embraces France, Belgium, and Italy, I can not see that it could make any difference where American, British, French, or Italian troops might happen for the moment to be located. If all of them are cooperating in one general movement against a common enemy along a single, well-defined battle front, is the particular temporary location of one group or another group of any importance? These groups may be shifted to meet the exigencies of war.

The United States is supporting Italy, as well as England and France, and those countries in like manner are supporting the United States in the war this Government is waging against the Imperial German Government. At that point the United States is brought to confront Austria-Hungary, for Austria-Hungary is supporting Germany. Austria-Hungary by formal declaration supports the war policies and military movements of Germany. The two nations are in close contact and in open coalition in the conduct of the war. They cooperate in all respects. Austria-Hungary has done innumerable things in support of the German Government in the war between that Government and the United States.

In the circumstances, therefore, I say a state of peace between Austria-Hungary and the United States is practically as impossible as a state of peace between the Imperial German Government and the United States. The two things run parallel on a common level. Aside from acts of aggression and offense committed by the Austro-Hungarian Government against the United States, which in themselves the committee declares to be sufficient cause for war, it is manifestly impossible that the United States and Austria-Hungary should be at peace while Germany and the United States are at war. A state of actual war already exists between Austria-Hungary and the United States. It is better for us and for the world that this great fact should be formally recognized and acted upon affirmatively and authoritatively. The United States Government can not afford to play a fast and loose game with the nations of the world. National honor and national interest alike demand that this Government should assume an attitude of dignity, sincerity, and commanding firmness in its international relations.

Mr. President, this is all I care to say at present. On behalf of the committee, I move the adoption of the pending resolution.

Mr. LODGE. Mr. President, this resolution comes to the Senate with the unanimous recorded vote of the Committee on Foreign Relations. I trust that the Senate will pass it with like unanimity upon the record.

The committee has framed the resolution in the simplest possible form, following the model of the declaration of war against Germany. Owing to the fact that Austria-Hungary has already severed relations with this country, there are no preliminaries to be adjusted and there is no need of my adding anything to the excellent and complete statement of the chairman of the committee, which shows once for all the necessity and importance of this action.

But, Mr. President, many Senators—if I may judge from those who have spoken to me, I should say the majority of the Senate—have felt that Bulgaria and Turkey might well meet the same action that we are now taking with regard to Austria-Hungary. The President and the State Department feel, however, that action in regard to Turkey and Bulgaria should not be taken at this time. So far as I am concerned, therefore, no amendment looking to such a result will be proposed, and I hope no such amendment will be proposed at this moment by anyone.

In taking these grave steps of declarations of war it is essential that we should act with the most entire unity. There ought to be no division on such a question as that. Therefore I trust that no amendment will be pressed at this time looking to a declaration of war against the other allies of Germany; but I think it not unsuitable that I should state very briefly the reasons for the feeling which I for one entertain that we ought to include Turkey and Bulgaria in the declaration of war which we are about to make against Austria-Hungary.

The President said in his message:

> The same logic would lead also to a declaration of war against Turkey and Bulgaria. They also are the tools of Germany. But they are mere tools and do not yet stand in the direct path of our necessary action. We shall go wherever the necessities of this war carry us, but it seems to me that we should go only where immediate and practical considerations lead us and not heed any others.

It is not necessary, therefore, to argue that Bulgaria and Turkey stand on the same ground logically as Austria-Hungary. The President's objection to action is that there is no practical necessity for a declaration of war against them at this time. I think technically a case could be made in regard to Turkey, for, if I am correctly informed and if the dispatches in the newspapers are accurate, Turkish troops are now being employed on the Italian front, where we may be called upon to take part at any moment, and if we should be called upon to take part we should be in the strange position of having our soldiers or our aviators engaged in conflict with Turkish soldiers while we are at peace with Turkey.

But, Mr. President, admitting, on the question of the practical necessity, that there is none at this moment, the principal argument against action—and I think I have considered them all—the only one that appears to me to have any real weight is the danger to American life and property in Turkey. I hope that due warning will be given to those Americans in Turkey, because we certainly do not wish to have their names added to the long list of Turkish massacres. But, as a matter of fact, notice of the most efficient kind has really been given, for we have no diplomatic relations with Turkey at the present time and our consuls have been withdrawn. Those who have remained after such action by the Government, of course, do so at their own risk, for a declaration of war can not be decided on the question of the danger to which citizens of the country have voluntarily exposed themselves in the hostile country. The situation in Turkey, however, has this peculiar character—that the American citizens there are chiefly missionaries or men and women engaged in educational work. They have done great work in years past, and the fame of Robert's College is world-wide. This fact seems to me to be the only serious objection to the declaration of war.

I wish now very briefly to give the reasons why many of us entertain the belief that immediate action should be taken in regard to both Bulgaria and Turkey. I speak of Bulgaria first. We do not touch Bulgaria in the military sense at all. We have many Bulgarians in this country, and there is certainly no feeling of hostility to the Bulgarian people. The King of Bulgaria or the Czar of the Bulgars, if that is the more proper title, is probably the instrument that has been used to bring Bulgaria into alliance with Germany. He need not long detain us, but I may say in passing that I think it would be difficult to find in history a meaner or baser figure than the present sovereign of Bulgaria. He is said not even to have the quality which is usually attributed to petty tyrants, the one redeeming virtue of personal courage.

But, Mr. President, Bulgaria, as the President of the United States has said very justly and truly, is the mere tool of Germany. This "tool" of Germany, however, has a legation in this city at this moment. The officers of that legation if they are friendly to us and to the cause of the allies are traitors to their own country and to their own allies, and if they are true to their own Government and their own ally, Germany, then it is a legation representing Germany and her allies in the Capital of the United States. I would for one like to see this legation removed. The President, I repeat, said Bulgaria is the mere tool of Germany. I grant it; but the only way to deal with an obnoxious tool is either to break the tool or paralyze the arm that wields it.

It is a dream, in my judgment, to think that we can detach either Turkey or Bulgaria from the German alliance. It is as much of a dream as that which seems to have had some currency that we could detach Austria-Hungary. Nothing is gained by our maintaining a nominal peace with any of them.

This is my view in regard to Bulgaria. I come now to Turkey. We have, as I have already said, the possibility of meeting Turkish soldiers in the field. They are actually operating on the front. As the Senator from Missouri [Mr. STONE] has pointed out, that front is under the consideration of the international war council of the allies which has met at Paris and in which we are represented. The President most wisely has sent a commission to Paris to effect in that council a greater unity of military operations of France, England, and Italy.

They are doing, I have no question, a great and important work, and yet, Mr. President, it seems to me that the foundation of unity must be that all who are fighting Germany should have the same enemies and the same friends. Some of the representatives of the powers who are meeting in that council represent countries engaged in war with Turkey, Bulgaria, Austria-Hungary, and Germany, and we are there and at peace with two of those countries. It seems to me that this situation is a confused basis for unity.

But, Mr. President, my feeling about Turkey goes much further than the practical question. The Ottoman Turks have been in Europe since the fifteenth century. In the days of their success they were a scourge to Europe and Christendom. In the long centuries of their decay they have been the pest and the curse of Europe, the source of innumerable wars, the executioners in countless massacres. The Turks are brave soldiers and good fighting men, but there praise must stop. There is not one word to be said in defense of the Turks as governors or rulers. When they came into the region that is now called the Balkans they found there large and prosperous cities, built up during the early middle ages on the ruins of the Roman civilization. They found a fertile and cultivated country. The cities which they captured sank into deserted villages. Wherever they have trodden trade, industry, commerce, the arts, and civilization have withered away. They have preyed upon the jealousies and controversy of the other nations of Europe, and in this way have sustained themselves at Constantinople. They have been the cause of many wars. The massacres of which they have been guilty, which stretch back to the day of their arrival and which have never been worse than during the entire nineteenth century, almost surpass belief and imagination. In justice, however, it must be said that never have the massacres been so frightful as they have been since the Turks passed under German domination. At least half of the Armenian people have been slaughtered in cold blood, and the remnant is only preserved now because a large part of Armenia has fallen under Russian control and the other Armenians have taken refuge there.

Such a nation as this—such a Government, I should say, as this—is a curse to modern civilization. Like a pestilence it breathes forth contagion upon the innocent air. My earnest hope is that among the results of the war, which I firmly believe will be a complete victory for the cause of right and freedom, one of the great results I pray for will be the final extinction of the Turkish Empire in Europe. I fervently hope that the great city of the eastern Roman Empire may be so controlled that the Straits will be free to all the nations of the earth and no longer be used for corrupt bargains in order that the trade may be held up or allowed to pass at the will of tyrants who, under one name or another, rule over Turkey.

I hope and trust that we shall see the holy places which are sacred to all Christianity, as well as those which are sacred to the Jewish people, pass forever out of Turkish hands, and that we may no longer behold the mosque of Omar dominating the city of Jerusalem. I should be sorry indeed, as an American, as a lover of freedom, if when this war closed and the United States

comes with commanding voice to the settlement of the terms of peace, we should appear at that great council of the nations as still the friend of Turkey.

Mr. President, these are some of the feelings which move me. I think they are feelings which move most of those who do me the honor to listen to me at this moment.

But, Mr. President, I close as I began. If we are to make war on Turkey and Bulgaria, and I believe that action is only deferred, we must do it with perfect unison. We must do nothing to embarrass the Executive in whose hands the conduct of our foreign relations is especially placed, and above all we must act with absolute unity when we take that great step which we are about to take—the great, just, and righteous step to-day of declaring war upon Austria-Hungary—beginner of the war, ally and tool of Germany.

Mr. HITCHCOCK. Mr. President, the question presented by the joint resolution is a practical question and one of policy rather than of principle. When we were confronted with the issue of whether we should declare war against the German Empire the issue presented was one of honor and national integrity. Germany had grossly wronged us, and as a nation of power and respect we were forced, upon the highest principles, to assert our dignity and our honor by a declaration of war.

Even after the passage of the pending resolution and after the passage of subsequent resolutions which may come to declare war against Turkey and Bulgaria, the United States will be confronted practically by only one great antagonist, and that is Germany. These others are merely incidental. Germany is the head and front of the combination, and whether we declare war on Austria-Hungary or the other lesser powers allied with Germany is simply a question of policy.

Mr. President, my first view had been that the wisdom of declaring war on Austria-Hungary at this time was questionable. I looked upon Austria as an unwilling partner of Germany. I did not go so far as the President has gone; he called Austria the vassal of Germany, but I regarded her, as I do at this time, as an unwilling partner. It seemed to me that there might be an opportunity through diplomacy, if we did not actually declare war against Austria-Hungary, to divorce that Empire from Germany and get her out of the war by bringing about a peace between Italy and Austria. It seemed to me possible that if we declared war on Austria we would in a large measure be indorsing the extreme and unreasonable demand of Italy against Austria which keeps Austria in the war, and which demand includes depriving Austria of her Adriatic seaports and her access to the sea.

So I hesitated, Mr. President, until I heard the address of the President the other day, which to a large extent, if not completely, removed those objections. The President in his address to Congress used this very significant language, and it was language addressed not only to the Congress and the people of the United States, but language addressed to our allies or those with whom we are associated in this conflict, and to our enemies also. This language practically puts the United States upon such a basis that substantially all objection to declaring war against Austria is removed. Here is what the President said:

> When I said in January that the nations of the world were entitled not only to free pathways upon the sea but also to assured and unmolested access to those pathways I was thinking, and I am thinking now, not of the smaller and weaker nations alone, which need our countenance and support, but also of the great and powerful nations, and of our present enemies as well as our present associates in the war. I was thinking, and am thinking now, of Austria herself, among the rest, as well as of Serbia and of Poland.

In that language the President practically declares that the United States will not sustain and support a demand for the dismemberment of Austria or which will deprive her of her necessary seaports upon the Adriatic, because such a peace which concluded a war would not only be unjust but it would necessarily only be a temporary peace. We know that no great nation will submit long to be deprived of access to the highways of the world.

Then the President said in another portion of his address:

> We owe it, however, to ourselves to say that we do not wish in any way to impair or to rearrange the Austro-Hungarian Empire.

So, Mr. President, such language coming with authority from the President of the United States, accompanied, as it will be, by a declaration of war against Austria, is notice to Austria that in entering this war we do not enter it for the purpose of dismembering the Empire, we do not enter it for the purpose of assisting in depriving her of any of her Adriatic ports which are necessary to the life of the nation, but we enter it solely because she is at this time making war on us. It is notice to Austria that when the time comes to sit around the peace table the United States representatives will sit there insisting upon justice for Austria as well as for the other countries. The American representatives will take a position against the dismemberment of the Austrian Empire, which threat alone at this time probably keeps Austria in the war. It has been stated with considerable authority already that the present Austrian Emperor, unlike his predecessor, is solely anxious to preserve his own Empire, and when he can safely conclude a peace on those terms he will conclude a peace and divorce the Austrian Empire from Germany. The President's address is a judicious and perhaps an effective way of indicating to Austria that such an arrangement is possible.

Now, Mr. President, with the objections thus removed, I am for this declaration of war, and the committee has made a unanimous report for it. I believe we must bear in mind more than we have in the past that our sole antagonist of any moment is Germany, and that the German menace to-day is greater than on the day when we declared war against Germany. I think the American people have not yet aroused themselves to that fact. To-day the German flag flies in France, in Belgium, in Russia, in Roumania, in Serbia, and now at last in Italy. We have been misled a little in the past. We have been led to believe that Germany could be crumbled and crushed by the forces assembled against her. It is only recently that in England the censorship has been so released as to open the eyes of the English people to what is really transpiring. I hope the American people will come to such a realization more clearly than they have in the past. If so, they will see that the greatest danger confronting us is the destruction of shipping.

In a recent speech delivered by Lord Beresford in London he gave the actual figures of the sinking of British and neutral shipping since the war began. Those figures present a terrible prospect and one with which American genius must grapple.

Of all the war situations, to my mind, nothing is serious at the present time except the lack of shipping, the awful destruction of shipping, and the delay in constructing shipping. Lord Beresford said it was time the censorship was taken off. Let me give the figures that he presented a few weeks ago, about the 1st of October. He said that from August, 1914, when the war broke out, to January of this year the number of tons of shipping sunk was 4,000,000; that from January of this year to the end of September 6,000,000 more tons of the world's shipping had been sunk. He estimated that from the end of September to the 1st of January of next year 2,000,000 more tons would be sunk, which would make a total of 12,000,000 tons of shipping sunk since the opening of the war. He stated also that during this period of war the amount of shipping constructed was 5,500,000 tons, leaving a net loss to the shipping of the world up to the 1st of January of 6,500,000 tons.

That awful loss has come to a world already confronted with a shortage of shipping. When we reflect that the whole merchant marine of the United States at the present time worthy of transoceanic duty consist of 3,721,806 tons, we can see how awful the net loss of over 6,000,000 tons has been to the shipping of the world since this war opened.

We are building ships, but we are building them too slowly. The official figures which I have secured show that our construction of ships from the 1st of January until June in the United States was 503,922 tons, less than one-tenth of the net loss of shipping since the war began.

Mr. President, I say that we must bear in mind in all of these declarations that, whether we declare war against Bulgaria or against Turkey, the main thing is to remember that we have only one great antagonist, and it is a matter of policy how many other antagonists we take on. We have got Germany; that is the great menace of the war; and the German destruction of shipping at this time and the German success in the field are such that Americans should realize that at the present time the German menace is greater than it was on the day that we declared war.

Mr. President, I therefore repeat I am in favor of this declaration of war in view of the statement made by the President of the United States in his address, which may tend to convince Austria that she has nothing to fear in separating from Germany.

Mr. OWEN. Mr. President, I am glad that the Committee on Foreign Relations has brought in this joint resolution promptly; I hope it will be adopted without a dissenting vote; but I think that the RECORD ought to contain something more of the reasons to justify our passing this declaration of war upon the Hapsburg Government of Austria-Hungary than appears in the report of the committee.

This great world war is a conflict between the forces who believe that right should prevail over brute force and those who believe that "might makes right." It is a conflict between those who believe the world ought to be dominated by military arbitrary power under the dynasty of the Hohenzollerns and those

who believe that all nations ought to have the right to enjoy liberty, self-development, and territorial integrity.

Mr. President, I had occasion to point out on the 25th of April, 1916, the secret treaty of Verona (1822), which was adopted as an amendment to the treaty of the Holy Alliance (1815). The treaty of the Holy Alliance was the most blasphemous, the most hypocritical, the most infamous doctrine ever promulgated. It was signed by Alexander I, the head of the Romanoff family, on behalf of Russia; by Frederick William, the head of the Hohenzollerns, on behalf of Prussia; by Francis Joseph, the head of the Hapsburgs, on behalf of Austria. In that treaty these cunning and unscrupulous monarchs of the Holy Alliance made a high self-serving declaration of Christian principles—the principles of justice and brotherhood and mercy among men. They declared the doctrine that princes occupied a position of high trust from the hand of God himself, and that they owed it to the world to exercise the power placed in their hands for the betterment of the world, for the welfare, the safety, and the happiness of their subjects; but, Mr. President, the pretenses that they were guided by these principles were absolutely false. Their courts were then utterly corrupt; they did not administer justice. They took by taxation the labor of the people and wasted it in dissipation. They were opposed to the people themselves anywhere on earth exercising the peaceful right of self-government. Under the guidance of Austria, under the direction of Metternich, they made an amendment to the treaty of the Holy Alliance on the 22d of November, 1822, which I desire to place in the RECORD of the Congress in connection with the joint resolution brought in by the committee, and I ask permission to do so without reading it. It is a declaration of secret war by autocracy against innocent, unsuspecting democracy. It is the voice of ambition secretly plotting the death of liberty.

The VICE PRESIDENT. Without objection, permission to do so will be granted.

The matter referred to is as follows:

SECRET TREATY OF VERONA.

The undersigned, specially authorized to make some additions to the treaty of the Holy Alliance, after having exchanged their respective credentials, have agreed as follows:

ARTICLE 1. The high contracting powers being convinced that the system of representative government is equally as incompatible with the monarchial principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative government, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.

ART. 2. As it can not be doubted that the liberty of the press is the most powerful means used by the pretended supporters of the rights of nations to the detriment of those of princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own State, but also in the rest of Europe.

ART. 3. Convinced that the principles of religion contribute most powerfully to keep nations in the state of passive obedience which they owe to their princes, the high contracting parties declare it to be their intention to sustain in their respective States those measures which the clergy may adopt, with the aim of ameliorating their own interests, so intimately connected with the preservation of the authority of the princes; and the contracting powers join in offering their thanks to the Pope for what he has already done for them, and solicit his constant cooperation in their views of submitting the nations.

ART. 4. The situation of Spain and Portugal unite unhappily all the circumstances to which this treaty has particular reference. The high contracting parties, in confiding to France the care of putting an end to them, engaged to assist her in the manner which may the least compromit them with their own people and the people of France by means of a subsidy on the part of the two empires of 20,000,000 of francs every year from the date of the signature of this treaty to the end of the war.

ART. 5. In order to establish in the Peninsula the order of things which existed before the revolution of Cadiz, and to insure the entire execution of the articles of the present treaty, the high contracting parties give to each other the reciprocal assurance that as long as their views are not fulfilled, rejecting all other ideas of utility or other measure to be taken, they will address themselves with the shortest possible delay to all the authorities existing in their States and to all their agents in foreign countries, with the view to establish connections tending toward the accomplishment of the objects proposed by this treaty.

ART. 6. This treaty shall be renewed with such changes as new circumstances may give occasion for, either at a new congress or at the court of one of the contracting parties, as soon as the war with Spain shall be terminated.

ART. 7. The present treaty shall be ratified and the ratifications exchanged at Paris within the space of six months.

Made at Verona the 22d November, 1822.

For Austria: METTERNICH.

For France: CHATEAUBRIAND.

For Prussia: BERNSTIET.

For Russia: NESSELRODE.

Mr. OWEN. Mr. President, I wish particularly to emphasize these words signed by the high chancellors representing the Romanoffs, the Hohenzollerns, the Hapsburgs, and the Bourbons. They had placed Louis XVIII upon the French throne; they had demanded absolute monarchy everywhere in the world. They were opposed even to a limited monarchy anywhere in the world. They overthrew the limited monarchy in Spain, and they overthrew with Austrian troops the limited monarchy in Italy immediately after the secret treaty of Verona. I quote as follows from the secret treaty of Verona:

The undersigned, specially authorized to make some additions to the treaty of the Holy Alliance, after having exchanged their respective credentials, have agreed as follows:

ARTICLE 1. The high contracting powers being convinced that the system of representative government is equally as incompatible with the monarchial principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.

ART. 2. As it can not be doubted that the liberty of the press is the most powerful means used by the pretended supporters of the rights of nations to the detriment of those of princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own States but also in the rest of Europe.

From that day, November 22, 1822, to this, December 7, 1917, they have suppressed the liberty of the press; from that day to this they have used the power of the press to mislead their own people, to falsify the records with regard to upright, peaceful intentions of the growing democracies of the world; and the German Empire has for the last 10 years been taking secret and most injurious steps against the peace and power of democracies throughout the whole world. We find them in Japan stirring up mischief and animosity against the people of the United States; we find them in the United States stirring up hostility against Japan; we find them in Mexico stirring up the Mexicans against the United States, and in the United States exciting hate for the Mexicans; we find them in Brazil stirring up animosities against the Argentine, and in the Argentine stirring up animosities against Brazil and against Uruguay, weakening the nations of the whole world, especially those that are democracies, with a view to finally carrying out successfully the military dynastic enterprise of conquering the world by armed military force and to overthrow representative government wherever it may be found upon the earth. The evidence of this conspiracy against the democracies of the world is now overwhelming, and it is the duty of the Congress of the United States to collate this evidence and to prepare an indictment against the Imperial German Government and against the Royal and Imperial Government of Austria, so that the record shall be made so plain and so overwhelming, and given such publicity, that the whole world may fully comprehend the complete justification of war against these century-old secret enemies of the United States; against these conspirators against the peace of the world; against these armed soldiers who are led by the Hohenzollerns, who made this war for territory and property and ambition against the industrious, thrifty people of other countries who love peace and liberty.

Mr. VARDAMAN. Mr. President, I am going to vote for this resolution solely upon the ground that I hope as a matter of policy it may strengthen the arm of our Government in conducting the war, hasten the end of the bloody conflict, and bring victory to our flag. It is my purpose now, as it has been my acts since war was declared, to give the Government in every way conceivable that support which in my feeble way may contribute to the success of our Government.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. STONE. On the passage of the joint resolution I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when Mr. MCNARY's name was called). I am in receipt of a telegram from my colleague [Mr. MCNARY], who is on his way to Washington, asking me, in case a vote was had upon this joint resolution, to announce that, if present, he would vote in favor of it.

Mr. JONES of Washington (when Mr. POINDEXTER's name was called). My colleague [Mr. POINDEXTER] is necessarily absent. I am certain that if he were present he would vote "yea" on the passage of this joint resolution.

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness, and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER], but that if my colleague were present he would vote "yea."

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. I

understand that he would vote "yea" if present. Therefore I feel at liberty to vote, and vote "yea."

Mr. HOLLIS (when Mr. WALSH's name was called). I desire to announce that the Senator from Montana [Mr. WALSH] is absent because of illness. If he were present, he would vote "yea."

Mr. SAULSBURY (when Mr. WOLCOTT's name was called). My colleague [Mr. WOLCOTT] is ill at his home in Delaware. He desires me to state that if he were present he would vote in favor of the joint resolution.

The roll call was concluded.

Mr. McCUMBER (after having voted in the affirmative). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], but am informed that if present he would vote as I have voted. Therefore I will allow my vote to stand.

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague, the senior Senator from New Jersey [Mr. HUGHES] on account of illness. Were he present, he would vote "yea."

I have a general pair with the junior Senator from Montana [Mr. WALSH]. I understand that were he present he would vote as I am about to vote. Therefore I feel at liberty to vote and vote "yea."

Mr. RANSDELL. I announce the unavoidable absence of my colleague [Mr. BROUSSARD] on account of sickness. I am requested to state that if present he would vote "yea."

Mr. GERRY. I desire to announce the unavoidable absence, on account of public business, of the Senator from Wyoming [Mr. KENDRICK], the Senator from California [Mr. PHELAN], the Senator from Illinois [Mr. LEWIS], and the Senator from New Mexico [Mr. JONES]. I am informed that if present each of the Senators named would vote "yea."

Mr. ASHURST. I desire to announce that the Senator from Montana [Mr. MYERS], the Senator from Washington [Mr. POINDEXTER], the Senator from Kansas [Mr. THOMPSON], and the Senator from Utah [Mr. KING] are necessarily absent from the Senate on official business, and that if present they would each vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Illinois [Mr. SHERMAN] is necessarily absent. If present, he would vote "yea."

The result was announced—yeas 74, as follows:

YEAS—74.

Ashurst	Gore	New	Smith, Md.
Bankhead	Gronna	Newlands	Smith, Mich.
Beckham	Hale	Norris	Smith, S. C.
Borah	Harding	Overman	Smoot
Brady	Hardwick	Owen	Sterling
Brandegee	Hitchcock	Page	Stone
Calder	Hollis	Penrose	Sutherland
Chamberlain	James	Pittman	Swanson
Colt	Johnson, S. Dak.	Pomerine	Tillman
Culberson	Jones, Wash.	Ransdell	Townsend
Cummins	Kellogg	Reed	Trammell
Curtis	Kirby	Robinson	Underwood
Dillingham	Knox	Saulsbury	Vardaman
Fernald	Lodge	Shafroth	Wadsworth
Fletcher	McCumber	Sheppard	Warren
France	McKellar	Shields	Weeks
Frelinghuysen	McLean	Simmons	Williams
Gallinger	Martin	Smith, Ariz.	
Gerry	Nelson	Smith, Ga.	

NOT VOTING—21.

Broussard	Kendrick	Myers	Walsh
Fall	Kenyon	Phelan	Watson
Goff	King	Poindexter	Wolcott
Hughes	La Follette	Sherman	
Johnson, Cal.	Lewis	Thomas	
Jones, N. Mex.	McNary	Thompson	

The VICE PRESIDENT. The joint resolution is unanimously passed.

Mr. KNOX. Mr. President, if I may have the indulgence of the Senate for a moment or two, I should like to make an observation in respect to the resolution which has just passed which it had been my intention to make previously if I had had an opportunity to get the floor. As a matter of course, what I propose to say has nothing to do with the question of the wisdom or the expediency of making a declaration of war against Austria-Hungary, because that matter is now settled, and under no circumstances would I have entered into the field of the wisdom, necessity, or expediency of such declaration. As to its wisdom and necessity I entirely agree with the President in his advice to the Congress that the declaration be made, and as to whether or not it should have been extended at this time to Turkey and Bulgaria, I agree, as I understand my friend the senior Senator from Massachusetts [Mr. LODGE] also agrees, that he will accept, as I accept, the judgment of the President as to the present inexpediency of such action.

Mr. President, what I wanted to say has to do with one of the consequences of the declaration of war that has been brought to my attention by many communications from constituents. You all perhaps know, Mr. President, that in the State of Pennsylvania there are thousands and tens of thousands of people who are subjects of the Austro-Hungarian Empire. They are not, as a rule, or even in a large percentage, subjects of Austria in the sense that they come from that geographical subdivision of the empire known as Austria; but they come from the various subdivisions of that vast dual empire, and, as I say, they are found by the tens of thousands in the mines and in the mills of Pennsylvania. Indeed, Mr. President, the fact is that there are almost twice as many Austro-Hungarians in the State of Pennsylvania as of any other foreign element.

I have received, as I have stated, many communications, not questioning the wisdom of this declaration of war, if it is necessary, but inquiring as to its expediency, if it is not absolutely necessary. The question seems to be predicated upon some misapprehension or doubt as to what the status of the subjects of Austria-Hungary will be after a declaration of war, the common impression being that as they would ipso facto become alien enemies of the United States, no business transactions could be conducted with them, even to the extent of employing their services.

I have investigated this matter, Mr. President, to some extent, and I am seeking in this way not so much to instruct the Senate, but to reply to numerous inquiries. The result of my investigation is this, that while it is true that by the provisions of one of the statutes of the United States the mere declaration of war ipso facto makes every male subject over 14 years of age of a foreign power against which we have declared war, who is not fully naturalized, an alien enemy, yet by the provisions of that statute the President of the United States may fix, by regulation determined by him and proclaimed to the people, the terms and conditions upon which male alien enemies over 14 years of age may reside within the United States.

I think that, by the last section of the statute to which I refer, the President has the power to fix not only the conditions of residence but the conditions of employment in the United States. I regard that matter as practically settled by the precedent created by the President himself, because, concurrently with his approval of the declaration of war against Germany, the President issued a proclamation in which he distinctly stated, as to male German alien enemies over 14 years of age, that they shall be undisturbed in the peaceful pursuit of their lives and occupations, and be accorded the consideration due to all peaceful and law-abiding persons, except so far as restrictions may be necessary for their own protection and for the safety of the United States. The President goes further and undertakes to advise and enjoin an attitude of mind by the people of the United States toward these persons, and he enjoins all citizens of the United States to preserve the peace and treat such aliens with all such friendliness as may be compatible with loyalty and allegiance to the United States.

While I am not informed, Mr. President, I assume that as a matter of course, concurrently with the approval of this declaration of war, a similar proclamation will be issued by the President as it should be issued for even stronger reasons than in the case of Germany, because I think it is proper here and now, in concluding what I have to say, to call attention to the fact that hundreds, aye, thousands, of these unnaturalized Austro-Hungarians in the State of Pennsylvania have joined the American arms. Hundreds of them who were drafted did not take advantage of their alienship in order to escape the draft, and, as was called to our attention yesterday by the Senator from Massachusetts [Mr. LODGE] in the Committee on Foreign Relations, the casualty lists show the names of many of them among the dead and wounded. As I said a moment ago, thousands of Austro-Hungarians who are unnaturalized are now bearing American arms, and there is no reason to conclude that a declaration of war will affect their attitude toward those countries from which they came that were already as a fact at war with us when these aliens espoused the cause of liberty.

Mr. LODGE. Mr. President, I am very glad the Senator has made the statement he has. It is extremely valuable and very important. Before the Senator takes his seat, however, I wish to ask him if it is not true that the large majority, certainly, of these Austro-Hungarian subjects are of the Slavic Provinces?

Mr. KNOX. Yes; that is correct.

Mr. LODGE. Hostile to Germany and hostile, as a rule, to the central powers?

Mr. KNOX. That is as I understand, Mr. President; and that is the thought I designed to convey when I referred to the fact that most of those who are in Pennsylvania and in the other States are not from Austria, but come from those Provinces which, by the exigencies of European politics, happen to fall under the sovereignty of the dual empire.

the consequences of the declaration of war that has been brought under the sovereignty of the dual empire.

Mr. REED. Mr. President, I am very glad the Senator from Pennsylvania [Mr. KNOX] has sharply called attention to the fact that there are now serving in the armies of the United States a large number of men who, technically, are subjects of the Austro-Hungarian Government.

There are in Austria, or under the combined Austro-Hungarian Government, subject nations or peoples. To a large extent, they are the natural enemies of the Austro-Hungarian Government. I spent a part of my early life in a community where there were a large number of Bohemian immigrants. I think I can say that to a man they hated every form of monarchical government more thoroughly than did their American neighbors.

There are large bodies of the Bohemian people in the United States; there are Croatians, Slavonians, and, without undertaking to name them, some 16 or 17 different nationalities living in my own State. These people are nearly all, in my judgment, loyal to our Government, and their sons are serving loyally in our Army.

It seems to me—and this is the thought I rose to suggest—that the Foreign Relations Committee ought to give consideration at once to the enactment of some statute which would make it possible for these soldiers who are fighting America's battles to become American citizens, even under the present circumstances; and I suggest that to the distinguished Senator from Pennsylvania—who is a member of the Foreign Relations Committee, as I understand—for his consideration.

Mr. LA FOLLETTE. Mr. President, I have never dodged any responsibility as a Senator, or absented myself from the floor of the Senate when any important measure was to be voted upon. As I sat in my seat here listening to the discussion upon the resolution declaring war against Austria-Hungary this morning I conceived that an amendment ought to be offered for the consideration of the Senate. I had understood that several Senators were to speak upon the joint resolution, members of the Committee on Foreign Relations, among others the Senator from Pennsylvania [Mr. KNOX], the Senator from Idaho [Mr. BORAH], and some other Senators.

I left the floor intending to return as soon as I could go to my office in the Senate Office Building and draft the amendment which I purposed to offer. I think that the signal bell for the roll call upon the passage of the joint resolution must have sounded while I was between the Capitol and the Senate Office Building, as I did not hear it and had no notice that the debate had ended abruptly and a roll call had been ordered.

While engaged in preparing the amendment I received a telephone message from my secretary advising me that the vote had been taken upon the resolution. Had I been present I should have offered the following amendment to the joint resolution:

Provided, That the United States asserts its determination not to be bound by, or become a party to, the enforcement of any agreement or agreements heretofore entered into between the allied powers to deprive the Imperial and Royal Government of Austria-Hungary of title to or control of any territory which was a part of the Austro-Hungarian Empire or possessions August 1, 1914.

Mr. President, with that added to the joint resolution as it was proposed and voted upon I would have supported it as a necessary war measure. Without it or some similar declaration of our purpose I should have voted against the resolution.

That is all I have to say upon the subject at this time.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, if there is nothing that any Senator feels that he desires especially to bring before the Senate now, I will say that I have been requested by some Senators to ask for a brief executive session. Accordingly, I move that the Senate proceed to the consideration of executive business.

Mr. POMERENE. Mr. President, will the Senator indulge me for a moment?

Mr. STONE. I withhold the motion.

Mr. POMERENE. Mr. President, it was understood that the so-called export bill would be called up at the close of the morning business. Is it the purpose of the Senator to go into executive session and then resume the legislative session?

Mr. STONE. Of course I have no objection to that. I accommodate myself to the wishes of the other Senators. I asked if there was any other subject to be brought up. Senators asked me to request this executive session. They said that there were some things on the calendar that they desired to have disposed of. Of course we can go into executive session now, dispose of them, and go back into legislative session, or we can go on with the legislative session at this time.

Mr. POMERENE. Mr. President, it is immaterial to me which course is taken by the Senate, but the export bill was made the unfinished business on the closing day of the last session, and the other day I gave notice that I would call it up.

Mr. STONE. Then, if it is agreeable to the Senator, it will suit my personal convenience to go into executive session now.

Mr. POMERENE. Very well.

Mr. PENROSE. Mr. President, before that motion is put I should like to ask the Senator from Missouri whether it is contemplated to hold a session of the Senate to-morrow or to adjourn over until Monday?

Mr. STONE. I can not answer as to that.

Mr. PENROSE. I did not know whether the majority leaders had determined that or not.

Mr. STONE. The Senator from Virginia [Mr. MARTIN], I assume, will be here pretty soon. I have had no conference with him about that.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

PROMOTION OF EXPORT TRADE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2316) to promote export trade, and for other purposes.

Mr. POMERENE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Ohio suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Nelson	Smith, S. C.
Beckham	Gronna	Newlands	Smoot
Brandegee	Hale	Norris	Sterling
Calder	Hardwick	Penrose	Stone
Chamberlain	Hitchcock	Pittman	Sutherland
Colt	Hollis	Pomerene	Swanson
Culberson	James	Reed	Townsend
Cummins	Johnson, S. Dak.	Robinson	Underwood
Curtis	Jones, Wash.	Saulsbury	Vardaman
Dillingham	Kellogg	Shafroth	Wadsworth
Fernald	Kirby	Sheppard	Weeks
Fletcher	Knox	Shields	Williams
France	McCumber	Simmons	
Frelinghuysen	McKellar	Smith, Ariz.	
Gallinger	Martin	Smith, Md.	

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. POMERENE. There were several committee amendments which were reported by the committee, and they were all adopted September 20 at the last session. I have another amendment which I offer personally to section 1 of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 1, line 8, after the word "consumption," insert the words "or for reselling"; line 11 strike out the word "or," before the word "manufacture," and after the word "manufacture" insert the words "or selling for consumption or for resale," so that if amended the paragraph will read:

That the words "export trade" wherever used in this act mean solely trade or commerce in goods, wares, or merchandise exported, or in the course of being exported from the United States or any Territory thereof to any foreign nation; but the words "export trade" shall not be deemed to include the production, manufacture, or selling for consumption or for resale within the United States or any Territory thereof of such goods, wares, or merchandise, or any act in the course of such production, manufacture, or selling for consumption or for resale.

The amendment was agreed to.

Mr. POMERENE. I have no further amendment to offer.

The PRESIDING OFFICER. The bill is as in Committee of the Whole and open to amendment. If there be no further amendment the bill will be reported to the Senate.

Mr. CUMMINS. I offer the following amendment, or series of amendments, to the bill and ask that they be read.

Mr. POMERENE. May I ask whether the amendments have been printed?

Mr. CUMMINS. They have not been printed.

Mr. REED. It is a series of amendments, and I am sure they are important. They are important because I know the Senator from Iowa has given this bill considerable study. I think they ought to be printed for the information of the Senate before we proceed to the final disposition of the bill, and indeed before we proceed to a discussion of the amendments. I think the amendments should be printed and the bill should go over until to-morrow morning, when we can take it up and proceed with it to a final disposition.

Mr. CUMMINS. As a reason for not proposing the amendments until this moment I will suggest that at the last session of Congress I prepared a substitute for the bill. It was rather

carefully considered in the committee and covered the whole subject. I came to the conclusion, however, in view of the difficulty of challenging either public attention to what is here proposed or the attention of the Senate—it will be observed how much interest Senators have apparently in the question—I would simplify the matter and propose a series of amendments that would present a single point. That I have done, and I have just sent the amendments to the desk. I say this because otherwise it might be thought I was somewhat negligent in not proposing the amendments before this time. It is true that the amendments I have now proposed change radically the character of the bill. They exemplify the modification in the antitrust law which I am willing to see made, and I am not willing to go further.

If Senators have any great concern about the subject, I think the suggestion made by the Senator from Missouri [Mr. REED] is a very wise one. I may say in passing that the bill as reported by the committee, ignoring the delicacies of phraseology, substantially repeals the antitrust law and section 7 of the Clayton Act so far as foreign trade is concerned. As I have more than once suggested to the committee, it would be much simpler if we would strike out of the antitrust law the phrase "with foreign nations," leaving it in its application solely to trade or commerce among the States.

My amendment is intended to limit the modification to the privilege which I believe the people of this country have now under the antitrust law, but there seems to be some doubt about it, of establishing in a foreign market or a foreign country a common selling agency. I am willing to meet the supposed exigencies to that extent, but I am not willing to go further.

Mr. REED. Let me ask the Senator when he speaks of foreign selling agencies if he does not propose also to include some provision which will make the foreign selling agency open to the people of the United States, so that the market can not be cornered by some one foreign selling agency?

Mr. CUMMINS. I have assumed that the foreign market is open to every citizen of the United States. I have not incorporated in my amendment a provision that would require any selling agency to admit every person to its membership who desired to enter it. It may be a wise provision. I do not say anything about that at this time. At any rate——

Mr. REED. Let me call the attention of the Senator from Iowa to this fact. It is proposed by the bill to give the right to create combinations in restraint of trade. The excuse offered is that such combinations will be possessed of such power and potentiality that they will be able to wrest the foreign markets from great foreign combinations.

That necessarily means the creation of institutions great enough, powerful enough, potential enough to control the price of American products sent abroad. That can only be done by so controlling our export trade that the foreigner can not successfully purchase from anyone save the combination. If that transpires it follows that the ordinary American citizen who is not in the combination will be shut out of the European markets—he must be shut out or the combination fails; or to state it differently, you can not shut Europe out of this market and compel Europe to buy from an American combination unless you shut the American citizen out of the European market or compel him to sell through that combination.

Mr. CUMMINS. That may be the effect of the bill which has been reported by the committee. That would not be the effect of the amendment I have offered.

I do not desire at this moment to present fully the consideration which has led me to the conclusion I hold. I have said so much for the purpose only of enabling the Senate to reach a satisfactory opinion upon the suggestion made by the Senator from Missouri; that is, whether further consideration of the bill be postponed until the amendments I have sent to the desk shall be printed.

Mr. POMERENE. I suggest that the amendments be read. I have not heard them, and I have not been able thus far to follow the discussion of them, though I think I understand in a general way the basic idea the Senator from Iowa has in mind.

The PRESIDING OFFICER. The Secretary will read the amendments sent to the desk by the Senator from Iowa.

The Secretary read as follows:

Amendments intended to be proposed by Mr. CUMMINS to the bill (H. R. 2316) to promote export trade, and for other purposes, viz:

Strike out sections 1, 2, and 3, and substitute the following therefor as section 1:

"It shall be unlawful for two or more persons, partnerships, or corporations engaged in competitive business or otherwise to establish and conduct in any foreign country a common selling agency or agencies for the disposition of goods, wares, and merchandise exported by any such person, partnership, or corporation to such foreign country and by agreement or arrangement to thereby lessen or eliminate competition, as between themselves, in the markets of such foreign countries: *Provided, however*, That no unfair methods of competition shall be practiced by any such agency or through any such agreement or arrangement against any person, partnership, or corporation, not a party thereto, engaged or proposing to engage in exporting goods, wares, and merchandise from the United States to any such foreign country."

Strike out of line 15, page 3, the numeral "4" and insert the numeral "2."

Strike out section 5 and in lieu thereof insert as section 3 the following:

"SEC. 3. That before establishing any such selling agency provided for in section 1 of this act the persons, partnerships, or corporations proposing to establish and conduct the same shall file with the Federal Trade Commission a copy, verified under oath, of all the agreements, arrangements, or other instruments which define the terms, purpose, scope, and conduct of such agency, and it shall set forth its location, with the names and addresses of all the persons, firms, or corporations which enter into it. Upon demand there shall also be furnished to the commission such further information as the commission may require concerning its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals. A failure to comply with the foregoing provisions shall deprive the persons, partnerships, or corporations entering into the agency of all the benefits of this act, and each delinquent shall also forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States and recoverable in a civil suit in the name of the United States in any district court of the United States having jurisdiction of any such person, partnership, or corporation. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of the forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

"Whenever the Federal Trade Commission shall have reason to believe that any such common selling agency, or any member thereof, is violating any law of the United States it shall summon all the persons, partnerships, or corporations in such agency before it and thereafter conduct an investigation into the alleged violation of law. If, upon investigation, it shall be concluded that the law has been violated it may make such recommendations for the readjustment of the organization, business, conduct, practices, or management of the agency and its members as may be necessary in order to fully comply with the law. If there is a failure within such time as the commission may fix to comply with the recommendations so made, the commission shall refer its findings and recommendations to the Attorney General of the United States for such action thereon as he may deem proper.

"For the purpose of enforcing these provisions the Federal Trade Commission shall have all the powers, so far as applicable, given to it in 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes.'"

Mr. BRADY. May I ask the Senator from Iowa whether he offers this as an amendment to the pending measure, or as a substitute?

Mr. CUMMINS. I have termed it an amendment or series of amendments. If the amendments are adopted, there will be rather a radical reformation of the bill.

Mr. BRADY. It seems to me it would make a very material change in the bill as it now appears.

Mr. CUMMINS. I have no hesitancy in admitting that the amendments I have proposed change the measure very materially.

Mr. BRADY. It seems to me the importance of the amendments is such that the Senate should have more time to give consideration to the matter than to attempt to take them up at this moment.

Mr. CUMMINS. Mr. President, just a word in the first instance with respect to the amendment that has been read. I propose to strike out the first three sections of the bill and to substitute for them a very short and simple provision, making it lawful—and it is my opinion that it is lawful now under the present law—for manufacturers or producers in the United States to establish in a foreign country a common selling agency or agent for the disposition of the things which they produce in the United States. I guard that privilege by the provision that the arrangement under which the common agency is established and the conduct of the agency itself shall not have a tendency to practice nor practice unfair methods of competition against any American producer who is not a party to the agency. This is intended to keep the channels of foreign trade open so that every American manufacturer or producer can freely, without let or hindrance, market his productions in foreign trade.

I make no change in the fourth section of the bill. The fourth section as it is now proposed simply enlarges in a way the jurisdiction of the Federal Trade Commission, so that unfair methods of competition practiced beyond the territorial limits of the United States become unlawful, and may be corrected and punished in the tribunal or before the tribunal which we have already established for that purpose.

The last section of the bill as proposed I have rewritten. It is purely administrative; and it has been rewritten to bring it into harmony with section 1. The section as it is in the bill proceeds, of course, and properly, upon the provisions of sections 1, 2, and 3. I have rewritten it so that it will be equally effective in carrying into execution section 1 of the bill, as I have proposed it in the amendment. With that very brief explanation of my amendment, I ask the attention of the Senate for a few moments upon the general subject.

Mr. POMERENE. Mr. President, it is immaterial to me which course is taken by the Senate, but the export bill was made the

ments until this moment I will suggest that at the last session of Congress I prepared a substitute for the bill. It was rather

The bill is a repeal of the antitrust law so far as foreign trade is concerned. I think that will hardly be disputed. The repeal is obscured a little by the peculiar and unnecessary phraseology of the section; but, after all, the proposal is to repeal the antitrust law so far as our commerce or trade with foreign nations is concerned.

As I remarked a few moments ago, it would be far better, in my judgment, and far more easily understood by the people of the country, if one who desired to repeal the antitrust law in that respect should present a bill that would strike out of section 1 of the act of 1890 the words "with foreign nations." You will all remember that the language of that section is the language of the Constitution, and the prohibition is against any combination or conspiracy of any kind in restraint of commerce or trade among the States or with foreign nations. Those who are fathering the bill are of the opinion, and I have no doubt they are honestly of the opinion, that our foreign trade should be entirely emancipated from the control of legislation of this character.

The bill not only repeals the antitrust law in the respect I have mentioned, but it repeals section 7 of the Clayton Act so far as foreign commerce is concerned. I assume that all of you know what section 7 of the Clayton Act is, but, in order to preserve a certain continuity in my observations, I remark that section 7 prohibits one corporation from owning the stock of another corporation engaged in a like business. It is intended to permit or secure competition in the United States between corporations which are engaged in substantially the same kind of business. It is intended to prevent not only the elimination of competition, but it is intended to prevent it in the particular and peculiar way which had become common some years ago in this country, namely, by an appearance of competition between two establishments, whereas in fact there was common ownership of the entire enterprise, and competition under such circumstances, as you all know, is absolutely impossible.

Keep in mind what I have said, that the bill is intended, so far as foreign trade is concerned, to repeal these statutes, one of which has been the law of the United States for 27 years, and the other, which grew out of the obvious defects in the administration of the former, has been in operation for about three years.

The substantial or substantive matter is found in the antitrust law, but section 7 of the Clayton Act was devised in order to prevent a failure in many instances of proof under the antitrust law; at least that was my conception and analysis of the real purpose and necessity of section 7 of the Clayton Act.

It seems to me that this is the most inopportune time which could possibly have been selected for an invasion of these statutes. I understand perfectly some of the disadvantages with which our exporters suffer in normal times, and I have been and am now in sympathy with every reasonable effort to relieve them of those disadvantages.

It has been said, and it has been established before the committee, and I have no disposition to question it, that prior to the war our exporters were met in foreign markets by combinations of foreign producers and manufacturers' combinations created under the laws of the several countries from which the competition came. The instance of these combinations which we were compelled to meet was nearly always Germany. Germany, as everybody knows, has pursued in her industrial system or affairs a course diametrically opposed to the course pursued in the United States. A great many people before the war were in the habit of lauding the industrial system of Germany. I was not one of them. I did not believe in the system before the war, and I do not believe in it now. While it had a temporary success, while in its beginning it enabled Germany to outstrip some of the other countries in the world in commerce among nations, it had in it the seeds of destruction; and if it had been permitted to continue through a fair period of experience, I believe it would have been found to be disastrous not only to the individuals who make up the empire of Germany but to the trade of Germany as a whole. I have no disposition now, and I never have had, to adopt the industrial system of that Government or of that country any more than I have had a disposition to adopt her military establishment. They are founded upon exactly the same principles; they are intended to carry out the very same object; and I, for one, do not care, while we are engaged in war, to overthrow the principle as applied to her military affairs, to adopt and encourage her system so far as it is applied to industrial affairs.

However that may be, whether you agree with me about that or not, the fact is that the exporters of the United States need this legislation now less than they have ever needed it before. The very competitor against which the claim was always made has been driven out of the markets of the world. We do not meet German competition in any country on earth, and there is no reason for permitting combinations and consolidations in this country to enable us to meet a competition that war has well-nigh extinguished.

We are all fully aware, too, that in the present situation the producers of the United States can find a market for everything which this country is capable of producing. Not only can they find a market for everything that they can produce, but they can find the highest compensation for these things, whether consumed in the United States or consumed in any other country in the world. I have thought, therefore, that wisdom and real concern for the welfare of the people of this country would indicate that we ought to defer legislation of this kind until the war is over. It seems to me also that we are legislating upon the subject under the greatest possible disadvantage and under great danger of not fairly comprehending what we are about to do.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. Mr. President, does not the Senator feel that after the war is over the American producer will have to meet foreign producers in combination just as he did before the war; and, if that be so, is it not necessary that we prepare the preliminary legislation so that our business men can get ready to meet these strong competitors in the foreign markets after the war?

Mr. CUMMINS. I do not think so. In the first place, I do not know how long the war will last; there seems to be some reason to believe that it will not be concluded within the next few months; but it is impossible for me to fear in a foreign market the immediate competition of peoples who, no matter what our condition may be, will have been destroyed financially and industrially by the same great catastrophe that is affecting us. It is purely imaginary to suggest that the very moment a treaty of peace is signed Germany can find her way into the markets of the world and overcome American producers; it is illusory; there is nothing in the suggestion; it can not be imagined that Germany can reconstruct herself more rapidly than the United States can readjust herself. I do not entertain any such pessimistic view.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. May I suggest upon the point as to Germany being able to take up this trade when the war is over that practically all of the German commercial ships engaged in international commerce have been taken over by one ally or another as war has been declared by the various nations and that the German ships are now mostly in possession of other belligerents that are fighting Germany, and that we can not conceive that they will be returned by them to Germany.

Mr. CUMMINS. That is a very pertinent suggestion.

Mr. REED. Mr. President, may I suggest further——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. REED. May I suggest, further, that it is hardly conceivable that England, France, Italy, Serbia, Roumania, the South American countries, Australia, and Canada will all immediately turn their back upon the United States and her trade and commerce and rush into the arms of German merchants and German combinations?

Mr. CUMMINS. The Senator from Missouri has mentioned that phase of the subject in a very mild way. I think that there will not only be an inclination on the part of these countries not to deal with Germany, but I think there will be a determination not to deal with Germany; and, so far as I am concerned, if this war progresses much further, and the cruel, the inhuman, the uncivilized warfare that has distinguished the German Government and the German Army hitherto shall be continued, I should like to be a citizen of a country that would agree never to deal with Germany under any circumstances or in any commodity.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. I hope that Senators in their enthusiasm over their opposition to this bill will not forget that Great Britain, France, Italy, and Russia will all be our competitors after the war is over, and we will have to meet them.

Mr. CUMMINS. I have no doubt of that; but they are not our competitors now, and there is, therefore, no necessity for legislation of this kind; and, moreover——

Mr. REED. Mr. President——

as between themselves, in the markets of such foreign countries. Provided, *however*, That no unfair methods of competition shall be practiced

few moments upon the general subject.

Mr. CUMMINS. I will yield in a moment. Moreover, I have some hope that when the nations of the world shall meet to agree upon terms of peace their consideration will be extended to the commerce among nations as well as to their military establishments, and that there will be some concert between the nations which shall decide upon the terms of peace with regard to the manner in which their commodities will be interchanged. I mention that not as a reason finally against the passage of a bill of this sort, but as a conclusive reason why it is not necessary to consider the subject now. I yield to the Senator from Missouri.

Mr. REED. I rose to remark, with the permission of the Senator from Iowa, that it can hardly be said that there is anything in the past record of England or of France of such a character as to make it necessary for us to legalize criminal and immoral and crooked combinations, for we have denounced every combination in restraint of trade and commerce as crooked, as immoral, and as illegal, not only under the statutes of the country but at the common law. I indulge the hope that whether, after the war is over, we arrive at a condition of such complete amity and concord in business affairs with our allies as the Senator from Iowa thinks, at least it will not be necessary to legalize combinations that will control the American market and at the same time control the foreign market, in order to meet the competition of those countries. I remark in conclusion that you can not control potentially the foreign market unless you control the market of the American producer.

Mr. CUMMINS. Mr. President, I have still another reason for my belief that this is not the time to consider amendments to the antitrust law. We are all absorbed in the prosecution of the war; it is impossible to secure for a proposed modification of the economic laws that we have heretofore adopted that full and fair and comprehensive consideration which they would receive if we were dealing with the subject in time of peace. The truth is that the new word which has been applied to pretenses in war applies with equal force to pretenses in legislative operation. The "camouflage" is being employed every day to eliminate from our legislation salutary provisions that we have adopted after long study and deliberate debate, and I think that the ghost that has been summoned of foreign competition at the present time in the markets beyond our own is pure "camouflage." We ought to legislate upon this subject with minds alive to its importance and keen to observe and anticipate, if possible, the consequences of any change we may make. We can not do it at this time; we already have enacted legislation wise in itself and for necessary purposes that has unwittingly overturned principles which the American people hold dear and which they would not permit to be overthrown if they had a fair conception of what we were doing.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. May I ask the Senator if it is contended that this is a war measure? Is that the purpose of it?

Mr. CUMMINS. I will have to refer that question to the distinguished Senator from Ohio [Mr. POMERENE].

Mr. VARDAMAN. The purpose of the inquiry is to ascertain whether or not it is for immediate protection or for protection to come after the war is over.

Mr. CUMMINS. So far as I am concerned, I can answer it in this way: That the proposed legislation was brought forward and was very earnestly urged long before the war began.

Mr. VARDAMAN. I thought so.

Mr. CUMMINS. And if it is in any respect connected with the war, I have not been able to discern the tie that binds the one to the other, although I remember, and I want to do the Senator from Ohio the full justice of saying, that more than once, when he has sought to engage the attention of the Senate upon the bill and sought to bring it forward, he has insisted that in some fashion or other it is a war measure.

I shall be very glad to hear from the Senator from Ohio for the purpose of answering the question of the Senator from Mississippi, if he desires to do it.

Mr. POMERENE. Mr. President, I did not catch the question of the Senator from Mississippi, and I only understand it as I have heard the statement made by the Senator from Iowa.

I do regard this as a war measure. We are trying to keep up our trade. I do not know that the situation now, so far as pure trade conditions is concerned, is as it was a year or two ago, because since then we have entered the war. I think there has been more harmony of action among ourselves and our allies; but before that time we were constantly being compelled to meet the British buyers, the French buyers, and the German buyers in combination, up until the time their commerce was cut off. It seems to me that the question for Senators to settle is this: Knowing the fact that our competitors in foreign countries are constantly combining in order to capture the markets of the world, are we so completely wedded to the so-called Sherman antitrust law that we are going to have our manufacturers and our producers suffer the disadvantage of being compelled to meet single handed their competitors who are in combination? That is the only question.

Mr. REED. Where?

Mr. POMERENE. Abroad.

Mr. VARDAMAN. Mr. President——

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. The Senator from Ohio, I apprehend, will not question the correctness of the proposition made by the Senator from Missouri a moment ago, that the power which this bill vests in dealing with foreign countries will necessarily affect our domestic trade.

Mr. POMERENE. Incidentally, of course, it will.

Mr. VARDAMAN. Does not the Senator think that it would be prudent, in view of the fact that there is certainly no foreign combination now against American commerce——

Mr. POMERENE. The Senator makes that statement as a fact. Let me ask him if that is a mere inference?

Mr. VARDAMAN. Well, I will suggest this to the Senator from Ohio and leave that to him to determine later: There is no combination now with which we are obliged to contend. As was suggested by the able Senator from Iowa a moment ago, it is quite likely that after the war is over this difficulty may be arranged by treaty regulation, and in that way we may preserve the integrity of the Sherman antitrust law here at home and at the same time accomplish what the Senator from Ohio would accomplish by the passage of this bill.

Mr. POMERENE. Perhaps I had better discuss this matter in my own time a little later; but I can not agree at all with the Senator's statement.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. Before the Senator takes his seat, the statement which he made with reference to the necessity of a repeal of this law, so far as foreign commerce is concerned, so well stated by the Senator, seems to me to lead to this conclusion: That if foreign combinations, monopolies, or trusts operating in the foreign markets are an advantage, are a good thing, the same rule must apply here at home. There is no reason why we should have a combination in foreign markets except that it gives an advantage to our people, and if a combination gives an advantage to them there it will give an advantage to them here, because in effect ultimately, as a necessary result, the foreign combination or the foreign market will have effect in our home market. You can not substantially affect foreign commerce without influencing domestic commerce. Then why should we not repeal the entire law?

Mr. POMERENE. Mr. President, if my good friend the Senator from Idaho does not distinguish between the duty that we owe to our own fellow citizens and the duty that we owe to foreigners, then his conclusion is correct. We are opposed to combinations here in our domestic trade, because among other reasons our belief is that they destroy the initiative of individuals and destroy our trade among ourselves.

Mr. BORAH. Well, Mr. President——

Mr. POMERENE. Just one moment, please. On the other hand, we have always accepted the theory that we were benefiting the American people when we extended our commerce to foreign countries and sold our surplus products in the foreign markets.

Our people here at the present time are obliged to go into the foreign markets and meet our foreign competitors in combination. Clearly they, being in combination, when seeking a given amount of trade, will have the advantage over our commercial men when they go into that market single handed. Now, if it be a benefit to our country to have foreign trade, then it does seem to me that we ought to permit our American manufacturers and our American merchants to go into the foreign field and meet the foreign competitor on a common plane. By so doing we will be able to secure our fair share of the foreign trade.

If the Senator is of the opinion that seeking foreign trade under these conditions is to be detrimental to our domestic trade, then I can understand his opposition to the bill, but I do not see it in that light. My notion is that we will not be injuring our people when we say to some of our people: "We want you to go to Germany or to Russia or to Japan; we want you to combine your material forces in such a way that you can meet their combinations there." I believe it will benefit our commerce, it

will furnish an additional market for our surplus products, it will encourage our manufacturers to expand their capacity, it will put them in a position where they can exercise all their zeal and ingenuity to meet like combinations in foreign countries; and I believe that on the whole it will be a very great benefit to the manufacturers, the merchants, and the entire people of the United States.

Mr. BORAH. Mr. President, I was seeking light, not announcing my position nor arguing; but the thought which suggested itself to me was this: The Senator seemed to be dealing with foreign commerce and domestic commerce as two separate and distinct entities, wholly divorced from each other, and as though you could deal with one without dealing with the other and affecting the other. Now, I do not think so.

Mr. POMERENE. Why, Mr. President, I realize that there is a certain relationship existing between the two. We can not sell a sack of flour or a barrel of pork abroad without its having an incidental effect upon conditions at home.

Mr. BORAH. That is what was in my mind; and not only that, but just the moment that you take the Sherman antitrust law off of foreign commerce you have to a tremendous extent affected domestic commerce, and you have injected into domestic commerce the virus, if such it be, which you are putting into foreign commerce, inevitably. So that in my judgment what this is going to lead to is the final repeal of the Sherman antitrust law. In considering the question which is now before the Senate, therefore, I should want to make up my mind whether or not I wanted to join the forces which are ultimately going to destroy the Sherman law.

Mr. POMERENE. Mr. President, I can not agree with the Senator's conclusion. In my judgment it is not going to destroy the Sherman antitrust law. It will deprive those who are now seeking to repeal the Sherman law of much of their argument against it.

Mr. BORAH. Mr. President, they do not need much more argument. We have already exempted the laboring and the agricultural producing classes of the country from the provisions of the Sherman antitrust law. We are on the verge of exempting the railroads, and we are now contemplating exempting foreign commerce. There would be left only a very small portion of the people of the United States to whom it technically applies. It is as clear to me as it can be that the Sherman antitrust law will have been so emasculated that it would be a mere form, without substance or effect, as far as the people here at home are concerned. I really think, therefore, that we must inevitably take into consideration the whole field. I think it wrong, and also unwise to have a drastic law like the Sherman law turned into class legislation pure and simple.

Mr. CUMMINS. Mr. President——

Mr. REED. Mr. President, will the Senator from Iowa permit me to make a suggestion?

Mr. CUMMINS. Certainly.

Mr. REED. The Senator from Ohio has just stated that the relation of foreign and domestic commerce is so intimate that you can not sell even a sack of flour abroad without incidentally affecting the domestic business in flour. If that is true, how can you permit great combinations and trusts and conspiracies in restraint of trade to be created abroad for the purpose of handling American goods without affecting conditions in this country?

Mr. POMERENE. Why, Mr. President, I assume that if we secure a part of the foreign trade we are going to benefit our people. If the Senator's objection to these combinations for foreign trade is so great that he prefers to have the foreign combinations get the foreign trade rather than to have our own manufacturers get the foreign trade, then I can understand his position.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio further yield to the Senator from Missouri?

Mr. REED. I beg the indulgence of the Senator from Iowa for a moment longer, and then I shall not interrupt him further.

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. REED. The trouble with the Senator from Ohio is that, much as he has studied this question, he has utterly failed to grasp the import of his own bill, in my judgment, and I say that with all respect.

The proposition is not at all whether this country shall be permitted to get a part of the foreign trade. At the present time the seas are open, with the exception of the difficulties incident to the war; the markets of Europe are open, and every American citizen has the right to cross the sea and to sell in those markets. This bill will give no new market to any American citizen. This bill proposes to permit great combinations to be created. The purpose of these combinations is to destroy the liberty of the American citizen to enter successfully the foreign market. This bill will concentrate the profits of the foreign business in the hands of a few great capitalists and combinations. It is immoral, as are all organizations and combinations in restraint of trade.

There are no geographical lines in morals, and if it is wrong to create a combination in restraint of trade in this country for the purpose of robbing the American citizen, it is wrong to create an organization here for the purpose of robbing the people who live across the red line of a map. But this immorality is accompanied by the difficulty that you can not be guilty of the immorality against the foreign buyer without at the same time robbing the American citizen who is not in the combination of his right to sell, because no combination can be great enough to control the prices Europeans must pay for its goods unless it is so powerful it can shut out other similar American goods, for otherwise such goods would enter the market and break the prices fixed by the combination.

I thank the Senator from Iowa.

Mr. CUMMINS. Mr. President, if I may resume the discussion I had in my mind when interrupted by the very luminous and pertinent remarks that have intervened, I desire to remind the Senator from Ohio of the fact that whether we take a period of ten years, or five years, or three years the foreign trade of the United States has increased more rapidly than the foreign trade of any other country in the world. Notwithstanding the right of British citizens to combine, if they have that right—which I very much doubt—or the right of French citizens to combine, or Italian citizens, or German citizens, the American producer was able under the law which has been in force for 27 years to sell his product abroad in competition with his foreign rivals to such a degree that our foreign trade well-nigh eclipsed the foreign trade of the other countries with which we have been competing; and if we were able to do this before the war, when we consider the conditions that probably will exist at the close of the war, we will be able to do it more successfully when peace again comes than we were before.

I am saying all this simply to impress those who are here with my belief that we ought not to enter upon this legislation at this time.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield.

Mr. POMERENE. If the Senator's reasons are sound and his statements of fact correct with regard to our competing in the foreign markets, will the Senator point out why the same reasoning does not apply to his amendment that applies to this bill?

Mr. CUMMINS. I will point that out; but let it be thoroughly understood—and I hope the Senator from Ohio is not under any misapprehension about it—that I do not think the bill ought to pass at all. I do not think we ought to take it up for consideration; but if we are to have legislation upon the subject, then the amendment which I have proposed, which is in harmony with the antitrust law, which makes no change in the antitrust law, which simply removes a doubt which some very estimable people have expressed with regard to the interpretation of the antitrust law, and no more, is vastly preferable to the bill that has been reported by the committee and is now being urged by the Senator from Ohio. If the Senator from Ohio and those who are with him will withdraw this bill from the consideration of the Senate, you may be sure that I shall not press the amendment which I have offered. It is very much better than the bill; but even the amendment I have proposed is not necessary at this time.

Mr. POMERENE. Mr. President, I beg to assure the Senator from Iowa that I shall not withdraw this bill, and I shall urge it to a speedy conclusion if I can.

Mr. CUMMINS. The Senator from Ohio need hardly have assured me of his persistency in this regard, because I have discussed the matter with him so often and so unavailingly that I have no doubt whatever that he intends to secure a vote upon the bill if he can get it, and I have no doubt that he sincerely believes that it will better our industrial conditions if it becomes a law. Our difference is with regard to the conclusion.

Mr. REED. Mr. President, may I ask the Senator from Iowa a question?

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. REED. There is a report filed in connection with this bill which, so far as I have been able to read it, does not give a single reason why the legislation should be enacted. Were there any hearings on the bill?

Mr. CUMMINS. Mr. President, we have had hearings upon either this bill or one which preceded it, of the same character, for the last five years.

Mr. REED. Have the hearings been printed?

Mr. CUMMINS. I shall have to refer that question to the chairman of the committee. I think, though, the hearings have been printed.

Mr. NEWLANDS. Mr. President——

Mr. POMERENE. Mr. President, about five years ago there were hearings upon this very subject while the Interstate Commerce Committee was considering the general subject of trust legislation; and at intervals since that time the matter has been taken up, sometimes formally, sometimes informally. During this last January, I believe, there were other hearings on this bill, and extensive hearings in the House. A very able report on the subject was presented by Congressman WEBB. The Federal Trade Commission has had the matter up; and if my recollection serves me rightly now, there are two volumes of evidence on the subject, with a very comprehensive report by the Federal Trade Commission.

Mr. REED. Oh, Mr. President, if the Federal Trade Commission has had it under consideration, that is the end of all investigation. I am quite sure that the Congress ought to accept without hesitancy any conclusion coming from that eminent body.

Mr. POMERENE. No, Mr. President; they should always accept the conclusion of the Senator from Missouri.

Mr. REED. Well, Mr. President, if they did——

Mr. CUMMINS. Mr. President, I do not want the Senator from Missouri to be under any misapprehension with regard to this matter. I am a believer in the Federal Trade Commission, and he is not; and I do not want any reproach to be brought upon the Federal Trade Commission.

Mr. REED. That would be difficult.

Mr. CUMMINS. The Federal Trade Commission has done nothing except to report to the committee, so far as I know, at the committee's request; and the commission, as a whole or as a body, has not acted at all in any way. A former member of the Federal Trade Commission was deeply interested in this subject, and he presented his views to the Interstate Commerce Committee. It was entirely proper for him to do it, because he was asked for his views. The matter has been entirely in the hands of the legislative committee, and not in the hands of the Federal Trade Commission.

Mr. REED. I am glad to know that; and if the Senator will pardon me for the remark——

Mr. NEWLANDS. Mr. President, will the Senator permit me to interrupt him?

Mr. REED. No; not until I get through; then I will yield. I want to say to the Senator from Ohio that it is not necessary for him to take the opinion of the "Senator from Missouri." The "Senator from Missouri" has never asked him to do that; but the "Senator from Missouri" insists that when a bill of this kind is brought to the attention of the Congress and its passage is insisted upon, there ought to be some reasons given for it.

Here is a bill that is a radical departure from all that we have been doing for 20 years. A report is filed, bearing the Senator's name, which gives no substantial reason for this revolutionary legislation. I have sat in the Senate awaiting some enlightenment by the Senator from Ohio with reference to the bill. I am now interested in knowing who is back of this bill, what potential forces have been urging this legislation for five years. I understand, of course, that the President has recommended some such legislation as this; but I want to know how many trust magnates and trust attorneys and men of that kind have been forcing this legislation forward.

Mr. CUMMINS. Mr. President, I can give the Senator from Missouri a partial answer to that question. So far as I remember, the first appearance before the Interstate Commerce Committee in behalf of legislation of this character was by a company—I mean, simply a body of men who had like interests—of lumber dealers or manufacturers from the Pacific coast who found difficulty, under the conditions that then existed, in marketing their product in foreign countries.

I do not remember that. I think they were very worthy gentlemen. I do not know them personally, but they seemed to me to be good citizens, and they presented their case in a very fair and reasonable way. Then came, later, the exporters of New York. I do not know whether they were organized in any formal association or not; but there is an association in New York—whether it is the New York Chamber of Commerce or some other body of that kind I do not know—which came before the committee and enlarged upon the subject, and presented, through their attorneys and through their representatives, a great many reasons which seemed to them imperative for legislation of this character. So it has gone on; and as I think the Senator from Ohio said, the testimony on the subject as a whole, both in the House and in the Senate, would probably fill two ordinary printed volumes. There is a great deal of learning extant upon it, but, after all, it meant just one thing, that as against the combination of foreign countries in a foreign market our exporters were at a disadvantage not only with regard to prices but especially with regard to the cost of doing business in a foreign country. I will give an illustration because I want to be absolutely fair about the matter. Here is a small exporter. His business is rather limited. He wants to do business in Rio de Janeiro or in the Argentine or in Africa or China. It is very expensive for him to maintain an establishment in the foreign country for the purpose of disposing of his goods as compared with the volume of the sales. He suffers great disadvantage in attempting to do business so far away from home under such large expense. It was said, and I can see the force of it, that if the manufacturers or the producers of any range of articles in this country desired to do business in a foreign country, and if they were permitted to employ a common agent who could transact the business for all of them in that country, they would not only be able to avoid the disadvantages of competition in that country among themselves but they would be able to very greatly reduce the cost of doing business.

Mr. REED. Mr. President——

Mr. CUMMINS. In just a moment. Just as soon as that proposition was made to the committee, and it was made by an attorney who spoke for these exporters, I asked whether it was his opinion that an arrangement of that kind honestly made and honestly carried out would constitute a violation of the antitrust law, and he answered unhesitatingly that in his opinion it would not constitute a violation of the antitrust law. I have made that inquiry of every man who has appeared before the committee qualified to express an opinion upon a subject of that kind, and without dissent it has been agreed that the very thing, or at least the chief thing, which they wanted to do they could lawfully do at the present time and under the present law, and that the only reason for legislation of this sort, or the principal reason anyhow, was that capital was sensitive, that capital shrank from enterprises concerning which there could be any doubt whatsoever, and that there were persons—now, I have never been able to find that person, but that there were persons who believe that the arrangement which I have outlined was a violation of the antitrust law, and in order to satisfy those distrustful and skeptical and suspicious minds it was necessary that the subject be made perfectly clear. It is with that in view that I have offered my amendments. Now, mark, I do not propose to repeal any part of the antitrust law. I propose to make it legislatively and explicitly lawful to do a thing which in my judgment can be done now without any modification whatsoever. Does the Senator from Missouri desire to have me yield to him?

Mr. REED. The Senator has completely covered the very matter I was going to suggest. I may be permitted perhaps to say, by way of reenforcing the argument of the Senator, that the argument put forward on behalf of the exporters, that they need to sell through a combination, is the only argument I have heard advanced in favor of this bill. I am clearly of the opinion, as is the Senator, that it is no violation of the Sherman Anti-Trust Act for a number of men to consign their goods to the same factor or the same agent in a foreign country, so that there is a common selling agency, provided they do not go further and use the agency to effectuate a restraint of trade.

But if there is any doubt about that, the doubt can be reached by a statute to the effect that nothing in the antitrust laws shall be held to prohibit or forbid the right of American citizens to sell their goods through a common selling agency in a European market. But even then there ought to be added a clause that if that agency is created by a combination of companies and individuals it shall be open for other American citizens to avail themselves of. However, the reason advanced for this legislation, the only reason anybody has advanced, is that which the Senator stated these gentlemen have advanced, and it is perfectly plain that that can be met without striking down the trust laws that we have been building up for 20 years.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I yield to the Senator from Nevada.

Mr. NEWLANDS. The Senator announced a few moments ago that he did not regard the creation of a selling agency in foreign lands by producers or merchants engaged in the United States in the same business as a violation of the Sherman

antitrust law, and he states that he has not been able to find any lawyer who has held a contrary opinion. I ask the Senator whether he would regard the creation in the city of New York or other city of an agency by all the coal companies in Illinois or all the coal companies in Ohio for the sale of their coal as a violation of the Sherman antitrust law.

Mr. CUMMINS. Mr. President, the question is rather incomplete, probably, and I do not think I can answer it in just the form in which the Senator has proposed it, but I may answer it indirectly in this way: The statute prohibits restraint of trade, that is all, and there is no association which is unlawful unless it restrains trade. There are two kinds of restraints of trade. One is voluntary, the other involuntary. The voluntary restraint of trade is that restraint which results from agreement between persons or corporations which has a tendency to or which does destroy competition between them or which does fix prices as between them or which does something else which restrains trade. The involuntary restraint of trade is that restraint which the power of a combination imposes upon some one who is not a party to the combination.

In the case suggested by the Senator from Nevada it depends entirely on the terms and effect of the arrangement. I say that a common selling agency is not in and of itself a violation of the antitrust law, because I can not understand how the selection of a common agent in a foreign country for the disposition of goods manufactured in our own country would result in a restraint of foreign trade, and that is the criterion after all.

Mr. NEWLANDS. The Senator is aware that the coal producers of West Virginia and other States appeared some years ago before the Interstate Commerce Committee of the Senate and insisted that there were very many small producers who were subjected to great expense in marketing coal in the great cities, owing to the fact that each was compelled to employ a separate agency, and that they could not create a joint agency and thus diminish the cost of the general business. I think the Senator recalls that the view of the committee at that time and the view of the lawyers who appeared before us was that the creation of such an agency would have to be specially provided for by law in view of the provisions of the Sherman antitrust law.

Mr. CUMMINS. I do not think that was ever my view, although I do not remember that I so expressed it; but the answer to all that lies in the fact that in 1901 the United States Steel Corporation, or rather 100 or more competitive manufacturers united in the United States Steel Corporation, thus selecting a common agency not only for the manufacture but the sale and distribution of practically 50 per cent of the steel commodities of the United States. The validity of that common agency has been passed on, as I understand it, and at the present time it has been held that it is not a violation of the antitrust law. Why? Because its practices are said to have been beyond criticism, and it has not imposed what I have described as involuntary restraint upon any competitors. Just so I feel with regard to the selection of a common selling agency in a foreign country.

Mr. KELLOGG. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I should like to suggest to the Senator from Iowa that the Supreme Court of the United States held in a case involving a common agency of 24 paper companies in the Northwest that where these companies created a common selling agency, the agent having the right to fix all prices for the sale of the product and to divide among the manufacturing companies all profits above a certain figure, it was a violation of the Sherman antitrust act, as held in a suit brought by Attorney General Knox in his administration of that office. It was also held of a combination in West Virginia that substantially the same kind of a combination for a selling agency, created, the court said, for the purpose of controlling the selling price in this country was a violation of the Sherman Act.

I understand the Senator to say he does not believe that would be a violation as to foreign commerce, because the Sherman Act has no extra-territorial effect. In that regard I am inclined to think the Senator is right, although some lawyers disagree on the matter, and I believe when lawyers disagree the business men ought to have it made clear whether it is or is not illegal.

Mr. CUMMINS. I do not intend to enter just now upon a discussion of either the paper case or the coal case. I may do so at a later time. Both cases well deserve an analysis. As I look at them they are both in entire harmony with the proposition that I have announced so far as this amendment of mine is concerned. I have proposed the amendment in order to remove the very doubt which the Senator from Minnesota has just said has found lodgment in a great many minds. If it were not for that doubt I would not have offered the amendment at all.

Mr. President, now that the subject has been very fully opened, not alone by myself but through the interruptions and observations that have been made by various Senators, I hope the Senator from Ohio will see the wisdom of giving further opportunity for reflection. I think a great many Senators have not had their attention directed to the subject, nor have they appreciated its full importance, and inasmuch as very little time would be saved by going further this afternoon, I suggest to him the propriety of postponing additional discussion until the next session of the Senate.

Mr. POMERENE. I was advised a few minutes ago by the senior Senator from Virginia [Mr. MARTIN] that he is expecting the House to act on the Senate joint resolution this afternoon. He indulged the hope that we might continue the session until the joint resolution was messaged over here, so that it could be signed to-night by the Vice President.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield to the Senator.

Mr. STONE. I desire to confirm that statement. I have just received a message to the effect that the House is voting upon the joint resolution which was sent to them to-day and that it would be sent to this body very soon. It is desired, if agreed to by the House, that it shall be signed by the Presiding Officer to-day.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I yield for a question.

Mr. NEWLANDS. The Senator from Iowa referred the Senator from Missouri [Mr. REED] to the chairman of the Interstate Commerce Committee. In answer to his query regarding the hearings I will state to the Senator from Missouri that I have in my hand the hearing before the House Judiciary Committee of July 18 and 20, 1916, upon the Webb bill; that is, the measure which is now before us. I also have in my hand the hearing before the Interstate Commerce Committee of the Senate on January 5, 1917, upon the bill after it came to the Senate.

Mr. SMOOT. What was the inquiry?

Mr. NEWLANDS. The Senator from Missouri inquired whether there were any hearings upon this subject and I give him that information.

Mr. REED. I thank the Senator. I had discovered one of the documents and am glad the Senator found the other.

Mr. CUMMINS. Mr. President, I do not intend to continue the discussion of this subject to-night. It is not exhausted, and I shall feel compelled at a later time to take up other phases of it. But I recapitulate now what I said in regard to the bill and my amendments. The bill repeals the antitrust law and the Clayton Act with regard to foreign trade. My amendment legalizes, if it is necessary to legalize, the establishment of a common selling agency in foreign countries. I am willing to go that far. I am willing to go no further. I sincerely hope that before we agree to repeal the beneficent provisions of the antitrust law Senators will have a clear comprehension of the ramifications of the law and the application to our own country. It is utterly impossible to repeal the antitrust law with regard to foreign trade without seriously impairing its vitality and its efficiency in domestic trade. It is utterly impossible to authorize combinations and agreements and monopolies of all kinds and sorts with reference to our foreign trade and at the same time preserve intact our protection under the Sherman law with regard to domestic trade. It is beyond human power to disassociate the two things so that we may free the one of all restraints and preserve the control which we have attempted to exercise over the other.

I believe, therefore, that whatever we desire to do for the exporters of the country—and I have pointed out what I desire to do—we ought to do affirmatively and not blindly repeal a great and general law without any fair understanding of the consequences that will ensue. We ought to limit our remedial legislation to the very thing which we are willing our exporters shall do and which some overfearful persons believe they can not do under the law as it is.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Connecticut?

Mr. CUMMINS. I yield to the Senator.

Mr. BRANDEGEE. Referring to the paper case and the coal case cited by the Senator from Minnesota [Mr. KELLOGG], in which it was held that a foreign selling agency and arrangement was a violation of the Sherman antitrust law, where the selling agent had the power to fix the prices for all his clients, I wish to ask the Senator from Iowa if it is his understanding

in regard to the foreign selling agencies, the proponents of this measure wish to establish that they expect to clothe those agencies with power to fix prices. I ask the Senator if that is his understanding of what they want?

Mr. CUMMINS. That is a point very carefully avoided in the amendment. I do not propose to cover it at all. I do not intend to modify the antitrust law in that respect. I intend to give exporters authority to establish a common agency, but that common agency must not do anything that will restrain foreign trade; and I leave that to the interpretation and construction of the courts.

Mr. BRANDEGEE. I meant by the question simply to bring out what, of course, is a great difference between the cases cited by the Senator from Minnesota and a foreign agency that sold for the different members it represented at prices fixed by the members themselves.

I agree with the Senator from Iowa that the mere operation by several exporters through the same foreign selling agency does not at all constitute a violation of the Sherman Antitrust Act; but, of course, I think clearly that the giving to the same agent the power to sell the products of different mills owned by members of an association at prices to be fixed by the agent might constitute a combination in restraint of commerce and trade.

Mr. CUMMINS. Mr. President, I am not at all prepared to admit that that would be true with regard to a foreign agency. I can easily conceive a single agency in Brazil for a series of competitive commodities established by rival manufacturers or producers in the United States. Now, if those who enter into the agency were to attempt to give the common agent the authority to fix a common price for like articles for sale in Brazil, the question whether such an arrangement would constitute a restraint of our trade with foreign nations is very different from the question which would arise if a series of domestic manufacturers of paper were to establish in the United States a common agency and give the common agent the right to establish a common price. The two questions would not be the same at all. It is true that the language of the law is the same with regard to domestic trade that it is with regard to foreign trade, but the consequences of the act must always be the determining factor in reaching a conclusion as to whether there is a violation of the law or not. In the case of Brazil there might not be, and I think would not be, any consequences that would affect the foreign trade of the United States. In the case in the United States the consequences might be very different, and I can easily see would be different in many respects; but those are difficult and doubtful questions of law, which probably no matter how we settle them here might have little influence in their settlement elsewhere.

Mr. BRANDEGEE. Mr. President, I simply wish to state that I was a member of the Committee on Interstate Commerce at the time the testimony was taken upon this proposed measure, and I did not understand then from any of the testimony that it was proposed to attempt the constitution of a foreign selling agency representing an association of producers in this country and allowing the agency abroad to fix the price and to have that thing legalized; nor did I understand that it was contemplated—at least I mean it did not appear from the testimony—that any of the proponents of this measure intended by the establishment of foreign common sales agencies to fix prices below which no sales should be made.

To my mind, if they could do that legally through a foreign selling agency, it might result—and, as the Senator from Iowa says, whether it is legal or not might depend upon the result of the method—in an actual inhibition of foreign commerce in certain lines of product. I do not assume that the men engaged in the making of steel in this country could all get together in this country and agree that they would not sell a pound of steel below a certain price without violating the Sherman antitrust law; but if they can agree that they will not sell a pound of steel abroad for less than a certain sum through a foreign sales agency it seems to me that that is—well, that it is in violation of the Sherman antitrust law; it inhibits to a certain extent and might entirely inhibit our foreign commerce in that article.

The reason why I called attention to the matter was that the two cases cited by the Senator from Minnesota only declared a selling arrangement illegal where the attempt to pool the goods, so to speak, and fix the price are combined in one foreign sales agency. It does not touch the instance such as I supposed the proponents of this measure wanted to cover.

Mr. VARDAMAN. Mr. President, I am not going to detain the Senate by a discussion of this bill this afternoon. It is a subject that should be given very careful and exhaustive consideration before it is disposed of. The Congress should be careful in dealing with such matters lest greater harm might be done than possible good effected. A great deal of new legislation will probably be proposed at this session of Congress; I am always glad to receive suggestions—a new thought or an idea are of immense value in these abnormal times. But, I repeat, we should be careful, and no legislation of a permanent character should be enacted that could safely be postponed until after the war is over. The fevered brain is a veritable "Pandora's box" of mistakes, and an error is often more perplexing and productive of harm than a deliberate crime. There is no function in the social life of Americans more potential of good or evil than that of the editor of a great newspaper or magazine. Its influence extends throughout the land and its consequences are felt even by generations yet unborn.

Mr. President, in wading through the enormous mass of commonplace editorial stuff which fills the metropolitan newspapers nowadays one becomes tired with the pernicious monotony. Most of these editors write what they are told to write and support the policies agreed upon by the patriots for pelf. To run upon something really virile, vigorous, healthy in morals, and sound in economics, such as the editorial which appeared on the first page of the Washington Times of the afternoon of yesterday, is refreshing. I am going to ask permission to insert this editorial in the RECORD. It is worthy of a place there. I wish every patriotic American could read it. Its patriotism is refreshing and the salutary lesson which it teaches ought to bear good fruit. I especially commend it to the Committee on Interstate Commerce, to which I shall ask that it be referred. I ask that it be inserted in the RECORD, without reading, unless some Senator desires to have it read.

There being no objection, the editorial referred to was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

[From the Washington Times, Dec. 6, 1917.]

RAILROAD STOCKS JUMP—WELL THEY MAY JUMP—PUBLIC INDIGNATION WILL JUMP ALSO.

New Haven Railroad stock jumped nicely yesterday. Rock Island jumped also.

Shareholders in these two companies have been robbed in the most artistic manner by railroad "management."

Long ago honest, disheartened stockholders sold out.

Stocks of these railroads that have been exploited, robbed, and gutted by private ownership are suddenly put up in price by the Wall Street gamblers.

Do you ask why?

Because it is proposed to turn over public money to the railroads, lending them the public's cash, increasing the rate that the public pays, guaranteeing profit on rascally mismanagement.

Is this proposition going through as a "war measure"?

If it does go through, then any kind of public thieving should thrive in the name of war.

The railroads are running at full capacity. Their receipts are gigantic.

They have shown themselves incompetent and inefficient.

Why should the public be taxed to lend money to these private railroad owners and their roads, made bankrupt by dishonesty or inefficiency?

Why should the public be taxed again to increase the high rate already paid for freight and passengers?

And why should the public be taxed to guarantee dividends on watered stock and on bonds of which the underlying value has been stolen?

The Government should take over the railroads, of course—commandeering them, as the Government has commandeered ships, human lives, and other things needed.

The Government should take the roads and pay at its leisure what they are worth—not a dollar more, regardless of the watered stocks and the watered bonds issued.

It is easy to print stocks and bonds. It ought not to be easy to make the public pay for the work of the printing press more than the printed paper is worth.

The Government calls a man, takes his life—and does not guarantee him profit on the business that he is compelled to leave behind him.

The Government, by monopolizing, as it must and should do, steel and coal, will cripple or ruin thousands of individual manufacturers and perhaps entire industries. But it does not guarantee profits or make loans at public expense to such individuals or industries.

Why this tender sympathy for railroads and railroad stocks, and for the very rich men that have bought stocks after dishonest mismanagement had put the prices low?

If Congress has money left to spend on sympathy, let the money be given to the thousands of women of New England that were made poor by the thieves that looted the New Haven road. Some of these prosperous thieves are now conspicuous as patriots, riding around in private cars—one car for one man—while the little business man can't get a freight car for his product or his coal.

Some of these patriot railroad thieves are basking in public favor because they buy liberty bonds with money stolen from the estates and families of honest men, or because they give a small percentage of their stealing to the Red Cross or the Y. M. C. A.

They are conspicuous in Washington; they presume to advise the Government what to do and how to do it.

We give them full credit for their cunning and their success, but there ought to be a limit to the success, and there will be a limit.

You hear that it is proposed, as a measure of economy, to cut twenty-five millions from the pay of honest servants of the Government, from overworked and underpaid clerks in the departments, from letter carriers, burdened with the heavy load of wartime, from mail clerks deprived of rest, exhausted by long hours.

And at the same time comes the official suggestion that railroad incompetency, inefficiency, mismanagement, and dishonesty be rewarded with increased freight and passenger rates, huge Government loans,

taken by taxation out of the pockets of heavily taxed citizens, and profits on watered securities guaranteed by the public. This is, indeed, delightful impertinence.

Public servants, faithful, efficient, and underpaid, already impoverished by the increased cost of living and the diminished value of the dollar, are to have their pay reduced.

Incompetent and dishonest railroads are to receive in loans to rebuild their neglected property money taken from the taxpayers' pockets and upon their incompetency, dishonesty, and mismanagement the public pocket is to guarantee dividends.

If this goes through, the pickpocket and the forger, the slacker and the defaulter should form themselves into an army, march on the Capitol, and say, "This is war and we need money; please lend us what we want and guarantee us a profit on our professional activities."

The Nation should not put a dollar into a railroad unless the Nation is permanently to own that railroad.

The nation which does not guarantee the honest farmer a profit on his farm or to the honest business man a profit on his business has no right to guarantee any profit to the notoriously mismanaged and dishonestly exploited railroads of the United States.

This newspaper is convinced that the power and influence of the President will successfully oppose the suggestion that the public pocket should become the property of the privately owned railroad.

We do not believe that Congress will permit the private car profiteers to put their dipper into the billions that are being poured out.

If Congress should permit it, the public now or a little later will find a way of making Congress know what it thinks of the transaction.

The people will endure much and sacrifice everything to win the war—they gladly applaud conscription of their lives and of their money for war.

But the people will not permit in the name of war or anything else the financing of a dishonest railroad system at the expense of a heavily taxed people.

The Government does not hesitate to say to a million mothers, "Give me your son; I need his life, and I will pay you my price—$1 a day."

That being the case, the same Government should not hesitate to say to the little group that own the railroads: "Give me those railroads; I need them; I'll pay you a fair price; I'll keep them; I'll operate them; I'll make them efficient—what you have never done."

We are at war, and it would be a fine thing to say to the people of a republic: "Your lives are public property, your money is public property; but the railroads and its owners are private, sacred—stocks and bonds are more precious than the lives of citizens. Government stands in awe of railroads and watered stock has a greater claim upon Government sympathy than honest business."

RECESS.

Mr. GALLINGER. Mr. President, what is the question before the Senate?

The VICE PRESIDENT. The Chair understands that the sole question remaining is to receive the joint resolution when it comes over finally from the House of Representatives.

Mr. GALLINGER. Then we might as well take a recess in proper form, rather than to engage in general conversation.

Mr. POMERENE. I move that the Senate take a recess for 20 minutes.

The motion was agreed to; and (at 4 o'clock and 10 minutes p. m.) the Senate took a recess for 20 minutes.

On the expiration of the recess the Senate reassembled, and the Vice President resumed the chair.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 111) declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same.

The message also announced that the House had passed the bill (S. 2334) to authorize absence by homestead settlers and entrymen, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 111) declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same, and it was thereupon signed by the Vice President.

PROMOTION OF EXPORT TRADE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2316) to promote export trade, and for other purposes.

Mr. POMERENE. Mr. President, I understand that no Senator cares to speak further on this bill to-day. I move that the Senate adjourn until 12 o'clock on Monday next.

The motion was agreed to; and (at 4 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, December 10, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 7, 1917.

ASSISTANT SECRETARY OF THE TREASURY.

Russell C. Leffingwell, of New York, to be Assistant Secretary of the Treasury. (New office.)

Mr. Leffingwell is now serving under a temporary commission issued during the recess of the Senate.

MEMBERS OF THE AIRCRAFT BOARD.

Howard E. Coffin, of Michigan, to be chairman of the Aircraft Board, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

Richard Howe, of New York, to be a member of the Aircraft Board, to which office he was appointed during the last recess of the Senate, to fill an original vacancy.

AID IN COAST AND GEODETIC SURVEY.

William Daryl Patterson, of Wisconsin, to be aid in the Coast and Geodetic Survey, Department of Commerce.

SURVEYOR OF CUSTOMS.

William M. Ingraham, of Portland, Me., to be surveyor of customs in customs collection district No. 1, with headquarters at Portland, Me., in place of Cyrus W. Davis, deceased.

Mr. Ingraham is now serving under a temporary commission issued during the recess of the Senate.

RECEIVERS OF PUBLIC MONEYS.

Abraham Hogeland, of Montana, to be receiver of public moneys at Lewistown, Mont., his term having expired. (Reappointment.)

Augustus J. Schroer, of Ellendale, N. Dak., who was appointed October 22, 1917, during the recess of the Senate, to be receiver of public moneys at Minot, N. Dak., vice William O'Leary, who entered military service.

Leroy E. Cummings, of South Dakota, to be receiver of public moneys at Pierre, S. Dak., his term having expired. (Reappointment.)

EXPLOSIVES INSPECTORS.

The following named, who were appointed during the recess of the Senate to be explosives inspectors for the States named, respectively, under the provisions of the act of Congress approved October 6, 1917:

Walter K. McAdory, of Birmingham, Ala.
Edward L. Shaw, of Phoenix, Ariz.
Edwin T. Reaves, of Little Rock, Ark.
John M. Griffin, of Madera, Cal.
Thomas S. Price, of Longmont, Colo.
James E. McGann, of New Haven, Conn.
William F. Hoey, of Frederica, Del.
Clarence E. Woods, of Eustis, Fla.
Carlos H. Mason, of Atlanta, Ga.
Edgar S. Elder, of St. Maries, Idaho.
William A. Compton, of Macomb, Ill.
Lemuel T. Osborn, of Mount Vernon, Ind.
John J. Hughes, of Council Bluffs, Iowa.
Thomas S. Rhea, of Russellville, Ky.
Isaac A. Broussard, of Breaux Bridge, La.
Leon O. Tebbetts, of Waterville, Me.
Daniel F. O'Connell, of Fitchburg, Mass.
Albert E. Stevenson, of Port Huron, Mich.
Madison C. Bowler, of Minneapolis, Minn.
Ellis S. Middleton, of Pocahontas, Miss.
Walter L. Lampkin, of Kansas City, Mo.
Jeremiah W. Farrell, of Joliet, Mont.
Charles F. Clark, of David City, Nebr.
Denver S. Dickerson, of Carson City, Nev.
Andrew W. Bingham, of Littleton, N. H.
Nicholas Hughes, of Paterson, N. J.
Edward D. Jackson, of Buffalo, N. Y.
Miles C. Stewart, of Carlsbad, N. Mex.
Daniel A. McDonald, of Carthage, N. C.
William P. Porterfield, of Fargo, N. Dak.
Jasper S. Kinslow, of Columbus, Ohio.
Fred Rains, of Muskogee, Okla.
William N. Campbell, of Medford, Oreg.
John W. Rittenhouse, of Scranton, Pa.
Francis E. Sullivan, of Providence, R. I.
William Banks, of Columbia, S. C.
Albert M. Leach, of Clarksville, Tenn.
Charles B. Watters, of San Antonio, Tex.
David C. Dunbar, of Salt Lake City, Utah.
Park H. Pollard, of Proctorsville, Vt.
Martin Williams, of Pearisburg, Va.
Walter G. Ronald, of Seattle, Wash.
Edwin M. Gilkeson, of Parkersburg, W. Va.
James A. Berry, of Basin, Wyo.
D. C. Sargent, of Cordova, Alaska, for the Territory of Alaska.

PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Hugh de Valin to be surgeon in the Public Health Service, to rank as such from September 21, 1917.

Passed Asst. Surg. Marshall C. Guthrie to be surgeon in the Public Health Service, to rank as such from September 9, 1917.

Asst. Surg. Howard F. Smith to be passed assistant surgeon in the Public Health Service, to rank as such from September 18, 1917.

Asst. Surg. Lon O. Weldon to be passed assistant surgeon in the Public Health Service, to rank as such from September 16, 1917.

The above-named officers have served the required time in their present grades and have passed the necessary examination for promotion.

PROMOTIONS IN THE NAVY.

Commander Charles L. Hussey to be a captain in the Navy from the 1st day of July, 1917.

Lieut. Commander Ernest J. King to be a commander in the Navy from the 1st day of July, 1917.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1916:

Andrew L. Haus and
Raymond Asserson.

The following-named surgeons to be medical inspectors in the Navy from the 15th day of October, 1917:

Charles St. J. Butler,
Herbert O. Shiffert,
John H. Iden,
Louis W. Bishop, and
Ulys R. Webb.

The following-named passed assistant surgeons to be surgeons in the Navy from the 1st day of July, 1917:

Clarence E. Strite,
Howson W. Cole, and
Edgar L. Woods.

The following-named passed assistant surgeons to be surgeons in the Navy from the 15th day of October, 1917:

Robert C. Ransdell,
Edwin L. Jones,
Thomas G. Foster,
Condie K. Winn,
John B. Kaufman,
Matthew H. Ames,
Ausey H. Robnett,
James P. Haynes,
Abraham H. Allen,
Andre E. Lee,
Heber Butts,
Philip E. Garrison,
Thomas W. Raison, and
John O. Downey.

The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons in the Navy, for temporary service, from the 19th day of November, 1917:

Carlton L. Andrus and
Esdras J. Lanois.

The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons in the Navy, for temporary service, from the 23d day of November, 1917:

Floyd G. Tindall and
George A. Alden.

Oliver S. Powell, a citizen of South Dakota, to be an assistant paymaster in the Navy from the 29th day of September, 1917.

Civil Engineer Charles W. Parks, with rank of commander, to be a civil engineer in the Navy with rank of captain from the 1st day of July, 1917.

Gunner Henry McEvoy to be a chief gunner in the Navy from the 21st day of December, 1915.

Pay Clerk William R. Parker to be a chief pay clerk in the Navy from the 17th day of August, 1917.

Commander John R. Y. Blakely to be a captain in the Navy from the 1st day of July, 1917.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1917:

Henry C. Mustin and
Harry K. Cage.

Lieut. George P. Brown to be a lieutenant commander in the Navy from the 29th day of August, 1916.

Lieut. William L. Calhoun to be a lieutenant commander in the Navy from the 23d day of May, 1917.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1917:

Walter B. Decker and
Leo F. Welch.

Lieut. (Junior Grade) Stephen B. McKinney to be a lieutenant in the Navy from the 10th day of August, 1916.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 5th day of June, 1917:

Harold S. Burdick,
Fitzhugh Green,
William N. Richardson, jr., and
Dennis E. Kamp.

Ensign Frank G. Kutz to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1916.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of June, 1917:

William E. Malloy,
Thomas F. Downey, and
Charles A. Macgowan.

Midshipman Earl S. Hurlbut to be an ensign in the Navy from the 30th day of March, 1917.

The following-named medical inspectors to be medical directors in the Navy from the 15th day of October, 1917:

Robert M. Kennedy,
Norman J. Blackwood,
Sheldon G. Evans,
Adrian R. Alfred,
Charles M. De Valin,
Lewis Morris,
James F. Leys, and
Frank C. Cook.

Surg. Barton L. Wright to be a medical inspector in the Navy from the 1st day of July, 1917.

The following-named surgeons to be medical inspectors in the Navy from the 15th day of October, 1917:

Ralph W. Plummer,
John J. Snyder,
Edward M. Blackwell,
George F. Freeman,
Robert E. Ledbetter,
Samuel S. Rodman,
John M. Brister,
Frederick A. Asserson,
Henry A. Dunn,
Allan Stuart, and
Charles M. Oman.

The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons in the Navy from the 9th day of November, 1917:

Lawrence K. McCafferty,
Stephen R. Mills,
James A. Brown,
Albert N. Champion,
Alvin L. Mills,
Millard F. Hudson,
Isaac Dellar,
Harold E. Ragle, and
Lawrence T. Hopkins.

The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons in the Navy, from the 17th day of November, 1917:

Richard A. Kern,
John C. Roe,
Nelson W. Sheley,
David Ferguson, jr.,
Lewis G. Jordan,
William C. Blake,
LeVal Lund,
George N. Herring,
Brockton R. Lyon,
Alvin E. Kuhlmann,
Jack S. Terry,
Herold P. Hare,
Charles L. Dugan,
W. Newton Long,
Walter N. Secord,
Wilbur F. Thayer,
Walter S. Harmon,
James L. Reycraft,
George M. Constans,
James E. Harvey,
Warren D. Horner,
John N. N. Osburn,
Rollo W. Hutchinson,

Albert E. Leggett,
Francis J. Tenczar,
George F. J. Kelly,
William F. McAnally,
Norman S. Cooper,
Frank H. Clements,
John S. Cronin,
Edward F. Mullaly,
Harry H. Slominski,
Joseph C. Keller,
John L. Frazier, jr.,
Rudolph E. Kriz,
George O. Cummings,
Hugh J. Duffy,
Daniel W. Sooy,
Joseph A. Hubbell,
John R. Poppen,
Frank P. Werner,
Arthur J. White,
Linwood H. Johnson,
Edwin W. York
Joseph P. Corgan,
James M. Brown,
Eugene C. Lowe,
William McC. Miller,
Luther W. Boggs,
William P. Gilmer,
John L. Fisher,
Edward D. Andrews,
Albert K. Dunlap,
Charles S. Neves,
Edward C. Melton,
James R. Byrne,
Hardy V. Hughens,
Edwin C. Ebert,
George W. Millett,
Thomas J. Courtney,
Vachelle E. Harmon,
John T. Stringer,
Frank H. Cantlin,
Austin I. Dodson, and
Martin J. Costello.

The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons in the Navy, for temporary service, from the 17th day of November, 1917:

George A. Eckert,
Edward F. Stadtherr,
Leland M. McKinlay,
Ransom H. Holcomb,
Milton B. Clayton,
John H. Robbins,
James E. Miller,
James D. Rives,
Elmer F. Lowry,
Elwood A. Sharp,
Cola Castelloe,
George L. McClintock,
Edward M. Lundegaard,
Alton L. Grant, jr., and
Archibald O. M. Wood.

Pay Insp. Barron P. DuBois to be a pay director in the Navy from the 1st day of July, 1917.

Paymaster William T. Gray to be a pay inspector in the Navy from the 29th day of August, 1916.

Paymaster Robert H. Orr to be a pay inspector in the Navy from the 25th day of April, 1917.

The following-named paymasters to be pay inspectors in the Navy from the 1st day of July, 1917:

Charles Morris,
George C. Schafer,
George R. Venable,
Trevor W. Leutze,
Theodore J. Arms, and
David V. Chadwick.

Passed Asst. Paymaster Harry E. Collins to be a paymaster in the Navy from the 29th day of August, 1916.

Passed Asst. Paymaster John H. Gunnell to be a paymaster in the Navy from the 25th day of April, 1917.

Asst. Paymaster David T. Chalmers to be a passed assistant paymaster in the Navy from the 29th day of August, 1916.

Machinist Charles O. Hathaway to be a chief machinist in the Navy from the 31st day of December, 1916.

Pay Clerk John H. Seifert to be a chief pay clerk in the Navy from the 28th day of March, 1917.

Pay Clerk Joseph O'Reilly to be a chief pay clerk in the Navy from the 15th day of July, 1917.

The following-named officers to be lieutenant commanders in the Navy, for temporary service, from the 15th day of October, 1917:

Emil A. Lichtenstein,
Albert M. Cohen,
George M. Ravenscroft,
Arie A. Corwin,
Harry J. Abbett,
George McC. Courts,
Charles W. Crosse,
Frank D. Pryor,
Claudius R. Hyatt,
Roy P. Emrich,
Jacob H. Klein, jr.,
John S. Barleon,
William T. Smith,
Jacob L. Hydrick,
Stephen B. McKinney,
Louis F. Thibault,
Baxter H. Bruce,
Henry R. Keller,
Walter F. Lafrenz,
George C. Logan,
Clarence McC. McGill,
George H. Laird,
John B. Earle,
Harold V. McKittrick,
Henry G. Shonerd,
Charles T. Blackburn,
George T. Swasey, jr.,
Ellis Lando,
Ralph B. Horner,
Thomas A. Symington,
Harlow T. Kays,
Robert C. Giffen,
Richard E. Cassidy,
Richard S. Galloway,
Clarence N. Hinkamp,
Riley F. McConnell,
Ralph R. Stewart,
George Joerns,
Ralph C. Parker,
Leslie E. Bratton,
Ezra G. Allen,
Emanuel A. Lofquist,
Henry C. Gearing, jr.,
Elmer W. Tod,
Thaddeus A. Thomson, jr.,
William F. Amsden,
George W. Simpson,
Reuben R. Smith,
Samuel L. Henderson,
Homer H. Norton,
Charles S. Keller,
Alfred H. Miles,
Harold H. Ritter,
Joseph Baer,
Carl C. Krakow,
James Parker, jr.,
Elmo H. Williams,
Charles F. Pousland,
John F. Cox,
Grattan C. Dichman,
George N. Barker,
Harry A. McClure,
Charles C. Windsor,
Louis J. Gulliver,
Newton L. Nichols,
Francis A. L. Vossler,
Cortlandt C. Baughman,
Richard B. Coffman,
Jonas H. Ingram,
Emory F. Clement,
Louis C. Scheibla,
Schuyler F. Heim,
Edmund D. Almy,
Jere D. Brooks,
Robert F. Gross,
Patrick N. L. Bellinger,
William T. Mallison,
Newton H. White, jr.,
Burton A. Strait,

Seymour E. Holliday,
Forney M. Knox,
Samuel A. Clement,
Herman E. Welte,
Richard F. Bernard,
Richmond K. Turner,
Alexander M. Charlton,
John W. Rankin,
Henry F. D. Davis,
Kirkwood H. Donavin,
Oscar Smith, jr.,
Herbert A. Jones,
Henry T. Markland,
William R. Smith, jr.,
William W. Turner,
Joseph J. Broshek,
Frank J. Wille,
Haller Belt,
Eugene E. Wilson,
Abel T. Bidwell,
Harold W. Boynton,
Rensselaer W. Clark,
Walter K. Kilpatrick,
Edwin F. Cutts,
Edward J. Foy,
Edward H. Loftin,
Harry B. Hird,
Nelson W. Pickering,
Harry A. Badt,
James B. Oswald,
Clyde G. West,
George H. Emmerson,
Norman R. Van der Veer,
David C. Patterson, jr.,
Francis W. Rockwell, and
Sydney M. Kraus.

The following-named officers to be lieutenants in the Navy, for temporary service, from the 15th day of October, 1917:

George Marvell,
Benjamin H. Page,
Frank J. Cunneen,
Allan W. Ashbrook,
Raymond A. Deming,
Charles T. S. Gladden,
Benjamin S. Killmaster,
Robert A. Dyer, 3d,
Raymond S. Hatch,
James E. Boak,
William A. Heard,
Charles H. Mecum,
George T. Howe,
Rudolph F. Hans,
Simson C. Stengel,
Wilder D. Baker,
Julius M. Moss,
Boleslaw L. Dombrowski,
Robert S. Wyman,
Lewis H. McDonald,
Thomas F. Downey,
Horace H. Jalbert,
George S. Arvin,
Foster C. Bumpus,
Harold J. Nelson,
William C. Burgy,
Frank P. Thomas,
Ralph O. Davis,
Francis K. O'Brien,
Sifrien F. Maury,
Martin Griffin,
Marion Y. Cohen,
William F. Roehl,
Malcolm W. Callahan,
Thomas C. Slingluff,
Donald F. Washburn,
Stuart D. Truesdell,
William S. Popham, jr.,
Frederick D. Powers,
Robert H. Maury,
Thomas C. Latimore,
Robert W. Cary,
Karl R. Shears,
Lloyd J. Wiltse,
Leon O. Alford,
Paul W. Fletcher,
Lawrence J. K. Blades,
Henry W. Hoyt,
Robert C. Starkey,
William D. Austin,
Joseph C. Arnold,
Philip R. Weaver,
Charles A. Macgowan,
Robert P. Luker,
Clarence J. McReavy,
Oliver O. Kessing,
John F. Moloney,
Delorimier M. Steece,
Wallis Genring,
William K. Beard,
Paul Fitzsimons, jr.,
John H. Brown, jr.,
William D. Bungert,
Haiden T. Dickinson,
Lewis J. Stecher,
Malcolm L. Worrell,
Ralph G. Pennoyer,
Harry J. Reuse,
Walter D. Snyder,
John D. Pennington,
Thomas L. Shannon,
Morris J. Lenney,
Lynde D. McCormick,
Mark L. Sperry, jr.,
Arthur C. Davis,
Wesley J. Shofner,
Oliver H. Ritchie,
Merrill T. Kinne,
Arthur D. Struble,
Walter A. Hicks,
Warner P. Portz,
Leverett S. Lewis,
Frederic P. Culbert,
Frederick W. Pennoyer, jr.,
Howes Bodfish,
Benjamin F. Perry,
Richard W. Bates,
Louis R. Moore,
Claude O. Kell,
Roy de S. Horn,
James M. Shoemaker,
Winfred H. A. Pike, jr.,
Gerard H. Wood,
Melville C. Partello,
Kendall Preston,
Robert O. Glover,
Lloyd V. H. Armstrong,
John F. Bates, jr.,
Melville W. Powers,
John H. Rockwell,
Howard L. Vickery,
Archie E. Glann,
Vincent H. Godfrey,
Harry H. Chenoweth,
Hugh G. Eldredge,
Stuart B. Clark,
Edward E. Hazlett, jr.,
John C. Lusk,
Norwood G. Calvert,
Leon B. Scott,
Charles F. Osborn,
George P. Lamont,
William H. Bowman,
Walter M. A. Wynne,
Scott Umsted,
Myron J. Walker,
Finney B. Smith,
William J. Lorenz,
Powell McC. Rhea,
Edouard V. M. Isaacs,
Henry P. Burnett,
Edwin S. McCoach,
Hubert E. Paddock,
Donald MacL. Dalton,
Theodore E. Chandler,
Herbert V. Wiley,
Ivan M. Graham,
Samuel R. Shumaker,
Frank D. Wagner,
Stephen H. Matteson,
Otto Nimitz,
Glenn H. Easton,

Burton W. Chippendale,
Allan R. Wurtele,
Thomas G. Peyton,
Samuel P. Jenkins.
Cornelius W. Flynn,
Nelson J. Leonard,
William Granat.
Robert T. Darrow,
Robert M. Farrar,
Armit C. Thomas,
Ryland D. Tisdale,
George W. Grove,
Walter J. Confer,
Alan Barnett.
Julius C. Delpino,
Homer W. Graf.
John D. Small.
Romeo J. Jondreau,
Robert W. Clark,
John B. Kneip,
George C. Hill.
Francis S. Low,
James P. Brown,
Francis M. Mall, jr.,
Winthrop Winslow,
Frank C. Huntoon,
William J. Nunnally, jr.,
Earle W. F. Childs,
Alexander S. Wotherspoon,
Philip C. Morgan,
Robert M. Fortson,
Marcus C. Miller,
Forrest B. Royal,
John L. McCrea,
Morris H. Spriggs,
Frederick G. Richards,
Marshall B. Arnold,
Noble Withers,
Roswell H. Blair,
Tully Shelley,
Elmer R. Henning,
Dallas D. Dupre,
Nathaniel M. Pigman,
John S. Farnsworth,
Horace D. Clarke,
Edward Breed,
Thomas G. Brown,
James E. Maher,
Irving R. Chambers,
Alexander G. Hatch,
Allan E. Smith,
Leighton Wood,
Chester E. Lewis,
Harvey E. Overesch,
Stuart A. Maher.
Homer H. H. Harrison,
Ralph Kiely,
Allen G. Quynn,
John Morris Field, jr.,
David McL. Collins,
Archer E. King, jr.,
Daniel W. Armstrong,
Harold O. Hunter.
George C. Kriner,
Forrest K. Libenow,
Clifford G. Richardson,
Dewitt C. Watson,
James M. Lewis.
Raymond Burhen,
Jonathan H. Sprague,
Millard G. Gamble, jr.,
Myron W. Hutchinson, jr.,
John H. Campman,
Isaac Schlossbach,
Henry S. Clark, jr.,
John J. Mahoney,
Ralph W. Christie,
Robert M. Parkinson,
Lewis L. Stedman,
James R. Kyle, jr.,
Preston Marshall.
William D. Thomas,
Lyman B. Hoops,
Hilbert A. Fisher,
William S. Hactor,
Samuel R. Deets,
John S. Ray,
William M. Snelling,
Claude C. Vickrey,
Joseph H. Chadwick,
Albert R. Stephan,
Arthur Landis,
Elmer B. Hough,
William D. Sullivan,
Albert Osenger,
Eugene G. Herzinger,
Richard S. Bulger,
Adolph J. Merkt.
Horace E. Burks.
Henry M. Mullinnix,
Norman P. Earle.
Ralph E. Davison,
Don P. Moon.
Russell S. Berkey,
Robert C. Bourne.
George F. Hussey, jr.,
Thomas J. Keliher, jr.,
Osborne B. Hardison,
Hugo Schmidt.
Russell S. Hitchcock,
Clinton E. Braine, jr.,
Willis C. Sutherland,
Laurence F. Safford,
Arthur C. Miles,
William M. Fechteler,
Frank W. Wead,
Robert A. Awtrey, and
Conrad A. Krez.

The following-named officers to be lieutenants (junior grade) in the Navy, for temporary service, from the 15th day of October, 1917:

Joseph W. Paige.
Forrest P. Sherman,
William R. Nichols,
Ernest B. Colton,
Joseph W. Fowler,
William H. Hopkins, jr.,
William J. Malone,
Oscar F. Holtmann,
Lawrence B. Richardson,
James Fife, jr.,
Moses B. Byington, jr.,
Frank R. Dodge,
George T. Cuddihy,
William W. Warlick,
Vincent R. Murphy,
Ralph S. McDowell,
Henry A. Hutchins, jr.,
Charles W. Styer,
Thomas L. Sprague,
Owen E. Grimm,
Einar R. Johnson,
Martin J. Connolly,
Pal L. Meadows,
John D. Crecca.
Olton R. Bennehoff,
Frederick L. Douthit,
Frederick S. Holmes,
Thomas B. Inglis,
Earl E. Stone.
James D. Jacobs,
John J. Ballentine,
Edwin H. Price.
Everett B. Browne,
John R. Sullivan,
James V. B. Lawyer,
John D. Alvis,
John N. Whelan.
Daniel W. Tomlinson,
Edward F. McCartin,
Hayden H. Smith,
Donald A. Green,
Clifton A. F. Sprague,
Thaddeus A. Hoppe,
Clifton E. Denny.
Thedore F. C. Walker,
Joseph J. Clark,
George C. Hawkins,
Albert M. Bledsoe,
Bronson P. Vosbury,

Harold Biesemeier,
Miles R. Browning,
William C. Wade,
Herman E. Halland,
Roy T. Gallemore,
Stanley D. Jupp.
Albert F. France, jr.,
Perry R. Taylor,
Robert T. Whitten.
John S. McReynolds,
Walter S. Macaulay,
Staley H. Gambrill,
George G. Breed,
James L. Fisher.
David E. Cummins,
Robert B. Parker,
Julian D. B. Wilson,
Samuel H. Hurt,
Wilber M. Lockhart,
Henry Y. McCown,
William Busk,
George W. Johnson,
Henry E. Thornhill,
Jacob H. Jacobson,
Ion Pursell.
J. Warren Quackenbush,
Philip L. Emrich,
Gordon Rowe,
William H. Hartt, jr.,
Junius L. Cotten,
Christopher C. Miller,
James E. Waddell,
Donald W. Loomis,
John G. Farrell,
Mertin C. Wade, jr.,
Jack S. Phillips,
Elbert C. Rogers,
John W. Rowe,
Jerauld Wright,
Harry W. Need,
Charles D. Leffler, jr.,
William S. Garrett,
Lloyd G. Scheck,
Earle W. Mills,
Fred M. Byers,
Harry D. Hoffman,
Ford L. Wilkinson, jr.,
Francis S. Gibson.
Harold G. Eberhart,
Thomas G. Fisher,
Berwick B. Lanier.
Victor C. Barringer, jr.,
Martin R. Derx,
Graeme Bannerman,
Louis L. R. Habrylewicz,
Ernest A. Foote,
Henry D. Stailey,
Robert Poole.
Henry S. Kendall,
James D. Murray, jr.,
Stanley M. Haight.
William E. G. Erskine,
Edward W. Wunch,
Garry D. Custer,
John D. H. Kane,
Stanley C. Norton,
James W. Whitfield.
George O. Etheredge,
Bernard V. Eekhout,
Harold E. MacLellan,
Albert S. Marley, jr.,
Peter K. Fischler, jr.,
Francis G. Courtney,
Jay G. Huntoon,
Harry W. Von Hasseln,
Guy D. Townsend,
Arthur T. Moen,
Arthur B. Craig,
Ross P. Whitemarsh,
Ralph H. Henkle,
Leonidas M. Mintzer,
Francis B. Connell,
Gordon B. Woolley,
Vaughn Bailey,
Elmer E. Duvall, jr.,
Albert L. Hutson,
Walter L. Taylor,
Alphonsus I. Flynn,
Edmund J. A. Murphy,
Ellis H. Geiselman,
Ernest H. Krueger,
Herbert R. Sobel,
George E. Ross, jr.,
Jack H. Duncan,
Watson O. Bailey,
Andrew P. Haynes,
Proctor M. Thornton,
Roger F. Armstrong,
Leland P. Lovette,
Wallace M. Dillon,
Edmund J. Kidder,
Edward D. Walbridge,
Leroy W. Busbey, jr.,
Smith D. A. Cobb,
Malcolm A. Deans,
Ralph S. Riggs,
Carlos W. Wieber,
Harry K. Leventen,
Edwin D. Gibb,
John M. Haines,
William A. S. Macklin,
Thoms F. Remington,
John W. Rogers,
Cleeman Withers,
Lloyd E. Clifford,
Charles G. Moore, jr.,
John K. Jayne,
Joseph H. Brady,
William O. Baldwin,
Robert L. Mitten,
Mays L. Lewis,
Elmer V. Iverson,
Peyton Harrison,
Thomas J. Haffey,
John O. Plonk,
Chauncey R. Crutcher,
George R. Kalbfus,
Lisle Henifin,
Frank B. Hillhouse,
Clement B. White,
Allan P. Flagg.
William K. Phillips,
Robert M. Eaches,
Gordon B. Sherwood,
Ralph C. Alexander,
Alexander C. Kidd,
Willis M. Percifield,
Frank Fechteler,
Robert R. Ferguson,
William G. Moore,
James Dowling,
John F. Brooks,
Michael W. Gilmartin,
Hugh J. Duffy,
Edward J. Norcott,
William A. Cable,
Herbert Campbell,
Otto Fries,
Clifford H. Sheldon,
Theodore B. Watson,
John H. Lohman,
Simon Jacobs,
William Zeitler,
Albert F. Benzon,
Samuel Chiles,
Andrew Olsson,
Patrick Hill,
James T. Roach,
David F. Diggins,
Edwin N. Fisher,
Christian Crone,
William F. Foley,
James C. McDermott,
Charles Hierdahl,
Joseph Hill,
Thomas S. Aveson,
Adolph Hasler,
John W. Stoakley,
John D. Walsh,
Martin Fritman,

Dennis J. O'Connell,
William Johnson,
Arthur Smith,
Stephen Donely,
Conrad W. Ljungquist,
Otto E. Reh,
Wilhelm H. F. Schluter,
August C. Steinbrenner,
Belmar H. Shepley,
Thomas P. Clark,
Harry A. Davis,
William G. Smith,
John J. Murray,
Gustav Freudendorf,
John T. Swift,
Herbert A. Nevins,
Robert Rohange,
Benjamin P. Middleton,
Patrick Shanahan,
John Eberwine,
August Wohltman,
John A. Riley,
David White,
Edward J. Damon,
Oscar Borgeson,
Leonard Roll,
Thomas J. Hurd,
David B. Vassie,
George A. Messing,
Joseph Mitchell,
Michael J. J. Farley,
Thomas M. Cassidy,
Edwin Murphy,
James H. Morrison,
Thomas O'Donnell,
John E. Cleary,
Charles Hammond,
Harold I. Lutken,
Daniel Mullan,
Charles H. Hosung,
Samuel L. Wartman,
Robert J. Vickery,
Lemuel T. Cooper,
Ralph F. Nourse,
Francis P. Mugan,
David Purdon,
George C. Ellerton,
Clarence M. Wingate,
Murray S. Holloway,
Charles A. Rowe,
Ernest Evans,
William B. Stork,
Clarence R. Johnson,
William James,
Jaunis V. Jacobsen,
Patrick Fernan,
George W. Johnson,
Frank Risser,
John Bryce,
Llewellyn H. Wentworth,
Rasmus Iversen,
Henry E. White,
Charles C. Holland,
Ellwood W. Andrews,
Cornelius J. Collins,
Adolph A. Gathemann,
William C. Gray,
William A. Macdonald,
Karl Rundquist,
Allen T. Webb,
Albion O. Larsen,
Thomas W. Healey,
Joseph Heil,
Frank Bresnan,
Peter Emery,
Claus K. R. Clausen,
Henry A. Stanley,
John McCloy,
Joseph E. Cartwright,
Harold S. Olsen,
John C. Rickertts,
Bernard T. Donnelly,
John G. Nicklas,
Daniel Duncan,
Arthur S. Pearson,
Edward T. Austin,
Harold V. Barr,
Henry Ernest,
Anthony McHugh,
Stanley Danielak,
James P. Dempsey,
Gotthilf C. Layer,
Edward G. Affleck,
John A. Oliver,
James J. Cotter,
Arthur A. Smith,
Edward G. Higgins,
John L. Barnswell,
Matthias A. Thormahlen,
Louis C. Higgins,
John I. Ballinger,
Augustine D. Devine,
Carl Johanson,
Fred W. Cobb,
William T. Robinson,
James L. McCormack,
Fred F. Ingram,
Frederick Meyer,
James Glass,
Nels Drake,
John Davis,
Gerald Ollif,
Owen T. Hurdle,
John Law,
Henry H. Richards,
Frederick W. Metters,
George E. McHugh,
Arthur D. Warwick,
William T. Baxter,
Emil Swanson,
William H. Leitch,
Franklin Heins,
Augustus Anderson,
Ulysses G. Chipman,
Charles J. Miller, and
Kieran J. Egan.

Ensign Earl S. Hurlbut to be a lieutenant (junior grade) in the Navy, for temporary service, from the 1st day of July, 1917.

Gunner Frank Stinchcomb to be an ensign in the Navy, for temporary service, from the 15th day of August, 1917.

Lieut. (Junior Grade) Stanley M. Cox, United States Naval Reserve Force, to be an ensign in the Navy, for temporary service, from the 20th day of October, 1917.

The following-named officers to be ensigns in the Navy, for temporary service, from the 10th day of October, 1917:

Fleet W. Corwin,
Leland D. Webb,
William Knox,
Clyde C. Laws,
Henry E. Rung,
Edward J. Carr,
Benjamin F. Strawbridge,
Roy M. Cottrell,
Thomas E. Flaherty,
Charles W. Classen,
John B. Cooke,
Allen R. Chandler,
Maurice M. Rodgers,
Frank Hannon,
Harry F. Gray,
Walter C. Theimer,
Jay Smith,
Arthur R. Pontow,
Charles E. Weickhardt,
Hervey Z. Throop,
Marvin G. Fox,
William Klaus,
John F. Kennedy,
Learned L. Denn,
Frank I. Hart,
Henry E. Kellar,
Thomas F. Morris,
Mervin W. Arps,
Alvin Henderson,
John P. Miller,
John Kneubuehler,
Jerome L. Allen,
Harold F. McHugh,
Albert R. Colwell,
Ray C. Hopkins,

Edward C. McDonald,
Clarence M. Maloney,
Ralph Lane,
Carl J. Nerdahl,
Joseph W. Storm,
Glen R. Ogg,
Thomas F. Fahy,
Albert R. Myers,
Philip A. Wilson,
Harry D. Bolin,
James A. Maloney,
Willis M. Young,
Kenneth F. Horne,
Leonard W. Johnson,
John J. Arnaud,
Walter C. Haight,
John Sharpe,
Charles P. Porter,
Raymond S. Kaiser,
Charles E. S. Lines,
Milton E. Robison,
Samuel A. Wilson,
Steve V. Edwards,
Max P. Schaffer,
Karl Hart,
Julius Holbin,
Casper H. Husted,
Frederick A. Mack,
George F. Fredenberg,
William C. Procknow,
Robert E. Simon,
Frank Schlapp,
John A. Lemanski,
Arthur A. Travis,
Bea L. Jarvis,
Harry P. Quandt,
Felix M. Kelly,
Harry M. Dickerson,
Frank W. Dunning,
Frederick Seefeldt,
Louis H. Rassler,
Ferdinand H. Ehlbeck,
Glenn O. Twiss,
Edwin Brown,
William P. Bachman,
Hal W. Barnes,
Conrad F. Holzemer,
Albert L. Payne,
Charles W. Pearles,
Walter W. Blumenkranz,
Henry C. Cressman,
Arthur C. Leonard,
Edwin T. Swarts,
Emil F. Lindstrom,
Robert Anderson,
Edwin V. Wilder,
Roscoe C. Bright,
Simeon L. Owen,
Robert H. Weaver,
Edo S. Carfolite, and
Henry Plander.

The following-named officers to be ensigns in the Navy, for temporary service, from the 1st day of December, 1917:

Ray P. Helm,
Walter F. Marriner,
William P. Turner,
Oliver P. Kilmer,
Laurie C. Parfitt,
Clarence A. Hawkins,
Augustus A. Bressman,
Leo Mead,
Walter J. Fanger,
Ray H. Watkins,
Richard L. Reuling,
Alfred R. Boileau,
Eldred J. Richards,
Herbert Wycherley,
Jacob M. Gibson,
Manuel J. Cayton,
Martin J. Werner,
Warren A. Northrup,
Arthur G. Somers,
Grover A. Miller,
George A. Gast,
George Stone,
Marion C. Erwin,
James E. Drever,
Arthur P. Spencer,
William I. Denny,
Robert T. Bamford, and
Frank Dobie.

The following-named chief pharmacists to be assistant surgeons in the Navy, for temporary service, from the 1st day of November, 1917:

Alphonsus A. O'Donoghue,
Frank Fulton, and
Henry A. Harris.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 7, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Oh Lord God of Hosts, who holdest in the hollow of Thy hand the destiny of men and of nations, hear us we beseech Thee, when we pray from our heart of hearts for our soldiers and sailors, the soldiers and sailors of our allies, and all others battling for the eternal rights of mankind. Keep them in the bonds of unity, health, and strength. Inspire them with courage, valor, and heroism that they may still the enemies of Liberty, Truth, Justice, and sweep from the face of the earth autocracy, militarism, and all the evils that follow in their wake; that peace may fill all hearts and all homes in all the world; that Thy Kingdom may come, and Thy Will be done, in earth as in Heaven.

Our hearts are touched with profound sorrow for the suffering people, our neighbors and friends, in the awful disaster which has swept thousands to death, maimed other thousands, destroyed homes, and left the people desolate. Look with pitying love upon them, help and comfort them through the aid hurrying to their relief; and all praise be Thine, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. SIMS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. SIMS. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and seventy-three Members present, not a quorum.

Mr. KITCHIN. I move a call of the House.

A call of the House was ordered.

Mr. WHEELER. Mr. Speaker, I am requested by my colleague, Mr. MASON, to ask for leave of absence for him, on account of illness.

The SPEAKER. That can not be done pending the call. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Anthony	Elston	Kennedy, R. I.	Platt
Baer	Flynn	Kreider	Rankin
Bathrick	Fuller, Mass.	LaGuardia	Reavis
Bell	Gallagher	Larson	Riordan
Bland	Gallivan	Lindsen	Rogers
Bowers	Garland	McClintic	Rowland
Browne	Goodall	McLaughlin, Mich.	Saunders, Va.
Burroughs	Graham, Pa.	Maher	Scully
Butler	Harrison, Va.	Mann	Sears
Capstick	Hayes	Mason	Stephens, Miss.
Carlin	Heintz	Miller, Minn.	Stephens, Nebr.
Carter, Mass.	Helm	Mondell	Stevenson
Cary	Helvering	Morin	Switzer
Church	Hicks	Mudd	Taylor, Colo.
Curry, Cal.	Hilliard	Nelson	Temple
Dale, Vt.	Howard	Nicholls, S. C.	Tinkham
Denison	Husted	Nolan	Treadway
Drane	Hutchinson	Norton	Van Dyke
Eagan	Johnson, S. Dak.	O'Shaunessy	Welty
Eagle	Kehoe	Parker, N. J.	Young, Tex.

The SPEAKER. On this call 357 Members, a quorum, have answered to their names.

Mr. KITCHIN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. Further proceedings under the call are dispensed with.

TELEGRAM FROM A MEMBER.

Mr. COOPER of Wisconsin. Mr. Speaker, I rise to call the attention of the House to a telegram which I received from the gentleman from Massachusetts [Mr. TREADWAY], who, with 11 other Members, is returning from Hawaii, and who finds it impossible to reach this city until to-morrow. I think, in justice to these absentees, this telegram ought to be read.

The SPEAKER. The Clerk will read the telegram. The Chair received one of the same kind.

The Clerk read as follows:

GRAND ISLAND, NEBR., *December 6, 1917.*

Hon. HENRY A. COOPER, M. C.,
House of Representatives, Washington, D. C.:

Twelve Members of the House returning from Hawaii are exceedingly anxious to vote on proposed war resolution. We will reach Washington early Saturday morning and respectfully urge you to use your influence to delay vote until Saturday. Press dispatches indicate such postponement will not be prejudicial.

ALLEN T. TREADWAY, M. C.

Mr. COOPER of Wisconsin. Mr. Speaker, I present this simply as an effort to use my influence to have this postponed. [Laughter.]

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MASON, indefinitely, on account of sickness.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

AUSTRIA-HUNGARY.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House joint resolution 169, declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States and making provision to prosecute the same. And, pending that, I would like to ask the gentleman from Wisconsin [Mr. COOPER] if we can not agree upon some time for general debate.

Mr. COOPER of Wisconsin. After the conversation I had with the gentleman from Virginia [Mr. FLOOD], I think two hours upon a side would suffice.

Mr. FLOOD. That is agreeable to me; but I will also suggest that general debate continue for two hours on a side, making four hours, two hours to be controlled by the gentleman from Wisconsin [Mr. COOPER] and two hours by myself; that debate under the five-minute rule shall run until 5 o'clock, when the committee shall rise and report the bill, with amendments, if there are any, to the House.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into Committee of the Whole House on the state of the Union, and, pending that, asks unanimous consent that general debate shall not exceed two hours on a side, one half of the time to be controlled by himself and the other half by the gentleman from Wisconsin [Mr. COOPER]; that the five-minute debate shall run from the conclusion of the general debate until 5 o'clock, when the committee shall rise and report the bill and amendments, if any, to the House.

Mr. CANNON. Will the gentleman from Virginia yield?

Mr. FLOOD. Certainly.

Mr. CANNON. Under that agreement general debate would run until 4.30, two hours on a side. That would leave a little over 20 minutes for the five-minute debate. There are 435 of us present. I suppose one by one we could be called, and if we agreed to the speeches, say "Me, too." It seems to me that one hour on a side for general debate and the balance of the time under the five-minute rule for the Membership of this House would be more appropriate. Will the gentleman modify his request?

Mr. FLOOD. That would be agreeable to me, but I had an understanding with the gentleman from Wisconsin for two hours on a side. The gentleman can address himself to the gentleman from Wisconsin and see if that will be agreeable to him.

Mr. CANNON. Will my friend make that suggestion to the gentleman from Wisconsin, because my friend from Wisconsin has been busy and undoubtedly has not heard this colloquy?

Mr. COOPER of Wisconsin. What is the request? I did not understand.

Mr. CANNON. This proposed agreement of general debate for four hours would leave 20 minutes for debate under the 5-minute rule. There are 435 of us here, and it seems to me that general debate ought to run for a less time and give us more time under the 5-minute rule. [Applause.] Four hours would be taken up by four men, leaving 20 minutes for the rest of us under the 5-minute rule.

Mr. COOPER of Wisconsin. Mr. Speaker, I think there is no desire on the part of any four men in the House to occupy so much time as the gentleman from Illinois seems to fear they might.

Mr. CANNON. I do not fear it.

Mr. COOPER of Wisconsin. The requests that I have received have been for 3 and 5 minutes, with two exceptions—one, the gentleman from Illinois [Mr. FOSS], who is to follow the gentleman from Virginia, wishes 15 minutes, he being a member of the Committee on Foreign Affairs, and the gentleman from Illinois [Mr. MCCORMICK], who has asked for 7 minutes. One gentleman has asked for only 3 minutes in the general debate, the purpose being in general debate to have as much time consumed in short speeches as possible.

Mr. CANNON. That would be so under the 5-minute rule.

The SPEAKER. Is there objection?

Mr. LENROOT. Reserving the right to object, I want to call the attention of the gentleman from Virginia to the fact that the request as he states it, under ordinary conditions would bring general debate to a close about 5 o'clock, and there would be no opportunity to offer any amendment, because the 4 hours of general debate is to be actual debate.

Mr. FLOOD. I am willing to modify that by saying a half an hour after general debate closes.

Mr. STAFFORD. Reserving the right to object, will the gentleman modify his request so as to provide that amendments may be offered at any time during general debate?

Mr. GARNER. Under the rule you can do that.

Mr. BARNHART. Mr. Speaker, what is the request?

The SPEAKER. The request is that general debate shall run not to exceed 4 hours, one-half of the time to be controlled by the gentleman from Virginia [Mr. FLOOD], and the other half by the gentleman from Wisconsin [Mr. COOPER], that the 5-minute debate shall run for 30 minutes from the time of the conclusion of the general debate, when the committee shall rise and report the resolution and all pending amendments.

Mr. BARNHART. Mr. Speaker, believing that four hours is too long to devote to general debate, I object.

Mr. FLOOD. Then, Mr. Speaker, I ask unanimous consent that the time be equally divided, one-half to be controlled by the gentleman from Wisconsin and one-half by myself.

The SPEAKER. The gentleman asks unanimous consent that the time be equally divided between the two sides, one half to be controlled by the gentleman from Wisconsin [Mr. COOPER] and the other half by himself. Is there objection?

Mr. BRITTEN. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. BRITTEN. Is it understood that general debate will be confined to the resolution?

Mr. FLOOD. I think so.

Mr. BRITTEN. I think that should be understood.

Mr. CANNON. Let me submit a proposition—that we close general debate in an hour and a half or two hours, and then the gentleman from Virginia, on the one hand, and the gentleman from Wisconsin [Mr. COOPER], on the other hand, control the time under the five-minute rule.

Mr. GARNER. You can not do that.

Mr. FLOOD. Mr. Speaker, I am perfectly willing to prefer a request that general debate continue for three hours, a half on each side, with the understanding, which I state to this side of the House, that I can not give the time to anyone to whom I promised it except members of the committee.

The SPEAKER. Just what is the gentleman's request?

Mr. FLOOD. Is that agreeable to the gentleman from Wisconsin—three hours?

Mr. COOPER of Wisconsin. Entirely so. I wish to say this, however, that it does not seem to me that two hours on a side in general debate on so vastly important a question as a declaration of war is a long time for a body of 435 men.

Mr. CANNON. It is a long time for four men.

The SPEAKER. The gentleman from Virginia asks unanimous consent that general debate shall continue for not to exceed three hours, and that at the end of general debate, debate under the five-minute rule shall continue until 15 minutes after 5 o'clock.

Mr. FLOOD. Until half an hour after the conclusion of general debate.

Mr. COOPER of Wisconsin. Is the gentleman willing to have it continue until 15 minutes after 5?

Mr. FLOOD. That is just as long as it was before. Say 5 o'clock.

The SPEAKER. And that at the conclusion of the general debate, debate under the five-minute rule shall continue until 5 o'clock, when the committee shall rise and report the resolution, together with all pending amendments, to the House.

George Stone,

The SPEAKER. The Doorkeeper will unlock the doors. Further proceedings under the call are dispensed with.

Mr. FLOOD. And the time for general debate to be divided equally between the gentleman from Wisconsin and myself.

The SPEAKER. And that at the end of the five-minute debate the committee shall rise and report the resolution, together with pending amendments, to the House, and that the previous question shall be considered as ordered, the time to be controlled by the gentleman from Virginia and the gentleman from Wisconsin, debate to be confined to the subject matter of the resolution. Is there objection?

Mr. CANNON. I object, but I shall not object to unanimous consent for two hours of general debate.

Mr. FLOOD. The gentleman himself suggested three hours.

Mr. CANNON. Well, take the three hours for general debate. Then under the five-minute rule I have no objection to the gentleman controlling half the time.

The SPEAKER. No one can control time under the five-minute rule. Does the gentleman from Illinois insist upon his objection?

Mr. CANNON. Oh, no.

The SPEAKER. Is there objection?

Mr. KEARNS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio objects. The question is on the motion of the gentleman from Virginia, that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that such time as we have in general debate be controlled half by the gentleman from Wisconsin [Mr. COOPER] and the other half by myself.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the time for general debate be controlled half and half by himself and the gentleman from Wisconsin [Mr. COOPER]. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. How long a time will that allow?

Mr. GARNER. Whatever general debate there is.

Mr. COOPER of Wisconsin. I want that understood.

The SPEAKER. General debate runs until the committee gets tired of hearing it. Is there objection?

There was no objection.

The SPEAKER. The question is on going into Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 169, declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provisions to prosecute the same, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of House joint resolution 169, which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 169) declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States and making provision to prosecute the same.

Whereas the Imperial and Royal Austro-Hungarian Government has shown its hostility to the Government and the people of the United States by severing diplomatic relations, and has formally adhered to the ruthless policy of submarine warfare adopted by its ally, the Imperial German Government, with which the United States is at war, and has given to its ally every support and aid on both land and sea in the prosecution of war against the Government and people of the United States of America: Therefore be it

***Resolved, etc.,* That a state of war be, and is hereby, declared to exist and to have existed since noon of the 5th day of December, 1917, between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government, and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.**

With the following committee amendment:

Strike out the preamble and insert in lieu thereof the following:

"Whereas the Imperial and Royal Austro-Hungarian Government has severed diplomatic relations with the Government of the United States of America, and has committed acts of war against the Government and people of the United States of America, among which are its adherence to the policy of ruthless submarine warfare adopted by its ally, the Imperial German Government, with which the United States of America is at war, and by giving to its ally active support and aid on both land and sea in the prosecution of war against the Government and the people of the United States of America: Therefore be it."

Mr. FLOOD. Mr. Chairman, a resolution declaring war upon any nation is a serious piece of legislation. It is less so in this instance than would ordinarily be the case, because Austria has been making war upon this country for many months, and we have already declared war against her chief ally and the Government which dominates and directs her actions and policies in this crisis of the world's history.

A declaration accepting Austria's gage of war at this time is wise, and it is essential to the welfare of the armies of this country and of the allied nations.

Austria has declared in favor of an unrestricted and ruthless submarine warfare, has ordered us off of certain portions of the high seas, and when we did not obey this order has sunk our ships and murdered our citizens.

This has been done in violation of the agreement reached between Austria and this country with reference to the methods of submarine warfare.

When the European war began no principle of international law was more securely established than that war should be so conducted that injury and death should be spared to noncombatants so far as was humanly possible. The principle is as old as civilization. It was old in the time of Grotius, who held in the calamities of war children are exempted and spared on the score of their age and women from respect to their sex. Even Germany recognized this principle until the war had been going on for six months, and while her armies committed outrages of the most atrocious kind in Belgium and in northern France and in other sections on the battle front, the German Government denied most of these outrages and atrocities, and when they were admitted attempted to justify them as being within the limits of this rule.

On the 4th of February, 1915, Germany changed her policy, threw international law and the principles of humanity aside, and gave notice to the world that she intended to inaugurate a system of submarine warfare on merchant vessels, which owing to the size and weakness of the submarines and their inability to provide for the passengers and crew on the merchant vessels meant that these passengers and crews, including noncombatants, among whom would be defenseless women and children, were to go unprovided for and would be sunk along with the vessels.

Our Government, through our Secretary of State, Mr. Bryan, immediately protested against this proposal of Germany, and protested so effectively and based its protest so strongly upon the principles of international law and the instincts of humanity that Germany promptly replied to our note of protest conceding the legality and the right of the position taken by this country and agreeing not to engage in submarine warfare against merchant vessels.

This agreement was not kept by Germany, but whenever there was a violation of it by any of her submarine commanders the Government made efforts upon first one ground and then another to justify and excuse such violations.

Our Government bore with much patience the oft-repeated violations by the German Government of its promises, and when its patience was exhausted on April 8, 1916, notified the German Government in effect that no further excuses would be accepted. Germany then agreed to the policy of submarine warfare prescribed by our Government, which agreement was kept for nine months, and on the 31st of last January notice was given that it would be kept no longer. This threat of Germany was carried out and our declaration that a state of war existed followed, since which time our Government has directed all of its energies to mobilizing its resources and its man power for the assertion and protection of our rights by the achievement of complete victory over Germany and her allies.

Austria soon learned German submarine methods of warfare and on November 7, 1915, attacked and sunk the *Ancona* (Italian). Our Government protested through Secretary Lansing in a very strong note against this ruthless act of the Austrian Government. That Government replied on December 29, 1915, and agreed that no American vessel should be sunk, and also that no private ships of a hostile nation should be sunk if they did not flee or offer resistance until the persons on board were placed in safety.

This principle was reaffirmed by Austria in a note to our Government in January, 1916, in the case of the *Persia* (British).

This was all our Government asked of Austria, and our administration was satisfied with the assurances received from that Government. Austria substantially lived up to this agreement until January 31, 1917, when in order to support her master, Germany, she notified this Government in practically the same language of the German note of the same date that beginning the very next day, on February 1, her submarines would sink all ships, ours included, within certain zones of the seas, zones where our ships had a perfect right to go.

Since this notice many vessels have been sunk in the Mediterranean, the area in which Austrian submarines operate, by

submarines which carried no flag or mark, and the nationality of which was unknown, but which were believed to have been Austrian submarines or undersea craft commanded by Austrian officers and maintained by Austrian means.

On April 4, 1917, the American four-masted schooner *Marguerite* was sunk by a submarine of this character, whose officers spoke the Hungarian language, and which was undoubtedly an Austrian submarine. On November 21, 1917, the *Schuylkill* (American) was sunk off the coast of Algeria by a submarine which was believed to be and which undoubtedly was an Austrian vessel. Thus Austria is carrying out the notice given to this country on January 31, 1917, that she would sink any of our vessels found on certain parts of the high seas.

This is war; war by Austria upon this country. It is an ancient maxim of the law recognized by all nations that a ship on the high seas is a part of the territory of the country whose flag it flies. The law writers and law teachers thus state the law. The Supreme Court of the United States and the highest courts of all civilized lands have many times so announced it.

Austria is not only insulting our flag and violating our territorial rights but she has been murdering our citizens. The people, passengers and sailors, on these ships which carried the American flag and were sunk were as much on American soil as we are to-day, and were as much entitled to the protection of the American flag and all the force and power behind that flag as we are.

The assault upon these ships and the murder of these American citizens was as much an act of war against this country as if Austria had landed an army upon our shores and marched it to this city, burning our homes and murdering our citizens as it came.

No more aggressive act of war can be committed by one nation against another, and we should not submit to such outrages from any nation great or small. Our flag has been insulted, the integrity of our territory has been invaded, the lives of our citizens have been taken, and to submit would bring irreparable injury, loss, and suffering to our people.

If any nation could order vessels of the United States off any portions of the seas, it would mean disaster to our commerce.

Our prosperity and our welfare as a people are inseparably connected with our right of free intercourse with other nations. This year our total exports to Great Britain, France, Belgium, and Italy alone will be over $3,000,000,000. These exports and the exports to other countries represent the surplus products of our farms, our mines, and our factories. If we are denied a market for these suplus products, the prosperity of our farmers and of our financial interests, our financiers, and of the laborers upon the farms, in the mines, and in the factories, as well as that of our citizens engaged in other vocations, would be destroyed. Stagnation of industry would result, and suffering and want would stalk in the land.

A nation which will not fight for these outrages, which will not defend its flag, the integrity of its territory, the lives and prosperity of its citizens, will not long retain the love of its own people or the respect of other people, and will not long endure, because it would be unworthy to endure. [Applause.]

It seems to me the duty of the House upon this occasion is clear. We should accept the gage of battle from Austria just as we did from Germany.

Another reason why this resolution should be passed is the moral effect it will have upon those with whom we are cooperating in this war. It would greatly hearten the people of Italy. The Italian front is the most important theater of war at this particular time. This declaration will strengthen that front and strengthen from a military point of view the whole allied cause.

Let us give this encouragement to the valiant people of sunny Italy, and let us give to her brave armies the munitions and reenforcements they need, and which will enable them not only to regain the territory they recently lost but to march in triumph and victory into Vienna.

For eight months we have watched narrowly, closely, and critically the Imperial and Royal Austro-Hungarian Government, and we have learned that if that Government is not dominated absolutely by the Imperial German Government its purpose and aims are the same as that powerful autocracy which is seeking to strangle liberty throughout the world that it may gratify its vast ambitions, and Austria should be treated in the same manner we have treated its master and ally.

We took up arms against the Hohenzollern oligarchy because of its invasion of our rights on the seas in pursuance of its ruthless undersea-boat program. The Hapsburg leaders promulgated the same program, and they have carried out that program to the extent of their ability.

Let us pass this resolution speedily; let us link together for overwhelming defeat the two medieval governments which plunged the world into war and still stand as the worst obstacles to a just peace among the nations. Let us pass it unanimously and hearten and cheer the great President of this country, who is bending every energy of mind and body, night and day, to the accomplishment of the complete and speedy triumph of the allied and American armies, upon terms of surrender from the central powers that will satisfy the hope and aspirations of the American people and bring an enduring peace to a stricken world. [Applause.]

I reserve the remainder of my time.

Mr. COOPER of Wisconsin. Mr. Speaker, I yield 15 minutes to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. Mr. Chairman, I rise to support this resolution. The chairman of the committee in his report and his speech has made a statement as to the international law of the case, and I shall not, therefore, dwell upon that feature.

This resolution declares that a state of war exists between Austria and the United States, and is similar to the resolution adopted by Congress some months ago in respect to Germany. Of course, the real basis of our action against Austria is that she is the ally, the greatest ally, of Germany, our enemy, and that she has been supporting Germany in this war against us by the use of arms, and, furthermore, has been conducting her warfare, using the same methods as Germany, namely, ruthless, inhuman submarine warfare against this country.

At first I thought that we should also include Bulgaria and Turkey in this resolution, and I was strongly of that opinion. I thought we should make one job of it, so to speak, because I reasoned that the same logic which applies to this resolution against Austria, and urges us to adopt it, would also apply to Bulgaria and Turkey, but upon further reflection I came to this conclusion: That our President is the chosen leader of all the people, and under the Constitution is Commander in Chief of the Army and the Navy and the head of our diplomatic and foreign relations, and that if I as a Member of this body should vote to add Bulgaria and Turkey to this resolution at this time when our Commander in Chief advises against it I might be interfering and perhaps conflicting with his plan of action, and that this body, if such a course were adopted, might be criticized as attempting to assume the leadership of this war.

The President is our leader. I am willing to give him the last ounce of support. I will stand back of him, I will stand beside him, but I shall not attempt to step before him. [Applause.] The President clearly and concisely stated in his message our present duty when he said that our present immediate task is to win the war, and nothing shall turn us aside from it until it is accomplished. That should be the aim and purpose of every American from this time on. [Applause.] The American people have never fully realized that we are at war. The battle fields are so far away that they have been unable to visualize the greatness of the contest and the importance of our marshaling all the forces of men and material for a masterful effort against the enemy. But the people are beginning to realize it.

Our country was unprepared for war. Our people did not see the necessity for preparation. While some of us had been preaching military preparation on this floor for years, yet the great mass of our people were engrossed in the commercialism of the hour and listened to the siren voices of peace, peace, but peace without preparation, and preached the doctrine that wars had ceased and would never come again to blight the earth. Germany's power lay in the fact of her preparation, ready for the combat and her power lies to-day in that fact, and while our allies were preparing for war she was overrunning their countries. When the war broke out France had the best army. Russia had a great army on paper, but it had little training and less equipment. England had a great fleet and has been able to control the seas, but only a small army. When we entered into the war we had less than 100,000 Regulars, but no legislative body on the face of the earth ever went to work more speedily or has done more to put the country into a state of preparation in less time than has the American Congress. [Applause.] But our preparation has only just begun. With the collapse of Russia and the recent German drive into Italy against her illy equipped troops, it is no use to disguise the fact that America must come to the front stronger than ever before contemplated [applause] if we are to win this war or it will be lost, and that would be a sad day for humanity and civilization and the orderly progress of the world. We are fighting against a military autocracy that has thrown to the winds all respect for law and order and justice, the sacredness of treaties, and the precepts of international law and the right of all peoples of the world everywhere to live their lives in peace with their fellow men. Unless this spirit can be overthrown and put down forever the world will not be fit to live in because it uproots and destroys the very bases of human life and society.

Another thing that we Americans must realize, and that is that we can never win this war unless we are unitedly for it. Every American from the Atlantic to the Pacific, and from the Gulf to the Lakes, must take his stand on the fighting line either here or over there. [Applause.] There must be no equivocation. There must be no uncertainty. There must be no dissension in our ranks; all the manhood and all the womanhood, and, yes, even all the childhood should proclaim with one voice, "Our country and but one country!" [Applause.]

Let the work, therefore, go on with all the speed possible consistent with efficiency and military training. Let our people become united as never before, and let there come a revival in this country of a real and true Americanism rising above all parties [applause], and that will be a forerunner of a glorious victory for righteousness and peace.

It is no time to talk of peace until we have overmastered and overpowered the spirit of insatiate selfishness. All talk of peace on the part of even well-disposed people only robs our purpose of its strength. We are fighting not for a temporary peace, far be it; not a peace founded, as the President said, upon another Congress at Vienna to lay causes for still greater wars in the future; but we are fighting for a peace that shall be fundamental and permanent, founded upon the eternal verities of man. [Applause.] Shall Germany give us peace? Never. It would only be a peace of humiliation and despair. But rather, in the words of that great American, James Russell Lowell—

God, give us peace!—not such as lulls to sleep,
But sword on thigh and brow with purpose knit!
And let our Ship of State to harbor sweep,
Her ports all up, her battle lanterns lit,
And her leashed thunders gathering for their leap.

[Applause.]

Mr. Chairman, I yield back what time I have remaining.

Mr. FLOOD. Mr. Chairman, I desire to ask how much time we have consumed?

The CHAIRMAN. Twelve minutes.

Mr. COOPER of Wisconsin. Mr. Chairman, I reserve the balance of my time.

Mr. FLOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Mississippi [Mr. HARRISON]. [Applause.]

Mr. HARRISON of Mississippi. Mr. Chairman, on the 6th day of April, this year, this Congress declared that a state of war existed between the Imperial German Government and the Government and people of the United States.

Whatever doubt that may have existed at that time as to the wisdom and justice of that course has by subsequent events been removed. These subsequent events have demonstrated not only the wisdom and justice but the absolute necessity of such a course. Looking back over the past three years and taking an inventory of the many instances of German effrontery and unjustifiable conduct toward us, a peaceful nation, we can appreciate the unexcelled patience manifested by the President and our Government. It will ever stand as the strongest testimonial of our overwhelming desire, our sincere hope, our devout wish, that war might be averted and peace maintained between us and all the world.

Our every resource has been builded upon the peaceful toil of our people, and as much as we cherished peace, the German mind was too saturated with thoughts of world conquest and domination to permit us to remain at peace. Their philosophy and teachings would not allow it. The plans of the German autocracy had been too long in forming for us to be left to pursue the peaceful course we so much desired. Every agency of the German oligarchy was directed toward the supreme end they had in view. They dreamed of the day when the Kaiser would sit in the White House, the Reichstag hold its meetings in this Capitol, and free peoples everywhere become serfs. For nearly three years we patiently bore the insulting acts of the Imperial German Government that friendly relations might not be severed. To that end we sought every avenue and tried every method of diplomacy without avail. Sneaking spies infested happy and unsuspecting communities; corrupt and debauched newspapers poisoned the minds of our citizens and tried to influence public opinion; strange agents roamed the country, spreading their sedition among us and attempting to stir up disloyalty and create sentiment in favor of Germany. Violence was employed to destroy our industries, and poison was used in attempts to kill our soldiers.

These unprovoked outrages were veiled in such adroit secrecy and carried out with such consummate skill that people began to ask what it all meant and from whence it came. So quietly and so insidiously did this German propaganda work that men began to look upon their neighbors with suspicion and distrust, and thus it was until its slimy trail was uncovered, separating the wheat from the chaff and revealing to the world who were true Americans and who were "shadow Huns."

They were not content with carrying on within our own borders this system of deception and intrigue unparalleled in history, but the Kaiser sought to enlist the friendly nations of Mexico and Japan to make a common and joint war on us. He laid the plans for the attack and proposed the terms in the brazen Zimmermann note, suggesting that the South be attacked by the armies of Mexico; the West by the armed forces of Japan, leaving to his own armies the great and populous East. Then, when victory should have been achieved, the people of this Nation would be made to feel the iron hand of Prussianism; Texas, Arizona, and New Mexico would become provinces of Mexico; the great States of California, Oregon, and Washington would be handed over to Japan; while the East and South and Middle West were to be ruled by the Hohenzollerns themselves. He sent his agents among the negroes of the South trying to incite them to rise against the whites. He sent his agents to a secret meeting at Los Angeles and there attempted to form a diabolical plot that would place the yoke of negro domination and German militarism on the white people of my section. The note sent from this city by the German ambassador to his Government, in which he said, "I request authority to pay out up to $50,000, in order, as on former occasions, to influence Congress through the organization you know of, which can perhaps prevent war"; "I am beginning in the meantime to act accordingly," shows the German desire and purpose to influence by corruption, if possible, the action of the American Congress.

Not satisfied with these inexcusable and dastardly acts within our own borders, they asserted and insisted upon the right to close the pathways of the seas to our commerce and citizens. If the insulting and highly unprecedented demand of the Kaiser to this Government had been acceded to, if we had submitted, as some men in the American Congress would have had us do, not only would we have forfeited every vestige of honor and have lost the respect of the world, but in this country to-day our weakness and debasement would be witnessed in the smokeless chimneys of our factories, the unused equipment of our railroads, the receivers' sheets of bankrupt business houses, and the closed doors of banking institutions. [Applause.] We would read it in empty bins, unused barns, untilled fields; we would see it in the sunburnt, careworn faces and stooped shoulders of the hard-working farmer, in the depressed look of the unemployed laborer. We would be confronted to-day throughout this Nation with financial, industrial, and commercial ruin—a panic unexampled in all history. [Applause.]

The greatness and prosperity of this country depend on our ability not alone to produce and manufacture products, but to sell them abroad after they are produced and manufactured here. A 12,000,000-bale cotton crop, a 2,500,000,000-bushel corn crop, or a 750,000,000-bushel wheat crop does not in itself insure prosperity to the American farmer. A 12,000,000-bale cotton crop, for instance, without a market abroad and without ships and open seas by which that cotton can be conveyed to market would mean unprecedentedly low prices to the southern cotton farmer, but a larger or a smaller crop of cotton, with a market abroad and ships provided, with an unobstructed ocean highway to move that cotton, means good and probably high prices for the product. The same is true of other products.

If the demand of the Kaiser had been acceded to, and we had submitted to his closing the ocean highways to the cotton produced by the farmers of the South, that section would have lost this year on that product alone over $2,000,000,000, and my State would have lost on an average of $2,000,000 to the county. If the pathways of the seas had been closed to him the farmer of my State would not now be realizing 30 cents a pound for cotton, corn would not be selling for around $1.50 a bushel, and reasonable prices obtaining for all other products of the farm. If the President and the American Congress had yielded to the wishes and demands of the Kaiser, I doubt not that cotton would be selling to-day for less than 5 cents a pound, that corn would be used for fuel, and practically every American product be without a market. Instead of their present prosperous condition, the farmers and laborers of this country would be in a state of want, privation, and penury. But, thank God, the President of this Nation and a majority of the Members of the American Congress stood by the principles of this Government, the traditions of our fathers, for the rights of the farmers and laborers and industries of America, and rejected this unjustifiable demand of the Kaiser, saved the country from financial ruin, and preserved our national honor and self-respect. [Loud applause.]

Since our entry into the war we have made marvelous progress in raising armies and organizing the forces of the country for

overwhelming defeat the two medieval governments which | and destroys the very bases of human life and society.

victory. Our success depends in a large measure on the success of our allies, our interests are now identical with theirs, so far as crushing German militarism is concerned. The Imperial and Royal Austro-Hungarian Government is but the tool of Germany. Germany's military leaders and rulers command the armies and dictate the policies of Austria. The policies of one are the policies of the other. Their interests are so interwoven that we can not distinguish between the two. The submarine bases, the aviation stations, and the munition depots supply the forces of both. Their submarines have destroyed American ships and killed American citizens. The armies of one relieve or reinforce the forces of the other. Our brave Italian allies are heroically fighting the ally of our enemy amid the snow-capped peaks of the Alps and holding in check the barbaric hordes that would lay waste the fertile Venetian plains. [Applause.]

The splendid message of President Wilson last Tuesday, in which he said "our object now is to win the war," is the tocsin that should influence our every act and lead us in this great crisis. [Applause.] Every means must now be employed, every force must be organized, every policy inaugurated that will mobilize the resources and coordinate the forces of the entire Nation. [Applause.]

The passage of this resolution is a necessary and essential step in that policy. A wave of patriotism, showing the united purpose of the American people, has already swept over this country. Those who dare throw obstacles in the way devised to bring success to our arms will, as the President aptly says, "strut their uneasy hour and be forgotten." [Applause.]

The brave soldiers who are now at the front or in camps preparing to risk their lives in defense of the country have, in many instances, given up lucrative positions, left loved ones behind, with but one thought in mind—that is, to bring victory to the Stars and Stripes. [Applause.] To our soldiers in France and in training here, our brave boys on the seas, the armies of our allies, the passage of this resolution will give encouragement and support. [Applause.]

If I have correctly interpreted the wishes and sentiments of the people of my district and State, I not only acted as they would have me act when I voted for the war resolution on April 4 and for the many necessary war measures that have passed this Congress, but I shall do as I believe they would have me do in this instance—vote for this resolution.

Without claiming for my State patriotism greater than exists among the people of other States of this Union, I know that none are more unitedly and wholeheartedly behind the President and in this war to win than are the people of Mississippi. Day after to-morrow will record the one hundredth anniversary of the admission of Mississippi into the Union. During that century of statehood she has furnished to the Nation many leaders of thought and action, in times of peace as well as in times of war. Her distinguished sons have reflected credit and shed glory not only on the State but on the Nation. On the battle field of Chalmette in the War of 1812 it was a Mississippian, Thomas Hines, leading Mississippi riflemen, who materially aided in winning victory for the Stars and Stripes. [Applause.] In the Mexican War it was a Mississippian, John A. Quitman, who first scaled the walls of Chapultepec and planted Old Glory on its ramparts. [Applause.] In that same war it was another Mississippian, the beloved Jefferson Davis, who, though but a young man, leading Mississippi boys at Buena Vista, gave to military science the celebrated "V" formation. [Applause.]

In every crisis Mississippians have responded to the call and given their all in defense of their State and Nation. She is just as patriotic to-day as she has ever been, and the soldiers from no other State of this Union will give a better account of themselves, render greater service to the Nation, or perform more deeds of daring, bravery, and heroism than the soldier boys from Mississippi. [Loud applause.]

Mr. Chairman, I yield back what time remains.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MCCORMICK]. [Applause.]

Mr. MCCORMICK. Mr. Chairman, I crave the indulgence of the committee for a few minutes while I speak of the aspect of the war which is touched intimately by the resolution which is before the committee.

Later I hope to be able to speak of the war in general. I would have the committee bear in mind that recent events in Italy illustrate the importance of what we purpose to do to-day, for there can be no doubt that the morale of the armies and of the civil population in Italy was affected by our failure to declare war against Austria-Hungary at the time we declared war against the German Empire. I spent days on that front. I was everywhere met by the query as to why we had distinguished between the modern autocracy of Germany and the venerable, obscurantist, reactionary tyranny of the Hapsburg. I was asked what there was that distinguished the democracies of France and Great Britain from the democracy of Italy that we should single out Italy, which had long looked to us as the great leader among democracies, for exceptional treatment.

I think that none of us can escape some responsibility for what has transpired in Italy, and when I say none of us I speak of Italy's European allies as well as of America. Italy has been short of guns, still shorter of ammunition, and there has not been enough wheat. Her European allies might have made a greater contribution than they did in guns and in ammunition. I do not say any of this in any spirit of recrimination, but because we are likely to be confronted by an analogous situation in Greece. I do not say that to-day the resolution should be amended to include a declaration of war against Bulgaria. But the Government of the United States, if the resolution passes, as I have no doubt it will, should bear in mind that in Greece the government of Venizelos now confronts the Bulgarian Army, that it is assuming an ever-increasing part of the burden on the front in Thessaly and above Salonica, and that if we continue long at peace with Bulgaria, if the minister of the perfidious Czar of the Bulgars continues long in Washington while Bulgaria remains at war with the allies, inevitably in Greece men will ask this same question which they asked in Italy.

They will ask of Americans the same question which men asked of me when I was in Italy, namely, "Why do you discriminate against Greece, whose purposes, whose ideals, are in no way different from those of the democracies of western Europe?"

There is a distinction between the efforts which we may now directly make against Austro-Hungary and against Bulgaria or Turkey, though I can not forbear to say that when I was in front of Trieste the Italians reported the capture of Turkish infantry among the Austrian prisoners on that front, infantry brought there to bolster up the faltering forces of Austria.

Mr. Chairman, this resolution ought to pass without dissent. There has been no logic in our position, and evidently from the common decision now nothing has been gained by the distinction which we made in the past. Our action to-day will inspirit the armies of Italy and so lighten the burden on the front in France. The resolution ought to pass without dissent. The Government of the United States and the Congress ought at the same time to bear in mind that if Bulgaria and Turkey continue by the side of the Hohenzollern and the Hapsburg it may become their duty before long—for if they act at all they ought to act before long—to declare war against all the enemies of the democracies by whose side we propose now to fight. [Applause.]

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I reserve the balance of my time.

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am particularly pleased that the administration has recommended the declaration of war against Austria. I can not see how we can properly support our allies without such declaration, especially in Italy. For many years the nations of the world have been fighting for the rights of man. To-day they are fighting for the rights of nations. They are fighting that nations, no matter how small nor how weak, if they set up a government of their own people, shall have a "place in the sun." They are contending that each and every nation has a right to its own nationality and to government according to the dictates of its people. To that this great democracy has dedicated its every resource in men, money, and property.

There is no question but that we shall win this war. It is absolutely necessary that we do so. The German Government has set up a new policy in the world, and that policy is a new doctrine that might shall prevail. They have established under this autocracy the doctrine that, no matter what the international law is, to win is the only true doctrine. That doctrine was started under Bismarck, who won the war against the French people and is being continued by the present Kaiser and his people. And if the Government of the United States, the great democracy that we are, should allow the Germans to win this war or should allow a peace settlement which might be considered a draw, then the doctrine that might shall prevail and that international law shall not govern the nations of the world will be absolutely established by the German Government. And if Germany is ever able to establish the doctrine that international law shall not govern in time of war, but that success, no matter how obtained, shall be the principle, then in future years when other nations perhaps go to war—which I hope will never be the case—the doctrine must necessarily be that the

man who can strike quickest and succeed, regardless of international law and the rights of nations shall control, because the Hohenzollerns, or the Empire of Germany, had won such great successes in that manner, and that if one nation attains the right to do so and succeeds it is necessary for others to do the same.

It is not only to the advantage of this great Nation of ours to overcome this autocracy and its false doctrine but it is necessary for each and every nation that it shall be overcome, in order that future generations shall enjoy the freedom which nations have enjoyed under international law in the years past.

Germany has gone strutting through the world regardless of the rights of men, regardless of the rights of nations, regardless of treaties, terming them mere scraps of paper when they stood in her way; treading upon innocent Belgium, not only destroying the government itself but treating the people as it saw fit.

In fact it has strutted through those sections of Europe which it has been able to overrun regardless of the rights of anyone, of humanity, of morality, of international law; and I say that if this doctrine is not downed in the world by this great world war it becomes a doctrine which other nations may see fit to adopt because Germany has been successful. They have taught and they teach their people that the German is a superman; that the Kaiser rules by Divine right; and that other nations are not on an equality with them and their people; that the Kaiser is the greatest man in the world and entitled to rule the world because he rules by Divine right; and I say that that is a doctrine which democracy must down or else the Germans will put it into execution just as surely as they can win the war.

They have sunk our ships. They have murdered our people. They have bombed our Red Cross units. Their spies invest our very Government. In fact, they have been fighting this war regardless of all rights, with the one aim that they shall succeed, and it is up to the great democracy on this side of the Atlantic to show that that doctrine shall not prevail in the world.

As for Maryland, my little State, though she may be small in area, she is rich in patriotism, rich in resources, spreading from the shores of the Atlantic to the coal fields of the Alleghenies. She is ready to devote her entire energy, her people, and her great resources to the prosecution of this war to the very end in order that autocracy shall be downed and that Germany shall be absolutely defeated.

Mr. Chairman, I want to say on the part of the people of Maryland that we stand back of the administration in every way, in every shape, and with every resource in wealth, men, and property, and that we can be called upon at all times. That State, which gave to the country during the War of 1812 that magnificent anthem, the Star-Spangled Banner, is just as patriotic to-day as she was in 1812. [Applause.] And she stands by the Government in the support of the Stars and Stripes, which must be carried to the battle fields of France by such numbers of men as shall win the war. No matter whether it be 1,000,000 or 5,000,000, the war must be won. And I bring you that message from my people, a people who have always given to the country their best men from the early wars until this day, a people true in patriotism, in devotion, and loyalty to the democracy of the land, willing to lay down their lives that it shall never fall and that democracy shall be the light that guides the world. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

The CHAIRMAN. The gentleman from Massachusetts is recognized for five minutes.

Mr. GILLETT. A declaration of war is the most solemn act a legislature can perform. It involves necessarily the sacrifice by those we represent of what they hold dearest—their lives. Moreover it submits the decision of our rights not to a tribunal which is governed by reason and justice and fairness, like the tribunals to which our personal rights are all submitted, but to the arbitrament of brute force, to a tribunal which decides without regard to justice or merit and which weighs nothing but armed might. It is a recession to the savage state and recognizes only those tests to which the beasts and the most ignorant barbarians resort. It is utterly antagonistic to the spirit and hope of modern civilization.

Such an act, therefore, calls for the utmost deliberation and scrutiny. We ought to avoid it if we can. But in this instance I see no possible alternative. We are not creating a new condition, we are simply recognizing a condition which already exists. We are simply saying to our defenders across the seas, who perhaps before this have been battling with the forces of Austria, that we approve and support them.

This war was no voluntary act of ours, which we lightheartedly chose; it was forced upon us by cruel aggressions forbidden alike by the letter of international law and the spirit of humanity, and if we had refused to take up the gage of battle when it was insultingly thrown down at us our cowardice would have been punished by even more unendurable assaults when we would, perhaps, have been in even worse condition to resent and repel them.

As the President has truly said, Austria is but the tool of Germany, and the whole history of Germany's rise to the supremacy of Europe discloses reliance upon but one support, military power, which it has unceasingly developed. McCaulay said, in his famous essay on Frederick the Great:

> The evils produced by his wickedness were felt in lands where the name of Prussia was unknown; and, in order that he might rob a neighbor whom he had promised to defend, black men fought on the coast of Coromandel and red men scalped each other by the Great Lakes of North America.

And to-day the evils produced by the ambition of Frederick's legitimate successor are causing peace-loving boys from the border of those Great Lakes to leave their homes and waste their youthful vigor in the unproductive tasks of military life and to risk their happiness and future in order that this country may forever be free from this menace of Prussian attack, this threatened subjugation by brute force. [Applause.]

We must fight this war to a successful finish. That is the only road to permanent peace. If it should end now in a draw this country would have to waste its millions and billions annually in the support of an army and navy powerful enough to protect us against new aggressions of foreign powers. For this war has brought home to us for the first time how intimately related all nations are to-day and how expensive and how horrible is modern war. Let us, therefore, determine to end it once for all, for us and our children.

I had thought that the same reasons which required a declaration of war against Austria applied to Turkey, and there was the added resentment caused by the massacres of Christians, which shocked the whole neutral world, and to which Germany was an accomplice, since she could have prevented them by simply raising a finger of protest. But I recognize that in these foreign complications the President may have information which is withheld from us, and I am disposed to yield to his opinion.

Doubtless all of us as we have read the great events of the past have often felt the wish that we might have lived in them. Now we find ourselves living in the greatest crisis of all history, and we in this House are to-day transacting one of the historic phases of that crisis. We will perform it with deliberation and regret, as becomes its seriousness, but with determination that there shall be no turning back. And we on this side of the House will vie with you on that side in giving to the Executive ungrudgingly all the powers and resources of the country, that the war we now declare may be brought to a successful conclusion, in the hope that thereby there may be established the whole world over a just and permanent peace. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I reserve the balance of my time.

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, we are now considering a resolution declaring the existence of a state of war between the United States and Austria. Austria and Germany are making common cause. It is not possible to wage war on Germany alone, because she and Austria are fighting together. In his message on Tuesday the President said:

> We must meet its (Austria's) forces with our own and regard the central powers as but one. The war can be successfully conducted in no other way. We shall go wherever the necessities of this war carry us.

Under our Constitution the President is our Commander in Chief. To-day he is throwing our forces against the German lines in France and Belgium; to-morrow he may find it necessary to strike from Italy through Austria. He should have the largest freedom of action. For that reason I shall vote for the pending resolution.

Many thought it would be best for our country to keep out of the terrible European conflict which now so sadly afflicts the world. A majority, however, were of a different opinion. Congress by an overwhelming vote decided that the United States should enter the war. In a democracy like ours everybody should bow in ready obedience to the lawfully expressed will of the majority. War was declared and every citizen should loyally support it until our country has achieved victory and secured an honorable peace. Our support must be wholehearted and effective. [Applause.]

In this crisis the President must be our leader. No man can now see the end. Peace may come quickly, or we may have a long drawn out war. No one can doubt, however, that in the

end we shall be triumphant. The country is to be greatly congratulated upon the unity of her people. With very few exceptions, those who opposed and those who favored the war are united together in one common citizenship, determined that defeat shall never come to our flag. They are ready to devote their all to the cause. Whatever sacrifices are needed they are ready to make. [Applause.]

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. FESS. Mr. Chairman and fellow Members, on the 6th of April, after two and a half years of struggle to maintain neutrality, we took the step of declaring war against Germany, upon the conviction that our honor and our safety depended upon it. In the months that have elapsed since then I do not think there was any thoughtful person who thought there was any other course. We have now been at war with Germany for over eight months, and by no sort of fiction can we continue the war with Germany without entering war also with her allies, which in spirit as well as in arms are not separated from the war lords of Europe.

Austria is absolutely under the control of Germany, both from a military standpoint and an economic standpoint. I might also say from a diplomatic intrigue, by which Austria will soon find herself entangled. The brains of every ally of Germany are furnished by Germany, and we are fighting the military autocracy not only headed by Germans in Germany but also of Germany in her influence and control in Austria. And not only that, but under a system of finance whereby Germany robs the mines of France and the munition plants of Belgium and the agricultural resources of other countries that have come under her control she supplies Austria with her weapons of war, and not only supplies her, but furnishes scrip in the form of money and credit with which to pay for those supplies; and to-day Austria is not only a vassal of Germany under military control, but absolutely subject under the control of finance as a debtor to this creditor power. Austria since the war opened has become financially a hopeless vassal of her superior, from which she will never emerge unaided, and the thing that we must recognize immediately is that we can not fight Germany and at the same time be at peace with her allies. One of our greatest dangers just now confronting us is our attempting to reach by diplomacy what must now be accomplished by war. It is well for us to see that we can not do by diplomacy what has got to be done by military power. This is the danger of our country at this very moment, thinking that we can reach conclusions through diplomacy with such powers as our enemies have proved themselves to be instead of through the force of our arms. The time for parleys is past; our cause must now rest with the test of arms. And not only is that true, but it is our duty to the world, speaking to the neutral countries, to announce openly our war against Austria, so that there will be no complication with other countries because of the necessity of their knowing where we stand in regard to Austria. This frankness is required by the laws of all nations; hence our original declaration.

And aside from that this declaration is absolutely necessary that we may be able to deal with the million citizens of Austria who are located in America. We can not with a free hand deal with these people unless we let them and the world know what is our relation with the Austrian Government. It is not fair to them and it is dangerous to us to continue this anomalous position. From the standpoint of our duty to our own honor in this war against Germany and for our safety, and that includes our safety against Austria, a mere vassal of Germany, and from the standpoint of our duty to neutrals who have a right to know where we stand, that they may know their rights as affected by the relation we hold to Austria, and from the standpoint also of our duty to the Austrian citizens in this country and our own protection against dangerous elements in our midst, we have no choice other than here and now to declare that a state of war exists between us and Austria. And I would like to extend it for the same reason to Turkey and Bulgaria, which certainly occupy a similar relation to us as that of Austria; but I am perfectly willing to allow that to pass as a matter of diplomacy if the President thinks it proper to do so, but I am frank to say it must be done later. As a member of the Foreign Affairs Committee I am willing to let the President take the lead in this, but if it should come that we see our interests complicated, because we are in conflict with Turkey and Bulgaria, the same as we are with Austria, we ought to take the step at once as to those countries also. There is no use at this hour of the day to think we can win this war by the hope that there is going to be any weakness on the part of our enemies either in morale, a lack of solidarity, or lack of spirit and equipment. We are not fighting Germany alone. We are fighting Austria, dominated by Germany, and we are fighting Bulgaria, under the same régime; and we are fighting Turkey also. I would like to see every secret place open to these nations in America closed up instantly, that our secrets do not go across the water and thus endanger our sons who are now and will be on the seas. The thing for us to do is to let the world know that we are not only fighting the master, but that we are fighting his vassals as well. Nothing else will avoid our complications in this thing. [Applause.]

Mr. COOPER of Wisconsin. I reserve the balance of my time.

Mr. FLOOD. I yield 15 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I shall not be able to cover all the ground I desire to cover in the 15 minutes allotted to me, and I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LONDON. Mr. Chairman, as an illustration of the danger of blindly following established precedent we have before us the resolution providing for a declaration of war against Austria-Hungary, and this is what we read:

> That the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government.

Now, if the President is to use the entire military and naval forces and all the resources of the United States against the Austro-Hungarian Government, that leaves nothing to use against Germany. But how did it happen? Well, there are precedents for it. That was the form of our declaration of war against Germany, and now in declaring war against Austria we use the same words. We are afraid to change one word. We are afraid to think independently, and not only that, but we are afraid to vary the language. The resolution says that we are to use all our resources against Austria-Hungary, which would leave Germany out of it. However, that is neither here nor there. That is simply a kindly criticism of the committee.

As a Socialist I am pledged to vote against the declaration of war. In matters of war I am a teetotaler. I refuse to take the first intoxicating drink. The Socialists of the world in all parliaments have opposed war until the last moment. Had there been a majority of Socialists in the countries of Europe in 1914 there would have been no war. If there were a majority of Socialists in the parliaments of the contending nations to-day, the war would be over to-morrow. It is my obligation to give expression to that sentiment, to represent that body of thought and that international code of ethics by voting against a declaration of war, against the spreading of the horrors of it.

Mr. QUIN. Will the gentleman yield right there?

Mr. LONDON. No; I am sorry I can not yield. I have not enough time. I have explained my position. My reasoning is not binding upon the gentleman from Mississippi.

It applies to me and to the movement, sentiment, and thought I intend to represent. The President said, in dealing with the Russian situation, that the only remedy was to tell the truth. If that be sound in dealing with the situation there, it should be sound everywhere. There is no reason in the world why a Member of the Congress of the United States should hesitate to express opinions which may differ from the President's opinion. There is no reason in the world why we should refuse to discuss international policies. To-day the President concedes that had the slogan of the Russian socialists—no annexations, no punitive indemnities, no contributions—been generally adopted by the allies; had the plea of the people of that long-suffering country, of that land of martyrdom, been listened to, Russia would be to-day the greatest power for international peace.

But what happened? The slogan came from the socialists of Russia, and the reactionaries throughout the world began to denounce it as a German machination; as if you have to bribe people into loving peace; as if you have to corrupt people that they may seek normal conditions; as if you have to poison the mind of the world in order that it should crave for the restoration of the normal life of the world.

To-day, three months too late—no; I hope it is not too late. I am not despondent about the situation there, for I still believe that the Russian people will emerge, in spite of all the difficulties, a great democracy, an irresistible power for international peace. No one in Russia dares suggest even now a separate peace. I am more interested in the moral side, the spiritual side. An appeal should be made not so much to her arms as to her soul. It can be done and it should be done. The President's unequivocal approval of the declaration of revolutionary Russia against annexations, punitive indemnities, and contributions will

help. With her slogan our slogan, with her aims our aims, Russia shall be a faithful ally and friend.

My vote against the declaration of war against Austria-Hungary should not be interpreted as an indorsement of the infamous attack by Austria-Hungary on Serbia, which, chronologically speaking, was the beginning of the war.

If you go back 25 or 30 years in European history, it will be impossible to put the finger of blame on any one nation as the exclusive cause of the war. There was a cruel, merciless, conscienceless conflict among the nations for supremacy. What was the Bagdad Railway intrigue except an attempt by Germany to obtain a land route so as to compete with the sea route of Great Britain. Only 12 or 13 years ago the present allies, now valiantly fighting side by side, England and France, were at the point of war. How long is it since Russia and England are friends? Every nation looked upon itself as an economic unit; each of them was trying to outdo all of its rivals and to use its military force in aid of its commerce.

The rivalry for markets, for fields of investment, for spheres of influence, for concessions has kept the peoples of the world in constant fear of one another. Of course it would be wrong to say that the economic factor was the only cause of the war. As I have said in many previous speeches, the presence of monarchical institutions in Europe, the existence of national and race hatreds, the crushing of the smaller nationalities like Serbia, Belgium, and Persia, the striving of the little nations for breathing space, the seeking of access to the ocean by the larger nations—all those things taken together have brought about this conflict.

It is not necessary for us to blindly accept every cause of the European war as a sacred cause for us, because in 1914 when the clash came one ruler spoke in the name of God on the throne of Germany and another incubus spoke in the name of God on the throne of Russia.

It is absurd for us to adopt either the war causes or war objects of August, 1914, as our war causes and our war objects.

Many here would go further than the President. They do not realize that they embarrass him when they talk about helping Italy not only to redeem her own territory, but to march to Vienna. That can not be in the President's mind. If America should help Italy, it should help her to regain the territory which she has lost; but it would be treason against the ideals of the American people to spend a dollar or sacrifice a man to carry out the policy of annexation of territory of others or to punish other nations. [Applause.] That is how I understand the President's message. The President seeks to correct the disastrous impression made by Premier Clemenceau of France—and, by the way, he will not last much longer than the Bolsheviki of Russia. He came out with the slogan: "We will fight until victory," without defining what victory is. The President took the next logical step and attempted to define, as far as it is possible under the circumstances—and the circumstances do not lend themselves very freely to frank discussion—the President indicated that it is not enough to talk about victory and shedding blood until victory is had, but that an effort should be made to define what that victory is. What is that final goal for which the nations are asked to sacrifice themselves? The President has outlined that final goal as the obtaining of a universal peace, which shall exclude forcible annexation, which shall exclude the punishment of nations, which shall exclude punitive contributions, and which shall lay the foundation for universal peace. And there we are up against it.

When you come to laying the foundation for universal peace you will, in the United States, run up against this strange fact, that while the President talks about redeeming the world from armaments and laying the basis for durable and lasting peace throughout the world, which involves international cooperation, which involves international alliances, which involves the possession of an international mind, if you please—while the President has risen to that height the people still talk in terms of narrow, geographical patriotism; of narrow, unreasoning Chauvinism.

People who only nine months ago voted to restrict immigration, to prohibit the admission to the United States of various populations, including those of the smaller nations now under the heels of invaders, are asked to fight for those same people. Ten months ago they voted to prevent them from getting access to this country; to-day they are asked to carry on war for their redemption. It is difficult to digest; it is hard for the average man to assimilate. It can be only understood by one who can reason and dream and feel and hope in terms of the world, in terms of the universe, in terms of humanity, in terms of the human family—the one and indivisible family. It is only then that we can earnestly appeal to world internationalism; it is only then that we can honestly appeal to the world to do away with oppression, monarchism, with autocracy, whether that autocrat be a crowned king or be the uncrowned king by virtue of possessing the oil lands and the coal lands and the natural resources of an otherwise free people. This is Socialism. This is social democracy. This is the internationalism which some fools denounce as anarchism, as tending to disrupt society.

It is because I feel an obligation to give expression to that view that I vote against the declaration of war, anxious as I am that the American people should appear unanimous and united in their longing for a victory for humanity, an irresistible force for universal peace, to be based on no annexations, no punitive indemnities, upon aid to the weaker and smaller nations which have been invaded by the ruthless central powers, with disarmament and international arbitration as a means to prevent wars in the future. In extending my remarks I submit an extract from an address on the Russian revolution which I delivered on the 29th of June in this House. As usual, the opinion of the socialist was disregarded:

> Now, I want to speak of the effect of the revolution on the progress of the war. A free people, once realizing that they are free, want to know what they are fighting for. That is self-evident. It stands to reason that a people who have overthrown their Government and have repudiated the internal policies of that Government should, when requested to continue its foreign policy, ask for an opportunity to revise that foreign policy, for an opportunity to find out where the foreign policy is leading, and that is exactly what has happened.
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> They began to examine what that foreign policy was, in the making of which they had had no part. They began to ask for the democratization of foreign relations, and you know that young democracies are honest and are not diplomatic. A young democracy loves liberty with a pure love. You will find in the oratory of the first 15 or 20 years of the history of this country the breath of pure democracy.
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> The new Government demanded a reexamination of treaties and tried to find out what the world was fighting for. The new Russia announced that, so far as she was concerned, she wanted no indemnities, no conquests, no oppression of any people no matter however small. She wanted her allies to proclaim the same principles. For some inexplicable reason the American press interpreted this proclamation as a demand for a separate peace—as a desire to surrender to Germany. The slogan "No annexation" necessarily involves the restoration of Belgium to herself, the return to Serbia of her territory, the return of Montenegrin territory to Montenegro, the reestablishment of Roumania.
>
> It necessarily implies the throwing of all possible safeguards around every other little nation in Europe. In protesting against punitive indemnities she but insisted that all warring nations should agree on a settlement of the war which should not crush any of the vanquished nations, which should not impose upon the conquered nations a burden which they would be unable to carry. Their basis for universal peace was entirely in harmony with the principles which the President enunciated in his speeches before the Senate, and especially in the speech of January 22 of this year. Russia proceeded to prove her good faith by waiving all claims upon Constantinople, reserving, of course, the right to insist upon the neutralization of the Dardanelles and by granting the highest degree of autonomy to Finland. It could not have been otherwise with the Socialists playing the part they do in the new Government. The right of every nation to live its own life is a cardinal part of the faith of international socialism. Where the same territory is occupied by several distinct nationalities, the Socialist would give to every such nationality the largest possible measure of cultural autonomy, and where more than one nation claims the right to a particular territory by reason of national affinity, he would let the local population determine its affiliations by a vote of freemen and not by external pressure.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, when the final roll call is had on this resolution it will be found that it is supported upon both sides of the aisle, receiving but one adverse vote, that of the gentleman who has just spoken, the Socialist Member in this Congress [Mr. LONDON]. Mr. Chairman, it is a strange anomaly, indeed, that the one vote that will be cast in this House in aid of the Kaiser of Germany and the autocracy of Germany will be cast by a Socialist. The gentleman talks about internationalism and about a democracy throughout the world, and yet if this House agreed with him, it is plain now, which was not so plain last April, that autocracy and not democracy would rule the world when this war is over. [Applause.] The gentleman's native country is Russia. Let me say to the gentleman that the overthrow of autocracy in Russia, which has been secured, was possible only through this war that has been waging now for three and a half years. I will say further to the gentleman that Russia is the only independent nation in the world to-day where the Socialists are in temporary control, but let Germany win this war and 24 hours afterwards, instead of democracy in Russia, the black eagle of Prussia will be there with the Kaiser of the German Empire taking its place, and they will wipe out that democracy in Russia and substitute for it the same autocratic government that now exists in Germany. [Applause.]

So I say, Mr. Chairman, that it is strange, indeed, that a man representing the Socialist Party, that pretends to stand stronger than any of the other parties for real democracy and for a people's government, should take a position in the House the only effect of which can be to assist not only autocracy but the worst autocracy the world has every known, not only to continue its rule where it has been ruling but to extend it over the

that we can earnestly appeal to world internationalism; it is only then that we can honestly appeal to the world to do away worst autocracy the world has ever known, not only to continue its rule where it has been ruling but to extend it over the

civilized world. I do not believe that the gentleman himself can represent any very large portion of the men who will vote the ticket of his party. If he does, then we must conclude the gentleman and the members of his party have less intelligence than we have heretofore believed they possessed. [Laughter and applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I reserve the remainder of my time. Will the gentleman from Virginia permit me now to yield to the gentleman from New York [Mr. CHANDLER]?

Mr. FLOOD. I promised to yield to the gentleman from Illinois [Mr. SABATH].

Mr. COOPER of Wisconsin. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Virginia has used 52 minutes and the gentleman from Wisconsin 36 minutes.

Mr. COOPER of Wisconsin. In view of the fact that the gentleman has used 52 minutes and we have used only 36, will not he permit me to even up the time?

Mr. FLOOD. Very well.

Mr. COOPER of Wisconsin. Mr. Chairman, I reserve the remainder of my time.

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. SABATH].

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. SABATH. Mr. Chairman, with the friendliest feeling and most deep felt sympathies for the great majority of the peoples living under the tyranny and oppression of the dual monarchy of Austria-Hungary, it becomes my solemn duty to vote to-day for this resolution. In this sentiment I am most earnest. I feel satisfied that nothing but the most sympathetic feelings exist in this country for the vast majority of these peoples who have for centuries been compelled to submit to the yoke—the oppressive and blood-stained yoke—of Austria-Hungary.

I am not going to detain this House for more than a few moments, but in these few moments I desire to call your attention to some of the different peoples who have for these many centuries been persecuted by this Austro-Hungarian Government. I want to say to you that nearly 60 per cent of these people are anxiously waiting for the happy moment when they can throw off the cruel and despotic yoke of Austria and the unbearable Hapsburgs.

Under the dual monarchy of Austria-Hungary there are to-day almost eight and one-half millions of Bohemians, over five million Poles, four million Ruthenians, over a million and a quarter Slovenians, over five and one-half millions of Serbo-Croatians, almost three and one-quarter millions of Roumanians, and over eight hundred thousand Italians. These people who constitute more than a majority of all the peoples of the dual monarchy living under Austro-Hungarian rule against their wishes and without their consent are suffering the greatest destitution and distress. I venture to say that 95 per cent of these afflicted peoples are ready, willing, and anxious, if the opportunity will but afford itself, to strike against its oppressors, the monarchy of Austria-Hungary and the Hapsburgs.

These people sympathize with the allies. Sympathize, do I say? Why, they look to the allies as their saviors—saviors to release them from these many centuries of the most cruel and almost inhuman bondage that they have suffered under the rule of Austria-Hungary. They feverishly await the overthrow of the German Government that has dominated over Austria for years past, and are eagerly yearning for the day when the downfall of Austria-Hungary will result in their regaining their separate nationalities where each people "will be governed by the consent of the governed."

I know that the men of these nationalities living to-day in the greatest democracy that the world ever knew, the United States of America, fully appreciative of its institutions and opportunities, will do their part and their share to aid the country of their adoption and devotedly serve the cause of humanity and democracy for which we are fighting to-day. [Applause.]

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. BORLAND. I wish to ask the gentleman if there are not a good many people of these nations working in the United States and living here?

Mr. SABATH. There are; and I wish to say that I am in daily contact with these people and I know whereof I speak when I state that 99 per cent are ready and willing to do their part to wage war against Austria, as well as against Germany. [Applause.] They have enlisted by the thousands; yes, by the ten thousands; and I know that they will continue to serve the country that has protected them, a country that has given them the liberties for which they have been struggling and fighting for centuries in the old countries of Europe.

Mr. BORLAND. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Missouri.

Mr. BORLAND. Does not the gentleman believe that we could safely and properly exempt some of these people from the alien-enemy proclamation?

Mr. SABATH. I wish to say to the gentleman from Missouri that I have prepared just such a resolution and the moment the present resolution declaring war against Austria-Hungary is adopted I shall introduce a resolution to exempt them from the alien-enemy proclamation, and I now take the privilege of inserting a copy of said resolution:

Joint resolution (H. J. Res. 181) providing that Bohemians, Moravians, Slovaks, Roumanians, Poles, Ruthenians, Serbs, Croatians, Slovenes, and Italians be and are specifically excluded from the classification of alien enemies as subjects of Austria-Hungary.

Whereas this Congress, upon the recommendation of the President of the United States, has declared that a state of war exists between the United States and Austria-Hungary; and

Whereas certain States and Provinces within the Empire of Austria-Hungary have been subjugated to its rule without their consent and against the wishes of the inhabitants; and

Whereas the peoples of these States and Provinces, to-wit, the Bohemians, Moravians, Slovaks, Ruthenians, Poles, Serbs, Croatians, Slovenes, Italians, and Roumanians, suffering from the persecution and oppression inflicted upon them by the Empire of Austria-Hungary, have sought and been given the haven of these United States in very large numbers; and

Whereas these people gratefully appreciate the shelter and opportunities given them by the United States and are now eager and anxious to serve this country in its present grave crisis; and

Whereas throughout the breadth and length of this country thousands of men of these races have enlisted in the several branches of the armed forces of this country to sustain and aid it in the holy fight for democracy and the freedom of all nations, large and small; and

Whereas many more thousands of the men of those races have been called to serve and are now serving under and by virtue of the selective-draft act; and

Whereas the said Bohemians, Moravians, Slovaks, Ruthenians, Poles, Serbs, Croatians, Slovenes, Italians, and Roumanians are technically considered subjects of Austria-Hungary, which status is beyond their control and contrary to their wishes; and

Whereas by the declaration of this Congress that a state of war exists between the United States and Austria-Hungary these said Bohemians, Moravians, Slovaks, Poles, Ruthenians, Serbs, Croatians, Slovenes, Italians, and Roumanians at present serving this country in the several branches of its armed forces who have not declared their intention to become citizens of the United States or who having declared their intention to become citizens of the United States have never become fully naturalized, are immediately considered alien enemies, thereby being restrained in their patriotic desire to serve this country wholeheartedly and devotedly and to give their all to aid the cause of humanity and democracy; and

Whereas they and other peoples of these States and Provinces who are noncombatants would be barred from entering, working, conducting business, or residing within certain territories prohibited to alien enemies; and

Whereas such a condition would cause a grave wrong and irreparable injury to peoples whose loyalty and devotion to this country stands unquestioned and unchallenged, and who unselfishly and unreservedly have upheld the cause of the allied powers against the central powers: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said Bohemians, Moravians, Slovaks, Ruthenians, Poles, Serbs, Croatians, Slovenes, Italians, and Roumanians be, and they are hereby, specifically excluded from the classification of alien enemies wherever such classification now exists as to subjects of Austria-Hungary by reason of any act of Congress of the United States or regulations established by the President of the United States and under such rules and regulations as the President may from time to time promulgate; and be it further

Resolved, That the said Bohemians, Moravians, Slovaks, Poles, Ruthenians, Serbs, Croatians, Slovenes, Italians, and Roumanians shall not be barred from the armed forces of the United States due to their status as (unwilling) subjects of Austria-Hungary and that they shall be subject to the operation of the selective-draft act.

Mr. BORLAND. I am heartily with the gentleman on that proposition.

Mr. SABATH. And before I conclude I wish to say, in answer to my colleague from New York [Mr. LONDON], that I, as much as he, am interested in the cause of the Russian people, but first, I am an American, and paramount and superior to my interest in the peoples of Russia is my interest in the welfare of my country. [Applause.] And it is the duty of every man, whether he be a socialist, pacifist, or anything else, living under the Stars and Stripes in this free country of ours, partaking of its benefits and receiving its advantages, to do his part, freely and ungrudgingly, and thereby demonstrate that he is deserving to live here and enjoy the blessings of liberty and the freedom of democracy. [Applause.] The gentleman from New York [Mr. LONDON] states to us that the socialists are opposed to war, yet did they not wage war in Russia to secure freedom? And is not this a much holier war and are we not fighting for a cause even greater than they have fought for in Russia? My sympathies are deeply with these people who fought for the freedom of Russia, but we are fighting to-day not only for the freedom of the people of Russia but for the freedom of all the nations of the world. [Applause.]

Born in Bohemia, whose people have suffered from the despotism and persecutions of the Government of Austria-Hungary to an even greater extent than the other peoples heretofore mentioned, I am glad of the opportunity that I to-day can raise my voice and cast my vote for the resolution declaring war against Austria-Hungary. [Applause.]

Not wishing to detain the House any further, Mr. Chairman, I ask unanimous consent to embody in my speech an article on Austria written by Jaroslav F. Smetanka.

The CHAIRMAN. The gentleman from Illinois [Mr. SABATH] asks unanimous consent to extend his remarks in the RECORD by inserting the article to which he refers. Is there objection?

There was no objection.

DISMEMBERMENT OF AUSTRIA.

The foundations for the present Austrian Empire were laid in 1526, when Ferdinand, to whom his elder brother Charles conveyed the Hapsburg dominions on the Danube and in the Alps, secured his election to the thrones of Bohemia and Hungary made vacant by the death of his brother-in-law Louis. Austria-Hungary of to-day contains in addition to these three elements only the Polish-Ruthenian Provinces of Galicia and Bukowina on the northeast and smaller districts inhabited by Italians and Croatians on the southwest. The two Turkish Provinces of Bosnia and Herzegovina, annexed recently, are purely Serbo-Croat in race and language.

Out of this brief statement of the origin and growth of the Hapsburg Empire one fact stands out clearly, namely, that this great power, second in area and third in population among the States of Europe, is not the product of the expansion of a single race occupying constantly new lands and assimilating new people. The races that the Hapsburgs gathered under their sway are still in existence, full of energy, conscious of their separate nationality, eager to live their own life, fighting bitterly all attempts to make them over into something else, whether it be into Germans or Magyars. The dynasty could have justified and made possible the continued existence of this collection of nations and fragments of nations only if it had allowed each race full opportunity for self-development and widest possible measure of autonomy. But the dynasty was German. Up to 1866 its ambition was to be the head of the entire German nation, of which the Hapsburg territories were to form an integral part. When the Prussian kings supplanted the rulers of Austria in the leadership of Germany, Francis Joseph hesitated for a while and was on the verge of making his Empire a federal structure with equal rights for all races, but instead of that he put into effect a compromise by means of which he pacified the Magyars and sacrificed all the rest. He divided his Empire into two parts. In the Austrian half of it the German minority was made the ruling race, while the Hungarian half, with its Slav and Rouman majority, was turned over to the Magyars.

A few figures will show the galling injustice of this arrangement. But before Austrian official statistics are cited it is necessary to mention that they are notoriously biased in favor of the two ruling races. In 1910 the racial figures for the Austrian half of the monarchy were as follows:

Germans	9,950,266
Bohemians	6,435,983
Poles	4,967,984
Little Russians	3,608,844
Slovenians	1,252,940
Serbo-Croatians	783,334
Italians	768,422
Roumanians	275,115

The German population, which numbers only 35.58 per cent, has a majority in Parliament and treats the Slavs, who number more than 60 per cent, as "minderwertig," inferior people.

In Hungary the Slavs and the Roumanians fared even worse, for the Magyars, an Asiatic race, proceeded ruthlessly to make the words "Magyar" and "Hungarian" synonymous. Everything non-Magyar was treason against the Hungarian State, and races that lived in Hungary when the Magyars were still an unknown tribe wandering on the steppes of Central Asia were condemned to extinction. This barbarous policy did bring results, for in 1910 the Magyars, according to their statistics, for the first time formed a bare majority of the people of Hungary. The figures for 1910 are as follows:

Magyars	10,050,575
Roumanians	2,949,027
Germans	2,037,435
Slovaks	1,967,970
Croatians	1,833,167
Serbians	1,106,471
Little Russians	472,587

The policy of oppression pursued by the two ruling races of the dual empire made the collapse of the whole crazy structure of the Hapsburg monarchy inevitable sooner or later. For years, as Francis Joseph was growing old, speculation was rife about the fate of Austria after his death. As it is, Francis Joseph preceded his empire into the tomb by only a year or so. When he declared war on Serbia he signed the death warrant of the greatness of the Hapsburg dynasty.

To-day not a single one of the 11 races subject to Emperor Charles desires the continuation of Austria-Hungary. Poles expect the restoration of Poland; Little Russians want to join 25,000,000 of their kinsmen in Russia; Roumanians hope to form a part of greater Roumania; Croatians, Slovenians, and Serbians plan the union of their race with Serbia and Montenegro in a great Yugo-Slav kingdom. Italians of Austria will naturally be joined to Italy. Bohemians and Slovaks want independence in a common Czechoslovak State. Magyars care for only one thing, to maintain their tyranny over all Hungary, while the Germans want the closest union with or even annexation to imperial Germany. The only Austrian left is the emperor. Dismemberment of Austria will hurt Emperor Charles in pride and pocket, but it will be welcomed by the overwhelming majority of the people of the empire.

During the nineteenth century the Turk was the sick man of Europe. To-day that ignoble rôle is played by Austria. The sooner it is partitioned in accordance with the legitimate aspirations of its races the better for the peace of the world.

In conclusion, Mr. Chairman, I desire to say that from time to time upon the floor of this House I have assured the country that the great mass of Bohemians, Moravians, Slovaks, Ruthenians, Poles, Serbs, Croatians, Slovenes, Italians, and Roumanians were true to the highest ideals of this country and its institutions, and to-day, in this hour of trial, when every resident of our country is met with the test of loyalty and devotion, I again wish to assure you, an assurance coupled with supreme confidence, that these peoples have a sublime faith in the majestic leadership of the greatest statesman of the world to-day, Woodrow Wilson, the President of the United States [applause]; that to them the protection of the principles of democracy which sheds its light upon the darkened countries of all oppressed nations is dearer than life itself, and for its continuation and further extension, so that all the peoples of the entire world might receive the blessings of liberty and democracy that they have received, they are willing to make the supreme sacrifice. To their oppressed countrymen across the seas they extend the hand of "justice and mercy" and call to them, "Awake! awake! Your fetters shall be broken and your bonds destroyed, and once again, if you join with us, you will enjoy the freedom of democracy and the blessings of liberty." I know, Mr. Chairman, and I say this from the depth of my heart, that these peoples who have enjoyed the great blessings of this country are true and will always be found true and loyal to these United States, her allies, and to the great struggle for humanity and democracy. [Extended applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 111. Joint resolution declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same.

The announcement was received with applause.

AUSTRIA-HUNGARY.

The committee resumed its session.

Mr. COOPER of Wisconsin. I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I desire to read to the committee a telegram which I received this morning:

CENTERVILLE, IOWA, *December 6, 1917.*

Hon. H. M. TOWNER,
Washington, D. C.:

Large number of Croation miners desire first papers. They are loyal and hate Austria more even than we do. If war is declared on Austria why should not exception be made to Croations so far as admitting them to citizenship is concerned?

Senator J. M. WILSON.
G. C. ELLIOTT,
Clerk District Court.

Mr. Chairman, of course I realize that it would be improper to offer any amendment to this declaration of war. We have just been assured by the gentleman from Illinois [Mr. SABATH] that a resolution will be introduced in which these men who have recently been the subjects of Austria will be excepted from the operation of the alien-enemy act. There is no disposition to punish these men, who were unwilling subjects and are now the friends of America and not of Austria.

It is sometimes very hard for us to realize the conditions that exist in the dual monarchy of Austria-Hungary. Austria has a population of about 30,000,000 people, and yet there are but 10,000,000 Germans in Austria. Hungary has a population of about 20,000,000 people, and there are only about 2,000,000 Germans in Hungary. The combined populations of Austria and Hungary are about 50,000,000 people, and in the entire Austro-Hungarian Empire there are only 12,000,000 Germans. Yet German autocracy rules Austria-Hungary to-day. These people who have been referred to by the gentleman from Illinois [Mr. SABATH], men who are now in America because they desire to free themselves from the rule of this German autocracy in their country, certainly ought not to be punished because of their loyalty and devotion to republican principles rather than to autocracy. So these people will be taken care of.

We do not all realize that in this Austro-Hungarian Empire there are a large number of nationalities, almost all of whom except the German population, who constitute less than one-fourth of the entire population, are not in harmony with the ruling class that dominates the policies of Austria. That being true, we may look forward to the time, I think with a reasonable degree of probability, when these men, constituting as they

country that has protected them, a country that has given them

only for the freedom of the people of Russia but for the freedom of all the nations of the world. [Applause.]

do almost separate nationalities, will be allowed to free themselves from the Austro-Hungarian yoke and from the German domination that now governs that country.

These people who have sent me this telegram are Slavic in race and are closely associated with the Serbians. Their sympathies are with them; they speak the same language and they have the same literature as Serbia. They are against the German autocracy that rules Austria-Hungary to-day. If they were allowed to determine their own destiny they would either organize for themselves a separate government, as they had for 200 years, or else they would ally themselves with those with whom they are most nearly allied, with the Serbians. We know the conditions that exist in Bohemia. We know the conditions that exist in Hungary. We know that these races and these peoples are not in sympathy with German domination of these countries. In the declaration of war which we will soon pass with such enthusiasm and unanimity we will be fighting the battle of those subject races of Austria, and when the hour of final victory shall come, as come it will, they will see the dawn of a new day of freedom and self-government.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I have more respect for and more confidence in any man in the German, Austrian, Bulgarian, or Turkish Army than I have for a man who asks the protection of the American flag but refuses to fight for it. [Applause.]

We have a lot of goosefleshy individuals in this country who are trying to escape from this struggle on the plea of their love for the men who are trying to destroy our Nation. There are only two sides to this war, and, as the Master said 2,000 years ago, "He who is not for me is against me."

There may have been neutral ground between belligerents before we entered this war. There is no neutral ground between the United States and her enemies for a Member of the American Congress or for a citizen of the United States.

All I wish to say in regard to this resolution is that I speak the overwhelming conviction, wish, desire, and purpose of the men of the tenth district of Missouri when I vote not only for the declaration of war against Austria-Hungary, but also for a declaration of war against Turkey and Bulgaria and all other friends of kaiserism and military despotism at the earliest possible moment in which we can get to that vote. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield three minutes to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, I was opposed to the declaration of war between the United States and the Imperial German Government. As an original proposition, I would vote against a declaration of war between this country and the Royal Austro-Hungarian Government. But the United States can not win this war by fighting part of our enemies part of the time. We must fight all of our enemies all of the time, if we expect victory to crown our efforts. I shall, therefore, vote for the resolution declaring war on Austria; and I regret that the language of the resolution is not broad enough to include all of our enemies. We are in the war against my will and over my protest, but there is only one thing left for this country now to do, and that is to win it; and I shall cast my vote for every reasonable measure that leads in that direction.

THE PRESIDENT'S PATRIOTISM IS NOT THE ONLY BRAND.

But I dissent very radically from the position taken by many Democrats that theirs and President Wilson's particular brand of patriotism is the only kind, and that all who disagree with them are miscreants and traitors. I decline to have my patriotism measured by an unswerving devotion to all the things said, and all the acts done, by a Democratic President. "Stand by the President," is their slogan. My answer to that is, that I will, so long as I believe he stands for the welfare of our own country but no further. "There should be no politics in this war" is an expression often heard from Democratic sources. To that I agree, but I abominate and abhor a one-sided truce. A political armistice during the progress of the war is perfectly proper provided it be observed by both sides. An armistice, however, that provides that the Republican Party shall cease the work of organization and education relative to the fundamental differences between the two dominant parties—an armistice that demands that the Republican Members of Congress and Republicans generally throughout the country shall cease to be Republicans, or to assert their Republicanism, until after the war is over, and to stand by, defend, and uphold all that the Democrats have done and will do during the progress of this war, does not commend itself to me or to my Republicanism, especially in view of the fact that the Democrats are busier than ever, the war notwithstanding, in getting ready for the next campaign.

SHALL THE REPUBLICAN PARTY GO BURY ITSELF?

Shall the Republican Party go bury itself simply because the war is on? Shall it go over, bag and baggage, to the Democratic Party and help to elect Democrats to all the offices, big and little, throughout the country simply because the war is on? Does not history prove beyond question that the Republican Party has never been lacking in patriotism? If any party has been guilty of laches along this line, has it not been the Democratic Party?

If the Republicans are to forget politics for the time being, should not President Wilson and the Democratic Party likewise forget them? If party politics is to be banished from the brain of man until the war is won, will not some well-informed Democrat please tell me why it is that since the war began, as well as before, the Democratic Party has had its candidates out for every office in every State in this Union—local, district, and State—where the Democrats have had even a remote chance of winning? Will somebody point out a single instance where President Wilson was opposed to the election of a Democrat and for the election of a Republican for any office anywhere, large or small, since the war began? If politics and party advantage are not to be dreamed of until this war is over, as the Democrats solemnly admonish us, why do not the President and his party at least, some time, somewhere, and upon some occasion, advocate the election of some Republican?

Not long since there was a special election in the sixth Indiana congressional district. The Democratic nominee had, as a former Member of this House, voted against every measure for the increase of the Army and the Navy, and had denounced all war preparations as machinations of the munition makers and the war gods generally. He was a confirmed pacifist and anti-preparedness advocate. His Republican opponent declared that he would, if elected, support the Government's war measures from start to finish. Notwithstanding all this, his election was opposed by President Wilson, who wrote a letter urging the election of the Democratic nominee.

REPUBLICANS AND DEMOCRATS ALIKE ARE BEHIND THE GOVERNMENT.

We are in the war. Republicans and Democrats alike are behind the administration in trying to bring it to a successful conclusion. If President Wilson would cause the resignation of one-half of his Democratic Cabinet and put men like LODGE, Root, and Roosevelt in their places, does anybody doubt that it would aid greatly the successful prosecution of the war? If President Wilson would cause the resignation of even one-third of the Democratic officeholders whose duties are largely that of helping win the war and put a like number of equally efficient Republicans in their places and show a like regard for the other political parties in this country, does anybody doubt that it would put added vim, unity, and enthusiasm in the fight against a common foe? Ours seems to be the only belligerent nation where party lines are drawn in selecting men of affairs to steer the ship of state in this world crisis. Although the war is on, President Wilson is going ahead making political appointments in the same old way as though we were at peace with all the world. When the suggestion was made that Col. Theodore Roosevelt be put on the delegation to the conference of the allies because of his eminent fitness and extensive knowledge of war problems, the matter was dismissed with the statement that his appointment would "not be in keeping with nonpartisanship." The President then proceeded to appoint Col. House, the well-known and widely advertised Democratic politician from the State of Texas, and Vance McCormick, chairman of the Democratic National Committee in the last election.

The Federal Reserve Board controls the Federal reserve banks. Money is nonpartisan, but the Federal Reserve Board is not. It is 85 per cent Democratic. It was made so by President Wilson. It seems to be the purpose of the President and his advisers to mobilize all the talent and all the bravery and all the wealth and all the politics and all the patriotism of the country and put them all under the undisputed control of Democratic partisans.

PRESIDENT WILSON'S OPINION OF REPUBLICANS.

President Wilson once said of Republicans that "some of them are blind and most of them are ignorant." While the President is noted for changing his mind, it would seem that on this one subject the public need not expect any change. Yet if Republicans failed to stand by the President in all he does and says 24 hours of every day, and at frequent intervals during that time failed to holla, "Hurrah for Wilson!" then they are subjected to the grave charge of disloyalty to their country. The command is: "Leave it all to the President." In no other belligerent country in the world is there an attempt in evidence to exclude the legislative branch of government from all con-

sideration and influence in connection with the governmental program.

THE PEOPLE DEMAND PUBLICITY AND TRUTH AND SOME PARTICIPATION IN THE AFFAIRS OF THEIR GOVERNMENT.

The people demand publicity and truth about this war; they demand a voice in how it shall be conducted. Upon their shoulders the burden of it falls. They are not willing to leave it all to President Wilson. The American people have a right to know where their soldiers are, for instance. They have a right to know something of the progress of our armies, something of the efficiency and work of our Navy. The people have a right to know whether their money is being wisely and economically expended in the progress of this war. For months to come we may expect to see the Democratic administration busily engaged in investigating itself to see what it has been doing. If the same mystery and secrecy that have heretofore marked the progress of this war shall hereafter prevail, all the powerful blows, so far as the country is concerned, that this Government is preparing to strike at the enemy will be struck in the dark, and all the mighty weapons which are being forged will be used in secret. This Democratic administration acts as though the war was a private musical at the White House, to be witnessed by and participated in only by the President and his closest friends. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I believe I have two minutes remaining of the hour, if that is the correct interpretation of the agreement.

The CHAIRMAN (Mr. GARRETT of Tennessee). The Chair will state that the gentleman from Wisconsin [Mr. COOPER] and the gentleman from Virginia [Mr. FLOOD] control all of the time for general debate, no matter how long it continues.

Mr. COOPER of Wisconsin. That was my understanding of the agreement, but there were others who put a different interpretation upon it, and therefore I made the inquiry of the Chair.

The CHAIRMAN. The agreement was that all of the time for general debate should be controlled by the gentleman from Virginia [Mr. FLOOD] and the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. That is as I understood the agreement. I now yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, it is evident from the temper of this House and of the American Congress that, with the exception of the gentleman from New York [Mr. LONDON], there will probably not be a vote cast against this resolution for a declaration of war against the Imperial Austro-Hungarian Government.

Some question may be raised as to whether we should also declare war against the remaining allies of the Germanic federation—Turkey and Bulgaria. I am free to say that I expect to vote in accordance with the suggestion of the State Department that the declaration be limited at this time to the Austro-Hungarian Government, and yet it seems to me that it is merely a prelude to a declaration of war against the remaining allies—Turkey and Bulgaria. The same causes, possibly in a less degree, which move us to declare a war against Austria must lead eventually, and that very soon, in my judgment, to a declaration against the remaining allies. These causes are the paramount necessity which to-day exists for the close cooperation between those engaged in fighting this great alliance of autocracy. [Applause.]

The outstanding lesson of the present stage of this war is the need for close cooperation between the allies and a unity of plan and purpose which will match the splendid unity and efficiency of Germany. It is apparent that Germany has reduced Austria, Bulgaria, and Turkey to a position of vassal States and that all plans of campaign are made from some central office in Germany. Germany is thus enabled to shift troops from one battle front to another and to provide for their equipment, supply, and reenforcement. As a result it strikes sudden, powerful, and effective blows at any point in the allied line which seems to offer a favorable opportunity.

The allies, on the contrary, have been working along single lines. There has been no concert of action, except so far as has been exhibited by France and England on the western front. The Italian campaign has been a single effort and the campaigns of Great Britain in western Asia have been conducted without cooperation with any of the other allies. The heroic efforts of Serbia and Roumania were not properly supported and resulted in disaster to the allied cause and in the material strengthening of Germany. It is not improbable that the Russian situation could have been much better controlled through such a council of the allies than in any other way. The supreme need of the hour is a permanent war council of the allies, sitting in Paris. [Applause.] This I understand to be the program of President Wilson and Mr. Lloyd-George.

On this permanent war council the United States should be represented by a civilian and a military expert. The war council should be in full touch with all of the battle plans of the allies. It should be completely and accurately informed of every change in the situation in the various countries, both external and internal. It should be advised at all times of the state of the resources of each country in each necessary line of military supplies. It should know the number of men available for any particular campaign, transportation problems, the time required for their transfer to the point where they are to be used, and generally the important facts upon which to base a plan of campaign which could be carried out effectively and promptly.

The element of surprise is not to be overlooked, and the allies ought to be in a position to strike against the weak points in the enemies' lines, wherever they may be found.

Much has been said of the need of a supreme military commander for the allied forces. This does not seem to me to be of the primary importance of a war council. Whether the armies shall be put under the command of one general, and if so, from what nation he shall be chosen, is, in my opinion, a secondary question. Such a commander in chief could lead the troops which were furnished him, but he could not control the great economic forces of the separate nations that would be necessary to assemble, transport, and supply those troops.

The commander in chief would necessarily rely upon the separate contributions of the several nations, unless he were supported by a joint body having power to coordinate all of the authorities of the allies. Each country should furnish not what it happens to be willing to furnish but what it can furnish best and quickest in accordance with a general plan.

No better illustration of the necessity for such cooperation is to be found than in the failure of the Italian campaign in the Alps. If an allied war council had been in existence, it should have been charged with the duty of passing upon every feature of the proposed campaign of Italy into Austria.

If it were determined that the campaign was sufficiently important to the cause of the allies to justify Italy in beginning it, then the full force of the allied nations should be pledged to guarantee its success. [Applause.] Italy should have been furnished with sufficient guns, ammunition, transportation, and reenforcements, if necessary, to make it humanly certain that it would succeed in its plans and make impossible such a disaster as did occur. If the allied war council had disapproved the plan of Italy, then Italy should not have been encouraged to pursue it by any supplies from the allies.

The council here suggested is not a mere consulting or advisory body—not a debating society. It should be empowered to formulate plans and make requisitions upon the allies which would have the full moral weight of all the allies behind them. The responsibility for the success of the war should be boldly assumed by the council, and the risk and odium of a failure to live up to the concerted plans should be placed squarely upon the shoulders of any nation that saw fit to default in its part of the program.

The effect of the repeated failure of plans of campaigns made by the allies has been to encourage the stubborn resistance of Germany and to strengthen the morale of the German Army and the public opinion of the German Nation. Similarly it has had the effect upon the allied nations of demoralizing in some degree their morale and inducing the feeling that Germany is invincible.

All statesmen recognize that if this prestige of success on the part of Germany can once be broken that the war can be brought to a speedy end. Germany is slowly weakening, and its misguided people are kept under the iron rule of Prussianism mainly by the carefully propagated doctrine of the invincibility of Prussian autocracy. This doctrine of the power of autocracy is the great danger to the democracy of the world to-day. If it succeeds, the world will not be safe for democracy.

With an allied war council in existence, general plans of campaign can be made which would be carried out so effectively that sledge-hammer blows will be struck on the German line at a point at which success seems most probable. Germany will be taught that these campaigns by the allies are not sporadic attempts of separate nations, which can be easily baffled, as has been true in the past. It will realize that a campaign once begun along a certain line will be carried through with determination to a final victory. This feeling on the part of Germany that there is no escape from the relentless pursuit of the allies will do more than any other one thing to break down the spirit of that country and bring the war to a speedy close, with a minimum expenditure of men and money.

The present method of independent action on the part of the allies is dragging the war out to an interminable length and has resulted in useless sacrifice of thousands of lives and an im-

mense amount of property. Such a war council is the supreme need of the allies. It is the duty of Congress to authorize and provide for such a permanent council at the earliest possible moment, and then it is the duty of the allies to bend all of their energies to carry out harmoniously the plans so agreed upon.

Therefore, I am ready in the immediate future to vote for a declaration of war against Bulgaria and Turkey, in order that we may be able to cooperate fully with our allies in Europe and bring about a speedy, durable, and just peace. We are fighting the great battle of democracy; we are fighting the last remnant of autocracy in this world. Will peace come? Aye; peace will come, but it will be no patched-up peace; it will be no premature peace; it will be no armed truce, leading to another terrible struggle; it will be no peace with a monarch who claims that the most sacred international treaties are mere scraps of paper; it will be no peace with a despot who claims a partnership with Almighty God. It will be a peace founded upon the deep faith of nations; a peace between average men; a peace sealed by the voice of the people, beyond and above which we Americans recognize no power beneath the throne of God. [Applause.] Will peace come? When? Peace will come, as President Wilson told the Pope, when the flag of feudalism goes down forever in this world. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield now to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman, the Senate has shown that the time for talk is over and that the time for action has come. When Grant stood before Vicksburg he was asked what he demanded. He demanded the unconditional surrender of Vicksburg. To-day the democracy of the world demands the unconditional surrender of autocracy. There is much more that I would like to say now, but time is short. One thing I do want to say. I say to my friend from New York, Mr. LONDON, that the people of his district and those Socialists who are in mine who voted for my opponent, Mr. Hillquitt, at the present time are behind the Government of the United States and behind the people of this country in their determination to see this war through. I hope that by the time a vote comes he will have reconsidered what he said here to-day and will stand shoulder to shoulder with the rest of the Members of this House and show the country and the world that the House of Representatives can do what the Senate has done, namely, vote unanimously for war against Austria.

Mr. Chairman, the Committee on Foreign Affairs has ably stated why we should declare war against Austria. I therefore deem it wise to read the important parts of that record and report. It is as follows:

ACTIVITIES OF AUSTRIAN AMBASSADOR AND CONSULS.

In September, 1915, it was discovered that Ambassador Dumba and Austrian consuls in St. Louis and elsewhere were implicated in instigating strikes in American manufacturing plants engaged in the production of munitions of war. An American citizen named Archibald, traveling under an American passport, had been intrusted with dispatches in regard to this matter from Dumba and Bernstorff to their Governments. These acts were admitted by Dumba. By reason of the admitted purpose and intent of Dumba to conspire to cripple business industries in the United States, and by reason of the flagrant violation of diplomatic propriety in employing an American citizen protected by an American passport as a secret bearer of official dispatches through the lines of an enemy of Austria-Hungary, the Austro-Hungarian Government was requested to recall Dumba.

The Austrian consuls at St. Louis and New York were implicated with Dumba in these transactions, particularly in the circulation of strike propaganda. They were implicated in procuring forged passports from the United States for the use of their countrymen in going home.

Long before the above activities were made public, our Government had evidence that the Austrian diplomatic and consular service was being used in this country for Germany's warlike purposes.

AUSTRIA'S POSITION AS TO SUBMARINE WARFARE.

While Austria's submarine warfare has been of a very limited character, they have adopted and adhered to the policy of the ruthless submarine warfare of the Imperial German Government.

After diplomatic relations with Germany had been broken the department on February 14, 1917, dispatched the following telegram to the American embassy at Vienna, surveying briefly the position of the Austrian Government on submarine warfare:

"In the American note of December 6, 1915, to the Austro-Hungarian Government in the *Ancona* case, this Government called attention to the views of the Government of the United States on the operations of submarines in naval warfare which had been expressed in no uncertain terms to the ally of Austria-Hungary, and of which full knowledge on the part of the Austro-Hungarian Government was presumed. In its reply of December 15, 1915, the Imperial and Royal Government stated that it was not possessed with authentic knowledge of all of the pertinent correspondence of the United States, nor was it of the opinion that such knowledge would be sufficient to cover the *Ancona* case, which was of essentially a different character from those under discussion with the Berlin Government. Nevertheless, in reply to the American note of December 19, 1915, the Austro-Hungarian Government, in its note of December 29, stated:

"'As concerns the principle expressed in the very esteemed note that hostile private ships, in so far as they do not flee or offer resistance, may not be destroyed without the persons on board having been placed in safety, the Imperial and Royal Government is able substantially to assent to this view of the Washington Cabinet.'"

Moreover, in the case of the *Persia*, the Austro-Hungarian Government, in January, 1916, stated in effect that while it had received no information with regard to the sinking of the *Persia*, yet, in case its responsibility were involved, the Government would be guided by the principles agreed to in the *Ancona* case.

"Within one month thereafter, the Imperial and Royal Government, coincidentally with the German declaration of February 10, 1916, on the treatment of armed merchantmen announced that 'All merchant vessels armed with cannon for whatever purpose, by this very fact lose the character of peaceable vessels,' and that, 'Under these conditions orders have been given to Austro-Hungarian naval forces to treat such ships as belligerent vessels.'

"In accordance with this declaration several vessels with Americans on board have been sunk in the Mediterranean, presumably by Austrian submarines, some of which were torpedoed without warning by submarines flying the Austrian flag, as in the cases of the British steamers *Secondo* and *Welsh Prince*. Inquiries made through the American ambassador at Vienna as to these cases have so far elicited no information and no reply.

"Again, on January 31, 1917, coincidently with the German declaration of submarine danger zones in waters washing the coasts of the entente countries, the Imperial and Royal Government announced to the United States Government that Austria-Hungary and its allies would from February 1 'prevent by every means any navigation whatsoever within a definite closed area.'

"From the foregoing it seems fair to conclude that the pledge given in the *Ancona* case and confirmed in the *Persia* case is essentially the same as that given in the note of the Imperial German Government dated May 4, 1916, viz, 'In accordance with the general principles of visit and search and destruction of merchant vessels recognized by international law, such vessels, both within and without the area declared as a naval war zone, shall not be sunk without warning and without saving human lives, unless these ships attempt to escape or offer resistance,' and that this pledge has been modified to a greater or less extent by the declarations of the Imperial and Royal Government of February 10, 1916, and January 31, 1917. In view, therefore, of the uncertainty as to the interpretation to be placed upon those declarations, and particularly this latter declaration, it is important that the United States Government be advised definitely and clearly of the attitude of the Imperial and Royal Government in regard to the prosecution of submarine warfare in these circumstances.

"Please bring this matter orally to the attention of the Austrian Government and request to be advised as to whether the pledge given in the *Ancona* and *Persia* cases is to be interpreted as modified or withdrawn by the declarations of February 10, 1916, and January 31, 1917. If after your conversation it seems advisable, you may hand to the minister for foreign affairs a paraphrase of this instruction, leaving the quoted texts verbatim."

In reply, the Austrian Government, in an aide memoire of March 2, 1917, after reviewing the illegal blockade measures of the allies, stated that "it now as heretofore firmly adheres to the assurances given by it" in the *Ancona* case.

The Austro-Hungarian Government also stated that Austro-Hungarian submarines had taken no part in the sinking of the British steamers *Secondo* and *Welsh Prince*, and that "the assurance which it gave the Washington Cabinet in the *Ancona* case, and renewed in the *Persia* case, has neither been withdrawn or restricted by its declarations of February 10, 1916, and January 31, 1917."

The Austro-Hungarian note endeavors, through a legal argument, to show consistency between these assurances and its declarations. In this way the Austro-Hungarian Government evades a direct answer to the American inquiry, but in its argument it substantially adheres to the declaration of January 31, 1917, for it states that—

"The entire declaration is essentially nothing else than a warning to the effect that no merchant ship may navigate the sea zones accurately defined in the declaration."

And that—

"The Imperial and Royal Government is, however, unable to accept a responsibility for the loss of human lives which, nevertheless, may result from the destruction of armed ships or ships encountered in the closed zones."

In view of this acceptance and avowal by the Austrian Government of the policy which had led to a breach of relations between the United States and Germany, the Government of the United States found it impossible to receive Dumba's successor, Count Tarnowski. The Government felt that it could not receive a new ambassador from a country which joined Germany in her submarine policy, even though its participation might be by verbal and not physical cooperation. This was communicated to the Austrian Government in a telegram from the department dated March 28, 1917.

In his message to Congress of April 2, 1917, the President said, in respect to the attitude of Austria-Hungary:

"I have said nothing of the Governments allied with the Imperial Government of Germany because they have not made war upon us or challenged us to defend our right and our honor. The Austro-Hungarian Government has, indeed, avowed its unqualified indorsement and acceptance of the reckless and lawless submarine warfare adopted now without disguise by the Imperial German Government, and it has therefore not been possible for this Government to receive Count Tarnowski, the ambassador recently accredited to this Government by the Imperial and Royal Government of Austria-Hungary; but that Government has not actually engaged in warfare against citizens of the United States on the seas, and I take the liberty, for the present at least, of postponing a discussion of our relations with the authorities at Vienna. We enter this war only where we are clearly forced into it because there are no other means of defending our rights."

The Austrian note of January 31, 1917, proclaimed the same submarine policy as that of Germany, and officially announced her intention, if she saw fit, to pursue the same ruthless submarine policy that Germany had inaugurated.

Many vessels have been sunk by submarines in the Mediterranean—the area in which Austrian submarines operate—by submarines which carried no flag or mark and the nationality of which was unknown. A great many of these undersea craft are believed to have been Austrian submarines or submarines commanded by Austrian officers, or supplied from Austrian bases or by Austrian means.

On April 4, 1917, the American four-masted schooner *Marguerite* was sunk by submarine 35 miles from the coast of Sardinia, while en route to Spain. The submarine carried no flag or marks to indicate its nationality. It is known, however, that Austrian was the language spoken by the officer of the submarine who came aboard the vessel with the boarding party, and it is believed that the submarine was Austrian.

On November 21, 1917, the *Schuylkill* was sunk off the coast of Algeria by an Austrian submarine; thus Austria is making, whenever opportunity affords, the same ruthless submarine warfare that Germany is making, in disregard of the promises made this Government, in violation of the law of nations and the instincts of humanity, and is as much at war with this country as Germany was after her note of January 31, 1917, and the subsequent sinking of American ships and the drowning of American citizens.

severance of diplomatic relations by austria-hungary.

Before war was declared to exist between the United States and the Imperial German Government it was intimated to the United States Government that if war should be declared by the United States upon Germany, Austria-Hungary would be under obligation to break off diplomatic relations with the United States. Consequently after the declaration of war of April 6, 1917, the Austro-Hungarian Government informed the American chargé at Vienna on April 8 that diplomatic relations between the United States and Austria-Hungary were broken and handed him passports for himself and members of the embassy. The following is a translation of the note handed to the American chargé by the Austrian minister for foreign affairs:

IMPERIAL AND ROYAL MINISTRY OF THE
IMPERIAL AND ROYAL HOUSE AND OF FOREIGN AFFAIRS,
Vienna, April 8, 1917.

Since the United States of America has declared that a state of war exists between it and the Imperial German Government, Austria-Hungary, as ally of the German Empire, has decided to break off the diplomatic relations with the United States, and the Imperial and royal embassy in Washington has been instructed to inform the Department of State to that effect.

While regretting under these circumstances to see a termination of the personal relations which he has had the honor to hold with chargé d'affaires of the United States of America, the undersigned does not fail to place at the former's disposal herewith the passport for the departure from Austria-Hungary of himself and the other members of the embassy.

At the same time the undersigned avails himself of the opportunity to renew to the chargé d'affaires the expression of his most perfect consideration.

CZERNIN.

To Mr. JOSEPH CLARK GREW,
Chargé d'Affaires of the United States of America.

AUSTRO-GERMAN OPERATIONS AGAINST ITALY.

Until the present Austro-German drive in northern Italy, the Austrian forces were gradually being driven back by the forces of the Italian armies. With the assistance of German troops drawn from the Russian front a very serious catastrophy was inflicted upon the Italian arms, which if it had not been stemmed might have resulted in the total collapse of Italy. Such a result would have been a great blow to those with whom we are associated in this war, and as much to the United States as to any of her cobelligerents.

As a result of this situation the allies have rushed aid to Italy, and the United States is sending ships, money, and supplies, and will probably soon send troops, who will be facing and making war on Austrian soldiers, and before this takes place there should be a declaration of war, this country against Austria-Hungary.

The Italian situation is of the utmost importance in the present conduct of the war. A declaration of war by the United States against Austria-Hungary will hearten the people of Italy, who have been misled by the mischievous and deluding propaganda engineered by the Germans. It will strengthen from a military point of view the whole allied cause. These are strong reasons for a declaration of war against Austria-Hungary.

These considerations, and the fact that Austria-Hungary is adhering to the illegal and inhumane policy of ruthless submarine warfare, and is, as the committee believes, making war upon American vessels and American citizens upon the high seas, and other reasons which are not deemed necessary to recapitulate here, induced the committee to report unanimously the accompanying resolution declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and people of the United States and making provision to prosecute the same.

I shall therefore vote for the resolution in order to show the world we are united. [Applause.]

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. POWERS. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I would not take the time of the House in this matter, which I am sure will be practically unanimous, except for the fact that there have been times in the past when there were some misguided Americans who endeavored to formulate a doctrine that all parts of this country were not thoroughly in accord, as to this war, with the spirit of the American Nation. I am glad to-day to be able to testify, after this war has been going on with the Imperial German Government for some time, that the people of my section are thoroughly in accord with the patriotic utterances of the President here on Tuesday last. I represent in this House a portion of the city of St. Louis, where there are many thousands of men and women of German blood and ancestry, and after having had submitted to them every test, after having put to them every request of the President and of the Government for their support in furnishing men for the Army, subscribing to the bonds of the Government, in contributing to every cause connected with the war, I desire to say that they have more than met every test and more than doubled every request made of them. I am glad to-day to be here and to be permitted to speak in their behalf and say to this Congress and to the country that the city of St. Louis, one of the splendid municipalities of this Nation, is unanimously behind the President and behind the Government. [Applause.]

The few misguided Americans that we have in our city are not all men of German blood or of German extraction. They are of other nationalities, the same as we have in every other portion of the country, and the few that are there are no more in proportion to our great population than they are in any State of the Union. We, citizens of St. Louis, all propose to do that which every worthy American must do, and that is not only to stand up and say that we are going to do this or that for our country in this hour but, gentlemen, do it like men, giving the best that we have and giving it freely. Our country is at stake, and we are going to support the President. The patriotic utterances of the President on Tuesday last are the utterances of every true American, no matter from what section he hails, or to what party he belongs, and I have in the past and propose now and in the future to do the best I can to aid him in successfully carrying on the war. The man who opposes or who refuses to aid to the utmost his Government either in this House or in this country and gives utterance to anything except of pure and genuine patriotism is not worthy of the honor and privileges he enjoys and is not fit for American citizenship, and he should have it taken away from him and branded as an enemy of this Nation. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Chairman, since the 6th day of April last no measure more important to the winning of the great world war has come before Congress than that which is now under consideration.

Austria is extending every power to bring victory to Germany. She has committed numerous aggressions upon the United States, including the sinking of our ships by her submarines, each of such aggressions constituting an act of war. Undoubtedly our failure to declare the state of war with Austria at the time that Congress took that action with respect to Germany, which we had ample justification for doing, had a depressing, if not a disastrous, effect upon the fortunes of our gallant ally in the south of Europe—Italy.

But if we made an error, and a serious error, at that time, it is well that we correct it with the least delay possible to-day. Therefore this House will give a practically unanimous vote upon this momentous measure to-day, and again yield to the President every possible weapon which he may deem desirable with which to win the war.

It is a fine thing to witness this unanimity of loyalty and solidarity of support of the President in the carrying on of this supreme struggle for the freedom of the world without regard to party lines or political affiliations. All sections of our great country are equally loyal to the cause, and imbued with the spirit of self-sacrifice.

I have just returned from the great States beyond the Rockies and the Sierras that border upon the Pacific. The fires of patriotism are all alight from Puget Sound to the Mexican border.

I have never before seen my own great State of California so profoundly stirred and so nearly unanimous in any cause as it now is in the cause of our common country against the greed for world power of the central powers of Europe. California, with Oregon and Washington, are with their sister States of the Union in this great conflict, ready to make every sacrifice, however great, to win the war, and they will attest their devotion this day by voting "Aye" upon the joint resolution now before the House declaring war upon Austria-Hungary.

Our next step should be an early declaration of war upon Turkey and Bulgaria. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen, I take it that every Member of this House is for this resolution to recognize that a state of war exists between this Government and the Imperial and Royal Government of Austria-Hungary. I said every Member. I beg the pardon of the gentleman from New York [Mr. LONDON]. It strikes me that the gentleman from New York does not represent the poor people of the country that the Socialist Party has always presumed to stand for, but, according to his argument, ever since we went into this war in April last, if what he preaches were carried out, the Imperial Government of Germany, the masters of Austria, and those people who would continue to oppress the poor not only in Europe but would endeavor to come over here and plunder and oppress the poor people of this country, that class would be in

the saddle if the gentleman from New York had his argument carried out to its conclusion. Instead of the gentleman representing the poor people of this country as a Socialist, according to my conception of his argument, when we are rushing now waist deep in blood, he is representing flannel-mouthed anarchy, and all of those like him in high places, who pretend now to argue that this is a war of commerce and pelf and profit, are guilty of treason instead of statesmanship. [Applause.] If the argument of the gentleman from New York should be carried to its ultimate conclusion, he would now surrender everything that the poor people of the United States have and hand it over to the Kaiser and the lords of the Hapsburgs. He would have this country, instead of being a Government of free people, an adjunct of the Kaiser. He would have this country under the heel of autocratic oppression. It seems to me that those Socialists of the United States of whom the gentleman is a spokesman ought to repudiate him, as any Democratic constituency would repudiate and spew out of their mouth any pretended Democrat who would utter such a contemptible sentiment at this season of the war. [Applause.] The President is Commander in Chief of the Army and Navy of the country, and it is our business in this crisis to follow him. I lay aside my idea of a declaration of war on the barbarous countries of Turkey and Bulgaria. I do not know much about the Bulgarians. I want to say it is my personal opinion that of all the contemptible races that are allied against us in this war the Turks stand at the head of the list, and yet the gentleman from New York, who pretends to be the exponent of all that is good for the poor laboring people of this country, wants us to lie down and let these barbarians come over here, subjugate us, and put the poor people down to starvation wages, have them walking the streets begging for bread. He would have the poor farmer get nothing for his products, and the poor man in the shops that he pretends to love would be so poor that he would not have clothing to wear nor food to eat. Yet the gentleman has the audacity to rise up before 104,000,000 people and pretend that he represents Socialism. I understand socialism stands for something.

And what the gentleman tells us in this great crisis should be considered treason by the people whom he has the honor to represent. I do not know that the American people will stand for such talk as that now. In some sections of this country men in private life who would utter the sentiments that the gentleman from New York has uttered might be dealt with rather harshly. I think in the grand old State of Mississippi, where everybody worships God according to his conscience, the gentleman would be in some danger there making that statement. [Laughter and applause.] In the good old seventh district of Mississippi, a man who would go in there among those patriotic people and utter such sentiments as the gentleman from New York uttered here to-day would have a rough time on the platform among that good, honest, patriotic constituency. [Applause.] My friends, the time has come that the American Congress should not tolerate treasonable utterances on this floor.

Mr. SNYDER. Mr. Chairman, will the gentleman yield for a question?

Mr. QUIN. I will.

Mr. SNYDER. Does not the gentleman think he is considering the gentleman from New York too seriously?

Mr. QUIN. No, sir; I do not, because he is a spokesman of the Socialist Party on the floor of the House of Representatives. Any man who occupies the exalted position of a Member of the American Congress should be guarded in the language he uses for fear that the Kaiser and all those who surround him may be led to the view that in this great Republic of ours there is a division of sentiment, that there is perhaps a division suitable to the aims and ends of the Kaiser. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, some discussion has been indulged in here as to whether or not this resolution goes far enough. Some gentlemen have expressed the sentiment that other allies of Germany ought to be included in the pending resolution. Frankly expressing my own views, I am inclined to share that sentiment. My judgment is this war will never be won, as it must and will be, until we have whipped all of our enemies. I believe we have assumed the task of whipping Germany and each and all of her allies, and that we must and will accomplish the task. But I am perfectly willing to follow the guidance of that man who has guided us so well thus far. I will therefore content myself to vote for the resolution as it is and against any amendment, should one be offered, until such time as the President in his wisdom invites Congress to pass a similar resolution with respect to other countries.

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise.

Mr. COOPER of Wisconsin. Mr. Chairman, before the committee rises, I will ask the indulgence of the House to say just a word.

Mr. FLOOD. Mr. Chairman, I withdraw the motion.

The CHAIRMAN. The gentleman from Virginia withdraws his motion temporarily. The gentleman from Wisconsin [Mr. COOPER] is recognized.

Mr. COOPER of Wisconsin. Mr. Chairman, in view of the action of the Senate, just reported to the House, I appreciate the desire of Members to have the business here speedily ended, and therefore I shall take time only very briefly to outline the reasons which will control my vote on the resolution.

This Nation became a party to the war in Europe when, in April last, Congress declared the existence of a state of war between the United States of America and the Imperial German Government. Therefore the question now before us is not whether we shall vote to plunge this country into war, for already it has entered the war—this most gigantic, most terrible of wars—which for more than three years has been raging across the sea and never more fiercely raging than now, eight months after we became a party to it.

This being the situation, there is nothing for us as loyal American citizens to do except to adapt ourselves to its consequences. One of these consequences—an inevitable consequence of the situation—is that the Imperial and Royal Austro-Hungarian Government is our enemy, because it is, and throughout the war has been, the active, powerful ally of the Imperial German Government, to which it is bound by solemn treaty for purposes offensive and defensive. It is true that since declaring war against Germany we have professed to maintain an attitude of neutrality toward Austria, but that, Mr. Chairman, is a purely fictitious neutrality from which the pending resolution proposes to remove the mask. This resolution recognizes what all American citizens have long recognized, that the United States can not be at war with one nation and remain at peace with that nation's great ally.

The facts are irresistible. To me my duty is plain, and I shall vote for the resolution. [Applause.]

Mr. FLOOD. Mr. Chairman, I yield two minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Chairman, I take this time simply to state that any man upon the floor of this House or elsewhere who states that every member of the Socialist Party is opposed to the successful conduct of this war does not represent the loyal Socialists of this country who believe in certain economic and social principles but are loyal to the United States of America. I live in the county in which probably the greatest publication of the Socialist Party is published, The Appeal to Reason. The sons of the founder of that paper are thoroughly loyal to the United States and are for the prosecution of this war to a successful conclusion. [Applause.] They believe in doing everything essential for the successful conduct of the war. I do not believe that any man expresses the sentiments of the Socialists of this country who says that the Socialists are opposed to any measure or any declaration that would result in united action against the enemies of the United States or represents the real sentiment of those who adhere to certain economic and social principles advocated by the Socialist Party. The gentleman from New York [Mr. LONDON] may speak for himself and a few Socialists in New York City, but he does not speak for the midcontinent Socialists of the United States. They are loyal to the Government that has given them protection in the right to life, liberty, and the pursuit of happiness. They are for the prosecution of this war against all the enemies of the United States to a successful conclusion. [Applause.]

Mr. FLOOD. Mr. Chairman——

Mr. COOPER of Wisconsin. Mr. Chairman, there are two gentlemen who wish an opportunity to say a word, taking one minute each.

Mr. FLOOD. All right.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield two minutes to the lady from Montana [Miss RANKIN]. [Applause.]

Miss RANKIN. Mr. Chairman, I still believe that war is a stupid and futile way of attempting to settle international difficulties. I believe that war can be avoided and will be avoided when the people, the men and women in America, as well as in Germany, have the controlling voice in their Government.

To-day special privileged commercial interests are controlling the world. When we declared war on Germany we virtually declared war on Germany's allies. The vote we are now to cast is not a vote on a declaration of war. If it were, I should vote against it. This is a vote on a mere technicality in the prosecution of a war already declared. I shall vote for this, as I voted for money and for men. [Applause.]

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Virginia moves that the committee do now rise.

Mr. COOPER of Wisconsin. One moment. I promised the gentleman from Colorado [Mr. TIMBERLAKE] one minute.

The CHAIRMAN. The gentleman from Colorado is recognized for one minute.

Mr. TIMBERLAKE. Mr. Chairman and gentlemen, I came in late, thinking the general debate was not to close so early. I wanted to say before the vote was taken on this resolution, however, that I am in hearty accord with the same.

Having just returned from the war front I felt most keenly, however, that the duty of this country was to declare war not only on Germany, as our enemy, but also on all of the friends and allies of the German Empire. I found this expression among all the people with whom we came in contact during our recent trip in Europe, and especially did we find it reflected among those people in Italy who have suffered so much from the Austrian and Turkish drive. They felt that we were slow in attending to that part of this work.

I am in hearty accord with this resolution, but very much wish that it had been seen fit by the President, our Commander in Chief, to include Turkey and Bulgaria. [Applause.] But I bow to his will, and shall support heartily the resolution. [Applause.]

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration House joint resolution 169, declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States and making provision to prosecute the same, had come to no resolution thereon.

Mr. FLOOD. Mr. Speaker, Members of the House know that the Senate has already unanimously passed a resolution practically the same as House joint resolution 169. There is some difference in the preamble and a slight difference in the verbiage of the resolution. I ask unanimous consent that we may consider the Senate resolution in lieu of the House resolution, with a view to moving later to lay the House resolution on the table, so that we can vote on the Senate resolution and the matter will not have to go back to the Senate; and if we do that in a short time the Senate will wait in session for us, so that the matter can be concluded to-day, and the House can adjourn over until one day next week, as I understand the gentleman from North Carolina [Mr. KITCHIN] proposes to move.

The SPEAKER. The gentleman from Virginia asks unanimous consent that Senate joint resolution 111 be considered in lieu of House joint resolution 169, the two resolutions being almost identical.

Mr. BORLAND. Mr. Speaker, would the gentleman from Virginia not agree to have that read before his proposition is put? It is very brief.

Mr. FLOOD. I have no objection to its being read.

Mr. BORLAND. I think the Senate resolution ought to be read so that we can see what the difference is.

Mr. FLOOD. I have no objection to that.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 111) declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same.

Whereas the Imperial and Royal Austro-Hungarian Government has committed repeated acts of war against the Government and people of the United States of America: Therefore be it

Resolved, etc., That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government; and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none. Without objection, House resolution 169 will lie on the table.

There was no objection.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that we may vote on Senate joint resolution 111 without the formality of going into the Committee of the Whole House on the state of the Union.

Mr. CRISP. Consider it in the House as in Committee of the Whole.

Mr. FLOOD. Yes. I ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider this Senate resolution in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. FLOOD. I move the previous question, Mr. Speaker.

The SPEAKER. The gentleman from Virginia moves the previous question.

The previous question was ordered.

Mr. FLOOD. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on passing this resolution, and on that the gentleman from Virginia demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor will vote "yea"; those opposed will vote "nay" when their names are called.

The question was taken; and there were—yeas 365, nays 1, not voting 68, as follows:

YEAS—365.

Adamson	Dillon	Hayes	Merritt
Alexander	Dixon	Heaton	Miller, Wash.
Almon	Dominick	Heflin	Montague
Anderson	Dooling	Hensley	Moon
Anthony	Doolittle	Hersey	Moore, Pa.
Ashbrook	Doremus	Holland	Moores, Ind.
Aswell	Doughton	Hollingsworth	Morgan
Austin	Dowell	Hood	Morin
Ayres	Drukker	Houston	Mott
Bacharach	Dunn	Huddleston	Neely
Bankhead	Dupré	Hulbert	Nichols, Mich.
Barkley	Dyer	Hull, Iowa	Oldfield
Barnhart	Eagan	Hull, Tenn.	Oliver, Ala.
Bell	Edmonds	Humphreys	Oliver, N. Y.
Beshlin	Elliott	Igoe	Olney
Black	Ellsworth	Ireland	Osborne
Blackmon	Emerson	Jacoway	Overmyer
Blanton	Esch	James	Padgett
Booher	Estopinal	Johnson, Ky.	Paige
Borland	Fairchild, B. L.	Johnson, S. Dak.	Park
Brand	Fairchild, G. W.	Johnson, Wash.	Parker, N. Y.
Britten	Fairfield	Jones, Tex.	Peters
Brodbeck	Farr	Jones, Va.	Phelan
Browning	Ferris	Juul	Polk
Bruckner	Fess	Kahn	Porter
Brumbaugh	Fields	Kearns	Pou
Buchanan	Fisher	Keating	Powers
Burnett	Fitzgerald	Kelley, Mich.	Pratt
Butler	Flood	Kelly, Pa.	Price
Byrnes, S. C.	Flynn	Kennedy, Iowa	Purnell
Byrns, Tenn.	Focht	Kettner	Quin
Caldwell	Fordney	Key, Ohio	Rainey
Campbell, Kans.	Foss	Kiess, Pa.	Raker
Campbell, Pa.	Foster	Kincheloe	Ramsey
Candler, Miss.	Francis	King	Ramseyer
Cannon	Frear	Kinkaid	Randall
Cantrill	Freeman	Kitchin	Rankin
Caraway	French	Knutson	Rayburn
Carew	Fuller, Ill.	Kraus	Reed
Carlin	Fuller, Mass.	Kreider	Riordan
Carter, Okla.	Gandy	La Follette	Robbins
Chandler, N. Y.	Gard	Langley	Roberts
Chandler, Okla.	Garland	Larsen	Robinson
Church	Garner	Lazaro	Rodenberg
Clark, Fla.	Garrett, Tenn.	Lee, Ga.	Romjue
Classon	Garrett, Tex.	Lehlbach	Rose
Claypool	Gillett	Lenroot	Rouse
Coady	Glass	Lesher	Rowe
Collier	Glynn	Lever	Rubey
Connally, Tex.	Godwin, N. C.	Linthicum	Rucker
Connelly, Kans.	Good	Little	Russell
Cooper, Ohio	Goodwin, Ark.	Littlepage	Sabath
Cooper, W. Va.	Gordon	Lobeck	Sanders, Ind.
Cooper, Wis.	Gould	Lonergan	Sanders, La.
Copley	Graham, Ill.	Longworth	Sanders, N. Y.
Costello	Gray, Ala.	Lufkin	Sanford
Cox	Gray, N. J.	Lunn	Saunders, Va.
Crago	Green, Iowa	McAndrews	Schall
Cramton	Greene, Mass.	McArthur	Scott, Iowa
Crisp	Greene, Vt.	McCormick	Scott, Mich.
Crosser	Gregg	McCulloch	Scott, Pa.
Currie, Mich.	Griest	McFadden	Sells
Dale, N. Y.	Griffin	McKenzie	Shackleford
Dallinger	Hadley	McKeown	Shallenberger
Darrow	Hamill	McKinley	Sherley
Davidson	Hamilton, Mich.	McLaughlin, Pa.	Sherwood
Davis	Hamilton, N. Y.	McLemore	Shouse
Decker	Hamlin	Madden	Siegel
Dempsey	Hardy	Magee	Sims
Dent	Harrison, Miss.	Maher	Sinnott
Denton	Haskell	Mansfield	Sisson
Dewalt	Hastings	Mapes	Slayden
Dickinson	Haugen	Martin	Slemp
Dies	Hawley	Mays	Sloan
Dill	Hayden	Meeker	Small

Smith, Idaho	Swift	Voigt	White, Ohio
Smith, Mich.	Tague	Volstead	Williams
Smith, T. F.	Talbot	Waldow	Wilson, Ill.
Snell	Taylor, Ark.	Walker	Wilson, La.
Stiles	Temple	Walsh	Wilson, Tex.
Snyder	Templeton	Walton	Wingo
Stafford	Thomas	Ward	Winslow
Steagall	Thompson	Wason	Wise
Stedman	Tillman	Watkins	Wood, Ind.
Steele	Tilson	Watson, Pa.	Woods, Iowa
Steenerson	Timberlake	Watson, Va.	Woodyard
Sterling, Pa.	Towner	Weaver	Young, N. Dak.
Stiness	Van Dyke	Webb	Zihlman
Strong	Vare	Welling	The Speaker
Sullivan	Venable	Whaley	
Sumners	Vestal	Wheeler	
Sweet	Vinson	White, Me.	

NAYS—1.

London

NOT VOTING—68.

Bacon	Evans	Lea, Cal.	Ragsdale
Baer	Gallagher	Lundeen	Reavis
Bathrick	Gallivan	McClintic	Rogers
Bland	Goodall	McLaughlin, Mich.	Rowland
Bowers	Graham, Pa.	Mann	Scully
Browne	Harrison, Va.	Mason	Sears
Burroughs	Heintz	Miller, Minn.	Smith, C. B.
Capstick	Helm	Mondell	Stephens, Miss
Carter, Mass.	Helvering	Mudd	Stephens, Nebr.
Clary	Hicks	Nelson	Sterling, Ill.
Clark, Pa.	Hilliard	Nicholls, S. C.	Stevenson
Curry, Cal.	Howard	Nolan	Switzer
Dale, Vt.	Husted	Norton	Taylor, Colo.
Denison	Hutchinson	O'Shaunessy	Tinkham
Drane	Kehoe	Overstreet	Treadway
Eagle	Kennedy, R. I.	Parker, N. J.	Welty
Elston	LaGuardia	Platt	Young, Tex.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered in the affirmative.

Mr. MADDEN. Mr. Speaker, my colleague, Mr. MANN, is unavoidably absent on account of serious illness. I wish to announce that if he were present he would vote "yea."

The SPEAKER. All such announcements will be in order after the announcement of the vote.

Mr. PADGETT. Mr. Speaker, I wish to submit a request for unanimous consent. In view of the change in the hour for voting some Members were out during the roll call who have just come in, and I ask unanimous consent that all Members who appear before the announcement of the vote be permitted to vote. [Applause.]

The SPEAKER. The gentleman from Tennessee asks unanimous consent that because of the change in the hour for voting as announced any gentleman who appears now be permitted to vote. Is there objection?

There was no objection.

The Clerk called the names of Members appearing at the bar of the House, and they are recorded above.

So the joint resolution was passed.

The Clerk announced the following pair:

On this vote:

Mr. NORTON (for) with Mr. LUNDEEN (against).

The result of the vote was announced as above recorded.

On motion of Mr. FLOOD, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

Mr. COOPER of Wisconsin. Mr. Speaker, I am requested by the gentleman from Minnesota, Mr. MILLER, a member of the Committee on Foreign Affairs, who, as we know, voted to report the House resolution, to say to the House that he was unavoidably absent to-day, but if present he would have voted for the House resolution.

Mr. MADDEN. Mr. Speaker, I desire to announce on behalf of my colleague, Mr. MASON, who is ill at the hotel and unable to attend the House, that if present would have voted for the resolution.

Mr. SABATH. Mr. Speaker, I have a telegram from my colleague, Mr. GALLAGHER, who is absent with 10 or 11 other Members of Congress, that they hoped to be here to vote for the resolution, but it is apparently impossible for them to be here in time, and they desire to be recorded in favor of the resolution.

The SPEAKER. They can not be recorded, but the gentleman's announcement will stand.

Mr. SABATH. If they were here, they would vote for the resolution.

Mr. PHELAN. Mr. Speaker, my colleague, Mr. GALLIVAN, of Boston, is unavoidably detained. If here he would vote in favor of the resolution.

Mr. MOORE of Pennsylvania. Mr. Speaker, the gentleman from South Carolina, Mr. NICHOLLS, is with the Hawaiian party. If he had been present, he would have voted for the resolution.

Mr. GORDON. Mr. Speaker, I have a telegram from two Members of the House—the gentleman from South Carolina, Mr. NICHOLLS, and the gentleman from Ohio, Mr. WELTY, announcing that if they were present they would vote for the resolution, and I ask unanimous consent to place it in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The telegram is as follows:

GRAND ISLAND, NEBR., *December 6, 1917.*

Hon. WILLIAM GORDON, M. C.,
House of Representatives, Washington, D. C.:

All of us anxious to vote on war resolution in affirmative. Understand from newspaper reports vote may be reached Friday afternoon. Do not think if vote was put off until Saturday morning it would be prejudicial. Please use your influence to have it carried over until Saturday morning. All will appreciate it.

SAM J. NICHOLLS, *M. C.*
B. F. WELTY, *M. C.*

Mr. FERRIS. Mr. Speaker, I am authorized by my colleague, Mr. MCCLINTIC, to state that he would vote for the resolution. He is with the Hawaiian party.

Mr. CHANDLER of New York. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that every Member who spoke on the resolution be allowed to revise and extend his remarks.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SLOAN. Mr. Speaker, I desire to announce that my colleague, Mr. REAVIS, is in the Hawaiian party, but if here would vote for the resolution.

Mr. ZIHLMAN. Mr. Speaker, my colleague, Mr. MUDD, is a member of the Hawaiian party and has advised me that if present he would vote for the resolution.

Mr. SIEGEL. Mr. Speaker, my colleague, Mr. LAGUARDIA, is on the Italian front, but if here would vote for the resolution.

Mr. AYRES. Mr. Speaker, my colleague, Mr. HELVERING, is unavoidably absent, but if present would vote for the resolution.

Mr. SMITH of Michigan. Mr. Speaker, my colleague, Mr. MCLAUGHLIN, is absent on the Hawaiian delegation, but if present would vote for the resolution.

Mr. WOOD of Indiana. Mr. Speaker, my colleague, Mr. BLAND, is with the Hawaiian party, but if here would vote for the resolution.

Mr. WASON. Mr. Speaker, my colleague, Mr. BURROUGHS, is unavoidably absent, but if present would vote in favor of the resolution.

Mr. YOUNG of South Dakota. Mr. Speaker, the gentleman from North Dakota, Mr. BAER, who is unavoidably absent, wires me that if present he would vote for the resolution.

Mr. GREENE of Vermont. Mr. Speaker, my colleague, Mr. DALE, is returning from the war zone in Europe. If present, he would vote for the resolution.

Mr. LANGLEY. Mr. Speaker, the gentleman from West Virginia, Mr. BOWERS, is unavoidably absent, but if here he would vote for the resolution.

Mr. WILLIAMS. Mr. Speaker, my colleague, Mr. DENISON, is unavoidably absent, but if here he would vote in favor of the resolution.

Mr. FLOOD. Mr. Speaker, my colleague, Mr. HARRISON of Virginia is absent on a visit to his son, who has been three months serving his country as a soldier, and to-day is the only opportunity for him to see him. If present, he would vote for the resolution.

Mr. LOBECK. Mr. Speaker, I wish to announce that the gentleman from Nebraska, Mr. STEPHENS, if here to-day would vote in favor of this resolution. He is unavoidably absent, having just returned from Europe.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that all gentlemen have five legislative days to extend their remarks in the RECORD on this resolution.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that all Members have five legislative days to extend remarks in the RECORD on the resolution. Is there objection?

There was no objection.

Mr. STINESS. Mr. Speaker, my colleague, Mr. KENNEDY of Rhode Island, is unavoidably absent, but if present would vote for the resolution.

Mr. GILLETT. Mr. Speaker, I was requested to announce the names of certain gentlemen in the Hawaiian party, who are on the train and who will get here to-morrow morning, who are anxious to vote for the resolution. It may be that some of them

have been covered. They are the gentleman from Massachusetts, Mr. TREADWAY, the gentleman from Pennsylvania, Mr. TEMPLE, the gentleman from New York, Mr. PLATT, the gentleman from Nebraska, Mr. REAVIS, the gentleman from Massachusetts, Mr. CARTER, the gentleman from Maine, Mr. GOODALL, and the gentleman from Indiana, Mr. BLAND.

Mr. EAGAN. Mr. Speaker, I desire to announce that I have just heard that my colleague from New Jersey, Mr. SCULLY, missed his train on his way to Washington, and I wish to state that if he had been present he would have voted "aye" on the war resolution to-day.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Illinois, Mr. MCCORMICK, as we all know, went last summer on a visit to the battle fronts in Europe. He remained there during the latter part of the summer and a portion of the fall. He witnessed some of the great battles. He was in the battle front in France, and he also saw the terrific drive in Italy. I ask unanimous consent that immediately after the reading of the Journal on Friday of next week he be permitted to address the House for one hour on his experiences on the battle front. [Applause.]

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that next Friday, immediately after the reading of the Journal and the disposition of papers on the Speaker's table, the gentleman from Illinois [Mr. MCCORMICK] be permitted to address the House for not exceeding one hour. Is there objection?

Mr. LANGLEY. Mr. Speaker, I do not want to object to that, and I am anxious to hear the gentleman because I know he will give us interesting and valuable information, but I desire to call to the attention of the House the fact that Friday is private pension day. I wondered if that would interfere with it.

The SPEAKER. Oh, there will be plenty of time.

Mr. LANGLEY. I just wanted to call attention to it, because this is the first private pension bill of this Congress and I do not want to see that delayed. Most of the cases carried in the bill are those of old soldiers who will not live much longer.

The SPEAKER. The Chair hears no objection, and it is so ordered.

APPROPRIATIONS, ETC.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Expenditures in the State Department and ordered to be printed:

To the House of Representatives:

I transmit herewith a statement by the Secretary of State, with accompanying papers, of appropriations, expenditures, and balances of appropriations under the Department of State for the fiscal year ended June 30, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

EXCHANGE OF TYPEWRITING MACHINES (H. DOC. NO. 536).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered printed:

To the House of Representatives:

I transmit herewith a statement by the Secretary of State showing exchange of typewriting machines made by his department in part payment for new machines during the fiscal year ended June 30, 1917, as required by section 5 of the act approved March 4, 1915 (38 Stat. L., 1161).

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

PEOPLE OF THE PHILIPPINE ISLANDS (S. DOC. NO. 124).

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered to be printed.

To the Senate and House of Representatives:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith a set of the laws enacted by the Fourth Philippine Legislature during its first session, from October 16, 1916, to February 8, 1917, inclusive, and its special session, from February 12 to 22, 1917, inclusive.

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

AERONAUTICS (S. DOC. NO. 123).

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of the Congress, the Third Annual Report of the National Advisory Committee for Aeronautics, including a statement of the expenditures to June 30, 1917.

The estimates of the committee, together with its plans for enlarged activities contemplated through its laboratories and scientific staff at Langley Field, outlined in the closing paragraphs of the report have my hearty approval.

The attention of the Congress is also invited to the request of the committee that the appendixes to its report be published with the report.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

NAVY YARDS AND NAVAL STATIONS (H. DOC. NO 1046, PT. 5, 64TH CONG., 2D SESS.).

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Naval Affairs and ordered printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress Report No. 5 of the Commission on Navy Yards and Naval Stations.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

CIVIL SERVICE COMMISSION (H. DOC. NO. 622).

The SPEAKER also laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on Reform in the Civil Service and ordered printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress the thirty-third and thirty-fourth annual reports of the United States Civil Service Commission for the fiscal years ended June 30, 1916, and June 30, 1917.

The attention of the Congress is especially invited to the needs of the commission as set forth in these reports.

WOODROW WILSON.

THE WHITE HOUSE, *December 7, 1917.*

FOOD CONTROL IN ENGLAND.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to print in the RECORD a digest of the defense of the realm act of Great Britain, particularly that part pertaining to food control, together with some comment thereon.

The SPEAKER. The gentleman from Washington asks unanimous consent to print in the RECORD the English statute referred to. Is there objection?

Mr. LENROOT. Mr. Speaker, I would inquire the length of it?

Mr. JOHNSON of Washington. I have a digest of the entire defense of the realm act, and I shall pick out certain portions of the statute pertaining to the control of food and undertake to show how punishments are meted out. It is of reasonable length.

The SPEAKER. Is there objection?

There was no objection.

POST OFFICE APPROPRIATION BILL.

Mr. MOON, by direction of the Committee on the Post Office and Post Roads, reported the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year 1919, and for other purposes, which was read the first and second time and, with the accompanying report (No. 205), referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. MOON. Mr. Speaker, I ask unanimous consent that I may be permitted to file the report some time before midnight to-night.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Minnesota reserves all points of order on the bill.

CHANGE OF REFERENCE.

By unanimous consent, at the request of Mr. MOON, reference of House Document 505, being a letter from the Postmaster

General respecting the proposed 5 and 10 per cent increase in the salary of the postal employees, was changed from the Committee on Appropriations to the Committee on the Post Office and Post Roads.

DROUGHT RELIEF.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent for a change of reference of the drought-relief bill, H. R. 6529, from the Committee on Appropriations to the Committee on Agriculture.

The SPEAKER. Is it a public or a private bill?

Mr. BLANTON. It is a public bill.

The SPEAKER. That change may be made when the request is made by the chairman of the committee after he is authorized to do so by the committee.

Mr. BLANTON. I will take it up with the chairman and the Appropriation Committee.

COMMITTEE ON ELECTIONS NO. 1.

Mr. WILSON of Louisiana. Mr. Speaker, I ask unanimous consent that, beginning Monday next, the Committee on Elections No. 1 be authorized to sit during the sessions of the House.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr GREEN of Iowa. Mr. Speaker, I desire to ask unanimous consent to extend my remarks by inserting in the RECORD a letter which I have written to the Commissioner of Internal Revenue, in which I have undertaken to show, under the decisions of law in general, that the salaries of Congressmen are not exempt from the excess-profits tax, and that all of this outcry about Congress having exempted the salaries of its Members from that tax is unjustifiable.

The SPEAKER. What is the request? The Chair did not hear a word of it.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter which I have written to the Commissioner of Internal Revenue, the purport of which I have just stated to the House.

The SPEAKER. Is there objection?

Mr. FOCHT. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman where there has been any outcry about this tax among the Members or where there would be an outcry among the Members if their salaries were doubled. However, I do not object.

The SPEAKER. The gentleman from Iowa asks unanimous consent to print in the CONGRESSIONAL RECORD a letter which he wrote to the Commissioner of Internal Revenue about whether or not Congressmen's salaries were exempt from the income tax and the excess-profits tax. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO ADDRESS THE HOUSE.

Mr. LITTLE. Mr. Speaker, Congressman MILLER, of Seattle, Wash., has been on the firing line in France with the other Congressmen. He was one of the group that was under fire. Mr. MILLER has a West Point education and might bring some things before the body which the rest of us would not be able to do, and I therefore ask unanimous consent that he follow Mr. MCCORMICK on next Friday for an hour.

The SPEAKER. The gentleman from Kansas [Mr. LITTLE] asks unanimous consent that next Friday, after Congressman MCCORMICK gets through, that the gentleman from Washington [Mr. MILLER] be permitted to address the House about his war experiences, not to exceed one hour. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT OVER.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Tuesday next. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of waterways and transportation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks on the subject of water transportation and waterways. Is there objection? [After a pause.] The Chair hears none.

CONTESTED-ELECTION CASE—BEAKES V. BACON.

Mr. WATSON of Virginia. Mr. Speaker, I desire to give notice to the House that on Thursday of next week I shall call up the contested-election case of Beakes against Bacon, second Michigan district. The report of the Committee on Elections in this case was filed October 5. As far as I know, Mr. Speaker, the report represents the unanimous conviction of the committee. It is my wish, sir, that the matter be disposed of before the Christmas holidays, and after consultation with Members of the House I am satisfied that Thursday of next week will be as convenient a time for the consideration of this question as any other day which could be selected.

Mr. STAFFORD. Will the gentleman yield?

Mr. WATSON of Virginia. I will.

Mr. STAFFORD. I understood from the leader of the majority that the program was to take up the Post Office appropriation bill on next Tuesday. I assume that the gentleman's request will not interfere with the consideration of the Post Office appropriation bill.

Mr. KITCHIN. I rather think that whatever day is fixed for the contested-election case should be given for that purpose, because everybody will know that that is the day set.

Mr. STAFFORD. The gentleman knows that it is rarely the practice to hold up a bill that is unfinished in its consideration for other matters. Does not the gentleman think this should follow the consideration of the appropriation bill?

Mr. KITCHIN. I think we can get through with the Post Office appropriation bill on Tuesday and Wednesday. I think the House will suspend Calendar Wednesday for that purpose.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to joint resolution of the following title:

S. J. Res. 111. Joint resolution declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p. m.) the House, under its previous order, adjourned to meet on Tuesday next, December 11, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required to complete Dock No. 6 at Cristobal, Canal Zone (H. Doc. No. 519); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department for rent of buildings for the fiscal year 1918 (H. Doc. No. 520); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Engineer Department of the Army for the prevention of deposits in the harbor of New York for the fiscal year 1918 (H. Doc. No. 521); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Engineer Department of the Army for maintenance and repair of searchlights and equipment for seacoast fortifications for the fiscal year 1918 (H. Doc. No. 522); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the captain commandant of the Coast Guard submitting a supplemental estimate required for the purchase of land and improvements on the water front at Sault Ste. Marie, Mich., for the use of the Coast Guard (H. Doc. No. 523); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of Labor, transmitting a statement of typewriters, adding machines, and other labor-saving devices exchanged in part payment for new machines by the Department of Labor during the fiscal year ended June 30, 1917 (H. Doc. No. 524); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Forked River, Tenn., from Dyersburg to its mouth (H. Doc. No. 525); to the Committee on Rivers and Harbors and ordered to be printed.

8. A letter from the chairman of the Interstate Commerce Commission, transmitting the thirty-first annual report of the Interstate Commerce Commission (H. Doc. No. 509); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

9. A letter from the Public Printer, transmitting statement relative to purchase, exchange, and repair of typewriting machines in the Government Printing Office covering the period from July 1, 1916, to June 30, 1917 (H. Doc. No. 526); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Librarian of Congress, transmitting annual report as Librarian of Congress and the annual report of the superintendent of the Library buildings and grounds for the fiscal year ending June 30, 1917 (H. Doc. No. 586); to the Committee on the Library and ordered to be printed.

11. A letter from the Secretary of the Interior, transmitting sixteenth annual report of the Reclamation Service (H. Doc. No. 527); to the Committee on Irrigation of Arid Lands and ordered to be printed.

12. A letter from the Attorney General, transmitting annual report of the Attorney General of the United States (H. Doc. No. 595); to the Committee on the Judiciary and ordered to be printed.

13. A letter from the Secretary of the Interior, transmitting copy of letter from Messrs. Hoyt & Mason, counselors at law, New York, N. Y., inclosing copy of the report of the Maritime Canal Co., of Nicaragua (H. Doc. No. 528); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting draft of legislation for the sale of three abandoned customs boarding stations at New Orleans, La. (H. Doc. No. 529); to the Committee on Public Buildings and Grounds and ordered to be printed.

15. A letter from the secretary of the Aircraft Board, transmitting a report of the salaries paid to clerks and employees by grades, and the number in each grade (H. Doc. No. 530); to the Committee on Expenditures in the War Department and ordered to be printed.

16. A letter from the Secretary of the Treasury, transmitting draft of proposed legislation transferring a certain portion of land on Fayette Street, at the southeast corner of the Federal building site, Baltimore, Md., to the city of Baltimore, Md. (H. Doc. No. 531); to the Committee on Public Buildings and Grounds and ordered to be printed.

17. A letter from the Secretary of the Treasury, transmitting draft of proposed legislation authorizing the Secretary of the Treasury to accept a correctionary deed to the United States to certain land in the city of New York, N. Y., for a post-office building site (H. Doc. No. 532); to the Committee on Public Buildings and Grounds and ordered to be printed.

18. A letter from the Secretary of the Treasury, transmitting draft of proposed legislation recommending that authority be given to the Secretary of the Treasury to transfer the old Subtreasury property at San Francisco, Cal., to the War Department for the use of the Engineer Corps (H. Doc. No. 533); to the Committee on Public Buildings and Grounds and ordered to be printed.

19. A letter from the Secretary of the Interior, transmitting statement showing the receipts from rentals, extension of the Capitol Grounds for the period December 1, 1916, to December 1, 1917 (H. Doc. No. 534); to the Committee on Public Buildings and Grounds and ordered to be printed.

20. A letter from the secretary of the Federal Trade Commission, transmitting statement of increased compensation paid employees of Federal Trade Commission during the period July 1, 1917, to September 30, 1917 (H. Doc. No. 535); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 6176) to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia, reported the same with amendment, accompanied by a report (No. 204), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 7219) for equipment and maintenance allowance for carriers on rural free delivery mail routes, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: A bill (H. R. 7220) to extend the time for the completion of the municipal-bridge approaches and extensions or additions thereto by the city of St. Louis, within the States of Illinois and Missouri; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: A bill (H. R. 7221) for the payment of certain soldiers' claims growing out of service in the Army as reported by the Court of Claims, known as three-months' pay claims; to the Committee on War Claims.

By Mr. KEATING: A bill (H. R. 7222) to promote the welfare of industries and wage earners of the United States; to extend the United States employment service in the Department of Labor; and for other purposes; to the Committee on Labor.

By Mr. PARK: A bill (H. R. 7223) to increase the limit of cost for the purchase of a site and the erection thereon of a public building at Moultrie, in the State of Georgia; to the Committee on Public Buildings and Grounds.

By Mr. SINNOTT: A bill (H. R. 7224) to amend section 14 of the food-control act, approved August 10, 1917, by providing for the maintenance of United States agents to grade and accept wheat in the States of Oregon and Washington, and to make immediate payment therefor; to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 7225) providing for the transfer to the custody and control of the War Department property in San Francisco, Cal., known as the old Subtreasury property; to Committee on Public Buildings and Grounds.

By Mr. VAN DYKE: A bill (H. R. 7226) to reclassify the grades and fix the salaries of railway postal clerks; to the Committee on the Post Office and Post Roads.

By Mr. FERRIS: A bill (H. R. 7227) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes; to the Committee on the Public Lands.

By Mr. KINKAID: A bill (H. R. 7228) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 7229) providing for an increase of authorization for a Federal building at Kenton, in the State of Ohio; to the Committee on Public Buildings and Grounds.

By Mr. RANDALL: A bill (H. R. 7230) to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LOBECK: A bill (H. R. 7231) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

By Mr. KEARNS: A bill (H. R. 7232) to increase the rates of pensions of certain enlisted men, soldiers, and officers, who served in the Civil War; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 7233) appropriating the sum of $500 for the erection of a suitable monument over the grave of the Indian "Spokane Garry"; to the Committee on Indian Affairs.

By Mr. KEATING: A bill (H. R. 7234) providing that the same war taxes on incomes and salaries shall apply to salaried officers of the United States, including Senators and Representatives in Congress, as upon all other persons subject to tax; to the Committee on Ways and Means.

By Mr. FOSTER: A bill (H. R. 7235) to provide for the uniform selection and purchase of fuel to be used in the United States; to the Committee on Mines and Mining.

By Mr. SMITH of Idaho: A bill (H. R. 7236) to amend an act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes, approved May 11, 1898; to the Committee on the Public Lands.

By Mr. MOON: A bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. PARK: Resolution (H. Res. 189) authorizing the Clerk of the House to employ counsel to represent him in the suit brought against him by Aaron P. Prioleau; to the Committee on Accounts.

By Mr. GILLETT: Joint resolution (H. J. Res. 177) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. FREAR: Joint resolution (H. J. Res. 178) creating a commission to report a plan for the adoption of a national budget system; to the Committee on Rules.

By Mr. CANDLER of Mississippi: Joint resolution (H. J. Res. 179) amending section 201 of the act entitled "An act to provide

revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. TAGUE: Joint resolution (H. J. Res. 180) for the relief of the sufferers from the recent explosion at Halifax, Nova Scotia; to the Committee on Appropriations.

By Mr. SABATH: Joint resolution (H. J. Res. 181) providing that Bohemians, Moravians, Slovaks, Roumanians, Poles, Ruthenians, Serbs, Croatians, Slovenes, and Italians be, and are, specifically excluded from the classification of alien enemies, as subjects of Austria-Hungary; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 7238) granting an increase of pension to Benjamin F. Ford; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 7239) granting a pension to Claude A. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 7240) to remove the charge of desertion from the name of Bruce W. Luckingbill; to the Committee on Military Affairs.

By Mr. BURROUGHS: A bill (H. R. 7241) granting an increase of pension to George M. Loring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7242) granting a pension to Howard P. Hare; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 7243) granting an increase of pension to Henry Strassner; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 7244) to pay John E. Bolden for services rendered the United States Army from April 4, 1865, to and including July 15, 1865; to the Committee on War Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 7245) granting a pension to James Green; to the Committee on Pensions.

Also, a bill (H. R. 7246) granting a pension to William Strope; to the Committee on Invalid Pensions.

By Mr. CLARK of Pennsylvania: A bill (H. R. 7247) granting a pension to Eliza Mead; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 7248) granting a pension to Eliza Greten; to the Committee on Invalid Pensions.

By Mr. CONNELLY of Kansas: A bill (H. R. 7249) granting an increase of pension to Beebe Newlon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7250) granting an increase of pension to Joseph H. Woollen; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 7251) granting a pension to Mary A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7252) granting a pension to Esther M. James; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 7253) for the relief of F. M. Barfield; to the Committee on Claims.

By Mr. DENISON: A bill (H. R. 7254) granting a pension to Thomas Nevit Ferguson; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 7255) granting an increase of pension to Capt. Albert Downing; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7256) granting an increase of pension to Richard Howe; to the Committee on Pensions.

Also, a bill (H. R. 7257) granting a pension to Mary Wilbanks; to the Committee on Pensions.

Also, a bill (H. R. 7258) granting a pension to Henry P. Redfearn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7259) granting a pension to Samuel C. Highsmith; to the Committee on Pensions.

By Mr. FREAR: A bill (H. R. 7260) granting a pension to Jennie Holloway Gibbons; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 7261) granting an increase of pension to James S. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7262) granting an increase of pension to Hezekiah W. Kelley; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 7263) for the relief of John Moriarty; to the Committee on Military Affairs.

By Mr. GODWIN of North Carolina: A bill (H. R. 7264) granting an increase of pension to Josiah Vanscyoe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7265) granting an increase of pension to J. W. Vandine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7266) granting an increase of pension to Charles Shaffer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7267) granting an increase of pension to James L. T. Sharp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7268) granting an increase of pension to Levi Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7269) granting an increase of pension to Franklin Manning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7270) granting an increase of pension to Asbery Mayfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7271) granting an increase of pension to James N. McHenry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7272) granting an increase of pension to Andrew J. Gaskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7273) granting an increase of pension to William L. Faucett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7274) granting an increase of pension to Levi Brock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7275) granting an increase of pension to John P. Hardin; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 7276) for the relief of Henry W. Elliott; to the Committee on Claims.

By Mr. HAYDEN: A bill (H. R. 7277) for the relief of Albert O. Brown; to the Committee on the Public Lands.

By Mr. HOLLINGSWORTH: A bill (H. R. 7278) granting an increase of pension to Samuel Gooding; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 7279) granting an increase of pension to Andrew R. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7280) granting an increase of pension to George B. Earll; to the Committee on Invalid Pensions.

By Mr. JUUL: A bill (H. R. 7281) for the relief of Fred Schroeder; to the Committee on Claims.

Also, a bill (H. R. 7282) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 7283) for the relief of Peter Boragni; to the Committee on War Claims.

Also, a bill (H. R. 7284) for the relief of Charles Hellyer; to the Committee on Claims.

By Mr. KRAUS: A bill (H. R. 7285) granting a pension to Malick W. Carson; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 7286) granting an increase of pension to William H. Snedaker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7287) granting an increase of pension to Henry Howe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7288) granting an increase of pension to Richard D. Cleaver; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 7289) for the relief of Henry P. Kinney; to the Committee on Military Affairs.

By Mr. KINKAID: A bill (H. R. 7290) granting an increase of pension to James Stout; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 7291) granting a pension to Annie M. Easland; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 7292) granting an increase of pension to John Kloz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7293) granting a pension to Polly Kiff; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 7294) granting a pension to Elwood C. Finney; to the Committee on Pensions.

Also, a bill (H. R. 7295) granting a pension to Sarah E. Farrall; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 7296) granting a pension to Arthur Chappell; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 7297) granting a pension to Seymour McDonough; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 7298) granting an increase of pension to John P. Hardin; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 7299) granting a pension to Samuel N. Munro; to the Committee on Pensions.

Also, a bill (H. R. 7300) granting a pension to Jake Blizzard; to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 7301) granting a pension to Marion W. Young; to the Committe on Invalid Pensions.

Also, a bill (H. R. 7302) granting a pension to Sarah L. Rowley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7303) granting a pension to Mary K. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7304) granting a pension to Melissa C. Hester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7305) granting an increase of pension to Samuel S. Garst; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7306) granting an increase of pension to Henry Galbraith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7307) granting an increase of pension to William L. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7308) granting an increase of pension to Joseph Burkhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7309) granting an increase of pension to H. McFarlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7310) to remove the charge of desertion from the record of George W. Johnson; to the Committee on Military Affairs.

By Mr. RUSSELL: A bill (H. R. 7311) granting an increase of pension to William M. Bass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7312) granting a pension to T. McElvaney; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 7313) granting an increase of pension to Emaguire Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7314) granting an increase of pension to Henry C. Eastep; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 7315) granting a pension to Francis McCloe; to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 7316) granting an increase of pension to Ellen Strong; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 7317) granting a pension to Edward P. Gallagher; to the Committee on Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 7318) granting an increase of pension to James C. Weller; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 7319) granting a pension to James Edwards; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 7320) granting a pension to Mary E. Cram; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 7321) for the relief of Henry Borrowes; to the Committee on Naval Affairs.

By Mr. WHEELER: A bill (H. R. 7322) granting a pension to Otis H. Sidener; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYRNS of Tennessee: Papers to accompany House bill 7243; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: Petition of residents of Conneaut, Ohio, urging increased compensation and retirement on pensions for lighthouse keepers and assistants; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of New York: Petition of Technology Sales Co., New York, against reducing postage rates to publishers; to the Committee on Ways and Means.

Also, petition of sundry citizens of New York against national prohibition; to the Committee on the Judiciary.

Also, memorial of Lithuanians of the State of New York; asking independence of Lithuania; to the Committee on Foreign Affairs.

By Mr. DRUKKER: Petition of the seventh district branch of the National Woman's Party, favoring the national suffrage amendment; to the Committee on the Judiciary.

Also, petition of Branch No. 120, National Association Letter Carriers, of Paterson, N. J., favoring increases in salaries of postal employees; to the Committee on the Post Offices and Post Roads.

Also, petition of branch of the National Security League, of Passaic, N. J., pledging support to the Government and favoring legislation to punish persons connected with pro-German activities; to the Committee on Military Affairs.

By Mr. ELLIOTT: Papers to accompany House bill 7197, granting increase of pension to W. J. Nash; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7194, granting increase of pension to Robert O. Jones; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7196, granting increase of pension to James Brooks; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7195, granting increase of pension to Elisha L. Powers; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petitions of S. S. Warren, A. D. Joiner, H. S. Hooker, C. E. Roose, V. H. Bellendorf, G. W. Stevenson, and C. L. Teach, of Sycamore, Ill., favoring House bill 1654, to increase salaries of post-office employees; to the Committee on the Post Office and Post Roads.

Also, memorial of Sandwich (Ill.) Chapter of American Red Cross, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Haddorff Piano Co., of Rockford, Ill., protesting against the repeal of the provisions of the war-revenue act relating to postage rates on second-class matter; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of O. F. Berry and sundry other citizens, of Hancock County, Ill., favoring the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

By Mr. HADLEY: Petition of T. J. Stitt, keeper Burns Island station, praying for increase of salaries to lighthouse keepers and assistants; to the Committee on Appropriations.

By Mr. HILLIARD: Petitions of Park Hill Methodist Episcopal Church, A. E. Blakesly, Mrs. A. E. Blakesly, Emma Dieter, Laura C. Dieter, Thomas C. Love, and 25 others, all of Denver, Colo., favoring passage of national prohibition amendment; to the Committee on the Judiciary.

By Mr. HOLLINGSWORTH: Memorial of John J. McKeever and 13 other letter carriers, asking increase of salaries; to the Committee on the Post Office and Post Roads.

By Mr. IRELAND: Petition of M. T. English and sundry other citizens of Peoria County, Ill., favoring the use of soft corn in the manufacture of distilled spirits; to the Committee on Agriculture.

By Mr. KENNEDY of Rhode Island: Petition of Dr. Jeannie O. Arnold, of Providence, R. I., opposing woman-suffrage legislation at this time; to the Committee on the Judiciary.

Also, petition of Mrs. Charles E. Gardiner, of Providence, R. I., opposing woman suffrage; to the Committee on the Judiciary.

By Mr. KING: Petition of 200 persons, representing four churches, of Liberty, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of Department of Pharmacy, University of Maryland, favoring bill for a pharmaceutical corps in the United States Army; to the Committee on Military Affairs.

Also, petition of C. Read & Co., A. Bokel Co., and Remie Salmon Co., against lowering postage rate on second-class matter; to the Committee on Ways and Means.

Also, memorial of Young People's Society of Grace United Evangelical church, of Baltimore, Md., favoring amendment to prohibit exportation of liquor to Africa; to the Committee on Alcoholic Liquor Traffic.

Also, petition of sundry citizens of Baltimore, Md., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of Beer Drivers, Chauffeurs, and Stablemen's Local Union, No. 173, and the joint board of brewery workmen, of Baltimore, opposing constitutional prohibition; to the Committee on the Judiciary.

Also, memorial of the Maryland Association Opposed to Woman Suffrage, of Baltimore, Md., opposing the suffrage amendment; to the Committee on Woman Suffrage.

Also, memorial of Post Office Clerks' Association of Baltimore, Md., praying for a 25 per cent increase in salary for post-office employees up to and including the $1,500 grade; to the Committee on the Post Office and Post Roads.

Also, petition by Ernest R. Robinson and 12 other citizens of Baltimore, Md., favoring House bill 1654, providing for increased salaries; to the Committee on the Post Office and Post Roads.

By Mr. LUFKIN: Memorial of the city government of Haverhill, Mass., favoring the passage of the Madden bill, providing an increase in salary for post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Post No. 106, Grand Army of the Republic, of Rockport, Mass., and Post No. 34, Grand Army of the Republic, of Salem, Mass., praying for legislation increasing the rate of pension allowed to veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. MEEKER: Memorial of the board of directors of the Merchants' Exchange of the city of St. Louis, Mo., praying for an extension of time for the completion of the approaches, extensions, etc., as authorized by the act of June 25, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: Petition of sundry citizens, members of Elmwood Christian Church, of Providence, R. I., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SMITH of Michigan: Petition of H. B. Hutchins and 54 citizens of Ann Arbor, Mich., favoring House bill 5531, for pharmaceutical corps in the Army; to the Committee on Military Affairs.

Also, petition of Cassius Alexander and 52 citizens of Grand Ledge, Mich., and 2 citizens of Lansing, Mich., favoring the passage of the Moore Purple Cross bill (H. R. 5410); to the Committee on Military Affairs.

By Mr. SNELL: Resolution of the Christian Service Class of the Elizabethtown Baptist Church, Elizabethtown, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STRONG: Memorial of the Methodist Episcopal Church, Ford City; letters from F. J. Haney, Apollo; C. M. Kirkland, Apollo; E. E. Slaugenhaupt, Pollock; H. P. Smith, Worthington; W. C. Work, West Lebanon; H. Heffner, Leeper; S. P. Butler, Dayton; Ira E. Lower, New Bethlehem, all of the State of Pennsylvania, favoring the prohibition amendment to the National Constitution; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of Rolla L. Clark, of Uxbridge, Mass., favoring the prohibition constitutional amendment; to the Committee on the Judiciary.

Also, memorials of First Baptist Church, the Oak Hill Baptist Church, John Street Baptist Church, Second Lutheran Church, Methodist Episcopal Church, and the Trowbridge Memorial Church, of Worcester, Mass.; and the Massachusetts State Federation of Women's Clubs, favoring the prohibition constitutional amendment; to the Committee on the Judiciary.

Also, petition of Dr. U. Waldo Cutler, of Worcester, Mass., favoring the prohibition amendment to the Federal Constitution; to the Committee on the Judiciary.

SENATE.

MONDAY, *December 10, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy guidance and blessing for this day, at a time when the fate of nations may depend upon the policy of this Nation and when the life of a thousand boys may hang upon a word in this Chamber. We can face responsibilities so great only as we are guided and inspired and directed by the Holy Spirit of God. Fit us for the solemn and responsible duties of this day. May our hearts be right toward God and our hands clean in the work that Thou hast committed to us; and do Thou all things through us according to Thy will and for the accomplishment of Thy purpose in us as a Nation. For Christ's sake. Amen.

HIRAM W. JOHNSON, a Senator from the State of California; ANDRIEUS A. JONES, a Senator from the State of New Mexico; CHARLES L. MCNARY, a Senator from the State of Oregon; MILES POINDEXTER, a Senator from the State of Washington; and LAWRENCE Y. SHERMAN, a Senator from the State of Illinois, appeared in their seats to-day.

The Secretary proceeded to read the Journal of the proceedings of Friday, December 7, 1917, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

STATEMENT OF EXPENDITURES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a statement of expenditures to December 1, 1917, under section 8 of the act of Congress approved April 24, 1917, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ANNUAL REPORT OF UNITED STATES TARIFF COMMISSION.

The VICE PRESIDENT laid before the Senate the first annual report of the United States Tariff Commission, which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

EXCHANGE OF TYPEWRITERS.

The VICE PRESIDENT laid before the Senate a communication from the Civil Service Commission, transmitting, pursuant to law, a statement showing the typewriters, adding machines, and other labor-saving devices exchanged in part payment for new machines during the fiscal year 1917, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. JAMES. I present petitions numerously signed by citizens of Crittenden, Hardin, Knox, Pulaski, Bell, Robertson, Fleming, Franklin, Woodford, Scott, Grayson, Meade, Marion, and Bullitt Counties, all in the State of Kentucky, praying for the passage of the woman suffrage constitutional amendment. I move that the petitions be referred to the Committee on Woman Suffrage.

The motion was agreed to.

Mr. FLETCHER presented petitions of sundry citizens of Pinellas County, Fla., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were referred to the Committee on Woman Suffrage.

Mr. JONES of Washington. I ask to have printed in the RECORD a short resolution adopted by the lumbermen and logging contractors of Spokane and the Inland Empire, indorsing the eight-hour law for all branches of the lumber industry, in the United States. I wish also to state that this same proposition was indorsed by the Chamber of Commerce of Spokane.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., *November 23, 1917.*

We the undersigned lumbermen and logging contractors of Spokane and the Inland Empire earnestly petition the Congress of the United States of America to pass and give immediate effect, as an emergency at the December session of Congress for the year 1917, a universal basic eight-hour-day law for all branches of the lumber industry in the United States, which law is requested by both employer and employee and will tend to produce industrial peace.

We realize that standard of hours and wages can not be changed by different districts competing with each other independently without disastrous results, therefore, in the interest of industrial peace we ask that the application of the eight-hour basic standard day be made universal in the lumber industry throughout the United States.

Mr. GALLINGER. I have a telegram from the Pasadena (Cal.) Board of Trade in support of the resolution I offered a few days ago concerning the importation of Chinese farmers into this country. I ask that it be printed in the RECORD and referred to the Committee on Agriculture and Forestry, where the original resolution was referred.

There being no objection, the telegram was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

PASADENA, CAL., *December 8, 1917.*

Hon. JACOB H. GALLINGER,
The Senate, Washington, D. C.:

The directors of the Pasadena Board of Trade recently passed a resolution favoring the securing of legislation permitting the importation of Chinese labor into the United States, under restrictions, to relieve the labor situation. As it effected the production of foodstuffs, so essential to our allies and this country, the resolution has been transmitted to the commercial bodies of California, asking them to adopt it and urge the Chamber of Commerce of the United States to lay the matter before its organization members by referendum. We are highly gratified that you have appreciated the seriousness of the situation and taken the lead in the matter and sincerely hope you will be successful in securing the passage of your bill.

FRED E. WILCOX, *President.*
JOHN H. PEARMAN, *Secretary.*

Mr. LODGE presented resolutions adopted by the New England Hardware Dealers' Association relative to the transportation situation in the country and pledging support to the Government, which were referred to the Committee on Interstate Commerce.

Mr. NELSON presented a petition of sundry rural letter carriers of Otter Tail County, Minn., praying that they be granted an increase in their salaries, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the National Candy Co. (Duluth factory), of Minnesota, praying for the adoption of certain amendments to the war-revenue law, which was referred to the Committee on Finance.

Mr. WEEKS presented resolutions adopted by the New England Hardware Dealers' Association, favoring enactment of legislation to promote the efficiency of the transportation system of the country, which were referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the city government of Haverhill, of sundry letter carriers and post-office clerks of Waltham, and of sundry postal employees of the fifteenth congressional district, all in the State of Massachusetts, favoring the enactment of legislation providing for an increase in the salaries of post-office employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Massachusetts State Board of Trade, favoring the enactment of legislation to keep at parity the American dollar in every country of the world, which were referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KELLOGG:

A bill (S. 3116) conferring jurisdiction on the Court of Claims to hear, determine, and render final judgment in the matter of claims of the Chippewa Indians and the several bands or tribes thereof in the State of Minnesota against the United States; to the Committee on Indian Affairs.

By Mr. GALLINGER:

A bill (S. 3117) granting a pension to Laura A. Wallingford (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3118) granting an increase of pension to Horatio P. Smith; and

A bill (S. 3119) granting an increase of pension to Joseph S. Le Hew; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3120) granting an increase of pension to Daniel Duncan (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 3121) granting a pension to Mary Lee Jeter; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 3122) for the relief of Charles E. Currier; and

A bill (S. 3123) for the relief of the owners of the schooner *Henry O. Barrett;* to the Committee on Claims.

A bill (S. 3124) for the relief of Francis M. Atherton; to the Committee on Military Affairs.

By Mr. TILLMAN:

A bill (S. 3125) for the relief of certain enlisted men of the United States Navy;

A bill (S. 3126) to provide temporary promotion for retired officers of the Navy and Marine Corps, performing active duty during the period of the present war;

A bill (S. 3127) to provide temporary promotion for retired officers in the Navy and Marine Corps performing active duty during the period of the present war;

A bill (S. 3128) to authorize additional pay for enlisted men of the Navy and Marine Corps detained beyond the expiration of their terms of enlistment;

A bill (S. 3129) to provide for the disposition of the effects of deceased persons in the naval service;

A bill (S. 3130) to amend section 1570 of the Revised Statutes of the United States; and

A bill (S. 3131) for the relief of Col. Littleton W. T. Waller, United States Marine Corps; to the Committee on Naval Affairs.

By Mr. SMOOT:

A bill (S. 3132) for the relief of William B. Lancaster (with accompanying papers); to the Committee on Claims.

By Mr. STONE:

A bill (S. 3133) granting a pension to Magdalene Lively (with accompanying papers);

A bill (S. 3134) granting an increase of pension to Franklin Venable (with accompanying papers);

A bill (S. 3135) granting an increase of pension to William H. Capshaw (with accompanying papers);

A bill (S. 3136) granting an increase of pension to James H. Fontaine (with accompanying papers);

A bill (S. 3137) granting an increase of pension to Thomas Fulkerson (with accompanying papers);

A bill (S. 3138) granting an increase of pension to Daniel Haynes (with accompanying papers); and

A bill (S. 3139) granting an increase of pension to John W. Wilkerson (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 3140) for the relief of the estate of John C. Phillips, deceased; to the Committee on Claims.

A bill (S. 3141) for the relief of Sergt. James W. Kingon; and

A bill (S. 3142) for the relief of Elvira James; to the Committee on Military Affairs.

A bill (S. 3143) granting a pension to Anna Higgins;

A bill (S. 3144) granting a pension to Harry L. Peebles;

A bill (S. 3145) granting a pension to Hulda Johnson;

A bill (S. 3146) granting an increase of pension to Alfred Pendall;

A bill (S. 3147) granting an increase of pension to Henry Chapman;

A bill (S. 3148) granting a pension to Eliza J. M. Clemens;

A bill (S. 3149) granting an increase of pension to Joseph Wood;

A bill (S. 3150) granting an increase of pension to Thomas Madigan; and

A bill (S. 3151) granting an increase of pension to George W. Grigg; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3152) granting an increase of pension to Ella Bailey; to the Committee on Pensions.

(By request.) A bill (S. 3153) authorizing the President to appoint, as assistant adjutants general in the Adjutant General's Department of the United States Army, certain clerks employed in the Adjutant General's Department of the Army and heretofore known as "Army field clerks" (with accompanying papers); to the Committee on Military Affairs.

PROMOTION OF EXPORT TRADE.

The VICE PRESIDENT. Concurrent and other resolutions are in order. [After a pause.] The morning business is closed, and the calendar under Rule VIII is in order.

Mr. POMERENE. Unless there is objection, I ask the Senate to proceed to the consideration of House bill 2316, the unfinished business.

The VICE PRESIDENT. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2316) to promote export trade, and for other purposes.

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. POMERENE. The Senator from Minnesota [Mr. KELLOGG] will speak upon the bill, and I should like very much that there should be a full attendance. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McNary	Smith, Ga.
Beckham	Gronna	Martin	Smith, Md.
Brady	Hale	Nelson	Smith, Mich.
Brandegee	Harding	New	Smith, S. C.
Chamberlain	Hitchcock	Norris	Smoot
Colt	James	Overman	Sterling
Culberson	Johnson, Cal.	Page	Stone
Cummins	Johnson, S. Dak.	Pittman	Sutherland
Curtis	Jones, N. Mex.	Poindexter	Swanson
Dillingham	Jones, Wash.	Pomerene	Tillman
Fernald	Kellogg	Reed	Townsend
Fletcher	Knox	Robinson	Trammell
France	La Follette	Saulsbury	Vardaman
Frelinghuysen	Lodge	Sheppard	Wadsworth
Gallinger	McCumber	Shields	Weeks
Gerry	McLean	Smith, Ariz.	Williams

Mr. FRELINGHUYSEN. I wish to state that my colleague [Mr. HUGHES] is absent on account of illness.

Mr. POMERENE. I desire to announce that the junior Senator from Montana [Mr. WALSH] is detained on account of illness.

Mr. SAULSBURY. I wish to announce that my colleague, the junior Senator from Delaware [Mr. WOLCOTT], is detained from the Senate by illness.

Mr. GERRY. I was requested to announce that the Senator from Kansas [Mr. THOMPSON], the Senator from Montana [Mr. MYERS], and the junior Senator from Utah [Mr. KING] are detained on official business.

The VICE PRESIDENT. Sixty-four Senators have answered to their names. There is a quorum present.

Mr. KELLOGG. Mr. President, I ask the indulgence of the Senate for a few moments to submit some considerations upon the so-called Webb-Pomerene export bill. It is inconceivable to me that a country so vitally interested in the commerce of the world should bind its own merchants and its own manufacturers by restrictions and rules in foreign commerce which no other country on the face of the earth tries to impose. The question is not whether the principles of the Sherman Act ought to be applied to all the world. The fact is those principles are not applied in foreign countries where we must meet the competition of foreign manufacturers and merchants, and if we have the power to do so it is unwise to try to enforce against our merchants dealing in those countries rules which are not enforced against their foreign competitors.

Mr. President, do we realize the tremendous importance of our foreign commerce, not only now but the importance it will assume after the close of this great conflict?

I listened with great interest to the Senator from Iowa [Mr. CUMMINS], whose wide knowledge of the subject is entitled to the highest consideration. I beg, however, to differ with the Senator upon some points.

He said, as I recollect, that notwithstanding the Sherman Act our commerce had continued to grow during the last 10, 15, and 20 years. That is true; but our commerce did not grow as rapidly as the commerce of Germany, England, France, and some other countries, and in the race for foreign commerce we were falling to the rear when this war broke out and forced upon us the tremendous trade that we are now carrying on.

At the beginning of the present century, in 1901 to 1903, the United States ranked first among the three great exporting countries in the value of domestic products exported. The average annual exports of these respective countries for 1901 to 1903 was for the United States, $1,410,000,000; England, $1,387,000,000; and Germany, $1,120,000,000. Ten years later the United States ranked second. The average values for the years 1911 to 1913 were: England, $2,379,000,000; the United States, $2,290,000,000; and Germany, $2,155,000,000. The progress of the other two countries had been greater than that of the United States, the per cent of increase being in Germany, 92

per cent; in England, 71 per cent; and in the United States, 62 per cent.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. I yield to the Senator from Missouri for a question.

Mr. REED. Are the figures which the Senator has given for manufactured products or for agricultural and manufactured products?

Mr. KELLOGG. For all exports, I understand.

Mr. REED. Will the Senator enlighten us as to whether the decrease in our shipments has not been from our agricultural products rather than from our manufactured products?

Mr. KELLOGG. It has to a considerable extent.

Mr. REED. Is it not that to which it is due entirely? Has there not been an increase in our manufactured products?

Mr. KELLOGG. There has been an increase in the export of manufactured products from this country and from all other countries, but we have not increased as rapidly as those other countries.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. KELLOGG. I do.

Mr. GALLINGER. The Senator has stated, undoubtedly with correctness, the export trade of different countries, including our own. I will ask the Senator if he has at any time made inquiry into the percentage that the different countries consume of their products? In other words, it has been stated, and I think with some accuracy, that in this country we consume over 90 per cent of the products of our farms and our factories. Can the Senator tell even approximately what percentage is consumed by England, France, and Germany of their products?

Mr. KELLOGG. I can not give the figures exactly. Of course of the agricultural products they consume a much greater percentage than we do. I have looked into it some, but I am not able to give the figures.

Mr. President, the point I desire to impress upon the Senate is that notwithstanding we are the producers of the great raw materials for the manufactures of the world—lumber, iron, steel, coal, copper, and other products—we were prior to 1914 being surpassed by other nations of the world in our export commerce, and the reasons are not difficult to determine.

But before discussing that question I desire to call the attention of the Senate to the tremendous importance of our foreign commerce, especially our exports at the present time. I send to the desk two statements which I ask to be incorporated in my remarks.

The statements referred to are as follows:

Aggregate amount (in dollars) of imports and exports for fiscal years ending June 30 of each of the following years, showing excess of exports over imports.

	Imports.	Exports.	Excess.
1910	$1,556,947,430	$1,744,984,720	$188,037,290
1911	1,527,226,105	2,049,320,199	522,094,094
1912	1,653,264,934	2,204,322,409	551,057,475
1913	1,813,008,231	2,465,884,149	652,875,918
1914	1,893,925,657	2,364,579,148	470,653,491
1915	1,674,169,740	2,768,589,340	1,094,419,600
1916	2,197,983,510	4,333,482,885	2,135,499,375
1917	2,659,335,185	6,294,000,000	3,634,664,815

Aggregate amount (in dollars) of imports and exports for fiscal years ending June 30 of each of the following years.

[For merchandise only.]

	Imports.	Exports.	Total.
1910	$1,556,947,430	$1,744,984,720	$3,301,932,150
1911	1,527,226,105	2,049,320,199	3,576,546,304
1912	1,653,264,934	2,204,322,409	3,857,587,343
1913	1,813,008,231	2,465,884,149	4,278,892,380
1914	1,893,925,657	2,364,579,148	4,258,504,805
1915	1,674,169,740	2,768,589,340	4,442,759,080
1916	2,197,983,510	4,333,482,885	6,531,466,395
1917	2,659,335,185	6,294,000,000	8,953,335,185

Mr. KELLOGG. It will be seen that one statement gives the aggregate amount in dollars of imports and exports for the fiscal years ending June 30 of each of the following years from 1910 to 1917, showing excess of exports over imports, and the other is the aggregate amount in dollars of imports and exports for the fiscal years ending June 30 of each of the following years from 1910 to 1917.

It will be seen by a glance at these statements that our exports have increased since 1914 from $2,364,579,148 to $6,294,000,000 in 1917, while our imports have also increased from $1,893,925,657 in 1914 to $2,659,335,185 in 1917. But the great increase of this country has been in our exports, forced upon us (without any effort from our merchants and manufacturers) by the necessities of the world. A most significant, and, in our financial condition to-day a most important fact, is that the balance of trade from 1914 to the present time has increased in favor of this country beyond anything ever known in any country, from $470,653,491 in 1914 to $3,634,664,815 in 1917, thus pouring into this country a tremendous amount of credit and gold.

We must not delude ourselves with the idea that this receipt of gold from foreign commerce will forever continue. Of course, when the war closes and commerce again begins to assume its normal trend the extraordinary demands of foreign countries which can not be met in any other country except this will, of course, fall off. Argentina, Australia, Russia, and Canada will furnish their wheat and other farm products to all the countries of the world, and England, Germany, France, and Italy will again meet us in competition in the markets of the world with their products.

It is idle to say that these countries are going to be crushed by the war and can not compete with us. While war may burden the people with debt and may destroy property, it does not take away from the nation its efficiency in manufacture and commerce. The foreign commerce of Great Britain to-day is greater than it has ever been in the history of that country, and, notwithstanding the war, we are importing into this country from Great Britain and from other foreign countries, with the exception of Germany, more products than we have ever heretofore imported. When the war closes we shall have to pay for those products, and we can only pay for them with exports from this country or with credits which we purchase from foreign countries. Foreign nations will not without contest allow us to hold the great mass of gold which we have taken by reason of their necessity. The only way we can hold it is to buy their securities and sell them our products. Therefore I say that anything which will tend to strengthen our manufacturers and our merchants in producing and selling in any place in the world we should not neglect, even though we face the European war. England is not neglecting it. England and France to-day are making preparations to meet not only the conditions after the war, but to continue and to increase their commerce during the war. Let me call the attention of the Senate to one thing which is significant, and I will send to the desk a copy of this statement and ask that it be placed at the end of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. KELLOGG. Mr. President, within the last few months the British Board of Trade has been considering its foreign commerce and has made a report which, according to my recollection, was made in March or April of this year. In that report it recommended the establishment of an institution for the following primary objects—I will not stop to read them all, but I wish to call the attention of the Senate to two or three of them:

To afford advice and financial assistance to British commercial and industrial undertakings from their inception, and generally to further the development of British trade, industry, and commerce.

To make advances for the enlargement of works and the extension of plants and for the amalgamation and coordination of works and businesses, with a view to effecting economies in the course of production.

To render financial assistance in connection with transactions involving long periods of credit.

To assist in obtaining orders from abroad for British manufacturers and traders and to grant financial facilities for the execution of such orders, especially when such orders are intended to be executed in the United Kingdom.

* * * * * * *

To act as an agent for carrying through overseas commercial and financial transactions in which your Majesty's Government may be interested, and to receive official recognition and assistance.

To undertake trading operations and business on their own account, or, jointly, with others, either through the medium of syndicates or otherwise.

And as late as April 21, 1917, the British Parliament created a large corporation with all of these powers for the purpose of extending, consolidating, and increasing Great Britain's foreign commerce. So we see that those countries are not neglecting preparation during the time when they are facing the greatest struggle in history which is commanding their entire resources.

Mr. NORRIS. Mr. President——

Mr. KELLOGG. I yield to the Senator.

Mr. NORRIS. Mr. President, I am interested in the Senator's explanation of what is being done by Great Britain, and in that

connection I should like to ask him a question. I presume he has examined the matter carefully. In the law passed by Great Britain has there been any stipulation that will permit exporters to do in their export work what by English law is made a crime if done in England, as this law proposes?

Mr. KELLOGG. This law authorizes British manufacturers and merchants to consolidate through the medium of an export company, and not only that but all the leading articles exported from Great Britain, such as coal, iron, and steel, are exported under agreements, syndicates, and combinations, and not only have they never opposed such agreements, but they are considered valid in Great Britain.

Mr. NORRIS. Mr. President, may I interrupt the Senator further?

Mr. KELLOGG. I yield.

Mr. NORRIS. I hardly think the Senator's answer meets the question. I wanted to know whether the English law legalizes something done by a corporation in a foreign country which if done in England would be illegal?

Mr. KELLOGG. I do not say that it does; but they are now doing in England the things that we propose in this bill, and have been for years, as well as in all other foreign countries competing with us.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. For a question, I yield to the Senator from Missouri.

Mr. REED. I simply wanted to ask the Senator if it was not also true that, while England had been permitting combinations to be organized to control England's foreign market, England's people had been impoverished almost to the point of revolution before the war, and that poverty had stalked abroad in England among the common people to an extent never before known?

Mr. KELLOGG. Mr. President, England was not impoverished by reason of her foreign commerce; that commerce was the very lifeblood of England. The laboring men of England were impoverished for other reasons, and if it had not been for England's foreign commerce the poverty in England would have been greater.

Now, Mr. President, when the war closes, if we are going to hold a fair proportion of the foreign commerce of the world, we must do what our competitors in European countries have been doing for more than a quarter of a century. First, we must procure a large merchant marine; second, we must extend our banking facilities; and, third, we must cooperate in encouraging foreign trade. This cooperation must include common selling agencies, a study of the needs of foreign countries, the kinds of goods which suit their convenience, their tastes, or necessities, and many other things. Foreign countries have fostered their trade very largely through the agencies which I have named.

I am not, of course, going to discuss the shipping question or the banking question, but, to show how they are related to common selling agencies and so-called combinations in the foreign trade in other countries, let me mention in passing what those countries have done with their merchant marine. They have pursued a different policy from that pursued by this country. With a blind confidence in the supremacy of American industry or a want of knowledge of conditions in the world, we allowed our merchant marine practically to disappear from the ocean anterior to the war. European countries use their merchant marine in various ways. In connection with their railroads, they give preferential rates to their own merchants and to their own manufacturers, and they give preference in service. In each one of our competitor nations it is possible to bill goods from a country station to any place in the world, and the railroad company will guarantee freight charges to point of delivery, so that a manufacturer may know what obligations he has to meet. I defy any merchant in this country, unless he has a large traffic department, to be able to find out, even in ordinary times of peace, what the freight rate would be to Africa or to South America; he must take his chances, first, in shipping on the railway and then finding vacant space in a foreign ship. Not only that, but foreign shipowners discriminate against our merchants as to service, bringing about delays in the transit of American goods, as well as discrimination in rates.

It is true that as to a few articles in this country we have given preferential rates on railroads, but in nearly everything shipped from foreign countries preferential rates are given to exports, and preferential rates are given by rail and steamship to imports of raw material for the manufacturers. Nothing is neglected which will build up their commerce.

Again, every shipowner and every banker is a drummer for the business of his country. Foreign shipowners and foreign bankers handling our export business furnish the details of our business to our competitors in Europe; they furnish them our invoices; they furnish them the selling prices, the costs, and much other information which is of great importance to those countries in meeting our competition in the markets of the world. We have allowed our merchant marine to disintegrate, and that is why I say that during this war it is better for this country to allow no foreign ships to be built upon our ways, but to commandeer every ship that is being built so that at the close of the war we may have the greatest merchant marine in the world to push a commerce which is going to be vital to the prosperity of this people.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. KELLOGG. I do.

Mr. HITCHCOCK. I have been figuring a little on the preliminary statement made by the Senator from Minnesota, and I think, if he goes over the figures again, he will find this to be the fact, that taking the merchandise exports of the United States for the period he names, the United States increased as much as any other country—about 90 per cent—and that the only reason our increase is not as large in the aggregate is because our export of agricultural products did not increase; but we did export all the surplus that we had. So that the Senator's premises rather fail to the ground, for we did advance as fast as other countries during the period he names as to those exports which we could control, and the reason we did not advance further in agricultural products, which previously had been our chief export, was that we could not grow them.

Mr. GALLINGER. And we consumed them ourselves.

Mr. HITCHCOCK. If the Senator will pardon me, as the Senator from New Hampshire [Mr. GALLINGER] suggests, our rapidly growing industries have resulted in a larger consumption at home.

Mr. KELLOGG. It is true that as to certain countries in certain commodities we have almost a monopoly, as in the case of certain manufactured products exported to Canada; but in countries where we have to meet foreign competition with very few exceptions we have not held our own and we have not carried on as large a commerce as our great resources should justify. Our business men and merchants have been at a disadvantage through the want of shipping and banking facilities, and because of local restrictions which foreign countries do not place upon their merchants and their business men.

We might mention in passing the banking facilities. Foreign countries have extended their banking systems all over the world. They not only loan money to foreign governments but they have financed railways, electric-power companies, tramways, mining companies, and industrial projects of all kinds, making agreements wherever they could that these concerns should make their purchases of materials and machinery and other things in the country furnishing the finances, and using their financial and banking influence to further the commerce of the parent country. So that I say, working in harmony with the banking and shipping facilities, those countries, with natural resources inferior to ours, have been able to push their commerce beyond anything that we have been able to do in this country.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. I yield to the Senator from Missouri.

Mr. REED. I apologize for interrupting so often, but I think sometimes a question may make the point clearer. I take it the Senator thinks that the lack of a merchant marine has been one of our very great disadvantages. I am correct in that, am I not?

Mr. KELLOGG. Yes, sir; I think so.

Mr. REED. And that the lack of banking facilities has been another great disadvantage. Now, notwithstanding the fact that we have labored under those two disadvantages, which are separate and distinct from any proposition that this bill touches, it appears from the figures just given by the Senator from Nebraska, and which were in accordance with my recollection, as I suggested some time ago, that we have been increasing our foreign trade in manufactured products as rapidly as any other country on earth. Does it not follow, therefore, from the very argument the Senator has made—namely, that two of our chief difficulties are the lack of banking, which has already been remedied, by the way, and the lack of shipping, which the Senator says will be remedied by the war—that we do not need this law

at all in order to meet the competition abroad if we have remedied the two defects of which the Senator has spoken?

Mr. KELLOGG. Mr. President, if the Senator will examine the reports of the Trade Commission in detail, he will find that in many articles where we have the superiority in raw materials, foreign countries, through their agencies, have been enabled to take a large part of the trade away from us, and that it is not true that we have not suffered by reason of lack of coordination of our resources in that foreign commerce.

It is true, as I said, that banking facilities have been very important factors in developing the foreign commerce of other nations—not only facilities in the banking line, but they have acted as agents, and they have pushed foreign commerce, and their influence has been for England and for France and for Germany, according to the country in which their parent banks were located. But beyond that, in exchange alone they have been enabled to be of great benefit to foreign countries.

Formerly, if we shipped anything to a foreign country, it had to be by a foreign ship, and our banking had to be done through London. Since this war began, for the first time in the history of this country our exchange is being sold over the world; and it is not because we have in times of peace, with forethought, extended our foreign commerce and banking facilities, but because foreign countries were to a certain extent disabled, and had to look to us to finance great commercial and other transactions. I believe that when the war closes we will be in a position, if we will go at it intelligently and thoroughly, to extend our banking facilities, so that we may be the first nation in the world in financing business institutions and foreign Governments; but if we pursue a narrow policy, as we did for many years in our shipping and our banking laws, which refused to allow a bank to establish a branch, we will not accomplish our object.

Perhaps I have taken too much time to discuss these various agencies of foreign commerce, but they are so linked together that it seemed to me necessary to mention those in passing. I come now to the question involved in this bill—a so-called combination in foreign trade.

Every country with which we compete permits and in many cases encourages its merchants and manufacturers to cooperate in foreign trade. They therefore organize combinations to push and in every way encourage this trade.

These combinations, so called, take various forms—selling agencies; agreements between independent manufacturers, where each agrees to furnish a percentage of a certain class of goods at certain times and at certain prices, to be sold by a corporation or agency in foreign countries; agreements as to kinds of goods to be manufactured, the manner and time of shipment, the manner of packing, and various other things to meet the demands of consumers. In this way a large number of independent merchants and manufacturers, through their agencies, act in harmony in pushing their foreign trade.

These combinations in England, France, Italy, Switzerland, Holland, Japan, Austria-Hungary, and, in fact, nearly all countries with which we compete, include practically every article that we manufacture and export, and some of our raw materials—cotton and cotton products, phosphates, lumber, all kinds of manufactured goods, including textiles, iron and steel products, food products, cement, and other things.

For example, take phosphates. We produce over 50 per cent of the phosphates of the world, and, with the exception of certain islands in the Pacific, I think, we produce the highest grade phosphates, and yet we have to meet not only the combined capital and ability of foreign countries but combinations in purchasing from us, as I shall show.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. KELLOGG. I do.

Mr. CUMMINS. I do not rise to interrupt the argument of the Senator from Minnesota; but I want him to point out, before he has finished, the law of Great Britain which authorizes or permits the combinations of which he has spoken, if he has that law at hand.

Mr. KELLOGG. I have not the law at hand; but these combinations in foreign commerce, like common selling agencies, iron and steel agencies, and agencies for the prosecution of their other business, have been formed for years, and are in existence and operating in England to-day.

Mr. CUMMINS. Precisely; and the Senator from Minnesota, who has been very closely identified with the administration of the antitrust law, knows that our Supreme Court has said that it is simply declaratory of the common law, and Great Britain has the same common law in that regard that we have.

Mr. KELLOGG. Well, after all the refinements, they do it in Great Britain, and they do it in all other countries, with the approval of their legal authorities, and Great Britain chartered a company on the 21st day of April of this year to act as agent for their manufacturers.

Mr. REED. Mr. President, have not we practically chartered, or at least permitted the creation of, a single selling and purchasing agency in this country for foreign governments, as a war measure? Has Great Britain gone beyond that?

Mr. KELLOGG. We have taken over certain industries, and we will not permit foreign countries to buy any of the products of those industries except they buy through that agency; but that is temporary and simply in time of war.

Mr. REED. That is what I am asking. Is not the English arrangement temporary, too?

Mr. KELLOGG. No; it is permanent.

Now, I say, when a large number of manufacturers in this country seek to compete with foreign manufacturers they must act singly. They must act by themselves. There is, of course, a certain amount of coordination, such as obtaining information through associations, but, for instance, they can not form a single selling agency, we will say, for a certain article of commerce manufactured by different manufacturers, which agency shall have the right to sell their various products. It is absolutely impossible for each one of hundreds of manufacturers scattered over this country to pursue or build up a foreign commerce, selling their products, obtaining information, drumming up business, and doing the various things that are necessary to introduce their products in foreign countries; and the failure to permit them to coordinate as separate manufacturing companies tends to drive them into great combinations.

The very fact that some foreign countries have permitted their manufacturers to act together in their foreign commerce through common selling agencies, through agencies created to further their particular line of business, has tended to keep them separate and to maintain the autonomy of their business—their separate enterprise at home—while our laws have tended to drive them into combination.

For instance, it is asked, If the Sherman Act is a good thing at home—and I believe it is—why is it not good abroad? This argument on its face seems very plausible; but, like many plausible arguments, it will not bear inspection, and it is, nevertheless, a specious argument.

First, we make the laws for this country and can enforce one policy against everyone doing business within our territory, whether he lives in a foreign country or whether he lives here. We do not make the laws for foreign countries, and therefore the most we can do is to enforce on our own merchants dealing in foreign countries a policy of noncoordination, leaving them to fight coordinated and combined capital and energy abroad.

As a matter of fact, that is exactly what we are doing. If the world were willing to adopt the sole policy of, separate business and competition in all lines and at all times, I do not say that it would not be better; but the world has not adopted it. While we can enforce it here, we can not enforce it in a foreign country. Therefore, as against a solid phalanx of industry in England in one enterprise, pushing with their combined capital, energy, and enterprise their commerce, why should we say that our men must split up into a thousand factions and not only fight foreign commerce but fight among themselves? I say we should permit them to combine in selling agencies, to combine their capital, at all times protecting those who do not wish to go into the combination in foreign trade against oppression and unfair methods of competition. They should be protected.

To illustrate, not only do foreign manufacturers combine in pushing their enterprises in countries in which we are selling but they combine in selling to us, while our manufacturers must act separately in selling to them. In purchases of many articles that we buy in enormous quantities in this country foreign manufacturers get together and name a single selling agency, and force our manufacturers and merchants to buy from that selling agency, and they go further. In buying from us raw materials they combine. In many articles which we sell foreign countries, like phosphates, lumber, coal, and other products—I can not now name them all—our producers, exporting their goods, meet combinations of purchasers. For instance, the manufacturers of fertilizers in France, Germany, and England, buying phosphate rock in this country, form themselves into a syndicate and act through a single purchasing agent, while our producers must act separately. Thus they are placed at a disadvantage. I think the Senator from Florida will substantiate this. That is true in the sale of lumber. It is true in the sale of many other articles.

So, I say, wherever foreign countries can do it, they permit their manufacturers and merchants to have joint selling and

purchasing agents, and they join in advertising their foreign commerce and doing all things necessary to build it up. All I claim is that we should permit our manufacturers and merchants to do the same thing in competition with them.

Mr. FLETCHER. If the Senator will allow me, I will state that his remark is absolutely correct, and it applies also to naval stores as well as other products.

Mr. POMERENE. And to cotton.

Mr. KELLOGG. As to phosphates, as I said, we produce and sell over 50 per cent of the phosphates of the world for the manufacture of fertilizers and other things; our 30 or 40 producers must act by themselves, and when they meet the purchasers of France, Germany, Great Britain, Spain, and Italy they meet one man who is acting for those purchasers. They have combined not only their purchasing power but they combine their selling power.

Mr. GORE. One man for each country.

Mr. KELLOGG. Yes; one man, but sometimes one purchaser represents the manufacturers of several countries.

Mr. HITCHCOCK. Can the Senator state how long that practice has been going on?

Mr. KELLOGG. It has been going on for 25 years.

Mr. HITCHCOCK. Is it not remarkable, in view of that fact, that our exports of merchandise have grown as fast as those of other countries?

Mr. KELLOGG. Our exports have not grown as rapidly as those of foreign countries in proportion to the amount of our commerce.

Mr. HITCHCOCK. If the Senator will look at the Statistical Abstract, he will see that our exports of merchandise during the period he mentions, 1900 to 1913, increased over $1,157,000,000, and I have drawn the Senator's attention to the reason why our exports of agricultural products did not increase in as large a per cent—that it was simply due to the fact that we were consuming them ourselves. If under a condition of competition our manufacturing exports have increased practically as rapidly as the exports of these other countries, is it not a sure evidence that our system is as good as their system?

Mr. KELLOGG. Of course, since the war broke out we have had the world to ourselves.

Mr. HITCHCOCK. I was not taking the war period. The Senator misunderstood me. I am taking the period ending with 1913—from 1900 to 1913—and during that period our exports of merchandise, including manufactured products, increased $1,157,000,000, which was almost as much as the other countries the Senator has named increased with their scheme of combination.

Mr. KELLOGG. Mr. President, I have no desire in any way to destroy or weaken the effect of the Sherman Antitrust Act as applied to the great corporations and combinations of this country. I believe it is necessary that we should keep open the avenues of enterprise so that any man with sufficient capital and energy and resourcefulness may engage in a separate business without being crushed by inordinate capital or by the unfair methods of competition which have in the past been pursued. But the main object of the law is to permit men to have a fair and open field in commerce, and the greatest obstacle to that fair and open field has been unfair methods of competition, crushing out the competitors by an advantage in freight rates and ocean rates and various other devices which in the past have been used to eliminate the competitor in business.

There is nothing illegal about a combination of capital. I heard it stated on the floor that if it was illegal in this country, and if it was wrong in this country, it was wrong the world over. It is not illegal to combine capital any more than it is illegal to combine labor. Both are legal. It depends upon what combined capital does or what combined labor does. It is only illegal to make combinations when they are in restraint of trade, and only wrong because the statute says that that form of combination shall not be permitted.

But many lawyers hold that it is perfectly legal to create common selling agents to sell goods in foreign countries. In other words, that the Sherman law, like all other laws in this country, has no extraterritorial effect and that when an enterprise or agreement is to be executed in Germany or France or some other country, we have a right to carry out the contract according to the laws of that country. Let me illustrate: Some years ago some of our manufacturers, desiring to sell goods in Germany, were confronted with the proposition of joining with the German and English manufacturers in an agreement whereby they were to furnish a certain percentage of the products at a definite price. The agreement was approved by the German Government. Our manufacturers were afraid to participate, because after taking the advice of four or five lawyers, who disagreed as to its legality, they were afraid of being prosecuted, and withdrew from the transaction.

It is inconceivable that when the English, German, or French Governments permit their manufacturers to combine in one selling agency, to sell in South America, backed by their combined capital, energy, and enterprise, that we should force our merchants to have separate agencies, because if they were selling in this country we would not permit it. I can not understand why we should apply to our merchants, dealing in foreign countries, a different rule than foreign countries apply to their merchants dealing in the same country, when we can protect our producers and consumers at home, as I believe this act does protect them.

Now, let me consider this bill. I have no doubt that many Senators believe that they could draw a better bill. That is common in the Senate. I have often thought that I could draw a better bill than the one I voted for. But the question is, Does this bill reasonably effectuate the object which we have in mind?

It was said that if we permit common selling agencies a coordination of their capital and enterprise in foreign commerce we will open the door and they will combine in everything pertaining to domestic commerce. Let us see. The bill carefully defines what export trade is. It provides—

> That the words "export trade" wherever used in this act mean solely trade or commerce in goods, wares, or merchandise exported, or in the course of being exported from the United States or any Territory thereof to any foreign country; but the words "export trade"—

As amended by the amendment of the Senator from Ohio—

> shall not be deemed to include the production, manufacture, or selling for consumption or for resale within the United States or any Territory thereof of such goods, wares, or merchandise, or any act in the course of such production, manufacture, or selling for consumption or for resale.

I do not see how it is possible to more accurately confine the bill to purely export trade than is done in this clause.

Under this, a selling agency could only be formed for the purpose of disposing of the goods in export trade. The next provision of the bill permits associations entered into for the sole purpose of engaging in export trade. But in order that such agreement made or done in the course of such export trade, such as a common trading agency, shall not be used to injure the manufacturers or producers, who do not join in the common selling agency or other agreement, the following provision of the bill is inserted:

> Provided such association, agreement, or act is not in restraint of trade within the United States, and is not in restraint of the export trade of any domestic competitor of such association: *And provided further*, That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally and unduly enhances or depresses prices within the United States of commodities of the class exported by such association.

Not only that, but the bill contains further provisions that prohibit the use of unfair methods of competition in foreign commerce. Let me illustrate: Some years ago a large oil company was selling lubricating oil in South Africa. It was the largest exporter, although there were many others, and it made an arrangement with steamship companies whereby its freight rates were to be reduced and the freight rates to its competitors were to be increased. That was investigated and prohibited. That is a species of unfair methods of competition which the bill fully covers. The American exporter who does not wish to go into the export business through a common selling agency is protected.

Mr. HARDING. The Senator is aware, is he not, that any such action as that would be illegal and impossible under the Federal shipping law?

Mr. KELLOGG. Absolutely. But I gave it simply as an illustration.

So the bill not only protects the competitor in the export trade, but it gives the Federal Trade Commission jurisdiction over the entire subject. It provides that—

> Whenever the Federal Trade Commission shall have reason to believe that an association or any agreement made or act done by such association is in restraint of trade within the United States or in restraint of the export trade of any domestic competitor of such association, or that an association either in the United States or elsewhere has entered into any agreement, understanding, or conspiracy, or done any act which artificially or intentionally and unduly enhances or depresses prices within the United States of commodities of the class exported by such association, it shall summon such association, its officers—

And so forth, and gives the Federal Trade Commission power to remedy the evil.

Mr. President, it is not possible to permit our manufacturers, through their combined capital and energy, to have joint selling agencies to push their commerce in foreign countries unless we permit them to coordinate in some such way as this, and I do not believe it is possible to grant them any relief with greater restrictions for the protection of the people of this country and for the protection of their competitors than this bill grants.

I am quite aware, as I said before, that lawyers disagree as to the validity of common selling agencies and the validity of the coordination of separate concerns purely in the export business. I, for one, believe them to be legal; that upon well-established legal principles it never could have been the intention nor within the letter of the law to extend the Sherman Act to foreign countries and there regulate matter of selling and other negotiations.

Suppose, as I said before, the German Government should approve a cartel which limited the amount and fixed the price at which all manufacturers should sell their products in Germany. Is it possible that under our laws, our manufacturers could not sell in that country under those conditions? It certainly could not be in violation of the public policy of this country for an American merchant, engaged in competing for the commerce of the world, to enter into agreements which were approved by the public policy of nations with which we are competing, certainly they could do business in France, England, Germany, or Italy according to the laws of those countries. But so long as lawyers disagree, then we ought to make it clear. If that is now the law, the bill can do no harm. If it is not the law, it makes our business men safe and they can go on and push their foreign commerce when the war closes.

I know it is said that there is no necessity for this act now that the great calamity which has overtaken the world has forced those nations to come to us for the necessaries of life, for manufactured articles, and for munitions of war. But, Mr. President, those countries have not neglected their foreign commerce even in the hour of their peril.

Mr. President, the war will close some day; God knows, I hope it will close soon, and when the war closes and we must again assemble the tangled threads of the commercial, industrial, and economic life of the world, let us be prepared to hold our place in a commerce which goes to the very vitals, to the very foundation of the prosperity of this Nation, which furnishes to labor a large part of its opportunity and wage, which furnishes our merchants their occupation, and employs millions of our capital.

We are a great surplus-producing people; we must continue to be surplus-producing people; we have the greatest fields of raw material, as yet almost untouched; unlimited fields of coal, beyond anything known anywhere in the world; copper, iron, steel, lumber, and agricultural products; and a soil rich beyond that known even to ancient civilization. Why not organize a merchant marine to sail the ocean and enter every port, and banking facilities to reach the commerce of the world; and why not permit our merchants and manufacturers to combine their energies, while maintaining their separate organizations, in pushing a commerce of such vast benefit to the people?

This would tend to build up individual enterprise. I say that when you permit them to have joint selling agencies, when you permit them to coordinate their industries simply in their foreign commerce, it takes the surplus of their products, it encourages them to maintain the independence of their separate industries. It is my belief that the great future of this country does not depend upon large combinations of capital. It depends more upon individual enterprise, on the proprietor of the small farm, the small or reasonably sized independent manufacturer, the proprietor of the mercantile business, where the individual can, by his energy and enterprise, build up his own business and leave it as a heritage to his children. I do not believe there is any danger in permitting, under such restrictions as this bill imposes, our industries to coordinate their capital, labor, and enterprise in meeting the competition of the world.

[APPENDIX.]

The report of the Board of Trade committee on financial facilities for trade, particularly with reference to financing over-seas contracts, recommended the establishment of an institution with the following primary objects:

(A) To afford advice and financial assistance to British commercial and industrial undertakings from their inception and generally to further the development of British trade industry and commerce.

(B) To make advances for the enlargement of works and the extension of plant and for the amalgamation and coordination of works and businesses with a view to effecting economies in the cost of production.

(C) To render financial assistance in connection with transactions involving long periods of credit.

(D) To assist in obtaining orders from abroad for British manufacturers and traders and to grant financial facilities for the execution of such orders, especially when such orders are intended to be executed in the United Kingdom.

(E) To undertake credit operations and to draw and accept bills.

(F) To acquaint themselves with the conditions of trade and with the business requirements of all countries of the world and to enter into banking agency arrangements in such countries with colonial or British foreign banks or where necessary to open up branches and agencies in such countries.

(G) To establish, equip, and maintain information bureaus in close touch with the department of commercial intelligence of the Board of Trade for furnishing British merchants and manufacturers and the business community generally with reliable data and information upon openings for trade, new contracts, State and other loan and issue proposals, and generally upon all matters relating to foreign trade and business, and to undertake the examination of industrial projects.

(H) To act as an agent for carrying through over-seas commercial and financial transactions in which your Majesty's Government may be interested and to receive official recognition and assistance.

(J) To undertake trading operations and business on their own account or jointly with others, either through the medium of syndicate or otherwise.

In accordance with this recommendation the British Government chose Baron Faringdon and others to organize the British Trade Corporation. Upon presentation of their petition, setting forth the purposes of the proposed corporation in accordance with the recommendations of the Board of Trade committee, royal charter was granted on April 21, 1917, conferring upon the corporation the following power:

(A) To act as agents for any governments or authorities, or for any bankers, manufacturers, merchants, shippers, and others, and to carry on agency business of any description, including the power to act as attorneys, and to give discharges and receipts.

(B) To carry on business as contractors, merchants, or traders on their own account.

(C) To promote or finance, or to assist in the promotion or financing, of business and undertakings of any description, and to develop and prove the same, either through the instrumentality of syndicates or otherwise, and to act as an issuing house.

(D) To enter into any partnership or other arrangements for sharing profits or on joint account.

(E) To acquire and hold or dispose of any shares, stock, bonds, obligations, or debentures, debenture stock, scrip, or other securities or interests of any companies, trusts, or corporations, or of any Governments, States, Provinces, municipalities, or other authorities.

(F) To acquire and hold or dispose of any interest in any railways, tramways, ships, canals, docks, harbors, armament works, shipbuilding establishments, irrigation works, electrical works, gas works, waterworks, and, in addition, any carrying, transporting, trading, industrial, agricultural, financial, or manufacturing works, concerns, or business of any description, and to carry on the same.

(G) To acquire and hold any interest in and to develop the resources of, and to turn to account, deal with, pledge, and dispose of any territories, forests, mineral fields or other lands, possessions, buildings, or property, real or personal, immovable or movable, in any part of the world, including lands, buildings, and other hereditaments in the British Islands, notwithstanding the provisions of any statutes of mortmain or any other statutes or laws to the contrary.

(H) To undertake and execute any trusts and to act as executors, administrators, receivers, and treasurers, and to give any guarantees.

(J) To obtain, work or dispose of any concessions, charters, acts of Parliament, or other legislative rights, monopolies, licenses, patents, copyrights, or other privileges or advantages.

(K) To establish and maintain information and investigation bureaus and to collect statistics, returns, particulars, and information likely to prove useful for the consideration of business and financial propositions, and to undertake experimental and research work.

(L) On behalf of any governments, authorities, or corporations, to keep any registers relating to any stocks, shares, debentures, debenture stock, or securities, and to undertake any duties in relation to the registration of transfers, issuing of certificates, or otherwise.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 7th instant approved and signed the joint resolution (S. J. Res. 111) declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same.

HOMESTEAD SETTLERS AND ENTRYMEN.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair) laid before the Senate the following amendment of the House of Representatives to the bill (S. 2334) to authorize absence by homestead settlers and entrymen, and for other purposes, which was to strike out all after the enacting clause and insert:

That during the pendency of the existing war any homestead settler or entryman shall be entitled to a leave of absence from his land for the purpose of performing farm labor, and such absence, while actually engaged in farm labor, shall, upon compliance with the terms of this act, be counted as constructive residence: *Provided*, That each settler or entryman within 15 days after leaving his claim for the purpose herein provided shall file notice thereof in the United States Land Office, and at the expiration of the calendar year file in said land office of the district wherein his claim is situated a written statement, under oath and corroborated by two witnesses, giving the date or dates when he left his claim, date or dates of return thereto, and where and for whom he was engaged in farm labor during such period or periods of absence: *Provided further*, That nothing herein shall excuse any homestead settler or entryman from making improvements or performing the cultivation required by applicable law upon his claim or entry: *Provided further*, That the provisions of this act shall apply only to homestead settlers and entrymen who may have filed their application prior to the passage of this act. The Secretary of the Interior is authorized to provide rules and regulations for carrying this act into effect.

Mr. SHAFROTH. Mr. President, this is a bill which was introduced by the Senator from Montana [Mr. MYERS] and passed the Senate during the extraordinary session. It has been passed by the House in amended form, but the amendment is not of any great consequence. In my judgment, it rather improves the bill. The Senator from Montana has requested me, when the amendment was laid before the Senate, to move that it be concurred in. I therefore make that motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Colorado that the amendment of the House of Representatives be concurred in.

Mr. BRANDEGEE. What is the title of the bill?

Mr. SHAFROTH. The title of the bill is "To authorize absence by homestead settlers and entrymen, and for other purposes." I will state to the Senator that it simply gives a homestender the right to leave his homestead if he does other productive work on the farm. Some of these homesteads are grazing homesteads, and it is very important at this crisis that we should have as large a production of food products as we can possibly secure. For this reason the bill provides that absence for such a purpose shall not run against the time the entryman is required to remain on the homestead as provided by law.

Mr. BRANDEGEE. I have no objection to the proposition contained in the bill, but I wondered why, if the amendment is only immaterial and unimportant, it was necessary to strike out all after the enacting clause of the bill and insert an entirely new construction.

Mr. SHAFROTH. I do not know as to that; but the copy which has been handed to me by the clerk of the Committee on Public Lands simply shows the insertion of the words "within 15 days" at a certain point, and at the end of the bill the addition of a provision reading:

Provided further, That the provisions of this act shall apply only to homestead settlers and entrymen who may have filed their application prior to the passage of this act.

Mr. BRANDEGEE. I make no objection at all. I simply did not understand why the Senate bill should have been stricken out after the enacting clause and a new bill inserted.

The PRESIDING OFFICER. The question is on concurring in the amendment of the House of Representatives.

The amendment was concurred in.

PROMOTION OF EXPORT TRADE.

Mr. POMERENE. Mr. President, I should be very glad if there is any Senator present who cares to speak, if he will take the floor now. One or two Senators desire to speak on the bill to-morrow, and the Senator from Missouri [Mr. REED] also desires to speak, but does not feel quite equal to the task this afternoon. Under these circumstances I hardly know what to suggest. I dislike to lose the entire afternoon, but I want to accommodate Senators.

Mr. REED. I think the proper thing to do is to adjourn. The Senate has practically disbanded voluntarily; there are now in the Chamber about 12 Senators, and during the latter part of the remarks of the Senator from Minnesota [Mr. KELLOGG], there were probably 15 or 16 present. This bill involves a complete change of the policy of the United States with reference to trust legislation, and it ought to be at least briefly heard by the Senate. The Senate is very thin, and I think we should adjourn.

Mr. POMERENE. I do not want to allow that statement to go unchallenged, but I do not care to discuss it now. As there is no other Senator who desires to speak this afternoon, I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 11, 1917, at 12 o'clock meridian.

SENATE.

TUESDAY, *December 11, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the abundant evidence of Thy continued providence and care for us as a Nation. Thou art leading us upon a path that we have not known, but we are sure it is Thy way and Thy path. We thank Thee to-day that the land of our most precious memories and of our sacred shrines has been rescued from the hand of the infidel and fallen once more into the hands and control of a Christian nation. May this be the token to us of the speedy and final conquest of truth and law and justice in all the earth. For Christ's sake. Amen.

WILLIAM S. KENYON, a Senator from the State of Iowa; WILLIAM H. KING, a Senator from the State of Utah; JAMES HAMILTON LEWIS, a Senator from the State of Illinois; WILLIAM H. THOMPSON, a Senator from the State of Kansas; and JAMES E. WATSON, a Senator from the State of Indiana, appeared in their seats to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE PUBLIC HEALTH SERVICE (H. DOC. NO. 615).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Surgeon General of the Public Health Service for the fiscal year 1917, which, with the accompanying paper, was referred to the Committee on Public Health and National Quarantine and ordered to be printed.

PRODUCTION OF GRAINS AND CEREALS (S. DOC. NO. 127).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of October 5, 1917, a report relative to the feasibility and practicability of putting into cultivation such portions of the public domain and Indian lands as may be suitable for that purpose, which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

REPORTS OF SERGEANT AT ARMS.

The VICE PRESIDENT laid before the Senate a communication from the Sergeant at Arms of the United States Senate, transmitting, pursuant to law, a statement showing the amount of receipts from the sale of waste paper and condemned property and the disposition of the proceeds thereof since December 4, 1916 (S. Doc. No. 126), which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Sergeant at Arms of the United States Senate, transmitting, pursuant to law, a complete account of all property in his possession on the 3d day of December, 1917 (S. Doc. No. 125), which, with the accompanying paper, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. WADSWORTH. I present resolutions adopted by the Buffalo (N. Y.) Chamber of Commerce, which I ask may be printed in the RECORD. They are short.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions adopted by the Buffalo Chamber of Commerce, November 13, 1917.

Whereas the foreign trade of the United States for the last fiscal year shows a balance in favor of this country of nearly $4,000,000,000; and

Whereas loans to our allies greatly exceed our "favorable balance of trade"; and

Whereas the continuance of any set of conditions which tend to curtail imports because imports represent the only form of cash payment which our entire foreign trade is yielding; and

Whereas high foreign exchange premiums penalize imports and tend indirectly to increase the enormous inflationary debit balance which the Nation is rolling up against the future in the form of foreign loans; and

Whereas the advances to our allies are now proving a boomerang leading to the depreciation of the American dollar in foreign markets, because of lack of governmental regulation; and

Whereas all of our allies are now taking every step necessary to protect their own currencies abroad; and

Whereas the American dollar is now at a discount of from 3 to 20 per cent in neutral foreign countries: Be it

Resolved, That the United States Government, through its proper departments, take whatever action may be necessary to keep at parity the American dollar in every country of the world; and be it further

Resolved, That the Buffalo Chamber of Commerce express to Congress a keen sense of appreciation of the splendid constructive work done by our Senators and Representatives in enacting legislation to provide for the effective conduct of the war; and be it further

Resolved, That we point out that the remarkable record of Congress in this regard, together with the wonderful work being done by the President and Cabinet and Council of National Defense, is such as to merit the gratitude of the public and, in fact, of all liberty-loving peoples throughout the world. It is but fair that opportunity be taken to fully convey to them these sentiments of the American people. Those who know their work will be inspired by the splendid example of their official representatives to render the largest measure of individual effort and sacrifice. The quality and unity of service that has been rendered to the Nation during the past few months, regardless of party lines, is unparalleled in history.

Mr. GRONNA. I present petitions very numerously signed by citizens of a number of counties in my State praying for the immediate submission of a Federal suffrage amendment to the legislatures of the several States. I ask that the body of one of the petitions be printed in the RECORD and that they be referred to the Committee on Woman Suffrage.

There being no objection, the petitions were referred to the Committee on Woman Suffrage, and one was ordered to be printed in the RECORD, as follows:

To Senator GRONNA:

The undersigned women of —— County, State of North Dakota, do hereby petition you to work and vote for the immediate submission of a Federal suffrage amendment to the legislatures of the several States in order that the women of the United States may become the political equals of those of Great Britain, Australia, New Zealand, Canada, and the Scandinavian countries.

Mr. GRONNA. I present a resolution adopted by the Commercial Club of Grand Forks, N. Dak., which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

GRAND FORKS, N. DAK., *November 27, 1917.*

Hon. A. J. GRONNA,
Washington, D. C.

DEAR SIR: The following resolutions received a unanimous vote of our board of directors on Monday, November 26. Copies of these resolutions have been mailed to Representatives, Senators, committee men at Washington, and to the commercial organizations of the Northwest. We shall appreciate very much your aid in this very important matter.

We, the directors of the Grand Forks Commercial Club, in session on Monday, November 26, 1917, having duly considered the work and benefits of the war-camp community recreation fund, appreciate very much the value of this work as it is being carried out and believe that it is, indeed, worthy, but that in part it must duplicate the work of the Army Y. M. C. A.

We are anxious and willing to cooperate heartily with the Government at this time and of the world's crisis, as is proven by our record for the first and second liberty loan, the Red Cross, and Army Y. M. C. A. work. We are not only reaching our quotas but in many instances passing the standards set up for us. However, we feel that in these matters we have all we should undertake. For that reason we are inclined to discourage the raising of this war-camp community recreation fund in this popular way and have in session on this day adopted the following resolutions:

Be it resolved, That we, the directors of the Grand Forks Commercial Club, having sons in training camps, the interests of the Government at heart, and certainly the best wishes for a victorious outcome of the world's war, feel that the character of the environment surrounding the military camps should be under the best possible influence: Be it further

Resolved, That in order to bring about the best moral atmosphere for our training camps that we recommend to our Government at Washington that the matter of proper recreation of our soldiers in the camps and cantonments be placed under military control and that the moral and physical life of our soldiers be considered as important in their training as food and clothing. We recommend the Government's close watch through military control of our war camps and in case more funds are needed the placing of a liberty loan for this purpose.

BOARD OF DIRECTORS COMMERCIAL CLUB OF GRAND FORKS,
C. W. GRAVES, *Secretary.*

Mr. GRONNA presented a petition of the Woman's Christian Temperance Union, of Fairmount, N. Dak., praying for national prohibition, which was ordered to lie on the table.

He also presented a petition of the Wells County Rural Letter Carriers' Association, of Harvey, N. Dak., praying for an increase in the salaries of the rural letter carriers, which was referred to the Committee on Post Offices and Post Roads.

Mr. JONES of Washington. I present a resolution adopted by the Seattle Union Card and Label League of Washington, urging the passage of the Susan B. Anthony constitutional amendment. I move that it be referred to the Committee on Woman Suffrage.

The motion was agreed to.

Mr. JONES of Washington. I present a letter setting out a resolution by the Patriotic League of Colfax and Whitman Counties, Wash., urging a declaration of war against Austria, Turkey, and Bulgaria. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. WEEKS presented a memorial of the Negro Civic League of Springfield, Mass., remonstrating against any discrimination being made against colored citizens, which was referred to the Committee on Civil Service and Retrenchment.

NORTHERN JUDICIAL DISTRICT OF TEXAS.

Mr. CULBERSON. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 2860) transferring Hardeman County to the Wichita Falls division of the northern judicial district of Texas. I send the bill to the desk and ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SMOOT. I did not hear the title. I ask that the Secretary may report the bill by title.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the county of Hardeman be, and it hereby is, transferred from the Fort Worth division to the Wichita Falls division of the northern judicial district of Texas.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOULA M. WILSON.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 150, submitted by Mr. BECKHAM on the 4th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Loula M. Wilson, widow of Charles C. Wilson, late assistant clerk to the Committee on Expenditures in the Department of Labor of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

FUNERAL EXPENSES OF THE LATE SENATOR HUSTING.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution No. 159, submitted by Mr. LA FOLLETTE on the 4th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Paul O. Husting, late a Senator from the State of Wisconsin, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 3154) to provide for the computation of longevity pay for officers of the Regular and National Army; to the Committee on Military Affairs.

A bill (S. 3155) to amend section 209 of the act entitled "An act to provide revenue to defray war expenses," approved October 3, 1917; to the Committee on Finance.

A bill (S. 3156) granting an increase of pension to Michael H. Skinner (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 3157) granting a pension to James F. Clark, alias James F. Rozzel; and

A bill (S. 3158) granting a pension to Fred F. Bennett; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 3159) granting an increase in appropriation to all State and Territorial soldiers' and sailors' homes from $100 per year for each inmate to $150 per year for each inmate thereof; to the Committee on Appropriations.

By Mr. WADSWORTH:

A bill (S. 3160) for the relief of the State of New York; to the Committee on Claims.

A bill (S. 3161) to require the registration for military service of male citizens of the United States who have attained the age of 21 years; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 3162) for the proper observance of Sunday as a day of rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KNOX:

A bill (S. 3163) fixing rate of pension for soldiers of the Civil War; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 3164) for the relief of Charles A. Carey; to the Committee on Claims.

By Mr. REED:

A bill (S. 3165) granting an increase of pension to William L. Smith (with accompanying papers);

A bill (S. 3166) granting an increase of pension to William J. Smith (with accompanying papers);

A bill (S. 3167) granting an increase of pension to John H. Bird (with accompanying papers);

A bill (S. 3168) granting an increase of pension to William White (with accompanying papers);

A bill (S. 3169) granting an increase of pension to Joseph P. Case (with accompanying papers); and

A bill (S. 3170) granting an increase of pension to Washington Richardson (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 3171) to amend an act entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District"; and

A bill (S. 3172) to provide for the abandonment of Piney Branch Road between Allison Street and Buchanan Street NW., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CHAMBERLAIN:

A bill (S. 3173) granting a pension to George W. Hillis (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3174) to amend the act of October 3, 1917, entitled "An act to provide revenue to defray war expenses, and for other purposes"; to the Committee on Finance.

By Mr. SHIELDS:

A bill (S. 3175) granting a pension to D. J. Owens;

A bill (S. 3176) granting an increase of pension to Harvey Day; and

A bill (S. 3177) granting an increase of pension to James Stuart; to the Committee on Pensions.

By Mr. FRELINGHUYSEN:

A joint resolution (S. J. Res. 113) authorizing the purchase of rifles for the use of home guards; to the Committee on Military Affairs.

SHORTAGE OF SUGAR AND COAL.

Mr. LODGE. I submit a resolution, and I ask unanimous consent for its immediate consideration.

The resolution (S. Res. 163) was read as follows:

Resolved, That the Committee on Manufactures be directed to inquire into the causes of the shortage of sugar and coal and report to the Senate thereon, together with their recommendation of any steps which they deem it necessary to take with a view to remedying the conditions and, if possible, preventing their recurrence.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

Mr. JONES of Washington. I do not object to its consideration, but in connection with the resolution I desire to have read from the desk an article which is very pertinent to the inquiry.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

BEER AND THE RAILROADS.

Did you ever stop to think that while our Federal food-control authorities are drafting the patriotism of the United States in every department and the President has enforced a reduction of 25 per cent in the amount of grain used in the manufacture of beer by cutting the amount of alcohol in beer 25 per cent, the greatest saving now, when most needed, would be made by stopping entirely the shipping of beer and also the returning of barrels, kegs, and cases of bottles, which take as much freight space as the original shipment? The railroads formerly carried these "returns" free.

You will see sidetracks full of cars loaded with coal, while people are suffering for the want of coal and factories shut down, throwing employees out of work, because of the lack of coal, but you will see trainloads of beer going by on schedule time.

For the life of me I can not understand why the German saloonkeeper and the German brewers are so favored by legislation and rulings in this country. I can not understand why the railroad presidents and their vice presidents who operate the roads should be unable to move coal, food, paper, and the things which people need, want, and pay for, and yet can get through carloads of beer with perfect regularity. Of course, it is just such favoritism in nonessentials that has broken down the use of the railroads for necessities and will compel the United States Government to take over the operation of the railroads very likely for good.

The Blade's readers have not seen, nor have I, this question of beer and the railroads brought to the attention of the public. The transporting of beer in barrels, kegs, and bottles amounts to more in mile tons, which is the basis railroads figure on, than the cars used to transport more than half the wheat crop of the United States. Even with the 25 per cent reduction in the amount of alcohol there will be wasted in the manufacture of beer 54,000,000 bushels of grain a year, and the weight of the water in the beer and the kegs and bottles multiplies this by 8, so you have, on a transportation basis, the weight of more than 432,000,000 bushels of grain used up for beer shipment alone, or 1,080,000 carload lots a year, enough to relieve the railroad congestion of the United States for all time.

When the President ordered a reduction of 25 per cent in the amount of alcohol in beer this left the percentage of alcohol 3 instead of 4. But the result is only an increase in the amount of water, which increases the profits of the brewer and saloonkeeper. Beer drinkers who want to get the same amount of alcohol as before will have to drink one-third more beer than they formerly did.

Mr. JONES of Washington. I hope the resolution will pass, and I hope the committee will investigate the statement made in the article which has been read.

The resolution was considered by unanimous consent and agreed to.

LIEU LAND CLAIMS.

Mr. JONES of Washington submitted the following resolution (S. Res. 164), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish to the Senate the following data relating to lieu selection 2904 involving lands claimed by Alma De Long, Arthur Baldwin, George W. Hamilton, Forrest Thurston Martin, George Wheaton, Carl A. Welander, Edward A. Halverson, Ulysses Loop, Moses Kauffman, Addie Sprague, Claude Vanderpool, and others as entrymen or contestants, and C. W. Clarke, lieu land claimant or contestee:

First. Copies of all letters, not included in the recorded testimony, received relating to these lands or any other part thereof or the parties interested or any of them.

Second. Copies of all decisions rendered by the local land office officials, the Commissioner of the General Land Office, and the Department of the Interior affecting any or all of these lands and any or all of these parties.

Third. Copies of all reports or memoranda prepared in the department relating to these lands or any part thereof and not appearing in the testimony taken in the local land office.

ENLISTED MEN AND COMMISSIONED OFFICERS.

Mr. OVERMAN submitted the following resolution (S. Res. 165), which was read and considered by unanimous consent and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the United States Senate what, if any, rules or regulations there are of the War Department which prevents officers from having intercourse with privates and mingling with them in social intercourse, or which tend to caste distinction between enlisted men and commissioned officers when they are off duty.

HEARINGS BEFORE THE COMMITTEE ON MANUFACTURES.

Mr. REED submitted the following resolution (S. Res. 166), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Manufactures, or any subcommittee thereof be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books and papers, to administer oaths, to employ a stenographer at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee; the expenses thereof to be paid out of the contingent fund of the Senate, and that the commitee, or any subcommittee thereof, may sit through the session or recess of the Senate.

Mr. THOMPSON, subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported favorably the foregoing resolution, and it was considered by unanimous consent and agreed to.

REPORT OF GOVERNOR GENERAL OF THE PHILIPPINES (S. DOC. NO. 130).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying paper, referred to the Committee on the Philippines:

To the Senate and House of Representatives:

As required by section 21 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands for the fiscal year ended December 31, 1916, together with the reports of the governor of the Department of Mindanao and Sulu and the executive secretary of the Philippine Government.

WOODROW WILSON.

THE WHITE HOUSE, *10 December, 1917.*

REPORT OF GOVERNOR OF PORTO RICO (S. DOC. NO. 129).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 12 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith, for the information of the Congress, the report of the governor of Porto Rico for the fiscal year ended June 30, 1917, together with the reports of the heads of the several executive departments of the Porto Rican government for the same period.

WOODROW WILSON.

THE WHITE HOUSE, *10 December, 1917.*

FRANCHISES OF PORTO RICO (S. DOC. NO. 128).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900 (31 Stat., 83), entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico up to the time such functions of the Executive Council were superseded by the Public Service Commission provided for by section

38 of the act of March 2, 1917 (39 Stat., 951, 964), entitled "An act to provide a civil government for Porto Rico, and for other purposes." The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War in transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE, *10 December, 1917.*

PROMOTION OF EXPORT TRADE.

The VICE PRESIDENT. The morning business is closed.

Mr. POMERENE. I ask unanimous consent that the unfinished business, House bill 2316, be laid before the Senate and proceeded with.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2316) to promote export trade, and for other purposes.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, I wish to take a few moments to complete what I began the other day and especially to reply to certain suggestions that were made by the Senator from Minnesota [Mr. KELLOGG].

To recall to the minds of the Senators present the exact question I may be allowed to repeat that the bill before the Senate is intended to repeal the antitrust law and section 7 of the Clayton Act, in so far as our foreign trade is concerned. The amendment which I have offered, and which is the pending question, proposes to make lawful the establishment and conduct of a common selling agency in foreign countries entered into by those who manufacture or sell competitive products.

I said the other day, and further reflection has only deepened my conviction upon that point, that the proposal to establish a common selling agency in a foreign country by producers or manufacturers in this country is entirely lawful under the law as it is. There are two reasons for my belief in this respect. In the first place there is a territorial immunity, if I may term it so. Acts done in a foreign country by citizens of the United States, even though they are in restraint of trade, are not offenses against our antitrust law if they are lawful under the laws of the country in which they are done or performed. This is not an original conclusion upon my part, for it has been so determined by the Supreme Court of the United States. The Senator from Minnesota [Mr. KELLOGG] I think fully recognizes that proposition and does not controvert it; nor do I understand that the Senator from Ohio [Mr. POMERENE] disputes the correctness of the statement I have made.

In order, however, that there may remain no doubt whatsoever about it, I refer the Senate to a case which is very well known by students of this subject, known as the American Banana Co. against the United Fruit Co., reported in Two hundred and thirteenth United States Supreme Court Reports. In that case the American Banana Co., which was a corporation organized under the laws of the State of Alabama, as I remember, brought suit against the United Fruit Co., a corporation organized under the laws of the State of New Jersey, asserting that the United Fruit Co. had monopolized, or attempted to monopolize, the entire foreign fruit business coming from the West Indies; that it had pursued a series of practices which had been condemned by the Supreme Court in many cases; and that the United Fruit Co. had finally and through the intervention of the Government of Costa Rica, entirely destroyed the plantations and the business of the American Banana Co.

There are many questions in that case, and the one which would naturally be suggested by the last statement I have made is probably not material, namely, the difficulty of asserting and proving that the acts of a foreign government could under any circumstances be unlawful as against a law of the United States. I do not dwell upon that particular phase of the matter. However, the Supreme Court of the United States, after carefully considering the whole field, held that the acts that were done, performed, and committed by a citizen of the United States in Costa Rica or Panama—because these things were done in a territory formerly claimed by Colombia and which was in dispute as between the State of Panama and the Government of Costa Rica, but which afterwards came to the State of Panama under the revolution and organization which followed—could not be in violation of the antitrust act. I shall not go into the details, but shall content myself with reading three brief extracts from the decision. The court said, on page 355, after stating the case with great particularity:

> It is obvious that, however stated, the plaintiff's case depends on several rather startling propositions. In the first place, the acts causing the damage were done, so far as appears, outside the jurisdiction of the United States and within that of other States. It is surprising to hear it argued that they were governed by the act of Congress.

Do not mistake the meaning of that sentence. This is stated not because these acts, or some of them, were committed by an organized government, not because they were committed by the Government of Costa Rica, for the acts of the United Fruit Co. itself, its officers and agents, were quite sufficient to bring the case within the antitrust law if territorial immunity did not exist. Again, on page 357, the court said:

> In the case of the present statute the improbability of the United States attempting to make acts done in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue—

Referring, of course, to the first section of the antitrust law, which declares to be unlawful certain acts committed in restraint of trade. The court continued:

> We think it entirely plain that what the defendant—
>
> Speaking of the United Fruit Co.—
>
> did in Panama or Costa Rica is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be discussed.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. If the Senator from Iowa will permit me, I desire to make a suggestion which I wish he would consider. In the United Fruit Co. case the acts which the United Fruit Co. procured to be done in Yucatan were acts of destruction of competitors' property in a foreign country.

Mr. CUMMINS. They were; that is, some of the acts were for the purpose of inducing the Government of Costa Rica to destroy the property of the American Banana Co.

Mr. KELLOGG. Yes. In the question of a common selling agency the manufacturers, we will say, of this country must get together and must agree that John Jones shall be their agent in Yucatan and that they will furnish him certain goods, possibly for a certain price, which he may place for them in that country. Now, the difficulty arises between the banana case and the corn-selling agency case, whether or not an agreement in this country by American manufacturers to create a foreign selling agency and to furnish them goods is not partly affecting commerce in this country, and is therefore within the Sherman law. I agree with the Senator that it is not, but some of the best lawyers in this country disagree with us and advise their clients that they can not make such an agreement. For instance, the Federal Trade Commission has reported that leading business concerns on the Pacific coast have initiated a selling agency which has not gone into effect because of their fear of the law. If they already have the right, then to give them the right to create common selling agencies can not do any harm.

Mr. CUMMINS. But, Mr. President, in the bill which is proposed we not only give them the right which the Senator from Minnesota thinks is undisputed, but we give them a great number of other privileges, which are condemned, in my opinion, by the best sense of the commercial world. In order to remove the doubt which the Senator from Minnesota has in mind I have introduced the amendment which is now pending; but I do not desire to go further than to remove the doubt.

I refer again to the case from which I have been reading. It must be remembered by the Senate, and especially by the Senator from Minnesota, who is perfectly familiar with the case and with the circumstances, I know, that the acts alleged against the United Fruit Co. were mainly committed in the United States; that is to say, the plan was made in the United States; the officers and agents and employers were hired within the United States; there were more things done by the United Fruit Co. in the United States in the case to which I am referring than could possibly be done in the United States by different producers or manufacturers agreeing to select a common agency in a foreign country, and to maintain that agency.

I read now the last paragraph of the opinion, which will make the thought I have just expressed perfectly clear:

> Giving to this complaint every reasonable latitude of interpretation, we are of opinion that it alleges no case under the act of Congress and discloses nothing that we can suppose to have been a tort where it was done.

Now, mark you—

> A conspiracy in this country to do acts in another jurisdiction does not draw to itself those acts and make them unlawful, if they are permitted by the local law.

By the "local law" the Supreme Court in this case means, of course, the law of the Government of Costa Rica or of Panama, as the case may be.

Mr. President, I have cited this case and indulged in these observations not because I think it is moral or upright for a citizen of this country to organize combinations in restraint of trade to be operated elsewhere, but I have done it for the purpose of showing that under no circumstances is there any reason for the present modification of the antitrust law in order to meet the desires or the alleged needs of the exporters of the United States. The more satisfactory reason which I gave the other day, and which is not seriously disputed, is this, that the cooperation or combination of producers in this country for the purpose of marketing their goods abroad fairly and honestly and conducting their business in a spirit and under methods which commend themselves to the average sense of the country is not a violation of the antitrust law, has never been held to be a violation of the law, and never will be held to be a violation of the law.

The Supreme Court of the United States went further upon this immediate subject in the early cases known as the Traffic Association cases than it has ever gone since; that is, with regard to a voluntary agreement among competitors intended to stifle or restrain competition. There is some language in those early cases from which it might be deduced that any reduction of competition would constitute a violation of the law, but if any such conclusion can be drawn from those cases it was overturned completely and entirely by the decisions of the Supreme Court in the Standard Oil Co. case and in the American Tobacco Co. case. No man will assert, if there are a hundred rivals, competitors in this country, manufacturing or producing a particular commodity or a series of commodities, that it is in violation of the law for two of them to consolidate, two of them to unite, and in that way and to that degree lessen competition; no one has ever contended for any such construction of the law.

There must be something more than the mere elimination of competition between a reasonable number, of a larger number, engaged in the same business; otherwise there has not been a consolidation in the United States in 25 years that is not condemned by the law; otherwise there could be no concentration of business between rival or competitive producers or manufacturers.

The most obvious or clearest case with respect to that is the case of the United States Steel Corporation. Does the Senator from Ohio contend that the mere consolidation of 25 per cent or 30 per cent or 40 per cent of a particular kind of business in one ownership or under one agency is in and of itself a restraint of trade? It may be, and it may not be. It depends entirely upon the consequences which follow from the consolidation or concentration, and with that of course is inseparably connected the manner in which the business is transacted. After all the final inquiry of the court is, Does the agreement, no matter what form it takes—whether it is an incorporation or whether it is an independent agreement—restrain trade in the United States, or, in the present instance, does it restrain the foreign trade of the United States?

It would be monstrous to contend that if we had 100 exporters desiring to sell goods in Brazil or in the Argentine Republic two of them could not unite in establishing a common representative, and I care not whether it is established through one form or the other the effect would be to eliminate competition as between those two producers or manufacturers. But in and of itself the elimination of that combination, if the channels of trade are open for all who desire to enter that trade, and if no unfair and dishonest practices are employed, would not constitute a violation of the antitrust law.

There have been great clouds of misapprehension, a perfect spasm of hysteria, with regard to the antitrust law. I think it is one of the most beneficent laws ever enacted. I think it has done more for the development of the United States than any other enactment of an economic character. I think it has done more and will do more to promote and expand foreign trade than any other legislative provision that we could conceive. But when either the fears or the malicious design of manufacturers or their counsel, in order to rid themselves of its general beneficial effect, put upon the law a construction which no court has ever put upon it, and which the common sense of mankind instantly repudiates, in order to secure some advantages for themselves, I protest, and, while I do not impute any such motive to those who are furthering this legislation so far as this Chamber is concerned, that is the underlying reason for the attack upon the statute.

Mr. President, I conclude that phase of my remarks by the repeated assertion that what the exporters of this country desire to do, so far as they have disclosed their desires to the committee, so far as they have revealed them to the public, can be done under the law as it is; and if there be a timid or shrinking producer anywhere who needs further assurance, the amendment which I have offered will give it to him. It will say to him: "If you doubt the legality of uniting with some other producer or some other manufacturer and of establishing a common selling agency for your goods abroad, in order to reduce the expenses of your business or in order to enable you to make organizations and conduct preliminary advertising and arrangements that you can not afford to do alone, this amendment will give you that assurance." But the producer must remember, and he ought to remember, that whether he adopts a common selling agency or not, he must do nothing that will restrain the foreign trade of the United States, just as he must be careful to do nothing that will restrain the domestic trade of the United States.

The Senator from Minnesota [Mr. KELLOGG] made a very interesting and, I think, a very instructive argument in favor of the expansion of our foreign trade. There is nothing that he can say or that any other Senator can say looking toward that very desirable end that will not meet my hearty concurrence. I believe in adopting every policy consistent with morals that will tend to enlarge our foreign trade. But, Mr. President, if there is no difference of opinion—and there can be none—with respect to that fundamental proposition, wherein does the difference of opinion among the people of this country lie if there is any real difference of opinion? It lies in the methods which are best adapted to enlarge or to expand our foreign trade.

The Senator from Minnesota [Mr. KELLOGG] apparently believes, and the Senator from Ohio [Mr. POMERENE], who has given the subject much thought and consideration, clearly believes, that our foreign trade will be enlarged and fortified if we repeal the antitrust law with regard to it. I do not. I think the repeal of the antitrust law, so far as our foreign trade is concerned, will have a certain and a disastrous tendency to restrict our foreign trade. I think it will do much to destroy a structure which we have already reared and which is the admiration of every man who is proud of American enterprise and ingenuity. I want to retain this protection for American foreign trade. It will do for our foreign trade just what it has done for our domestic trade.

I remarked the other day, and I seem to have been somewhat misunderstood in the remark, that the growth and development of the United States in foreign trade has been more rapid than that of any other country in the world in the last 5 or 10 years. I assume that those who heard me understood me to confine that observation to the part of our foreign trade which is affected by the antitrust law or could be affected by the antitrust law. I assume that I was not understood to say that our exports of foodstuffs, which are always limited to the production influenced by favorable or unfavorable conditions, were included in that suggestion. But I repeat now the statement that we have advanced in domestic production in the last 10 years—and I will take the 10 years before the war—more rapidly than any other country in the world; and I assert again that we have increased our foreign trade, the volume of our exports, more rapidly than any other country in the world, so far as exports are concerned which by any possibility could be controlled by the antitrust law.

I will exclude foodstuffs now and lay before the Senate just two items of information which any Senator can verify by reference to the Statistical Abstract. May I premise it by one other suggestion?

I take the 10 years before the war. I agree with the Senator from Minnesota that what has happened since the war furnishes no valuable information and furnishes no real standard for determining what we can do in competition with the rest of the world. It is only fair, in order to ascertain what we can do, to go back to the years before the war, and I have taken for my comparison the 10 years immediately preceding the war—that is, the years from 1904 to 1913, both inclusive.

In 1904 the United States exported to all countries, of all commodities, except foodstuffs, products of the value of $890,503,716. In 1913 we exported of the same commodities, again excluding foodstuffs, merchandise and products of the value of $1,925,394,719. In the 10 years we increased our exports of these manufactured and semimanufactured commodities and raw material which enters into manufactures by more than 116 per cent; and there is no country on earth that can exhibit a like growth in the like products.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. KELLOGG. I should like to ask the Senator from Iowa why he excludes from the exports of this country manufactured food products, because as to some of those manufactured food products they come in competition with the products of foreign countries. Furthermore, the figures which I gave were taken from a report of the Federal Trade Commission, after years of investigation, and are substantiated by the reports of the various departments of the Government.

Mr. CUMMINS. I am not doubting the correctness of the table which was introduced by the Senator from Minnesota. Whether the table is of value or not depends entirely upon the manner of making it up; and I do not think it is of any value in this controversy, because it can not be asserted that the exportation of our foodstuffs, whether manufactured or otherwise, has been in any degree affected by the antitrust law, at least from my standpoint.

So, Mr. President, we have done under the antitrust law what no other country has done; and had not the war intervened I have no doubt that our experience during the three years or more which have elapsed would have been as fortunate and as happy as our experience in the 10 years preceding the war. I can not see, therefore, why we should undertake at this time and under these circumstances the repeal of the antitrust law.

Is it not somewhat illogical for a Senator who is speaking for the expansion—the enlargement of our trade to ask the repeal of a law the only prohibition of which is against a restraint of trade? All that the Congress has said—and this represents the policy of the United States—is that there shall be no contract or combination in restraint of foreign trade. It was not intended, of course, to aim a blow at foreign trade. It was intended to fortify foreign trade and to help build it up, and the statute declared that no one should lawfully restrain it. Now, whether our policy is better than the German policy, or whether it is better than the policy outlined in the report of the British Board of Trade and read by the Senator from Minnesota, is a subject upon which each Senator must make up his own mind. As for myself, as I said the other day, I am a believer in the American policy, which declares against restraint of trade. I am against the German policy, which seeks to establish a monopoly in every phase or branch of either civil or military life. The German policy is not confined to the mere permission to organize cartels and the agreements under which Germans do business abroad. The German policy goes very much further. I should like to know whether the Senator from Ohio favors the adoption in the United States of that policy. The German Government has not only permitted her merchants and manufacturers to enter into agreements which establish for the time being a monopoly in the particular business in which they are engaged, but it compels these merchants and manufacturers to do what it regards as best adapted for the empire as a whole.

Mr. McLEAN. Mr. President——

Mr. CUMMINS. I yield to the Senator from Connecticut.

Mr. McLEAN. I will not interrupt the Senator if he objects to the interruption.

Mr. CUMMINS. I have no objection.

Mr. McLEAN. The Senator has just read to the Senate some figures which indicate that our foreign trade has grown very rapidly from 1904 until 1914 or 1913.

Mr. CUMMINS. Including 1913.

Mr. McLEAN. Including 1913. I am informed that the entire foreign trade of the world in 1913 was something like $40,000,000,000—a little less. It seems to me that the question is not what we may get—and, of course, our trade has increased very rapidly—but whether we get our proportion in comparison with the proportion secured by other nations. To get that proportion we must take into consideration, it seems to me, the population. A nation with 2,000,000 people and 50,000 square miles of land would not be expected to get as large a percentage of foreign trade as a nation having 3,000,000 square miles of land and 100,000,000 people.

If the Senator will examine the figures based upon population, he will find that they are very startling, and I think contradict somewhat his theory that we have increased our foreign trade as rapidly as we should. If the Senator does not object, I should like to read a statement of the increase in foreign trade of Great Britain, Germany, and the United States for the period of 30 years from 1880 to 1910.

Mr. CUMMINS. If the statement is not too long, I shall not object.

Mr. McLEAN. It is a brief statement.

In 1880 Germany, with a population of 46,000,000, had a foreign trade of $1,430,000,000, or $31 per capita. The United States, with a population of 50,000,000, had a foreign trade of $1,600,000,000, or $32 per capita. Great Britain, with a population of 35,000,000, had a foreign trade of $3,500,000,000, or $100 per capita.

In 1910 Germany's population had increased to 64,000,000. Her foreign trade was $3,960,000,000, or $62 per capita. The United States, with 90,000,000 people, had a foreign trade of $3,300,000,000, or $37 per capita. The United Kingdom, with a population of 44,000,000, had a foreign trade of $5,550,000,000, or $126 per capita.

So we see that in this 30-year period Great Britain increased her foreign trade twice as fast as the United States, and Germany a little more than eight times as fast as the United States.

Mr. CUMMINS. Mr. President, I think the basis is entirely erroneous. The United States until very recently exported practically nothing in manufactured products. If you will turn to the period of 30 years ago you will find that all the exports of manufactured products in the United States were so small as to be practically negligible. We are taking care of our own people first, and we have not been in a position until very recently to export practically anything of a manufactured kind. Now, we have put ourselves in that position. We have developed our industries so that they can compete with foreign countries in manufactured things, and we are going ahead, or were going ahead, according to my estimate, in a very satisfactory way.

Mr. McLEAN. I think the Senator will find that the proportionate increase in both Germany and Great Britain, certainly in Germany, was as rapid during the last 5 or 10 years as the increase in this country.

Mr. CUMMINS. I question that, Mr. President, although I would not want to dispute any conclusion announced by the Senator from Connecticut if he has examined it. I have already given the figures for our exports in manufactured goods and raw materials for manufacture.

The Senator from Minnesota [Mr. KELLOGG] a few days ago gave the percentage of increase for Great Britain and Germany, and for one or two other countries. Great Britain and Germany have no exports of agriculture products practically. Substantially all their exports are manufactured goods or goods partially manufactured. Therefore it is entirely correct to compare their growth in exports of such things with our growth in exports of such things.

The Senator from Minnesota said—I have not verified the statement, but I assume it is correct—that for a number of years—I have forgotten the number of years; whatever the years the percentage of increase was about 90 per cent. Now, our increase in 10 years has been more than 116 per cent. I cite this for the purpose of showing that the antitrust law has not seriously if at all prevented exports from the United States. On the contrary I believe that if there had been unlimited right of combination, unlimited right of monopoly, if there had been pursued the same policy with regard to foreign trade that was begun along about 1880 and which reached its culmination about 1901 in our domestic trade, our foreign trade would have met the same disaster which was plainly invited by that policy of monopoly, combination, unfair and unjust practices in business and other things of that sort.

Mr. President, I have said all that I desire to say with regard to the amendment I have offered and the merits of the bill which it seeks to amend. I sincerely hope that the Congress of the United States will not without the most serious reflection and careful study repeal an act which, in my judgment, has done more for the trade and commerce and industrial freedom of the people of this country than any other measure which ever passed the Congress of the United States.

Mr. WEEKS. Before the Senator from Iowa takes his seat I should like to ask him a question, and that is whether in his opinion this bill would not clear up the situation sufficiently so that manufacturers and exporters would know what they could do under the terms of the Sherman Antitrust Act. I am led to make that inquiry because I recall that Senator Hoar, of Massachusetts, was the chairman of the Judiciary Committee when that legislation was framed, and a little time after that he gave an opinion to what was known as the wire pool, as to what they could do under the terms of the bill. Later these people, going on and doing what he advised them they could do—and he was certainly the principal framer of the law—were prosecuted by the Government and were fined, having plead guilty by the advice of their attorneys, from one to five thousand dollars apiece for doing just what the framer of the law said they could do. Now, will not this proposed bill clear up the situation so that men engaged in foreign trade will know what their rights are?

Mr. CUMMINS. Mr. President, I am very glad to have an opportunity to answer that question. I am very familiar with the letter which Senator Hoar wrote to a great manufacturing establishment in Worcester shortly after the passage of the law, and I know also that he put upon the law an interpretation which the courts in the early days of the law did not adopt. But it is incorrect, I think, to say that the then Senator from Massachusetts was the author of the law, and had any better opportunity for knowing what it meant than others. The Senator from Massachusetts will remember that when Senator

Sherman of Ohio, introduced the bill it contained not a prohibition against restraint of trade; it contained simply a prohibition against interference with competition. The bill was referred to the Judiciary Committee and was considered by the committee and reported and debated at very great length along those lines, and with very great learning, too, and was finally again referred to the Judiciary Committee, and there, at least so it is claimed, the then Senator from Vermont, who for years occupied a very high place in the legal fraternity of the United States, presented what we now have as a substitute for the original Sherman bill as it had been amended in the Senate. That substitute was reported by the Judiciary Committee and Senator Hoar of Massachusetts took an active part, of course, in its discussion. I think some of his descendants have claimed that he had something to do with its composition. I will not attempt to settle that controversy, which is not material, anyhow; but, at any rate, I do not think the fact that the Senator from Massachusetts did not correctly interpret the law, as determined by the decisions which were made immediately afterwards, ought to have any weight whatever in the present interpretation of the law, because now for 27 years this law has been going through an evolution. It has passed through the courts in every possible form, and the decisions of the courts in my judgment at this time, leave no doubt whatsoever with regard to the rights of exporters into foreign countries. But even assuming that there is still doubt, I have attempted to remove the doubt, to the point of safety at any rate, by the amendment which I have offered, which explicitly declares that rival manufacturers in this country can unite in a foreign market in a common selling agency in order to lessen competition between themselves and in order to reduce the cost of doing business. More than this the exporters ought not to ask. More than this we can not safely give them. But I will frankly say that if we repeal the entire law as the bill proposes to do, so far as foreign trade is concerned, it would remove all doubt, for we would have no legislation whatever upon the subject and exporters and business men would be remitted to what is ordinarily known as the common law to guide them in the conduct of their business.

I hope I have answered the question.

Mr. POMERENE. Mr. President, the Senator from Iowa has several times made the statement that it was the intention of this bill to repeal the Sherman antitrust law in so far as it applies to our foreign trade. I submit to the Senator that that overstates the purpose of the bill. We are very careful in this bill to provide that where restraint is due to unfair methods of competition they will be subject to control by the Federal Trade Commission, and also they have the power after investigation to refer these matters to the Department of Justice for such action as that department may deem proper. It is true it authorizes combination and associations, and to that extent it does repeal the act, but it does not permit the use of any unfair method of competition in the way of interfering with the foreign trade.

Mr. CUMMINS. Mr. President, I can not speak for the intent in the mind of the Senator from Ohio, but if he intends to preserve any legislation upon the subject of foreign trade he must have carried out his purpose in the use of the words in lines 21 and 22 on page 2. The proviso in which these words are found reads in this way:

> Provided such association, agreement, or act is not in restraint of trade within the United States and is not in restraint of the export trade of any domestic competitor of such association.

I do not know what those last words mean. I think they are unknown to the law. I do not know what it would be simply to restrain the export trade of a domestic competitor, but I call the attention of the Senator from Ohio to the obvious fact that there is a wide fundamental difference between restraining the trade of a competitor and restraining trade considered generically. Every sale that a merchant makes restrains in some degree the trade of his competitor, or may restrain the trade of his competitor, but sales made by one engaged in business in a regular, fair, and honest way can not by any possibility be held to restrain trade.

So I think the Senator from Ohio is mistaken with regard to his interpretation of the proposed statute, and, while I have great confidence in his legal opinion and absolute confidence in the sincerity of his purpose, I adhere to my statement that this does repeal the antitrust law so far as foreign trade is concerned.

Mr. WEEKS. The statement which has just been made by the Senator from Iowa would seem to bear out the doubt which I had in my mind about the construction of the law. Of course, until they are construed by the courts, there must be doubt in the mind of even the soundest attorney.

Everyone will concede that the Senator from Iowa is such an attorney, and yet he says that he does not know what certain language which is in this bill means.

I want to get back once again to Senator Hoar, who, I think, at the time was the chairman of the Judiciary Committee. He states explicitly in his autobiography that he framed the Sherman Antitrust Act as it now stands on the statute books. Of course, whether he entirely framed it or not may be a question of doubt in the mind of the Senator from Iowa; but I am taking his language.

Mr. CUMMINS. I have never attempted to settle that controversy. I know that Senator Edmunds has claimed to be the author of this law, and his claim is supported by a good deal of proof.

Mr. WEEKS. That is not important; but Senator Hoar was an able lawyer——

Mr. CUMMINS. He was a very able lawyer.

Mr. WEEKS. And generally conceded to have been such; and yet he evidently, from the standpoint of the court, did not know what the law meant. Now, we are attempting to clear the situation so far as foreign trade is concerned, and the Senator from Iowa confesses on the floor of the Senate that he does not know what the language of the proposed bill means.

Mr. CUMMINS. Mr. President, I confess that I do not know what the language I have quoted from the bill means, for, so far as I remember, it has never been used before and never been construed by any court; but I do know what the antitrust law means in so far as it has been construed by the Supreme Court of the United States, and I have attempted to show, and I hope successfully, that the construction of the Supreme Court removes all the doubt which the Senator from Massachusetts now has in his mind, and which may still linger in the minds of some manufacturers and producers.

Mr. WEEKS. Does the Senator from Iowa know how many cases are now pending for the dissolution of combinations or trusts, or whatever they may be called, under the provisions of the Sherman antitrust law?

Mr. CUMMINS. I do not.

Mr. WEEKS. I do not know the number, but I know that there are a great many such cases. I assume that such companies or combinations have employed the best attorneys to advise them what they could do within the terms of the law. Evidently from the standpoint of the Government they have not been well advised, notwithstanding the decisions of the courts.

Mr. CUMMINS. That is true. I do not know anything about the facts which underlie these various cases. Some of them may be good cases and some of them may be poor cases; but, at any rate, the argument which the Senator from Massachusetts is inferentially making would lead to but one conclusion; that is, that we ought not to have any law on any subject, lest there should be differences of opinion about its application and interpretation.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hale	New	Shields
Borah	Hardwick	Newlands	Simmons
Brady	Hollis	Norris	Smith, Ariz.
Brandegee	James	Page	Smith, Md.
Calder	Johnson, S. Dak.	Pittman	Smoot
Cummins	Jones, N. Mex.	Poindexter	Sterling
Curtis	Jones, Wash.	Pomerene	Stone
Dillingham	Kenyon	Ransdell	Sutherland
Fletcher	King	Reed	Swanson
France	La Follette	Robinson	Thompson
Frelinghuysen	Lewis	Saulsbury	Trammell
Gerry	Lodge	Shafroth	Vardaman
Gore	McCumber	Sheppard	
Gronna	McNary	Sherman	

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of sickness, and to state that he is paired with the senior Senator from North Dakota [Mr. MCCUMBER].

Mr. SAULSBURY. I desire to announce that my colleague [Mr. WOLCOTT] is ill at home and unable to attend the sessions of the Senate.

Mr. JAMES. I desire to announce the absence of the Senator from North Carolina [Mr. OVERMAN], the Senator from Mississippi [Mr. WILLIAMS], the Senator from Alabama [Mr. UNDERWOOD], the Senator from Minnesota [Mr. NELSON], the Senator from Pennsylvania [Mr. KNOX], the Senator from New Hampshire [Mr. GALLINGER], and the Senator from Georgia [Mr. SMITH] on official business.

Mr. THOMPSON. I desire to announce the absence of the junior Senator from Montana [Mr. WALSH] on account of illness.

Mr. SHIELDS. I wish to announce the absence of my colleague [Mr. MCKELLAR] on account of illness.

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business.

Mr. FRELINGHUYSEN. I desire to announce the absence of my colleague [Mr. HUGHES] on account of illness.

The PRESIDING OFFICER. Fifty-four Senators having answered to their names, a quorum of the Senate is present.

Mr. REED. Mr. President, I wish it were possible to enlist the attention of the Members of the Senate to this very important bill. We have just called the roll, a quorum has answered "present," and yet there is not in the Chamber at this moment one third of the membership. The fact illustrates the vice of undertaking to chain the attention of the Senate to legislation of this kind when a great war is pending and the mind of every Senator is occupied with the tremendous problems and responsibilities incident to that conflict.

Mr. President, if there ever was a time in the history of this country when this kind of legislation was not needed now is the moment. It deals with the question of foreign commerce and with the right to effect combinations to control foreign commerce. Yet it is brought forward at a time when the entire foreign commerce of the United States is absolutely in the hands of the President of the United States, when a partial embargo has been declared upon all of our products which are to be shipped abroad, when every kind of foreign commerce has been brought within a common control, and when conditions exist which for the present render such legislation as is now proposed absolutely without effect.

It is brought forward at a time, Mr. President, when the attention of this Congress ought to be devoted to great and vital issues. Our forces are dissolving upon the western battle lines of Europe. Russia has apparently retired from the field, and in so doing has withdrawn from the conflict over 15,000,000 soldiers who were relied upon to help carry the war against Germany to a successful issue. The very provisions and munitions that the United States has sent to Russia to be used in the war against Germany are now in serious jeopardy.

The question whether the German forces will not be fed from the fields of Russia during the coming year is one of such pressing importance that we can not afford to disregard its consideration. The further question whether Germany will not draw supplies of workmen, if not of soldiers, from Russia during the coming year, is one demanding our serious attention.

The Italian forces have been driven back from positions which a few months ago were regarded as impregnable. We are told that these defeats, amounting to great catastrophes, have been caused, in part at least, by a failure of the allies of Italy to supply her with enough munitions and cannon to meet on equal terms the on-coming hosts of Germany and Austria. We are one of Italy's allies. What share of the responsibility for the defeat is ours? This does not complete the story of fecund disasters. Roumania is suing for peace. Serbia is a conquered province.

In our own country the most serious conditions confront us. In the Capital of the Nation, we are told, there is not enough coal to keep the people in a condition of ordinary comfort. From every part of the country comes the cry for coal. Whether the shortage is the result of a failure of the mines to produce as they ought or a failure of the railroads to carry as they should, or whether it is chargeable to conspiracies among middle men to deprive the people of coal, or whether it has resulted from an ill-advised and ignorant interference with coal production and distribution, the stern fact nevertheless confronts us that there is to-day an unprecedented and serious coal shortage.

We are likewise confronted with the fact that staples that have been in use in every family of the country since the Government has existed, and in which there has never before been a shortage, are now so scarce in this land of plenty that men and women are clamoring for tickets which will entitle them to purchase such necessities as sugar.

We are told, Mr. President, that there is a shortage of guns with which to equip our newly raised armies. We are informed that there is a shortage of cannon with which to equip the great armies we are preparing to send abroad. We know there is a shortage of ships to carry our troops and to carry munitions of war. We understand that there has been delay, and still more and more delay, in carrying out these great enterprises.

At such a time as this, when Congress ought to be devoting the last ounce of its energy and the best of its intellect to the solution of the mighty problems confronting the country and the world, we sit here in smug self-content and proceed to legislate in favor of the trusts and combinations! We can not get the attention of Congress to this legislation as we could in normal times. The lack of interest is manifest here this afternoon, and it is not wonderful that there is a lack of interest, for I say to the Senate and I say to the American people that it is time the war should be the supreme and the only thought in the mind of Congress.

Let me call your attention to something, Senators—not a pleasant task, but one that somebody must perform. Let me call your attention to the fact, to which I have already adverted, that we have lost in the last 90 days 15,000,000 soldiers from the side on which we contend. The withdrawal of Russia from this conflict at the present time appears to be complete. What the womb of the future may hold no man can tell. Let me call your attention to the fact that that leaves Germany and her allies with a preponderance of fighting force at the present time. Whereas 90 days ago we had a preponderance, counting Russia, to-day Austria and Germany and Turkey and Bulgaria have a numerically superior force on the battle fields of the world. Let me challenge your thought to the fact that they occupy a united territory; they are not divided by arms of the sea; they are trained soldiers, every one of them. Even the unspeakable Turks, who a few years ago advanced in barbaric hordes that broke upon the bayonets of the English squares, are to-day among the best disciplined soldiers of the world. Germany began the training of that army many years ago. I invite your thought to the fact that Congress can not put aside these great issues or escape these mighty responsibilities. We should be giving study to the economic questions that concern the carrying on of this war. We should be considering the creation of greater armies and greater armies.

I have no hesitancy in saying that unless something of a most fortunate character transpires, which we can not now confidently predict, the time will speedily come when there will be new levies upon our citizens. Common prudence demands today that we should begin training the boys from 18 to 21, if not to send them to foreign fields, at least that they may be prepared to defend the coasts of this country against any eventualities of this conflict. Suppose that one or two other nations disappear from the contest. As Russia has gone, as Roumania has gone, as Serbia has gone, so others may go. The time may come when the mighty force of the German war engine will beat with such terrific power against our remaining allies that we will find it necessary to have an army upon the coasts of North America.

You may regard that as the talk of an alarmist, if you please; you may pass it by lightly if you choose; but it is within the possibilities of the future, and it is our business to be prepared for possibilities. We should be studying these great questions. And at this time, under these circumstances, this legislation is forced forward.

Mr. President, I regret the fact. I regret the spirit of Congress, which has been for many months: "Shift all responsibility to the President. Heap all these burdens upon the Executive. Let us wash our hands of responsibility. Let us say that the Government during the war consists of the Executive and his advisers." Such, sir, is not the case. We can not escape these responsibilities. They rest upon Congress heavily. If disaster shall come to our beloved land the Congressman who has failed to do his duty will offer but a sorry excuse when he pleads: "I put the responsibility upon the President." The Constitution puts it upon the Government, and Congress is still a part of the Government.

Mr. President, if Congress can ever be gotten into a room long enough to analyze this bill, it will not pass. I heard the Senator from Iowa [Mr. CUMMINS] this morning deliver a very clean-cut argument that was absolutely destructive of this bill, and there were not upon the Democratic side to exceed three or four Members during the time he spoke. Now, why? Because the minds of these Members are occupied, I take it, with the weighty problems to which I referred a little while ago.

There is no use in trying to discuss this bill to empty benches. The Senate was almost empty when I took the floor. It is even emptier now. If this occurred only during my remarks I would understand that it was because the Senators were not interested in anything that I might say, and I would feel fittingly rebuked and would take my seat. But, Mr. President, it occurs habitually these days, no matter who has the floor. This bill is not being considered and it is useless to argue it in the absence of the Senate.

Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The Senator from Missouri moves that the Senate adjourn. [Putting the question.] The Chair is unable to decide.

Mr. TOWNSEND. I call for a division.

On a division the Senate refused to adjourn.

Mr. REED. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Newlands	Smith, Md.
Bankhead	Johnson, S. Dak.	Norris	Smith, Mich.
Calder	Jones, N. Mex.	Page	Smith, S. C.
Colt	Jones, Wash.	Pittman	Smoot
Dillingham	Kellogg	Poindexter	Sterling
Fletcher	Kenyon	Pomerene	Sutherland
France	King	Ransdell	Swanson
Gronna	La Follette	Reed	Townsend
Hale	Lewis	Robinson	Trammell
Harding	McCumber	Shafroth	Vardaman
Hardwick	McLean	Sheppard	Wadsworth
Hitchcock	McNary	Sherman	Weeks
Hollis	New	Shields	

Mr. JAMES. I wish to announce the absence of the Senator from North Carolina [Mr. OVERMAN], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Pennsylvania [Mr. KNOX], the Senator from Alabama [Mr. UNDERWOOD], the Senator from Mississippi [Mr. WILLIAMS], the Senator from Iowa [Mr. CUMMINS], the Senator from Georgia [Mr. SMITH], and the Senator from Minnesota [Mr. NELSON] on official business.

Mr. SMOOT. I desire to announce the absence of the junior Senator from Kansas [Mr. CURTIS]. He is attending a meeting of the Committee on Rules.

Mr. MCNARY. I wish to announce the unavoidable absence of my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], on official business.

Mr. LEWIS. Mr. President, I take it that possibly an announcement as to the senior Senator from South Carolina [Mr. TILLMAN] has been made; but noting that the Senator from North Carolina [Mr. OVERMAN] is absent, I beg to announce the absence of the senior Senator from South Carolina [Mr. TILLMAN] because of illness. I ask that this announcement shall remain for the day.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. NEWLANDS. Mr. President, I understand that the Senator from Missouri made a motion for adjournment because of the insufficiency of the attendance of the Senate. As I understand it, a great many Members of the Senate have very extensive engagements with the departments, and particularly with the Departments of War and Navy. One Senator told me this morning that he had at least a hundred matters to attend to of that kind. In addition to that, committees are meeting, shaping the legislation for this session. A joint committee upon interstate commerce, among others, is in session, having realized that events were hurrying on into legislation which will come within the province of that joint committee, and in that way they expect to conduct it with greater deliberation.

In view of this condition, it seems to me that we might well resort to the custom which we indulged in in the early part of the former session of meeting at 2 o'clock in the afternoon, thus enabling the committees to conduct their sessions for at least three hours or three hours and a half and enabling Members of the Senate to discharge their obligations to their constituents with reference to departmental matters.

I hesitate to make any motion to that effect whilst the Senator from Virginia [Mr. MARTIN] is absent, but I call it to the attention of the Senator from Ohio who has the bill in charge, and suggest that we would dispatch business more rapidly and secure a better attendance of the Senate by following some rule of that kind.

Mr. POMERENE. Mr. President, I take it that I am right when I say that a motion of that kind at the present moment would be out of order, as the unfinished business is now before the Senate. I regret exceedingly that there is not a larger attendance. It is not because this is an unimportant bill. It is a very important bill. Senators are interested in it and the public is interested in it. Let there be no mistake about that fact. The conditions which are complained of to-day are not very different from conditions that prevail under our rules here at almost any part of any session of the Senate. I have been hoping that this bill could be debated and that we could arrive at a speedy conclusion. I still believe that that can be done, and it will then be out of the way and not interfere with other business.

There is very much force in what the Senator from Nevada [Mr. NEWLANDS] has said with regard to the engagements of other Senators. We all have such engagements and we are all anxious to attend to those affairs for our constituents, but this is an affair of our constituents as well.

If Senators are of the opinion that the people at large, their business people, are not interested in this kind of legislation it is because they have not taken the pains to inform themselves. There is no piece of legislation affecting our business interests which is more nearly in their hearts than this. But I do not care to take the time of the Senate to discuss that now.

It seems to me that the suggestion made by the Senator from Nevada might be well taken up during the morning hour, and I shall be content with any disposition that the Senate will then make of it.

Mr. SMOOT. Mr. President, I hope that the suggestion made by the Senator from Nevada will not be favorably acted upon at any time. I have noticed in the past when the Senate met at 2 o'clock very little was accomplished upon any day. After the morning hour was over there was but a short time left to discuss any question and the result was usually a waste of time. At the beginning of a session Senators do not feel inclined, and I do not blame them, to remain in the Senate Chamber after 5 o'clock, and, generally speaking, they would like to get out a little before. They have their mail to attend to after that hour. To the suggestion of the Senator from Nevada that all Senators have an extra amount of work to do at the present time we all agree.

Mr. President, the proper way to meet the present situation is to adjourn over for a day if we have no special business to attend to, or to adjourn over for a couple of days, and give Senators all the time from morning until night to attend to their work in the departments and also to their mail without interruption. We will accomplish more in that way than if we undertake to meet at 2 o'clock each day and remain in session for an hour or two and then adjourn.

Mr. VARDAMAN. I ask the Senator what would be the necessity of remaining in session for only an hour or two and then adjourning? If the Senator will permit me, under the suggestion made by the Senator from Nevada we would meet after the hour for luncheon has passed; and there would be nothing to interrupt a Senator in the performance of his duty upon the floor of the Chamber until a convenient time, at 5 or 6 o'clock, when we would adjourn. I think there is a great deal of wisdom in the suggestion, and I think it would result in an economy of time if it should be adopted.

Mr. SMOOT. If we meet at 2 o'clock, quite often the morning business would extend until after 3 o'clock, and then there would be little accomplished by way of considering legislation after that time during that day. We all understand that the committees at the beginning of every session must meet and act upon the bills referred to the committees, and that is what the important committees are doing now. There will be more time of the Senate ultimately saved by having the committees attend to the committee work in the early part of the session and get the work upon the calendar and then hold sessions during the hours we generally hold them after the holidays.

I fully agree with the Senator from Nevada that there ought to be some change made in the program and we should not hold sessions as we have been doing for the last few days. We meet at noon, and Senators who are always in attendance make no afternoon appointments, thinking the Senate will remain in session the balance of the day, but at 2 or 3 o'clock, as the case may be, the Senate adjourns until the following day. It is then too late to attend to the work that they could have attended to, and virtually the greater part of the afternoon is lost.

It seems to me that the proper thing to do would be in the early days of this session to adjourn over for a day or two and let all Senators know that they would have full days to do whatever is required of them either at their office work or departmental work, and ultimately, as I said, there would be more accomplished than to hold sessions as we have been holding them.

Mr. NEWLANDS. Let me call the attention of the Senator from Utah to the fact that during the early part of the session, while the rule provides that two hours shall be devoted to the business of the morning hour, as a matter of fact, only a few minutes are occupied with the business of the morning hour. Hence, pursuing the custom that we have pursued in the past few days, if we meet at 2 o'clock we will find that we will be able to spend most of the time from 2 until 5 in general legislative business, and in that way we can quickly dispose of the bill which is now pending and proceed to other legislative matters.

Mr. SMOOT. My suggestion to the Senator having the bill in charge is, if there is any real necessity for the early consideration and passage of the bill, to hold it before the Senate at least until 5 o'clock, and let us get through with it and then take an adjournment, as I suggested. But it does seem to me that we ought to have some kind of a program, so that Senators may

know in advance what time they will have for work outside of the Chamber, and so that they may arrange their work accordingly.

Mr. POMERENE. Mr. President, just a word further. This bill has twice passed the House, and it has been reported to the Senate. We tried to have it considered at the last session. It did not seem to be an opportune time, and it was suggested by various Senators that we make it the unfinished business. I asked that it be made the unfinished business, and that was done, with a view to having it disposed of early in this session. I did not suppose that it was going to interfere materially with committee work, at least no more than any other legislation, because we have always had committee work during the entire year. I desire, of course, to consult the convenience of Senators as much as I can, but I thought we would be able to have this matter disposed of at an early day, and we could then devote our attention to something else.

On yesterday I moved to adjourn at an early hour out of respect to the wishes of several Senators, who wanted to speak to-day and did not at that time feel disposed to occupy the attention of the Senate. I should like to have the debate go on if Senators feel disposed so to do.

Mr. NEWLANDS. I have just been told by the Senator from Kentucky [Mr. JAMES] that it is the opinion of the Committee on Rules——

Mr. JAMES. Not expressed formally.

Mr. NEWLANDS. Not expressed formally, that the session should commence at 2 o'clock during this period. I hesitate to make a motion to that effect, because the Senator from Virginia [Mr. MARTIN] is not in his seat, but I understand he is out of town and I have been urged to make the motion. I am willing to do it unless it is objectionable to the Senator from Ohio. If so, I will not make it.

Mr. POMERENE. The unfinished business is now before the Senate and I do not see how that can be done without displacing the unfinished business. It may be done during the morning hour. It seems to me if we contemplate that change in our program it should be done during the morning hour when Senators will be here and have an opportunity to take part in the discussion.

Mr. JAMES. If the Senator from Nevada will permit me, the Committee on Rules is in session and had information that such a motion was either made or contemplated. I am satisfied that a considerable majority of the committee are in favor of meeting at 2 o'clock, because we have so much business before the various departments that it is impossible to attend to it and attend committee meetings and get here at 12 o'clock. We really would make time by meeting at 2 o'clock. By reason of the war situation the departmental business is so heavy that in view of that, together with the committee work, it seems to me it would be wise to meet at 2 o'clock. But of course I recognize that a point of order could be made and that the motion could not be properly acted upon except in the morning hour. Personally, I am very heartily in favor of such a program.

Mr. VARDAMAN. May I suggest to the Senator from Kentucky that a motion, with the consent of the Senator from Ohio, would be in order now to move that when the Senate adjourns to-day it adjourn until 2 o'clock to-morrow?

Mr. JAMES. I will say to the Senator from Mississippi that I have no desire to interfere with the consideration of the bill now before the Senate, but the thought that I was bringing to the attention of the Senate was that it ought to be definitely settled that the Senate will meet at 2 o'clock. Every Senator knows that all of us have a great deal more departmental work now than we ever had before. We have constituents here practically all the time and we have to go with them to see about various matters and to get information for them, and so forth. When we do that we can not attend committee meetings. I myself was down at the department this morning and I found when I got here the committee I had been called to meet with had been in session for quite a little while. If the Senate will meet at 2 o'clock, it will give us two hours' additional time.

Mr. SMOOT. Do I understand the Senator from Kentucky to say that the Committee on Rules decided the question?

Mr. JAMES. Oh, no; I did not state that the Committee on Rules decided it. They were meeting to consider some other matters, and a page came down and gave the information to the chairman that this matter was up before the Senate. It was merely informally spoken of by the committee. No action whatever was taken by the Committee on Rules upon the subject. I came up myself to vote upon it and do what I could to have it adopted, and several Senators said to me if their votes were needed to let them know. That is all that was done. No formal action was taken.

Mr. SMOOT. The reason why I asked the question was because I have never known the Committee on Rules to take that question under consideration unless it was referred to them.

Mr. JAMES. No; there was no intention of that sort at all, I will say to the Senator.

Mr. SMOOT. The Senator from Kentucky [Mr. JAMES] was not present when I made a statement. If this question is to be voted upon now, I want a quorum present, and we will discuss the question as to what is the best policy. My opinion is that we ought to adjourn over and give Senators a full day, so they will not be interrupted in their work at the departments or work in their offices. If we are compelled to meet at 2 o'clock that breaks into the afternoon with little accomplished. When we do hold sessions let us hold a full day's session and let every Senator know it will be from 12 o'clock until 5 or 6 o'clock. The result ultimately will be a great deal better than to meet at 2 o'clock every day.

Mr. JAMES. The Senator knows we can not adjourn from day to day in order to give time to Senators to look after other business. My idea was that 2 o'clock should be fixed as the regular hour each day.

Mr. SMOOT. I think the best thing to do is to meet at 12 o'clock and have a full day to consider any question before the Senate, and not simply get started and then adjourn. I believe that legislation would be hastened in that way very much faster than it has been under the practice of the last few days.

I agree with the Senator from Kentucky that the work Senators are compelled to do now at the departments is greater than was ever known, and therefore when they start out to attend to the work they ought to have ample time in which to accomplish it.

Mr. FLETCHER. Mr. President, I believe that a motion to adjourn to a time certain is always in order. I believe the motion would be in order now, but I do not feel that it is advisable to make it. I feel that we ought to go on to-day, and to-morrow morning this discussion will have had the effect of giving notice. Perhaps the subject will be brought up then, and we can determine whether we shall meet at 2 o'clock hereafter or not. I believe we ought to proceed now in the regular way, and then at the session to-morrow morning determine the question about the hour of meeting, although I am of the opinion that a motion to adjourn to a time to-morrow would be in order.

Mr. SMOOT. Certainly it is.

Mr. TOWNSEND. Mr. President, I hope the Senator from Ohio will insist on keeping this bill before the Senate. While I appreciate all Senators have said relative to the amount of work which is required in committee and departments, I am confident from my own experience here that if we meet at 2 o'clock we will experience the same difficulty in having Senators in their seats that we have now. The bill which the Senator from Ohio has in charge was debated at the last session of Congress and certain amendments were made. It has been debated now for several days, and a vote can be had upon it in a very short time if the Senator insists upon keeping it before the Senate.

Ever since I have been a Member of the Senate we have been obliged from time to time to have the roll called to bring Senators to their seats. They were found in the corridors and in their offices doing work—I suppose necessary work. There are enough Senators always present to make a quorum when they desire to be in their seats, but there is no rule that compels them to be in their seats if they have some excuse to be away.

This is one of the measures that has been set forth as being necessary for action upon at this session of Congress. We have made considerable progress in reference to it. I should like to see it out of the way. All those measures can be put behind us, and let us do it, because otherwise we will have the same experience we have always had during the latter part of a session. During the heated season we will be rushing bills, working at night to dispose of those that could with more care and better attention be disposed of at the beginning of the session.

We will all find time to look after the necessary things at the departments.

As the Senator from Utah has said, if we meet at 2 o'clock, we will do practically nothing in the way of legislation. Senators will not be in their seats if the meeting is at 2 o'clock any more than they would be at any other hour. They have engagements in the afternoon at the departments. I have met them there very frequently in the afternoon. The fact is it is our business to legislate here in the Senate Chamber when we have had a bill presented to us that has had the consideration this bill has received. It has been passed by the other House twice. It was considered by the Senate in the last session of Congress and made the unfinished business. If we insist on

taking action on this measure, a vote can be had on it in two days. Ought we to adjourn at the convenience of every Senator? If we do this, that, and the other thing to retard action, of course, nothing will receive proper consideration and the session will be unnecessarily prolonged.

I hope the Senator from Ohio will insist on keeping this bill before the Senate until it is disposed of. If nobody is ready to go on, as a matter of accommodation to Senators to-day, I do not object to an adjournment until 12 o'clock to-morrow, but certainly any Senator who desires to debate the measure should go on to-morrow.

Mr. POMERENE. Mr. President, the Senator from Michigan [Mr. TOWNSEND] has expressed my views exactly. There is no bill before the Senate that has had more consideration than this measure. I have been on a committee considering this subject for five or six years, and I think I know whereof I speak. It does seem there is a disposition not to go on with the discussion this afternoon, and therefore I am disposed——

Mr. REED (to Mr. POMERENE). I will go on if you wish me to do so.

Mr. POMERENE. Very well

Mr. REED. Mr. President, if I can have the attention of Senators who are present for about 30 minutes I will try to conclude all that I have to say. My only desire is that Senators shall really consider this bill.

The Senator from Ohio [Mr. POMERENE] states that it has been before his committee for five years. If it has taken the committee five years to make up its mind whether this bill ought to pass, it surely comes here under a considerable cloud of suspicion and distrust.

I affirm that this bill ought to be entitled "An act to take the European markets from the people of the United States and give them to the trusts." We are presented to-day with the spectacle of a Democratic administration attempting to repeal or devitalize that trust legislation which the Republican Party put on the statute books under the leadership of John Sherman 27 years ago.

This is a bill to enable the trusts to capture and control the foreign markets of the American people. It is presented as a bill which will enable American merchants to capture foreign markets. It is, in fact, a bill which will result in the creation of single purchasing agencies for American products and in a complete denial of free European markets to the American citizen. It repeals every vestige of that system of antitrust statutes built up during 27 years by the Federal Government so far as they apply to commerce with foreign powers. It is intended to directly authorize the creation of combinations and trusts to control every foreign market in which the American citizen may seek to sell his goods. Indirectly it will enable these same combinations to control the domestic market because a control of the price of the surplus, the part of the product which goes abroad to find a market, will control the price of the product sold at home.

I call attention now to three outstanding facts:

First, this legislation has the enthusiastic support of the allied trusts of the United States together with their servants, agents, employees, and sympathizers. There is not a trust in the United States that is not for this bill. It will be supported by every newspaper that believes in the supremacy of "big business," and which regards every effort to limit or to circumscribe the powers of capital as undesirable and dangerous. It will be supported by every man who delights to boast of "our captains of industry" or who takes greater pride in the wealth of the classes than in the prosperity of the masses.

The second outstanding fact is that the system of antitrust statutes which were originally passed by the Republican Party on the 2d day of July, 1890, and during the intervening years have been frequently amended and laboriously construed, until they have become a great code of virile laws, behind which the honest business man took refuge, are now sought to be disemboweled during a Democratic administration, and at a time when the clouds and anxieties of war have distracted the attention of the country from any legislation except that pertaining to the pending conflict.

The third outstanding fact is that the trusts and monopolies which have hitherto sought to accomplish the direct repeal of antitrust legislation have now divided their attack. In this bill they seek to destroy the antitrust statutes so far as they apply to foreign markets, and, at the same time, substantially the same forces are back of a bill, known as the fair-trade or one-price bill, which proposes to give the right to manufacturers and wholesalers to fix the prices upon articles produced or handled by them and sold in the domestic market, so that the manufacturer or wholesaler will be able to control the price clear down to the ultimate consumer. The two bills "fit each other like the upper and lower jaws of a wild beast," and if enacted into law will completely destroy the entire fabric of antitrust legislation.

It is not to be denied that these twin legislative schemes are backed by men of high purpose as well as by the trusts and combines; but it is singular to find men of intelligence repeating, apparently, without knowing the fact, the stale arguments that have been upon the lips of every trust advocate and trust-hired attorney from the days when John Sherman introduced the first Federal antitrust statute. These protagonists rehash the ancient trust arguments with the glibness and enthusiasm of original discoverers, as oblivious to the fact that they are mildewed by time and covered with the dust of ages as was Roosevelt of the circumstance that at the time of his "original discovery" of the River of Doubt the stream was already mapped, surveyed, and, according to some authorities, bridged.

The ancient trust argument was that competition is ruinous and wasteful; that a monopoly, because of its size, can produce cheaper than a great number of small competing concerns; and that, therefore, monopoly ought to be allowed to exist. It was especially argued that we must permit great combinations of capital in our country in order to meet the competition in our domestic market of great foreign combinations doing business in our midst. The identical argument is now pressed by the proponents of this bill and made to apply to the foreign markets; for, say these gentlemen in almost identical language, a large number of American producers can not sell in the foreign market because the expense is too great; they must, therefore, be permitted to combine, and this is especially true because they must meet great European combinations in the foreign market. At the same time the advocates of the one-price bill, which is coming fast on the heels of the trust measure, assert a very similar right to control prices in the domestic market.

The trouble with all these arguments is that they proceed wholly from the standpoint of the gentleman who is to organize the trust for his own benefit or fix a price for his own enrichment. They both leave out of account the interesting and somewhat important fact that all the people of the country, or mayhap of the world, are to be plundered and robbed of their natural rights by these buccaneers of the financial and commercial world. Yet we behold the spectacle of trust magnates everywhere, each crying out to his own Government that he can not carry out his scheme and make money for himself unless he is permitted to pursue these evil practices. It is as though the leader of a pack of gray wolves were to insist upon his right to devour the lambs and sheep of the community in order that he might be as swift of foot, as keen of fang, and as stout of muscle as other leaders of other packs of wolves in adjoining countries. The argument leaves out of the question the fate of the sheep. What does it avail to us as a people that American goods and products shall be sold abroad in great quantities if the benefits of such sales are to be covered into the pockets of a very few people?

I assert, second, that the bill will not only enable the great trusts to monopolize the foreign market but that the possession of that power will enable them to almost completely dominate and control the domestic market. If I can chain the attention of the Senate to that one thought, this bill will be defeated.

The proponents of this bill declare that in order to compete in foreign markets with foreign sellers they must be allowed themselves to do business through a common selling agency. If this was all they desired, the right exists now, unrestricted by any law whatsoever, human or divine, and I challenge proof to the contrary. But this is not what they intend; this is not what they desire. If such were their purpose, they would be content with a provision like that contained in the amendment offered by the Senator from Iowa [Mr. CUMMINS], which specifically and in terms gives them the right to create a common selling agency; they would not be here resisting that which is the specific thing they pretend they want. Nay, more, they would be content with an amendment to the proposition of the Senator from Iowa, which would provide for the establishment of a common agency, available to every citizen of the United States, under Government rules and regulations.

What they want is the right to organize their combinations and make them sufficiently powerful, so that they can occupy the entire field, so far as America's foreign market is concerned, to compel all to come to them, and to thus become the keepers of the gate through which all the foreign commerce in the particular line they have chosen to control shall pass. That is what they want; that is what the Steel Trust wants; it is back of this bill, and has sent its advocates here to advocate this bill. That is what Westinghouse wants; he is back of this bill, and he has sent his advocate here to urge this

bill. That is what the Harvester Trust wants; it is back of this bill, and it has sent its men here to urge the passage of this bill. That is what other great combinations want.

They want to control the gate through which the surplus products of America shall flow to foreign lands. They want to be the sole purchasers and sole handlers. They want to be the exclusive agents. They want to be the one purchasing agent. This bill will legalize the kind of combinations that can force that kind of condition.

If they can establish such an agency, mark you, an agency that will control the sale of our goods in European markets, then they can fix the price of those goods in the European markets. Indeed, why should they want a common agency except for that purpose? And if they can fix the price for America's surplus products in the European market, they thus fix the price of America's products in the domestic market, for whoever fixes the price of the surplus that goes abroad fixes the price of the product that remains at home. Can you escape that? Can any man answer that economic fact? It is graven among the economic laws of the world.

In the aggregate, these various combinations created for the purpose of controlling the foreign market of America's surplus products will control all of America's exports. They will become so powerful that no one can hope to do business except through them or through the organization of some combination powerful enough to meet them in European fields, and this they propose to render impossible. It is thus proposed that in each line of endeavor we shall have a single selling agency in foreign countries. I want Senators to get that thought—it is thus proposed in each line of endeavor to have a single selling agency in foreign countries. A single selling agency for exports necessarily implies a single buying agency to export, for if there is only one man to sell, he is the only man who can buy. A single buying and selling agency for each line of American exports! Men from the cotton States, how would you like to have the market for all your export cotton in the hands of one combination?

And yet under this bill such a combination can be created and bear the sanction of the law and the stamp of the authority of the United States. Whoever controls the export price of cotton controls the price of cotton. The same gentleman, mark you, who will organize the combination to control the export price of cotton will probably be the individual who deals in that part of the cotton crop which goes into domestic consumption.

Whoever helps to set up this monstrous thing to control the European markets of America will, if he be an honest man, live to regret the day. The only men who will not regret it will be those who fatten and batten off of it.

If there be but one agency through which goods can be sold abroad, then clearly none but that agency can buy goods at home to be shipped abroad. The proposition is, of course, to monopolize the foreign market; and not only to monopolize that market but to fix the price of our exports handled by this common agency or single agency. It is a familiar maxim that the price of the surplus of an article fixes the price of the article. I have said that, and I repeat it. Democrats for years have contended that the price of wheat and grain and other farm products in Liverpool fixes the price at home. That law of economics has never been successfully disputed. If, then, great combinations are allowed to be created which will completely control the price of our surplus products which are exported, the same combinations by virtue of the control of the price of the surplus will, to a large extent, if not entirely, regulate and fix the price of goods sold on the domestic market.

Moreover, it is well understood that these combinations to control the foreign market are to be composed of the great exporting concerns of this country; at least they are vigorously pushing this legislation. They have organized themselves into a society for that purpose. They represent hundreds of millions of dollars. It is fair, therefore, to assume that it is their intent to combine themselves into great concerns and to cooperate each with the other in the control of the foreign markets of America. The far-reaching scope of such a combination would embrace the fortunes of the farmer, the middleman, and the consumer.

A simple illustration will make this plain, and I wish Senators from the agricultural States would follow this illustration and see if the argument be not sound. I choose the packing companies, not because they are better or worse than other great aggregations of capital and industry, but because they afford a very keen illustration. We shipped in meat and meat products in 1913, in round numbers, $151,000,000—I am omitting the odd thousands—in 1914, $143,000,000; in 1915, $205,000,000; and in 1916, $266,000,000.

Substantially all of these meats were exported by a few great packing houses in the United States. A combination of all of these houses could be readily effected. With that combination completed—and it goes without saying that it would be completed—what would be the result? First, they would seek to take the European market from their competitors, to a sufficient extent at least to enable them to sell their entire surplus product. As they would be acting through one common selling agency, to wit, a subsidiary owned by themselves in common, they would be likely to cut the price enough to get control of the foreign market. They could do this without the loss of a penny, because they could reduce the price on the tanners' products and recoup the loss. Thus they would certainly reduce the price, unless they could combine with their foreign trust competitors, a thing very likely to result and a thing that has resulted in the past. Already we have substantially world trusts. This bill will insure world trusts.

Under the terms of this bill, if the Swifts, the Armours, the Cudahys, and the other great packers of this country, against whom I say nothing, were to go to Europe and organize themselves into a great combination for the purpose of controlling the European market, they could take into that combination, without violating the letter of the law and without in any way violating the terms of this bill, the packing houses of the world and agree upon prices for all Europe and Asia and Africa and South America, and when they would have done that, as I shall show, they would have ipso facto fixed the price upon the cattle, hogs, and sheep of the United States. They could certainly combine with foreign trust competitors—and that is a thing very likely to result—in which event, having gained control of the world market all parties to the transaction could rob the producers and consumers of all countries alike, their ability to do so being limited only by the patience of the people and the rapacity of the combination. Just now, when the consumers of this country are being hard pressed for the necessities of life, it is proposed to put into the hands of a few men the power to control the provisions of the world.

If it be argued that this robbery in selling prices would be limited to consumers in foreign lands, I have four replies to make.

First. At a time when we are sacrificing the lives of America's sons and husbands in order to break the shackles political tyranny has welded upon the limbs of half the world, I am unwilling to fasten the shackles of financial tyranny upon these same people. I am unwilling to tear from the throats of the peasantry of the Old World the iron grip of a hereditary financial and military autocracy in order that American combinations may exploit those same starving and oppressed millions. I am not of that facile disposition that enables me to be a reformer, conferring benefits with my right hand, and a thief, picking the pockets of people with my left hand. The Senator from Oklahoma [Mr. GORE], interrupting, says in that respect I am exceptional.

Second. The robbery, if perpetrated, would not be limited to those in foreign lands, because world prices, having been brought within the control of these combinations, those exercising that control would fix prices so as to realize profits for themselves not only on their foreign business but upon their domestic business. In a word, the consumers of America would be within the grip of this world conspiracy.

That domestic prices would be controlled by such a combination is too plain for dispute. It is not conceivable that the great packing houses of this country would create one selling agency for all their surplus in Europe, and through that agency fix one common price, without such action directly resulting in a common price in America.

Think of it! Follow that. It would be as impossible for these men to have a common price in Europe and a real competition here in America as it would be to have a number of reservoirs filled with water standing at different levels while all the reservoirs were connected by one common system of pipes and the pipes open for the water to flow through.

Let me, I say, follow that a minute. Let me simplify it by assuming that all the packing business of America is in the hands of the Armours and the Swifts and the Cudahys; that they are now competing in the American market for American cattle and sheep and hogs; that they are selling in competition in Europe their surplus products, and that they are selling in competition in America the rest of their products. Assume, now, that these three concerns get together and organize themselves into a European combination known as the Armour-Swift-Cudahy Export Co., and that this company immediately contracts with all of its principals to take all of their surplus, and that immediately they agree in Europe to fix the price of beef at

any figure, I will say, 15 cents a pound. That, then, becomes the price of all the surplus America has to export, for that surplus is all controlled by the three companies which compose the European company.

Now, these three concerns are buying cattle in Chicago, in Kansas City, and in Fort Worth, Tex. They know that about 20 per cent of all that they produce is to go abroad and is to be sold through the common selling agency in which they are all partners. Knowing that, they go out to buy on the market, and they know that one-fifth of all they buy must go through that one common selling agency and be sold at one common price. Does it not inevitably follow that they will fix the price they pay for every hoof of cattle or hogs or sheep they buy in this market by the price they have fixed for the part they must send abroad? Does it not also follow that the price of every pound of meat these concerns sell to the American people will be summarily fixed? Does it not likewise follow that the Siamese-twin attachment which unites the three concerns in their export business connects them in fact? Is it not too plain for argument that the unification of these companies for the purpose of controlling the European market accomplishes a unification in America for the purpose of controlling the American market?

Desiring to employ moderate language, I nevertheless declare that any man who can believe that such a combination as that would not have its effect upon the American market, upon the prices these companies would pay the farmer, and upon the prices these companies would charge the consumer, any man who does not know that it would reach every farmer and every stock ranch of the United States and every table in the United States, is, in my opinion, very dull, indeed. Yet that is permitted by this bill, and that will be done when this bill is passed. You will have created a thing so powerful and so far-reaching that, in my opinion, it will speedily combine with all the other great packing houses of the world, and a few men will fix the prices upon all the countless herds of the farmers, and the same men will fix the price and limit the quantity of the meat that is to be upon the tables of all God's creatures. That is the sort of bill it is intended must be driven through in hot haste, with whip and spur, while the country wars, and while it does not have opportunity to pause and deliberate.

Mr. VARDAMAN. Mr. President, while the Senator is on that point of his very able discussion, I should like him to touch upon the question of whether or not the passage of this bill is necessary at this time. Even if the legislation were, as the proponents of the bill hope it to be, for the good of the masses of the people, does the Senator feel that it could be put into operation now? Is there any necessity for it? Is there any combination over there that would have to be met by a combination here?

Mr. REED. Mr. President, I have already stated that this is the most inopportune time in the world to pass such a bill. The Senator happened to be out at that moment.

Mr. VARDAMAN. I will not ask the Senator to repeat it, then.

Mr. REED. No; I thank the Senator, and I shall answer him in just a word, but not at the same length that I would otherwise.

The Congress has placed in the hands of the President of the United States during the period of the war the power to declare embargoes upon everything produced in this country, and under that power we understand that single agencies have been created through which goods are permitted to be sent to foreign countries. All this is the condition of affairs during the war. It follows, therefore, that whatever is necessary to be done in order to protect our commerce can now be done by the President, and that after this war is over, and after we have returned to normal conditions, legislation such as we now have before us would be pertinent to the then pending conditions. It is being forced, I say, now because the attention of the country can not be riveted upon it. If the attention of the country could be riveted upon it, we would hear from somebody besides the directly interested parties.

We would begin to hear from farmers' organizations. We would begin to hear from consumers' organizations. We would begin to hear from labor organizations. We would hear from somebody besides the United States Chamber of Commerce; the Steel Trust; Mr. Carson, the president of the Carson Naval Stores; the president of the Lackawanna Steel Co.; the managing director of the Westinghouse Electric Co.; the great Washburn-Crosby mills; the president of the International Mercantile Marine; Mr. McCormick, president of the International Harvester Co.; and Mr. Vanderlip, president of the National City Bank of New York—all of them very good men, but all of them on one side of the case, and they have been there always.

In the fourth place, I remark, a common selling price in Europe would mean a common buying price for Europe; and this common buying price for Europe would inevitably fix the domestic price. The certain result is that a combination controlling the export markets of the United States will control the prices paid to the producers of the United States. In a word, every farmer of the United States who has a single animal to sell on the market will be brought within the control of the gigantic combination which it is proposed to create in order to control the world market for our foreign products. What has been said, of course, applies to every other product as well as to meats.

Let us take the question as it will apply to the farmer upon his wheat. There are only a limited number of exporters. The ordinary farmer can not send his grain from his farm through to European markets. Accordingly, he sells to an exporter. That exporter is in competition with the domestic buyer. The farmer has the benefit of a buyer in Europe bidding against a buyer in the United States, but he only has that benefit because there are a number of exporters in the United States, each anxious to secure grain to ship, and each bidding against the others for grain to send to Europe. Under this bill these several buyers for the European market are authorized to come together in a room and to organize themselves into a corporation, to create agents and to put them into the market, and to cease competing with each other, because they are buying grain to sell to the European market. The moment that is done the active competition between Europe and the United States ceases. Moreover, the same man who ships abroad to-day is also a buyer for the domestic market. In the great majority of cases the man or the institution engaged in buying grain for the European market also handles grain for the domestic market.

Accordingly, when you permit these exporters of grain to Europe to combine for the purpose of taking over the European market and fixing a price, which, of course, they will do, you have arranged a scheme by which they, being the sole shippers of grain to Europe, can reduce the European market for our grains to any point they desire, short, of course, of some absurd figure.

The minute you have taken away from the farmer his competition in Europe and the bidding of Europe against the domestic purchaser has ceased, you have the farmer in this sort of shape: He has two markets, one of which is the domestic market, and which is insufficient to take all of his grain. The other his foreign market which is controlled by a monopoly. He must therefore sell in a market which is overfilled with grain or he must sell to a monopoly at its price. Such a condition would be ruinous to the agriculturist.

How easy, now, it is for exporters thus to combine. There are only, speaking broadly, a few men who export any great quantities of wheat to Europe. Why should those men continue to compete when the Federal Government authorizes them to come together and to create one common corporation?

The argument that is presented in support of this bill is that our poor grain dealers have to meet in Europe the competition of combinations and therefore we ought to let our grain dealers combine so that they can beat the continental octopus. But that leaves out of consideration the fact that when you have permitted that combination, great enough to control the European purchasing market, you have at the same time permitted a combination great enough to control the American selling market. That is to say, you have put the farmer of the United States in the hands of that combination.

That is not all you have done. You have put the American consumer in his hands, for that combination which can control the price of wheat and control the entire foreign shipment of wheat can at the same time, by virtue of that control, dominate the American market. Why should they not also combine over in Europe with the grain shippers from Australia and Canada? Why should not all these get together in a great world monopoly? Why should not that world monopoly take toll from the crust poverty raises to the mouth of hunger?

Senators, you may pass this bill in haste. You will repent it in leisure. You will repent it with the curses of a world ringing in your ears. It is a bill to enthrone monopoly, to authorize the creation of trusts. It is the denial of every line of Democratic history. It is a libel upon the traditions of our party. It is a surrender to the great sinister influences with which we have contended. It proposes to do that which we have always denounced as immoral and unjust and wicked.

The Senator from Mississippi [Mr. VARDAMAN] asked me a few minutes ago, What reason is there for it? Less reason

now than at any time in the history of our country; less reason now than at any time in the history of the world; and why? I have already given the reason that our markets are in the control of the President, but I will give you additional reasons.

During the years that have passed our export business in manufacturing has been increasing. Our export business in farm products has been decreasing. The decrease in the shipment of farm products abroad is brought about by the fact that there is a greater home market for those farm products. So far as the farmer is concerned, he has never asked for this bill for his protection. It will be used for his despoilment. It will be employed for his robbery; but he has never asked for its passage. The men who claim they need it are the manufacturers.

I listened to some figures that were given here the other day by the Senator from Minnesota [Mr. KELLOGG], and I want very briefly to consider those figures. Before I do so I desire to call attention to the fact that the Senator from Minnesota claimed that our merchants shipping abroad found their trade dwindling in proportion to the other business of the United States. Later on in my remarks I intend to give the figures. I assert now, broadly, that the export business of the United States has increased ever since this Government was formed. Every year the volume has increased. Every year of that time the proportion of our manufactured goods sent abroad to the total of all our products has increased. In recent years the proportionate increase has been large, and has indicated a high degree of prosperity and expansion, so that there is no emergency in the shape of a present existing calamitous condition.

Second, the Senator from Minnesota, having given figures that were misleading—of course, not intentionally so—proceeded to tell us that the reason was that our merchants were not allowed to combine, and that hey had to meet the combinations authorized by the Prussian Government.

Mr. President, I am a little tired of hearing Prussia and Prussian methods cited as the proper example for America to follow.

The Prussian method in business is a part of the general Prussian governmental policy, which has for its central thought the idea that every human being born in Prussia belongs to the state, lives for the state, is a sleve to the state, and must, at the will of an imperious master, die for the state; that God Almighty put all the power and all the right and all the intellect in the brains of one family and poured upon their heads the divine oil which authorizes them to roam over this world the masters of other men.

Proceeding upon the hypothesis that all power is concentered in them and that the rights and privileges of other men are to be doled out to them as gracious benefactions, the Hohenzollerns have done many things. They have assumed to set up a complete centralized Government, and a centralized financial power, a centralized commercial power, and a centralized military power. A part of that iniquitous system has brought forth a governmental authorization of combinations and trusts in the foreign markets of the world, and another part has authorized combinations in the domestic trade. The same Government gentlemen cite as an example to follow has brought forth other organizations. One of them is an organization of chemists, who make poisonous gases to burn out the lungs of men. Other organizations make bombs to be hurled upon sleeping babes and women at night. Such is the Prussian system; it should be treated as a whole.

I am not going to take my lessons in morals or my lessons in business from the house of Hohenzollern until pan-Germanism shall be a dream realized and the world shall lie prostrate at the feet of the monsters who occupy the throne of Prussia to the disgrace of civilization. "Germany does it." Yes; and Germany has made her people to eat the bread of sorrow: "Germany does it." Yes; and Germany teaches the doctrine that children are born that they may be food for cannon if the war lord so decrees. "Germany does it." Yes; and Germany has stood with a sneer upon her lips and watched the people of the conquered countries starve, and boasted that German craft would make the starvation work for Germany. And Germany has done it by compelling conquered people to labor in trenches and to set up cannon that are to kill their own compatriots who have not yet been starved into submission. We have not had to resort to the German system of government yet in the United States. I do not think we have to resort to the German system in order that our commerce shall prosper in other lands.

But while I listened to the Senator from Minnesota as he presented his argument that the whole trouble with our foreign business—an imaginary trouble, a trouble that does not exist—grew out of the fact that our merchants had to meet combinations over there, I wondered how long it would be until the Senator from Minnesota and other gentlemen of like philosophy would be saying that our merchants have likewise to meet combinations of foreigners selling goods in this country, and therefore we should permit combinations here to be created to compete with the combinations from abroad that are selling goods in this country.

But I wondered further than that, since the Senator assigned the lack of combinations as a cause for the decay of our foreign trade, which, as I have remarked, has not been decaying but growing—I wondered how long it was since the Senator abandoned the good old Republican doctrine that the reason why our merchants and our manufacturers could not compete in Europe was because of the difference in wages. That has been the Republican doctrine for 30 years; and upon every husting, upon every stump, you have stood and told the workingman that it was because of the difference in wages that our products could not compete abroad. When did you abandon that and conclude to tell them that it was the absence of combinations and of trusts?

But that is not the only argument we have heard as a reason why our merchants were at a disadvantage. We were told that it was the lack of merchant ships, and the Senator from Minnesota recognized that fact. Will the creation of combinations to control American markets result in building merchant ships? That must be done by some other means and some other method than by a law like this, and we are already doing it. The shipyards of America resound with the music of countless hammers as they are driving in the rivets to create that great fleet which will bear our arms, our sons, and our provisions to European shores during this war, and that later on, if in the providence of God we shall succeed, as we believe we will, will carry the merchandise of America to every port of the world. So that disadvantage will be removed.

But if that disadvantage exists now it would account in a large part perhaps for the discrepancy the Senator sees between our business as it is and as he thinks it should be.

Again, we have been told by the party to which the Senator belongs, and which he ornaments and graces, that one of the great things that made it possible for us to have a foreign business was the tariff, and that the taking off of that tariff was the reason why our foreign business fell off or the balance of trade did not run so strongly in our favor.

How many months is it since the distinguished Senator from Utah [Mr. SMOOT], leader of the other side of this Chamber, stood in the center aisle and read us long columns of figures, from which he undertook to demonstrate that we were losing the trade of the world, because we had reduced the tariff? Is that all forgotten? Is that Republican argument put into the dust-covered pigeonhole, to be stored away simply in order that the trusts may by the passage of this bill have the benefit of all these cumulative arguments that have been advanced in the past?

It is also said that we have been without foreign branch banks. That was another reason offered, but foreign branch banks have been established. Great American banks can be found in all the principal South American countries, in European countries, and in Asiatic countries. Thus we are gaining the financial support which must go with our foreign commerce everywhere.

Now, let me bring these threads together in answer to the argument of the Senator from Minnesota. His position was that our American commerce was not what it ought to be, and he urges to us one reason is the lack of ships. The other reason is the lack of banks. If the reasons are as he has stated them, then it is indeed nearly conclusive proof that our merchants with the banks and with the ships can meet competition anywhere without being empowered to combine and create great trusts and monopolies. The Senator's argument went too far and proved too much.

Now, Mr. President, the point I am trying to get to the Senate is this: We have been told that you must have combinations in order that the man who is selling goods in Europe may make money. We are asked to have our attention concentrated upon that, gentleman. But I want you to turn your back to that man and look at the American people and recognize the fact that the European market is their market; that they reach that market through human agencies, and that when you permit those human agencies through which they must reach that market to combine into a single agency, then all the producers of the United States are at the mercy of that one agency. When you have put into the hands of a single foreign selling agency the control of the surplus of a product you will at the same time have yielded to them the control of the prices received in the domestic markets for that same product.

Before closing I must refer to certain clauses in the bill which were, I think, intended as soothing sirup for doubting

Democrats. I refer to one such provision. It will serve as a sample:

Provided, That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally and unduly enhances or depresses prices within the United States of commodities of the class exported by such association.

Mr. President, once you have created this concern no agreement is necessary, no conspiracy is necessary. You have made a single foreign selling agency, and having made a single foreign selling agency, it fixes its own price, without conspiracy with anybody; there is nobody to conspire with. Having fixed a single foreign selling price, you have by virtue of that practically fixed the domestic price.

There are other clauses similar to the one quoted in the bill. They are as innocuous as a declaration that you shall be thrown into a den of lions and devoured, "provided, however, that the lions shall not hurt you in the operation." You confer the power; you create the Frankenstein; you set it in motion; you license it to do everything necessary in order to control the price; and then you say, "provided, however, that in doing the thing we have told you you can do you shall not do any harm."

Let me say to these men who represent agricultural States. Take this bill and study it. Who is back of it? Some good men who think they are opposed to the existence of trusts. Some other good men have been opposed to all kinds of antitrust legislation and have been from the first. There are always some good men opposed to any kind of governmental control. Such men have said that usury laws were a bad thing and that the usurer ought to be allowed to extort whatever he pleased; and the usurer, every 10-per-cent-a-month man on earth, has believed in that sort of philosophy and has been an advocate of that doctrine. But the consensus of human judgment has been that there must be limits upon human rapacity and human greed.

There are other men who believe that corporations ought to be allowed to grow as large as they desire, that there should be no limit placed upon them. But that philosophy was repudiated in this country 28 years ago. Long and laboriously we have climbed the hill. It has taken all these years to finally amend those laws and to have them construed so that they possess virility and force and the courts and litigants understand what they mean. Now that this has been accomplished, we find, as I said in the beginning, two bills pressed upon the attention of Congress. One is to permit a few great concerns to monopolize the foreign market of the United States, and by monopolizing the foreign market of the United States to deny to the American producer access to that market.

The other is a bill to permit the manufacturers of the United States and wholesalers to fix a single price upon their products and to have that price continue with the product clear down to the ultimate consumer, thus reducing every middleman in the country, every merchant in the country, to the capacity of a mere factor or broker working for a fee fixed by the wholesaler or the manufacturer, and thus at the same time making the consumers of the country pay the price arbitrarily fixed by a manufacturer, and thus also affording a means by which manufacturers can in fact combine to rob the whole American people. These two bills, one affecting our foreign commerce, the other affecting our domestic commerce, are being urged.

Mr. President, I want to challenge your thought and the thought of the country to the monstrous and infamous thing proposed. It is proposed to permit a monopolization of our foreign market, and yet at this time we have hundreds of thousands of our boys upon the plains of France in training to fight and preparing their souls to die in the trenches, and the reason for that fight is that we have insisted that the seas of the world shall be kept open for the commerce of America. You propose to turn that commerce over to monopoly while you are asking the boys to die that the seas shall be kept open and free for its passage. Of what avail is the liberty of the seas, of what value is the liberty of the seas, why should vessels plow the waves of the ocean, except that our goods and our people may reach European ports?

Yet, sir, it is proposed that when the seas have been cleared for our commerce to pass we shall have ready great monopolies to seize that commerce. Our soldiers shall die that the combinations may grow rich. If that, sir, is to be the means to which this war is to be put, if we are to fight this battle for freedom of the seas and then turn over our foreign trade to a few trusts and combinations, then let those trusts and combinations fight this war. If we are to have East India companies, as suggested to me, to exploit the commerce of the world, let those who are to take the gold shed the blood. But if we are to wage this war, as I understand we do wage it, because a free people are entitled to free trade and free commerce of the world and, therefore, we propose to keep the highways of the seas open for man and for goods, for human beings, and for the grosser tonnage from whence we get our dollars and cents—if that is what we fight this war for, then well and good, our boys will die with cheers upon their lips, our women will send forth sons and brothers with tears upon their cheeks and benedictions for the cause they serve. Our soldiers will fight for these things because they are a part of America's greatness, but at the moment we fight, while the boys are prepared to die, let us not turn over an important part of that for which they fight and die to great monopolies and combinations that will despoil America while they also plunder the people of other lands.

Mr. President, you may do it, but an indignant people will repudiate it.

Mr. POMERENE. If there is no other Senator who desires to speak to-night, I move that the Senate adjourn until 12 o'clock meridian to-morrow.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 12, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 11, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Take us Almighty God, our Heavenly Father, into Thy care and keeping, and guide us by the light of Heaven, in the vale of tears, through which we are passing, to a larger conception of Thee and of our fellow men; that the world may come through it better prepared to fulfill the trust Thou has reposed in us; that Liberty, Truth, Justice, Righteousness, may shine on, as the stars in the firmament, when we have passed into the realm where the wicked cease from troubling and where the weary are at rest; and all glory and honor be Thine, through Him, who taught us the way, and the truth, and the life. Amen.

The Journal of the proceedings of Friday, December 7, 1917, was read and approved.

SWEARING IN OF MEMBER.

Mr. BROWNING. Mr. Speaker, my colleague from New Jersey Mr. CAPSTICK is here and desires to take the oath of office.

Mr. CAPSTICK appeared at the bar of the House and took the oath of office.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter which I wrote to the Central Labor Union on the subject of the prohibition amendment.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing a letter which he wrote to somebody about prohibition. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO ADDRESS THE HOUSE.

Mr. COOPER of Wisconsin. Mr. Speaker, on Friday last the House granted unanimous consent for the gentleman from Illinois [Mr. MCCORMICK] to address the House on Friday of the present week, immediately after the reading of the Journal, for one hour. I have just received a telegram from Mr. MCCORMICK, in which he says:

"By invitation of the National Council of Defense I am speaking before a State-wide meeting of the Indiana councils at Indianapolis Thursday. The severe weather has so upset all train schedules that it is gravely improbable that I can reach Washington on time Friday.

And then he asks the courtesy of the House for unanimous consent to postpone his remarks until Tuesday of next week, immediately after the reading of the Journal, and I ask unanimous consent that he may do so.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the leave extended to the gentleman from Illinois [Mr. MCCORMICK] to address the House for one hour next Friday be changed until next Tuesday.

Mr. GILLETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from North Carolina [Mr. KITCHIN] if, as I understood, next Monday and Tuesday would be given to the consideration of the two constitutional amendments?

Mr. KITCHIN. I understood that probably Monday next we would take a vote on the prohibition amendment.

Mr. GILLETT. And then on Tuesday——

Mr. KITCHIN. I understood that in all probability we would have the woman's suffrage amendment on Tuesday, but there seems to be some hitch in that, and possibly the House will

not vote on that then but during the first week after we get back in January.

Mr. GILLETT. I thought the Members would like to know, if you can tell definitely, what the program is.

Mr. KITCHIN. I can not tell definitely now about woman's suffrage. I suggest that if anything would interfere with either one of these subjects we could fix some other time for it. I think we can arrange that matter so that it will be satisfactory to the gentleman from Illinois.

Mr. GILLETT. Mr. Speaker, then I understand it is definitely understood that next Monday we will take up the prohibition amendment?

Mr. KITCHIN. I ask unanimous consent now that the House consider the prohibition amendment on next Monday.

Mr. GILLETT. Will it be reported by then?

Mr. KITCHIN. It will be reported. So we will set that day, in order that everybody will have a week's notice.

Mr. CAMPBELL of Kansas. The same resolution that passed the Senate is being considered by the Committee on the Judiciary of the House?

Mr. KITCHIN. Yes. And we will make it after the reading of the Journal next Monday, so that everybody will have notice, and it will not be necessary to bring in a rule.

Mr. SLAYDEN. What debate will there be on the resolution?

Mr. KITCHIN. I imagine it will run on. We can take a day on it.

Mr. SLAYDEN. On the constitutional amendment?

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. What has become of my request for unanimous consent?

The SPEAKER. Well, the gentleman from Massachusetts [Mr. GILLETT] impinged on the scene and started this interlocutory proceeding. The Chair will put the gentleman's request.

Mr. GARNER. Mr. Speaker, reserving the right to object, I thought the gentleman from North Carolina was suggesting to the gentleman from Wisconsin, in order to get his unanimous consent, that we make this arrangement he requested first, when we could determine whether or not the question could be taken up on Tuesday.

Mr. CAMPBELL of Kansas. Is the gentleman asking now that Monday be set aside for the consideration of the prohibition resolution?

Mr. KITCHIN. Yes.

Mr. CAMPBELL of Kansas. Would it not be well enough to include in the unanimous consent that the resolution be voted on before adjournment on Monday?

Mr. KITCHIN. We can come to that that morning. I will say to the gentleman from Kansas. We can get unanimous consent to come to an agreement.

Mr. CAMPBELL of Kansas. Otherwise general debate will run indefinitely.

Mr. GARNER. The House can control the question of general debate.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] asks unanimous consent that the leave granted to the gentleman from Illinois [Mr. MCCORMICK] to address the House immediately after the reading of the Journal on next Friday be shifted until next Tuesday.

Mr. GARNER. Subject to privileged business.

Mr. COOPER of Wisconsin. Will the gentleman from North Carolina [Mr. KITCHIN] agree to that?

Mr. KITCHIN. Yes.

Mr. COOPER of Wisconsin. Privileged business having preference?

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. COOPER]?

There was no objection.

The SPEAKER. That means that the gentleman from Washington [Mr. MILLER] will begin immediately after the reading of the Journal, and so forth, Friday, with his hour. Now, has the gentleman from North Carolina [Mr. KITCHIN] anything to suggest?

Mr. KITCHIN. I ask unanimous consent, Mr. Speaker, that on next Monday it will be in order to consider and vote on the prohibition amendment.

Mr. STAFFORD. Immediately after the reading of the Journal?

Mr. KITCHIN. Yes; immediately after the reading of the Journal.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that next Monday, immediately after the reading of the Journal and the clearing up of business on the Speaker's table, the resolution submitting a constitutional prohibition amendment be taken up for consideration. Did the gentleman include voting on it on Monday?

Mr. KITCHIN. Yes, sir.

Mr. CANNON. I think the gentleman should suggest that the House can take care of that.

Mr. KITCHIN. Yes; I will modify my proposition in that respect.

The SPEAKER. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. VINSON. Mr. Speaker, I am requested by my colleague, Mr. HOWARD, to ask for leave of absence in his behalf for 10 days, on account of illness in his family.

The SPEAKER. The gentleman from Georgia asks unanimous consent that his colleague, Mr. HOWARD, be granted leave of absence for 10 days on account of illness in his family. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I want to make a similar request.

The SPEAKER. The Chair will state that the right way to get these requests is to write them on slips of paper and hand them to the Clerk, and then they will all go through together. Individual Members rising to make such requests consume unnecessary time.

Mr. GARNER. I will adopt that suggestion.

Mr. ELLSWORTH, by unanimous consent, obtained leave of absence, indefinitely, on account of the death of his father.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 106. Joint resolution extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2334) to authorize absence by homestead settlers and entrymen, and for other purposes.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had, on December 8, 1917, approved and signed bill of the following title:

H. R. 5833. An act granting six months' pay to Ida Cottrell Hodgson, widow of Frederick Grady Hodgson, deceased, colonel, United States Army, retired.

POST OFFICE APPROPRIATION BILL.

Mr. MOON. Mr. Speaker, I move that the House take up for consideration the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes; and, pending that motion, I ask unanimous consent that the general debate on this bill shall proceed not longer than 5.30 o'clock to-day, and that the gentleman from Minnesota [Mr. STEENERSON] shall control one half of the time and the chairman of the committee the other half.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Post Office appropriation bill; and pending that, he asks unanimous consent that general debate shall not run later than 5.30 o'clock to-day, and that the gentleman from Minnesota [Mr. STEENERSON] control one half of the time and the chairman control the other half.

Mr. STEENERSON. Reserving the right to object, Mr. Speaker, I would like to inquire of the Chair if it would not be satisfactory to have five hours and a half of general debate? If we fix the hour, other business might interfere with us and we would be shut out. I have got requests for two hours and a half already. We might not have a quorum.

Mr. MOON. I will give the gentleman 30 minutes of my time.

Mr. STEENERSON. Could we not fix the business ourselves?

Mr. MOON. I do not object, if we can conclude it to-day.

Mr. STEENERSON. We can conclude it to-day, I hope. I shall do all I can to have it concluded to-day. I would like to have five hours' general debate.

Mr. MOON. Suppose we continue until 6 o'clock?

Mr. STEENERSON. Let us have five hours' general debate. I want my two and a half hours out of that.

Mr. MOON. Mr. Speaker, I modify my request, then, in compliance with the request of the gentleman from Minnesota, that the debate shall proceed not longer than five hours to-day.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. MOON. Yes.

Mr. STAFFORD. I understand, then, that the bill will not be taken up under the five-minute rule to-day?

Mr. MOON. I want to take up a page or two and get started.

Mr. STAFFORD. I understand that we will have only one paragraph read. With that understanding, I have no objection to it.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the general debate be limited to five hours, he to control one half and the gentleman from Minnesota [Mr. STEENERSON] the other half. Is there objection?

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. MOON. I yield to the gentleman from Illinois.

Mr. CANNON. I am not inclined to object. I take it for granted, however, that when the bill is read under the five-minute rule there will be some liberal chance, possibly, if it is indicated, or unanimous consent is given—at least that the gentleman will not be wolfish in rushing his bill. [Laughter.]

Mr. MOON. The gentleman from Tennessee will not be "wolfish." He will give you all the time he can. Of course, Mr. Speaker, there will be liberality in the discussion of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the motion to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] will take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7237, the Post Office appropriation bill, with Mr. FERRIS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7237, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes.

The CHAIRMAN. The gentleman from Tennessee [Mr. MOON] is recognized.

Mr. MOON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. MOON. Mr. Chairman, I do not desire to speak very long on the items of this bill. The estimates of the department, revised, are about $335,000,000, in round numbers. The bill itself carries one or two million dollars less. The amount recommended by the committee this year is about $900,000 less than was recommended last year.

I will not undertake to go into a detailed statement as to the amounts of expenditure in each of the offices of the Post Office Department. The report shows very fully and clearly the amount asked for, the amount recommended, the amount appropriated, and the purposes for which it is to be used, and I ask unanimous consent that the report of the committee setting forth the figures of the different items of the appropriations may be printed in the RECORD in connection with my remarks.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the report of the committee presented by him be printed as a part of his remarks. Is there objection?

There was no objection.

Mr. MOON. If I may be excused for a few moments and may have your attention, I will call to your consideration only a few of the main features of this bill.

Perhaps no bills are ever introduced into this House of late years that carry as much general legislation as the Post Office appropriation bills. I believe one recent bill carried thirty-odd new laws. Of course, we have had very much contention always over these questions of legislation, but the bill presented to you to-day is almost in conformity with the rules of the House, for it carries no new legislation except as to one or two items that are made necessary by the existence of the pending war. There is no material difference in the appropriations for this fiscal year from those of last year. Existing conditions and the normal increases in the service have made it necessary to increase some of the appropriations. The changes in the administration of postal affairs have brought about decreases in some of the bureaus in the department, and the fact that we appropriated more money in the last bill than heretofore has caused some large unexpended balances to appear in the adjustment of accounts of the department. Until a few years past this department has not been self-sustaining. It is estimated that under the bill for the current fiscal year there will probably be a surplus of $8,000,000 to go into the General Treasury of the United States, but that is yet to be determined by the balance of accounts on June 30 next.

About a year ago we passed some very material legislation affecting the Post Office Department, when we changed the basis of the computation of pay for railroads and passed from the weighing system to the space system under the provisions of the bill that gave the control of that question to the Interstate Commerce Commission. About 90 per cent of the mail is now being carried on the new basis, under the direction of the commission. It appears from the report of the expenditures and balances that under the new law we have been enabled to save about $5,000,000, and the appropriation for inland transportation of mails is therefore reduced about that sum in this bill.

I hope I may be excused if I take up these questions and discuss them for a moment as they occur to me, without attempting to take them up in the order in which they appear in the bill. The Post Office Department is still contending with a loss in the Rural Delivery Service. If I recollect correctly, the appropriation for the Rural Delivery Service last year was about $52,000,000, the same amount that is carried in this bill. The difference between the receipts from this service and the amount expended to carry it on is nearly $35,000,000.

Whether you call it a loss or not is hardly material. Whether you calculate in your computation the special benefits that arise to the people is not material to my present purposes. The actual loss, or the difference against the Government, is estimated by the department to be nearly $35,000,000. We have 43,000 rural routes. The average pay of a rural carrier for a year's work is about $1,175. Each carrier, on an average, works during the year a little less than four hours a day. Now, it would seem that from a business standpoint there ought to be some readjustment of this service. It hardly looks proper that the average daily service should be not longer than four hours and that the average yearly pay should be $1,175, yet that is true. On the other hand, the equipment that the rural carrier has to use is very costly now, and the money that he has to pay out for the care of his horses is greater than it ever has been, and the cost of his living is greater than it ever has been. I am not here to suggest that the rural carrier shall not have more compensation; but, regardless of the interest that I feel in these employees, I believe it is due to the people of the United States that in a legislative bill upon this subject there should be some change in the system. There is no legislation on this bill, because it is purely an appropriation bill, and new legislation can not be had in this bill. A close estimate of the cost shows that this same service could be performed as effectually by the contract method at a saving of more than $20,000,000, in comparison with the amount that we are now paying. In other words, under the present system of carrying the rural mails we are losing $35,000,000 per annum. If they were carried under a star-route system or some system similar to that, and the carriers were paid for the time that they actually serve in proportion to the amount that they are now receiving or a larger figure, there could be a saving to the Government of more than $20,000,000. I feel it my duty to call your attention to these facts.

I know that nearly every Member in this House representing a country district—I do not say it offensively—feels that he is the especial guardian of the rural carrier in some way. I want to speak about this now before the time comes when you will be excited about your carriers, and to ask you to take a little interest in the Treasury of the United States. It will be proposed after a while not to take from you your carriers but to adjust their pay and compensate them in proportion to the service that they render to the Government under a system of contracts. When we are voting billions of money, I call a small economy if we can save $20,000,000 on one item, and that is something that ought to be thought of. We do not change the appropriation at all for this purpose. I only mention the matter now that justice may be done to carriers who do the work, and that the pay shall be in proportion to the service

rendered. I express no opinion now as to merits of claims for reduced or increased compensation of rural carriers. We must do justice to them and to the public.

Mr. RUCKER. Will the gentleman yield?

Mr. MOON. I will.

Mr. RUCKER. I notice that the amount in this bill is the same as in the existing law.

Mr. MOON. Exactly.

Mr. RUCKER. There are more routes in operation to-day than there were a year ago.

Mr. MOON. Yes.

Mr. RUCKER. Ought not the appropriation be increased?

Mr. MOON. No; not in this bill. They can be adjusted so that the department does not need any more money. I want to say to the gentleman from Missouri that the committee hardly ever thinks of increasing an appropriation asked for by the department, because we have always found that they ask for a little more than they need.

Mr. RUCKER. They have never done that in reference to rural carriers.

Mr. MOON. Oh, yes.

Mr. RUCKER. This bill does not contemplate any reduction in the number of routes.

Mr. MOON. No.

Mr. RUCKER. The gentleman says that the average work of the rural carriers is four hours a day. Of course the gentleman knows that during a large part of the time the carrier goes out early in the morning and returns late at night.

Mr. MOON. That is true of some carriers; I am speaking of the average. The carrier who starts early in the morning and returns late at night ought to have more compensation than the man who goes out and spends only four hours on the route. The man who works 4 hours ought not to have the same compensation as the man who works 10 hours.

Mr. RUCKER. If the gentleman will pardon me, the carrier practically puts in his entire day in the service for the reason that under the regulations the carrier is not permitted to engage in any other work or business.

Mr. MOON. That regulation might be changed.

Mr. RUCKER. It ought to be changed. If a carrier can perform his work in six hours and then wants to work on something else, he ought to be permitted to do so.

Mr. SABATH. Will the gentleman from Tennessee yield?

Mr. MOON. I will.

Mr. SABATH. Do I understand that the rural carrier is not permitted to do any other work than that which is in direct line with his duty?

Mr. MOON. No; that is not the law, but the rule is that the letter carrier must be subject to the order of the department during all that time.

Mr. SABATH. He can work on his farm or his place, and is not precluded from doing it.

Mr. MOON. Oh, no.

Mr. RUCKER. The gentleman from Tennessee is no doubt accurate in one sense and not in another, in my judgment.

Mr. MOON. The fact that he is an employee of the Government makes him subject to the order and control of the Government. Of course, in idle hours he must make some preparation for the work he is to perform.

Mr. RUCKER. They will not allow a carrier to sell fire or life insurance when he is off duty.

Mr. MOON. I think it would be a good thing if they did not allow any of them to do it.

Mr. RUCKER. That may be. That is only one item that came into my mind.

Mr. STAFFORD. Will the gentleman from Tennessee yield?

Mr. MOON. I will.

Mr. STAFFORD. The chairman of the committee will recall that when the service was first installed carriers took advantage of the position by competing in certain lines of employment. We passed a law that forbade them to work in any line of employment where they would have an undoubted advantage over other competitors, but outside of that they are privileged to do anything.

Mr. RUCKER. There are very few things that they are doing outside of their work to-day, and I know as much about the rural carriers as some other gentlemen on the floor.

Mr. HAMILTON of Michigan. Will the gentleman from Tennessee yield?

Mr. MOON. I will yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. I assume that in the cases where the carrier only works four hours a day in covering his route, that generally he uses an automobile. Now, in cases like that, I suppose some consideration ought to be given to the fact that the automobile is expensive, the upkeep is considerable, and the pay ought to be regulated accordingly.

Mr. MOON. Of course, all those things ought to be properly considered, and I think no bill could be framed to settle the question that did not consider that and every other factor in it. But the naked fact remains that the general service in the United States by rural carriers is less than four hours a day, and that the pay is $1,175 a year. The naked fact also remains that you are losing $35,000,000 in the service when a simple change by an honest contract would save you $20,000,000.

Mr. HAMILTON of Michigan. The gentleman recognizes that in the North automobiles can only be used in the summer time; that in the winter the routes are difficult to travel and that automobiles can not be run, and, of course, it takes a much longer time with a team, and that is also to be considered.

Mr. MOON. Of course; every condition enters into the consideration—the difficulty of covering routes in certain sections of the country must be considered. The fact that there is a diversity of conditions does not alter the central fact that the administration of the law could be better if the department were permitted to make some changes.

Mr. HAMILTON of Michigan. I submitted the inquiry to the gentleman because I understood him early in his remarks to say that it was the proposition to regulate the salaries in accordance with the time put in by the carrier.

Mr. MOON. That is the main feature, of course, but everything that enters into the consideration of the salary in forming a just judgment as to what the employees should be paid must be considered.

Mr. DOWELL. Will the gentleman yield?

Mr. MOON. Yes.

Mr. DOWELL. Do I understand the chairman is in favor of letting these rural routes out by contract?

Mr. MOON. No; the gentleman must not understand me that way. I am only stating facts to the House and expressing no opinion myself as yet. He suggested, however, that possibly a proper method for the adjustment of it would be not to dismiss a single carrier in the Government of the United States, but to arrange for contract with them or with others we would have to employ on a basis that would give fair and just compensation for services rendered, and the department claims they can save $20,000,000 by that sort of thing.

Mr. DOWELL. That suggestion, then, comes from the department?

Mr. MOON. I am just discussing the matter generally. Those suggestions come from the department. You will find one hundred and seventy-odd pages of hearings here, a good deal of it upon that subject. It comes from the department, of course. In fact, there is mighty little that the chairman of a committee can say upon departmental appropriations that does not come from the department or some opposition to the department.

Mr. DOWELL. As I understand it, the committee does not favor the contract system?

Mr. MOON. The committee has not and does not consider that question in this bill. I am just calling your attention to that question, gentlemen, as one that might come before you in the future, and I am asking you to think of it not only in the interest of the carrier, because he must be protected, but in the interest of the Government that you represent. I have found upon the floor of this House the wildest madness when a sensible proposition is made in reference to these carriers, when nothing could be done except to increase the salary, and I want to try to tame you down a little to the point where you can think candidly and honestly for your Government instead of for the carrier altogether. Do him justice; do the people justice.

Mr. GRAHAM of Illinois. As I understand it, the question of the salary of the carrier is not immediately concerned in the disposition of this bill?

Mr. MOON. Oh, no. This bill does not make any change in the law on the subject.

Mr. GRAHAM of Illinois. Other legislation will be proposed or may be proposed or is now being considered by a committee having that matter in view?

Mr. MOON. Yes; I will say to the House, if you will permit me in this rather informal manner to discuss the question, that there is now a subcommittee of the Committee on the Post Office and Post Roads that is taking into consideration this question affecting the carriers, both the rural carriers and the city carriers, as well as post-office clerks, railway mail clerks, and fourth-class postmasters, especially and generally all employees of the Postal Department, looking to the determination of the question whether there shall or shall not be an increase in

salaries, and if an increase, how. Those are questions that we have left out of this bill almost exclusively, and they are proposing to take them up for consideration in another measure entirely.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. CANNON. As I understand it, this is a clean appropriation bill?

Mr. MOON. Yes.

Mr. CANNON. And matters changing the law will be submitted after consideration of your committee for consideration of the House upon their merits?

Mr. MOON. That is true.

Mr. CANNON. It is not contemplated to have the appropriation bill and the House swept off its feet in a hysteria touching legislation?

Mr. MOON. That is it exactly.

Mr. CANNON. I compliment the gentleman.

Mr. MOON. I want to say this, that this bill does not propose any new legislation at all except as to one item, as I stated in the beginning, and that is entirely new to the whole system, and I may as well speak of that for a moment now. It has become essential since the Government of the United States has entered into war with Germany and Austria-Hungary that a very close censorship be held of the mails. There is now what is known as a naval censorship and a War Department censorship, which is in a measure incomplete. There is a board that looks after these matters, and a representative of the Post Office Department is upon that board. It has been deemed by the administration as wise that special provision be made for the censorship of all letters for all classes of citizens coming into this country from a foreign country and going from this country to foreign countries. We have, therefore, included one item which, of course, is subject to a point of order if anyone desires to make it, but we thought it best to place it in the bill, of $1,200,000 for the censorship of foreign mails. That is about all the material new law that is in the bill.

We have increased the item for foreign mail transportation from $3,200,000 to $5,800,000, and yet the whole of the bill, with these increases and the deductions that have been made, carries only a million dollars more than the previous bill. I want to be candid with the House in respect to another little matter that would seem to be at variance with the statement that I have just made. We have declined to consider all increases in the salary of officers and their clerks in the department and in the service, and have relegated the whole question to the committee I refer to, except in the post office, I believe, at New York and at Chicago, where they have printing done by the Government. There are there a few men who are only getting $900 or $1,000 a year, and we have thought it wise not to wait for any legislation on the matter, but to ask the House to increase their salaries $100 per annum; and in the department here, where some salaries are as low as $900, there are nine men, who are known as requisition fillers, laborers, who get but $900. We have thought it best to ask that these men receive a raise of $100. Of course that item is also subject to the point of order. It adds only $900 to the whole bill; but while we are not engaged in the general consideration of this question, we thought that when it did come for general consideration, these men, who are getting wages far below the amount necessary for them to have in order to get bread and meat, these laborers who are getting $900 ought to be put at the $1,000 figure.

I would not have said a word upon this bill, because I feel that it could perhaps be better explained when we get to the reading of the paragraphs if any explanation of it is desired, but for the fact that as chairman of the committee it is possibly my duty to call your attention to the measure in its more important details. The general details of the bill are very familiar to the committee and all of you, and there are practically no changes from previous appropriations.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. MOORE of Pennsylvania. The gentleman states there is no new legislation in this bill with one or two exceptions, which he has mentioned.

Mr. MOON. That is all that I am aware of.

Mr. MOORE of Pennsylvania. But some old legislation has been left out of the bill?

Mr. MOON. Little old new legislation has been left out.

Mr. MOORE of Pennsylvania. The pneumatic-tube services are not provided for in this bill?

Mr. MOON. They are not provided for in the general law of the land, and therefore could not be put in this bill.

Mr. MOORE of Pennsylvania. They were provided for in the last bill to the extent of $1,100,000 in rentals?

Mr. MOON. I will explain to the gentleman this question: The pneumatic-tube service is one that exists in four or five cities, I believe—Boston, Philadelphia, New York, Chicago, Baltimore, and St. Louis. Now, a few years ago, perhaps 10 or 15 years ago, we had a pneumatic-tube law in force. It was my pleasure to move to strike that item from the bill some 10 or 12 years ago, because it seemed to me an unjust and unfair appropriation. The House sustained the motion and the Senate sustained that view, and the item of pneumatic-tube service disappeared from the bill. Two years afterward the present law was enacted, but the contest against the tubes was such that in the new law there was placed a provision to the effect that the 10-year contract should not be renewed unless a committee appointed by the department had first made an investigation and determined the necessity for a renewal of those contracts. That committee did, in pursuance of the law, make the investigation and report, and it reported against a renewal of the contracts and the continuation of the law as to all cities except a portion of New York below Forty-second Street. The further history of the question is that the last Congress in the consideration of this question did not reenact the law which had expired by limitation but provided for the continuation of the contract until the end of the fiscal year 1918 and appropriated $1,001,000.

Mr. MOORE of Pennsylvania. 1918?

Mr. MOON. 1918; and also appointed a commission who were to investigate the question of pneumatic tubes and the wisdom of their continuance as a part of the system of the Government for the transportation of mail. That committee was appointed, but it has not yet reported to Congress as I am aware, so we could not include the item for two reasons—one as a matter of law, I think, and the other a matter of policy.

The matter of policy was that it was not wise to include an appropriation for services pending an investigation as to the advisability of its continuance and because we have plenty of time yet, if the House should desire to continue the pneumatic-tube service, to make appropriation for that purpose. The next reason why we did not do it, and a most substantial one, was that there now exists no law upon which to predicate an appropriation, and that is the reason the department did not estimate for and that is the reason the committee did not include any appropriation for pneumatic tubes. I will say to gentlemen whom I know are deeply interested in this question that while it would be altogether improper under existing circumstances for us to make any appropriation on that question that if it should be the judgment of the House, when that report comes in on the pneumatic-tube question that the service should be continued to be appropriated for, I shall be the very last one to object to it, and will do what I can to have it done, although I have always insisted that it was a superfluous service.

Mr. MOORE of Pennsylvania. If that report were to come in after this bill had been passed, would it not then be too late to provide for the service?

Mr. MOON. No. This House can at any time provide for an appropriation and is not obliged to do it in one bill.

Mr. MOORE of Pennsylvania. I am seeking information, because it is a mooted question, as the gentleman knows. Did the Postmaster General continue the contracts for the year ending June, 1918?

Mr. MOON. Of course he had to do so under the law.

Mr. MOORE of Pennsylvania. The tubes have been used during the year?

Mr. MOON. Until the 30th of June, 1918, under the last appropriation, they may be used.

Mr. MOORE of Pennsylvania. And the committee has not included the appropriation now in the pending bill because the congressional committee that was authorized by the act of Congress last year has not yet completed its work?

Mr. MOON. That is one reason, and the other is by reason of the expiration of the law by limitation that provided for an appropriation for pneumatic tubes they are without power to make an appropriation until there is some new law.

Mr. MOORE of Pennsylvania. Has the department given the committee any expression as to its attitude on the continuance of the tubes?

Mr. MOON. Beyond the present fiscal year?

Mr. MOORE of Pennsylvania. Yes.

Mr. MOON. None whatever beyond the official action.

Mr. MOORE of Pennsylvania. The gentleman from Tennessee is a member of the congressional committee to make inquiry as to the advisability of taking over the tubes?

Mr. MOON. The gentleman from Tennessee was appointed as a member of that committee to determine the question of the advisability of taking over the tubes, but as he had on several occasions expressed a very firm conviction that it was contrary to the interests of the Government of the United States to do so, and having formally expressed that opinion, he declined to serve on the committee where the question was to be determined.

Mr. MOORE of Pennsylvania. I am familiar with the gentleman's views and he has been very fair in stating them heretofore. He has been in opposition to the use of the pneumatic tubes and opposed to taking them over.

Mr. MOON. And having been in opposition to the service I could not in fairness to those interested sit on the commission.

Mr. MOORE of Pennsylvania. The gentleman is not therefore a member of the commission?

Mr. MOON. No. I declined the appointment.

Mr. MOORE of Pennsylvania. Is the gentleman in position to say when the commission is likely to report?

Mr. MOON. I have not heard a word from them.

Mr. SNOOK. Will the gentleman yield?

Mr. MOON. I will.

Mr. SNOOK. Mr. Speaker, the gentleman said that the bill carries a new item of $1,200,000 for censorship of foreign mails.

Mr. MOON. Yes.

Mr. SNOOK. Is there any new legislation on the subject in the bill?

Mr. MOON. None whatever. It was just an appropriation. I assume the appropriation will be used by the department in continuation of censorship in connection with the War and Navy censorship service.

Mr. MEEKER. Is not the law already in existence which makes possible the use of these funds by these departments?

Mr. MOON. Yes; possibly so.

Mr. KINCHELOE. In connection with the question of the foreign mail, I want to ask for some other information. Does our franking privilege on public documents extend to France?

Mr. MOON. I doubt it, but I would not undertake to give the gentleman an opinion on that without examination.

Mr. STAFFORD. If the gentleman will permit, in that connection I might furnish the committee some information which I gleaned by calling up the department yesterday afternoon. My former secretary is now in France, and I received a letter from him yesterday, the first that I have received, requesting a copy of the CONGRESSIONAL RECORD. I immediately took the matter up with the RECORD clerk, Mr. Smith, and he advised me that the RECORD would require postage. I thereupon took the matter up with the superintendent of the classification division of the Third Assistant's office, and he informed me over the telephone last evening that the frank would be sufficient to convey to any of our enlisted force in France, without any extra postage.

Mr. MOON. The gentleman from Kentucky was not referring to mail for soldiers, but public documents.

Mr. KINCHELOE. Yes, sir, that is what I had reference to.

Mr. MOON. We have the soldier's frank.

Mr. KINCHELOE. The reason I asked you is to find out, if the gentleman will permit, as to whether our frank as Members of Congress is good to deliver public documents to soldiers in France.

Mr. MOON. You did not say "soldiers." I imagine it would be good for sending letter mail to soldiers, and probably public documents. The law is not before me.

Now, Mr. Chairman, I have gone far beyond what I desired to say about this bill. Yet there is one other item that I feel I ought to call to the attention of the House.

We have a provision in the bill, which is carried under the head of the Third Assistant Postmaster General, for the purchase by contract of stamped envelopes. It appears that the contractors felt that they were unable to continue to supply the Government under their contract, which has yet two years to run, with stamped envelopes at the old price, and that they would lose very heavily if the contract was enforced. There is a bond behind that contract of $500,000 for its faithful performance. The contractors are probably worth several millions of dollars, as it appears from the record. Unquestionably, on account of the increased cost of paper and the increased cost of the service necessary to make these envelopes, they are running behind under their contract. They desired relief, as other contractors desired relief from the Congress, but which Congress declined. But there was found in this particular contract a provision to the effect that the department might at any time, if it saw proper, change the character and quality of the envelopes that were to be purchased, and the price therefor.

The department applied to the Comptroller for a construction of that section, and he held that the contract might be changed as the language of it indicated, by the action of the department, in changing either the character of the paper or the size, or anything else in connection with the envelope, so as to bring about a modification of the old contract and necessarily forcing the adoption of a new contract with new prices attached to the envelopes. There is considerable proof, to which I call your attention in the RECORD, on that question. The purchasing agent of the Government said that he could not secure the envelope without a change in the contract. By the consent of the department the purchasing agent changed the contract and made a new one for the Government by which the same amount of stamped envelopes were to be furnished to this Government at an additional cost of $1,750,000. The committee was of the opinion that the change in this contract, rather than resorting to its enforcement and the collection of the penalty of the bond from the contractors was not to the advantage of the Government. The committee felt that if any change had to be made, if the Government of the United States desired to be liberal to the contractors, bound under bond and penalties for the performance of a duty, the power belonged to the Congress and not to the department to make those changes, unless within the strict letter of the law and for the purpose of securing better envelopes as provided in the terms. It appeared to the committee that the purpose was not to get a better envelope, but the purpose of it was to take advantage of the technicality of the law by which the contract could be changed and secure its continuation. This was done. The change cost the people $1,750,000. No reflection on the department should be made in connection with it. We simply think the department acted with bad judgment. We think that it ought to have stood upon the bond and ought to have held the contractor liable until the Congress, that has the power to determine that question, had given its authority to change. It is not so much the amount involved as it is the assertion under subterfuge of power in the executive department—power that belongs to this body—that we reject.

The committee, feeling that way about it, realizing at the time they did it that the House and the Senate might have to give the full amount of a new contract and entail a loss to be suffered by the people of the United States of $1,750,000, thought that we could not afford to do it except by a majority vote of this House, if it had to be done at all, and therefore we recommended for appropriation not the new amount but the old amount provided by the terms of the contract. We declined to recommend the appropriation in this bill of the amount recommended by the department in order that this question might come before you, and that you might determine it according to your best judgment.

It is in this connection that I desire to print in the RECORD the letter of the Postmaster General on that subject.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MOON. In a moment. It is always a serious question, of course, to supply the people with their needs and wants under the instrumentalities furnished by the department in the course of administration, but I think the department would act more wisely and better if, when a contract could not be performed, it would not attempt to modify it and change it in order to obtain those benefits. Rather let the responsibility come where under the law it belongs—to the Congress of the United States. It is not my purpose or the purpose of any member of this committee to call in question the good motives or the honesty or the integrity of anybody connected with this matter in the department, but it is our intention to impress, if we can, upon this House the fact that the administrative officers ought not, for the purpose of securing that which they want, undertake to usurp power and authority under enforced changed conditions that would afford a pretext to change a contract.

Mr. STAFFORD. Now, will the gentleman yield?

Mr. MOON. I yield to the gentleman.

Mr. STAFFORD. If it is not a long letter, is it agreeable to the gentleman to have the letter read from the Clerk's desk?

Mr. MOON. I have no objection in the world to having it read. I want to conclude my remarks, already too long.

Mr. STAFFORD. I think the Members of the House would like to have the views of the department on this question.

Mr. MOON. In conclusion, now, I will ask permission to have the letter of the Postmaster General read to the House instead of its being incorporated in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. FESS. Reserving the right to object, Mr. Chairman, I do not object, but I would like to ask the chairman two questions before he takes his seat. May I do that?

Mr. MOON. Yes, sir.

Mr. FESS. In reference to the change from the weight to the space basis, I understood the gentleman to say there was a saving of over $5,000,000.

Mr. MOON. No. He does not attribute it all to that particular item. There is in that item a deduction of about $5,000,000, and the department attributes it largely to the change to the space basis.

Mr. FESS. I have a statement from an old employee of the postal work stating that the space basis is not a success. I do not know whether he means that it is inefficient or whether he had in mind the financial statement. The gentleman's answer would indicate the latter, especially. But what can the chairman say about the efficiency of the handling of the mail by the new method?

Mr. MOON. I once discussed that item alone for an hour on this floor. This House considered all that question when we went to the space basis. To my mind it is an absolute certainty that the continuation of the old weight basis, under which there was a quadrennial weighing of the mails and an estimate of the pay in each of the four sections every year, was unscientific and unjust. In the statement of three of the Postmasters General before the committee they said they could not come within $20,000,000 of what the pay should be. We do not want to give anything but adequate and reasonable pay. The expense had grown under the weight basis from $8,000,000 to over $60,000,000. Under the new space basis the pay the very first year of service under this law or under this administration of the law is demonstrating the fact that there will be no further increase in the pay except in proportion to the normal increase in the service, and that we can save yearly by space on the full railway post-office cars or the half cars or the quarters cars so as to recoup all possible losses and give a better and more efficient service.

I will say further to the gentleman from Ohio that the bottom of this fight all the time has been the express companies and the railroad companies, in order to destroy the parcel post and continue their graft and the subsidy upon the transportation of the mails. I know that there is going to be a difference of opinion about this. I know how the railroads and express people feel. I know how the department feels. We realize the fact that our views could not and ought not to obtain before everybody's else, although we felt they were right. But we realized that they had rights that they ought to have the power to assert, and therefore, instead of forcing the railroad companies to a subservient submission to the dictates and acts of Congress, we submitted the determination of that question to the Interstate Commerce Commission, and if they have any grievance on the question, if in any way they are not compensated fairly and justly, that tribunal has been opened by this body for their benefit, and the railroads and express companies of the United States have no longer any honest ground of contention against this law, in my judgment.

Mr. FESS. The chairman will understand that the statement I referred to did not come from any railroad man. It came from a member of the Postal Service.

Mr. MOON. Oh, yes. You can get a statement from a member of the Postal Service who does not know as much about the difference between the space basis and the weight basis as a rat—many of them. [Laughter.]

Mr. FESS. He had a service of 25 years.

Mr. MOON. I do not care if he has had service for 45 years. If he ever examined that question carefully and prayerfully for a long time he knows nothing about it.

Mr. FESS. The other question I wanted to ask the gentleman was in relation to any possible deficit for the next year. Has the chairman any information as to the probable effect on the revenue by the change in the cost of the stamp from 2 cents to 3 cents and from 1 cent to 2 cents?

Mr. MOON. No; we have had no definite information on that subject. It has not been in operation long enough to ascertain that. The gentleman will understand that the additional cent paid for a postage stamp does not go to the Post Office Department and does not inure to its benefit. That difference is a war revenue, which does not go into the postal receipts. So the accounting of the Post Office Department will be practically upon the old basis. The additional 1 cent will go as war revenue. I do not know, and there is no way to tell yet, what the general result in the Post Office Department will be for this year. Of course, conditions are very much unsettled by our being in a state of war; but the best information I could get upon the subject—which, of course, is largely a matter of guesswork at this time—is that there will probably be a surplus of about $8,000,000 from the ordinary revenues of the Post Office Department for the next fiscal year to go into the General Treasury. But upon that I can not speak with authority.

Mr. FESS. I notice the statement put out here at Washington that the increase in the cost of the stamps is going, not to reduce but to increase the revenue. The question is whether the increase in the price of the stamp will reduce the number of letters instead of increasing them.

Mr. MOON. I can not tell about that. No one can tell. I imagine that the addition of 1 cent to the postage on a letter will not make any very material diminution in the use of the mails. If it does, of course it will diminish the revenue that will go to the Post Office Department, because the additional 1 cent does not go to that department.

Mr. FESS. That is the point I am getting at.

Mr. MOON. Unquestionably the gentleman would be right about that.

Mr. SMITH of Michigan. Will the chairman of the committee answer one question before he sits down?

Mr. MOON. If I can.

Mr. SMITH of Michigan. Will the increase in the rates on second-class mail matter decrease the use of the mails, or the privileges of the reading public, in the opinion of the chairman?

Mr. MOON. I do not think it will at all. The increase is so very slight and is so readily shifted from the publisher to the American reading public that I do not think it will disturb conditions at all. It ought not. It may be that when Congress makes them pay at least half of what it costs to carry their matter, they may feel it a little, but they can not feel this change very much. We were losing, I think, some $70,000,000 upon this second-class matter, and I think we will still be losing somewhere around $50,000,000 or $60,000,000. I will say to my friend that this is a matter that is going to need some very careful consideration in the future, not only in connection with the rates but the zones and the character of matter that should bear the burden.

Mr. SMITH of Michigan. Do you think it will reduce the circulation of the newspapers or periodicals materially?

Mr. MOON. No. A newspaper has an ordinary circulation radius of not exceeding 300 miles, and most newspapers are circulated in 5, 10, 20, 50, or 100 miles. This will have no perceptible effect—very little effect, if any—on the daily papers. It is on the magazines that desire to cross the continent at the same price for which a newspaper travels 150 miles that the effect will be and ought to be.

Mr. SNYDER. May I ask the chairman of the committee a question?

Mr. MOON. Certainly.

Mr. SNYDER. Speaking of the change from the weight system to the space system, what has the gentleman to say as to the efficiency, with reference to the way the mails are carried now as compared with the way they were carried under the weight system, and has that anything to do with the increased time that it takes to get a letter from the central part of the State of New York to the city of Washington?

Mr. MOON. No; I think the space basis could not possibly have any effect upon that.

Mr. SNYDER. Something has happened in the department.

Mr. MOON. No doubt there will have to be a closer supervision by the Government under the space basis than under the weight basis.

Mr. SNYDER. Something has happened in the department which has created a very great delay.

Mr. MOON. Something is happening in these times every day that we do not like.

Mr. SNYDER. I think everyone here knows that there has been extreme delay in the delivery not only of political but of business mail throughout the entire United States, and that is illustrated by the fact that recently it has taken eight days to get a letter to Duluth and a reply back, whereas it formerly took four days.

Mr. MOON. From where?

Mr. SNYDER. From the city of New York to Duluth and back. It has taken eight days, whereas it formerly took four. Something serious has happened to the efficiency of the postal system of this country.

Mr. MOON. Not being entirely familiar, or even partially familiar, with the administration of affairs in the office of the Second Assistant, who has jurisdiction over this subject, I can not say; but if I were to venture a suggestion at all, I would say it was due to the fact that there has been an effort to cut down the crews on the railway post-office cars and to force distribution at terminal points instead of upon the cars, as heretofore, and to reduce the work to fixed hours instead of working until the distribution was finished, as heretofore. I think these

things have brought about the delay. They effect some economy in money, but the delay is more costly to the people than the benefit which results from the financial economy.

Mr. SNYDER. It takes just one day more now to get a letter from my office here to my office at home than it did one year ago, and just one day more to get a letter from my office in the city of Little Falls, N. Y., to the city of Washington than it did a year ago. This is a very serious and expensive handicap upon the business of this country.

Mr. MOON. Of course, there has to be some solution for it.

Mr. SNYDER. I did not know whether it was caused by the change from weight to space or not.

Mr. MOON. The change from weight to space has not had anything to do with it in the most remote degree, but if you attempt to reduce the number of men on every car and to reduce the hours of service and to change distribution from the railway post-office car to the terminal with an increase in mail matter, common sense would indicate that there is going to be some delay in the delivery of the mails.

Mr. SNYDER. I am not dealing with the question of common sense. I am dealing with the business economy of the condition that exists to-day.

Mr. MOON. I advise the gentleman that that is simply common sense.

Mr. SNYDER. You may call it common sense if you like.

Mr. BANKHEAD. Mr. Chairman, I would like to ask the gentleman from Tennessee a question.

Mr. MOON. I will yield to the gentleman.

Mr. BANKHEAD. In the early part of the gentleman's remarks he made a statement that it was possible that readjustments might be contemplated for the compensation of rural carriers. Did I understand that a subcommittee had that question under consideration?

Mr. MOON. No; the sub committee has under consideration a more important question and one more tender and dearer to the heart of the gentleman from Alabama, which is the question of the increase of the pay of rural carriers.

Mr. BANKHEAD. And the gentleman suggested that it might be put on a profit basis.

Mr. MOON. No; I did not say that it might; I did not say that the committee was going to do it. I have been suggesting to the House, and I find we have to do it a long way in advance, that methods might be brought about whereby we might save $20,000,000.

Mr. BANKHEAD. Will the gentleman state whether any steps have been taken along that line?

Mr. MOON. No. We passed a bill in the House of Representatives in the last Congress that would have effected that purpose. It was not discussed; and it went through almost unanimously; but it did not reach a vote in the Senate.

Now, Mr. Chairman, I send to the desk a letter which the gentleman from Wisconsin [Mr. STAFFORD] desired to have read.

The Clerk read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 10, 1917.

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives, Washington, D. C.

MY DEAR MR. MOON: It has come to my attention that the House Committee on the Post Office and Post Roads have indicated a desire for certain information relative to the contract for stamped envelopes and newspaper wrappers, and it is with the purpose of giving this information and stating the case from the standpoint of the Post Office Department that this letter is written.

In the autumn and winter of 1916 the stamped-envelope contractor was seriously behind in his deliveries, and when required to increase his production stated that the great advance in the price of paper and other materials entering into the manufacture of stamped envelopes made it increasingly difficult for him to comply with his contract. Moreover the labor situation was acute, his help was being offered higher wages by the munition plants, and his paper mills were threatening to stop furnishing paper. From the reports of the departments representative located at the contractor's factory it appeared that every effort was being made to comply with the contract, but despite these efforts orders were getting further behind, the quality of the paper was unsatisfactory, and the situation was becoming critical.

At about this time the contractor stated that one of his mills had actually stopped shipping paper and that the other (he was obtaining his paper supply from two concerns) had threatened to do so. This was confirmed by the United States stamped-envelope agent. The contractor was called to Washington and was required to make a definite statement of what he could do. He replied that paper had almost doubled in price, that the cost of other materials and labor had vastly increased, and that it was well-nigh impossible under these conditions to go on with the contract, although he promised to do the best he could. When it was proposed to proceed against his bond he stated that if relief was not afforded in some way he would be compelled to forfeit his bond rather than sustain the greater losses with which he was threatened. He stated further that in the event he was forced to the wall the department would probably have to pay an advance of from 75 to 100 per cent for stamped envelopes, if able to obtain them at all. He urged that some relief be given him, and when doubt was expressed as to the department's legal right to afford such relief, he asked that the matter be submitted to the Comptroller of the Treasury for decision.

For several years the department had contemplated adding extra-quality stamped envelopes of a better grade than had been sold before; window-stamped envelopes, for which there was a considerable demand from the business world; also envelopes of a style known as "high-back," since there was complaint from some sources that the low-back envelopes then being furnished adhered to bulky inclosures and were otherwise unsatisfactory.

There had also been complaints from time to time as to the quality of the paper, especially as to breaking at the folds. It was therefore decided that this would be an opportune time to consider the introduction of these new designs and qualities under the clause of the contract giving the Post Office Department authority to make changes of this character at any time. This clause is as follows:

"The right is reserved by the Postmaster General to require at any time during the contract term, in lieu of or in addition to the stamped envelopes and newspaper wrappers described in these specifications, envelopes or wrappers of other sizes, styles, cuts, qualities, or colors, upon condition that he shall pay to the contractor prices greater or less than those stated in the contract, the difference in price to be proportionate in each instance to the increase or decrease in the cost of manufacture, as determined by mutual agreement."

The matter was therefore submitted to the Comptroller of the Treasury along these lines, and he decided that the department had full authority to require envelopes of a different specification than those covered by the contract and to fix a remuneration therefor by mutual agreement with the contractor on the basis of the then existing cost of manufacture.

Acting upon this decision, specifications were drawn for new qualities and designs of stamped envelopes covering a line of extra-quality envelopes, a line of window envelopes, a line of high-back envelopes, and an improvement in the quality of the paper throughout. The contractor quoted prices for these proposed new grades. The auditing firm of Deloitte, Plender, Griffiths & Co., of New York City, a firm of certified public accountants of established reputation, made a careful examination of the contractor's books and submitted a sworn statement of the costs and the gross profit at the time the contract started, also of the probable cost of manufacture of the proposed new qualities and designs under the market conditions then existing. This statement was reviewed by a committee representing the department, consisting of the superintendent of the division of stamps and the United States stamped-envelope agent. The prices quoted by the contractor were deemed excessive, however, and reductions were made amounting to approximately $250,000 annually.

The comptroller had held that the same relative profit must be provided in the new arrangement as under the old. His exact language was as follows:

"In my opinion you will be justified in ordering stamped envelopes, different from those specifically provided for in the contract, conditioned upon an agreement as to the price to be paid. Such price will be greater than the contract price for the contract envelopes, not only because of the better grade of paper and more expensive form being required by you, but also on account of the present cost of the better grade of paper. The increase in the cost of manufacture to which the increase in price is to be proportioned has reference to the cost of manufacture at this time as compared to a smaller cost at the time the contract began, and the percentage of profit to be allowed on any new grade and form of envelope should not exceed the percentage of profit, if any, accruing at the time the contract began."

In determining the cost of manufacture the contractor insisted on limiting the factors of cost to materials, labor, taxes, and light, heat, and fuel. The department held, however, that it should also include other factors, such as overhead, supervision, and similar items. Since materials and wages had advanced in price, while the other items of cost remained practically stationary, the limitation of items to be considered as requested by the contractor would have operated unduly in his favor. The department therefore insisted on the inclusion of the constant items and reduced the prices accordingly. The contractor also repeatedly asked that old orders not yet filled be canceled, but this request was denied.

To verify the cost of materials prices were obtained from several firms, informal inquiries were made of dealers, etc., and the Chief of the Paper Laboratory of the Bureau of Standards visited paper manufacturers, dealers, and others, and submitted a report. Because of the fact that the contractor had certain subcontracts for paper and other materials then or previously, he was able to obtain prices considerably under the market for paper and for most of the other materials required. The market price of the grade of paper chiefly used, for example, was about 10 cents a pound, but the basis of cost to the department covered by the new agreement was 8 cents.

Although time was an essential element in all of these negotiations, since the contractor was threatened with bankruptcy, every possible precaution was taken to safeguard the interests of the Government. The action proposed was even brought incidentally to the attention of the Post Office Committees in both Houses of Congress.

Every step taken was submitted for my personal approval, and I was convinced then and am convinced now that the course followed was not only right, but that it was the only course possible for the protection of the Government and of the users of stamped envelopes. As an alternative the contractor might have been forced into bankruptcy, but the department would inevitably have been compelled to pay very much higher prices for the manufacture of envelopes than those represented under the present arrangement. Not only so, but we were faced by a probability amounting to a moral certainty that we could not obtain the envelopes from any other source, since no real competition had been offered in the past 10 years, despite the constant efforts of the department to obtain such competition, the commercial envelope companies refusing to bid on the contract and the Public Printer lacking the facilities to enable him to do so.

Another feature of the case is that the prices under the previous arrangement were so low that the department was being swamped with orders. Indeed, even at the increased prices under the new arrangement orders have abnormally increased, because the rates at which stamped envelopes are sold to the public are still materially less than for similar grades of unstamped envelopes.

In this connection it may be added that not one complaint as to the increased prices has been received from the buying public since this new arrangement has been made.

Still further to safeguard the interests of the department, the order authorizing this change was made terminable at the will of the Postmaster General, the concluding paragraph reading as follows: "It is understood that if deemed fit to do so the department will order a reduction of these schedules of prices within the terms of the original contract."

Since this arrangement was concluded, however, the United States has entered into the war, and market conditions remain so disturbed that it is not deemed wise or just at this time to modify the arrangement, and it is therefore earnestly hoped that the original estimate submitted for the appropriation for the manufacture of stamped envelopes and newspaper wrappers for the coming year will be granted by the Congress.

It is also requested that this letter be made a part of the record.

Very truly, yours,

A. S. BURLESON.

Mr. MOON. Mr. Chairman, I ask unanimous consent to incorporate in my remarks the report of the committee.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to incorporate in his remarks the report of the committee. Is there objection?

There was no objection.

The report of the committee, by Mr. MOON, is as follows:

The Committee on the Post Office and Post Roads, in presenting the bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, submits the following:

The appropriations for the fiscal year ending June 30, 1918, were $331,316,070. The estimates of the Post Office Department for the fiscal year ending June 30, 1919, all revised estimates included, amount to $335,088,345. The committee recommends appropriations to the amount of $331,922,945.

The increases in the estimates of the Post Office Department are due in part to war conditions and in part to expenses incidental to the usual growth of the service.

The report of the Post Office Department sets forth the use of the money heretofore appropriated and the revenues to be expected and expended during the coming fiscal year.

The following tables set forth by items the appropriations for 1918, the estimates of the Post Office Department for 1919, and the committee recommendations for 1919 in the office of the Postmaster General and the four assistants:

Post office appropriation bill, 1919.

	Estimate for 1919.	Appropriated, 1918.	Committee recommendations for 1919.
POSTMASTER GENERAL.			
Rent of buildings	.....	$8,000	.....
Gas, electric light, and power, mail-bag repair shop	$4,500	4,500	$4,500
Post-office inspectors:			
Salaries	783,700	783,700	783,700
Per diem	262,860	262,860	262,860
Post-office inspectors' clerks:			
Division headquarters	134,000	134,000	134,000
Traveling expenses	43,850	43,850	43,850
Livery hire	45,000	45,000	45,000
Miscellaneous expenses	7,500	7,500	7,500
Payment of rewards	25,000	25,000	25,000
Special Assistant Attorney General	6,000	6,000	6,000
Travel expenses, Postmaster General	1,000	1,000	1,000
Total	1,313,410	1,321,410	1,313,410
FIRST ASSISTANT POSTMASTER GENERAL.			
Compensation to postmasters	32,850,000	32,000,000	32,850,000
Compensation to assistant postmasters	3,500,000	3,500,000	3,500,000
Clerks and employees at first and second class post offices	52,000,000	[1] 50,200,000	50,508,700
Compensation to printers, mechanics, etc	61,800	61,800	61,800
Compensation to watchmen, messengers, etc	1,730,000	1,642,500	1,730,000
Clerks in charge contract stations	1,180,000	1,170,000	1,180,000
Temporary and auxiliary clerk hire	3,000,000	3,300,000	3,000,000
Separating mails	730,000	715,000	730,000
Unusual conditions	150,000	130,000	150,000
Allowance to third-class offices	2,000,000	1,900,000	2,000,000
Rent, light, and fuel, first, second, and third class post offices	6,200,000	5,900,000	6,200,000
Miscellaneous items, first and second class post offices	400,000	350,000	400,000
Letter carriers	41,700,000	40,500,000	41,700,000
Substitute for letter carriers	4,100,000	4,100,000	4,100,000
Letter carriers, new offices	75,000	75,000	75,000
Vehicle allowance	5,965,000	5,965,000	5,965,000
Mail-messenger service	2,600,000	2,243,000	2,600,000
Car-fare and bicycle allowance	625,000	625,000	625,000
Pneumatic-tube service	.....	1,001,000	.....
Street-car service for the manufacture of envelopes	9,000	9,000	9,000
Marine postal service, Detroit, Mich.	7,250	7,250	7,250
Car fare, special-delivery service	13,000	13,000	13,000
Fees, special-delivery messengers	3,200,000	2,500,000	3,200,000
Travel expenses, First Assistant Postmaster General	1,000	1,000	1,000
Total	162,697,050	156,998,550	160,605,730
SECOND ASSISTANT POSTMASTER GENERAL.			
Inland transportation:			
Star routes, Alaska	430,000	312,000	430,000
Steamboats	1,185,000	1,224,000	1,185,000
Railroads	60,645,000	66,350,000	60,645,000
Freight or expressage, postal supplies	95,000	200,000	95,000
Railway Mail Service	28,190,000	28,385,500	28,190,000
Traveling expenses, railway mail clerks	1,613,959	1,638,959	1,613,959

[1] Correct amount by items, $50,735,100.

Post office appropriation bill, 1919—Continued.

	Estimate for 1919.	Appropriated, 1918.	Committee recommendations for 1919.
SECOND ASSISTANT POSTMASTER GENERAL—continued.			
Temporary clerk hire, railway mail clerks [1]	.....	$60,000	.....
Substitutes, railway mail clerks [1]	.....	864,585	.....
Actual necessary expenses, division superintendent	$48,000	50,000	$48,000
Rent, light, and fuel, etc., Railway Mail Service	532,156	557,156	532,156
Per diem allowance, assistant superintendents	2,420	2,660	2,420
Electric and cable car service	545,000	581,000	545,000
Transportation, foreign mails	[2] 5,800,000	3,720,000	5,800,000
Censorship of foreign mails	[3] 1,200,000	.....	1,200,000
Assistant superintendent, foreign mails	.....	2,500	.....
Balances due foreign countries	681,700	681,700	681,700
Travel expenses, Second Assistant Postmaster General	1,000	1,000	1,000
Total	100,969,235	104,631,960	100,969,235
THIRD ASSISTANT POSTMASTER GENERAL.			
Manufacture adhesive postage stamps, etc	1,100,000	962,000	1,100,000
Manufacture stamped envelopes, etc	3,000,000	1,825,000	1,825,000
Agent and assistants to distribute stamped envelopes	16,000	15,300	16,000
Manufacture postal cards	580,000	500,000	580,000
Ship, steamboat, and way letters	150	150	150
Limited indemnity:			
Domestic	670,000	320,000	670,000
International	10,000	10,000	10,000
Travel expenses, Third Assistant Postmaster General	1,000	1,000	1,000
Postal Savings System	500	500	500
Total	5,377,650	3,634,150	4,202,650
FOURTH ASSISTANT POSTMASTER GENERAL.			
Stationery for the Postal Service	580,000	522,000	580,000
Blank books, etc., Postal Savings System [2]	.....	75,000	.....
Postmarking, rating, and other stamps	230,000	50,000	230,000
Twine, and tying devices	325,000	275,000	325,000
Purchase, exchange, and repair of typewriting machines, etc. [3]	.....	180,000	.....
Miscellaneous equipment	370,000	20,000	370,000
Expenses, shipment of supplies	160,000	140,000	170,900
Miscellaneous expenses, Division of Supplies	20,000	25,000	20,000
Canceling machines	255,000	220,000	255,000
Mechanical and labor-saving devices [4]	.....	75,000	.....
Supplies, City Delivery Service [5]	.....	350,000	.....
Mail bags, etc	450,000	367,000	450,000
Compensation to labor, mail-bag shop, etc	155,000	155,000	155,000
Inland transportation, star routes	8,675,000	8,675,000	8,675,000
Pay of rural letter carriers	53,000,000	53,000,000	53,000,000
Village delivery service	500,000	500,000	500,000
Travel and miscellaneous expenses, Fourth Assistant Postmaster General	1,000	1,000	1,000
Total	64,731,000	64,730,000	64,831,900
RECAPITULATION.			
Office of the Postmaster General	1,313,410	1,321,410	1,313,410
Office of the First Assistant Postmaster General	162,697,050	156,998,550	160,605,730
Office of the Second Assistant Postmaster General	100,969,235	104,631,960	100,969,235
Office of the Third Assistant Postmaster General	5,377,650	3,634,150	4,202,650
Office of the Fourth Assistant Postmaster General	64,731,000	64,730,000	64,831,900
Total	335,088,345	331,316,070	331,922,945

[1] Estimated under "Railway Mail Service."
[2] Revised estimate.
[3] Estimated under "Stationery for the Postal Service."
[4] Estimated under "Postmarking stamps."
[5] Estimated under "Canceling machines."
[6] Estimated under "Miscellaneous equipment."

Mr. MOON. Having said all that I desire to say now, I yield to the gentleman from Minnesota.

Mr. STEENERSON. Mr. Chairman, in the few moments I will detain the House I propose to deal with the subject referred to in the report of the Postmaster General. This report covers some very important features of the Postal Service and deserves most careful consideration. The first thing mentioned in his annual report is the postal finances. I will take the liberty of reading a few sentences:

The revenues exceed the expenditures by $9,887,397.96. After deducting $51,188.06, losses of postal funds by fire, burglary, and other causes, the audited surplus for the year is $9,836,211.90. This surplus is the largest in the history of the Postal Service.

The surplus in postal receipts is payable into the United States Treasury, according to the provision of law, and is used in meeting the general expenses of the Government. Accordingly, $9,000,000 of the above reported surplus has recently been paid into the Treasury. This followed similar payments of $3,800,000, $3,500,000, and $5,200,000 on account of postal surpluses accruing during the fiscal years 1913, 1914, and 1916, respectively.

Now, the object of that statement must necessarily be to lead the people of the United States to believe that the Postal Service is enriching the Treasury by these amounts, which in the aggregate amount to $12,500,000. In addition to that the last surplus—1917—amounted to $9,000,000, making $21,500,000. No one who reads that report, or reads the synopsis furnished to all the leading newspapers, can reasonably come to any other conclusion than that the Postal Service is self-sustaining and profitable to the United States to the extent of $21,500,000 in the last four years.

Now, of course these people who follow somewhat closely the events of the times would have recalled that in 1915 there was a deficit of $11,333,000, according to the previous report. But the Postmaster General never mentions that here. It was no doubt unintentional, and therefore we must supply that deficiency and recall that we lost nearly $12,000,000, which reduces the aggregate alleged surplus somewhat.

But that is not all. I had occasion to speak about this at the last session, and very emphatic denials came from some Members on the other side, claiming that the Treasury Department showed a different result. I claimed at that time that there was no surplus whatever. So I submitted the question to the Treasury Department as to whether or not the Postal Service during the last five years—that would include 1912—had been a source of profit or a loss to the United States. They furnished me a statement, and not only the statement I will read, but a detailed statement which I printed at the time.

The statement is as follows:

Amounts drawn from the Treasury for postal deficiencies and amounts returned thereto, including deposits of surplus postal revenues, fiscal years 1912 to 1916, inclusive.

Part 1.

	Advances from the Treasury on account of postal deficiencies.	Repayments to the Treasury on account of postal deficiencies.	Net grants from the Treasury.	Surplus revenues deposited in the Treasury.	Treasury gained (+); Treasury lost (−).
1912	$3,568,194.88	$2,000,000.00	$1,568,194.88	.....	−$1,568,194.86
1913	3,027,368.79	2,000,000.00	1,027,368.79	[1]$3,800,000.00	+ 2,772,631.21
1914	.....	.....	.....	[1]3,500,000.00	+ 3,500,000.00
1915	6,680,738.02	4,143.42	6,636,592.60	.....	− 6,636,592.60
1916	5,500,000.00	.....	5,500,000.00	[1]5,200,000.00	− 300,000.00
Total	19,168,104.31	2,004,143.42	19,163,961.39	12,500,000.00	− 663,961.39

[1] Surplus revenue of the year indicated, but not deposited in the Treasury until the following year.

Certain additional payments from the Treasury under various laws on account of the Postal Service, fiscal years 1912 to 1916, inclusive.

(Part 2.)

[Treasury gained (+); Treasury lost (−).]

1912.	Miscellaneous payments under relief acts, etc.		− $7,791.02
1913.	Parcel-post equipment	$370,217.26	
	Judgments, Court of Claims	8,400.28	
	Miscellaneous payments under relief acts, etc.	4,995.55	
			−383,613.09
1914.	Parcel-post equipment	359,767.74	
	Equipment and moving expenses, new post office, Washington, D. C.	5,000.00	
	Judgments, Court of Claims	25.00	
	Miscellaneous payments under relief acts, etc.	234.20	
			−365,026.94
1915.	Equipment and moving expenses, new post office, Washington, D. C.	55,000.00	
	Parcel-post equipment	19,352.11	
	Judgments, Court of Claims	1,256.97	
	Miscellaneous payments under relief acts, etc.	12,073.59	
			− 87,682.67
1916.	Judgments, Court of Claims	114.95	
	Miscellaneous payments under relief acts, etc.	247.27	
			− 362.22
	Additional payments		−844,476.84

Summary.

(Part 3.)

[Treasury gained (+); Treasury lost (−).]

1912	−$1,575,986.80
1913	+ 2,389,018.12
1914	+ 3,134,973.06
1915	− 6,724,275.27
1916	− 300,362.22
Net loss 1912–1916	− 3,076,633.11

TREASURY DEPARTMENT, *January 31, 1917.*

The summary is as follows: Treasury gain or loss—net loss, 1912 to 1916, $3,076,633.11. If we deduct 1912 it leaves the net loss for the four years 1913, 1914, 1915, and 1916, $1,500,346.80. The loss for the four years is a dead loss to the Government of over a million and a half dollars. That is including 1916. I will refer to 1917 a little later.

Now, I want to consider how this can be, that here is the Treasury statement which shows a loss, and the Postmaster General's report shows a surplus.

That is explained in this way: Under a law passed more than 80 years ago postal revenues are appropriated each year for the service of the Post Office Department, and then there is a clause in every Post Office appropriation bill to the effect, in substance, that if the revenues of the Postal Service shall be insufficient to pay the appropriations mentioned in the bill, then upon requisition of the Postmaster General the Treasury Department shall supply the deficiency. So you see that no money ought to be drawn or should be drawn from the Treasury in any year except upon the certificate of the Postmaster General that there is a postal deficit. Here is a remarkable situation. In 1916 there is a reported surplus, and yet the Treasury lost money. How can that occur? Let me explain to you. Under this law the amount of the surplus or deficit is determined by the difference between the postal receipts and the postal expenditures of any given fiscal year. It is just exactly the same as if you should appoint an agent to go out and carry on a business for you and you furnished him with $10,000. He would do a business, say, of $10,000, and then contract $10,000 of debts that he would not pay, and at the end of the year he would report that he now had on hand $20,000; but he would not have paid any bills. That would be his surplus under this system. You see that the surplus is determined by the difference between what you have paid out and what you have taken in. You can readily see that by postponing the payment of your debts beyond the fiscal year you will increase your surplus. It was so apparent that in the first report Postmaster General Burleson made he pointed this out. He said the difference between receipts and expenditures was not a true statement of the financial condition of the Postal Service, because you could postpone the payment of your debts toward the end of the fiscal year and thereby your receipts would exceed your disbursements.

He intimated that that had been done by his predecessor, Mr. Hitchcock, although he did not state that it was intentional; that by reason of delaying the payment of his bills beyond June 30, 1911, which was the year before the last of the last Republican administration, he claimed there was a surplus of $218,000, when as a matter of fact there should have been a deficit of some $700,000. Postmaster General Burleson has repeated this statement several times since, that the difference between the postal receipts and disbursements is not a true index of the financial condition of the service. The report shows that in 1911, the year Mr. Hitchcock was criticized for delaying the payment of bills in order to create a fictitious surplus, only $8,000,000 of bills were postponed. Of course, you must understand that where the receipts are around $1,000,000 a day, and the disbursements in proportion, it does not take very many days to run up delayed payments of that amount. It was claimed then that toward the end of the fiscal year there had been some $8,000,000 postponed and included in the next. That was true. There was that much. Of course, the delay of some is inevitable. The Postmaster General in his report recognizes that. You can not pay all of your bills in the year in which they are incurred. The services of the railroads, for instance, have to be estimated and adjusted, and it takes weeks and sometimes months to adjust those services rendered during the fiscal year.

The amount so postponed, or, I might say, deferred in 1913, was $8,000,000. In 1914, when Mr. Burleson was in charge, it amounted to $8,400,000; in 1915, to $9,000,000; and the next year, 1916, $8,400,000, and strange to note, in this year of our Lord, 1917, he says in his last report there were $13,000,000 of bills incurred during the fiscal years 1916 and 1915 and prior years that were not paid until after the end of the fiscal year 1916. So, so far as the postponement of the payment of bills is concerned, you will see that he out-Herods Herod. He postpones them to the tune of $13,000,000. I want to read to you now this clause in his report on this practice of delaying the payment of the postal expenditures:

The audited expenditures above stated include $306,480,767.43 for services performed and supplies purchased during the fiscal year 1917, and $13,357,960.97 paid in 1917 in liquidation of obligations incurred in previous years which it was impracticable to adjust during those years. To ascertain the true financial results for a given year all obligations for the business of a year, adjusted and unadjusted, should be taken into consideration, and payments in liquidation of obligations incurred for previous years excluded.

That is found on page 5 of his report.

Mr. MADDEN. So that if the $13,000,000 the gentleman suggests as having been unadjusted and unpaid had been deducted from the surplus, there would have been a deficiency?

Mr. STEENERSON. If they had paid them during the year in which they were incurred, surely. I shall now consider the financial statement of 1916. I do not charge that there has been any embezzlement or corruption, but there has been a management which makes a too favorable showing of the Postal Service, so that it looks as though it is prosperous when it is not. The fact is that in 1916, a campaign year, they reported that they paid in a surplus of $5,200,000 when in reality none existed if the debts incurred were paid; on the contrary, the real financial result was a loss. They drew out of the Treasury as a deficit under the certificate of the Postmaster General $5,500,000 and it is never mentioned anywhere. That does not appear in the report. I mentioned it during the last Congress, but I met with a storm of denials, and I made up my mind that I would nail it down fast, so I requested the Auditor for the Post Office Department to furnish me a certified copy of the requisitions upon which the Postmaster General drew out of the Treasury $5,500,000 as a deficit in 1916. I have got it here, certified by the auditor, dated December 8, 1917. The auditor's certificate follows:

AUDITOR'S OFFICE.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR THE POST OFFICE DEPARTMENT.
Washington, December 8, 1917.

I, Chas. A. Kram, Auditor for the Post Office Department, certify the annexed to be copies of 11 requisitions of the Postmaster General on the Secretary of the Treasury, dated August 4, 5, and 6, and September 1, 2, 8, 21, 22, 23, 24, and 25, 1915, each for the sum of $500,000.

In testimony whereof I have hereunto signed my name and caused to be affixed my seal of office, at the city of Washington, D. C., this 8th day of December, A. D. 1917.

[SEAL.] C. A. KRAM,
Auditor for the Post Office Department.

(See R. S., sec. 889, and sec. 3 of the act approved July 31, 1894, 28 Stat. L., 205.)

Then follows the first requisition, dated August 4, 1915:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., August 4, 1915.

Hon. WILLIAM G. MCADOO,
Secretary of the Treasury, Washington, D. C.

SIR: I have the honor to request that you have placed to the credit of the Post Office Department the sum of $500,000 on account of a deficiency in the postal revenues for the fiscal year ending June 30, 1916.

(Signed) A. S. BURLESON,
Postmaster General.

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR THE POST OFFICE DEPARTMENT,
August 4, 1915.

This requisition is approved for $500,000.

CHARLES A. KRAM,
Auditor for the Post Office Department.

Then follows on August 5, 1915, another $500,000; another on August 6, 1915; another on September 1, 1915; another on September 2, 1915; another on September 3, 1915; then on September 21, 1915; also September 22, 1915; September 23, 1915; September 24, 1915; and another one on September 25, 1915, each for $500,000; eleven, making, in all, $5,500,000.

Now, mind you, this was certified to as due to a deficit in the postal revenues for that fiscal year.

Mr. KNUTSON. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. KNUTSON. Was it claimed by the Democratic Party that the postal receipts showed a gain for that year?

Mr. STEENERSON. Certainly. They claimed they had earned a surplus. This money was drawn out on the certificate that there was a deficit in the postal receipts; otherwise the law would not have enabled them to take the money out of the Treasury. Not a single dollar of that has ever been paid back as a repayment of money borrowed. Not a single penny has been returned as a repayment. But what happened? After the fiscal year had expired 51 days, on the 26th day of August, when the campaign was getting pretty hot in 1916, $5,200,000 was deposited in the Treasury. How? As an alleged surplus! It was $300,000 less than the money that had been drawn out as deficits. Yet this so-called surplus was extensively advertised as an evidence of how profitable to the people the Postal Service was under the able management of Burleson. I think the law that permits such things ought to be changed. It is difficult to escape the conclusion that the business was so managed as to show a surplus when there was none. It looks as if the one who managed the matter said to himself, "If I wait and delay paying my debts until after the end of the fiscal year I will have a surplus." Actually $13,000,000 was postponed to 1917, as now appears. That is the way the surplus was created, a surplus that has no basis at all so far as the true financial status of the postal receipts is concerned.

The relation of the Postal Service to the Treasury at the close of the fiscal year of 1916, so far as that fiscal year was concerned, was this: The Treasury had never received a cent, but had paid out upon a deficit, certified by the Postmaster General, $5,500,000. On August 21, 1916, after the fiscal year 1916 had expired—51 days after—they paid in $5,200,000 and called it a "surplus," not a repayment. Now, this is a distinction quite important, because I have examined the past reports of the Auditor for the Post Office Department, who is a Treasury official, and of the Postmaster General, and I find that uniformly when money is drawn out as a deficit, as soon as the revenues of the department enable them to do so they pay it back as a repayment, but to this day that has never been done, thus leaving the Treasury, after crediting them with that surplus, behind to the extent of $300,000 that year.

Now, you will see in the RECORD that this Treasury statement, dated January 31, 1917, shows that there is not a dollar gained by the Treasury since the fiscal year of 1912, and that there is actually more money due the Treasury now than there was then. Now as to 1917. In 1917 they say they had a surplus of $9,000,000, which was paid into the Treasury. It was not paid till after the fiscal year had expired—on October 26 last.

The annual report this year is the first instance that can be found where the amount carried over to the second year, as this was from 1915 to 1917, is so large. Nearly all bills are usually paid within a year, so only few odds and ends remain longer. In this case more than $3,000,000 was held back from 1915 to 1917. From this it follows that the Postal Service from 1912 up to 1917 has not been run at a profit, but at a dead loss. Whether 1917 was profitable can only be told when we know how much we owe on account of that year. Perhaps in a year we can tell, but not now. It is very important that the people shall know the truth. The official reports ought to be plain and reliable. In these times, when the people are taxed to the amount of billions, they should know what is done with their money.

Mr. SMITH of Michigan. Will the gentleman yield for a question there?

Mr. STEENERSON. Yes.

Mr. SMITH of Michigan. Is the same system of bookkeeping observed now as before the year 1912?

Mr. STEENERSON. Exactly the same.

Mr. SMITH of Michigan. And did the same discrepancies occur previous to 1912?

Mr. STEENERSON. Never before 1912 were there so many unpaid bills carried over to the next fiscal year. And that is the key to the whole situation. When you do not pay your bills until the next fiscal year your receipts exceed your payments. And that was the point which Mr. Burleson emphasized when he came into office. The first word he uttered in his official report was to the effect that that was a defective system. He criticized Mr. Hitchcock because that gentleman had showed a surplus of $218,000 in 1911, and he said that he did that because the unpaid bills were delayed beyond the fiscal year. And he went so far as to make an estimate of what they ought to have paid.

Mr. SMITH of Michigan. And still he pursued the same system he criticized?

Mr. STEENERSON. Why, he went Mr. Hitchcock a point or two better.

Mr. SMITH of Michigan. Worse.

Mr. STEENERSON. Better or worse. He certainly outdid him, because the thing he criticized in Hitchcock he has repeated from the first. Hitchcock postponed the payment of $8,000,000 to the next year, whereas Mr. Burleson says he postponed $13,000,000 last year.

Now, the Government does not actually lose anything by the postponement of the payment of these bills, but you deceive the people as to whether the Postal Service is self-sustaining or not self-sustaining. That is all there is to it. The Treasury books show. For instance, you have the auditor's financial statement, and it shows how much the Postal Service is indebted to the Treasury. That has been adjusted some years back. It does not start from the beginning, but in 1912 they said that the Postal Service was indebted to the Treasury $7,000,000. That was the end of the fiscal year when Mr. Burleson took hold; that is, the end of the fiscal year 1912 and the beginning of the fiscal year 1913, for which he claims credit. I might say right here, in parentheses, that he does not deserve credit for 1913, in which there was a surplus of $3,800,000, because 8 months and 4 days of it was under Mr. Taft's administration, and only 3 months and 26 days of that fiscal year was in Mr. Wilson's administration.

Mr. Burleson claims credit for that $3,800,000 surplus that was paid into the Treasury that year, while he was in there only 3 months and 26 days. At the end of the fiscal year which preceded 1913 there was $7,000,000 due the United States Treasury, according to the auditor's financial statement. On June 30, 1913, the day before the beginning of the fiscal year 1914, there was $12,922,000; in 1914 there was $13,498,000; in 1915 there was $5,302,000; in 1916 there was $16,631,000; and in 1917 there was $21,267,000.

Now, of course, this is not a safe guide to go by, for this reason—that is, when you are trying to ascertain whether the Postal Service is a profit or loss to the United States Treasury—because whenever the Post Office Department reports a surplus they are charged with it; they are charged with all the receipts they report, and also charged with a surplus, and therefore they get credit whenever they pay anything. Here you see that beginning with the last fiscal year they owed $21,000,000, but if you take the financial statement made after the first quarter it is reduced by $9,000,000, which is the amount paid last October. The current financial statement of the auditor will show that. But there still remains an indebtedness of $12,000,000, which is more than the indebtedness to the Treasury that existed five years ago. From these figures, as I have said repeatedly, it can be nailed down as the truth that the United States Treasury has not been enriched by its connection with the Postal Service during the last five years.

Now, the Postmaster General's report makes some very important recommendations. For instance, the recommendation as to the contract system for rural carriers. That recommendation has been made to the committee, I think, every year since this administration came into power, but it never received any support. Now, it is a rather remarkable thing that a recommendation of this vast importance, after Congress has turned it down, should be repeated. But we find ourselves in this position: The department, with all its influence and power, comes here to ask us to inaugurate a contract system for the Postal Service. I do not want to discuss that proposition, except to say this for the benefit of the people from the cities, that if you propose to substitute a contract system of rural service, the same system should be adopted for the city service. If you want a contract system in the country, you ought to have it in the city also, because the people are just as good people in the country as in the city. A prominent lady—I think she represents the New York State Woman Suffrage Party, Mrs. Harriet B. Laidlaw—sent me a letter advocating increased pay for city carriers. Among other things, she says:

> I think the women have a special interest in the welfare of the letter carriers who come daily to their homes bringing the news of their friends and the outside world. It means considerable to the woman in the home as well as to the woman in business to come in daily contact with men of fine caliber, such as does characterize the personnel of the letter carriers' force at present; and, in view of the tremendous increase in the high cost of living and the great readjustments economically that have had to be made in the last two or three years, I think you will agree that the provisions of this bill for the increase of salaries should be considered.

Now, in addition to what she refers to there as to the desirability of having respectable men, reliable men, come around and call at the houses of the people, I will say that it is also desirable to have good equipment. If you have a contract service it will be very similar to the star-route service. Some of you, perhaps, who have lived on the frontier can remember when the star-route service was the prevailing service, and you would have a worn-out buggy, a spavined horse, or an old mule hitched up to any kind of a vehicle, and the service was irregular and delayed and undependable. It could not be relied upon. Besides that, the carrier was sometimes known to you and sometimes he was a stranger. It seems to me that to substitute a contract service would be unfair to the farmers' wives and daughters and children. The rural carrier has to do more than the city carrier. He has to do more business of various kinds. He has to sell stamps and money orders, to insure packages, and he has to do all these clerical things that the postmaster does in the city. He is really a traveling postmaster, and to have that let out on contract, it seems to me, would entail great hardship upon the people, and it would not be desirable. It would be too risky. We do not want such unknown and irresponsible persons to come around to our houses and deal with our children and wives and daughters. We want reliable men, such as we have now, and I think we ought to provide so that they could render this Rural Delivery Service efficiently by increasing their compensation to a reasonable amount. That, of course, is a matter that comes before this subcommittee of which Chairman MOON spoke.

Now, another recommendation of vast importance that the Postmaster General makes is that the United States Government shall own and operate all the telegraph and telephone lines in the United States—government ownership and operation of the telephone and telegraph lines. It is not very consistent, because his proposition of contract service would be private ownership of rural delivery, while he favors public ownership of the telegraph and telephone. A contract system is more comparable to private ownership than anything I know of, because the Government has no control of the appointment and salary of the people who do the work, so that I think there is a lack of consistency there. But imagine what a field for a skillful politician there would be for an official acting as Postmaster General if you had the telephone and telegraph companies as government-operated institutions. The receipts would be close on to a billion dollars a year; and, mind you, by postponing the payment of the bills for two weeks you would have a surplus of $100,000,000, or, at least, $50,000,000. Under the system I have explained, whereby you determine the surplus by the difference between the receipts and expenditures, all you would have to do would be to refuse to pay your bills for a few days and then you would have apparently a most prosperous institution, and might be able to make the people believe it. [Laughter.]

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. SMITH of Michigan. Is it not true that some people in Europe have public ownership of those means and avenues of intelligence?

Mr. STEENERSON. No doubt there are a great many people in Europe who have government-owned telegraphs and telephones; but let me tell you that the American people are ahead of any European people to-day. We are the ones who invented the telegraph and the telephone. You would never have had them invented in God's world if you had left it to the department. They never invent anything. It is the spur of private enterprise that makes people invent.

Mr. SMITH of Michigan. Is it not true that in those countries where they have public ownership of the telephone and telegraph they perform the service for less than one-half of what they perform it for here?

Mr. CANNON. Mr. Chairman, will the gentleman allow one word there?

Mr. STEENERSON. I do not know anything about what they pay, but I doubt it. I know that Mr. Lewis, who used to be a Member of this House——

Mr. MADDEN. They give you less than one-fourth of the value of the service.

Mr. SMITH of Michigan. They give what is wanted, and the service is not worse than the service here. It is bad enough here.

Mr. MADDEN. If you want to use it, you must serve notice about eight hours in advance of the time you use it, and even then you can not get it before 8 o'clock in the morning and not after 6 o'clock in the evening.

Mr. STEENERSON. I had a little experience abroad, when I spent about six weeks in England in 1914, and I only tried to use the telephone twice and then I was unsuccessful. I tried it and then gave it up.

Mr. SMITH of Michigan. Is it not true that it is used more abroad than it is in this country per capita?

Mr. STEENERSON. Well, if the gentleman wants to advocate that, and support the Postmaster General in this proposition, all right. I am not here to argue the proposition.

Mr. SMITH of Michigan. I am asking for information, simply.

Mr. STEENERSON. Well, in my opinion the service over there is not nearly as good as it is claimed to be. The service I have seen in England was very poor, and, as stated by the gentleman from Illinois [Mr. MADDEN], you have to call at certain hours. It is under strict regulation. It is government service, and it is not satisfactory. I would rather pay a little more and have a private institution do my business. However, I am not especially debating the wisdom of that.

But I am calling attention to the fact that the Postmaster General has made a proposition here, and repeated it at every session of Congress, I believe, that the Government shall take over the telephone and telegraph lines. Yet, so far as Congress knows, we are unable to say what the attitude of the President is. How is it that this proposition, of vast importance to the people, has never received the indorsement of the Chief Executive? In olden times when the President sent his message to Congress he dealt with each department and mentioned what he desired Congress to do, but we have no reason to believe that the President has ever indorsed this proposition. It is simply

the proposition of a Cabinet officer who never was elected by anybody; who was appointed five years ago and has never been reappointed, so far as I have heard.

Mr. COX. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. COX. I will ask the gentleman, did he approve of Postmaster General Hitchcock's recommendation for Government ownership of telephones and telegraphs?

Mr. STEENERSON. No; I do not think he did.

Mr. COX. I know he did not.

Mr. STEENERSON. He never sent any message to Congress.

Mr. COX. I say, did the gentleman approve of Postmaster General Hitchcock's recommendation for Government ownership of telegraphs and telephones?

Mr. STEENERSON. No; I never approved it, and President Taft never approved it, either. That is where the Post Office Department is traveling outside of its jurisdiction. It ought not to submit its recommendations before they are authorized, so we shall know whom to hold responsible. Shall we go before the American people and say that this administration favors Government ownership of telegraphs and telephones? Shall all the thousands of miles of telephone lines that the farmers themselves own be taken over by the Government? Why, in my country you can go to the telephone, take it off the hook, and listen and hear half the gossip of the county free of charge. Just think what would happen if the Postmaster General was to run all those farmers' telephone lines. You would be cut off unless you paid for it.

Mr. MADDEN. He might find out what the people were thinking about his attitude.

Mr. STEENERSON. I guess he would.

Another important proposition is his recommendation that there ought to be no organization of Government employees. He opposes the organization of Government employees and their coming before Congress, notwithstanding the fact that his party came into power on a plank that pledged that legislation. Under the head of "Civil Service" in the Democratic platform of 1912 this matter was specifically mentioned, and shortly after that the statute was passed through the House and Senate giving them the privilege. So you see he has made a recommendation here contrary to the platform upon which his party gained power. I do not want to say that I am opposed to his attitude, but it strikes me that it should not come from that source.

Another thing on that subject. Have not the American people a right to expect that an administration will be consistent with itself? These are days of efficiency. We like to have unified control. We have noticed lately that there is an attempt to have unified control of the railroads. We read in the papers that there should be unified control of the forces of the allies in the great war, and that the reason why they have not been as successful as they otherwise would have been is because they have lacked unified control.

This administration is sadly lacking in unified control on this subject of organization of Government employees. I have in my office a magazine printed by the new organization, the union of Federal employees. It gives an account of a banquet held at the New Ebbitt House last September. I also have here a clipping from the Washington Post, giving an account of that banquet. Without reading the eloquent speeches which were made I will say that the report shows that the Assistant Secretary of the Treasury, Mr. Newton, was there and made a very strong argument in favor of the organization of Government employees. Mr. Post, Assistant Secretary of Commerce, was there, and, last but not least, the eloquent Mr. Vrooman, Assistant Secretary of Agriculture, was there and strongly advocated the organization of Government employees into this union which Mr. Burleson now criticises. Now the question arises, are not three Assistant Secretaries equal in influence to one Cabinet officer? Here are the Assistant Secretary of Commerce, the Assistant Secretary of the Treasury, and the Assistant Secretary of Agriculture, all favoring the organization of Government employees into an association and saying it is a good thing, and wanting to have them affiliate with the American Federation of Labor. Does not that counterbalance the opposition of the Postmaster General? It seems to me that on this point the administration is lacking in unity. Why should the administration permit three Assistant Secretaries of these departments to blazon to the world that Federal employees ought to organize into unions and affiliate with the Federation of Labor, and then have a Cabinet officer denounce it? It seems to me that this administration ought to take an account of their resources and coordinate them, so that they will not be in opposition to one another. They certainly can not carry on business in that way, one pulling in one direction and one pulling in another. We ought to know. For one thing, we ought to know how the President stands when there is such a dispute as that. Does Mr. Burleson speak for the President when he denounces these Federal unions, or is he alone? Can the administration ride two horses going in different directions at the same time? The President spoke recently in Buffalo at the labor convention, and he was apparently in harmony with them, and I was glad to see it, but here a discordant note comes from one of his chief Cabinet officers. I think something ought to be said as to whether he approves or disapproves. Is there not some way by which the House of Representatives can smoke him out? I think when we are considering this bill, before we get through we ought to know whether this recommendation of the Postmaster General has the support of the President of the United States.

I think those are the principal recommendations contained in the Postmaster General's report—the recommendation of legislation against these Federal union employees, the substitution of contract carriers for rural carriers.

Something has been said about the change in the Railway Mail Service. Has it improved or deteriorated? From what the chairman has said here and at the hearings it is clear he is not satisfied with the mail service we are now getting. In examining the department officials before the committee he suggested that letters had been unduly delayed and the service was not satisfactory. The gentleman from Nebraska stated that his experience was that mail had been delayed at least one day between his home and Washington, and from expressions coming from other members of the committee, which are printed in the hearings, it is the universal opinion that the mail service has deteriorated during the last year. The chairman of the committee said that he could not tell whether or not the deterioration was due to a reduction in the number of railway mail clerks and the consequent increase in the amount of separation of mail that occurred in the post office and in the terminals. It must be due to something, because the complaint is universal. As a member of the commission on pneumatic-tube service, I was present at the hearings at New York, Boston, Philadelphia, Chicago, and St. Louis. Especially the New York merchants complained of the mail service—it was not put in the hearings, because it did not relate to the subject under consideration—but they manifested a universal opinion that the mail service had deteriorated. These men use the mail to a very great extent and are good witnesses, and if there should be an investigation I think they would be very ready to come here and show it. But I think the reason for the poor service is not inherent in the space plan. We must not do the space plan that injustice. I think the deterioration in the mail service that we have had during the last year is due to the inordinate desire to reduce expenses. Now, to reduce expenses is a laudable thing, but when you reduce them at the expense of efficiency it is a foolish thing.

Mr. AYRES. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. AYRES. Has not there been delay also in the transportation of freight and express?

Mr. STEENERSON. The gentleman is correct.

Mr. AYRES. Is not that due to lack of transportation facilities?

Mr. STEENERSON. Probably.

Mr. AYRES. Does not the gentleman think that that might be the cause of the delay in the mail service?

Mr. STEENERSON. No.

Mr. AYRES. Does the gentleman think that the delay in the freight and express business is due to the change in the mail system from weight to space system?

Mr. STEENERSON. Very largely. In fact, I do not complain a great deal, for I do not think anybody ought to complain of delay in freight. Freight should not move as expeditiously as first-class mail. The movement of anything expeditiously on fast trains is expensive. It was the hope of Congress when they enacted the space plan that it would enable the department to transport freight, such as parcels, more cheaply by grouping the parcels when they had a sufficient quantity to put them into a car—the equivalent of a freight car. Therefore it was hoped that the separation of these parcels would be done in the terminals and delayed until a sufficient load between two large cities like Washington and Chicago and Chicago and St. Paul, and thereby cheapen the expense of carriage.

Our expectations in that regard have been fulfilled. There has been a great economy in loading the freight cars with parcels. But the delay in first-class mail has been due, I think, to the inordinate desire to economize. Now, as I said before,

it is a laudable thing to economize, but when you go too far and there is a deterioration in the service, the business world is losing more than it gains.

They have dismissed a large number of postal clerks. That is the complaint of the postal clerks themselves. The chairman of the committee said that in Nashville there had been mail clerks discharged, and it occurred in the period when the transmission of first-class mail was delayed. So we have a right to conclude with fairness that there has been a little too great economy in the Railway Mail Service and that that is the cause of these complaints that are made. I do not think it is due to a change from the weight to the space plan.

I do not know that I care to discuss any of the other features mentioned by the chairman. The clerks pay and all that we will probably bring in in a separate bill, and we will seek to do justice to all postal employees. I want to say, however, that in the increase of pay last year for Government employees the postal clerks were not included. They got some extra promotions, but they have a very good claim for the adjustment of salaries. It seems to me the equities in their favor are a little greater than in other classes of employees, and for that reason I hope that when that measure comes up it will receive the careful consideration of the House and of the Congress. The rural carriers especially have suffered in late years by an increase in the expense of carrying on their work, not only in the cost of living but in the cost of equipment.

Mr. WATSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. WATSON of Pennsylvania. The distinguished chairman of the committee stated that the service rendered by the rural mail carriers amounted to about 4 hours a day on an average. In my district many of them work 10 or 11 hours a day. How does the gentleman get the average? Is it fair that a man who works 4 hours a day should get as much as a man who works 10 or 12 hours a day?

Mr. STEENERSON. I heard statements made by the Fourth Assistant Postmaster General as to this 4-hour-a-day proposition, but so far as I am concerned it is a myth. I live in a district where the country is rather sparsely settled. It is in the Red River Valley, where the farms are large and the neighbors are far apart. Consequently to get a rural route established you have to cover many miles. The routes in my district will probably average 30 miles, and some of them exceed that. I am sure that the carriers on those routes never can perform their duties in 4 hours. I have never known it to happen.

It may be that in a State like California, where there is a balmy summer climate the year around, where they have macadamized roads as good as asphalt pavement, they can travel 24 miles and deliver the letters, papers, and parcels in four hours. Possibly it may be done in certain districts.

Mr. WATSON of Pennsylvania. It can not in my district. Some of the routes cover 30 miles.

Mr STEENERSON. The gentleman's district is similar to mine. I do not know of any way of discriminating so as to adjust the salaries of those who work so few hours.

Mr. WATSON of Pennsylvania. Has the gentleman ever considered a mileage system? Would that be practicable?

Mr. STEENERSON. Any system I think would be practicable, but I do not see how you could do it under the plan of having Government employees for carriers, because you pay them by the year and not by the mile. Although it has some relation to the length of the route, yet it is not based on mileage.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. TOWNER. Regarding the four-hours-a-day-service on rural routes, in most of the Middle West, in the Mississippi Valley, the conditions are such that in most instances during the summer time and perhaps eight months of the year it will be possible perhaps to attain an average of 4 hours a day in the completion of the service, but the difficulty is that during the four months of the winter, when it is impossible most of the time to run an automobile, carriers have to maintain a horse service, which of course is an additional expense of large amount to them, and under those circumstances it is impossible during those months to make anything like 8 hours a day; in many instances, during bad weather, they take 12 and even 14 hours a day to cover the route.

Mr. STEENERSON. The gentleman's statement corresponds somewhat with the conditions familiar to me, except that I do not think there is any region in my State where they can perform the service in four hours. It seems to me that that is an exaggeration.

Mr. Chairman, with reference to the appropriation bill which we are about to take up. I join with the chairman in saying that there is no dispute about these items. They are items that are authorized by existing law and based upon the estimates by the department, as revised by the committee. We have no disputes about them.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. STAFFORD. Will the gentleman inform the committee the reason why the committee did not support the recommendations of the department, so far as providing additional wages in the supervisory officials' force?

Mr. STEENERSON. Because the Madden bill, I think, would cover that. We are not considering legislation in this bill.

Mr. STAFFORD. The committee, then, purposely declined to follow the recommendations of the department providing for increases of salary in the supervisory officials' force, because they contemplate considering that in separate legislation, to be reported later?

Mr. STEENERSON. If the gentleman wants to put it in that way, I think that is correct. I would not want to say that the committee did it with malice aforethought.

Mr. STAFFORD. Of course, the recommendations of the committee here merely provide the same places as are carried in existing law?

Mr. STEENERSON. Yes.

Mr. STAFFORD. It has not permitted any promotions whatsoever in that force?

Mr. STEENERSON. No; but there is a bill, referred to a subcommittee, that will cover all employees in the first and second class post offices.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. FESS. I notice an item in the bill of over $1,000,000 for the transportation of mail by boat and aeroplane service. Is there any well-defined plan of aeroplane transportation now in the minds of the committee?

Mr. STEENERSON. The committee did not examine the department officials at length upon the aeroplane item. They have stated, however, that there is some aeroplane service and that they were very anxious to have this appropriation.

Mr. FESS. That is a pretty large appropriation, and it indicates that there is something specific in mind.

Mr. STEENERSON. It will undoubtedly be explained more at length when we reach that item in the bill. I have not reviewed the hearings upon that point and I can not give any details.

Mr. FESS. Would the gentleman please state the source of so much outlay for the censorship of foreign mails? Over a million dollars is allowed.

Mr. STEENERSON. The censorship of foreign mails was discussed by one of the officials or clerks in the department who had charge of that matter, I think from the Second Assistant's office. As a matter of fact, this provides only for a very limited censorship, because the censorship of all mail to Europe is conducted by the allies. This only relates to mail to Canada and the west coast, the Pacific, and to Mexico, and to countries of this continent.

Mr. FESS. Is mail censored that goes to Canada?

Mr. STEENERSON. It is proposed to censor all mails that go out.

Mr. BLACK. If the gentleman from Minnesota will permit, I think he is in error about that statement. It was stated to us that this item for censorship of the mails was for censorship to Latin-American countries, Mexico, and, I think, Spain. In other words, those neutral nations whose mail is not now being censored by our allies.

Mr. STEENERSON. I thank the gentleman for the correction, if that is correct. I thought they included also the mail to Asia.

Mr. BLACK. No.

Mr. STEENERSON. I think the intention is to censor all mail that goes out except that censored by our allies.

Mr. BLACK. That is probably so.

Mr. FESS. The amount of a million dollars would seem to involve a tremendous amount of clerical work?

Mr. STEENERSON. I presume the amount used by the allies in censoring mail coming over to this country is many times that amount.

Mr. AYRES. I think the gentleman from Ohio is mistaken about the million dollars being appropriated for aeroplanes. The gentleman spoke of a million dollars.

Mr. FESS. I am now speaking about the censoring of mail.

Mr. AYRES. But a moment or so ago the gentleman said there was an appropriation of over a million for aeroplane service.

Mr. FESS. I said over a million dollars for transportation by boats and aeroplanes, and asked the question whether there is any definite plan for the transportation of mail by aeroplane.

Mr. COX. If the gentleman will permit, I just want to make this suggestion.

Mr. STEENERSON. I yield to my colleague.

Mr. COX. Not by way of correction of the gentleman, but the amount England is paying for censoring the mails—we did not want to go into our records down here, and I was wondering if the gentleman did not think it had better be stricken out here?

Mr. STEENERSON. I will say in answer to the gentleman from Ohio that the committee carefully considered the question whether the amount was excessive or not, and they concluded from the statements it was absolutely necessary in order to have the work done, and I think they also stated to us that the clerks were paid——

Mr. BLACK. About $1,500 a year.

Mr. STEENERSON. That their highest-paid clerk was $1,600, so that there were not any high salaries; but they have to get translators who can translate these letters.

Mr. FESS. My colleague will understand what inspired the question. We are dealing with millions so flippantly that it seems to me we ought to make sure whether it is needed or not.

Mr. STEENERSON. Certainly; but we are giving what is asked for on account of the safety of the country. As a matter of war, of course, we can not scrutinize so closely. Now, there is one matter that was mentioned by the chairman in his speech here that I had almost forgotten, and that was with relation to the increase in letter postage and second-class mail rates. I want to say that the Committee on the Post Office and Post Roads was not responsible for that increase.

I want to say further that it is the first time in the history of the United States that the Postal Service has been used for the purpose of raising revenues for the Government. The intention was perhaps to furnish the service, and if the Postal Service should be self-sustaining and then we could make some money, we could spend it in improving the service and managing it along those lines so as to improve the condition of the service and the laboring men in the service, so as to have it balance. Even in the darkest days of the Civil War, in 1863, the postage was reduced from 5 to 3 cents on letters, and it was a good thing because business increased and was more profitable than it was at the old rate. When postage was decreased to 2 cents in 1883 or 1884 the same result followed, that after a few months business increased and it resulted in really an increased revenue. I am afraid that the increase on post cards especially to 2 cents and the increase to 3 cents on letter mail will have a tendency to decrease business and that we will not have the revenue from it that was anticipated. Of course we will get some. Canada has reported that they have gained 40 per cent; that is, that instead of gaining 50 per cent they gained 40 per cent. They raised the rates 50 per cent, but instead of getting the 50 per cent increase of revenue they only got 40 per cent. I do not think we will be able to show as well as that, and that it will have a tendency to hamper business. I believe that it would have been wiser for the Committee on Ways and Means and Congress if they had provided some other way of raising the revenue except from this increase on first-class mail and postage rates.

Mr. CRISP. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. CRISP. Did the committee make any inquiry of the post-office officials as to whether or not there has been any falling off of receipts from the postal rates since this increase went into effect?

Mr. STEENERSON. No; but the gentleman from Tennessee [Mr. MOON] said in his remarks a moment ago that it would be impossible to determine whether there was any difference.

Mr. CRISP. While I was at home going around somewhat over my district, in two post offices I had the day book of the post offices as to the receipts for 30 days in each office before the increase went into effect and for 30 days after the increase went into effect, and the sales and receipts were very much larger with the increase, and they raised fully as much money in those two offices as was expected.

Mr. STEENERSON. The increase amounted to 50 per cent?

Mr. CRISP. Fully 50 per cent.

Mr. STAFFORD. If the gentleman will yield, I would like to ask the gentleman from Georgia [Mr. CRISP] a question. Can the gentleman inform the committee whether he has any information as to whether there is a corresponding use of postal cards? It has been claimed that the drop mail of our cities remaining at the low rate of 2 cents for not more than an ounce and the rate on postal cards at 2 cents, it has resulted materially in curtailing the use of postal cards.

Mr. CRISP. I have not any data on that question. I simply saw the day book showing the receipts from the sale of stamps.

Mr. STEENERSON. The gentleman is aware of the fact that the increase did not go into effect until the 1st of November?

Mr. CRISP. Yes, sir. This was a few days before I left home.

Mr. STEENERSON. I thought the gentleman said two months.

Mr. CRISP. If the gentleman will permit me, we were away from here only two months. Congress adjourned on the 6th of last October.

Mr. STEENERSON. I would like to say this, that what I referred to and what I had in mind in regard to decrease or increase in the volume of first-class mail had reference to business principally. Now, of course we know that personal letters would not be affected to any great extent, and in view of the fact that so many soldiers have been called away from their homes, nearly a million, and perhaps more, of course it has increased the correspondence of a personal nature, and that should not be considered when we are talking about it as a business proposition. My idea is that the 3-cent rate on letters will have a tendency to decrease business mail.

Mr. AYRES. If the gentleman will yield, has he heard anything about the increased postage on first-class mail from any individual?

Mr. STEENERSON. I have not heard anything so far as that is concerned, except this, that I have received letters that evidently are due to a propaganda, where they say we ought not to reduce second-class mail rates, because they are paying such an enormous rate on first-class mail.

Mr. AYRES. If my colleague will yield further, that comes from magazine people and periodicals?

Mr. STEENERSON. It is an inspired propaganda.

Mr. AYRES. But not from the individuals that use the first-class postage?

Mr. STEENERSON. It comes from people who use first-class postage.

Mr. WATSON of Pennsylvania. On page 11 of the bill there is a line which says "unusual conditions at post offices. $150,000." How do you interpret the word "unusual"?

Mr. STEENERSON. If there was a cantonment in the neighborhood of the gentleman's post office it would be an unusual condition, and there are several other unusual conditions that are covered by that provision.

Mr. WATSON of Pennsylvania. It is difficult to understand the meaning of it. It may be very broad and it may be very narrow.

Mr. STEENERSON. It is intended to cover extraordinary increases.

Mr. KINKAID. Will the gentleman yield?

Mr. STEENERSON. I yield to the gentleman from Nebraska.

Mr. KINKAID. Does the bill propose any change in the compensation of fourth-class postmasters?

Mr. STEENERSON. No. There are no changes to speak of in this appropriation bill. There is a bill, or, at least, a proposition from the gentleman from Georgia [Mr. BELL], which will be considered by the subcommittee on legislation of the Committee on the Post Office and Post Roads.

Mr. KINKAID. Is that a proposition to increase the compensation of fourth-class postmasters?

Mr. STEENERSON. I do not think there is any proposition to decrease it. Of course, it is so small now there would not be anything left if you decreased it.

Mr. KINKAID. There are a great many in Nebraska who think that on account of the inadequacy of the compensation of fourth-class postmasters it ought to be increased.

Mr. STEENERSON. I am satisfied the gentleman is not alone in that position.

Mr. KINKAID. I think a large majority of the people are in favor of its being materially increased, and I think it ought to be.

Mr. STEENERSON. Of course, there is a question of whether or not we ought to increase salaries now during the war when we need the money for other purposes, and we will proceed with caution in that regard.

Mr. KINKAID. Will the gentleman pardon another question?

Mr. STEENERSON. I will.

Mr. KINKAID. This bill does not propose any reduction as to second-class rates?

an exaggeration.

gentleman spoke of a million dollars.

the gentleman inform the committee whether he has any in- second-class rates?

Mr. STEENERSON. No. Mr. Chairman, I reserve the balance of my time. [Applause.] Mr. Chairman, how much time did I occupy?

The CHAIRMAN. One hour and thirty minutes.

Mr. STEENERSON. How much time did the gentleman from Tennessee [Mr. MOON] occupy?

The CHAIRMAN. One hour and ten minutes.

Mr. MOON. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I desire to apologize to the gentlemen here present for discussing, even briefly, a matter not related to the bill that is before the committee. But there is a subject concerning which there has been considerable public discussion and concerning which I think in justice to the House, and to the public as well, some few words may very well be said. It was not surprising at all that in the passing of a revenue law covering so extensive an area as that covered by the act of October 3, 1917, there should creep into it here and there some minor errors which would require subsequent correction. And we need not be surprised that some of the administrative features of the law may need some legislation in order to clarify them for their future usefulness.

But the particular thing of which I wish to speak is that concerning which I presume all the Members have heard, and that is the so-called exemption of the salaries of Members of Congress from taxation. There has been, unfortunately, a very considerable misunderstanding about it, and the impression prevails among some people that the Representatives and the Senators exempted their own salaries from all taxes.

This impression ought to be corrected and the exact facts ought to be laid before the country. It involves—I will not say a question of ethics, because I think that is too strong a word—but it involves a question of good taste. As a matter of fact, the salaries of Representatives and Senators and other Government officials, except those concerning whose salaries it is provided in the Constitution that they shall not be diminished during the time for which they were elected or appointed, are taxed under the normal tax just as the income of all other people. In other words, if the $7,500 received as salary by Senators and Representatives were all net income there would be paid upon it, if I have the figures correctly, 2 per cent on the net income above $2,000, and 2 per cent additional on the net income over $4,000; or if, as I said, the entire $7,500 was net income, then the actual amount paid on such salary would be $180 per annum.

Mr. CRISP. The gentleman is in error. It is higher than that. A single man with no other income except his salary as Congressman would pay $245, and a married man $205.

Mr. GARRETT of Tennessee. That would be in a case where the entire $7,500 was exempt?

Mr. CRISP. No. If a Member of Congress has no income except his salary, if he is a single man, he is entitled now to $1,000 exemption, or if a married man he is entitled to $2,000 exemption. But if under the law he has no other income, a single man would pay $245 and a married man $205.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. I have the figures here on the different incomes. May I supply them to the gentleman?

Mr. GARRETT of Tennessee. Yes.

Mr. MADDEN. A married man would not pay anything on $2,000, and a single man would not pay anything on $1,000. A married man on $3,000 would pay $20, and on $4,000 he would pay $40. On $5,000 he would pay $80, and on $7,500 he would pay $205, whereas a single man would pay $245.

Mr. GORDON. That is true of Congressmen as well as others?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. That applies to Representatives and Senators as well as all other people. I wish to thank the gentleman from Georgia [Mr. CARAR] and also the gentleman from Illinois [Mr. MADDEN] for the correct figures. I see I made a miscalculation.

Mr. MADDEN. It is only 8 per cent on all above $6,000, and the extreme tax does not apply to them at all. But it does apply to Members of Congress who have incomes of $7,500, or over $5,000.

Mr. KINKAID. Mr. Chairman, will the gentleman yield there?

Mr. GARRETT of Tennessee. Yes; I yield to the gentleman from Nebraska.

Mr. KINKAID. I was unaware of the exemption of Congressmen's salaries from the income-tax imposition until I reached Nebraska after the adjournment of the session, and at first I contradicted the statement that such was the case. Then afterwards I stated that it was by oversight that it occurred. Now, I want to know how that is. [Laughter.]

Mr. GARRETT of Tennessee. I will state to the gentleman from Nebraska that I can not give him the information. I will state very frankly that, so far as I am personally concerned, I was not aware of the fact at the time we voted on the conference report that the language which is capable of the construction that has been given to it was contained in the report, but I desire to say with equal candor that even if I had known it I should of course have voted for the conference report, as we all would, because the parliamentary situation being such as it was we could not have afforded to have voted down the conference report as a whole simply because of this relatively unimportant matter. This is not a matter which, so far as the revenues to the Government are concerned, is of any great degree of importance, but the question, gentlemen of the House, in it is, as I have expressed it, a question of good taste.

Section 200 of the act provides as follows:

That in case of a trade or business having no invested capital or not more than a nominal capital there shall be levied, assessed, collected, and paid, in addition to the taxes under existing law and under this act, in lieu of the tax imposed by section 201, a tax equivalent to 8 per cent of the net income of such trade or business in excess of the following deductions: In the case of a domestic corporation, $3,000, and in the case of a domestic partnership or a citizen or resident of the United States, $6,000; in the case of all other trades or business, no deduction.

Now that standing alone, without anything more, would place a tax of 8 per cent upon $1,500 of the salary of the Representatives and Senators. But in paragraph (a) of section 201 appears this language; and first let me read—

this title shall apply to all trades or businesses of whatever description, whether continuously carried on or not, except—

(a) In the case of officers and employees under the United States, or any State, Territory, or the District of Columbia, or any legal subdivision thereof, the compensation or fees received by them as such officers or employees.

Now, answering further the question of the gentleman from Nebraska, I will say that I really have an idea that the conferees upon this bill who framed this language—it was not in the bill as it passed the House originally, and, as I remember it, it was not in the bill as it passed the Senate—this language was prepared by the conferees, and I really have supposed that what they had in mind was to prevent any question of the constitutionality of the act arising by making it clear that those concerning whose salaries the Constitution provides they shall not be diminished during the term for which they are elected or appointed would not come under the provisions of the law, and that they used the language read, which possibly covers other classes of officers and employees.

Mr. TOWNER. If the gentleman will permit——

Mr. GARRETT of Tennessee. I yield to the gentleman.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MOON. I yield five minutes more to my colleague.

Mr. TOWNER. Let me call the gentleman's attention to this fact, that he is entirely correct in saying that section 209 did not appear in the bill as it passed the House and Senate and that it was placed in the bill by the conferees, and that when the exemption statute was enacted the excess-profits tax only applied to profits arising under a condition where men engaged in trade and business must have capital invested in that business, and the amount of the tax was computed on the relationship or proportion of the amount collected in the taxable year compared with the prewar period, and the question of capital was taken into consideration in determining the amount of these profits, so that it was utterly impossible to have the salaries of anybody computed upon the terms and conditions contained in the excess-profits tax act as passed by the House and Senate.

Mr. GARRETT of Tennessee. I think that is a very timely and proper statement to go into the RECORD and to go to the country. This matter has occasioned criticism, some of it rather caustic and severe; but such as fell under my immediate observation has been upon the whole very good-tempered and pleasant. I think, gentlemen of the House, that the criticism is just. That is to say, if this thing had been done deliberately I think the criticism would be just. I want to say that I do not enthuse over any proposition to decrease the salaries of Representatives and Senators, either directly or indirectly. I never had any particular enthusiasm over the matter of reducing mileage. I do not think the people of the United States care anything about that. I do not think they ask us to break the contract which we have, under which we are working for a certain compensation for a fixed time; but this proposition is quite different from any question of our salaries or our mileage or our clerk hire. It is a question of taxation. This Congress has already been called upon to reach out for new sources of revenue, and in the days that are to come it will be called upon to reach out for other and larger sources, and while the amount that will arise from this particular tax on Members' salaries is relatively small and of

practically no consequence in so far as revenue is really concerned, yet it seems to me the good taste of the proposition does demand that the Congress should take speedy action to remedy that error which was thus inadvertently made and place the Members of Congress upon the same plane as other people.

Mr. TOWNER. I want to say to the gentleman that I shall this afternoon present for the consideration of the House an argument that under conditions as they now exist the salaries of Congressmen are not exempt from the operation of section 200.

Mr. GARRETT of Tennessee. I have taken it for granted that the construction generally given was the proper construction. But, however that may be, I think it should be placed beyond all doubt.

Now, my colleague, the gentleman from Tennessee [Mr. HULL], has introduced a bill which I have examined, and I think a number of other gentlemen have introduced bills to reach this very thing, and I for one will be very glad if the Ways and Means Committee will take speedy action upon it.

Mr. CRISP. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Georgia, a member of the Ways and Means Committee.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MOON. I yield to the gentleman three minutes more.

Mr. CRISP. Mr. Chairman, as a member of the Ways and Means Committee I simply desire to state that I have talked to a number of the members of that committee, and I think we all feel alike that the House ought to be given an opportunity to correct the matter to which the gentleman calls attention. I want to say further that a number of us felt that the bill ought to be brought in at once, before Christmas, but the Treasury Department is construing the bill, and there are a number of corrections to be made in the administrative features of the law. The chairman of the Ways and Means Committee and some of us felt that the thing to do was to wait until the Treasury Department made its recommendation as to amendments to be made in the law, and then the committee would report a bill to the House correcting the matter the gentleman refers to, along with the other corrections to be made, all being brought in at one time in one bill. It will be impossible to do all that before Christmas. But I think I can assure the gentleman and the House and the country that the Ways and Means Committee will bring in a bill making the salaries of Members subject to the excess-profits tax.

Mr. GARRETT of Tennessee. Mr. Chairman, of course I do not think the time when it is done is especially important, but I think it rather important for the psychological effect upon the country that it be very well understood that it is to be done. I think the gentleman from Georgia agrees with me that it ought to be done just as a matter of good taste.

Mr. CRISP. I do.

Mr. SMITH of Michigan. I should like to ask whether the salary of a Member of Congress is not subject to the same income tax as the income of any other person?

Mr. GARRETT of Tennessee. It is subject to the same normal income tax as the income of anyone else.

Mr. SMITH of Michigan. And the law only exempts a Member of Congress from the excess-profits tax?

Mr. GARRETT of Tennessee. On the excess above $6,000.

Mr. STEENERSON. Has the gentleman read the letter appearing in to-day's RECORD, written by Hon. WILLIAM R. GREEN of Iowa, in which he comes to the conclusion that Congressmen are not officers within the meaning of this clause?

Mr. GARRETT of Tennessee. I have not.

Mr. STEENERSON. He concludes that they are not exempted and that they are liable for the surtax just the same as anyone else.

Mr. GARRETT of Tennessee. I have not read it; but it is a matter about which there ought to be no question at all. We can correct it very easily here and put it beyond all doubt, and the Treasury Department ought not to be called upon to rule upon it, but we ought to act upon it ourselves.

Mr. MOON. I yield 10 minutes to the gentleman from Louisiana [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, during the few minutes allotted to me I shall call attention to the fact that while the bill which we now have under consideration is wisely and economically drawn, there is one feature of it which I think ought to be amended. That is the compensation for rural free-delivery carriers. Recently I attended a convention of rural free-delivery carriers, and to my surprise I found that a large number of them—if not a majority of them—are working at an absolute loss; or if not at a loss in the expenses which they incur, at least to loss in the compensation which they receive for the time consumed.

In every other vocation wages have increased. We are talking now about a special committee sitting for the purpose of considering the question of increases along other lines. The increase of the rural free-delivery carriers' salaries should certainly be included in that investigation. During the presentation of their expense account at the convention to which I have referred, it was shown that when the salary was $720 a few years ago, the price of feedstuffs—corn, oats, chops, hay, and other commodities—were one-quarter and sometimes one-third of what they are at the present time. Corn at that time was 50 cents a bushel, and now in that same section of the country it is $1.50 or $2 a bushel. Oats were 40 cents and are now selling at 85 cents. Chops in the same proportion and hay in the same proportion. The upkeep of horses for those who use the horse-drawn vehicles is three or four times what it was when the compensation was $720, the compensation now being on the standard routes $1,200 a year. The vehicle and the repairs upon it cost nearly if not twice as much, and all other expenses have doubled or trebled during that time. For those who use motor vehicles the cost of gasoline was 12½ cents, and it is now 25 cents. The time which they now take in making their trips is worth to them at least 75 or 100 per cent more than it was at that time. Carpenters were then receiving $2.50 a day and are now getting $5 or $6 a day. It is the same way with the blacksmiths and the same way with the common laborers. In that section of the country the common laborer got 50 to 75 cents a day, and he now gets $2 or $2.50 a day. The time of these carriers is worth more. The rural free-delivery carrier has to stand a civil-service examination. In other words, he is a high-class man. His service should be, on account of his education necessary as a prerequisite, more adequately compensated for.

Speaking of education, I was reading a short time ago about a negro who was standing an examination for the position of rural free-delivery carrier. The question was written for him to answer, "What is the distance between the earth and the moon?" His answer was, "If you are going to put me on that route, I quit right now." [Laughter.]

A great many of these rural free delivery carriers are quitting right now. A great many are refusing to do the work on account of the compensation received. Every day I receive communications from rural free delivery carriers saying that it will be absolutely necessary for them to quit work unless the compensation is increased. There are several who have submitted resignations, and there are vacancies now existing on account of the resignation of these carriers because of the high cost of living and inability to pay expenses out of the compensation that they are receiving.

The Rural Free Delivery Service is one of the greatest boons to the agricultural community that they receive at the hands of the Government. It is not supposed to be put on a paying basis any more than the advantages which they receive out of the Agricultural Department.

Only a few years ago in my section of the country the ravages by the boll weevil were enormous, and appropriations were made for the purpose of exterminating the boll weevil. Hundreds of thousands of dollars were appropriated for that purpose. That section of the country was devoted almost exclusively to the raising of cotton. The people have resorted to diversification because the boll weevil at that time was considered as a pest and a terror. Now the country is blossoming like a rose—never was so prosperous in our section of the country before—partly on account of the diversification of crops and partly on account of the high price of agricultural products. We find the Rural Free Delivery System has expanded in many ways. Not only in the number of routes but in the increased facilities for the patrons. It has caused the upbuilding of good roads. It has caused the extension of rural telephones and putting the people in the rural community in touch with each other to the betterment of churches and schools, and in many ways has been a blessing to the country. If there is any part of the Government service to which we should look for bettering the conditions of the rural sections and for which adequate compensation for its employees should be provided, in my opinion it is the Rural Free Delivery Service.

In referring a while ago to the fact that a special subcommittee is making an examination into the compensation of others engaged in the Postal Service, I did not desire or intend to reflect or criticize the increase of salaries of letter carriers in the cities. The cost of living has largely increased so that they can not live on the same amount they did in previous years. We are not complaining of that at all, and not making a comparison for the purpose of objecting to it or intimating that there is any criticism on that account. But the agricultural class of people are entitled to every consideration.

Now, I want to know how that is. [Laughter.]

Mr. MOON. Will the gentleman yield?

Mr. WATKINS. I will.

Mr. MOON. The same committee that is making the inquiry into the increase of city carriers' compensation and post-office clerks is making a like inquiry as to the pay of rural free delivery carriers.

Mr. WATKINS. I am glad to be informed of that fact, and I hope it will result in some substantial increase in the compensation of the rural free delivery carriers. They carried the mail before the Parcel Post System was adopted, and they are now encumbered with a vast amount of heavy mail which they did not carry before that. Their labor has been increased and the salary ought to be increased in proportion.

Mr. MOON. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman, it is a timely thought which has just been expressed by the gentleman from Louisiana [Mr. WATKINS]. The postal employees are facing an impossible task—that of trying to make their 1907 compensation meet a 1917 condition. It can not be done and I feel assured that Congress will recognize the facts and relieve an intolerable situation.

There are no more efficient and faithful and hard-working employees in any line of Government service than those who carry on the vast postal system. They have performed a miracle of progress in building up the American Postal Service, which is the greatest in the world. But in spite of their work along splendidly constructive lines they are receiving less compensation than ever before.

I make that statement advisedly. Wages do not consist solely in the number of dollars received. Men do not labor for dollars, for they can not eat them nor wear them. They work for dollars as symbols of exchange which will purchase food, clothing, and shelter. When the wages received at any time will not purchase as many of the necessaries of life as before there has been a reduction of wages.

That has been the case in regard to the postal employees. No one argues for an increase in real wages, but every fair-minded man should earnestly seek to restore their compensation to where it was 10 years ago.

I took occassion last night to study the very thorough and painstaking report on retail prices issued by the Bureau of Labor Statistics. Taking the figures given in that report for 1907, when the compensation of postal employees was fixed by Congress, and comparing them with prices quoted this week in the leading markets of this city, I find that the dollar to-day will purchase less than half what it purchased 10 years ago.

For instance, if a postal employee went to a market in 1907 and spent a dollar for round steak, he received 6.7 pounds. To-day he receives but 2.9 pounds. In 1907 his dollar would buy 5.5 pounds of sirloin steak. To-day it will buy only 2.2 pounds. If he wished rib roast in 1907, he received 6.7 pounds for his dollar, while to-day he takes home 2.9 pounds. Pork chops in 1907 sold at 6.4 pounds for a dollar. To-day they sell 2.2 pounds for the same sum. In 1907 if he ordered bacon he received 4.9 pounds for his dollar, while to-day if he has the audacity to order bacon he gets 2 pounds for his dollar.

If he ordered ham in 1907, he took home 5 pounds for the dollar. To-day he gets 2.5 pounds. Lard in 1907 sold at 7.9 pounds for a dollar. To-day it sells at 2.9 pounds for the same sum. If he decided on a chicken dinner in 1907, he could get 5.7 pounds, but to-day he gets 2.9 pounds for his dollar. Butter in 1907 was 3 pounds for a dollar, but to-day it sells at 1.7 pounds. Milk in 1907 was sold 12.7 quarts for a dollar, but to-day it sells 7 quarts for the dollar.

If the postal employee spent a dollar for flour in 1907, he took home a 24-pound sack, but his dollar to-day will buy only half a sack. If he decided on corn meal, he could get 40 pounds for his dollar then; now he gets 10 pounds. When he bought potatoes in 1907 he took home 3.7 pecks. Now if he orders potatoes he gets 2 pecks. Sugar in 1907 cost him at the rate of 17.2 pounds for a dollar; to-day it costs him at the rate of 10 pounds for the dollar when he can get it at all.

Now, in these articles I have taken those used by the Bureau of Labor Statistics, which classes them as the necessaries of life in the average American family. It is also stated that the cost of food makes up 40 to 45 per cent of the living cost for American families. That means that the postal employee who received $1,200 a year in 1907 spent at least $480 for food. To-day if he desires to maintain the same standard of living, which no one will say was too high then, he must spend $960 in order to attain it. With other absolutely necessary expenses pressing upon him, such as rent, fuel, and clothing, he can not spend anything like that sum for food. The inevitable result is a lowering of the standard of living, and scarcity and privation besides. Such a condition is not just nor right. The employees of this Nation, who are rendering necessary service in faithful and efficient manner, are worthy of a living wage and they are not receiving it.

I am speaking for all branches of the Postal Service—clerks, city carriers, rural carriers, and railway-mail employees. With somewhat different tasks, they all face the same conditions.

Take the city letter carrier. I have been informed that the average letter carrier serves an apprenticeship as a substitute for four years at an average income of $420 a year. With his appointment as regular he receives $800 for the first year and then may be increased with each year to the maximum of $1,200 a year. That means that during his first nine years' service he receives an average income of $742 a year, or about $2 a day. Is there any other highly specialized business in this country requiring nine years' service before such a wage can be earned by those engaging in it?

The clerks, rural carriers, and Railway Mail Service employees make up a magnificent organization of Postal Service. All in all they handle 20,000,000,000 pieces of mail a year, and they do it efficiently and well. They deserve just treatment from this Congress.

And they have been open and fair in their requests for action. Never has there been a more reasonable and creditable campaign for consideration than that made by these employees of a great department of the Government. They have taken the public into their confidence and the public has responded with support. They have held great mass meetings in almost every city in the country, with urgent requests to all to attend. Such a meeting was attended by almost 10,000 people in Pittsburgh and the facts were given clearly and emphatically in an open and frank appeal to the public. There have been no subterranean and secret tactics, no underground influences.

As a result those not connected with the service in any way have petitioned Congress for action. I have received, and doubtless all Members have received, letters and petitions asking for fair and full consideration of the situation of the postal employees. I am confident that the American people desire that present conditions be remedied.

These employees are at the mercy of Congress. They must submit to whatever this body decrees. I maintain that that very situation—this impossibility of using tactics open to other bodies of workers—lays a double responsibility upon those who fix their wages. Surely, it will not be said of Congress that having a tyrant's power over this vast body of employees it used that power like a tyrant in denying a fair and just request.

I believe action should be taken now. This is an emergency situation and delay spells injustice. I introduced on the first day of this session a bill to provide a remedy and to take effect January 1. I regret that the increase necessary was not made in order and incorporated in this measure we are considering—the appropriation bill for the Post Office Department. I believe action should be taken as quickly as possible to make the compensation of all postal employees at least as great as it was 10 years ago. [Applause.]

Mr. MOON. Mr. Chairman, I make no contention with the gentleman from Pennsylvania [Mr. KELLY] in reference to the high cost of living or the necessity for prompt action upon the part of Congress, but I can not afford to have him leave the impression that the changes in the law that he suggests properly come upon this bill. This is an appropriation bill, and it is a violation of the rules of the House to add new legislation of this character to it. We have attempted this time to live as nearly as possible up to that rule because of the fact that the legislation to which he refers ought to have very full and complete consideration, separate and apart from the consideration of appropriations. The Committee on the Post Office and Post Roads is giving the suggestion which the gentleman has made and which other gentlemen have made that full consideration that it is entitled to. It is not wise to make haste in matters of this sort. We will pass this appropriation bill and then take up the other measure looking to the increase of the salaries and consider it, I hope, carefully and attentively.

I yield 20 minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman and gentlemen of the committee, I made up my mind I would not say anything on this bill at this time, but reserve what I had to say later when the general bill comes in proposing to increase the wages of postal employees; but I can not afford to let some of the things that have been said here to-day go unanswered or unreplied to. My dear friend from the State of Minnesota [Mr. STEENERSON] to my mind can never present his side of a Post Office appropriation bill without entering into politics. I do not believe that he is able to see very much good in a Democratic Postmaster General presiding over one of the greatest departments of the Government. At any rate, the gentleman from Minnesota never fails to take a fling or criticism at Mr. Burleson. His criticism of the apparent inconsistency of Mr. Burleson's position for Government ownership of telegraphs and telephones does not strike me very favorably. Now, I do not like to enter into a political discussion here at all. I served on this committee four years while Mr. Hitchcock was Postmaster General, and time and time again on the floor of this House and in the committee room I defended Mr. Hitchcock when your party was criticizing him, because I regarded then, and I regard now, Mr. Hitchcock as a good Postmaster General. I do not think he had the loyal support of his own party to which he was entitled, and I felt that way about it then.

Now, the Republican platform of 1916, on which the gentleman from Minnesota was elected, practically declared for Government ownership of railroads. I presume the gentleman in the State of Minnesota and in his district loyally and patriotically supported that plank in his party's platform, and I am not saying it was right or saying it was wrong; but if that was right Mr. Burleson should not be criticized for standing for Government ownership of telegraphs and telephones. But enough of that.

Mr. MADDEN. Will the gentleman yield?

Mr. COX. For a question.

Mr. MADDEN. Did not the gentleman from Indiana rather overstate the provision of the Republican platform of 1916? Suppose he reads it. I think I helped to write that.

Mr. COX. I am not saying the gentleman did not write a good platform, and I am not saying he made a mistake in his platform, but I do not know that I will take the time to read it——

Mr. MADDEN. I would like for the gentleman to read one sentence.

Mr. COX (reading)—

> The entire transportation system of the country has become essentially national. We therefore favor such action by legislation or, if necessary, through an amendment to the Constitution of the United States as will result in placing it under complete Federal control.

Mr. MADDEN. That meant to give authority to the Federal Government——

Mr. COX. That may mean Federal ownership.

Mr. MADDEN. If the gentleman will yield, it was intended by that language to mean that authority should be granted the Government of the United States to issue the charters under which railroads could operate.

Mr. COX. Well now, here is the thing to which I desire to reply. I think the Postmaster General has been placed in a false light before the country in regard to his position or in regard to his opposition to postal employees organizing themselves into a union and affiliating themselves with other allied bodies. It has gone to the country, and I have read it in the press that the Postmaster General opposes postal employees forming themselves into organizations. Now, gentlemen, that is far from the fact. We ought to get right on these questions, especially while we have it in black and white from the Postmaster General himself as to what he thinks and where he does stand on this question. It is wrong for men or papers or any organization in this country to report the Postmaster General in a false and erroneous light. If you will get the Postmaster General's report and read what he has to say on this subject from page 31 to the middle of the page 35, you will find that the Postmaster General does not oppose postal employees forming organizations. Here is what he says:

> They should be permitted to form organizations for their social and mutual welfare, appear before committees in Congress when requested, and give any information concerning the Postal Service of which they have knowledge.

He says they should be permitted to organize themselves into associations to better their social and moral conditions, to appear before committees of Congress, and there present their wants and their wishes; but he says:

> But the forming of organizations for other purposes, such as interfering with the discipline and administration of the service, the control of the election of persons nominated for public office, or enactment of legislation for their selfish interests and not for the welfare of the public, should cease.

Now, that thought, gentlemen, may not impress you very much, and, while I am not a prophet nor the son of a prophet, mark my words and remember them well, the time is not far distant when you men in this House will be called upon to meet that proposition. Have they organized for the purpose of controlling election? Have they? I say here this afternoon that in the State of Indiana last election civil-service employees of that State had an organization composed of 10,000 voters, as they claimed, designed for the sole and express purpose of defeating certain men for Congress and carrying the State for Mr. Hughes. I am telling what I know of conditions in the State of Indiana. So Mr. Burleson is in favor of these people organizing for the betterment of their social and moral conditions and giving them all the rights and privileges of any person whatever to appear before the committees of Congress and urge their increases of salary and urge a better working condition, but he opposes these employees or these people affiliating with other organizations.

We are not without history on this subject, gentlemen. Oh, no! France permitted its civil-service employees a few years ago to affiliate with labor organizations, and what was the result? France awoke one day and found every wheel of her entire Government at a standstill. Why? Because the postal employees were affiliated with labor unions, and not only that type of industries of France were at a standstill, but all the machinery of France was at a standstill. Before they got the matters finally adjusted it practically took the Army of France to settle it. So let no man pass this thought of Postmaster General Burleson's over lightly.

I think I am within the bounds of the history of the case when I repeat here this evening that I have seen the rural route carriers of the United States drive Members of Congress into doing things that they did not want to do, of seeing rural route carriers in a measure compel Congress to increase their salaries over the protest and objection of the Postmaster General. I recognize that the rural route carrier is a potential factor in politics. Six times a week he sees 100 voters on his route. A kind word from this rural route carrier about this candidate and an ill word about the other to his patrons goes a long way. I have felt the force and effect of them. But they have no terrors for me. When the time comes that 130 rural route carriers in my district can defeat me, I have no business staying here; I am unable to hold my own, and I shall retire to private life and let a stronger man come here to represent my district.

Now, my friend from Minnesota [Mr. STEENERSON] a moment ago made the statement that the postal facilities had deteriorated in this country because of the inordinate desire on the part of the Post Office Department to economize. Gentlemen, do you not believe that the time is here, Republican and Democrat, knocking at your doors now, when we should all begin to practice some economy? The folks back home have not yet felt the very forceful effect of our war-tax legislation, but they are soon going to feel it.

Now, mark what I tell you. Is it fair to say, gentlemen, that the Postmaster General intentionally has deteriorated this service for the sole purpose of economizing and then criticize him for effecting that economy? Ought he not to be commended for it? And if he was a Republican Postmaster General I would defend him whenever he was able to say he had actually turned into the Treasury of the United States a surplus of millions of dollars. Is it fair to say that the Postal Service has deteriorated for that reason, when war has upset everything, when the transportation systems in the country in a measure have completely broken down and have, more or less, disorganized the transportation of the mails? Why, gentlemen, you know it to be a fact that the passenger trains that haul the mails are to-day sidetracked for the freight trains. They give way to the transportation of troops; they give way to transportation of munitions of war and food supplies. It is due, gentlemen, to the war, that has disorganized the mail facilities of this country. Then is it fair to say that Mr. Burleson has deteriorated the mail service solely for the purpose of making a record for himself? It is unfair. It is an argument, gentlemen, that will come home to you on that side of the Chamber, mark my words, if you carry the next Congress and this war goes on, when you will be called upon to raise the revenue to support the war.

Now, I had thought I would not discuss this question of increase of salaries. I hope you gentlemen, some of you, at any rate, will get the hearings before our committee. The country is led to believe to-day that because of lack of increase of salaries the postal clerks and city letter carriers are quitting by the thousands. What are the cold, stern facts in regard to that, gentlemen? I will ask you to turn to the hearings, on page 13. You can not get away from these hearings, because they are made by the records in the Post Office Department. Bear with me just a moment. I will not burden you very much with a lot of figures here.

In 1910 there were 1,535 postal clerks who resigned. At that time there were 31,825 clerks in the Post Office Department. In 1917 there were 2,020 clerks who resigned, but there were 41,805 clerks in the Post Office Department. In 1910 there were but 5 per cent of the clerks who resigned. In 1917 there were but 5 per cent of the clerks who resigned. So, gentlemen, is the argument that is now being sown broadcast all over the country true that the clerks are resigning by battalions, brigades, and divisions for want of the proper salary? It is not true.

Mr. TOWNER. Will the gentleman yield?

Mr. COX. For a question.

Mr. TOWNER. You spoke about clerks. Does that include carriers?

Mr. COX. I will come to that.

In 1909—and this means city carriers—there resigned 368 letter carriers in cities; but at that time there were 27,620 carriers. In 1917 there were 627 who resigned, but there were 34,592 city carriers. Again, gentlemen, in 1909 there were about 8 per cent of the city letter carriers who resigned. In 1917 there were still only 5 per cent of them resigning. So whence comes this argument that city letter carriers and postal employees, persons in second-class post offices, are resigning by brigades and platoons, because, forsooth, of a lack of high salary? Is that propaganda true? Is it based upon solid facts as disclosed by the Post Office Department? When you get at the facts, gentlemen, you find it is a delusion and a snare. It is something to deceive Congress and force them into an increase of salary.

Mr. TOWNER. Will the gentleman cover the question of rural delivery?

Mr. COX. I have not it here, but I will put it in the RECORD. But the same condition is true there, too.

Mr. FESS. Will the gentleman yield?

Mr. COX. I will.

Mr. FESS. The fact that they do not resign is not a conclusive argument in your mind that they are adequately paid, is it?

Mr. COX. Now, I will answer the question. I intended to say I expected it would stand alone on this question; that I did not believe it would have a single man to support it. Now, I am a member of the committee to frame up this legislation. I am in favor of a moderate increase up to a certain amount. [Applause.]

But I am unalterably opposed, and I will never agree to the report on that committee, or one coming from the whole committee, to increase any postal employee where his salary is $1,500 a year or in excess of that amount.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. I will just yield myself five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. FESS. Mr. Chairman, will the gentleman yield for one interruption?

Mr. COX. I will yield for one question.

Mr. FESS. I have repeatedly heard it said that men who do not like the service can resign.

Mr. COX. Yes. I think that is fair. The gentleman's position is the same as mine. The argument has been made here, and will be made, that there has been no increase of salary for the city letter carriers and the clerks in the first and second class post offices. Now, gentlemen, I appeal to you again, before you make that argument, to look at the facts in the case and know what you are talking about before you make that kind of a statement. In 1912 the grade and salary of city letter carriers and of clerks in first and second class post offices was increased from $600 to $800 per year. That is to say, the minimum salary was increased $200 per year.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. COX. Just for a question.

Mr. JACOWAY. That is what I want to ask. You say you have studied the question?

Mr. COX. No; I have not.

Mr. JACOWAY. What per cent of increase are the rural carriers entitled to?

Mr. COX. If a letter carrier were appointed on June 30, 1912, he would be advanced on July 1, 1913, to $1,200, or on July 1, 1917, at this time, he would be receiving a salary of $1,200 per annum if employed at a first-class office. This is an increase of 100 per cent since 1912. I challenge you to name the private employer, if you please, that has increased the salary of his employees in five years 100 per cent, unless it be in places where they have deliberately held up the Government, as some of the coal miners did in this country and some of the shipbuilders have.

Mr. MADDEN. I do not think I quite understood my colleague. Will the gentleman yield?

Mr. COX. Yes.

Mr. MADDEN. I do not think I understand the basis on which he makes the claim that an increase of 100 per cent was made.

Mr. COX. That was under the automatic promotion provided for under the act of 1912.

Mr. MADDEN. That makes 100 per cent increase?

Mr. COX. Yes.

Mr. MADDEN. What percentage of the mail clerks and carriers on rural routes received that per cent?

Mr. COX. Eighty-five per cent of the postal clerks and city carriers. Of course, the rural-route carriers are not entitled to any promotion at all!

Now, gentlemen, of all men in the Post Office Department who have a call for an increase of salary at this time, it is the rural route carrier; and I think, with the exception of my friend MOON, of Tennessee, we are the only two men who have stood on the floor and have heretofore opposed an increase in salary to the rural route carriers. Why do I say that? As to the employees working in first and second class post offices and the city letter carriers the only investment they have on earth is a pair of shoes and what little brain power they may require to do their work. That is the only investment they have got, while the rural route carrier can not possibly equip himself to-day with an investment of less than $350 per year, and it takes about the same amount of brain power to fill a rural route carrier's job as it does to deliver the mail in the city or to work in first and second class post offices. I am unable to draw any distinction between the brain power of the two kinds and classes of employees.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. GORDON. What was the salary of the rural carrier when first appointed, and what is it now?

Mr. COX. At first it was $60 a month, I believe.

Mr. GORDON. In 1897, $300; 1898, $400; 1900, $500; 1902, $600; 1904, $720; 1908; $900; 1912, $1,000; 1913, $1,100; 1915, $1,200.

Mr. COX. Gentlemen, I come from an agricultural country. There are few places in the United States better than my district. I know that those carriers out there are paying $1.50 for green corn now in my district. I know that they are paying $30 a ton for hay in my district. I know that they are paying $25 a ton for clover hay in my district. I know that an ordinary horse that they are required to buy can not be bought for less than $125. I know they can not get along with less than two horses. I know that in many districts in the United States they have got to have three horses, and in many districts they have got to have four. That is, in the winter time. So I repeat that out of all men who are in the Postal Service to-day the rural carrier has the call.

I am in favor of answering your question by saying that all men below $1,200 shall have 15 per cent increase, and all those above that shall have 5 per cent up to a certain amount, say, $1,500 per annum.

Mr. STEENERSON. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized for 30 minutes.

Mr. MADDEN. Mr. Chairman, I had no intention of saying anything on this bill when we first began to consider it, but I am rather inclined to begin what I have to say now with a query as to whether my friend, the gentleman from Indiana [Mr. COX], did not make a mistake when he said that the salary of the carriers and clerks had been increased 100 per cent since 1907. When the question was asked him as to what he based it on, I think he replied to me that it was based on the fact that 85 per cent of the men drawing $1,100 a year were increased to $1,200. That would not make an increase of 100 per cent. It would make an increase of $100 to the man who had previously been getting $1,100. That would be about 9 per cent under the automatic promotion.

Mr. COX. I said it was an increase of 100 per cent from 1907 to 1912, resulting from automatic promotion. That is what I intended to say.

Mr. MADDEN. That is to say that a man who originally went into the service at $600 is now getting $1,200, and that would be an increase of 100 per cent. I might just as well begin to state the case on which these facts are based. I have no viewpoint from which I intended to discuss this bill, but I will just commence right there.

To begin with, a man who goes into the Postal Service as a carrier or a clerk in either a first or second class office goes in as a substitute, and the average time he serves as a substitute is four years. During that time he gets no fixed pay. What is he called upon to do for the Government of the United States as a substitute? To report at the post office every morning, and if he lives in a large city that means the payment of car fare, for he may have to travel 4 or 5 miles. Then what does he have to do after he reaches the post office? He sits on a bench and waits until all the regular men are assigned to duty; and if at the end of that period, when all the men regularly employed are assigned to duty, it is found that some man is missing they give the substitute something to do for a part of the day. How do they pay him for what he does? Thirty-five cents an hour.

But he may have to come day after day without getting any employment, and every time he comes and goes he must pay his car fare back and forth; and the record shows that for the period of four years during which he serves as a substitute he earns an average of $35 a month. Now, everybody knows that in these times no man with a family can live on $35 a month in a big city. Most of these men in the Postal Service have families. Well, after this man has served four years, with an average earning power of $35 a month, and has borrowed money from everybody from whom he could borrow money to keep from the poorhouse, he gets a regular appointment. Before 1912 the regular appointment entitled him to the munificent sum of $600 a year. And what did he have to do for $600 a year? He had to report for duty at his post office and be on call for 12 hours a day. During the 12 hours a day he was compelled to work 8 hours. Now, why should he be called for 12 hours if he had to work only 8 hours? Simply because the trains coming in from all sections of the country come in at such irregular times that they had to have the men on call for distribution of the mail no matter when the trains arrive. What else did he have to do for this munificent compensation of $600? He had to take two hours of his own time after he left his work to study in his home and learn a scheme of distribution. What is a scheme of distribution? It is a thing that requires a man to learn anywhere from 3,000 to 10,000 names of post offices, where they are located, and what train reaches them first, and how the mail should be thrown into the distribution boxes in the post office to reach most promptly any one of these 3,000 or 10,000 towns. He has to give this time to the Government of the United States without any compensation after he has given them 12 hours of his time either waiting or at work. When men in other callings are asleep or enjoying some social activity somewhere or reading, this man is throwing this scheme, and he has to commit it to memory. He is required to take an examination every 30 days on the scheme in order to prove that he is qualified for his work. He is required to attain an average of 98 per cent perfect in the throwing of the scheme. That is, he must throw not less than 98 per cent of the letters into the correct distribution case. After he has learned this scheme that may cover half a State and has committed it to memory, he is required to take the whole State and study that.

When he has the whole State committed to memory they give him another State, and he may be changed from the scheme that he has taken years to learn and given work in another State, and he has to forget the scheme that he has taken a year or two to learn and commit a new scheme to memory, and all this in his own time. I submit that that is no sinecure of a job. And everything that he learns as a result of his service to the Government in the post office is not worth a cent to him anywhere else on earth. He becomes proficient, he becomes an expert in the Postal Service, but if he went out onto the street to look for a job in a commercial house, everything that he learned in the post office would be worth nothing whatever to him. So when you say these men do not resign, the answer is that they have learned to be expert in their line of business. They are proficient in the Postal Service. They have become expert in their knowledge of what is to be done there, but their expert knowledge is of no use to them anywhere else on earth, and they have reached a period of life when they are no longer able to take up new lines of endeavor and absorb them as they did when their minds were in an adolescent state. Well, if their record is good, at the end of a year they get promoted automatically to $700. Now, they enter the service at $800, and at the end of a year they get promoted to $900. But what must they do during the year? Do you gentlemen know that 70 per cent of all the men who are employed as clerks in the Post Office Department work at night under artificial light? During the whole period of their post-office service they see their families only once a week. They work while we are asleep. They work under artificial light, amid the dust that has accumulated on the mail bags from every section of the country, and they contract disease, and their eyesight becomes defective. They go home when the sun is shining on a summer day, and are compelled to sleep in a room that is overheated by a tropical sun. And then they are required during most of their sleepless day to take a part of the hours that should be used for sleep to study the new questions involved in the scheme of distribution. Oh, it is no sinecure. Men will say that these postal men are overpaid, but I do not believe it. Then they get at the end of another year, if their record justifies it, an increase from $900 to $1,000. That is in the first-class post offices. At the end of another year, if the record justifies it, they get $1,100, and in second-class post offices they get $1,000 as the maximum. After that it depends altogether on the favor of the postmaster whether they get a promotion from ten hundred to eleven hundred dollars in second-class offices or from eleven hundred to twelve hundred dollars in first-class offices. There is no automatic promotion from $1,000 to $1,100 in the one case and from $1,100 to $1,200 in the other.

Why, the record shows that the cost of living has gone up over 60 per cent since the rate of compensation of these men was fixed. The record of increase in the rents prove that they have gone up anywhere from 10 to 25 per cent. The cost of clothing has been increased so much that no one knows what the percentage of increase has been. Everything they have to buy, even the air they breathe is surcharged with increased cost. You can not buy the light consumed in your house any more without paying for the machinery that forces the light to operate at a quicker rate than it ought to—the meter that is employed to register the amount of light is made to operate faster than it should, and so it goes all along the line. A pair of shoes which you could buy three or four years ago for $3 to-day costs you anywhere from $5 to $6 or $7. If you want to buy a hat to-day, you will pay $5 for one that you bought three years ago for $2.

These men in the Postal Service have to wear clothing; they have to look neat and present a respectable appearance. They call at everybody's home; they must appear as gentlemen, and they ought to be paid in proportion to the responsibility involved in the work they perform for the Government.

The city delivery and the clerical forces are not alone in need of recognition. The railway mail clerks have arduous duties to perform. They have been called upon to do more work within the last year for the compensation they receive than ever before. Men have been laid off here, there, and everywhere and additional work loaded on those who remain. Twelve hundred men in the Railway Mail Service have been dismissed during the last year, in its reorganization, and that has resulted in compelling those who were held to work more hours than ever before. It is a fact that the service to the people of the country is worse to-day than it ever was before, and the Second Assistant Postmaster General pays no attention whatever to the complaints that are filed. I have sent letters received by me to the Second Assistant Postmaster General showing that it has taken five days or more to deliver a letter within a radius of 60 or 75 miles, and no attempt has been made to remedy the situation.

The public is tired of the inefficiency of the Second Assistant Postmaster General's branch of the Post Office Department. [Applause.] I have no complaint to make of any other branch of the service. The Second Assistant Postmaster General has persistently refused to grant any relief, and the business people of the country are compelled to submit to a service so inadequate that they are constantly obliged to appeal to their Representatives in Congress for relief.

I had an interview with a gentleman to-day, in the course of which he told me that a note was inclosed in a letter to him for collection; that it should have been received two days before it was received; and the fact that it was not received when it ought to have been made it one day late for presentation. This note was indorsed. The fact that the note was not presented when it fell due relieved the indorsers. The note amounted to $5,000. The maker of the note was financially irresponsible, and the result was that the payee lost the amount of the note. I submit that cases of that sort ought not to exist. I do not mean to say that the postmaster or the Second Assistant Postmaster General is responsible for all delays in the mail, but I do say that when the Second Assistant Postmaster General refuses to employ clerks to distribute mail along the lines and thus insure prompt delivery along these lines, he is to blame.

What does he do, and why do I complain? Instead of carrying the necessary clerks on trains to distribute the mail in order that it may be promptly delivered, he directs the postmasters along many lines, where railway mail clerks were formerly employed, to put the mail in closed pouches for delivery to its destination. In order to get the closed pouch on the train the postmaster must have it closed 30 minutes before the train departs. And all mail reaching the post office after the pouch is closed must wait 24 hours before being sent forward. Grant that the department saves money by this practice, but it does so at the expense of the public, who pay to maintain the department.

The Railway Mail Service, as at present conducted, is, to say the least, a menace to the successful conduct of the country's business.

I want now to call attention to one more matter. Beginning on page 112 of the hearings of the Post Office Committee and

running to page 130 the fact is disclosed that the department had a contract with the Middle West Supply Co., originally of Columbus, Ohio, but now of Dayton, Ohio, and New York, for the manufacture of stamped envelopes. This contract was made July 1, 1915. The aggregate amount of the contract was about $7,000,000. A very short time ago the purchasing agent of the Post Office Department conceived the idea that there ought to be a better class of paper used in the envelopes. The paper that was being used in the envelopes was the same that had been used for more than 10 years. When the contract was let the price at which it was let was 80 cents a thousand. Without any authority of law the department canceled the old contract and made a new one, and instead of paying 80 cents a thousand, which they had been paying under the old contract, they agreed to pay and are paying $1.22 a thousand under the new contract. The difference between $1.22 a thousand and 80 cents a thousand amounts to $1,175,000 on the contract. This committee has not reported that item of $1,175,000 in the bill which is pending because we believe the Post Office Department had no authority to make the contract, and we do not think it is our duty to ratify the contract by reporting an appropriation to pay the difference in the cost. There must be some reason for changing this contract. I do not know what it is, but I understand there are 14 other contracts existing under which people make envelopes for the Government and that in none of the other 14 cases was it thought necessary or advisable to change the terms of the contract.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BLACK. Is it not true that most of those other 13 or 14 contracts were for manila paper, and the envelopes would be entirely different from the class of envelopes that are furnished the Government under the stamped-envelope contract?

Mr. MADDEN. Perhaps so; I am not sure about that.

Mr. BLACK. I think there has been a much greater advance in the cost of white paper than in manila paper, and I think it is fair to state that.

Mr. MADDEN. I think that is right. Of course, the excuse given for changing the contract was that the price of paper had gone up and that the contractor was losing money, but the contractor had given a bond for $500,000 to the Government for the faithful performance of the contract.

Mr. AYRES. As a matter of fact, the excuse given by the purchasing agent was to the effect that they wanted a better grade of envelopes.

Mr. MADDEN. True; he gave that as one of the excuses. He said he was concerned also about the man's loss, but that he thought the character of paper used in the envelopes under the old contract was not sufficiently good to justify its continued use; that he wanted to improve it. We have been using the same quality of paper for 10 years in time of peace, and the department did not decide that we ought to have a higher grade of paper until we came to a period of war; and while we are urged every moment from every quarter to economize in everything we do, to economize in the compensation we pay to the men who run the department, yet the men who are in control of the management forget their own advice, and whenever they find a man whom they want to favor they change the contract that exists between him and the Government, and to the question why we should unload an additional burden upon the people of $1,175,000 through favoring this contractor, the answer comes from the purchasing agent that it does not cost the Government anything. When we ask him why it does not cost the Government anything he tells us that it is the purpose to charge the consumer of the envelopes the additional cost.

So that we find ourselves with a purchasing agent in the post office canceling a contract which is perfectly valid, which could be enforced, on which there was a bond of $500,000 to indemnify the Government against loss, paying no attention whatever to the obligation of the contractor, paying no attention whatever to the fact that we had a bond upon which we could collect, increasing the income of the contractor by $1,175,000 without any authority of law and then having the presumption to say to the Committee on the Post Office and Post Roads that it does not cost the Government anything; that they are taxing the people the additional cost. I wonder what the people will think about that. The people are being loaded with every kind of taxation, but what taxation is being placed upon them ought to be placed upon them by law, and it ought to be done in the open. We are here for the purpose of levying taxes and not permitting some purchasing agent in the Post Office Department or any other department to create and levy a tax upon the American people without justification in law.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. Is this new contract in force now?

Mr. MADDEN. Yes.

Mr. GARRETT of Tennessee. And the old one has been canceled?

Mr. MADDEN. They say it has not been canceled; that they can go back to the old one under the provisions of the new one, but they do not want to do that; they want to increase the price, because they say they want to raise the standard of the envelope.

Mr. GARRETT of Tennessee. I was just wondering in what sort of shape we were really in as a practical proposition.

Mr. MADDEN. Well, the committee has refused to report an appropriation for the excess cost, and I doubt very much, if the House sustains it, whether these contractors will be able to get their money under the new contract.

Mr. GARRETT of Tennessee. They have already, I suppose, made some envelopes?

Mr. MADDEN. Yes, they have; and there is a two-and-a-half-year contract period to run under the new contract.

Mr. GARRETT of Tennessee. How long has the new contract been in existence?

Mr. MADDEN. It has been in existence about six months, I think—six or seven.

Mr. GARRETT of Tennessee. Making a three-year contract?

Mr. MADDEN. About a three-year contract. I now yield to the gentleman from Missouri.

Mr. BORLAND. I do not undertake to defend this particular contract——

Mr. MADDEN. I do not think the gentleman would.

Mr. BORLAND. I do not know anything about it, but, as I understand, these envelopes are resold to the public.

Mr. MADDEN. Yes.

Mr. BORLAND. And if the public does not feel they want to buy at the increased price the stamped envelope they can buy the envelopes elsewhere, can they not?

Mr. MADDEN. They can.

Mr. BORLAND. Is not that a perfectly plain business proposition, as far as the public is concerned?

Mr. MADDEN. Does the gentleman think that a purchasing agent employed by the Government of the United States has any right whatever to increase the price of envelopes, when we have a contract already in existence, just because he can impose an additional burden upon the people who have to buy the envelopes?

Mr. BORLAND. What I am getting at is this: The gentleman used some very intemperate language——

Mr. MADDEN. I did not.

Mr. BORLAND (continuing). About the Post Office Department taxing the people——

Mr. MADDEN. It is taxing them.

Mr. BORLAND. I do not think the gentleman wants to go that far.

Mr. MADDEN. I do.

Mr. BORLAND. The Post Office Department can not tax the people, but simply offers envelopes at a certain price. That is all there is to it.

Mr. MADDEN. If people are obliged to use a commodity——

Mr. BORLAND. But they are not obliged to use a commodity.

Mr. MADDEN. That the Government has to supply——

Mr. BORLAND. The gentleman does not contend the people have to use that commodity?

Mr. MADDEN. I say it is equivalent to taxation.

Mr. BORLAND. I want the gentleman to confine his statements to reason.

Mr. MADDEN. I assume responsibility for what I said.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I would like to ask for five minutes more in order to answer these several gentlemen who are now standing. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. I would like to ask the gentleman with just what authority of law does the purchasing agent claim to have been clothed?

Mr. MADDEN. He claims that the provision in the original contract gave them the right to change the character of material if they chose.

Mr. GARRETT of Tennessee. I am not familiar with the law under which he is acting. Of course, the law itself does not fix the terms or undertake, I suppose, to say the character of paper——

Mr. MADDEN. The contract fixes the character of the paper.

Mr. GARRETT of Tennessee. I say the law itself.

Mr. MADDEN. No; the law does not.

Mr. SNYDER. I would like to ask, from whom would the man buy a stamped envelope if not from the Government?

Mr. MADDEN. I really do not know anyone who makes a stamped envelope except the Government.

Mr. AYRES. Is it not a fact also disclosed on inquiry of the purchasing agent that all of those contracts were let upon competitive bidding?

Mr. MADDEN. Yes.

Mr. AYRES. And that the new contract entered into was not let upon competitive bidding?

Mr. MADDEN. That is true.

Mr. RANDALL. Will the gentleman yield?

Mr. MADDEN. Surely.

Mr. RANDALL. To be entirely fair to the purchasing agent, as a matter of fact, in the original contract was not there a provision authorizing the purchasing agent to change the specifications for envelopes and buy a different grade of paper, therefor necessitating a new contract for that particular purchase?

Mr. MADDEN. I think this. I will answer the question this way.

Mr. RANDALL. That is what it was based on.

Mr. MADDEN. In the first place, the man who had the contract complained he was losing money, and the man who had the contract for postal cards complained he was also losing money. It seems the question of entering into a new contract was submitted to the Comptroller of the Treasury for authority to let the contract. The Comptroller of the Treasury submitted a decision to the effect that inasmuch as the contract for the envelopes had a provision that authorized a change of material——

Mr. AYRES. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. AYRES. I think the gentleman is in error there. It was the solicitor and not the comptroller.

Mr. MADDEN. That is right. Inasmuch as the contract for the envelopes had a provision that authorized the change of material they could make a new contract, but while the old contract was let as the result of competitive bidding, the new contract was let without any bids whatever and was based upon the demands of the contractor. Now, it was determined that inasmuch as there was no such clause as I have described in the contract for postal cards, the department had no authority to make a new contract. So that the man who had the contract to make the postal cards is still furnishing the postal cards under the contract and he has not failed, and there is no knowledge on anyone's part that he is likely to do so. And, I presume, if the contractor for the envelopes was compelled to carry out the contract into which he originally entered he would not have failed. If he had failed, we had his bond for $500,000. And I think it is bad practice to allow any purchasing agent, no matter who directs him to do it, unless he is directed by law, to change a contract once entered into.

And my judgment is that there should be power in the Assistant Postmaster General having jurisdiction over the branch of the department for which the purchases are to be made to visé the purchases, to reject them, or accept them, and not allow the purchasing agent, as I understand the case, to be supreme. And I think a still better proposition would involve the creation of a board consisting of all the Assistant Postmasters General, who would have jurisdiction over all the purchases made through the purchasing agent of the department, and then before he had the power to let any contract a majority of these men should vote to adopt such bids as were thought to be the best. It is a great power to be placed in the hands of any one man. It is subject to abuse, as has been proved in this case. And there ought to be the closest scrutiny on the part of men who have been appointed to high office as to what is done by their subordinates, for this man is, after all, a subordinate. Yet he claims to have had the sanction of men high in power. The Third Assistant Postmaster General denies that he knew anything about the matter or that he had any part in it. This man assumes the responsibility. He ought to be reprimanded and the contract should be canceled. [Applause.]

Mr. STEENERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GRIEST], a member of the committee.

Mr. GRIEST. Mr. Chairman, prior to the present war the Postal Service appropriation bill was the largest money bill considered by Congress. The bill this year carries appropriations aggregating $323,000,000, a large amount of money, but a comparatively small figure when considered to-day in connection with appropriations for war purposes. One commendable feature of the bill now before the House is the absence of offensive legislative riders, as the bill deals almost exclusively with matters pertaining to the maintenance of the postal establishment. The postal receipts for the fiscal year ended June 30, 1917, amount to $529,726,116.37, an increase of more than $17,000,000, or 5.66 per cent, over the preceding year. Of that amount the Postmaster General reports that during the last fiscal year the receipts from postage paid on mail matter amounted to $302,980,682.55, or 91.89 per cent of the total revenues and an increase of 5.57 per cent over the postage receipts of the previous year. It is interesting to note that the average per capita expenditure for postage for the year was $2.90. These figures have been quoted because they form an interesting comparison with the per capita cost of postal expenditures, to which subsequent reference will be made.

POST OFFICES FOR THE ARMY AT HOME AND ABROAD.

Probably one of the most interesting features of the post office appropriation bill now pending relates to the organization of a new branch of the Postal Service for the American war forces, both at home and abroad. It became necessary for the department to speedily organize this service for the 80 existing camps and cantonments at home and for the military and naval expeditionary forces abroad, where the mail service is at present being conducted by 86 postal employees, and for the transportation and maintenance of which $2,000,000 is appropriated in this bill. Postal stations have been established in all camps for the handling of mail and for delivery to the various companies and other military units. It is natural that confusions and delays existed at the time of the initial establishment of the Army camps, but the magnitude of the service and the necessity for speed in the development of the field organizations can be accepted as a reasonable excuse for the conditions as they temporarily existed. It is believed that the service is now working well in the camps at home, where more than 1,000,000 men are mobilized. The foreign service, however, is subject to delays, due largely to the irregularity of ocean transportation.

In his statement to the committee concerning this service First Assistant Postmaster General Praeger stated that the request for $2,000,000 for the postal service in France is based on the assumption that we are to have 1,000,000 men in France by June 30, 1918. To furnish postal service for 1,000,000 of our men in France will require about a million and a quarter dollars, or 12 cents per man per month. The appropriation in excess of one and a quarter million dollars will be utilized in the event of our Army in France exceeding 1,000,000 men.

CENSORSHIP OF THE MAILS.

Another war feature of the postal bill is an item of $1,200,000 for censorship of foreign mails, which is now being conducted by the censorship board created by Executive order under the following provision of the trading-with-the-enemy act, which was passed at the special war session of this Congress:

> Whenever, during the present war, the President shall deem that the public safety demands it, he may cause to be censored under such rules and regulations as he may from time to time establish, communications by mail, radio, or other means of transmission passing between the United States and any foreign country he may from time to time specify, or which may be carried by any vessel or other means of transportation touching at any port, place, or territory of the United States and bound to or from any foreign country. Any person who willfully evades or attempts to evade the submission of any such communication to such censorship or willfully uses or attempts to use any code or other device for the purpose of concealing from such censorship the intended meaning of such communication shall be punished as provided in section 16 of this act.

At present the only mail being censored by our Government under this provision of law is mail that is addressed to the Latin American countries and to Spain. Mail to other European countries, such as Sweden, Norway, Denmark, and Holland, is censored by the English Government, and the expense does not devolve upon the United States. This censorship applies to both letters and newspapers. The Government is fully justified in time of war in the exercise of drastic and effective methods of preventing valuable information from reaching the enemy, and Congress should unhesitatingly provide the necessary funds.

AN UNNECESSARY FEE TO POSTMASTERS.

While mothers and fathers in these days of patriotic fervor and devotion to duty are giving their boys to the service of their country, and every good citizen is doing his bit without thought of compensation, the sum of $47,115 has during the year been paid out of the Treasury of the United States to postmasters, salaried officials of the Government, for securing recruits for the Army. What amounts of money have been paid to postmasters for securing recruits for the Navy and the Marine Corps I have been unable to ascertain. These payments are authorized by the Army bill approved June 3, 1916, and the Navy bill approved August 29, 1916, whereby postmasters of second, third, and fourth class post offices are paid $5 for each recruit secured by them and accepted for the Army, the Navy, or the Marine Corps.

In June last I communicated with the Postmaster General regarding the advisability of discontinuing the payment of this fee. In his annual report recently issued the Postmaster General recommends the repeal of the sections of the laws which authorize these payments. I heartily concur that this is a patriotic duty which postmasters should be willing to perform, and be required to perform, without additional compensation, and I have to-day introduced in the House a bill in conformity with the recommendation of the Postmaster General.

The expenditure by the Government of many thousands of dollars to compensate postmasters claiming to have secured recruits is unjustified, and I am surprised to learn from the official records that hundreds of postmasters have taken advantage of this law as an opportunity of increasing the emoluments of public office. Their action has been in strong contrast with the gratuitous public service rendered by thousands of private citizens who have given service to the Government in connection with the draft, the creation of the National Army, the selling of liberty bonds, and in the performance of numerous other patriotic duties. The recommendation of the Postmaster General for the repeal of these sections of the acts named should be heartily indorsed.

The First Assistant Postmaster General, Mr. Koons, made an investigation and found that a good many postmasters were refusing to accept this fee, and that some postmasters who did accept it used the funds for the purpose of advertising for recruits; but others, with mercenary motives, exerted their efforts for obtaining recruits and the collection of the bonus. I called the facts to the attention of the Secretary of the Navy, but at that time he did not believe it to be good policy to request the President to withdraw the authority governing the payment for securing recruits for another branch of the military service. He stated, however, that "a little later, when our quota is full, I think it might well be withdrawn." Believing that it was unpatriotic for postmasters to claim this bonus, I communicated with the President, and, recognizing the existence of an abuse, he directed that an inquiry be made into the matter by the War, Navy, and Post Office Departments. The Post Office Department did not recommend these provisions for the payment of the $5 bonus to postmasters, and I have correspondence from officials of the department who expressed themselves as personally believing that while the services of the postmasters should be utilized for the purpose of obtaining recruits, yet such services should be rendered in connection with their other duties free of charge. The War Department, however, in last July expressed the belief that the expense to the Government would not be great, and it did not consider it advisable to take steps at that time to change the provision of law which authorized the payment of a premium. The Adjutant General, however, in a memorandum to the Secretary of War on July 19, admitted that with the operation of the selective-draft system an effective army could be raised and maintained.

Inasmuch as the selective-draft system is now in full operation, and as the War Department has announced that no volunteer enlistments will be permitted after December 15, 1917, by men who come within the age provision of the conscription law, there seems to be no further reason why the bonus should be paid to postmasters who claim that they induced men to voluntarily enlist. The desire to render patriotic service is so strongly imbued in the American people to-day that the loyal citizen, whether he be in public or private life, should be willing to encourage enlistments without asking his Government to swell the burden of taxation by payment of a $5 fee.

Owing to the methods of accounting in the War and the Navy Departments it appears that the authorities are unable to furnish specific information as to the amount of bonus fees paid to postmasters, but in recent months not less than $50,000 was expended.

THE TOWN MAIL DELIVERY.

Since 1900, when I introduced the first bill for the establishment of mail-delivery service in the towns and villages which are not entitled to city delivery service by law, I have witnessed continually growing evidences of the necessity for the extension of the mail-carrier facilities to these important communities which have postal receipts greatly in excess of the expense at such offices, producing a healthy profit to the Government in the operation of the postal business. In my remarks on February 24, 1910, January 16, 1914, February 14, 1917, and April 16, 1917, there will be found many expressions of favorable comment from postmasters, municipal officials, and Members of Congress and other prominent citizens giving their opinions of the value of the mail-delivery service from a commercial viewpoint. There is no better way whereby the efficiency of business can be increased than through the operation of a mail facility which guarantees both civic and business benefit to the people of the country. This is especially true in view of conditions during the war. It is gratifying to note that the officials of the Post Office Department are now in accord with this system of letter-delivery service and that 453 offices are now in successful operation. These have all been established since 1912, in which year the first village delivery office in the United States was established in the borough of Ephrata in my own congressional district in Pennsylvania.

There are yet many hundred towns entitled to letter-carrier facilities which can not by law secure city delivery service, because they do not have more than 10,000 population or more than $50,000 gross annual postal receipts.

The information furnished me by the Post Office Department indicates that this service has been established at 453 post offices and that the annual rate of expenditures for the entire service approximates $415,870. As this amount does not include the increased compensation for certain employees provided in the post office act for the fiscal year 1917, the rate of expenditure will probably approximate $475,000, and it will therefore be seen that the department needs an increased appropriation for village mail-delivery service for the fiscal year 1919 in order to extend the facilities in compliance with the public demand, and for that reason the committee increased the appropriation in the pending appropriation bill from $500,000 to $600,000.

Inasmuch as the village mail-delivery service has been established at post offices in more than 200 congressional districts, and for the information of Members who are interested in this branch of the Postal Service, which is much appreciated by the public, I have prepared and submit the following compilation of the post offices at which the village mail-delivery service is now in operation or becomes effective January 1, 1918:

Offices where village delivery service is effective Jan. 1, 1918.

State.	Office.	Population.	In congressional district of—
Alabama	Florala	2,439	Hon. S. Hubert Dent.
Do	Hartselle	1,374	Hon. Edward B. Almon.
Do	Sheffield	4,865	Do.
Do	Sylacauga	1,456	Do.
Do	Montevallo	923	Hon. Fred L. Blackmon.
Do	Piedmont	2,225	Do.
Do	Roanoke	2,034	Do.
Do	Tuscumbia	3,324	Do
Do	Russellville	2,403	Hon. John L. Burnett.
Arizona	Temple	1,900	Hon. Carl Hayden.
Arkansas	Benton	2,400	Hon. Samuel M. Taylor.
Do	Malvern	2,778	Do.
Do	McGehee	1,157	Do
Arkansas	Monticello	2,274	Hon. Samuel M. Taylor.
Do	Booneville	1,631	Hon. Otis Wingo.
Do	De Queen	2,018	Do.
Do	Nashville	2,374	Do.
Do	Van Buren	4,500	Do.
Do	Clarksville	1,700	Hon. Henderson M. Jacoway.
Do	Dardanelle	1,757	Do.
Do	Morrilton	2,900	Do
Do	Ozark	1,146	Do.
Do	Crossett	2,038	Hon. Wm. S. Goodwin.
Do	Magnolia	2,046	Do.
Do	Wynne	2,353	Hon. T. H. Caraway.
Do	Harrison	2,000	Hon. J. N. Tillman.
California	Huntington Beach	815	Hon. William Kettner.
Do	Willits	2,003	Hon. Clarence F. Lea.
Colorado	Littleton	1,600	Hon. C. B. Timberlake.
Connecticut	Glastonbury	4,796	Hon. Augustine Lonergan.
Do	Guilford	1,475	Hon. John Q. Tilson.
Do	Windsor	4,178	Do.
Delaware	Delmar	530	Hon. Albert F. Polk.
Do	Harrington	1,500	Do.
Do	Lewes	2,158	Do.
Do	Middletown	1,360	Do.
Do	New Castle	3,351	Do.
Do	Smyrna	1,843	Do.
Florida	De Funiak Springs	2,017	Hon. Walter Kehoe.
Do	Marianna	1,915	Do.
Do	Milton	831	Do.
Do	Panama City	427	Do.
Do	Monticello	2,090	Hon. Frank Clark.
Georgia	Ashburn	2,214	Hon. Thomas M. Bell.
Do	Buford	1,083	Do
Do	Commerce	2,238	Do.
Do	Lawrenceville	1,348	Do.
Do	Winder	2,443	Do.
Do	Blakely	1,838	Hon. Frank Park.
Do	Cairo	1,505	Do.
Do	Camilla	1,827	Do.
Do	Pelham	1,880	Do.
Do	Sylvester	1,447	Do.
Do	Calhoun	1,850	Hon. Gordon Lee.
Do	Lafayette	1,380	Do.
Do	Rock Mart	1,034	Do.
Do	Rossville	1,030	Do.
Do	Conyers	1,919	Hon. William S. Howard.
Do	Decatur	3,000	Do.
Do	Doughsville	1,462	Do.
Do	Cuthbert	3,210	Hon. Charles R. Crisp.
Do	Montezuma	1,630	Do.
Do	Richland	1,260	Do.
Do	Vienna	1,564	Do.
Do	Eastman	2,358	Hon. William W. Larsen.

Offices where village delivery service is effective Jan. 1, 1918—Continued.

State.	Office.	Population.	In congressional district of—
Georgia—Con	Hawkinsville	4,200	Hon. William W. Larsen.
Do	McRae	1,160	Do.
Do	Vidalia	1,776	Do.
Do	Wrightsville	1,380	Do.
Do	Forsyth	2,500	Hon. J. W. Wise.
Do	Jackson	1,852	Do.
Do	Monticello	1,508	Do.
Do	Thomaston	1,645	Do.
Do	Hartwell	2,907	Hon. Charles H. Brand.
Do	Madison	2,412	Do.
Do	Washington [1]	3,065	Do.
Do	Monroe	3,029	Do.
Do	Louisville	1,039	Hon. Carl Vinson.
Do	Sandersville	2,641	Do.
Do	Tennille	1,622	Do.
Do	Warrenton	1,368	Do.
Do	Sparta	1,715	Do.
Do	Millen	2,080	Hon. James W. Overstreet.
Do	Sylvania	1,500	Do.
Do	Waynesboro	2,720	Do.
Illinois	Altamont	1,328	Hon. Martin D. Foster.
Do	Carlyle	1,932	Do.
Do	Oblong	1,482	Do.
Do	Sumner	1,413	Do.
Do	Carrollton	2,323	Hon. Henry T. Rainey.
Do	Casey	2,157	Hon. Joseph G. Cannon.
Do	Chrisman	1,193	Do.
Do	Georgetown	3,000	Do.
Do	Catlerville	3,100	Hon. Edward E. Denison.
Do	Chester	2,747	Do.
Do	Christopher	1,825	Do.
Do	Pinckneyville	2,800	Do.
Do	Eldorado	3,366	Hon. Thomas S. Williams.
Do	Homer	1,190	Hon. William B. McKinley.
Do	Windsor	987	Do.
Do	Lanark	1,175	Hon. John C. McKenzie.
Do	New Athens	1,200	Hon. Wm. A. Rotenberg.
Do	Le Roy	1,702	Hon. John A. Sterling.
Do	Staunton	5,048	Hon. Loren E. Wheeler.
Do	Lockport	2,555	Hon. Ira C. Copley.
Do	West Chicago	2,378	Do.
Do	Chillicothe	1,851	Hon. Clifford Ireland.
Do	Knoxville	1,818	Hon. Edward J. King.
Idaho	St. Maries	1,500	Hon. Burton L. French.
			Hon. Addison T. Smith.
Indiana	Albion	1,213	Hon. Louis W. Fairfield.
Do	Garrett	4,149	Do.
Do	LaGrange	1,772	Do.
Do	Butler	1,213	Do.
Do	Argos	1,089	Hon. Henry A. Barnhart.
Do	Knox	1,544	Do.
Do	Batesville	2,151	Hon. Lincoln Dixon.
Do	Edinburg	2,040	Do.
Do	Greenwood	1,608	Do.
Do	Hope	1,400	Do.
Do	Vevay	1,256	Do.
Do	Brookville	2,169	Hon. Richard N. Elliott.
Do	Cambridge City	2,237	Do.
Do	Knightstown	2,008	Do.
Do	Liberty	1,338	Do.
Do	Cannelton	2,130	Hon. William E. Cox.
Do	Corydon	1,703	Do.
Do	Huntingburg	2,464	Do.
Do	Jasper	2,196	Do.
Do	Mitchell	3,434	Do.
Do	Salem	2,283	Do.
Do	Tell City	3,369	Do.
Do	Clay City	1,213	Hon. Everett Sanders.
Do	Danville	1,640	Do.
Do	Rockville	1,943	Do.
Do	Jasonville	3,269	Hon. Oscar E. Bland.
Do	Loogootee	2,154	Do.
Do	Montezuma	1,608	Do.
Do	Worthington	1,732	Do.
Do	Dunkirk	3,031	Hon. Albert H. Vestal.
			Hon. Milton Kraus.
Do	Oakland City	2,370	Hon. George K. Benton.
Do	Petersburg	2,170	Do.
Do	Rock Port	3,000	Do.
Iowa	Belmond	1,350	Hon. Burton E. Sweet.
Do	Columbus Junction	1,185	Hon. Charles A. Kennedy.
Do	New London	1,144	Do.
Do	Wapello	1,326	Do.
Do	Coon Rapids	1,200	Hon. Frank P. Woods.
Do	Guthrie Center	1,600	Hon. W. R. Green.
Do	Lennox	1,271	Hon. Horace M. Towner.
Do	Seymour	2,200	Do.
Do	Mapelton	1,100	Hon. George C. Scott.
Do	Marengo	1,786	Hon. Harry E. Hull.
Do	West Liberty	1,606	Do.
Kansas	Bonner Springs	1,492	Hon. Edward C. Little.
Do	Garnett	2,334	Do.
Do	Burlingame	1,422	Hon. Dudley Doolittle.
Do	Burlington	2,180	Do.
Do	Eureka	2,333	Do.
Do	Marion	*1,841	Do.
Do	Peabody	1,416	Do.
Do	St. Marys	1,597	Do.
Do	Wamego	1,500	Do.
Do	Yates Center	2,024	Do.
Do	Sabetha	1,768	Hon. Daniel R. Anthony.
Do	Goodland	1,993	Hon. John R. Connelly.
Do	Mankato	1,155	Do.
Do	Halsted	1,004	Hon. Wm. A. Ayres.
Do	Lindsborg	1,989	Do.
Do	Augusta [1]	1,235	Do.

[1] Superseded by city delivery.

Offices where village delivery service is effective Jan. 1, 1918—Continued.

State.	Office.	Population.	In congressional district of—
Kansas—Con	Meade	964	Hon. Jouett Shouse.
Do	Medicine Lodge	1,229	Do.
Do	Hoisington	1,975	Do.
Do	Ness City	712	Do.
Do	St. Johns	1,800	Do.
Do	Stafford	1,927	Do.
Do	Minneapolis	1,925	Hon. Guy T. Helvering.
Do	Sheridan	1,768	Hon. Fred S. Purnell.
Kentucky	Carlisle	1,433	Hon. Wm. J. Fields.
Do	Carrollton	3,000	Hon. A. B. Rouse.
Do	Falmouth	1,180	Do.
Do	Williamstown	800	Do.
Do	Eminence	1,274	Hon. James C. Cantrill.
Do	La Grange	1,152	Do.
Do	Franklin	5,053	Hon. Robert Y. Thomas.
Do	Russellville	3,300	Do.
Do	Dawson Springs	1,350	Hon. David H. Kinchelos.
Do	Morganfield	2,725	Do.
Do	Providence	2,084	Do.
Do	Sturgis	1,467	Do.
Do	Lawrenceburg	1,723	Hon. Harvey Helm.
Do	Stanford	1,700	Do.
Do	Clinton	1,497	Hon. Alben W. Barkley.
Do	Murray	2,089	Do.
Do	Princeton	3,015	Do.
Louisiana	Mansfield	2,600	Hon. John T. Watkins.
Maine	Boothbay Harbor	2,321	Hon. W. H. White, jr.
Do	Richmond	1,888	Do.
Do	Thomaston	2,205	Do.
Do	Dover		Hon. Ira Greenleaf Hersey.
Do	Orono	3,555	Do.
Do	Fort Fairfield	1,620	Do
Do	Fairfield	2,891	Hon. John A. Peters.
Do	Lubec	3,363	Do.
Do	Machias	2,080	Do.
Do	Oakland	2,257	Do.
Do	Winthrop	1,114	Do.
Do	Kennebunk	2,300	Hon. Louis B. Goodall.
Do	Bridgton	1,474	Do.
Do	Old Orchard	961	Do.
Do	Springvale		Do.
Do	Mechanic Falls		Hon. W. H. White, Jr.
Maryland	Princess Ann	1,009	Hon. Jesse D. Price.
Massachusetts	Baldwinsville	2,000	Hon. Calvin DeWitt Paige.
Do	Indian Orchard	6,000	Hon. Frederick H. Gillett.
Do	North Easton		Hon. Richard Olney
Do	Yarmouthport	800	Hon. Joseph Walsh.
Michigan	Clare	1,359	Hon. Gilbert A. Currie.
Do	Reed City	1,580	Do.
Do	Durand	2,315	Hon. Joseph W. Fordney.
Do	Freemont	2,000	Hon. Jas. C. McLaughlin.
Do	Morencie	1,700	Hon. Samuel W. Beakes.
Do	Plainwell	1,600	Hon. Edward L. Hamilton.
Do	Quincy	1,347	Hon. J. M. C. Smith.
Do	Vicksburg	1,624	Do.
Do	Harbor Beach	1,556	Hon. Louis C. Crampton.
Do	Birmingham	1,607	Hon. Patrick H. Kelley.
Minnesota	Ada	1,432	Hon. Halvor Steenerson.
Do	North St. Paul	1,404	Hon. Carl C. Van Dyke.
Do	White Bear Lake	1,565	Do.
Do	Zumbrota	1,200	Hon. Charles R. Davis.
Mississippi	Booneville	1,378	Hon. E. S. Candler.
Do	Starkville	2,698	Do.
Do	Ittabena	1,800	Hon. Benj. G. Humphreys.
Missouri	Bolivar	1,975	Hon. Courtney W. Hamlin.
Do	Higginsville	2,628	Do.
Do	Odessa	1,531	Do.
Do	Brunswick	1,606	Hon. William W. Rucker.
Do	Huntsville	2,247	Do.
Do	Keytesville	963	Do.
Do	Marceline	3,920	Do.
Do	Milan	2,191	Do.
Do	Monroe City	1,949	Do.
Do	Norborne	1,341	Do.
Do	Paris	1,474	Do.
Do	Salisbury	1,834	Do.
Do	Canton	2,218	Hon. Milton A. Romjue.
Do	Edina	1,562	Do.
Do	Kahoka	1,758	Do.
Do	Memphis	1,984	Do.
Do	Shelbine	2,174	Do.
Do	Festus	2,556	Hon. Walter L. Hensley.
Do	Belden	2,007	Hon. Clement C. Dickinson.
Do	Eldorado Springs	2,503	Do.
Do	Jackson	2,300	Hon. Joseph J. Russell.
Do	Lebanon	2,500	Hon. Thomas L. Rubey.
Do	Carterville	4,539	Hon. Perl D. Decker.
Do	Pierce City	2,000	Do.
Do	Plattsburg	1,960	Hon. Joshua W. Alexander.
Do	Savannah	1,860	Hon. Charles F. Bucher.
Do	Tarkio	1,966	Do.
Nebraska	Franklin	1,919	Hon. A. C. Shallenberger.
Do	Minden	1,559	Do.
Do	Pierce	1,500	Hon. Dan V. Stevens.
Do	Wymore	2,613	Hon. Charles H. Sloan.
New Hampshire	Woodsville	2,200	Hon. E. H. Wason.
New Jersey	Allenhurst	506	Hon. Thomas J. Scully.
Do	Dunnellen	1,990	Do.
Do	Keansburg		Do.
Do	Leonia	2,200	Hon. John R. Ramsey.
Do	Pleasantville	2,500	Hon. Isaac Bacharach.
New York	Dundee	1,227	Hon. Norman J. Gould.
Do	East Syracuse	2,374	Hon. W. W. Magee.
Do	Franklinville	1,568	Hon. Charles M. Hamilton.
Do	Mayville	1,200	Do.
Do	Lancaster	4,364	Hon. Charles B. Smith.
Do	Middleport	1,530	Hon. Steven W. Dempsey.

Offices where village delivery service is effective Jan. 1, 1918—Continued.

State.	Office.	Population.	In congressional district of—
New York—Con	Norwood	2,000	Hon. Bertrand H. Snell.
Do	Painted Post	1,400	Hon. Harry H. Pratt.
Do	Schuylerville	1,014	Hon. James S. Parker.
Do	Union	1,544	Hon. George W. Fairchild.
Do	Hamburg	2,134	Hon. Wm. F. Waldow.
Do	Manhasset		
North Carolina	Albemarle	2,116	Hon. Robert L. Doughton.
Do	Morehead City	2,039	Hon. George E. Hood.
North Carolina	Newton	3,000	Hon. Edwin Y. Webb.
Do	Smithfield	1,347	Hon. Edward W. Pou.
Do	Williamstown	1,574	Hon. John H. Small.
North Dakota	Crosby	206	Hon. Patrick D. Norton.
Do	Enderlin	1,540	Hon. John M. Baer.
Ohio	Amherst	2,106	Hon. Ellsworth R. Bathrick.
Do	Bluffton	1,953	Hon. Benjamin F. Welty.
Do	Coldwater	869	Do.
Do	Covington	1,848	Do.
Do	Versailles	1,500	Do.
Do	Camden	899	Hon. Warren Gard.
Do	Germantown	1,778	Do.
Do	West Carrollton	1,285	Do.
Do	Chicago Junction	1,950	Hon. Arthur W. Overmyer.
Do	Gilmamburg	1,864	Do.
Do	North Baltimore	2,503	Do.
Do	Perrysburg	1,913	Do.
Do	Dunkirk	1,109	Hon. John A. Key.
Do	Carey	2,225	Do.
Do	Cardington	1,349	Do.
Do	Forest	1,285	Do.
Do	Girard	3,735	Hon. John G. Cooper.
Do	Jeffersonville	628	Hon. Simeon D. Fess.
Do	Mantpelier	2,759	Hon. John S. Snook.
Do	Paulding	2,500	Do.
Do	Swanton	1,200	Do.
Do	Loudonville	1,800	Hon. Wm. H. Ashbrook.
Oklahoma	Checotah	1,683	Hon. William W. Hastings.
Do	Eufaula	1,307	Do.
Do	Sallisaw	2,479	Do.
Do	Stigler	1,583	Do.
Do	Tahlequah	2,891	Do.
Do	Dewey	2,400	Hon. Thomas A. Chandler.
Do	Edmond	2,000	Hon. Joseph B. Thompson.
Do	Sulphur	3,725	Do.
Do	Wynnewood	2,002	Do.
Do	Poteau	1,830	Hon. Charles D. Carter.
Do	Cordell	1,950	Hon. James V. McClintic.
Do	Snyder	1,122	Do.
Pennsylvania	Annville		Hon. A. S. Kreider.
Do	Bellwood	2,277	Hon. John M. Rose.
Do	Everett	1,725	Do.
Do	Gallitzin	3,504	Do.
Do	Roaring Spring	1,903	Do.
Do	South Fork	4,592	Do.
Do	Troy	1,288	Do.
Do	Berlin	1,336	Hon. Bruce F. Sterling.
Do	Dunbar	1,970	Do.
Do	Masontown	990	Do.
Do	Point Marion	1,380	Do.
Do	South Brownsville	3,943	Do.
Do	Bridgeville	1,963	Hon. Guy E. Campbell.
Do	Clairton	5,236	Do.
Do	Curwensville	2,549	Hon. Charles H. Rowland.
Do	Elizabeth	2,311	Hon. M. Clyde Kelly.
Do	Ephrata	3,300	Hon. W. W. Griest.
Do	Marietta	2,079	Do.
Do	Freeland	7,300	Hon. Thomas W. Templeton.
Do	White Haven	1,500	Do.
Do	Girardville	4,396	Hon. Robert D. Heaton.
Do	Orwigsburg	1,831	Do.
Do	Glassport		
Do	Hawley	2,018	Hon. Louis T. McFadden.
Do	Tunkhannock	2,100	Do.
Do	Mifflinburg	1,589	Hon. Benjamin K. Focht.
Do	Newport	1,000	Do.
Do	Milford	872	Hon. Henry J. Steele.
Do	Mount Pocono		Hon. Henry J. Steele.
Do	Palmerton	5,200	Do.
Do	Weatherly	2,501	Do.
Do	Natrona		
Do	Parkesburg	2,522	Hon. Thomas S. Butler.
Do	Spring City	3,000	Do.
Do	Peckville	4,000	Hon. John R. Farr.
Do	Bridgeport	3,800	Hon. Henry W. Watson.
Do	Perkasie	2,770	Do.
Do	Sharpsville	3,634	Hon. Stephen G. Porter.
Do	Watsontown	1,950	Hon. John V. Lesher.
Do	Williamstown	2,204	Hon. Edgar R. Kiess.
Do	Wrightsville	2,025	Hon. Andrew R. Brodbeck.
Rhode Island	Pascoag	2,500	Hon. Ambrose Kennedy.
South Carolina	Allendale	1,453	Hon. James Francis Byrne.
Do	Blackville	2,400	Do.
Do	Bamberg	1,937	Do.
Do	Barnwell	1,334	Do.
Do	Beaufort	2,426	Do.
Do	Edgefield	1,771	Do.
Do	Johnston	943	Do.
Do	Belton	1,650	Hon. Fred H. Dominick.
Do	Easley	2,841	Do.
Do	Walhalla	1,395	Do.
Do	Seneca	1,343	Do.
Do	Westminster	1,576	Do.
Do	Batesburg	1,955	Hon. Asbury F. Lever.
Do	Bishopville	1,639	Do.
Do	St. Matthews	1,377	Do.
Do	Branchville	2,300	Do.
Do	Cheraw	2,673	Hon. William F. Stevenson.
Do	Lancaster	2,200	Do.

Offices where village delivery service is effective Jan. 1, 1918—Continued.

State.	Office.	Population.	In congressional district of—
South Carolina—Con	Yorkville	2,126	Hon. William F. Stevenson.
Do	Winnsboro	2,000	Do.
Do	Conway	1,228	Hon. J. Willard Ragsdale.
Do	Kingstree	1,372	Do.
Do	Lake City	1,074	Do.
Do	Mullins	1,832	Do.
Do	Timmonsville	1,708	Do.
Do	Dillon	2,000	Do.
Do	Hartsville	2,365	Do.
Do	Greer	1,673	Hon. Samuel J. Nichols.
Do	Woodruff	2,000	Do.
Do	Walterboro	1,677	Hon. Richard S. Whaley.
Do	Manning	1,854	Do.
South Dakota	Chamberlain	1,275	Hon. Charles H. Dillon.
Do	Gregory	1,142	Hon. Harry L. Gandy.
Do	Winner		Do.
Do	Miller	1,202	Hon. Royal C. Johnson.
Tennessee	Cookeville	1,848	Hon. Cordell Hull.
Do	Dayton	1,991	Do.
Do	Gallatin	3,000	Do.
Do	Elizabethtown	2,478	Hon. Sam R. Sells.
Do	Newport	2,003	Do.
Do	Elowah	1,685	Hon. John A. Moon.
Do	McMinnville	2,329	Do.
Do	South Pittsburg	2,106	Do.
Do	Sparta	1,479	Do.
Do	Sweetwater	1,850	Do.
Do	Huntingdon	1,112	Hon. Thetus W. Sims.
Do	Lexington	1,497	Do.
Do	McKenzie	2,000	Do.
Do	Kenton	1,200	Hon. Finis J. Garrett.
Do	Lawrenceburg	1,637	Hon. Lemuel P. Padgett.
Do	Mount Pleasant	1,973	Do.
Do	Lemoir City	3,392	Hon. Richard W. Austin.
Do	Lewisburg	1,830	Hon. William C. Houston.
Texas	Atlanta	1,604	Hon. Eugene Black.
Do	Cooper	1,513	Do.
Texas	Caldwell	1,600	Hon. James P. Buchanan.
Do	Elgin	3,000	Do.
Do	Gilmer	1,484	Hon. James Young.
Do	Halletsville	1,379	Hon. Joseph J. Mansfield.
Do	Whitesboro	1,500	Hon. Sam Rayburn.
Vermont	Ludlow	1,700	Hon. Porter H. Dale.
Do	Richford	2,907	Hon. Frank L. Greene.
Virginia	Berryville	1,150	Hon. Thomas W. Harrison
Do	Cape Charles	3,000	Hon. William A. Jones.
Do	Onancock	1,001	Do.
Do	Phoebus	2,200	Do.
Do	Marion	3,000	Hon. C. Bascom Slemp.
Washington	Kent	2,408	Hon. Lindley H. Hadley.
West Virginia	Chester	3,184	Hon. M. M. Neely.
Do	Piedmont	2,064	Hon. George M. Bowers.
Do	Princeton	5,000	Hon. Edward Cooper.
Do	St. Marys	1,358	Hon. Harry C. Woodyard.
Do	Spencer	1,224	Do.
Wisconsin	Cedarburg	1,777	Hon. Edward Voigt.
Do	Horicon	1,881	Do.
Do	Juneau	1,003	Do.
Do	Kilbourn	1,170	Do.
Do	Lakemills	1,672	Do.
Do	Lodi	1,044	Do.
Do	Waterloo	1,220	Do.
Do	Dodgeville	2,500	Hon. John M. Nelson.
Do	Durand	1,503	Hon. James A. Frear.
Do	Evansville	2,250	Hon. Henry A. Cooper.
Do	Kewaunee	2,000	Hon. David G. Classon.
Do	North Milwaukee	1,960	Hon. William H. Stafford.
Do	New Lisbon	1,074	Hon. John J. Esch.
Do	Viroqua	2,059	Do.
Do	Tomahawk [1]	2,907	Hon. Irvine L. Lenroot.

[1] Superseded by city delivery.

RURAL MAIL DELIVERY.

The Rural Mail Service has become so well known that there is little cause for adverse discussion in the House concerning this valuable branch of the Post Office Department. The annual rate of expenditure on June 30, 1917, was $52,920,408, and the Postmaster General reports that the rural carriers served 5,882,795 families representing a total population of 27,060,857 persons, or about one-fourth of the population of the United States. With postal revenues exceeding $300,000,000 it appears that the per capita cost of the Postal Service is about $3, and the Postmaster General reports that the per capita cost of the rural service for the year ended June 30, 1917, was $1.955, a slight decrease in the cost per capita for the previous year. Comparing the per capita cost on the rural routes as against the total cost for the country, and considering the great economic value of the rural service to the agricultural residents of the Nation, it must be admitted that the rural service is to-day one of the beneficial adjuncts of the Postal Service, especially when we recognize the importance of foodstuffs as a means to the winning of this awful war in which the country has become engaged in the cause of humanity.

The Postmaster General reports having experienced difficulty in securing a sufficient number of rural carriers during the past year. Similar difficulties in securing labor have confronted all employers. Especially is this true of the rural carriers in view

of the fact that they are compelled to maintain their equipment under abnormal conditions. The cost of keeping horses has greatly increased, and those who use automobiles well know the expense of operating machines with gasoline at 27 cents a gallon.

This condition, however, does not seem to warrant the placing of the Rural Delivery Service as a whole under a contract system, as now applies to the so-called star-route service.

The present cost per mile of star-route service is $0.1024, while the cost per mile of travel by rural carriers is $0.151, there being a difference in cost of between 4 and 5 cents per mile. We must not overlook the fact, however, that the rural carrier is an employee in a class somewhat different from the star-route contractor, as the latter generally engages the cheapest service and the poorest equipment available. Of course, there are exceptions to this rule but with the record and experience of the star-route service in the past under the contract system, compared with the greater efficiency of the present rural service, the general public would undoubtedly approve the continuance of the salaried rural carriers. The present cost per mile of travel of star-route contractors is low, mainly due to the fact that a large percentage of the star routes awarded for a four-year contract term were awarded two and three years ago, and within the past two years it will be noted that the rate per mile at which the new contracts are being awarded is very much higher than it used to be. The fact that there could be no resignation or declination to perform service if the carriers were placed under the contract system would not compensate the public for conditions which are sure to be revived if the rural routes are operated under the star-route contract system. Many of the star-route contractors to-day are laboring under serious difficulties because they entered into the contracts two and three years ago at an annual rate which is to-day inadequate to maintain the contractor and his equipment. He is, however, compelled to continue the service because he is bonded in an amount which he could not afford to lose were he to violate his contract. In fairness, we must all agree with the comment in the Postmaster General's report that the carriers "should receive a fair day's pay for a fair day's work," and it is hoped that the committee will work out a plan and recommend to Congress some fair method of giving to these carriers a rate of compensation commensurate with the value of their services and the cost of keeping the equipment, or grant them an expense allowance for the upkeep of their horses and motor cars.

THE RAILWAY-MAIL SERVICE.

The railway-mail service, one of the most important branches of the postal establishment, has been the subject of considerable "reorganization" during recent years. Many Members of the House have looked with concern upon the conditions of unrest which have existed in the railway-mail service due to the constant reorganization of the service. Protests have been heard from various sections of the country where it is claimed that the service had been curtailed, and many employees of the service have suffered by reason of readjustments which have been made. Many of these readjustments have been for the betterment of the postal system no doubt, but we are all glad to note that the Postmaster General in his annual report states that the reorganization is now practically completed. It is unfortunate, however, that these reorganization plans have in many cases worked a hardship upon the men and their families when they have been compelled to remove from one locality to another at their own expense, giving up established homes—many of them having been purchased with full confidence that the Government would not violate the contract made when the men entered the service and established their residences at points adjacent to the line upon which they were assigned to duty. It is true that the men were in most instances offered transfers to lines which they might select and that their assignments were made to points where their services were needed, but in many cases these assignments have proven costly to the men and their families. In view of the high degree of efficiency required of men who operate the railway post-office lines it is urged that the department should seriously consider the personal interests of the men involved when it becomes necessary to make transfers which require change of residence from one town to another, and it is hoped that the Postmaster General will suggest some relief for cases of this kind before further reorganizations occur.

POST-OFFICE CLERKS AND CARRIERS.

The post-office clerks and carriers employed in the various post offices throughout the country are another class of men who deserve the considerate attention of the department officials and of Congress. Members of the Post Office Committee have heard numerous complaints of the treatment accorded these employees. Many of the postmasters at presidential offices have not had business experience, and favoritism has existed to a degree which naturally discourages conscientious workers. No doubt these unsatisfactory conditions will be ultimately remedied under the presidential order of March 31, 1917, providing a method for the selection of first, second, and third class postmasters. This order, however, does not affect the tenure of office of any present postmaster, and under existing conditions it is believed that the relief which the President and the Postmaster General seek will not be attained until many of the postmasters now holding office die or are otherwise displaced. Many of the post-office clerks and carriers are receiving compensation below that which they should receive, considering the nature of their duties and the general increase in commodities. These are matters which can be remedied through the recommendations and administrative acts of the department, and it is hoped that the officials in authority will present to Congress recommendations for the removal of the causes of unrest and to insure the maintenance of a high degree of efficiency and contentment in the Postal Service. This is necessary because of the great importance of the Postal Service to the domestic and business conditions of the country—especially during the war.

PNEUMATIC-TUBE SERVICE.

The Postmaster General has again renewed his recommendations for the discontinuance of the pneumatic-tube service in the five cities where the tubes have been used for mail transportation. Nearly every Congress for a number of years has given serious consideration to the cost and merit of the tube service in Philadelphia, New York, Chicago, Boston, and St. Louis. As one of these cities, Philadelphia, is in my own State, I have inquired regarding the importance and value of the tube service as a postal facility. The annual rate of rental, $17,000 per mile, has seemed large, and there is merit in the argument advanced by the Postmaster General to the effect that the tubes constructed about 15 years ago are not of sufficient size to handle a great quantity of mail expeditiously. It is evident, however, that a considerable quantity of local mail, including special-delivery matter, can be expedited between the central post office and main stations located in the congested sections of the large cities by means of the tubes, and the constantly increasing street traffic in these large cities named is a cogent reason for the continuance of the tubes for letter-mail transportation. While a committee of postal experts, employees of the department, have reported adversely regarding the continuance of the tube service, we can not overlook the fact that commercial organizations in these cities have appointed committees composed of capable and practical men, who have investigated the matter and who urge the continuance of the service. These commercial organizations and the local business men who have made the investigations are certainly not interested in the continuance of the tubes from a financial viewpoint; and before Congress takes action to deprive the business men and other postal patrons of these cities of the service which they have had for a number of years, and which is more needed now than ever before, the question deserves serious consideration by Congress.

FEDERAL AID TO GOOD ROADS.

The necessity for good roads is closely allied with the economical and efficient administration of the rural delivery service, and the act of July 11, 1916, providing for Federal aid in the construction of good roads, vested in the Secretary of Agriculture authority to designate the roads to be improved. The Postmaster General has recommended in his annual report that his department should be authorized to designate the roads under the Federal aid act, and this seems to be a very appropriate recommendation.

It is believed that the Federal aid road act should be further amended, however, so as to take into consideration the population of the State or rural community as a factor in establishing the basis for the allotment of funds among the several States. An examination of the apportionment of $14,550,000 to the States for aid in the construction and maintenance of rural post roads for the fiscal year ending June 30, 1919, indicates the absence of a fair distribution to those States which have the largest population both urban and rural and which return to the Government the largest revenues both from taxes and postal receipts. As an illustration, Pennsylvania received an allotment of $690,145 and New York $749,674; Illinois, $658,323; and Ohio, $558,043, while large States with thinly populated rural communities and greater road mileage received as much as did these States, and in one or two instances from one to two hundred thousand dollars more than was allotted to the States named.

An unprejudiced study of this subject by any Member of the House will prove convincingly that there should be a modification of the Federal road aid act, especially in view of the fact

that the maintenance of roads in the thickly populated rural communities is more costly than the maintenance of the roads in the thinly populated States.

ONE-CENT POSTAGE IMPOSSIBLE NOW.

The subject of postage rates with particular reference to letter mail has received my attention for several years, and the bill for 1-cent local letter postage, which I introduced in the Sixty-first Congress, is believed to be the initial measure of that character. In remarks heretofore made I have included statistics showing the very great profit on the handling of so-called local or drop letters and advocated the adoption of a 1-cent letter postage rate for drop letters. Owing to the war it became necessary to raise additional revenues, and we now have in effect a 3-cent general postage rate and a 2-cent drop letter rate. These rates must be continued for some time in order to pay the expenses of the war, and the general public has accepted the increase without complaint as a patriotic duty and in support of the Government. No reduction in the postal rates can be expected in the near future, but when peace shall again prevail among the nations of the earth and the revenues of the Government become adequate for the normal conduct of governmental business, it is hoped that the postage rates will be speedily readjusted on a satisfactory basis.

NEW POST-OFFICE BUILDINGS.

The Postmaster General offers a timely suggestion with reference to the present system of constructing Government buildings for post offices. It is proper that the plans for Government-owned post-office buildings should have the approval of the Postmaster General, and that the plans for such buildings should be determined with the purpose of promoting the convenient and expeditious handling of the mail. It is more essential that the public buildings should have ample space, light, and ventilation and provide satisfactory working conditions than that these buildings should be constructed of monumental design. We will all no doubt further concur in the suggestion of the Postmaster General that because of the prevailing war conditions which have greatly increased the cost of materials and labor that the erection of public buildings be deferred except in cases where the necessity for the building is urgent.

Mr. GRIEST. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GRIEST. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back four minutes.

Mr. STEENERSON. Mr. Chairman, I yield 10 minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Chairman, while the great Post Office appropriation bill is under consideration I wish to refer to a matter which is of vital importance to many people and of much importance to all. I refer to the quick delivery of mail. I present it for the consideration of the very able Committee on the Post Office and Post Roads.

First, as to over-seas mail, which at present is necessarily only partially under control of the Post Office Department. In response to numerous inquiries from anxious relatives and friends of our boys "over there," I have made such investigation as I could as to the causes of the well-known delay in the mails between the United States and our expeditionary forces. It has not been explained to my entire satisfaction why many letters should be 60 days going from an Atlantic port to our soldiers in France. The most reasonable partial explanation was made to me by the postmaster at New York, to the effect that the tremendous increase in the quantity of mail has literally swamped the available facilities for handling it. He said that under the stress of war not only the actual transportation but the receiving and handling facilities on the other side have proved entirely inadequate. He described to me the mountains of mail sacks piled high upon departing ships and even higher on French docks. The handling of such enormous quantities of mail necessarily requires time. His recommendation of a partial remedy, while not very satisfying, is nevertheless founded on reason and may have to be adopted, at least temporarily until a better and more satisfactory solution of the problem is worked out. His advice is to cease sending to our boys so many packages, especially large, bulky ones.

We had the same problem on a miniature scale on the Mexican border last year. My regiment and nearly a dozen others were stationed near a small town at the end of a single-tracked branch of the Southern Pacific Railroad. For a time neither the railroad nor the small post office was able to handle properly the suddenly increased burden. Large boxes, filled sometimes with articles of little or no value, were especially burdensome, so that my own experience corroborates in a measure that of the New York postmaster.

My own advice, founded upon a somewhat brief experience in the Spanish War as well as on the Mexican border, is that until facilities for handling packages are much improved over what they are now relatives and friends of our boys over seas should send fewer packages and write more letters. There is nothing so comforting to the average soldier boy far away from home as a good cheerful letter from some loved one. Letters occupy little space and are readily handled, while great numbers of large packages clog the mails and help delay the letters.

A few words in regard to the more rapid delivery of mail in this country, which has been referred to a number of times here to-day. It is a well-known fact that the transmission and delivery of our domestic mail is provokingly slow. Business men often protest against it and complain of the loss they suffer on account of it. A short time ago I was talking with a man of very large business connections, whose annual postage bill runs into thousands of dollars. I referred to the desirability of 1-cent letter postage. He said that what business men want is not cheap postage, but quicker service. He explained how it would pay him to double his postage bill if by so doing he could have quicker service. Others have corroborated his views.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. TILSON. I yield to the gentleman from New York.

Mr. SNYDER. I do not like to be "butting into" this proposition, but I look upon this post-office business as a purely business proposition.

Mr. TILSON. I recognize the gentleman as a business man of large experience, so I shall be glad to have him state whether his views correspond with those I have just expressed.

Mr. SNYDER. They do, most fully; and I would like to ask the gentleman if he thinks this matter will be any better off by practicing so-called economy in the Post Office Department, thereby wronging to a certain extent the general business of the country?

Mr. TILSON. I should regard it as a national economic loss to do so.

Mr. SNYDER. It is an absolute fact to-day that there is scarcely a business man in the whole United States who is not complaining of the fact that it takes so long to get a letter from one point to another and an answer to the same. I am speaking practically the universal thought of the business men of the country when I state that it takes substantially double the time to-day to cover a given distance that it required a year ago in getting letters and packages back and forth.

Mr. TILSON. I have heard the experiences of a large number of business men and will say that they agree in effect with what the gentleman from New York has just stated. During the present year I have carefully noted the exact day and hour of the postmark on a number of letters and compared it with the time of actual delivery. I am sorry to say that the result of my investigation is not at all creditable to our great Postal Service. The trouble is not local or confined to any one place. It is general, I believe, though naturally not to the same degree on transcontinental and other long routes as on shorter distances, especially here in the East. Last spring my family were at Asheville, N. C., for a number of weeks. I was here. I noted the time required for letters to reach me from Asheville. It averaged nearly 36 hours, whereas the train schedule time is less than 16 hours. From New England points the record is worse, although the number of trains is very much greater. I have tabulated the time between postmark and delivery here on a considerable number of letters from Connecticut post offices all the way from Stamford to Hartford and find the time seldom as low as 24 hours, frequently as high as 48 hours, never taking into account letters that might have been delayed by Sundays or holidays. The train schedule time from Stamford to Washington is about seven hours, from New Haven eight hours, from Hartford nine hours. Naturally, a large portion of the letters tabulated are from New Haven, my home city, but my investigation has shown that the trouble is not local and certainly not confined to New Haven, for letters from other post offices show up just as bad or worse than those from New Haven.

Mr. SNYDER. I should like to break in just once more.

Mr. TILSON. I yield to the gentleman.

Mr. SNYDER. A letter mailed in my home city of Little Falls at 12 o'clock to-day should be on my desk here in Washington to-morrow morning. That was the rule the first two years that I was in this House. To-day a letter mailed at the same hour arrives in my office the second day in the morning, which I think must be conceded to be an absurd situation.

Mr. TILSON. In my judgment, there is no good reason for letters requiring from three to six times as long to come to Washington as is required for a passenger to make the same

trip. That there is great room for improvement in the Postal Service no one will attempt to deny. I do not attempt to point out where the trouble is, but would like to have you gentlemen of the committee who are experts in these matters try to find the trouble and the remedy for it. I do not know whether it is because we do not pay our clerks and carriers enough, or because we overwork and underpay our railway mail clerks, or because we have been confiscating the property of the stockholders of the railroads that carry the mail. All of these things should have your attention as possibly bearing upon the question. If you should succeed in finding the trouble or troubles and applying the proper remedy, you will deserve the gratitude of all, including both employee and patron of our great Postal Service.

One other matter in this connection. When the Post Office appropriation bill was pending at the last session of the Sixty-fourth Congress, I urged upon your consideration the matter of a much larger use of the aeroplane for carrying the mail. At that time I pointed out the possibilities in this direction and urged a serious beginning to develop them. War has made certainties out of some of these possibilities.

With the great development that has taken place since that time in the use of air craft, especially in such as the British Handley-Page and the Italian Caproni type, there has come the firm belief that in the future such machines will be used extensively for peaceful purposes. Many of these machines now carry more than a ton of burden. We should begin using them now for carrying first-class mail.

Mr. COX. I quite agree with the gentleman as to the use of aeroplanes, but does he think it is advisable now to ask the organizations which are manufacturing aeroplanes for war purposes to stop that, and to manufacture aeroplanes for the Post Office Department, when we are using every man we can get hold of and every piece of machinery we can get hold of to manufacture aeroplanes for military purposes?

Mr. TILSON. I think the use of a few machines for this purpose would not only not interfere with their construction and use for military purposes, but really would add a benefit by testing them in actual service and by training more fliers. That is my opinion about it.

Mr. COX. Where shall we get the machines?

Mr. TILSON. Of course, I do not believe the Government ought to interfere with the conduct of the war in order to do it.

Mr. COX. The gentleman understands that the Post Office Department started in upon this enthusiastically, but found that to carry it out would disrupt the organization now engaged in the manufacture of aeroplanes for the Army.

Mr. TILSON. I trust that at the earliest possible moment they will increase the use of these machines.

Mr. COX. They will as soon as they can get them.

Mr. TILSON. America invented the flying machine. Europe has developed it to a marvelous degree for war purposes. Let us be the first to use it for purposes of peace even in the midst of war. The use of a few machines for this purpose, instead of interfering with their construction and use for military purposes would help by trying them out in actual service. Then when peace comes we shall be ready, without delay or waste, to change many of our air machines, made for war use, into peaceful burden bearers and utilize them for the benefit of mankind.

Mr. MOON. I yield one minute to the gentleman from Indiana [Mr. Cox].

Mr. COX. Mr. Chairman, I want to ask unanimous consent to put in the RECORD a letter from Mr. Praeger, Second Assistant Postmaster General, in response to what the gentleman from Connecticut kindly said about the lack of mail getting to the soldiers in France. I think it is an extremely valuable document and one which every Member of the House should read. It ought to go in the RECORD. It contains no criticism, but states the facts and circumstances.

Mr. TILSON. The gentleman will understand that there was no criticism on my part.

Mr. COX. Yes; and I compliment the gentleman for not criticizing.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The letter is as follows:

POST OFFICE DEPARTMENT,
Washington, December 11, 1917.

Hon. W. E. COX,
House of Representatives.

MY DEAR MR. COX: Referring to your request for detailed information as to the delivery of mail to our troops in Europe and the factors entering into the causes for the delay to mail, I beg to say that there are now comparatively few complaints from troops that have become established at the front, but, as new troops go abroad, new complaints will always arise during the first few months of their location in France.

Mail for American troops stationed in England is transmitted by the Post Office Department to the Army post office, London, England, which gives the mail to the proper military authorities for delivery to the addressee.

Mail for Americans who may be serving in the English, the Canadian, or the French Army is dispatched as foreign mail to the postal service of the foreign Government with which such American is identified, and the delivery of such mail is effected by such Government.

Mail for members of the American Expeditionary Forces in France, including civilians and independent organizations attached to the American Expeditionary Forces, is handled by the United States Army postal service, which delivers the mail in bulk to the proper military mail authorities, who undertake the delivery of the letters, papers, or parcels to the individuals to whom they are addressed. All mail for the American Expeditionary Forces in France is made up in this country to companies and other units, and under military regulations is delivered to the postal authorities in France to the regular military mail orderlies or their agents, who, upon returning to the camps or stations of the troops, undertakes the delivery of this mail to the individuals to whom it is addressed, or, if they can not deliver it, undertake to have it sent to such other unit to which the addressees may have been transferred. Should an addressee not be known in the regiment, his letters are returned to the postal authorities, who endeavor to locate him at the general military headquarters. Should the addressee have been transferred to some other unit, the mail orderlies are under instructions to readdress his letters to the proper unit. Every effort is being made by the American authorities in France to effect, as promptly as war conditions admit, the delivery of mail for our troops.

It should be borne in mind that the Army postal service does not deliver the mail to the individual soldiers, but that this is done by the military machinery, which receives the mail in bulk at the various postal stations or the nearest railroad terminus as it is made up in this country and as it is received from the ships.

Delay in delivery of mail to the soldiers in Europe is due sometimes to individual delinquencies, as failure of the addressee to sufficiently or correctly address the letter, misthrowing of mail by individual clerks, or, again, failure on the part of the mail orderlies to make prompt dispatches to the individual soldiers or prompt transfer of the mail to some other command in the event the addressee has been transferred.

Some other delays are due to systems, methods, and policies, in which event the mail of a large number of soldiers is affected. Thus, when the many hundreds of officers first went to France all of their mail, apparently by direction, was addressed to the name of the officer and "American Expeditionary Forces." The War Department's mail to these officers was simply addressed "American Expeditionary Forces." The officers were assigned to special work in many towns and villages in France and it was impossible for some of them to receive their letters, which were accumulating at the headquarters in Paris for months, as their addresses could not be furnished to the postal authorities. Again, all units did not go to France—some were sent to England temporarily—but it was deemed inexpedient by the War Department to inform the Post Office Department, in answer to urgent requests, as to which units, regiments, etc., were in England, which were in France, and whether regiments for which mail was being received marked for the "American Expeditionary Forces" had gone abroad or were still in this country. This secrecy was considered by the War Department as a necessary military expediency, but it resulted in thousands of letters going to France for troops which were still in England, and vice versa. As a result of this caution on the part of the War Department to safeguard the troops, many soldiers were complaining that they were not receiving letters which they felt their relatives at home were writing to them. The reports of the large military terminal post office in New York show that all letter mail was made up to the companies or other units and was all dispatched each time a transport or commercial liner went abroad.

For obvious reasons it is not desirable to publish the volume of mail in each dispatch, but all the mail for which room could be found on the ships was dispatched with each outgoing vessel.

Complaints as to delay or failure to deliver letters, papers, or parcels arise in the main from the fact that persons communicating with our troops do not take into consideration that approximately 30 days are required from the time of mailing for a letter to reach the addressee, owing to the disturbed ocean traffic. By far the larger part of the mail is taken to France on the Army transports, which of necessity must give preference to men and supplies, and the movement of mail across the water consequently is very irregular. Again, the railroad transportation in France is strained to the utmost to meet military needs. Many persons who have complained to the Post Office Department have later advised that the mail is reaching the persons to whom it is addressed in a satisfactory manner. Their original complaints were due to not allowing sufficient time for their letters to get across and the answers to return.

Whenever complaint is received from an individual as to delay to his mail the United States postal agent in France is advised, and the military mail handlers are advised, and a watch is set for mail coming to the address of the person complaining. Undeliverable letters are printed in an advertised list, which is circulated in all the camps, and as a result of these measures a large amount of otherwise undeliverable mail has been readily disposed of.

The delivery of mail to some of the units, and especially to the unassigned officers, has been a very great problem, but it is expected that even this obstacle has now been overcome, inasmuch as during the early part of November a full Army card index system of all the soldiers in France and their location was being completed. Up to November 1, and before the card index referred to was available to the postal authorities in France, out of more than 2,000,000 letters all except 4,300 had been delivered, and out of approximately 300,000 pieces of parcel post there were only 71 pieces at the postal headquarters. It was stated by the post-office inspector who made the investigation that at that time without the aid of the Army's card index, these undelivered letters were being put into the hands of the addressees at the rate of more than 50 a day, and that upon the completion of the index he expected that every letter which could be delivered would be disposed of in a very short time.

The greatest cause of complaint affecting newly arrived soldiers in France is due to the fact that the public does not allow enough time for mail to go to France and to return. While it does not always take 30 days for a letter, from the time of mailing in the central part of the United States, to get to the boy at the farthermost camp, it is a safe average to allow, and it sometimes takes as long as 40 days. This is due to the irregular ocean movement, and it is sometimes necessary to wait weeks before a French liner goes out or a transport is found on

which room is available to carry mail. Sometimes transports cross the ocean with the rapidity of a liner, and again it will take weeks. On one occasion a ship started out of port with many thousands of letters, but for some reason it returned with the same mail eight days later, and after a few days in port resumed its journey across the water. There have been two instances of this kind and numerous minor delays. On one occasion, after waiting several days for a ship to go out, one of the vessels would take only 1,200 out of 2,800 sacks of mail, adding more than a week's delay additional to the other 1,600. I can say this, however, that all the mail placed on a ship is finally distributed to the companies and other small units, and that its delivery is made as promptly as it can be moved over the French railroads to the postal stations among the troops, where it is turned over in bulk, as it was made up in New York and received from the ship, to the mail orderlies of the various military organizations, who are charged with the responsibility by the Military Establishment of sorting this mail and delivering it to the individuals to whom it is addressed. The jurisdiction of the Post Office Department ends with the delivery in bulk of this mail to the military authorities, except as to such letters as are returned to the Postal Service by reason of change of unit of the addressee.

The general public not understanding these things is prone to rush into print or to Congress with its complaints, and, although word may be received from the addressee on the other side within a very short time after the complaint, the public does not rush back into print or to Congress with the voluntary information that the trouble has been corrected, and that the mail is now being promptly received. A number of considerate citizens, however, have been kind enough to advise the Post Office Department of the remedying of their complaints.

Let me give you a typical case: On September 6, 1917, I received a letter from the postmaster at Binghamton, N. Y., stating that a patron of his office had received a letter dated August 21 from the American field service, saying: "From what we understand and know by experience parcel post to France at the present time is very unsatisfactory as well as unsafe," and declaring that it is safer to send packages for the men of the field service to the American field service office in New York. The postmaster stated that his patron wanted to publish the letter in the newspapers against the Post Office Department, but was persuaded to take it up with the department itself instead of rushing into print. Practically at the same time the Post Office Department received a complaint from Mr. C. Henry Stinson, of Norristown, Pa., complaining of delay and supposed loss of parcels addressed to his son in the American field service at 21 Rue Raynouard, Paris. The matter was promptly investigated, and while the investigation was pending the department received a letter from Mr. Stinson containing this paragraph:

"I would say that my son, Robert Stinson, has received two packages of tobacco and one of candy at his last writing, October 3. Two of them were gotten at the Rue Raynouard by one of his friends, who went there and hunted through a large amount of mail matter that was lying there undelivered. Judging from what my son writes, the mail for the American field service is delivered by the post office authorities to the Rue Raynouard, but the field service have 'fallen down' in getting it to the individual addressee."

A week later Mr. Stinson again advised the department, "All letters to my son and all first-class matter has been received by him, comparatively speaking, with regularity." He also reported the receipt of additional parcels, which were found in the Paris headquarters of the American field service. This state of affairs was called to the attention of the American field service, from whom an appreciative letter was received for the information thus given them and the prompt action taken by the service to remedy the trouble in their headquarters in Paris, for which the Post Office Department was to be blamed and attacked by a gentleman in Binghamton, N. Y., who had a grievance, but not against the Postal Service.

Considering the enormous amount of letters, parcel-post packages, and newspapers that are going to France, with chance opportunity for transmission across the water, the inability thus far to obtain detailed information from the War Department as to the identity and location of the units in the countries in Europe, the constant change in location in France of the units themselves, the large number of unassigned officers and enlisted nonfighting units scattered over France, and the tremendous task which the Army has, requiring first consideration always to be given to the disposition of men and supplies, the Postal Service has unquestionably been very successful. Nobody appreciates this more than the American Army officers in command in Europe. In a report dated December 4, R. E. Cowart, who was sent by the Postmaster General to France to make a special investigation as to the efficiency of the service, says:

"I called upon Gen. Pershing, commanding general of the American forces in France, and he informed me that he thought the service upon a whole had been satisfactory. In a conversation that I had with Gen. Seibert, he said that he considered the Postal Service under the circumstances had been very successfully and efficiently administered. I also inquired often and conferred fully with many private soldiers in the American Expeditionary Forces as to the character of the mail service. A large majority of them expressed themselves as highly pleased with the service. A few of them complained of delays, but, as I stated above, these delays in the circumstances were inevitable. Our postal authorities can not be justly criticised for the delay that was caused by the arming of the steamers of the French line."

On the return to this country of the superintendent of foreign mails, under whose personal direction the Army postal service was established in France, Maj. Gen. Pershing addressed the following communication to the Postmaster General:

"Mr R. L. Maddox, United States Postal Service, inaugurated the United States Army postal service in France last June, and has conducted it very satisfactorily ever since.

"I take pleasure in commending him to you accordingly."

I have thus gone into detail on this subject because I know that from time to time, especially every time a new division lands in France, there will be complaints in the press and to Congress over delays to the mails. When you consider the conditions under which mail in a war-torn country and under actual war conditions is being delivered and the immense quantity of mail involved, I think you will agree with me that the complaints made represent but isolated cases and do not reflect the actual state of the service.

Sincerely yours,

OTTO PRAEGER,
Second Assistant Postmaster General.

Mr. STEENERSON. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Minnesota has but nine minutes remaining.

Mr. STEENERSON. But the gentleman from Tennessee agreed to yield me some time.

Mr. MOON. How much time does the gentleman want?

Mr. TOWNER. Six minutes will suffice.

Mr. MOON. I gladly yield to the gentleman six minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for 15 minutes.

Mr. TOWNER. Mr. Chairman, in the first session of the Sixty-fifth Congress the House Committee on Ways and Means reported the revenue bill to the House May 9, 1917. The Senate Finance Committee reported the bill to the Senate July 3. The House and Senate not agreeing, a conference committee was appointed, which reported October 1, and the bill became a law October 3.

During the long interval that ensued between the introduction of the bill and its final passage many changes were made, principally occasioned by the continually increasing requirements of the Government growing out of our preparations for war. The original estimates were about $1,800,000,000. As the bill was finally passed it provided for about $2,600,000,000.

Section 209, of Title II, being the war excess-profits tax title, was not in either the House or Senate bills. It was inserted by the conferees, and was first brought to the attention of the House and Senate in the conference report.

The section provides as follows:

SEC. 209. That in the case of a trade or business having no invested capital, or not more than a nominal capital, there shall be levied, assessed, collected, and paid, in addition to the taxes under existing law and under this act, in lieu of the tax imposed by section 201, a tax equivalent to 8 per cent of the net income of such trade or business in excess of the following deductions: In the case of a domestic corporation, $3,000 and in the case of a domestic partnership or a citizen or resident of the United States, $6,000; in the case of all other trades or business, no deduction.

The gentleman from North Carolina [Mr. KITCHIN], in explanation of the insertion of this section by the conferees, stated to the House that the excess-profits tax title, as passed by the House, only applied to corporations and partnerships. The Senate extended its provisions to include individuals, but exempted lawyers, doctors, and all professional men. The House conferees insisted that if the bill applied to individuals at all it should apply to the classes which the Senate had exempted as well. A compromise was agreed upon, by which the House view was adopted with a special exemption to all individuals of $6,000. As it was presented and understood it was an endeavor to place the lawyer, doctor, or other professional man on an equality with the farmer, the merchant, or the manufacturer who had capital invested in their business.

The provisions of the title which imposes the war excess-profits tax levies an imposition upon the profits of those engaged in trade and business computed upon the amount of such profits received during the taxable year over the "prewar period," which is specified as the years 1911, 1912, and 1913. It was especially designed to reach the excessive profits made by certain corporations on contracts for materials and supplies growing out of the war.

Certain exemptions were made. Among others, the following: "In the case of officers and employees under the United States, or any State, Territory, or the District of Columbia, or any local subdivision thereof, the compensation or fees received by them as such officers or employees," shall be exempt—section 201 (a).

This was done because, under the provisions of the title as it then stood, in order to determine what were war profits the percentage of the income to the invested capital had to be determined and a comparison made of the taxable year with the "prewar period." Such provisions, it is evident, were not applicable to an officer or employee who had no capital and no profits derived from trade or business. The exemption provision was predicated upon conditions which existed before section 209 was inserted, but was not intended to apply to the new taxes imposed by that inserted section.

The section was not considered by the House, because there was no opportunity to consider it. It was not debated, and except for the statement made by the chairman of the Ways and Means Committee it was not explained. It was not voted on as a separate proposition and no opportunity was given to either vote for it or against it. It is not likely, however, that the section would have been rejected if it had been considered, for it presented a new method of raising money and a new subject of taxation, and Congress was anxiously looking for both.

Some serious misstatements have been made throughout the country regarding the insertion of section 209 in the act. It has been stated that Congress inserted a section in the law exempt-

ing themselves from the income tax. It is charged that at the last minute Congress surreptitiously inserted a "joker," exempting themselves from the tax they were imposing on everyone else.

In the first place, it should be stated that Congressmen have no exemption on the income-tax title, except such as is given to every other person. They pay just as much income tax as anyone else. Section 209 was inserted not as an amendment to the income-tax title of the law but to the excess-profits tax title.

Mr. PLATT. Does not the gentleman think it is a great mistake to bring in a conference report on an important bill like that on a Saturday night and rush it through on Monday before anyone has a real chance to find out what it means, as was done in this case?

Mr. TOWNER. Certainly, and especially when it contains, as this did, new legislation.

Mr. PLATT. I recall asking a question——

Mr. TOWNER. I want to say further, in reply to the gentleman, if he will pardon me for a moment, that it was not so much the insistence of Congress as it was the insistence of the country that we should speedily pass that bill that pressed the bill to an immediate adoption. It had been so long delayed that the whole country was clamoring that we should pass it, and of course that had its influence upon Congress. I am not criticizing, especially I am not criticizing any of the members of the Committee on Ways and Means, because the conference committee of the House did everything it possibly could to expedite the passage of the bill through the House. Was there anything else the gentleman desired to suggest?

Mr. PLATT. I think that is all.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MADDEN. Is the gentleman prepared to say whether the 8 per cent tax on excess profits of individuals is the only tax they are called upon to pay, or are they, in addition to that 8 per cent, compelled to pay the supertax that other people are compelled to pay?

Mr. TOWNER. They are. There is no exemption whatever to a Congressman or to anyone in the income-tax title, which is Title 1 of the bill. We are compelled to pay all of the taxes that are imposed under the income-tax title, and the 8 per cent, of course, imposed in addition to the taxes that are otherwise imposed by the bill.

Section 209 is not an exemption provision. It is a provision imposing a tax, not exempting from one. If Congress "surreptitiously" inserted this "joker" they were adding a burden, not relieving from one.

It should be understood that the exemption provision of the title was in the act before section 209 was inserted. The exemption provision was properly applicable to the war excess-profits tax title before section 209 was inserted, because the provisions of the title as it then stood could not have been applied to salaries of an officer or employee. It follows that the exemption provision was not intended to apply to section 209. By the insertion of section 209 Congress created a new item in the war excess-profits tax title which will apply to salaries of Congressmen, unless such salaries are exempted under the provision which was not intended to apply to such a provision.

I shall endeavor to show that the exemption provision does not apply to section 209, and that the salaries of Congressmen are not exempt from the tax imposed by that section.

Section 200 of the revenue act provides that "the terms 'trade' and 'business' include professions and occupations." Undoubtedly a Congressman while so serving is engaged in an "occupation." His salary would therefore be within the imposition of section 206, unless exempt under the exemption provision contained in section 201, already quoted. That being true, the question resolves itself to this: Is a Congressman an officer or employee of the United States within the meaning of the provision of section 201, which exempts the compensation of officers or employees" from the operation of the war excess-profits tax title?

IS A CONGRESSMAN AN "OFFICER"?

It must, of course, be conceded that a member of any legislative body may be designated in general terms as an "officer." As the word is popularly understood, a Congressman would be considered as being an "officer" of the Government. He is a person commissioned or authorized to perform a particular public duty or to fill a particular public position, and that would bring him within the general and popular definition of the word.

But the Constitution of the United States has stated in explicit terms just who shall be considered as "officers" of the United States, and our Supreme Court has unequivocally decided in many cases that the constitutional and not the popular definition shall be held to be the true meaning of the word when used in statutes enacted by Congress.

Article 2, section 2 of the Constitution, is as follows:

The President shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of departments.

Under the Constitution the only persons who can be considered officers of the United States are those appointed by the President, the courts of law, or the heads of departments.

In other parts of the Constitution are provisions which clearly indicate that Senators and Representatives are not classed as officers.

Mr. FESS. Will the gentleman yield for one question?

Mr. TOWNER. Certainly.

Mr. FESS. Is it not true in the impeachment case of Senator Blount in 1796——

Mr. TOWNER. Yes; I shall presently refer to that case.

Mr. FESS. And it was decided he was not an officer and could not be impeached?

Mr. TOWNER. Surely.

Article 1, section 6, provides:

And no person holding any office under the United States shall be a Member of either House during his continuance in office.

In this provision it is apparent the word "officer" does not include Congressmen.

Article 2, section 1, provides:

But no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector.

Still more clearly in this provision are officers differentiated from Members of Congress, for Senators and Representatives are not considered as "holding an office."

Article 6, section 3, provides:

The Senators and Representatives before mentioned and the members of the several State legislatures and all executive and judicial officers, both of the United States and of the several States, shall be bound by an oath or affirmation to support this Constitution.

Here Senators and Representatives and officers of the United States are put into separate classes.

Article 2, section 4, provides:

The President, Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

The first case of impeachment ever presented by the House and tried by the Senate was the case of William Blount, a Senator from Tennessee, the case referred to by the gentleman from Ohio [Mr. FESS]. He was impeached for high crimes and misdemeanors by the House in 1797. As a defense Blount alleged that a Senator was not an officer of the United States, within the meaning of the Constitution, and hence not liable to impeachment. The proposition was elaborately argued and the Senate decided that it had no jurisdiction under the Constitution to impeach a Senator of the United States. This view has held ever since, and it is not now contended that a Senator or a Representative in Congress is subject to impeachment. That is a determination explicit and conclusive, that a Congressman is not an officer within the meaning of the Constitution.

This view was held by the authors of the Federalist. See the Federalist, No. 66.

The question whether a Member of Congress was subject to impeachment was a subject of discussion in the debates in the State conventions called to consider ratifying the Constitution, and it was admitted by the friends of the Constitution that Members of Congress were not liable to impeachment. (3 Elliot's Debates, 43 et seq.)

This view is also sustained by Story in his commentaries on the Constitution (vol. 1, secs. 791–795). A Member of either House may be removed, but he can not be impeached. And yet if Senators and Representatives are "civil officers of the United States" they are subject to impeachment under the explicit declaration of the Constitution. The only ground upon which it can be contended that Congressmen are not subject to impeachment is that they are not "officers of the United States."

The Supreme Court interpreting statutes of the United States has many times held that no one could be considered an officer of the United States unless appointed by the President, a court of law, or the head of a department.

Mr. MADDEN. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. MADDEN. So, under the construction of section 209 by the gentleman from Iowa a Member of Congress would be called

upon not only to pay the normal tax and a supertax, if he had sufficient income, but on all of his salary in excess of $6,000 he would be obliged to pay 8 per cent tax?

Mr. TOWNER. That is exactly the case.

SUPREME COURT INTERPRETATION.

In United States v. Germaine (99 U. S., 508) a surgeon, appointed by the Commissioner of Pensions, was indicted for extortion in taking fees under a provision of law which defined the crime as follows:

> Every officer of the United States who is guilty of extortion under color of his office shall be punished by a fine of not more than $500 or by imprisonment not more than one year, according to the aggravation of his offense. (Act of 1825, 4 Stat. L., 115.)

To this indictment the Supreme Court sustained a demurrer and discharged the defendant, holding that as he had not been appointed either by the President, a court of law, or the head of a department he was not an "officer" within the meaning of the statute.

In the opinion rendered by Mr. Justice Miller it was stated:

> The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate; but, foreseeing that when officers became numerous and sudden removals necessary, this mode might be inconvenient, it was provided that in regard to officers inferior to those specially mentioned Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt. This Constitution is the supreme law of the land, and no act of Congress is of any validity which does not rest on authority conferred by that instrument. It is therefore not to be supposed that Congress, when enacting a criminal law for the punishment of officers of the United States intended to punish anyone not appointed in one of those modes. If the punishment was designed for others than officers as defined by the Constitution, words to that effect would be used, as servant, agent, person in the service or employment of the Government, and this has been done where it was so intended, as in the sixteenth section of the act of 1846 concerning embezzlement by which any officer or agent of the United States, and all persons participating in the act, are made liable. (9 Stat. L., 59.)

In United States v. Smith (124 U. S., 525) an indictment was returned against a clerk of a collector of customs for the unlawful conversion of public money, under a statute which punished "every officer or other person charged by any act of Congress with the safe-keeping of public money." It was held that the clerk was not an "officer" and was not charged by any act of Congress "with the safe-keeping of public money."

In delivering the opinion of the court, Mr. Justice Field said:

> A clerk of the collector is not an officer of the United States within the provision of this section, and it is only to persons of that rank that the term public officer, as there used, applies. An officer of the United States can only be appointed by the President and with the advice and consent of the Senate, or by a court of law, or the head of a department.

It may be of interest to add that Thomas B. Reed appeared for the defendant in the first case cited and Elihu Root in the second case.

This rule has been adopted in the Federal courts without exception.

Thus in United States v. Cole (130 Fed., 614) it was held that a cashier of the mint was not an officer of the United States.

In United States v. Haas (167 Fed., 211) it was held that a clerk in a Government office not appointed by the head of the department was not an officer.

In United States v. Schlierholz (137 Fed., 616) it was held that a special agent of the Land Department was not an officer.

It has also been held that mail carriers, railway postal clerks, and rural carriers were not officers. (3 Words and Phrases, p. 717.)

The same rule of interpretation has been followed by the State courts.

In re Doe's Estate (151 Wis., 136) it was held that the governor of the National Home for Disabled Volunteer Soldiers, a Government institution and supported by Government appropriations, was not an officer of the United States.

In Hand v. Cook (29 Nev., 518) it was held that a Government mineral inspector was not an officer.

In all these cases it is important to observe that the rulings are based upon the fact that legally there are no officers of the United States except those that are authorized by the Constitution; that none are such officers unless appointed by the President, by the courts of law, or by the heads of departments.

EXCEPTIONS.

It may fairly be claimed that such is the rule. Our Supreme Court, however, has held that the same word used more than once in the Constitution may have different meanings. It has also held that a word used in a statute may not have the same signification as it had in the Constitution. Just as far as possible and without doing violence to the language used the intent of the legislature is to be made effective. Statutes are to be construed to give effect to the presumed and reasonably probable intention of the legislature. (Webster v. Cooper, 14 How. (U. S.), 488.)

Even the word "officer," whose meaning would appear so clearly to be limited to its constitutional definition as interpreted by the decisions of the Supreme Court in the cases referred to, in some exceptional cases has been given its general and popular meaning. In these cases the language of the statute is such as to warrant or even require such interpretation in order to effectuate the purpose of the lawmakers.

Thus in section 5500, Revised Statutes, there is a provision punishing Congressmen for bribery, and section 5502 affixes as part of the punishment forfeiture of his "office or place." In this case it is evident the word "office" could refer only to that of Congressmen, and yet, to make sure that it would reach the persons intended, the position is also referred to as "place."

In the test-oath act of July 2, 1862, since repealed, it was provided that every person "elected or appointed to any office of honor or profit under the Government of the United States" should take the prescribed oath. It was held this required Congressmen to take the oath, and this was done as long as the law remained in force. In this case, however, it was also provided that a record of the oath should be preserved "among the files of the court, House of Congress, or department." It was rightly concluded that this was a clear indication that the intent was to include Congressmen.

In the recently decided Lamar cases the question arose as to whether impersonating a Congressman was a crime within the meaning of the statute.

It will be remembered that Lamar was tried and convicted in the United States District Court for the Southern District of New York upon an indictment charging him with having "falsely pretended to be an officer of the Government of the United States, to wit, a Member of the House of Representatives; that is to say, A. Mitchell Palmer, a Member of Congress, with intent to defraud J. P. Morgan & Co. and the United States Steel Corporation."

The case was first taken to the Supreme Court of the United States on writ of error sued out directly from that court on the ground that the district court had no jurisdiction. This was claimed for the reason that the interpretation of the Constitution was involved in the decision that a Congressman is an officer of the United States. That contention was not sustained. Mr. Justice Holmes in the opinion said:

> As to the construction of the Constitution being involved, it obviously is not. The question is in what sense the word "officer" is used in the Criminal Code of March 4, 1909, chapter 321, section 32. The same words may have different meanings in different parts of the same act, and of course words may be used in a statute in a different sense in which they are used in the Constitution.

On motion the writ of error was dismissed. (Lamar v. United States, 240 U. S., 60.)

Subsequently on a writ of error sued out from the court below the Supreme Court considered the case on its merits on the errors assigned.

Referring to the contention that a Member of the House of Representatives was not an officer within the meaning of the Constitution, Mr. Chief Justice White, delivering the opinion, said:

> The issue here is not a constitutional one, but who is an officer acting under the authority of the United States within the provisions of the penal code under consideration.

The section of the penal code charged to have been violated punishes anyone who "with intent to defraud either the United States or any person shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any department, or any officer of the Government thereof."

It will be noticed that the language of the statute is much broader than simply whether a Congressman is an officer of the United States, the penalty attaches to anyone who falsely assumed to be any kind of an officer claiming to act under the authority of the United States. It would apply to anyone who falsely claimed to be acting as an officer, whether there was any such office or not.

So interpreting the statute, Mr. Chief Justice White, rendering the opinion, said:

> We are clearly of the opinion that such Members are embraced by the comprehensive terms of the statute. (Lamar v. United States, 241 U. S., 103.)

What is further stated by the Chief Justice about the fact that, as generally understood, a Congressman would be con-

sidered an officer is certainly justified. The inquiry in every case must be whether the constitutional or the popular sense was intended by the language used. It is not going too far to claim that unless the language used contravenes such intent, the presumption is that a statute which is enacted under authority of the Constitution shall be interpreted according to the terms of the Constitution, and that unless such intent is negatived by the terms of the statute itself, such will be presumed to be its meaning.

Two cases may with profit be considered as clearly showing the line of distinction and as emphasizing the rule that when the language of the statute is not qualified by provisions which indicate a contrary intent the constitutional interpretation should prevail.

In United States v. Mouat (124 U. S., 303), Mouat, a paymaster's clerk in the Navy, brought suit in the Court of Claims and recovered for compensation for traveling expenses, under an act of Congress providing for such payment to officers of the Government. It was for a long time the practice to allow a specific amount per mile, regardless of the amount actually expended. Later it was enacted that "all allowances for mileage and transportation in excess of the amount actually paid are hereby declared illegal." Two years later a law was passed which gave officers of the Navy Department 8 cents per mile for traveling expenses in lieu of their actual expenses. It was under this statute that the claim arose.

On appeal the Supreme Court of the United States reversed the decision of the Court of Claims allowing the claim on the ground that as this was "a special statute, exempting for particular reasons a certain class of persons from the operation of a general law, it is obviously proper to confine that class to those who are, properly speaking, officers of the Navy."

It was held that as a paymaster's clerk was appointed neither by the President, a court of law, nor the head of a department, he was not an officer of the United States.

Summing up the arguments, the court said:

> From all this it is clear that neither by the regulations nor by the statutes nor by any constitutional provision is the present claimant an officer of the Navy. Undoubtedly Congress may have used the word "officer" in some other connection in a more popular sense, as will be shown in the case of United States v. Hendee, immediately following this, in which case it will be the duty of the court in construing such an act of Congress to ascertain its true meaning and be governed accordingly.

In the Hendee case (124 U. S., 309), referred to above, the question arose as to the amount of the salary of a paymaster's clerk. This time the claim was made under a statute which provided:

> All officers of the Navy shall be credited with the actual time they may have served as officers or enlisted men in the Regular or Volunteer Army or Navy, or both, and shall receive all the benefits of such actual service in all respects in the same manner as if all said service had been continuous and in the Regular Navy in the lowest grade having graduated pay held by such officer since last entering the service.

In sustaining the judgment of the Court of Claims in the allowance, the Supreme Court said:

> We think the words "officers or enlisted men in the Regular or Volunteer Army or Navy, or both," were intended to include all men regularly in service in the Army or Navy, and that the expression "officers or enlisted men" is not to be construed distributively as requiring that a person should be an enlisted man or an officer nominated and appointed by the President or the head of a department, but that it meant to include all men in service, either by enlistment or regular appointment, in the Army or Navy. We are of opinion that the word "officer" is used in the statute in the more general sense which would include a paymaster's clerk; that was the intention of Congress in its enactment, and that the collocation of the words means this, especially, when it is added that they shall receive all the benefits of such actual service in all respects and in the same manner as if said service had been continuous and in the Regular Navy.

Applying the rule of these cases to the present case, as it is shown not only that the word "officer" used in a statute enacted by Congress does not in all cases include Congressmen, but that unless a contrary intent is affirmatively shown it does not in any case include Congressmen, it will not be presumed that Congress sanctioned an evasion of or escape from liabilities, the creation of which is imposed in general terms by the provisions of section 206.

In the Hendee case, supra, the Supreme Court found that it was clearly the intent of Congress to have the word "officer" include all men regularly in the service. In this case the statute interpreted created a benefit, and did not, as in the Mouat case, create an exception.

RULES OF CONSTRUCTION.

It is a familiar rule for the interpretation of statutes that when an exemption is claimed from the operation of a general provision the language of the exemption must be strictly construed as against the person claiming it.

In the present case if Congressmen should claim exemption from the general provisions of section 209 under the exemption clause of section 201, the provisions of the exemption clause should be strictly construed against such claim. If the word "officer" is susceptible of two constructions, one of which would support and the other deny the exemption, that construction which would deny the exemption should be adopted. In the Mouat case, supra, the Supreme Court said that when one claimed an exemption under "a special statute exempting for particular reasons a certain class of persons from the operations of a general law * * * it is obviously proper to confine the class to those who are properly speaking officers of the Navy." In the present case if any Congressman should claim an exemption from the operation of the general law imposing a tax, it would be proper to interpose the objection that the exemption should be confined to those who are properly and constitutionally officers of the Government.

In Broughton v. Pensacola (93 U. S., 266) it was held that where legislation is susceptible of another construction it will not be presumed that the Government has sanctioned an evasion of or escape from liabilities the creation of which is authorized by the statute. In the present instance it will not be presumed that Congress sanctioned an evasion of or escape from liabilities which are generally imposed by the statute unless such intent is clearly indicated by the language used.

In all the cases where the general and not the constitutional meaning of the word "officer" was given, the intent to use the word in its popular sense was found by the court.

In the present instance it certainly can not be claimed that Congress by enacting the exemption intended to exempt Congressmen from the operation of section 209. When the exemption provision was provided there was no section 209 in existence; neither was there any provision of the title that would in any way affect Congressmen or their salaries. The exemption was intended to apply to conditions which made the exemption proper if not necessary. It could not therefore have been intended to apply to section 209.

If no intent can be implied from the circumstances of its enactment or from the other terms of the statute, or necessarily from the language used, then the exemption provision does not apply to Congressmen and they can not claim to be excepted from the imposition of the tax.

AS TO EMPLOYEES.

It is hardly necessary to argue that a Senator or Representative of the Congress of the United States is not an employee within the meaning of that word as used in the statute.

An employee as defined in the Century Dictionary is "One who works for an employer; a person working for salary or wages; applied to anyone so working, but usually only to clerks, workmen, laborers, etc., and but rarely to the higher officers of a corporation or government."

This definition has been substantially adopted by both Federal and State courts. (State v. Craig, 69 Ohio, 236; Atlantic Railway v. Beasley, 54 Fla., 311; In re Courtland Manufacturing Co., 45 N. Y. Supp., 630; Coddy v. Transit Co., 110 N. Y. Supp.; Palmer v. Vantwood, 158 N. Y., 612; United States v. Schlierholz, 137 Fed., 616.)

In case of doubt it is at least questionable whether a Congressman ought to claim an exemption such as the one we are considering, but this is more than a doubtful case; the weight of authority and the stronger reason is against the exemption. I have called the attention of the commissioner and the advisory board to the matter, and it is to be hoped the department will hold against the exemption. If it does and any Congressman believes he can support a claim of exemption, he can go to the courts and present it.

If it does not so hold, then the appeal should be to the conscience and sense of honor of each individual Senator and Representative.

I have gone into the matter involved with perhaps undue particularity, because, first, I desire to clear Senators and Representatives from any possible imputation of dishonor or cupidity; and, second, because I am clearly of the opinion that, legally, a claim of exemption on the part of Congressmen can not be sustained.

At least some of us have felt deeply pained that at this time a charge that Congress deliberately exempted its Members from the operation of a general tax should be made, for it would be indeed unfortunate if the people of the country should be led to believe their Representatives were trying to escape their share of the burdens of this war. It has been a source of pride to us that we have been able to bring a greater unanimity to the support of the administration in

also held that a word used in a statute may not have the same signification as it had in the Constitution. Just as far as pos-

What is further stated by the Chief Justice about the fact that, as generally understood, a Congressman would be con-

its prosecution of the war than is given by any other legislative body of any other nation engaged in the war and a more generous and whole-hearted support than has ever before been given any other administration in the prosecution of any other war in our own country. If what I have said shall assist to explain the situation and in any measure relieve the Congress of the United States from the imputation of dishonor or self-interest which has been made in the charge referred to, I shall be satisfied. [Applause.]

The CHAIRMAN. The gentleman from Tennessee has 10 minutes remaining.

Mr. MOON. I will ask the Clerk to read the bill.

The Clerk read as follows:

OFFICE OF THE POSTMASTER GENERAL.

For gas, electric power and light, and the repair of machinery, United States Post Office Department equipment shops buildings, $4,500.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, and had come to no resolution thereon.

CONTESTED-ELECTION CASE—WICKERSHAM V. SULZER (H. DOC. NO. 561).

The SPEAKER laid before the House the following communication from the Clerk of the House, which, together with the case, was referred to Election Committee No. 1:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., December 11, 1917.

The SPEAKER,
House of Representatives.

SIR: I have the honor to lay before the House of Representatives the contest for a seat in the House of Representatives for the Sixty-fifth Congress of the United States for the district of Alaska, James Wickersham v. Charles A. Sulzer, notice of which has been filed in the office of the Clerk of the House, and also transmit herewith original testimony, papers, and documents relating thereto.

The Clerk has opened and printed the testimony in the above case. In compliance with the act approved March 2, 1897, entitled "An act relating to contested election cases," such portion of the testimony in the above case as the parties in interest agreed upon or as seemed proper to the Clerk, after giving the requisite notice, have been printed and indexed, together with the notices of the contest and the answer thereto, and such portions of the testimony as were not printed with the original papers have been sealed up and are ready to be laid before the Committee on Elections.

Two copies of the printed testimony in the aforesaid case have been mailed the contestant and the same number to the contestee. The law in reference to the briefs of both the contestant and contestee has been complied with as far as possible upon receipt by the Clerk of said briefs.

So far as the briefs have been furnished to the Clerk, they are ready to be laid before the Committee on Elections upon the order of the House, together with a tabulated statement which has been prepared by the Clerk, showing the number of pages of testimony and the present status of said contested-election case, and all papers in connection therewith.

Yours, respectfully,
SOUTH TRIMBLE,
Clerk of the House of Representatives.

VOTE ON WAR RESOLUTION.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement of my colleague Mr. NOLAN, who was not in the House to vote on the war resolution, but who was engaged in one of the departments at the time. Mr. NOLAN is unavoidably absent from the city.

The SPEAKER. Without objection, it is so ordered.

The following is the statement referred to:

HOUSE OF REPRESENTATIVES,
Washington, D. C.

Mr. SPEAKER: I take this opportunity of explaining my absence and failure to vote on the resolution declaring war with Austria-Hungary passed by the House on Friday, December 7.

I was in the House up to 2.40 p. m. and notified the Republican cloak room to call me at the labor adjustment board, connected with the United States Shipping Board. From failure of the operator at the United States Shipping Board to properly notify me I lost my opportunity to vote upon this important measure, and were I present I would have voted for the resolution.

The work that I was engaged upon was very important, serving on a committee with the representatives of the United States Navy, the Emergency Fleet Corporation, and the representatives of the different national and international unions engaged in the metal-trades industry, working out the solution of the difficult war problem in the shipyards along the entire Pacific coast, as well as working out some plan whereby strikes and lockouts will be eliminated in the future, and providing a plan insuring industrial peace for the duration of the war, thereby assuring the continuity of production of ships for both the Shipping Board and the United States Navy.

I am happy to say that after several days of uninterrupted conference a happy medium was struck and a basis laid to avoid all future controversy.

This is the important work that I was engaged upon, otherwise I would have been in the House an enthusiastic supporter of the resolution reported by the Foreign Affairs Committee.

JOHN I. NOLAN.

THE PHILIPPINES (S. DOC. NO. 130).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on Insular Affairs and ordered printed:

To the Senate and House of Representatives:

As required by section 21 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith, for the information of the Congress, the report of the Governor General of the Philippine Islands for the fiscal year ended December 31, 1916, together with the reports of the governor of the Department of Mindanao and Sulu and the executive secretary of the Philippine Government.

WOODROW WILSON.

THE WHITE HOUSE, *10 December, 1917.*

PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States (S. Doc. No. 129), which was referred to the Committee on Insular Affairs and ordered printed.

To the Senate and House of Representatives:

As required by section 12 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith, for the information of the Congress, the report of the governor of Porto Rico for the fiscal year ended June 30, 1917, together with the reports of the heads of the several executive departments of the Porto Rican government for the same period.

WOODROW WILSON.

THE WHITE HOUSE, *10 December, 1917.*

The SPEAKER also laid before the House the following message from the President of the United States (S. Doc. No. 128), which was referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900 (31 Stat., 83), entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico up to the time such functions of the Executive Council were superseded by the Public Service Commission provided for by section 38 of the act of March 2, 1917 (39 Stat., 951, 964), entitled "An act to provide a civil government for Porto Rico, and for other purposes." The copies of the franchises inclosed are described in the accompanying letter from the Secretary of War in transmitting them to me.

WOODROW WILSON.

THE WHITE HOUSE, *10 December, 1917.*

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2334. An act to authorize absence by homestead settlers and entrymen, and for other purposes.

LEAVE OF ABSENCE.

Mr. YOUNG of Texas, by unanimous consent, was granted leave of absence for one week on account of illness.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Wednesday, December 12, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting reports showing the number of typewriting and other machines exchanged as part payment by the War Department during the fiscal year 1917 (H. Doc. No. 538); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a statement of expenditures under said act, as far as such expenditures have been submitted to the department, up to December 1, 1917 (H. Doc. No. 539); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

3. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the United States Army, together with copies of reports from Col. F. V. Abbot, Corps of Engineers, with map on preliminary examination and survey, respectively, of Sheepshead Bay, N. Y. (H. Doc. No. 540); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

4. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the United States Army, together with copy of a report from Col. William T. Rossell, Corps of Engineers; also copy of a report from Brig. Gen. William T. Rossell, United States Army, retired, with map, on a preliminary examination and survey of Rahway River, N. J. (H. Doc. No. 541); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbor at Clason Point, N. Y. (H. Doc. No. 542); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the president of the United States Civil Service Commission, transmitting a statement showing the typewriters, adding machines, and other similar labor-saving devices exchanged in part payment for new machines during the fiscal year 1917 (H. Doc. No. 543); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Navy, transmitting tentative draft of a provision to authorize the President to drop from the rolls of the Navy or Marine Corps any officer thereof who is absent from duty for three months without leave (H. Doc. No. 544); to the Committee on Naval Affairs and ordered to be printed.

8. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to amend section 1570 of the Revised Statutes of the United States (H. Doc. No. 545); to the Committee on Naval Affairs and ordered to be printed.

9. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to provide for the disposition of the effects of deceased persons in the naval service (H. Doc. No. 546); to the Committee on Naval Affairs and ordered to be printed.

10. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916 (H. Doc. No. 547); to the Committee on Naval Affairs and ordered to be printed.

11. A letter from the Secretary of the Navy transmitting a tentative draft of a bill to authorize additional pay for enlisted men detained beyond the expiration of their terms of enlistment (H. Doc. No. 548); to the Committee on Naval Affairs and ordered to be printed.

12. A letter from the Secretary of Commerce, transmitting reports of expenditures by the several bureaus and divisions of the Department of Commerce for the fiscal year ended June 30, 1917 (H. Doc. No. 549); to the Committee on Expenditures in the Department of Commerce and ordered to be printed.

13. A letter from the superintendent of the State, War, and Navy Department Building, transmitting report concerning purchase of typewriters and other labor-saving devices (H. Doc. No. 550); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with copy of a report from Lieut. Col. (now Col.) Thomas H. Rees, Corps of Engineers, and copy of a report from Col. W. H. Honer, United States Army, retired, with map on a preliminary examination and survey of Redwood City Harbor, Cal. (H. Doc. No. 551); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

15. A letter from the Secretary of the Navy, transmitting draft of proposed bill for the relief of Brig. Gen. Littleton W. T. Waller (H. Doc. No. 552); to the Committee on Claims and ordered to be printed.

16. A letter from the Secretary of the Navy, transmitting statement showing the number and designation of persons employed under the appropriation for additional temporary employees, Navy Department, and the annual rate of compensation paid to each (H. Doc. No. 553); to the Committee on Appropriations and ordered to be printed.

17. A letter from the superintendent of the State, War, and Navy Department Building, transmitting detailed report showing the number of persons, the grades or character of position, the original rates of compensation, and the increased rates of compensation for the employees of the office of the superintendent of the State, War, and Navy Building (H. Doc. No. 554); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Secretary of the Treasury, transmitting the report of the Surgeon General of the Public Health Service for the fiscal year 1917 (H. Doc. No. 615); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

19. A letter from the Assistant Secretary of War, transmitting a report of the publications received and distributed by the War Department during the fiscal year ended June 30, 1917 (H. Doc. No. 555); to the Committee on Printing and ordered to be printed.

20. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting a supplemental estimate of appropriation for the fiscal year 1918, to cover the purchase and installation of new cables for the elevator at the Washington Monument (H. Doc. No. 556); to the Committee on Appropriations and ordered to be printed.

21. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting a supplemental estimate of appropriation required by the Post Office Department for the fiscal year 1918 for expenses of postal censorship of the mails (H. Doc. No. 557); to the Committee on Appropriations and ordered to be printed.

22. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting supplemental estimate of appropriations for the Postal Service, payable from the postal revenues, for the fiscal year 1918 (H. Doc. No. 558); to the Committee on Appropriations and ordered to be printed.

23. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Commerce of list of claims which have been considered, adjusted, and determined to be due claimants by the Commissioner of Lighthouses on account of damages caused by collisions for which the vessels of the Lighthouse Service have been found responsible (H. Doc. No. 559); to the Committee on Appropriations and ordered to be printed.

24. A letter from the Secretary of the Treasury, transmitting statement of the proceeds of all sales of old material, condemned stores, supplies, and other public property for the fiscal year ended June 30, 1917, deposited and covered into the Treasury as miscellaneous receipts (H. Doc. No. 560); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 3232) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, reported the same with amendment, accompanied by a report (No. 206), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (H. R. 6967) to increase the number of midshipmen at the United States Naval Academy, reported the same without amendment, accompanied by a report (No. 209), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 6975) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes, reported the same without amendment, accompanied by a report (No. 208), which said bill and report were referred to the House Calendar.

Mr. MORGAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 5558) to amend section 101 of the Judicial Code, reported the same without amendment, accompanied by a report (No. 207), which said bill and report were referred to the House Calendar.

Mr. STEELE, from the Committee on the Judiciary, to which was referred the bill (H. R. 294) to provide for the appointment of an additional judge of the district court of the United States for the eastern district of Missouri, reported the same with amendment, accompanied by a report (No. 210), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4573) granting a pension to Otto Henkle; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6910) granting an increase of pension to Mary Cavanagh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6929) granting an increase of pension to Laura G. Hight; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6930) granting an increase of pension to Martha Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6931) granting an increase of pension to Susan E. Bell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7163) granting a pension to Freda Burow; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHERWOOD: A bill (H. R. 7323) for the relief of transportation on the Great Lakes and connecting waterways; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 7324) to pay the several sums of money found due certain navy-yard employees by the Court of Claims; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 7325) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 7326) to authorize the President to drop from the rolls of the Navy or Marine Corps any officer thereof who is absent from duty without leave for three months or more, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 7327) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; to the Committee on Naval Affairs.

Also, a bill (H. R. 7328) to amend section 1570 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

Also, a bill (H. R. 7329) to provide for the disposition of the effects of deceased persons in the naval service; to the Committee on Naval Affairs.

By Mr. FESS: A bill (H. R. 7330) to create a national university at the seat of the Federal Government; to the Committee on Education.

By Mr. WATKINS: A bill (H. R. 7331) to appropriate $30,000 to remove logs from Sabine River and condemn and expropriate them; to the Committee on Rivers and Harbors.

By Mr. PARK: A bill (H. R. 7332) to appropriate $50,000 for the further improvement of Flint River, Ga., with a view of continuing improvement thereof; to the Committee on Rivers and Harbors.

By Mr. FULLER of Illinois: A bill (H. R. 7333) providing for the purchase of a site and the erection thereon of a public building at Peru, in the State of Illinois; to the Committee on Public Buildings and Grounds.

By Mr. HULBERT (by request): A bill (H. R. 7334) making an appropriation for making demonstrative test of a new patented form of railroad construction and equipment; to the Committee on Appropriations.

By Mr. AYRES: A bill (H. R. 7335) providing a pension at the rate of $30 per month for certain soldiers and sailors of the Civil War, and at a rate of $40 and a further rate of $50 per month according to age; to the Committee on Invalid Pensions.

By Mr. HULBERT (by request): A bill (H. R. 7336) to amend an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913; to the Committee on Ways and Means.

By Mr. DYER: A bill (H. R. 7337) to amend section 37 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

Also, a bill (H. R. 7338) to reduce the tax on oleomargarine; to the Committee on Agriculture.

By Mr. HULL of Tennessee: A bill (H. R. 7339) to adopt the project and plan of improving the Cumberland River above Nashville, in Tennessee and Kentucky, as recommended by the Department of Engineers in the report made on February 4, 1914; and to authorize the Secretary of War to commence, continue, and complete the locking and damming of said river from Lock No. 7 to Lock No. 21 in accordance with said plan recommended by the Department of Engineers; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7340) for removing obstructions, etc., from Obed River; to the Committee on Rivers and Harbors.

By Mr. WATKINS: A bill (H. R. 7341) to provide for a site and public building at Mansfield, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7342) to establish and maintain a fish-hatching and fish-culture station in the State of Louisiana; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 7343) regulating the method of keeping mortality statistics by the Census Bureau, and providing for tabulating and rating separately white and colored people, and requiring that the mortality rates of cities be based upon deaths of those residing in the city, and nonresident deaths or deaths of transients be tabulated separately; to the Committee on the Census.

By Mr. SULZER: A bill (H. R. 7344) to regulate the killing and sale of certain game animals in northern Alaska during the existing state of war, and for other purposes; to the Committee on the Territories.

By Mr. WATKINS: A bill (H. R. 7345) to provide for an increase in the compensation of rural free delivery carriers; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: A bill (H. R. 7346) continuing until June 30, 1918, the appropriation of $100,000,000 for the national security and defense; to the Committee on Appropriations.

By Mr. WATKINS: A bill (H. R. 7347) providing for an increase in salary of the United States marshal for the western district of Louisiana; to the Committee on the Judiciary.

By Mr. HOOD: A bill (H. R. 7348) to provide for the retirement of officers and employees in the Bureau of Lighthouses and the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7349) to regulate the salaries of keepers of lighthouses; to the Committee on Interstate and Foreign Commerce.

By Mr. FOCHT: A bill (H. R. 7350) granting annuities to all native or naturalized American citizens 65 years of age and over who have been residents of the country for 20 years and whose income is less than $300 per year; to the Committee on the Judiciary.

Also, a bill (H. R. 7351) extending the benefits of the general pension laws to the members of the Eighth, Twentieth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, and Thirty-third Regiments, the several batteries of Artillery, the several troops of Cavalry, and the several independent companies which comprised the Pennsylvania Volunteer Militia, otherwise known as the "Emergency Men," who were called into service by the President of the United States of America, officered by United States officers, and sworn into the service of the United States for an indefinite period the same as if they had been in the service of the United States for a period of 90 days or more; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7352) to provide pensions for all soldiers and marines of the Civil War, the Spanish-American War, and the Mexican War, who now receive pensions, at a minimum rate of $50 per month; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 7353) to employ convict labor for the production of war supplies and to authorize their purchase by the Federal Government; to regulate the compensation and hours of labor and fix standards; to prohibit the purchase of war supplies manufactured by convicts under private contract; to limit the effect of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory; and to equip the United States penitentiaries at Atlanta, Ga.; Leavenworth, Kans.; and McNeill Island, Wash., and the United States Army prison and disciplinary barracks, and the United States naval prison for the manufacture of supplies for the use of the Government, for the compensation of the prisoners for their labor, and for other purposes; to the Committee on Labor.

By Mr. NEELY: A bill (H. R. 7354) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912, and for other purposes; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 7355) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 7356) providing for increase pay for all civilian employees of the United States and of the District of Columbia; to the Committee on Appropriations.

By Mr. WALSH: A bill (H. R. 7357) to provide for the establishment of a fog signal on the East Breakwater, Nantucket Harbor, Mass.; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 7358) amending the act of June 9, 1916, and granting a preference right to make homestead entry to all persons enlisted in the military or naval service of the United States; to the Committee on the Public Lands.

By Mr. SCHALL: A bill (H. R. 7359) to authorize James D. Markham and Chauncey A. Kelsey and others to construct a dam across the St. Croix River between Minnesota and Wisconsin; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Illinois: A bill (H. R. 7360) to prohibit the killing, trapping, netting, ensnaring, hunting, having in possession, and sale of certain wild birds in the District of Columbia; to the Committee on the District of Columbia.

By Mr. KING: A bill (H. R. 7361) for the erection of a public building at Galva, Ill., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. GREGG: A bill (H. R. 7362) to authorize construction of a lock and dam in Old River, in the State of Texas, and the making of improvements enabling the passage of fresh water from a portion of Trinity River above the mouth of Old River into Old River above such lock and dam, and for the protection of rice crops against salt water; to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: A bill (H. R. 7363) for the protection of lands and property in the Palo Verde Valley, Cal., and for other purposes; to the Committee on Appropriations.

By Mr. GARLAND: A bill (H. R. 7364) incorporating the Supreme Lodge of the World, Loyal Order of Moose; to the Committee on the Judiciary.

By Mr. PARK: Resolution (H. Res. 191) authorizing clerks to certain committees of the House; to the Committee on Accounts.

Also, a resolution (H. Res. 192) assigning clerks to certain committees of the House; to the Committee on Accounts.

By Mr. EMERSON: Resolution (H. Res. 193) to authorize the fuel administrator to commandeer necessary freight cars to ship coal to the sections in Ohio needing coal; to the Committee on Agriculture.

By Mr. KNUTSON: Joint resolution (H. J. Res. 182) providing for a change of policy in the manner of handling the reservoir waters at the headwaters of the Mississippi River and its tributaries in Minnesota; to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Tennessee: Joint resolution (H. J. Res. 183) to amend Senate joint resolution 8, approved May 4, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," to the Committee on War Claims.

By Mr. COPLEY: Joint resolution (H. J. Res. 184) to permit any soldier, sailor, marine, or other person engaged in the service of the United States during the present war, to accept decorations for valor from any of the nations allied with the United States in the prosecution of said war; to the Committee on Foreign Affairs.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 185) to authorize retired officers of the Army on duty at the United States Soldiers' Home to be considered as performing active military duty during the present war; to the Committee on Military Affairs.

By Mr. BELL: Joint resolution (H. J. Res. 186) extending the commission provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, with the same authorities, powers, and provisions until on or before March 1, 1918; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 7365) granting an increase of pension to William C. Martin; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 7366) granting an increase of pension to James McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7367) granting an increase of pension to Daniel Felton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7368) granting a pension to Nettie B. Shores; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 7369) granting an increase of pension to J. Conley Rich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7370) granting an increase of pension to Erwin Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7371) granting an increase of pension to Robert Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7372) granting an increase of pension to John M. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7373) granting an increase of pension to Esta A. Makepence; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 7374) granting a pension to Edith King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7375) granting a pension to Frances Resena Lewars; to the Committee on Pensions.

Also, a bill (H. R. 7376) granting an increase of pension to John F. Newman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7377) granting an increase of pension to Amos R. Westbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7378) for the relief of George Welty; to the Committee on Claims.

By Mr. BURROUGHS: A bill (H. R. 7379) granting an increase of pension to Alonzo Whitehouse; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 7380) granting a pension to Claude H. Johnson; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 7381) granting a pension to Henry Blankenship; to the Committee on Pensions.

Also, a bill (H. R. 7382) granting a pension to Henry Humphries; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7383) granting an increase of pension to Frank W. Tuttle; to the Committee on Pensions.

Also, a bill (H. R. 7384) granting an increase of pension to John S. Skeels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7385) granting an increase of pension to Edwin C. Beall; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 7386) granting a pension to Lois Stubbs; to the Committee on Pensions.

Also, a bill (H. R. 7387) granting a pension to Lavonia Colley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7388) granting a pension to Maggie J. Stroud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7389) granting an increase of pension to David Byers; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 7390) granting an increase of pension to Joseph McGuire; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 7391) for the relief of Patrick Powers; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 7392) granting an increase of pension to Collins South; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7393) granting an increase of pension to Albert Fields; to the Committee on Invalid Pensions.

By Mr. CLARK of Pennsylvania: A bill (H. R. 7394) granting a pension to Hattie L. Rouse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7395) granting a pension to Edward J. Sweeney, a feeble-minded person; to the Committee on Pensions.

By Mr. COPLEY: A bill (H. R. 7396) granting a pension to Rebecca J. Bagley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7397) granting a pension to Julia and Katherine Sherwood; to the Committee on Pensions.

Also, a bill (H. R. 7398) granting an increase of pension to Elisha S. Peck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7399) granting an increase of pension to Josephine Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7400) granting an increase of pension to Alonzo Ackerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7401) granting an increase of pension to John W. Groesbeck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7402) granting an increase of pension to Emily C. Sperry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7403) granting an increase of pension to Michael Kouth; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 7404) granting an increase of pension to Franklin Kirby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7405) granting an increase of pension to W. W. Pavy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7406) granting an increase of pension to John S. Brademeyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7407) granting a pension to Ida I. Goldman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7408) granting an increase of pension to Enoch T. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7409) grating an increase of pension to William T. Kimbrel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7410) granting an increase of pension to Levi Blume; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7411) granting an increase of pension to Jasper Wood; to the Committee on Invalid Pensions.

By Mr. CRISP: A bill (H. R. 7412) granting a pension to George W. Sanders; to the Committee on Pensions.

By Mr. DALLINGER: A bill (H. R. 7413) for the relief of the legal heirs of Herbert H. Russell; to the Committee on Claims.

By Mr. DILLON: A bill (H. R. 7414) for the relief of Patrick Dwyer; to the Committee on Military Affairs.

By Mr. DIXON: A bill (H. R. 7415) granting a pension to Jacob L. Hinkle; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 7416) granting a pension to Fred D. Marshall; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 7417) granting a pension to William Comstock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7418) granting a pension to David Moreland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7419) granting a pension to Thomas Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7420) granting a pension to James D. Webb; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 7421) granting a pension to Dora Hewey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7422) granting a pension to Emma A. Carroll; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 7423) granting a pension to Elizabeth A. Mueller; to the Committee on Pensions.

Also, a bill (H. R. 7424) granting a pension to Henry C. Clausen; to the Committee on Pensions.

Also, a bill (H. R. 7425) granting an increase of pension to Absolom Erickson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7426) granting an increase of pension to John R. Ogden; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 7427) granting a pension to John R. Houchin; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 7428) granting an increase of pension to Frank M. Gibson; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 7429) granting an increase of pension to Charles H. Birley; to the Committee on Pensions.

Also, a bill (H. R. 7430) granting an increase of pension to William A. Ellis; to the Committee on Pensions.

Also, a bill (H. R. 7431) granting an increase of pension to Peter Belchler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7432) granting an increase of pension to John H. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7433) granting an increase of pension to Henry H. Schrawder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7434) granting an increase of pension to Thomas D. Hummel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7435) granting an increase of pension to David H. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7436) granting an increase of pension to Samuel P. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7437) granting an increase of pension to Calvin M. Skinner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7438) granting an increase of pension to Nathaniel S. Agnew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7439) granting an increase of pension to Richard A. M. Harner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7440) granting a pension to William Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7441) granting an increase of pension to William S. Nail; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7442) granting an increase of pension to A. L. Burket; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7443) granting an increase of pension to Perry Jarrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7444) granting an increase of pension to John C. Kuhn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7445) granting an increase of pension to Levi R. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7446) granting an increase of pension to Christian Reutel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7447) granting an increase of pension to Daniel Pope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7448) granting an increase of pension to Riley R. Zerbe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7449) granting an increase of pension to William E. Beistline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7450) granting an increase of pension to John E. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7451) granting a pension to Arthur V. B. Suders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7452) granting a pension to George P. Vance; to the Committee on Pensions.

Also, a bill (H. R. 7453) granting a pension to John W. Ferguson; to the Committee on Pensions.

Also, a bill (H. R. 7454) for the relief of George D. Jones; to the Committee on Military Affairs.

Also, a bill (H. R. 7455) for the relief of Jacob F. Schild; to the Committee on Military Affairs.

Also, a bill (H. R. 7456) for the relief of Cyrus Kennedy; to the Committee on Military Affairs.

Also, a bill (H. R. 7457) for the relief of James A. Bell; to the Committee on Military Affairs.

By Mr. FOSTER: A bill (H. R. 7458) granting an increase of pension to George W. Boling; to the Committee on Pensions.

Also, a bill (H. R. 7459) granting an increase of pension to Andrew Hansen; to the Committee on Pensions.

Also, a bill (H. R. 7460) granting an increase of pension to George W. Hicks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7461) granting an increase of pension to George A. C. Coffey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7462) for the relief of Peter Helfman; to the Committee on Claims.

By Mr. FULLER of Illinois: A bill (H. R. 7463) granting an increase of pension to Theodore W. Goodsell; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 7464) granting an increase of pension to Wallace Chamberlain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7465) granting an increase of pension to John E. Stanton; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 7466) granting an increase of pension to Alvas W. Trickey; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 7467) granting a pension to Lewis B. Force; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 7468) granting a pension to Lizzie A. Seamans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7469) granting a pension to Clarissa Pells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7470) granting a pension to William L. Blizzard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7471) granting an increase of pension to Eli Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7472) granting an increase of pension to George N. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7473) granting an increase of pension to David Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7474) granting an increase of pension to Daniel Dietrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7475) granting an increase of pension to Enoch C. Ward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7476) granting an increase of pension to Charles L. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7477) granting an increase of pension to James McKittrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7478) granting an increase of pension to Theodore M. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7479) granting an increase of pension to William A. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7480) granting an increase of pension to John W. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7481) granting an increase of pension to Thomas Haxton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7482) granting an increase of pension to Nicholas H. Wetzel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7483) granting an increase of pension to Tilman H. Elrod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7484) granting an increase of pension to Morton B. Fitts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7485) granting an increase of pension to Charles Schiller; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 7486) granting an increase of pension to William G. Beckley; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 7487) granting a pension to Isaiah P. Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7488) granting an increase of pension to John C. James; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7489) granting an increase of pension to Addis E. Underwood; to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 7490) granting a pension to John B. Peters; to the Committee on Pensions.

Also, a bill (H. R. 7491) granting a pension to John R. Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 7492) granting a pension to J. M. Luck; to the Committee on Pensions.

Also, a bill (H. R. 7493) granting a pension to Joel Dyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7494) granting a pension to John McCabe; to the Committee on Pensions.

Also, a bill (H. R. 7495) granting an increase of pension to James N. Davis; to the Committee on Pensions.

Also, a bill (H. R. 7496) granting an increase of pension to Harmon L. Jones; to the Committee on Pensions.

Also, a bill (H. R. 7497) granting an increase of pension to John Bardill; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 7498) granting a pension to Ella Godfrey; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 7499) granting an increase of pension to James W. Page; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 7500) granting a pension to Lindley Herrington; to the Committee on Pensions.

Also, a bill (H. R. 7501) granting an increase of pension to James Wardwell Newton; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 7502) granting an increase of pension to David Simpkins; to the Committee on Pensions.

Also, a bill (H. R. 7503) granting an increase of pension to Walter F. Davidson; to the Committee on Pensions.

Also, a bill (H. R. 7504) granting an increase of pension to Robert Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7505) granting an increase of pension to William L. Saxon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7506) granting an increase of pension to Thomas Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7507) granting an increase of pension to Job V. Pownall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7508) granting an increase of pension to James Van Riper; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 7509) granting an increase of pension to John Fagley; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 7510) granting an increase of pension to Edwin Downs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7511) granting a pension to Mary A. Barber; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 7512) granting a pension to Della B. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7513) granting an increase of pension to William Landis; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 7514) granting an increase of pension to Joseph Smolinski; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7515) granting a pension to James E. Howard; to the Committee on Pensions.

By Mr. NEELY: A bill (H. R. 7516) granting an increase of pension to Woodman S. Sample; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 7517) granting an increase of pension to Isaiah Hilliard; to the Committee on Invalid Pensions.

By Mr. OLNEY: A bill (H. R. 7518) granting an increase of pension to Catherine O'Conner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7519) granting an increase of pension to Ansil T. Bartlett; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 7520) granting an increase of pension to Frederick Christy; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 7521) granting a pension to George Garrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7522) granting a pension to Leander Platt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7523) granting a pension to John Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7524) granting a pension to Robert Dingmore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7525) for the relief of Charles D. Shay; to the Committee on Claims.

Also, a bill (H. R. 7526) for the relief of William H. Miller; to the Committee on Claims.

By Mr. POLK: A bill (H. R. 7527) granting an increase of pension to Charles W. Stigers; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 7528) granting a pension to James Lee; to the Committee on Pensions.

Also, a bill (H. R. 7529) granting a pension to Wheeler A. Wallace; to the Committee on Pensions.

Also, a bill (H. R. 7530) granting a pension to David Turner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7531) granting a pension to William S. Stearns; to the Committee on Pensions.

Also, a bill (H. R. 7532) granting a pension to James H. Sims; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7533) granting an increase of pension to William Petry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7534) granting an increase of pension to William A. Minks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7535) granting an increase of pension to William Wooten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7536) granting an increase of pension to George W. Parks; to the Committee on Invalid Pensions.

By Mr. RAINEY: A bill (H. R. 7537) granting an increase of pension to George W. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7538) granting an increase of pension to Charles H. Kindle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7539) granting an increase of pension to Hobart Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7540) granting an increase of pension to Henry Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7541) granting an increase of pension to John T. Temple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7542) granting an increase of pension to James Andell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7543) granting a pension to Amanda Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7544) granting a pension to Ida L. Clark; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 7545) granting a pension to Mary Ann Baldridge; to the Committee on Pensions.

Also, a bill (H. R. 7546) granting a pension to Nancy White; to the Committee on Pensions.

Also, a bill (H. R. 7547) granting an increase of pension to Joseph Ohman; to the Committee on Pensions.

Also, a bill (H. R. 7548) granting an increase of pension to John L. Sanders; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 7549) for the relief of Clement H. Cole; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 7550) granting an increase of pension to William L. Smith; to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 7551) granting a pension to Frances A. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7552) granting a pension to Mathilda Richter; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 7553) granting an increase of pension to Alexander Frazier; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 7554) granting a pension to Ann Diltz; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 7555) granting a pension to John A. Lovens; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 7556) granting an increase of pension to John R. King; to the Committee on Pensions.

Also, a bill (H. R. 7557) for the relief of William J. Arthur; to the Committee on Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 7558) granting an increase of pension to William A. Strong; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 7559) granting an increase of pension to Henry J. Loughmiller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7560) granting an increase of pension to William W. Kimball; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 7561) granting a pension to Gertrude H. Bird; to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 7562) granting a pension to Olive Y. Metz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7563) granting an increase of pension to Andrew J. Callahan; to the Committee on Invalid Pensions.

By Mr. WISE: A bill (H. R. 7564) granting a pension to Sally Speer Signor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7565) granting six months' pay to Sally Speer Signor, widow of Matt Howland Signor, deceased, late captain, United States Navy, retired; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 7566) granting a pension to Mary Cremeens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7567) granting an increase of pension to Oscar N. Greer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Alabama, California, Colorado, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Vermont, and West Virginia, favoring the Moore Purple Cross bill, H. R. 5410, or the Wolcott Purple Cross bill, S. 2092; to the Committee on Military Affairs.

Also (by request), resolutions of undertakers and embalmers of Jacksonville, Fla., and of a mass meeting held in the First Presbyterian Church, of East Liverpool, Ohio, indorsing the Moore Purple Cross bill; to the Committee on the Judiciary.

Also (by request), memorials of various churches and church organizations of the State of Missouri, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petitions of Phoenix and Tucson (Ariz.) citizens, protesting against illegal arrest and imprisonment of American women; to the Committee on the Judiciary.

Also (by request), petition of Toledo (Ohio) postal employees, favoring increase in salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of the Mayor and Board of Aldermen of Union, Miss., favoring legislation by Congress for benefit of Choctaw Indians living in Mississippi; to the Committee on Indian Affairs.

Also (by request), petition of sundry citizens of Johnstown, Pa., in sympathy with President and Congress in declaration of war on Austria; to the Committee on Foreign Affairs.

Also (by request), petition of Amalgamated Lithographers of America, against national prohibition; to the Committee on the Judiciary.

By Mr. BURNETT: Petition and resolutions of Washington Camp No. 741, of Pennsylvania; Junion Order, Council No. 406, of Pennsylvania; Odd Fellows Lodge No. 383, of Pennsylvania; Castle 293 of Golden Eagle; Tribe No. 96, Improved Order Red Men, of Pennsylvania; Knights of Pythias Lodge No. 161, of Pennsylvania; and United Mine Workers Union No. 609, of Pennsylvania, urging upon the President and Congress the revision of treaties and enactment of laws that will deport aliens of conscription age or compel them to enlist in our Army and Navy; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of Dr. John M. Bruno, of Brooklyn, N. Y., favoring the Edmonds bill providing for pharmaceutical corps; to the Committee on Military Affairs.

Also, petition of Lieut. Walter Kempster, of Milwaukee, Wis., favoring the bill to form a Civil War Volunteer officers' retired list; to the Committee on Military Affairs.

Also, petition of S. G. Rosenbaum, president of the National Cloak & Suit Co., of New York, protesting against the needless illumination of cities during the coal shortage and favoring the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Volunteer Officers' Retired List Association, of San Francisco, Cal., favoring a bill to create in the War Department and Navy Department, respectively, a roll designated as the Civil War officers' retired list, etc.; to the Committee on Military Affairs.

By Mr. DILLON: Petition of employees of the Post Office, favoring maximum salary of $1,500 for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. DOOLITTLE: Petition by 27 members of the Women's Christian Missionary Society of the Christian Church, of Emporia, Kans., in behalf of national prohibition; to the Committee on the Judiciary.

By Mr. ELSTON: Resolution of the City Council of Alameda, Cal., urging stringent legislation against spies and traitors; to the Committee on Military Affairs.

By Mr. FESS: Evidence to accompany House bill 3594, granting an increase of pension to William Locust; to the Committee on Invalid Pensions.

Also, evidence to accompany House bill 3590, granting an increase of pension to Joseph Zimmerman; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Resolutions of the Bath Beach Taxpayers' Club, Brooklyn, N. Y., favoring an increase in remuneration of the postal employees of the United States Government; to the Committee on the Post Offices and Post Roads.

Also, a resolution of the Twenty-eighth Ward Taxpayers' Protective Association, Brooklyn, N. Y., favoring the reduction of the postal rates between New York City and Brooklyn; to the Committee on the Post Offices and Post Roads.

Also, a resolution of the Twenty-eighth Ward Taxpayers' Association of Brooklyn, N. Y., favoring free mail service to and from soldiers of the United States now in the service; to the Committee on the Post Offices and Post Roads.

By Mr. FOSTER: Petition of 128 veterans of the Civil War, of Crawford County, Ill., urging increase of pensions to all Civil War veterans to $50 per month; to the Committee on Invalid Pensions.

Also, petition of the members of the Women's Foreign Missionary Society, of Vandalia, Ill., favoring the prohibition amendment; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Memorial of the Woman's Home Missionary Union of Chicago, Ill., favoring the passage of the Federal prohibition amendment; to the Committee on the Judiciary.

Also, petition of the East St. Louis Lumber Co., opposing the repeal of the provisions of the revenue law relating to second-class postage; to the Committee on Ways and Means.

Also, memorial of Chicago Local No. 1 of the National Federation of Postal Employees and members of the Chicago Letter Carriers' Association relative to the necessity for increased pay to such employees; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of Michigan: Petition of sundry citizens of the State of Michigan, favoring national prohibition; to the Committee on the Judiciary.

By Mr. HERSEY: Resolution adopted by Penobscot and Piscataquis Rural Letter Carriers' Association, favoring a civil-service court of appeals; to the Committee on Reform in the Civil Service.

Also, memorial of Rural Letter Carriers' Association of Penobscot and Piscataquis Counties, urging increase in allowance for equipment of carriers; to the Committee on the Post Office and Post Roads.

By Mr. JOHNSON of Washington: Resolutions of Mount Pleasant Grange, No. 73, Washougal, Wash., favoring the Kelley bill; to the Committee on Agriculture.

By Mr. KAHN: Papers to accompany a bill to increase the pension of James Wardwell Newton; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7500, to grant a pension to Lindley Herrington; to the Committee on Pensions.

By Mr. KENNEDY of Rhode Island: Petitions of James L. Jenks, jr., and E. M. Docherty, of Providence; William Bailey and Joseph Contes, of Lonsdale; congregation of Church of the Mediator, Providence; and Gilbert Swain and Lester E. Swain, of Providence, all in the State of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Margaret D. Du Villard, Louise M. M. Nightingale, Mrs. A. E. Grafton, Edith Nichols, and Hannah A. Coggeshall, all of Providence; Alice H. D. Greene, of Wickford; and Mrs. C. J. Steedman, of Providence, all in the State of Rhode Island, opposing woman suffrage; to the Committee on the Judiciary.

Also, petitions of Loomfixers' Union, No. 486, of Pawtucket, in State of Rhode Island, opposing national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Mr. William Gammell, Mrs. Charles Bradley, Irene Guild Cranston, Miss Louise C. Hoppin, Mrs. Robert Ives Gammell, and Arthur P. Sumner, all of Providence; Mrs. French Vanderbilt, of Newport; Ethel M. Wallace and Jessie L. Coggeshall, of Providence, all in the State of Rhode Island, opposing woman suffrage; to the Committee on the Judiciary.

Also, petitions of Thomas Turner, William R. Leach, Thomas B. Davis, John H. Spotwood, David Waugh, John H. Entwistle, Charles Slater, Richard Goodwin, James E. Ball, William Ball, John Tyson, Robert Tyson, Rev. William B. Taylor, Ph. D., John J. Spotwood, Ernest Proctor, George A. Tyson, Alfred Cockshutt, John Haworth, Alexander Haworth, William Haworth, Thomas W. Platt, James Goodier, Thomas Woods, James White, William Ball, jr., Daniel E. Hodgins, Hiram Smethurst, Edward Taylor, Thomas Johnston, James Brondbent, James Platt, Wilford Haworth, James Haworth, William Dawson, Albert Evans, James Gray, Alfred Hale, and Samuel

Crabtree, all of the P. M. Church, Lonsdale, in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Baptist Young People's Union of Central Falls; E. H. Ingerson, of Providence; Woman's Christian Temperance Union of Rhode Island; and Methodist Episcopal Churches of Mapleville and Glendale, all in the State of Rhode Island, favoring passage of the national prohibition amendment; to the Committee on the Judiciary.

By Mr. LUFKIN: Petition of Post 47, Grand Army of the Republic, of Haverhill, Mass., urging increase in pensions of veterans of Civil War; to the Committee on Invalid Pensions.

By Mr. MEEKER: Resolution of Real Estate Exchange of St. Louis, Mo., praying for time extension for the completion of the municipal free bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

Also, petition of 56 citizens of St. Louis, Mo., protesting against the constitutional amendment for national prohibition; to the Committee on the Judiciary.

Also, petition of 161 citizens of St. Louis, Mo., in favor of House bill 5181, to amend an act to authorize the President to temporarily increase the Military Establishment of the United States; to the Committee on Military Affairs.

Also, resolutions of commercial organizations of St. Louis, Mo., and board of directors of the Real Estate Exchange of St. Louis, Mo., protesting against the constitutional amendment for national prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Minnesota: Resolution of the executive board of the Minnesota Housewives' League, expressing the appreciation of the league for the services performed by Mr. Herbert Hoover and his assistants; to the Committee on Agriculture.

By Mr. OSBORNE: Memorial of the Highland Park United Presbyterian Church, Los Angeles, Cal., requesting the House of Representatives to support both constitutional and war measures for prohibition; to the Committee on the Judiciary.

By Mr. PLATT: Petitions of members of Mountainsville Grange, No. 946, Patrons of Husbandry, and citizens of Chester, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. RAKER: Petition of Vallejo (Cal.) Trades and Labor Council, protesting against importation of Chinese or Japanese coolies into the State of California; to the Committee on Immigration and Naturalization.

Also, memorial of Vallejo (Cal.) Trades and Labor Council, favoring retirement of all employees of the Federal Government; to the Committee on Reform in the Civil Service.

Also, resolution of California State Federation of Labor, indorsing the measure to grant postal clerks time and one-half for extra work; also indorsement of the salary classification bill; to the Committee on the Post Office and Post Roads.

Also, petition of A. A. Greenbaum, San Francisco, Cal., protesting against national prohibition; to the Committee on the Judiciary.

Also, resolution of California State Federation of Labor, favoring the establishment of a civil-service court of appeals; to the Committee on Reform in the Civil Service.

By Mr. RIORDAN (by request): Petition of sundry citizens of New York City, against the supply of tobacco to soldiers and sailors; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of Mrs. James L. Laidlaw, New York, N. Y., in support of legislation to readjust the hours of labor and salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, a petition of members of the Rural Carriers' Association, of Ottertail County, Minn., for equipment and maintenance allowance and increased compensation on routes over 24 miles in length; to the Committee on the Post Office and Post Roads.

Also, petition of N. B. Barsness, Duluth, Minn., in favor of an amendment to the war revenue law to eliminate taxation of employees otherwise taxed and to provide for split payments of taxes levied thereunder; to the Committee on Ways and Means.

Also, resolutions of Minnesota Branch, Woman's Board of Missions of the Interior, favoring constitutional prohibition; to the Committee on the Judiciary.

Also, petition of Cloquet Branch of the National Association of Letter Carriers, Cloquet, Minn., in favor of the Madden bill for increased compensation for letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. TAGUE: Resolutions of the semiannual directors' meeting of the New England Hardware Dealers' Association, requesting all employers and employees to refer all disputes to arbitration during the war, favoring all fair methods of keeping the American dollar at par, favoring the effort to reduce the expense of delivering goods to customers, favoring the keeping of the railroads in the best condition, and expressing their determination to stand with the President until victory is achieved; to the Committee on Interstate and Foreign Commerce.

Also, resolution of a mass meeting of the postal employees of Fall River, Mass., favoring increase of salary to postal employees; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Colorado: Memorials of Woman's Christian Temperance Union of La Salle and Paonia, and 34,000 members of protestant churches of Denver, Colo., urging national prohibition; to the Committee on the Judiciary.

By Mr. VESTAL: Petition by divers persons of Madison County, Ind., praying for woman suffrage; to the Committee on Woman Suffrage.

Also, petition for nation-wide prohibition during the war by various churches of Anderson, Ind.; to the Committee on the Judiciary.

By Mr. WINSLOW: Petitions of sundry citizens of the State of Massachusetts, favoring national prohibition; to the Committee on the Judiciary.

By Mr. WOODYARD: Memorials of Andrew Mather Post, No. 14, Grand Army of the Republic, of Parkersburg, and Josiah Steele Post, No. 60, Grand Army of the Republic, of Elizabeth, W. Va., favoring bill to grant veterans of Civil War $50 a month pension; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 12, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in the midst of the confusion and strife of the world we pray for peace, for the peace of God which passeth all understanding, which keeps our hearts and minds in the knowledge of God, peace that the world can not give and can not take away, peace in our hearts which arises out of a sense of security and calm as we are responsive to Thy will and obedient to Thy law. Grant that nothing shall come into our lives which will separate between us and God, and that Thy Word may be our law and Thy will our guide in all the actions of life. For Christ's sake. Amen.

JOHN B. KENDRICK, a Senator from the State of Wyoming, and HENRY L. MYERS, a Senator from the State of Montana, appeared in their seats to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan. Mr. President, I have petitions signed by thousands of representative citizens of Michigan in favor of the immediate submission of a Federal suffrage amendment to the legislatures of the several States. I hold in my hand a fair sample of these petitions and desire to read one of them. It is very brief:

The undersigned men of Wayne County, State of Michigan, do hereby petition you to work and vote for the immediate submission of a Federal suffrage amendment to the legislatures of the several States in order that the women of the United States may become the political equals of those of Great Britain, Australia, New Zealand, Canada, and the Scandinavian countries.

That petition is signed by Paul H. King, a very representative young man of our State; by Edward N. Hines, by Judge Webster, of the Wayne County Circuit Court, and Judge Sellers; by Milton Oakman, the treasurer of Wayne County, and numerous other very representative men. I think it calls for more than passing comment. I will say that these petitions have been circulated and signed by men who have never heretofore engaged in any propaganda in favor of this very just cause. In presenting the petitions not in a merely informal way I am presenting them with my sincere hope that the Senate will take up and pass the joint resolution which is now on the Calendar, and that Senators may thus be given an opportunity to vote upon it.

The VICE PRESIDENT. The joint resolution having been reported from the committee, the petitions will lie on the table.

Mr. GRONNA. I ask to have printed in the RECORD and referred to the Committee on Military Affairs a short resolution adopted by the Commercial Club of Bismarck, N. Dak., asking for a law establishing military training.

There being no objection, the resolution was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

UNIVERSAL MILITARY TRAINING.

Whereas we covet for the United States the high honor and prestige of a peaceful Nation engaged in the pursuits of trade and the advancement of learning; and

Whereas the present state of society local in the State and in the Nation seems to require police power to protect it in the proper pursuits of peace; and

Whereas the present world conflict might have been avoided under such just and fair protection; and

Whereas an effective police must not only be properly equipped and maintained but must be specifically trained: Be it

Resolved, That it is the sense of the Bismarck Commercial Club, at its annual meeting of 1917, held at the Grand Pacific Hotel December 4, that all male citizens within proper ages should be called into military training, with a view to their preparation for the exigency of attack or for the protection of the Nation's honor against a possible foe; and

Resolved, That we hereby petition our Representatives in Congress to use their best endeavor in the enactment of such law.

Mr. GRONNA presented petitions of sundry citizens of Williams County, N. Dak., praying for the immediate submission of the Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. GALLINGER presented a petition of the National Council of American Cotton Manufacturers, praying that liberal appropriations be made for the Bureau of Foreign and Domestic Commerce in the Department of Commerce, which was referred to the Committee on Appropriations.

Mr. NELSON presented petitions numerously signed by citizens of the State of Minnesota, praying for the submission of the Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. WATSON presented a petition of sundry citizens of Indianapolis and South Bend, in the State of Indiana, praying for increase in salary of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. BECKHAM presented petitions of sundry citizens of Nelson, Bullitt, Ohio, Grayson, Crittenden, Marion, Fleming, and Bell Counties, all in the State of Kentucky, praying for the passage of the Federal suffrage amendment of the legislatures of the several States, which were ordered to lie on the table.

Mr. MYERS presented a petition of the Commercial Club of Great Falls, Mont., praying for an increase in the salaries of city letter carriers, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by the Commercial Club of Great Falls, Mont., expressing gratitude and appreciation of the action of the President, the Cabinet, Congress, and the Council of National Defense, in upholding and defending the Republic, which were referred to the Committee on Foreign Relations.

Mr. LODGE presented a petition of the city council of Lawrence, Mass., praying for an increase in the salaries of letter carriers and other postal employees, which was referred to the Committee on Post Offices and Post Roads.

DEVELOPMENT OF WATERPOWER.

Mr. SHIELDS. I desire at this time to submit a report (No. 179) to accompany the bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce, heretofore reported by me from the Committee on Commerce.

The VICE PRESIDENT. The report will be received and printed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 3178) to repeal section 209 of the act of October 3, 1917; to the Committee on Finance.

By Mr. STERLING:

A bill (S. 3179) granting an increase of pension to Edwin S. Metcalf (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3180) authorizing the President to reappoint Maj. Jens Bugge, retired, to the Army; to the Committee on Military Affairs.

By Mr. SHAFROTH:

A bill (S. 3181) granting an increase of pension to John Alexander;

A bill (S. 3182) granting an increase of pension to Carolina M. Anthony;

A bill (S. 3183) granting a pension to Mary T. Beeson;

A bill (S. 3184) granting an increase of pension to William Butler;

A bill (S. 3185) granting an increase of pension to William H. Comstock;

A bill (S. 3186) granting a pension to Alfred Cushman;

A bill (S. 3187) granting a pension to Elizabeth H. Dunn;

A bill (S. 3188) granting a pension to Etta S. Jeffrey;

A bill (S. 3189) granting a pension to Rebecca Leymoyne;

A bill (S. 3190) granting an increase of pension to Alonzo A. P. V. McCoy;

A bill (S. 3191) granting a pension to Schuyler C. Morgan;

A bill (S. 3192) granting a pension to Martha H. Saers;

A bill (S. 3193) granting a pension to Elner H. Stroge;

A bill (S. 3194) granting a pension to Benjamin Thomas; and

A bill (S. 3195) granting a pension to Grace E. Waterbury; to the Committee on Pensions.

A bill (S. 3196) for the relief of Elizabeth Minier; to the Committee on Military Affairs.

By Mr. GOFF:

A bill (S. 3197) for the relief of James A. Showen; to the Committee on Claims.

A bill (S. 3198) for the relief of James H. Kelly; to the Committee on Military Affairs.

A bill (S. 3199) granting an increase of pension to Daniel Vanscoy (with accompanying papers);

A bill (S. 3200) granting a pension to Della Smith;

A bill (S. 3201) granting an increase of pension to Mary E. Allen;

A bill (S. 3202) granting an increase of pension to Isabel T. Congo;

A bill (S. 3203) granting an increase of pension to William S. Clark;

A bill (S. 3204) granting an increase of pension to John P. Fetty;

A bill (S. 3205) granting an increase of pension to Isaac Gour;

A bill (S. 3206) granting an increase of pension to Nancy E. Gatrell;

A bill (S. 3207) granting an increase of pension to John E. Hott; and

A bill (S. 3208) granting an increase of pension to Jacob P. Marling; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 3209) granting an increase of pension to William H. McGovern (with accompanying papers); and

A bill (S. 3210) granting an increase of pension to Samuel H. McCormick (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3211) to repeal section 209 of the act of October 3, 1917, entitled "An act to provide revenue to defray war expenses, and for other purposes"; to the Committee on Finance.

A bill (S. 3212) to provide for the purchase of a site and the erection of a public building thereon in the city of Greenfield, Ind.; to the Committee on Public Buildings and Grounds.

A bill (S. 3213) granting a pension to Hester A. Doyle; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3214) to amend section 25 of the act of December 23, 1913, known as the Federal reserve act, as amended by the act of September 7, 1916; to the Committee on Banking and Currency.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CULBERSON submitted an amendment proposing to appropriate $4,226.14 for the completion of the bridge across the San Juan River at Shiprock, N. Mex., on the Navajo Indian Reservation, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PROMOTION OF EXPORT TRADE.

The VICE PRESIDENT. Concurrent and other resolutions are in order. [After a pause.] The morning business is closed.

Mr. POMERENE. I ask unanimous consent that the unfinished business, House bill 2316, be laid before the Senate and proceeded with.

The VICE PRESIDENT. Is there objection?

Mr. KELLOGG. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Jones, Wash.	McKellar
Beckham	Gallinger	Kellogg	McLean
Borah	Goff	Kendrick	McNary
Brady	Gore	Kenyon	Myers
Calder	Gronna	King	Nelson
Culberson	Hale	Knox	New
Cummins	James	La Follette	Newlands
Dillingham	Johnson, Cal.	Lewis	Overman
Fletcher	Johnson, S. Dak.	Lodge	Page
France	Jones, N. Mex.	McCumber	Penrose

Pittman	Sheppard	Smith, S. C.	Thompson
Poindexter	Shields	Smoot	Townsend
Pomerene	Simmons	Sterling	Trammell
Ransdell	Smith, Ariz.	Stone	Underwood
Robinson	Smith, Md.	Sutherland	Vardaman
Shafroth	Smith, Mich.	Swanson	Williams

Mr. FRELINGHUYSEN. I desire to announce that my colleague [Mr. HUGHES] is detained by illness.

Mr. VARDAMAN. I wish to announce the unavoidable absence of the Senator from Georgia [Mr. HARDWICK] on account of illness.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] owing to illness.

Mr. SMOOT. I wish to announce the unavoidable absence of the Senator from Kansas [Mr. CURTIS] on official business.

Mr. MYERS. I desire to announce that my colleague [Mr. WALSH] is detained by illness.

Mr. LEWIS. I rise to make announcement of the absence of the senior Senator from South Carolina [Mr. TILLMAN] occasioned by illness. I ask to have the announcement remain for the day.

Mr. MCNARY. I desire to announce the absence of my colleague [Mr. CHAMBERLAIN] on important committee business.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call, and there is a quorum present. Is there objection to the present consideration of the unfinished business?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2316) to promote export trade, and for other purposes.

Mr. POMERENE. Mr. President, in view of the course the discussion of the pending bill has taken in the last day or two, I feel as if I ought to make answer to some of the criticisms indulged in by its opponents. I hope I may be pardoned if I say that while the discussion was going on I was almost constrained to think that the bill which was being discussed was not the bill which was being considered by the Senate. I trust Senators will bear with me a little while while I shall aim to analyze the bill and try to demonstrate the importance of having legislation upon the subject at this particular time.

It has been repeatedly said, with all due respect to the able Senators who have discussed the bill, that it was substantially a repeal of our entire trust legislation. With that proposition I must take issue. The bill itself presents no suggestion of dissatisfaction with the general trust legislation or policy of this country. The purpose of the bill is only to modify the present legislation with a view to benefiting our country and increasing our export trade.

Senators, it will be observed that the words "export trade" are very clearly and definitely defined in the first section. It limits "export trade" to "mean solely trade or commerce in goods, wares, or merchandise exported or in the course of being exported from the United States or any Territory thereof to any foreign nation," and then it defines specifically what is not to be embraced in the phrase "export trade." It shall not include "the production, manufacture, or selling for consumption or for resale within the United States or any Territory thereof of such goods, wares, or merchandise or any act in the course of such production, manufacture, or selling for consumption or for resale."

On the second page of the bill the committee defines the associations which may have the privileges of the bill as meaning "any corporation or combination, by contract or otherwise, of two or more persons, partnerships, or corporations." I think the language is so explicit that whatever organization is formed will be so subject to the laws of the land that it would be impossible for foreigners to engage in this business and continue the association in violation of the laws of the United States.

But I want to suggest, for the consideration of Senators at this time, that if they have any doubt about this language it could be amended by providing that these associations could be composed only of two or more persons, partnerships, or corporations who are resident in or situate within the United States. Such an amendment would prevent absolutely any foreign corporation or cartel from becoming interested in the association. I do not believe it is necessary, but it may be that it would be a wise additional safeguard.

Much of the discussion on yesterday would lead Senators to believe that this bill, if enacted, would completely hamstring the Sherman law and the Clayton trust law, and I wish now to direct your attention for a few minutes to that objection.

In the first place, the bill provides that section 2 of the Sherman law shall not "be construed as declaring to be illegal an association entered into for the sole purpose of engaging in export trade and actually engaged solely in such export trade, or an agreement made or act done in the course of export trade by such association." I wish to emphasize the language—any act or agreement.

Further, while the debate was in progress it seemed to me the very able Senators failed to give proper effect to the provisos contained in this section. Now note, these associations may be organized only for the foreign trade and can engage in it only when they or the agreements they may enter into or the acts they may perform are, first, not in restraint of trade within the United States; and, secondly, not in restraint of the export trade of any domestic competitor of such association.

Some Senators seem to have difficulty in understanding the phrase "restraint of the export trade of any domestic competitor." In one of the earliest drafts of this bill the words used were "any American competitor," but on reflection it was believed they were comprehensive enough to include competitors who lived in the other American Republics; hence the word "domestic" was substituted for the word "American" and is in contradistinction to the word "foreign."

But that is not all. There is a third proviso, and, in my judgment, a very important one, to which it also seems to me Senators have failed to give proper effect. It is this:

That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally and unduly enhances or depresses prices within the United States of commodities of the class exported by such association.

I realize and every student of the subject must realize if he desires to continue the policy of the Sherman law, that the operations of these export associations must be so limited that they will not seriously interfere with the operation of the Sherman law within the United States; that they will not unnecessarily interfere with the foreign trade of a domestic competitor; and that their business should be so conducted that it will not unduly affect the prices of domestic commodities to the domestic consumer, either by way of increase or decrease. If we bear in mind this particular paragraph, many of the fears which Senators have been apprehending as a result of this proposed legislation will be dissipated.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I will yield for a question. I am not feeling very well this morning, and I had a little rather not be interrupted. I will, however, yield for a question.

Mr. CUMMINS. What does the Senator from Ohio understand the words "in restraint of trade of a domestic competitor" to mean? I will put the question in this more specific way: Suppose a combination organized under the bill pursuing perfectly legitimate methods, but selling at a lower price than a rival can sell, takes away the trade of a domestic competitor, is the trade of that domestic competitor "restrained" under the terms of this proposed act, or must the combination pursue vicious or wrongful practices in order to bring about that result?

Mr. POMERENE. Mr. President, I take it the words "in restraint of trade" have been definitely defined by our Supreme Court in the Standard Oil, and the American Tobacco cases, and that judicially construed they mean any undue restraint of trade. The Senator from Iowa asks me as to what would be the effect of a reduction of prices by perfectly legitimate methods employed by these associations. I answer if they were to attempt by any method of unfair competition to interfere with the trade of a domestic competitor that act would be under the control of the Sherman antitrust law and would not be protected under the pending bill. If the larger association was able by reason of its greater efficiency or by exercise of greater economy in its methods of distribution and sale to reduce the price of the article, then, of course, that would be a kind of competition which would not be objectionable under the law.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. REED. After the Senator's expression that he did not want to be interrupted and would prefer not to be interrupted, I hesitate to ask a question; yet I should like to call the Senator's attention, by way of a question, to a matter which I think is of very great importance.

Suppose that the exporters of wheat in the United States, corporate and individual, were to organize themselves into one export company and thus embrace within themselves all of the people engaged in exporting wheat, is there anything in this bill that would prevent them doing that?

Mr. POMERENE. Mr. President, I will answer the question, but really I would prefer not to be interrupted. I will come to that later in my remarks, but in answer to the Senator's question, I will say this now: In the first place, he is putting an almost impossible proposition; and, in the second place, if

there should be such an organization as he has suggested, and it should artificially or intentionally and unduly affect prices either by depressing or increasing them in the United States, it would be an objectionable practice under this proposed law and the Federal Trade Commission would have the right to investigate the association and compel it to conform its entire business methods to the law as Congress has prescribed it.

Mr. REED. Mr. President, will not the Senator permit me to say that such an organization effected would undoubtedly have the right to go into the American market and offer whatever price it pleased for American wheat, and that if that would be regarded as illegal under the bill, then it would be the first time that a purchaser had been denied the right to offer his own price?

Mr. POMERENE. Well, Mr. President, I realize that the Senator has some conceptions of this measure which I do not have. I think that Senators lose sight of the fact in the discussion that it is not the larger aggregations of capital that are seeking this legislation; it is the smaller companies.

Mr. REED. The Steel Trust is seeking it.

Mr. POMERENE. If the Senator will bear with me, I shall hope to answer the Senator fully before I get through.

Mr. REED. Very well; I should like to keep within the record; that is all.

Mr. POMERENE.. I should like to keep within the record also. It is true, I will say in further answer, that many of the organizations—in fact, nearly all of the export organizations of the country—are favorable to this legislation, and for reasons which I shall indicate later on. But the questions propounded by Senators have been diverting me from the course of the argument which I intended to pursue.

I desire now to call attention to the third section of the bill, that relating to the construction to be placed upon section 7 of the Clayton Act. Senators have referred to this section as if it were a repeal of section 7 of the Clayton Act. With all due respect to Senators who have taken that view, their statement must be accepted with a very material modification. Let me read:

SEC. 3. That nothing contained in section 7 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall be construed to forbid the acquisition or ownership by any corporation of the whole or any part of the stock or other capital of any corporation organized solely for the purpose of engaging in export trade, and actually engaged solely in such export trade—

And now note the following language—

unless the effect of such acquisition or ownership may be to restrain trade or substantially lessen competition within the United States.

And if the acquisition of any such stock by an association would either restrain trade or substantially lessen competition, then it would be a violation of this bill if it becomes a law.

Again, section 4 extends the control of the Federal Trade Commission under the Federal Trade Commission act to our extraterritorial commerce and all acts which may be performed in territory outside of the United States. This leads me to call attention to the very able argument made by the senior Senator from Iowa [Mr. CUMMINS] on yesterday. He cited a case in Two hundred and thirteenth United States Supreme Court Reports, which in substance held that an act which was done in foreign territory and conformed to the laws there could not be reached under the Sherman law. He was right as to that contention under the facts set forth in that case; but I desire to direct the Senator's attention to the further modification of that principle as contained in a case in Two hundred and twenty-third United States Supreme Court Reports, on page 512, where the court distinguishes the case then under consideration from the American Banana Co. against The United Fruit Co. case, reported in Two hundred and thirteenth United States, 347. The syllabus in part reads:

While a statute——

Mr. CUMMINS. Is the Senator now reading from the American Tobacco Co. case?

Mr. POMERENE. No; I am reading from the case of United States against Nord Deutscher Lloyd.

Mr. CUMMINS. In Two hundred and twenty-third United States?

Mr. POMERENE. In Two hundred and twenty-third United States, page 512:

While a statute has no extraterritorial force, and one can not be indicted here for what he does in a foreign country, the making of a contract in a foreign country may, as in this case, create a condition operative in this country, under which acts of omission or commission can be punished here.

A vessel owner taking security in a foreign country for the return passage of aliens brought to a port of the United States violates section 19 of the immigration act of 1907, and the retention of the money in the United States for the return passage is an offense at the place where it is retained.

So that, I conclude from the principle laid down in this case, although an association organized under the pending bill should enter into some agreement or perform some act in a foreign country which met the requirements of law there, if at the same time the effect of it were such as to materially interfere with the policy of the United States under its trust laws, then it would be subject to the jurisdiction of the authorities of this country, including both the Federal Trade Commission and the Department of Justice.

These associations are placed under vigorous supervision by the departments. In section 5 of the law they are required to register annually with the Federal Trade Commission, giving, among other things, their location, the names of the companies and corporations or individuals or partnerships that may be interested in them, the kind of business they are doing, copies of their charters, if any, or their articles of agreement forming the association; and later on, if the Federal Trade Commission at any time has reason to believe that they are violating any of the laws of the land, the commission can compel them to bring before them all of their books, all of their contracts, and everything pertaining to their business for their investigation; and it is made the duty of the Department of Justice, as well as the United States district attorneys, to see to the enforcement of this law.

These associations, as shown in section 2 of the bill, must not be in restraint of trade within the United States or of the trade of a domestic exporter, and their acts must not be such as to artificially or intentionally and unduly enhance or increase prices. If they do any of these acts or enter into any of these agreements, then the Federal Trade Commission has the right to inquire concerning them and to make recommendations requiring these associations to conform their business to the requirements of the statute. If they fail to do it, then the proceedings shall be certified over to the Department of Justice for such action as it may deem proper. I shall perhaps a little later on call attention to that subject, when I come to a discussion of some of the different illustrations which were placed before the Senate on yesterday.

Now, a word as to the necessity of this legislation.

In the debate the other day one of the Senators stated that there was nothing in the report of the committee showing the necessity for this legislation. With all due respect to the Senator's statement, I do not think he read the report. It may be that it fails to go as fully into the question of the necessity of this legislation as it should have gone; but I want Senators to bear in mind this fact: I think I fairly state the facts when I say that at the time of these hearings Senators did realize that our commerce was at a serious disadvantage under the present legislation in its competition with foreign cartels and combinations. The only question was, What, if anything, shall we do for the purpose of ameliorating conditions? In drafting this report the writer was content to make this simple statement concerning the necessity for the legislation:

The Federal Trade Commission, in a summary of a report made May 2, 1916, points out the liberality with which foreign and particularly European nations permit organizations or combinations with respect to their foreign trade. This is the common practice in Germany, England, France, Italy, Austria-Hungary, Switzerland, Holland, Sweden, and Belgium, as well as in Japan. In Germany alone prior to the beginning of the European war there were 600 important cartels or combinations embracing nearly every manufacturing and commercial industry in the Empire. Many of these organizations devoted themselves largely to the export trade, and they "carried on vigorous campaigns to extend their foreign business, to prevent competition among German producers in foreign markets, and to secure profitable prices."

Since the beginning of the European war the allies have even organized buying agencies for the benefit of their Governments and their people. Our merchants and manufacturers must meet this situation. Very few of them can compete single handed with these great combinations. Our belief is that it is necessary to permit our business men to form similar organizations or associations so as to enable them to meet foreign competitors on a more equal footing. In this way they will be able to reduce the selling cost and keep in closer touch with the demands of the foreign markets.

The most of the report was devoted to a consideration of certain amendments which had been suggested by the several members of the committee and which were later incorporated in the reported bill as it was presented to the Senate; and in the last bill passed by the House of Representatives, which is now before the Senate, most of those amendments were adopted.

The opponents of the bill insist there is no necessity of this legislation. There is a very full discussion of trade conditions in the foreign markets in the hearings before the committees, both of the House and of the Senate, as well as in the hearings held by the Federal Trade Commission. The question for us to meet, in my judgment, is this: Does the American Congress wish to place our American business man on an equal footing with his foreign competitor or does it not? If we are seeking foreign trade in some third country, should we compel our

people to go single-handed after a contract, while Germany and France and Great Britain and nearly all other competing countries allow their business men to enter into combination for the purpose of getting that contract? That is the situation.

The House passed a bill similar to this on September 2, 1916. The vote on it was 190 yeas and 25 nays. On June 13, 1917, the House voted on the bill now under consideration. The vote on it was, yeas 249, nays 29.

The different trade organizations of the country have been most earnestly in support of this legislation. I realize that some of them may be criticized because perhaps they have done things which they ought not to have done, and left undone the things that they ought to have done; but when organizations come as a whole and ask for legislation of this character in view of world conditions what shall we do? Do we want the foreign trade or do we not? Those Senators who fear that sales abroad may affect the price of sales at home, if they are going to be entirely consistent, would shut off entirely our foreign trade. But they want our foreign trade to increase, so why not take counsel of the experience of our competitors in our lands.

Of course, we realize that there can not be a pound of pork or a barrel of flour sold abroad which to some extent does not affect our local prices; but we have our surplus products. We want to sell them abroad. I care not whether these surplus products come from the farm or the factory or the mine; when they go abroad they are helping our domestic industries, and we want the best prices we can secure for them. Do we want to help them or do we not? That is the question for us to consider.

Mr. A. C. Pierson, representing the Associated Business Papers of New York, an association which represents more than 100 of the trade papers of the country, testified before the Interstate Commerce Committee that all of them favored the principle of this law. No one industry was against it.

The American Manufacturers' Export Association, with a membership of 550, favored it; and the hearings show that among the membership of this association were not only bankers and business men but farmers' associations as well.

Mr. REED. Mr. President, will the Senator permit an inquiry? Did he say the American Manufacturers' Association?

Mr. POMERENE. The American Manufacturers' Export Association.

Mr. REED. Is that the same concern that had its headquarters in Washington and was investigated by a committee of the Senate, and was found to be maintaining a lobby here?

Mr. POMERENE. I do not know. Perhaps the Senator from Missouri has some information on that subject.

Mr. REED. I do not know; but the names are very similar.

Mr. MYERS. Mr. President, I rise to suggest that the body which was investigated by a committee of which the Senator from Missouri was a member was the American Manufacturers' Association, I think, and had nothing to do with and was not the body to which the Senator from Ohio refers.

Mr. REED. Is the Senator familiar with the personnel of the two?

Mr. POMERENE. Well, Mr. President, I prefer not to be interrupted.

The VICE PRESIDENT. The Senator from Ohio has the floor. He does not desire to be interrupted, and he has a right to proceed without interruption.

Mr. POMERENE. A short time ago the Fourth National Foreign Trade Convention was held. There were present, so these hearings show, 1,305 delegates, representing all activities in foreign commerce in all sections of the country, and they unanimously supported the principle of this bill.

The Merchants' Association of New York, with a membership of 5,000, unanimously supported the principle of this bill. At the First National Foreign Trade Convention, with 400 American business men present, the principle of the bill was again indorsed.

A word on this subject from the distinguished American Ambassador at Berlin during the last three or four years may be of interest. I read from the Public Ledger of Saturday morning, September 8, 1917, under the subheading "Combine for selling abroad":

The only thing that can maintain a fair price after the war for the products of American firms, miners, and manufacturers is permission to combine for selling abroad. There is before Congress a bill called the Webb bill permitting those engaged in export trade to combine, and this bill, which is manifestly for the benefit of the American producer of raw materials and foods and manufactured articles, should be passed.

I have before me a report of some hearings before the Federal Trade Commission. There appeared before this commission Mr. Ernest Thurnauer, who represented, it is true, one of the large electrical companies of this country. He was asked to discuss conditions as they existed abroad. I am only going to take the time of the Senate to read a paragraph:

The cartels are perhaps more strongly and more largely organized in Germany than in any other country, but there are some in France and England as well, and there are some which are international. They are generally selling organizations. They contract between the different producers of a certain article or commodity or a material. These are contracts under which they arrange for the sale of the products, either jointly or they divide them up pro rata, or they aid each other financially, even. These cartels are very frequently under government control. They are very much favored by the government, especially for export purposes. In certain cases the government has been directly interested in them as partners.

For instance, there are some coal cartels in Germany. The German Government own certain coal mines, and they are in those cartels just like others. They take part in them, they get their share of the sales, they participate in the fixing of prices, and they are really partners, like the private enterprises.

Consul General Julius G. Lay, Berlin, Germany, in November, 1915, made a report to the State Department on cartelization in Germany. This report is printed in volume 2 of the Federal Trade Commissioner's Report on American Cooperative Export Trade.

If anyone has any doubts as to the extent to which combinations are organized and operated, both in the domestic trade and in her foreign trade, I am satisfied they will be clarified by reading this report. It shows that nearly all of the important industries of Germany are combined in cartels of one kind or another. He speaks especially of the large combinations, among which he names—

1. The coal, iron, and steel industries.
2. The coal industries.
3. The potash industries.
4. The German Portland cement companies.
5. Electrical industries.
6. Wall-paper industries.
7. Print-paper combine.
8. Cartels in the textile industries.
9. Alcohol cartels.

Again, he speaks of the concentrated movements in other German industries, such as the plate-glass manufacturers, the Association of Window Glass Producers, concentration of the electrical glass industries, bottle industries, analine color combinations, Association of Linoleum Manufacturers, Soda Trust, aluminum and zinc organizations, German glue combination, dynamite agreement, German book trade, rubber combinations, German gold and silver plating works, incandescent-light industries, Artificial Silk Trust, stoneware combination, and the storage-battery industries, and so forth.

Mr. President, the other day there was some discussion as to the progress which was made in our foreign exports. One Senator drew the conclusion that we needed legislation of this character in order to encourage exports. Another Senator, after some analysis of the figures, suggests that we have made tremendous progress under the operation of the Sherman law. That is true; but I insist that, while these two facts may exist concurrently, there is no casual connection between them. And now, if we are to analyze these figures further, we will find this:

In the year 1913 the total value of manufactured products exported amounted to $776,297,360. Among these manufactured products were agricultural implements amounting to $40,572,352; exports of oils—mineral—refined, $129,606,995; iron and steel exports, $304,605,797; making a total of exports in these three classifications of $474,845,044. Or, in other words, 60 per cent and over of the exports of manufactured articles in this country were from these three classifications, which embrace within them the large integrated interests of the country—iron and steel, oil, and agricultural implements.

The only inference I seek to draw from these facts is this: If 60 per cent of our manufactured exports are of classes of manufacture which are produced by highly integrated companies with large investments of capital, I think I am right when I say it is largely because they were better equipped by reason of that fact to invade the foreign market.

Mr. REED. If the Senator will permit one question at that point, it is, If every one of these industries that he has referred to as being successful in the European market at the present time—the steel industry, the harvester industry, and the oil industry—did not appear either directly or by their representatives in advocacy of this measure?

Mr. POMERENE. Mr. President, I do not know whether they did or not. I did not see them. Certain students of the subject came. Certain representatives, speaking for all these exporters, came. I am not able to distinguish them. I shall try to determine this matter upon the facts as I see them and not because certain persons appeared or did not appear before the committee.

Mr. REED. Mr. President, if the Senator will pardon me, that is a very high position to take, but it is not the position the Senator took a moment ago when reading us as persuasive of our action a long list of gentlemen who had advocated the bill.

Mr. POMERENE. Mr. President, I realize that I can not agree with the Senator. There is no use in our trying to agree upon the subject.

I desire to say that it is not the large industries of this country that will be principally affected by this legislation. It will be the small industries—the class of industries which do not have capital enough to permit them to invade the foreign market, to cultivate the trade, and to dispose of their goods.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. BECKHAM in the chair). Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. POMERENE. I have repeatedly asked not to be disturbed. I shall be glad to answer any question I can when I shall have finished this subject, but I want to hurry along.

This subject has been very carefully considered by many very able students, and I am going to take the liberty of reading just a paragraph from one of them which is quoted in the Senate hearings on page 40. I may say it is the thought of Mr. Gilbert H. Montague, who appeared before this committee. He describes the condition, which our people meet in seeking trade abroad, so well that I believe the language will interest Senators.

> Imagine a squad of recruits, responding patriotically to their country's call for foreign service, paying out of their own pockets for their equipment and training; studying in solitude the use of their equipment, with no assistance from the Government except a correspondence course of instruction; and then, without ever having had any company or battalion drill, being sent to the front with the plaudits and best wishes of their grateful country and with the warning that if they ever fight or even drill as a coordinated army or in any way except as unrelated individuals they will be liable, when they return home, to court-martial and public disgrace. That is the situation of our exporters to-day. (Gilbert H. Montague, Third National Foreign Trade Convention, New Orleans, January, 1916.)

I realize that whatever is done upon this subject must be done in such a way as to conserve our own institutions, our own industries, and our own system of laws, and I think we have succeeded in doing it.

The Senator from Missouri yesterday in a very eloquent address referred to the fact that there were two bills before the Congress, one the pending bill and the other the price-fixing bill, known as the Stephens bill. I have no more sympathy with the latter bill than he has. The purpose of that bill is one thing and the purpose of this bill another. He spoke of it as if they were the two jaws of a wild animal. He spoke of his dislike of the Prussian Government and of the Prussian institutions, and I share his dislike. He spoke of the rapacity of the cartels and combinations of Germany, which are permitted to operate not only in Germany with her domestic trade but in her foreign trade, and he feared that our associations which we are seeking to organize under this bill would have the same effect on our domestic commerce.

He did not want our people to be ground between the two jaws of the animal. Neither do I. But let me suggest to him and to those who think like him, at the present time when our exporters are seeking to get their share of the world's trade our men, as individuals, are compelled to come in contact with this Prussian-made animal, and often they are crushed by its jaws. They, as individuals, must meet foreign competitors in combination. We must determine now whether the American Congress has enough interest in the American business man to enable him to meet these German and other associations and cartels on the same footing. If we want that foreign trade we will be for this bill, and if we do not want it, I can understand why some Senators will be against it.

The Senator also in his eloquent argument referred to the fact that all the allied trusts and combinations of the country were back of this bill. I do not know what kind of institutions he embraces within that term, but assuming for the sake of the argument that some of them or all of them are back of this bill, because they want to meet the foreign producer on an equal footing, who in the world will be in opposition to this bill? I will tell you who. It will be the German Kaiser, the German Government, the German cartels and combinations all over the world. They will be lined up in opposition to this bill and will be glad to see it defeated.

Mr. REED. Mr. President, does the Senator mean to intimate that opposition to this bill is indicative of a sympathy with Germany?

Mr. POMERENE. Not at all, sir; and if the Senator regards that as a reflection upon him I want to explain that nothing of that kind was intended. I was simply resorting to his own logic.

Mr. REED. I would not want to say it was a reflection on me, because I do not think I am under suspicion, but I think that kind of an argument is——

Mr. POMERENE. Oh, I am applying the same argument to the Senator's attitude that he was applying to the position of the proponent's of this bill.

Mr. REED. Oh, no, Mr. President. The argument made by the proponents of it was that it was necessary, because Germany had cartels. The reply was that I did not think because Germany had authorized combinations this country was obliged to follow the lead of Germany.

Mr. POMERENE. I quote the Senator's language.

Mr. REED. Quote it. It is in the RECORD.

Mr. POMERENE (reading)—

> The allied trusts of the United States, together with their servants, agents, employees, and sympathizers, are for the bill.

Mr. REED. Undoubtedly.

Mr. POMERENE. Yes; and if the Senator is justified, and I find no fault with him, in trying to align those who favor this bill because they believe in it with the allied combinations and trusts, I do not think that he should be supersensitive when we apply the same logic to his position.

Mr. REED. If the Senator will permit me, I am not supersensitive. I shall take occasion to reply to his remarks.

Mr. POMERENE. Very well.

Mr. President, if I may refer to another phase of this debate, a very plausible argument was made on yesterday when the position was taken in substance that this bill was a repeal of the Sherman antitrust law, and if it became the law of the land and these associations were authorized they would at once seek to control the foreign market, and probably enter into a combination with foreign companies and cartels engaged in the same line of business, and thus reenforced and world-wide in their control of products they would reduce the prices of food animals, of grain, and of other products and raise the prices to the consumer when it suited their purposes.

If the Senator when making this argument had recited facts instead of fancies, there might have been some force in his utterances, but he was giving free rein to his imagination. The Senator overlooked the fact that this bill does not repeal the Sherman law. He had in mind one paragraph only and lost sight of all the restrictions and qualifications it contains. I submit that when this bill is construed judicially it will be analyzed as a whole and not one part separate from the other.

The Senator forgets that neither the associations, nor their agreements, nor their actions can be in restraint of trade within the United States, nor in restraint of the foreign trade of any domestic competitor, and they can not by any agreement, conspiracy, or act artificially or intentionally and unduly either enhance prices or reduce prices domestically, and if they do they violate the law of the land.

Mr. President, I do not believe anyone who has studied this question does not know that an association or a man or a company who is strong financially will not have an advantage over the individual or company that is seeking the foreign market and is not able to enter because of lack of funds. Financial strength and unity of effort beget power and bring success.

It was stated on yesterday that there was no occasion for legislation of this character at this particular time. I do not understand the position of Senators who assume that attitude. The papers have been full of information to the effect that the German Government for two years and more have been planning for the resumption of their foreign trade after the war. More than two years ago there was a conference in Paris between British business men and government officials and French business men and government officials looking to the trade after the war. Why? Because they believe and hope that this war is going to end, and when it ends and peace is restored they must live on, and make every effort to restore conditions as they were in their respective countries prior to the war. They are not waiting until the war is over to begin. They are planning now; and our business men are eager for the day when they can go into the foreign field for foreign commerce and meet their competitors on a fair field and in a fair fight, unrestricted by the legislative handicap of our own country.

One of the principal difficulties which has confronted the American business men in the past has been the fact that we did not have proper shipping facilities. That difficulty, I believe, is now solved because the Shipping Board, under the direction of the Congress, is building a merchant fleet such as was never before known either in the history of this or any other country.

Our opponents say we must do nothing now to help our business men to prepare for this great contest. The business men

of the Old World are not idle. They are looking to the future. Why should we be idle?

Oh, but it is said there is no commerce now. To-day the Government is forging cannon and making munitions not because it expects to use them to-day but because it does expect to use them during the war when American armies will be along the far-flung battle line. We are not waiting for that day to arrive before we begin preparation. To say that our business men must go single handed to seek this commerce against the methods which prevail in the Old World, is just about as logical as to say that we should send our soldiers abroad with a blunderbus in contest with the 42-centimeter guns of the Old World.

Mr. President, I do not feel that I care to occupy the time or the attention of the Senate further than to say this, with regard to the amendment which has been offered by the Senator from Iowa [Mr. CUMMINS]. He insists that all we need, if we need anything, is the authority to organize a selling association. I have yet to learn the distinction, in that regard, between his amendment and the bill which we have presented. I believe that our bill goes a little further. I believe that it is better, because it is impossible for us to anticipate all the things which it may be necessary for us to do. It may be that the phraseology of the pending bill is not what each Senator would have it if he were drawing the bill himself; but I submit that it is fashioned after the framework of the bill of the other House. It is not subject to any of the criticisms which Senators have been making against it. It modifies, to some extent, as I have tried to point out, the provisions of the Sherman law and the Clayton law, in so far as they may affect foreign trade. They are not repealed. It does not repeal, it does not affect the Sherman law so far as it applies to domestic commerce. It strengthens the Sherman law and the Federal Trade Commission law, in so far as unfair practices are concerned beyond territorial limits.

I hope the amendment of the Senator from Iowa will be voted down. That is all I care to say.

Mr. CURTIS rose.

Mr. REED. Mr. President, I suggest the absence of a quorum.

Mr. CURTIS. I intended to make the same suggestion at the request of the Senator from Iowa [Mr. CUMMINS].

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	Norris	Smith, Ga.
Beckham	James	Overman	Smith, Md.
Borah	Johnson, S. Dak.	Page	Smith, S. C.
Calder	Jones, N. Mex.	Pittman	Smoot
Chamberlain	Jones, Wash.	Poindexter	Sterling
Cummins	Kenyon	Pomerene	Stone
Curtis	King	Ransdell	Sutherland
Dillingham	La Follette	Reed	Swanson
Fernald	Lodge	Robinson	Thompson
France	McKellar	Shafroth	Townsend
Gallinger	McNary	Sheppard	Underwood
Gore	Myers	Sherman	Vardaman
Gronna	New	Shields	Wadsworth
Hale	Newlands	Smith, Ariz.	Williams

Mr. VARDAMAN. I desire to announce the unavoidable absence of the junior Senator from Georgia [Mr. HARDWICK] on account of illness, and will let the announcement stand for the day.

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, I do not intend to consume any considerable time in the further observations I shall make upon the bill. I rise for the purpose of having a clear understanding with the Senator from Ohio and with the Senate with respect to its meaning. In the course of the remarks that he has just made he said several times that it had been asserted that the bill, if passed, would constitute a repeal of the entire antitrust law. It may be that some one in the Senate has made an assertion of that character. If so, I did not hear it. It may be that he referred to the repeated statements which I have made with regard to its meaning. If so, he misunderstood those statements. What I have said, and what I now say, is that the bill, if it becomes a law, will repeal the antitrust law so far as foreign trade is concerned. What I say is, that it is the substantial equivalent of striking out of the antitrust law the phrase "and with foreign nations."

The Senate will remember that the antitrust law makes it unlawful to enter into contracts, combinations, or conspiracies in restraint of trade among the States and with foreign nations. It is in the language of the Constitution, which confers upon Congress the authority to regulate commerce among the States and with foreign nations. There ought not to be any doubt about this; we may differ with respect to the wisdom of doing what is proposed, and there is room for honest difference of opinion; we may not agree with regard to the policies which will best promote and most certainly expand our trade with foreign countries, but we ought not either to misunderstand or disagree concerning the effect of this bill.

The bill declares that the antitrust law shall not be construed to make illegal any combination, any association, any corporation, any agreement, or any act done by virtue of such combination, agreement, or association in the export trade. The export trade of the United States is the foreign trade of the United States. To export commodities means to sell them and transport them to some other country in the world. That is our foreign trade, and this bill nullifies the antitrust law so far as export trade is concerned. There must not be any difference of opinion or misunderstanding about that part of the measure.

Now, if the Senator from Ohio believes—and I am sure he does—that our export trade ought to be conducted free from any restriction, such as the antitrust law has thrown about commerce, then he is perfectly right in advocating and in endeavoring to secure the passage of this bill; but we must understand what we are doing. We are simply ridding the laws of this country of an absolute prohibition against restraint of export trade, and hereafter, if this bill is passed, we will have no regulation of commerce so far as exports are concerned.

Mr. STONE. So far as export trade is concerned, but the bill in no wise changes the law with respect to domestic trade.

Mr. CUMMINS. It does not. I answer that of course upon the phraseology of the bill. I have attempted to show, and other Senators have attempted to show, that when we repeal all of the restrictions with regard to export trade—that is, repeal all our regulations with regard to export trade—there will be a license and a liberty in this country that must necessarily affect our domestic trade. The two things are so inseparably connected with each other that you can not strike down the regulation that covers the one without very materially affecting the other. However, so far as this particular proposed bill is concerned, it is not intended to repeal the prohibition of the antitrust law so far as trade within the United States is concerned.

Mr. REED. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. REED. But the contention has been made that the control of the price of the surplus of a product controls the price of the product; that this bill authorizes the creation of trusts and combinations to control the foreign market of the United States; and that whoever controls that foreign market, to wit, the surplus of the United States, will necessarily dominate and control in the United States.

Mr. CUMMINS. Mr. President, having thus stated what I conceive to be the effect of this bill, I turn for a few moments to the saving provisos—at least they are thought to be saving provisos by the Senator from Ohio.

The first is that nothing in this act shall be construed to make legal restraints of trade within the United States; that is, that in repealing our regulations so far as export trade is concerned we are not repealing our regulations so far as domestic trade is concerned. The proviso is unobjectionable and unnecessary. We have fallen into the habit in legislation of attaching provisos to proposed enactments simply to satisfy the conscience or satisfy—what may I call it?—the fears of the people who are engaged in constructing the legislation. It is unnecessary because there is nothing in the effective or affirmative part of the section which pretends to repeal that part of the antitrust law which prohibits restraints of trade within the United States or among the States. I therefore put aside entirely the first proviso.

The second proviso declares that nothing in the act shall be construed to make legal restraints of the trade of a domestic competitor. I repeat that the language is absolutely meaningless. There is a wide, fundamental, philosophical difference between a prohibition against the restraint of trade generically and a prohibition against the restraint of trade of a particular competitor. If it means what the Senator from Ohio says it means, then it is simply a recognition of the law that we already have against unfair methods of competition or unfair or dishonest practices in business. But that is not what it says. It again, in my judgment, is inserted in this bill simply to appease those who instinctively are against the repeal or the modification of the antitrust law. It never can accomplish anything, because if construed in its literal sense it would make illegal the restriction of the trade of a competitor in a perfectly honest

and upright way. As I remarked yesterday, when you say that it is illegal to restrain the trade of a competitor, you say that there can be no business done at all, because every sale made by one of two rivals in the same business does, or may, at least, restrict or restrain the trade of the other.

I attach no importance whatever to it. I agree, however, that under the law which we now have in the act creating the Federal Trade Commission there would be found an effective prohibition against unfair methods of competition or dishonest or oppressive practices in business, but this particular proviso might as well be forgotten. There is no vitality, no efficiency in it and I repeat that up to this time, at least, we have nothing in the statute but a plain repeal of the words "and with foreign nations" as found in the antitrust law, not disturbing, of course, the regulation, so far as our domestic trade is concerned, except that the inseparable association of foreign and domestic trade must not escape the minds of those who are about to pass on the question.

The third proviso is vicious in itself. It will have no effect, probably, upon the repeal of the antitrust law. It does not change at all the argument I am making with regard to the proposition that this is a plain, simple repeal of the antitrust law so far as export trade is concerned. But there is in the third proviso a thought which ought not for a single moment to be accepted by this Legislature or any other in the regulation of commerce. That proviso reads in this way——

Mr. SHAFROTH. From what page does the Senator read?

Mr. CUMMINS. I begin near the bottom of page 2:

And provided further, That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally and unduly enhances or depresses prices within the United States of commodities of the class exported by such association.

I pass the word "artificially" with a single observation. What is it artificially to enhance or depress prices of commodities anywhere? What is meant by the word "artificially"? I shall not stop to answer that question. I content myself with saying that it defies answer, because it has never before been applied to a subject of this character, so far as I know. It is a new criterion, a new phrase, in connection with the regulation of industry or commerce. I may return to it a moment later. It is not, however, the part of the proviso which particularly challenges my criticism. I read it again with that left out, because that is independent of any other:

That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which intentionally and—

Mark you, both—

intentionally and unduly enhances or depresses prices within the United States.

This proviso seems to provide for the people of this country a standard which never before has been recognized, and it is the equivalent of saying that any association or agreement organized under this act may enhance prices within the United States if it does not do it intentionally and unduly. Just what would be the practical application of the word "intentionally" I am not able to say. I suppose that the rule of the law would apply, however, namely, that any man is presumed to intend the natural consequences of the acts which he performs, and in applying the word "intentionally" to a particular case I assume that if what he did or what his association did naturally tended to enhance prices, then he would come within this provision. But what next?

He is to be protected by the law unless he intentionally increases prices, and, further, unless he unduly increases prices within the United States. I should like the Senator from Ohio or any other Senator to answer me this question: Who is to determine whether the prices that may result from any act performed by any such association or corporation or combination are undue prices or not? This is not applicable in time of war. I am not arguing it upon the assumption that we need it or could need it in time of war.

Everybody admits that until the war ends we do not need any modification of the antitrust law, for we meet no competitors in any markets in the world that we can not successfully meet. I am speaking, therefore, of a time of peace.

Imagine the combination or association brought to the bar of justice. Imagine that it is alleged against it that it has intentionally and unduly enhanced the prices of certain commodities in the United States. Who is to determine whether the increase or enhancement has been due or undue? Who is to determine what is a fair and a reasonable price for any commodity so affected?

This statute is intended to give, or does give, at least, to the courts of the United States a jurisdiction which has never before been conferred upon them, and which is repugnant to every American instinct. In order to test the validity of an association of this sort, we are to enter in the courts into an inquiry as to whether this particular association has lifted up beyond the point of reason and fairness the prices of commodities in which it deals in the United States.

What is the standard for the ascertainment of fair prices? We have a standard for ascertaining the value of a service when rendered by a public-utility company. From time immemorial the courts and legislatures have applied a standard. But what is the standard for oats, for wheat, for meat, for steel, for wood, for any other of the great commodities which make up our industrial activity? Tell me what the standard is. There is none. There can be none.

Here is one producer working under such conditions that we will assume that it costs him—and now I will refer to steel—$34 a ton to produce a certain form of steel. Here is another operating under such circumstances that it costs him $50 a ton to produce steel. What is a fair price for steel under those conditions? What is a fair profit to be reaped by those who are engaged in the industry?

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. It has been some time since I have looked at the record of the Standard Oil Co. and the American Tobacco Co. cases; but one of the unfair practices complained of in those cases was that these companies would at times depress prices until they drove competitors out of the market, and then raise the prices. I take it that the court had to determine, in those cases, whether the prices were intentionally or unduly depressed or raised. Now, what is the difference between a case of that kind and a case such as this?

Mr. CUMMINS. Mr. President, the Senator from Ohio entirely misconceives the Standard Oil Co. case in that respect, as well as the American Tobacco Co. case. The court at no time in either case, as I recall, entered into any inquiry as to the reasonableness of the price at which the commodity dealt in by the one or the other was sold. It was alleged that in view of the great ramifications of each of these companies it could take a particular community, and in order to drive out a competitor who had risen up in that community the price would be lowered below the cost of production, and the competitor, being weak and new, could not endure that kind of competition. Then, with the competitor removed, the price would be again restored to its former point. It was in that connection that the Supreme Court reviewed the acts of these two companies in lowering and raising prices in particular communities.

But I suspect this word "unduly" crept in here because the word "undue" was used by the Supreme Court in the Standard Oil case in determining whether the restraint of trade practiced in that case was in violation of the statute or not. I am not going to quarrel with that decision; I have no disposition to do it; from my standpoint it can be justified; but what the Supreme Court really said there was that it was not every restraint of trade that came into conflict with the statute, that the restraint must be an unreasonable or an undue restraint of trade, so as to prejudicially affect the people of the country, so as to close up the channels of commerce and transportation and to a degree that really inflicted a hardship upon the people of the country. The use of the word "undue," however, in that connection has no relation to the use of the word "unduly" in this act. You are applying that word to the price of an article, and I repeat that it would be dangerous if not impossible to remit to the courts of this country the inquiry as to whether 20 cents a pound for a particular article was an unduly high price or not, for there would be but one way in which the courts could pursue the inquiry, and that would be to enter upon an investigation as to the cost of production and the cost of putting it upon the market and then allow the producer a fair profit upon the transaction. I have just pointed out, however, that that is a course that is impracticable on account of the wide variety of conditions which surround production.

I can not believe that we will deliberately adopt a statute which inferentially says that these combinations and associations may artificially increase prices in the United States, limiting their influence in that respect only by the qualifications that the increase must not lift the commodity to an unduly high point. We will have reversed our entire policy, we will have disregarded all the learning of the past, we will have launched our boat upon an uncharted sea, for, so far as I know, there is not a country in the world, even Germany, with her intimate connection with her industrial interests, that has ever pretended to establish any such standard or apply any such rule.

I have said so much because I feel deeply upon the question, upon the abandonment of all our former ideals and all our

former standards to enter upon an experiment in which this Nation will be the pioneer and which, in my judgment, can lead to nothing but disaster.

Mr. STONE rose.

Mr. CUMMINS. Does the Senator from Missouri desire to interrupt me?

Mr. STONE. If the Senator will yield.

Mr. CUMMINS. Certainly; I shall be very glad to yield.

Mr. STONE. If I may say a word before I put the question I desire to ask, I am in very hearty accord with what I understand to be the general purposes or purpose of the bill. I have for a good while thought it important that we should do whatever we could do safely to promote the export-trade business of the country. The purpose of the bill is to do that.

The Senator has been criticizing the phraseology of the bill. Just now he has been particularly criticizing the proviso in section 2 of the bill. I am in hearty sympathy with any effort the Senator from Iowa may make, for I know no Senator—I do not mean this as flattery at all—who has a finer capacity for criticizing and perfecting legislation than he.

I say I am in entire sympathy with any effort he may make to perfect the bill, but mere criticism does not perfect it. It aids it; it is the beginning of the work of perfection. But while the Senator criticizes the proviso to which I have referred, he is making no suggestion as to phraseology that would make it better to accomplish the evident intention of the bill.

Now, is the Senator against the principle or policy outlined in the bill itself? Is he against that, or is he against the mere phraseology of the bill? If it is his object to perfect the bill, then I want to work with him. If he is against the bill itself, then I would be under the necessity of parting company with the Senator. I should like to understand the attitude of the Senator from Iowa on the basic question involved. Are you for the bill, the principle of it, or against it?

Mr. CUMMINS. Mr. President, I would be very sorry to have the Senator from Missouri think that I am a mere critic.

Mr. STONE. Not at all. I do not say that.

Mr. CUMMINS. The committee of which the Senator from Ohio [Mr. POMERENE] is a member, from which this bill comes, and of which I am also a member, has been considering this subject for five years. This bill was the result of that consideration, although the bill came from the House. Three days ago I spoke upon the bill for about an hour and a half, giving my reasons for the conclusion that the export trade of this country, in order to do just what it says it wants to do, required no modification of the antitrust law.

Yesterday I spoke again for an hour upon the same general subject. Both these speeches were made in advocacy of an amendment which I have offered to the bill as a substitute for it, which is printed and upon the desks of all Senators. So the Senator will see I am not merely criticizing the bill. I am really trying to provide something which will meet the demand, although I think the demand for legislation grows out of an unreasonable fear of an interpretation of the antitrust law which never yet has been given to that law.

I know that the Senator from Missouri and I want to reach exactly the same end, and I hope he will make himself familiar with the amendments I have offered. In order to make the examination of those amendments easier I will say that instead of repealing the antitrust law, which is a prohibition against restraint of trade, I have proposed that we make it affirmatively lawful for exporters or manufacturers or producers in the United States who may be engaged in the production of the same kind of goods to establish and conduct in any foreign country a common selling agency. Of course, that agency must not be managed so as to restrain the trade of the United States, which is just the thing that we want to maintain, and we want to expand it. I am doing everything in my power to bring this legislation to a point that will give to the producers of the United States all they ought to have. I think they have it now, but it is said there is a fear with regard to it, and I have proposed to remove that fear in so far as it can be said to be based upon an unreasonable interpretation of the antitrust law.

Mr. KING. Will the Senator allow me?

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. KING. I should like to ask the Senator whether he thinks the manufacturers of the United States who are seeking the export trade, in part or in whole, of the world would be satisfied with the mere opportunity, free from any legal restraint, to establish selling agencies in foreign countries? Do not the manufacturers want to go further and under the guise of securing the export trade, in part or in whole, of the world combine domestically for the purpose at least of securing raw material or combining for the purpose of securing economies in the production of the articles in our own country which they seek to export abroad? If that be their purpose, would they be permitted to accomplish it under the bill offered by the committee; and if they were permitted to accomplish that end, if I may embrace two questions in one, would not that be in the teeth of the Sherman antitrust law and be disadvantageous to the manufacturers?

Mr. CUMMINS. Mr. President, I endeavored to point out all phases of the matter yesterday. I believe that the common selling agency meets every requirement that the exporters or the manufacturing associations are willing to make public. That provision fulfills their demands, so far as I am able to understand them, as laid before our committee; but I feel that there is an ulterior design in giving or in seeking absolute freedom and liberty from any regulatory provision of the law. I know and the Senator from Utah knows there are a thousand things that they can do in the United States that will prejudicially affect the people of the United States if they are not held in leash by some provisions such as we now have in the law.

I am not willing to give them this blanket license. I am willing to give them affirmatively what they really need and what they say, or what most of them say, they really want, but I am not willing to accompany it with permission to organize any kind of an association, any kind of a combination, and label it an association for export trade, knowing that it is utterly impossible to disassociate the activity of an association organized for export trade and the industries carried on for consumption within the United States. Have I answered the inquiry?

Mr. KING. You have.

Mr. CUMMINS. Mr. President, I have said all I care to say with regard to the subject. I have been deeply interested in it. I have been very fearful about it, because I know the force of the seductive arguments under which the propaganda has been carried on. There are a great number of exporters who want some legislation who are absolutely sincere and who see an obstacle in the way of the enlargement of their trade with foreign countries. As I have said so many times, in my judgment that obstacle is purely imaginary under a proper interpretation of the law, but I am willing to remove even that misty obstruction in the way of commerce. But let us not hastily abandon a statute which has done something at any rate to curb the avarice and control the greed of the unconscionable people who are willing to take everything that their genius and audacity enable them to take. I want to hold fast to the essential parts of the protection we have enjoyed for so many years.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. REED. If the Senator from Iowa is willing to have a vote on his amendment at this time, I shall not interfere.

Mr. CUMMINS. In view of the many engagements of Senators and the imperative nature of the work they are impelled to do in these early days of the session, I am not willing to have it come to a vote now, but I have had to accept in times past many things that I was not willing to take.

Mr. REED. While I have a few words to say in regard to the bill, I would waive them if the Senator desired to have a vote at this time.

Mr. CUMMINS. No.

Mr. REED. Mr. President, I am perfectly aware, as is the Senator from Iowa and as everyone is, that the mind of the Senate is not on this bill. I have talked on the floor of the Senate this morning with at least four Senators, men of great earnestness of purpose, who expressed doubt with reference to this measure and yet who say that they absolutely can not take the time just now to listen to the debate or to carry on an investigation for themselves. One of those Senators said to me that the people of his State were freezing for want of coal. He said he was trying to do something to relieve that situation. Another Senator made a very similar statement to me. We know there is hardly a man in the Senate who does not have fifty to a hundred matters pending before the departments growing out of the military situation or growing out of the fuel or food situation. So we meet here and have roll calls, and the moment the roll call is over there is an exodus. I do not think this bill ought to be brought forward and forced to a vote under these circumstances. I think the Senate ought to adjourn for two or three days and let the committees catch up.

Mr. VARDAMAN. If the Senator is going to make a motion to adjourn, there are some matters of an executive nature which ought to be considered.

Mr. CUMMINS. I suggest to the Senator from Missouri—I do not see the Senator from Ohio——

Mr. REED. He is in the room.

Mr. CUMMINS. At some opportune time the motion ought to be made, and if no one else will make it I will, to recommit this bill to the committee. In view of the discussion which has now taken place upon it, I do not think it ought to come up before the holidays, at any rate, before we really settle down to legislative work.

Mr. REED. I was about to remark, in line with what I was saying a moment ago, that the Military Committee, which has, I think, 15 or 17 members, is engaged in an investigation of a far-reaching character relative to the entire military situation. They barely got started this morning when the bell rang for the assembling of the Senate. The investigation which they are conducting ought to go on. They are obliged to call before them Army officers, who are the busiest men in the world now and who ought not to be dragged back and forth. It is important that that committee should go on. It is important that whatever doubts Congress may have shall be cleared up and whatever suggestions Congress may have shall be elucidated and laid before the military authorities.

Mr. MYERS. Will the Senator yield to me to make an observation there?

Mr. REED. There is just a sentence more that I want to utter. The Committee on Manufactures has been instructed by the Senate to begin an investigation of the causes for the shortage in fuel and sugar. That investigation, if it is to be of any service, ought to begin at once, and it ought to be pressed without interruption or delay. Other committees of the Senate have before them matters of very great importance. It does seem to me that the committees ought to be allowed to work and that Senators ought to be allowed an opportunity to clear up their business, and that this legislation, which is as important as any which has been before Congress, outside of war measures, for years, should have the real serious attention of the Senate. I yield to the Senator from Montana.

Mr. MYERS. Mr. President, I am not in charge of this bill on the floor of the Senate. That is well placed in the hands of the very able Senator from Ohio [Mr. POMERENE], who is discharging his duties very faithfully and ably. Nevertheless, being a member of the committee from which the bill was reported and knowing something about it, I have a very strong interest in the bill, and I have my feeling as one member of the committee and a Member of the Senate.

I have not been able to hear all the arguments that have been made on the bill, as I have been unable until to-day to attend the sessions of the Senate. I appeared on the floor of the Senate to-day for the first time this session, and I have been greatly surprised at some of the statements given as reasons why the bill should not be considered at this time. Some of them have been made to-day and some of them have been made on other days, within the last few days, while the bill was under discussion.

It is urged that the bill should not be considered or passed now because the attendance of the Senate is so slight and because Senators are busy with other things. That argument is utterly fallacious and untenable. The same condition of affairs prevailed before we entered the European war, and the same condition of affairs prevailed before the beginning of the European war between the warring nations of Europe. I have seen hundreds of bills during my service in this Chamber debated for hours and for days with a very slight attendance. During the debate on the Canadian reciprocity bill in the summer of 1911 I heard able Senators deliver forceful speeches with not over three or four Senators in attendance. I saw one Senator speak for several hours on the Canadian reciprocity bill with only three occupants on the floor of the Chamber, being the speaker, the Presiding Officer, and one other Senator, who was waiting his turn to follow the speaker. There is nothing in that.

The attendance of the Senate is just as good as it has ever been upon an average since I have been here, and I do not believe that Senators have much more of other matters to distract their attention now than they have had for a number of years past.

We all have committee meetings and hearings. The forenoon is supposed to be devoted to those matters and the afternoon to legislation. If we do not stay here and hold the bill before the Senate, manifestly it never will pass. If some committees have to sit and have hearings at times during the afternoons, the Senate business should not be suspended on account of that.

About three years ago the committee of which I have the honor to be chairman, the Committee on Public Lands, held hearings on water-power legislation and land-leasing legislation for three months almost daily. It sat during the afternoon as well as the forenoon, more or less, for weeks and even months, but I did not ask, and no other member of the committee asked, on account of that that all other business of the Senate be suspended and that legislation should cease because we had some hearings and could not be present in the Senate at all times.

I notice that my esteemed friend the able Senator from Missouri [Mr. REED] yesterday complained because this bill had been under consideration by committees for five years, and stated that there was something suspicious about it, that it raised a very grave suspicion in his mind as to the merits of the bill because it had taken the committee five years to frame proposed legislation on the subject. Now, we have in all earnestness a suggestion to refer it back to the committee and put it under more suspicion with the Senator from Missouri by investigating it some more.

Mr. CUMMINS. Mr. President——

Mr. MYERS. I yield to the Senator.

Mr. CUMMINS. The Senator from Montana must not infer from anything I have said on the subject that I thought there was anything vicious other than my explanation upon the floor of the Senate. I made that remark because I wanted to advise the senior Senator from Missouri [Mr. STONE] that the subject was not a new one and had been for a long time under examination by a committee of the Senate. It was for the very opposite purpose from the one now suggested by the Senator from Montana.

Mr. MYERS. Mr. President, the Senator from Iowa misunderstood me. My words were uttered with reference to the Senator from Missouri [Mr. REED]; and while I have very warm regard for both the Senator from Iowa and the Senator from Missouri, I would not confuse them, because each might possibly object.

I will quote here from the Senator from Missouri. He said yesterday:

> The Senator from Ohio [Mr. POMERENE] states that it has been before his committee for five years. If it has taken the committee five years to make up its mind whether this bill ought to pass, it surely comes here under a considerable cloud of suspicion and distrust.

That was the language of the Senator from Missouri. I do not think I have misquoted him.

Mr. REED. I said that.

Mr. MYERS. Now, we have a suggestion made by the Senator from Iowa, who I know is a very earnest student of this subject and who has been a very highly valuable member of the committee which has handled it, to refer the bill back to the committee for further consideration. If having been under consideration for five years has made it the subject of suspicion, to consider it further surely would do the bill no good. If we have not sufficiently considered it in five years, I can not conceive of any good reason for referring it back to the committee, and I sincerely hope that such a motion will not prevail.

Mr. CUMMINS. Mr. President——

Mr. MYERS. I yield with pleasure to the Senator from Iowa.

Mr. CUMMINS. I hope the Senator from Montana will not misunderstand me.

Mr. MYERS. I hope not.

Mr. CUMMINS. I never conceal what I am attempting to do. I should vote to recommit the bill simply to prevent a vote upon it in the Senate at this time. I do not think the committee can do anything further with it.

Mr. MYERS. Does the Senator desire the bill referred right now, this afternoon, or to-morrow?

Mr. CUMMINS. But it will be a very good way to dispose of a measure which ought not to be considered at this time. There is no reason for its consideration, as I attempted to point out two or three days ago. I want the Senator to know that I have no concealed purpose about it.

Mr. MYERS. I am satisfied of that. I have never known the Senator to have a concealed purpose about anything. The Senator is always very frank and has afforded valuable contributions to the consideration of this measure; but I was somewhat surprised, after legislation of this character had been considered, off and on, for five years and over, at the Senator's suggestion that it ought to be recommitted to the committee. I certainly hope that suggestion, if again made, will not prevail.

I do not see any reason why this bill should not be kept before the Senate until it is finally disposed of. If the Senate is not ready and able to finally dispose of it now, I do not know when it will be. A bill of this character has been twice passed by the House of Representatives; it has been recommended twice by the Senate Interstate Commerce Committee; it has been advocated in presidential messages repeatedly by the President of the United States; it is recommended by the Federal Trade Commission, which has investigated the matter; and it is also favored by the Secretary of Commerce. If Senators are not ready to vote on it now, I should be glad to have the debate proceed until they are ready to vote on it, but I do not think the consideration of the bill ought to be postponed for an indefinite length of time.

Mr. REED. Mr. President, I did say that the Senator from Ohio [Mr. POMERENE] had stated that this bill had been before his committee for five years, and that, if it had taken the committee five years to make up its mind whether or not the bill had to pass, it surely comes here under a considerable cloud of suspicion and distrust, and I repeat that language.

If this bill has been during all these five years necessary for the carrying on of the foreign commerce of the United States, if our foreign commerce has been suffering and dwindling and shrinking up during these five years, it is very strange that the committee did not discover it long ago and make a report long ago. When the situation is such that it takes a committee five years to make up its mind whether anything at all ought to be done the Senate ought to regard the question with sufficient distrust at least to give it careful investigation.

A singular thing in connection with this bill is that when a Senator undertakes to point out that it will injure the American people by taking away their free foreign market, the answer we get is that "the Kaiser of Germany is against this bill." That is a species of logic that is becoming a little disgusting. Who knows that the Kaiser of Germany is against this bill? Who knows that the Kaiser of Germany ever heard of this bill or ever heard of its illustrious author? Who is it that has a right in the Senate of the United States to impugn the motives of a Senator and to insinuate that he is a compatriot of the Kaiser of Germany because that Senator is not willing to surrender the foreign business of the United States to a few trusts?

I took occasion to say that we did not need to follow the example of Germany; that I did not propose to take my philosophy or my politics from Germany; and I did take occasion to say that I was growing very weary of seeing Germany held up before the world as an example to be followed.

In my opinion, the writer of history, looking back and observing the events that have transpired from that distant perspective which enables a complete and perfect view, will set it down that every act of the German Government which destroyed the individuality of its citizens, which compelled them to act in response to the imperious will of an imperious master, although apparently of temporary advantage, in the end wrought for the destruction of the German people. I believe it will be written that this ghastly and bloody world war is the legitimate outgrowth of the centralizing, paternalistic, and imperial socialism of Germany. So I do not think we need to turn over the foreign business of the people of the United States to favored trusts and monopolies because Germany has handed over her foreign business to certain trusts and monopolies. But even Germany has not given these combinations, cartels, or whatever you call them, an unrestricted rein. The Government has retained some kind of jurisdiction over them; whereas it is proposed here to permit organizations to be created without any kind of restraint or control whatsoever.

Deny this as you may, there is no escape from the fact that the bill put in plain terms means this: The trust laws of the United States shall no longer apply to the foreign business. Accordingly, men may meet and organize for the purpose of controlling that foreign business. We are told that the purpose of these organizations is to compete in the European market; that side of the picture is constantly presented to us; but if they are to be organized so that they can compete in selling in the European market, they must buy somewhere, and they will buy in the United States. Hence the great monopoly or combination which you create for the purpose of controlling the selling of goods in the European market will be the great combination that will control the purchasing of goods in the American market to be sent to the European market. If these concerns are great enough to control the price of American products in the European market, then they must have an exclusive control, or substantially an exclusive control, of the selling for export market of the United States.

It follows, therefore, that the concern engaged in selling wheat that is strong enough to exercise a potential influence in the European market must be strong enough substantially to control the sales of all wheat or the purchase of all wheat for export to the European markets. In other words, you will have one exporter for the farmer's wheat where to-day there are a large number of exporters bidding against each other in the American market, and perhaps competing also with the European merchants who come here to buy for the European markets. This bill authorizes all these exporters to combine. We are told that there is an advantage in combination. If there is an advantage in combination, then naturally they will combine. We are to-day authorizing the creation of a single selling agency for American wheat. That means a single buying agency for American export wheat. If you set that sort of thing up in this country, I say to you the day will come when you will regret it.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I yield.

Mr. SMITH of Michigan. If the Senator from Missouri would like a concrete case of foreigners absolutely controlling the domestic market, he has only to raise his eyes and look at Cuba, where foreigners do control the production and the output of sugar as powerfully as it is possible for any combination of men to control the output of any natural product. Cuba is in a high state of prosperity, of course; she never was so prosperous as she is to-day; her export trade was never so large as it is to-day; but the sugar produced, I think averaging now about two and a half million tons, or perhaps a little more than that, is absolutely controlled by an organization made up largely, I think, of Americans, who conduct the business of raising and selling sugar. If its influence is helpful to Cuba, it is because Cuba has not a large population, and has a marvelous sugar productivity. But reverse the situation; suppose that here we were producing 2,500,000 tons of sugar a year and there was a demand for it outside the confines of the United States, how much influence would the men who owned that output have in fixing the price and in controlling the market? If they desired, why could they not cooperate with one another against the people of the United States?

Now, when we give this power to a domestic corporation controlled largely by foreigners—and we are giving them paramount rights in foreign trade which we withhold from our own people—it seems to me we are toying with a situation which is fraught with great danger to our own people.

Mr. REED. Let me take the Senator's sugar illustration. Let us suppose that the sugar production of Cuba was entirely in the hands of native owners and planters and that there were a half dozen exporters, Cubans, engaged in the business of exporting sugar, competing against each other, so that Cuba always got the benefit of the world's market for her sugar. Now, suppose that the Government of Cuba were to pass a law authorizing all the exporters to combine into one corporation, so that there would be no longer any rivalry, and so that they could substantially fix such price as they saw fit; what would we say about the Cubans? Would we not declare that they were not fit for self-government? Would we not say that the sugar combination had controlled them?

Now, what is the situation here? The proposition is to permit combinations to be formed to control the export business of the greatest people on earth. You say that that is for the purpose of enabling them to sell in the European market; but if they are great enough to dominate the selling market in Europe they must be great enough to dominate the purchasing market in America for export to Europe.

I illustrated this matter with cotton yesterday in the absence of some Senators who are now present. We know that until recently under war conditions there were a great number of foreigners who came to this country to buy cotton; also there were a great number of our citizens who bought cotton to be shipped abroad; there was an active cotton market. Suppose that this bill is passed and all exporters of cotton, as the bill contemplates, shall form themselves into a single great concern for the purpose of shipping cotton to Europe. Now, when that combination is formed for the purpose of selling in Europe, it will also be the one single concern to buy the cotton in this country for export to Europe. The cotton planter will speedily find himself with one single buyer. That is what we are proposing to set up by this bill.

Mr. VARDAMAN. Mr. President, if the Senator will permit me, if legislation of this character were needed at any time, I submit that the defect to be cured does not now exist. The social or economic ill that it proposes to correct is not in existence. I maintain that legislation of this character, which I am sure is not needed, had better be postponed until after this fever produced by war is over. It is most dangerous, and I would warn the Senate against the enactment of legislation of a permanent character under stress of war conditions that is not needed in the conduct of the war. Things may be done under present conditions that will be regretted when we reach that point

where we can see things in their due proportions and calculate accurately their consequences. I am opposed to legislation of this character at this time. I do not believe its purpose is to benefit the masses.

Mr. REED. I thank the Senator. Now, at the risk of further repetition of what I said yesterday, take the packing industry. It is well known, to begin with, that a few packing houses in the United States constitute to-day substantially the sole domestic market for all the countless herds raised in America. There is, however, a direct market for export. At the present time these various packing companies compete with each other in the purchase of the farmer's live stock. There may be some kind of an understanding or agreement which is too close for comfort, but there is at least a pretense of competition kept up. These packing companies also sell in competition with each other in the domestic market. But after the domestic market is supplied they have left a surplus which they must send to Europe and sell in competition with each other and also with the independent American exporters and with all the exporters of the world.

The result is that the farmer in America gets the European market price less the usual costs and charges incident to the business. Observe that he has the benefit of world prices because the packing houses to which he sells are throwing their surplus into the world market, and are at the same time in competition with each other in the American market for the live stock to supply the world market.

I am repeating substantially what I said yesterday, because it was as well said as I know how to say it, but I am repeating it because there are Senators here who were not here then. Let us say, instead of 25 or 30 packing houses of considerable size, there were only 3, the Cudahy's, the Armour's, and the Swift's.

Now, suppose that these three companies were carrying on the whole packing industry of the United States and shipping abroad and selling in competition with each other, then comes this bill, which authorizes them to organize themselves into one company for the purpose of carrying on the foreign business, and accordingly they organize the Swift-Armour-Cudahy Export Co. Thereupon each of these companies consigns all of its surplus to the combination company, in which they each own one-third; the combination company then proceeds to sell the goods turned over to it by the parent companies.

What follows? The first result is that immediately these three companies are able to control the price of the entire American meat export. They can put it down or they can put it up at will. The second result is that every farmer in the United States, in effect, has to market his stock that goes to Europe through that one company; for while he sells to one of the constituent companies, it in fact is all marketed through that one company. The result is that the farmer of the United States is at the mercy of the combination export company, not only as to his stock actually shipped abroad but also as to that consumed in the United States, for the price of the surplus of a product always fixes the price of the product. Moreover, when you have organized that Swift-Armour-Cudahy Export Co. and done away with all differences in prices paid by the constituent companies for export cattle, have you not necessarily done away with any difference of price on cattle purchased for the home market? How can Armour, who is buying from a farmer a thousand head of beef, 20 per cent of which will go through this export company to Europe, and Swift, who is buying a thousand head of beef, 20 per cent of which will go through this export company to Europe, and Cudahy, who is buying a thousand head of beef, 20 per cent of which will go through this export company to Europe, and there all be sold at one price, pay different prices for the cattle they buy?

Manifestly, they can not do it. Why, if Armour paid 7 cents for his cattle and 20 per cent of them went to the combine, and Swift paid 8 cents for his cattle and 20 per cent of them went to the combine, and Cudahy paid 10 cents for his cattle and 20 per cent of them went to the combine, there to be all sold at the same price, how could the parent concerns equalize the business?

The cold truth about the matter is that when you unite these companies in a common selling agency which takes care of their surplus, that common selling agency becomes the Siamese twin attachment that ties all three of them together, and all of their business will be brought under that one control. There is no escape from that conclusion if men will pause and reason about it. That is what this bill was intended to accomplish. That is not what the Senator who sponsors the bill intends, but it is what the trusts back of this bill know they mean to do.

Mr. President, this bill did not grow up like Jonah's gourd, in a night. It is not the inspiration of a statesman. It is not the dream of some enthusiast. It is not the plan of some reformer. This bill had its origin in the brains of those men who want to form combinations for the purpose of controlling prices and making profits. A propaganda in favor of the bill has been waged for years. An organization was gotten up, I think, for the purpose of promoting this bill. This organization was known as the National Foreign Trade Council. I will not say it was gotten up on purpose for this bill, but one of the men who appeared in favor of it was the secretary of that council; and when we come to inquire who are the members of that council, notice:

The chairman of that organization, the first one on the list of these "small concerns" that need to be protected, is James Farrell, president of the United States Steel Corporation. I suppose the Steel Trust is not able to compete. Why, I know what the Steel Corporation wants to do in Europe. It wants to extend its American monopoly and make it a world monopoly, and this bill gives it the right to form that kind of a combination.

The treasurer is Mr. Walter Clark, manager of the Westinghouse Co., another weak and diminutive concern that needs to be protected lest it be crushed out by greater rivals.

One of its members is Morris Coster, managing director for the Westinghouse Electrical Export Co., of New York City.

Then come the great Washburn-Crosby Mills—I am omitting a number of great concerns—the Baldwin Locomotive Works; the International Harvester Co., by Cyrus H. McCormick; the Anaconda Copper Mining Co., by John D. Ryan, its president. Then there are Eugene P. Thomas, president of the United States Steel Products Co., and Frank A. Vanderlip, president of the National City Bank of New York, which means the entire Morgan interests.

These are the little concerns that are asking protection.

I am talking about these poor little follows that need protection. It appears they organized this foreign-trade commerce. I have no doubt it helped push the propaganda that reached all parts of the United States. The long list that the Senator from Ohio read of organizations that have petitioned Congress to pass this bill is evidence of a propaganda. The fact is plain that back of this bill is not the demand of the small exporter, is not the demand of the small business man, but is the conspiracy of the great trusts and combinations. We are presented with the spectacle of this powerful attack upon our trust legislation, being led by men who I have always thought were especially devoted to the interests of the people.

Why, I remember that when the Senator from Ohio [Mr. POMERENE] came here, he had hardly landed in the seat which he has ever since adorned and dignified until he introduced a resolution to once more disembowel the old Standard Oil Co.; and now behold the nose of the trust camel inside the "tent of Democracy," with the Senator from Ohio pulling at the bits, the Steel Trust and the Harvester Trust boosting at the hips, while the president of Morgan's bank twists the animal's tail. Surely a change has come over the spirit of our Democratic dreams.

Mr. President, the statement has been made here this afternoon that those who object to combinations to control trade abroad object to any trade abroad. Not at all. We want to keep the trade abroad for the American people. We object to a few combinations grabbing that trade for themselves. I repeat what I said yesterday, and I shall then yield the floor. I leave the thought with Senators.

We are fighting this war for the freedom of the seas, for the right of our commerce and our people to travel the highways of the ocean undisturbed. In order to maintain that right we are sacrificing the lives of our soldiers, the sons and brothers of our women, and at the moment we are asking them to die for the maintenance of the freedom of the seas and the right to trade with all the world it is proposed to turn over that foreign trade, for which, in part, they die, to a few combinations and trusts!

If this war is being waged that the trusts may have the trade of America, let the trusts shed the blood; but if it is being waged on behalf of a free people, of their trade and their commerce—their right to travel—then let the trade and commerce remain theirs, even as the duty of laying down of life and pouring out of blood is theirs.

EXECUTIVE SESSION.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

PROMOTION OF EXPORT TRADE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2316) to promote export trade, and for other purposes.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). The pending question is the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. HITCHCOCK. I move that the Senate adjourn.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

Mr. REED. I make the point of order that a motion to adjourn has precedence over any other motion.

Mr. TOWNSEND. I want to get a quorum on that question.

Mr. REED. Why, you can adjourn without a quorum. A motion to adjourn takes precedence over the question of a quorum or anything else.

The PRESIDING OFFICER. The point of order made by the Senator from Missouri is sustained. The motion before the Senate is the motion of the Senator from Nebraska that the Senate adjourn.

Mr. POMERENE. On that I ask for the yeas and nays.

Mr. STONE. I call for the yeas and nays.

Mr. SMOOT. Before that ruling stands, Mr. President, I want to say a word about it. A suggestion of the absence of a quorum is in order at any time under Rule V, paragraph 2, and when the motion to adjourn is offered any Senator has a right to suggest the absence of a quorum and the roll called. No motion is in order.

Mr. LODGE. Mr. President——

Mr. KING. I rise to a point of order. The Presiding Officer has already ruled, and there is no appeal from his decision. I call for the question on the motion.

Mr. LODGE. A motion to adjourn does not require a quorum, and it takes precedence, of course, of everything.

Mr. SMITH of South Carolina. That is right.

Mr. TOWNSEND. It does not.

Mr. SMOOT. A motion to adjourn takes precedence of any other motion that may be made; but suppose one Senator was in the Chamber, or two Senators were in the Chamber——

Mr. SMITH of South Carolina. He could adjourn.

Mr. SMOOT. And suppose one Senator offers a motion to adjourn and the other Senator suggests the absence of a quorum. It has been the practice of the Senate that the roll has been called.

Mr. SMITH of Michigan. The Senator is wrong.

Mr. SMOOT. No; I am not wrong.

Mr. STONE. Mr. President, I should like to inquire if the roll call has been commenced?

The PRESIDING OFFICER. One name has been called and no response has been made.

Mr. STONE. Mr. President, I believe that a motion to adjourn has precedence, although I am personally very much opposed to adjourning. I want the business of the Senate to proceed.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry. What is the ruling of the Chair on the subject?

The PRESIDING OFFICER. The Chair ruled that the motion to adjourn was in order.

Mr. TOWNSEND. And the motion has been made?

The PRESIDING OFFICER. The motion has been made.

Mr. TOWNSEND. Upon that I demand the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded. Those in favor of ordering the yeas and nays——

Mr. SMOOT. Mr. President, I wish to say to the Senator from Missouri that there is no question that the motion to adjourn, when made, was in order. That motion was certainly in order; but the suggestion of the absence of a quorum is always in order even if a motion for adjournment has been made.

Mr. SMITH of South Carolina. No; it is not.

Mr. SMOOT. I submit that it is.

Mr. JAMES. I call for the regular order.

The PRESIDING OFFICER. The Chair is advised by the parliamentary clerk that the uniform practice of the Senate is to allow the making of a point of no quorum while a motion to adjourn is pending. And therefore the Chair will be obliged, in order to be correct, to change the ruling in that matter.

Mr. GRONNA. Mr. President, I can not allow that ruling to stand without calling the attention of the Chair to Senate Rules, page 21, Rule XII. It shows so clearly that a motion to adjourn takes precedence over all other questions.

Mr. SMOOT. We know that.

Mr. GRONNA. In fact, the calling of the roll discloses whether or not a quorum is present. But, Mr. President, the point of no quorum can not take precedence over the question of a motion to adjourn after a roll call has been ordered.

I trust that the Chair will not revoke or change his first ruling, because the ruling of the Chair in the first instance I believe to be absolutely correct and in accordance with the rules.

Mr. CUMMINS. I call for the regular order.

Mr. SMOOT. Regular order!

The PRESIDING OFFICER. The point of no quorum having been made, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Overman	Smith, Md.
Borah	Johnson, Cal.	Page	Smith, Mich.
Calder	Johnson, S. Dak.	Pittman	Smith, S. C.
Chamberlain	Jones, N. Mex.	Poindexter	Smoot
Culberson	Jones, Wash.	Pomerene	Sterling
Cummins	Kenyon	Ransdell	Stone
Curtis	King	Reed	Sutherland
Fernald	Knox	Robinson	Swanson
Fletcher	Lodge	Shafroth	Townsend
Frelinghuysen	McNary	Sheppard	Trammell
Gronna	Myers	Shields	Underwood
Hale	New	Simmons	Vardaman
Hitchcock	Newlands	Smith, Ariz.	Wadsworth
Hollis	Norris	Smith, Ga.	Weeks

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum is present. The question is on the motion to adjourn. Before the question is put, with the permission of the Senate, the Chair will have the Secretary read the rule under which his decision was made, being section 2 of Rule V.

The Secretary read as follows:

V.

2. If, at any time during the daily sessions of the Senate, a question shall be raised by any Senator as to the presence of a quorum, the Presiding Officer shall forthwith direct the Secretary to call the roll and shall announce the result, and these proceedings shall be without debate.

The PRESIDING OFFICER. The question is now upon the motion to adjourn.

Mr. POMERENE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN], which I transfer to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

The roll call was concluded.

Mr. SWANSON. I desire to state that my colleague [Mr. MARTIN] is detained from the Senate on account of sickness in his family.

Mr. SHIELDS. I wish to announce the absence of my colleague [Mr. McKELLAR] on official business.

Mr. MYERS. I announce the absence of the Senator from Arizona [Mr. ASHURST] on official business.

Mr. CURTIS. I am paired with the junior Senator from Georgia [Mr. HARDWICK] and withhold my vote.

The result was announced—yeas 11, nays 47, as follows:

YEAS—11.

Borah	Gronna	King	Sterling
Cummins	Hitchcock	Norris	Vardaman
Gore	Kenyon	Smith, S. C.	

NAYS—47.

Bankhead	Johnson, S. Dak.	Pittman	Smith, Mich.
Beckham	Jones, N. Mex.	Poindexter	Smoot
Calder	Jones, Wash.	Pomerene	Stone
Chamberlain	Knox	Ransdell	Sutherland
Culberson	Lodge	Robinson	Swanson
Dillingham	McLean	Shafroth	Thompson
Fernald	McNary	Sheppard	Townsend
Fletcher	Myers	Sherman	Trammell
Hale	New	Shields	Underwood
Hollis	Newlands	Simmons	Wadsworth
James	Overman	Smith, Ariz.	Weeks
Johnson, Cal.	Page	Smith, Md.	

NOT VOTING—37.

Ashurst	Gerry	McCumber	Thomas
Brady	Goff	McKellar	Tillman
Brandegee	Harding	Martin	Walsh
Broussard	Hardwick	Nelson	Warren
Colt	Hughes	Owen	Watson
Curtis	Kellogg	Pearose	Williams
Fall	Kendrick	Phelan	Wolcott
France	Kirby	Reed	
Frelinghuysen	La Follette	Saulsbury	
Gallinger	Lewis	Smith, Ga.	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, I move to recommit the bill to the Committee on Interstate Commerce for its further consideration, and upon that motion I desire to be heard.

The debate of the last day or two is the first discussion of this subject, as I remember it, which has occurred in the Senate. I think it is true that by far the greater number of Senators had not until a few hours ago and possibly have not yet fully examined the bill nor investigated the matter which it covers. It is too serious and grave a departure from the established policy of the United States to be carried out hastily, without every opportunity for study and reflection.

I really think that the further consideration of the bill by the committee would be beneficial. I believe the discussion had on the floor of the Senate will be very helpful to the members of the committee and would fasten their minds upon the matter as they have never been fastened before.

I do not want unduly to use a word that is found in the bill itself to delay the consideration of the bill or its final disposition, but I am so unalterably opposed to it in its present form that I feel I would be lacking in my duty if I were not to insist upon every reasonable opportunity for consideration and debate.

I hope that my motion will prevail, and if it is then thought desirable by the committee that the subject shall be again brought to the attention of the Senate it will not be difficult to do so.

Upon my motion, whenever it reaches the stage of a vote, I ask for the yeas and nays.

Mr. POMERENE. Mr. President, I desire simply to say that I hope this motion will not prevail. This bill, or the subject matter of the bill, has been under consideration, as it has been repeatedly stated, for four or five years before the committee. I think the members of the committee at least have matured their views. I recognize that the Senator from Iowa is unalterably opposed to the bill in its present form. He is quite willing to accept the responsibility to vote against it. I certainly am willing to accept the responsibility of voting for it, and I join in the request for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are demanded on the motion of the Senator from Iowa [Mr. CUMMINS] to recommit the bill to the Committee on Interstate Commerce.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK]. Not knowing how he would vote if present, I withhold my vote.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. Not knowing how he would vote on this question, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a pair with the Senator from Wyoming [Mr. WARREN]. Not knowing how he would vote, I decline to vote. I would vote "nay" if I were not paired.

Mr. VARDAMAN (when his name was called). Has the junior Senator from Idaho [Mr. BRADY] voted?

The PRESIDING OFFICER. He has not voted.

Mr. VARDAMAN. I withhold my vote, being paired with that Senator.

The roll call was concluded.

Mr. FRELINGHUYSEN. I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. SHIELDS. I wish to announce the absence of my colleague [Mr. MCKELLAR] on official business. If he were present, he would vote "nay."

Mr. UNDERWOOD. I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. KING. I desire to announce that the Senator from Illinois [Mr. LEWIS] is detained on important business, and that the Senator from Rhode Island [Mr. GERRY] is detained on official business.

Mr. SAULSBURY. I wish to announce that my colleague, the junior Senator from Delaware [Mr. WOLCOTT] is detained from the Senate by illness.

Mr. FRELINGHUYSEN. I desire to announce that my colleague, the senior Senator from New Jersey [Mr. HUGHES] is detained on account of illness.

Mr. CURTIS. I was requested to announce the following pairs:

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Colorado [Mr. THOMAS];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas, 12, nays 47, as follows:

YEAS—12.

Cummins	Hitchcock	King	Smith, Mich.
Gore	Johnson, Cal.	Norris	Sutherland
Gronna	Kenyon	Reed	Trammell

NAYS—47.

Bankhead	James	Newlands	Smith, Ariz.
Beckham	Johnson, S. D.	Page	Smith, Md.
Borah	Jones, N. Mex.	Pittman	Smoot
Chamberlain	Jones, Wash.	Pomerene	Sterling
Dillingham	Kellogg	Ransdell	Stone
Fernald	Knox	Robinson	Swanson
Fletcher	Lodge	Saulsbury	Thompson
France	McLean	Shafroth	Townsend
Frelinghuysen	McNary	Sheppard	Underwood
Gallinger	Myers	Sherman	Wadsworth
Hale	Nelson	Shields	Weeks
Hollis	New	Simmons	

NOT VOTING—36.

Ashurst	Gerry	McCumber	Smith, S. C.
Brady	Goff	McKellar	Thomas
Brandegee	Harding	Martin	Tillman
Broussard	Hardwick	Overman	Vardaman
Calder	Hughes	Owen	Walsh
Colt	Kendrick	Penrose	Warren
Culberson	Kirby	Phelan	Watson
Curtis	La Follette	Poindexter	Williams
Fall	Lewis	Smith, Ga.	Wolcott

So the Senate refused to recommit the bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Mr. President, a parliamentary inquiry. The pending question is the amendment which I offered?

The PRESIDING OFFICER. That is the question before the Senate.

Mr. CUMMINS. Inasmuch as we are about to vote upon the amendment, I take the last opportunity I shall have, if it shall be defeated, to make an observation merely in explanation, for I think there are Senators here now who were not here when the matter was debated yesterday or the day before.

The bill repeals the antitrust law, so far as export trade is concerned. It abandons a policy which we have maintained for many years, and this is the first attack upon it in a legislative assembly. Never before has it been proposed to abandon the policy of the antitrust law in a legislative assembly. I have heard a great many attacks upon that law; I have heard many men declare that it had hampered, if not destroyed, the growth and development of the United States; but those attacks have always emanated from those upon whom the hand of the law had fallen.

To say that I am surprised that the movement for a repeal of the law itself can find the number of supporters who seem to have gathered around the propaganda in this body is to express my amazement in very inadequate and imperfect language. But I do not conceal from myself, and I would not from anyone else, the significance of the vote that has just been had.

The amendment which I have proposed does not repeal the antitrust law nor does it modify it. It does make clear what is perfectly clear already to every good lawyer in America, but seems to be somewhat obscure to certain men of business in the United States. I am not criticizing them for entertaining the fear, but I am endeavoring to remove its cause. My amendment simply substitutes affirmatively for the repeal of the antitrust law the privilege of organizing and conducting in foreign countries common selling agencies established and conducted by those who may be rivals or competitors in the United States. It goes no further, and it is as far as any man who ever appeared before our committee dared to go. No one who has advocated this measure before the Committee on Interstate Commerce has avowed any other purpose. The real design I leave you to infer.

Upon my amendment, Mr. President, and I assume that the series of amendments will be voted upon together, I ask for the yeas and nays whenever the vote comes.

Mr. REED. I ask to have the amendment reported.

The PRESIDING OFFICER. The Secretary will read the amendment of the Senator from Iowa.

The Secretary read as follows:

Strike out sections 1, 2, and 3, and substitute the following therefor as section 1:

"It shall be lawful for two or more persons, partnerships, or corporations engaged in competitive business or otherwise to establish and conduct in any foreign country a common selling agency or agencies for the disposition of goods, wares, and merchandise exported by any such person, partnership, or corporation to such foreign country and by agreement or arrangement to thereby lessen or eliminate competition, as between themselves, in the markets of such foreign countries: *Provided, however*, That no unfair methods of competition shall be practiced by any such agency or through any such agreement or arrangement against any person, partnership, or corporation not a party thereto, engaged or proposing to engage in exporting goods, wares, and merchandise from the United States to any such foreign country."

Strike out of line 15, page 3, the numeral "4" and insert the numeral "2."

Strike out section 5 and in lieu thereof insert as section 3 the following:

"SEC. 3. That before establishing any such selling agency provided for in section 1 of this act the persons, partnerships, or corporations proposing to establish and conduct the same shall file with the Federal Trade Commission a copy, verified under oath, of all the agreements, arrangements, or other instruments which define the terms, purpose, scope, and conduct of such agency, and it shall set forth its location, with the names and addresses of all the persons, firms, or corporations which enter into it. Upon demand there shall also be furnished to the commission such further information as the commission may require concerning its organization, business, conduct, practices, management, and relation to other associations, corporations, partnerships, and individuals. A failure to comply with the foregoing provisions shall deprive the persons, partnerships, or corporations entering into the agency of all the benefits of this act, and each delinquent shall also forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States and recoverable in a civil suit in the name of the United States in any district court of the United States having jurisdiction of any such person, partnership, or corporation. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of the forfeiture. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

"Whenever the Federal Trade Commission shall have reason to believe that any such common selling agency, or any member thereof, is violating any law of the United States it shall summon all the persons, partnerships, or corporations in such agency before it and thereafter conduct an investigation into the alleged violation of law. If, upon investigation, it shall be concluded that the law has been violated it may make such recommendations for the readjustment of the organization, business, conduct, practices, or management of the agency and its members as may be necessary in order to fully comply with the law. If there is a failure within such time as the commission may fix to comply with the recommendations so made, the commission shall refer its findings and recommendations to the Attorney General of the United States for such action thereon as he may deem proper.

"For the purpose of enforcing these provisions the Federal Trade Commission shall have all the powers, so far as applicable, given to it in 'An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes.'"

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Iowa [Mr. CUMMINS].

Mr. REED. Mr. President, the sole argument that has been advanced in favor of this legislation is that our merchants are at a disadvantage because they can not have a common selling agency. That is not the real reason back of this bill, but that is the only reason that anybody dares to state for the bill. It is the only reason that ought to appeal to any Member of this body.

The amendment proposed by the Senator from Iowa [Mr. CUMMINS] permits the organization of such a selling agency; it permits the organization of that agency and allows it to become as large and as powerful as it may be necessary for it to be. It does not, however, waive the terms of the Sherman Antitrust Act, so far as they would apply to other practices or other combinations than those specifically authorized by the amendment.

I desire, however, to offer an amendment to the amendment. If we are to permit common selling agencies, then they ought to be agencies that all of the citizens of the United States can avail themselves of. They ought not to be common selling agencies for a few people who may profit thereby and who may so employ them as to crowd out of the market the individual seller. They should be common selling agencies, so organized that any American citizen could have the benefit and advantage of them. I should like to have time to prepare an amendment of that character to the amendment. I have been engaged since early this morning; two important committee meetings took all my time this afternoon, and I should like to ask if this bill can not go over until to-morrow?

Mr. POMERENE. Mr. President, on Monday, at the request of the Senator from Missouri, I asked that we adjourn, and yesterday the Senator discussed the subject very fully and very ably from his standpoint. I can not agree with his argument. The issue seems to be drawn between this bill and the amendment proposed by the Senator from Iowa. I do not agree with the Senator from Iowa as to the merits of his amendment. I think the bill should be adopted as it now is. The Senator from Missouri has repeatedly urged that there was other business before our committees that needed attention, and I am more than anxious to get this bill out of the way so that Senators may give their attention to other business. I therefore hope that the Senator from Missouri will not insist upon having an adjournment at this time.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Yes.

Mr. SMOOT. I desire to suggest to the Senator from Ohio that he ask for a unanimous-consent agreement to vote upon the bill at some time to-morrow.

Mr. POMERENE. I have not so asked.

Mr. SMOOT. I want to suggest that to the Senator. Perhaps that would give ample time for the Senator from Missouri to prepare the amendment which he desires to offer, and which I think he ought to have.

Mr. REED. Oh, Mr. President, I understand that the Senator in charge of the bill does not want to yield, and I can see no reason for entering into any unanimous-consent agreement to vote upon the bill at some time to-morrow. I know that there are half a dozen Senators in the Chamber who have expressed a feeling to me that they desire to investigate this bill, and who possibly would desire to speak upon it. I think they ought to have an opportunity to do so, but the disposition is to deny them that chance and to drive this bill on. If, however, the Senator in charge of the bill thinks—it is now 10 minutes past 4—after all that has been going on to-day, he can not afford to wait, I shall simply make a motion to adjourn, and we shall proceed in the ordinary manner.

Mr. POMERENE. Mr. President, I am very sorry that I do not see my way clear to yield to the request of the Senator from Missouri. I, too, have conferred with a large number of Senators in the Chamber, and I know that they are exceedingly anxious to have this matter disposed of. I think Senators have had an ample opportunity to consider this bill. It was discussed at the last session and has been critically discussed at this session. I do not believe that any advantage will arise from an adjournment until to-morrow, and I hope that we may proceed to a final vote upon the bill this afternoon.

Mr. HITCHCOCK. Mr. President, I sought during his speech to ask the Senator from Ohio [Mr. POMERENE] a question, and he postponed it at the time. I should like to put the question to him now. Suppose this bill passes, and under it associations for the sale of manufactured goods are made in other countries; suppose I am a manufacturer, and five or six other manufacturers form an association for sales abroad; they agree upon prices; they have common agents; and I apply to them for admission to that association and they decline to admit me; what can I do?

Mr. POMERENE. Mr. President, the Senator from Nebraska would be in no different position that I would be if I wanted to have an interest in the great paper which he owns and edits, and he should decline to allow me to do so. I suppose I would have the privilege of establishing a new paper if I so desired, and he as a manufacturer would have the privilege of joining his fortunes with others if he so desired.

Mr. HITCHCOCK. That is what I want to get at. Then, if this bill passes we should be in the position that with six manufacturers in the field, five of them can unite to control the foreign field, and one man alone will be left in a helpless position in competing with them abroad. Is that correct? If that is true, where does the protection come in to the small owner?

Mr. POMERENE. Mr. President, the Senator from Nebraska does not fairly, I think—I do not mean that disrespectfully, of course—state the issue. It is true that, under those circumstances, when it has come to the sale of American goods, there would perhaps be competition between the association to which he refers and himself. The purpose of this bill is to secure the foreign market in order that our people here may have an opportunity to meet foreign competitors—the large cartels and combinations there on an equal footing.

It is to be assumed that the sale of goods abroad will redound to the benefit of the American people. If that were not so we would not seek to encourage our foreign trade. It is to be assumed that the six men—if they are together—will be better able to get a portion of that foreign trade than they would be if they were acting as individuals. That is the purpose of the bill.

Mr. HITCHCOCK. Then the Senator construes the bill as meaning that these associations now being in existence, dividing the American market, and dividing also the foreign market, after the bill is passed, five of them can unite to control and dominate the foreign market, and the single institution left alone will be practically in an attitude of being driven out of the foreign market by this combination?

Mr. POMERENE. Mr. President, allow me to disabuse the mind of the Senator from Nebraska. There is nothing in this bill authorizing the division of territory abroad.

Mr. HITCHCOCK. I have not said that. The Senator from Ohio has stated, however, that five or six manufacturers can unite for the sale of their manufactured goods in foreign fields, and they can discriminate against and bar a competitor and refuse to admit him to the privileges of that union.

Mr. POMERENE. Mr. President, I assume that they would have the right to prevent another man, who was persona non grata to them, from going into that association; but that individual has the same right to go into that foreign field and to secure the trade if he can or he can form another association. That is one of the incidents of trade.

Mr. HITCHCOCK. He can not form an association by himself. As it is now he stands on an equality with all the others in the foreign field, just as in the domestic field; he has a show, but what show has he under this bill if five men can unite and leave the sixth manufacturer out in the cold? He then is in the position of competing against a trust—an American trust—in a foreign field. That means that he will be wiped out of the foreign field.

Mr. POMERENE. No, Mr. President; that does not necessarily follow. If the five or six can by superior business acumen, by larger capital, by larger resources, sell in the foreign market better in competition with foreign concerns by combining together, necessarily the country at large is going to get benefit from it, and I think that that privilege should be granted.

Mr. HITCHCOCK. Well, if combination in the foreign field is a desirable thing, why should not the Senator's bill provide that all American manufacturers shall be admitted to the combination?

Mr. POMERENE. For the very same reason that it would not be a wise thing to compel the Senator to take into his organization every newspaper man in Omaha who might be interested in that great paper.

Mr. HITCHCOCK. I am amazed at the Senator's illustration. There is no more highly competitive business in the world than the newspaper business. Every newspaper is a tub standing on its own bottom and fighting every other newspaper, and it is just as illegal for newspapers to unite in this country to crush competition as it is for other business institutions to unite. But the Senator has a bill here which is designed to permit American institutions to unite for the purpose of spreading trade in foreign countries, and yet he admits that combinations so formed can be used to exclude undesirable American competition and practically drive it out of the field. I think that is a decided weakness in the bill. It seems to me that if this is to be a bill for the propagation of foreign trade for American manufacturers in foreign fields it should at least be so drawn as to prevent any discrimination, and a combination should be compelled to admit American manufacturers of a certain class to it; otherwise we simply by legislation here are preparing a means by which manufacturers can combine to crush their smaller competitors.

Mr. President, I have been rather slow to come to this conclusion——

Mr. CUMMINS. Mr. President——

Mr. HITCHCOCK. I yield to the Senator.

Mr. CUMMINS. I want to suggest to the Senator from Nebraska what is really intended to be accomplished by this bill, or one of the things intended to be accomplished by it. It is not the establishing abroad of a common selling agency to which others might be admitted. What some ambitious men in this country desire is that corporations may be organized in the United States which shall buy all the material they care to buy of a particular kind and be the exporters of that material or commodity to the foreign country. The desire is to create a monopoly of the exporting business by organizing great institutions here for the purpose of buying everything it is desired to export to another country. Without the least imposition, as understood by the law, upon any individual, that policy will concentrate the export business to a particular country in a particular commodity or line of commodities in a single corporation. That is the thing that is wanted.

Mr. KING. Mr. President, will the Senator from Nebraska permit me to ask the Senator from Iowa one question?

Mr. HITCHCOCK. I yield.

Mr. KING. Would not the consequence of that also be, I ask the Senator from Iowa, that having organized the corporation of which he speaks for the purpose of controlling the export business, of necessity there would be a direct or a reflex action upon the domestic market, and that corporation would control the prices at least of the raw materials furnished by the American producer that went into the product shipped abroad?

Mr. CUMMINS. It is perfectly evident that it would be impossible to give any corporation in this country the power to control the exports of a particular commodity without affecting the price in the United States; it could not be done.

Mr. KING. Then, if a corporation were organized for the purpose of controlling, for instance, the copper export trade, that corporation would fix the price of the domestic product in this country; and so with every other article that could be enumerated. Is not that true?

Mr. CUMMINS. Mr. President, I will not mention any names, but I may reveal the information that came to the committee sufficiently to say this, inasmuch as the Senator from Utah has mentioned the subject of copper: It was claimed before the committee that the copper producers of the United States were in a bad way. I do not know whether or not that claim can be made at this time; I do not know whether or not it would be made at this time; but it was claimed that the buyers from other countries consolidated; that is, they united in some kind of an arrangement and presented to the sellers of the United States a single buyer, and that it was desirable to enable the copper producers also to unite so that there would be presented to the buyer a single seller. That is one of the arguments that was made before the committee by certain persons who represented that particular interest. Personally I have no sympathy with that proposal. I do not think it ought to be permitted; but that is one of the things, of course, which this bill in its present form is intended to accomplish. The other is the organization of a great corporation like the United States Steel Corporation that can take care of all our exports to other countries.

Mr. NEW. Mr. President, I was interested in the colloquy between the Senator from Ohio [Mr. POMERENE] and the Senator from Nebraska [Mr. HITCHCOCK] with reference to the publication of newspapers, and was especially interested in the reply the Senator from Nebraska made, having in mind the question of Associated Press memberships. It is true, as the Senator says, that there is no more highly competitive business than the newspaper business; and, yet, if I went to Omaha to-day and undertook to start a newspaper there I could not get a franchise in the Associated Press to save my life, even by the payment of any amount of money. The members of the Associated Press there would not permit it. I might be privileged to go in with Mr. Hearst, who runs a news agency of his own on similar lines with the Associated Press, or with the Scripps-McRae Syndicate, or possibly with somebody else, just as merchants will be permitted under this bill to become affiliated with various organizations; but I could not get into the Associated Press and I would have to avail myself of opportunities entirely outside of its agency. So I do not think the answer the Senator made is conclusive at all.

Mr. WEEKS and Mr. FLETCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts asked recognition first, and is recognized.

Mr. WEEKS. Mr. President, I do not wish to discuss this bill to any extent, but one of the comments made by the Senator from Nebraska [Mr. HITCHCOCK] attracted my attention. What we want to do is to develop foreign trade, and it is not so important to us as a people who does that trade. The hypothetical question which he asked might have application; there might such an instance develop as the one which he brought to the attention of the Senate; but, as a matter of fact, under present conditions none but large corporations can consider engaging in foreign trade. Take, for example, banks that are doing business in South America. There are only a few banks in the United States—as a matter of fact, only two or three have gone into the business—that have sufficient capital and resources to warrant their going to South America to engage in the banking business. So that in effect we are to-day limiting that business to two or three large corporations, while, if this bill passes, it might enable a series of banks coming together to conduct their business in South America through a single agency. It is going to be on the whole beneficial to the small people and harmful to that degree to the larger ones, and while the instance cited by the Senator might possibly happen in the development of trade, I think there will be forty cases where such a law as is proposed will enable small traders, small business concerns, to combine and get some part of the trade where there will be one that would come under the category which he has instanced.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Massachusetts this question: What would be the objection to such a provision as would compel these combinations which we propose to legalize to admit any American manufacturer in a particular line?

Mr. WEEKS. Well, Mr. President, there are very few kinds of business in which there are only five or six people engaged, and to compel one business man to take another business man into partnership is a bad business principle and bad business ethics as well. I do not think it desirable or wise that Congress should attempt to do such a thing.

Mr. SAULSBURY. Mr. President, I may be able to furnish other instances like those referred to by the Senator from

Massachusetts [Mr. WEEKS]. I think this bill will materially assist the small manufacturer desiring to engage in foreign business. For example, take our business in the East. We have but four concerns doing business in China to any extent, as nearly as I can tell. One is the Standard Oil Co. or its combinations; another is the Steel Corporation; another the British-American Tobacco Co., which is, I think, owned and controlled by the American Tobacco Co. interest; and the other is the Singer Sewing Machine Co. Those are the only companies doing any considerable American business in China. The reason they can do business is because of their immense capital, because they can stand the great overhead charges, and because they can carry the great stocks that are necessary to supply the Chinese merchants, who buy in small quantities at short periods.

We have not any foreign commerce, practically, in China except by these great concerns that we can regulate. They are the only concerns that can do business there in competition with foreign traders. My idea of the effect of this bill and the great benefit—and I want to say that we have considered this bill for two years, I think, in the Interstate Commerce Committee—is that by passing it we will enable the small traders in this country to combine and place their various wares before the foreign purchasers; and we will have plenty of time to regulate all these horrible things that may occur when some of them do occur. What we are trying to do is to give as many of our people as can get a chance at foreign trade a chance to do foreign trade, which they can not do now.

This bill, I think, is the considered judgment of practically all the members of the Interstate Commerce Committee, with a very few exceptions; and we want to get action on this matter, because we have considered it in that committee for years. We considered it before we passed the Clayton bill. I remember that it was under consideration in the committee in connection with the Clayton bill before that bill came over from the House. At that time we were considering the two bills, the Federal Trade Commission bill and the Clayton bill, jointly, intending to bring them into the Senate as one bill; and I think practically all the considerations that have been referred to here had some discussion as long ago as the time before we brought in the Federal Trade Commission bill.

I sincerely think it is time we were doing something and giving, as I believe, the small traders of this country a chance to engage in foreign commerce. When these terrible conditions arise which have been so graphically pictured, then we will consider how we may best regulate them.

Mr. TOWNSEND. Mr. President, I had not expected to say anything on the bill, and do not wish to delay a vote at this time; but I have heard repeated so many, many times what the objects of this bill were by Senators who are opposed to it, and the influences which have brought it to pass, that I felt that as one member of that committee I desire to repudiate those statements.

There are reasons why this bill should pass, in my judgment. When this war is over we are going to be brought into the strongest and bitterest competition which this or any other country has ever known. Europe has laws which permit combinations in those countries. We are expected to go in there and share that market handicapped with that kind of a condition. It is one of the objects of this bill to liberate American genius and enterprise in those fields which it will be called upon to occupy hereafter.

Another reason which has been so well stated by the Senator from Delaware [Mr. SAULSBURY] just now was discussed freely, and that is to permit the man who is now prevented from entering the foreign field by the fact that he has not means wherewith to do business there to enter that field. Instead of promoting monopoly, this bill, in my judgment, will tend to reduce it. That is the object of the bill.

I know that the provisos that have been put in the bill have been scoffed at as of no consequence; but, in my judgment, at least, I think it is surrounded by every safeguard to prevent the imaginary evils which Senators have pointed out here. I say this because I believe the committee has given it very careful and conscientious attention. It is not laboring under any delusions. Most of these arguments have been made before the committee. Members of the committee have presented the same arguments, and they were met in the committee and understood thoroughly in the committee at that time.

While I do not wish to discount the sincerity or integrity of the Senators who have opposed the bill, yet I feel that it is absolutely unjust for them to say that there is some sinister motive back of this bill. There can be none, Mr. President. I think the members of the committee understood it very well and understand it now; and these imaginary things which have been brought up are intended, in my judgment, more for delay than for any other purpose. The whole trend of the argument has shown that; and I have been very glad, indeed, that the Senator who has the bill in charge, having given ample opportunity for full discussion, has insisted that the matter which the Senate is now ready to vote upon shall be held before the Senate until it is disposed of.

Mr. MYERS. Mr. President, as another member of the committee which has considered this bill or legislation of like character for several years, I desire to say a word about the influences back of this legislation, to which reference has been so freely made.

I can name some of the influences. Legislation of this character has been recommended repeatedly by the President of the United States in presidential messages to Congress. It is favored by the Secretary of Commerce. It is favored by the Federal Trade Commission, which has made an exhaustive study of our trade conditions in Europe, and has made a printed report, which is obtainable by the Members of this body, stating that there are combinations and organizations of buyers in Europe of our exported products which put our exporters at a very great disadvantage; and that body has recommended that some legislation such as this is needed in order to give our exporters a better opportunity to contend with those combinations in Europe. That report has been made and is obtainable by all the Members of this body.

This legislation is favored by the Chamber of Commerce of the United States of America and by numerous trade and export bodies of the United States, and has been really opposed by nobody, so far as I have learned, except some Members of this body who do not find themselves in accord with the principles embodied in the bill.

We not only have to combat those combinations and organizations in Europe but we have to combat similar organizations in South America and other parts of the world. One manufacturer of barrels in the State of Ohio stated before the Senate committee, in response to examination by me, that buyers of his product, barrels, in South America combined for the purpose of making purchases of that product from United States manufacturers, and would only offer so much, would offer less than the selling price in this country, and they would not buy until they got their terms. This gentleman stated that the large manufacturers could in a way and under some disadvantages do business under those conditions, but the small manufacturer, such as he, could not.

This is the gist of the entire situation, as I have gleaned from our extended hearings: That the large manufacturers and exporters in this country can, in a way, and do, carry on business with foreign buyers under those conditions, but they do it only at a disadvantage, and the small manufacturers and exporters oftentimes find themselves utterly unable to do business under those conditions; and, as set forth in the report of the Federal Trade Commission, legislation of this character is in the interest of the small manufacturer or exporter, and not of the large exporter. Large concerns can do foreign business without this legislation; small exporters can not, or only under a tremendous disadvantage.

The PRESIDING OFFICER (Mr. KING in the chair). The question is upon the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. I ask for the yeas and nays upon that amendment.

The yeas and nays were ordered.

Mr. CUMMINS. Before the roll is called, I think we ought to have as full an attendance as possible. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	New	Simmons
Beckham	James	Newlands	Smith, Ariz.
Chamberlain	Johnson, Cal.	Norris	Smith, Md.
Culberson	Johnson, S. Dak.	Overman	Smoot
Cummins	Jones, N. Mex.	Page	Sterling
Curtis	Jones, Wash.	Penrose	Stone
Dillingham	Kellogg	Poindexter	Sutherland
Fernald	Kenyon	Pomerene	Thompson
Fletcher	King	Ransdell	Townsend
France	Knox	Reed	Trammell
Frelinghuysen	Lodge	Robinson	Underwood
Gallinger	McKellar	Saulsbury	Vardaman
Gore	McLean	Shafroth	Wadsworth
Gronna	McNary	Sheppard	Watson
Hale	Myers	Sherman	Weeks
Hitchcock	Nelson	Shields	

Mr. SAULSBURY. I am informed that my colleague [Mr. WOLCOTT] is still too unwell at his home in Delaware to come to the Senate.

that corporation would fix the price of the domestic product in other instances like those referred to by the Senator from

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum is present. The question is upon the amendment offered by the Senator from Iowa [Mr. CUMMINS], upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired with the junior Senator from Georgia [Mr. HARDWICK], who is detained on account of illness. Not knowing how he would vote on this question, I withhold my vote.

Mr. FRELINGHUYSEN (when his name was called). I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. OVERMAN (when his name was called). Again announcing my pair with the senior Senator from Wyoming [Mr. WARREN], and not knowing how he would vote, I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan] has been called from the Chamber on departmental matters. He is necessarily absent.

Mr. UNDERWOOD (when his name was called). I transfer my general pair with the junior Senator from Ohio [Mr. HARDING] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. I understand that he is absent. In his absence I withhold my vote. If at liberty to vote, I should vote "nay."

The roll call having been concluded, the result was announced—yeas 18, nays 43, as follows:

YEAS—18.

Borah	Hitchcock	Norris	Sterling
Cummins	Johnson, Cal.	Poindexter	Sutherland
France	Kenyon	Reed	Trammell
Gore	King	Shafroth	
Gronna	La Follette	Smith, Ga.	

NAYS—43.

Bankhead	Johnson, S. Dak.	New	Smith, Ariz.
Beckham	Jones, N. Mex.	Newlands	Smith, Md.
Calder	Jones, Wash.	Page	Smoot
Chamberlain	Kellogg	Pomerene	Stone
Dillingham	Knox	Ransdell	Swanson
Fernald	Lodge	Robinson	Thompson
Fletcher	McKellar	Saulsbury	Townsend
Frelinghuysen	McLean	Sheppard	Underwood
Gallinger	McNary	Sherman	Wadsworth
Hale	Myers	Shields	Weeks
James	Nelson	Simmons	

NOT VOTING—34.

Ashurst	Goff	Martin	Tillman
Brady	Harding	Overman	Vardaman
Brandegee	Hardwick	Owen	Walsh
Broussard	Hollis	Penrose	Warren
Colt	Hughes	Phelan	Watson
Culberson	Kendrick	Pittman	Williams
Curtis	Kirby	Smith, Mich.	Wolcott
Fall	Lewis	Smith, S. C.	
Gerry	McCumber	Thomas	

So Mr. CUMMINS's amendment was rejected.

Mr. CUMMINS. Mr. President, I move to strike out of line 1, on page 3, the words "and unduly," so that the proviso will read:

Provided, That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally enhances or depresses prices within the United States of commodities of the class exported by such association.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 3, on line 1, after the word "intentionally," it is proposed to strike out "and unduly."

Mr. CUMMINS. Mr. President, I commented at some length upon this proviso at a former time. I do not intend to repeat what I said then, but I desire to call the matter directly to the attention of the Senate at the instant they are about to vote on the bill.

The affirmative part of this section repeals the antitrust law with regard to export trade. The proviso is that the association which is legalized and the act or thing done which is legalized shall not artificially or intentionally and, as it is now in the measure, unduly enhance or depress prices within the United States. To me even the suggestion that an association of this sort, organized for export trade, shall be permitted under the law to artificially and intentionally increase the prices of commodities in this country is abhorrent. I should like to hear some defense for the use of the word "unduly." If the association or combination or conspiracy—I care not what you call it—intentionally and artificially enhances prices of commodities in the United States, why ought it not to be condemned? Why should it be permitted to enhance prices, provided it does not unduly enhance prices? And what is it to unduly enhance a price?

There is no one who can answer that question. I challenged an answer to it this afternoon, and I repeat the challenge. Such a thing never has been dreamed of in the legislation regulating commerce. If we are to abandon the antitrust law—as we evidently are about to do—at least let us not approve and fortify a corporation or association engaged in export trade which intentionally and artificially enhances prices in the country.

I can not understand why this language is insisted upon, and I move to strike it out.

Mr. GALLINGER. Mr. President, I ask that the amendment be stated, and that the text be read in connection with the proposed amendment, so that we will understand it.

The PRESIDING OFFICER. Without objection, the Secretary will state the amendment in connection with the text.

The SECRETARY. On page 3 of the bill, in line 1, it is proposed to strike out the words "and unduly," so that, if amended, the proviso will read:

And provided further, That such association does not, either in the United States or elsewhere, enter into any agreement, understanding, or conspiracy, or do any act which artificially or intentionally enhances or depresses prices within the United States of commodities of the class exported by such association.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when Mr. CURTIS's name was called). The Senator from Kansas [Mr. CURTIS] has been called away on official business. He is paired with the junior Senator from Georgia [Mr. HARDWICK].

Mr. FRELINGHUYSEN (when his name was called). I make the transfer of my pair as before announced and vote "yea."

Mr. SUTHERLAND (when Mr. GOFF's name was called). I desire to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on official business. He is paired, however, with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. PENROSE (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. He is absent, and I will transfer my pair to the senior Senator from Rhode Island [Mr. COLT] and will vote. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to make the same announcement as before, that my colleague [Mr. SMITH of Michigan] was called from the Senate on official business.

Mr. UNDERWOOD (when his name was called). Making the same announcement as to my pair with the junior Senator from Ohio [Mr. HARDING] and its transfer that I made on the last roll call, I vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. He is absent, and I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WATSON (when his name was called). In the absence of my pair, the junior Senator from Delaware [Mr. WOLCOTT], I withhold my vote.

The roll call was concluded.

Mr. TRAMMELL. I desire to announce the absence from the Chamber of the Senator from Illinois [Mr. LEWIS] on official business.

The result was announced—yeas 53, nays 9, as follows:

YEAS—53.

Bankhead	Hollis	New	Smith, Ga.
Beckham	James	Newlands	Sterling
Borah	Johnson, S. Dak.	Norris	Stone
Chamberlain	Jones, N. Mex.	Overman	Sutherland
Cummins	Jones, Wash.	Page	Swanson
Dillingham	Kenyon	Poindexter	Thompson
Fletcher	King	Reed	Townsend
France	Knox	Robinson	Trammell
Frelinghuysen	La Follette	Saulsbury	Underwood
Gallinger	Lodge	Shafroth	Wadsworth
Gore	McKellar	Sheppard	Weeks
Gronna	McLean	Shields	
Hale	McNary	Simmons	
Hitchcock	Nelson	Smith, Ariz.	

NAYS—9.

Calder	Myers	Pomerene	Sherman
Fernald	Penrose	Ransdell	Smoot
Kellogg			

NOT VOTING—33.

Ashurst	Goff	Martin	Vardaman
Brady	Harding	Owen	Walsh
Brandegee	Hardwick	Phelan	Warren
Broussard	Hughes	Pittman	Watson
Colt	Johnson, Cal.	Smith, Md.	Williams
Culberson	Kendrick	Smith, Mich.	Wolcott
Curtis	Kirby	Smith, S. C.	
Fall	Lewis	Thomas	
Gerry	McCumber	Tillman	

So Mr. CUMMINS's amendment was agreed to.

Mr. POINDEXTER. Mr. President, I think it is perfectly obvious that there ought to be an opportunity given to our exporters to maintain in foreign countries, where they are competing for trade, a common selling agency. My opinion is that permission to do that would meet the needs of our foreign commerce so far as they have been expressed by representations that have been made to the Interstate Commerce Committee or to Congress, and so far as they are in evidence anywhere through the experience of those who are engaged in that commerce. I would prefer that the bill should be confined to the granting in as few and as clear words as possible of that privilege. The bill ought to be affirmative, in my judgment, rather than to be burdened with so many negative provisos as to what can not be done under the authority that it purports to grant.

It is obvious, however, I think, that there is no opportunity to accomplish that object in any way except by the passage of the bill as it is reported by the committee and now stands before the Senate. While it is objectionable on account of the granting of certain authority and then qualifying and beclouding the authority granted, and the provisos that are loaded upon the bill will undoubtedly lead to litigation and uncertainty and difficulty in its application, I expect to vote for it as the only means of accomplishing the object which I have referred to.

I proposed an amendment, or rather a substitute for the bill, in the committee, and I am going to offer it here, not with any expectation that it will be passed, but in order to keep the record clear, have it printed, and voted on. I think that while it is only a few words it is in such clear language as to relieve the legislation of any possible doubt as to what authority is granted, and when we make up our minds as to what we want to do, if we are satisfied that that ought to be done, there is not any use in putting in provisos as to what the effect of that action shall be and what it shall not be. We shall have to take the consequences of the action if we are going to authorize it at all, whatever it may be.

I only want to add this statement of my position before voting on the bill. In the foreign countries in which the effects of this bill are to operate our exporters are competing with foreign merchants who are not subject in any way whatever to our laws, and competition with the world will regulate the trade and prevent any undue restraint.

There is another consideration which controls the situation. If there should possibly be any combination, or trust, or agreement in the foreign trade in the nature of monopoly between the merchants of different countries selling goods in some foreign country that monopoly can be controlled and can only be controlled and regulated by the jurisdiction in which it operates. So there are those two safety factors—the competition which necessarily must exist between the different countries engaging in the trade and the power of the country in which the trade is carried on to regulate, control, or prevent monopolies in restraint of trade.

For those reasons I can see no possible harm that will come to the people of this country, or of any other country for that matter, from this legislation. On the other hand, it ought to afford a means by which our merchants will be put upon an equal footing in the competition for the world's trade with merchants who are organized and who do maintain common selling agencies.

One purpose of it is to prevent the duplication of expenses. Those engaged in trade in South America or merchants engaged in attempting to establish business in Siberia or in China would now under our laws, or under the construction that is placed upon them by some of our lawyers, who are compelled to operate independently of each other and to maintain three or four high-salaried agents in those countries, are evidently at a disadvantage with the merchants of competing countries who have one agent, and who not only thereby reduce their expenses, but are enabled to develop the highest degree of efficiency in the fixing of prices and the distribution of commodities.

I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will report the amendment offered by the Senator from Washington.

The SECRETARY. Strike out all after the enacting clause and substitute the following:

It shall be permissible for any person, association, partnership, or corporation engaged in export trade to maintain, in cooperation with other such persons, associations, partnerships, or corporations so engaged in export trade, joint or common selling agencies abroad for the purpose of selling goods abroad exported from the United States.

Mr. POMERENE. Mr. President, just one word. This proposed amendment is substantially the same as the amendment proposed by the Senator from Iowa. I think the fullest authority is given in the bill as it is now before the Senate for everything that is authorized in the proposed amendment. I therefore hope that the amendment will not be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was rejected.

The PRESIDING OFFICER. The bill is in Committee of the Whole and still open to amendment.

Mr. CUMMINS. Mr. President, I am not rising to suggest other amendments, but there is in line 1, page 3, an amendment that was proposed by the committee. It has been, I understand, agreed to in Committee of the Whole. I desire to reserve for a separate vote the proposed amendment, found in italics in line 1, page 3, when the bill reaches the Senate.

The PRESIDING OFFICER. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole, with the exception of the one reserved by the Senator from Iowa.

The amendments were concurred in.

The PRESIDING OFFICER. The amendment made as in Committee of the Whole which was reserved by the Senator from Iowa will be stated.

The SECRETARY. On page 3, line 1, insert after the word "enhances" the words "or depresses."

The PRESIDING OFFICER. The question is on concurring in this amendment.

Mr. CUMMINS. Mr. President, whatever may be proper legislation on this subject, I think a moment's reflection will convince the Senator from Ohio that the committee amendment, to which I have referred, ought not to be adopted. The words "and unduly" have been stricken out so that the section now reads that such association or combination or conspiracy shall not do any act which "artificially or intentionally enhances or depresses prices" within the United States of commodities of the class exported by such association.

It surely can not be the intent of those who favor this bill to declare that it shall be unlawful for any association or combination or person, artificially or intentionally to depress prices in the United States.

I can understand that there are some circumstances under which a combination ought not to be permitted to depress prices, but to say that no person or association doing business under this bill shall be permitted intentionally or artificially to depress prices within the United States baldly, absolutely, is a proposal that I think will not meet the approval of the people of this country, and I do not believe it would meet the approval of Senators if they would give their time to it.

What the Senator from Ohio evidently intends is that for certain purposes they shall not be permitted to depress prices, but if such an association believes the price in the United States, of a particular commodity, is too high and reduces that price to the people of the country, to make that association or person a criminal is absurd upon its face. I do not say that there may not be some kind of legislation that is desirable if a bill upon the subject is to be adopted at all, but I can not refrain from entering my protest against that particular feature.

Mr. POMERENE. Mr. President, I hope that those words will be retained in the bill. The bill as originally drawn had only the word "enhances." When it was before the Senate during the last session of Congress the senior Senator from Mississippi [Mr. WILLIAMS] called attention to this phraseology, and with his fine discriminating mind suggested that the words "or depresses" should be inserted in the bill. The reason for it that he gave then was that where there were exporters doing business abroad—as, for instance, in the case of cotton—sometimes those exporters, for the purpose of depressing prices in the United States, would enter into some arrangement to depress prices abroad, with a view to the effect it might have on the prices in this country, so that they might buy up at these depressed prices to ship abroad, whereby serious injury might be done to the trade, just as well by unduly depressing prices as by unduly

enhancing them. It was for that reason that those words were inserted, and, with all due respect to the opinion expressed by the Senator from Iowa, I think they should be retained.

The PRESIDING OFFICER. The question is upon concurring in the amendment as reported. [Putting the question.] The amendment is concurred in.

Mr. CUMMINS. Mr. President, I think it would be only fair to state that this is an amendment proposed by the committee, and that the question is whether the amendment proposed by the committee shall be adopted by the Senate.

The PRESIDING OFFICER. Whether it shall be concurred in by the Senate. If there is any misunderstanding——

Mr. TOWNSEND. Mr. President, there was a misunderstanding. As I understand, this amendment was inserted by the Senate at the last session of Congress.

The PRESIDING OFFICER. This amendment was offered and adopted as in Committee of the Whole. The question is whether the amendment offered and adopted as in Committee of the Whole shall now be concurred in in the Senate? The Chair will put the motion again. As many as favor concurring in this amendment will say "aye." [A pause.] Those opposed will say "no." [A pause.] The amendment is concurred in.

Mr. SHIELDS. Mr. President, in line 1, page 3, I move to strike out the word "intentionally" and to insert in lieu thereof the words "the natural effect of which."

The PRESIDING OFFICER. The amendment proposed by the Senator from Tennessee will be stated.

The SECRETARY. On page 3, line 1, it is proposed to strike out the word "intentionally" and in lieu thereof to insert the words "the natural effect of which."

Mr. POMERENE. Mr. President, I rise to a point of order. An amendment of this kind was not proposed as in Committee of the Whole, and my understanding is that it would now be out of order.

The PRESIDING OFFICER. The Chair is under the impression that the bill being in the Senate is open to amendment. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. SHIELDS].

Mr. POMERENE. Mr. President, may the amendment be again reported?

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 3, line 1, it is proposed to strike out the word "intentionally" and to insert the words "the natural effect of which," so that it will read:

or do any act which artificially or the natural effect of which enhances or depresses prices within the United States."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Tennessee.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. STERLING. Mr. President, on that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when the name of Mr. CURTIS was called). I desire to announce that the Senator from Kansas [Mr. CURTIS] is absent on official business. He is paired with the junior Senator from Georgia [Mr. HARDWICK].

Mr. FRELINGHUYSEN (when his name was called). Making the same transfer of my pair as before, I vote "yea."

Mr. JAMES (when his name was called). The junior Senator from Massachusetts [Mr. WEEKS], with whom I have a pair, is necessarily absent from the Senate. As he would vote, if present, as I shall vote, I will cast my vote. I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from California [Mr. PHELAN] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. I am not informed as to how he would vote, if present, and therefore withhold my vote. If permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. SWANSON. I desire to state that my colleague, Mr. MARTIN, is detained from the Senate on account of illness in his family. If present, he would vote "yea."

Mr. ROBINSON. I wish to announce that my colleague, the junior Senator from Arkansas [Mr. KIRBY], is unavoidably absent on account of illness in his family.

Mr. GALLINGER. I wish to announce that the Senator from North Dakota [Mr. MCCUMBER] is paired with the Senator from Colorado [Mr. THOMAS].

Mr. KING. I have been requested to announce the absence of the Senator from Rhode Island [Mr. GERRY], the Senator from Illinois [Mr. LEWIS], and the Senator from Nevada [Mr. PITTMAN] on official business.

The result was announced—yeas 51, nays 11, as follows:

YEAS—51.

Ashurst	Hollis	Newlands	Simmons
Bankhead	James	Overman	Smith, Ariz.
Beckham	Jones, N. Mex	Page	Smith, Ga.
Brady	Jones, Wash.	Penrose	Smith, Md.
Calder	Kellogg	Poindexter	Smoot
Chamberlain	Knox	Pomerene	Sterling
Dillingham	Lodge	Ransdell	Stone
Fernald	McKellar	Robinson	Sutherland
Fletcher	McLean	Saulsbury	Swanson
France	McNary	Shafroth	Thompson
Frelinghuysen	Myers	Sheppard	Townsend
Gallinger	Nelson	Sherman	Wadsworth
Hale	New	Shields	

NAYS—11.

Borah	Hitchcock	La Follette	Trammell
Cummins	Kenyon	Norris	Vardaman
Gronna	King	Reed	

NOT VOTING—33.

Brandegee	Harding	Martin	Walsh
Broussard	Hardwick	Owen	Warren
Colt	Hughes	Phelan	Watson
Culberson	Johnson, Cal.	Pittman	Weeks
Curtis	Johnson, S. Dak.	Smith, Mich.	Williams
Fall	Kendrick	Smith, S. C.	Wolcott
Gerry	Kirby	Thomas	
Goff	Lewis	Tillman	
Gore	McCumber	Underwood	

So the bill was passed.

Mr. POMERENE. I move that the Senate request a conference with the House of Representatives on the bill and amendments and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and Mr. POMERENE, Mr. ROBINSON, and Mr. CUMMINS were appointed the conferees on the part of the Senate.

DEVELOPMENT OF WATERPOWER.

Mr. SHIELDS. I move that the Senate proceed to the consideration of the bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

It is not my intention to go on with the bill to-night, but after it has been made the unfinished business I will ask that it be temporarily laid aside.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee to proceed to consideration of the bill indicated by him.

The motion was agreed to.

The PRESIDING OFFICER. The bill is made the unfinished business.

Mr. SHIELDS. Now, I ask that the bill be laid aside temporarily.

Mr. LODGE. It is not necessary to do that.

The PRESIDING OFFICER. The Chair has announced that the bill has been made the unfinished business.

Mr. HITCHCOCK. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 13, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 12, 1917.

ASSISTANT SECRETARY OF THE TREASURY.

Thomas B. Love, of Dallas, Tex., to be Assistant Secretary of the Treasury. (New office.)

ASSISTANT SECRETARY OF WAR.

Benedict Crowell, of Ohio, to be Assistant Secretary of War, vice William M. Ingraham, resigned.

INTERSTATE COMMERCE COMMISSIONER.

Belthasar H. Meyer, of Wisconsin, to be a member of the Interstate Commerce Commission for the term of seven years, expiring December 31, 1924. (Reappointment.)

(FIRST) ASSISTANT CHIEF OF THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE, DEPARTMENT OF COMMERCE.

Chauncey D. Snow, of Massachusetts, to be (First) Assistant Chief of the Bureau of Foreign and Domestic Commerce, Department of Commerce, vice Burwell S. Cutler, promoted. (By promotion from (Second) Assistant Chief of Bureau of Foreign and Domestic Commerce.)

(SECOND) ASSISTANT CHIEF OF THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE, DEPARTMENT OF COMMERCE.

Grosvenor M. Jones, of Ohio, to be (Second) Assistant Chief of the Bureau of Foreign and Domestic Commerce, Department of Commerce, vice Chauncey D. Snow, to be promoted. (By promotion from special agent in the Bureau of Foreign and Domestic Commerce.)

COLLECTOR OF INTERNAL REVENUE.

James J. Brady, of Detroit, Mich, to be collector of internal revenue for the first district of Michigan.

EXPLOSIVES INSPECTOR.

Michael R. Magner, of Yankton, S. Dak., to be explosives inspector for the State of South Dakota.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Charles S. McWhorter to be a lieutenant commander in the Navy from the 1st day of July, 1917.

Lieut. (Junior Grade) Robert R. Paunack to be a lieutenant in the Navy from the 5th day of June, 1917.

The following-named citizens to be assistant naval constructors in the Navy, for temporary service, from the 13th day of November, 1917:

Charles W. Colby,
Lowell Cady,
Harold C. Neumann,
Thomas F. O'Brien,
Emil A. Gramstorff,
Irving Fineman,
William W. Cargill,
Paul D. Childs,
George R. Duryea,
Irving B. McDaniel,
Geoorge T. Paine,
Robert G. Shand,
Walter G. Farr,
William A. Sullivan, and
Benjamin S. Wells.

Lieut. Col. Philip M. Bannon to be a colonel in the Marine Corps (subject to examination required by law) from the 26th day of March, 1917.

Maj. Richard M. Cutts to be a lieutenant colonel in the Marine Corps (subject to examination required by law) from the 26th day of March, 1917.

Maj. Henry C. Davis to be a lieutenant colonel in the Marine Corps to fill a vacancy occurring October 16, 1917, and to take rank from August 29, 1917.

Capt. Rush R. Wallace to be a major in the Marine Corps from the 29th day of August, 1916.

The following-named captains to be majors in the Marine Corps from the 26th day of March, 1917:

Robert O. Underwood,
Gerard M. Kincade,
Harry O. Smith,
Robert B. Farquharson, and
Lauren S. Willis.

The following-named captains to be majors in the Marine Corps, for temporary service, from the 22d day of May, 1917:

Sydney S. Lee,
Ross E. Rowell,
Harold H. Utley,
Howard C. Judson,
Paul A. Capron,
William F. Bevan,
John Potts,
Edward A. Ostermann,
Edward S. Willing,
Ralph S. Keyser,
Julian P. Willcox,
Benjamin S. Berry,
Ross S. Kingsbury,
Robert E. Adams,
Edwin N. McClellan,
Littleton W. T. Waller, jr.,
John Dixon, and
Henry M. Butler.

The following-named first lieutenants to be captains in the Marine Corps from the 26th day of March, 1917:

Louis E. Fagan, jr., and
Louis M. Bourne, jr.

First Lieut. Edward S. Chandler to be a captain in the Marine Corps, for temporary service, from the 23d day of May, 1917.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service, from the 16th day of June, 1917:

James Keeley,
Eugene B. Mimms,
William H. Stevens,
Henry Baptist,
Francis Fisk,
Robert W. Williams,
Peter Conachy,
Charles E. Mills,
Wilbur G. Gunn,
John Blanchfield,
Carl E. Clark, and
Arthur J. Stout.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service, from the 1st day of July, 1917:

Julius T. Wright,
Andrew E. Creesy,
Arthur H. Page, jr.,
Donald Curtis,
Jesse L. Perkins, and
Samuel J. Bartlett.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service, from the 26th day of July, 1917:

Clarence N. McClure,
Michael Kearney,
Edward H. W. Holt,
Bror G. Brodstrom,
Frederick W. Karstaedt,
Angus Wilson,
Fred Lueders,
Charlie Hansen,
Charles S. Beale,
Roswell Winans,
Raymond F. Dirksen,
Walter J. Eddington, jr.,
Frank Whitehead,
Ery M. Spencer,
Charles P. Holliday,
James P. Smith,
Frank E. Verner,
Norman M. Shaw,
Joseph Watson,
Abel E. LeBlanc,
Oliver A. Dow,
John P. Harvis,
William Borghart,
Gaines Moseley,
John F. Duffy,
William R. Perry,
William J. Holloway,
Bert Pearson,
Harry H. Couvrette,
John H. Fay,
Pink H. Stone,
Harry T. Rodenhoffer,
Frank Patterson,
Charles G. Knoechel,
Charles F. Merkel,
John F. Evans,
John A. McDonald,
Ray W. Jeter,
Albert J. Grimes,
Clarence H. Medairy,
Robert Yowell,
Louie W. Putnam,
Stephen F. Drew,
Charles F. Finger,
William S. Robinson,
Edward G. Huefe,
John Kearns, and
James H. McGan.

The following-named second lieutenants to be first lieutenants in the Marine Corps from the 29th day of August, 1916:

Louis E. Fagan, jr., and
Louis M. Bourne, jr.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 25th day of July, 1917:

Frederick W. Karstaedt,
Roswell Winans,
Ery M. Spencer,

Charles P. Holliday,
Gaines Moseley,
John H. Fay,
Arthur J. Trask,
Thomas B. Wood,
Archie Farquharson,
Glen C. Cole,
Orlando C. Crowther,
David T. Jackson,
John H. Nichols, and
George L. Littlefield.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 1st day of August, 1917:

Daniel J. Readey, and
Herman R. Holljes.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 7th day of August, 1917:

Franklin T. Steele,
William E. Campbell, jr.,
Stanford W. Hoffman, and
George F. Hill.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 11th day of August, 1917:

Walter T. H. Galliford,
Charles N. Muldrow,
John T. Walker,
Frank W. Wilson,
Robert C. Anthony,
Ralph L. Schlesswohl,
William A. Duckham,
Benjamin Goodman,
Harold D. Campbell,
James A. Nelms,
Raymond E. Knapp,
Samuel C. Cumming,
George H. Yarborough, jr.,
Edward L. Burwell, jr.,
Lemuel C. Shepherd, jr.,
John F. Blanton,
James F. Moriarty,
Arthur T. Elmore,
Edward B. Hope,
Charles P. Nash,
Durant S. Buchanan, and
Fielding S. Robinson.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 16th day of August, 1917:

William H. Taylor, jr.,
Charles Z. Lesher,
John C. Wood,
Thomas R. Jewett,
James R. Henderson,
William T. Evans,
George D. Hamilton,
Benjamin W. Gelly,
Lloyd B. Dysart,
Joseph F. Gargan,
Charles I. Emery,
Clyde P. Matteson,
Rolla R. Hinkle,
William R. Mathews,
Charles T. Lawson,
David I. Garrett,
Nathaniel H. Massie,
Richard H. Jeschke,
Sidney W. Wentworth,
Frank L. Shannon,
Samuel M. Noblitt,
Francis P. Mulcahy,
Frederic C. Wheeler,
Benjamin H. Brown,
Thomas E. Kendrick,
Benjamin L. Harper,
Albert A. LeBoeuf,
Will H. Walter,
Alfred W. Ogle,
William van D. Jewett,
Robert S. Lytle,
Paul E. McDermott,
Albert P. Baston,
Donald J. Kendall,
Harold St. C. Wright,
Horace B. Derrick,
Leonard Stone,
Alton A. Gladden,
Lewis B. Reagan,
Dudley S. Brown,
Robert H. Pepper,
Robert L. Nelson,
John B. Wilson,
James McB. Sellers,
James D. Colomy,
Lathrop B. Flintom,
Clive E. Murray,
Joseph A. Hagan,
Ivan Langford,
Galen M. Sturgis,
Mordecai C. Chambers,
Carl W. Meigs,
Joseph W. Knighton,
Charles I. Murray,
James A. Poulter,
Karl S. Day,
George L. Maxwell, jr.,
Joseph C. Bennet,
Clarence W. Smith,
James A. Mixson,
Cecil B. Raleigh,
George L. Maynard, jr.,
William H. Hollingsworth,
Lades R. Warriner,
John O. Hyatt,
Oakley K. Brown,
Charles D. Roberts,
Gus L. Gloeckner, and
Graves B. Erskine.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 28th day of August, 1917:

Frederick I. Hicks,
Phillips B. Robinson,
Thomas W. Scott,
Leo F. S. Horan,
Felix Beauchamp,
Maurice Brulay,
James B. McCormick,
Walter R. Macatee,
Philip A. Murray, jr.,
John H. Craige,
Kortright Church,
John N. Popham, jr.,
Reginald C. M. Peirce,
Theodore C. Johnson,
Claude M. Bain,
Thomas A. Tighe,
Thomas W. Bowers,
John R. Foster,
Russell W. Duck,
David Bellamy,
Robert W. Claiborne,
Robert P. Jeter,
Lawrence B. Smith,
Richard O. Sanderson,
Louis S. Davis,
Archie W. French,
Jonathan Lucas, jr.,
William L. York,
Harry D. Gibbons,
John F. Williams, and
Howard B. Freeman.

The following-named noncommissioned officers to be second lieutenants in the Marine Corps, for temporary service, from the 24th day of July, 1917:

Quartermaster Sergt. Charles P. Holliday,
Gunnery Sergt. Arthur J. Trask,
Gunnery Sergt. Archie Farquharson, and
Gunnery Sergt. Glen C. Cole.

The following-named officers of the National Naval Volunteers (Marine Corps Branch) to be second lieutenants in the Marine Corps, for temporary service, from the 6th day of August, 1917:

Franklin T. Steele,
William E. Campbell, jr., and
George F. Hill.

The following-named citizens to be second lieutenants in the Marine Corps for a probationary period of two years from the 15th day of September, 1917:

Earle M. Randall, a citizen of Massachusetts.

Leland S. Swindler, a citizen of California.
John P. Manton, a citizen of Ohio.
Ernest H. Lowenthal, a citizen of Georgia.
Ray A. Robinson, a citizen of California.
Howard N. Stent, a citizen of Connecticut.
Gillis A. Johnson, a citizen of Texas.
Kenneth B. Collings, a citizen of the District of Columbia.
Basil Gordon, a citizen of Virginia.
Donald Spicer, a citizen of Massachusetts.
Ford O. Rogers, a citizen of Connecticut.
Creswell M. Micou, a citizen of the District of Columbia.
Walter G. Farrell, a citizen of Illinois.
Raymond T. Presnell, a citizen of Idaho.
Lloyd A. Houchin, a citizen of Minnesota.
Roy M. Simpson, a citizen of Massachusetts.
William L. Harding, jr., a citizen of Texas.
John B. Neill, jr., a citizen of Virginia.
David Duncan, a citizen of New York.
Lyle C. De Veaux, a citizen of Pennsylvania.
Charles G. Thoma, a citizen of Illinois.
Greenough Townsend, a citizen of New York.
Henley M. Goode, a citizen of Texas.
Ralph R. Robinson, a citizen of California.
Floyd W. Bennett, a citizen of Pennsylvania.
Norman E. True, a citizen of Maine.
Thurston J. Davies, a citizen of New Jersey.
Walter E. Billsoly, a citizen of Colorado.
John K. Martenstein, a citizen of California.
Francis J. Kelly, jr., a citizen of New York.
Daniel B. Brewster, a citizen of Maryland.
Douglass P. Wingo, a citizen of Alabama.
Conrad S. Grove, 3d, a citizen of Pennsylvania.
Dale S. Young, a citizen of Illinois.
Charles M. Portis, a citizen of Alabama.
St. Julien R. Childs, a citizen of South Carolina.
Clifford C. Cowin, a citizen of Minnesota.
Hamilton M. H. Fleming, a citizen of Pennsylvania.
Walter I. Greth, a citizen of Pennsylvania.
Frederick E. Stack, a citizen of the District of Columbia.
George C. Collar, a citizen of Wisconsin.
John F. Roy, a citizen of Maryland.
Edward S. Shaw, a citizen of Maine.
Stanford H. Moses, a citizen of Minnesota.
Edward L. Pollock, jr., a citizen of Illinois.
William J. Parrish, jr., a citizen of Virginia.
Hascall F. Waterhouse, a citizen of California.
Gardiner Hawkins, a citizen of Texas.
Campbell R. Coxe, a citizen of New York.
Leland D. Breckinridge, a citizen of Texas.
Merritt A. Edson, a citizen of Vermont.
Laurence T. Stallings, jr., a citizen of Georgia.
Edgar A. Poe, jr., a citizen of Maryland.
Edward O. Bogert, a citizen of New York.
Randolph A. Christie, a citizen of California.
George Wale, jr., a citizen of California.
John A. Tebbs, a citizen of Virginia.
John C. Wemple, a citizen of the District of Columbia.
Curtis W. Le Gette, a citizen of South Carolina.
Cleghorn Foote, a citizen of New Jersey.
Thomas B. McMartin, a citizen of Wisconsin.
Thomas W. Ashley, a citizen of Massachusetts.
Thomas H. Raymond, a citizen of Louisiana.
David C. Levy, a citizen of Pennsylvania.
Joseph H. Fellows, a citizen of Pennsylvania.
Louis G. De Haven, a citizen of New Jersey.
John S. Tyler, a citizen of California.
Luther W. Jones, a citizen of South Carolina.
Harry E. Stovall, a citizen of Texas.
Chester R. Milham, a citizen of Kansas.
David P. Cowan, a citizen of Maryland.
Robert L. Montague, a citizen of Virginia.
Lester A. Dessez, a citizen of the District of Columbia.
John R. Minter, a citizen of Maryland.
Robert B. Stuart, a citizen of Virginia.
Edmond F. Fisher, a citizen of New Jersey.
James Wood, a citizen of New York.
Andrew R. Holderby, 3d, a citizen of Virginia.
Charles S. Willcox, a citizen of Virginia.

The following-named citizens to be second lieutenants in the Marine Corps, for temporary service, from the 17th day of September, 1917:

Fillmore W. Elker, a citizen of Maryland.
Merton A. Richal, a citizen of Minnesota.
William B. Shealy, a citizen of South Carolina.
Francis B. Reed, a citizen of Massachusetts.
Lester D. Johnson, a citizen of Illinois.
Edgar B. Pendleton, a citizen of California.
John Kaluf, a citizen of Illinois.
Judson H. Fitzgerald, a citizen of the District of Columbia.
Samuel A. Milliken, a citizen of Massachusetts.

The following-named temporary second lieutenant to be a second lieutenant in the Marine Corps for a probationary period of two years from the 16th day of October, 1917:

Fillmore W. Elker.

The following-named citizens to be second lieutenants in the Marine Corps, for temporary service, from the 29th day of October, 1917:

Timon J. Torkelson, a citizen of Washington.
Ross S. Wilson, a citizen of Washington.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 12, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

In grateful recognition, Almighty God, our Heavenly Father, of that Providence which has shaped and guided the destiny of our Republic through all the vicissitudes of the past and made it strong and great, we most humbly and devoutly pray that Thou wilt continue to uphold, sustain, and guide us.

Help us to remember that righteousness exalteth a nation, while sin is a reproach to any people.

Hear us when we commend to Thy care the lawmakers of the land, those who sit in judgment upon them, and those who execute them, that we may press forward toward the ideals which commend themselves to our judgment.

Help us as a people to appreciate the blessings of a Republic, that we may fix our minds upon one great thought, namely, the prosecution of the war in which we are involved, to lose which is to lose all; to gain which is to secure not only for ourselves but for all the world freedom in thought and action, especially the great privilege of worshiping Thee according to the dictates of our conscience. In the spirit of Christ Jesus our Lord, amen.

The Journal of yesterday's proceedings was read and approved.

PROHIBITION AMENDMENT.

Mr. DYER rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. DYER. To ask unanimous consent, Mr. Speaker, that I may have two days, as a member of the Committee on the Judiciary, in which to file minority views on the prohibition amendment.

The SPEAKER. The gentleman from Missouri asks that he be permitted to have two days in which to file the views of the minority of the Committee on the Judiciary——

Mr. DYER. My own personal views, Mr. Speaker.

The SPEAKER. His own personal and individual views on the prohibition amendment. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2860. An act transferring Hardeman County to the Wichita Falls division of the northern judicial district of Texas.

LEAVE OF ABSENCE.

Mr. TAYLOR of Colorado, by unanimous consent, was granted leave of absence indefinitely, on account of illness in his family.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Indian Affairs.

COAL AND ASPHALT, CHOCTAW AND CHICKASAW NATIONS.

Mr. CARTER of Oklahoma. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 195.

The SPEAKER. You do not have to move it. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of House bill 195, with the gentleman from North Carolina [Mr. POU] in the chair.

Thereupon the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 195, with Mr. POU in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 195. The gentleman from Oklahoma [Mr. CARTER] has used 30 minutes. No time has been used on the other side. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask for recognition on the bill. The bill is of the very greatest importance. The matter was before the Committee on Indian Affairs in a different form from that in which it was reported.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes; I yield.

Mr. CARTER of Oklahoma. Mr. Chairman, I understand that I have 30 minutes left?

The CHAIRMAN. That is correct. The gentleman from Kansas [Mr. CAMPBELL] has used none of his time.

Mr. CAMPBELL of Kansas. None whatever. The bill was before the committee in a different form. There was a hearing, a series of hearings, on the bill. As a matter of fact, the general subject has been under consideration for some years. There has been a wide diversity of opinion upon the bills that were before the committee. I am not now raising a question as to the time that this bill was reported, but, as a matter of fact, I understand that the chairman of the Committee on Indian Affairs got the contending parties together and sought an agreement, and that agreement was embodied in amendments, and the amendments were incorporated in the bill as it has been reported.

I was not present in the Committee on Indian Affairs when these amendments were agreed to. I have not talked with those who are opposed to the bill in the form in which it was first introduced since the amendments were agreed upon.

I asked that this bill go over on last Wednesday for the purpose of giving time to those who were opposed to the bill, so that if they still have objections their objections might be laid before the House to-day. The chairman of the committee notified the coal operators in Oklahoma and others interested. I have had no word from Oklahoma nor from any one interested in the provisions of the bill, either for or against its passage in its present form.

I make this statement so that if any question should arise hereafter as to the agreements that have been incorporated in this bill as amendments said to have been agreed to by all the parties interested, those affected can not say that they have not had an opportunity to present the matter to the House.

Mr. CARTER of Oklahoma rose.

Mr. HARRISON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the chairman of the committee first.

Mr. CARTER of Oklahoma. Mr. Chairman, the statement made by the gentleman from Kansas is substantially correct, as the gentleman from New York [Mr. SNYDER], I think, can also testify. After the hearings were had upon this bill, the representative of the Choctaw and Chickasaw Tribes, who was also an employee of the Interior Department, agreed upon by the two chiefs of the tribes, a representative of the coal operators, and representatives of the citizens' committee, met and agreed upon these amendments, with one slight exception. The attorney for the tribes said he would offer no objection to the retention by the lessee of one-half of the advance royalty, but he did not want to unqualifiedly commit himself to that at this time. This, he stated, was because the bill might not pass at that session. If this bill did not pass, then he might be called into negotiations in the future and might be asked at a future time to make further concessions than that, which he considered as a concession, although the committee did not so consider it. That is about the status of the agreement.

Mr. HARRISON of Mississippi. Mr. Chairman, may I ask the gentleman from Kansas a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. HARRISON of Mississippi. Has this land been offered for sale once before?

Mr. CAMPBELL of Kansas. The surface has been sold. The coal underlying it has been estimated or surveyed. It has not been sold.

Mr. CARTER of Oklahoma. The gentleman from Kansas is correct in so far as his statement goes; but these coal deposits were offered for sale once, in 1905. At that time no adequate bids were received and none of the coal lands were sold. Since that time, under the act of February 19, 1912, the surface of these lands has been disposed of, except that portion that was retained as necessary for the operation of the mines. That part was set apart and reserved from sale.

Mr. CAMPBELL of Kansas. That is, proper reservations were made of the surface.

Mr. CARTER of Oklahoma. Proper reservations were made and the lessees were given the right to buy them at the appraised value, but up to this time the lessees have not chosen to take them at that price.

Mr. BORLAND. Let me ask the gentleman from Kansas a question.

Mr. CAMPBELL of Kansas. I yield to the gentleman from Missouri for a question.

Mr. BORLAND. I understand that a portion of this land is now under lease and that the coal is being mined under lease.

Mr. CAMPBELL of Kansas. Probably more than 100,000 acres of it.

Mr. BORLAND. That probably embraces the best and all the available coal lands.

Mr. CAMPBELL of Kansas. Oh, no; there is much very good coal that is not under lease; but it is farther from the railroads or means of transportation than that which has been leased and is not now available, but it is a good investment as coal property.

Mr. BORLAND. It is designed to sell the land that is under lease, as well as the land that is not under lease?

Mr. CAMPBELL of Kansas. Yes.

Mr. BORLAND. Why is it not a very good proposition for the Indians to permit that coal land to remain under lease and let them get proper royalties under lease?

Mr. CAMPBELL of Kansas. The proposition is for the leases to go on. These leases, some of them, do not expire for from 12 to 14 years; but there is a desire on the part of citizens of Oklahoma—heretofore not generally concurred in by some others—that this estate be closed out, that the property be converted into money, that it be distributed among those who are entitled to it, and that the administrator be discharged.

Mr. BORLAND. I suppose that is in order that the Indians may finally be absorbed into the citizenship of Oklahoma and cease to be under the care of the Government.

Mr. CAMPBELL of Kansas. That, of course, is the ultimate ambition of the people of Oklahoma, to incorporate the Indians, with their property, as citizens of that State.

Mr. HARRISON of Mississippi. May I ask the gentleman a question?

Mr. CAMPBELL of Kansas. Yes.

Mr. HARRISON of Mississippi. What is the gentleman's opinion about this being a good time to dispose of this property? Does he think we can get a better price for the property now than to wait until later?

Mr. CAMPBELL of Kansas. I should hesitate to undertake at this time to float a large proposition similar to the one involved in this property. It is difficult to finance great enterprises just at this time; and yet it may be that organizations can be made, in Oklahoma or elsewhere, that will buy this land. It is estimated that it is worth all the way from $12,000,000 to $4,000,000,000. Nobody knows exactly the value of the residium of this estate, but it is large. There is no question that there is a valuable coal property remaining in Oklahoma to the Choctaw and Chickasaw Indians. Whether or not this is a good time to put it upon the market and sell it is a very serious question.

Mr. HARRISON of Mississippi. The gentleman stated a few moments ago that the interested parties had a meeting and agreed on certain amendments. I understood the gentleman to say that.

Mr. CAMPBELL of Kansas. That is correct.

Mr. HARRISON of Mississippi. I was going to ask the gentleman if in that meeting the Mississippi Choctaws had a representative.

Mr. CAMPBELL of Kansas. I have not been advised as to that. My suspicion is that the Mississippi Choctaws were not there.

Mr. HARRISON of Mississippi. May I ask the gentleman who were the interested parties who attended that meeting?

Mr. CAMPBELL of Kansas. The operators, the chiefs and attorneys of the tribes, and citizens adjacent to the property.

Mr. HARRISON of Mississippi. Was that meeting held here in Washington or was it held in Oklahoma?

Mr. CAMPBELL of Kansas. It was held here in Washington; and many hearings have been held before the Committee on Indian Affairs in the past four years upon this subject, participated in by citizens of the towns and cities adjacent to these properties, by the lessees of the properties now under lease, by operators interested in the coal property, and by the attorneys and chiefs of the tribes. I do not recall that the Mississippi Choctaws ever submitted their views with respect to the immediate sale of this remaining portion of the estate belonging to the Choctaws and Chickasaws.

Mr. HARRISON of Mississippi. The gentleman does not doubt that heretofore they have submitted their claims?

Mr. CAMPBELL of Kansas. Upon other subjects, but not upon this.

Mr. ROBBINS. I should like to ask the gentleman a question.

Mr. CAMPBELL of Kansas. Yes.

Mr. ROBBINS. What royalty do the Indians get now under the leases they have?

Mr. CAMPBELL of Kansas. Eight cents a ton, as I understand.

Mr. CARTER of Oklahoma. That is correct.

Mr. ROBBINS. What is the yield per ton per acre?

Mr. CAMPBELL of Kansas. The royalty runs probably from $250 to $350 an acre.

Mr. ROBBINS. Then the vein must be very thin.

Mr. CAMPBELL of Kansas. It runs from 3 to 4 feet.

Mr. ROBBINS. Does not the gentleman think it would be better for the Indians to get their money in monthly allowances rather than to get it in a lump sum, in the way this bill proposes? Are they not noted for spending their money rather freely and being unable to care for their estates?

Mr. CAMPBELL of Kansas. That is true. That is one of the big questions involved in this proposition. But I will say to the gentleman from Pennsylvania the estate must be closed up at some time. We promised by treaty many years ago to close it up. There has been something carried over from one fiscal year to another, involving matters deemed to be of great importance, that have made it impossible to close up this estate.

Mr. ROBBINS. Why is it desirable to close it up? Would it not be better for the Government to continue to handle it and pay up gradually and yearly the sums derived from royalties on these coal leases?

Mr. CAMPBELL of Kansas. That is a view taken by many people who have an interest in the Indians but not an intimate acquaintance with them or with the local situation in the Five Civilized Tribes. Promises were made by this Government many years ago to release the Five Civilized Tribes from supervision by the Government as fast as it could be done, and the whole estate was to have been closed up on the 4th of March, 1906. That promise was looked forward to with a good deal of interest by the Indians. You will understand that many of the Five Civilized Tribes whose property is supervised by the Government are men of the highest education and business ability; they are men who are presidents of not one national bank but two, of interurban railways, owners and managers of great business properties, men who are rated financially from $25,000 to one-half a million dollars, and yet have their interests in this estate supervised by the Indian Office.

Mr. CARTER of Oklahoma. If the gentleman will permit, it is even worse than that.

Mr. CAMPBELL of Kansas. I am stating it mildly.

Mr. CARTER of Oklahoma. Not only supervised, but held as a community proposition; an individual is not permitted to use any of the funds that accrue from his royalties for his own purposes, it all goes for tribal schools. We have State schools established in Oklahoma which are almost ample to provide for the Indian children. It is not necessary to hoard up a large amount for schools, although it might be necessary to keep some.

Mr. CAMPBELL of Kansas. I will say this, having made the Indian question a study for years and having been vitally interested in the welfare of the Indian, I have always taken the position on this floor and in committee and in committees of investigation and elsewhere, that the first thing to be considered is the welfare of the Indians. The time has arrived when the Indian will have to cut loose from the supervision of clerks in the Indian Office [applause] and become an independent factor in the State of Oklahoma, or wherever he lives, and run his own affairs. I do not hesitate to say that as between the ability of some of these Indians, the scope of their vision, and their general business capacity, and the general scope of vision and business capacity of some of the clerks who control and supervise them that the Indian is far superior. [Applause.] There are agents—and this is outside of the Five Civilized Tribes—to-day who are squatting on Indian reservations pretending to look after the interest of the Indians whose services are absolutely useless. They are pretending to serve men of affairs in their community, men who own farms, living in good houses, heated with steam, having bathrooms, men who not only own one pair of horses but several pairs of well-bred horses, good breeding and milch cows, with splendid farms, and running them like good farmers. Every time these Indians turn around they have to go down to the Indian agent and consult him. He is a little fellow who has been sitting there for years and generally is without sufficient energy or enterprise even to cut his own wood or to take care of the lawn of the property in which he lives, or raise his own potatoes, and he tells these splendid farmers what they may do with their farms or the surplus of their stock, this, that, and the other thing, that the average farmer in a prosperous community has to do.

There are agents that are as useless as would be a supervisor or guardian for the most intelligent man you know in your community. In my judgment the time has arrived when the Indian Office ought to be simply cleaned out of everything that is not absolutely essential in the conduct of the affairs of incompetent Indians.

There has been more waste of money in proportion to the work done with respect to the Indians than in any other branch of the Government up to the last two or three years. I do not see any way of putting an end to it until Congress says, by legislation, not another dollar for this agency and that agency, for this purpose and that purpose, and let the men who are sitting around these agencies seek employment elsewhere, where their services may be useful. [Applause.] It is an injustice to an able young man to permit him to occupy a position of ease and indolence and uselessness for years and years.

I have in mind now a fine-looking young man who has sat for seven years in the same place and is now so indolent that, while there is ample ground surrounding the property, he does not even raise tomatoes or potatoes; with farm lands under his control, he buys his hay, or we buy it for him. He buys corn, or we buy it, to feed his driving horse. We buy wood all cut and delivered and furnish a man to make the fire for him. That is what we are doing at Indian agencies at the expense of the Government and the Indians. It is becoming absolutely intolerable.

Mr. FERRIS. If the gentleman will pardon me, his words are music to my ears, for I have made that same talk for 16 years. But is it not true that if a bill was reported now from any committee for that purpose seeking to take away the salary of one of these fellows it would be opposed by a lot of men who would say that we were trying to take away the protection from these Indians?

Mr. CAMPBELL of Kansas. Yes; and if you gave them time enough you would have magazine articles and newspaper articles charging graft, that you were laying plans for dishonest white men to get the remainder of the property of the Indians away from them.

Mr. HASTINGS. That has been the character of the attack on such legislation for the past 25 years, has it not?

Mr. CAMPBELL of Kansas. It is, and will continue to be while the Government of the United States makes appropriations in these bureaus and departments for publicity agents. There are men in the public service to-day whose only service is to prepare articles and newspaper interviews which furnish the country with a lot of misinformation, the purpose being to affect public opinion, to affect the action of Congress, not with a view to bettering Indian or other conditions but with the view of perpetuating a lot of men in soft jobs in which they are rendering no service of value to the country.

Something ought to be done to close out a lot of these useless positions. When we consider the Indian appropriation bill I shall insist that many agencies be left out entirely as absolutely useless, and I shall begin in my own State. The conservation of the useful manhood of the men in many of these positions will be affected by putting them out on their own resources. They are as useless and as indolent as any Indian, and will become as helpless as the Indian if they are permitted longer to be pampered by the Government in positions in which they are rendering no service of value.

Mr. Chairman, as to this bill, I have only one question and that is whether or not in a big way this is a good time to place the property upon the market? It is a very valuable property, and whether or not it will bring the price that it is worth at this time is a matter of very serious consideration. I suggest also that when the bill is taken up for consideration under the five-minute rule the provision for the expense of a further survey of the amount of coal be stricken out for the reason that there is now on file in the office of the Secretary of the Interior

ample data to enable the Secretary to ascertain the amount of the coal that underlies the surface that is now proposed to be sold.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CARTER of Oklahoma. The gentleman is aware of the fact that two appraisements have been made of this property?

Mr. CAMPBELL of Kansas. Yes.

Mr. CARTER of Oklahoma. One, of course, was a very exorbitant appraisement by people who knew nothing about the value of coal, running up to billions of dollars, I think, and the other was an appraisement by practical coal men amounting to something like $12,000,000, as I recollect. These two appraisements are so widely at variance that the Secretary thought he ought to have the right to fix another price on these lands, and he did not feel like taking the responsibility of selling this property without being given that right. As the gentleman knows, there is a proposition in the bill to have three appraisers, one to be appointed on the recommendation of the chief of the Choctaw Nation, one by the governor of the Chickasaw Nation, and a third upon the recommendation of the Secretary, all to be appointed by the President.

Mr. CAMPBELL of Kansas. Yes.

Mr. CARTER of Oklahoma. That provision was put in out of deference to the chief of the Choctaw Nation and the governor of the Chickasaw Nation. They thought that when the final value of these coal deposits was fixed they ought to have a man present to see something about it, and the provision was inserted out of deference to Gov. Johnson and Chief Lock. I have no interest in it except such deference as I have for those gentlemen.

Mr. CAMPBELL of Kansas. Such an appraisement as would be made by a committee of that kind would be a summary of the drill holes that have been made that are now on file in the office of the Secretary of the Interior and of the reports that are now on file. It is easy enough to take them from the office of the Secretary of the Interior or from the office in Oklahoma and estimate from the drills that have been made upon this property.

Mr. CARTER of Oklahoma. I think the appraisement ought to be made. I think the Secretary is right about that, but I have no objection whatever to having that appraisement made from the data now on hand without the taking of a single bit of other information.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LENROOT. Does not the gentleman from Oklahoma think the entire matter of the appraisement should be left with the Secretary, and that if he is satisfied to take that data that exists, he should be permitted to do so?

Mr. CARTER of Oklahoma. I have just stated that I was content with that, and this other proposition is put in the bill only out of deference to the chief of the Choctaw and the governor of the Chickasaw Nations.

Mr. CAMPBELL of Kansas. Under the language of the bill I think there could be a very elaborate and expensive survey of the property.

Mr. CARTER of Oklahoma. We went into that with the Interior Department officials, and they assured us that they expected to make an appraisement from the records already on file in the Indian Bureau.

Mr. CAMPBELL of Kansas. But the language incorporated in the bill does not confine him to that.

Mr. CARTER of Oklahoma. I have no objection to confining him to the records now on file, because that is what the Secretary expects to do.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CANNON. It has been claimed, and whether the claim is well founded or not I do not know, that there are Indians and Indians, and that the smart Indians have cheated those who are not so smart, and that most of them are not smart.

Mr. CAMPBELL of Kansas. There is a good deal of humanity about the Indian. He is very, very much like the white man. Some of them are smart and some of them are not. Some of them will beat a white man just as readily as they would an Indian. I would not take my chances with a great many Indians I have seen, in a business deal.

Mr. CANNON. And with opportunity given for the utilization of proper capital, the smart fellow would overreach if he could his red brother?

Mr. CAMPBELL of Kansas. There is no greater disparity between Indians than there is between white men.

Mr. CANNON. Does the gentleman measure his words covering Indians throughout the United States, or even those in Oklahoma; does the gentleman measure his words when he makes that statement?

Mr. CAMPBELL of Kansas. There is a cunning wisdom even in the blanket Indian. He knows a great deal more than he will tell. He measures a man's motives and protects himself in many ways against both the Indian and the white man.

Mr. FITZGERALD. Some white men tell more than they know.

Mr. CAMPBELL of Kansas. Yes.

Mr. CANNON. If the gentleman's statement is correct, now something has happened in the Indian territory or the balance of Oklahoma and throughout the country where it is alleged, and in some instances I believe to be true, that while the Indian gets good bargains once in a while he has been swindled twice in a while, and that is being done under the supervision we have to-day in Oklahoma.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. CARTER of Oklahoma. Mr. Chairman, what the gentleman from Illinois said is absolutely true. The Indian is no different from the white man. I have heard of cases of a smart white man taking advantage of his weaker brother, and the Indian is just as much a human being as the white man. Now, I agree with the gentleman from Illinois that sometimes Indians make good bargains, the uneducated Indians, but usually a bad one. The record shows us that when the Indian tribes made a good bargain with the white man's Government sometimes the white man has repudiated that bargain. This is an instance in which the Indian has made a good bargain with his white brother. The bargain for the sale of these coal deposits and the division of the funds among the different members of the tribe was made in 1902, the sales were to be made in three years, and the estate closed up by 1906. It is already some 12 or 15 years delayed, and what we ask now is that the white man keep his bargain with the Indian, which is a good bargain for the Indian.

Mr. CAMPBELL of Kansas. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 25 minutes remaining; he has used 35 minutes.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. SNYDER], a member of the committee.

Mr. SNYDER. Mr. Chairman, as a member of the subcommittee on this measure I have attended, I think, all the hearings and have gone as deeply into this question as was possible during the time at our disposal. I believe that this is a proper measure; I believe that it has a tendency toward which the Government should carry on its activities with the Indians. It is the advertised policy, at least of the Government, to close up its affairs as quickly as possible with the Indians and get rid of them as quickly as possible. At least that has been my policy and my desire in the three sessions I have served on the committee. It seems to me that it is the policy of the Indian Department, however, not to let loose any Indian until he absolutely tears himself away from it. This is a measure that is justifiable and at this particular time I believe it would be proper to attempt to dispose of these mineral rights. There certainly, I think, never will be a time when coal will be more greatly needed than it is to-day and there need be no fear on the part of any gentleman of this House about the Indians getting their share of the property too quickly, whether it is in the form of royalty or in the form of purchase price. The department exercises the jurisdiction over what shall be given to the Indians from year to year and it has been very difficult since I have been a member of the committee to distribute the money that was actually on hand to which the Indian was entitled. I am heartily in favor of this measure inasmuch as all parties that are interested seem to agree that this is the time and this is the proper way to dispose of the property and eventually get the money from the Indian to the Treasury and finally into the hands of the Indian and get him finally broken away in his arrangements with the Government over his affairs.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. SNYDER. I will.

Mr. HARRISON of Mississippi. Did I understand that the primary object of this bill is to dispose of the property as soon as the money gets into the Treasury by distributing it to those entitled to it?

Mr. SNYDER. It would be my desire and my idea as a member of that committee to do that very thing. Whether it

is the committee's policy or not to do that I woud not undertake to say. This bill does not attempt to do that thing.

Mr. HARRISON of Mississippi. If there is some money in the Treasury, as soon as it comes in the object would be to distribute it?

Mr. SNYDER. My object would be that if we make an agreement with the Indians to do a certain thing, to do it as quickly as possible after the agreement is made and as nearly as possible upon the date agreed upon. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, I am lead to believe from the remarks of the gentleman from Kansas [Mr. CAMPBELL] that the Choctaws and Chickasaws and other Indians in Oklahoma are a far superior kind to the Indians that are general throughout the Northern States, and particularly those whom I know about in Wisconsin. But Indians the country over, I venture to say, have the same traits. A few are enterprising and industrious, but the great majority are indolent, shiftless, and are unable to conserve their own property.

I can not subscribe to the policy that we should sell and dispose of all of the property of the Indians throughout the country and apportion and allot the money to them, and then have them wards of the Government of the United States or wards of the individual States.

We have attempted in Wisconsin to try to make the Indians work. Some 10 years ago it was proposed to establish a Government sawmill on the Menominee Indian Reservation, with the idea that we could utilize the time and energies of the Menominee Indians. Some gentlemen on this floor opposed that very humanitarian, and I might say, judging from the results that have followed, chimerical proposition. The Indians had something like $3,000,000 in trust funds. We went ahead, following this proposal, and established a modern sawmill at Neopit. We built Government roads and railroads on the reservation and spent of the $3,000,000 of the trust fund of the Menominee Indians $2,000,000 as an investment in the plant, and yet nothing is there resulting to the benefit of the Indians save the standing buildings and roads and railroads that were established and erected by the Government at the expense of "Poor Lo."

They may have a different kind of Indian down in Oklahoma, but from my knowledge of the Indians, and I have seen a few of them, I believe they are the same everywhere. There are superior ones in each tribe, but they are the exception. They are our wards. It has been the policy of the Government for years back, recognizing their nature and characteristics, to protect them as wards of the Government and not dispose of their property to the highest bidder, but to hold the property in trust.

A very important proposal is before the House to-day, involving the disposal absolutely of 445,000 acres of good coal land belonging to these two Indian nations. Over 100,000 acres of those coal lands have been leased, and on very favorable terms for the Indians, running for a period of 30 years, and with leases which will expire in something like 15 years at the latest. True, the Government did enter into an agreement, through a duly authorized commission, providing for the sale of these Indian lands. But it is the first time, gentlemen, in the history of this House when we have subscribed to the policy of selling coal lands. We all know that coal lands are a monopoly, and if we were starting this Government to-day with the possession of the coal deposits throughout the country as we know them to be, there would not be anyone in this House, there would not be a majority of this House, at least, who would subscribe to the policy of allowing the coal lands to be sold outright. It would be necessary as a governmental policy to have the Government hold control of the coal fields and dispose of the coal mines under a leasing proposal. If there is a policy to which this House has subscribed in late years, it is the policy of leasing our natural resources.

It would be far better, in my opinion, and not only for the welfare of the Indians but for the welfare of the people of Oklahoma, to have the Government, if it was necessary to carry out the agreement to-day with these Indians, for the Government itself to purchase these lands and then to lease them for the benefit of the people, not only of Oklahoma, but the country tributary to Oklahoma.

This bill, I think, is open to criticism in another particular, and I direct the attention of the committee particularly to that. That is giving those who have a leasehold estate the prior right to purchase the fee at the price of the highest bidder. I can not understand just because a corporation has taken a leasehold on property why it should be given a prior right to purchase it at the maximum figure somebody else may wish to offer. Suppose an ordinary tenant of a business property should be given such a privilege, it would not be to the interest of the outside public to bid and raise the price for that property held by a lease. There is no interest in an outside bidder making a bid on a property which he knows he would not have the right to own when the holder of the leasehold estate has a prior right to obtain it. There should be no greater privilege extended to the owner of a leasehold than the one who has not a leasehold. And yet this bill provides that the owner of a leasehold shall have the right to purchase the property at the bid made by the highest bidder.

Mr. LENROOT. And that may be less than the appraised value?

Mr. CARTER of Oklahoma. If the gentleman will permit me, we have an amendment providing that it shall not be less than the appraised value.

Mr. STAFFORD. Of course. Even if the amendment as suggested be incorporated, it still takes away the incentive to any third party to go and bid on that property. As the bill was originally introduced by the gentleman from Oklahoma, and which the Department of the Interior reported on, there was no such privilege granted to the owners of the leasehold. That was an afterthought. This bill as it is framed seems to be, in that particular at least, entirely to the interest of the holder of the leasehold.

Now, coming to the question as to whether it is desirable at the present time to dispose of the land.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. McLAUGHLIN of Michigan. What is the situation? Does the lessee in some cases have a large investment of personal property that would be a loss to him in case he is not permitted to purchase the land?

Mr. STAFFORD. He has not a large investment, and even if he has it would be more to his interest to bid higher on the property than some outside person. The gentleman can see that. Why should the Government give a prior right, an exclusive right, to a person who happens to have the leasehold, running only maybe, in the longest tenure, for 15 years more, and say that he shall have the right to purchase it at the price fixed by somebody else?

There are two motives involved which I am protesting against. There is no interest in an outside party going and bidding on that leasehold estate, because he knows he will not be able to get it when the owner of the leasehold has the first right. Next, and the corollary, it is directly to the interest of the owner of the leasehold. Any person can see that that would be directly to the benefit of the holder of the leasehold and not to the benefit of the outsider.

Mr. CARTER of Oklahoma. I think, if the gentleman will permit me, that this leasehold is not permitted to be sold, according to former language in the bill, anyway, at less than the appraised value. I want to correct the gentleman's statement.

Mr. STAFFORD. Right in that connection, if the gentleman will permit——

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. If there is no bidder on this leasehold property, then under the general clause of the bill it will be open later on to other bidders. It all tends to benefit the owner of the leasehold. Now, I want to ask the chairman of the committee this question.

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. Why do you give that decided benefit to the owner of the leasehold?

The CHAIRMAN (Mr. SAUNDERS of Virginia). The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask that the gentleman give me more time.

Mr. CAMPBELL of Kansas. I give the gentleman two minutes.

Mr. STAFFORD. The gentleman from Oklahoma had a half hour of time.

Mr. CARTER of Oklahoma. My time has all been spoken for.

Mr. STAFFORD. Let me have three minutes, and the gentleman from Kansas [Mr. CAMPBELL] will give me two minutes.

Mr. CAMPBELL of Kansas. I give the gentleman two minutes.

Mr. CARTER of Oklahoma. Very well; I yield to the gentleman three minutes.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. CARTER of Oklahoma. With reference to the improvements on the land I know the gentleman does not want a wrong impression to get before the House.

Mr. STAFFORD. I admit that there is some improvement.

Mr. CARTER of Oklahoma. A vast amount of money is invested there by the lessees. In one instance a lessee who appeared before our committee said that he paid $100,000 for the improvements that he had purchased from another lessee and had placed $400,000 additional improvements on the property. That is half a million dollars.

Mr. STAFFORD. How many years has that lease yet to run?

Mr. CARTER of Oklahoma. Fifteen years. The leases were all made from 1900 to 1902 and for 30 years.

Mr. STAFFORD. But there is no denying the fact that the owner of the leasehold will have a decided advantage in bidding on that property under the terms of this bill. Now, why should he have such an advantage? It is far better for the interests of the owners that the money should accrue to the benefit of the Indians in the royalties that will be paid in the next 15 years.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield there?

Mr. STAFFORD. Yes; I shall be very glad to yield, but my time is running. I had another thought to submit.

Mr. CARTER of Oklahoma. The gentleman asked why should the lessee be given this advantage. When the lessee took this lease with the Indian owners it was away back in 1900 and the lease was made for 30 years. He went in with the Indian as a landlord, and the Secretary of the Interior as an arbiter between him and the Indians. Now, you are changing the terms of the lease in the middle of the life of that contract.

Mr. STAFFORD. I say it is far better for the Indian trust fund to allow that lease to continue under favorable terms with the Indians than under such conditions as are provided here.

Mr. CARTER of Oklahoma. The Indians say not.

Mr. STAFFORD. Oh, there are always Indians who wish to get control of the money, and yet we have a fiduciary function to perform with reference to these holdings, to determine what is best for the interests of the Indians.

Mr. CARTER of Oklahoma. Yes; and we have given a pledge to them to sell these lands.

Mr. STAFFORD. We would be keeping that pledge by selling the remainder of the acreage that is not subject to this leasehold and selling the remainder of the estate that is subject to leases, so that the lessors will be protected and the lessee also will be protected.

Mr. CARTER of Oklahoma. The gentleman knows that only about 40,000 or 50,000 coal-bearing acres are left. There are only 100,000 acres leased and 335,000 acres not leased.

Mr. STAFFORD. Now, as to the question whether or not this is a favorable time at which to sell this property, I accept the statement that we are under agreement to sell this land for the benefit of the Indians, but I question whether the time at present is opportune for selling this property. We all know that banks are declining to advance loans; bankers are apprehensive of business conditions, and they are calling in their loans; they are declining to advance money on building projects, even when the security is gilt-edged. These properties will require, maybe, millions and millions of dollars in order to get the full value for them, so as to have the Indians' rights protected. The purchasers will necessarily be obliged to obtain loans from the banks. Although the price of coal is high that does not necessarily determine that the sale price will be accordingly high. The gentleman from New York [Mr. SNYDER] said that this is a most favorable time to sell coal, because coal is needed. Yes; it is needed, but it is not scarce because there is not coal to be mined, but it is scarce because there are not operatives and labor available to work the mines. That is the reason why coal is scarce. There are plenty of mines available for working, but the laborers are not present to mine the coal.

Mr. HARRISON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HARRISON of Mississippi. I notice that of these appraisers one shall be appointed upon the recommendation of the Choctaw Tribe and one on the recommendation of the Chickasaw Tribe, and one on the recommendation of the Secretary of the Interior.

Mr. STAFFORD. Yes.

Mr. MADDEN. What becomes of the Choctaws of Mississippi?

Mr. HARRISON of Mississippi. That is what I want to ask.

Mr. STAFFORD. I know when the gentleman rises he always has the Choctaws of Mississippi at heart.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. STAFFORD. I am sorry my time has expired, so that I can not enlighten the gentleman from Mississippi on that subject.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] is recognized.

Mr. CAMPBELL of Kansas. Does the chairman of the committee desire to use some of his time now?

Mr. CARTER of Oklahoma. Not at the present time.

The CHAIRMAN. Then the Clerk will read.

Mr. CAMPBELL of Kansas. No; one moment. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Chairman, last Wednesday we had some controversy as to whether the Secretary of the Interior had favorably recommended this bill. After some discussion, as those who were then present will remember, it was admitted by those in charge of the bill that there were certain provisions of the bill that had never been considered by the Secretary of the Interior, and hence there is really no report of the department on those provisions.

Since that time I have had opportunity to further examine this bill, and I have discovered other provisions in the bill that have not only not been recommended by the Secretary of the Interior, but in the bill that was pending in the last Congress, on which the Secretary reported——

Mr. CARTER of Oklahoma. Does the gentleman say there is no report on this bill?

Mr. LENROOT. There was not last Wednesday, from the Secretary of the Interior.

Mr. CARTER of Oklahoma. The gentleman called attention to that last Wednesday, and I sent down to the Secretary and now have a report.

Mr. LENROOT. The House has not the benefit of that report.

Mr. CARTER of Oklahoma. I could not have it printed without printing another committee report. I tried to have it printed, but I could not print it without making another committee report.

Mr. LENROOT. I am entirely correct in my statement. If the gentleman has a report from the Secretary of the Interior that nobody has ever seen, the membership of the House can not be charged with knowledge of the existence of such a report.

But I want to repeat what I said a moment ago, that in the report which the Secretary of the Interior made upon the bill introduced in the last session he made a recommendation in very positive language that is not included in this present bill, notwithstanding the statement of the committee. That is, that in the bill providing for the reoffering of these coal lands at the end of one year the Secretary recommended that an amendment be inserted providing that at that reoffering the lands should be sold at not less than the appraised value. He recommends that amendment, notwithstanding the fact that the previous bill had a provision with regard to appraisement. No such provision as that recommended by the Secretary is found in the bill now before the committee, and as this bill now stands a premium is offered to responsible coal operators not to bid at all, because at the end of a year the Secretary is required to reoffer the land without regard to the appraised value.

Mr. HASTINGS rose.

Mr. LENROOT. I can not yield. I am stating the fact. At the end of a year the Secretary is required to reoffer the land for sale without regard to the appraised value, and then, if it is not sold, the Secretary is authorized, within six months, to advertise again, and to sell these coal lands without any regard to the value of the same, so far as the appraisement is concerned.

I shall take that up under the five-minute rule, but I want to say that much has been said here about a solemn agreement with the Chickasaw and Choctaw Indians for the sale of these lands. But in that very agreement it was provided that the Secretary of the Interior should have the right to reject any bids that he might deem inadequate.

Mr. CARTER of Oklahoma. That is certainly provided in the second and third sections of this bill.

Mr. LENROOT. I understand; but the gentleman has made the flat statement that here was a solemn agreement to sell these lands, while the fact is that here is an agreement to sell these lands provided a fair value can be obtained for them.

Mr. CARTER of Oklahoma. That is provided as to every sale under this bill.

Mr. LENROOT. We will see about that. And now as to the solemnity of this agreement: The very next bill that this committee will call up, I assume, is one appropriating $600,000 for certain Creek Indians, and so far as I know it is a meritorious bill, and I have given it some examination; but when we come to that bill we find that some years ago $600,000 was appropriated for these same Indians and accepted by them in full compensation for their claims against the Government. There was an agreement that was improvidently made upon the part of the Indians, and this committee says that in that case Congress

should pay no attention to the agreement, but that in this case it should be solemnly kept. The fact is that in all these cases, the Indians being the wards of the United States Government, we should have the welfare and the interest of the Indians at heart, and in the sale of these lands, if they are to be sold, they ought not to be given away. They ought to be sold only when the appraised value can be obtained. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I reserve the remainder of my time.

Mr. CARTER of Oklahoma. What is the time remaining on each side?

The CHAIRMAN. The gentleman from Oklahoma has 28 minutes.

Mr. CARTER of Oklahoma. How much has the gentleman from Kansas?

The CHAIRMAN. The gentleman from Kansas has seven minutes.

Mr. CARTER of Oklahoma. I yield 10 minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, this bill, as I understand it, proposes to sell 445,000 acres of reserved coal lands, the property of the Choctaw and Chickasaw Indians in Oklahoma. One hundred and eighty thousand of the four hundred and forty-five thousand acres are covered by leases held by 113 mining companies or corporations.

A treaty was made with these Indians in 1902, 15 years ago, promising that if the Indians would allow the State to be opened up the Government would sell their coal lands, their town sites, and their other surplus property and divide the money and give them a final settlement. At all times during the 15 years since that treaty the Indians have earnestly hoped that the Government would do what it promised to do when they let the white men come in and settle the State. Both of their governors, or principal chiefs, as they are called, ask that this be done. Every Indian of every kind and character, whether savage or civilized, wishes to have these coal lands sold. When we step into the State the first question asked by them is, "When are you going to sell our property? When are you going to divide our money? When are you going to do what the Government said it would do?" The Oklahoma delegation have felt it their duty, and we have believed that the House would feel it to be its duty to do the exact thing that the Federal Government promised 15 years ago that it would do within a three-year period.

Now, a word about the bill itself. The first section authorizes the Secretary of the Interior to sell these 445,000 acres of coal lands under such rules and regulations as he may prescribe. What will the Secretary do? He will make a great book of rules, preparing for this sale and safeguarding it, and seeing to it that no fraud is had, and that there is no by-bidding, and seeing to it that no mistakes or errors are made in the securement of the highest sum possible for these Indians.

Now, the second paragraph provides for the appraisement. I understand there is a little controversy among the committee as to whether this land ought to be appraised a third time or not. Personally, I hope that will be done, if it can be done without too much delay and expense, although the lands have been appraised twice. This provides for a third appraisal.

What does the next paragraph do? It says that there shall be three appraisers, one appointed by the President, one by the principal chief of the Choctaws, and one by the principal chief of the Chickasaws. That makes a trio of the two tribes and the President of the United States appointing these three men.

Let us see what is next. The compensation to be paid these appraisers is to be fixed by the President. I assume that means the Secretary of the Interior, because, of course, the President will not have any time to give to it personally. It means that Mr. Secretary Lane will pay neither too much nor too little to the men who are to perform this task. I think every man in the House who knows Secretary Lane knows that is true.

The appraisal is to be made by legal subdivisions and within six months.

Section 2 provides for adequate advertisement, so that everyone will have a full opportunity to bid and buy in the open market, where he can buy under the best conditions.

The bill provides, on page 2, lines 20 and 21, that the property must bring the appraised value. If the Indians themselves and the President of the United States appoint the appraisers, and if the land must bring the appraised value, how can there be any chance for speculation there?

The bill provides that 20 per cent of the money shall be paid down and 20 per cent each year for the four succeeding years. It was thought by the Secretary of the Interior and by the committee and by the Indians that that was the way to get the highest price. If you sold for cash, the poor man could not buy and the rich man would buy too much.

The second sale is to be one year after the first sale is to be concluded. It, too, must bring the appraisement, and it, too, may be rejected.

Mr. LENROOT. If the gentleman will pardon me, in the second sale there is no provision for its bringing the appraised value.

Mr. CARTER of Oklahoma. If my colleague will yield, I would like to ask what this language means?—

The Secretary shall have the right to reject any and all bids.

Now, I do not object to a provision that it must bring the appraised value, if the gentleman from Wisconsin wants to put that in there.

Mr. FERRIS. Let us see who is right. Page 3, section 3, it provides that the sale shall be under rules and regulations prescribed by the Secretary of the Interior. What do you think the Secretary of the Interior would prescribe? Of course, that it must bring the appraisement in every instance.

Mr. SNYDER. If the gentleman from Oklahoma will pardon me, I will say that as far as the subcommittee was concerned, that was their understanding of the language.

Mr. FERRIS. Yes; but if the gentleman from Wisconsin [Mr. LENROOT] thinks it necessary, he can put that in.

Now, the third sale, after it has been offered twice under the rules and regulations by the Secretary of the Interior, with full power to reject any and every bid, at last it provides for a sale that is a final cleaning up and getting rid of it. The Congress itself, the Interior Department, and the Indians themselves do not want this to last forever, and after it has been twice offered under all the rules and regulations prescribed by the Secretary of the Interior, then it is provided that there shall be a final cleaning up, as it should be. This will relate to remnants. This has been twice appraised. It will have been twice offered. It must be wound up; there must be some finality to this treaty pledge.

Let me go a little further. All of these sales are subject to the rights of the lessee. The lessees who have valid contracts with the Federal Government do not want their rights swept away. To do that would be humiliation to the State, the Congress, and the Government that did it, and I assume that no one wants to do it. It makes rebates to those who purchased the surface under the act of 1912. Preference is given to the State to buy the coal lands on which the penitentiary is situated. They bought the surface, and the State does not want the land sold out from under them, but they are to pay the appraised price. I assume everyone will agree to this. I assume this is as it should be.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. COOPER of Wisconsin. In reference to the second sale, what does the gentleman think of this suggestion of Secretary Lane on page 4 of the report?—

This is too valuable an estate to offer for sale "without regard to the appraised value," as proposed in the second offer, and without conditions as proposed for the final sale.

Mr. FERRIS. That is the question raised by the gentleman from Wisconsin, but it is the opinion of the gentleman from New York [Mr. SNYDER] and good lawyers that the language provides for that. If there is any doubt about it, it can be made clear, but anyway the Secretary of the Interior has the power to make rules and regulations for each sale and has the power and the right to reject any and all bids.

Mr. COOPER of Wisconsin. But Congress ought to fix it and not leave it to the discretion of any executive officer. It is the property of the United States, or property over which the United States has supervision.

Mr. FERRIS. It is not national property at all. The gentleman from Wisconsin is too good a lawyer and too old a Member of this House to say that.

Mr. COOPER of Wisconsin. I did not mean to say that it owned it in fee, but it controls it as far as the sale is concerned.

Mr. FERRIS. It controls it so far as the Federal Government is willing to slap in the face their solemn promise. The property was given to these people 100 years ago if they would surrender their property in Mississippi and the East. They did what the Government wanted them to do, and they are now trying to get the Government to do what the Government promised to do.

Now, at the end of this bill there is an appropriation of $50,000 of the Indian money—not one cent during these war times is taken out of the Federal Treasury. There is a grave doubt whether or not the Federal Government is not obligated to pay for it out of its own money, but the provision here is that it

shall be paid out of the money belonging to the Indian tribes after the property is sold. And after the property is sold, after they have got all it could get from the highest bidder, the money is to be given to the Indian tribes to whom it belonged. The Indians have been very patient. They ask only their undoubted rights. They are entitled to it; it is theirs. We are truly representing them. It deserves to pass without a dissenting vote.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman, a great deal of this land is in my district. I want for a moment to answer the argument of gentlemen in reference to the condition of these mines. These mines can not be operated as modern mines should be, in accordance with the laws of our State, with only a leasehold. The stripped pits that are adjacent to these mines, where the coal has been stripped from the surface, collect water, which flows or seeps into them and has destroyed valuable property, so that only about one-half of the coal can be taken from these lands under the present system of mining.

This occasions a serious loss to the Indians, as they are being paid a royalty of 8 cents a ton for all coal mined. The inability of the present operators to procure sufficient financial aid with which to construct modern mines with the latest mine equipment necessitates the mining under what is known as "the room-and-pillar method," which causes a loss of one-half the coal.

The failure to pass this bill would, in my judgment, indirectly affect the safety of hundreds of miners working in that district. The present mining conditions there are not what they ought to be, and as the years go by it follows that near the end of the term of the leases the conditions will grow worse and will result in the loss of the lives of miners and the abandonment of the mines.

Under the present lease system coal mining in this segregated district has not been satisfactory to the operators, miners, or the public generally.

Many of the miners remain in the field because they own their own homes and can not move without great financial loss, and the operators can not dispose of their mines, and the public is unable to get sufficient coal and at reasonable prices.

Gentlemen object to this bill on the ground that the Indians should be protected. They evidently overlook the purpose of this act. I have frequently heard a great deal of objection to efforts on the part of Indians to get their money out of the Treasury of the United States, but this is the first time I have heard objections being made to putting his money into the United States Treasury. This bill simply has for its purpose the changing of the character of the trust property of these tribes—a sale of the residue of their estate, namely, the coal and asphalt remaining under approximately 445,000 acres of land.

Some gentlemen are fearful of the consequences to the Indian. They certainly never have looked into the condition of the Choctaw and Chickasaw Indians. Whenever they investigate these conditions in Oklahoma where these people live they will be convinced beyond peradventure that these Indians are being troubled with too much red tape. The competent Indians of these tribes are the peer of any people anywhere. The incompetent Indians of these tribes ought to be and are protected by the United States Government, and I know that the pro rata portion of each Indian of the tribes who is incompetent will be properly safeguarded whenever Congress in its wisdom shall agree to pay the same out to them. I concur with the gentleman from Kansas [Mr. CAMPBELL] in his remarks as to the policy of cutting loose the competent Indian from the red tape of the Indian Bureau. The red tape in the Indian Bureau is causing greater dissatisfaction among the Indians of Oklahoma than the delays of the Government in carrying out Indian treaties.

Under the treaty of October 18, 1820, the Choctaw Indians agreed to cede to the United States 4,000,000 acres of land in the State of Mississippi in exchange for lands in the West, and at Dancing Rabbit Creek a treaty was concluded on September 27, 1830, in which the lands in the West were definitely described and fixed. In pursuance to the agreement the Choctaws moved west of the Mississippi into the country afterwards known as Indian Territory which was then inhabited by the wild tribes.

As the years passed, the Government, having observed the intelligent progress of the Five Civilized Tribes, determined upon the policy of giving to the members of these tribes an opportunity to make their own way in the world. The majority of the Choctaws and Chickasaws, having had the benefit of schools and colleges, demonstrated their ability to work out their destiny alongside the white man. In order to give this opportunity to the individual members of the tribes it was necessary to divide the lands and properties of the tribes among the individual members. In 1898 the United States entered into a treaty with the Choctaw and Chickasaw Indians which had for its purpose the division of the property among the members of the tribes. The parties to that treaty shortly after its completion found that the terms of the agreement were not full and explicit enough to carry out the purpose of the parties. So another treaty was entered into by the parties and was ratified at an election held by the Choctaws and Chickasaws on the 25th day of September, 1902. When this supplementary agreement was written, among the things made more definite and certain was the amount of tribal lands each Indian was to receive. It was agreed that each member living on the 25th day of September, 1902, should receive 320 acres of the average lands of the tribe.

Under the provisions of the first treaty, of June 20, 1908, provision for the leasing of these coal and asphalt lands for a period of 30 years was made, and further provision that the tracts should be 960 acres in a square as nearly as possible. When these tribes came to make the supplemental agreement they called the attention of the Government to the necessity of each Indian having sufficient funds with which to improve his allotted lands. The Government, in order to properly provide each Indian with funds sufficient to improve his farm, agreed not to lease any more of the coal and asphalt lands, but, on the other hand, that the Government would sell same within three years, it being contemplated that it would take approximately three years to complete the task of dividing the land of the tribes among the Indians. An effort was made to sell the lands at private bids, but the then Secretary of the Interior, failing to receive sufficient offers, refused to accept the bids. Then, without consulting the Indians, Congress by the act of April 26, 1906, withdrew the segregated coal and asphalt lands from sale.

Many hundreds of the members of these tribes who were living on the date of the ratification of the treaty, namely, September 25, 1902, have passed over the divide, and many of them went with a murmur of bitter disappointment at the failure of the United States to keep its treaty agreement made in good faith by the Choctaw and Chickasaw people.

If these mineral lands are sold and the tribal affairs of these nations wound up and the proceeds paid over to the competent Indians and the portion of the incompetent Indians properly safeguarded, then the Indians of these tribes who are trying to improve their farms and take their place along with their white neighbors will have an opportunity to demonstrate that they are worthy of their ancestors who for a hundred years conducted the affairs of their tribes under a written constitution and legislative acts executed by the governor or principal chief and construed by eminent judges of the judicial departments. They are only asking in this bill that simple justice be done them.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask the other side to use whatever time they have remaining.

Mr. SNYDER. Mr. Chairman, no one on this side seems desirous of occupying any more time.

Mr. CARTER of Oklahoma. I understand that I have the right to close general debate.

Mr. SNYDER. The gentleman may proceed and close it, so far as I am concerned.

Mr. CARTER of Oklahoma. If it is the understanding that I have the right to close general debate, I shall occupy a few minutes now.

The CHAIRMAN. The gentleman from Oklahoma has 17 minutes remaining.

Mr. SNYDER. Mr. Chairman, before the gentleman begins, I yield to the gentleman from California [Mr. ELSTON] to make a statement.

Mr. ELSTON. Mr. Chairman, I ask the privilege of half a minute in order to state that I was unavoidably absent from the House last week when a vote was taken upon the declaration of war against Austria. I wish to say that if I had been here I would have voted in favor of the resolution.

Mr. CARTER of Oklahoma. Mr. Chairman and gentlemen of the committee, a great deal has been said as to whether or not this is an opportune time to sell these lands. It is an opportune time, and the lands ought to be sold now, first, but not foremost, because coal conditions in Oklahoma are now just about the same as they are throughout the balance of the United States. There is a dearth, a scarcity, of fuel throughout the country, and it extends to Oklahoma. Secondly, they should be sold because these coal lands will bring the Indian owners more money now than we can ever expect they will bring after the war is over. Third, and most important, they should be sold for the reason that we have given a sacred pledge to the Choctaw and Chickasaw Indians that the coal deposits would be sold. It is now 15

years since we gave that pledge, and at that time it was agreed the lands would be sold within three years thereafter. Therefore our pledge is already 15 years delayed; but better late than never.

Some of the opponents of this bill have shown the usual disposition to disregard our treaty obligation to the Indians and to brush away our sacred pledge to these helpless wards as if it were a matter of slight importance, not involving a violation of plighted faith. Let me read to you just a moment a few words with reference to this matter in order that we may understand our moral obligation in this contention.

The treaty containing our promise to sell the coal lands is what is commonly known as the supplemental agreement entered into between the duly authorized commissioners on the part of the United States and on the part of the Choctaw and Chickasaw Tribes, ratified by popular vote of the Choctaw and Chickasaw people, and confirmed by Congress on July 1, 1902 (32 Stat. L., 641).

CHAP. 1362. An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes.

Be it enacted, etc., That the following agreement, made by the Commission to the Five Civilized Tribes with the commissions representing the Choctaw and Chickasaw Tribes of Indians on the 21st day of March, 1902, be, and the same is hereby, ratified and confirmed, to wit:

AGREEMENT BETWEEN THE UNITED STATES AND THE CHOCTAWS AND CHICKASAWS.

This agreement, by and between the United States, entered into in its behalf by Henry L. Dawes, Tams Bixby, Thomas B. Needles, and Clifton R. Breckinridge, commissioners duly appointed and authorized thereunto, and the Choctaw and Chickasaw Tribes of Indians in Indian Territory, respectively, entered into in behalf of such Choctaw and Chickasaw Tribes, by Gilbert W. Dukes, Green McCurtin, Thomas E. Sanguin, and Simon E. Lewis in behalf of the Choctaw Tribe of Indians; and Douglas H. Johnston, Calvin J. Grant, Holmes Willis, Edward B. Johnston, and Benjamin H. Colbert in behalf of the Chickasaw Tribe of Indians, commissioners duly appointed and authorized thereunto—

Witnesseth that, in consideration of the mutual undertakings herein contained, it is agreed as follows:

At the expiration of two years after the final ratification of this agreement all deposits of coal and asphalt which are in lands within the limits of any town site established under the Atoka agreement, or the act of Congress of May 31, 1900, or this agreement, and which are within the exterior limits of any lands reserved from allotment on account of their coal or asphalt deposits, as herein provided, and which are not at the time of the final ratification of this agreement embraced in any then existing coal or asphalt lease, shall be sold at public auction for cash under the direction of the President as hereinafter provided and the proceeds thereof disposed of as herein provided respecting the proceeds of the sale of coal and asphalt lands.

All coal and asphalt deposits which are within the limits of any town site so established, which are at the date of the final ratification of this agreement covered by any existing lease, shall, at the expiration of two years after the final ratification of this agreement, be sold at public auction under the direction of the President, as hereinafter provided, and the proceeds thereof disposed of as provided in the last preceding section. The coal or asphalt covered by each lease shall be separately sold. The purchaser shall take such coal or asphalt deposits subject to the existing lease, and shall by the purchase succeed to all the rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribe shall be retained by them.

Within six months after the final ratification of this agreement the Secretary of the Interior shall ascertain, so far as may be practicable, what lands are principally valuable because of their deposits of coal or asphalt, including herein all lands which at the time of the final ratification of this agreement shall be covered by then existing coal or asphalt leases, and within that time he shall, by a written order, segregate and reserve from allotment all of said lands. Such segregation and reservation shall conform to the subdivisions of the Government survey as nearly as may be, and the total segregation and reservation shall not exceed 500,000 acres. No lands so reserved shall be allotted to any member or freedman, and the improvements of any member or freedman existing upon any of the lands so segregated and reserved at the time of their segregation and reservation shall be appraised under the direction of the Secretary of the Interior, and shall be paid for out of any common funds of the two tribes in the Treasury of the United States, upon the order of the Secretary of the Interior. All coal and asphalt deposits, as well as other minerals which may be found in any lands not so segregated and reserved, shall be deemed a part of the land and shall pass to the allottee or other person who may lawfully acquire title to such lands.

All lands segregated and reserved under the last preceding section, excepting those embraced within the limits of a town site, established as hereinbefore provided, shall, within three years from the final ratification of this agreement and before the dissolution of the tribal governments, be sold at public auction for cash, under the direction of the President, by a commission composed of three persons, which shall be appointed by the President, one on the recommendation of the principal chief of the Choctaw Nation, who shall be a Choctaw by blood, and one on the recommendation of the governor of the Chickasaw Nation, who shall be a Chickasaw by blood. Either of said commissioners may, at any time, be removed by the President for good cause shown. Each of said commissioners shall be paid at the rate of $4,000 per annum, the Choctaw commissioner to be paid by the Choctaw Nation, the Chickasaw commissioner to be paid by the Chickasaw Nation, and the third commissioner to be paid by the United States. In the sale of coal and asphalt lands and coal and asphalt deposits hereunder the commission shall have the right to reject any or all bids which it considers below the value of any such lands or deposits. The proceeds arising from the sale of coal and asphalt lands and coal and asphalt deposits shall be deposited in the Treasury of the United States to the credit of said tribes and paid out per capita to the members of said tribes (freedmen excepted) with the other moneys belonging to said tribes in the manner provided by law. The lands embraced within any coal or asphalt lease shall be separately sold, subject to such lease, and the purchaser shall succeed to all the rights of the two tribes of every kind and character, under the lease, but all advanced royalties received by the tribes shall be retained by them. The lands so segregated and reserved, and not included within any existing coal or asphalt lease, shall be sold in tracts not exceeding in area a section under the Government survey.

Upon the recommendation of the chief executive of each of the two tribes, and where in the judgment of the President it is advantageous to the tribes so to do, the sale of any coal or asphalt lands which are herein directed to be sold may be made at any time after the expiration of six months from the final ratification of this agreement, without awaiting the expiration of the period of two years, as hereinbefore provided.

No lease of any coal or asphalt lands shall be made after the final ratification of this agreement, the provisions of the Atoka agreement to the contrary notwithstanding.

Where any lands so as aforesaid segregated and reserved on account of their coal or asphalt deposits are in this agreement specifically reserved from allotment for any other reason, the sale to be made hereunder shall be only of the coal and asphalt deposits contained therein, and in all other respects the other specified reservation of such lands herein provided for shall be fully respected.

The chief executives of the two tribes shall execute and deliver, with the approval of the Secretary of the Interior, to each purchaser of any coal or asphalt lands so sold, and to each purchaser of any coal or asphalt deposits so sold, an appropriate patent or instrument of conveyance, conveying to the purchaser the property so sold.

When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit of the Choctaws and Chickasaws and distributed per capita as other funds of the tribes.

This agreement shall be binding upon the United States and upon the Choctaw and Chickasaw Nations and all Choctaws and Chickasaws, when ratified by Congress and by a majority of the whole number of votes cast by the legal voters of the Choctaw and Chickasaw Tribes in the manner following: The principal chief of the Choctaw Nation and the governor of the Chickasaw Nation shall, within 120 days after the ratification of this agreement by Congress make public proclamation that the same shall be voted upon at any special election to be held for that purpose within 30 days thereafter, on a certain day therein named; and all male citizens of each of the said tribes qualified to vote under the tribal laws shall have a right to vote at the election precinct most convenient to his residence, whether the same be within the bounds of his tribe or not. And if this agreement be ratified by said tribes as aforesaid the date upon which said election is held shall be deemed to be the date of final ratification.

The votes cast in both the Choctaw and Chickasaw Nations shall be forthwith returned and duly certified by the precinct officers to the national secretaries of said tribes, and shall be presented by said national secretaries to a board of commissioners consisting of the principal chief and the national secretary of the Choctaw Nation and the governor and national secretary of the Chickasaw Nation and two members of the Commission to the Five Civilized Tribes; and said board shall meet without delay at Atoka, Indian Territory, and canvass and count said votes, and make proclamation of the result.

In witness whereof the said commissioners do hereby affix their names at Washington, D. C., this 21st day of March, 1902.

Approved, July 1, 1902.

Mark the language, "This agreement shall be binding upon the United States and upon the Choctaw and Chickasaw Nations and all Choctaws and Chickasaws."

We are now engaged in a world war not only for our liberties but for our existence as a Nation. We have called upon our red brethren in Oklahoma and in other States to assist in defending our Nation's life. They have responded nobly and several thousand of them are now serving in various capacities reaching from that of lieutenant colonel and major to high private in the rear ranks. The Choctaws and Chickasaws are not seeking charity. They are only asking their just rights in compliance with our sacred promises, and again I repeat, the Choctaws and Chickasaws have lived up to these agreements to the letter.

Since these two races, the red and the white, first came in contact, a multitude of agreements and pledges have been made on both sides. It is a matter of record and history that the Indian has always observed and kept sacred any pledge made to his pale face brother. As a rule he has kept these pledges willingly and gracefully, but if the time ever came when he felt unable to keep his pledge with the white man, no matter how hard a bargain the pale face may have driven, no matter how much the shoe may have pinched the Indian, the red man has always been forced to keep his contract by the inhuman and inexorable law that might makes right.

But what is the record on the other side of the transaction; The keeping of the white man's pledge with the Indians? We all know full well that the history of these events is one of the blackest pages in our national records. They present to us a multitude of violated treaties, repudiated promises, and broken pledges.

We present here to-day an opportunity to redeem one of these pledges some 15 years delayed, but redeemable now at this late day, and while it is possible to dispose of this property at a good price for our wards. Shall we keep our word with our helpless wards as we have forced them to do with us? Or shall we continue to stand as disregarding our plighted faith, discredited in the eyes of our wards, whom we ask to follow us and help to fight our battles in this crucial crisis? I do not

believe this Congress will ever adopt any such disreputable course.

Now, what does this bill provide? Section 1 provides for the authorization of sale of these lands and appraisement as near as possible in accordance with the supplemental agreement of 15 years ago.

Section 2 provides for the first sale within a stipulated time after the appraisement has been completed.

Section 3 provides for the second sale and appraisement and for the third sale, all properly safeguarded and passed upon by the Secretary of the Interior and recommended for favorable action in this House after careful consideration by your House Committee on Indian Affairs.

Section 4 deals with the rights of the present lessees under the new conditions that will exist when the Indian ceases to be the landlord and the purchaser of the coal deposits takes up that responsibility.

First. The sale of the deposits is made subject to the rights of the lessees under their leases which is in accordance with vested rights.

Second. It provides for the cancellation of all departmental rules and regulations and for the operation of mines by lessees under applicable laws. Certainly this provision is necessary, for after the Indian ceases to be the owner of the coal properties, the Federal Government supervision should reach no further than it does over other property of other United States citizens.

Third. If the lessee becomes the purchaser under this bill he is given credit for advance royalties, and future royalties are fixed at 8 cents per ton. Permit me to say that advance royalties are required to be paid by the lessees of $100 for the first two years, $200 for the third and fourth year, and $500 thereafter. I have no interest whatever in the coal lessees except to give them that protection to which they are entitled under the terms of their leases. Let us bear in mind that this advance royalty is neither a penalty nor a bonus. It was required to be paid by the operators as evidence of their good faith to develop and work these mines, and was to be credited on their royalty account when the coal is mined, as is evidenced by the following extract from the Atoka agreement:

All lessees shall pay on each coal or asphalt claim at the rate of $100 per annum, in advance, for the first and second years; $200 per annum, in advance, for the third and fourth years; and $500 for each succeeding year thereafter. All such payments shall be treated as advanced royalty on the mine or claim on which they are made, and shall be a credit as royalty when each said mine is developed and operated.

The reason for fixing a royalty at 8 cents a ton is that when these leases were made they were made on behalf of two contracting parties, to wit, the Indians and the proposed coal operators, and the Secretary of the Interior, who was given the right to either raise or lower the royalty, was not expected to be interested on either side of the transaction, but was to act as a kind of arbiter. Since this status of arbiter must be eliminated when the ownership of the mineral passes into the hands of the individuals, it is extremely necessary to have a fixed royalty in order to avoid future complications.

Fourth. It is stipulated that transfer of leases may be made without restriction. Many restrictions are now placed on these transfers by the Secretary which could not be intrusted to anyone but an arbiter.

Fifth. Lessees are given preferential right to purchase the deposits. About this I will have more to say when this item is reached in the reading of the bill.

Sixth. It is provided that the lessee may have credit for one-half of the advance royalties already paid by the lessee in case he becomes a purchaser. Again I call attention to the fact that the lessee is entitled to credit on a ton basis for all advance royalties paid. The lessees did not surrender one-half of these royalties without a vigorous protest, because they said they felt they would be surrendering money which actually belonged to them, and they should be permitted to apply not one-half but all on the purchase price. The tribal attorney, however, thought different, and this one-half advance royalty credit proposition was a compromise between the two contentions.

Seventh. The lessees are given the right to purchase additional surface in accordance with the act of February 10, 1912.

Section 5 defines the surface rights of certain lands purchased by the State of Oklahoma for the State penitentiary and gives the State an option to purchase at the appraised value 1,580 acres of coal lying adjacent to the State penitentiary.

Section 6 is the usual provision authorizing the Secretary of the Interior to prescribe rules and regulations and further provides for the establishment of an office at McAlester for advertisement and sale of this property.

Section 7 is with reference to patent and delivery thereof, and also stipulates that the purchaser may pay coal out at any time.

Section 8 carries an appropriation of $50,000 for the expense of appraisement and sale.

This explains all the provisions of the bill as I understand them, and I shall be very glad to have suggestions from any Member of the House with reference to anything that may be necessary and proper to be placed in the measure.

Since 1902, when this Atoka agreement was made pledging the sale of these lands and division of these funds, about 50 per cent of the Indians who were living at that time are dead. Unfortunately we can never redeem our pledge with them, but we can redeem it with the one-half who are now living and with the offspring of those now departed.

On last Wednesday gentlemen made complaint that some amendments to this bill recommended by the Indian Committee had not been submitted to the Secretary of the Interior for report. This was an unheard-of proceeding to me. I knew the usual procedure requiring the submission of all bills to the head of the department expected to administer thereon, and I recognize the necessity of such procedure, but I had never heard before that it was necessary for amendments to such a measure suggested by a committee or a Member or anyone else to have to run the gantlet of the head of any department. In a spirit of abundant precaution, however, I have again submitted this bill to the Secretary of the Interior and have now a report, under date of December 7, and this is what he says:

WASHINGTON, *December 7, 1917.*

DEAR MR. CARTER: I am in receipt of your letter of December 6, 1917, requesting a report on H. R. 195, entitled "A bill providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla."

Section 13 of the act approved April 26, 1906 (34 Stats. L., 137-142), provides:

"That all coal and asphalt lands, whether leased or unleased, shall be reserved from sale under this act until the existing leases for coal and asphalt lands shall have expired, or until such time as may be otherwise provided by law."

It therefore requires further legislation by Congress before the coal and asphalt deposits in the segregated mineral land of the Choctaw and Chickasaw Nations can be sold.

I have given careful consideration to the provisions contained in H. R. 195—

That is, this bill without amendment—

and see no objections to the enactment of the bill, provided it is amended in line 18, page 2, by inserting after the word "sale" the words "at public auction to the highest bidder"—

I gave notice at the meeting last Wednesday that we would propose that amendment—

and by inserting after the word "appraisers," line 15, page 2, the following:

"*Provided*, That said appraisement shall not be effective until approved by the Secretary of the Interior."

If the bill is amended as herein suggested, I recommend that it receive the favorable consideration of Congress.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. C. D. CARTER,
Chairman Committee on Indian Affairs,
House of Representatives.

Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. CARTER of Oklahoma. Now, Mr. Chairman, I do not believe this House is going further to repudiate its pledge with these Indians when we have such an opportune time to dispose of these coal deposits. If any amendment can be offered to strengthen or improve this bill, I have no objection. I have no pride of authorship in the bill, because really I was not the sole author. A great many others helped. I shall, of course, oppose any amendment that I think would tend to hurt the bill and cause delay in selling the land under appraisement or otherwise.

Mr. BOOHER. Will the gentleman yield?

Mr. CARTER of Oklahoma. I will.

Mr. BOOHER. Would the chairman of the committee have any objection to inserting a clause in the bill giving the Government the right to take over these coal and asphalt lands at their appraised values?

Mr. CARTER of Oklahoma. We have been following that "will o' the wisp" ever since I first came to Congress 10 years ago. Every time things have looked favorable for redeeming this pledge with our helpless wards some one has revived that hoary impossibility. I would rather the gentleman would not embarrass the bill with any such suggestion, because he must know we never could get such a thing through the House——

Mr. BOOHER. The gentleman is talking about taking over coal mines, and if we are going to take them over we had better do it before they get into the hands of the speculators.

Mr. CARTER of Oklahoma. I think the gentleman from Oklahoma [Mr. FERRIS] can give the gentleman some valuable information on that. He has told me we have more coal than we can use in the next 20 generations on the public lands of the United States and in Alaska.

Mr. BOOHER. But we have not got enough coal for the present generation, and that is what we want to get.

Mr. CARTER of Oklahoma. I have only the word of the gentleman from Oklahoma, chairman of the Committee on the Public Lands, about that; I am not familiar with it. However, Mr. Chairman, I have to close, because I want to yield to the gentleman from Oklahoma [Mr. HASTINGS] five minutes in which to address the House.

Mr. BOOHER. All I wanted to suggest now is that we need the coal. There is enough coal in the country, but we can not get it.

Mr. CARTER of Oklahoma. Just exactly. And if I failed to impress the gentleman with the idea that here is this vast acreage of coal land which can not under the present law be opened for use, then I have failed completely. Under present conditions coal can not be mined, but if it is sold, as this bill provides, then some fellow can open up the mines and increase the production of coal.

Mr. BOOHER. The coal area of the country is not short.

Mr. CARTER of Oklahoma. True, the coal area in Oklahoma is not short, but 335,000 acres—the major portion of that area—can not be worked under existing law, while our people are suffering for fuel. The adoption of this bill will open up production, badly needed, on this large area. Let me appeal to the gentleman, come on and help us, and do not let our people freeze to death while we are chasing some phantom of Government ownership.

Mr. BOOHER. If they had the coal on the banks, they could not get it to the people on account of transportation; the people can not get it.

Mr. FERRIS. Mr. Chairman, may I suggest to the gentleman from Missouri that we have 53,000,000 acres of public coal land now owned by the Government, free from monopoly, containing 450,000,000,000 tons, and at the normal rate of consumption that is enough to last until we are all gone. It is estimated it will last for more than 400 years at the normal rate of consumption.

Mr. BOOHER. But the people can not get it on account of transportation facilities.

Mr. FERRIS. Oh, we have a lot of transcontinental lines running. Of course, transportation always plays an important part in all bulky articles.

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to sell the coal and asphalt deposits, leased and unleased, in the segregated mineral area of the Choctaw and Chickasaw Nations, in Oklahoma, in the manner hereinafter set forth.

Before offering such coal and asphalt deposits for sale the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause the same to be appraised by a board of appraisers, consisting of three members, to be appointed by the President, one upon the recommendation of the Secretary of the Interior, one upon the recommendation of the principal chief of the Choctaw Nation, and one upon the recommendation of the governor of the Chickasaw Nation, the compensation of each to be uniform and fixed by the President of the United States, and such appointments shall be made within 60 days after the passage of this act. Such appraisement, both as to leased and unleased lands, shall be described in tracts to conform to the descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior, and shall be completed, sworn to by such appraisers, and final report made to the Secretary of the Interior within six months from the date of the appointment of the appraisers.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer an amendment there.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARTER of Oklahoma: Page 2, line 15, after the word "appraisers," insert:

"*Provided*, That said appraisement shall not be effective until approved by the Secretary of the Interior."

Mr. LENROOT. Will the gentleman yield for a suggestion?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. I understood from the gentleman that he was willing to accept an amendment simply authorizing and directing the Secretary himself to make the appraisement?

Mr. CARTER of Oklahoma. Has the gentleman an amendment to offer?

Mr. LENROOT. Yes.

Mr. CARTER of Oklahoma. Let my amendment be pending, and the gentleman can send his up and I will withdraw mine.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 2, line 1, after the word "appraised," strike out all of lines 1 to 8, inclusive, and the word "act" in line 9.

Mr. CARTER of Oklahoma. Mr. Chairman, we have no objection to that.

Mr. HASTINGS. Let the Clerk read the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Wisconsin [Mr. LENROOT].

Mr. CARTER of Oklahoma. Mr. Chairman, I have an amendment here which I would like to read to the gentleman.

The CHAIRMAN. The Chair understood there was no controversy about this amendment.

Mr. CARTER of Oklahoma. I have an amendment which I want to read for the information of the gentleman from Wisconsin, and which, I think, will perhaps settle the whole controversy and save a little time. It is as follows:

Page 1, line 7, strike out all of lines 7, 8, and 9, and the succeeding part of the section on page 2, and insert the following:

"Before offering such coal and asphalt deposits for sale the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause the same to be appraised. Such appraisement, both as to leased and unleased lands, shall be described in tracts to conform to the descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior, and shall be completed within six months after the passage of this act."

Mr. LENROOT. Mr. Chairman, that covers entirely my thought, and I ask unanimous consent to withdraw my amendment.

Mr. CARTER of Oklahoma. I ask unanimous consent to withdraw my former amendment and insert this in its place.

The CHAIRMAN. Without objection, the requests will be agreed to.

There was no objection.

Mr. ROBBINS. Mr. Chairman, I would like to ask the chairman of the committee what these subdivisions contained in line 11, page 2, include.

Mr. CARTER of Oklahoma. They are the subdivisions under which the land was formerly appraised, of 960 acres each. When the leasing system began prior to 1898 there had been a national contract by the chiefs and citizens of the tribe, and the leases were circular in dimension. Now, when the new leases were made the law provided that they should be made as nearly in a square as possible, and when the Secretary issued regulations he issued them to the effect that they should be 960 acres.

Mr. ROBBINS. According to this bill as it now stands, the provisions of this section, they shall be in blocks of 960 acres?

Mr. CARTER of Oklahoma. Yes; unless there is some fractional tract somewhere where, on account of its isolation, the description has to be made smaller.

Mr. ROBBINS. Why make it rigid like that? That would exclude the small purchaser.

Mr. CARTER of Oklahoma. Mr. Chairman, with coal of that character you find very few places where less than 960 acres could be profitably mined. The coal is usually at a very steep pitch, and, the mining being done mainly by shafts, it requires an investment of $100,000 or $150,000 before a man can begin to take any coal out.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. Requiring, as it does, this large investment of money, the coal could hardly be sold, in justice to the Indian, unless it was made in tracts at least of 960 acres. There are some tracts, of course, which would be smaller.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The Clerk read as follows:

Amendment offered by Mr. CARTER of Oklahoma: Page 1, line 7, strike out all of lines 7, 8, and 9 and the succeeding part of the section on page 2, and insert the following:

"Before offering such coal and asphalt deposits for sale the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause the same to be appraised. Such appraisement, both as to leased and unleased lands, shall be described in tracts to conform to the descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior, and shall be completed within six months after the passage of this act."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, I would like to move to strike out the last word in order to ask two or three questions. Do I understand that the top of the land has already been sold?

Mr. CARTER of Oklahoma. The surface of the land has practically all been sold, except the reservation that was made

time.

we can use in the next 20 generations on the public lands of the United States and in Alaska.

on the leased lands necessary to the mining of the coal and asphalt.

Mr. CANNON. Yes. Now, then, this is a sale of the coal and asphalt?

Mr. CARTER of Oklahoma. This bill provides for the sale of the mineral deposits.

Mr. CANNON. Is there any oil down in that country?

Mr. CARTER of Oklahoma. There is none in that section.

Mr. CANNON. Has that been exhausted?

Mr. CARTER of Oklahoma. None has been discovered.

Mr. CANNON. Has there been any great attempt to discover it?

Mr. CARTER of Oklahoma. There has been a good deal of drilling for oil on portions of the land.

Mr. CANNON. The oil is not sold, then?

Mr. CARTER of Oklahoma. When the surface of the land was sold the surface was defined to mean everything except the coal and the asphalt.

Mr. CANNON. I understand. How many veins of coal are there?

Mr. CARTER of Oklahoma. There are two workable veins; in some instances one, and in some instances two.

Mr. CANNON. About how thick?

Mr. CARTER of Oklahoma. The workable veins are from about 2 feet 10 inches to 5 feet. In one place, where the anticlinal comes up separate from the other part of the coal, the coal is 7 or 8 feet thick.

Mr. CANNON. Is the 5-foot vein nearest the surface?

Mr. CARTER of Oklahoma. The coal all crops out. Some of it is at a very acute pitch.

Mr. CANNON. Which is the top?

Mr. CARTER of Oklahoma. In some instances the thin vein, and in some the thick. As I recall, the thin vein usually lies on top.

Mr. CANNON. What kind of a roof is it?

Mr. CARTER of Oklahoma. A very brittle roof of shale, which causes quite a bit of trouble in timbering and propping.

Mr. CANNON. After the coal is taken out it caves?

Mr. CARTER of Oklahoma. Yes.

Mr. CANNON. What is the land worth, the top of it, at a rough guess?

Mr. CARTER of Oklahoma. The top of the land sold all the way from $1 to $150 an acre.

Mr. CANNON. How much is it worth now?

Mr. CARTER of Oklahoma. It was just recently sold.

Mr. CANNON. At how much did the gentleman say?

Mr. CARTER of Oklahoma. From $1 to $150 an acre.

Mr. CANNON. Most of it at a dollar, I take it?

Mr. CARTER of Oklahoma. No. The majority of it sold for from $15 to $20.

Mr. CANNON. The average would be $15?

Mr. CARTER of Oklahoma. No; between $15 and $20.

Mr. CANNON. That is an agricultural country. The top is worth something?

Mr. CARTER of Oklahoma. Yes. I should judge that about one-fourth of it is agricultural country. The other is grazing land—rocky, mountainous land.

Mr. CANNON. How much is there—345,000 acres?

Mr. CARTER of Oklahoma. Four hundred and forty-five thousand acres; 100,000 acres have been leased.

Mr. CANNON. The reason I ask these questions is that I live in a coal country myself, where there are three veins of coal; and down in southern Illinois I think they have several veins, very valuable deposits. Now, what does the gentleman anticipate these lands will be appraised at, at a rough guess?

Mr. CARTER of Oklahoma. Well, Mr. Chairman, my ideas of the value of this coal are so much less than the ideas of some other gentlemen that I hesitate to say. We are going to sell this land, and I would not want any valuation of mine to be placed in the RECORD.

Mr. CANNON. That is satisfactory. I want to ask the gentleman if the coal land is not worth now greatly more than it was three years after this agreement was made?

Mr. CARTER of Oklahoma. Oh, yes, indeed.

Mr. CANNON. Double or triple, or possibly multiplied by 10?

Mr. CARTER of Oklahoma. The surface is worth three or four times as much, at least. If the gentleman will permit me, I wish to say that when this three-year period expired and the time came for the sale of this land the Federal Government found conditions very disadvantageous for the sale of the land. Oil had come into use and displaced the coal as fuel, and coal was very cheap.

Mr. CANNON. Now, then, that is a very good quality of bituminous coal in the coal field where I live. I suppose there is an output of about 4,000,000 tons annually; maybe a little more. It is being further developed. It takes time to sink the shafts and drive the entries. It is very fortunate that the Government did not keep its agreement with the Indians, if there was one made, to sell it within three years, because while it has just been lying there without any expense its value has been multiplied by four.

Mr. CARTER of Oklahoma. The Government made an honest effort to sell it.

Mr. CANNON. That is the good fortune of the owners of the coal. Now, I want to say to the gentleman that within, say, 40 years the fee of the land in my county in Illinois has advanced in price, say, from $15 per acre to $200 per acre, and the coal, reserving the surface, sold for a very small sum. Now, there coming a demand for coal, I apprehend, the coal, reserving the surface, would bring, say, $50 per acre.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. I would like about five minutes more. I just want to satisfy myself about this matter.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CANNON. The top of that land is worth now about $200, and the Lord only knows what coal is worth. It is very valuable. They have thrown away one vein because of a faulty roof. It took too much propping. They have mined the other, and in the fullness of time they will mine the third. I suppose the royalty would amount probably to 5 or 10 cents a ton; I do not know what. The mine run sells pretty high, and it is about the average of the Ohio coal; not quite so good as the southern Illinois coal.

Now, does my friend think that any considerable amount of this coal in Oklahoma could be mined by sinking shafts and driving entries before the price goes down? Are not our Indian friends who own it fairly well off now? Do they not have a large fund, and do they not get the interest on it annually? Are they not getting really enough income from the fund they now have to make a portion of them not of much account, not being compelled to work? [Laughter.] I am just asking for information. Well, silence gives consent. [Laughter.]

The conservationists, these "high brows," say, "My God, the coal will all be gone." I have heard it time and time again. They say, "In 50 years we will be coalless." The country will not be coalless in 50,000 years. There is more danger of your suffering as to this coal from the development of electricity and the improvement and distribution of electricity than there is from anything else.

Mr. STAFFORD. I hope you will not forget about that perpetual energy which Garabed has invented.

Mr. CANNON. Oh, I have an impression in my own mind that the energy will be gathered hereafter from the sun, the great center of energy of our solar system, and utilized for power. It may not come in my time nor your time, but I think it will come in the not distant future; and I do not say this as an argument for the sale of this land at once, because I think the coal will be worth more in the future than it is now.

I am not a prophet or the son of a prophet, so far as that is concerned, but there is the water power that has been running to waste for unnumbered millions of years. Before we develop the energy from the sun I apprehend that the water power will be used. Great heaven! how much of it did run to waste in the last two years? That Coosa River down South is not turning any wheels, nor will it ever be navigable [laughter]; but that is still before us, with all the other rivers.

I do not know that I am opposed to this bill, but I just thought I would ask these questions. My friend and colleague states that the value of this coal has been increased four times without any expense to these Indians, because the three-year agreement was not kept. I apprehend that if this coal should remain undeveloped for 20 years it would not hurt anybody. There is coal in Kansas, I believe, is there not?

Mr. CAMPBELL of Kansas. Yes.

Mr. CANNON. And there is coal in Missouri. How many square miles do these coal lands occupy? Will somebody state it in miles, so that I can get some idea about it?

Mr. CARTER of Oklahoma. It is something over 100 miles long, running from northeast to southwest, and wide enough to make it 445,000 acres.

Mr. CANNON. What is the width, on an average?

Mr. CARTER of Oklahoma. The width would be all the way from 2 miles up to 20 or 25 miles.

Mr. CANNON. Would it be an average of 15 miles by 100?

Mr. CARTER of Oklahoma. It is 445,000 acres.

Mr. CANNON. I am a little cloudy as to just how many square miles there are.

Mr. CARTER of Oklahoma. About 700 square miles, so some gentleman says.

Mr. KNUTSON. That would be pretty nearly 20 townships.

Mr. CANNON. That is pretty large. If I owned that coal I would not sell it on an appraisement made now, under all the circumstances and conditions.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the sale of such deposits shall be thoroughly advertised, and shall at the end of 90 days from the final report of such appraisers be offered for sale in tracts to conform with the report of such appraisers at not less than the appraised value so fixed, except that isolated tracts of less than 960 acres may be sold separately under like provisions: *Provided*, That 20 per cent of the purchase price shall be paid in cash, and the remainder shall be paid in four equal annual payments from the date of the sale, and all deferred payments on all deposits sold under the provisions of this act shall bear interest at the rate of 5 per cent per annum, and shall mature and become due before the expiration of four years after the date of such sale.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARTER of Oklahoma: Page 2, line 18, after the word "sale," insert the words "to the highest bidder at public auction."

Mr. STAFFORD. Mr. Chairman, do I understand from the phraseology of this section that it is purposed to sell this property at the end of 90 days? The phraseology, I think, does not carry out the intendment of the committee. Permit me to read it:

That the sale of such deposits shall be thoroughly advertised, and shall at the end of 90 days from the final report of such appraisers be offered for sale.

Does that mean that at the expiration of 90 days from the filing of the report the property shall be sold?

Mr. CARTER of Oklahoma. Is the gentleman referring to section 2?

Mr. STAFFORD. I am reading from section 2. Literally construed that would require that on the ninetieth day after the final report of the appraisers the property should be sold. The gentleman does not contemplate having any such fixed time for the sale? I suppose he contemplates that a period of at least 90 days must elapse, and then advertisements shall be made providing for the sale.

Mr. CARTER of Oklahoma. The bill gives six months for the appraisement of the land, and then 90 days after the appraisement for advertising, before the sale. I had thought that would be better perhaps than a longer time, and I think the Secretary thought so, too.

Mr. STAFFORD. Here a final report will be submitted, perhaps sent here from Oklahoma. It has to go through various hands for approval, first, the Commissioner of Indian Affairs, and others. You can readily understand that a month or two months might elapse.

Mr. CARTER of Oklahoma. I would not object to the gentleman changing the words "final report" to the words "approval by the Secretary."

Mr. LENROOT. I have an amendment changing the word "report" to "appraisement," in lines 18 and 19.

Mr. CARTER of Oklahoma. I have no objection to either of these amendments.

Mr. LENROOT. That would harmonize the section.

Mr. STAFFORD. My only idea is to have an adequate time to enable the Secretary of the Interior to advertise this property. There might be conditions develop under which 90 days would not be sufficient time to advertise.

Mr. CARTER of Oklahoma. As I recall now in previous sales where we have sold the surface, including all the mineral except the coal and asphalt, the time for advertisement was 60 days, and the prices then obtained ran up far beyond what the land was appraised for.

Mr. STAFFORD. This advertisement will undoubtedly take place in Oklahoma.

Mr. CARTER of Oklahoma. No; the gentleman is mistaken about that. The advertisements will appear in all the great papers throughout the United States. The sum of $50,000 is provided for advertising, sale, and so forth.

Mr. STAFFORD. That argues all the greater need for giving ample time, so as to enable the Secretary of the Interior to advertise and to fix such a date as will give ample opportunity for bidders to consider the proposition and offer their bids.

Mr. CARTER of Oklahoma. Evidently the time fixed in this bill is all the time that the Secretary thought he needed, and I will say to the gentleman that it is more time than was given in the sale of other lands. The Secretary must have thought it ample, for he recommended the passage of the bill without suggesting any amendment to this provision.

Mr. HASTINGS. This only provides that these lands shall be offered for sale within that time.

Mr. CARTER of Oklahoma. At the end of that time.

Mr. STAFFORD. At the end of 90 days.

Mr. HASTINGS. They shall be offered for sale.

Mr. STAFFORD. My understanding is that 90 days after the filing of the final report these lands must be sold.

Mr. CARTER of Oklahoma. No; not that they must be sold, but bids received.

Mr. STAFFORD. Bids must be received?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. I can understand that conditions might arise under which they would not be able to advertise so as to give 90 days in which to submit bids, and there ought to be full opportunity.

Mr. CARTER of Oklahoma. If anything of that kind could occur, it would certainly have presented itself to the Secretary of the Interior. We went into that quite thoroughly, and he thought that 90 days would give sufficient time.

Mr. STAFFORD. This bill is different in that particular from the bill that was submitted to the attention of the Secretary of the Interior in the last Congress.

Mr. CARTER of Oklahoma. We submitted the bill to him recently and have a report, which I read in my remarks.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STAFFORD. I ask unanimous consent that the time of the gentleman from Oklahoma be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. Will the gentleman yield for a suggestion?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. I want to ask the gentleman whether this language might not be inserted, "shall not later than six months from the final report," leaving it to the department.

Mr. CARTER of Oklahoma. I have no objection; I think it is a question of minor importance.

Mr. STAFFORD. That would meet the objection that I think might arise.

Mr. HASTINGS. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. HASTINGS. Does not the language simply require the Secretary to offer it for sale?

Mr. CARTER of Oklahoma. That is all.

Mr. HASTINGS. In other words, he has to prepare the advertisement, and the bids will be received at the end of 90 days after the final report is approved. In other words, there is a time limit in which he must put the advertisement in the paper, and then have a year to sell it.

Mr. STAFFORD. Yes; but this language would require the bids to be filed 90 days from the filing of the final report. Section 2 says that the sale of such deposits shall be thoroughly advertised, and shall at the end of 90 days from the final report of such appraisers be offered for sale, and so forth.

Mr. CARTER of Oklahoma. That means that on that day he can begin to accept bids.

Mr. LENROOT. The gentleman's own amendment reads "offered for sale at public auction."

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. It is too short a time limit. I should say it ought to be six months, so that there will be a special date which will be compatible with the interest of all concerned.

Mr. CARTER of Oklahoma. Against that I place the judgment of the Secretary of the Interior who agreed that he only wanted 90 days, but I will agree to the amendment, if the gentleman insists on it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Now, Mr. Chairman, I offer an amendment, on page 2, line 17, by striking out the words "at the end of 90 days" and insert in lieu thereof "not later than six months."

The Clerk read as follows:

On line 17, page 2, strike out the words "at the end of 90 days" and insert the words "not later than six months."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 18, after the word "the" strike out the words "final report of such appraisers" and insert in lieu thereof the words "final appraisement," and on line 19 strike out the words "the report of such appraisers" and insert the words "such appraisement."

Mr. CARTER of Oklahoma. We have no objection to that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 3. That immediately after the expiration of one year after the coal and asphalt deposits shall have been offered for sale, or forfeited for nonpayment under the terms of the sale, the Secretary of the Interior, under rules and regulations to be prescribed by him, shall readvertise and cause to be sold to the highest bidder at public auction all coal and asphalt deposits remaining unsold and all coal and asphalt deposits forfeited by reason of such nonpayment of any part of the purchase price: *Provided*, That the Secretary of the Interior, in his discretion, may reject any or all bids which he does not consider adequate, but at the expiration of six months thereafter the Secretary of the Interior may again readvertise and offer the same for final sale to the highest bidder at public auction, upon such terms as he may prescribe and at such valuation, independent of the appraised value, as he may fix.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I had intended to make some inquiry as to the section we have passed, as to whether some discretion should not be allowed the Secretary of the Interior as to the size of the tracts of land offered for sale. In the bill originally reported the unit tract was 960 acres. There is no such provision in this bill. The only provision is that it shall be described in tracts to conform to the descriptions of the legal subdivision heretofore designated by the Secretary of the Interior.

Mr. CARTER of Oklahoma. Yes; and the legal subdivision designated by former appraisements is 960 acres. That has all been made. As a mater of fact there will be no resurvey under this bill. The data will be taken in the Secretary of the Interior's office which he now has. These were all made in 960-acre tracts except in a few instances where the coal was so isolated that it could not be put in a tract as large as that.

Mr. STAFFORD. I construed the word "subdivision" as the regular subdivision of a township, and if that is the case there ought to be lodged in the Secretary of the Interior some authority to fix the size of the tracts of land that would be offered for sale. The language in section 1, lines 10 and 11, is "shall be described in tracts to conform to descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior.

Mr. CARTER of Oklahoma. That means 960 acres.

Mr. STAFFORD. If that means 960 acres, then the gentleman from Oklahoma has furnished the information which I desired to obtain.

Mr. CARTER of Oklahoma. Was the gentleman speaking of the legal construction of the word "subdivision"? Heretofore the Secretary of the Interior has had these lands laid out in 960-acre tracts.

Mr. STAFFORD. Let me ask the gentleman in connection with the section under consideration whether in case certain of these subdivisions are not sold and another sale is readvertised, it is purposed to have them sold in lots according to the original subdivision, or is it the intention to sell them in bulk?

Mr. CARTER of Oklahoma. Does the gentleman mean the second or the third sale?

Mr. STAFFORD. The second sale. Section 3 provides:

SEC. 3. That immediately after the expiration of one year after the coal and asphalt deposits shall have been offered for sale, or forfeited for nonpayment under the terms of the sale, the Secretary of the Interior, under rules and regulations to be prescribed by him, shall readvertise and cause to be sold to the highest bidder at public auction all coal and asphalt deposits remaining unsold and all coal and asphalt deposits forfeited by reason of such nonpayment of any part of the purchase price.

That would be construed as requiring him to sell all the lands that had not been sold or had been forfeited in one lot, whereas I assume that it is the intention of the committee to have the land sold in tracts.

Mr. CARTER of Oklahoma. Yes; I think it would be under this language.

Mr. STAFFORD. I suggest to the gentleman that to make it clear he insert in line 10, page 3, after the word "auction," the words "in tracts as may be designated by the Secretary of the Interior."

Mr. CARTER of Oklahoma. That amendment is acceptable.

Mr. STAFFORD. Then, Mr. Chairman, I offer the following amendment, to insert after the word "auction" in line 10, page 3, the language to be found on page 2, lines 10, 11, and 12—

in tracts to conform to the descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 10, after the word "auction," insert the words "in tracts to conform to the descriptions of the legal subdivisions heretofore designated by the Secretary of the Interior."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. LENROOT: Page 3, line 10, after the word "auction," insert the words "at not less than such appraised value."

Mr. CARTER of Oklahoma. Mr. Chairman, that amendment is agreeable.

Mr. STAFFORD. Mr. Chairman, I believe the gentleman will notice that the word "and" should be incorporated, in view of the amendment just adopted.

Mr. LENROOT. Yes.

The CHAIRMAN. By unanimous consent the word "and" will be added.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ROMJUE. Mr. Chairman, I desire to call the attention of the chairman of the committee to the amendment which was inserted a moment ago. I think there is a conflict between sections 2 and 3. The amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] a moment ago, in line 17, struck out the words "at the end of 90 days" and inserted "not later than six months." With that amendment it means that it must be offered for sale not later than six months. In conference with the chairman of the committee a moment ago, he thought that was cured in section 3, on page 3, but I would like to call his attention to the fact that that provision in section 3 provides that at the expiration of one year it can be readvertised. Therefore, that leaves six months of time in which there can be no sale of coal land. In other words, the amendment offered in section 2 makes the offer for sale to take place not later than the expiration of six months. Then you have no opportunity to resell it after the expiration of six months until after the expiration of one year. Thus six months intervenes at which no sale can take place.

Mr. CARTER of Oklahoma. Mr. Chairman, I will say to the gentleman that it is the intention not to have the first two sales closer together than one year, preferably, as suggested by the Department of the Interior, in the fall of the year. It was the intention of the committee and of the Secretary that the second sale should not be made until 12 months after the first had been finished.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

Mr. LENROOT. Mr. Chairman, I ask leave to make this correction: The amendment reads to be inserted after the word "auction" in line 10, page 3. My colleague's amendment comes in at the same place and has been adopted, and I ask that this be inserted immediately after the amendment suggested by him.

The CHAIRMAN. Is there objection to the request?

There was no objection.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I move to strike out the proviso in the section. I want to call the attention of the chairman first to the fact that in any event the proviso should be amended even if it remains in, because now that the amendment has been adopted that it can not be sold at less than the appraised value I do not assume that the gentleman will wish the Secretary to have the discretion to reject bids that he may consider inadequate, if they are to the amount of the appraised value.

Mr. CARTER of Oklahoma. I have no objection to the Secretary having the power.

Mr. LENROOT. I thought the gentleman would.

Mr. CARTER of Oklahoma. I want him to have every power that he can to protect the sale of these lands.

Mr. LENROOT. It is not in harmony with section 2, because you do not give him any such authority in the first offer. Upon the merits of striking out this proviso, as this bill now reads, it offers a premium to all bidders to not bid the appraised value. It means just one thing, that the Indians will get less for these lands than they would if this proviso were not included in the bill.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. CARTER of Oklahoma. What is the gentleman going to do with the land that is not sold?

Mr. LENROOT. Come again to Congress at the end of 18 months, if they can not be sold.

Mr. CARTER of Oklahoma. And take a great deal more of the valuable time of Congress perhaps when we could dispose of the thing now. Why make two bites at the cherry?

Mr. LENROOT. Mr. Chairman, here are lands the very minimum value of which is $12,000,000. The gentleman talks about taking up the time of Congress in the matter of three or four million dollars to be paid to the Indians. I know and he knows we have occupied days and days here in Congress with relation to very much less amounts of money, involving the Creek, Choctaw, and Chickasaw Indians, and very properly so. He implies that the matter of a few million dollars where we are the guardians of the Indians should not be considered by us, because a year or two from now it might take a day's time of Congress. Is that the way to treat the Indians who are under our guardianship? But it is entirely plain that with this proviso these coal operators, these bidders, are not going to bid the appraised value, because in this very bill you will find a provision, and an invitation to them, that if they do not bid the appraised value, the Secretary of the Interior is compelled under the law to offer it to them later, and they will get it for less. Now, without this provision I frankly say I do not believe all of these lands will be sold in the near future, and from the standpoint of the Indian these lands ought not to be sold—445,000 acres—in bulk. If we sold 50,000 acres at a time the Indians would fare very much better than if you offer the entire tract of land. The gentleman from Illinois [Mr. CANNON] very properly called the attention of the committee to the fact that while there had been this failure to keep this solemn agreement upon the part of the United States with those Indians, nevertheless that failure to keep that agreement has resulted to the benefit of the Indians by 400 per cent increase in the amount of money they will get for these sales.

Mr. CARTER of Oklahoma. Four hundred per cent!

Mr. LENROOT. Yes; the gentleman said fourfold, at least, over what they would have received if they had then been sold.

Mr. CARTER of Oklahoma. Is fourfold 400 per cent?

Mr. LENROOT. Fourfold is 400 per cent. Where did the gentleman go to school?

Mr. CARTER of Oklahoma. Not in Wisconsin.

Mr. LENROOT. They must have a peculiar system of education in the gentleman's State if fourfold does not mean 400 per cent.

Mr. CARTER of Oklahoma. The lands are not now worth 400 per cent more than they were then.

Mr. LENROOT. Are they worth any more?

Mr. CARTER of Oklahoma. I think so.

Mr. LENROOT. One hundred per cent more?

Mr. CARTER of Oklahoma. I would not say that, but they are worth more. They will probably bring 50 per cent more, perhaps 25 to 50 per cent more.

Mr. LENROOT. So, upon the lowest estimate we save the Choctaw and Chickasaw Indians, according to the gentleman's lowest estimate, $6,000,000?

Mr. CARTER of Oklahoma. No; the gentleman again is wrong. I said 25 to 50 per cent.

Mr. LENROOT. The gentleman said 50 per cent a minute ago.

SEVERAL MEMBERS. He modified it.

Mr. LENROOT. Of course, $3,000,000 may be a bagatelle to the Choctaws and Chickasaws, but it would be something of an amount to most of us.

Mr. CARTER of Oklahoma. Mr. Chairman, the amendment of the gentleman from Wisconsin, if adopted, would affect the carrying out of our pledge to these Indians, and I think the gentleman does not want further to delay——

Mr. LENROOT. Does the gentleman want this pledge carried out to his Indians at the cost to them of several million dollars?

Mr. CARTER of Oklahoma. I certainly do not, Mr. Chairman. Neither do I want these Indians to die while gentlemen stand here and talk and prevent our pledge from being carried out with them, having their property held up in community when it should be divided among them in accordance with our sacred pledge made to them. Now, the gentleman speaks of selling 50,000 acres per year. That would mean that it will take 2 years before this sale can be made, and that would mean 11 years' delay before the pledge made to those Indian tribes can be carried out. It would mean 11 years more of supervision of this tribal estate, necessitating paying funds out of the Treasury and out of the tribal funds, as has been described to you by Mr. CAMPBELL of Kansas. Now, here is a chance where we have an opportunity to discharge a pledge to those two tribes of Indians and at the same time dispense with the supervision of what the gentleman says is $12,000,000 worth of property, which is to-day costing the United States a valuable sum of money.

Mr. LENROOT. Will the gentleman yield again?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. I merely wish again to correct Oklahoma arithmetic. The gentleman said 11 years. Nine times fifty is 450,000, and there are 445,000 acres.

Mr. CARTER of Oklahoma. I think that is some more Wisconsin arithmetic. This bill provides for an appraisement and lapse of one year before the first sale can be made, so the gentleman himself will stand corrected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

Mr. HASTINGS. Mr. Chairman, this is a very important bill, and no amendment of more consequence has been offered than the one up for consideration.

After the coal and asphalt deposits have been twice offered for sale the bill provides that the same shall be sold at the third sale, after the expiration of six months from the second offering, by the Secretary of the Interior "to the highest bidder at public auction upon such terms as he may prescribe and at such valuation, independent of the appraised value, that he may fix." The amendment to strike out this proviso should not prevail. These deposits should be sold at some time and this legislation should provide a complete scheme whereby they can be sold, and if they can not be sold after being offered for sale twice for not less than the appraised value, then the Secretary of the Interior should be clothed with authority to sell them at less than the appraised value.

If stricken out and the coal and asphalt deposits are not sold at the first and second sales, then there will be new legislation needed upon the subject and we shall be compelled to come back to Congress for relief.

The Choctaws and Chickasaws do not want to do this. They have been trying to dispose of their affairs for almost 25 years. Their first agreement was made on April 23, 1897, and ratified by an act of Congress dated June 28, 1898. By the terms of this agreement the coal and asphalt deposits were reserved as the common property of the tribe, and provision was made for leasing them for periods not longer than 30 years and for the renewal of leases theretofore made and in existence.

Being desirous of winding up their affairs and not holding any of their property in common, a supplemental agreement was made with the Choctaws and Chickasaws, which was ratified on July 1, 1902, providing that no further leases should be made, and that the coal and asphalt deposits should be sold within three years by a commission composed of three persons appointed by the President.

Without the consent of the Choctaws and Chickasaws Congress by the act of April 21, 1904, provided for the sale of the unleased lands by sealed bids and for the reservation of the leased lands from sale. The sales were to be made in tracts of 960 acres. None of the mineral deposits authorized to be sold under this act were in fact sold. The act of April 26, 1906, withdrew all these lands, both leased and unleased, from sale, and since that time the Choctaws and Chickasaws in Oklahoma through their representatives have been endeavoring to get legislation providing for the sale of these lands.

Leases were made under the original Atoka agreement to the number of 113, covering a period of 30 years. All these leases were made prior to July 1, 1902, and the last one expires in 1932. No lease covers more than 960 acres, and a few cover smaller fractional tracts. In the aggregate these 113 leases cover 100,080 acres of land. Including the leased and unleased lands reserved from sale there is a total of 445,000 acres of land in these deposits, out of which 100,080 acres have been leased.

Under existing law these leases provide for the payment of an advance royalty, whether the leases are operated or not. The royalty was authorized to be fixed by the Secretary of the Interior, and was placed by him at 8 cents per ton for coal taken out of the mines. There is enough coal mined to bring an annual revenue of about $250,000 to the tribes. The law provides that there shall be paid as advance royalty $100 for the first and second years, $200 for the second and third years, and $500 for each succeeding year thereafter, and when these mines are developed credit is given the lessees for the royalty advanced at the rate of 8 cents per ton of coal mined.

The value of these properties is variously estimated. I would hesitate to place any estimate upon them. In the first place, I am not an expert on the subject, and in the second place, I do not have sufficient information. Perhaps as reliable an estimate of the value as can be given was that placed by William Cameron, who made an appraisement of these lands

for the Department of the Interior. He had 50 years' experience in the coal-mining business and spent 25 years in that field. He returned an appraisement of $12,238,189.

We have already provided for the sale of the surface of these lands, separate and apart from the coal and asphalt deposits. This was done by the act of February 19, 1912, and the act of August 24, 1912. Under these acts nearly all the surface has been sold. The last was offered for sale in October of this year. The remainder can be, and in all probability will be, offered for sale at an early date. It can now be sold regardless of the appraised value.

This property belongs to the Choctaws and Chickasaws, who are enrolled as members of the two tribes. There are 20,799 Choctaws and 6,304 Chickasaws, making a total of 27,103.

Everybody in Oklahoma, so far as I know, unqualifiedly indorses this bill. The Dawes Commission was sent to the Indian Territory by the act of March 3, 1893, almost 25 years ago. The affairs of the Five Civilized Tribes have not as yet been wound up. With this piece of legislation enacted, their affairs can all be wound up under existing law. Congress at one time provided that they should be wound up by March 4, 1906, but enacted additional legislation from time to time. The principal chief of the Choctaw Nation, the Choctaw tribal attorney, the governor of the Chickasaw Nation, and the Chickasaw tribal attorney heartily indorse this bill. It has the approval of the Department of the Interior. The lessees in Oklahoma, who operate mines under leases made in accordance with existing law, are united in asking that Congress enact this legislation. This bill was prepared by the Oklahoma delegation in conference with the representatives of the tribes, the coal lessees, and committees representing the Indians and citizens of Oklahoma. It has had very careful consideration and meets with the unanimous approval of every person in Oklahoma, including Indian and white, citizen and noncitizen. It meets with the approval of every member of the Oklahoma delegation. Extended hearings have been had by the Committee on Indian Affairs on this and similar bills, and all the information that could be secured has been obtained. The Indian Committee visited McAlester, Okla., in March, 1917, and took a great deal of testimony from leading people, both Indian and white, and all asked for the enactment of this legislation. There is no division of opinion. It should be enacted and enacted now.

The bill, in brief, provides for reappraisement under the direction of the Secretary of the Interior of these coal and asphalt deposits and for their being offered for sale within six months thereafter at not less than the appraised value. A payment of 20 per cent of the amount offered must be paid down, and the rest may be paid in four equal annual installments. The deferred payments bear interest at the rate of 5 per cent. Upon full payment being made patents are issued. After one year from the first sale the lands are readvertised and sold to the highest bidder at public auction at not less than the appraised value. The second sale will include all lands not previously sold and any tracts upon which forfeitures have been declared for the nonpayment of the purchase price. After six months from the date of the second sale all the remaining unsold lands are offered for sale under the direction of the Secretary of the Interior at public auction upon such terms as he may prescribe and at such valuation, independent of the appraised value, as the Secretary may fix.

Section 4 provides that the coal and asphalt deposits shall be sold subject to these leases, and the lessees are given the preferential right to purchase the lands by paying the highest price offered, providing same is not less than the appraised value. The lessees are there by law. They have invested a great deal of money in these leases. Their rights are protected by this bill. They have shown the value of this property, and it was thought that this was a fair recognition for the money they had expended under existing law in the development of these deposits.

A provision is also contained in the bill whereby the State may acquire certain lands upon which the penitentiary is located upon the same terms as the lessees.

Section 6 gives general authority to the Secretary of the Interior to make rules and regulations not inconsistent with the act to carry out the provisions of the bill. There is an appropriation of $50,000 carried in the bill to pay the expenses of appraisement and sale. This will expedite the work and at the same time will permit extensive advertising of these valuable deposits, so that the highest price may be obtained therefor.

As at first stated, this is an important piece of legislation. It should be enacted. It carries out the promises made to the Chickasaws and Choctaws in the supplemental agreement ratified on July 1, 1902, 15 years thereafter. I think this is a splendid time to offer these mineral deposits for sale. Coal is in great demand, and it is believed that they will now bring as much money as could possibly be gotten for them at any time.

One-third of the enrolled Indians are now dead, and the Government should keep its word to these Indians and sell these lands, closing up their affairs as rapidly as possible. This legislation is the last thing necessary to be done. I hope that it will be adopted and that the proposed amendment will not be accepted.

Mr. EMERSON. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I expect the object of this bill is twofold, first, to do justice to the Indians; and, second, to furnish the country with a sufficient supply of coal. I will not talk about the first proposition, but on the second proposition I desire to call attention to the fact that in the State of Ohio, the State that I represent in part, during the past few days public utilities have had to close because of the lack of coal, and in some parts of the State people have actually died for the want of sufficient fuel.

Mr. CAMPBELL of Kansas. May I ask the gentleman a question?

Mr. EMERSON. Yes.

Mr. CAMPBELL of Kansas. Has that ever occurred before in the State of Ohio?

Mr. EMERSON. I do not know that it has.

Mr. CAMPBELL of Kansas. The gentleman is in favor of the Government running the coal business of the country. It would be more effective than appealing to the members of the committee at this time.

Mr. EMERSON. We have appealed to the fuel administrator and he is doing the best he can, but I would like to say a few words to Congress on the subject. I feel that instead of taking time to discuss new fields for the production of coal this Congress should be taking its time in discussing a proposition of how to transport the coal we now have in this country. When people are freezing to death because of the lack of fuel I think the proper thing to do is to spend the time of Congress in providing some means for furnishing fuel instead of producing more fuel that can not be furnished to them even if it was produced.

I have here a statement from some of the coal producers in this country, and it says this:

> Consumers rightly wish to know whether the difficulty results from any failure of endeavor on the part of the mine operators.
>
> On this subject the official reports of the United States Geological Survey are conclusive. They show that in 1916 the bituminous coal operators produced 60,000,000 tons more than in 1915; that in 1917 up to December 1 they produced approximately as much as during the entire year of 1916, and that the total output for 1917 will be at least 40,000,000 tons greater than the record tonnage of 1916.
>
> Plainly, therefore, since the bituminous mine operators in two years have added a round 100,000,000 tons to their production, the shortage of fuel is not due to any slackening of effort on their part.

Then it takes up the question of transportation of coal, and says:

> Producer and consumer must depend upon the railroads to bring the coal from the mines to the points of consumption.
>
> The coal operator can only bring his coal to the mouth of the mine. Unless there are empty railroad cars standing beneath his tipple into which the mine wagons can be dumped the mines can not operate, but must stop altogether. Storage bins have never been constructed at the bituminous mines because there is no special advantage in storing coal at the mines. The place to store it is, of course, at the points where it will be consumed.

Now, I want to say to the Members that I feel that something should be done by this Congress toward producing more freight cars to handle this coal and handle the food supply of this country if the executive department in the fuel and food administration branch can not do it. If it requires some act of Congress, we should do it. I for one feel that we owe an obligation to the people of this country to see to it that the food and the fuel that are produced within the confines of the United States should be distributed to those parts of the country where the food and fuel are absolutely needed at this time. [Applause.]

Why, the mayor of one of the cities in my district was indicted by a Federal grand jury for trying to assist the people of his stricken city in getting a supply of coal necessary to prevent suffering and death. I refer to the city of Willoughby, Ohio (Mayor Carmichael). This Congress must do something to relieve this situation.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GOOD. Mr. Chairman, I rise in opposition to the proforma amendment.

Mr. Chairman, I believe the amendment of the gentleman from Wisconsin is a very important one. It is as important as

the bill itself. If I understand the proposition, there are about 445,000 acres of land. They are producing from this land about 3,000,000 tons of coal per year. This land has been appraised by two sets of appraisers. One set of appraisers fixed the valuation at $12,000,000 and the other set of appraisers fixed the valuation at $100,000,000; and now there is a provision, contrary to every law of the United States and every law of every State in the Union that I know anything about in cases like this, which provides that the Secretary of the Interior, in case he is unable to sell the land at the appraisement, may sell it at any price he may fix and upon any terms that he may prescribe.

I do not know of a single State in the Union wherein its laws do not provide in case of the sale of property of the estates of deceased persons or of guardians where an appraisement is required, and in case of sale the property must be sold at not less than the appraised value or at not less than a certain percentage of the appraised value. If such appraisement is too high the property can be reappraised. We stand here, and the Secretary of the Interior stands, as the guardian of this property, and I for one am not willing to let down every barrier for the protection of that property. I for one am not willing that we shall say that this property shall be sold for $12,000,000 when a set of appraisers has fixed the valuation at $100,000,000.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. CARTER of Oklahoma. I call the gentleman's attention to the fact that there is in effect an appraised value of the land, and it sets out that it shall be sold at such valuation as the Secretary may prescribe.

Mr. GOOD. Yes; but the proviso also provides that he may sell it at any price.

Mr. CARTER of Oklahoma. No; I am reading from the proviso now.

Mr. GOOD. The proviso is, and I am reading from it:

> The Secretary of the Interior may, in his discretion, reject any or all bids that he does not consider adequate, but at the expiration of six months thereafter the Secretary of the Interior may again offer the land at public sale to the highest bidder at public auction upon such terms as he may prescribe and at such valuation, independent of the appraised valuation, as he may fix.

That is a power that we ought not to give to any public official, whether it relates to the land of the Indians or the public lands of the United States.

Mr. CARTER of Oklahoma. How can we place a value upon it if we do not give the power to appraise it to some official?

Mr. GOOD. The gentleman knows that a court in the case of an estate will order the property to be reappraised. So here we can direct a reappraisement. But to give to one man the power of appraisement and then the power to sell it upon any terms that he may prescribe and at any valuation he may fix is, I say, an unusual power, and in the best interest of these Indians it ought not to be granted to the Secretary of the Interior or to anybody.

Mr. HASTINGS. That is exactly what we do in the first section of the bill.

Mr. GOOD. But you kill it all in this proviso. If this delegation of Representatives from Oklahoma is not ready to protect these Indians, and as I happen to have an Indian reservation in my district, I ask that this proviso be stricken out in the interest of these Indians.

Mr. FERRIS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion has already been made and exhausted.

Mr. FERRIS. Then I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask that all debate close on this paragraph in five minutes.

Mr. LENROOT. I would like to have five minutes in reply.

Mr. CARTER of Oklahoma. The gentleman had five minutes on his amendment.

Mr. LENROOT. Yes; but the gentleman is asking unanimous consent now.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask that the debate on this paragraph close in 25 minutes.

Mr. MADDEN. I would like to have about five minutes.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] asks unanimous consent that the debate on this paragraph close in 25 minutes. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, the debate in this House very often runs very far afield, but the gentleman from Iowa [Mr. GOOD] has just made a speech here that does not do credit to himself or to the unusually good observation he generally makes. The gentleman from Iowa seeks to throw the House into a frenzy here over legislation that is not only well guarded, but doubly guarded.

In the first place, these lands will have been appraised three times before any sale is had. In the second place, this section 3 provides that the land shall be offered twice in pursuance to the appraisement and for a price not less than the appraisement. In the third place, the bill provides that the Secretary of the Interior may reject each and every bid made or offered; and in the fourth place, the provision that the gentleman from Iowa complains of provides that the land is to be sold at public auction under competitive bids, where each and every man can bid as much as he thinks the property is worth, and where every man has a fair chance, where the Indians have a fair chance.

It does more than that. On line 18, page 3, it is provided that it is to be sold on such terms as he may prescribe. The truth about it is, Mr. Chairman, that there ought to be an end to this thing some time. We go through two long tedious offerings, two long tedious sales, appraisals, public advertisements, public bidding, public sale, public valuation, public approval, first, and then we go through that entire performance again and see to it that no errors or mistakes are made. Then the gentleman from Iowa [Mr. GOOD] would have this property taken up by appraisers and hangers-on and the public nuisances that attach themselves to every piece of legislation that goes on down there.

There are men in our State who would like to serve on boards of appraisement at $5 or $10 a day for 5, 10, or 15 years more. I suppose the contract of the Government with these Indians to sell these lands within three years means nothing to the gentleman from Iowa; and the gentleman, with great solemnity, gets up and says, "If the Oklahoma delegation will not protect the Indians, I will do it." He would not know an Indian from a shock of corn if he should meet one in the road, and he knows it and the House knows it and the Indians know it. [Laughter.] The idea of the gentleman coming in here and dragging his wings on the ground and saying, "If the Oklahoma delegation will not protect the Indians, I will protect them!" We protect the Indian by paying most of the taxes while he votes, sits on the juries, and holds office. We have put into Statuary Hall in the United States Capitol a statue of Sequoyah as one of our most distinguished men. We pay most of the taxes, while the Indian goes to our white schools. We elect him to Congress, we elect him to the Senate, we elect him governor, and we do ourselves proud in so doing. I pause and ask what has the gentleman done in his State or elsewhere for the Indian? And then the gentleman says he "will protect him if we do not protect him!" [Laughter.] In the name of High Heaven, it does no credit to a gentleman who has been in the House as long as he has to throw any slurs like that upon the delegation in this House from a State struggling beneath a load almost too heavy to carry. The gentleman ought to be helping us and not obstructing us.

Let me plead with the gentleman from Iowa and other gentlemen here not to set up their own judgment against everyone who has given attention to it. We are only trying to carry out our treaty stipulations, and everyone ought to be willing to help do that.

Mr. GOOD. Will the gentleman yield?

Mr. FERRIS. I will, although I have only a moment.

Mr. GOOD. Does the gentleman think it is in the interest of good government and good administration to enact a law that will give the Secretary of the Interior or anyone the right to sell a part of the public domain——

Mr. FERRIS. This is not public domain. The gentleman discloses that he does not know anything about it. It has been 100 years since this was public domain.

Mr. GOOD. To sell the lands belonging to the Indians upon such terms as he may prescribe, at such price as he may prescribe, independent of any valuation that he may fix or that the appraisers may fix?

Mr. FERRIS. I know the gentleman does not want to make a whole speech in my five minutes.

Mr. GOOD. No; but I ask that question.

Mr. FERRIS. The gentleman is launching out on a thing he knows nothing about and obstructing and trying to interfere with the Oklahoma delegation and the Indians and the Interior Department, who have given long and careful study to this question. I call attention to the fact that every Indian in the

State is pleading that this be done. Everybody, from the lowest Indian to their chiefs, wants this to be done.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FERRIS. I hope the gentleman will not occupy my time. I have but little remaining.

Mr. MADDEN. I will arrange to let the gentleman have a part of my time. I just want to ask the gentleman from Oklahoma whether he thinks it wise to authorize the Secretary of the Interior to make an appraisement, and then, if necessary, to set aside the appraisement which he has made?

Mr. FERRIS. After it has been offered twice, yes; because all that will be left will be some little remnants, odds and ends. The first two sales will dispose of all this property except some little odds and ends. I ask the gentleman in all seriousness, should 435 Members of this House and 96 Senators, engaged in legislating for the prosecution of a great war, and should the Interior Department be called upon to get into motion every day over some little Oklahoma matter? I assume that it is the wish and will of the House to dispose of Oklahoma's Indian matters and get through with them and finish them and turn their attention to something else; and if you will adopt this section as it stands it will make one bite of a cherry and finish it up and not let it drag along and come back for another bill. There are a lot of people who would like to have these jobs last forever. We have suffered from that for 19 years. Do not make us suffer for 19 years more. We have had enough of it and we want to get through with it.

Mr. LENROOT. Mr. Chairman, it is perfectly natural that the Oklahoma delegation should take the position that they take upon this matter. I do not blame them for one moment. In the attitude they take I am frank to say that I believe they represent the wishes both of the white people and the Indians in the State of Oklahoma; but that is no reason why we who are not from Oklahoma should follow them if they are wrong. Of course, these Indians down there would rather have $100 in cash to-day than $500 six months from now. I have Indians in my district. I know their nature, and I apprehend the Indians in Oklahoma are not unlike the Indians in other sections of the country. But that is no reason why we should not have a careful regard for the interests of the Indians. I understand very well why the white people of Oklahoma should favor the passage of this bill, even though it means depriving the Indians of 50 per cent of the value of their land. Anywhere from $12,000,000 to $100,000,000 going into circulation among the white people of the State of Oklahoma—I do not blame them for wanting it. But, Mr. Chairman, that is no reason why we should pass this bill in this form. Gentlemen talk about the propriety of authorizing the Secretary of the Interior, if the appraised value of the land can not be secured, to sell it for whatever he may see fit. Why, the gentleman from Oklahoma [Mr. FERRIS] is chairman of the Committee on the Public Lands. We have now before us in that committee a bill providing for the sale of coal lands at their appraised value. If such a provision as this in this bill should be brought before the House, it would be fought by the gentleman from Oklahoma, fought by myself, and would not receive 10 votes in this House. Shall we be less careful and tender of the rights of the Indians than we are of the public domain? That is all there is to this proposition, Mr. Chairman.

If they can not sell these lands at the end of two years at the appraised value, then let us direct the Secretary of the Interior to make a new appraisement, if necessary, and reoffer them upon those terms. But that is not the proposition. The language as it stands does not even require the Secretary of the Interior to fix any value upon it. The language as it stands in this bill is that he shall make an arbitrary valuation and reoffer them for sale, and if it is 50 per cent of what the land is worth, if this proviso remains in the bill, he must put such a value on the land as will result in the sale of the land. It means a combination of the coal purchasers not to bid on the first appraisal, not to bid on the second offering, but to wait until the offering comes under this proviso, knowing that they will get the land at perhaps 50 per cent of what they would be willing to pay if this proviso did not remain in the bill.

Mr. HASTINGS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. HASTINGS. That was not the experience of Oklahoma when the surface was offered for sale.

Mr. LENROOT. There is no comparison between selling agricultural lands, the surface of land, to men who want to farm and selling these coal lands to large combinations of capital where it requires, as has been stated, $500,000 to operate a coal mine.

Mr. CARTER of Oklahoma. All the other minerals went with the surface.

Mr. LENROOT. The gentleman said he did not know of any oil; does he know of any other minerals in the land?

Mr. CARTER of Oklahoma. There might be some chance of lead and zinc.

Mr. LENROOT. Does the gentleman think that had anything to do with the value of the surface lands?

Mr. CARTER of Oklahoma. I think some of them were sold with a view to mining.

Mr. LENROOT. How much?

Mr. CARTER of Oklahoma. I do not know.

Mr. LENROOT. Did they get any more for the land in view of the fact that there might be other minerals there?

Mr. CARTER of Oklahoma. I should think that perhaps they did.

Mr. LENROOT. But the gentleman does not know.

Mr. MADDEN. Mr. Chairman, my only objection to this section of the bill is as to the authority proposed to be given to the Secretary of the Interior. I do not think it wise to authorize the Secretary of the Interior to fix an appraised value on the land and then in the same breath authorize the Secretary of the Interior to set aside that value. It may be very well seen that if he is given that authority men who are interested in the purchase of these lands will refuse to bid on the first and second offers for sale, wait until the Secretary is compelled to set aside the valuation which he himself has made, and then come in with prices that are far below the real value, and in that way do a great injustice to the people who own the land.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. CARTER of Oklahoma. Does not the gentleman think that the Indians are fully protected by the words "at such valuation as he may fix"?

Mr. MADDEN. No; he may fix any valuation.

Mr. CARTER of Oklahoma. He makes the valuation at the start.

Mr. MADDEN. He is compelled to make an appraisal at the start, and then he is authorized to set it aside and sell the land at whatever price may be offered.

Mr. CARTER of Oklahoma. He is authorized to make an appraisal of the value which the land must bring at the first and second sale. At the third sale he may sell them at such valuation as he may fix, which means a new appraisal.

Mr. MADDEN. No; he may sell the land at any price that may be offered. If I come in and offer a price far below the value, the Secretary of the Interior under this provision of the bill is authorized to fix the price that I make. The Secretary of the Interior is authorized to accept the price offered, and consequently he fixes the price of the bidder.

Mr. HASTINGS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HASTINGS. What does the language mean when it says "upon such terms as he may prescribe and at such valuation," unless it means that he is to make an appraisement of it?

Mr. MADDEN. He is not authorized to make an appraisal in the third sale.

Mr. HASTINGS. In the first and second he is.

Mr. MADDEN. And then he may set it aside.

Mr. HASTINGS. The third time he is to sell at such valuation, and what is the difference between the word "valuation" and "appraisement"?

Mr. MADDEN. At such valuation as he may fix. I may be the man who is bidding on the land and I may fix such a price as I think the land is worth, and the Secretary may accept the price fixed, and therefore he fixes my valuation.

Mr. CARTER of Oklahoma. And he may not accept it.

Mr. HASTINGS. What is the difference between appraisal and valuation by the same person?

Mr. MADDEN. It leaves the Secretary unlimited power to fix any valuation he sees fit.

Mr. HASTINGS. Could not he do it in the first place?

Mr. LENROOT. It does not contemplate any judgment on the part of the Secretary that he may exercise. He may sell it for the minimum amount arbitrarily fixed by him.

Mr. MADDEN. If there is any doubt about the language it ought to be rectified. It is our duty to make the language so clear that there should be no doubt about it. The Secretary of the Interior ought not to want authority to do anything about which there is any doubt as to the propriety of it.

Mr. HASTINGS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. HASTINGS. Probably the gentleman from Illinois has not been here during all the discussion in the House.

Mr. MADDEN. Yes; I have been present.

Mr. HASTINGS. This property has been appraised and a good deal of data collected, and it is contemplated that the Secretary will make the appraisement from the data that he already has in his office. That was stated in general debate on the bill. The Secretary is authorized to make an appraisement of the property in the first and second sales. Now, there is no difference between the word "valuation" and "appraisement" as used in the proviso.

Mr. MADDEN. Why put it in; why not give the Secretary the authority to sell at the third sale under an appraisal and not change it by other language?

Mr. HASTINGS. He is to offer it twice under an appraisement.

Mr. COOPER of Wisconsin. Mr. Chairman, I do not understand how there can be any dispute on the point which has been raised here. In lines 7, 8, and 9 on the first page we find that before offering such coal and asphalt deposits for sale the Secretary of the Interior, under such rules and regulations as he may prescribe, shall cause the same to be appraised by a board of appraisers consisting of three members, to be appointed by the President.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. HASTINGS. That was stricken out. The gentleman was not in the House at the time. In lieu of that an amendment has been adopted that the appraisement is to be made by the Secretary of the Interior.

Mr. COOPER of Wisconsin. Alone?

Mr. HASTINGS. Yes.

Mr. COOPER of Wisconsin. Without any board?

Mr. CARTER of Oklahoma. Under his direction he shall cause it to be made.

Mr. COOPER of Wisconsin. What was the theory upon which that was stricken out? So as to make it possible for him to do what is contemplated evidently by the proviso on page 3:

Provided, That the Secretary of the Interior, in his discretion, may reject any or all bids which he does not consider adequate, but at the expiration of six months thereafter the Secretary of the Interior may again readvertise and offer the same for final sale to the highest bidder at public auction, upon such terms as he may prescribe and at such valuation, independent of the appraised value, as he may fix.

Mr. CARTER of Oklahoma. It was done at the suggestion of the gentleman from Wisconsin [Mr. LENROOT] in deference to his request. That was the reason the amendment was placed in the bill.

Mr. COOPER of Wisconsin. But if that amendment remains in the bill and this proviso also is enacted into law, then we turn over the sale of all this enormously valuable land absolutely to the discretion of one man.

Mr. STAFFORD. The gentleman from Wisconsin [Mr. LENROOT] moves to strike out the proviso, and that is the pending amendment.

Mr. COOPER of Wisconsin. The present Secretary, Mr. Lane, is a man of high character and of quite unusual ability. There is no doubt about that. And therefore, in saying what I am about to say, I do not wish it to be understood as applicable in the remotest degree to him. But there have been members of the Cabinets of former Presidents of the United States, not in recent years, but in years well remembered by the membership of the House, to whom we would not commit such extreme power as is proposed by this bill, and especially by the proviso. One Cabinet officer was impeached for gross corruption and driven from office. This ought to be a Government of laws and not of men, and property under our control and worth a hundred million dollars should not be turned over to be sold at the discretion of and at a price fixed by any executive officer, no matter how exalted his reputation. We ourselves are trustees of this great property and it is our duty to see that there is no possibility of fraud being perpetrated on these Indians, helpless in our hands.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, there was no intention upon the part of your Committee on Indian Affairs, the Secretary of the Interior, or anyone else to have these lands sold without the Secretary being permitted to fix a price for the last sale. Gentlemen have talked about these lands being offered for sale without appraisement as if they really were offered for sale without appraisement. Let me read the committee what the bill provides. Section 1 provides for an appraisement of the lands, as all gentlemen agree, and then provides that the sale of such deposits shall be thoroughly advertised and shall, at the end of 90 days from such appraisement, be offered for sale to the highest bidder at public auction, and so forth. That is sale No. 1. Section 3 provides that immediately after the expiration of one year, when asphalt deposits shall have been offered for sale, or forfeited for nonpayment under the terms of the sale, the Secretary of the Interior shall readvertise and cause to be sold to the highest bidder at public auction all coal and asphalt deposits remaining unsold, and so forth. An amendment has been adopted providing that they could not be sold for less than the appraised value. There are two sales completed, one of them 6 months after the appraisement and the other 18 months after the appraisement. Then comes the final cleaning up. If the history of the past can be used as a guide, all these minerals will be disposed of in the first two sales, except a few small tracts and perhaps some tracts that do not contain workable coal at this time. In order to take care of this, the following proviso is inserted:

Provided, That the Secretary of the Interior, in his discretion, may reject any or all bids which he does not consider adequate, but at the expiration of six months thereafter the Secretary of the Interior may again readvertise and offer the same for final sale to the highest bidder at public auction, upon such terms as he may prescribe and at such valuation, independent of the appraised value, as he may fix.

It seems to me clear that this means that the Secretary is to make a reappraisement of these lands for a third sale. Must we expect that he will stand up as the Secretary of the Interior and in haphazard manner say when a man makes an offer that those deposits he bids on are or are not worth that amount of money? The gentleman from Wisconsin [Mr. COOPER] has paid the present Secretary of the Interior a very high compliment, and I agree with him, and I think that he and all other Members will agree that that is not the way the present Secretary of the Interior does business.

Mr. LENROOT. Mr. Chairman, will the gentleman accept an amendment requiring the Secretary to make a new appraisement?

Mr. CARTER of Oklahoma. I have not any objection to a new appraisement being made if the gentleman is going to insist upon it. I would not object to it, but I do not see any occasion for it, because he is given the right to make the appraisement, and some of my friends on the committee have objected to any appraisement whatever being made of lands, as the gentleman knows, and I have stood for the reappraisement and have stated on the floor that I did not think the Secretary felt like taking the responsibility of selling this valuable property without some kind of an appraisement. I think there is full protection given under the terms of the bill. I do not believe it necessary to amend it except that there ought to be an amendment, as suggested a few moments ago by the gentleman from Wisconsin, striking out the part of the language in the beginning of the amendment to make it conform to another amendment already adopted. If the gentleman is not too insistent upon it, I would prefer that we permit this bill to pass in the language that has already been approved by the Secretary of the Interior, which he evidently considers as giving full protection to all parties concerned.

Mr. LENROOT. I do not want to take up the gentleman's time——

Mr. CARTER of Oklahoma. I yield to the gentleman.

Mr. LENROOT. I want to say to the gentleman that the whole discussion up to a few minutes ago has been upon the theory that the authority should not be upon the appraisement at all but the Secretary fix a bottom price irrespective of what he might consider its value.

Mr. CARTER of Oklahoma. I do not know to what the gentleman refers. I have certainly made no such contention.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I will ask for a vote.

Mr. SNYDER. Mr. Chairman, referring to the question——

The CHAIRMAN. The question is on the amendment.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman from New York may have one minute to ask his question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SNYDER. Mr. Chairman, referring to the question which the gentleman from Wisconsin [Mr. LENROOT] has just put, how would you ever expect to get rid of the ends of this property which were left by simply having another appraisement, after having another appraisement and two sales by public letting? Would it not be the only possible way you could ever expect to get rid of the ends of this property by giving discretion to some one to sell at some price?

Mr. CARTER of Oklahoma. I think so.

Mr. SNYDER. It seems to me that is absolutely a business proposition and the only way it can ever be cleaned up; otherwise it will go on indefinitely year after year if we continue to have appraisals one following the other.

Mr. CARTER of Oklahoma. And all costing the Indians money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin, which the Clerk will report.

The Clerk read as follows:

Strike out the proviso beginning in line 15, top of page 3, down to and including line 20.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. LENROOT) there were—ayes 31, noes 42.

So the amendment was rejected.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer an amendment; page 3, line 15, strike out, after the word "that," the following language, "the Secretary of the Interior, in his discretion, may reject any or all bids which he does not consider adequate, but." That makes it conform to the amendment offered by the gentleman from Wisconsin.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 15, after the word "that" strike out the following: "The Secretary of the Interior, in his discretion, may reject any or all bids which he does not consider adequate, but."

Mr. GOOD. Mr. Chairman, I move an amendment to the amendment, to strike out lines 19 and 20 and insert a period after the word "prescribed."

Mr. CARTER of Oklahoma. That does not affect my amendment; let us dispose of that.

Mr. GOOD. I will withdraw the amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to withdraw his amendment to the amendment. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, I move to strike out lines 19 and 20 on page 3.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 3, line 19, strike out "and at such valuation, independent of the appraised value, as he may fix."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. GOOD. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 3, line 16, after the word "again" add "cause the same to be reappraised and he may," and add a period after the word "prescribed," line 18, and strike out lines 19 and 20.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 4. *Provided*, That such deposits of coal or asphalt on the leased lands shall be sold subject to all rights of the lessee and that any person acquiring said deposits of coal or asphalt shall take the same subject to said rights and acquire the same under the express understanding and agreement that the Department of the Interior will cancel and withdraw all rules and regulations and relinquish all authority heretofore exercised over the operation of said mines by reason of the Indian ownership of said property and that said properties thereafter shall be operated under and in conformity with such laws as may be applicable thereto, and that advance royalty paid by any lessee and standing to the credit of said lessee shall be credited by said purchaser to the extent of the amount thereof, and that no royalties shall be paid by said lessee to said purchaser until the credit so given shall be exhausted at the rate of 8 cents per ton mine run, and that the royalty to be paid thereafter by said lessee to said purchaser shall be 3 cents per ton mine run of coal, and that any lessee may, at any time after completion of such sale, transfer or dispose of his leasehold interest without any restriction whatever; and that any lessee shall have the preferential right, provided the same is exercised within 90 days after the approval of the completion of the appraisement of the minerals as herein provided, to purchase at the appraised value any or all of the surface of the lands lying within such lease held by him and heretofore reserved by order of the Secretary of the Interior and upon the terms as above provided, and shall also have the preferential right to purchase the coal deposits embraced in any lease held by such lessee by taking same at the highest price offered by any responsible bidder at public auction; and if any lessee becomes the purchaser of any coal deposits on any undeveloped lease owned by him, then one-half of the advance royalties paid by any lessee on such lease shall be credited on the purchase price thereof, and the advance royalties heretofore paid by any lessee shall be credited to such lessee on account of any production of coal on any other lease which he may own and operate: *And provided*, That nothing herein contained shall be construed as limiting or curtailing the rights of any lessee from acquiring additional surface lands for mining operations as provided by the act of Congress of February 19, 1912.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. CARTER of Oklahoma: Page 5, line 10, after the word "lessee," insert the words "or owner of mineral deposits."

Mr. STAFFORD. Mr. Chairman, I wish the gentleman would take some time to explain his amendment before we vote upon it.

Mr. CARTER of Oklahoma. Mr. Chairman, the purpose of this amendment is to give to the purchaser of coal deposit the same right which the lessee now has. Under the act of February, 1912, under which the surface of this land was sold, the lessees were given the right to purchase a certain amount of the surface that might be necessary for the operation of the mines. Only about a hundred thousand acres of the land, as I have stated, is leased. There will be 835,000 acres which will be purchased which is not complicated by leases. The purchaser ought to have the same right as the lessee has of ingress and egress and to go upon the land and prospect for coal or make development. Now, this proposes to give the same right given to the lessee. It was unintentionally omitted in the first place.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. CARTER of Oklahoma. Mr. Chairman, I have another amendment which I wish to offer.

The CHAIRMAN. The gentleman from Oklahoma offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARTER of Oklahoma: Page 5, line 1, after the word "auction," insert the following: "At not less than the appraised value."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. CARTER of Oklahoma. Mr. Chairman, the language sought to be amended here provides that the lessees may have the preferential right of purchase. I do not think they should have that preferential right at less than the appraised value. As a protection to the Indians and a protection to the heirs we would like to have these words placed in, "at not less than the appraised value."

Mr. LENROOT. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. Under the previous provisions of the section these lessees are given the right to purchase at the appraised value any of these lands.

Mr. CARTER of Oklahoma. No; not any. They are given the right to purchase only those parts on which they may have a lease. It amounts now to about 50,000 acres.

Mr. LENROOT. I understand. But when they have that right why should they be given the additional right, if they do not see fit to exercise the right of purchasing them at the appraised value, and, after a bid has come in, go and take it away from the highest bidder by being willing to pay the same price.

Mr. CARTER of Oklahoma. That does not refer specifically to this amendment. I am satisfied the gentleman is in favor of this amendment.

Mr. LENROOT. I am.

Mr. CARTER of Oklahoma. Suppose, then, we take a vote on it?

Mr. LENROOT. All right.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The question was taken, and the amendment was agreed to.

Mr. CARTER of Oklahoma. Mr. Chairman, I offer an amendment, on page 3, line 21, after the numeral "4," to strike out the word *"Provided."*

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CARTER of Oklahoma: Page 3, line 21, after the numeral "4," strike out the word *"Provided."*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

I wish to inquire of the chairman of the committee whether the position of my colleague is correct that these lessees would have the preferential right to purchase any of the coal lands other than that to which the lease now pertains. As I read the bill, they would only have the preferential right to purchase at the appraised value the surface of all such lands as are now under lease, and they would have the additional right to purchase the coal deposits embraced in any lease held by them at the highest price offered by any responsible bidder. As I understand the bill, they have not the right to purchase additional deposits which are not covered by their lease at the price bid in at public auction?

Mr. CARTER of Oklahoma. The gentleman is absolutely correct. The bill does not give the lessee the right to purchase any deposits except those on which he has a lease, and the existing

law, which is continued here, does not give him the right to purchase any of the surface except that on which he has a lease.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. I desire to ask a question.

On page 5, lines 6 and 7, there is a provision which says that where a lessee of this property is the purchaser he shall have the right to have credited on account of the purchase money the amount that he has paid for the production of coal. Now, I want to ask the chairman of the committee if that means where the lessee has been operating this coal for 8 or 10 years and, say, has paid $10,000 in royalty, and he would buy any of these 940-acre blocks for $900,000, would he only pay that for it? The owner of the surface is the owner of the fee, and here you propose to sell the coal-mining rights and to credit the purchaser, if he is lessee, with the amount of royalties paid prior thereto on that lease.

Mr. CARTER of Oklahoma. I will read the gentleman the law about that, and that will explain it better than I can tell him. It says:

All lessees shall pay on each coal or asphalt claim at the rate of $100 per annum in advance for the first and second years, $200 per annum in advance for the third and fourth years, and $500 for each succeeding year thereafter. All such payments shall be treated as advanced royalty on the mine or claim on which they are made, and shall be a credit as royalty when each said mine is developed and operated.

Now, under their leases they pay 8 cents royalty. This provision of law is carried in somewhat modified language in their lease, the intention of which is that he shall pay $100, $200, and $500 advance royalty; that is, the lessee shall and will be credited with the royalty as he mines the coal.

Mr. ROBBINS. That is all right. That is advance payment on the royalty per annum.

Mr. CARTER of Oklahoma. I thought that was what the gentleman was discussing.

Mr. ROBBINS. I know, but I am discussing this feature of the bill, that he is allowed a credit on the purchase price if he is the lessee of the amount of royalty he has heretofore paid.

Mr. CARTER of Oklahoma. Why not? The royalty is not forfeited except on failure to mine the coal during the life of the lease. This advanced royalty is not a penalty. It is simply a deposit in good faith for the operation of the mines, for which the lessee is given credit at 8 cents per ton when he takes the coal out. When he purchases the coal he still has 15 years to carry out that contract, which would probably enable him to get credit for all these advanced royalties. The only thing they ask here is that this right be not interfered with, but that he be allowed to apply the royalty paid on the purchase price.

Mr. STAFFORD. Only one-half of the royalty.

Mr. CARTER of Oklahoma. Yes; one-half.

Mr. ROBBINS. If he buys one of these blocks of 940 acres, of which 100 acres has been mined, and he has extracted 4,000 tons to the acre, he has paid $320 for that much coal. Now, if he buys a 940-acre tract he pays $500, and you credit him with——

Mr. CARTER of Oklahoma. No; we credit him with advance royalty of $100, $200, and $500 per annum, which he has already paid for coal still in the ground.

Mr. ROBBINS. Why don't you sell the coal with the acreage of coal that remains at the time and leave the royalty out of the question?

Mr. CARTER of Oklahoma. Another purchaser may come in. He has no lease on the land, and he wants to bid on all the coal in the land. We want to make the chances for bidding as nearly uniform as possible.

Mr. LENROOT. I will ask for information on this question; I confess I do not fully understand. Is there not a double credit here in this language? First you give him credit on one-half of the royalty if he becomes a purchaser and then he is given full credit for both halves on any coal in the mines that he has never leased.

Mr. CARTER of Oklahoma. No. Here is the situation: Under the lease as made by this lessee he is required to pay an advance royalty before the coal is mined. As the coal is produced he is permitted to apply advance royalty at 8 cents a ton only on the lease on which that advance royalty was paid. The intention of this provision is that we may close the matter up with him and end it. If he has paid $5,000 advance royalty on lease No. 1 and $2,500 on lease No. 2, and if he has operated on No. 2 and not on No. 1, we would give credit of $7,500 on the one lease instead of carrying it on as at the present time.

Mr. LENROOT. Suppose the purchaser becomes a purchaser of one tract of land. He is just given credit for $4,000 on his purchase price of that tract. Is that correct?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. If he has another lease on which he is producing coal he is given credit for $8,000 royalty on the coal?

Mr. CARTER of Oklahoma. No; I do not think the gentleman caught what I intended to say.

Mr. LENROOT. I call the gentleman's attention to the language, and ask him whether it is not a credit of $12,000?

Mr. CARTER of Oklahoma. Let us read the language.

Mr. LENROOT. It is on page 5, beginning with line 2.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CARTER of Oklahoma. The language is:

And if any lessee becomes the purchaser of any coal deposits on any undeveloped lease owned by him, then one-half of the advance royalties paid by any lessee on such lease shall be credited on the purchase price thereof.

Now, as a matter of fact, that lessee would be entitled to full credit for all the advance royalty he had paid, and he contended and claimed that, and fought for it for days. But the tribal attorney representing the Choctaws and Chickasaws would not agree to surrender more than one-half the value of that royalty. That disposed of that. The Indians make a distinct gain of 50 per cent of the advance royalty he has paid in. Now, what else? I read further:

And the advance royalties heretofore paid by any lessee shall be credited to such lessee on account of any production of coal on any other lease which he may own and operate.

What we intended to say there was that he might switch his royalty from one lease to another and close up.

Mr. LENROOT. Does not the gentleman agree with me that this language does not accomplish that thing? He gets credit for 50 per cent more than he has paid in on advance royalty if he happens to have a lease.

Mr. CARTER of Oklahoma. You might add a proviso there at the end of that which would prevent that, I think.

Mr. STAFFORD. Why could you not accomplish the purpose by inserting, before the word "advance," the words "and any balance of advance royalties remaining to the credit of the lessee"?

Mr. LENROOT. I suggest that we pass over the section temporarily. I think we can prepare and agree upon an amendment there.

Mr. CARTER of Oklahoma. I think that would cure it.

Mr. LENROOT. In some cases there would be no balance at all, because he would not become a purchaser.

Mr. STAFFORD. There would still be a balance.

Mr. CARTER of Oklahoma. I think the word "balance" would cover it.

Mr. STAFFORD. There would still be a balance, because some of the advance royalty would be credited.

Mr. CARTER of Oklahoma. Let the gentleman offer his amendment.

Mr. STAFFORD. Strike out the word "the" in line 5, page 5, and insert "any residue of," and after the word "royalties" insert the words "belonging to the lessee."

Mr. CARTER of Oklahoma. No. Let it be "paid by the lessee." I would not make a statutory admission of the lessee's ownership claim, because that is contested by the authorities of the tribes.

Mr. STAFFORD. I leave out that last suggestion. Just strike out the word "the" and insert "any residue of."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Amend, page 5, line 5, after the word "on," by striking out the word "the."

Mr. ROBBINS. No; after the word "and." There is no word "on" there.

The Clerk read as follows:

After the word "and" strike out the word "the," and insert in lieu thereof the following: "any residue of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the surface of any segregated coal and asphalt lands in the Choctaw and Chickasaw Nations, in the State of Oklahoma, which may have been, or may be, condemned under the laws of the State of Oklahoma for State penal institutions, or for county or municipal purposes, as authorized by the Indian appropriation act approved March 3, 1909, shall be construed to include the entire estate, save the coal and asphalt reserved: *Provided*, That the State of Oklahoma shall have the preferential right of purchase, at the appraised value thereof, upon the same terms applying to other coal and asphalt deposit sales under this

act, all coal and asphalt deposits underlying the surface heretofore purchased by the said State of Oklahoma, and more particularly described as follows: Southeast quarter and south half of the northeast quarter of section 33; south half of and northeast quarter and south half of northwest quarter, and northeast quarter of northwest quarter of section 34; all of section 35, and the southeast quarter of southwest quarter of section 26; and south half of southeast quarter of section 26; and south half of southwest quarter of section 25; and northwest quarter and west half of southwest quarter and west half of east half of southwest quarter and northeast quarter of northeast quarter of southwest quarter and west half of southeast quarter of northeast quarter of southwest quarter and west half of east half of southeast quarter of southwest quarter of section 36, township 6 north, range 14 east.

Mr. STAFFORD. Mr. Chairman, I wish to offer an amendment. It is merely grammatical. It is to strike out the word "applying," on page 5, line 24, and insert in lieu thereof the words "as applied."

Mr. CARTER of Oklahoma. I have no objection to that, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Amend, page 5, line 24, by striking out the word "applying" and inserting in lieu thereof the words "as applied."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBBINS. Mr. Chairman, I offer an amendment, in line 21, page 5, after the word "asphalt," to add the words "with proper mining rights." I offer this amendment because——

Mr. STAFFORD. Let the amendment be reported.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ROBBINS: Page 5, line 21, after the word "asphalt" insert the words "with proper mining rights."

Mr. ROBBINS. I want to ask the chairman of the committee a question about this. This is a severance of the coal from the surface. Most of the Commonwealths—I do not know how it is with Oklahoma—follow the English rule, which is that the conveyance of the title to the coal does not pass with it the right to injure or damage the superincumbent surface. If that right is not conveyed, it is impossible to mine the mineral without subjecting the owner of the mineral to large damages from the owner of the superincumbent surface and the superior estate. I ask the chairman whether there is a provision for that in this bill.

Mr. CARTER of Oklahoma. No; the present law, the act of February 19, 1912, provides fully and exhaustively for that. It defines the mining rights of the lessees and owners of the minerals, provides that they shall have ingress and egress, that they may enter upon the land and take possession of it for the purposes necessary to mining. I explained this the other day. It stipulates that whenever a dispute arises with reference to the price the question shall be submitted to two arbitrators, one to be appointed by the owner of the surface and one by the owner or lessee of the minerals; that a third appraiser may be appointed by the Federal judge of that district, and that their appraisement shall be final. In the meantime the owner of the coal deposit may enter upon the surface and use such part of it as is necessary during the pendency of the controversy.

Mr. ROBBINS. That is the statutory provision?

Mr. CARTER of Oklahoma. Yes.

Mr. ROBBINS. It does not depend on the common-law doctrine applicable to the rights of the owners of the surface and the overlying strata?

Mr. CARTER of Oklahoma. No. That was very carefully scrutinized and gone over by the gentleman from Illinois [Mr. MANN], and by the Solicitor of the Interior Department, and by the gentleman from Kansas [Mr. CAMPBELL], and several others at the time.

Mr. ROBBINS. That seems to be adequate for the mining of the coal, and in view of the explanation made by the gentleman from Oklahoma I withdraw the amendment.

Mr. HASTINGS. That provision of the statute is referred to and reenacted in line 12, page 5, of this bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the Secretary of the Interior be, and he is hereby, authorized to prescribe such rules, regulations, terms, and conditions, not inconsistent with this act, as he may deem necessary to carry out its provisions and shall establish an office for such purpose at McAlester, Pittsburg County, Okla.

Mr. LENROOT. Mr. Chairman, I offer an amendment to line 20, page 6, to strike out the word "shall" and insert the word "may."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 6, line 20, strike out the word "shall" and insert in lieu thereof the word "may."

Mr. LENROOT. Is there any objection to that amendment?

Mr. CARTER of Oklahoma. I do not think that ought to be adopted.

Mr. LENROOT. I hoped the chairman of the committee would accept this amendment. If he had I would not have cared to discuss it. We have here a very peculiar provision, requiring the Secretary of the Interior to establish an office in a particular town for the purpose of carrying out the provisions of this act, something entirely new to me in legislation. Certainly if the authority is granted, as it will be granted if my amendment is adopted, the Secretary will establish the office if he deems it necessary, and everything will be accomplished that ought to be accomplished. But I say Congress ought not to require the establishment of an office to carry out the provisions of this or any other law if the responsible party who is administering that law does not deem it necessary. It means only an additional expense, and if the Secretary of the Interior deems it unnecessary to establish an office in this place, or if he deems it necessary to establish it in some other place, surely it ought to be left to his discretion as to whether the office shall be established in a particular place or not.

Mr. CARTER of Oklahoma. Mr. Chairman, it has been left to the discretion of the Secretary of the Interior, and, as the gentleman knows, the Secretary has agreed to that provision along with the balance of the bill, and has made no objection whatever to it. If the Secretary had really made any objection to it I should not insist upon it.

Mr. LENROOT. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. LENROOT. The gentleman knows quite as well as I do that a Cabinet officer will not urge the placing of discretion upon him if Congress is willing to take the responsibility.

Mr. CARTER of Oklahoma. On the contrary, in my experience with Cabinet officers I have always found that they are anxious to take responsibility, and always prefer discretion rather than arbitrary legislation commanding them to do a certain thing. Now, if the Secretary had asked for this amendment I would not object at all; but his subordinates agreed that the office should be established there. As I recall, the Secretary himself said nothing about it. McAlester is in the center of the coal fields. Every activity of the coal mining there is carried on from this town. It does not make a particle of difference to me politically, because practically all the lands are in the district which I represent anyway, and the office would have to be located in that district, with McAlester as the logical place.

Mr. LENROOT. Does not the gentleman think the Secretary would have a better judgment upon this question than this House now has?

Mr. CARTER of Oklahoma. I think so; and I think he expressed that judgment when he sent a letter to us, recommending that this bill pass and suggesting certain amendments, and not suggesting any change in this.

Mr. LENROOT. The gentleman knows that the Secretary would not call attention to a very minor matter like this.

Mr. CARTER of Oklahoma. I think it a matter of minor importance, because that is where the office would be located, anyway.

Mr. GILLETT. The gentleman says that the Secretary of the Interior acquiesces in this. Of course, when the chairman of a committee of the House of Representatives asks for a certain location, a little piece of patronage as it really is, to get it located in his district, the Secretary is not going to object to it. He is going to acquiesce. But it does not follow that it ought to be done. I agree most heartily with what the gentleman from Wisconsin [Mr. LENROOT] says. I think it is an outrage. I have never known it to be done before——

Mr. CARTER of Oklahoma. Oh, the gentleman does not think it is an outrage, I know.

Mr. GILLETT. For the House of Representatives to fix it, on the pretense that the Secretary of the Interior does not object.

Mr. CARTER of Oklahoma. The gentleman is taking up a good deal of my time. I have only five minutes.

Mr. GILLETT. The gentleman has all the time there is. There has been no effort to curtail the gentleman's time, and I think there will not be. But if the gentleman from Oklahoma thinks the Secretary really feels that way, why is he not willing to leave it to his discretion and not establish a precedent of this kind? I do not wish to debate this subject much, for I do not

pretend to know much about it, but it seems to me that this is an innovation and a precedent which ought not to be established.

Mr. CARTER of Oklahoma. It is practically the same language that was carried in the act for the sale of the surface. It is not an innovation. I am free to confess that it does not make a great deal of difference to me.

Mr. GILLETT. Then why not agree to the amendment?

Mr. CARTER of Oklahoma. The Secretary of the Interior has agreed to the bill in this condition. Mr. Chairman, I think we ought not to waste our time—and if the gentleman wants that word in there it may go in, although I think any lawyer would agree that both words mean exactly the same thing. Let us vote on it, for I do not think we ought to take up time in discussing so unimportant a matter.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

The question was taken; and on a division (demanded by Mr. GARRETT of Texas) there were 35 ayes and 40 noes.

So the amendment was rejected.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment: Line 21, page 6, after the word "purpose," strike out the words "at McAlester, Pittsburg County," and insert in lieu thereof the words "in the State of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 21, after the word "purpose," strike out the words "at McAlester, Pittsburg County," and in lieu thereof insert the words "in the State of."

Mr. STAFFORD. Mr. Chairman, there is a question of principle involved in Congress designating a place where this office shall be established without any knowledge of the fact. The chairman says that the words "may" and "shall" are interchangeable. I grant that if the words remain as they are they would be interchangeable, but the Secretary of the Interior should have the authority to determine the location, regardless of what any members of the committee may say as to there being only one place where it should be located. If the gentleman is correct that there is only one place, and that is McAlester, they should have no objection to the amendment proposed. If we provide that there must be an office established in Oklahoma, certainly they should be willing to leave it to the judgment of the Secretary of the Interior to locate it, especially if he must necessarily locate it at McAlester. Certainly we ought not in this legislation to designate a place without having any formal report from the Secretary of the Interior. I have no objection to a local office being established, but it should be left to the discretion of the Secretary of the Interior.

Mr. SNYDER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SNYDER. A few moments ago the gentleman was very much agitated about letting the Secretary of the Interior have some discretion, and now he wants to give him full authority.

Mr. STAFFORD. Oh, the gentleman misconstrues the position of those who opposed the provision in the bill which permitted the local mining capitalists to refuse to bid on the first and second sales and hold back so that they could get the property at any price they pleased. It was vital to the interests of the Indians that we should strike out the proviso. But no; you would not allow the Secretary to make a new appraisal, but you give these men a chance to hold back from the purchase at its appraised value and wait until the 18 months expired and then get the property at the lower price.

But, going back to the original proposition, we do not object to the office being established, but say it should be left to the Secretary to determine rather than have Congress determine the location. The Secretary has not recommended that the bill be adopted in this phraseology. The Secretary of the Interior did not send up a report saying that the bill in this phraseology should be passed. I took it on myself, in view of the fact that we had no report last week, to call up the Assistant Secretary of the Interior and ask him whether the bill met the approval of the Secretary. That is the reason why the Secretary has been prompted to send a letter indorsing the bill which has been read here. He indorses the principle of the bill, but he did not have the temerity to object to the principal city in the district of the gentleman who is sponsor for the bill. If the gentleman from Oklahoma says that McAlester is the only place suitable for the establishment of this office, he should have no objection to leaving it to the discretion of the Secretary of the Interior and let him exercise it.

Mr. CARTER of Oklahoma. This is the same provision carried in the act for the sale of the surface. The gentleman says that the Secretary of the Interior has not indorsed this bill. Here is a letter which has been read two or three times, and still gentlemen persist in saying that the Secretary does not indorse the bill. What the basis is upon which they make that statement is beyond me. The gentleman from Wisconsin is usually very careful, and yet he makes the statement. The Secretary says: "If the bill is amended as herein suggested I recommend that it receive favorable consideration of Congress."

Mr. LENROOT. What amendments does he propose?

Mr. CARTER of Oklahoma. He presents first an amendment that after the word "sale" the words "at public auction to the highest bidder" be included, which we have done. Then, after the word "appraisement," in line 15, page 2, the following be inserted: "*Provided*, That said appraisement shall not be effective until approved by the Secretary of the Interior."

Both of these amendments have been adopted. The date of the letter is December 11, 1917. Every line of this bill was submitted to him, and he says that after careful consideration of the matter he recommends that it be passed.

I just mentioned the fact that the surface act locates the office at McAlester. McAlester is in the immediate district where these lands are. The office would be placed there anyway. There is no doubt about that. About all that could be accomplished by such an amendment as this would be to discredit me with some of my friends back at home by showing that after the Secretary had recommended this location and the Committee on Indian Affairs had reported favorably, I was unable to retain the item in the bill.

Mr. STAFFORD. Mr. Chairman, it is furthest from my mind to humiliate my good friend before anyone, and if it will humiliate him at all, even though a principle is involved, I shall ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. LENROOT. Mr. Chairman, I want to say just a word with reference to the care and scrutiny given this bill by the Interior Department. The gentleman from Oklahoma [Mr. CARTER] has just read the report of the Secretary of the Interior, and I am not reflecting upon the Secretary, but I do want to say this: The gentleman suggests that the Secretary of the Interior, whom he would now have the House believe is so infallible, if there had been anything in this bill which he desired corrected, would have indicated it in his report. I call the attention of the House to this fact. The bill as reported by the committee and as now favorably recommended by the Secretary of the Interior provided that upon the second offering of these lands they need not be sold at their appraised value; yet the gentleman himself, the chairman of the committee, offered an amendment correcting that, although it was not suggested by the Secretary.

Mr. CARTER of Oklahoma. Yes; and I do not think the amendment was really necessary, but it was offered in deference to the suggestion made by the gentleman from Wisconsin.

Mr. LENROOT. I made that suggestion and I am glad I did, because it resulted in the protection of this second sale.

Mr. CARTER of Oklahoma. The gentleman and I differ about that.

Mr. LENROOT. There is one other matter that the gentleman will not differ with me about. As the bill was reported from the committee and favorably recommended by the Secretary of the Interior, it expressly provided that the lessee should have a preferential right to purchase the tract of land in which he had a leasehold interest at the price bid by the highest bidder, without any reference to the appraised value, and the gentleman himself, irrespective and regardless of the fact that the Secretary of the Interior had not suggested an amendment, offered an amendment providing that that preferential right to purchase could not be exercised at less than the appraised value, very much improving the bill. I only call attention to this to show that this House would make a most serious mistake if it would assume that it has no duties to perform in the examination of legislation because some department official has not recommended an amendment, and that therefore the House ought not to propose an amendment.

Mr. CARTER of Oklahoma. Mr. Chairman, I could read from the RECORD of a few days ago where the gentleman from Wisconsin not only wanted to have a bill reported upon favorably by the department before it was acted upon here but where he took up the bill and said every amendment ought to be acted upon by the department, and now the gentleman comes in here and says it is not necessary for us to have a report from the department.

Mr. LENROOT. I did not, and the gentleman knows I did not, make any such statement.

Mr. CARTER of Oklahoma. I understood the gentleman to say that,

Mr. LENROOT. Certainly not. This House is entitled to a report upon every bill, having the best judgment of every department that has jurisdiction of the bill, but this House, I hope, is not bound by the report and is free to make any changes in reference to any bill that it sees fit.

Mr. CARTER of Oklahoma. The gentleman and I agree perfectly about that, but I do not agree with him, even though this is an administration of the party to which I belong, that it is necessary, after a bill has been reported upon by a department of this Government, for this Congress to submit every amendment that every Member of the House or any member of the committee proposes to a bill to the head of some department.

Mr. LENROOT. No committee of this House, as this gentleman's committee did on this bill, should then mislead this House by stating in a report that it had been acted upon by the department when it had not.

Mr. CARTER of Oklahoma. The gentleman did not make that statement the other day. What our committee report said was that a bill similar in text and substance was submitted to the Secretary of the Interior, and it was.

Mr. LENROOT. That is not the fact.

Mr. CARTER of Oklahoma. It was.

Mr. LENROOT. It was not.

Mr. CARTER of Oklahoma. The bill came back, and we offered amendments to it, which the gentleman himself will agree simply provided for a definition of the rights that existed between the lessee and the man who might purchase the land in the future, most of which probably would have been taken care of by operation of law, but which it was thought, after conference taken with all those interested, should be reiterated in order that there might not be any misconstruction, and that is the way the bill was amended.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired, and the Clerk will read.

The Clerk concluded the reading of the bill.

Mr. CARTER of Oklahoma. Mr. Chairman, I move that the committee do now rise and report the bill as amended, with the recommendation that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOU, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 195, and had directed him to report the same back to the House with sundry amendments, with the recommendations that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded upon any amendment? If not, the Chair will put them in gross. [After a pause.] The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. LONDON. Mr. Speaker, I move to recommit the bill.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit the bill.

The motion was rejected.

The SPEAKER. The question now is on the passage of the bill.

The bill was passed.

On motion of Mr. CARTER of Oklahoma, a motion to reconsider the vote by which the bill was passed was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask that all Members who have spoken on this bill be given the right to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that all Members who have spoken on this bill have the right to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

FUNDS TO MAINTAIN ROADS, ETC., WITHIN INDIAN RESERVATIONS.

The SPEAKER. The Clerk will proceed with the call.

Mr. HAYDEN. Mr. Speaker, I am authorized by the Committee on Indian Affairs to call up the bill H. R. 269, Calendar No. 66 on the Union Calendar.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union with the gentleman from Illinois [Mr. FOSTER] in the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. FOSTER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 269) to authorize the advancement of funds to survey, construct, and maintain roads, trails, and bridges within Indian reservations.

Be it enacted, etc., That not more than the amount of the reimbursable appropriations made from time to time for such purposes may be expended under the direction of the Secretary of the Interior, for the survey, construction, improvement, and maintenance of roads, trails, and bridges within Indian reservations in the United States, when necessary for the use and development of the resources of such reservations and the advancement in civilization of the Indians residing thereon: *Provided*, That when, in the opinion of the Secretary of the Interior, the construction or improvement of any proposed road or bridge within or across any Indian reservation will not be chiefly for the benefit of the Indians of such reservation, the said Secretary is hereby authorized to enter into a cooperative agreement, conditioned upon its approval by Congress, with the State or county wherein such reservation or some part thereof is located for the survey, construction, improvement, or maintenance of such road or bridge upon a basis equitable to both the State or county and the Indians: *Provided further*, That the aggregate expenditures of the United States within any Indian reservation shall not exceed 25 per cent of the value, as determined by the Secretary of the Interior, of the timber, mining, forage, and other resources which are or will be available for income from the unallotted lands within the reservations wherein the roads, trails, or bridges will be constructed or improved, and the Secretary of the Interior shall make annual report to Congress of the amounts expended under authority of this act: *And provided further*, That no reimbursable appropriation shall be made under authority of this act which conflicts with existing treaties or agreements with Indians: *And provided, however*, That whenever practicable preference shall be given to Indians when labor is employed on any work done under authority of this act.

SEC. 2. That whenever expenditures are made under authority of this act within any Indian reservation not less than 10 nor more than 20 per cent of the money thereafter received from the sale of timber, from grazing permits, from mining leases, from the sale of unallotted lands, or from the disposal of any other resources of the unallotted lands within such Indian reservation shall be paid annually into the Treasury until the United States is reimbursed for the total amount of expenditures made under authority of this act for the construction, improvement, and maintenance of roads, trails, and bridges within such reservation.

SEC. 3. That the Secretary of the Interior is hereby authorized to prepare and submit to Congress plans for the construction or improvement of roads, trails, and bridges which in his opinion are necessary for the use and development of the resources of any or all of the Indian reservations in the United States and the advancement in civilization of the Indians residing thereon, together with estimates of the cost of constructing or improving said roads, trails, and bridges; and the said Secretary shall also submit an estimate of the value of the timber, mining, forage, and other resources that are or will be available for income from the unallotted lands within each Indian reservation.

SEC. 4. That tribal or trust funds may be appropriated by Congress to carry out the purposes of this act whenever the same may be used without violating existing treaties or agreements with the Indians.

The committee amendment was read, as follows:

Page 3, line 3, after the word "than," strike out the word "ten" and insert the word "five."

Mr. HAYDEN. Mr. Chairman, in view of the agreement that has been reached I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FOSTER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 269, had come to no resolution thereon.

LEAVE TO ADDRESS THE HOUSE.

Mr. GILLETT. Mr. Speaker, may I ask unanimous consent that on Friday, following the speech of Mr. MILLER of Washington, Mr. FREAR of Wisconsin be allowed to speak for 40 minutes on the President's message relative to the consolidation of appropriations in the hands of one committee, not to interfere with privileged business?

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that on Friday next, at the conclusion of the remarks of the gentleman from Washington [Mr. MILLER] the gentleman from Wisconsin [Mr. FREAR] shall be permitted to proceed not to exceed 40 minutes in discussing the suggestion in the President's message that all appropriations ought to be consolidated in the hands of one committee. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object, I understand that is subject to the provision that it is not to interfere with the appropriation bills and privileged matters.

Mr. GILLETT. Certainly; not to interfere with privileged business.

The SPEAKER. Not to interfere with privileged matter. Is there objection? [After a pause.] The Chair hears none.

FUNDS TO MAINTAIN ROADS, ETC., WITHIN INDIAN RESERVATIONS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the bills now on the calendar which are in order on Calendar Wednesday are disposed of that the bill which we have just a moment ago considered in the Committee of the Whole House on the state of the Union—H. R. 269—be in order on Calendar Wednesday.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that when all the bills that are now in order on Calendar Wednesday are disposed of that the bill which has just been called up—H. R. 269—shall be in order on Calendar Wednesday. Is there objection? [After a pause.] The Chair hears none.

URGENT DEFICIENCY APPROPRIATION BILL (H. REPT. NO. 212).

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I will report a bill to supply urgent deficiencies in appropriations for the fiscal year 1918.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 7572) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes.

The SPEAKER. Ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT. Mr. Speaker, I reserve all points of order on the bill.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 14 minutes p. m.) the House adjourned to meet to-morrow, Thursday, December 13, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a tentative draft of a bill to authorize the Secretary of the Navy to determine where and when there are no public quarters available for officers of the Navy and Marine Corps (H. Doc. No. 562); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to fix the age limits for candidates for admission to the United States Naval Academy (H. Doc. No. 563); to the Committee on Naval Affairs and ordered to be printed.

3. A letter from the chairman of the Federal Trade Commission, transmitting annual report of the Federal Trade Commission for the fiscal year ended June 30, 1917 (H. Doc. No. 614); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

4. A letter from the Secretary of War, transmitting report of the National Forest Reservation Commission for the fiscal year ended June 30, 1917 (H. Doc. No. 564); to the Committee on Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CROSSER, from the Committee on Patents, to which was referred the joint resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy, reported the same with amendment, accompanied by a report (No. 213), which said joint resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7565) granting six months' pay to Sally Speer Signor, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 7568) to repeal provisions of law authorizing the payment of compensation to postmasters for procuring enlistments in the Army, the Navy, and the Marine Corps; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 7569) to increase the rates of pensions of certain enlisted men, soldiers, and officers who served in the Civil War; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 7570) to amend an act increasing temporarily the Military Establishment of the United States, approved May 18, 1917; to the Committee on Military Affairs.

By Mr. WASON: A bill (H. R. 7571) to provide for the purchase of a site and the erection of a public building thereon at Claremont, in the State of New Hampshire; to the Committee on Public Buildings and Grounds.

By Mr. FITZGERALD: A bill (H. R. 7572) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. SMITH of Idaho: A bill (H. R. 7628) to provide for an auxiliary reclamation project in connection with the Minidoka project, Idaho; to the Committee on Irrigation of Arid Lands.

By Miss RANKIN: A bill (H. R. 7629) to exempt officers and enlisted men of the military and naval forces of the United States from the payment of a war tax on admission tickets; to the Committee on Ways and Means.

Also, a bill (H. R. 7630) for the relief of homestead entrymen or settlers who have entered or who shall enter the military or naval service of the United States in time of war; to the Committee on the Public Lands.

Also, a bill (H. R. 7631) providing that letters written and mailed by soldiers, sailors, and marines assigned to duty in the present war may be mailed free of postage; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 7632) providing that members of the military and naval forces of the United States be exempted from the payment of a war tax on all transportation tickets; to the Committee on Ways and Means.

By Mr. BOOHER: A bill (H. R. 7633) to so regulate the precedence of the officers of the United States Marine Corps that 14 graduates of the Naval Academy, who at the present date are junior to a number of temporary and probationary officers in the grade of captain, will be made senior to such temporary or probationary officers on the lineal list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. CROSSER: Resolution (H. Res. 194) providing for the consideration of H. J. Res. 174; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 7573) granting a pension to Lewis D. David; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7574) granting a pension to Lucena R. Filson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7575) granting a pension to Sarah J. Rollins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7576) granting an increase of pension to John G. Hearn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7577) granting an increase of pension to William H. Bascue; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 7578) granting an increase of pension to Peter L. Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7579) granting an increase of pension to W. R. Tingley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7580) granting an increase of pension to John McFarland; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 7581) granting an increase of pension to Charles S. Phelps; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 7582) granting an increase of pension to John T. McGown; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 7583) granting an increase of pension to Michael Balenti; to the Committee on Pensions.

Also, a bill (H. R. 7584) for the relief of the Wichita and affiliated bands of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 7585) providing for the sale of an abandoned homestead entry; to the Committee on the Public Lands.

By Mr. FOSTER: A bill (H. R. 7586) granting a pension to James H. Ivie; to the Committee on Pensions.

Also, a bill (H. R. 7587) to relieve Martin M. Hicks, postmaster at Bingham, Fayette County, Ill., of the payment of cash and funds stolen from the post office; to the Committee on Claims.

By Mr. GRAY of New Jersey: A bill (H. R. 7588) for the relief of Henry Von Der Heide; to the Committee on Claims.

Also, a bill (H. R. 7589) to correct the military record of Edward A. Shave; to the Committee on Military Affairs.

By Mr. HERSEY: A bill (H. R. 7590) granting a pension to Viola Wiley; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 7591) granting an increase of pension to John Burrell; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 7592) granting an increase of pension to Hulbert O. White; to the Committee on Pensions.

Also, a bill (H. R. 7593) granting an increase of pension to John Wilkinson; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 7594) granting an increase of pension to Mary Ellen Lape; to the Committee on Invalid Pensions.

By Mr. LUFKIN: A bill (H. R. 7595) granting a pension to William H. Brooks; to the Committee on Pensions.

Also, a bill (H. R. 7596) granting a pension to Edward C. Danforth; to the Committee on Pensions.

Also, a bill (H. R. 7597) granting a pension to Michael W. Murphy; to the Committee on Pensions.

Also, a bill (H. R. 7598) granting a pension to Manelia A. Eastman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7599) granting an increase of pension to John S. LaFleur; to the Committee on Pensions.

Also, a bill (H. R. 7600) granting an increase of pension to John F. Whipple; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7601) granting an increase of pension to John F. Ford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7602) granting an increase of pension to Andrew J. Durgin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7603) granting an increase of pension to John P. Hodgkins; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 7604) granting an increase of pension to Allen McKee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7605) granting a pension to Elizabeth Wise; to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 7606) granting an increase of pension to Jules J. Toffler; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 7607) for the relief of Francis M. Johnston; to the Committee on Claims.

By Mr. POLK: A bill (H. R. 7608) granting a pension to Jane Hammond, widow of Henry Hammond; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 7609) granting an increase of pension to Samuel Taylor; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 7610) granting an increase of pension to Baxter Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7611) granting an increase of pension to John Fleegle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7612) granting a pension to Elizabeth Shoeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7613) granting a pension to Florence M. Bingman; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 7614) granting a pension to Arabell Beagle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7615) granting an increase of pension to Charles Brossart; to the Committee on Invalid Pensions.

By Mr. SCOTT of Iowa: A bill (H. R. 7616) granting an increase of pension to Alfred A. Alline; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 7617) to promote Lieut. Col. Joseph Y. Porter, Medical Corps, United States Army, retired, to be a colonel in the Medical Corps of the United States Army, on the retired list, and under the provisions of the national draft act approved June 3, 1916, to place him on active military duty and service in the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 7618) granting an increase of pension to Josephine A. Haley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7619) granting an increase of pension to Israel J. Wells; to the Committee on Pensions.

Also, a bill (H. R. 7620) granting a pension to Walter Scott McQuaide; to the Committee on Pensions.

Also, a bill (H. R. 7621) granting a pension to Joseph Whitney; to the Committee on Pensions.

By Mr. STINESS: A bill (H. R. 7622) granting a pension to Anne D. Kinsley; to the Committee on Invalid Pensions.

By Mr. STRONG: A bill (H. R. 7623) granting an increase of pension to John R. Bryan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7624) granting an increase of pension to John Richards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7625) granting a pension to Mary Lydick; to the Committee on Invalid Pensions.

By Mr. VAN DYKE: A bill (H. R. 7626) to pay J. E. Frotseth for overtime services rendered as letter carrier; to the Committee on Claims.

By Mr. WASON: A bill (H. R. 7627) granting a pension to Mary Elvira Holmes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of New York, Ohio, Oklahoma, and Oregon, favoring the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), petition of Woman's Board of Missions, Boston, Mass., and First Methodist Episcopal Church of Bolivia, Mo., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CURRY of California: Memorial of Vallejo (Cal.) Trades and Labor Councils, favoring pension for disabled and superannuated Federal employees; to the Committee on Reform in the Civil Service.

By Mr. FULLER of Illinois: Memorial of National Association Opposed to Woman Suffrage, relative to the proposed amendment to the Federal Constitution granting suffrage to women; to the Committee on the Judiciary.

Also, memorial of National Association of Letter Carriers, favoring bill for increase in salaries of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petition of Walter Kempster, of Milwaukee, Wis., favoring bill for retirement of Civil War Volunteer officers; to the Committee on Military Affairs.

Also, memorial of Cement Mixers' Local, No. 76, International Hod Carriers, Building and Common Laborers' Union of America, relative to the building industry; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMLIN: Papers to accompany House bill 2076, to increase pension of John G. Monroe; to the Committee on Invalid Pensions.

By Mr. KAHN: Evidence in support of bill for pension for Lindley Herrington; to the Committee on Pensions.

By Mr. KELLEY of Michigan: Petition of Robert Wilders and 39 other residents of Atlas, Mich., for national prohibition, and against use of grains for distilling purposes; to the Committee on the Judiciary.

By Mr. KENNEDY of Rhode Island: Petition of Chepachet Grange, No. 38, Patrons of Husbandry; John Borden, of Johnston; Cumberland Grange, Patrons of Husbandry; Slatersville Congregational Church; E. S. Hosmer, of Pawtucket; and the Men's Class of Pawtucket Congregational Church, all in the State of Rhode Island, favoring passage of national prohibition legislation; to the Committee on the Judiciary.

Also, petition of Pawtucket Congregational Church, Woodlawn Baptist Church, Darlington Congregational Church, Church of the Good Shepherd, and High Street Universalist Society, all of the State of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Rev. Elmer E. Loux and 32 others; George Frederic Phillips, of Providence; Rev. George F. Beecher, of Woonsocket; and members of Do What We Can Circle of King's Daughters, of Slatersville, all in the State of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Alice K. Sturges, Marion A. Gleason, M. D., and Mrs. William Goddard, of Providence, in the State of Rhode Island, in opposition to woman-suffrage legislation; to the Committee on the Judiciary.

Also, petitions of Alice W. Adams, Mrs. Howard Hoppin, Annie L. Tripp, and Jessie Tripp, all of Providence, and Emily E. Durfee, of Wickford, both in the State of Rhode Island, in opposition to woman-suffrage legislation; to the Committee on the Judiciary.

Also, petitions of Baptist Men's Club, of Valley Falls, and T. W. Waterman, of Providence, both in the State of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

Also, petition of Hope Council No. 6, Junior Order United American Mechanics, of Westerly, R. I., favoring passage of House bills 4852 and 5369, for further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. KINKAID: Petition of citizens of Ord, Nebr., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of the congregation of the Methodist Episcopal Church of Pavilion, N. Y., urging the passage of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of 300 Brick Church men of Rochester, N. Y., urging the passage of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of Mrs. Clarence Mahuson and 49 other ladies of Rochester, N. Y., urging the passage of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the Nonpartisan Citizens' League, Attica Branch of Wyoming County, representing 202 members, urging the passage of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the congregation of the Corn Hill Methodist Episcopal Church, of Rochester, N. Y., representing 874 members, and the congregation of the Methodist Episcopal Church of Geneseo, N. Y., urging the passage of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of sundry citizens of Rochester, N. Y., urging the passage by Congress of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the Civic League of Scottsville, N. Y., urging the passage of the resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the Village Improvement Society of Scottsville, N. Y., numbering 50 women, urging the passage of the resolution for the submission of the prohibition amendment to the several States for ratification; to the Committee on the Judiciary.

Also, petition of Rochester Ministerial Union, Rochester, N. Y., urging the passage of the constitutional amendment for complete prohibition, not excluding wine and beer; to the Committee on the Judiciary.

Also, petition of 138 citizens of the nineteenth ward, Rochester, N. Y., urging the submission of the national prohibition amendment to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the congregation of the First Presbyterian Church, of Caledonia, N. Y., urging the adoption of the joint resolution for the submission of the prohibition amendment to the several States for ratification; to the Committee on the Judiciary.

Also, petition of Livonia Union of Woman's Christian Temperance Union, of Livonia, N. Y., urging the adoption of the joint resolution for the submission of the prohibition amendment to the several States for ratification; to the Committee on the Judiciary.

Also, petition of 122 voters in the Westminster Church congregation, of Rochester, N. Y., urging the adoption of the joint resolution for the submission of the prohibition amendment to the several States for ratification; to the Committee on the Judiciary.

Also, petition of Calvary Baptist Church, of Rochester, N. Y.; the Baptist Sunday School, of Dale, N. Y., 100 members; the Gainesville Methodist Episcopal Sunday School, of Gainesville, N. Y., 150 members; the Gaines and Murray Church, Orleans County, N. Y., representing 100 people; and the Sunday School of the First Baptist Church, Rochester, N. Y., comprising a membership of 1,543, urging the passage of the joint resolution for the submission of an amendment to the Federal Constitution prohibiting the manufacture, distilling, and sale of malt and alcoholic beverages; to the Committee on the Judiciary.

Also, petition of the Brotherhood Men's Bible Class of the Methodist Episcopal Sunday School of Avon, N. Y., that steps be taken to prevent the use of alcohol by our Army and Navy both at home and abroad; to the Committee on Military Affairs.

Also, petition of the Rochester District Woman's Home Missionary Society of the Methodist Episcopal Church, representing 1,118 women, that Congress adopt a resolution to amend the Federal Constitution to prevent polygamy and polygamous cohabitation within the United States and all places subject to their jurisdiction; to the Committee on the Judiciary.

Also, petition of citizens of Holley, N. Y., at a public meeting, that Congress adopt a resolution to amend the Federal Constitution to prevent polygamy and polygamous cohabitation within the United States and all places subject to their jurisdiction; to the Committee on the Judiciary.

Also, petition of the Atwater Class, Philathea Class, Dorcas Circle, and various individual members of the Lake Avenue Baptist Church, of Rochester, N. Y., urging the submission of a prohibition amendment to the Federal Constitution to the States for ratification; to the Committee on the Judiciary.

Also, petitions of Division 282 of the Amalgamated Association of Street and Electric Railway Employees of Rochester, N. Y.; Monroe County joint district council of the United Brotherhood of Carpenters and Joiners; Local Union No. 171, of the Bartenders' International League of America; the Central Trades and Labor Council for Rochester, N. Y., and vicinity; and the Cigarmakers' Local Union No. 5, of Rochester, N. Y., opposing Senate joint resolution No. 17, the prohibition amendment; to the Committee on the Judiciary.

By Mr. SCHALL: Petition of Walter R. Myers and 272 members of First Methodist Episcopal Church of Minneapolis, Minn., favoring prohibition; to the Committee on the Judiciary.

By Mr. SNELL: Telegram from members of the First Baptist Church of Potsdam, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Congregational Church of Keeseville, N. Y., favoring national prohibition and prohibition of the sale of liquor to American soldiers abroad; to the Committee on the Judiciary.

Also, petition of clerks and carriers of the Malone Post Office, Malone, N. Y., favoring passage of Madden bill (H. R. 1654); to the Committee on the Post Office and Post Roads.

By Mr. SNOOK: Petition of members of Vance post, No. 680, Grand Army of the Republic, of Scott, Ohio, favoring bill to increase pension rates of soldiers; to the Committee on Invalid Pensions.

By Mr. STRONG: Resolution of Indiana Chamber of Commerce, Indiana, and petition of employees of Ford City post office, Ford City, both of Pennsylvania, favoring the increase of salaries of postal employees as provided under the Madden bill; to the Committee on the Post Office and Post Roads.

Also, letters from A. P. Cunningham, Dayton; Keystone Supply Co., Foxburg; Joshua Martin, Dayton; C. A. Henry, Curllsville; John Wilson, Dayton; O. H. Good, Dayton; Mrs. Olive A. James, Rimersburg; Rev. J. S. Wrightnour, Clarion; West Glade Run Woman's Christian Temperance Union; R. D. Kittanning; D. D. Marshall, Dayton; A. B. Fullerton, Apollo; and W. C. Marshall, editor, Dayton, all in the State of Pennsylvania, favoring enactment of the proposed amendment to the Constitution providing for national prohibition; to the Committee on the Judiciary.

Also, letters from the First National Bank, Dayton; Harry McCreary, Indiana; J. C. Hazlett, Apollo; and telegram from A. M. Johnston, Freeport, all in the State of Pennsylvania, favoring the proposed amendment to the Constitution providing for national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *December 13, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast brought us to strange and terrible days. In the light of it we have found that we have not properly discovered the foundation of Christian civilization. We have missed in our estimate moral values. We have come short of Thy glory. The world is in strife. O God, teach us that the path of peace and of prosperity is that which Thou dost choose for man. Help us to turn back to Thee for Thy guidance and Thy blessing, that all things may be done according to Thy will, and that speedily we may come again to the glory of God on earth, that brings peace and good will to men. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore [Mr. SAULSBURY] assumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ANNUAL REPORT OF FEDERAL TRADE COMMISSION (H. DOC. NO. 614).

The PRESIDENT pro tempore laid before the Senate the annual report of the Federal Trade Commission for the fiscal year ended June 30, 1917, which was referred to the Committee on Interstate Commerce and ordered to be printed.

REPORT OF NATIONAL FOREST COMMISSION (H. DOC. NO. 564).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a report of the National Forest Commission for the fiscal year ended June 30, 1917, etc., which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

REPAIRS OF BUILDING—DEPARTMENT OF THE INTERIOR (H. DOC. NO. 568).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, an itemized statement of expenditures made by the Interior Department and charged to the appropriation "Repairs of buildings, Department of the Interior, 1917," which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CONTINGENT EXPENSES—DEPARTMENT OF THE INTERIOR (H. DOC. NO. 567).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, an itemized statement of expenditures made by the Interior Department and charged to the appropriation "Contingent expenses, Department of the Interior, 1917," which, with the acompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

GEORGIA EXPERIMENT STATION (H. DOC. NO. 565).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to the status of the Georgia Experiment Station, etc., which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a petition signed by 58 citizens of Jackson, Mich., praying for national prohibition, which was ordered to lie on the table.

Mr. FLETCHER presented a petition of sundry employees of the post office at Pensacola, Fla., praying for an increase in the salaries of postal clerks, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Tampa and Miami, and of Broward, Dade, and Hillsborough Counties, all in the State of Florida, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. KNOX presented a petition of E. B. Young Post, No. 87, Grand Army of the Republic, Department of Pennsylvania, of Allentown, Pa., praying for an increase of pension to the surviving soldiers of the Civil War, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Huntingdon, Pa., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a memorial of the Typographical Union of Erie, Pa., and a memorial of Bookbinders' Local Union No. 201, of Erie, Pa., remonstrating against national prohibition, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pennsylvania, praying for national prohibition, which were ordered to lie on the table.

Mr. THOMPSON presented petitions of Custard Post No. 39, Grand Army of the Republic, of Onaga; of Abilene Post No. 63, Grand Army of the Republic, of Abilene; of Burnside Post No. 28, Department of Kansas, Grand Army of the Republic, of Kansas City; of E. M. Stanton Post No. 23, Grand Army of the Republic, of Howard; of Canby Post No. 11, Grand Army of the Republic, of Osage City; and of Dick Yates Post No. 50, Grand Army of the Republic, of Eureka; all of the Department of Kansas, in the State of Kansas, praying for the enactment of legislation to increase the pensions of veterans of the Civil War, which were referred to the Committee on Pensions.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 3215) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911 (with accompanying papers); to the Committee on Finance.

A bill (S. 3216) to increase the rates of pensions of Civil War and Mexican War soldiers; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 3217) providing for the appointment of an additional district judge for the western judicial district of the State of North Carolina; to the Committee on the Judiciary.

By Mr. WEEKS:

A bill (S. 3218) granting an increase of pension to Harry Colpus; to the Committee on Pensions.

PNEUMATIC-TUBE SERVICE.

Mr. BANKHEAD. I introduce a joint resolution and ask unanimous consent for its present consideration.

Mr. PENROSE. Let it be read for information.

Mr. BANKHEAD. I ask that it may be read.

The joint resolution (S. J. Res. 114) extending the commission provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, with the same authorities, powers, and provisions until on or before March 1, 1918, was read the first time by its title and the second time at length as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the personnel of the membership of the commission created and provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, and authorized and directed to investigate the value of the pneumatic-tube service, their properties, franchises, and other equipment, shall continue with the same authorities, powers, and provisions for expenses until final report is made to Congress, which shall be made on or before March 1, 1918.

Mr. BANKHEAD. This being a joint resolution, under the rule, I believe it must go to the appropriate committee. Therefore I withdraw my request for present consideration and move that the joint resolution be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. SMOOT submitted an amendment proposing to appropriate $15,000 for the construction of an interstate wagon road or highway from the Shivwitz Indian Reservation, Utah, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. PENROSE submitted the following resolution (S. Res. 167), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Additional Accommodations to the Library of Congress of the United States Senate be, and it is hereby, authorized to employ an additional clerk at the rate of $120 per month, to be paid out of the miscellaneous items of the contingent fund of the Senate, from December 3, 1917, to the end of the present session of the Congress.

PROMOTION OF EXPORT TRADE.

Mr. POMERENE. I ask that Senate bill 634, order of business No. 9, be indefinitely postponed. It is a bill to promote export trade, and for other purposes. On yesterday we passed the House bill, and this is the Senate bill which was reported by me from the Committee on Interstate Commerce.

The PRESIDENT pro tempore. The bill will be postponed indefinitely.

REPORT OF THE PANAMA CANAL (H. DOC. NO. 569).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying papers, referred to the Committee on Interoceanic Canals.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1917.

WOODROW WILSON.

The WHITE HOUSE, *December 13, 1917.*

PNEUMATIC-TUBE SERVICE.

Mr. BANKHEAD. I am directed by the Committee on Post Offices and Post Roads to report back favorably without amendment Senate joint resolution 114, for which I ask immediate consideration.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the personnel of the membership of the commission created and provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, and authorized and directed to investigate the value of the

pneumatic-tube service, their properties, franchises, and other equipment, shall continue with the same authorities, powers, and provisions for expenses until final report is made to Congress, which shall be made on or before March 1, 1918.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WAR AGAINST AUSTRIA—PERSONAL EXPLANATION.

Mr. KENYON. Mr. President, I wish to make a statement at this time. I do not think there will be any objection.

The PRESIDENT pro tempore. Without objection, the Senator from Iowa will proceed.

Mr. KENYON. At the time of the vote on the joint resolution declaring war on Austria I was unable to be present for reasons over which I had no control. Had I been present I should have voted for that resolution. I also want to say that I was not in a position where I could send any message asking to have my position announced. I merely put this statement in the RECORD as no one announced how my vote would be on the joint resolution. I had started from over the sea in plenty of time to reach Washington by the date the vote was taken. Our boat was nearly five days delayed in crossing the ocean, so I failed to reach here in time, which I much regret. No wireless messages were sent from the boat, so I could not wire to have my position announced.

SHORTAGE OF COAL.

Mr. SMITH of Michigan. Mr. President, I have a communication in the nature of a memorial bearing upon the coal situation. I understand that the Committee on Manufactures are conducting an investigation into that subject, and if the Chair will indulge me, I merely desire to say that in the observations which I made last August, I think, when the Senator from Ohio [Mr. POMERENE] had the matter up, I warned the Senate that we were trifling with a situation that was fraught with great danger to the American people, particularly in the North and Northwest, and that when winter came we would find ourselves in a very serious situation.

I wish to say this morning that that situation confronts us now; that people in the State of Michigan are suffering from lack of coal; that the ordinary avenues of distribution have been dried up through some officialism that I do not quite understand, and instead of making use of these avenues of distribution which it has taken years to build up and perfect they have actually been tied up and their facilities not used to distribute coal intelligently and systematically to the people who are in dire need of it.

I think the situation in the Northwest is positively pathetic, indeed; it is criminal to think that Congress has taken no forward practical step in attempting to avoid a difficulty so serious and so far-reaching as that.

It is perfectly idle to carry on an investigation in midwinter, with the thermometer standing at zero, and to undertake to warm the people by good intentions.

I want again to assert what I said last August, that that situation demanded then the attention of the American Congress and of the American Government. To put entire strangers in control of a great commodity like coal, and to undertake to acquaint them with the vast details and make them familiar with the ordinary avenues of distribution is one of the causes that has brought about a situation so pathetic and criminal.

I desire to protest against the governmental laxity and the failure of our officers to comprehend the situation which now confronts us. I know of communities where children have recently died from cold and exposure. It is a shame and a disgrace to think that Congress, though all-powerful, should not have asserted itself in some manner that would give to the people this very necessary article to warm them and comfort them and feed them at a time when the need was so great.

Mr. President, I voice a general indignation among the people of my own State and of other States in the Northwest who are to-day unprepared to meet the cold and the danger that hovers over them.

I do not know what good this statement will do—probably none—but if heeded it would have done good last August. Men who have built up great coal facilities for 30 years and know the ordinary avenues of distribution and possess the facilities of distribution are ignored by a theoretical coal dictator in his vain attempt to create new agencies. I protest against it.

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. SMITH of Michigan. Yes.

Mr. WEEKS. I should like to call the attention of the Senator from Michigan to the fact that these matters were brought to the attention of the department of the Government as long ago as last August, repeatedly so by New England Senators and Representatives, and they were informed that there would be a certainty of a shortage of the coal supply unless methods were adopted to prevent it. Those methods evidently have not been adopted, if the statement which the Senator from Michigan makes is correct, and I have no doubt that it is, because the same general statement would apply to the New England situation as well.

Mr. PITTMAN. Mr. President——

Mr. SMITH of Michigan. I know the interest the Senator from Massachusetts took in the matter at that time, and I am well aware of the zeal, the commendable zeal, shown by the Senator from Ohio [Mr. POMERENE]. But of what avail.

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Nevada?

Mr. SMITH of Michigan. Certainly.

Mr. PITTMAN. I am informed that the shortage of coal is due more largely to faulty distribution than production, although that is immaterial, the hardship being the same in either case. But I assume that if there is a failure of transportation the Senator from Michigan would go as far as any Senator on the floor to remedy that fault of transportation.

Mr. SMITH of Michigan. Yes; but if the Senator from Nevada will pardon me, if there is going to be no more system nor any better results obtained from taking charge of the transportation interest of the country, and taking the railroads out of the hands of experienced men who have devoted their lives to that service, then I look with great fear upon any proposition which will governmentalize the railroad systems of the country.

Mr. PITTMAN. Mr. President——

Mr. SMITH of Michigan. If the Senator will pardon me a moment, there is no high-grade inspection of coal to-day. Slate that is noncombustible is sold to people for coal. All ordinary regulations have fallen down. Fifteen per cent of the coal now being sold is noncombustible and will do no one good. The governor of a great State, Gov. Cox, of Ohio, brought the matter acutely before the country only a day or two ago; and when Gov. Cox seizes the shipments passing through the great State of Ohio, who is to say that the people farther north are not to be deprived of those shipments? There is a lack of system and orderly procedure. Men unfamiliar with the business are directing it. I think it reflects no credit upon our Government. It is a despicable shame to think that the ordinary avenues of distribution should be dried up and official anesthetics administered to horses and men, paralyzing their usefulness to the country when they are needed most.

Mr. SHAFROTH. Mr. President——

Mr. SMITH of Michigan. I feel, Mr. President, that Congress has neglected its duty. I warned the Senate last summer what the situation would be. Here we are in the midst of this distress, where people are dying for want of coal to heat their homes, and no remedy.

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. SMITH of Michigan. Yes. I have no right to occupy the Senate floor. I do it only by the indulgence of the Chair, and I little thought that I would drift so far into this subject, but advices from my State this morning touch my heart to its very depth. Whilst scientists and literary men and mathematicians are figuring out how our people can be saved, they are suffering. Great captains of distribution are being supplanted by experimentalists; these practical men, expert in their vocations, are not wanted; their usefulness is impaired. I think they are just as patriotic as the men who are directing the situation to-day. I know one institution that for 40 years has been conducted in the Middle West that supplies 50,000 regular customers with coal every year, and its horses and its vehicles are unused now in midwinter, waiting, waiting, waiting, for a board, created by governmental decree, which has shown itself to be utterly incompetent to grapple with this situation.

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. SMITH of Michigan. Certainly.

Mr. SHAFROTH. Mr. President, I must say that the condition which the Senator describes is deplorable; but the question is as to a remedy. I want to suggest to the Senator that a remedy which seems to me is very apparent could be enacted by

the Congress of the United States. We have, for instance, in the State of Colorado 371,000,000,000 tons of coal that can not be touched. We have in the State of Wyoming 449,000,000,000 tons of coal.

Mr. SMITH of Michigan. Where is it—in the Government reserves?

Mr. SHAFROTH. It is in the Government reserves. There is now on the calendar and pending before the Senate a bill on the subject which we hope to get up as soon as the Senator from Tennessee [Mr. SHIELDS] finishes the water-power bill in his charge. We believe that the passage of that bill will afford the solution of the problem. There is enough coal in Government lands in the State of Wyoming to supply the world for 450 years, and there is enough in Colorado to supply the world for 371 years.

Mr. SMITH of Michigan. Well, Mr. President, I am more concerned about supplying the world with coal now, during this winter.

Mr. SHAFROTH. If we permit these lands to be taken up and the coal to be mined—and I hope the Senator will cooperate with us in the movement for the passage of the bill for that purpose which we hope to bring before the Senate—I am satisfied it will do more to ameliorate the condition of the shortage of coal than the passage of any other one measure which we might enact.

Mr. SMITH of Michigan. The other day I passed through Ohio and I saw at Toledo and other cities through Ohio the sidings were literally clogged with cars loaded with coal which, if distributed, would have warmed the people and would have saved human life. Why was it there undelivered to the consumer? Not because our railroad facilities were lacking, but because those in charge of the distribution of coal had not yet made up their minds to whom that coal should be consigned. That is the plain unvarnished truth about it.

Mr. President, I rose this morning only to express the indignation of my heart that this situation should be permitted to exist in the dead of winter with the thermometer hovering around zero. No relief can be given to great communities of the West, which are so dependent upon the fuel supply.

If I had my way about it, I would have early exempted every man who worked in a coal mine from military service; I would have assured ample labor at the mines; then, by orderly procedure, through the customary avenues of distribution, so well known in every community, distributed the coal to the homes of the poor and the rich alike, thus saving human life and reflecting some credit upon a Government that is and should be solicitous for the welfare of its people.

Mr. POMERENE. Mr. President, if there is one family in the State of Michigan that is without a sufficient supply of coal, it is one family too many.

Mr. SMITH of Michigan. It is.

Mr. POMERENE. The conditions which the Senator from Michigan has described somewhat surprise me, for this reason: In the latter part of November it was stated in the public prints in Ohio that the total amount of coal for consumption in the Northwest which should be moved by lake traffic would amount to about 26,000,000 tons, and that at the time these statements were made it was said 23,000,000 tons had already been transported to the Northwest. If that is not true, then I am very much disappointed. While this movement of the coal was going to the Northwest the people in Ohio were largely without coal. Even my city of Canton, which has coal all around it and even under a part of it, was without coal.

Where does the fault lie? I wish I could tell exactly. I know where it in part lies. I am satisfied that I am right when I say that in the first instance there was a conspiracy between some of the coal operators to make the supply scarce for the purpose of advancing the price and making the Government administration break down. In fact, my information on that subject comes from a friend who talked with one of the operators who was present at a coal operators' convention.

Again, I know that some of these operators, even after the Government had fixed the prices of coal, were refusing to deliver coal unless they got a price in advance of that which was fixed by the Government. That of itself was a violation of the law recently passed.

The Senator from Michigan says the railroad tracks in Ohio are crowded with loaded coal cars that are not being moved. He underdescribes rather than overdescribes the situation. I was told only yesterday that the Chesapeake & Ohio Railroad had more than one-half of its cars on different sidings, and perhaps on the main tracks, loaded with coal, and they were not moving. It was claimed that it was because of the lack of motive power. On yesterday, I believe, the governor of Ohio commandeered a lot of this coal. He perhaps had no authority to do it, but he did it. Yesterday morning the president of the Ohio State University, Dr. W. O. Thompson, one of the great university presidents of the country, wired me that they were out of coal, or substantially out of coal, and that unless they received additional coal the university would have to close on Monday. They have more than 5,000 students there, and 250 or 300 aviation students are taking their preliminary training on the college campus. Their quarters were cold. I am glad to say that I took this matter up with the authorities here, and last night I received another telegram from Dr. Thompson stating that 10 cars of coal had been ordered to the university. That is only one instance of many that I might give.

I think the railroads are somewhat to blame for this condition; the operators also are somewhat to blame for it; and some time ago it was charged that some of the miners in southeastern Ohio were in part to blame for it; but it is a burning shame that in a great State like Ohio, with our coal deposits there, our people should be freezing because of the lack of coal. I hope, if the committee can discover the secret of the failure to meet the demand for coal they will make it known.

Mr. SMITH of Michigan. Mr. President, the railroad locomotives are unable to get their required steam power from much of the coal that they are obliged to use, and our ships at sea and our battleships and cruisers are unable to make the time which they would ordinarily make because of the quality of the fuel with which they are being supplied. I quote from the Detroit Free Press of this morning, as follows:

> Suffering was intense throughout the city all yesterday and last night. Frantic householders called vainly on a police department utterly powerless to find coal for all who were without or to find means of delivering it were the coal available.
>
> FUEL OFFICES CLOSE; MERCURY DROPS.
>
> Fuel dealers simply closed up shop. They had no coal, and human nerves are not equipped to bear up indefinitely under the pleas of mothers and fathers desperately seeking means to shield their little ones from the biting cold.

These avenues of distribution should not have been dried up; that is my complaint. Taking the business out of the hands of the men who are familiar with it and who know their respective communities was not a wise thing. Whoever is responsible for doing that has a tremendous responsibility upon his conscience and must answer for much of the suffering that our people are enduring to-day.

Mr. PITTMAN. Mr. President, I wanted to ask the Senator some questions while he was proceeding, but I always hesitate to interrupt a long-distance communication. I would have preferred to have the Senator suggest some remedy. He has had this matter under consideration since last August. Last August he warned this body, so he states, of these very conditions; and yet since last August we have waited in vain for legislation of a constructive character to be suggested by the Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, as the Senator knows, the Government took this matter into its own hands through its executive departments, but if I had been permitted to do anything about it at all I would have kept open the ordinary avenues of distribution. That is the true solution, from my point of view, of much of the individual suffering of householders throughout my State.

Mr. PITTMAN. I am glad that the Senator has suggested that; in fact, I thought that his extensive investigation last August would give him some information on this subject. I am pleased to know that he advises us that he is under the impression that these conditions are due to improper distribution. While the suffering people are entitled to the sympathy of everyone, and have it, I think it is unfortunate that this sympathy should be coupled with a constant expression of sympathy for the captains of industry. I feel that possibly the Senator's remarks would have more bearing if his attack upon somebody were not constantly coupled with a defense of the captains of industry.

Mr. SMITH of Michigan. The Senator could not have gathered any such impression from anything I said.

Mr. PITTMAN. I understood the Senator to say that the Government had been taking away from these business men—"these great captains of industry" were the words he used——

Mr. SMITH of Michigan. I did not say that—wait a moment.

Mr. PITTMAN. The control over matters they understood.

Mr. SMITH of Michigan. If the Senator will be fair about it, I did not say that; I spoke of the distributing sources in the various States. They are not captains of industry; most of them are men of very moderate means, and all they have is tied up in their yards, their vehicles, their horses, and the coal they buy for distribution in the winter. That is the type of people that

I would have utilized not in making the price but in the distribution of coal.

Mr. PITTMAN. I think the RECORD will bear me out, and I leave it to the RECORD, and those may read it who have any doubt on the subject, that in criticizing the Government the Senator used the words "captains of industry" time and again; that he charged that the Government was taking business out of the hands of men who understand business; that it was taking out of the hands of the great captains of industry the business that they understand.

Mr. SMITH of Michigan. Mr. President, does the Senator admit that the Government has taken it out of their hands?

Mr. PITTMAN. No; they have not taken it out of their hands; but if the Congress will stand back of the Government, instead of criticizing the Government, they will take it out of the hands of the inefficient managers of the railroads, who are responsible for the very crimes that are now being committed against the people of this country.

Mr. SMITH of Michigan. The Senator from Nevada is usually a fair man and knows that from the time this war started I have never criticized the Government here nor in any other place, and I do not criticize the Government now, except where it has utterly failed. I have supported the President without hesitation in all that he has asked. I accord to him the highest motives, the most transcendent ability, and the greatest patriotism; and the Senator from Nevada, even though he and I differ in politics, has no higher respect for or more confidence in the President of the United States than I have; but I say that something is wrong with the coal administration. Does not the Senator admit it?

Mr. PITTMAN. Absolutely; and I think that I——

Mr. SMITH of Michigan. That is what I am driving at. Whatever it is, it ought to be corrected, and the Senator ought not to try by innuendo or in any other way to lessen the force of the criticism which I have made by ascribing improper motives. The welfare of the country is my sole concern.

Mr. PITTMAN. Mr. President, I would not attempt for one moment to detract from the effect of the Senator's remarks. I regretted that he himself had seen fit to lessen the strength of those remarks by a guarded effort in his argument to protect the captains of industry.

Mr. SMITH of Michigan. Well, the Senator can not say that; that is not fair, and does not belong in this discussion.

Mr. PITTMAN. Then, if I have misunderstood the Senator, I do not desire, of course, to misstate him——

Mr. SMITH of Michigan. Yes; the Senator has been captious. I think he ought to withdraw that statement because there is not a thing upon which to base it.

Mr. PITTMAN. Now, there is a wrong being done, and of course there is a cause for that wrong. The Senator does not know that cause, and possibly none of us do; but the evidence, even as given out by the Senator from Michigan, is that the cars are blocking the sidetracks and congested along the railroad lines of the country.

Mr. SMITH of Michigan. Yes; for lack of orderly distribution and systematic destination, for lack of intelligent and well-directed distribution; that is the point I make.

Mr. PITTMAN. That is not the evidence, as I am informed. It is not caused by the lack of destination, for every carload that is standing on the tracks to-day has been billed to a destination. The cause of this, as admitted to-day by the captains of industry to whom the Senator from Michigan referred, is a lack of cooperation—failure of coordination. The railroad presidents, to whom were turned over the control of the railroads of this country—the transportation board, which is composed of the biggest railroad men in this country—have themselves admitted that the cause of this congestion is a lack of cooperation and coordination of the railroads which they have tried for months to bring about. What is the trouble? Every one of them is willing that there be coordination, but he wants his road the center of coordination; every great port of this country wants coordination, but each port wants itself to be made the center of the coordination. As was said by Mr. Ford, one of the captains of industry, in his opinion—and I only give it as an opinion—this whole matter, this whole congestion, this whole trouble, and the failure of the delivery of coal to freezing people is due to the selfishness of the managers of the great railroads. If that is true—and I am not charging it; I am giving you the evidence—if that is true, and if the President of the United States thinks that these men have been given a sufficient trial and that they have failed, and if the results show their utter inability to carry on the transportation of this country, then I suppose that the Senator would support here a reasonable proposition to have a firm governmental control over the railroads.

Mr. SMITH of Michigan. Now, let me say to the Senator that under the power which we have given to the President he has full authority to issue priority orders for the distribution of every car of coal upon every siding in the United States. He has the right to clear the tracks and deliver that coal wherever he desires and wherever the officer in charge of the coal administration may indicate. There is power enough to facilitate the prompt transportation of coal. If it is not being used I am quite surprised. I did not rise to charge that they were purposeless or to charge that they were misusing their power; what I rose to say was that the ordinary avenues of distribution have been dried up, and that that is one of the reasons why coal is upon the sidings of the railroads undischarged instead of in the bins of the consumers throughout the country.

If you have to wait until local officials have made up their minds what part of the city is suffering most before you can get a priority order of shipment, I want to tell you that you have seriously handicapped the appropriate distribution of that essential commodity.

Mr. PITTMAN. Mr. President, the Government of the United States intrusted the priority arrangement to these same captains of industry, this board of railroad managers——

Mr. SMITH of Michigan. The Senator from Nevada comes from a State in which the sun shines 12 months of the year. I suppose they rarely light a coal fire in Nevada during much of the year. In the glow of a borrowed knot they may gather around a fireplace and make themselves very comfortable. But I was giving voice to the indignation which I feel over the utter failure and breaking down of the system of distribution of coal in the Northwest and in the North, where it is so much needed.

Does the Senator require any other evidence from me than the statement I have made that our people are suffering? Does he require any further evidence than that given by the Senator from Ohio [Mr. POMERENE], who sits before him, that the sidetracks throughout Ohio are literally clogged with coal?

Mr. PITTMAN. Mr. President, the Senator does not require it, and the Senator from Nevada was glorying in the indignation of the Senator from Michigan.

Mr. SMITH of Michigan. Yes; but the Senator——

Mr. PITTMAN. Just a minute, please.

The PRESIDENT pro tempore. The Chair suggests that Senators, when interrupting, should address the Chair.

Mr. PITTMAN. I have been trying to give the Senator from Michigan all the time he needs to answer my question, but——

Mr. SMITH of Michigan. I am willing to give the Senator from Nevada all the time he desires.

Mr. PITTMAN. That is very courteous of the Senator.

Mr. SMITH of Michigan. But I wish he would, for a few moments, at least, leave out this "captains of industry" bugaboo that seems to be troubling his soul and grapple with this situation in true western earnestness.

Mr. PITTMAN. I will try to drop it, since it does not please the Senator from Michigan.

I say that I am really glorying in the indignation of the Senator from Michigan. I thoroughly sympathize with that indignation. I simply regret that that indignation did not go to the full extent. That is what I am getting at. I would have enjoyed it a whole lot more if, instead of abusing a wrong, the Senator had attempted to put his finger on the guilty cause of the wrong. He would have helped his people and my people, who do use coal, and every people throughout the United States had he devoted his indignation to some specific cause of the wrong or to some specific person who is guilty of that wrong.

Mr. WEEKS. Mr. President——

Mr. SMITH of Michigan. If the Senator does not care to yield further, of course I will desist.

The PRESIDENT pro tempore. Does the Senator from Nevada yield, and if so to whom?

Mr. PITTMAN. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. If the Senator from Nevada does not comprehend that I have driven specifically at the futility of all efforts at distribution, I can not make it any plainer. That is my grievance. I have no quarrel with the men who are working in the coal mines, because I see with my own eyes, as I go about the country, what the Senator from Ohio has seen in his own State—an abundance of coal. When I examine the records I find there is no shortage in production. Then wherein lies the trouble? I say to the Senator that it is in the method of distribution——

Mr. PITTMAN. I agree with the Senator.

Mr. SMITH of Michigan (continuing). Which is amateurish and unskilled, and wholly discreditable.

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Massachusetts?

Mr. PITTMAN. Just let me answer the Senator from Michigan and then I will yield in a second.

I am gratified, now that we have come down to the point, that the whole cause of the deplorable condition is defective transportation. As far as priority is concerned, I want to say that Mr. Lovett, the president of the Union Pacific Railroad Co., is the chairman of the Priorities Board, so constituted by this Government. He was made chairman of that board by reason of his supposed experience in railroad matters, by reason of his knowledge of the transportation of this country. He was allowed to pick his assistants in that matter. In other words, the advice of the managers of the great transportation companies of this country has been taken by the Government for the purpose of preventing the very congestion that is now causing all of this harm. The Government has permitted those men to act on their own advice and with a free hand, and those men have failed. They have failed utterly. There is but one hope, and that is for a disinterested Government to abate all this selfishness and all of this greed and these petty disputes between the managers of great railroad companies, and commandeer the services of those great men, as well as those railroads, and make them do what their judgment would dictate they should do if it were not for the greed and selfishness of human nature.

WOMAN SUFFRAGE.

Mr. WEEKS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his inquiry.

Mr. WEEKS. Has the business of the morning hour been completed?

The PRESIDENT pro tempore. Concurrent and other resolutions are in order.

Mr. WEEKS. Mr. President, I have here and send to the desk petitions containing the signatures of about 6,000 men and women of Massachusetts advocating the Federal suffrage amendment, which I place at the disposition of the Senate.

The PRESIDENT pro tempore. The petitions will lie on the table. If there are no further concurrent or other resolutions, morning business is closed.

QUARTERS FOR VOCATIONAL EDUCATION BOARD.

Mr. SMITH of Georgia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate joint resolution 110, Order of Business 162. It is the joint resolution providing for quarters for the Vocational Education Board.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which was read, as follows:

Resolved, etc., That section 7 of the act entitled "An act to provide for the promotion of vocational education," etc., approved February 23, 1917, be, and the same is hereby, amended by adding at the end thereof the words, "including the rental of quarters in the District of Columbia from the date of the organization of said board until otherwise provided."

Mr. SMITH of Georgia. Mr. President, at the time I presented the favorable report of the Committee on Education and Labor upon this joint resolution, the suggestion was made that perhaps in the Maltby Building we could furnish quarters for the Vocational Board. I called upon Mr. Woods, the Superintendent of our Capitol Building and Grounds, for a report upon the subject, and I have in my hands his report, dated to-day, in which he shows that the Maltby Building is not now fit for use.

At the last session of Congress the Appropriations Committee of the Senate recommended, and we adopted, a provision providing money to put that building in condition for use, and also certain other buildings just below it. The provision was stricken out in conference. This letter from Mr. Woods shows that the Maltby Building is neither safe nor fit for occupancy at present. The pipes have been removed, the heating appliances and the mantels have been removed. To a certain extent it has been dismantled. I ask that Mr. Woods's letter be printed in the RECORD at the end of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SMITH of Georgia. Mr. President, I have here a statement from the board calling attention to what they have done. They have now 55 employees, and they occupy 3,700 square feet of quarters. They may be compelled to increase their employees to 75. They are paying 10 cents a square foot in their present quarters.

The Vocational Board has been called upon by the Secretary of War to aid in the organization of technical schools for employees of the Shipping Board, the Signal Corps, Aviation, Quartermaster, Engineering, and other corps of the Army; and the Secretary has asked this board to supervise and aid in the organization of the State schools for the training of drafted men who are to be specialists along these lines.

I am advised by the chairman of the board, Mr. Monroe, a very splendid man, a graduate of the Boston School of Technology, who has devoted a great deal of his life after the successful management of his own business to the practical education of young men and women, that if the Vocational Board are to do the work promptly, requested by the Secretary of War, it is essential that they increase to some extent their present quarters.

I ask that this memorandum, furnished by the board on this subject, be printed at the end of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SHAFROTH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. I do.

Mr. SHAFROTH. I should like to ask the Senator a question, and that is as to whether or not he has examined the Maltby Building? I have examined that building. It has not a crack in it. It is a good building. I have not any doubt but that it is in good condition. A recommendation was made by Mr. Woods that a sum be appropriated for the purpose of improving it and making the repairs that are necessary. That building is a five-story building, and I do not see why some of the departments can not utilize it.

Mr. SMITH of Georgia. Mr. President, I will come back to the Maltby Building in a few minutes. I began with it, and produced a letter from Mr. Woods as to its condition. The Senator was out of the Chamber.

Mr. SHAFROTH. I was out of the Chamber at that time.

Mr. SMITH of Georgia. I will come back to the Maltby Building as soon as I make a brief further statement from the information given me by the Vocational Board.

I have a list of their applications to the various departments for quarters, their efforts to obtain rooms somewhere, and a detailed statement from the board as to their being turned down everywhere.

I wish to call attention to the fact that it is not proposed that we give them any appropriation to obtain quarters. The vocational bill provides a fund of $200,000 annually, to be handled by the Federal Board for Vocational Education, to be available from and after the passage of the act, for the purpose of making or cooperating in making the studies, investigations, and reports provided for in section 6 of the act, and for the purpose of paying the salaries of the officers, the assistants, and such office and other expenses as the board may deem necessary for the execution and administration of the act. Now, this language is held not to be broad enough to authorize a rental of quarters in the District of Columbia. Every dollar that they spend for quarters they must pay out of this $200,000 appropriation, which is given to the board for the purpose of conducting studies and prosecuting the work of developing knowledge with reference to vocational education in different parts of the country.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. SMITH of Georgia. I do; yes.

Mr. TOWNSEND. Will the Senator inform the Senate what the board has been doing for quarters up to date?

Mr. SMITH of Georgia. Yes; I have their report. I had just called attention to it a few minutes ago, and I will do so again. They have located in the Ouray Building, at 805 G Street, with a total at the present time of 55 employees and 3,700 square feet of quarters. I will say to the Senator that they first went into the Pension Building, and were in one room, and practically in a hall. Then they were asked to give that up, because it was needed, and they rented one floor in the Ouray Building, the members of the board assuming responsibility for the rent, I think.

Mr. TOWNSEND. Does the Senator's joint resolution provide for the payment of back expenses for rent?

Mr. SMITH of Georgia. The joint resolution provides for the payment of rent from the date of the organization of the board until otherwise provided. The salaries of the members of this board are not high. They are $5,000 each. The members of the board are serving without any regard to the salary, and

devoting to the work time that is worth to them individually much more than their salaries.

Now, coming to the Maltby Building——

Mr. WEEKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. SMITH of Georgia. I do.

Mr. WEEKS. Is not the whole question involved one of transferring or simply adjusting an appropriation which has already been made, which is sufficient for the purposes, so that these men may be relieved of their personal obligation and the Government may pay the rent for a governmental organization? That is all the question there is about it; is it not?

Mr. SMITH of Georgia. That is the sole question. Of course, before the Government pays it there are Senators who wish to know that it is necessary to pay it. It was so necessary that they could not get in anywhere. That is how necessary it was. I have handed to the Senate the detailed statement from this board, showing their application to every place that they thought was possibly available, and they were turned down repeatedly.

This appropriation of $200,000 has already been made. It is appropriated annually for the conduct of the work of the Vocational Board. The members of that board would be as zealous as any Senator in saving and in having the full use of that fund. They will never spend a dollar of it for quarters the moment they can get quarters belonging to the Government that do not require the expenditure. They need it all for the conduct of the splendid work they are doing, but they are obliged to have quarters or they can not conduct their work.

Mr. SHAFROTH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. SMITH of Georgia. I do.

Mr. SHAFROTH. I should like to suggest to the Senator that nobody wants to hold these people liable for any assumption of obligation that they may have made, and it is probably true that the Maltby Building is not at the present time in the condition that it ought to be for the occupation of any bureau. But I want to say to the Senator that the objection which has been made to the Maltby Building in most instances has been the fact that it is not a modern building. It has not got nickel-plated plumbing, tiled floors, and things of that kind. In an emergency like we have now I do not believe those are important matters.

I believe in passing the Senator's joint resolution; I believe these people should be relieved of any responsibility; but I think the best thing on earth you could do, not only in the interest of public economy but in the interest of large space for them, is to have them make a requisition for certain space in the Maltby Building. They could get a floor there with probably a dozen rooms; and inasmuch as there is no great demand for them, I have not any doubt that the space would be liberally granted.

The estimate was made, and there was included in the urgent deficiency appropriation bill an item appropriating sufficient money to fix up the Maltby Building, but on account of objection in the House by the chairman of the committee, Mr. FITZGERALD, it went out in conference. But I am satisfied that it ought to be passed, and that it will be passed. I believe nothing better could be done for the board itself, and I am friendly to the board, than to have them look at those quarters and see whether they would be satisfied to have space there, a large space. If so, I am satisfied the Committee on Appropriations would bring in an appropriation to put the building in proper shape.

Mr. SMITH of Georgia. I am sure that if the Maltby Building were put in a proper condition and the necessary space given to the Vocational Board, it would be entirely satisfactory. I voted for the provision in the appropriation bill that the Senator advocated, to put the building in shape. I have felt that it ought to have been put in shape and ought to have been used, and that it has been a waste of money, an inexcusable waste, for us not to put the building in shape for use. But the present condition of the Maltby Building is described by Mr. Woods in the letter which I have presented. He says:

It never has been and is not now fitted for clerical occupancy on account of risk of fire. Since vacated by the House of Representatives, which occupied it briefly in 1908, it has been divested of about all of its interior fittings, such as mantels, radiators, plumbing, etc., these having been sold off after the Government acquired properties between the Capitol and the Union Station in connection with the Capitol grounds extension.

The interior floors are out of line, weak in parts, and would require interior bracing to carry any other than the most ordinary loads.

Its condition in 1904 was the subject of an official condemnation through a report made by the chief of the Washington fire department and the fire marshal and transmitted by this office to the Senate. (See S. Doc. 201, 58th Cong., 2d sess.) Conditions with respect to fire dangers are no better to-day than then.

Mr. SHAFROTH. I will state with relation to that matter that the chances of fire are infinitely less in that building than in the temporary structures that are being erected now by the Government. It is true that the building is not in a proper condition for occupancy. The suggestion I make is that the Senator attempt to get the board to ask for that particular building, and I am sure they will get a great deal more space. It is true that there was a report made here for the condemnation of the building, but we feel that that report was made in the interest of constructing the Senate Office Building. That being the case, you can readily see how the judgment as to whether the building was safe or not, it being dependent upon the Government's construction of a new building, might have a different tinge from what it would have been if the object in view had not been to construct a new and elegant building.

I wish to say that I see no indication of that building being weak. The walls are solid. The best indication on earth as to a building's safety is whether or not, where there is a straight wall without any windows, there is a crack in it. Both sides of the building have not a particle of give way in any respect. The interior may have to be repaired, and I believe that to be the case; I think it is not now in a condition where it could be occupied, but I feel that that building ought to be occupied by the Government, and that it is an outrage to destroy that building under the conditions those walls are in at the present time, they being good and sound.

Mr. SMITH of Georgia. I sympathize with everything the Senator from Colorado says, except that I do not want the Vocational Board kept out of quarters until the Maltby Building has been fixed. This is Mr. Wood's statement:

The cost to repair and fireproof the Maltby Building at the present time and make it fit for clerical occupancy would approximate $135,000. To make temporary and nonfireproof repairs for clerical occupation only would cost at least $20,000. This latter suggestion I do not recommend, except in case the building is to be used exclusively for storage purposes. In connection with the use of this building the element of safety to human life is the one important thing, and I do not propose to make any recommendation for repairs to it which will place a large number of clerks within it unless such repairs be of a nature which will guarantee their safety.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. SMITH of Georgia. I yield.

Mr. STONE. I thank the Senator. I am in sympathy with the desire of the Senator to have quarters for the important board of which he speaks, but I can not understand the contention which is being made that the Maltby Building is unfit for the occupancy of that board or any other governmental agency. I have been in the Senate for a good many years. When I first came here I was assigned to rooms in the Maltby Building. It was filled very largely with Senators then. Later on I was given, in the course of evolution, a little better quarters in the Maltby Building than I had at first. I heard Senators say then that the Maltby Building was unsafe. Some rumors were scattered around vaguely. The accommodations were adequate. The service was as complete there as it is in the Senate Office Building to-day—I mean in a comparative way. There was a large number of Senators who had offices in that building for years and years. I could mention the names of Senators who occupied offices in that building whose distinction is national and even more so.

Mr. SMITH of Georgia. The Senator did not hear me read that it has been practically dismantled.

Mr. STONE. Yes; I did. I was listening to the Senator, and he said it has been dismantled. I do not know exactly what is meant by being dismantled.

Mr. SMITH of Georgia. This is what Mr. Woods said:

It has been divested of about all of its interior fittings, such as mantles, radiators, plumbing, etc.——

Mr. STONE. Who did that?

Mr. SMITH of Georgia. I am not responsible for it.

Mr. STONE. Of course not.

Mr. SMITH of Georgia. (Reading):

these having been sold off after the Government acquired properties between the Capitol and the Union Station.

I think it was highly improper to dismantle the Maltby Building, but this is no reason for denying quarters to the Vocational Board.

Mr. STONE. It may have been an idle inquiry as to who did that and under what authority it was done. How long it is going to take to put a mantle in or something of that sort I do

not know, but if architects, men who are far more capable than I, would say the Maltby Building was unsafe it would stagger my belief. It is the old story I heard 20 years ago, when I came to the Senate and was assigned offices in the Maltby Building. I stayed there for several years, and I think it is a safe building. That is my opinion, and I say, with all due respect to my friend, with whom I am generally in sympathy in what he wishes, to go out now and spent a great sum of money annually to get rooms for this Vocational Board, an important body, I admit, at a rental of thousands of dollars when we have a building that we own right here, unless there is some commanding reason why that building should not be occupied in some way, my judgment is against what I would consider to be an unnecessary expenditure.

The Senator says that the gentlemen who compose this board are of such a high class, the moment they found that the Maltby Building or any other place was suitable and safe they would be very willing to vacate what they have and go there. But, Mr. President, you can not make leases for buildings or space on such a basis as that. Moreover, it would be one of those rare exceptions in the cost of executive administration that would be striking in the extreme to find that a board or a commission located happily and satisfactorily in the Government's interest would on the ground of economy abandon it and go somewhere else. If that happened it would be one of those rare circumstances that ought to challenge the unanimous admiration of the whole country.

Now, Mr. President, I must add, before I can vote to send this board to some other place than the building we own and have I must have some proof that this building is absolutely unfit and unsafe for the habitation of such a board.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. SMITH of Georgia. I yield.

Mr. OVERMAN. This morning I had occasion to visit the Agricultural Department, and I was surprised and astonished to see buildings put up in the last 60 days, the largest I ever saw. It seems to me that there is enough room there to house every employee in this Capital—War and Navy Departments and all. Has the Senator tried to get room there?

Mr. SMITH of Georgia. They are not finished.

Mr. OVERMAN. Yes; they are about finished. It is a magnificent stucco building. It looked to me like 10,000 people could be housed in it.

Mr. SMITH of Georgia. The parties who expect to have charge of that building are not in a position to offer quarters to the Vocational Board. It may be that some quarters could be obtained there later on.

Mr. OVERMAN. I have never seen such a large building since I was born. It covers acres and acres of ground. What they want to use the building for I do not know. I believe it would house an army division.

Mr. SMITH of Georgia. I am ready to meet the Maltby Building advocates with the suggestion that a committee of the Senate be appointed to look into the Maltby Building, and the very moment we can report that it is in proper shape and tender it to the Vocational Board I will join in voting to prevent them from paying any more rent anywhere. The very moment anybody will show the board a place where they can go I will offer a resolution and actively support a termination of the privilege to them of using a part of the fund they already have to get quarters. But the present situation is this: Nobody will give them quarters, and they have no quarters. Under those circumstances we ought to give them quarters. I state again, the moment anyone will offer quarters to them, if they do not accept them, I will vote to stop the use of their present appropriation for renting purposes. I will vote to terminate the privilege of using the money in that way. But to simply theorize about quarters and think they ought to have quarters and ought to have a place when they can not get a place is not just to them. Do not put it on the ground of the general criticism upon the waste of space in the city of Washington. Do not put our critical feeling of such conduct in the way of the Vocational Board having quarters.

APPENDIX A.

OFFICE OF SUPERINTENDENT,
UNITED STATES CAPITOL BUILDING AND GROUNDS,
Washington, D. C., December 13, 1917.

Hon. HOKE SMITH,
United States Senate.

SIR: Following our conference a few days ago, I desire to repeat substantially what I then said with reference to the Maltby Building.

It never has been and is not now fitted for clerical occupancy on account of risk of fire. Since vacated by the House of Representatives, which occupied it briefly in 1908, it has been divested of about all of its interior fittings such as mantels, radiators, plumbing, etc., these having been sold off after the Government acquired properties between the Capitol and the Union Station in connection with the Capitol Grounds extension.

The interior floors are out of line, weak in parts, and would require interior bracing to carry any other than the most ordinary loads.

Its condition in 1904 was the subject of an official condemnation through a report made by the chief of the Washington fire department and the fire marshal and transmitted by this office to the Senate. (See Senate Doc. 201, 58th Cong., 2d sess.) Conditions with respect to fire dangers are no better to-day than then.

You may remember that at a session of the Committee on Agriculture about three years ago, at which meeting you were present, I condemned the use of the Maltby Building for any clerical purpose whatsoever. A paragraph in the Agricultural appropriation bill followed granting such a right to the Department of Agriculture. That department never availed itself of that privilege.

During the closing hours of the last session of this Congress a proposition was brought forward to use this building in conjunction with other properties adjacent in connection with the present war activities and estimates were submitted to the Senate to make repairs. The proposition fell through.

The cost to repair and fireproof the Maltby Building at the present time and make it fit for clerical occupancy would approximate $135,000. To make temporary and nonfireproof repairs for clerical occupation only would cost at least $20,000. This latter suggestion I do not recommend except in case the building is to be used exclusively for storage purposes.

In connection with the use of this building the element of safety to human life is the one important thing and I do not propose to make any recommendation for repairs to it which will place a large number of clerks within it unless such repairs be of a nature which will guarantee their safety.

You must remember that the Maltby Building does not cover a large area of ground; that its approximately 40,000 square feet of floor space and its cubic contents are made up largely by reason of its consisting of a basement, five stories, and an attic, the latter being formed by a mansard roof. Its 31 rooms in the numbered plan are listed in the five actual stories above ground level. While the exterior walls are no doubt suitable for interior fireproof construction, the interior itself is made up almost entirely of wood, is of open construction, and of such nature that fire risk would be great. The fire marshal in his report pointed out in strong terms what would happen should a fire occur in the basement of the building as it stands at present.

In conclusion I will suggest that this building is wholly unsuited to the uses as proposed by you in our conversation without an entire fireproof reconstruction, at a cost of at least $135,000.

Very respectfully,

ELLIOTT WOODS,
Superintendent United States Capitol Building and Grounds.

APPENDIX B.

DECEMBER 5, 1917.

Subject: Quarters of the Federal Board for Vocational Education.

This memorandum is made for the information of Senator HOKE SMITH, of Georgia, regarding the quarters of the Federal Board for Vocational Education.

The Federal Board for Vocational Education is located in the Ouray Building, 805 G Street. With a total at the present time of 55 employees, it is occupying 3,703 square feet. The need of employing new people temporarily in connection with war work makes it certain that this number will be about 75 on or about January 1, 1918.

For the space occupied a charge of 10 cents per square foot per month is made. This charge includes with the rooms heat, light, janitor service, and elevator service. The Federal Board for Vocational Education has no employees engaged in any work connected with the care or operation of the building.

The floor space is divided up into 14 rooms—10 on the fifth floor and 4 on the seventh floor, the hallway of the fifth floor being occupied by two messengers employed by the board for its work.

The quarters are so crowded that they seriously interfere with the work of the board, but the board has not felt it advisable to undertake the enlargement of its quarters until the question of rent has been settled through the joint resolution in the hands of Senator SMITH.

This difficulty has come at a most unfortunate time. It has seriously interfered with the work of qualifying the States under the Smith-Hughes Act which are eagerly seeking the approval of their plans and certification of their allotments before January 1, 1918. Perhaps more regrettable still, it has delayed very much the war work for the Shipping Board, and the Signal Corps, Aviation, Quartermaster, Engineering, and other corps of the Army which the Secretary of War has asked the board to do through the training of conscripted men for various occupations in schools and classes receiving Federal aid at the homes of these men before they go to camp.

An early settlement of the question will practically double the efficiency of the board in this great crisis.

APPENDIX C.

Memorandum on a joint resolution to amend an act entitled "An act to provide for the promotion of vocational education," etc., approved February 23, 1917.

The purpose of the joint resolution is to enable the Federal Board for Vocational Education to rent quarters for its work out of funds already in the hands of the board given by Congress under the Smith-Hughes Act. This resolution appropriates no money. It simply authorizes the board to use its funds to pay rent for quarters which the board must have to do its work.

The act creating the board and authorizing the expenditure of $200,000 annually for its work failed to specify rent in the District of Columbia as an item of expense. The resolution is necessary if the Federal Board is to have any place in which to do its work. The board has now a double responsibility—that of disbursing almost $2,000,000 for the fiscal year among the States for approved education in agriculture, trades, home economics, and industry, and that of fulfilling certain special war duties placed upon it by various departments of the Government. Thus far these consist in the making of studies and investigations regarding the training of conscripted men for Army occupations, of workers in shipyards, and of the vocational reeducation of disabled soldiers and sailors.

Owing to unavoidable circumstances, the board was not organized until four months after war was declared. As a result the effort to obtain quarters in various Government buildings had to be made at a time when probably every department was not only overworked but was itself seeking additional room and was commandeering every foot of available space.

Appended is a recital of some of the steps which the board has taken to secure room in buildings owned or rented by the Government. In view of these experiences it is obvious that adequate quarters in Government-owned property can not be secured.

NOVEMBER 25, 1917.

Subject: Quarters for the Federal Board for Vocational Education.

This memorandum undertakes to state the situation with regard to quarters for the Federal Board for Vocational Education, created under an act of Congress approved February 23, 1917.

This work of the board was organized the middle of August. Through the courtesy of the Interior Department the board was given the use of one or two rooms in the Pension Building. An offer of further space was made, but the acceptance of this would have involved great overcrowding of the Bureau of Education, the placing of the stenographic force of that bureau and of the Federal board in wholly unsuitable quarters, and while the floor area might have been considerable, the number of rooms would have been far less than the board needs, and subdivision of the rooms would have been impossible.

On the 1st of September, finding itself entirely without a place to go, arrangements were made for temporary quarters in the Ouray Building, the rent for which must be met out of private resources, which the board has been advised is contrary to the provisions of the statute of May 1, 1884 (23 Stat., 17).

In the meantime an attempt was made to secure quarters in the Interior Building. Here six small rooms were promised, but the offer withdrawn when the board was on the point of moving to these quarters, although they were insufficient to accommodate more than one-third the force. In regular order since that time the board has made efforts to secure quarters in Government-owned or Government-rented buildings, as follows:

1. The quarters now occupied by the Provost Marshal General in the Land Office Building. He was unable to secure quarters elsewhere, so this plan failed.

2. Quarters in the building occupied by the Department of Labor. It was possible to secure about six small rooms here on different floors. Later only one was found available. In neither case was relief possible.

3. The unfinished laboratories in the building for the Bureau of Standards. It was found later these were needed at once by the Department of Commerce.

4. Quarters in certain rented buildings on Pennsylvania Avenue in proximity to the Willard Hotel. Here again certain Government departments had preempted the space.

6. Quarters in the German Embassy seized by the Federal Government. Here again only disappointment was encountered.

7. Quarters in the basement of the Senate Office Building. Here again the attempt failed because there was no space available.

8. Quarters in the new office building being erected on Sixth Street near Pennsylvania Avenue. All of the space in this building had been assigned for strictly military work in the War and Navy Departments, and, furthermore, will not be available for some months to come.

9. Quarters in the new buildings to be occupied by the Council of National Defense and the Food Administration. Here again the space is preempted and none available for the work of the Federal board.

10. Quarters in the Interstate Commerce Building. Not a single room is available.

11. Quarters in the new Department of Justice building. Not a single room is available.

12. Quarters on the seventh floor of the building occupied by the Department of Commerce, where only one room is available, and the yielding of which would put the Department of Commerce to great inconvenience without meeting the needs of the Federal board.

13. Quarters in the building occupied by the Federal Trade Commission, where it was found the commission was attempting to rent outside quarters with little success.

14. Quarters in the buildings of the Department of Agriculture. Here again it was found that department needs 70,000 square feet of additional space.

15. The Graham Building, corner of Fourteenth and E Streets, was offered by the Treasury Department, and the board undertook to expend the $8,000 or $10,000 necessary to make that place available, but the demands of the War Industries Board impelled the withdawal of this offer.

Mr. PAGE. Mr. President, it seems to me that the discussion of the Maltby Building as it appertains to the resolution of the Senator from Georgia is altogether out of place at this time, because it is confessed that the radiators have been taken out of that building and it is confessed that the plumbing has been taken out. It is absolutely impossible at this time, or at least impracticable, for that building to be used by the Vocational Educational Board. Congress regulates what shall be done with the Maltby Building. The Senate has approved of an appropriation to put it in a condition to be used, but we have been met at the other end of the Capitol with a refusal to ratify the Senate's action. The result is the Maltby Building can not be used, and we are calling upon the commissioners appointed to conduct this great educational work to provide, out of their own pockets, quarters for the commission's occupancy. I think it is very unjust to them. All we can properly say is, as it seems to me, that until the Maltby Building or some other suitable building has been put in order for their occupancy we ought to provide the necessary quarters. I happen to know Mr. Munroe, the vice chairman, because in my long struggle with vocational education legislation I was often in communication with him. He is a man of great patriotism and liberality.

Mr. SMITH of Georgia. And really the acting chairman of the board.

Mr. PAGE. Really the acting chairman. It is true he is a man of wealth. He can and will pay the rent if we ask it, but I think it is a shame for us to ask any man who is practically giving his time, as Mr. Munroe is, to assume the burden of the rental of rooms for this very important commission. The small sum that he receives for the time that he is giving to this work is of no account whatever to him. He is working here because to him it is a labor of love. He has worked for the cause of vocational education for many years, and has come here now not because of salary, for that was not the slightest temptation, but because he felt the great duty and burden resting upon his shoulders.

Another member of that commission is Charles A. Greathouse, of Indiana, one of the leading and most progressive farmers of Indiana. He comes here representing the agricultural interests in this board. What he gets as salary for his connection with the board is as nothing.

It seems to me that when we refuse to give these men quarters anywhere, and especially when we suggest the Maltby Building, which is confessedly without plumbing and without radiators and absolutely unfit for use, we are guilty of great wrong.

I want to vigorously emphasize what the Senator from Georgia has said about this wrong. Even though it may be for only a month or two that they use the rooms they are now occupying, until we furnish them some other rooms that are habitable, it seems to me we ought to pay the rent.

The rental they are now paying is, I understand, conceded to be reasonable. I think they have done the best they could to practice reasonable economy.

I wish to say a word concerning Dr. Prosser, the executive member of the board. He was connected with a large educational institution in Minnesota, and my understanding is, although I do not speak from authority, that his salary there was some ten or twelve thousand dollars. No man has taken a more active interest in vocational education than the doctor. His great interest in that work has prompted him to secure a release from his engagement in Minnesota and he is to-day working here for a good many thousand dollars a year less than he was receiving in Minnesota.

This whole board is acting largely from patriotic motives. They are giving largely of their time, and shall we go still further and ask them to pay out of their own pockets the rental of the rooms which they have to occupy? All of the debate that has taken place this morning with reference to this resolution has been with regard to the Maltby Building. Nobody says that the Maltby Building should not be used if put in proper order for the work; but it is not put in order. The House of Representatives has refused to make an appropriation to do it; and until it is put in order, it seems to me, we ought not to discuss the Maltby Building in connection with this resolution.

Mr. SMOOT. Mr. President, the Senator from Georgia knows that I have been deeply interested in vocational education and in the personnel of the board. What I shall say, therefore, will not be by way of criticism of the board nor of the work they are accomplishing.

Mr. President, I rise for the purpose of having it understood that hereafter boards and commissions can not override the customs and rules of the House of Representatives and of the Senate and come to committees other than the respective Committees on Appropriations. This question was presented to the House of Representatives during the closing days of the last session. The House refused to make the appropriation at that time, as I understand, because of insufficient information.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SMOOT. Yes.

Mr. SMITH of Georgia. The Senate Committee on Appropriations authorized the appropriation, and the Senate approved it.

Mr. SMOOT. I am coming to that.

Mr. SMITH of Georgia. But we did not have time to present the matter.

Mr. SMOOT. I know the history of that very well, indeed.

This question, Mr. President, was presented to the Appropriations Committee of the Senate, and the urgent deficiency appropriation bill included the amendment suggested by the Senator from Georgia, providing for rent for the quarters of this board. I think it would have been much better if the board had asked Congress to have made the appropriation in the regular way, rather than to have come to the Committee on Education and Labor and ask them to provide for an appropriation for rent, which is wholly within the jurisdiction of the Appropriations Committees of the two Houses. I say this because I do not want other boards and other commissions, of which we now have so many, to think that if they are turned down in any request for an appropriation by the Appropriation Committee of

either House of Congress they can go to some other committee and have their request granted and become a law.

I am in favor of appropriating the money to pay this rent. Certainly it became absolutely necessary for this board to have the quarters which they have rented; there is no question about that; but it has been running now for a good many months. There will be a deficiency appropriation bill passed by Congress in a very little while, shortly after the Christmas holidays. I thought that the other House, if this question had been presented to it in the light which I think it can be presented, would have included the appropriation in that bill. Then there would be nothing irregular about it, and it would have gone through, as it should have done and as I think, at the last session of Congress.

Mr. PAGE. May I interrogate the Senator from Utah before he sits down?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Vermont?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. PAGE. Is it not perfectly evident to the Senator that when we passed this appropriation we supposed that it included and might be used in part for the rent of offices?

Mr. SMOOT. That makes no difference as to the position which I take, Mr. President. If the law did not include it, there is only one way of getting it, and that is through the regular committees of Congress.

Mr. PAGE. But the commission gathered here supposing that they had authority to pay out a part of that appropriation for the rent of rooms, they hired their clerks, they made all preparations to go ahead, but the whole work would have had to stop had not some liberal gentleman of the board said, "Go ahead, and I will pay the rent." It was a very generous act, and I think we ought to embrace the very first opportunity to show that we appreciate it.

Mr. SMOOT. Mr. President, to tell the truth about the whole thing, it was never intended that there should be any renting outside for the board. The board expected that they would be located in quarters which were then under Government control and owned by the Government, but the situation arose through the war conditions that the space which the Government had at the time this board was organized had been required for other purposes. Therefore what the Senator from Vermont says has nothing whatever to do with the situation as it exists to-day.

I am not criticizing the appropriation of the money to pay for this rent, for I think that it ought to be paid by the Government if there are not quarters owned by the Government which they could occupy.

Well, Mr. President, the board was not required to rent these rooms in the beginning; it occupied space in the Pension Bureau for some time; but when the growth of the bureau had reached such a position that it needed that space, of course the board was asked to hunt other quarters, and undertook to hunt other quarters. However, the board found none which were owned by the Government that were satisfactory. Therefore they rented the rooms which they now occupy. I do not believe that there was one member of the board who did not think, when the time came, that Congress would pay the rent that they assumed in the beginning; and I do not believe that there will be a Congress of the United States that ever will refuse to pay it; but what I want to impress upon the Senate is that I do not want all the other boards and commissions which have been organized by Congress to think that they can go outside of the regular Appropriation Committees of the two Houses and get the money to pay all of the obligations that they may assume, thinking that Congress is going to appropriate the money for that purpose.

Mr. SMITH of Georgia. Will the Senator from Utah allow me to ask him a question?

Mr. SMOOT. Certainly.

Mr. SMITH of Georgia. Does the Senator not think, as the original bill was the work of the Committee on Education and Labor and carried the appropriation, and as this is simply an amendment broadening the use of that appropriation, that it could properly have gone to the Committee on Education and Labor, rather than to the Appropriations Committee?

Mr. SMOOT. I do not think so, Mr. President, and I will say to the Senator——

Mr. SMITH of Georgia. I want to say to the Senator from Utah that if it had carried a new appropriation, I should have at once suggested that it go to the Appropriations Committee.

Mr. SMOOT. I was merely going to say to the Senator that if it carried a new appropriation I would stand here for hours and defeat it, if possible.

Mr. SMITH of Georgia. In that case I never should have suggested that it go to the Committee on Education and Labor; but, as it was simply an amendment adding a few lines to our original bill, broadening the authority for the use of the fund, the reference to the Committee on Education and Labor was proper.

Mr. SMOOT. That is the only excuse that could be offered for its passage here at this time.

I do not want to take further the time of the Senate, except to state that I certainly shall ask the Senator to accept an amendment to the joint resolution, which I will offer now. I move to strike out, in line 9 of the joint resolution, the words "organization of said board" and insert "rental of the rooms at present occupied," and then, after the word "until," strike out the words "otherwise provided" and insert "February 1, 1918."

Mr. SMITH of Georgia. I can not accept that amendment; it does not take care of the situation; it would be right on us again, for they will not be provided with quarters by that time. If the Senate does not want to give them quarters, the Senate can refuse to do so; but I can not accept the amendment.

Mr. SMOOT. The Senator is wrong in his statement that Congress can not provide for the matter by that time. Before the 1st day of February we shall have an urgent deficiency bill before us, and then the board can obtain the necessary appropriations through the Appropriations Committees of the two Houses.

Mr. SMITH of Georgia. I do not think that is the proper place to make the provision.

Mr. SMOOT. The Senator thought it was at the last session of Congress when he offered an amendment to the bill reported by the Appropriations Committee.

Mr. SMITH of Georgia. Because that was the only way to do it. I think the amendment was subject to a point of order when offered in the Senate, and I would not have tried it except under a request for unanimous consent. This is an amendment to a general law, and it can not properly be put on an appropriation bill. It is not an appropriation; every dollar of the appropriation is carried in the vocational education bill. This is an amendment to that statute, and I think it ought to be made in this form.

Mr. SMOOT. Mr. President, as I understood the Senator here the other day, he thought that there ought to be a limitation.

Mr. SMITH of Georgia. I would be willing to accept an amendment reading "until quarters owned by the Government may be furnished to them." Just as soon as that can be done I want them to stop renting, but I do not want the limit made February. I do not want this whole fight to be gone over again. I think we ought to provide the board with quarters until they can secure quarters in a public building.

Mr. SMOOT. Mr. President, I do not want a standing appropriation made for any board created by Congress and authorization granted that any part of it, or all of it, may be used for the payment of rent. That is unwise legislation and ought never to be adopted. The question here is to provide rooms for the Vocational Education Board. Why should that board be treated differently from any other board or any other commission? Why should they not come to Congress every year, the same as every other board and every other commission has to come to Congress, and ask for appropriations for rent? Rents change; sometimes they increase and sometimes they decrease. The board may grow, and then they will require an additional amount for rent. Under this resolution as it is now offered there is no limit to the amount of the $200,000 appropriation that might be paid for rent. They could rent a palace in the District of Columbia, if they wanted to do so, and use all the appropriation for that purpose.

I know that Congress does not want any such thing done.

If the Senator thinks that an appropriation for rent for the board can not be provided by the 1st of February, by what date does he think it can be provided? I will say to the Senator now that I am perfectly willing to appropriate money for the rent of rooms for the board, but I want the board, before an appropriation is made by the Appropriations Committees of the House and of the Senate, to show that they can not get rooms anywhere else, and to show that the rooms that they have asked for and the amount asked for for the payment of rent are absolutely necessary for properly carrying on the business of the board.

Mr. SMITH of Georgia. Does the Senator mean that he intends to suggest an appropriation of money in addition to the appropriation now carried for the board?

Mr. SMOOT. Certainly; I am perfectly willing to do that, because, I want to say to the Senator, the $200,000 appropriation, when made, was made for the purpose of paying the expenses of the board for the work of the board, and to be spent outside of the District of Columbia as well as in it.

Mr. SMITH of Georgia. I will suggest this amendment, "from the date of the organization of said board until 12 months thereafter," or "for the term of 12 months."

Mr. SMOOT. Well, why should we use the words "from the date of the organization of said board" when we know that the board did not rent the rooms at the date of its organization? The board at that time occupied space in the Pension Bureau. All I want to do is to pay every dollar of rent that they have assumed. If my amendment is adopted, this is the way the resolution will read—I should like to have the Senator follow it so that he may notice the change:

Including the rental of quarters in the District of Columbia from the date of the rental of the rooms at present occupied until February 1, 1918.

If the Senator does not think that February 1 is long enough to enable us to get a deficiency bill passed, make it March 1, make it April 1, but let us have some date when we will know that it is going to cease.

Mr. SMITH of Georgia. Say "until July 1, 1918."

Mr. SMOOT. "June 30, 1918"; I am perfectly willing to accept that; that is the end of the fiscal year.

Mr. SMITH of Georgia. "June 30, 1918"; I am willing to accept that amendment.

Mr. SMOOT. I am perfectly willing, then, with that amendment that the joint resolution shall pass.

The PRESIDENT pro tempore. The question before the Senate is on the adoption of the amendment of the Senator from Utah. Does the Senator from Utah withdraw the amendment which he has offered?

Mr. SMOOT. I offer the amendment I am about to suggest as a modification.

The PRESIDENT pro tempore. The Chair understands the Senator withdraws the amendment first offered by him and in lieu thereof offers another.

Mr. SMOOT. Yes; in lieu thereof I offer the following amendment——

Mr. SMITH of Georgia. I am willing to accept an amendment making it read "until June 30, 1918."

Mr. SMOOT. That will be the modified amendment that I will offer. In line 9 I move to strike out the words "organization of said board"——

Mr. SMITH of Georgia. I am not willing to accept that.

Mr. SMOOT. I do not think the Senator wants that in the resolution; the Senator does not want to pay for quarters whilst the board occupied rooms in the Pension Building.

Mr. SMITH of Georgia. Oh, nothing will be paid for rent beyond the time when rooms were rented. I simply take that date because shortly afterwards they did rent quarters.

Mr. SMOOT. My amendment is "from the date of the rental of the rooms at present occupied."

Mr. SMITH of Georgia. Well, I am willing to say "from the date of the rental of the rooms at present occupied until July 1." I am not willing to limit them simply to those rooms, because, if the pressure comes upon them from the War Department to furnish this additional work, they may be obliged to have some additional space.

Mr. PAGE. Let me call attention, if I may, Mr. President, to the fact that the rooms at present occupied, I think, are larger than the rooms at first rented, and it seems to me that a close construction of the language proposed would shut them out from payment for the rooms which they at first leased.

Mr. SMOOT. Not at all; it covers the matter completely.

Mr. PAGE. You say "rooms at present occupied."

Mr. SMOOT. That not only takes in what they first rented, but it takes in all of the increased rooms up to the present time. I am perfectly willing to accept the amendment suggested by the Senator from Georgia, because that limits rather than extends the amounts that will be required. Let me read it to the Senator again, and I ask him to follow it closely:

Including the rental of quarters in the District of Columbia from the date of the rental of the rooms at present occupied.

Or, in other words, if they only had 6 rooms at first, they could pay for the 6 rooms; if they have 12 rooms at present, they could pay the rent for the 12 rooms, or whatever they have.

Mr. SMITH of Georgia. I do not object to that language—"from the date of the rental of the rooms at present occupied."

Mr. SMOOT (reading)—

From the date of the rental of the rooms at present occupied until June 30, 1918.

Mr. SMITH of Georgia. I do not object to that. I accept the amendments.

The PRESIDENT pro tempore. The joint resolution, as proposed to be amended, will be reported.

The Secretary proceeded to read the joint resolution.

Mr. SMITH of Georgia. Mr. President, I am just advised by the Senator from Vermont that the board rented some smaller quarters before they rented the present rooms, and they then gave up those quarters and moved into the present rooms.

Mr. PAGE. Mr. President, I did not quite convey my understanding to the Senator. They leased certain rooms. They found that they were insufficient, and then they leased other rooms, adding to them. Now, it seems to me that if we limit the authorization to the rooms at present occupied, and those were leased the 1st day of November, for instance, while they had smaller quarters from the 1st day of July, we might shut out the rental of rooms from July until November.

Mr. SMITH of Georgia. Let me suggest this to the Senator: When you say "from the date of the organization of the board," you would only pay for rent they became liable for subsequent to that time. You could not possibly put a rental on the Government that was not actually incurred by the board; and there should be no objection to that language. It will not add a dollar of liability to the Government. If you say, "from the organization of the board," of course while they were in the Pension Office you would not be subject to the payment of rent. You just give a date so as to cover whatever they did become liable for before the passage of the joint resolution. I do not think there is any objection to that.

Mr. SMOOT. There would be if I had not absolute confidence in the honor of the board; but having absolute confidence in the honor of the board and that it would not be construed in a way in which I can see that it could be construed, I am perfectly willing, in order that the joint resolution may pass, to offer the amendment "until June 30, 1918."

Mr. SMITH of Georgia. I accept that amendment.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to. The Secretary will read the joint resolution as amended.

The Secretary read the joint resolution, as follows:

Resolved, etc., That section 7 of the act entitled "An act to provide for the promotion of vocational education," etc., approved February 23, 1917, be, and the same is hereby, amended by adding at the end thereof the words "including the rental of quarters in the District of Columbia from the date of the organization of said board until June 30, 1918."

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

DEVELOPMENT OF WATER POWER.

Mr. SHIELDS. Mr. President, I move that the Senate proceed to the consideration of the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 23, 1910, be, and the same is hereby, amended to read as follows:

"SECTION 1. That the United States hereby authorizes any of the persons as hereinafter defined, after obtaining the permit of the Secretary of War as herein provided, to construct, maintain, and operate a dam or dams, diversion structures, reservoirs, and accessory works, in or along any of the navigable waters of the United States for the development, improvement, or preservation of navigation for the purposes of interstate and foreign commerce, and the development and utilization of water, water power natural or created by the improvement, and for other purposes; and such grantee and such permit shall at all times be subject to the provisions of this act and also subject to such conditions as the Secretary of War shall, in accordance with the provisions of this act, make a part of such permit; that the word 'persons,' as used in this act, shall be construed to mean both the singular and plural, as the case demands, and shall be construed to mean individuals, political subdivisions of States, municipal corporations, corporations, companies, and associations; and the term 'grantee' herein shall mean any such persons to whom shall be granted a permit as herein provided: *Provided*, That when the power to be developed by the project and improvement of the stream for navigation is used or to be used for a public utility purpose or purposes the grantee must be a municipal corporation, or a political subdivision, or other agencies of a State, or a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or the United States, authorized to engage in the business of furnishing water, heat, or electric energy for public or private use, and whose rates and charges and service shall be subject to regulation by the laws of the State or a duly constituted commission or other agency of said State; but in any case where the State has not made provision for authorizing municipal corporations, political subdivisions, or other agencies of the State or public utility corporations or agencies to engage in said business, the qualifications of the grantee prescribed in this proviso shall not apply; and no transfer of any such permit or of the rights thereunder granted, except by tax sales or trust deed or mortgage issued for the bona fide purpose of financing the business of such grantee, shall be made to any transferee

not having the qualifications herein specified for a grantee hereunder, and any successor or assign of the rights of any such grantee, whether by voluntary transfer, judicial sale, or foreclosure sale or otherwise, shall be subject to all the conditions of the permit under which such rights are held by such grantee and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the grantee hereunder.

"SEC. 2. That the Secretary of War may grant a permit or permits for such dam or dams and accessory works upon the following conditions:

"First. The plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such maps of the proposed location as may be required for a full understanding of the subject, shall be submitted to the Secretary of War and the Chief of Engineers, and when approved shall be made a part of such permit; and thereafter no change in such plans or specifications shall be made except as such change shall be approved and made a part of such permit by the Secretary of War and the Chief of Engineers.

"Second. The project adopted, including the plans, specifications, and location for any dam and accessory work, shall be such as in the judgment of the Secretary of War shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation in foreign and interstate commerce and for the full development and utilization of its waters and water power and best adapted to conserve and utilize the water resources of the region in the interests of navigation and other beneficial purposes and the public welfare.

"Third. As part of the conditions of such permit the Secretary of War may, in so far as he deems the same reasonably necessary to promote the present and future interests of navigation and consistent with a reasonable investment cost to such grantee, include any or all of the following provisions or requirements: (a) That such grantee shall, to the extent necessary to preserve and improve navigation facilities at least equivalent to those existing prior to the construction of such dam, construct, in whole or in part, without expense to the United States, in connection with any such dam a lock or locks, booms, sluices, or other structures for navigation purposes, in accordance with plans, specifications, and conditions approved by the Secretary of War and made a part of such permit, and shall furnish free of cost power for the operation of the same; (b) that in case such navigation facilities shall not be made a part of such original construction at the expense of the grantee, then, whenever the United States shall deem such navigation facilities necessary the grantee shall convey to the United States free of cost such of its land and its right of way and such right of passage through its dams or other structures, and permit such control of pools as may be required for the construction and use of such navigation facilities, and shall furnish free of cost power for the operation of the same; (c) that such grantee shall reimburse the United States for the cost of any investigation necessary for the approval of the plans as herein provided and for such supervision of construction as may be necessary in the interest of the United States; (d) that such grantee shall pay to the United States reasonable charges in consideration of the benefits accruing to and used by such grantee through the construction, operation, and maintenance by the United States of headwater improvements, including storage reservoirs, on any such waterway, such charges to be fixed from time to time by the Secretary of War and to be based upon a reasonable compensation proportionate to the benefit actually received by the grantee by reason of any increase of flow past or over the water-power structures artificially caused by such headwater improvement, and all moneys received from such charges are hereby reserved and appropriated as a special fund in the Treasury to be known as "the headwater improvement fund," from which fund expenditures for headwater improvements and maintenance may be made by and in the discretion of the Secretary of War; (e) that such grantee in the construction, maintenance, and operation of such dam or diversion structure and accessory works may, with the authority of the Secretary of War, occupy and use, to the extent necessary for the project, any lands of the United States, including the public lands; and any part of the public lands may, on certification by the Secretary of War that the same is required for navigation purposes, be withdrawn by the President for said purpose as provided in the act entitled 'An act to authorize the President of the United States to make withdrawal of public lands in certain cases, approved June 25, 1910'; and for any land of the United States so used and occupied the grantee shall pay to the United States such reasonable charges based upon its value as may be fixed by the Secretary of War; and in ascertaining the value of the land the Secretary of War shall be governed by the rules of the law in force in the State or Territory in which it is situated, applicable to proceedings wherein private property is sought to be taken for a public use.

"In fixing such conditions, or any of them, the Secretary of War shall also take into consideration the probable cost to such grantee of construction and maintenance and operation and the probable consumers' rate required to produce a reasonable return upon the investment required of such grantee. As between contesting applicants for a permit hereunder having the legal qualifications required by this act, and being equally well qualified to comply with the conditions imposed herein, preference shall be given to that applicant which has first acquired the right to divert the water of the stream by means of the dam to erect which the permit is sought and otherwise complied with the laws of the State or States in which the dam or diversion structure is to be constructed; or if there are no State laws to be complied with the preference shall be given to the first applicant. In granting permits hereunder and fixing conditions thereof, and in prescribing rules and regulations as to the maintenance and operation of any structure to which this act is applicable, the Secretary of War, before acting, shall have the report and advice of the Chief of Engineers: *Provided, however*, That before the permit shall be granted under this act, the permittee must first obtain, in such manner as may be required by the laws of the States, the consent of the State or States in which the dam or other structure for the development of the water power is proposed to be constructed.

"SEC. 3. That the control of the level of the pools above and below such dam, and of the currents developed therein, and of the flow of the water over and past such dam, and the operation of navigation facilities which shall be constructed as a part of or in connection with any such dam, whether at the expense of such grantee or of the United States, shall at all times be subject to such rules and regulations as shall be deemed by the Secretary of War to be reasonable and necessary in the interests of navigation. Such rules and regulations may include the maintenance and operation by such grantee, at its own expense, of such lights and other signals as may be directed by the Secretary of War and such other lights and signals and such fishways as may be prescribed by the Secretary of Commerce, and for failure to comply with any such rule or regulation such grantee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in section 8 of this act.

"SEC. 4. That the grantee of the permit shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the dam, reservoir, or of the works appurtenant or accessory thereto, constructed under the permit, and in no event shall the United States be liable therefor. When the grantee is a municipal corporation, or a political subdivision of a State, or a public service agent of a State, or a public utility or service corporation, and can not acquire by contract or purchase the right to use or damage the lands or property of others necessary to the construction, maintenance, or operation of any dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, it may acquire the same by the exercise of the right of eminent domain in the district court for the United States in which such land or property may be located or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar actions or proceeding in the courts of the State where the property is situated.

"SEC. 5. The permit granted under the provisions of this act shall be for the term of 50 years from the date of the permit, subject to be revoked for cause as provided in section 8 of this act: *Provided*, That after the expiration of said term of 50 years the grantee may continue the maintenance, occupation, and operation of the dam or dams, reservoir, and accessory works and appurtenant property, under the terms and restrictions of the permit and this act, unless revoked for cause as provided in section 8 of this act, until the property is acquired, taken over, and compensation made to such grantee therefor by the United States or a new grantee, or a new permit is granted to it, as provided in section 6 of this act.

"SEC. 6. That at any time after the expiration of said 50 years the United States may terminate the rights hereunder granted upon the giving to the grantee, either before or after the lapse of the period of the permit, of two years' notice in writing of such termination, and upon the taking over by the United States of all the property of the grantee which constitutes part of the plant of the grantee and dependent in whole or in part upon it for its usefulness and acquired, necessary, appurtenant, valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and upon paying to the grantee just compensation for said property, together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures, required by the United States, and assuming all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made. The value of said property and the reasonableness and good faith of said contracts shall be determined by agreement between the Secretary of War and the grantee, and in the event of their failure to reach unanimous agreement, then by proceedings in equity instituted by the United States in the district court of the United States in the district within which any portion of such dam may be located. In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted or for good will or anticipated profits. When the permit expires by the limitation of 50 years, or is otherwise terminated under the provisions of this act, the United States may acquire, take over, and occupy all the property of grantee herein described, upon the terms herein provided, to be used, operated, or disposed of as may be authorized by the acts of Congress then in force; or the Secretary of War may grant a new permit to the original permittee, or its successors, upon the terms and conditions and with the restrictions provided in this act and authorized and required by subsequent acts of Congress; or the Secretary of War may grant a permit to another person or persons defined in sections 1 and 10 of this act upon the conditions and terms and subject to the restrictions and preferences herein provided, and as may be required or authorized by then existing laws of the United States, who may acquire and take over and operate the property of the original permittee or its successors upon the payment of the reasonable value of the property and the assumption of contracts in all things as the United States is authorized and required to do. The district court of the United States wherein the property is situated is hereby vested with jurisdiction to enforce the provisions of this section by appropriate proceedings in equity.

"SEC. 7. That all charges, rates, and service by any grantee hereunder shall be subject to regulation in accordance with the laws of the State within which the service is rendered: *Provided*, That where the said power or any part of it shall enter into interstate or foreign commerce, the rates, charges, and services made and rendered by the grantee or by any subsidiary corporation any of whose stock is owned or controlled directly or indirectly by such grantee, or by any person, corporation, or association purchasing power from such grantee for sale or distribution, shall be reasonable, nondiscriminatory, and adequate to the public and to the ultimate consumer; and whenever the States directly concerned are unable to agree, through the properly constituted authorities thereof, on either rates, charges, or services, jurisdiction is hereby conferred upon and vested in the Interstate Commerce Commission to enforce this provision concerning the power that enters into interstate commerce, upon the complaint of any person aggrieved or upon its own initiative, in the manner and according to the procedure and practice of that commission in fixing and regulating the rates and charges of railway companies, the grantee to have the same rights of hearing, defense, and review as said companies in such cases: *And provided further*, That in the valuation for rate-making purposes of the property of any such grantee there shall be included the cost to such grantee of the construction of the lock or locks, or other aids to navigation, and all other capital expenditures required by the United States, but no value shall be claimed or allowed for the rights hereby granted: *And provided further*, That nothing in this act shall be construed to interfere with the sovereign powers of the several States of the United States over the navigable waters within their respective boundaries and the property rights they hold therein in trust for their people, or their right to control those streams, including that to grant permits for the use of the waters and water power thereof, and to require the payment to the States of such charges and royalties for such use as may be authorized by the constitutions and laws of the respective States, subject, however, in all cases to the paramount power of Congress to regulate foreign and interstate commerce and navigation upon all the navigable waters of the United States; and the plant and its appurtenances of the grantee, including real, personal, and mixed property, constituting the same and used for the generation and distribution of power, or for other purposes, and the power generated therein shall be subject to taxation under the laws of the State where situated as other similar property within the State. The Secretary of War shall have the right to provide rules and regulations for uniform accounting, to examine all books and accounts of grantees under the terms of this act, to require them to submit statements, representations or reports, annual or special, including full information as to assets and liabilities, capitalization, cost of project, cost of operation, the production, use, transmission and sale of power. All such statements, representations, and reports shall be upon oath unless otherwise specified, and in such form and on such blanks as the Secretaries may require, and any person making any false entry, statement, representation, or report under oath shall be subject to punishment as for perjury.

"SEC. 8. That any grantee who shall fail or refuse to comply with any of the provisions of this act or any of the conditions made a part of any permit issued hereunder or any regulation or lawful order of the Secretary of War, made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $1,000, in addition to other penalties herein prescribed or provided by law and in such proceedings each party shall have the right of appeal as in other cases; and every month such grantee shall remain in default after written notice from the Secretary of War shall be deemed a new offense and subject such grantee to additional penalties therefor; and in addition to said penalties the Attorney General may, on request of the Secretary of War, institute proper proceedings in equity in the district court of the United States in the district in which such structure or any of its accessory works are, in whole or in part, situated, for the purpose of having such violation stopped by injunction, mandamus, or other process; and any such district court shall have jurisdiction over all such proceedings and shall have the power to make and enforce all writs, orders, and decrees necessary to compel the compliance with the lawful orders and regulations of the Secretary of War and the performance of any condition imposed under the provisions of this act; and if the unlawful maintenance and operation continues after final judgment in either civil or criminal proceedings provided for in this section, and is deemed by the court to be such as shall require, in the public interest, a decree revoking all rights and privileges held under authority of this act, the court may decree such revocation, and in case of such a decree the court may wind up the business of such grantee conducted under the rights in question and may decree the sale of the dam or diversion structure and all appurtenant property constructed or acquired under authority of this act, and all of the property of the grantee dependent in whole or in part for its usefulness upon the rights hereunder granted or such part thereof as the court may direct, and distribute the proceeds to the parties entitled to the same, and may make and enforce such other and further orders and decrees as equity and justice may require, and the United States may purchase at said sale, but in case of such purchase the United States shall not be required to pay for any value attaching to such plant or structures by reason of any franchise or permit acquired under this act; and in case of such sale the vendee shall take the rights and privileges and shall perform the duties which belonged to the grantee, and shall assume all outstanding obligations and liabilities of the grantee which the court may deem equitable in the premises; and the court shall have power, by the appointment of a receiver or otherwise, to exercise all jurisdiction necessary for the protection and administration or disposition of the property and for the equitable execution of this act.

"SEC. 9. That the grantee shall commence the construction of the dam and accessory works within two years from the date of the permit herein provided, and shall thereafter, in good faith and with due diligence, prosecute such construction, and shall, within such time to be fixed in the permit, complete and put in commercial operation such part of the ultimate development as the Secretary of War shall deem necessary to supply the reasonable needs of the then available market, and shall, from time to time thereafter, construct such portion of the balance of such ultimate development as said Secretary of War may direct and within the time specified by him so as to supply adequately the reasonable market demands until such ultimate development shall be completed; and extensions of the periods for the commencement and completion of the construction may be granted by the Secretary of War when, in his judgment, the same are not incompatible with the public interest. In case the grantee shall not commence actual construction within the time herein prescribed, or as extended by the Secretary of War, then the authority as to such grantee shall terminate, and in case any dam or diversion structure and accessory works be not completed within the time specified in the permit or extended as herein provided, then the Attorney General, upon the request of the Secretary of War, shall institute proper proceedings in the proper district court of the United States for the revocation of said authority, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 8 of this act.

"SEC. 10. The Secretary of War may lease to any applicant having the capacity of grantee as herein defined, and having complied with the laws of the State in which a dam is constructed or to be constructed by the United States, the right to utilize the surplus water power over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War for the best interests of the United States, and reasonable and fair to both parties, and in awarding such lease preference shall be given to a municipal corporation, a political subdivision of a State or a public service agent of a State, or any part thereof, provided the plans of the same are deemed by the Secretary of War to be adapted to conserve and utilize in the public interest the navigation and water or other power resources of the region; and in contests between other applicants the Secretary of War shall likewise give preference to the applicant whose plans he finds and determines are best adapted to develop, conserve, and utilize in the public interest the navigation and water-power resources to be affected; and all such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress. The charges and rents arising from such lease or leases are hereby reserved and appropriated as a special fund in the Treasury to be expended for the maintenance of said dams and the further improvement of waterways in which the same may be situated under the direction of the Secretary of War.

"The provisions of sections 3, 4, 5, 6, 7, 8, 9, 11, 12, and 13 of this act shall, in so far as applicable in each case, apply to structures erected, maintained, or operated under and in pursuance of the provisions of this section.

"SEC. 11. That this act shall not affect the rights of any person, company, or corporation as to the construction, maintenance, or operation of any structure heretofore constructed or upon which construction has been begun, under permit or approval of the Secretary of War and Chief of Engineers or other authority heretofore lawfully granted: *Provided*, That in the operation of any such structures and accessory works the provisions of sections 3, 7, 8, 12, and 13 of this act shall apply to the same extent as if such structures had been authorized under this act, and all conflicting provisions relating to the operation of said structures and accessory works contained in any authority heretofore lawfully granted are hereby altered, amended, or repealed so as to conform with the provisions of said sections 3, 7, 8, 12, and 13 of this act: *Provided further*, That upon application by any person, company, or corporation having the capacity of grantee as herein defined, which is now constructing or operating any structures herein specified across, in, or along any navigable waters of the United States under authority heretofore lawfully granted, the Secretary of War may issue to such applicant a permit in accordance with the provision of this act, and in such a case the provisions of this act shall become extended to such applicant as a grantee hereunder: *Provided further*, That no contract, which shall have been lawfully made, for power, light, heat, or water, or for the service or delivery of the same to be furnished from such structures or their accessory works, and to which such structures or works, or the person, company, or corporation constructing, owning, or operating the same, shall be subject, shall be affected by any permit under this act, and no such person, association, or corporation shall be released from any lawful obligation by reason of this act or of any permit granted thereunder: *And provided further*, That the provisions of this act shall not apply to irrigation or power dams or grants to municipal corporations affecting the use of water or water power for municipal purposes or to other projects approved or erected under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture upon the public lands of the United States.

"SEC. 12. That the works constructed and maintained under authority of this act shall not be owned, leased, trusteed, possessed, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or form the subject of any unlawful contract or conspiracy to limit the output of electric energy or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

"SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved: *Provided*, That in case any grantee hereunder shall, at the time of such alteration, amendment, or repeal, have exercised rights in accordance with this act, such rights and the property used thereunder shall be deemed property rights of such grantee, of which such grantee shall not be deprived by such alteration, amendment, or repeal, except upon the conditions provided in case of termination by section 6 of this act.

"SEC. 14. That the term 'navigable waters' as used in this act and as applied to streams shall be construed to include only such streams or parts of streams as are in their ordinary natural condition used for the transportation of persons or property in interstate or foreign commerce or which through improvement heretofore or hereafter made have been or shall become usable in such commerce. As to all other streams or parts of streams over which Congress has jurisdiction, under its authority to regulate commerce with foreign nations and among the several States, permission is hereby given to construct dams herein, subject, however, to removal or reconstruction, without expense to the United States unless utilized by the United States, whenever the United States enters upon the improvement thereof for the purpose of making the same usable for interstate or foreign transportation: *Provided*, That any person who proposes to construct a dam in any such last-mentioned stream or part of stream may make application to the Secretary of War and thereupon may receive a permit under the conditions with all the rights and privileges herein provided for streams or parts of streams used for the transportation of persons or property in interstate or foreign commerce in their ordinary, natural, or improved condition. Nothing in this section shall be construed to grant any right to occupy or use any public land.

"Sections 7 and 10 of an act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved September 19, 1890, and sections 9 and 10 of an act entitled 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,' approved March 3, 1899, so far as they conflict with the provisions of this act, are hereby repealed.

"SEC. 15. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

Mr. SHIELDS. Mr. President, a bill containing practically the same provisions as this bill was introduced during the last Congress and passed by the Senate, but was so amended in the House that the committee of conference failed to agree upon it, and it did not become a law.

The bill now under consideration differs very little from that one, and as that bill was debated by the Senate for more than 30 days, I do not deem it necessary now to make any extended statement of the provisions of this bill or any argument in favor of it. I will content myself at this time with giving a brief statement of the proposed legislation and the differences between this bill and the one which was passed during the last Congress.

The bill provides primarily for the improvement of navigation in rivers under the jurisdiction of Congress with private capital, as distinguished from appropriations by Congress for that purpose, and, secondarily, for the development and utilization of the water power of those rivers resulting from such improvement, as well as that created by dams constructed and to be constructed under the authority of Congress. The secondary purpose of the bill is the inducement for the investment of private capital in the improvement of navigable streams and without which it would not be so invested or improvements made.

The provisions for the development of navigation, present and future, of navigable rivers are carefully prepared to accomplish that object, the improvement to be made in all cases in accordance with plans submitted to and approved by the Secretary of War and Chief of Engineers, and constructed under their super-

vision, all with a view primarily of promoting and protecting navigation facilities. In fact, the improvements are required to be made and maintained according to such plans and in such manner as if they were solely for navigation purposes and to be paid for out of the Treasury of the United States.

It is believed that the bill provides a way by which many of the navigable rivers of the country can be opened to commercial navigation, which, for the want of available means, can not for years be improved in the ordinary way by appropriations from the Treasury of the United States, provided the provisions covering the secondary object of the bill are broad enough and liberal enough to attract private capital desiring to invest in water-power development; for it is obvious, without great inducement of individual interest and advantage, private capital will not be invested in an improvement for the sole benefit of the general public.

It is also believed that the secondary object of the bill—that is, the development and utilization of the water power of navigable streams—is of equal importance to the primary object, although it is in a sense incidental to it, and it is believed that the provisions of the bill concerning this are ample to accomplish that purpose.

It is estimated that there is in the navigable rivers of the United States, exclusive of Alaska, and also of what may be developed by feasible storage projects, over 61,000,000 horsepower of water-power energy, not more than one-tenth of which is now improved and utilized. This great natural resource in all other civilized countries is developed practically to its fullest extent, and has and is now, by furnishing cheap power, contributing greatly to the wealth of those countries and the convenience and happiness of their people. The economic and industrial advantages to the people of the United States that will result from the development of hydroelectric energy produced by utilization of water power is difficult to overestimate. There are many things which can be accomplished by it that it is not practicable to accomplish by steam power produced in the consumption of fuel. The value of cheap power for manufacturing, lighting, and transportation purposes is, of course, recognized by everyone. Perhaps the greatest necessity and use for it at this time is in the fixation of atmospheric nitrogen for the manufacture of fertilizers and explosives, interests that are of too common information to need elaboration.

The prime reasons which have prevented the development of water-power energy in the United States is found in the restrictive policy of the present statutes concerning the matter, which experience has shown to be practically prohibitory of it.

The Congress, by an act passed September 19, 1890 (26 Stat. L., 454, secs. 7, 10), prohibited the construction of any wharf, dam, or other structure in any navigable water of the United States, in such manner as would obstruct or impair navigation, without the permission of the Secretary of War, and by an act passed March 3, 1899 (30 Stat. L., 1151, secs. 9, 10), prohibited the construction of any bridge, dam, dike, or other structure in or over any navigable water of the United States until the consent of Congress to the building of the same should be first obtained and the plans submitted to and approved by the Chief of Engineers and the Secretary of War, with the provision that where the proposed improvement was on any river the navigable portions of which lie wholly within the limits of a single State the consent of the general assembly of that State was sufficent.

Previous to the enactment of these statutes the riparian proprietors of navigable rivers could construct dams in them when they desired, provided they did not obstruct navigation, but subject to removal whenever they were deemed an obstruction by the authorities of the Federal Government. But under these statutes no structure can be built over or in any navigable water without first obtaining the consent of Congress by special act for that purpose.

This prohibition is not removed by the statutes known as the general dam bills, approved June 21, 1906, and June 23, 1910. These acts, while providing the terms and conditions upon which riparian proprietors may construct dams in navigable waters with the approval and under the supervision of the Secretary of War and the Chief of Engineers, do not change the law requiring that the consent of Congress be first obtained in every case. The delay and difficulties of procuring special acts for this purpose have caused great embarrassment to those who propose to furnish the capital to make such improvements, and has been and is a great obstruction to the improvement of waterways for navigation and the development of water power. The present bill authorizes the Secretary of War to consent to the construction of dams, properly safeguarding the public interest, and under it they can be built without the delay incident to a resort to Congress.

The act of June 23, 1910, which repeals by implication that of June 21, 1906, provides for and authorizes conditions upon which the permit may be granted that render the terms of the investment so uncertain and the continuance of the permit or tenure of title so defeasible that those having capital can not safely and will not make investments under them.

The Secretary of War is authorized by this act to increase the aggregate of the investment at any time by requiring additional locks and appurtenances to be constructed to such an extent that it may exceed any possible earnings that can be realized from the water power developed and arbitrarily declare the permit forfeited, from which action there is no appeal. The permit can not exceed 50 years, at the expiration of which time it is automatically annulled. Charges and forfeitures of the most arbitrary character are provided for.

There are no provisions for the protection of the property interests of the investor when the permit may for any cause be terminated, and there is an utter absence of any provision for preferences in favor of public-utility companies and for the protection of the public from excessive and unjust charges and rates by the grantee for hydroelectrical energy and other products of the water power developed. In other words, the conditions of the act offer no protection to investors or consumers and are objectionable and unjust to both.

These objections are attempted to be obviated by the present bill. The total investment which the grantee will be required to make can be ascertained and fixed when the permit is granted. The permit is for 50 years and thereafter the grantee remains in possession at the will and pleasure of the Secretary of War, who may extend it for another term, or the property be taken over by the United States and transferred to another grantee. Forfeiture of the permit for failure of the grantee to comply with the conditions provided in the bill and the lawful regulations of the Secretary of War are provided for. The charges and rentals imposed are to be expended in the improvement of the navigation of the stream in which the dams are constructed, and all controversies concerning the respective rights and interests of the grantee and the United States are made subject to judicial investigation and determination.

Preference is given in awarding permits to municipalities or other political subdivisions of States and public-utility companies where the power developed is to be used for municipal or public-utility purposes. The persons making the improvement and developing hydroelectricity or other products of water power and the rates charged by them for such products are made subject to the laws of the State and regulation by their duly constituted authorities having jurisdiction over such matters, except where such products enter into interstate commerce, in which case the Interstate Commerce Commission is given jurisdiction; and such charges are in all cases required to be reasonable, adequate, and nondiscriminatory.

The plant and other improvements of the grantee, other than those portions necessary for the development of navigation, are made subject to taxation by the States as other similar property within the States, and the power of the States to require the payment of royalties on the power developed is fully recognized and provided for.

There are also ample provisions to prevent the rights granted and the plants constructed from constituting a part of any trust, monopoly, or conspiracy in restraint of trade, and the right to alter or amend the act as the public welfare may require is expressly reserved.

The bill also provides for the lease of water power in excess of that needed for operation and navigation facilities, incidentally produced by dams heretofore or which may be hereafter constructed by the United States in the improvement of navigable rivers with preference as to grantees, control, and regulation of rates and charges of the grantee, and other regulations and limitations provided for in case of permits to construct dams with private capital.

The bill is so framed as to protect and maintain the constitutional power and control of the Federal Government over navigable streams, as well as the sovereignty of the States and the rights of riparian proprietors over and in the beds and waters of those streams, and allow the full exercise and enjoyment of the latter, subject to the paramount authority of Congress to regulate the same for navigation purposes.

It is believed that under the provisions of this bill the water-power resources of the country will be developed and utilized and future waste prevented, which is conservation in its highest and truest sense.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). Does the Senator from Tennessee yield to the Senator from Colorado?

Mr. SHIELDS. I do.

Mr. SHAFROTH. I should like to ask the Senator a question. When this bill was up for consideration before I remember a good deal of discussion concerning it and it met my approval, because I voted in favor of it. I should like to have the Senator designate exactly what difference there is between the bill which he proposes now and the bill which we passed in the Sixty-fourth Congress.

Mr. SHIELDS. Mr. President, it was my intention to do that at this time, so that Senators may understand it fully without comparing this and the former bill. I will state in advance that these changes for the most part are of phraseology, with the intention of making the provisions of the bill clearer and more easily understood.

The first difference between this bill and the one passed at the last Congress by the Senate occurs in section 1. The first sentence of that section in the former bill was in these words:

That the United States hereby authorizes any of the persons as hereinafter defined, after obtaining the permit of the Secretary of War, as hereinafter provided, to construct, maintain, and operate a dam or dams or diversion structures and accessory works for the development and improvement of navigation and for water power or other purposes across, in, or along any of the navigable waters of the United States.

For that sentence there is substituted in the present bill the following:

SECTION 1. That the United States hereby authorizes any of the persons as hereinafter defined, after obtaining the permit of the Secretary of War as herein provided, to construct, maintain, and operate a dam or dams, diversion structures, reservoirs, and accessory works, in or along any of the navigable waters of the United States for the development, improvement, or preservation of navigation for the purposes of interstate and foreign commerce, and the development and utilization of water, water power natural or created by the improvement, and for other purposes.

I think, Mr. President, that is clearer and expresses the purposes for which the permit may be granted in more direct and satisfactory words than the provision in the former bill, although there is no material change in the effect of it.

The next difference occurs in subsection 2 of section 1 where, after the word "navigation" first appearing in that section, are inserted the words "in foreign and interstate commerce"; after the word "development," in the same line, the words "and utilization"; and in the last line of that subsection, after the word "navigation," are inserted the words "and other beneficial purposes."

Section 4 of the former bill was in these words:

That any such permit shall not have the effect to relieve the grantee from liability for any damage occasioned to the property of others by the construction, maintenance, or operation of any dam or of the works appurtenant or accessory thereto, and the United States shall in no event be liable therefor. When a grantee hereunder is a municipal corporation, or a political subdivision of a State, or a public-service agent of a State, or a public utility or service corporation, it may acquire the right to use or damage any lands or property of others necessary to the construction, maintenance, or operation of any such dam or diversion structure or of the works appurtenant or accessory thereto by the exercise of the right of eminent domain in the district court of the United States for the district in which such land or other property may be located, or in the State courts. The practice and procedure in any action or proceeding brought for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar actions or proceedings in the courts of the State where the property is situated.

Substituted for that section as section 4 is the following:

That the grantee of the permit shall be liable for all damages occasioned to the property of others by the construction, maintenance, or operation of the dam, reservoir, or of the works appurtenant or accessory thereto, constructed under the permit, and in no event shall the United States be liable therefor. When the grantee is a municipal corporation, or a political subdivision of a State, or a public-service agent of a State, or a public utility or service corporation, and can not acquire by contract or purchase the right to use or damage the lands or property of others necessary to the construction, maintenance, or operation of any dam, reservoir, diversion structure, or the works appurtenant or accessory thereto, it may acquire the same by the exercise of the right of eminent domain in the district court for the United States in which such land or property may be located or in the State courts. The practice and procedure in any action or proceeding for that purpose in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar actions or proceedings in the courts of the State where the property is situated.

This, I think, is clearer than the same provision in the former bill.

The next difference between this bill and the former is in section 5. In the old bill section 5 read:

That unless revoked for cause as provided in section 8 of this act the rights under any such permit shall continue for a period of 50 years from the date of the permit, and after the expiration of said 50 years such rights shall continue until revoked for cause as provided in section 8 of this act or until terminated and compensation has been made to such grantee for its property as provided in section 6 of this act.

The section substituted for that section is as follows:

The permit granted under the provisions of this act shall be for the term of 50 years from the date of the permit, subject to be revoked for cause as provided in section 8 of this act: *Provided*, That after the expiration of said term of 50 years the grantee may continue the maintenance, occupation, dam and operation of the dam or dams, reservoir, and accessory works and appurtenant property under the terms and restrictions of the permit and this act, unless revoked for cause as provided in section 8 of this act, until the property is acquired, taken over, and compensation made to such grantee therefor by the United States or a new grantee, or a new permit is granted to it, as provided in section 6 of this act.

This, I believe, makes it clearer that the permit determines absolutely upon the expiration of 50 years, and the permittee remains in possession merely at the will or option of the United States for the care and protection of the property from deterioration and the benefit of the consumers of the power generated.

Section 6 of the former bill, which is also section 6 of this bill, is amended so as to strike out the words "the fair value of" in providing what shall be paid for the property when taken over at the expiration of 50 years and inserting in lieu thereof "just compensation for," which is the language of the Constitution providing for compensation to be paid for property condemned for public use, the meaning of which can not be a subject of controversy.

A further provision of section 6 in the former bill was in these words:

In the determination of the value of said property for any purpose as between such grantee and the United States or any State no value shall be claimed by or allowed to the grantee for the rights hereunder granted.

After the word "granted" in the present bill is added the words "or for good will or anticipated profits." The remainder of section 6 in the former bill after the words just stated is in these words:

When the permit expires by limitation, or is terminated under the provisions of this act, the United States may take over, acquire, occupy, and use all the property of the grantee herein described and upon the terms herein provided for such purposes as may be authorized by then existing laws; or the Secretary of War may grant a permit to any other person or persons, defined in sections 1 and 10 of this act, upon the same terms and with the same restrictions and preferences provided in this act, and as may be authorized or required by the existing laws, who shall take over the property of the original permittee upon the payment of its fair value in all things as the United States is authorized and required to do; or the Secretary of War may renew the permit to the original permittee upon the same terms and with the same restrictions and preferences and as may be authorized and required by then existing laws.

In lieu of that provision this bill contains the following:

When the permit expires by the limitation of 50 years or is otherwise terminated under the provisions of this act the United States may acquire, take over, and occupy all the property of grantee herein described upon the terms herein provided, to be used, operated, or disposed of as may be authorized by the acts of Congress then in force; or the Secretary of War may grant a new permit to the original permittee or its successors upon the terms and conditions and with the restrictions provided in this act and authorized and required by subsequent acts of Congress; or the Secretary of War may grant a permit to another person or persons defined in sections 1 and 10 of this act upon the conditions and terms and subject to the restrictions and preferences herein provided and as may be required or authorized by then existing laws of the United States, who may acquire and take over and operate the property of the original permittee or its successors upon the payment of the reasonable value of the property and the assumption of contracts in all things as the United States is authorized and required to do. The district court of the United States wherein the property is situated is hereby vested with jurisdiction to enforce the provisions of this section by appropriate proceedings in equity.

I think this is clearer than the same provision in the former bill.

The next difference in the two bills occurs in section 7. The proviso contained in that section in the former bill is in these words:

And provided further, That nothing in this act shall be construed to prevent any State in which such dam with its appurtenant property is located, or in which such business is to be conducted, from making and enforcing any lawful regulations with respect to the property or business of such grantee.

That is stricken out and a provision in these words appears in the present bill:

And provided further, That nothing in this act shall be construed to interfere with the sovereign powers of the several States of the United States over the navigable waters within their respective boundaries and the property rights they hold therein in trust for their people, or their right to control those streams, including that to grant permits for the use of the waters and water power thereof, and to require the payment to the States of such charges and royalties for such use as may be authorized by the constitutions and laws of the respective States, subject, however, in all cases, to the paramount power of Congress to regulate foreign and interstate commerce and navigation upon all the navigable waters of the United States.

This clearly defines the respective jurisdictions of the Federal and State authorities over navigable rivers, as held and declared by the Supreme Court of the United States in numerous cases.

Mr. SHAFROTH. I should like to ask the Senator a question which he has not referred to in regard to the differences between the two bills. Are there any differences between the present bill and the bill that was passed in the Sixty-fourth Congress relative to the power of the State to tax the improvements or to tax the property of the corporation that may put up these plants, or does it remain the same as in that bill?

without the delay incident to a resort to Congress.

the chair). Does the Senator from Tennessee yield to the Senator from Colorado?

The permit granted under the provisions of this act shall be for the term of 50 years from the date of the permit, subject to be revoked for cause as provided in section 8 of this act: *Provided*, That after the expiration of said term of 50 years the grantee may continue the maintenance, occupation, and operation of the dam or dams, reservoir, and

present bill and the bill that was passed in the Sixty-fourth Congress relative to the power of the State to tax the improvements or to tax the property of the corporation that may put up these plants, or does it remain the same as in that bill?

Mr. SHIELDS. This bill contains the same provisions as the former in regard to State taxation. They are to be found in section 7 of the bill.

Mr. SHAFROTH. There is no question, then, but what the State has the power to tax the improvements and the property of the corporations that may take advantage of this act in constructing dams and water-power plants?

Mr. SHIELDS. None whatever. Mr. President, I have stated that the general objects of this legislation and the differences between the bill as passed in the last Congress and the one now under consideration. I am not going into any general discussion of the merits of the several provisions, for, as I have heretofore stated, they were all debated at very great length at the former session when the first bill was favorably acted upon by this body.

There are, however, one or two matters to which I shall call attention. This bill authorizes persons and companies owning or acquiring riparian rights upon navigable rivers, complying with the laws of the State concerning such matters, to construct dams in them, first having obtained a permit to do so from the Secretary of War upon the terms prescribed in the bill and those which it authorizes that officer to impose. This is necessary for a workable bill. The conditions and terms upon which the persons and companies may be authorized to construct dams or other obstructions in navigable streams are proper subjects of legislation and should be prescribed by the Congress, but the mere location of a dam in accordance with such legislation is a matter of administrative detail which the War Department, having charge of the improvement of navigable rivers, can best investigate and determine, so as to fully protect the interest of navigation.

The construction of dams is a local matter. For more than a century Congress left the control of it entirely to the States wherein the rivers were situated, and no other permit was required than that of the general assembly of the State, the structure subject always to be removed if deemed by the Federal authorities an obstruction to navigation. This contingency was sufficient to prevent interference with navigation by structures, and there was no friction between the Federal Government and the States or those to whom they granted permits concerning dams in navigable streams.

Congress, by an act passed in 1890, to which I have referred, forbade all structures without a special act giving its consent. Why this change was made and the great burden of administrative detail assumed by the Congress does not appear. It does not appear that there was any special demand for the legislation or that the question was debated or that it received deliberate consideration when the law was passed. A general dam law which requires the action of Congress in each separate project is one in name only. It is not within the power of this or any future Congress to control the legislative policy of their successors. Congresses are constantly changing membership, and new Members will always have different views concerning the improvement of navigation and water-power development, which would be written in each separate act consenting to a particular project, and this would absolutely destroy uniformity in legislation of this kind and assure discrimination and inequality in the terms of different permits.

The delays which occur in procuring the consent of Congress by special acts and the uncertainty as to what the provisions of the acts were have in the past discouraged capital and caused it to seek other investments free from such embarrassments, and it will continue to do so. Congress has conferred upon the War Department jurisdiction over all navigable rivers, and intrusted to its officers the improvement of them, with appropriations from the Public Treasury, with full discretion in the location and the construction of dams, locks, and other facilities for navigation, and there is no valid reason why these same officers should not be intrusted with this discretion when private capital is used in making the improvements.

Congress before enacting special acts for this purpose has generally referred them to the War Department for report, so far as the project affected navigation, and given great weight to such reports. This provision does not carry with it any appropriation from the Federal Treasury or concession of public property, but is a delegation of a part of the police power of Congress to regulate commerce by the improvement of navigable rivers.

I think it is now generally conceded that this plan is preferable to special acts authorizing the construction of dams. Authority to grant permits for water-power development upon the public domain has been given the Secretary of the Interior and found to operate satisfactorily. The police power has also been conferred upon other departments of the Government over matters within their respective jurisdictions with satisfactory results.

The statement has been made and given wide circulation that there is an effort by some unknown interest, vaguely spoken of as a water-power trust, without the slightest evidence of the existence of such a thing, to appropriate the great natural resources of our navigable streams. There is undoubtedly an effort to appropriate these resources, but not by private interests. It is to be found in the proposed unconstitutional and confiscatory legislation which this bill proposes to repeal. The proposition is to take from the States and their people the natural resources found within their borders and turn them over to the United States, to be distributed among the people of all the States.

This bill fully recognizes the sovereignty of the States over navigable streams within their borders and the property rights in their waters and the interest and welfare of their citizens, and ample provisions are made to protect them all. Companies proposing to construct dams for the development of water power or other purposes are required to first obtain authority to do so from the States where the dams are to be built and the plants located and operated. The property and the business of the companies are made subject to State taxation, and the rates to be charged for the water power and hydroelectricity furnished, generated, and sold are to be regulated and fixed by the laws of the States through their public-utility commissions, and such other agencies as the States may in their discretion provide for that purpose, and special provision is made against the monopolization of waters and water power.

Mr. President, the navigable rivers of the United States are perhaps the greatest natural resources of our country. We have about 50,000 miles of these rivers which are navigable for commercial purposes, and about one-half of them have obstructions, such as falls, rapids, and shoals, which must be removed or submerged.

The maximum water-power horsepower in the United States is estimated to be 61,780,000, exclusive of available storage, only about one-tenth of which is developed and utilized. That in the navigable rivers alone is estimated to be about 27,000,000 horsepower, of which a comparatively small portion is developed. Our present arbitrary and oppressive laws controlling these rivers have absolutely prohibited and strangled water-power development in them, the total development since they were enacted being less than 140,000 horsepower. There never was a time in the history of this country when the necessity for improving the navigation in these streams and utilizing this natural energy, now going to waste, was greater than at the present. Our magnificent railroad systems—and we have the greatest in the world—have utterly failed to answer the demands of the commerce of the country, and transportation has been congested for months. The further construction of railroads to any important extent seems improbable, as the mileage in the last two years has been less than that of any one year for half a century. The opening of our rivers for navigation has become an imperative necessity, but the Government is embarrassed in accomplishing it because of the great expense required.

We must have cheap power in large quantities for manufacturing fertilizers, steel, chemicals, aluminum, and many other things necessary to the cultivation of our lands and to enable us to compete with other countries in the production of those articles. The cost of foodstuffs of all kinds has reached a mark that is oppressive to a large part of the people of the country, resulting from diminished supply and increased population. Our lands have deteriorated in fertility and must be fertilized to make them produce larger crops. We must have cheaper nitrogen and phosphorus for the manufacture of fertilizers, which are only obtainable by the fixation of atmospheric nitrogen and electrical treatment of phosphate rock. We can not obtain the hydroelectricity for these purposes without the development of our water powers.

The capital to open these rivers for transportation and develop and utilize this energy can be obtained by repealing the present prohibitory statutes and enacting proper laws which will safeguard and protect the property of the investors, at the same time affording ample protection to the rights of the people in these great natural resources. It is unjust to the American people to longer delay legislation of this kind; indeed, it seems to me little less than a crime that we should arbitrarily prohibit the development of our rivers for these beneficent purposes, which would contribute so much to the happiness and prosperity of our people. The time for personal exploitation, publicity, and false conservation has passed, and practical methods and policies ought to be adopted and followed by legislation of the character now proposed without further discussion at this time. I submit

the bill to the Senate with confidence that it will be speedily and favorably disposed of. There should be no delay about so important a matter.

Mr. BANKHEAD. Mr. President, I desire to make an inquiry. I should like to inquire of the Senator from Tennessee whether the amendments to which he has referred have been printed with the bill which is now before the Senate?

Mr. SHIELDS. These are not really amendments; they are provisions contained in the present bill that were not in the former bill or, rather, provisions of the former bill rewritten in other language.

Mr. BANKHEAD. I understood that, Mr. President; but it occurred to me that if the Senator would have the bill reprinted with these suggested changes printed in italics, so that the Senate might without difficulty understand what the proposed changes are, it would facilitate its consideration. I merely make that suggestion.

Mr. SHIELDS. I have no objection to the bill being printed in that way; but my object in reading those changes in the bill a while ago was that Senators might find the matter in the RECORD, and thus be advised of what was the difference between the two measures.

Mr. BANKHEAD. But, Mr. President, I want to suggest to the Senator that it would be much more convenient for Senators if he would have the amendments printed in the bill, so that Senators could have the matter before them. Could the Senator not have that done?

Mr. SHIELDS. Mr. President, I will ask that a reprint of the bill, with the proposed changes in italics, as suggested by the Senator from Alabama, be made.

Mr. STONE. That the bill be reprinted?

Mr. SHIELDS. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STONE. Mr. President, may I ask my friend, who is in charge of the bill, when he thinks he will bring this bill to a vote?

Mr. SHIELDS. I should prefer to go on with the bill this afternoon and to keep it before the Senate until it is passed; I am perfectly ready to do so; but I understand from numerous Senators that there is a desire of some of them to be heard upon the bill, and that they are not ready to speak this evening. I have been requested to let the bill go over until to-morrow.

Mr. STONE. Mr. President, that is an old story in the Senate. Some Senator who is opposed to a bill, or two or three or more Senators who are opposed to a bill, want it to go over; they are not ready to speak. We had an example of that yesterday on a bill which had been continued here from day to day until the Senator in management of the bill refused to give in an inch and demanded action upon the bill. When the bill was pressed we got a vote upon it. If we are going along in this way, just because some Senator or Senators say they are not ready to speak, that they want time, no man can tell. Mr. President, when we shall ever get a vote on this most important measure, the passage of which I favor most heartily.

I wish, however, my friend from Tennessee not to forget that this bill, important as it is in his estimation, and which I am supporting, is not the only bill on the calendar. There are other important measures on the calendar that ought to be taken up and disposed of. I am opposed to the mere waste of time on a particular bill, which ought to be disposed of speedily, and delaying, probably absolutely preventing, a consideration of other measures on the calendar in which Senators are deeply concerned, and in which I believe the Senate itself will be deeply concerned when they are presented to the Senate and Senators become familiar with them.

Here it is quarter to 3 o'clock. Are we going to put the bill aside for the convenience of whom? Of the Senate, or of some Senator? Is this a new bill? Why, the Senator from Tennessee knows that it has been before this body for months and months, and to tell me that a Senator who has been here through these months is not prepared to discuss it to-day, but may be prepared to-morrow or the day after, is rather an incredulous statement for that Senator to make to me. He must simply desire delay for some purpose.

I am going to follow my friend; I am not going to antagonize him; I know his interest in this measure, and I am with him; but I do not want this bill to take the remainder of this session up to Christmas, for after the holidays we will have a lot of war measures in here piling one upon another, and important measures on the calendar will go to the scrap heap. I do not want some of them to go to the scrap heap in that way.

Mr. President, I have said this because of my intense desire to have measures of great importance now on the calendar, like this one, forced to some sort of issue and conclusion, so that we can take up something else on the calendar. I have heard Senators say here to me—I give no names—that we ought not to take up anything during this session of Congress except war measures. I do not believe that for one moment. War measures must have precedence; to that I agree; but there are questions of great domestic emergency and importance that we might attend to. We must not forget that we have things at home to look after while we are looking after war matters, although that war matters shall have precedence I agree.

There are several measures on the calendar now of great importance to the whole country that have not anything particularly to do with the war and that ought to be considered now or they will never be considered at all. Senators who are opposed to them, I can understand, try to take up this, that, and the other measure and postpone them in this way and in the other way, so that they will never be reached. Now, I think the measure of which my friend the Senator from Tennessee is in charge, now before the Senate, is in an essential way, for the reasons he has stated, not only to-day but previously, a measure of great war importance. I believe that, but I am not putting it on that ground. Even if it were not, it is a question of great national import, and it ought to be disposed of. I do not like for a moment the policy which seems to be pursued here of the Senator in charge of a bill—I am not criticizing my friend from Tennessee, but it is a common practice—arranging after an hour or two of consideration to put over a bill until to-morrow and then to put it over until the next day by some arrangement. I do not like that. I think we ought to go on with the business we have before us and dispose of it as we come to it, just as we did yesterday with the foreign export trade bill, and finished it, when it might have been here to-day and might have been here to-morrow and the next day. We must end these things; and I am in favor of that policy as against the policy of delay in the consideration of measures of importance now on the calendar of the Senate.

I beg the Senator's pardon, but I just wanted to say this to such Senators as are here.

Mr. SHIELDS. Mr. President, I am heartily in accord with all the Senator from Missouri has said about pressing business. I agree with him that practically nothing has been done here for several days; for only an hour or two, as a usual thing, has the Senate remained in session. While the bill disposed of yesterday afternoon was under consideration I was here all the time, every day, hoping that that bill would be disposed of, and opposing adjournments in order that I might call up this important measure. So the delay in connection with that measure was not with my consent.

This morning Senators on both sides of the Chamber came to me and insisted that they were not ready; they wanted this bill to go over until to-morrow, or until Monday some of them said. I am very anxious to dispose of it; I should like to go on with it this afternoon. I see no reason why there should be a long debate on the bill. It was discussed for more than a month during the last Congress; every possible objection was made to its provisions; all questions were thoroughly thrashed out; and the Senate by more than 2 to 1 passed the bill—practically the same bill now before the Senate. I would be delighted to go on with it this afternoon and finish it, but after the understanding which was reached by Senators generally that it would not be pressed this evening I feel that it would be discourteous to them to press it.

Mr. STONE. May I ask my friend from Tennessee what the understanding is?

Mr. SHIELDS. That it would not come to a vote this afternoon, and really that it might go over until Monday; but since then I have understood that a session to-morrow is desired for certain purposes, and there will be such a session, as I understand.

Mr. MARTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Virginia?

Mr. SHIELDS. I do.

Mr. MARTIN. I expect the House to-morrow immediately on its assembling to pass a joint resolution extending the period of availability of the fund voted at the last session for war purposes and placed at the disposal of the President, amounting to $100,000,000, some thirty-odd million dollars of which has been disposed of. It will require additional legislation to make the remainder of that fund available after the latter part of this month. The House, I understand, expects to pass a joint resolution providing for the extension of the period of availability for so much of that fund as remains unexpended, and also providing mileage for Senators for the present session. I

had expected, and still expect, to ask the Senate to sit to-morrow to consider that joint resolution if it comes over, as I confidently expect it will come. So there ought to be a session of the Senate to-morrow for that purpose.

Mr. STONE. I had hoped the distinguished leader of the Democratic side would insist upon a session to-morrow aside from the subject he mentioned.

Mr. MARTIN. If the Senator will excuse me, I was coming to that after disposing of this matter which comes more directly under my control. I say I think the Senate ought to sit to-morrow for the purpose of considering that joint resolution which we expect from the House. The first thing to-morrow I expect to ask for a meeting of the Committee on Appropriations to pass on that joint resolution before 12 o'clock by anticipation; and if the Senator from Tennessee is at liberty, in view of what has passed between him and other Senators, to press this bill to-morrow it will be very satisfactory to me. I think it ought to be pressed and it ought to be passed, and I hope it can be passed to-morrow. I know of no reason why it should be delayed, but there may be reasons unknown to me. The Senator from Tennessee may have had conversations with other Senators which would make it inconsistent with fair dealing for him to press the consideration of the bill to a vote to-morrow. I will have to leave that to him. If, however, he is in a position to give notice now on the floor of the Senate here at this moment that he will press it to-morrow, I will be much gratified; and if he is not in a position to do that, he will have to determine it. All I can say is that I expect to ask the Senate to adjourn until 12 o'clock to-morrow in order to consider the joint resolution to which I have referred, and I will be much gratified if the Senator from Tennessee can give notice that he will to-morrow press the bill of which he is in charge.

Mr. SHIELDS. Under the understanding reached by Senators, I can not further press this bill this afternoon; and I therefore ask that it be temporarily laid aside; but I will now state that I will ask that the Senate proceed with it to a final vote to-morrow when the Senate meets. I give that notice now to Senators who are absent, unless they have made such arrangements under the understanding to-day that it will be impossible for them to do so. I, of course, would violate no agreement, express or implied, with any Senator.

The PRESIDING OFFICER. The Senator from Tennessee asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, that order will be made.

EXECUTIVE SESSION.

Mr. SIMMONS. I move that the doors be closed and that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 3 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 14, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 13, 1917.

JUNIOR HYDROGRAPHIC AND GEODETIC ENGINEERS IN COAST AND GEODETIC SURVEY.

Stanley T. Baker, of Massachusetts, to be junior hydrographic and geodetic engineer in the Coast and Geodetic Survey, Department of Commerce, vice Douglas Karr, promoted. (By promotion from aid.)

Raymond A. Wheeler, of Washington, to be junior hydrographic and geodetic engineer in the Coast and Geodetic Survey, Department of Commerce, vice C. T. Bussell, promoted. (By promotion from aid.)

EXPLOSIVES INSPECTOR.

Lewis A. Griffith, of Upper Marlboro, Md., to be explosives inspector for the State of Maryland, under the provisions of the act of Congress approved October 6, 1917.

APPOINTMENTS IN THE ARMY.

Maj. Gen. William Crozier, Chief of Ordnance, to be Chief of Ordnance with the rank of major general for a period of four years from November 22, 1917, with rank from October 6, 1917.

MEDICAL CORPS.

Capt. Bertram Foster Duckwall, Medical Reserve Corps, to be captain in the Medical Corps with rank from November 6, 1917.

First Lieut. John S. G. Fielden, jr., Medical Reserve Corps, to be first lieutenant in the Medical Corps with rank from August 25, 1917.

To be first lieutenants to fill original vacancies.

Maj. John Michael Hewitt, Medical Reserve Corps, from August 25, 1917.

Capt. Claude Wiggins Cummings, Medical Reserve Corps, from August 25, 1917.

First Lieut. James Monroe Troutt, Medical Reserve Corps, from August 26, 1917.

First Lieut. Alan De Forest Smith, Medical Reserve Corps, from August 27, 1917.

First Lieut. Frank Macbeth Ende, Medical Reserve Corps, from August 27, 1917.

First Lieut. Samuel Augustus White, Medical Reserve Corps, from August 28, 1917.

First Lieut. Albert Wright Greenwell, Medical Reserve Corps, from August 28, 1917.

First Lieut. Francis Moylan Fitts, Medical Reserve Corps, from August 29, 1917.

First Lieut. Eric Adolphus Fennel, Medical Reserve Corps, from August 29, 1917.

First Lieut. Paul Edgar McNabb, Medical Reserve Corps, from August 30, 1917.

First Lieut. Harvey Edmund Webb, Medical Reserve Corps, from August 30, 1917.

First Lieut. George Franklin Aycock, Medical Reserve Corps, from August 31, 1917.

First Lieut. Henry Wiley Grady, Medical Reserve Corps, from August 31, 1917.

First Lieut. Philip Jefferson Lukens, jr., Medical Reserve Corps, from September 1, 1917.

First Lieut. Norman McLean Scott, Medical Reserve Corps, from September 1, 1917.

First Lieut. Marion Rudolph Mobley, Medical Reserve Corps, from September 2, 1917.

First Lieut. Frederick Karl Herpel, Medical Reserve Corps, from September 2, 1917.

First Lieut. Horace Sumner Villars, Medical Reserve Corps, from September 3, 1917.

First Lieut. Donald Gardner Russell, Medical Reserve Corps, from September 3, 1917.

First Lieut. Allen Deming Lazenby, Medical Reserve Corps, from September 4, 1917.

First Lieut. Patrick Francis McGuire, Medical Reserve Corps, from September 4, 1917.

First Lieut. James Walsh McClaran, Medical Reserve Corps, from September 5, 1917.

First Lieut. Louis Frank Boyd, Medical Reserve Corps, from September 5, 1917.

First Lieut. Tom Sperring Mebane, Medical Reserve Corps, from September 6, 1917.

First Lieut. Edmund Benjamin Spaeth, Medical Reserve Corps, from September 6, 1917.

First Lieut. Philip Louis Coulter, Medical Reserve Corps, from September 7, 1917.

First Lieut. James Blaine Montgomery, Medical Reserve Corps, from September 7, 1917.

First Lieut. Percy Elisha Duggins, Medical Reserve Corps, from September 8, 1917.

First Lieut. Brown Shirk McClintic, Medical Reserve Corps, from September 8, 1917.

First Lieut. Henry Kurtz Baumgardner Hufford, Medical Reserve Corps, from September 9, 1917.

First Lieut. Joseph George Fernbach, Medical Reserve Corps, from September 9, 1917.

First Lieut. Howard Henry Dignan, Medical Reserve Corps, from September 10, 1917.

First Lieut. Charles Wallace Sale, Medical Reserve Corps, from September 10, 1917.

First Lieut. Robert Henry Lowry, jr., Medical Reserve Corps, from September 11, 1917.

First Lieut. Hertel Philip Makel, Medical Reserve Corps, from September 11, 1917.

First Lieut. Ward Stanley Wells, Medical Reserve Corps, from September 12, 1917.

First Lieut. Seymour Crandall Schwartz, Medical Reserve Corps, from September 12, 1917.

First Lieut. Burgh Smith Burnet, Medical Reserve Corps, from September 13, 1917.

First Lieut. Karl Frederick Kesmodel, Medical Reserve Corps, from September 13, 1917.

First Lieut. Ross Golden, Medical Reserve Corps, from September 14, 1917.

Capt. Curtis Dudley Pillsbury, Medical Reserve Corps, from September 14, 1917.

First Lieut. Nelson Allen Myll, Medical Reserve Corps, from September 15, 1917.

First Lieut. John Robin DeVelling, Medical Reserve Corps, from September 15, 1917.

First Lieut. Roy Lorraine Scott, Medical Reserve Corps, from September 16, 1917.

First Lieut. William White Southard, Medical Reserve Corps, from September 16, 1917.

First Lieut. George Hamilton Dorsey, Medical Reserve Corps, from September 17, 1917.

First Lieut. Laurent Lescelles LaRoche, Medical Reserve Corps, from September 17, 1917.

First Lieut. Henry Cheesman Dooling, Medical Reserve Corps, from September 18, 1917.

First Lieut. Frank Smeeton Matlack, Medical Reserve Corps, from September 18, 1917.

First Lieut. Cleon Joseph Gentzkow, Medical Reserve Corps, from September 19, 1917.

First Lieut. James Porter Crawford, Medical Reserve Corps, from September 19, 1917.

First Lieut. Robert Alexander Hale, Medical Reserve Corps, from September 20, 1917.

First Lieut. Allen Richmond Howard, Medical Reserve Corps, from September 20, 1917.

First Lieut. Benjamin Beresford Rowley, Medical Reserve Corps, from September 21, 1917.

Capt. Henry Colmore Bradford, Medical Reserve Corps, from September 21, 1917.

Capt. Harry Hunt Towler, Medical Reserve Corps, from September 22, 1917.

First Lieut. Oral Bevoly Bollbaugh, Medical Reserve Corps, from September 22, 1917.

First Lieut. Joseph Roy Jones, Medical Reserve Corps, from September 23, 1917.

First Lieut. Harold Edward Clark, Medical Reserve Corps, from September 23, 1917.

First Lieut. Roland Albert Davison, Medical Reserve Corps, from September 24, 1917.

First Lieut. Charles Reif Snyder, Medical Reserve Corps, from September 24, 1917.

First Lieut. Arthur Lee Hichew, Medical Reserve Corps, from September 25, 1917.

First Lieut. Haskett Lynch Conner, Medical Reserve Corps, from September 25, 1917.

First Lieut. Edward Bailey Macon, Medical Reserve Corps, from September 26, 1917.

First Lieut. Farrar Burr Parker, Medical Reserve Corps, from September 26, 1917.

Capt. Percy James Carroll, Medical Reserve Corps, from September 27, 1917.

First Lieut. Virginius Minervini, Medical Reserve Corps, from September 27, 1917.

First Lieut. James Vincent Falisi, Medical Reserve Corps, from September 28, 1917.

First Lieut. William Daugherty Petit, Medical Reserve Corps, from September 28, 1917.

First Lieut. Glenn Holway Reams, Medical Reserve Corps, from September 29, 1917.

First Lieut. Jay De Pew Mingos, Medical Reserve Corps, from September 29, 1917.

First Lieut. Allan Wilson Dawson, Medical Reserve Corps, from September 30, 1917.

First Lieut. John Williams McKeever, Medical Reserve Corps, from September 30, 1917.

First Lieut. Ottis Lee Graham, Medical Reserve Corps, from October 1, 1917.

First Lieut. Edwin Howerton Roberts, Medical Reserve Corps, from October 1, 1917.

First Lieut. Arthur Maynard Bacon, Medical Reserve Corps, from October 2, 1917.

First Lieut. John Jay Moore, Medical Reserve Corps, from October 2, 1917.

First Lieut. Anthony Joseph Vadala, Medical Reserve Corps, from October 3, 1917.

First Lieut. Maurice Stevenson Wenver, Medical Reserve Corps, from October 3, 1917.

First Lieut. John Marion Stanley, Medical Reserve Corps, from October 4, 1917.

First Lieut. Arthur Howard Nylen, Medical Reserve Corps, from October 4, 1917.

First Lieut. Myron Parkhill Rudolph, Medical Reserve Corps, from October 5, 1917.

First Lieut. Noble DuBois McCormack, Medical Reserve Corps, from October 5, 1917.

First Lieut. Charles Edward Sima, Medical Reserve Corps, from October 6, 1917.

First Lieut. Bascom Headen Palmer, Medical Reserve Corps, from October 6, 1917.

First Lieut. Harold Dana Rogers, Medical Reserve Corps, from October 7, 1917.

First Lieut. John Randolph Hall, Medical Reserve Corps, from October 7, 1917.

First Lieut. Arthur Raymond Gaines, Medical Reserve Corps, from October 8, 1917.

First Lieut. William Love Starnes, Medical Reserve Corps, from October 8, 1917.

First Lieut. William Archdall Boyle, Medical Reserve Corps, from October 9, 1917.

First Lieut. Manton Leonard Shelby, Medical Reserve Corps, from October 9, 1917.

First Lieut. Egbert Hayes Wesson, Medical Reserve Corps, from October 10, 1917.

First Lieut. Paul Henry Streit, Medical Reserve Corps, from October 10, 1917.

First Lieut. John Edwin Robinson, Medical Reserve Corps, from October 11, 1917.

First Lieut. Lewis Edwin Joel Browne, Medical Reserve Corps, from October 11, 1917.

First Lieut. Ernest Kenneth Stratton, Medical Reserve Corps, from October 12, 1917.

First Lieut. James Archibald Orbison, Medical Reserve Corps, from October 12, 1917.

First Lieut. Paul Maxwell Neuman Kyle, Medical Reserve Corps, from October 13, 1917.

Capt. William Cotman Whitmore, Medical Reserve Corps, from October 13, 1917.

First Lieut. Albert Berchmans Pavy, Medical Reserve Corps, from October 14, 1917.

First Lieut. Francis Edgerton Evans, Medical Reserve Corps, from October 14, 1917.

First Lieut. Charles Earle Brenn, Medical Reserve Corps, from October 15, 1917.

First Lieut. Francis Thomas Duffy, Medical Reserve Corps, from October 15, 1917.

First Lieut. Leonard Webster Weaver, Medical Reserve Corps, from October 16, 1917.

First Lieut. Louie Feiger, Medical Reserve Corps, from October 16, 1917.

First Lieut. Leo Stewart Trask, Medical Reserve Corps, from October 17, 1917.

First Lieut. Raymond Albert Tomassene, Medical Reserve Corps, from October 17, 1917.

First Lieut. Lowyd Whitcombe Ballantyne, Medical Reserve Corps, from October 18, 1917.

First Lieut. Otto Richard Brown, Medical Reserve Corps, from October 18, 1917.

First Lieut. Charles Elmer Yoho, Medical Reserve Corps, from October 19, 1917.

First Lieut. Cornelius Anthony Denehy, Medical Reserve Corps, from October 19, 1917.

First Lieut. Joseph Patrick Madigan, Medical Reserve Corps, from October 20, 1917.

First Lieut. Robert Keith Simpson, Medical Reserve Corps, from October 20, 1917.

First Lieut. Patrick Sarsfield Madigan, Medical Reserve Corps, from October 21, 1917.

First Lieut. Frederick Bryton Little, Medical Reserve Corps, from October 21, 1917.

First Lieut. Chester A. Stayton, Medical Reserve Corps, from October 22, 1917.

First Lieut. Herbert Wilson Rogers, Medical Reserve Corps, from October 22, 1917.

First Lieut. John Robert Evers, Medical Reserve Corps, from October 23, 1917.

First Lieut. Ralph Elmer Curti, Medical Reserve Corps, from October 23, 1917.

First Lieut. Daniel Clyde Hankey, Medical Reserve Corps from October 24, 1917.

First Lieut. Frederick Arthur Blesse, Medical Reserve Corps, from October 24, 1917.

First Lieut. Charles Crawford Dickey, Medical Reserve Corps, from October 25, 1917.

First Lieut. George Beard Fletcher, Medical Reserve Corps, from October 25, 1917.

First Lieut. Walter Henry Mytinger, Medical Reserve Corps, from October 26, 1917.

First Lieut. John Joseph Carden, Medical Reserve Corps, from October 26, 1917.

First Lieut. Henry Earl Fraser, Medical Reserve Corps, from October 27, 1917.

First Lieut. John Ross Whisenant, Medical Reserve Corps, from October 27, 1917.
First Lieut. Harold Horton Golding, Medical Reserve Corps, from October 28, 1917.
First Lieut. Harry Philip Shugerman, Medical Reserve Corps, from October 28, 1917.
First Lieut. William Cramer Pollock, Medical Reserve Corps, from October 29, 1917.
First Lieut. William Walker McCaw, Medical Reserve Corps, from October 29, 1917.
First Lieut. Edward Howard Tonolla, Medical Reserve Corps, from October 30, 1917.
First Lieut. Earle Douglass Quinpell, Medical Reserve Corps, from October 30, 1917.
First Lieut. Harold Ogden Brown, Medical Reserve Corps, from October 31, 1917.
First Lieut. Douglas Hamilton Mebane, Medical Corps, from October 31, 1917.
First Lieut. Paul Barrus Johnson, Medical Reserve Corps, from November 1, 1917.
First Lieut. Irving Kennedy Lovett, Medical Reserve Corps, from November 1, 1917.
First Lieut. Montreville Alfred St. Peter, Medical Reserve Corps, from November 2, 1917.
First Lieut. Frank McAlpin Moose, Medical Reserve Corps, from November 2, 1917.
First Lieut. Percy Kenward Telford, Medical Reserve Corps, from November 3, 1917.
First Lieut. William Boyd Brigman, Medical Reserve Corps, from November 3, 1917.
First Lieut. Benjamin Franklin Pence, Medical Reserve Corps, from November 4, 1917.
First Lieut. Wayne Roscoe Beardsley, Medical Reserve Corps, from November 4, 1917.
First Lieut. Warren Stirling, Medical Reserve Corps, from November 5, 1917.
First Lieut. Don Guernsey Hilldrup, Medical Reserve Corps, from November 5, 1917.
First Lieut. Richard Samuel Magee, Medical Reserve Corps, from November 6, 1917.
First Lieut. William Alexander Smith, Medical Reserve Corps, from November 6, 1917.
First Lieut. Frank William Pinger, Medical Reserve Corps, from November 7, 1917.
First Lieut. Ivy Albert Pelzman, Medical Reserve Corps, from November 7, 1917.
First Lieut. Edward Spencer Murphy, Medical Reserve Corps, from November 8, 1917.
First Lieut. Leo Pecci Bell, Medical Reserve Corps, from November 8, 1917.
First Lieut. Richard Eugene Werlich, Medical Reserve Corps, from November 9, 1917.
First Lieut. Paul Kurt Sauer, Medical Reserve Corps, from November 9, 1917.
First Lieut. Herbert Rowell Stolz, Medical Reserve Corps, from November 10, 1917.
First Lieut. Louis de Keyser Belden, Medical Reserve Corps, from November 10, 1917.
First Lieut. Andrew William Smith, Medical Reserve Corps, from November 11, 1917.
First Lieut. Willard Samuel Howard, Medical Reserve Corps, from November 11, 1917.
First Lieut. Philip Palmer Green, Medical Reserve Corps, from November 12, 1917.
First Lieut. William Hulbert Barrow, Medical Reserve Corps, from November 12, 1917.
Capt. Gordon Fay Willey, Medical Reserve Corps, from November 13, 1917.
First Lieut. Frank Arents Plum, Medical Reserve Corps, from November 13, 1917.
First Lieut. Charles Robert Irving, Medical Corps, National Guard, from November 14, 1917.
First Lieut. William Wiley Jones, Medical Reserve Corps, from November 14, 1917.
First Lieut. Charles Clifford Hawke, Medical Reserve Corps, from November 15, 1917.
First Lieut. Noland Mackenzie Canter, Medical Reserve Corps, from November 15, 1917.
First Lieut. Pierre Numa Charbonnet, Medical Reserve Corps, from November 16, 1917.
First Lieut. James Claude Kimbrough, Medical Reserve Corps, from November 16, 1917.
Capt. Meredith Rutherford Johnston, Medical Reserve Corps, from November 17, 1917.
First Lieut. Merril Kirk Lindsay, Medical Corps, National Guard, from November 17, 1917.
First Lieut. William Drummond Middleton, Medical Reserve Corps, from November 18, 1917.
First Lieut. Leon Hastings Cornwall, Medical Corps, National Guard, from November 18, 1917.
First Lieut. Read Benedict Harding, Medical Corps, National Guard, from November 19, 1917.
Capt. James Wesley Duckworth, Medical Reserve Corps, from November 19, 1917.
First Lieut. Bradford Massey, Medical Corps, National Guard, from November 20, 1917.
First Lieut. Edgar Henry Howell, Medical Reserve Corps, from November 20, 1917.
First Lieut. George William Snyder, Medical Reserve Corps, from November 21, 1917.
First Lieut. Paul Stanislaus Wagner, Medical Reserve Corps, from November 21, 1917.
First Lieut. John Alfred Parsons Millet, Medical Reserve Corps, from November 22, 1917.
First Lieut. Joseph Daniel Foley, Medical Reserve Corps, from November 22, 1917.
First Lieut. Lewis Alfred Newfield, Medical Reserve Corps, from November 23, 1917.
First Lieut. Thomas Maurice Leahy, Medical Reserve Corps, from November 23, 1917.
First Lieut. Louis Anatole La Garde, jr., Medical Reserve Corps, from November 24, 1917.
First Lieut. Edward Lane Moore, Medical Reserve Corps, from November 24, 1917.
First Lieut. Charles Augustus Pfeffer, Medical Reserve Corps, from November 30, 1917.
First Lieut. Louis Martin Field, Medical Reserve Corps, from December 8, 1917.
Capt. Clarence Edward Burt, Medical Reserve Corps, from December 8, 1917.
First Lieut. John Andrews Rogers, Medical Corps, National Guard, from December 8, 1917.
First Lieut. Gilbert Octavius Crank, Medical Reserve Corps, from December 8, 1917.
Capt. Harmon Paul Buffum Jordan, Medical Reserve Corps, from December 8, 1917.
Capt. William Patrick Joseph Ruddy, Medical Reserve Corps, from December 8, 1917.
Capt. Harmon Hadley Ashley, Medical Reserve Corps, from December 8, 1917.
First Lieut. Walter Leland Richards, Medical Corps, National Guard, from December 8, 1917.
First Lieut. Newton Washington Sentell, Medical Corps, National Guard, from December 8, 1917.
First Lieut. Stanley Gibson Odom, Medical Reserve Corps, from December 8, 1917.
First Lieut. Rees Stephen Lloyd, Medical Reserve Corps, from December 8, 1917.
First Lieut. Richard Samuel Moynan, Medical Reserve Corps, from December 8, 1917.
First Lieut. William Davies McLelland, Medical Reserve Corps, from December 8, 1917.
Capt. James Roy Hudnall, Medical Reserve Corps, from December 8, 1917.
First Lieut. Charles Rice Lanahan, Medical Corps, National Guard, from December 8, 1917.

PROVISIONAL APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

To be second lieutenants with rank from October 24, 1917.

First Lieut. De Lancey Bentley, One hundred and eighth Infantry, National Guard.
Second Lieut. William Paton Rauch, Infantry, National Guard.
Private John Aethuruld Garvin, Troop A, Twenty-ninth Division, Military Police, New Jersey National Guard.
First Lieut. Daniel Denison Streeter, Infantry, National Guard.
Second Lieut. Randolph Russell, Infantry, National Guard.
Second Lieut. Brock Putnam, Infantry, National Guard.
Corpl. Leland Long Miller, Troop B, First Squadron, Cavalry, Virginia National Guard.
Second Lieut. Edwin Miles Sumner, Infantry, National Guard.
Private William J. McChesney, jr., Troop B, First Cavalry, New York National Guard.
Private Joseph Sheehan, Headquarters Company, Twenty-fifth Cavalry, Regular Army.

Sergt. James Madison Currin, Troop B, First Cavalry, Virginia National Guard.
Second Lieut. Thomas Henry Green, Infantry, National Guard.
Corpl. William H. C. Grimes, Troop D, First Cavalry, New York National Guard.
First Class Private Russell Crayden Winchester, Troop D, First Cavalry, New York National Guard.
Sergt. James Stevenson Rodwell, Medical Department.
Sergt. Charles Francis Choate, 3d, Headquarters Company, One hundred and first Field Artillery, National Guard.
Second Lieut. Charles Diller Ryan, Infantry, National Guard.
Second Lieut. Nathaniel Holmes, Infantry, National Guard.
First Class Private Kirk Broaddus, Troop B, First Cavalry, Virginia National Guard.
Sergt. Paul Blackmer, One hundred and first Field Artillery, National Guard.
Corpl. Herbert Aladdin Suman, Troop L, Seventh Cavalry.
Second Lieut. Harold de Beaumont Bruck, Infantry, National Guard.
Second Lieut. Donald Anderson Young, Infantry, National Guard.
Second Lieut. Hans Charles Minuth, Infantry, National Guard.
Second Lieut. Edwin Clarence Gere, Infantry, National Guard.
Second Lieut. John Martin Sweeney, jr., Infantry, National Guard.
Second Lieut. George Gill Ball, Infantry, National Guard.
Sergt. Samuel C. Skemp, Troop I, Seventh Cavalry.

To be second lieutenants with rank from October 25, 1917.

Second Lieut. Jacob Monroe Carter, jr., Cavalry, Officers' Reserve Corps.
First Lieut. Thomas Pierrepont Hazard, Cavalry, Officers' Reserve Corps.
Second Lieut. Francis Charles Dossert, Cavalry, Officers' Reserve Corps.
Second Lieut. George Washington Ewing, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Crawford Clark Madeira, Cavalry, Officers' Reserve Corps.
Second Lieut. Charles Poultney Davis, Cavalry, Officers' Reserve Corps.
Second Lieut. Harry Robert Kilbourne, Infantry, Officers' Reserve Corps.
Second Lieut. Elmer Edward Finck, Cavalry, Troop I, Officers' Reserve Corps.
Second Lieut. Harry Hodges Semmes, Cavalry, Officers' Reserve Corps.
Second Lieut. Clifford Arthur Eastwood, Cavalry, Officers' Reserve Corps.
First Lieut. Guy Allegre Russell, Officers' Reserve Corps.
Second Lieut. Fenton Stratton Jacobs, Cavalry, Officers' Reserve Corps.
Second Lieut. Catesby ap Catesby Jones, Cavalry, Officers' Reserve Corps.
Second Lieut. Charles Wharton, Cavalry, Officers' Reserve Corps.
Second Lieut. W. Dirk Van Ingen, Sixth Cavalry, Officers' Reserve Corps.
Second Lieut. Herbert Vaughn Scanlan, Cavalry, Officers' Reserve Corps.
Second Lieut. Sigurd von Christierson, Eighth Cavalry, Officers' Reserve Corps.
First Lieut. Kenneth Osborne Spinning, Cavalry, Officers' Reserve Corps.
Second Lieut. Curt Eric Hansen, Cavalry, Officers' Reserve Corps.
Second Lieut. Vincent Paul Ryan, Cavalry, Officers' Reserve Corps.
First Lieut. Raymond Charles Blatt, Cavalry, Officers' Reserve Corps.
Second Lieut. Clinton de Witt, Engineers, Officers' Reserve Corps.
First Lieut. Harold J. Adams, Cavalry, Officers' Reserve Corps.
Second Lieut. William Booth Van Auken, Cavalry, Officers' Reserve Corps.
Second Lieut. Harold Kitson, Cavalry, Officers' Reserve Corps.
Second Lieut. John Boles, Cavalry, Officers' Reserve Corps.
Second Lieut. Charles Raymund Gross, Officers' Reserve Corps.
Second Lieut. Irvine L. McAlister, Cavalry, Officers' Reserve Corps.
Second Lieut. Robert Gale Breene, Engineers, Officers' Reserve Corps.
Second Lieut. James Irving Gibbon, Cavalry, Officers' Reserve Corps.
Second Lieut. Walter Carter Butler, Field Artillery, Officers' Reserve Corps.
Second Lieut. Don Briley, Infantry, Officers' Reserve Corps.
Second Lieut. Howard Forrest Long, Cavalry, Officers' Reserve Corps.
Second Lieut. Benjamin Lufkin, Infantry, Officers' Reserve Corps.
Second Lieut. Burton Curtis Andrus, Infantry, Officers' Reserve Corps.
Second Lieut. Harold E. Lewis, Infantry, Officers' Reserve Corps.
Second Lieut. Newell Phipps Weed, Cavalry, Officers' Reserve Corps.
Second Lieut. Arthur Henry Besse, Engineers, Officers' Reserve Corps.
Second Lieut. Charles W. White, Cavalry, Officers' Reserve Corps.
John Royer Lindsey, honor graduate, of Illinois.
Second Lieut. George L. Snelling, Infantry, Officers' Reserve Corps.
Second Lieut. Duane Lenton Tice, Infantry, Officers' Reserve Corps.
Second Lieut. Jason Budd Hart, Second Cavalry, Officers' Reserve Corps.
Roland Harman Rogers, honor graduate, of Ohio.
Fred New Raymond, honor graduate, of New Hampshire.
Glenn William Keith, honor graduate, of Kansas.
Roscoe Cuffe Brabazon Ellard, honor graduate, of Missouri.
Robert Chandler Knowlton, honor graduate, of Vermont.
Richard Hervey Pinney, honor graduate, of Massachusetts.
Garland Cuzorte Black, honor graduate, of Missouri.
George Albert Delaney, honor graduate, of Missouri.
Joseph Andral Nichols, honor graduate, of South Carolina.
Albert George Hunt, honor graduate, of Vermont.
Egbert Frank Bullene, honor graduate, of California.
Arthur Wood Stanley, honor graduate, of Vermont.
Harold Edwin Brailey, honor graduate, of Vermont.
Carleton Burgess, honor graduate, of Maryland.

To be second lieutenants with rank from October 26, 1917.

Frederick Hukill Vandegrift, of Kansas.
Second Lieut. Harry Eugene Dodge, Cavalry, Officers' Reserve Corps.
Second Lieut. Charles Forrest Palmer, Cavalry, Officers' Reserve Corps.
Second Lieut. Jay Dolph Donald Marcellus, Cavalry, Officers' Reserve Corps.
Second Lieut. Lewis Downey Cooper, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Charles Jester Davis, Cavalry, Officers' Reserve Corps.
Second Lieut. George William Outland, Engineers, Officers' Reserve Corps.
Second Lieut. John Menifee Moose, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Nelson Revitt Perry, Cavalry, Officers' Reserve Corps.
Second Lieut. Innes Randolph, Infantry, Officers' Reserve Corps.
Second Lieut. Carl Beecher Byrd, Cavalry, Officers' Reserve Corps.
Second Lieut. Thomas Brady, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Gilbert Xavier Cheves, Infantry, Officers' Reserve Corps.
Second Lieut. Wingate Battle, Cavalry, Officers' Reserve Corps.
Second Lieut. Harold Binkley Warfield, Cavalry, Officers' Reserve Corps.
Second Lieut. Wade Carpenter Gatchell, Cavalry, Officers' Reserve Corps.
Second Lieut. Henry George White, Cavalry, Officers' Reserve Corps.
Second Lieut. Norman Dean Twitchell, Cavalry, Officers' Reserve Corps.
Second Lieut. Andrew Jackson Wynne, Cavalry, Officers' Reserve Corps.
Second Lieut. Howard Charles Wiener, Cavalry, Officers' Reserve Corps.
Second Lieut. Walter Frank Goodman, Cavalry, Officers' Reserve Corps.

Second Lieut. Thomas Mardenbro Benson, Cavalry, Officers' Reserve Corps.
Edward Forrest Porter, of North Dakota.
Second Lieut. Lucian King Truscott, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Ralph Erland Alstead, Cavalry, Officers' Reserve Corps.
Arthur Sewell Kelley, of Kentucky.
Second Lieut. James Hugh Akerman, Infantry, Officers' Reserve Corps.
Second Lieut. Raymond Thomas Connell, Infantry, Officers' Reserve Corps.
Second Lieut. James Nicholas Winn McClure, Field Artillery, Officers' Reserve Corps.
Second Lieut. Gabriel Requa Mead, Cavalry, Officers' Reserve Corps.
Second Lieut. Millard George Harnden, Cavalry, Officers' Reserve Corps.
Second Lieut. David McKay Wilson, Cavalry, Officers' Reserve Corps.
Second Lieut. Leonard Mortimer Mertz, Cavalry, Officers' Reserve Corps.
Second Lieut. Ernest Arthur Williams, Cavalry, Officers' Reserve Corps.
Second Lieut. Daniel Herman McCarthy, Cavalry, Officers' Reserve Corps.
Second Lieut. Slocum Kingsbury, Cavalry, Officers' Reserve Corps.
Second Lieut. George Harrison Millholland, Infantry, Officers' Reserve Corps.
Gardiner Scudder Platt, of New Jersey.
Minor George Fitzer, of Kansas.
Second Lieut. Roy Irwin Phares, Cavalry, Officers' Reserve Corps.
Second Lieut. Donald Ross Dunkle, Cavalry, Officers' Reserve Corps.
Second Lieut. Chester Earl Davis, Cavalry, Officers' Reserve Corps.
Second Lieut. Holmes Gill Paullin, Cavalry, Officers' Reserve Corps.
Second Lieut. Francis Royal Kenney, Cavalry, Officers' Reserve Corps.
Second Lieut. Monroe Payne Smith, Engineers, Officers' Reserve Corps.
Second Lieut. John Hamilton Irving, Infantry, Officers' Reserve Corps.
Second Lieut. Evan Dhu Cameron, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. William Francis McLaughlin, Cavalry, Officers' Reserve Corps.
Second Lieut. Glenn Smith Finley, Cavalry, Officers' Reserve Corps.
Second Lieut. Manly Foster Meador, Cavalry, Officers' Reserve Corps.
Second Lieut. Ernest Francis Sexton, Infantry, Officers' Reserve Corps.
Second Lieut. Stephen Webb Davis, Cavalry, Officers' Reserve Corps.
Second Lieut. Lynn Boyd Conde, Cavalry, Officers' Reserve Corps.
Second Lieut. Clarence Beryl Werts, Cavalry, Officers' Reserve Corps.
Second Lieut. Henry Roberts Miller, jr., Cavalry, Officers Reserve Corps.
Second Lieut. John Henderson Gay Reilly, Cavalry, Officers' Reserve Corps.
Second Lieut. Charles Herman Unger, Cavalry, Officers' Reserve Corps.
Second Lieut. William Donald Tabor, Cavalry, Officers' Reserve Corps.
Horace S. King, of California.
Second Lieut. Edward Maynard Fickett, Cavalry, Officers' Reserve Corps.
Second Lieut. James Couzens Van Ingen, Officers' Reserve Corps.
Second Lieut. Callie Hammond Palmer, Cavalry, Officers' Reserve Corps.
Charles Rawlings Chase, of Kansas.
Second Lieut. Thomas Francis Mishou, jr., Cavalry, Officers' Reserve Corps.
Robert Bruce Jackson, of Texas.
Second Lieut. Christopher Columbus Strawn, Cavalry, Officers' Reserve Corps.
Second Lieut. Allyn Raymond Brownson, Infantry, Officers' Reserve Corps.
Second Lieut. John Russell Breitinger, Infantry, Officers' Reserve Corps.
Second Lieut. Robert David Beer, Cavalry, Officers' Reserve Corps.
Second Lieut. Alfred Joseph de Lorimier, Cavalry, Officers' Reserve Corps.
Second Lieut. Malcolm Gray Lowry, Infantry, Officers' Reserve Corps.
Second Lieut. William Osce Coleman, Field Artillery, Officers' Reserve Corps.
Second Lieut. Herbert Reading Sargent, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Elgin Ketchum, Cavalry, Officers' Reserve Corps.
Arwed Charles Baltzer, of Idaho.
Second Lieut. James Walter Ewing, Infantry, Officers' Reserve Corps.
Second Lieut. Wallace Van Cleave, Cavalry, Officers' Reserve Corps.
Second Lieut. Karl Warren Curtis, Field Artillery, Officers' Reserve Corps.
Second Lieut. Carl Emet Rankin, Cavalry, Officers' Reserve Corps.
Second Lieut. Richard Earl Tallant, Cavalry, Officers' Reserve Corps.
Second Lieut. Nelson Monroe Utley, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Alexander MacDonald, Cavalry, Officers' Reserve Corps.
Second Lieut. Henry Hale Cheshire, Cavalry, Officers' Reserve Corps.
Nathan Bartholomew Reynolds, of Texas.
John Andrew Wood, of New Jersey.
Venable Moore, of Virginia.
Guy Littleton Furr, of West Virginia.
Second Lieut. Joseph Augustus Blake, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Walter McLaren Robinson, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Sylvester Peters, Infantry, Officers' Reserve Corps.
Second Lieut. Herbert Ludwell Earnest, Cavalry, Officers' Reserve Corps.
Second Lieut. Verne Austin, Cavalry, Officers' Reserve Corps.
Second Lieut. Willis Holcombe Ryder, Field Artillery, Officers' Reserve Corps.
Alden Hamilton Torrey, of Kansas.
Second Lieut. Morris Towar Whitmore, Cavalry, Officers' Reserve Corps.
Second Lieut. Samuel Leask, jr., Field Artillery, Officers' Reserve Corps.
Guy Edward Dillard, of Tennessee.
Second Lieut. Ray Tyson Maddocks, Field Artillery, Officers' Reserve Corps.
Second Lieut. Thomas Alexander Frazier, Cavalry, Officers' Reserve Corps.
Second Lieut. Victor Robert Sladek, Field Artillery, Officers' Reserve Corps.
Second Lieut. James William Husted, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Richard Nelson Atwell, Engineers, Officers' Reserve Corps.
Second Lieut. William Elliott, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Thomas Bayne Locke, Cavalry, Officers' Reserve Corps.
Second Lieut. Morris Simpson Daniels, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Frank Starr Pope, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harold Glenn Davis, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Morris Cherry, Field Artillery, Officers' Reserve Corps.
Alfred Theodore Wyman, of Massachusetts.
Roger William Sawyer, of Oklahoma.
John Hanna Welsh, of Missouri.
Edward Perry Morton, of New Jersey.
Second Lieut. Edwin John Kratzenberg, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Dudley Coye, Field Artillery, Officers' Reserve Corps.

Second Lieut. Almet Francis Jenks, jr., Cavalry, Officers' Reserve Corps.
James Parsons Gifford, of New York.
Second Lieut. Vern Hinkley, Cavalry, Officers' Reserve Corps.
Second Lieut. Charles Claflin Allen, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. A. Herman Stump, Cavalry, Officers' Reserve Corps.
Second Lieut. John Orland Lawrence, Cavalry, Officers' Reserve Corps.
Second Lieut. Charles Williamson Glover, Field Artillery, Officers' Reserve Corps.
William Ralph Evans, of Kansas.
Second Lieut. John Knox Gailey, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Warren Lambert Shumaker, Officers' Reserve Corps.
Second Lieut. Charles Read Simmons, Field Artillery, Officers' Reserve Corps.
Second Lieut. James Van Valkenburg Shufelt, Engineers, Officers' Reserve Corps.
William Harold Davidson, of Pennsylvania.
Herbert Anson Welch, of Nebraska.
Second Lieut. Hobart Raymond Gay, Cavalry, Officers' Reserve Corps.
Second Lieut. Rutherford Leon Hammond, Cavalry, Officers' Reserve Corps.
Paul Humiston Alling, of Connecticut.
Second Lieut. Ervin William Harrison, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Raymond Gordon Clark, Field Artillery, Officers' Reserve Corps.
Elisha Carpenter Wattles, of Massachusetts.
Brooks Shumaker, of Massachusetts.
Second Lieut. Parker Gillespie Tenney, Field Artillery, Officers' Reserve Corps.
Second Lieut. George Pat Pattison, Cavalry, Officers' Reserve Corps.
Second Lieut. Mordaunt Verne Turner, Cavalry, Officers' Reserve Corps.
Second Lieut. Norman E. Waldron, Field Artillery, Officers' Reserve Corps.
Second Lieut. Herbert Johnson Burke, Field Artillery, Officers' Reserve Corps.
Second Lieut. Leo Lawrence Gocker, Cavalry, Officers' Reserve Corps.
Carleton Swasey, of Connecticut.
John Hickman Ransdell, of Louisiana.
Second Lieut. Edwin Wilds Godbold, Field Artillery, Officers' Reserve Corps.
Second Lieut. Louis Gerisch Forney, Field Artillery, Officers' Reserve Corps.
Second Lieut. Hugh Brooks, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Gilbert White, Field Artillery, Officers' Reserve Corps.
Second Lieut. Edwin William Meise, Cavalry, Officers' Reserve Corps.
Second Lieut. Raymond Carmichael Gibbs, Cavalry, Officers' Reserve Corps.
Second Lieut. Leo Francis Crane, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harry Clark Boden, Cavalry, Officers' Reserve Corps.
Second Lieut. Alfred Grace Ford, Field Artillery, Officers' Reserve Corps.
Second Lieut. Rohland Andrew Isker, Cavalry, Officers' Reserve Corps.
Second Lieut. James Madison Graham, jr., Infantry, Officers' Reserve Corps.
Second Lieut. Wallace Graham Corwin, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Reginald Maxwell, Field Artillery, Officers' Reserve Corps.
Second Lieut. Peter Ditmar Larson, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Arthur Horger, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Oney Wright, Cavalry, Officers' Reserve Corps.
Second Lieut. Arthur Dickinson Soper, Engineers, Officers' Reserve Corps.
Second Lieut. Conrad Grey Wall, Infantry, Officers' Reserve Corps.
Andrew Wilson, jr., of New Jersey.
Second Lieut. Roger Lee Branham, Cavalry, Officers' Reserve Corps.
Second Lieut. Harold Albert Davis, Field Artillery, Officers' Reserve Corps.
Lloyd Arthur Houchin, of Minnesota.
Second Lieut. Charlie Edward Hart, Cavalry, Officers' Reserve Corps.
Richard Thomas Lyons, of Massachusetts.
Second Lieut. Hugh Arthur Barnhart, Field Artillery, Officers' Reserve Corps.
Second Lieut. James Wade Jenkins, Field Artillery, Officers' Reserve Corps.
George Henry Howard, jr., of California.
Second Lieut. Frank Wideman, Infantry, Officers' Reserve Corps.
Second Lieut. Arthur Chittenden Crunden, Field Artillery, Officers' Reserve Corps.
James Parker, of Oklahoma.
James Thomson Donald, of Oregon.
Edward Gillett Knowles, of Colorado.
Guy Tilghman Orme Holliday, of Maryland.
Francis Vincent Terry, of Massachusetts.
Second Lieut. Tolman Douglas Wheeler, Engineers, Officers' Reserve Corps.
Second Lieut. Charles Edward Dissinger, Cavalry, Officers' Reserve Corps.
Martin George Charles, of New York.
Second Lieut. Earl Maxwell Abbott, Field Artillery, Officers' Reserve Corps.
Harvey Morris Breaks, of Indiana.
Second Lieut. Williamson Wells Simons, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Bage Kerr, Cavalry, Officers' Reserve Corps.
Samuel Vallance Hyatt Danzig, of New York.
Second Lieut. George Frederic Neilson, Field Artillery, Officers' Reserve Corps.
Dean Ambrose Jones, of Texas.
Second Lieut. Hugh Franklin Conrey, Field Artillery, Officers' Reserve Corps.
Second Lieut. Callistus James Ennis, Field Artillery, Officers' Reserve Corps.
Venance LeMay, of Kansas.
Edward Longworth Morss, of Massachusetts.
Paul Carson Febiger, of California.
David Nelson Sutton, of Virginia.
Second Lieut. Alexander Dyer Mason, Engineers, Officers' Reserve Corps.
William Eskridge Duke, of Virginia.
James Jerome Roach, of Massachusetts.
Second Lieut. Paul Juneau King, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harry Edmund Pendleton, Cavalry, Officers' Reserve Corps.
Second Lieut. Thomas McPheeters Glasgow, of Virginia.
Second Lieut. John McLean, Field Artillery, Officers' Reserve Corps.
Second Lieut. Fred Thomas Cunningham, Cavalry, Officers' Reserve Corps.
Benton Frank Munday, of Missouri.
Second Lieut. Gyles Merrill, Field Artillery, Officers' Reserve Corps.
Second Lieut. William Copers Bowie, Cavalry, Officers' Reserve Corps.
Second Lieut. Wilfred Ernest Willis, Infantry, Officers' Reserve Corps.
Second Lieut. John Blaine Seaton, Cavalry, Officers' Reserve Corps.
Second Lieut. Thomas Paul Sweeney, Field Artillery, Officers' Reserve Corps.
Second Lieut. Richard Sutphen Miesse, Field Artillery, Officers' Reserve Corps.
Second Lieut. James Montagu Adamson, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Charles Everhardt Sheldrake, Field Artillery, Officers' Reserve Corps.
Second Lieut. Kenneth Melville Harris, Cavalry, Officers' Reserve Corps.
Max Harry Nippell, of Iowa.
Charles Morton Stewart, 3d, of Maryland.
Second Lieut. Philip Sheridan Wendock, Cavalry, Officers' Reserve Corps.

Second Lieut. Stewart F. Miller, Field Artillery, Officers' Reserve Corps.
Second Lieut. Joe Carroll Rogers, Field Artillery, Officers' Reserve Corps.
Second Lieut. Frank Albert Allen, jr., Infantry, Officers' Reserve Corps.
Second Lieut. Matthew Griswold, 3d, Field Artillery, Officers' Reserve Corps.
Second Lieut. Guy Orth Kurtz, Field Artillery, Officers' Reserve Corps.
Second Lieut. Louis Joseph Compton, Field Artillery, Officers' Reserve Corps.
Frederick Sanborn, of Minnesota.
Second Lieut. Clarence Augustus Lefferts, Field Artillery, Officers' Reserve Corps.
Second Lieut. Nables Fred Ryan, Cavalry, Officers' Reserve Corps.
George W. Barber, of Kansas.
Francis Minot Weld, of Massachusetts.
Second Lieut. Read Wipprecht, Field Artillery, Officers' Reserve Corps.
Second Lieut. Claire Morton Daugherty, Field Artillery, Officers' Reserve Corps.
Second Lieut. Ceylon Otto Griffin, Cavalry, Officers' Reserve Corps.
Edward E. Hamilton, of Wisconsin.
Erle Fletcher Cress, of Oklahoma.
Dimetrio Peter Harkins, of California.
Harold Grant Hathaway, of Virginia.
Bruce Magaw McDill, of Ohio.
Loren Francis Parmley, of South Dakota.
Second Lieut. Edward Herendeen, Cavalry, Officers' Reserve Corps.
Second Lieut. Floyd Manley Friar, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Anthony Anheier, Cavalry, Officers' Reserve Corps.
Second Lieut. Grayson Hunter Bowers, Field Artillery, Officers' Reserve Corps.
Second Lieut. Thomas W. Herron, Field Artillery, Officers' Reserve Corps.
Second Lieut. Alfred Roy Teter, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harry Glenister Clarke, Field Artillery, Officers' Reserve Corps.
Second Lieut. Alden Humphrey Seabury, Field Artillery, Officers' Reserve Corps.
Joseph Sarsfield Sweeney, of Connecticut.
Fred William Koester, of Kansas.
Marvin Banks Perry, of Georgia.
Second Lieut. Clarence Arthur Shannon, Cavalry, Officers' Reserve Corps.
Second Lieut. Alexander Bull MacNabb, Cavalry, Officers' Reserve Corps.
Second Lieut. Robert Hicks Van Deusen, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Campbell McCall, Cavalry, Officers' Reserve Corps.
William Neely Todd, jr., of Kansas.
Second Lieut. Walton Whittingham Cox, Cavalry, Officers' Reserve Corps.
Second Lieut. Dudley Miller, Field Artillery, Officers' Reserve Corps.
John Kelly Egan, of Illinois.
Thomas Reed Taber, of Massachusetts.
Second Lieut. Earl Wilton Henderson, Field Artillery, Officers' Reserve Corps.
Second Lieut. Ross Ernest Larsen, Infantry, Officers' Reserve Corps.
Second Lieut. Charles William Burton, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harry Duncan Bishop, Cavalry, Officers' Reserve Corps.
Second Lieut. Walter Alfred Stover, Field Artillery, Officers' Reserve Corps.
Samuel Greenwood Mitchell, of Massachusetts.
Calvert Lewis Estill, of West Virginia.
Nathan Cockrell, of Florida.
Second Lieut. Channing Clarence Beeth, Cavalry, Officers' Reserve Corps.
Second Lieut. Cecil Junior North, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Milton Eichelsdoerfer, Field Artillery, Officers' Reserve Corps.
Edmund Hope Driggs, jr., of New York.
Second Lieut. James Tolmie Watson, jr., Field Artillery, Officers' Reserve Corps.
Roswell Emory Round, of Virginia.
William Donald Thompson, of Kansas.
Graham Train Winslow, of Massachusetts.
Edward Brooke Harry, of the District of Columbia.
Herbert Delmar Bowman, of New York.
Second Lieut. Albert Gordon Klapp, Field Artillery, Officers' Reserve Corps.
Second Lieut. Fred Paul Clark, Field Artillery, Officers' Reserve Corps.
James Perry Thurber, of Massachusetts.
Edward Abbott Titcomb, of Arizona.
Henry Chace Tatnall, of Pennsylvania.
Harry Leroy Jones, of Illinois.
John William Middendorf, jr., of Maryland.
Second Lieut. Calvin Ray MacGillivray, Field Artillery, Officers' Reserve Corps.
Second Lieut. George Stanley Clarke, Field Artillery, Officers' Reserve Corps.
Harold Paul Stewart, of Missouri.
Second Lieut. Harold La Roy King Albro, Field Artillery, Officers' Reserve Corps.
Second Lieut. Ward H. Porter, Cavalry, Officers' Reserve Corps.
Elias Lyman, jr., of Vermont.
Charles Lemon Baker, of Kansas.
Darrow Menoher, of the District of Columbia.
Mark Andrew Devine, jr., of California.
John Linton Pettibone, of Ohio.
Second Lieut. Edwards Hall Berry, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harold Ernest Taft, Field Artillery, Officers' Reserve Corps.
Second Lieut. Max George Werner, Field Artillery, Officers' Reserve Corps.
Second Lieut. Gerald Fitzgerald, Cavalry, Officers' Reserve Corps.
Paul Schulze, jr., of Illinois.
Henry C. Banks, of Connecticut.
Chauncey Ryder McPherson, of New Jersey.
Daniel Crossley Robinson, of Minnesota.
Thomas Nast St. Hill, of New York.
Second Lieut. William H. Killian, Infantry, Officers' Reserve Corps.
Second Lieut. Carl Julian Dockler, Cavalry, Officers' Reserve Corps.
Second Lieut. Alfred Porter Tenison, Field Artillery, Officers' Reserve Corps.
Second Lieut. Olin Coke Newell, Cavalry, Officers' Reserve Corps.
Second Lieut. Laurence Mather Selleck, Field Artillery, Officers' Reserve Corps.
Second Lieut. Lawrence W. Fox, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Lawrence Tracy Brown, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harry Augustus McCoin, Field Artillery, Officers' Reserve Corps.
Second Lieut. Carroll Edward Patterson, Cavalry, Officers' Reserve Corps.
Second Lieut. George Maurice Robertson, Cavalry, Officers' Reserve Corps.
Second Lieut. Frank Ruckel McKay, Cavalry, Officers' Reserve Corps.
Second Lieut. Clark Wesley Johnson, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Winston Reese Withers, Field Artillery, Officers' Reserve Corps.
Ashley Hearn Conard, of California.
Frank Earle Noyes, of Maine.
Second Lieut. Ferdinand Biekre, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Earl Flack, Field Artillery, Officers' Reserve Corps.
John Steele Tyler, of California.
Second Lieut. Aubrey Russell Bowles, jr., Cavalry, Officers' Reserve Corps.
Second Lieut. Frederick A. Gray, Field Artillery, Officers' Reserve Corps.
Second Lieut. Ralph Charles Thomas, Field Artillery, Officers' Reserve Corps.
Second Lieut. James Robert Lowry, jr., Infantry, Officers' Reserve Corps.

Second Lieut. Talbot Taylor Speer, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Minor Lile, Infantry, Officers' Reserve Corps.
Second Lieut. Charles Morton Denny, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Sidney Reed Smith, Cavalry, Officers' Reserve Corps.
Second Lieut. Russell Frank Locke, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Underwood Fisher, Field Artillery, Officers' Reserve Corps.
Harold Stephen Thurber, of Connecticut.
Second Lieut. Arthur Tillinghast Huston, Cavalry, Officers' Reserve Corps.
Second Lieut. William Kerlin Ennis, Field Artillery, Officers' Reserve Corps.
Raymond Shener Jett, of Kentucky.
Warren Crenshaw Brown, jr., of Alabama.
Second Lieut. Clarke Oler Kimberly, Field Artillery, Officers' Reserve Corps.
Second Lieut. Paul Clarence Boylan, Field Artillery, Officers' Reserve Corps.
Second Lieut. Guy Russell Chamberlin, Cavalry, Officers' Reserve Corps.
Second Lieut. Lewis Berry Angel, Cavalry, Officers' Reserve Corps.
Jack Raymond Burke, of Pennsylvania.
William Hobart Little, of Pennsylvania.
Second Lieut. Harold Philip Heckenberger, Field Artillery, Officers' Reserve Corps.
Second Lieut. Emerson Wiley Jarman, Infantry, Officers' Reserve Corps.
Second Lieut. Roger Eugene Williams, Infantry, Officers' Reserve Corps.
Second Lieut. George James Waggner, Infantry, Officers' Reserve Corps.
Second Lieut. Claude Newbury, Field Artillery, Officers' Reserve Corps.
Second Lieut. Frank Reid Baker, Infantry, Officers' Reserve Corps.
Deane Childs Howard, jr., of Panama.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Maj. John B. Huggins, Medical Corps, to be lieutenant colonel from September 23, 1917, vice Lieut. Col. Robert B. Grubbs, retired from active service September 22, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 13, 1917.

ASSISTANT SECRETARIES OF THE TREASURY.

Russell C. Leffingwell to be Assistant Secretary of the Treasury.
Thomas B. Love to be Assistant Secretary of the Treasury.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Charles L. Hussey to be a captain.
Lieut. Commander Ernest J. King to be a commander.
The following-named ensigns to be lieutenants (junior grade):
Andrew L. Haas and
Raymond Asserson.
The following-named surgeons to be medical inspectors:
Charles St. J. Butler,
Herbert O. Shiffert,
John H. Iden,
Louis W. Bishop, and
Ulys R. Webb.
The following-named passed assistant surgeons to be surgeons:
Clarence E Strite,
Howson W. Cole,
Edgar L. Woods,
Robert C. Ransdell,
Edwin L. Jones,
Thomas G. Foster,
Condie K. Winn,
John B. Kaufman,
Matthew H. Ames,
Ausey H. Robnett,
James P. Haynes,
Abraham H. Allen,
Andre E. Lee,
Heber Butts,
Philip E. Garrison,
Thomas W. Raison, and
John O. Downey.
The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons:
Carlton L. Andrus,
Esdras J. Lanois,
Floyd G. Tindall, and
George A. Alden.
Oliver S. Powell to be an assistant paymaster.
Civil Engineer Charles W. Parks, with rank of commander, to be a civil engineer in the Navy with rank of captain.
Gunner Henry McEvoy to be a chief gunner.
Pay Clerk William R. Parker to be a chief pay clerk.
Commander John R. Y. Blakely to be a captain.
The following-named lieutenant commanders to be commanders:
Henry C. Mustin and
Harry K. Cage.
Lieut. George P. Brown to be a lieutenant commander.
Lieut. William L. Calhoun to be a lieutenant commander.
The following-named lieutenants to be lieutenant commanders:
Walter B. Decker and
Leo F. Welch.
Lieut. (Junior Grade) Stephen B. McKinney to be a lieutenant.
The following-named lieutenants (junior grade) to be lieutenants:
Harold S. Burdick,
Fitzhugh Green,
William N. Richardson, jr., and
Dennis E. Kemp.
Ensign Frank G. Kutz to be a lieutenant (junior grade).
The following-named ensigns to be lieutenants (junior grade):
William E. Malloy,
Thomas F. Downey, and
Charles A. Macgowan.
Midshipman Earl S. Hurlbut to be an ensign.
The following-named medical inspectors to be medical directors:
Robert M. Kennedy,
Norman J. Blackwood,
Sheldon G. Evans,
Adrian R. Alfred,
Charles M. De Valin,
Lewis Morris,
James F. Leys, and
Frank C. Cook.
Surg. Barton L. Wright to be a medical inspector.
The following-named surgeons to be medical inspectors:
Ralph W. Plummer,
John J. Snyder,
Edward M. Blackwell,
George F. Freeman,
Robert E. Ledbetter,
Samuel S. Rodman,
John M. Brister,
Frederick A. Asserson,
Henry A. Dunn,
Allan Stuart, and
Charles M. Oman.
The following-named assistant surgeons of the United States Naval Reserve Force to be assistant surgeons:
Lawrence K. McCafferty,
Stephen R. Mills,
James A. Brown,
Albert N. Champion,
Alvin L. Mills,
Millard F. Hudson,
Isaac Dellar,
Harold E. Ragle,
Lawrence T. Hopkins,
Richard A. Kern,
John C. Roe,
Nelson W. Sheley,
David Ferguson, jr.,
Lewis G. Jordan,
William C. Blake,
LeVal Lund,
George N. Herring,
Brockton R. Lyon,
Alvin E. Kuhlmann,
Jack S. Terry,

Herold P. Hare,
Charles L. Dugan,
W. Newton Long,
Walter N. Secord,
Wilbur F. Thayer,
Walter S. Harmon,
James L. Reycraft,
George M. Constans,
James E. Harvey,
Warren D. Horner,
John N. N. Osburn,
Rollo W. Hutchinson,
Albert E. Leggett,
Francis J. Tenczar,
George F. J. Kelly,
William F. McAnaily,
Norman S. Cooper,
Frank H. Clements,
John S. Cronin,
Edward F. Mullaly,
Harry H. Slominski,
Joseph C. Keller,
John L. Frazer, jr.,
Rudolph E. Kriz,
George O. Cummings,
Hugh J. Duffy,
Daniel W. Sooy,
Joseph A. Hubbell,
John R. Poppen,
Frank P. Werner,
Arthur J. White,
Linwood H. Johnson,
Edwin W. York,
Joseph P. Corgan,
James M. Brown,
Eugene C. Lowe,
William McC. Miller,
Luther W. Boggs,
William P. Gilmer,
John L. Fisher,
Edward D. Andrews,
Albert K. Dunlap,
Charles S. Neves,
Edward C. Melton,
James R. Byrne,
Hardy V. Hughens,
Edwin C. Ebert,
George W. Millett,
Thomas J. Courtney,
Vachelle E. Harmon,
John T. Stringer,
Frank H. Cantlin,
Austin I. Dodson,
Martin J. Costello,
George A. Eckert,
Edward F. Stadtherr,
Leland M. McKinlay,
Ransom H. Holcomb,
Milton B. Clayton,
John H. Robbins,
James E. Miller,
James D. Rives,
Elmer F. Lowry,
Elwood A. Sharp,
Cola Castelloe,
George L. McClintock,
Edward M. Lundegaard,
Alton L. Grant, jr., and
Archibald O. M. Wood.

Pay Inspector Barron P. Du Bois to be a pay director.

Paymaster William T. Gray to be a pay inspector.

Paymaster Robert H. Orr to be a pay inspector.

The following-named paymasters to be pay inspectors:

Charles Morris,
George C. Schafer,
George R. Venable,
Trevor W. Leutze,
Theodore J. Arms, and
David V. Chadwick.

Passed Asst. Paymaster Harry E. Collins to be a paymaster.

Passed Asst. Paymaster John H. Gunnell to be a paymaster.

Asst. Paymaster David T. Chalmers to be a passed assistant paymaster.

Machinist Charles O. Hathaway to be a chief machinist.

Pay Clerk John H. Seifert to be a chief pay clerk.

Pay Clerk Joseph O'Reilly to be a chief pay clerk.

The following-named officers to be lieutenant commanders:

Emil A. Lichtenstein,
Albert M. Cohen,
George M. Ravenscroft,
Arle A. Corwin,
Harry J. Abbett,
George McC. Courts,
Charles W. Crosse,
Frank D. Pryor,
Claudius R. Hyatt,
Roy P. Emrich,
Jacob H. Klein, jr.,
John S. Barleon,
William T. Smith,
Jacob L. Hydrick,
Stephen B. McKinney,
Louis F. Thibault,
Baxter H. Brûce,
Henry R. Keller,
Walter F. Lafreuz,
George C. Logan,
Clarence McC. McGill,
George H. Laird,
John B. Earle,
Harold V. McKittrick,
Henry G. Shonerd,
Charles T. Blackburn,
George T. Swasey, jr.,
Ellis Lando,
Ralph B. Horner,
Thomas A. Symington,
Harlow T. Kays,
Robert C. Giffen,
Richard E. Cassidy,
Richard S. Galloway,
Clarence N. Hinkamp,
Riley F. McConnell,
Ralph R. Stewart,
George Joerns,
Ralph C. Parker,
Leslie E. Bratton,
Ezra G. Allen,
Emanuel A. Lofquist,
Henry C. Gearing, jr.,
Elmer W. Tod,
Thaddeus A. Thomson, jr.,
William F. Amsden,
George W. Simpson,
Reuben R. Smith,
Samuel L. Henderson,
Homer H. Norton,
Charles S. Keller,
Alfred H. Miles,
Harold H. Ritter,
Joseph Baer,
Carl C. Krakow,
James Parker, jr.,
Elmo H. Williams,
Charles F. Pousland,
John F. Cox,
Grattan C. Dichman,
George N. Barker,
Harry A. McClure,
Charles C. Windsor,
Louis J. Gulliver,
Newton L. Nichols,
Francis A. L. Vossler,
Cortlandt C. Baughman,
Richard B. Coffman,
Jonas H. Ingram,
Emory F. Clement,
Louis C. Schelbla,
Schuyler F. Heim,
Edmund D. Almy,
Jere H. Brooks,
Robert F. Gross,
Patrick N. L. Bellinger,
William T. Mallison,
Newton H. White, jr.,
Burton A. Strait,
Seymour E. Holliday,
Forney M. Knox,
Samuel A. Clement,
Herman E. Welte,

Richard F. Bernard,
Richmond K. Turner,
Alexander M. Charlton,
John W. Rankin,
Henry F. D. Davis,
Kirkwood H. Donavin,
Oscar Smith, jr.,
Herbert A. Jones,
Henry T. Markland,
William R. Smith, jr.,
William W. Turner,
Joseph J. Broshek,
Frank J. Wille,
Haller Belt,
Eugene E. Wilson,
Abel T. Bidwell,
Harold W. Boynton,
Rensselaer W. Clark,
Walter K. Kilpatrick,
Elwin F. Cutts,
Edward J. Foy,
Edward H. Loftin,
Harry B. Hird,
Nelson W. Pickering,
Harry A. Badt,
James B. Oswald,
Clyde G. West,
George H. Emmerson,
Norman R. Van der Veer,
David C. Patterson, jr.,
Francis W. Rockwell, and
Sydney M. Kraus.

The following-named officers to be lieutenants in the Navy:

George Marvell,
Benjamin H. Page,
Frank J. Cunneen,
Allan W. Ashbrook,
Raymond A. Deming,
Charles T. S. Gladden,
Benjamin S. Killmaster,
Robert A. Dyer, 3d,
Raymond S. Hatch,
James E. Boak,
William A. Heard,
Charles H. Mecum,
George T. Howe,
Rudolph F. Hans,
Simson C. Stengel,
Wilder D. Baker,
Julius M. Moss,
Boleslaw L. Dombrowski,
Robert S. Wyman,
Lewis H. McDonald,
Thomas F. Downey,
Horace H. Jalbert,
George S. Arvin,
Foster C. Bumpus,
Harold J. Nelson,
William C. Burgy,
Frank P. Thomas,
Ralph O. Davis,
Francis K. O'Brien,
Sifrien F. Maury,
Martin Griffin,
Marion Y. Cohen,
William F. Roehl,
Malcolm W. Callahan,
Thomas C. Slingluff,
Donald F. Washburn,
Stuart D. Truesdell,
William S. Popham, jr.,
Frederick D. Powers,
Robert H. Maury,
Thomas C. Lattimore,
Robert W. Cary,
Karl R. Shears,
Lloyd J. Wiltse,
Leon O. Alford,
Paul W. Fletcher,
Lawrence J. K. Blades,
Henry W. Hoyt,
Robert C. Starkey,
William D. Austin,
Joseph C. Arnold,
Philip R. Weaver,
Charles A. Macgowan,
Robert P. Luker,
Clarence J. McReavy,
Oliver O. Kessing,
John F. Moloney,
Delorimier M. Steece,
Wallis Gearing,
William K. Beard,
Paul Fitzsimons, jr.,
John H. Brown, jr.,
William D. Bungert,
Halden T. Dickinson,
Lewis J. Stecher,
Malcolm L. Worrell,
Ralph G. Pennoyer,
Harry J. Reuse,
Walter D. Snyder,
John D. Pennington,
Thomas L. Shannon,
Morris J. Lemcy,
Lynde D. McCormick,
Mark L. Sperry, jr.,
Arthur C. Davis,
Wesley J. Shofner,
Oliver H. Ritchie,
Merrill T. Kinne,
Arthur D. Struble,
Walter A. Hicks,
Warner P. Portz,
Leverett S. Lewis,
Frederic P. Culbert,
Frederick W. Pennoyer, jr.,
Howes Bodfish,
Benjamin F. Perry,
Richard W. Bates,
Louis R. Moore,
Claude O. Kell,
Roy de S. Horn,
James M. Shoemaker,
Winfred H. A. Pike, jr.,
Gerard H. Wood,
Melville C. Partello,
Kendall Preston,
Robert O. Glover,
Lloyd V. H. Armstrong,
John F. Bates, jr.,
Melville W. Powers,
John H. Rockwell,
Howard L. Vickery,
Archie E. Glann,
Vincent H. Godfrey,
Harry H. Chenoweth,
Hugh G. Eldredge,
Stuart B. Clark,
Edward E. Hazlett, jr.,
John C. Lusk,
Norwood G. Calvert,
Leon B. Scott,
Charles F. Osborn,
George P. Lamont,
William H. Bowman,
Walter M. A. Wynne,
Scott Umsted,
Myron J. Walter,
Finney B. Smith,
William J. Lorenz,
Powell McC. Rhea,
Edouard V. M. Isaacs,
Henry P. Burnett,
Edwin S. McCoach,
Hubert E. Paddock,
Donald MacL. Dalton,
Theodore E. Chandler,
Herbert V. Wiley,
Ivan M. Graham,
Samuel R. Shumaker,
Frank D. Wagner,
Stephen H. Matteson,
Otto Nimitz,
Glenn H. Easton,
Burton W. Chippendale,
Allan R. Wurtele,
Thomas G. Peyton,
Samuel P. Jenkins,
Cornelius W. Flynn

Nelson J. Leonard,
William Granat,
Robert T. Darrow,
Robert M. Farrar,
Arnit C. Thomas,
Ryland D. Tisdale,
George W. Grove,
Walter J. Confer,
Alan Barnett,
Julius C. Delpino,
Homer W. Graf,
John D. Small,
Romeo J. Jondreau,
Robert W. Clark,
John B. Kneip,
George C. Hill,
Francis S. Low,
James P. Brown,
Francis M. Mall, jr.,
Winthrop Winslow,
Frank C. Huntoon,
William J. Nunnally, jr.,
Earle W. F. Childs,
Alexander S. Wotherspoon,
Philip C. Morgan,
Robert M. Fortson,
Marcus C. Miller,
Forrest B. Royal,
John L. McCrea,
Morris H. Spriggs,
Frederick G. Richards,
Marshall B. Arnold,
Noble Withers,
Roswell H. Blair,
Tully Shelley,
Elmer R. Henning,
Dallas D. Dupre,
Nathaniel M. Pigman,
John S. Farnsworth,
Horace D. Clarke,
Edward Breed,
Thomas G. Brown,
James E. Maher,
Irving R. Chambers,
Alexander G. Hatch,
Allan E. Smith,
Leighton Wood,
Chester E. Lewis,
Harvey E. Overesch,
Stuart A. Maher,
Homer H. H. Harrison,
Ralph Kiely,
Allen G. Quynn,
John Morris Field, jr.,
David McL. Collins,
Archer E. King, jr.,
Daniel W. Armstrong,
Harold O. Hunter,
George C. Kriner,
Forrest K. Libenow,
Clifford G. Richardson,
Dewitt C. Watson,
James M. Lewis,
Raymond Burhen,
Jonathan H. Sprague,
Milford G. Gamble, jr.,
Myron W. Hutchinson, jr.,
John H. Campman,
Isaac Schlossbach,
Henry S. Clark, jr.,
John J. Mahoney,
Ralph W. Christie,
Robert M. Parkinson,
Lewis L. Stedman,
James R. Kyle, jr.,
Preston Marshall,
William D. Thomas,
Lyman B. Hoops,
Hilbert A. Fisher,
William S. Hactor,
Samuel R. Deets,
John S. Ray,
William M. Snelling,
Claude C. Vickrey,
Joseph H. Chadwick,
Albert R. Stephan,
Arthur Landis,
Elmer B. Hough,
William D. Sullivan,
Albert Oseuger,
Eugene G. Herzinger,
Richard S. Bulger,
Adolph J. Merkt,
Horace E. Burks,
Henry M. Mullinnix,
Norman P. Earle,
Ralph E. Davison,
Don P. Moon,
Russell S. Berkey,
Robert C. Bourne,
George F. Hussey, jr.,
Thomas J. Ketiher, jr.,
Osborne B. Hardison,
Hugo Schmidt,
Russell S. Hitchcock,
Clinton E. Braine, jr.,
Willis C. Sutherland,
Laurence F. Safford,
Arthur C. Miles,
William M. Fechteler,
Frank W. Wead,
Robert A. Awtrey, and
Conrad A. Krez.

The following-named officers to be lieutenants (junior grade):

Joseph W. Paige,
Forrest P. Sherman,
William R. Nichols,
Ernest B. Colton,
Joseph W. Fowler,
William H. Hopkins, jr.,
William J. Malone,
Oscar H. Holtmann,
Lawrence B. Richardson,
James Fife, jr.,
Moses B. Byington, jr.,
Frank R. Dodge,
George T. Cuddihy,
William W. Warlick,
Vincent R. Murphy,
Ralph S. McDowell,
Henry A. Hutchins, jr.,
Charles W. Styer,
Thomas L. Sprague,
Owen E. Grimm,
Einar R. Johnson,
Martin J. Connolly,
Pal L. Meadows,
John D. Crecca,
Olton R. Bennehoff,
Frederick L. Douthit,
Frederick S. Holmes,
Thomas B. Inglis,
Earl E. Stone,
James D. Jacobs,
John J. Ballentine,
Edwin H. Price,
Everett B. Browne,
John R. Sullivan,
James V. B. Lawyer,
John D. Alvis,
John N. Whelan,
Daniel W. Tomlinson,
Edward F. McCartin,
Hayden H. Smith,
Donald A. Green,
Clifton A. F. Sprague,
Thaddeus A. Hoppe,
Clifton E. Denny,
Theodore F. C. Walker,
Joseph J. Clark,
George C. Hawkins,
Albert M. Bledsoe,
Bronson P. Vosbury,
Harold Biesemeier,
Miles R. Browning,
William C. Wade,
Herman E. Halland,
Roy T. Gallemore,
Stanley D. Jupp,
Albert F. France, jr.,

Perry R. Taylor,
Robert T. Whitten,
John S. McReynolds,
Walter S. Macaulay,
Staley H. Gambrill,
George G. Breed,
James L. Fisher,
David E. Cummins,
Robert B. Parker,
Julian D. B. Wilson,
Samuel H. Hurt,
Wilber M. Lockhart,
Henry Y. McCown,
William Busk,
George W. Johnson,
Henry E. Thornhill,
Jacob H. Jacobson,
Ion Pursell,
J. Warren Quackenbush,
Philip L. Emrich,
Gordon Rowe,
William H. Hartt, jr.,
Junius L. Cotten,
Christopher C. Miller,
James E. Waddell,
Donald W. Loomis,
John G. Farrell,
Mertin C. Wade, jr.,
Jack S. Phillips,
Elbert C. Rogers,
John W. Rowe,
Jerauld Wright,
Harry W. Need,
Charles D. Leffler, jr.,
William S. Garrett,
Lloyd G. Scheck,
Earle W. Mills,
Fred M. Byers,
Harry D. Hoffman,
Ford L. Wilkinson, jr.,
Francis S. Gibson,
Harold G. Eberhart,
Thomas G. Fisher,
Berwick B. Lanier,
Victor C. Barringer, jr.,
Martin R. Derx,
Graeme Bannerman,
Louis L. R. Habrylewicz,
Ernest A. Foote,
Henry D. Stailey,
Robert Poole,
Henry S. Kendall,
James D. Murray, jr.,
Stanley M. Haight,
William E. G. Erskine,
Edward W. Wunch,
Garry D. Custer,
John D. H. Kane,
Stanley C. Norton,
James W. Whitfield,
George O. Etheredge,
Bernard V. Eekhout,
Harold E. MacLellan,
Albert S. Marley, jr.,
Peter K. Fischler, jr.,
Francis J. Courtney,
Jay G. Huntoon,
Harry W. Von Hasseln,
Guy D. Townsend,
Arthur T. Moen,
Arthur B. Craig,
Ross P. Whitemarsh,
Ralph H. Henkle,
Leonidas M. Mintzer,
Francis B. Connell,
Gordon B. Woolley,
Vaughn Bailey,
Elmer E. Duvall, jr.,
Albert L. Hutson,
Walter L. Taylor,
Alphonsus I. Flynn,
Edmund J. A. Murphy,
Ellis H. Geiselman,
Ernest H. Krueger,
Herbert R. Sobel,
George E. Ross, jr.,
Jack H. Duncan,
Watson O. Bailey,
Andrew P. Haynes,
Proctor M. Thornton,
Roger F. Armstrong,
Leland P. Lovette,
Wallace M. Dillon,
Edmund J. Kidder,
Edward D. Walbridge,
Leroy W. Busbey, jr.,
Smith D. A. Cobb,
Malcolm A. Deans,
Ralph S. Riggs,
Carlos W. Wieber,
Harry K. Leventen,
Edwin D. Gibb,
John M. Haines,
William A. S. Macklin,
Thoms F. Remington,
John W. Rogers,
Cleeman Withers,
Lloyd E. Clifford,
Charles G. Moore, jr.,
John K. Jayne,
Joseph H. Brady,
William O. Baldwin,
Robert L. Mitten,
Mays L. Lewis,
Elmer V. Iverson,
Peyton Harrison,
Thomas J. Haffey,
John O. Plonk,
Chauncey R. Crutcher,
George R. Kalbfus,
Lisle Henifin,
Frank B. Hillhouse,
Clement B. White,
Allan P. Flagg,
William K. Phillips,
Robert M. Eaches,
Gordon B. Sherwood,
Ralph C. Alexander,
Alexander C. Kidd,
Willis M. Percifield,
Frank Fechteler,
Robert R. Ferguson,
William G. Moore,
James Dowling,
John F. Brooks,
Michael W. Gilmartin,
Hugh J. Duffy,
Edward J. Norcott,
William A. Cable,
Herbert Campbell,
Otto Fries,
Clifford H. Sheldon,
Theodore B. Watson,
John H. Lohman,
Simon Jacobs,
William Zeitler,
Albert F. Benzon,
Samuel Chiles,
Andrew Olsson,
Patrick Hill,
James T. Roach,
David F. Diggins,
Edwin N. Fisher,
Christian Crone,
William F. Foley,
James C. McDermott,
Charles Hierdahl,
Joseph Hill,
Thomas S. Aveson,
Adolph Hasler,
John W. Stonkley,
John D. Walsh,
Martin Fritman,
Dennis J. O'Connell,
William Johnson,
Arthur Smith,
Stephen Donely,
Conrad W. Ljungquist,
Otto E. Reh,
Wilhelm H. F. Schluter,

August C. Steinbrenner,
Belmar H. Shepley,
Thomas P. Clark,
Harry A. Davis,
William G. Smith,
John J. Murray,
Gustav Freudendorf,
John T. Swift,
Herbert A. Nevins,
Robert Rohange,
Benjamin P. Middleton,
Patrick Shanahan,
John Eberwine,
August Wohltman,
John A. Riley,
David White,
Edward J. Damon,
Oscar Borgeson,
Leonard Roll,
Thomas J. Hurd,
David B. Vassie,
George A. Messing,
Joseph Mitchell,
Michael J. J. Farley,
Thomas M. Cassidy,
Edwin Murphy,
James H. Morrison,
Thomas O'Donnell,
John E. Cleary,
Charles Hammond,
Harold I. Lutken,
Daniel Mullan,
Charles H. Hosung,
Samuel L. Wartman,
Robert J. Vickery,
Lemuel T. Cooper,
Ralph F. Nourse,
Francis P. Mugan,
David Purdon,
George C. Ellerton,
Clarence M. Wingate,
Murray S. Holloway,
Charles A. Rowe,
Ernest Evans,
William B. Stork,
Clarence R. Johnson,
William James,
Jannis V. Jacobsen,
Patrick Fernan,
George W. Johnson,
Frank Risser,
John Bryce,
Llewellyn H. Wentworth,
Rasmus Iversen,
Henry E. White,
Charles C. Holland,
Ellwood W. Andrews,
Cornelius J. Collins,
Adolph A. Gathemann,
William C. Gray,
William A. Macdonald,
Karl Rundquist,
Allen T. Webb,
Albion O. Larsen,
Thomas W. Healey,
Joseph Heil,
Frank Bresnan,
Peter Emery,
Claus K. R. Clausen,
Henry A. Stanley,
John McCloy,
Joseph E. Cartwright,
Harold S. Olsen,
John C. Rickertts,
Bernard T. Donnelly,
John G. Nicklas,
Daniel Duncan,
Arthur S. Pearson,
Edward T. Austin,
Harold V. Barr,
Henry Ernest,
Anthony McHugh,
Stanley Danielak,
James P. Dempsey,
Gotthilf C. Layer,
Edward G. Affleck,
John A. Oliver,
James J. Cotter,
Arthur A. Smith,
Edward G. Higgins,
John L. Barnswell,
Matthias A. Thormahlen,
Louis C. Higgins,
John I. Ballinger,
Augustine D. Devine,
Carl Johnson,
Fred W. Cobb,
William T. Robinson,
James L. McCormack,
Fred F. Ingram,
Frederick Meyer,
James Glass,
Nels Drake,
John Davis,
Gerald Ollif,
Owen T. Hurdle,
John Law,
Henry H. Richards,
Frederick W. Metters,
George E. McHugh,
Arthur D. Warwick,
William T. Baxter,
Emil Swanson,
William H. Leitch,
Franklin Heins,
Augustus Anderson,
Ulysses G. Chipman,
Charles J. Miller, and
Kieran J. Egan.

Earl S. Hurlbut to be a lieutenant (junior grade).

Frank Stinchcomb to be an ensign.

Stanley M. Cox to be an ensign.

The following-named officers to be ensigns in the Navy:

Fleet W. Corwin,
Leland D. Webb,
William Knox,
Clyde C. Laws,
Henry E. Rung,
Edward J. Carr,
Benjamin F. Strawbridge,
Roy M. Cottrell,
Thomas E. Flaherty,
Charles W. Classen,
John B. Cooke,
Allen R. Chandler,
Maurice M. Rodgers,
Frank Hannon,
Harry F. Gray,
Walter C. Theimer,
Jay Smith,
Arthur R. Pontow,
Charles E. Weickhardt,
Hervey Z. Throop,
Marvin G. Fox,
William Klaus,
John F. Kennedy,
Learned L. Dean,
Frank I. Hart,
Henry E. Kellar,
Thomas F. Morris,
Mervin W. Arps,
Alvin Henderson,
John P. Miller,
John Kneubuehler,
Jerome L. Allen,
Harold F. McHugh,
Albert R. Colwell,
Ray C. Hopkins,
Edward C. McDonald,
Clarence M. Maloney,
Ralph Lane,
Carl J. Nerdahl,
Joseph W. Storm,
Glen R. Ogg,
Thomas F. Fahy,
Albert R. Myers,
Philip A. Wilson,
Harry D. Bolin,

James A. Maloney,
Willis M. Young,
Kenneth F. Horne,
Leonard W. Johnson,
John J. Arnaud,
Walter C. Haight,
John Sharpe,
Charles P. Porter,
Raymond S. Kaiser,
Charles E. S. Lines,
Milton E. Robison,
Samuel A. Wilson,
Steve V. Edwards,
Max P. Schaffer,
Karl Hart,
Julius Holbin,
Casper H. Husted,
Frederick A. Mack,
George F. Fredenberg,
William C. Procknow,
Robert E. Simon,
Frank Schlapp,
John A. Lemanski,
Arthur A. Travis,
Ben L. Jarvis,
Harry P. Quandt,
Felix M. Kelly,
Harry M. Dickerson,
Frank W. Dunning,
Frederick Seefeldt,
Louis H. Russler,
Ferdinand H. Ehlbeck,
Glenn O. Twiss,
Edwin Brown,
William P. Bachman,
Hal W. Barnes,
Conrad F. Holzemer,
Albert L. Payne,
Charles W. Pearles,
Walter W. Blumenkranz,
Henry C. Cressman,
Arthur C. Leonard,
Edwin T. Swarts,
Emil F. Lindstrom,
Robert Anderson,
Edwin V. Wilder,
Roscoe C. Bright,
Simeon L. Owen,
Robert H. Weaver,
Edo S. Carfolite,
Henry Plander,
Ray P. Helm,
Walter F. Marriner,
William P. Turner,
Oliver P. Kilmer,
Laurie C. Parfitt,
Clarence A. Hawkins,
Augustus A. Bressman,
Leo Mead,
Walter J. Fanger,
Ray H. Watkins,
Richard L. Reuling,
Alfred R. Boileau,
Eldred J. Richards,
Herbert Wycherley,
Jacob M. Gibson,
Manuel J. Cayton,
Martin J. Werner,
Warren A. Northrup,
Arthur G. Somers,
Grover A. Miller,
George A. Gast,
George Stone,
Marion C. Erwin,
James E. Drever,
Arthur P. Spencer,
William I. Denny,
Robert T. Bamford, and
Frank Doble.

The following-named chief pharmacists to be assistant surgeons:

Alphonsus A. O'Donoghue,
Frank Fulton, and
Henry A. Harris.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 13, 1917.*

The House met at 12 o'clock noon.

Rabbi Edward B. M. Browne, of the Mount Morris Park Synagogue "Ateress-Zvee," New York City, offered the following prayer:

Father, who art in Heaven, hallowed is Thy name. Thy kingdom came with the dawn of creation, and being established upon principles eternal and universal, its laws enforce themselves alike in all climes and in all ages. Therefore Thy will must be done amongst the celestials in Heaven even as it is done amongst Thy mortal children on earth. Thou hast endowed nature with productive energies, subservient to man's will, whereby Thou givest us this day our daily bread. By imparting to us Thy divine spirit, Thou hast enabled us to enact just laws which guard human society, so that human passions may lead us not into temptation but divine grace deliver us from all evil.

For the purpose of enacting just laws for our great Nation, there are here assembled its representative sons, and I pray that as Thou wast present with Moses on the peak of Moab, so here in this modern Sinai Thou canst send Thy shekinah upon every one of the Representatives present, so that while they represent the will of the people they will represent the will of Thee, who art our Father and our Lord.

And we pray, oh God, our special blessing upon the President of the United States, our olive-branch President, who is waging an olive-branch war in order to bring about an olive-branch, genuine peace amongst all the nations of the earth. Open Thy religious magnanimity to forgive those who trespass against us even as Thou forgivest our trespasses against Thee. And thus give us the power and the will to bring mankind to Thy feet as children of God and to democratize every human being in justice and in equality. We thank Thee, oh Lord, that You have selected our Nation as the chosen people of these days to bring about the peace which the bewildered world now wants. But let us not be vainglorious at the high position assigned us, bearing in mind that whatsoever we are in greatness, in influence, in power, we are so only through Thee. For Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 2316) to promote export trade, and for other purposes, had insisted upon its amendments, had requested a conference with the House of Representatives on the bill and amendments, and had appointed Mr. POMERENE, Mr. ROBINSON, and Mr. CUMMINS as the conferees on the part of the Senate.

The message also announced that the President had approved and signed, on December 7, 1917, joint resolution of the following title:

S. J. Res. 111. Joint resolution declaring that a state of war exists between the Imperial and Royal Austro-Hungarian Government and the Government and the people of the United States, and making provision to prosecute the same.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2860. An act transferring Hardeman County to the Wichita Falls division of the northern judicial district of Texas; to the Committee on the Judiciary.

"GARABED" PATENT.

Mr. WATSON of Virginia. Mr. Speaker——

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield to me for a moment to make a parliamentary inquiry?

Mr. WATSON of Virginia. I will.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GARRETT of Tennessee. I desire to direct the attention of the Chair to House joint resolution 174, No. 77 on the calendar, and to make a parliamentary inquiry. This is a joint resolution "for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the 'Garabed,' claiming to make possible the utilization of free energy." Now, that is on the House Calendar. The Committee on Rules, I may state as the reason for making

this inquiry, proposes to report a rule for the consideration of this measure, and the question has arisen with some of the members of the committee as to whether this should not be on the Union Calendar. The form of the rule will be determined by that proposition. I submit the inquiry to the Chair now as to whether it is properly on the House Calendar.

The SPEAKER. What does it provide?

Mr. GARRETT of Tennessee. It is the "Garabed" invention. It was considered before in the House, but the point has been made that there are some phases that we propose that will properly make it a subject for consideration in the Committee of the Whole. It does not carry an appropriation.

The SPEAKER. It does not have to carry an appropriation.

Mr. CAMPBELL of Kansas. It may carry an appropriation later.

The SPEAKER. If it necessarily involves an expenditure on the Treasury it ought to go on the Union Calendar.

Mr. GARRETT of Tennessee. It does not necessarily involve it, but the contingency is there. It does not necessarily carry an expense upon the Treasury. But it may do it. The possibility exists.

Mr. STAFFORD. If the Chair will permit, section 6 provides that if there is a successful demonstration of this device, then he shall be remunerated to the extent of the value of his discovery. That is a provision which may make a charge upon the Treasury. I think it properly should be on the Union Calendar rather than on the House Calendar, because it involves, though through a contingency, a liability on the Treasury.

The SPEAKER. The gentleman will read the section concerning which he is talking.

Mr. STAFFORD. It says:

SEC. 6. That after the successful demonstration of the "Garabed," if the United States Government wishes to purchase the right and title for the exclusive use of said discovery or invention, the said Garabed T. K. Giragossian will comply with the request of the United States Government: *Provided*, That he shall be remunerated to the extent commensurate with the value of his discovery or invention, which shall be appraised by a committee of even number, one-half of the membership of which shall be selected by the Secretary of the Interior and one-half selected by the said Garabed T. K. Giragossian, and the finding of said committee shall be subject to the approval of the Secretary of the Interior and of the said Garabed T. K. Giragossian.

Mr. DENISON. Mr. Speaker, before there would be an expenditure on the part of the Government it would require subsequent legislation. There is no expenditure provided for in this bill at all, or any contingent expenditure.

Mr. GARRETT of Tennessee. Mr. Speaker, it is immaterial to me which calendar it is considered on.

Mr. STAFFORD. If the gentleman will permit just one further observation, I will say that section 2 provides:

That the Secretary of the Interior is authorized to perform any and all acts and to make such rules and regulations and enter into such contracts as may be necessary to carry this resolution into effect.

The SPEAKER. Let me ask the gentleman from Tennessee a question. There is not anything pressing about this, is there, this morning?

Mr. GARRETT of Tennessee. Well, Mr. Speaker, it is immaterial to me which calendar it is considered on, but the parliamentary rule will be determined by the calendar it happens to be on. I should say that there is no chance to consider it to-day, and if at some time during the day we can learn what calendar it should go on, I am content.

The SPEAKER. The Chair thinks the remarks made by the gentleman from Tennessee and the gentleman from Wisconsin [Mr. STAFFORD] show that any expenditure is purely speculative. It says, "If," and so forth and so on; so that it is not plain that there ever would be an expenditure. The Chair leaves it where it is, on the House Calendar.

PROHIBITION AMENDMENT.

Mr. GARD rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. GARD. On behalf of certain members of the Committee on the Judiciary I desire to ask leave to file a minority report on Senate joint resolution 17, the so-called national prohibition amendment.

The SPEAKER. How long does the gentleman want?

Mr. GARD. Two days.

The SPEAKER. The gentleman from Ohio asks leave to file a minority report on the prohibition amendment within two days. Is there objection?

There was no objection.

CONTESTED-ELECTION CASE—BEAKES VERSUS BACON.

Mr. WATSON of Virginia. Mr. Speaker, in accordance with the notice given last week, I rise for the purpose of asking now that the report of the committee on the contested-election case of Beakes versus Bacon, from the second district of the State of Michigan, be taken up for consideration.

The SPEAKER. The Clerk will read the resolution and the report.

The Clerk read as follows:

Mr. WATSON of Virginia, from the Committee on Elections No. 3, submitted the following report:

Your Committee on Elections No. 3, having had under consideration the case of Beakes v. Bacon, second district, State of Michigan, after careful and, it believes, impartial inquiry, asks to submit this report of its deliberations.

Mr. WATSON of Virginia. Mr. Speaker, I do not think that there is any desire on the part of the House that the report of the committee be read. Unless there is a desire to have that report read, I ask that the reading of the report be suspended and that the resolution be reported.

Mr. MOORE of Pennsylvania. How long is it?

Mr. WATSON of Virginia. About 12 pages.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the resolution be read in lieu of the report.

Mr. MOORE of Pennsylvania. Mr. Speaker, this is a matter about which the House has very little information. I think the report should be first read.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. GARNER. Mr. Speaker, it is not required to be read by the rules.

The SPEAKER. It has been objected to.

Mr. GARNER. It does not make any difference whether it has been objected to or not. The rule does not require that it should be read.

The SPEAKER. The House desires information on the election case.

Mr. GARNER. The House can get information in the way indicated by the rules.

The SPEAKER. What does the rule provide?

Mr. WATSON of Virginia. Mr. Speaker, if after the resolution is read anybody desires that the report be read, it can be done with the permission of the House.

Mr. FITZGERALD. The only thing the House needs to have read is the resolution on which it is to act.

Mr. DOWELL. Mr. Speaker, if I may be permitted, I would like to ask the chairman to request the reading of the report.

Mr. WATSON of Virginia. Mr. Speaker, I ask that the resolution be read first, and then if any gentleman wants the report read I will have no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield? Mr. Speaker, I ask if the gentleman from Iowa, who has the floor, will yield for a moment?

The SPEAKER. The gentleman undoubtedly had the floor.

Mr. MOORE of Pennsylvania. I ask that he yield to me for a moment.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Has the gentleman from Iowa [Mr. DOWELL] the floor?

The SPEAKER. Nobody claimed he had.

Mr. GARNER. The gentleman from Pennsylvania [Mr. MOORE] said the gentleman from Iowa had the floor, and the Speaker said "undoubtedly he had."

The SPEAKER. The Speaker has sense enough to believe that he was talking about the gentleman from Virginia [Mr. WATSON].

Mr. MOORE of Pennsylvania. I will ask if the gentleman from Virginia will yield for a moment?

Mr. WATSON of Virginia. I yield to the gentleman.

Mr. MOORE of Pennsylvania. This is a case in which there is no minority report. Is not that right?

Mr. WATSON of Virginia. Yes.

Mr. MOORE of Pennsylvania. And, so far as the Republican side of the House is concerned, it has no information on this case.

Mr. FITZGERALD. Does not that side of the House read the majority report?

Mr. MOORE of Pennsylvania. There is no minority report in this case. What objection is there to have the majority report read for the information of the House?

Mr. FITZGERALD. There is no minority report.

Mr. MOORE of Pennsylvania. I said "majority report."

Mr. WATSON of Virginia. I have no objection to its being read if anybody desires it. I ask that the report be read, but not in the time accorded me.

The SPEAKER. The gentleman from Virginia asks that the report be read, but not taken out of his time. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

The record in this case is unique in some respects and is in rather marked contrast with the generality of election cases.

First. No unworthy motive is ascribed to the principals concerned, and intentional wrong is not shown to have been done by any of the officials charged with the conduct of the election.

Second. There is little or no conflict of evidence respecting the material facts in issue, and the only question for decision is one of law and justice as applied to a conceded state of facts.

Third. While the controversy originally embraced the canvass and counting of over 50,000 ballots cast in the election, in the end the issue is narrowed to the proper disposition of the returns from only two precincts.

When it is recalled with what partisan bias contests of this sort have sometimes been wont to be waged in the past, and how frequently your body has had to deal with records of mutual reproach and even crime, the committee deems itself fortunate to be able to say at the outset that this contest has on the whole been conducted with admirable spirit and with the desire to elucidate the real merits of the case. Where the electors were so numerous and the ballot complicated mistakes and irregularities were inevitable and to be anticipated; but the irregularities shown here are mostly formal, and in the aggregate the mistakes comparatively few.

HOW THE CONTEST AROSE.

The official returns of the election for Congress, November 7, 1916, gave Bacon 27,182, Beakes 27,133—a majority of 49 for Bacon.

Reviewing the returns from the various precincts, contestant discovered that at first precinct, second ward, city of Jackson, he had run far behind the other candidates of his party, State and Federal; and unaware of any local sentiment or condition to produce such a result, he instituted unofficial inquiries to ascertain the cause. As the returns did not indicate that the contestee had polled any more votes there than the rest of his party ticket, it was obvious that the lost votes had not gone to his competitor. The matter became the subject of public discussion and of press comment, and a very general impression got abroad that a mistake had been made in the official count. Some of the election inspectors themselves concluded they had made a mistake. And when, two weeks later, the board of county canvassers met to canvass the returns, four of the inspectors who held this election sent to the board a written statement saying that, in compiling the vote for Congress, they had inadvertently failed to include 70 or more votes, and that therefore their return was wrong and did not reflect the true state of that poll.

Contestant, from this disclosure, believing a mistake had been made large enough to affect the result in the whole district, thereupon retained counsel to appear before the board and obtain a correction of the error, or, if this were not possible, a recount of the vote. In these proceedings contestee was likewise represented by counsel.

At this juncture the board, on the application of one of the candidates for the office of coroner, voted for at the same election, opened the boxes of this precinct and directed a recount of the ballots. Counsel for both of the parties to this contest being present, they concluded to examine unofficially the vote for Congress as the recount for coroner progressed, and in this way it was ascertained that, as the ballots then stood, the contestant was entitled to 87 votes more than the official returns had given him.

Application was then made to the board on the part of the contestant to correct the error, or award a recount. That a mistake had been made was openly acknowledged by counsel for contestee and conceded by the board (Rec., 50-62); but, deeming its functions to be only ministerial, the board felt unable to correct the returns and found no provision in the statute authorizing itself to hold a recount in case of a Federal office. Application was then made to the State board of canvassers for a recount of the vote, but with like result. The supreme court was then asked for a mandamus, compelling a recount, but refused to award the writ. The laws of his State seeming to afford no remedy for a situation like this, contestant then determined to bring the matter before this House for decision upon its merits.

CHARACTER OF EVIDENCE IN THE RECORD.

As stated before there is no controversy of moment between the parties concerning the material facts in the record. Most of the evidence is of documentary character, composed chiefly of official returns, unofficial recounts with agreed results, and exhibits relating to these. The oral testimony is confined to persons connected with the election in some official capacity, and in that but little conflict is to be found. Most of the work of collecting evidence consisted in the recount of the ballots by counsel for the parties. Apparently the State law made no provision for such a proceeding in case of a Federal office; but, by agreement of counsel, the ballot boxes were produced by the clerk before a notary and in this way, first and last, the vote of practically the entire district was recounted—three precincts at the instance of contestant and the rest on behalf of the contestee. This agreement was productive of highly satisfactory results, and has spared your committee an immense amount of difficult and tedious labor.

CONCEDED FACTS.

From contestant's brief (p. 24) it will be seen he concedes contestee 26,581 votes. This is exclusive, however, of two precincts in the city of Jackson (first precinct, second ward, and third precinct, sixth ward), and of the disputed ballots filed with the record as exhibits; but includes 211 votes officially returned for contestee at second precinct, sixth ward, city of Jackson. This concession was based in part on the agreement of the opposing counsel to accept the official returns at the last-mentioned precinct (Rec., 90), but that counsel having withdrawn from the agreement, the figures given above are subject to revision, and the 211 votes should be subtracted from the total stated above, leaving a balance of 26,370.

It was subsequently agreed to accept the official returns in the third precinct, sixth ward, city of Jackson (contestee's brief, p. 1), where contestee received 93 votes. This therefore should be added to the total above, making the number 26,463. Thereafter, in the oral hearing before the committee counsel agreed (committee hearing, p. 28) that the disputed ballots filed in exhibit should be counted, 31 for contestant and 21 for contestee. This would require, therefore, the addition of the 21 to the number already stated, making a total of 26,484 votes conceded to the contestee.

By brief (p. 25) contestee concedes contestant 26,499. To this should be added 31 from the disputed ballots referred to, which would make the total number 26,530.

The sum of the respective concessions stands therefore as follows:

Votes conceded to Beakes	26,530
Votes conceded to Bacon	26,484
Majority for Beakes	46

The foregoing figures cover the entire congressional district except the returns from two precincts—first precinct, second ward, and second precinct, sixth ward, Jackson city—and they present the only subjects of dispute left in the record.

I. FIRST PRECINCT, SECOND WARD, OF JACKSON CITY.

By official returns the total number of electors at this precinct was 703 and the vote for Congress as follows:

Bacon	351
Beakes	233
Koch	5
Titus	3

(Rec., 42-3.)

By recount, 703 ballots were found in boxes and the vote for Congress as follows:

Bacon	352
Beakes	329
Koch	4
No choice	18
Total	703

(Rec., 24-5.)

The sole issue raised in regard to this precinct is whether the official returns shall stand or whether they should be corrected in accordance with the recount.

Contestant contends that, as the return is conceded to be erroneous, they should be set aside and a recount of the ballots had, while contestee insists either that the failure of the election officers in the first instance to seal the ballot boxes properly, or the failure of the clerk thereafter to kep them in safe custody discredited the ballots to such an extent as to make a recount unlawful, and hence that the official return must stand.

So the question is a mixed one of law and fact; but as there is not much conflict of evidence respecting the physical facts in the case, the question, in the last analysis, is one of law.

ERROR IN THE OFFICIAL RETURNS CONCEDED.

That a mistake of material size was made in compiling the returns for Congress at this precinct is obvious from the record, and the fact was conceded by everybody who had to deal with the subject in any official or representative way.

When the board of county canvassers convened, November 22, 1916, to canvass the returns for the county, four of the six inspectors who conducted this election addressed to the board the following communication:

"We, the undersigned inspectors of election of the first precinct, second ward, of the city of Jackson, in said county, at the general election held November 7, 1916, at which election State, county, and district officers were voted for, including candidates for Congress, hereby certify that in preparing the statement in duplicate showing the whole number of votes cast for candidates for Representative in Congress and the number of votes received by each of such candidates, which statement was certified by the inspectors of election for delivery to the proper officers, as provided by statute, a mistake was made in that all the votes cast for the candidates for Representative in Congress were not included therein, and, through inadvertence and mistake, votes cast for each of such candidates were omitted from said statement; and that statement of the result of the election in said precinct, so far as it relates to the office of Representative in Congress, does not correctly represent the vote cast by the electors in that it does not show the whole number of votes cast for each of the candidates for said office—the votes not so counted aggregating 70 or more votes.

"CHAS. F. BAECKER.
"GEO. E. VAN CAMP.
"GIFFORD BELLMAN.
"HENRY MARRIOTT.

"NOVEMBER 20, 1916."

(Rec., 49-50.)

Pending the proceedings before the board, a recount of these votes was had for the coroner's office, when this alleged error became manifest, and application was made to recount the votes for Congress. In reference thereto Mr. Miller, in attendance as counsel for contestee, said:

"There is no question but that an error has been made. I don't want you to think I am claiming there has not been a mistake made. I have the best of reasons and grounds for believing there has been a grave mistake, and I say Mr. Beakes and Mr. Bacon are entitled to every vote cast for them" (Rec., p. 50.)

Referring to the same subject, Mr. Flowers, one of the board sitting in judgment, said:

"It is an unfortunate error. I admit that." (Rec., p. 49.)

The inspectors summoned before the board to see if the error might be corrected, all admitted the error, but not being able to agree, without a recount of the ballots, upon its precise terms; and the board, deeming itself unauthorized to allow a recount, made a separate statement in its certificate to the State board, calling special attention to the situation of this precinct. (Rec., pp. 42-43.)

The inaccuracy in the return being conceded by everybody, the only question remaining is whether the ballots in controversy had been so preserved as to justify the recount subsequently made by counsel for both sides, February 22, 1917, before the notary, the result of which is not disputed. (Rec., p. 23.)

SEALING AND CUSTODY OF THE BALLOT BOXES.

The only complaint raised on this head relates to the manner in which the boxes were sealed by the inspectors and the custody bestowed upon them by the clerk after they were delivered to his office.

The Michigan statute pertaining to the subject is:

"After the ballots are counted they shall, together with one tally sheet, be placed in the ballot box, which shall be securely sealed in such a manner that it can not be opened without breaking such seal. The ballot box shall then be placed in charge of the township or city clerk, but the keys of said ballot box shall be held by the chairman of the board and the election seal in the hands of one or the other inspectors of election." (Sec. 37, Elec. Laws Mich., revision 1915.)

As to whether this provision regulating the sealing of the ballot box is mandatory or merely directory, there is nothing in the statute to determine. The general rule applicable to the construction of such statutes is well stated by McCrary:

"If the statute expressly declares any particular act to be essential to the validity of the election, or that its omission shall render the election void, all courts whose duty it is to enforce such statute must

so hold, whether the particular act in question goes to the merits or affects the result of the election or not. * * * But if, as in most cases, the statute simply provides that certain acts or things shall be done within a particular time or in a particular manner and does not declare that their performance is essential to the validity of the election, then they will be regarded as mandatory if they do and directory if they do not affect the actual results of the election." (McCrary on Elections, 225. See also to same effect Earnes v. Supervisors, 51 Miss., 305; Wheelock's Case, 82 Pa. St., 297; Allen v. Glynn, 17 Col., 338; Parven v. Winebego, 139 Ind., 561; Bowers v. Smith, 111 Mo., 145; State v. Van Camp, 38 Nebr., 91.)

"These provisions of a statute which affect the time and place of the election and the legal qualifications of the electors are generally of the substance of the election, while those touching the recording and return of the legal votes received and the mode and manner of conducting the mere details of the election are directory." (Idem, 172, and Ill., Pa., Kans., and Mich., cases there cited.)

And where the question concerned the sealing of the ballots themselves the same author said:

"In accordance with the rule that the errors of a returning officer shall not prejudice the rights of innocent parties, it has been held that where it was the duty of a presiding officer to return the vote sealed up a return of them unsealed, in the absence of proof or suspicion of fraud, was good." (Idem 230.)

But statutory provisions regulating the conduct of elections and the preservation of the returns are, after all, only a means to an end, and that end is to secure a true expression of the will of the electors—a free ballot and a fair count. To this end all merely formal legal requirements must bend, and, if the returns are so made and preserved as to furnish satisfactory evidence of the will of the voters, that will must prevail. Upon that proposition, said the Supreme Court of Kansas in the great case of Gulleland v. Schuyler (1 Kans., 569), "hangs our experiment in self-government."

The real question to be answered in this case is not whether the precise form of the statute was observed but whether the ballots recounted were the identical ballots cast at the election, and if their condition had remained unchanged. If so, their value as evidence is unimpaired, and in the absence of statutory restraint there can be no legal objection to their being recounted.

That this is the true principle from the standpoint of authority we quote:

"It is well settled that the statutes prescribing the mode of preservation of the ballots are directory merely, and if it be clearly and satisfactorily proved that they have been kept intact and inviolate in the same condition as when counted, the ballots are admissible in evidence, although not preserved in the manner prescribed by the statute." (15 Cyclop. Law and Proc., 426.)

"In determining this and similar questions in cases of contested election it should be kept constantly in mind that the ultimate purpose of the proceedings is to ascertain and give expression to the will of the majority as expressed through the ballot box and according to law. Rules should be adopted and construed to this end, and to this end only." (McCrary on Elections, 232; People v. Bates, 11 Mich., 362.)

"The better opinion seems to be that, if the deviation from the statutory requirements relative to the manner of preserving the ballots has been such as necessarily to expose them to the public or unauthorized persons, the Court should exclude them; but if the deviations have been slight, or of such a character as to render doubtful the identity of the ballots, the question of their identity will go to the jury to be determined upon all the evidence." (Idem, sec. 473, and People v. Livingston, 80 N. Y., 66.)

Judge Cooley said in People v. Cicott (14 Mich., 283, 325):

"The courts have always repelled the idea that the will of the electors plainly expressed in the forms prescribed by law can be defeated by the negligence, mistake, or fraud of the officers appointed to register the result of an election."

From the standpoint of precedent, also, we reach the same conclusions. On several occasions the House of Representatives has found it necessary, in the interest of justice, to set aside official returns and resort to a recount of the ballots.

In the Indiana case of English v. Peele, in the Forty-eighth Congress, an unofficial recount of the ballots was accepted in lieu of the official return for the vote of a whole county; and in the Iowa case of Frederick v. Wilson, of the same Congress, a recount was permitted to supersede the official returns from 10 different election precincts.

Having fully considered, as we think, the legal principles applicable to such cases, we may turn now to the facts of this case as disclosed by the record.

FACTS CONCERNING THE SEALING AND CUSTODY OF THE BALLOT BOXES AT THE FIRST PRECINCT, SIXTH WARD.

It is conceded that when the inspectors finished their work at the election and deposited the ballots in the boxes they locked them properly and sealed them in some manner; that they were delivered to the patrol wagon accompanied by two of the inspectors and delivered promptly by them to the city clerk at his office; that they were placed along with the boxes from other precincts, as they came in, in the outer office or lobby of the clerk's office in front of the clerk's desk through which the public passed during office hours, and where they remained until the next day, until stored away for final keeping in another room under lock and key; that when produced by the clerk before the county board of canvassers on November 23, 1916, and again before the notary on February 22, 1917, they were properly locked, and sealed over the openings left in the tops for the reception of the ballots, but not sealed otherwise; that they could not be opened or their contents removed without being unlocked, but being unlocked they could be opened without breaking any seal; that the total number of ballots in the box corresponded with the number called for by the poll book, and they were all regularly initialed by the inspectors; and that the unused ballots returned therewith were regularly numbered from 704 (inclusive) upward.

In addition to the facts conceded, the clerk testified that the key was delivered to him at the same time as the boxes, and that key and boxes had remained continuously in his possession ever since, except when before the county board and notary, and that he felt sure they had been tampered with in no way. (Rec., 14–15 and 74–75.)

Contestee's brief asserts that there is evidence in the record to show that the boxes, when they left the polling place, were probably sealed over the locks, and advances the theory that these seals were broken after the boxes reached the clerk's office, and hence draws the inference that the ballots had been tampered with. We can find no satisfactory evidence in the record to show that the boxes ever contained any other seals than those which appeared when they were produced before the county board, and therefore can find no warrant for the inference of fraud based upon the assumption that the boxes had before borne a different seal. The theory that the boxes were tampered with after delivery to the clerk seems to us not only most improbable but inconsistent with all the known facts of the case.

Our conclusion, therefore, is that there is no proof or reasonable suspicion of fraud connected with these returns, that they have at all times remained in safe and legal custody, and that their value as evidence was nowise impaired by the failure of the inspectors to seal the boxes in the precise manner required by the statute.

That this was once the view held by Mr. Miller himself, counsel for contestee, will appear from the record (p. 46), when he said in reference to the seals upon these identical boxes:

"I would like to make a statement that the boxes are sealed on the covers at the opening, but there are no seals over the locks. As far as I am concerned, I don't think, unless it should appear that the boxes have been out of the custody of the proper officer, it would be of any particular importance at this time."

To sum up the whole matter: The official return is conceded by everybody to be wrong; it ought not therefore to be made the basis of title to anybody's seat in Congress. If it can not be corrected, it ought to be rejected entirely. But we think the means are at hand whereby this error may be legally corrected. In the presence of a sworn officer of the law, counsel for both parties recounted these ballots and reached a result which is not in dispute; they found Bacon had received 352 votes and Beakes 320. We think that recount should stand in place of the original return as the true vote of the first precinct, second ward, city of Jackson.

II. SECOND PRECINCT, SIXTH WARD, CITY OF JACKSON.

By official return the total number of electors at this precinct were 577, and the vote for Congress was:

Bacon	211
Beakes	329

The evidence shows a chapter of accidents at this and the third precinct in the same ward, which resulted in the admixture of the ballots of the two precincts in well-nigh hopeless confusion, and ultimately created a situation very hard to untangle. It will therefore be necessary for a while to consider the returns from these precincts together.

By the returns the electors at the third precinct were 247, and the vote for Congress:

Bacon	93
Beakes	138

There were no irregularities in the conduct of the election at either of these places, nor in the count and canvass of the vote, nor in the sealing and delivery of the ballot boxes (with one exception, to be noted presently). No trouble of any kind was experienced with these returns until the attempt was made by the contestee to recount the vote, when great confusion ensued. The trouble arose over an unintentional mixing of the ballot boxes of the two precincts at the time of the election. It must have happened in this way, as was shown by subsequent events:

The ballot boxes for the city were all labeled with the numbers of their respective precincts and wards, but by mistake on election morning one box labeled "third precinct" was delivered at second precinct, and one box labeled "second precinct" was delivered at the third precinct. At the close of the election the canvassed returns at the second precinct were placed in three boxes—two belonging to the precinct and properly labeled, and one, the box labeled "third precinct" already described, while at the third precinct all the ballots were put in the box labeled "second precinct" aforesaid, and delivered to the clerk's office.

The situation was still further complicated by the fact that when the work of the election ended at the second precinct the inspectors failed to return to the clerk's office along with the rest of the returns one of the ballot boxes containing a considerable number of the ballots, and left it in the polling booth uncovered and unlocked (though the polling booth was locked), where it remained until it was discovered by the clerk four months afterward, when he went to prepare for another election. He of course covered and locked the box, and carried it to the clerk's office for safe keeping.

ATTEMPTED RECOUNT.

So when contestee reached these returns in the prosecution of his recount on March 28, 1917, when the second precinct was called for, the clerk, not knowing of the mixing of the boxes on election day, produced three boxes labeled with the precinct number, one of them being the box he had found open in the polling booth. The place and condition in which this box was found being made known, it was agreed by counsel for both sides that it would be improper to recount the ballots of this precinct, as all of them had not been preserved as required by law. (Rec., 169–170.)

A recount was actually made, however, with results widely differing from the official returns from the precinct.

The third precinct being called for, the only box labeled with that number was produced, and a recount of its contents disclosed likewise large variance from the official return. (Rec., 169–170.)

On April 30 following contestant entered upon his rebuttal testimony, and the inspectors of the two precincts were summoned to explain if they could the discrepancy disclosed between these ballots and their returns. As the ballots were all regularly marked with the initial letters of the inspectors' names, there was no difficulty in identifying the precinct in which they were cast, and in this way it was discovered that of the 535 ballots recounted on March 28 for second-precinct returns, only 288 of the number were cast at that poll, and that the residue, 247, belonged to the second precinct. Likewise it was found that the 289 ballots recounted at the same time for the third precinct were in fact voted at the second.

The ballots for each precinct having thus been identified, the total number in each was found to correspond with the number called for by the official returns. Hence was reconciled the discrepancy between the ballots and the returns. (Rec., 91–112.)

The former recount of the ballots of the two precincts, while they were commingled, when combined into one whole showed the following results:

Total number of electors by official returns	824
Total number of ballots found in boxes	824
Total number of votes for Bacon by official returns	304
Total number of ballots for Bacon found in boxes	303
Total number of votes for Beakes by official returns	467
Total number of ballots for Beakes found in boxes	467

(Rec., 169–170.)

The results, therefore, so far from casting suspicion upon the returns, afforded rather confirmation of their accuracy, and incidentally tended to show that the contents of the box left open in the polling place had not been disturbed.

In addition to these facts the unused ballots, numbered consecutively and returned with the ballots from these precincts, were found to show in both instances the number next in order to the last ballot voted.

PRECISE ISSUE AS TO THIS PRECINCT.

Both sides agree that they could not have a lawful recount of that portion of the ballots of the second precinct (and being mingled with those of other boxes they could not be separately identified) which were left in the voting booth after the election. And in that view we concur; for, though the ballots bore every internal evidence of not having been disturbed, yet would it be a hazardous experiment and dangerous precedent to permit a recount of returns unsecured and without lawful custody for four months.

Contestant holds the official returns should stand; contestee contends that the failure of the officers to preserve a portion of the ballots, as required by law, so discredits their conduct and official character as to invalidate their whole return, and that it should be set aside in toto; and, that being done, that a recount should be had of the ballots which were properly preserved and they be accepted for the vote of the whole precinct. (It will be remembered that 289 of the 577 ballots cast at the precinct were found in a box labeled "3d precinct," which had been properly cared for and in which the recount showed Bacon 172, Beakes 111.)

LEGAL PRINCIPLES APPLICABLE TO THE QUESTION.

"The presumption is that officers of the law charged with the duty of ascertaining and declaring the result [of an election] have discharged that duty faithfully." (McCrary, sec. 459.)

"The rule is that the returns must stand until impeached—i. e., until shown to be worthless as evidence, so worthless that the truth can not be deduced from it." (McCrary, sec. 415. Also Loyd v. Sullivan, 1 Bart., 577; and McDuffie v. Davidson, Mob., 577.)

"The return must stand until such facts are proven as to clearly show it is not true." (Idem, sec. 371; Blair v. Barrett, 1 Bart., 308; Knox v. Blair, 1 Bart., 521; Washburn v. Voorhees, 2 Bart., 54; State v. Comrs., 35 Kans., 640.)

Upon these principles our courts have acted from the earliest time, and in contested-election cases Congress has often had occasion to apply them.

The only known fact upon which it is asked to impeach this return is that one of the four ballot boxes in use on election day (for there was a larger box for the reception of ballots during the day in addition to the three in which the returns were placed) was left open in the polling booth by the inspectors after the election, and not delivered to the clerk as required by law. From this single act of omission we are asked to infer a willful violation of the law on the part of the inspectors, and contestee's brief charges it was perpetrated with intent to commit a fraud. Is this so? We are constrained to feel otherwise, and that such harsh conclusion is inconsistent with the other known facts and all the probabilities of the case.

1. There is nothing else in the record reflecting upon the character of any of the officers who held the election. One of them, at least, had long been a resident of the community. No citizen complained of their conduct during or after the election. There is nothing to show that any one of them had any personal or political interest in the election of the contestant. It is not known that any of them even voted for him. Indeed, it was asserted by counsel in oral argument before the committee (committee hearing) that nearly all the inspectors in the city were Republicans in politics, and the statement was not denied. If this be true, even barring the question of personal character, it is inconceivable they would perpetrate a fraud to elect the Democratic candidate.

2. It is difficult to imagine how it was possible to consummate a fraud by the method chosen in this case. The poll book showing the identity and number of electors and the formal certificate showing the votes for the candidates having been returned to the clerk along with the other ballot boxes, it is not seen how the result could have been affected by anything done to the ballots in the box that was left. The only theory, consistent with crime under the circumstances, would seem to be that the officers had all conspired in advance to frame up a false return, and had retained this box with enough ballots to be altered so as to sustain the return. How this could have been accomplished where the vote was canvassed in public, as required by the Michigan law, is not attempted to be explained. But if such a scheme had been executed, surely such wary criminals would have contrived in some way to "deliver the goods," and not have left the highly finished work of their hands exposed to the uncertainties of fortune in a remote corner of the city. With an official ballot in use and no extra ballots obtainable, it is not probable that outsiders could have been expected to aid materially in "doctoring the returns."

3. The facts that the total number of ballots collected from this and three other boxes (one of which was from another precinct) corresponded with the number called for by the poll books; that they were all properly initialed by the inspectors; that the unused ballots returned bore the right serial numbers; and that the vote of the candidates for Congress shown by the ballots was substantially the same as that polled for the other candidates of their respective parties are all strong internal marks to show that no fraud had been practiced upon those returns.

4. The record shows that it was 3 o'clock in the afternoon of the second day before the inspectors finished their work; they had been continuously on duty thirty-odd hours. Under such conditions is it not reasonable to suppose that the box was inadvertently left behind and without thought of wrong?

PRECEDENTS IN THE HOUSE OF REPRESENTATIVES.

In the precedents of the House we have found no case in which the official returns have been set aside except for one or more of the following causes:

1. Want of authority in the election board.
2. Fraud in conducting the election.
3. Such irregularities or misconduct as render the result uncertain.

In the Missouri contested-election case of Lindsay v. Scott, Thirty-eighth Congress, a case areas resting, we apprehend, upon the same legal grounds as obtain here. An official return was sought to be set aside because of the subsequent destruction of the ballots; but the ballots having been regularly numbered and counted and the votes entered on the poll book, in the absence of any other proof of fraud, the Election Committee reported unanimously in favor of the return and the House sustained the report without a division. (2 Hinds' Precedents, 21.)

In the long line of cases, embracing nearly every variety, adjudicated by the House we can find no precedent for the contestee's proposal that the official return in this case be set aside and the portion of the ballots preserved be counted for the vote of the whole precinct. Regarding certificates of election based on partial returns of an election district—a somewhat analogous question—the House, in the case of Niblock v. Wallis (43d Cong.), rejected a county return because the county canvassers did not include all the precincts in the county.

"If a part of the vote is omitted and the certificate does no more than show the canvass of part of the vote cast. * * * It is not even prima facie evidence, because non constat that a canvass of the whole vote would produce the same result." (McCrary, sec. 272.)

At the precinct in question 577 duly qualified voters participated in the election; 289 of these were so fortunate as to have their ballots properly preserved; 288—the other half—without any fault on their part were so unfortunate as to have their ballots left or to become mixed with others that were left at the polls and not preserved according to law. Under these conditions we know of no principle of law or morals that would justify us in disfranchising one-half the electors of that precinct and substituting the will of the other half for that of the whole. The very statement of the proposition carries its own refutation.

We find no sufficient cause why the official return from the second precinct, sixth ward of the city of Jackson should be rejected, and are of opinion it should be accepted as a true record of the vote cast for Congress at that poll.

RESUME.

Votes conceded to Beakes (see ante)	26,530	
Votes awarded Beakes on recount of vote first precinct, second ward, Jackson (see ante)	320	
Votes accorded Beakes by official returns, second precinct, sixth ward, Jackson (see ante)	329	
		27,179
Votes conceded Bacon (see ante)	26,484	
Voted accorded Bacon on recount, first precinct, second ward, Jackson (see ante)	352	
Votes accorded Bacon on official returns, second precinct, sixth ward, Jackson	211	
		27,047
Majority for Beakes		132

CONCLUSION.

For the reasons named, though imperfectly stated, your committee respectfully recommends to the House the adoption of the following resolutions:

1. That Mark R. Bacon was not elected a Representative to this Congress in the second district of the State of Michigan, and is not entitled to retain a seat herein.

2. That Samuel W. Beakes was duly elected a Representative in this Congress for the second district, State of Michigan, and is entitled to a seat herein.

The SPEAKER. The gentleman from Virginia [Mr. WATSON] is recognized for one hour.

Mr. DYER rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. DYER. I desire to ask the gentleman from Virginia a question.

Mr. WATSON of Virginia. Yes; I yield to the gentleman.

Mr. DYER. Is it the intention to fix a time for general debate on this contest?

Mr. WATSON of Virginia. I will say to the gentleman from Missouri, Mr. Speaker, that there being no difference of opinion among the members of the committee which had this matter under consideration and no minority report, I had not anticipated that there would be any contest over the matter. I have no desire, of course, to precipitate any contest or to prevent any contest, but if there is to be any contest I shall be very glad to agree with gentlemen on that side and on this who differ with the report of the committee as to the time.

Mr. DYER. I will say to the gentleman that I would like to have 15 minutes.

Mr. WATSON of Virginia. Will the gentleman tell me who else on that side of the aisle would like to speak?

Mr. DYER. I will say to the gentleman that I do not speak for anybody else except myself, but from the looks of the situation and the fact that there is no minority report, it would appear, so far as the Republicans are concerned—although I am not speaking for the leaders on this side—that there is no intention to oppose the unseating of Mr. Bacon and the seating of Mr. Beakes, the contestant. Personally I ask for 15 minutes to discuss the report.

Mr. WATSON of Virginia. If it be only an hour, Mr. Speaker, and nobody else cares to speak, I can yield to the gentleman 15 minutes out of my time, if that is all that is desired. Is there anybody else on that side of the House who desires time?

Mr. GILLETT. I understand that no member of the committee on this side desires to speak.

Mr. WATSON of Virginia. May I ask if there is anyone on this side who desires to be heard?

SEVERAL MEMBERS. No!

Mr. WATSON of Virginia. Mr. Speaker, I will yield to the gentleman from Missouri [Mr. DYER] 15 minutes when he desires it.

The SPEAKER. The gentleman from Virginia will proceed.

Mr. WATSON of Virginia. Mr. Speaker, the issues involved in this contested-election case from the second Michigan district

are very simple. They are none the less important on that account.

There are no disputes in this record concerning the essential facts in the case. The question which will be presented to you for decision is a question of law and of justice. Concerning that question, gentlemen, I am not aware that there is any difference of opinion among the members of your committee who have had the case under consideration. Your committee has given this case very careful and, I believe, impartial consideration. And in that connection I hope the House will pardon me if I refer for a moment to a statement made in the Washington Post this morning to the effect that the Democratic caucus which met in this Chamber on yesterday evening had reached the conclusion that the sitting Member should be unseated and that the contestant in this case should be seated. I am sure I need not say to experienced Members of this body that such a statement as that is without foundation in fact. Everybody here knows that no Member on either side of this House would be bound by caucus action in a matter of this character, and consequently his own experience would discredit a statement of that sort made in the public press. I only pause to say that not only was this matter not considered in the Democratic caucus, but it was never suggested for consideration and never mentioned for any such purpose.

In this election district there were over 50,000 votes cast for Congress. On the face of the returns the sitting Member had 46 majority. A contest arose concerning the returns from a single precinct, and it happened that in the subsequent progress of that contest these gentlemen, by agreement among themselves, recounted practically all of the ballots cast in the congressional district. And by such agreement they were able to reach a conclusion concerning every vote cast in the election with the exception of those cast in two precincts, in which precincts 1,280 votes were cast out of a total of more than 50,000.

By the recount which was conducted by these gentlemen, where the legal effect of marking the ballot was construed in accordance with the local law of Michigan, the contestant, up to the point where the two contested precincts were reached, had 46 majority. I hope the House will keep that in mind—that by agreement, after an actual count of the ballots, 46 majority was ascertained in favor of the contestant in this case. That left two precincts in dispute—the first precinct of the second ward of the city of Jackson, where 708 ballots were cast, and the second precinct of the sixth ward of the city of Jackson, where 577 ballots were cast.

The contestee and the contestant were unable to agree as to what was a proper disposition of the returns from these two precincts. Your committee has found that if you accept the official returns from these two precincts as they left the hands of the election officers, Mr. Beakes, the contestant, has a majority of the ballots cast in the district; that if you reject the returns in toto of these two precincts, the effect is to elect the contestant; and that if you accept a recount of the ballots cast at these precincts the effect is still the same—to elect Mr. Beakes.

Mr. DYER. If that is the fact, will the gentleman state why Mr. Beakes was not given the certificate of election in the first instance?

Mr. WATSON of Virginia. Because by mutual consent they had a recount of the more than 50,000 votes, and in that recount they found other mistakes of the election officers, and the net result of it is, as I have stated to the gentleman from Missouri—if he will make the calculation he will see that I am not mistaken—that if the two precincts in dispute are treated in either one of the three ways suggested, the effect will be to seat the contestant.

Mr. DYER. That is on the theory that we accept the recount. Is not that the fact?

Mr. WATSON of Virginia. I can not understand any theory based on our unwillingness to accept facts the parties themselves have agreed upon.

Mr. DYER. I do not want to take the gentleman's time unnecessarily, but as I understand it from the gentleman's statement the contestee was elected upon the face of the returns as officially made?

Mr. WATSON of Virginia. By 49 votes.

Mr. DYER. And then, after a recount was had, the contestant was shown to be elected on the recount. Is that correct?

Mr. WATSON of Virginia. When a recount had been had in all the precincts of this district with the exception of two, by agreement between these parties and their counsel, the contestant had 46 majority as a net result.

Mr. SHERWOOD. Both parties were represented in that, were they?

Mr. WATSON of Virginia. Represented in person and by counsel. Continuing, gentlemen, I repeat that if the official returns from these two precincts in dispute are accepted, the contestant in this case is entitled to be seated. If the returns are rejected the contestant is entitled to the seat.

Mr. MOORE of Pennsylvania. Does that apply to the returns from the second precinct, sixth ward, where one of the ballot boxes was held up for four months?

Mr. WATSON of Virginia. If the official returns from that precinct and from the first precinct of the second ward, which is the other one in dispute, are accepted the contestant is elected. If the official returns from both are rejected, the contestant is elected.

Mr. MOORE of Pennsylvania. The report of the majority sets forth a peculiar circumstance, to which I want to call the gentleman's attention. It says:

> The situation was still further complicated by the fact that when the work of the election ended at the second precinct the inspectors failed to return to the clerk's office along with the rest of the returns one of the ballot boxes containing a considerable number of the ballots, and left it in the polling booth uncovered and unlocked (though the polling booth was locked), where it remained until it was discovered by the clerk four months afterwards, when he went to prepare for another election. He, of course, covered and locked the box, and carried it to the clerk's office for safe keeping.

That is a peculiar condition developing in an election case, a ballot box remaining uncovered and unlocked for four months, and being produced in evidence later on, I presume. When the gentleman says the contestant would be elected anyhow, does his statement cover the entire number of ballots found in this ballot box, which was not produced for four months?

Mr. WATSON of Virginia. My statement was intended to apply to all the ballots cast in that precinct, and to all the ballots cast in the other contested precincts—the first precinct of the second ward.

Mr. MOORE of Pennsylvania. Confusion is referred to in the recount.

Mr. WATSON of Virginia. There was no formal recount in that precinct. Both sides objected, but the ballots were examined by both sides and a record kept of the result.

Mr. MOORE of Pennsylvania. The gentleman said there was an agreement between the parties for a recount.

Mr. WATSON of Virginia. But when they came to that precinct they could not agree, and hence the matter is here.

Mr. MOORE of Pennsylvania. If that precinct is thrown out, would the contestant be elected?

Mr. WATSON of Virginia. If that precinct is thrown out altogether, and if the House decides that the confusion which existed in the first precinct of the second ward should not be regarded, and accept the official returns, which everybody says is wrong, then the sitting Member is entitled to the seat, and that is the only way in which it would be adjudged him.

Mr. MOORE of Pennsylvania. That is to say, when the circumstance of the ballot box not discovered for four months is taken into consideration, then there would have been a chance for the contestee if there had not been confusion in respect to the ballot.

Mr. WATSON of Virginia. While there was no recount in pursuance of the law under which they were operating of the ballots in the abandoned box, as a matter of fact they did inspect the ballots and actually count them; and if you accept the recount, which the committee does not think ought to be accepted, the contestant is entitled to the seat.

Mr. MOORE of Pennsylvania. And that is the finding of the committee?

Mr. WATSON of Virginia. Yes.

Mr. HELM. Will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. HELM. In the first precinct of the second ward Mr. BACON carried that precinct, according to the official returns, by 118 votes.

Mr. WATSON of Virginia. Yes.

Mr. HELM. In the second precinct of the sixth ward—and that is the precinct the gentleman from Pennsylvania referred to—Mr. Beakes carried that precinct by exactly 118 votes. So that the first precinct of the second ward and the second precinct of the sixth ward exactly balance each other. The gentleman from Virginia is correct in saying that whether you accept the official returns in the first precinct of the second ward and the second precinct of the sixth ward, or whether you reject them, Mr. Beakes has overcome the majority of the sitting Member of 49 votes and has been elected by a majority of 46 votes.

Mr. MOORE of Pennsylvania. If the gentleman will pardon me further, the holding up of the ballot box for four months is a suspicious circumstance in a contest. It might have been held up for the very purpose of meeting some such situation as this.

Mr. HELM. In either case whether the ballots had not been properly preserved, then you necessarily fall back to the official count, which was 118 majority for Beakes, and if there was any irregularity in the first precinct of the second ward you fall back to the original or official count. There were irregularities in the first precinct of the second ward and in the second precinct of the sixth ward. Mr. BACON carried one and Mr. Beakes carried the other by precisely the same majority of votes, and the conditions prevailing in the first or the second are almost identical.

Mr. MOORE of Pennsylvania. I will ask the gentleman from Virginia if he will not explain the unusual—I will not say suspicious—evening up of the vote in the manner stated by the gentleman from Kentucky.

Mr. WATSON of Virginia. Mr. Speaker, I am trying to carry out a line of thought which I left when the gentleman from Pennsylvania interrupted me. I will complete that and then address myself to the question he has in mind. At the risk of repetition I want to say again that if these two precincts in controversy are accepted in accordance with the official returns, the contestant is elected. If they are rejected in toto, the contestant is elected. But I will go a step further and say that if the recount—the actual, physical recount—which was had in the two contested precincts is accepted, the contestant is elected.

There is but one way in which these returns can be so treated as to give the sitting Member a title to a seat on this floor. That is by an exceedingly fantastic and artistic manipulation. You have got to take the returns of the first precinct of the second ward, which everybody knows are incorrect, which the election officers themselves appearing before the county canvassing board in a written statement declare to be incorrect, because they had made a mistake.

Mr. STAFFORD. Will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. STAFFORD. Only a portion of the election board certified to that—four out of six.

Mr. WATSON of Virginia. Mr. Speaker, my friend from Wisconsin is the most punctilious man I know of in the House, a most careful man about small details. I pay him a compliment in that respect and do not mean to criticize him. He has read a part of the record, but he has not read it all.

Mr. STAFFORD. Will the gentleman yield further?

Mr. WATSON of Virginia. Yes.

Mr. STAFFORD. The gentleman made a statement that the election officials of the first precinct of the second ward had certified that there was an irregularity.

Mr. WATSON of Virginia. They certified that there was a mistake, not an irregularity.

Mr. STAFFORD. A mistake; and I ask him whether all the election officers certified that a mistake had been made. Was it not four out of six?

Mr. WATSON of Virginia. If the gentleman will turn to the record——

Mr. STAFFORD. Let me say to the gentleman that I have tried ever since August to obtain a copy of the record, but have not succeeded.

Mr. WATSON of Virginia. If the gentleman will turn to a copy of the brief which I saw in his hands a few moments ago, or turn to a copy of the report, he will find the written statement signed by four inspectors of the election who acted in that precinct. If he will read the record, he will find that a fifth inspector corroborated that statement. He will find there that there appeared before the board of canvassers Mr. Lewis, a fifth inspector, who said that a mistake had been made in that precinct. They were the five inspectors who acted in the first precinct of the second ward. So that while I may have been technically inaccurate in saying that they signed a written statement presented to the board of canvassers, the exact fact is that four signed the written statement and the other appeared in person before the board corroborating it.

Mr. DILLON. Mr. Speaker, will the gentleman yield.

Mr. WATSON of Virginia. Yes.

Mr. DILLON. Will the gentleman tell the committee if these five members who said there was a mistake specified the basis of that mistake and how it occurred?

Mr. LANGLEY. And the extent of the mistake?

Mr. DILLON. And the particulars of it?

Mr. WATSON of Virginia. I am afraid, gentlemen, I shall have to take more time than the rule allows me to answer all these questions.

Mr. DILLON. The point I am making is whether this is a mere conclusion or whether it is a conclusion based upon a statement of the facts.

Mr. WATSON of Virginia. Mr. Speaker, the written communication to which I refer is a communication signed by four of the inspectors of that precinct and is addressed to the board of county canvassers, which met a few weeks after the election, and is as follows:

> We, the undersigned inspectors of election of the first precinct, second ward, of the city of Jackson, in said county, at the general election held November 7, 1916, at which election State, county, and district officers were voted for, including candidates for Congress, hereby certify that in preparing the statement in duplicate showing the whole number of votes cast for candidates for Representative in Congress, and the number of votes received by each of such candidates, which statement was certified by the inspectors of election for delivery to the proper officers, as provided by statute, a mistake was made in that all the votes cast for the candidates for Representative in Congress were not included therein, and, through inadvertence and mistake, votes cast for each of such candidates were omitted from said statement; and that statement of the result of the election in said precinct, so far as it relates to the office of Representative in Congress, does not correctly represent the vote cast by the electors in that it does not show the whole number of votes cast for each of the candidates for said office—the votes not so counted aggregating 70 or more votes.
>
> CHAS. F. BARCKUS,
> GEORGE E. VAN CAMP,
> GIFFORD BILLMAN,
> HENRY MARRIOTT.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield there?

Mr. WATSON of Virginia. A statement to the same effect was made by Mr. Lewis, the fifth inspector, before the board of canvassers in person. I yield to the gentleman.

Mr. LANGLEY. Did the committee in its investigations determine how many of those omitted votes were cast for the one candidate for Congress and how many for the other?

Mr. WATSON of Virginia. It did. I say to the gentleman further that not only did the election officers who conducted this election say a mistake of seventy-odd votes had been made in the returns, but the counsel for the contestee, present himself before that board to represent the contestee, stated in emphatic terms that it was obvious to everyone that a mistake had been made, and that he was not there to deny the fact. On page 50 of the record counsel for the contestee says in reference to these returns:

> There is no question but that an error has been made. I don't want you to think I am claiming there has not been a mistake made. I have the best of reasons and grounds for believing there has been a grave mistake, and I say Mr. Beakes and Mr. Bacon are entitled to every vote cast for them. (Rec., p. 50.)

Mr. Flowers, one of the board of county canvassers, in response to a situation as obvious as this, commenting upon it, said:

> It is an unfortunate error, and I admit it.

Mr. DILLON. What I was directing my inquiry to was how did this error occur?

Mr. WATSON of Virginia. I am going to try to explain that. Counsel for contestee in this case is asking the House to accept the official returns from that precinct which the officers of election say are wrong, which he himself said were wrong, and which the board of county canvassers said are wrong, and which, in their certificate to the State board of canvassers, they call attention to as being wrong. The proposition is to accept those returns when they are conceded to be wrong by everyone, and so declared to be by the election officers who made them. Gentlemen inquire how much they were wrong, and how did they come to be wrong. There was no prima facie evidence on which the returns could be corrected. The election officers were functus officio as to the matter when they had signed them. They could not recall from memory exactly what their mistake was. Three of them put it seventy-odd votes, and the other two could not agree as to the exact number, so that apparently under the Michigan law the county board of canvassers, possessing only ministerial power, had no opportunity for the correction of those returns. There was but one remedy under these circumstances, and that was a recount of the ballots, which were the best evidence as to what was the intention of the electors in that election. Your committee thought that under the circumstances these ballots ought to be recounted. The only objection to the recount was the suggestion of counsel for the contestee that they had not been properly preserved, consequently that they were not the identical ballots which were voted in the election, and that they were not in the same condition they were in when they were voted. In that statement your committee did not concur, for the reason that they found no sufficient evidence upon which to base the assumption that any change had taken place in the condition of those ballots or in their identity.

The objection was raised to the recount in the brief of the contestee's counsel where it was suggested either that the ballot boxes were not sealed in accordance with the Michigan law, or, if so sealed, that the seals had been subsequently tampered with and prior to the time the boxes were produced before the county board of canvassers a fortnight later. I want to say to you that you may read that record in vain to find where any human

being has stated those boxes were ever sealed differently than in the manner in which they appeared when presented to the county board.

The Michigan statute does require the ballot box to be so sealed that it can not be opened without breaking the seal. The boxes in question were locked and sealed, but not in strict conformity with the legal requirement as to the sealing. After being unlocked they could be opened without breaking any seal. It is conceded that the boxes had seals on top of the lids over the apertures through which the ballots were deposited. It is conceded that they were properly locked. It is likewise conceded that if you had a key and could unlock the box you could get in without breaking the seal. Counsel for contestee has suggested that there is evidence in the record that these boxes were differently sealed when they left the polls; that in addition to the seals which appeared on them when they were brought before the board of county canvassers they were sealed also over the locks in the first instance. No single witness whose testimony is recorded has stated that there was any other seal than that which appeared upon it. The deputy clerk said that he thought that they were differently sealed; but when cross-examined it turned out that the deputy clerk was not there when the boxes were received at the clerk's office, and he was not positive that he could make any statement in reference to the seals.

One of the election officers stated that the boxes were sealed and when asked how they were sealed he said one of the other officers sealed them on top and "I sealed them with a lock and key," showing that he was talking about locking, and that was the thing in his mind when he was discussing the question of the seal. I have not the time to point out the names of these witnesses and read the language to you. I must content myself with telling you that that is the substance of their statements; and if you will read the record carefully I am satisfied you will find nothing to disagree in substance with the statement I have tried to present.

Mr. WOOD of Indiana. Mr. Speaker, I notice it says here that in one of these precincts the basis of the contest was on some sheets that were made of sample ballots, which was discovered by some one by the name of Barckus, who climbed into a window.

Mr. WATSON of Virginia. I would say to the gentleman that the committee has absolutely paid no attention to the tally sheet, but has eliminated it entirely from all consideration in this case.

Mr. WOOD of Indiana. Does that precinct have anything to do with the result?

Mr. WATSON of Virginia. That is one of the contested precincts; but in its findings concerning it the committee reached no conclusion based in whole or in part upon the alleged tally sheet referred to by you.

Mr. WOOD of Indiana. Is it a fact that the official tally sheets in this particular precinct were made upon the backs of sample ballots?

Mr. WATSON of Virginia. That is a question that is absolutely academic and immaterial. I would say to the gentleman that a piece of yellow paper alleged to have been used as a tally sheet in place of the official tally sheet, containing certain figures and other memoranda, did figure in the record and is filed as an exhibit in this case.

Mr. WOOD of Indiana. Was the official tally sheet in that precinct made upon the back of a sample ballot?

Mr. WATSON of Virginia. No, sir.

Mr. WOOD of Indiana. Upon which the committee bases its action?

Mr. WATSON of Virginia. No; that official tally sheet is here; it is in the RECORD; it is an exhibit. Now, gentlemen, the only real objection to a recount and a correction of this mistake which the election officers said they had made, which everybody confesses has been made, rests upon the fact that the ballot boxes from these precincts were carried to the clerk's office on the afternoon of the day after the election and, instead of being put at once under lock and key, were placed in an outer room or lobby of the clerk's office immediately in front of the clerk's desk along with all the other ballot boxes from that city, some 38 in number, through which the public passed during office hours, and kept in that position from the afternoon of one day until the forenoon or the afternoon of another day. On the assumption that other seals had been on those boxes, and that somebody had gone to the clerk's office during this interim and broken those seals—about which there is not a scintilla of testimony in this record—you are asked to hold that these ballots had been tampered with, that they were not the identical ballots cast in the election, and that their condition was not the same, and hence that they ought not to be recounted for the purpose of correcting this mistake. Now, gentlemen, that is the proposition as far as the first precinct of the second ward is concerned. You are asked to assume a fact which does not exist, and from such assumption to infer a fraud and thereby discredit the returns of honorable officials as evidence in this case.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. WATSON of Virginia. I will.

Mr. KELLEY of Michigan. I desire to ask the gentleman if the official returns from this first precinct——

Mr. WATSON of Virginia. The one we are discussing?

Mr. KELLEY of Michigan. Yes; the one the gentleman is discussing—were accepted as being the proper returns from that precinct, and your findings on the other precincts as they are, would Mr. Beakes be elected?

Mr. WATSON of Virginia. Undoubtedly, sir, by 46 votes.

Mr. KELLEY of Michigan. In other words, if you would concede to Mr. Bacon what he claims in this precinct, it would still elect Mr. Beakes?

Mr. WATSON of Virginia. By 46 votes.

Mr. JUUL. Will the gentleman yield for a question?

Mr. WATSON of Virginia. I will.

Mr. JUUL. I wish to ask the gentleman if any of the four inspectors mentioned a little while ago as signing a certain certificate, or all of them, were responsible for the safe-keeping of the ballot box that apparently was left in one of the polling places?

Mr. WATSON of Virginia. On the conclusion of the canvassing of the votes, which was 3 o'clock of the afternoon of the day after the election, two police patrolmen called in a wagon for those ballot boxes. Two election inspectors took the ballot boxes, got into the wagon of the police patrol, and carried them to the clerk's office and delivered them, together with the key, to the clerk of the city of Jackson.

Mr. JUUL. If the gentleman will pardon me, that hardly answers my question. What I want to know is, there was a certificate signed by four inspectors. Were any of those four inspectors connected with the polling place where the ballot box was left, according to the statement here?

Mr. WATSON of Virginia. No; that is a different precinct entirely.

Mr. JUUL. That is what I wanted to get clear.

Mr. WATSON of Virginia. It has nothing to do with the other.

Mr. WHEELER. Will the gentleman yield for a question?

Mr. WATSON of Virginia. Yes.

Mr. WHEELER. As to the 70 missing ballots, were they found in the election booth or were they in the ballot box and were not counted?

Mr. WATSON of Virginia. The 70?

Mr. WHEELER. Yes.

Mr. WATSON of Virginia. I am very glad the gentleman asked that question, as I had about abandoned that stage of the discussion. There was a recount had of these ballots first on the 22d day of November. The office of coroner was in dispute, and in the coroner's election a recount was asked for, and incidental to the recount for the office of coroner these gentlemen, the contestant and the contestee, and their counsel, were in attendance, keeping tab upon those ballots as they were recounted for coroner.

And then they discovered for the first time not only that it was a mistake of 70 votes, but that there had been a mistake of 88 votes in the returns for Congress; that Mr. Beakes, the contestant, was entitled to 87 more votes than the official returns had given him, and Mr. Bacon was entitled to 1 more vote than the official returns had given him. Your committee has reported, gentlemen, that under these circumstances the recount held on the 22d day of February of those same ballots, before the notary and in the presence of these same gentlemen and their counsel, with a result agreed upon among themselves under Michigan law, showing a gain of 87 for the contestant and 1 for the contestee, should stand in lieu of the official returns—that the official returns should be corrected to that extent.

Mr. HAMILTON of Michigan. As I understand, your committee arrived at the conclusion that if you reject the ballots of these two particular precincts as being tinctured with fraud and irregularity, then the contestant must prevail, and if you do not reject them, then the contestee must prevail? Am I correct?

Mr. WATSON of Virginia. No. If you accept the official returns from both precincts, the contestant still prevails.

Mr. HARDY. Will the gentleman yield?

Mr. WATSON of Virginia. I will.

Mr. HARDY. Am I correct in this conclusion which I draw? If you omit to add those 87 votes for Mr. Beakes and 1 vote for Mr. Bacon, then is it not a fact that in the congressional race

Beakes is short by 80 or 90 votes? In other words, those votes had to be added or else the vote for Congressman was short?

Mr. WATSON of Virginia. I thank the gentleman for that suggestion. I neglected to state to the House that if you add these 87 votes to the returns for the contestant you bring his vote up to the average of the vote received by the candidates of his party on all the rest of the ticket. The Democratic presidential electors at the first precinct of the second ward received on the average of 310 votes. The Republican electors in that precinct received on the average of 354 votes. If you add your 87 votes found by those who conducted the recount to have been omitted, you will give contestant 329 votes in that precinct, a few in excess of the number of votes received by the electors of his party.

Mr. WHEELER. The gentleman said a few moments ago that they were not counted.

Mr. WATSON of Virginia. Where the error had been made and they were left out.

Mr. WHEELER. They were not counted?

Mr. WATSON of Virginia. In the official returns from that precinct the candidate of the Democratic Party for Congress ran some 80 votes behind the rest of his ticket. In the official returns the candidate of the Republican Party ran neck and neck with the rest of his party candidates. If you correct the official returns in accordance with this recount you place the Democratic candidate on the same footing with the other candidates of his party in that precinct.

Mr. LANGLEY. Will the gentleman yield there?

Mr. WATSON of Virginia. Yes.

Mr. LANGLEY. Does the committee just assume that those votes were cast for Mr. Beakes or does the ballot show they were cast?

Mr. WATSON of Virginia. I am little understood if I have not made it plain that on two separate occasions—once on the 22d of November, 1916, in the presence of a notary public and in the presence of the county board of canvassers—a recount of those ballots was had for the office of coroner. That was attended by these gentlemen and their counsel. Incidentally with the recount for coronor they inspected the vote for Congress and ascertained that, instead of the official returns being correct, Mr. Beakes had not received in that return 87 votes to which he was entitled, and Mr. Bacon had not received one vote to which he was entitled.

Mr. LANGLEY. Was that a precinct where the ballot box was not turned in?

Mr. WATSON of Virginia. No, sir.

Mr. LITTLE. As I understand it, one man had 49 majority and one had 46, on your finding?

Mr. WATSON of Virginia. No, sir. On the finding of your committee the contestant has 132 majority.

Mr. LITTLE. Eighty-six of his gain was in the first precinct——

Mr. WATSON of Virginia. Of the second ward.

Mr. LITTLE. Where was the rest of the gain made?

Mr. WATSON of Virginia. Between these gentlemen they had a recount of over 50,000 ballots.

Mr. LITTLE. You might just specify where the other 46 were gained.

Mr. WATSON of Virginia. There were countless precincts in that district, some in one county and some in another. When they got up to these two precincts, by mutual agreement, Mr. Beakes was 42 ahead.

Mr. LITTLE. Where did he gain the 46?

Mr. WATSON of Virginia. If you take the 49 which the official returns gave to the contestant——

Mr. LITTLE. You are not able to specify the precincts?

Mr. WATSON of Virginia. The statement I made was the net result of the losses and gains over the district.

Mr. LITTLE. You can not at the moment give the precinct in which he gained the 46?

Mr. WATSON of Virginia. I can give you the net result, but not the particular precincts.

Mr. ROSE. Before this recount was made to which you refer, does the evidence before your committee show where the ballot boxes were kept during the interim?

Mr. WATSON of Virginia. With the city clerk, under lock and key, with the exception of the afternoon of the day after the election and the noon of the day after that, during which they were kept in the clerk's office, through which the public passed.

Mr. ROSE. To which they had access?

Mr. WATSON of Virginia. I take it the clerk's office was a public place and the public had that kind of access.

Mr. ROSE. Were they kept in accordance with the local law of Michigan?

Mr. WATSON of Virginia. The local law of Michigan requires the clerk shall have the custody of the ballot boxes and that they shall be preserved by him, but I do not know for how long a time.

Mr. ROSE. Was it shown to the satisfaction of the committee that no examination of the ballot boxes was permitted in the meantime?

Mr. WATSON of Virginia. The clerk testified on oath—he swore—that since they were delivered to him he was sure that nobody had access to them.

Mr. WHEELER. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. WHEELER. I assume from the chairman's statement that these 87 ballots that were not counted were straight Democratic ballots. Is that the gentleman's opinion?

Mr. WATSON of Virginia. I will say to the gentleman that I have no information about that, because I was not present, of course, at the recount. I can not answer that question. I do not know.

Mr. WHEELER. In your statement you say that if those 87 votes were added to the Democratic electors they would make 210 or 229——

Mr. WATSON of Virginia. Three hundred and twenty-nine for the Democratic candidate for Congress; the ballots were not examined as to vote for President.

Mr. WHEELER. Or 329; whatever it was?

Mr. WATSON of Virginia. Yes; 329.

Mr. WHEELER. I assume, then, that those ballots were straight Democratic ballots.

Mr. WATSON of Virginia. I think most of them were.

Mr. WHEELER. It might be easy to make a mistake if there should be 20 or 30 or 40, but an odd number could hardly be lost and not counted for a Congressman. They might be lost for coroner, or something of that kind.

Mr. PURNELL. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. PURNELL. Has the gentleman any information on that?

The SPEAKER pro tempore. The Chair is informed that the gentleman from Virginia has used all but 15 minutes of his time and that those 15 minutes had been allotted to the gentleman from Missouri [Mr. DYER]. Does the gentleman wish longer to continue the use of his time?

Mr. CRISP. Mr. Speaker, I ask unanimous consent that the gentleman's time be extended 30 minutes. He has spent most of his time in giving information to the House.

The SPEAKER pro tempore. A request for unanimous consent is made that the gentleman proceed for 30 minutes. Is that it?

Mr. CRISP. The request is that his time should be extended for 30 minutes, which would give him 45 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. PURNELL. There was so much confusion in the Chamber that I did not hear what questions and answers were made; but after the 87 votes were found, that were added to the total for Mr. Beakes, and the 1 for Mr. Bacon, how did their votes compare with the votes of other candidates on their own ticket?

Mr. WATSON of Virginia. They ran substantially the same.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. COLLIER. As I understand it, if those votes had not been counted there would have been 87 voters in that precinct who did not vote for Congress at all. Is that correct?

Mr. WATSON of Virginia. Yes.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. McLAUGHLIN of Michigan. I think the gentleman gives the impression that the Democratic candidate for Congress is the only one on the Democratic ticket whose vote falls far behind the vote cast for the head of the ticket. I think that is not true. Is it not a fact that the votes for county treasurer and probate judge and the vote of other candidates on the Democratic ticket run 60 or 70 behind the votes for the head of the ticket?

Mr. WATSON of Virginia. I did not examine the returns for local candidates, because there were so many local issues involved in the election of local candidates. I only examined the tickets of candidates for Federal offices.

Mr. McLAUGHLIN of Michigan. If the gentleman will permit, I will say that my investigation and my recollection lead me

to believe that the votes for Democratic county candidates were approximately the same as the votes reported for the Democratic candidate for Congress.

Mr. WATSON of Virginia. I will say to the gentleman that, realizing——

Mr. McLAUGHLIN of Michigan. That fact alone, standing alone, that the Democratic candidate for Congress received a small vote, does not indicate that all of his votes were not counted for him.

Mr. WATSON of Virginia. I did not mean to give the impression that such a conclusion would follow from that fact alone. I was comparing the votes of the candidate for Congress with the votes of the candidates of his party on the Federal ticket. I was not comparing it with the votes of other candidates for local offices, in which personalities were so likely to prevail.

Mr. SAUNDERS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. SAUNDERS of Virginia. Is not this the fact, as to that situation, not that the 87 votes were not counted by the judges of election but that the tabulation of 87 votes, so far as it related to Mr. Beakes, was not added to his other votes for that precinct?

Mr. WATSON of Virginia. I think that is an accurate statement of the case. The 87 votes were not included in the returns of the election officers.

Now, your committee thinks, gentlemen, that these ballot boxes had been properly cared for. It found no evidence that they had been tampered with. It saw no reason why there should not be a recount in this precinct, and there is no shadow of doubt as to the result of the recount; and it seemed to your committee that it would be a monstrous proposition to accept the official returns from a precinct where the election officers had appeared in public and declared them to be wrong, where the county board found they were wrong, where the counsel for the contestee himself had pronounced them wrong, and which no man who has read this record believes to-day correctly represents the will of the electors. Under such conditions, it seemed to your committee that there was but one thing in law and justice to do, and that was to accept this recount, conducted under the solemnity of law, and of the correctness of which there is no shadow of doubt.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. KNUTSON. If the officials knew that the election returns were wrong, why did they not correct them before the certificate of election was given?

Mr. WATSON of Virginia. Nobody on this earth, except the Pope, is supposed to be infallible, and these officers made a mistake.

Mr. KNUTSON. Was not this case carried to the courts of Michigan?

Mr. WATSON of Virginia. The board of election officers came together before the contest was completed and stated to the board that they had made a mistake and asked to have it corrected. That was no crime.

Mr. RAMSEY. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. RAMSEY. Assuming as a fact that the recount in first precinct, second ward, of Jackson City showed Mr. Beakes to be entitled to 87 more votes, and then taking into consideration this part of your record [reading]:

"The evidence shows a chapter of accidents at this and the third precinct in the same ward, which resulted in the admixture of the ballots of the two precincts in well-nigh hopeless confusion and ultimately created a situation very hard to untangle.

Mr. WATSON of Virginia. We are not talking about that precinct.

Mr. RAMSEY. I know that there are two precincts which resulted in a Democratic success, the ballots of which were in a well-nigh hopeless confusion and ultimately created a situation very hard to untangle. We assume that Mr. Beakes was entitled to 87 additional votes in the other precincts, and if the two precincts were thrown out, who would be elected?

Mr. WATSON of Virginia. Mr. Beakes, the contestant, by 46 majority.

Mr. RAMSEY. How does the gentleman arrive at that conclusion?

Mr. WATSON of Virginia. For the reason which has already been stated by the gentleman from Kentucky [Mr. HELM], that in the precinct which I have just been discussing the official returns gave the contestee, Mr. Bacon, 118 majority. If you take the other precinct and go by the official returns, the contestant has 118 majority there, so that they neutralize each other and leave the thing where it was before.

Mr. RAMSEY. Permit me to call your attention to the report. Mr. Bacon received 211 votes in one precinct, Mr. Beakes 329, a difference of 118 in favor of Mr. Beakes.

Mr. WATSON of Virginia. That is the one we are just talking about.

Mr. RAMSEY. And in the other Mr. Bacon received 93 and Mr. Beakes, 138, which is a difference of 45, the total being 163. Now, if these two precincts are so entangled and unintelligible as to be unable to be counted, and if they are eliminated, who would be elected? Mr. Bacon, would he not?

Mr. WATSON of Virginia. I will say to the gentleman that the third precinct, to which he referred, which was once in dispute, has been eliminated from the contest by agreement of counsel and by agreement of the parties, so that the third precinct is no longer involved in this contest.

Mr. RAMSEY. But the language of your report is that it is so unintelligible as hardly able to be counted.

Mr. WATSON of Virginia. If the gentleman will read that carefully, and will read what follows, unless I have failed to make myself clear, I do not think there can be any misapprehension.

Mr. RAMSEY. I am going by your report.

Mr. WATSON of Virginia. I wish you would go a little further. If you will follow it a little further, you will find I have not made any such statement as that.

Mr. HELM. The gentleman from Michigan [Mr. McLAUGHLIN] said there was a discrepancy between the vote for judge of probate and some of the county officers. Is it not a fact that the attorney for Mr. Bacon appeared before the committee, and did the attorney for Mr. Bacon on that occasion make any contention that any of the Democratic nominees had run behind the ticket, as the returns in the congressional district showed?

Mr. WATSON of Virginia. I do not think the point was raised at all, I will say to the gentleman from Kentucky.

Now, gentlemen, I have tried to make myself clear in connection with this precinct known as the first precinct of the second ward, and I have stated—imperfectly, I am sure, in the time which has been allowed me—the reasons why your committee think that the recount of the ballots in this precinct should be accepted in lieu of the official returns, which everybody conceded to be wrong.

Now, I come to the second precinct of the sixth ward, which is the precinct in which the ballot box was left at the polls unlocked and uncovered for a period of four months, until it was discovered there by the clerk who went to prepare for another election. I want the House to understand that the election officers at this precinct went on duty at 7 o'clock on the morning of the election, receiving in all 577 ballots during the day; that the polls closed at 8 o'clock of that day; that they sat up all night canvassing these returns. There were nine different things voted for at that election in the city of Jackson—bond issues, constitutional amendments, and various other propositions. They sat all election day and all that night and all the next day until 3 o'clock in the afternoon canvassing those returns. Now, they had at that polling place certainly as many as four ballot boxes, one big iron can 5 feet high, the record shows, in which the ballots were deposited unassorted as they were received during the day. There were three other ballot boxes in which the ballots were deposited when they had been canvassed and straightened out and folded together in preparation to be returned to the clerk's office.

There were no complaints as to the conduct of the election officers at that precinct. There were six of them in all, and, as far as this record discloses, men of good character. One of them, who seems to have been the leading officer, had been a resident of that town for 25 years. I do not know anything about their politics, except that the statement was made in oral argument before your committee by one of the counsel that nearly all these election officers in the city of Jackson were Republicans. It does not make any difference to me whether they were or whether they were not. As far as this record discloses they were men of intelligence and good character.

When the patrol wagon came from the clerk's office to receive these ballot boxes—on the afternoon of the day after the election, these men having been on duty thirty-odd hours—along with the big ballot box, which it seems in the city of Jackson is allowed to remain within the polling place, they left one of the boxes in which canvassed returns had been placed uncovered and unlocked. I do not know how many ballots were in that box. When months after they took the ballots out of this box they emptied them onto a table, without first counting the number,

into a common pile of ballots from this and another precinct; so, on account of the confusion thus arising, it was not possible afterwards to determine how many ballots had been in that particular box which had been unlocked and uncovered. But the fact is that one of the boxes was left at the polling place under the circumstances I have described until the 6th of March following, when the clerk went there to prepare for another election.

Mr. LANGLEY. If the gentleman will allow me, that is not the place where the man came in at the window and got the tally sheet?

Mr. WATSON of Virginia. Oh, no; a different place. Now, the official returns from this precinct had been made up. Under the Michigan law, when the polls have closed the straight party tickets are separated and placed by themselves, and then the split and mixed tickets to themselves. They have three kinds in Michigan. The Democratic ballots are segregated in one pile, the Republican ballots in another, the Socialist ballots in another, and then the mixed and split tickets are put together in another pile. The public is invited in under the Michigan law to see the canvassing of the vote. Everything is done openly and aboveboard, as it should be.

Mr. LANGLEY. Was it developed whether any Republican ballots were crossed for the Democratic candidate for Congress?

Mr. WATSON of Virginia. It appeared from the testimony that nearly every precinct had split tickets, which were tickets marked in the party column and then separate cross marks made opposite the names of particular candidates of another party.

Mr. LANGLEY. I have heard of cases where after the election was over they took the straight ballots and crossed them for certain candidates of the other party. Of course, they do not do this in Kentucky [laughter], but it has been done.

Mr. WATSON of Virginia. I do not see how that could be done in this case. The votes are counted in public, canvassed in public, the returns signed in public, and the result openly announced.

Mr. LANGLEY. Of course, it would have to be done surreptitiously and not at the time of the public inspection required by law.

Mr. WATSON of Virginia. It seems to me the Michigan law has gone as far as any law can go to secure a faithful canvass and certification of the returns. At this precinct the Michigan law was complied with as far as the record discloses.

Now, the return of that precinct awarded the contestee 211 votes and awarded the contestant 329 votes. The votes in this particular precinct were never sought to be recounted by the contestant. The contestee in this case asked for the recount. When the ballots were produced he discovered that one of the ballot boxes containing some of these ballots had been left in the polling place for four months and not returned to the clerk's office, as required by law. Thereupon counsel for the contestant said, "These ballots have not been preserved in accordance with the law and I object to a recount." Whereupon, the contestee's counsel acceding to that proposition, they both agreed that there could not be a recount of that precinct, for the reason that the ballots had not been preserved in accordance with the law.

Now, both sides agreeing that there could not be a recount, what are you going to do with the returns of that precinct? There were no irregularities there except the fact that the ballot box was left. There was no proof of fraud, unless the mere leaving of the ballot box constituted proof of fraud. I would hate mightily to charge a man with committing a fraud who had been at work 35 hours, who when the time came to go home had simply left one of several ballot boxes behind him at the polls. Especially so if, when I came to examine the box, I could find no internal evidence of fraud. Under the Michigan ballot I do not see how those returns could well have been doctored without leaving conclusive proof of the deed.

Mr. AYRES. Will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. AYRES. If this precinct had been counted it would have given the contestant 118 more votes?

Mr. WATSON of Virginia. Yes; if you accept the official returns he has 118 more than if you do not accept them.

Mr. JAMES. Will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. JAMES. Were these ballots crossed at the top of the Republican column or the Democratic column?

Mr. WATSON of Virginia. I have no knowledge as to these particular ballots in this box.

Mr. JAMES. The gentleman does not know whether they were straight or split ballots?

Mr. WATSON of Virginia. It is more likely that they were straight Democratic tickets.

Mr. JAMES. But there is no evidence of that?

Mr. WATSON of Virginia. No.

Mr. HARDY. As I understand, Mr. Beakes got the full Democratic vote there.

Mr. WATSON of Virginia. Mr. Beakes did not lose any votes there.

Mr. LANGLEY. Unless they were Republican ballots, afterwards fraudulently crossed for him.

Mr. WATSON of Virginia. Here is what would follow from that suggestion. There were so many Democratic presidential ballots cast and so many Republican presidential ballots cast at that precinct. I forget the exact figures returned, but if you will add them together I think you will find that there was not sufficient margin of split or mixed ballots left to make it possible by subsequent doctoring to alter materially the vote of either candidate for Congress.

Now, if the purpose of leaving the ballot box at the polling place was to perpetrate a fraud, I think you will agree with me that in this case it was gone about in a most haphazard way.

If fraud had really been the aim, the chances are that the ballot box would not only have been locked but sealed most carefully according to all the law, and its contents secured against all outside interference. The mere fact the box was left there, open and exposed, so that anybody could see it is strong presumptive evidence, to my mind, that there was no fraudulent purpose in leaving it there. Had fraud been really meditated its perpetrators would hardly have abandoned the work of their hands and left it to the uncertainties of fate in a remote corner of the city where it might never be found; but, on the contrary, would have found a way to land the doctored ballots at the clerk's office, there to be counted in case of need.

As I view this matter—and I think I speak for the committee—the leaving of this ballot box was nothing in the world but an accident, an act of forgetfulness on the part of sleepy men who had been working for thirty-odd hours.

Now, remember that this is the only irregularity in the conduct of the election officers at that precinct.

Remember there is no other evidence of improper conduct on their part. Remember also that when the contents of this box were gone into and examined it was found that not only every ballot was there that ought to be there but each one bore the initials of one or the other election officers; that the package of unused ballots which under the Michigan law was required to be returned to the clerk's office was there; and that it so happened that the next number on the package of unused ballots, 577 ballots having been voted, turned out to be exactly what it ought to have been—578. That was the number marked on the package of unused ballots. This of itself, to my mind, is proof almost as strong as Holy Writ that nothing unlawful had happened to the contents of that box during the four months it remained at that polling place, and that these returns had been undisturbed by any hands during that period. What, then, are you going to do with the returns from that precinct? The contestant thinks and your committee thinks that, under the circumstances, the simple failure to return one of the ballot boxes to the clerk's office does not discredit or invalidate the returns made by the election officers. Your committee thinks these returns ought to be received. The impression made upon the mind of some by the circumstances we have been discussing may be the same that has been made upon the gentleman from Wisconsin [Mr. STAFFORD], and upon the gentleman from Pennsylvania [Mr. MOORE] who characterized it as a "suspicious circumstance." If the circumstance is so suspicious to your mind as to discredit these returns, what in law and in logic should you do with them? If the mere failure of these gentlemen to return the ballot box to the clerk's office so discredits the work of their hands that you can not accept their returns, why, in common sense and logic, you ought to reject the returns in toto and throw out the precinct.

Mr. HAMILTON of Michigan. That is the law, as a matter of fact.

The SPEAKER pro tempore (Mr. GARD). The time of the gentleman from Virginia has expired.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended for 15 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. SAUNDERS of Virginia. I want to ask one question along the line of the possibility of tampering with the ballots

in that box which the gentleman has just been discussing. If after the returns had been made the ballots had been improperly doctored there would have been a variance then between what the ballots showed and the original returns?

Mr. WATSON of Virginia. Undoubtedly.

Mr. SAUNDERS of Virginia. And the only way anything improper could have been effected to compass the advantage of Mr. Beakes would have been in this fashion, for the original returns to have been fraudulent and then subsequently the ballots doctored so as to make them conform to the returns?

Mr. WATSON of Virginia. I think that is undoubtedly true.

Mr. SAUNDERS of Virginia. May I ask one other question? Is not this a fact in the case, that five election officers at the precinct where this 87-vote error occurred all agree that there was an honest inadvertent error committed with respect to those 87 votes and that Mr. Beakes is entitled to have them counted in his favor?

Mr. WATSON of Virginia. All agree as to the error.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. GOOD. I am not quite sure that I have followed the gentleman in regard to the ballots in the first precinct of the second ward. As I understand, the ballot box abandoned was in the second precinct of the second ward.

Mr. WATSON of Virginia. Yes.

Mr. GOOD. If we assume that the gentleman's calculation regarding the vote in the first of the second to be correct, and we throw out the second of the sixth, and then assume that the agreement was correct that Beakes had 46 majority outside of these two precincts, what result would you have?

Mr. WATSON of Virginia. The result of the calculation about which the gentleman inquires would be to leave the contestant elected by 14 votes.

Mr. KELLEY of Michigan. I did not quite get that. Will the gentleman please state it again?

Mr. WATSON of Virginia. The gentleman asked if the report of the committee is accepted as to the first precinct of the second ward, which was the first topic I undertook to present to you, and if the second precinct of the sixth ward, which we are now discussing, be rejected in toto, what would be the result upon the parties to this contest. My answer is that the result would be the election of the contestant by 14 votes.

Mr. GOOD. The gentleman arrives at that by finding that Mr. Beakes had a majority in the first of the second of 118?

Mr. WATSON of Virginia. No; not 118.

Mr. CRISP. I understand the gentleman to state that in the recount of the entire district the contestee and the contestant and their counsel agree that Mr. Beakes had a majority of 46, leaving only in dispute these two voting precincts in Jackson, Mich.?

Mr. WATSON of Virginia. Yes.

Mr. CRISP. And if you accept the returns of those districts is Mr. Beakes elected?

Mr. WATSON of Virginia. Yes.

Mr. CRISP. And if you accept the recount is Mr. Beakes elected?

Mr. WATSON of Virginia. Yes.

Mr. CRISP. And if you reject the vote is Mr. Beakes elected?

Mr. WATSON of Virginia. Yes. If the official returns from these two precincts in controversy be accepted, the contestant is elected. The gentleman from Georgia also asks if the official returns from these two precincts be rejected, and they be discredited in toto, whether the contestant is elected and I answer yes. He asked also if a recount be made of all the ballots in controversy in these two precincts, if the result would show the election of the contestant, and I again answer yes.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. WATSON of Virginia. Yes.

Mr. COOPER of Wisconsin. What does the gentleman think of the general proposition of establishing as a precedent the recounting by Congress of votes taken from a ballot box that was not discovered for four months after election and which was not sealed at all?

It is not sealing a box by locking it. It was locked only; it was not sealed at all; and putting a seal over the slot in the top in which there were deposited the votes did not seal the box at all. It did not have a Yale lock at all. It had a lock that could have been easily opened and that was accessible to anybody that might desire to change the votes. I am not saying they were changed, but there was an opportunity there for the greatest sort of fraud. Of course you can not prove the fraud. There was nobody who saw anybody do anything to it, and perhaps they did not, but nevertheless this box was not sealed at all. It was locked and not sealed.

Mr. WATSON of Virginia. It was neither covered, nor sealed, nor locked, but wide open.

Mr. COOPER of Wisconsin. And left there for four months?

Mr. WATSON of Virginia. From the 7th day of November until the 6th day of March following. The gentlemen asked what I think of this as a precedent, and I want to answer it in the language of the committee report:

> Both sides agree that they could not have a lawful recount of that portion of the ballots of the second precinct (and being mingled with those of other boxes they could not be separately identified) which were left in the voting booth after the election. And in that view we concur; for, though the ballots bore every internal evidence of not having been disturbed, yet would it be a hazardous experiment and dangerous precedent to permit a recount of returns unsecured and without lawful custody for four months.

Mr. COOPER of Wisconsin. Now, will the gentleman permit me right there, because some people consent to what the gentleman himself and his report characterizes as a hazardous experiment, does the gentleman think that we ought to adopt a hazardous experiment, thereby establishing a precedent? And another thing. If the official returns of those two precincts are taken, then the contestee is elected? Is that so?

Mr. WATSON of Virginia. No, sir; not elected. That is certainly not true, sir.

Mr. COOPER of Wisconsin. Then I misunderstood the question of the gentleman from Georgia [Mr. CRISP].

Mr. WATSON of Virginia. I want to say to the gentleman from Wisconsin that the committee does not propose to have any recount of those returns, and it does not think it ought to be recounted, but I state to the gentleman——

Mr. COOPER of Wisconsin. Then I misunderstood the gentleman entirely.

Mr. WATSON of Virginia. I stated to the gentleman from Georgia that if an actual recount was held that the result, if accepted, would be the election of the contestant in this case; but your committee does not think there ought to be a recount.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. WATSON of Virginia. I will.

Mr. KELLEY of Michigan. As I understand, there were only two precincts in question, in the first place. Then, Mr. Bacon and Mr. Beakes had a recount of the ballots of the district. I want to ask the chairman this question: Did Mr. Beakes gain enough votes in the balance of the district so that he could concede to Mr. Bacon the figures which he claimed as to those two contested precincts and still be elected?

Mr. WATSON of Virginia. I can not answer that question categorically, Mr. Speaker, for the reason I do not know what Mr. Bacon claims as to those two precincts.

Mr. KELLEY of Michigan. If you take the original returns——

Mr. WATSON of Virginia. Yes; undoubtedly.

Mr. KELLEY of Michigan. Then, those two precincts may be accorded to Mr. Bacon——

Mr. WATSON of Virginia. Those two precincts, if you stand on the original return, added to the majority conceded the contestant in the rest of the district, would undoubtedly elect the contestant in this case.

Mr. KELLEY of Michigan. Then Mr. Beakes gained enough in the uncontested portion of the district to offset the contested portion?

Mr. WATSON of Virginia. Undoubtedly.

Mr. HELM. Will the gentleman yield?

Mr. WATSON of Virginia. I yield to the gentleman, who is on the committee.

Mr. HELM. Is it not a fact that after a recount was had in the first precinct Mr. Beakes gained in the entire congressional district the total of 95 votes? In every precinct in the congressional district Beakes had a net clear, clean-cut gain of 95 votes, and this recount in the entire district was taken by Mr. Bacon with exception of the first precinct of the second ward. After Mr. Beakes took the proof in the first precinct of the second ward and made this showing of 87 gain, then Mr. Bacon proceeded to take a recount in the entire congressional district, and on the recount Mr. Beakes made a net clean-cut gain of 95 votes. Now, subtracting Bacon's majority on the returns of 49 from 95, and you have 46 votes outside the first precinct in the second ward and the second precinct in the sixth ward, in which Bacon carries one by 118 votes and Beakes carries the other by 118 votes, and there are irregularities in the first precinct of the second ward and the second precinct of the sixth which stand on all fours, so if you recount one you have to recount the other. If you throw out one you have to throw out the other, and that is the whole case, and Beakes is elected by 46 majority. That is the whole case in a nutshell.

Mr. WHEELER. Will the gentleman yield?

Mr. WATSON of Virginia. I will.

Mr. WHEELER. The statement of the chairman was that on a recount and then eliminating the two precincts in question and let that count remain as it was, Beakes would be elected by a 14 majority?

Mr. WATSON of Virginia. The gentleman did not understand me accurately. Eliminating those two precincts the contestant's majority is 46. Now, gentlemen, the only question left for you to decide is what to do with the returns from this precinct where the ballot box was left at the voting place and stayed there for four months unprotected.

Your committee thinks that the evidence and circumstances surrounding the case show the act to have been unintentional, and they have not been able to see any suspicion of fraud connected with it. For that reason they think that the official returns from that precinct ought to stand. If gentlemen do not concur in that view and think the abandonment of this box is in itself fraudulent conduct and sufficient to vitiate the work of the hands of the election officers, then there is but one logical thing to do and that is to discard the returns from this precinct and throw them out altogether. Which will you do? If you accept the official returns, the contestant is elected; if you reject them, the contestant is elected.

Mr. AYRES. If you accept them he is elected by how much?

Mr. WATSON of Virginia. By 132.

Mr. AYRES. And if rejected he is elected by 14?

Mr. WATSON of Virginia. By 14.

Now, gentlemen, the only way in the world to resist the conclusions I have indicated and seat the contestee is, as I said in the beginning, to manipulate the returns in dispute in a manner contrary to both reason and law. There are only two ways you can arrive at such a result. You must refuse to correct a conceded error in the first precinct of the second ward, where the contestee had 118 majority, and then reject the returns from the second precinct of the sixth ward, where contestant had 118 majority; or, having corrected the error in the former precinct, you must then do what contestee's counsel proposes, reject the official returns from the latter precinct and set up in their place the contents of one of the ballot boxes used there, in which a recount showed Bacon had 172 and Beakes 111. I can not conceive this House will refuse to correct the conceded error in the first instance, nor that it will undertake to substitute the will of only a portion of the electors for that of the whole in the second instance.

In the long past the House of Representatives has had some very curious election cases. Some Democrats have been elected here who were not elected at home, and though I stand on this side of the aisle [Republican side], I venture to say that sometimes Republicans have been elected here who were not elected at home. It has been said that the House of Commons has done everything except make a man a woman and a woman a man. The House of Representatives has done that thing, because a lady has been admitted to the membership of this body and exercises all the attributes of a Representative in Congress. But in all the exigencies of political strife in the past no political party here has ever been willing to vest title to a seat in this body upon the fragment of returns charged to be wholly fraudulent, because that fragment forsooth was preserved under lock and seal. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired. [Cries of "Vote!" "Vote!"]

Mr. WATSON of Virginia. Now, Mr. Speaker, the gentleman from Missouri [Mr. DYER] was to have had 15 minutes out of my original time of an hour. Through the courtesy of the House I have trespassed upon you much longer than that, and I therefore ask unanimous consent that the gentleman from Missouri may have 15 minutes in which to address you.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. DYER] was allotted 15 minutes, and the Chair now recognizes the gentleman.

Mr. DYER. Mr. Speaker, I am not surprised to hear from the Democratic side the cry "Vote!" after one speech has been made, and the only speech in this matter involving a seat in Congress now held by a Republican, and that they ask that all debate shall be closed and the verdict rendered. That has been the policy of the Democratic Party in the past, and I suppose it will be in the future in election contests. I do not, Mr. Speaker, take the floor for the purpose of saying anything against the contestant nor of his right to the seat which he has contested. I do not know anything about the facts in this case to justify me in saying that the report that has been submitted should not be adopted, but I do rise to say that upon this side of the House, where sit almost as many Republicans as there are Democrats upon the other side, there ought to be somebody among the leaders upon this side or the members of the Elections Committee in this case, to get up and give information to us in order that we may act intelligently and not be compelled to act alone upon the report of Democratic members in this election contest.

Mr. WATSON of Virginia. May I interrupt the gentleman a moment?

Mr. DYER. I yield to the gentleman.

Mr. WATSON of Virginia. Does the gentleman think he is justified in saying that this is a report of the Democratic members of this committee?

Mr. DYER. I say this, that the report is prepared by the distinguished chairman of this committee, Judge WATSON, of Virginia, for whose ability I have the greatest esteem and for whose personal character and work I have the greatest respect, and that the other members—five Democrats and three Republicans—making nine altogether, have accepted this report as their own, perhaps not all of them signing it, or any of them—I do not know as to that—but presenting no minority report here. And I understand they do not agree in full, all of the members of the committee, with the facts as stated. They probably agree with the conclusion.

But here is a proposition that is as serious as can come to any Member of this House and to the country. Here is a man sent from the great State of Michigan, given a certificate of election to the House. That certificate of election entitled him to come here and take a seat, to be sworn in as a Member, and to accept the emoluments and the responsibilities of the office; and he has had them now for nearly a year. Notwithstanding that, that certificate of election was attacked before the board of canvassers of the county in which the election was held. It was attacked before the State board of canvassers of the State of Michigan and was carried to the Supreme Court of that State. And yet in all these bodies there was no relief given to the contestant in this case, and they, in effect, put their seal of official approval, at least, upon the certificate of election that was given to the contestee in this case. And I say that under those circumstances it was the duty of the members on the Republican side sitting upon this Elections Committee, and of the leaders upon this side, to do something and give us some information in the shape of a report, even though it might, in the end, concur in the views of the report of the majority.

Mr. KELLEY of Michigan. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. DYER. I yield to the gentleman.

Mr. KELLEY of Michigan. I want to say to the gentleman from Missouri——

Mr. DYER. I yield to the gentleman for a question, but not for a speech. I have only 10 minutes left.

Mr. KELLEY of Michigan. I will not make a speech. Is it not a fact that under the laws and decisions of the State of Michigan these various boards and courts that you have mentioned——

Mr. DYER. Oh, I know all about that. The gentleman need not tell me what the Michigan law is.

Mr. KELLEY of Michigan. They dealt with the case on its merits. You said they placed the stamp of their approval on this.

Mr. DYER. I said their "official approval," because they denied the contestant relief in this case.

Mr. KELLEY of Michigan. You should have said it.

Mr. DYER. I do not think anybody misunderstood me.

But, Mr. Speaker, I want to call the attention of the House to another matter, not only a matter of dereliction but a matter of neglect of duty on the part of this side of the House.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Iowa?

Mr. DYER. Not at this time.

The SPEAKER. The gentleman declines to yield.

Mr. DYER. Where a man's seat is involved and where we on this side who are not members of this committee know absolutely nothing about it except what we have heard to-day from the gentleman from Virginia [Mr. WATSON] and from reading his report, we ought to have more information about this case than is available.

In addition to that, we have here a report submitted by the Committee on Elections No. 3 of the House of Representatives in which they say that in this case—and I would like to have the attention of the Members of the House——

Mr. MEEKER. Mr. Speaker, I call the attention of the Chair to the fact that the House is not in order.

The SPEAKER. The House will be in order.

Mr. DYER. I want to call the attention of the membership of this House to the fact that the gentleman from Virginia [Mr. WATSON], the chairman of this committee, says that the time has come in this country when partisanship is abandoned in an election contest. Now this same Committee No. 3 in the Sixty-third Congress made findings of law upon statements of facts absolutely different from what they made in this case.

In that Congress they said that if there was fraud proved in connection with the ballots, with special reference to misconduct in counting the ballots, then they could not correct the vote and separate the good from the bad, although officials of the State, the commissioners of election, appointed by the governor of the State, a Democrat, had had those ballots gone over one by one, recounted, tabulated, and corrected, and full testimony in detail taken about them. In that case this Committee on Elections said they could not accept that recount because some mistakes in this regard had been discovered and some evidences of fraud had been found, not on the part of the gentleman who held the seat or his party, but upon the part of the Democratic officials of election themselves. They said then that all the ballots must be thrown out and all the voters of the several precincts disfranchised. They then presented precedents for that action, the same as they have presented precedents in this case for directly the opposite thing. They say in this report that if you find mistakes and can correct them, then you should let them stand. Those positions are directly opposite, and in both instances favor a Democrat.

I call that to the attention of the House because I do believe, Mr. Speaker, that where a man's seat is at stake in the House of Representatives every Member should rise above partisanship and act upon the facts in the case. And that is why I take the floor now, gentlemen, to see if it is not possible, in my humble way, to urge that the Democratic Members of this Congress will look at contests in the future from the standpoint of facts and of the law and not blind partisanship. I have nothing to say, as I said in the beginning, by way of criticism of the gentleman who is the contestant in the case. I intend to vote to seat him. I have served with him in this House before, and I know that he is a man of honor. I know that he has been an efficient and creditable Member. But what I do rise to say is that it is an outrage for Members of the House of Representatives on the Republican side to be compelled to vote without any report on the part of the minority or any statement from the leaders, and thus put us in the position of having to say by our votes that here for nearly a year a man has been sitting in this House and drawing the pay and bearing the responsibilities of membership without right, and we sit idly by and make no defense of his election and no report to show why he came here.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. AYRES. I understood the gentleman to say that he was going to vote to seat him.

Mr. DYER. I said I was going to vote to seat Mr. Beakes, because there is nothing else to do in the case.

Mr. SAUNDERS of Virginia. Mr. Speaker, will the gentleman permit a question?

Mr. DYER. Yes.

Mr. SAUNDERS of Virginia. If it is true that the Republican members of this committee have not submitted any facts in behalf of Mr. BACON in this contest, which is so vital to him, is not that in fact a conclusion that nothing in his behalf can be presented for him?

Mr. DYER. I will have to answer the gentleman's question in the affirmative, because no other conclusion can be drawn from the fact that the minority have presented no report, and under the circumstances I shall cast my vote to seat Mr. Beakes.

The SPEAKER. The time of the gentleman has expired.

Mr. DOWELL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOWELL. I ask unanimous consent to make just a brief statement. I merely desire to state that I have given some three weeks' time to this case and have gone into every phase of it with the other Republican members of the committee, and we concluded not to file a minority report. [Applause.]

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resoluton 195.

1. That Mark R. Bacon was not elected a Representative to this Congress in the second district of the State of Michigan, and is not entitled to retain a seat herein.

2. That Samuel W. Beakes was duly elected a Representative in this Congress for the second district, State of Michigan, and is entitled to a seat herein.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. WATSON of Virginia, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

SWEARING IN OF MEMBER ELECT.

Mr. BEAKES appeared at the bar of the House and took the oath of office.

COMMITTEE ON WOMAN SUFFRAGE.

Mr. KITCHIN. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That the following-named gentlemen be, and they are hereby, elected members of the Committee on Woman Suffrage:

1. JOHN E. RAKER (chairman), of California.
2. EDWARD W. SAUNDERS, of Virginia.
3. FRANK CLARK, of Florida.
4. BENJAMIN C. HILLIARD, of Colorado.
5. JAMES H. MAYS, of Utah.
6. CHRISTOPHER D. SULLIVAN, of New York.
7. THOMAS L. BLANTON, of Texas.

The SPEAKER. Is that the whole committee?

Mr. KITCHIN. No; those are just the majority members. The gentleman from Massachusetts [Mr. GILLETT] will offer a resolution naming the minority members.

Mr. GILLETT. I can offer it now.

Mr. KITCHIN. If the gentleman will do that, then the committee will be complete.

Mr. GILLETT. Yes. I offer the following resolution, naming the minority members of the committee.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That the following-named Members be, and hereby are, elected members of the Committee on Woman Suffrage:

8. Miss RANKIN,
9. Mr. MONDELL,
10. Mr. CARTER of Massachusetts,
11. Mr. MEEKER,
12. Mr. LITTLE, and
13. Mr. ELLIOTT.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. I desire to offer an amendment to strike out one name and substitute another. Am I in order?

The SPEAKER. You are.

Mr. LONDON. Then I move to strike out the name of CHRISTOPHER D. SULLIVAN and to substitute the name of MEYER LONDON, of New York.

The SPEAKER. The gentleman from New York offers an amendment to strike out the name of CHRISTOPHER D. SULLIVAN and to insert the name of MEYER LONDON. The question is on the amendment.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. LONDON. Mr. Speaker, in connection with the vote I make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and twenty-one Members present. The noes have it, and the amendment is rejected.

Mr. KITCHIN. Mr. Speaker, I demand the previous question.

The SPEAKER. The gentleman from North Carolina moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. GILLETT].

The amendment was agreed to.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry. Is it in order now to move to increase the number of Members who are to constitute the committee?

The SPEAKER. Not after the previous question has been ordered.

The resolution as amended was agreed to.

The SPEAKER. Has the gentleman from North Carolina [Mr. KITCHIN] any further business to offer?

Mr. KITCHIN. No further business.

POST OFFICE APPROPRIATIONS.

On motion of Mr. MOON, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, with Mr. FERRIS in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation of a special assistant to the Attorney General to assist in the defense of cases against the United States arising out of the transportation of the mails, and in other cases and matters affecting the postal revenues, $6,000.

Mr. STAFFORD. Mr. Chairman, I rise to obtain information from the chairman of the committee as to the status of the work in charge of this special assistant to the Attorney General. As I understand, this position is occupied by the former Second Assistant Postmaster General, Mr. Joseph Stewart. I understood it was originally created for the purpose of defending the Government side of the divisor proposition, and also to look after other cases arising out of railway transportation problems. Can the gentleman inform the committee whether that litigation has been concluded? As far as the divisor proposition is concerned, I know that has been decided by the Supreme Court favorably to the Government, at a saving of many millions of dollars.

Mr. MOON. I understand the other has not. The question of railway mail pay and the substitution of space for weight will come before the Interstate Commerce Commission, and I understand Mr. Stewart is special counsel to look after these matters and some others that have not yet been determined.

Mr. STAFFORD. On the question whether the space basis should be used rather than the tonnage basis, I wish to inquire whether the Interstate Commerce Commission have made any decision as to which of the respective bases should be used by the department?

Mr. MOON. No; I understand that under the provisions of the law the Interstate Commerce Commission has ordered an experiment or test of the question on about 90 per cent of the roads of the country and that the facts are not all before them, and that there are no final decisions in the matter at all.

Mr. STAFFORD. Can the gentleman inform the committee when a decision is likely to be reached as to the respective merits of the space basis and the tonnage basis?

Mr. MOON. I am not advised as to when the Interstate Commerce Commission will be prepared to act.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, 10, at not exceeding $3,200 each.

Mr. LANGLEY. Mr. Chairman, in looking over the bill I see that the first and second class offices are liberally taken care of in the way of provision for clerk hire, and in some measure for third-class offices. I want to ask the gentleman if this bill carries any relief for fourth-class postmasters whose offices have been made central accounting offices?

Mr. MOON. No; that will require some legislation.

Mr. LANGLEY. I know some cases where the work has been practically doubled, and the postmasters tell me that they can not do the work without additional clerk hire, and that unless they get speedy relief they will be compelled to resign.

Mr. MOON. That will probably come up for legislation in a bill we are now considering.

Mr. LANGLEY. Then there is a good chance for some relief at this session, is there? May we infer that from the gentleman's statement?

Mr. MOON. We hope that there will be help for everybody.

Mr. LANGLEY. I hope so, too. I hope also that the gentleman's committee will act speedily in this matter. I do not wish to be understood as criticizing him or his associates on that committee, but I do say that a large part of the employees of the Postal Service have not been treated fairly and justly in the matter of compensation. Whether those in authority have intended to discriminate against them or not, I do not pretend to say, but the effect has been unwarranted discrimination against them. Take, for example, these fourth-class offices which have been made central accounting offices. Gentlemen who understand the actual conditions, and I assume that all of you do, must know that the work added to their duties as a result of this new scheme has imposed an unbearable burden upon them, and I can not understand why when that scheme was inaugurated those who were sponsors for it did not foresee that such would be the situation and provide in advance an adequate sum to enable them to employ additional help. There is not a single fourth-class office in the district that I represent which has been made a central accounting office, but that their work has increased so enormously that they can not possibly do the work with the help they now have without the postmaster and his assistants working an unreasonable number of hours, which the Government ought not to exact of them in these abnormal times. With the cost of living doubled and their work doubled, it is no wonder that many of them are threatening to resign. The same is true to a great extent of the third-class offices which have been made central accounting offices. I would offer an amendment to this bill which would remedy this injustice, but I know it would be futile, because it would involve additional legislation, as the chairman has just stated, and therefore would be subject to a point of order; and since the chairman has indicated that the committee is considering a proposition of this kind, and since my distinguished friend from Illinois [Mr. MADDEN], who is a potent member of that committee, has just assured me privately that these matters will be provided for in a separate bill later in the session, I shall content myself with calling attention to the situation.

While I have the opportunity I wish to call attention to another rank injustice that is being done to another class of employees of the Postal Service. I refer to the star-route carriers. I have never been able to understand why this great and powerful Government prepares its contracts so as to bind these contractors hand and foot, giving all the advantage to the Government, and then insist upon their pound of flesh, regardless of the changed conditions and increase of work which in many cases makes it absolutely impossible for the contractor to carry out his obligations to the Government without great loss and oftentimes resulting in the contractor losing what little he has and putting an unjust burden upon his bondsmen. I recently traveled over a considerable portion of the mountain section of Kentucky which is traversed by these mail carriers. At this season of the year the roads in many places are almost impassable, and notwithstanding that fact and the further fact that in many instances the weight of the mail which they have to carry since they entered into the contracts has almost doubled, the department insists upon them carrying out their contracts to the letter, and when they apply for an increased allowance they are reminded of the provisions of the one-sided contract which the Government prepared for them to sign. I know of one instance where a contractor has been doing his utmost to carry out his contract, although it costs him more than his contract provides, without counting his own time and the wear and tear upon his team and wagon with which he hauls the mail. And I saw that man stuck in a mudhole, with the wagon wheels embedded to the hubs, and yet that man was probably fined for being late, and when he applied for relief he was referred to the terms of his contract with the department. I say with regret that such things as these are a discredit and disgrace to this Government, and I hope that some official of the department who shares responsibility for this branch of the service will read what I have said and will be induced thereby to take some steps to relieve this intolerable situation.

I wish to say further that I am gratified to learn that it is the purpose of the committee to give a substantial increase in the compensation of postal employees who were not included in the horizontal increase voted the other Government workers by the Sixty-fourth Congress. I thought at the time, and I think now, that it was a grievous error and injustice to omit them from the list of those who were the beneficiaries of that advance; and in view of the fact that the cost of living since the maximum wage standards of these employees were fixed 10 years ago has so advanced as to be almost equivalent in effect to a 50 per cent reduction in their wages, I hope and believe that the allowance to them will be such as to make up that difference. These are times when the greatest exactions are imposed by the Government upon its servants, and it can not be too liberal to suit me in fixing their rates of compensation.

Mr. LONERGAN and Mr. SIEGEL were given leave to extend remarks in the RECORD upon the subject of clerks in fourth-class offices.

The Clerk read as follows:

Auditors, and superintendents of mails, 10, at not exceeding $3,000 each.

Mr. MOON. Mr. Chairman, the Committee on Post Offices and Post Roads have at the request of the department added fourteen hundred clerks to this section of the bill. The committee in considering the bill agreed to certain estimates of the Post Office Department for additional clerks. They did not agree to the proposition of the Post Office Department to increase the pay for supervisory clerks. In printing the bill the language of the old bill was used, leaving out the additional number of the clerks that come along under each one of the appropriate heads. There will be a number of amendments offered in that particular, changing the number of clerks in certain classes and reducing them in others. Now, in line 14, page 5, the word "ten" should be stricken out and the word "fifteen" substituted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 14, by striking out the word "ten" and inserting the word "fifteen."

Mr. STAFFORD. Will the gentleman yield?

Mr. MOON. Yes.

Mr. STAFFORD. I understand the purpose is to have the number of supervisory officials increased to conform with the recommendation of the department providing for promotion?

Mr. MOON. Largely; yes.

Mr. STAFFORD. In each respective class?

Mr. MOON. Yes.

Mr. STAFFORD. The other day I directed an inquiry to the gentleman from Minnesota [Mr. STEENERSON] as to why the committee had not adopted the recommendation, and he stated that it was for the purpose of providing for their increase of salary in a general promotion scheme which the committee would consider later on.

Mr. MOON. No; it is the normal increases occurring every year.

Mr. STAFFORD. It is for the special purpose of increasing salaries.

Mr. MOON. No; not increasing the salaries, except the automatic increase. We do not give the increase of salaries recommended by the department. We give the clerks the normal salary.

Mr. STAFFORD. In the lower grades it results in increasing the salaries, and also in the higher grades.

Mr. MOON. It is automatic up to $1,200.

Mr. STAFFORD. There are no automatic increases, so far as the supervisory officials are concerned.

Mr. MOON. That is true; but there are automatic increases up to $1,200.

Mr. STAFFORD. The department makes recommendations for increasing the numbers in the respective grades, which is purely for the purpose of increasing salaries of officials by reason of increased efficiency and increased work.

Mr. MOON. They can not be increased except as they go up under the law, automatically increased up to $1,200, and they can not go beyond that.

Mr. STAFFORD. There is no provision of law that provides for the increase of salaries except by increasing the number of places, which will give an opportunity to the department to provide promotions. I am in favor of making the additional places so as to provide for the promotions.

Mr. MOON. The only difference between the gentleman and myself is that I call it an automatic increase and he calls it a promotion. It is the same thing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. MOON].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of mails, superintendents of delivery, and superintendents of mails, 20, at not exceeding $2,700 each.

Mr. MOON. Mr. Chairman, on page 5, line 17, I move to strike out the word "twenty" and insert "twenty-three."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 17, strike out the word "twenty" and insert "twenty-three."

The amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of mails, cashiers, superintendents of delivery, superintendents of mails, and superintendents of stations, 30, at not exceeding $2,500 each.

Mr. MOON. Mr. Chairman, I move to amend, line 24, page 5, by striking out the word "thirty" and inserting the word "thirty-five."

The Clerk read as follows:

Page 5, line 24, strike out the word "thirty" and insert the word "thirty-five."

The amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, finance clerks, stenographers, superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, 50, at not exceeding $2,400 each.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Does not the gentleman wish to strike out the word "fifty" in line 5 and increase that to "sixty"?

Mr. MOON. Yes; that escaped my notice. I move to amend by striking out "50" and inserting "60."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 5, strike out the word "fifty" and insert "sixty."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of mails, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, finance clerks, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, and superintendents of stations, 55, at not exceeding $2,200 each.

Mr. MOON. Mr. Chairman, I move to strike out the word "fifty-five," in line 11, and insert in lieu thereof the word "seventy."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 11, strike out "fifty-five" and insert in lieu thereof "seventy."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, examiners of stations, finance clerks, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, superintendents of inquiry, and superintendents of stations, 75, at not exceeding $2,000 each.

Mr. MOON. Mr. Chairman, I move to amend by striking out the word "seventy-five" in line 21, and inserting in lieu thereof the words "one hundred and ninety." That is a misprint.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 21, strike out the word "seventy-five" and insert in lieu thereof "one hundred and ninety."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 65, at not exceeding $1,800 each.

Mr. MOON. Mr. Chairman, I move to amend by striking out the word "sixty-five" and inserting "one hundred and eighty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 6, strike out "sixty-five" and insert in lieu thereof "one hundred and eighty."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 170, at not exceeding $1,700 each.

Mr. MOON. Mr. Chairman, I move to amend by striking out "one hundred and seventy" and inserting in lieu thereof "one hundred and ninety," in line 16.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, line 16, strike out "one hundred and seventy" and insert in lieu thereof "one hundred and ninety."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 290, at not exceeding $1,600 each.

Mr. MOON. Mr. Chairman, I move to amend, in line 2, by striking out "two hundred and ninety" and inserting in lieu thereof, "four hundred and twenty-five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 2, strike out "two hundred and ninety," and insert in lieu thereof "four hundred and twenty-five."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 950, at not exceeding $1,500 each.

Mr. MOON. Mr. Chairman, I move to amend, in line 13, by striking out "nine hundred and fifty" and inserting in lieu thereof "ten hundred and fifty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 13, strike out "nine hundred and fifty" and insert in lieu thereof "ten hundred and fifty."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, special clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 1,710, at not exceeding $1,400 each.

Mr. MOON. Mr. Chairman, I move to strike out, in lines 24 and 25, "one thousand seven hundred and ten," and insert in lieu thereof "two thousand six hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, lines 24 and 25, strike out "one thousand seven hundred and ten" and insert "two thousand six hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of money order, assistant superintendents of mails, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, special clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 3,865, at not exceeding $1,500 each.

Mr. MOON. Mr. Chairman, I move to amend by striking out, in lines 10 and 11, "three thousand eight hundred and sixty-five," and insert in lieu thereof "seven thousand one hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, lines 10 and 11, strike out "three thousand eight hundred and sixty-five" and insert "seven thousand one hundred."

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MOON. Yes.

Mr. STAFFORD. By reason of the additional places provided in the grades above this class of thirteen hundred dollars, I assume that there have been vacancies created in this grade aggregating more than 1,000 places, and in addition you are almost doubling the number of places, from 3,865 to 7,100. That would provide, in rough numbers, for more than 4,000 vacancies to be filled from the $1,200 class to the $1,300 class.

Mr. MOON. Yes.

Mr. STAFFORD. I assume that a large number of those additional places will be filled by promotions of clerks receiving $1,200, who will be appointed as special clerks under the provision made later in the bill providing for a certain percentage of promotions from $1,200 to the $1,300 class.

Mr. MOON. I imagine the gentleman is correct. The truth about it is that the department makes its estimate for this service and says that it needs so many, and that is about all that we know about it.

Mr. STAFFORD. I only wish to direct attention to the fact that we are making a most liberal provision for additional places in the $1,300 grade, to provide for meritorious men who are receiving but $1,200, and who deserve promotions to $1,300, who are doing a class of work which entails a confinement in the post office in assorting the letter mail, demanding a close attention to their special work that is not paralleled in any other branch of the service except in the Railway Mail Service.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 19,500, at not exceeding $1,200 each.

Mr. MOON. Mr. Chairman, I move to strike out "19,500" and insert "18,300."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, lines 18 and 19, strike out "19,500" and insert in lieu thereof "18,360."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of stations, clerks, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 9,000, at not exceeding $1,100 each.

Mr. MOON. Mr. Chairman, I move to strike out "9,000" and insert "7,700."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, lines 22 and 23, strike out "9,000" and insert "7,700."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Assistant superintendents of stations, clerks, clerks in charge of stations, stenographers, superintendents of carriers, and superintendents of second-class matter, 3,300, at not exceeding $1,000 each.

Mr. MOON. Mr. Chairman, I move to strike out "3,300" and insert "2,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, lines 1 and 2, strike out "3,300" and insert in lieu thereof "2,500."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Substitutes for clerks and employees absent without pay.

And to provide for the promotion of 85 per cent of the clerks in first-class post offices from the fifth to the sixth grade, and for the promotion of 15 per cent of the clerks in the sixth grade to the designation of "special clerk" in the $1,300 grade, and for the promotion of 15 per cent of the designated "special clerks" in the $1,300 grade to the designation of "special clerk" in the $1,400 grade, and to provide for the promotion of 85 per cent of the clerks in second-class post offices from the fourth to the fifth grade, and for the promotion of 15 per cent of the clerks in second-class post offices from the fifth to the sixth grade: *And provided further*, That there may also be employed at first-class post offices foremen and stenographers at a salary of $1,300 or more per annum; in all, $50,508,700.

Mr. MOON. Mr. Chairman, I move to strike out the figures "$50,508,700" and insert "$53,291,800."

Mr. STAFFORD. Mr. Chairman, I wish to inquire of the chairman of the committee the need of the last proviso in the paragraph under consideration that authorizes the employment at first-class post offices of foremen and stenographers at a salary of $1,300 or more per annum? I wish to call the attention of the chairman of the committee to the fact that in the classification of supervisory officials we have just passed in these various items providing salaries above $1,300 are listed foremen and stenographers, which would authorize the department to employ foremen and stenographers at salaries above $1,300. What is the need of this proviso when we have specially designated them at higher salaries in the classification of supervisory officials?

Mr. MOON. They want some more at lower salaries, I guess.

Mr. STAFFORD. Oh, no; the authorization I am directing the attention of the chairman of the committee to is to allow higher salaries than $1,300 to foremen and stenographers. In all classifications above the $1,300 grade we find the designation of foremen and stenographers running up almost to the highest grades. What is the need of that general authorization when you are already carrying these places in a separate classification?

Mr. MOON. I do not know there is any absolute necessity for it if they are being carried in the other classification. I take it the department wants this section so as to cover the question of their right to employ them at a higher or lower figure.

Mr. STAFFORD. Of course they would have that right if they were designated in these respective grades. If it were not, then the old law of classification of employees would bar them from being paid more than $1,200, but having designated them to receive that higher salary I can not see the need of this proviso.

Mr. MOON. This proviso has been carried all along in the law?

Mr. STAFFORD. It has only been carried in recent years and I thought the reason for it had passed.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 10, line 23, strike out "$50,508,700" and insert in lieu thereof "$53,291,800."

Mr. BLACK. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. I notice that the amount in the bill is $50,508,700. Why the increase?

Mr. MOON. There are 1,400 clerks provided for, and stenographers and others, which, footed up, makes the difference.

Mr. BLACK. Is the number of the clerks just what it was when we considered it before our committee?

Mr. MOON. No; the committee determined that they would not allow the additional $100 asked for the supervisory clerks, but the committee also determined it would allow the department the number of clerks it wanted, and we simply failed to foot up the amount that is necessary to pay them in the appropriation. That is where the error occurred. Mr. Chairman, I am going to ask this in that connection: The figures are $53,291,800 and they may not be exactly correct, and I will ask that the Clerk be authorized to make the footing of the correct figures if there is any error there.

The CHAIRMAN. Without objection, it is so ordered. The question is on the committee amendment.

The question was taken and the committee amendment was agreed to.

The Clerk read as follows:

For miscellaneous items necessary and incidental to post offices of the first and second classes, $400,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

Amendment offered by Mr. HAWLEY: Page 12, after line 25, insert as a new paragraph the following:

"The Postmaster General is hereby authorized and directed to have prepared cancellation stamps for the post office at Medford, Oreg., which shall include the words 'Crater Lake,' and for the post office at Grants Pass, Oreg., which shall include the words 'Oregon Caves,' with the date of seasonal opening for each."

Mr. MOON. Mr. Chairman, I make the point of order on the amendment. It is new legislation.

The CHAIRMAN. The Chair thinks it is clearly new legislation.

Mr. HAWLEY. Will the gentleman reserve it?

Mr. MOON. Yes; I will reserve it in order to hear the gentleman.

Mr. HAWLEY. Mr. Chairman, this involves the expenditure of but a very small amount of money by the Government. At Crater Lake the Government had expended a large amount of money and at Oregon Caves. The natural wonders of that park have attracted a great deal of attention, and people throughout the country are interested in the opening of that region. It involves no expenditure beyond a few cents, and if the gentleman can see his way clear not to insist on the point of order, I trust he will do so.

Mr. MOON. Mr. Chairman, if we open up new legislation we can not tell where it will end. I will say to the gentleman this distinctive proposition will be acted upon by the committee, I am sure. We will be glad to do what we can for him. I do not believe the legislation should go on the appropriation bill. There is no legislation here at all that is new, and this does not seem to be entirely necessary

Mr. HAWLEY. It will enable the people who desire to visit the caves simply to know when the season will be open. The Government has expended the money there and it will enable the people to see that which the Government has prepared for them.

Mr. MOON. I regret to insist on the point of order. I wish the gentleman would come before the committee, when we will fix that up for him.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For mail-messenger service, $2,600,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word of the paragraph ending in line 24. I wish to inquire whether the chairman of the committee can give the House any information as to the amount of money and the extent to which the department has availed themselves of the authorization which was granted them last year or the year before for the lease of quarters for the housing of Government-owned automobiles. The Government here in Washington has in the past year erected a central garage where the automobiles belonging to the President and some of the executive departments are housed in one building, resulting in a large saving of money. I was wondering whether the Postmaster General had established central garages in certain cities of the country where the Government is operating large numbers of automobiles?

Mr. MOON. I am not able to give the gentleman accurate information about it, but my opinion is that it has not been done, except in some cases. I am not able to speak authoritatively.

Mr. STAFFORD. The committee did not make inquiry as to the extent to which this authority has been availed of?

Mr. MOON. No.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN (Mr. GARRETT of Tennessee). The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 13, after line 25, insert the following new paragraph:

"For the transmission of mail by pneumatic tubes, or similar devices, $1,101,000."

Mr. MOON. Mr. Chairman, I make a point of order on that. It is new legislation.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask the gentleman to reserve the point of order.

Mr. MOON. All right.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am not sure that this is subject to a point of order. The very provision I offer now as an amendment is in the current appropriation bill.

The CHAIRMAN. Permanent law?

Mr. MOORE of Pennsylvania. Yes; it is in the current law.

The CHAIRMAN. Is it permanent law?

Mr. MOON. I will say to the gentleman from Pennsylvania, to make clear my point of order——

Mr. MOORE of Pennsylvania. I do not intend to argue the point of order except to raise the point at this time.

Mr. MOON. I want to say that there is no general law under which the Post Office Committee could make an appropriation for pneumatic tubes. I will not discuss that, because I discussed it a day or two ago and it has frequently been discussed heretofore.

Mr. MOORE of Pennsylvania. Of course it is an old question, and I shall not discuss the point of order in particular except to make the reservation at this time in view of the gentleman having made the point.

Mr. STEENERSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. STEENERSON. Does it not come in under the Second Assistant Postmaster General, under the old law concerning transportation of mails? I think you have gotten it in the wrong place.

Mr. MOORE of Pennsylvania. This paragraph was carried in the act of March 3, 1917, in exactly the same place I am now offering it.

This, Mr. Chairman, is a question that has been thrashed out in the House before. To refuse at this time to accept this amendment would throw the pneumatic-tube service as now existing entirely up in the air. It would have the effect of destroying existing contracts and would substantially be a confiscation of the property of those who went into the business of constructing and operating pneumatic tubes at the instance of the Government itself. That point, however, has been discussed so frequently on the floor that I will not attempt to do more than call attention to it and to emphasize the fact that the failure to make the appropriation is in effect confiscation of the property of those who constructed those tubes, which are now in operation by virtue of law.

I want also to call attention to the first proviso in the existing law. It relates to the appropriation in the act of March 3, 1917, now in effect.

The proviso is:

Provided, That the Postmaster General is hereby authorized and directed to extend existing contracts for pneumatic-tube service until June 30, 1918, and the Postmaster General is directed to extend this appropriation for the sole purpose of continuing the existing pneumatic mail-tube service, and no part thereof shall be expended for the transportation of mails in any other manner than herein authorized.

I call that proviso to the attention of the Chair, as it relates to the existing law, but I want to further present to the Chair and to this committee in particular the next proviso, which reads:

Provided further, That a commission consisting of three members of the Committee on Post Offices and Post Roads of the United States Senate, to be designated by the Vice President, and three members of the Committee on the Post Office and Post Roads of the House of Representatives, to be designated by the Speaker of the House, is hereby authorized and directed to investigate the value of the pneumatic-tube service, their properties, franchises, and other equipment, with a view to the purchase and operation of the same or any portion thereof by the Government and to ascertain the cost and the terms upon which such purchase may be made. The employment of expert and other assistance is authorized, and the expense of such assistance and of the inquiry shall be paid from the appropriation for service by pneumatic tubes, not to exceed $25,000, and said commission shall make a report, with recommendations to Congress, on or by the 1st day of January, 1918.

Now, Mr. Chairman, that proviso contemplated a continuance of the pneumatic-tube service certainly until this congressional commission shall have reported. The commission is to report under the law before the 1st of January next. It has not yet reported. Courtesy to that commission of the Senate and of the House would seem to dictate that this service should be continued, apart from the right of the property owners and apart from the existing contracts, until the conclusions of this commission shall have been reported to the House and the Senate.

I feel that with the Postmaster General against the pneumatic-tube service, and with the chairman of the Committee on the Post Office and Post Roads against the pneumatic-tube service, as he frankly stated here in the discussion a day or two ago, but with a majority of this House and of the Senate in favor of the pneumatic-tube service, and with a commission appointed to investigate whether the rights of the property owners shall be preserved, and whether these tubes shall be taken over by the Government, we should at least make provision for the continuance of the service until that commission is heard from. It seems to me that the appropriation ought to be made. If the commission reports against the continuance of the tubes and finds with the Postmaster General and with the chairman of the committee, then of course we will have something to act upon.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. COX. Mr. Chairman, will the gentleman yield to me?

Mr. MOORE of Pennsylvania. Yes.

Mr. COX. Has the gentleman from Pennsylvania any knowledge or information that this congressional committee will fail to report by the 1st of January?

Mr. MOORE of Pennsylvania. No; I have not. I endeavored to ascertain from the chairman of this Committee on the Post Office and Post Roads during the debate whether that committee was about to report, and the gentleman was unable to inform me.

Mr. COX. I doubt very much whether the chairman of the Committee on the Post Office and Post Roads knows when that committee is going to report.

Mr. MOORE of Pennsylvania. The gentleman from Tennessee made a statement fairly and squarely—that, being opposed to the pneumatic-tube service, he had never accepted appointment on that commission.

Mr. MOON. I have never been on that committee.

Mr. MOORE of Pennsylvania. The gentleman withdrew from his appointment on that commission because he was opposed to the pneumatic-tube service.

Mr. MOON. The pneumatic-tube service will continue until the 1st of next July.

Mr. MOORE of Pennsylvania. Then what will happen, in the event of an adverse report?

Mr. COX. It will have to die, unless there is a postal commission appointed by the Postmaster General to go out and investigate the pneumatic-tube service and report favorably on its continuance. Then that would have the effect of reviving the law on which the pneumatic-tube service is based. But if a postal commission appointed by the Postmaster General should report unfavorably on its continuance, then of course there is no law upon which we can make an appropriation.

Mr. MOORE of Pennsylvania. If there is an adverse report and no appropriation, it means instant confiscation of this property.

Mr. COX. No. This congressional commission might make an adverse report, but that would not affect the necessity of continuing the pneumatic-tube system, because the basic law on which that tube system rests provides for the appointment of a postal commission, a commission appointed by the Postmaster General. This present commission is not a postal commission. It is a commission appointed by Congress to investigate this question.

Mr. MOORE of Pennsylvania. In answer to the gentleman, I wish to say, Mr. Chairman, that while I am not objecting to the Postmaster General holding his view on this subject, nor objecting to the chairman of this committee, for whom I have a very high respect, holding his view, I do contend that we ought not to put these property owners, who have had bona fide contracts with the Government, in a position where there will be no remedy for them, no recovery on their investment or their property. They have been rendering a public service demanded by our own business men and encouraged by the Government.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOON. Mr. Chairman, I do not think we need continue this discussion or need to enter into the merits of the pneumatic-tube proposition. That is a question that may well be considered later, after the coming in of the report of the commission appointed in pursuance of law by the Vice President and the Speaker of the House.

I make a point of order against the consideration of the amendment offered by the gentleman from Pennsylvania [Mr. MOORE], for the reason that there is in existence no general law upon which you can base an appropriation for pneumatic tubes. The law provided a period for its expiration, and that time has passed. It provided a method by which its existence might be affected and contracts made under it, and that method was the appointment of a commission by the Post Office Department to inquire into the advisability of the continuation of the contract; and if they advised it, then the power still remains, by virtue of the law, in the Postmaster General to make new contracts. But if it was not so advised, the contract period ended with the expiration of the law. To my mind it is a very simple proposition.

Now, that commission was appointed, as a matter of record. It reported adversely. The law expired. There is no power to continue the contract nor to make appropriation for it. But the Congress, in order to save the situation until the 30th of June, 1918, did not reenact the law, but it provided that the terms of the existing contract might be continued until June 30, 1918, and in the meantime the commission to which I referred was to examine into the question and report to Congress. Now, that commission has until the 1st of January to report. If it makes a report at that time there will be plenty of time for Congress to make its appropriation, if it desires. If it makes an adverse report, of course, the power is in Congress to pass a new law on the subject; but to-day there is no law that authorizes an appropriation. The only law in existence on the question of pneumatic tubes is the law that created the commission to look into the advisability of the continuation of the pneumatic tubes and the provision that the Postmaster General shall hold them in use until June 30. That is all there is to this question.

Mr. STEENERSON. Will the gentleman from Tennessee withhold his point of order?

Mr. STAFFORD. I should like to be heard on the point of order.

Mr. STEENERSON. I move to strike out the last word.

The CHAIRMAN. The matter that is pending is the point of order. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. STEENERSON. I want to speak about the subject that has been discussed, if the gentleman from Tennessee will withhold his point of order. I believe I am the only member of this commission present.

Mr. MOON. Yes; I will be very glad to withhold the point of order.

The CHAIRMAN. The gentleman withholds the point of order. The gentleman from Minnesota is recognized for five minutes.

Mr. STEENERSON. Mr. Chairman, I think there is something involved here that is of very much greater importance than the question whether this pneumatic-tube service shall be continued or not. The gentleman from Pennsylvania [Mr. MOORE] has read the statute whereby Congress established a special commission, who were authorized and directed to investigate the value of the pneumatic-tube service and of the property devoted to that purpose, and to report the results of their investigation on the 1st of January next. Pending that investigation by the commission which was duly created by Congress, the Postmaster General, in his annual report, has taken up the subject of this pneumatic-tube service and condemned the whole service absolutely, denouncing it as antiquated and useless, and as an extravagant waste of the public funds. The respect and consideration due from one coordinate branch of the Government to another, I submit, would dictate that the Postmaster General should withhold judgment until the commission could perform the duty intrusted to it by Congress.

Mr. TREADWAY. May I ask the gentleman if that is not absolutely contrary to the testimony taken before the commission of those experienced in the use of pneumatic tubes in the cities where they have been in use, such cities as Boston and Philadelphia?

I was wondering whether the Postmaster General had estab-

purchase and operation of the same or any portion thereof by the Government and to ascertain the cost and the terms upon which such pur-

Mr. STEENERSON. I believe that is correct, although I am not going into a consideration of the merits of that question. A year ago, and prior to that time, the department recommended the continuation of the pneumatic-tube service in the city of New York below Forty-second Street, and most of the tubes in New York are in that territory; but this year the Postmaster General in his annual report condemns the whole service, including that in New York, and denounces it as an extravagant waste of public money, and further goes on to say that the friends of the pneumatic-tube companies will undoubtedly come before Congress and claim that it is a valuable service and will try to mislead the public, and that they have so attempted heretofore; and the Postmaster General's report carries the impression that there is nobody in favor of this service except the representatives of the two companies.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. MOORE of Pennsylvania. I wish to say to the gentleman that my interest in this matter is not on behalf of the pneumatic-tube companies primarily. The people who are behind this movement, so far as Philadelphia is concerned, are the merchants and business men who have been advantaged by the use of the pneumatic tubes and who desire future service. I think it is fair to say that, in view of the gentleman's statement.

Mr. STEENERSON. What I want to say is, as a matter of courtesy and of regular procedure, when a commission authorized by Congress has been created to investigate a subject and while their report is pending, before they have come to any conclusion, whether it is the province of an executive department of this Government to come before Congress in an annual report and denounce the subject embraced in that investigation and pass judgment upon it, forestalling whatever action may be taken. I am, perhaps, the only member of this pneumatic-tube commission on the floor to-day. I do not see any of the other members present. It seems to me it is unfair to Congress and to the commission for the Postmaster General to send in a report that absolutely condemns and passes judgment upon the subject which Congress has committed to this commission and which we have until the 1st of January, at least, to pass judgment upon. This is not the first time that the Post Office Department has been guilty of that kind of discourtesy to Congress. Some years ago there was a commission appointed, called the Bourne Commission, on second-class rates and railway-mail pay, and they were going to make a report to Congress, and eventually made one. But before the report was made public, while it was in course of preparation, the Post Office Department caused to be prepared and introduced a bill varying entirely from the subsequent recommendations of the postal commission.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. I ask unanimous consent for five minutes more.

Mr. MOORE. Is the gentleman going to speak on this subject?

Mr. STEENERSON. Yes.

Mr. MOORE. All right.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. STEENERSON. In this case the commission has not had time to report. The report is not due yet, but nevertheless a department official comes in and practically insults Congress by saying that the service whose value we are investigating is of no value whatever—that it is a waste of public funds. It seems to me that the Congress ought to resent such action.

I am not now discussing the merits of the pneumatic-tube question. I am not saying what the commission will report. I am sure I do not know. I think they are all proceeding with open minds to do justice to the Postal Service and the Government and to all concerned, but it seems to me it is about time that we should take notice that here is a department of the Government that assumes to condemn what Congress has said we shall investigate and to pass judgment on this matter in advance of our judgment. May I ask where does this authority come from? Upon what meat does this our Caesar feed that he has grown so great that he can not wait until Congress shall have rendered judgment? Then he might differ. But while that proceeding is pending it seems to me a grave impropriety for the department to come in here and condemn the whole subject as a waste of public funds.

Mr. MOORE of Pennsylvania. The gentleman is a member of the commission?

Mr. STEENERSON. I am.

Mr. MOORE of Pennsylvania. Does the gentleman care to state whether the commission is preparing a report?

Mr. STEENERSON. I understand the commission will prepare a report to be submitted within the time required before the 1st of January, and if they do not it will ask for more time.

Mr. MOORE of Pennsylvania. Would not the effect of an adverse report now be to confiscate the property of those who have made the investment?

Mr. STEENERSON. Oh, the gentleman is trying to get me to express an opinion which I should not give.

Mr. MOORE of Pennsylvania. Without an appropriation there will be a loss of service, whether the report is favorable or unfavorable.

Mr. STEENERSON. There is no doubt that if the appropriation is not continued, the whole service in every city where it is used will cease on the 1st of July, including New York City, where the postal experts recommend that it be continued, because it is valuable.

Mr. TREADWAY. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. TREADWAY. In addition to the statement made by the gentleman from Pennsylvania, the patrons of the offices, not necessarily the owners, but the patrons are going to suffer if no appropriation is made.

Mr. STEENERSON. If it is valuable, they will be deprived of it.

Mr. TREADWAY. Is not the testimony of those who appeared before the commission that the service is a valuable service?

Mr. STEENERSON. I am not prepared to say——

Mr. TREADWAY. My interest is not for the owners of the property, but it is whether the patrons who are accustomed to this form of service shall be protected. As far as my observation goes, in the city of Boston it is of the greatest value and the greatest benefit to the business interests of that city that that service should be continued, and therefore, it seems to me, that it is taking an undue advantage under a parliamentary technicality if this appropriation in the present bill for the continuation of that service is not continued.

Mr. MOON. I want to say to the gentleman that there is no parliamentary technicality about it; it is the existing law.

Mr. STEENERSON. So far as my recollection goes, the Pneumatic Tube Commission has not heard one single witness on behalf of the tube company. All the testimony that was taken was taken in Boston, New York, Philadelphia, Chicago, and St. Louis, and was offered on behalf of citizens who were affected by the pneumatic-tube service.

Mr. TREADWAY. They were all favorable to the service.

Mr. STEENERSON. They were offered as witnesses in those cities in behalf of having the service continued.

Mr. TREADWAY. Absolutely; and it will be indefinitely.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask that the time of the gentleman be extended five minutes.

Mr. MOON. Mr. Chairman, I insist on a ruling on the point of order.

Mr. STAFFORD. Will the gentleman indulge me? The gentleman from Pennsylvania requested me to make an argument on the point of order. I believe that it is in order, and I can cite authorities that will confirm that, and unless the Chair insists on ruling I would like to be heard.

The CHAIRMAN. The Chair will hear the gentleman. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Minnesota be extended five minutes. Is there objection?

Mr. MOON. I object.

Mr. STAFFORD. Mr. Chairman, the question of pneumatic-tube service is not a new subject in this House. It has its authority back in 1902, when for the first time authority was conferred on the Postmaster General to enter into contracts for the transmission of mail by pneumatic-tube service for a period not exceeding four years. I wish first to direct the attention of the Chair to section 1374 of the Postal Laws and Regulations. In that authorization there was a provision that before the contracts should be made the Postmaster General was to have a commission appointed that would investigate the needs of the service, and if it recommended favorably he was authorized to enter into contracts. I will read the language, so that the Chair will know exactly what were the conditions that limited the authority of the Postmaster General in the first instance in making contracts for four years for this service.

That no advertisement shall issue until careful investigation shall have been made as to the needs and practicability of such service and until a favorable report in writing shall have been submitted to the Postmaster General by a commission of not less than three expert postal

officials to be named by him, nor shall such advertisement issue until in the judgment of the Postmaster General the needs of the Postal Service are such as to justify the expenditure involved. Advertisements shall state in general terms only the requirements of the service and in form best calculated to invite competitive bidding.

Then in the last paragraph of that authorization which was passed in 1902 we find this provision:

And thereafter only such contracts shall be made as may from time to time be provided for in the annual appropriation act for the Postal Service, and all provisions of law contrary to those herein contained are repealed.

Mark you, Mr. Chairman, the specific indication on the part of Congress in 1902 is, as far as the future contracts were concerned, that they should be based on the amount of appropriations of Congress from time to time.

Mr. MOON. When was that act repealed?

Mr. STAFFORD. It has never been repealed, according to the decision of the gentleman from Georgia [Mr. CRISP] last year. I will come to that in a minute. I wish to call attention to this phraseology, because both acts must be construed together. I will now read the language again for the information of the Chair and others who are not acquainted with the phraseology:

And thereafter only such contracts shall be made as may from time to time be provided for in the annual appropriation act for the Postal Service, and all provisions of law contrary to those herein contained are repealed.

If the law had not been subsequently amended, there would be no question whatever, Mr. Chairman, that this amendment now offered by the gentleman from Pennsylvania would be in order, because it is merely an appropriation for this service.

Then, in the appropriation act of 1906—and I well remember the occasion, because the Postmaster General, Mr. Cortelyou, came before the committee and recommended this change granting an extension of authorization to make contracts from 4 years to 10 years, and the committee extended the time, thinking we could get more favorable contracts by a 10-year lease—we passed this provision:

For the transmission of mails by pneumatic tubes or other similar devices, $900,000; and the Postmaster General is hereby authorized to enter into contracts, not exceeding in the aggregate $1,250,000—

And the amount carried in the amendment offered by the gentleman from Pennsylvania is below that amount—

under the provisions of the law—

What law? Under the provisions of the only law then on the statute books, namely, the act of 1902—

for a period not exceeding 10 years, provided that said service shall not be extended in any cities other than those in which the service is now under contract under authority of Congress, except the Borough of Brooklyn, of the city of New York, and the cities of Baltimore, Md.; Cincinnati, Ohio; Kansas City, Mo.; Pittsburgh, Pa.; and San Francisco, Cal.—

Again, I call the attention of the Chair to the only limitation carried in that enactment of 1906, namely—

and the Postmaster General is hereby authorized to enter into contract not exceeding in the aggregate $1,250,000 under the provisions of the law for a period of not exceeding 10 years—

Construing that law with the prior enactment, the prior enactment was continued in every particular except three, one that the authorization to enter into a contract was extended from 4 to 10 years, next naming the cities where this service might be installed, and, thirdly, the amount that might be contracted for was restricted to the amount of $1,250,000.

Mr. Chairman, this is not a new question. This identic question was presented to the attention of this committee a year ago when the Post Office bill was under consideration, and the eminent parliamentarian, because we all so regard him, the gentleman from Georgia [Mr. CRISP], was in the chair. He passed upon the very point of order that is now submitted to the Chair for decision. What was that amendment? The amendment was offered by the gentleman from Massachusetts [Mr. TAGUE], as follows:

Page 15, line 15, after the word "devices," strike out "$449,500" and insert in lieu thereof "$1,061,000, for continuance of service now existing in New York, Philadelphia, Boston, Chicago, St. Louis, and Brooklyn."

A point of order was raised against that by the gentleman from Tennessee [Mr. MOON]. Extended argument was had, and the Chairman [Mr. CRISP] rendered the following decision, to be found on page 1340 of the CONGRESSIONAL RECORD of the second session of the Sixty-fourth Congress:

The Chair is ready to rule. Of course, the Chair would be glad to hear from any gentleman who wishes to be heard on the point of order. The amendment offered by the gentleman from Massachusetts [Mr. TAGUE] proposes an increase in the amount appropriated in the bill for pneumatic-tube service to $1,061,000, and provides that it shall be used for the pneumatic-tube service in the cities of New York, Philadelphia, Boston, Chicago, St. Louis, and Brooklyn. Under the law this pneumatic-tube service is authorized in those particular cities, and the law provides in letting contracts for the pneumatic-tube service in those particular cities the Postmaster General shall observe the law relating to letting of mail contracts except, before a contract shall be entered into for pneumatic-tube service within those named cities, he shall first appoint a commission and that commission shall report recommending that the service be used.

In the opinion of the Chair the amendment does not enlarge the number of cities authorized by law to have pneumatic-tube service. The amendment increases the amount appropriated for this service, but the amount proposed comes within the amount limited by statute. In the opinion of the Chair, if this amendment should prevail, the Postmaster General is not required to use it; but the Postmaster General would have the right, if he saw fit, to appoint another commission, and if that commission recommended the use of the service he would have funds at his disposal to continue the service as provided by law. Therefore, the Chair overrules the point of order.

That is the latest expression from a Chairman of this House upon this identic question, and I leave it for the Chair to pass upon the point of order raised by the chairman of the committee, the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Chairman, if I wanted some one to make the question real muddy, I would surely call upon my friend from Wisconsin [Mr. STAFFORD]. The question there raised, in Mr. CRISP's ruling, is not this question at all. The question presented there was whether you had a right to use a part of a fund that was being appropriated for a specific purpose in the extension of work within the limitation provided by law. Here is a question presented to you where a statute is repealed by operation within itself. It provides that it shall not be effective—and it is a statute for the purpose of making contracts for the Postal Service—after the lapse of the first contract of 10 years until after a report made by a postal commission shall have been filed determining the fact that the service is available and ought to be continued. The Congress of the United States took exactly that view of the question. If that statute had not expired by limitation, if the conditions under which its existence should continue were enforced, there would be not a particle of sense in the passage of the law as we passed it at the last Congress extending the operation of the contract under the old statute, until a commission appointed by the House should inquire into the question. It is too simple a question, in my judgment, for discussion between lawyers.

The CHAIRMAN. The Chair is ready to rule. Section 2 of Rule XXI is the rule governing this matter and is so well known to the Members that the Chair will not rehearse it. It is the rule that legislation shall not be added to an appropriation bill, and if offered is subject to the point of order. The Chair thinks this amendment is broader in its scope than the amendment cited by the gentleman from Wisconsin [Mr. STAFFORD], and the Chair thinks this case is a clear case of attempting to add legislation to an appropriation bill, and the point of order is sustained.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HULL of Iowa: Page 15, line 25, after the numerals "$2,600,000," insert the following: "No part of this money shall be paid for any messenger service unless it be to the mail messenger who was the lowest qualified bidder at the time the contract was first called for."

Mr. MOON. Mr. Chairman, I reserve a point of order on that.

Mr. HULL of Iowa. Mr. Chairman, it is useless and I will not take up the time of the committee arguing the point of order. This identical motion was submitted at the end of the Sixty-fourth Congress with the distinguished gentleman from Georgia [Mr. CRISP] in the chair. It was debated and the point of order overruled. I refer you to page 1355, last session of the Sixty-fourth Congress.

Mr. MOON. I am not caring about the point of order, I just wanted to reserve it as I wanted to hear the gentleman on its merits.

Mr. HULL of Iowa. I hope the gentleman will hear me on the merits of the matter we have under consideration. The item in the appropriation bill is to pay the mail messengers who serve this Government. The amendment I will admit does not go as far as I wish it did. These men are faithful and devoted to the duty they have to perform. They carry the mail in our towns and villages from the post office down to the railroad and back. The Government insists on letting this by contract to the lowest bidder. Now, I submit that in this day and age this system is not a fair method of hiring labor, but we can not strike at the system but we can strike at one of the vicious methods that they use to put this labor down further than the lowest bid, and that is this: I ask any gentleman who will be called upon to vote if he thinks it is fair, after you have asked some poor man to bid for a chance to earn a little bread for his family, if it is fair for any department of this Government to go out and take that bid and go to some man that did not bid and say, "I will give you the job if you will do

it for $25 a year less than the low bid." And that is what your department is doing. This amendment will compel them, when they ask for a low bid and a man qualifies, to accept that low bid.

Mr. MOON. Is all of this work let out by bid?

Mr. HULL of Iowa. Yes; as I understand it.

Mr. MOON. Is it not a fact that it is not a service of that kind altogether? I think it is purely contract, and sometimes the railroads perform it themselves.

Mr. HULL of Iowa. That comes on another item. That has nothing to do with the mail-messenger service.

Mr. MOON. The gentleman is speaking, as I understand, I may be wrong, about putting a limitation on this appropriation for payment for messenger service between trains and the depot and post office?

Mr. HULL of Iowa. I am referring to the item as it is in this bill. Now, I will admit that the railroads hire some service, but that is paid for under another item in this bill, and this item has nothing to do with that. This is where the service is less than a quarter of a mile from the depot to the post office.

Mr. MOON. What service is the gentleman talking about if he is not talking about that? Is not the gentleman talking about service between the railroad, the depot, and——

Mr. HULL of Iowa. I am talking about the mail-messenger service in the item in the Post Office bill.

Mr. MOON. The First Assistant Postmaster General says:

It is service such as between the depot and the post office in small locations and, of course, a number of those contractors resign and we have to readvertise.

Is that the service the gentleman is talking about?

Mr. HULL of Iowa. It is mail-messenger service between the post office and the railroad, and I am informed by the gentleman from Illinois [Mr. MADDEN] that the railroads do not perform any at present, but I am inclined to think he is mistaken, but that makes no difference.

Mr. MOON. The proof shows this. To be perfectly candid with the gentleman, has he noticed the statement of the department with reference to this matter? Shall I read it?

Mr. HULL of Iowa. Yes; I would like the gentleman to do so if they have anything to say.

Mr. MOON. It is as follows:

The CHAIRMAN. The next item is "For mail messenger service, $2,600,000, an increase of $357,000." Is this due to the natural and normal increase in the business?

Mr. KOONS. Yes; this is to take care of the increased cost of the service; also on account of the service at some of these encampments which we must perform.

Mr. MADDEN. This is not the Special Delivery Service?

Mr. KOONS. No, sir; it is service such as between the depot and the post office in small locations and, of course, a number of those contractors resign and we have to readvertise.

What I want to get at is this: If the gentleman simply wished to place a limitation on the amount of appropriation?

Mr. HULL of Iowa. If they let this by contract I want the department to be forced to let it to the lowest bidder, and that when the low bid comes in and the man is qualified, he shall have it. They can require that there shall be two or three bids; they can require that there shall be no collusion between bidders; they can require anything they have a mind to, but it must be publicly announced what they require of a man to qualify.

Mr. MOON. Suppose that is all done now?

Mr. HULL of Iowa. It has not been done heretofore.

Mr. MOON. What evidence has the gentleman that it has not been done?

Mr. HULL of Iowa. If it has been done it has been done in the last year, or since I called the attention of the committee to their contemptible methods.

Mr. MOON. That has been the lawful way of doing it all the time.

Mr. HULL of Iowa. Then, they have been illegal.

Mr. MOON. Now, what new law does the gentleman want to make on that subject?

Mr. HULL of Iowa. Just what I have written in there; and if that is done, you should have no objection to the amendment.

Mr. MOON. Suppose that is the law now, what is the use of rewriting it?

Mr. HULL of Iowa. It is not carried out by the department.

Mr. MOON. You can not make the department carry it out by rewriting the existing law.

Mr. HULL of Iowa. I know this, that I was in a post office for 12 years, and that contract was let a number of times, and they never accepted the low bid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLOAN. Mr. Chairman, I ask that the gentleman be given five minutes more. I would like to address a question to him.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the gentleman from Iowa have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. HULL of Iowa. There are several thousands of these mail messengers, and they are serving this Government to-day, whether it is cold or warm, rain or shine, and they are getting from 50 cents to a dollar a day to do it. Do you think a man can live on that? They get up at 6 o'clock in the morning, and many of them are not off duty until 9 o'clock at night.

Mr. MOON. Will the gentleman pardon me if I ask him for the exact language of his amendment?

Mr. HULL of Iowa. Have it read.

The CHAIRMAN. The Clerk will read the amendment.

The amendment was again reported.

Mr. MOON. Does the gentleman mean by that, that if a contractor should resign the service would not be performed at all?

Mr. HULL of Iowa. I mean, if the Government asked for the lowest bid, under certain regulations, when they let that bid they shall not have the right to go out and peddle the low bid to the high bid, or to a man outside, and get him to beat down the wages of the low bidder, if he is the qualified bidder.

Mr. MOON. The law now provides for advertisement and contract, and it is let to the lowest bidder. The Government reserves under the general law the right to reject any and all bids. The gentleman does not want to change that law, and could not if he wanted to, on this bill. Now, suppose the contract has been let to the lowest bidder and that bidder throws up the contract and quits, is it the purpose of the gentleman to prevent the Government from making any other contract?

Mr. HULL of Iowa. Certainly not, and the gentleman knows it is not.

Mr. MOON. I did not think it was.

Mr. HULL of Iowa. The language is plain. You ought not to object to the amendment.

Mr. MOON. There are a good many things, possibly, I ought not to do that I am doing.

Mr. HULL of Iowa. What I wish to know is, is it fair or right to advertise that you intend to let a contract to the lowest bidder and, after some one qualifies as such, to let it to another party?

Mr. MOON. But I do not think it is quite reasonable to put that thing in the law that is now the law.

Mr. HULL of Iowa. I am only appealing for these poor fellows who do not have enough with which to feed their families to-night; and we all admit that this great Government of ours ought to pay a man a living wage.

Mr. MOON. Everybody feels the way you do about that. You are not alone on that.

Mr. SLOAN. May I ask the gentleman if this does not relate to men who carry the mails in small towns where the post office is a considerable distance from the railway station?

Mr. MOON. Now, Mr. Chairman, if the gentleman will yield just a moment, I will say that I do not care anything about this. I think it is a useless thing to do. I will not say that it is a foolish thing. If you want to put it on, I have no objection.

Mr. SLOAN. It is a very good place for me to terminate my speech.

Mr. HULL of Iowa. Thank you; and for the thousands of these poor fellows, I again thank you.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Iowa [Mr. HULL].

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. HULL of Iowa. Division, Mr. Chairman. I want to see the gentlemen rise who would vote to defend this outrageous method of doing business.

The committee divided; and there were—ayes 14, noes 11.

So the amendment was agreed to.

The Clerk read as follows:

Railway Mail Service: For 15 division superintendents, at $3,250 each; 2 assistant superintendents, at $2,350 each; 15 assistant division superintendents, at $2,250 each; 115 chief clerks, at not exceeding $2,100 each; 465 clerks, grade 10, at not exceeding $1,800 each; 2,032 clerks, grade 9, at not exceeding $1,700 each; 293 clerks, grade 8, at not exceeding $1,600 each; 3,299 clerks, grade 7, at not exceeding $1,500 each; 1,078 clerks, grade 6, at not exceeding $1,400 each; 1,788 clerks, grade 5, at not exceeding $1,300 each; 3,801 clerks, grade 4, at not exceeding $1,200 each; 65 clerks, grade 3, at not exceeding $1,100 each; 1,974 clerks, grade 2, at not exceeding $1,000 each; 1,837 clerks, grade 1, at not exceeding $900 each; in all, $28,100,000: *Provided*, That railway postal clerks shall be credited with full time when deadheading under orders of the department, and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and, to enable the Postmaster General to reclassify the salaries of railway postal clerks and make necessary appointments and promotions, he may exceed the number of clerks in such of the grades as may be necessary: *Provided*, That the number of clerks in the aggregate as herein authorized be not exceeded.

Mr. STEENERSON. Mr. Chairman, I would like to ask the chairman if there is not an error in the number of clerks provided for under this paragraph?

Mr. MOON. I do not know of any error in it. The gentleman ought to know as much about it as I do. He is on the committee.

Mr. STEENERSON. My attention was called to an error, and I had it marked on my copy of the bill, but I have not got it here.

Mr. MOON. Let us go on.

Mr. STEENERSON. Very well. I thought the chairman had it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For transportation of foreign mails, $5,800,000: *Provided*, That the Postmaster General shall be authorized to expend such sums as may be necessary, not exceeding $103,000, to cover the cost to the United States of maintaining sea post service on steamships conveying the mails.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. The appropriation in the current bill for transportation of foreign mails is $3,720,900. The amount here carried for this service is $5,800,000, an increase of more than $2,000,000.

Mr. MADDEN. That is due to the establishment of the Army on the other side, and $2,000,000 is estimated as the amount needed for that service.

Mr. STAFFORD. Will the gentleman permit an inquiry in that particular whether this $2,000,000 additional is for the expense of transporting the mails to our Army in France and in continental Europe?

Mr. MADDEN. Yes; and for the distribution of the mail there.

Mr. STAFFORD. For the distribution of the mail?

Mr. MADDEN. Yes.

Mr. MOON. All mail.

Mr. STAFFORD. Under the former practice, before the war conditions prevailed with an army over there, we paid very little for the transportation of the mails across European countries. The expense was borne by the countries over which the mail was carried. I realize the necessity of the expense that arises by reason of our taking exclusive charge of the handling and dispatch and the delivery of the mails for our soldiers in Europe, and I suppose, then, that this $2,000,000 additional is largely for that expense.

Mr. MOON. Largely so, but of course the general mail is bound to increase some by reason of the general conditions.

Mr. STAFFORD. The general mail would be restricted, because we know that there is not as much foreign mail being dispatched, other than that for our soldiers, as was carried prior to the war. All mail is virtually interrupted to the central powers.

All mail is virtually interrupted in its dispatch to Russia, and the mail is less even to Sweden and Norway and the other neutral countries, but the mail necessarily is very much larger as dispatched to France, which includes the mail for our Army.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I shall be very glad to yield to the gentleman.

Mr. COX. The hearings disclose on page 84, if the gentleman will turn to them, that they are handling this foreign business very cheaply. It is stated there that the mail is handled per month at a cost of 12 cents and at a cost of $1.44 per year for each soldier in France. It is stated:

The cost of the service, based on the present Army over there, is $1.44 per man per year, or 12 cents per man per month. The $2,000,000 is obtained by taking 100,000 men per month for next year at 12 cents per man per month.

Mr. STAFFORD. Do I understand that our Post Office Department has virtually established a postal service of its own in France?

Mr. COX. Absolutely.

Mr. STAFFORD. And is paying out $2,000,000 for its maintenance in this particular?

Mr. COX. Yes.

Mr. STAFFORD. It is not only for the transportation of our mails, as indicated here, but also for the maintenance and delivery and disposition of the mail for our Army?

Mr. COX. That is true.

Mr. STEENERSON. That is subject to this qualification, that the distribution and delivery of the mail to the soldiers is not performed by the Postal Service but by the Army. It is not actually delivered to the soldiers.

Mr. MADDEN. It is delivered to the companies.

Mr. STAFFORD. I would like to know if we are sending over to France civilian employees to look after the distribution of the mails, or whether we are utilizing the enlisted force for that purpose.

Mr. COX. We have 86 men there now.

Mr. STEENERSON. They stated that the postal officials took care of the mails until they were ready to be delivered to the organizations in the Army. Then the Army men take it and distribute it among the soldiers.

Mr. STAFFORD. Can any member of the committee advise us as to the means of transportation to continental Europe and whether the old method prevails of sending the mail on the trans-Atlantic steamers or whether the Government is sending the mail by steamers under its own control?

Mr. COX. The transport ships are carrying a great deal of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. STAFFORD. I make this inquiry because of information that I have received from the Third Assistant Postmaster General's office, that frankable matter would be carried to our soldiers at the European war front without extra cost. This could only be done in case the mails were being transported on Government-operated ships; because if they were being transported as formerly on privately owned ships, naturally we would have to pay additional for that character of service.

Mr. MOON. Was not a letter put into the RECORD directed to the gentleman from Indiana [Mr. Cox] on that question?

Mr. COX. Yes.

Mr. MOON. If the gentleman will refer to that he will get the information he wants.

Mr. STAFFORD. I was unaware of that letter having been printed. Can the gentleman from Indiana in a word give us the views of the department on that question?

Mr. COX. I really can not. If the gentleman will read the letter he will get the information he wants.

Mr. STAFFORD. I will be glad to examine the letter for my own information.

Mr. COX. Mr. Chairman, I ask unanimous consent for two minutes in which to make a statement.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. COX. I was somewhat struck with the cheapness of the way in which the Government was handling the mail to our soldiers. Mr. Praeger, the Second Assistant Postmaster General, in his statement before the Post Office Committee, said:

The cost of the service, based on the present Army over there, is $1.44 per man per year, or 12 cents per man per month. The $2,000,000 is obtained by taking 100,000 men per month for next year at 12 cents per man per month.

Mr. COX. That is not much in excess of what it costs this country per inhabitant.

Mr. MADDEN. That is for the entire service, but this is only the cost of the transportation over there.

Mr. COX. You say it is $1.44 per man?

Mr. PRAEGER. It is $1.44 per man per year.

* * * * * * *

Mr. COX. It looks to me like you were getting it very cheaply.

Mr. PRAEGER. I will tell you why we get by with it cheaply. It is for the reason that we have only four French liners on which we have to pay for carrying the mail across. The rest of the mail is carried on transports, in vacant space in the transports, which costs nothing out of our fund.

Mr. COX. The Fourth Assistant Postmaster General tells me that it costs $1.59 per patron on the rural routes.

So we are getting our mail over to our Army more cheaply than we are getting it to the patrons of the rural routes.

Mr. MADDEN. The reason for that is this, though, that while we deliver the mail to the individual rural patrons by carriers we only deliver the mail through the Post Office Department to the regimental units at the front.

Mr. COX. That is true.

Mr. MADDEN. And they make the distribution among the men.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words. I think there are two matters in connection with the delivery and handling of mails to soldiers that ought to be given very careful attention. One is, why is there the discrimination between our men in foreign service having free postage and our men in service in this country not being given the same privilege? That has been called to my attention quite

recently. I can personally see no reason why these men are not just exactly as much entitled to that service, of the freedom of the mails, as the men who are overseas.

Another matter that has recently come to my attention is partially covered by the letter from Mr. Praeger, to which reference has been made. I received a letter yesterday from a gentleman having two sons overseas, who writes me that he can go to Canada, mail letters and packages to his sons, have them promptly delivered, and secure a reply from them more quickly than he can from his own home in Massachusetts, and that he has done so in order to hear from his boys. It strikes me that such a condition as that, and the statement that there are thousands and thousands of bundles of mail addressed to our soldiers stored in warehouses in Paris, ought to be given prompt attention by the postal authorities. I have transmitted the letter to the Post Office Department with a request for a prompt investigation.

Personally, I do not think there can be any excuse for such a condition as I have described and which I am sure does exist, that mail can be delivered through Canada and sent to the soldiers in France and reach them with a fair degree of promptness, and that we can not get similar service from this country to our boys over there. I am not criticizing the department. I realize that the conditions under which they are serving are difficult; they are probably doing the best they can, but when such conditions as these are brought to their attention I think they are entitled to careful investigation; and I also wish that the committee or some one familiar with the details would explain why the soldiers over there should have free postage and not those here. Both are doing their whole duty and deserve the best consideration and attention we can give them. When the proper time comes I hope to see free postal facilities given every man in the service.

Mr. STEENERSON. Mr. Chairman, in reply to the gentleman from Massachusetts I will say that several bills were introduced in the last Congress providing for free mail to the soldiers of the United States as well as to the soldiers abroad. I introduced one such bill and the gentleman from New York introduced another. The Post Office Department appeared before the Senate committee, I think, and offered a substitute, which is now the law, which results simply in free mail to the soldiers abroad. It went into the revenue bill and therefore there was no opportunity to change it. I will say that probably there will be an opportunity to make a change.

Mr. TREADWAY. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. TREADWAY. May I ask the gentleman if it is expected that such a change will be considered by the Post Office Committee in the near future?

Mr. STEENERSON. I think the Post Office Committee will consider it, but I have my doubts about the Post Office Department.

Mr. LITTLE. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. LITTLE. In sending a letter home from France, is it mailed in the French post office?

Mr. STEENERSON. I understand that they have a United States mail service under supervision, and when a letter goes through that service the French have nothing to do with it. Ordinarily when you mail a letter in a foreign country it goes by the conveyance belonging to the foreign country and they get the postage.

Mr. LITTLE. That is an answer to the complaint of the gentleman from Massachusetts in regard to sending anything through the French mail; of course we can not change it. The soldier puts his letter in the French mail with a French stamp on it.

Mr. STEENERSON. If he mails it in the French post office, but if he mails it in the service under the military control they have nothing to do with it.

Mr. LITTLE. There are a few consular offices like Shanghai where they send their letters through the American mail.

Mr. STEENERSON. If the Post Office Department made arrangements whereby the soldiers could send mail free of postage that would have to be by the consent of the foreign government.

Now, Mr. Chairman, we are about to reach line 21, as I understand it, and I am going to reserve a point of order.

Mr. COX. I make the point of order that the gentleman is too late.

The CHAIRMAN. Line 21 has been read.

Mr. STAFFORD. But I immediately rose and moved to strike out the last word and gained recognition, and gentlemen ought not to be precluded from making a point of order.

Mr. STEENERSON. Mr. Chairman, I want to reserve a point of order, to ask the chairman whether he would have any objection to an amendment so as to place the employees under the civil service.

Mr. MOON. This is an entire new section of the bill. It is for the purpose of censoring the mails, to prevent traitorous communications. It is subject to a point of order, if the gentleman wants to make it.

Mr. STEENERSON. The gentleman from Tennessee has not said whether he would be willing to accept an amendment.

Mr. MOON. Does the gentleman take the responsibility of making the point of order on the section?

Mr. STEENERSON. I was reserving the point of order to find out the attitude of the gentleman from Tennessee as to whether he would accept the amendment.

Mr. MOON. The attitude of the gentleman from Tennessee is that he believes the section ought to pass as it is. The purpose of it has been stated. If the gentleman withdraws his point of order to the section we may consider some amendment to it.

Mr. STEENERSON. Mr. Chairman, I will withdraw the point of order and offer this amendment:

The Clerk read as follows:

Page 18, at the end of line 21, insert the following:

"*Provided*, That all persons employed under this appropriation shall be appointed from the list of eligibles to be supplied by the Civil Service Commission in accordance with the civil-service law:

"*Provided further*, That the authority under this appropriation shall cease to be in effect when the existing state of war shall have passed, the date of which shall be ascertained and proclaimed by the President:

"*And provided further*, That it shall be the duty of the Postmaster General to submit to Congress at the beginning of its regular session in December of each year a detailed statement of all persons appointed, and the salary or compensation paid or allowed to each."

Mr. MOON. Mr. Chairman, I make the point of order on that as a whole. If the gentleman wants to have the section amended so as to require a report from the Post Office Department to the Congress I have no objection to that part of it.

Mr. STEENERSON. Mr. Chairman, I submit that the gentleman can not censor my amendment. I have a perfect right to offer this amendment.

Mr. MOON. I have no question about the gentleman's offering it, but I am making the point of order to it.

Mr. STEENERSON. The gentleman knows that is not subject to the point of order. What is the point of order?

Mr. MOON. It is that it is new law.

Mr. STEENERSON. But the whole thing is new law.

Mr. MOON. I know it is, and that is the reason I made the gentleman withdraw his point of order to this before we agreed to consider it.

Mr. STEENERSON. But the gentleman knows very well that when you make new law you have a right to offer an amendment to that proposition.

Mr. MOON. Not unless it is strictly germane to the question.

Mr. STEENERSON. This is germane to the appropriation.

Mr. MOON. It is not germane to the appropriation to undertake to place the employees of the department under civil service in that connection.

Mr. GILLETT. Mr. Chairman, if the Chair is ready to rule I do not wish to take up any of his time, but——

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GILLETT. Mr. Chairman, the whole paragraph is subject to a point of order.

Mr. MOON. Surely, and if the gentleman makes the point of order upon it it will go out.

Mr. GILLETT. Then, we can certainly amend it.

Mr. MOON. Not until after you have passed on the point of order.

Mr. GILLETT. It is certainly germane, because the general law provides that all appointments like this shall be filled from the civil service. I do not see why this would not be appointed from the civil service, unless it carries a provision to the contrary.

Mr. MOON. That might be, but the point is this: Here is a section that is new. It simply provides for a censorship of foreign mails. That is subject to a point of order, and if anyone wants to make the point of order, he can do so; but the point of order is not made. It is now proposed to amend it. I insist that an amendment that covers the placing of employees under the civil service is not germane to a proposition to censor foreign mails.

Mr. GILLETT. Mr. Chairman, it seems to me that that proposition is preposterous, because the censorship of foreign mails provides, of course, as the gentleman will admit, for the employment of clerks. To say whether clerks shall be appointed from the civil service or not is certainly germane to the appointment of clerks.

Mr. MOON. This leaves the matter to the department, and that is where it ought to be left.

The CHAIRMAN. The Chair is ready to rule. On page 18, line 21, provision is made for a censorship of foreign mails. That provision was subject to the point of order, but has already been accepted, no point of order having been made against it. The Chair thinks that any matter by way of amendment that is germane should be acceptable and not subject to the point of order, but the Chair thinks that the first proviso of the amendment is not germane and modifies the existing civil-service law. Therefore this invades the rule as to germaneness, and the Chair sustains the point of order.

Mr. STEENERSON. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Minnesota appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the decision of the committee?

The committee divided; and there were—ayes 18, noes 14.

So the committee determined that the decision of the Chair should stand as the decision of the committee.

Mr. STEENERSON. Mr. Chairman, I make the point of order there is no quorum present.

Mr. MOON. I will ask the gentleman, who is a member of the committee and ought not to be offended because the House does not agree with him——

Mr. STEENERSON. I thought the gentleman was perfectly willing to have this matter offered as an amendment. I offer it as a matter of principle. The gentleman did not say he was going to make a point of order.

Mr. MOON. I said that I was willing that this last provision, although it might not be in order, might be offered. Every man in this House knows how I stand——

Mr. STEENERSON. If the Chair will send down that amendment I will redraft it in a minute.

Mr. MOON. If the gentleman will offer the last provision——

Mr. STEENERSON. I will offer each one as a separate amendment. Mr. Chairman, I offer the second proviso, to wit:

Provided, That the authority under this appropriation shall cease to be in effect when the state of war shall have passed, the date of which shall be ascertained and proclaimed by the President."

Mr. MOON. The gentleman offers that?

Mr. STEENERSON. I offer it as an amendment.

Mr. MOON. I do not object to that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STEENERSON: Page 18 after line 21, insert the following:

"*Provided*, That the authority under this appropriation shall cease to be in effect when the state of war shall have passed, the date of which shall be ascertained and proclaimed by the President."

The question was taken, and the amendment was agreed to.

Mr. STEENERSON. Mr. Chairman, I offer this amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STEENERSON: Page 18, at the end of line 21, insert the following:

"*And provided further*, That it shall be the duty of the Postmaster General to submit to Congress at the beginning of its regular session in December of each year a detailed statement of all persons appointed and the salary or compensation paid or allowed to each."

Mr. MOON. Now, Mr. Chairman, we need not discuss that, that is all right.

Mr. STEENERSON. I presume I have a right to discuss it.

Mr. MOON. But the gentleman does not want to discuss it after it is agreed to.

Mr. STEENERSON. But it has not been agreed to yet.

Mr. MOON. It will be.

Mr. STEENERSON. Does the chairman of the Committee on the Post Office and Post Roads assume that I have no right to five minutes?

Mr. MOON. Of course he has, go ahead.

Mr. STEENERSON. Mr. Chairman, this provision for $1,200,000, as explained by the officials of the Post Office Department, was that they now had employed some 150 people as translators. This censorship, they explained, was not intended to operate upon mails to Europe except the mails to Spain. All other trans-Atlantic mails were censored by the allies, and we had no part of that expense. This provision was intended to cover the censorship of the mails to Latin-American countries and across the Pacific.

Mr. AYRES. Will the gentleman yield for a question?

Mr. STEENERSON. Yes.

Mr. AYRES. I would like to know what Congress would do with the list when it was submitted by the Postmaster General?

Mr. STEENERSON. We will find out whether there has been any improper use of the money. The $1,200,000 is a lump-sum appropriation that may be employed, and some people may be given $10,000 a year and some $1,000 a year, and unless we require a list there might be the danger of an improper use of the funds. There certainly can not be any objection to this amendment and, as far as I know, there is none. It is intended to safeguard the public funds, so that they can not be used in a wasteful manner. With these billions of dollars being expended by the public officials in this war it seems to me that every appropriation ought to be guarded in the most careful way.

The lump-sum system of appropriations has been discredited and has been criticized, and, so far as I know, has been largely abandoned by Congress. The Appropriations Committee has constantly sought to segregate appropriations. Now, in this instance, instead of having 100 translators at $1,200 and 100 at $1,500 each, and so forth, here is a lump sum that they could distribute among their favorites if they felt inclined. And for that reason this provision, which was carried in the other laws we passed last Congress, I have taken absolutely from another statute, which I have here on my desk, of the last Congress. So far as the other provisions in regard to civil service are concerned, I will say that the censorship was stated by Mr. Praeger before our committee to be carried on under the provisions of the trading-with-the-enemy act, which is printed in the report we made. The trading-with-the-enemy act contains exactly the same provision in regard to civil service that I have proposed, and it occurred to me that the provision of these laws to safeguard these funds was a perfectly proper limitation upon this appropriation, and for that reason I made it. I was disappointed when the gentleman sought to be so technical as to rule out the civil-service amendment. I shall offer that later on, I think, in parliamentary form. But there can be no objection to the Post Office Department making a report of the manner in which the fund has been expended.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

Mr. STEENERSON. Now, Mr. Chairman, I offer this amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STEENERSON: Page 18, line 21, after the amendments already adopted, insert the following:

"*Provided*, That no portion of this appropriation shall be employed for the payment of salaries except to persons who are appointed under the provisions of the civil-service act."

Mr. MOON. Mr. Chairman, I do not know whether that is subject to a point of order or not. I reserve it. It may be a limitation on the appropriation. If it is not, it is subject to a point of order. I would like to hear from the gentleman from Minnesota, if he wishes to discuss the matter. I want to hear something about it.

Mr. STEENERSON. I will say in regard to the merits of this amendment that I have talked with the Civil Service Commission on this subject, and they say that they can furnish translators better than anyone else. They say there are some confidential employees now, which is all the department has asked for, and these confidential employees, amounting to some 50 or 60, were appointed under the order of the President of the United States under the trading-with-the-enemy act, which is the act that we are trying to help carry on by this provision in this bill. They said that those confidential employees, who are especially selected, are under the Solicitor of the Post Office Department, who is an employee of the Department of Justice. But the Civil Service Commission told me in conversation that they had ample facilities and they were especially anxious to have this matter through their lists, because they thought it was better for the country. Since the war was declared, and perhaps before, they have made special efforts to have tests of loyalty of all civil-service employees.

They go into that more extensively than the Post Office Department possibly could. They say that if their lists are employed in making the selections it will save the Post Office Department a great deal of difficulty in making proper selections, and that they have ample facilities for supplying translators or any other employees that might be desired under this provision. And there having been made provision already for confidential employees, which are under the Department of

Justice, it seems to me that this provision will be of great aid to the carrying out of this one. And further, the trading-with-the-enemy act, which we are by this appropriation to carry out, and which is printed in the hearings which we had before the Post Office Committee, contains exactly this provision and is the law to-day. So that the law we are seeking to carry into effect by this provision had the same civil-service provision as this, and for that reason it seems to me that we ought to adopt this amendment.

Mr. MOON. Now, Mr. Chairman, I am not going to insist on the point of order when I think a point of order is not well taken. This, perhaps, may be treated as a limitation on this appropriation, and for other reasons it may be in order. But I feel like I ought to question the good faith of the gentleman from Minnesota when as a member of the committee he made no suggestions along this line, and also when the matter was taken up a while ago, after it was ruled out of order, he was allowed to go back with the understanding that the last two propositions alone would be considered.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. MOON. If the gentleman had wanted to take advantage of it, he could. I am not complaining of that.

Mr. STEENERSON. The gentleman knows that this provision concerning censorship occupied only a very few minutes before the committee, and there was not time to discuss it.

Mr. MOON. Then it ought to have occupied more time, if the gentleman thought it so important. The gentleman failed to do his duty in not taking more time.

Now, Mr. Chairman, this is a censorship proposition. This is not the employment of an ordinary public servant under the civil service. I do not care what a man thinks about the civil-service law. I do not think anything of it myself, and, so far as I am concerned, I have no very great respect for the civil-service law. But I want to say in that connection that of all the propositions in the world that ought not to come before the Civil Service Commission this is one. Here is work that must be done quickly, and it must be done expeditiously, and it must be done by men who have in the utmost degree the confidence of the Government and the War Board and a commission composed of men engaged in the service. It does not make any difference how efficient a clerk may be or how well he may stand a scholastic examination; if he does not possess those qualifications that would justify the department in making him a censorship employee he ought not to be there, and the Civil Service Commission ought not to have anything to do with it. Perhaps most of these men ought to be secret officers of the Government. I am surprised that the gentleman from Minnesota offers such an amendment. If it were not for my respect for him I would think that the amendment was coming from the Kaiser. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. STEENERSON].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. STEENERSON. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 25, noes 22.

The CHAIRMAN. The amendment is agreed to.

Mr. COX. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. MOON. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana makes the point of order that there is no quorum present. The Chair will count.

Mr. COX. Mr. Chairman, I withdraw that and demand tellers.

The CHAIRMAN. The gentleman from Indiana demands tellers.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the gentleman from Indiana is too late in demanding tellers. Other intervening business has taken place. If the gentleman had demanded tellers on that point of no quorum, then he would have been in order.

Mr. MOON. Tellers were demanded in the beginning.

Mr. STAFFORD. No; tellers were not demanded in the beginning. The gentleman from Indiana waved away gentlemen who suggested that he demand tellers.

The CHAIRMAN. The Chair is informed that the gentleman from Tennessee, the chairman of the committee, demanded tellers at the same time.

Mr. MOON. The gentleman from Wisconsin knows that.

Mr. STAFFORD. The gentleman from Wisconsin does not know that. The gentleman from Wisconsin knows that several gentlemen on the Democratic side asked the gentleman from Indiana to demand tellers and he declined to demand tellers.

Mr. GILLETT. Mr. Chairman, it seems to me that the Chair has not the proper sequence in his mind. It may be that the gentleman from Tennessee [Mr. MOON] did say something about tellers, but when the point of no quorum was made the Chair went on to count, to ascertain if there was a quorum present.

The CHAIRMAN. It is a very common occurrence here that when a point of no quorum is made tellers are demanded, and the Chair understood that was done in this case. The Chair will count. [After counting.] Twenty-five gentleman have demanded tellers—a sufficient number.

Mr. GILLETT. Is this for tellers on the vote?

The CHAIRMAN. Yes.

Mr. GILLETT. I make the point of no quorum.

The CHAIRMAN. The gentleman from Massachusetts makes the point of no quorum, and the Chair will count.

Mr. MADDEN. I suggest to the gentleman from Tennessee to let it go over until to-morrow morning.

The CHAIRMAN (after counting). Sixty-six Members are present, not a quorum.

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. If the committee rises now, the first business when the committee sits again is to take the count by tellers, is it not?

The CHAIRMAN. The Chair thinks that that is right.

Mr. MOON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, and had come to no resolution thereon.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., December 13, 1917.

Hon. CHAMP CLARK,
Speaker of House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as chairman of the Committee on Expenditures in the Department of Justice, same to take effect immediately.

Believe me, I am,
Yours, most truly, JOHN E. RAKER.

The SPEAKER. Without objection, the resignation is accepted.

PANAMA CANAL (H. DOC. NO. 569).

The SPEAKER laid before the House the following message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ending June 30, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *13 December, 1917.*

The SPEAKER. The message and accompanying document will be referred to the Committee on Interstate and Foreign Commerce. The message is ordered printed, but not the accompanying document.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.) the House adjourned until to-morrow, Friday, December 14, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Agriculture, transmitting a report on the status of the Georgia Experiment Station (H. Doc. No. 565); to the Committee on Agriculture and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting statement showing exchanges made during the fiscal year ended June 30, 1917, of typewriters, adding machines, and other similar labor-saving devices, by the Navy Department and Naval Establishment, including the United States Marine Corps (H. Doc. No. 566); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Interior, transmitting an itemized statement of expenditures made by this department and charged to the appropriation "Contingent expenses, Department of the Interior, 1917," fiscal year ended June 30, 1917 (H. Doc. No. 567); to the Committee on Expenditures in the Interior Department and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting an itemized statement of expenditures made by this department and charged to the appropriation "Repairs of buildings, Department of the Interior, 1917," for the fiscal year ended June 30, 1917 (H. Doc. No. 568); to the Committee on Expenditures in the Interior Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GARRETT of Tennessee, from the Committee on Rules, to which was referred the resolution (H. Res. 194) providing for the consideration of House joint resolution 174, reported the same without amendment, accompanied by a report (No. 215), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 7634) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 214), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SHERWOOD: A bill (H. R. 7634) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House.

By Mr. ELLIOTT: A bill (H. R. 7635) to provide for the purchase of a site and the erection of a public building thereon in the city of Greenfield, Ind.; to the Committee on Public Buildings and Grounds.

By Mr. McCULLOCH: A bill (H. R. 7636) to increase the compensation of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: A bill (H. R. 7637) to authorize the construction and maintenance of a dike on Depot Slough, Lincoln County, Oreg.; to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: A bill (H. R. 7638) to authorize the Secretary of the Navy to make payment to the employees of the Navy for leave not taken and used by the employees; to the Committee on Naval Affairs.

By Mr. JACOWAY: A bill (H. R. 7639) for equipment and maintenance allowance for carriers on rural free-delivery routes, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. JONES of Texas: A bill (H. R. 7640) to regulate the number of jurors constituting the juries in the district courts of the United States and the number of challenges for each party, and also the number of grand jurors; to the Committee on the Judiciary.

By Mr. HUDDLESTON: A bill (H. R. 7641) to provide for an increase of compensation to persons in the classified civil service for calendar year of 1918; to the Committee on Reform in the Civil Service.

By Mr. MAPES: A bill (H. R. 7642) to amend paragraph or subdivision (a) of section 201 of an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. EDMONDS: A bill (H. R. 7643) to permit the manufacture of denatured alcohol by mixing domestic and wood alcohol while in process of distillation; to the Committee on Ways and Means.

By Mr. CARAWAY: A bill (H. R. 7644) for equipment and maintenance allowance for carriers on rural free delivery routes, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. SIEGEL: A bill (H. R. 7645) authorizing the President to appoint as assistant adjutants general in The Adjutant General's Department of the United States Army certain clerks employed in The Adjutant General's Department of the Army and heretofore known as "Army field clerks"; to the Committee on Military Affairs.

By Mr. BRUMBAUGH: A bill (H. R. 7646) to provide for the detail of Army officers to the educational institutions of the United States; to the Committee on Military Affairs.

By Mr. LONGWORTH: A bill (H. R. 7647) to amend paragraph 6, section 200, of an act entitled "An act to provide revenue to defray war expenses, and for other purposes"; to the Committee on Ways and Means.

By Mr. LUNN: Resolution (H. Res. 196) congratulating the people of Great Britain on the capture of Jerusalem; to the Committee on Foreign Affairs.

By Mr. EDMONDS: Joint resolution (H. J. Res. 187) proposing to amend the Constitution of the United States to authorize uniform laws on the subject of marriage and divorce and to provide penalties for enforcement; to the Committee on the Judiciary.

By Mr. CARLIN: Joint resolution (H. J. Res. 188) extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914; to the Committee on the Judiciary.

By Mr. LONDON: Joint resolution (H. J. Res. 189) to provide for a commission to inquire into the advisability of establishing national insurance against unemployment, invalidity, and sickness; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 7648) granting a pension to Mrs. James B. Boyer; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 7649) granting an increase of pension to Stephen Vickers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7650) granting an increase of pension to Frederick Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7651) granting an increase of pension to Theron A. Beach; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 7652) granting a pension to Belle Vanneman; to the Committee on Pensions.

Also, a bill (H. R. 7653) granting an increase of pension to Sue N. Inness; to the Committee on Invalid Pensions.

By Mr. BESHLIN: A bill (H. R. 7654) granting an increase of pension to Lyman F. Deming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7655) granting an increase of pension to Sidney J. Crocker; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 7656) granting an increase of pension to Adam E. Haughn; to the Committee on Pensions.

By Mr. CRISP: A bill (H. R. 7657) granting an increase of pension to Oscar N. Cowell; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 7658) granting a pension to Hezekiah S. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7659) granting an increase of pension to Franklin M. Joines; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 7660) granting an increase of pension to Andrew Emmert; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 7661) for the relief of Charles Tomkins; to the Committee on Military Affairs.

Also, a bill (H. R. 7662) for the relief of John A. Ryan; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 7663) for the relief of J. C. McConnell; to the Committee on Claims.

By Mr. GARD: A bill (H. R. 7664) granting an increase of pension to Milton Ross; to the Committee on Pensions.

Also, a bill (H. R. 7665) for the relief of Louis Cupp; to the Committee on Military Affairs.

By Mr. HASTINGS: A bill (H. R. 7666) for the relief of Elisa Audre, daughter of Maria Colston; to the Committee on War Claims.

By Mr. HAWLEY: A bill (H. R. 7667) granting an increase of pension to Henry C. Salton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7668) for the relief of J. W. La Bare; to the Committee on Military Affairs.

Indiana to demand tellers and he declined to demand tellers.

Doc. No. 366); to the Committee on Appropriations and ordered to be printed.

By Mr. IRELAND: A bill (H. R. 7669) granting an increase of pension to Charles A. Booker; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 7670) granting a pension to Charles W. Hanson; to the Committee on Pensions.

Also, a bill (H. R. 7671) granting an increase of pension to Joseph D. Fulmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7672) granting a pension to Sarah E. Dieffenbacher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7673) granting an increase of pension to Daniel Bubb; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 7674) granting a pension to Henry P. Kohn; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 7675) granting an increase of pension to Charles H. Ellis; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 7676) granting an increase of pension to Charles E. Storrs; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 7677) granting a pension to Mary J. Bernard; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 7678) granting a pension to Chester E. Benner; to the Committee on Pensions.

Also, a bill (H. R. 7679) granting an increase of pension to Benjamin Maddox; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 7680) granting an increase of pension to Preston C. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7681) granting a pension to William Crawford; to the Committee on Pensions.

By Mr. SLOAN: A bill (H. R. 7682) granting an increase of pension to George W. McKnight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7683) granting a pension to Francis M. Walker; to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 7684) for the relief of Caleb Alber; to the Committee on Military Affairs.

By Mr. SWIFT: A bill (H. R. 7685) granting a pension to Stewart J. Donnelly; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 7686) granting an increase of pension to Arba H. Trufant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7687) granting a pension to Annie T. LaMarche; to the Committee on Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 7688) granting an increase of pension to Patrick Kelligher; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 7689) granting an increase of pension to Frederick Weber; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Illinois, Kansas, Minnesota, Nebraska, New York, North Carolina, Ohio, Texas, and Virginia, favoring the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2092); to the Committee on Military Affairs.

Also (by request), resolutions of the American Federation of Labor at its thirty-seventh annual convention, urging the increase of salaries to postal clerks and letter carriers; to the Committee on the Post Office and Post Roads.

Also (by request), memorial of board of aldermen of the city of St. Louis, Mo., requesting the immediate passage of H. R. 4537; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolutions of the Centennial Evangelical Church, Chicago, Ill., and also by the churches of southeast Kansas City, Mo., favoring the prohibition amendment; to the Committee on the Judiciary.

Also (by request), petition of members of the First Christian Church, St. Joseph, Mo.; the students of Union Theological Seminary, New York City; and by sundry citizens of New York City, favoring national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of Grace Evangelical Church, Chicago, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. CARY: Memorial of the thirty-seventh annual convention of American Federation of Labor, asking for increase in salary to postal clerks and letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of John S. Sills & Sons, of New York, against reducing mailing rates for publishers; to the Committee on Ways and Means.

By Mr. DARROW: Petitions of 70 citizens of Philadelphia; 23 members of Bellfield Avenue United Evangelical Sunday School; Logan Methodist Episcopal Sunday School; and 241 citizens of West Philadelphia, all in the State of Pennsylvania, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DAVIDSON: Petitions of 70 citizens of Green Lake County, Wis., favoring suffrage amendment; to the Committee on Woman Suffrage.

By Mr. FOCHT: Petition of sundry citizens of Huntington County, Pa., favoring Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. FULLER of Illinois: Memorial of the American Federation of Labor for the increase of salaries of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. HAMILTON of Michigan: Petition of sundry citizens of Berrien County, Mich., praying for the immediate submission of a Federal amendment providing for woman suffrage; to the Committee on Woman Suffrage.

By Mr. KAHN: Papers to accompany pension bill H. R. 7500; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: Petitions of Mrs. D. Hunter, of Providence, R. I.; Newport, R. I., Branch of the Association Opposed to Woman Suffrage; and Mrs. William B. Weeden and H. A. Du Villard, of Providence, R. I., opposing woman suffrage legislation; to the Committee on the Judiciary.

Also, petitions of Bethany Free Baptist Church, Roscoe W. Phillips, Thomas C. Perry, and A. Adelia Bullock, all of Pawtucket, R. I., favoring passage of the national prohibition amendment; also Rhode Island State Grange, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of William G. Haggerty and six other citizens of Maryland, favoring national prohibition; memorials by the Women's Foreign Missionary Society, Baltimore Md., and a mass meeting held in the First Methodist Episcopal Church, Annapolis, Md., favoring national prohibition; petitions of John G. Hager and five other citizens of Baltimore, Md., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of Baltimore committee of the National Women's Trade-Union League, and also of the Just Government League of Sudlersville, Md., favoring the suffrage amendment; to the Committee on Woman Suffrage.

Also, petition of Joseph L. Ferguson and seven other citizens of Maryland, favoring H. R. 1654; also a petition of A. G. Wellington, Baltimore, Md., protesting against lowering the postal rates to publishers; to the Committee on the Post Office and Post Roads.

By Mr. LUNDEEN: Resolution of the congregation of the Linden Hills Congregational Church, Rev. G. B. Drake, pastor, Minneapolis, Minn., urging national prohibition legislation; to the Committee on the Judiciary.

Also, resolution of the Men's Club of the Linden Hills Congregational Church, D. L. Glenn, president, Minneapolis, Minn., urging national prohibition legislation; to the Committee on the Judiciary.

Also, petition of Ladies' Bible Class of the Linden Hills Congregational Church, Mrs. Max Farwell, secretary, Minneapolis, Minn., urging national prohibition legislation; to the Committee on the Judiciary.

Also, petition of Calvary Methodist Episcopal Church congregation, Minneapolis, Minn., Mr. Frank Chatfield, president of trustees, urging national prohibition legislation; to the Committee on the Judiciary.

Also, petition to the Minneapolis Waitresses' Alliance, Miss Mae Rhodes, secretary, Minneapolis, Minn., protesting against the passage of Senate joint resolution 17; to the Committee on the Judiciary.

Also, resolution of the executive board, Minnesota branch, Woman's Board of Missions of the Interior, representing 12,000 Congregational women in Minnesota, Miss Ruth Thompson, of Minneapolis, secretary, urging national prohibition legislation; to the Committee on the Judiciary.

Also, resolution of Minneapolis Colony of New England Women, Mrs. F. A. Wadsworth, secretary, urging the passage of the Federal amendment in favor of prohibition; to the Committee on the Judiciary.

Also, resolution of the First Methodist Episcopal Church Sunday School, 272 present, Mr. Walter R. Meyers, superintendent, urging national prohibition legislation; to the Committee on the Judiciary.

Also, petition of Women's Society of Trinity Baptist Church, Mrs. W. A. Graves, secretary, urging national prohibition legislation; to the Committee on the Judiciary.

Also, resolution of Dorcas Society of the Bethel Swedish Baptist Church, Mrs. O. Dahlberg, president, Minneapolis, Minn.,

urging national prohibition legislation; to the Committee on the Judiciary.

Also, petition of the Wesley Auxiliary, Woman's Foreign Missionary Society, Mrs. Carrie E. Heath, secretary, Minneapolis, Minn., urging national prohibition legislation; to the Committee on the Judiciary.

Also, petition of the Minnesota delegation to the National Women's Christian Temperance convention, representing 8,000 Minnesota members; Rosette Hendricks, president; Eva Waterman, vice president; Kate Kercher, corresponding secretary; and Della R. Mandigo, treasurer, urging national prohibition legislation; to the Committee on the Judiciary.

Also, petition of a committee of the Minneapolis district, Woman's Foreign Missionary Society of the Methodist Episcopal Church, representing 1,500 Minneapolis women, by Mrs. G. I. Gorham, Mrs. A. F. Bruchhols, and Miss Mabelle A. Crow, urging national prohibition legislation; to the Committee on the Judiciary.

Also, petition of the Minneapolis Retail Druggists' Association, Henry Rauch, secretary, urging the passage of the Edmonds bill (H. R. 5531); to the Committee on Military Affairs.

By Mr. MAHER: Petition of American Federation of Labor, favoring bill to increase pay of letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Memorial of Philadelphia Bourse, favoring bill for war-supply board; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: Petition of Mrs. C. J. Steediman and 18 other citizens of Rhode Island, asking that the suffrage amendment be not submitted; to the Committee on Woman Suffrage.

Also, petitions of sundry citizens, churches, and church organizations of the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

By Mr. PETERS: Memorial of committee of public safety and defense of the cities of Waterville and Winslow, Me., asking legislation to prevent pro-German activity and disloyalty; to the Committee on the Judiciary.

By Mr. RANDALL: Memorial of the Woman's Christian Temperance Union, of Glendale, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the First Methodist Episcopal Church, of Monrovia, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Cypress Park Presbyterian Church, of Los Angeles, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the First Methodist Episcopal Sunday School, of Pomona, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of congregation of the Lutheran Church of Glendale, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Glendale Presbyterian Church, Glendale, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the Park Baptist Church, Utica, N. Y., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of First Methodist Episcopal Church of Pasadena, Cal., favoring national prohibition; to the Committee on the Judiciary.

Also, memorial of the First Baptist Church, Long Beach, Cal., favoring war-time prohibition; to the Committee on the Judiciary.

Also, memorial of the Kern County Council of Defense, Bakersville, Cal., favoring war-time prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of upward of 540 members of the Lafayette Avenue Presbyterian Church and Central Branch Young Men's Christian Association, of Brooklyn, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SABATH: Memorial of Cement Mixers' Local Union No. 76, Chicago, Ill., urging legislation compelling railroads to increase the supply of cars for the building trades; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHALL: Petitions of sundry citizens in Minnesota, favoring submission of a Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. STEENERSON: Petition of C. A. Mace, White Earth, Minn., desiring a readjustment of the pay of fourth-class postmasters; also petition of the president of the New Jersey State Association, National Association of Post Office Clerks, and of George Hoban, Fairbault, Minn., favoring the Madden law; also petition of Carl E. Skog, asking increased salaries for rural carriers and urging pay for pouch service; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of joint local executive board of the International Union of the United Brewery Workmen and 32 other citizens of Rhode Island protesting against constitutional prohibition; also petition by Theodore C. Gleason and 875 other citizens of Rhode Island, favoring national prohibition; also, a memorial from Rhode Island State Grange (representing 3,500 patrons), favoring the prohibition amendment; to the Committee on the Judiciary.

By Mr. STRONG: Petition of the Clarion County Sabbath School Association, Shippenville; Manorville Woman's Christian Temperance Union, McGrann; West Franklin Woman's Christian Temperance Union, Worthington; Rev. Clyde L. Nevins and other citizens of Marion Center; Charles N. Beecher, Apollo; all of the State of Pennsylvania, favoring the proposed amendment to the Constitution providing for national prohibition; to the Committee on the Judiciary.

SENATE.

FRIDAY, *December 14, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast put the tremendous responsibility of human government into human hands, and Thou hast revealed Thy will to men as their guide in the determination of the policy and conduct of a nation. So Thou hast made the state a Divine institution and Thou dost preside over its fate. Give to us, we pray Thee, that loyalty to the institutions that Thou hast given to us which will count nothing dear that we may preserve inviolate the rights of men and advance the interests of Thy children here and everywhere. We ask for Christ's sake. Amen.

ROBERT F. BROUSSARD, a Senator from the State of Louisiana, and JAMES D. PHELAN, a Senator from the State of California, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2234) to authorize absence by homestead settlers and entrymen, and for other purposes, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present a memorial to Congress which I ask may be printed in the RECORD without the signatures.

There being no objection, the memorial was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

To the Senate and the House of Representatives of the United States of America in Congress assembled:

We, the undersigned homesteaders and residents of the Fort Peck Indian Reservation and Valley County, Mont., hereby petition and respectfully show:

1. That whereas the homesteaders on the said Fort Peck Indian Reservation who made entry thereon under the act of Congress approved May 30, 1908, are required by said act and the subsequent remedial act of Congress approved March 2, 1917 (Public, No. 371) which extended the time of payments, to make certain annual payments in accordance with the appraised value for said lands; and

2. Whereas practically a total crop failure has resulted to them for the season of 1917, due to the extreme drought experienced and other climatic conditions, thereby depriving them of their sole means of production; and

3. Whereas many of said homesteaders have been drafted into the United States Army and the sons of many others have been called to service under the conscription act of Congress, thereby materially reducing their means and ability of production and thereby as a result making it more difficult for them to cultivate their lands and with the profits thereof comply with the provisions of their act of entry; and

4. Whereas with a few isolated exceptions all of said homesteaders are men of small means, who are solely dependent upon their manual labor and their crops for the support of themselves and their families, and are now confronted with a crop failure at a time when the highest and most exorbitant prices known are demanded from them for foodstuffs and common necessities of life; and

5. Whereas such homesteaders are now suffering great financial distress, and it is now evident that only through some further remedial act of Congress extending the time of payment of delinquent installments

and the payment to become due for the reason of 1917 can these new and fertile lands be homesteaded and cultivated by the present entrymen, who have enlisted their time and money in the development thereof, and a public necessity having arisen by reason of all of these facts, making it impossible for them to meet their payments:

Therefore we respectfully pray your honorable bodies that an act of Congress be passed repealing the provisions of the said remedial act of March 2, 1917, but with the same intent and in accordance therewith, further extending the time of all payments now delinquent and the payment which will become due and payable for the season of 1917, thereby granting the opportunity of an additional season and another crop with which to comply with their payments.

Respectfully submitted.

M. G. MONROE
(And others).

Mr. POINDEXTER. I ask leave to have printed in the RECORD the following letter. I will state in this connection that I agree entirely with the objects and purposes expressed in it.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COLFAX, WASH., *December 3, 1917.*

Hon. MILES POINDEXTER,
United States Senate, Washington, D. C.

DEAR SIR: At a recent meeting of the Patriotic League of Colfax and Whitman County, the following resolution was unanimously adopted:

"It is the sense of this meeting that the United States should forthwith declare war upon Austria, Turkey, and Bulgaria and intern the alien enemies of those countries and Germany now in the United States, and that Congress pass such further laws as may be necessary to put down treasonable and seditious acts and utterances now rampant in this country, that the enemy influences now at work here may not Russianize the United States."

The object of the above-named league is to aid the administration in every way possible in the vigorous prosecution of the war to a successful conclusion, and I, as secretary of the league, by a unanimous vote of the members, have been directed to furnish you with a copy of the resolution above set forth.

Very truly, yours,

CLAUDE SWEGLE,
Secretary.

Mr. McCUMBER presented petitions of sundry citizens of Williams, Hettinger, Mercer, Morton, and Sioux Counties, all in the State of North Dakota, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented resolutions adopted by the Commercial Club of Bismarck, N. Dak., favoring universal military training, which were referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Commercial Club of Grand Forks, N. Dak., relative to camp life and recreation funds for the soldiers, which were referred to the Committee on Military Affairs.

Mr. PHELAN. I have received a telegram from representatives of Southern Slavic Organizations in Oakland, Cal., which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

OAKLAND, CAL., *December 12, 1917.*

Hon. JAMES D. PHELAN,
Senator from California, Washington, D. C.:

Simultaneously with American war declaration against Austria-Hungary, 300 representatives of Southern Slavic Organizations joyously acclaim America's historic step against their brutal, tyrannical oppressor of centuries, and in mass meeting assembled solemnly unanimously resolve to pledge America all their moral and material power toward the crushing of Austria-Hungary.

H. D. VITERSKI,
Chairman Committee.
ANTONE PILCOVICH,
JAMES A. DRAGICEVICH,
PHILIP CUCKAVICH.

Mr. PHELAN presented resolutions adopted by the California State Federation of Labor, indorsing the efforts of the Federal civil-service employees to secure the establishment of a civil-service court of appeals or trial board, which were referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the California State Federation of Labor, praying for an increase in the salaries of postal clerks and employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the California State Federation of Labor, praying for the employment of civil-service subclerks to relieve the regular clerks in the Post Office Department, etc., which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented a petition of sundry citizens of Oskaloosa, Kans., praying for the establishment of a pharmaceutical corps of the United States Army, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry letter carriers of Eldorado and Effingham, in the State of Kansas, praying for an increase in the salaries of post-office employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Men's Brotherhood of the First Presbyterian Church, of Chanute, Kans., praying for the enactment of legislation to prohibit the sending of cigarettes to United States soldiers, sailors, and marines, which was referred to the Committee on Military Affairs.

Mr. MARTIN presented petitions of sundry citizens of Virginia, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. RANSDELL. I present resolutions adopted by the Town Council of Gueydan, La., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

GUEYDAN, LA., *December 7, 1917.*

Hon. JOS. E. RANSDELL,
Washington, D. C.

DEAR SIR: The following resolutions were adopted by the Town Council of Gueydan, La., at the meeting held on the 4th instant:

"Whereas the security of the United States and the success of our arms are endangered by the activities of disloyal persons and organizations within the borders of our country: Therefore be it

"*Resolved*, That the mayor and board of aldermen do hereby petition the Congress of the United States to enact forthwith a law imposing punishment upon all persons or organizations responsible for pro-German activities, or for the publication or public utterances of statements tending to impede or interfere with the operations or success of the United States in war or in recruiting or enlistment, or to hold the Government of the United States or any of our allies up to ridicule or obloquy, or to cause disloyalty or refusal of duty on the part of any person in connection with the war; and be it further

"*Resolved*, That a copy of these resolutions be mailed to Senators ROBERT F. BROUSSARD and JOSEPH E. RANSDELL and Congressman WHIT P. MARTIN immediately."

[SEAL.] M. T. RAMSEY, *Mayor.*

Attest:

P. PETER, *Clerk.*

REPORTS OF COMMITTEE ON COMMERCE.

Mr. FLETCHER, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 352) granting pensions to certain members of the former Life-Saving Service (Rept. No. 180);

A bill (S. 994) extending the benefits of care and treatment by the Public Health Service to seamen on vessels used in the service of the United States (Rept. No. 181);

A bill (S. 1462) to establish a fog signal at the Port Washington Pierhead Light Station, Wis. (Rept. No. 182); and

A bill (S. 1463) to establish aids to navigation at Fond du Lac Harbor, Wis. (Rept. No. 183).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 3220) authorizing the Secretary of the Interior to make investigations through the Bureau of Mines of lignite coals to determine the practicability of their utilization as a fuel and in producing commercial products; to the Committee on Mines and Mining.

By Mr. DILLINGHAM:

A bill (S. 3221) granting a pension to Kate E. Le Velley; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 3222) making available any post-office surplus for the fiscal year 1918 for the purchase of the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of government; to provide a special telephone service to facilitate the direct sale of farm products to consumers in said District; to establish the efficiency and economy with which such service may be conducted by the Post Office Department; to the Committee on Post Offices and Post Roads.

By Mr. ASHURST:

A bill (S. 3223) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1918; to the Committee on Indian Affairs.

By Mr. POMERENE:

A bill (S. 3224) for the relief of the estate of John H. Platt, deceased; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 3225) to reserve as a part of the Oregon National Forest certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co. against the United States; to the Committee on Public Lands.

By Mr. BRADY:

A bill (S. 3226) for the completion of the Fort Hall irrigation project in the State of Idaho; and

A bill (S. 3227) to authorize the establishment of town sites on the Fort Hall Reservation, Idaho; to the Committee on Indian Affairs.

By Mr. THOMPSON:

A bill (S. 3228) granting a pension to Abbie M. Peabody (with accompanying papers); and

A bill (S. 3229) granting an increase of pension to Jeremiah McBee; to the Committee on Pensions.

By Mr. BROUSSARD:

A bill (S. 3230) granting to the State of Louisiana all the right, title, and interest of the United States in and to the land within the meander lines, as originally surveyed, of the lakes within said State; to the Committee on the Judiciary.

A bill (S. 3231) granting a pension to Henry Greig; and

A bill (S. 3232) granting an increase of pension to Richard S. Harrison; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3233) to amend an act entitled "An act to permit the use of the right of way through the public lands for tramroads, canals, and reservoirs, and for other purposes," approved May 11, 1898 (30 Stat., p. 404); and

A bill (S. 3234) to reserve certain lands and incorporate the same and make them a part of the Coeur d'Alene National Forest Reserve; to the Committee on Public Lands.

By Mr. HOLLIS:

A bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916; to the Committee on Banking and Currency.

THE RECREATION ASSOCIATION OF AMERICA.

Mr. SMITH of Georgia. I send to the desk a bill to incorporate the Recreation Association of America. I ask to have it printed in the RECORD and a brief explanation of the bill and a telegram from the president of the chamber of commerce of the city of Atlanta.

The bill (S. 3219) to incorporate the Recreation Association of America was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That Grenville Clark, New York City; Henry P. Davison, New York City; Mrs. E. P. Earle, Montclair, N. J.; Mrs. Thomas A. Edison, West Orange, N. J.; Robert Garrett, Baltimore, Md.; C. M. Goethe, Sacramento, Cal.; J. M. Hankins, Birmingham, Ala.; William Kent, Kentfield, Cal.; Gustavus T. Kirby, New York City; G. M. Landers, New Britain, Conn.; Joseph Lee, Boston, Mass.; J. H. McCurdy, Springfield, Mass.; R. D. Maury, Memphis, Tenn.; Walter A. May, Pittsburgh, Pa.; John T. Pratt, New York City; Harold M. Swift, Chicago, Ill.; together with such persons as they may associate with themselves, their successors, are hereby created a body corporate of the District of Columbia by the name of the Recreation Association of America to promote play, playgrounds, and public recreation.

SEC. 2. That the corporation hereby formed shall have perpetual succession, shall have a common seal, and shall have power to sue and be sued in its corporate name. It shall have power in its corporate name to take and hold by bequest, devise, gift, purchase, or lease, either absolutely or in trust, for any of its purposes, such real and personal property as shall be necessary for corporate purposes; to convey or encumber such property and to invest or reinvest any principal, and deal with and expend the income of the corporation; to have officers and conduct its business within and without the District of Columbia and in the several States and Territories of the United States. The persons named in the first section of this act, or a majority of them, shall have power to adopt a constitution and by-laws for the government of the corporation and to fix thereby the quorum necessary to the transaction of corporate business at such number as they shall see fit, and generally to do all such acts, including the establishment of regulations for the election of associates and successors, as may be necessary to carry into effect the provisions of this act and promote the purposes of such corporation. The meetings of the corporation hereby created may be held at any place within the United States of America. Members of the association and of its governing body may be drawn from any or all parts of America without restriction as to the number from any one community or section.

The statement and telegram were ordered to be printed in the RECORD, as follows:

WHY THE RECREATION ASSOCIATION OF AMERICA SHOULD HAVE NATIONAL INCORPORATION.

1. The work of this organization, both in peace time and war time, is national in scope, touching communities in practically every State in the Union.
2. The organization is absolutely nonsectarian and nonpolitical.
3. The organization is promoting developments essential to the moral welfare and physical preparedness of the Nation.
4. For the proper administration of the money raised for doing the work assigned by the War Department, this organization should have a board of directors broadly representative of the various States in which the money is to be spent. (Such a board of directors is possible only through national incorporation.)
5. The importance of the work now being done for the War Department and the rapid broadening of the scope of this work make it essential that this organization should not be restricted in the amount of the money which it may receive and expend. (Such restrictions can be avoided through national incorporation.)
6. For efficient work in peace time and especially for effectively carrying its new war-time responsibility this organization needs such national recognition as has already been given to the American Red Cross, International committee of the Y. M. C. A., Boy Scouts, and other similar bodies.

ATLANTA, GA., *December 14, 1917.*

Hon. HOKE SMITH,
Senate Building, Washington, D. C.

Hope you will find it consistent to introduce and aid in the passage through the Senate of bill incorporating American Recreation Association, formerly Play Ground Association of America, which is under the leadership of President Joseph Lee, who has been largely responsible for the splendid success of the Commission on Training-Camp Activities, headed by Mr. Fosdick, appointed by Secretary Baker. The recreation work in the camp cities, particularly in Atlanta, has been perfectly splendid. Atlanta has raised $45,000 for this commission.

IVAN E. ALLEN,
President Atlanta Chamber of Commerce.

The PRESIDENT pro tempore. To what committee shall the bill be referred?

Mr. SMITH of Georgia. To the Committee on the Judiciary. Bills incorporating companies go to that committee.

The PRESIDENT pro tempore. It will be so referred.

EMPLOYMENT OF STENOGRAPHER.

Mr. WILLIAMS submitted the following resolution (S. Res. 169), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to employ a stenographer, at a cost of not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

CALLING OF THE ROLL.

The PRESIDENT pro tempore. If there is no further morning business, the morning business is closed.

Mr. MARTIN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Myers	Shields
Beckham	Johnson, Cal.	Nelson	Simmons
Brady	Johnson, S. Dak.	New	Smith, Ariz.
Colt	Jones, N. Mex.	Norris	Smith, Ga.
Culberson	Jones, Wash.	Overman	Smith, Md.
Curtis	Kendrick	Page	Smoot
Dillingham	Kenyon	Pittman	Sterling
Fernald	King	Poindexter	Sutherland
Fletcher	Knox	Pomerene	Thompson
Frelinghuysen	McCumber	Robinson	Townsend
Gallinger	McKellar	Saulsbury	Underwood
Gore	McLean	Shafroth	Vardaman
Gronna	McNary	Sheppard	Warren
Hale	Martin	Sherman	Williams

The PRESIDENT pro tempore. I desire to announce that my colleague [Mr. WOLCOTT] is still ill and unable to be present.

Mr. FRELINGHUYSEN. I wish to announce that my colleague [Mr. HUGHES] is absent on account of illness.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. MYERS. My colleague [Mr. WALSH] is unavoidably detained on account of illness.

Mr. KENYON. I wish to announce the absence of the Senator from Missouri [Mr. REED] on official business.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. There is a quorum present.

HOUSE BILL REFERRED.

H. R. 195. An act providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, was read twice by its title and referred to the Committee on Indian Affairs.

DEVELOPMENT OF WATER POWER.

Mr. SHIELDS. Mr. President, I move that the Senate proceed to the consideration of Senate bill 1419, the unfinished business.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1419) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

Mr. SHIELDS. I offer the following amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 20, line 7, amend the bill by striking out the word "provision" and inserting in lieu thereof the word "provisions."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. SMOOT. I would like to have the Secretary read the amendment again. I want to see just what effect it is going to have.

The SECRETARY. On page 20, line 7, strike out the word "provision" and insert the word "provisions," so that, if amended, it will read:

The Secretary of War may issue to such applicant a permit in accordance with the provisions of this act.

Mr. SHIELDS. It is merely a correction of a typographical error.

The amendment was agreed to.

Mr. SMOOT. I should like to ask the Senator having the bill in charge if he has any further amendments to offer to the bill?

Mr. SHIELDS. I have not.

Mr. SMOOT. Mr. President, I did intend to take a little time of the Senate in calling the attention of the Senate to some of the provisions of the bill that I think could be improved, but I have concluded not to do so this morning. I will content myself by saying that the bill is substantially the same as the bill which passed the Senate in the last Congress. It was discussed thoroughly at that time; in fact, I believe that nearly a week was spent in the discussion of the bill. There were a good many amendments made at that time which improved the bill greatly.

Mr. NORRIS. Mr. President, we are unable to hear the Senator here on account of the confusion in the Chamber. I would be glad to hear what the Senator from Utah is saying.

The PRESIDENT pro tempore rapped with his gavel.

Mr. SMOOT. I say at the time the bill was under discussion in the Senate during the last Congress there were a great many amendments to the bill that were adopted by the Senate, which I think improved the measure greatly. In reading the bill over as it is now before the Senate I notice that virtually all those amendments are included in the bill as reported May 25, 1917, and as I have no amendment to offer to it, and I think the bill is in about as good a shape as we can possibly get and pass it, I have decided to say nothing more upon the bill and allow it to pass the Senate, if the Senate sees fit.

I hope that the country will realize all that is anticipated from the passage of this legislation. I am sure there has to be some legislation enacted in order to develop water powers and should have been passed years ago. This piece of legislation is in the main such as ought to be passed, and if it had been passed before some of our water-power sites on navigable streams would have been developed and of use to-day to the people of the United States.

Mr. FLETCHER. Mr. President, just a word in connection with this bill. I think it is a very important measure. It proposes legislation that we ought to have enacted years ago. Under the provisions of the bill it is possible to develop 61,000,000 horsepower by water-power energy that is available in this country, and which is at present undeveloped. There are various reasons why this is important, not only because of making usable the energy which now goes to waste in manufacturing, in transportation, in lighting, in heating, but for every purpose of that kind for which such power can be used. It would result in the saving of fuel; it would result in the conservation of coal, and it would result in the development of manufacturing plants in this country for the purpose of producing fertilizer materials and other materials that are most important in connection with food production, in connection with explosives, and that sort of thing, which are now supplied by importation from other countries.

The report of the committee is full upon the subject, giving the various reasons, calling special attention at pages 2 and 3 to the principal objects to be accomplished and the matters to be served by the bill. I unhesitatingly favor the speedy enactment of the proposed legislation. It is a Senate bill, and I see no reason for delay in connection with its passage. I hope it will be acted upon promptly.

Mr. GALLINGER. Mr. President, when this bill was before the Senate some time ago, I took occasion to say a word in behalf of the legislation, and to vote for it. I am very glad, indeed, that is has been presented to the Senate at so early a day in the present session. I simply rise to say that my mind has not been changed as to the advisability and desirability of the proposed legislation, and I hope it will be passed to-day with very little debate.

Mr. UNDERWOOD. Mr. President, I regard this bill as one of the most important pieces of legislation that can come before Congress at this time, aside from those necessary pieces of legislation that we must pass to carry on the war. An effort has been made for the last 10 years to pass a general dam act in order that we might utilize the power of the streams of this country for the purpose of the development of hydroelectric power. It has had a very rocky road to travel. I think that has largely been due to the fact that there has been a misconception of the purposes of this proposed legislation and a misunderstanding as to the terms that were contained in it.

Mr. President, this bill is well drafted. It undoubtedly protects the public interest. Under the terms of the bill, at the end of 50 years, if the public so desires, there can be a recapture of any of the water powers that are developed by private interests under the bill. I have some doubts along another line. I am sure that there are certain great water powers in this country that can be developed under the bill, but under the conditions of the bill the cost of development is likely to be so great and the terms under which the money can be earned back to the investor are limited to such an extent, that I fear the smaller water powers of the country will never be developed. Nevertheless, I think the bill ought to be passed. I think it ought to be tried out as it is written. Then if it is demonstrated that the terms of the legislation are so drastic that it will be impossible to develop the smaller water powers the Congress can amend the statute to meet the conditions to which it is directed.

To-day we are facing a condition in this country that is an absolute demonstration of the fact that this bill ought to have been on the statute books 10 years ago. In a way, it is an indictment against the delays of the Congress in not having passed legislation of this character a long time since. The whole country is suffering from a lack of fuel. A large portion of the fuel of this country is used to run the street-car systems, to light the houses, and to develop the manufactures of this country. There are hundreds of streams in the United States that, if harnessed up and their hydroelectric power developed, every pound of coal that is now being used in their neighborhood for lighting, heating, and power purposes could be saved, and the same end accomplished by hydroelectric power.

In the first place, it would be a saving of the transportation system, because when the transmission wires are erected the current flows on to the ultimate market of consumption without interruption, while when it is necessary to send trainload after trainload of coal to that immediate neighborhood, it bars the lines of commerce to other necessities and other needs of the Nation.

Again, when we have used all of the coal of this country we may be put to great cost for our fuel supply. I do not mean to say that there is any danger of the immediate destruction of the coal supply of the United States; but in many portions of the country the mines are running low. They are getting deep in the ground, the cost of production is increasing, and the cost to the consumer is being pyramided.

The enactment of the proper legislation to harness up the water powers of this country and control those powers in the interests of light, fuel, and heat would be the greatest conservation measure that could be passed by the American Congress. In fact, I do not think that that proposition has been denied by anyone, even by those who in the most vigorous way have opposed the bill in the past. Their opposition has rested on the fact that somebody was going to get something out of this legislation and make some money out of it. Well, it goes without saying that money is not going into speculative investments unless there is an opportunity to make more than the ordinary interest rate. This is a speculative investment.

As a general rule, when a dam is built and hydroelectric power is developed you have got to create the market or find the market for the sale of the power after the development is made. That was true in the case of Niagara. A market had to be found in which the power could be taken. I have no doubt that in that immediate neighborhood to-day, if there were a development or could be a development of twice the amount of hydroelectric power at Niagara that there is at present it could be readily consumed. Of course, however, that condition does not exist in the interior of the country. I have no doubt that there is no place in this country where excellent facilities for the development of hydroelectric power exists where a market will not ultimately be found for it in one way or another; but it is in the nature of a speculation; men have to take chances on their investment; and, more than that, no man in the building of these great dams, when their construction is entered upon, can know that they will be completed within the engineers' estimate of cost; in fact, I know of one case at Hales Bar, on the Tennessee River, where the ultimate cost of development amounted to nearly double the engineer's original estimate and report, because when the construction was commenced it was found that the foundations, as estimated by the engineers, were not such as to carry the weight of the dam, and a vastly greater cost had to be incurred. So I say that you can not pass legislation of this kind with the expectation that you are going to invite capital into that field and develop it if you are going to limit capital absolutely to 4 or 5

per cent interest, because such undertakings are speculative in a sense, and capital looking for investment will take a Government bond or a State bond in preference to that class of investment.

I believe, however, that under this bill there is an inviting field for certain of the great water powers of this country and that capital can be found and their development entered upon in the no distant future; but in passing the bill—and I believe it will pass to-day or to-morrow—I think we should bear in mind that there is a possibility that the smaller streams and the smaller water powers probably can not be developed and will not afford an inviting field for capital under the terms of this bill. If that condition arises the passage of this bill ought not to be a bar to future legislation that will allow development of the smaller watercourses and smaller water powers, as well as the great water powers of the country.

I have earnestly advocated the passage of this measure, or measures along this line, for nearly 10 years. It now looks as if the sentiment of Congress and the sentiment of the country had reached the point when the consummation of that desire is to be obtained. I rejoice that such is the case, and only regret that this legislation was not passed years ago, so that in this hour of national stress we could have had the benefit and enjoyment of this great development, instead of having to wait for several years to come pending the building of dams to get the full benefit of the conservation of this power to the American people.

Mr. SMITH of Arizona. Mr. President, I do not wish to delay this bill for one moment. I can not state better than has been stated by the Senator from Alabama [Mr. UNDERWOOD] the prime importance of the early enactment of this measure or show the necessity for the bill in a better light than he has done. There is, however, one matter to which I desire to call the attention of the Senate for a moment.

On the nonnavigable streams, which are not covered by this bill, the Federal Government, with its usual idea of conservation, has seized the land and has set aside as power sites every possible place where there is a chance of developing power in every one of the western public-land States. Wherever there is a possibility of getting water power the Government, owning the land on each side, has made reservations of water-power sites for miles and miles along the length of the streams, thus preventing the States from using the power at all, and placing such restrictions upon its use that nobody will put up a dollar to develop it. I know that an offer was made to dam the Colorado River not more than a year or two ago by what I conceive to be one of the very best engineers in the United States or anywhere else. For $50,000,000 he proposed to develop sufficient horsepower in the Colorado River by damming that great stream, and raising the water as he said, to light every town and pump water on every farm in all western Arizona and eastern California. Yet it could not be done. He had the money raised, he told me, but the work could not be undertaken. The Government must put forth its regulating hand to such an extent that the power could not be developed at all. More than that, he offered to produce the power and sell it, I think, if I am not mistaken, for $25 a horsepower per year, whereas the estimate as to all other of our powers is over $37 a year per horsepower. Yet he could not enter upon the work.

Mr. President, at some day—and I hope before this session adjourns—I trust we may release these water-power sites from the Government's hands, and give them to the people of the States, so that they may develop them and regulate them under their own powers, which are just as ample in the case of each State as in the case of the Federal Government itself, and they know much more about their own necessities. Before this session is over, I purpose to try to get before this body the question of transferring to the States these segregated water-power sites to aid in the development of this power.

Mr. NORRIS. Mr. President, I had not intended to say anything on this bill, because I knew that it was going to pass, and there would be no use in offering any objection to its passage; but so many Senators who favor it have taken the precious time of the Senate to speak in its favor, when it needed no assistance, that I hope I shall be excused if I take a few minutes in expressing my views in opposition to it.

There is one proposition, I think, upon which we all agree, and that is that it is desirable that the water powers of the country should be developed, and that some legislation should be enacted by Congress under which they can be developed.

This bill in practically the same form passed the Senate at the last session of Congress. At that time a few of the Senators, believing as I do that there ought to be more supervisory power, and that, as we believed, the interests of the people should be more fully protected and safeguarded than is done in this bill, made a determined effort to amend it. We offered amendments to all parts of the bill that we thought needed amendment, and discussed them at great length, and for two or three weeks the time of the Senate was devoted to the consideration of this measure.

In that contest, on various phases of the bill, at various times, I expressed at considerable length my ideas in regard to the various subjects connected with water-power legislation. We had a fair discussion. We were defeated in practically all of those amendments, and the bill was passed in practically the same form in which it is now before the Senate. I do not believe, therefore, that it is wise, or that it is proper, to go over the same ground again and take up the time of the Senate in a rediscussion of the questions that were passed on after a full debate by the Senate.

While I did not agree with the conclusion reached, I realize that there must come a time when these matters must be brought to a vote, and we must all abide by the decision that is rendered. Since the discussion then was so full and fair, and the sentiment of the Senate and its membership, also, are practically the same now as then, I do not believe that those who oppose the methods provided for in this bill are called upon again to make a fight that they know in advance would meet with defeat and result only in the loss of valuable time. As I said, I would not have taken even this much of the time of the Senate had it not been that those who so heartily favor the bill have taken up all of the time so far—all of yesterday and, so far, all of to-day.

Mr. President, I can not help but believe that the passage of this bill now, in its present form, is a logical thing to do. The Senate has just passed a bill repealing the antitrust laws so far as they apply to individuals, partnerships, and corporations engaging in foreign commerce; so it seems to me that since we have done so great a good to the corporations and the trusts that want to have a monopoly in foreign commerce, we ought, in order to be logical, to do something for the corporations that want to get control of the water powers of the country. So that it is not an illogical proceeding to equalize the benefits that we are bestowing upon these people by the passage of this bill.

Speaking of the bill repealing the Sherman antitrust law, I am reminded of an incident that occurred in the last presidential campaign. You will remember that that bill not only repeals the Sherman antitrust law, so far as it applies to foreign commerce, but it also nullifies section 7 of the so-called Clayton antitrust law. That was a law passed by the Congress in so-called fulfillment of a pledge made in the preceding campaign to "put some teeth" in the antitrust laws of the country. In that campaign in one of the western cities I had made a speech in which I criticized the Clayton antitrust law. I think I was moved somewhat to do it by a large poster that I saw in a hundred different places on the afternoon before the evening I was to speak, in which the Clayton antitrust law was announced as one of the great things that had been brought out by the Democratic Party to save the country from the machinations of monopolies and trusts. I took up the Clayton antitrust law, and, as I viewed it, analyzed it and criticized it.

A few days afterwards, after I had gone into another State, I received a copy of a paper giving an account of a meeting that had been held in the same hall on the evening of the day following my speech, in which the orator had replied to the criticism I had made of the Clayton bill; and I was impressed at the time that part of his criticism was just. He said, as it was reported in this newspaper account of his speech, that while I had called attention to the bad things—and he admitted that there were some bad things—in the Clayton bill, I had avoided speaking of any of the good things that were contained in the bill; and in answer to me he then took up section 7 of the Clayton bill, and showed the great benefit that would come to the country and had come to the country by the enactment of that particular part of the bill.

As far as the newspaper account of the meeting was concerned, he made no other reference to anything good in the Clayton bill except section 7. You will remember that section 7 makes it illegal for one corporation to buy up the stock of another competing corporation. It was true that I had not mentioned that. It was also true, as I believed, that that was something in the Clayton bill that was good law, for which probably, if I had been properly moved, I would have given credit; but I failed to do it, and in that respect it seemed to me his criticism was just.

I remember that the newspaper account gave the peroration of that great orator's speech, in which he told of the evils that had come to the country by virtue of one corporation buying the stock of another, and he gave many illustrations of it. He showed how now, under the leadership of the great candidate for

President who was then in the White House, that had been made impossible, and that henceforth corporations would not be allowed to buy the stock of competing corporations and thus form a trust and a monopoly.

I have wondered, since we have passed this bill repealing the Sherman antitrust law, what those people who heard him would have thought if they could have looked down upon the Senate and seen this deliberative body, led by the same illustrious statesman, repeal the only part of the Clayton bill that he claimed was any good.

Mr. President, I believe that this bill does not fully and adequately protect the interests of the people in the development of water power. To my mind it is no answer to that to say that the water powers ought to be developed. Those of us who, when this bill was up in the last Congress, favored the so-called Ferris bill, which came to us from the House, which we thought did fully protect it, were just as anxious that these water powers should be developed as those who were opposed to that bill and in favor of this. So I do not believe it can be fairly said that the people who are opposed to this particular bill are any less enthusiastic than those who favor this bill in the passage of legislation that will enable us to develop the water powers of the country.

I concede that those who favor this bill are just as anxious as I am to develop water powers; but because I favor a law that in my judgment would be more of a prevention of monopoly for the protection of the interests of all the people who ought to be benefited by the development of water powers, I do not concede that I am therefore any the less anxious that these water powers should be developed.

Therefore, Mr. President, I shall content myself with simply voicing my opposition to the method by which water powers will be developed, if developed at all—and I think they will be, to a great extent—under the pending measure. At a time when the country's attention is riveted upon other questions even more important than this, although I concede that this is very important, it probably will be impossible to get the development of any sentiment from the country either in favor of or against this bill or any other bill.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield to the Senator.

Mr. KING. Speaking for myself, at least, if not for other new Members of the Senate, I did not have the benefit of the discussion that occurred not only yesterday but at the previous session when this bill was up for consideration, and I am not familiar with the terms of the bill. I was advised that it would not be pressed to a vote until Monday, and I hoped that during the interim a full opportunity would be given to some of us who are not familiar with its terms to analyze the bill and learn the full purpose of the measure. Apparently the intention of the Senator in charge of the bill is to force it to a vote to-day.

The Senator who is now occupying the floor has stated that there are many objections to this measure, which were heard and debated at great length when the bill was up for consideration in the former session of Congress, and he is contenting himself with registering his opposition to the bill without stating what those objections are. I should be very glad if the Senator would briefly point out some of the most important objections. I should like the Senator to state whether, in his opinion, this bill trenches upon the rights of the States; whether it is an attempt to take from the States their right to control the activities of corporations that may be engaged in furnishing power; whether or not, in his opinion, the bill does permit the formation of a hydroelectric trust, power trust, or fuel trust; and whether or not there are provisions in the measure that will protect the public against monopolies and trusts in respect to the corporations that the bill contemplates will be formed.

Mr. NORRIS. Mr. President, the Senator's criticism of the position I am taking is a just one. I concede it. I am not prepared, and would not be able to be prepared unless I had a few days' time, to go into all the details of the discussion and the various amendments that were proposed at that time. I have felt that I would not be justified in doing it, because I did and said everything I could then to convey my ideas to the Senate. Since the Senate had the benefit of the full debate, not only of what I said but of what other Senators said who took more time than I did in the debate, I felt that with the bill coming up again in a session just following that I would hardly be justified in taking the time of the Senate in going over it when there was so little change in the membership of the Senate. From the Senator's standpoint, as I concede, his criticism is probably justified.

Mr. KING. If the Senator will pardon me, I hope he does not think I am intending to criticize him.

Mr. NORRIS. Oh, no.

Mr. KING. I was merely asking for information to guide me in the vote I may be called upon to give in regard to the bill.

Mr. NORRIS. The debate at that time, and all the amendments, are fully set out in the CONGRESSIONAL RECORD that reports it. At the time of that debate I gave weeks of consideration and preparation to it in connection with other Members of this body, and in conjunction with them prepared a great many amendments, and we debated them at great length. There would not be a possibility of changing the result in the Senate even if those Senators went over the same ground again. None of them, as far as I know, have done so. Two of the Senators who took an active interest in that debate, Senators Lane and Husting, are dead. Another Senator on the Democratic side, the Senator from Montana [Mr. WALSH], who took a very active interest in it, is absent on account of illness. So it seemed to me that it would not be justifiable to attempt to go over the ground again.

While I have the floor, Mr. President, I want to speak briefly upon another water-power proposition.

Almost within sight of the Capitol is one of the greatest water-power possibilities in the United States. Senators in this debate have spoken of the fact that if water powers had been developed before we would not be in the critical condition that we are now in in regard to coal. That is true. Seven or eight years ago, perhaps 10 years ago, Congress passed a joint resolution appropriating $20,000 for a survey of the Great Falls water power, just on the edge of the District of Columbia. Under the provisions of that joint resolution, or that section of an appropriation bill, I think, the Government engineers made an examination of this water power. They brought to their aid some of the best engineers in the world. They spent $20,000, and made what I believe to be as complete and as detailed a report as was ever made in the investigation of any water power on earth. They reached the conclusion, without any dissension anywhere, that that water power was feasible, and that it ought to be developed. They gave minute and detailed plans and specifications, together with the cost, showing just what it would cost to develop it. From that time to this it has been impossible to get Congress in any way to go ahead with the development that our own engineers after that full investigation advised us that we should make.

Mr. McCUMBER. Will the Senator yield for a question?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from North Dakota?

Mr. NORRIS. I do.

Mr. McCUMBER. I am propounding the question because it was asserted upon the floor at that time, and I have heard it asserted many times since, that they discovered that the flow of water at certain months was not sufficient even to give the power necessary to run our electric light and our street car system; that it could not be used the whole year round; and that it was far from being proper to attempt to use it only for certain months of the year when we would have to keep up another establishment or have that power remain idle in other months. I wish to ask the Senator if anything of that kind was ever in the report? It was asserted upon the floor that that was the case, if it is not in the report.

Mr. NORRIS. That question was fully gone into by the engineers. I presume the flow of water in the Potomac River has been as carefully measured as the flow of any stream in the world. They took the flow of the water for 15 years, and it had been measured accurately every day of the year. There was something in the proposition, and to my mind it was the weakest thing connected with the entire proposition, that the flow of the stream did vary a great deal, but the engineers discussed that fully. I do not have the figures in mind now. They showed just exactly on an average, taking a 15-years measurement as a basis, when the water would be short and how much it would be short. As I remember it, the lowest power developed in 15 years, taking the lowest flow of water for 15 years, there would be one day in 15 years when the power developed would be only 1,000 horsepower.

Mr. POINDEXTER. What was the maximum?

Mr. NORRIS. I can not give you the maximum now, but I think the average was between 60,000 and 70,000 horsepower.

Moreover, the report which the engineers made did not even contemplate the development of all power at Great Falls. In order to satisfy lovers of nature it protected the falls proper and did not take into consideration or contemplate the destruction of the scenery at Great Falls, but proposed to develop only the power between the foot of the falls and the District line.

I am not an expert, Mr. President. I have to take the word of experts in things of that kind. Anybody can see in a moment that those who are opposed to the development of this great power would find some reason for it. They all had an

opportunity to be heard. Every detail was investigated. The engineers took, as I remember it, something over a year's time to do the work, and they reached the conclusion that the development of the Great Falls was not only advisable and practicable, but that it ought to be done at all hazards.

It has seemed to me that while we are developing water power, or permitting others to do it, the Government of the United States—and that was the proposition in this case, and that is the real objection on the part of some people at least to its development—ought to have developed this power.

One of the objections made, and it was made recently by the Secretary of War himself, was that it was not advisable to develop this power now, because the city and the District is already supplied with electricity at a very reasonable rate by institutions that had already gone into the business, and it would not be fair to develop this water power and interfere with their business. I think it is apparent now to everybody that when we are suffering for want of fuel right here in the Capital, when last winter, I think, once or twice the public schools had to be dismissed because they did not have coal to heat the buildings, Congress ought to begin to think and to wonder why we should not develop this power.

There is another thing connected with it that was included in the instructions to the engineers. The time is coming when the water supply of the great city of Washington will have to be developed, when the water now supplied to the city will not be sufficient. There was included in this development a large increase of water. I have noticed in the papers recently that since the population has increased, as it has since the beginning of the war by probably 100,000, there is danger of a water famine in addition to the fuel famine, and when we have a water famine in the city of Washington it will be one that will not be easily remedied, because all the water must come through a single aqueduct. The engineers recognize the fact that if the city increases in population or if the present population should become permanent the water supply of the city is in danger right now, or it would be in danger in warm weather.

Of course, Mr. President, that has not anything to do directly with this bill; I realize that, and I have only taken this occasion to mention it. I have nothing further to say.

Mr. CUMMINS. Mr. President, it is obvious that there will be no attempt to amend the bill at this time, but I feel it my duty to restate my attitude toward it.

When the measure came before the last Congress I had two chief objections to it. First, it perpetuated a misinterpretation or misconstruction of the acts of 1890, 1899, 1906, and 1910 with regard to the meaning of the phrase "navigable streams." I felt in cases growing out of conditions in my own State the injustice of the construction which had been put upon the phrase "navigable waters" so far as streams are concerned, and I feared very much the consequence of a perpetuation or continuation of that interpretation. I sought to amend the bill in that regard so that it would include a definition of navigable streams or at least a restriction so far as the act is concerned in its application to streams of a certain character.

I am glad to say that the views which I entertained on that subject seemed to meet the approval of the Senate, and especially that they met the approval of the distinguished Senator from Tennessee [Mr. SHIELDS], who was then as now in charge of the bill, and the measure was amended so as to entirely remove my objections to that part of it. The present bill contains the provisions which were then incorporated in the bill by way of amendment, and I have no objection whatever to that feature of the bill.

The remaining objection which challenged my opposition was with regard to the taking over of the property that will be developed by private interests at the end of 50 years, and I now can satisfy the Senator from Utah [Mr. KING] with regard to one specific objection. This bill, as did the former one, proposes to issue a lease or a permit to a private corporation or person for the development of a navigable stream to run for 50 years. The Government reserves the right at the end of 50 years, and not before, assuming the terms of the permit are complied with, to terminate it. If the Government does not give the notice that is required in the bill for the termination of the permit, it becomes a continuing and a perpetual one. I have no objection to that, but——

Mr. KING. Will the Senator allow me?

Mr. CUMMINS. I yield to the Senator.

Mr. KING. Does the Senator mean by a perpetual lease that the Government then would have no right to terminate the lease at a later period?

Mr. CUMMINS. No; the Government has the right at the end of 50 years, or at any time thereafter upon giving two years' notice, to terminate the permit.

Mr. KING. Then it is not perpetual. It is to be terminated by notice from the Government.

Mr. CUMMINS. It is still subject to termination, and I have no objection to that whatever, but the moment the termination is decided upon by the Government and the notice given and the period of two years elapses, then there arises upon the part of the Government an obligation to take the property created in the course of development, no matter how large or how extensive its ramifications may be, and pay for it. The method of ascertaining the compensation is not the one that I would assume, but it is not particularly censurable.

The thing, however, that I object to, first, is the creation of an obligation on the part of the Government to take the property and pay for it. I think that is unwise and may create a great burden upon the Government that it ought not to bear. But even that is not the most objectionable feature of that provision in the bill.

I think if the Government exercises its option to terminate the permit and is compelled to take over the property, then the compensation ought to be determined, first, of course, by the general rule as to the value of property, but if the corporation—and it is in every respect a public-utility corporation, that is the character of the service it is to render, the character of the work—if in an accounting, and I provided by an amendment as to the way in which the accounting should be had, it should appear that during the 50 years or more of the occupation and use of the property it had earned enough to reward all the capital invested in its development and at the same time to put aside a sinking fund or an amortization fund that would reimburse the investors for all the capital that they had embarked in the enterprise, then the Government would have it for nothing, because those who had entered into it as a venture would not only have been amply, sufficiently, adequately rewarded from year to year, but they would have collected from somebody, from the public, a sum that represented the value of the property which they had constructed. It is in the highest degree unjust and unfair to make the people of the United States pay for the property twice. This is what may occur, or will occur, in a great many instances. I believe that there ought to be the limitation which I have just proposed added to the section or sections which provide for recapture.

I submitted that to the Senate with all the arguments and observations that occurred to me in its behalf, and while it received the approval of a very considerable number of Senators it did not command the support of a majority of the Senate, and the controversy, so far as I am concerned, will not be reopened. But I have felt that it was due to a certain degree of consistency that I state at this time and immediately before the bill is to be passed that my views upon that subject have not changed. Further reflection has served simply to strengthen or fortify them.

Mr. KING. Will the Senator yield?

Mr. CUMMINS. I yield.

Mr. KING. In line with what the Senator has just suggested, the Senator will recall that it is a very common practice in business life for men to take leases upon real estate for periods up to a hundred years and erect valuable structures with the understanding that at the expiration of the leasehold period the land together with all the improvements thereon shall revert to the lessor. Why should the Government of the United States be placed at a greater disadvantage with respect to the property which it leases than private individuals?

Mr. CUMMINS. I do not think it should.

Mr. KING. Particularly where the lessee pays nothing, as I understand under the terms of the permit, to the Government for the privilege of occupying the land for the period of 50 years.

Mr. CUMMINS. I do not think it should, and moreover——

Mr. SHIELDS. Mr. President——

Mr. CUMMINS. In just a moment. It is the common, almost the universal, practice of great enterprises to lay aside each year a sinking fund or an amortization fund that will within a reasonable number of years—and I do not know of any that contemplates a period of more than 50 years—a sum that will at the end of the period reimburse the capital which has been invested.

Mr. SHAFROTH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield, and, if so, to whom?

Mr. CUMMINS. I will yield first to the Senator from Tennessee.

Mr. SHIELDS. In this connection, I should like to say that the consumer will have to pay it.

Mr. CUMMINS. Certainly the consumer will still have to pay it, and no one but the corporation will get any benefit from it.

Mr. SHIELDS. One further matter on this point to elucidate what the Senator from Utah said. I think the Senator from Iowa should have stated that there is no lease made under the bill by the United States to the permittee.

Mr. CUMMINS. There is no lease of land. It is a permit.

Mr. SHIELDS. It is only a question of the use of property belonging to the United States. It is a mere permit to put the obstruction in the river and there is the benefit conferred upon the United States. There must be locks and every facility for navigation, such as the Government itself would put in in improving the river, and it is done at the expense of the permittee; or the owner, the riparian proprietor, may improve its own property.

Thus a very great burden in improving for navigation is taken off of the Government of the United States by granting this permit for a certain time, so that the permittee may have some assurance that the dam is going to stay there, and the customer or consumer of the power may have some assurance that it will stay there for this fixed time and that the power be furnished him; otherwise there never could be any sale for it; and no man would build a factory to be operated by such power.

Mr. CUMMINS. Mr. President, I ought to say, in response to the suggestion of the Senator from Tennessee [Mr. SHIELDS], with regard to the collection of this money which would constitute the sinking fund or the amortization fund from the consumers, that the amendment which I proposed was conditional upon the collection; it did not require the collection. If the company that operated the water power did not collect enough to create a fund of the character I have described, then, of course, the amendment which I thought ought to be adopted would not apply. It was only in a case where the operator or the owning corporation had collected enough from the public to amply reward capital and to reimburse the entire investment that the deduction from the amount ascertained in the ordinary method was to be applied.

Mr. SHAFROTH rose.

Mr. CUMMINS. I yield to the Senator from Colorado, if he desires to interrupt me.

Mr. SHAFROTH. Mr. President, all I wanted to refer to was the concurrence of the Senator from Iowa with the contention of the Senator from Utah with relation to a lease for, say, 100 years by which the building goes to the lessor. That is done upon the theory that at the end of a hundred years the building will not be worth anything. It also must be considered that in this bill there is a provision that the State utilities commission shall have the right to regulate the rates. Of course, they are not going to permit a high rate and the fixing of exorbitant prices against the interest of the people.

Mr. CUMMINS. But they do permit it now.

Mr. SHAFROTH. They do not permit it in my State, I will say to the Senator.

Mr. CUMMINS. Well, Colorado may be fortunate; but the instances in which regulated corporations are able to pay high interest upon their capital and to lay aside a sinking fund for the reimbursement of the capital are so very frequent that they must have come to the attention of the Senator from Colorado, even if they do not exist in his own State.

Mr. SHAFROTH. That may be true in some instances, but I must say that the Utilities Commission of the State of Colorado has done most excellent work in reducing prices. In fact, the problem there is whether or not investors will undertake the investment of capital where they are not to control the price. In the case of a building, of course, the landlord has the right to fix the rent at whatever sum he desires; he can do it now, and he is doing it in the District of Columbia to the extent of an increase of 100 to 300 per cent; but a corporation of this kind should not be permitted to do that because it is of a public nature.

Mr. CUMMINS. The suggestions of the Senator from Colorado have no pertinence whatever to the amendment which I proposed at the last session. I only proposed that if an amortization fund or a sinking fund were accumulated, if the people had been compelled to pay more than an ample reward upon the capital, then the public should get the benefit of it by a credit upon the value of the property which the Government took over.

Mr. SHAFROTH. Mr. President, I can see the force and strength of the Senator's position, but the illustration which was made by the Senator from Utah [Mr. KING] would not be applicable to this bill, it seems to me, because it relates to a matter where the owner of the property can charge whatever he pleases; but he could not so charge under this bill, because there is a utility commission that controls and regulates the price, which is supposed to give the owners a reasonable rate for the use of their hydroelectrical power.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield.

Mr. KING. In reply to the Senator from Colorado [Mr. SHAFROTH], I desire to say that I think he is in error in stating that in the illustration which I gave the property becomes valueless at the expiration of the lease. As a matter of fact, in most instances of that character the property is more valuable. There are innumerable instances of leases being given by the owners of land for the construction of buildings, the lease running 10, 15, 20, or 50 years, with the understanding that the buildings to be erected are to be of a certain character—and the character is designated—and of a certain value—and that is stipulated—because the landlord anticipates that at the expiration of the lease he will not only get his land back but that he will receive a valuable accretion thereon in the form of buildings which have been erected.

Mr. SHAFROTH. Mr. President, what I referred to was a hundred-year lease, which is generally recognized as the one in which buildings erected on leased land go to the lessor. Whenever the leases are of a shorter duration of time it will be found in nearly every such case there is a provision that a certain proportion of the value of the building erected thereon shall be paid by the lessor. I know of instances of that kind, and I have never heard in the case of a short lease or in the case of a lease of even 20 years, that the property should go to the lessor without any compensation whatever to the lessee. One can naturally see, however, that there is hardly any building which could be constructed for either business or resident purposes that would be worth anything at the end of 100 years. Therefore, of course, it is not worth while to designate what the lessor shall pay, if he pays anything for the building.

Mr. CUMMINS. Mr. President, if I had any hope that an amendment such as I have outlined could be adopted, I should feel it my duty to take up the time of the Senate in proposing it and in discussing it, but I have no such hope. I therefore shall content myself with the statement of my attitude toward that particular part of this bill.

Generally speaking, I think the bill is a very wise one; I think it will have a tendency to develop the water powers of the United States; and if it could be rid of this, and possibly one other unjust feature, I think it would command the approval of the people of the country with great unanimity.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

Mr. POINDEXTER. Mr. President, I desire to say a few words upon the pending bill. When it was acted on by the Senate in March, 1916, I discussed it somewhat and offered several amendments to it. Many of those amendments were adopted at that time and most of them are incorporated in the bill at the present time; but the bill still contains certain provisions which induced me to vote against its passage heretofore, and which will compel me to vote against it now.

One purpose I have in making this statement is to answer an argument which I very frequently hear made that seems to imply that a vote against the Shields water-power bill, as it is called, is a vote against the development of water power. I came in contact in the country with criticisms which were so insidious that it is at times difficult to secure fair and just consideration for the real issue involved.

I am in favor of the development of water power, and I am not only in favor generally of the development of water power, but I am in favor of the enactment of legislation to that end at the earliest possible moment. I think that a bill ought to be passed now settling the question, settling it permanently, and, of course, settling it upon such fair and reasonable terms as will enable capital profitably to undertake this development. But opposition to a particular bill does not imply that there is no other bill that can be passed; opposition to the Shields water-power bill in its present form does not necessarily mean opposition to the same bill if amended in certain particulars, which amendments could easily be enacted, if the Senate so desired, at any time without the loss of any appreciable time in securing the object for which this legislation is to be enacted.

I do not propose, Mr. President, to be diverted or deprived of the right as a citizen and a Senator to insist upon the reasonable guarding of the public interest and to protect the Government in dealing with these great public franchises because it may be said that it is opposition to the development and promotion of industry in the country. That is a fallacious argument; it has no merit whatever; and I say this only to pass by it to other matters.

The bill is going to the House of Representatives and there is going to be a controversy about what form it will take. In the last Congress when it was passed there was a difference of opinion between the two branches of Congress upon the subject; no doubt that difference of opinion will appear again, at least to some extent, and it can not be said because there is such a difference of opinion that those upon either side of the question are blocking water-power legislation. I took the position upon this phase of the matter that those who insisted upon unreasonable conditions in this bill were responsible for its failure to become a law, and consequently responsible for the failure of the development of water power in the country. I repeat that statement now, that if the bill passed the Senate in a form embodying reasonable protection of the public interest, full provision for proper service, reasonable rates, and just terms and conditions of recapture of these great properties, it would have passed the other branch of Congress, met the approval of the country, been satisfactory to capital, and we would now be enjoying whatever benefit would come from the use of the natural powers in our navigable streams.

I want to add in that connection that it need not be undertaken to create the impression that if one stands here in the discussion of this bill and argues in favor of Federal control and regulation of the public interests that are involved in it he is thereby putting himself in opposition to the business interests of this country and to the water-power men pursuing legitimate objects. That is not the case.

It is only a short time ago that I had a visit in my office from one of the principal water-power promoters of this country, accompanied by a lawyer who had specialized in water-power legislation, and while the promoter to whom I refer insisted upon the doctrine that is contained in this bill and advocated largely, I think, by the distinguished Senator from Tennessee, who has charge of it, through the influences of tradition and environment, of State sovereignty and State control, this water-power lawyer, representing the greatest water-power interests in the country, agreed with me in favor of Federal control as preferable from the business standpoint, as I insist it is preferable from the standpoint of the public interest. That water-power man referred to the certainty, the uniformity, the efficiency of dealing with one central authority, and to the confusion, uncertainty, and inefficiency of having to deal with a multiplication of boards, tribunals, and officials in every community where there may be an actual or potential water power.

The Senator from Alabama [Mr. UNDERWOOD] said a while ago that those who were opposed to this bill opposed it because somebody was likely to make money if the bill became a law in its present form. There may be some who oppose it for that reason. The Senator making that statement no doubt has fully considered it and has ground for the statement that Senators or those outside of public life oppose the legislation because there is danger, as they think, of somebody making a fortune out of it; but I am very much surprised to hear, if that is the case, that anybody, at least, who takes any active interest by way of public expression in the public policies of the country and has enough education and intelligence and interest in the Government to do so should be actuated by any such motive.

It seems to me supererogation, so far as I am concerned, to say that I have no objection to people making money by the development of water power or in any other legitimate industry. I am glad to see them make money; I like to see the country prosperous and fortunes accumulated by the exercise of ability and industry and thrift, and I believe that the general public profits by it directly and indirectly; but there are other grounds besides that strange one stated by the Senator from Alabama for opposition, not to the development of water power but to the particular terms and conditions of this bill, which is a very different thing.

There are three matters upon which legitimate opposition may arise, in which the public have a right to concern themselves. One of those is service. That is, in granting these great properties care should be taken that there is going to be fair and uniform service; that is, that everybody shall be treated alike, that everybody shall have the same rights to get the power that may be developed that anybody else has, under the same terms and conditions. We all know what an instrument of tyranny and oppression might be made of the control of the developed water powers of the country if, through the uncertainty or the errors of the law, those who control them could favor one industry or one individual and punish or oppress another. That is one thing about which we have a right to concern ourselves.

Another one is the matter of rates. It is not just a question of seeing factories established, of seeing power developed out of these flowing streams. The fact of the case is that that in itself, if it went no further than that, would be a matter of very little concern. What the country is interested in is the product and the use of the product that comes from those factories, from the electric power that may be generated by the turning of these great wheels by the force of the falling waters. It is the same thing that has often been discussed in regard to the opening of the coal lands. The public are not interested in the opening of coal lands, any acre of them, or all of the public lands in Alaska or elsewhere, unless they can get coal more plentifully and cheaper than they could before. That is the only interest they have in it, and the same consideration applies to the development of water power.

So it is important to guard carefully the regulation and control of service and rates under the franchises provided for by this bill. The fundamental difference between those who are in favor of this particular form of bill and myself and some others in that I believe in reserving in the Federal Government, by attaching it to the grant, the right upon occasion, if the necessity should arise, to prevent extortionate rates and to insure uniformity of service, rather than leaving it altogether to the uncertainties and powerful influences that may affect local commissions when dealing with great national and international corporations of the kind that control the electric power of the country.

This bill leaves it entirely to the local authorities. I have no quarrel with the motives of anybody who takes that position. It is a legitimate position for them to take if they believe in it, but I differ with them. That is all there is about it. I have just as much right to insist upon control by the United States Government in conjunction with the States. I would not deprive the States or the local authorities of any of their power in the matter. I do not want it to appear from the fact that I insist upon retention by the United States of the power to regulate that I am in favor of depriving the States of their powers in the matter. My view is that these jurisdictions can and do exist simultaneously and concurrently, as do many other powers of the States and of the Federal Government. Both jurisdictions exist, and both can be exercised, if necessary; and I have not any fear that any such right, if retained by the Federal Government, would be abused. On the contrary, experience in the exercise of regulatory powers by the United States is that it has been, in general, fair to business and to invested capital.

Something has been said about the Great Falls of the Potomac River. To show that you are not necessarily going to render any public benefit by merely giving franchises for water power, or, rather, by dispossessing the United States of its control without conditions of any kind, look at the Great Falls of the Potomac, as unfettered and as undeveloped as it was when it was first created; and yet long ago it passed into private hands. I started to say that it is as undeveloped as it was 100 years ago; but it is not nearly so developed as it was 100 or more years ago. More than 100 years ago George Washington, an enterprising and progressive man of business, used the power of the Great Falls of the Potomac, and you see there yet the remains of the foundry and mill which he established and operated. There is now a dam above the Great Falls of the Potomac; and yet there are certain interests—and I use the term in no offensive sense—which find it profitable to suppress and prevent the development of that water power. That is not because the Federal Government interferes with it, for it does not.

Long ago these falls passed into private hands. But the owners of coal mines and of the railroads that haul the coal prefer that power should continue to be developed from coal rather than from electric power from the Great Falls of the Potomac.

Speaking of the fact that the effect upon rates and service to the public is the important consideration, I am reminded of the Chesapeake & Ohio Canal as an illustration. It is particularly pertinent to speak of it now, at a time when a good many people are said to be freezing to death right here in the Capital of the Nation for the lack of coal. When you inquire why there is a lack of coal when there are vast stores of coal at a short distance, in the coal regions in the mountains very near to us, they say that it is because of the congestion of transportation; that the cars are crowded in the terminals and the railroads can not haul it, when, as a matter of fact, if there had been no restraint of commerce, if there had been a full and fair opportunity for transportation to develop along natural lines with the greatest efficiency and economy, there could have been carried on the Chesapeake & Ohio Canal, which reaches from tidewater into the vicinity of the coal fields, enough coal to supply the entire Atlantic seaboard. And so the development of that great highway of transportation has not returned to the people the benefits that would have come if it had had full play and had not been interfered with by competing and rival interests. In like man-

ner we are interested in a full return of actual public service from the water powers of the country.

Some questions were asked a moment ago as to the particular defects of this bill. I want to call attention only to one of them. I have been absent from my office for some time and have been overwhelmed with accumulated business since I returned. Consequently, I shall not undertake to go in detail into the discussion of all the objectionable features of this bill. I think I shall only refer to one of them.

The permit or franchise provided for in the bill is supposed to be a 50-year permit. As a matter of fact, it is not at all. It is an indefinite permit, and may be practically perpetual.

What is the situation? That unless the Government takes some action and gives notice, the permit goes on. And if the Government gives notice of the termination of it, what takes place?

It is not terminated merely by the giving of notice at the end of 50 years. I think the Senator from Iowa [Mr. CUMMINS] was slightly mistaken in saying that the notice can be given only at the end of 50 years. In justice to the bill, it should be said that the notice can be given before the end of the 50 years. So far as the effect of the notice is concerned it could become effective and, if the notice terminated it, at the end of 50 years. But giving notice does not terminate the permit. It ought to. If it is going to be a 50-year permit, it ought to be terminated by the giving of notice, with a provision, if there is to be compensation, that after the permit has been terminated and after the Government has come into its own again the owners could recover in the courts, if necessary, if they could not agree upon the amount, fair compensation upon whatever basis might be provided in the bill.

But what does the bill provide? After providing the most complicated and cumulative system of compensation, it provides that if the owners of this permit do not agree to the compensation that is offered to them, they can take the matter into a court of equity and litigate it, and while they are litigating it they can continue to possess and enjoy it.

Mr. BORAH. To what section does the Senator refer?

Mr. POINDEXTER. It is in section 6, at the bottom of page 11, going over on to page 12. They can go into a court of equity. How long can they keep the matter in a court of equity? Well, there was the equity case of Jarndyce against Jarndyce that Dickens describes, and you can keep an equity case going nowadays just as long as they could then. That is all that is necessary to continue the franchise indefinitely.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. POINDEXTER. I yield.

Mr. BORAH. This section says that at any time after the expiration of 50 years the United States may terminate the rights. Does the Senator understand that the notice could be given prior to that?

Mr. POINDEXTER. Yes. If the Senator will read just in the next line he will see that it says:

> Upon the giving to the grantee, either before or after the lapse of the period of the permit, of two years' notice.

Now, here is one of the objectionable things about the compensation that is provided for. I do not even go so far as to say that I would object to paying the full value, upon some such reasonable basis, of this property, although I think there is a good deal in what the Senator from Iowa says, that having enjoyed it for 50 years and being able to amortize it during that time it would be perfectly reasonable if what is left of it at the end of 50 years should revert to the Government without any compensation. But leaving that dispute out of the question, and supposing that the Government is to be required to pay compensation for the property at the end of the 50 years, this bill imposes unreasonable, harsh, and drastic terms upon the Government and upon the people in estimating the amount that it will have to pay in order to get back this property after it has been enjoyed by the grantee for 50 years. The bill says:

> And upon paying to the grantee just compensation for said property—

Now, you would think that would be enough; but the bill does not stop there. It goes on to say—

> together with the cost to the grantee of the lock or locks, or other aids to navigation.

After paying them just compensation for the property, as it stands under this bill, "together" with that they must pay the "cost to the grantee of the lock or locks" which were put in 50 years before.

Is that a reasonable provision? I do not regard it so. It might be supposed that the grantee was to be paid by the Government for the improvement of navigation; but if that is required, the reasonable basis upon which it should be estimated would be the value of it at the time the property is recaptured, and not the cost of the improvements 50 years before.

But that is not all that the Government would be required to pay. In addition to paying just compensation "together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures required by the United States," the Government must assume all contracts entered into by the grantee, with the approval of the duly constituted public authority having jurisdiction thereof or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made, so that any contract that they can make—all that are approved during that period—the United States are left to assume at the end of this 50-year period, and if the Government objects to assuming them because they do not come within the terms of the basis of value set out in the bill for compensation, then they will go into a court of equity as provided in this same section and litigate the matter for an indefinite period of time—

> By proceedings in equity instituted by the United States in the district court of the United States in the district within which any portion of such dam may be located.

I regard these as very harsh and unreasonable impositions upon the Government, and in themselves would be sufficient to justify voting against the bill. A fair compensation for the property as it exists at the time, for the actual physical property, would be the utmost limit which the Government ought to be required to go in the way of payment in order to recapture the property. If the Government is required to assume all contracts which shall have been made and approved, an easy way is opened by which the recapture by the Government will be rendered impossible.

There are a great number of changes which have been made in the former bill, and it is difficult to understand just what the motive was or the general policy which governed them. For instance, I notice in some places they are very particular to change the expression "district court of the United States" by striking out the word "of" and inserting the word "for." The change is entirely immaterial, and I think incorrect. But to show that there is apparently no general policy governing the changes which have been made in the bill, note the effect on page 10, lines 5 to 9, where they strike out of the old bill the provisions that a municipality in exercising the right of eminent domain should go into the district court of the United States for the district where the property is situated. The framers of the bill with much elaboration have stricken that out and provided instead that the proceedings shall be "in the district court in which the property is situated." I have heard of a good many things being situated in a court, but not water powers. And so on through the bill there are a number of changes which seem to have been made with an equal degree of care and equally eccentric consequences.

Not for those reasons, which are largely inconsequential, but for the more important reasons which I have spoken of and some which I have not spoken of and which I formerly expressed, I shall vote upon this occasion as I did upon the former passage of the bill.

The PRESIDENT pro tempore. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. BORAH. Mr. President, I presume that the bill is about to pass, and I have no desire to delay it, because nothing is to be gained by its delay. The bill has heretofore been before the Senate and discussed at great length, and most of us have expressed our views upon the bill heretofore. After weeks of debate it passed by a vote of two to one, so we could not hope to change results.

In view of the fact, however, that apparently there is to be no roll call upon the bill I simply want to say, without repeating what I have heretofore said, that I am opposed to the bill. I realize that some legislation ought to be had on this subject and it is important that we deal with the matter. At the same time there are some provisions of the bill which make it impossible for me to vote for it. Much as I want development, I can not vote for this measure. It is unwise legislation in fundamental particulars.

I would undertake to discuss the matter, Mr. President, if it were not for the fact that, as I said, it has been heretofore discussed and the vote has been had, and I know that the opinion of the majority of the Senate is in favor of the passage of the bill. I see nothing to be gained, therefore, by delaying it and repeating the discussion. If I felt any possible change could be brought about in its passage I should be glad to enter the discussion, but it is apparent any effort would be wholly fruitless.

Mr. JONES of Washington. Mr. President, I take it there will not be very much more discussion, and I shall take but a very few minutes.

On the 24th and 25th of February, 1916, I discussed at length the main propositions in the bill, and I do not propose to repeat that discussion now. My remarks will be found at page 3060 of the RECORD of February 24 and at page 3121 of the RECORD of February 25, 1916, first session of the Sixty-fourth Congress.

I want to present in a concise way the practical side of the water-power question and my conclusions, not speaking for anyone else, as to the character, purpose, and effect of the pending bill.

The following estimate of the United States Geological Survey shows the available water horsepower in the different sections of the United States, if developed to the practicable maximum without storage:

North Atlantic States	4,910,000
South Atlantic States	5,107,000
North Central States	4,276,000
South Central States	2,342,000
Western States	44,043,000
Total available potential horsepower	61,678,000

It is also estimated that with practicable maximum storage the total available water horsepower that could be produced in the United States would be 200,000,000. The present actual water-power development in the United States is about 6,000,000 horsepower, or 10 per cent of the amount available without storage and 3 per cent of the amount available with storage.

The Geological Survey report for the year 1913 shows that our consumption of coal for all purposes was about 570,048,125 short tons, of which the railroads alone used about 20 per cent. In addition to this, the petroleum used in 1913 was equivalent to 24,000,000 tons of coal. Every water horsepower now going to waste which could be economically substituted for fuel power would represent approximately 5½ tons of coal per year, based on an average of 12 hours per day. To indicate what are the possibilities of conservation along this line, we need merely to reflect upon the fact that the ultimate development of 61,678,000 horsepower on the foregoing coal consumption basis is equivalent to the annual use of nearly 340,000,000 tons of coal—60 per cent of the total amount used in the United States—which, at $2 per ton, represents an annual value of $680,000,000. If all the water at these power sites were used constantly, the foregoing coal consumption figures would be doubled. Of course, this represents the maximum attainable development, which, in all probability, will not be approached for a long period, but it also represents the end which may finally be achieved. It is certain, however, that unless a start is made by the enactment of fair and practical legislation, efforts to accomplish this much-to-be-desired result, even in small part, will fail. Every undeveloped water power for which a market now exists represents a willful waste of an exhaustible natural resource.

It is estimated that over 10,000,000 horsepower could be produced from dams installed in connection with the improvement of our inland navigable waterways, and that were locks installed in the power dams, over 4,000 miles of the upper reaches of these streams would be opened to navigation. The cost of these river improvements would be upward of $800,000,000, and, if accomplished by private capital for purpose of power production, would not cost the Government a dollar, except for the bare locks and removal of minor obstacles in those portions of the streams not connected with power development. If these river improvements were in one stream, it would be equivalent to creating a navigable waterway across the continent from New York to San Francisco. But in reality it means the extension of navigation for an aggregate of 4,000 miles in 35 rivers, traversing 20 States in such widely different sections of the country as Connecticut, Massachusetts, Pennsylvania, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Alabama, Georgia, Tennessee, Florida, Arkansas, Ohio, Kentucky, Missouri, Wisconsin, Minnesota, Washington, and Idaho.

While it will take a long period of time to improve all the inland waterways which could be made navigable in connection with development of water powers, yet every 100 miles helps, and the construction of river power dams will be begun in many different sections of the country as soon as Congress passes laws permitting safe investment of capital in water-power developments.

The inland waterways of the warring countries of Europe are being used to their utmost limit, and hundreds of miles of new canals have been built since the war began. A new waterway 182 miles long, connecting the Oder and the Vistula Rivers, has recently been opened to traffic, and 500-ton boats can go direct from Berlin to Warsaw and to the seaport of Dantzig.

Germany has thousands of miles of canals and rivers which have been made navigable, and are being used for carrying heavy freight, leaving the railroads free to be used for the rapid transportation of troops and food supplies. It is said that were it not for her freight-carrying inland waterways the war would be over and Germany beaten, because the rapid movement of her troops from one front to another would have been seriously impeded had the railroads been occupied with heavy freight.

The production of hydroelectric energy is a hazardous business. Cost of installation is difficult to determine in advance and often exceeds the amount anticipated. Floods sometimes destroy dams and power houses, and public regulation limits profits. But if men and capital can be found to undertake the work, why not enact Federal laws which will authorize the War Department to permit the development of water power in consideration for the establishment of these much-needed improvements to river navigation? In this way waterways would be made navigable by private capital instead of through taxation, cheap water transportation would be afforded to districts but now sparsely settled, and congestion of traffic relieved in thickly populated centers.

The present law, known as the general dam act, enacted in 1906 and amended in 1910, provides such restrictive terms and conditions that with but two small exceptions no power developments and river improvements have been made by private capital upon navigable streams since 1912, a period of five years.

The following actual projects of water-power development on navigable streams have been defeated by lack of rational water-power laws:

State.	River.	Horsepower to be developed.	Miles of inland waterway improved.
Washington	Columbia	410,000	160
Do	Pend Oreille	280,000	80
Montana	Missouri	160,000	110
Minnesota	St. Croix	30,000	25
Iowa	Des Moines	80,000	201
Maryland	Susquehanna	110,000	15
Massachusetts-Connecticut	Connecticut	20,000	23
Georgia	Chattahoochee	120,000	128
Alabama	Tennessee	410,000	35
Tennessee	Clinch	25,000	34
Alabama	Coosa	190,000	76
Kentucky	Cumberland	26,000	71
Georgia	Flint	9,000	12
North Carolina	Little Tennessee	200,000	94
Virginia	New	20,000	10
Do	Roanoke	35,000	20
South Carolina-Georgia	Savannah	78,000	85
Total		2,122,000	1,160

Two million one hundred and twenty-two thousand horsepower is equivalent to the energy contained in 7,214,000 tons of coal, which would require the labor of 7,000 men to mine and 200,000 35-ton cars to move.

In connection with the remarks I submitted on February 23, 1915, found at page 4397 of the RECORD, third session, Sixty-third Congress, I pointed out the possibilities from the improvement of Priest Rapids on the Columbia River. I also referred to the possibilities and the magnitude of that project in the discussion of February 24 and February 25, 1916. I am not going to repeat what I then said, but I simply want to call to the attention of the Senate some of the productions of that region, showing what we will be able to do in an agricultural way if water-power development can be had on the Columbia River, through which several hundred thousand acres of extremely fertile land would be brought under cultivation.

I have brought here to the Senate samples of some of the products that are produced in that immediate neighborhood. Some of the lower lands have been brought under water, and practically every product of the Temperate Zone can be raised there in profusion. Some of my southern friends may be surprised to learn that in that section we can also raise cotton. I have some samples of cotton here that have been produced within the last year on the Columbia River near Priest Rapids. I do not know anything about cotton myself, but I have talked with some who are cotton raisers and they pronounce these samples to be cotton of a splendid character [exhibiting]. This year was one of the most unfavorable years for the production of cotton; the spring was very cold and very late; yet this cotton matured early in the fall, and our people are absolutely confident that they have such a soil and such a climate and such a temperature as will enable them to raise splendid cotton upon practically all the land that would be reclaimed if this water power could be developed and the electric energy made available for agricultural purposes. I hope that our southern friends, at any rate, will examine these samples and see what they think of them.

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from Berlin to Warsaw and to the seaport of Dantzig.

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made available for agricultural purposes. I hope that our southern friends, at any rate, will examine these samples and see what they think of them.

Then I have here a small box of soya beans [exhibiting]. That is a bean that we have been importing very largely from China into this country. It is most valuable as a fertilizer and for stock. My recollection is that about $6,000,000 worth were imported last year. It is raised in a few different localities in this country, but very few. It does well in that section, and I have no doubt if we can get this land reclaimed in some way we will produce about all the soya beans we need in this country.

Then I have here samples of some of the fruits that we produce in that neighborhood [exhibiting apples]. We can find these in all the irrigated sections in our State, as well as the other States of the West.

Mr. BORAH. I should like to ask the Senator about the flavor of that fruit.

Mr. JONES of Washington. I am satisfied the Senator from Idaho is very desirous of trying it. He raises this kind of fruit in his State, and I am not going to let him have this. I am going to put this in the hands of some one who does not get this sort of apple at home. This is a Delicious apple [exhibiting]. That is the name of it. It is called the Delicious. It is a little above the average size, but not an extreme size.

This is a Jonathan apple [exhibiting]. This is the Grimes Golden [exhibiting], that I think will compare with any of the Grimes Golden raised anywhere in the East. This is what they call a Banana apple [exhibiting], and it has very much the flavor of a banana.

Then, I have the Spitzenberg. This is a very fair sample of the fruit raised there [exhibiting], and I want to say in all that section of the country peaches, plums, pears, grapes, and all the fruits of the Temperate Zone could be produced in abundance.

We are also going into the beet-sugar industry in our country. A beet-sugar factory has been built at North Yakima this year and is now manufacturing something like 5,000 sacks of sugar per day. The sugar beet can be raised in all that irrigated section. Here is an average sample of the size of the sugar beets that we produce in that country [exhibiting]. We get from 15 to 35 tons an acre, and if we have the proper encouragement, through legislation or otherwise, there is not any doubt in my mind that this country will soon produce all the sugar that is necessary in this country.

Mr. President, I shall state in a word my views as to what this bill, known as the Shields bill, provides.

It provides:

1. For the improvement of the navigation of rivers without cost to the Government in connection with dams constructed for hydroelectric purposes in navigable streams.

2. For grants by the Secretary of War of authority to private parties for the construction and maintenance of such dams when navigation facilities can be improved thereby, such authority to extend for 50 years and until the property necessary to such development is taken over and just compensation paid for it, either by the Government or a duly authorized new grantee.

3. For diligent construction, completion, and operation of such dam, subject to market conditions.

4. For the construction by the grantee of suitable locks, without cost to the Government when required by the Secretary of War.

5. For payment to the Government by the grantee of the cost of any investigations necessary to the issuing of the grant and the cost of such supervision of construction as may be necessary; and also the payment by the grantee of reasonable charges for benefits resulting from headwater improvements installed by the Government and payment to the Government of a reasonable price for the use of any public lands taken.

6. For the regulation of the rates and service of the grantee by State authority, or, if the business is interstate, by the Interstate Commerce Commission, thereby assuring to consumers efficient service and fair, just, and reasonable rates.

7. For reserving to the States authority over the waters and water powers, subject to the paramount power of Congress over navigation, and for reserving also all the taxing powers of the State in relation to the properties.

8. For uniform accounting and examination of the books of grantees by the Secretary of War.

9. For leasing under similar conditions the right to utilize surplus water power generated at dams constructed by the Government.

It seems to me, under those various provisions, the rights and interest of the community are amply protected. Those who favor this legislation are as honest, sincere, patriotic, and as faithful and devoted to the public interests as those who oppose it. It is easy to charge that this legislation fails to protect the interests of the public, but such a charge can not be proven by reason, logic, or facts. On the contrary, it is plain from the terms of the bill itself that the public interest is made the highest concern. Monopoly is prohibited, excessive profits are prevented, full, complete, and efficient regulation and control are provided, and the lowest possible rates for power and the most efficient service to consumers are assured the public.

Mr. TOWNSEND. Do I understand the Senator from Idaho to state that there would be no roll call on the bill?

Mr. BORAH. No; I did not say there was to be none; that might infer that there was an agreement that there should be none. I said I assumed there was going to be none.

Mr. TOWNSEND. Mr. President, I do not wish to occupy the time of the Senate in combating the passage of the bill, because the argument has been presented before. I desire, however, an opportunity to go on record as being opposed to it in its present form. No man is more favorable than I am to the improvement of these water powers, and especially at this time; but the very emergency of the occasion ought not to force us to do things which we will regret hereafter.

It seems to me that the bill does not properly safeguard the public interests. Of course, I am in opposition to many of those in the West, but I myself am in favor of one reguiation, and that is the Federal.

So far as this particular question is concerned and the provisions for taking over the property by the Government, what has been pointed out by the junior Senator from Washington [Mr. POINDEXTER] seemed to me to conclusively convince any Senator who has given the matter careful attention at least that it is a one-sided contract and against the interests of the Government.

Nothing that I can say will, of course, change the result of the vote; but in view of what the Senator from Idaho stated, that there may not be a roll call, I desire now to express by opposition to the bill as presented.

Mr. POINDEXTER. Mr. President, I move to strike out of the bill all that part of section 6, on page 10, beginning with the word "together," in line 19, going over to the top of page 11 down to and including the word "made" in line 1. I should like to have the Secretary read the part which I moved be stricken out and to read the bill as it would be with the amendment.

The SECRETARY. On page 10, line 19, strike out the following words:

together with the cost to the grantee of the lock or locks, or other aids to navigation, and all other capital expenditures, required by the United States, and assuming all contracts entered into by the grantee which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington.

Mr. POINDEXTER. Mr. President, I want to say merely one word before the result is announced. If that amendment is adopted, it will leave the bill, as to recapture by the Government, to read as follows:

Upon paying to the grantee just compensation for said property.

So the amendment does not strike out the provision for compensation, but does strike out the cumulative payments which the Government will otherwise be required to make. It strikes out the requirement that the Government should pay for the cost of the works put in 50 years before and which have been used for 50 years, and upon which the increment and profits made for that period of time have been enjoyed. It would relieve the Government of the burden of assuming all contracts made by the grantee and which may have been made for the very purpose of embarrassing the Government and making impracticable the recapture of the franchise. At the same time it would allow fair compensation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. POINDEXTER].

The amendment was rejected.

Mr. NEWLANDS. Mr. President, I opposed the Shields water-power bill when it last passed the Senate, and I opposed it because it was simply a part of the piecemeal legislation which has characterized the country for over a century regarding water legislation. I opposed it because it proposed to provide only for water-power development in connection with navigation, and that it was not so enlarged in its scope as to embrace every useful purpose for which water can be used, including not only navigation and the development of water power but the reclamation of arid lands, the control of water for the reclamation of swamp lands, intensive cultivation in the humid region, and the development of forestry.

Since the action of the Senate last year regarding the Shields water-power bill, a bill which failed of consideration in the House, Congress incorporated in the river and harbor bill of last session the substantial provisions of the river-development bill which I have been urging for so many years. It is true that the Waterways Commission amendment did not provide for the large appropriations contemplated by the original bill, but it did provide for the organization embraced in it, namely, the creation of a Waterways Commission composed of the Secretaries of War, Interior, Commerce, and Agriculture, with the addition of three others, who should take in hand the coordination of the various national scientific services that relate to the use of water, and who should enter into cooperation with State agencies for the full exercise of the jurisdiction of both the Nation and the States with reference to river development, the providing of comprehensive plans, and the execution of those plans by the National Government in cooperation with the agencies of the States.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. NEWLANDS. I do.

Mr. JONES of Washington. The Senator stated that this commission was to be composed of certain members of the Cabinet. Is not the Senator mistaken in that?

Mr. NEWLANDS. My impression is that I stated that to be the provision in my original bill.

Mr. JONES of Washington. Oh! I beg the Senator's pardon.

Mr. NEWLANDS. That is true; it was modified by Congress in such a way as to give the President the power to appoint either department chiefs or others on that commission.

This bill, Mr. President, provides that permits for the erection of dams for water-power development on navigable streams shall be granted under certain conditions by the Secretary of War, and my belief is that that power ought to be given to the Waterways Commission, which is now provided for by law. If the Secretary of War becomes a member of the Waterways Commission, my objection would be partially removed, for doubtless he would bring any contemplated permits for the construction of dams for water-power development to the consideration of the commission of which he is a member, and would have their views as to the possible operation of such permits upon the general powers exercised by the commission, which would cover not only water-power development but every possible use of water. But if he should not be a member of that commission, then we have this condition, that a waterways commission would be vested by Congress with the full power to effect a competent organization for the treatment and development of our rivers for every useful purpose to which water can be put, and yet that jurisdiction over a most important part of the rivers, namely, the issuance of permits for the construction of dams for water-power development, would be intrusted entirely to the direction and control of an official outside of that commission, thus depriving them to that extent of their jurisdiction.

Mr. President, it is not my purpose to go at length into this question. I considered it exhaustively in speeches made February 21 and March 1, 4, 7, and 8, 1916, in a speech entitled "Water a national asset" upon the so-called Shields bill, and I will refer anyone who is interested in the subject to that speech for a full consideration of all the reasons that impelled me to oppose the Shields water-power bill. I have not opposed that bill since it came up recently for a second consideration by the Senate for several reasons. One was the great pressure of legislation upon Congress. Another was the necessity of immediate legislation of some kind upon the subject of water power, and the likelihood of postponing much-needed legislation, such as the land and phosphates and oil and mineral bill now under consideration, if a protracted discussion should arise over that bill. But I should like to insert in the RECORD a provision contained in the last river and harbor bill regarding the creation of this commission, and I should like also to insert in the RECORD a few extracts from the speeches to which I have referred. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

The quotations from the speeches referred to will be hereafter inserted in the RECORD. The quotation from the river and harbor bill of August 8, 1917, referred to, follows:

SEC. 18. That a commission, to be known as the Waterways Commission, consisting of seven members to be appointed by the President of the United States, at least one of whom shall be chosen from the active or retired list of the Engineer Corps of the Army, at least one of whom shall be an expert hydraulic engineer from civil life, and the remaining five of whom may each be selected either from civil life or the public service, is hereby created and authorized, under such rules and regulations as the President may prescribe, and subject to the approval of the heads of the several executive departments concerned, to bring into coordination and cooperation the engineering, scientific, and constructive services, bureaus, boards, and commissions of the several governmental departments of the United States and commissions created by Congress that relate to study, development, or control of waterways and water resources and subjects related thereto, or to the development and regulation of interstate and foreign commerce, with a view to uniting such services in investigating, with respect to all watersheds in the United States, questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, drainage, forestry, arid and swamp land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil erosion and waste, storage and conservation of water for agricultural, industrial, municipal, and domestic uses, cooperation of railways and waterways, and promotion of terminal and transfer facilities, to secure the necessary data, and to formulate and report to Congress, as early as practicable, a comprehensive plan or plans for the development of waterways and the water resources of the United States for the purposes of navigation and for every useful purpose, and recommendations for the modification or discontinuance of any project herein or heretofore adopted. Any member appointed from the retired list shall receive the same pay and allowances as he would if on the active list, and no member selected from the public service shall receive additional compensation for services on said commission, and members selected from civil life shall receive compensation of $7,500 per annum.

In all matters done, or to be done, under this section relating to any of the subjects, investigations, or questions to be considered hereunder, and in formulating plans, and in the preparation of a report or reports, as herein provided, consideration shall be given to all matters which are to be undertaken, either independently by the United States or by cooperation between the United States and the several States, political subdivisions thereof, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each respectively, and with a view to assigning to the United States such portion of such development, promotion, regulation, and control as may be undertaken by the United States, and to the States, political subdivisions thereof, municipalities, communities, corporations, and individuals such portions as belong to their respective jurisdictions, rights, and interests.

The commission is authorized to employ, or retain, and fix the compensation for the services of such engineers, transportation experts, experts in water development and utilization, and constructors of eminence as it may deem necessary to make such investigations and to carry out the purposes of this section. And in order to defray the expenses made necessary by the provisions of this section there is hereby authorized to be appropriated such sums as Congress may hereafter determine, and the sum of $100,000 is hereby appropriated, available until expended, to be paid out upon warrants drawn on the Secretary of the Treasury by the chairman of said commission.

The commission shall have power to make every expenditure requisite for and incident to its authorized work, and to employ in the District of Columbia and in the field such clerical, legal, engineering, artistic, and expert services as it may deem advisable, including the payment of per diem in lieu of subsistence for employees engaged in field work or traveling on official business, rent of offices in the District of Columbia and in the field, and the purchase of books, maps, and office equipment.

Nothing herein contained shall be construed to delay, prevent, or interfere with the completion of any survey, investigation, project, or work herein or heretofore or hereafter adopted or authorized upon or for the improvement of any of the rivers or harbors of the United States or with legislative action upon reports heretofore or hereafter presented.

Approved, August 8, 1917.

Mr. NEWLANDS. I will state, Mr. President, that I trust this matter will be remedied by the appointment of the Secretary of War as one of the members of this commission, so as to bring that official, who is practically placed in control of water-power development all over the country, into coordination with this great commission that is to enter upon the full, complete, and harmonious development of our rivers for every purpose. I can not imagine anything more unfortunate than to have a difference of opinion arise between the Secretary of War and the Waterways Commission regarding this subject. For that reason I trust the President will include on this commission the Secretary of War, in order that he may listen to the views of his associates on the commission with reference to the places and the method of development of water power in order that he may impress upon them his views, and in order that there may be harmonious action with reference to this very important question.

In conclusion, Mr. President, I wish to call attention again to the importance of the transportation question as the very base of the successful prosecution of this war. We have developed in this country, as a result of private initiative and enterprise, the most remarkable railway system that exists in the world. We have, as the result of their energy, ability, and enterprise, a system which embraces nearly one-half of the railway mileage of the world, although we have only one-fifteenth of the world's population; but we have not developed marine transportation, and we have not developed river transportation. We have even allowed the carriers, pioneers in new regions sparsely settled, and desirous of obtaining all the traffic they could obtain, to drive out of existence competing water carriers by the most objectionable methods, and to-day river navigation is not as well developed as it was over a half century ago. We have sought to remedy the difficulty as far as marine transportation was concerned, which we could not settle in times of peace because of the difference of view between the two parties as to the economic policy to be pursued, by practically turning over

it. It is easy to charge that this legislation fails to protect region, and the development of forestry.

this whole question to Government control, operation, and ownership. We are about to construct a great merchant marine, and, in fact, it is now in process of construction. But at a time when this admirable railway system, entirely adequate to meet the normal demands of the country, is unable to meet the extraordinary emergency of war, we find our rivers paralyzed because we have not used wise foresight in developing their channels, in securing terminal and transfer facilities, in bringing them into coordination with each other by connecting artificial canals, and in bringing them into both competition and coordination with the railways of the country through adequate legislation. The bill which I originally proposed provided that $40,000,000 annually for a period of 10 years, $400,000,000 in all, should be appropriated for this work, in order that not only comprehensive plans could be formed but that continuous and consecutive work without legislative interruption or without the inertia caused by legislative inaction could be secured. A smile passed over the faces of those who listened to me whenever that sum was mentioned, the general view being that the sum asked for was exorbitant and that legislation granting it would never be realized.

Mr. President, that sum will not stagger us at all to-day, in view of the enormous cost of this war and in view of the enormous appropriations that we are making to secure a merchant marine, and in view of the fact that the railroads require about $1,000,000,000 of new money annually for additional equipment and facilities; and it is seriously contemplated to-day that governmental aid of some kind, involving the expenditure of large sums for railway equipment and railway facilities, should be extended to the great railway corporations, at a time when all the investment money of the country is practically required by the Government itself for purposes of war, and when it is seeking a monopoly on the money market of the country.

No one can measure the loss to this country as the result of inadequate facilities for transportation both on water and on land. The railway facilities are adequate for normal demands, but they were not adequate for the extraordinary demands of the war, and the result was that the cars usually applied to the transportation of coal from the mines to the places of consumption were used for other purposes. That car shortage caused an increase in the price of coal in the markets of the country of from one and a half to five dollars and even seven dollars a ton. It imperiled manufacturing in some sections, created alarm and apprehension in the factories of the country, and was the fruitful cause of rise in the price of commodities produced by those manufacturers, and as a result we have a rise in the price of coal, iron, steel, and other commodities amounting to billions of dollars, a large portion of which we could have saved had the transportation system, the very basis of successful commerce, been adequate to the requirements of the country.

No one can measure the loss to the country arising from our failure to adequately equip our rivers as instrumentalities of commerce. Those rivers which carry to most advantage the bulky and low-priced products, with reference to which low rates are established and which can be carried upon our waterways much more effectively than upon our railways.

Our action, or nonaction, stands in startling contrast with the wise provision of European countries, for in Germany, in France, in Austria, and even in Russia the rivers are highly developed, the banks protected, transfer facilities and terminal facilities provided, coordination with rail and ocean transportation provided, proper channels developed, and the waterways connected with each other by artificial canals in such a way as that in either Germany or France you can proceed from one part of the country to another almost as effectually by waterway as you can by railway.

In those countries they have developed in a triune way river, rail, and ocean transportation, all coordinating with each other for the development of both domestic and foreign commerce; and to-day in the very stress of war Germany and Austria are appropriating money for and are actually engaged in the construction of a canal connecting the headwaters of the Rhine with the headwaters of the Danube, thus securing continuous waterway transportation from the North Sea to the Black Sea, and through the Black Sea and the Dardanelles into the Mediterranean, thus solidifying commercially the great combination that has recently been created by Germany during the war, a combination of Germany, Austria-Hungary, Bulgaria, and Turkey in a great organization for aggression, for mutual defense, and for commercial advancement.

Mr. President, the onerous duties imposed upon the President of the United States by the war have thus far prevented him from appointing the commission provided for by Congress. He doubtless wishes to make a very careful selection of the personnel of that commission. It is of the highest importance that men should be appointed on that commission who are familiar with and have been identified with this propaganda that has been going on for so many years, that men should be put upon that commission who have already received their education and not men who, however qualified by ability, have to be educated in this particular training.

I believe that if a wise selection is made instead of going through a long period of education they will be prepared to act promptly and make plans for the development of all our waterways—those emptying into the Pacific Ocean, those emptying into the Gulf, and those emptying into the Atlantic Ocean—in such a way as to develop them from source to mouth by a gradual process that will secure a slowing up of these waters in their progress to the ocean and to the Gulf, which will utilize the flood waters and turn them from destroyers of wealth into creators of wealth, which will in time develop such channels themselves as the instrumentalities of transportation, thus securing the coordination of the 10 or 12 scientific services of the United States which are now at work upon the various portions of this problem, their full coordination and cooperation, and thus securing not only the action of the National Government but cooperation with the States, many of which have waterway commissions already organized and in operation in this great work.

I can not imagine anything of a practical and economic character connected with the war more vital to its prosecution, and I trust that Congress will be ready to respond liberally with the appropriations necessary for this great work.

Mr. JONES of Washington. Mr. President, I want to join with the Senator from Nevada in the hope that when the waterway commission is appointed it will be composed of educated, up-to-date, strong men who can go right at the work. But I also want to call attention to the fact that the Senate rejected very emphatically the proposition that Cabinet officers should be members of the commission, and that the Senate conferees stated on the floor of the Senate that in the changes that were made it was not intended to authorize or encourage the appointment of Cabinet officers to that place.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. POINDEXTER. Upon that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the junior Senator from Georgia [Mr. HARDWICK], who is absent from the Chamber on account of illness. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I am informed, however, that if present his vote on this subject would be the same as mine, and I therefore vote. I vote "yea."

Mr. VARDAMAN (when Mr. REED's name was called). I am requested to announce the absence of the Senator from Missouri [Mr. REED] on official business. He is attending a committee hearing.

While I am on my feet, I will also make the same announcement for the junior Senator from Iowa [Mr. KENYON].

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. Not knowing how he would vote on this question if present, I withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the junior Senator from Kentucky [Mr. BECKHAM]. He not being present and I, not knowing how he would vote if present, withhold my vote.

Mr. UNDERWOOD (when his name was called). I have a general pair with the junior Senator from Ohio [Mr. HARDING]; but as he voted for this bill when it was last before the Senate, I feel justified, notwithstanding his absence, in voting for the bill. I shall therefore vote. I vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I inquire of the Chair whether he has voted?

The PRESIDENT pro tempore. He has not.

Mr. VARDAMAN. In the absence of the Senator from Idaho, I withhold my vote.

While I am on my feet I desire to announce the unavoidable absence of the junior Senator from Georgia [Mr. HARDWICK] on account of illness. He is paired, as has been stated, with the Senator from Kansas [Mr. CURTIS].

The roll call was concluded.

Mr. CALDER. I am paired with the junior Senator from Rhode Island [Mr. GERRY]. I transfer that pair to the junior Senator from Ohio [Mr. HARDING] and vote "yea."

Mr. McLEAN. I desire to announce the unavoidable absence of my colleague [Mr. BRANDEGEE] on business of the Senate. If present, he would vote for the bill.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I understand that if present he would vote the same way as I shall vote on the bill, therefore I feel at liberty to vote. I vote "yea."

Mr. LEWIS. I desire to announce the absence of the senior Senator from South Carolina [Mr. TILLMAN] because of illness, and I ask that this announcement stand for the day.

Mr. VARDAMAN. I desire to transfer my pair with the Senator from Idaho [Mr. BRADY] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SIMMONS (after having voted in the affirmative). I have already voted, but I wish to state that I have a general pair with the junior Senator from Minnesota [Mr. KELLOGG], who has released me from the pair upon this vote.

Mr. NELSON. Mr. President, I desire to say that my colleague [Mr. KELLOGG] is necessarily absent. If he were present, he would vote for the bill.

Mr. McNARY. I desire to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN] on important business before the Military Affairs Committee.

Mr. MYERS. My colleague [Mr. WALSH] is necessarily absent on account of illness. In the last Congress he voted for this bill, and if he were present, I believe he would again vote for it.

Mr. SUTHERLAND. Mr. President, I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. He has a general pair, however, with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. KNOX (after having voted in the affirmative). I inquire if the Senator from Oregon [Mr. CHAMBERLAIN] has voted?

The PRESIDENT pro tempore. He has not.

Mr. KNOX. I voted inadvertently, but I transfer my pair to the Senator from Connecticut [Mr. BRANDEGEE] and will let my vote stand.

Mr. OVERMAN (after having voted in the affirmative). I voted under a misapprehension. I am paired with the senior Senator from Wyoming [Mr. WARREN], but I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and will let my vote stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT]; and

The Senator from Michigan [Mr. SMITH] with the Senator from Missouri [Mr. REED].

The result was announced—yeas 46, nays 18, as follows:

YEAS—46.

Bankhead	Kendrick	Overman	Smith, Ariz.
Beckham	Knox	Page	Smith, Ga.
Calder	Lewis	Phelan	Smith, Md.
Colt	Lodge	Pittman	Smoot
Dillingham	McCumber	Pomerene	Stone
Fernald	McKellar	Ransdell	Thompson
Fletcher	McLean	Robinson	Underwood
Frelinghuysen	McNary	Saulsbury	Vardaman
Gallinger	Martin	Shafroth	Wadsworth
Hale	Myers	Sheppard	Weeks
Jones, N. Mex.	Nelson	Shields	
Jones, Wash.	New	Simmons	

NAYS—18.

Ashurst	Hitchcock	La Follette	Sutherland
Borah	Hollis	Norris	Townsend
France	James	Poindexter	Trammell
Gore	Johnson, Cal.	Sherman	
Gronna	King	Smith, Mich.	

NOT VOTING—31.

Brady	Gerry	Kirby	Thomas
Brandegee	Goff	Newlands	Tillman
Broussard	Harding	Owen	Walsh
Chamberlain	Hardwick	Penrose	Warren
Culberson	Hughes	Reed	Watson
Cummins	Johnson, S. Dak.	Smith, S. C.	Williams
Curtis	Kellogg	Sterling	Wolcott
Fall	Kenyon	Swanson	

So the bill was passed.

MINING OF COAL, ETC., ON THE PUBLIC DOMAIN.

Mr. PITTMAN. Mr. President, I move that the Senate proceed to the consideration of the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain. In this behalf I desire to say that some opposition to the passage of this bill has been removed by a general understanding as to certain amendments to be offered to it.

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Arizona?

Mr. SMITH of Arizona. Will the Senator from Nevada yield to a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Arizona. Is it in order at this time, on the motion of the Senator from Nevada, for me to offer a bill as a substitute for consideration?

The PRESIDENT pro tempore. That would not be in order, in the opinion of the present occupant of the chair.

Mr. SMITH of Arizona. If the Senator from Nevada will yield further to me——

Mr. PITTMAN. Certainly.

Mr. SMITH of Arizona. I want to give notice, for whatever effect it is worth, that immediately on the conclusion of the consideration of the bill now in charge of the Senator from Nevada I shall ask the Senate to take up the joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

I give notice that I shall make a motion to take up the joint resolution on the conclusion of the measure now desired to be brought before the Senate.

Mr. STONE. Mr. President, may I make a parliamentary inquiry?

The PRESIDENT pro tempore. The Senator from Missouri will state it.

Mr. STONE. The motion of the Senator from Nevada [Mr. PITTMAN] to proceed to the consideration of the bill stated by him is not debatable, is it?

The PRESIDENT pro tempore. It is debatable after 2 o'clock, the Chair reminds the Senator.

Mr. STONE. Well, it is debatable after 2 o'clock, but is it debatable now?

The PRESIDENT pro tempore. As the Chair understands, there has been no debate on the question. The Senator from Arizona [Mr. SMITH] asked the Senator from Nevada to yield to him, and he made a parliamentary inquiry.

Mr. STONE. I know there has been no debate, and I do not care particularly to press the matter.

Mr. GALLINGER. I will state that the motion of the Senator from Nevada has not yet been stated by the Chair.

The PRESIDENT pro tempore. The Chair was simply allowing the Senator from Missouri to make his parliamentary inquiry.

Mr. STONE. Of course the Chair will state it authoritatively, but the motion of the Senator from Nevada is that the Senate proceed to the consideration of the bill named by him. My inquiry was whether or not that was debatable, but I am not very particular about it.

Mr. SMITH of Georgia. Undoubtedly it is debatable after 2 o'clock.

Mr. STONE. I think it is; but I was asking the question of the Chair. I have no desire to debate it. I want to support the Senator from Nevada [Mr. PITTMAN] in the presentation of the measure he has in charge; I am not in any sense out of sympathy with him, but I have very great interest in the measure which the Senator from Arizona [Mr. SMITH] gives notice of his intention to present to the Senate. My concern in it is, of course, a wholly public concern, Mr. President; but, as I regard it, it is one of the measures now on the calendar of especial moment and importance to the country. While I follow the Senator from Nevada and the Senator from Arizona in this situation, I thought it would not be untimely to supplement in a word the very apt statement made by the Senator from Arizona with respect to the importance of the measure he has in charge and his anxiety to press its consideration at the earliest possible moment.

I hope that the bill which the Senator from Nevada has in hand may be disposed of as speedily as possible. I know the Senator's adroitness and industry, and I hope he will press this measure, as the Senator from Ohio [Mr. POMERENE] did in the case of the foreign export trade bill, of which he was in charge, and as the Senator from Tennessee [Mr. SHIELDS] has done in the case of the water-power bill, and let us bring the bill to a vote at the earliest moment, so that other questions of great importance may not be unduly delayed.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nevada to proceed to the consideration of Senate bill 2812.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Utah?

Mr. PITTMAN. I yield.

Mr. SMOOT. I desire to ask the Senator if it is his intention to go on with the bill this afternoon or simply to have it read?

Mr. PITTMAN. Mr. President, there are Senators who desire to be present at the time when this bill is debated; at least, they desire to have an opportunity to make some remarks on the bill, and I realize that, while this bill will be speedily passed, we can not pass it this afternoon. Therefore there is no intention on the part of the Senator in charge of this bill to attempt to have a vote on it this afternoon.

Mr. SMOOT. I asked the question for the reason that I have not the papers on my desk which I desire to have when I address myself to the bill; and if we were going to consider it this afternoon I would have to send for those papers. I am very glad the Senator has concluded not to press the bill this afternoon, but will be content with the reading of the bill.

Mr. PITTMAN. Mr. President, I feel that that is a good suggestion; that we devote a portion of the time this afternoon at least to reading the bill; and after the bill has been read, with the permission of the Chair and of the Senate, I will make a short statement with regard to the bill in its present form. However, I feel that at this time I should say that I am prepared to vote for an amendment eliminating from the operation of this bill all naval reserves. In such determination I am actuated solely by a desire to get some action with regard to the coal, oil, and phosphate situation in this country. I still believe that the provisions concerning the naval reserves as reported by the Committee on Public Lands of the Senate are to the best interest of the Navy. However, that met with the violent opposition of some Senators in this body, and as those provisions affect only a small area, in fact a negligible area, by comparison with the hundreds of thousands of acres of land that are tied up at the present time and that are sought to be released by this bill, personally I will consent to that elimination. I want to say also that I have talked with a number of other Senators casually—I have made no effort to get a meeting—and those Senators with whom I have talked agree with me in such particular. I feel, therefore, that it is my duty to say that my canvass of the situation leads me to believe that an amendment to exclude all naval reserves from the operation of this bill will be adopted. That will eliminate the main contest over the bill; that will eliminate the contest which the late Senator from Wisconsin, Mr. HUSTING, supported so earnestly and so ably.

Of course, there are other contests; I know there are those here who are bitterly opposed to the whole policy involved in the bill; there are Senators here who are opposed to the Government leasing these natural resources; to the Government acting as a landlord; to the Government retaining the title. Of course, such objections arouse fundamental differences which we can not harmonize.

Mr. SMOOT. Mr. President——

Mr. PITTMAN. Just a second. I am satisfied, however, that even some of those Senators who are opposed to this policy have been forced to the conclusion, after three or four years of debate on the subject, that such a bill must pass, if any legislation is to be had at all, and that the conditions are such that we had better pass the bill in that form rather than to have no legislation on the subject at all. I believe that those Senators will express their opposition to this bill; I think they will give their reasons for their opposition. I am satisfied, however, that they will not attempt through debate to delay the action of the Senate on it; and I am satisfied that we will get to a vote on this bill in a very short time.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Nevada yield to the Senator from Utah?

Mr. PITTMAN. I yield.

Mr. SMOOT. Mr. President, the other day I was shown what purported to be a department bill covering the question of naval oil reserves, and I understood that the Senator from Virginia [Mr. SWANSON] intended to introduce that bill and have it referred to the Naval Committee. I hastily read it. That bill as it was handed to me eliminates entirely the question of leasing oil lands on those reserves, and provides that the Government of the United States shall operate and that the Government of the United States shall pay outright for all claims upon those reserves. If the locator or owner of the claim or claims should not be satisfied with the price the Government offered, he could go into court and have the question adjudicated and settled there, and the Government would pay whatever judgment was rendered against it by the court. I know that the parties who handed me that bill, with the request that I should read it and consider it, knew nothing about what it would cost the Government of the United States. I asked them if they could even suggest what the cost would be, and they said, "No"; they could not even do that. It seems to me that before a bill of that kind is passed we ought to know something as to what it is going to cost. I can not believe that we will have to pay for the claims in those reserves less than $150,000,000 or $200,000,000, and it may be more than that.

Now, do I understand that the Senator is perfectly willing to have the part of this bill relating to the claims that fall within naval oil reserves eliminated entirely from this bill and to have them treated entirely different from other public lands?

Mr. PITTMAN. The Senator from Nevada is willing to exclude naval reserve No. 2, as the bill has already excluded naval reserves numbered 1 and 3 from the operations of this bill, and leave legislation in regard to those reserves to separate actions of the Congress.

Mr. SMOOT. In reserves Nos. 1 and 3 there are so very few claims and there is so much doubt about the justice of the claims and as to whether they have any merit in them whatever that they are not included in the bill; but reserve No. 2, if I remember corectly, is at least to the extent of half of it held in private ownership, or rather in the form of private claims.

Mr. PITTMAN. Patent for more than half of that land has been issued.

Mr. SMOOT. I did not want to say more than half, because I was not really positive about it; but I thought that it was more than half in private ownership. Is there any good reason why we should not legislate as to those claims, as the committee decided to do?

Mr. PITTMAN. I think there is now; I think there are only 6,000 acres that we could legislate with regard to in naval reserve No. 2, while there are several hundred thousand acres of oil land with respect to which we can legislate outside of reserve No. 2. It is evident to me that if we attempt to legislate with regard to that little 6,000-acre tract, we are going to block legislation entirely with regard to several hundred thousand acres.

Mr. SMOOT. Well, I must admit that I have seen the Navy Department exercise sufficient power to prevent the passage of this legislation in years past. I myself think that it would have been passed before this if it had not been for the department's objections to the legislation, but I have not heard any good reason given why——

Mr. PITTMAN. Neither has the Senator from Nevada, except that which he gave.

Mr. SMOOT. I asked the question because at the time the bill was reported from the committee it was impossible for me to be present at the meeting because of the fact that we were then trying to get the revenue bill in shape to report it to the Senate and the Finance Committee was then in daily session from early morning until late at night. Of course I want the Senator to understand that I am not going to oppose the elimination of all of those reserves from the bill if their inclusion in the bill would prevent legislation, although I will say that I am not enamored of the proposed legislation in any way, shape, or form; and if I could have my way about it, and could say now what should happen to this bill as it is, I would say that it ought to be defeated, because I am one of those who believe that the threat which has been held over the Western States for the last 12 or 13 years could continue a little while longer until the American people were aroused to the fact that there is and has been injustice done to the people there, and that it has existed long enough; but rather than that we should stop all legislation that will allow the development of some of our resources out in that country, which have been blocked and held locked up so long, I have yielded my objections to the wishes of some of the other Representatives from some of the other States in the West.

Mr. BORAH and Mr. PHELAN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nevada yield; and if so, to whom?

Mr. PITTMAN. The Senator from Idaho rose first, I think, and I yield to him.

Mr. BORAH. Mr. President, I was called out of the Chamber for a moment. Do I understand that there was an agreement that there should be no vote this afternoon and nothing done further than the reading of the bill?

Mr. PITTMAN. I can not say that there was an agreement, but, as the Senator having the bill in charge, it is not my intention to ask for a vote this afternoon, and I am satisfied there will be no such effort made.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. PITTMAN. I do.

Mr. PHELAN. Mr. President, I have heard for the first time from the Senator from Utah [Mr. SMOOT] that a bill is about to be introduced, if not already introduced, providing for the purchase or condemnation of the private oil claims in Naval Reserve No. 2 and other naval reserves. I do not see that that proposed action should in any way affect the consideration of the bill now before the Senate, because doubtless such an amendment will be agreed to. Those who insisted before the committee and before the Senate in favor of the development of Naval Reserve No. 2 in California were convinced, and are still of the same opinion, and apparently the Navy Department approves, that it was impossible to have a real reserve where so many claims were in private ownership and so many wells were being operated; and now that apparently the opposition, largely due to the Navy Department, has proposed to acquire those private claims not, as I understand, for the purpose of conservation but for the purpose of development, the objection which we have made seems to be satisfied.

Out in California there is a shortage of 22,000 barrels a day; that is to say, 22,000 barrels a day are consumed in excess of the daily production of oil, while the total reserves have fallen to 33,000,000 barrels, a number of barrels very considerably less than the shortage reported several months ago. So, if this land is acquired by purchase and condemnation by the Government for the purpose of development every objection seems to be met, because it was our purpose to stimulate development and not to impose upon the Government, or see it impose upon itself, the false security of a pretended reserve which would have no existence in fact. The oil strata had already been penetrated by the owners of claims whose property it is now sought to purchase. When once that strata is penetrated, the natural gas necessary to bring the oil to the surface is lost, and the testimony before the Committee on Public Lands showed that, for that and for other reasons, it would never be a true reserve.

I trust the Senate will now, free from objection from any source, proceed to the consideration of the bill.

Mr. PITTMAN. Mr. President——

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Virginia?

Mr. PITTMAN. I was going to say that I simply wanted to have the bill read this afternoon. I really did not intend to provoke debate, but, of course, I yield to the Senator.

Mr. SWANSON. I will not detain the Senate more than a few minutes.

The Navy Department is very anxious to have condemnation proceedings in order to acquire all of the rights in these naval oil reserves. A bill was prepared by the department which I had considered, and before introducing it I submitted it to the Senator from Nevada [Mr. PITTMAN], who had charge of this bill, with a view of his looking over it to see what objection, if any, could be urged to it, and what amendments he had to suggest. If it is agreeable to the Senator from Nevada and does not delay the passage of this bill, I should like to offer that at the proper time, when it is prepared, as an amendment to this bill, so that the matter can be consummated as quickly as possible. The necessity may arise at any time for this oil to be utilized by the Navy Department, a matter of the utmost importance; and I think the condemnation proceedings contemplated are to give the same authority to condemn these oil lands that has been given to the Government to commandeer steel and other properties.

The Senator from Nevada, who has charge of this bill, had the proposed bill to look over with a view of making any suggestions that might occur to him and to see it before it was introduced. I should like to have that bill perfected so that it could be introduced on Monday or Tuesday, when this bill comes up, as an amendment to this bill. If there is any objection or any likelihood of its resulting in delay, I will then introduce it as a separate bill, as I do not want to interfere with the passage of this bill.

Mr. PITTMAN. I was going to confer with the members of the committee with regard to the bill to which the Senator refers, the one that he has in view. The bill has been turned over to me, but I have not yet had an opportunity to give it study. The bill seems to be of the character described by the Senator from Utah and by the Senator from California, a bill for the condemnation of properties, and as far as I am familiar with its terms no one should raise any objection; but what I want to say with regard to the bill is this:

The oil and coal in the public lands that are now withheld from use and have been withheld from use so long, are so badly needed at the present time that a great many Senators, including the Senator from Nevada, have set aside their personal views with regard to this matter so as to obtain some legislation.

We are told by the Bureau of Mines and by the Geological Survey that there will be a shortage this year of about 10,000,000 barrels of oil. Since that report was made we have received reports from other Government statisticians who tell us that there will be a shortage of 50,000,000 barrels of oil in the United States. Even these statisticians were unable to estimate the increased demand for this oil, and we know that it has increased beyond the imagination of even those who are familiar with the enormous industry in internal-combustion engines. We find ourselves to-day with hardly enough fuel to carry on the transportation of this country, and yet we are figuring on building as many aeroplanes as it is possible for the great factories of this country to turn out, and they must depend entirely for their motive power upon this oil.

We have been fighting here for four years to open up the hundreds of thousands of acres of oil land in this country that have been locked up for seven or eight years, and during that time we have called the attention of the Congress of the United States and of the country to the ever-growing need of these materials, but unfortunately we seem to have been unable to portray to the minds of those whom we were addressing the dire necessity. Instead of that, statements by men who knew nothing concerning these matters, of the most wild and visionary character, statements impugning the motives of prominent men throughout this country, as well as in this body, were given far more credence.

This whole legislation was blocked for four years because of five or six thousand acres of land. It was blocked because the Navy contended it wanted this five or six thousand acres of land for a permanent reservoir for oil, and yet to-day they come in and admit by their very bill that they want this not as a permanent reservoir but for present use. They admit that what we contended was necessary is necessary.

Mr. SWANSON. Mr. President, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Virginia?

Mr. PITTMAN. Yes.

Mr. SWANSON. That is not the contention. There was an endeavor to change the law so as to change the title involved in this five or six thousand acres of land that some of us thought was worth $100,000,000. We have always told you that if you would eliminate the Naval Reserves and not try to change the title and conditions applying to them under existing law, so far as the Navy Department is concerned, there would be no objection to the passage of this bill.

Mr. PITTMAN. That is the contention made by the Navy Department; and it had reached such a point that it was apparent that it was impossible to have legislation of any kind or character unless the wishes of the Navy Department in the matter were adhered to. That is the fact now. I am willing to face the situation and admit it. I have always contended that the Navy had better take that oil out of naval reserve No. 2 before the Southern Pacific Railroad Co. and the other owners of patented land did. I have always contended that where every other section of the reserve was patented to the Southern Pacific Railroad Co., and much additional to other companies, it was absurd to say that the intermediate sections could be maintained as permanent oil reservoirs. I believe that the Navy Department recognizes that fact now; at least I hope so. I hope they will go to work and take the oil out in some way before somebody else takes it out, and I believe they will.

But be that as it may, we are unable to do for the Navy what we think would be for the interest of the Navy. Congress is unable to legislate policies with regard to the Navy, and therefore we are going to quit trying to do so. We are going to trust that some legislation on behalf of the Navy will provide oil for the Navy, because if the Department of the Navy does not recommend such legislation we can not pass it.

We have 44,000,000 acres of coal land in 14 States withdrawn from any use whatever, and it has been withdrawn for several years. Why, Mr. Peabody, who had charge of the coal situation at one time, testified before the Public Lands Committee that the opening up of these coal lands, if it did nothing but supply the local demand, would relieve transportation greatly, because to-day the railroad companies are hauling coal for thousands of miles while coal is lying right at their destination.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. PITTMAN. I yield to the Senator.

Mr. SHAFROTH. In connection with the statement the Senator has just made, I will state that between seven and nine million acres of coal lands are withdrawn from the State of Colorado by reason of the excessive value that is placed upon the coal lands.

Mr. PITTMAN. Everyone agrees upon the urgent demand for coal and for oil. There is not any dispute about it. It is entirely unnecessary for any of us to discuss that terrible need. It is only a question of the legislation that is needed at this time to give a remedy. No matter what my views may be with regard to policies, I am unwilling by reason of any difference of opinion to deny to the people of this country the oil and the coal that they must have for the purpose of preserving life and preserving this Nation. If I can not get the character of legislation that I deem to be to the best interests of this country in the opening up of those great reserves, then, notwithstanding, I am going to vote for legislation that will open up the coal and oil of this country. I am satisfied that this bill will pass with very little debate in this body.

Mr. President, I hold in my hand a report on this bill that I have prepared at the instance of the Public Lands Committee. It not only expresses the views of the committee in this matter, but it expresses more succinctly than I could in any brief remarks made here my views on this whole subject. It also includes some definite statistics which will be of interest to the Members of the Senate who desire to investigate this matter. I ask at this time that it be printed as a part of my remarks.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The report is as follows:

Mr. PITTMAN, from the Committee on Public Lands, submitted the following report, to accompany S. 2812:

The Committee on Public Lands, to which was referred the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain, having had the same under consideration, begs leave to report it back to the Senate without amendment, and recommends that the bill do pass.

This is an emergency measure. The immediate increased production and supply of coal, oil, and gasoline is absolutely essential to the successful conduct of our war. The truth of this statement should require the production of no proof by this committee.

The coal situation has become so desperate that the Government has found it necessary to assume direct supervision through a coal administrator. We are threatened with being cut off from the power necessary to the production and manufacture of the sinews of war. Unless the condition is rapidly remedied, many of the great plants now manufacturing munitions of war will be seriously curtailed in their output if not entirely closed down. As to this condition, it is immaterial whether it be caused by a shortage of coal or inadequacy of transportation. If the former, then the opening up of the 44,000,000 acres of land reserved by the Government as coal lands to the development of several thousand independent coal operators must greatly relieve such condition. If such condition, however, is due to the latter cause, then the local production of coal in the 14 States wherein such coal lands are withdrawn from use will greatly relieve transportation.

The increased production of oil, however, will not only relieve the burden upon the coal operators, but will do more than anything else to relieve the congestion in transportation which is in part caused by the necessity to move large quantities of coal.

As was stated by Mr. Francis S. Peabody, chairman of the committee on coal production under the National Council of Defense, in testifying before the Public Lands Committee of the Senate while the present bill was under consideration:

"My own feeling in regard to the situation is that we are confronted now with the emergency of winning this war, and that this war can only be won by furnishing sufficient coal or oil, or whatever the product may be that will make steam and make power, and we must furnish it. I class coal ahead of oil. Perhaps that is a little personal jealousy on my part of the food question against coal. Coal agrees with me better than food. But the two items, coal and food—this war has got to be won by them.

"Senator PHELAN. Both are fuel?

"Mr. PEABODY. Both are fuel; one human fuel and the other is machine fuel. Any laws that can be passed that will loosen up the reserve fuel and oil supplies of Alaska and the west coast should be adopted. We can not wait until we are whipped to open up those fields. We are sending our sons now; we are not sending them three, four, or five years from now; we must protect those sons; we must win this war; we can not win this war unless we utilize every process available. If it exhausted the coal of the United States or the oil of the United States to win this war, we must win this war. We must not hold back anything.

"The west coast is in tremendous difficulties—is in the same situation as northeastern Canada in regard to the loss of men. The coast can only be supplied either from northwestern Canada or from the oil fields of California and the coal fields of the Rocky Mountains. The oil production is falling off very seriously in the West.

"I think of oil mainly as tons of coal. If I say a falling off of 9,000,000 barrels of oil, I figure that 3,000,000 tons of coal have gone by the wayside. When I find an oil well can be drilled—and I have drilled them myself by the use of four or eight men—and possibly we might get 3,000 barrels of oil out of that well, meaning 1,000 tons of coal, and do it within 60 days, and I knew it would take from 12 to 18 months, using 200 or 250 men, to develop any coal mine to the production of 1,000 tons of coal, and so I believe the emergency warrants the Government in using any possible means to get that thousand tons of fuel a day, whether it be in the nature of 3,000 barrels of oil or 1,000 tons of coal, out at any sacrifice.

"Senator SHAFROTH. The question which has been in dispute in Congress has been the system by which this could be done.

"Mr. PEABODY. Senator, I do not give a rap what your system is. I do not care whether you lease it to the men, sell it to the men, or do it yourself, but get the stuff out. I have no interest in the method.

"The drains are that we are shipping every ton of coal we can possibly send via the Panama Canal to the west coast, and in addition to that we are supplying the Navy, and the coal shipped all rail takes, I think, 22 days' average time for a car to go from the Norfolk & Western or the Chesapeake & Ohio fields to California and return. It is a most horrible misuse of equipment that we need so badly for other purposes. The Southern Pacific wants 60,000 or 70,000 tons of coal a month. These papers came to me from the National Council of Defense. They asked me could I supply it; I mean by 'I' whether the committee could supply it. I said, 'No; it is impossible to supply that coal unless we take it from industries in which it is indispensable.' We can, if we shut down possibly the steel mills in Colorado, if we shut down a great many industries that are large burners of coal, we could probably take that away from them and furnish it to the Southern Pacific.

"Senator PHELAN. Why is the Southern Pacific using coal? They have oil burners?

"Mr. PEABODY. But they can not get enough oil. Oil has fallen off in its production immensely.

"The CHAIRMAN. What, in your opinion, would be the result if we should take up no new system and go on in the same old way and develop no more coal or oil than we are developing now?

"Mr. PEABODY. Why, from the oil standpoint, we would be out of reserve oil in the United States within 12 months, and we would be producing approximately 50,000,000 barrels of oil—leaving out the Mexican supply, assuming that everything remained normal—50,000,000 barrels of oil per year less than needed.

"The CHAIRMAN. Do you think we are producing enough coal and oil now to win the European war?

"Mr. PEABODY. No, sir.

"The CHAIRMAN. If we can not increase our production, we can not win the war?

"Mr. PEABODY. Yes, sir.

"Senator PHELAN. If more oil is developed in California, it will release these cars for transportation?

"Mr. PEABODY. It goes without saying that the more you can produce nearer the point of consumption the less transportation you are going to use, Senator PHELAN.

"Senator PHELAN. How extensive is the shipment of coal you describe from the east to the west coast by rail?

"Mr. PEABODY. The shipment from the east to the west coast by rail, the only coal that is going is for battleships.

"Senator PHELAN. And that at a great cost?

"Mr. PEABODY. At a terrific cost. I located 8,000 tons of coke the other day. I have not been able to find out who it is going to, but 8,000 tons of coke going to California from the West Virginia field. It struck me when I saw that, 'Why did they not take the coke from farther west; why did they not get the coke from Colorado?' Everything that I see that takes a car longer to accomplish its appointed task of taking its load of fuel to the consumer hits me in the face and I want to stop it, and when I saw this 8,000 tons of coke going from the West Virginia fields to San Francisco I wanted to find out why they could not take it from a point nearer the point of consumption, as you say.

"Senator PHELAN. And it does not go by ship because there are no ships?

"Mr. PEABODY. Well, we have no ships.

"Senator PHELAN. There is a collier now in European waters, was it not so reported the other day, that can not get home?

"Mr. PEABODY. That may be. I am loading this week five ships which the Government allotted to the Italian Government with coal.

"Senator WALSH. You may some coal is going by way of the canal?

"Mr. PEABODY. Yes, Senator; some coal is going by the canal. But you should develop your coal and oil lands in Alaska, and you should develop your oil lands in every Western State. * * * I think if you would loosen up some of your coal lands you would get immediate developments out of them, and immediate relief, although not as much relief as if you loosen up your oil, because you get oil in 60 days and it takes 12 to 14 months to get coal."

The position taken by Mr. Peabody was sustained absolutely by Mr. Van. H. Manning, the Director of the Bureau of Mines, and by Dr. George Otis Smith, Director of the Geological Survey.

OIL SITUATION.

The oil situation, if possible, is more deplorable than that of coal. The demand for oil, and its by-product, gasoline, is increasing at an enormous rate. Never before in the history of the country, and we hope never again, will there be such a vital necessity for a sudden and enormous supply of both oil and gasoline. It will require the development to the maximum of every known supply of oil to carry out our war program with respect to our Navy, motor vehicles, and flying machines. Notwithstanding this tremendously increasing demand the oil stocks of the country are decreasing. The report of the Bureau of Mines furnished to Mr. Bernard M. Baruch, chairman of the committee on raw materials, minerals, and metals of the Council of National Defense, and made a part of the hearings upon this bill, shows that in 1916 the marketed production of oil was 298,290,000 barrels, and in 1917 (estimated) 286,990,000 barrels, being a decrease of 9,300,000 barrels in 1917.

We must get oil now wherever we can get it and as fast as we can get it. It is better to let future wars take care of themselves than to lose the present one through dreams of far-off conservation, technical disputes as to methods, and puerile bickerings as to jurisdiction between governmental bureaus. If production is prevented by withdrawals, then these withdrawals must be thrown open. If production is retarded by litigation, then this litigation must be compromised.

No man in the United States understands the oil situation better than Mr. Edward L. Doheny. He is probably the largest individual oil operator in the world. He is in no way personally interested in any of the provisions of this bill. By reason of his vast knowledge of the subject, his unquestioned integrity, and his unbiased and sound judgment he was appointed by Gov. Stephens, of California, as chairman of the committee on oil of the State council of defense and by Mr. Bernard M. Baruch as chairman of the committee on oil of the Council of National Defense. We respectfully urge most careful attention to some of the statements made by Mr. Doheny at the hearings upon the bill under consideration. Mr. Doheny said:

"Mr. DOHENY. The falling off of the production of the Mid-Continent field made the supply of gasoline and lubricating stock inadequate to meet the eastern demands, and the prices of gasoline and lubricating oils went up, so that they naturally drew on the California surplus. Up to two years ago California had a substantial surplus production over consumption. It had had production to the extent that the price of oil was down below a profitable point of production. Then, in the last 18 months the price of oil in California has more than doubled, because of the falling off of the production to which I have referred, and also of the California production, which increased the demand for California oils. * * *

"There is no doubt but that everybody that has any influence at this time and in this situation ought to encourage development of oil wherever possible. The question where its development should be encouraged depends upon the likelihood of an increase being obtained in those places for the reason suggested by me in answer to your former question, that oil-well supplies, especially tubing, are very difficult to get; in fact, so difficult to get that tubing should not be used except

in places where there is almost a certainty of getting a good return in oil for the use of that tubing. If you think it would throw any light on the subject, I would be willing to give the reasoning on that point that I used with the advisory council.

"Senator WALSH. I am sure the committee would be glad to hear that.

"Mr. DOHENY. It is a very short statement. It is very probable, however, that you have heard it in better words from other lips; but when asked by Mr. Baruch what regions I thought should be thrown open for development, I answered that I thought any place, no matter to whom it belonged, whether to a private individual, a corporation, or the Government, that would produce oil in the greatest quantity with respect both to the amount of time and money invested. Those should be the first places developed. For instance, in California I have an immense amount of territory that I have acquired within a year, something like 50,000 acres of land. That land I acquired for oil purposes. I know that I can drill wells in great numbers that will each produce from 8 to 25 barrels per day. I have one area that will produce from 250 barrels a day up per well. I am confining all my work to that particular spot, on the theory that it takes as good a pipe line, as much time and experience, and so on, to drill an oil well from the surface down into the sands that will yield 10 barrels as to drill one that will yield 100 barrels a day. For that reason I am withdrawing, just for the purpose of economic operation, all my development at this time to land that will give the greatest return for the time and supplies invested. In other words, I want to get in the shortest possible time the greatest return from every dollar invested. I think that in this emergency, if there is any spot in the United States, or any number of spots, whether belong to a private individual, a corporation, the Standard Oil or other company, that will produce more rapidly than a place that I, for instance, am developing, my attention or the attention of others should be called to it, and we should be urged in every way possible to develop the land that will yield the largest amount of oil, considering the amount of time and material used.

"I want to say that the use of oil in this emergency is going to be more vital to the interests of this country than any other one thing. The papers are telling about an appropriation of $600,000,000 for aeroplanes. You must bear in mind that you can not move an aeroplane one foot, unless you push it, without gasoline. It takes about 12 or 14 barrels of the average oil to produce one barrel of gasoline. To run 100,000 machines at even 1 gallon per day, considering that they may be idle nine-tenths of the time, will take about 30,000 barrels of oil a day; and that is in addition to what we use now. I am just mentioning this to show why I think that this committee, if it has any power, should require any individual or corporation to put at the service of the Nation any lands that will produce oils more rapidly, and it should stop the use of casing on lands that will produce only a small amount of oil, wherever these lands are, if the fact be known to this committee. I suggest that that power should be used as to these lands in case of the peril to the Nation. You have got to have oil. Oil to-day is the essential of this war. You can not move without oil in these days. You need it for the aeroplanes, for the motor trucks, for the submarines, for the boats that chase the submarines, and ultimately and finally, you need it for the warships themselves. They all need gasoline; they can not start to work without it. If you start with gasoline, why, that comes out of the crude oil, and that crude oil comes out of the ground; and you necessarily have to have the tubing and casing to put in the ground."

There can not be any question in the mind of any Senator of the necessity of this legislation. The bill is quite similar to two other bills that have passed the House of Representatives and one that passed the United States Senate.

SYNOPSIS OF BILL.

COAL.

As far as coal is concerned, the coal area is assumed to be known, and no provision is made for the exploration for such product. The testimony discloses that in some cases it is more profitable, both to the Government and to the individual, to lease coal lands, while in other cases development can only be obtained through the passing of title. As the bill thoroughly protects the Government and the people against monopoly in the production of coal under either method, it was deemed wise to provide for the lease or sale of tracts not to exceed 2,560 acres to one individual or corporation. In fact, the provisions of the bill are so stringent that one individual or corporation can not become directly or indirectly interested in more than 2,560 acres disposed of under the bill.

PHOSPHATE AND SODIUM.

The phosphate lands are treated the same as the coal lands, as the conditions with regard to such products are quite similar. Sodium lands are disposed of in same manner as coal lands except that prospecting permits are granted as in the case of oil lands.

POTASSIUM.

The provision concerning the disposition of potash lands is identical with the provisions contained in Senate bill 2156, which is described in Report No. 100, Sixty-fifth Congress, first session, and which bill passed the United States Senate on August 10, 1917.

OIL.

The oil provisions in the bill are practically identical with the provisions contained in the former bills hereinbefore referred to and which have been considered by Congress, with the exception of certain relief provisions contained in section 16 of the bill.

Oil deposits are treated as of two characters, unknown deposits and known deposits. As to unknown deposits a prospecting permit is given to lease not upon 2,560 acres during a period of two years. If during that time oil is discovered, to the satisfaction of the Secretary of the Interior, then the permittee receives a patent for one-fourth of such land and the other three-fourths is then subjected to the leasing provisions of the bill and is treated as known oil land. All known oil lands are subject by the Secretary of the Interior under the same general restrictions that are applicable to the leasing of coal lands.

RELIEF PROVISIONS FOR OIL CLAIMANTS WITHIN WITHDRAWN AREAS.

There is practically no controversy except with regard to said section 16 of the bill. This section provides a method whereby the Secretary of the Interior may settle litigation in naval reserve No. 2, as well as in other withdrawn areas, by granting a preferential lease to such litigants who claim oil lands within reserves, except naval reserves Nos. 1 and 3, and who, in good faith, initiated their right to such lands prior to the withdrawal of 1910 under the then existing mining laws, and who have not produced oil well upon such lands. In fact, there has been no protest as to the application of this provision except as to the lands contained in naval reserve No. 2 in the State of California. The Navy Department has objected every time that such provision has been included in similar bills, and the controversy that was thus precipitated, as inconsequential as it was to the Government, has always prevented the passage of such bills.

Although there are over 30,000 acres in naval reserve No. 2, only 7,680 acres are affected by such provision. Notwithstanding the insignificance of the dispute over this small tract of land, it is the opinion of the committee that the bill can not be passed without just settlement or compromise of such differences. The Navy Department claims to be the owner of such 7,680 acres of land, while, on the other hand, certain individuals who have developed the land claim that they are the owners under the existing mining laws. The dispute must be settled and the expensive and endless litigation terminated. Under this bill the claimant is to surrender claim of title and in lieu thereof accept a lease from the Government on a one-eighth royalty basis and under the same terms and conditions that oil lands are leased generally under the bill, the royalty from such lease to go to the Navy.

The committee invites the attention of the Senate to this particular dispute. By act of Congress, approved February 11, 1897 (29 Stats., 526), it was provided that petroleum lands might be located under the laws applicable to placer-mining claims. Under such law an applicant could mark out 20 acres or eight applicants could mark out one claim of 160 acres of land for placer-mining purposes. If oil was discovered on the land at any time subsequent to the location of such claim, the right of such claimant in and to all the oil in the land became vested, and upon performance of $500 worth of work he would be entitled to patent. Until such discovery was made, however, the claimant had no vested right as against the Government. While he had no vested right, he had a moral right to continue prospecting for oil under the invitation of the statute, a right never denied or violated until the policy of withdrawing land from the effect of existing laws was adopted by President Taft on September 29, 1909. President Taft, in directing the withdrawal of such lands from exploration under the mining laws, and in his communication to the Secretary of the Interior with regard thereto on the 27th day of September, 1909, said:

"Temporary petroleum withdrawal No. 5.—In aid of proposed legislation affecting the use and disposition of the petroleum deposits on the public domain, all public lands in the accompanying lists are hereby temporarily withdrawn from all forms of location, settlement, selection, filing, entry, or disposal under the mineral or nonmineral public-land laws. All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination."

The power of the President to so withdraw lands that had been open to exploration and acquisition under a statute of Congress, without further authority of Congress, was challenged by the most eminent lawyers in the United States. The President even expressed doubt as to his own authority in the matter. Again, many of those who had located upon this withdrawn area prior to the withdrawal construed "All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination" to mean claims that had been located in accordance with law before a discovery had been made thereon. Holding these opinions, the locators continued to the prosecution of work leading to a discovery.

This construction has just been sustained and affirmed by the ninth circuit court of appeals in Consolidated Mutual Oil Co., a corporation, and J. M. McLeod, appellants, v. The United States of America, appellee, involving the title of claimants to land in section 28 within said oil and naval reserve No. 2. The court reversed the decision of the district court, held against the Government, and discharged the receiver. Ross, circuit judge, in the opinion cited, construing such language of President Taft, said:

"It is insisted on behalf of the Government that the exemptions from the effect of the order of the President thereto provided for can not be properly held to apply to any land upon which at the time of its promulgation no mineral had been discovered, even though, as in the present cases, the land had been located under and by virtue of the mining laws; its boundaries properly marked on the ground, and the assignees of the locators, then in the bona fide actual possession, actively engaged in seeking mineral therein.

"A discovery of mineral in the ground under such conditions would manifestly have perfected the locations not only against third parties but also against the Government, and would have given to the owner of them an equitable title against the United States, and have entitled the owner to the legal title upon compliance with the statutory requirements respecting annual assessment work and payment; which rights would have been secure under the provisions of the Constitution of the United States. Such locations upon which discovery had then been made needed no protection through any order of the President. Said the Supreme Court in Belk v. Meagher (104 U. S., 279, 283): 'A mining claim perfected under the law is property in the highest sense of that term, which may be bought, sold, and conveyed, and will pass by descent.' It is not, therefore, added the same court in Sullivan v. Iron Silver Mining Co. (143 U. S., 431, 434), 'subject to the disposal of the Government.'

"President Taft, who had himself been a distinguished Federal judge, of course well knew this, and we think it altogether unreasonable to hold that the words employed by him in his order, 'All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination' were intended or can be fairly construed to apply to lands upon which discovery had already been made and to which its locators had already acquired an equitable title; but, on the contrary, that the words intended and should be held to apply to all locations and claims existing at the time of the making of the withdrawal order to which the locators or claimants had some valid right."

If this construction of the law is correct, then every acre of said land affected by this bill in naval reserve No. 2 was exempted from the operation of the withdrawal orders and is now the undisputed and vested property of the claimants by virtue of location and discovery under the existing mining laws.

The claimants, however, do not have to rely upon such exemption in the withdrawal orders, as the same court in the opinion held that such claimants had brought themselves within the provisions of the Pickett Act, an act passed by Congress on June 25, 1910 (36 Stats., 849). This act was passed for two purposes, namely, to grant to the President authority to withdraw lands, which power without congressional authority was doubted, and at the same time to protect those who were in good faith exploring for oil on the public lands under existing mining laws. In other words, Congress had the same intent to exempt bona fide locators under the existing mining laws as had President Taft in his order of withdrawal of September 29, 1909, hereinbefore referred to. It would be naturally assumed that all of said claims affected by this bill in naval reserve No. 2 would come within the provisions of the Pickett Act, as they were all located prior even to

the first withdrawal in 1909, and upon all producing oil wells have been developed. It would now seem too late for the Government to question the diligence of the locators, and yet the Government has based its hope largely upon defeating title of the claimants upon the grounds that they were guilty of either a lack of diligence in the prosecution of such work before or after the withdrawal. The Government has taken the position that the work required was the actual sinking of a well on each claim; that the work had to be practically continuous; that the cessation of work even for a few weeks would constitute a lack of diligence and forfeit the rights under the Pickett Act. In other words, the Government has attempted to place such a strict construction upon the Pickett Act that in the very nature of things no one could have complied with it. This position of the Government is firmly and decisively denied by the Circuit Court of Appeals for the Ninth Circuit and by other Federal courts. The opinion hereinbefore quoted, in dealing with this phase of the case, which it will be remembered involved section 28 in naval reserve No. 2, says:

"And by its act of June 25, 1910 (36 Stat. L., 847), entitled 'An act to authorize the President of the United States to make withdrawals of public lands in certain cases,' Congress expressly declared:

"'That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who at such date is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order, so long as such occupant or claimant shall continue in diligent prosecution of said work.'

"This was the first legislative recognition ever made by Congress of any right on the part of an occupant or claimant of oil-bearing lands prior to the discovery of oil thereon. By that act, which was obviously a remedial statute and therefore to be liberally construed to effect its object, Congress expressly gave to the good faith occupant or claimant of either oil or gas bearing lands who at the date of the act was 'in diligent prosecution of work leading to discovery of oil or gas' a status.

"That the appellants were at the time of the passage of the act in the actual and exclusive possession of the lands here in controversy and in diligent prosecution of work on one of two contiguous claims for the benefit of both as well as other contiguous ones, in the effort to discover oil thereon, which continuous work resulted in the discovery of oil in each of the quarter sections here involved, in large quantities, is clearly shown; and that the appellants continued from the date of the passage of the said act 'in diligent prosecution of said work' is undisputed. We therefore regard it as clear that the appellants also come within the express provisions of the act of June 25, 1910.

"In deciding adversely a much stronger case for the Government than are the present ones, the Circuit Court of Appeals of the Eighth Circuit in the recent case of United States v. The Grass Creek Oil & Gas Co. and the Ohio Oil Co. (236 Fed., 481, 487), in speaking of the act of June 25, 1910, said:

"'It is claimed that actual drilling operations were not commenced until July 1, 1914, on the northwest quarter and on July 31, 1914, on the east half of the southwest quarter, and that until the actual drilling was begun there was no prosecution of work within the meaning of the act of Congress. We are of the opinion that this is too narrow a view to take of this statute. The enactment of this proviso by Congress could have had but one object in view, and that was to protect the rights of all persons who, at the date of an order of withdrawal, are occupying or claiming oil-bearing lands in good faith for the purpose of acquiring them under the laws of the United States, and are diligently prosecuting the work leading to the discovery of oil. Before the enactment of this statute discovery of the mineral was essential to make a location. As frequently, in fact in most instances, prospecting was necessary in order to determine whether oil or gas are on the public lands, and large sums of money were necessarily expended to ascertain this fact, Congress by this proviso in the act of 1910 extended its protecting arm to those acting in good faith in an effort to ascertain whether there was oil or gas under them. In our opinion, when a citizen of the United States in good faith enters upon public land for the purpose of discovering oil or gas takes possession of the land by placing a caretaker thereon while he is taking proper steps to obtain the material necessary for the work of constructing the camps enters into contracts for drilling, acting as expeditiously as possible in erecting camps and preparing for the drilling, spends money and enters into contracts whereby he becomes liable for sums of money to prosecute the work leading to the discovery of oil or gas, and as soon as it is possible by the exercise of proper diligence begins the work of drilling and continues it diligently and expeditiously until oil is discovered in commercial quantities he is within the protection of this proviso.'"

The foregoing opinion discloses the condition of such claim and other claims prior to August 8, 1912, and yet, notwithstanding this development which had been permitted by the Government, the Navy Department on August 8, 1912, attempted to include the land described in the foregoing opinion and said other claims affected by this bill which were in the same condition in a naval reserve known as naval reserve No. 2. About the same time the Navy Department and the Department of the Interior set aside and reserved other oil-bearing lands for Navy purposes. The following is a complete description of the oil naval reserves:

Oil reserve No. 1, in the State of California, 38,124 acres.
Oil reserve No. 2, in the State of California, 30,177 acres.
Oil reserve No. 3, in the State of Wyoming, 9,420 acres.

The amount of oil in each of these reserves, according to the estimate of the Geological Survey and the Bureau of Mines, is as follows:

Reserve No. 1, 100,000,000 barrels.
Reserve No. 2, 300,000,000 barrels.
Reserve No. 3, 50,000,000 barrels.

In addition to these oil reserves there was also reserved for the Navy 131,820 acres of the withdrawn oil lands containing oil shales estimated by the Geological Survey and the Bureau of Mines to contain 1,000,000,000 barrels of oil. In addition to this shale land withdrawn for the Navy, the Bureau of Mines and the Geological Survey estimated that there are 20,000,000,000 barrels of oil in additional shale lands in the States of Colorado and Wyoming.

The bill does not affect in any way either the land or the oil contained in oil reserves Nos. 1, 3, or shale lands, and therefore they need not be further considered.

AS TO RESERVE NO. 2.

In this oil reserve there are 7,680 acres of unpatented land that is affected by section 16 of this bill. Upon all of this land mining locations were made for oil prior to the first withdrawal by President Taft in 1909. On all of this land producing oil wells have been sunk by such claimants or their successors in interest, and all derived their titles from locations made prior to any withdrawal. On all of the claims in this said 7,680 acres of land producing oil wells had been developed prior to the reservation of said land for naval purposes in 1912. Of the 7,680 acres 2,080 acres have been clear listed for patent by the Department of the Interior; that is, the Department of the Interior, after a thorough investigation and trial, has finally held that such claimants have complied with the law entitling them to United States patent from the Government. Notwithstanding this determination by the Department of the Interior, which has sole jurisdiction in the matter, the Department of Justice, at the request of the Navy Deparment, is still seeking to prevent the Department of the Interior from issuing patent in accordance with its decree. This case is known as the Honolulu Oil Co. case. The Attorney General, in testifying before the Public Lands Committee of the Senate on February 16, 1916, said:

"In response to these assertions I have this to say: First. These suits were instituted (all of them, I believe) with the approval of the Interior Department, whose liberal view of the Pickett Act is reflected in its decision of the Honolulu Consolidated Oil Co.'s case.

"Second. The Honolulu case, I understand, is regarded by the Interior Department and by the attorneys of my department as a case supported by a state of facts far more favorable to the claimants than exist in any of the cases in suit."

The Attorney General in the foregoing statement was referring to the cases involving section 28 and section 2 as cases less favorable to the claimants than the Honolulu case. In fact, the testimony of the various witnesses of the Department of Justice, made before the various committees, clearly indicated that the Government not only considered such cases the weakest as far as the claimants were concerned, but held them up as examples of the fraud attempted to be perpetrated upon the Government. And yet these were the cases that the Circuit Court of Appeals has just decided—so emphatically in favor of the claimants, a portion of the opinion of which is hereinbefore cited. These are the cases which involved the so-called "dummy entries" or "fraudulent entries" known as the McNamara and McLeod locations. The Government set up in such cases the fraud and attempted to prove it. The Government was not even able to produce sufficient evidence of fraud to justify the Circuit Court of Appeals in retaining a receiver for the property. In other words, the Government could not even make out a prima facie case of fraud. What did the court say with regard to the allegation of fraud? The court in its opinion with regard to this issue says:

"Not only has no attack, so far as appears, been made by the Government on the register's final certificate of entry, but there is in these cases not the slightest showing of any fraud or lack of good faith at any time on the part of the appellants or of any of their predecessors in interest. True, the bills of the Government, which were verified by an agent upon information and belief, alleged that the location notices under which the appellants' claim were posted by 'mere dummies' to enable 'defendant McLeod or some one else' to obtain the land; but that allegation was put in issue by positive denial under oath, and there was no undertaking whatever to sustain the charge."

This was the prize case of the Department of Justice in the naval reserve. It was the alleged facts in this case that gave grounds to the Department of Justice for most violent charges of fraud and corruption in the location of oil claims throughout the United States, charges that have been reiterated and published with the knowledge, and if not with the encouragement, certainly without the opposition of the Department of Justice. It has been the prejudice aroused by the pictures of fraud against the Government, painted in connection with the facts in this case, that have largely tended to prevent calm and intelligent consideration of legislation necessary to the development of the oil resources of this country.

Both the district court and the circuit court of appeals have decided against the Government with regard to the 640 acres included in section 2 in said naval reserve No. 2. First, on June 7, 1917, the United States District Court for the Southern District of California, Judge Bean presiding, upon a trial upon the merits, in a case wherein the Government was the plaintiff and the claimants of the lands defendants, held that while the claimants had not made discovery prior to the withdrawal order of 1910 at said time they were in the diligent prosecution of work leading to a discovery, and subsequent to said date did discover oil, and therefore said claimants came within the remedial provisions of the Pickett Act and were entitled to patents for said land. Prior, however, to such decision Judge Bean had appointed a receiver in the case, and from the decision appointing such receiver an appeal had been taken to the Ninth Circuit Court of Appeals. On the 20th day of August, 1917, the said circuit court of appeals in reviewing such appeal found as a fact that the claimants had complied with the law entitling them to the property, and the receiver was discharged.

How can the Government hope to win the Honolulu Oil Co. case, which is admittedly the strongest case for the claimants, in the face of the decisions which have just been rendered and which are referred to in this report? The Government has not so far won a single case in oil reserve No. 2. The result of this litigation so far, which has covered a period of three or four years, is that the Government has expended large sums of money, is bankrupting men who have spent millions of dollars in a legitimate belief that they were entitled to develop the unknown supplies of oil, and is retarding the production of oil in the known oil fields, that is now critically needed by the Government at the present time. The chances of recovery by the Government are, to say the least, not encouraging. It is a condition in which an individual, being in the place of the Government, would be most apt to seek a favorable compromise. The committee has long sincerely and industriously sought such a compromise. The committee simply proposes that this land, which has already been developed by the claimants and the development of which must continue by reason of the geological and physical conditions, be leased by the Government to the claimants under the general provisions of the bill upon the payment by the lessee to the Government of a royalty of one-eighth of the oil. The language of the compromise provision contained in section 16 was prepared and submitted by the Interior Department at the request of a joint committee composed of members of the Public Lands Committee of the Senate and the Public Lands Committee of the House. A compromise of this nature was authorized and directed by the Congress of the United States by an act approved August 24, 1914. By such act the Secretary of the Interior was expressly authorized to execute leases to applicants for patent for oil lands within withdrawn areas, both inside and outside of naval reserves, pending the determination of the application for such patents. The only distinction with regard to leases in naval reserves is that the royalty shall be placed in a naval fund. The Secretary of the Interior obeyed the instructions of the act with regard to such claims within reserved areas and executed leases, except in naval reserves. He declined to execute such leases within naval reserves, in obedience to the act, solely by reason of the request of the Navy Department that no such leases be executed. In

discussing the intent of Congress in the passage of this act, the Attorney General, in testifying before the Public Lands Committee of the Senate on June 27, 1917, said:

"The ATTORNEY GENERAL. Under the act of 1914 he was given power to lease. I want to say right in this connection that my theory in regard to these leases was expressed by your chairman in some remarks in committee recently, with regard to the act of 1914, to the effect that by that leasing system it was intended to provide a cheaper way of taking the place of receiverships; and the general idea of that provision of the act of 1914 is that pending disposition of applications for patents the Commissioner of the Land Office or the Secretary of the Interior may issue these leases. That he has done very extensively. I understand he has issued a circular inviting them all to come in.

"The ACTING CHAIRMAN (PITTMAN). Not inside of the naval reserve?

"The ATTORNEY GENERAL. Outside.

"The ACTING CHAIRMAN. They are pursuing the practice of operating wells inside of the reserve by receivership and declining to let them be operated under the act of 1914 by contract.

"The ATTORNEY GENERAL. I know he made no leases inside the reserve. I understand the Secretary of the Navy seriously objected to it. As far as my department is concerned, when he issues leases and fails to pass on applications for patents, my hands are tied. There is nothing I can do in any way. It depends upon the Commissioner of the Land Office how many suits I can bring.

"The ACTING CHAIRMAN. The testimony in the hearing before the committee shows that the Land Office Department intended to execute these contracts inside the reserve as well as outside of the reserve and on the withdrawn area on the same terms and conditions, but that the Secretary of the Navy requested him not to do that. It is by reason of that request that he failed to execute the act of 1914, which, as I have stated, was intended to take the place of the receiverships, instead of following the law and allowing a claimant to work a well that he had sunk, they have taken the wells away from him and put them into the hands of a receiver.

"The ATTORNEY GENERAL. I can not agree with you that the act to which you refer is mandatory and requires him to issue leases. It merely gives him the power. When the Secretary of the Navy protested he merely did not exercise the power which he had."

The Commissioner of the General Land Office recognized, as must every lawyer, that such discretion was not arbitrary but was a sound judicial discretion, and testified that the only reason that he did not let leases within the naval reserves as he did outside of the reserves and within other withdrawn areas was because of the protest of the Secretary of the Navy. The Secretary of the Navy, in making such protest, knew that he was violating the expressed intent of Congress, because he appeared before the Public Lands Committee of the House and sought to have naval reserves excluded from the operation of such acts, and his request was expressly denied by such committee and by Congress. Instead of obeying the mandates of such act, the Department of Justice, on behalf of the Navy, had these wells on these claims, which had been sunk at the expense of many thousands of dollars, and in some cases millions of dollars, taken out of the hands of the claimants and operated under receivers. The appointment of some of these receivers, in fact, in the very strongest cases that the Government claims to have, have been discharged by the circuit court of appeals, as is disclosed in the opinion hereinbefore cited.

The only legitimate and plausible argument presented by the Navy Department in support of the proposition of the committee is that it desires to preserve the oil in the ground for future use. This would be a laudable desire if it were possible and if its present use were not more valuable to the Government. The argument fails, however, because, first, the conditions essential to a permanent reservoir have been destroyed by the second, the use of the oil therefrom now. There are 270 producing wells upon the land in naval reserve No. 2. These wells are all flowing, and with the oil gas is escaping. It is admitted that these wells can not be economically shut off. The Navy Department has no intention of shutting them off, according to the testimony of the secretary during the hearing, but is permitting the drainage of oil, but the gas pressure is being released, the structure is weakening, its life as a supply field is brief, and its existence as a permanent reservoir impossible. If the Government does not get its share of this oil now in the ground, it will be drained off to a large extent from the patented lands adjoining. The opinion here given has been concurred in by Mr. W. A. Williams, of the Bureau of Mines, and by numerous other oil experts who have given their opinions to the committee. The testimony of Mr. Doheny given before the committee settles this question. He says:

"The ACTING CHAIRMAN. Yes. The Government has no claim on section 2. According to this map there are 850 wells, producing wells. Would you say that the reserve could ever serve the purpose of a permanent reservoir of oil for the Government for use at some future time?

"Mr. DOHENY. It is my opinion that it will not or could not.

"The ACTING CHAIRMAN. Why?

"Mr. DOHENY. Because there are a sufficient number of wells on it now to relieve the gas pressure, leaving the wells drilled in the distant future to depend entirely upon the gravity flow of oil for the cleaning out of the sands and the final drilling in of the well itself, as that territory is now being developed, and the wells would have to be drilled much closer together in order to exhaust the oil sands, by reason of the fact that the gas pressure has been relieved and is not there to assist in the flow of the oil. A great deal of the territory would never pay to drill. * * *

"Senator PHELAN. You know, undoubtedly, that the Government lays great store upon the oil in the ground in naval reserve No. 2. You are familiar with the private ownership on that reserve. What do you think of the contention of the Government that it is valuable storage ground for the future needs of the Navy?

"Mr. DOHENY. Well, I think any area containing oil that yields under pressure must necessarily yield that pressure to the influence of any well drilled in the same pool of oil in the same undisturbed geological horizon or undisturbed oil-containing formation; unless the area is very great, wells drilled around the outside of it would relieve the gas pressure, just as a pin prick in the edge of a balloon will relieve the gas from the balloon; and as the pressure is relieved, the oil yield per acre, per well, or per day will change, because the force of gravity will not overcome the capillary attraction nearly so quickly as the additional influence of the gas pressure, with the gravity force, will overcome it.

"I have got to choose my words at random, because I only have them in mind for a moment. Say that a well is drilled into an oil-containing formation. After the gas pressure is relieved a well drilled in the vicinity will not yield oil to the extent that it would yield under other circumstances, for this reason: If the gas pressure is still on, the oil sands surrounding the well are forced into the well by the rush of oil and gas, and under the influence of the gas those sands accumulate in the bottom of the well. They are kept in suspension in the oil and are brought to the surface by the flowing or pumping of the well. In the eastern fields the wells often yield very little oil because of the limited drainage area of the perimeter of the well; hence, they use from 300 to 500 quarts of nitroglycerin to increase the drainage area by creasoning and splitting the rock.

"In the loose sands of California the gas forces the sand around the well into the well, creating a chamber at the bottom of every well that is drilled in the loose sands, and that chamber, if the gas pressure is relieved, continues to supply oil in proportion to its drainage area. If the gas pressure is relieved before the well is drilled, the drainage area of the chamber would be the circumference of the well multiplied by the depth or thickness of the oil sands, but as most good wells in California drilled in the loose sands, when the gas pressure has not been disturbed, will yield many thousands of tons of sand, the drainage area is multiplied by a very large figure. An oil containing formation without gas pressure will never yield all its content to wells sparsely distributed. They have got to be drilled close together to get the oil. It will take ten times as many wells to produce the oil from a formation not containing its normal gas pressure as it will from another formation if it retains the normal gas pressure that usually exists in large areas of oil-containing formations. I use the figure 10 because some figure should be used to give an idea of the extraordinary loss. That is a fairly grounded upon experience that I have had covering a period of a great many years.

"Senator PHELAN. In an area where there are oil wells being operated constantly there are two reasons which militate against holding that area for storage-reserve purposes: One is an actual diminution of the oil in the area by reason of pumping by wells lawfully operated, and the second is the loss of gas pressure, which would make it very expensive to operate the wells.

"Mr. DOHENY. Yes, sir; those are two reasons. * * *

"I think, in the present emergency, the Navy needs fuel. There is a place where they can get oil much more rapidly than any other place in California already being drilled. Taking the view of the Navy Department, I certainly hope that it will never have another use for this oil that will be as urgent as the one that obtains at the present time, and if I were to pass upon the advisability of the development of that land now, or the development of it at all, I would say that the supreme moment to develop it as quickly as possible has arrived.

"Senator KELLOGG. You have been testifying in that regard solely with relation to naval reserve No. 2?

"Mr. DOHENY. With regard to any naval reserve or any place where oil can be produced within the confines of the United States, and not only in the United States but in Mexico and in South America.

"Senator KELLOGG. Taking all the Government oil fields that you know of in California, will they not be more or less injuriously affected by the development of private ownership?

"Mr. DOHENY. Undoubtedly.

"Senator KELLOGG. It is your opinion, taking all these fields together, that the Government should develop or provide some means of developing the Government oil field?

"Mr. DOHENY. I think if the Government wants to get the maximum oil value, that the sooner it is done the more certain the Government is to get it.

"Senator KELLOGG. In other words, that the Government is going to lose by letting the lands lie idle?

"Mr. DOHENY. That has been my opinion.

"Senator KELLOGG. The development of the oil fields is limited by capacity to procure pipe and machinery?

"Mr. DOHENY. At the present time; yes, sir.

"Senator KELLOGG. Will private owners bring about a development which will take up all the pipe and machinery which can be procured, even if the Government stays out of the field?

"Mr. DOHENY. I think there is a shortage right now in that respect.

"Senator KELLOGG. Then the total oil production can not be increased by the Government opening up these fields?

"Mr. DOHENY. Yes, sir; because a great deal of pipe is now being used in territory that will not produce one-quarter or one-half as much per well as they will get out of that field. * * *

"Senator PHELAN. The Navy is building oil burners. The Secretary of the Navy is much concerned about the future oil supply, because the oil is better fuel than coal for the Navy. Now, what would be your advice to the Navy Department, if you were asked, as to the opening up of the California fields?

"Mr. DOHENY. My advice would be—

"Senator PHELAN. Speaking in a public capacity, without reference to any private interest. Of course the Government can commandeer private interests.

"Mr. DOHENY. My advice would be to throw open for development, on the best terms possible to the Government, all probable oil lands in the State of California, and at the same time for the department to use its influence with the administration to afford as much protection and encouragement as possible, and relieve anxiety to as great an extent as possible; also to provide for shipments from Mexico, whether they are English, Dutch, or anything else, because it all goes into a common pot. There are two pots. One is available to the Teutons and one to the allies. The United States and Mexico are the sole source of supplies for allies.

"Senator PHELAN. Why should not the Government of the United States open wells on its own account?

"Mr. DOHENY. Apart from the present emergency, I have always been of the opinion that the Government should leave these wells in the hands of people who know how to manipulate them. When they are properly taken care of a great portion of the oil can be saved. Crude oil taken out of the ground deteriorates in value by volatilization, and the part that goes off that way is very valuable. The waste in California has been simply enormous from overproduction and the necessity for storing millions of barrels of crude oil. The gasoline should be taken off at once, and then the residuum containing lubricants and fuel oil and asphaltum can be stored indefinitely without appreciable loss. That is something that can be very well worked out. * * *

"Senator KELLOGG. England, France, and the United States can not carry on this war without an adequate supply of gasoline. Can any emergency that may ever arise in this country be greater than the present one, in your opinion?

"Mr. DOHENY. I hope not. I think we should not leave a stone unturned to get the necessary supply. We should all do all that we can in that direction. I want to say that all patriots are not in office; some of them are oil men, and they are perfectly willing to give up what they have to the Government. * * *

"Senator WALSH. Considering these naval reserves, and taking the center of the reserved area, about how far would it be necessary to carry the oil to the trunk lines?

"Mr. DOHENY. The greatest distance in reserve No. 2 would be less than 10 miles but I am quite sure the greatest distance any well in that reserve would have to be piped would be 10 miles. In this connection, in order that I may not be criticised with regard to this statement about the trunk lines, I want to say that the pipe lines can be increased by the addition of pumping stations. By putting in extra pumping stations without adding to the pipe lines, they can increase the capacity of the pipe lines, so that I think the statement is conservative that twice the amount now being piped could be pumped through the trunk lines in California. * * *

"The ACTING CHAIRMAN. You have testified that you were informed the railroads were going back to the use of coal instead of oil. Is that by reason of the price of oil?

"Mr. DOHENY. Yes, sir; and the impossibility of getting it in California.

"The ACTING CHAIRMAN. If the fields were opened up to the fullest extent, would that necessity on the part of the railroads be obviated?

"Mr. DOHENY. It would be delayed for a long time."

There are those in the Senate who are bitterly opposed to the principle involved in the leasing system. They have been able in the past to prevent the passage of any bill similar to this. They have been bitter in their denunciation of what they believe to be the arbitrary, harsh, and illegal oppression of mining prospectors and explorers on the public domain. They have unhesitatingly stated that the protection of the humblest citizen in his rights is the highest function that a Government can perform. These Senators, however, by reason of the great emergency that faces this country, have consented to compromise their views in the form of the bill presented. In view of these circumstances, and in view of the small proportionate area of naval oil-reserve land that is affected, the committee most earnestly urges that the bill be passed in its present form.

Mr. PITTMAN. I ask to have the bill read.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill.

Mr. PITTMAN. The bill having been read, I ask that it be temporarily laid aside.

The PRESIDING OFFICER. The bill will be temporarily laid aside.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by C. F. Turner, one of its clerks, announced that the House had passed a bill (H. R. 7572) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 7572. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

DEFICIENCY APPROPRIATIONS.

Mr. MARTIN. I am directed by the Committee on Appropriations, to which was referred the bill (H. R. 7572) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes, to report it back favorably, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes, namely:

EXECUTIVE.

The appropriation of $100,000,000 "for the national security and defense, and for each and every purpose connected therewith, to be expended at the discretion of the President," contained in the general deficiency appropriation act approved April 17, 1917, is continued and made available until June 30, 1918.

LEGISLATIVE.

SENATE.

For mileage of Senators, $51,000.

HOUSE OF REPRESENTATIVES.

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $175,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. MARTIN. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7572) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes, and it was thereupon signed by the President pro tempore.

ADJOURNMENT.

Mr. MARTIN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, December 17, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1917.

EXPLOSIVES INSPECTOR.

Joseph S. Giudice, of Schleisingerville, Wis., explosives inspector for the State of Wisconsin, under the provisions of the act of Congress approved October 6, 1917.

APPOINTMENTS IN THE ARMY.

CHAPLAINS.

Rev. Joseph Burt Webster to be chaplain with rank from October 5, 1917.

Rev. Frank J. Barry to be chaplain with rank from October 5, 1917.

Rev. J. Donald Hockman to be chaplain with rank from October 5, 1917.

Rev. Frank Meredith Thompson to be chaplain with rank from October 7, 1917.

Rev. John Roswell Edwards to be chaplain with rank from October 8, 1917.

Rev. Henry Augustine Norman to be chaplain with rank from October 9, 1917.

Rev. Alexander W. Thomas to be chaplain with rank from October 19, 1917.

Rev. Jesse Stuart Pearce to be chaplain with rank from October 19, 1917.

Rev. Frank Connors Rideout to be chaplain with rank from October 23, 1917.

Rev. Alfred Coolsawan Oliver, jr., to be chaplain with rank from October 24, 1917.

Rev. James L. Blakeney to be chaplain with rank from October 29, 1917.

Rev. Woodward Howard Morgan to be chaplain with rank from October 29, 1917.

Rev. William P. Sherman to be chaplain with rank from October 30, 1917.

Rev. James L. Robinson to be chaplain with rank from October 31, 1917.

Rev. John Hall to be chaplain with rank from November 16, 1917.

Rev. Washington Cannon Pinson to be chaplain with rank from November 22, 1917.

Rev. George H. Norison to be chaplain with rank from November 22, 1917.

Rev. Thomas Joseph Lennan to be chaplain with rank from November 26, 1917.

Rev. Elmer Orlando Hoffmeister to be chaplain with rank from November 26, 1917.

Rev. Charles Coburn Merrill to be chaplain with rank from November 28, 1917.

Rev. Claude Skene Harkey to be chaplain with rank from November 30, 1917.

Rev. Stanley Cladius Harrell to be chaplain with rank from December 1, 1917.

MEDICAL CORPS.

To be first lieutenants with rank from December 12, 1917.

Maj. Donald Paul McCord, Medical Reserve Corps.

Capt. Henry Reuben Weston, Medical Reserve Corps.

First Lieut. Carlton Lukey Vanderboget, Medical Reserve Corps.

First Lieut. Matthew Aloysius McGarty, Medical Reserve Corps.

First Lieut. John Edwin Boland, Medical Reserve Corps.

First Lieut. Joseph Jacobson Hilton, Medical Reserve Corps.

First Lieut. Clay Ray Murray, Medical Reserve Corps.

First Lieut. Lee Franklin Turlington, Medical Reserve Corps.

First Lieut. Edgar Warren Phillips, Medical Reserve Corps.

First Lieut. Walter Bramblette Martin, Medical Reserve Corps.

First Lieut. Francis Carrillo Tyng, Medical Reserve Corps.

First Lieut. Ezra Ralph Bridge, Medical Reserve Corps.

First Lieut. Jerome Pierce Webster, Medical Reserve Corps.

First Lieut. Magnus Jacob Myres, Medical Reserve Corps.

First Lieut. Reginald Ducat, Medical Reserve Corps.

First Lieut. James McAllister, Medical Reserve Corps.

First Lieut. Ralph Ward Walker, Medical Reserve Corps.

First Lieut. Rudolph Duenweg, Medical Reserve Corps.

First Lieut. Oliver Sheley Gilliland, Medical Reserve Corps.

First Lieut. Frederic Hamilton Thorne, Medical Reserve Corps.

First Lieut. Alfred Robert Thomas, jr., Medical Reserve Corps.

First Lieut. Neuton Samuel Stern, Medical Reserve Corps.

First Lieut. Albert Bowen, Medical Reserve Corps.

Capt. Russell Morse Wilder, Medical Reserve Corps.

First Lieut. William Milton Caffee, Medical Reserve Corps.

First Lieut. Edward Raymond Easton, Medical Reserve Corps.

First Lieut. Francis Xavier McGovern, Medical Reserve Corps.

First Lieut. John DuBose Barnwell, Medical Reserve Corps.

First Lieut. Solomon Fisher Hoge, Medical Reserve Corps.

First Lieut. Thomas Grant Tousey, Medical Reserve Corps.

First Lieut. George Benjamin Kent, Medical Reserve Corps.

First Lieut. Eugen Gottfried Reinartz, Medical Reserve Corps.

First Lieut. John Joseph Lancer, Medical Reserve Corps.

First Lieut. Sam Hardeman, Medical Reserve Corps.

First Lieut. Harvey Montreville Andrew, Medical Reserve Corps.

First Lieut. Robert James Platt, Medical Reserve Corps.

First Lieut. Horace Tyner Doust, Medical Reserve Corps.

First Lieut. Niels Peter Paulsen, Medical Reserve Corps.

First Lieut. Verner Tronary Scott, Medical Reserve Corps.

First Lieut. Hall Glesnor Van Vlack, Medical Reserve Corps.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. Sherman L. Kiser, Field Artillery, to be captain from May 19, 1917, subject to examination required by law, vice Capt. Joseph W. Rumbough, detailed in the Quartermaster Corps.

First Lieut. Emer Yeager, Field Artillery, to be captain from May 19, 1917, subject to examination required by law, vice Capt. Joe R. Brabson, detailed in the Quartermaster Corps.

First Lieut. Marvin C. Heyser, Field Artillery, to be captain from May 19, 1917, vice Capt. Truby C. Martin, detailed in the Quartermaster Corps.

First Lieut. Idus R. McLendon, Field Artillery, to be captain from May 31, 1917, vice Capt. Thurman H. Bane, detailed in the Aviation Section, Signal Corps, May 31, 1917.

First Lieut. Michael J. Fiblch, Field Artillery, to be captain from June 3, 1917, vice Capt. Scott Baker, who died June 2, 1917.

First Lieut. Sidney G. Brady, Field Artillery, to be captain from June 4, 1917, vice Capt. Lesley J. McNair, detailed in the General Staff Corps.

First Lieut. George A. Pollin, Field Artillery, to be captain from June 4, 1917, subject to examination required by law, vice Capt. Sherman Miles, detailed in the General Staff Corps.

First Lieut. David E. Finkbiner, Field Artillery, to be captain from June 4, 1917, vice Capt. Roger S. Parrott, detailed in the General Staff Corps.

First Lieut. Chauncey F. Ruoff, Field Artillery, to be captain from June 4, 1917, vice Capt. Nelson E. Margetts, detailed in the General Staff Corps.

PROVISIONAL APPOINTMENTS IN THE ARMY.

FIELD ARTILLERY ARM.

To be second lieutenants with rank from October 24, 1917.

First Lieut. Joseph W. Del Alamo, Philippine Scouts.

Second Lieut. Richard Weaver Hocker, One hundred and fortieth Infantry, National Guard.

Pvt. William McKee Dunn, Coast Artillery Corps, District of Columbia National Guard.

Second Lieut. Willard Sears Simpkins, One hundred and first Field Artillery, National Guard.

Sergt. Rene Joseph Le Gardeur, jr., Headquarters Company, One hundred and forty-first Field Artillery, National Guard.

Corpl. Corydon Hubert Sutton, jr., Troop B, Cavalry, Virginia National Guard.

Sergt. Henry Manchester Ladd, jr., Company L, Seventh Regiment Infantry, New York National Guard.

Second Lieut. Gustav Edwin Moe, Infantry, National Guard.

Second Lieut. Philip Ramer, Infantry, National Guard.

Second Lieut. Ozro Freeman Rideout, Infantry, National Guard.

Sergt. Floyd Courtland Marsha'l, One hundred and third Machine Gun Battalion, National Guard.

Pvt. Harris Markham Findlay, Troop B, First Cavalry, Virginia National Guard.

Corpl. Thomas Foster Furness, Battery A, One hundred and first Field Artillery, National Guard.

Second Lieut. Joseph Lovell Corcoran, Infantry, National Guard.

Sergt. Dana Mortimer Hubbard, One hundred and third Field Artillery, National Guard.

Corpl. Clyde W. White, Battery C, Second Field Artillery.

Second Lieut. Preston Southworth Hoyt, Infantry, National Guard.

Second Lieut. Clifford Adin Laflin, Infantry, National Guard.

To be second lieutenants with rank from October 25, 1917.

First Lieut. Willis Wilkinson Hubbard, Field Artillery, Officers' Reserve Corps.

Second Lieut. Fairfax Stuart Landstreet, Field Artillery, Officers' Reserve Corps.

Second Lieut. Floyd W. Stewart, Infantry, Officers' Reserve Corps.

Second Lieut. Fairfax Davis Downey, Field Artillery, Officers' Reserve Corps.

Second Lieut. Bernard Carter Law, Infantry, Officers' Reserve Corps.

Second Lieut. George Faber Downey, jr., Field Artillery, Officers' Reserve Corps.

Second Lieut. Andrew Carrigan, jr., Twentieth Field Artillery, Officers' Reserve Corps.

Second Lieut. Harley Latson, Field Artillery, Officers' Reserve Corps.

Second Lieut. John Vincent Thompson, Engineers, Officers' Reserve Corps.

Second Lieut. Carl Z. Draves, Infantry, Officers' Reserve Corps.

Second Lieut. Archibald Donald Fisken, Infantry, Officers' Reserve Corps.

Second Lieut. Samuel Cromwell Holliday, Field Artillery, Officers' Reserve Corps.

Second Lieut. Emory McKinley Hoover, Cavalry, Officers' Reserve Corps.

Second Lieut. William McBlair Garrison, Engineers, Officers' Reserve Corps.

Second Lieut. Leon Jenkins Paddock, Field Artillery, Officers' Reserve Corps.

First Lieut. Brian Cutler Curtis, Ordnance Section, Officers' Reserve Corps.

First Lieut. Henry Lewis Nicholls, Field Artillery, Officers' Reserve Corps.

Second Lieut. Arthur N. Selby, Field Artillery, Officers' Reserve Corps.

Second Lieut. Thomas Hall McKoy, jr., Cavalry, Officers' Reserve Corps.

Second Lieut. Walter A. Phillips, Infantry, Officers' Reserve Corps.

Second Lieut. Stuart M. Canby, Field Artillery, Officers' Reserve Corps.

Second Lieut. Harry Y. Stebbins, Field Artillery, Officers' Reserve Corps.

Second Lieut. Edmund D. Margrave, Field Artillery, Officers' Reserve Corps.

Second Lieut. Harry Darby, jr., Engineers, Officers' Reserve Corps.

Second Lieut. Samuel Powel Griffitts, Field Artillery, Officers' Reserve Corps.

First Lieut. Joseph William Loef, Engineers, Officers' Reserve Corps.

Second Lieut. Charles Benjamin Bonner, Field Artillery, Officers' Reserve Corps.

Arthur Lafayette Warren, honor graduate, of California.
Thomas Kenneth Vincent, honor graduate, of Kansas.
Merritt Halstead Greene, honor graduate, of Vermont.
William Beattie Weakley, honor graduate, of Missouri.
William Bennett Tucker, honor graduate, of Maryland.
Philip Dorn Tryon, honor graduate, of Minnesota.
Ary Clay Berry, honor graduate, of Kansas.
George Davidson, jr., honor graduate, of Maryland.
David Lewis Ruffner, honor graduate, of Virginia.
Mark Milton Serum, honor graduate, of Minnesota.
Louis H. Penney, honor graduate, of California.
Ross Breckon Warren, honor graduate, of Missouri.
William Murray Whittle, honor graduate, of Virginia.
Addison Henry Douglass, honor graduate, of Minnesota.

To be second lieutenants with rank from October 26, 1917.

Arthur Eugene Fox, of Maryland.
Lewis Alexander Bond, of Oregon.
Robert Alexander Barnard Goodman, of Michigan.
Devereux Colt Josephs, of Pennsylvania.

Henry Maynard Rees, of Massachusetts.
John Gray Paul, of Virginia.
Second Lieut. James Embury Brinckerhoff, Field Artillery, Officers' Reserve Corps.
William Gerald Cummings, of Massachusetts.
Second Lieut. Harold Taylor Brotherton, Engineers, Officers' Reserve Corps.
Second Lieut. Larkin W. Glazebrook, jr., Field Artillery, Officers' Reserve Corps.
Samuel Dalin Smolev, of New York.
Second Lieut. Charles Ferriday Neave, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Wilbar Wilson, Field Artillery, Officers' Reserve Corps.
Second Lieut. Donald Howlett Brown, Field Artillery, Officers' Reserve Corps.
Second Lieut. Ralph de Poix Terrell, Field Artillery, Officers' Reserve Corps.
Second Lieut. Stephen Bradshaw Ives, Field Artillery, Officers' Reserve Corps.
Robert Fulton Webb, of Florida.
Second Lieut. William George Lasch, Field Artillery, Officers' Reserve Corps.
Second Lieut. Miller Hall Pontius, Field Artillery, Officers' Reserve Corps.
Second Lieut. Fritz Andrew Nagel, Field Artillery, Officers' Reserve Corps.
Second Lieut. Adrian James McDonald, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Eaton Hartigan, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Littlefield Handy, Field Artillery, Officers' Reserve Corps.
Second Lieut. Edgar Allen O'Hair, Field Artillery, Officers' Reserve Corps.
Second Lieut. Stephen Mahon, Engineers, Officers' Reserve Corps.
Addison Bennett Green, of Massachusetts.
Second Lieut. John Butledge Shepley, Field Artillery, Officers' Reserve Corps.
Second Lieut. Roger Allen Sanford, Field Artillery, Officers' Reserve Corps.
Second Lieut. Kenneth Leeds Holmes-Brown, Field Artillery, Officers' Reserve Corps.
Second Lieut. Oliver Baty Cunningham, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harvey Ernest Ragland, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Henry Burchenal, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Emmett Crotty, Field Artillery, Officers' Reserve Corps.
Second Lieut. Wilton Lloyd-Smith, Field Artillery, Officers' Reserve Corps.
Second Lieut. Frank Combs Delaney, Field Artillery, Officers' Reserve Corps.
Second Lieut. Fall William Foster, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Kennedy Hassenzahl, Field Artillery, Officers' Reserve Corps.
Second Lieut. Arthur Pruden Patterson, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Parker Reynolds, Field Artillery, Officers' Reserve Corps.
Second Lieut. Philip Gibson Hodge, Field Artillery, Officers' Reserve Corps.
Second Lieut. Dennis Percy McCarthy, Field Artillery, Officers' Reserve Corps.
First Lieut. Albert Tate, Engineers, Officers' Reserve Corps.
LeCount Haynes Slocum, of California.
Second Lieut. John Howard Shelton, Field Artillery, Officers' Reserve Corps.
Second Lieut. Louis Heyward Lathrop, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Van Horsen Challiss, Field Artillery, Officers' Reserve Corps.
Second Lieut. Junius Sturges Roberts, Field Artillery, Officers' Reserve Corps.
Second Lieut. Frederic W. W. Graham, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Joseph Reed Estabrook, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harold Daniel Finley, Field Artillery, Officers' Reserve Corps.
Second Lieut. Leo Joseph Vogel, Field Artillery, Officers' Reserve Corps.
Second Lieut. James Patrick Kelly, Field Artillery, Officers' Reserve Corps.
Second Lieut. Richard Baldwin von Maur, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harold Trumpler Deeds, Field Artillery, Officers' Reserve Corps.
Second Lieut. Millard Lindsey Hamaker, Engineers, Officers' Reserve Corps.
Second Lieut. John Brainard Fidlar, Field Artillery, Officers' Reserve Corps.
Second Lieut. Wilbur Burnette Sumner, Field Artillery, Officers' Reserve Corps.
Second Lieut. Cabell Breckinridge Ten Eyck, Field Artillery, Officers' Reserve Corps.
Second Lieut. Douglas Henry, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Arnold Graves, Field Artillery, Officers' Reserve Corps.
Hastings Seth Morse, of New York.
Second Lieut. George Munro Schurman, Field Artillery, Officers' Reserve Corps.
Second Lieut. William Edward Corkill, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Donald Brown, Infantry, Officers' Reserve Corps.
Second Lieut. Lester Martin Kilgarif, Field Artillery, Officers' Reserve Corps.
Second Lieut. Henry Wiley Krotzer, Field Artillery, Officers' Reserve Corps.
James Bland Catlett, of South Dakota.
Second Lieut. Robert Luther Randel, Field Artillery, Officers' Reserve Corps.
Second Lieut. Douglas Lee Crane, Field Artillery, Officers' Reserve Corps.
Second Lieut. Melville Halstead Rood, Field Artillery, Officers' Reserve Corps.
Second Lieut. Thomas Lewis Chalmers, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harry Newton Blue, Field Artillery, Officers' Reserve Corps.
Second Lieut. Frederic Harris Timmerman, Engineers, Officers' Reserve Corps.
James Howard McHenry, of Maryland.
First Lieut. Alford John Bradford, Engineers, Officers' Reserve Corps.
Second Lieut. Gurney Lapham Smith, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Merryman Franklin, Field Artillery, Officers' Reserve Corps.
Second Lieut. George Sidney Goodspeed, Field Artillery, Officers' Reserve Corps.
Second Lieut. Amos Eugene Carmichael, Field Artillery, Officers' Reserve Corps.
Second Lieut. Raymond Hoff Seagle, Field Artillery, Officers' Reserve Corps.
John Victor Anderson, of Texas.
Second Lieut. Henry Wood Wiley, Field Artillery, Officers' Reserve Corps.
Second Lieut. Walter Rompel, Field Artillery, Officers' Reserve Corps.
Second Lieut. Winfred Charles Green, Field Artillery, Officers' Reserve Corps.
Second Lieut. Marion Irwin Voorhes, Field Artillery, Officers' Reserve Corps.
Second Lieut. Algernon Sydney Coleman, Field Artillery, Officers' Reserve Corps.
Second Lieut. Leslie Warnick Devereux, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Francis La Barron, Field Artillery, Officers' Reserve Corps.
Second Lieut. Edgar Gibson Crossman, Field Artillery, Officers' Reserve Corps.
Second Lieut. James Holiam Boyd, Field Artillery, Officers' Reserve Corps.
Second Lieut. Ralph King Learnard, Field Artillery, Officers' Reserve Corps.
Second Lieut. Pitt Fessenden Carl, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. David Wentworth Potter, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Henry Gardner, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Earl Cranston Ewert, Field Artillery, Officers' Reserve Corps.
Second Lieut. Donald Degray Demarest, Field Artillery, Officers' Reserve Corps.

Second Lieut. David John Fitzgerald, Field Artillery, Officers' Reserve Corps.
William Chamberlain Chanler, of New York.
Second Lieut. Ralph Waldo Hahn, Field Artillery, Officers' Reserve Corps.
Second Lieut. Orrin Paul Kilbourn, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Ellsworth Jacobson, Field Artillery, Officers' Reserve Corps.
John Terence Clancy, of District of Columbia.
Second Lieut. Richard Almerin Miller, Field Artillery, Officers' Reserve Corps.
Second Lieut. Winthrop Worcester Leach, Field Artillery, Officers' Reserve Corps.
Second Lieut. John William O'Harrow, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. James Blanding Dick, Field Artillery, Officers' Reserve Corps.
Second Lieut. Carol Spencer Snowden Kennedy, Field Artillery, Officers' Reserve Corps.
Second Lieut. Dan Cummins Kenan, Field Artillery, Officers' Reserve Corps.
Second Lieut. Joseph Adelbert Martz, Field Artillery, Officers' Reserve Corps.
Second Lieut. Andrew Stewart Messick, Field Artillery, Officers' Reserve Corps.
Second Lieut. Lee Burwel Goff, jr., Field Artillery, Officers' Reserve Corps.
First Lieut. Kenneth Smith Wallace, Engineers, Officers' Reserve Corps.
Second Lieut. Ralph Heatherington, Field Artillery, Officers' Reserve Corps.
Eugene Bradford Ripley, jr., of Connecticut.
Second Lieut. Thornton Davis, Engineers, Officers' Reserve Corps.
Second Lieut. Frederick Major Williams, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harry Benjamin Routh, Field Artillery, Officers' Reserve Corps.
First Lieut. William Eugene Farthing, Engineers, Officers' Reserve Corps.
Second Lieut. Jackson Herr Boyd, Field Artillery, Officers' Reserve Corps.
Second Lieut. Noel Noyes, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Calvin Butner, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. William Boardman Bowles, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Edward Cummings, Field Artillery, Officers' Reserve Corps.
Second Lieut. Eugene Weston, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Edward Stanley Ott, Field Artillery, Officers' Reserve Corps.
Second Lieut. Richard Dupree Roquemore, Field Artillery, Officers' Reserve Corps.
Second Lieut. Ralph Bridges Bagby, Field Artillery, Officers' Reserve Corps.
Second Lieut. Kenneth Hodges, Field Artillery, Officers' Reserve Corps.
Second Lieut. Theodore B. Moore, Field Artillery, Officers' Reserve Corps.
Second Lieut. Melvin Leslie McCreary, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Stacy Brown, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Eugene Miner Re Qua, Engineers, Officers' Reserve Corps.
Second Lieut. Herman Hollie Felix Gossett, Field Artillery, Officers' Reserve Corps.
Second Lieut. Murray Matthews Montgomery, Field Artillery, Officers' Reserve Corps.
Second Lieut. Roderick James McIntosh, Field Artillery, Officers' Reserve Corps.
Second Lieut. Lester Johnson Whitlock, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harry Lee Campbell, Field Artillery, Officers' Reserve Corps.
Hinton Fort Longino, of Georgia.
Frederick Harry Black, of Missouri.
Second Lieut. William Ballinger Cobb, Field Artillery, Officers' Reserve Corps.
Angelus Geagne Burch, of Kansas.
Second Lieut. Chisholm Garland, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harvey Edward, Field Artillery, Officers' Reserve Corps.
Everett Banfield Jackson, of Colorado.
Second Lieut. George Price Hays, Field Artillery, Officers' Reserve Corps.
Second Lieut. George Washington Cassell, Field Artillery, Officers' Reserve Corps.
First Lieut. Hugh Applegate Reid, Engineers, Officers' Reserve Corps.
Edward Wadsworth Tanner, of Kansas.
Second Lieut. Ralph Julian Canine, Field Artillery, Officers' Reserve Corps.
Second Lieut. William Lloyd Baily, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Donald Alfonso Carson, Field Artillery, Officers' Reserve Corps.
Second Lieut. Herbert Sydney Duncombe, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Donald Julius Cranston, Field Artillery, Officers' Reserve Corps.
Josef Robert Sheetz, of Maryland.
Second Lieut. Hugh St. Clair Clarke, Field Artillery, Officers' Reserve Corps.
Second Lieut. George Glenn Witter, Field Artillery, Officers' Reserve Corps.
Elmer Jamison Gray, of Massachusetts.
Second Lieut. George Meade Parker, Field Artillery, Officers' Reserve Corps.
Second Lieut. Alfred Proden Kelley, Field Artillery, Officers' Reserve Corps.
Second Lieut. Oliver Ferguson Marston, Field Artillery, Officers' Reserve Corps.
Second Lieut. Clarence Clemons Park, Field Artillery, Officers' Reserve Corps.
Second Lieut. Eugene Dodd, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Swift Anderegg, Field Artillery, Officers' Reserve Corps.
Austin Vincent Clifford, of Indiana.
Second Lieut. Maurice R. Harrison, Field Artillery, Officers' Reserve Corps.
Fred Bidwell Lyle, of Missouri.
Second Lieut. Zim E. Lawhon, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Irving Laggren, Field Artillery, Officers' Reserve Corps.
Second Lieut. Fletcher Settle Riley, Field Artillery, Officers' Reserve Corps.
Willoughby Talbot Cooke, jr., of the District of Columbia.
William Bogardus Merselis, jr., of New Jersey.
Norman Underhill White, of New Jersey.
Second Lieut. Thomas Joseph Ross, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Jerome Bowes, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Harding Chambers Woodall, Field Artillery, Officers' Reserve Corps.
Second Lieut. John White McCaslin, Field Artillery, Officers' Reserve Corps.
Second Lieut. Jefferson Cleveland Campbell, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Harold Keatinge, Field Artillery, Officers' Reserve Corps.
Second Lieut. Hoyne Howe, Field Artillery, Officers' Reserve Corps.
Second Lieut. Julian Bobbs, Field Artillery, Officers' Reserve Corps.
Second Lieut. James Warren Andrews, Field Artillery, Officers' Reserve Corps.
Second Lieut. Carlton Benton Rettig, Field Artillery, Officers' Reserve Corps.
Second Lieut. Kirk Wesley Howry, Field Artillery, Officers' Reserve Corps.
Second Lieut. Maurice Meyer Minton, jr., Field Artillery, Officers' Reserve Corps.
Frederic Arthur Metcalf, of Iowa.
Second Lieut. Thomas Wilson Wilmer, Field Artillery, Officers' Reserve Corps.
Second Lieut. Hudson Burr, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harrison Marshall Robertson, Field Artillery, Officers' Reserve Corps.
Second Lieut. William Russell Philp, Field Artillery, Officers' Reserve Corps.
Second Lieut. Edward Taylor Kirkendall, Field Artillery, Officers' Reserve Corps.

Second Lieut. Herbert William Nauts, Field Artillery, Officers' Reserve Corps.
Second Lieut. Walter Harold Soderholm, Field Artillery, Officers' Reserve Corps.
Second Lieut. Terre Nichols Hendricks, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles E. Finney, jr., Field Artillery, Officers' Reserve Corps.
John Milton De Beil, of Massachusetts.
Edward Carrington Thayer, of Massachusetts.
Clyde Bassett Sturtz, of Minnesota.
Second Lieut. Vennard Wilson, Engineers, Officers' Reserve Corps.
Second Lieut. John Blair Barnwell, Field Artillery, Officers' Reserve Corps.
Second Lieut. Oswald Burnett Higgins, Field Artillery, Officers' Reserve Corps.
Second Lieut. Albert Webster Long, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Marrs Barnett, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Alexander Staebler, Field Artillery, Officers' Reserve Corps.
Second Lieut. Percy Custer Fleming, Field Artillery, Officers' Reserve Corps.
Sievers Whitehead Susmann, of Nebraskn.
Second Lieut. Paul Bomberger Shearer, Field Artillery, Officers' Reserve Corps.
Second Lieut. Samuel Cabot Almy, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Francis Roehm, Field Artillery, Officers' Reserve Corps.
Second Lieut. John Thomas Shea, Field Artillery, Officers' Reserve Corps.
Second Lieut. Robert Driscoll, Field Artillery, Officers' Reserve Corps.
Second Lieut. Chilton Richardson Cabot, Field Artillery, Officers' Reserve Corps.
Second Lieut. Nathan David Gordon, Field Artillery, Officers' Reserve Corps.
Second Lieut. Alexander Louis Schlesinger, Field Artillery, Officers' Reserve Corps.
Clyde Creushan Caswell, of Florida.
Murray Lloyd Goldsborough, of Maryland.
Robert Taft Staples, of Rhode Island.
Second Lieut. Howell Redd Hanson, Field Artillery, Officers' Reserve Corps.
Second Lieut. George Robert Hayman, Field Artillery, Officers' Reserve Corps.
Second Lieut. Howard Everett Camp, Field Artillery, Officers' Reserve Corps.
Samuel Chester Gale, of Minnesota.
Second Lieut. Allan Boyd Smith, Field Artillery, Officers' Reserve Corps.
Second Lieut. Allie Waldron Miller, Field Artillery, Officers' Reserve Corps.
Second Lieut. Lloyd Smith Partridge, Field Artillery, Officers' Reserve Corps.
Second Lieut. Frederick Howes Ruppel, Field Artillery, Officers' Reserve Corps.
Second Lieut. Richard Jackson Howard Farrar, Field Artillery, Officers' Reserve Corps.
Second Lieut. Harold Whittle Blakeley, Field Artillery, Officers' Reserve Corps.
Second Lieut. George Etter, Field Artillery, Officers' Reserve Corps.
Second Lieut. Willie Charlton White, Field Artillery, Officers' Reserve Corps.
Edward Bradley Anschutz, of Connecticut.
Charles Burgess Arthur, jr., of Ohio.
Second Lieut. Davis Jones Cloward, Engineers, Officers' Reserve Corps.
Leon Dessez, of the District of Columbia.
Vernon King Hurd, of Colorado.
Henry Porterfield Taylor, of Virginia.
Armin Adams Uebelacker, of New Jersey.
Mark Allan Van Liew, of New York.
Yssell Yvette Young, of Kansas.
Second Lieut. Carl Arnold Grasse, Field Artillery, Officers' Reserve Corps.
Second Lieut. James Gaulding Watkins, Field Artillery, Officers' Reserve Corps.
Second Lieut. Paul Mitchell Arnold, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Miner Miller, jr., Field Artillery, Officers' Reserve Corps.
Curtis Thomas Everett, of Tennessee.
Second Lieut. William Samuel Jacobs, Field Artillery, Officers' Reserve Corps.
John Patrick Crehan, of New York.
Second Lieut. Charles Mortimer Sheldon, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Samuel Owen Taylor, Field Artillery, Officers' Reserve Corps.
Second Lieut. Bernard Marshal Barcalow, Field Artillery, Officers' Reserve Corps.
Donald Sutter McConnaughy, of the District of Columbia.
James Bruce, of Maryland.
Second Lieut. James Taylor, Field Artillery, Officers' Reserve Corps.
Second Lieut. Samuel White, jr., Field Artillery, Officers' Reserve Corps.

COAST ARTILLERY CORPS.

To be second lieutenants with rank from October 24, 1917.

First Lieut. Edward Franklin Chase, Coast Artillery Corps, Massachusetts National Guard.
Sergt. Robert Andrew Wheeler, Second Company, New York Division, Military Police, New York National Guard.
Pvt. Catesby ap Lucian Jones, Headquarters Troop, Thirty-first Division, National Guard.
Corpl. William Warren Savage, One hundred and eleventh Field Artillery, National Guard.
Pvt. Charles James Schaefer, jr., Troop A, First Cavalry, Pennsylvania National Guard.
Corpl. Le Roy Allen Whittaker, Coast Artillery Corps.
First Class Pvt. Harold Waldo Kramer, One hundred and sixty-sixth Infantry, National Guard.

To be second lieutenants with rank from October 25, 1917.

First Lieut. Harold P. Detwiler, Field Artillery, Officers' Reserve Corps.
Second Lieut. Clarence Francis Hofsetter, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John J. Vandenburgh, Field Artillery, Officers' Reserve Corps.
First Lieut. Paul Sheeley Roper, Infantry, Officers' Reserve Corps.
Second Lieut. John Scott Beck, Engineers, Officers' Reserve Corps.
Second Lieut. Clarence Gordon De Swarte, Engineers, Officers' Reserve Corps.
Second Lieut. Brandley Belknap Brown, Coast Artillery Corps, Officers' Reserve Corps.
First Lieut. Mahlon Apgar Combs, Engineers, Officers' Reserve Corps.
Second Lieut. Leslie Arthur Kibbe, Engineers, Officers' Reserve Corps.
First Lieut. Lawrence Locke Clayton, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Sanford Dole Ashford, Engineers, Officers' Reserve Corps.
First Lieut. William Mayer, Infantry, Officers' Reserve Corps.
Second Lieut. James Laird Craig, Engineers, Officers' Reserve Corps.
First Lieut. Glenn Howenstein Stough, Officers' Reserve Corps.
Second Lieut. Charles Ernest Loucks, Coast Artillery Corps, Officers' Reserve Corps.
First Lieut. Edmund Bradford Tazewell, Engineers, Officers' Reserve Corps.
Second Lieut. Hugh McCauley Cochran, 3d, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Bruce Wilcox Thayer, Engineers, Officers' Reserve Corps.
Second Lieut. Arthur Cavanagh Cox, Engineers, Officers' Reserve Corps.
Second Lieut. Paul Jamison Hunt, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Chauncey Kenneth Smullen, Engineers, Officers' Reserve Corps.
Second Lieut. Moses William Pettigrew, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Harold H. Hilton, Infantry, Officers' Reserve Corps.
Second Lieut. Walter Francis Kraus, Engineers, Officers' Reserve Corps.
First Lieut. Duval Marshall Taylor, Coast Artillery Corps, Officers' Reserve Corps.

Second Lieut. Samson Heller Rosenblatt, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Hugh Nelson Mavor, Engineers, Officers' Reserve Corps.
George Abe Woody, honor graduate, of Texas.
Maurice Rice Gowing, honor graduate, of Ohio.
Geoffrey Maurice O'Connell, honor graduate, of New York.
Lloyd William Goeppert, honor graduate.
Frank Richard Rawson, honor graduate, of Pennsylvania.
Francis Bell, jr., honor graduate, of Virginia.
Harrison George Overend, honor graduate, of Illinois.
Arthur William Gower, honor graduate, of Wisconsin.
Guy Cephus Smith, honor graduate, of Kansas.
Otis Corcoran Moore, honor graduate, of South Carolina.
George Calvin Tinsley, honor graduate, of Virginia.
Arthur Foster Gilmore, honor graduate, of Vermont.
Thomas Blair Hobson, honor graduate, of Ohio.
John T. Lewis, honor graduate, of Illinois.
Walter A. Upham, honor graduate, of New Hampshire.
Julian Darst Conover, honor graduate, of Wisconsin.
Ralph Anderson Grant, honor graduate, of Wisconsin.
Alvah Putnam R. Conklin, honor graduate, of California.
William Quintullus Jeffords, jr., honor graduate, of South Carolina.
Ernest Carroll Porter, honor graduate, of Virginia.
Frederick Wells Gilchrist, honor graduate, of Ohio.
Samuel Lusker McCroskey, honor graduate, of Washington.
Arthur Leo Lavery, honor graduate, of Vermont.
George Anthony Patrick, honor graduate, of the District of Columbia.
Horace H. Powers, honor graduate, of Vermont.
Walter Christian Thee, honor graduate, of Pennsylvania.
Gwynne Gravelle McCaustland, honor graduate, of Missouri.
Wayne Edson Davis, honor graduate, of Vermont.
Oliver Boone Bucher, honor graduate, of Virginia.
Edgar William King, honor graduate, of South Carolina.
John Wilson Dillard, honor graduate, of Virginia.
Jesse Kuykendall Mattox, honor graduate, of Texas.
Wallace Edgar Armstrong, honor graduate, of Massachusetts.
Riley Edward McGarraugh, honor graduate, of Kansas.
Fletcher Hanson Etheridge, honor graduate, of Georgia.
David Beale, honor graduate, of Massachusetts.
Charles Thomas Trickey, honor graduate, of Texas.
Allan Preston Bruner, honor graduate, of South Carolina.
Edwin Mahlon McGinnis, honor graduate, of Ohio.
Francis Stuart Swett, honor graduate, of Vermont.
Arch Charles Huston, honor graduate, of Ohio.

CORPS OF ENGINEERS.

To be second lieutenants with rank from October 16, 1917.

Samuel Louis Kuhn, of Massachusetts.
Louis Graham, of New York.
Roy Marsh McCutchen, of New Jersey.
William Lohmeyer, jr., of West Virginia.
William Allen Clark, of Massachusetts.
Aubrey Hoodenpyl Bond, of Wisconsin.
Hubert Walter Collins, of North Carolina.
Harold Joseph McDonald, of Massachusetts.
Maurice Pelham van Buren, of New York.
Frederick Slocum Howland Smith, of Pennsylvania.
Frank Bowman Hastie, of New Jersey.
Harold Van Vechten Fay, of New York.
Oscar Rudolph Peterson, of Massachusetts.
Thomas Kronenberg Meloy, of New York.
Robert Adams Love, of Pennsylvania.
Bennet Hart Bowley, jr., of California.
Robert Dorrance Ingalls, of New York.
William Lloyd Garrison Mackenzie, of Massachusetts.
Walter Lyman Medding, of Massachusetts.
Warren Adams Lyon, of New York.
Roger Williams Parkhurst, of Ohio.
Albert Carl Lieber, jr., of Massachusetts.
Robert King Munroe, of Connecticut.
James August Bjerregaard, of Ohio.
Eugene Franklin Gaebler, of Missouri.
William Clair Atwater, of Ohio.
Henry Elmer Strout, jr., of Massachusetts.
John Arthur Strang, of New Jersey.
George Earl Robinson, of Massachusetts.
Frank Clinton Rogers, of Connecticut.
Philip Nahm Cristal, of Kentucky.
Clifford Harry Springer, of Ohio.
Edward Perry Morton, of New Jersey.
Langley Stoddard Homer, of New York.
George Jacob Nold, of Indiana.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 14, 1917.

SURVEYOR OF CUSTOMS.

William M. Ingraham to be surveyor of customs in customs collection district No. 1, with headquarters at Portland, Me.

ASSISTANT CHIEFS OF THE BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Chauncey D. Snow to be (First) Assistant Chief of the Bureau of Foreign and Domestic Commerce, Department of Commerce.

Grosvenor M. Jones, to be (Second) Assistant Chief of the Bureau of Foreign and Domestic Commerce, Department of Commerce.

AID IN THE COAST AND GEODETIC SURVEY.

William Daryl Patterson to be aid in the Coast and Geodetic Survey, Department of Commerce.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Charles S. McWhorter to be a lieutenant commander.
Lieut. (Junior Grade) Robert R. Paunack to be a lieutenant.
The following-named citizens to be assistant naval constructors:
Charles W. Colby,
Lowell Cady,
Harold C. Neumann,
Thomas F. O'Brien,
Emil A. Gramstorff,
Irving Fineman,
William W. Cargill,
Paul D. Childs,
George R. Duryea,
Irving B. McDaniel,
George T. Paine,
Robert G. Shand,
Walter G. Farr,
William A. Sullivan, and
Benjamin S. Wells.
Lieut. Col. Philip M. Bannon to be a colonel in the Marine Corps.
Maj. Richard M. Cutts to be a lieutenant colonel in the Marine Corps.
Maj. Henry C. Davis to be a lieutenant colonel in the Marine Corps.
Capt. Rush R. Wallace to be a major in the Marine Corps.
The following-named captains to be majors in the Marine Corps:
Robert O. Underwood,
Gerard M. Kincade,
Harry O. Smith,
Robert B. Farquharson,
Lauren S. Willis,
Sydney S. Lee,
Ross E. Rowell,
Harold H. Utley,
Howard C. Judson,
Paul A. Capron,
William F. Bevan,
John Potts,
Edward A. Ostermann,
Edward S. Willing,
Ralph S. Keyser,
Julian P. Willcox,
Benjamin S. Berry,
Ross S. Kingsbury,
Robert E. Adams,
Edwin N. McClellan,
Littleton W. T. Waller, jr.,
John Dixon, and
Henry M. Butler.
The following-named first lieutenants to be captains in the Marine Corps:
Louis E. Fagan, jr.,
Louis M. Bourne, jr.,
Edward S. Chandler,
James Keeley,
Eugene B. Mimms,
William H. Stevens,
Henry Baptist,
Francis Fisk,
Robert W. Williams,
Peter Conachy,
Charles E. Mills,
Wilbur G. Gunn,
John Blanchfield,

Carl E. Clark,
Arthur J. Stout,
Julius T. Wright,
Andrew E. Creasy,
Arthur H. Page, jr.,
Donald Curtis,
Jesse L. Perkins,
Samuel J. Bartlett,
Clarence N. McClure,
Michael Kearney,
Edward H. W. Holt,
Iror G. Brodstrom,
Frederick W. Karstaedt,
Angus Wilson,
Fred Lueders,
Charlie Hansen,
Charles S. Beale,
Roswell Winans,
Raymond F. Dirksen,
Walter J. Eddington, jr.,
Frank Whitehead,
Ery M. Spencer,
Charles P. Holliday,
James P. Smith,
Frank E. Verner,
Norman M. Shaw,
Joseph Watson,
Abel E. LeBlanc,
Oliver A. Dow,
John P. Harvis,
William Borghart,
Gaines Moseley,
John F. Duffy,
William R. Perry,
William J. Holloway,
Bert Pearson,
Harry H. Couvrette,
John H. Fay,
Pink H. Stone,
Harry T. Rodenhoffer,
Frank Patterson,
Charles G. Knoechel,
Charles F. Merkel,
John F. Evans,
John A. McDonald,
Ray W. Jeter,
Albert J. Grimes,
Clarence H. Medairy,
Robert Yowell,
Louie W. Putnam,
Stephen F. Drew,
Charles F. Finger,
William S. Robinson,
Edward G. Haefe,
John Kearns, and
James H. McGan.

The following-named second lieutenants to be first lieutenants in the Marine Corps:

Louis E. Fagan, jr.,
Louis M. Bourne, jr.,
Frederick W. Karstaedt,
Roswell Winans,
Ery M. Spencer,
Charles P. Holliday,
Gaines Moseley,
John H. Fay,
Arthur J. Trask,
Thomas B. Wood,
Archie Farquharson,
Glen C. Cole,
Orlando C. Crowther,
David T. Jackson,
John H. Nichols,
George L. Littlefield,
Daniel J. Readey,
Herman R. Holljes,
Franklin T. Steele,
William E. Campbell, jr.,
Stanford W. Hoffman,
George F. Hill,
Walter T. H. Galliford,
Charles N. Muldrow,
John T. Walker,
Frank W. Wilson,
Robert C. Anthony,
Ralph L. Schlesswohl,
William A. Duckham,
Benjamin Goodman,
Harold D. Campbell,
James A. Nelms,
Raymond E. Knapp,
Samuel C. Cumming,
George H. Yarborough, jr.,
Edward L. Burwell, jr.,
Lemuel C. Shepherd, jr.,
John F. Blanton,
James F. Moriarty,
Arthur T. Elmore,
Edward B. Hope,
Charles P. Nash,
Durant S. Buchanan,
Fielding S. Robinson,
William H. Taylor, jr.,
Charles Z. Lesher,
John C. Wood,
Thomas R. Jewett,
James R. Henderson,
William T. Evans,
George D. Hamilton,
Benjamin W. Gally,
Lloyd B. Dysart,
Joseph F. Gargan,
Charles I. Emery,
Clyde P. Matteson,
Rolla R. Hinkle,
William R. Mathews,
Charles T. Lawson,
David I. Garrett,
Nathaniel H. Massie,
Richard H. Jeschke,
Sidney W. Wentworth,
Frank L. Shannon,
Samuel M. Noblitt,
Francis P. Mulcahy,
Frederic C. Wheeler,
Benjamin H. Brown,
Thomas E. Kendrick,
Benjamin L. Harper,
Albert A. LeBoouf,
Will H. Walter,
Alfred W. Ogle,
William van D. Jewett,
Robert S. Lytle,
Paul E. McDermott,
Albert P. Baston,
Donald J. Kendall,
Harold St. C. Wright,
Horace B. Derrick,
Leonard Stone,
Alton A. Gladden,
Lewis B. Reagan,
Dudley S. Brown,
Robert H. Pepper,
Robert L. Nelson,
John B. Wilson,
James McB. Sellers,
James D. Colony,
Lathrop B. Flintom,
Clive E. Murray,
Joseph A. Hagan,
Ivan Langford,
Galen M. Sturgis,
Mordecai C. Chambers,
Carl W. Meigs,
Joseph W. Knighton,
Charles I. Murray,
James A. Poulter,
Karl S. Day,
George L. Maxwell, jr.,
Joseph C. Bennet,
Clarence W. Smith,
James A. Mixson,
Cecil B. Raleigh,
George L. Maynard, jr.,
William H. Hollingsworth,
Lades R. Warriner,
John O. Hyatt,
Oakley K. Brown,
Charles D. Roberts,
Gus L. Gloeckner,
Graves B. Erskine,
Frederick I. Hicks,

Phillips B. Robinson,
Thomas W. Scott,
Leo F. S. Horan,
Felix Beauchamp,
Maurice Brulay,
James B. McCormick,
Walter R. Macatee,
Philip A. Murray, jr.,
John H. Craige,
Kortright Church,
John N. Popham, jr.,
Reginald C. M. Peirce,
Theodore C. Johnson,
Claude M. Bain,
Thomas A. Tighe,
Thomas W. Bowers,
John R. Foster,
Russell W. Duck,
David Bellamy,
Robert W. Claiborne,
Robert P. Jeter,
Lawrence B. Smith,
Richard O. Sanderson,
Louis S. Davis,
Archie W. French,
Jonathan Lucas, jr.,
William L. York,
Harry D. Gibbons,
John F. Williams, and
Howard B. Freeman.

The following-named noncommissioned officers to be second lieutenants in the Marine Corps:

Q. M. Sergt. Charles P. Holliday,
Gunnery Sergt. Arthur J. Trask,
Gunnery Sergt. Archie Farquharson, and
Gunnery Sergt. Glen C. Cole.

The following-named officers of the National Naval Volunteers (Marine Corps Branch) to be second lieutenants in the Marine Corps.

Franklin T. Steele,
William E. Campbell, jr., and
George F. Hill.

The following-named citizens to be second lieutenants in the Marine Corps:

Earle M. Randall,
Leland S. Swindler,
John P. Manton,
Ernest H. Lowenthal,
Ray A. Robinson,
Howard N. Stent,
Gillis A. Johnson,
Kenneth B. Collings,
Basil Gordon,
Donald Spicer,
Ford O. Rogers,
Creswell M. Micou,
Walter G. Farrell,
Raymond T. Presnell,
Lloyd A. Houchin,
Roy M. Simpson,
William L. Harding, jr.,
John B. Neill, jr.,
David Duncan,
Lyle C. De Veaux,
Charles G. Thoma,
Greenough Townsend,
Henley M. Goode,
Ralph R. Robinson,
Floyd W. Bennett,
Norman E. True,
Thurston J. Davies,
Walter E. Billsoly,
John K. Martenstein,
Francis J. Kelly, jr.,
Daniel B. Brewster,
Douglass P. Wingo,
Conrad S. Grove, 3d,
Dale S. Young,
Charles M. Portis,
St. Julien R. Childs,
Clifford C. Cowin,
Hamilton M. H. Fleming,
Walter I. Greth,
Frederick E. Stack,
George C. Collar,
John F. Roy,
Edward S. Shaw,
Stanford H. Moses,
Edward L. Pollock, jr.,
William J. Parrish, jr.,
Hascall F. Waterhouse,
Gardiner Hawkins,
Campbell R. Coxe,
Leland D. Breckinridge,
Merritt A. Edson,
Laurence T. Stallings, jr.,
Edgar A. Poe, jr.,
Edward O. Bogert,
Randolph A. Christie,
George Wale, jr.,
John A. Tebbs,
John C. Wemple,
Curtis W. Le Gette,
Cleghorn Foote,
Thomas B. McMartin,
Thomas W. Ashley,
Thomas H. Raymond,
David C. Levy,
Joseph H. Fellows,
Louis G. De Haven,
John S. Tyler,
Luther W. Jones,
Harry E. Stovall,
Chester R. Milham,
David P. Cowan,
Robert L. Montague,
Lester A. Dessez,
John R. Minter,
Robert B. Stuart,
Edmond F. Fisher,
James Wood,
Andrew R. Holderby, 3d,
Charles S. Willcox,
Fillmore W. Etker,
Merton A. Richal,
William B. Shealy,
Francis B. Reed,
Lester D. Johnson,
Edgar B. Pendleton,
John Kaluf,
Judson H. Fitzgerald,
Samuel A. Milliken,
Timon J. Torkelson, and
Ross S. Wilson.

The following-named temporary second lieutenant to be a second lieutenant in the Marine Corps:

Fillmore W. Etker.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 14, 1917.*

The House met at 12 o'clock noon.

The Chapiain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art from everlasting to everlasting, the same yesterday, to-day, and forever; our God and our Father, whose infinite wisdom, power, and goodness are everywhere apparent in the work of Thy hands, inspire us to do Thy Will, that we may reflect those attributes in thought and purpose, and thus live with Thee, in Thee, for Thee.

Give to us this day the bread that feeds the soul and strengthens the mind, to do the tasks before us; that we may accumulate the wealth that never dies, and enjoy the blessings of the now, by doing those tasks, willingly, patiently, faithfully, in the Spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

FEDERAL FARM-LOAN BUREAU.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement of the Federal Farm-Loan Bureau.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to insert in the RECORD a statement of the Federal Farm-Loan Bureau. Is there objection?

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to take up the omnibus pension bill, H. R. 7674, at the conclusion of the Post Office appropriation bill.

The SPEAKER. But there is a special order for to-day.

Mr. STAFFORD. A parliamentary inquiry.

The SPEAKER. Why not let that follow the speech of the gentleman from Wisconsin [Mr. FREAR]? The gentleman from Washington [Mr. MILLER] and the gentleman from Wisconsin [Mr. FREAR] have leave to address the House to-day.

Mr. STAFFORD. Mr. Speaker, I would like to make a parliamentary inquiry in connection with the request for unanimous consent. I would like to inquire of the gentleman from Ohio whether the pension bill has been reported and is on the calendar.

Mr. SHERWOOD. It is on the calendar.

Mr. STAFFORD. When was it reported?

Mr. SHERWOOD. Yesterday.

Mr. ASHBROOK. It is printed and in the document room, where Members can get it.

Mr. SHERWOOD. Mr. Speaker, I am willing to accept the suggestion of the Speaker, but I do not want to lose any rights of the bill to-day.

Mr. ASHBROOK. I understand, Mr. Speaker, that the chairman of the committee is willing to have the bill follow the remarks of the gentleman from Wisconsin, but he does not want to lose the rights of the bill for to-day.

Mr. FITZGERALD. I would like to say, Mr. Speaker, that after the Post Office bill is concluded I propose to ask the House to take up the deficiency bill.

Mr. GARNER rose.

Mr. MOON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOON. Does the special order for to-day interfere with the consideration of the Post Office appropriation bill?

The SPEAKER. It does not.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the general pension legislation be in order to-morrow.

Mr. SHERWOOD. That will be satisfactory to me.

The SPEAKER. The gentleman from New York asks unanimous consent that the pension legislation be in order to-morrow. Is there objection?

There was no objection.

The SPEAKER. For what purpose did the gentleman from Texas rise?

Mr. GARNER. I rose to make the same inquiry that the gentleman from Tennessee did—whether the special order for to-day interfered with the Post Office appropriation bill.

The SPEAKER. No; the Post Office bill is a privileged bill.

Mr. GARNER. I understand that, and the pension bill is also a privileged matter.

The SPEAKER. But one is of pressing importance and the other is not.

Mr. LANGLEY. Which one does the Speaker consider of pressing importance?

The SPEAKER. The Post Office appropriation bill.

Mr. LANGLEY. The pension bill is very important too. Old soldiers are dying every day.

The SPEAKER. The question is on the request of the gentleman from Arkansas to insert in the RECORD a report of the Federal Farm Loan Bureau. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman from Arkansas what the statement consists of that he wishes to insert in the RECORD.

Mr. WINGO. The statement is a report of the Federal Farm Loan Bureau, a statistical statement, showing by districts the number of charters approved, the number under consideration, the total amount of loans applied for, the total amount of loans approved, the total amount of loans closed, and so forth. My object in asking to have it inserted in the RECORD is that the board is asking for further legislation, which the Committee on Banking and Currency will probably present to the House within the next few days. The statement is purely statistical and contains information that will throw some light on the necessity of that legislation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The report is as follows:

Statement showing the number and amount of loans applied for, approved, and closed, and farm loan associations whose charters have been approved, those under consideration, and those in process of formation at the close of business Nov. 30, 1917.

Districts and States.	Associations.				Total amount of loans applied for.				Total amount of loans approved.			
	Number charters approved.		Number under consideration.		By States.		By districts.		By States.		By districts.	
	By States.	By districts.	By States.	By districts.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.
1. Springfield:												
Maine	6				186	$371,190			151	$250,300		
New Hampshire	1		1		45	87,300			17	24,200		
Vermont	2		6		170	596,287			39	157,780		
Massachusetts	11		1		419	1,166,030			337	784,425		
Rhode Island	2				40	98,900			31	66,350		
Connecticut	11		2		223	672,840			173	450,640		
New York	16		17		787	2,467,581			308	847,315		
New Jersey	11	60	3	30	196	620,495	2,072	$6,080,683	171	431,900	1,232	$3,012,880
2. Baltimore:												
Pennsylvania	10		12		512	1,253,545			223	635,531		
Virginia	31		34		2,436	5,524,518			1,450	3,258,000		
West Virginia	12		17		774	1,070,836			369	559,500		
Maryland	6		1		125	358,485			87	257,203		
Delaware	1				13	29,150			12	24,000		
District of Columbia		80		54			3,880	8,236,534			3,141	4,734,234
3. Columbia:												
North Carolina	68		37		4,468	6,498,319			1,528	3,190,046		
South Carolina	50		14		2,621	5,496,397			806	1,838,278		
Georgia	20		14		1,448	2,771,778			291	643,340		
Florida	32	170	21	86	3,349	5,903,062	11,886	20,662,556	607	914,050	5,232	5,594,714
4. Louisville:												
Tennessee	86		28		5,398	6,096,252			1,972	3,431,600		
Kentucky	54		13		2,321	3,888,505			1,455	2,222,700		
Indiana	51		9		1,705	3,810,770			989	2,267,500		
Ohio	12	203	3	49	261	763,040	7,885	14,548,567	179	415,300	4,595	8,317,100
5. New Orleans:												
Alabama	64		9		3,162	6,253,832			2,807	3,169,001		
Louisiana	17		10		702	2,036,161			668	780,220		
Mississippi	102	183	1	20	5,644	7,003,184	9,508	15,293,177	5,328	4,606,144	8,993	8,555,365
6. St. Louis:												
Illinois	29		10		738	1,697,660			(1)	1,094,515	(1)	
Missouri	59		36		1,811	3,778,615			(1)	2,195,945	(1)	
Arkansas	77	145	64	110	3,658	5,276,440	6,207	10,752,715	(1)	2,634,990	(1)	5,915,450
7. St. Paul:												
North Dakota	48		74		4,009	12,104,150			2,944	7,711,500		
Minnesota	36		48		2,587	5,798,900			2,333	4,188,300		
Wisconsin	35		9		1,189	2,137,270			1,125	1,735,100		
Michigan	33	152	51	182	3,049	4,743,980	11,134	24,694,300	2,254	2,784,800	8,556	16,419,700
8. Omaha:												
Iowa	8		32		(2)	3,020,700	(1)		(1)	809,700	(1)	
Nebraska	56		105		(2)	7,764,995	(1)		(1)	3,766,100	(1)	
Wyoming	7		32		(2)	2,439,670	(1)		(1)	545,830	(1)	
South Dakota	21	104	95	265	(2)	5,158,930	(1)	18,381,305	(1)	2,467,080	(1)	7,588,630
9. Wichita:												
Kansas	52		7		2,405	7,826,577			(1)	(2)	(1)	
Oklahoma	96		17		2,804	6,075,157			(1)	(2)	(1)	
Colorado	126		26		2,815	6,783,642			(1)	(2)	(1)	
New Mexico	76	344	7	5	2,423	4,207,473	10,447	24,891,949				12,335,345

[1] Not given.

[2] Not segregated.

Statement showing the number and amount of loans applied for, approved, and closed, and farm loan associations whose charters have been approved, etc.—Continued.

Districts and States.	Associations.				Total amount of loans applied for.				Total amount of loans approved.			
	Number charters approved.		Number under consideration.		By States.		By districts.		By States.		By districts.	
	By States.	By districts.	By States.	By districts.	Number.	Amount.	Number.	Amount.	Number.	Amount.	Number.	Amount.
10. Houston:												
Texas	165	165	148	148	8,731	$22,113,972	8,731	$22,113,972	6,675	$11,488,531	6,675	$11,488,531
11. Berkeley:												
California	96		40		4,906	16,102,789			1,677	4,958,360		
Utah	15		39		1,073	2,822,625			296	681,000		
Nevada	2		4		131	461,938			20	126,700		
Arizona	3	116	18	101	520	1,161,487	6,690	20,045,439	79	228,900	2,081	5,994,900
12. Spokane:												
Idaho	40		7		2,085	4,555,546			866	2,102,010		
Montana	75		11		4,377	11,915,249			1,915	4,604,815		
Oregon	63		14		2,774	7,260,783			1,501	3,829,670		
Washington	99	277	17	49	4,770	9,824,475	14,006	33,556,053	2,645	4,702,625	6,927	15,239,120
Total	[1]2,019	[1]2,019	1,171	1,171	92,446	219,760,740	92,446	219,760,740	44,332	105,136,539	44,332	105,136,539

Districts and States.	Total amount of loans closed.				Approximate total of loans rejected and reduced.	Approximate amount of loans pending.	Average amount of each loan by districts.	Number associations in process of formation.	
	By States.		By districts.					By States.	By districts.
	Number.	Amount.	Number.	Amount.					
1. Springfield:									
Maine	45	$82,500						1	
New Hampshire									
Vermont	1	4,850						(2)	(2)
Massachusetts	110	263,305						(2)	(2)
Rhode Island	12	35,600						(2)	(2)
Connecticut	26	73,850						(2)	(2)
New York	69	214,950						(2)	(2)
New Jersey	12	33,400	278	$708,455	$456,000	$4,016,000	$3,548	(2)	(2)
2. Baltimore:									
Pennsylvania	74	190,600						20	
Virginia	427	1,106,750						16	
West Virginia	87	182,850						12	
Maryland	33	110,100						7	
Delaware	6	9,000							
District of Columbia			627	1,590,000	782,000	5,855,000	2,552		55
3. Columbia:									
North Carolina	243	418,430						82	
South Carolina	143	382,395						58	
Georgia	36	56,150						40	
Florida	38	61,370	420	918,345	900,000	13,844,000	2,041	36	216
4. Louisville:									
Tennessee	142	398,100						18	
Kentucky	246	471,100						21	
Indiana	342	879,500						10	
Ohio	18	33,600	748	1,782,300	1,492,000	11,274,000	2,383	10	68
5. New Orleans:									
Alabama	304	470,870						72	
Louisiana	2	850						51	
Mississippi	1,190	1,162,615	1,496	1,634,335	998,000	12,961,000	1,092	70	199
6. St. Louis:									
Illinois	101	186,635						70	
Missouri	278	623,455						125	
Arkansas	281	444,380	660	1,254,470	1,449,000	8,049,000	1,901	100	295
7. St. Paul:									
North Dakota	648	1,825,000						100	
Minnesota	566	1,038,500						125	
Wisconsin	407	667,300						53	
Michigan	599	886,700	2,190	4,413,100	3,073,000	17,209,000	2,017	86	954
8. Omaha:									
Iowa	14	96,300						184	
Nebraska	333	993,660						116	
Wyoming	80	170,400						53	
South Dakota	157	527,100	574	1,787,400	533,000	16,261,000	3,114	113	436
9. Wichita:									
Kansas	1,170	3,594,000						10	
Oklahoma	913	1,747,200						15	
Colorado	722	1,170,200						20	
New Mexico	695	579,500	3,500	7,390,900	7,202,000	10,399,000	2,112	15	60
10. Houston:									
Texas	491	1,145,345	491	1,145,345	2,234,000	18,725,000	2,333	125	125
11. Berkeley:									
California	471	1,452,000						34	
Utah	76	170,500						25	
Nevada	17	32,500						5	
Arizona	24	112,800	588	1,818,400	5,652,000	13,048,000	3,099	7	72
12. Spokane:									
Idaho	327	762,945						13	
Montana	613	1,632,020						28	
Oregon	461	1,129,820						11	
Washington	997	1,751,850	2,398	5,368,615	2,391,000	25,790,000	2,233	26	90
Total	14,000	29,824,655	14,000	29,824,655	26,692,000	163,344,000	2,130	1,985	1,985

[1] Of this number 1,839 have been actually chartered up to Dec. 1, 1917.

[2] Not reported.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 114. Joint resolution extending the commission provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, with the same authorities, powers, and provisions until on or before March 1, 1918; and

S. J. Res. 110. To amend an act entitled "An act to provide for the promotion of vocational education," etc., approved February 23, 1917.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 110, to amend an act entitled "An act to provide for the promotion of vocational education," etc., approved February 23, 1917, to the Committee on Education.

WOMAN SUFFRAGE.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that consideration of the resolution for a constitutional amendment on woman suffrage be made the order of the day on Monday, January 7, 1918.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the woman suffrage amendment be made a special order for Monday, the 7th of January, 1918. Is there objection?

Mr. WALSH. I object.

LEAVE OF ABSENCE.

Mr. MILLER of Washington, by unanimous consent, was given leave of absence until January 7, 1918, on account of important business.

RESIGNATION OF MR. ADAMSON.

Mr. ADAMSON. Mr. Speaker, I would like a few minutes on a question of the highest privilege, involving the membership and organization of the House.

The SPEAKER. The gentleman will proceed.

Mr. ADAMSON. Mr. Speaker, I herewith send up my resignation as chairman of the Committee on Interstate and Foreign Commerce and the joint committee on transportation.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 14, 1917.

Hon. CHAMP CLARK,
Speaker House of Representatives.

DEAR MR. SPEAKER: As it is my purpose to resign from Congress in a few days, I think it advisable and in the interest of the public service that it should at once resign the chairmanship of the Committee on Interstate and Foreign Commerce in order that the new chairman, already selected by the Ways and Means Committee, may be elected by the House and begin the work of the committee for the session.

It is also desirable that I now resign my membership on the joint subcommittee for the investigation of transportation problems, in order that the gentleman already selected to succeed me may also participate in the investigation. The gentleman selected by our committee to fill the vacancy on the joint subcommittee is Hon. DAN V. STEPHENS, of Nebraska.

I therefore respectfully resign from both positions.

With highest regards and best wishes, I am,

Yours, truly, W. C. ADAMSON.

Mr. ADAMSON. Mr. Speaker, with many pangs of regret, accompanied by emotions of great pleasure when I reflect upon the kindness I have received in this House, I shall resign early next week. What I have done and tried to do in this House Members know, and I shall not refer to it.

Their kind indulgence has overlooked my shortcomings, and their cooperation and support have contributed to whatever I have succeeded in doing. If I have ever received from any Member of this House during my 21 years of service anything but the utmost friendship and kindness, I failed to notice it. I shall bear grateful recollections to my grave of the kindness shown me by the Members, who are the best men, the best body of men without any exception, ecclesiastical or otherwise, that I have ever observed on the face of this earth. [Laughter and applause.]

My successor, Hon. W. C. Wright, of Newnan, Ga., has already been designated and will be elected. He has been nominated on a resolution emphatically indorsing the United States against the Kaiser and all other emissaries of the devil in opposition to the United States Government and people. [Applause.] He will support the administration and the waging of the war until it is finally completely and gloriously won. [Applause.] I bespeak for my successor the same consideration that has been accorded me, and I specially request that he be not treated as a stepchild, as new Members often are, and put in the position which the Irishman advised, as never going into the water until you learn to swim—not being recognized until you show yourself, and you do not get a chance to show yourself. [Laughter.] When I came here I was taken by the hand and put to work at once.

I want to tell my comrades here that my successor will be equally if not more worthy than myself. He is a great lawyer, a good man, and I hope they will take him by the hand and say, "We know you can work, go and do it," and he will prove himself a man worthy of a seat in this House.

Mr. Speaker, there are only two subjects to which I wish to call the attention of the House, and that will require but a minute. One is the Public Health Service. Its necessity is now recognized in time of war more than ever. It is a peace institution, however, and not a war expedient. The surgeons of the Army and Navy can not do the work that the Public Health Service can do. It is a sanitary institution, intended to look after healthful conditions in the country not in but around military camps and institutions, and elsewhere throughout the country. There is now pending here a bill already passed by the Senate and reported to this House by substitute for a reserve corps of the Public Health Service. There are hundreds of doctors belonging to State boards of health who are willing to help in that work, but existing law forbids it, and this is a simple little proposition to authorize them to be called into service during the war and pay them only when they are on duty, and involves no expense otherwise. I had hoped to get that bill passed before I left Congress. I commend it to my colleagues here and ask that it be put through. The other is the subject of water power, on which our committee has worked for 20 years. We fought between two extremes, those who demanded only a bill that will give them everything and those who will not consent to any bill that is not accompanied by such restrictions as to prevent any development at all.

Our committee has tried to steer a middle course and secure legislation that would build dams and improve the navigable rivers of the country and electrify the country and make it blossom like a rose and flourish like a trust. [Laughter and applause.] I do hope this House will proceed and continue to give it attention until a rational water bill is enacted into law that will secure private capital to make navigable all our streams, and at the same time cause the country to hum with industry.

Mr. Speaker, I beg the pardon of the House for this long time. I pronounce my benediction upon all my colleagues and hope that the blessings of heaven will smile upon us during war and insure prosperity and happiness during peace, and that the blessing of liberty and the glory of the Republic will endure forever. [Loud applause.]

The SPEAKER. Without objection, the resignations are accepted.

There was no objection.

Mr. ESCH. Mr. Speaker, I ask unanimous consent that I may speak for a few minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Speaker, as the ranking Republican member of the Committee on Interstate and Foreign Commerce, I want on this occasion to say a few words. I think I voice the universal sentiment of the committee as well as of this House in expressing regret over the departure of the Hon. W. C. ADAMSON, for many years chairman of the Committee on Interstate and Foreign Commerce. He has had a service of almost 21 years in this House and during that entire period has been associated with the Committee on Interstate and Foreign Commerce. That record alone is unique as far as experience in this House is concerned, but during that long membership on this important committee he has been identified with some of the most important legislation that has been placed upon the statute books by Congress. Even before he became chairman of the committee he was closely identified with such important subjects of legislation as the bill determining the location of the Panama Canal and its type; he was closely identified also with the act of 1906 which gave to the Interstate Commerce Commission power to determine what is a just and reasonable rate, also with the act of 1910 still further increasing the powers of that commission. He has always been strongly interested in the railroad employees of the country and lent his power and aid in the adoption by Congress of safety appliance acts. He has also had a deep interest in the public health of the country and has identified his name with some of the acts which have made the public-health laws of the United States memorable.

Since he has become chairman, since the first session of the Sixty-third Congress, he has introduced and secured the passage

of some of the most important bills that Congress has enacted, and I have time only to state a very few of those. For instance, the so-called Adamson eight-hour act, the uniform bill-of-lading act, the priority of shipments act, the act increasing the number of members on the Interstate Commerce Commission, and other acts relating to amendments of the interstate-commerce act, the original war-risk insurance act and its recent amendment which gave allowances, compensation, and insurance to the soldiers and sailors of the pending war, and other acts.

Due to his skill, his ability, his knowledge of the subject matter, those great measures were passed through the committee, through the House, and through Congress, and they constitute for him a fitting monument, a monument of which any Member might well be proud. Because of his activity in matters of legislation, because of his efficient service in the House, because of his ability, his genial character, and his many excellent qualities of mind and heart, we all profoundly regret his separation from this House. But he has been called to another place, and the great qualities of mind and heart that characterized him in this House will characterize him in the fulfillment of the duty of his new and high office, and we all wish him the utmost success in the position to which he has been appointed.

And finally, as a member of the committee with which he has served so long, and as a Member of the House associated with him during almost his entire period as a Member of the House, I wish to express to him my deep regret over his departure and the good wishes of every Member here for his success hereafter. [Applause.]

Mr. SIMS. Mr. Speaker, I wish to submit a request for unanimous consent.

The SPEAKER. The gentleman has five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. In connection with what the gentleman from Wisconsin has so well and lucidly stated, I wish to ask unanimous consent to place in the RECORD the resolutions adopted by the convention that has just recently nominated the successor of Judge ADAMSON, and also the resolutions of the Committee on Interstate and Foreign Commerce, expressing regrets at the resignation of Judge ADAMSON from that committee and the appreciation of the membership of the committee of the long and useful service of Judge ADAMSON.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to print as a part of his remarks the resolutions passed by the Committee on Interstate Commerce in reference to Judge ADAMSON, and also the resolutions passed by the congressional convention which nominated his successor. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Speaker, the following resolution was unanimously adopted by the Committee on Interstate and Foreign Commerce:

RESOLUTION IN HONOR OF HON. W. C. ADAMSON, CHAIRMAN OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, UPON HIS RESIGNATION AS A MEMBER OF THE HOUSE OF REPRESENTATIVES.

Whereas our distinguished chairman, Hon. W. C. ADAMSON, is about to sever his connection with this committee and resign his seat in the House, we, the members of this committee, as a token of our appreciation and respect herewith submit the following statement and accompanying resolution:

The Committee on Interstate and Foreign Commerce has always been a fitting school for promotions in public life, a Vice President, a half dozen Senators, a governor, several judges of Federal courts, members of administrative bodies of great authority and influence in the Government, have secured their training and imbibed wisdom from the work of this committee. Our chairman adds his name to the distinguished list. Owing to his long service of almost 21 years in the House and on this committee and his zeal and intelligent purpose in promoting the general welfare, President Wilson nominated him for the high and responsible position of general appraiser of merchandise at the port of New York. The same day, September 22 last, that the nomination was received by the Senate it was accorded the unusual honor of a confirmation in open session.

That he will discharge the duties of his new office with fidelity and dispatch we who know him are confident. That there will be times when he will long to be back in our midst we are equally confident.

During his long membership on this committee he took an active part in shaping some of the most important legislation enacted by Congress. We cite a few of the acts which, prior to his becoming our chairman, engaged the earnest and widespread attention of Congress as well as of the entire country:

The original act designating the Isthmus of Panama as the location of the canal and fixed its type as a lock instead of a sea-level canal;

The Hepburn Act of 1906 giving the Interstate Commerce Commission the power to fix reasonable rates;

The Mann-Elkins Act of 1910, still further increasing the power of the commission;

The various safety-appliance acts for the promotion of the safety of employees and travelers on railroads; and

Various measures for the promotion of the public health.

With the change of the complexion of the House in the first session of the Sixty-third Congress Mr. ADAMSON became chairman of our committee and at once displayed such energy, executive ability, and leadership, both in committee and on the floor of the House, as to insure passage of most weighty and complicated acts of legislation. We are safe in saying that no chairman of any committee of the House has, during an equal period, placed as many important and far-reaching acts of legislation upon the statute books. Many of these were drafted and introduced by the chairman himself. Among these the following are worthy of mention:

The Panama Canal act providing for the opening and operation of the canal;

Repeal of the tolls exemption provision of the Panama Canal act;

The Federal Trade Commission act;

The act reorganizing the Life-Saving and Revenue-Cutter Services into the Coast Guard;

Amendment of the hours-of-service act;

The uniform bill of lading act;

Amendment of the boiler-inspection act;

Enlarging the duties and functions of the Public Health Service;

Increasing the membership of the Interstate Commerce Commission and empowering it to do its work by subdivisions;

The car-service act;

The exports and preferential shipments acts;

The trading with the enemy act;

The original war-risk insurance act and its amendment in the last session so as to provide for separation allowances, compensation, and insurance for soldiers and sailors of the pending war; and

The Adamson Eight-Hour Act.

Aside from these, bills were reported out of our committee and passed through the House during Mr. ADAMSON's chairmanship relating to the construction of dams across navigable waters, control over stock and bond issues of common carriers through the Interstate Commerce Commission, and others of less importance.

This is a fine record of achievement and constitutes a monument which, in the language of Horace, "Is more enduring than brass." No wonder his alma mater, Bowdoin College, even as early as 1915, conferred upon him the degree of doctor of laws.

Length of service in the House measures, in a way, a Member's fidelity to his constituency, to his country, and to his sense of duty. Twenty-one years of continuous service leaves one with few contemporaries—only three Members have had longer continuous service than Chairman ADAMSON. He is therefore one of the fathers of the House, and this fact constitutes a chief cause of regret over his departure. Our relations with him in committee, irrespective of party, have caused us to respect and admire his many qualities of mind and heart. No partisanship has disturbed or hindered the transaction of business during his chairmanship. As a further expression of the feelings of his colleagues:

Resolved, That we, the members of the Committee on Interstate and Foreign Commerce, while deeply regretting the loss to the committee, the House, and the country, caused by the resignation of the Hon. W. C. ADAMSON, chairman of our committee, wish to express to him individually and as a committee our earnest wish for his success in his new office and extend to him whenever he shall revisit the scenes of his legislative triumphs the freedom of the committee and a hearty welcome.

Resolved further, That these resolutions be spread upon the records of the committee and a copy be presented to him.

The convention recently held in the fourth district of Georgia to nominate a successor to our esteemed colleague at its opening unanimously adopted the following resolution:

Whereas the President of the United States has appointed Hon. WILLIAM C. ADAMSON to a high and lucrative office in recognition of his pure Democracy, great ability, and loyalty to every interest of the Government; and

Whereas the said ADAMSON will soon tender his resignation as the Representative of the fourth congressional district of Georgia: Now, therefore, be it

Resolved, That the said ADAMSON has so performed his duties in Congress as to add luster to his name and glory to his posterity; that he has been polite without being suave; prompt without being punctilious; that in conserving his political interests, he has not failed to respect the interests of his constituents; that duty has been his Polar Star; and that his conduct in his high office for nearly a quarter of a century, has been such as to make him an exemplar for all who aspire to sit in the councils of the Nation.

Resolved further, That a copy of these resolutions be sent by the secretary of this convention to our said Representative.

At the close of said convention, after nominating a candidate to succeed Judge ADAMSON, with unanimity and enthusiasm closed its labors by adopting the further resolution:

Resolved, That this convention indorse the present administration and the acts of our great and good President appertaining to the part taken in the world's conflict, and we pledge to our Government and our boys who are defending our country, our everlasting support.

REPUBLICAN CAUCUS.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent for a moment to make an announcement. I would like to state to the Republicans of the House that there will be a caucus immediately after adjournment to-day for the purpose of filling committee places.

CLERKS FOR EXPENDITURE COMMITTEES.

Mr. PARK. Mr. Speaker, I have several pending resolutions from the Committee on Accounts which I would like to submit.

The SPEAKER. The gentleman will send up the first one.

The Clerk read as follows:

House resolution 191 (H. Rept. 217).

Resolved, That the Committee on Expenditures in the Department of Agriculture, the Committee on Expenditures in the Department of Justice, the Committee on Expenditures in the Department of the Interior, the Committee on Expenditures in the Department of Commerce, the Committee on Expenditures in the Department of Labor, the Committee on Expenditures in the Navy Department, the Committee on Expenditures in the Post Office Department, the Committee on Expenditures in the Treasury Department, the Committee on Expenditures in the War Department, the Committee on Expenditures on Public Buildings, the Committee on Woman Suffrage, each be allowed a clerk at the rate of $125 per month during the second session of the Sixty-fifth Congress, beginning December 3, 1917, the salaries of said clerks to be paid out of the contingent fund of the House.

Mr. HAMLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HAMLIN. I offer an amendment to the resolution, which I send to the Clerk's desk. After the comma following the word "Suffrage" in line 12 insert the words "Committee on Expenditures in the State Department."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HAMLIN: Page 1, line 12, after the comma following the word "Suffrage," insert "Committee on Expenditures in the State Department."

Mr. STAFFORD. Will the gentleman from Georgia yield?

Mr. HAMLIN. Yes.

Mr. STAFFORD. Will the gentleman from Georgia inform the House what expenditure committee is omitted from the committee report, allowing it a session clerk?

Mr. PARK. Only that committee of which the gentleman from Missouri [Mr. HAMLIN] is chairman.

Mr. STAFFORD. Will the gentleman inform the House why the Committee on Expenditures in the State Department was omitted?

Mr. PARK. It was voted down by the committee.

Mr. STAFFORD. It was under consideration by the committee, then, and the committee rejected the allowance of the clerk to the Committee on Expenditures in the State Department?

Mr. LANGLEY. Will the gentleman state what the objections of the other members of the committee were?

Mr. PARK. They did not state much objection, except that at the extra session the chairman of this committee stated he did not want any clerk and did not care anything about it. Afterwards the chairman of that committee came before the committee and stated some reasons why he ought to have a clerk.

Mr. LANGLEY. He changed his mind?

Mr. HAMLIN. Oh, no. Mr. Speaker, it is my amendment, and I believe I am entitled to five minutes to make a statement.

I will state to the House very frankly that at the last session, as will be recalled by Members, the Committee on Accounts reported a resolution giving clerks to all these expenditure committees. The gentleman from New York [Mr. SANFORD], I think, raised the point that the chairmen of these different expenditure committees were not before this House Committee on Accounts and did not state that they needed clerks at this last session, and thought that the resolution ought not to be adopted in the absence of any information. I think the chairman of the Committee on Accounts made the statement that there were several chairmen of these committees present at that time, and that they could speak for themselves. There was a virtual call, of course, on all of us chairmen to say something about it. I made the statement at that time that being a war session, and the Democratic Party having caucused early in the session and determined that no legislation should be taken up at that session except matters directly pertaining to the war, I did not expect to call my committee together during that session and, therefore, would not need a clerk, and consequently did not want one. I thought it was distinctly understood by everybody that at the regular session, when general legislation was taken up, that the rule that had always prevailed in these matters would prevail, and that I would expect the clerk, of course, to be appointed to the committee for this regular session. I made that statement before the Committee on Accounts, who very kindly invited me before them a few days ago; and, to my very great surprise, when this resolution was reported, all the other expenditure committees had been recommended to have clerks except my committee. That was left out. I presumed that my offense was that I was fair enough and frank enough and just enough with the House to make the statement that I did not expect my committee to do any work during the extra session of Congress and therefore did not need the clerk and did not want the clerk at that session. Now, that is the sum total of my offense.

Mr. GILLETT. Will the gentleman yield for a question?

Mr. HAMLIN. Yes, sir.

Mr. GILLETT. Does the gentleman expect this committee to be active this session in investigating the expenditures of the State Department?

Mr. HAMLIN. I do not know just what the gentleman from Massachusetts would call "active."

I submit this—and, by the way, it is well enough to state here to the House what I said to the Committee on Accounts the other day: You will remember that under the law all the executive departments are required to report annually, at the beginning of the regular session of Congress in December each year, the expenditures of the money by the departments during the past fiscal year. These reports are made to the Speaker. They are printed and referred to the respective committees. Now, these committees are expected and required under the law to take these reports, investigate them, look them over, and, if necessary, investigate anything that seems to be irregular or in any way suspicious. Now, that report has not come to us yet, but it will come to us, and of course I expect our committee to take it up and look into the matter. It may be, possibly, that nothing will occur to members of the committee that needs investigation. I do not know.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Kentucky?

Mr. HAMLIN. Yes.

Mr. LANGLEY. Would that not be a matter for the chairman, rather than the clerk, to look into?

Mr. HAMLIN. Oh, the gentleman will look into it. But suppose the chairman concludes that there ought to be an investigation?

Mr. LANGLEY. Do you think the possibility of that investigation would warrant a clerk at the salary proposed for the whole session?

Mr. HAMLIN. I will answer the gentleman in this way on this amendment: This amendment does not go to the merits of the resolution. It may be that the House may conclude that none of these committees on expenditures will need a clerk at this session. That question is not now before the House. I only ask that the Committee on Expenditures in the State Department be accorded the same treatment and the same consideration that the other committees on expenditures are accorded in the resolution. I do not know exactly why this committee was discriminated against, unless it was on account of the things I mentioned a while ago.

Now, I notice, in referring to the personnel of the Committee on Accounts and also to that of these committees on expenditures, that two members of the Committee on Accounts are chairmen of expenditure committees, and a clerk is recommended for their respective committees. I find that another Member, who is a member of my committee, is a member of the Committee on Accounts.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for two minutes more. Is there objection?

There was no objection.

Mr. HAMLIN. Now, the only thing I want to say is—and I put the question up to the House frankly—the only question in this amendment is, Shall this committee be placed in the resolution on an equal footing with other similar committees, as the chairman has kindly stated he was willing it should be placed, and considered along with the other committees, and to have it determined whether any of us deserves a clerk at this session of Congress? That is all I have asked. I put it up to the House squarely. If the fact that I was frank enough and fair enough to the House to say at the last session that I was not going to transact any business through my committee at that session, and that, therefore, I did not need a clerk—if that is an offense, I plead guilty, and you can punish me by voting down this amendment. If to be frank and fair with the House and tell you the truth about it be a virtue, as I think it is, then I ask you to vote for this amendment and put it in the resolution and let it be considered along with the other committees. That is all I have got to say.

The SPEAKER. The question is on agreeing to the amendment.

Mr. PARK. Mr. Speaker, I yield to the gentleman from New York [Mr. SANFORD] five minutes.

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. SANFORD. Mr. Speaker, I owe it to the House perhaps to explain why I favored the adoption of this resolution because of the fact that at the extra session I opposed the passage of a similar resolution.

At that time I insisted that whether or not we should expend money for the clerks of these committees depended upon the question of whether or not there was anything for the committees to do. The House supported me in that position, and now when this resolution comes in we have given a hearing, which satisfies me entirely. The chairman of each of the committees has come before our committee and has told us his needs.

Under the operation of that system it may seem very peculiar to some of you why the gentleman from Missouri [Mr. HAMLIN] was not included in the resolution. It was not because

the committee was not favorably disposed to him or to his committee, but because of the testimony that he gave before the committee. He stated very frankly that his secretary could do what work there was to be done on this committee, and would do it if he asked him to, but he would not ask his secretary to do it without extra pay. That is all there was to it.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield right there?

Mr. SANFORD. Yes; I yield.

Mr. HAMLIN. I know the gentleman wants to be fair.

Mr. SANFORD. Yes.

Mr. WHEELER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Illinois?

Mr. SANFORD. I will yield to the gentleman from Illinois. Then I will yield to the gentleman from Missouri.

Mr. WHEELER. Does the gentleman think it absolutely necessary for a clerk to be appointed on the Woman Suffrage Committee?

Mr. SANFORD. I think the Woman Suffrage Committee, by the usual standards that govern the appointment of clerks in the House to-day, is entitled to a clerk.

Mr. WHEELER. Do you think that clerk would absolutely be employed one day in the month and have anything whatever to do?

Mr. SANFORD. I want to say to the gentleman—and this covers each one of these committees—that so far as I am concerned I have taken the testimony of the person who is the chairman of the particular committee, that in his judgment, the work of the committee is so great that it can not be done without a clerk. I have no personal knowledge of the facts, but I draw the conclusion from the facts that the gentlemen gave to the committee; I take them at their word.

Take the Committee on Expenditures in the Navy Department, for example. That committee is closely in touch with the Secretary of the Navy. That committee is about to undertake to operate under the vast jurisdiction that it has under the rules, and intends to examine all the vouchers of the Navy Department and go into all the contracts and all the operations of the Navy Department, and with that one clerk they are about to find out what the Navy is doing. That is information that the House wants, and if these gentlemen, with the assistance of a committee clerk, can do that work, it certainly is work that ought to be done.

Mr. WHEELER. One more question.

Mr. SANFORD. I shall be glad to answer another question if I can.

Mr. WHEELER. Is there any other reason for appointing a clerk to the Committee on Woman Suffrage except to create one more place?

Mr. SANFORD. I would not want to say that. I think the clerk for the Woman Suffrage Committee is just as important as the clerks for these other committees, or certainly will be for the next few weeks.

Mr. HAMLIN. Will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from Missouri.

Mr. HAMLIN. On the point which the gentleman was stating just before he was interrupted by the gentleman from Illinois, I know the gentleman wants to quote me fairly.

Mr. SANFORD. Absolutely.

Mr. HAMLIN. When I was before the committee the gentleman did ask me if my clerk could not perform the duties incident to the clerk to the committee. I said he could, but I said, "He will not unless he receives the pay of the clerk." I felt that my private secretary ought not to be asked to do the work of the clerk to the committee unless he is paid the clerk's salary like the clerk of any other committee.

Mr. SANFORD. That is a perfectly fair statement of the gentleman's position. I think during this war, if the secretary to a Congressman can be so fortunate as to be able to do a little extra work by a little effort without any extra pay, it is an opportunity that he ought to welcome, and I believe he will welcome it. I think we ought not to create an extra position here if the work can be done by one who is already on the pay roll.

Mr. HAMLIN. I will be as generous and patriotic as the gentleman is, and if our committee is treated like other committees the gentleman will not hear one word of complaint from me.

Mr. SANFORD. With the Committee on Accounts it has simply been a question of fact, and when the facts have developed as stated to us by the chairman of the committee, that there was need for the expenditure of this money, we have voted to authorize the appointment of a clerk.

The SPEAKER. The time of the gentleman has expired.

Mr. LANGLEY. I ask that the gentleman have five minutes more.

Mr. MOON. I shall have to object. We have gone far enough on this little matter.

Mr. LANGLEY. Two minutes, then.

The SPEAKER. The gentleman from Tennessee objects.

Mr. PARK. If the gentleman will allow five minutes more, we will not take up any more time.

Mr. MOON. All right; if you will not take up any more time, I withdraw the objection.

Mr. LANGLEY. Do I correctly understand the gentleman that he favors adding this amount to the compensation of a clerk already employed?

Mr. SANFORD. I do not favor the creation of a position here that will result only in the secretary of a Member of Congress receiving extra pay.

Mr. LANGLEY. I think the more jobs that we create, if it does not cost any more, the better it is for people who are out of employment. I think this resolution ought to provide that the secretary shall not have the additional pay, but that the committee shall employ another clerk.

Mr. SANFORD. I fully agree with the gentleman, that we ought not at any time or in any place to provide double pay for any man.

Mr. LENROOT. Does the gentleman from Missouri wish the House to understand that if this amendment is adopted it will result in giving his secretary the compensation of a clerk in addition to his salary as a Member's clerk?

Mr. SANFORD. That was the conclusion the committee drew from his testimony.

Mr. LENROOT. Does not the gentleman as a member of the committee think that this House ought to adopt an amendment that would absolutely forbid and prevent that practice?

Mr. SANFORD. I think it would be a very wise thing to do. That was the practice that we discovered at the extra session of Congress. We found that in three-quarters of the cases covered by this resolution the committees were seldom, if ever, meeting, and that in almost all cases the two positions were held by one person. It seemed to me that was a scandalous condition that should be disapproved of by this House, and it was disapproved. But now, as the result of this hearing that we have given the chairman of these very same committees, makes it appear that there is work of importance confronting them, in their judgment, and work that they tell us they need clerks to assist them in doing. Therefore I am glad to take them at their word, and I believe the testimony they have given is reliable, and that they are about to undertake this work, and if that is so, they ought to have this help.

The SPEAKER. The question is on the amendment.

The question being taken, on a division (demanded by Mr. DYER) there were—ayes 67, noes 14.

Accordingly the amendment was agreed to.

Mr. MADDEN. Mr. Speaker, I offer the following amendment to the resolution as amended.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: At the end of the resolution insert the following:

"*Provided*, That no compensation shall be paid under this authority except where a clerk other than the clerk to the Member who happens to be chairman of a committee named in the resolution."

Mr. DYER. Will the gentleman explain his amendment?

Mr. MADDEN. It explains itself.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The SPEAKER. The question is on the resolution as amended.

The question being taken, on a division (demanded by Mr. HASTINGS) there were—ayes 80, noes 28.

Accordingly the resolution as amended was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was passed was laid on the table.

POST OFFICE APPROPRIATIONS.

Mr. MOON. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

Mr. LITTLE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LITTLE. What is the regular order?

The SPEAKER. The regular order is the consideration of appropriation bills, and the gentleman from Tennessee [Mr. MOON] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Post Office appropriation bill.

The motion was agreed.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further con-

sideration of the bill (H. R. 7237) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, with Mr. FERRIS in the chair.

The CHAIRMAN. When the committee rose yesterday tellers had been ordered on the amendment offered by the gentleman from Minnesota [Mr. STEENERSON]; and the gentleman from Tennessee [Mr. MOON] and the gentleman from Minnesota [Mr. STEENERSON] will take their places as tellers.

Mr. STAFFORD. Mr. Chairman, I ask that the amendment be again reported.

Mr. COX. Can not we have the amendment reported?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Page 18, line 1, after the amendments already adopted, insert the following:

"*Provided*, That no portion of this appropriation shall be employed for the payment of salaries except to persons who are appointed under the provisions of the civil-service act."

The committee again divided; and the tellers reported that there were 79 ayes and 91 noes.

So the amendment was rejected.

The Clerk read as follows:

For travel and miscellaneous expenses in the Postal Service, office of the Second Assistant Postmaster General, $1,000.

Mr. BORLAND. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by adding a new paragraph to follow line 25, page 18, as follows:

"No part of any amount herein appropriated shall be used to pay salaries or for the personal services of any department, bureau, or office in the District of Columbia which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, require eight hours of labor each day."

Mr. MOON. Mr. Chairman, I make a point of order on that.

Mr. BORLAND. I would like to be heard on the point of order.

Mr. MOON. We have passed the section the gentleman wants it to apply to.

Mr. BORLAND. I would like to ask the gentleman from Tennessee what his point of order is.

Mr. MOON. I have reserved the point of order.

Mr. BORLAND. What is the point of order? I want to discuss it. I will say, Mr. Chairman, that that limitation has been offered six or eight times to appropriation bills.

Mr. MOON. To what section does the gentleman offer it?

Mr. BORLAND. At the close of page 18.

Mr. MOON. Have we not passed the point at which the gentleman wants to offer it?

Mr. BORLAND. No; I am offering it at the end of the personnel appropriations. I could offer it at the end of the bill if I saw fit.

Mr. MOON. I make the suggestion that you can not go back and offer an amendment anywhere in the bill.

Mr. BORLAND. We are not offering it at any place, although we could offer it at the end of the bill as a new paragraph, but it is appropriate at this point. Mr. Chairman, as I understand, the only objection the gentleman from Tennessee makes is that it is offered at this particular point.

Mr. MOON. It is new law.

Mr. BORLAND. No; it is not new law. The only objection the chairman makes is that we are offering it at this particular point. As I have said, we could offer it at the end of the bill. At this particular place it comes in at the end of the personnel appropriations of the bill. That is, the appropriations for clerk hire come to an end practically at this point, and therefore it is a convenient point to offer it. There is nothing, I think, in this particular objection.

Mr. COX. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COX. What has been the required number of hours for clerks to labor?

Mr. MADDEN. Mr. Chairman, is the gentleman from Missouri discussing the point of order?

Mr. BORLAND. I am.

Mr. COX. What is the legal requirement as to the number of hours the clerks shall work now in the District of Columbia?

Mr. BORLAND. Seven.

Mr. COX. Do not they do it?

Mr. BORLAND. The law is that they shall be required to work not less than seven. That is the minimum, but the minimum has become the maximum in many of the departments.

Mr. COX. Is there any law to prevent a clerk working eight hours a day?

Mr. BORLAND. No; it can be done by Executive order, or Congress can direct it.

Mr. COX. Is there any law to prevent their working more than eight hours?

Mr. BORLAND. There is a law with reference to employees outside the District of Columbia.

Mr. MOON. Does this amendment apply to all postal clerks?

Mr. BORLAND. No; the employees in the bureaus and offices in the District of Columbia, but it preserves to them all their holidays, leaves of absence, and all other provisions of section 7 of the appropriation bill.

The CHAIRMAN. Does the gentleman have the law of 1898 before him?

Mr. BORLAND. I have not; but the law of 1898 was the legislative, executive, and judicial appropriation bill, providing a limitation of not less than seven hours for Government clerks, and providing certain exceptions—holidays, leaves of absence, and so forth. This amendment is in entire harmony with that law, because it says, "subject to the exceptions and limitations of that act."

Mr. MOON. As I understood the gentleman, his amendment is very much broader than the appropriation for the transportation of mail. He says it applies to all the employees of the Government. If it does, it is not a limitation on this appropriation, but is new law, applicable to all clerks in the service.

Mr. BORLAND. It is a limitation on the appropriation carried in this bill and does not apply to all employees of the Government.

Mr. MOON. I thought the gentleman said that it did.

Mr. BORLAND. The gentleman was mistaken in my answer. I said it was to apply to the employees in the District of Columbia.

Mr. MOON. I have no objection to an eight-hour law.

Mr. MADDEN. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

Mr. BORLAND. The same amendment has been offered to former appropriation bills and has been repeatedly held in order.

The Clerk again reported the amendment.

Mr. MADDEN. Mr. Chairman, if the gentleman from Missouri [Mr. BORLAND] has yielded the floor I would like to reply to what he has said.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. BORLAND. I would like to hear what the gentleman has to say.

Mr. MADDEN. Mr. Chairman, the amendment offered by the gentleman from Missouri undertakes to enact a law covering all the departments of the Government.

Mr. BORLAND. Mr. Chairman, the gentleman is mistaken about that. Let us get right about that now. This is a limitation upon an appropriation bill.

Mr. MADDEN. Let me interpret what I think the amendment is and then the gentleman can combat that later. As I understand the reading of the amendment, it is general in its character. It does not simply apply to the bill that is pending. It covers all of the departments, and whether it applies to this department alone or covers all of the departments, in my judgment it is a change of law and therefore subject to a point of order. To say that no man who works less than eight hours a day shall be compensated out of the appropriations made in this bill would be to say that if a man by some chance completed the work assigned to him in six hours in a given day, those six hours' work should be given to the Government free of cost, a thing that ought not to be. This amendment limits the power of the department to release a man at a given hour on a certain day from the employment in which he is engaged, unless the man yields up the compensation to which he is entitled in order to get the release. I submit, Mr. Chairman, that this would be a great injustice even if the amendment were in order under the rules of the House. It is unfair to say that because a man may be able to complete his work within a given time, if that time be less than eight hours, he therefore shall not be paid for that work. It is unfair to say to men who frequently work into the midnight hours in order to accomplish the work that is needed to be done by the departments shall not be permitted on some other day to be paid for work if the hours employed are less than eight. I contend that the amendment offered by the gentleman from Missouri has no place on this bill, that it is out of order under the rules of the House; that it changes the law, and, in addition to that, it is a great injustice to the men employed in the Government service, and I submit to the chairman that the only thing he can do under the circumstances is to hold the amendment of the gentleman from Missouri out of order.

The CHAIRMAN. The Chair is ready to rule. Of course, the Chair recognizes that he is an experienced parliamentarian, but the Chair is of opinion that this amendment is a proper limitation and it does retrench expenses and is in order. If gentlemen think the Chair in error about that, they can appeal from his decision.

Mr. BORLAND. Mr. Chairman, this is an amendment which has been offered to previous appropriation bills, and every time it is offered one of these camouflage economists, like the gentleman from Illinois [Mr. MADDEN], who is always willing to talk economy and vote against the interests of the taxpayer, gets up and makes some technical argument against it. It is as plain as sunlight. All it means is that the American taxpayer is entitled to a square deal. There are nearly half a million Government employees in the United States. Of those approximately 37,000 were in the District of Columbia prior to the war. Now, there are close to 50,000 in the District of Columbia. In other words, less than 10 per cent of the Federal employees are in the District of Columbia. All Federal employees outside of the District of Columbia work a minimum of 8 hours, and some of them work 9 and 10 and 11 hours.

Mr. SMITH of Idaho. Is it not true that some of the rural carriers work only two or three hours a day?

Mr. BORLAND. I shall yield in a moment. All of the Federal employees outside of the District of Columbia work upon an eight-hour basis. It took us some little time after the Democrats came into power to get an eight-hour law for Federal employees in the post offices throughout the United States, but we finally got it, and we have not yet been able to get it into full working order. From 7 to 10 per cent of the Government employees who happen to work in the District of Columbia constitute a favored class. They have never been required to work more than seven hours except in extraordinary emergencies. We are now confronted with a condition of war, where the American taxpayer is being taxed to the limit, until it hurts, and we must tax him to preserve the national life of the Government. There is no room in the National Capital for any set of slackers working less than an honest day of eight hours. Gentlemen can now vote with their eyes open on this proposition.

Mr. MOON. I have no objection to the eight-hour law, but do I understand the gentleman wants to limit it to eight hours?

Mr. BORLAND. I would like to have the gentleman from Tennessee get that perfectly clear. A long time ago before the civil service was in working order the clerks around Washington worked from four to six hours a day, as happened to suit their fancy. During the Spanish-American War we were compelled to put a minimum limitation on the hours of work because the Nation demanded an efficient service, and we put a minimum limitation of seven hours. We said they should not maintain less than a seven-hour day. I am saying by this amendment that we shall not maintain less than an eight-hour day, which is recognized as a standard. The same construction exactly will be put upon my limitation as is put upon the existing law, no different so far as the individual clerk is concerned. It simply means that we shall increase the minimum from seven to eight hours as far as the District of Columbia is concerned, and all other limitations and exceptions in the existing law apply to this limitation.

Mr. MOON. Then, if I understand the gentleman correctly, he is not attempting to fix a maximum but a minimum?

Mr. BORLAND. I am attempting to fix a minimum. It does seem to me that eight hours is an honest day's work. I have fought a great many battles for the eight-hour day, and I intend to keep on fighting those battles for the eight-hour day, but I have always believed that eight hours was fair both to the employer and the employee. I never believed either one ought to be short changed in the transaction. I do not believe in a short-change day for some men and a full day for others. Wherever men are paid out of the Federal Treasury it is a burden laid upon all citizens, farmers, laboring men, merchants, all citizens, and these men by every dictate of good faith and honesty ought to be compelled to render a full business day in return for their salary.

Mr. COX. Will the gentleman yield?

Mr. BORLAND. In a moment. If the salary be not adequate, that is another proposition; but we must admit that Congress knows how to fix those salaries and will fix them with fairness and justice. A man should render an honest business day's work for his salary. All organized labor has united in the proposition for eight hours for work, eight hours for sleep, and eight hours for recreation and mental improvement as being an honest day's work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Will the gentleman yield for a question?

Mr. BORLAND. I will.

Mr. COX. I want the gentleman's interpretation of his limitation. I desire to know if his limitation should be adopted will it apply only to the employees of the Post Office Department here in the District or would it apply to them and the employees of all other departments? What is the gentleman's interpretation?

Mr. BORLAND. It must apply only as a limitation to the employees provided for in this appropriation bill.

Mr. COX. And those would be postal employees?

Mr. BORLAND. It would be only postal employees and only in the District of Columbia. It would be necessary to offer the same amendment to the legislative, executive, and judicial appropriation bill, the District of Columbia bill, and other bills. In other words, it would be a matter of legislation if we attempted to cover other services not provided for in this bill.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. MADDEN. What is the gentleman's opinion of this? If his limitation is placed on this bill, would any person working less than eight hours a day under any circumstances which may arise be entitled to any compensation under the act?

Mr. BORLAND. Now, the gentleman is an awfully sharp man and he knows that this does not change the construction of existing law at all—that if a man worked less than seven hours and he gets full pay he will get it under this law if he works less than the eight.

Mr. FORDNEY. If it does not change existing conditions, what is the object in offering it?

Mr. BORLAND. I hope the gentleman will give attention, and he will find out.

Mr. FORDNEY. I heard the gentleman. The gentleman said we voted with our eyes open. What has he given us that would open our eyes more than they were before his statement?

Mr. BORLAND. If the matter is not clear to the gentleman I shall be glad to explain it.

Mr. STEENERSON. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. STEENERSON. This appropriation in this bill does not cover departmental employees in the city of Washington, as the gentleman just stated. Departmental officials are covered, as the gentleman well knows, in the legislative bill——

Mr. BORLAND. Yes.

Mr. STEENERSON. Which bill is reported by the Committee on Appropriations. Now, the gentleman has also stated that he has been instrumental, to the great benefit of the country, in passing the eight-hour law to apply in outside post offices. Now, this bill covers outside post offices. What is the necessity of this limitation on this appropriation when the gentleman says through his splendid efforts in the past he has succeeded in securing the eight hours? This would only cut down the pay of rural carriers.

Mr. BORLAND. If the gentleman will look at the limitation he will see that it does not apply outside of the District of Columbia, and therefore does not affect rural carriers.

Mr. REED. Does it apply to city carriers?

Mr. BORLAND. It does not apply to anyone outside of the District of Columbia.

Mr. REED. Well, to city letter carriers of the District of Columbia?

Mr. BORLAND. It applies to all employees within the District of Columbia.

Mr. REED. A letter carrier will have a light mail one day and he can not work for more than six hours, and another day he will have a heavier mail and the department tells him to come back——

Mr. BORLAND. I have already replied to that question in answering the gentleman from Tennessee. The present limitation is seven hours, and in exactly this language. This simply increases it one hour, and therefore all limitations and exceptions which apply under the present law on the seven-hour basis will apply under the eight-hour basis. There will be no difficulty about that.

Mr. REED. Is not a letter carrier ordered to return and not to deliver mail if his hours run over?

Mr. BORLAND. It would not affect this legislation any more than the present law. The same construction and the same exceptions apply to this limitation as to the present law.

Mr. AUSTIN. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. AUSTIN. The gentleman's amendment says that no part of this appropriation shall be paid to an employee who does not render eight-hour service?

Mr. BORLAND. No; it does not say so.

Mr. AUSTIN (reading)—

No part of any amount herein appropriated shall be used to pay salaries or for personal services in any department, bureau, or office in the District of Columbia which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, requiring eight hours of labor each day.

Mr. BORLAND. Yes.

Mr. AUSTIN. Now, if the man serves less than eight hours, he can not be paid under the provision. Your language is plain. It says that this appropriation shall not be used to pay any Government official unless he has served eight hours.

Mr. BORLAND. If the gentleman wants an answer, I will give it. He is simply talking to the press gallery.

Mr. AUSTIN. I am not talking to the press gallery. I have not noticed it.

Mr. BORLAND. The gentleman knows the limitation applies to the department, bureau, or office. It requires the department, bureau, or office to maintain now an eight-hour day under the limitation instead of a seven-hour day. All of the individual exceptions which are at present applied to the seven-hour day, which the gentleman has in mind, will be applied to the eight-hour day.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. There is no difference as to the extraordinary exceptions of the individual man whatever. The difference consists in compelling the department, bureau, or office to maintain an eight-hour basis. Now, there is no basis for the gentleman's objection——

Mr. AUSTIN. Suppose the department does not do that?

Mr. BORLAND. Then it does not get any money.

Mr. AUSTIN. If he serves less than eight hours a day, does he get any money?

Mr. BORLAND. The department does not get any money unless it maintains an eight-hour basis.

Mr. AUSTIN. And you maintain that the clerk does not get any money unless he serves eight hours?

Mr. BORLAND. The law I am amending is in exactly the same language. Now, gentlemen, I have this to say: We are to-day confronted with a shortage of labor. We are to-day confronted with a shortage of employees for the Government. We are to-day confronted with objections and criticisms on all sides because the Government is not efficient in providing for the Army in the conduct of this war. We are confronted with a shortage of people who are available for clerical service in the District of Columbia. Great pressure is put upon the Government to respond promptly, with a miraculous promptness, to the demands of the Army in the field. And yet in the face of all of that, gentlemen want to oppose an eight-hour day, the honest day's work, for clerical employees in the District of Columbia. Who is going to benefit by employing an excessive number of employees in the District of Columbia? Why, it is perfectly manifest who is going to benefit. The landlords and the merchants in the District of Columbia are the only persons on earth who are going to benefit from it. The American taxpayer is handicapped in two ways—first, by the added expense of the public service, and, second, by the decreased efficiency.

Now, gentlemen can raise all the technicalities they choose. The plain fact is that we are simply requiring these departments to maintain, with the same individual exceptions that they now maintain, an eight-hour day instead of a seven-hour day. And if you put that question squarely to any honest set of business men in your district, there will be but one answer.

Mr. HARDY. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. HARDY. The gentleman has so nearly stated what I was going to ask that I may not be justified in asking it. The substance of your amendment is that you take out "seven" and write "eight"?

Mr. BORLAND. That is all.

Mr. HARDY. And all rules of the department applicable to seven hours would be applicable to eight?

Mr. BORLAND. That is exactly it.

Mr. COX. Has the gentleman any data or information to give to the House showing if this limitation is put upon all the departments how much economy we would effect by increasing the hours of labor?

Mr. BORLAND. I had it at the last session of Congress. At that time the pay roll in the District of Columbia was $50,000,000, in round numbers. A saving of 14 per cent in time ought to save 14 per cent in the expense, which would be $7,000,000. But they assumed that it would not work out with perfect harmony, and I assumed it would save $5,000,000 on the existing pay roll. But the pay roll will now run $65,000,000 or $67,000,000, and the saving ought to be $8,000,000 to $10,000,000.

Mr. GREENE of Massachusetts. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. GREENE of Massachusetts. I would like to ask the gentleman if he does not know that the employees of the War Department have been employed very much more than eight hours since the beginning of the Mexican trouble and from the beginning of the present war? They were employed during the Spanish War overtime to a very large extent, nights, Sundays, and holidays, and they never received a single cent of compensation for that extra work?

Mr. BORLAND. That is no reason why another set of employees in the District of Columbia should work less than eight hours. As fast as we can relieve that congested condition in the War Department the Government is relieved.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BORLAND. I have had occasion to look into the crowded condition of the War Department. I know what the condition is. We can not find employees fast enough, unless we maintain an eight-hour day, to relieve the congestion of the War Department, and therefore we can not properly carry on the great work of arming for this war.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. MOON. The gentleman from Missouri [Mr. BORLAND] is presenting his ancient fad on the subject of labor. I think it ought to be treated now as it has been heretofore, namely, rejected. He undertakes to fix an arbitrary eight-hour day. Conditions may be such that the day ought to be less than eight hours for labor, and yet he would not pay anything if it be less by the limitation he fixes upon this appropriation. There ought to be no reason why a department, in its discretion, if the public necessities require it, should not have the service of employees beyond eight hours, provided that they pay them for that service beyond eight hours. It is an attempt to hold down the department to an exact minute and hour in the employment of labor and to prevent laborers who want to serve longer than eight hours, if they see fit to do so, at an increased compensation, from having it; and I think it is an error in administration, to say the least of it. Legislation is not necessary for the department nor in the interest of labor.

I favor as much as any man in this country an eight-hour law. I am in favor of limiting the service to eight hours if it is necessary to do it. I am in favor of having the eight-hour law and the work for eight hours in the discretion of the employee, even, if it is necessary; but there is no necessity for presenting to this general law a crude amendment that has not been considered by this committee or any other committee, which upon its face would indicate, if the limitation placed upon the appropriation is to count for anything, the department must have exactly eight hours and no more and no less.

Mr. GORDON. Mr. Chairman, will the gentleman yield to me for a question?

Mr. MOON. Yes.

Mr. GORDON. What do you say in reply to the statement of the gentleman from Missouri [Mr. BORLAND], that it simply changes the word "seven" to "eight," and all other limitations and all other discretions heretofore exercised would still remain in force?

Mr. MOON. I say it is not the law and it is not the fact when the whole law is construed together.

Now, Mr. Chairman, I move that the debate on this question be closed, unless some gentleman wishes to speak.

Mr. BLACK. I want 5 minutes.

Mr. MOON. Mr. Chairman, I move then that the debate close in 10 minutes; 5 minutes to be occupied by the gentleman from Tennessee [Mr. AUSTIN] and 5 minutes by the gentleman from Texas [Mr. BLACK].

The CHAIRMAN. The question is on agreeing to the motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Texas [Mr. BLACK] is recognized.

Mr. BLACK. Mr. Chairman, I want to say a word in favor of this amendment. I have a very high regard for our honored chairman of the Committee on the Post Office and Post Roads, Judge MOON, who has just spoken in opposition to this amendment. I am a member of that committee, and usually I give a great deal of deference to what he has to say and am glad to vote otherwise when I think he is wrong, as I certainly do in vote with him when I think he is right but do not hesitate to

this case. I do not see how, in view of existing conditions, in view of the situation that actually exists here in the departments in Washington, where an unusual amount of work is to be done, that any Member of Congress can justify himself in opposing an amendment that merely requires an eight-hour day. Certainly no one has any right to complain that eight hours is too long for a department clerk to work here in Washington. If eight hours is recognized as a fair day's work throughout the country, why should it not prevail here? Will some one please give a good reason? In reading the Official Bulletin that we get each day, I see the insistent calls of the departments for clerks, stenographers, and help of that kind. Only a few days ago Capt. J. H. Moffatt, of the civilian personnel division of the Ordnance Department of the Army, addressed the Young Women's Christian Temperance Union and said that his department was in urgent need of a very large number if stenographers and appealed to these women to go back home and appeal to the young women there to come to Washington and relieve the situation. It does seem to me that if the need for extra help is so urgent, that it would not be unreasonable to install a general eight-hour day among the Government employees here in Washington. This one hour of added labor would certainly help some. It does seem to me that if this Congress really wants to practice economy that is reasonable and will hurt nobody, then we should adopt this amendment offered by the gentleman from Missouri [Mr. BORLAND].

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman permit a question?

Mr. BLACK. Yes.

Mr. SMITH of Idaho. Is there anything in the present law that limits the time during which these clerks can be employed to seven hours?

Mr. BLACK. There is not. My understanding is that the law merely says they shall not work less than seven hours. I also understand further that the heads of departments have used this minimum as a maximum, and have actually put into effect a seven-hour day. I assume that if the limitation of eight hours is substituted for seven hours the departments will obey the mandate of Congress and substitute an eight-hour day for a seven-hour day.

Mr. SMITH of Idaho. The Cabinet heads have the discretion now to make them work 8 hours, or 9 hours, or possibly 15 hours.

Mr. BLACK. Possibly they have such authority in some cases, but they do not exercise it. If we put this limitation of eight hours instead of seven, then they will have to inaugurate a general eight-hour day in the departments, and it is certainly my unqualified opinion that they should have to do that very thing.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. SAUNDERS of Virginia. You say the department heads have practically put into effect a seven-hour day?

Mr. BLACK. Yes.

Mr. SAUNDERS of Virginia. If they work eight hours, do they have extra compensation?

Mr. BLACK. I think not.

Mr. SAUNDERS of Virginia. If we adopt this amendment, designed to put into effect an eight-hour day, will the employee be allowed to work beyond that time, or can they be made to do it?

Mr. BLACK. I understand there would be no change in the labor policy now practiced by the departments, except to lengthen the hours of labor by one hour. I see no reason why there would be any cause for overtime work. This amendment simply substitutes the limitation of eight hours for seven, and makes an eight-hour day instead of a seven-hour day.

Mr. SAUNDERS of Virginia. Then the effect of the amendment is to enable us to repeal the action of the departments in establishing seven hours and make it an eight-hour day?

Mr. BLACK. That is the effect of the amendment, and that is the reason why I favor it. I can not see how any Member of Congress can consistently oppose it. In this hour of unprecedented public expenditures, in this hour when we are confronted with the problem of where we will get sufficient funds to meet these staggering expenditures, I do not see how we can afford to sit idly by and not undertake to establish economy wherever we can get it without any embarrassment to the public service or undue hardship to individuals. I think it would be absurd for anyone to contend that eight hours of clerical labor is excessive.

Mr. BENJAMIN L. FAIRCHILD. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. BENJAMIN L. FAIRCHILD. Does not the gentleman from Texas know that in all the departments, or in most of them, at the present time under the present law the clerks and heads of bureaus and the stenographers are working every night, or nearly every night, until late at night?

Mr. BLACK. I do not understand that is so.

Mr. BENJAMIN L. FAIRCHILD. That is so.

Mr. BLACK. On the contrary, my understanding is that the relatively small number of those who work at night work on the night shift, and that no excessive hours of labor are required. I think that there can be no successful disputation of the fact that the general work day of Government employees is seven hours, and I do not think there are very many, as compared with the whole number, that work more than seven hours.

Mr. BENJAMIN L. FAIRCHILD. They are doing it, and without extra pay.

Mr. BLACK. I do not know of very many of these special exceptions, but I do know from inquiries that I have made that where night work is required that they make these night shifts, and no one has to work any excessive number of hours. The departments do not keep a man 9 or 10 or 12 hours a day at work, with possibly a few occasional exceptions. The general work day of Government employees here in Washington is seven hours, as I have stated, and I do not think that fact can be successfully controverted.

Mr. BENJAMIN L. FAIRCHILD. One other question. Does it occur to the gentleman from Texas——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BENJAMIN L. FAIRCHILD. Mr. Chairman, I ask that the gentleman be allowed two minutes more.

The CHAIRMAN. The Chair will state that the time has been limited. The gentleman from Tennessee [Mr. AUSTIN] is recognized for five minutes.

Mr. AUSTIN. Mr. Chairman, I desire to publicly certify to the efficiency and excellent conduct of the Government officials and employees in the city of Washington. I do not believe any other service, public or private, is more faithfully, efficiently, or honestly served than by the average Government official and employee in this Capital City. We require the very highest class of men and women for the Government service, and practically all of them have entered after going through competitive civil-service examinations which tested their intelligence and their efficiency.

Now, if the public service is being injured or harmed in the administration of the Post Office Department under the existing law, the responsibility of it rests with the Postmaster General, who hails from the State of the gentleman [Mr. BLACK] who just preceded me. I will not join him in an indirect criticism of the Post Office Department, because I have every reason to believe that in the city of Washington it is well and faithfully administered. The head of it served many years in this House as an able and faithful member of the Committee on Appropriations, and I believe we can trust him to exact full and proper service from his subordinates, even if the gentleman from his own State has any doubt on that subject.

If we are going to legislate on this subject why not have a hearing before a committee? No department of the Government has requested this new and additional legislation. The Postmaster General does not request it, and not a single head of any bureau of that department or any other department has appeared before the Committee on the Post Office and Post Roads and urged this new departure. But if we are to legislate here on the subject why not do it in a fair and just way and have it apply to every Government official in and out of Washington City? A statement was made in the discussion of this bill that some of the men outside of Washington who were provided for under its provisions actually work an average of four or five hours a day. So why apply this proposed provision to officials, clerks, and employees in the departments at Washington who have no votes and fail to have it apply to every Government official in the United States? It is true of every department in Washington that the clerks are not only working 7 hours, but their general average month in and month out will be more than 8 hours a day, and in thousands of cases during this period it will average more than 10 or 12 hours a day.

Mr. BLACK. Will the gentleman yield there?

Mr. AUSTIN. I have not the time. Some of the clerks are actually working 15 and 16 hours a day right through this war period without any extra compensation; and I say there is no excuse or justification for putting this amendment on the pending bill; certainly not now, when every Government department is doing its best to keep up with the congested public business, and

every employee is under orders from his superior to remain at his desk not only 7 hours, 8 hours, 10 hours but in many cases more than 15 hours, and they are doing this willingly in the faithful performance of their duty. There is no excuse for this reflection upon or this injustice to the Government officials, who are faithful and efficient, and are attempting in every possible way to help out the Government in the present emergency which faces the country. [Applause.]

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. ROBSAND) there were—ayes 19, noes 47.

Accordingly the amendment was rejected.

The Clerk read as follows:

For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured, and collect-on-delivery mail, $670,000.

Mr. WATSON of Pennsylvania. I should like to ask the chairman of the committee if this includes the loss on articles carried by parcel post?

Mr. MOON. Yes.

Mr. WATSON of Pennsylvania. Can the gentleman state what proportion of the $670,000 is for injury or loss of insured parcel-post matter?

Mr. MOON. I can not tell the gentleman the proportion. Of course, it is in proportion to the losses on that matter.

Mr. WATSON of Pennsylvania. Then the committee were obliged to put that item in from guesswork?

Mr. MOON. I will say to the gentleman that in the preparation of a bill like this we have to look to what has occurred heretofore and to the estimate made by the department of what may possibly occur hereafter. It can not be determined exactly in advance.

Mr. MADDEN. The loss is very small.

Mr. WATSON of Pennsylvania. I want to find out the degree of efficiency which the department is giving to the American people in the transportation of insured parcel-post matter, and how much the Government is losing by loss and injury to parcels.

Mr. MOON. I have no accurate information on the subject. There is really no way to get at it accurately that I know of. At least it has not been furnished to us. The presumption is that there is no loss on parcel-post matter.

Mr. WATSON of Pennsylvania. Is most of this for losses of registered letters?

Mr. MOON. Yes.

Mr. WATSON of Pennsylvania. Of course, the receipt given by the department for registered letters is different from the receipt for parcel-post matter.

Mr. MOON. Yes.

Mr. WATSON of Pennsylvania. Of course, the department could work this out. I did not know whether they had given you that information or not.

Mr. MADDEN. There is a profit on this item, if that is what the gentleman wants to know.

Mr. WATSON of Pennsylvania. I wanted to know what the loss was.

Mr. MADDEN. There is no loss; but a profit.

The Clerk read as follows:

For miscellaneous expenses in the preparation and publication of post-route maps and rural-delivery maps or blue prints, including tracing for photolithographic reproduction, $20,000; and the Postmaster General may authorize the sale to the public of post-route maps and rural-delivery maps or blue prints at the cost of printing and 10 per cent thereof added, the proceeds of such sale to be used as a further appropriation for the preparation and publication of post-route maps and rural-delivery maps or blue prints; of this amount $500 may be expended in the purchase of atlases and geographical and technical works.

Mr. ROBBINS. I want to ask my friend if these are maps of rural-mail routes?

Mr. MOON. The gentleman knows what the ordinary postal maps are.

Mr. ROBBINS. The State maps showing the routes?

Mr. MOON. Yes.

Mr. ROBBINS. Prepared from State and county surveys.

Mr. MOON. Mr. Chairman, I move to amend by striking out "$500" and inserting "$1,500." It does not add anything to the total of the appropriation, but the department tells us that these maps and books are needed very badly, and that $500 is not sufficient.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 25, strike out "$500" and insert in lieu thereof "$1,500."

The amendment was agreed to.

Mr. MOON. Mr. Chairman, I ask unanimous consent to place in the RECORD a statement from the First Assistant Postmaster General in reference to clerkships, and also a statement from the department on the question of the delay of mail, and to print some telegrams in connection therewith.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The matter referred to is as follows:

POST OFFICE DEPARTMENT,
Washington, December 13, 1917.

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads, House of Representatives.

MY DEAR JUDGE MOON: At the time I appeared before the Committee on the Post Office and Post Roads in connection with the appropriation bill Representative MADDEN asked me how many second-class post offices had not been granted any portion of the appropriation authorizing the promotion of 15 per cent of the employees from $1,100 to $1,200. I was unable to furnish this information at the time, but find upon examination of our records that 809 offices have been granted such increases and 1,490 have not.

In determining the number of clerks to be advanced the department ascertained first the number of such employees in the second-class offices and advanced 15 per cent of this number. It was found, however, that this 15 per cent did not make sufficient promotions to give one for each second-class office, so they were allotted to the larger second-class offices where the salary of the postmaster was above $2,500. The allotment was made in this manner because it advanced the employees in the larger cities, where the responsibilities of the position are greater and the cost of living is higher. I think the method of making this allotment is generally understood by the postal employees.

Sincerely, yours,
A. C. KOONS,
First Assistant Postmaster General.

A number of statements have recently appeared in the press, no doubt inspired by interested persons, that the Postal Service is not efficient at this time, that the mails are not being handled promptly, and that this condition is due to the fault of the Post Office Department. In order to again ascertain the true conditions a telegram was sent yesterday by the First Assistant Postmaster General to each of the 50 largest post offices of the United States. These offices represent one-half of the entire postal business of the country, also the congested and heavy-mail centers, where it is most difficult to perform the service. Because the mails are abnormally heavy, due to the holiday season, and the fact that a blizzard was prevailing in many parts of the country and the conditions most unfavorable for the prompt handling of the mails, the telegrams were sent at this time.

Owing to the adverse criticisms made of the service, it is believed that the public should know the truth. For that reason I will insert in the record a copy of the telegram sent out by the First Assistant and copies of the replies from the postmasters. It will be observed that, notwithstanding the unusual conditions prevailing throughout the country and the heavy mails which are now being handled, the telegrams show that the criticisms are unfounded, unfair, and unjust. The service is efficient and reflects great credit upon the department, the postmasters, and the employees.

DECEMBER 13, 1917.

POSTMASTER: Wire whether all mail received at your office is being distributed, dispatched, and delivered promptly. If not state fully reason why.

KOONS.

JACKSONVILLE, FLA., *December 13, 1917.*

FIRST ASSISTANT,
Washington, D. C.:

Demoralized screen-wagon service (contract service) and delayed trains only factors in delaying mails through this office. Record shows mails handled after receipt with proper promptitude.

DIGMAN, *Postmaster.*

ST. LOUIS, MO., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail received speedily distributed without delay and expeditiously dispatched. No delay in delivery of incoming mail on schedule time. We have local situation absolutely under control, although unprecedented weather conditions have badly demoralized train service.

SELBY, *Postmaster.*

ST. PAUL, MINN., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail at this office is being distributed, dispatched, and delivered immediately. No delay is occurring.

RATHS, *Postmaster.*

LOUISVILLE, KY., *December 13, 1917.*

FIRST ASSISTANT,
Washington, D. C.:

No congestion at this office. Only delay due to irregular train schedules. Weather conditions delay city delivery in residence sections due to 18 inches of snow. Service to and from Camp Taylor gradually reaching normal. Street-car service partially suspended.

SCHMITT, *Postmaster.*

JERSEY CITY, N. J., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All first-class mail dispatched and delivered promptly. Extreme weather conditions caused delay in delivery small portion parcel post and newspapers Monday and Tuesday.

ELY, *Postmaster.*

RICHMOND, VA., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

No congestion. All mails promptly handled, delivered, or dispatched as received.

THORNTON, *Postmaster.*

PITTSBURGH, PA., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

No delay whatever in distribution of mails for dispatch; incoming mails promptly distributed and connecting with carrier delivery following receipt. Train service apparently demoralized on incoming mails, delays varying from 1 to 12 hours existing; past six days principal eastern trains, due midday regularly, fail to arrive for last carrier delivery. Parcel-post matter distributed for dispatch heavily taxing railroad porter service. Matter brought to attention of the superintendent. Fifteenth division express embargoes create unusual demands on parcel post. Consider this office as maintaining standard of efficiency. Sole delay chargeable to railroad service.

GUPPEY, *Postmaster.*

NASHVILLE, TENN., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

Wire received. All mail cleaned up daily at this office.

SHANNON, *Postmaster.*

MILWAUKEE, WIS., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail being distributed, dispatched, and delivered promptly.

SCHULZ, *Postmaster.*

CLEVELAND, OHIO, *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

At this time of the month all first-class mail, daily papers, parcel post, quotation circulars, promptly handled. Incoming circulars considerably delayed, due to accumulation at first of month, when it is necessary to utilize the entire force on more important mail. All clerks working overtime; no substitutes eligible; register exhausted and forced to use excessive inexperienced auxiliary help. Train service very irregular.

POSTMASTER.

LOS ANGELES, CAL., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail, local and transit, received is distributed, dispatched, and delivered promptly daily to date.

BROWN, *Postmaster.*

OMAHA, NEB., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

By working overtime all mails dispatched and delivered promptly. Office clean of all classes.

FANNING, *Postmaster.*

NEWARK, N. J., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail is being distributed, dispatched, and delivered promptly.

SINNOTT, *Postmaster.*

COLUMBUS, OHIO, *December 13, 1917.*

FIRST ASSISTANT,
Washington:

All incoming and outgoing mail promptly dispatched and delivered, except circulars and unimportant mail on heavy days left for delivery following day. Deliveries rural route 5 not completed on five days past, due to heavy snow, machine trouble, failure of patrons to place names on boxes, and new carrier.

KINNEAR, *Postmaster.*

HARTFORD, CONN, *December 13, 1917.*

FIRST ASSISTANT,
Washington:

All mail received at this office is being promptly distributed, discharged, and delivered.

WILSON, *Postmaster.*

WORCESTER, MASS., *December 13, 1917.*

FIRST ASSISTANT,
Washington, D. C.:

All mail received is distributed and delivered promptly. All mail dispatched promptly.

CHASE, *Acting Postmaster.*

BOSTON, MASS., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

Mail is being dispatched and delivered promptly. Three heaviest mail trains were average four hours late this morning; mail missed first two deliveries.

MURRAY, *Postmaster.*

SYRACUSE, N. Y., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

Mail received rather irregular; result storm. Distributed, dispatched, and delivered promptly.

KESEL, *Postmaster.*

CINCINNATI, OHIO, *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

Answering your wire, this office cleaned up, distributed, and dispatched for two or three days after 12-inch snowfall. On the 8th it was impossible to deliver specials by motorcycles. Street car service was seriously crippled, as well as mail messenger auto service (contract); trains then running as much as 24 hours late; in some instances to-day incoming trains from 2 to 12 hours late. Some morning trains not yet in at 4 p. m. Locally, however, we are taking care of situation.

CLOSE, *Postmaster.*

PORTLAND, OREG., *December 13, 1917.*

Hon. JOHN C. KOONS,
First Assistant Postmaster General:

All mail received at this office is being distributed, dispatched, and delivered promptly. Business heavy, but ample provision has been made to care for the maximum.

METERS, *Postmaster.*

TOLEDO, OHIO, *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail received at this office being distributed, dispatched, and delivered promptly as human energy will allow. No delay, except that caused by heavy storm for past few days. All mail arriving late. Dispatches leaving depot since last Saturday.

PARISH, *Postmaster.*

NEW YORK, N. Y., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

Your telegram. Since 10th instant distribution, dispatch, and delivery mail delayed, due to failure contractor 407012 to furnish adequate screen-wagon service. Situation corrected by use of extra outside wagons. Mail now being distributed, dispatched, and delivered promptly.

PATTON, *Postmaster.*

ROCHESTER, N. Y., *December 13, 1917.*

KOONS,
Post Office Department, Washington, D. C.:

All mail received at this office distributed and dispatched promptly daily.

POSTMASTER.

DES MOINES, IOWA, *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All trains four to eight hours late; zero weather. All mail delivered and dispatched promptly on receipt. Small quantity Camp Dodge mail on December 10 missent through error.

HUFFMAN, *Postmaster.*

KANSAS CITY, MO., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

Local schedules normal. Numerous delays account interrupted train service due to severe weather.

STEELE, *Postmaster.*

WASHINGTON, D. C., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL:

Everything up to date in every respect, with exception terminal circulars, 75 per cent of which are handled within 12 hours. R. P. O. separations delayed from time of receipt about 15 hours.

CHANGE, *Postmaster.*

AKRON, OHIO, *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail received at this office with the aid of auxiliary, and some overtime is being distributed, delivered, and dispatched promptly, except one rural route, on account of snowstorm, and some dispatches missed by unreliable screen-wagon services. Contract.

READ, *Postmaster.*

MEMPHIS, TENN., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mails received are being distributed and delivered promptly. Outgoing mails distributed and dispatched promptly. Mail delayed daily, incoming and outgoing, because railroads are not handling same promptly at depots and on trains.

METCALF, *Postmaster.*

SAN FRANCISCO, CAL., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington:

No congestion; no delay to mail. Have made all preparations and am in position to handle heavy holiday mail without congestion.

FAY, *Postmaster.*

SEATTLE, WASH., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington:

All mail received at this office being distributed and dispatched promptly at present time.

BATTLE, *Postmaster.*

CHICAGO, ILL., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington:

Your wire of the 13th, larger force employed this year and slightly more overtime by reason of war conditions, but all mail distributed, dispatched, and delivered with usual promptness. Train connections made regularly during heavy snowstorm past 24 hours. Further conscriptions would cripple service, but indications point to elimination of that danger through new classification and compliance with suggestions contained in your wire of the 9th.

CARLILE, *Postmaster.*

INDIANAPOLIS, IND., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington:

All first, second, and fourth class mail is being distributed, dispatched, or delivered promptly; 24-hour delay on part of terminal circular mail.

SPRINGSTEEN, *Postmaster.*

—

DAYTON, OHIO, *December 13, 1917.*

JOHN C. KOONS,
First Assistant Postmaster General, Washington:

Absolutely no serious delays in outgoing mails at this office in past six months, except for delayed trains. Mail for city delivery is being promptly distributed and delivered since November 1; some delays between October 5 and above date owing to change of all city routes in reorganization plan; parcel-post delivery and collection service not up to standard owing to faulty auto service (contract) 9.

MAY, *Postmaster.*

—

DETROIT, MICH., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Division of Post Office Service, Washington:

Answering your telegram of to-day, all mail received is being distributed, dispatched, and delivered promptly.

POSTMASTER.

—

BROOKLYN, N. Y., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail at this office is being distributed and dispatched to terminals promptly. Dispatches to and from carrier stations were badly delayed at a few points yesterday and generally delayed to-day on account of bad condition of equipment of local transportation contractor. Two Government-owned White machines were placed in this service at 3 p. m. to-day and eight Government-owned White machines will be available for this service, if necessary, to-morrow morning, and all schedules will be fully maintained to-morrow. Contractor assures me that his equipments will be in serviceable condition to-morrow.

BURTON, *Postmaster.*

—

SCRANTON, PA., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

Wire received. All mail being distributed, dispatched, and delivered promptly to date.

DURKIN, *Postmaster.*

—

BALTIMORE, MD., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

My mail running very heavy, especially parcel post, all being distributed, delivered, and dispatched promptly except ordinary parcel-post and paper mail for Georgia and Florida, which, according to instructions of R. M. S., we begin to withhold 36 hours prior to departure of Merchants & Miners' steamers.

SWANN, *Postmaster.*

—

PHILADELPHIA, PA., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

Your wire 13th. All mail distributed, dispatched, and delivered promptly on receipt at this office.

THORNTON, *Postmaster.*

—

BUFFALO, N. Y., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail received distributed, dispatched, and delivered daily. No delay here.

MEYER, *Postmaster.*

—

SPRINGFIELD, MASS., *December 13, 1917.*

KOONS, First Assistant Postmaster General,
Washington, D. C.:

Mails all promptly handled except some incoming circulars; working overtime to accomplish it; trains running late.

COSTELL, *Postmaster.*

—

PROVIDENCE, R. I., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail received at this office is being distributed, dispatched, and delivered promptly.

CARROLL, *Postmaster.*

—

HOUSTON, TEX., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail received is distributed, dispatched, and delivered promptly.

HOUSE, *Postmaster.*

—

GRAND RAPIDS, MICH., *December 13, 1917.*

KOONS, First Assistant Postmaster General,
Washington, D. C.:

All mail received here being promptly distributed, dispatched, and delivered; some delays have been caused by late trains.

HOGADONE, *Postmaster.*

—

DENVER, COLO., *December 13, 1917.*

KOONS, First Assistant Postmaster General,
Washington, D. C.:

Your telegram 13th. This office in excellent condition. Christmas rush not on us yet. Not a piece of mail of any character falling of dispatch. All trains delayed on account of storms. All incoming mail promptly distributed and delivered on first trip of carriers. We are prepared to and will handle all holiday mail in the same manner.

STAPLETON, *Postmaster.*

—

ALBANY, N. Y., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail received at this office is distributed, dispatched, and delivered promptly.

MURRAY, *Postmaster.*

—

MINNEAPOLIS, MINN., *December 13, 1917.*

KOONS, First Assistant,
Washington:

All mail at this office distributed, dispatched, and delivered without any delay.

PURDY, *Postmaster.*

—

ATLANTA, GA., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail received at this office for dispatch or delivery handled promptly and satisfactorily; no complaint.

JONES, *Postmaster.*

—

NEW ORLEANS, LA., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington, D. C.:

All mail at this office being distributed, dispatched, and delivered promptly; no delay or congestion in any department, and there will be none; absolutely normal conditions prevail and will be maintained.

JANVIER, *Postmaster.*

—

NEW HAVEN, CONN., *December 13, 1917.*

FIRST ASSISTANT POSTMASTER GENERAL,
Washington:

Late trains and transfers occasionally cause delays. Resignations, draft, and substitutes employed in munition factories cause some difficulty, but all mail received here distributed and delivered promptly.

TROUP, *Postmaster.*

The Clerk read as follows:

For pay of rural carriers, substitutes for rural carriers on annual leave, clerks in charge of rural stations, tolls, and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $53,000,000: *Provided*, That not to exceed $20,000 of the amount hereby appropriated may be used for the compensation of clerks in charge of rural stations.

Mr. WATKINS. I offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATKINS: Page 23, line 9, after the word "thereof," strike out "$53,000,000" and insert "$66,250,000."

Mr. WATKINS. Mr. Chairman, in discussing the proposition of increasing the pay of rural free-delivery carriers when the bill was under general debate the statement was made on the floor that a special subcommittee of the Committee on the Post Office and Post Roads was investigating the question so as to determine as to what would be a reasonable amount to add to the compensation of the rural free-delivery carriers as well as post-office clerks. The gentleman from Indiana, in discussing that question, intimated very strongly that in all probability if any increase was allowed it would not be more than 15 per cent. This amendment calls for an increase of 25 per cent. I have carefully estimated the expenses of the rural free-delivery carriers, and I am satisfied that no increase of less than 25 per cent will be adequate. I have made a compilation of figures showing not only the living expenses of the rural free-delivery carriers, but also their expenses incident to the maintenance and upkeep of their vehicles—whether motor propelled or horse drawn—and the expense of maintaining the animals when they have to use horse-drawn vehicles. These figures show that foodstuffs have increased from 50 to 200 per cent in three years; gasoline, 100 per cent; provisions, as follows:

		1914	1917
Bacon	per pound	$0.20	$0.45
Ham	do	.18	.35
Lard	do	.08	.23
Macaroni	do	.07	.12
Cheese	do	.18	.35
Butter	do	.35	.50
Flour	do	.04	.07
Sugar	do	.05	.10
Onions	do	.03	.06
Rice	do	.07	.10
Grits	do	.03	.06
Black-eyed peas	do	.07	.12
Codfish	do	.15	.24
Bread	do	.05	.10
Beef (fresh)	do	.17	.35
Pork (fresh)	do	.20	.40
Irish potatoes	per peck	.21	.50
Sweet potatoes	do	.20	.45
Eggs	per dozen	.25	.45
Tomatoes	per can	.08	.12
Sirup	per gallon	.65	.90

Laborers' wages have increased 100 per cent. The price of cotton and other agricultural products having increased in like proportion, there is a great inducement for rural free delivery carriers to engage in other vocations.

This same statement applies in reference to letter carriers, as well as to rural free delivery carriers, except as to stock, feed, and gasoline.

I regard an increase of 25 per cent for rural free-delivery carriers as most reasonable and just, and insist that the amendment do pass.

Mr. MOON. Mr. Chairman, I presume that my friend from Louisiana is not serious in offering this amendment. His amendment increases the appropriation $16,000,000. That is a question that ought to be and will be considered very carefully by the committee and a report made before passed on by the House. His proposition does not go to the extent of increasing the salaries or furnishing pay for equipment to rural carriers, but just adds $16,000,000 to the general appropriation, which can not possibly be used if the amendment was passed under the present law without an increase of the salaries and allowances for equipment. It seems to me that it is entirely useless to increase the gross sum of appropriations when there is no law to authorize its application anywhere. It would be an idle thing on the part of the House, and I presume the gentleman only offered it for the purpose of submitting some remarks and not with the idea that it would be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For village delivery service in towns and villages having post offices of the second or third class, $600,000.

Mr. HULL of Iowa. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 23, line 13, after the numerals "$600,000," insert: "No part of this money shall be used in any town, place, or village until a majority of the patrons of the post office in such town, place, or village shall request village delivery, and upon the failure to so request the Post Office Department shall not exact from said patrons of such office any box rentals in excess of 10 per cent of original cost of construction of such box: *Provided, however*, That a minimum charge of 20 cents per annum may be made.

Mr. MOON. Mr. Chairman, I reserve a point of order to the amendment.

Mr. HULL of Iowa. Mr. Chairman, I do not want to discuss the point of order, but simply call the attention of the department through the committee to this fact: That if the idea proposed in this amendment is carried out you will eventually save many million dollars to this Government. There are in this country to-day ten to twenty thousand villages that are entitled to village delivery. I have no objection to their having it if they want it and this Government wants to spend the money for it. But I do say that if we can satisfy the people of small towns in any other method we ought to do it, and by so doing we will save the Government a great many million dollars, because eventually the village delivery will cost the Government from twenty to thirty million dollars. If one town is going to have it, the other town is bound to have it unless the citizens are satisfied in some other manner. My experience in these towns is that they do not care for village delivery in most instances. A great many prefer to go to the post office and receive the mail, but they do object to being taxed an exorbitant price for the box. In a town of a thousand or two thousand inhabitants they are taxed $560 or $1,000 for the privilege of going to the post office and getting their mail. The farmer gets his mail free, the man in the city gets his mail free, while the citizen living in a village has to pay from $1 to $4 per year for the privilege of walking to the post office and carrying his mail back home. The man in the village ought to have the right to go to the post office, have a box, and not pay over 10 per cent of the cost of the box to the Government. If you will adopt this plan, you will save to the Government ten or twenty million dollars. This great Post Office Committee should thoroughly investigate this matter, and if the proposition is as I state, see that it is corrected before it is too late.

The CHAIRMAN. The Chair thinks that the amendment is subject to a point of order and therefore the point of order is sustained.

The Clerk completed the reading of the bill.

Mr. MOON. Mr. Chairman, I move that the committee do now rise; that the Chairman be directed to report the bill to the House, with the recommendation that the amendments adopted in the committee be agreed to; and that the bill as amended do pass.

The motion was agreed to.

The committee rose; and Mr. GARRETT of Tennessee having taken the chair as Speaker pro tempore, Mr. FERRIS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 7237, the Post Office appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. MOON. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BORLAND. Mr. Speaker, I offer a motion to recommit the bill to the Committee on the Post Office and Post Roads, with directions to report the same back forthwith, with the following amendment as a separate paragraph.

The Clerk read as follows:

Mr. BORLAND moves to recommit the bill to the Committee on the Post Office and Post Roads with directions to report the same back forthwith with the following amendment as a separate paragraph:

"No part of any amount herein appropriated shall be used to pay salaries or for personal services in any department, bureau, or office in the District of Columbia, which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act, approved March 15, 1898, requires eight hours of labor each day."

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. BORLAND) there were 20 ayes and 36 noes.

Mr. BORLAND. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Missouri makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, the Clerk will call the roll, and those who are in favor of a motion to recommit will answer yes and those opposed will answer nay.

The Clerk called the roll, and there were—yeas 82, nays 250, answered "present" 1, not voting 100, as follows:

YEAS—82.

Anthony	Foster	Lobeck	Sherley
Barkley	Garrett, Tex.	McClintic	Shouse
Barnhart	Gillett	McKeown	Sisson
Black	Glass	McLaughlin, Mich.	Sloan
Booher	Godwin, N. C.	Mapes	Snook
Borland	Gordon	Miller, Wash.	Stafford
Caraway	Green, Iowa	Moore, Pa.	Steagall
Connally, Tex.	Greene, Vt.	Moores, Ind.	Steele
Connelly, Kans.	Gregg	Norton	Stephens, Miss.
Cox	Hardy	Oldfield	Sterling, Ill.
Cramton	Harrison, Va.	Platt	Strong
Darrow	Hastings	Quin	Sumners
Davidson	Haugen	Rainey	Taylor, Ark.
Dewalt	Hensley	Reed	Tillman
Dies	Jacoway	Robbins	Venable
Doolittle	James	Rouse	Walker
Doughton	Kehoe	Rucker	Walsh
Edmonds	Kincheloe	Sears	Wilson, Tex.
Fairfield	La Follette	Sells	Winslow
Fitzgerald	Langley	Shallenberger	
Flood	Lever		

NAYS—250.

Adamson	Chandler, N. Y.	Dyer	Gray, Ala.
Alexander	Church	Eagan	Gray, N. J.
Almon	Clark, Fla.	Elliott	Greene, Mass.
Ashbrook	Clark, Pa.	Elston	Griest
Aswell	Classon	Emerson	Hadley
Austin	Claypool	Esch	Hamill
Ayres	Coady	Evans	Hamilton, Mich.
Bankhead	Collier	Fairchild, B. L.	Hamlin
Beakes	Cooper, Ohio	Ferris	Harrison, Miss.
Bell	Cooper, W. Va.	Fess	Hawley
Blackmon	Cooper, Wis.	Fisher	Hayden
Bland	Copley	Focht	Heaton
Brand	Crisp	Fordney	Heflin
Britten	Crosser	Fort	Hersey
Brodbeck	Currie, Mich.	Francis	Hicks
Browning	Dallinger	Frear	Helland
Brumbaugh	Davis	Freeman	Hollingsworth
Burnett	Decker	French	Hood
Burroughs	Dempsey	Fuller, Ill.	Houston
Butler	Denison	Gallagher	Huddleston
Byrnes, S. C.	Dent	Gandy	Hulbert
Byrns, Tenn.	Denton	Gard	Hull, Iowa
Caldwell	Dickinson	Garland	Hull, Tenn.
Campbell, Kans	Dill	Garner	Humphreys
Campbell, Pa.	Dillon	Garrett, Tenn.	Igoe
Candler, Miss.	Dixon	Glynn	Ireland
Cannon	Dominick	Good	Johnson, S. Dak.
Carew	Dowell	Goodall	Jones, Tex.
Carlin	Drane	Goodwin, Ark.	Juul
Carter, Mass.	Dunn	Graham, Ill.	Kearns
Carter, Okla.	Dupré	Graham, Pa.	Keating

Kelly, Pa.	Maher	Rodenberg	Timberlake
Kennedy, Iowa	Mansfield	Rose	Towner
Kennedy, R. I.	Martin	Rubey	Treadway
Kettner	Mays	Russell	Van Dyke
Key, Ohio	Merritt	Sabath	Vestal
Kiess, Pa.	Mondell	Sanders, Ind.	Vinson
Kinkaid	Moon	Sanders, La.	Voigt
Kitchin	Morgan	Sanders, N. Y.	Volstead
Knutson	Morin	Sanford	Waldow
Kraus	Mudd	Scott, Iowa	Walton
Larsen	Nicholls, S. C.	Scott, Mich.	Ward
Lea, Cal.	Nichols, Mich.	Shackleford	Wason
Lee, Ga.	Oliver, Ala.	Sherwood	Watkins
Lehlbach	Oliver, N. Y.	Siegel	Watson, Pa.
Lenroot	Osborne	Sims	Watson, Va.
Lesher	Overstreet	Sinnott	Weaver
Little	Padgett	Slayden	Welling
Littlepage	Park	Slemp	Welty
Loudon	Parker, N. Y.	Small	Whaley
Lonergan	Peters	Smith, Idaho	Wheeler
Longworth	Phelan	Smith, Mich.	White, Me.
Lufkin	Polk	Snell	White, Ohio
Lundeen	Pratt	Stedman	Wilson, Ill.
Lunn	Purnell	Steenerson	Wilson, La.
McAndrews	Raker	Sterling, Pa.	Wingo
McArthur	Ramsey	Stiness	Wise
McCulloch	Ramseyer	Sweet	Wood, Ind.
McFadden	Randall	Switzer	Woods, Iowa
McKenzie	Rankin	Talbott	Woodyard
McLaughlin, Pa.	Reavis	Temple	Zihlman
Madden	Riordan	Thompson	
Magee	Robinson	Tilson	

ANSWERED "PRESENT"—1.

Schall

NOT VOTING—100.

Anderson	Fairchild, G. W.	LaGuardia	Rayburn
Bacharach	Farr	Lazaro	Roberts
Baer	Fields	Linthicum	Rogers
Barbrick	Flynn	McCormick	Rowe
Beshlin	Fuller, Mass.	McKinley	Rowland
Blanton	Gallivan	McLemore	Saunders, Va.
Bowers	Gould	Mann	Scott, Pa.
Browne	Griffin	Mason	Scully
Bruckner	Hamilton, N. Y.	Meeker	Smith, C. B.
Buchanan	Haskell	Miller, Minn.	Smith, T. F.
Cantrill	Hayes	Montague	Snyder
Capstick	Heintz	Mott	Stephens, Nebr.
Cary	Helm	Neely	Stevenson
Chandler, Okla.	Helvering	Nelson	Sullivan
Costello	Hilliard	Nolan	Swift
Crago	Howard	Olney	Tague
Curry, Cal.	Husted	O'Shaunessy	Taylor, Colo.
Dale, N. Y.	Hutchinson	Overmyer	Templeton
Dale, Vt.	Johnson, Ky.	Paige	Thomas
Dooling	Johnson, Wash.	Parker, N. J.	Tinkham
Doremus	Jones, Va.	Porter	Vare
Drukker	Kahn	Pou	Webb
Eagle	Kelley, Mich.	Powers	Williams
Ellsworth	King	Price	Young, N. Dak.
Estopinal	Kreider	Ragsdale	Young, Tex.

So the motion to recommit was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. WEBB with Mr. YOUNG of North Dakota.
Mr. THOMAS with Mr. WILLIAMS.
Mr. TAYLOR of Colorado with Mr. VARE.
Mr. RAYBURN with Mr. MOTT.
Mr. SAUNDERS of Virginia with Mr. NOLAN.
Mr. THOMAS F. SMITH with Mr. PAIGE.
Mr. STEVENSON with Mr. PORTER.
Mr. SULLIVAN with Mr. ROGERS.
Mr. BESHLIN with Mr. ROBERTS.
Mr. DOOLING with Mr. ROWE.
Mr. EAGLE with Mr. ROWLAND.
Mr. GRIFFIN with Mr. SCOTT of Pennsylvania.
Mr. HOWARD with Mr. SWIFT.
Mr. LAZARO with Mr. TEMPLETON.
Mr. HELVERING with Mr. FULLER of Massachusetts.
Mr. BRUCKNER with Mr. DALE of Vermont.
Mr. JONES of Virginia with Mr. MCKINLEY.
Mr. OLNEY with Mr. BOWERS.
Mr. MCLEMORE with Mr. DRUKKER.
Mr. ESTOPINAL with Mr. BROWNE.
Mr. BUCHANAN with Mr. CORY.
Mr. HELM with Mr. CRAGO.
Mr. POU with Mr. KAHN.
Mr. OVERMYER with Mr. MEEKER.
Mr. CANTRILL with Mr. HUTCHINSON.
Mr. DOREMUS with Mr. GOULD.
Mr. FIELDS with Mr. COSTELLO.
Mr. FLYNN with Mr. KELLEY of Michigan.
Mr. GALLIVAN with Mr. KING.
Mr. MONTAGUE with Mr. MANN.
Mr. HILLIARD with Mr. MASON.
Mr. PRICE with Mr. BACHARACH.
Mr. SCULLY with Mr. HEINTZ.
Mr. STEPHENS of Nebraska with Mr. TINKHAM.
Mr. DALE of New York with Mr. LAGUARDIA.
Mr. CHARLES B. SMITH with Mr. HAMILTON of New York.
Mr. BATHRICK with Mr. CAPSTICK.
Mr. O'SHAUNESSY with Mr. HUSTED.
Mr. YOUNG of Texas with Mr. GEORGE W. FAIRCHILD.
Mr. NEELY with Mr. CURRY of California.
Mr. BLANTON with Mr. HAYES.
Mr. TAGUE with Mr. HASKELL.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. MOON, a motion to reconsider the vote by which the bill was passed was laid on the table.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7572, the urgent deficiency bill, and, pending that motion, I ask unanimous consent that the time for general debate be controlled by the gentleman from Massachusetts [Mr. GILLETT] and myself.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7572, and, pending that, he asks unanimous consent that the time for general debate be controlled one half by himself and the other half by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection? [After a pause.] The Chair hears none. The motion is on going into the Committee of the Whole.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7572, the urgent deficiency appropriation bill, with Mr. MOON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7572, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7572) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Chairman, I would ask the gentleman from New York if he will kindly yield to me now, as I should prefer to precede him if he is willing?

Mr. FITZGERALD. I yield to the gentleman.

Mr. GILLETT. Mr. Chairman, this is the last bill which the gentleman from New York [Mr. FITZGERALD] will report to this House as chairman of the Committee on Appropriations, and I think it is proper that we should take notice in the House of the departure of so distinguished a colleague. I send to the Clerk's desk and ask him to read the following letter.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

JOHNS HOPKINS HOSPITAL, *December 13, 1917.*

Hon. FREDERICK H. GILLETT,
House of Representatives, Washington, D. C.

MY DEAR MR. GILLETT: I wish very much that it were practicable for me to leave Johns Hopkins Hospital long enough to come over to the House and say a word about the loss to the country through the resignation of Mr. FITZGERALD. I regard FITZGERALD as one of the ablest men who has ever sat in Congress.

[Applause.]

Intelligence is the usual thing in Congress. Good nature is very common with the Members. The desire for economy is not unusual, but independent courage and determined bravery are at least not two common attributes of politicians or statesmen. FITZGERALD possesses all of the qualities that I have referred to. I shall regret greatly his leaving the House and am truly sorry that my temporary indisposition will not allow me to make a public statement to that effect in the House before he retires.

Yours, very sincerely, JAMES R. MANN.

[Applause.]

Mr. GILLETT. Mr. Chairman, I am sure that all on this side of the House indorse very heartily these cordial sentiments expressed by our leader, and we regret exceedingly the loss of our colleague from New York. He has attained such an eminence in this House that every man for some time will really miss him, and that is more than can be said of many Members. He has won his eminence not by any primrose path of dalliance. He has fought his way to his distinction. He has given and received blows from foes and friends alike without sparing himself or sparing others, always aiming at a definite goal, and any man with such fixity of purpose and with his ability behind it

is sure to achieve success. I remember very well when he came here, and how our attention was soon attracted by the very young man who persisted in putting such searching and often embarrassing questions to members of the appropriating committees. He showed such knowledge of the subjects he discussed, such assurance of his parliamentary rights, and such determination to assert and defend them that before long he convinced the leaders that it was much better to have him inside the Committee on Appropriations defending than outside attacking. [Laughter and applause.] So he literally fought his way by his own sheer ability onto that important committee. I have served with him as chairman of subcommittees of which he was a member and as member of subcommittees of which he was chairman. We have often differed strenuously, but I have never had occasion even to suspect any unworthy motive on his part. [Applause.]

As chairman of the committee he has upheld the traditional policy of that office. He always had an instinctive hostility, or at least antagonism, to the executive representatives who came before us for appropriations. He has felt that he was the guardian of the public purse, that anybody who wanted money from the committee must show cause, must prove by reliable evidence that he was entitled to the appropriation. That has always been characteristic, as far as my experience dates, of the chairman of the Appropriations Committee, and I think it is his proper attitude as representing the privileges and duties of the House. I recall many instances of new officials coming before the committee with the apparent expectation that they had only to state their needs in order to have them granted, and their discomfiture was ludicrous when they found out that their request counted for little or nothing, but that they must show the fundamental reasons for their requests and that not upon their opinions, but upon the facts on which that opinion was based.

Mr. FITZGERALD was peculiarly well equipped for the chairmanship by his strong, penetrating intellect, his unflagging pertinacious industry, and his remarkable power of grasping and retaining enormous details, and, as you know, in this House he made himself powerful and formidable by his pungent speech, his dauntless courage, his unquestioned sincerity, and his resourceful ingenuity. The same qualities which have won his eminence here and in the committee insure prominence in the profession to which he is now returning, and I know that we all with full hearts wish him that ample success and happiness to which his talents and character entitle him. [Loud applause.]

Mr. SHERLEY. Mr. Chairman, 10 years ago I became a member of the Committee on Appropriations and it was my good fortune to be assigned to two subcommittees upon which were then my friend and colleague, the distinguished gentleman from New York [Mr. FITZGERALD].

From that time to this we have been associated together not only in full committee but in the subcommittee work that comes as a result of the various divisions of the work of that committee. And therefore, perhaps more than almost any man in the House, it has been my good fortune to be in constant and intimate association with him. Certainly no man in the House is as conscious as I am of the loss that the House will suffer when he retires from it, because none have been in a position to so fully realize the work that he has done and the work that he is laying down. No exaggeration is possible of the great debt that the country owes to him.

Popularity is gained in many ways in the House and in the country, but the esteem and respect of the House is only gained in one way, and that is by loyalty and devotion to duty and the industry and courage that justifies faith on the part of one's colleagues. And I know of no better thing that a man can carry away from this place of harsh conflicts, of extreme rivalries, of ambitions that conflict, a place which has sometimes been described as a "bear pit," than not simply the liking of your colleagues but the respect and admiration of them. [Applause.] No man who ever knew JOHN FITZGERALD but what has always accorded to him all those attributes that go to make real statesmanship. I have seen him under peculiar trials not only in committee but in party relationships. There have been times in his career when his viewpoint did not coincide with that of a majority of his party colleagues. Nothing is more difficult than differing with your party associates. Nothing so tests the fiber and the fine courage of men as that. I have seen him meet that test, knowing that in taking the position he did he was sacrificing some friendships and that he was doing the then unpopular thing. But I knew then, and his colleagues all know now, that whenever he took that position it was not with the desire to differ but because of a compelling sense of duty and obligation. And he always justified from his viewpoint that position by the reasons that he advanced and the motives which prompted him in it.

He is not only leaving behind him a reputation as a very great chairman of one of the most difficult committees in Congress, but he goes out of Congress with perhaps a more intimate knowledge of the Government of the United States and a more technical knowledge of the rules that control this body than any man now in public life. He is not only a parliamentarian who knows the rules but he is one of those more rare people who knows the reason for the rules. And in this day of misjudgment of rules, of criticism by the thoughtless, the unthinking, it is worth while to have in Congress a man who can justify the procedure here because of a knowledge of the reason for that procedure.

And so we lose not only a man whom we all admire and many love but we lose one who has been to the country of distinct service, who has justified and ennobled service in the Congress of the United States. [Loud applause.]

Mr. CANNON. Mr. Chairman, perhaps I could most eloquently say what I desire to say, and then sit down, by indorsing the letter of Representative MANN and the remarks of the gentleman from Massachusetts [Mr. GILLETT] and of the gentleman from Kentucky [Mr. SHERLEY]. I most heartily indorse all that has been said, and better said, I presume, than I could say it, and yet I will add a little thereto.

The Committee on Appropriations was formed 65 years ago. Prior to that time the Committee on Ways and Means not only reported the bills to raise the revenue but also reported the bills to put the money on the wheel—to appropriate the revenue. The first chairman of that committee was Thaddeus Stevens, of Pennsylvania. His service was for about three years. My recollection is that he died during his service as chairman in 1869. Many distinguished, many great men have served as chairmen of that committee. I have the names here. They are Thaddeus Stevens; Elihu B. Washburne, of Illinois, whose term was short; Henry L. Dawes, of Massachusetts; James A. Garfield, of Ohio; Samuel J. Randall, of Pennsylvania; J. D. C. Atkins, of Tennessee; Frank Hiscock, of New York; and then myself, of Illinois [applause]; William S. Holman, of Indiana; Joseph D. Sayers, of Texas [applause]; James A. Hemenway, of Indiana; James A. Tawney, of Minnesota; and JOHN J. FITZGERALD, of New York. [Applause.]

Since the creation of that committee in 1865 up to the present time many things have happened. The population of the country has increased by threefold. The Union Pacific and the Central Pacific were the first railways across the desert, tunneling the mountains to reach the Golden Gate; but since then they have been followed by I know not how many, but I think I can say from 10 to 15 transcontinental railroads have been constructed since that time. The population, as I have already said, has increased by threefold plus.

There have been stormy periods in this House and the country since that time. Partisanship, earnest, at times ferocious, and necessarily so. This is a Government under the Constitution, the fixed law, by the will of the majority, as manifested at the ballot box from time to time. Some things have been done by the party of which I am a member and some by the party that the gentleman from New York [Mr. FITZGERALD] is a member in that time, but, so far as I am concerned, would have been left undone if I had had my way about it. And sometimes, perhaps, I would have preferred to dwell in a recollection a different result.

I do not know how many men have served in the House of Representatives since I became a Member, but several thousand. My honored friend here, Gen. SHERWOOD, and I entered Congress together. [Applause.]

I believe we two, with Mr. Hazelton, of Wisconsin, are the surviving Members. I am not speaking of myself, but these men who have been chairmen of this committee, whose names I have read, have nearly all crossed over. Nearly all of them were giants intellectually, and they were partisans. I have no defense to make or excuse to make for partisans. Great Heavens! If we all belonged to one party and were wishy-washy; if we were cowardly and all belonged to one party, God help the poor devil, you know, if there happened to be one anywhere in the country, that disagreed with us. [Applause.]

Some time, perhaps, before I die, I may have a little more time to speak of the rules of the House of Representatives, of the mistakes that we have made from time to time, and of the consequences of those mistakes. Something in the not distant future will have to be changed, whichever party may be in power, touching our procedure. With the bill pending, however, it is not the proper time and it is not expected of me to enter upon that matter. Of those great men that I have spoken of who have

crossed over—and nearly all of them have crossed to the other side, although Mr. Tawney and Mr. Hemenway and Mr. Sayers are still living—there were men who had more notoriety than the gentleman from New York who is about to retire to private life. I have known them all since 1873, and have served with them all, from the practical as well as from the intellectual standpoint. While some of them have held great positions—Mr. Garfield became President—and made great reputations. I want to say, and I say it without reservation, that the gentleman from New York who is about to retire as chairman of that committee has been equal in his service and in his ability to guard the Public Treasury, not ignorantly but wisely; he has been equal to any of them. [Applause.]

Think of it! Since war was declared in April last the committee over which he has presided, and of which I am a member, has been almost constantly in session through the day and frequently at night, and has recommended appropriations and authorized contracts for appropriations in round number aggregating $20,000,000,000. The hearings thereon, in tolerably fine print, stacked up, I presume would just about be covered by my two hands, held 2 feet apart; and I want to say that in my judgment there has been nothing appropriated or authorized to be met by contracts under future appropriations that did not meet his approval and that of his committee, including myself. By means of the investigations incident to the preparation of those bills I think I am within the bounds of truth when I say there were $2,000,000,000 left unappropriated or unauthorized, without any harm to the public service.

I exceedingly regret the departure of the gentleman from New York. I wish there were some way—there is none, however; but I have frequently wished it, and I wish it now more than I ever did—by which adequate compensation could be made for him for the support and maintenance of his wife and the care of his children pending his service in the House of Representatives. I met the children once when they were younger; the children were little bits of lads and lasses from 3 feet high down. [Laughter.] He leaves Congress, he tells us, in justice to his family. I wish it were possible that at least during this great emergency, during this great war to which we are committed—committed by the appropriation of treasure, committed by proper legislation, committed for service across the sea—that it had been possible for him to have remained as a Member of this House and as chairman of the Committee on Appropriations. [Prolonged applause.]

Mr. KITCHIN. Mr. Chairman, when I first saw the announcement that the gentleman from New York had decided to resign as a Member of the House, I said that the House and the country could better afford to lose any other Member than JOHN J. FITZGERALD. [Applause.] In this crisis of our country the House and the Nation need his counsel, his wisdom, his judgment, his integrity, his courage.

In all these virtues no man in this body is his superior. We have many able and wise and diligent Representatives here, men who faithfully represent and serve their constituents; but to how many of us could the term statesman properly apply?

FITZGERALD comes as near measuring up from every view to the standard of statesmanship as any man in this Capitol. [Applause.] As a Member of the House he has given the country—the entire country—19 years of faithful, honorable, and effective service. His record stands to justify our high estimate of him. We know him. We associate with him daily. We esteem and admire him, and more, we love him. He has our respect and our confidence. As a man, we know FITZGERALD to be brave and loyal and truthful. He has never turned his back upon friend or foe.

I sometimes fear that too many of our colleagues set up as the true measure of service here the amount of money which they can filch out of the Treasury into their districts and States for creeks or rivers or public buildings or the like. FITZGERALD'S idea—and effort—has been to keep the money in the Treasury and not take it out except for the country's needs. I have known him to oppose appropriations that he knew would endanger his popularity at home.

With respect to every question or measure he asked not "Will it pay? Will it help me?" but only "Is it right? Will it help my Government and the country?"

There have been many eminent men chairmen of the Committee on Appropriations in the last half century. Their names have been recalled in your presence by the distinguished ex-Speaker, Mr. CANNON. In my judgment, the three who loom out preeminently for their distinguished services as chairmen of that great committee are Holman, CANNON, and FITZGERALD. [Applause.]

Mr. Chairman, I but reflect that which is in the heart of the entire membership of the House in expressing profound regret that our beloved comrade in service here feels it his duty to separate from us, and in extending to him the best wishes for a long life and for an abundance of success and happiness. [Prolonged applause.]

Mr. MADDEN. Mr. Chairman, when I came to Congress my first assignment was to the Committee on Appropriations, and in my capacity as a member of that committee I had the privilege of serving on a subcommittee with the distinguished gentleman from New York.

During that service I learned to realize his incorruptibility, his interest in the public welfare, his disinterested devotion to duty. During all of my service and intimate relationship with him in committee work I never knew him to cast a vote upon any question with any idea in mind as to how it would affect him politically. His interest was the public interest. His devotion to the public service is equal to that of any man I have ever known in public life. He has ability, which has been displayed upon the floor of this House on many occasions, courage beyond that of most men, singleness of purpose that no one can question. He has earned the right to the confidence of the American people. He has earned the gratitude of the Government, if there be such a thing as gratitude in the Government. He lives a clean life; his character has been above reproach; he stands among the great public servants in America [applause], and I know of no title that can be conferred upon any American greater than that of a worthy public servant. [Applause.]

It is unfortunate that the Government has not the power, or if it has the power, not the desire, to retain a man of his ability in public office. If he were employed by a private corporation and had performed the service for that corporation which he has performed for the Government of the United States, he would not be permitted to leave the service, no matter at what price; they would retain him. You could not employ the services of a man like JOHN FITZGERALD for $50,000 a year. The service he has rendered to the Government is above price. I regret to see him leave this body, for he has displayed an unselfish devotion to public duty and an ability that justifies not only the confidence of his associates but the gratitude of the American people. And now that he finds himself forced to leave public life in order that he may provide for his growing family when he shall have passed away he takes with him from this body the confidence, the respect, and the love and devotion of every Member of the House. I shall always remember my association with him as one of the pleasantest parts of my official life, and I wish him Godspeed in the business upon which he is about to enter and unbounded success wherever he may go and in whatever he may engage. [Applause.]

Mr. CLARK of Missouri. Mr. Chairman and gentlemen, I confess that this is a very painful occasion to me. I was not very much surprised when I heard that Mr. FITZGERALD was going to resign, but I was very much grieved. I do not know whether you have all observed it or not, but in the popular estimation the four great committees in this House are Ways and Means, Judiciary, Appropriations, and Foreign Affairs. Actually the Members of the House know that in addition to these two the Committee on Interstate and Foreign Commerce and the Post Office Committee are forcing themselves into that same class. These are the six committees that are always the greatest of our legislative committees. Occasionally some other committee becomes exceedingly prominent. It is a strange thing that during the seven years I have been Speaker of this House we have lost the chairman of the Committee on Ways and Means, the chairman of the Committee on Foreign Affairs, the chairman of the Committee on the Judiciary, the chairman of the Committee on Interstate and Foreign Commerce, and now we are about to lose the chairman of the Committee on Appropriations. We have also lost the chairman of the Committee on Military Affairs, always an important committee, and during these troublous days one of the most important.

Gen. James A. Garfield once said that there was no place on earth where a man could reach his proper level more quickly than in the House of Representatives. The position that Mr. FITZGERALD has occupied for several years, being recognized as one of the very strongest men in this House, is an illustration of Garfield's proposition. In my time here several men have become authorities in this House on some one subject. Mr. FITZGERALD enjoys the peculiar distinction of having become an authority on two very difficult subjects, one of them finance and the other parliamentary law. Men do not achieve places of this kind unless they have brains in their heads, courage in their hearts, and a great deal of industry.

There is a fable extant in this land that if the executive departments did not hold Congress in check we would appropriate everything there is betwixt the two oceans. [Laughter.] Exactly the reverse of that is true. [Applause.] The chairmen of the Appropriations Committee, the great ex-chairman and ex-

Speaker [Mr. CANNON], and the gentleman from New York [Mr. FITZGERALD], and those who have come in betwixt and between as chairmen of the Appropriations Committee, have waged a constant warfare with the executive departments of this Government to hold the appropriations within bounds. [Applause.] Generally, they have held the appropriations below the estimates of the executive departments. The newspapers of the country could not do a better thing than to reverse the tale they have been telling, and tell the exact truth as to appropriations. [Applause.] A good many of you men have come in here in recent years. The heads of departments got so in the habit of exceeding the appropriations that Mr. FITZGERALD and the rest of the men on the Appropriations Committee, after warning them four or five times, finally put a clause into an appropriation bill making it a criminal offense for them to exceed the appropriations. I do not know that that has been referred to in any of these newspapers' excoriations of Congress. I will refer to it if nobody else does, and I have as good a right to speak for this House as any man living. [Applause.]

When FITZGERALD first came here he was the youngest man in the House, and by assiduous industry and close attention to business, I have seen him go up year by year. I like to see these Members go up. It is one of the strangest things in the world to sit up here in the Speaker's stand, where you can see everybody in the House, and see men going up and men going down—ebbing and flowing. It is not always a steady march in one direction.

The resignation of Mr. FITZGERALD ought to be exploited all over this land as an illustration of one thing: Here he is, in the very prime of his splendid powers and flower of his years, going out of a body which he likes to serve in, one that he is especially adapted to serve in, giving up one of the greatest positions in the House, because he is so poor financially that he deems it his duty to his wife and children to give it up to make money enough for their proper uses, notwithstanding the fact that not only millions but billions of dollars have passed through his fingers during his service in this House, not one penny of which stuck to his palms. [Applause.] After a conspicuous career he departs from our midst poorer than when he came.

I read a newspaper squib the other day—I do not know whether it was about ADAMSON or FITZGERALD; it was about one of them—which said that one Congressman had resigned, and that it was that much clear gain. Now, it is not clear gain for a seasoned Representative of approved ability to resign. It is a clear loss to the United States Government and to the American people. [Applause.] A man does not become a leading Congressman except by immense toil and great ability, and every Congressman who comes here, I do not care where he comes from or what he is, has to learn to be a Congressman, and the reputation that a man has outside of this House does him precious little good when he gets into this House. He must learn to be a Congressman just like a man learns to be a carpenter, a blacksmith, or anything of that sort. It is a great pity that the circumstances of the case force men like these chairmen I have named to quit their great offices and retire from public life when they have just learned how to be of most service.

It is very lucky for Mr. FITZGERALD that he was put on the Committee on Appropriations. I asked Gov. Dingley once about service on committees, and he said that the ideal service would be to serve a while on Appropriations and learn to master details, then serve on Ways and Means and learn the generalization of legislation. He was a success, and his words are worth quoting.

These men who have been chairmen of the great Appropriations Committee rank high in the estimation of mankind and in the history of the United States. They have rendered a great service. When I was first elected Speaker the newspapers said I was green as a gourd about parliamentary matters, and they did not overstate it. [Laughter.] I never had paid more attention to parliamentary law than any other man that had been as active in the House as I had, but you can not stay here 16 years without learning something about it. When I first came in I consulted privately quite a number of parliamentarians in the House. I wanted to make a good record. Mr. FITZGERALD was one of those I always consulted. I might have had some hesitation about taking the opinion of a crack parliamentarian when he was engaged in a hot controversy on the floor of the House, but I had no sort of hesitation in taking the opinion of a crack parliamentarian in private when I asked his opinion.

I wish that Mr. FITZGERALD could stay here. [Applause.] I not only admire his shining talents but I entertain deep personal affection for him. Of course, we will get along, but to have an expert as he is in financial matters quit at such an exigency as this is in the affairs of this country is a pitiable comment on the rewards of politics. [Applause.] He had natural ability, but the thing that stood him in the best stead in this House was his persistent industry. He has achieved a great name, and the young Members—of course, they can not change the quantity of brains they have; some may have as much as he has and some may not have as much—but all of them can imitate Mr. FITZGERALD in the quality of his industry. [Applause.]

The sweetest of all American poets said:

> The heights by great men reached and kept
> Were not attained by sudden flight;
> But they, while their companions slept,
> Were toiling upward in the night.

Those words fit the gentleman from New York [Mr. FITZGERALD] like a glove. [Applause.]

Mr. GILLETT. Mr. Chairman, I have used all the time in discussing the bill that I care to at present, and I wish the gentleman from New York [Mr. FITZGERALD] would use some of his time. [Applause.]

Mr. FITZGERALD. Mr. Chairman, no one could be otherwise than deeply affected by such a generous expression of sentiment toward my service in this House and its impending termination. During a somewhat active career in this body many times some of my friends have been worried because of difficult situations in which I was involved, and they were somewhat perplexed as to how I should extricate myself. I honestly believe that this is the only time in my 19 years of service that I have been really embarrassed and found it difficult to express myself. [Laughter and applause.] Indeed, if those gentlemen who have so generously spoken, instead of heaping so many golden words of kindness upon me, had savagely assailed my career, I could with much more enthusiasm, and unquestionably with much more effectiveness, have responded to their addresses. [Laughter and applause.]

It is not an easy thing to leave the House of Representatives, and I go with considerable regret. If I consulted only my personal preferences, or if I alone were involved, I should not go. Neither would I go at this time if I did not know that the work that I shall drop will be carried on by men as well qualified and as eminently fit to discharge the duties of the position which I shall relinquish.

I might have left Congress at the end of the last Congress if it had not been for a statement by a good friend that I could not come back. [Laughter.] I was somewhat influenced at this time in quitting now lest, perchance, some other unfortunate utterance might compel me to make the one who made it demonstrate his ability to retire me from Congress. [Laughter and applause.]

But I love this body! I believe that it is the great bulwark of our liberty, and upon its wise, intelligent, and courageous action depends the prosperity and the happiness of the American people. [Applause.]

I had an early ambition to become a Member of it. Long before I left college I looked forward to the day when I might sit in it, and before I was graduated I had considerable familiarity with the rules of the House. During my service and for some years prior to it, I read every publication to which I had access that treated of the history of the procedure and of the rules, not only of this body but of the Commons in England. I spent many nights in careful reading of what many consider the dry discussions had at different times when comprehensive changes in the rules of the House were proposed. Whoever knows the philosophy of the rules of this body and understands the underlying principles responsible for many of the rules can have but very little patience with outside agitation against this body for not making chaotic the transaction of public business by the adoption of many well-intended but ill-advised and impractical reforms.

It is difficult for me to at all adequately express the sincere appreciation I have of the most generous expressions that have been uttered regarding my service. I know fully my own limitations and failings. They have been ignored, and such manifestations of friendship chain me more firmly to those who are so loyal in their affections. Early in my career in Congress I read a speech that made a deep impression upon me. Mr. James G. Blaine, in his matchless eulogy upon James A. Garfield, delivered in this House, I believe, on February 27, 1884, said:

> There is no test of a man's ability in any department of public life more severe than service in the House of Representatives; there is no place where so little deference is paid to reputation previously acquired or to eminence won outside; there is no place where so little consideration is shown for the feelings or the failure of beginners. What a man gains in the House he gains by sheer force of his own character. If he loses and falls back he must expect no mercy and will receive no sympathy. It is a field in which the survival of the strongest is the recognized rule, and where no pretense can deceive and no glamor can mislead. The real man is discovered, his worth is impartially weighed, his rank is irreversibly decreed.

I know this House is never deceived in men. It is generous at all times, but ever in its own estimation the place of Members is accurately fixed. I have tried in all my service, as far as it was possible for one to do—and I have the same human weaknesses that all other Members have—to do the thing that I believed was the best for the country regardless of its effect upon my own political fortunes. It has not been an easy road to travel. I made up my mind early in my service that, regardless of how long I served in this body, when I left it I would go away with one satisfaction, and that was that I would have the knowledge that every act and every spoken word by me as a Member of this body would be my own act and not the act of anyone else, and that for everything I did I would myself be personally responsible. [Applause.]

Gentleman, I could not if I tried express in words the appreciation which I feel for this demonstration. I have been overwhelmed with kindly expressions in the few days since I announced that I was to retire at the end of the present month. If it were possible for me to remain I should not leave. But it is one of those inevitable things which men can not control. As I have already said, I love this body, and the work, although arduous, has been congenial. When I am outside I can look back with great satisfaction to my service here. I am going from public life forever. I am free to speak about some matters that other Members may be reluctant to discuss. The most unfortunate thing about the public is the willingness to believe evil of Members of this body. It seems incomprehensible that men who at home are loved and esteemed and highly honored, as soon as they are elected to Congress seem to be regarded in an entirely different light by their constituents. Their every act is regarded with suspicion. One of the more recent manifestations, of which perhaps I can speak when others will not, is the preposterous notion that the salary of a Member of Congress can in any way be construed as containing excess profits which should be subject to a special tax. [Laughter.]

I had at one time hoped that if a certain reform here were effected, I might be here to participate in it. I have repeatedly urged that all of the appropriation bills be consolidated in one committee. When I had no thought of quitting this body I made the statement that I would willingly retire as head of the Committee on Appropriations and from the committee itself to bring about that reform. One of the objections is that it would give great power to a small group of Members. It undoubtedly would do so. But this House needs to concentrate power and responsibility if it is to maintain its unique and unrivaled position in our system of government. We have emasculated the speakership. That office, which derives its name from the fact that its occupant was the chosen spokesman of the Commons to present to the King the grievances of the people and demanded their redress before the Commons would make grants required by the Crown, has been so stripped of its power in this body that the Speaker is not the important and influential factor he should be in our system of government. We so diffuse our power that we do not exercise the influence in the affairs of the Government that the House should exercise. I am glad that the President has made this recommendation. I believe it is the most important reform that this House can adopt if the continual encroachments of the Executive upon the power of the House and the rights of individual Members is to be checked.

Mr. Chairman, I am a member of a commission to reconstruct the Hall of the House of Representatives. I shall resign from that commission, for under the law I would continue a member of it even after I resigned from Congress. I intend to resign from it, because, in my opinion, if that work is ever done it should be done under the control of Members of the House itself. At one time it looked as if the reconstruction might take place, and I had studied carefully the plans in the hope to find an appropriate place where they would always impress not only the Members of this body but those who visit this Chamber the words of a very distinguished British statesman, Edmund Burke, which accurately picture the relationship and duty of a representative. In a speech to his constituents at Bristol on November 4, 1774, he said:

> It should be the glory, as well as the honor, of a representative to live in the strictest union, the closest correspondence, the most unreserved communication with his constituents. Their wishes should at all times have great weight with him, their opinions high respect, their business unremitted attention. But his mature opinion, his unbiased judgment, his enlightened conscience he should not surrender to you, nor to any man, nor to any set of men living. These he does not derive from you, nor from the law, nor from the constitution. They are a gift from Providence, for the abuse of which he is deeply responsible. Your representative owes you not only his industry but his judgment, and he is betraying instead of serving you when he sacrifices that judgment to the opinions of another.

Mr. Chairman, it seems to me that Edmund Burke in those immortal words has pictured for members of a representative body the true measure of their conduct. It requires courage to exercise judgment, it requires courage not to subordinate judgment to the opinions of others. Yet the whole course of this Government and the safety and the happiness and the prosperity of the people of the United States depend not only upon the intelligence of Members of Congress, but, much more, upon the courage with which they exercise their own unbiased judgment. [Applause.]

I wish to say that in going from this body I go with the highest opinion of its Members, of their integrity, of their industry, and of their patriotism. During my service here I have been in many, many bitter controversies. I have hit hard and I have taken hard blows in return, but I never carried from the floor of the House any feeling of antagonism whatever toward the Members with whom I had been engaged in controversy. I discharged on the floor of this House my duties as a Member of the House according to my best lights, and when I left this Chamber I left here all acrimony, partisanship, and bitterness. I rejoice in the fact that in leaving this body I go, as I believe, with the same friendship and good will which I entertain for every individual Member of it. [Applause.] I shall carry away and cherish the many, many pleasant associations of my service, and they shall not be crowded out by other occupations. I have served the best part of my life in this body. Its Members have uniformly been kind and more patient than I had reason to expect. They have been tolerant when my views differed from the majority; they have frequently given me loyal and unstinted support in many difficult controversies. I wish to express my thanks and appreciation for the innumerable expressions of esteem and friendship and for the unquestioned loyalty and assistance that have been so liberally accorded to me by Members here regardless of party, and I assure the House that this day will be recalled with reverent affection till the end of my life. [Loud applause.]

Mr. Chairman, it has occurred to me that perhaps many of the very kind things said about me to-day were to prevent any opposition on my part to probably the most important feature of the pending bill [laughter], which is the annual mileage for Members of the Congress. The bill has in it practically two items. One is the provision continuing available until the end of the fiscal year the appropriation of $100,000,000 placed at the disposal of the President as an emergency fund in the deficiency bill of last April. Under the terms of the appropriation it was available until the 31st of this month. The President requested that it be continued until the end of the fiscal year, and he has stated in communications, which are printed in the report, the reasons for the request. Of the $100,000,000 there has been allotted by the President for various purposes approximately $31,000,000, and of this sum there has been expended $21,000,000, leaving unexpended $79,000,000. Out of the $21,000,000 which have been expended, more than $17,000,000 were expended for the purpose of repairing alien enemy ships which were taken over by the Government after the declaration of war, and the balance of somewhat over $3,000,000 has been expended for a number of miscellaneous objects. Certain funds have been expended for secret and confidential work under the President himself, about which, for reasons that are apparent, it would be impossible to give particulars. Some of it has been allotted to the fuel administration, to the food administration, to the war board, and to other bodies which have been created out of the necessities of the war. The wisdom of making this money available, apart from the request of the President himself and his statement that it would be embarrassing in many ways unless some such fund were created, is apparent when it is known that at the outbreak of the war practically every department of the Government requested the Congress to place at the disposal of the head of that department a large emergency appropriation to be expended at the discretion of the head of the department.

It was strongly urged that as the country was at war, and innumerable situations were being rapidly created which could not be anticipated, and in view of the fact that the country was to have a very large military force operating abroad, that not only the War Department but a number of other departments of the Government would find it imperatively necessary to have an emergency fund. So far as I have been able to ascertain, no embarrassment of any serious character has resulted to the Government because those requests were not granted. Upon the recommendation of the Committee on Appropriations the emergency fund was placed in the personal supervision and control of the President, so that with the responsibility upon him he would exercise that wise discretion and care which it was anticipated should be exercised in the expenditure of moneys given without restriction. It is very gratifying to know that the President has not spent this money with a liberal hand, but that there has been continual complaint upon the part of those seeking to obtain part

of it that it was practically impossible to obtain his consent to part with any part of the appropriation. That is quite apparent when it is shown that out of $21,000,000 expended over $17,000,000 was spent for the one purpose of repairing enemy alien ships taken over by this country.

Mr. TILSON. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. TILSON. I was going to ask the gentleman along that line as to the possibility of acquainting oneself as to the details of the expenditure of this money sometime after it has been expended, recognizing the entire propriety of its being placed at the discretion of the President.

Mr. FITZGERALD. There is only one item that the President expressed the opinion that there should not be publicity concerning the expenditure, and that was for secret service and confidential work amounting to about a million and a quarter dollars, and it may be that even after the war the character of the work necessary would make it inadvisable to have public just what the Government was required to do under the existing circumstances.

Mr. TILSON. That answers my question entirely, and I thank the gentleman.

Mr. FITZGERALD. But as to the other expenditures, the President has expressed a perfect willingness to give complete and full information to the Congress.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. MOORE of Pennsylvania. The gentleman has spoken of appropriations for the Shipping Board out of the President's allotment. That constitutes the largest item of expenditure thus far made out of the total appropriation of $100,000,000. We have already appropriated for the Shipping Board something like a billion dollars, have we not?

Mr. FITZGERALD. Nine hundred million dollars and more.

Mr. MOORE of Pennsylvania. And the President allotted out of his appropriation upward of $17,000,000 in addition?

Mr. FITZGERALD. That is true; but the appropriations made to the Shipping Board were for specific purposes, and none of the money appropriated was available for repairs to alien enemy ships which had been taken over by the Government.

Mr. MOORE of Pennsylvania. This is what I want to learn from the gentleman, if possible: Was any of this $17,000,000 allotted by the President out of his appropriation to the Shipping Board used for any other purpose than for the repair of ships taken over from the enemy?

Mr. FITZGERALD. My information is that it was not?

Mr. MOORE of Pennsylvania. None of it used for the purchase of land?

Mr. FITZGERALD. I understand not.

Mr. MOORE of Pennsylvania. The present bill simply permits the President to use the unexpended balance?

Mr. FITZGERALD. The balance unexpended on the 31st of December, during the six months which are the last six months of this fiscal year.

Mr. MOORE of Pennsylvania. And places it at his disposal for another six months?

Mr. FITZGERALD. The only other items in the bill, Mr. Chairman, are items for mileage for the Members of the two Houses of Congress, which under the law is payable annually as part of their compensation. [Applause.]

I desire to insert in the RECORD a more detailed statement of expenditures under the Committee on Public Information, together with a statement of the scope of its work. A more complete statement would have been furnished had it not been that the head of the committee is absent from the city:

Statement of disbursements of the Committee on Public Information from May 4, 1917, to Nov. 30, 1917, inclusive.

General committee expenses (including all salaries to Sept. 30)	$65,365.73
Civic and educational cooperation (including preparation and printing of books and pamphlets)	81,417.98
Publishing Daily Bulletin	96,710.13
Four-minute men	14,198.96
Distribution and mailing of publications	7,695.69
New division	7,678.72
Syndicate features	2,323.45
Film division	14,255.42
Speaking division	2,283.55
Foreign-language division	1,738.41
Picture division	1,082.53
Foreign educational work	4,904.59
Woman's war work	432.46
References division	220.83
Art division	75.84
Total	300,086.29

NOTE.—Number of employees regularly engaged, 151; four-minute men, 19,000; pay roll (average for November), $5,253.28 per week; allotments to the committee for general purposes, $350,000.

Statement of allotments made through Committee on Public Information from May 4, 1917, to Nov. 30, 1917, inclusive.

For informational work in allied, neutral, and enemy countries $1,285,500

NOTE.—These allotments have not yet been expended.

Books and pamphlets published and distributed by the Committee on Public Information up to Nov. 30, 1917.

Publication.	Number printed.	Number distributed.
How the War Came to America:		
English	4,533,280	3,965,315
German	227,000	216,783
Bohemian	70,750	68,400
Yiddish	80,000	62,700
Italian	97,934	37,273
Spanish	14,500	13,830
National Service Handbook	300,000	141,000
Battle Line of Democracy	9,000	1,000
President's Flag Day Address	1,667,000	976,262
Conquest and Kultur	23,000	22,750
War Message and Facts Behind It	23,000	22,750
The Nation in Arms	1,658,250	1,009,037
The Government of Germany	1,032,500	901,934
The Great War	1,095,030	956,284
A War of Self-Defense	715,000	171,600
American Loyalty:		
English	278,000	265,931
German	335,500	326,800
American Interest in Popular Government Abroad	480,000	127,231
Home Reading Course for Citizen Soldiers	251,000	230,000
First Session of the War Congress	271,400	69,001
Total	11,870,520	9,101,021

Classification of distribution of the books and pamphlets issued by the Committee on Public Information up to November 28, 1917.

Congressional lists	2,288,465
Ministers	1,802,550
Individual requests	983,810
Subscribers to Official Bulletin	270,000
Defense councils	237,670
Newspapers	554,576
Public schools	18,215
Fraternal organizations	182,950
Libraries	3,025
Total	7,339,360

Report of expenditures of Committee on Public Information from May 4, 1917, to November 30, 1917, inclusive, shows a total of $300,087 expended out of an allotment of $350,000 for general purposes, and $1,285,500 for "informational work in allied, neutral, and enemy countries." The latter allotments have not yet been expended.

In the general expenditures are these items:

General committee expenses, including all salaries, to September 30, $65,366.

Civic and educational cooperation, including preparation and printing of books and pamphlets, $81,418.

Four-minute men, organized in many cities for propaganda speech making, $14,199; distribution and mailing of publications, $7,695; news division, $7,678; syndicate features, $2,323; film division, $14,255; speaking division, $2,283; foreign-language division, $1,738; picture division, $1,082; foreign educational work, $4,904; and less than $1,000 each for woman's war work and other activities.

The number of employees regularly engaged is 151; number of four-minute men, 19,000; pay roll average per week, $5,253.28.

The committee printed 12,000,000 books and pamphlets, distributing 9,000,000 of them, most of them being on congressional lists, and almost 2,000,000 being distributed through ministers.

There are 270,000 subscribers to the Official Bulletin.

In his statement Mr. Creel says that "any accounting that I give must first of all be prefaced by the statement that I have never considered myself a censor, nor do I, nor will I."

"The whole question of a censorship," he says, "plays but a small part in the committee work, for it is by its very constitution in the nature of an automatic device. The desires of Government with respect to concealment from the enemy of military policies, plans, and movements are set forth in certain specific requests. No law stands behind them. Their observance rests upon honor and patriotism, and I am proud indeed to be able to bear testimony that the faith has been kept. There have been violations, as a matter of course, and papers holding to the unwritten agreement have suffered injury from papers less careful and less honest, but on the whole the press has responded in the same spirit of unselfish service that animates the firing line, as it is realized that the requests of Government are concerned with human lives and national hopes as it is driven home that the passing satisfaction of a news item may endanger a transport or a troop train, the voluntary censorship grows in strength and certainty."

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As it is realized that the requests of government are concerned with human lives and national hopes; as it is driven home that the passing satisfaction of a news item may endanger a transport or a troop train, the voluntary censorship grows in strength and certainty.

The continuing weak spot is due to a persistent misunderstanding in the matter of discipline. When a violation occurs, such papers as have observed the agreement at once make demand that I administer some rebuke or inflict some mysterious penalty, yet on the printed card that carries the desires of Government there appears this significant paragraph:

"These requests go to the press without larger authority than the necessities of the war-making branches. Their enforcement is a matter for the press itself."

How may I rebuke? How may I punish? If the press feels the need of discipline, then it must create its own. Were there any responsible body to which I could appeal there might be some chance of remedying the situation; but the press happens to be the one great profession in the world that is without an organization, even without an authorized code or accepted standards. No one body may speak for it, enter into bargains for it, or bind it. * * *

At no point is there abridgement of the true freedom of the press. Its historic mission can be fulfilled without let or hindrance, for we have the feeling that there is not need for less criticism in time of war, but more. * * *

Let me now, if you please, make a first complete report on the work of the Committee on Public Information, taking it up department by department, since it is only by this somewhat tedious process that I can make clear its work.

The Division of News is the medium for the issuance of official war information. It has its sworn representatives in the war-making branches of Government—trained newspaper men, whose duty it is to open up operations to the inspection of the people as far as military prudence will permit. We believe that public support is a matter of public understanding, and it is the job of this division to take dead wood out of the channels of information, permitting a freer, more continuous flow. This is not the simplest thing in the world. On one hand is the press, impatient of reticence and suspicious of concealment, and on the other hand we have generals and admirals reared in a school of iron silence. Both, however, are in process of education. The press, I feel, is commencing to realize our honesty of purpose, and the military experts are growing to have an increasing faith in the power of absolute frankness. In the beginning of the war a lie started about cruelty and neglect on the hospital ships of the fleet. It was a front-page story in almost every newspaper, although the complete disproof that followed went on the market page. Last week we gave out a report of the Surgeon General on conditions in a certain cantonment that was as fine a piece of muckraking as I ever read. Few papers took any large notice of it, for the very completeness of confession robbed the story of any sensational value such at attaches to an exposure. The Army and Navy, through this Division of News, has pledged to the people instant and honest announcement of all casualties, all accidents, all disasters. Bear this in mind, the air fills with rumors about the sinking of a transport, the loss of thousands of soldiers in France, the destruction of the fleet. Brand them as lies and publish the liar, for the Government does not suppress such news or seek to minimize it.

The committee is, in large measure, a clearing house for most of the suggestions and offers of service that pour in from all sides. Every idea is analyzed and reported upon, and not only is time saved for heavily burdened departments, but hundreds are given speedy and definite information.

A great information bureau is now being installed that will meet this need in an organized and comprehensive manner. Not only do we promise instant and accurate directions in all matters connected with Government, but we hope to gather complete records with regard to every activity of Government that will be of invaluable service to those who write or speak.

The Division of Civic and Educational Cooperation prepares and publishes all war literature that is issued in pamphlet form. It commands the services of any writer that it may choose to call, and at its beck stand over 3,000 of the leading historians of the country, every man in the service. These pamphlets, covering every phase of America's position, purpose, aims, are printed in many languages and millions of copies reach not only the people of America but go to every corner of the world, carrying our defense and our attack. Experts plan the most effective circulation schemes and experts direct the distribution in order that every printed bullet may reach its mark.

Another division has gathered together the leading novelists, essayists, and publicists of the land, and these men and women, without payment, toil faithfully week after week in the preparation of brilliant, comprehensive articles that go into the Saturday and Sunday papers of the United States. Our system of release gives successively to each paper in every community the privilege of exclusive publication, a plan worked out in conference with leading editors.

We are giving increasing attention to specialized appeals, and there is one department that pays particular attention to the rural press and to the plate-matter service. Another is concerned entirely with women's part in war work, ministering to the women's pages of the press, and there are still others who look after the labor press, the religious press, and the periodical press.

The foreign-language press is dealt with by a distinct division that has enlisted the services of over 200 volunteer translators. Reports are made on virtually every paper in the United States that is not printed in English, and we try to fight ignorance and untruth with a steady stream of articles selected with particular reference to the race or to the problem of bitterness.

Much misunderstanding has centered about the Official Bulletin. This is not a newspaper, nor was it ever intended to make it a newspaper. It is an official record of the business of the Government. I was opposed to its publication, and only the order of those in authority forced me to put the idea into effect. I was wrong, and they were right.

The Official Bulletin has justified itself a thousandfold. In every post office of the United States it is posted daily for the benefit of the public, it goes to every Army and Navy post, the expeditionary forces, to every governor, mayor, Member of Congress, library, college, and university, chamber of commerce, board of trade, daily paper, and magazine, and, in addition to this, despite a prohibitive subscription price, over $3,000 a month comes in from individuals.

There are other mediums of public appeal than through the printed word, and we are developing them to the fullest possible extent. The Division of Four Minute Men now commands the services of over 10,000 speakers, who appear regularly in the motion-picture houses, carrying messages from the Government to the people. I can not speak too enthusiastically in appreciation of those who have carried this novel idea to a brilliant success.

The Division of Speaking has coordinated the efforts of all Government agencies and of all the patriotic bodies, to the end that some order has been brought out of oratorical chaos. It is this division that arranges mass meetings or aids them, calls war conferences in the States, and sends picked individuals and groups on speaking tours that reach from coast to coast.

Motion pictures have been given a deservedly high place in our activities. We have a Division of Films that issues a weekly service to the State councils of defense, commissions of public safety, and the various patriotic organizations, a stirring pictorial record of our war progress. It is now planning to produce certain great patriotic feature films, officially expressive of America's aims, ideals, and activities. We have taken care not to destroy existing machinery, and through the patriotism of the news weeklies we have established a working arrangement that enables us virtually to command the services of this great organization that are seen by 600,000 people every week.

The division of pictures issues permits to the photographers of the country, passes upon the permissibility of photographs, and sends to the newspapers of the country a photograph service made up of pictures taken by the Signal Corps operators both in this country and on the firing line in France. Motion pictures taken by the Signal Corps in France are turned over by the committee to the Red Cross for its own distribution and its own profit.

An art division, of which Charles Dana Gibson is the chairman, has mobilized the artists of the United States for the production of posters, car cards, and every other form of pictorial appeal. Only recently, at our request, the advertising forces of the Nation mobilized for war cooperation, and I look to these experts for car-card material, placards, and effective leaflets to place in pay envelopes wherever men and women work.

A similar organization is being formed by the outdoor advertisers, and in a little while the billboards and signboards of the country will be placed at the Nation's service generously and systematically.

These activities that I have mentioned concern themselves entirely with the domestic situation, but beyond the United States are countries that are just as much a part of my job as any Commonwealth in the Union. It is our right and our necessity to fight for public opinion in Scandinavia, in Switzerland, in Holland, in Spain, South America, Central America, and Mexico, and we make this fight in print, in speech, and on the screen. The division of foreign-picture service works from early until late collecting films for exhibition beyond the seas, films that show our social, industrial, and war progress, each title carrying with it the message of America, the meaning of free institutions, our national aims and ideals. This division also collects and prepares the motion pictures for exhibition in the soldiers' houses that the Young Men's Christian Association maintains on the various firing lines, a gigantic task in itself. Each day we send out 1,000 words by wireless that is picked up by the Eiffel Tower, that goes from France to Russia and to all other parts of Europe, from Darien to Central and South America. When there is news of vast importance, like the President's message to Congress, for instance, the cables are commandeered, and we send it to every capital of the world for transmission to every community.

There is a feature service that ministers to the press of other countries, and it is also the case that we are establishing publicity bases in other lands, so that lies may be fought on their own ground.

The enemy countries themselves are invaded through the air. Bombardment planes, loaded with leaflets and pamphlets that tell the truth to a deluded people, go regularly over the firing lines and far into the land, both on the eastern and western fronts.

There is no activity of the committee that we are ashamed to reveal, no dollar that is sent on a furtive errand, but peculiarly is this true of our work in other lands. No paper is subsidized, no official is bought, no corruption is employed. From a thousand sources I am told of the wonder of German propaganda, but my original determinations have never altered. Always do I try to find out what the Germans are doing, and then I don't do it. Even if the very loftiness of our war aims did not command honesty at every point, I have the conviction that corrupt methods work their own destruction. German propaganda failed in this country, it failed in Roumania and in Italy, it has failed in South and Central America and in Mexico, not because millions were not spent, but because honest, decent people inevitably turn against dishonesty and indecency.

These divisions do not fully cover the activities of the Committee on Public Information. The broad field of its work can not be expressed in the terms of organization. By the logic of events and the necessities of the public requirements which called it into being, its functions have grown until it touches at times nearly every part of the great machinery which now coordinates the forces of the Republic for war purposes.

Public opinion is not controlled entirely by what is spoken, written, painted, or photographed, but is oftentimes dependent upon what is or is not done. Because of this we are as jealous of inefficiencies and neglects as any citizen, and not the least part of our duties is the discovery and remedy of conditions that make for discontent and bitterness. While we are fighting for democracy abroad, we must see to it that free institutions are not undermined at home, and as far as we are able the committee guards against the reactions of war.

Mr. GILLETT. Mr. Chairman, I yield one minute to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I desire to use a portion of the brief time allotted me to inform the Members of the House that immediately after adjournment there will be exhibited in the assembly, or conference, room of the House Office Building a set of moving pictures presented by Mr. J. A. Defelder and Mr. Ed. Farlow, of Wyoming, of, among other things, a wolf and a coyote round-up. These pictures, illustrating as they do, among other things, certain very interesting operations in connection with the destruction of predatory wild animals, will, I believe, be interesting and instructive to the Members of the House. The pictures will be exhibited as soon as the House adjourns, and the exhibition will continue so that the Republican Members who are detained here for a short time by the conference can see them at the close of the conference.

Mr. MOORE of Pennsylvania. I was merely going to call the gentleman's attention to the fact that it ought not to conflict with the conference.

Mr. GILLETT. It will not conflict, because they will be continued so that the Members can see them.

Mr. Chairman, I do not oppose at all the adoption of this bill, but I wish to make a few suggestions.

The main purpose of it, of course, as you know, is to continue to the President the use of $70,000,000 of the $100,000,000 which we gave him at the outbreak of the war. Now, that $100,000,000, as I supposed, and as I have no doubt the whole House supposed, was given as an emergency fund which the President could use anywhere, until the House was able to make its regular appropriations; and I suppose our general expectation was that as soon as we were able to make appropriations in the regular form, upon estimates duly submitted and after hearings, then the appropriation of this $100,000,000 would cease, and therefore it was only fixed until the 1st of January. Now comes this request that it shall be extended for another six months, although the House is in active session and is able to receive estimates and make specific appropriations in the regular manner. To request such an enormous, unlimited appropriation is certainly an innovation, but I shall vote for it because I wish—and I am sure this side as well as the other side wishes—to give the President without stint whatever he needs for the successful and earnest prosecution of this war.

But I wish to suggest, as I suggested in the Committee on Appropriations, that it seemed to me that before we extended this appropriation of $70,000,000 we should at least inquire for what purposes it was probably needed, and, more than that, that we should have given to us the items for which the $30,000,000 already expended has been used.

Mr. WALSH. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. WALSH. Can the gentleman state what the particular emergency is, or was, that should necessitate the infliction upon us of the Official Bulletin and some of the other activities of the Bureau of Public Information?

Mr. GILLETT. I am going to allude to that a little later.

Now, there is one appropriation here which I recognize the House ought not to ask anything about, and that is the appropriation of $2,200,000 for the Secret Service, because as long as Germany uses, as she has, millions upon millions of money for bribing, in all portions of the world, men to stir up labor troubles, to destroy munitions, and foment discord and dissension as she has in Russia, in the United States, and to the south of us—as long as Germany is using money in that disreputable way it is necessary for us to have a secret service to ferret out her intrigues, and it would, of course, be impossible for that secret service to be efficient if it was public. And therefore I recognize that that must be entirely secret, and I do not ask any disclosure about it. I trust the President for all the money that is desired for the Secret Service. But when we come to the bureau which my friend from Massachusetts [Mr. WALSH] alludes to, I confess I think we ought, before appropriating further, to have had some details. I think we ought to have been told what salaries were paid and are being paid in that bureau. That bureau may be necessary. Germany, we all know, had a subsidized press, and a large part of her success was undoubtedly because she unified all the German people largely by the effect on public opinion of a subsidized press. It may be necessary in meeting her that we should have a subsidized press. It may be that our daily and weekly and monthly press are not alert enough or intelligent enough or subservient enough to make public all the information the administration wishes to impart or to give full scope to its literary abilities, but I think if that is true we ought to know what salaries are being paid, and we ought to know the details of the employment, and Congress ought to appropriate for it with all the knowledge and detail and authority that it does for other branches of the Government service. And therefore, as I say, I suggested that it was very proper, before we passed this appropriation bill, that we should ascertain what had been done in the way of salaries and in general expense of this Information Bureau, as it is called.

Congress a few years ago provided that no publicity expert should be employed unless he was specifically appropriated for by Congress, but I presume it is construed that by saying that the President can expend this appropriation at his discretion. No existing limitations of law apply to it, but I think that expression of the will of Congress ought to be given some consideration.

It seems to me there has been shown by the administration an unfortunate unwillingness to have its expenditures scrutinized. You will remember that the provision for a committee on expenditures, which was presented in the Senate by the Democratic leader there and which passed that branch of Congress, and which gave the committee no executive functions, but only assured to Congress some knowledge and track, as these enormous billions of appropriations went on, as to how they were being expended. The President himself objected to that being passed, and therefore, of course, it was killed in this House. But it seemed to me that was an extremely proper and desirable provision. Congress ought to be kept informed how these unprecedented sums are being spent without waiting a year or two for reports.

When our first liberty bonds were going to be sold we gave the Secretary of the Treasury first one-tenth of 1 per cent for expenses. We placed millions of dollars at his unlimited disposal for that purpose; and I remember also when the second issue of bonds was authorized—and he was asking us for a still greater percentage for expenses, some fifteen millions, I think—he was asked by the Committee on Ways and Means how he had expended the money in the first sale of bonds, and he said he would be glad to give a detailed report. But I noticed that he added later that the detailed report could not be ready before we voted on the amount he should have for the second sale of bonds. I looked in vain, when I read the other day the report of the Secretary of the Treasury and waded through the various tables therein, for a statement of those expenditures. I hoped I would find there some table of the expenditures that were made in selling the first issue of the liberty bonds, but so far as I can ascertain no report of those expenditures has yet been made.

Now, it seems to me that, willing as we are and eager as we are to grant to the administration all that is wanted, all that it can wisely use, we ought to be given some reciprocity of information. We ought to be told what is done with the money as we go along, and for that reason I should have liked the Committee on Appropriations to have had a hearing, as we always do, to find out how the money already expended has been expended. I think that during this war, with these vast expenditures, there is sure to be extravagance. There is not a Member of this House who has not had brought to his attention, I am sure, questions of waste and extravagance, and there are likely to be scandals, if there are not already, and the longer publicity is postponed the more pitiless it will be when it does come. Therefore I have thought, and I still think here, that before voting on this we should have been given the detailed expenditures that have already been made. The committee decided otherwise. I would not delay the passage of this bill, and I certainly shall vote for it. We want to give all the money that is needed. But I hope that the administration in the future will give us the details of expenditures with more freedom and accuracy of detail than we have yet received them. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

A bill (H. R. 7572) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes.

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes, namely:

EXECUTIVE.

The appropriation of $100,000,000 "for the national security and defense, and for each and every purpose connected therewith, to be expended at the discretion of the President," contained in the general deficiency appropriation act approved April 17, 1917, is continued and made available until June 30, 1918.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, in the report of the committee recommending the appropriation just provided for in this paragraph it appears that the President has allotted to the food and fuel administrations $240,508.92. Congress has already provided very liberally, so far as we know, for the food and fuel administrations, and expenditures are undoubtedly being made on a large scale for their purposes. But the country is filled with reports of the dire distress of many of our people who are sorely in need of food and fuel, particularly coal, and there is much concern about what these administrations are accomplishing.

I do not at this time intend to go extensively into the subject of fuel, except to say that during the last three or four days several barges carrying coal from coal-delivering points to the people of New England and to the people of New York have not reached their destination because of the storms upon the high seas. They have gone to the bottom of the ocean, with cargo, crew, and all.

This is only one phase of the fuel question. There is a remedy for it, which Congress has thus far failed to provide, and which the Government thus far has failed to recognize as needful, to wit, another means of transportation than that of the rail. If we had our waterways and canals opened now be-

tween the points where the coal can be delivered to the points where coal is to be used, this emergency that I have just referred to might not have arisen.

But there is one peculiar condition with regard to the coal supply to which I feel it my duty now to call your immediate attention, and that is the fact that while the people of New York to-day are crying for fuel, and while the industries of New England, some of them, are being closed down because they can not secure coal, there is ample coal at coal-producing points. In the Delaware River now there are no less than 13 or 14 barges, each carrying from 1,000 to 3,000 tons of coal, that can not leave the river to proceed to the point of destination, to the point of relief of the people who need the coal, because the Government has commandeered the tugs that have been in use heretofore for delivering the coal to New York and to New England points. It is a condition to which I feel the attention of Congress should be called, and if through calling it to the attention of Congress it may reach the ear of the departments that are in control I shall be gratified.

It is strange, indeed, that while the reports are coming from New England points, while they are coming out from New York that people are freezing in their homes, and that mills are closing because they have not fuel, there is plenty of fuel which can not be delivered because the Government itself has taken away the propelling power needful for its delivery.

Now, it has been the practice for years to take these barges laden with coal around by sea and deliver them to points like New York and Boston; but that is not being done now, and these barges, laden to the guards, are standing idle, and the tugs that have been heretofore propelling them are standing idle, doing nothing but awaiting the orders of the departments that have commandeered them for the public service.

I think the people of this country should have some consideration in a matter of this kind, and I hope the administration which has charge of the food and fuel supply will take notice that that coal is now awaiting shipment, while the people who need it are suffering and some of the mills are closed down.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. ROSE. Can the gentleman explain the trouble in the bituminous coal district throughout Pennsylvania? Why is not the coal delivered now to our manufacturers?

Mr. MOORE of Pennsylvania. Because you have not the cars to carry it. The old engines are wheezing under the burdens placed upon them by the Government itself.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SNYDER. What is your idea of the reason why they have not got the cars?

Mr. MOORE of Pennsylvania. The cars are in use. But there is another means of transportation that could be used. I am calling attention to an instance where we have barges laden with coal that are not being utilized; the seagoing barges and tugs to propel them are also idle.

Mr. SNYDER. There are a great many inland canals, are there not?

Mr. MOORE of Pennsylvania. Yes. If they were opened up and in operation now, the gentleman's industries would be working at greater speed.

Mr. SNYDER. The gentleman is quite right.

The Clerk resumed and completed the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill to the House, with the recommendation that it pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7572) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes, and had directed him to report the same back to the House with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE TO WITHDRAW PAPERS.

Mr. MAPES, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the cases of H. R. 5927, H. R. 8998, H. R. 11910, H. R. 16483, H. R. 18420, H. R. 19215, and H. R. 19216, all of the Sixty-fourth Congress, no adverse reports having been made thereon.

CLERKS TO COMMITTEES.

Mr. MADDEN. Mr. Speaker, when the gentleman from Georgia [Mr. PARK] reported a resolution (H. Res. 191) for the appointment of clerks to committees this morning, I offered an amendment and the resolution was passed as amended, but the words "as designated" should be added to my amendment. Therefore, I ask unanimous consent that the proceedings with reference to that resolution be vacated and that my amendment be so amended.

The SPEAKER. The gentleman from Illinois asks unanimous consent to vacate the proceedings adopting the resolution about committee clerks this morning, so that he can have two words added which were omitted from the amendment. Is there objection?

There was no objection.

Mr. MADDEN. Now, Mr. Speaker, I move to amend my amendment by adding the words "as designated."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MADDEN moves to amend the resolution by adding, at the end of the amendment, the words "as designated."

The SPEAKER. Without objection, the amendment will be agreed to, and, without objection, the resolution as amended will be agreed to.

There was no objection.

COMMITTEE ELECTIONS.

Mr. KITCHIN. Mr. Speaker, I move the election of THETUS W. SIMS as chairman of the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman from North Carolina moves the election of THETUS W. SIMS, of Tennessee, to the chairmanship of the Committee on Interstate and Foreign Commerce. Are there any other nominations? If not, the Chair will put the question.

The motion was agreed to.

Mr. KITCHIN. Now I move the election of JARED Y. SANDERS to be a member of the Committee on Interstate and Foreign Commerce.

The SPEAKER. The gentleman offers a resolution placing JARED Y. SANDERS of Louisiana on the Committee on Interstate and Foreign Commerce. Are there any other nominations? If not, the Chair will put the question.

The motion was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. HICKS. Mr. Speaker, I ask to extend my remarks in the RECORD by including therein a statement made in Parliament by Sir Eric Geddes on the submarine question.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by inserting as a part of his remarks a statement made in the British House of Commons. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I should like to ask the gentleman if this matter is related somewhat to his visit to the battle front?

Mr. HICKS. No; not at all. It is merely a statement made by the head of the British Admiralty giving information of extreme interest, which I know the Members of the House would like to read.

The SPEAKER. Is there objection?

There was no objection.

PNEUMATIC-TUBE SERVICE.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate resolution 114 and place it on its passage. I will state for the information of the House that under the act of the last Congress the time for the extension of the pneumatic-tube service——

Mr. GILLETT. Mr. Speaker, if the gentleman will permit me, can we not take this up to-morrow? We will have plenty of time. The gentleman from Washington [Mr. MILLER] has been waiting all the afternoon to address the House, and he must leave the city to-night.

Mr. MOON. If it will be any accommodation to the gentleman, I will be very glad to do that. Mr. Speaker, I will call up the resolution to-morrow.

THE BATTLE OF THE MARNE.

The SPEAKER. The gentleman from Washington [Mr. MILLER] is recognized for one hour. [Applause.]

Mr. MILLER of Washington. Mr. Speaker and gentlemen of the House of Representatives, toward the close of the extraordinary session of the Sixty-fifth Congress, a number of the Members of this body began to discuss the feasibility and practica-

bility of a trip to the war zone of Europe. At the close of the session the plans were completed. Not that those who were taking the trip were wiser or more zealous or more patriotic than their colleagues, nor that they were seeking adventure, nor satisfying idle curiosity amid grim and ghastly surroundings, but because perhaps of a sort of interest more peculiarly centered, or rather the cry for first-hand information was a little louder, caused 10 of us in a body to agree upon the undertaking. Each of us thought we could spend the time there between the close of the extraordinary session and the convening of the regular more beneficially to ourselves and to our constituency than we could by returning to our respective homes.

Hon. RICHARD WAYNE PARKER of New Jersey, Hon. EDWARD T. TAYLOR of Colorado, Hon. WILLIAM S. GOODWIN of Arkansas, Hon. DAN V. STEPHENS of Nebraska, Hon. ALBERT JOHNSON of Washington, Hon. FREDERICK C. HICKS of New York, Hon. C. C. DILL of Washington, Hon. CHARLES B. TIMBERLAKE of Colorado, Hon. PORTER H. DALE of Vermont, and myself constituted the party. We represented no one but ourselves and were painstaking at every stage of the journey to make it plain that we were simply Members of this body in our personal capacities and that we were no committee nor commission of any sort. Our position in this regard was and is thoroughly understood by all with whom we came in contact. Hon. Tom Stout, a former Member of this body from Montana; Hon. Ross L. Hammond, a distinguished citizen of Nebraska and proprietor of the Fremont Tribune of that State; Maj. H. W. Patton, one of the most distinguished newspaper men and writers of the Northwest, living at Hoquiam, Wash.; and Mr. John B. Rifch, a talented and versatile writer of Montana, joined us in New York. We sailed to the setting of the sun on October 15 and arrived off Liverpool in the passing of the twilight of the 23d, landing in the forenoon of the 24th.

Our little party was met with open arms and hearts. The hospitality of both the British and the French was unbounded, sincere, simple, and gracious. We met and were entertained by their leading men at London and at Paris. In Belgium, that heroic figure who will ever live in the hearts of all men who admire red blood—King Albert—asked of us the honor of a visit. We found him in the midst of the little remnant of his Kingdom—only 25 miles long and barely 7 in width—not broken, but standing square to the storms of war, every inch of his 6 feet 6 a king. This little peaceful community swallowed in the whirl of war, the people taken, carried away, but as a "high officer" said, "We will fight until the last man is gone and Belgium and the Belgians shall be no more." Grand, bright eyed, and grim, he stands with his little army battling against a mighty host. The thunder of his cannon forbade sleep the night we remained in his broken land, but the roar was mighty; answering and paying back in coin of their own those who had despoiled his people and ravaged his land. Our visit with him was almost pathetic.

Every assistance was rendered us in obtaining information garnered from their three years and upward of awful war. The warmth of our welcome, the readiness with which every inquiry was answered expressed to us an unreserved disposition to give us the benefit of every experience, expedient, and even experiment.

The hospitals were especially educational; every device known to surgery; every appliance known to science. In short, it appeared to us that the devising power of genius had reached its limit—all, all devoted to the salvaging of the human wrecks of war.

After four days in England we left for France early in the morning of the 30th of October, arriving at Paris on the 31st in the cold, gray gloom of the morning. Paris, like London, is drinking of the bitter cup of war. Soldiers of every kind, class, and rank. One had but to stretch his arm and it would touch a uniform of some nation of the allies. Paris, like London, spends her nights in darkness, here and there a shaded street light casting rays aslant upon the cosmopolitan scene. While in London we experienced the alarm of a German air raid. These predatory invasions excite great alarm to those out or upon the streets, but within doors things proceed with absolute unconcern. Paris is free, however, of air raids; her defense appears to be more complete, or it may be that characteristic French enterprise has taught its expensive lesson to the nocturnal prowler of the air.

No American should visit Paris without paying tribute to the memory of Lafayette. In the little obscure and walled-in burial tract, in the farthest corner, hard against the wall as if to hide from the public eye, long ere this forgotten and lost in the years had he made no fight for freedom, is the humble tomb of one of earth's earliest, noblest champions of liberty. Peace be unto his rest! Hon. RICHARD WAYNE PARKER delivered a beautiful and eloquent tribute, after which we placed a beautiful floral wreath upon the modest tomb, le Marquis de Chambrun responding.

More hospitals were visited here, the American Army Red Cross Hospital even greater and more complete than the wonderful institutions of London.

The French Government now claimed us as its guests, and with six large military automobiles in charge of Col. Frank Parker, United States Army, we were off for the French front, stopping at Villars, Soissons, and Rheims, with Chalons sur Marne at the end of the day's run. The following day we arrived at Verdun—the spot where history must stop and square her shoulders to bear anew the burden of her tragic pages. Verdun, the rock of destiny; Verdun, the heroic, the glorious! Here amid these hills, these passes, on yonder eminence and beyond thundered and still thunder the guns against which the mightiest assaults of which mankind has record were rolled back again and again like waves beating on the very shore of time. The thought, more the sight, of this land of tragedy follows me. When the soldiers of France stood like a wall of granite with the watchword grating through every set jaw, "They shall not pass," here Germany paid the awful penalty of her vanity, and the glory of France remains her own. I can not speak of Verdun without my mind picturing a myriad of tragedies; history has been written there, and is being written there even to-day, which will remain long after the names of the guiding genius who shaped affairs are forgotten in the passing of years. Say "Verdun" to a French soldier and his heels come together with a thump, he squares his shoulders, stiffens his neck, and the jaw sets like hinges of steel. He feels that he has shown the world that French blood is the reddest of the earth. He knows better than we that Gravolette, Sedan, and Metz of the war of seventy were not only undeserved but stolen victories for the Prussian. [Applause.]

I stand with an uncovered head in the presence of the soldiers of France to all the living and to the memory of all her dead.

Let me say a thing right here, and give me your ears; I wish all America could hear it. It is this: It is the private soldier that is the idol of France. The Frenchman cares nothing for class or rank. Both are but incidental to armies. It is the private who must do the fighting; it is he who bears the suffering; it is he who wins the battles; it is he who does the dying. When the soldier knocks at the door of the peasant in the night time and is asked "Who is there?" he simply answers, "A soldier of France." The door is opened, the helmet taken, the fires kindled, and the chair placed for him; the housewife opens the doors of the larder and he knows he is welcome to the best. The private is not made to feel that he is the social or intellectual inferior of the officer. They practice the democracy of their institutions. How different in this particular is the boasted democracy of America! Over there the major, the corporal, the captain, the lieutenant, and the private sit at the same table and sip their wine together; I saw them. The plan of campaign is discussed; the sergeant, the corporal, and the private know the objective of a certain movement timed for to-morrow, just as well as the colonel. The understanding is mutual. The officer knows his men from close personal contact, not at the arm's length. He knows the weak man and can strengthen him; he knows the strong and can keep him strong. This is practicing the very basic idea of true democracy. This is why the private and the corporal stand beside their colonel and each measures every inch the soldier; this is why the soldier of France is the glory of its soil. The old argument that personal equality and daily association is destructive of discipline and therefore leads to inefficiency belongs to a past fallacy, for the world has not yet said the French is not an efficient army—not since the Battle of the Marne; not since the world knows the stories of Verdun. In my judgment a primary defect in our Military Establishment to-day is the presence of that social chasm between the commissioned officer on the one hand and the noncommissioned officer and private on the other. It must be filled; it must be bridged. It is the only remnant of an otherwise destroyed social caste; it is un-American to the core. One American is as good as another, especially when he is fighting for the liberty and freedom of the world. In Europe at an American Army headquarters I saw American soldiers—our fighting men, men we have sent across the sea to fight for our civilization—strong, husky, virile American soldiers, brushing and polishing the boots of American Army officers. Such a practice ought by every rule of decency and respect for the uniform be driven from the Army. [Applause.]

Its only result is lessening the morale of our troops, for it strikes at the very center of manly social equality, the basis of any army raised from the people of a democracy. The work of a body servant should never be permitted to be performed by

a soldier wearing the uniform of our Army of the Republic. If I had the power, that practice would be stopped before sundown. The idea of a young, virile American soldier doing this body service for any man, whoever he be, is repulsive to every sense of American manhood.

An officer should be an associate, a teacher, a leader of his men. If he feels himself too good to be a companion, too indifferent or stupid to teach, and has not the born native quality of leadership, he is unfit to be an officer of any rank, and the quicker he is out of the Army the better for the service.

From the very outskirts of Paris, bending in a southern bow, generally along the watershed between the rivers Seine and Marne, eastward to Verdun, thence southeastwardly nearly to the Switzerland frontier are the battle fields or succession of fields collectively known as the battle field of the Marne.

These are beautiful parts of France—not more beautiful than others—perhaps not so beautiful as some, for all of France is beautiful. The fields of Marne, or the front between Paris and Verdun, now shows little trace of battle. The French peasant was in his fields, following an accepted but some extravagant figure of speech, before the smoke had passed away. His plow followed verily the salvaging corps of the army. All is now in cultivation, as only the French know how, a present beautiful landscape of green fields, pastures, and brooks. Here a ruined village, there and over yonder others. All was ruin after the battle. The ruins stand, as the man power of France is otherwise more profitably employed than to rebuild. Highways are restored, railways reconstructed, until now save the ruins of the village and the rumble of lorries and steam trains one would little guess that here was fought the deciding battle of civilization.

But on the Somme all is different. For a whole day we rode in that great battle field where the Briton crossed his sword with the German. The Somme takes rank as the greatest battle of them all, and next to the Marne, the greatest in results. That field now is just as the battle left it, save the work of the salvaging corps. Barbed-wire entanglements by the thousands of miles, row after row, woven from post to post like a wretched lace; trenches by miles of equal thousands; dugouts and bomb-proof caves burrowed in the chalk beds still intact with the steps leading down, still usable. These were the abiding places of the Germans where they stopped their retreat from the Marne and "dug themselves in." Here the British drove them out after the most intense and unmerciful bombardment ever known in warfare, and by wave upon wave of men charging and completing the havoc not even yet ended by the shells.

Shell craters and bomb pits scarred the country like pox marks, until it seems as though the ground could receive no more. Here and there a pit, one was 60 feet deep, where had stood a hill honeycombed with Germans, and blown into an actual cavity by thousands of tons of powder—the work of the industrious British sapper. On another eminence stands a high cross marking the spot where the South African expeditionary forces won their glorious victory. On the cross is inscribed the names of those who fell in the charges. This spot is known as the Butte of Warlencourt, and from its rising to a length of perhaps 30 feet commanded a view for miles around. It, therefore, was a spot of bitter fighting and was won and held only when the endurance of mankind—of the German—had reached and passed its limit. This spot is now inclosed in a crude fence with a sign posted that it is reserved to the French Government. Some day a monument will crown that bloody summit, erected to the valor of the Britons who came out of Africa. An unburied German was sleeping out his eternity in a shell crater near the fence beside his gun and twisted bayonet. Graves, graves! The soldier buried where he fell. The whole landscape dotted with crosses on each of which is recorded the name, company, regiment, date, and then the words "killed in action." As far as the eye could reach, these crosses—lonely sentinels—peeped up their melancholy tips above the weeds and bramble. Cities and villages within the range of the Somme, all are wrecks. Everything chaos, not a soul living in the dozens and dozens through which we passed, which before the war swarmed with a happy and contented people. Never was there more awful ruins. Houses half standing, shot to tatters; others leveled to the ground. No home, no people! God only knows their present abiding place. Many were carried off by the Germans. The old men and women only left behind. Plunder and destruction everywhere, and just as far as the eye could reach one unbroken stretch of unearthly desolation. Shell craters so close, so deep that it seems as though the earth was churned into foam; the second shell cavity filling the first, the third the second, and so on, until the fall of steel covered the landscape as thickly as the dew. How a human being endured this deluge seems a mystery.

The Battle of the Somme lasted a full month in one place or another along its 80 miles of front. At the end the field was won, and the flag of Britain waived in triumph. Is it any wonder that during that month, where every hour was a horror—for German shells were coming in the proportion of 2 to 3—that men were struck dumb, with motion permanently lost? The inferno of wild confusion and tumult was more than the human senses could withstand. The nerves of the body can endure no such excess, and men stood like wooden figures, with the muscles locked, unable to stir. We saw them in the Red Cross Military Hospital of London being taught how to walk. Long rows of men in that great human salvaging institution leaning, sitting, lying prone in bed, with another army of operators, with all kinds of appliances, trying to nurse a benumbed arm, leg, spine, or hand back to life and usefulness. The Somme set the German back from 10 to 30 and in some places 40 miles. The French were in that battle, too, but the British are entitled to the honor of the victory. It was in this battle that the world-famous Cathedral at Rheims was shattered, but afterwards deliberately wrecked.

The line to-day is bare 2 miles away, and guns are pounding away with engine-beat regularity.

We visited the cathedral. The aged but steadfast Cardinal Lucon came to greet us and bid us welcome to his stately wreck. It is questionable whether it can ever be restored; great holes in the roof, walls in places shattered, while the tiled floor is piled high with débris. Little aisles cleared permits one to walk about, but part is roped off for fear of falling material. The pillar against which Joan of Arc stood when she crowned the King of France is undamaged, likewise the bronze equestrian statue standing near the entrance.

Bapaume, Combles, La Paines, Soissons, Fenura, Peronne, Albert, and a score of substantial cities all in ruins. The same story of desolation marks everywhere the course of the German retreat. God knows France has suffered, but she can bear it better when the German is being driven from her soil.

At Arras we heard the first music at the war front. A couple of Scotch detachments were countermarching, with two pipers at the head of each column—war-begrimed Scotties—but the Highlander had the same old step we have so often seen. He was still a Scot.

No bands, no flags, no jests amongst the soldiers. One can pass a moving column of thousands of men and not hear a sound save the thud, thud, thud of the heels as they strike the bed of the roadway. Miles of loaded lorries hurrying to the front and scurrying back, soldiers afoot, cavalry, artillery, ambulances dashing and screaming the right of way, all this and more gives little time for anything but war.

It is the German prisoners' job to keep the highways in repair. Thousands of them, big, listless, sullen fellows, shoveling, scraping, tamping, but from my observation not bursting with enthusiasm nor falling by exhaustion. If he was given his liberty with a basket of provisions, he would locate the front and strike out in the opposite direction. He has had enough of war.

We went into Amiens, a city of upwards of a hundred thousand, occupied by the Germans as they deployed down through France from Belgium on the way to Paris. Not a building destroyed, the civil government was not even disturbed, except a German military governor was superior. They expected to keep it; hence they saved it. But after the Marne they struck quicker for cover, and consequently that city with its cathedral, second only to that of Rheims, shows no traces of invasion—queer fortune of war.

While at the British front we were their guests at a beautiful chateau in the northeast of France, officially known as the American Visitors' Chateau. Here in its peaceful solitude—for the topography of the country seems to deaden the roar of distant guns—one's only glimpses of war are the flashes across the night sky.

At Vimy Ridge, where the Forty-fourth Canadians were the stars of the battle, we had a clear view of miles of first-line trenches. Little lines, looking for all the world like ribbons from our eminence, showed where the British and German first-line trenches were not a hundred yards apart. Big British batteries speaking from sheltered banks reminded us of Verdun, and, like Verdun, not a soldier was to be seen. The feeling is almost uncanny to look over a landscape and know a hundred thousand men are well within the range of vision, but still not a soul could be detected even with powerful glasses. Man can hide more securely than the wolf. Aeroplanes, circling like great hawks, were marking the German lines, and German guns were busy.

The British victory at Vimy placed the German trenches in the lower land, and, as a British officer said, "We will let the boche have the mud this winter."

In the region of Vimy is the mineral belt of northeastern France. Coal dumps, vast ones, could be seen down through the valley behind the German lines. Some, however, were gained by the British advance.

In Belgium, or rather what is left of it, we had our only opportunity to go into the first-line trenches. It was in the Dixmude sector. We remained all night at La Panne, on the Channel, where both the roar and the flash of the guns run throughout the night. It is worse about 5 in the morning. We caught only snatches of sleep, and at 4.30 were up and off for the trenches. We arrived at the entrance of the communicating trench at daylight, when bearers were bringing out the night's total of dead and wounded. We passed a dead soldier—just killed—being wheeled out, and our Belgian officer remarked, "Poor fellow, he will fight no more." The wounded were being carried to the field hospital aside the trench we were traveling. Big shells were screeching over our heads and small guns popping down the line. We were in the zone of actual war and in its midst. On we went down our trench, past the third and second line trenches, and, after interminable zigzagging, arrived at the front or first line, with the Germans 30 yards—90 feet—away. One could not help dodging as the shells passed over. One landed within a hundred feet and blew out a hole in the soft ground at least 15 feet in diameter and perhaps 10 deep. Shrapnel was bursting in the air far above; our helmets were the only protection from falling or flying fragments. The land was low and wet—mud everywhere. The "duck boards" in the trench bottom alone made it possible to pass along. While at the intersection it became apparent we were observed. Machine guns opened up from every angle, and snipers became busy from outlying points. Bullets were whistling close over our heads, which, by the way, were now down below—far below—the normal. It was simply common sense to follow the example of our Belgian officer and pay heed to his directions. A couple of Belgian sharpshooters prone on their bellies, half crawling and half floating, looking all the world like serpents, were making their way down a shallow ditch. It was a weird sight, these men in the soft mud making their way to a point of vantage where they could pick off a German sniper not so thoroughly blended with the earth. It became a bedlam; hotter and hotter came the fire, until it was foolhardy to remain longer; so we, still crouching, retraced our steps and finally zigzagged out of range. We had remained there quite long enough to realize that in the front-line trenches is no place for a nervous man. The wonder is that our party escaped, for we were not only in the direct range of rifle and machine-gun fire but easily within range of the trench mortars. We had seen and heard our fill of front-trench life, though I must say not a man of our party regretted our experience.

This is a grim and awful war. Our people, I am afraid, have not yet grasped a full conception of the task we are in. Our participation means that we shall pay the price in the same coin that France and England have been paying for upward of three years—the best of our blood, the bravest and truest of heart. [Applause.]

The morale of the French Army was personally one of the wonders of my journey. We all know that France is war worn, she is weary. What nation of 40,000,000 would not be, with two and a half millions of her virile manhood killed, hopeless cripples, or captured? But that is far from being in despair, as some would picture. We, or at least I, did not see a ragged, ill-nourished soldier in France. Every one, and we saw thousands and thousands, were well nourished, well clad, healthy, and, above all, determined. No other thought than victory enters into his mind. He knows he can kill a German man to man, he knows he is the better soldier; this is the basis of the wonderful morale. What I have said of the French I can repeat of the English. The morale there is splendid. Let me pay a tribute to the Canadian as "the wild man of the allies." We heard distinct personal praise of him, and with him the Australian, the New Zealander, and the Scotch. I can not overlook the Welsh and the Irish, they have so often brought home the palm of victory that such is the almost settled order of things. Then the British troops from "'ome"—the wheel forces of their army. Never known to fall back when the order is to advance.

Let me pay my profoundest respect to the American Red Cross. Our people know generally of its great work, both on and back of the battle front, but if they could see it as it daily goes on over there they would salute those bars of red wherever it may be floating next after the flag of our country and with the same respect. Then the Y. M. C. A.—the builder and helper of men—its activities are everywhere. Helping, encouraging, and adding efficiency to American arms. Its field is as broad as humanity, its scope pure and undefiled religion. Help it and you help all mankind. The Knights of Columbus will soon be in the field with an organization equally as beneficent.

It requires no sage to tell us this war will be fought out and ended on the western front between Switzerland and the North Sea. Any other view would do violence to every sense of necessary military location. It is self-evident. To the east is the very heart of Germany. To the west that of France, each parrying for a death thrust. It is unthinkable that the war will end elsewhere. At first there were two fronts, the east and the west. That of the east has now disappeared—swallowed up in intrigue—and no one thinks of Russia. The reason is all the stronger for the western front to be the grand final theater. The campaigns into Serbia, Roumania, and Italy are all secondary or of less importance. Every act, every move of Germany when analyzed displays the acceptance of this idea. The campaign into Serbia was so timed as to counterbalance the stern fateful German reverses on the western front, and it did, in a certain measure, act as a compensating factor. There is a psychology in war, and it is important. The campaign in Roumania the same. After defeat on the major front Germany launches into minor fronts, and so far has won, carrying out this same psychology. Taking defeat on the western front as a cause, the change to another or secondary front is the effect. When the western front crumbles the basis of these secondary fronts will be manifest. The campaign in Italy follows the same law, it is ever present. As a corrollary to the accepted fact that the western front is to be the deciding factor, these secondary campaigns are inaugurated also as undertakings to toll off or divert through apparent necessity large numbers of troops from the western front, thereby to weaken it. The campaign in Italy is partially on that order.

If Italy can establish and hold a line, wherever it may be, with no great strategic spot in German control, and hold the morale effectiveness of her armies, there could be no graver military mistake than for the allies to send vast troops into Italy with the purpose in view of a counter offensive and regaining the lost territory. Such a mistake might precipitate consequences too awful to relate. It would be the multiple of the ill-starred and blundering Dardanelles campaign early in the war and the equally unfortunate offense by the allies in Serbia one year ago. Every energy should be husbanded and expended on the western front.

While we have seen the correlation of cause and effect in the Dardanelles and Serbian campaigns, we can also trace the military basis for the German offense in Italy. It was twofold: First, from a military point of view, to meet and compensate the coming of America into the war; and, second, political—for political, psychological reasons.

We made inquiry at every point concerning atrocities inflicted upon the Belgians, especially upon the children, by the German soldiers.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Washington. Certainly.

Mr. HICKS. I think the Members would all be interested in having the remains of Belgium pointed out, showing how small it is.

Mr. MILLER of Washington. Yes. That little angle down through there [indicating on map] is the Kingdom of Belgium.

We were told of many apparently reliable instances where such atrocities were inflicted; but I for one, and I think the most of our party, received no substantial proof that Belgian children were mutilated as any part of a military system or that it generally was practiced under military direction or sanction.

As for atrocities inflicted upon women and girls, it is my belief that not the quarter nor the eighth has ever been told. When this war is over and the truth becomes known I am convinced that the number and character of unspeakable crimes inflicted upon the defenseless women of Belgium and France will astonish, even horrify, the world.

To our ambassadors, the Hon. Walter H. Page, at the court of St. James, and to the Hon. William G. Sharp, at Versailles, and to the Hon. Brand Whitlock, for Belgium, we are indebted for many courtesies and every assistance. We are all, I think, loud in our praise of these our energetic and able representatives to the countries we visited.

From events past and present, from the very history of the war, its strategy and comprehensive plans, the battles, and the present position at the front, the effectiveness of the German military establishment has passed its turning point. These must convince the understanding of any fair-minded man that the pendulum of fate is swinging on the arc adverse to the German cause. I shall not enter upon any discussion of the relative conditions of the financial, commercial, and industrial institutions of the contending forces upon which the effectiveness of the armies wholly depend.

The carefully planned and stupendous maneuver of the German Army into France; the crushing of the heroic little kingdom of the Belgians; the meeting of two civilizations on the field of the Marne; the hurling back of the mighty German armies by which our civilization was saved; the demonstration of the paradox that the less is more powerful than the greater and thereby that the science of military strategy is not the science of applied mathematics; all these are matters of history. Years full of disappointment and sorrow for the peoples east of the Rhine, full of glory and sadness for those to the west; years when the soil of Europe ran deep with her best of blood; when governments founded upon a conception of freedom and free institutions seemed to be passing over the summit with a strange and new order of things or civil chaos as the landscape of the future; all these have long filled the mind of mankind. He has drank deep of the cup of serious thought.

The great task now before our civilization, the duty of the world or those of us who believe in free institutions, is to fight out and win this war. It seems strange that in our age and generation the forms of government of mankind should have come to the parting of the ways. But thus they have, until now there are two pathways, one a return to the ancient military autocracy based upon a strange subtle philosophy, the other that course where free thought, speech, and action is the heritage of the future.

There never was a time in our history when every citizen should bend every energy to accomplish this latter glorious end. There never was a time when every thought should be so centralized. There never was a time when every official of our Government should go about his duties with eyes open and ears primed ready to see or hear things of value in support of the cause. In other words, it is the clear duty of every man, every woman, every child to contribute something more or less, according to capacity, to win this conflict that peace and freedom may not pass forever from the earth.

How long will this war continue? No one knows. What will be our part? My answer is: What would naturally be the part of a young and virile nation unlimited in man power, unmatched in resources? How will it end? My answer is: In victory and glory for the allies. [Applause.]

Mr. REAVIS. Will the gentleman yield?

Mr. MILLER of Washington. Yes.

Mr. REAVIS. Which army has the numerical supremacy on the western front?

Mr. MILLER of Washington. That is a question I can not answer, and I think no living human being can answer that question. We do not know what the German Army is. We do not know exactly what the numbers of the French and British are.

Mr. REAVIS. How many soldiers have we in France?

Mr. MILLER of Washington. That is something that no American is permitted to know that I have heard of.

Mr. REAVIS. Everybody else knows it, do they not?

Mr. MILLER of Washington. I do not know how they know how many we have. They know where they are. I do not know how many we have in France.

Mr. REAVIS. Was your congressional party at American headquarters where you could see the American soldiers and talk with them?

Mr. MILLER of Washington. Oh, yes.

Mr. REAVIS. What is the feeling and disposition of the American soldiers in France?

Mr. MILLER of Washington. Very buoyant, determined, and in fine spirits, but quarreling with the mail service. [Laughter.]

Mr. QUIN. Will the gentleman yield?

Mr. MILLER of Washington. Yes.

Mr. QUIN. How does the American soldier compare with the French and British soldier in appearance and fighting capacity?

Mr. MILLER of Washington. That is something that is a matter of personal judgment. You take a young man 20 years old, put him three years in the war, and he looks as though he was 30. It ages a man. I am partial to the American soldier. I think the American soldier is the greatest soldier in the world, and in this war France must look well to her honors. [Applause.]

Mr. COX. Will the gentleman yield?

Mr. MILLER of Washington. Certainly.

Mr. COX. Can the gentleman state the number of French soldiers actually on the firing line?

Mr. MILLER of Washington. I can not. The French line has a basis of 10,000 men to the mile

Mr. COX. And how many miles are there on the front?

Mr. MILLER of Washington. I can not say; the line is very irregular. Of course, they are not all active, but there are many of them in reserve.

Mr. COX. How many soldiers has England?

Mr. MILLER of Washington. I do not know, but it is an immense army. I may say right here that both the French and British Governments only regretted that there were not 110 Members of Congress in the party instead of 10.

Mr. COX. One more question. I am trying to get some information—and this is one of the most interesting speeches I have ever heard—how much of the western line is held by France and how much by England?

Mr. MILLER of Washington. I can not tell the gentleman exactly. That line is shifting; it shifts backward and forward. There is a small sector next to the channel, a few miles in extent, that is held by the French. Then below that is the Belgian. The presence of the small French sector next to the channel is quite a military curiosity. A British officer told me that that was going to be taken over by the Belgians. The Belgians act under the instructions of the British. But there is, as I say, a small French sector next to the channel which will be released and taken over by the Belgians. There are only a few of the Belgians, but they will fight until every one is dead, and the Belgians will be no more.

Mr. COX. Where is the division between the British territory and the French territory?

Mr. MILLER of Washington. At San Quentin. The French line is 325 miles long.

There are many things I would like to say, but one thing especially I want to say, and that is that France is very proud of her soldiers. A Frenchman believes that he has shown to the world that his blood is the reddest of the earth. He knows that in the war of 1870 Gravelotte, Sedan, and Metz were all stolen victories, and that he never had a chance. He knows that he is a good soldier, he knows that the world knows it, and all France is proud of her soldiers. But let me tell you one thing, and I want all to remember it, and I wish every American would remember it, and that is that it is the private soldier that is the ideal of France. [Applause.] It is not the officer. They treat an officer simply as an incident to an army. It is the private that is the ideal of France. He is the man that goes under the gun, he is the man that must do the charging, he is the man that must do the suffering, he is the man that goes over the top, and he is the man that must do the dying. If he goes anywhere in France and knocks at the door of a home, and they ask who is there, he says, "A soldier of France." The door is opened, and he knows that he is welcome to the best. The busy housewife opens the door to her larder, and he knows that he is welcome there. He does not say he is an officer of France. You will see the French soldier, the colonel, the captain, the corporal, the sergeant, and the private sitting side by side at the table. [Applause.]

You will see the colonel telling his captain what the plan is for to-morrow and the objective of the morrow's fighting. You will see him telling his lieutenant, his corporal, his sergeant, his private, until every man in the French Army knows exactly what the objective of the morrow is just as well as the colonel for each regiment. They practice the democracy of their institutions, the practical application of it, which is that one man is just as good as another; and I believe that if we could instill that spirit into the American Army we would go far toward increasing its efficiency. [Applause.] If the officer in the American Army is too proud to associate with his men or too stupid to teach them, or too indifferent, he is unfit to be an officer, and the quicker he is out of the service the better. I saw things in France that I do not like to talk of; but I saw fighting men that we sent over there, men sent by the United States, young, virile Americans, red blood in every one of them, whom we paid to go to France to fight the battles of civilization, some of them blacking the shoes of officers and burnishing them. That is destructive of the morale of any army, and more so, of course, of an army raised in a democracy like ours, where every man is supposed to be as good as his neighbor. We should instill some of these things into the American Army. It occurs to me that any officer who has a decent respect for the uniform of his army would not ask any soldier wearing the uniform of the Republic to become his body servant.

Mr. SMITH of Idaho. Is it not a fact that the officers pay these men to do these things and that the men gladly do them?

Mr. MILLER of Washington. Yes, it is; but he should not be permitted to pay them. If the officer wants a body servant, he should get him from some other source and he should not be a man wearing the uniform of the Army of the Republic. [Applause.]

Mr. SMITH of Michigan. Is there a reserve of French citizens left in France from whom to recruit and replenish their army?

Mr. MILLER of Washington. The man power of France is pretty well exhausted. It naturally would be exhausted with a nation of 40,000,000 people that has lost two and a half million of her virile manhood, either in hopelessly wounded, injured, or dead. She is tired, she is weary, she is worn, but she is determined. I do not know how many there are in the next class coming out, but the proudest moment of a French boy's life is when he is old enough and strong enough to put on the uniform of a soldier of France and go to the front. That kind of morale will take an army any place.

Mr. QUIN. How many miles are the French or the English lines now from the Rhine?

Mr. MILLER of Washington. I could not tell the gentleman how far, but it is a long way, and there is many a hard fight ahead before we reach there. It is my belief that before the German Army retires from the French or Belgian soil it will be crushed and beaten, and that from there on victory will be swift and great. I do not know how far it is from the Rhine, but the gentleman can look at the war front as it is to-day, Dixmude in Belgium; Rheims, 2 miles back of it, in France; the Verdun sector; and the French hold considerable of Alsace, a small sector. The Rhine is over there; it is a long way.

Mr. ROBBINS. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Washington. Yes.

Mr. ROBBINS. Could the gentleman give us any information as to the completeness of the equipment of the American Army?

Mr. MILLER of Washington. The American Army, and I understand it is not a military secret, is to be equipped with small arms similar to the British—the Enfield rifle. The field gun, field artillery, is to be the French 75, which, I understand, is to be made in France. It seems strange that the French 75 is the most efficient field gun ever constructed.

Mr. COX. What is the size of that in inches?

Mr. MILLER of Washington. It is 75 millimeters, or 2.95 inches, practically a 3-inch gun. Then there is the 105, the second gun in efficiency, which is a 4-inch gun.

Mr. DENISON. I would like to ask if the gentleman while there had opportunity to observe the condition of the civilian population of France, whether or not they suffer?

Mr. MILLER of Washington. England and France both are drinking from the cup of war. England is dark at night; London is, and so is Paris, except here and there a shaded street light will cast a slanting ray down on the cosmopolitan scene, where may be found every uniform of the allies. You have but to place out your hand to touch the uniform of some nation of the allies.

As to foodstuffs, we had no difficulty. There is a shortage of sugar in both England and France. Now, we have had a talk on the meat question and a discussion about steaks being cheaper in London and Paris than in America. Now, you do not want to go over to France and expect to get the kind of a steak there that you can get in America. The American steak, sirloin or tenderloin, would make three or four portions of the British or French steaks. The portion of the meat is small, but the price is about the same, and in some instances less, but you can not compare the steaks over there with the steaks here, because the American steak is so much larger. There is no shortage of foodstuffs that we could see. You could go into a restaurant and order your meal, except sugar. They have certain meatless days, I believe a sort of a rule like we have. They have a limitation in the better hotels as to the number and kinds of meat they will serve. You can order one kind of meat and no more. The population looks well fed and well nourished.

Mr. DENISON. If the gentleman will yield, I was told last winter that the average home in France had no heat at all and they went without fires. Does the gentleman know anything about that this winter?

Mr. MILLER of Washington. Coal is $50 a ton in Paris. Our very efficient ambassador in Paris, Mr. Sharp [applause]—and I want to pay a compliment right here to the American ambassador extraordinary and plenipotentiary in England, Dr. Page [applause]; to Mr. Sharp, a former Member of this body, in France; and to Mr. Brand Whitlock in Belgium. We met them all, splendid men and doing efficient service. [Applause.]

EXTENSION OF REMARKS.

Mr. FITZGERALD. Mr. Speaker, I ask to extend my remarks in the RECORD by printing as part of my statement a detailed statement of expenditures made by the Committee of Public Information, together with a statement showing the activities of that committee.

The SPEAKER. Is there objection to the request of the gentleman from New York to extend his remarks in the RECORD? [After a pause.] The Chair hears none. Under a special order of the House the gentleman from Wisconsin [Mr. FREAR] is entitled to 40 minutes.

Mr. FREAR. Mr. Speaker, the first and greatest problem before Congress relates to the winning of the war. All of the Government's resources are pledged to that end. Anything that serves to weaken or waste our resources will postpone success. All expenditures for war purposes last session were authorized by practically unanimous votes in both branches of Congress, and unprecedented amounts requested by the administration were willingly given by Congress without quibbling or questioning. That record, if need be, will be written again and again, but during the present crisis waste or extravagance with public moneys imperils success and ought to be emphatically condemned at the outset. With this purpose in view, attention is called to existing legislative conditions which necessarily occasion large waste of public funds and the immediate compliance with the President's request and early adoption of a budget system is urged.

Fathers and mothers have been called upon throughout the land to give their sons to their country and to provide war energy both in men and money at sacrifices known only to themselves. Young soldiers have offered their lives for their country's cause and in addition have contributed millions of dollars from their meager allowances through the purchase of Liberty Bonds with which to win the war. Wheatless and meatless days, sacrifices and privations, will be common to the people of this country for a generation to come; rigid economy must mark the problem of individual and governmental existence; billions of dollars annually will be borne hereafter in direct taxes for the first time in our history. From the opulent magnate, whose income-tax contribution attracts wide attention, down to the mother who pays 50 per cent increased postage in order to write to her son in the trenches, all will contribute. Wasted public funds at this time add to the unprecedented debt burdens which must be met and directly affect the life of a nation and may determine the success or failure of the war in which we are now engaged. When all others are practicing economy throughout the country will Congress abolish useless committees and thereby prevent extravagance and waste?

DEMAND FOR STRICT ECONOMY.

Enormous public expenditures are accompanied by an era of inflation and fictitious easy times. Every selfish agency that ordinarily pulls at the public purse now takes hold with a firmer grip and pounds at the congressional committees' doors more fiercely than ever before. However distant the relationship may be, it comes to us in the name of "war necessity," "to win the war," and similar catch phrases. Like an improvident man who has suddenly negotiated an unexpected loan, there are those who forget that every dollar expended must be paid by long sacrifice and that the stream of gold now passing through the Treasury must be more carefully guarded than ever before. Unless Congress takes warning in time and shuts down the flood gates against everything except strict war expenses, unless we profit in a public way by the example of sacrifice afforded by mothers, fathers, soldier boys, and practically every household throughout the country, unless we practice strict economy with public funds, we will be denounced by those we misrepresent and be driven from our posts.

Temporarily Congress has given free hand to the administration for all expenditures for war purposes. Necessity for quick, active, emergency payments is urged by the administration to justify such course, although other warring nations have challenged this unlimited exercise of power. Whatever justification may be urged for such course over war expenditures, all ordinary expenses of Government must be subject to well-recognized legislative checks. We are assuming stupendous national obligations, far beyond the wildest dreams of financiers in the past, together with annual fixed interest burdens that will soon reach several times the ordinary expenses of Government during the prewar period. Such a revolution in public business affairs calls for efficiency and strict economy in legislation that can be reached now only by adopting legislative safeguards which have been repeatedly repudiated by Congress in the past.

CONGRESSIONAL WASTE AND EXTRAVAGANCE.

Administrative waste is not the only charge against the Federal Treasury, although always a matter of chief concern to the legislative branch. Extravagance occasioned by congressional courtesy and locality demands confront us on every hand, and before we can effectively guard against administrative neglect we must be immune from criticism by sweeping our own dooryard clean. To do this effectually a comprehensive budget system must be adopted. Our's is practically the only Government without a budget, and no other country is so wasteful and un-

businesslike as our own. Reasonable care in business dealings is insufficient when the relation of guardianship and control of trust funds is once imposed. Great care must then be exercised. In its position of trustee of public funds Congress has not exercised great care or even ordinary care in the handling of these funds.

The fault lies primarily with the loose, multiplicity of committees which makes Congress the legitimate prey of every lobby and private interest to-day. Before discussing the critical need of public economy, as evidenced by rapidly mounting appropriations that no man can fully comprehend, it is well at the outset to give a list of governments that place a budget check at the door of public appropriations and thereby have promoted economy in public expenditures. The general features of this system, common to substantially all of these countries, are the preparation of the budget estimates by the executive branch of the government; their revision and consolidation by some central organization in the executive government; the submission of the budget to the legislative branch by the executive upon the authority and responsibility of the executive; the consideration of the budget as a single and unified bill by the legislative branch; the influence of executive responsibility for the demands of the budget causing the legislature to make few changes; the execution of the budget by the executive; an independent audit of the executive accounts.

For a more detailed comparative statement on foreign budgetary procedure see Need for a National Budget; Appendixes, House Document No. 854, Sixty-second Congress, second session, 1912; and Report and Appendixes of the Select Committee on House of Commons (Procedure), 1915 (cd. 378).

The following countries have a budget system: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Germany, Great Britain, Greece, Guatemala, Honduras, Hungary, Italy, Japan, Liberia, Luxemburg, Mexico, Montenegro, Netherlands, Newfoundland, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Roumania, Russia, Salvador, Serbia, Siam, Spain, Sweden, Switzerland, Union of South Africa, Uruguay, Venezuela.

The only great nation excepted from the foregoing list, a democracy that vaingloriously challenges the admiration of the world for its form of government, is the United States.

A budget system may not insure strict economy without careful public administration, but at its worst it is infinitely better than the loose-jointed, hit-and-miss lack of system with which Congress now invites public extravagance.

A BUDGET SYSTEM TO BE RECOMMENDED BY A COMMISSION.

Any substantial change must be brought about by joint action of both Houses of Congress, and through the adoption of rules and regulations that may be found practicable. To this end joint resolution No. 178 is offered, a copy of which is attached and in form is similar to Senate joint resolution 46, introduced by Senator KENYON last session. It provides for a commission made up from members of the administration and from both Houses of Congress, which commission is to make specific recommendations along the line advocated by both national political platforms. Other proposals have been made that are worthy of careful consideration, but this resolution suggests one course in order to secure united action at the outset.

Congress has a direct responsibility in creating national tax burdens that can not be evaded. Members will not refuse appropriations for carrying on the war, but when called upon to pay the bills the people will scrutinize all public expenditures. Every economy in public business that can be practiced and every safeguard that can be placed around the Federal Treasury is demanded. All questions of legislative prerogatives and legislative courtesy must give way before enormous and unprecedented burdens that are to be piled upon the backs of taxpayers. The political party that fails to grasp the full significance of this prophecy will be relegated to the background, because after the war is over, books balanced, and burdens distributed, the main question before the people, as ever in the past, will be, what account is rendered back to constituents by their Representatives? Death and taxes are certain and are serious questions to contemplate, but the average citizen does not give one-tenth of the time to preparing for the former which he devotes to his tax statements.

$100,000,000 ANNUAL WASTE IN 1910.

On February 21, 1910, in volume 45, No. 50, pages 2202 to 2203, CONGRESSIONAL RECORD, to use the librarian's reference, one of the ablest men in public life and legislative experience made the following statement in the United States Senate:

If I were a business man and could be permitted to do it, I would undertake to run this Government for $300,000,000 a year less than it is now run for.

Criticizing our own loose congressional methods, he added that a saving of $100,000,000 a year could be readily effected. Senator Aldrich was hooted into silence by the slogan that "this is a rich country," "indirect taxes are not felt," and "what are we here for?" That cry was jocular seven years ago, back in 1910, when total Government expenditures were $660,000,000 and indirect taxes, including tariff and excise duties, paid all the tax burdens; but now, with diminished indirect taxes and direct taxes reaching ten times the total indirect burden of seven years ago, the cry is neither jocular nor safe to make. Proportionate savings could be realized in expenditures to-day by the same scrutiny proposed by Aldrich, which would possibly reach ten times the amount he declared could be saved; and these figures command respectful attention at the hands of Congress.

For example, efforts to save legislative and administrative waste were begun back in 1914 in two small functions of Government, the construction of public buildings and improvement of waterways. Omnibus bills carrying these items had become public scandals and flagrant waste was easy to demonstrate. I do not intend to discuss these measures at this time further than to say they are not the only extravagances charged against Congress. In an effort to demonstrate what could be saved to the Federal Treasury by ordinary principles of public economy on these two branches of expenditures, I quote briefly from remarks in debate on June 8 last, when these bills were being considered:

While the river and harbor bill of 1914, appropriating $53,000,000, passed the House over vigorous opposition, that bill was defeated in the Senate and a substitute bill appropriating $20,000,000 was passed, a saving to taxpayers of $33,000,000 in that one bill. The bill that followed in 1915 appropriated nearly $40,000,000, and when opposed in the House you laughed again at the presumption. It was also defeated in the Senate and a $25,000,000 substitute was passed. * * * Over $47,000,000 was saved to taxpayers by the modifications secured in these two bills. * * * The next bill, of 1916, again passed the House with 133 votes against it and was put through the Senate with only 1 vote to spare. The river and harbor bill early in 1917 was again forced through the House with 132 votes against it, but that bill was buried in the Senate, together with a bill which passed the House at the same time for $38,000,000 for construction of public buildings. Over $100,000,000 has been saved to the Government and to taxpayers by the defeat of these four bills and no legitimate public interest has been injured.

The RECORD will disclose my own judgment on such bills.

Results speak for themselves, and all the wasteful legislation above mentioned first passed the House in omnibus bills recommended by special committees.

The remedy for waste must not come through personal controversies on the floor over specific items, but through a change in system, which has been repeatedly urged upon the House. Speaker CLARK, protesting against interruption of legitimate business, urged the House to seek some remedy, and, in view of the overwhelming war disaster which has come to the world with its enormous burdens, the time is ripe for a change in present wasteful methods of appropriating public funds.

PARTY PLATFORMS DEMAND A BUDGET SYSTEM.

A public demand that can not be ignored confronts the House at this time. The party in power has demanded a change and pledged every member of the majority party to that change when in its platform in St. Louis in 1916 it declared:

We demand careful economy in all expenditures for the support of the Government, and to that end favor a return by the House of Representatives to its former practice of initiating and preparing all appropriation bills through a single committee chosen from its membership, in order that responsibility may be centered, expenditures standardized and made uniform, and waste and duplication in the public service avoided. We favor this as a practicable first step toward a budget system.

President Wilson now demands a fulfillment of that pledge.

That Democratic platform was written after public extravagance had been demonstrated repeatedly on this floor and before present huge war burdens were laid upon the taxpayers of the country. The convention pledged this Congress to adopt a single Appropriations Committee proposition as a step toward a national budget system.

Pursuant to that promise Mr. FITZGERALD, chairman of the Appropriations Committee, offered House resolution 157, Sixty-fifth Congress, first session, which provides—

That during the present emergency all appropriations shall originate in and be reported from a single committee, and all estimates for the support of the various governmental establishments shall be referred to said committee.

His resolution further provides that no other committee shall be permitted to avoid this provision by permitting amendment to bills reported. Mr. FITZGERALD's resolution reads, "during the present emergency," but there was no restriction as to time suggested by the Democratic national convention. It demanded a single Appropriations Committee for all time. The

distinguished chairman of the Appropriations Committee, Mr. FITZGERALD, when discussing extravagance and his party's record in recent years, said to the House:

Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party, I am tempted to quit my place. * * * If I placed my political fortunes above my sworn duty under the law, I would not attempt to carry out the promises of the Democratic platform, but I would place myself at the head of this band of Treasury looters upon every occasion.

With that indictment of legislative greed and pursuant to that threat Chairman FITZGERALD has resigned his seat in Congress, a distinct loss to the House and to the country. He was condemning a bad system and not the personal integrity of men.

This very afternoon the distinguished Speaker of this House [Mr. CLARK of Missouri] and ex-Speaker CANNON have united with Leaders KITCHIN and GILLETT, Democrats and Republicans, in paying high and deserved tribute to Mr. FITZGERALD, who has been fitly described as one of the very strongest men in the House. A great student of finance and public affairs second to none, Mr. FITZGERALD has this day declared:

I have repeatedly urged that all the appropriation bills be consolidated in one committee. When I had no thought of quitting this body I made the statement I would willingly retire as head of the Committee on Appropriations and from the committee to bring about this reform. * * * I am glad the President has made this recommendation. I believe it the most important reform that this House can adopt. * * *

No higher authority can be quoted than Mr. FITZGERALD, who to-day resigns from this body.

NUMEROUS COMMITTEES AND CHAIRMANSHIPS INVITE WASTE.

An indefensible legislative situation emphasizes the imperative need of a single committee and budget system at this time. Every committee that presents appropriation bills increases the opportunity for extravagance, because of its lack of responsibility. It promotes unnecessary expenditures in the legislative field; it assumes to cover and advances locality appropriations, and they were more in evidence during last session of Congress than during any previous session. Many expenditures have been made as "war measures," and nearly every locality appropriation masquerades under that alluring catch phrase. No attempt will be made to criticize war expenditures or to point out where millions of dollars are being directly or indirectly expended in locality appropriations, but an astounding legislative situation invites such results.

By a peculiar legislative custom every important committee and every one of these many appropriation committees has for its chairman a Representative from some Southern State, with controlling influence and legislative vision which can not ignore the fact that 90 per cent of Federal revenues are derived from the North, yet determination of appropriations and expenditures is controlled by the South.

Sectionalism is not raised by political preachments but is emphasized by legislative and administrative acts, and permanent economic reform will hold the majority party to account, not for present extravagances, as described by Mr. FITZGERALD, but for failure to keep party promises by enacting a national budget system.

MOSS-COVERED LEGISLATIVE METHODS.

In the expressive language of one of the ablest of the majority leaders of the House, 147 different arguments will be offered against all committee reforms, whether pledged by party platforms or a President's warning, because one appropriation committee would abolish some 147 or more appropriation committee jobs. May it not fairly be charged that Hawthorne's house with seven moss-covered gables has been reincarnated in the National Capitol twenty-one fold.

The remarkable spectacle is witnessed of a score of able democratic leaders whose voices were raised in enthusiastic praise of the President's ability and far-sighted judgment disclosed by the recent message, and these leaders yet maintain silence on the President's important recommendation for a single appropriation committee. Not one Member defends what the President terms the "wasteful and extravagant" system now in vogue, nor will one Member defend violation of specific party platform pledges in this respect, yet our friends across the aisle who recently voiced their approval of their leader's message now sit tight, with all of the various appropriation committee chairmanships and memberships corralled. The resignation of Chairman FITZGERALD of the Appropriations Committee and his refusal to accept further responsibility for "Treasury looting" should impress every Member of the House at this time with the necessity for quick action.

I will quote equally high Republican authority later on to show that quest of loaves and fishes is not confined to either side of the aisle. The fundamental weakness in the present system is economic, not political, and both parties have much to explain in past records that would have been obviated under a budget system.

A REPUBLICAN PLATFORM PLEDGE IN 1916.

If you do not now enact a budget system, my Democratic friends, the chance will come to the Republicans, who were pledged at Chicago in 1916 at their last national convention, in the following words:

The increasing cost of the National Government and the need for the greatest economy of its resources in order to meet the growing demands of the people for Government service, call for the severest condemnation of the wasteful appropriations of this Democratic administration, of its shameless raids on the Treasury, and of its opposition to and rejection of President Taft's oft-repeated proposals and earnest efforts to secure economy and efficiency through the establishment of a simple, businesslike budget system to which we pledge our support and which we hold to be necessary to effect any real reform in the administration of national finances.

Every Republican Member of this House is pledged to the enactment of a budget law and with every Democrat is in honor bound to vote for his party's pledge.

It would be presumptuous for me to attempt any thorough treatment of the financial waste occasioned by our present legislative machinery or to enter into details regarding a budget system for this country. Those who desire to study the budget system abroad and our own financial weakness because of short-sighted political considerations, may get light from familiar contributions, including Collins on "The National Budget System and American Finance," Lowrie on "The Budget," Ford on "The Cost of our National Government," Adams on "Public Debts," Bastable on "Public Finance" (English), Stourm on "The Budget" (French), and a dozen other instructive publications that have been written on the subject and which the average legislator can only hastily digest.

In a clear, comprehensive work on the budget system, Collins says:

Turning to Congress we face a situation without parallel in the world. Here we can not speak of a budget, but of separate and independent bills drawing on the Treasury. These bills are prepared by about 14 independent committees of the House and 15 of the Senate—29 separate committees, each working independently of each other and of the executive branch of the Government. Ten of these House committees and 8 Senate committees report out all of the bills carrying appropriations, but the other 11 (4 in the House and 7 in the Senate) report out measures for pensions, public buildings, and other things carrying demands on the Treasury, which are met by bills from one of the other committees. * * * In the United States—but nowhere else—the legislative branch of the Government actually prepares in detail every financial measure introduced.

After pointing out the illogical, haphazard methods controlling both Houses, he concludes on this branch of the subject:

The impossibility of a legislative financial policy is further seen in the fact that no one knows exactly what items of an appropriation act will finally carry until after it has passed both Houses and has been signed by the President. * * * It is therefore quite clear that the preparation of bills drawing money out of the Treasury and the preparation of bills providing revenue to meet the expenditures are carried on without any financial policy at all, either executive or legislative.

Judged by ordinary business standards he might have added that such policy would bankrupt any private business in one week.

Ford, on "The cost of our National Government," describing another ailment evidenced in public discussions as to responsibility, says:

Congress habitually disclaims responsibility for the results of the methods it employs. Responsibility is shifted from the House to the Senate or from Congress to the Executive or even to the mass of the people. * * *

While Congress is fond of viewing with alarm the increase in the cost of Government, it keeps augmenting it by continual efforts to extend congressional patronage by means of appropriations.

INSTANCES OF WASTE OF PUBLIC MONEY.

In Ford's work he takes up river and harbor, public building, navy yards, and other appropriations and quotes officials in opposition to public building raids on the Treasury and apologetic offerings for other local appropriations. On page 134, he quotes Postmaster General Meyer, who in 1909 said:

At the last session of Congress more than $20,000,000 were appropriated for the construction of public buildings for the exclusive use of post offices in the smaller cities and towns where the department had made no recommendation for new buildings.

Mr. Meyer further showed conclusively that increased maintenance will be a great continuing waste of money, and yet Congress put through that job without any recorded protest.

In this same connection a Georgia Senator said in debate:

I heard evidence the other day that demonstrated to my mind that we paid $30,000 for the construction of a building in a town where the rent of the building theretofore used was $250 per year and after the new building was constructed the services of a janitor cost $600 a year.

This criticism, it will be noted, does not name the town. Senatorial courtesy forbids any pointed reference or drastic action, but a hundred similar items were pointed out in the last public-buildings bill during the debate in the House when, on December 7, 1916, one of the worst public-building bills ever offered in Congress was analyzed, a twin sister of a vicious bill carrying $40,000,000 which had been previously passed under suspension of rules in 20 minutes. Secretary of the Treasury McAdoo's report was then presented, wherein he said:

In the past two decades Congress has authorized and appropriated approximately $180,000,000 for public buildings and the major part of this great sum has been expended on costly structures in small localities where neither the Government business nor the convenience of the people justified their construction.

Here is a statement from a high administrative official declaring that approximately $100,000,000 had been wasted by Congress on this single item. Last session the public-buildings bill so vigorously condemned by both the Treasury Department and Postmaster General and threatened with a presidential veto was forced through the House triumphantly by a two-thirds vote before it was buried in the Senate. The river and harbor bill was put through under the guise of a war measure although 7 members of the House committee and 152 votes in the House, counting pairs, registered a protest against it.

Referring again to the remarkable demonstration this afternoon for Mr. FITZGERALD, I quote from the words of Leader KITCHIN, uttered this day by one who weighs his words:

I sometimes fear that too many of our colleagues set up as the true measure of service here the amount of money which they can filch out of the Treasury into their districts and States for creeks or rivers or public buildings. FITZGERALD's idea and effort has been to keep the money in the Treasury and not take it out except for the country's needs.

No higher tribute of public service need be uttered than this brief word of praise from one great man of another.

We can not well forget the trite remark of a present Member of the United States Senate, who said of a river and harbor bill in the past, "The whole scheme of river improvement is a humbug and steal; but if you are going to steal, let us divide it out and not go on complaining." The bills contain good and bad items held together by the present system. I have quoted so voluminously from expert criticisms on such bills in the past that I forego the disposition to do so now; but permit me to give one cogent reason why river and harbor bills have become notorious, a situation which will disappear with the adoption of a budget system.

LOBBIES THAT WOULD BE PUT OUT OF BUSINESS.

Of over $900,000,000 appropriated for rivers and harbors by the Government in the past, hundreds of millions have been wasted on useless waterways, insignificant creeks, private land-reclamation schemes, water powers, and other projects that had little or no relation to commerce. Estimates will differ as to the total waste, but if needed improvements had been carried on economically and on strictly commercial propositions over one-half of the total amount appropriated might have been saved without injuring any real interests of navigation. This should be kept in mind, in addition to the statement of the Secretary of the Treasury that over one-half of the $180,000,000 appropriated for public buildings could well have been saved in the past with advantage to the Government, apart from everlasting continuing appropriations for maintenance.

As a notorious example of lobby interference, once strongly condemned by President Wilson, I call attention to one of the most scandalous features of this annual waterway bill, brought about by a river and harbor lobby which calls itself a "congress" and regularly meets in Washington at the opening of every Congress. That lobby maintains quarters in this city the year around. It seeks contributions from all those who desire local improvements, and from dredgers, contractors, from water-power and land-reclamation promoters, and, of course, from many reputable people who are attracted by its promises. I have offered in the RECORD in the past original documents showing that 50 per cent of some of its subscriptions were paid to collectors, which fairly indicates its general character. In a recent annual report this lobby set forth to its members just how Congress could be compelled to distribute pork, depending upon proportionate contributions to the lobby. As it has become a public scandal, fastening on Congress the opprobrium of being the lobby's tool, I append a statement for examination by those interested in knowing the best means of getting locality appropriations. It was published in the 1911 report of the lobby association.

	Amounts subscribed to the support of National Rivers and Harbors Congress, by States, 1906-1911, inclusive.	Amount of appropriations received by States in rivers and harbors bills, 1907-1911, inclusive.
Pennsylvania (east)	$4,295	$4,837,745
Connecticut	2,115	2,318,000
Massachusetts	2,850	1,451,733
Maryland	1,755	2,778,295
New Jersey	2,735	3,484,895
North Carolina	2,538	2,250,614
South Carolina	1,137	1,237,200
Virginia	4,405	4,192,451
Georgia	8,281	4,102,889
Florida	1,620	5,188,670
District of Columbia	1,530	1,241,000
Alabama	6,020	6,032,000
Louisiana	9,305	3,820,292
Texas	8,825	9,193,109
Mississippi River		21,842,775

Mississippi River (1914), $10,500,000, or nearly one-half of the six years' total.

Lay members learn that by the investment of $1 in the "congress" $1,000 will be forthcoming from the Federal Congress. "Capt." Ellison, official secretary of the "congress" lobby, is quoted by the same official organ to have evoked applause with the sentiment—

We send Congressmen here to legislate for the Nation theoretically, but actually to get all he can for us; and if he does not get our share and then some, we do our best to replace him.

This lobby, numbering hundreds of members, declares in its official report that a Congressman's usefulness is measured by the Treasury loot he brings home. Scores of lobbies that seek specific legislation by direct pressure and back-fires on Congressmen, will be put out of business by the adoption of a budget system.

GOVERNMENT BY COMMITTEES PRODUCES IRRESPONSIBLE GOVERNMENT.

Ex-Speaker Reed, in an article contributed to the magazines in 1897, said:

It is true we have at present irresponsible government, so divided that nobody can tell who is to blame. Government by committees and of two Houses entirely independent of each other produces some fearful and wonderful results.

That was the opinion of an ex-Speaker of this House 20 years ago, before conditions had reached their present proportions and notoriety.

The power of the Senate to increase appropriations impressed Mr. Randolph, of Virginia, during the Constitutional Convention, who said:

The Senate will be more likely to be corrupt than the House of Representatives and should, therefore, have the less to do with money matters.

And yet the Senate defeated the river and harbor bills and public-buildings bill, to which reference was made.

Again Mr. Ford says, page 34:

The true seat of constitutional defect is not in the Senate but in the House. The supremacy of the Senate, now so conspicuous in politics, is a result of the weakness and incompetence of the House. * * * If it is true, as has been frequently alleged in the House, that the Senate pads appropriation bills at its own will and pleasure, practicing what Mr. CANNON describes as blackmail, the charge implies confession of failure on the part of the House to uphold its constitutional authority. It follows that the true way to reform the Senate is to reform the House.

We can not escape our own legislative responsibility by trying to unload extravagance and waste on to the other fellow's shoulders. Any reform must begin at home, and a first step toward that reform in conformity with the demands and pledges of two great political parties is a national budget system.

I have quoted Chairman FITZGERALD on present waste, let me quote now from his Republican predecessor, James A. Tawney, ex-chairman of the House Appropriations Committee, who in 1909 gave a public statement on this general subject wherein he says:

The difficulty in practice which the Committee on Appropriations has in keeping appropriations within the estimated revenues arises from the fact that when the several committees which have jurisdiction over the appropriations for a particular department * * * appropriate for expenditures out in the districts and States represented by Members of the House and Senate, the departments for which the appropriations are made can always rely upon the Representatives and Senators in whose districts and States these appropriations are to be expended to support almost any demand they make.

In plain English, both Senators and Representatives in order to get their share of State or district "pork" are charged by the former chairman of the Appropriations Committee with a willingness to support "almost any demand," providing they get their share in the log-rolling game. Mr. Tawney is in harmony with Mr. FITZGERALD, who condemns "Treasury looters."

Tawney, ex-Speaker Reed, ex-President Taft, and other Republican authorities condemn the present system.

With ex-President Taft declaring for a budget and President Wilson advocating a budget, and with Mr. FITZGERALD refusing to head a band of Treasury looters, and with Senator MARTIN, chairman of the Senate committee, recently declaring it is appalling to see the freedom with which money is being appropriated by Congress, and with both great political parties in convention demanding public economy and a budget system, the mountain labors hard to bring forth a feeble mouse resolution which provides that "during the present emergency" all appropriations shall be handled through one committee.

HOW THE COMMITTEES WORK.

Hundreds of cases can be recalled where failure to secure an appropriation by one committee will cause such proposals to go to another, and when all fail to grant relief, Senators then throw out the political life preserver to save the claim. One case is typical of many.

When the water-power interests secured the Chief of Army Engineers to recommend $18,700,000 for a 150-foot dam for the Alabama Power Co. at Muscle Shoals for navigation, the infamous proposal was exposed and defeated on the floor of the House in 1915, although unanimously reported by the Rivers and Harbors Committee and actively supported by the then House Democratic leader and a powerful lobby. After this unprecedented defeat of an enormous private water-power grab which the Government was about to finance, and against a committee report, the same item bobbed up in the military bill on March 17, 1916, and will be found exposed in the RECORD of that day, excepting that the amount had then grown to $24,000,000 wherewith to bolster up the fortunes of the same Alabama Power Co., this time for the purpose of manufacturing nitrates for "war purposes," with the same powerful lobby on hand to urge such action. Incidentally a $100,000,000 bond issue depended upon the Government's action. I am making this statement from personal knowledge of and participation in the matter, as shown by the RECORD.

The measure came before the House with the unanimous indorsement of the Military Committee, and appeared as section 82 of the bill. Again it was exposed on the floor of the House and, after a vigorous fight, was stricken from the military bill. Thereafter it was inserted by the Senate as a fertilizing proposition in the Agricultural bill, and it is now reported that the Chief of Engineers has decided upon the project which was repudiated on two separate occasions by the House, indicating the impotency of Congress, compared to a man who annually determines the distribution of scores of millions of dollars appropriated by Congress. It is impossible to trace up vicious items among the different committees, excepting where they are large enough to bulge out in the bill, and for that reason it will be some improvement economically to have only one House Appropriations Committee.

EXPENSIVE COMMITTEE COURTESY.

Under the present loose system, however, this check would be of little actual value, providing the Appropriations Committee carries out the wishes of other committees as a matter of courtesy. Evidence of this fact occurs when a former distinguished chairman found no time to protest against three river-and-harbor bills and one public-buildings bill or to vote against the former, notwithstanding they were all fought vigorously in the House and finally defeated in the Senate, with a saving of over $100,000,000, as before stated. A more striking illustration of hopeless extravagance is found in the notorious "flood-control" bill, which, according to Army engineers, is expected to reclaim 20,000,000 acres of private lands along the lower Mississippi, at an ultimate cost to the Government of $225,000,000. The bill authorizing $45,000,000, at present recommended by the Flood Committee, was approved by the Appropriations Committee and an initial appropriation placed in the sundry civil bill to carry on a project that will be paid for by a war-tax burdened people during many years to come. One of the Senate Democratic leaders, a recognized authority on the subject, in debate declared the principal purpose of this bill was to reclaim large areas of swamp lands for private parties, and denounced it as part of the "spoils system," and yet it was adopted by the Appropriations Committee, which is proposed as a complete substitute for the budget system.

A single Appropriations Committee will be a step toward economy and toward a budget, as stated in the Democratic platform; but why make such a halting step? Why not take a long step and place this Government on a plane with the best legislative methods of other countries?

IMPERATIVE NEED OF BUDGET SYSTEM IMMEDIATELY.

Mr. Speaker, whatever differences of opinion may have existed prior to the declaration of war with Germany, they have all been buried with that decision made by Congress. The administration has been given practically unanimous support by all parties and all men in Congress, and every request for money and men have been granted. A striking example of patriotic support was evidenced in the unanimous vote declaring a state of war exists with Austria.

To win the war will require every resource, every economy, and united efforts from those who fight in the trench or on the battle field, from those who are compelled to economize at home, and in a greater degree from those who handle public finances.

I have briefly discussed a wasteful political system of handling appropriations that is fastened on Congress with leech-like hold. Authorities have been quoted, including Republican and Democratic Executives and party platforms, to show the exact situation; but in further support of this demand for a budget system a few statistics are offered that will soon be studied by taxpayers throughout the country. The President has swung the red lantern of danger so all may know a shifting of administrative responsibility is now declared on waste and extravagance over to the shoulders of Congress. We will be compelled to assume our full share of that responsibility. What is its measure?

In the tables offered the following facts are disclosed. Our national obligations of slightly more than $1,000,000,000 in 1916 will have increased over fifty-fold, or to $50,000,000,000, before a minimum estimate by Gen. Wood and other experts of three years of war is concluded. Our per capita burden will have increased fifty hundred per cent in three years and in actual experience the per capita burden will be far greater to 95 per cent of our people who are least able to pay the tax. The tables disclose that according to estimates a war lasting until 1920 will increase the world's indebtedness to approximately $250,000,000,000, apart from destructive losses of property, and that the economic loss of world man power by death and disability alone will reach nearly $100,000,000,000 more. This impoverishment that faces the world at large discloses a situation which immediately affects our ability to meet our own national and individual obligations. In the presence of these figures which presage the destruction of parties, change of governments, and repudiation of obligations by different countries now at war, what defense can be offered to an immediate demand for enactment of party platform promises in an effort to curtail the enormous waste and extravagance which now accompanies congressional appropriations.

I will not presume to offer any contribution at this time to the involved subject of national finances or to discuss any complex budget system, but will confine my remarks to well recognized public financial conditions which the world is called upon to meet, and to our own heavy share of the burden already beyond comprehension. Tables and comparisons are submitted evidencing the enormous taxes which will confront us at the end of the war and which call for public economy in advance.

Let us understand the extent of growing public expenditures and enormous financial burdens to be assumed at the close of the war. Over 20 years ago Bastable, the English financial authority, wrote:

War and preparation for war are by far the heaviest charges on the resources of modern States. An enormous sacrifice of labor, power, and of commodities is inevitably caused by its persistence as a usage among modern nations. War has been the principal cause of the great state indebtedness so general in Europe and of the severe pressure of taxation.

If a severe pressure of taxation was universal 20 years ago, what will follow in the train of the present war? The growth of war expenditures will appear by comparing the four years' Civil War burden to our authorizations for one year of the present war and other tables here submitted.

Cost of American wars.

1812–1815, second war with Great Britain	$119,624,000
1846–1849, War with Mexico	173,298,000
1861–1865, Civil War (North)	4,015,019,000
1897–1900, Spanish-American War	2,101,826,000
1917–1918, one year's war appropriations and authorizations	10,640,000,000
1917–1919, estimated appropriations (2 years, all purposes)	50,000,000,000

The above statement represents the cost to our Government. An estimated cost to all the warring nations in other great wars of recent years discloses an equally enormous increase in the pending conflict over all others combined.

Cost of foreign wars.

Napoleonic wars, 1793–1815, 22 years	$8,250,000,000
Crimean War, 1853–1856, 4 years	1,700,000,000
Franco-Prussian War, 1870–1871, 2 years	3,500,000,000
South African War, 1899–1902, 3 years	1,250,000,000
Russo-Japanese War, 1904–1905, 2 years	2,500,000,000
Present general war, 1914–1917, 3 years	89,721,000,000

A few other statistics are well to keep in mind when considering the financial test that confronts the civilized world.

Cost of present European war[1] to August 1, 1917, and national wealth.[2]

	Cost.	Wealth.
Great Britain	$36,705,000,000	$85,000,000,000
France	16,580,000,000	50,000,000,000
Russia	14,250,000,000	40,000,000,000
Italy	5,050,000,000	20,000,000,000
United States	1,020,000,000	[3]187,731,000,000
Other allies	3,250,000,000	
	67,414,000,000	
Less loans of	7,892,500,000	
Net total	59,421,500,000	
Germany	19,750,000,000	50,000,000,000
Austria-Hungary	9,700,000,000	25,000,000,000
Bulgaria and Turkey	1,450,000,000	6,000,000,000
	30,900,000,000	
Less loans of	600,000,000	
Net total	30,300,000,000	
	89,721,500,000	
Total cost to Aug. 1, 1917	89,721,500,000	

[1] From Official Bulletin, Oct. 9, 1917.
[2] The national wealth statistics are from New York Times Current History, November, 1915.
[3] United States wealth from Statistical Abstract, 1915.

One step further. The total debt burden of several of the warring nations before the war, according to the 1917 World Almanac, was as follows:

Debt burdens, 1914.

Great Britain	$5,672,374,000
France	6,347,540,000
Russia	4,536,939,000
Italy	2,921,153,000
United States	1,090,148,000
Germany	5,027,134,000
Austria and Hungary	3,397,594,000
Bulgaria and Turkey	1,870,600,000
Total prewar indebtedness	$31,364,182,000

It is impossible to bring a definite debt report down to date, but one Government is typical of all, and in a statement made October 30, 1917, Bonar Law, chancellor of the exchequer, said that England had negotiated $28,690,000,000 in loans since the war began, and on September 29, 1917, their total national debt was between $24,500,000,000 and $25,000,000,000, less about $6,000,000,000 in loans and advances. The chancellor further said that the German Reichstag had passed votes of credit to date amounting to $28,500,000,000, exclusive of loans. To the sum total of ninety billions in round numbers expended during the present war up to August 1, 1917, may now be added in round numbers $20,000,000,000 appropriated by the United States for 1918, and presumably $30,000,000,000 average annual cost to the European powers named, with total expenditures of approximately $140,000,000,000 by June 30, 1918, over and above $31,000,000,000 in existing debts prior to the war, or a total of $171,000,000,000 to June 30, 1918. The present indebtedness of warring countries presumably is four or five times what it was before the war, as indicated by the statement of the English chancellor.

Providing the war continues for three years longer and approximately eighty to one hundred billion more of world indebtedness is piled up in 1919 and 1920, making a total of possibly two hundred and fifty billion or over in debt burdens, apart from regular tax levies, the full significance of Bastable's statement made years ago in times of peace will be comprehended.

OUR OWN PART OF THE WORLD'S WAR DEBT.

During that same three-year period our own national-debt burden may reasonably grow to fifty or sixty billion dollars, in round numbers, in addition to regular tax levies, or fifty times our public-debt burdens at the beginning of this war, while a Government war-debt burden of $10 per capita will have grown to $500 per capita liability apart from regular tax burdens caused by the war. Assuming from the experience of European nations that this may eventually carry a 5 per cent rate amounting to $2,500,000,000 in annual interest charges for this country alone, together with a sinking-fund charge added to regular tax levies for maintenance of Government, then an annual Federal per capita charge apart from all other burdens will become a Sinbad load of heavy proportions to every taxpayer. We reduced a national debt of approximately $3,000,000,000 to $1,000,000,000 in half a century. At the same rate of reduction a $50,000,000,000 debt, or possibly far more, depending on the length of the war, will be with us in generous proportions during several centuries.

Confirmation of the above estimate of future governmental expenditures and bond issues is found in a statement of administrative experts given to the press on November 1, wherein estimates for all purposes for the fiscal year ending June 30, 1918, are placed at $21,000,000,000 and estimates for 1919 at $29,000,000,000, making a total of $50,000,000,000 for two years. Of this amount $10,000,000,000 is expected to be raised by ordinary revenues, including war taxes during the two years, and bond issues for the same period will aggregate $40,000,000,000. Of the latter amount it is further estimated that $15,000,000,000 will be loaned to the allies, but the United States will be required to raise the money, and it is no secret that a portion, possibly the larger part of these loans, may be canceled because of impoverished countries to which loaned. It must be understood, further, that a $40,000,000,000 bond issue for two years will grow to indefinite proportions with a long war.

That such estimates of indebtedness are conservative appears from the following tables of total indebtedness and per capita debt of several warring nations, reported to August 1, 1917, showing a comparative increase in three years of 400 per cent in total indebtedness and in per capita debt within that period:

Debt of—	Aug. 1, 1917.	Aug. 1, 1914.
United States	$3,600,000,000	$1,000,000,000
Great Britain	23,000,000,000	3,500,000,000
France	21,200,000,000	6,500,000,000
Russia	16,200,000,000	4,000,000,000
Italy	7,000,000,000	2,800,000,000
Entente nations	70,400,000,000	19,800,000,000
Germany, Empire and States	[4]24,200,000,000	5,200,000,000
Austria-Hungary	12,700,000,000	3,700,000,000
Teutonic nations	36,900,000,000	8,900,000,000
Grand total	107,300,000,000	27,300,000,000

The foregoing statement is from a pamphlet issued by the Mechanics and Metals National Bank, of New York City.

What the indicated indebtedness of the nations now at war means to the average man may be faintly perceived by reducing totals to a per capita basis:

Per capita debt of—	Aug. 1, 1917.	Aug. 1, 1914.
United States	$28.80	$9.70
Great Britain	487.20	74.50
France	530.00	162.50
Russia	92.30	28.60
Italy	194.30	77.75
Entente allies	174.00	45.80
Germany	355.00	76.40
Austria-Hungary	228.60	70.75
Teutonic allies	305.00	73.50
Total average	203.00	52.30

It will be seen that Great Britain's debt, which in 1914 was equal to $74 for each inhabitant, was on August 1, 1917, six times greater than three years before. For France the per capita debt had been for many years the largest among civilized nations. That debt was $162 in the middle of 1914. In the space of three years it advanced to $530. The increase in the per capita debt of Germany was from $76 to $356 during three years of the present struggle.

As has been stated, our own Federal debt by June 30, 1920, is estimated to reach $500 per capita, and that rate will be largely increased by State and municipal debts.

Too much reliance can not be placed on per capita debt statements in ascertaining actual obligations carried by individual taxpayers, for the reason that estimates are frequently offered showing that two-thirds of the wealth of the United States is owned by only about 2 per cent of the people, whereas it is a well-known principle that tax burdens eventually fall back in far greater proportion upon the shoulders of the remaining 98 per cent, who are least able to pay.

Another important element mentioned by Bastable, the English authority, must not be overlooked when to the debt burdens

of warring countries we add the destruction of billions of dollars of property; in enormous loss of labor and temporary loss of productive power of upwards of 30,000,000 men under arms; in permanent loss by death of several million selected men above included and permanent disablement of an equal number, who will become a future charge upon their governments. All these factors enter into the war burdens every country must in part share and directly affect the future ability to recover from such burdens.

THE HUMAN LOSS HAS A FIXED FINANCIAL VALUE.

The number of men engaged in hostilities shows how vast is the war and from what a large number the casualties have come. Those called to the colors of the various nations have been roughly estimated as follows, according to the same pamphlet, issued by the Merchants and Metals National Bank, based on available reports:

Army and Navy.

United States	1,500,000
British Empire	7,500,000
France	6,000,000
Russia	14,000,000
Italy	2,500,000
Belgium, Serbia, and Portugal	1,000,000
Entente allies	32,500,000
Germany	10,500,000
Austria-Hungary	7,000,000
Bulgaria	500,000
Turkey	2,000,000
Teutonic allies	20,000,000
Total, all	52,500,000

The man value of this vast body of men taken from economic pursuits reaches many billions of dollars annually.

Of this 52,500,000, representing able-bodied and skillful workmen, nearly one-fourth have been killed or permanently injured since the outbreak of the war. In determining the man-value loss referred to by Bastable, we find losses by death on August 1, 1917, reached about 7,000,000 men, and permanently disabled numbered 5,000,000 more, or a total of 12,000,000 men, according to the best obtainable authority, the War Study Society, of Copenhagen. Detailed statements are omitted but are easily accessible. What the harvest will be by 1920, after six years of war, is beyond intelligent estimate, but our share of the losses must now be added to these estimates.

Military experts say the European powers can annually contribute from 2,000,000 to 3,000,000 men to fill their depleted ranks, but this does not affect the wastage referred to by Bastable, which is permanent. In determining the economic value of man, familiar rules, recommended by Adam Smith, Dr. Farr, of London, and other authorities, provide that probable future earnings, minus expense of maintenance, education, and so forth, is the present value. Without distinguishing between those killed outright and those permanently disabled, it is estimated by the experience tables that a man of 25 years of age, earning $1 a day, with an average expectancy of 37.98 years, would be worth $6.132. Assuming the average age at this figure and the average net earning capacity at $600 annually, both probably conservative estimates, the economic value of 12,000,000 men killed or permanently disabled reaches over $70,000,000,000 estimated value man wastage in three years down to August 1, 1917. The effect of world conditions is apparent when to approximately $250,000,000,000 or more estimated debt of warring European nations by 1920, as heretofore shown, is to be added possibly $100,000,000,000 more in estimated European man-value wastage before three years shall have elapsed. Death losses would occur in times of peace, and other factors may modify these estimates, but my purpose at this time is only to present a general survey of world-wide conditions occasioned by war which call for strict public economies on the part of Congress at this time.

At the beginning of this session President Wilson declared our present and immediate task is to win the war. In this resolve he will be supported by Congress, whether the result be gained in 3 years—the basis of estimates—or longer.

Maj. Gen. Leonard Wood recently declared that "any person who says this will be a short war is not a true friend of the American people." "We are preparing for four years' war, and we may have four years of conflict after that," he is further quoted as saying.

Supporting Gen. Wood's prediction, military men who closely follow the progress of the war have stated that it is not likely to end in three years, and that our own contribution will be from 5,000,000 to 10,000,000 men before its conclusion. Such estimates are not officially given, but other opinions of the war's probable length are of value in this connection.

The greatest preceding war—our own Civil War—is a guide in determining such probabilities, based on its long continuance after the decisive battle of Gettysburg and fall of Vicksburg. No Gettysburg has yet been fought in this war. Accepting the minimum estimate of three years of war, the foregoing estimates of world-war waste and economic losses to our own country have been conservatively stated. If the war lasts eight years more, as suggested by Gen. Wood, the estimates will have to be greatly increased.

In the summary of our own national obligations only those were considered with which Congress is most intimately connected; but the individual taxpayer, who is paying the bills, is also maintaining city, town, county, State, and other municipal indebtedness of the country that reach many billions of dollars. Two items are shown in $345,942,305 of total State indebtedness in 1913 and $3,305,260,000 of municipal indebtedness in 1915, according to the United States Bureau of Census. In this connection it is a startling commentary on our city governments to learn that last year alone 149 cities of over 30,000 population increased their debt liability $86,013,326 in a single year, and that the net local indebtedness reaches $76.64 per capita.

OTHER TAX BURDENS TO BE FACED.

Other actual tax burdens carried by the citizen are indirectly related through freight charges to many billions of dollars in railway bonds and similar securities, but all these sink into insignificance compared to taxes levied by the butcher, the baker, and candlestick maker, who have united, with hundreds of other tax gatherers, including beef barons and coal operators, in doubling living expenses within the last five years for tens of millions of helpless taxpayers. How long this may continue to increase no man ventures to predict. A few profiteers have reaped enormous gains, and monopoly that defies the Sherman antitrust law takes extortious toll while the vast majority of those who pay have not received a moiety of the increased cost of living which is now exacted from them.

I have tried briefly to place before you, without exaggeration, a situation that confronts us as lawmakers. No sermon on the imperative necessity of strict public economy could be more impressive than a brief review of cold statistics, which carry their own unanswerable argument. And it is because of this critical time in the Nation's history, when governments are changing form and the toll of life and property is beyond human comprehension, that this lawmaking body should meet the problem without evasion or legislative quibbling.

Many efforts and some actual steps have been taken toward the adoption of a national budget in this country, and House Document No. 854, Sixty-second Congress, second session, presents the message of President Taft on the subject, and an exhaustive report covering over 500 pages submitted by the Commission on Economy and Efficiency on the subject of the need for a national budget.

Again, in Senate Document No. 1113, Sixty-second Congress, third session, is a proposed budget submitted by President Taft, and accompanying data covering over 400 pages devoted to the same general subject.

GENERAL PROVISIONS OF EFFECTIVE BUDGET SYSTEMS.

As previously stated, it is no part of this discussion to enter into the intricacies of a budget system, but rather to call attention to the urgent need of some method of curtailing present waste, similar to that adopted in other countries where the budget performs the duty. Of approximately 50 different countries that have adopted the budget, the English system was the pioneer, and others have been patterned after it. The English budget system provides that the House of Commons receives the budget of proposed expenditures from the ministry, or cabinet. The treasury issues a notice to the different departments, requesting them to furnish, on or before December 1, estimates of financial needs for the ensuing year. No estimate or alteration of an estimate can be received after January 13, and the only protection for a department that fails to send in estimates is by inclusion of an amount arbitrarily recommended by the treasury. Departments are required to quote the authority for any variations from preceding estimates regarding persons employed, salaries, and so forth. The estimates are checked up by the treasury authorities, and a noted departure occurs at this point from our own loose practice in that it is the duty of the treasury to see that the items are economical and sufficient. All the departments report to the treasury.

When the budget is presented to the House it is accompanied by a speech from the chancellor of the exchequer, explaining in detail the different needs of government. The bill is taken up in general debate, and then the bill is discussed in detail.

A statement of the parliamentary procedure is set forth by Higgs in The Financial System of the United Kingdom, pages 25 to 36.

The first broad departure from our own system, apart from the parliamentary procedure, is that wherein the English

this country alone, together with a sinking-fund charge added to British authority, must not be overlooked when to the debt burdens

in determining such probabilities, based on its long continuance

The first broad departure from our own system, apart from the parliamentary procedure, is that wherein the English

treasury arbitrarily passes upon the departmental items before presentation.

Second. Estimates received by the House of Commons are considered by one committee, whereas here the Speaker distributes unrestricted departmental requests to 10 or more separate committees, some of which, in turn, take up the examination by subcommittees.

Third. The House of Commons limits the rights of members to reduce items, whereas here the right to increase is a God-given privilege exercised by Senators and Representatives.

Fourth. The bill becomes law whether or not accepted by the Lords in England, providing the speaker determines it is a money bill. With our practice the several appropriation bills become law only after the Senate has added generous amendments.

Fifth. In England an audit or thorough investigation is made of expenditures by the comptroller or auditor general, who is an officer responsible to the House of Commons rather than an official of the Treasury Department, as in this country. This audit or check by the legislative body is declared to be of great value in limiting wasteful estimates and expenditures.

Appropriating from the consolidated fund, providing for deficiencies, and other differing practices found in the English system are worthy of study, although under our form of government it is probable certain methods would require modification. That is the purpose of the resolution hereto attached, which proposes a joint congressional commission to study and report to Congress a practicable system for this country.

SOME GOOD THINGS A BUDGET SYSTEM WILL DO.

First. It will require annual submission of carefully prepared estimates by the different departments of all proposed expenditures to a central agency (in England the treasury), there to be reviewed, pruned, and approved before submission to Congress for consideration. Congress will then intelligently determine what should be allowed for the support of government. This substitutes Executive responsibility in preparation for the present system, wherein a score of unrelated committees in the House and Senate prepare, add to, and pile up appropriations, including frequent increases on the floor and in conference, with absence of any fixed official responsibility, administrative or legislative.

Second. It will abolish direct pressure now exerted upon Representatives and Senators in Washington by irrigation, reclamation, water power, river and harbor, highway, public building, and many other lobbies organized to secure from Congress grants for countless local or private interests, and it will adopt a system of expense checks that has the legislative sanction of practically every other Government in the world.

Third. It will tend toward wise and disinterested consideration of appropriation bills, increased efficiency, curtailment of legislative logrolling, public waste, and extravagance and will materially shorten sessions of Congress.

WILL CONGRESS MEET ITS PUBLIC RESPONSIBILITY?

Every Member, with a single exception, supported the President's request when the Foreign Relations Committee brought in its resolution a few days ago. Another request contained in his message remains unfulfilled—a return to a single appropriation committee. Need for private and public economy, if the war is to be won, is imperative in view of the colossal and growing tax burdens the people of this country are now called upon to meet. These burdens will become heavier to bear because of war waste and loss of productive man power; heavier also because the increase of 100 per cent in living expenses is not likely to fall. Practically every Government on earth—some fifty in number—have adopted some form of public budget in order to promote efficiency, economy, and responsibility. Our own Government alone invites wholesale extravagance by refusing to adopt any intelligent legislative financial policy. Until the budget system can be adopted, a single appropriation committee as pledged by the Democratic national platform and urged by the President is of vital need. During this hour of national peril will our Democratic friends repudiate their party pledge and disregard their leader's request, or will they in fact as well as words join hands with this side of the aisle and unite by "stand by the President"? [Applause.]

Joint resolution (H. J. Res. 173) creating a commission to report a plan for the adoption of a national budget system.

Whereas in times of peace the expenditures of the Government were increasing yearly at a rapid rate; and

Whereas our entry into the world war will enlarge these expenditures to enormous proportions; and

Whereas the increased taxation to support the Government will place new burdens upon the shoulders of every citizen of the United States; and

Whereas this vast sum of money should be spent with the utmost efficiency and economy, and under modern methods of control; and

Whereas the estimates for the expenditures of the Government come to Congress without revision or scrutiny by any centralized agency of the Executive Government and are not treated by Congress as a part of its legislative program; and

Whereas under our present methods of legislative procedure the responsibility for the expenditures of the Government is scattered amongst a number of standing committees in the two Houses of Congress, which work independently of each other, and of the Executive Government in providing funds; and

Whereas it is possible for private Members on the floors of the two Houses to offer amendments at will increasing the items of expenditure provided in the respective appropriation bills beyond the amounts requested by the Executive; and

Whereas under this procedure the evil practices known as "logrolling" and "pork-barrel" methods have grown up and flourished; and

Whereas under this system there is no possibility of a governmental business program, or of a financial policy, or of a coordination of expenditures with revenues; and

Whereas it is the consensus of opinion among men of business, publicists, and students of public finance that the adoption of the national budget system would put the finances of the Government upon a sound, efficient, and economical basis by making possible a business program prepared upon the responsibility of the Executive and presented by him to Congress, to be enacted into law; and

Whereas the chief political parties of the country in their platforms in 1916 pledged themselves to carry out budgetary reforms for the Federal Government; and

Whereas it is the experience of practically all foreign governments that the national budget system is the only efficient method of dealing with the expenditures and revenues; and

Whereas to plan such a system for this Government requires careful study: Therefore be it

Resolved, etc., That a joint commission to report out a plan for adoption of a national budget system is hereby established. Its membership shall consist of the Secretary of the Treasury and two other officials of the Executive Government, to be appointed by the President; three Members of the Senate and three Members of the House, to be appointed by the presiding officer of the House and Senate, respectively.

SEC. 2. That no compensation shall be paid to any member of said commission.

SEC. 3. That said commission is hereby empowered and directed to report at the opening of the next session of Congress a plan for the adoption of a national budget system for the Government of the United States, and showing therein what changes, amendments, or adjustments the adoption of said budget system would cause in the rules of the Senate and the House in the laws now in operation relative to revenues and expenditures, in the organization of the Treasury Department, in the forms and methods of preparation of the departmental estimates, in the method of presenting said estimates in the Congress, in the methods of accounting and audit, and such other and further information as said commission may see fit to lay before the Congress.

SEC. 4. That said commission is authorized to employ such experts and such clerical assistance as may be necessary to carry out the provisions of this resolution.

SEC. 5. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this resolution.

SEC. 6. That said commission shall expire on the 31st day of December, 1917.

EXTENSION OF REMARKS.

Mr. COX. Mr. Speaker, I move that the House do now adjourn.

Mr. DYER. Will the gentleman withhold that a minute in order that I may ask unanimous consent to extend my remarks in the RECORD?

The SPEAKER. About what?

Mr. DYER. I desire to incorporate a decision of the Supreme Court of the United States.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask what the subject is.

Mr. DYER. It is on the subject of segregation in municipalities—the Louisville, Ky., case.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 7572. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7572. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 7572. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes.

ADJOURNMENT.

Mr. COX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Saturday, December 15, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Secretary of War transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Oswego Harbor, N. Y. (H. Doc. No. 570); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

2. Letter from the chairman of National Advisory Committee for Aeronautics, transmitting draft of provision recommended for insertion in the urgent deficiency bill (H. Doc. No. 571); to the Committee on Naval Affairs and ordered to be printed.

3. Letter from the Postmaster General, transmitting reports from the bureaus of Second, Third, and Fourth Assistant Postmasters General showing the number of employees of their services who receive the benefits of increased compensation as provided by law (H. Doc. No. 572); to the Committee on the Post Office and Post Roads and ordered to be printed.

4. Letter from the Secretary of the Treasury, transmitting a detailed statement of the refunds of customs duties, etc., for the fiscal year ending June 30, 1917 (H. Doc. No. 573); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States, reported the same with amendment, accompanied by a report (No. 211), which said bill and report were referred to the House Calendar.

Mr. WALKER, from the Committee on the Judiciary, to which was referred the bill (S. 2489) to create two additional associate justices of the Supreme Court of the District of Columbia, reported the same without amendment, accompanied by a report (No. 216), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HELVERING: A bill (H. R. 7690) to incorporate the Recreation Association of America; to the Committee on the Judiciary.

By Mr. CARAWAY: A bill (H. R. 7691) to increase the salary of the clerk of the district attorney for the eastern district of Arkansas; to the Committee on the Judiciary.

By Mr. GREEN of Iowa: A bill (H. R. 7692) making provision for the admission to the tuberculosis hospitals of the United States of any soldiers of the present war discharged on account of disability and found within 90 days thereafter to have contracted pulmonary tuberculosis; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 7693) to postpone the going into effect of certain sections of Title XI, postal rates, of the war-revenue act of October 3, 1917, and providing for a commission to investigate the cost of transporting and handling second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. BELL: A bill (H. R. 7694) providing for a certain percentage of cancellation of stamps, and making an allowance for rents, fuel, and lights, etc., to fourth-class postmasters; to the Committee on the Post Office and Post Roads.

By Mr. MONTAGUE: A bill (H. R. 7695) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. AUSTIN: A bill (H. R. 7696) to create a volunteer militia for the District of Columbia; to the Committee on Military Affairs.

By Mr. JONES of Virginia: A bill (H. R. 7697) to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes; to the Committee on Military Affairs.

By Mr. BANKHEAD: Joint resolution (H. J. Res. 190) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 7698) for the relief of Mrs. W. E. Crawford; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 7699) granting a pension to Louisa C. Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7700) granting a pension to William H. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7701) granting a pension to Orlando R. Edwards; to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 7702) granting an increase of pension to James C. Claxton; to the Committee on Pensions.

By Mr. CLAYPOOL: A bill (H. R. 7703) granting a pension to Daniel White; to the Committee on Invalid Pensions.

By Mr. COOPER of West Virginia: A bill (H. R. 7704) granting a pension to William Weddington; to the Committee on Pensions.

By Mr. CROSSER: A bill (H. R. 7705) for the relief of the Cleveland Trinidad Paving Co.; to the Committee on Claims.

By Mr. DICKINSON: A bill (H. R. 7706) granting an increase of pension to Hezekiah S. Williams; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 7707) granting a pension to Michael Lacey; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 7708) granting a pension to Winifred M. Dill; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 7709) granting a pension to Sarah D. Bowman; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 7710) granting an increase of pension to Hugh Stevenson; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 7711) granting an increase of pension to Benjamin P. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7712) granting an increase of pension to Robert Kepner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7713) granting an increase of pension to Benjamin G. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7714) granting an increase of pension to John C. James; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill H. R. 7715) for the relief of Mary Neaf; to the Committee on Military Affairs.

By Mr. KELLEY of Michigan: A bill (H. R. 7716) granting a pension to Ora A. Powell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7717) granting a pension to William H. Hill; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 7718) granting an increase of pension to Mister W. Wickham; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 7719) granting an increase of pension to Lewis Pratt; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 7720) for the relief of the heirs of Ann Gregory, deceased; to the Committee on Claims.

By Mr. LITTLE: A bill (H. R. 7721) granting an increase of pension to Robert S. Parker; to the Committee on Pensions.

By Mr. McCLINTIC: A bill (H. R. 7722) for the relief of Townley H. Bellomy; to the Committee on Military Affairs.

Also, a bill (H. R. 7723) granting a pension to Charles L. Johnson; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 7724) granting an increase of pension to John A. Benninger; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 7725) granting a pension to Mrs. David Anderson; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 7726) granting a pension to Nancy E. Bonnett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7727) granting an increase of pension to James Hall; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 7728) granting a pension to Thomas J. Kelly; to the Committee on Pensions.

Whereas this vast sum of money should be spent with the utmost efficiency and economy, and under modern methods of control; and

cies in appropriations for the fiscal year ending June 30, 1918, and for other purposes.

By Mr. ROGERS: A bill (H. R. 7686) to create a volunteer militia for the District of Columbia; to the Committee on Military Affairs.

James Hall; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 7728) granting a pension to Thomas J. Kelly; to the Committee on Pensions.

By Mr. TEMPLE: A bill (H. R. 7729) granting an increase of pension to James Mackall; to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 7730) for the relief of the heirs of Solomon Cohen; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Washington Chamber of Commerce, relative to increase in pay of Government employees; to the Committee on Appropriations.

Also (by request), memorial of members of church of Kidder, Mo., favoring national prohibition; to the Committee on the Judiciary.

Also (by request), petition of National Federation of Postal Employees, favoring increase in pay of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petitions of F. T. Zentner, cashier of the National Bank; Henry Groth, cashier of the German-American Bank; and Edwin Schuette, cashier of Manitowoc Savings Bank, all of Manitowoc, in the State of Wisconsin, protesting against prohibition legislation; to the Committee on the Judiciary.

Also, petition of F. S. Morris, treasurer of the Vollrath Co., of Sheboygan, Wis., requesting the exclusion of beer and light wines; to the Committee on the Judiciary.

Also, petitions of Milwaukee Western Malt Co. and Stuart Hyde, secretary and treasurer Charles A. Krause Milling Co., both protesting against prohibition legislation; to the Committee on the Judiciary.

Also, petitions of F. J. Schmidt, general manager E. C. Kropp Co.; William J. Gleeson, president, and A. A. Raisler, secretary, State Retail Liquor Dealers' Protective Association; A. Sibilsky, secretary Milwaukee Waiters' Alliance, Local No. 50; Adam Muth; J. Kuehn, secretary B. Hoffman Manufacturing Co.; O. C. Mason; William P. Hug, president Hug & Frey Insurance Co.; Walter Schroeder, of the Chris Schroeder & Sons Co., general insurance; the C. W. Fischer Furniture Co.; the John Schroeder Lumber Co.; Baumbach, Reichel Co.; and E. G. Hundt, all of Milwaukee, Wis., protesting against passage of prohibition legislation; to the Committee on the Judiciary.

Also, letter from Walter Kempster, of Milwaukee, Wis., urging passage of the bill creating the volunteer officers' retired list; to the Committee on Military Affairs.

Also, telegram from Hon. George H. Russell, of Milwaukee, Wis., protesting against the passage of the national prohibition amendment; to the Committee on the Judiciary.

Also, telegram from Frank J. Weber, of Milwaukee, Wis., secretary of the Federated Trades Council, consisting of over 30,000 organized workers, protesting against passage of national prohibition legislation; to the Committee on the Judiciary.

Also, telegram from Jack Y. Feldman, chairman legislative committee No. 3, Milwaukee Affiliated National Federation of Federal Employees of Milwaukee, Wis., urging passage of Keating bill to increase salaries of Federal employees; to the Committee on Appropriations.

Also, telegram from Rev. Charles B. Moulinier, of Marquette University, Milwaukee, Wis., protesting against legislation which forbids the use of beer and light wines; to the Committee on the Judiciary.

Also, telegram from Edwin F. Korvening, president Wisconsin Association of Wholesale Liquor Dealers, of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, telegram signed by L. B. Riley, president; Thomas Shannon, secretary; and H. H. Meirer, treasurer, representing Milwaukee Association of Railway and Steamboat Clerks, protesting against national prohibition; to the Committee on the Judiciary.

Also, telegrams from Guy F. Gregg, H. L. Hadfield, Blatz Hasten & Co., Fred C. Minard, Wisconsin Barrel & Cooperage Co., John Pritzlaff Hardware Co., Manitowoc Malting Co., August Rebhan, Howard D. Plimpton, Runkel & Dadmun, Milwaukee Western Malt Co., Carl A. Zinn, Otto E. Schulz, Henry Balzer, president Lakeside Distilling Co., the Rudolph Wurlitzer Co., and Louis F. Jermain, all of Milwaukee, Wis., protesting against the passage of the national prohibition amendment; to the Committee on the Judiciary.

Also, petitions from Thomas J. Mahon, counsel for the Wisconsin Association of Wholesale Liquor Dealers, of Milwaukee, Wis., and J. P. Schmidt, protesting against national prohibition; to the Committee on the Judiciary.

Also, petitions of Joseph Rebholz, of Milwaukee, Wis., and Harry A. Gwin, of Washington, D. C., protesting against prohibition legislation; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of Board of Aldermen of St. Louis, Mo., urging a speedy passage of House bill 6537; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Papers in support of House bill 7423, granting a pension to Elizabeth A. Mueller; to the Committee on Pensions.

Also, papers in support of House bill 7425, granting an increase of pension to Absalom Erickson; to the Committee on Invalid Pensions.

Also, papers in support of House bill 7424, granting a pension to Henry C. Clauson; to the Committee on Pensions.

Also, papers in support of House bill 7426, granting an increase of pension to John R. Ogden; to the Committee on Invalid Pensions.

Also, memorial of American Federation of Labor, favoring increase in pay of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Resolutions of Parkway Club, of Borough Park Heights Civic Association, and the New Utrecht Democratic Club, Brooklyn, N. Y., favoring the passage of House bill 17806; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the Borough of Brooklyn, city of New York, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of American Federation of Labor, favoring increase in pay of post-office clerks and city letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Petition of 100 women of the churches of Evanston, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. FOSTER: Resolution of Grand Army of the Republic, Post No. 102, Salem, Ill., urging favorable consideration of increase of pension for soldiers of the Civil War; to the Committee on Invalid Pensions.

By Mr. FREAR: Petition of Otto A. Olson, Star Prairie, Wis., favoring an allowance for clerk hire, etc., for fourth-class postmasters; to the Committee on the Post Office and Post Roads.

Also, petition of Alfred E. Coons and Alton Beggs, rural carriers of Wisconsin, urging the passage of H. R. 7219; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of T. W. Critchette and Andrew J. McQuiston, favoring bill to increase pensions of maimed soldiers; to the Committee on Invalid Pensions.

Also, petition of American Bottle Co., opposing the proposed prohibitory amendment; also petition of the Litchfield Manufacturing Co., of Waterloo, Iowa, favoring the proposed prohibition amendment; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany H. R. 2060, a bill to pension Lewis J. Moon; to the Committee on Pensions.

By Mr. HERSEY: Resolution of committee of public safety and defense, of Waterville and Winslow, Me., urging legislation to put down pro-German activity and other forms of disloyalty; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of A. Hoen & Co., Baltimore, Md., and memorials by the Baltimore Federation of Labor (representing 40,000 workmen) and the executive board of the Maryland State-District of Columbia Federation of Labor (representing 100,000 workmen), protesting against the prohibition amendment; to the Committee on the Judiciary.

Also, a memorial of the Harvard Avenue Methodist Episcopal Church, Baltimore, Md., urging a favorable vote on the prohibition amendment; to the Committee on the Judiciary.

By Mr. LUFKIN: Petitions of the Grand Army of the Republic, Post No. 108, Georgetown, Mass., and Grand Army of the Republic, Post No. 82, Marblehead, Mass., favoring an increase of pensions allowed veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: Petition of A. C. Ayres and 84 men and 391 women from various parts of Indiana, praying for a woman suffrage amendment to the United States Constitution; to the Committee on Woman Suffrage.

By Mr. RAKER: Petition of Miss Belle Stevens, Igo, Cal., urging legislation increasing the compensation of postmasters; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Petition of citizens of Los Angeles, asking adoption of national prohibition constitutional amendment; to the Committee on the Judiciary.

Also, memorial of First Congregational Church of Glendale, Cal., asking for adoption of joint resolution for constitutional amendment prohibiting manufacture, sale, transportation, and

importation of intoxicating liquors; to the Committee on the Judiciary.

By Mr. SNELL: Petition of voters of Keeseville, N. Y., favoring the submission of the national prohibition amendment; to the Committee on the Judiciary.

Also, petition of citizens of Peru, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNYDER: Resolution of the Utica, N. Y., home-defense committee, favoring the enactment of more stringent legislation against certain persons, organizations, etc., in this country; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of members of the Red River Valley (Minn.) Medical Society, favoring bill to increase the rank of medical officers in the United States Army; to the Committee on Military Affairs.

Also, petition of Federal Employees' Union of White Earth Indian Agency, Minn., favoring increase in pay of Federal employees; to the Committee on Appropriations.

By Mr. TEMPLE: Petition of members of the Woman's Christian Temperance Union of Lawrence County, Pa., favoring national prohibition amendment to the Constitution and protesting against use of grains in manufacture of all intoxicants as a war measure; to the Committee on the Judiciary.

Also, petition of the Women's Missionary Society of New Bedford United Presbyterian Church, New Bedford, Pa., favoring national prohibition amendment to the Constitution and prohibition of all grains for the manufacture of intoxicants; to the Committee on the Judiciary.

Also, resolution adopted at mass meeting of citizens of New Bedford, Pa., favoring prohibition amendment to the Constitution and protesting against manufacture and sale of wine and beer for the period of the war as a food conservation measure; to the Committee on the Judiciary.

Also, petition of members of Second United Presbyterian Church of New Castle, Pa., in favor of prohibition amendment to the Constitution and a law to prohibit the use of grains in the manufacturing of intoxicants during the period of the war; to the Committee on the Judiciary.

Also, resolution adopted on November 17, 1917, by Upper Buffalo Presbytery, representing a congregation of 182 people, favoring an antipolygamy amendment to the United States Constitution; to the Committee on the Judiciary.

By Mr. WINSLOW: Petition of inmates of Summer Street Jail, Worcester, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. WOODYARD: Petition of members of the Seventh Avenue Methodist Episcopal Church, Huntington, W. Va., urging the national prohibition amendment; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 15, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, incline our hearts to Thee, that amid the terrible ordeal through which we are passing, the clash of arms, the destruction of life and limb, the untold misery which follows in its wake, our faith in Thee may not be impaired nor our confidence in the overruling of Thy Providence may not be diminished.

It is written, "For my thoughts are not your thoughts, neither are your ways my ways, saith the Lord. For as the heavens are higher than the earth, so are my ways higher than your ways and my thoughts than your thoughts. For as the rain cometh down, and the snow, from heaven and returneth not hither, but watereth the earth and maketh it bring forth and bud, that it may give seed to the sower and bread to the eater, so shall my word be that goeth forth out of my mouth; it shall not return to me void, but it shall accomplish that which I please, and it shall prosper in the thing whereto I send it."

Thus we are assured that Thy will is supreme, though men may depart from the paths of righteousness. In the dispensation of Thy Providence Thy purposes and plans shall not be thwarted. Thus continue our faith and confidence in Thee.

In the beauty of the lilies Christ was born across the sea,
With a glory in His bosom that transfigures you and me;
As He died to make men holy, let us die to make men free
While God is marching on.

Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATIONS FROM COMMITTEES.

The SPEAKER. The Chair lays before the House the following resignations from committees, which the Clerk will report.

The Clerk read as follows:

DECEMBER 15, 1917.

Mr. SPEAKER: I hereby tender my resignation from the Committee on Rules, the same to take effect immediately.

WILL R. WOOD.

DECEMBER 15, 1917.

Mr. SPEAKER: I hereby tender my resignation from the Committee on Enrolled Bills, the same to take effect immediately.

WILL R. WOOD.

WASHINGTON, D. C., *December 14, 1917.*

Hon. CHAMP CLARK,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hand you herewith my resignation as a member of the Committee on Rivers and Harbors.

Yours, very truly,

ALLEN T. TREADWAY.

DECEMBER 15, 1917.

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR MR. SPEAKER: I respectfully tender my resignation as a member of the Committee on Appropriations.

W. C. HOWLEY.

DECEMBER 15, 1917.

Hon. CHAMP CLARK,
Washington, D. C.

DEAR SIR: I hereby tender my resignation as a member of the Committee on the Merchant Marine and Fisheries.

Yours, very truly,

RICHARD P. FREEMAN.

DECEMBER 15, 1917.

Hon. CHAMP CLARK,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on the Merchant Marine and Fisheries of the House of Representatives, and respectfully request that same be accepted, effective immediately.

Sincerely, yours,

W. A. RODENBERG.

DECEMBER 15, 1917.

Hon. CHAMP CLARK,
Speaker House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Alcoholic Liquor Traffic, to take effect immediately.

Yours, very truly,

FREDERICK K. LEHLBACH.

The SPEAKER. Without objection, these resignations will be accepted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1419. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1419. An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

HOUR OF MEETING—11 O'CLOCK ON MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday morning.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock next Monday morning. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, can the gentleman inform the House as to what the plan will be for a vote on the consideration of the prohibition amendment?

Mr. KITCHIN. After I get unanimous consent to meet at 11 o'clock on Monday, I am going to make another request for unanimous consent.

The SPEAKER. Is there objection?

There was no objection.

VOTE ON THE PROHIBITION AMENDMENT.

Mr. KITCHIN. Mr. Speaker, since a great many Members live so far away from Washington it will take two or three days, and maybe longer, to get home, and they wish to leave, some of them, on the 6 o'clock western train and some on the 8 and 9 o'clock trains, and there are some Members who live in the New England States who would like to come down and be present and leave on the 7 o'clock train in the evening, I believe——

The SPEAKER. On what day?

Mr. KITCHIN. On Monday. I ask unanimous consent that the vote on the prohibition constitutional amendment be taken at 5.30, or not later than 5.30, o'clock Monday.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the vote on the prohibition amendment be taken not later than 5.30 on Monday.

Mr. LITTLE. Mr. Speaker, reserving the right to object, does not the gentleman think it would be better to fix it definitely at 5.30? I noticed once before, when we were expected to vote at 5 o'clock——

Mr. KITCHIN. I meant we would begin to vote on all amendments on the bill at 5.30.

Mr. LITTLE. You said "or sooner."

Mr. KITCHIN. I said if we get through.

Mr. LITTLE. I noticed the other day that when we were expected to vote at 5 o'clock, and did vote at 4 o'clock, quite a number were not here. If we should fix it definitely at 5.30 we could all be here.

Mr. KITCHIN. Mr. Speaker, I amend my request by making it at 5 o'clock; that we begin to vote under general debate and five-minute debate at 5 o'clock.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that any sort of debate, general debate or five-minute debate, shall close at 5 o'clock next Monday, and that the voting on the submission of this amendment and all amendments thereto shall begin at 5 o'clock.

Mr. WEBB. That includes the debate on all amendments?

The SPEAKER. Of course; it cleans up the debate entirely. Is there objection?

There was no objection.

CLERKS TO CERTAIN COMMITTEES OF THE HOUSE.

Mr. PARK. Mr. Speaker, I submit a resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 192 (H. Rept. 223).

Resolved, That clerks to committees of the House during the session provided for by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1918, be, and they are hereby, assigned for the present session of Congress to the following committees, to wit: Committee on Education, Committee on Railways and Canals, Committee on Reform in the Civil Service, Committee on Invalid Pensions (assistant clerk), Committee on the Judiciary (additional assistant clerk), Committee on Enrolled Bills (assistant clerk), Committee on Disposition of Useless Executive Papers.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ASSISTANT CLERK, COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

Mr. PARK. Mr. Speaker, I submit another resolution.

The SPEAKER. The Clerk will report the next one.

The Clerk read as follows:

House resolution 190 (H. Rept. 220).

Resolved, That the Committee on the Merchant Marine and Fisheries be allowed an assistant clerk, at the rate of $6 per diem, during the second session of the Sixty-fifth Congress, to be paid out of the contingent fund of the House.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MADDEN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. I rise to oppose the resolution.

The SPEAKER. The gentleman from Georgia [Mr. PARK] has charge of the time.

Mr. PARK. The gentleman can have five minutes if he wants it.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. MADDEN. Mr. Speaker, I think that for the Committee on the Merchant Marine and Fisheries one clerk is all that should be allowed. There is no justification for appointing an additional clerk for that committee. The business of the committee is not very onerous; not very voluminous; and if one clerk can not do the work of that committee the clerk is not qualified.

Of course, this side of the House is not responsible for the extravagant expenditures that will be made as the result of the resolutions which have been reported. If the gentlemen on the other side of the House who are chairmen of these committees are willing to state on their honor that clerks are needed for committees that have no business, we really ought not to complain much.

Mr. PARK. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. PARK. I wish to state that the chairmen of these committees did state that these clerks were necessary.

Mr. MADDEN. I realize that. Under that statement I do not know what the chairman of the Committee on Accounts could do except report in favor of the clerks that have been asked for by the chairmen of these committees; but it does seem to me that when clerks are named for committees that never meet and committees that ought not to have clerks, it is a species of extravagance that ought not to be indulged in. There ought not to be any appointments made simply for the purpose of giving somebody a job, and that is all this amounts to. I protest against it. Of course, my protest will not amount to anything. I realize that the resolution will be passed.

Mr. ALEXANDER. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ALEXANDER. Does the gentleman know anything about the work of the Committee on the Merchant Marine and Fisheries?

Mr. MADDEN. I know enough about the work of the Committee on the Merchant Marine and Fisheries to know that it does not need an extra clerk.

Mr. ALEXANDER. I beg the gentleman's pardon. The gentleman does not know enough about it, or he would not express his opinion in that arbitrary way.

Mr. MADDEN. The gentleman has no right to scold me for expressing my opinion.

Mr. ALEXANDER. The gentleman ought not to express an opinion unless he has information on the subject.

Mr. MADDEN. I do not recognize the gentleman's right to read me a curtain lecture when I express my opinion about the injustice of these expenditures. I propose to express my opinion, and the more he reads me a curtain lecture the more strongly my opinion will be expressed.

The SPEAKER. The gentleman's time has expired.

Mr. MADDEN. I ask for five minutes more, if I may have it.

Mr. PARK. All right.

The SPEAKER. The gentleman from Georgia yields to the gentleman from Illinois five minutes more.

Mr. MADDEN. The Committee on the Merchant Marine and Fisheries never has had an extra clerk and never had anything for an extra clerk to do. The committees for which clerks were authorized a few moments ago never had need for any clerks. They never meet. They have no business. They are ornaments, created to give some Member of Congress the title of chairman. Not one of these committees has had a meeting for I do not know how long, and when they do meet they do not meet to transact business. They have no business. Otherwise they probably are all right. [Laughter.] Why should we indulge in the expenditure of the public money just to accommodate the chairman of some committee that has no business, so that he may be able to appoint one of his constituents to a job, not to a place where employment is to be found, but to a job where he has an opportunity to sign the pay roll once a month? I do not think it ought to be done. I submit that the House ought not to do it.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. KELLEY of Michigan. What do these clerks get per day?

Mr. MADDEN. Six dollars per day, 30 days a month, if it happens to be a month of 30 days, and 31 days a month, if it is a month of 31 days; and if by any chance the committee has a meeting and there is any business done, then they come in with a bill for extra pay for the clerk because he has done something. [Laughter.] That is true. Nobody will deny it. Every gentleman who has served here in the House long enough to know what the practice is will have to admit it. I remember one chairman of a committee in the last Congress came in here with a bill for $500, I think it was, for extra compensation for a clerk to one of these committees. I think he had worked about 15 minutes at something during his occupancy of the office of clerk, and because he had exercised himself in the interest of the public for a short time extra compensation was requested for his services. Of course he was not expected to perform any service for the regular compensation. That was a gratuity; but

if by any chance on earth he was ever called upon to do any work, why then the compensation which was given to him as a gratuity by action of the House was considered inadequate. I hear somebody say that it was given to him in the nature of a retainer, in order to keep him at the service of the committee, so that he would be on call. I have known clerks appointed to these committees who never came to their committee rooms in all the time that they occupied the position. Many of them never came to the city of Washington. I have known a case where the chairman of a committee drew the compensation of the clerk. Whether he divided it with the clerk or not I do not know, but I have some doubt about it; and I want, with all the vigor that I possess, to go on record as protesting earnestly, sincerely, and unequivocally against the rottenness of this practice of appointing clerks to positions where there are no duties to perform. [Applause.]

Mr. ALEXANDER. Will the gentleman from Georgia yield to me five minutes?

Mr. PARK. I yield to the gentleman from Missouri [Mr. ALEXANDER] five minutes.

Mr. ALEXANDER. Mr. Speaker, if the gentleman from Illinois intends his remarks to apply to the Committee on the Merchant Marine and Fisheries, they are based on a total lack of information. There are few committees of this House more active than the Committee on the Merchant Marine and Fisheries. There are few committees in this House that consider more bills. There are few committees in the House that have more hearings or meet oftener each week. Our regular meeting day is on Thursday. We often have meetings on other days. We report out, and the Congress passes, more bills of a general character than most of the committees of this House. Every member of that committee will bear testimony to that fact. Myself and Mr. GREENE of Massachusetts, who was chairman of the committee when I first became a member of it and who is now the ranking minority member of the committee, appeared before the Committee on Accounts and gave all the information upon which this resolution is based.

If there is any suggestion that this additional clerk is simply to make a place for some constituent of mine, it is absolutely untrue. We have needed an additional clerk for some years past. I had a clerk to that committee who worked more hours than any other clerk in Congress, I believe. He has gone from me now, and if the House intends that the work shall be efficiently done, if it is intended to provide the committee with an efficient organization, we are entitled to a session clerk. The gentleman from Illinois [Mr. MADDEN] is a member of the Committee on the Post Office and Post Roads, and I will venture to say that my committee does twice as much work as that committee, and I do not disparage the Committee on the Post Office and Post Roads. It is not a question of mere clerical work alone, but an organization should be efficient, so that the clerkship may be of service to the members of the committee in many other ways.

There may be committees in the House that do not need additional clerks, but that criticism does not apply to this committee, as I think the testimony before the Committee on Accounts will show. This committee is one of the most efficient committees of the House. We have reported out much legislation of a comprehensive nature. The gentleman from Massachusetts [Mr. GREENE] is the ranking minority member, and he appeared before the Committee on Accounts with me, and we made a sufficient showing to warrant that committee in reporting this resolution.

Mr. PARK. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. Mr. Speaker, it is probably unnecessary, as far as the passage of this resolution is concerned, for me to repeat what I had to say yesterday. The committee that had charge of this resolution gave to this matter about 40 minutes of consideration, and in that consideration we weighed the facts as this House can not pretend to weigh the facts. We heard the gentleman from Missouri, the chairman of the committee, the gentleman from Massachusetts, the ranking member of the committee, and we felt that we were obliged to take the statement of facts they made on this subject.

So far as I am concerned, I think this House should follow the unanimous recommendation of the Committee on Accounts without too much consideration, for the reason that the House is incapable within the time it is willing to take of giving to each of these separate questions, involving the expenditure of public money, the consideration that it should have. My attitude on the committee is that when we report a matter of this kind to the House the House, if it would act wisely, should follow our recommendation. The House yesterday saw fit not to follow the recommendation of the committee, but provided a clerkship for a committee where there were no facts to justify the expenditure of any money, taking the position that because some committees are given clerks others should have them also, regardless of the facts. In that matter yesterday and in this matter to-day I feel that the House should follow the action of the committee that has considered the matter, because it can not know and weigh the facts itself. I think this resolution should pass.

Mr. PARK. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Speaker, I am the senior member in service on the Committee on the Merchant Marine and Fisheries, having been a member ever since I entered the House 19 years ago. I want to say that during the last two years that committee has done more work than it did in the five previous years. The members of the committee are faithful in attendance, and it takes about all of our time. I serve upon no other committee in the House. I retired from another committee of which I was a member because this committee took all of my time, and I could not give attention to both committees. I appeared before the committee and approved of this application made by the chairman of the committee, and I think the request should be granted for an additional clerk. It is almost impossible to find a man of the ability of the former clerk of the committee, who had a better assignment elsewhere and gave up the position of clerk of this committee. I doubt whether we shall be able to complete the business with one clerk, he practically being a new man to the business which engages the attention of the committee. We have had a number of changes in the membership of the committee, and the clerk has a great deal of work to do and the committee itself has a great deal of work to do. It seems to me that no one having acquaintance with the facts can have any objection to granting the request. I hope that the Members of this body will consent unanimously to granting the request embodied in the pending resolution.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

ASSISTANT CLERK TO THE COMMITTEE ON RULES.

Mr. PARK. Mr. Speaker, I call up House resolution 180 for immediate consideration.

The Clerk read as follows:

House resolution 180 (H. Rept. 224).

Resolved, That the Committee on Rules be allowed an assistant clerk, at the rate of $100 per month, during the second session of the Sixty-fifth Congress, beginning the 3d day of December, 1917, to be paid out of the contingent fund of the House.

Mr. LENROOT. Will the gentleman yield to me?

Mr. PARK. I will yield to the gentleman from Wisconsin five minutes.

Mr. LENROOT. This is a proposition for an assistant clerk to the Committee on Rules. I am frank to say that in my opinion it may become necessary, but it is extremely improbable that it will become necessary unless the Committee on Rules should be called upon to enter into some investigation such as we had last year. The membership must recognize that in the nearly equal political division of the House there can not be many contests as far as the rules are concerned, but in all probability during this entire session there will be very few rules from the Committee on Rules, and such as there are will probably be unanimously, or nearly so, reported from that committee. Now, when we are asking the poorest people in the land to buy liberty bonds, to put up $50, to take it from their hard-earned earnings, it seems to me that the House ought to set some example with reference to economy.

This resolution can well be deferred until it is determined whether or not the Committee on Rules will have any work that makes it necessary to have an assistant clerk. No one will say that with the present duties imposed on the Committee on Rules, or that with anything that is pending before the committee, there is the slightest necessity for an assistant clerk, and if an assistant clerk is appointed he will have a sinecure, and absolutely nothing to do.

Mr. PARK. Mr. Speaker, I yield to the chairman of the Committee on Rules, if he happens to be present. He does not seem to be here; but I wish to state that the chairman of the Committee on Rules appeared before our committee and made such statements as caused us to believe the assistant clerk was necessary. We therefore recommended it without a dissenting vote.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. PARK. Yes.

Mr. LENROOT. I do not think it is any reflection upon the chairman of a committee that he asks for an assistant clerk when he sees other committees getting assistant clerks irrespective of the need of such clerks, as was stated by the gen-

mittee is not very onerous; not very voluminous; and if one service for the regular compensation. That was a gratuity; but

tleman from Missouri [Mr. HAMLIN] yesterday with reference to his committee. He said he would be glad to get along without a clerk if other committees situated as was his would do the same; but it must be recognized that there is a piece of patronage for the chairman of the committee, and he has that in mind, and if other committees are to have these sinecures, very naturally he wants it for himself also. But I do think the Committee on Accounts should go into the question of what work a committee is called on to perform, and not merely take the bald statement of the chairman that he wants a clerk or an assistant.

Mr. SANFORD. Mr. Speaker, will the gentleman yield to me for five minutes?

Mr. PARK. I yield to the gentleman for five minutes.

Mr. SANFORD. Mr. Speaker, I am sorry for the apparent necessity that compels me again to speak about a matter of this kind. The gentleman from Wisconsin [Mr. LENROOT] is absolutely in error, I think, with reference to the method that is being followed now by this Committee on Accounts. Our committee does not take the word of the chairman as to his need for anything whatever, but we do take the facts that he states, governing the situation. The chairman of the Committee on Rules with great detail was heard, I dare say, for half an hour, and he described the particular work that the clerk has to do and stated it as his opinion that the clerk now assigned to the committee absolutely could not do the work effectively now or at any other time without the assistance of this assistant clerk in the work he has to do. We were not influenced by any desire of the chairman of the committee, but by the statement of the facts that he made. It happens at this time that the responsibility in the Committee on Rules is on that chairman and not on the gentleman from Wisconsin [Mr. LENROOT], where I perhaps would much prefer to have it be, but the responsibility is upon the present chairman, and he stated the facts concerning the work under his control.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. LENROOT. I think the House is entitled to have those facts so that the House can form some judgment as to whether the facts justify this.

Mr. SANFORD. The facts were all brought out in the testimony and the testimony is in the committee room. We have not gone to the expense of having the hearings printed, but if the House wants the facts from the proper source, the House would have to hear them from the chairman of the committee.

Mr. LENROOT. The gentleman knows them. Can not the gentleman state to the House the facts that influenced his judgment?

Mr. SANFORD. I can state them to the House if I desired to do so, but I prefer to take the position that this House should follow the judgment of this committee. I take this position because I know from experience that I have had already with the House, that the House will not listen to the facts in reference to each one of these clerkships, and I will not make a particular exception with reference to this case, because it would be perfectly futile to examine this one case. I tried to get the House yesterday to examine one case, only to find in the end that the House said in effect that our system is such that if one man gets a clerk all the rest must have one. I will not take that position. I take the position that with reference to each case it is a question of proof.

Yesterday I found the House was disposed to say, "You have given it to so many committees, give it to another." I will not take that position with reference to the expenditure of public money, nor will I attempt to come here and state all the reasons with reference to all of the 20 or 30 clerkships in question when I know that the House will not listen to or consider the particular reasons if they are brought forth.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. LENROOT. The gentleman is unwilling to state the facts to the House. May I ask him this? Was the gentleman impressed that the business now pending before the Committee on Rules was of such character that an assistant clerk was necessary?

Mr. SANFORD. I was impressed from the testimony of the chairman of the Committee on Rules with the facts that he stated to be true, and I said that if those facts did exist it was proper, so long as the system of doing legislative business that now prevails in the House continues to prevail to allow this clerk.

Mr. LENROOT. I am sorry the gentleman could not answer the question.

Mr. SANFORD. It is my opinion from what I have learned already that the clerical work of the House could be done with about 10 per cent of the disbursement that is now made for that work, but it would be inconsistent with the system that now prevails to deny to this important committee the help the chairman says is absolutely necessary.

Mr. WHEELER. Mr. Speaker, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. WHEELER. The gentleman refers to the present system. What is the present system; providing places and clerkships whether they are absolutely needed or not?

Mr. SANFORD. The present system provides, as I recall it, for an expenditure of a half million dollars for clerical help in the House, and it is my idea that a large proportion of it is unnecessary.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. SANFORD. Yes.

Mr. MONDELL. Did it develop in the hearings before the committee that there was an unusual amount of business before the Committee on Rules at this time? That is, that the committee had before it, and was likely to have before it in the immediate future, more business than it has had before it in the past?

Mr. SANFORD. I think there was no unusual condition claimed to exist, but, as I recall this particular committee, the testimony was that the character of work is such that there is need for collaboration between two men.

Mr. MONDELL. But that has been the situation always in the work of that committee, has it not?

Mr. SANFORD. I understand so.

Mr. MONDELL. So that it is the gentleman's opinion, as I understand it, that there is no more necessity for an additional clerk now than there has been at any time in the past?

Mr. SANFORD. I do not know anything about the past. I take the statement of facts that the chairman gives me without respect to the past.

Mr. MONDELL. As I understood him, the gentleman has no information that there is an unusual amount of business before the committee?

Mr. SANFORD. I think there is not.

Mr. MONDELL. Conditions are as they have been in the past?

Mr. SANFORD. As far as I know.

Mr. MONDELL. The committee has gotten along without this clerk in the past?

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

The question was taken; and the Speaker announced that the noes seem to have it.

On a division (demanded by Mr. PARK) there were—ayes 31, noes 84.

So the resolution was rejected.

WIDOW OF R. L. CURRIER.

Mr. PARK. Mr. Speaker, I offer another resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 178 (H. Rept. 221).

Resolved, That the Clerk of the House of Representatives is hereby authorized to pay to the widow of R. L. Currier, late a messenger on the soldiers' roll of the House of Representatives, a sum equal to six months' salary and funeral expenses not exceeding $250, the same to be immediately available.

The committee amendment was read, as follows:

In line 5, after the word "be," insert the words "paid out of the contingent fund of the House."

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. PARK, a motion to reconsider the votes by which the several resolutions were passed was laid on the table.

ATTORNEY'S FEE, CLERK OF THE HOUSE.

Mr. PARK. Mr. Speaker, I offer another resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 189 (H. Rept. 222).

Resolved, That the Clerk of the House be, and he is hereby, authorized to employ counsel at a reasonable fee not to exceed $500 to represent him in the matter of suit brought against him in his official capacity as Clerk of the House by Aaron P. Prioleau, the same to be paid out of the contingent fund of the House.

Mr. NORTON. May I ask the gentleman what is the occasion for the employment of counsel?

Mr. PARK. I understand from the Clerk, Mr. Trimble, that Prioleau claims that the papers sent were not filed by the Clerk, and he is bringing suit for $20,000 against him. This resolution provides that so much of the $500 as may be needed may be used to meet that suit. It may be knocked out on demurrer, with a cost of $50 or $100.

Mr. NORTON. What claims were not filed?

Mr. PARK. His contest papers.

Mr. GILLETT. Does the gentleman say the papers were not filed?

Mr. PARK. No; I do not say anything. He said that they may have been filed.

Mr. GILLETT. Is the gentleman cognizant of the fact as to whether or not they were filed?

Mr. PARK. No, sir; the Clerk, Mr. Trimble, said they were not filed with him, and he gave him notice in plenty of time to file. I do not know anything except what the Clerk says about it.

Mr. GILLETT. I understood from the gentleman's statement that he admitted that the Clerk of the House was negligent.

Mr. PARK. No, sir.

Mr. GILLETT. And if that was so I think we might consider whether we should allow this or not.

Mr. PARK. The gentleman misunderstood me.

Mr. GILLETT. I understand the gentleman did not admit that?

Mr. PARK. No.

Mr. GILLETT. Then I misunderstood the gentleman. Has the committee made an investigation to determine?

Mr. PARK. Nothing, except Mr. Trimble appeared before the committee and made a statement about it.

Mr. GILLETT. He just asked for $500, on the ground that it was for an attorney's fee?

Mr. PARK. No; he asked so much of $500 that might be necessary to defend him be allowed, because it was against him as Clerk of the House. It may be disposed of by general demurrer.

Mr. NORTON. Does the gentleman think this suit ought to be defended by the Government?

Mr. PARK. I think the Clerk is entitled to this fee, as the suit is brought against him officially.

Mr. GILLETT. Suppose the Clerk is in fault? Did he give the committee any explanation as to that?

Mr. GRAHAM of Illinois, Mr. LANGLEY, and Mr. STAFFORD rose.

The SPEAKER. To whom does the gentleman yield?

Mr. PARK. To the gentleman from Illinois.

Mr. GRAHAM of Illinois. Has the suit been brought?

Mr. PARK. Yes.

Mr. GRAHAM of Illinois. Does the gentleman know in what court?

Mr. PARK. I only have the Clerk's word.

Mr. LANGLEY. Well, my understanding is that the Clerk contends there was not an error on his part. I understand that to be his contention, and I do not think myself that he was at fault. He is too conscientious, painstaking, and efficient to have done what the plaintiff alleges.

Mr. PARK. The Clerk contends there was no error on his part.

Mr. STAFFORD. Will the gentleman yield?

Mr. PARK. Yes.

Mr. STAFFORD. As I understand it summons has been served upon the Clerk of the House in his official capacity by a former contestant in an election case, claiming large damages against the Clerk of the House. It has been customary in this House whenever such conditions have obtained heretofore to allow officials of the House to employ counsel and pay the counsel fees. As I understand it, this is merely an authorization to the Clerk of the House to employ counsel and pay a fee to the extent of $500 to defend the Clerk in the suit brought against him in his official capacity.

Mr. GILLETT. Will the gentleman yield?

Mr. PARK. Yes.

Mr. GILLETT. As I understand it, the gentleman said he knows nothing about the merits of the case as to whether the Clerk was negligent or not. Now, it seems to me——

Mr. PARK. I stated to the gentleman awhile ago I only had the Clerk's statement before the committee about it. The Clerk stated, as I remember, that no contest papers were filed with him. If they were, he does not know anything about it.

Mr. STAFFORD. Will the gentleman allow me to ask a question of the gentleman from Massachusetts?

Mr. PARK. I yield to the gentleman from New York [Mr. SANFORD].

Mr. SANFORD. I want to ask the gentleman from Massachusetts if he thinks the Committee on Accounts should try the case first before we decide whether or not we will allow the Clerk to have counsel?

Mr. GILLETT. I certainly do not.

Mr. SANFORD. How else can we find out the truth and facts of the case?

Mr. GILLETT. I do not see why, unless all precedent is that way, the House should in advance of the case furnish the money. It seems to me the Clerk should defend himself and pay his own bills, and when it is over, if he should prove he was not negligent, we should reimburse him. Now, you are assuming that the Clerk was not negligent. I hope he was not. If he was, I do not see why the House should pay his resulting expenses.

Mr. STAFFORD. Will the gentleman from Georgia [Mr. PARK] yield so that I may ask a question of the gentleman from Massachusetts?

Mr. PARK. Yes.

Mr. STAFFORD. Does not the gentleman recall that some 10 years ago, when the Committee on Printing was sued by an outside party an authorization was asked of the House to employ counsel and defend it? The House did not determine the merits of the controversy. We naturally voted authority to employ counsel. Here is an official of the House with summons brought against him in a matter arising out of the performance of his official duties. Naturally he should have some counsel, and the sum of $500 is not large, to protect him in a suit arising out of the performance of the duties as an officer of this House.

Mr. GILLETT. As I remember that case it was against a committee of the House, and it seems to me that would make a distinction. But, at the same time, what occurs to me is that if you make his appropriation now and it proves that it was the Clerk's own fault and his carelessness, we are protecting him in that. It seems to me the proper way would be to wait.

Mr. STAFFORD. We are only protecting him to the extent of the counsel fees, and not the damages that may be awarded against him.

Mr. GILLETT. If he is subject to damages, why should he not pay his own counsel fees? It seems to me the proper way would be to wait. The Clerk would be under no financial embarrassment in advancing this money. Let him pay the expense and let us reimburse him if it is proper that he should be reimbursed. It seems to me that would be the natural way. If all precedent is on the other side, perhaps we should not do it.

Mr. NORTON. Will the gentleman from Georgia yield?

Mr. PARK. I yield to the gentleman five minutes.

Mr. NORTON. Mr. Speaker, it seems to me if the Clerk is sued in his official capacity and as an official is not at fault—that is, if in any action for which he has been sued he has used reasonable care and diligence in the performance of his duty—it is only just and right that the House should pay his reasonable attorney's fees.

ADJOURNMENT FOR THE HOLIDAYS.

Mr. KITCHIN. If the gentleman from Georgia will yield, I wish to say that I have an engagement at 1 o'clock, and I would like to offer a resolution.

Mr. NORTON. I yield to the gentleman.

Mr. KITCHIN. Mr. Speaker, I move the adoption of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from North Carolina offers a resolution, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 29.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 18th of December, 1917, they stand adjourned until 12 o'clock meridian of Thursday, the 3d day of January, 1918.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COUNSEL FEES FOR CLERK OF THE HOUSE.

Mr. NORTON. Mr. Speaker, this resolution proposes to authorize the Clerk of the House to employ counsel at an expense not to exceed $500. The chairman of the committee tells the House that the committee has made no investigation to determine whether the Clerk has been grossly at fault in this matter or not. It seems to me that to pass this resolution without more facts before the House would establish a very dangerous precedent. I understand that the case of Aaron P. Prioleau is one of these cases from the South where a negro candidate for Congress has brought a contest for a seat in this House after every biennial election for many years. As a result of these contests he has received several thousands of dollars for attorney fees and expenses. With this colored man these election contests seem to have been a sort of a biennial Christmas present.

Mr. GARRETT of Tennessee. What district is that from?

Mr. NORTON. I am not advised of the district this man Prioleau is from, but one of the Members of the House acquainted with the facts in the case, as I have stated them——

Mr. GARRETT of Tennessee. Is it from South Carolina?

Mr. NORTON. He is from South Carolina, I believe. Any attempt that may have been made by the Clerk to shut off the payment to this man of the attorney's fees that he has received year after year is commendable. However, it seems to me that the payment of attorney's fees in cases like this without any

more information than is now before the House establishes a bad precedent on the part of the House. I do not know whether, as a matter of fact, in this case, attorney's fees should be authorized for the Clerk, but the Committee on Accounts, it seems to me, should be able to come into this House and say to the Members that they know from investigation that the facts are such that it is only fair and reasonable on the part of the House to grant these attorney fees.

Mr. DYER. Will the gentleman yield for a question?

Mr. NORTON. Certainly.

Mr. DYER. Is it not presumed that the Clerk has properly attended to his duties in connection with this matter, and it is not necessary for the Committee on Accounts to bring in an inquiry as to that?

Mr. NORTON. I take it the gentleman is an attorney learned and experienced in the practice of the law. Does the gentleman think it is a good precedent for this House to establish to employ an attorney for any official of the House who may simply ask the House to authorize the employment of an attorney, at an expense not to exceed $500, in a suit for damages brought against the official in his official capacity?

Mr. DYER. I do. I take it that the law presumes that the public official has discharged his duties correctly and faithfully, and that when he needs counsel it is the duty of the Government to employ that counsel and pay for it.

Mr. NORTON. Then the gentleman would say that the Doorkeeper here, or any official or servant of this House against whom an action is brought, would only need to come to this House and say, "Permit me to employ an attorney at an expense not to exceed $500," and the request would be granted. I want to say, as a Member of this House, that such would be a bad precedent and one that should not be established.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. GARRETT of Tennessee. I do not think the gentleman would be willing to stand entirely by that statement as he has just made it.

Mr. NORTON. I stand strictly by that statement, that I would not set the precedent for every employee of the House to come before the House and say that he had an action brought against him and should have counsel at the Government expense on the presumption that he has performed his duties properly.

Mr. GARRETT of Tennessee. The gentleman would not accord to the Doorkeeper the right to make an obligation to agree to certain expenditures. That kind of case bears no relation to such a matter as this. Now, I will say frankly that I do not know about this case, but——

Mr. NORTON. It seems to me the better precedent would be this: To have the Clerk employ counsel and defend his case, and then, if it was found that he was not negligent, the Congress should reimburse him for reasonable expenses incurred.

Mr. GARRETT of Tennessee. Oh, Mr. Speaker, if the gentleman will permit, I do not think that principle is right at all. I do not think the Clerk of the House ought to be required to advance money out of his own pocket to defend an official act of his, if correctly taken. I think that he ought to have a fund for use in his official capacity without having to pay it out of his own pocket.

With the details of the case now before the House I am not at all familiar. I asked the gentleman a few minutes ago for information. I do not think that an official of this House ought to be required to advance the money out of his own pocket to defend his own official acts. If there is anything involved in it that is personal, that is an entirely different proposition; but he ought not to be required to make whatever sacrifice may be involved in advancing the funds out of his own pocket and out of his own personal account to pay for the defense of that action which he has taken as the official representative of this House.

Mr. NORTON. Let me proceed. I contend this——

The SPEAKER. The time of the gentleman from North Dakota has expired.

Mr. NORTON. Mr. Speaker, may I have about two minutes more time.

Mr. PARK. Mr. Speaker, I yield to the gentleman two minutes more.

The SPEAKER. The gentleman from North Dakota is recognized for two minutes more.

Mr. NORTON. I contend this, that before the House should authorize an appropriation for attorneys' fees for the Clerk or any other official of the Government, sued in his official capacity, a showing should be made to the Committee on Accounts, such that the committee could come to the House and say that the committee believes from that showing——

Mr. PARK. Mr. Speaker, will the gentleman yield?

Mr. NORTON. In just a moment. Let me complete my statement—that the committee believed from that showing that the House was justified in granting that request made by the official for an appropriation for attorneys' fees.

Mr. PARK. Now will the gentleman yield?

Mr. NORTON. Certainly.

Mr. PARK. I have made the statement twice. I can not speak loudly, because I am suffering from a cold this morning; but Mr. Trimble came before the committee, and Mr. Trimble stated that no contest papers had been filed with him, so far as he knew; that he had made investigation among the officials in his office and that they did not know anything about it. He is presumed by the law to do his duty. He is presumed in this case to have done his duty. What investigation can the Committee on Accounts make beyond that? Can it go into his office and into the files? Let the gentleman make some suggestion as to what they ought to do besides what is being done.

Mr. NORTON. He made the statement that no papers had been filed in his office, so far as he knew.

Mr. PARK. Yes; that no papers had been filed in his office, so far as he knew, and the clerks say the same thing to him.

Mr. GILLETT. Mr. Speaker, will the gentleman from Georgia allow me a question?

Mr. PARK. Yes.

Mr. GILLETT. Does the gentleman think if it had been proved that the Clerk had been negligent and had not performed his duty we should still pay?

Mr. PARK. That is for the court to decide.

Mr. GILLETT. If we paid it now, it would not be decided by the court. That is the point.

The SPEAKER. The time of the gentleman from North Dakota has again expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman from Georgia yield to me?

Mr. PARK. Yes; I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Mr. Speaker, I understand the facts in this case to be these: A contest was filed, or alleged to be filed, against the sitting Member holding the certificate. The Clerk had rumor of it. He wrote the contestant that his papers were not on file. The contestant then sent his papers to the Speaker of the House. The Speaker of the House referred them to the proper committee. It was done in time. The committee decided against the contestant. The House agreed with the committee. The contestant then asked for his usual $2,000 fee, that he had been receiving biannually for many, many years. The Committee on Accounts allowed him $1,000, and brought their report upon the floor, and in a hotly contested hour here the House refused to give him even the $1,000.

These are the facts in the matter; and now, three years after, suit is brought in damages in the home State of the contestant against the Clerk of the House. The Clerk of the House will have to employ counsel to file his answer and make his defense. Under these circumstances I think there is no question but that the House should stand by its Clerk and furnish the counsel. [Applause.]

Mr. COOPER of Wisconsin. Mr. Speaker, if the gentleman from Kansas will permit, what is the charge which the contestant makes in his complaint against the Clerk? What is the charge that he made? What is the ground of his action?

Mr. CAMPBELL of Kansas. He sets out as the measure of his damages the salary for two years $15,000.

Mr. COOPER of Wisconsin. What does he allege against the Clerk?

Mr. CAMPBELL of Kansas. That the Clerk failed to file his papers. But his papers were not offered to the Clerk, but to the Speaker, and the Committee on Elections and this House decided against him.

Mr. ELSTON. I should like to ask the gentleman a question if he will yield.

The SPEAKER. Does the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. ELSTON. Do the duties of the Attorney General cover a case of this kind, of the defense of an officer of the House?

Mr. CAMPBELL of Kansas. Not at all.

Mr. ELSTON. There is no question as to that?

Mr. CAMPBELL of Kansas. No.

Mr. JUUL. I want to ask the gentleman if he does not think that if we fail to stand by the Clerk of the House at this time, a new industry will spring up in this country, that of suing the Clerk for damages? [Laughter.]

Mr. CAMPBELL of Kansas. Well, that may be.

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. GILLETT. Will the gentleman from Georgia yield to me two minutes?

Mr. PARK. I yield to the gentleman from Massachusetts two minutes.

Mr. GILLETT. After the statement made by the gentleman from Kansas, I certainly shall have no objection to this appropriation being made; but I wish to say that it does seem to me that as a rule when an officer of the House is sued there is no reason why the House should anticipate that he is innocent and advance money to him. It seems to me the proper method should be always to wait until the result of the suit. If an officer of the House was not negligent, of course we ought to reimburse him for anything he had to pay, as well as his counsel fees; but, on the other hand, if he was negligent, it seems to me he personally ought to be held responsible for the pecuniary results of his own negligence. In this case I am quite satisfied that this resolution should be passed.

Mr. STAFFORD. Does the gentleman differentiate between a suit against a committee of the House, such as the committee that went over to New York to investigate the actions of the then Representative Buchanan and of United States District Attorney Marshall, and a suit against an officer of the House?

Mr. GILLETT. I should want to think about that.

Mr. STAFFORD. In that case, though some of us believed the members of the committee to be at fault, and later the Supreme Court overruled the position taken by the committee of the House, nevertheless we voted them money for counsel.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the last vote was laid on the table.

COMMITTEE ASSIGNMENTS.

Mr. GILLETT. Mr. Speaker, I have here a list of Republican assignments to fill vacancies on committees, and I move that the following gentlemen be, and hereby are, elected to the committees named.

The SPEAKER. The gentleman moves the election of the Members whose names will be reported by the Clerk for assignments to committee vacancies.

The Clerk read as follows:

ALCOHOLIC LIQUOR TRAFFIC.

Thomas A. Chandler, of Oklahoma.
Joseph McLaughlin, of Pennsylvania.

APPROPRIATIONS.

William R. Wood, of Indiana.

CLAIMS.

Schuyler Merritt, of Connecticut.

ENROLLED BILLS.

James W. Husted, of New York.
Willfred W. Lufkin, of Massachusetts.

EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

John M. Baer, of North Dakota.

EXPENDITURES IN THE WAR DEPARTMENT.

Willfred W. Lufkin, of Massachusetts.

INDUSTRIAL ARTS AND EXPOSITIONS.

Charles C. Kearns, of Ohio.
Louis W. Fairfield, of Indiana.

IRRIGATION OF ARID LANDS.

Charles B. Timberlake, of Colorado.

THE MERCHANT MARINE AND FISHERIES.

Frederick R. Lehlbach, of New Jersey.
Sherman E. Burroughs, of New Hampshire.

PUBLIC BUILDINGS AND GROUNDS.

Richard N. Elliott, of Indiana.

RAILWAYS AND CANALS.

Louis B. Goodall, of Maine.

REFORM IN THE CIVIL SERVICE.

Willfred W. Lufkin, of Massachusetts.

RIVERS AND HARBORS.

Richard P. Freeman, of Connecticut.

REVISION OF THE LAWS.

John F. Miller, of Washington.

RULES.

William A. Rodenberg, of Illinois.

THE TERRITORIES.

Schuyler Merritt, of Connecticut.
John M. Baer, of North Dakota.

WAR CLAIMS.

Burton L. French, of Idaho.

WAYS AND MEANS.

Willis C. Hawley, of Oregon.
Allen T. Treadway, of Massachusetts.

The SPEAKER. Are there any other nominations? If not, the Chair will put the question.

The motion was agreed to.

DECEMBER SALARIES.

Mr. FITZGERALD. I ask unanimous consent for the present consideration of the following joint resolution.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read H. J. Res. 193, authorizing the payment of salaries of officers and employees of Congress for December, 1917, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1917, on the day of adjournment of the present session for the holiday recess; and the Clerk of the House is authorized to pay on the same day to Members, Delegates, and Resident Commissioners their allowance for clerk hire for the said month of December.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

WOMAN SUFFRAGE.

Mr. RAKER. Mr. Speaker, by unanimous vote of the Committee on Woman Suffrage, I make the following motion:

I move that the following House joint resolutions proposing amendments to the Constitution of the United States extending the right of suffrage to women be rereferred from the Committee on the Judiciary to the Committee on Woman Suffrage, with jurisdiction, namely House joint resolution No. 1, introduced by myself; House joint resolution No. 3, by Miss RANKIN; House joint resolution No. 4, by Mr. MONDELL; House joint resolution No. 11, by Mr. KEATING; House joint resolution No. 19, by Mr. HAYDEN; House joint resolution No. 34, by Mr. TAYLOR of Colorado.

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that that motion is not now in order.

The SPEAKER. The Chair will hear the gentleman.

Mr. GARRETT of Tennessee. Section 3 of Rule XXII, found on page 378 of the Manual that I hold in my hand, provides that—

All other bills, memorials, and resolutions may, in like manner, be delivered, indorsed with the names of Members introducing them, to the Speaker, to be by him referred, and the titles and references thereof and of all bills, resolutions, and documents referred under the rules shall be entered on the Journal and printed in the RECORD of the next day, and correction in case of error of reference may be made by the House, without debate, in accordance with Rule XI, on any day immediately after the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction, or on the report of the committee to which the bill has been erroneously referred.

Of course, the Journal was read quite a while ago and much business has intervened. I wish the gentleman from California would let this motion go over until next week.

Mr. RAKER. I will state to the gentleman that I was prepared to present this following the reading of the Journal, and have presented it at the earliest opportunity, and believe that I am strictly within the rule.

Mr. GARRETT of Tennessee. The Journal was read quite a while ago, and we have appropriated several thousand dollars since.

Mr. LITTLE. I understood the rule which the gentleman read to say that at the conclusion of the Journal it "may be" presented.

Mr. GARRETT of Tennessee. It says may be made by the House, without debate, on any day immediately after the reading of the Journal, by unanimous consent.

Mr. LITTLE. Does the gentleman from Tennessee construe that language to mean that it must be read at that moment and that it shall not be brought up at any other time?

Mr. GARRETT of Tennessee. It may be done if brought up at once.

Mr. LITTLE. It says that it "may be" brought up at that time.

Mr. GARRETT of Tennessee. No; it says that it may be done if brought up at that time.

Mr. LITTLE. That does not mean that it may not be brought up a little later.

Mr. RAKER. Mr. Speaker, I will say that I was here and had seen the Speaker, so as to be definite as to the rule, but I am going to leave it to the Speaker's judgment as to whether I am in time.

Mr. HELVERING. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HELVERING. I understand that an agreement was made as to the recognition immediately after the conclusion of the reading of the Journal. The gentleman from California [Mr. RAKER] has conformed to that agreement for recognition. The fact that the Speaker could not recognize two men at a time,

other gentlemen being recognized, prevented the gentleman from California from presenting it at that time. Am I correct in that statement?

The SPEAKER. That is a correct statement.

Mr. HELVERING. Then the objection of the gentleman from Tennessee will not lie.

The SPEAKER. Here is the situation: The gentleman from Georgia [Mr. PARK] had certain privileged matters that he had been trying to get up for five or six days. The Chair had put him off because there were other matters that he considered of more importance and entitled to the right of way.

Mr. ROSE. Mr. Speaker, I would like to ask the gentleman from Tennessee a question. With the creation of this new committee a few days ago, does it not create a new jurisdiction, and is it not correct that an exception can be taken at any time to jurisdiction? Would not the Committee on the Judiciary, since the formation of the Committee on Woman Suffrage, lose its jurisdiction of this question, and would not the Committee on Woman Suffrage take jurisdiction of these resolutions automatically?

Mr. GARRETT of Tennessee. I want to ask the gentleman, with entire candor, this question: The adoption of the resolution reported from the Committee on Rules on September 24 provided for the creation of a Committee on Woman Suffrage, and if the reference to it of certain matters did fundamentally change the rules of the House and fundamentally change the jurisdiction upon one of the constitutional questions, it was not created until day before yesterday, and in the meantime, if I am correctly informed, the Committee on the Judiciary has reported to the House the subject matter which is now in controversy. It seems to me that the House is entitled to vote on the report from the Committee on the Judiciary, which undoubtedly had jurisdiction within the time that it did report.

Mr. MEEKER. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MEEKER. If that be correct, then the prohibition amendment rightfully belongs to the Committee on Alcoholic Liquor Traffic. Is that correct?

Mr. GARRETT of Tennessee. I do not think so, under the practice of the House.

The SPEAKER. The Chair will state the situation. Since the gentleman from California had the conversation with the Speaker an unexpected thing has happened; that is, the Judiciary Committee has reported this bill out, and the report is now in the basket.

Mr. GARRETT of Tennessee. And on the calendar?

The SPEAKER. The Clerk says that it is on the calendar.

Mr. STAFFORD. Mr. Speaker, I presume that the question presented to the Speaker is a question involving the business under the morning hour, which has rarely been called up in these later days.

Mr. GARRETT of Tennessee. That is not the whole question. The Committee on the Judiciary has reported without recommendation a resolution providing for an amendment to the Constitution covering the question of woman suffrage. That resolution is in the basket and on the calendar of the House. How are you going to take it from the committee which has reported it when it is not before the committee and refer it to the Committee on Woman Suffrage? Do gentlemen who are in favor of the resolution desire it to be taken from the calendar and referred to the other committee?

Mr. RAKER. I take it for granted that it is in the basket. I investigated this morning before the Journal was read, looked at the RECORD, and no report had been made. If it was in the basket, it was put in while we have been waiting for recognition. It can not be on the calendar unless they have taken it from the basket and taken it to the office. Until it comes up for consideration, the House has full power to refer or transfer it. In other words, the committee that has jurisdiction does not lose jurisdiction until its report is on the proper calendar of the House.

Mr. STAFFORD. Mr. Speaker, I want to say that I agree with the last contention of the gentleman from Tennessee; but I believe the first point made is good, because under the construction of the rule for the business of the morning hour I direct your attention to Rule XXIV, paragraph 1, which enumerates the business that may be considered.

The order of business is, first, the prayer, next the reading and approval of the Journal; then the correction of references of public bills, which, if the resolution had not been reported, would then have been in order; then the disposal of business on the Speaker's table; fifth, unfinished business; sixth, for the consideration of bills called up by committees. Bills have been considered this morning that have been called up by committees, namely, the resolutions presented by the Committee on Accounts. Therefore the order in which this matter could have been considered under the third designation—the correction of reference of public bills, has passed, and it is now too late to consider it, even if the resolution had not been reported by the Committee on the Judiciary and the matter having passed out of the jurisdiction of that committee.

Mr. SAUNDERS of Virginia. Mr. Speaker, I suggest that if it is true, as a matter of fact, and I take it that it is true, that the bill is actually here, then this other matter being discussed is merely a moot question and has no soft of relation to anything, and there is no excuse to take up further time in discussion.

The SPEAKER. The Chair thinks the gentleman from Virginia is entirely correct in that.

Mr. LITTLE rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. LITTLE. Mr. Speaker, I am a member of this committee and I would like to say a word about the matter.

The SPEAKER. About what?

Mr. LITTLE. This point of order.

The SPEAKER. The Chair will hear the gentleman.

Mr. LITTLE. That is all I seek. Mr. Speaker, a correct reading of the clause read by the gentleman from Tennessee [Mr. GARRETT] does not warrant any such interpretation as he gives it.

The SPEAKER. What does the gentleman think about the fact that unexpectedly to the Speaker, at least, the Chair does not know how many people knew it, but after the Chair had had his conversation with the gentleman from California [Mr. RAKER] this morning, the Committee on the Judiciary actually reported this resolution?

Mr. LITTLE. I think I see a solution of that difficulty.

The SPEAKER. The Chair will be obliged to the gentleman if he will state the solution.

Mr. LITTLE. This rule that gave these bills to the Committee on Woman Suffrage provided that any proposition with regard to woman suffrage should go to the Committee on Woman Suffrage. I take it, Mr. Speaker, that that meant just what it said. It does not need any interpretation. There is no ambiguity; there is nothing to discuss. The minute the House adopted that rule that proposition, ipso facto, automatically belonged to the Woman Suffrage Committee, and the Committee on the Judiciary had no more authority over it than the Committee on Accounts would have over a revenue bill. They had no right under our rules to report it in here. The only thing that could be done with the constitutional amendment when this rule was adopted was to send it to the Woman Suffrage Committee. That was the reason for adopting the rule. It states distinctly that all propositions with regard to woman suffrage should go to the Committee on Woman Suffrage, and that is where this should have gone.

The SPEAKER. The gentleman does not contend that the new rule about the Woman Suffrage Committee automatically took a bill away from a committee that already had it, does he?

Mr. LITTLE. That is exactly what I do contend.

The SPEAKER. The Chair differs with the gentleman on that proposition.

Mr. LITTLE. I would like to be heard for a moment on that.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. LITTLE. In just a moment. It has been suggested that this is analogous to the creation of a new court, where certain cases were before the old court, and that the new court would take jurisdiction of them, but would not take cases already set in the old court for hearing unless some provision to that effect were made; but, Mr. Speaker, that is only when they have concurrent jurisdiction. The minute the old court was deprived of jurisdiction and jurisdiction was conferred upon the new court, the old court had nothing to do with those cases and could not do a thing with them, and the minute that the Woman Suffrage Committee was given full authority over this bill the other committee ceased to have any authority over it whatever.

The SPEAKER. How will the gentleman get a bill that has already been referred away from the committee to which it has been referred and have it referred to the Woman Suffrage Committee?

Mr. LITTLE. I take it that when this rule was adopted the Judiciary Committee would obey the rules of the House.

The SPEAKER. But the committee was obeying the rules of the House.

Mr. LITTLE. Not when it brought the resolution in here over which they had no authority. Suppose the Committee on Accounts should bring in a revenue bill, it would amount to nothing.

The SPEAKER. The Chair is ready to rule.

Mr. WEBB. Mr. Speaker, will the Speaker hear me for a moment?

The SPEAKER. Yes.

Mr. WEBB. Mr. Speaker, the woman suffrage proposed amendments to the Constitution have been referred from time immemorial to the Committee on the Judiciary. Amendment or resolution No. 1, the author of which is the gentleman from California [Mr. RAKER], was referred to our committee, as usual at the beginning of this Congress. It was decided not to report the resolution out during the war session of Congress, as we did not regard it as a war measure, but we did agree to give hearings, and for a day or two both those for the Susan B. Anthony amendment and those against it came before our committee, and we sat and gave them all the time they wanted. We told them we would not report the resolution during the war session but that we would in December. The very second meeting of the committee in December we took up two proposed amendments to the Constitution, one relating to prohibition and the other to woman suffrage. The House ordered the creation of a Committee on Woman Suffrage in September. I did not want anything unseemly to occur between the Committee on the Judiciary and this new committee of the House, and I inquired of the Speaker and other Members who knew the rules of the House and told them I did not want my committee to act upon this measure if we had no jurisdiction of it. I was told universally from the Speaker down that our committee did have jurisdiction of it; that there was no intention of taking it away from us as long as we had hearings on it and was ready to report. Having the resolution on our hands, on Tuesday last we ordered it reported out as we had stated we would do. The committee ordered the report and the report has been filed and is now before the House for its consideration. Our committee properly had jurisdiction of this proposed amendment, and we had hearings upon it and we have voted the resolution out of the committee. It is now on the calendar.

Mr. WALSH. Will the gentleman yield?

Mr. WEBB. I will yield.

Mr. WALSH. Is it not also a fact, I will ask the chairman of the Committee on the Judiciary, that the chairman was instructed and endeavored to procure a rule from the Committee on Rules for the consideration of this resolution before the Christmas recess?

Mr. WEBB. Yes; that is true, too, Mr. Speaker. We did promise the ladies last summer that we would get a vote as quickly as possible after the war session ended. We did what we promised. Mr. Speaker, I make the further point of order that having had regular jurisdiction of this amendment, having had hearings, having determined upon a report and that report actually having been made, that under the rulings, too numerous to cite, it is now too late to ask that the resolution be taken from the Judiciary Committee. I make that further point of order and ask for a ruling on it.

Mr. RAKER. Mr. Speaker, may I be heard on the point of order?

Mr. GARRETT of Tennessee. Mr. Speaker, I think this matter can be settled very easily, and I want to make a request for unanimous consent. It is perfectly evident, of course, that the gentleman from California [Mr. RAKER] is now opposed to the amendment [laughter], because it has been reported to the House and is now ready for action, and I think we can settle this matter good-humoredly and pleasantly by entering into a unanimous-consent agreement; and I therefore, pending the decision on the point of order, ask unanimous consent that the resolution providing for the submission of the question of the constitutional amendment, and all resolutions related thereto, shall lie upon the table until the end of this session of Congress. [Laughter.]

Mr. RAKER. Of course I would have to object to that.

Mr. CALDWELL. I object to that.

Mr. RAKER. Mr. Speaker, without undue feeling and with perfect confidence and the highest respect for the distinguished gentleman who graces the chairmanship of the Committee on the Judiciary and all of that committee, we tried to take this baby, as the gentleman called it, from the Committee on the Judiciary before they acted on it and before they reported, so that the friends of the baby, or the women interested in this resolution, might assist the Committee on Woman's Suffrage in seeing that it had proper clothing and was brought to manhood or womanhood and given the right to participate in the functions of this Government. [Laughter and applause.] Now, as to the gentleman's statement that there was an effort to have this voted upon on the 17th or 18th of this month. All of those who are interested in this amendment—and I believe that is two-thirds of the House—asked and requested that this be voted on early in January, either the 7th or 8th of January. It was agreed upon by the leader that that would be satisfactory and that he would secure unanimous consent to take up this resolution on the 7th of January, when Congress reconvened after the holidays. These folks have been working accordingly. Only those who are opposed to the amendment, who think they can take some advantage of it, have stated now that they want, as my friend from Massachusetts, to vote on it before the holidays.

Mr. WEBB. If the gentleman will permit, I do not think the gentleman fairly represents me. I stated to my friend from California and everybody that I have no feeling about this matter. That I was willing to vote on this resolution whenever it is suitable to the women, although I am opposed to woman suffrage.

Mr. WALSH. Mr. Speaker——

Mr. RAKER. The gentleman from North Carolina correctly states it; that the gentleman was ready to take a vote on the 7th of January next?

Mr. WEBB. Any time.

Mr. RAKER. And in deference to him and the members of the committee I talked with, I will say they are satisfied with the request of the women who are asking for this resolution. That is the view of the majority as near as we could get on the other side, that they would fix it for the 7th of January. I yield to the gentleman from Massachusetts.

Mr. WALSH. I want to state to the gentleman from California that the reason that I objected yesterday when the request was made that this matter be assigned to the 7th of January was because of the action taken by our committee, and further because on the 5th of December last the majority leader, in his place on the floor of this House, stated in a colloquy with the gentleman from Pennsylvania [Mr. MOORE] that undoubtedly both of these resolutions would be voted on before the Christmas holidays, and that was done before the Woman's Suffrage Committee had been elected by this House, and in fact unanimous-consent agreement for action upon the prohibition resolution was secured in this House before the Committee on the Judiciary reported it out, and the gentleman should not assume that the only people to be considered in this matter are those in favor of woman suffrage. I submit that those who are opposed to it conscientiously should have some consideration, and that the gentleman from California and the majority leader and others interested in the passage of the resolution ought not to enter into agreement regardless of what others who may be opposed to them think.

Mr. RAKER. Would the gentleman have objection now to fixing January 7 for the consideration of this resolution?

Mr. WALSH. If that is satisfactory to the chairman of the committee, I should not object; certainly.

Mr. WEBB. If I may be allowed to make a preliminary statement, it was the general understanding, I think, among all the Members of the House that they wanted to get both of these amendments off of their hands before the holidays and that is the reason why the Committee on the Judiciary requested the chairman of the committee to ask the Committee on Rules to dispose of woman suffrage and the prohibition amendment before the holidays, and I did ask the Committee on Rules; that is, I stated that to members of the Committee on Rules.

The committee itself, however, has no objection as to any date that you want to set to vote on this amendment.

Mr. RAKER. Would the chairman ask the House now to fix January 7 for the consideration of this amendment?

Mr. WEBB. If that is more agreeable than the 18th of this month, I would be glad to vote on it.

Mr. RAKER. Those of us who have gone over the matter wanted the 7th of January.

Mr. WEBB. Is that satisfactory to all advocates of woman suffrage?

Mr. RAKER. It is. I have talked to both sides.

Mr. WEBB. Then I have no objection, and I do not think the committee has.

Mr. CAMPBELL of Kansas. I have anticipated the decision of the Speaker on this snarl that the matter has gotten into, and have introduced a joint resolution providing for woman suffrage that can immediately or has already been referred to the Committee on Woman Suffrage. They can act on it this afternoon and report it favorably and have it on the calendar next week.

Mr. RAKER. I will say that I would not take that course as chairman of that committee. I am not going to act after one committee has acted in the House. It is not treating them fairly.

Mr. CAMPBELL of Kansas. I take it the gentleman was anxious to have the matter referred to his committee.

Mr. RAKER. I want to do it under the rules, and in that way there can be no criticism from any man.

Mr. CAMPBELL of Kansas. But that is exactly under the rules.

Mr. RAKER. Under the strict reading of this rule, before that bill was filed this morning there is no question on earth but that the Speaker of the House would have transferred its jurisdiction to the Committee on Woman Suffrage. The committee made their report and put it in the box in the last 15 minutes.

Mr. CAMPBELL of Kansas. The gentleman from California in good faith—and I take it he was in good faith—made his motion to refer all the matters to the Committee on Woman Suffrage.

Mr. RAKER. Surely.

Mr. CAMPBELL of Kansas. Bills heretofore introduced on the subject were properly referred to the Committee on the Judiciary, there being no Committee on Woman Suffrage. Now, there being a Committee on Woman Suffrage I have introduced a resolution that can be referred to that committee and reported on this afternoon, and the committee's report will take precedence of any other report on that subject.

Mr. MEEKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MEEKER. How is it possible for me to get recognition? I have been waiting here so patiently.

Mr. RAKER. In just a moment. Pending this matter, I am going to ask unanimous consent that the voting on woman suffrage be fixed for Monday, the 7th day of January.

The SPEAKER. In making that request you withdraw this?

Mr. RAKER. I ask unanimous consent that it be fixed on that day, of course.

The SPEAKER. The gentleman from California [Mr. RAKER], in order to settle this muddle, asks unanimous consent that the woman-suffrage amendment be considered on the 7th day of January.

Mr. WEBB. As a substitute for that unanimous consent, I ask that unanimous consent be given to vote on this resolution next Tuesday, the 18th. [Applause.]

Mr. DYER. Will the gentleman yield to that. The gentleman is aware that the House this morning has passed a resolution to adjourn the session for the holidays on next Tuesday. Many gentlemen will be going away. Why hasten? Why not give everybody a fair opportunity, the same as the gentleman has had and the Members have had who wanted to bring up the prohibition amendment?

Mr. WEBB. I did that because the members of the committee wanted me to do it.

The SPEAKER. You can not offer an amendment for unanimous consent unless the Members agree to it.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent that the woman-suffrage amendment be considered on the 7th day of January. Is there objection?

Mr. GARRETT of Tennessee. I object.

The SPEAKER. Now, does the gentleman from North Carolina [Mr. WEBB] want to renew his request?

Mr. WEBB. Yes, sir. In obedience to the request of the Judiciary Committee, I ask that next Tuesday be set aside to consider the woman-suffrage amendment.

Mr. LUNN. I object, Mr. Speaker.

Mr. LANGLEY objected, but subsequently withdrew his objection.

The SPEAKER. In the proper conduct of the business of the House some months ago—I do not remember the date—the Chair referred this constitutional amendment to the Judiciary Committee, where constitutional amendments have usually gone for the last 125 years. There was not any such thing as a Woman Suffrage Committee at that time. Very early in September, I think it was, they passed a resolution creating the committee. As a matter of fact it was appointed in the last two or three days. When the Chair refers a bill he parts company with it, for that purpose at least. The Chair has no more right to take a bill from a committee than any other Member of the House has. Now, it would take a very narrow construction to sustain the original point of order that the gentleman from Tennessee [Mr. GARRETT] made. So there is no use to pass on that. Under the peculiar circumstances of the case, if that were the only point of order, the Chair would be very much inclined to overrule it temporarily on account of the conversation the Chair had with the gentleman from California [Mr. RAKER] and the gentleman from Virginia [Mr. SAUNDERS] as to the order in which the business was coming here this morning. It is not necessary to pass upon that point.

Mr. RAKER. Now, Mr. Speaker, before you rule I wish to be heard just a moment.

SEVERAL MEMBERS. Oh, no!

Mr. RAKER. Oh, gentlemen should not be impatient with me. I have hitherto taken up very little time.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I will yield to the gentleman for a question.

Mr. CONNALLY of Texas. Would it not be satisfactory to your committee to let the matter stand as it is by passing a little resolution giving the Suffrage Committee credit for killing bear? [Laughter.]

Mr. RAKER. I do not quite gather the point in that elucidative remark of the gentleman [laughter], but that is all right. On the question of jurisdiction—and I would like to have the attention of the House a moment; I promise I will be short—under the rules, under the strict construction of the rules, there is no method provided for a case of this kind unless the House adopts an analogous proceeding for taking up the matter. You can transfer the jurisdiction or rerefer the bill by unanimous consent, and by vote of the committee having jurisdiction, or by the request of the committee claiming jurisdiction when a bill has been erroneously referred. That could not occur in this case.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I will yield in just a moment. Let me finish this first. In this instance the House itself, since the bill was referred, amended the rules and created a new jurisdiction. There can not be any doubt about the jurisdiction conferred. The rule reads:

All proposed action touching the subject of woman suffrage * * *, to the Committee on Woman Suffrage.

The House adopted this rule. There is no rule of the House now in existence by which, if you will follow it, this resolution can be disposed of to the committee having proper jurisdiction, and still at the same time the House is not so impotent that it can not conduct its business and transfer the jurisdiction of bills to a committee that it has created, particularly under the circumstances of this case. But notwithstanding that belief and understanding the situation, I this morning saw the Speaker. He stated it as it occurred. I waited to give the other gentlemen a chance, and did not follow right on the rule strictly and act immediately after the reading of the Journal and make the motion directed by the Committee on Woman Suffrage this morning. And in the meantime—and I want you gentlemen to think about that—I am discussing the rule.

In the meantime, pending the discussion, the committee filed a report, not a favorable report, but simply a report shoving it back to the House without consideration, without either a favorable or an unfavorable report; so that, legally speaking, the House having control of its procedure, where none is provided, using an analogous proceeding, as in our courts, in all courts of the land, that where there is no rule laid down you apply a procedure analogous to the usual procedure in a court of justice or court of law—therefore a motion of this kind is eminently proper and eminently fit that I should move the House to transfer this jurisdiction to the Committee on Woman Suffrage.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield for a question?

Mr. RAKER. I yield for a question.

Mr. GRAHAM of Illinois. I am asking this question in all sincerity, without a disposition to be captious. What difference does it make to the House and to the country at large what committee reports out this resolution, so long as we have it here to act upon? [Applause.]

Mr. RAKER. I will answer that question. The Committee on the Judiciary has reported adversely, in fact. The distinguished chairman of the Committee on the Judiciary of the House on the 24th of September, 1917—and the RECORD I hold before me—said the Judiciary Committee was against this amendment. Now that a new committee has been appointed to handle this special subject, do not you believe the resolution ought to be in the hands of those who are in favor of it and not in the hands of those who oppose it, as stated by the chairman of the committee?

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from California yield to the gentleman from Missouri?

Mr. RAKER. I want to finish my statement.

Mr. MEEKER. As a member of the committee, I want to ask the gentleman a question.

Mr. RAKER. On page 7374 of the RECORD I read as follows:

Mr. MONDELL. Did I understand the gentleman to say that his committee is ready to report favorably on the constitutional amendment in December?

Mr. WEBB. No; I did not say favorably; I mean to say that the majority of the Judiciary Committee is opposed to woman suffrage, as is also a majority of the House against it.

Now, that being the case, with absolute respect and confidence of feeling, nevertheless I believe that where we have our committees appointed they ought to have charge of the matter.

Mr. MEEKER. Mr. Speaker, will the gentleman yield now?

Mr. RAKER. I yield for a question.

Mr. MEEKER. Are we, then, to understand that the creation of this committee, which was for the purpose of hearing this question discussed in open court, was effected with knowledge in advance that it was to be favorable to the amendment?

Mr. RAKER. I believe the committee are in favor of it.

Mr. GARRETT of Tennessee. Will the gentleman from California submit to an inquiry?

Mr. RAKER. I do.

Mr. GARRETT of Tennessee. Is not the gentleman from California unique in history in this, that he is the only lawyer on earth who ever moved for a new trial before he lost his case? [Laughter and applause.]

Mr. RAKER. I want to answer that. I want to say to the gentleman that when I learned that the judge was against me and had so stated on the street, I spent four months at our State capitol getting a bill introduced, so that I could take the jurisdiction from him, so that I could get a fair trial by a man who was unprejudiced in regard to the matter, and then I was ready to take my chances.

The SPEAKER. The Chair is ready to rule and get rid of this.

SEVERAL MEMBERS. Rule! Rule!

Mr. WEBB. I want to ask my friend from California if he has not undertaken to do just what he objected to that judge doing? Has he not undertaken to pack the committee so as to get a favorable decision?

Mr. RAKER. Oh, no!

The SPEAKER. The Chair started to state the history of this peculiar transaction. Some months ago this resolution was introduced into the House, and undoubtedly under the rules and practice it ought to have gone to the Judiciary Committee. The thing dragged along, and we had an agreement that we would not pass anything except war measures, and the Judiciary Committee, acting under that understanding, never reported the resolution. In September the Rules Committee brought in a rule to create this new Committee on Woman Suffrage, but the committee was not appointed until three or four days ago. The gentleman from California [Mr. RAKER] and the gentleman from Virginia [Mr. SAUNDERS] talked to me. I did not have the remotest idea whether the Judiciary Committee were going to report the resolution or not, but they did report it after this conversation, and that changed the situation entirely. This new rule here about this woman-suffrage business—

All proposed action touching the question of woman suffrage, to the Committee on Woman Suffrage—

undoubtedly applied to any business coming up after that rule was adopted, and not to the business that had been started before that, even by introduction into the House. After the Speaker assigns a bill to a committee he has no more control over it than the man in the moon, not a bit. I can not take a bill away from a committee, and the rule I have just read does not act automatically and is not retroactive. It would require exactly the motion that the gentleman from California [Mr. RAKER] has made here. Well, the gentleman from Virginia [Mr. SAUNDERS] made the suggestion some time ago that inasmuch as the Committee on the Judiciary had reported this resolution, that ended the matter. The decisions are numerous that when a committee has done that, even if it did not have original jurisdiction—which this Judiciary Committee did have in this case—it has the right to go on with it, and he further suggested that all the rest of this talk was moot business. That is about the right name for it, as far as I can find out. If the Judiciary Committee had not reported this resolution, then I would have carried out my statement to the gentleman from California; but the decisions are too numerous even to quote that where an erroneous reference is made—and the case is stronger where a correct reference was made—and the committee reports or even considers the matter referred to it, it has jurisdiction. And the gentleman from North Carolina [Mr. WEBB] finally crystallized the suggestion of the gentleman from Virginia into a point of order properly made. The Chair would be compelled under the circumstances of this case to hold that, as far as committees are concerned, this thing was concluded when the Judiciary Committee made its report, and the Chair so holds.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the minority members of the Judiciary Committee may have three days in which to file a report in favor of this amendment.

The SPEAKER. The gentleman from Missouri asks three days in which the minority may file their views. Is there objection?

Mr. MEEKER. Reserving the right to object——

Mr. WEBB. I hope my friend will not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. By request of the Committee on Woman Suffrage, I ask unanimous consent that H. R. 242 be rereferred from the Committee on the Election of President and Vice President and Representatives in Congress to the Committee on Woman Suffrage.

The SPEAKER. Has that bill anything to do with woman suffrage?

Mr. RAKER. Yes; it is a bill to protect the rights of women citizens of the United States to register and vote for Senators of the United States and for Members of the House of Representatives.

The SPEAKER. Where is that bill?

Mr. RAKER. I have it in my hand.

Mr. GILLETT. We would like to know what the bill proposes to do.

The SPEAKER. The Chair would like to know, too.

Mr. RAKER. That bill reads as follows:

Be it enacted, etc., That women who are citizens of the United States and possess such qualifications of age, residence, property, or education as may be required of men to make them legal voters in the several States shall be eligible to register and vote in all States of the Union at all elections for Senators of the United States and for Members of the House of Representatives.

The SPEAKER. Is that a law or a constitutional amendment?

Mr. RAKER. This is just a law.

The SPEAKER. The Chair will recognize the gentleman the first thing Monday morning after the Journal is read, to make his motion.

Mr. RAKER. All right.

Mr. MEEKER. A parliamentary inquiry, Mr. Speaker. Did I understand the Chair to say that he would recognize the gentleman on next Monday?

The SPEAKER. Yes; the Chair will recognize him the first thing after the Journal is read on Monday, to make that motion.

Mr. MEEKER. Just for the motion. It comes up in the morning-business hour only?

The SPEAKER. Yes; and it is not debatable.

Mr. CANNON. Has there not been an agreement made that the vote shall be taken at 5 o'clock Monday on the resolution submitting the prohibition amendment?

The SPEAKER. Yes.

Mr. CANNON. If I had been present, I should have objected to it; but the motion of the gentleman from California is likely to lead to a roll call, and the time for debate on the prohibition amendment is exceedingly short.

The SPEAKER. Then the Chair will recognize the gentleman from California immediately after the reading of the Journal on Tuesday morning.

Mr. GARD. Mr. Speaker, I ask unanimous consent that January 10 be assigned as the day for the consideration in the House, and for voting upon House joint resolution 1, known as the national woman suffrage resolution.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the 10th day of January be set aside for the consideration of House joint resolution 1 and for voting on the same. Is there objection?

Mr. GARRETT of Tennessee. I object.

The SPEAKER. The gentleman from Tennessee objects.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry. A while ago under a misapprehension I objected to the request of the gentleman from North Carolina for a vote next Tuesday on the suffrage amendment, but immediately withdrew the objection. I want to know if the Chair announced that I had objected. I did not quite catch what he said. I want to be sure that the RECORD shows that my objection was withdrawn.

The SPEAKER. The Chair said there was objection.

Mr. LANGLEY. I withdrew my objection when I was assured that I was wrong in my first impression that the purpose of the request was antagonistic to the amendment. Personally, I think we ought to wait until after the holiday recess when there is a full attendance, but I am for the proposition and ready to vote at any time.

Mr. DYER. Mr. Speaker, I ask unanimous consent that the Committee on Rules be requested to bring in a rule providing that the House may be permitted to vote on woman suffrage on January 7.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the regular order.

PNEUMATIC-TUBE SERVICE.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 114 and consider the same.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. J. Res. 114. Joint resolution extending the commission provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, with the same authorities, powers, and provisions until on or before March 1, 1918.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was read.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MOON, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

COMMITTEE ON RULES.

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, I did not apprehend that there would be any fight against giving the Committee on Rules a stenographer. My experience has been that the chairman of the committee needs all the help that he is authorized to have under the rules of the House, including a secretary. I would like to say to the House that since I have been chairman of the committee, without any charge or suggestion of additional compensation, I have had compiled every rule and every report in the last three Congresses and have had them bound in book form for the use of the members of the committee and the Members of the House. The clerk to the committee is now engaged in the additional task of compiling every decision that has been rendered during the three Congresses on every one of the rules that has been presented to the House. If the House does not see fit to allow a stenographer I am going to continue the work. I am sorry that I could not get here in time this morning, but I was unavoidably detained in the Post Office Department on official business.

I make the statement to the House so that it may have full light on the subject.

Mr. MONDELL. Will the gentleman yield?

Mr. POU. Yes.

Mr. MONDELL. If the clerk was not doing this work which the gentleman alludes to, what other work would he be doing?

Mr. POU. The clerk is busy all the time. I have never seen a time when the clerk was not busy. I do not believe that there is a busier clerk to any committee of this Congress than the clerk to the Committee on Rules, excepting, of course, the great committees having charge of supply bills. He has no time to write letters. He is answering questions and serving Members most of the time while the House is in session. He is a very accommodating young man and takes a great deal of pride in answering every inquiry made by Members of the House on any subject connected with the committee.

Mr. LENROOT. Will the gentleman yield?

Mr. POU. I will.

Mr. LENROOT. I would like to ask how many special rules are now pending before the Committee on Rules?

Mr. POU. There are 39 resolutions, of which 9 are House joint resolutions. The gentleman from Wisconsin knows that the work of the Rules Committee is not confined to pending rules. Time after time gentlemen come in and want questions looked up. The gentleman from Wisconsin must know that the work of the clerk of this committee is a full man's work.

Mr. LENROOT. The "gentleman from Wisconsin" remembers that in the past a session clerk was not provided for until the congestion of the business before the Committee on Rules was such as to make it necessary, and at that time the ordinary business of the committee did not require a session clerk. The business before the Committee on Rules at this session is less than it has ever been in my knowledge.

Mr. POU. It is exceedingly difficult to secure a stenographer, as everybody knows. In order to successfully do the work of the committee it will take every person under the control of the chairman, as the gentleman from Wisconsin will find out if his party gets in power and he is made chairman of the Committee on Rules.

FEDERAL JUDGE FOR MIDDLE DISTRICT OF TENNESSEE.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing some resolutions adopted by the judicial convention of Tennessee last week in relation to the necessity for an additional Federal judge for the middle district of Tennessee, and also a resolution on the conduct of the war.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing the resolutions referred to. Is there objection?

There was no objection.

The resolutions are as follows:

Whereas the middle district of Tennessee is the only Federal judicial district in the United States, save one, which does not have a United States district judge of its own; and

Whereas in recent years numerous laws have been enacted by Congress which have produced much additional work for such courts, and this together with the natural increase in litigation, has resulted in such a volume of litigation that no one judge can dispose of the business of the Federal district courts in both east Tennessee and middle Tennessee; and

Whereas a large amount of work is rapidly accumulating by reason of prosecutions under the selective-service law, the speedy disposition of which is of vital importance to the Government: Therefore be it

Resolved, That this convention does hereby earnestly urge all the members of the Tennessee delegation in the Congress of the United States to use all legitimate means to have created a new Federal judgeship in and for the middle district of Tennessee at the very earliest possible moment, the public welfare requiring it.

The war resolution is as follows:

CONDUCT OF THE WAR.

Whereas a world war is raging in which autocracy is arrayed against democracy, tyranny against liberty, brutality against humanity, savagery against civilization, and our Government has entered this conflict in behalf of democracy, liberty, humanity, and civilization: Therefore be it

Resolved, That we heartily indorse our President and the Congress and pledge them our loyal and unanimous support in all that has been done or that may be done by them in this crisis looking to a victorious and triumphant conclusion of this conflict so as to assure the perpetuation of our institutions and a permanent peace throughout the world; and be it further

Resolved, That we condemn Prussian militarism and denounce it as the curse of the world, which has drenched the earth with blood, violated every precept of humanity and civilization, disregarded the rights of neutrals and noncelligerents, set at naught every principle of honor among men and nations, and now by terrorism seeks to subjugate the world.

Mr. HOUSTON. Mr. Speaker, I have one further request to make. I ask unanimous consent to extend my remarks in the RECORD by printing an editorial in the Evening Star on the services of the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Tennessee [Mr. SIMS].

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The editorial is as follows:

TWO HOUSE PROMOTIONS.

Mr. SHERLEY for chairman of the Appropriations Committee and Mr. SIMS for chairman of the Interstate Commerce Committee are excellent selections. Both have served long in the House. Both are familiar with the subjects they will be called upon to handle. And those subjects have taken on increased importance by reason of the war. Appropriations have mounted to the skies, as such figures have ever before been considered by Congress. Interstate commerce is now a foremost problem, with war as well as peace connections.

It is noteworthy, too, that both Mr. SHERLEY and Mr. SIMS are friends of the President and supporters of his policies. They will work in harmony with him. And in war matters harmony between the legislative and the executive branches of the Government is highly important. There is so much to be done, and so much of it of unfamiliar character, working at cross purposes would be expensive to the people.

Mr. SHERLEY has long been an advocate of a budget. He has probably given more attention to the subject than any other national legislator. He has worked it out with care, and presents it persuasively. If these were peace times, his promotion might operate in the interest of the adoption of a budget plan.

But the war times are not favorable to that reform. Estimates are extremely difficult. Income and outlay fluctuate. The Government's needs must be supplied, whatever they may be. If money is lacking, more must be raised. The Government is now a heavy borrower. It can not live within its means.

Mr. SHERLEY, a southern man, succeeds Mr. FITZGERALD, a northern man. Mr. SIMS, a southern man, succeeds Mr. ADAMSON, another southern man. But section had nothing to do with either selection. Both promotions rest on merit and seniority. Both are competent men and succeed competent men. And just now sectionalism cuts much less than its usual figure. It is very little considered. All public men are to-day thinking nationally more than ever.

There is nothing disturbing, therefore, in these two changes. Rather is the country assured of good work under the direction of two men who know the ropes, and bring to their places the confidence and respect of their legislative associates.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I call up the omnibus pension bill, H. R. 7634, for consideration.

The Clerk reported the title to the bill, as follows:

A bill (H. R. 7634) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, this bill contains 344 names, and 90 per cent of them were in bills considered by the last Congress. The Committee on Invalid Pensions had no bill after the 1st of February of this year. The actual cost of the bill per month is $3,918. If the soldiers pensioned by this bill should live until the end of the year, the actual cost of the bill would be a trifle over $49,000. These are nearly all desperate cases. The bill will not cost in the aggregate over $40,000. The increases are all moderate. No widows are pensioned in this bill, except eight who have helpless and dependent children. For the information of the House I desire to state that the Committee on Invalid Pensions have decided that they will consider no pension bills for widows, owing to the fact that the act of October 6, 1917, provided a pension of $25 a month for all widows of the Civil War. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William B. Hampshire, helpless and dependent child of William W. Hampshire, late of Company C, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Jefferson Cherry, late of Company C, Forty-eighth Regiment, and Company B, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Wesley B. Calder, late of Company A, First Rhode Island Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John J. Bradford, late of Company C, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Russell, late of Company A, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James K. Jennings, late of Company D, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward Wilkinson, late of Company A, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank Logsdon, late of Company K, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Butterbaugh, late of Company A, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore S. Smith, late of Company G, Fourth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John C. Carroll, late of Company A, Second Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William M. Pace, late of Company E, Third Regiment Tennessee Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David H. Hatfield, late of Company I, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James G. Young, late of Company B, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John R. Ward, late of Company K, Fiftieth Regiment New York Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter F. Baker, late of Company G, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Hall, late of Company I, Twenty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oscar G. Robinson, late of Company A, Eighth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph W. Snave, late of Company E, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph McArmstrong, late of Company H, One hundred and seventy-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Andrew Robertson, late of Company B, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Choat, late of Company A, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David Harris, late of Company D, One hundred and eighty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Perry A. Crandall, late of Company A, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elijah Campbell, late of Company C, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Philip Liebrick, late of Company I, First Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Bachman, late of Company G, Eighty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jay P. Eddy, late of Company F, Fourteenth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Luke, late unassigned, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Lemuel Cross, late of Company E, Ninety-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Heastan, late of Company B, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Moses McCleary, late of Company F, Eighth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis H. Bradshaw, late of Companies F and A, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Belinap, late of Company E, Twenty-third Regiment, and unassigned, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elsden B. Stephens, late of Company C, Ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alfred H. Chaplin, late a first-class fireman, United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Frank Drewes, sr., late an ordinary seaman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah A. Hearn, late of Company C, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward B. Ward, late of Company I, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Thomas R. Beasley, helpless and dependent child of John C. Beasley, late of Company A, Second Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Sidney G. Sidner, late of Company A, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Sewing, late of Company B, First Regiment, and Company I, Fifth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Adam Allwein, late of Company H, Third Regiment Pennsylvania Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joshua Gage, late of Company C, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jeremiah Shine, late of Company H, One hundred and sixty-fifth Regiment Pennsylvania Drafted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Watson, late of Company C, Third Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marshall Barnes, late of Company L, Third Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander J. Bowden, late of Company F, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Umfleet, late of Company F, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis J. Cundiff, late of Company F, Forty-seventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Riley A. Reeves, late of Company B, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Ford, late of Second Battery, Minnesota Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Bellew, late of Company G, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis S. Layton, late of Company D, Fourth Battalion Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Erow, late of Company A, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sanford Earley, late of Company C, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elisha W. Phillips, late of Company F, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel M. Reese, late of Company B, One hundred and fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nicholas Wolf, late of Company I, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. Mowrey, alias David O. Mowrey, late of Lambert's company, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Campbell, late of Companies G and C, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Milton Cooper, late of Companies I and B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles Bishop, late of Company F, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Doyle, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John A. Quick, late of Company K, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elias Cleveland, late of Company K, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ezra McIntyre, late of Company C, Fourteenth Regiment New York Volunteer Infantry, and Company E, First New York Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John F. Bass, late of Company E, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John J. McKenna, late of Company L, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harvey Bartley, late of Company G, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John T. Whetsel, late of Company B, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Trenter, late of Company A, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. Atwell, late of Company F, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Manning, late of Company L, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph Hoskins, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert S. Scroggins, alias Allen S. Craig, late of Battery H, West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles White, late of Company G, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of William H. Hindman, late of Company F, First Ohio Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William A. Swearengin, late of Company C, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William T. Stone, late of Company H, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alexander McGahan, late of Company K, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George M. Mays, late of Company D, Fifty-second Regiment Kentucky Mounted Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Enos R. Clark, late of Company K, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Stephen J. Coleman, late of Company A, First Regiment East Florida Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Andrist, late of Company I, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George L. Davis, late of Company A, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Luther S. Pitcher, late of Company A, Forty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dubeer D. Wright, late of Company D, Third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Henry Jenkins, late of Company K, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hamilton L. Karr, late of Company G, One hundred and sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel Ambrosier, late of Company H, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James H. Scott, late of Company D, Sixty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Albert R. Clark, late of Company D, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William G. Sadler, late of Company E, Third Regiment, and Fifty-eighth Regiment, Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Foster, late of Fourteenth Independent Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Notter, late of Company B, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George D. King, late of Company G, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Devon, late of Company E, Eleventh Regiment, and Company K, Eighth Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Cassidy, late of Company H, Twenty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Michael Greeley, late of Company H, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph N. Abbott, late of Company B, Ninety-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Myers, late of Company D, Seventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $21 per month in lieu of that he is now receiving.

The name of Henry Sanders, late of Company E, Fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Norman B. Yarwood, late of Company D, First Battalion Sixteenth United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Rivers, late of Company G, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles Kinne, late of Company G, One hundred and eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Doolittle, late of Company H, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel A. Maxfield, late of Company H, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Mallet, late of Company F, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel W. Thurston, late of Company I, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pary McNair, late of Company H, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Shipley, late of Company A, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Albert M. Butts, alias Albert J. Stewart, late of Battery D, First Maryland Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Smith, late of Company E, Third Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William R. Tate, late of Company I, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Melville F. Allyn, late of Companies E and C, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Johnson, late of Company G, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert N. Hawkins, late of Company C, Ninth Regiment Missouri Volunteer Cavalry, and Company E, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ananias B. Reeser, late of Company D, Hickory County Battalion, Mounted Home Guards, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Daniel H. Wise, late of Company A, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. Rabush, late of Company B, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alfred M. Wheeler, late of Company C, Sixth Regiment, and Company D, Fourteenth Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jeremiah R. Sensenich, late of Company D, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eli House, late of Company K, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James K. P. Wyman, late of Company G, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Wilson Taylor, late of Company A, Fifth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher C. Russell, late of Company E, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Barker, late of Company F, Third Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Garrett W. Freeman, late of Company K, Fifth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward S. Ragan, late of Company B, Baltimore Battalion Maryland Volunteer Light Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Isaac W. Waters, late of Company K, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William F. Raines, late of Company H, Sixth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Shepherd M. Gaston, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christian Lock, late of Company D, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and Company C, Twenty-first Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anderson J. Bowman, late of Company K, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia Esther Hammond, helpless and dependent child of Israel B. Hammond, late of Company I, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John W. Robinson, late of Company D, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Null, late of Company E, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Warren, late of Company F, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Hank, late of Company F, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Stephens, late of Company G, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Thomas, late a seaman, United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Marcus L. Moore, late of Company E, Second Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles M. Dozity, late of Company K, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard M. Johnson, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Theodore Brown, late of Company C, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry King, late of Company D, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James J. Short, late of Company H, First Regiment Alabama Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John G. Hunter, late of Company H, Twenty-fifth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peleg B. Washburn, late of Company C, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. Goodrich, late of the United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward G. Sanchez, late of Company A, First Connecticut Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles P. Cook, late of Company K, One hundred and twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of David E. Godfrey, late of Company G, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Schwicardi, late of Company G, Thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Helen A. Benjamin, helpless and dependent child of John Benjamin, late of Company I, Fifteenth Regiment New York Engineers, and pay her a pension at the rate of $12 per month.

The name of George R. White, late of Company B, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William B. Porter, late of Company F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Emmet Ellis, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin Cuddeback, late of Company B, One hundred and forty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry L. McMullin, late of Company K, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon Kephart, late of Companies K and A, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abner A. Hurt, late of Company K, Seventeenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James C. Haslett, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Deborah Sebring, helpless and dependent child of John Sebring, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Monroe J. Potts, late of Company G, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Phillip P. Keiber, late of Company G, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Derning, late of Company B, Sixteenth Regiment, and Company K, Twelfth Regiment, Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo Fiero, late of Company C, One hundred and forty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward N. Whitney, late of Company B, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jasper N. Cummins, late of Company C, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Orville H. Patten, late of Company B, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David H. Crumpacker, late of Company E, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Albert Mason, late of Company E, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin Custer, late of Company L, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Horton S. Calland, late of Company D, Ninety-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ephriam Bartlett, late of Company B, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Johns, late of Company C, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George T. Harwood, late of Company K, Ninetieth Regiment New York Volunteer Infantry, and Company B, Nineteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hutcheons B. Durham, late of Company H, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan H. Robbins, late of Company F, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theodore Tooley, late of Company H, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles Dominick, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Nelson Hart, late of Company D, Second Regiment United States Sharpshooters, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Israel L. Hahn, late of Company M, Fifteenth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Townsend Roberts, late of Company A, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry M Cottrill, late of Company A, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mathew Whitford, late of Company A, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry G. Hixson, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Philip H. Lind, late of Company H, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Helms, late of Company G, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Proudfit, late of Company A, Thirty-third Regiment New York Volunteer Infantry, and Company E, Third New York Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward Gridley, late of Company H, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles E. Knox, late of Company D, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eaton Kinney, late of Company F, First Regiment New York Dragoons, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Little, late of Company B, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Covell, late of Independent Company C, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Noah W. Tryon, late of Seventh Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William McClarren, late of Company D, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Wilson J. Parker, late of Company I, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel H. Keech, late of Company G, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alfred T. Hawk, late of Company K, One hundred and fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Gillespie, late of Company G, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi Vandervort, late of Company B, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Postlethwait, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Pope, late of Company I, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel R. Easter, late of Company A, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a

pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William J. McCormick, late of Company C, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Bollinger, late of band, First Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carrie B. Wilson, helpless and dependent child of Braman J. Wilson, late of Company I, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James Buchanan, late of Company C, Eleventh Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Sidney E. Timerman, late of Company B, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Guest, late of Company D, Twelfth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Ebenezer Riley, late of Company K, First Regiment Maryland Veteran Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew York, late of Company A, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Lee, late of Company F, Stone County Missouri Home Guards, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Felix Karl, late of Company B, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Shadrack B. Johnson, late of Company G, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Greenbury Vickrey, late of Company I, Sixty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Sanns, late of Company A, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John J. Callahan, late of Companies K and C, Second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Johnston H. Geisinger, late of Company G, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Myrtle Webster, widow of Norman E. Webster, late of Battery B, Second Illinois Volunteer Light Artillery, and pay her a pension at the rate of $25 per month.

The name of John A. Davidson, late of Company F, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry J. Kinney, late of Company L, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Oliver Budd, late of Company K, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Cashman, late of Company C, Ninety-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Charles Decanter, late unassigned, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Langley, late of Company A, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Josiah Dock, late of Company K, Thirty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alexzo M. Hobbs, late of Company E, Sixty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob D. Peterson, late of Company M, Sixth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob Wetzel, late of Company D, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Row, late of Company B, Forty-third Regiment, and Company H, Fiftieth Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Willaby L. Groves, late of Company I, Thirty-fourth Regiment Ohio Volunteer Mounted Infantry, and Company I, Thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew M. Murray, late of Sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theresa Dietz, widow of Henry Dietz, late of Company B, First Regiment United States Reserve Corps, Missouri Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Mary Gehres, former widow of Jacob Diehl, late of Company H, Twenty-fourth Regiment, and Company A, Forty-third Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Henry Garver, late of Company D, One hundred and eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Carter, late of Company I, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Flint, late of Company I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Christian Broemer, late of Company E, Forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos McKinley, late of Company E, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Silas H. Shepherd, late of Fourth Independent Company, Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Doctor E. Davis, late of Company A, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Jones, late of Fourth Independent Company, Ohio Volunteer Cavalry and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dudley G. Allen, late of Company G, Thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The name of Harrison Smith, late of Company H, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Francis M. Uhler, late of Company H, Seventy-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henderson Craft, late of Company D, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John F. Gibbons, late of Company M, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Ferster, late of Troop G, Third Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William McCloud, late of Company A, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Stillman, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Green, late of Company C, Fifteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Augustus A. Prugh, late of Company C, Fortieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Schmidt, late of Company H, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Moritz C. Young, late of Company B, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac N. Spawn, late of Company G, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Fairfield Dresser, late of Company M, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Daniels, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alfred York, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frances A. Sapp, widow of Willis M. Sapp, late of Company C, Fourth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $25 per month.

The name of Frederick Freund, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Hartman, late of Company D, Sixty-third Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $20 per month.

The name of James T. Hewitt, late of Company G, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Winfield S. Gregory, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Alexander H. Lamb, late of Company B, Second Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Davis, late of Company G, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Shields, late of Company G, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alfred G. Daniels, late of Companies L and F, Second Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Harrison W. Fox, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Julius O. Deming, late of Company F, First Regiment, and Company G, Sixth Regiment, Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lafayette Barnes, late of Company I, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Clark K. Denney, late of Company F, Forty-second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac N. Mahan, late of Company H, First Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pelly T. Martin, late of Company I, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Ward, late of Company I, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Newton J. Wells, late of Company C, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Hoover, late of Company D, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Baber, late of Company H, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John I. Smallwood, late of Company K, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles L. Dunham, late of Company L, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Simon J. Martin, late unassigned, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Porter W. Roundy, late hospital steward, Thirty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William M. Gosnell, late of Company A, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Delia A. Lapham, helpless and dependent child of Alphonso M. Lapham, late of Company C, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George C. Presley, late of Company D, Twentieth Regiment Michigan Volunteer Infantry, and Company B, Fourteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William F. Bailey, late of Company E, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and Company H, Sixth Regiment Pennsylvania Reserve Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Adams, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Pester, late of Company B, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Gessner, late of Company K, One hundred and nineteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Josiah James, late of Company D, First Battalion Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John T. Bollette, late of Company G, Seventh Regiment Maine Volunteer Infantry, and Company G, First Regiment Maine Veteran Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas T. Owens, late of Company F, Ninth Regiment Rhode Island Volunteer Infantry, and Company B, Seventh Battalion Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Guy, widow of William Guy, alias Andrew J. Guy, alias Charles G. Arts, late of Company F, Third Regiment Pennsylvania Volunteer Heavy Artillery, and Company C, One hundred and forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Anna Jacobs, widow of William B. Jacobs, late of Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Lilly Howard, helpless and dependent child of Cyrus Howard, late of Company H, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William R. Boren, late of Company G, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George H. Devol, late of Thirty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Troxler, late of Company E, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Simon Bollinger, late of Battery D, Fifth Regiment United States Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Benjamin Griffith, late of Company E, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Beverly W. Brittain, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas L. Jennison, late of Company G, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles G. Glutter, alias Charles Stauner, late of Company L, Second Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna Smith, widow of Oscar Smith, late of Company D, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Henry C. Livesay, late of Company I, Sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Warren, late of Company C, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elisha L. Powers, late of Company K, Thirteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William J. Nash, late of Company K, One hundred and eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George M. Loring, late of Company K, Ninth Regiment New Hampshire Volunteer Infantry, and Seventy-fifth Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Shaffer, late of Company B, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Asbery Mayfield, late of Company F, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James N. McHenry, late of Company H, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Gaskins, late of Company C, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William L. Faucett, late of Company K, Ninth Regiment West Virginia Volunteer Infantry, and Company H, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Levi Brock, late of Company F, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Martin, late of Company K, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alonzo Whitehouse, late of Company C, Eighteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Skeels, late of Companies I and C, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edwin C. Beall, late of Company H, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph McGuire, late of Company D, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Collins South, late of Company F, Twenty-ninth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josephine Freeman, widow of Charlie C. Freeman, late of Company B, Sixty-ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Daisy B. Freeman, helpless and dependent child of said Charlie C. Freeman, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Josephine Freeman the name of said Daisy B. Freeman shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of the death of said Josephine Freeman.

The name of Michael Kouth, late of Company B, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob L. Hinkle, late of Company G, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John R. Houchin, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wallace Chamberlin, late of Company I, Forty-ninth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Stanton, alias Edward A. Stanton, late of Battery D, First Battalion Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Bardill, late of Company F, First Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Fagley, late of Company K, Eighteenth Regiment, and Company A, One hundred and eighty-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine O'Connor, widow of Timothy O'Connor, late of Company H, Thirty-fifth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ellen O'Connor, helpless and dependent child of said Timothy O'Connor, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Catherine O'Connor, the name of said Ellen O'Connor shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catherine O'Connor.

The name of Ansel T. Bartlett, late of Company D, Fifty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frederick Christy, late of Company E, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Wright, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Kindle, late of Company B, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hobart Hamilton, late of the One hundred and second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Daniels, late of Company D, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander Frazier, late of Company D, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John A. Lovens, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry J. Loughmiller, late of Company A, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Kimball, late of Company B, Seventh Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following amendments were severally offered and severally agreed to:

On page 21, line 8, being the case of George T. Harwood, Company K, Nineteenth Regiment New York Volunteer Infantry, insert the dollar mark before the figures "40."

On page 40, line 10, being the case of Willaby L. Groves, strike out "a pension" and insert "a pension."

On page 52, line 3, being the case of Anna Smith, strike out the word "window" and insert in lieu thereof the word "widow."

Mr. SHERWOOD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The foregoing bill is a substitute for the following House bills referred to said committee:

H. R. 449. William B. Hampshire.
H. R. 455. Jefferson Cherry.
H. R. 456. Wesley B. Calder.
H. R. 459. John J. Bradford.
H. R. 510. George Russell.
H. R. 511. James K. Jennings.
H. R. 514. Edward Wilkinson.
H. R. 515. Frank Logsdon.
H. R. 521. George Butterbaugh.
H. R. 555. Theodore S. Smith.
H. R. 556. John C. Carroll.
H. R. 558. William M. Pace.
H. R. 575. David H. Hatfield.
H. R. 579. James G. Young.
H. R. 581. John R. Ward.
H. R. 583. Peter F. Baker.
H. R. 593. Alexander Hall.
H. R. 607. Oscar G. Robinson.
H. R. 634. Joseph W. Snave.
H. R. 657. Joseph McArmstrong.
H. R. 658. Andrew Robertson.
H. R. 659. Francis M. Choat.
H. R. 688. David Harris.
H. R. 689. Perry A. Crandall.
H. R. 690. Elijah Campbell.
H. R. 711. Philip Richards.
H. R. 712. Philip Liebrick.
H. R. 729. Daniel Bachman.
H. R. 738. Jay P. Eddy.
H. R. 742. Isaac Luke.
H. R. 743. Lemuel Cross.
H. R. 755. James Henstan.
H. R. 768. Moses McCleary.
H. R. 769. Lewis H. Bradshaw.
H. R. 770. David Bellnap.
H. R. 778. Elsden B. Stephens.
H. R. 779. Alfred H. Chaplin.
H. R. 780. Frank Drewes, sr.
H. R. 791. Elijah A. Hegrn.
H. R. 839. Edward B. Ward.
H. R. 849. Thomas R. Beasley.
H. R. 857. Sidney G. Sidner.
H. R. 869. William Sewing.
H. R. 877. Adam Allwein.
H. R. 897. Joshua Gage.
H. R. 898. Jeremiah Shlee.
H. R. 899. William Watson.
H. R. 909. Marshall Barnes.
H. R. 930. Alexander J. Souden.
H. R. 935. Benjamin F. Umfleet.
H. R. 937. Lewis J. Cundiff.
H. R. 968. Riley A. Reeves.
H. R. 971. Charles Ford.
H. R. 1011. James F. Bellew.
H. R. 1075. Francis S. Layton.
H. R. 1098. Jacob Erow.
H. R. 1105. Sanford Earley.
H. R. 1114. Elisha W. Phillips.
H. R. 1117. Samuel M. Reese.
H. R. 1133. Nicholas Wolf.
H. R. 1135. Samuel D. Mowrey, alias David O. Mowrey.
H. R. 1159. Daniel Campbell.
H. R. 1164. Milton Cooper.
H. R. 1178. Charles Bishop.
H. R. 1186. James Doyle.
H. R. 1196. John A. Quick.
H. R. 1197. Elias Cleveland.
H. R. 1207. Ezra McIntyre.
H. R. 1209. John F. Bass.
H. R. 1229. John J. McKenna.
H. R. 1230. Harvey Bartley.
H. R. 1302. John T. Whetsal.
H. R. 1304. John Trenter.
H. R. 1316. William H. Atwell.
H. R. 1327. Franklin Manning.
H. R. 1328. Joseph Hoskins.
H. R. 1331. Albert M. Scroggins, alias Allen S. Craig.
H. R. 1346. Charles White.
H. R. 1467. William H. Hindman.
H. R. 1472. William A. Swearengin.
H. R. 1480. William T. Stone.
H. R. 1482. Alexander McGahan.
H. R. 1485. George M. Mayo.
H. R. 1506. Enos A. Clark.
H. R. 1510. Stephen J. Coleman.
H. R. 1544. Jacob Andrist.
H. R. 1558. George L. Davis.
H. R. 1560. Luther S. Pitcher.
H. R. 1585. Dubner D. Wright.
H. R. 1590. William Henry Jenkins.
H. R. 1591. Hamilton L. Karr.
H. R. 1594. Daniel Ambrosier.
H. R. 1604. James H. Scott.
H. R. 1606. Albert B. Clark.
H. R. 1633. William G. Redlee.
H. R. 1637. Charles W. Foster.
H. R. 1638. John H. Nuttee.
H. R. 1642. George D. King.
H. R. 1823. John Devon.
H. R. 1824. James Cassidy.
H. R. 1827. Michael Greeley.
H. R. 1829. Joseph N. Abbott.
H. R. 1830. William Myers.
H. R. 1851. Henry Sanders.
H. R. 1858. Norman B. Yarwood.
H. R. 1916. John H. Rivera.
H. R. 1923. Charles Kinne.
H. R. 1937. James S. Doolittle.
H. R. 1963. Samuel A. Maxfield.
H. R. 1985. John Mallet.
H. R. 2016. Daniel W. Thurston.
H. R. 2018. Pary McNair.
H. R. 2043. Benjamin F. Shipley.
H. R. 2045. Albert M. Butts, alias Albert J. Stewart.
H. R. 2048. James Smith.
H. R. 2055. William L. Tate.
H. R. 2079. Melville F. Allyn.
H. R. 2142. John W. Johnson.
H. R. 2147. Robert N. Hawkins.
H. R. 2148. Ananias B. Reeser.
H. R. 2226. Daniel H. Wise.
H. R. 2227. George A. Rubush.
H. R. 2235. Alfred M. Wheeler.
H. R. 2272. Jeremiah R. Sensenich.
H. R. 2287. Eli House.
H. R. 2383. James K. P. Wyman.
H. R. 2403. Wilson Taylor.
H. R. 2406. Christopher C. Russell.
H. R. 2409. John Barker.
H. R. 2411. Garrett W. Freeman.
H. R. 2414. Edward S. Ragan.
H. R. 2433. Isaac W. Waters.
H. R. 2445. William F. Raines.
H. R. 2466. Shepherd M. Gaston.
H. R. 2469. Christian Lock.
H. R. 2485. Anderson J. Bowman.
H. R. 2501. Julia Esther Hammond.
H. R. 2536. John W. Robinson.
H. R. 2551. William N. Hull.
H. R. 2552. John Warren.
H. R. 2562. John W. Hank.
H. R. 2638. Joseph A. Stephens.
H. R. 2674. Daniel Thomas.
H. R. 2681. Marcus L. Moore.
H. R. 2687. Charles M. Dority.
H. R. 2710. Richard M. Johnson.
H. R. 2727. Samuel L. Brown.
H. R. 2728. Henry King.
H. R. 2740. James J. Short.
H. R. 2742. John G. Hunter.
H. R. 2828. Peleg R. Washburn.
H. R. 2857. Thomas H. Goodrich.
H. R. 2857. Edward G. Sanchez.
H. R. 2977. Charles P. Cook.
H. R. 2986. David E. Godfrey.
H. R. 3056. William Schwicardi.
H. R. 3060. Helen A. Benjamin.
H. R. 3066. George R. White.
H. R. 3067. William B. Porter.
H. R. 3069. Emmet Ellis.
H. R. 3073. Benjamin Cuddeback.
H. R. 3087. Henry L. McMullin.
H. R. 3088. Simon Kephart.
H. R. 3094. Abner A. Hurt.
H. R. 3099. James C. Haslett.
H. R. 3105. Deborah Sebring.
H. R. 3114. Monroe J. Potts.
H. R. 3161. Phillip F. Keller.
H. R. 3166. James Derning.
H. R. 3183. Alonzo Flero.
H. R. 3203. Edward N. Whitney.
H. R. 3277. Jasper N. Cummins.
H. R. 3278. Orville H. Patten.
H. R. 3280. David H. Crumpacker.
H. R. 3306. Albert Mason.
H. R. 3308. Calvin Custer.
H. R. 3312. Horton S. Calland.
H. R. 3326. Ephriam Bartlett.
H. R. 3390. Henry Johns.
H. R. 3391. George T. Harwood.
H. R. 3392. Hutcheons B. Durham.
H. R. 3403. Jonathan H. Roberts.
H. R. 3412. Theodore Tooley.
H. R. 3413. Charles Dominick.
H. R. 3445. Nelson Hart.
H. R. 3460. Israel L. Hahn.
H. R. 3488. Townsend Roberts.
H. R. 3510. Henry M. Cottrill.
H. R. 3527. Mathew Whitford.
H. R. 3528. Henry G. Hixson.
H. R. 3542. Philip H. Lind.
H. R. 3677. Albert Helms.
H. R. 3717. George Preuditt.
H. R. 3722. Edward Gridley.
H. R. 3725. Charles E. Knox.
H. R. 3729. Eaton Kinney.
H. R. 3730. James Little.
H. R. 3735. Thomas Covell.
H. R. 3741. Noah W. Tyron.
H. R. 3752. William McClarren.
H. R. 3755. Wilson J. Parker.
H. R. 3756. Samuel H. Keech.
H. R. 3758. Alfred T. Hawk.
H. R. 3816. William R. Gillespie.
H. R. 3826. Levi Vandervort.
H. R. 3849. Isaac Postlethwait.
H. R. 3866. John Pope.
H. R. 3911. Samuel R. Easter.
H. R. 3916. William J. McCormick.
H. R. 3963. John C. Bolinger.
H. R. 3966. Carrie B. Wilson.
H. R. 4138. James Buchanan.
H. R. 4224. Sidney E. Timerman.
H. R. 4297. Joseph Guest.
H. R. 4298. Ebenezer Riley.
H. R. 4319. Andrew York.
H. R. 4362. Thomas Lee.
H. R. 4420. Felix Karl.
H. R. 4424. Shadrack B. Johnson.
H. R. 4471. Greenbury Vickrey.
H. R. 4543. John Sanna.
H. R. 4646. John J. Callahan.
H. R. 4660. Johnston B. Gelsinger.
H. R. 4667. Myrtle Webster.
H. R. 4672. John A. Davidson.
H. R. 4677. Henry J. Kinney.
H. R. 4685. Oliver Budd.
H. R. 4691. John Cashman.
H. R. 4712. Charles Decanter.
H. R. 4713. George W. Langley.
H. R. 4775. Josiah Dock.
H. R. 4780. Alonzo M. Hobbs.
H. R. 4788. Jacob D. Peterson.
H. R. 4798. Jacob Wetzel.
H. R. 4841. William Row.
H. R. 4842. Willaby L. Groves.
H. R. 4857. Andrew M. Murray.
H. R. 4869. Theresa Dietz.
H. R. 4900. Mary Gehres.
H. R. 4921. Henry Garvey.
H. R. 4947. David Carter.
H. R. 4966. William Flint.
H. R. 5014. Christian Broemer.
H. R. 5052. Amos McKinley.
H. R. 5053. Silas H. Shepherd.
H. R. 5058. Doctor E. Davis.
H. R. 5061. John Jones.
H. R. 5083. Dudley G. Allen.
H. R. 5126. Harrison Smith.
H. R. 5190. Francis M. Uhler.
H. R. 5224. Henderson Craft.
H. R. 5232. John F. Gibbons.
H. R. 5243. Henry Forster.
H. R. 5298. William McCloud.
H. R. 5315. George Stillman.
H. R. 5374. Charles W. Green.
H. R. 5397. Augustus A. Prugh.
H. R. 5400. Charles Schmidt.
H. R. 5480. Moritz C. Young.
H. R. 5483. Isaac N. Splawn.
H. R. 5590. Fairfield Dresser.
H. R. 5561. George W. Daniels.
H. R. 5682. Alfred York.
H. R. 5684. Frances A. Sapp.
H. R. 5729. Frederick Freund.
H. R. 5739. David Hartman.
H. R. 5740. James T. Hewitt.
H. R. 5741. Winfield S. Gregory.
H. R. 5742. Alexander H. Lamb.
H. R. 5743. Joseph Davis.
H. R. 5781. John C. Shields.
H. R. 5803. Alfred G. Daniels.
H. R. 5851. Harrison W. Fox.
H. R. 5832. Julius O. Deming.
H. R. 6082. Lafayette Barnes.
H. R. 6085. Clark K. Denney.
H. R. 6255. Isaac N. Mahan.
H. R. 6258. Pelly T. Martin.
H. R. 6373. Thomas Ward.
H. R. 6399. Newton J. Wells.
H. R. 6620. Henry Hoover.
H. R. 6623. John C. Baker.
H. R. 6634. John I. Smallwood.
H. R. 6665. Charles L. Dunham.
H. R. 6685. Simon J. Martin.
H. R. 6699. Porter W. Roundy.
H. R. 6701. William M. Gosnell.
H. R. 6700. Delia A. Lapham.
H. R. 6729. George C. Presley.
H. R. 6739. William F. Bailey.
H. R. 6822. John Adams.
H. R. 6823. John M. Fesler.
H. R. 6824. John Gessner.
H. R. 6829. Josiah James.
H. R. 6837. John T. Follette.
H. R. 6864. Thomas T. Owens.
H. R. 6874. Mary J. Guy.
H. R. 6917. Anna Jacobs.
H. R. 6918. Lilly Howard.
H. R. 7036. William R. Boren.
H. R. 7040. George R. Devol.
H. R. 7041. John Troxler.
H. R. 7042. Simon Bollinger.
H. R. 7043. Benjamin Griffith.
H. R. 7069. Beverly W. Brittain.
H. R. 7099. Thomas L. Jennison.
H. R. 7104. Charles G. Ginther, alias Charles Skinner.
H. R. 7105. Anna Smith.
H. R. 7107. Henry C. Livesey.
H. R. 7155. William Warren.
H. R. 7195. Elisha L. Powers.
H. R. 7197. William J. Nash.
H. R. 7241. George M. Loring.
H. R. 7266. Charles Shaffer.
H. R. 7270. Asbery Mayfield.
H. R. 7271. James N. McIlenry.
H. R. 7272. Andrew J. Gaskins.
H. R. 7273. William L. Faucett.
H. R. 7274. Levi Brock.
H. R. 7365. William C. Martin.
H. R. 7379. Alonzo Whitehouse.
H. R. 7384. John S. Skeen.
H. R. 7385. Edwin C. Beall.
H. R. 7390. Joseph McGuire.
H. R. 7392. Collins South.
H. R. 7399. Josephine Freeman.
H. R. 7403. Michael Kouth.
H. R. 7415. Jacob L. Hinkle.
H. R. 7427. John R. Houchin.
H. R. 7464. Wallace Chamberlin.
H. R. 7465. John E. Stanton, alias Edward A. Stanton.
H. R. 7497. John Bardill.
H. R. 7509. John Fagley.
H. R. 7518. Catherine O'Connor.
H. R. 7519. Anail T. Bartlett.
H. R. 7520. Frederick Christy.
H. R. 7537. George W. Wright.
H. R. 7538. Charles H. Kindle.
H. R. 7539. Hobart Hamilton.
H. R. 7540. Henry Daniels.
H. R. 7553. Alexander Frazier.
H. R. 7555. John A. Lovens.
H. R. 7559. Henry J. Loughmiller.
H. R. 7560. William W. Kimball.

GARABED.

Mr. GARRETT of Tennessee. Mr. Speaker, I present the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 194.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration, under the general rules of the House, of H. J. Res. 174, entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the 'Garabed,' claiming to make possible the utilization of free energy."

Mr. GARRETT of Tennessee. Mr. Spenker, it has been very well understood that this matter would come up this afternoon. Does the gentleman from Kansas [Mr. CAMPBELL] desire to enter into any agreement as to time for discussion of the rule?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. I suggest 20 minutes on a side.

Mr. BORLAND. Mr. Speaker, I want about 15 minutes on the rule. I am opposed to the rule.

Mr. CAMPBELL of Kansas. If the gentleman from Tennessee desires more time than that, I have no objection.

Mr. GARRETT of Tennessee. I do not desire that much time. The gentleman from Missouri is opposed to the rule?

Mr. BORLAND. Yes.

Mr. GARRETT of Tennessee. And the gentleman from Kansas is in favor of it?

Mr. CAMPBELL of Kansas. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that debate on the rule be limited to 40 minutes, one-half of that time to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and one-half by myself, and that at the end of that time the previous question shall be considered as ordered.

The SPEAKER pro tempore. Is there objection?

Mr. BORLAND. Mr. Speaker, reserving the right to object, I understand that both these gentleman are in favor of the rule. I desire to oppose the rule and I would like to have about 15 minutes in which to oppose it.

Mr. GARRETT of Tennessee. Mr. Speaker, I shall withdraw the request. The purpose of the resolution, which by direction of the Committee on Rules I have called up, is to provide for the consideration, under the general rules of practice of the House, of House joint resolution 174, Calendar No. 77, entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the 'Garabed,' claiming to make possible the utilization of free energy."

The resolution or special rule which the Committee on Rules presents is simple in its terms and requires no explanation. Its adoption is necessary, in view of the parliamentary situation, if the House is to consider the joint resolution.

I think, sir, it is highly important that we should consider and pass the joint resolution. It will be remembered that the House and Senate passed this measure at the very close of the last session of the Congress. It reached the President only a few moments before the hour that had been fixed for final adjournment of the session and was not signed by him. I assume that this did not indicate opposition upon his part, because I suppose if he had been opposed to it he would have vetoed it. My supposition has been that the President felt he should give it further investigation than the hurried and congested condition of affairs would then admit of, knowing that Congress would shortly reconvene, and that it could be again passed and submitted to him.

I have heard—and I suppose I violate no confidence in so stating—that with the amendments as adopted by the Committee on Patents, the Department of the Interior has no objection to the measure, and I feel quite hopeful that it will receive Executive approval if again passed.

A brief statement of the facts and purposes of the joint resolution will suffice, I trust, so far as debate on the rule I propose is concerned.

Mr. Garabed T. K. Giragossian, who, I understand, is a gentleman of Armenian birth, but who is and has long been a resident and naturalized citizen of the United States, claims to have developed a mechanism whereby what scientists call the cosmic or elemental forces or energies of nature may be utilized for industrial purposes. Whether this claim is well founded we do not know. If it be well founded, then, as the report of the Committee on Patents aptly says, "the possible results of the use of the means in question is beyond the power of man's imagination." It is so stupendous a thing that it is not strange that men should be frankly skeptical and openly cynical concerning it.

And yet, sir, I think all scientists are agreed that these cosmic energies do exist, that they flow in steady and unceasing streams throughout the universe. Would the successful harnessing of them be any more strange or wonderful than was the utilization of the power of steam or the leashing of the lightnings?

Mr. Giragossian claims to have the device developed and stands ready to submit it to the test, the only way in which its worth may be demonstrated. He asks no appropriation of the Congress. Unless he has something worth while, there is no contingency under which this Government will expend a penny.

On the other hand, if he does demonstrate that he has something worth while, an assignment of the right to utilize it for the Government's own use is made to the Government, said assignment "free of charge or expense," and he is to have a patent for 17 years. Certainly, the proposition of Mr. Giragossian does not have the earmarks of fakerism or fanaticism.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. BORLAND. I would not want to suggest that this bears the earmarks of fake or fanaticism, but does not section 4 of the bill absolutely prejudge Mr. Giragossian's case by saying that the Government of the United States shall not issue to anyone else a patent involving or relating to the principle of Garabed, regardless of its form or shape? Does it not absolutely assume the minute we pass this bill that he is the inventor and no one else has ever invented anything else involving the same principle, and that nobody else must be permitted to have a patent on anything involving the same principle?

Mr. GARRETT of Tennessee. No. The gentleman from Missouri is wrong in that conclusion. That is only to happen in the event the demonstration is made to the satisfaction of the board of scientists to be selected by Mr. Giragossian and approved by the Secretary of the Interior. In other words, it places him, if I construe the measure correctly, in no different shape than he would be in if he obtained his patent under the general law, except in so far as improvements are concerned.

Mr. BORLAND. If the gentleman will indulge me further a moment, no such condition appears in section 4; but assuming that it did appear there and assuming that Mr. Giragossian demonstrates to these scientists that his invention will work, have we not still prejudged his case as to all other inventors of the same principle? Would he not, after the demonstration, step into the rights of all persons who claim to have invented that same principle?

Mr. GARRETT of Tennessee. Not any more than it would do so under the general patent law, except, as I have said, in the matter of improvements.

Mr. BORLAND. Let me call the gentleman's attention——

Mr. GARRETT of Tennessee. If the gentleman will pardon me, I do not want to go into details. We are providing for the consideration of the bill, and I should prefer that gentlemen from the Committee on Patents discuss that matter of details with the gentleman from Missouri.

Mr. BENJAMIN L. FAIRCHILD. Is there anything in the bill that determines the question of priority if there is any controversy as to the first inventor of this great invention?

Mr. GARRETT of Tennessee. I will say that the effect of House joint resolution 174 will be to grant to Mr. Giragossian a patent in the event he demonstrates his device to the satisfaction of the board of scientists approved by the Secretary of the Interior.

Mr. BENJAMIN L. FAIRCHILD. But if there is any proof afterwards that there is a prior inventor, the door is closed to him by this bill?

Mr. GARRETT of Tennessee. That might be the effect of it, but if the gentleman will bear with me in patience I will proceed——

Mr. STAFFORD. Will the gentleman permit a question on the rule?

Mr. GARRETT of Tennessee. I will.

Mr. STAFFORD. Is it not a fact under the rule, if adopted, the gentleman who has the bill in charge can do as he did when the bill was last under consideration, when only one amendment was offered, move the previous question and prevent any amendment to this most important question, which would give Mr. Giragossian, under section 4, the absolute right, even if the committee of experts appointed find in his favor, not to allow a patent to be given to anybody else?

Mr. GARRETT of Tennessee. The gentleman asks a question as to procedure. I answer it in the affirmative, that it will be considered under the general practice of the House and it will lie within the power of the gentleman from Ohio, the acting chairman of the Committee on Patents, at any time under the general rules of the House to move the previous question. If the House orders the previous question it will cut out amendment.

Mr. STAFFORD. In view of the action before, does the gentleman think it is proper such action should be taken without opportunity to amend the bill?

Mr. GARRETT of Tennessee. That is a matter which addresses itself to the discretion of the gentleman from Ohio and the taste of Members of the House. A test of its elements indicates absolute good faith. Those gentlemen with whom Mr. Giragossian has come in personal contact all testify before the Rules Committee and the Committee on Patents to his gentlemanly demeanor, his intellectual strength, and the apparent sincerity which runs through his conduct and is evidenced in his character.

I am quite conscious of the fact that there are gentlemen who indulge their gift of wit in opposing this proposition, and I have even heard it put as strongly as that Congress was rendering itself ridiculous in passing it. That remains to be seen, Mr. Speaker, and I am willing to take the chance.

Mr. STAFFORD. Will the gentleman yield as to the statement he just made?

Mr. GARRETT of Tennessee. I will.

H. R. 1824. James Cassidy. H. R. 3755. Wilson J. Parker.

Mr. CAMPBELL of Kansas. Yes.

Mr. STAFFORD. Will the gentleman kindly inform the House what test he referred to which Mr. Giragossian has made and submitted to any committee of the House?

Mr. GARRETT of Tennessee. I referred not to the test of the mechanical device. The continuity of my remarks was broken by inquiry, and what I meant to say was that the test of the proposition which he submitted, as contained in the resolution, bore the evidence of good faith. Do I make myself clear to the gentleman? [After a pause.] I meant that the proposition contained in House resolution 174, the contract involved in that resolution, bore evidence of good faith. I did not refer to the device.

Mr. STAFFORD. If the gentleman will permit, the resolution now under consideration is more drastic, as far as Government rights are concerned, than the one passed last when we had it under consideration.

Mr. GARRETT of Tennessee. Of course, that is aside, if the gentleman will pardon me, from the——

Mr. STAFFORD. Does that show good faith on the part of Mr. Giragossian?

Mr. GARRETT of Tennessee. Well, perhaps our minds do not run together on that proposition. The passage of the joint resolution in its present form can not possibly endanger a single public interest, and I feel that if the demonstration fails I can recover from the shock, and since no harm can have been done to any living person, I shall be able to go about my business, I think, without hanging my head in humiliation and shame. If it shall, on the other hand, prove a success, if it possesses even a tithe of the possibilities claimed for it, I shall be glad for my country's and for humanity's sake. I shall feel gratified to have even this small part in its advancement.

Why is it that gentlemen do so much fear to ascertain whether we really have some new blessing for mankind? [Applause.]

Mr. GREENE of Vermont. Does the gentleman ask that rhetorically or directly?

Mr. GARRETT of Tennessee. As the gentleman chooses.

Mr. GREENE of Vermont. The gentleman asks why we fear. It is because before we know what the result is going to be we mortgage to this man any favorable result——

Mr. GARRETT of Tennessee. But only in event the result is what he claims it will be.

Mr. GREENE of Vermont. That is where the gentleman makes a mistake if I may address that remark, with all respect, to him.

Mr. GARRETT of Tennessee. Certainly.

Mr. GREENE of Vermont. We promise beforehand that if he produces what he says he has he shall have exclusive right to the use of it except for the Government's own use, even if it should comprehend all the laws of physics known to science or hereafter to be discovered, and he can sue any man who subsequently brings in an invention which may in the consideration of some one of those laws impinge upon his own.

Mr. GARRETT of Tennessee. That is a question of construction. If Mr. Giragossian has what he claims to have, I think he should have a special patent, and I think the Government would be extremely fortunate in obtaining the use of it as provided by the terms of this measure.

Mr. GREENE of Vermont. Will the gentleman again yield?

Mr. GARRETT of Tennessee. I will.

Mr. GREENE of Vermont. Will the gentleman undertake, in the spirit of true democracy, to argue that one man, by the terms of this resolution—which means the purchase of a pig in a poke—should utilize for himself all the royalties and profits to be had from his discovery of some great fundamental law of physics and nature?

Mr. GARRETT of Tennessee. Well——

Mr. GREENE of Vermont. That is not the pure mechanical device——

Mr. GARRETT of Tennessee. The gentleman and I differ in our contention of construction.

Mr. GREENE of Vermont. That is not the mere mechanical device.

Mr. GARRETT of Tennessee. I think it would be construed necessarily to apply only to the device and improvements upon the device directly related to it.

Mr. GREENE of Vermont. Without offense, is not that begging the question, for the utilization of a heretofore unknown law of nature may be possible only through a certain device, but if you protect him in the device he is the only man who can use the law.

Mr. GARRETT of Tennessee. Mr. Speaker, in that event, of course, the Government can become the owner of it.

Mr. GREENE of Vermont. The Government in this country is not every private manufacturer.

Mr. GARRETT of Tennessee. But my construction—I may be in error about it—the gentleman from Vermont is a clearer lawyer than I am——

Mr. GREENE of Vermont. I am not a lawyer.

Mr. GARRETT of Tennessee. I may be mistaken about it. However, we are not discussing the measure, we are merely discussing the rule for its consideration.

My thought concerning the measure is that the limitation with reference to the patent or improvements will apply only to improvements that under common sense, which is always good law, would relate directly to this mechanism itself.

Mr. CHURCH. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. CHURCH. I call the gentleman's attention to the fact that in order to prevent monopoly the Government has the right to purchase this outright from Mr. Giragossian at any time.

Mr. GARRETT of Tennessee. I thank the gentleman from California. I just stated that in reply to the gentleman from Vermont.

Mr. Speaker, the miracle of yesterday is the commonplace of to-day. There was a time when man was perfect in all his parts and elements. He was complete physically. The poet, the painter, the sculptor, the dreamer, in the wildest flights of superb fancy, never caught more than a fleeting vision of that beauty which was given by the Lord to the first man and first woman.

Mr. HAMILTON of Michigan. May I ask the gentleman a question when convenient for him to be interrupted?

Mr. GARRETT of Tennessee. At this time.

Mr. HAMILTON of Michigan. I simply wanted to ask why this gentleman did not proceed in the usual way to apply for a patent.

Mr. GARRETT of Tennessee. The report from the Committee on Patents, of which I am not a member—I am merely reporting the resolution from the Committee on Rules—states that. The difficulties which have attended every revolutionary invention in the history of our country have caused this man to ask for a special patent rather than to pursue the usual way.

Mr. HAMILTON of Michigan. Does he fear in some way that the device, for instance, might be stolen before the patent issues, or may leak out in some way?

Mr. GARRETT of Tennessee. Yes. Or that there may be improvements and devices suggested that will result in endless litigation, such as marked the course of the telephone and other great inventions lying within the knowledge of all of us.

I was about to proceed further when interrupted by the gentleman.

Not only was man complete physically at one time, but he was perfect mentally. He knew all philosophy and all science. Mathematical exactness was instinctive with him. He knew and could interpret bird song. He knew where the flower bloom came from, and why. He understood the passions of the tiger. He saw all problems with clear and unmistakable vision.

He was complete spiritually. He discussed with the Divine the themes of the divinity. He communed with the angels.

He was so complete in his structure that he possessed the power to destroy his own perfection, and he exercised this power. He sinned. That is to say, he violated some law of harmony. What it was we do not know. Perhaps we never shall know. But we know that it was the exercise of a power by which the integrity of his triple structure was destroyed.

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. GARRETT of Tennessee. Surely.

Mr. HAMILTON of Michigan. Is the gentleman proceeding upon the theory that mankind was created perfect in the beginning and has been degenerating since?

Mr. GARRETT of Tennessee. I told the gentleman privately he ought not to interrupt a speech like this.

Mr. HAMILTON of Michigan. It is a very difficult problem the gentleman is discussing now.

Mr. GARRETT of Tennessee. There is lots of time to do it, and I am going to elucidate it.

There was some power by the exercise of which the integrity of the triple structure was destroyed. I think that touched his every phase and characteristic. It devitalized him physically. The majestic brow receded; the form became bent. Warts and vile protuberances grew upon the skin. The nerves lost control over the muscles, and these, uncontrolled, fell to hideous expression.

And it devitalized him mentally. He lost intellectual excellence. He lost that power of discerning the truth clearly amidst every confusion and complexity.

It devitalized him spiritually. He could no longer look clear-eyed upon the angels nor commune in freedom with the God. And in this condition—a physical degenerate, a moral wreck, an intellectual prostitute—he was cast into the wild amid the wild things over which he had held an unrestrained dominion. But somehow, some way, there lingered in the sin-touched brain a glimmer of what he had been. And in the sin-dwarfed soul there sprang up an aspiration to regain by labor that which had been his by gift. And the master passion of the centuries, whether men be always conscious of it or not, is this great passion to be as the first man was, to see as the first man saw, to know as he knew, to be perfect as he was perfect, to walk abroad with the angels, to commune in freedom with the God. And the development of that ambition and all the activities essential to its growth is, after all, the fundamental thing that challenges each of us. [Applause.] Throughout all the long ages it has been the fight. It has been fought amid sneers, amid criticisms, amid cynicisms. It is rather remarkable that humanity has made the advance it has made.

It has advanced spiritually. Each race has developed its moral philosopher, its Buddha, its Confucius, its Mohammed, its St. Paul. I speak only of the human, not of the divine. The grunts have been developed into a language with which poets have expressed the intimate secrets of the human heart and philosophers have explained in a wondrous way the development of human impulse. The artist has looked upon the marble, surprised the dream that lay within it, and chiseled out the figure filled with life, almost love, and wondrous beauty. The painter has mixed the pigments and spread on canvas another longing for the lost dominion to fill us with delight or thrill us with despair.

Not alone in the spiritual and artistic world, but in the material and the mechanical world, what wonders man has wrought! From the crude, dwarfed, distorted man, standing weaponless and naked in the primeval wilderness, have sprung the splendid creatures who with soul and brain and nimble fingers have moved steadily toward the restoration of the dominion lost in the long ago.

What wonders man has wrought! He has piled stones and timber into massive mansions as beautiful as the dreams of heaven. He has set the poles and strung the wires and talks with his fellows across rivers and seas and continents; aye, without the wires he sends his message through the unseeable air. He has caught the secret of steam and made it do his bidding. He has taken the web spun by the worm and woven it into a fabric fit to clothe the angels.

Why do we speak of things as being impossible? Here comes a man who says he has plucked the heart out of another human mystery. It is no reflection on him that he comes from comparative obscurity. If what he claims proves true, he will stand among the great of all ages and all times, and his place in the sun will be quite secure. He offers to submit his proposition to a fair and proper test. He offers to this Government the benefit of his genius and his industry. If indeed he has plucked the heart of another mystery, why not have the benefit of it? I am entirely at a loss to understand why this body or any other body should refuse to give to him the opportunity to demonstrate, under the terms and conditions of this measure, whether or not he has worked one of those other things that we once called "miracles," but which, as I said a while ago, have become after all common places. [Applause.]

Mr. Speaker, I reserve the remainder of my time.

Mr. CAMPBELL of Kansas rose.

Mr. BORLAND. Mr. Speaker, I want to oppose the rule.

The SPEAKER pro tempore. The gentleman from Kansas, a member of the Committee on Rules, is recognized.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. LENROOT] 10 minutes out of my hour.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. LENROOT. Mr. Speaker, I would like first to make an inquiry of the chairman of the committee, the gentleman from Ohio [Mr. CROSSER]. There was, and I presume there is—and I would like to have it stated publicly—an understanding that if this rule is adopted there shall be three hours' consideration of this bill?

Mr. CROSSER. Does the gentleman include in that the time that has already been consumed, or does he still want three hours?

Mr. LENROOT. I believe we could not give it proper consideration by 5 o'clock this afternoon. With this understanding——

Mr. CROSSER. Can we not finish it to-night?

Mr. LENROOT. I do not know. That will depend. There was an understanding, a private understanding, that there would be three hours' consideration of this bill after the adoption of the rule.

Mr. CROSSER. I assumed that that would include the little time we might consume on the rule. I did not assume that there would be any debate on the rule.

Mr. GARRETT of Tennessee. I did not have that understanding. The only understanding we had was that the gentleman from Kansas and I thought we would each use an hour.

Mr. LENROOT. I believe it will be satisfactory, so far as I am concerned, that if we can not finish to-night, well and good. But substantial amendments are pending——

Mr. STAFFORD. Mr. Speaker, would not the gentleman be willing to allow a certain amount of time for debate under the five-minute rule to consider amendments? I judge from the temper of the House that the purpose is to pass the bill, but I feel there should be time granted so as to allow discussion of the amendments.

Mr. CAMPBELL of Kansas. I hope this is not coming out of my time, Mr. Speaker.

The SPEAKER pro tempore. The Chair understands that this discussion is going on in order to promote an understanding.

Mr. BORLAND. Do I understand, Mr. Speaker, that there has been an understanding entered into by anybody in regard to the limitation of debate?

The SPEAKER pro tempore. The Chair does not know that anybody has entered into any.

Mr. LENROOT. It was within the power of the gentleman from Ohio [Mr. CROSSER] to move the previous question at any time, and I went to him, privately, as I had a perfect right to do, and had an understanding with him that the previous question would not at once be moved, and that before it was moved—or that was the effect of it—we would have three hours for full discussion.

The SPEAKER pro tempore. No understanding has been reached. If these gentlemen have made an informal agreement among themselves, it would have to be submitted to the House before it would be binding.

Mr. BORLAND. This matter can not be foreclosed in that manner.

Mr. LENROOT. The gentleman from Ohio had it in his power to move the previous question at any time. I bring the question up now, so that we may get an understanding.

Mr. BORLAND. The evident purpose is to foreclose the whole subject in the interest of one man.

Mr. CROSSER. So far as I am concerned, I would like to finish to-night. I am willing to stay.

Mr. LENROOT. The gentleman will not move the previous question prior to 5.30 o'clock?

Mr. CROSSER. No.

Mr. CAMPBELL of Kansas. Mr. Speaker, I doubt if there will be a quorum here at 5.30.

Mr. LENROOT. Then we can raise the point at that time.

Mr. CAMPBELL of Kansas. I am anxious that this matter be concluded this afternoon with a quorum of the House present. The discussion so far has been on the merits of the proposition. I take it that the discussion in the ensuing hour will be on the merits of the proposition rather than upon the rule itself.

Mr. LENROOT. I want an understanding as to the time for voting. I do not want to be shut off in a few minutes.

Mr. CAMPBELL of Kansas. I am perfectly willing to go on, with an understanding that the previous question will not be moved until 5.30, unless we finish before that.

Mr. LENROOT. Unless we finish before that.

Mr. CROSSER. I have not consulted any other member of the committee about this. I want to satisfy everyone concerned, but I do want to finish this to-night.

Mr. CAMPBELL of Kansas. It is understood that the previous question will not be moved before 5.30, unless we conclude before that time.

Mr. CROSSER. Unless we conclude before that time, and I reserve the right to move the previous question at that time.

Mr. LENROOT. With that understanding, I shall not object.

Mr. CARLIN. Will the gentleman permit a question?

Mr. LENROOT. Yes.

Mr. CARLIN. I want to inquire whether the rule permits amendments to the bill.

Mr. LENROOT. Under the rules of the House, if the previous question is not moved—and that is the purpose of getting this understanding—amendments can be offered. With the understanding that has been reached, I shall not oppose the rule, but I do want to take the time to call the attention of the House to the necessity of very materially amending this joint resolution, if the House would be true to itself and the country.

It is true this joint resolution passed in the last session of Congress, and yet we must conclude that the only reason why it passed in its present form was that Members were so tired and so worn out that they were not in a condition to give that careful consideration to measures that they usually give. The gentleman from Tennessee [Mr. GARRETT] has stated that there is no public interest that can possibly be injured, nor the Government in any way made liable by the passage of this resolution in its present form. Why, Mr. Speaker, unless this joint resolution is amended, even though this committee of scientists shall find that there is nothing of value in this alleged discovery of Mr. Giragossian, nevertheless this bill provides that at no time during 17 years shall any patent be issued to anyone covering this principle of free energy, although this alleged inventor may have nothing whatever of value. There is no such condition attached to section 4 as was implied by the gentleman from Tennessee [Mr. GARRETT]. This commission might unanimously find against there being anything of value in this discovery, and yet section 4 provides that the United States Government shall not issue to anyone else any patent involving or relating to the principle of the Garabed free-energy generator; and not only shall not issue a patent, but—

shall prevent the construction, importation, use, or exploitation thereof, in whole or in part, in the United States, and shall protect the said Garabed T. K. Giragossian, his heirs and assigns, in the rights and interests in the "Garabed" in the above respect for a period of 17 years in the United States and in foreign countries where such protection is afforded by treaty obligations, international law, or diplomatic representation.

In other words, although there may be nothing of value in this discovery, by this bill we agree that if some one else does discover something along this line the public shall not have the use of it or have the right to use it at all. Is it possible that the House of Representatives is in favor of any such proposition as that?

Then we come to section 5, another most remarkable section, providing—

SEC. 5. That any essential improvement or contrivance by any person or persons other than Garabed T. K. Giragossian relating to the "Garabed," or its principle, which shall prove valuable and essential thereto in the opinion of the Secretary of the Interior during the period of the said Garabed T. K. Giragossian's special protection shall be bought by the United States Government for its own use in conjunction with its use of the said "Garabed," with adequate compensation to the inventor or contriver thereof. If, however, the said Garabed T. K. Giragossian wishes to utilize any such invention or contrivance so acquired by the United States Government, he or his assigns, and no other person or corporation, shall be entitled thereto upon the payment of a fair, just, and reasonable royalty therefor. In consideration of this right the United States Government shall have, without expense, the right to use for its own purpose any new improvement or device made by the said Garabed T. K. Giragossian.

Not even a patent is required upon this improvement or contrivance; and yet the Government agrees to purchase it and not permit the inventor of that improvement or contrivance to use it or the public to have the use of it except through Mr. Giragossian, although this committee of scientists might agree that there was nothing of value in this discovery. Is it possible that the House of Representatives is going to pass legislation of this nature? I am perfectly willing to vote for this bill amended, willing to take the chance that the gentleman from Tennessee [Mr. GARRETT] speaks of in giving Mr. Giragossian protection by this special patent, if this committee of scientists shall approve. I am willing that he shall have the right under this bill, upon the payment of a reasonable royalty fixed by the Secretary of the Interior to use any improvement or contrivance that some one else may invent in connection with this discovery. That gives full, complete, and ample protection to Mr. Giragossian. More than that neither he nor anyone else has the right to ask. Neither has he the right to ask, as is contained in section 4, that no patent shall be issued to anyone else, although he may have nothing, and that the Government will not permit anyone else to use the discovery or invention relating to the generation of free energy when he has not. Why, the very statement of the proposition shows its absolute absurdity. I sincerely hope that when we reach the point of amendment the committee will accept some of these amendments. And even then, although I am willing to vote for it I am frank to say that Congress will have gone further in extending a special privilege than has ever been done in the history of the United States.

Mr. Speaker, I yield back the remainder of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, since this bill was under consideration in the House in the closing days of the last session there have been some developments that were unknown to me and unknown to the membership of the House. I have been informed that the bill passed the Senate in the closing hours of one day with a very small membership present, even after a disclosure made by one of the Senators that sometime before a person by the name of Mr. Casey had called at his office with a device that operated on the general principle proposed to be embodied in the invention claimed by Mr. Giragossian.

Since I came on the floor this morning it has been called to my attention that some person—whether Mr. Casey or some one else I do not know—demonstrated by a device to a Member of this House the very principle claimed by Mr. Giragossian. When the proposal was under consideration at the last session I attempted to point out in 10 or 15 minutes' discussion on the rule the fact that the rights of other inventors were not protected; that even if the committee of scientists that were to be appointed on the nomination of Mr. Giragossian, with the approval, it is true, of the Secretary of the Interior, should find that he had a device that was practicable, this bill took away the right of any other person, whether Mr. Giragossian was the inventor or not. Since the resolution was considered we have the positive statement in another body and also by a colleague in this Chamber to-day that there are other persons who have a similar device.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HAMILTON of Michigan. Has this other person or persons patented the device?

Mr. STAFFORD. As far as I am informed, he has not. I am not advised, nor does the CONGRESSIONAL RECORD show whether the other person has made an application for letters patent, but this resolution granting a patent to Giragossian does not hinge on whether he was the original inventor, but on whether he has a device that can utilize this energy. I have been informed that in Africa they have devices in operation that utilize the rays of the sun for generating power, not very successfully, but utilized to some extent.

Under this bill we are granting a patent to a man who may have created a device, although he may not be the inventor, and the bill will also give him an inclusive right to the use of a principle of nature. It is a fundamental principle of patent law—and I do not claim to be an expert on patent law—that a patent will not be granted for a principle of nature.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GREENE of Vermont. I want to direct an inquiry on that very point.

Mr. STAFFORD. I am glad to have the interruption and to have the gentleman's opinion.

Mr. GREENE of Vermont. Has the Patent Office ever determined for patent purposes what free energy is?

Mr. STAFFORD. I understand under the patent law they have refused in all times past to grant patents on a principle of nature, like electricity or any other cosmic force, holding that that belongs to the public generally and only a device to utilize that cosmic force can be patented.

Since the resolution passed both bodies and was submitted to the President of the United States, who vetoed it by a pocket veto, I am informed only this morning, although my attention was not called to it in the public press, that a statement was given out setting forth the reasons why he refused to sign this bill. I do not know what his reasons were. Perhaps some member of the Committee on Patents may be able to inform the House. It is their duty, if they are acquainted with them, to state them to the House, for we are virtually considering a veto measure. It was the practice in early days of the Government when a bill was vetoed by a pocket veto in the closing days of a session because time did not permit the President to convey his reasons to Congress at that session, to submit the reasons to the House in which it originated at the next session. We have not the views of the President, but it may be that some member of the committee may have read the newspaper article that contained the statement of the White House as to the reasons why the President declined to approve the resolution. Certain it is that this resolution is not as favorable to the Government as the former resolution, because under section 6, if the Government wishes to purchase the exclusive right to this invention under the form as it existed when the bill passed the House, the compensation was determined by a committee of six, three to be appointed by the Secretary of the Interior and three to be appointed by the inventor, Mr. Giragossian. But now it provides that the finding of the committee shall be subject to the approval of the Secretary of the Interior and of Mr. Giragossian. Why, if the gentleman is going to obtain a patent under this bill for the use of a force of nature, and even though Congress should wish to purchase the right exclusively for all mankind, notwithstanding the committee of six have determined the amount of remuneration, he could reject it and hold the Government up and refuse to sell it. He could sell it to a corporation that might be capitalized at a fabulous amount. Is it possible that in this Congress we are willing to grant a man, who may not be the original inventor, the right to capitalize a principle of nature which may or may not have been discovered heretofore, and let him exact a tribute from all mankind that may amount to hundreds of millions of dollars?

Mr. DENT. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. DENT. Does not the gentleman think that one of the reasons that actuated the President in vetoing the measure was that if we gave this privilege to one man we would have to give it to every other man who discovered something relating to free energy? That is the reason that the Military Committee of the House turned down the proposition.

Mr. STAFFORD. Mr. Speaker, I was unadvised that the Committee on Military Affairs had ever considered the proposition. We now have the statement of the chairman of the committee why they refused to give any recognition to the proposition contained in this bill. Gentlemen, this is not granting a congressional patent; it is giving to a man who may not be the original inventor an exclusive right to use a law of nature. He may submit a device that is operated by electricity, something well known, a device which, if it could be utilized, would, under the terms of this resolution, grant him an absolute monopoly. This committee of scientists and the Secretary of the Interior would have no right under the terms of the resolution as it passed before and as it is presented by this committee to refuse to grant him a patent for utilizing the cosmic forces of nature, whether electricity or any other energy, but he would have that exclusive privilege for the term of 17 years.

Mr. PURNELL. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. PURNELL. Does the gentleman think that this man could capitalize this invention or discovery if this board of scientists should discover or decide that it is not practicable?

Mr. STAFFORD. I can well understand that this man may have a device where he uses electricity, something not new.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. STAFFORD. The situation might be such that if the device were practicable under the terms of the resolution the committee will be obliged necessarily to find in favor of it, and then under the terms of the resolution the Secretary of the Interior has nothing more to do, but is compelled to enter into contracts to carry out this law.

Mr. HULBERT. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. In a moment. Another provision of the measure says that the Congress will have the right to purchase this patent, but it is a limited right, limited only as I wish to call to your attention to that period of time in case the Congress is in session or to a limited time thereafter in case the Congress is not in session. Certainly we know by reason of the usual procedure of Congress that that might be too limited a time. I now yield to the gentleman from New York.

Mr. HULBERT. The gentleman has anticipated and answered the interrogatory I intended to propound.

Mr. STAFFORD. Furthermore, under the terms of this resolution the Government of the United States becomes a guarantor as against all prior inventors and all succeeding inventors of any improvement in the case of this principle. The history of the growth of manufacture in this country is due to the development of improvements on some basic patent, and yet under the form of this bill future improvements are estopped.

This bill, I dare say, was written by the attorney of Mr. Giragossian, for I can not conceive of any disinterested person writing it, who had at heart the welfare of the Government, as the bill, in the form in which it is before the House, grants away all of the rights—and I measure my words when I say all—of the Government except under conditions which in the ordinary application could not be fulfilled.

Mr. HAMILTON of Michigan. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HAMILTON of Michigan. The gentleman stated that some other person had invented a device or an instrument which he thought was similar to the device which was involved in this resolution. I desire to ask the gentleman whether that gentleman has offered to submit his device to a test?

Mr. STAFFORD. That gentleman, as I was informed this morning by my colleague, Mr. LENROOT, who was informed by some Member of the House, stated that he was willing at any time not only to submit it to a committee of the House, but that he had showed it to this Member. The CONGRESSIONAL RECORD discloses further, when this matter was under consideration one evening late in the Senate, that a gentleman came to the office of Senator NEW and demonstrated to him a similar device. Whether that person, Mr. Casey, whom Senator NEW referred to, is the identical person my colleague referred to this morning I do not know, but the man to whom we are conferring such great privileges absolutely refuses to show his device to any Member of Congress. The report in this case speaks in glowing terms of the standing of this man and of the three people who indorsed the invention. Let me call attention to the fact that while these three men may be estimable gentlemen, they are not scientists. One is a director of music in Boston, another is an artist in Boston, who has been advancing money to Mr. Giragossian, and the other is the chairman of some board of directors. They are not scientists.

I may be a little hard-headed, but before I am willing to vote away a valuable right foreclosing the public for 17 years from the use of an element of nature, even if Mr. Giragossian is the original discoverer of it, I shall demand more evidence than we have presented in this case. I am unwilling to transfer or mortgage the rights of all of the people in the United States in such a way that they can be capitalized to the tune of millions of dollars to the advantage of Mr. Giragossian and some promoter.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BORLAND. The gentleman says that Mr. Giragossian refused to show his device or its operation to any member of the committee.

Mr. STAFFORD. Or to any committee that would be appointed by the House.

Mr. BORLAND. I want to ask the gentleman whether he knows how Mr. Giragossian was able to present such convincing evidence to the committee that they brought this bill in the second time?

Mr. STAFFORD. I have no evidence on that subject. I know that he called at my office, and that other persons called there in his behalf, and I presume they did upon other Members of Congress, just as they did upon me.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LONGWORTH. In case this proposed committee should report that this device was not practicable, as it stands, would the Government, under section 4, be debarred from granting any patent to any person who might subsequently bring in a practicable device?

Mr. STAFFORD. That was brought out by my colleague [Mr. LENROOT]. The Government is absolutely debarred, whether the committee reports favorably or unfavorably. Section 4 provides as follows:

That the United States Government shall not issue to anyone else any patent involving or relating to the principle of the "Garabed" free-energy generator, regardless of its form or shape, or for any device, improvement, process, equipment, or apparatus based upon the system or correlative principle of the said discovery or invention, or for any improvement or change developed in the use of the said "Garabed," and shall prevent the construction, importation, use, or exploitation thereof, in whole or in part, in the United States, and shall protect the said Garabed T. K. Giragossian, his heirs and assigns, in the rights and interests in the "Garabed" in the above respect for a period of 17 years in the United States and in foreign countries where such protection is afforded by treaty obligation, international law, or diplomatic representation.

I can not believe any Member of the House would permit any such ridiculous proposal.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Speaker and gentlemen of the House, the debate on this proposition seems to be more in reference to the merits of the bill than the adoption of this rule. I listened with a great deal of interest to the objections urged by the gentleman from Wisconsin [Mr. LENROOT] with reference to section 4. If this section 4 is adopted as it is, and in the event that this committee that is appointed finds that it is a fake and of no avail, why there is not a court in the land that would hold that Giragossian would be entitled for a minute to the rights sought to be guaranteed to him here, and if there are any people that doubt that proposition of law—and I state it as a proposition of law—this could be very easily remedied by a simple amendment that in the event that this committee approved after their investigation this proposition then the section shall apply.

Mr. LONGWORTH. But the bill as it now stands would absolutely bar for 17 years the acceptance by the United States Government of any invention which would be practical, no

matter whether this committee should decide in favor of or against it.

Mr. WOOD of Indiana. No.

Mr. GORDON. No; if the gentleman will yield, it will have to be on this distinctive principle.

Mr. LONGWORTH. The distinctive principle is patented, you know.

Mr. GORDON. It is not.

Mr. LONGWORTH. It is.

Mr. WOOD of Indiana. We state as a proposition of law, in the event this bill is adopted exactly as it is and the committee approved by the Secretary of the Interior would find that it was a fake, that it would not do the things that it is said here it will do, then it will become a dead law from that minute, and anyone who had any principle or invention involving this principle would not be denied the right under this bill, for the reason that it has been decided there is nothing in the proposition stated here. But I say there is no trouble about that; it can be made absolutely beyond peradventure by inserting that in the event this committee does approve then he shall be guaranteed the rights spoken of in this bill.

Mr. BORLAND. Will the gentleman yield?

Mr. WOOD of Indiana. Yes.

Mr. BORLAND. Suppose the committee does not find that the invention is a fake, but simply finds this apparatus, and so forth, is impracticable, but there is some principle there that other prior inventors had developed. This would unquestionably foreclose the rights of those prior inventors to that principle, as the gentleman from Ohio says.

Mr. LONGWORTH. That is exactly what I have tried to bring out.

Mr. WOOD of Indiana. I say if there is any fake about it that the Government should be protected absolutely, and it can be very easily secured by inserting the words I have suggested, that in the event it has proved itself to be what Mr. Giragossian alleges it to be.

Mr. GREENE of Vermont. Will the gentleman yield for a question there?

Mr. WOOD of Indiana. Yes.

Mr. GREENE of Vermont. Then if by process of amendment to all the various sections of this bill, Mr. Giragossian is finally to come down to the estate of any patentee and take his chances under the law as to whether his invention is one of merit, why is it you bring his case in here as a matter of special resolution?

Mr. WOOD of Indiana. I will answer the question and take pleasure in answering it. It has been demonstrated and been admitted here and even the gentleman from Wisconsin, in debating this question at the last session of Congress, that the patent laws of this country are so absolutely defective that a man who has invented an idea is very, very many times robbed of his invention. It has been repeatedly so. The records of this Capitol and the history of invention in the United States is filled with invention after invention where the man who invented it was absolutely deprived of his invention or the emoluments that came from it. The time was once in this country, and during that time a patent meant something, when the patents were granted solely by this Congress.

Mr. GREENE of Vermont. Exactly, and we are getting around to that same point in a vicious circle again.

Mr. WOOD of Indiana. I think we had better be doing that thing than be doing the injustice we are doing under the present patent laws to the men who invent these great benefactions. When this matter was under debate before I quoted the evidence of Mr. Edison, who has been a great benefactor to mankind, where he said that it cost him more money than it brought him in defending the patents he had made, and he points out very fully the many defects to which the inventor has to subject himself and that he virtually has no protection at all under the present patent laws of the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WOOD of Indiana. I ask for one more minute; I have just gotten started.

The CHAIRMAN. I yield the gentleman two minutes more.

Mr. GREENE of Vermont. Does not the gentleman think we ought to correct the patent laws we have before we fly to evils we know not of?

Mr. WOOD of Indiana. I will answer that question by saying that there was a gentleman who came here more than 30 years ago and said to the people of the United States, "I have a great benefaction for mankind; I can send a telegraph message through the air without the intervention of wire."

He was doubted. The cynics sneered at him. Criticism was heaped upon him. And he went back to his home and died in less than three months after that time. Thirty years after then Marconi proved to the world what that man then said could be done, and he did it.

Mr. GREENE of Vermont. Will the gentleman permit me to say that it is described by the old term in logic of post hoc reasoning, "after this, therefore, because of this"?

Mr. WOOD of Indiana. I do not care what kind of "hoc" it is. I want to say to you that, in these trying times, if this gentleman has what he says why not adopt it now; if he has not, why not explode the bubble now? The Treasury of the United States is not called upon to be opened in order that this man may filch money from it.

Mr. GREENE of Vermont. He is evidently simply putting something in hock. We will put our money in hock if we provide the terms in the bill.

Mr. WOOD of Indiana. It is provided that this Government of ours may, if we find this thing proves the success that it is said it will, buy it for the benefit of all mankind.

Mr. GREENE of Vermont. But we buy it for money.

Mr. WOOD of Indiana. Would you buy it for nothing?

Mr. HAMILTON of Michigan. Mr. Speaker, why can not we proceed with the consideration of this resolution, and if it can be amended to meet the views of Members, we can proceed with it.

Mr. WOOD of Indiana. I think the quickest way is to adopt this resolution.

Mr. HAMILTON of Michigan. I understand the gentleman from Ohio desires to press this resolution to a vote to-night, and we ought to go about the consideration of it if we are going to do so.

Mr. GARRETT of Tennessee. I would like to see if we can agree upon time. How much time does the gentleman from Kansas [Mr. CAMPBELL] desire on the rule?

Mr. CAMPBELL of Kansas. Ten minutes. I could get along with that.

Mr. GARRETT of Tennessee. Mr. Speaker, I have requests for a certain length of time against the proposition.

Mr. CAMPBELL of Kansas. That discussion can be transferred to the Committee on Patents.

Mr. GARRETT of Tennessee. I would like to have an agreement what we can vote after the gentleman has used his 10 minutes.

Mr. BORLAND. Mr. Speaker, may I suggest this: No one has spoken yet, as I understand, against the rule itself. I asked leave to oppose the rule, but the time was claimed by the gentleman on the Rules Committee who was in favor of the rule, and he has parceled it out to gentlemen who are in favor of the rule. As a matter of fact, I undertook to oppose the rule, and I think nothing yet has been said against it.

Mr. GARRETT of Tennessee. If the gentleman from Kansas will permit, I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, I am glad to have 10 minutes. I asked for 15.

Mr. Speaker, I am opposed to the adoption of this rule and am somewhat surprised at its being brought in. I am somewhat surprised that this kind of a bill is being considered under a special rule, or that it has the merit or the steam behind it to secure a special rule. From all that has been said here, it is apparent that no evidence was presented to any committee of the House in regard to the merits of this proposition. We are just simply told that this man may have something very valuable, and therefore Congress ought to revolutionize its procedure and give him a special privilege. Now, assuming that that principle were right, if it turned out that this man did not have what he claims, it is perfectly manifest that Congress would be very unwilling in the future to grant a similar privilege to any man who might have a commendable proposition. In other words, it would completely destroy the opinion in Congress in favor of such a method of procedure. But that is not the only and chief objection to the rule. This bill itself provides that Mr. Giragossian shall have a patent upon a principle, not upon any machine which he claims to have invented, not upon any device which is patented, but he shall have a patent upon a principle. It strengthens that declaration by providing that no one else shall infringe—what? His device? No. His principle. In other words, if he claims that his device operates by means of a certain principle, all other devices operating, in whole or in part, by that principle are to be utterly and completely and forever barred.

Now, that is the chief objection to this bill. As has been stated here, and is perfectly apparent upon the face of this bill, it does not base that upon the necessity of novelty, which is the primary principle of the patent law. It does not say that Mr. Giragossian shall have been the sole and original discoverer of this alleged principle. There may be 50 inventors who are

to-day at work, and who may have carried their inventions much further than Mr. Giragossian, upon the same principle. It does not base it upon the question of his novelty, of his being the original discoverer of the scientific proposition of that principle. It says there shall be no infringement of his principle. And it further strengthens that by going on to say that if the award is made to Mr. Giragossian, then all subsequent devices which operate under the same principle shall be purchased by the United States for the benefit of Giragossian and his assigns.

That is a most remarkable proposition. Now, as a matter of fact, what Mr. Giragossian claims, as near as we can discover in this maze of mystery that surrounds it, because there is nothing but mystery presented here to this House, is a name, namely, free energy. I am not a scientist and would not undertake to discuss the thing from a scientific standpoint; but, so far as I have learned, free energy is applied to the collection of electricity from the atmosphere or the earth without applied force. It is applied to the collection of electric energy by some other process than the dynamo. Now, that is free energy, as the word is generally used. I will guarantee that there are inventions in existence assuming to use the principle of free energy. And that is exactly what this invention is entitled to include.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DENISON. Will the gentleman give the House the advantage of any information he has along that line?

Mr. BORLAND. Yes. A hearing was had yesterday morning on an invention by a man named Perigo, who claims to have invented a machine to collect electricity by free energy; that is, to collect it from the energy of the air. In other words, his invention is based upon the idea, as I gather it, that electricity can be collected from the air, where it must be collected, by some other means than by the force of a dynamo.

Now, if this is true—and I am not enough of a scientist to know—there may be many devices that are patentable for doing that particular thing, or applying that particular principle. If Mr. Giragossian has a device for utilizing free energy, his device or machine or appliance is patentable, but the principle of free energy evidently is not patentable under the existing law. Anybody else who produces a better machine for utilizing free energy is just as well entitled to use it for the benefit of mankind as the man who first obtains the patent on it. In other words, we can not foreclose that principle.

Now, we have got a machine here in the Capitol—I understood from Judge ROMJUE a few minutes ago that the machine which Mr. Perigo had demonstrated before the Patent Committee had been brought over here. It was shown to the Patent Committee. It is in a small box. I have seen it. If they opened it I would not know anything about it. It runs a dynamo or motor, and it lights certain lights. In other words, there is some power in that box. What that power consists of I have no means of knowing. The inventor says it contains free energy. In other words, this device has been brought to a state of completion. It is in actual working order.

Now, it does seem to me that this bill ought not to be passed at all unless it provides that this committee of scientists shall not only have the power but shall be charged with the duty of ascertaining whether or not this device of Mr. Giragossian utilizes the same principle of free energy.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LITTLE. Can not this man get a patent on his invention?

Mr. BORLAND. I have no doubt that any of these gentlemen can get patents. In my judgment what is patentable is the device, not the principle, and I have no doubt that all of them, including Mr. Giragossian, can get a patent on their device, if they have one, and be protected from infringement.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MOORE of Pennsylvania. This is a very weird proposition. I have been wondering why Congress should give this special privilege to this gentleman. Does the gentleman from Missouri, or does anyone, know if he is a citizen of the United States?

Mr. BORLAND. I know nothing about Mr. Giragossian. I never heard his name until this thing came up.

Mr. MOORE of Pennsylvania. There is nothing in the report except letters by way of commendation from three persons in Boston who have known him. Otherwise it seems to be a mystification, a question of the occult, so far as Congress is concerned.

Mr. GARRETT of Tennessee. If the gentleman will permit, it was stated before the Committee on Rules that the gentleman referred to is a naturalized citizen of the United States and has been for 26 years, I think it was.

Mr. BORLAND. I do not want to yield for that question, because it is so far removed from what we are talking about that I think it does not matter.

Mr. SHERWOOD. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SHERWOOD. The gentleman's idea is that one can obtain a patent on an invention and not on an idea or principle?

Mr. BORLAND. Yes; and I feel that if this bill is passed at all—which is a very extraordinary procedure—we ought certainly to safeguard the rights of prior inventors, if there should be any. We ought not to assume, as this bill does, that Mr. Giragossian is the inventor of a machine he claims to have invented, and we ought not to agree that he shall have the entire field to himself. Suppose his machine did work, and it were ascertained that he was not the first inventor. It would be a manifest mistake, as well as a manifest injustice, for Congress to retard the development of science by providing that only he should enter that field.

Mr. PURNELL. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. PURNELL. As a matter of fact, would the gentleman urge this objection if these scientists were compelled by this resolution to discover or find out in advance whether or not his invention is practicable, whether or not he is the discoverer, the original discoverer?

Mr. LITTLE. And the only one?

Mr. BORLAND. That would remove a part of my objection, but I still feel that the principle which the inventor claims to have discovered is not patentable.

Mr. PURNELL. I will say to the gentleman from Missouri that I objected to that section 3 of the bill because if this committee of scientists should find that this invention is practicable the Government will consider him as the sole inventor, which does not necessarily follow. I think that an amendment will be offered, and perhaps agreed to by the committee, requiring the committee of scientists also to find that he is the original discoverer or inventor. Would the gentleman still insist on his objection if that were done?

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Speaker, can the gentleman give me five minutes?

Mr. GARRETT of Tennessee. I will yield three minutes to the gentleman.

Mr. SAUNDERS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SAUNDERS of Virginia. It is to be open for amendment until 5.30 o'clock.

Mr. BORLAND. That is not my understanding.

Mr. SAUNDERS of Virginia. The gentleman from Ohio [Mr. CROSSER] and the gentleman from Wisconsin [Mr. LENROOT] know that that is the understanding.

Mr. BORLAND. The Chair knows otherwise.

The SPEAKER pro tempore. That was the understanding.

Mr. SAUNDERS of Virginia. Very well, whatever it was that passed in the presence of Mr. LENROOT and Mr. CROSSER. I will not characterize it as an agreement.

Mr. GARRETT of Tennessee. Mr. Speaker, maybe we had better see if we can get an agreement. Do I understand that the agreement between the gentleman from Ohio [Mr. CROSSER] and the gentleman from Wisconsin [Mr. LENROOT] holds?

Mr. LENROOT. The only agreement was that the gentleman from Ohio would not move the previous question prior to 5.30. Of course, that is not an agreement to vote at that time.

Mr. BORLAND. That is the only agreement that I know of. The gentleman from Ohio stated that he would not move the previous question before 5.30.

Mr. LENROOT. He has a right to move it then.

Mr. FORDNEY. I am told by gentlemen on this side of the House that there is another gentleman who is going to give a demonstration of this power, a man whose name has not been mentioned here, who is ready to demonstrate to the House that somebody else knows something about this matter. I should like to see that demonstration before we conclude this matter and vote upon it. Am I right about that?

Mr. STAFFORD. The gentleman is absolutely correct. The gentleman from Missouri [Mr. ROMJUE] has the machine in the corridor, and is going to demonstrate it as soon as he has time.

Mr. GARRETT of Tennessee. Then I think we ought to proceed to the consideration of the bill itself. The gentleman from Missouri [Mr. BORLAND] stated that he desired to discuss the rule. As a matter of fact, he has discussed the bill and not the rule. I yield to the gentleman two minutes.

Mr. BORLAND. Mr. Speaker, I think I have come as near discussing the rule as anybody else on the floor.

Mr. HAMILTON of Michigan. Nobody has discussed it.

Mr. BORLAND. I have not discussed Paradise Lost, anyhow.

Mr. GARRETT of Tennessee. It is perfectly obvious that the gentleman will not discuss that. He does not know anything about it.

Mr. BORLAND. No. I might discuss Paradise Regained. [Laughter.]

Mr. Chairman, the fundamental objection to this rule is that it makes in order this particular bill, the whole purpose of which is to preclude any other inventor or any other process. Every paragraph in this bill bristles with the name of Garabed T. K. Giragossian.

I looked over this bill with the idea of amending it, to see whether these scientists could not investigate some other invention, or the general principle involved, but everything in this bill is Garabed T. K. Giragossian, showing very conclusively that it was drawn by some interested parties connected with that inventor. The bill itself ought to be entirely recast. It ought not to come before Congress in this shape. If it comes before Congress at all it ought to be in the shape of a bill providing for a committee under the Secretary of the Interior, a totally disinterested committee, to investigate the appliances supposed to utilize the principle of free energy, and under that Mr. Garabed T. K. Giragossian would have the same chance as any other man. I assume that these scientists will be above any ulterior influence, just as much so as if they were appointed solely for the purpose of investigating this gentleman's invention.

Mr. SHERWOOD. Will the gentleman yield?

Mr. BORLAND. I yield to the gentleman.

Mr. SHERWOOD. The gentleman raises a very interesting and delicate question. As I understand, for instance, an improved device for recording the speech of a Congressman would be subject to a patent?

Mr. BORLAND. Certainly.

Mr. SHERWOOD. But the speech of a Congressman, even if it contained new ideas, would not be patentable, and the ideas contained in it would not be.

Mr. BORLAND. They would not be patentable. The speech would be copyrightable by the man who makes it. But the speech of a Congressman, of course, is free energy, and any possibility of utilizing it might come under the objection to this bill. [Laughter.]

The SPEAKER pro tempore (Mr. SMALL). The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker——

Mr. GARRETT of Tennessee. Does the gentleman desire to close? If he does, I will yield to the gentleman from Virginia. I intended to move the previous question, but I will yield to the gentleman from Virginia [Mr. SAUNDERS]. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. Thirteen minutes.

Mr. GARRETT of Tennessee. I yield to the gentleman from Virginia 13 minutes.

Mr. CAMPBELL of Kansas. And I yield two minutes and a half.

Mr. SAUNDERS of Virginia. Mr. Speaker, I do not know that I shall occupy all of my time, but I certainly desire to answer some of the objections urged, and difficulties sought to be created, by the opponents of this resolution.

This matter has been before this body on a previous occasion. At that time a quorum was required by the gentleman from Wisconsin [Mr. STAFFORD], and we did not proceed with the consideration of the bill until a quorum had arrived. A number of speeches were made on this resolution, and it passed this body something like two months ago by a vote of 234 to 14. It passed the Senate with practical unanimity. Then it went to the President, and under the circumstances which have been narrated, failed to receive his signature.

Since that time this resolution has been considered by the Interior Department, which has suggested one, or two amendments. If they are agreed to by the House the resolution will be acceptable to that department. It seems to me that this brief recital of the facts of the case ought to suffice to take the pending resolution out of that weird realm, to which the gentleman from Pennsylvania [Mr. MOORE] seeks to consign it.

The real, basic proposition before this House is this: Is this body willing to ascertain without money, and without price, whether this man has made a discovery which, if made, as the gentleman from Tennessee [Mr. GARRETT] has very justly observed, will write him down as the greatest among all those great of all the ages? That is the real proposition that confronts us. If he has made the discovery that he alleges that he has made, then the difficulties and objections that have been urged this evening are simply fantastic. If this man makes good, then we can not go amiss in giving him the benefits and protection proposed by this resolution, which contemplates the creation of a committee of scientists of the highest order of capacity, and reputation to pass on the merits of the alleged discovery.

The resolution by its terms transfers this discovery to the United States Government. In this connection I wish to point out how impossible it would be for any of the consequences to follow that have been projected into this debate by the all too vivid imaginations of some of the gentlemen who have preceded me. When this measure was considered before, it was suggested—this suggestion now appears to have been abandoned—that a perfect orgy of stock speculation would follow upon its passage. That was about as good an argument against the measure, as any that have been made to-day; and yet how could an orgy of stock speculation arise out of an alleged invention that can not go on the market, until a committee of scientists has determined its merits, and the Government has refused to exercise its option of purchase?

Mr. BORLAND. The gentleman says the first operation of this bill is to transfer this invention to the Federal Government. Where does he find that? Not in section 6?

Mr. SAUNDERS of Virginia. The trouble with many of the gentlemen in opposition is that they have in large measure consulted their imagination, rather than their reason, in their attacks upon this resolution. I refer the gentleman to section 1 of the bill, which provides for this transfer, and concludes in these words:

> Said assignment to and utilization of said discovery or invention by the United States Government shall be free of charge or expense.

More than this the inventor in a later clause turns over to the Government for its use any improvements that he may hereafter make upon the essential principle.

Mr. BORLAND. Then what does section 6 mean, that if after a successful demonstration the United States Government wishes to purchase it, it shall pay him for his invention, and that that option shall be exercised at the present or next session of Congress.

Mr. SAUNDERS of Virginia. Precisely. The resolution first makes the Government the trustee of the discovery, thus rendering stock speculation impossible, and later provides that if the merits of the invention are established, the United States shall have the option to purchase the same, on an agreed compensation.

Mr. BORLAND. But it must do it within the session.

Mr. SAUNDERS of Virginia. It matters not when the Government takes this action.

Mr. REAVIS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. REAVIS. The gentleman states that the purpose is to ascertain whether or not this gentleman has discovered something of service.

Mr. SAUNDERS of Virginia. Yes.

Mr. REAVIS. The question of the gentleman's discovery has nothing to do with the bill.

Mr. SAUNDERS of Virginia. We first propose to ascertain whether this man has something worth while, and if so, the Government is given the right to purchase it.

Mr. REAVIS. Purchase it of this gentleman whether he has discovered it or not.

Mr. SAUNDERS of Virginia. Oh, no. The gentleman, with some others, occupy an inconsistent position. They first maintain that the alleged discovery is incredible and impossible, and that on this ground the resolution ought to be defeated. Later they complain that Giragossian is given an exclusive right in an absurdity and an impossibility. If the committee of scientists should ascertain that this discovery has been made as alleged, then of course the Government ought to purchase it, but if the committee is of the opinion that the alleged discovery is a myth, an impossible and fantastic dream, an air bubble, why worry ourselves because the bill gives Giragossian an exclusive right in and control over the bubble?

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. GREENE of Vermont. What is the real purpose and necessity for bringing in special legislation for this man?

Mr. SAUNDERS of Virginia. That question has been answered so completely by the gentleman from Indiana that I hardly think that I ought to take the time of the House to make further answer. It has been pointed out in the report of the committee, and we know that it is true as a matter of fact, that some of the greatest discoverers have never been able to realize the benefits of their inventions on account of the defects of our patent laws. This man says that he is not willing to take his chances under a patent. He says that he has discovered something greatly worth our while. The question is, Do we want it? He puts the matter up to us. He is willing to have this alleged discovery investigated by five scientists of the highest eminence. I do not say that he has discovered what he claims. I have no knowledge whatever on the subject, but in the event that a committee of scientists capable of passing on the merits of this or any other invention, should report that Giragossian has discovered all that he claims to have discovered, or even measurably all that he claims to have discovered, the question is, Do we want it or not on the terms proposed?

Mr. GREENE of Vermont. But they all say exactly that same thing when they present a claim, what evidence have we that this man has discovered this thing?

Mr. SAUNDERS of Virginia. For that we will take the report of the scientists, we will put it up to them.

Mr. MOORE of Pennsylvania. Will the gentleman pardon me?

Mr. SAUNDERS of Virginia. I will yield.

Mr. MOORE of Pennsylvania. The scientists are to be appointed by the gentleman himself.

Mr. SAUNDERS of Virginia. With the approval of the Secretary of the Interior.

Mr. MOORE of Pennsylvania. It is all in his hands.

Mr. SAUNDERS of Virginia. Not a bit of it, the gentleman misunderstands the bill. The bill says that he shall appoint them subject to the approval of the Secretary of the Interior. Suppose he should suggest a man for the committee, and the Secretary of the Interior should say: "This man does not suit me, he does not measure up to the requirements of the position." What will happen? Why that man must be dropped. And so in succession all names must be withdrawn, until a committee is finally selected that will be acceptable to the Secretary of the Interior.

Mr. MOORE of Pennsylvania. Is it not a fact that every man selected must be satisfactory to Mr. Giragossian?

Mr. SAUNDERS of Virginia. The committee must be satisfactory to the Secretary of the Interior. Does the gentleman think that an official of the standing and intelligence of the Secretary of the Interior, confronted with a matter of such vital importance as this, will for a moment agree that any member of this committee shall be other than a scientist of the highest standing?

Mr. MOORE of Pennsylvania. The Secretary should appoint five men without regard to Mr. Giragossian.

Mr. SAUNDERS of Virginia. What is proposed amounts to the same thing. The objection is a triviality.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. GREENE of Vermont. In making answer to my question, I think the gentleman from Virginia misapprehended the question. I say that all inventors claim that their discovery is the most remarkable thing in the world; and in this instance you say that we must have a special legislation, because possibly he has discovered such a thing. Upon what does the gentleman base the idea that this is any more plausible than that claimed by any other man?

Mr. SAUNDERS of Virginia. This man claims that he has discovered a method of utilizing the cosmic forces to drive machinery. I do not need anyone to tell me, that if he has discovered how to do this, he has made the greatest discovery in the history of mankind. I am willing to take the chance of ascertaining by a method that will cost the Government absolutely nothing, whether or not he has made this discovery. The committee of scientists that is proposed will be amply able to pass on the scientific or other merits of this alleged discovery.

Mr. BORLAND. Does not that sound like that the intelligent gentleman picking up the right shell?

Mr. SAUNDERS of Virginia. I do not know what this proposition sounds like to the gentleman from Kansas City. But I do know this that the gentleman from Kansas City sneers at the invention under consideration, and then indicates that some other party has discovered something equally as remarkable and incredible. That is the attitude of the gentleman from Kansas City. He has maintained upon this floor this evening that we ought not to give this man the protection proposed by this resolution, on the ground that there is somebody else who has discovered something similar, and equally as astounding.

Mr. BORLAND. The gentleman from Kansas City does not ask any special rights.

Mr. SAUNDERS of Virginia. I do not say he does. But I do say that the gentleman has indicated to this body that there is another inventor who has devised an instrument that will in all respects be as extraordinary in its possibilities as the possibilities claimed for the Garabed. If this be true, if this party has discovered anything that will do what is claimed for the Garabed, then I will be willing to deal with this inventor, precisely as it is proposed to deal with Giragossian. In other words, with respect to his distinctive principle to give him the same rights, and the same protection that is proposed to be given to the inventor of the Garabed. His invention will be upon the same plane as the Garabed, and should be dealt with precisely in the same way. Surely, the gentleman from Missouri will not complain of this plan of dealing with his inventor.

Mr. REAVIS. Mr. Speaker, I am not concerned with the statement that this is an absurdity. I want the gentleman to tell me what he thinks about section 3, wherein it recites that if a demonstration should establish the fact that the device of this gentleman is practicable, then by this legislation the United States recognizes this man as the discoverer of it.

Mr. SAUNDERS of Virginia. It has already been indicated by a member of the Patent Committee that this suggested difficulty will be removed by an amendment to the effect that the committee of scientists shall be empowered to ascertain whether Giragossian is the original discoverer of the device which he will submit.

Mr. REAVIS. Then it will not depend upon the demonstration, but on the fact of its discovery?

Mr. SAUNDERS of Virginia. The committee will be empowered to fix and report on the priority of discovery of the device utilized in the Garabed.

Mr. REAVIS. As the bill is written now that is not true.

Mr. SAUNDERS of Virginia. Why trouble about the bill as it is written, when the gentleman's trouble will be relieved by an amendment that will be proposed by the Patent Committee?

Mr. CAMPBELL of Kansas. Mr. Speaker, I make the point of order that the House is not in order, and I ask that the Sergeant at Arms or the Speaker restore order, and if anybody has brought an electric device upon this floor, that they be directed to take it out.

Mr. SAUNDERS of Virginia. I believe that it is claimed on the part of the device referred to by the gentleman from Kansas that it too, taps the cosmic forces. If this is maintained of the device now in the House, why this attitude of incredulity toward the claims of Giragossian?

Mr. WATSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. WATSON of Pennsylvania. The gentleman has made an intelligent and a forceful argument. I want to know if he would be in favor of the resolution if we were not at war?

Mr. SAUNDERS of Virginia. If we were not at war the circumstances would not be so exigent as they are to-day, but being at war, can we afford to take any chances?

Mr. WATSON of Pennsylvania. This resolution would never have been brought into the House if we were not at war.

Mr. SAUNDERS of Virginia. Possibly not, but what conclusion do you derive from that? We are at war, and the resolution is before us. The conditions of war are absolutely different from the conditions of peace, and justify different attitudes and different action.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. GREENE of Vermont. Each time hereafter that a man comes to us claiming to have discovered a new principle in cosmic forces, are we to treat him as we propose to treat Mr. Giragossian?

Mr. SAUNDERS of Virginia. I will answer that question categorically. Every time anyone shall come before this body submitting a proposition to test a discovery which in the judgment of this body will be as mighty and transcendent as the discovery alleged to have been made by Mr. Giragossian, put him on the same plane as Mr. Giragossian and try out his alleged discovery by the same method proposed in this resolution. That answers the gentleman's question.

Mr. GREENE of Vermont. I beg the gentleman's pardon if I dissent from that suggestion. We do not know how great the discovery of Mr. Giragossian is until it is demonstrated.

Mr. SAUNDERS of Virginia. We must leave the determination of the merits of future propositions to the judgment of future Congresses. We pass on this proposition to-day in the exercise of our best judgment.

Mr. GREENE of Vermont. On what evidence?

Mr. SAUNDERS of Virginia. None whatever.

Mr. GREENE of Vermont. Exactly. Then what about the next man who claims to have an invention and who comes to us with precisely the same evidence—none whatever?

Mr. SAUNDERS of Virginia. Very well. The gentleman thinks he has put me in a quandary. The next man who comes before this body with the unanimous report of the Committee on Patents, and a unanimous report from the Committee on Rules, providing for the consideration of his proposition, should be treated precisely as I ask this body to treat this man. That is fair.

Mr. GREENE of Vermont. What evidence has the Committee on Patents or the Committee on Rules had to substantiate this man's claim?

Mr. SAUNDERS of Virginia. I am putting the future man on the same plane as the present man. Any man who will be able to satisfy future Rules Committees and Patent Committees without evidence or otherwise, who can so impress himself on the judgment of these men, who are capable men——

Mr. GREENE of Vermont. Undoubtedly.

Mr. SAUNDERS of Virginia. That they are willing unanimously to report that it is in the interest of this Government to ascertain the merits of the proposition, and in the event it is ascertained that the device is meritorious to make the contract proposed, should be put precisely upon the footing of this man.

Mr. LENROOT. Mr. Speaker, I am sure the gentleman does not wish to put the Committee on Rules in a false position. All the Committee on Rules does by a unanimous report is to give the House an opportunity to consider the proposition.

Mr. SAUNDERS of Virginia. I only meant to say, so far as the Rules Committee is concerned, that this resolution is before us, by a unanimous report from that committee. The attitude of some of the opponents of this resolution is highly inconsistent. First, they say that it is in the highest degree incredible and absurd to say that any man can drive machinery by utilizing directly the cosmic energies, that is to say by putting his machinery in direct relation to the flow of these energies. Right on the heels of that statement they submit the invention of a gentleman who claims he has discovered how to utilize one form of cosmic energy. I believe the statement is made that this machine derives its power from the utilization of cosmic electrical force. So that at the very moment when the effort is made to laugh the claims of Giragossian out of court, another inventor bobs up to maintain that he has done the very thing claimed on behalf of Giragossian, that he too has related machinery to the cosmic forces, and using the free electricity of the universe, has turned it to the uses of man.

Mr. MOORE of Pennsylvania. But is not there this difference, that this man is willing to go to the Patent Office under the laws made by the Congress, whereas Giragossian is not willing to go there? Is it not a question of regularity of procedure?

Mr. SAUNDERS of Virginia. No, he is here impeding the passage of the Giragossian resolution.

Mr. MOORE of Pennsylvania. Not at all. No one I have heard has said that what Mr. Giragossian has is fantastic, except he does not want to conform to the law in this case as other inventors are obliged to conform to it; but he wants to take a short cut through Congress and get a patent right for 17 years, and if his bill is passed the other man has no right to bring his invention forward.

Mr. SAUNDERS of Virginia. If Giragossian can make good, and he asks to be allowed to make good, I favor giving him the short cut, or any other cut. I hope he will get it. The Government will not lose anything, if this man's claims prove to be fantastic and absurd.

Mr. MOORE of Pennsylvania. But the other man is cut out.

Mr. SAUNDERS of Virginia. Not at all. Giragossian is not given any indefinite rights. He is only protected for 17 years in his distinctive principle. If there is anything in this discovery the Government will buy it. If the committee reports there is nothing in Giragossian's contentions, and that his device is worthless, will the gentleman tell me how this man will be able to capitalize a proposition so decisively condemned?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I would rather proceed without interruption. It is the easiest thing in the world for a Member to find fault and criticize. Fault is found with Mr. Giragossian because he has not gone to the Patent Office and taken his chances under the general patent laws of the United States on his invention, whatever it may be, and that the Congress should not give him special consideration.

Mr. Giragossian, in section 1 of this bill, offers the free use of his invention to the Government of the United States on its battleships, its aeroplanes, and wherever it may be utilized for all time. The improvements on this device provided for in section 3 may be made by anyone, and they may be taken over by the Government, and if Mr. Giragossian desires to sell them to Tom, Dick, and Harry, or the public, he must pay the inventor for their use in connection with his device.

Mr. LENROOT. The gentleman wishes to be accurate. He does not pay the inventor. The Government must take it over, and then he pays the Government.

Mr. CAMPBELL of Kansas. He pays for it is what I assert.

Mr. LENROOT. Pays the Government for it.

Mr. CAMPBELL of Kansas. At a reasonable price. I have not been able to get any definite information as to what this device is. I am told that it is so important, that it is so simple, that if its nature were disclosed it would give the key to other inventors to complete devices which they may have been working on or had in mind and almost grasped, but did not grasp, and he would lose his 25 years of labor and intelligent energy which has been expended on his device. The inventor of this discovery, if it will do what he says it will do, is what the gentleman from Tennessee and the gentleman from Virginia have said, a benefactor to mankind such as few men have been.

He offers this device to the Government of the United States for nothing, and no doubt the people of the United States will reap from it whatever benefit there is. More men and women are interested in this and are looking forward to its use, or what it is claimed the inventor has, than have looked forward to any discovery in years. There has been a subconscious feeling that the time is ripe for some great discovery. It is believed that that discovery is being now offered to the Government and to the people of the United States by the inventor, Mr. Giragossian. If he has nothing, we have but given the time of Congress and nothing else for a demonstration of the matter. If he has what he claims he has, Congress will have never done a more important thing than to give consideration to the resolution that permits the Government and the people of the United States to reap the benefit of the invention.

Mr. HAMILTON of Michigan. I would like to suggest if these matters suggested by the Interior Department——

Mr. CAMPBELL of Kansas. They are now in the bill. The only amendment suggested by the Interior Department is in the bill by way of amendment—in section 4, I think. As a Member of this House I do not want to take the chance of putting an obstruction in the way of the passage of this resolution so that the people of the world may have the benefit of this discovery. I believe there are wonderful possibilities. I do not know whether we are to realize them or not. But if there should be something in the claims of Mr. Giragossian, it is not for this Congress at this time to say to him and to the world, and to the people of the United States, "no." There may be some one in Missouri, there may be some one in Indiana, there may be some one in Michigan, there may be some one in Kansas, who has something just as good. Indeed, I have men in my district who claim they have something just as good as this man has. I am more interested in the welfare of the world, the people of the United States, and the Government of the United States than the interest of any inventor, whether the inventor of this electrical device that was brought in here on the floor, or any other. This is no time to consider the welfare of a particular inventor. This man has a device in the use of which he says he can not be protected under the general patent laws of the United States. And everybody knows that is true. And he offers the Government of the United States, for the action of Congress in this special patent, the free use of his device. No other patentee makes such offer under the general patent law to the Government or people of the United States. The consideration for our action here to-day is the free use of this device for the Government, of untold value, if it is what he claims, with no loss to the Government or the people of the United States if it turns out to be a farce.

Mr. Speaker and gentlemen, as a citizen of the United States, as a Member of this House, I am not going to take the chance of voting against this resolution. I want to try out this device and see whether or not there is behind the claims of Mr. Giragossian such a device as would utilize the free energy that surrounds the earth. I am in favor of the rule and of the resolution. [Applause.]

Mr. GARRETT of Tennessee. Mr. Speaker, I move the previous question on the adoption of the rule.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the rule.

The rule was agreed to.

The SPEAKER pro tempore. The question is now on agreeing to the resolution.

Mr. CROSSER. Mr. Speaker, I want to have the resolution read.

The Clerk proceeded with the reading, as follows:

Joint resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

Mr. BORLAND. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER pro tempore. Evidently there is no quorum present. The Clerk will call the roll.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Farr	Kennedy, R. I.	Riordan
Bacharach	Fess	King	Robinson
Bathrick	Fields	Kinkaid	Rogers
Beshlin	Fitzgerald	Kitchin	Rowe
Blanton	Flood	Kreider	Rowland
Bowers	Flynn	LaGuardia	Scott, Pa.
Brand	Frear	Lazaro	Scully
Britten	Fuller, Mass.	Lee, Ga.	Sears
Brodbeck	Gallivan	Lesher	Sisson
Browne	Gard	Lever	Slemp
Browning	Garner	Linthicum	Smith, Mich.
Bruckner	Goodall	McArthur	Smith, C. P.
Brumbaugh	Goodwin, Ark.	McCormick	Smith, T. F.
Butler	Gould	McCulloch	Snyder
Capstick	Graham, Pa.	McKenzie	Stedman
Carew	Gray, N. J.	McKinley	Steele
Carter, Mass.	Gregg	Maher	Stephens, Nebr.
Cary	Griest	Mann	Stevenson
Chandler, N. Y.	Griffin	Mason	Sullivan
Chandler, Okla.	Hamill	Merritt	Swift
Clark, Fla.	Hamilton, N. Y.	Miller, Minn.	Switzer
Coady	Hamlin	Miller, Wash.	Tague
Cooper, Wis.	Harrison, Va.	Mondell	Talbott
Copley	Haskell	Montague	Taylor, Colo.
Costello	Hayes	Mudd	Templeton
Curry, Cal.	Heints	Neely	Thompson
Dale, N. Y.	Helvering	Nelson	Tinkham
Davidson	Hilliard	Nolan	Towner
Dewalt	Hollingsworth	Olney	Vare
Dickinson	Howard	Osborne	Walton
Dies	Hull, Tenn.	O'Shaunnessy	Watson, Va.
Dooling	Husted	Overmyer	Webb
Drukker	Hutchinson	Parker, N. J.	Whaley
Dunn	Johnson, Ky.	Polk	White, Me.
Eagan	Johnson, S. Dak.	Porter	White, Ohio
Eagle	Johnson, Wash.	Powers	Winslow
Edmonds	Jones, Va.	Pratt	Wise
Ellsworth	Kahn	Price	Woodyard
Estopinal	Kearns	Ragsdale	Young, Tex.
Fairchild, G. W.	Kelley, Mich.	Reed	

During the roll call the following occurred:

Mr. BORLAND. Mr. Speaker, I withdraw my point of no quorum.

Mr. FOSTER. It is too late now.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to withdraw my point of order.

Mr. FORDNEY. Mr. Speaker, I object to the gentleman withdrawing his point of order.

The SPEAKER pro tempore. The roll call will proceed, the absence of a quorum having been ascertained.

Thereupon the Clerk resumed and completed the calling of the roll.

The SPEAKER. On this roll call 270 Members answered to their names, a quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Ohio [Mr. CROSSER] is recognized for an hour.

Mr. CROSSER. Mr. Speaker, I ask for the reading of the joint resolution.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized to accept, as trustee for the United States Government, from Garabed T. K. Giragossian an assignment of the right to utilize for the Government's own use a discovery or invention to be known as the "Garabed." Said assignment to and utilization of said discovery or invention by the United States Government shall be free of charge or expense.

SEC. 2. That the Secretary of the Interior is authorized to perform any and all acts, and to make such rules and regulations, and enter into such contracts as may be necessary to carry this resolution into effect: *Provided, however*, That the said Garabed T. K. Giragossian shall demonstrate the practicability of his discovery or invention to a commission of five eminent scientists, who shall be appointed by the said Garabed T. K. Giragossian and be approved by the Secretary of the Interior. The United States Government shall be under no expense in connection with the demonstration of the "Garabed."

Mr. BORLAND rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. I rise to offer an amendment to section 2.

The SPEAKER. The Clerk has not finished the reading. The Chair thinks the Clerk had better read the bill through and then the Chair will recognize the gentleman.

The Clerk read as follows:

SEC. 3. That if such demonstration shall in the opinion of the said scientists prove the practicability of said discovery or invention, the said Garabed T. K. Giragossian shall be recognized by the United States Government as the original discoverer, inventor, and legal owner of the invention or discovery and of any improvements pertaining thereto that may be made by the said Garabed T. K. Giragossian. The certificate of said commission of scientists, to the effect that said discovery or invention is practicable, shall constitute the said Garabed T. K. Giragossian the legal owner of and entitle him to all the rights and benefits of said discovery or invention for a period of 17 years. The right is reserved to the said Garabed T. K. Giragossian, his heirs and assigns, to take out patents for his aforesaid discovery, invention, or for any improvement or device pertaining thereto.

SEC. 4. That the United States Government shall not issue to anyone else any patent involving or relating to the principle of the "Garabed" free-energy generator regardless of its form or shape, or for any device, improvement, process, equipment, or apparatus based upon the system or correlative principle of the said discovery or invention, or for any improvement or change developed in the use of the said "Garabed," and shall prevent the construction, importation, use, or exploitation thereof, in whole or in part, in the United States, and shall protect the said Garabed T. K. Giragossian, his heirs and assigns, in the rights and interests in the "Garabed" in the above respect for a period of 17 years in the United States and in foreign countries where such protection is afforded by treaty obligation, international law, or diplomatic representation.

SEC. 5. That any essential improvement or contrivance by any person or persons other than Garabed T. K. Giragossian relating to the "Garabed," or its principle, which shall prove valuable and essential thereto in the opinion of the Secretary of the Interior during the period of the said Garabed T. K. Giragossian's special protection shall be bought by the United States Government for its own use in conjunction with its use of the said "Garabed," with adequate compensation to the inventor or contriver thereof. If, however, the said Garabed T. K. Giragossian wishes to utilize any such invention or contrivance so acquired by the United States Government, he or his assigns, and no other person or corporation, shall be entitled thereto upon the payment of a fair, just, and reasonable royalty therefor. In consideration of this right the United States Government shall have, without expense, the right to use for its own purpose any new improvement or device made by the said Garabed T. K. Giragossian.

SEC. 6. That after the successful demonstration of the "Garabed," if the United States Government wishes to purchase the right and title for the exclusive use of said discovery or invention, the said Garabed T. K. Giragossian will comply with the request of the United States Government: *Provided*, That he shall be remunerated to the extent commensurate with the value of his discovery or invention, which shall be appraised by a committee of even number, one-half of the membership of which shall be selected by the Secretary of the Interior and one-half selected by the said Garabed T. K. Giragossian, and the finding of said committee shall be subject to the approval of the Secretary of the Interior and of the said Garabed T. K. Giragossian.

If the United States Congress in session at the time of the demonstration, or at the latest during the following session, does not decide to avail itself of this privilege, the said Garabed T. K. Giragossian's legal rights and powers shall continue unimpaired as prescribed and set forth in this resolution.

SEC. 7. That any sale, or attempted sale, by the said Garabed T. K. Giragossian, or by his representatives or assigns, of any interest in or any title to said discovery or invention, or any part thereof, prior to the approval of the same by said commission of scientists, shall be illegal, invalid, and void.

SEC. 8. That the United States Government will have the right to exercise the aforesaid right to utilize said discovery or invention for its own use simultaneously with the beginning of the public and general use of the said "Garabed" system.

With committee amendments as follows:

On page 3, line 5, insert the word "distinctive."

On page 3, line 7, after the word "the," strike out the words "system or correlative" and insert the word "distinctive."

Mr. CROSSER. Mr. Speaker——

The SPEAKER. The gentleman from Ohio has addressed the Chair and is entitled to an hour.

Mr. BORLAND rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. I would like to ask a question of the gentleman from Ohio before he proceeds, and that is whether there will be opportunity to offer an amendment?

Mr. CROSSER. I expect to move the previous question at about the time suggested. There will be one or two amendments.

Mr. BORLAND. I will ask the gentleman if he will object to this amendment?

Mr. CROSSER. The gentleman may send it up. I ask, Mr. Speaker, that this be not taken out of my time.

Mr. BORLAND. I join with the gentleman in asking that this be not taken out of his time. The amendment is to section 3, requiring that "the said Garabed T. K. Giragossian is the

will Mr. Giragossian because he has not gone to the Patent Office and taken his chances under the general patent laws of

vious question on the adoption of the rule.

The previous question was ordered.

such contracts as may be necessary to carry this resolution into effect: *Provided, however*, That the said Garabed T. K. Giragossian shall dem-

this be not taken out of his time. The amendment is to section 3, requiring that "the said Garabed T. K. Giragossian is the

sole discoverer and inventor thereof" and that "it does not involve any known principle." Has the gentleman any objection to that?

Mr. CROSSER. The committee has an amendment bearing on that same subject. I will discuss it during my time. The gentleman from Missouri has taken a great deal of time upon the question already.

Mr. Speaker and gentlemen of the House——

Mr. SHERLEY. Will the gentleman yield for a brief inquiry?

Mr. CROSSER. Yes.

Mr. SHERLEY. I want to know whether it is the purpose of the gentleman, by moving the previous question, to prevent any amendments being considered other than those that the committee having the bill in charge bring in?

Mr. CROSSER. Not necessarily. We want to conclude the debate here to-night.

Mr. SHERLEY. That does not answer the question, and I am asking it in good faith. I want to know just what the gentleman's purpose is, and I think the House is entitled to know that.

Mr. CROSSER. We have discussed certain amendments with Members of the House, which we are willing to accept, and some others we can not.

Mr. LENROOT. Is the gentleman willing to have the House consider those amendments?

Mr. CROSSER. Gentlemen have consumed the time in calling the roll, in debate, and so forth, and we can not agree to any further delay.

Mr. SHERLEY. It is not a question of personal wishes. The House is entitled to know.

Mr. CROSSER. I am going to try to explain when I get the floor here, if I ever get it.

Mr. SHERLEY. The gentleman has it now.

Mr. CROSSER. I have not taken any time thus far, and I want to make a few remarks.

Mr. Speaker and gentlemen of the House, this bill came before the House during the latter part of the last session, was quite fully considered, and passed the House by a vote of 234 to 14. It went to the Senate, and there were not half a dozen votes against it there. It reached the President's hands a few minutes before the expiration of the time fixed for the adjournment of the last session of Congress. I am not sure whether there was any misapprehension about it, but since that time we have had suggestions from the Secretary of the Interior as to two slight modifications, with which the committee are satisfied and with which the author of this discovery or invention is satisfied. Those amendments have been read by the Clerk. We have also a report upon the resolution from the Secretary of the Interior, and I want to read that. His letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, December 12, 1917.

Hon. CHARLES B. SMITH,
Chairman Committee on Patents, House of Representatives.

MY DEAR MR. SMITH: I am in receipt of your letter of December 7, 1917, asking for early report upon H. J. Res. No. 174, relating to the invention or discovery of Mr. G. T. K. Giragossian.

It appears that the resolution is, with the exceptions hereinafter noted, practically identical with the resolution passed by both Houses of Congress during the first session, 1917. In the present resolution section 4 has been so amended as to limit the protection extended to the inventor to "any patent involving or relating to the principle of the 'Garabed' free-energy generator" instead of "for any kind of free-energy generator," as in the original resolution.

Section 6 has been amended so as to give to the United States the option of acquiring the right and title for exclusive use of the discovery or invention anywhere instead of "within the boundaries of the United States," as originally proposed.

I know nothing of the invention or device to which the resolution relates, and can therefore express no opinion as to its feasibility. The resolution contains provisions designed to insure an investigation and examination as a prerequisite to the vesting of any right in the inventor or the imposing of any obligations upon the United States. The results claimed for this invention would be of such vital importance that I am inclined to the view that opportunity should be accorded for a trial thereof.

I suggest, however, that in order to afford opportunity to other inventors to secure patents upon discoveries which do not infringe the distinctive principle of the Garabed invention, that line 4 of page 3 be amended by inserting the word "distinctive" at the end of the line, and that lines 7 and 8, page 3, be amended by striking therefrom the words "system or correlative" and inserting in lieu thereof the word "distinctive." So amended I have no objection to interpose to the passage of the resolution.

Cordially, yours, FRANKLIN K. LANE, *Secretary.*

Now, Mr. Speaker——

Mr. SAUNDERS of Virginia. Will the gentleman yield for a question?

Mr. CROSSER. Yes.

Mr. SAUNDERS of Virginia. On account of the confusion on the floor I could not fully hear all that the gentleman read. Do I understand that is a letter from the Secretary of the Interior?

Mr. CROSSER. That is a letter from the Secretary of the Interior.

Mr. SAUNDERS of Virginia. And he is the head of the Patent Office?

Mr. CROSSER. Of course the Secretary of the Interior is the head of the Patent Office.

Mr. SAUNDERS of Virginia. And with respect to this resolution that we are now considering he has suggested that certain amendments ought to be agreed to?

Mr. CROSSER. He has suggested the amendments which have been indicated.

Mr. SAUNDERS of Virginia. And his department is satisfied with the bill if those amendments are agreed to?

Mr. CROSSER. Yes.

Mr. SAUNDERS of Virginia. Has your committee reported these amendments?

Mr. CROSSER. Yes. His department is not only satisfied but he says he is inclined to the view that opportunity should be accorded for a trial thereof.

Now, Mr. Speaker, the committee has approved these two amendments. Personally, I think the same meaning was conveyed in the original resolution. That resolution provided that no patents should be granted based upon the principle of the Garabed. The whole question is whether or not the words "distinctive principle" make it any more definite than the term "principle."

We are glad to accept the amendment, and we are glad to have the Secretary of the Interior approve the idea.

When this bill was considered by the House before there was a great effort made by certain all-wise, very humorous gentlemen, who imagined that nothing good could come from an obscure source, that nothing good could come out of Nazareth, to ridicule this proposition out of court.

That effort failed ignominiously, as it should have failed. If this gentleman has what he claims he has, he is bringing to mankind something greater than all the discoveries, greater than any material thing ever brought to the human race in this or any other country. I can not see how men can stand here and quibble about the difference between tweedledum and tweedledee when it is possible—and I am almost inclined to say probable—that this man is holding out to the United States Government and to the people a thing of as great importance as this. I say that if there is even slight probability that such a discovery has been made, then quibbling about little details is, to say the least, not laudable.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman if the President has approved of the bill?

Mr. CROSSER. I have explained that the Secretary of the Interior has sent to the committee a letter expressing the opinion that with two slight amendments, which we have adopted, opportunity should be afforded for a trial thereof.

Mr. REAVIS. Will the gentleman yield?

Mr. CROSSER. No; I have not much time before the time suggested for a vote. Now, Mr. Speaker, it has been suggested that it may be that this man may have something which is practicable but which he did not discover. The members of the committee themselves, since this report was directed, finding that such objection had been raised, while they did not believe it to be likely, have agreed to incorporate in the bill, after the words "that if such demonstration shall in the opinion of said scientists prove to be practicable," the following language: "and that he is the discoverer or inventor of the same."

Mr. BORLAND. Will the gentleman yield on that point?

Mr. CROSSER. No; I can not yield; I want to finish my remarks. Now, this would make it absolutely impossible for anyone to be injured in any event. If this man is the original discoverer and inventor, and his discovery or invention is practicable, and if the commission of five scientists who are to be agreed upon by the gentleman and the Secretary of the Interior declares such to be the fact, protection is given to him, and he would be entitled to it if he has what is claimed.

It is the opinion of your Patent Committee, expressed on two occasions, that this man is worthy of the greatest confidence. He has impressed me, after hours of talk, as being one of the most intelligent and scientific men I have met, and no one who has ever talked with him will dispute the statement. Even if this man is able to dispense with the use of fuel of any kind, we nevertheless find men here objecting that he will get too much protection. In my opinion the United States Government could not give him enough protection during a period of 17 years to equal the benefit and blessing that such a discovery or invention would bring to the people of this country and the entire world. [Applause.]

Mr. BORLAND. Will the gentleman yield?

Mr. CROSSER. No; I do not yield, and it is useless to ask me until I have finished speaking. Now, gentlemen, why should there be any serious opposition to a proposition of this nature?

In the very first section of the bill he makes an assignment of whatever he has to the Government for its own uses everywhere free of charge and expense. Is any better evidence of his good faith required than that; if so, I would like to know what it is. Then it was suggested that it might be to the advantage of the people of this country that the Government should control even the private sale and use of the discovery or invention and permit it to be used by the people of the United States. He even provides that the Government shall have the right to buy the exclusive right to control its public and private use not only in the United States but throughout the world. Could there be any better evidence of good faith than that? And yet we have men standing here saying, "Oh, perhaps he may have made such a discovery, but why not tie him down still tighter." Do you realize that what we are considering is not an ordinary statute? This man has the right to some consideration in the determination of the terms of the proposed agreement.

I would like to know why it is that if these gentlemen who are now said to have discovered the same thing that Mr. Giragossian says he has discovered, if they have had it in mind all these years, they have never come forward before to announce their discovery to the public until it seemed likely that this man would be given the opportunity he asks to demonstrate his proposition? Does it not seem rather strange that just about the time he is to have the opportunity to demonstrate, and only to demonstrate, for if he does not prove anything he gets nothing, that then all these claimants should come forward saying that they had it also? A man in Cincinnati, in my own State, said to me, "I have something, but I need $1,000 to complete it, and if the Government would help me I can solve the mystery."

Mr. BORLAND. Has the gentleman time to yield now?

Mr. CROSSER. Not now. I yielded before and was deprived of time necessary to conclude my remarks. This resolution gives this man no rights whatever unless he has made a discovery and that discovery is proven to be practicable. The gentleman from Tennessee [Mr. GARRETT] has eloquently described the possibilities of the human mind and who knows but that Mr. Giragossian has learned one of nature's secrets; and how can men justify the obstruction of an effort to prove his contention when it costs the Government not a penny?

Mr. Speaker, may I yield some time now and offer an amendment later without losing the floor?

The SPEAKER. The gentleman can yield time for debate, and reserve the balance of his time. If he yields for the purpose of amendment he loses the floor.

Mr. CROSSER. I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS] and reserve the balance of my time.

Mr. SAUNDERS of Virginia. Mr. Speaker, I wish to apologize to the Members who were here during the former discussion of this matter, for taking the floor again and would not further trespass on the time of the House but for the fact that a very large proportion of the gentlemen who are now present were not here during the discussion on the rule. For the benefit of those not then present, I simply wish to epitomize and emphasize the features of this resolution that appeal to me, and which I think will appeal to other Members, so that they will be in mind, when the time arrives for voting. In the first place, this matter was fully discussed when it was last before this body. The gentleman from Illinois [Mr. CANNON], the gentleman from Indiana [Mr. WOOD], and many others spoke in favor of it. The gentleman from Wisconsin [Mr. STAFFORD] and others spoke against it. There was a full debate. A call of the House was demanded before the discussion was allowed to proceed. Hence a quorum was present at the discussion.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. STAFFORD. Is it not a fact that when the bill was under consideration for amendment only one amendment was permitted and the previous question was then moved, without any opportunity to offer other amendments?

Mr. SAUNDERS of Virginia. Doubtless the gentleman in charge of the bill was irritated by the extent to which the available time was frittered away, in useless contention, instead of upon the merits, and did move the previous question. He may have done that. But there was ample discussion of the bill and opportunity was given, if it had been availed of, to offer amendments. The gentleman from Wisconsin, as the RECORD will show, occupied the floor twice in the course of that debate, and spoke at length.

Mr. STAFFORD. Mr. Speaker——

Mr. SAUNDERS of Virginia. I can not yield. I have but five minutes. I have not stated other than what the RECORD shows. I see before me the gentleman from Illinois [Mr. CANNON]. He I think, is in a position to support the statement that I have made.

Mr. SIEGEL. Mr. Speaker, will the gentleman state what the vote was on that occasion?

Mr. SAUNDERS of Virginia. Two hundred and thirty-four to fourteen.

Mr. MOORE of Pennsylvania. Is it not true that the President has since declined to approve this?

Mr. SAUNDERS of Virginia. Mr. Speaker, for the satisfaction of the gentleman from Pennsylvania [Mr. MOORE] who has already asked that question once, if not twice, and received the answer which I will now make, I will say that the President did not sign the resolution. Is the gentleman now satisfied? Has he put the precise matters he wanted, before the House? I admit that the resolution went up to the President one-half hour before the time of adjournment, and that he did not sign it. It was a pocket veto. The fact of that pocket veto affords the reason for bringing this resolution again before the House.

Mr. NICHOLLS of South Carolina. Will the gentleman yield for a question?

Mr. SAUNDERS of Virginia. I yield to the gentleman.

Mr. NICHOLLS of South Carolina. Has the gentleman any information as to the President's attitude now?

Mr. SAUNDERS of Virginia. The President of course does not give out any information as to his attitude. All that I can say in this connection is that the Secretary of the Interior has had this particular resolution before him, and has indicated two amendments that he favors. Should these amendments be adopted by the House, he writes that he will not be opposed to this resolution.

Now for the benefit of my friend from Pennsylvania, having stated the attitude of the Secretary of the Interior, I will again make the statement, that the President did not sign this resolution when it was before him at the last session of Congress.

Mr. KNUTSON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. KNUTSON. I voted for this resolution when it was up in the last Congress, and I wish the gentleman would tell the House what the status of the matter would be in case Mr. Giragossian has not got what he claims to have?

Mr. SAUNDERS of Virginia. Should the committee report that Mr. Giragossian's alleged discovery is without merit, then this bubble will be exploded. That is all. The Government will incur no risk or liability, in that event.

Mr. KNUTSON. Will it bar out other inventors?

Mr. SAUNDERS of Virginia. Absolutely not. This report will merely serve to explode the Giragossian bubble. I want to be frank about this matter. It may be that we are pursuing a bubble. It may be that Mr. Giragossian does not possess what he claims to possess, but we will not buy a bubble. Should the committee of scientists report favorably upon the merits of this proposition we have an option upon the invention, but even then we are not compellable to buy it. Should the report of the committee be adverse, we will of course go no further in this matter.

Mr. McCLINTIC. Will the gentleman yield for a question?

Mr. SAUNDERS of Virginia. Yes.

Mr. McCLINTIC. The gentleman has looked this resolution over carefully, can he see any harm in allowing this to be amended so this board of scientists would have the right to look at any other invention if they so desired?

Mr. SAUNDERS of Virginia. Of course the committee will take the claims of others into consideration in making their inquiries. They will have the right to determine the priority of discovery, if a counterclaim is submitted. I am perfectly willing to say that I see no objection to a number of amendments that might be offered, but on the other hand no particular reason why they should be adopted. I have never seen a bill before this body that could not be amended without any prejudice to the real merits of the bill. But on the other hand, these amendments could be omitted. That is true of the amendment suggested by my friend. Indeed another amendment will cover that point. Time presses. Hence I insist that this resolution should be passed with the committee amendments for the reason that it will then be in the form that is approved by the Secretary of the Interior. I undertake to say, of course this is merely my personal judgment, that the interests of the Government are amply protected by this resolution with the amendments, and in the form in which it will be voted on.

Mr. JUUL. Will the gentleman yield for a brief question?

Mr. SAUNDERS of Virginia. I will.

Mr. JUUL. Has any other inventor appeared before the committee with a similar claim to the one here presented?

Mr. SAUNDERS of Virginia. I understand not. Mr. Giragossian does not claim (I think I understand what the gentleman refers to) that his discovery has anything to do with electrical energy. I believe there is a gentleman who has come forward in the last two or three days who claims to drive machinery by the use of free electricity. But his claims do not conflict with the claims of Giragossian in any way whatever. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CROSSER. Mr. Speaker, I wish to offer several committee amendments.

The SPEAKER. There are two in the bill.

Mr. CROSSER. I wish to have those acted upon first.

The SPEAKER. Which?

Mr. CROSSER. Those in the bill.

The SPEAKER. The time has not come yet, unless the gentleman yields the floor.

Mr. CROSSER. Mr. Speaker, I want to say this before I conclude, that there are other people in the world, and I do not want to be too definite about it, although I know of what I am speaking, who will not sputter and quibble about terms. The failure of this resolution to become law last October was noticed very quickly, and less than two weeks ago there were very clear and definite suggestions made to Mr. Giragossian. I do not think I need to say anything further.

The SPEAKER. The Clerk will report the amendments.

Mr. LENROOT. Will the gentleman yield for a question?

The SPEAKER. Will the gentleman yield to the gentleman from Wisconsin? Has the gentleman from Ohio [Mr. CROSSER] yielded the floor?

Mr. CROSSER. No; I have not. I want to have these amendments read first.

The SPEAKER. The Clerk will read the amendments in the time of the gentleman from Ohio.

The Clerk read as follows:

Committee amendments: Page 3, line 5, insert before the word "principle" the word "distinctive."

Page 3, line 7, after the word "the," strike out the words "system or correlative" and insert in lieu thereof the word "distinctive."

Mr. CROSSER. Those are committee amendments.

Mr. LENROOT. Will the gentleman yield?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Wisconsin?

Mr. CROSSER. Yes.

Mr. MOORE of Pennsylvania. Mr. Speaker, does the rule permit debate upon this amendment—argument for and against?

The SPEAKER. After the amendment is read in the time of the gentleman from Ohio.

Mr. MOORE of Pennsylvania. Mr. Speaker, does that preclude argument against the amendment?

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] still holds the floor.

Mr. MOORE of Pennsylvania. May I ask the gentleman from Ohio [Mr. CROSSER] a question?

Mr. CROSSER. I have yielded to a number of questions.

Mr. MOORE of Pennsylvania. Does the gentleman intend to permit debate against any of these amendments?

Mr. CROSSER. I can not answer everybody. I am trying to confer with everybody here at once.

The SPEAKER. The gentleman rose to a question of information. That is the end of it, unless he can get the consent of the gentleman from Ohio [Mr. CROSSER].

Mr. MOORE of Pennsylvania. And the gentleman from Ohio refuses to answer?

Mr. CROSSER. I am yielding to another man.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. The Speaker has stated that these amendments were offered to be read in the time of the gentleman from Ohio [Mr. CROSSER]. Does that mean that they are offered and are now before the House?

The SPEAKER. It means that they are pending; yes.

Mr. BORLAND. Then they are to be debated and voted on?

The SPEAKER. They will be voted on; yes.

Mr. BORLAND. Will they not also be open to debate?

The SPEAKER. Of course, if you can ever get the floor.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Does this rule permit amendments to be offered by anyone else?

The SPEAKER. If the gentleman from Ohio [Mr. CROSSER], whenever he gets ready, moves the previous question, and it is carried, that is the end of amendment.

Mr. CRISP. An amendment can not be offered by anybody else?

Mr. McCLINTIC. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCLINTIC. Has the chairman of the Committee on Patents the right to submit amendments, and if so, to be heard on them?

The SPEAKER. The Chair has stated three or four times that the gentleman from Ohio has the floor.

Mr. HULBERT. Do I understand that the only method by which a Member can discuss amendments is by defeating the previous question?

The SPEAKER. That is precisely the situation. The gentleman from Ohio [Mr. CROSSER] can do whatever he wants with the hour. He can move the previous question at the end of the hour, or at any time, if he does not lose the floor.

Mr. HULBERT. Mr. Speaker, a parliamentary inquiry.

Mr. SAUNDERS of Virginia. If the gentleman from Ohio [Mr. CROSSER] in his own time submits an amendment, which is read in his time from his desk, he does not lose the floor by that action?

The SPEAKER. He has not lost the floor now; no.

Mr. SAUNDERS of Virginia. So that he can offer in his own time any amendment that he thinks proper?

The SPEAKER. He can have anything read in his own time that he wishes.

Mr. SHERLEY. Mr. Speaker, I submit that the gentleman from Ohio has the right to offer an amendment or amendments when he pleases, but the moment he offers an amendment he must either then move the previous question or lose the floor. He can not offer amendments and afterwards debate them.

The SPEAKER. The gentleman from Kentucky is entirely correct.

Mr. SAUNDERS of Virginia. That is not my inquiry, Mr. Speaker. My inquiry was, when he offers his amendments it will be competent for him to order the previous question then and there on the bill and amendments.

The SPEAKER. That is right. He must occupy the time or surrender the floor. There is no dispute about that.

Mr. LEHLBACH. Mr. Speaker——

Mr. LENROOT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. LENROOT. To ask the gentleman from Ohio if he will yield for a question. I desire to ask whether it is the gentleman's intention to move the previous question on the bill and amendments thereto?

Mr. CROSSER. Yes.

Mr. LENROOT. Without giving the House opportunity to discuss the amendments or offer other amendments?

Mr. CROSSER. It is 5.30 o'clock p. m., at which time I was to offer amendments. If I thought it was going to serve any purpose to go on indefinitely with this——

Mr. LENROOT. The only opportunity the gentleman proposes to give the House to consider amendments is to vote down the previous question?

Mr. PURNELL. Will the gentleman yield for the purpose of allowing me to offer an amendment in his time?

Mr. CROSSER. Send the amendment to me. I think I have the same amendment the gentleman has.

Mr. CRAMTON. Will the gentleman yield for a question?

Mr. BORLAND. Will the gentleman yield to me to ask a question?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. BORLAND. I ask the attention of the gentleman from Ohio.

Mr. DOWELL. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. If the gentleman from Ohio desires to keep the floor, he must proceed instead of holding caucuses.

The SPEAKER. The Chair just stated a minute ago that there is no sort of controversy on that proposition.

Mr. DOWELL. Then I insist that he has surrendered the floor.

The SPEAKER. The gentleman is out of order.

Mr. CROSSER. Mr. Speaker, I am going to follow the gentleman's advice. Here are two amendments that I offer.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield for a question?

Mr. CROSSER. Those are amendments that I intended to offer a while ago, and I have not had any opportunity.

Mr. CRAMTON. Will the gentleman yield for a question before he does that?

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. CROSSER].

The Clerk read as follows:

Amendment offered by Mr. CROSSER: Page 2, line 14, after the word "invention," insert the following: "and that he is the original discoverer or inventor of same," and insert, after the word "practicable," the following: "and that he is the original discoverer or inventor of same."

Mr. CROSSER. Now, Mr. Speaker, I move the previous question on the bill and amendments.

Mr. BORLAND. Will the gentleman withhold that motion for a moment?

The SPEAKER. The gentleman from Ohio moves the previous question on the bill and amendments. Those in favor of the previous question will say "aye"; those opposed will say "no."

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. GILLETT. A division, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts demands a division.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. Those in favor of taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Sixty-eight gentlemen have arisen, a sufficient number, and the Clerk will call the roll. This vote is on agreeing to the previous question.

The question was taken; and there were—yeas 163, nays 105, not voting 166, as follows:

YEAS—163.

Adamson	Dill	Jacoway	Raker
Almon	Dixon	James	Ramsey
Ashbrook	Dominick	Jones, Tex.	Randall
Aswell	Doolittle	Juul	Rose
Ayres	Doughton	Keating	Rouse
Baer	Drane	Kehoe	Rubey
Bankhead	Eagan	Kettner	Russell
Barkley	Emerson	Key, Ohio	Sabath
Barnhart	Ferris	Kincheloe	Saunders, Va.
Beakes	Fields	Larsen	Sears
Bell	Fisher	Lea, Cal.	Shackleford
Black	Focht	Little	Shallenberger
Blackmon	Foss	Littlepage	Sherwood
Booher	Foster	London	Shouse
Buchanan	Freeman	Lonergan	Siegel
Burnett	French	Lundeen	Sims
Burroughs	Fuller, Ill.	Lunn	Sinnott
Byrns, Tenn.	Gallagher	McAndrews	Slayden
Caldwell	Gandy	McKeown	Small
Campbell, Kans.	Garrett, Tenn.	McLemore	Smith, Idaho
Campbell, Pa.	Garrett, Tex.	Mansfield	Smith, Mich.
Candler, Miss.	Glass	Mapes	Snook
Cannon	Godwin, N. C.	Martin	Steagall
Caraway	Gordon	Mays	Steenerson
Carlin	Gray, Ala.	Moon	Stephens, Miss.
Carter, Mass.	Greene, Mass.	Moores, Ind.	Sterling, Pa.
Church	Hadley	Morin	Switzer
Clark, Pa.	Hamilton, Mich.	Nicholls, S. C.	Taylor, Ark.
Claypool	Harrison, Miss.	Oldfield	Thomas
Collier	Hastings	Oliver, Ala.	Tillman
Connally, Tex.	Hayden	Oliver, N. Y.	Venable
Connelly, Kans.	Heflin	Overstreet	Vinson
Cox	Helm	Padgett	Walker
Crisp	Hensley	Paige	Walton
Crosser	Hersey	Park	Watson, Pa.
Currie, Mich.	Holland	Phelan	Weaver
Dale, Vt.	Hollingsworth	Polk	Williams
Dallinger	Hood	Pou	Wingo
Darrow	Houston	Purnell	Wood, Ind.
Dempsey	Igoe	Quin	Young, N. Dak.
Denton	Ireland	Rainey	

NAYS—105.

Alexander	Green, Iowa	Magee	Snyder
Anderson	Greene, Vt.	Moore, Pa.	Stafford
Bland	Haugen	Morgan	Sterling, Ill.
Borland	Hawley	Mott	Stiness
Byrnes, S. C.	Heaton	Nichols, Mich.	Strong
Carter, Okla.	Hicks	Norton	Sumners
Classon	Huddleston	Parker, N. Y.	Sweet
Cooper, Ohio	Hulbert	Peters	Temple
Cooper, W. Va.	Hull, Iowa	Platt	Tilson
Crago	Kelly, Pa.	Ramseyer	Timberlake
Cramton	Kennedy, Iowa	Rankin	Treadway
Decker	Kennedy, R. I.	Rayburn	Vestal
Dillon	Kiess, Pa.	Reavis	Volgt
Dowell	Knutson	Robbins	Waldow
Dupré	Kraus	Roberts	Walsh
Dyer	La Follette	Romjue	Ward
Elliott	Langley	Rucker	Wason
Elston	Lehlbach	Sanders, Ind.	Watkins
Esch	Lenroot	Sanders, N. Y.	Welling
Fairchild, B. L.	Longworth	Sanford	Welty
Fairfield	Lufkin	Schall	Wheeler
Francis	McArthur	Scott, Iowa	Wilson, Ill.
Garland	McClintic	Scott, Mich.	Woods, Iowa
Gillett	McFadden	Sells	Zihlman
Glynn	McLaughlin, Mich.	Sherley	
Good	McLaughlin, Pa.	Sloan	
Goodall	Madden	Snell	

NOT VOTING—166.

Anthony	Beshlin	Britten	Bruckner
Austin	Blanton	Brodbeck	Brumbaugh
Bacharach	Bowers	Browne	Butler
Bathrick	Brand	Browning	Cantrill
Capstick	Gard	Lee, Ga.	Rowland
Carew	Garner	Lesher	Sanders, La.
Cary	Goodwin, Ark.	Lever	Scott, Pa.
Chandler, N. Y.	Gould	Linthicum	Scully
Chandler, Okla.	Graham, Ill.	Lobeck	Sisson
Clark, Fla.	Graham, Pa.	McCormick	Slemp
Coady	Gray, N. J.	McCulloch	Smith, C. B.
Cooper, Wis.	Gregg	McKenzie	Smith, T. F.
Copley	Griest	McKinley	Stedman
Costello	Griffin	Maher	Steele
Curry, Cal.	Hamill	Mann	Stephens, Nebr.
Dale, N. Y.	Hamilton, N. Y.	Mason	Stevenson
Davidson	Hamlin	Meeker	Sullivan
Davis	Hardy	Merritt	Swift
Denison	Harrison, Va.	Miller, Minn.	Tague
Dent	Haskell	Miller, Wash.	Talbott
Dewalt	Hayes	Mondell	Taylor, Colo.
Dickinson	Heints	Montague	Templeton
Dies	Helvering	Mudd	Thompson
Dooling	Hilliard	Neely	Tinkham
Doremus	Howard	Nelson	Towner
Drukker	Hull, Tenn.	Nolan	Van Dyke
Dunn	Humphreys	Olney	Vare
Eagle	Husted	Osborne	Volstead
Edmonds	Hutchinson	O'Shaunessy	Watson, Va.
Ellsworth	Johnson, Ky.	Overmyer	Webb
Estopinal	Johnson, S. Dak.	Parker, N. J.	Whaley
Evans	Johnson, Wash.	Porter	White, Me.
Fairchild, G. W.	Jones, Va.	Powers	White, Ohio
Farr	Kahn	Pratt	Wilson, La.
Fess	Kearns	Price	Wilson, Tex.
Fitzgerald	Kelley, Mich.	Ragsdale	Winslow
Flood	King	Reed	Wise
Flynn	Kinkaid	Riordan	Woodyard
Fordney	Kitchin	Robinson	Young, Tex.
Frear	Kreider	Rodenberg	
Fuller, Mass.	LaGuardia	Rogers	
Gallivan	Lazaro	Rowe	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. BATHRICK with Mr. ANTHONY.
Mr. BESHLIN with Mr. AUSTIN.
Mr. BLANTON with Mr. BACHARACH.
Mr. BRAND with Mr. BRITTEN.
Mr. BRODBECK with Mr. BROWNE.
Mr. BRUCKNER with Mr. CAPSTICK.
Mr. BRUMBAUGH with Mr. CHANDLER of New York.
Mr. CANTRILL with Mr. BOWERS.
Mr. CAREW with Mr. CARY.
Mr. CLARK of Florida with Mr. BUTLER.
Mr. COADY with Mr. CHANDLER of Oklahoma.
Mr. DALE of New York with Mr. VOLSTEAD.
Mr. DENT with Mr. COOPER of Wisconsin.
Mr. DEWALT with Mr. COPLEY.
Mr. DICKINSON with Mr. COSTELLO.
Mr. DIES with Mr. CURRY of California.
Mr. DOOLING with Mr. DAVIDSON.
Mr. DOREMUS with Mr. DAVIS.
Mr. EAGLE with Mr. DENISON.
Mr. ESTOPINAL with Mr. DRUKKER.
Mr. EVANS with Mr. DUNN.
Mr. FITZGERALD with Mr. EDMONDS.
Mr. FLOOD with Mr. ELLSWORTH.
Mr. FLYNN with Mr. GEORGE W. FAIRCHILD.
Mr. GALLIVAN with Mr. FARR.
Mr. GARD with Mr. FESS.
Mr. GARNER with Mr. FORDNEY.
Mr. GREGG with Mr. FREAR.
Mr. GRIFFIN with Mr. FULLER of Massachusetts.
Mr. HAMILL with Mr. GOULD.
Mr. HAMLIN with Mr. TOWNER.
Mr. HARDY with Mr. GRAHAM of Pennsylvania.
Mr. HARRISON of Virginia with Mr. GRAY of New Jersey.
Mr. HELVERING with Mr. GRIEST.
Mr. HILLIARD with Mr. HAMILTON of New York.
Mr. HOWARD with Mr. WHITE of Maine.
Mr. HULL of Tennessee with Mr. HAUGEN.
Mr. IGOE with Mr. HAWLEY.
Mr. JONES of Virginia with Mr. HAYES.
Mr. KITCHIN with Mr. MANN.
Mr. LAZARO with Mr. WINSLOW.
Mr. LEE of Georgia with Mr. HUSTED.
Mr. LESHER with Mr. HUTCHINSON.
Mr. LEVER with Mr. JOHNSON of Washington.
Mr. LINTHICUM with Mr. JOHNSON of South Dakota.
Mr. LOBECK with Mr. KAHN.
Mr. MAHER with Mr. KEARNS.
Mr. MONTAGUE with Mr. KELLEY of Michigan.
Mr. NEELY with Mr. KING.
Mr. OLNEY with Mr. KINKAID.
Mr. O'SHAUNESSY with Mr. KREIDER.
Mr. OVERMYER with Mr. WOODYARD.
Mr. PRICE with Mr. MCCORMICK.
Mr. RAGSDALE with Mr. MCCULLOCH.

Mr. RIORDAN with Mr. MCKINLEY.
Mr. SANDERS of Louisiana with Mr. MASON.
Mr. SCULLY with Mr. MEEKER.
Mr. SISSON with Mr. MERRITT.
Mr. CHARLES B. SMITH with Mr. MILLER of Minnesota.
Mr. THOMAS F. SMITH with Mr. MILLER of Washington.
Mr. STEDMAN with Mr. MONDELL.
Mr. STEELE with Mr. MUDD.
Mr. STEPHENS of Nebraska with Mr. NOLAN.
Mr. STEVENSON with Mr. OSBORNE.
Mr. SULLIVAN with Mr. PARKER of New Jersey.
Mr. TAGUE with Mr. PORTER.
Mr. TALBOTT with Mr. BROWNING.
Mr. TAYLOR of Colorado with Mr. PRATT.
Mr. THOMPSON with Mr. REED.
Mr. VAN DYKE with Mr. RODENBERG.
Mr. WATSON of Virginia with Mr. ROGERS.
Mr. WEBB with Mr. ROWE.
Mr. WHALEY with Mr. ROWLAND.
Mr. WHITE of Ohio with Mr. SCOTT of Pennsylvania.
Mr. WILSON of Louisiana with Mr. SLEMP.
Mr. WILSON of Texas with Mr. SWIFT.
Mr. WISE with Mr. TEMPLETON.
Mr. YOUNG of Texas with Mr. TINKHAM.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the first committee amendment.

Mr. BORLAND. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Missouri moves that the House do now adjourn.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 3, line 5, at the beginning of the line, insert the word "distinctive."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, lines 7 and 8, strike out the words "system or correlative" and insert the word "distinctive."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

Mr. GILLETT. Mr. Speaker, a parliamentary inquiry. Were these amendments offered, or were they simply read?

Mr. CROSSER. They were offered.

The SPEAKER. They were offered.

The Clerk read as follows:

Amendment offered by Mr. CROSSER: Page 2, line 14, after the word "invention," insert the following: "and that he is the original discoverer or inventor thereof."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. CROSSER: Page 2, line 20, after the word "practicable," insert the following: "and that he is the original discoverer or inventor thereof."

The amendment was agreed to.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. Is it not possible to offer amendments after the previous question is ordered?

The SPEAKER. It is not. The only way to get at that is to beat the previous question. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. LENROOT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

By Mr. LENROOT: I move to recommit House joint resolution 174 to the Committee on Patents with instructions to forthwith report the same back to the House with the following amendments:

On page 3, line 8, after the word "That," insert "if the said Garabed T. K. Giragossian shall receive the special protection provided for in section 3 of this act, then."

On pages 3 and 4, strike out section 5 and insert:

"SEC. 5. That any essential improvement or contrivance patented by any person or persons other than Garabed T. K. Giragossian relating to the 'Garabed,' or its principle which shall prove valuable and essential thereto in the opinion of the Secretary of the Interior, evidenced by such finding by him filed in the Patent Office, may during the period of the said Garabed T. K. Giragossian's special protection, if the same shall become effective, be used by the United States and the said Garabed T. K. Giragossian or his assigns upon the payment of a fair, just, and reasonable royalty therefor, to be fixed by the Secretary of the Interior; and every patent issued for any such improvement or contrivance shall be upon such express condition.

"In consideration of this right the United States shall have, without expense, the right to use for its own purposes any new improvement or device made or invented by the said Garabed T. K. Giragossian."

Mr. CROSSER. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. LENROOT) there were—ayes 69, noes 101.

Accordingly the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the joint resolution.

The question was taken, and the joint resolution was passed.

On motion of Mr. CROSSER a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

REGENTS OF THE SMITHSONIAN INSTITUTION.

The SPEAKER. There are three vacancies on the Board of Regents for the Smithsonian Institution, and the Chair announces the following appointments.

The Clerk read as follows:

Mr. FERRIS, to succeed himself;
Mr. GREENE of Vermont, to succeed Mr. Roberts of Massachusetts; and
Mr. PADGETT, to succeed Mr. Lloyd of Missouri.

ADJOURNMENT.

Mr. GARRETT of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 15 minutes p. m.) the House, under its previous order, adjourned until Monday next, December 17, 1917, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Secretary of the Treasury, transmitting estimate of urgent deficiency appropriation, "Quarantine service, remodeling buildings, Cape Charles Quarantine Station" (H. Doc. No. 574); to the Committee on Appropriations and ordered to be printed.

2. Letter from the Secretary of the Treasury, transmitting amended estimate of appropriation (p. 5, Book of Estimates for 1918) for "Salaries, office of the Coast Guard" (H. Doc. No. 575); to the Committee on Appropriations and ordered to be printed.

3. Letter from the Inspector General and chief surgeon, National Home for Disabled Volunteer Soldiers and Sailors, transmitting report of inspection of State soldiers' and sailors' homes for the year ended June 30, 1917 (H. Doc. No. 576); to the Committee on Military Affairs and ordered to be printed.

4. Letter from the president of the board of managers National Home for Disabled Volunteer Soldiers, transmitting annual report for the year ended June 30, 1917 (H. Doc. No. 577); to the Committee on Military Affairs and ordered to be printed.

5. Letter from the Secretary of the Treasury, transmitting copy of a communication from the secretary of the Smithsonian Institution submitting a supplemental estimate of appropriation for the fiscal year 1918 (H. Doc. No. 578); to the Committee on Appropriations and ordered to be printed.

6. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate required for the service of the War and Navy Departments (H. Doc. No. 579); to the Committee on Appropriations and ordered to be printed.

7. Letter from the Secretary of the Treasury, transmitting copy of a communication from Hon. Newton D. Baker, chairman of the Council of National Defense, submitting a supplemental estimate of appropriation for the fiscal year 1918 (H. Doc. No. 580); to the Committee on Appropriations and ordered to be printed.

8. Letter from the Secretary of War, transmitting a detailed statement showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation (H. Doc. No. 623); to the Committee on Appropriations and ordered to be printed.

9. Letter from the Secretary of War, transmitting a detailed statement showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation (H. Doc. No. 582); to the Committee on Appropriations and ordered to be printed.

10. Letter from the Secretary of War, transmitting report of the commanding officer of Watertown Arsenal of "tests of iron and steel and other materials for industrial purposes" made at that arsenal during the fiscal year ended June 30, 1917 (H. Doc. No. 619); to the Committee on Military Affairs and ordered to be printed, with illustrations.

11. Letter from the Secretary of the Treasury, transmitting statement from the sundry offices and bureaus of the Treasury Department showing in detail what officers and employees traveled on official business to points outside of the District of Columbia during the fiscal year ended June 30, 1917 (H. Doc. No. 624); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

12. Letter from the secretary of National Home for Disabled Volunteer Soldiers, transmitting record of changes in membership of the home during the fiscal year ended June 30, 1917 (H. Doc. No. 577); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LONDON, from the Committee on Labor, to which was referred the joint resolution (H. J. Res. 189) to provide for a commission to inquire into the advisability of establishing national insurance against unemployment, invalidity, and sickness, reported the same without amendment, accompanied by a report (No. 218), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 7697) to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes, reported the same without amendment, accompanied by a report (No. 225), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARLIN, from the Committee on the Judiciary, to which was referred the joint resolution (H. J. Res. 1) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, reported the same with an amendment, accompanied by a report (No. 219), which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 188) extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, reported the same without amendment, accompanied by a report (No. 227), which said resolution and report were referred to the House Calendar.

Mr. GLASS, from the Committee on Banking and Currency, to which was referred the bill (H. R. 7731) amending section 32 of the Federal farm-loan act, approved July 17, 1916, reported the same without amendment, accompanied by a report (No. 228), which said bill and report were referred to the House Calendar.

Mr. SEARS, from the Committee on Education, to which was referred the joint resolution (S. J. Res. 110) to amend an act entitled "An act to provide for the promotion of vocational education," approved February 23, 1917, reported the same without amendment, accompanied by a report (No. 229), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (S. 1418) to authorize the President of the United States to appoint Harry Graham captain of Infantry, reported the same without amendment, accompanied by a report (No. 226), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2206) authorizing the payment of salary due to J. A. McCreary, of Forestville, Cal.; Committee of Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4889) granting a pension to Mrs. Harriet Alexander; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6090) granting an increase of pension to Edgar C. Martin; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 7560) granting an increase of pension to William W. Kimball; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7416) granting a pension to Fred D. Marshall; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GLASS: A bill (H. R. 7731) amending section 32 of the Federal farm-loan act, approved July 17, 1916; to the Committee on Banking and Currency.

By Mr. GARD: A bill (H. R. 7732) to amend the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to exclude from the excess-profits tax income derived from personal services; to the Committee on Ways and Means.

By Mr. CROSSER: A bill (H. R. 7733) to provide better sanitary conditions in printing offices within the District of Columbia; to the Committee on the District of Columbia.

By Mr. WHITE of Ohio: A bill (H. R. 7734) to provide for an increase in the compensation of rural free delivery carriers; to the Committee on the Post Office and Post Roads.

By Mr. LANGLEY: A bill (H. R. 7735) to amend an act entitled "An act to amend an act entitled 'An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War,' approved April 19, 1908, and for other purposes," approved September 8, 1916; to the Committee on Invalid Pensions.

By Mr. MCKEOWN: A bill (H. R. 7736) extending the franking privilege of the Government to the members of the Council of National Defense, and to the chairman of the several councils of national defense in the United States; to the Committee on the Post Office and Post Roads.

By Mr. LANGLEY: A bill (H. R. 7737) to increase the rates of pensions of certain widows and Army nurses; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7738) to increase the rate of pension allowed to Army nurses; to the Committee on Invalid Pensions.

By Mr. DICKINSON: Joint resolution (H. J. Res. 191) amending section 201 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. CAMPBELL of Kansas: Joint resolution (H. J. Res. 192) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on Woman Suffrage.

By Mr. GLASS: Resolution (H. Res. 197) for the consideration of House bill 7731; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 7739) granting an increase of pension to Irene Reid Ervin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7740) granting a pension to Lucy M. Roby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7741) granting a pension to Dartha Swihart; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 7742) granting an increase of pension to Edward Durbin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7743) granting an increase of pension to Green P. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7744) granting an increase of pension to Thomas C. Layton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7745) granting an increase of pension to Calvin A. Hutchinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7746) granting an increase of pension to Marion F. Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7747) granting a pension to Samuel Ash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7748) granting a pension to Mary J. Titus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7749) granting a pension to Margaret A. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7750) granting a pension to Herschel Spainhour; to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 7751) to grant a gold medal to James F. Walker for conspicuous bravery; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 7752) granting an increase of pension to Joseph Donnells; to the Committee on Invalid Pensions.

By Mr. COOPER of Ohio: A bill (H. R. 7753) granting an increase of pension to Ross Montgomery; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 7754) granting a pension to Catherine F. Reinert; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 7755) granting an increase of pension to Horace W. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7756) granting an increase of pension to Belle W. Dexter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7757) granting an increase of pension to D. W. Farington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7758) granting an increase of pension to James H. Kabrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7759) granting an increase of pension to George Kint; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7760) granting an increase of pension to John Keefe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7761) granting an increase of pension to Silas W. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7762) granting an increase of pension to Albert Vantassel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7763) granting an increase of pension to George W. White; to the Committee on Pensions.

Also, a bill (H. R. 7764) granting a pension to Joseph Karr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7765) granting a pension to Christian A. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7766) for the relief of Albert T. Huso; to the Committee on Claims.

Also, a bill (H. R. 7767) for the relief of John C. Kathan; to the Committee on Military Affairs.

Also, a bill (H. R. 7768) for the relief of Edward Looby; to the Committee on Military Affairs.

Also, a bill (H. R. 7769) for the relief of Robert McFarland; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 7770) granting a pension to Wedding Colgate; to the Committee on Pensions.

Also, a bill (H. R. 7771) granting a pension to Hiner A. Rawlings; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 7772) granting an increase of pension to John Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7773) granting an increase of pension to Jacob C. Stupp; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 7774) granting an increase of pension to Fannie M. O'Linn; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 7775) granting an increase of pension to Noah Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7776) granting an increase of pension to James L. Stover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7777) granting an increase of pension to Charles McCarthy; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 7778) to amend the military record of George W. Laland; to the Committee on Military Affairs.

By Mr. McKINLEY: A bill (H. R. 7779) granting an increase of pension to William E. Kirkpatrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7780) to correct the military record of Thomas Fogle; to the Committee on Military Affairs.

By Mr. MOORES of Indiana: A bill (H. R. 7781) correcting the military record of Daniel H. Prunk; to the Committee on Military Affairs.

By Mr. NEELY: A bill (H. R. 7782) granting an increase of pension to Emanuel B. Silcott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7783) granting a pension to George W. Sampson; to the Committee on Invalid Pensions.

By Mr. SWEET: A bill (H. R. 7784) granting an increase of pension to Enoch E. Boyd; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 7785) granting a pension to Ophelia F. Covert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7786) granting a pension to Hamilton B. Pate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7787) granting a pension to Anna E. Pagett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7788) granting a pension to Franklin B. Washburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7789) granting a pension to William H. Miller; to the Committee on Pensions.

Also, a bill (H. R. 7790) granting a pension to John J. McGinley; to the Committee on Pensions.

Also, a bill (H. R. 7791) granting a pension to Laura A. Davis; to the Committee on Pensions.

Also, a bill (H. R. 7792) granting an increase of pension to Sylvester C. Loveless; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 7793) for the relief of Dr. George W. Flynn; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of congregation of the First Christian Church, Webb City, Mo., urging the passage of Senate resolution No. 17; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of California, Colorado, Indiana, Kentucky, Massachusetts, Nebraska, New York, Pennsylvania, and Texas, favoring the passage of the Moore Purple Cross bill, H. R. 5410; to the Committee on Military Affairs.

Also (by request), petition of F. Terry and 166 other students of Teachers' College, Columbia University, favoring national prohibition; to the Committee on the Judiciary.

By Mr. BLAND: Evidence in support of bill for increase in pension of Green P. Gray; to the Committee on Invalid Pensions.

Also, evidence in support of bill for increase in pension of Samuel Ash; to the Committee on Invalid Pensions.

Also, evidence in support of bill for increase in pension of Thomas C. Layton; to the Committee on Invalid Pensions.

Also, evidence in support of bill to increase pension of Calvin A. Hutchison; to the Committee on Invalid Pensions.

Also, evidence in support of bill to increase pension of Mary J. Titus; to the Committee on Invalid Pensions.

Also, evidence in support of bill to increase pension to Marion F. Willis; to the Committee on Invalid Pensions.

Also, evidence in support of bill to increase pension of Margaret A. Cooper; to the Committee on Invalid Pensions.

Also, evidence in support of bill for pension for Herschel Spainhour; to the Committee on Pensions.

Also, evidence in support of bill for increase in pension of Edward Durbin; to the Committee on Invalid Pensions.

By Mr. CARY: Telegrams from Edward A. Uphrig, president Milwaukee Western Fuel Co.; Fehrer & Meyer Co.; Benjamin Wells & Sons Co.; Blumenfeld Locher Co.; William Marnitz Co.; Vilter Manufacturing Co., H. P. Andrae, treasurer Julius Andrae & Sons Co.; the Boston Store; O'Neil Oil & Paint Co.; Joseph J. Kozourek; Richard Philip; W. H. Upmeyer, president Bunde & Upmeyer Co., all of Milwaukee, Wis., protesting against passage of national prohibition amendment; to the Committee on the Judiciary.

Also, telegram from William F. Luick, treasurer Luick Ice Cream Co.; Fred F. Luedke; L. W. Bunde, of Bunde & Upmeyer Manufacturing Co.; E. P. Hunkel; Dr. F. J. Gaenslen; O. R. Pieper; Edwin Wollaeger, of the Wollaeger Manufacturing Co.; Arthur Wenz; and Peter Brust, all of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, telegrams from the Kurth Manufacturing Co.; Hoffman & Bauer; Leedom Miller & Noys Co.; Hoffman & Billings Manufacturing Co.; H. S. Hadfield; Frank Luensman Co.; John L. Klinger, president Milwaukee Association of Commerce; and Biersach & Niedermeyer, all of Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition from Frank B. Metcalfe, secretary-treasurer Trades Union Liberty League of Wisconsin; Otto E. Schulz; and F. T. Andrae, secretary Julius Andrae & Sons Co., all residing in Milwaukee, Wis., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Joseph Dehan, secretary Labor's Emergency Liberty League, representing 60,000 men, protesting against national prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of the executive committee of the Manufacturers and Dealers' League, of the city and

State of New York, and of the general counsel of the Malsters' Bureau of Statistics, Chicago, Ill., protesting against the submission of the prohibition amendment; also, resolution of the Brewery Workers' International Union, representing 60,000 workmen, protesting against the prohibitory amendment; to the Committee on the Judiciary.

Also, resolution of the National Council of American Cotton Manufacturers, urging Congress to make liberal appropriations for the support and development of the Bureau of Foreign and Domestic Commerce and the creation and maintenance of a bureau for the extension of American foreign trade; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: Memorial of Republican city central committee, St. Louis, Mo., favoring the Anthony suffrage amendment; to the Committee on Woman Suffrage.

By Mr. ELLIOTT: Memorial of Woman's Auxiliary to Local 130, National Federation of Post Office Employees, favoring increased salaries for clerks and carriers in first and second class post offices; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Resolutions by the county board of supervisors of Monroe County, Wis., favoring the suffrage amendment; to the Committee on Woman Suffrage.

By Mr. FREEMAN: Petition of First Baptist Church, Stonington, Conn., urging the submission of the prohibition amendment; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of citizens of Streator, Ill, opposing the prohibition amendment; to the Committee on the Judiciary.

Also, memorial of Anti-Saloon League of America, urging the adoption of the prohibitory amendment; to the Committee on the Judiciary

By Mr. HILLIARD: Memorials of Local Union No. 18, Journeyman Cooks and Pastry Cooks; Sheet Metal Workers' International Alliance; Local No. 68, International Brotherhood of Electrical Workers; Local No. 1874, United Brotherhood of Carpenters and Joiners of America; Local Union No. 930, Glass Workers and Glaziers; Buildings Laborers of Denver; Local Union No. 634, Meat Cutters' Union; Local Union No. 3, Plumbers' Apprentices; Division No. 451, Brotherhood of Locomotive Engineers; Local Union No. 111, Electrical Workers; International Workers' Defense League; Local Union No. 25, International United Brotherhood of Leather Workers on Horse Goods; Journeyman Barbers' International Union of America; Lodge No. 35, Switchmen's Union of America; Local Union No. 79, Painters' Union; Local No. 577, O. P. & C. F. I. A.; Mile High Lodge No. 680, Brotherhood of Railroad Trainmen; Local Plumbers' Union No. 3; Bricklayers', Stonemasons', and Marblemasons' Union; Local Waiters' Union No. 14; Denver Lodge No. 47, International Association of Machinists; Snowy Range Lodge No. 30, Brotherhood of Railroad Trainmen; Local Union No. 7, Retail Clerks' International Protective Association; Local Union No. 40, International Broom Makers' Union; Denver Council No. 539, Knights of Columbus; Denver Buildings-Trades Council; Golding Fairfield, Esq.; W. C. Castwright; and Central Labor Union of Boulder and vicinity, all in the State of Colorado, urging the passage of House bill 1654, granting an increase of pay to post-office clerks and letter carriers; to the Committee on the Post Office and Post Roads.

Also, petitions of Mrs. J. A. Easton and three others; C. J. Morley and seven others; Interdenominational Committee, representing 60,000 women; Women's Foreign Missionary Society of Methodist Episcopal Church of Colorado, comprising 21,000 women; Interchurch Council of Denver, representing 34,000 protestant church members, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Mrs. M. W. Morrison, of Colorado Springs, Colo., urging the adoption of a constitutional amendment providing for woman suffrage; to the Committee on Woman Suffrage.

By Mr. KAHN: Petition of citizens of San Francisco, Cal., in favor of the Madden bill, granting an increase of pay to the letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Petition of Sayles B. Steere, of Chepachet, R. I., favoring national prohibition amendment; to the Committee on the Judiciary.

Also, petition of Bottlers and Drivers' Union No. 245, of Providence, R. I., against national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Mrs. B. Wallace Comstock, of Providence, and Mrs. Helen Hazard Bacon, of Peace Dale, in the State of Rhode Island, in opposition to passage of woman-suffrage legislation; to the Committee on the Judiciary.

Also, petitions of Laurel Grange No. 40, of Gloucester; Daniel Partridge, of Pawtucket; Henry A. Sayles, of Chepachet; C. R. Martin, of Pawtucket; Neighborhood Auxiliaries to the Woman's Home Missionary Society; Providence Woman's Christian Temperence Union; and Providence County Pomona Grange, Patrons of Husbandry, all in the State of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of the Sunday school of Embury Methodist Episcopal Church, of Central Falls; adult department of the Fourth Baptist Sunday School, of Providence; First Methodist Episcopal Church, of Pawtucket; and Rhode Island Glass Division, of Central Falls, all in the State of Rhode Island; also 518 citizens of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

By Mr. LINTHICUM: Letter of George C. Balton, of Baltimore, Md., urging that new clerks be not discriminated against in providing increases of salary; to the Committee on Appropriations.

Also, petition of Arthur E. Slagle and 62 other citizens of Baltimore, Md., and a memorial from the Maryland legislative committee, Antisaloon League of America, favoring submission of the prohibition amendment; also letters and telegrams from the Baltimore Enamel & Novelty Co. and nine other firms and organizations of Baltimore, Md., protesting against the submission of the prohibition amendment; to the Committee on the Judiciary.

Also, memorial of Baltimore Branch No. 4, United National Association Post Office Clerks, and Local No. 181, National Federation Postal Employees, indorsing House bill 1654; also a letter of the same import from L. C. Perkins, of Baltimore, Md.; to the Committee on the Post Office and Post Roads.

By Mr. MEEKER: Resolution adopted by the American Federation of Labor in favor of an increase in salary of the postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of surviving officers of the Civil War praying for the passage of the officers' retired bill; to the Committee on Military Affairs.

Also, petition of Locals No. 3, No. 37, No. 91, and No. 148, of the Coopers International Union, of St. Louis, Mo., protesting against national prohibition; to the Committee on the Judiciary.

Also, resolution of the Chamber of Commerce of the United States and approved by the Manufacturers' Association of St. Louis, Mo., in favor of the establishment of a foreign exchange department in the Federal reserve banking system; to the Committee on Banking and Currency.

Also, resolution adopted by the Board of Aldermen of St. Louis, Mo., asking for time extension for the completion of the municipal bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE: Petitions of George R. Wallace and 300 others, of Fitchburg, Mass., against woman suffrage amendment; to the Committee on Woman Suffrage.

Also, petitions of 395 persons in various cities of Massachusetts in favor of woman suffrage amendment; to the Committee on Woman Suffrage.

By Mr. SANDERS of New York: Petition of the Waterport Woman's Christian Temperance Union, urging the passage by Congress of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for their ratification; to the Committee on the Judiciary.

Also, petition of the Barre Center Presbyterian Church, the Woman's Christian Temperance Union Missionary Society, the Red Cross, the Ladies' Aid, the Christian Endeavor, Loyalty Class, and Men's Bible Class, all of Barre Center, N. Y., urging the passage by Congress of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union, the Epworth League, and Women's Home Missionary Society, all of West Barre, N. Y., urging the passage by Congress of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the women of the First Presbyterian Church of Albion, N. Y., urging the passage of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petitions of 45 male voters and of 63 women voters of the West Avenue Methodist Episcopal Church, of Rochester, N. Y., urging the passage of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petitions of 73 male voters and 115 women voters of the Calvary Baptist Church, of Rochester, N. Y., urging the passage of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the First Baptist Church, the First Methodist Episcopal Church, and the Lake Avenue Baptist Church, all of Hilton, N. Y., in joint assembly, urging the passage of the joint resolution for the submission of a prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of 65 women voters of Rochester, N. Y., urging the passage by Congress of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the women of the Press Club of the Young Men's Christian Association Auxiliary, of Rochester, N. Y., urging the passage by Congress of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

Also, petition of the Willing Workers' Circle, the World Wide Circle, and the Emily Barrett Circle, of Rochester, N. Y., urging the passage of the joint resolution for the submission of the prohibition amendment to the Constitution to the several States for ratification; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of postal clerks and carriers at St. Cloud, Minn., urging early and favorable action on House bill 1654; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Letters and telegrams from East Greenwich Baptist Church, Rev. Theodore C. Gleason, pastor, East Greenwich; Rev. W. H. Lane, Shawomet; Christian Endeavor Society, Alice M. Farrow, secretary, North Scituate; Bradford Y. P. B., Ruby E. Collings, secretary, Bradford; Providence Young Men's Christian Association, John G. Olmstead, acting general secretary, Providence; Niantic Baptist Sunday School, Ray B. Kenyon, secretary, Bradford; Phenix Baptist Sunday School, Frank Gardner, pastor, Phenix; Lutheran Bethany Church (950), Joel Ol, pastor, Auburn; First Baptist Church, F. Stewart Kinley, minister, Westerly; Advent Christian Sunday School, W. F. Bilven, superintendent, La Fayette; First Methodist Episcopal Church, Francis H. Spear, pastor, Warren; First Seventh Day Baptist Church of Hopkinton, George B. Shaw, pastor, Ashaway; Lutheran Conference of the Providence District (Pontiac, R. I., Nov. 12, 1917), Providence; Sunday School of the East Baptist Church of Hope Valley, E. T. Spencer, superintendent, Hopkinton; and church and congregation and Sunday school, Oak Lawn Baptist Church, Oak Lawn, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, letters and telegrams from St. Paul's Methodist Episcopal Sunday School, Frederick E. Hawkins, superintendent, and Providence Epworth League Union, Myrtle A. Brown, secretary, Providence; St. Luke's Episcopal Church Sunday School, Ida Collette, secretary, East Greenwich; St. Stephens Church, George McClellan Fiske, rector, Providence; Sunday schools in North Scituate held in the Free Baptist Church, Philip Shippee, C. A. Durfee, and Ernest M. Spencer, superintendents, North Scituate; Sunday School of the First Baptist Church, Joseph E. Matteson, secretary, Allenton; Woman's Christian Temperance Union, through Mrs. H. E. King, North Scituate; Mary J. Locke, Narragansett Pier; Eunice B. Clark, Wakefield; Emma B. Potter, corresponding secretary, North Scituate; Mrs. R. J. Griffin, Mrs. G. A. Griffin, and Fannie E. White, Wakefield; Apponaug Woman's Christian Temperance Union, through Mrs. W. C. Pierce, secretary, and 300 representative citizens, Nathan M. Littlefield, chairman, Providence; Quonocontaug Grange, Patrons of Husbandry, No. 48, Anna L. Waite, secretary, Westerly; and Oak Lawn Grange, Edgar A. Wood, grand master, Oak Lawn, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, telegrams from John A. Tandwin, Bertha A. Bissell, Horace G. Bissell, Everett Messinger, Mrs. Thomas Uray, E. P. Rogers, Florence A. Mouiton, Emily B. Aldrich, H. Cutler, Harry A. Slocumb, W. D. Olson, Elizabeth Joynt, Rev. E. F. Jones, Frank C. Dudley, Mrs. W. C. P. Faunce, William A. Farren, Francis Gallagher, Mary A Gifford, Henry A. Fifield, Alfred M. Thompson, Jesse V. Dudlong, Mr. and Mrs. H. A. Whitmarsh, Ellen G. Hunt, W. H. Faunce, Mrs. William L. Coop, Rhode Island State Federation of Women's Clubs (39 clubs, representing 3,000 women), Maude Evelyn Bradley, and Rhode Island State Grange, Clara L. Chase, secretary (representing 3,500 patrons of Rhode Island), Providence; Mrs. David Harley and William Rogers, Pawtucket; William D. Chickle, East Providence; and Charles Knowles, Lillian Knowles, Julia Knowles, Asa Humphrey, and Marshall Young, Wakefield, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, telegrams and letters from Sarah Champlin, John Champlin, C. Hill, Emma Humphrey, Mrs. E. E. Hill, and Mrs. William G. Sweet, Wakefield; Men's Club of Cranston Community, H. B. Coombs, and T. W. Waterman, Providence; Herbert M. Clarke, Arctic; and New England Coal Co., Harry E. Davis, Woonsocket, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, letters from Mrs. Eva H. Smith, Washington; F. L. Fowler, Oak Lawn; J. F. Archibald, Providence; Chester Donelly, Oliver W. Sherman, Clifford A Woodmansee, and Edward E. Kenyon, West Kingston; Charles L. Johnston, Auburn; Alston W. Knowles, N. K. Hazard, Charles J. Tucker, Charles W. Hall, Joseph A. Boss, Stephen B. Gardiner, Charles H. Knowles, Louisa H. Knowles, William Young, and Moses Young, Narragansett Pier; Chesman O. Childs and John A. Allen, Peace Dale; Marshall Young, Harry S. Champlin, Asa H. Humphrey, Leon M. Champlin, and John R. Champlin, Point Judith; Leon L. Holland, and W. A. Pollock, Saunderstown; and Hartford P. Brown, Robert P. Graves, Everett E. Jones, Mrs. E. G. Babcock, Charles C. Armstrong, Ransford Collins, Oliver H. Jones, J. Haskell Edson, John B. Peck, W. F. Congdon, L. W. Tucker, Charles E. Mitchell, James H. Buton, John E. Ross, and Oscar T. Dykstra, Wakefield, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, letters from Johnson Hoyle, Daniel C. Watson, Joseph B. Tucker, Stephen B. Gardnier, jr., Benjamin W. Palmer, Mrs. B. W. Palmer, James G. Champlin, L. D. Miner, W. Luther Bates, Henry W. Partelow, and Howard R. Tucker, Wakefield; William P. Brownell, Miss Annie B. Arnold, E. M. Docherty, Woman's Christian Temperance Union, Mary E. Olney, corresponding secretary, of the State of Rhode Island, and members of the parish of the Church of the Mediator, Providence; Potter Hill Sunday School, Potter Hill; and Rowland W. Gilbert, Louis R. Houston, Charles G. Houston, Story E. Johnson, B. P. Pollock, and Walter J. Westlake, Peace Dale, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, telegrams, letters, and petitions from Tabernacle Methodist Episcopal Sunday School, G. W. Amison, superintendent, and Liberty B. Greene, Providence; A. J. Webster, Auburn; Henry B. Trinkhover and Ada Blinkhom, Providence; Mrs. E. O. Benson, Auburn; Charles E. Westcott, Christie C. Crowe, and Olly R. A. Jillson, Providence; Thomas J. Clarke, Charlestown; Harlon A. Page and Albert E. Titchener; Mrs. Jennie F. Smith, representing 45 members of Woman's Christian Temperance Union, Wakefield; William Entwistle; Ethel Johnston, Arlington; Carrie O. Brown, John D. Miner, and Alice O. Miner, East Greenwich; Robert McGhee, Providence; John Siswick, manager Mystic Woolen Mill, Hope Valley; Broad Street Christian Church (385), Samuel Glivven, clerk, Archie Meikle and 22 citizens, and John C. Stanton and 35 citizens, Westerly; 58 members of People's Church (Baptist), Rev. William O. Keirstead, Providence; and Frank Hill and 13 other citizens of the town of Westerly, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, letters and petitions from A. J. Schultheiss and Joint Local Executive Board of the International Union of the United Brewery Workmen, William H. Lovett, secretary, Providence; Jacob Mack, Rudolph Mitschke, and Joseph Wacker, Cranston; Paul Wermuth and John Grasslin, Providence; Christian Ackermann, Arlington; Albin Hertzsch, Providence; Gotthard Wemmer, Arlington; Mathias Kormann, Providence; Michael Bosko and Melchior Buck, Cranston; Nicola M. Loudoti and Paul Kaleen, Providence; Louis Gentile and William L. Reichert, Cranston; Frederick W. Weise, Salvatore Pullano, Lewis L. Cushman, Ernest R. Williams, John J. Brennen, and Alex J. Langlois, Arlington; Benjamin R. Jepson, Thomas F. McMahon, T. J. Tiernan, Fred H. Bartels, John W. Nolan, Roderick McGary, Bernard McCabe, William J. Guest, I. Precourt, and M. Hercov, Providence, all in the State of Rhode Island, opposing prohibition; to the Committee on the Judiciary.

By Mr. TREADWAY: Resolutions of Shields Court No. 63, Massachusetts Catholic Order of Foresters, Holyoke, Mass., and by Holyoke Council No. 90, Knights of Columbus, of Holyoke, Mass., in support of legislation to draft alien ally population into the military service of this country or have them deported; to the Committee on Military Affairs.

By Mr. VARE: Memorial of the Pennsylvania Woman Suffrage Association requesting the passage of the suffrage amendment; to the Committee on Woman Suffrage.

SENATE.

MONDAY, *December 17, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee out of the rest and recreation of the holy Sabbath day. We thank Thee for this institution that is not only precious in our memory and sacred in our lives but also holds the forces of the Christian civilization within it. We thank Thee that Thou dost preserve for us this day of rest.

As we start on the labor of a new day do Thou give to us the inspiration that God only can give. May we have an open-eyed vision of the tremendous responsibilities resting upon us in this hour. May we not wait for the clash of swords or the sound of guns or the wail of the broken hearted over their dead boys to arouse to an interest, to a deep concern, and to a self-sacrificing effort to put forth the best of this Nation to establish peace and brotherhood and freedom among men. We ask for Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. SMITH of Michigan and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, certified copies of the findings of fact and conclusions filed by the court in the following causes:

Mabel Cushman Hitt (daughter), Florence Cushman Mudge and Douglas Cushman (grandchildren), heirs of William H. W. Cushman, deceased, v. The United States (S. Doc. No. 132);

Tunis Vosburgh v. The United States (S. Doc. No. 133);

George F. Sinclair v. The United States (S. Doc. No. 134);

Edmund Johnson v. The United States (S. Doc. No. 135);

John H. Ingram v. The United States (S. Doc. No. 136);

Thomas Cusack v. The United States (S. Doc. No. 137);

Horace D'R. Cutler v. The United States (S. Doc. No. 138);

William T. Cosgrove v. The United States (S. Doc. No. 139);

James W. Briscoe v. The United States (S. Doc. No. 140);

John Acker v. The United States (S. Doc. No. 141);

Wesley R. Adams v. The United States (S. Doc. No. 142);

Robert L. Wilson v. The United States (S. Doc. No. 143);

William W. Stinnett v. The United States (S. Doc. No. 144);

Joseph Sears v. The United States (S. Doc. No. 145);

George B. Randall v. The United States (S. Doc. No. 146);

Jonas C. Littlefield v. The United States (S. Doc. No. 147);

Jonathan F. Linton v. The United States (S. Doc. No. 148);

Theodore F. Lewis v. The United States (S. Doc. No. 149);

Henry T. Lee v. The United States (S. Doc. No. 150);

R. P. Higgins, administrator of John P. Higgins, deceased, v. The United States (S. Doc. No. 151);

John Douch v. The United States (S. Doc. No. 152); and

James H. Day v. The United States (S. Doc. No. 153).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 114) extending the commission provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, with the same authorities, powers, and provisions until on or before March 1, 1918.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 7237. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes;

H. R. 7634. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. J. Res. 174. Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy; and

H. J. Res. 193. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1917.

The message further announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Tuesday, the 18th day of December, 1917, they stand adjourned until 12 o'clock meridian on Thursday, the 3d day of January, 1918, in which it requested the concurrence of the Senate.

HOLIDAY RECESS.

The VICE PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The concurrent resolution was read as follows:

House concurrent resolution 29.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 18th day of December, 1917, they stand adjourned until 12 o'clock meridian on Thursday, the 3d day of January, 1918.

Mr. MARTIN. I ask unanimous consent for the present consideration of the House resolution which has just been read.

The VICE PRESIDENT. Is there any objection?

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to.

PAY OF EMPLOYEES.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution from the House of Representatives.

The joint resolution (H. J. Res. 193) authorizing the payment of salaries of officers and employees of Congress for December, 1917, was read the first time by its title.

Mr. PENROSE. Let it be read at length.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1917, on the day of adjournment of the present session for the holiday recess; and the Clerk of the House is authorized to pay on the same day to Members, Delegates, and Resident Commissioners their allowance for clerk hire for the said month of December.

Mr. MARTIN. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of the congregation of St. Matthew's Episcopal Church, of St. Anthony Park, St. Paul, Minn., praying for national prohibition, which was ordered to lie on the table.

Mr. GRONNA presented the petition of Mrs. L. A. Day, president of the Woman's Christian Temperance Union, of Southam, N. Dak., praying for national prohibition, which was ordered to lie on the table.

Mr. JONES of Washington presented petitions of sundry citizens of Seattle, Prosser, Kennewick, North Bend, South Bend, Chehalis, and Ellensburg, all in the State of Washington, praying for an increase in the salaries of postal clerks, which were referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a petition of Gate City Branch, No. 230, National Association of Letter Carriers, of Nashua, N. H., praying for an increase in the salaries of letter carriers, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented petitions of sundry citizens of St. Joseph and Berrien Counties, of the Literary Club of Trenton, and of the Federation of Labor of Detroit, all in the State of Michigan, praying for national prohibition, which were ordered to lie on the table.

Mr. THOMPSON presented a petition of sundry citizens of Ottawa County, Kans., praying that farmers be exempted from the draft law, which was referred to the Committee on Military Affairs.

He also presented a petition of Pollock Post, No. 42, Grand Army of the Republic, Department of Kansas, of Marion, Kans., praying that a pension of $50 a month be granted to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of the Ladies' Auxiliary, National Association of Letter Carriers, of Kansas City, Kans., praying for an increase in the salaries of letter carriers and postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. FRELINGHUYSEN. I present resolutions adopted by the National Security League of Passaic, N. J., pledging support to the President and the country in time of war. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[Branch of the National Security League (Inc.) of the city of Passaic, N. J.]

Whereas the security of the United States and the success of our arms are endangered by the activities of disloyal persons and organizations within the borders of our country, we, citizens of the city of Passaic, in the State of New Jersey, in mass meeting assembled, and representing the National Security League, do hereby adopt the following resolution:

Resolved, That we heartily indorse the action of our President and the Congress of the United States in the declaration of war against the Imperial German Government.

Resolved, That we pledge our manhood to the cause until a victorious peace and the elimination of German military autocracy both have been accomplished. We stand for the defense of liberty, civilization, and morality. We believe in our flag and all that it stands for. We condemn German frightfulness in all its branches, the sinking of merchant and passenger ships without warning, and the murder of civilians and noncombatants, including women, children, and aged persons. We condemn in general the barbaric warfare now being carried on by the Imperial German Government.

Resolved, That we do hereby petition the Congress of the United States to enact forthwith a law imposing punishment upon all persons or organizations responsible for pro-German activities or for the publication or public utterance of statements tending—

(1) To impede or interfere with the operations or success of the United States in war or in recruiting or enlistment.

(2) To hold the Government of the United States or any of our allies up to ridicule or obloquy.

(3) To cause disloyalty or refusal of duty on the part of any person in connection with the war.

Resolved, That we applaud the President of the United States for his patriotic endeavors in the conduct of the war and for his various able and statesmanlike proclamations. We pledge ourselves to stand behind the President and the Government of our country until our flag shall return unsullied, undefiled, and victorious.

Resolved, That a copy of these resolutions, signed by the chairman and secretary of this meeting, be transmitted to the President of the United States and to the Senators and Members of Congress from the State of New Jersey.

BIRD W. SPENCER, *Chairman*,
C. H. BICKELL, *Secretary*.

OCTOBER 27, 1917.

Mr. FRELINGHUYSEN presented petitions of the National Security League of Passaic, of sundry citizens of Englewood, of the National Security of Westfield, of the Borough Council of Rutherford, and of sundry citizens of Ridgewood, all in the State of New Jersey, relative to the public utterances of Hon. ROBERT M. LA FOLLETTE, a Senator from the State of Wisconsin, which were referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Paterson, Short Hills, and Newark, all in the State of New Jersey, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of sundry letter carriers of Ridgewood, N. J., praying for an increase in their salaries, which was referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted by Stockton Grange, No. 88, Patrons of Husbandry, of Stockton, N. J., and of the board of agriculture of Monmouth County, N. J., relative to the importation of nitrate of soda, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Chamber of Commerce of Asbury Park, N. J., favoring the enactment of legislation providing rank and uniforms for members of selective draft boards, which were referred to the Committee on Military Affairs.

He also presented resolutions adopted by the board of agriculture of Monmouth County, N. J., relative to the supply of farm labor, which were referred to the Committee on Education and Labor.

He also presented resolutions of the Chamber of Commerce of Trenton, N. J., favoring full taxation for all Federal officeholders, exempting the President, members of the Cabinet, and men in the service of the Army and Navy, which were referred to the Committee on Finance.

He also presented resolutions adopted by the American Cotton Manufacturers' Association, favoring liberal appropriations for the support and development of the Bureau of Foreign and Domestic Commerce of the Department of Commerce, which were referred to the Committee on Commerce.

Mr. CURTIS presented a petition of sundry citizens of Horton, Kans., praying for national prohibition, which was ordered to lie on the table.

He also presented petitions of Lew Gove Post, No. 100, Grand Army of the Republic, Department of Kansas, of Manhattan; of Pea Ridge Post, Grand Army of the Republic, Department of Kansas, of Chetopa; and of Canby Post, No. 11, Grand Army of the Republic, Department of Kansas, of Osage City, all in the State of Kansas, praying for an increase in the pensions of veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented a petition of the Ladies Auxiliary, National Association of Letter Carriers, of Kansas City, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Men's Brotherhood of the First Presbyterian Church, of Chanute, Kans., remonstrating against the use of cigarettes by soldiers, sailors, and marines, which was referred to the Committtee on Military Affairs.

He also presented petitions of sundry citizens of Wichita, McPherson, and Hutchinson, all in the State of Kansas, praying for the enactment of legislation to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of County Commissioners of Wyandotte County, Kans., praying for the passage of the so-called river and harbor appropriation bill, which was referred to the Committee on Commerce.

SHORTAGE OF COAL.

Mr. SMITH of Michigan. Mr. President, I have a number of telegrams this morning bearing upon the coal situation. I do not desire to discuss the matter at all, but one telegram I hold in my hand I desire to emphasize particularly. It is from the president of the Pere Marquette Railroad Co., a railroad consisting of about 2,200 miles, operated in Michigan and Indiana, who says:

For your information, the fuel situation on the Pere Marquette Railway has become so serious that we will be obliged to discontinue more service to-morrow, and unless relief is forthcoming our operations will be largely closed down by Tuesday. The trouble is inability of the railroads serving mines in Ohio, Indiana, and Illinois to handle the coal under our contracts. Mines serving us were partially idle during past week, due to lack of service by railroads. There is no shortage of empty cars. It is all a question of transportation. What we need is to have the railroads serving the mines give the movement of fuel coal preference over everything, even passenger trains. I believe this is what the priority order contemplates. Any assistance you can render will be very much appreciated. I am wiring you in the interests of the people of Michigan, that you may bring pressure to bear whereby the roads of Michigan will secure their full share of fuel coal in order to provide the service. Roads in Ohio and south of us are also short of fuel, and unless positive orders are issued they will naturally look after the interests there before helping Michigan.

That telegram is signed by Frank H. Alfred, president of the Pere Marquette Railroad, and represents a situation which is so deplorable that I rise this morning, somewhat in violation of the rule, to emphasize again the desirability of the fuel situation receiving practical attention at our hands without further delay.

The VICE PRESIDENT. The telegram will be referred to the Committee on Manufactures.

Mr. GRONNA. Mr. President, I wish to state that I have received a number of telegrams from citizens of my State calling attention to the fact that there is a shortage of fuel. I have not presented any of them here. I sent them to the fuel administrator. I simply want the RECORD to show that I have taken such steps as I deem best.

EAST ST. LOUIS LABOR TROUBLE.

Mr. SHERMAN. I wish to present a list from the attorney general of Illinois and call the attention of the Senate to the fact that in the East St. Louis riot cases prosecuted in that county there have been 51 convictions by a jury, and the penalties ranged all the way from fines and jail sentences to 15 years in the penitentiary. About half of them are convictions for felony. I ask that the list be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The list referred to is as follows:

LIST OF CONVICTIONS IN EAST ST. LOUIS RIOT CASES AND DISPOSAL OF CASES UP TO DECEMBER 10, 1917.

James W. Andrews: Case No. 7806, acquittal.
Marshall Alexander: Case No. 7794, 14 years.
Sam Bauchens: Cases No. 7802, 7818, 7824, 7825, nol-prossed; case No. 7829, plea, 30 days' jail.
Richard Brockway: Case No. 7806, 5 years and $1,000 fine.
Tony Borcey: Cases No. 7812, 7849, 7850, 7851, nol-prossed; case No. 7852, plea, 30 days' jail.
Joe Braunagel: Case No. 8043, guilty; sentence not yet pronounced.
Charles Calvin Beener: Case No. 7805, indeterminate sentence in penitentiary.
Daisy Clavin: Case No. 2041, nol-prossed; case No. 8042, $50 fine.
Joseph Dickerson: Case No. 7804, nol-prossed; case No. 7806, acquitted; case No. 7807, plea, $50 and costs.

John Doe: Cases No. 7811 and 7847, nol-prossed.
Leon Doherty: Case No. 8041, nol-prossed; case No. 8042, plea, 60 days' jail.
Mike Evanoff: Case No. 7818, $500 fine.
Tobe Fancher: Case No. 7806, nol-prossed.
Charles Foster: Case No. 7794, 14 years.
Leslie Fowler: Case No. 7794, acquittal.
John Gow: Case No. 8046, 15 years.
Charles Hanna: Case No. 8046, 15 years.
Ralph Hood, jr.: All cases nol-prossed.
Mat Hayes: Cases No. 7794, 7860, 7862, nol-prossed.
Albert Hughes: Case No 7794, 14 years.
John Johnson: Case No. 7806, 1 year.
Leo A. Keane: Case No. 7796, 14 years.
Robert H. Kelley: Cases No. 7798 and 7823, nol-prossed; case No. 7844, plea, 30 days' jail.
Emmet Krisnic: Case No. 7852, plea, $50 and costs; all other cases nol-prossed.
Moze Lockett: Case No. 7820, nol-prossed.
Charles Luden: Case No. 8063, plea, $50 and costs; other case nol-prossed.
John Luden: Case No. 8063, plea, $50 and costs; other case nol-prossed.
Jess Mecker: Case No. 7818, nol-prossed.
John Mateer: Case No. 7806, nol-prossed.
Christ Mouralec: Case No. 7841, nol-prossed; case No. 7945, plea, 30 days' jail. (In case No. 7945 indicted under name of Christ Movchelis, which is correct.)
Guy Moore: Case No. 7794, acquittal; all other cases nol-prossed.
Henry Morris: Case No. 8045, plea, 10 days' jail; other case nol-prossed.
John Morris: Case No. 8044, nol-prossed; case No. 8045, plea, 30 days' jail.
Pete Majouskas: Case No. 8045, plea, $50 and costs; case No. 8044, nol-prossed.
Chester Ortgizer: Case No. 7818, nol-prossed.
Ed Otto: Case No. 7818, $500 fine.
Mary Osborne: Case No. 8063, plea, 30 days; all other cases nol-prossed.
William Palmer: Case No. 7794, 14 years.
George Palmer: Case No. 7848, plea, $50 and costs.
Otis Pigg: Case No. 7852, plea, 30 days; all other cases nol-prossed.
O'Faniel Peoples: Case No. 7794, 14 years.
Fayette Parker: Case No. 7794, 14 years.
Harry Robinson: Case No. 7806, plea, 5 years; case No. 8046, jury could not agree.
John Rogers: Case No. 7818, acquittal; all other cases nol-prossed.
Richard Roe: All cases nol-prossed.
Herman Rohweddor: All cases nol-prossed.
Henry Rohwedder, jr.: Case No. 7858, plea, $50 and costs; all other cases nol-prossed.
George Roberts: Case No. 7794, 14 years.
William Ragen: Case No. 8045, plea, $50 and costs; other case nol-prossed.
Dorothy Ruth: All cases nol-prossed.
Robert Roberts: Case No. 8042, plea, $50 fine; other case nol-prossed.
Will Shears: Case No. 7829, plea, 60 days; other case nol-prossed.
S. L. Schultz: Case No. 7806, plea, 5 years; case No. 7835, plea, 1 to 14 years; all other cases nol-prossed.
Joe Sanicki: Case No. 7830, plea, $50 and costs; all other cases nol-prossed.
Dee Smotherman: Case No. 7794, 14 years.
Connor Smith: Case No. 8045, $50 and costs; other case nol-prossed.
Red Smith: Case No. 8042, plea, $50 and costs; other case nol-prossed.
John Tish: Case No. 7806, 5 years.
Bud Townsend: Case No. 7794, 14 years.
Horace Thomas: Case No. 7794, 14 years.
Thomas Takcett: Case No. 7794, acquittal; all other cases nol-prossed.
Alice Taylor: Case No. 8044, nol-prossed; case No. 8045, plea, $50 and costs.
Herbert F. Wood: Case No. 7796, 14 years.
Dan Walsh: Case No. 7818, $500 fine
Joe Welch: Cases No. 7811 and 7847, nol-prossed. (Should be Clarence Welsh.)
Clarence Welsh: Case No. 8059, nol-prossed; case No. 8063, plea, 10 days' jail.
Felix Wiercik: Case No. 7839, plea, $50 and costs; all other cases nol-prossed.
George Zeman: Case No. 7818, nol-prossed.

PURCHASE OF FARM-LOAN BONDS.

Mr. HOLLIS. From the Committee on Banking and Currency I report back favorably without amendment the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916, and I submit a report (No. 184) thereon.

This is a matter of emergency, and I ask for its immediate consideration.

Mr. PENROSE. I object, Mr. President.

Mr. HOLLIS. I hope the Senator from Pennsylvania will not object. The matter was very carefully considered in the Committee on Banking and Currency. The Senator from Massachusetts [Mr. WEEKS] took a position against the bill, but I think he is satisfied that the bill might well be considered at this time. There is no disposition to smother anything or to prevent a full discussion, but it is a matter of the greatest importance, and I appeal to the Senator to withdraw his objection.

Mr. PENROSE. This is a matter of very great magnitude, and in my opinion involves a most questionable transaction. I do not feel like permitting it to be passed without proper discussion and opportunity for examining it. Those Members of the Senate who are not on the committee have had no opportunity to look into this question, and I think there will be a good deal of scandal involved in this proposition before the Senate gets through with the discussion

Mr. HOLLIS. Mr. President——

Mr. PENROSE. I insist on my objection, Mr. President.

The VICE PRESIDENT. Objection is made, and the bill goes to the calendar.

Mr. HOLLIS. The request was not that the matter be passed without the fullest consideration, but that the matter might get before the Senate so that it might be discussed, and if there is any scandal involved in it that it may come out at once.

Mr. PENROSE. I can not see the reason for this undue haste. These rural banks have been permitted to drift along until they have been in what is virtual bankruptcy, and no brake has been put on the slide down the precipice. It certainly seems to me reasonable that Senators who are not members of the committee should have an opportunity to look into it. I only know regarding this matter from desultory reports in the newspapers of what would seem to me to be a scandalous condition into which these banks have been permitted to drift. If the Senator has any idea that he can get unanimous consent to drive this legislation through without proper discussion and without an opportunity of calling the attention of the country to the condition which the administration of these banks has permitted them to be involved in he is gravely mistaken.

Mr. HOLLIS. I can not allow the statement to pass that there is any scandal or any bankruptcy or anything allowed to drift involved in the bill. There is no such condition. If the Senator objects to the immediate consideration, of course that settles it. He has a perfect right to do so; but I do not want his statements to go unchallenged, because they are without foundation.

Mr. PENROSE. I disagree with the Senator. Since this bill has been reported——

The VICE PRESIDENT. Either the bill goes over on objection or it is up for discussion.

Mr. OVERMAN. I ask for the regular order.

Mr. HITCHCOCK. Will the Senator from Pennsylvania agree to withhold his objection—he can make it later on—until a small opportunity is given to explain exactly what the situation is?

Mr. PENROSE. No; I intend to object in a matter of this magnitude. I have information that the banks have been wired not to make any more loans since this bill has been reported.

Mr. GALLINGER. I ask for the regular order, Mr. President.

The VICE PRESIDENT. The bill goes over on objection.

Mr. HITCHCOCK. Does the Senator from Pennsylvania insist on his objection?

The VICE PRESIDENT. The bill is either going over or it is going to be considered.

Mr. SMITH of Michigan. Regular order.

The VICE PRESIDENT. The bill goes over on objection.

EMPLOYMENT OF TELEPHONE OPERATORS.

Mr. OVERMAN. From the Committee on Rules I report a joint resolution and ask for its consideration.

I wish to say that the manager of the telephone exchange says it is impossible to do the work, and Senators know how hard it is to get connections now with the different departments. She asks for four more telephone operators during the war. The committee has passed upon it, and I ask for present consideration of the resolution.

The joint resolution (S. J. Res. 115) providing additional telephone operators for the Senate and House of Representatives was read the first time by its title and the second time at length, as follows:

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,680 for the salaries of four telephone operators, two for the office of Sergeant at Arms and Doorkeeper of the Senate and two for the office of the Clerk of the House of Representatives, at the rate of $840 per annum each, from January 1 to June 30, 1918, both dates inclusive.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSTITUTIONAL AMENDMENT.

Mr. BRANDEGEE. From the Committee on the Judiciary I report back favorably the joint resolution (S. J. Res. 90) proposing an amendment to the Constitution of the United States. I ask that it may be read. It is very short.

The joint resolution was read and ordered to be placed on the calendar, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That Article V of the Constitution of the United States is hereby amended to read as follows, to wit:

"ARTICLE V.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall

call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified within six years from the date of their proposal by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, or by the electors in three-fourths thereof, as the mode of ratification may be proposed by the Congress: *Provided*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

ELLEN M. STONE RANSOM FUND.

Mr. POMERENE. From the Committee on Foreign Relations I report back favorably without amendment the bill (S. 1848) for the relief of contributors of the Ellen M. Stone ransom fund, and I ask unanimous consent for its present consideration.

Mr. SMOOT. It has been passed by the Senate before at the same amount.

Mr. POMERENE. The bill providing the same amount has passed the Senate four or five different times.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to return, out of any funds in the Treasury not otherwise appropriated, to such contributors, or, in the event of the death of any such contributor, to the legal representative thereof, as may file their claims within one year from the passage of this act, the money subscribed by such contributor to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901, said total sum not to exceed $66,000.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 3236) granting six months' pay to Katharine Taylor Dodge, widow of Charles Dodge, captain, United States Army (with accompanying papers); to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota:

A bill (S. 3237) granting an increase of pension to James Dornan (with accompanying papers);

A bill (S. 3238) granting an increase of pension to Luther L. Revalt (with accompanying papers);

A bill (S. 3239) granting a pension to R. C. Warne (with accompanying papers); and

A bill (S. 3240) granting a pension to Barnett C. Toliver, alias Charles Swartz (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington (for Mr. KENYON):

A bill (S. 3241) to amend section 4, chapter 1635, Revised Statutes of the United States, page 994; to the Committee on Appropriations.

By Mr. JONES of Washington:

A bill (S. 3242) to increase pensions of certain soldiers and sailors of the Civil War;

A bill (S. 3243) granting a pension to Charles Dohr (with accompanying papers); and

A bill (S. 3244) granting an increase of pension to Charles M. Baskett (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3245) for the relief of Quartermaster Sergeant Herman G. Seyler; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 3248) granting an increase of pension to John Beahan (with accompanying papers); and

A bill (S. 3249) granting a pension to Franklin Polen (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 3250) granting a pension to Margaret Dicks (with accompanying papers); and

A bill (S. 3251) granting a pension to Alphonso L. Armstrong (with accompanying papers); to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 3252) granting an increase of pension to Charles W. Cross; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 3253) for the relief of the heirs of Ann Gregory, deceased; to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 3254) granting a pension to Daniel P. Wright (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3255) granting a pension to Frank Fessenden (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS (for Mr. WALSH).

A bill (S. 3256) for the opening and settlement of a part of the Crow Indian Reservation in the State of Montana; to the Committee on Indian Affairs.

By Mr. FRELINGHUYSEN:

A bill (S. 3257) granting a pension to Barney McKay; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 3258) for the relief of Ethel Proctor; to the Committee on Claims.

A bill (S. 3259) for the relief of fourth-class postmasters; to the Committee on Post Offices and Post Roads.

A bill (S. 3260) to remove the charge of desertion from the record of Wilbur F. Lawton;

A bill (S. 3261) to remove the charge of desertion from the military record of Alonzo W. Livingston;

A bill (S. 3262) to remove the charge of desertion from the military record of James F. Cole;

A bill (S. 3263) for the relief of Sarah De Witt;

A bill (S. 3264) to remove the charge of desertion from the military record of Harrison H. Frain;

A bill (S. 3265) to correct the military record of John Corwin;

A bill (S. 3266) correcting the military record of Abram H. Johnson;

A bill (S. 3267) to correct the military record of William Harman;

A bill (S. 3268) to correct the military record of John P. Webber, alias John J. Webber;

A bill (S. 3269) to remove the charge of desertion from the military record of John H. Armstrong;

A bill (S. 3270) to remove the charge of desertion from the record of Andrew B. McIntire; and

A bill (S. 3271) to remove the charge of desertion from the military record of Moses Chauncey; to the Committee on Military Affairs.

A bill (S. 3272) granting a pension to Arelia Gleason; and

A bill (S. 3273) granting an increase of pension to Charles M. Colby; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3274) granting an increase of pension to Zed Culver;

A bill (S. 3275) granting an increase of pension to Thomas Haxton (with accompanying papers);

A bill (S. 3276) granting an increase of pension to Cal K. Shoemaker (with accompanying papers);

A bill (S. 3277) granting an increase of pension to Stephen Schiedel (with accompanying papers);

A bill (S. 3278) granting an increase of pension to Elnathan Wert (with accompanying papers);

A bill (S. 3279) granting a pension to Sarah F. Steele (with accompanying papers);

A bill (S. 3280) granting a pension to Elvira Jarrett (with accompanying papers);

A bill (S. 3281) granting an increase of pension to Josiah T. McKnight (with accompanying papers);

A bill (S. 3282) granting an increase of pension to Sylvester H. Gaskill (with accompanying papers);

A bill (S. 3283) granting a pension to Mary J. Maclary (with accompanying papers);

A bill (S. 3284) granting a pension to Elizabeth E. Bay (with accompanying papers);

A bill (S. 3285) granting a pension to Marshall Ray (with accompanying papers);

A bill (S. 3286) granting an increase of pension to Henry O. Pixley (with accompanying papers);

A bill (S. 3287) granting a pension to Julia A. Tucker (with accompanying papers);

A bill (S. 3288) granting an increase of pension to Abram A. Raub (with accompanying papers);

A bill (S. 3289) granting a pension to Sarah Ann Williamson (with accompanying papers); and

A bill (S. 3290) granting a pension to Mary E. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington (for Mr. KENYON):

A joint resolution (S. J. Res. 116) amending section 201 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Finance.

TAXES ON SALARIES UNDER REVENUE LAW.

Mr. STERLING. Mr. President, I introduce the bill which I send to the desk, and as it is short I ask unanimous consent that it may be read by the Secretary.

Mr. PENROSE. I insist on my objection, Mr. President.

The VICE PRESIDENT. The Secretary will read as requested.

The bill (S. 3240) to amend an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, was read the first time by title and the second time at length, as follows:

Be it enacted, etc., That subdivision (a) of section 201 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, be, and the same is hereby, amended so as to read as follows:

"(a) In the case of officers and employees under the United States, or any State, Territory, or the District of Columbia, or any local subdivision thereof, the compensation or fees received by them as such officers and employees: *Provided*, That this exception shall not be construed to apply to the compensation or salaries received from the Government by Senators and Representatives of the United States."

Mr. STERLING. Mr. President, just a word in connection with this bill. I think there has been a great deal of misapprehension in regard to subdivision (a) of section 201 of the revenue law. It appears from communications which I have received, as well as from statements contained in some of the newspapers, that there is a general impression that Representatives and Senators are, under the revenue law, exempt from the operations of the income tax provided for by the law of 1917. That, Mr. President, is certainly a mistake. Representatives and Senators are liable to the income-tax law proper the same as other individuals are liable; but the clause to which reference is made is the clause relating to the excess-profits tax. This clause or paragraph provides that there shall be an exception—

In the case of officers and employees under the United States, or any State, Territory, or the District of Columbia, or any local subdivision thereof, the compensation or fees received by them as such officers or employees.

In other words, the excess-profits tax is not to apply to these officers or employees of the United States or of the several States nor, according to the interpretation put upon this provision by many, to Senators or Representatives.

Mr. President, I do not believe that it was the intention of Representatives or Senators that they should in their salaries or compensation be exempt from this tax; nor do I believe that the provision itself properly bears that construction. I think the weight of authority will be found to be to the effect that Representatives and Senators are not within the meaning of the Constitution or of this statute officers "under" the United States; and that hence it would not apply to them; but in order to settle the question of construction I have introduced the bill so that the provision I have quoted shall be construed as not to apply to Senators and Representatives; and in order that there may be no reason for holding that they are exempt from the excess-profits provisions of the act.

Mr. SIMMONS. Mr. President, I desire to ask whether the measure introduced by the Senator from South Dakota was a bill or a joint resolution?

Mr. STERLING. It is a bill amendatory of the provision of the revenue act therein referred to.

Mr. SIMMONS. I simply rise to ask that the bill be referred to the Committee on Finance.

I will state, Mr. President, that I entirely agree with the Senator from South Dakota that there is a very serious doubt as to whether the provision to which the Senator refers would release Senators and Representatives from the payment of the excess-profits tax. Of course they are subject to the income tax; there is no doubt about that; I wish to say to the Senator and to the Senate that I am inclined to think that the department will so construe the law; but I am advised that the other House, in order to remove all doubt, will probably to-day consider an amendment something in the nature of the amendment which is proposed by the bill which has been introduced by the Senator from South Dakota.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. I yield.

Mr. McCUMBER. Mr. President, I can not quite understand the purpose either of the bill or of the suggestion which has been made by the Senator from South Dakota. Of course, the normal tax upon incomes provided for by the old law and reinserted in the new law applies to the salaries of all persons, including Representatives and Senators.

Mr. SIMMONS. Undoubtedly.

Mr. McCUMBER. The other law to which the Senator from South Dakota refers is simply the law relating to excess profits or war profits.

Mr. SIMMONS. Yes.

Mr. McCUMBER. Will the Senator tell me how he is going to figure a salary of an officer which has not been changed since the war from what it was before the war as constituting an excess profit? We determined our excess profits between 6 and 9 per cent, I think, as the law reads, as between what a man in business or a corporation in business was earning before the war, as compared with what they are earning since the war, and if there is an excess between those two figures of 6 and 9 per cent, that is the basis of the excess taxes; but inasmuch as there has been no excess earned in salaries, which are exactly the same, why do we need a law to cover it or to explain it?

My own opinion was that when we inserted that matter in conference—for it was no part of the original bill as it passed either the Senate or the other House—it was unnecessary and really had no meaning in the particular section of the bill in which it was inserted, that being a section which dealt only with excess profits. It was intended to exclude, of course, from the excess profits those additional sums that were granted to Government employees; but inasmuch as no additional amount was granted to these other officers, I can neither see the occasion of inserting it in the excess-profits provision or in the amendment now proposed.

Mr. SIMMONS. Mr. President, of course it is self-evident that if a salary has not been increased the general provision of the excess-profits tax would not and could not apply, because that provision purports to place a tax upon the excess earnings over the prewar period. Where there has been no increase of salary we could not possibly reach the salary of an officer through that provision of the excess-profits tax law. The only way in which a salary could be reached where there has been no increase would be to apply to it the flat 8 per cent provision, which is applied to occupations and professions having but very little or no fixed capital invested.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. I do.

Mr. BORAH. I should like to ask the Senator from North Dakota, and also the Senator from North Carolina, why section 209 does not apply? It provides:

SEC. 209. That in the case of a trade or business having no invested capital or not more than a nominal capital there shall be levied, assessed, collected, and paid, in addition to the taxes under existing law and under this act, in lieu of the tax imposed by section 201, a tax equivalent to 8 per cent of the net income of such trade or business in excess of the following deductions: In the case of a domestic corporation $3,000, and in the case of a domestic partnership or a citizen or resident of the United States $6,000; in the case of all other trades or business, no deduction.

Would not our salaries come under that provision, unless they were excepted?

Mr. SIMMONS. The Senator probably does not advert to the exception in the act; there is an exception.

Mr. BORAH. I know there is an exception; but unless that exception is sufficient, would not our salaries come under this clause, generally speaking?

Mr. SIMMONS. Undoubtedly; and I have just stated to the Senate that it was my opinion, as a result of a conference I have had with the Commissioner of Internal Revenue, that the department will hold that the salaries of Members of the Congress were not exempted under that exception clause. I do not know with certainty how that may be; but I stated that I was so advised. I do not know how the commissioner will hold; I am merely stating what impression I received after talking with him; and I stated that I was advised that the House of Representatives, or I may say another branch of Congress, with the purpose of removing all possible doubt, would probably pass some legislation on the subject to-day.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I do.

Mr. GALLINGER. I have offered a bill proposing to amend the existing revenue law by repealing that provision of it. The Senator will remember that such a provision was voted down in the committee of the Senate; it was in neither the Senate bill nor in the House bill, but was inserted in conference, contrary to every rule of this body or of any other legislative body of which I have knowledge.

Mr. SIMMONS. To what provision does the Senator refer—to the exception?

Mr. GALLINGER. To the 6 per cent tax. Now, I will ask the Senator this question: The Senator intimates that a bill on the subject is to come over from the other body to-day, and I should judge the Senator is in favor of passing it. I hope the Senator will not do that; but that he will give some consideration to the bill which I have introduced and had referred to the

committee of which the Senator is chairman. There is a great deal of opposition to that provision throughout the country.

Mr. SIMMONS. I wish to make it clearly understood that I have expressed no opinion about it, and no purpose about it. I was merely trying to state the facts to the Senate.

Mr. BORAH. Mr. President, may I ask the Senator a question before he takes his seat?

Mr. SIMMONS. Certainly.

Mr. BORAH. In view of the colloquy which has taken place in regard to this matter, may I ask the Senator if it is contemplated upon the part of his committee to deal with the revenue act in any other respect than that which relates to the matter which we have been just discussing? There has been considerable said to the effect that the committee proposes to rehabilitate that measure to some extent or to renovate it, and I ask if the Senator is informed as to what the committee is going to do about it.

Mr. SIMMONS. Mr. President, I will say to the Senator that there has been no meeting of the Finance Committee at this session; there probably will be a meeting of the committee tomorrow; but I wish to say to the Senator, most emphatically, that, in my judgment, there is no purpose on the part of the committee of this House or of the other House to attempt any general revision of the revenue act of the last session. The Senator knows, however, that the Secretary of the Treasury has appointed what he calls an advisory committee, who have been examining the law very carefully with a view to aiding the Commissioner of Internal Revenue with reference to its administration and possibly to some extent its interpretation. I understand that probably that committee will bring to the attention of the commissioner some errors and omissions and probably some inconsistencies that call for possible legislation, if they can not be removed or remedied by construction and administration. Of course, if any such case as that should be brought to the attention of the Finance Committee, I assume the committee would consider it; but as for undertaking any general revision or rewriting the law, I do not think that that is contemplated. On the contrary, I think the country has accepted the law as a very good piece of legislation.

Of course, Mr. President, no measure of as great magnitude as the revenue law, of a pioneer character and affecting so many interests, can be expected to be absolutely perfect. We have heretofore passed no general legislation of this character since I have been a Member of this body that has not called for some emendation. For instance, the act creating the Federal Reserve System, which was thoroughly discussed and debated both in the committee and in the two Houses, has required frequent emendation, and there will possibly be some amendments at this session of Congress to the revenue law; but I think they will deal only with errors, omissions, inconsistencies, and, in case a very great injustice should be pointed out as the result of rigid construction or even a liberal construction, the committee might take that under consideration.

Mr. BORAH. Mr. President, I did not anticipate that there would be any legislation which would deal with any phases of the law other than its inconsistencies and its omissions; but I do think that in dealing with those it will be necessary to go much further than has been suggested by the Senator. There are some fundamental things which were omitted from the law which I think the business of the country will require us to consider before this session closes, and I venture to say that by the time the advisory committee to which reference has been made reports to the Senator and to his committee there will be found sufficient grounds for a very general review of that measure.

Mr. SIMMONS. I am advised, Mr. President, that the advisory committee has found very little to criticize in the law.

Mr. BORAH. I have not seen any report of the committee.

Mr. SMOOT. Mr. President, of course I can not speak for the Finance Committee of the Senate, but I do want to say, in answer to the Senator from North Carolina [Mr. SIMMONS], that there is not a feeling among the business interests of this country or among the people generally that the legislation is anywhere near perfect. There is a feeling growing throughout the country—and I think it has a just ground—that the law is so inconsistent in many of its provisions that it will become necessary for Congress to amend it, if not to rewrite it.

When the conference report on the bill was before the Senate I called attention then to some of the changes that had been made in the bill by the conferees that made it almost impossible of administration. I doubt very much, Mr. President, whether the advisory committee that has been appointed can possibly arrive at their decisions before the citizens of this country will have to make the returns, and I think that there will be trouble from the very day the citizen begins to make out his return until it is finally examined by the examiners of the Internal-Revenue Department, for as the law now stands no one can tell just what it means. I can not find two persons in the United States who construe the law in the same way.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I yield.

Mr. BORAH. Is not the difficulty with which the Senator is now dealing a difficulty arising from the fundamental defect of the bill? The whole basis of calculation is wrong, in my judgment.

Mr. SMOOT. Mr. President, I think that if the original bill as reported to the Senate had not been so emasculated by the conferees the business men and the citizens generally who fall within its provisions would have known how to make the required report. But the conference report on the bill which became a law was based partly on one system and partly on another system, and it seems to me that it is almost impossible of construction. I know myself that there will be a great deal of trouble in having it construed in such a way that the people generally will understand what it means. I have heard some of the best attorneys in the United States say that they have tried to come to a conclusion as to how to advise their clients to make out reports, and they say that it is absolutely impossible to do so; they can not come to any conclusion as to what the provisions of the bill really mean.

Mr. McCUMBER. Mr. President——

Mr. SMOOT. I yield to the Senator from North Dakota.

Mr. McCUMBER. The Senator will remember that in the committee I urged several times, if we could not make out a bill starting from the very bottom—from the foundation—a new bill that would take in such part as we desired to continue of the old bill, that at least we should attempt to have our experts so combine the old bill with the new bill that they themselves at least might understand it and give us some information concerning it. But the real difficulty lies in this: We ingrafted upon one bill, embodying one system of taxation, another entirely new system of taxation covering exactly the same incomes, with a thousand different ramifications, so that no person could apply one system and then apply the other system and have the two agree upon the same income, even from the same source. Until we rectify that incoherency of the several sections of the bill not only not one citizen out of ten thousand will know how to make out his report but no two of them among the ten thousand will agree.

Mr. SMOOT. Mr. President, when that bill was before the committee I was in favor of repealing all of the revenue laws that were then upon the statute books and writing one law to cover revenue taxation. But in justification of the action of a majority of the committee I will say that the idea was to leave the act of September 8, 1916, upon the statute books, and only enact such legislation as would be necessary during the war, and at the close of the war the bill that was passed at the last session of Congress was to be repealed, leaving the law of September 8, 1916, in force. That was the object of a majority of the members of the committee in having the two laws which now trouble all who have to make reports as a basis of their taxation. I believe now, Mr. President, that it would be best to repeal all of the revenue laws and write a single law so that the average citizen can understand it. If that were done we could raise just as much revenue, and even more if we desired, and have it so simple that anyone would know just what the Government required in the report.

I called attention to the fact, when it was under discussion, that the law could be written in one-third of the words of the law that was passed at the last session if we had not undertaken to keep upon the statute books the law of September 8, 1916; and in writing the law that was passed at the last session we had to refer over and over again to provisions that were covered in the act of September 8, 1916.

Mr. McCUMBER. Mr. President, can the Senator give any good reason why it was necessary to write such a complex proposition for the American people to decipher in order that we might not be put to the trouble, when we want to change it, of reenacting an old law that we could reenact with 10 words, if we desired to do so?

Mr. SMOOT. The Senator is correct, and the Senator takes the position that he took in the committee and the position that I took in the committee at the time. I think the real trouble comes from the arrangement that was agreed to beforehand that the law of September 8, 1916, should not be interfered with.

Mr. LA FOLLETTE. Mr. President, I rise to a parliamentary inquiry. I desire to know whether this discussion is proceeding

in order. I have some very definite views upon this question which I wish to submit. I do not want to begin an argument here if it will be cut off by a call for the regular order. If this discussion is proceeding out of order, so that there can not be a full and free discussion of the revenue bill enacted at the last session, its injustice, its unsoundness in principle, and its insufficiency in all respects, then I do not think we should proceed further with this irregular debate.

Mr. SMOOT. Mr. President, I recognize the fact that if the Senator from Wisconsin desires to object the discussion of this matter is not in order, although it has been before the Senate now for thirty-odd minutes.

Mr. LA FOLLETTE. I do not desire to object at this time, Mr. President, if it is understood that we may proceed here by unanimous consent——

Mr. SMOOT. That is what we were doing.

Mr. LA FOLLETTE (continuing). To a thoroughgoing discussion of the whole subject. With that understanding I would be very glad to have the debate proceed.

Mr. SHAFROTH. Mr. President, there is a bill which is the unfinished business——

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. SMITH of Michigan. I will say to the Senator from Wisconsin, who has just entered the Chamber, that before he entered the Senator from North Carolina [Mr. SIMMONS] practically gave notice to the Senate that the war-revenue law would not be reconsidered here or recast, and out of that statement grew a rather harmonious discussion between the Senator from Utah and the Senator from North Dakota, during which they were trying to account for the fact that two different kinds of fruit were growing on the same legislative tree, as a result of differences between two schools of economic policy.

What I want to say before this discussion closes is this: I do not favor and did not favor that law. I did not think it was a good bill, and my feeble voice answered "No" here in the viva voce vote on the bill. There were only a few of them, however, as I recall. But there is a feature to that law to which I think public attention has been appropriately directed and which ought to receive encouragement and emphasis from the floor, and that relates to the exemption from taxation of the salaries of Members of Congress. Where did such a proposition come from, in the name of Heaven?

Mr. SMOOT. Conference.

Mr. SMITH of Michigan. When everybody is being taxed, where did such a proposition come from? In what brain was it born? How did a provision exempting from taxation the salaries of Members of Congress ever find its way into an act? I do not believe there is a single Senator on this floor who would for one moment knowingly vote for such an exemption; yet through this very novel and illegal method of procedure, as far as the rules of the Senate are concerned, we turn over the Senate bill and the House bill to conferees, and they amend it to suit themselves.

So far as I am concerned, I am sick and tired of that practice. Legislation by conference committees is not legislation at all. I know the Senator from Utah has criticized it, but the Senator from Utah was on the committee, and I have heard him again and again protest against it.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Kansas?

Mr. SMITH of Michigan. I do.

Mr. CURTIS. I should like to suggest to the Senator that I have proposed an amendment to the rules that will allow a Senator to make a point of order against such a provision, and I am glad to say that the Committee on Rules has agreed to report on that amendment early after the holidays.

Mr. SMITH of Michigan. I commend the amendment of the Senator from Kansas; but if we had depended upon that amendment here I doubt very much whether this provision would have gone out of the bill.

Mr. CURTIS. It would have been subject to a point of order.

Mr. STERLING and Mr. KNOX addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Michigan yield, and if so to whom?

Mr. SMITH of Michigan. I know it would have been subject to a point of order, but it was surreptitiously put into the act.

Mr. NORRIS. Mr. President, may I make a suggestion to the Senator?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. SMITH of Michigan. Certainly.

Mr. NORRIS. Even without the amendment suggested by the Senator from Kansas, which I am glad to say will perhaps make it plainer and more emphatic, it is a parliamentary rule that as far as I know has no exception in any parliamentary body that conferees have not any right to put into a bill that which has not passed either of the two Houses that they represent. That is part of our rules, without any provision on the subject.

Mr. SMITH of Michigan. The function of conference committees is a question of reconciliation between the two Houses. That is their function, reconciliation only, and they have no more right to originate legislation than one of the page boys.

Mr. CURTIS. Mr. President, the difficulty is this——

Mr. PITTMAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. PITTMAN. Has the morning business been closed?

The PRESIDING OFFICER. It has not. This discussion is proceeding by unanimous consent.

Mr. PITTMAN. I make the point of order against it.

The PRESIDING OFFICER. The point of order is well taken. The introduction of bills and joint resolutions is still in order.

BERT H. CLARK AND OTHERS.

Mr. STERLING. I introduce a bill for reference to the Committee on Public Lands.

The bill (S. 3247) for the relief of Bert H. Clark, Maud A. Graham, Grace A. Graham, Lee Hurley, Emma I. Gordon, Mabel H. Dwight, and Nellie A. Pardy was read twice by its title and referred to the Committee on Public Lands.

Mr. SMITH of Arizona. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SMITH of Arizona. As I understand, these private bills can be handed to the Secretary without formal introduction.

The PRESIDING OFFICER. The Chair is advised that this is not a private bill.

Mr. SMITH of Arizona. Then I beg the Senator's pardon. By hearing the title, I thought it was. Anyway, I wanted to call the attention of Senators to the fact that all private bills ought to be handed to the Secretary.

Mr. GALLINGER. They can be if we wish to do it.

The PRESIDING OFFICER. Concurrent and other resolutions are in order.

REMOVAL OF SNOW AND ICE IN DISTRICT OF COLUMBIA.

Mr. POINDEXTER. I submit a resolution and ask unanimous consent for its present consideration.

The PRESIDING OFFICER. The resolution will be read.

The resolution (S. Res. 169) was read, as follows:

Resolved, That the Commissioners of the District of Columbia be, and are hereby, directed to inform the Senate what measures, if any, have been taken under their authority, or by their direction, for cleaning ice and snow from the sidewalks of the city of Washington; and if no measures have been taken, to inform the Senate the reasons for failure to take action in that regard.

The PRESIDING OFFICER. The Senator from Washington asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. GALLINGER. Mr. President, I will not object to this or any other resolution seeking information, but I think if the Commissioners of the District of Columbia undertake to remove the ice from the streets of Washington at the present time they will need a much more liberal appropriation than we have given them to do it. I think it would be an impossibility for the Commissioners to accomplish that task.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

Mr. POINDEXTER. Mr. President, just a word in that connection, with reference to the suggestion of the Senator from New Hampshire, who for a long time was chairman of the Committee on the District of Columbia, that the commissioners would need a more liberal appropriation than is now afforded them if they are to clean the ice and snow from the sidewalks.

I will say that the manner in which the ice and snow ought to be cleared from the sidewalks is by a regulation of the Commissioners of the District of Columbia under the existing law, if the present law authorizes it, or, if not, under a law which ought to be enacted requiring the occupants of all premises that are occupied to clean the snow from in front of their premises. Almost every other intelligently governed city in the country has such a regulation; and if the occupants of premises do not remove the snow and ice from the sidewalks in front of their premises, then it ought to be removed by the public authorities and the cost of removing it taxed to the premises occupied.

I had assumed, from the enormous extent of smooth ice of a dangerous kind in front of premises, that probably there has been some object in keeping it there instead of an effort to remove it; but if it is intentionally done through some deliberate public policy I want to say that it is a pretty expensive proposition. I do not know whether it is done in complicity with enemies of the country; but if some pro-German influences had conspired to injure the military forces of the United States, they might well have adopted this plan. I know military officers who have been seriously crippled—men whose services are of importance in the preparation for the waging of this war—long before they had any opportunity to get on the battle front, by attempting to walk on the sidewalks of the city of Washington, and falling upon the smooth ice which covers the greater part of them.

I should like in that connection also to call the attention of the Committee on Rules—I think that is the committee that has jurisdiction of it—to the steps leading into the Senate Chamber and to the Senate Office Building and inquire of them what regulations have been made by the Senate for the supervision of the property under its jurisdiction to make it at least reasonably safe to get into the place where it and its Members transact business. They apparently have adopted the plan of putting gravel on the ice. I do not know what the purpose of that is. It is just as easy to sweep snow off the steps as to go and get gravel or coal cinders and put on it and wait until accidents have happened, or the snow has melted, and then sweep off the remains of that and clean off the gravel and cinders and carry them away. As a matter of fact, the much-boasted government of the Capital of the Nation—and it has good grounds for boasting of its efficiency in many respects—has left the sidewalks of the city in a condition that would be disgraceful to a frontier mining town.

Mr. DILLINGHAM. May I interrupt the Senator?

Mr. POINDEXTER. In just one moment, just to make one further comment, and then I shall be glad to yield to the Senator. There is not a city in the country outside of the city of Washington that I know of that has not had to pay for damages out of the city treasury for accidents to people falling and either killing themselves or crippling themselves, sometimes for life, upon smooth ice which has been allowed to accumulate and remain from day to day upon a sidewalk. Wherever the responsibility exists—and it exists somewhere in the government of this city—it has a duty which it owes to citizens who have a right to walk upon public streets to make those streets reasonably safe for that purpose; and they are not in that condition to-day. A good many people in the last few days have been subjected to pain and suffering and to being crippled by reason of the unsafe condition of the sidewalks, due to the ice that has accumulated on them.

I yield to the Senator from Vermont.

Mr. DILLINGHAM. I wanted to say, in view of the criticism the Senator is making of the streets, that at different times in the history of legislation there have been two acts passed by the Congress to remedy this evil, and both of them have been held to be unconstitutional under the decisions of the court of appeals of the District. Two or three years ago another bill was introduced into this body and came out of the committee of which the honorable Senator from New Hampshire [Mr. GALLINGER] was then chairman, which was believed to be constitutional and would reach the evil which the Senator from Washington is complaining of. It was intended to place the responsibility upon the abutting proprietors. That bill has twice passed the Senate, but never has passed the House of Representatives, and so far as I know has never been reported out of the committee to which it was referred. I want that fact to appear, that the Senate has already passed such an act.

Mr. POINDEXTER. I am very glad the Senator has given the information. I should like to ask the Senator from Vermont if, in view of those decisions and of the fundamental law of the District, he claims that it is unconstitutional to remove snow from the sidewalks of this city?

Mr. DILLINGHAM. Not at all.

Mr. POINDEXTER. That is the only question that is involved. If it is not unconstitutional to do so, there certainly can be a way found to do it.

Mr. DILLINGHAM. In the bill that was passed by the Senate it was believed a method had been found that the courts would be compelled to respect.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

H. R. 7237. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1919, and for other purposes, was read twice by its title and referred to the Committee on Post Offices and Post Roads.

H. R. 7634. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

H. J. Res. 174. Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy, was read twice by its title and referred to the Committee on Patents.

MINING OF COAL, ETC., ON THE PUBLIC DOMAIN.

Mr. PITTMAN. I ask unanimous consent that the unfinished business, Senate bill 2812, be laid before the Senate and proceeded with.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

Mr. LEWIS. Mr. President, this is an oil bill. Oil is very smooth matter, and I wish to address a few remarks to what it occurs to me has been the object of smooth proceedings, which I feel not altogether foreign to an oil bill—it is itself a sleek movement. At the outset I should say that I have no objection to what appears to be the provisions of this particular bill; but, Mr. President, I want to consume one or two moments to bring attention to what I think might attract the public as from this body.

Already there has set upon Congress a fever of investigation. We remember that Hamlet bemoaned that the world was out of joint and despaired and deplored that he was chosen to set it right. At certain periods of our country there ever arises a certain set of gentlemen who conceive to themselves that Heaven has delegated them as the particular emissaries to the earth to readjust all matters and to assume to set everything right which they feel is out of joint. That is a commendable pursuit, and on the part of those who have any qualifications to perform it meets my hearty approval. But, sir, it has fallen to my lot in the uneventful era of public life that I have enjoyed to note how many ill-advised spirits enter upon the general undertaking of correcting all the ills of mankind, and particularly to observe those who feel that they are Heaven inspired to drop the intimation that all mankind except themselves are either corrupt or ignorant.

In every instance where there has been any conflict between this Government and any other Government that led to war, or indeed within the Government itself, there were gentlemen who would canter to the front of the stage and view themselves in the reflectory of the spot light; and among these there would arise those who felt it their privilege to intimate every form of charge that could suggest scandal upon officials of the Government or reflections of dishonor or incompetence upon the administration, whatever might be in power.

Mr. President, it is a commendable task to investigate anything with which the public are concerned. If there be anything wrong, it ought to be revealed; it should be divulged and promptly condemned and its perpetrators execrated by public opinion or punished by the processes of the law. If, however, sir, the motive of these investigations, wherever they arise, is to gratify the private grievance of some competitor of business or to vent the vengeance of some disappointed aspirant for military or naval honor, or, sir, to give glamor and notoriety to certain sets of individuals who like to pose as correcting the evils of mankind and seek to be known as the author of all forms of disruption, dismay, and confusion, such should be carefully reflected upon before an investigation stimulated by such agencies should be undertaken.

Mr. President, this morning in every diplomatic court of Europe, I am permitted to say upon the credit which Senators have for the information communicated by another Senator, we are being held up as having discovered in our Government frauds in the undertakings of our supplies, crimes on the part of the officials who administer the Government, weakness and incompetence on the part of the administration conducting the war. Second, we are in certain imperial capitals this morning advertised as a people whose citizenry have arisen in revolt against the manner of the conduct of the war. It is charged that the country has discovered that it has been tricked in one quarter and betrayed in another, and that the spirit behind the conduct of the war has been greatly weakened by the disclosures of how money has been made out of the enterprises of

the military and of the civil departments of the Government. This is being spread as proving the charge which has been made against America in certain quarters that "money grubbing" was the principal object of our life and the real purpose which led us to the declaration of war.

Mr. President, if these things were true, I and my brother Senators would be the first to leap to see that the investigation led to the very final end of any discovery and of all the facts that could justify the imputations. But where I am confronted, as I am at this hour and as is almost every other citizen, with the knowledge that the imputations are born of no fact that has been shown to exist and that the insinuations against the officers of the Government are springing from no act that has been shown to have been perpetrated, I am compelled in my place to advise the Government to move cautiously and the people to reflect considerately and Congress to act with deliberation, lest we do wrong to those in power, injustice to those administering the offices of the Government, and visit a hardship upon those executing severe tasks in this solemn hour. We must not hasten to embarrass the officials in their discharge of duties and finally bring such reflection upon our own citizenry that for years they will be unable to absolve themselves from it, and that, too, without the slightest foundation of fact or justification in acts for it.

Mr. President, may I be pardoned, sir, for adverting to it, a personal experience. I was a Member of Congress just before the Spanish-American War, as was your distinguished self, Mr. President [Mr. KING in the chair], and as were many colleagues in this body who were likewise Members then of the House. These will admit, with me, that we saw the beginning of the imputation hurled against officers of the Government then under the McKinley administration. These accusations, as time devolved, had no real foundation, and was so established in the final result. It fell to my lot to render an insignificant service as officer in the Spanish-American War, being then a colonel of a State guard. I returned to Congress after the war, and there, sir, I had occasion, as many of my colleagues sitting around me (some who were in the Senate at that time and others Members of the House) to see what was the aftermath of those general wholesale accusations, and what were the facts, and what was the final result upon the Government.

Sir, let us reflect upon the time to which I allude. The charges then hurled against the War Department drove Gen. Shafter, who was then in command of transportation and supplies, into a condition of confusion and demoralization by which his whole service was of no utility whatever to the Government. We were left in a state of complete disorganization, and yet it developed, after that distinguished soldier passed to his grave and when the final result came, that there was not that which could mar him with a shade much less with a cloud.

Gen. Alger, the then Secretary of War, was driven, sir, into sickness and then to political suicide by withdrawing from every political honor, notwithstanding the fact that at the conclusion of all the investigation, at the end of all the intimations, his character came out without the suggestion of a dishonorable deed, or, sir, without the insinuation of his knowledge of a dishonorable or dishonest act by others.

Ludington, then head of the supply department, was held up and cauterized before the country as having some qualities of irascibility of temper, coupled with an inefficiency of service, and a participation in dishonesty of conduct. He passed to his grave in sadness if not in dishonor, yet when the final result came forth it disclosed that there was not an act in existence for which he could have been held responsible. Yet his whole life in his generation was tainted with those unjust intimations.

What was the final result? Senators about me will recall, and, in order that they may be guided by it, it developed, we repeat, that certain profiteers in the Government had taken advantage of the officials of McKinley's administration, which, in its great hurry and responsibility, could not have had an opportunity to investigate every incident. There were a certain set of men in that time availing themselves of the opportunity to take advantage of that administration, as a class of men are ever to be found in every Government to take advantage of any administration in any crisis, and ever succeed in overreaching the Government; in imposing upon the Government by putting supplies upon their country that were decayed; powder that was deficient, if not wholly fraudulent; armor plate and other conduct, if you please, sir, that were a reflection upon the honor and integrity of the whole Nation.

Secretary Long, then, of Massachusetts, upon whom reflections came from quarters which were never justified, was disclosed afterwards as bearing no more relation to the subject of complaint than a man upon foreign soil who had never seen the American Continent; yet, sir, these reflections were permitted to rest upon these distinguished men, and they passed into the end of their life, receiving in after days just credit due when it was too late to remedy a wrong unpardonable.

Mr. President, I ask that no man in this administration of any nature, whatever be his politics, escape from any investigation necessary to disclose what he has been doing and all the conduct relating to his public business. I ask that no guilty man be permitted to escape, whether that guilt be a crime, inefficiency, or mere neglect. But I do demand, sir, that we pause at this threshhold and, remembering the history of the past, either in the Civil War or following it or the Spanish-American War and following it, of which we have knowledge, that it may admonish us that we, at the outset, refuse to be stimulated and hastened by a sentiment of scandal mongery and sensationalism to enter into things that will reflect upon the integrity of honest business men or upon the honor of competent officials or upon the efficiency of men who administer this war, particularly when doing such we merely gratify the desire of those who would use the occasion to satisfy personal grievances of their own. We would leave the outside world to misunderstand, to misapply, and to construe all of such course as a certificate on the part of our Republic of a want of confidence in those who are conducting the war, and it would leave our opponents in Europe, our enemy, Germany, and the civilized world generally to conclude that America has risen up in revolt against her officials, in accusation against her war officers, and besmirching her own people upon the assumption that they have been guilty of something and shown to have been responsible for crimes and conduct unworthy of a patriotic people.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. LEWIS. Gladly.

Mr. WEEKS. I wish to ask the Senator if he thinks any such investigation has been undertaken. I ask particularly because the Military Committee of the Senate is making an examination of the War Department, which, I understand, has the full approval of the Secretary of War, and it is being done in order to obtain facts very largely to consider in connection with the appropriation bills which will come before Congress. I have not heard that there was any criticism of that examination or of any other, and I am asking the question whether the Senator has any basis for the address he is making.

Mr. LEWIS. Mr. President, I am sure the Secretary of War has never objected to that investigation, nor will he be found ever objecting to any form of investigation. I answer the Senator to say that no members of this administration, who are called Democrats, or that eminent set of men that they have brought in to aid in the conduct of the war, called Republicans, are objecting to investigation, either upon the ground of present self-preservation or because they fear its future disclosures. What I want the distinguished Senator to understand, as every other Senator understands, is that which I am striking at. It is that, however we may enter upon an investigation, we ought to really pause at the threshhold to inquire as to two things: Are there foundations of fact that justify entering upon it in order that we might not carelessly rush into investigations from which there may be drawn conclusions such as now are drawn and published all over Europe; second, that we consider the man behind the investigation, wherever he is, his object in inciting it. Then, sir, that we go further to inquire of the motive behind the man who undertakes to incite or initiate these forms of investigation at the hands of the public agencies of the Government——

Mr. GALLINGER. Mr. President——

Mr. LEWIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I will ask the Senator from Illinois if those very facts will not be developed by any investigation that may be held? I will furthermore ask the Senator if he finds any reason for objecting to the investigation that a Democratic committee is making of the coal and sugar situation as it exists to-day? Some of us believe that those matters ought to be inquired into, calmly and dispassionately, and that a report ought to be made to Congress as to what has been found in connection with them.

The situation is very serious; it is inflicting incalculable discomfort upon multitudes of people. I saw this morning a poor woman, with tears running down her cheeks. Upon inquiring what the trouble was, she said: "I have not a pound of coal in my house, and I can not get it." If that is the condition which exists to-day to any considerable extent, surely a committee of Congress is justified in looking into the matter, making a report, and pointing to a remedy, if one can be found. There are two investigations going on, both headed by eminent Democrats, and

I can not believe that they have any purpose of smirching the administration or of giving aid and comfort to the enemies of the Republic.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Iowa?

Mr. LEWIS. I will yield in a moment.

Mr. KENYON. I want to make a suggestion to the Senator from New Hampshire at this point.

Mr. LEWIS. Then, I yield.

Mr. KENYON. I want to suggest to the Senator from New Hampshire that the resolution for the investigation of the coal and sugar situation was introduced by the senior Senator from Massachusetts [Mr. LODGE], who certainly could be accused of no ulterior purpose in those matters.

Mr. GALLINGER. I am quite aware of that fact.

Mr. LEWIS. Mr. President, before replying to the Senator from New Hampshire [Mr. GALLINGER], there is no objection from any source to investigation, I answer the Senator directly; certainly not. Mr. President, it is not accurate, however, to state that an investigation anywhere is before any Democratic committee. The investigation is before a committee of the Senate, composed of Senators representing both political parties.

But what I will have the able Senator from New Hampshire to understand is this: I say certainly the situation as to coal should not only be investigated, but the evils, which we gather from the public press are being suffered by so many, should be remedied if there is any way in the world to do it. The same must be said of sugar or of any other necessity.

Mr. President, what I am alluding to is the fear that must be drawn by anyone who reads but the public press and sees what is transpiring. It is, sir, that there will unnecessarily go forth the impression that these investigations, instead of being what the Senator from New Hampshire [Mr. GALLINGER] correctly characterizes them, as they should be—a calm and careful investigation of facts—will take at the outset the coloring of imputations of offense against officials and against public servants, leaving that impression in foreign countries from where—the final result never being understood—we will be stamped as either inefficient or dishonorable.

I wish to say, sir, that I rose merely that I might by the past experience attract the attention of the Senate and of the public to the method in which these investigations are invariably begun, not so much by the public agencies, such as the Senate, from knowledge had by themselves, but stimulated oftentimes by designs on the part of certain persons who wish to gratify their private grievances, or from the Army and Navy oftentimes through some disappointment, and to put upon others wholly innocent the imputation of a wrong that never exists. To avoid that kind of result I merely invite the Senate's attention to what has transpired about them.

Mr. President, 11 months ago England entered charges against certain officers in government. All over the United States the charges were circulated in the press that those officials of the English Government were guilty of things which in other tribunals would receive designations personal and regrettable. We have never seen what was the outcome of that investigation. Not a man of those charged has been found guilty of any offense; not one of them has been held up before the public, based upon any truth or fact, as unworthy; and yet there has never been removed from the public American mind imputations against them.

Sirs, I ask your attention that in Canada a few months ago charges were made against officials of the Government in matters of investigation, leaving to our minds and thought that criminals in the administration of Canada had perpetrated offenses for which they should go to the penitentiary, and that those were officials of the Government. From that day to this, sir, we have seen no corroboration of the charges; there has been no conviction of the men; there has been no justification for the imputations. I invite the Senate's attention to that final result.

Sir, it surely is in the mind how in France but a short while ago a cabinet went to pieces and fell as a house of cards under charges stimulated by certain persons outside that found their way to the public halls of their legislation. The cabinet went to pieces; it was succeeded by others. Up to the present day, sir, we have had no final report. The imputations against the Government rested on rumor. We now discover that one of those officials who was formerly charged was taken from what was supposed to be a political obscurity, and to vindicate his life he has been made practically the premier of the Government. It is because I wish to avoid those unnecessary imputations on our own Government at the outset, against whoever may be involved in an investigation, I beseech the Senate and warn the public that we do not fall into that offense of making reflections upon the character of officials, imputations upon his undertakings, where there has been no evidence to justify and no proof to sustain. I beseech that these investigations shall continue; that it be undertaken calmly as to facts; that the facts be divulged; that remedies, wherever they can, be applied; but that we shall withhold gratifying any man or men who have either private business grievances on the one hand or disappointed aspirations to avenge and gratify on the other, to stimulate investigations or to accept them as legitimate authority in circulating reflections and accusations that can so easily be asserted and at the end, sirs, never be proven.

Mr. President, I do not seek that any man shall be exempt; I trust none shall be; I trust there will be a full and a complete investigation of every department of this Government as to what it has done for the public, what is being done connected with the Army, what as to its supplies, what as to all officials; but that it shall be conducted with the object of disclosing the truth, the facts, and not, sir, for the purpose of using the investigating committees of Congress as a forum in which business competition, the rivalry of competitors, or the vengeance of disappointed officials may be gratified. Let the maxim be, sir, "proceed," and let the theory be that no guilty man escape, but that no innocent man suffer.

Mr. POINDEXTER. Mr. President, I should like to ask a question of the Senator.

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Washington?

Mr. LEWIS. I am about to yield the floor, but I yield to the Senator from Washington.

Mr. POINDEXTER. Aside from any inquiry as to crime or malfeasance in office of an official, which the Senator has animadverted upon, I should like to inquire of the Senator, really for the purpose of getting his view, whether or not he objects to an inquiry, for instance, into the question as to whether or not an official or a department has used due diligence in carrying out the acts of Congress in making preparation for the war? I have read in the newspapers some reports about the investigation conducted by the Committee on Military Affairs—and I assume that that is one of the things the Senator has in mind—as creating a bad impression in the governments of Europe; but in so far as I have read in the newspapers any report of the proceedings there, it has dealt with evidence tending to show lack of diligence, undue delay; and it seemed to me that that, at least, was a proper subject of inquiry. I should like to know where the Senator would draw the line.

Mr. LEWIS. Mr. President, I answer the Senator from Washington fully—and the inquiry is a competent one—that, far from objecting to an inquiry to ascertain if there has been diligence, I would inaugurate one; I would inspire one; I would stimulate one; I would do everything I could to have one, and have the results disclosed to the public; but I would see that it was known to the public that the investigation was honestly to ascertain the diligence of service and to betray and expose to the public the full extent of its absence. On the other hand, I would do all I could to prevent an investigation that had that for its outward reason of public good but for its inward reason the real purpose of seeking in some way, by intimation and insinuation, private vengeances, and to besmirch the honor of a man or reflect upon the servants of the country.

Mr. KENDRICK obtained the floor.

Mr. SWANSON. Mr. President, will the Senator yield to me for just a moment?

Mr. KENDRICK. I yield to the Senator.

Mr. SWANSON. I desire to offer some amendments to the pending bill, because I expect shortly to be called away from the Chamber. I understand the Senator who has charge of the pending bill has agreed to eliminate from the bill all reference to the naval reserves which were set aside to obtain oil for the use of the Navy. I have very carefully drawn the amendments, and, if the Senator from Wyoming will permit me, I should like to offer them and have them adopted at this time. It will take but a few moments.

Mr. BORAH. Mr. President, I do not desire to unnecessarily interfere with the expedition of this bill, but this is a bill of tremendous moment to the western people. While it may be that the amendments about to be offered by the Senator from Virginia are appropriate, and at the proper time should be adopted, I do not want to consent to their adoption at this time. I want the consideration of the measure to proceed regularly, so that we may know precisely what we are doing. There is no measure before Congress, except those which have to do with the war, that is of so much concern to our people as is this bill.

Mr. SWANSON. Mr. President, if the Senator will permit me, my idea was to eliminate from the provisions of this bill all

reference to naval reserves, to provide that this bill shall not touch them at all, the idea being to introduce a bill later on dealing with these lands which the Government needs. The other phases of the bill are not touched at all by the proposed amendments, but if the amendments are adopted, the provisions of the bill will apply to all lands now covered by it except naval reserves.

Mr. BORAH. Mr. President, I dislike very much to interfere with the Senator's program, but in view of the fact that we are dealing with this bill rather unexpectedly, upon my part at least, I am not in the position to consent to the request until I know the effect of the amendments.

Mr. SWANSON. Mr. President, I withdraw the request and simply ask the Senator from Wyoming to permit me to offer the amendments at this time, which I think I have the right to do.

Mr. BORAH. If that is the purpose, I have no objection whatever. I thought it was the intention to have the amendments acted upon without debate. I have no objection whatever to having the amendments presented and having them printed; in fact, I should like to see the bill in print in its entirety before I vote on it.

Mr. LODGE. Mr. President——

Mr. SWANSON. I yield to the Senator from Massachusetts.

Mr. LODGE. I merely want to say to the Senator from Virginia that he knows I am very anxious to conserve the oil lands for the Navy, but I was told that an amendment was proposed which would simply wipe out a number of people who in good faith and before the land was reserved for the Navy invested large amounts of money there, and that the amendment proposed to cut them out entirely and completely confiscate and destroy all their property. That I do not think is fair, but I have had no time to examine the amendments. I have been otherwise engaged.

Mr. SWANSON. Mr. President, if the Senator will permit me, the amendment does not affect their rights one way or the other. It simply eliminates from the provisions of this bill every allusion to naval reserves, leaving that matter to be brought up in a subsequent bill, by providing that nothing in the bill shall in any way affect the naval reserves which have been set aside for the use of the Navy. It is not proposed to affect the rights of any individual at all.

Mr. LODGE. But as the Senator knows—he has seen the maps, as I have—there are wells in the naval reserves that were worked in good faith before the lands were taken over by the Government. Now, we ought not to destroy those people and give them no compensation.

Mr. SWANSON. I have refused to accede to a change that will either add to or subtract from the rights of those people. Amendments have been offered to the bill to try to affect rights under existing law, but I have insisted that we ought not change existing law to perfect or detract from the rights now possessed by anybody. This bill would, to some extent, affect the rights in naval reserves of people who have entered lands there, either adding to or subtracting from their rights. So as not to interfere with the passage of this bill those in charge of the bill have agreed to leave out all reference whatever to the naval reserves, the pending bill to be followed by a subsequent bill affecting those reserves. However, I will not interfere with the speech the Senator from Wyoming has to make, but I should like to offer the amendments. I simply ask to have them filed at this time and will state that I shall offer them later.

Mr. GALLINGER. Will the Senator have them printed?

Mr. SWANSON. I offer the amendments and ask to have them printed.

The PRESIDING OFFICER. The amendments will be printed and lie on the table.

Mr. BORAH. Mr. President, may I make a suggestion before the Senator from Wyoming proceeds?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Idaho?

Mr. KENDRICK. I yield.

Mr. BORAH. Is it expected by the Senator in charge of the bill that we will be able to dispose of it before we recess for the holidays? I have understood that we are going to recess to-morrow. I was not present this morning, being compelled to be in the Supreme Court, but understand a resolution to adjourn was acted upon.

Mr. PITTMAN. I will state, Mr. President, that I had hoped that the bill would be acted upon to-day. There is no new question involved in it except the question which the Senator has just been discussing with the Senator from Virginia, namely, the elimination of the naval reserve from the provisions of the bill.

Mr. BORAH. I realize, Mr. President——

Mr. PITTMAN. If the Senator will pardon me for just a moment, there is a separate bill which the Senator from Virginia has in his possession and which he has shown to me dealing with the lands in the naval reserve, private property as well as public property. It is his intention to introduce that bill and to have it submitted to the Committee on Naval Affairs. It is for that reason that the members of the Committee on Public Lands are willing to exclude from this bill the lands in the naval reserves.

Mr. SWANSON. I will say to the Senator, if he will permit me, that the bill that is prepared was not such as we approved entirely, but it is to allow the Government to condemn the lands in these naval reserves, to use the oil, and to pay for them as it does when it condemns other lands. I had purposed to offer that as an amendment to this bill; but since it has not been perfected, and I desire to see all parties interested—the Attorney General, the Secretary of the Navy, and the people whose rights are involved—it was decided that it was better to let that bill go over and be prepared during vacation and be introduced and referred to a committee, to be discussed and considered. With that understanding, it has been agreed that every reference in the bill to the three naval reserves will be eliminated and a provision put in there striking out the language that applies to them, and then have a provision that nothing whatever in this bill shall be construed as referring to the naval reserves.

Mr. LODGE. And that carries with it all the private claims within the reserves.

Mr. SWANSON. All of them; so that it can not affect the private claims or the Government claims at all. All of that is to be settled by a separate bill, to be prepared and introduced later.

Mr. BORAH and Mr. SHAFROTH addressed the Chair.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from Wyoming yield, and, if so, to whom?

Mr. KENDRICK. To the Senator from Idaho.

Mr. BORAH. Mr. President, as I understand, we have passed a joint resolution to adjourn to-morrow. The result of it will be that we will consider and pass a measure which fixes the policy for some 8 or 10 States of the Union with some 10 or 12 Members of the Senate present. It is altogether probable, I admit, that the bill will finally pass in its present form. I have reason to suppose that from inquiries and investigations which I have made; but it is rather discouraging to those who feel very sincerely that there is a fundamental wrong being done to the Western people by reason of this bill to be compelled to discuss it and consider it when those who should vote upon it are out of the city or preparing to leave the city.

While I rather admire the zeal of the Senator in charge of the bill, I do not myself think that this bill ought to pass to-day. If we can not have a consideration of such measures as this by the entire Senate, it is scarcely worth while for us to be here at all.

Mr. SHAFROTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. KENDRICK. I yield to the Senator.

Mr. SHAFROTH. I should like to say to the Senator from Idaho that this matter has been considered by the Committee on Public Lands for four years. I have been very violently opposed to one feature of the measure; but inasmuch as compromises have got to be made in order to get any legislation through, there was a compromise made by the members of the committee with relation to this bill, and I think the western Senators will be satisfied with it.

I feel there ought to be consideration if it is necessary, but attention has been given to it day after day and week after week, and I do believe that we have gotten a measure which will be satisfactory even to the Senator from Idaho.

Mr. BORAH. Mr. President, I have very great confidence in the judgment of the Senator from Colorado with reference to these matters, and I confess that I was lulled into security by the thought that the Senator from Colorado had approved this bill, but I took the bill home Saturday night. Since that time I have been reading it and studying it, and the fundamental principle in this bill—the thing which was in all former bills, I should say—is now in this bill, and that is the question of leasing all the natural resources of the public lands in the West. Now, it is said—I will detain the Senator only a moment—that in the bill there is a provision which permits of an alternative policy of sale. It is technically there, but as a matter of fact it is a dead letter except the law be executed by some one who is in favor of sale. If the Department of the Interior does not see fit to indorse the principle of sale,

there need not be a single piece of this public land sold, and all of it can be reduced to a leasehold condition.

Mr. SHAFROTH. Mr. President, while an excessive opponent of permitting any lands to be sold might obstruct in some way the operation of this law, I take it that the officers of the United States Government will attempt to carry out the express mandates of the bill. There is a provision there that when a man makes application to purchase, the land shall be put up at auction and sold.

Mr. BORAH. I will not detain the Senator from Wyoming longer now; but when we come to discuss this bill, I should like to see the provision which compels the Secretary of the Interior to sell a single foot of land if he does not want to do it.

Mr. SHAFROTH. I think it is in the first section there relative to coal lands. The Senator will find that it is there.

Mr. KENDRICK. Mr. President, as you have already heard, the measure now under discussion has claimed the attention of Congress for a period of at least four years. Two bills of similar character have at different times passed the House, and one, at least, has passed this body and failed in conference. The measure is practically unchanged from those that have passed, other than in the fact that, in my judgment, it provides greater protection for those who have located upon oil and coal lands than any other bill that has been presented here.

No State in the Union will be affected to a greater degree by this measure than my own State of Wyoming, and I feel that I would not be doing my full duty toward that Commonwealth or toward this body if I did not take this opportunity to give expression to the opinions on the great subject here involved which I believe are held by a large majority of the people of my State.

It has seemed to me particularly appropriate that this measure should be brought before this Congress, and that it should here receive legislative sanction, already too long delayed. It is a measure that in many ways is a radical departure from our traditional land policy, but it comes at a time when many world traditions are being broken and when the new and revolutionary practices that are being adopted as temporary expedients point the way to permanent changes in our economic and industrial life. The new method of administering the natural resources of the country outlined in this measure is, in my judgment, conservative, when compared to some of the new policies that are coming with the war. But just as the conditions of the war have taught us the need of a better system of distribution, a better system of taxation, a more equitable division of the privileges and burdens of Government, they have deepened the conviction that it is unwise and even foolish to allow the natural resources of the country to pass without restriction into private hands in which they not only may be but frequently have been manipulated and controlled to the detriment of the Nation.

Mr. President, this bill offers a plan of conservation which has unhappily been delayed for more than 100 years. Had the principles which are here laid down been adopted when our Government was first established, development of our resources might to a certain extent have been delayed in the beginning, but the eventual use of the Nation's natural wealth would have been along such broad and comprehensive lines that we would not to-day be vexed by many of those problems growing out of private and arbitrary control of natural wealth, which have occupied the attention of this body since the beginning of the war. We would not be worrying to-day over maximum and minimum prices, over production and distribution, over speculators and dictators, if the principles of this measure had guided our development from the beginning.

Do not misunderstand me as suggesting any reflection on the leaders of the past. During the early days of the Nation, while the original States were being occupied and settled, it was impossible for even the far-sighted statesmen of that time to have foreseen the enormous increase of population and the great industrial development of the present age. The statesmen of the past are not to be blamed for their failures to foresee the great growth of their country, and the serious consequences that would flow from a policy permitting the concentration in private hands of power over the Nation's resources. Theirs was a different light and theirs a different viewpoint from ours, but the legislators of to-day can plead no such excuse. From our own experience we know the powers and the evils of monopoly. The statesmen of the earlier years failed because they did not have the evidence. We have the evidence, and having it, if we fail there will be none to defend us in the future.

With this brief introduction, Mr. President, permit me to call the attention of the Senators to the resources the Nation has to conserve and to the divergent theories now advanced as to how they should be administered.

I believe that the tremendous benefits that will inure to the people and to the country from the enactment of this measure are but dimly understood, because there is a very false notion abroad with respect to the amount of our natural wealth still included in the public domain. The general assumption seems to be that the Nation is now dealing with the fragments of a once glorious heritage, and in some quarters there seems to be a disposition to cultivate the belief that so little is left as to make it scarcely worth while to draft a new policy.

A continuation in the West of the old land policy, which in the East deprived the people not only of the ownership but also of the control of the natural wealth, is urged by those who hold this view. For purely local reasons they argue that the West should be permitted to squander its resources just as the East has done. Mr. President, this argument, in my judgment, is based entirely on a misconception, and serves neither the interests of the West nor of the Nation itself. It serves only the interests of the individuals who could take advantage of the old order to establish in the West the same sort of control over the public wealth as is now exercised elsewhere in the country. It will be of no advantage to the West if by failure to meet the conditions with which we are now confronted we merely extend the opportunity of private capital to broaden its unrestricted ownership of our resources. These untouched sources of supply of the materials needed in our industrial expansion do not belong to East or West, to North or South; they belong to the whole Nation. I can not understand the point of view that conceives anything less than the welfare of the entire Nation to be involved in their disposition, nor the point of view that conceives the interests of the State to be in any sense different from the interests of the Nation. We can adopt no policy with respect to the subject matter of this measure that does not affect both alike. If the policy which experience in the East has demonstrated to be a foolish one is now followed in the West, then within a few years that whole section will be in the same position as the East is now, and we shall have invited for the country at large the same unfortunate and I may say disastrous consequences of which complaint is now justly made in the East.

Quite different from the theory that the old order should not be changed is the view of the "conservationist." The creed of conservation, at least as popularly understood, has been that private greed has not only absorbed the resources of the East but the resources of the West as well, and that it is incumbent upon the Government to prevent further development of the remainder until that which is in private control is exhausted lest future generations be forever impoverished. Not to use but to hold against use, not to conserve but to hoard, has been the aim of this faction, wholly unmindful both of the interests of the West and of the needs of the entire country.

No one would be more thoughtful than I of the rights of the future, but, on the other hand, it would be manifestly unfair to overlook the rights of the present generation. Surely no argument is needed to show that the view of the man who would prevent all use is quite as dangerous to the present as the view of the man who would continue the old policy is to the future, for it would make the whole Nation dependent upon the resources now in private control and it would thus serve only to give a new lease of life to the evils from which we are now suffering.

Both views are based upon the assumption that our natural wealth is practically exhausted. Mr. President, I feel perfectly free in saying that we are not dealing with the fragments of the public estate. We are dealing with the treasures of an empire.

The newer States of the Union, the acreage of which is fortunately still held by the Federal Government as part of the public domain, contain within their confines more natural resources than all of the States whose lands have passed to title. That territory which is included between the Missouri River on the east and the Pacific coast on the west, the entire Rocky Mountain watershed, possesses resources that are as unlimited as they are still uncharted.

I do not mean to weary you with statistics, but if there are any Senators who have believed the fable that within a hundred years the coal of the country would be exhausted, let me say to them that in 12 Western States there are to-day almost 45,000,000 acres of coal lands withdrawn from entry and development. Almost as much more, Mr. President, has been restored to entry.

Is there anyone who believes that our oil reservoirs have been drained, that one very wealthy individual and a few subsidiary corporations have gained all the advantage that is to be gained from the Nation's natural supply? Then let me say that in 8

Western States almost six and a half million acres of oil lands are to-day withdrawn from entry and development, while there are other hundreds of thousands of acres of possible oil lands which may yet be tapped to supply the Nation.

Is there anyone who believes that we must forever depend upon foreign powers for our supply of phosphate rock? Then let me say that in 4 Western States there are to-day almost two and one half million acres of phosphate land withdrawn from entry.

In this western empire to which I have referred, Mr. President, there are to-day undeveloped resources the actual value of which is beyond imagination. The reports of the Geological Survey show that there is iron enough to supply every possible need for centuries. Dr. George Otis Smith, Director of the Geological Survey, in a bulletin which he prepared shortly after the outbreak of the present war said:

> The United States is not only the world's greatest producer of mineral wealth but so far as estimates of the earth's treasures have shown it possesses greater reserves of most of the essential minerals than any other nation.

And now, Mr. President, let me call the attention of the Senators to some features of the history of the last 10 years that, in my judgment, prove the necessity of early action.

Agitation for a new policy began fully 10 years ago, and this period has been one full of trials for western communities. It was gradually becoming clear that the old order could not be prolonged, but Congress could not, and seemingly has not yet quite decided what should be done. This period of transition has been one of doubt, uncertainty, and endless confusion, the hardships of which would be difficult to describe to one who has not actually experienced the results of the innumerable Executive orders withdrawing public lands from the operation of the public laws that have been issued to bridge over the gap while Congress has been trying to formulate a program.

The sum total of withdrawal orders on July 31 of the present year, Mr. President, amounted to 56,715,014 acres. Almost 57,000,000 acres of the most valuable territory in 20 States are to-day locked and barred against the settler, while legislators take their time to make up their minds as to what shall be done with it. In the list of withdrawals are found almost 45,000,000 acres of coal land, over 6,000,000 acres of oil, over 100,000 acres of oil shale, 2,500,000 acres of phosphate lands, over 100,000 acres of potash, 8,000 acres of mineral land, almost 3,000,000 acres of water-power sites, reservoirs, etc.

I shall not burden you with these figures, but I shall ask that this summary prepared by the Geological Survey of the outstanding withdrawals by States be printed in the RECORD.

The PRESIDING OFFICER. It is so ordered, without objection.

The matter referred to is as follows:

Summary of outstanding withdrawals on July 31, 1917.

State.	Coal.	Oil.	Oil shale.	Phosphate.	Potash.	Mineral.	Water power.	Reservoirs.	Public water.	Total.[1]
	Acres.	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*	*Acres.*
Alabama							120			120
Alaska							69,300			69,300
Arizona	141,945	230,400				5,507	300,324	23,040	12,438	716,654
Arkansas							22,354			22,354
California	17,643	1,237,229			91,207		266,484		52,474	1,665,037
Colorado	4,503,207	87,474	45,440				276,514		480	4,913,205
Florida				119,737						119,737
Louisiana		467,030								467,030
Idaho	328,452			966,377			262,454		7,210	1,574,493
Michigan							1,240			1,240
Minnesota							12,300			12,300
Montana	10,912,305	1,346,105		119,227			164,297	9,080	3,304	12,554,218
Nebraska							761			761
Nevada	83,833				39,422		27,361		4,336	154,952
New Mexico	5,613,263						62,602		2,286	5,678,151
North Dakota	14,856,455	84,894						1,569		14,742,918
Oregon	4,361						329,723	10,619	2,482	347,185
Utah	5,326,256	1,952,326	86,584	302,465			447,424		33,827	8,148,882
Washington	827,193						114,061	35,943	40	977,237
Wyoming	2,437,723	923,182		998,502			86,903		82,831	4,529,231
Total	44,862,626	6,348,640	132,024	2,506,398	130,629	8,507	2,444,231	80,251	201,708	56,715,014

[1] The same land may be included in more than one type of withdrawal, so that some of these totals are greater than the area in fact withdrawn from entry.

Mr. KENDRICK. Do not think that I quarrel with the wise policy which has temporarily withheld these lands from improvement in order that a new and wiser policy might be developed. I am merely trying to convey to you some appreciation of the vexations which the West has had to endure. I am trying to draw a picture of what the uncertainties and delays of this period have meant to the settler. It is only proper, however, Mr. President, that I should go on record here and now as saying that during the past few years there has been an increasing disposition on the part of the people of my State and of the whole West to rely more and more implicitly not only upon the good intentions of the Department of the Interior, but also upon the wise judgment which has been displayed in interpreting the needs of the West under the able leadership of the man who is now the executive head of that department.

But no official, however wise and comprehending, could overcome the evil consequences of the absence of a national policy, and of the substitution—necessary though it may have been—of executive rulings. I need not recount to you the humiliating experiences that many of the most honorable and valuable citizens of the West were forced to endure when the Government first began to attempt to correct by Executive order the shortcomings of the law. I need only say that the wholesale attacks which were made upon coal-land patents and timber patents, based upon allegations of fraud, worked a very serious hardship on hundreds of upright men and revealed them to the public in the aspect of criminals, when, as a matter of fact, they had, in most cases, acted in complete good faith, in complete honesty, and in complete conformity to the law.

One of the great difficulties has been that prejudice has too often beclouded the vision of men who have had the responsibility of enacting and enforcing laws governing the public domain, and they have found in the actions of a few unprincipled men sufficient grounds on which to base an indictment of a whole people.

Not only did the individual suffer, but whole communities and States were forced to bear the burden in arrested development. And the industrial loss incurred by delayed development can never be quite recovered. Lost years are never regained. The man who undertook to develop Government land was always taking the hazard that though he acted under the law, his labors and his investment would be lost through some sudden Executive order or land withdrawal. The settler was deprived of what was the legitimate reward of effort. States and counties were deprived of sources of taxation of which they were in great need. It should scarcely excite wonder that conditions of this kind, indicating a wide distinction between the manner in which the resources of the East had been administered and the manner in which the resources of the West were being administered should have made the people of the West resentful of this lack of a definite policy.

But, Mr. President, I want to point out that there is a vast difference between impatience with such delay and opposition to the establishment of a practical plan of conservation. That man does not know the people of the West who believes that they want to hold for themselves alone the limitless resources I have described, or that they want the Federal Government to repeat in the present the blunders of the past. The man who believes that the West wants to exploit the wealth of the Nation understands neither the temper nor the character of the people who are laying the foundation of a great empire in the Rockies and beyond. They have vision that is national in scope, and they will give their hearty and unqualified support to a measure like this which, while permitting them to use the natural wealth of the country in which they dwell for the great constructive task that engages their attention will, at the same time, preserve the control of that wealth in the hands of the

whole people, so that the time will never come in the West, as it has already come in the East, when the necessities of the many will become the opportunities of the few.

While it is clear that the West needs this measure, I believe it may also be demonstrated that the Nation at large needs it, and needs it immediately. Almost every bill that has been brought before the Senate at this session has been urged on the ground that its passage was necessary for the successful prosecution of the war. Of no measure could this be said, in my judgment, with greater accuracy than of this one. The country is in great need of an increased output of the very substances affected by this measure, not alone that an increased supply may be opened up to relieve the condition of high prices with which we are confronted, but that the country may have the fuel and the lubricant with which to carry on the present conflict. It has been well said, Mr. President, that not a train, not a naval vessel, not an aeroplane can move without oil. So great is the demand, according to the testimony of experts before the committee, that every available source of supply must be used. We have recently appropriated $640,000,000 for the construction of a vast aerial fleet. Every dollar of this sum will have been uselessly expended if we have not the oil to operate the airships. The passage of this bill will place almost immediately at the disposal of the country the oil resources of over 6,000,000 acres of withdrawn oil lands and of other millions of acres of Government land which, though not withdrawn, are believed to be rich in oil.

It is needless to dwell upon the national—yes, the world—need for the development of the natural resources of the United States. No one who is conversant with present-day conditions can fail to see it. The question to be decided, it seems to me, Mr. President, is not whether this development should be permitted, but how it should be carried on.

This brings us to the present measure and the system there outlined for encouraging the proper development of these resources.

Mr. President, let me say here, I am definitely committed to the leasing system, because it reserves to the people the right to alter the system of administration whenever new conditions arise to make new duties. One of the most farsighted and statesmanlike utterances of the able Secretary of the Interior was, in my judgment, his declaration that it would be unwise to transfer the title or to give a lease to any of the remaining natural resources in such a manner as to make it impossible for those who are to come after us to pass upon the methods of development and use at least once in every 50 years.

Although section 2 of this bill provides for the sale of coal lands to individuals and corporations under certain conditions, the measure is essentially a leasing measure, and I accept it as the best upon which all interests to be affected by such legislation can agree. I am impressed with the thought that one of the principal objects to be attained in the disposition of our coal and similar resources is to prevent the possibility of arbitrary control of the output. This end is clearly secured by the restrictions contained in this same section by which the amount of acreage to be held by any individual, corporation, or association is definitely limited, and by which any such individual or group is forbidden to hold an interest in any other association or corporation which secures such lands under the act. The industrial history of the country affords no single instance in which monopoly has been maintained in any commodity when the sources of supply of such commodity have been properly safeguarded against the accumulation of holdings. When these safeguards are provided, as they are in this section, competition can not be stifled.

This section, containing, as it does, such restrictions, is a legitimate concession to those who fear the leasing system will delay development, and particularly so because, in my judgment, it is so drawn that only a limited amount of coal lands will be sold and coal operators themselves will quickly come to the conclusion that it is better to lease than to buy. The section provides that any qualified individual, association, or corporation shall—

> have the right to enter * * * vacant coal lands * * * not exceeding 2,560 acres upon payment * * * of not less than $10 per acre for such lands where the same shall be situate more than 15 miles from any completed railroad and not less than $20 per acre for such lands as shall be within 15 miles of such railroad, and the Secretary of the Interior shall offer such coal lands and award the same through advertisement and competitive bidding, reserving the right to reject any and all bids which he may deem to be unfair.

Mr. President, the average valuation placed upon the coal lands of the United States still in the public domain is not $10 or $15 per acre. It is more than $40 per acre, and even this low average is not representative of the real values, because it is affected by the extremely low appraisal of certain territory containing poor grades of lignite. The lands which will be really sought for development, the really valuable lands, are appraised at from $150 to $200 or $300 and in some cases $400 per acre. I have personal knowledge of large tracts of coal land that only a few years ago were valued at $20 and less per acre, but which are not now to be obtained for less than $200 or $300.

The Secretary of the Interior will not sacrifice these lands at the minimum price named in the bill. It would be impossible for him to do so even if he desired, for natural competition would drive the prices up to the honest mark, and the operator would then find it cheaper to lease than to buy. The business man who deals in coal will not be long in learning that it will be far more satisfactory to pay a modest royalty of not less than 2 cents per ton than to tie up in a permanent investment the large amount of capital that will have to be absorbed in the purchase of these valuable lands.

Let me refer now to the argument which has been advanced by those who advocate the application in the newer States of the old order, namely, that the leasing system will delay development just as the lack of any system has delayed it during the period of transition. Those who express the fear that the leasing plan can not be made a success base it upon the belief that capital will be disinclined to finance an industry the title of which is founded in a lease and not on a deed in fee simple. This may have been true in the past, Mr. President. It may even be true now, and for a short time after the passage of this measure when capital may to an extent still be in a position to choose to finance only those enterprises the securities of which are based on absolute title, but this attitude, in my judgment, will be immediately changed when the leasing system becomes the rule and not the exception. When it is clear that the right to develop the resources of the country may be obtained only by lease, capital will come to look upon securities based upon a lease from the United States Government as the very safest and best form of investment. There has already been experience enough in my home State with the leasing of State lands to indicate to my mind that no man need fear delayed development simply because the people, through their Government, prefer to give a lease rather than to surrender all title.

My only criticism of this measure, Mr. President, would be directed against that feature which puts it at the discretion of the Secretary of the Interior to lease by cooperative bidding. This plan might well apply to coal, but not to oil, for of our great natural resources none lends itself more completely to monopoly than does oil. Whether under a system of ownership or under the leasing system the business of producing oil, because of the peculiarities of transportation and for other reasons, tends readily to monopoly. This danger, I believe, was overlooked when the bidding system was authorized by the committee, which, I am constrained to believe, did not give full weight to the advantages of a flat-rate royalty system over the competitive-bidding plan.

The whole theory of this measure is that the natural resources of the country are the property of the whole people, and that the old policy of permitting these valuable lands to pass into the control of private individuals must be abandoned in order to protect the rights of those who are not in a position to acquire ownership. This is confessedly the object of the measure, yet it may be utterly defeated, so far as oil is concerned, at any rate, if the Secretary adheres to the competitive-bidding plan. Fortunately the law provides that the lands may be leased "by the Secretary of the Interior through competitive bidding, or such other methods as he may adopt by general regulations." For my part, Mr. President, I trust that the Secretary will follow the "other methods," because the bidding system works to the disadvantage of the small operator and to the advantage of the monopolist. With only a limited capital at his disposal and with a hundred operating costs drawing upon it, the small operator can not become the rival of a wealthy corporation in a bidding contest. Beyond a certain point he can not take the risk that is involved in pledging a high royalty to the Government. If for any reason the large operator finds it to his interest to acquire certain leases, the small operator must yield the point and the man of unlimited means will find it easy to secure control.

Bear in mind that ordinary restrictions which might well prevent one set of interests from dominating the coal trade, for example, will not work so well with oil. This is a product which must go to the refineries, and the interests which own the refineries can find manifold ways to control the output. Secret agreements are not altogether a thing of the past, and employees are still known to act for their principals. It would not be impossible under this law for individuals friendly to a large refinery corporation to outbid the small operators and then sell the output at a low price to the refiner. The peculiar power which the refiner exerts may be illustrated by the fact that in

Wyoming, where there are only two refineries, both of which, I am informed, are controlled by the same company, oil sells at less than $1.50 a barrel, while in Ohio and Pennsylvania practically the same class of oil brings from $2.75 to $3.50. It is needless to say that the cost of transportation does not altogether account for this difference in price.

What becomes of the interests of the consumer under conditions like this? The Government by entertaining competitive bidding invites a concentrated control of the output and at the same time an increased cost of production, which will, of course, be passed on to the consumer.

While it is true that the small operator may not offer as high a royalty to the Government, he offers a much more valuable consideration by helping to reduce to the consumer the price of the commodity. The Government can not afford to discount the advantage that will accrue from a multiplicity of producers. If many small operators are engaged instead of only a few large ones, the price to the consumer will tend to be lower—and this in all justice must be considered as part of the return to the Nation for the use of the oil. A flat royalty would eliminate the danger that the control of the output might fall into the hands of a few, because it would provide a common basis for the operator of limited means and for the operator of unlimited capital. It would give wealth no advantage over energy and ability.

I shall now take an opportunity, Mr. President, to say a word with respect to section 17 of this bill, protecting the rights of present bona fide claimants of oil lands. The laws now on the statute book constitute in effect an invitation to the enterprising pioneer to enter upon the Government domain in search of oil. Hundreds of men have responded to that invitation, giving their time and labor to the development of tracts which Government geologists, after inspection, had frequently reported as nonoil bearing, and which, because of such reports, these pioneers naturally believed would not be withdrawn by the Government. In spite of the pessimistic verdicts of the Government experts, these prospectors went in upon the land in search of oil. They spent hundreds and often thousands of dollars in making preliminary surveys of the grounds, in preparing maps, in securing investigations and reports by private geologists, in the construction of rigs, the building of roads, the transportation of machinery, while near-by communities underwent the changed economic conditions that naturally accompany development work of any kind. Then, in case after case, when private initiative had demonstrated the probable existence of oil, the Government suddenly reversed itself and withdrew the lands from entry, stopping all work in a way that was often disastrous to the individuals and communities affected. Many other pioneers became operators in good faith on land that has not yet been withdrawn from entry.

No one can justly say that these men have not established an indefeasible right to the consideration of the Government. They were not responsible for the laws now on the statute books. Neither were they responsible in any degree for the absence of better laws. Members of this body who have watched with interest the struggle that has been waged for the framing of a wise policy of conservation will surely not charge these men for the delay, and no Senator, I am constrained to believe, will say that they should have waited with idle hands during the four years in which Congress was trying to make up its mind what to do, or whether, indeed, to do anything at all.

Congress has no legal or moral right to legislate such men out of their equities. It may be proper to say, "You may not have a patent," but to say "You shall not have a preferential lease to the very land you proved yourself" would not only be improper, it would be criminal. It is incumbent upon us to recognize the equities these men have established, else the Government will be placed in the position of snatching away from its citizens with one law the property it permitted them to acquire under another.

With this concession to established titles, the bill holds an even balance between the present and the future, between those who have already acquired rights under existing law and those coming after us whose rights to an inheritance we are bound to respect. By its concessions in the coal sections to those who fear that to deny patents to coal lands would be to hamper seriously the mining of coal, and in the oil sections to those who have established equities under the present law that may not be justly disregarded, the bill affords every necessary protection to those who have invested labor or money in development. By the encouragement which it extends to the prospector and the restrictions which it imposes upon capital, it protects the present from the danger of a limitation of supply, while it guards the future against the danger of the absorption of our natural wealth by monopoly. It places generous tracts of Government land at the disposal of one man, who would recover the values therein, but it requires him to exercise diligence in the prosecution of his work under pain of losing his lease. He may not obtain land and hold it in idleness. The bill provides for renewable leases at 10-year periods in the case of oil lands and for indeterminate leases in the case of coal, potassium, and sodium; but it also provides that no individual or organization may take or hold an interest in leases exceeding in the aggregate 2,560 acres except when such interest is acquired by inheritance or judgment. In such cases the interest may be held for only two years. The bill offers liberal inducements in low rentals and otherwise for the development of these deposits, but it forbids any person who has taken advantage of these inducements to hold an interest in any agency engaged in the resale of the products of the leases.

Thus, while the bill throws down the bars for the use of the great untouched deposits belonging to the Nation, it raises very effectual bars against the growth of monopoly. Under its terms there can be no concentration of control, save in the hands of the people. The Government will always retain the power to direct the use of these resources, but no private individual or corporation can ever acquire such ramifying interests in these leases as to control the output. In other words, while every provision is made to encourage use, every necessary prohibition is made to prevent abuse.

And now, in conclusion, Mr. President, let me urge the favorable consideration of the Senators for this measure. In my judgment it is one of the most important pieces of domestic legislation which will be considered by this Congress and will direct the future growth and happiness of this Republic to a greater and more favorable degree than many of us imagine. It marks the passing of an old system, the tendency of which was to produce great wealth and extreme poverty side by side. It is the herald of a new era; it reveals a new vision of national responsibility which, while providing for the welfare of the present, protects and safeguards the interests of future generations.

Mr. BORAH. Mr. President, I am not prepared to discuss the pending bill. I really did not expect that this measure would come up for consideration before the holidays. Other matters have engaged my attention, so that I have not had the time to prepare for a discussion of the measure such as I should like to have made.

As I said a few moments ago, it is a matter of unusual concern to our Western States. It fixes the policy for all the public-land States. It fixes a policy which, in my judgment, is not in harmony with the best interest of those States or conducive to their development and growth. I do not question at all the good faith of those who are urging it, nor do I doubt that they are of the opinion that if it is not the best thing that could be done it is the best thing that can be done under the circumstances. There is a great deal, of course, in that argument. We can not always have what we want in legislation. So sometimes we are compelled to take what the other party wants, or what no one wants, in the nature of a compromise.

The objection which I have to the bill as a whole and fundamentally is that it commits the Western States to the policy of the leasing system. I am aware that those who have been opposed to the leasing system believe that there is sufficient in the bill to enable settlers of the West, those who are building up those Western States, to have the advantage of a sales system if they desire. My hasty reading of the bill since Saturday night and my study of it lead me to believe that in its practical operation it is a leasing bill, and will never be construed in any other manner, and in its operation will effectuate no other result. Therefore, I am not content, as some others of the West are, to permit the bill to go to enactment without at least stating some of my objections.

But, as I said a few moments ago, I have not had the opportunity to collect my data, and I shall not therefore be able to discuss this measure. So I desire to discuss another matter for a few moments, which I think is of equal concern, and as we are to adjourn to-morrow it is perhaps the only opportunity I shall have. I hope that at least the measure will not pass to-day, so that those of us who want to make some remarks upon it will have this evening to prepare to do so.

Mr. President, let me call the attention of the Senate and of the country, if I may say so, to a most extraordinary situation, which, it seems to me, ought to be dealt with finally and conclusively before this Congress adjourns for the holidays. Last spring the Government called upon the producers, the agriculturists, the farmers of the West—and when I say "West" I

mean the great West lying west of Chicago—to speed up production and to make every effort to produce to the fullest extent of their acreage in order that we might not suffer a breakdown in food products. Everyone realized, of course, that the production of food was just as essential to the successful prosecution of the war as was any other particular element in its prosecution. Therefore the Government very promptly and properly called upon the farmers of the West to do their utmost to prepare to feed not only the people of their own country but those of the allied nations, particularly those of the allied nations who were engaged in the actual military prosecution of the war. It was understood that the burden of feeding the forces upon the allied side would rest very largely upon the people of the United States; and it was understood, of course, that the granary of the United States lies west of the Mississippi River. So the farmers and producers of the West, understanding that situation, fully alive to the responsibility which rested upon them, and being at all times willing and anxious to do their part, proceeded to the cultivation of their acreage to the fullest possible extent. They purchased their seed at a very high price in many instances; they paid a very liberal wage; and in every way they exerted their energies to respond to the call of the Government, and they did so. They produced crops to the fullest extent of their ability.

When the time came, Mr. President, to transport those crops to the points where they could be of service to the people of the United States and to the allies the transportation system of the country was not equal to the exigency. I say this without any criticism upon the transportation companies. I assume they simply found themselves in a position where the demands exceeded anything that they had anticipated or anything that they had been able to prepare for. They were not able to move the crops which the farmers in the West had produced. Who was at fault or wherein the default lay I do not now discuss.

What was the result? The result was that a very large portion of those crops was entirely lost; that is to say, the crops were either not garnered for lack of labor, or, being garnered, they were not sent to market for want of transportation facilities. Hundreds of thousands of bushels of potatoes have been utterly lost, and other products of like nature which the country stood in need of, and now stands in great need of, were lost by reason of the fact that it was impossible to find means of transporting such products to the market. Cars were not to be had. The demand on the transportation systems seemed to exceed all expectation.

I have seen, Mr. President, in print statements to the effect that this condition of affairs has been exaggerated in the West, but I beg to state to those who so view the situation that they are greatly in error. It has not been exaggerated. The loss has not been overstated and the discouragement to the producers in no sense overdrawn. The loss of crops of this year and the want of a market not only affects the present situation but it is going to have a tremendous effect upon the next year's planting and the next year's crop. No one, I presume, anticipates at this time that this war will close before another crop's demands shall have been called for; no one, I presume, anticipates that we shall get through until there shall be dire need of the utmost productive capacity of the western producers.

Mr. President, unless we are prepared speedily, without any delay, to assure the western producers that that condition of affairs shall again happen, it is bound, out of the very necessities of the situation, to reduce the acreage and the crop production throughout the entire West. To what extent I would not undertake to say, but I venture to say to a sufficient extent to materially affect the situation.

There can be no reason for producing if one has no means of getting his products to the market. Under present conditions the farmer is warned of the fact that there will be repeated during the next year the experience which he has suffered during the present year.

Another fact, Mr. President. We are just now entering what seems to be a very severe winter. Already throughout the United States we hear upon every hand a call for fuel and for food. We are advised by the great dailies of the cities that many people are suffering and that many deaths are being caused by reason of exposure to cold and by reason of an insufficient supply of food. This is at the very beginning of the winter. Heaven only knows what it will be before spring comes. Here in our own country, Mr. President, before we are actually in the war, before we have actually participated in the true sense of the word, we are suffering for want of fuel and for want of food, neither of which, as an actual fact, is in any sense scarce. In other words, the question of transportation again arises, and demands attention, compels a solution. The transportation companies are unable to respond to the demands and the fuel is not transported, and people are cold. Products which the people need are rotting or being destroyed. All this not only affects the present situation, but will have an unquestioned bearing upon the progress which we hope to make during the coming year in the successful prosecution of the war.

I venture to say, Mr. President, that you can not successfully carry on this war with discontent and want at home. Especially is that true when there is believed to be a remedy for that condition of affairs. I do not know, Mr. President, myself to what extent this situation arises by reason of inefficiency of the transportation facilities of the country; but I think it is conceded upon every hand that that is a very large portion of the difficulty.

We are about to take a holiday recess to-morrow, so I am told. I was not present when the resolution was passed. We shall recess without any transportation policy whatever. We leave this cloud of gloom upon the country and go home to our respective places to enjoy the holidays. We go for two weeks, and the amount of suffering, the business distress which may characterize the country during that time will be wide-reaching and most serious. And, sir, the very fact that Congress adjourns for two weeks without any apparent concern as to the situation will of itself add greater anxiety to the country. A willingness upon our part to remain at our post and work out a solution of this difficult problem will be encouraging and helpful. Besides it is not to be presumed that we can not find a remedy if we give our attention to the subject.

Mr. SMITH of Arizona. Mr. President, while I appreciate what the Senator from Idaho is suggesting, the question which arises in my mind is, how are we by keeping in session to put another engine on a railroad or how are we to pass a law between now and the end of the ordinary Christmas holidays which would relieve the situation of which the Senator from Idaho complains and of which the country is complaining? If we could do that, I should very much oppose any adjournment.

Mr. BORAH. Does the Senator think that there is no balm in Gilead? Is the situation hopeless?

Mr. SMITH of Arizona. I do not know Gilead, and I do not know much about balm. [Laughter.] The balm of Gilead, however, does not come from talking in the Senate.

Mr. BORAH. No; I am aware of that fact; but does the Senator think that there is no remedy for this situation? If he does not want to talk, will he stay to vote?

Mr. SMITH of Arizona. There may be a remedy; but what is the use of complaining about the Christmas holiday adjournment unless the Senator can show that that adjournment affects the application of the remedy?

Mr. BORAH. Precisely. I think if we remain and do our duty we will find a remedy.

Mr. SMITH of Arizona. That is what I am talking about.

Mr. BORAH. Mr. President, I am not myself a railroad expert, and I do not know that I could suggest a remedy out of hand, but I venture to say that when the remedy comes it will require some aid or legislation from Congress. I venture to say that there will not be a substantial and effective change in the situation until Congress acts upon this matter, because that which the railroads need must necessarily come to some extent from this body. It is our business to confer among ourselves and to determine precisely what we must do, and then proceed to do it. We certainly will not determine it and certainly will not arrive at a conclusion as to what we should do if we are not in session and are not undertaking to do it. It is no answer to the situation to ask if we stay here could we do anything. If we stay here, we can undertake to do something, and I feel, in conjunction with the President, we will effectuate a change of conditions.

Mr. SMITH of Arizona. Has the Senator from Idaho introduced a resolution looking to that end?

Mr. BORAH. No; I have not; I had supposed we would cooperate with the administrative department; I had been led to believe the President would soon ask us to act.

Mr. SMITH of Arizona. I agree with the Senator from Idaho. I myself would not ask an adjournment; I should rather we would not adjourn; but it seems to be the sense of the two bodies that we should do so. I desire to ask, however, has the Senator introduced a resolution or has he any remedy to propose to meet these conditions? Has he anything to suggest in the shape of legislation? Has he introduced a resolution that will relieve this condition by our action? If he has, I shall certainly join with him in opposing any thought of adjournment.

Mr. BORAH. Mr. President, we have been advised for several days that we were to have a message upon this subject from the President. Naturally, we have awaited that message,

and I am sure we ought to be here to receive it when the President is ready. I have introduced no bill. If nothing is to be done by others, I shall certainly try my hand.

Mr. SMITH of Arizona. By whom have we been so advised?

Mr. BORAH. We have been so advised by the press. I do not myself have any other source of information.

Mr. SMITH of Arizona. I should judge so.

Mr. BORAH. I have to rely upon the public press for such information. I am not so fortunately situated as the Senator; therefore not so wise.

I have no doubt that the President is dealing with this matter and is applying his time and his energy and his ability to the subject; but I also have no doubt that the President will not be able to do what is necessary to be done in order to change the situation without some help upon the part of Congress. I do not believe that all can be done which will be necessary without the aid of Congress. I certainly do not want Congress to be away in case its help should be required.

I can not conceive of the fact that the President will not need any assistance upon the part of Congress upon this subject for two weeks; that it is going to be permitted to remain here without any action upon our part at all for the next two weeks and then for another two weeks for debate and consideration.

Mr. SMITH of Arizona. Two months of debate, the Senator probably means, if we ever get it here.

Mr. BORAH. Yes.

Mr. Fairfax Harrison, in discussing this matter, and he is an expert upon the subject, I presume, if there are any, says:

WHAT THE RAILROADS DO ASK.

3. The immediate appointment of a traffic officer to represent all important Government departments in transportation matters, with whom the railroads can deal, to secure active Government cooperation, the prompt and orderly transportation of Government traffic, and avoid the excessive use of preference orders, which congest traffic instead of facilitating it.

4. Most of the railroads need locomotives immediately, and enough new cars to replace those worn out. There are approximately 3,800 locomotives and 33,000 cars still on order undelivered for American railroads. The railroads expect to provide the capital. Priority orders are essential for prompt delivery of such equipment.

5. Approximately 2,000 locomotives and 150,000 cars, in addition to those now on order, are necessary for early construction to meet the requirements of next year. This is no more than the railroads usually require every year, and at present prices represent a cost of approximately $500,000,000.

While a number of railroads are able to purchase their quotas of such equipment without aid, it is apparent that because the United States has necessarily occupied the investment market for war loans, as evidenced by the recent request of the Secretary of the Treasury that no new private financing shall be undertaken without conference with him, the railroads can not next year provide through their usual channels for the requirement of capital, for the acquisition of equipment, and other possible additions to plant. They invoke therefore the cooperation and aid of the Government through the Treasury Department and the Federal Reserve Board to secure for them, on their own individual credit, the new capital found by the Government to be necessary not only for enlargement of plant but for renewing maturing obligations.

6. Immediate increases in rates, as defined by the Interstate Commerce Commission's special report, to meet increasing operating expenses and strengthen credit are necessary in eastern territory, and may become necessary in other territories.

It is apparent that if those things are to be done there will have to be legislation in order to effectuate them. There may be some other program which will not call for legislation, but if so, it has not yet been suggested. For myself, however, I do not see how this situation is to be remedied without some kind of legislation, and certainly that legislation is essential to be had at as early a date as possible.

It is not my business, and I would not do so under any circumstances now, to criticize any department of the Government, because I assume that every department of the Government is speeding ahead as fast as it can, but I am sure in my own mind that without the aid of Congress no plan which the President will submit will be effectual to remedy the situation. If we are to take over the roads by the Government, will there not be need of legislation? If we are not to take them over, but to aid them in getting cars and engines, it seems to me we will be needed.

Mr. SMITH of Arizona. Granting that, as I understand—I may be very much misinformed about it; I have no expert knowledge or any other definite knowledge about the situation in connection with the transportation of this country—the railroads are asking the United States Government to extend enormous loans to the railroads for the purpose of meeting the present situation. The only legislation, as I understand, that the railroads want in this connection—and I say I gather the opinion from the press—is that the Congress of the United States empower the President to guarantee to the railroads for the balance of time the amount of dividends and money that they made last year and the year before; in other words, they ask Congress to protect the railroads from any loss in case the Government issues an order for the moving of this train or that train or this locomotive or that locomotive over this road instead of that.

They only want to have Congress say that in all these changes the railroads shall be safe against loss and that their roadbeds shall be kept in repair. Now, if that is all we can do in the present emergency it is a question of whether or not we are going to vote to do that, even if we stay here, and on that question I can conceive that a very long debate would naturally arise.

Mr. BORAH. If Congress does not loan large sums of money—and I am not yet favorable to any such program—then it may conclude to operate the roads, I presume, in conjunction with the owners, all of which will require legislation. But I did not rise to discuss specific remedies, but to urge that Congress either await the President's message or, if that is not coming, then take up the matter itself.

I do not indorse any particular program, because we have not even considered the subject yet as a Senate. Certainly there must be some means by which we can remedy the situation. One thing is certain, that there must somewhere be found a remedy or we are going to break down in the entire question of production and of supplying foods and fuel to the people of this country.

Mr. SMITH of Arizona. That does not follow.

Mr. BORAH. The Senator says that does not follow. Well, we have already broken down to a great extent. True, the railroads are moving more stuff than ever before, but the exigency has not been met.

Mr. SMITH of Arizona. No; we have not broken down.

Mr. BORAH. There are several cities in my State that are without coal and without any fuel whatever; there are hundreds of thousands of people throughout the country that are now cold for the want of coal, and there are people who are hungry for the want of food, and yet the food is to be had if it can be transported. If that is not a breakdown, what is a breakdown?

Mr. SMITH of Arizona. That is a breakdown that has occurred in times past, though perhaps not very often, and it is one that might be expected in the transformation of an army of from 35,000 to 50,000 men to an army of a million and a half or 2,000,000 men. That is the condition that faces the country, and it has to be met. The railroads have not the power to do it, but there is certainly somewhere somebody doing something to retard matters, and it is certainly not the Federal Government nor Congress nor any agency of the Federal Government. Lurking behind it or somewhere is a sinister purpose that neither the Senator nor I can locate, whether we stay here until Christmas Day or not.

Mr. BORAH. Mr. President, I utterly disagree with that statement. There is not, in my judgment, the slightest foundation for any such statement.

Mr. SMITH of Arizona. Well, let us see. I came through the town of Harpers Ferry a short time ago. How many loaded cars of coal were at Harpers Ferry last week, and how many at every other railroad junction in the United States? Enough to supply the United States.

Mr. BORAH. If the Senator is correct in his statement, then that is all the more reason why the Congress should stay in session here. I do not believe, Mr. President——

Mr. SMITH of Arizona. We can not manufacture an engine by staying in session.

Mr. BORAH. I do not believe, Mr. President, that there is any sinister purpose on the part of the transportation companies of this country to break down transportation.

Mr. SMITH of Arizona. I did not say that there was on the part of the transportation companies.

Mr. BORAH. And I do not believe that there is any sinister motive on the part of anyone who has power to affect the situation. There are undoubtedly men in this country who would like to see the situation break, but they are few and far between, and fortunately they are not in a position to affect the situation. This condition of affairs arises not out of a desire to impede the progress of the war, but out of a lack of policy or a system to meet this emergency or exigency——

Mr. SMITH of Arizona. Well, will the Senator suggest how we can meet it?

Mr. BORAH. And the Congress of the United States is one part of the Government which may have to do with the determining of that policy.

Now the Senator from Arizona asks me to suggest at once and out of hand how we shall meet that situation. The Senator calls upon me for something which would require some consideration by both railroad and military experts. I would not undertake to say out of hand what should be done. I am of the opinion, however, that until substantial aid in the

way of legislation is had there will be no real and substantial relief. I have an opinion as to what should be done, but I frankly state that I should want to hear from men who have given more study to the question and who have had more experience.

Mr. SMITH of Arizona. Does the Senator think that the railroad trains will stand with the coal undelivered until Congress shall have acted? Does he think that there is no earthly way out of it except by the action of Congress? If that be true, we ought to take action right now.

Mr. BORAH. The Congress is here and is the lawmaking body for the people, and as a body having to do with these things, I think it is the duty of Congress to remain here and undertake to deal with them, and not to go away and leave the situation wholly undiscussed and wholly unattended to.

Mr. SMITH of Arizona. If the Senator will pardon me, I will not interrupt him any more.

Mr. BORAH. I do not object to interruptions by the Senator.

Mr. SMITH of Arizona. My only suggestion is that when Senators rise to make complaint of conditions they should have thought the matter out before they commence their criticisms. Having risen to criticize the question of adjournment over the holidays, I would suggest to the Senator the propriety of submitting something worthy of the consideration of Congress. It is easy merely to criticize a condition when perhaps ten thousand different things enter into the problem; it is easy to say that we ought not to adjourn without suggesting in the remotest degree what we ought to do.

Mr. BORAH. Mr. President, I am very sorry if my remarks have so heavily pressed upon the highly wrought and sensitive soul of the Senator from Arizona.

Mr. SMITH of Arizona. The Senator is mistaken if he thinks he is worrying my soul by any of his remarks.

Mr. BORAH. But, Mr. President, I did not rise here to criticize. I think a Senator may rise here and discuss a serious situation without being placed in the rôle merely of a critic. He certainly will not be placed in that rôle by anyone who has commensurate knowledge of the situation or who appreciates the conditions of the country; he will only be placed in that rôle by some one who is sufficiently self-complacent to take care of his personal interests and let the general interests go over.

Mr. SMITH of Arizona. I wonder if the suggestion the Senator makes is not in a measure the one that I made. If I criticized at all, it was his possession of such an enormous amount of that commodity to which he refers that he imposed a mere criticism without any suggestion whatever of meeting the conditions. The suggestion of egotism and self-importance may be based on the Senator's speech rather than on my criticism of it.

Mr. BORAH. I hope the Senator will not leave the Chamber.

Mr. SMITH of Arizona. I will not.

Mr. BORAH. I did not appreciate the fact until I was advised by the Senator that I was indulging in any criticism. My only suggestion was that the Congress ought to remain here until we could determine as a Congress what was to be done and how we should do it. The Senator objects—further comment on that phase of the matter seems unnecessary.

I am accredited here by one of the States of the Union, and I had supposed that without the consent or permission of other Senators, so long as I kept within the rules, I might rise in my place and make suggestions with reference to these questions without being brought under a schoolmastership from a Member of the Senate.

Mr. President, I suggest again that here is a condition which everyone recognizes to exist and that it demands a remedy. I have no doubt at all but that a portion of that remedy must come from Congress. I have no doubt but that if we adjourn and go home, not only will it be postponed these two weeks, but it will be postponed another two weeks after we return, and a month will have been lost. Sometime or other, I opine, we have got to deal with it. Sometime or other we have got to discuss it and consider it, and, as the Representatives of the different States of the Union, come to a conclusion. It is my judgment that we must do that speedily in order to relieve the suffering which now exists in this country, not by reason of anyone's fault in particular, but by reason of the fact that, generally speaking, we have not arrived at a policy with reference to the transportation system.

It might take weeks, it might take a month to work it out, but sometime or other we will have to do it; and when it comes it will not come as the result of a suggestion from any single Senator in the Chamber. It will come as a result of the consideration of the committees and the different Members of the Congress, and finally, I hope, result in something which will be satisfactory and effective with regard to the entire situation.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Pennsylvania?

Mr. BORAH. I yield to the Senator.

Mr. KNOX. May I ask a question of the Senator from Idaho?

Mr. BORAH. I yield.

Mr. KNOX. The talk in the press has almost universally been that the President would take over the railroads under the provisions of the act of August 29, 1916, which provides that in time of war the President may, through the Secretary of War, take charge of the railroads. I call the Senator's attention to the fact that there is nothing in that act providing for compensation to the railroads or any means of ascertaining compensation to the railroads; and if the Senator is willing to express his opinion, I should like to ask him if he believes that that act can be enforced until Congress provides for compensation, or the means of ascertaining compensation?

Mr. BORAH. My opinion, offhand, would be that there would have to be some provision for compensation; indeed I have no doubt about it; but all this brings us back to the proposition, Mr. President, that of course Congress will have to have a part in this matter. If it amounts to anything more than appointing merely an administrator—which act alone, in my judgment, will not be satisfactory to the President—Congress will necessarily have to have a part in it. The matter which the Senator from Pennsylvania has suggested will be one of the things which Congress undoubtedly will have to consider, and there will be other matters coming up for the consideration of Congress.

We all know that we can not arrive at a conclusion upon these matters without consideration, and in all probability no program will be suggested which will be so clear and conclusive in its effect and in its wisdom that it can be passed out of hand and without consideration. At some time or other we shall have to deal with it. There is no time like the present to deal with this situation, because it is not only resulting in suffering but it is one of the discouragements of the progress which we are making in this war. It is one of the things which inhere in the entire situation and while the President is dealing with this matter and working with the situation we ought not ourselves to place the Congress beyond the reach of the President when the time comes to deal with it effectually.

I insist that it is the duty of Congress to rescind the resolution of adjournment and remain right here until there is a practical, clear, and unquestioned solution of this question presented to the country and to the people of the United States. You will not revive industry, you will not again energize the business of the country, you will not bring into play the hopes and the aspirations of the business of the country and the producers of the country until there goes out to the country a clear and definite and decisive policy with reference to our transportation facilities. If it could go out before Christmas Day it would be altogether the most magnificent Christmas present which the Congress has ever presented to the American people in one single act.

Therefore, without assuming to criticize anybody or desiring to be placed in the rôle of a critic, I simply say that our duty is here until a policy with reference to transportation is settled upon and becomes the established policy of the Government until this war shall have closed, unless experience discloses the necessity of some change.

While I am on my feet I desire to give notice of a motion to reconsider the vote by which the concurrent resolution to adjourn for the holidays was passed.

Mr. PITTMAN. Mr. President, I should like to proceed with the consideration of the first amendment, the amendment offered by the Senator from Virginia [Mr. SWANSON]. I should like to have that amendment stated.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The first amendment is on page 12, line 15, where it is proposed to strike out the words "or within naval petroleum reserve numbered 2."

Mr. PHELAN. Mr. President, the Committee on Public Lands have for many months been discussing the question of relief for the owners of oil land claims in naval reserve No. 2 in the State of California, and I learned from the amendment just offered by the Senator from Virginia [Mr. SWANSON], whereby he attempts to eliminate naval reserve No. 2 from the relief afforded by this bill, that there was possibly some understanding by which the measure, with the exception of the relief afforded

claimants in naval reserve No. 2, might be passed before the holidays, and that after the holidays the consideration of naval reserve No. 2 and the rights and equities involved in that naval reserve might be considered in a separate measure.

This change has occurred so suddenly that I have had no opportunity to examine very closely the effect which the eliminations provided in the Senator's amendment would have upon the general subject of relief. I do know, however, that a representative oil company, the Honolulu Consolidated Oil Co., having claims to something like 3,000 acres out of the 30,000 acres in naval reserve No. 2, has expressed dissatisfaction at any attempt on the part of the California representatives to give consent to this change. The Honolulu Consolidated Oil Co. has had most of its claims adjudicated in its favor by the courts so far as the courts have passed upon the claims, but there are still a number of acres, aggregating, I believe, six or seven hundred, which have not been yet adjudicated, and the company naturally does not want to lose the benefits proposed by this act. It desires the opportunity of benefiting by the provisions of this bill, because it was among the earliest pioneers in oil development in California and has complied with the law, but that fact is disputed by the Department of the Navy, but not by the Department of the Interior.

A telegram which I have received reads as follows:

SAN FRANCISCO, *December 15.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.:

Understand amendment is proposed to prevent relief provisions of Walsh oil bill, now up in the Senate, from applying to lands within naval reserve No. 2. This would be unfair and unjust discrimination against those having legitimate claims within the reservation. Strongly urge you to oppose the amendment.

HONOLULU OIL CO.

Therefore, I do not wish the Senate to go uninformed as to the lack of unanimity among the oil developers of California. Many of them who apparently were not seriously affected have given their acquiescence, I am informed, in some change which might eliminate not so much section 16 as the opposition of the Navy Department. The Oil Producers' Association have written a letter to that effect. That is to say, they are so timorous, however, about the opposition of the Navy Department, which would deprive the State and Nation of the benefit of increased development under the leasing system, that they are willing to lay aside temporarily the consideration of those rights which we in committee have carefully studied and provided for as a matter of justice and equity in section 16 of the bill. Now, it is proposed by the Senator from Virginia, speaking largely for the Navy Department, to eliminate petroleum reserves No. 1 and No. 2 in California and No. 3 in the State of Wyoming, but naval reserve No. 2 in the State of California is the only one that interests the department.

There are 30,000 acres of land there, and the Government has only a slender interest in them, because most of the land has passed to patent except about 7,000 acres, and the Southern Pacific claims are outside the purview of the bill. It is of very small consequence in a broad view compared to the vast acreages of oil lands outside the naval reserve; but I do not think that we should suffer injustice to be done or, at any rate, refuse justice to the men who have a legitimate claim. The section which I have before me protects and safeguards in every possible manner the Government of the United States, providing for leasing lands and the payment of royalties. The oil or sums derived from the royalties shall go to the Navy Department, and that no claimant who has been guilty of fraud in the location of any oil claims or gas-bearing lands shall be entitled to any of the benefits of this section.

If it were a mere question of development it is possibly wiser for the Government to produce oil under the royalty and leasing system. But there was an intimation here the other day that in withdrawing naval reserve No. 2 it was the intention of the Navy Department not to conserve the oil, to make it a reservoir for future use in some great emergency, if there can possibly be a greater emergency than there is to-day, but to develop it, to extract the oil from the ground.

I submit that the Government has never engaged in mining oil or in mining gold or in mining copper; and if it had from the beginning, instead of providing a system by which individual incentive and enterprise is encouraged, it would have been greatly out of pocket, because more money has been spent in developing than has been extracted from the ground. The unfortunate pioneers of the West, many of them wrecks of their hopes and aspirations, testify eloquently to that, but we only hear of the successful. It is a matter of statistical fact that more money has been expended in the discovery and in the development of mines of every character in the West than has been extracted from the ground, so the Government would have lost money if it had originally gone into the business of mining.

Now, it is thought by the administration of the Navy Department, if I am correctly informed, that the work of development can be taken up more profitably by the Government than by leaving it in the hands of the operators. I think the Government is correct in that, especially in regard to naval reserve No. 2, because the pioneers, under the protection of the placer-mining law, the laws of the United States and of Congress, have proved the existence of oil in naval reserve No. 2; so that the Navy Department will take very little risk. It is like appropriating a man's property after he has accumulated it. I do not care whether it is under the forms of law or otherwise; it can be described as nothing less than burglary unless prompt compensation be made. But why not let the established law and practice of the Government from the beginning of the Republic prevail, and the Government allow the owners to operate and pay a fixed royalty rather than force them to sell their property?

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Colorado?

Mr. PHELAN. I do.

Mr. SHAFROTH. Does not the Senator recognize that with a fight on this bill from the Naval Committee and from the Navy Department it will be impossible to get any legislation whatever through at this session of Congress? Therefore, had we not better leave that question to be determined by a separate bill as to the rights of any of the parties under it?

I am in favor of a provision similar to the provision that is in this bill. I thought the committee carefully considered it; but if you take the consensus of opinion in this body, you will find that when it comes to the proposition of passing this bill with the provision with relation to the naval reserve we will not be able to get the bill through; and even if we were to get it through, it would be only after a long debate, probably, of six weeks or two months. We will also have a contention over it in the House.

While I should like to have something of this kind done, some determination of the rights of the parties such as we have referred to and determined in this bill, yet I recognize the impossibility of getting any measure whatever through, and thereby we will not be able to develop public lands, the development of which is so necessary for coal, oil, and other of the natural resources of the United States. For that reason I hope the Senator will not object to the motion of the Senator from Virginia to leave this to an entirely new bill, by which we will fight with him, when it comes to that, in determining and fixing the rights of the parties that, in my judgment, should be respected and which, it seems to me, is wrong upon the part of the Government as to the lands that were taken up by persons under the existing law at that time.

Mr. KING. Mr. President, will the Senator from California permit me to ask the Senator from Colorado a question?

Mr. PHELAN. I yield for a question.

Mr. KING. As I understand from the statement which has just been made by the Senator having this bill in charge and the report of the committee, and as I understand the statement of the Senator from Colorado, there are certain bona fide claimants of oil lands within this naval reserve No. 2 who have vested rights—rights which are recognized by the courts; not only by the local courts but by the Federal courts.

Mr. SWANSON. Mr. President, if the Senator will permit me, I should like to answer that question.

Mr. KING. Let me complete it. As I understand, the Navy Department, or some executive of the Government, is standing here now, and has been standing here in the past, with a bludgeon threatening Congress, preventing the passage of legislation that Congress believes to be just and fair and right, and the committee of which the Senator is a member has been coerced by the threats of the Navy Department into reporting a bill which confiscates property, and it has done that because of the attitude of the Navy Department. Is that correct?

Mr. SHAFROTH. Oh, no, Mr. President; it is directly the contrary of that. We have reported a bill which provides for the determination of the rights of these parties, and that determination seems to me to be just and fair. Notwithstanding the Secretary of Navy and other officials that appeared before our committee, we were of the opinion that these rights should be respected. Now, the proposition comes up as to whether we are going to mix that proposition with a proposition of entering upon the public domain and taking up land for coal, for oil, and for phosphates, and whether or not we are going to

absolutely lose the entire bill by bringing on a contention of this kind and putting too many propositions in our bill. That is the proposition as I see it.

Mr. SWANSON. Now, if the Senator will permit—does the Senator from California yield to me?

Mr. PHELAN. I yield.

Mr. SWANSON. Since the Navy Department has come in, and certain reflections have been made on it, I will submit a statement as to what its contention is.

These very men in this naval reserve came to Congress and got through what is known as the Pickett Act. They say that all they ask is to be allowed to take care of their cases under existing law. They are not satisfied with existing law, however. They come here and want the law changed so as to give about $100,000,000, the value of this property, to whom? The Standard Oil Co.; the Honolulu Co. They want to change existing law. The Navy Department has not asked to have the law changed. The Navy Department has not asked them to do anything but go into the law courts and contend for what is right and just. This bill comes in here and changes the law, and gives these people rights to which they are not entitled under existing law; and they try to connect what they want with the general policy, hoping to put it through by attaching it to a bill for general relief outside of that.

We are not afraid of any discussion of this measure, in Congress or elsewhere. We are willing to have it investigated. It was heard by the Naval Affairs Committee. All we ask is that these people may have the rights to which they are entitled under existing law. Do not change the law. Let them go to the courts and contend for their rights. This bill comes in here and changes the law, and I will tell you how in one case it will change it.

It is in evidence here before the Naval Affairs Committee that a prospector or prospectors from San Francisco, Cal., went to the stockyards in Chicago and got 39 men, I believe, to file claims under the law as it then stood—all fraudulent claims, mere dummies. After that title was obtained it was sold to these people. The title to nearly two or three thousand acres of the land under this reserve is in fraudulent dummies, entered by men in the stockyards, who came and testified that they thought they were signing an election petition.

The Navy Department does not ask any relief. It says, "Let these people have what they are entitled to under the law when it was settled years ago." Finding that they can not get what they claim to be their rights under the law, they come in here and want the law changed so as to turn over rights worth about $100,000,000 to a few private individuals that we say under the law, in justice and equity, are not entitled to it. Thank God, you have got a Secretary of the Navy who has the nerve and the zeal and the patriotism to stand here for the public interest!

We have not asked that this bill be delayed. We simply say that we are not going to consent to any unanimous-consent agreement by which this bill will be hurried through without a full discussion of this matter, to the people and to the Senate, as to its provisions and the beneficiaries of the proposed relief. All we ask is to let this naval reserve go out, so as not to retard and delay this bill in other phases. We will introduce a bill here to bring relief and give these people every opportunity to have every right, in court or elsewhere, to which they are entitled.

Mr. PHELAN. Mr. President, I am delighted to hear the zeal with which the Senator from Virginia relegates the claimants to the existing law for relief, and he does that to exonerate the Navy Department from blame. The Senator in his zeal for the enforcement of the existing law must have overlooked that provision of the law of 1914 which gave discretion to the Secretary of the Interior to make temporary leases with the claimants whose claims were in dispute, and he so exercised his discretion in many cases; and when about to exercise it in naval reserve No. 2 in order to provide for continuous development of oil, what happened?

The Secretary of the Navy interfered to the extent of requesting the Secretary of the Interior, invested with this discretionary power, to grant no leases for development or any other purpose in naval reserve No. 2. So the benefit of the law which Congress had carefully provided for in matters of dispute was set aside by the interference of the Secretary of the Navy.

Mr. SWANSON. Will the Senator permit me to interrupt him there?

Mr. PHELAN. I yield.

Mr. SWANSON. It was left to the discretion of the Secretary of the Interior, and Congress appropriated money to defend the titles to these lands that were sought to be taken away from them by large interests in California and elsewhere. The Secretary of the Navy was the guardian of the land in this naval reserve. He requested the Secretary of the Interior to exercise that discretion and not lease lands that were of great value to the Navy and needed for the Navy until the right and title was established. He exercised his discretion. It could not have been gotten through the Senate unless the expression had been put there to take care of cases where wrong might be perpetrated on the Government. The discretion is left to the Secretary of the Interior. The Secretary of the Navy was left to defend these lands and look after the interests of the Government, to see that they were not taken away, and he would have been derelict in duty if he had not done so. He is a faithful, earnest, efficient public servant, and I am glad the Secretary of the Navy has insisted that the Government should not be deprived of these valuable oil lands.

Mr. SHAFROTH. May I make a suggestion to the Senator from California?

Mr. PHELAN. I yield to the Senator from Colorado.

Mr. SHAFROTH. From the very temper of the discussion which is going on it is manifest that no bill can be passed if we are going to permit this amendment to remain in it. I want to say that there is a question of dispute, and a bona fide question of dispute, between the parties. I understand the reserve was made after men had gone there and had sunk wells but had not been able to get the discovery of the oil which the law required, and that by reason of that, in the midst of that development where thousands and hundreds of thousands of dollars were spent, there followed a proclamation of a reserve over that land, and now the question is whether or not the person who expended that money would have a right to have a patent issued to him or to have a lease by the Government of the lands so entered.

Mr. PHELAN. I did not desire to precipitate the discussion of the merits of this question, and if I am allowed to hold the floor without interruption I will presently conclude.

Of course there is not involved in this question at all the patriotic purpose of the Secretary of the Navy. The Senator said that he would relegate the claimants to the law. I simply pointed out that Congress enacted a law in 1914, and it was vetoed by the Secretary of the Navy. We have a Government which is topsy-turvy. The rights of Congress have not been vindicated on this floor, and it is a fruitful topic, and I should like, if it did not interfere with the passage of this bill, to go into that subject. But certainly the Secretary of the Navy can not, in view of the fact, claim that, great as his zeal for the law enacted by Congress for relief, he would allow it to take its way unheeded if it contained his own views.

Now, so far as the Secretary of the Navy is concerned, I am willing to concede that he is conscientious in believing that the enactment of such legislation in some way impairs the rights of the United States. That is his view, and that has been a matter of elaborate discussion in the hearings and in taking the testimony, and the committee have come to the conclusion that the Secretary of the Navy is in error. As he is not infallible, I assume that with Congress against him in the act of 1914 and the committee of the Senate and recent decisions of the Federal courts against him there is a reasonable presumption, at any rate, that he may be wrong.

Now, the Senator from Virginia has imported into the discussion the question of fraud. It is perfectly safe to say that your committee would not countenance the acquisition of property by fraud, and as I have already pointed out there is a special provision in this bill that "no claimant who has been guilty of fraud in the location of any oil claims or gas-bearing lands shall be entitled to any of the benefits of the section." So I do not know what the stockyards case to which the Senator from Virginia refers has to do with this discussion. We desire to protect the Government and protect the citizen as well.

Mr. SWANSON. Will the Senator yield to me?

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Virginia?

Mr. PHELAN. I am pleased to yield to the Senator from Virginia.

Mr. SWANSON. What the stockyards case has to do with it is this: The men who entered were not the claimants. These dummy interests were sold to others. They were sold to the Standard Oil Co. They are the claims of the Standard Oil. We have letters to prove that the Standard Oil knew of this fraud. This amendment is so drawn that unless you can carry knowledge that the Standard Oil Co. claimed this property the fraud could not be used to protect the interests of the Government. If that is the intention it ought to have been put there that no individual or dummy entries——

Mr. PHELAN. Why specify the Standard Oil Co.?

Mr. SWANSON. Because the Standard Oil, I understand, is one of the beneficiaries of these dummy entries. So I have been informed by the attorney in this letter. I have not looked into it thoroughly.

Mr. PHELAN. Of course the Standard Oil has an interest everywhere, wherever there is oil; but ordinarily on the hustings it is customary to mention specific corporations as malefactors in order to give color to the discussion. But in this instance the charge that the legislation is in favor of the Standard Oil appears to be rather lame and impotent, because I have before me a statement of the companies that are interested in naval reserve No. 2 printed from the Hearings of the Public Lands Committee of the House, Sixty-third Congress, second session; and it appears that the Standard Oil has an interest in 230 acres out of a total acreage in this particular naval reserve of 30,000 acres. So I do not believe that the interests of the Standard Oil are particularly concerned except in the general question of development in any of this legislation. Whoever developes oil land in any part of the world may be invited by the Standard Oil to contribute its supply for a consideration to the Standard's stock of oil.

Mr. SWANSON. Will the Senator allow me?

Mr. PHELAN. I desire to say here of the Standard Oil that Mr. Frankfurter, representing the Secretary of Labor, on a very recent visit to California sent for the manager of the Standard Oil Co. to ascertain what was the result of the voluntary increase of wages given by the Standard Oil of California to men in the field and the diminution of hours, because the Standard Oil, like perhaps a benevolent despot, a benevolent employer, fixed the standard of hours at eight and the minimum standard of wages at $4 a day. As a result, Mr. Frankfurter, representing the Secretary of Labor, was informed that the Standard Oil over a period of 9 months on which they made observations actually increased its output at less cost. There was a greater efficiency by having three shorter shifts by better paid men—the oil wells were worked for the entire 24 hours, having three shifts of 8 hours each—than by having but two longer shifts; and the increase of wages has well justified the change that they made improving their own condition, bettering the condition likewise of the worker. It gave the Standard Oil of California a position in the eyes of the Secretary of Labor, who is so devoted to the interests of labor, of an employer worthy of example. These facts were ascertained during the investigation just had last month in California for the purpose of inducing other corporations to go and do likewise.

Now, I am told by the Senator from Colorado [Mr. SHAFROTH] that as a matter of practical statesmanship it would be very much better not to discuss at this time the provision of section 16, and to allow all questions relating to naval reserve No. 2 to go over until after the holidays, when the question will be discussed calmly and on its merits, whether the claimants shall be allowed rights as we provide here, whether the Government shall appropriate money for the purpose of the purchase or the condemnation of these several claims, whether the Government shall preserve it as a reserve or develop it in order to meet the extraordinary crisis which is upon us because we are running behind to-day at a portentous rapidity in the production of oil as compared to its use and consumption, or whether it shall be developed by leasing.

The Senator seems to know the minds of the other Senators, which indicate that a discussion now would be futile and I am quite willing, as a matter of practical statesmanship, to give away with the express understanding that the whole question of the rights of these gentlemen in naval reserve No. 2 and in No. 1, No. 3, in the States of California and Wyoming, shall receive under the form of a new bill that careful attention of Congress to which their claims are entitled, and to have a settlement of the oil question in these western States on a high, patriotic plane to meet the exigencies of the Government and the necessities of the Navy.

If the Navy needed the oil of the oil reserves there is not a man holding an adverse claim but would surrender it if the substantial and real interests of the Government were concerned. They only contend that they can better produce oil than the Navy, and we all contend in the committee, and we can, I am sure, convince the Senate that reserve No. 2 can not be maintained as a reserve for use 10, 20, 30, 40, or 50 years from now, nor do I believe in this changed view it is the intention of the Navy Department that it be retained as a reserve, because they need all the resources of the Government at this fateful time. The crisis has come, the hour has arrived, when the mobilized resources of the United States, wherever they may be, shall be utilized to win this war.

Mr. SWANSON. Mr. President, I desire to state that the Navy Department has never desired to deprive anybody in any of these reserves of any right that he has to any of this land. All that they have done is an effort to change the laws which would give relief to people that the Navy Department thought were not entitled in right, in law, or in equity and justice to lands.

Now, as to the Standard Oil Co., the Senator from California is entirely mistaken. I have here an estimate made by the Navy Department. They contend that 2,240 acres is the amount involved in the suit against the Standard Oil Co., estimated to be worth anywhere from ten, twenty, or thirty million dollars. It is hard to tell what oil lands are worth. The only contention the Navy Department has ever made is the people's right to fix it under the Pickett Act. The desire now is to get possession of this land for the Navy and to work these wells. They desire to come in and to have this land condemned and pay for all the rights that anybody has, to pay the value of it and have it settled.

Now, as to the contention of the Navy Department, whether the Standard Oil or the Honolulu, or any company, large or small, it is to give what they are entitled to receive under the law. They went in under the Pickett Act. The Navy Department think they could do nothing more and nothing less. They never contended that any law should be changed or any effort made to increase or decrease the rights of these people which was fixed by legislation and which they themselves favored. The only contention they ever made was an opportunity to discuss this matter when it came up in this bill. They thought it ought not to be included in the general bill. The bill as it passed the House did not include it, as I understand it, but it was put on in the Senate, and they also thought it ought to go out and come up as a separate measure.

I shall introduce a bill and try to carry out what the Attorney General and what the Navy Department think is right between these people and the Government, and have it referred to the committee, giving these people an opportunity to be heard. I am satisfied that no Senator wants, nor does the Navy Department, want to injure anybody, to either increase or decrease the right of anybody, however strong or however poor. They have insisted that the right as fixed when the legislation was passed, known as the Pickett Act, be sustained. They do not think it ought to be increased or decreased since that time.

Mr. PHELAN. May I ask the Senator, does he recall the date of the Pickett Act?

Mr. SWANSON. I do not recall it exactly.

Mr. PHELAN. In the year 1907 it passed. I referred to the legislation passed in 1914, the most recent expression of the Congress.

Mr. SWANSON. Now, take 1914. A bill was passed leaving it discretionary with the Secretary of the Interior to lease these lands. The Secretary of the Interior presented the case to the Government against leasing lands through the Navy Department. After presenting that, after giving the views of the Navy as to what would occur and the necessities of the Navy, the Secretary of the Interior refused to exercise that discretion. According to the act, if the discretion had not been given to him, I do not believe the bill would have passed the Senate. How is it in violation of law? How is there any injustice done? Here is a statement made by the Secretary of the Interior regarding the leasing of this land in the exercise of his discretion. He refused to make a lease of the naval lands. Is that an injustice? Is that wrong? Is not that carrying out the very language and purpose of the act?

Mr. PHELAN. It was not the discretion of the Secretary of the Navy; it was the discretion of the Secretary of the Interior that Congress provided for; and it was an inference, and there is a controversy, which it is needless to bring up here, between the two departments, showing that one has interfered in the operation of the other department, and for purposes of harmony it is better that we do not bring that up now. But I can not consider it an exercise of one's discretion when a man holding a coordinate office comes to your office and says you shall exercise your discretion this way. There was no voluntary exercise of discretion, and I am quite satisfied that there was duress of a mild character, because, after all, it would be a painful exhibition if the officers of the President's Cabinet can not agree upon matters of such vast importance as to the right of humble claimants in a remote district in California.

Mr. SWANSON. I do not know what restrained the Secretary of the Interior from exercising his discretion and bringing

these oil lands in the naval reserve. All I know is that Congress asked that the discretion be given him. Congress directed the Secretary of the Navy to take care of this reserve and appropriated money to defend that. What prevented the Secretary of the Navy from leasing this naval reserve? The Secretary of the Interior refused to do it. Now, can you say that the Secretary of the Interior is coerced, is bulldozed, and that improper influence was exercised by the Secretary of the Navy over the Secretary of the Interior. I think the Senator from California does not know the nerve, the backbone, and the judgment of the Secretary of the Interior; but it is patent to Congress that neither the Secretary of the Interior nor the Secretary of the Navy was willing to lease the lands and let them be disposed of in that way, and it came here for Congress to dispose of it. The Secretary of the Navy has never asked that the law be changed. He has never sought to deprive these people of any of their rights. The Senator from Utah [Mr. SMOOT], I think, told me that when the Pickett bill was passed the very claimants, the people interested, came here and the bill was prepared by the people asking for relief. Was it not prepared by the oil people?

Mr. SMOOT. Mr. President, when the so-called Pickett bill passed the Congress it was distinctly understood at that time that relief was to be given to the oil people. They were in Washington and agreed to the bill, thinking the bill covered their case. But the construction placed upon it by the Interior Department prevented the relief intended. Those same people have been coming to Congress ever since 1912 asking for remedial legislation. Such legislation has passed the Senate once or twice, but it never yet passed the House, or if it has passed the House it has failed in the Senate, and the oil people located within Naval Reserve No. 2 did not have the relief that they anticipated at the time of the passage of the Pickett Act.

Mr. SWANSON. A great many people got relief under that act, all that Congress would have given at that time, but they had a great deal of money made. Some cases were left out. Some cases of dummy interests could not be covered by it. Some cases of what are called constructive development. A man building a pipe line said he had in contemplation 5, 8, or 10 interests as well and the construction if carried out might cover all. There was, they said, not a liberal enough construction to say whether you were working all the time, but all these cases are cases to be determined by the Secretary of the Interior under the law. The law was broader than the general law at that time. Other people had mined under it and it seemed to me the law ought not to be changed. The only contention we have had is that we ought not in this bill giving general relief to take care of special cases which have been a subject of litigation. The people had notice not to go on this naval reserve. They had notice at that time that the Government proposed to take these lands and consequently we said that the naval reserve should be treated differently from other oil or public lands mentioned.

Mr. SMOOT. I will say to the Senator that the Honolulu Oil Co. cases have been before the Secretary of the Interior for a number of years. There is a dispute between the Secretary of the Interior and the Secretary of the Navy as to the rights of the company bill. If I understand it aright, the Honolulu Oil Co. is perfectly willing to have all its claims adjudicated by the Secretary of the Interior the same as most of them have already been. But the Secretary of the Navy does not want the claims of the company located in naval reserve No. 2 to pass to a patent. There is that difference between the heads of the two departments, and there is a conflict between them to-day.

Mr. SWANSON. As I understand, the Senator wishes to be heard on this question of the transfer of construction work from one claim to another, and whether to continue or whether a man can stop for three or four years, going to Paris, London, and New York trying to get money to operate or whether he has to work on the claim or not. All that is involved. He has asked to be heard on this before it went to final passage; but this bill the Secretary of the Navy sent to me and asked me to introduce. I have not introduced it yet, because I want to look it over more myself and confer with those interested previous to introducing it, so that the final title shall be passed on by the Secretary of the Interior. This bill did not propose to change the law one iota in reference to that. I see no dereliction on the part of the Secretary of the Navy, who wants to protect the interests of the Government in this regard, who asked for opportunity for counsel to be heard, and the facts to be ascertained before the matter is definitely settled.

Mr. SMOOT. I wish to say to the Senator that the Committee on Public Lands have held hearings two or three times within the last four or five years at which both the Interior Department and the Navy Department have represented their side of this very case. The Secretary of the Navy has appeared before that committee several times. I have not the testimony here, but I could secure it in a very few moments.

Mr. SWANSON. I have the testimony.

Mr. SMOOT. The attorneys of the Navy Department have also appeared and gave testimony before the committee, and also the attorney for the Secretary of the Interior, who testified as well, I think, as the Secretary himself, although I do not remember the Secretary testifying in this particular as to the dispute between the two. But if he did not testify it is because he did not want to testify, because every chance in the world was given the Secretary of the Interior and the Secretary of the Navy or any representative that they might want to have heard.

Mr. PHELAN. Mr. President——

Mr. SWANSON. I yield to the Senator from California.

Mr. PHELAN. I desire to remind the Senator from Utah that recent decisions in the controversy between the two Secretaries sustained the Secretary of the Interior.

Mr. SMOOT. That is what I just told the Senator from Virginia.

Mr. SWANSON. What is the recent decision?

Mr. PHELAN. The recent decision of the Federal court.

Mr. SWANSON. You mean the circuit court?

Mr. PHELAN. The circuit court.

Mr. SMOOT. I did not have reference to the decision of the court.

Mr. SWANSON. The Secretary of the Navy and his counsel have insisted that what they did in the Honolulu case is a proper construction of the law. A man says he is going to extend his pipe line, which simply proves that, in his mind, he expected to extend it as much as the law will permit, and simply nullified the requirement of the man who worked on the section. As I understand, in the Honolulu case and in some of these cases as soon as the patent is issued it can not be rejected in the courts; that is final, I understand. Consequently, he has asked that in some of these cases before the patents were issued he should have an opportunity to investigate the facts and see whether there is any fraud and get the facts and have an opportunity to have the law construed in the courts, because it could not be construed in the courts if a patent was issued in any of these cases. I do not know whether he has asked that or not, but if he did, that would be the only purpose he would have where the court construed the Pickett Act as the law.

Mr. SMOOT. The Senator knows that under the law it is the duty of the Secretary of the Interior to look up all those questions, and if I am correctly informed the Secretary of the Interior has done all that work, and the reports are in from the department in which every patent that is there, every claim for not only homestead but mining claims and oil claims of all kinds, have to pass through before a patent can be issued.

Mr. SWANSON. That is true, but Congress has passed an appropriation—I do not know the amount of money—directing the Secretary of the Navy and the Attorney General to look especially to this naval reserve and protect the interests of the Government. Under that authorization and direction of Congress both have felt that they were obligated and ought to do so. As I was saying, the bill that was drawn by the Navy Department provides that the Secretary of the Interior shall pass finally on all these claims, as the present law provides. After that is done, then these oil lands will be condemned and the value ascertained, the Government paying for them.

I thought such a provision should be included in the bill as was embodied in the legislation under which the Government commandeered steel and other things; that there should be an opportunity for the Secretary of the Navy or the Attorney General to compromise cases which might be in dispute, and that claimants should not be required to go through the slow process of having condemnation proceedings determine the matter. Such provision was made in other war measures, including the naval law of 1916. Let the Government pay three-fourths of the price, and if the party is not willing to take what the Government ascertains to be right, let him have an opportunity, as he has in other cases, to go into the Court of Claims or elsewhere, as might be thought best, litigate the matter, and ascertain the value. That is what was done as to steel, and that is what has been done as to everything which the Navy and the Shipping Board have taken for construction. I think the same procedure ought to be followed as to these oil lands—nothing more and nothing less; that these parties should be given no more and no

less. Give them the same privileges and the same rights regardless of to whom the property belongs. That is the purpose of the bill which I have in view and which I contemplate preparing and introducing when Congress reassembles after the holidays.

Mr. PITTMAN. Mr. President, inasmuch as the discussion on this particular subject has gone on, I should like to know whether or not the Senator from California is willing to accept the assurance of the Senator from Virginia in regard to his intention to introduce a special bill?

Mr. PHELAN. Mr. President, as I stated in the few remarks which I have heretofore made, I am quite willing to conditionally accept the assurance of the Senator from Virginia that the matter shall be brought up after the holidays for the consideration of the Senate.

Mr. SMOOT. Mr. President, before the Senator from California takes his seat I should like to have an understanding in relation to his attitude on this amendment. Am I to understand the Senator from California to say that he is perfectly willing to accept the suggested amendment; that the provision shall go out of the bill, and that he is willing to take his chances, on behalf of the oil producers of California, who own claims within naval reserve No. 2, to secure the legislation which they desire and the relief for which they have asked so long by the bill that the Senator from Virginia shall hereafter offer?

Mr. PHELAN. Mr. President, in reply to the Senator from Utah, I desire to say that there are circumstances under which one must accept less than one desires. Such is the situation to-day. There is such a thing as the Oil Producers' Association of California, composed of nearly all the oil men, who are interested in the protection of their rights. That association does not include the Honolulu Oil Co. and one or two others. The only protest which I have received has been from the Honolulu Oil Co. The Oil Association, as well as the Honolulu company, would much prefer to have section 16 of this bill enacted and settle this question for all time. I am told, however, by Senators of greater experience that it is impracticable, in view of the fact that this bill has to be passed by both the Senate and the other House, if we expect this legislation to be enacted before the holiday recess, to insist upon the consideration of that matter now. I therefore accept in good faith the promise of the Senator from Virginia that the matter shall be taken up and discussed after the holidays, and therefore I will not object now to the Senator's amendment eliminating naval reserves No. 2 and No. 1 and No. 3 from the provisions of this bill, in order that the bill may pass without serious objection, and the vast lands outside the reserve be developed on the plan of the leasing system.

Mr. SMOOT. Mr. President, inasmuch as the Senator from California is satisfied that the proposed amendment shall be accepted, I shall certainly not interpose any objection to naval reserve No. 2 being located in that State; but I wish to say, in order that there shall be no misunderstanding about the matter, that the Honolulu Oil Co. is not the only company which objects to this provision going out of the bill. I have received a number of telegrams from California and I have seen a number of oil people from California, and they are not satisfied with this program. Of course, I can not say whether the parties to whom I refer have seen the Senator from California and have finally decided that it is best to agree to this program rather than the legislation for which they have fought during so many years and which, it seems, might be consummated at this time. Therefore, I am going to rely upon what the Senator from California says as expressing the opinion of the oil people of that State and shall make no further objection.

I did intend, Mr. President, to have something to say upon the amendment proposing to eliminate this feature from the pending bill, but I shall content myself by now saying that some years ago these parties came to Congress asking for relief. It was shortly after it was decided that the so-called Pickett bill did not give them the relief we all thought it did. I think we have passed this same provision—or substantially the same—some three times through the Senate since that time. I remember once we put it upon an appropriation bill, if I am not mistaken, and it would have remained there but for the fact that at the last moment there was a disagreement as to what the wording of the amendment really meant. Some felt that it did not cover all the cases and would be construed by the Interior Department as not covering the cases which they desired covered. So it was finally decided to allow the matter to die in the last hours of the session.

The Senator from California may be right—that it is the best policy now to adopt this amendment and rely upon the promise which has been given that some relief will be granted in a bill yet to be introduced and acted upon which will be acceptable to the Secretary of the Navy. I know that the Secretary of the Interior and all of the officials of the Interior Department have been in favor of this legislation. They believe that the locations made in naval oil reserve No. 2 are mostly regular and were made in good faith; that there was no fraud connected with the greater part of them. Many of those titles, as the Senator knows, have been passed upon.

Mr. President, I will say nothing more about this amendment, so far as I am concerned, upon the assurance of the Senator from California that it is the best policy for the people of California that the amendment should be adopted. I shall not even object to its being voted upon at this time.

Mr. PHELAN. Mr. President, just one word. The Senator from Utah should clearly understand my position. I believe that this relief should be given, but it seems impracticable that it should be passed at this time for this reason: Outside naval reserve No. 2, which contains 30,000 acres, there are 1,000,000 acres of public land containing oil. This bill provides for the development under a leasing system of 1,000,000 acres of oil-bearing land. The oil men of California do not wish to stand in the way of the general development of oil-bearing land, and are therefore willing to wait until after the holiday recess for the consideration of their special rights in naval reserve No. 2. I have been in communication with the attorney in Washington of the Oil Producers' Association of California, and he says that the attitude of that association is by all means to get provision for relief; but if insistence upon such a provision should defeat the larger measure providing for the development of 1,000,000 acres of land so needed in the country at this time, that association would not stand in the way. So I say the only protest I have had has been from the Honolulu Oil Co., which is outside the association. I am, therefore, willing to accept, as I said in good faith, the promise of the Senator from Virginia and let the matter go over until after the holiday recess.

Mr. GALLINGER. Mr. President, living, as I do, on the Atlantic seacoast, I have never claimed any special knowledge of the questions which concern Senators particularly from the Western and the Pacific Coast States, but I recall with a good deal of interest the excited debates we have had on this question at former sessions of the Senate. I recall particularly the vehemence of the Senator from Colorado [Mr. SHAFROTH] whenever the word "lease" was uttered. Then the Senator was instantly on his feet and denounced it as not being in the public interest. The Senator from Colorado seems to be silent in this debate. For some reason or other he has apparently changed his mind, and I should like to know exactly upon what ground that change of mind has been brought about on the part of the Senator from Colorado, and perhaps on the part of other Senators.

Mr. SHAFROTH. Mr. President, I should like exactly to explain the situation to the Senator from New Hampshire.

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I will yield for that purpose, for I want information.

Mr. SHAFROTH. I will state to the Senator from New Hampshire that I have an antipathy to a leasing system; I do not believe it is right; I do not believe that it is expedient; I do not believe that it is practicable; but there has come a proposition which is an alternative; which permits the man who makes the entry to buy or to lease. Inasmuch as that proposition comes to us I feel that it is wise that the legislation shall be accepted, even if it does permit a lease under some circumstances.

I have always felt that no man would lease a piece of property on the public domain if he had the ability to buy it and my opponent, the Senator from Montana [Mr. WALSH], who is the author of the other bill, was always of the opinion that nobody would buy and invest the amount of capital that would be required, but that he would lease, my position being that nobody would lend any money on a lease. So far as I am concerned I hope this development will take place; and I hope it will take place under a purchase system; but in the event that it does not, if the other system is more acceptable to the entryman, if a leasing system is not forced onto the entryman, I do not see why it is not a wise thing to let this alternative proposition be presented to him. Then we shall surely get the development to which we in the West think we are entitled. It is for that reason that I am supporting this bill.

Mr. GALLINGER. Mr. President, I have been told by at least one Senator that that alternative proposition is not actually contained in the bill in the shape in which the Senator from Colorado states it. But, however that may be, under the alternative proposition leases can be made. The Senator from Colorado will not deny that?

Mr. SHAFROTH. Oh, yes; leases can be made under it, but I am satisfied that no leases will be made under it. We have had experience along this line in Alaska. I made the prediction that there would not be a single lease taken out in Alaska. Nobody is going to lend money for the purpose of buying great machinery costing probably a half million or a million dollars and have for security only a lease which may be forfeited to the Government. That has been true in Alaska with respect to the leasing system. For that reason I believe that giving this alternative proposition would produce a development of the West.

Mr. BORAH. Mr. President——

Mr. GALLINGER. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I want to call the attention of the Senator from Colorado to section 7, the portion of the bill relating to phosphates, which reads:

That the Secretary of the Interior is hereby authorized to lease or sell to any person qualified under this act any lands belonging to the United States—

And so forth.

Mr. President, I think the Senator from Colorado will agree with me that if the Secretary of the Interior should, as a matter of policy, be opposed to the sales system, there would be no opportunity whatever for a man to purchase under that clause. The land would never be offered for sale at all. Tender of the land to the public for sale could not be forced. The Secretary of the Interior may authorize leasing or he may authorize selling, but if he sees fit not to offer the land for sale there is no way by which the public can enforce a sale or compel the Secretary of the Interior to tender the land to the public for sale.

Mr. SHAFROTH. Mr. President, if the Senator will examine the first——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I yield, briefly.

Mr. SHAFROTH. If the Senator from Idaho will examine the first part of the bill, in section 2, he will find that there is a provision that the Secretary of the Interior, if application is made for the purchase, "shall offer such coal lands and award the same through advertisement and competitive bidding," just as he is authorized to call for competitive bids for a lease. That is, as to coal lands. It is true that the wording is not exactly the same as to other lands; but I take it that the Secretary of the Interior wants development; and I take it that he is not going, when this power is given to him to sell or lease, to say, "I will not sell, but will lease," when, in my judgment, he will not get a single bidder under a leasing proposition.

There has been no development whatever in Alaska; and yet the prediction was made that men were in Washington at the time that legislation was passed for the purposes of entering into leases with the Government. Men will not enter into leases, for under them they can not raise money to finance their enterprises.

For these reasons, this bill being based upon an alternative proposition, I am willing to risk the fact that men will not take land under the leasing system; and not only that, but, if they do not, that the Secretary of the Interior will be in duty bound, under this very bill, to offer it for sale. Under these circumstances, I am certain that we are going to get development.

I have not changed my mind one particle as to the wisdom of the sales system. I am satisfied that we can not secure development under a leasing system. We have had a wonderful success in this country under the sales system, and it seems to me that it would be very unwise to change to a leasing system; but I recognize the fact that the House of Representatives particularly are insisting upon a leasing system and nothing else. We have got to make some concessions if we are going to have this great domain developed; and when the proposition comes to me from the Senator from Montana, that he is willing to take the alternative, I feel that it is wisdom on the part of the Congress of the United States to accept it.

Mr. SMOOT. Mr. President, will the Senator from New Hampshire yield to me for a moment?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. I yield to the Senator from Utah.

Mr. SMOOT. In order that Senators may know what kind of coal land will be for sale, I want to call attention to the following provision of section 2 of the bill:

SEC. 2. That any association composed of persons severally qualified by law to enter coal lands, or any corporation incorporated under and by virtue of the laws of any State, or any municipality of any State, shall, upon application to the register of the proper land office, have the right to enter by legal subdivisions any quantity of vacant coal lands of the United States within any State of the Union—

Now note—

not otherwise appropriated or reserved by competent authority.

Coal land in the United States is reserved already and withdrawn from entry.

Mr. SHAFROTH. Oh, no, Mr. President.

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. SHAFROTH. The Senator knows that the coal lands were reserved at one time——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. I have the floor——

Mr. SHAFROTH. I should like to answer the statement just made by the Senator from Utah.

Mr. GALLINGER. If the Senator from Utah wishes to yield, and has the right to yield under the circumstances, I have no objection; but I want about one minute more and I will be through.

Mr. SHAFROTH. Well, I want to say right here that there was a time when all of these coal lands were reserved. The Secretary of the Interior knew years ago that the law relating to reservations contemplated temporary reservations, and every act provided that they should be temporary; he knew that holding coal lands under a reservation order lasting for a long time would be illegal. So, in order to overcome that, under the classification clause, it was concluded 10 years ago to classify these lands and to place a value upon them, because the act of Congress provided that they should be sold for not less than $10 an acre if more than 15 miles from a railroad and for not less than $20 an acre if within 15 miles of a railroad. The secretary had valuations made, and as high as $500 an acre value was placed on these lands. While in effect that keeps these lands from being taken up, it is not a reservation which would come within the operation of the exception.

Mr. SMOOT. Mr. President, I desire to add just a word.

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. GALLINGER. I yield to the Senator from Utah.

Mr. SMOOT. Most of the western lands, Mr. President, that have been classified have never been by proclamation of the President made open to entry and, therefore, we will find them "reserved by competent authority." What the Senator says about withdrawals being temporary, of course, is true. The Pickett Act itself specifically states that the withdrawals shall be temporary, but since the passage of the Pickett Act in 1910 no attention has been paid to the word temporary, and there are withdrawn to-day millions of acres of land that were withdrawn immediately after the passage of the Pickett Act and some years before. It may be that if some one would go into court and have the word "temporary" construed, it would be decided that 7 to 15 years would be long enough to constitute a temporary withdrawal; but I doubt very much whether anybody wants to undertake the expense of such a contest, particularly after the lesson which has been taught in the past that in going to court upon any of these withdrawals very little success has attended the effort.

Mr. GALLINGER. I observed that the Senator from Colorado suggested that a price as high as $500 per acre had been fixed upon some of these lands. In this bill the price is fixed at from $10 to $20.

Mr. SHAFROTH. No; if the Senator will read the provisions of the bill he will find that it is not less than $10 or not less than $20 an acre.

Mr. GALLINGER. Oh, yes.

Mr. SHAFROTH. And then the land is to be put up and sold at auction, so that the actual value of the land can be ascertained and paid to the Government.

Mr. GALLINGER. Well, Mr. President, I have been here too long to be deceived, not by any suggestion of that kind, but by any argument that when a price is fixed in a bill of not less than a certain amount it is going to cost any more. These lands are going to be sold at from $10 to $20 an acre beyond a question.

Mr. SHAFROTH. That is the law at the present time, and one has a right to enter the land right now, except as to the restriction upon the amount of land, 160 acres being the maximum that can be taken up now. The valuation has been changed. The department has said, "The law provides for a price of not less than $10 an acre," so the Secretary has put it at $50 or $100 an acre, and where it says that a price shall be charged of not less than $20 an acre he has put it at $400 or $300 an acre.

Mr. GALLINGER. Why did you not have that put in the bill?

Mr. SHAFROTH. That is the way it is now, and we did not want it to be framed in that way. We want the provision so shaped that the fair value of the land will be paid. We have been protesting against that very thing, because nobody would take up land with any such valuation, and consequently it was a barrier to any development whatever.

Mr. GALLINGER. Mr. President, I am not laboring under any illusions regarding this matter. I am satisfied that somebody is going to make a very handsome profit out of this transaction. I hope that it will be men who deserve consideration, and not men who are simply engaged in speculation at the expense of the Government. But what I particularly wanted to add to the observation I made a few moments ago was that inasmuch as the Secretary of the Interior is in favor of leasing, and has made that known on all occasions and at all times, it seems to me absurd to suppose that the leasing system will be abandoned and that the system of selling these lands will be adopted.

The Secretary of the Interior has great influence in all these matters, and it will be found, in my judgment, when this bill goes on the statute books and is being administered, that the leasing system will be in vogue to an extent that would have horrified the Senator from Colorado a few months ago, but which I think he is going to accept with complacency at the present time.

Mr. President, I was converted in a debate that was held here on a former occasion to the belief that the leasing system was an abomination. I did not entertain that view until the debate commenced. I had not examined the matter very carefully, but having heard the eloquent appeals of the Senator from Colorado in favor of a different system from that of leasing made on this floor day after day with a vehemence that did him credit, because I believed he was honest and sincere in it, I confess that I am more than astounded to learn to-day that the Senator from Colorado has yielded his convictions and is now in favor of a system that he so earnestly condemned a few months ago. I was then converted particularly to the belief that the leasing system was wrong. I have not changed my mind, and while my vote probably will be in a very large minority when this bill is passed, I shall continue to hold that belief just as I entertained it during that memorable debate and shall vote against the bill.

Mr. SHAFROTH. Mr. President, I want to say in answer to the Senator that I am sorry that he believes that I have changed my position in any particular. I have recognized the fact that the leasing system is an evil, and I recognize the fact that it was never contemplated by our Government that we should have a leasing system, yet we are confronted with the fact that a leasing bill has been brought over to the Senate of the United States several times nearly unanimously from the House of Representatives; we are confronted with the fact that in the absence of some legislation these lands are not going to be developed at all. The Ferris leasing bill came over from the House not once but three times, with an enormous majority in the House. My contention is that we want development. I do not want it to be had under a leasing system, but I do want it to be had under a selling system. We have a provision in this bill that permits the man who is to develop the country to determine for himself which he will do; in other words, whether he will buy or whether he will lease, and it seems to me, inasmuch as compromises have got to be made at some time, that it was wise to have made it in this instance.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 193) authorizing the payment of salaries of officers and employees of Congress for December, 1917, and it was thereupon signed by the Vice President.

HOLIDAY RECESS.

Mr. BORAH. Mr. President, I desire to give a notice which I gave in part a few moments ago without looking at the rules. I wish to amplify it. I give notice that on to-morrow morning I shall move to reconsider the vote by which the concurrent resolution providing for a recess of Congress over the holidays was agreed to, and I shall also make a separate motion to recall the resolution from the House of Representatives for further consideration in the Senate.

MINING OF COAL, ETC., ON THE PUBLIC DOMAIN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

Mr. KING. Mr. President, owing to pressing duties of a public character, I have had but limited opportunity to examine the provisions of the bill under consideration; but as I interpret its provisions I am compelled to state that I am opposed to it, to its fundamental principles, as well as to the details relating to its execution. I stated to the Senator having the bill in charge that the bill was repugnant to my ideas and that before a vote was taken I should seek an opportunity to discuss some of its provisions. I had not intended making any observations to-day, but at the time amendments were being considered I expected to discuss some phases of the questions involved.

A few moments ago I asked the Senator from Virginia [Mr. SWANSON] a question with respect to the naval oil reserves, and he with knightly courage rushed to the defense of the Secretary of the Navy. My knowledge of the situation in California, so far as it is affected or may be affected by this bill, is not extensive and consists largely of what I have learned from hastily reading the report submitted by the Senator from Nevada accompanying the bill which we are now considering. I have also hurriedly read a number of the decisions referred to in the report just mentioned.

I regret that the Senator from California [Mr. PHELAN] has assented to the amendment suggested by the Senator from Nevada. As I view the facts in the matter, I regard it as the part of wisdom, as well as a legislative duty, for Congress to dispose of the questions involved in the oil fields and in the oil locations in California, so far as this may be done by legislative enactment. As I understand the situation, in brief it is this: A number of years ago a large number of qualified locators entered upon unoccupied public domain of the United States which contained oil, and under the placer laws made locations. They went into possession of their respective claims and began the necessary work for the discovery of oil. Proper locations were filed and the laws in all respects were complied with. While they were in possession and were diligently engaged in digging and boring for oil President Taft, on September 29, 1909, issued a proclamation reading as follows:

Temporary petroleum withdrawal No. 5.—In aid of proposed legislation affecting the use and disposition of the petroleum deposits on the public domain, all public lands in the accompanying lists are hereby temporarily withdrawn from all forms of location, settlement, selection, filing, entry, or disposal under the mineral or nonmineral public-land laws. All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination.

Many of those in possession had spent large sums of money in their efforts to discover oil and were acting in the utmost good faith. The geology of the district indicated that oil was present at depth and that in due season the oil sands would be reached. It was the view of most of the eminent lawyers of the United States who gave the question consideration that the power to dispose of public lands rested in Congress alone and that the act of the President was an act of usurpation. Indeed, as I am advised, President Taft himself had serious doubts as to the legality of his position. Acting under the advice of counsel, many of the locators continued their expenditures, as a result of which upon various claims oil was discovered. Still other locators construed the words of the proclamation "all locations and claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination" to mean that, where they had made their locations in harmony with the law, even though there had been no actual discovery of oil, there was no intention to include such locations within the proclamation; or, in other words, that the proclamation, were it valid, specifically excluded from its provisions those locations which in all respects complied with the statute except that oil or gas had not actually been discovered at the date of the proclamation.

Of course, if the act of the President in issuing the proclamation was without authority, it could in no way affect the rights of the locators or those in possession as their successors; and if they continued in possession and made discovery of oil at any time thereafter, if there were no intervening rights, the validity of their locations could not be questioned. They would have vested rights of which they could not be deprived by Executive or legislative enactment.

It is a matter of common knowledge that under the mining laws of the United States those who are qualified to make entry and who enter upon the public domain and locate under the mining laws acquire property of which they can not be deprived. The claims held by them were property and are the subject of devise and alienation as other real estate might be. Of course, if the locator fails to comply with the law, he may forfeit his rights to the located claims. The Supreme Court of the United

States finally upheld the action of the President. I hope it will not be considered as gravely improper to remark that the opinion of the dissenting justices more nearly represents the views of the bar and voices practically the unanimous opinion of the West. The majority opinion rests upon the theory of estoppel. The view seems to be that if an executive department of the Government violates the law and is guilty of usurpations, if the violations and usurpations are continued sufficiently long, they are sanctified into a right.

However, Congress, desiring to fully protect the bona fide locators upon the lands embraced within the Executive proclamation of withdrawal, passed what is known as the Pickett Act on the 25th of June, 1910. This act provided:

That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who at such date is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work.

These locators, fortified by the Pickett Act, continued in possession, made further improvements and additional expenditures, and produced oil in abundance. Notwithstanding these facts and notwithstanding the further fact that many of the locators had applied for patents and the Interior Department had ruled that they were entitled to patents, the Secretary of the Navy, or officers within his department, acting through the Department of Justice, brought suits against the locators or their successors in interest, and in many instances had receivers appointed. The litigation thus commenced and the threatening attitude of the Interior Department and the Department of Justice in other instances where suits were not brought resulted in great loss, damage, and injury to persons rightfully in possession of oil claims. In the suits brought the contention, as I understand the situation, was made that the Executive act of withdrawal deprived locators of any rights they may have had in the claims located by them, because at the time of such act of withdrawal no discovery of oil within the contemplation of the statute had actually been made.

The contention was further made that even though oil had been discovered and expenditures aggregating many thousands of dollars had been made by individuals the locators or their successors had no rights because they had not been "diligent in the prosecution of work leading to the discovery of oil or gas." A narrow, inequitable, and unlawful construction was placed upon the law and upon the acts of the occupants of the mining claims by the representatives of the Navy Department and the Department of Justice.

I submit that many of these suits exhibit a cynical contempt for the law and a brutal disregard for justice and fair dealing. Many locators were wronged and robbed by the cruel and unwarranted proceedings of the department just referred to. That some locations were fraudulent and invalid may be true, but that many of them were valid is apparent from the decision of the court in the Mutual Oil Co. case recently decided by the Circuit Court of Appeals. In the decision just referred to the contentions of the Government were swept aside.

I might say in passing that the record in these cases show the vexatious and oppressive conduct of the Government and the tyrannous bureaucracy to which the West has been subjected under the system that has grown up and is fast being developed in our Government. The Senator from New Hampshire [Mr. GALLINGER] has just stated that he regrets to learn that the distinguished Senator from Colorado [Mr. SHAFROTH], who has been for many years the conspicuous opponent of the encroachments and tyrannies of the Interior Department, and who has stood against any scheme which involved the leasing of the public domain by the Federal Government, had abandoned that position and announced his support of this bill. The Senator from Colorado knows perhaps more than any other man the evils of a paternalistic policy by the Government and is cognizant of the wrongs which have been inflicted upon the West, as a result of which its development has been hindered and its prosperity greatly interfered with. It is apparent that by this bill an iniquitious leasing system is to be fastened upon the West. We have been able to defeat it in the past, but it appears that the triumph of this vicious policy is about to be realized and that the West must bow in humiliation to this undeserved and shameful servitude. Before concluding my remarks I shall discuss with more or less detail the mineral policy of our Government and the evils of a leasing system, and call attention to this radical departure from what I feel justified in denominating a historic policy which has been productive of such beneficent results not only to the West but to the Nation.

But first I desire to briefly comment upon the provisions of the bill dealing with what are called "naval oil reserves," and particularly the oil reserves in California. I think that it is unwise and unjust to fail to effectually dispose of this entire question here and now if the general provisions of this bill are to be enacted into law. I am not sure that any legislation upon our part is required in order to protect the rights of the locators to whom I have referred. However, it would not be inappropriate to enact some legislation that will protect bona fide locators from vexatious, unfounded, and oppressive litigation. As I interpret this bill it states that if certain locators or claimants will abandon their claims they will be permitted to obtain title to a portion of the same. At any rate, the situation calls for additional legislation to protect the rights of bona fide locators within the oil reserves, or further enactment to restrain executive departments from inaugurating crusades to harass and oppress individuals. I am of opinion that the facts disclosed with respect to the subject of this legislation call for a stern rebuke of the unprecedented and unwarranted usurpations upon the part of the Navy Department. It is astonishing to hear the statements openly made in the Senate by distinguished Senators that Congress is unable to pass any other bill than the one under consideration because of the opposition of the Navy Department.

It should be humiliating for the Senate to confess that some executive branch of the Government is so puissant that it can compel legislation desired by it and prevent legislation desired by a majority of the Members of Congress.

I desire to briefly call attention to a few of the provisions of the bill under consideration before discussing the fundamental and basic theory and policy upon which it rests.

Section 2 provides that any association composed of persons severally qualified by law to enter coal lands, or any corporation, and so forth, shall have the right to enter by legal subdivisions, vacant coal lands of the United States not "otherwise appropriated or reserved by competent authority." As I understand, millions of acres of coal lands have been withdrawn from entry by the Government and are therefore "otherwise appropriated or reserved by competent authority," and accordingly would not be subject to entry. These acts of withdrawal of coal lands by Executive order have been numerous in the past, as a result, as stated, millions of acres of coal lands have been withdrawn from entry and locked under the seal of Federal control. Lands still remaining within these reserves are not subject to entry under this act. The same section further provides that the Secretary of the Interior shall offer such coal lands—that is, those that are subject to entry—"through advertisement and competitive bidding, reserving the right to reject any and all bids which he may deem to be unfair."

The able Senator from Colorado [Mr. SHAFROTH] has announced as one of the reasons why he will support this bill, that it permits the purchase by individuals or corporations of coal lands, and does not submit a leasing bill exclusively.

Mr. President, I respectfully insist that this provision just referred to nullifies the terms of the section providing for vacant coal lands to be entered. First, the land must be "advertised," and there must be "competitive bidding." Second, the Secretary of the Interior may reject all bids if they are deemed to be "unfair."

It is a matter of common knowledge that the Interior Department has classified large areas of coal lands and offered them for sale at prices which the department fixed, and which presumably the Secretary of the Interior considered to be "fair." A price lower than that fixed for these lands manifestly would be deemed by the Secretary of the Interior to be too low, and therefore "unfair." Under the policy which now obtains in the Interior Department, but a very limited number of sales of coal lands have been made since the inauguration of this practice. If the opening up of the coal lands upon the public domain is desired, then it is clear that this bill will not accomplish that desirable result. The coal lands upon the public domain have been subject, for years, to entry under prices fixed by the Secretary of the Interior, but we have awakened to the fact that these prices have not been paid by the public and the coal lands therefore have not been sought by the public.

What price will be deemed "unfair" or what figure will be regarded as "fair" by the Secretary of the Interior? There is no restriction or limitation upon his discretion. This bill with greater propriety could be denominated "a bill to prevent the sale of coal lands, to increase the power of the Interior Department, to foster bureaucracy, to destroy the mining system which has brought prosperity to the West and to the Nation, and to seal up a portion of the mineral lands of the United States."

The system of competitive bidding is obnoxious to those who are familiar with our public-land system and must prove highly objectionable to those who desire the development of the West and the general prosperity of all classes. It has never been

the policy of our Government to treat the public lands as a commodity to be sold in a competitive market.

The statesmen of our Nation who have addressed themselves to the question of the method of disposing of the public lands have with practical unanimity taken the view that the public lands, whether agricultural or mineral, should be freely disposed of to the people; that the smallest possible charge should be made therefor, because the Government and the Nation generally would be compensated ultimately in the increase in national wealth and taxible property and in the development and general prosperity that would result to all the people.

A competitive system will put the lands in the hands of those possessing wealth; it will deny to the poor man or the man of small means an opportunity to acquire coal lands. This provision of the bill is discriminatory and is legislation in the interest of the rich and against the man of small means. In my opinion it is unwise, undemocratic, and un-American.

Of course it is obvious that whatever additional price is paid to the Government for the lands must be added to the price for which the coal is sold, so that in the end the consumer is the one who will bear the burden.

Section 2 is also objectionable because it prevents individuals or associations owning separate parcels of land from cooperating in any manner to produce economies or for the public good. This section would prevent the owners of two or more properties from establishing a selling agency, no matter the advantages to the public in the way of reduced prices that would result therefrom. If the coal of each company was different and it would be mutually advantageous to each to have one agency sell the same, such act is prohibited. Two or more companies could not unite or cooperate in the construction of coal bins or switches or railroad tracks or in the operation of any form of transportation. It compels each corporation or individual to operate in "splendid," though destructive, isolation. All persons familiar with the development of coal lands know that the initial outlay required to produce coal is considerable. Railroads, switches, bins, tipples, and many other improvements costing large sums are indispensable. Two properties adjoining could unite or cooperate in the construction of yards, bins, and tracks with mutual advantage and in such a way as to benefit the public.

This is an age of cooperation and unity of action. Industrially it is essential that there should be cooperation for the purpose of producing economies which will result in reducing the cost of production, thus benefiting the consuming public. There can be cooperation and unity of effort without monopoly. It is a mistaken policy that prompts the proposed legislation found in section 2 of this bill.

In the same section is the further provision that any ownership or interest forbidden by the section which may be acquired by descent, will, judgment, or decree may be held for two years and not longer. Under this provision if an individual by descent obtained a share of stock in one coal company from his father and another share in a different company from his mother, he would be unable to retain both for a longer period than two years, and this notwithstanding both companies were engaged in purely intrastate business. The Federal Government by this bill is entering the domain belonging to the State. It seeks to control the ownership of property, the right of descent, the procedure of probate courts, and the sovereign powers of sovereign States. To those who believe that the States are sovereign and that they have delegated to the Federal Government certain of their sovereign powers, the proposition will come as a rude surprise that the Federal Government in a matter, which is so unquestionably local and domestic as that involved in the question under discussion, is charged with control of the same.

It is further provided that if any association or stockholder of a corporation violates any of the provisions of the section, it or he shall be guilty of a felony, and punished by a fine not exceeding $10,000, or by imprisonment in the penitentiary not exceeding two years, or both. If two or more corporations are interested in one track or pipe line or power house, or in a common agency for the sale of their products, or unite in any way for the public welfare, the stockholders of both corporations are guilty of a felony and subject to the penalties just referred to. The Federal Government by this bill is put into the States and enforces penal statutes with respect to acts and conduct of a purely local and domestic character. It was never intended by the framers of the Constitution that the Federal Government should enact a general penal code. Its functions are national, not local. It is not invested with municipal power, nor should it be clothed with authority to provide and enforce police regulations within the States.

Section 5 of the bill provides that the Secretary of the Interior is authorized to lease deposits of coal or lignite through advertisement, competitive bidding, or such other methods as he may by general regulations adopt, in blocks or tracts of 40 acres each or multiples thereof.

This provision must be repugnant to any person who understands the genius of our institutions and is familiar with the moral and spiritual qualities of the American people, from which have sprung the inspiration that has vitalized this Republic and produced the vigorous, alert, and progressive business men of this Nation.

It has been frequently said that Congress no longer legislates; that it delegates its legislative powers to some bureau, department, or agency, and clothes the same with plenary power to deal with the entire subject committed to its care. Of course, there are matters that can not be fully covered by legislation, and authority in some instances must be conferred upon agencies or instrumentalities of the Government to discharge functions that apparently are legislative. But the distinctions have been repeatedly pointed out by the courts and it is not necessary or proper that I should pause to discuss them now. It is, however, a regrettable tendency upon the part of the National Legislature to delegate power which it should exercise to subordinate and inferior executive tribunals. Nothing so makes for an offensive and autocratic bureaucracy as the unlimited power of regulation and control. The appetite for power increases with the exercise of power. The history of all nations furnishes indubitable proof of the fact that executive departments constantly reach out for increased power. A department as it grows takes on new authority and seeks executive aggrandizement. It creates a multitude of bureaus, and they in turn seek for entrance into new fields and reach out for additional authority. And the bureaus in time divide and each division enters into another field, and it there seeks exploitation and power. An examination of any of the departments of our Government conclusively proves the truth of what I have stated.

An illustration occurs to my mind in support of this statement. A few years ago the Interior Department created the Bureau of Mines. This department has enlarged its field of operations and its jurisdiction until it has reached almost the stature of a Cabinet department.

It is unwise to give unlimited power to inferior tribunals to "regulate and control." The West has suffered from the exercise of this regulatory power exercised by the Interior Department and in some instances by the Department of Agriculture. Great abuses have been perpetrated in the administration of the forest reserve, and wrongs and injustice have been suffered by the people by the narrow, iniquitous, and oppressive rules and regulations promulgated and enforced by the Interior and Agricultural Departments.

In the section just referred to the Secretary of the Interior is empowered to adopt whatever general regulations he may desire with respect to the leasing of the lands mentioned therein. He may adopt any method he pleases for the purpose of leasing such lands. I submit that such a provision is unwise and dangerous; that it commits too much power to a department.

If every Secretary of the Interior were familiar with the West, had broad and comprehensive vision as to the future of the West, understood the policies most conducive to the public welfare, and should surround himself with wise and just subordinates, the consequences might not be serious. But human experience demonstrates that ideal persons are seldom found and that legislation should be shaped with a knowledge that finite, infirm, and often despotic and dishonest persons will be intrusted with power and be called upon to administer the law.

Section 5 provides that leases shall be for "indeterminate" periods, conditioned upon "continued operation of the mine or mines," and that there shall be "readjustment" of terms and conditions at the end of 20 years. It is not clear that the lease shall be for 20 years or for an "indeterminate" period. When a "readjustment" of the terms and conditions occurs there is no limitation upon the power or authority of the Secretary of the Interior in respect thereto. What the terms and conditions in the "readjustment" may be, we are unable to determine. All power in the matter is left with the Interior Department.

Section 5 provides that for the privilege of mining, extracting, and disposing of the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, and that in addition there shall be an annual rental, payable at the beginning of each year. The bill does not provide what the terms of the lease shall be or the amount of royalties that may be charged. The Interior Department determines all these questions. Unlimited, unrestrained

power and authority and discretion are conferred. It is obvious that coal lands will not be developed under this bill. Under the hysterical demands of the country a leasing bill was enacted by Congress with respect to the coal lands of Alaska. It was jubilantly affirmed that such legislation would destroy monopoly and result in producing coal in such abundance as to satisfy all the demands of the people and at prices greatly below the existing market. This legislation called for additional governmental machinery, which necessitated additional appropriations. It fastened more firmly bureaucracy with its barnacles upon the country. It called for investigations and surveys and classifications and agents and inspectors and employees; but all this machinery produced no coal. I understand that a few leases were executed, but the whole scheme was an ignominious and wretched failure.

Capital will not invest in leases that are held by such a precarious tenure that they may be forfeited at the whim and caprice of some subordinate, or the tenure of which will be effected by the report of some narrow, prejudiced, and incompetent employee, fastened upon the Government in many instances by a civil-service system, which under the law can only result in making incompetency a fine art, and which devotes a portion of its energies in carrying on a propaganda in favor of pensioning those who are in office under its terms.

Section 7 deals with phosphates and is subject to the same criticism I have urged against the provisions of the bill relating to coal lands. Sections 11 to 17, inclusive, deal with oil and gas. Section 11 provides that the Secretary of the Interior is authorized under such rules and regulations as he may prescribe to grant a prospecting permit for oil or gas, which is good for two years; but the permittee is limited to prospecting upon 640 acres of land if the same is situated within 20 miles of a producing oil and gas well, and to 2,560 acres if the land is over 20 miles from any producing oil or gas well.

My first criticism of this section is that the Secretary of the Interior is vested with unlimited power and may prescribe whatever "rules and regulations" he desires in regard to the leasing of the land. The fixing arbitrarily of the 20-mile limit, to determine whether the permit shall extend to 640 acres or 2,560 acres, is not scientific or logical. The purpose, I assume, is to encourage the development of oil and to induce explorations within fields where oil has not yet been discovered. If there is to be a limitation in the permit, it should be governed or determined rather by the question as to whether the explorations are to be within the geological structure of a producing well or outside of such structure or formation. There are far greater risks and hazards in operating in a field with entirely dissimilar geological formations, though distant only 2 or 3 miles from a producing well, than if the explorations are 20 miles or more away, but within the same geological structure or formation as that within which the producing well is located.

Section 12 provides that if upon "establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil or gas have been discovered" within the lands embraced within such permit, the permittee shall be entitled to a patent for one-fourth of the land embraced within the prospecting permit. I submit that this section confers too much discretion and power upon the Secretary of the Interior. In providing that the value of the deposits shall be "established to the satisfaction" of the Secretary of the Interior, it means, of course, to the "satisfaction" of the agents, inspectors, and subordinates who will go into the operating fields and make investigation. The Secretary of the Interior must depend largely upon their reports and their investigations. The experience of those who have sought patents for mining claims or agricultural lands has brought convincing proof that these agents and subordinates of the Interior Department are unsympathetic with the efforts to procure title, and regard with distrust, which they do not conceal, all who are seeking to obtain patent from the Government. The prevailing spirit is that those who locate upon public lands and seek to initiate any right therein or obtain title thereto are enemies of the Government and are archconspirators with some one to defraud the United States.

How will it be established to the "satisfaction" of the Secretary of the Interior that the deposits of oil or gas are "valuable," and what quantum of proof is required? What are "valuable" deposits of oil or gas? Examples are numerous where Government officials have held that mining locations were invalid because the minerals thereon were "not valuable." Yet in many of such cases the properties were operated and with profit to the owner and with benefit and advantage to the community and to the Nation. A few years ago porphyritic ores containing 1 or 2 per cent, or even a higher per cent, of copper were regarded as being valueless. Yet those same "valueless" properties are producing millions of tons of copper per annum and yielding large returns upon the investment. There has always been a conflict between the courts, interpreting the statutes in a fair and liberal manner, and the agents, inspectors, and employees of the Interior Department in regard to the question of whether a discovery was valid or not. The agents of the Interior Department are constantly holding discoveries to be invalid because some ignorant subaltern or inspector determines that the ledge or vein upon which the discovery is made does not contain a "valuable deposit." The provision I am now discussing can be made the instrument of great wrong and injustice to a permittee who has expended thousands of dollars in his efforts to find a producing well. To surround a permittee with uncertainties and to subject him to the whims and caprices of employees of the Government, most if not all of whom will be antagonistic to him and seek for some pretext to cancel the permit or to restrict his rights thereunder, will not be conducive to the development of oil fields.

It is urged in support of this measure that it is a war measure; that the needs of the Government and its allies are so imperative that every possible inducement should be offered to increase the oil production. Of course, everyone knows that the sensible and sure way to increase the output of oil is to restore the withdrawn oil lands to public entry and to remove the clammy, oppressive hand of the Government from the adventuresome persons who are willing to go upon the public domain and hazard their money in the costly efforts to find producing wells. The development of the mineral wealth as well as the agricultural sections of our country has always followed a liberal policy by the Government. If it were known that tomorrow any qualified locator could enter upon public lands of the United States containing oil or gas and make entries under the placer law of the United States, thousands of energetic, adventuresome American citizens would be in readiness to make locations, and with the utmost enthusiasm and intelligent effort would prosecute the work of developing their locations, and within a short time streams of crude oil would be pouring from the ground, filling the refineries, and passing into the hands of the Government and the people for necessary consumption.

Section 12 offers further impediments to the development of oil lands and also contains a provision that appears to me to be unjustified. The permittee who may be compelled to spend many thousands of dollars to discover oil is entitled to patent only one-fourth of the land embraced in his prospecting permit. The residue of the tract covered by the permit is to be disposed of "by the Secretary of the Interior through compensation paid or such other methods as he may adopt by general regulation." No preference right is given to the permittee. It is a matter of common knowledge that most of the oil fields have been discovered by some person who has gone into an unknown region and at great expense and after suffering incredible hardships discovered oil. It would seem that a person who was a pioneer and was successful in opening up an oil field should have the preference right to acquire the entire tract embraced within his permit.

Section 15 provides that he has no preferential right but is limited to 640 acres, and if he acquires more he must go into an open market and bid against those who may enter the lists against him. Besides being unjust, this section is calculated to place the oil lands in the hands of corporations or individuals of wealth. No man of limited means could successfully enter the contest and bid for the possession of a tract upon which a well had been discovered. The result is apparent, that this legislation will force into the hands of the rich corporations or individuals of great resources the oil properties of our country. The provision is objectionable because of the indefinite and uncertain terms that will be or may be exacted by the Secretary of the Interior. He may adopt "other methods" in making disposition of the land. What those "other methods" are no one can determine or conjecture. No two Senators could agree as to what terms might be prescribed by the Secretary of the Interior in dealing with these lands. One Secretary might adopt one method and another Secretary of the Interior might prescribe an entirely different method of handling or disposing of or dealing with oil lands. The section further provides that the Secretary of the Interior may provide general "rules and regulations" concerning leasing and other conditions, but what the regulations and rules are no one can determine. Senators are as much in the dark in regard to what they may or will be as they are with respect to the methods that may be adopted concerning the leasing.

Section 28 of the bill provides that the Secretary of the Interior is authorized and directed to incorporate in every lease a provision giving the President the right to "regulate the price of such mineral extracted and sold from the leased premises." And a further provision that the lease shall provide that the

President shall have the right to "regulate the disposal of such mineral procured under such lease as to secure its distribution and use wholly within the limits of the United States or its possessions." It would be, perhaps, an act of folly to prophesy what result this section will have upon the development of the mineral lands mentioned in this bill. But it would seem that such provisions must have a deterrent effect upon energetic development. This section goes further in its effects and consequences than would at first appear possible. It is hateful enough in time of war and in an imperial and autocratic government, such as Germany, to grant authority to the chief executive to fix prices of products. In this free land, where the economic forces have such general free and unrestricted play, the authority to fix prices by the Executive will, in my opinion, be regarded with great apprehension.

The great world conflict in which our Nation is now engaged will doubtless call for departure from the traditional policy of our Nation. Price fixing is an old governmental policy. It is not within the purview of this discussion, nor have I the time to enter into a discussion of this important question. I will say, however, that Adam Smith dealt a mortal blow to the economic doctrine that prevailed in his day and had governed the world for centuries. I think there can be no doubt but that the philosophy of Adam Smith is sound. The individual left alone develops better than under governmental control. The law of supply and demand has been the basis of our industrial and economic development. Of course, conditions may arise which demand governmental interposition and the regulation of prices. But, generally speaking, I believe that industry owned and operated by government means the establishment of a bureaucracy and in the end destruction of individual initiative and the dwarfing of that vital spirit so essential to individual and national progress and a high and progressive civilization.

This section calls for more governmental machinery and takes the Government into the business activities of individuals. Men of prudence and business sagacity will hesitate to invest large sums of money in hazardous undertakings, such as the sinking of oil wells in untried fields must be, and in the opening up of coal mines, if they are still to be subject to the uncertain, conjectural, and unfathomable policy of the executive department of the Government. The section provides that a "fair and reasonable return to the lessee upon his investment" shall be yielded, but the consumer is to secure the product at the "least price reasonable and consistent with the foregoing." This means, if it means anything, national regulation and control of his business.

Some agency provided by the President will order hearings, investigations, and trials to ascertain what is a "fair and reasonable return upon the investment" of the lessee. That will mean, of course, delays, costs, and embarrassments. Then the same or some other agency is to determine what price will be fixed in order to insure to the consumer the "least price reasonable and consistent" with the conditions of the bill. This involves an examination of the entire subject of production and consumption and, incidentally, the question of transportation, with its complications and endless ramifications.

Moreover, the fixing of prices for the operators under leases from the Government inevitably will result in effecting and determining the prices of other oil producers, as well as the price generally in the country to the consumer. It seems axiomatic that if the power is lodged in the President to fix the price of a considerable portion of the oil products his act will fix the price of all oil products in all parts of the country, which in turn will effect and indeed fix the price of oil to all consumers in the Nation. I am not willing in a bill of this character to give such tremendous powers to the executive department. It may be that under existing law the President has the power to fix the prices of coal and oil. But a measure which seeks to fix the prices of a commodity as a war measure may not only be justified, but may be imperative. Such a bill is entirely different from general and permanent legislation of this character.

Section 32 possesses features that must be deemed objectionable. The Secretary of the Interior is given authority to insert in permits provided by the bill provisions for their cancellation in the event that the permittee or lessee fails to exercise "due diligence in the prosecution of the work." As I interpret this section there is no restriction upon the Secretary of the Interior in the exercise of this power. He determines whether "due diligence" has been exercised, and he defines what "due diligence" is. As already suggested, investigation of the work done and the diligence shown in the prosecution of the work must necessarily be committed to subordinates, investigators, agents, and clerks of this great department. There ought to be a judicial determination of a matter so important or at least an appeal to a court of competent jurisdiction from the adverse action of the Secretary.

Sections 33 and 34 contain provisions that are menacing and dangerous. Under these provisions if a person were to hold one share of stock in two corporations or leases, where the aggregate acreage exceeded 2,560 acres, he would be guilty of a felony. Not only is his interest in the property forfeited but he is guilty of a criminal offense and may be punished by imprisonment not more than three years and by a fine not exceeding $1,000.

Section 34 prevents two corporations, no matter how small the holdings of each may be, and also prevents two individuals or associations holding leases under the act, from creating any selling agency or any transportation or refining company to handle the product of the mines. Two individuals or corporations mining side by side, neither of which is financially able to lay the necessary pipe line to carry the oil to the refinery or to erect a refinery, could not cooperate for that purpose.

A study of the oil industry in the United States reveals the fact that there has been no monopoly in oil production. The monopoly has been in transportation and in the refining of the oil. There are thousands of individual oil producers, but the number of corporations engaged in transportation or in refining oil is very limited. The Standard Oil Co. produces but a small percentage of the oil consumed in our country, but it refines more than 70 per cent of the oil produced in the United States.

This bill will foster monopolies in transportation and in refining. Under section 34 it is a felony to purchase stock in two or more corporations or in a corporation having an interest in two or more leases; it is also a felony to handle, sell, or transfer any stock to a person or corporation that may own one or more shares of stock in a different corporation. This bill will prevent the development of oil claims. It shuts the door to the sale or purchase of oil stocks. A broker would be guilty of a felony if he should sell one share of stock to a client in a lease or property or corporation held by A and a share of stock in a lease or property or corporation held by B; and any person who desired to purchase stock, who desired to buy stock as an investment or for speculative purposes, must restrict his purchases to the stock issued by one corporation or company or be guilty of a felony.

There are many other objectionable features to the provisions and form and structure of this bill. I have hastily examined a few of the provisions that, to my mind, render the bill impracticable and call for its defeat. But another and stronger objection to this measure rests upon the ground that it destroys our mining system, in part at least, and inaugurates a vicious, paternalistic, and bureaucratic leasing system, which will be repugnant to those who are compelled to operate under it and which is not in harmony with our institutions and our national policies.

The history of the world is a history of the struggles of the people to emancipate themselves from autocracy and bureaucratic rule. The monarch or petty feudal rulers have claimed the soil and imposed oppressive burdens upon the people. This Republic was a protest against ancient forms of government and the tyrannies under which the peoples had existed. Autocratic government may exist without a monarch. No government can be more obnoxious and oppressive than one which subjects people to the arbitrary control of bureaus, departments, governmental agencies, and a myriad of irresponsible subalterns and hirelings of an executive department. It were far better to have an enlightened monarch who came in contact with his subjects than to have a form of government, though it be called a republic, where the people were subject to control by departments, bureaus, agents, subordinates, and a cloud of governmental flunkies and parasites, who seek to enforce rules and regulations and orders and decrees and edicts emanating from some bureau or head of a department, and where discretion and arbitrary power could be exercised without restraint. Of course, under such circumstances property would be unsafe and the liberty of individuals would be jeopardized. Civilization is the product of liberty, and liberty results from wise and humane laws and the imposition upon the people of as few burdens as possible. Self-initiative is the characteristic of the Anglo-Saxon race. Orderly progress under wise and humane laws has been the chief characteristic of the Anglo-Saxon race for a thousand years, and as the mile posts in the struggle out of darkness and absolutism have been passed, it has been observed that the people were freer from arbitrary power, unbridled, and unrestrained discretion upon the part of rulers, and that the power and authority of the bureaus which were a part of the contrivance of human institutions have diminished to the point of extinction. But as absolutism in the rulers and despotic power upon the part of kings and executive authorities have diminished, the rese-

tionary spirit represented by the vanishing figures referred to reappears in the efforts by governments to control, through bureaus, commissioners, departments, and divisions, which deny responsibility to the people and grow in power and authority with the passage of time.

The Roman Government, where it came in immediate contact with the people, was in the main a liberal form of government and developed personal independence and liberty; but where it governed through commissioners and satraps and agencies, particularly at points remote from the central authority, then abuses resulted, and the most despotic and oppressive rules, regulations, and measures were imposed upon the people. It is a dangerous experiment to govern by rules and regulations to be promulgated by some executive or department or bureau. Certainty in law and in the forces of government is essential to security of property, of life, and of person. If rights, whether of person or of property, rest in the discretion of individuals, singly or in groups, they are tenuous and precarious.

The bill which is under consideration disregards salutary lessons of the past and the philosophy finding expression in the history of governments and in the experiences of life. It is a profound concept of modern philosophy that the law of evolution applies to governments as well as to the animal kingdom and in the field of biology. Spencer in his synthetic philosophy has unfolded the great laws of progress and development and shown their application in the industrial, economic, and political world.

Government is not an exotic growth and a democracy is not a hothouse plant. The clammy hand of religious superstition or the despotic authority of a tyrant or the benumbing influence of mediæval philosophies, whether in government or in any other field of mental activity, are the banalities against which humanity has had to contend as it has struggled from darkness into the light.

These observations may be deemed irrelevant, but I am insisting that this legislation belongs to the category of obsolete enactments and exploded theories of government. This bill seeks to establish an autocratic system that has been rejected by the Anglo-Saxon race and by the accepted canons of governmental philosophy. This bill proposes to control and govern through bureaus, and agencies and departments and subalterns and governmental hirelings, who shall have unrestricted power and unlicensed discretion. The public lands are diminishing in quantity, but the officials provided by the Federal Government to handle and control them are increasing in numbers. The expenses also of the Interior Department are being multiplied, though the territory controlled by it is being narrowed in area. More bureaus and departments and officials and agents and instrumentalities and clerks and experts and accountants and engineers and foremen and supervisors and appraisers and classifiers are being added to the department annually, and more rules and regulations and orders are constantly being promulgated. A division is organized, and that again divides into numerous divisions, and a bureau is created, and that divides and more bureaus result. The fecundity of a department is astounding and, indeed, miraculous. And this bill proposes a scheme that demands more bureaus and divisions and departments and employees and subalterns and inspectors, and additional rules and regulations and orders and edicts and proclamations. And, of course, this machinery thus created and the regulations and orders and rules promulgated, which are to have the force of statute, will call for more courts and marshals and deputy marshals and inspectors and investigators and a never ending but constantly increasing force of employees and agents that harass and annoy the people within the regions where they operate. This will, of course, retard development and rest like a dark and heavy cloud upon the people. It will lead to resentments, passions, and complaints and disgust, and finally hatred, for the parent Government, with its bureaucratic methods and its tyrannous paternalism.

This legislation is not all that may be expected. Bills of like character doubtless will soon be offered. There seems to be a purpose upon the part of some to destroy every vestige of local self-government possessed by the people and to reduce the States to mere lifeless forms. Under the pretext that bills are war measures, I am afraid that the vigor and, indeed, the very life of the States will be destroyed. No one would hamper, of course, the Federal Government in the stupendous task which lies before it. Every patriotic citizen in this broad land is behind the Government in every effort to protect our national honor and provide for the national defense to make the future of this Nation and the world safe and secure. But even under the specious guise of a war necessity, this bill can not be defended. Indeed, as I have stated, if the desire is to have additional coal and additional oil and to increase the phosphate output, this bill will prove a great disappointment. I do not deny but what oil fields will be developed under this bill, notwithstanding its vicious, tyrannous, and medieval provisions, but I do assert, without fear of successful contradiction, that the output of oil and coal would be very greatly increased over any possible results that will flow from this bill if the reactionary policies provided in this measure were abandoned and the coal lands and the oil lands and the phosphate lands were thrown open under existing law for occupancy and private ownership.

An hysterical movement, a number of years ago, was inaugurated in this country which loudly proclaimed that the public domain was being squandered and wasted, and that there must be a policy of national conservation. At various periods in the history of the Republic foolish and impractical and frenzied persons have sought to prevent the Government from parting with the lands which it held as trustee. Narrow and illiberal persons at various times have demanded that the Government domain should be held intact for the benefit of the Federal Government, or, if any portion were alienated, that the act of alienation should be accompanied by such restrictions, limitations, and impediments as necessarily would close the door to any further private acquisition. This same class of people have insisted upon the Government entering upon the public domain and engaging in various kinds of private enterprise. In other words, the theory was that the Government should be a landlord or a proprietor. It should engage in mining operations, dig the ore from the ground, erect the smelters and the mills, and derive the supposed great profits flowing from this class of business. It was deemed to be the duty of the Government by these same individuals to build power plants, construct railroads, open up coal mines, build telephone and telegraph lines, construct oil refineries, prospect for oil, construct pipe and other transportation lines, and, indeed, engage in the multitudinous undertakings to which the American people are giving their attention.

In line with this crusade, a demand was made a few years ago that the Government should withdraw all radium lands from location and that it should then employ prospectors and miners and develop the carnotite ores, erect smelters, mills, and plants to reduce the ores, and manufacture radium. And some of these evangelists, whose knowledge of the West and of the functions of the Government had never exceeded an "irreducible minimum," strenuously demanded that the Government as to those lands and resources which it did not operate itself and as a proprietor, should be, under rules and regulations, leased to individuals. In other words, the Government was to become a landlord; the title to mineral and other lands was to be reserved and held by the Government; the West was to be held in tutelage and bondage and a nation of tenants was to be developed. Of course, such a scheme as this is preposterous and repugnant to every true American. But an echo, and, indeed, a part of this plan finds expression in this bill. We are now to withdraw potash, coal, oil, and gas lands from the operation of existing laws. We are to repeal the splendid mineral system pro tanto. We are to govern by bureaus and rules and regulations. We are to crown the Federal Government with the approbrious title of landlord and embark upon a policy which has been repudiated by the statesmen of our country and reverse a policy under which not only the West but the Nation has prospered and developed a strong, virile, and independent people.

A few weeks ago a bill was passed putting the streams under the power of the Federal Government, and authorizing the leasing of the water power under rules and regulations and the authority of executive branches of the Government.

Some time ago a bill was passed providing for the leasing of coal lands in Alaska. I say it is apparent that there is a determination to make the Federal Government a gigantic leasing machine. Lands which it holds only in trust for the people are now to be held by the Federal Government as a proprietor. The very framework of the Republic is to be changed. The fundamental conceptions of the fathers of the Republic as to the functions and powers of the Federal Government are to be revolutionized. There is no question but what the United States holds the public domain as a trustee for the people, but the new scheme is to transmute title held by a mere trustee, held by it as a mere naked trust, into an indefeasible, perfect, fee-simple title.

I am afraid that many who look with favor upon this bill, and others who merely tolerate it because, while they regard it as unsatisfactory, they think it is the best that can be obtained, will very shortly awaken to the realization that they are giving away the people's patrimony, ravaging the States, encroaching upon their sovereignty, fastening the chains of a debasing servitude upon the people, and ministering to the growing appetite of a voracious Federal authority. I warn

Senators against this tendency and the wrong which this legislation will work upon your country.

Of course, with this bill enacted into law, the executive branches of the Government and this school of paternalistic centralization will demand that the residue of the public domain be held by bureaus and departments and divisions and subordinates, to be leased and controlled by rules and regulations and orders and edicts and pronunciamentos. In the public-land States from 50 to 80 per cent of the territory is held by the Federal Government. With the triumph of this reactionary and medieval program, I beg to inquire, what will become of the States? They can not tax these governmental instrumentalities, agencies, properties; they can not successfully compete in business with the Government and those who are its lessees and protégés and pampered ones. Already it is being said that copper and lead and antimony and silver are commodities which the Government should control; and I look for some bill to withdraw the mineral lands from location or entry or private ownership, to be followed, as suggested a moment ago, by another bill in harmony with this condemned and benighted policy, withdrawing from entry all lands the title to which is in the Government of the United States. This bill is a dark and dangerous precedent.

A number of years ago, when I had the honor to represent my State in the House of Representatives, a bill was offered to establish a leasing system upon the part of the Government with respect to the gilsonite lands in the State of Utah. I made a speech in opposition to it, and desire to place in the RECORD, as a part of my remarks, excerpts from the speech which I then delivered:

> There are to be "rules and regulations," which mean circumlocution and red tape, and petitions and orders, and declarations and files, and memoranda and writings, and notations and briefs, and legal opinions, and heads of departments and bureaus, and surveys, and plats and maps, and reports, and the thousand nameless, dilatory, never-ending proceedings which prevent action, destroy hope and bring ruin. Then there is the fixing of the royalty to be paid by the operators of the property, the preparation of more rules, providing for classifying the material mined and for the time and manner of measuring and regulating the output; regulations as to when the mines shall be worked and timbered and drained and the improvements to be made.
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> To enforce and execute these regulations there must be more agents, and inspectors and experts, and accountants and weighers, and engineers and foremen, and supervisors and keen, lynx-eyed deputies, and gaugers and appraisers and classifiers. But this is merely the background to the charming picture presented for our consideration. Regulations and orders and laws are futile without penal provisions; so there must be the fines and forfeitures and misdemeanors and perhaps felonies. The occupant, if he is not the creature of a favoritism which this system creates, would vainly consume his time in attempting to comply with the regulations and repelling or placating the horde of officials enforcing the shameful system of espionage and surveillance, but to enforce the criminal features there must be marshals and deputies, and commissioners and judges, and jurors and lawyers, and courthouses and jails, and so on adinfinitum.
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> What a splendid spectacle such legislation presents! The mere enumeration of some of its workings causes one to wonder whether this plan is not the emanation of a Spanish grandee in the time of Philip II. Instinctively we look to see the dark-visaged soldier, representing the thieving scoundrelly officer of the Crown, that hounded and harassed the miners of Mexico and other Spanish Provinces and robbed and plundered while ostensibly enforcing the "regulations" which were so essential to secure the "royalty" due the king.
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> It would certainly be a quixotic effort if this vast machinery, which will be constructed if the committee's amendment is adopted, were only designed for this occasion. I sincerely believe, if this becomes a law, it will be the death knell to our mining laws and be regarded as a precedent for the withdrawal of all mineral lands from location and for the enactment of a measure the avowed object of which will be to obtain revenue for the Government, or the still more absurd and preposterous reason, to preserve the mineral wealth from becoming the subject of monopoly. Because of this belief I shall do all within my power to defeat the committee's recommendation.
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> Unpleasant and wearisome as this struggle has been, it will be continued, so far as I am concerned, as long as the mineral-land system of the United States is assailed and efforts made to yoke us to the iniquitous and intolerable system of leasing and landlordism. While upon its face the matter under consideration may appear insignificant, it is nevertheless one of great importance. The question is not merely whether a small tract of land in Utah shall be opened to occupancy with or without restrictions, but the real question is: Shall the wise and beneficent mineral policy which has contributed so immeasurably to our country's welfare and development be repealed, and one the history of which is indissolubly connected with the tyrannies of monarchies and the doctrine of the sovereignty of kings be fastened upon us?
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> Neither words nor rhetoric nor subtle arguments can disguise the issue. If the report of the conference committee is adopted, or the amendment just offered by my friend from Iowa [Mr. Lacey] is approved, this Congress will have raised its voice against the West and declared that the view so long maintained that the mineral wealth was the free inheritance of all, and open to the explorations of the poorest and humblest in the land is no longer to prevail, and the paternalism of Spain is to become the policy of this Republic. It is no sufficient answer to this question to disclaim opposition to the mining laws of the Government and to say that the only design is to withhold the application of the mineral laws from the Uncompahgre Reservation. It is seldom that the opponents of a policy or system which is strongly intrenched openly attack it or advocate its complete destruction. Occasionally a legislator unmasks his batteries upon an existing law and demands its repeal and the overthrow of everything founded upon it.
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> But more frequently the destruction of a system is quietly compassed. No protestation of affection for the magnificent juridical system relating to the mining industry of the United States will avail, because the course proposed will ultimately destroy it. It can not seriously be contended that the perpetuity of the system is not menaced when exceptions are made and the universality of the laws' application denied.
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> The distinguished gentleman from New York [Mr. Sherman] frankly admits that the adoption of the report introduces a change in our mineral laws, and the gentleman from Iowa [Mr. Lacey] confesses that his amendment is a repeal of the law of 1866, so far as gilsonite upon the reservation is concerned. But it is contended gilsonite is a new mineral, and therefore a different law should be applied. It is new in the sense that the chemical formation is somewhat different from other hydrocarbons, but as a bituminous hydrocarbon is not new. It is a mineral, and is governed by the general mining laws.

I stated a few moments ago that the Federal Government held only the legal title to the public domain and that it held such title in trust for the people. The Federal Government is one of enumerated and delegated powers. The thirteen original States owned all the public domain within their respective boundaries and did not grant or cede any portion thereof, except the District of Columbia, and perhaps such as was in use by the Government for military and naval purposes, to the Federal Government. Nor did the latter acquire title to any of the public lands within the States of Vermont, Kentucky, Maine, West Virginia, Tennessee, and Texas. In the enabling acts of each of the States admitted into the Union there was a provision to the effect that "the State when formed shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever."

The original States owned the public lands within their borders, and wisely adopted the view that they were held in trust for the use and benefit of those who would enter thereon. The Federal Government did not become a landlord in either the original thirteen States or those carved out of territory ceded by them and from which cession the States of Tennessee, Illinois, Indiana, Ohio, Michigan, Wisconsin, and portions of Alabama, Mississippi, and Minnesota were formed. If this bill becomes a law, the States affected by it will be denied what is expressly provided in the enabling act of each, namely, "admission into the Union upon an equal footing with the original States." This bill, if not unconstitutional, is certainly in violation of solemn compacts between the Federal Government and the States, and is violative of the spirit and genius of our form of government.

In the case of Pollard's Lessee v. Hogan (13 How., 212) the doctrine is announced that the public domain shall be held as a temporary trust by the United States. This language is used by the court:

> We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right or soil in and to the territory of which Alabama or any of the new States were formed, except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana.
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> When Alabama was admitted into the Union on an equal footing with the original States she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States for the temporary purposes provided for in the deed of cession and the legislative act connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public lands. And if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States such stipulation would have been void and inoperative, because the United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.

To the same effect is the language of the court in the case of Kansas v. Colorado (206 U. S., 46), wherein the court states:

> That the Government of the United States is one of enumerated powers; that it has no inherent powers of sovereignty; that the enumeration of the powers granted is to be found in the Constitution of the United States, and in that alone; that all powers not granted are reserved to the people. While Congress has general legislative jurisdiction over the Territories and may control the flow of waters in their streams, it has no power to control a like flow within the limits of a State, except to preserve or improve the navigability of the stream; that the full control over those waters is vested in the State.

I insist that it was not within the contemplation of the framers of the Constitution that the Federal Government would exercise a proprietary interest or ownership of the soil within any of the territory which is found within a sovereign State. The provision of the Constitution wherein Congress is given power "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States" did not empower the Federal Government to become a landlord or assume a proprietary interest in the public domain. They understood that the Federal Government had no proprietary interest in the soil of any of the States existing when the Constitution was adopted; and the history of the debates of that memorable convention clearly indicates that there was no intention that other States that might be admitted into the Union

should be treated in any different manner. President Jackson in a message to Congress December 4, 1833, states:

By the facts here collected from the early history of our Republic it appears that the subject of the public lands entered into the elements of its institutions. It was only upon condition that those lands should be considered as common property to be disposed of for the benefit of the United States, that some of the States agreed to come into a "perpetual union." The States claiming those lands acceded to those views and transferred their claims to the United States upon certain specific conditions, and on those conditions the grants were accepted. These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the Constitution and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations.

The Constitution did not delegate to Congress the power to abrogate these compacts. On the contrary, by declaring that "nothing in it shall be so construed as to prejudice any claims of the United States or of any particular State," it virtually provides that these compacts and the rights they secure shall remain untouched by the legislative power, which shall only make all needful rules and regulations for carrying them into effect. All beyond this would seem to be an assumption of undelegated power.

This view is supported by the provision in section 3 of Article IV of the Constitution of the United States, which reads:

Nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

This language was a recognition that the obligation rested upon the Federal Government to enforce the conditions contained in the cession made to the United States by the original States, and that the duty rested upon Congress to dispose of the territory coming to it for the purpose of creating new States in such manner as that they would have the same rights and same sovereignty as the original thirteen States. Mr. Randolph uses this language:

Congress has pledged the public faith to new States that they would be admitted on equal terms. They never would or ought to accede on any other.

The language of the great Chief Justice Marshall, it seems to me, is pertinent to the discussion upon this point. In the Gibbons-Ogden case he says:

The genius and character of the whole Government seems to be that its action is to be applied to all external concerns of the Nation and to those internal concerns which affect the States generally, but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of government.

Mr. Madison, in No. 18 of the Federalist, supports this view in the following language:

The local or municipal authorities form distinct and independent portions of the supremacy, no more subject within their respective spheres to the general authority than the general authority is subject to them within its own sphere. In this relation, then, the proposed government can not be deemed a national one, since its jurisdiction extends to certain enumerated objects only and leaves to the several States a residuary and inviolable sovereignty over all other objects.

And in his paper No. 45 he states his views as follows:

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce, with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people and the internal order, improvement, and prosperity of the State.

The founders of the Republic were jealous of the rights of the States and framed an instrument which preserved their autonomy. They did not design to give the Federal Government authority to legislate generally for, and to treat as a proprietor of, the public lands within the States. The Constitution, I insist, limited the exercise of the power of Congress with respect to lands within the States to those tracts which are used exclusively for governmental purposes—lands which have been purchased with the consent of the States. Justice Brewer, in the case of Kansas against Colorado, states:

While arid lands are to be found mainly, if not only, in the western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) than those within the limits of the original thirteen.

Of course in Territories Congress has dominion and sovereignty, national and local, and full legislative power over the subjects as to which the legislature of a State might legislate within the State, and may intrust this power to a legislative assembly of a Territory. (Simms v. Simms, 175 U. S., 162.)

However, a different situation is presented when the Territory becomes a State. Then the sovereignty or governmental power formerly exercised by the Federal Government passes to the State. Congress then holds the naked, legal title to the public domain as a trustee, not as a proprietor, not as an owner nor as a landlord, not for the purpose of profiting by it, but for the purpose of disposing of it to the people in the interest of the Commonwealth and for the general benefit of the Nation. In harmony with this view, Congress has regarded the public lands as the patrimony of the people, and has enacted the most liberal laws under which title might be acquired thereto.

As already stated, there were occasions when efforts were made to make profit out of the public lands. In the days of Clay and Calhoun the disposition to be made of the public lands made and unmade political parties and determined the political careers of statesmen. Calhoun regarded the question of the public lands "as the most dangerous and difficult of all which demanded the attention of the country."

So opposed was he to the scheme of selling the public lands with a view to realizing profit that he offered a bill on February 5, 1838, for a cession of the public lands within the limits of the new States to the respective States. He contended that this measure would remove Federal patronage, counteract centralization, relieve Congress from a tedious and troublesome problem, and remove the friction between the new and old States. In his speech in support of his measure he stated:

I have always seen that there was a period coming when this country must cede to the new States the possession of their own soil.

The history of the laws passed by Congress relating to public lands demonstrates that in the main Congress regarded itself as a trustee and felt that a wise, sound, and just policy was to open the public domain to settlers with as few restrictions and impediments as possible. It was always felt that even if the Federal Government had the power to exact large sums for the public domain and vend and dispose of them as a private proprietor might do, ultimately the Government would be profited and benefited in the development and progress that would inevitably follow a policy which placed the public lands in private ownership at as early a date as possible. The wisdom of this course is attested by the rapid development of almost unknown regions. The brave and hardy pioneers pushed beyond the Alleghenies; beyond the Ohio and Mississippi; far beyond the desolate plains and prairies of the great West; entered into and passed over the Rocky Mountain heights; and never rested until the great Pacific was reached.

The same liberal policy that has characterized the Government in dealing with agricultural lands has also been followed in handling the mineral lands. Of course, as stated, the National Government claims no mineral rights in the original States, nor in Vermont, Kentucky, Maine, West Virginia, Tennessee, or Texas. The original States and those carved out of the area claimed by them were not, of course, subject to the laws of Congress, and these States, being the paramount proprietors, disposed of the mineral lands, in the main, in the same manner as the agricultural lands were disposed of. A few of the States enacted police regulations with respect to coal mining, but New York and Texas were the only ones that made any pretense of enacting a mining code. I might add that Alabama, Kansas, Michigan, Minnesota, Missouri, and Wisconsin, by acts of Congress passed at various times, were exempted from the operation of any Federal mining statutes, and Illinois, Indiana, Iowa, and Ohio were not subject to the general mineral statutes of the United States for the reason that substantially all of the land within their borders and owned by the Government had been disposed of prior to the enactment of such statutes.

So it may be stated broadly that those States owning the public domain within their respective limits dealt with the mineral lands much in the same way as they disposed of the agricultural lands. There was no attempt to assert by virtue of their respective sovereignties the doctrine of jura regalia, which found expression in the common law. They felt that it was for the best interests of the people and of the States that the mineral lands reach the hands of private parties without impediment or difficulty, because under private ownership they would be more rapidly and advantageously developed and such development would tend to the enrichment of the State and the people. This liberal policy, as stated, with but slight variation, has been followed by the Federal Government. In the ordinance of 1785, which dealt with the lands in the Western Territory, it was provided that one-third part of gold, silver, lead, and copper mines to be sold or otherwise disposed of as Congress shall hereafter direct shall be reserved. However, at that time but little was known of the mineral resources of the territory embraced within this enactment. In 1800 the President, by resolution of Congress, was authorized to collect information concerning the copper mines in the Northwest Territory and to ascertain whether the Indian title had been extinguished. In 1807 Congress enacted that the lead mines of Indiana and such contiguous sections to each as the President might deem necessary should be reserved for future disposal by the United States. This enactment also contained this provision:

Any grant which may hereafter be made for a tract of land containing a lead mine which has been discovered previous to the purchase of such tract from the United States shall be considered fraudulent

and null; and the President of the United States shall be, and is hereby, authorized to lease any lead mine which has been or may hereafter be discovered in the Indian Territory for a term not exceeding five years.

This statute inaugurated a policy of leasing the mineral lands. Investigation of the debates at this time and the character of the discussion demonstrates that but slight attention was given to the subject. The view was expressed by some that the Government, in the event of war, would require the lead produced, and therefore it should maintain control of the mineral lands producing lead; and in 1816 an act was passed relating to settlers on the public lands of the United States which contained a provision that—

In all cases where the tract of land applied for includes either a lead mine or salt spring no permission to work the same shall be granted without the approbation of the President of the United States.

In 1828 a resolution was adopted by Congress requesting information concerning the mineral regions of the West. The President transmitted the information which had come to his possession, but this related only to lands containing lead and iron. In 1829 authority was given the President to "expose to a sale as other public lands the reserved lead mines and contiguous lands in the State of Missouri." In 1839 the House of Representatives adopted a resolution which is as follows:

Resolved, That the President be requested to cause to be prepared a plan for disposal of the public mineral lands, having reference as well to the amount of revenue to be derived from them and their value as public property as to the equitable claims of individuals upon them; and that he communicate to Congress all the information in the possession of the Treasury Department relative to their location, value, productiveness, and occupancy, and that he cause such further information to be collected and surveys to be made as may be necessary for this purpose.

With respect to some of the legislation just referred to, Hon. Abram S. Hewitt makes the following interesting observations:

No leases were issued under the law until 1822, and but a small quantity of lead was raised previous to 1826, from which time the production began to increase rapidly.

For a few years the rents were paid with tolerable regularity, but after 1834, in consequence of the immense number of illegal entries of mineral land at the Wisconsin land office, the smelters and miners refused to make any further payments and the Government was entirely unable to collect them. After much trouble and expense it was, in 1847, finally concluded that the only way was to sell the mineral land and do away with all reserves of lead or any other metal since they had only been a source of embarrassment to the department.

Meanwhile, by a forced construction (afterwards declared invalid) of the same act, hundreds of leases were granted to speculators in the Lake Superior copper region, which was from 1843 to 1846 the scene of wild and tasteless excitement. The bubble burst during the latter year; the issue of permits and leases was suspended as illegal, and the act of 1847 authorizing the sale of the mineral lands and a geological survey of the district laid the foundation of a more substantial prosperity.

On January 30, 1828, the Committee on Public Lands in the House, in obedience to a resolution which required an inquiry "into the expediency of repealing such laws of Congress as prohibit the sale of public lands in the State of Missouri which contain or are supposed to contain lead mines," submitted a report, in which it was stated that it had been the policy of the Government since the acquisition of Louisiana to retain under its immediate control the lead mines of Missouri by withholding from sale the public lands in which those mines existed. "The original motives which led to the adoption of this policy, as it believes, can not be traced to any documentary source."

After referring to the report of the War Department, in which it was stated that the product of the public lands had not increased and that the veins, though existing, were abandoned for the hope of more accessible veins at different points, the committee stated:

This, the committee supposed, must ever be the case so long as those who work the mines have only a limited and temporary interest in them and are under the necessity of receiving an immediate remuneration from the capital vested in and the labor bestowed upon their mining operations. The ore will remain in its natural bed and never be drawn forth to mingle with and increase the aggregate mass of national wealth until subjected to the unimpeded action of exclusive individual interest.

There is another view of the subject which the committee believe entitled to great consideration. If all these (mining lands) are to be occupied by tenants of the Government there would be created a numerous band of dependents, who, however they may affect the General Government, can not but be viewed by the local authorities with distrust and jealousy. A population thus dependent upon the Federal Government and its officers for the continuance of their vocations must of necessity be unsettled and fluctuating, and the products of their temporary and irregular labors will afford a limited compensation for the exclusion from so large a portion of the State of a more settled, permanent, and useful class of citizens. Believing that the laws prohibiting the sale of public lands in Missouri which contain lead mines should be repealed, the committee report a bill.

In the first annual message of President Polk, December 2, 1845, it was shown that the leasing system was unprofitable; that the entire amount received by the Government from 1841 to 1844, both years inclusive, was $6,354.74, and that to collect this amount $26,111.11 was expended in salaries, clerk hire, agents, superintendents, bureaus, and so forth. The President then adds:

To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing agitation and excitement in the mineral regions and involving the Government in heavy additional expenditures.

It is believed that similar losses and embarrassment will continue to occur while the present system of leasing these lands remains unchanged. * * * The present system is believed to be radically defective. More than a million acres of the public lands supposed to contain lead and other minerals have been reserved from sale and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proven to be not only unprofitable to the Government but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the lessees.

President Fillmore, in his annual message of December 2, 1849, recommended extending the generous land laws of the Government to California, Utah, and New Mexico. Referring to the manner of disposing of the mineral lands of California, he declared that he was at first favorable to leasing them in order to obtain revenue, but that a recollection of the "experience in leasing lead mines and selling lands upon credit" had convinced him that great difficulty would ensue in collecting rents, "and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences."

The questions of leasing and royalty received earnest attention in the Senate in 1850. Senator Fremont, of California, had introduced a measure providing for certain police regulations for mining districts. (Congressional Globe, 31st Cong., p. 1362.) Some Senators advocated a policy which would yield revenue to the Government, and Senator Ewing proposed an amendment, which introduced a system of seigniorage, the product of the mine going to the Government, from which a portion was returned to the miner.

Senator Benton eloquently pleaded for a system of free exploration upon the mineral lands, and said:

I am of the opinion that the United States ought not to undertake to make a revenue out of the miners; that the United States ought to content herself with getting the wealth out of the bowels of the earth itself, which is now lying so useless; that she ought to content herself with receiving what will pay the expenses of the administration of such a system, and that system ought to be just as simple as it can be made and at the same time preserve order among the miners. * * * I do not believe in nations working gold mines at all.

I believe in individuals managing things of this kind, but not nations. I believe the true treasure of every government is the affections of the people, and that the true riches of every nation is the people first and the wealth afterwards that flows from that industry. * * *. I therefore wholly object to the whole idea of deriving revenue from these mines. I am in favor of getting what revenue we derive from the gold mines through the secretions of commerce, with no superintendence over the man as to what he digs and no accountability of the digger for what he gets; with nobody to stand over him and say how much he gets and no one to call him to account and tell him what he gets.

And have we not had experience in the attempt of our Government to raise revenue from mines? Have we forgotten the lead mines and salt springs we reserved in Missouri and Illinois? And have we forgotten that when we acquired these countries and heard of the salt springs and lead mines there we were inflamed with the idea of the United States deriving revenue from boiling salt water and digging lead mines? Under that excitement these salt springs and these lead mines were reserved to be leased. What was the result of it? It turned out that the Federal Government was never made for the purpose of boiling salt water or digging lead.

When I first came here the first legislative duty I had to perform was to endeavor to free the State of Missouri of the incumbrance of the landlordship of the United States over the lead mines and salt springs which was harassing the people. I was then joined by some of the fathers of the Republic—by such men as Macon—went against the whole idea of the Government working mines and making money out of it. We succeeded. The system was broken down in Missouri. The salt springs were given to the State. The lead mines, which had been reserved for lease, were thrown into market and sold, as other public lands, at $1.25 per acre. So we got rid of these things in Missouri.

Then came on the lead mines of upper Mississippi. Our imagination were inflamed again with the belief that we were to make a great deal of money by leasing out these lead mines. This scheme was adopted. I voted against it. * * * I told the Senate then, as it happened to lead mines of the State of Missouri, so it would happen to the lead mines of upper Mississippi; that this system would be harassing to the people and crampling industry would end with bringing the United States in debt. That turned out to be the fact, for one of the last messages sent to us by President Polk was to recommend the breaking of this system. He showed the amounts requisite to keep up the system, which were enormous, and he recommended the abolition of the system.

During the discussion Senator Seward stated:

I will add now only this, that the objects of the United States in regard to the gold mines in California ought to be, in the first place, to bring to the general public use of the people of the United States the largest possible acquisition of national wealth from their newly discovered fountains, and, secondly, to render the mining operations conducive to the best and speediest possible settlement of our vast countries on the Pacific which are so soon to exercise boundless commercial, social, and political influences over the eastern world.

The pecuniary wealth and political power then to be obtained will be obtained just in proportion to the number and assiduity of the persons who shall be engaged in working the mines of California. That

number and that assiduity will be in exact proportion to the liberty of the terms upon which the mines shall be opened. It was on this ground that I voted against the proposition of my honorable friend from Ohio [Mr. Ewing], which contemplated seigniorage and revenue to the Government from these mines, and in favor of the provision contained in the bill which stipulates for nothing in the way of revenue but enough to pay the expenses of regulating the operations of the mines.

The remarks of Senator Felch, of Michigan, upon the occasion so completely cover the subject that I submit them for the consideration of Senators:

In the first place we reserved the lands which had been sold by prior governments, but we have since abolished that system, because it was found impossible to manage these mines. We have lead mines in Missouri and Wisconsin and Illinois, and we commenced upon a system ? * * first by granting permits to work these mines, and then by reserving to the Government the right of mining where the title to the land was sold. In each of these instances we have found it necessary to abolish this system, because it has been found impracticable to carry it out and unprofitable to the Government.

When the discovery of the copper mines was made on Lake Superior we reserved to ourselves the right of working them, and that right was afterwards abandoned, because it was supposed to be a right held in derogation of the right of the State, and also because it was building up a leasing system and placing a tenantry upon these lands and holding them from local taxation, compelling the authorities of the State to preserve order among these tenants, while not an acre of these lands was taxed to pay for the expenses incurred by the State. In the year 1845 the matter underwent an investigation in the Land Office and in Congress.

The agents were all dismissed except one, and a recommendation has been made that he should be dismissed also. In all these cases everything shows that we have never made anything under the mining system and that it is one which must be abandoned.

The Senator then proceeded to argue in favor of the freedom of entry upon the mineral lands and against Government machinery, agents, and so forth, to control them.

During the discussion of the mining law of 1866 (Congressional Globe, 39th Cong., p. 3236), Senator Sherman approved the policy of free entry upon mineral lands. He stated:

I think it is the interest of the United States to get rid of the mineral lands of the United States, to give them into the hands of private individuals, to give them the title by patents in the ordinary way, so that the United States will be divested of all proprietary right over the mines. * * * I might produce the opinions of Mr. Benton, Mr. Clay, and many of the most eminent statesmen of America to show that the title of mineral lands is of no benefit to the United States. From time to time the principle of disposing of mineral lands, salt mines, iron mines, etc., has been adopted, so that now, I believe, we have no proprietary title in the United States to any but the gold and silver mines. This bill gives the mineral lands to the people where they are, in Nevada and in the other mineral States. * * * It gives them the lands for probably less than it will cost to lay them out, survey them, locate them, plat them, and sell them, so that it is substantially a grant of all the mineral lands to the settlers in the mineral regions; and that policy I am in favor of adopting; while, on the other hand, if you should adopt the proposition now made by the Senator from Oregon, the United States would retain possession and control of these lands, would be subject to expenses, and there would be no legal right, no legal title, to the improvements made on these lands. A settler going upon a claim and building his improvements on the land there has no title whatever; the title to the improvements is in the United States; he has nothing but a possessory title, a customary right, which the United States at any time may destroy, and it seems to me that nothing could be more injurious to the people who go to our mineral lands than this system of affairs, no title, no right to a man's improvements, at any time subject to the legislation of Congress, no inducements to make improvements, no fixed and permanent settlement.

On July 14, 1866, a proposition was submitted to the Senate by which the Secretary of the Interior was to be authorized to lease certain saline lands containing mineral springs. The scheme was severely condemned by Senators and the evils which have resulted from such a policy clearly indicated.

Senator Grimes said (Congressional Globe, 39th Cong., p. 3805):

This Government never has and it never ought to become the landlord of a portion of the people of this country. That is not the relation that is encouraged by any of the laws of our States to any considerable extent, and it should not be encouraged by the Government of the United States.

The true liberty, understand, in a republican government is that, so far as possible, every man shall be the owner of his own soil, the owner of his own house, the owner of his own labor and his own machinery. * * * But so long as you undertake to maintain the relation of landlord and tenant to the persons who are going to carry on these salting works, so long they will remain in an undeveloped state and the country will never realize a tenth part of the advantage from the salt springs that we would realize if they were conducted by private enterprise alone. That is the experience of this Government; it has been from its foundation; it is the experience of every government on the face of the earth. All such enterprises as these should be carried on by private energy and by private means, and so long as you allow the man who conducts it to be the owner of the property, so long he will be willing to invest more and more means in the appliances that may be necessary to conduct his business to a successful result.

Senator Conness declared that the leasing system was founded upon the monarchial idea that the most valuable things belong to the sovereign, but that he believed that nothing was of too great value for American citizens, and that, being the sovereigns themselves, it would be an act of supererogation and folly to lease the lands to themselves. Continuing, he said:

Why should not the ownership of that thing pass into the hands of the citizen? Is there anybody in the world, is there any power on earth, which can find the value or develop the value of a thing faster and more certain than its owner, and can there be any ownership of a higher character than of the American citizen? The whole system seems to me to be wrong. You are going to institute in one of your departments a power to lease and let a part of the public property to your own citizens, and no such lease, the bill provides, shall be for a longer period than 25 years, and then during the 25 years the lease is to be subjected to readjustment every 5 years by "disinterested referees."

The Interior Department or the Land Office is to appoint referees every five years. Where shall they go? Shall they act in regard to a piece of property that they know nothing about except as they get information from the Land Office, the information coming through a bureau that perhaps knows nothing about it? It appears to me to be very small business for this Government to engage in. It is especially provided, it will be observed, that this bill shall not apply to the section of the country from which I came. We are not to be made tenants. For one I am very much obliged to the committee for releasing us from such a vassalage.

If the saline lands and the mineral springs belonging to the Government are to be leased, why not lease the gold and silver mines? They are of infinitely greater value; they attract the attention of mankind to a greater extent and concentrate the effort of man and the capital that man can bring to the development of natural resources to a greater extent than these more ordinary classes of property.

And so the modified and limited leasing system adopted by the United States was swept away as being inexpedient and against the best interests of the Republic.

The question of congressional legislation with respect to mineral lands was brought to the attention of Congress after the discovery of gold in California. The excitement following this important event resulted in a mighty tide of emigration to the Pacific coast. There were some controversies growing out of the interpretation of the treaty of Quadalupe Hidalgo and the extent of grants therein recognized. For years there was no legislation of Congress which dealt with these mineral lands or determined the relations of occupants thereon. It is to the credit of the sturdy and courageous men who settled in these mining districts that their love of order and respect for law led them to the adoption of a system of customs and regulations which protected property rights and conduced to the development of the West and the production of the precious metals in great abundance. Speaking of this situation, Senator Stewart uses this language:

The reason and justice of the laws they formed challenge the admiration of all who investigate them. * * * These regulations were thoroughly democratic in their character, guarding against every form of monopoly and requiring continued work and occupation in good faith to constitute a valid possession. * * * The miner's law is a part of the miner's nature; he made it and he loves it, trusts it and obeys it. He has given the toil of his life to discover wealth, which, when found, is protected by no higher law than that enacted by himself under the implied sanction of a just and generous Government.

These rules produced a system of free mining. There were no royalties, no leasing, no interference by the Government, but a declaration of the fact that the lands of our country were the patrimony of a free people. Protected in their location, feeling as secure as if buttressed by courts and juries and the laws of our modern civilization, they toiled on, hopeful of success, achieving victories and encountering defeats, giving their lives and their all to the enrichment of the Nation.

These rules were approved by the United States Supreme Court.

In every district which they occupied they framed certain rules for their government. * * * They all recognized discovery followed by possession as the foundation of the possessor's title, and development by working as the condition of its retention. And they were so framed as to secure to all comers within practicable limits absolute equality of right and privilege of working the mines. Nothing but such equality would have been tolerated by the miners, who were emphatically the lawmakers as respects mining upon the public lands. * * * During the 18 years from 1848 to 1866 the regulations and customs of miners as enforced and molded by the courts and sanctioned by the legislature of the State constituted the law governing property in mines and in water on the public mineral lands. (Jennison v. Kirk, 98 U. S., 456.)

The Legislature of California recognized these mining regulations and customs, and Judge Field and other eminent jurists so applied and molded them that a wise, comprehensive "common law" was produced which will forever be a source of pride.

The system thus originating has been taken up and adopted by the States and Territories west of the Missouri River. And that is not all. This system, founded in the necessity of the hour, in man's sense of justice and love of right, became by adoption the child of our Government. In 1866 Congress declared:

That the mineral lands of the public domain, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and occupation by all citizens of the United States, subject to such regulations as may be prescribed by law, and subject to the local customs and rules of miners in the several mining districts, so far as the same may not be in conflict with the laws of the United States.

The discussions in Congress prior to the passage of the act, including that which occurred in 1850, conclusively established the fact that free entrance upon the mineral lands and unrestricted occupancy of the same for mining purposes were regarded as a right. The act of 1866—

was rather a voluntary recognition of a preexisting right of possession constituting a valid claim to its continued use than the establishment of a new one. (Broder v. Water Company, 106 U. S., 296.)

And further, to show how the Supreme Court regarded the encouragement offered by the Government to the people to freely enter and occupy the mineral lands, and in support of the view that it would be mala fides to now depart from a policy not only approved but adopted, let me quote from the statements of the court:

The Government, by its silent acquiescence, assented to the general occupation of the public lands for mining, and to encourage their free and unrestricted use for that purpose reserved such lands as were mineral from sale and the acquisition of title by settlement. (Atchison v. Peterson, 20 Wall., 512.)

Before 1866 mining claims upon the public lands were held under regulations adopted by the miners themselves. * * * These regulations were framed with such just regard for the rights of all and afforded such complete protection that they soon received the sanction of the local legislatures and tribunals. * * * In all the legislation, whether of Congress or of State or Territory, and by all mining regulations and rules discovery and appropriation are recognized as the sources of title to mining claims, and development by working as the continued ownership until patent is obtained. (Erhardt v. Boaro, 113 U. S., 535.)

In the most solemn manner Congress has declared the right of American citizens to occupy the mineral lands and procure title. The highest judicial tribunal has repeatedly affirmed the wisdom of free mining and the comprehensiveness and justice of the mining regulations and has enforced them as the rule of property.

The attention of Congress was repeatedly called to the situation in the West, and particularly with regard to mining lands between the discovery of gold and the passage of the law of 1866. President Lincoln in 1864 directed the attention of Congress to the subject and also to the report of the Secretary of the Interior relating to this important matter.

Notwithstanding the necessity of some legislation by the Federal Government dealing with the mineral lands of the United States, no comprehensive measure was passed until July 4, 1866. It is true there was considerable agitation in favor of a leasing system by which the mineral lands were to be controlled and as a result of which it was hoped revenue might be derived by the Federal Government. The Secretary of the Interior, Hon. Caleb B. Smith, in his annual report for 1861, stated that there were valuable and extensive mineral lands owned by the Government in California and New Mexico; that those who wished had been permitted to work the lands without limitation. He insisted that the lands belonged to the whole people, and that it would only be just and proper for those developing the mining properties to pay "a reasonable amount as a consideration for the advantages enjoyed." The same official the following year called attention to the same subject, as he did in 1863. In his last recommendation he suggested that the mines and minerals of the public domain should be opened and subjected to the occupancy of all loyal citizens, subject, as far as compatible with moderate seigniorage, to existing customs and usages, conceding to the discoverer for a small sum a right to one mine, placer or lead (quartz), with a preemptive right in the same district to an additional claim, both to be held for the term of one year, for testing the value.

Again, in 1865 the Secretary of the Interior in his report to Congress stated that the mineral lands which do not contain the precious metals should be brought into the market and placed under the guardianship of private owners. He further stated:

Individual proprietorship, it is conceded, would stimulate the development of coal fields, petroleum, deposits of iron, lead, and of other gross metals, and mineral formations. There can therefore be no sufficient reason for withholding such mineral lands from market. Congress has not legislated with a view to securing an income from the product of the precious metals from the public domain. It is estimated that two or three hundred thousand able-bodied men are engaged in such mining operations on the public lands, without authority of law, who pay nothing to the Government for the privilege or for the permanent possession of property worth, in many instances, millions to the claimant.

The existing financial condition of the Nation obviously requires that all our national resources and the product of every industrial pursuit should contribute to the payment of the public debt. The wisdom of Congress must decide whether the public interest would be better promoted by a sale in fee of these mineral lands or by raising a revenue from their annual product.

Notwithstanding the frequent appeals to Congress from various sources to establish a leasing system no favorable response was recorded.

The Supreme Court of the United States, in the case of Ivanhoe Mining Co. v. Consolidated Mining Co. (102 U. S., 167), stated that Congress—

Passed a law (the law of 1866) by which title to mineral lands might be acquired from the Government at nominal prices, and by which the idea of a royalty in the product of the mines was forever relinquished.

Mr. Lindley, in his most excellent work on Mines, speaking of this legislation, says:

What had theretofore been technically a trespass became thenceforward a licensed privilege, untrammeled by governmental surveillance or the exaction of burdensome conditions. Such conditions as were imposed were no more onerous than those which the miners had imposed upon themselves by their local systems. That such a declaration of governmental policy stimulated and encouraged the development of the mining industry in the West is a matter of public history.

This Congress, speaking for the Nation, set its seal of disapproval upon all attempts to collect rents or royalties from mines upon the public lands, and in effect disapproved of the policy of attempting to govern and control, work, operate, or develop mining properties on the public domain by bureaus or executive departments.

Prof. R. W. Raymond, one of the ablest investigators of this and cognate questions, published a strong and able article which presents the reasons for the policy adopted by the Government in its legislation of 1866. A portion of the article is as follows:

Its object has been to encourage the development of the mineral resources of the public lands and to transfer the ownership of both land and mineral rights to individual citizens. That this course is wisest in itself and best adapted to the spirit of our institutions scarcely admits of question. The policy of administering the public lands as a means of producing revenue through mines, timber, agriculture, or rents is one which a highly centralized or despotic government may perhaps pursue, but certainly is not suited to democratic or representative government, and even in monarchical States it has not proved advantageous, as may be inferred from the general tendency in all enlightened nations at the present day toward the transfer of governmental enterprises to private hands. It may be questioned, perhaps, whether a system by which the Government, as in Spain, Portugal, and Mexico, retains the ownership of mines and leases them upon conditions involving their continuous working is not calculated to secure a more active and steady mining industry than a system which, conferring individual ownership, permits mines to lie idle at the will of their owners. But I think no one can fail to perceive, upon thorough consideration, that the advantages of the Spanish system are delusive, and that its disadvantages in the expense of administration and the inducements which it offers to the "robbing" of mines are greater than its advantages, even if these were real. The tenant of the Government mine will work it if it be profitable, of course. He would do the same if he owned it. When it ceases to be profitable, he may continue operations for a while, rather than lose his lease. But there is no economic gain to the State in forcing its citizens to unremunerative labor. On the contrary, if a mine does not pay, it is best that it should be closed, while labor turns to more productive enterprises; and if a mine is to be closed, it is far better that this should be done by an owner than by a tenant, for the owner may hope to resume operations under more favorable circumstances, while it is the interest of the tenant, whose abandonment of the property is final, to rob it of all accessible value and leave it in ruins. As for the revenue to be derived from renting mines, two things may be confidently asserted: First, if it were wise to burden the industry of mining with a tax not laid upon other forms of production, this could be done more effectively, conveniently, and equitably by a bullion tax; and, secondly, it is not wise to do anything of the kind. * * * It is quite sufficient at present to say that the obvious policy of the Government is to treat mining like any other industry, and to administer the mineral lands, like the agricultural lands, with as little machinery and as little interference with private enterprise as possible.

We come, then, to this proposition: The United States is the holder, as the trustee of the people, of a vast area of mineral lands. On the whole, it is best to sell this land as fast as possible, not looking for large revenue from its sale, but rather transferring it to private owners at prices that will repay the cost of the surveys and other necessary proceedings, and under conditions that will favor the exploration of its resources. To encourage mining, or at all events to lay no unnecessary burdens upon it, and to get rid of the unproductive property in mineral lands which can not under our system be made productive by the Government—these are the objects to be attained by Federal legislation. In selling the mineral lands should the Government make any distinctions as to price? It would have a perfect right to do so; and it seems at first glance a wrong to the people that public property worth many millions of dollars should be given away to those who have no other claim than that of discovery. This point deserves careful consideration. There are three ways in which the Government might derive pecuniary benefit from the developed value of the mines on the public domain. It might provide for an estimate of value by its own officers, and a price based on such an estimate. It might sell the mining locations at public auction, thus leaving the estimate of value to competing purchasers. Or, it might reserve a certain percentage of the gross or net product of a mine—an unassessable interest in the property—which, in case of a large and profitable development, would amount to a considerable sum. These three alternatives cover substantially all that could be done in this direction, apart from the actual retention of ownership by the Government, and the collection of mine rents. As to the first of these it is evident that in most cases no Government officer could possibly make a just estimate of the value of a mine before it had been worked; and no intending purchaser would spend money in developing it, without knowing at what price he could buy it; nor would it be for the interest of any intending purchaser to develop the real value of the property and thereby enhance its price. The sale of locations at auction is open to similar objections. Nobody will explore and develop a piece of mining ground, with the knowledge that every proof of value which he may expose will make its acquisition more costly and more doubtful. But if such sales are to be held without previous exploration of the claims, then the chances are that the prices to be obtained by this method will not exceed the ordinary rates sufficiently to pay for the extra trouble and cost of administration.

The third alternative—the reservation of a portion of the proceeds of a mine—would prove in practice, I think, difficult, odious, and unremunerative. It would be really a special tax. If levied upon gross production, it would bear severely on struggling enterprises. If levied upon profits, it would involve an inquisition into private business, a premium on deceit and concealment, and a vast amount of official labor for comparatively small return. It would be like the revenue tax on spirits in difficulty of enforcement, but not in resulting revenue. We may conclude, then, that the true policy of the Government is to sell the mineral lands outright at uniform prices and with as little trouble and cost to itself and the purchaser as possible, seeking its profit, not in the direct proceeds of sale but in the rapid development of natural resources and the establishment of prosperous com-

munities. It remains to be considered whether the present system of Federal mining law, as construed by the courts and administered by the General Land Office, effectively executes this policy; whether it needs reform; and if so, whether that reform should be of the nature of moderate amendment or radical change. In the discussion of these questions I shall strive rather to present an impartial statement of both sides than to advocate a definite scheme. No scheme suggested by individual study or experience can claim to be the best under the circumstances, because it is of the very essence of the problem that the system adopted by the Government shall be acceptable to the mining communities. The present arrangement, whatever may be its defects, has the positive recommendation that it will work, is working; that it is a growth and, like all growths, possesses vitality, which mere symmetry without vitality can not replace; that its evils are known, while those of a new system are unknown.

The act of 1866 was defective in failing to provide for obtaining title to placer claims. So in July, 1870, the act of 1866 was amended, and in May, 1872, an act was passed entitled "An act to protect the development of the mining resources of the United States." This act was broad and comprehensive and reaffirmed the policy of the Government announced in the act of 1866. It declared that "all mineral deposits in land belonging to the United States are hereby open to exploration and purchase, and the lands in which they are found to occupation and purchase."

It is not my purpose to analyze these various acts of Congress, but attention is called to them merely to prove that after full investigation and with full knowledge of the mineral resources of our Government Congress deliberately chose a policy permitting free entry upon the mineral lands and offered the most liberal terms under which title to the same might be obtained. There was no fear of monopoly or that too much mineral wealth would be produced, or that the bold prospector who went out upon the public domain and, after difficulties and hardships, discovered and developed a mine would obtain too great a reward for his efforts and toil. Everyone knows that the policy was right, sound, and rational. The wealth produced, whether from gold or silver or coal or oil claims, flows into the veins and arteries of commerce and trade and enriches the Nation as a whole. A different policy would have sealed the mineral wealth of our country. The more mines open to development the more people obtain employment. The mountains and the canyons and the sterile wastes of the West have produced cities and towns and Commonwealths because of this generous and wise national policy.

The coal mines and the oil fields of the States east of the Mississippi Valley would never have reached the stage of development which has characterized them if a hateful, oppressive State or National leasing policy had prevailed.

It is true that some men have made large fortunes in the production of coal and in developing oil fields, but the greater gain has come to the entire people.

And this policy has not produced a monopoly in production of coal or oil. Wherever there has been monopoly of oil it has been in the field of transportation and refinement. There have been no monopolies in the public-land States by reason of the liberal policy pursued by the Government with respect to its mineral lands. The hundreds of millions of dollars in gold and silver produced in Nevada preceding and immediately following the Civil War were not held by a few individuals. This great wealth found its way into the channels of trade and commerce. And so it can be said with respect to all of the mineral products obtained from the public lands. Their development has made the West and strengthened and enriched the Nation.

The leasing system which was attempted in the early portion of the last century was a failure and was repealed. Executive departments of the Government in recent years in connection with the forest reserves have adopted a modified leasing policy. This has been obnoxious and has resulted in increased expenses upon the part of the Government. Personally, I think the public lands within the respective States should be ceded to the States. A number of years ago I offered a measure looking to a cession of the public lands to the States, and several months ago I introduced a bill in this body providing for a cession of the public lands to the respective States. At the proper time I shall offer this bill as a substitute for the measure which we are now considering.

In support of the proposition that Federal leasing is of no advantage to the people or to the Government, I call attention to Senate Document No. 482, published during the Sixty-third Congress, containing an article on the leasing of coal lands, by Thomas P. McDonald. He there admits that the plan for leasing coal lands in this country was a radical departure from our established system of disposing of public lands. He calls attention to the fact that Colorado had been leasing its school lands containing coal for 12 years, and that in 1912 only 13 coal mines were under lease; that the aggregate production of the leased properties during the year was 485,971 tons, while the total production of the State for the same year was 10,157,383 tons, and in conclusion he states that "after 12 years' experience in leasing coal lands Colorado has just one coal mine of commercial importance under operation under lease from the State.

It will be conceded that there is greater propriety in a State leasing lands owned by it to its own inhabitants, where it is directly in contact with them, than for the Federal Government to lease lands 3,000 miles distant from the seat of government. Mr. McDonald states that though Montana has a law leasing State lands, with no limit to the acreage leased, and with a royalty of only 10 cents per ton, eight leases only have been given, and that in 1912 the total production from leased properties was 25,668 tons.

The same year Montana produced more than 3,000,000 tons of coal. In the same document the writer states that North Dakota, Oregon, Utah, Idaho, New Mexico, and Wyoming all have laws for leasing coal on State lands, but that no lands have been leased by either of those States. As stated, there is far less objection to the leasing policy by a State. It occupies with respect to lands owned by it an entirely different position than that occupied by the Federal Government with respect to the public domain, held in trust for the benefit of the people. Mr. McDonald in the same document states that for the year 1909 there were mined by the owners of coal lands within the United States 334,669,298 tons, and that owners also leased adjoining land and produced therefrom 42,929,197 tons. The same year all of the lessees in the United States mined only 82,943,651 tons. It is manifest that even as between private individuals where there are not rules and regulations promulgated by the Government, and where the parties may deal with each other in any way they please, the leasing of mining properties does not appeal very strongly to the American people.

While I am referring to Mr. McDonald's publication I would like to call attention to the prices of coal in the United States and in other countries for the purpose of in part, at least, answering the constantly reiterated charge that the coal producers in the United States have a monopoly and have been charging extortionate prices.

In New Zealand 2,066,073 tons were produced in 1911. Coal was sold at the mine at a price in excess of $2 per ton, and the author states that the State mine which sold coal for that price made no profit. In Nova Scotia the output of coal in 1910 was 6,208,244 tons. The sale price at the mine was $2.01 per ton. Figures taken from the report of the United States Geological Survey for 1911 show that Illinois mined that year 53,679,118 tons, and that the price at the mine was $1.11. Indiana's production for the same year was sold at the mine at $1.08 per ton. Pennsylvania's output was sold at the mine of $1.01. Ohio's coal production was sold at the mine for $1.03, and the price at the mine for the West Virginia output was 90 cents. It is apparent that coal has been produced and sold at the mines in this country at a price less than that charged in other countries, notwithstanding the higher wages paid in the United States. It conclusively demonstrates that free competition existed in the United States, and that under this rule the competitive prices were not only fair to the consumer but were exceedingly low.

Mr. McDonald admits that experience of the coal producers in the bituminous coal fields for 20 years has resulted in cheap coal, but insists that the conditions demonstrate the necessity of some power to prevent what he calls "destructive competition." In the same paragraph the author states:

> In Australia, New Zealand, and Nova Scotia the price of coal at the pit mouth during the past 20 years has ranged from $1.75 to $2.25 per ton, while in our great bituminous coal districts the price of coal at pit mouth has ranged from 90 cents to $1.11 per ton.

I repeat that if cheaper coal and cheaper oil are desired and greater quantities are required the demands of the Nation and the people will be better satisfied by unlocking the coal and the oil and gas fields found upon the public domain. The profits from leasing of governments have never paid the expense of administering the law.

Mr. Fremont declares that with all the machinery of the Spanish monarchy, Spain never received in any year more than $60,000 as royalties from all her mineral properties. Gambo, the great Spanish historian, makes clear not only the imperfections but the injustices and wrong resulting from a national leasing policy. When Mexico threw off the Spanish yoke mining had practically ceased because of the blighting effects of Spain's mineral land policy. Mexico attempted to revive this languishing industry and accordingly abolished all of the taxes and royalties provided by Spanish law and substituted a duty of 3 per cent. Quicksilver mines were freely granted to all who would engage in development, and miners were relieved from personal

contributions as well as military service. A reward of $25,000 was decreed to be paid to each of the first four operators who would extract a certain stated amount of quicksilver.

I submit that the statement of the Secretary of the Interior contained in his report for the year ending June 30, 1917, supports the view for which I am contending, that the leasing system is not proper conservation and does not inure to the advantage of the people or the Government. His statement is as follows:

> The statement that the people of Alaska have borne more handicaps than any other people who have pioneered new, undeveloped territory, at least on the North American Continent, has been so often made that it has become trite. Nevertheless it is true. If the best portions of the far West had been reserved, if the pioneers had been forbidden to make use of those natural resources which they found at hand, and penalized if they attempted to use them, is it reasonable to suppose that the Middle West and the far West would have produced many great Commonwealths within a comparatively short time?
>
> Conservation, which is defined as the act of preserving, maintaining, supporting, or protecting, is, no doubt, sound in principle; but conservation as applied to Alaska, while it has preserved coal, oil, and timber, has largely estopped development along these lines. The coal lands of Alaska were reserved by Executive order in 1906 and the oil lands some years later, and there has been no general development of either coal or oil resources. Coal is mined to-day only on a small scale and oil development is at a standstill. The need of coal such as is found in Alaska is apparent all over the Pacific coast, yet the production is limited and confined to but one section of the Territory. The same is true of oil. There is no doubt that the coal areas of Alaska are capable of supplying sufficient quantities of coal for all domestic and industrial purposes of the Pacific coast regions were they developed commercially, and if the oil lands of the Territory could be properly developed they would largely add to the supply of gasoline.

Who can doubt that the cause of this lack of development in Alaska is the unwise policy which has withdrawn these lands from entry and purchase by the American people?

Mr. President, the leasing policy is not only harmful to the States but it is harmful to the Federal Government. It multiplies, as I have stated, governmental officials, increases the cost of Federal administration, alienates the people from the Government, creates friction between the States and the Federal Government, tends to overthrow the autonomy of the States, and tends to cripple them in their domestic and local affairs; sets up dual and conflicting governments within each State, prevents the growth and expansion of the States, denies them the right to tax property within their borders, builds up and fosters an autocratic paternalism, denies to the people the mineral products of the soil, and to that extent and thereby fosters monopoly, and finally raises prices and works injury to all the people. Now, while we are demanding that democracy be expanded, that all forms of autocratic power shall be destroyed, and that the utmost freedom shall be given to the people of the world, it subjects us to the charge of inconsistency, if not hypocrisy for this great legislative body to enact legislation directly opposed to our claims and demands.

Not only millions of acres of coal and other mineral lands have been directly withdrawn from entry by the Government, but the extension of the forest reserves over immense areas within the public-land States has locked up other mineral lands and prevented the development that otherwise would have ensued. Before this policy which I am condemning was inaugurated thousands of prospectors could be found upon the mountains and in the canyons in the mineral sections of the Western States. Now, hills and canyons and mining districts, except where developed properties are being operated, are silent, and unless a change shall take place in the policy of the Government there will be a constant diminution in the mineral production of our Nation.

Mr. McCUMBER. Mr. President——

Mr. KING. I yield to the Senator from North Dakota.

Mr. McCUMBER. I have always been in agreement with the Senator against the propriety of the leasing system, but now the Senator, I think, admits that we shall need oil and need more than the present fields that are now open will supply us. Does the Senator believe that there is any possibility of securing the adherence of a sufficient number of Representatives and Senators to his view and my view, that it would be better to throw these oil lands open to the public and secure the passage of a bill of that character? If we can not secure the passage of a bill of that character, if the people generally over the United States do not agree with us or the Congress by a majority vote would not agree with us, what would be the Senator's view of our present duty under the circumstances, to take the best we can get or to take nothing?

Mr. KING. Mr. President, no one could answer the question which has been so fairly stated by the Senator from North Dakota without feeling more or less of embarrassment and difficulty. I confess that if the premises were as suggested by him and I was absolutely sure that the public mineral lands could not be opened or operated at any time in the future except under the provisions of this bill, I might possibly vote for it. I have not yet been convinced that a bill can not be passed through Congress of the character that would meet the approval of the Senator and myself. It will be time enough to consider the enactment of legislation of this character when it is certain we can not pass a measure which is just and fair, and in harmony with our past national policy.

Mr. GALLINGER. Mr. President——

Mr. KING. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Does the Senator think that ever can be tested as well as for the Senate to stand by what seemed to be the prevailing opinion a little while ago in opposition to leases, and let the bill go to conference? Why should we abdicate simply because somebody tells us that the other House will not agree to our action unless we pass this bill? That, I think, ought not to have been said on the floor of the Senate; but it has been said, and for one I resent any such suggestion. The only way we could test this case is to send it to conference and let it be fought out there, and then if we can not get anything better than is proposed now we might have some excuse for yielding our convictions.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I should like to answer the Senator from New Hampshire now, but I yield to the Senator from Nevada.

Mr. PITTMAN. I simply want to say, if this were a new question it might be submitted as a test, but it is not new. It has been before both Houses of Congress for four years, and during that whole time, so far as Senators who favor the policy of the Senator from New Hampshire and the Senator from Utah, and I may say the Senator from Nevada, they have urged upon the Public Lands Committee of the Senate a certain policy, and have also urged it before the committee of the House. In the Senate that view could never get a majority, and in the House the committee was unanimously against it on three separate occasions. For that reason I think we have tested it sufficiently to know that it is either a bill of this character or none. That is what I meant in the report when I wrote it. I mean that now. That is my view of it.

Mr. KING. I will advert to the question of the Senator from New Hampshire in a moment. The Senator from Nevada seemed to ask a question. Does the Senator from Nevada think that the opposition to a system which opens the mineral lands to private entry comes from any executive branch of the Government?

Mr. PITTMAN. I think the principle announced by the Senator from Utah is opposed by the executive branch of the Government, although I am not so positive of that. But I know it is opposed by the most influential Members of Congress in the other House. I am not prepared to say, however, that I know of a single executive head who is opposed to what is known as the policy in opposition to this bill.

Mr. KING. I was about to supplement that question by another. If it be the opposition of the executive department, or any branch of that department, that prevents the passage of a measure which would meet the approval of the Senator from New Hampshire and the Senator from Nevada, does the Senator from Nevada think that we ought to yield to the demand of that executive branch of the Government?

Mr. PITTMAN. If it were only Executive opposition, I would feel that we could then overcome that opposition—at least I would be willing to try it—but I know from an experience covering four years with three separate bills of this character that, whether there be Executive opposition or not, there is sufficient opposition in the House, and intense, violent opposition, to make it to my mind impossible to pass a bill granting title absolutely.

Mr. SMOOT. Will the Senator yield to me?

Mr. KING. I yield to my colleague.

Mr. SMOOT. We might just as well understand where the opposition comes from now as at any other time. There is an organization in the United States, and has been for 10 years or more past, amply financed, and known as the Conservation Association. It is opposed to citizens of the United States becoming the owners of the public domain, and it has a great influence with Members of Congress. We also might as well know that the officials of the Interior Department believe in the leasing system rather than the individual ownership of mineral lands. It will be absolutely impossible to get a bill, as the Senator from Nevada has said, through the House to-day that would open all the lands of the United States to entry, the policy followed so many years, and under which our country has developed so rapidly. The leasing policy of the

department not only applies to public lands but it applies to water-power sites. For 12 years now they have been held locked up, as the Senator knows.

I can not for the life of me see how it is going to be different until the departments or Congress yields. The Senator knows that we have been notified on the floor of the Senate to-day that this bill as reported from the committee can not pass, because the Secretary of the Navy is opposed to a provision in it, and the question of a law that does not include the leasing system of public lands will not at present, at least, receive the sanction of the Secretary of the Interior, the Secretary of Agriculture, and I was going to say any other branch of our Government.

Mr. STONE. Mr. President——

Mr. KING. I yield to the Senator from Missouri.

Mr. PITTMAN. With the permission of the Senator from Missouri, I merely want to add to what the Senator from Utah has said that it has not received the sanction of any department of the Government for 8 or 10 years. I think it was under Mr. Roosevelt's administration that this peculiar policy originated, and it has gone on and, if anything, has increased, and is still growing stronger. I think it is hopeless to look for any change.

What we have done in this bill is this: We have said to the prospector he shall have the right to prospect on a piece of land and acquire title by patent. We have done that at least and we have faithfully reserved that in this bill. The prospector can go out and if he discovers oil land he can acquire title to it to-day and get a patent. I hope we will get that, and I hope it will not be discussed longer, because if the Senator from Utah will compel us to call attention to that it is very possible it will be stricken out by an amendment.

Mr. STONE. If my friend from Utah will permit me——

Mr. KING. I yield to the Senator from Missouri.

Mr. STONE. Mr. President, I have been in the Senate a good many years. I have heard this very matter now occupying our attention discussed before the Senate not only for four years, as the Senator from Nevada says, but it seems to me I have been hearing it discussed here for 10 or 15 years. I know I have been hearing it discussed so long that my memory runneth not to the contrary. I have heard the senior Senator from Utah [Mr. SMOOT] make, in substance, the speech or the several speeches he has made to-day over and over again. I have previously heard the Senator from Nevada [Mr. PITTMAN] make the speeches he has so well made to-day, as I have heard like speeches from both the Senators from Montana and others. It is an old subject of discussion here in the Senate. It is an old theme with all of us. I think we are familiar with it. The junior Senator from Utah is making a most interesting speech, a very able one that I think will be historically valuable, but for the purposes of present legislation, if I may say this without offense, there is nothing of practical value in his fine address unless there is a purpose on the part of Senators to defeat action on this bill.

Mr. KING. Will the Senator permit me to ask him a question?

Mr. STONE. I am speaking in the Senator's time.

Mr. KING. Yes; but I should be very happy before the Senator concludes if he will allow me to ask a question. Does the Senator approve of this proposed legislation? Does he, because the subject is old and has been debated at length in the past, think we ought not to discuss it further, particularly when a policy so long established and which has worked such beneficent results is about to be abandoned and an obsolete, condemned, and destructive one is about to be put into operation?

Mr. STONE. Mr. President, I am not going to enter into that discussion. We have heard that discussed at length already. I have favored the view advocated by the Senator from Colorado [Mr. SHAFROTH] and those associated with him, just as the Senator from New Hampshire [Mr. GALLINGER] did; but, unlike the Senator from New Hampshire, as he expressed himself to-day, I should like to have this question settled one way or the other now, and since those who are most familiar with the subject have submitted this compromise plan, while not entirely satisfactory to me, I agree with the Senator from Nevada [Mr. PITTMAN], in charge of the bill, that we had better do this thing than do nothing; and surely we should dispose of the subject for the time being at least, and this for reasons that have already been stated by Senators more strongly than I could state them—and I would have to state them to the same effect if I tried to state them at all—because of the necessities of the Government and of the people, that we should not in a time of stress lock up the great storehouses with which nature has supplied our country by struggling here now over this old, time worn contest as to whether we shall open these storehouses through a leasing system or a purchasing system.

I have my preferences about that, as I have said. But, Mr. President, what I wanted especially to say at this time is that if there are Senators who do not mean to allow this bill to pass, then we are at the end of the rope. If Senators are willing to have the Senate express its opinion upon the passage of the bill, then in the interest of the public business while other things are waiting on the junior Senator from Utah and those cooperating with him, let us know where we stand, and either adjourn or else have a vote and go on with other business.

Mr. GALLINGER. Will the Senator from Utah permit me one word?

Mr. KING. Certainly.

Mr. GALLINGER. I infer from what the Senator from Missouri said that his only difference from me is that he was advocating early action on this bill, while he thought I was trying to postpone it.

Mr. STONE. No; I did not mean to say that so far as the Senator is concerned.

Mr. GALLINGER. Thank you.

Mr. STONE. I said that I was in sympathy with the Senator's general view about the bill. The Senator was maintaining, somewhat stubbornly, his attitude and stated that he would vote against the bill in its present form, and I said that I was ready to vote for it even in its present form.

Mr. GALLINGER. My attitude was not at all stubborn. I had taken about 10 minutes in discussing the bill and I am ready to vote on it at any moment, so far as I am personally concerned. I did say that I should vote against it. Of course that is my privilege and I thought I would advertise in advance that I had not changed my mind, as certain other Senators have changed their minds, without giving us any adequate reason for the change. That is all I proposed saying, and all I did say.

Mr. KING. I supposed when the Senator from Missouri propounded his question to me that he did it in good faith and out of commiseration for my youthfulness in the Senate, and with a desire to admonish me as to the proper course to pursue in addressing myself upon subjects submitted for consideration. I wish, however, the distinguished Senator from Missouri would follow the advice which he gave me, when it comes to a discussion of public questions upon his part. I wish the Senator from Missouri when he occupied five or six hours here a number of months ago and prevented largely the passage of an important measure, had remembered the advice which he gives me now when I address the Senate.

Mr. STONE. I think that is an unnecessary observation, because it is not a true observation.

Mr. KING. It is a true observation, and I challenge the RECORD.

Mr. STONE. I did not occupy five or six hours at the time referred to. Inopportunely and evidently the Senator is talking about the speech I made against the resolution authorizing the arming by the United States of merchant vessels.

Mr. KING. I am alluding to that speech.

Mr. STONE. That is what I assume the Senator refers to.

Mr. KING. I am alluding to that speech of the Senator from Missouri.

Mr. STONE. I supposed so. Mr. President, I occupied no such time as five or six hours in the delivery of that speech. When I concluded that speech there were left 19 hours for debate and action. Now, mark you, that great matter of going into this world war was not brought before the Senate until just a few hours before I took the floor to speak on it. A half dozen hours before, or something like that, it was brought before the Senate. When I took the floor to oppose the resolution there were twenty-odd hours at the service of the Senate. I spoke for approximately three hours against the resolution. After that more than half of the remaining time was occupied by those favoring the resolution; not by those opposing it.

I spoke for about three hours against this new and far-reaching resolution to involve this country in this world war. The Senator goes back for a year to bring up this. I do not know why. I am not criticizing my friend for what he thinks he should do. The cases are not parallel. If he thinks I was criticizing him personally he is mistaken. If I offended I apologize. I am speaking in good faith, because Senators, I know, are waiting to take up other things which they supposed they would get up this afternoon, and if it be the purpose of any Senators to prevent action on the pending bill, do not you think we had as well adjourn or go into executive session? There is no need of our staying here if the things that are waiting can not be considered. The Senator knows whether he is willing to have a vote on this bill to-day.

The Senator adverts to a rather long speech I made against war. But I remind him that more than once, I think three times, I announced on the floor of the Senate that I was ready to vote on the war resolution any minute. Is the Senator ready to say that now, that he is ready to vote on this old bill any minute?

Mr. KING. Did the Senator say he was willing to vote until after he had submitted all he had to say in opposition to that resolution?

Mr. STONE. I did not say that, nor was I willing to vote until I had completed my speech.

Mr. KING. Exactly. The Senator opposed, as he had a right to oppose, that resolution, and to speak as long as he desired and the rules of the Senate permitted. In what I have said in reply to the Senator I have not intended to criticize the attitude of the Senator or his vote. He is an able, patriotic, and courageous Senator, none more so, and is entitled to speak as his judgment dictates and vote as his conscience directs. But what I am objecting to is the attitude of the distinguished Senator from Missouri when he attempts to deliver a lecture when we seek to honestly express our opposition to a measure that changes a fixed and settled policy of our country and inaugurates a system that is so un-American and so dangerous and oppressive.

Mr. STONE. Mr. President, let me ask my friend——

Mr. KING. One moment. I will yield, but I do not wish to be driven by the Senator from Missouri into abating any criticism of this bill that I choose to make fairly and honestly.

Mr. STONE. The Senator is a very frank man and a very able man——

Mr. KING. I hope to be frank.

Mr. STONE. Mr. President, I want to stay here and vote on this bill. Can we vote to-night?

Mr. KING. I will say to the Senator we will not vote to-night before 6 o'clock if I am permitted to occupy the floor.

Mr. STONE. The Senator says we will not vote before 6 o'clock. I will ask the Senator if, so far as he is concerned, he is willing that we shall vote at 6 o'clock?

Mr. KING. I am willing that the Senate shall vote whenever it so desires, but I understood that this was a legislative body; that an important bill was up for consideration; it has not yet been read, and certainly the distinguished Senator from Missouri, with his large legislative experience, does not want to vote for a bill before it is read in the Senate.

Mr. STONE. Mr. President, may I interrupt my friend again by his courtesy?

Mr. KING. Certainly.

Mr. STONE. If he does not mean that we shall vote on this bill this afternoon there are Senators here who very much desire, for important reasons, to have an executive session.

Mr. KING. The Senator from Utah will be delighted to yield for such purpose, but I may desire to submit some further comments upon the bill before final vote is taken.

Mr. STONE. I shall not undertake to make the motion for an executive session without the consent of the Senator in charge of the bill.

Mr. KING. Let me say that I had said to the Senator from Nevada that, so far as I was concerned, I expected a vote on this bill to-morrow; I am willing that there shall be a vote on this bill to-morrow; but I did not know the Senator from Missouri was so impatient as to force a vote to-night.

Mr. PITTMAN. Mr. President, I think that I thoroughly understood the position taken by the Senator from Utah. He had assured me that he had no intention whatever of desiring to delay a vote on this bill; that he had intended to make some remarks before the bill was finally acted upon. I am satisfied now that the Senator has no intention whatever to attempt to delay a vote on the bill. I regret exceedingly, however, that we have lost about 30 minutes' time finding this out. I am forced to the conclusion that the body is now in such humor that it desires to go into executive session, and if the Senator from Missouri desires to make that motion I am perfectly willing, with the consent, of course, of the Senator from Utah, that he shall do so.

Mr. STONE. I move, Mr. President, that the Senate proceed to the consideration of executive business.

Mr. KING. I have not yet yielded the floor.

Mr. STONE. I thought the Senator had.

Mr. KING. The Senator from Nevada understood exactly my position with respect to this matter. He did not mean by his observation that he did not know 30 minutes ago what the position of the Senator from Utah was respecting this bill.

Mr. PITTMAN. Oh, no; I have known all the time the position of the Senator from Utah in relation to the bill.

Mr. KING. Now, Mr. President, I yield to the Senator from Nevada.

EXECUTIVE SESSION.

Mr. PITTMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 15 minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States, with amendments, in which it requested the concurrence of the Senate.

NATIONAL PROHIBITION.

Mr. SHEPPARD. Mr. President, I desire to give notice that to-morrow morning as soon after the conclusion of the morning business as convenient I shall call up for consideration the amendments of the House to the joint resolution relating to national prohibition. I also request that as large a number of Senators as convenient may be in attendance.

ADJOURNMENT.

Mr. MARTIN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 18, 1917, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 17, 1917.

EXPLOSIVES INSPECTOR.

William J. Duval, of Hutchinson, Kans., to be explosives inspector for the State of Kansas, under the provisions of the act of Congress approved October 6, 1917.

AIDS IN THE COAST AND GEODETIC SURVEY.

Edgar H. Bernstein, of Virginia.
Elwood M. Wilbur, of Maine.
Benjamin Friedenberg, of New York.
William H. Overshiner, of California.
Lowell O. Stewart, of Michigan.
James D. Crichton, of New York.
Nathan Chernlack, of New York.

APPOINTMENTS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be judge advocate with the rank of major.

Lewis W. Call, of Maryland, from October 13, 1917.

SIGNAL CORPS.

Col. Alexander L. Dade, Cavalry, to be brigadier general in the Signal Corps, with rank from October 29, 1917.

DENTAL CORPS.

To be first lieutenants.

John Loftus Richards, of Minnesota, from December 10, 1917.
First Lieut. Winfred E. Henshaw, Dental Reserve Corps, from December 11, 1917.
First Lieut. Joseph Earnest Schaefer, Dental Reserve Corps, from December 12, 1917.
First Lieut. George Julian Sibley, Dental Reserve Corps, from December 13, 1917.
First Lieut. Frank Phillip Kendrick Barker, Dental Reserve Corps, from December 14, 1917.

To be dental surgeon with rank from September 17, 1917.

Byram Sandford Purviance, of California.

APPOINTMENTS IN THE NATIONAL ARMY.

To be major generals with rank from November 28, 1917.

Brig. Gen. George H. Cameron, National Army.
Brig. Gen. George W. Read, National Army.
Brig. Gen. André W. Brewster, National Army.
Brig. Gen. Charles H. Muir, National Army.
Brig. Gen. Charles C. Ballou, National Army.
Brig. Gen. Charles T. Menoher, National Army.

To be brigadier generals.

Col. Malvern-Hill Barnum, Cavalry, from October 31, 1917.
Col. William H. Hay, Cavalry, from October 31, 1917.
Col. Jesse McI. Carter, Cavalry, from November 16, 1917.

PROVISIONAL APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenant with rank from October 25, 1917.

Second Lieut. Milton Mortimore Levy, Engineer Officers' Reserve Corps.

To be second lieutenants with rank from October 26, 1917.

Ulric Johnson Mengert, of the District of Columbia.
Hugo Daisheimer, of Maryland.
Richard Whitman Coward, of Tennessee.
Edward Tankard Browne, of Virginia.
John Ogden Merrill, of Minnesota.
Horace Clifford Levinson, of Illinois.
Second Lieut. Percival Spurr Howe, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Miles Whitney Kresge, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Edwin Scott Roscoe, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. George Worcester Ricker, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Edward Smith Fraser, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Milton Wayne Pollock, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Sumner Tucker Pike, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Sealand Whitney Landon, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Harold Connett, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Leslie Clyde, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John Mead Silkman, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John Summerfield Jenkins, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Stanley Raymond Mickelsen, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. William Le Roy Hart, Field Artillery, Officers' Reserve Corps.
Second Lieut. Lawrence Beatty Morse, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. George Parkhurst Lee, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Ralph Earl Glasheen, Coast Artillery Corps, Officers' Reserve Corps.
Earnest Jackson Oglesby, of Virginia.
Second Lieut. Eugene Morgan Vigneron, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Henry Clarkson Meredith, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Dana Little Barbour, Coast Artillery Corps, Officers' Reserve Corps.
Ralph Beatley, of Massachusetts.
Second Lieut. Carroll Gowen Riggs, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Max Weston Thornburg, Field Artillery, Officers' Reserve Corps.
Second Lieut. George Wright Farnham, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Richard Montague Kimball, Coast Artillery Corps, Officers' Reserve Corps.
Edwin Fry Barry, of Texas.
Second Lieut. Eugene Sinclair Taliaferro, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Robert Alexander Clyde, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Andrew Fleming Patterson, Coast Artillery Corps, Officers' Reserve Corps.
Forrest Glenn Tucker, of Washington.
Howard Tasker Evans, of Massachusetts.
Second Lieut. Spessard Lindsey Holland, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. William Penn Esterbrook Ainsworth, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Herbert Fritz Ernst Bultman, Coast Artillery Corps, Officers' Reserve Corps.
Donald Fisher McClure, of New York.
Second Lieut. Wilton Burton Persons, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Homer Case, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Edward Parry Sykes, Coast Artillery Corps, Officers' Reserve Corps.
John Vickers Ray, of West Virginia.
Second Lieut. Burleigh Adelbert Lum, Coast Artillery Corps, Officers' Reserve Corps.
Wilbur Southwood Vaughan, of New Jersey.
Reginald Scott Fleet, of Pennsylvania.
Roland Dyer Hawkins, of Massachusetts.
Second Lieut. Melzar Merrick Whittlesley, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Roscoe Plimpton De Witt, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John George Murphy, Coast Artillery Corps, Officers' Reserve Corps.
Walter Joseph Collet, of New York.
Second Lieut. Joe Jene Miller, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John Van Auken Mackenzie, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Frank Johnson McSherry, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. George Francis Arthur Mulcahy, Infantry, Officers' Reserve Corps.
Second Lieut. Charles Sydney Hammond, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. William Bertram Jones, Infantry, Officers' Reserve Corps.
Second Lieut. Cornelius Sheldon Whittelsey, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Carleton Engler Saecker, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Robert Benjamin Adams, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Clarence Cory Harshman, Engineers, Officers' Reserve Corps.
Second Lieut. Lewis Jerome Taylor, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Pennock Hart Orr, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John Kay Christmas, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. James Milton Harris, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Walter Berry Littlefield, Infantry, Officers' Reserve Corps.
Second Lieut. Philip Hastings Middlesditch, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Wilfrid Warren Montagne, Coast Artillery Corps, Officers' Reserve Corps.
Donald Blake Webster, of Massachusetts.
George Bassett Roberts, of New York.
Second Lieut. Arthur Howard Warner, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Frank Elisha O'Neill, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Banks George Moreland, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Monroe Warren, Coast Artillery Corps, Officers' Reserve Corps.
James Muir Ralston, of New Jersey.
Second Lieut. Ransom Davis Spann, Coast Artillery Corps, Officers' Reserve Corps.
Donald Gibbs Crowell, of Massachusetts.
Second Lieut. Arthur Castle Hawkins, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Otto de Lorenzi, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Richard Marston Kew, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Alexander Goold Campbell, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Ernest Ray Campbell, Coast Artillery Corps, Officers' Reserve Corps.
Joseph Graham Pringle, of New York.
Second Lieut. John Wesley Card, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Jack Phinizy, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Manly Broadus Gibson, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Charles Henry Hagelstein, Engineers, Officers' Reserve Corps.
Second Lieut. Huntington Reed Hardwick, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Robert Clyde Jordon, jr., Coast Artillery Corps, Officers' Reserve Corps.
Malcolm Samuel Cone, of Georgia.

Second Lieut. Alvah Edgar Moody, Coast Artillery Corps, Officers' Reserve Corps.
Robert Kent Gooch, of Virginia.
Oliver Nelson Hollis, of Massachusetts.
Second Lieut. Cranston Bourquin Rader, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Cedric Ezra Scheerer, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Geoffrey Marshall, Coast Artillery Corps, Officers' Reserve Corps.
Lloyd William Taylor, of Iowa.
Second Lieut. Guy Head Heaton, Coast Artillery Corps, Officers' Reserve Corps.
Francis Eugene Harrison, jr., of South Carolina.
Second Lieut. James Wallace Hopkins, Coast Artillery Corps, Officers' Reserve Corps.
Ralph Ernest Billsborrow, of New Jersey.
Second Lieut. Alfred Wilson Chapman, Coast Artillery Corps, Officers' Reserve Corps.
William Austin Emerson, of Georgia.
Lawrence James Meyns, of Virginia.
James Cutler Vickery, of New Jersey.
Second Lieut. Clarence Elmer Muehlberg, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Edwin Converse Higbee, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. William Tillory Andrews, Coast Artillery Corps, Officers' Reserve Corps.
Stoddard Pintard Johnston, of New York.
Second Lieut. Lewis Allison Hudgins, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Levi Monroe Bricker, Field Artillery, Officers' Reserve Corps.
Thomas Paul Ahern, of California.
Lawrence Iverson, of New York.
Herbert Macmillan, of New York.
Second Lieut. John Pehrson MacNeill, Coast Artillery Corps, Officers' Reserve Corps.
Archibald Luther Parmelee, of California.
Second Lieut. Robert Emmett Ryerson, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Sam Henry Coile, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Junius Bew Peake, Infantry, Officers' Reserve Corps.
Second Lieut. Sam Williams Anderson, Coast Artillery Corps, Officers' Reserve Corps.
Richard Blodgett Cross, of Massachusetts.
Second Lieut. Geoffrey Airlie Ogilvie, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John Scott Cansler, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. George Meade Holstein, jr., Engineers, Officers' Reserve Corps.
Second Lieut. Joseph Gerald Cole, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Ward Rubendall, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Clyde LeGage Walker, Coast Artillery Corps, Officers' Reserve Corps.
Richard Browniey Gayle, of Virginia.
Second Lieut. Stillman Brainard Hyde, Infantry, Officers' Reserve Corps.
Second Lieut. Winston Woodard Little, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Ralph Patterson Wagner, Engineers, Officers' Reserve Corps.
Second Lieut. John Andrew Spanogle, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Henry Morrell Atkinson, jr., Infantry, Officers' Reserve Corps.
Second Lieut. Charles Spurgeon Harris, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Paul Wolcott Rutledge, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Alvin Clark Smith, Coast Artillery Corps, Officers' Reserve Corps.
James Christopher Corliss, of Massachusetts.
Robert Tappan Chaplin, of the District of Columbia.
Second Lieut. Chester Bailey McCold, Coast Artillery Corps, Officers' Reserve Corps.
Hugh Gray Lieber, of Oklahoma.
Earle Williams Marvin, of South Carolina.
Second Lieut. Robert Goodwyn Rhett, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. James Kenneth Morris, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Emmet Bates, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Marshall Lawrence Gosserand, Field Artillery, Officers' Reserve Corps.
Second Lieut. Winthrop Myers Allen, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Maxwell Renvell McMillan, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. St. John Waddell, jr., Coast Artillery Corps, Officers' Reserve Corps.
Cary Breckinridge Easley, of Massachusetts.
Second Lieut. Nicholas Brown O'Connell, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Junius T. Moore, Engineers, Officers' Reserve Corps.
Second Lieut. Oscar Dubois McNeely, Coast Artillery Corps, Officers' Reserve Corps.
Abraham Robert Ginsberg, of Pennsylvania.
Second Lieut. Vincent Kinsman Smith, Infantry, Officers' Reserve Corps.
Second Lieut. Charles Lee Ordeman, Coast Artillery Corps, Officers' Reserve Corps.
Ramon Conroy, of New York.
Second Lieut. Thomas Jeffries Betts, Coast Artillery Corps, Officers' Reserve Corps.
David Oliphant Haynes, jr., of New York.
Second Lieut. Edwin John Patton, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Morris Clinton Handwerk, Field Artillery, Officers' Reserve Corps.
Herbert Benjamin Knox, jr., of Pennsylvania.
Charles Cobb, 3d, of Tennessee.
Second Lieut. Benjamin Franklin Harmon, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Ralph Albert Densmore, Coast Artillery Corps, Officers' Reserve Corps.
Charles C. Bell, jr., of Missouri.
Second Lieut. Charles William Lawrance, Coast Artillery Corps, Officers' Reserve Corps.
First Lieut. Edgar Carlyle Outten, Field Artillery, Officers' Reserve Corps.
Second Lieut. David Warner Burgoon, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Raymond Blanton Bottom, Engineers, Officers' Reserve Corps.
Second Lieut. Farrant Lewis Turner, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Henry Terry Morrison, Field Artillery, Officers' Reserve Corps.
Second Lieut. Lee Duren Pettingill, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Malcolm Harrison Ross, Field Artillery, Officers' Reserve Corps.
Second Lieut. Leonard Roscoe Crews, Engineers, Officers' Reserve Corps.
Second Lieut. Harold Marshall Jobes, Coast Artillery Corps, Officers' Reserve Corps.
Thomas Joseph Delaney, of Connecticut.
Second Lieut. William Fraser Cassedy, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John Winthrop Loveland, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Scott Hayes, Field Artillery, Officers' Reserve Corps.
Second Lieut. Webster Hamlin Warren, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Callan E. England, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Evan Heber Benoy, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John Brown Bethea, jr., Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles William Higgins, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Hugh Nathan Herrick, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. George Wesley Norrick, Field Artillery, Officers' Reserve Corps.
Milton Livermore Dodge, of Massachusetts.
Second Lieut. Robert Mochrie, Coast Artillery Corps, Officers' Reserve Corps.
Albert Blakeslee Ede, of Illinois.

Second Lieut. Donald William Tyrrell, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Everett Maxwell Barton, Coast Artillery Corps, Officers' Reserve Corps.
Warren Slaughter Robinson, of Virginia.
Second Lieut. William Warren Wertz, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Vincent Joseph Flanagan, Engineers, Officers' Reserve Corps.
Second Lieut. Evans Read Crowell, Coast Artillery Corps, Officers' Reserve Corps.
Simon Lee Bear, of Pennsylvania.
Laurence Willis Hutchinson, of New Jersey.
Gilbert Herman Gaus, of New York.
Second Lieut. James Chester Bates, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Thomas Edison Troland, Infantry, Officers' Reserve Corps.
Second Lieut. William Alice West, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Louis Howard Thompson, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Albert Bonds, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Thomas William Conrad, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Frederick Wilhelm Hoorn, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Charles Cooper Stalter, Field Artillery, Officers' Reserve Corps.
Second Lieut. Joseph Carson Stephens, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Eugene Reedy Guild, Infantry, Officers' Reserve Corps.
Thomas Ryder Lannon, of Florida.
Leslie W. Jefferson, of Minnesota.
Second Lieut. Luther Orland Leach, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. James Denison Jones, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Guy Wesley Thomas, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. James Leo McMullen, Coast Artillery Corps, Officers' Reserve Corps.
Charles Rumford Walker, jr., of New Hampshire.
Harold Long Williamson, of Illinois.
Second Lieut. Isaac Wynne, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Temple Hoyne Buell, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Julien Robert Hume, Field Artillery, Officers' Reserve Corps.
John Reigel Embich, of Pennsylvania.
Second Lieut. Ernest William Soucy, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Donald Brooks Hilton, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Ralph Edwin Hill, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Francis Lancaster Christian, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Maitland Bottoms, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. William Robinson Epes, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Irvin Henry Zeliff, Field Artillery, Officers' Reserve Corps.
Second Lieut. Charles Harrington Stewart, Coast Artillery Corps, Officers' Reserve Corps.
John Finesan, of California.
Edward Norton Horr, of Ohio.
Joseph Edward Simmons, of Michigan.
Second Lieut. Lucius Tuttle Hill, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Hal Francis Corry, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Martin Allen Hayes, Engineers, Officers' Reserve Corps.
Second Lieut. Edward Ramsey Holland, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John Wesley Russey, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. James Dennett McIntyre, Coast Artillery Corps, Officers' Reserve Corps.
Harry William Lins, of Pennsylvania.
Second Lieut. Bryan Lee Milburn, Coast Artillery Corps, Officers' Reserve Corps.
Alexander Berkeley Carrington, jr., of Virginia.
Frederick Henry Bachman, of Pennsylvania.
Second Lieut. Bradley Johnson Saunders, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Herbert Charles Bartlett, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Nyal L. Adams, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. William Brewer Cooley, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Lloyd Gerald Sparks, Field Artillery, Officers' Reserve Corps.
Second Lieut. Arthur Fernando Aston, Coast Artillery Corps, Officers' Reserve Corps.
Charles Milby Dale, of Minnesota.
Second Lieut. Stanford Rayne, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Harry Montgomery Carder, jr., Coast Artillery Corps, Officers' Reserve Corps.
William Anthony Clark, jr., of Massachusetts.
William Wallace Dinsmore, of California.
Arthur Duffy, of Pennsylvania.
Second Lieut. Ellsworth Young, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. John William Fuchs, Coast Artillery Corps, Officers' Reserve Corps.
Thomas Reed Bartlett, of Kansas.
Second Lieut. Dudley Franklin Taylor, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. James Leslie Dewitt Corey, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Andrew Jackson Bentley, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Frank Hitch Pritchard, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Clyde Mortimer Watson, Coast Artillery Corps, Officers' Reserve Corps.
Stanley Hamilton Franklin, of Rhode Island.
Second Lieut. Raymond Wilson Symonds, Field Artillery, Officers' Reserve Corps.
Second Lieut. Thomas Scott McConnell, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Detlow Mainch Marthison, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. James Daniel Harvey, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Jerry Vrchlicky Matejka, Engineers, Officers' Reserve Corps.
Arthur de Vries Burke, of West Virginia.
Second Lieut. Roy Lee Peck, jr., Coast Artillery Corps, Officers' Reserve Corps.
Edwin Eugene Aldin, of Massachusetts.
Thomas Lamar Cleaton, of Virginia.
Second Lieut. Charles Lennon Miller, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Joseph Earl Seiter, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. William John Hiller, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Adkins Foote Bowden, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Frank Harold Haupert, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Leroy Kerr Thompson, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Milton Hellfron, Field Artillery, Officers' Reserve Corps.
Second Lieut. Leonard Ober, Field Artillery, Officers' Reserve Corps.
Second Lieut. George Flory Begoon, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Maurice Francis Dunne, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Adam Jackson Bennett, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. William Hesketh, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. George Curtis McFarland, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. David Maxwell Waddey, Coast Artillery Corps, Officers' Reserve Corps.
Harry James Rice, of New York.

Second Lieut. Frazier Groff, Field Artillery, Officers' Reserve Corps.
John Ambrose O'Leary, of New Jersey.
Joseph Jennings Clarkson, of Connecticut.
Second Lieut. Joseph William Vann, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Guy Early Cate, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Walter John Wolfe, Infantry, Officers' Reserve Corps.
Lloyd M. Hanna, of South Dakota.
Second Lieut. Severn Parker Costin Duvall, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. James de Greffenriede Graves, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Hiram Hitchcock Maynard, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. George Warren Dunn, jr., Coast Artillery Corps, Officers' Reserve Corps.
James Willard Walters, of the District of Columbia.
Richard Cox Coupland, of New York.
William Joseph Burke, of Pennsylvania.
George Hammond Tilghman, of Maryland.
George William Brent, of Virginia.
Second Lieut. John Cornelius Roberts, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Daniel Webster Hickey, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Thomas Atkinson Jones, jr., Coast Artillery Corps, Officers' Reserve Corps.
Edwin Meade Newton, of Massachusetts.
Second Lieut. Samuel James Ogilvie, Coast Artillery Corps, Officers' Reserve Corps.
James Webb Benton, of New York.
Second Lieut. Bruce W. Mason, Infantry, Officers' Reserve Corps.
Second Lieut. Stapleton Conway Deitrick, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Arthur Wilson Winship, Infantry, Officers' Reserve Corps.
Second Lieut. Elvin Leon Barr, Coast Artillery Corps, Officers' Reserve Corps.
Thomas D'Arcey Brophy, of Massachusetts.
James Emerson Troupe, of Minnesota.
Second Lieut. John D. Hindle, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Douglas Eaton Morrison, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Ray Omer Edwards, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Samuel Davenport Bridge, jr., Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Carl Wood, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Thomas Eugene Jeffords, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Richard Dale, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Leslie Oakes Carr, jr., Coast Artillery Corps, Officers' Reserve Corps.
John McClelland Abrams, of Pennsylvania.
Ward Edwin Becker, of Minnesota.
Second Lieut. George Herbert Glover Campbell, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Amory Oliver, Coast Artillery Corps, Officers' Reserve Corps.
Seth Gerson Hess, of New York.
Second Lieut. John Webster Becker, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. James Boyden Crelvo Siske, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Ralph Scallon Herman, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Clarence Webb Dresser, Engineer Officers' Reserve Corps.
Second Lieut. Kenneth George Brown, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Robert James Malone, Coast Artillery Corps, Officers' Reserve Corps.
Louis Andre Lamoreux, of New York.
William Wayne Murphey, of Louisiana.
Earl Hendry, of New York.
Chester Edward Ames, of Massachusetts.
Second Lieut. Harry Bertram Aaron, Coast Artillery Corps, Officers' Reserve Corps.
William Boyd Sommerville, jr., of New York.
Second Lieut. James Lawrence Whalen, Coast Artillery Corps, Officers' Reserve Corps.
John Locke Doggett, jr., of Florida.
Second Lieut. Frank Hendricks Hastings, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Stephen Wilkins Thompson, Coast Artillery Corps, Officers' Reserve Corps.
Second Lieut. Joseph Hiram Gilbreth, Infantry, Officers' Reserve Corps.
Second Lieut. Adolph Frederick Youngberg, Coast Artillery Corps, Officers' Reserve Corps.
Harold Artemas Packard, of Massachusetts.
Second Lieut. Walter Allan Moore, jr., Infantry, Officers' Reserve Corps.
Second Lieut. Paul Americus Harris, Coast Artillery Corps, Officers' Reserve Corps.
John Aloysius Malone, of Pennsylvania.
Harry William Emil Bukowsky, of Oregon.
Howard Wright Reilly, of Colorado.
Walter Edward Hugins, of Colorado.
John Adolph Lindner, of Maryland.
Raymond Miller Richardson, of Maine.
Marion Nimmo Fisher, of Virginia.
Charles Oliver Pengra, of Massachusetts.
Second Lieut. Lionel David Smiley, Engineers, Officers' Reserve Corps.
Second Lieut. Harold Gilbert Archibald, Coast Artillery Corps, Reserve Corps.
Edward Garrett Cowen, of Tennessee.
Second Lieut. ———, Engineers, Officers' Reserve Corps.
Kenyon Putnam Flagg, of New York.
Charles Miller Black, of Colorado.
Murray Hoffman, of New York.
Waldo Hunting Rice, of Massachusetts.
Joseph Burske Hafer, of California.
Leavitt Randall Barker, of Iowa.
Second Lieut. Eben Sumner Draper, Coast Artillery Corps, Officers' Reserve Corps.
Carl Frederick Westerberg, of New Jersey.
John B. Roller, of Virginia.
Albert Converse Rountree, of Georgia.
James Kelsey Cogswell, of New Hampshire.
George Arthur Wilson, of Virginia.
Walter Burroughs Strong, of New York.
Walter H. Rice, of South Carolina.
Thomas Henry Healy, of the District of Columbia.
Second Lieut. Roy Arthur Horning, Engineers, Officers' Reserve Corps.
Henry Augustine Harkins, of California.
George Bernhard Anderson, of Massachusetts.
David Longfellow Patten, of Massachusetts.
George Edward Moore, of North Carolina.
John Atkinson Moore, of Kentucky.
Russell Meade Neff, of Michigan.
Second Lieut. Daniel Howe Hoge, Infantry, Officers' Reserve Corps.
Reamer Walker Argo, of Pennsylvania.
Edward Lucien Supple, of California.
Francis Whittlesey Swain, of Massachusetts.
William Kirk Fowler, jr., of New York.
Alexander Maxwell Hamburg, of New York.
Fred Beebe Hanchett, jr., of Illinois.
Paul Hatch, of Massachusetts.
Willard Paine Woodman, of Maine.
Walter Hannum Wheatley, of Colorado.
Armistead Landon Wellford, jr., of Virginia.
Samuel McCullough, of Massachusetts.
Owen Miner Rose, of Minnesota.
Frank Patterson Christian, jr., of Virginia.
Wilber Russell Ellis, of Virginia.
John V. Fenton, of New York.
Cyrus Bashford Austin, jr., of Ohio.
Mahlon Milton Read, of Massachusetts.
Roland Virgil Vaughn, of Massachusetts.
Allen Ferdinand Grum, of Virginia.
Donald Whitaker Campbell, of Massachusetts.
Frank Brodsky, of New York.
Bernard Clark Dailey, of New York.
Francis Paul McKenney, of Maine.
Second Lieut. William Cross Ferguson, Infantry, Officers' Reserve Corps.

George Montgomery Lovejoy, jr., of Connecticut.
Eugene Thomas Conway, of California.
Edward Carleton Moran, jr., of Maine.
John Woodbury Leavitt, of Massachusetts.
Richard Forrest Evans, of Massachusetts.
Clarence Stephen Babbitt, of Pennsylvania.
Robert Sherman Lewis, of the District of Columbia.
Walter Scott Stewart, of Rhode Island.
Linwood Irving Noyes, of Wisconsin.
Allyn Denison Stoddard, of Connecticut.
Arthur Knowles Stewart, of Rhode Island.
Adolf Blunk, of Nebraska.
McClellan Ratchford, of Alabama.
Standish Edmund Berry, of Colorado.
Hugh Williamson Rowan, of New York.
Edward Prescott Wright, of California.
Edward Columbus Jerome, of North Carolina.
Herbert Kuno Schulz, of California.
Robert Elwyn DeMerritt, of Massachusetts.
Jay Thompson Bell, of Michigan.
James Franklin Powell, of Virginia.
William Dalton Hohenthal, of California.
William Shelter Baxter, of New York.
Joseph Hall Van Schoick, of New Jersey.
Harry Browne Beale, of Virginia.
Rufus Laurence Nelson, of New Hampshire.
Henry Lafayette Miller, of New Hampshire.
James Ralph Lowder, of Iowa.
Frederick Mason Fischer, of New York.
Robert Joseph Miskovsky, of Nebraska.
Bayard B. Buchanan, of Oregon.
John Thomas Schneider, of Tennessee.
Willard Warren Scott, of South Dakota.
Curt Paul Richter, of Colorado.
Hascul Deus, of New York.
Irving LaFetra Arbeely, of the District of Columbia.
Edwin Philip Hart, of Illinois.
Assistant Engineer Lee Bodenhamer, Coast Artillery Corps, Fort Mills, Philippine Islands.
Leonard Louis Davis, of Illinois.
Frederick William White, jr., of Connecticut.
Franklin Temple Ingraham, of Massachusetts.
George Roy Genung, of New York.
Capt. William Langley Granbery, jr., First Infantry, Tennessee National Guard, Fort Oglethorpe, Ga.
Harold Leo Stiebel, of Maryland.
Gilbert Agnew Hunt, of the District of Columbia.
Webster Fletcher Putnam, jr., of Colorado.
Merle Halsey Davis, of Vermont.
Frank Simmons Hubbard, of Massachusetts.
George Berry Dobyns, of Pennsylvania.
Henry Devries Cassard, of Maryland.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

CORPS OF ENGINEERS.

To be captains.

First Lieut. Herman H. Pohl, from August 30, 1917.
First Lieut. Gerald A. Counts, from August 30, 1917.
First Lieut. Hiram B. Ely, from August 30, 1917.
First Lieut. Kenneth M. Moore, from August 30, 1917.
First Lieut. Charles D. Harris, from August 30, 1917.
First Lieut. Edmond H. Levy, from September 2, 1917.
First Lieut. Thomas D. Stamps, from September 19, 1917.

To be first lieutenants with rank from August 30, 1917.

Second Lieut. Herman H. Pohl.
Second Lieut. Gerald A. Counts.
Second Lieut. Hiram B. Ely.
Second Lieut. Kenneth M. Moore.
Second Lieut. Charles D. Harris.
Second Lieut. Edmond H. Levy.
Second Lieut. Thomas D. Stamps.
Second Lieut. Bartley M. Harloe.
Second Lieut. Starr C. Wardrop.
Second Lieut. Girard B. Troland.
Second Lieut. Llewellyn M. Griffith.

PROVISIONAL APPOINTMENTS, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. Francis Fielding-Reid, Infantry, to be first lieutenant of Field Artillery with rank from February 25, 1917.

First Lieut. Frederick R. Baker, Infantry, to be first lieutenant of Field Artillery with rank from August 8, 1917.

INFANTRY ARM.

First Lieut. Charles W. Chalker, Field Artillery, to be first lieutenant of Infantry with rank from August 8, 1917.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

First Lieut. Austin Mc. McDonnell, Coast Artillery Corps, to be captain from July 1, 1917, to fill an existing vacancy.

Second Lieut. Austin Mc. McDonnell, Coast Artillery Corps, to be first lieutenant from July 1, 1917, to fill an existing vacancy.

VETERINARY CORPS.

To be veterinarians.

Assistant Veterinarian Robert Vans Agnew, from June 3, 1916.

Assistant Veterinarian Richard H. Power, from October 26, 1916.

Assistant Veterinarian Henry W. Peter, from February 3, 1917.

Assistant Veterinarian William P. Hill, from February 4, 1917.

Assistant Veterinarian Jules H. Uri, from February 6, 1917.

Assistant Veterinarian John A. McKinnon, from March 26, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 17, 1917.

MEMBER OF THE INTERSTATE COMMERCE COMMISSION.

Balthasar H. Meyer to be a member of the Interstate Commerce Commission for the term of seven years.

EXPLOSIVES INSPECTORS.

The following named to be explosives inspectors for the States named, respectively:

Walter K. McAdory, Alabama.
Edward L. Shaw, Arizona.
Edwin T. Reaves, Arkansas.
John M. Griffin, California.
Thomas S. Price, Colorado.
James E. McGann, Connecticut.
William F. Hoey, Delaware.
Clarence E. Woods, Florida.
Carlos H. Mason, Georgia.
Edgar S. Elder, Idaho.
Lemuel T. Osborn, Indiana.
John J. Hughes, Iowa.
William J. Duval, Kansas.
Thomas S. Rhea, Kentucky.
Isaac A. Broussard, Louisiana.
Leon O. Tebbetts, Maine.
Lewis A. Griffith, Maryland.
Albert E. Stevenson, Michigan.
Madison C. Bowler, Minnesota.
Ellis S. Middleton, Mississippi.
Walter L. Lampkin, Missouri.
Jeremiah W. Farrell, Montana.
Charles F. Clark, Nebraska.
Denver S. Dickerson, Nevada.
Andrew W. Bingham, New Hampshire.
Edward D. Jackson, New York.
Miles C. Stewart, New Mexico.
Daniel A. McDonald, North Carolina.
William P. Porterfield, North Dakota.
Jasper S. Kinslow, Ohio.
Fred Ruins, Oklahoma.
William N. Campbell, Oregon.
John W. Rittenhouse, Pennsylvania.
Francis E. Sullivan, Rhode Island.
William Banks, South Carolina.
Michael R. Magner, South Dakota.
Albert M. Lench, Tennessee.
Charles B. Watters, Texas.
David C. Dunbar, Utah.
Park H. Pollard, Vermont.
Martin Williams, Virginia.
Walter G. Ronald, Washington.
Edwin M. Gilkeson, West Virginia.
James A. Berry, Wyoming.
D. C. Sargent, Alaska.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 17, 1917.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, humbly and devoutly we bow in Thy Holy Presence, with mingled regrets and gratitude in our hearts—regrets, that we have been drawn into the most sanguinary and cruel war of the ages, to defend our sacred rights, and the rights of those who are engaged with us, against a cruel and insidious foe; gratitude, that the young men of our country are responding nobly, patriotically, bravely to the call of the colors in this hour of distress and peril.

Be with the fathers and mothers, wives and children, who have given their dear ones to defend all that is nearest and dearest to out hearts. God, be with them till they meet again.

Grant success to our arms, and bring to the world an enduring peace through the example of Him, who with righteous indignation drove the money changers from the temple dedicated to Thee.

And everlasting praise be Thine. Amen.

The Journal of the proceedings of Saturday, December 15, 1917, was read and approved.

EXCESS-PROFITS TAX.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a table prepared by the Internal-Revenue Bureau of the Treasury Department touching the excess-profits tax and a statement by Mr. Roper concerning the law.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by printing therein a table respecting the internal-revenue act. Is there objection?

There was no objection.

The table and statement referred to are as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, December 3, 1917.

TREATMENT UNDER SECTION 201, ACT OF OCTOBER 3, 1917, OF THE DEDUCTION AUTHORIZED BY SECTION 203, 204, 205, OR 210.

To collectors of internal revenue and internal-revenue agents in charge:

The method of allowing the deduction authorized by section 203 204, 205, or 210 of the act of October 3, 1917, will be as follows:

In any case in which the deduction provided for in section 203, 204, 205, or 210 is greater than 15 per cent of the invested capital and therefore can not be fully allowed under the first rate or bracket of section 201, then in that event any remaining portion of the deduction will be allowed under the second bracket, and continued, if necessary, into the succeeding bracket or brackets until the entire amount of the deduction is allowed.

ILLUSTRATIONS.

An individual or partnership engaged in the manufacturing business with a capital of $30,000 and a net income of $12,000 for the taxable year, an average prewar net income of 9 per cent, or $2,700, and a total deduction of $8,700.

Bracket.	Rate (per cent).	Amount taxable under each bracket.	Tax.
First	20		
Second	25		
Third	35		
Fourth	45	$1,200	$540
Fifth	60	2,100	1,260
Total			1,800

A corporation engaged in the manufacturing business with a capital of $30,000 and a net income of $12,000 for the taxable year, an average pre-war net income of 9 per cent, or $2,700, and a total deduction of $5,700.

Bracket.	Rate (per cent).	Amount taxable under each bracket.	Tax.
First	20		
Second	25	$300	$75
Third	35	1,500	525
Fourth	45	2,400	1,080
Fifth	60	2,100	1,260
Total			2,940

DANIEL C. ROPER,
Commissioner.

Approved:
W. G. MCADOO, *Secretary.*

[Speech of the Commissioner of Internal Revenue, Dec. 13, 1917.]

THE WAR-REVENUE ACT AND THE TAXPAYER.

When the full significance of winning this war is properly understood it will be seen that no country ever chiseled into statute a measure of greater importance than the war-revenue act of October 3, 1917. This law undertakes to provide a large portion of the necessary money to defend and perpetuate those institutions to which our forefathers devoted their lives. In this sense it is a beacon light toward which people the world around confidently look, for the liberties of our allies are equally dependent with ours upon the necessary financial support which this act undertakes to provide.

It is an interesting law in that it more generally distributes the burden of taxation than any internal revenue measure in the history of our country. It touches more nearly every phase of industry, and therefore becomes of greater personal interest to our people than any previous tax measure. Because of decreased exemptions the personal income tax will reach six or seven million persons who have heretofore not made returns. This number includes a large proportion of our farmers, a vast number of retail merchants, salaried employees, wage earners, and laborers. In addition, there is an estate tax, a capital stock tax on corporations, an excess-profits tax on individuals, partnerships, and corporations, and excise tax on dealers in a large number of commodities, a variety of stamp taxes, a tax on admissions and dues, a tax on public facilities, such as railway transportation, telegraph and telephone, messages, and insurance policies, occupational taxes, and the special taxes on alcoholic and nonalcoholic beverages, cigars, tobacco, perfumeries, and various other objects. Finally, there is the munition manufacturers' tax and the increase in postage rates. In short, this war-revenue act is the most comprehensive tax law ever enacted, and the man who escaps its provisions is indeed an inconsequential member of his community.

Some persons have undertaken to criticize the law and to point out its crudeness and inequalities. Imperfections in the law are not to be wondered at when it is remembered that so many of its provisions invade virgin territory. A careful study of the act, however, will convince the unbiased student that it is a remarkable piece of legislation, requiring only an intelligent and sympathetic attitude on the part alike of administrative officials, the Congress, and the people to bring it into workable form and to accomplish its purpose without destroying business or visiting undue hardship upon taxpayers who properly cooperate in its administration. But to accomplish these desirable ends the sympathetic and patriotic cooperation of the Congress, the administrative officials, and taxpayers are each and all indispensable. If they are assured there need be no undue anxiety. A good law may be ruined by reckless methods of administration, and a defective law vastly improved by intelligent and painstaking administration. Considerations of this nature prompted the Secretary of the Treasury soon after the passage of the law to call to my assistance in interpreting the excess-profits provisions of the law nine able and representative American business men. For several weeks these men have devoted their entire time without compensation to hearing and studying the views of taxpayers regarding the excess-profits law to the end that they may be able to give to the Commissioner of Internal Revenue information as to business based upon fresh and up-to-date knowledge. The end sought is to collect the tax which the law imposes with the least possible hardship and inequality. These excess-profits advisers have brought to the assistance of the Bureau of Internal Revenue a dependable knowledge of the viewpoint of the taxpayer and of business conditions which is essential to the practical solution of the problems with which we are confronted.

This I believe to be the first time that any Government department has worked out a cooperative plan for ascertaining and digesting the business and industrial conditions affected by a Federal law. It is a step toward that understanding that should prevail in every democracy between the people and those whose duty it is to administer the law.

In furtherance of the desire of the department to solve its problems in the light of actual conditions rather than of superficial considerations there has been called to its assistance a group of legal advisers composed of representative lawyers of very broad experience, who are patriotically giving without cost to the Government assistance that we could not purchase in interpreting the law.

Following the publication soon to be made of the rules and regulations for the administration of the law is to come the tremendous task of actually collecting the taxes. The period between January 1 and March 1 is fixed by law for the filing of returns by the taxpayers. Payment must be made before June 15.

The campaign of administration involves a campaign of education. It is intended that every available avenue shall be utilized for informing taxpayers as to the amount of tax for which they are liable, and how, when, and where their taxes are to be paid.

To this end the field force of the bureau is to be expanded and reorganized and specially charged with the duty of coming into personal contact, between January 1 and March 1, as nearly as possible, with every person subject to this tax.

Schools of instruction are to be held in every collection district and early in the new year a competent revenue official will be sent into every county in the United States. These agents will be provided with all necessary forms and will be qualified to render assistance to taxpayers in making out their returns. Public announcement will be made through the press of the dates when these men will visit each community and taxpayers will be urged to call on them promptly. Their services are free and there should be no necessity for anyone to incur expense in the preparation of his return.

Plans have also been perfected whereby the revenue field officers are to have the cooperative aid of the State and county councils of national defense not only in disseminating information regarding the law but in arousing and stimulating a patriotic attitude toward war taxation. Volunteer assistance will be rendered also by committees of bankers, accountants, postmasters, and by the highly trained field force of the Department of Agriculture.

We hope so thoroughly to cover the field that ignorance of the law may not be consistently offered by any taxpayer as an excuse for failure to comply with its requirements. It must not be overlooked that the law plainly imposes upon the taxpayer the duty of seeking the revenue officials and of complying with its provisions and prescribes rigid penalties for failure to comply with them.

As a practical aid to the millions of new taxpayers, we have devised a comparatively simple, self-explanatory income-tax return form for the use of persons having a net income of less than $3,000. Many of these people do not keep books or records of accounts. They are not familiar with accounting terms and methods and would be unnecessarily confused if confronted with a form which carried the intricate

questions required by the surtax and excess-profits tax features of the law. Consequently, the man of small income, who is subject only to the normal tax of 2 per cent, is to have the benefit of a schedule drafted in the simplest possible form and language.

The man of larger income, who is required to compute surtax and excess-profits taxes in addition to the normal tax, will be required to use more detailed forms with appropriate instructions.

As illustrative of some of the recommendations touching the excess-profits tax, which are now being considered with a view to presenting them to the Secretary of the Treasury, the following, among others, may be cited:

Allowance of reasonable salaries in the case of partnerships and individuals, in order to place them on an equal basis in this respect with corporations. The effect of this allowance would be to transfer a reasonable salary allowance from income derived from capital invested, all of which would otherwise be taxable under the graduated rates of section 201, to section 209 which imposes a flat rate of 8 per cent on salaries and other income. It is readily seen that such a construction is fully within the spirit and intent of the law. It is within the letter of section 209, which allows each individual who really earns a salary by personal exertion, no matter in what business connection, to have it taxed under the 8 per cent provision of section 209.

That the 8 per cent rate be made to apply to professional men even if a small amount of capital is employed by them.

That merchants be permitted to make inventories of merchandise either at cost or at market value. That brokers be included, on the ground that they are merchants of securities.

That any taxpayer who is content with a 7 per cent deduction upon his invested capital will not be called upon to make a complete return of his prewar capital and income.

You have already observed that the Secretary of the Treasury has approved of a Treasury decision allowing the full exemption provided by the Congress to corporations in sections 201 to 203. The difficulty here arose that a definite exemption was provided for in section 203, but the mechanics provided for applying the exemption in section 201 were left incomplete in a limited number of cases. Hence this decision carries out the manifest intent and purpose of the Congress.

Without further taxing you with the details of our study of the law, I would state that we are confident that the rules and regulations to be adopted will interpret the law in a manner which will be in full accord with its intent and in harmony with the methods of legitimate business and the rights of the taxpayers. It is neither hoped nor expected that these regulations will please every taxpayer. They would not be good regulations if they did. The spirit of honest cooperation with the taxpayer, however, is being instilled into every employee of the bureau and will be insisted upon at all times and in all places.

All taxation is burdensome. War taxes are necessarily so, because they are heavy. The Government's needs are pressing, however, and must be met. The law imposes an obligation upon every citizen which he must meet honestly, patriotically, and, we hope, cheerfully. We have many evidences that American patriotism is responding to this condition.

No agency has done more or is capable of doing more to bring about these desirable ends than the business press of the country. You are now contributing space to this work. The people can only be reached and aroused through the kind of campaign that you are waging. Through your editorial columns you can point out anew your country's needs and the necessity of taxation as the fundamental method of financing this war. You will picture taxation for war purposes as an essential prerequisite to victory and as a necessary defense to liberty. The man who pays his liberty tax in full, without question or murmur, is no less a patriot than the man who invests in the liberty bond or volunteers his services for military duty. This is the spirit of America and I congratulate our country on the patriotic manifestation of cooperation by your great agency for publicity.

Mr. TIMBERLAKE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a petition signed by the executive officers of the State of Colorado against the provisions of the revenue law exempting State officers.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. WALSH. I object.

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following notice of resignation.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have to-day transmitted to the governor of the State of New York my resignation as a Representative in the Congress of the United States from the seventh district of New York, to take effect December 31, 1917.

Respectfully, yours, JOHN J. FITZGERALD.

NATIONAL PROHIBITION.

The SPEAKER. This day has been set apart for the consideration of the prohibition amendment, Senate joint resolution 17, and the Chair knowing that it is an exciting question on the floor and in the galleries asks all of the Members to assist in maintaining order and decorum, and warns the people in the galleries in advance that they are here through the courtesy of the House, and that any demonstration of assent or dissent is absolutely forbidden. If there is any evidence of anything of the kind, the Chair will have the galleries cleared. The Chair recognizes the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Speaker, in accordance with the unanimous-consent agreement, I call up Senate joint resolution 17, and before beginning the debate upon it I would like to have some understanding as to who shall control the time both for and against the resolution. Of course, I would like to control the time in favor of the resolution.

The SPEAKER. Has the gentleman any suggestion?

Mr. WEBB. I suggest that the gentleman from Minnesota [Mr. VOLSTEAD], the ranking Republican on the Judiciary Committee, control half the time, with the understanding that I control the other half, with the further understanding that half of my time be given to those on this side in opposition to the resolution and half of Mr. VOLSTEAD's time be given to those on that side in opposition to the resolution.

Mr. FITZGERALD. Why should not some one in opposition to the resolution control the time?

Mr. WEBB. We have tried to get somebody to do that and no one seems to want to do it.

Mr. GILLETT. Mr. Speaker, I understand that Mr. VOLSTEAD is going to make exactly that arrangement with those who are opposed to the resolution.

Mr. STAFFORD. Mr. Speaker, would it be agreeable to the gentleman from North Carolina to yield one-half of his time in opposition to the ranking Democratic member on the committee in opposition to the amendment, and the gentleman from Minnesota yield one-half of his time in opposition to the amendment to the ranking member, or next ranking member, on the Republican side of the committee in opposition to the amendment on the Republican side?

Mr. WEBB. As far as I am concerned, I am willing to yield half of my time to some member of the committee who is opposed to the resolution on the Republican side if the gentleman desires that.

Mr. GARNER. Why not yield it to some one on the Democratic side?

Mr. WEBB. I think that would be better, but that was the suggestion of the gentleman from Wisconsin.

Mr. FITZGERALD. Mr. Speaker, I insist that the time in opposition to this resolution be controlled by those who are actually opposed to it.

Mr. STAFFORD. Mr. Speaker, will the gentleman from North Carolina yield until I make a suggestion to the gentleman from New York?

Mr. WEBB. Certainly.

Mr. STAFFORD. I would like to inquire of the gentleman from New York whether the suggestion made by me a moment ago is not agreeable, and that the gentleman from North Carolina control half the time and the gentleman from Minnesota half the time, and that each of them respectively yield one-half of their time to some one on their side in opposition to the resolution. In that way half of the time will be controlled in opposition.

Mr. FITZGERALD. We can not have four men controlling the time and regulating the distribution of the order of speakers. The time must be in the control of two men, one representing those in favor of the resolution and one representing those opposed to it. I am opposed to this resolution and I do not propose that two men in favor of it shall control the disposition of speaking upon it.

Mr. GILLETT. Why should not there be four men? Why should there not be one on the Democratic side in favor of it and one opposed to it, and one on the Republican side in favor of it and one opposed to it? That will divide the time equally.

Mr. FITZGERALD. This is not a partisan question. There are some Members of the House in favor of the resolution and some against it, and on that the House will divide and not on partisan lines.

Mr. VOLSTEAD. If the gentleman will pardon me, there is not any disposition to take advantage. The idea is to divide the time equally between the two sides, and it seems to me it can be done in that way just as well as any other.

Mr. WEBB. I want to supplement the statement of the gentleman from Minnesota that there is no desire to take advantage of the opposition to this resolution. We tried to get two or three of the ranking men opposed to the resolution to take charge of the time——

Mr. IGOE. Oh, no.

Mr. WEBB. I mean on the Republican side.

Mr. IGOE. That is all right.

Mr. WEBB. I suggest that I control the time in favor of the resolution and that the gentleman from Missouri [Mr. DYER] be permitted to control the time in opposition of the resolution.

Mr. GILLETT. I object to that; I think Mr. VOLSTEAD ought to have half the time.

Mr. GORDON. I object.

Mr. FITZGERALD. The gentleman from Minnesota is in favor of the resolution and he is not entitled to control half the time.

Mr. GILLETT. Why not as much as the gentleman from North Carolina?

Mr. FITZGERALD. The gentleman from North Carolina is the chairman of the committee and under the unbroken usages of the House he is entitled to control it. If there is any gentleman on that side opposed to the resolution, this side is willing that he shall control the time against it, but is not willing for some one in favor of the resolution to control the time against it.

Mr. GILLETT. I will not consent to that proposition.

The SPEAKER. The gentleman from North Carolina is recognized for an hour.

Mr. KITCHIN. Mr. Speaker, let me suggest to the House that this constitutional prohibition amendment is before the House with Republicans and Democrats favoring it and Democrats and Republicans opposing it, so why not let the gentleman from North Carolina and the gentleman from Minnesota control half the time in favor of the proposed amendment and the gentleman from Ohio [Mr. GARD] and the gentleman from Missouri [Mr. DYER] control half the time against the amendment and then they can arrange it among themselves.

Mr. GILLETT. That is satisfactory to me.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that in the first place the time, of course, be divided into two halves, one in favor and the other against; that the gentleman from North Carolina [Mr. WEBB] and the gentleman from Minnesota [Mr. VOLSTEAD] control the time in favor and the gentleman from Ohio [Mr. GARD] and the gentleman from Missouri [Mr. DYER] control the time against.

Mr. DYER. I suggest that my colleague, the gentleman from Pennsylvania [Mr. GRAHAM], ranking me on the committee, control the time against the resolution.

Mr. KITCHIN. I would have put the gentleman from Pennsylvania [Mr. GRAHAM] in because I understood he is the ranking member after Mr. VOLSTEAD, but I understood he did not desire it.

The SPEAKER. Then the Chair will substitute Mr. GRAHAM's name for Mr. DYER. Under that arrangement the gentleman from North Carolina [Mr. WEBB] controls the prohibition side among the Democrats and the gentleman from Minnesota [Mr. VOLSTEAD] among the Republicans in favor of prohibition, and the gentleman from Ohio [Mr. GARD] the opposition among the Democrats and the gentleman from Pennsylvania [Mr. GRAHAM] the opposition among the Republicans. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within six years from the date of the submission hereof to the States by the Congress.

"SEC. 3. The Congress shall have power to enforce this article by appropriate legislation."

The amendments were read, as follows:

Page 1, line 9, after the word "The," insert "After one year from the ratification of this article the."

Strike out sections 2 and 3 and insert the following:

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

Mr. WEBB. Mr. Speaker, I would like to inquire before I begin how much time I can have under my control, so I can gauge my remarks.

The SPEAKER. The Chair does not know; there never has been any arrangement about how long this general debate shall run.

Mr. WEBB. At 5 o'clock all debate closes?

The SPEAKER. Yes.

Mr. FITZGERALD. I suggest that be understood, so there will be knowledge as to how the time shall be divided.

Mr. WEBB. General debate has already been agreed upon to close at 5 o'clock, all debate, so I would like to know how much time I have.

The SPEAKER. Five and one-half hours is the whole of it.

Mr. WEBB. That is right.

The SPEAKER. Now, a fourth of that is within the gentleman's control.

Mr. DYER. Will the gentleman from North Carolina yield?

Mr. WEBB. I have not the time; I am making a parliamentary inquiry, which does not come out of my time.

Mr. DYER. Did I understand the gentleman to say that general debate under the five-minute rule closes at 5 o'clock?

Mr. WEBB. Yes; all time.

Mr. DYER. Then I think we ought to have some time for debate under the five-minute rule.

Mr. KITCHIN. I suggest the gentleman ask unanimous consent that general debate close at a certain hour, and then we will take up the bill under the five-minute rule. I would say 4 o'clock.

The SPEAKER. That would take unanimous consent.

Mr. CANNON. It seems to me, Mr. Speaker, that the present agreement dispenses with all necessity of debate under the five-minute rule.

Mr. KITCHIN. I was speaking of amendments.

Mr. WEBB. They will be offered during general debate and debated.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. As I understand it, the understanding that was had the other day was that the debate of all kinds should continue until 5 o'clock, when a vote should be had on the resolution and amendments pending. Now, my parliamentary inquiry is whether or not it was understood that during that time amendments could be offered to be voted upon at that hour.

The SPEAKER. There was not a word said about that.

Mr. WEBB. I think, Mr. Speaker, it was clearly understood from the trend of the debate, however, that during general debate amendments could be offered and debated in general debate.

Mr. STAFFORD. If there was nothing said, will the gentleman make the request that amendments may be offered to be voted upon at 5 o'clock?

Mr. WEBB. Certainly; that is my understanding. I think gentlemen having amendments should be permitted to offer them.

Mr. STAFFORD. Will the gentleman make that request?

Mr. WEBB. I do request that during the general debate, if any gentleman has an amendment to offer, he may do so, and it may be considered along with the general resolution.

Mr. KITCHIN. That will be so, anyway.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that pending this debate any gentleman can offer an amendment whenever he wishes to do so, and that it to be pending and to be voted on after 5 o'clock. Is there objection [After a pause.] The Chair hears none.

Mr. WEBB. Mr. Speaker, I would like to be notified when I have consumed seven minutes of time.

Mr. Speaker and gentlemen of the House, I believe I will take up your time but briefly in explaining the committee amendments to this resolution as it passed the Senate. The first amendment adopted in the Judiciary Committee was the new section 2. As it passed the Senate it provided that the "Congress" should have the power to enforce this article by appropriate legislation. Most of the members, including myself, of the Judiciary Committee, both wet and dry, felt that there ought to be a reservation to the State also of power to enforce their prohibition laws. And therefore we amended the resolution by providing that the Congress "and the several States" shall have "concurrent" power to enforce this article by appropriate legislation. So the amendment reads:

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

I believe, regardless of our division on the dry and wet question, every Member will agree with us that this is a wise and proper amendment. Nobody desires that the Federal Congress shall take away from the various States the right to enforce the prohibition laws of those States. If we do not adopt this amendment from the committee there might be a fight in Congress every two years as to whether the States should be given the right to help enforce this proposed article of the Constitution. Because, as I see it, after the States have delegated to the Federal Congress power to do a certain thing, for instance, to stop the manufacture and sale of alcoholic liquors for beverage purposes, the question is whether the State has not turned over to the Federal Congress the exclusive right to enforce it.

I recall the crime of counterfeiting. It is peculiarly a national offense, because it is offensive to the integrity of the national money, and yet nearly all the States have statutes con-

demning and punishing counterfeiting. But there the jurisdiction is concurrent, and if the State gets hold of a counterfeiter first the Federal Government sometimes lets the State handle it, but often asks the State to turn him over to the Federal Government. But the States have the right to enforce their laws against counterfeiters because the Congress has given them the jurisdiction. We thought it wise to give both the Congress and the several States concurrent power to enforce this article and let that power be set forth and granted in the article we propose to submit. Hence the amendment we adopted was adopted by the committee and we hope the House will agree with us.

Mr. CANNON. Will the gentleman yield?

Mr. WEBB. I will.

Mr. CANNON. Each State having the power to enforce this Federal law, the query is, With 48 States and the Government, I suppose the law that Idaho has passed would cover the whole country?

Mr. WEBB. Oh, no.

Mr. CANNON. If the gentleman will allow me, under the police powers of the States every State can prohibit within its boundaries the manufacture and sale.

Mr. WEBB. Indeed, within its boundaries. And that is what we want to permit them to continue to do. We do not want 10,000 Federal officers, with all the expense of salaries, going over the country enforcing these laws when the States have their own officers to do so and are willing to do so.

Mr. DEWALT. Will the gentleman yield?

Mr. WEBB. I will.

Mr. DEWALT. Under this amendment in section 2 you are giving Congress and the several States concurrent power. Another query: Suppose the State of Ohio should by its legislature pass a law or laws for the enforcement of this constitutional amendment. Suppose that law was not in conformance with the regulations as passed by Congress for the enforcement of this same provision of the Constitution, having, as you say, for this clause, concurrent power. Which of the two powers would be supreme, if any?

Mr. WEBB. The one getting jurisdiction first, because both powers would be supreme, and one supreme power would have no right to take the case away from another supreme power.

Mr. DEWALT. Does the gentleman say that as a lawyer?

Mr. WEBB. I unquestionably do. Both powers are supreme to enforce this article, and the first getting jurisdiction would enforce it.

Mr. DEWALT. Will the gentleman yield further?

Mr. WEBB. I can not. My time is running rapidly. I am embarrassed in not having more time.

Mr. BENJAMIN L. FAIRCHILD. Suppose there is a conflict in the laws between the laws of the State and the laws of the Federal Government?

Mr. WEBB. There would be none, because there would be no conflict of jurisdiction.

Mr. BENJAMIN L. FAIRCHILD. This amendment is that the State shall have jurisdiction to legislate on the subject?

Mr. WEBB. If the State should get jurisdiction first, the State jurisdiction would apply; and if the Government should get jurisdiction first, the Government jurisdiction would apply. Both would be supreme, and it would only be a question as to who got the offender first. Now, the next question——

The SPEAKER. The seven minutes have expired.

Mr. WEBB. I will proceed a little while longer.

The SPEAKER. How much longer?

Mr. WEBB. I will use 15 minutes.

The SPEAKER. Fifteen minutes more?

Mr. WEBB. No, sir; eight minutes more.

The next amendment is the one giving the brewers, distillers, and the bar rooms of the country two years in which to wind up their business in case the amendment should be ratified by the States. Two years seems to be a little long, but the idea of giving the brewers and distillers one year after ratification to wind up their business struck the dry members of the committee as being fair and just. We realize that the brewing business and the distilling business are legitimate at present in a number of States. It is legitimate to run bar rooms, and while we prohibitionists desire to have the country go dry, we do not propose to let our zeal in that great cause destroy our sense of justice, and I for one was willing to advocate the right of the brewers and distillers to have one year to wind up their business. We have distinguished precedents for this in the action of nearly all the dry States. Most of the States give them a year in which they may wind up their business. We saw no objection to giving them at least a year after this business is outlawed to wind up their affairs. I wanted to explain it to the House. I think it is a perfectly fair amendment, and I will be very glad to vote for it, and I hope the dry Members will vote for it. At the same time our opponents agreed to give the States one year longer in which to pass this amendment. As the amendment came from the Senate, it was limited to six years. If it failed in that time to be ratified by the several States it became inoperative and void.

We agreed to add one year further and make it seven years, so that we have an amendment providing that one year after the adoption of the amendment by the several States it will go into effect; we have given seven years in which the States may adopt it, and we have given the States concurrent power with the Federal Government to enforce it. I believe that the committee has strengthened the amendment. With those amendments I really believe we have made the amendment stronger and fairer.

Mr. FESS. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman from North Carolina yield?

Mr. WEBB. Yes; I yield just for one question.

Mr. FESS. I think this is the only case where there was a limitation of any sort as to time. Why was any limitation put on it, as, for instance, seven years?

Mr. WEBB. I will say to my friend that that was a compromise in the Senate between our dry friends and our wet friends; and I understand, and, so far as I am concerned I believe, that every constitutional amendment ought to have some limitation of this kind to it. I do not believe in Congress submitting to the 48 States an amendment and letting it remain out forever, with no limitation attached to it. In the interest of definite and certain legislation there ought to be some limitation to the passage or adoption of all these constitutional amendments submitted by Congress. I will say to my friend that personally I wanted 10 years as the limitation, but, not being able to get that, I was willing to accept 6. But, being able to get 7, we thought that more agreeable and satisfactory to the "drys" and acceptable to the "wets," and therefore we made it 7 years.

Mr. FESS. It was not true with respect to the income-tax amendment or the amendment in reference to the election of Senators directly by the people.

Mr. WEBB. No; but our committee put it in the seven-year limitation with reference to woman suffrage. I do not believe that hereafter there will be an amendment submitted to the States without a limitation being attached to it. There is an amendment or two—and I will ask the gentleman from Pennsylvania [Mr. STEELE] to discuss the legality of these limitations presently—an amendment or two that have been out for a hundred years and have been forgotten.

Mr. RUSSELL. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. RUSSELL. Has there not been some question as to whether or not the Congress has the right to place this limitation on it?

Mr. WEBB. Yes.

Mr. RUSSELL. If so, what does the gentleman think about that legal proposition?

Mr. WEBB. I think we have the power to do it. But I am going, as I said, to call upon the gentleman from Pennsylvania [Mr. STEELE] to go into that. At my request he has made an investigation of the matter. I know he will do it well.

Now I have hurriedly explained the amendments. I will say that they were agreed to by practically all of the committee, regardless of how they stood on the wet and dry question.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. WEBB. I will yield to the gentleman for a question.

Mr. DENISON. I would like to ask the gentleman his opinion on this question: Section 2 provides that the Congress of the United States shall have the concurrent power of enforcement. What does the gentleman think of the exercise of power by the one excluding the exercise of power by the other?

Mr. WEBB. I do not think the punishment of the offense by the State government would be followed by the punishment of the same offense by the Federal Government, or vice versa. Three years ago, in passing on the prohibition amendment, we provided that the State and Federal Governments might jointly or separately exercise jurisdiction and punish. That meant that the Federal Government might punish a man for the same offense that the State would punish him for. But one punishment ought to be sufficient, although the offense may be committed against two sovereignties. Now having concurrent power, I think the Federal Government can not do it if the State government does it, and vice versa.

Mr. DENISON. Mr Speaker, will the gentleman permit another question?

Mr. WEBB. Yes.

Mr. DENISON. If that is true—and I think the gentleman is correct—if one of the States should provide very small penalties for the violation of the law, and had jurisdiction first, would not that practically defeat the operation of the law in that State?

Mr. WEBB. It might do it to a limited extent for a little while.

Mr. DENISON. What does the gentleman think of the wisdom of that?

Mr. WEBB. I think it is all right. I am not afraid to trust the States about that. The gentleman need not worry about the States. I never saw one that went counter to the United States Constitution, or whose law officers failed to enforce the law.

Mr. DENISON. But would not that lead to lack of uniformity?

Mr. WEBB. If the States did not do it, the Federal Government will nab a man who has violated the law. If the States will not do it, I do not think the violator of the law can get away with it so long as he is violating a Federal law also.

Mr. DEWALT. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. DEWALT. The gentleman refers to the case of counterfeiting, in which he said the United States jurisdiction and the State jurisdiction were concurrent.

Mr. WEBB. Yes.

Mr. DEWALT. Is the gentleman aware of the fact, or is it a fact, that if a State takes jurisdiction of a counterfeiting case and there is a trial and a conviction and a sentence, the United States Government can still try the same offender for that offense and punish him under the criminal satutes?

Mr. WEBB. That is because Congress passed a statute giving the States power to enforce the criminal law against these various acts, and only concurrent jurisdiction is given and that by Congress and not by the Constitution. We propose to give concurrent power by the Constitution itself.

Mr. DEWALT. If this portion of your amendment passes, would the same fact remain—that is, would the State and the Federal power have jurisdiction, and the party be liable to two punishments?

Mr. WEBB. No. I do not think it should be. In the form in which we passed the amendment three years ago that was so, but when the State convicts a man I do not think it wants a man to be convicted again by the Federal Government of the same offense, and vice versa.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. ALEXANDER. Does not the gentleman think the law should be uniform in all the States of the Union? If we are going to have prohibition, ought not the law to be uniform in all the States? If three-fourths of the States adopt this amendment, and the others are unfriendly to it, can they not adopt laws giving a minimum penalty and thus defeat the law?

Mr. WEBB. No. In that case the Federal officers will be after the man who violates the law pretty soon and will bring him into a Federal court.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. WEBB. I regret I have not the time now.

The SPEAKER. The gentleman has consumed 15 minutes.

Mr. WEBB. One minute more, Mr. Speaker, before I sit down. The papers are full this morning of letters both for and against this amendment. One that has attracted some attention is from Samuel Gompers, president of the American Federation of Labor, addressed to me as chairman of the Committee on the Judiciary of the House of Representatives, wherein some people claim he is trying to invoke the power of the Federation of Labor in opposition to this amendment. Samuel Gompers never did speak for and never will speak for the American Federation of Labor in opposition to the national prohibition amendment. [Applause.] He takes particular pains in the body of his letter to me to disclaim that he is speaking for the American Federation of Labor. It would be a slander upon the American people, and especially upon the American workingman, to say that they as a class are opposed to National or State prohibition; and as Mr. Bryan said this morning in answer to Mr. Gompers, it would be a worse slander still to intimate that the great laboring classes of this country have got to measure their patriotism by the quart or by the schooner. It is not so. [Applause.] Mr. Gompers says he does not represent the American Federation of Labor, and well may he say it. And while I am on this subject, here are the statements of a few American Federation of Labor presidents and labor leaders from dry States. The first one is from the State of Washington:

I was opposed to the passage of the prohibition act in this State. To the great body of our workingmen, however, the law has been a distinct blessing.

H. P. MARCH,
President Washington State Federation of Labor.

Here is one from Colorado:

I voted against prohibition. I am now irrevocably opposed to the saloon. You could not dig up a corporal's guard of trade-unionists who would vote for a return of the saloon.

WILLIAM C. THORNTON,
President Denver Trades and Labor Assembly.

JULY 22, 1917.

Here is one from Arizona:

Arizona workers are certainly better morally and financially than they were before prohibition was adopted.

JOHN L. DONNELLY,
President Arizona State Federation of Labor.

Ten years ago this town boasted 37 saloons. If anyone mentioned prohibition he was sneered and laughed at. Now, if a vote were taken, this district would vote dry. The workers now almost all have a bank account. The banks instead of saloons are crowded on Saturday night.

ERNEST BECKMAN,
Business Agent, Deputy Organizer, A. F. of L.,
No. 220 Carpenters and Joiners of America, Wallace, Idaho.

JULY 7, 1917.

That is one of the very organizations that was mentioned by Mr. Gompers in his letter, as suggested by Mr. Denham, whoever he may be, and that letter was written in July 7, 1917.

Mr. SNYDER. Will the gentleman yield?

Mr. WEBB. Wait until I finish. Here is the great State of Iowa, Mr. Speaker:

At the annual convention of the Iowa State Federation of Labor, this year, I was surprised to find a number of the boys who used to think it would be a calamity if the State went dry, telling of the improved condition in their cities since the saloons closed.

LEON A. LINK,
Secretary-Treasurer Waterloo Central Labor Union,
Waterloo, Iowa.

JULY 11, 1917.

Here is one from Oregon:

Since the bone-dry law went into effect a rich man's law is seldom referred to. I might say that if the question of repealing the present law in Oregon and going back to the saloons was left to a vote of the union men only, that the State would be so dry that none in 100 years would try to wet it up again.

W. B. SOMERVILLE, *Oregon Labor Leader*

JULY 9, 1917.

And you can multiply letters of this kind. The Washington Sunday Star printed more of them yesterday morning, from labor leaders all over the country. The brave ones who love their homes know that the liquor traffic, the saloon, is doing more to destroy their happiness and to destroy their bank accounts and the effectiveness of labor than all other evil agencies of every kind in this country combined, and that is why intelligent labor has risen up and repudiated Mr. Gompers's idea that we ought to keep laborers drinking in order to keep them at work, while we keep our soldiers sober in order to enable them to fight their best. That would be the attitude that Congress would put them in if it should refuse to pass this amendment.

Mr. SNYDER. Has the gentleman received any petition from any labor organization with a considerable number of names, the signatures of which he knew were correct?

Mr. WEBB. Not one to me personally, so far as I remember. I have not received a petition from a single labor organization in America, so far as I know, protesting against this amendment. I had a request from a man by the name of Denham, from Philadelphia, representing some of the joiners and brewers and saloons and bartenders, or something of that sort. But they need not worry. All these legitimate trade-unions know that the demand for labor is greater now than it ever was before, and that if they remain sober they will save more money, and the only jobs that will be lost will be those of the saloon and bartenders, and they ought to be put out of business. [Applause.]

I say this, gentlemen of the House, to let you understand the relation of labor to this question. I do not carry a labor card. I do not believe I have a labor union in my district; but it is a very significant fact that during all this fight I have not, so far as I remember, received a petition signed by individual laborers protesting against the passage of this constitutional amendment.

Mr. SNYDER. I should like to say to the gentleman that his experience with regard to labor organizations is entirely different from mine. Within the last few days I have had petitions representing union labor to the number of thousands

of names, many of whom I distinctly and personally know, who are opposed to the resolution.

Mr. WEBB. I do not say all the labor people are for the constitutional amendment. A great many of them are against it, like a great many lawyers and doctors and bankers who are opposed to it, but I tell you it is a slander to pick out the labor people of this country as a class and say that they are opposed to this resolution, because that is not true, and it is a worse slander to say that their patriotism depends on the amount of beer or liquor that they may be allowed to drink during the war.

Mr. GORDON. Do you claim that the Judiciary Committee has not received thousands upon thousands of remonstrances against this resolution?

Mr. WEBB. They may have in past days, but not within the past few months that I recall.

Mr. GORDON. I have filed thousands with your committee myself; what did the committee do with them?

Mr. WEBB. What is done with all of them—filed them in the file room. The Clerk handles those matters.

Mr. GORDON. Then why did the gentleman say that they had not received any?

Mr. WEBB. We have not, as far as I know, received any directed to me personally as chairman or to the committee.

Mr. GORDON. One of the gentleman's colleagues says that they have received more than a million of them.

Mr. WEBB. They have been addressed to you and to individuals but not to the committee. We have only had two men, as far as I know——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MOORE of Pennsylvania. Will the gentleman state the population of the States to which he has referred?

Mr. WEBB. No; but the population of Ohio has more great labor unions in it and more organizations of labor than many other States, and the labor unions went for prohibition in the last election. The location of a labor union or the population of a State has little to do with their attitude on the liquor question.

Mr. MOORE of Pennsylvania. And there is as large a population in the State of Ohio probably as in all the rest of the States the gentleman mentions.

Mr. CRAMTON. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. CRAMTON. In the recent vote for state-wide prohibition in Michigan the urban population, which would naturally include a great many labor votes, counting only the cities of 5,000 population or more, voted dry, giving a dry majority of 12,000 and over.

Mr. WEBB. That is good testimony. That also happened in Akron and Youngstown, Ohio, the great labor hives of the State of Ohio. When you remember that the laboring men did that I resent the idea of putting labor in the attitude of being against prohibition.

Mr. GORDON. The gentleman is mistaken. Ohio did not go dry.

Mr. WEBB. The cities went dry. I did not say the State. The gentleman need not worry; one more chance and Ohio will go dry, not by eleven hundred but by fifty thousand.

Mr. FESS. The State of Ohio did go dry—that is, 77 counties went dry and 11 went wet.

Mr. WEBB. It will go dry next time.

Mr. Speaker, government is but the organized forces of the nation formed for strengthening its power and advancing its life. Its highest aim is to suppress those agencies which have a tendency to sap and weaken the nation's strength, to suppress vice and crime in order that the nation may, unrestrained by these evils, go forward in its efforts for greater liberty, freedom, and achievement; that it may raise itself into a higher civilization more nearly approaching our ideal of a perfect government.

The use of intoxicating liquors for beverage purposes has long attracted the attention of our leading statesmen, and with great unanimity has been condemned as one of the greatest agencies for evil and crime that is now retarding our national growth.

The right to make and use intoxicating beverages has so long been enjoyed, and this right so long licensed and sanctioned by Federal taxing laws, that the ignorant have come to the conclusion that it is one of the inalienable rights of man which the Government should not interfere with. Those with broader mental horizons insist that the long-continued toleration of this evil has given those who claim it a vested right to carry on their business or enjoy their beverage; a kind of immunity from any interference by the Government to aid humanity. The one is as fallacious as the other. Either would deprive the Government of one of its chief reasons to exist.

The resolution now under consideration would submit to the States of the Union the one question, whether the Federal Government shall prohibit "the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes."

The submission and ratification of the proposed amendment by the required number of States would be no invasion of States' rights. It would be but the orderly and legal granting of this power to the Federal Government by the legislatures of the several States in the way the sovereign people of the States have provided for amending their constitution.

The people of the United States, when they ordained and established the Constitution for the United States of America, stating in the preamble that it was "to promote the general welfare" and other objects, realized that in order to accomplish their aims it would probably become necessary to add to the powers granted, from time to time, as the nation grew in wealth and population, and as the Government from necessity became more complex. That unforeseen conditions and problems would arise and require solution.

In order to meet such conditions and problems the framers of the Constitution wisely provided in Article V:

> That Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, * * * which * * * shall be valid to all intents and purposes as part of this Constitution, when ratified by the legislatures of three-fourths of the several States.

The adoption of the amendment here proposed would not be a move to tear down or weaken this ancient landmark, but would be in keeping with the plan of its framers to add to it a power for "the general welfare" of the people.

If we should hold it too sacred to be changed, we make of it a dead monument to its fathers. Like the "Old Ironsides" that now floats in Boston Harbor, it would still be revered for the splendid service it has performed, but it would not be equipped to meet the modern problems.

If we give it a liberal construction which will afford a reasonable opportunity to amend it as provided for in the fifth article, then like the trees of the forest which add new cells to their structure each recurring season to perpetuate their life and strength, you will make of the Constitution a vital power adapted to this and succeeding generations.

Senator Blair, in a favorable report made to the Senate on a similar resolution in 1888, is authority for the statement that:

> It is well known that but for the belief in the conventions of the States that the opportunity to amend the Constitution would be most liberally afforded by Congress in accordance with the forms provided in that instrument, the original ratification never would have been obtained.

The question of the expediency of passing this resolution is primarily addressed to the Members of Congress. It is only after it has been favorably acted upon by Congress that it is passed out to the States for their ratification.

In passing upon this question I think Congress should view it from two angles: First, whether there is such a public sentiment back of it as to justify Congress in submitting it to the States; and, second, whether we, in our wisdom, approve this grant of power.

I do not believe it is the duty of Congress to submit every proposition that might be offered to the States for their ratification. Aside from the merits which the proposition might possess, such a course would result in a continuous agitation in the States which could not be justified by Congress.

On the other hand, any great question vitally affecting the life of the people that the wisdom of Congress might approve which has found sufficient public favor to lead Congress to believe might be adopted by the requisite number of States should be submitted in order that the sovereign people might pass upon it.

Senator Blair, in 1886, in favorably reporting to the Senate a resolution to amend the Constitution and provide for national prohibition, similar to the one under consideration, says:

> When any considerable and respectable portion of the American people desire to plead their cause in the great tribunal of sovereigns, who, in a free country, decide every fundamental issue in the last resort, it is the duty of Congress to enact such preliminary legislation as is here proposed, so that under the forms of the Constitution they can be heard on the question of its own amendment. To deny this is of the very essence of despotism, and for Congress unreasonably to refuse the hearing is just cause of revolution. The people will demand a hearing for every large and respectable minority, and to grant this opportunity is the purpose of this resolution. Whatever may be the result, all must abide by it. But there can be no justification of a denial of the right to be heard.

In 1890 Senator Blair, in making a favorable report to the Senate upon a similar resolution, sums up the duty of Congress as he sees it in the following extract from his report:

> It being a fact that a very large proportion of the American people are anxious that the National Constitution be amended in accordance with the resolution, we believe that they have a right to be heard in the forum of the State legislatures, where alone the question can be decided whether the National Constitution shall be amended. That Constitution points out definitely the manner in which a change in its provisions may be effected. The Constitution of the country must be amended from time to time to correspond with the evolution of the Nation itself, for it is impossible to fetter the growth of the Nation in any direction. It will grow, peacefully or otherwise. The Constitution must yield here and there, corresponding to the necessities of the times and of the people, and the necessary changes be peacefully made, in accordance with the methods of amendment pointed out in the Constitution itself, or revolution and bloodshed will perform their work. The Constitution and the spirit of the age must be one. Whenever any considerable and respectable portion of the American people (and no considerable number can fail to be respectable) desire change in the fundamental law and ask respectful consideration of their propositions by the Nation at large, we hold it to be the duty of Congress to give them a status in the court provided by the Constitution for its own amendment.

I do not think this Congress can fail to find, beyond question, that this proposition is backed by a public sentiment of such strength and character as to not only justify, but require us to submit it to the States for ratification.

This movement is not of a temporary, spasmodic character, which may pass away with the summer, but has received the careful thought and approval of the moral and commercial forces of the Nation.

This and preceding Congresses have been overwhelmed by letters and petitions asking and pleading with Congress to submit this question to the States. These requests come from our highest type of law-abiding Christian men and women, who have their country's welfare closest to their hearts.

As further proof of the strength of this sentiment, it is not improper for me to call attention to the fact that during this Congress the Senate, on the 1st day of August, by a vote of 65 to 20, passed this resolution.

In 1907 only Kansas, North Dakota, and Maine had prohibition laws. Up to September 1, 1914, six additional States had been added. To-day we have legislative prohibition in 27 States of the Union, comprising a population of 61,000,000. Of the 2,543 counties in the United States, 2,238 are dry and only 355 counties in the entire Nation are wet. Over half of the world to-day is dry territory.

In my opinion the time has come when Congress can not fail to recognize the overwhelming demands that are being made from every section of this Nation and from all classes of her people to submit this proposition to the States for their ratification. The aim of the prohibition advocates is that the leaven that has been at work and brought good to the local districts, townships, counties, and finally States, may be permitted to leaven the whole Nation. With such an overwhelming sentiment, making new conquests at each new encounter, is it not reasonable to suppose that this sentiment would be reflected in the action which the several legislatures would take, and that this amendment would be ratified by them?

I appeal to the Members of this House to follow the lead of the Senate and give this proposed amendment your hearty approval as a wise and beneficial policy for this Government to pursue.

The use of alcoholic liquors for beverage purposes has long been regarded as a great national evil, which physically, mentally, and morally unfits man for his greatest usefulness.

The fact has been established by carefully compiled statistics that intemperate use of alcoholic beverages by parents weakens the vitality of their offspring, increases their death rate, increases the number of feeble-minded and defective children, and renders them more susceptible and less able to resist disease.

Alcoholic beverages impair the skill, lessen the power of endurance, increase accidents, and shorten the life of those addicted to its use. Alcoholism claims more victims than does either typhoid fever or smallpox. Drink is one cause of over 66,000 deaths every year in the United States. One insane person out of every four owes his affliction to its use, and it is given credit for breaking up over 9,000 happy homes each year.

The religious world has found it undermines the morals of the Nation. The business world has found that it weakens the intellect and has set the stamp of disapproval upon the use of such beverage by men it employs. The courts of the country find it the cause of crime, and justify this conclusion by the records of their criminal courts.

Such being its established reputation, it is not surprising to find the moral and religious forces of the Nation up in arms against it and trying to crush it by whatever means they have.

Is it not time for us to become aroused to the necessity of using the strong arm of the National Government to help suppress this great source of national weakness? This Government can be no stronger that the combined strength and vitality of the people. The Government can not serve its people better than by helping to preserve its people's strength and life.

It would be hard to understand why a National Government that has, with a lavish hand, reached out into the domain of the State and for the sake of protecting property smote down upon the cattle tick and the boll weevil and stopped the ravages of the foot-and-mouth disease, or that strained its power to regulate the commerce from the great manufacturing industries of the Nation in order to curb a practice that might weaken the vitality of the people, would then hesitate to lend its helping hand to meet and blot out the greatest agency for the destruction of property, life, and morals known to man.

The problem of suppressing the use of alcohol as a beverage is bigger than a county or a State. It is a national problem. Local regulations have been of great help in curbing the evil but they are not adequate. It has been demonstrated by an honest effort to regulate the traffic that one wet county in a State will inflict this evil upon the rest of the State. The same is true of a wet State in relation to the other States of the Union. You can not, by regulations, localize the bad effects that flow from this national evil.

Aside from the great difficulty in preventing the transportation of alcoholic beverages from a place where they can be legally made and sold into the dry territory, there would be no local boundary line to stop the degenerates, inebriates, weak-minded, criminal, and diseased persons whom it had produced, and keep them within the political division of the country that had permitted the manufacture and sale of the poison that had caused their sad condition. These would travel faster and with less restraint than the cattle tick, the boll weevil, or the cattle disease, and would become a menace to the health and morals of, and perhaps a public charge upon, some community that maybe had pleaded for an opportunity to help blot out these sore spots in our body politic.

Those engaged in fighting this great national evil think that this Government should cease to be a partner of the liquor manufacturer and seller by licensing such business in return for the tax which such a policy is made to pay. It is estimated that for every dollar collected by the Government in the shape of a tax $20 is paid into the pockets of the men carrying on this business by the poor, diseased slaves of drink. The Government can not afford to pursue this policy for the sake of the revenue it derives, when by doing so it puts it within the power of the liquor interests to collect for their own pockets many times this tax, and often from those who deprive their families of comforts and necessities to pay it. There is no way to accurately estimate the cost to the Government of accidents, crimes, and diseases caused by the traffic, but it must be appalling, and if it could be accurately stated in figures, I feel safe in predicting that no man, in opposition to this resolution, would ever have the temerity to speak or vote against its adoption on account of the incidental loss of taxes that might result from its ratification by the States.

Other solutions have been attempted to solve this liquor problem, but with only partial success. Opponents of the prohibition cause tell us our fight is all wrong; that it is a moral issue and we should appeal to the individual to restrain himself.

This disease of alcoholism is of stealthy character. It stimulates its victim into hilarity while it creeps upon him and binds him as its slave before he feels its grasp, even while the poor victim still boasts of his strength and power to resist it. They are to be pitied, for they need help to free themselves from its bondage. These victims should be able to look to their Government for protection against so dangerous an enemy.

We have already tried moral suasion. Godly men for all these years have preached temperance to the people and have saved many a poor soul from a drunkard's grave, but they still find that their weaker wards stumble on their journey through life and succumb to this frailty of humanity when faced by the alluring invitation of an open bar room, licensed, protected, and taxed, if not encouraged, by this Government of ours. Since we have not been successful in keeping our weaker brother from whisky, let us try keeping whisky from our weaker brother.

Here is a note I have just received from Miss Gordon:

> CONGRESSMAN WEBB: It is an honor to present to you, and through you to the House of Representatives, the appeal of 500,000 members of the Woman's Christian Temperance Union, praying for the passage of the joint resolution providing for a referendum to the States on national constitutional prohibition. This appeal comes from a host of home-loving women who with untiring energy and unstinted devotion have wrought marvelously for the moral and spiritual advancement of our country. This appeal comes from half a million patriots who

answered promptly the call to the colors. The nobility of woman's sacrifice, the fine quality of her patriotic service, her keen discernment in the adjustment of industrial conditions for women and children, her tender ministrations at home and on the battle field should entitle her to the granting by the Congress of this appeal.

In addition to the petition of women members of the National Woman's Christian Temperance Union, I beg to present a huge petition of the indorsers of the joint resolution for a referendum to the States on national constitutional prohibition secured through the efforts of the Woman's Christian Temperance Union and representing 8,000,000 men and women of our Republic. Adding to these the petitions sent directly to Members of Congress it is safe to say that our appeal is backed by more than 11,000,000 people. If these petitioners could be massed in solid phalanx in our Capital City you would see more than thirty times the population of the District of Columbia. Unquestionably it is an appeal for an act of true democracy, an appeal for a patriotic, economic measure. Autocracy and alcohol must both be overthrown. "Speed up" is the urgent cry echoing back to us from the awful battle fronts of Europe. Speed up on the prohibition legislation is the respectful appeal of the Woman's Christian Temperance Union to the Congress of the United States. We pray that in this crucial time of a stupendous world crisis the House of Representatives will rise to this exalted opportunity and give to the legislatures of the various States the chance to deal with a question so enormously vital to the economic and moral interests of our Republic. When the war is over and a righteous peace has been secured, only the clear brain of a sober Nation can be intrusted with the solution of the mighty problems that will then confront the greatest democracy on earth—the United States of America.

ANNA A. GORDON,
President National W. C. T. U.

Mr. GARD. Mr. Speaker, I will conclude within 10 minutes, but if not voluntarily I ask the Chair to call my attention to the time. With that understanding, in view of the numerous requests for time, I ask not to be interrupted by questions until I conclude.

Mr. Speaker and gentlemen of the House, the minority members of the Judiciary Committee are in agreement with some of the things that have been done by the committee relative to making Senate joint resolution 17 a better measure. We are in agreement with that provision which permits the lapse of one year after the ratification of this amendment before its full and complete effect is ordered.

We are also in agreement that the power of the State shall not be taken away in the enforcement of this law. We are further in agreement that the policy of amendments should be that they not be deferred through an undetermined length of time; in other words, that there should be a time limit to the ratification of the amendment.

In that same connection I beg leave to say that I deem it important that the Members of this House know that the protection for the full understanding of the people of the State be made, and that not alone there be a time limit for ratification, but that a time should be included in this article of amendment which will permit the State which has voted upon it to reject, if it desires, a ratification already made.

Those are the things which the members of the committee have directly brought out in connection with Senate joint resolution 17 as it came to the committee.

I am opposed to the passage of this article of amendment because I think that it removes from the States the police power given to the States by the Constitution of the United States of America and never before sought to be taken away from them. I believe that this question is a nonpolitical, a nonpartisan question, that it is essentially a social and moral question, and therefore that it is properly for the control of the several States and not at all to be engrafted on the Federal Constitution.

It is not and never has been the policy of the law to engraft upon the Federal Constitution any policies of government. Those are left in two ways—the national provisions are for action of Congress; provisions applying to the States are left to the wisdom of the State legislatures. That has always been recognized and should be recognized to-day.

Mr. BARKLEY. Will the gentleman yield?

Mr. GARD. I regret to say that I have not the time, and I so stated in the beginning of my remarks. The powers are vested in the several States to do and declare whether or not liquor having any alcoholic base shall be used as a beverage or in any other way in the States. That power is completely ratified by acts passed by this Congress which has prohibited the transmission of liquor into dry territory; passed acts in every way affirming the rights of the States to prohibit or regulate alcoholic liquors as a beverage in any and all cases. So this American Congress has done everything it possibly could have done to sustain the rights of the States in this matter of police regulation.

Not alone that, but the Supreme Court of the United States, in a decision made December 10, 1917, just one week ago, in the case of D. Crane, plaintiff, against Campbell, sheriff, and others, known as the Idaho case, has held that the legislature of a State has a right to pass any laws for the regulation or prohibition of the use of alcoholic beverages; that it is no infringement of personal rights for a State to say that there be prohibition even against the personal possession or use of such alcoholic beverage. So I must conclude with the statement that every right guaranteed to the individual States for the regulation of this traffic has been made by this Congress and by the court of last resort, the Supreme Court of the United States.

We contend that the States should have the right to determine whether the States and the people of the States are best served by prohibition or by regulation. It is a constitutional right, and we ask that it be maintained.

Then I am opposed to this resolution for the reason that at this time it substitutes continued controversy for a sane settlement. The President of the United States, as Commander in Chief of the Army and Navy, upon this floor on December 4 last said that he had most clearly in his mind that the work of this Congress should be work for the winning of this war. It is likewise the work of all our people. I maintain that if this article of amendment be submitted it merely provokes a controversy in every State in the American Union which will necessarily divert into unwise contention the splendid unanimity of the American people.

There are many people in favor of prohibition, honestly in favor of it, and there are many people who are honestly against the prohibition of alcoholic beverages in the United States. Each should be entitled to his expression. Times have changed very materially since the Senate on the 1st of August, 1917, passed this amendment which is now brought into this House. On the 10th of August of this year there was passed a law prohibiting during the war the distillation of food products, and providing further that the President of the United States, having in mind the protection of the food products and an unlimited and good supply thereof, and also the protection of the national security, should determine whether there should be regulation, whether there should be prohibition, and what should be the alcoholic content; and the President only last Tuesday, I believe, declared that at this time no alcoholic beverages shall be brewed containing more than 2¾ per cent alcohol and that not more than 70 per cent of the product used last year shall this year be used for alcoholic beverage purposes. So that the matter as it is presented to us to-day, I repeat, is the substitution for what is working out as true temperance continued controversy in every one of our States for six or seven years. I submit that the great body of the American people, not those who have an interest in the manufacture of liquor, not those who are professional prohibitionists, but the great body of the American people have but one idea now. They want to live in these United States in a spirit of harmony, and by harmony and cooperation use every ounce of power toward the great task of winning the war. They want to live a life of contentment, they want to live under the guaranties of the Constitution of the United States of America. As a true, as a practical, as a sane temperance measure we are now working this out to the satisfaction of all of our people. I submit it should stand this way, and with that idea I oppose the adoption of this article of amendment. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker and Members of Congress, ever since I was a small lad until I came to Congress two years ago it has fallen to my lot to associate with the wage-earners of our country, and I have a warm feeling of brotherly love in my heart for the great army of working men and women who earn their living by labor in the shops, factories, mines, industrial works, and on the railroads.

Previous to March 4, 1915, when I took my seat in this House, I was employed for 19 years by the Pennsylvania Railroad Co. in the capacity of locomotive fireman and engineer, and it is with a feeling of great pride that I can say that I am at present a member in good standing of one of the great labor organizations of our country, the Brotherhood of Locomotive Engineers.

I desire to say a word about the relation of the liquor traffic to organized labor. There is at this time an effort being made by the representatives of the liquor interests to give the impression that the labor unions of the country are opposed to the prohibition of the liquor traffic, and the Members of this Congress are being threatened and flooded with numerous memorials, telegrams, and petitions by these men, protesting against the passage of this resolution and pretending to speak for the workingmen of this country. I deny and challenge the statement that the laboring people and the thousands of members of organized labor are in sympathy with the un-American licensed liquor traffic and that the beer keg and whisky bottle are their emblems. It is true that certain labor organizations are opposed to prohibition, but these men represent various crafts that are engaged in the manufacture, sale, and distribution of alcoholic liquors.

I hold no brief against these men, and I assure you that I would do them a good turn if it lay in my power so to do; but this fact remains, that they are engaged in the manufacture and sale of that which is the greatest enemy that the working people have in this land to-day. Therefore, as one who has the welfare of the working people at heart, I feel it is my duty to oppose not these men personally but this institution which they are upholding.

There are many labor organizations that do not oppose prohibition of the liquor traffic, and a goodly number of them have gone on record as being opposed to the saloon. I am glad that my name is recorded upon the rolls of one of the great organizations of workers which has gone on record in support of State and National prohibition. In 1915 the delegates to the triennial convention of the Brotherhood of Locomotive Engineers, representing abut 70,000 members, unanimously adopted a resolution pledging this organization and its best efforts in support of the abolition of the liquor business. In a letter recently made public Mr. Warren S. Stone, grand chief of the Brotherhood of Locomotive Engineers, has this to say concerning this question:

> We fight the liquor evil perhaps as hard as any of the churches. Liquor has no place in our modern railroading. I never expect to be manager of a railroad, but if I were, a man could not work for me who did take a drink of liquor either on or off duty. I would not make a difference between the two, because a man who will drink off duty is not fit to go on duty when the time comes. I fail to understand why our men do not come out in the open in certain localities and fight this enemy. It tends to destroy the home life, to lower the tone of the citizenship of the community, and the morals of the individual as well, to say nothing of his mental and physical health.

Some time ago I wrote letters to the following leaders of organized labor in Denver and the State of Colorado: W. C. Thornton, president of the Denver Trades and Labor Assembly; Chester J. Common, president of the Denver Building Trades Council; Clint C. Houston, editor of the Denver Labor Bulletin, which is the official organ for the union labor organizations of Colorado, and requested these men to give me in writing their opinion as to the effect of prohibition on the working people of Denver and Colorado. I received an answer to my letters from all three of these labor leaders, and all of them speak in glowing terms for prohibition. Mr. Houston, editor of the Bulletin, says:

> The prohibition law in nine months has worked a wonderful revolution for the good, and at least 75 per cent of the union voters who were against the amendment would support it now.

Mr. Common, president of the Denver Building Trades Council, said:

> After 12 months of trial I am absolutely of the opinion that prohibition is the proper thing and has come to stay in Colorado.

Mr. Thornton says:

> In my humble opinion the workers of Denver and Colorado are a lot better off mentally, morally, financially, and physically than they were when the State was wet, and you can not gather together a good-size company which would proclaim openly for the return of the saloon.

These statements come from prominent members and leaders and organizers of labor unions in one of the great States and large cities of the Nation, which have experienced the benefit of prohibition. I have received equally strong reports from union leaders in other parts of the country.

Ohio, the State which I have the honor to represent in part, ranks third or fourth among the great industrial States of the Union. About a million wage earners are employed at present in the manufacturing industries and on the railroads of the State. The result of the State-wide vote on prohibition in Ohio last month shows conclusively just where the workingmen stand on this question.

I make the statement that the workers of Ohio voted dry by an overwhelming majority in many communities on the 6th day of last November. Several of the large industrial centers, with thousands of workingmen voting, gave prohibition majorities, while every large city in the State showed dry gains. Youngstown, the second largest steel manufacturing center in the country, with its thousands upon thousands of skilled mechanics, gave a dry majority of over 1,000. Summit County, in which is located the city of Akron, the greatest rubber manufacturing center in the world, with many thousands of high-class workingmen employed in its factories, gave the largest dry majority of any county in the State—4,316. Stark County, including the cities of Canton, Massillon, and Alliance, all important manufacturing towns, showed a prohibition majority of 3,404. Columbus, the capital city, with many factories, is located in Franklin County, which cast a dry majority. During the last fight in Ohio there was organized a trade-union dry league, its officers being prominent labor leaders, and the good work they did in this campaign helped very much in the splendid dry gain Ohio made this year.

The wet stronghold of Ohio is Cincinnati and Hamilton County. Cincinnati, I believe, is the wettest place on the face of the earth. On the final election returns, through the ability of prospectors in Cincinnati to find 12,000 wet votes after the first returns showed the State to have gone dry, a wet majority of 1,137 was obtained. But if we leave out Cincinnati we find that the workingmen in the large industrial centers of Ohio, thousands of them members of unions, helped to cast a dry majority of 55,844.

I wanted to bring these facts before the Members of Congress because of the attempts at intimidation which are being made in the form of threatening petitions and telegrams by some who claim to speak for the workingmen. I say to you that it is a bald-faced lie when these men say to you that organized labor as a movement is against the passage of this resolution. I wish to call attention to the fact that not only our great railroad unions but also the splendid typographical unions and many other crafts in different sections of the country are on record in opposition to the liquor business.

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Ohio. No. Some of the antiprohibition newspapers and the friends of the liquor traffic say if we pass this resolution to-day that it will cause strife and dissension among the workingmen of our country, that they will relax in their patriotism and not lend their best efforts in the shops, mines, factories, and mills to supply the needs of our brave soldier boys in France fighting your battle and mine.

I say that this is an insult to the patriotism of the American workingman. To me the very force of that statement is appalling. Is it possible that American workingmen are ready to admit that their patriotism is to be measured by the saloon? If this is so, then I say, God, look down in pity upon us and save our Republic. I pray that we will not commit the great folly that some of the European nations committed at the beginning of the war, and I would call your attention to the words of the eminent statesman, Lloyd-George, who said:

> England is fighting three enemies, Germany, Austria, and the liquor traffic, and the liquor traffic is the greatest of the three.

My friends, these are not the words of the Anti-Saloon League or the Woman's Christian Temperance Union, but they come from the heart of the greatest statesman in Europe to-day.

During the last session of Congress this House by a vote of 397 to 24 passed a bill making it unlawful to sell liquor to soldiers in uniform in the United States. Now, if you believed at that time that liquor was not a good thing for the soldier, that it would have a tendency to lower his efficiency and impair his physical ability, would not the same principle apply with equal force to the workingman at home, who has to make the guns and ammunition and produce the food and clothing for the soldier?

The Congress and the President, his Cabinet, and our Army and Navy officers realize that in order to win this war our fighting men must not be ruined by intoxicating liquor. But what is the attitude of the liquor people along this line? Do they indorse the action of Congress and Gen. Pershing and Secretary of the Navy Daniels in checking the use of liquor? No; a thousand times no! They say we can not win this war unless we are a drunken Nation, and if they had their way they would make drunkards out of our soldier boys. That is a strong statement for me to make, but I want to back it up by reading again a letter, in part, which was sent to me by one of the liquor leaders of this country:

> I believe that the soldier will need wine, beer, and whisky in and out of the trenches in moderation.
>
> I believe that a good drink to each soldier before a charge will insure that steadiness of nerve that wins battles.
>
> The man who rushes a rapid-fire gun should be given the relief from terror that alcohol imparts.

My friends, what an insult to the patriotism and bravery of the soldiers who are now in France following the flag under the leadership of Gen. Pershing for this man to say that unless our boys are filled with whisky they will be a lot of cowards and afraid to face the enemy upon the battle field. Such an un-American, unpatriotic, insulting, lying statement as this ought to be repudiated by every loyal American citizen who respects the boys who have offered to sacrifice their lives, if need be, for the great and righteous cause which we are contending for to-day. What consolation it must be to the Christian fathers and mothers of this land, whose lads have gone to the front from Christian homes and environment where they were never brought into temptation from the liquor traffic! Many of them are from prohibition States and Territories. It is the mothers who are

making the supreme sacrifice at this hour. It has torn their heartstrings to have their boys taken away from them, but they have been brave, God bless them. They have given their sons to our country to fight for a great and righteous cause, but the thing that is worrying the American mother to-day is, will her boy come back to her as pure and morally clean as he was when the strong arm of the Government reached into his home and took him for service? A few days ago I looked at a beautiful picture in the window of an art store. It was the picture of a young American mother standing by her only son, who was in the uniform of an American soldier. He was a fine specimen of manhood. The proud mother had her hands upon his shoulders, looking into his face with an expression that none but a mother can have, and underneath the picture I read, "May the Lord stand between me and thee while we are absent one from another." That is the prayer that is going up to Almighty God from the hearts of tens of thousands of mothers in our land to-day. Yet this man says when we get these clean, pure boys away from the influence of mothers fill them full of whisky and send them back not as he was when the Government took him but with the appetite created within for intoxicating liquor.

Let me say that to my mind the Government of the United States has no right to take the boy out of the home unless it guarantees to the mothers of this land that it will lend its best efforts to return that boy just as clean and pure as he was when they took him away.

Now, who was it that wrote this letter? If it came from some saloonkeeper, brewer, or irresponsible bartender, I would not have paid much attention to it. But this letter is signed "Yours, truly, Thomas M. Gilmore." Who is Thomas M. Gilmore? He is president of the National Model License League of America, one of the strongest and largest liquor organizations in our country to-day. And as a rule the president of an organization, when he speaks, expresses the sentiment of the stockholders. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield eight minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker and gentlemen of the House, I do not expect or even to attempt to convince any man of the fallacy of this amendment who is a reformed drunkard or any man who believes that his own personal views should be the views of the entire people. In sitting in my seat in the House this morning and looking into the press gallery of this House I saw there the picture of the President of the United States, and printed upon that picture are these words, "Stand by the President." Mr. Speaker, in the last session of this Congress we enacted a law known as the food survey and food control law, and section 15 of that law is, in part, as follows:

Whenever the President shall find that limitation, regulation, or prohibition of the use of foods, fruits, food materials, or feeds in the production of malt or vinous liquors for beverage purposes or that reduction of the alcoholic content of any such malt or vinous liquor is essential, in order to assure an adequate and continuous supply of food, or that the national security and defense will be subserved thereby, he is authorized, from time to time, to prescribe and give public notice of the extent of the limitation, regulation, prohibition, or reduction so necessitated.

So he has complete power to stop the manufacture and the sale of every kind of intoxicating drink now being made. And, Mr. Speaker, you and I and all of us have appealed to the people of this country. We have appealed to the people whom we represent to stand loyally by the President of the United States in this hour, and let me ask you whether or not you believe that you are standing loyally by him when you vote to bring up for consideration in the country at this time, with the turmoil and the strife that is about us, this question, which is one of the most serious that the people have ever considered? Let me call the attention of Members to a few words from one of the great Senators of this country, who died but a short time ago, while discussing this very matter in the Senate. I refer to United States Senator Husting, of Wisconsin. Listen to what he said, a great Democrat, one who tried to uphold in every way the hands of the President in this great war. He said:

We are engaged in a war that requires a strong feeling of unity throughout on the part of all. Vexatious domestic questions ought to be relegated to the rear and only legislation calculated to promote our success in arms should be passed now. None else should be considered, even. We want to draw together our people, not drive them apart, and every Senator here knows that there is scarcely anything that has so aroused bitterness and dissension among our people as the prohibition question.

Gentlemen, it is not to-day a question whether you believe in prohibition or not. It is a question whether or not you want to help the President win this war, whether you want to aid him in keeping the people united, keeping the labor organizations of this country, the men who have to do the hard work, in good humor over this matter.

It is not a question of alcohol; it is not a question so much as to whether or not it is good for the men who work in the mills to have their beer or not. That is not the question. It is a question whether these men in the great mills and in the great factories of this country and munition plants feel that you are depriving them of their liberty at this time in endeavoring to take away that privilege. If you do that you are creating dissension. The whisky of this country has all been doomed by act of Congress. There is now permitted by the President the manufacture of beer with 2¾ per cent of alcohol. No one here will claim that a man can get intoxicated upon drinking beer with that small per cent of alcohol. Gentlemen, this is nothing more nor less than a question of whether or not we shall stand by the President of the United States in this hour, when all good citizens ought, or whether we shall stand by Dinwiddie and the Anti-Saloon League, who think more, in my judgment, of this issue of "wet and dry" than they think of the issue of whether America or Germany shall win in this great war. So I appeal, Mr. Speaker, to the patriotism of the people of this country and those who are representing them here to-day to help us to win this war and not bring into discussion at this time these matters of dissension that will cause havoc and distress. We are proud, indeed, that we have been able in this Congress to stand together and give earnest and united support to the President, and I say, gentlemen, upon my responsibility, that were the President permitted under the Constitution of the United States to participate in a matter of this kind—that is, the submission of an amendment of the Constitution to the people—I believe that he would come to you with a message and say to you, "Gentlemen of the Congress, leave this vexatious domestic question alone until we have finished with the Kaiser."

The President has no authority under the Constitution in matters of this kind. It is for the Congress and legislatures of the States to decide, and therefore naturally he would feel it was not his privilege or his duty to bring this matter to your attention. But, gentlemen, we ought to leave it alone. We ought to leave these matters now in the hands of the President where they can be best worked out during the war. Let us win the war first. Let us restore peace in this country. Let us bring all our forces to bear upon the enemy, upon Germany and her allies. Let that be our whole aim now.

We have seen it in the papers that the Anti-Saloon League has stated that they are raising a great amount of money for the purpose of going out into the States, if this amendment carriers, in order to campaign for the adoption of the amendment. Could not the Anti-Saloon League do better with this money by putting it to the use of the war?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WEBB. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. CARAWAY], a member of the committee.

Mr. CARAWAY. Mr. Speaker and gentlemen of the House, I shall make the assertion, and prove it by the votes of the gentlemen in this House, that the question of whether the State should be permitted to deal with this question is not the reason that is going to actuate them in their vote here to-day. I can prove by the RECORD that there is not a consistent State rights man in this House; that there is not a man here who will not swap his position on that question any time the issue is one that he either approves or disapproves, as the case may be. [Applause.]

What does the word "prohibition" mean?

Now, prohibition does not necessarily mean to prohibit the manufacture and sale of intoxicating liquors. It means in its larger sense the prohibiting of the doing of anything. Most of the Ten Commandments are prohibitions. They forbid acts. Any question presented to the House, then, is always determined upon whether you are in favor of or against prohibiting the things proposed and not whether you are in favor of or disapprove State rights. It is merely whether you are in favor of or opposed to the particular act that it is then proposed to be voted on. In order to prove this I want to read to you from the RECORD. I shall read and ask you who it was who gave utterance to these sentiments.

A gentleman gave utterance to the following here on the 26th day of January last:

Whenever you arrogate to one central government all the powers concerning the purely domestic and internal affairs of the people, which have always been left and are still left to the State to administer, then our Government will fall of its own weight.

Who said that? The distinguished chairman of the Committee on the Judiciary [Mr. WEBB] said that last January. [Laughter.]

Mr. MEEKER. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. MEEKER. We will expect to hear it again in his suffrage speech, will we not?

Mr. CARAWAY. Yes, sir.

Mr. WEBB. You will not hear it on the suffrage speech.

Mr. CARAWAY. I shall show by this RECORD that the gentleman who interrupted then [Mr. MEEKER] is the strongest prohibitionist in this House. I shall show that by his vote cast in this House. I have it right here. I want to read further:

This bill is in line with the enlightened progress of the age, in line with advanced thought. I dislike to see and hear men falling back upon the Constitution of the United States when progressive legislation is urged in this body. I have more respect for the men who framed the Constitution of the United States than to take refuge in that instrument whenever we attempt progressive legislation. While it may be a fact that the property interests are better represented than the poor interests by the men who made the Constitution, still I do not believe that it was ever their thought to prohibit Congress from enacting legislation that would be of benefit to mankind in the suppression of child labor.

Inasmuch as the gentleman is not on the floor, I will not call his name, but he will vote against this prohibition amendment when it comes up.

I noticed a gentleman a moment ago interrupting the chairman [Mr. WEBB] to set him right, as he claimed, on the attitude of labor toward prohibition, and I take it from his remarks he opposes this resolution on the ground of interference with the right of the State to regulate its own affairs. I refer to the gentleman from New York [Mr. SNYDER]. If I am not correct, I will expect him to correct me. Mr. SNYDER, showing how little he thinks the State ought to be consulted when it comes to regulating the internal affairs of States—when he approves the act—the prohibition of something he disapproves—I read:

Therefore, is it a source of wonderment that we of New York favor the enactment of this law? It is a source of wonderment by some of our southern friends and neighbors who oppose it. Their business interests will not suffer so greatly as they appear to fear, should this measure become law, and they will enjoy the benefit of their enviable location.

He favored this prohibition, and therefore voted for the enactment of that law—the child-labor law. I also voted for it.

Now, here is what I am trying to prove: That you vote for or against a measure as you favor or disapprove the proposed law. I am going to prove this by polling your votes as recorded in the RECORD and show you how you voted on that prohibition law, to show how you voted to deny the States the right to regulate their internal affairs on the question of child labor and said that the products of child labor should not be permitted in interstate commerce; in fact, to prevent children from being worked in mines and manufacturing establishments within the several States.

The gentleman from Ohio [Mr. GORDON] voted for that measure. He was entirely in favor of regulating the internal affairs of States, provided he favored the prohibition of the things sought to be prohibited. [Applause.]

Mr. GORDON. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. GORDON. That statute simply dealt with interstate commerce, and that is expressly authorized to Congress in the Constitution.

Mr. CARAWAY. The gentleman certainly does not mean that.

Mr. SNYDER. Will the gentleman yield?

Mr. CARAWAY. Let me answer this question and then I will.

Mr. SNYDER. The gentleman made some remarks concerning myself.

Mr. CARAWAY. I did; but I will give the gentleman an opportunity in a minute. If the gentleman wants to recant his position, I will give him the opportunity.

The gentleman from Ohio [Mr. GORDON], who says that that act regulating child labor had to do solely with interstate commerce, knows that "interstate commerce" was merely the vehicle by which Congress prohibited the employment of children within the States, prohibited their working in manufacturing establishments and mines under certain conditions and within certain ages. That is what the gentleman voted to prohibit. [Applause.] The matter of interstate commerce was merely the vehicle by which Congress undertook to prohibit child labor.

Mr. GORDON. Of course.

Mr. CARAWAY. In order to do that Congress chose the vehicle of interstate commerce.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. CARAWAY. Yes; I yield now to the gentleman from New York.

Mr. SNYDER. I wish to say to the gentleman that all I was undertaking to do at the time those remarks that the gentleman refers to were made was an endeavor to bring the industrial conditions of the South nearer to the industrial conditions in the North. That is all. [Applause.]

Mr. CARAWAY. Let us see what the gentleman did say, since he makes that statement. [Laughter.] Let us see what the gentleman's real reason was. He says:

The northern manufacturers, too, will be better contented to know that the present so-called unfair competition of their own country has been largely done away with, and that the southern manufacturers, on the plane of labor cost, at least, have no advantage over them.

A noble reason. [Applause.]

That is what is the matter with the gentleman. He was trying to protect his own labor, not regulate the South.

Mr. SNYDER. That is all I was trying to do.

Mr. CARAWAY. Oh, well, you had an awfully unhappy way of saying it. [Laughter.]

Mr. SNYDER. I would like to know what that has got to do with this question anyhow. [Laughter.]

Mr. CARAWAY. Well, I hope the gentleman will take a day off and find out. [Laughter.] Why, bless your heart, this book is interesting. [Referring to the CONGRESSIONAL RECORD.] I wish I had time to read it all. [Laughter.] I would like to show that the gentleman from Pennsylvania [Mr. VARE] is the strongest prohibitionist in the House, if I had the time to read what he says. He is most violently opposed to the States being left any right to regulate their own internal affairs of anybody who spoke on that bill, and another gentleman from Pennsylvania likewise agreed with him. I commend this book to you.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CARAWAY. I can not yield now.

Mr. MOORE of Pennsylvania. I would like the gentleman to be fair and quote some more.

Mr. CARAWAY. Gentlemen, let us be fair with each other and honest with the country. If we favor the suppression of the liquor traffic—and God knows we should—let us vote for this resolution.

It is needless to recount here the reason that should impel us to this course.

Does not the blood of the victims of intemperance cry out to us for redress?

We have all seen women heartbroken by this curse, children worse than orphaned.

Vice, poverty, and ignorance are its handmaids, and these will curse the world as long as we permit the manufacture and sale of intoxicating liquors.

For one I shall vote for this amendment. I shall vote for it because of the crimes it has bred, the sorrow and want it has caused. I shall vote for it to make the world better for women and children now living and for those yet in the womb of time. God hasten the day when this curse shall vanish from the face of the earth. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield eight minutes to the gentleman from New York [Mr. CHANDLER].

Mr. CARAWAY. Mr. Speaker, just one moment. I want to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Arkansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, the debate is limited to-day on an important constitutional amendment. I think the debate in the RECORD should show the true proceedings that take place here to-day, and therefore I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The House will be in order. The Chair wishes to remind the occupants of the galleries that they must not manifest approval or disapproval and must not applaud remarks.

Mr. WEBB. I yield five minutes to the gentleman from New York [Mr. LUNN].

Mr. LUNN. Mr. Speaker, I was very much interested in the argument of my colleague from New York [Mr. CHANDLER] and to find that his vote is going to be determined by the alleged decision of some court as to just what he represents. He is going to vote against prohibition, but he is going to vote in favor of woman suffrage. Now, I do not know how all men reason, but I am of such a particular mental caliber that I can not see any difference, so far as submitting an amendment is concerned, whether it is a woman suffrage amendment or a prohibition amendment. [Applause.] The same principles are involved in each.

We are all agreed that our first and most important object at the present time is to win the war. There is no diversity of opinion as to that. It is absolutely essential that we preserve the utmost unity regarding the prosecution of the war. I do not want to see anything pass this House that would produce

disunity; nothing that would, in any possible way, impair our efficiency. There are some on this floor who argue that the passage of this amendment would produce dissension, while our need is for unity. Do they really mean this? They urge that we stand by the President, inferring that to do this the amendment must be defeated. Their argument is unsound. Anyone whose patriotism is measured by the quart has a type of patriotism that needs to be watched and watched continually. These gentlemen infer by their argument that we must placate certain citizens of this great Republic in order to secure their fullest support of the Government. They infer that in order to be sure that a certain class of our citizens shall uphold the arm of the President with their right hand we must allow them to have a bottle of whisky in their left. [Applause.]

To my mind, there is no force in the argument that the passage of this amendment would produce disunity. I want to ask this question of those who think differently: Can we consistently take the position that we are in the present war for the purpose of making the world safe for democracy and then show by our actions in this House that we are afraid to trust democracy in this country in dealing with this important question? Is it not logical that we allow the people to decide every question that touches the life of our Nation? Surely we are upholding democracy by submitting this amendment. I refuse to be a kaiser and decide the prohibition question in my district, my State, or the country. I want the people of my district, the people of my State, and the people of the United States to decide whether this Nation is to be dry or not.

Another argument is made to the effect that organized labor is against this amendment. There is no doubt but what there are many able leaders of organized labor who are opposed, but even Mr. Gompers, whom I greatly admire and respect for his splendid work in behalf of the workers of the country, distinctly states that in his stand against this amendment he is acting as an individual and not representing the American Federation of Labor. I have received a great many telegrams from various organizations of labor in my district, but, so far as I know, the rank and file of organized labor have not passed upon this great and important question.

I have always stood and always will stand for the mass of workers in all legislation, for their best interest is the highest interest of the country. I therefore refuse to believe that organized labor, as such, is opposed to this amendment; and, on the other hand, I believe that the best thought of organized labor is beginning to realize as they are advancing more and more into power that it is distinctly to their advantage to realize the evil effects of liquor. If I were opposed to organized labor, if I wanted to stop the workers in their determination to gain more political power and receive a larger share of the product of industry, I would certainly try to give them all the liquor they could drink, in order that they might be kept more easily in control. However, against the argument advanced by certain leaders who are opposed to this amendment may be placed the argument of equally prominent leaders who are heart and soul in favor of the amendment. I will always lift my voice in behalf of the workers; I will always use my influence for their advancement. As a principle to guide one in governmental affairs, I hold it to be true, following the advice of the great Lincoln, that the first consideration in all legislation—not the second, but the first consideration—should be for labor and not for capital, and on that basis I intend to support this national prohibition amendment. [Applause.]

Mr. GARD. Mr. Speaker, I yield seven minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker, it is known by all persons in Kentucky that the next legislature, which convenes in January, will submit to the voters of Kentucky an amendment to our State constitution prohibiting the manufacture of intoxicating liquors in our Commonwealth. This plan will enable each voter of the State to have a direct vote on the great question of prohibition. If this amendment for national prohibition prevails in this House to-day the members of our State legislature will be the only persons in Kentucky who will be permitted to vote on this question. I prefer that each voter in Kentucky should express his opinion at the ballot box concerning prohibition, and I shall therefore vote against the amendment now pending in the House. In this connection I will state that no man in Kentucky has taken a more pronounced stand for the submission of the prohibition amendment to our State constitution than I.

Under the Federal law to-day the manufacture of spiritous liquors is absolutely prohibited. Only very light wines and beers can now be legally made in this country, and the President of the United States can now by the stroke of the pen prohibit the manufacture of wines and beers and place the Nation strictly on a prohibition basis.

The Congress has placed absolute power in the hands of the President to control the manufacture and sale of spiritous, vinous, and malt liquors in the United States. I am willing to trust this entire question to his wisdom and judgment, knowing that he will use the great power he possesses for the best moral and material interests of the American people.

No man in history ever held the power which the representatives of the American people have cheerfully voted to our great President. By our legislation he controls entirely the food and fuel supply of this, the richest country in the world. If he so desires he can control the great transportation lines of our country, employing more men and representing more dollars than any business in the land. Under our law he controls absolutely the lives and destinies of millions of our boys who will be called for service in the Army and Navy. If the Congress can trust the President to control completely the food and fuel of the land and the lives of the young men of the Nation, why can not we trust him to control the liquor industry?

I will show my confidence in him by voting to defeat the pending amendment. I know that he will use the great power he has for the moral uplift of the Nation; I know that he will use that power for the prime purpose of bringing swift victory to American arms, and I will not vote to take away from him any power he has in handling the great problems which confront him.

Under our Federal Constitution our President is Commander in Chief of our Army and Navy. The burden of this great and terrible war is upon his shoulders. The American people, in my opinion, have perfect confidence in his judgment on all of the great questions pertaining to the proper conduct of our war plans. This being true, why single out the liquor problem and take only that question from his control? In the great crisis which now confronts us intemperate legislation on the liquor question might result in great disaster. Whenever the President of the United States believes that national prohibition is a good thing for the Nation he can, under the power he now has, bring it about by the stroke of his pen. I think that he can be trusted to exercise that power, and there is no need for further legislation by statute or constitutional amendment on the subject of the manufacture of intoxicating liquors. It would seem that our Government is in need of the hundreds of millions of dollars at this time from the liquor business. If this amendment prevails, the Government loses hundreds of millions of revenue, and this deficiency must fall on the necessities of the poor. Organized labor, which is working so patriotically to equip our Army and Navy, protests against the passage of this amendment and is willing to leave this liquor question to the judgment of the President, and without the full cooperation of organized labor the war will be lost. The President from his exalted position knows better than any man or any set of men what is best for the welfare of the Nation in the great struggle through which we are passing. Full power is now in his hands, and the lawmakers of the land make no mistake when they permit him to handle the liquor question along with a multitude of other questions of equal or greater importance. [Applause.] This is no time for Members of this House to consider their individual political fortunes in making up their minds how they will vote on the questions which come before them. When war was declared I made up my mind that it was my duty to fall in behind our great President and Commander in Chief and do that which he desired and ordered. He is our leader, and it is the duty of every American citizen to obey. In a life and death struggle for national existence there can be but one commander and one leader if we are to succeed. I have voted and will continue to vote for every request which our President deems for the interest and success of our Army and Navy. I would not embarrass him by taking away from him the power to handle at this crucial time the liquor question or any other question. In my vote to sustain the President on this and on other questions I believe that I voice the overwhelming sentiment of my constituents, and I shall therefore vote against the amendment pending. [Applause.] In the days to come history will record that Washington made possible the American Union, that Lincoln preserved it, and that Wilson made our Nation the leading factor in a world union dedicated to universal democracy. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, this is a big time in the history of mankind. This is a big question for the American people. No greater question has engaged the attention of the Congress than the question now under consideration—important to the individual, to the community, to the Nation, to mankind throughout the world. Much depends upon the people of the United States at this hour. We need a sober manhood. We have responsibilities thrust upon us that demand the very best that is in every man and in every woman in the Nation. I do not agree with the gentleman from Missouri [Mr. DYER], who says that liquor is essential to the laborer in the manufacture of arms and ammunition; that liquor is essential in the trenches. We want the best ability we have—and to be at its best it must be sober—in the manufacture of arms, in the manufacture of munitions, and in the use of such arms and ammunition in the world war now being waged.

You have a son; he is in the trenches to-day or on the way there. You want him supplied with the best arms, with the best ammunition that the soberest men can make. You do not want him supplied with deficient arms and ammunition made by men under the influence of liquor. Further, you want that boy of yours to have comrades over there who are sober and ready to do a man's part.

There never was a time when the ability of the manhood of America, all the ability we possess, was as much in demand as it is this very hour. I do not believe that labor organizations are in favor of devitalizing the manhood of the Nation at an hour when the very best that is in man is in so great demand.

No man speaks for the laborers of America when he says that they are all opposed to this constitutional amendment. Individuals? Yes. As an organization? No. More men united and affiliated with labor organizations are in favor of a sober manhood, a sober community, a sober State, a sober Nation than are in favor of the open saloon. The time is past in which it is necessary to talk upon the effect of the use of intoxicating liquors. Every man here can count by hundreds young men of his acquaintance who have gone to inglorious graves before they have passed the age at which they would now be taken into the service of the United States, where, if perchance they lost their lives, they would go to an honorable grave. Every year this stuff that is to be prohibited by this resolution has taken its toll by the thousands; yea, by the hundreds of thousands. I am in favor of the resolution. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield seven minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I am one of the members of the Committee on the Judiciary who voted to report this resolution to the House with a favorable recommendation, reserving the right to vote against the resolution. I desire briefly to set forth my reasons, but before I do so permit me to congratulate the gentleman from Kansas [Mr. CAMPBELL] upon his high, patriotic courage. He, sir, would win this war, but he would not win the war nor would he support the men who are fighting the war if, perchance, they are going to shoot a rifle containing ammunition that has been made by a man who drinks liquor! Temperance in thought and speech, Mr. Speaker, is sometimes as wise as temperance in the use of food and drink.

Anyone who has read the debate and what took place in the memorable Constitutional Convention when that great document was framed will see how strongly the delegates to that body were opposed to the passage of sumptuary laws, and I, sir, do not believe that this measure should be considered, as the gentleman from New York has stated, with a view of simply the district a man represents. This is a proposition to amend and to change the fundamental law of this great Nation, and we should consider, I believe, not simply the interest of the district we have the honor to represent but we should look at it from a larger viewpoint, as to whether it is for the best interests of the Nation as a whole. I do not believe that the gentlemen in the sandy river bottoms of Arkansas prefer to have the people living in the Back Bay district of Boston to legislate and say to them what their personal habits shall be. We have in the State which I have the honor in part to represent what is known as a local-option law, which gives the people of the smallest municipal division the right to say once each year whether they believe the sale of intoxicants should be permitted or not. I say that we should not embark upon this program of changing and amending the fundamental law by injecting into it an article which would debase that great document to the mere level of a criminal statute. If you are going to write this article into the Constitution, why not go one step further and include within the Constitution the penalty for a violation of it? It is said that democracy is precious, and that we are engaged in a struggle for democracy, but to say that the States in one section of this country shall dictate to the States in another section of the country upon matters which heretofore have been within the sole control of the people of the several States, upon matters which by the fairest and plainest interpretation of the Constitution are reserved to the States, is not in the interest of democracy. So, for the reason that I am opposed to including in the fundamental law propositions of this sort I am opposed to this resolution.

Further, I am opposed to it, because I do not believe that this is the most important question that ever confronted the American Congress. There are some gentlemen here who, when they rise to address their colleagues, are swept off their feet by their enthusiasm for or against a measure. The most important question confronting not only this Congress but the entire Nation—yes, even the entire world—is the winning of this war, and I submit that we ought not at this time by our action here to transfer to the States a contest which will result in discussion and occupation of time, the expenditure of effort and money in each of 48 States of the Union, which same time, effort, and money might well be used toward the winning of this war. If the States desire to enact prohibition legislation, and I understand 27 of them have already done so, if they believe that by the enactment of that legislation victory will be more speedily assured, they can do so. The people of the States ought to be the best judge of that proposition. So I say that in submitting this resolution to the States and by permitting this discussion to arise and these differences of opinion, these clashes between classes of people, we will do more to divert our people from the supreme test confronting the country than we will if we concentrate our efforts and our thoughts and to encourage the expenditure of effort and money toward winning this great world struggle. [Applause.]

Mr. GARD. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, this resolution proposes an amendment to the Federal Constitution which prohibits the manufacture, sale, and transportation of intoxicating liquors, or the importation thereof, into the United States. I am constrained upon my conscience and in the exercise of my best judgment to vote against this proposed amendment. I shall not discuss the merits or demerits of prohibition. The attitude of a citizen or a Member of the House upon that question should not determine his vote upon this resolution. There are those who gravely doubt whether the attempt to enforce throughout the country total abstinence is the best solution. Many believe that the discouragement of the manufacture and use of distilled liquors and the encouragement of the use of light beers and wines would best subserve the interests of genuine temperance and good citizenship. But, as I have just stated, total prohibition, or partial prohibition, is not the issue before us. We are called upon to determine whether we will propose an amendment to the Constitution depriving the States of their present exclusive jurisdiction to regulate and control intoxicating liquors and transfer the same in whole or in part to the Federal Government.

I am opposed to this resolution because it proposes to incorporate into our organic law a proposition which is distinctly legislative. There have been 17 amendments to our Constitution and not one of them invaded the field of legislative action. They all relate to the Bill of Rights or the instruments of government itself, or, in other words, they relate to the form of government or the powers of Congress. If the Constitution is to forbid the manufacture and sale of intoxicating liquors there is no reason why in the future, in response to reformers, it should not forbid the manufacture and consumption of other products which may be deemed deleterious to humanity. The Constitution has been the great charter of our liberties. It describes the powers of our Federal Government and fixes the fine balance between the States and the Central Government. It has been the cohesive bond which has bound together the sovereign States into one indestructible union. We should not mar this great instrument by making it the receptacle of prohibitive or permissive legislation and thus mar this fine structure and bring it into disrepute.

I am opposed to this amendment because it proposes to take away from the States an essential right of local self-government. It proposes to impair the police power of the States. This is concededly true, else this amendment would not be proposed. If Congress had jurisdiction to regulate or prohibit the manufacture and sale of intoxicating liquors it would not be necessary to incorporate this legislative provision into the Constitution. The perpetuity of this Republic is based upon the maintenance of the right of local self-government in each of the States of the Union. If the time ever comes when the States are shorn of the right to govern themselves in all local matters and are deprived of the right to exercise their untrammeled police powers in the enforcement of the same we will see the beginning of the end of this Republic. When all government is centralized at Washington there will come local and State disaffection, loyalty to the Central Government will be impaired, and ulti-

mately revolution will stalk abroad throughout the land. It may be said that this invasion of a right of the States constitutes only one instance and that other invasions will not necessarily follow. In a matter of such supreme import even one invasion of local self-government may not be justified, but unfortunately this is only one of a number which are now being pressed by zealous reformers. The first error will make easier subsequent efforts. When we have once weakened the fine balance of powers between the States and the Federal Government we will have endangered the stability of the entire structure.

The Constitution was framed to protect the States in the right of local self-government. It was particularly intended to protect the small States. All the early efforts to amend the Constitution were prohibitions against the Federal Government and in favor of the integrity of the States. In the first 10 amendments which were adopted soon after the original Constitution, their provisions were so basic and fundamental that they have been universally denominated as the "Bill of Rights." So jealous were our fathers that some of the reserved and essential rights of the States might be impaired that in the tenth amendment it was provided that—

the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

They thought they had settled for all time any possibility that the right of local self-government reserved to the States should ever be successfully attacked.

This amendment is not necessary to enable any State to control or prohibit the manufacture, sale, consumption, or importation into such State of intoxicating liquors. Each State has the power, to use a familiar expression, to make itself "bone dry." Not only may each State pass laws prohibiting within its borders the manufacture, sale, or consumption of intoxicating liquors in any form, but under the Webb law, as interpreted by the Supreme Court of the United States, it may prevent the importation of any intoxicating liquors into such State. Through its administrative officers and by its own courts each State may literally enforce such laws. The statement may be emphasized that each State now has the exclusive power over intoxicating liquors.

It may be asked, then, What is the necessity of this amendment to the Constitution? Is it to enable one State in combination with others to exercise power over another State? To express it baldly, the purpose of this amendment is to enable the legislature of one State to join with the legislatures of 36 other States and impose absolute prohibition over the remaining 12 unwilling States. If the subject of prohibition is now a matter of local self-government with each State, which will be admitted, then it may be stated with equal force that it was never intended in our scheme of government that three-quarters of the States should take away from the remaining one-quarter any reserved right of local self-government. My own State of North Carolina, which is dry, can not consistently claim the right to join with 36 other States and impose prohibition upon the States of New York or Massachusetts or Wisconsin against the will of the people of those States. Such a result would be resented by the people of those States who are not yet ready to adopt prohibition. Let me give a concrete illustration. In 1881 there was a referendum in North Carolina upon the question of State-wide prohibition. There were cast for prohibition 48,000 votes and against prohibition 166,000 votes, an adverse majority of 118,000 votes. So long as the majority of the people of North Carolina were opposed to prohibition, I ask in all good faith what impression would have been made on the people of that State if 36 other States in a proposition to amend the Federal Constitution had decreed that North Carolina should be dry, contrary to the solemn vote of the electorate of the State? The question answers itself. There would have followed resentment, and the people of the State would have felt that they had been deprived of a sovereign right to settle this question for themselves. In 1908, 27 years later, North Carolina had another referendum upon prohibition, at which time a majority was recorded in its favor. May I ask if this change in the attitude of the people of the State toward a sumptuary law necessarily changes the fundamental proposition involved? If the people of North Carolina would have resented in 1882 the action of 36 other States in imposing upon them prohibition against their will, are the people of that State justified in 1917 in trying to impose prohibition upon the people of an unwilling State simply because the people of North Carolina have reversed themselves upon this question? The query answers itself.

It is contended that national prohibition is necessary in the interest of good morals. The leaders of the Anti-Saloon League say that they can not await the slow process of adopting prohibition State by State, and that they prefer the summary method of imposing it upon all of the States without having to undergo the trouble of discussion and education, in order to effect a change of public opinion in each of the States. I submit that the maintenance of the basis and the fundamentals of our Government is superior to the virtues of prohibition, even if we concede all its blessings by the most enthusiastic advocates. I confess that I deem it of more importance to defend the integrity of the States and to assure the perpetuity of our Republic than to anticipate the will of the people and to attempt to force prohibition by this summary process upon unwilling States.

There have been 17 amendments to our Constitution. Each one of these amendments dealt with the fundamentals of government and did not attempt to invade the reserved right of local self-government in the States except the fifteenth amendment. This amendment forbade any State to deny the right of suffrage to any citizen on account of race or color. It was intended to compel the Southern States to give to the negro equal rights of franchise with the whites. I shall not combat the righteous motives which actuated the advocates of that amendment. But I do submit these comments. Until the fifteenth amendment the right of the States to fix and regulate the qualifications of the franchise was not denied. It has always been conceded that the right to vote comes as a privilege from the States and not from the Federal Government. This amendment was an attempt to control this right of the States in so far as the negro was concerned by giving him equality of suffrage. It was contended by the white citizens of the South that the negroes as a whole were not qualified for the suffrage, and that to give literal effect to this amendment would imperil their civilization and make possible bad government. It is unnecessary to describe the results of this amendment. Reconstruction followed in its wake, racial disturbances were frequent, progress was checked, and evil government prevailed. The fifteenth amendment still remains, but by common consent in all sections of the country, the intelligence and the civic virtues of those who are qualified to ordain and preserve good government are left in the several States to settle this matter in the light of their consciences and their responsibilities.

In the face of the result of this attempt to invade the rights of the States to fix the qualifications of suffrage, I am led to inquire, What ought to be the attitude of the Members of this House from the Southern States in the consideration of this proposed amendment? Simply because most of the Southern States have adopted prohibition, shall they favor an amendment which would deprive other States of settling for themselves this question of prohibition? If they vote for this amendment, they will be doing an act which they would openly resent if an attempt was made by other States to invade their rights of local self-government. Very soon this House may be called upon to vote for another amendment to the Federal Constitution for woman suffrage. It so happens that in most of the Southern States public opinion does not yet favor equal suffrage, and they will vote against such an amendment. Why not be consistent? As a great fundamental of government, is the right of local self-government upon any one question to be determined by the attitude of the voters of a particular State upon that question?

The very fact that an amendment proposed by Congress is to be ratified by the legislatures of the several States rather than by the popular vote throughout the country indicates the firm attitude of the fathers in preserving the rights of the small States against the encroachments of the large States. It never occurred to the framers of the Constitution that Delaware and Rhode Island, or Nevada, would join in depriving the people of the State of New York of any essential and reserved right of local self-government. The fear was that New York and Pennsylvania and Virginia might unite with other large States and deprive Delaware and Rhode Island of some essential local power. Therefore, they provided in the ratification of an amendment that the vote of Delaware and of Rhode Island should count just as much as the vote of New York and Pennsylvania.

What is the duty of a Member of this House? A high official of the Anti-Saloon League recently made this statement:

The Anti-Saloon League is not asking any Member of Congress to declare that he is in favor of national prohibition, but simply that he shall not become an avowed exponent and protector of the liquor traffic by refusing to vote to allow the people of the Nation, by States, through their representatives, to determine this question in the manner provided therefor by the framers of the Constitution.

This has been a familiar form of expression by some of the advocates of this amendment. In other words, they contend it is the duty of a Member of Congress to vote for any proposed amendment if a considerable number of the voters of the country appear to favor same. There can be no more solemn duty imposed upon a Member than in determining his attitude toward a proposition to amend the Federal Constitution. Congress

must initiate the amendment, and each Member must consider it in the light of his intelligence and patriotic judgment. We are not mere automatons to register the will of the Anti-Saloon League or any other organization of reformers. We are sworn to defend the Constitution as it stands, and it is our solemn duty to avoid any action which will impair or imperil the foundations of our Government. Any Member who votes for or against this amendment solely actuated by fear of his political fortunes has little comprehension of the fundamentals of our Government and is elevating his political preferment above the preservation of the essentials of sound democracy. There has been already too much of intimidation and coercion. The highest ideal is to discharge one's duty, and if one is to adopt the personal view it is also the best politics.

We are engaged in a great war. The President, in his recent epochal address before Congress, invoked unity upon the part of all the people. He declared that we should mobilize every resource, material and spiritual, in the successful prosecution of this war. The adoption of this amendment will thrust before the people a mooted question upon which there are strong differences. In the famous "Shannon" letter of the President in 1911, while he was governor of New Jersey, he referred to the acute divisions in public sentiment which followed the injection of the liquor question into any party organization. This proposition ought not to have been brought into Congress at this supreme moment in the national life. Congress has heretofore enacted all necessary legislation regarding intoxicating liquors for the period of the war. The further production of distilled liquors has been forbidden. The President, under the authority of law, has decreased the production of beer and the percentage of alcoholic contents. The great body of the people are satisfied. For patriotic reasons alone we would be justified in defeating this measure at this inopportune time. [Applause.]

Mr. MORGAN. Mr. Speaker, my time is limited, and I can not therefore enter upon a general discussion of the subject of prohibition. I am in favor of this amendment. My judgment approves it and it is entirely in harmony with my personal views. It meets the approval of the people of my congressional district. My constituents are largely in favor of prohibition. Finally, the passage of this amendment, the submission of the prohibition amendment to the Constitution to the several States for ratification or rejection will be approved by the great majority of the people of Oklahoma, the State which I have the honor in part to represent. And, Mr. Speaker, when the roll is called and the vote is taken on this amendment in this House there will be a unanimous vote in favor of this proposition from the Representatives in this House from the State of Oklahoma. In due course the legislature of the State will ratify this amendment, and Oklahoma will be one of the 36 States which will ratify this amendment and make it forever a part of the organic law of this Nation.

The gentleman who just preceded me [Mr. SMALL], as I understood him, contended that Congress had no real authority to propose an amendment to the Constitution upon a subject like that of prohibition. I do not agree with my friend. The authors of the Constitution recognized that it was not perfect. They knew the changes which time inevitably brings would make modifications in the Constitution necessary. They wisely provided for its amendment. This provision is found in Article V of the Constitution. It contains only three limitations upon amendments. These are found in a proviso and are as follows:

Provided, That no amendment which may be made prior to the year 1808 shall in any manner affect the third and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its suffrage in the Senate.

Two of these restrictions expired in 1808, more than a hundred years ago. To-day the only restriction, limitation, or reservation imposed upon the people in amending the Constitution is "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." With this limitation the whole matter is left to the people. If they desire, they may by amending the Constitution change the form of government.

Some one in this debate I think it was the gentleman from New York [Mr. CHANDLER], said that in his vote upon this resolution he would follow what he regarded as the sentiment of his constituents. He asserted, as I understood him, that a large majority of his constituents were opposed to submitting the prohibition amendment to the several States for ratification or rejection, and that, therefore, he should vote against the resolution. That question confronts Members of Congress on many occasions. Sometimes it is necessary for a Representative to decide whether in casting his vote he will be guided by his own views and convictions or follow the popular sentiment of his constituents. Ordinarily legislation does not involve questions of morality. The annihilation of the liquor traffic is essential in order that the American people shall attain the highest standard of morality. I would resign my seat in the House of Representatives rather than to vote to perpetuate the liquor traffic. Ever since I was a young man this has been my attitude on this question. I have been ready at all times, in public or in private, to strike down the liquor traffic, and there is where I stand to-day.

Some one has said that this is not the time to submit this question to the several States. They assert it will develop controversy among the people at a time when all of our energies should be devoted to winning the war. That is one argument that appeals to me with some force. Yet we should remember that the controversy between the liquor traffic and its opponents can never end. They represent two opposing forces between which there can be no compromise. Good can not make peace with evil. So the controversy must and will go on until the cause of temperance shall triumph over the evil forces of the liquor traffic.

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. MAGEE].

Mr. MAGEE. Mr. Speaker, as a member of the Judiciary Committee I voted to report out this resolution to the House without recommendation. I am opposed to the resolution at this time and in its present form. I stand for temperance and against intemperance. The question, however, in my judgment, is not temperance versus intemperance, but whether we are willing to use the condition of war as the chief instrument in attempting to bring about Nation-wide prohibition at this particular time.

Prohibition is an internal and domestic question over which the Congress has given the President full and complete control during the period of the war. I voted for the food bill, which prohibits the further manufacture of what are commonly known as alcoholic beverages and gives to the President power to commandeer existing stocks for purposes of redistillation. I do not know what it would cost to commandeer, under the provisions of the act, such stocks, but taking into consideration that the actual quantity remaining in bonded warehouses on October 31, 1917, approximated 175,000,000 taxable gallons, I estimate that such cost would exceed $200,000,000.

The annual report for the fiscal year 1917 shows that the Government collected from distilled spirits $181,131,770.62, and from fermented liquors $91,004,677.70. These items, though material in nature, are significant when we come to consider that the amounts authorized by Congress for this fiscal year, including loans to our allies, aggregate nearly $20,000,000,000, and that the estimated expenditures for the fiscal year ending June 30, 1919, aggregate nearly $14,000,000,000, which huge sum is bound to grow and does not include, as I understand, prospective advances to our allies.

The President is further authorized in such act to eliminate, in his discretion, the use of beer and light wines. Under such authority the President issued a proclamation on December 8, 1917, reducing the alcoholic content in the further production of beer to 2¾ per cent. Thus it will be seen that the Congress has given to the President power to bring about Nation-wide prohibition at any time he may see fit to act during the period of the war. It seems to me, in view of these circumstances, that the patriotic thing to do is to trust the President to act wisely in the premises and to let him alone during the war. When the war is over the people of this country can permanently settle the matter as they deem best.

The President says that we must win the war. I stand upon that platform with all my heart and soul. But we can not expect to reach the maximum efficiency in war if we permit ourselves to engage in bitter domestic dispute upon a question already placed in the hands of the President as Commander in Chief of the Army and the Navy of the United States. Nor can we prepare ourselves for efficiency in war, unless we are willing to lay aside temporarily internal questions, to sacrifice our personal and individual interests for the public interests, and to concentrate all of our resources, energies, and efforts into an irresistible unit for the sole purpose of winning the war. It is high time, in my judgment, that the good people of this country begin to realize that this Nation is engaged in a titanic conflict that threatens not only the security but the very existence of free democracies. [Applause.]

The adoption of the pending resolution will not save any grain nor sugar, nor any kind of edibles, nor decrease drunkenness during the war, if I am right in assuming that the war will be over long before this resolution, if passed in the House, shall receive the approval of the legislatures of 36 States. We all know that to bring about national prohibition by Federal amendment a long, bitter struggle will be engaged in between those

for and against. Such a contest will create much turmoil, much dissatisfaction, much internal dissension, and antagonize millions of workingmen in this country. It seems to me unwise to precipitate such a contest at this time.

We are passing through a tremendous national crisis that calls for a real exhibition of courage and patriotism. I realize that the line of least resistance is to yield to the demand of extremists, but no patriot ever kept his ear to the ground listening for public clamor. If the Government should do that we would be likely to lose the war. Let us rather rise above our personal and individual interests and base our official action upon the sole consideration of the best interests of our common country.

All the cities in New York under a local-option act, recently passed by the legislature of that State, will vote on the third Tuesday of April next. The control of the liquor traffic has always been held to be properly an exercise of the police powers of the State. However, I have no objections to nation-wide prohibition if the people want it. We have a form of government based upon the popular will and the majority must rule. I wish that it were legally possible to have a nation-wide referendum, and to permit the people to say by their votes what they want to the end that their will, if in favor of national prohibition, might promptly be written into the fundamental law of the land.

I am opposed to any limitation of time in a proposed Federal amendment. I doubt whether the Congress has the constitutional power to so act. In any event, I think that such a limitation is unwise. If Congress is going to submit a proposed Federal amendment to the legislatures of the several States it should be in the usual form, and, when submitted, be beyond the further control of Congress. Such a limitation can act only as an incentive to start at once a bitter fight in every State of this Union.

I do not intend to criticize, nor to impugn the motives of anyone, but I believe in calling a spade a spade. I think that the limitation contained in this resolution is a sop to the liquor interests, and that they figure that they can prevent the approval of the resolution if passed by the legislatures of 36 States within seven years.

In fact, whenever I read this limitation I think of that memorable speech made in the House by the distinguished gentleman from Michigan [Mr. HAMILTON] when he repeatedly told us that Barnum still lives. The way I feel about it is this: If I were "wet," or a quart prohibitionist, and placed my toddy above all else, I would vote for this resolution. If I were "dry" I would vote against it. It is probably useless to make to the ultra "dry" an appeal to reason. If this limitation were struck out of the resolution I should feel more favorably disposed toward it. As it is the resolution should be defeated by the "drys," the substantial thinking men in the House, who with their faces to the sun, with the cards upon the table face up, having in mind only the public interest, vote in accordance with their convictions and the dictates of their conscience, dealing directly and squarely with the people in accordance with the spirit of our institutions.

I want to say in conclusion that I hold no brief for "drys" or "wets." I assume to hold a brief for my country, and as between "drys" and "wets," and my country, I choose my country, first, last, and all the time. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, I do not concur in the argument which has been advanced by some gentlemen here to-day that we should not always be influenced by the wishes of the people whom we represent and who have honored us with a seat in this great body. I take the very opposite view. This is a representative Government, a democracy, the chief corner stone of which is the will of the people, whence springs the power of government. I conceive it to be my highest duty to carry out their wishes or let somebody take my place who will do it. My district first and the balance of the country next has always been my motto and will continue to be to the end of my service here. In this instance I am proud of the privilege of casting a vote which my people tell me they wish me to and which my conscience and judgment tell me is best for the Nation, too. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Speaker, I can not in the limited time at my disposal enter into much of a discussion of the merits of this resolution. Under the agreement no one Member can be given much time upon this occasion. I shall give the resolution my hearty support. I doubt if there is a Member here whose public and private record is more consistently dry than that of my own. I have throughout my life advocated prohibition, and practiced what I preached. The district I have the honor to represent is overwhelmingly dry. In voting for this resolution I not only reflect the sentiment and wishes of my constituents but do that which is in thorough harmony with the views I have long entertained.

Mr. GREENE of Massachusetts. Mr. Speaker, when the constitutional amendment came to a vote in the House in December, 1914, I voted against it, because I did not then think it was a wise measure to enact. Since that time I have received many communications from my constituents urging my support both for and against that measure. To them all I have given most careful consideration, supplementing many years of study and thought upon the question of liquor traffic and the best method of controlling it and of preventing the evils that follow in its trail, gained in part by an extensive municipal experience in a large city both as its mayor and as a member of the municipal board.

At this late day in my life it is but stating what all men know who are acquainted with my record when I say that I have no sympathy with the sale of intoxicating liquors nor have I ever had. I have never used it. If I could abolish it from the face of the earth by my vote I would not hesitate to do so. But no such millennium is possible, in my judgment, by the adoption of the pending amendment.

Some of my constituents seem to think that its passage will cause strong drink to disappear from the country at large and from every locality. Some have urged "that the interest of humanity will be served by the abolition of booze." I agree with this statement. If I thought this measure would accomplish that result I would support it, but the entire history of the world shows that this would not be the outcome. The only way it can be totally abolished is by losing the formulas by which such stuff is made. It is a question of the most available means of controlling the use of liquor and the best and most practicable method of enforcing legal restrictions upon its abuse.

Ours is not a Government of wishes but of law and its application in a practicable way to the ends sought to be obtained. Some who have urged my support for this amendment have evidently never read the measure nor considered how it would work out in practice. Others again have spoken of it as "a fair and equitable proposition to allow each State to register its opinion for or against the question." With this view I agree, but these people fail to realize that this amendment does not give to the people of each State the right to settle the question for themselves. If the Massachusetts Legislature should fail to adopt this measure but a sufficient number of other States with other conditions and with different people and surroundings in life should accept it, nevertheless, the people of Massachusetts would have forced upon them a policy with which the majority of them were not in sympathy. The people of Florida and Colorado and other distant States might thus be dictating to the people of Massachusetts what they might consume for food and drink. The habits and desires of the human race can not be changed by mere legislative enactment. A criminal law can not be successfully enforced in a locality in which the majority of the citizens are not in favor of it. No way has yet been found that I ever heard of to make a jury of 12 men, upon whom under our Constitution the enforcement of such a law will depend in the last analysis, sustain the enforcement of a law with which that community is not in sympathy.

My experience in life has led me to the belief that so-called local option is the best method of handling the liquor question; that if to the people of each locality, as determined by the policy of the separate States, is left the decision of questions such as are covered by the amendment, laws satisfactory to a majority of the people of the various States and municipalities will ensue and the favorable will of such majority will be a guaranty of their enforcement.

Principally for this reason I voted against this measure before and nothing has been called to my attention since to indicate that transferring the operation of such law from the favorable will of the locality in which it is to be enforced to the action of the Federal Government in places where it may not be regarded with favor will eliminate the drinking of liquor or tend to increase respect for law or to make better the morality of the people.

I am urged to vote for the amendment as a war measure and to protect our soldiers. This would be a strong argument were it not for the fact that the amendment can not be enacted by the different State legislatures within such time as there is any expectation that the war will continue. It should also be remembered that Congress has already legislated for emergency control of this traffic during the war. It has given to the President full authority, which he has already used, to forbid the manufacture of whisky and to regulate the contents of beer, and the law now forbids the sale of intoxicating liquors to our boys who have entered the military or naval service of the country.

I have been in favor of such control and voted for that legislation. I voted for the abolition of liquor from the Capitol long before this matter became a living issue. I have further shown my belief in and support of temperance measures by voting for the law that prevents the transmission of liquor into prohibition States, the so-called "bone-dry law."

Moreover, I believe this question is not fundamentally a governmental principle, such as always has had a place in the Federal Constitution. It is a matter of policy, of police regulation. To force all the States to conform to the police regulations of a majority of them will, in my judgment, tend to destroy that self-reliant local self-government which has been the security of our State and Nation since their foundation.

So, because I believe in using the strongest methods of control, those that will nearest approach the abolition of the evils of this accursed strong drink, and that this will be best accomplished by permitting the citizens of the several States to enact and enforce their own police regulations, I can see my way clear only to vote against the amendment. [Applause.]

I may add that to precipitate the conflict upon the country which would be involved by the passage of the pending amendment by the Congress during the struggle of war among many nations abroad, and in which our country is engaged, would be extremely unfortunate.

Mr. VOLSTEAD. Mr. Speaker, I yield one minute to the gentleman from Ohio [Mr. HOLLINGSWORTH].

Mr. HOLLINGSWORTH. Mr. Speaker, I am not vain enough to think that any words of mine will influence a single vote in this House for or against this resolution. I doubt if there is a single Member of the House expecting to speak on the subject whose vanity exceeds my own in this respect. Manifestly, therefore, the day is to be devoted to oratory for the benefit of the country at large and our individual constituents in particular. On this question, as on all others, I have been frank with my own constituents. No one for or against the proposition has ever applied to me in vain for information as to my position.

I shall vote for the resolution. Therefore I only deem it necessary to explain to those friends who do not agree with me on the subject. I have done this in numerous answers to telegrams and letters sent me by well-meaning constituents within the last few days, one of which answers, as a sample, practically covering the whole subject, so far as my connection with it is concerned [applause], I ask to have read into the RECORD with my remarks.

It follows:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., December 15, 1917.

Mr. FRED A. BUECHE,
Secretary Jefferson County Trade and Labor Assembly,
Steubenville, Ohio.

DEAR MR. BUECHE: I have just received your telegram of to-day, in which you say:

"The Jefferson County Trade and Labor Assembly is opposed to the proposed national prohibition to be voted on next Monday, and respectfully request your vote and influence against same."

The right and courtesy shown by you in this telegram and the many acts of consideration and good will I have at various times received from individual members of your association, and, in fact, from sincere laboring men all over the district, lead me to feel that it ought not to be flied away or pigeonholed without a frank answer and explanation on my part. I have felt grateful and uniformly tried to reciprocate on all proper occasions the good will and courtesy shown me by labor, and certainly I have never entertained a thought of discrimination.

On the general subject of prohibition there is, as you know, a decided difference of opinion in Ohio. The recent State vote on the subject was not decisive—at least was not sufficiently so to deter its friends from bringing up the subject again. But in the congressional district which for a time I have the honor of representing the majority for prohibition was large, as it was also at the previous election when the question was submitted to the voters, so that it might be said to be an instruction on this point to the district Congressman, even if he did not personally agree in sentiment.

Besides, Mr. Bueche, while I have always tried to deal squarely and treat every law-abiding citizen with due respect, respecting the individual judgment of all men in my district, my own home environment, personal thought, and feelings have always been practically opposed to the use of intoxicants in any form.

Again, the question to be voted upon by Congress on Monday is not strictly one of prohibition as you state. It is rather one of whether or not Congress is willing to submit to the people, under the form provided in the Constitution, the question of national prohibition. Such submission is not conclusive of its adoption. This can only come when the people through three-quarters of the State legislatures—that is, 36 of the 48 States—vote they want it.

Over 6,000,000 people have petitioned Congress for its submission, more than have ever before petitioned Congress on any subject.

Really, Mr. Bueche, do you not yourself think that ordinary fairness and consideration for the rights of others require Congress under such circumstances to allow the people to settle for themselves all such questions when an orderly method is provided for it in their organic law? What fair answer can be given to the 6,000,000 petitioners for refusing their request for a vote on the subject? Can we say that the citizenship of the Republic is not to be trusted?

Besides, for me to refuse to so vote would be to stultify a long personal political and official record. As early as 1881, when a member of the Ohio senate, as the journal of that year will show, I voted to submit the question of State-wide prohibition to the people of the State. The next year, 1882, as chairman of the Republican State convention at Columbus, in my opening address, I personally favored prohibition, although it was not then as popular as it is now. Freely recognizing, during the thirty-odd years intervening since I thus began voting on the subject, the right of everyone to exercise his own individual judgment in a political way, I have never sought to hide under a bushel my own record or views, public or private.

It is too late now to begin, if I wished; too late to dissemble even if a candidate for reelection, which I am not.

Labor, organized or unorganized, is the basic foundation of American hope to-day, and I shall not consciously do it an injustice. But, as in other matters, I must follow my convictions of duty. It is the only way that I can preserve my self-respect, and this to me is more precious than public applause.

Therefore, Mr. Bueche, I trust that you and your associates, whose past good will and friendship I have appreciated and shall always remember, will at least in this instance give me credit for honesty of purpose.

With sentiments of personal esteem and respect, I am,

Very truly, yours,

D. A. HOLLINGSWORTH.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Speaker, the gentleman from New York [Mr. MADDEN] has asked why this resolution should come before the House at this time. I believe there is an answer which is irresistible, and that is that the sovereign American people, who have pledged their entire resources, all they are and have, to the carrying on of this mighty war, demand that this question be definitely settled at this time. If there is any one thing certain in this war-convulsed world, it is that the American people have definitely made up their minds to put the Government out of the liquor business, the liquor business out of the Government, and the liquor business out of business. The people have taken into consideration all of these arguments made here to-day. They have weighed the argument that prohibition does not prohibit and have proceeded to vote their States dry, with the result that liquor is proved to be not above law and that prohibition can be enforced as satisfactorily as any other law. They have listened to the infamous doctrine that the Government would perish were it not for the revenues derived from the liquor traffic, and have decided that they will no longer accept 10 cents in revenue for the sake of paying out a dollar to take care of the finished product of the business. They have weighed the arguments of blear-eyed defenders of personal liberty, and have decided that the personal liberty which means wrecked lives, destruction of property, disease, crime, and degeneracy is a menace to the public welfare and should be outlawed. They have listened to the plea that an army of workers is engaged in the liquor business and have decided to put that army of workers into constructive employment instead of destructive. They have heard of the 300,000 farmers who grow crops to keep the breweries and distilleries running and have decided that the foodstuffs thus wasted shall be preserved for those who are starving for it. They have heard of the millions of tons of coal used in the production and transportation of liquor, and have decided that it can much better be used by those who are freezing without it. They have listened to the argument that compensation is due the liquor interests, and have decided that when those interests compensate the Nation for the damage they have wrought, compensation to the liquor dealers will be considered.

Mr. JAMES. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Pennsylvania yield to the gentleman from Michigan?

Mr. KELLY of Pennsylvania. Yes; I yield to my friend.

Mr. JAMES. The statement has been made by some people that a man can not be a good munition maker unless he is a whisky drinker. Carrying that idea further, would it not follow that in order to make a good Congressman, in order to make us capable of being good men to legislate and carry on this war, it is necessary to drink so many drinks of grog each day? [Laughter.]

Mr. KELLY of Pennsylvania. Yes. The gentleman, as usual, is exactly right. His question answers itself. The American people are not being duped in this matter at all. They see through the sophistry of these stock arguments in behalf of a notorious evil, and they are ready to meet them at the ballot box.

Above all, Mr. Speaker, the people have considered this mighty war in which we are engaged and which taxes every resource and every atom of our strength. They see every ideal of democracy and Americanism swaying in the balance. They see the liquor interests as a barrier to our victory and they propose to break that barrier down. They propose to destroy this force which endangers our chances of triumph in the holiest cause in which America has ever engaged.

With that decision made in their heart of hearts, the American people are to-day asking their Representatives to submit this

problem to them, that they may settle it in American fashion. The Constitution provides the way, for the framers of that immortal document, wise and great as they were, knew well that new problems would confront succeeding generations, which must be settled by themselves. The 13 original States contained intelligence enough to frame the Constitution; the 48 States to-day contain intelligence enough to vote upon amendments to it.

Is there any doubt that the people demand this action and that the question is big enough to warrant it? Scan the temperance map of the United States and see where the saloon has been driven out of 88 per cent of the territory of America, with 60 per cent of the population living in that area. See that six out of every seven counties are dry. Note that 15,000 towns and cities have banished the traffic. See the petitions of 8,000,000 people that this question be submitted in constitutional manner. Note that the United States Senate has already answered the people's demand by passing this amendment by the decisive vote of 65 to 20.

In the face of these facts, can any Member doubt that this House of Representatives is charged with the duty of carrying out the will of the people, whose agents they are? No Member can justify his refusal to do that. Not his is the responsibility now of deciding the merits of that question itself. That rests with the sovereign power in this Nation—the people—and they will meet their test by electing 36 State legislatures charged by solemn mandate with their duty—that of ratifying this amendment.

I am glad that this issue is before us in this most memorable year in American history, the one which will be known as the year of decision. Beyond this year all the currents of our history will run in new channels. Definitely, irretrievably, America has taken a new path, and however rocky and rugged the road, she will never retrace her footsteps to the starting place again. The great decision in April of this year has changed the history of the entire world, and even to-day the destiny of unborn centuries is in the molding of the hands of America.

But let no man say that the decision could have been avoided. Conflict between America and Germany was written not only in the stars but in the very fiber and heart's blood of Americanism. There could not be a free America here and a triumphant Kaiser in Berlin. The Prussian idea and the American idea could not live in the world together. One or the other must die.

Just as inevitable was conflict between Americanism and the organized liquor traffic. Let no Member think this decision could have been avoided. These two can not live in peace together in this age. One or the other must die.

Everything which helps Prussian might is hurtful to America; and of all the allies of the Kaiser, giving aid and comfort to those who seek our overthrow, there is none so menacing as the liquor traffic.

The American people recognize this fact. They know that the outlawing of the liquor traffic will be the mightiest blow possible at the Prussian idea, and they are asking the right to strike that blow in peaceful, constitutional manner with the ballot, the invincible weapon of freemen, in their hands.

That is the kind of revolution the American people have decided upon. Those who paint fanciful pictures of revolution in case this measure is passed are totally mistaken. There is not going to be a revolution. There is one. It is not for the liquor traffic, but against it. The great heart of America, throbbing with the aspirations of its workers, its business men, its professional men, all classes, sects, and creeds, is determined to end the ravages of this iniquitous business now and forever.

Mr. Speaker and gentlemen of the House, when this war is ended by victory we shall face some of the most momentous problems in our history. The great task which will be ours of preserving democracy at home, government of the people for the people and by the people, would be made overwhelmingly difficult by the corrupting and debauching tactics of the liquor interests. They have shown their lawlessness in the past; they have polluted politics; they have used the boycott and the black list; they have sought to make cowards of public men.

There is coming a new political alignment in this country, with Americans on one side and anti-Americans on the other. All those who fight under the black banner of corruption and the yellow flag of treason must be lined up so that Americans may know their enemies. That division will be made. That battle will come. The elimination of the liquor traffic in America will mean assured victory to the forces of Americanism.

The adoption of this amendment to-day will be a pledge of moral progress to the world. It will be preparation for the day when America stands guarding a world set free. It will be a mighty blow in that cause for whose advancement we have beaten our plowshares into swords. It will be an omen of good cheer to every forward-looking man and woman in America. It will clear the decks for effective dealing with the problems of war and of peace. It will show that this House dares to meet a great moral, social, and economic problem involving a mighty financial interest and that it trusts the people with the solution. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GARD. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

The SPEAKER. The gentleman from Texas is recognized for five minutes.

Mr. SLAYDEN. Mr. Speaker, this resolution undertakes to deal with the terms of a covenant entered into between sovereignties 127 years ago. It is suggested that that agreement shall be broken and new conditions imposed. It is proposed that a majority of the States, parties to that contract, shall change the terms of the partnership—which is the American Union—and compel a minority of them to accept conditions that were not contemplated when the Union was formed and that are repugnant to them and to at least half the people of the country. It will sow the seed of dissension. It is the overturning and revolutionizing of the Federal Union and the destruction of the States.

Of course, we will have a Government, even if the resolution should be agreed to by two-thirds of the Congress and three-fourths of the States, but it will not be the Government our fathers gave us. The States will have lost their police powers, an essential attribute of sovereignty, and will have lost their control of local affairs. Thereafter the States will be mere expensive political shells, devoid of powers, without souls, and no good reason can be advanced why they should be maintained. As important political entities they will have passed into history. The historian of the future can say with truth that the American Union of free, independent, sovereign States died as victims of tyranny imposed by fanatics and that in its place was erected a strong, centralized government such as Patrick Henry predicted and Thomas Jefferson feared.

The purpose of the first Constitutional Convention, that which met at Annapolis in September, 1786, was to provide, as far as the delegates could, rules of interstate conduct in commercial matters and to care for the common interests of the States and insure permanent harmony between them. Their great purpose was to establish a constitution adequate to the exigencies of the Union, to deal with foreign affairs in the interest of each and all of the high contracting parties, and with the interrelations of the sovereign powers that were making the compact.

The Annapolis Convention was attended by delegates of only 5 of the 13 States. There was suspicion on the part of some of the States that the effort to adopt a constitution might become an assault on their independence and sovereignty about which they were properly jealous, and so some of them refused to attend the meeting. These fears were overcome and finally, although with great reluctance on the part of some, all were brought into the Union by subscribing to the Constitution adopted in the following year.

No one ever questioned the fact of the independence and complete sovereignty of the States in their first political association, the Confederation, as it was called, through which the founders of our Government tried to work out their political destiny. The Articles of Confederation developed certain weaknesses that compelled a new charter. It was provided in the Constitution of the United States and it is not the Constitution of a consolidated State. It is the written terms of the association of 48 separate sovereignties.

The delegates to the Constitutional Convention of 1787 went as the representatives of the States, and all the ability and eloquence of Edmund Randolph and Alexander Hamilton, who were believers in a strong, centralized, national, aristocratic government, could not persuade them to betray the States that sent them.

Few students of the history of that period could be made to believe that the Constitution would ever have been accepted if the plans of Randolph and Hamilton had been agreed to. There are many phrases in the Constitution that reflect the jealous care of men like William Patterson and Oliver Ellsworth to protect the independence of the States.

The Centralists did not rest patiently under their defeat in the Constitutional Convention, but immediately renewed their assaults on the integrity of the States, and the tenth amendment was intended to fix beyond doubt the relation of the States to the Federal Government. It is worth while now to quote the language of that amendment, as it is well worth while for every citizen of the States and of the United States who wants

to know his Government to read and reread the Constitution as a whole. It says—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

Unlike the resolution now under consideration, which is frankly intended to be a mere police regulation and thus usurp the functions of the States, every one of the existing amendments to the Constitution is meant to be a guaranty of the rights of the citizen, or deals with purely political questions. This is a radical and dangerous departure from the practices of the past. It is, as I have already said, revolution. It does what the Southern Confederacy with a mighty effort failed to do; it breaks up the Union and in destroying the powers of the States sets up a centralized government, which, however, was far from the purpose of the Southern Confederacy.

To accomplish the purpose in the minds of the proponents of this resolution it is not necessary to amend the Constitution and to overthrow the union of the States. The power to regulate or destroy the liquor traffic already exists. Each State now has the right to forbid the manufacture or sale of alcoholic liquors within its jurisdiction and statutes of the United States protect it against shipments from other States. The validity of these statutes has been upheld by the Supreme Court.

But that does not satisfy the supporters of this resolution. The people of prohibition States seek to impose their will on the people of other States, and to do so they are willing to undo the wise work of the founders of the Government. It is certainly un-American; it is rank tyranny and full of danger. Constitutions of great countries are not meant to be vehicles for the carriage of simple laws. That work may be safely left to the wisdom of the various legislatures. Guaranty of rights and the great principles of government are enduring, while a law that is expedient in one generation may be inexpedient and undesirable in the next. The majority may want a certain law now and abhor it later. As democracies are supposed to reflect the views of the majority—and the most rabid prohibitionists in this House say they want that will exercised—it is both unwise and unfair to make a condition where the majority can not do its will hereafter unless it can control two-thirds of Congress and three-fourths of the States.

Suppose the prohibition majority of to-day should become an antiprohibition majority to-morrow, what would the prohibitionists do and what would be the situation? Would they, in their great respect for the democratic principles of the rule of the majority, help us repeal the amendment they now propose? No, Mr. Speaker; they would not. In fact, they want to get the technical advantage of having this clause in the Constitution because under it an antiprohibition majority of the future will have to be so overwhelming before it can enforce its will that it will control more than three-fourths of all the States. Supporters of this measure may be good men, but they are not good Americans, for they will, if they can, deny the right of the majority to rule, and they are not good Democrats or Republicans, although they wear party labels.

Let us, Mr. Speaker, consider another contingency of the future. It is conceivable that after this resolution shall have become part of the Constitution—if unfortunately that should occur—the people may change their views to such an extent that seventy-four out of every hundred voters would be opposed to prohibition. Could they rely upon the American doctrine of majority rule? Not at all, for twenty-six voters out of a hundred, just one more than a fourth of all the voters, with the technical advantage that would be given by the proposed amendment, could defy the 74 and laugh to scorn their efforts to assert a recognized principle of American democracy.

Do you believe, Mr. Speaker, that practically three-fourths of all the people of this country would patiently submit to the indefinite control of the country by one-fourth? They would not, unless they have lost all their spirit and capacity for government, and they would surely find some way of expressing their will even if it involved a new constitutional convention or revolution. This scheme is dangerous from every angle from which one views it.

Where will this movement to control the habits of men stop? It is liquor to-day; to-morrow it may be tobacco, for already there is in existence an important association working to prohibit the manufacture of cigars and cigarettes. Why should not they do so, for they are convinced that its use is hurtful to the body and a needless waste of money? It takes no prophet to foretell that if they should ever find themselves in a majority they will demand laws to prohibit the use of the most delightful and soothing of all the plants a benign Providence has vouchsafed man. Already some States have anticigarette laws, and the advocates of such legislation would certainly like to extend the prohibition to other preparations of tobacco.

Sumptuary legislation seems to appeal to a certain order of mind. It is progressive tyranny, as the history of this legislation shows. Just a little while ago, Mr. Speaker, the prohibitionists in Congress said they could not enforce the State laws against the liquor traffic, because they had no control over interstate commerce, and that they would be satisfied if Congress would give them the right to forbid the introduction of alcoholic beverages into States that had prohibitory laws. Congress complacently gave them what they wanted.

Some of the leaders in the movement on the floor of this House vehemently denied then that it was their wish or design to interfere with the right of an individual to import liquors for his own use. They claimed to be after the traffic in liquor, the saloons, and not after individuals. You know what happened. They have now thrown off all disguise, and, emboldened by these successes, frankly proclaim their purpose to regulate the habits of the individual citizen. They now urge the most outrageous sumptuary laws ever sought to be forced on any people who fancied themselves free, independent men. To-day they tell Americans what they shall drink. How long will it be before they will tell them what they shall eat and wherewithal they shall be clothed and how they shall worship the Lord?

How any man who ever believed in the rights of the States can support such a resolution passes my understanding. How any man who calls himself a Democrat and who believes in the principles and traditions of his party can do so is incomprehensible.

Here is what the great Democratic platform of 1868, on which Horatio Seymour, of New York, made his race for the Presidency, had to say about certain rights of the States and principles of government. It would be well for members of the Democratic Party to read and consider it. It is specially commended to the attention of Members from the South, in which section these doctrines once had their staunchest defenders.

> And we do declare and resolve that ever since the people of the United States threw off all subjection to the British Crown the privilege and trust of suffrage have belonged to the several States, and have been granted, regulated, and controlled exclusively by the political powers of each State, respectively, and that any attempt by Congress, on any pretext whatever, to deprive any State of this right, or interfere with its exercise, is a flagrant usurpation of power which can find no warrant in the Constitution, and if sanctioned by the people will subvert our form of government, and can only end in a single, centralized, and consolidated government, in which the separate existence of the States will be entirely absorbed, and an unqualified despotism be established in place of a Federal Union of coequal States.

That plank in the Democratic platform of 1868 refers to the question of suffrage, an issue that came out of the war between the States; but the argument is even stronger when applied to such a resolution as that we are now considering. The question of suffrage is more important than the regulation of the liquor traffic, and I shall vote against its control by the Federal Government, but I can see many more reasons for supporting the so-called Susan B. Anthony amendment than I can for supporting that now before us. Yet, I dare say, some of our friends who sit on this side of the House will be able to persuade themselves that they should vote to take away from the States their police powers over the liquor trade and at the same time deny women the right to vote. Wonderful logic, that! There is no reason why the Constitution of the United States should deal with either, for the States have ample power over both subjects.

The Democratic platform of 1880 declared specifically against sumptuary legislation. That of 1884, when a great Democrat, Grover Cleveland, was nominated, says:

> We oppose sumptuary laws, which vex the citizen and interfere with individual liberty.

The platform of 1888 reaffirmed the declaration of 1884, while that of 1892 said:

> We are opposed to all sumptuary laws as an interference with the individual rights of the citizen.

The party platform of 1896 reaffirmed the allegiance of Democrats to the great principles announced in other conventions, specifically pledging loyalty to "freedom of speech, freedom of the press, freedom of conscience, the preservation of personal rights," and to all the great doctrines "which the Democratic Party has advocated from Jefferson's time to our own." Furthermore, it denounced "arbitrary interference by Federal authorities in local affairs," which denunciation must apply to the sort of thing now contemplated.

Mr. Speaker, the individual rights of the citizens do not appear to interest many people who call themselves Democrats. Legislation like this is only one step in the encroachment on the rights of the people. The right taken now encourages the believers in a centralized government to assault another in the future. No right, personal or political, will be sacred or safe against the whim of the majority, which, with this resolution agreed to, can impose its will in our social system or in religion.

From control of the person and habits of the people to control of their religious faith is no great step.

I shall vote against this resolution because it is undemocratic, because it destroys the States, because it destroys local self-government and is revolutionary. It is the sort of law that might be written into statutes to protect imbeciles and children, but should never be applied to the average American citizen, whose personal liberty it kills and whose political and religious liberty it puts in jeopardy.

Under the privilege conceded me by the House, I print as part of my speech an editorial, thoughtful and powerful in argument, from the Washington Times of December 14:

On Monday Congress will consider the advisability of changing the National Constitution to make it take the place of local policemen. The proposition is to alter the Constitution to oblige prohibition fanatics that have succeeded in making a servant of the United States Senate through political blackmail, and now find it convenient to alter the Constitution to suit their purposes.

Congressmen from the South are supposed to believe in State rights and State authority. They are considering the proposition to permit the Nation to do police work in the States.

Let them oblige the Anti-Saloon League by making the Federal Constitution an Anti-Saloon League plaything, and the South will formally indorse an ending of State authority and open the way for other kinds of Federal police work that will not suit the South so well.

If Congressmen from the South wish to open the way for future Federal amendments and populate their States with Federal spies enforcing a prohibition amendment, and available for use at elections, and in other ways that might please a new administration after 1920, let them fool with the Constitution now and pull it to pieces in obedience to the orders of Anti-Saloon League threats.

The State police has power to regulate prohibition. Every State has prohibition that wants it; every State can be bone dry if it chooses.

Let the South now force prohibition on New York, Illinois, Massachusetts, New Jersey, Pennsylvania, using the Constitution as a club, and later those States may use the army of Federal spies that this constitutional amendment would create in a manner not exactly welcome to southern statesmen, in a manner that might seriously interfere with Democratic supremacy in the South.

Congressmen from the South, think that over before you meekly bow your necks to the latest Anti-Saloon League order.

This constitutional amendment, if passed in the House, would represent not the convictions of the Congressmen but hypocrisy.

Every Congressman knows that this statement is true.

Every Congressman knows that if the ballot on the constitutional amendment were a secret ballot, making it impossible for the Anti-Saloon League bosses to punish disobedience, the amendment wouldn't pass. Far from getting a two-thirds majority, it wouldn't get one-fifth of the votes in the House.

This constitutional amendment would make labor dissatisfied, with just cause, and injure the Nation's efficiency in war.

It would inject into all of the 48 States a bitter controversy, a savage political fight now, when the Nation needs harmonious united action, freedom from bitterness, and especially freedom from dissatisfaction among the workers upon whom depends success in this war.

A prohibition amendment to the Constitution might be effective as regards the harmless mild stimulants; it would not be effective as against whisky or drugs after a few months.

The habits of the human race can not be changed over night to oblige fanatics. Mr. Hoover, head of the Food Department, told the truth when he said, "Those who wish brewing entirely suppressed should bear in mind that if such a course were pursued the country would be placed upon a whisky basis entirely."

The President has dealt with this vitally important question wisely, conservatively, and effectively, using the power given to him by Congress. He has reduced to a minimum the alcoholic content of beer.

He has forbidden the further manufacture of whisky. This has more than doubled the price of that alcoholic drug. In consequence, official statistics in the State of New York show that drunkenness has diminished by 50 per cent, and the alcoholic wards are practically empty. In New York there is no prohibition, and the consumption of beer among workingmen has increased, while drunkenness has diminished, because those that formerly drank whisky now content themselves with beer.

Cyrus H. K. Curtis, owner of the Saturday evening Post, the Ladies' Home Journal, and the Philadelphia Public Ledger, is an earnest worker for temperance.

Let the many sincere temperance men in Congress read on the first page of this newspaper what Mr. Curtis in his Ledger says about the proposed constitutional change:

"The Constitution has never been the vehicle for declarations of policy. Not even the Monroe doctrine has been incorporated in the fundamental law. To compel all the States to conform to the police regulations of the majority of States would be to destroy local government."

Let Congressmen from the South think over this statement in the paper of one of the most useful and sincere temperance workers in the United States. Let them think well before they "destroy local government."

The fanatics that are forcing this constitutional amendment upon them are planning to send thousands of Federal spies and investigators into every southern community, and those Anti-Saloon League fanatics will be first and most energetic, under some other administration, using those spies in their own particular way.

Congressmen from the South, remember that when you vote for this prohibition amendment to the Constitution you do more than vote to permit a little band of fanatics to control great Northern States and great bodies of workmen, coercing them against their will.

You are proposing to give to the leaders of the Anti-Saloon League thousands of Federal agents to be used as they please in your districts, in your local affairs, in your elections.

You know the character of the Anti-Saloon League well; many of you have described it to this writer and in a manner none too complimentary.

It may seem to you wise to oblige these gentlemen by turning over to them police powers in Northern States, where the prohibition that you approve, for local reasons, is not necessary and not wanted.

Take care how you twist the Constitution in such a way as to give some future Republican President, closely allied with the Anti-Saloon League, a well-organized band of Federal prohibition agents, with wide powers, capable of being made highly useful on election day, in your territory.

Don't be in too much of a hurry to change the Constitution of the United States—you might regret it.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Mr. Speaker, I will have to object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. SLAYDEN. He will relent later. [Laughter.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GRAHAM].

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. GRAHAM of Illinois. Mr. Speaker and gentlemen, this resolution proposes to submit to the people of the United States the question as to whether the sale and manufacture in and the export from and import into the United States of intoxicating liquors for beverage purposes shall be prohibited. In my view of the matter but one main question presents itself to us for solution, namely: Is it wise and advisable for the Congress to submit this matter to the people of the United States in gross for determination? There may be other collateral questions involved here, but only in so far as they affect the main question that I have stated. We are not now discussing the moral question of whether the use of intoxicating beverages is wrong or is right; it is rather for us to say whether the people of the United States, as a whole, shall have a right to pass upon this question or whether they shall not.

Those who oppose this resolution strenuously contend that the manufacture and sale of intoxicating beverages are local matters and should be left to the jurisdiction of the States and their respective municipal subdivisions, while those who favor this resolution contend that it is a national question. The framers of the Constitution, having in mind, no doubt, the many differing customs, rules of living, and methods of self-government that had grown up with the widely separated American colonies, wisely concluded to preserve to each colony, thus to be made into States, as great a measure of local self-government as was possible, but that when the activities of one of these States might overlap and conflict with the activities of any other, the jurisdiction of the common General Government would obtain. So far as I can read our history there was no other underlying reason for the retention of State and local governments.

As the years have gone by our boundaries have expanded and our population has increased wonderfully, until the peoples of the sparsely settled colonies have flowed together and filled up the waste places. And when they began to flow together the activities of the people of each State began more and more to affect the peoples of other States. More Federal regulation became day by day more essential to the mutual welfare of all the people. Questions that were local and sectional in colonial days became national as the Nation developed. The development of home industries, at first local, became a national question, and the great Republican Party was founded, in part at least, on its demand that the protection of American industries be made a national question, a view that just now the bitterest enemies of that doctrine, the members of the Democratic Party, are preparing to embrace, and which before the lapse of three years they will be openly espousing. The question of human slavery, at first local, became national, and the recorder of human history turned a bloody leaf in writing it down as such. The development of the waste lands by homestead laws, by irrigation projects, and by flood control, and the national banking system were made necessary by these interlapping activities of the people of the States. But it is in recent years that the most surprising developments of national activity are to be observed. The antitrust laws, the interstate-commerce acts, the so-called Mann Act, the Federal reserve banking act, the pure-food laws, the farm-loan act are some of the evidences of broadening national power. I do not speak now of the many acts by which we have concentrated in the National Executive extraordinary powers in this time of war; they are powers that will disappear when the war is over. But I speak of the widening circle of Federal authority in times of peace. These are not usurpations of local authority, but are the natural and legitimate result of our growth of population. As our people become more homogeneous and nationalized we shall irresistibly be forced to strengthen our National Government. If the Constitution does not warrant it, then for the public welfare the Constitution must be amended. For instance, the time must come, and come soon, when we shall have a national law merchant and uniform rules and laws as to negotiable instruments and bills of exchange; we all appreciate that there must be a uniform law regulating marriage and divorce. At an early date there must

be increased Federal control over public utilities. While this war is in progress we may by our war powers do what must be done; but no one can view the future after the war is over, and all the mighty questions are to be adjusted without misgivings; when the nations turn to peace and suddenly we go back to our tasks, does anyone doubt that there must be Federal control to a degree never dreamed of by the founders of the Government?

Now, the only question in my mind is: Is the sale and manufacture of intoxicating beverages such a matter as to seem to call for Federal control? In the matter of its shipment from State to State it certainly does; but that power is already enjoyed by the General Government. Does the mere matter of its manufacture and sale in one State affect the people of other States so that the national good may require that it be regulated or stopped? I can not come to any other conclusion than that it does. The best scientific information I have, together with my own personal knowledge and experience, teaches me that the physiological effects of intoxicating beverages are harmful; its habitual use weakens and enfeebles a majority of its users. Many incidental evils travel in its wake, and these evils are not confined locally, but may and do affect the whole body politic. The whole structure of government is kept up by all of us; from it we derive equal benefits. The people of my State have a right to know that the people of Indiana or Iowa, our partners in this governmental enterprise, are not pursuing a course that leads to poverty, weakness, and disease; they have a reciprocal right as to our actions. We have an equal interest in the health and welfare of each other, for side by side we must work out the problems of peace, and side by side we must perform the onerous duties of war. Dismiss the matter of morals, if you please. Put it on the simple ground of national efficiency and economy and we must be forced to the unalterable conclusion that this is a national question and one that the people as a whole ought to have the right to settle.

This question has perplexed the people of all the States since the formation of the Republic. It has been a constant source of dissension and political controversy. Let the people decide this matter. He who opposes this resolution must do so with the idea that three-fourths of the people of the United States do not have a right to decide this matter. I do not agree with this contention, and because I do not, and because I do believe this to be a national question, I favor the submission of the resolution to the people for a vote.

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Illinois. I ask unanimous consent to extend and revise my remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend and revise his remarks. Is there objection?

Mr. STAFFORD. Mr. Speaker, I shall have to object.

At the request of the gentleman from Pennsylvania, I yield to the gentleman from Oregon [Mr. MCARTHUR] five minutes.

Mr. MCARTHUR. Mr. Speaker, if there ever was a time when this Nation should be united in spirit and in purpose rather than torn asunder by internal dissension, it is now. We are active participants in the greatest war in history, and our people should be standing shoulder to shoulder against the common enemy rather than quarreling among themselves over questions that might be better settled after the war. To inject a question such as national prohibition will not tend to solidify the people of the country in support of a common cause, but will so upset business, economic, and political conditions that the war will become of secondary importance in the minds of millions of people. The campaign that will naturally develop for and against the adoption of this amendment by the legislatures of the various States will create much bitterness, will call for the expenditure of large sums that would serve a better purpose if invested in Liberty bonds or donated to the Red Cross, and will lessen the public interest in the war. As proof of this, I have only to cite the prohibition elections that were held last month in some of our large States and cities.

To those who contend that this is a war measure let me say that it will be at least two years before the requisite three-fourths of the States will hold sessions of their legislatures; and granting, for the sake of argument, that the amendment will be adopted as soon as the legislatures have an opportunity to vote on it—which is extremely doubtful—there is a proviso that it shall not become operative until one year after its final adoption by the last of the necessary 36 States. This means it will be at least three years before national prohibition can become a reality. Let us fervently hope that the war will be over before three years have elapsed.

We have already suspended the manufacture of distilled liquors for the period of the war; have given the President authority to suspend the manufacture of malt liquors and wines, to commandeer and take over for governmental purposes liquors of all kinds, and to reduce the alcoholic content of such malt liquors as may be manufactured during the war; and, in addition to this, have prohibited the sale of liquors in and around military camps—and, incidentally, all of these propositions have had my unqualified support—but we can not by the widest stretch of the imagination classify the pending amendment as a war measure. Anything in the nature of a war measure must of necessity be temporary or provisional, to be altered or set aside at the close of the war. There is nothing of this character attached to this proposed amendment. It is to be a permanent proposition—an amendment to the organic law of our country—and, when once adopted, can not be repealed except by two-thirds vote of both branches of Congress and affirmative action of three-fourths of the legislatures. No change in the organic law of the country can be regarded as a war measure, and we must not delude ourselves by any false notions concerning this amendment. Its passage by Congress will not make the winning of the war easier, but, by plunging the country into the vortex of internal strife, will make it more difficult.

If this amendment is approved by Congress and sent to the States for approval or rejection, the question of standing by the administration and supporting the war will become secondary in the minds of several million radical prohibitionists and extreme antiprohibitionists when next year's elections are held. The general fitness of candidates and the all-important test of loyalty to the Government will be lost sight of in the campaigns that will hinge on the attitude of candidates on the question of prohibition. The result will be the election to office of numerous unfits who would never be heard of in an ordinary election.

The Anti-Saloon League and other agencies who have been so insistent in demanding the passage of this amendment by Congress have assumed a grave responsibility. They are going too fast and too far at a time when their energies might better be spent in constructive movements against bootlegging, moonshining, and other violations of the liquor laws on our statute books. They would serve a better purpose by conducting a campaign of education against liquor rather than precipitating a question that will create ill feeling and recrimination among millions of our people.

I can not agree that a vote in Congress for national prohibition is merely a "referendum," and that the responsibility in the matter rests with the States. Under our dual system of government a proposed amendment to the Federal Constitution must first pass both branches of Congress by a two-thirds vote in each branch and then be ratified by the legislatures of three-fourths of the States. There is no such thing as a referendum, for this implies a popular vote rather than a vote by the legislature. The act of amendment is, in the first place, an act of Congress expressing its judgment upon the question at issue, and the action of the States is secondary, a check upon the action of Congress and not a substitute. The Constitution says nothing about "submitting" an amendment to the States; it says that "the Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution," and that these shall become valid "when ratified by three-fourths of the States." The function of Congress in this matter is not purely ministerial, but is an essential element in the process of amendment. Were there any possible room for doubt as to this point, it would be removed by the consideration that a two-thirds vote in each House is required for the adoption of an amendment. Under the theory of "submission to the States" of a proposal for their legislatures to decide, surely a bare majority in Congress would be sufficient; but the idea of the framers of the Constitution was that a proposed amendment should, first of all, stand the test of commanding not only ordinary approval in Congress, but the emphatic approval embodied in a two-thirds vote of both Houses.

The constitutional provision which says an amendment may be adopted and sent to the legislatures "whenever two-thirds of both Houses shall deem it necessary" places upon the individual Senator and Representative a responsibility which he can not escape on the plea that he is voting for a "referendum," particularly where no such instrumentality as the referendum exists.

I hold no brief for liquor or the liquor traffic—particularly for that sink hole of iniquity known as the saloon—but I can not and will not be a party to any movement that I regard as inimical to the best interests of my country. I shall, therefore, vote against the amendment, not only for the reasons stated

lax for the additional reason that the district which I represent, the people to whom I am accountable, voted against bone-dry, State-wide prohibition by a majority if 9,790 votes on the 7th day of November, 1916, the day that I was elected to my present term in this Congress. If I were to vote affirmatively on this question, I would deliberately misrepresent, not represent, the expressed wishes of my constituents.

In the language of our President in his great message of December 4, "our present and immediate task is to win the war, and nothing shall turn us aside from it until it is accomplished." The President appreciates the gravity of the situation; he not only defines our purpose, but he sounds a warning against questions that are beside the issue. Let us, therefore, keep our course clear and not wreck the ship of state on the shoals of internal dissension. [Applause.]

I yield back the remainder of my time.

The SPEAKER. The gentleman from Oregon yields back one minute.

Mr. VOLSTEAD. I yield two minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, Tennessee has successfully tried prohibition for six years. It has worked so well that both political parties are committed to it, and no political organization in that State would dare attempt to make a fight for its repeal. A law which has emptied the jails in Tennessee and virtually wiped out the criminal side of the dockets of the courts will do the same thing in every State in the American Union. [Applause.] King Alcohol has filled the world already with enough misery, with enough murders, with enough insane people, with enough unhappy wives and unfortunate children. Let us dedicate ourselves this day and this hour to the improvement of American manhood and womanhood by voting to make America the best country on the face of the earth. [Applause.] While our soldier boys are fighting to make the world free and safe, let the American Congress make the United States better physically, mentally, and morally. I predict that when the two great political parties in this country next assemble in their national conventions they will both adopt platforms favoring prohibition and woman suffrage. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Idaho [Mr. SMITH].

Mr. SMITH of Idaho. Mr. Speaker, I am heartily in favor of this resolution. I am sure that there is not a Member on this floor, be he for or against this resolution, who does not admit to himself that the liquor traffic is and has always been the cause of a large proportion of the crime, poverty, and inefficiency throughout the land. And yet, when it is proposed to legislate upon this question, with the view of curtailing the sale of liquor, certain influences attempt to throw every hindrance in the way of securing such legislation. Under ordinary conditions, those engaged in the liquor traffic make no apology for their business, but when cornered they fall back upon the stale arguments of "personal liberty" and the alleged right of the individual to do as he pleases. This argument is so absurd that it is scarcely worth answering. The first law of society is that individuals shall not be permitted to do that which, although considered beneficial to themselves, may be injurious to others or to the community at large. The statute books, both National and State, are full of restrictions founded upon that principle. Obnoxious factories can not be operated if injurious to the health or comfort of those in its vicinity. A butcher is not permitted to offer for sale unsound meat, nor the grocer adulterated food. The public gaming tables or devices are not permitted to operate, because it is considered criminal to even tempt a man to risk his property, or to provide himself with the means of squandering the substance of his family. Indelicate or indecent exhibitions are not permitted because of the danger of debauching the minds of the people. No one is allowed in any well-regulated city to drive a team or automobile along the left side of a street. Nor are persons under the influence of liquor allowed to operate a car because of the danger to others.

Why, then, should there be any reluctance in restricting the sale of alcoholic liquors when their baleful effects on health and life are acknowledged by every disinterested person. We legislate to prevent the spread of poverty, crime, and disease. The use of intoxicating liquors produce all of these, and are we not justified in legislating to prevent the progress of its devastating influence?

The liquor interests urge the solving of the problem of intemperance through moral suasion or education, but have they ever been so inconsistent as to endeavor to either publicly or through the press attempt to influence the people to drink less? Do they hire lecturers to go throughout the country and hold meetings and tell the people of the injurious effects of drinking too much liquor? Do they have any newspapers or magazines print any such arguments? As a matter of fact, do they do anything toward attempting to influence the people, by education or moral suasion, against the use of liquor? How absurd and inconsistent their position. Instead of urging the people to drink less, they spend millions of dollars in advertising and extending their business in every way possible.

The only person engaged in the liquor traffic who has offered any solution of the evils of intemperance is that high priest of the trade, August A. Busch, president of the Anheuser-Busch Brewing Co., of St. Louis. I read from an article which appeared in the press recently which may be of interest:

ST. LOUIS, *December 5.*

August A. Busch, president and principal owner of the Anheuser-Busch Brewing Co., is starting a propaganda to combat the growing prohibition movement in the United States. The chief features of the scheme are:

First. A strict enforcement by State authorities of all excise laws.

Second. The establishment throughout the country of the German saloon system, which permits only beer, light wines, and temperance drinks to be sold in dramshops.

I wonder how popular it will be with the people of this country to have ingrafted upon us the German saloon system?

Third. Cooperation by brewers and State authorities to close up every saloon the owner of which does not obey the excise laws.

Can any of you point to any liquor dealers in this country who are cooperating toward enforcing the law against the enactment of which they fought so bitterly?

Fourth. The abolition of treating in saloons, to discourage drinking to excess.

How inconsistent he is in suggesting a plan to diminish the sale of his own wares.

Fifth. The discontinuance of bars in saloons, substituting service at tables at which customers will be seated.

How many of those who frequent the saloons would drink less if they sat down than if they stood up? How absurd. Yet that is Mr. Busch's plan for solving this great problem. My impression is that the American people will be no more likely to adopt the plan suggested by Mr. Busch to regulate the liquor traffic in this country than they will to take the suggestions of the Kaiser as to how we should conduct the war.

Mr. Speaker, because of the scarcity of sugar throughout this country the dealers, especially in the eastern part of the Nation, have been urged to sell not more than 2 pounds per day to any one customer, and yet over 70,000,000 pounds of sugar are annually used in the manufacture of beer, and in nearly one-half of the States in this Union the saloons are open. There is no limit upon the quantity of foodstuffs that may be used in the manufacture of malted liquor. Because of the scarcity of coal the public schools have been closed in some of the Eastern cities, union meetings are being held in the churches to save fuel, universities are being closed, and inmates of the hospitals are suffering from the cold, yet the chimneys of the breweries throughout the United States, where prohibition is not in effect, are belching forth the smoke from the thousands of tons of coal that are being burned to manufacture beer. What consistency.

Does it pay to permit a traffic which annually destroys 150,000 lives and the use of nearly $3,000,000,000 in order that a certain class of individuals should not be disturbed in their hurtful business? Does it pay to permit the continuation of a business which breeds paupers, lunatics, and criminals? Does it pay to enlarge our jails, asylums, and almshouses to take care of those who occupy these institutions as a result of the liquor traffic? Is it good sense to refuse to admit criminals to this country, as provided in our immigration laws, and allow a traffic to exist which manufactures them within our own borders? Does it pay to send missionaries abroad to Christianize the heathen and permit a business at home that results in the degradation of our own people? Does it pay to waste—yes, more than waste—millions of bushels of foodstuffs when the price of living is soaring day by day, because of its scarcity, in order that the liquor traffic may continue to exist?

If those engaged in the liquor traffic and those who are upholding the business had their way there would not be a prohibition State in this Union. There would be a saloon in each end of the Capitol, as was the case about 15 years ago. There would be the canteen in every Army post in the country, where liquor might be bought, instead of the law which is now upon our statute books preventing the sale of liquor to soldiers in uniform. There would be in the city of Washington eleven hundred open saloons, or more, instead of there being none as at present, under the prohibition law which has been in effect but six weeks.

The SPEAKER. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker, there are two arguments advanced here against the proposed constitutional amendment.

One is that it has no place in the national Constitution, and the second is that it would interfere with the proper conduct of the war.

As to the first, it has a place in the national Constitution, for the reason that State prohibition, local prohibition, can not completely prohibit. I come from a State that has had State prohibition for 70 years, by the most drastic State laws the human mind could devise, and what is the result? From the wet State of Massachusetts, the wet State of New Hampshire, from the license cities of Portsmouth and Boston, on every train, on every steamboat, on nearly every auto that crosses the border the agents of these liquor dealers from the wet States bring intoxicants into my State. Under the cover of darkness, while the people of my State are asleep, these agents of the liquor traffic steal in to rob, plunder, and murder my people. The same is true of every county, every township, and every city that is dry and is up against a wet locality.

Mr. SABATH. Will the gentleman yield?

Mr. HERSEY. No. Here in Washington you have passed a dry law, and it is being violated by wet Baltimore every hour in the day. You never can have bone-dry prohibition until you have it through a national amendment to the Constitution.

As to the war, we must conserve our food resources if we are to win the war. It is utter nonsense to try to win without it. The greatest waste of our resources to-day is caused by the breweries of this Nation.

I want to say that we ought to learn something from history. Rome, once a great world power, collected her people into a great city and then sent her soldiers abroad to conquer her foes. She then took her resources—her foods, grains, and fruits—and converted them into strong drink and said, "Let the dance go on, the soldiers can take care of themselves." What happened? Why, her armies never came back. Her enemies thundered at her gates, and "where the temples of the Caesars stood the lean wolf unmolested makes her lair."

Mr. Speaker, I hope it will never be said of America that she gave her soldier boys to die to save democracy to the world but herself she could not save. [Applause.]

Mr. GARD. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. GORDON].

Mr GORDON. Mr. Speaker, Senate joint resolution 17, now under consideration, provides as follows:

The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

This measure, when passed by a two-thirds vote of both branches of Congress and ratified by the legislatures of three-fourths of the States, will become a part of the Constitution of the United States, which every person who holds a public office, from President to constable, will be required to take a solemn oath to support. By this measure it is proposed to confer upon the Federal Government the sweeping police power necessary to enforce this drastic piece of legislation in all of the States and territory under the American flag.

A proposition so radical and revolutionary as this, which proposes to repudiate the principle of home rule and local self-government, to invade and violate the reserved rights of the States under the tenth amendment, to deprive them of a material source of their present income, and to take from them and confer upon the Federal Government the police power over what has always been considered and recognized as a subject of State and local jurisdiction and control, ought not to originate in, much less be passed by, the American Congress.

If this measure passes the House by a two-thirds vote and is approved by a bare majority of the legislatures in 36 of the 48 States of this Union it will become a part of the organic law of this Republic, although a large majority of the people of the United States may be opposed to its adoption.

Under the peculiar system of representation in the legislature which prevails in many States, by which the land area instead of the population is represented in their lawmaking body, it frequently happens that the legislature is not representative of the great body of the people of the State.

Some of the New England States have a system of town and township representation in their legislatures regardless of the population that they contain, which creates a rotten borough system and denies equal representation to the great body of the people residing in the populous centers. Under the constitution of my own State, as amended some years ago, each county has a member of the house of representatives, regardless of its population. Omitting the 15 largest counties, the average population of the remaining 73 is but 30,855, while the populous counties have under the last apportionment only one additional member to each 47,671 inhabitants. So that in many States of the Union in which the people have rejected State-wide prohibition by large majorities the legislatures would probably ratify this amendment if given an opportunity to do so, and the action of the legislature in so doing would not be subject to review by the people, even in those States which have the initiative and the referendum provided for in their State constitutions; and even if all members who vote to ratify this amendment should be defeated for reelection and be succeeded in office by Representatives opposed to the amendment, the ratification of the State could not then be withdrawn. This was determined when the fifteenth amendment to the Federal Constitution was ratified by the legislatures of the several States; a majority of the people in most of them repudiated this action of their representatives by defeating them for reelection, but it was held that the previous action of the legislature was final and irrevocable.

The admitted purpose of this constitutional amendment is to override and nullify the action of a number of the larger States of the Union which have rejected State-wide prohibition. No power is given to Congress by the Constitution to submit this or any other proposed change to a vote of the electors, either as a whole or by and through the States. The nearest Congress can come to giving the people of the several States a voice in the adoption or rejection of this proposed amendment is to submit it to constitutional conventions in the several States elected for the purpose of passing upon the question, but the proponents of this measure are unalterably opposed to giving the people of the States a voice in the matter, even to that limited extent, and will promptly vote down an amendment proposing to do so, as was done when the measure was under consideration three years ago.

Article 10, amendments to the Constitution, provides—

The powers not delegated to the United States by this Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

This proposed joint resolution is a bald, naked, and palpable repudiation of the letter and spirit of the tenth amendment to the Federal Constitution, the adoption of which was necessary to secure its ratification by the requisite number of States.

This joint resolution proposes to outlaw by prohibiting the use of many hundreds of millions in value of property now utilized in the production, manufacture, and sale of vinous, spirituous, and malt liquors, and to clothe the Federal Government with the police power necessary to enforce this destructive and confiscatory enactment. It is proposed to do this by a majority vote of the legislatures of three-fourths in number of the States of this Union. Eleven of these States—Arizona, Delaware, Idaho, Montana, New Hampshire, New Mexico, Nevada, Vermont, Rhode Island, Utah, and Wyoming represented on the floor of this House by 18 Members and in the Senate of the United States by 22 Senators—had, by the census of 1910, an aggregate population of 3,365,953, while by the same census the State of New York had a population of 9,113,614. Neither of these 11 States had as many people as the city of Cleveland, Ohio, at that time, and all of them combined had 1,400,000 less people than the city of New York. Here we have the impelling force behind this proposition, because the people of States like New York, Pennsylvania, Illinois, Ohio, Texas, Missouri, Massachusetts Indiana Wisconsin, and New Jersey refuse to conform to the ideas of rural and sparsely settled States, like the 11 I have named, the latter propose to join with the other small and sparsely settled States of the Union and by their preponderating power in numbers, each State having 1 vote on amending the Constitution, to force this amendment on the 10 States last mentioned, whose combined population by the census of 1910 was in excess of one-half the total population of all the States in the Union.

The injustice of this proposition is so apparent that even some of its advocates have sought to delay or mitigate the evil of its enactment by requiring action upon it by the several States within a limited time and by postponing its operation one year after it would otherwise become effective.

There is grave doubt as to the legal power of Congress to limit the time within which the requisite number of States must ratify this amendment, and if that provision should be held to be inoperative, it will remain open for adoption by the legislatures of the several States for an unlimited period. Its rejection by a majority of the States, or by all of them, would not settle the question, and its submission by Congress will simply open and keep open, for an unlimited period of time, a raw and bleeding sore on the body politic of every State in this Union to the exclusion of intelligent consideration of every other public question, however pressing.

It is proposed to postpone the operation of this drastic legislation one year after it has been ratified by the requisite number

of States. Is this not an admission of the injustice of the proposition? If it is a wise, just, and proper enactment why defer its operation one year or any other period of time? Why do the advocates of this measure try to shrink away from and defer the consequences of its enactment? Is it because they believe that it will result in financial disaster and ruin?

The enactment of the Webb law and the Reed law removes the only possible justification or excuse for this measure. By the terms of these statutes the several States of the Union may by their own enactment render themselves entirely immune from the importation or transportation to any point within their boundries of intoxicating liquors. The truth is that many men who will vote for this measure do so against their own best judgment and under political duress.

No provision is made for compensating those of our citizens who have large sums of money invested in the manufacture and production of spirituous, vinous, or malt liquors. The enormous increase in the sale of the many different varieties of patent medicines containing large percentages of alcohol throughout prohibition territory in the United States, whereby the consumption of spirituous liquors has actually increased with the growth of dry territory, will probably prevent any loss and damage by the manufacturers of whisky and other hard liquors. The constantly increasing demand in dry territory of alcoholic liquors for "medicinal" purposes, although sold in the form of patent medicines, will no doubt continue to increase with the increase in so-called dry territory; but wine and beer containing a very small percentage of alcohol can not be thus mixed and sold, and their manufacture and sale would stop if this measure could be enforced. No provision is made in this joint resolution for supplying the deficiency of between three hundred and four hundred millions of dollars annually which will be lost to the public revenues of the United States by the adoption of this measure, to say nothing of the loss of revenue to the States and their different subdivisions. The consequences of this legislation have not been fully considered by its authors and proponents.

Would the people of States like New York, Pennsylvania, Ohio, and Illinois, after having this amendment forced upon them by the legislatures of such States as New Mexico, Nevada, Wyoming, and Arizona be disposed to enact the necessary legislation to enforce it? The question answers itself.

The only recourse, then, for its enforcement would be through deputy United States marshals. How many would be required for a serious attempt to enforce such a law no one can even estimate. The only result certain to follow its adoption is a complete breaking down of the whole system of attempted law enforcement by the National Government, and a sickening disregard of this and all other laws as a natural consequence. If it should be adopted a majority of the States would soon wish to repudiate it, and it would hang like a millstone about the neck of this Nation until three-fourths of the States could be induced to join in its repeal.

But we are told that all these considerations must be disregarded because the country is engaged in war and we should adopt prohibition as an "efficiency measure." We have been solemnly urged to profit by the mistakes of the other nations engaged in this war, especially the mistakes of our allies. The only one of the allied nations to adopt prohibition was Russia, where the manufacture and sale of their alcoholic stimulant (vodka) was a Government monopoly. The czar by an imperial ukase adopted prohibition, and it resulted in the loss of his imperial crown and scepter and the national demoralization and anarchy which now obtains in that unhappy country. If nation-wide prohibition promoted efficiency in Russia nobody has discovered any evidence of that fact.

The only other nation engaged in this war to attempt even to restrict the manufacture or sale of intoxicating liquor was England, who, in the first year or two of the war limited the amount of grain which might be used in the manufacture of beer, but this restriction, I understand, has since been removed.

The contention that by outlawing and destroying hundreds of millions of dollars in value of the property of our own citizens we would thereby promote the efficiency of the people of this Nation in the prosecution of this war, or for any other purpose, is the wildest delusion that ever took possession of a human brain. Every man of common sense and business judgment knows that the enactment into law of such a drastic and revolutionary measure as this will embitter against the Government thousands of our citizens, whose property will be thereby destroyed or its value greatly reduced by its enactment. To secure the united and hearty support and cooperation of all of our citizens in the successful prosecution of this war, in this the greatest crisis in the Nation's history, ought to be the aim and effort of all good citizens, including Members of Congress. This act will repel and not attract such support and cooperation.

But we are told with vehement emphasis that the proposition to force this measure upon the different States of this Union, which have rejected prohibition and adopted regulation as a means of providing against the evils resulting from the sale of intoxicating liquors, is a moral question which justifies the invasion of the reserved rights of the States and the repudiation of the principle of home rule and local self-government, upon which our dual system is based. If by this it is meant that legislative prohibition raises the standard of morality in the prohibition States above that of similar States having a system of regulation I emphatically deny it and cite the experience of the New England States as examples, all of which have had prohibition at one time or another and all of which have abandoned it with but one exception. There is not much virtue in the term applied, either to an individual or to a system or policy of government. No improvement will be noted in the odor of a jimson weed by calling it a sunflower.

"That which we call a rose by any other name would smell as sweet."

These gentlemen from the rural districts who propose to assume the guardianship over the morals of the people who reside in the great and populous States of this Union are reminded that the great mass of the people of those States were born and have grown up in their own Commonwealths, are more familiar with the people and institutions of their own States than nonresidents possibly can be, and that the morals of the people, so far as the same are affected by what they eat and drink, are not likely to be improved by outside interference.

There is probably invested in property used in the manufacture, production, and sale of spirituous, vinous, and malt liquors, by people residing in the territory covered by this joint resolution, more than one thousand million of dollars. It is proposed by this measure to outlaw this property by prohibiting its use for the only purpose to which it is adapted and to place it in the same category with gambling implements and burglars' tools without notice and without compensation.

Whatever may be our opinions of the business of producing, transporting, importing or exporting, or selling intoxicating liquors, the wholesale confiscation proposed by this measure does present a moral question of much graver magnitude and consequence than is involved in the desire to regulate the appetites by controlling through one enactment the business relations and personal habits of all the people who live under the American flag. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Speaker, I shall not attempt in the short time allotted me to debate the merits of this resolution. I am for it because I believe that whisky, with all of the misery and woes that it wears, should be driven from the haunts of this Nation. I think the time has come now to do that. My purpose in rising, however, is to call the attention of the House to section 3 of this resolution, concerning which I am very apprehensive. I opposed it as a member of the Committee on the Judiciary, and I intend to move to strike it out. The third section of this resolution declares that this amendment shall be inoperative if not acted upon by three-fourths of the legislatures of the States within seven years. Article V of the Constitution says that a constitutional amendment submitted as we propose to submit this shall be operative when acted upon favorably by three-fourths of the legislatures of the States. There is no time limit in the Constitution. The amendment is submitted until enough legislatures have passed upon it to indicate whether or not it will be approved by three-fourths of them. If this constitutional amendment shall be approved by three-fourths of the legislatures of the States in seven years and six months after it has been submitted, it will meet every requirement of the Constitution, because the Constitution says that it shall be operative when three-fourths of the legislatures of the States approve it. The reason for my apprehension is this: I believe this section 3 is unconstitutional. I do not believe it is worth the paper it is written on; but if section 3 should be held by the courts as the section which induced the passage of this resolution, then the resolution itself is void. Section 3 is a joker. It ought to be cut out of this resolution. Never before has there been in any constitutional amendment submitted to the legislatures in the history of this Nation a time limit. For the first time in the history of the Nation you find a time limit that is diametrically opposed to that article of the Constitution which grants authority to make the submission. It ought to be cut out. It is dangerous to leave it in.

Mr. WEBB. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. STEELE].

Mr. STEELE. Mr. Speaker, I shall confine my remarks to section 3 of this proposed amendment. It is true, as the gentleman from Nebraska [Mr. REAVIS] has said, that this is the first time that a limitation of time has been placed on the States for acting upon any proposed constitutional amendment, but the fact that a constitutional power has never been exercised by Congress is no argument whatever against its existence. The question was raised when this resolution was upon its passage in the Senate, and while I admit that there was some conflict of opinion among the best constitutional lawyers in the Senate, the preponderence of opinion, the very large preponderance of opinion, was in favor of the exercise of the right. As was stated upon the floor of the Senate, this resolution would not have been passed by the Senate if it had not been for this limitation placed in the resolution. I propose to show that this is a perfectly proper limitation and one that should be placed in the resolution. Otherwise, when a proposed constitutional amendment goes out to the States it rests there for agitation for all time without any limitation whatever, and, as I understand it, there is one constitutional amendment that was proposed more than 100 years ago that is still out, and if the contention of the gentleman is correct it could still be acted upon by the States, although it has been forgotten for more than a century of time and is not now a living question.

But let us look upon the language of the Constitution and ascertain whether, in accordance with the legislative and judicial practice under that amendment, the contention is correct. This article which permits Congress to submit amendments provides as follows:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the several States or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Then in Article I, section 8, it is further provided that Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing power and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

Therefore, so far as the power vested in Congress is concerned, it is a general power, without any limitation, without any prohibition upon the exercise of that power, and it is practically raising the old question which has been in existence from the time of the organization of this Government, the question of strict construction, the question of liberal or rational construction, which was raised in the first Congress under the Constitution, when provision was made for the establishment of the United States Bank in 1791. There was no express power in the Constitution to establish a bank. Nothing is said in the Constitution upon the subject whatever. Provision is made, however, that Congress shall have power to lay and collect taxes and regulate interstate commerce, and because of this provision in the Constitution it was held to be one of the implied powers to carry out the express powers which had been conferred upon the Congress, and the Supreme Court subsequently held that it was a proper exercise of power.

Now, take your own experience here as Members of this Congress. The power is given under the Constitution, under the most general language possible, to declare war. There is no specific power conferred as to how war is to be carried on, nor is any power expressly conferred as to what shall happen after the declaration of war is made by Congress. Yet it has been held by the United States Supreme Court, acquiesced in by every Congress, that the mere general power to declare war includes the power to carry it on to a successful issue with all the means at hand by Congress, and one of the first things done by this Congress after the declaration of war was to pass a conscription act. Can anyone point to anything in the Constitution specifically authorizing the passage of a conscription act? I defy any to do so; and yet the power to pass the conscription act is under the general power conferred under the Constitution and has never been questioned by this House. Subsequently you passed a food-control act. Can anyone point to any specific power in the Constitution to control food, to enter every private house in the land and regulate what they shall do in the matter of food? It is simply under the general power to declare war. We then passed an espionage act. Is there any specific power in the Constitution to pass an espionage act? There is none. And so with all the legislation that we have enacted as war measures during this term of Congress, there was no specific warrant in the Constitution to pass, and it was only under the implied power that was given when the express power was given to declare war. And the same way with many other provisions in the Constitution.

We have upon our statute books a penal code. Can anyone point to any language specific in the Constitution that authorizes Congress to pass a penal code or to declare any offense a crime? It does not exist. It is simply part of the implied power conferred upon Congress, and this is under the interpretation of the Constitution the Supreme Court has repeatedly sanctioned. The Constitution used general terms, and whatever is prudent and proper and necessary to carry out those general and express powers are within the powers of Congress. The general power that has been conferred includes in it all that is necessary or proper to make it effective. Here is what Justice Story says upon this subject:

> The Constitution unavoidably deals in general language. It did not suit the purposes of the people in framing this great charter of our liberties to provide for minute specifications of its powers or to declare the means by which those powers should be carried into execution. It was foreseen that it would be a perilous and difficult if not an impracticable task. The instrument was not intended to provide merely for the exigencies of a few years, but was to endure for a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter, and restrictions and specification which at the present might seem salutary might in the end prove the overthrow of the system itself. Hence its powers are expressed in general terms, leaving the legislature from time to time to adopt its own means to effectuate legitimate objects and to mold and model the exercise of its powers as its own wisdom and the public interests should require.

Now, when the Constitution further declared that Congress should have the power to pass all necessary and proper legislation for carrying into execution this power, of course it conferred upon Congress the discretion in the first instance of deciding what was necessary and proper. Hence this term "necessary and proper," as conferred in this general power, has been repeatedly passed upon by the Supreme Court, and I will only refer to what is regarded as the classic definition of this power as used by Chief Justice Marshall in McCullough versus Maryland, where he said:

> The determination of what are appropriate means—
>
> He declared—
>
> belongs to the government which is to employ them. The government which has a right to do an act and has imposed on it the duty of performing that act must, according to the dictates of reason, be allowed to select the means.

His interpretation of the use of the word "necessary" in this clause was as follows:

> The subject is the execution of those great powers on which the welfare of the Nation essentially depends. It must have been the intention of those who were giving these powers to insure, as far as human prudence could insure, their beneficial execution. This can not be done by confining the choice of means to such narrow limits as not to leave it in the power of Congress to adopt any which might be appropriate and which were conducive to the end. This provision is made in a Constitution intended to endure for ages to come and consequently to be adapted to the various crises of human affairs. To have prescribed the means by which government should for all future time execute its powers would have been to change entirely the character of the instrument and give it the properties of a legal code.

So that in the language of the Constitution itself Congress has the discretion to adopt all necessary and proper means of carrying into execution the power of submitting amendments to the States. That power has been exercised in this instance, and a very appropriate power, in my judgment, it has been. Now, just one other thought and I have finished. It is contended here that if this proposed amendment is submitted to the States in the form in which it is, with this limitation of time upon it, that then the States can act, whether it be 7 years, 10 years, or 15 years thereafter without any limitation upon them whatever. Is that a correct interpretation? Congress sends out to the States this proposed amendment. It attaches to it a limitation that they must act upon it in seven years. The State can only act upon the amendment as it is submitted to it by Congress. It is not within the power of the State to change any term of that submission. They must either accept it or reject it in the language sent out to them to act upon. Therefore, suppose that 30 States should act upon it with the limitation in it, ratify with the limitation in it, and then 7 States seven or eight years thereafter should attempt to act upon it, they could only act upon it with the limitation upon it just the same as the other States, and it would be clearly beyond their power to do so.

Now, that Congress can attach conditions of this kind to the action of the States has been expressly decided by the Supreme Court. And I wish to call attention to the facts under which it was submitted to them. In the submission of the fourteenth amendment to the Constitution there were three States which ratified the amendment, and subsequently, upon the election of new legislatures, those new legislatures rescinded the previous

action of the States and rescinded the ratifying resolution. It was necessary that the votes of those three States should be counted for the amendment or it would not be ratified. Mr. Seward, who was Secretary of State at the time, was doubtful about the matter, and he issued a proclamation reciting the facts and stating that if the States of Ohio, New Jersey, and New York had properly ratified this amendment, then the amendment was ratified, but otherwise not. The leaders in Congress were not satisfied with that statement, and they passed a resolution affirming that the amendment had been properly ratified, and Mr. Seward then issued a second proclamation, and in pursuance of this resolution of Congress he proclaimed the ratification of the amendment. In the reconstruction legislation afterwards enacted it was provided that the States that had been at war with the Federal Government should not be again admitted as member States of the Union unless they ratified this fourteenth amendment.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. STEELE. I would like three minutes more.

Mr. GARD. I yield three minutes more to the gentleman.

Mr. STEELE. The States of the South, in pursuance of that, were coerced into the ratification of the fourteenth amendment, and the question of the legality of the action of Congress in attaching that as a condition before these States could be admitted as members of the Union came before the Supreme Court for action. And you will be unable utterly to point to any provision in the Constitution which gave Congress the authority of imposing that as a condition upon the readmission of the States of the Union, and all the States, even though in rebellion, were in fact never out of the Union, so far as the Constitution was concerned. They were simply denied their political representation here because they were at war with the Federal power. When the question came before the Supreme Court as to whether or not that was a valid condition attached by Congress to the action of the State the Supreme Court, in White v. Hart (13 Wall., 643) said:

> The third of these propositions is clearly unsound and requires only a few remarks. Congress authorized the State to form a new constitution, and she elected to proceed within the scope of the authority conferred. The result was submitted to Congress as a voluntary and valid offering, and was so received and so recognized in the subsequent action of that body. The State is estopped to assail it upon such an assumption. Upon the same ground she might deny the validity of the ratification of the constitutional amendments. The action of Congress upon the subject can not be inquired into. The case is clearly one in which the judicial is bound to follow the action of the political department of the Government and is concluded by it.

[Applause.]

Upon any point of view, therefore, the limitation of time for action by the States is a valid exercise of power by Congress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I shall support this resolution, whether amended or not; but I wish to use the time allotted to me in a discussion of the very interesting question raised by the gentleman from Nebraska [Mr. REAVIS] and replied to by the gentleman from Pennsylvania [Mr. STEELE].

I think it is of the very greatest importance, because if the argument of the gentleman from Nebraska is correct, it is possible that if section 3 shall be held by the courts to be an inducement to the passage of the joint resolution itself, and that that was beyond the power of Congress to validly enact, this entire matter may become invalid and fall to the ground, even though ratified by three-fourths of the States.

Now, Mr. Speaker, it seems to me very clear that in the submission of the constitutional amendment Congress is given the naked power of submitting proposed amendments, and Article V itself takes care completely and effectually of everything beyond that. And if that is so we have no power to attach any condition to the ratification. The gentleman from Pennsylvania [Mr. STEELE] undertakes to support his argument by citing the section of the Constitution that gives Congress the power to enact legislation necessary to put into effect the powers granted by the Constitution. But Congress has no power to enact legislation that is in conflict with the provision of the Constitution itself. And Article V expressly provides that once this proposed amendment has gone from the halls of Congress and rests with the States, when ratified by the States it becomes a part of the Constitution. And that being so, Congress has no power, without violating that article itself, to say that the States must do it within 1 year, 2 years, 3 years, 6 years, or 10 years. I believe that section 3 is absolutely invalid, and if that be true the very serious question presents itself whether, when this amendment shall have been ratified by three-fourths of the States, the court may hold that section 3 was an inducement to the passage of the resolution, and if section 3 is invalid then the entire constitutional amendment may be held invalid.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, again the valuable time of this body is taken up and diverted from the consideration of many important legislative matters relating to the war and the general welfare of the country, again we are to interrupt and disturb business throughout the land, and many who are now doing a prosperous and successful business—and I do not mean saloonkeepers, either—will be ruined if the promoters of the pending measure have their way. A number of busy agitators and handsomely paid reformers are constantly at work keeping this prohibition wrangle before Congress and the country.

They are the same forces that upset and obstructed the plans of the administration at the late special session of Congress, and prevented the prompt enactment of a law for the conservation of food and fuel; as a result of needless controversy and delay at that time the poor and unfortunate in many sections of the country are to-day suffering because of the high and unreasonable prices demanded for food and fuel. There is a lobby here in the interest of prohibition, but none here in behalf of those who are suffering from hunger these cold winter days and freezing for want of coal.

If the people of the several States are anxious for prohibition, if they have such a desire as the promoters of this legislation claim to live in dry territory, there is no need of coming here demanding the passage of this joint resolution. The several States now have the power and can regulate by law the manufacture and sale of all intoxicating liquors. Congress has already stopped the manufacture and importation of whisky and has empowered the President to say whether light wines and beers shall be manufactured in the country. In view of all this, is it not a fact that we have all the law that is now necessary to make this country dry whenever it is essential to do so?

But this is not what the professional prohibitionists are after; they would stop the gathering of needed taxes, National, State, and municipal, that are now derived from the sale of liquor, ruin millions of dollars' worth of valuable property without recompense to the owners, destroy real estate values and rentals, make vineyards valueless, cause strikes and unrest among workmen and deprive them of opportunity to labor.

They would throw the entire country into violent and destructive political turmoil; bring about expensive, angry, and riotous election contests everywhere; disturb, hinder, and prolong legislative sessions in the various States; and destroy public interest in a cause that all should be interested in—that of winning this war.

I believe in temperance and favor laws that will regulate the liquor traffic. I also have some respect for the personal liberty and rights of others. I am against unjust and tyrannical laws. Merchants and manufacturers who contribute large sums of money to further this prohibition movement with an idea that they will receive greater efficiency from their employees may find in the end that it is simply money wasted, and if we knew now what it cost the Government to maintain a police force of United States marshals in many of the so-called prohibition States to prevent the manufacture and sale of liquor it might surprise many who favor this unnecessary legislation.

Many here who pretend they are anxious to pass this joint resolution that may change the organic act of the Nation to stop drunkenness and crime will assume a different attitude when the suffrage amendment is before us. We can then tell by the vote cast those who really favor law, order, and good government.

I hate hypocrisy and false pretense; there is more unfairness, deceit, and insincerity mixed up in the prohibition movement than any other I know of. A secret ballot here would show it. I am opposed to the pending resolution for national prohibition and will vote against it. President Wilson has wisely said—

> that every self-governing community which constitutes a social unit should have the right to control the matter of the regulation or the withholding of license.

And I feel positive that no people will be happy or contented in a State where the people of other States force upon them laws that they do not favor; and, further, I believe with the fathers of the Republic, that the just powers of the Government are derived from the consent of the governed. [Applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield four minutes to the gentleman from New Jersey [Mr. RAMSEY].

Mr. RAMSEY. Mr. Speaker and gentlemen of the House of Representatives, this important matter now before us is of

that character which prompts me to make some expression upon it and to in a way demonstrate to my constituents and to the people of this House the reasons why I shall vote as I will in a short time. The Constitution of the United States is a document which ought not to be disturbed without the most serious thought and the greatest consideration. We all recognize that probably the minds by which it was framed were those of some of the strongest men of our Nation, and I am speaking upon this question principally for the purpose of demonstrating and showing that I believe it ought not to be disturbed now. The Constitution of the United States, as we all know, reserved to itself certain policies of government, and it created practically a new form of government by giving to the States certain rights and powers. It provides as follows:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively—

And so forth. My conclusion is this: That until the Constitution of the United States is amended, and particularly that part of it which I have just quoted, this resolution is without right before us. This is a policy. It is not a principle of government. This matter which we are considering now is a police regulation which, under the Constitution, is vested in every State. I should like to know by what authority we have the right to interject as a constitutional amendment a matter which is merely a matter of police regulation.

This is not an amendment to the Constitution of the United States. It is a supplement or an addition to the Constitution. You might as well undertake by reason of logic and by reason of thought to say that we shall pass a constitutional amendment whereby the rite of marriage in each State should be regulated under it, or the right of divorce should be regulated under it, or the right of an insurance company to do business in a State should come under a constitutional provision. My conclusion, as I read it—and I believe it to be true—is that it is not a matter of proper constitutional action.

On the other hand, under this provision of the Constitution each State has successfully, so far as the desires of its inhabitants or voters go, determined the question of prohibition. I am not opposed to the regulation of the liquor traffic, even by prohibition, in the States where they desire to have it, nor in my own State, if the people therein so declare. A local-option bill will undoubtedly be passed by our legislature at its next session, and I am in favor of such legislation.

Under an act recently passed by this Congress, and for which I voted, the power is given to the President of the United States to exercise such privileges as to practically create prohibition throughout the whole country. The manufacture of spirituous liquors has been stopped, and under the regulations proclaimed by the President the percentage of alcohol in beer has been reduced to 2¾ per cent, which makes it practically a nonintoxicating beverage. Mr. Speaker, there has been and is great unrest in this country because of the war. This unrest should not be augmented and made greater. The war must be won, but I want to say that it is not alone the brave, courageous, and patriotic young men of this country who are and will be on the firing line that can or will win it.

There are thousands—yes, hundreds of thousands—of American citizens who are employed in the performance of honorable duties in factories, mills, and plants of various descriptions, making not only munitions of war but every other device and thing that is of advantage to the Government's and our people's interest, who not only desire their beer but who feel as if they are entitled to have it. Must we by our action to-day deprive them of that privilege, or at least put in operation a constitutional amendment which, if adopted, will do so? I think not. It is the boast of our people and the principle which has been instilled in the minds of American youth that we are a Republic of freedom, liberty, and democracy, and to destroy that conclusion by this proposed amendment, which I believe to have no legal standing here, I sincerely believe to be bad legislation.

It was only a few days ago when I sat in this House and heard with feelings of great pleasure and satisfaction encomiums paid to one of our Members. I doubt during the entire existence of Congress has a living man and one of its Members ever so justly received such flattering and just expressions as were accorded to him and his worth. They were based not only on the individual worth of the man—and I refer to the Hon. JOHN J. FITZGERALD, of New York—but because he was possessed of certain attributes, namely, intelligence, judgment, and courage. When he came to a conclusion honestly formed he had the courage of his conviction. Probably no greater, and I am sure no better, legislator is now a Member of this body.

And it is this courage of our convictions that we should have; and in the exercise of my prerogative at this time I am impelled by this alone, believing that my reasoning has brought me to the proper conclusion.

Mr. Speaker, the States that have exercised their rights under the sovereignty of the States as given to them by the Constitution of the United States upon the question of prohibition ought not to be permitted to force legislation for other States contrary to and against their will.

Again, let me say that, in my congressional district there is not a brewery located, to my knowledge, and I have no personal acquaintance, with one exception, as I now recall, with an owner of a brewery, and further, may I say, that I have not been approached by any person connected with a brewery as to how I should or will vote on this proposed amendment.

Mr. Speaker, therefore, in justice to my constituents, in justice to the people of my State, in justice to the people of this great Republic, and in justice to myself, I must conclude, for the reasons I have given, that this proposed constitutional amendment should not be adopted and made a part of the organic law of our country. And, regardless of the consideration of political favor or disfavor, I am constrained in the performance of an honest, fearless, and conscientious duty to vote against the resolution.

The SPEAKER pro tempore. The gentleman from New Jersey asks unanimous consent to extend his remarks. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield one minute to the gentleman from Connecticut [Mr. TILSON].

The SPEAKER pro tempore. The gentleman from Connecticut is recognized for one minute.

Mr. TILSON. Mr. Speaker, it will not require one minute for me to state my position.

In my judgment this is not the time, the place, or the manner in which to bring about either prohibition or woman suffrage. Both should be accomplished, if at all, by means of the ballot at the polls within the several States, and at a time when the country is not in the midst of a great war. [Applause.]

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. PARKER].

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for three minutes.

Mr. PARKER of New Jersey. Mr. Speaker, I do not dwell upon the fact that the foundation of civil liberty lies in local self-government or upon the fact that the democratic power of the majority, exercised from a distant capital, may be just as tyrannical and arbitrary as a pure empire. This has been proved in Europe. The laws of the neighborhood, known and approved by the neighborhood, can be and will be enforced by the good will of the people; nothing else. One trouble with such a doctrine as National or State-wide prohibition is that it takes away the power to regulate according to the needs of locality, whether by license or by local legislation or by getting rid of saloons; I care not how. Let us have the locality determine what is best for itself.

But the main trouble is that this issue, when introduced, becomes the sole issue, as it has been in some of our States for 30 or 40 years. Our country has too many needs and too wide a variation of social requirements to be covered by the single question of rum or no rum, and in the States where this issue has once prevailed it has been paramount for years, with successive evasions or else attempts to change the constitution. A law not approved by the people is likewise the fountain of fraud and evasion and contempt for the law. I have seen in an Eastern State whisky sold as soda water in the railroad stations. I have seen in Western States whole towns wide open in the face of the State constitution. It becomes a burning issue. That is our trouble now. It will last through this war—this issue.

I have just been to Europe and have seen that the effective way of carrying on war is for the whole people to think about and deal with nothing else and not to be divided on issues of that sort, which will make some of our localities discontented when we want them all to be whole-souled for the war. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. WEBB. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. TILLMAN].

The SPEAKER pro tempore. The gentleman from Arkansas is recognized.

Mr. TILLMAN. Mr. Speaker, in this discussion it is neither my purpose nor desire to wantonly insult any man who may be engaged in the liquor business. The expression "Down with the saloon and up with the saloon keeper and the saloon patron" has obtained wide currency and generous approval in prohibition circles. But I shall not search for soft phrases in which to express an opinion of a traffic which is destroying men and women in this Republic alone at the rate of 100,000 a year, a traffic which fills the land with beggars and tramps, a traffic which draws from the pockets of the people of the United States two and one-half billion dollars annually and gives in return sorrow and suffering and tears and poverty.

King Alcohol collects from his vassal more of his substance than is required by any other potentate on earth, and when he has stripped him to his foolish hide he kicks him out of his palace into the street. The princes of earth, the executives of commonwealths, send abroad their taxgatherers once a year to collect from the people a small part of their earnings for government expenses, and they furnish officers to protect the life and preserve the peace and property of the citizen; they provide armies, hospitals, asylums, and pensions; but King John Barleycorn, who bestrides the narrow world like a colossus, haughty and heartless, the mightiest monarch of earth, greater than George the Fifth or William of Germany, greater than Sultan or Mikado, stations his collectors all over the land and gathers tribute from his thirsty subjects every hour in the day and every day in the year. Fair and generous rulers pension their servants, soldiers, and sailors when they become old or disabled, and provide for their widows and orphans if they fall while serving the State. Individuals and corporations do likewise, but you may serve this hard master till your money, character, happiness, and life are gone, and you will find that King John will not even provide a poorhouse to shelter your helpless wife and babies. If a subject flushed with the king's beverages, in lightsome sport or otherwise, kills a fellow man, King John does not draw from his well-filled purse money wherewithal to employ counsel to defend him, but he lets him hang, undefended, so far as he is concerned, when the real criminal is King John's agent, the man who sold the whisky. If a faithful subject, after paying tribute for many and many a weary year, at last yields to delirium tremens and dies a pauper's death, King John does not even give him swift burial in the potter's field. Pitiless King John! And yet men will march under his scarlet banner and give up honor, home, wife, and children that he may reign in guilty splendor. Men will serve this red despot and give him everything they have, even their bodies and their souls, and get not a pleasant look in return. The most arrogant, the least polite, the coldest mannered, the most disdainful citizen, is that haughty plutocrat, the American brewer, usually tainted with Teuton sympathies and damned by a German conscience. The average barkeeper—and it has been my ill fortune to meet him a few times in days long gone by—is as cold as the heart of the dead. One thing that can be said in his favor, however, he is always sober, because, paradoxical as it may seem, saloon keepers want bartenders who do not drink. They will cheerfully sell you their wares, but they have too much sense to drink their own liquors. A cynical old miller of my town once said of the flour made by a rival mill that it was not fit for anything except to sell. In the eyes of the sensible barkeeper, whisky is good for nothing except to sell.

Royal King Alcohol, let us drink his health in pure water. Sweet, beautiful water. "Brewed in the running brook, the rippling fountain, and the laughing rill; brewed in the limpid cascade, as it joyfully leaps down the mountain side; brewed in the mountain top, whose granite peaks glitter like gold, bathed in the morning sun; brewed in the sparkling dewdrop; sweet, beautiful water; brewed in the crested waves of the ocean deep, driven by the storm, breathing its terrible anthem to the god of the seas; brewed in the fleecy foam of the whitened spray, as it hangs like a speck over the distant cataract; brewed in the clouds of heaven. Sweet, beautiful water! As it sings in the rain shower and dances in the hailstorm, as it comes sweeping down in feathery flakes, clothing the earth in a spotless mantle of white, always beautiful. Distilled in the golden tissues that paint the winter sky at the setting of the sun, and the silver tissues that veil the midnight moon. Sweet, health-giving, beautiful water; distilled in the rainbow of promise, whose warp is the raindrop of earth, and whose woof is the sunbeam of heaven; sweet, beautiful water." But the drunkard prefers Budweiser or Anheuser, Old Crow or Moonshine, to this blessed, God-made, health-giving beverage.

And, King John, since the world began history records no instance where an individual was injured by being denied liquor for beverage purposes; and, moreover, your liquors, drunk as beverages, never yet benefited a single human being, either physically, morally, intellectually, or financially, but instead a million bloody deaths lie at your door, and the billion heartaches, headaches, and miseries you have caused would blight and sicken your conscience or your soul if you had either. King John, you are an awfully expensive luxury. Last year you taxed your subjects in this Republic over $2,000,000,000 and gave them in return debauch, disease, death. This vast sum is paid by our 20,000,000 who drink, so that one-fifth of our people drink an average of $70 worth of liquor annually per capita. In 10 years this annual expenditure would buy a comfortable home, and at least one-half of the 20,000,000 who drink are homeless. These drinkers, for the most part, compose the dangerous class. Besides this tribute, exacted by this royal despot, the total abstainers, estimated at four-fifths of our population, are taxed to assist in paying heavy court expenses caused by drink. This is King John's record, and yet he lords it over mankind like a purple-clad Cæsar, and people say that we are too pitiably weak or too cowardly to stab him to death as Cæsar was stabbed. King Alcohol is a tyrant, and when men fight tyrants they serve God. This amendment will pass and we will soon see a dry Nation, and King John's lofty crest will trail in the dust forever.

Among others, I have three good reasons for being against whisky; that is to say, I have three children. I do not fear intoxicants on my own account, because I have been a total abstainer for more than 30 years continuously—practically so, in fact, all my life—but parents live again in their children, and a parent who is normal wants to see his children sober and happy.

I want our boys to keep as far away from liquor as possible. Therefore I do not want the brewery, nor the distillery, nor the saloon. I do not want the blind tiger, nor do I want the jug trade. Make whisky difficult to obtain; outlaw it, and less of it will be used. The farther removed the boys and men are from whisky the safer they are.

An old king lost his charioteer and let it be known that he wanted another. Four men presented themselves as candidates for the place. He said to the first one, "Tell me, sir, how near with safety can you drive my chariot to the edge of that precipice near by the castle?" "Sire," he replied, "I can drive you within 1 foot of the edge of the precipice at full speed and not endanger your life." "What can you do?" said the king to the next applicant. "Why," he said, "I can drive you within a hair's breadth of the edge and carry you safely by with the horses at a gallop." "What can you do?" he said to the third man. "Why, sire," said he, "I can drive your chariot so close to the edge of that dangerous precipice that one-half of the tire will be on solid stone and one-half extending over the precipice, and yet carry you safely by." The king said to the fourth man, "What have you to say for yourself?" "Sire," said the fourth man, "if your majesty directed me to drive you by that precipice, from which if you should happen to fall you would go to certain death, I would drive your chariot just as far away from the edge of that dangerous cliff as the road would permit me to go." "You are the man I want for my charioteer," said the king. And so our young men should keep as far away from liquor as possible, and we should keep the saloon and liquor as far away from the boy as possible.

I do not want a saloon or blind tiger next to my home, and I am not going to have one there. I have as much respect for law as any man, but I think I have the right, under the common law and under statute law, to abate an indisputable nuisance, and if nothing else will suffice it can be abated by the open, notorious, and orderly use of reasonable community, physical force. Let us first protect our own homes, and then our neighbors' homes, and then drive the liquor nuisance from hamlet, city, Commonwealth, and Nation. We have now driven it out of so many States that the time has come when it is meet and proper to make a final drive and banish it from the Nation. This has been no holiday task. Of all the trusts in this trust-ridden land, the most sinister, the most aggressive, the best organized, is the Liquor Trust. We fight the Baking-Powder Trust, while the souls of countless thousands, ruined by rum, are baking in purgatory. We fight the Cracker Trust and forget the millions of alcohol victims now crackling in the fires of eternal torment. We denounce Standard Oil and John D. Rockefeller, and are selfishly indifferent to the pernicious activity of Sir John Barleycorn and Col. Gambrinus as they oil the way of a million victims in their swift, descending flight toward hell.

Liquor enjoys the countenance and friendship of able defenders and advocates. You go forth to fight rum and you will meet a Prince Rupert of the breweries at every crossroads, armed from head to heel and ready to fight you to the death; and he

often fights an unclean fight and an unfair fight. If you are timid or thin skinned, you are in danger of being made uncomfortable, if you fight rum. But get on one side or the other of the question; in other words, "under which flag will you fight Benzonian," under the milk-white flag of prohibition or under the blood-red banner of booze?

You need not leave your party to fight for prohibition. Most men have a sentimental love for the party of their fathers and their own. Third parties have played but a farcical part on the American political stage. There is one notable exception to this rule. The Progressive Party really served a useful purpose while it strutted its uneasy but wholesome hour upon the stage. And it will not be forgotten. This is the greatest question before the American people to-day, but it is not the only question, and while we should labor earnestly and aggressively to properly settle this question, we should desire to take a hand in settling other great issues at the same time. A party can not be builded upon a single idea in a Government as complex as ours. Besides this is no more a party or a political question than "Thou shalt not steal" is a political question. It is a question of economics, a question of business, a question of morals. In the South, the dominant party there has given prohibition to Oklahoma, to Georgia, to Alabama, to Mississippi, to Tennessee, to Arkansas, and other Southern States. We now have a practically dry Dixie. It is distressingly dry to just a few of our nonmilitary colonels. These colonels are golden-hearted old fellows, but occasionally you will find one who is not pleased with prohibition. To cite an instance:

Colonel Dryus Dustin Ashes, fond of rickeys, straights, and smashes,
with a blinking of eyelashes, pushed the door to the buffet.
He was not an early riser, but on rising he felt wiser for a bit of
appetizer just to cheer him on his way.

To the bar he strode not knowing how reform waves had been growing,
never ebbing, always flowing, and declared himself for rye.
Whereat Bill, the big barkeeper, felt his sympathies grow deeper, and
he rubbed his tearful peeper, which is common slang for eye.

Bill was used to thirsts diurnal, thirsts autumnal, and thirsts vernal,
and he knew the fretful colonel of his bitters was in need;
But alas, the new laws drastic were not pliable or plastic, even if for
reasons gastric rye was half the colonel's feed.

So with courtesy and tritely he apologized politely, smiling pleasantly
and brightly, and said he had no grudge.
But as pity must not swerve him, or cupidity unnerve him, quite the
strongest he could serve him would be buttermilk or fudge.

Then the colonel said: "Demnition, demn this deuced prohibition!
Who plunged us in this condition?" And the faithful Bill replied:
"'Tis a law they've been enacting by the States in concert acting, and
the Union is exacting, so the fount of joy is dried."

And the colonel, fierce umbrageous, said "By Jove, sir, 'tis outrageous
that such blue laws should engage us and make gallant hearts to
bleed.
"Of the Union I'm a lover, but by all the skies above her, to perdition
they may shove her, for by Jove, sir, I'll secede."

The South has had her share of problems. She sustained herself with credit under the blight of slavery, during the ravages of a great war, and during the tragedy of reconstruction. The South is to-day the most intensely American portion of the Republic. The South believes in old-time American religion and is dominated by it. No modernism, no higher criticism. Dixie is for prohibition. As this House knows, we depend largely on negro labor and all the negroes take Saturday for "town day," and the saloons on that day strip him of his week's earnings, leaving him in such a condition that he does not feel like work until Tuesday or Wednesday of the coming week. They spend their money for drink, which should go to buy tools or provisions and for the payment of their debts. The white South is against the saloon, because it is a bad thing for the white South, and also because it decreases the negro's economic efficiency and increases the menace of his presence. Discussing for a moment the cause of this steady progress of the prohibition march through the South, many things have contributed to bring it about, the moral sentiment of the people, economic reasons, the conviction that it is right, and added to this the compelling argument that drink influences the negro and prepares him to commit the crime which the South regards as the blackest of all crimes. This Government, ever sentimental in dealing with the Indian, properly makes it a crime to sell him whisky, but the negro, who is rapidly ruined by rum, can still in some sections purchase it without restraint and drink it without interference. The less liquor the negro drinks the fewer unspeakable crimes he will commit and the fewer lynchings there will be. I think an undefiled womanhood is more worthy of our concern; indeed, I value a million times more the purity and happiness of even one American woman than I do the prosperity of all the breweries, distilleries, saloons, and blind tigers on the wide earth.

A negro preacher once announced the startling doctrine that "there is a great deal of human nature in man" and declaim as we may against the sudden and terrible executions of Judge Lynch, deplore it as we may—and we do deplore and condemn mob law and mob murder—yet many a red-blooded Anglo-Saxon is tolerant of that wild justice which decrees the immediate death of the man who outrages the home. Home! That is the dearest word in the language, save the word "mother," and both must be protected. Our civilization is builded on the home, and the saloon is the home's worst enemy. You assail the home and the babe with his dimpled fist and toothless gums will fight you back. You attack the home and the mother with bare hands will fight you as fiercely as a tigress fights for her young. You assail the homes of the country and the decent manhood of the land will come to the rescue, and the blood of the brave will be freely shed in their defense. I prefer to stand for the home rather than stand for distillery or saloon. I prefer to take my place among the defenders of the home rather than among the apologists of the rum makers and rum sellers.

Oh, but the saloon helps business. Yes; it does help some kinds of business, to be perfectly fair. I rode on a train the other day with a man whose business is helped by liquor. He was in the tombstone business. The saloon is the best friend the undertaker has. It furnishes business for the criminal courts. But it greatly injures other business. A short time ago, in a saloon town, I saw a finished product of the saloon. He was drunk and hungry and had no money with which to buy breakfast. The hotels and restaurants suffered by reason of his poverty. Through his crushed hat a lock of his uncombed hair protruded. The hat business was suffering because of the saloons. His coat was out at the elbows, and the clothing stores were denied a customer by reason of the whisky traffic. His toes peeped through his shoes. Therefore the shoe business was not being helped by the saloons. Oh, the saloons help business.

"You hurt business by prohibition agitation," say the liquor men.

Said the hawk to the farmer, who winged him as he swooped down on a brood of chickens, "Don't you see you are hurting business by shooting around here with that old gun?"

"Don't you see you are hurting business?" said the red fox to the hound when he chased him away from a flock of geese.

"You are simply ruining business," the gray wolf said when a pack of offensive and noisy shepherd dogs camped on his trail so persistently that he could not get within striking distance of a bunch of sheep.

The saloon is everywhere cordially disliked. Women will not visit one. More than 50 fraternal orders exclude liquor sellers from membership. Most of the saloons, a large part of the breweries, and many distilleries are owned by men with foreign names. Read a list of license payers, and you will find such names as Sandefur, Steinberg, Schaunberg, Diffenderfer, and Hirschbaum. So I am not attacking an American institution. I am attacking mainly a foreign enterprise.

Three men were once seated at a table in a café. They were discussing the future of their boys. One said, "I am a lawyer, and I want my boy to practice law. He can have my library and the benefit of my reputation and clientage." The other man said, "I am a physician, and I now have my son in a medical college. When he finishes I shall form a partnership with him and thus start him on his career." The third man said, "Gentlemen, you are right; but I do not want my boy to follow my business or enter into partnership with me. I am the proprietor of a saloon."

It is a business that is hated by the very men who engage in it. The only reason men engage in it is because the profits are large. And I have often thought how unfair and unfortunate it is that the farmer who sweats in the sun to raise a bushel of wheat, something that is absolutely necessary for men to have, can get in normal times only a dollar for the bushel of wheat, a very small profit, but a distiller can take that bushel of wheat and by a simple process and with small outlay of money or energy convert it into 3 gallons of poison which is by no means a necessity, but which will make the cars seem to run both ways at the same time, and this poison which makes the cars perform these stunts sells readily for 15 cents a drink. A bushel of corn ordinarily sells for 75 cents; convert it into liquor that will make a man whip his wife and it will bring a dollar a quart. The law should intervene to right this gross injustice by prohibiting the manufacture and sale of such beverages.

Liquor is responsible for another queer discrimination. A man and a dog will go into a saloon together perfectly sober, and in 20 minutes they will come out. The man will be drunk; he will stagger and fall in the gutter and lie there like a hog, while the dog will walk away like a gentleman. I object to an institution that works such a difference in 20 minutes between a man and a dog.

But they say you can not make a man sober by law. Not entirely, but law works wonders and makes men do many things

they do not want to do. Law is a great civilizer and a great persuader. It is interesting to trace law to its birth. I imagine it began in this way: A giant in the presence of his fellows struck a weakling to the earth. Out of the giant's presence the friends of the weakling conferred together and agreed to combine to protect each other from the assaults of the giant. So they notified the giant that in future they would jointly punish him if he injured without cause any of their number. The many would be more than a match for the giant. One of their number unaided was defenseless. I imagine the first crude larceny law was enacted in like fashion. A strong and vicious character by superior strength took from one of our rude ancestors his horse or his wolf-skin coat and the friends of the loser reasoned like this: Unless we combine and punish this man and let others know that we will punish such offenses none of us are safe in our property. From these crude beginnings a splendid system of law has been evolved, protecting the citizen in his person and his property. Legal suasion is stronger with the vicious than moral suasion. Law and order rule the universe and people should be made to respect the law and usually they do respect it. Lincoln said: "Let reverence for the law be taught in the schools and colleges, be published from pulpits and proclaimed in legislative houses, and enforced in the courts of justice. In short, let it become the political religion of the nation." The law should prohibit wrong and uphold the right. Law, of course, will not enforce itself. You must have officers behind the law. You may go to a hardware store and purchase a wood saw, but that saw, no matter how bright and sharp it may be, will not cut your wood by itself. It is necessary to have a man behind it. If you have no law against whisky, it will certainly be sold, but if you have a law against it you will in time get officers who will enforce it.

The Ten Commandments are often violated, and yet God never did a greater kindness for humanity than when he gave us these commandments and ordered their observance. Who would wipe these blessed laws from the record, although they are broken by thousands every hour in the day? Who wants to go back to savagery? Laws prohibiting murder, arson, burglary, larceny, pistol carrying, breach of the peace, and assault and battery will not enforce themselves and are violated every day, and yet shall we turn back the dial of progress 4,000 years and repeal the laws declaring these things to be offenses simply because these statutes do not altogether prevent the commission of crime?

They say prohibition does not prohibit. It does not annihilate, but it does withhold legal sanction from a crime-producing traffic; it does seek to uphold right and to discourage wrong; it is a bold step forward toward an ideal civilization, and not a cowardly standstill or a still more cowardly retreat. God give us men who go forward, men who do things, men who act, men who are willing to blaze out a pathway to higher and better things! Who says prohibition is a failure? The men who do not want it, the men who contribute large sums of money to defeat it, the men who violate the law under high license or no license, the wine merchant, the distiller, and the beer baron. These disinterested witnesses loudly proclaim the failure of the law. Who says prohibition does prohibit to a successful degree? The people who want it, the people who have tried it, who have lived under it and watched its operation, compared it with high license, and vote for it year after year because it reduces drunkenness and crime. No one need expect a perfect system of law enforcement. Where there is prohibition whisky is shipped in in nail kegs, in coffins, in disguised packages, under false bills of lading, but it is under cover, unlabeled, and out of sight. It is outlawed, and hence less dangerous. The saloon is worse than the tiger or the bootlegger. It is bold, brazen, boastful, stamped with the tainted O. K. of Federal, State, and municipal government. The tiger is apologetic, blind, a self-confessed public nuisance, and hence less harmful. An unlicensed grog shop compared to a licensed saloon is like a tied-up blind puppy compared to an unchained mad bulldog.

The solution of the liquor problem is attempted in three ways—local option, license, and prohibition. Local option is an attractive system to many. It sounds well. It is catchy. It allows a majority to say whether or not liquors shall be sold; but here is the distinction: Local option applied to material questions is all right, but applied to moral questions is all wrong. No county has a right to vote to do wrong, no brutal majority has the right to vote away the health, the peace, or the morals of the people. High license is going into partnership with wrong and crime, and accepting a bribe to allow men to poison their fellow men.

License is a timid surrender to the wrong. Prohibition is a bold challenge to fight the wrong. License is a cowardly yielding to expediency. Prohibition is a brave repudiation of outlawry. If public sentiment indorses a glaring and outrageous evil, then public sentiment should not prevail. If a thousand burglars form a majority in a ward or county and vote to legalize burglary, burglary should still be a felony and punishable as such. A law that sanctions wrong is a legislative crime. Duelling and smuggling and piracy were once popular, but they were not right. The law and enlightened conscience have made them disreputable.

In Maine prohibition has reduced the ratio of drinking. Kansas has had prohibition a long time and shows no disposition to go back to license. Years ago a legislative act made it unlawful to sell liquor in my town. It has not been entirely free of liquor, but no one would think of going back to saloons. Prohibition does prohibit. I can quote you by the hour the unbought opinions of ministers, business men, physicians, Congressmen, governors, Senators in support of this statement. The claims of the liquor men that more whisky is sold under prohibition is discounted by their frantic efforts to have license voted.

Now, let me call some distinguished witnesses in support of prohibition, witnesses whose characters are unimpeachable and whose means and opportunities for knowing the facts to which they testify are exceptionally good. Most of them have passed away, and yet they are like "those dead but sceptered sovereigns who still rule our spirits from their urns."

Senator Frye, of Maine: "Prohibition law a wonderful success."

Senator Hale: "Maine people believe in prohibition because every day they witness its good effect."

Senator Ingalls, of Kansas: "Drinking of intoxicants enormously decreased under prohibition."

Senator Plumb, of Kansas: "Great diminution in consumption of liquor under prohibition."

Gov. Martin: "Nine-tenths less of drunkenness than under license."

In Maine 49 per cent of heads of families own their own homes—nearly twice as many as in any other State or country. She has larger per capita interest-bearing accounts in savings banks than any other country in the world. She has had more than half a century of prohibition.

I quote from reports from counties in Kansas, in answer to the question, "Does prohibition prohibit to a successful degree?"

"Yes; 90 out of 97 counties show decrease in crime."

Barton County: "Yes; jails empty, crime largely reduced."

Bourbon: "Yes."

Chase: "Pauperism and crime reduced 50 per cent."

Cloud: "Yes; expenses of criminal court much less than under license.

Dickinson: "Loss of revenue not more than $3,000, saving to families, $50,000."

Pawnee: "Yes; taxation and crime decreased, business benefited."

Oh, yes; prohibition almost ruined poor Kansas. Just recently a well-edited journal told the country how prohibition killed Kansas:

The grape industry is not the only thing ruined by prohibition in Kansas. In fact, prohibition has killed about every industry in Kansas, excepting the raising of wheat and corn, alfalfa, and fruit, and live stock, and potatoes, and pease, and cabbage, and garden sass, and chickens, and ducks, and geese, and horses, and mules, and bloodied cattle. It busted up quite all of our flourishing saloons and beer gardens and paralyzed many of our prominent gamblers. It absolutely killed the bartenders' union. Where once the thriving saloon sent the clamorous odor of its prosperity out upon the sidewalks and clear across the street we find nothing but shoe stores, dry goods stores, meat markets, clothing stores, grocery stores, and other sordid activities of an unhappy people. Where once you saw the long strides of men on Saturday night going joyfully into the rooms where the doors were locked securely, where there was sawdust on the floor and a merry crowd at the mahogany bar treating all around, and a man could get his salary check cashed and spend it all right on his boon companions and go enthusiastically home and break up furniture and give his wife a black eye, instead of all these manifestations of a prosperous and thirsty citizenship, as in our saloon days, we see men go quietly into butcher shops and grocery stores and then go home lugging great bundles of supplies for their wives and children—beefsteak for supper, Sunday dinner, etc. Ah, what a sad result of the banishment of saloons! Prohibition has left little of Kansas except her fields, and factories, and schools, and stores, and pens of fat cattle, and her sober and happy and prosperous people.

IOWA.

A railroad officer in Iowa testified with reference to prohibition there:

One barrel of whisky under prohibition, when there was a carload under license. One keg of beer now, when there was a trainload before.

On November 27, 1887, Henry W. Grady, the most eloquent southerner for a generation, made a statement about prohibition in Atlanta, and his splendid words ring like a trumpet. He said:

When everything else I have said or done is forgotten I want the words I have spoken for prohibition in Atlanta to be remembered. I am firm in the conviction that Atlanta has prospered under her two years of prohibition as she has never prospered before, and the experiment of prohibition in a large city succeeded in Atlanta as no experiment under like obstructions ever succeeded before.

But the revenue. Many people can not be influenced by any argument other than the dollar argument. Our lust for gold should not outweigh our love for our children, but to many men and to some women the clink of gold and the rattle of silver are both music and poetry. Prohibition greatly reduces taxes by lessening court expenses; but admit the loss of revenue. I for one am willing to pay something for the protection of our boys. If you want the saloon for its revenue you should be willing for your boy to patronize it, because the saloon can not run without boys any more than a gristmill can run without corn or wheat. If you want the saloons' revenue are you willing to contribute your boy to keep the saloon running? And how little you get for that boy! The average town will get about 30 cents per capita from saloon licenses. Sell for 30 cents your self-respect, your boy's chances of success, your girl's prospects for happiness! Men who do that feel like 30 cents and look like 30 cents. A month-old Jersey calf will sell for more than a whole room full of fellows who assess themselves at 30 cents a piece. The man who grows a bushel of wheat or a bale of cotton adds that much to the world's wealth. He is a producer. The saloons are not producers. They pay money, it is true, for license, then they collect it back and millions more from those who are least able to pay it. Say a laborer drinks three beers a day. At the end of a year that will buy a long list of groceries, flour, beef, vegetables, coffee, and other necessities. Say the mechanic spends 20 cents a day for whisky, a very modest sum, and yet that is $70 a year, and more than enough in 10 years to buy a modest cottage. Who pays the liquor tax? Do you see that faded, wrinkled, poorly clad woman at the washtub? She is paying the liquor tax Do you see that barefooted newsboy with his hair peeping out through a hole in his cap? He is paying the liquor tax. Do you see that pale-faced girl with her little tin dinner bucket going to the factory? She is paying the liquor tax. Oh, the cry of the children and the wail of the women condemned to walk the treadmill for King Alcohol! Their cries should smite our hearts when we grow weary and are inclined to rest from liquor fighting. Oh, what a long list of sins many of us will have to answer for for our neglect and ill treatment of the mother of our children. Let us quit it, and by leaving off liquor and by helping to destroy it we will paint on the white cheek of many a suffering child the red roses of health, and the ringing laughter of childhood will take the place of groans of sorrow. We will lift from the backs of prematurely aged women grievous burdens and feed their starved hearts with joy and love and tenderness. Revenue! No matter how badly the Government of Washington, Jefferson, Lincoln, McKinley, and Wilson needs money, it should not permit any individual or corporation to capitalize the sins and appetites of our people. Revenue! Judas took the accursed silver and threw it at the feet of the high priests, and even they would not put it into the treasury because it was tainted with blood and bribery Revenue! It is a great consolation to a hungry homeless wife to know that her husband died by drinking a high-license whisky. The majority of women are against whisky, and I have great respect for the judgment of good women. Womankind has a long indictment against King Alcohol. He has torn her husband from her side and hurled him into hell. He has snatched her father from her and hurried him to a drunkard's grave. He has stolen her first born from her arms and landed him in the penitentiary for crimes committed while under the influence of drink.

I congratulate the Christian ministry and Christian laymen for the fight they have made on this giant evil. The saloon would destroy the church if it could, and the church can destroy the saloon if it will. I love and respect a church militant. Nothing of lasting good has ever been obtained without a fight. The world's great men and women have been fighters. Peter the Hermit in the eleventh century tramped over Europe preaching the crusades. "Deus vult!" was the rallying cry of the crusaders. This was a religious crusade solely. No spoils were to be gained. Pope Urban II at Clermont, in one of the greatest speeches ever made, told the crusaders that they would march to Jerusalem and take it from the ungodly, but that they must not expect earthly reward. He told them that they must turp their backs on the home they loved; they must cross wide and stormy seas; they must walk with bleeding feet over the burning desert; they must face with dauntless breast the sword of the infidel; they must do all this without hope of reward other than a consciousness of a high duty loyally done. In passing, it is a happy Christmas consolation to know that Jerusalem and the Saviour's tomb has just fallen as a war prize to the Christian soldiers of England. In this crusade we are fighting for home and family, and we shall receive both spiritual and material reward. Martin Luther nailed to the church door at Wittenburg a bold challenge that is still echoing around the world. The men who have done things for God or humanity have fought, sword in hand, for the right as they saw it. Even the Prince of Peace Himself overturned the tables of the money changers and scourged them from His Father's temple. He died a bloody death, and most of His disciples died martyrs in the cause they loved. One hundred thousand twentieth century priests as consecrated as Peter the Hermit and 100,000 Martin Luthers are now waging a crusade in a nobler cause than those waged by the medieval friar and the German monk. But these minister leaders must have followers, and all men and women who love their country should fall in and fight under the snowy banner of national prohibition.

They say we can not stop the sale of whisky. Why, we have the blood of the Vikings in our veins. Must we tremble and whine at the feet of the beer barons and let them whip us like curs? We can not enforce our laws? Why, man, if you will not help do that, go home and put on your wife's dress and wash the dishes and rock the baby and let her take an ax and go out and smash the tigers. Can not drive out blind tigers? Why, a few honest, courageous officers and a half dozen determined men can search the joints every day if necessary and pour the life blood of the tiger into the street. It will do less harm there than anywhere else in the world. Can not enforce our laws? What do you say to that, descendants of the English Puritans? What do you say, children of the French Huguenots? What do you say, men with Cavalier blood in your veins? We are not cowards. Must we, in a slave's whisper, say to King Alcohol: "Sir, your hand is always raised against our laws; you sell on Sunday; you sell to minors; you sell to drunkards; you are the foe of the church, of business, and of the home; you are a menace to the manhood and womanhood, the peace, and virtue of the country, but we are afraid of you. We haven't got the courage to take you by the throat and hurl you from your throne?" In the South and West live the descendants of the pioneers who won this fair land from savage beasts and savage men. No braver, no more determined people ever lived. Here live the best types of American manhood and womanhood, and we can and we will protect and defend the land of our birth from any lawless power that seeks to rule and ruin us.

This amendment will soon pass and liquor will be driven from our shores like pirates were driven from the high seas. Twenty years before slavery was destroyed but few believed it would ever be done. Liquor will go like slavery, and it is a thousand times the greater curse. The people are now in arms against it. But few States have saloons without restrictions. The people will fight liquor fairly, but they will with the ballot and with the law destroy the traffic in the end. A Texas judge, just after the Civil War, was engaged in the trial of a horse thief, and in the opinion of the Texas people then horses were more valuable than horse thieves, and they always hung the thief. The judge before proceeding with the case said to the defendant, "Now, sir, I am going to give you a fair and impartial trial; but I am going to hang you just the same." Such should be the attitude of the people toward King John Barleycorn, and such will be his fate.

Oh, the miseries, the tears, the crimes, the deaths chargeable to this prince of destroyers. King John lays his heavy hand on the smallest and the greatest of earth, and they die his victims. The great son of Phillip conquered every foe save wine and death, and died like a dog. Lord Byron's brilliant mind and handsome face were debauched and destroyed by drink. The great Burns drank heavily, and going home one night from a drunken orgy he sank in a stupor by the roadside and thereby contracted an illness which soon stole the color from his splendid face and the glitter from his fine eyes, and long before his time this gifted son of Scottish song struck his colors to the pitiless foe that always conquers.

Who are for whisky? Those who make fortunes out of it.

Who are against it? The mothers of the land, because it destroys their loved ones. The ministers, because liquor undoes what they do. The officers of the law, because alcohol is the unapproachable chief of all causes of crime. The doctors advise against it because there is no more potent source of disease. The judges are against it because of its appalling record of misery, pauperism, and crime. Statesmen are against it because it is a menace to stable government. Educators are against it because it is a grim threat to every child in the land. Oh, I can call a cloud of witnesses to condemn it.

Mrs. Lititia Youmans says:

We have been selling our boys to pay the revenue. It is a crime.

Dr. James Miller says:

Alcohol is a poison. It kills in large doses and half kills in smaller ones. It produces delirium, insanity. It poisons the blood and wastes the man.

Blind old Homer, 900 years before Christ, said:

Far from me be the gift of Bacchus, pernicious inflaming wine that weakens both body and mind.

Bishop Foss said:

As a Christian minister I oppose drink because it opposes me. The work I do it undoes. It is an obstacle to the spread of the gospel and whose complete success would drive the gospel from the earth.

Judge Allison says:

We can trace four-fifths of the crimes committed to the influence of rum.

Years ago Lord Chesterfield said:

Luxury, my lords, is to be taxed, but vice prohibited. Let the difficulty in the law be what it will, would you levy a tax on a breach of the Ten Commandments? Governments should not for revenue mortgage the morals and health of the people.

On the 10th day of November, 1890, the Supreme Court of the United States in the case of Cowley, chief of police, against Christiansen, said, among other things:

The statistics of every State show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source. There is no inherent right to sell intoxicating liquor by retail. It is not a privilege of a citizen of the United States or a citizen of a State. As it is a business attended with danger to the community it may be, as already said, entirely prohibited.

This great court has recently upheld prohibition legislation.

They say that when saloons are legislated out blind tigers will follow. Yes; for a time, perhaps for a long time. Maine has had tigers for more than half a century, and decidedly prefers them to the saloon, but gradually she has been ridding herself of the worst of them. Of course blind tigers will follow saloons, but one saloon is worse than many blind tigers. If we wait 10 years and then abolish the saloon, they will then be followed by the tigers, so that the quicker we begin the fight against the licensed evil the quicker we shall get rid of the unlicensed evil. The sooner we get to the tigers the sooner we shall kill them. The longer we defer the coming of the tigers the longer we shall have liquor.

We must not give up the fight. The god of battles is with us. The great spirits of Gough, Neal Dow, Frances Willard, and a thousand other brave men and women who fought wrong and runs before we were born are looking down on us to-day and are bidding us Godspeed. Outlaw this giant outlaw that has ever had his hand raised against our law and against our best interests. Give us a sober America and we shall have a free and prosperous America. Men who drink, have you not served his majesty, King John, long enough? Are you not tired seeing the brewer's wife and daughter sweep by you in silks, furs, and diamonds, paying no more attention to you than if you were a slave, while your own unhappy wife lives in a rented home and your daughter is clerking in a department store when she should be in school? What money bought those silks, furs, and diamonds? The money you spent for beer. Men, have you not been building palaces for the distillers and brewers long enough? Quit drinking and build a cottage for your own family.

Whatever is wrong, per se, can not be made right by honied excuse, by golden bribes, or by specious promise of improvement. The Model License League, alarmed over the fight now being waged against liquor, is advocating respectable saloons, improved groggeries. When serpents, with their fangs undrawn and their poison sacks undisturbed, get to be harmless and attractive pets, then I will believe that the saloon can be purified and made useful.

We must have nation-wide prohibition. We must pass this amendment. We want the strong arm of the Government on the side of the people in this fight. Then we shall have potent protection.

After all, the only sane course is to oppose with the utmost vigor wrong wherever you find it. It is the only consistent course. This liquor evil should ask no quarter. It degrades all it touches from the time it leaves the still till it lands its victim in jail, in the poorhouse, or in the grave. It makes the tender-hearted man cruel as a murderer. It converts a man of energy into an idler. It smothers the laugh on the lips of the child. It fills the home with hunger and silence. It changes the wife's love into despair and her pride into shame. Do not tell me that we shall in any way compromise with the evil that has wrought such misery in the world. What excuse is there for its existence?

There is an old legend that once upon a time an angel visited this earth and he came to a sawmill and said, "What are you?" "I am a sawmill," was the answer. "What do you make?" "I make lumber." "What is your raw material?" said the angel. "Logs." "Is your finished product, lumber, worth more than your raw materials, logs?" "Yes," said the sawmill. "For what is lumber used?" "It is used to build houses for the people and for many useful purposes." "Very well," said the angel, "you serve a useful purpose. Turn on the steam and let me hear the music of the saw and the hum of the machinery." He next went to a gristmill, and he said, "What are you?" "I am a gristmill," was the answer. "What do you make?" "I make meal and flour." "What is your raw material?" "Corn and wheat." "Is your finished product worth more than your raw material?" "Yes." "Very well," said the angel, "you are a public necessity. You contribute to the comfort and convenience of mankind. You deserve to live forever. Turn on the steam and let me hear the melody of your busy wheels." He next came to a distillery, and said, "What are you?" "I am a distillery," was the answer. "What do you make? Now," said the angel, "tell me the truth, because from your appearance and from the crowd around you, you do not look very truthful. Tell me what you make." "I make drunkards," said the distillery. "What is your raw material?" said the angel; "now, tell me the truth." The distillery said, "My raw material is the American boy." "Then," said the angel, "I know that your finished product, the drunkard, is worth less than your raw material, the American boy, with his happy face and his heart free from care. You have no excuse for existing. You ought to be banished from the face of the earth."

The old negro mammy who nursed me used to tell me that "white folks and niggers must each eat a peck of dirt," and I think I got my share. I know two young men who were reared 3 miles south of my home town who swallowed 900 acres of the best black river-bottom dirt I ever saw. They got more than their share.

Strong drink is a warrior whom no victory can satisfy, no ruin satiate. It pauses at no Rubicon to consider, pitches no tents at night, goes into no quarters for winter. It conquers amid the burning plains of the South, where the phalanx of Alexander halted in mutiny. It conquers amid the snowdrifts of the North, where the grand army of Napoleon found its winding sheet. Its monuments are in every burial ground. Its badges of triumps are the weeds which mourners wear. Its song of victory is the wail that is heard in Ramah, "Rachel crying for her children and weeping because they are not."

The sword is mighty and its bloody traces reach across time, from Nineveh to Gravelotte, from Marathon to Gettysburg. Yet mightier is its brother, the wine cup. I say "brother" and history says "brother." Castor and Pollux never fought together in more fraternal harmony. David and Jonathan never joined in more generous rivalry. Hand in hand they have come down the centuries, and upon every scene of carnage, like vulture and shadow they have met and feasted.

Yea; a pair of giants, but the greater is the wine cup. The sword has a scabbard, and is sheathed; has a conscience, and becomes glutted with havoc; has pity, and gives quarter to the vanquished. The wine cup has no scabbard and no conscience; its appetite is a cancer which grows as you feed it; to pity it is deaf; to suffering it is blind.

The sword is the lieutenant of Death, but the wine cup is his captain, and if ever they come home to him from the wars bringing their trophies, boasting of their achievements, I can imagine that Death, their master, will meet them with garlands and with song, as the maidens of Judea met Saul and David. But as he numbers the victories of each his psan will be, "The sword is my Saul, who has slain his thousands; but the wine cup is my David, who has slain his tens of thousands."

This is a great contest. In a short time we shall be voting. The bugles will soon sound the charge. Swing into line, Members, and vote for home, sister, and mother. When the Georgia prohibition bill passed one of the younger members telegraphed home these words: "Mother, you won."

My people were Scotch-Irish, and I have always loved the heather-clad hills of Scotland. In childhood I never tired of reading tales of Bruce and Wallace and the kilted highlanders, the McDonalds, the Campbells and the Camerons, the Murrays and the Lindseys. It was the custom there in the wild days of border warfare to summon the clans to battle by sending a fleet-footed messenger through the highlands with a burning cross, and as the cross was carried by each clansman's door he was expected to hurry at once to the meeting place, and no loyal highlander ignored the summons. Scott's heroic verse vividly describes this scene:

When flits the cross from man to man,
Vich Alpin's summons to the clan,
Burst be the ear that fails to heed,
Paisied the foot that shuns to speed.

Let us pass this amendment and go forth to the States to secure its legislative ratification. Carry then the burning cross of this crusade to every home in our great Republic and invite every man and woman to rally to the support of the ratification of this amendment, and "burst be the ear that fails to heed, palsied the foot that shuns to speed."

The SPEAKER pro tempore. The time of the gentleman from Arkansas has expired. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield seven minutes to the gentleman from California [Mr. KAHN].

The SPEAKER pro tempore. The gentleman from California is recognized for seven minutes.

Mr. KAHN. Mr. Speaker, immediately after the Civil War Congress for days wrestled with the adoption of the fourteenth and fifteenth amendments to the Constitution. They were ultimately sent to the States for ratification. They were finally written into the fundamental law of this country. They are to-day a dead letter. Nobody recognizes them as law. No effort is made to enforce them. And you now propose again to write upon the statute books of the Nation a provision that will become a dead letter. You are simply creating a contempt for law. We have prohibition laws in many of the States of the Union. Are those laws enforced? You know they are not enforced. You know that there is drunkenness even in Maine, which was the first of the prohibition States, and it will continue so, because man will get liquor by hook or by crook if he wants it.

There are more people who die every year from overeating than who die from overdrinking. The doctors will tell you that. There are 7,000 people drowned every year in the United States. Do you want to stop people from going in swimming because you have a large number of deaths from drowning every year? By analogy you ought to be willing to pass prohibitory laws against swimming. Oh, those who favor this legislation tell you that liquor is the cause of the downfall of many men. I recognize that fact. The abuse of liquor, not its use, does cause the downfall of many men. But there are thousands of women in this country each of whom will tell you that her downfall was caused by some man. Do you want to kill off all the men on that account? [Laughter.] There are thousands of men in this country each of whom will tell you that his downfall was brought about by some woman. Do you want to kill off all the women on that account? [Cries of "No!" "No!"] By a parity of reasoning you ought to be willing to kill off the human race because, forsooth, some men and some women can not withstand the temptations that beset them. This legislation will result, in my opinion, in placing thousands of private stills in the very homes of the land. Distillation is the easiest of all processes. Men are going to get liquor if they want it.

The Speaker of this House [Mr. CLARK of Missouri] told me of a case of a man in the Missouri Penitentiary—a prisoner who had a fondness for alcohol. He got hold of a gun barrel and made a worm out of it. He took the corn meal that was given him for food and made a mash out of it, and in his cell in the prison he distilled whisky. [Laughter.] You can not prevent men from getting it if they want to get it.

This country will be infinitely better off if you teach men the need and importance of temperance, of sobriety. You can not curb intemperance by prohibition laws. I venture the assertion that such legislation is constantly violated in practically every State in which it has been tried. But you make sneaks and liars and hypocrites of men whenever you attempt to put into force laws of this kind, and that is what I object to. I do not believe that is a good thing for this country. I said at the outset that the fourteenth and fifteenth amendments are held in contempt. This legislation will create additional contempt for law if it is eventually written on the statute books. And that nation is in a bad way indeed when its people hold its laws in contempt. It were infinitely better for this Nation if this question were left to the individual States of the Union.

If the people of the States want prohibition, they can have it. In my State we have local option. Here is an extract from the San Francisco Chronicle of Wednesday, November 4, 1914. We had our first State-wide prohibition election on the day previous, the 3d of November, 1914. This article is headed:

SHOUTED FOR DRYS—SOLD BOOZE TO WETS.

Rogers, a druggist whose show window prominently displayed signs "Vote California dry," was arrested to-day, charged with conducting a blind pig. He was released under $200 bail.

This was in Pasadena, which is one of the largest dry towns in the State.

That shows how it makes hypocrites of men. That shows how it makes liars of men. That shows how it makes sneaks of men. Let us be honest, with ourselves at least, in this matter. Let us leave this question where it rightfully belongs—to the individual States of the Union. [Applause.]

Mr. WEBB. I yield four minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Speaker, I was impressed by the strange logic of the gentleman who has just taken his seat. I do not think he has gone far enough, however. I would call his attention to the fact that we have on our statute books laws against stealing. Those laws are repeatedly violated. Why not be frank with one another and repeal them?

I know of a case where a man was in the penitentiary for murder. He secured a heavy tool with which he worked, and he killed a guard. Why not be frank with one another and repeal the law against murder because it is being violated?

A short time ago several hundred men and women were drowned through the capsizing of a steamer near Chicago, and a clamor went up all over the country for laws to safeguard steamships. Why indulge in such nonsense? As the gentleman has told you, thousands of men and women are drowned every year. Why enact laws calculated to safeguard men and women against being drowned?

My friends, what arrant nonsense is this? Of course prohibition laws are violated. I presume that prohibition laws will always be violated. But that does not affect the principle of the proposition we are considering.

I am in favor of this amendment and will vote for it, because I believe that the liquor traffic should be outlawed in this country, and I know of only one way in which that result may be secured, and that is to place upon the statute books a law which will forbid the sale, the manufacture, and the importation of intoxicating liquors and then give to the State and national authorities full power to enforce that law.

We are about to pass this amendment. The people of this country want their Constitution amended so that the liquor business will be destroyed; and their Representatives in this Chamber, in voting as they will vote to-day to submit this amendment to the State legislatures, are responding to that appeal of their constituents.

My own State has adopted prohibition. It adopted it by a very narrow margin, and those who were opposed to prohibition were loud in their predictions that the people would soon tire of it. And yet two years later, when a proposition was submitted which would permit the manufacture of light beers, the people of Colorado defeated it by more than 50,000 majority.

As a further evidence of the sentiment of the people of Colorado on this issue, every Representative from that State will vote for this amendment. [Applause.]

Mr. WEBB. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the real question before the House to-day is whether or no we believe in representative and constitutional government; whether or no we believe that governments derive their just powers from the consent of the governed, and that the governed therefore have the right to say whether those powers shall be extended. There may be gentlemen who doubt the efficacy of prohibition as a perfect cure for the evils of intemperance. There may be gentlemen who doubt the wisdom of prohibition through Federal enactment. But unless those gentlemen assert and contend that the people are not capable of judging and determining those questions they can not logically vote against the resolution now before the House. I am one of those who believe that under our form of government the right of the people to an opportunity to determine whether or no the powers of the Federal Government shall be extended is beyond controversy or question; therefore as a very considerable number of very respectable people desire to have the question of prohibition through Federal constitutional enactment submitted for decision in the constitutional way I am in favor of giving them that opportunity, because I am a believer in a government of the people with such powers as the people desire it to have and exercise. [Applause.]

The SPEAKER pro tempore (Mr. CRISP). The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, I have listened to-day with a great deal of interest to many of the opponents of this proposed amendment to the Constitution of these United States for prohibiting the manufacture, sale, and transportation of intoxicating liquors. Their subtle and specious arguments have forced me to the conclusion that many of these gentlemen have unquestionably missed their calling. They very evidently have made recent and most careful study of the most modern and up-to-date methods of strategy and deception practiced on the battle fields of Europe in the present world war. These gentlemen are here when they should be using their great talents elsewhere. Their arguments in this debate evidence that they would make marvelously great camouflage artists. They are wasting their time and talents here in Congress when they might well be making our German enemies across the sea believe molehills are mountains and that broomsticks are 20-inch cannon. Some of these gentlemen would have you believe that this amendment is contrary to the whole spirit of our original Constitution and of our established form of Government. Nothing is further from the truth. This resolution proposing an amendment to the Constitution of these United States is in

every way properly before this body, and it is in every way proper for this body to submit this amendment to the several States and to the people thereof for approval and ratification. I shall unhesitatingly support this resolution, first, because it is in every way properly before this House, and because it is in every way right and fitting to at this time submit it for approval to the several States of the Union. I shall support it for the further reason that I firmly believe that if this resolution could be adopted and approved by the necessary number of States at once it would not only not interfere with our winning of the war, but would, on the other hand, greatly help and aid us in winning the war. [Applause.]

I shall support this resolution, gentlemen, because its passage in this House will mark one of the final steps in the great work of driving from this Nation for all time one of the greatest causes of crime, misery, and unhappiness among our people. I shall support this resolution, gentlemen, because I have been witness for many years in the splendid State I have the honor in part to represent here in Congress to the marvelous benefits of prohibition as shown in the homes and among the families of my State.

I shall support this resolution, gentlemen, because I know that when it is finally adopted and when it becomes a part of the law of our land there will then no longer be found in this great Nation of which we are all so proud those poor, pitiful, blear-eyed, woeful wrecks of humanity now found in every city, town, village, and hamlet where a saloon exists and where intoxicating liquors are dispensed. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield three minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Speaker, nobody questions that we are living in a government in which the majority rule. Nobody questions that this amendment is properly before this House and that it is constitutional if passed in a constitutional way. But that does not prevent this resolution from being revolutionary, because if passed it will put into the Constitution social legislation that has never been there before. It will take away the great distinction of our Constitution that it is the fundamental law and not an instrument for social legislation.

In Connecticut years ago, before I became active there, we passed a State-wide prohibition law. It went on for five or six years and was so unsatisfactory that it was repealed. Since that time we have gone under local license, which has been very satisfactory. As a matter of fact, none of the large towns or cities has continuously been under no license because that was found unsatisfactory for them. The small towns and country places are under no license, which works satisfactorily, and the large towns under license, which works satisfactorily.

I think that is a fair example of what should go on. There is no possible objection on our part to what the Middle West or the West may have. If they want license or no license they should have it. All we want is to have the say as to our own social legislation.

We have in Connecticut a thickly settled manufacturing district, and I am perfectly sure that if this legislation could be passed and passed promptly you would not help the war at all. As a matter of fact, no crisis of that kind exists at all because under the act of this Congress giving power to the President and the food administration we shall have practical temperance, and that will enable us to see how it works. That will be real national temperance. It seems to me to put through this so-called emergency legislation when there is no emergency, raises a question during the war that is unwise. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Speaker, there is pending in this Congress three proposed amendments to the Federal Constitution:

1. For the purpose of establishing national prohibition.
2. For the purpose of conferring the right to vote upon women.
3. For the purpose of placing the name of God in the Federal Constitution and by this means recognizing the name of the Supreme Being in our organic law.

We are now engaged in the consideration of the first of these proposed amendments, which is designated as Senate joint resolution 17 on House Calendar No. 79 of the Sixty-fifth Congress, second session. This amendment proposes as follows:

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Seven years are given to vote upon this amendment. Even if adopted eight years may elapse before it becomes effective.

The Government of the United States is one of delegated powers and the Congress possesses only such powers as are found within the written Constitution. The Constitution of the United States is a compact made by the people of the United States to govern themselves as to general objects in a certain manner. The meaning of the Constitution as to the document itself rests on judicial interpretation and extension of the law. Its meaning is found not only within the Constitution itself but in the judicial interpretation placed upon its clauses by the Supreme Court out of which has grown up the extension of authority known as the "doctrine of implied powers" whereby the Constitution has been made flexible and a living growing compact governing perfectly this Nation of over 100,000,000 people with perfect adaptability as it governed 130 years ago this Nation when it consisted of less than 6,000,000 people with limited commerce and few wants.

For the people of the United States loyalty consists not in devotion to a sovereignty or fatherland but to the law itself, and to an ideal, to a Constitution, and this ideal found its supreme expression in the United States in the Constitution adopted in 1787. What, then, is the Constitution that we are here proposing to ask the people to amend?

In the case of Horne v. Dorrance (2 Dall. Rep., 304) it is thus defined by the Supreme Court:

It is a form of government delineated by the almighty hand of the people, in which certain first principles of fundamental laws are established. The Constitution is certain and fixed; it contains the permanent will of the people and is the supreme law of the land; it is paramount to the power of the legislature and can be revoked or altered by the authority that made it. The life-giving principle and the death-doing stroke must proceed from the same hand. What are the legislatures? Creatures of the Constitution; they owe their existence to the Constitution; they derive their powers from the Constitution. It is their commission, and, therefore, all their acts must be conformable to it or else they will be void. The Constitution is the work or will of the people themselves in their original, sovereign, and unlimited capacity. Law is the work or will of the legislature in their derivative or subordinate capacity. The one is the work of the creator, the other of the creature.

The amended Constitution of the United States: The people's law of the United States now consists of the written plan of government prepared by the convention of 1787 and 17 amendments which have been added under the provisions of the amending clause.

The first 10 amendments, usually called the Bill of Rights, state in separate articles as additions to the Constitution the rights, privileges, and immunities of citizens of the States.

The eleventh and twelfth amendments limit the power of the Federal courts in actions against States and correct the defects in an impossible plan of choosing Presidents and Vice Presidents of the United States.

The three amendments adopted at the close of the Civil War are additions to the Constitution rather than alterations.

The sixteenth amendment permits national taxation of incomes derived from any source, including real estate.

The seventeenth amendment provides for the election of United States Senators by the people instead of by State legislatures.

We are now proposing to add an eighteenth amendment to the Constitution, which amendment I shall briefly describe as prohibiting the manufacture and sale of intoxicating liquors.

The people have purposely made the amendment of the Constitution difficult and incapable of haste. The fundamental law of the land is not to be hastily changed, modified, or extended.

In order to amend the Constitution it is necessary to pass through both the Senate and the House the proposed amendment in identically the same form by a two-thirds majority and then submit the proposed amendment to the people of the various States, which must be adopted in the same form by the legislatures of three-fourths of the States before it becomes operative. In this case it would require the affirmative action of the legislatures of 37 States.

A vote, therefore, in favor of submitting this amendment to the people means that the question will be submitted and made an issue in the election of the next members of the legislatures of all the States and of the governor in most of the States, and the question of prohibition will be fought out on all the hustings and in the legislative contests of each of the States of the Union. In this way all the electors of the country will be given an opportunity to register their opinion on the propriety of adopting this amendment and prohibiting or continuing the manufacture and sale of liquor in the United States, and that is exactly as it should be.

The responsibility for this legislation should be with the voter who resides in the district and knows the local conditions and wants of the people and not with the Members of Congress, who may not be familiar with the local situation.

In the district which I represent, the twenty-second Pennsylvania, composed of the counties of Westmoreland and Butler, there is a population of over 400,000 people and a voting population of about 40,000. To expect me to vote against submitting this proposed amendment to these 40,000 voters for their consideration and decision would be to require me to act arbitrarily, unreasonably, and contrary to the duties of a Congressman.

The office of a Congressman is representative. On all questions except moral questions he should represent the sentiment of his district, but on moral questions he should act according to the dictates of his conscience.

I am not now arguing or commenting on the moral features of the liquor traffic. Time forbids a discussion of this. This does not necessarily enter into the consideration of the submission of this amendment at this time. That question must be decided by the voters of the different States when the question is presented to them. The situation that confronts me as a Member of Congress is, Shall I by my vote oppose the submission of this proposition to the voters and thereby say to them that they are not to be trusted, or that they are unable and unwilling to decide this question, or shall I, by my vote in favor of it, refer it to them for their consideration, as I would any other constitutional amendment.

That there is a great demand among the people for the submission of this question to them is admitted. It is stated in the report of the committee in this House on the bill, and not denied in the minority report, that 80 per cent of the population of the United States has declared for prohibition, and that more than 60 per cent of the population live in dry territory, and that approximately 10,000,000 of the people of the United States residing in all sections of the United States have petitioned Congress for the passage of this resolution. Surely, to disregard the voice of the people so emphatically uttered would be folly upon the part of a Representative in Congress and would be turning a deaf ear to the people who are entitled to favorable hearing and consideration. Never before was such a petition presented and such demand made for the enactment of legislation as this.

I am in favor of all the amendments above referred to. I could not vote to withhold any of them from the consideration of the electors and discharge, as I view it, my duty to them as their Representative.

It will be urged here and elsewhere that this is an inopportune time to consider this proposition. That the consideration of it will bring dissension, dissatisfaction, and unrest among our people at a time when they ought to be united, determined, and in complete accord in the prosecuting of this great war to a victorious conclusion. That I do not believe to be true. I am not a member of the committee that reported this resolution. The question is here and must be met and decided. There is no escaping the responsibility. I am also aware in my own case that it requires great courage to vote in favor of the submission of this amendment to the people; it means much for me and probably will affect my political future; it certainly means the estrangement of life-long friends, the breaking up of political ties, and the engendering of more or less personal enmity; but I must not consider my personal situation, my personal feelings, nor my personal future. My duty, in this instance, I believe to be plain and clear. That is to vote to refer this whole question to the arbitrament of the voters of my own congressional district and all the congressional districts in the country for their ultimate consideration and determination. They will determine it rightly. In a Republic the final decision of all questions must ultimately come to the people themselves, and from them all authority must proceed. In this instance we can trust the people implicitly. Our trusts will be met; our anticipations will be fulfilled. They will decide this question rightly, and until it is so decided it will never be finally settled. I trust the people; I believe in their judgment and their honesty. Their love for the Constitution and our republican institutions is an ample guaranty that these will always be safe in their hands and keeping. Their patriotism and devotion will guide them aright. Their voice in this instance, as in every other similar instance, will prove again the truth of that maxim of our political life, that "vox populi vox Dei." [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield to the gentleman from California [Mr. OSBORNE].

Mr. OSBORNE. Mr. Speaker, the question before the House is the adoption of a joint resolution proposing to the several States of the Union an amendment to the Constitution of the United States prohibiting the manufacture, sale, transportation, or importation of intoxicating liquors.

It is in the nature of an enabling action, permitting the States to ascertain the sentiments and desires of their citizens upon this very important question of public policy. In other words, it is not a question as to the merits of prohibition, but the question is whether or not the people of the various States shall be permitted to vote on the merits of prohibition.

As greatly as I deplore the evils attending the intemperate use of intoxicating beverages, I have never considered indiscriminate prohibition as the best and only method of coping with the evil.

In a long experience while a young man as a newspaper reporter on police-station details, and later during several years spent in mining camps on the Pacific coast, I reached the conclusion that an enormous percentage of all the evils of intemperance arise from the use of strong spirits—whisky, brandy, gin, rum, and so forth, but, in our country, principally whisky. I have observed that all of my acquaintances of earlier years who were drinkers of spirits have passed away. It is only the temperate who are left, and who still perform useful functions in the world.

In a life of several years in a noted mining town of the Sierras, where, in an isolated locality, one knew the individual characteristics and personal habits of nearly every resident, I knew a number of very bright and capable young men who fell into the habit, not unusual in such frontier towns, of taking an appetizer in the form of a cocktail before breakfast. A cocktail, I am told, is a very insidious and virile concoction, embracing a number of most potent ingredients of high spirits and various appetizing condiments. It is said that one will create an appetite where none existed before. But the appetite is not confined to food, but extends to further stimulants, and the young men I have referred to soon acquired the habit of taking a second cocktail, usually at a second saloon, and after no great interval they had what was locally termed a "cocktail route," which they traversed morning after morning, from one saloon to another, absorbing three or four or even a half dozen cocktails before breakfast. I hardly need say that all of these young men, some of them very capable and promising, have passed away, most of them over 25 years ago. I occasionally meet an old acquaintance whom I knew at the intensely active mining camp of Bodie, which flourished contemporaneously with Leadville and the later days of the Comstock, 35 or 40 years ago, but not one of the followers of the cocktail route do I ever see. They have all passed "beyond the great divide."

I have never been able to observe any permanent or even temporary good in the use of whisky and kindred spirits as beverages, and I have seen great and appalling evils result. As I advance in years, the less of good and the more of evil are apparent to me in their use. I have no difficulty, therefore, in reaching the conclusion that high spirits of every form as beverages ought to be got rid of.

So far as the beverages are concerned of light alcoholic content, such as beer and light wine, they are not subject to the same objections as high spirits, and they should be treated in an entirely different way. Their use may be abused, it is true, but they are not so likely to be, and they are in their nature incapable of so much mischief. If there were no high spirits to be had and nothing with higher alcohol content than beer and light wines, I doubt if there would be much intemperance. Such is usually reported to be the fact in those countries where this condition exists. A very great distinction ought to be made between high spirits and wines and beer in legislation.

Having reached the conclusion that high spirits as beverages are an unqualified detriment to the people and to the country, the problem arises as to how to rid ourselves of them. We certainly ought to do so in a way that would do injustice to no one, or as little injustice as possible, in carrying out so sweeping and radical a measure.

Light wines and beer of small alcoholic content ought not, in my opinion, to be included in the prohibition, unless it be for the purpose of conservation and as a war measure. That power is already in the hands of the President.

For a half century the State of California has been at great pains to build up an extensive viticultural interest. Large sections being specially adapted to the raising of wine grapes, it has encouraged and fostered the industry in many ways. It has been maintaining and is now maintaining a State viticultural commission, which obtains information of interest to wine-grape growers from all European wine-making countries and distributes it to those interested in California. Many people have the accumulated work of half their lives or more represented in their vineyards, at the inducement and encouragement of the State. The value of these vineyard properties runs high in the millions, and it would seem a great wrong if these people were to be deprived of their property, or of the only use to which it could be placed, without consideration of any kind. The same reasoning applies to wine-grape growers in Ohio, New York, Missouri, and other States.

I opened my remarks by a statement that this joint resolution is in the nature of an enabling act. Aside from the merits of the particular measure, I should be inclined to favor permission to the State, when asked by large numbers of citizens (and in this case some 6,000,000 of people have so petitioned), to vote upon any large question of public policy, whether it be prohibition, suffrage, or any other important question. In this

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case there is the undoubted fact that a majority of the citizens of my own district would favor the submission of this amendment to the people of the States and an opportunity to vote on it. At an election held throughout the city of Los Angeles on November 20, 1917—only a month ago—by a majority of over 20,000 it was voted to exclude saloons from the city. About 80 per cent of the voting population of the city is within the tenth congressional district, which I represent. I believe that a Representative in Congress should faithfully represent the sentiment of his district, if he knows what that sentiment is, unless he regards the sentiment absolutely wrong or immoral and he can not vote in conformity with it without violence to his conscience. There is, of course, no such difficulty involved in this case. There is nothing wrong or immoral in permitting the people of the United States to vote their convictions on a great public question. A Representative of a district which he feels sure would favor such action would be in an incongruous position to vote to prevent such a Nation-wide expression, even though he might prefer that the proposed action should be less sweeping.

In this view, I shall vote for the joint resolution. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. BURROUGHS. Mr. Speaker, I hope this resolution will pass. I was elected to this House on the 29th day of May last largely upon this very issue. The State of New Hampshire, which I have the honor in part to represent, has voted to be a dry State after the 1st day of May next. The district I have the honor to represent has been said to be the wettest district in New England outside of Boston. There are many breweries in that district, but that district on the 29th day of May voted in favor of a dry candidate—voted to send me to this House as its Representative in Congress.

Now, Mr. Speaker and gentlemen, I shall not attempt in two minutes to argue this question; but, to my mind, when approximately 10,000,000 people in this country have petitioned, as they have petitioned Congress, to submit this amendment it is sufficient reason why we should at least submit the amendment to the people. That, I understand, gentlemen, is the exact situation at the present time.

Much has been said in regard to disunity, that we should take no action that will bring on disunity, but let us remember that the question is here. We can not avoid it or get rid of it. Do gentlemen think that by voting down this resolution at the present time you are going to get unity when the people are divided on it all over the country? Do gentlemen think they are going to get rid of the question in that way? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GARD. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. LEA].

Mr. LEA of California. Mr. Speaker, I shall propose an amendment to the resolution exempting light wines, and beers containing not more than 3 per cent of alcohol, from its application. In the brief time at my disposal I want particularly to refer to some conditions that affect my district. There are in California 160,000 acres of wine grapes. The adoption of the amendment to the Constitution proposed here to-day would mean a loss to the farmers of California, the grape growers, of not less than $30,000,000. The men who have planted those vines, which produce practically a lifetime, have done so because they have been encouraged by this Nation and by the State of California to do so. The United States to-day maintains 12 experimental vineyards in the State of California to encourage those farmers. Those grape growers are worthy men. They are of that type that represents the worthy farmer of this country. I have here a letter that I want to read and which illustrates one phase of the question involved at this time. It is from a grape grower, a man who went out and cleared the land and planted a vineyard of about 40 acres, upon which he is to-day dependent for the support of his family. The body of the letter is as follows:

> I have given my son to the Army to go to France to fight my country's battles. I learn from the papers that there are Congressmen at Washington who want to destroy the value of my vineyard, which has been raised at great labor and expense to myself and upon which my family is depending for support. Do you think this is a square deal?

I replied to that farmer that I did not think it was a square deal. His only son is preparing to leave for France. The writer is himself a member of the home guard and willing to serve his country when called. The parents of that boy, like the parents of other American boys, will daily await with anxiety the news from the battle front. Even in their dreams at night the peril of their son fighting for our country will startle them in dread. That family is typical of hundreds of families in California. It is not right at this time, when we ask of them a sacrifice that is dearer than themselves—their children—that we should also haunt them with the fear of losing property upon which they largely depend for livelihood.

However, I do not speak from the standpoint of the grower alone. The evils of the liquor business are known to all. I am not here to find fault with those who seek to curb those evils. Indeed, I believe it would be a reflection upon the worth of our people if in recent years no effort had been made to restrain the liquor business. But the resolution proposed to-day, in my judgment, goes to an extremity that is not sanctioned by the moderate and best opinion in our country.

My amendment proposes the elimination of the fundamental evil of the liquor business—strong drink. Under normal conditions the country consumes about 100,000,000 gallons of whisky and strong drinks. It consumes over 1,500,000,000 gallons of beer, the percentage of alcohol in which has heretofore ranged from about 3½ per cent to 5½ per cent. It has heretofore consumed something like 30,000,000 gallons of light wine and about 20,000,000 gallons of fortified wine. My amendment, if adopted, would eliminate whisky and the other strong drinks. It would eliminate all but the light wines. It would reduce the percentage of alcohol in beer to a basis practically nonintoxicating. The adoption of this amendment would eliminate the extremists from both sides of this controversy. Those extremists are the radical, aggressive, assertive advocates that do not represent those upon whom we must rely for a sensible solution of this problem.

Those who fail to discriminate between light liquors and strong drink refuse to see facts that are apparent to all open minds. You say alcohol is a poison. It is. So is the caffein in coffee. So is the nicotin in tobacco. But all men discriminate between coffee and cocain and between tobacco and opium. So intelligent minds must discriminate between 3 per cent of alcohol and 50 per cent of alcohol.

Some regard must be had for the appetites of other people. We do not force even a sick man to take medicine unless he wants it. Our right to curb the appetite of another is limited to cases where the gratification of that appetite is in itself immoral or destructive of the rights of others. For that reason we have a right to restrain the use of opium, cocaine, drugs, and strong drinks, and for the same reason we have not the right to restrain the use of coffee, tobacco, and other drinks which are not substantially injurious to the users or others.

I am not willing to give to the other States of this Union the power to deny to California the right to permit or regulate the sale of beer containing only 3 per cent or less of alcohol. I am not willing to give to the other States of this Union the power to destroy the value of the 160,000 acres of wine-grape vineyards in California and at the same time deprive my own State of the power to protect them, or abolish them, as it sees fit. On the same day that I was elected to Congress my district voted against destroying those vineyards by a majority of 10,237. I will not to-day authorize the other States to impose upon California a law which her voters have already rejected.

Mr. VOLSTEAD. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, my theory of the duty of a Representative upon this floor is that he should, in so far as he can, consistent with his oath of office, vote the sentiments of a majority of the people of his district.

I came here knowing a majority of those whom I represent are strongly in favor of submitting the question of national prohibition to the several States for such action as they may desire to take upon it. Knowing this when I submitted my candidacy to the people of my district, and knowing it now, I shall cast my vote for the passage of the resolution.

When this resolution providing for national prohibition has been adopted by Congress and submitted to the States it will require the approval of three-fourths of the States before it becomes effective. It seems to me no one can seriously question that if the people of three-fourths of the States of the Union desire national prohibition the demand for it is so strong among our people as to justify the adoption of prohibition as a national policy.

We are now engaged in a great war to make the world safe for democracy we are told. This being true, we should not by our action here refuse to three-fourths of the people of America the constitutional right to determine the policies that shall prevail in their own country.

Aside from giving voice to the sentiments of the people I represent in voting for the passage of this resolution, I also express my own convictions of this important question. The organized liquor traffic is the greatest curse of the present age. No good has ever come from it or ever will. Its every influence is bad and the American people have made up their minds to banish it from their midst. They have decided that the method of its destruction most certain and speedy is by way of an

amendment to the Federal Constitution. Representing a great district where the people have by their votes in every county, in every town, and every precinct driven out the saloon, and entertaining the sentiments I do, I shall most cheerfully vote for this resolution. [Applause.]

Mr. HEFLIN. Mr. Speaker, my district is as dry as a covered bridge and we had secured prohibition for every county in it before the other counties in the State went dry. So you can very well understand why the people of my district and State do not enthuse over your proposition to take from us the power that we have already used successfully and at the same time place Alabama in the attitude of denying to other States the right to use the very same power that we used to suppress the whisky traffic.

Just a few years ago whisky was legally sold in every State in the Union, but the local crusaders at fireside, in school room, in pulpit, press, and forum have carried on their campaigns of education against the evil until to-day more than half of the States, through the exercise of their own sovereign powers, have driven out the whisky traffic and established prohibition. Mr. Speaker, 27 States have suppressed the whisky traffic, and by so doing they have given to their sister States the benefit of their example, and they have demonstrated beyond peradventure that the State has the right and the power to suppress the whisky traffic, and that the State can and has suppressed it in the most effective way possible. And now the States that have not yet adopted prohibition are begging us who come from the States that have prohibition to let them convince their people as we have convinced our people of the evils of the whisky traffic. The question is: Will we be patient and tolerant enough to accord to other States the right to settle the whisky question just as we ourselves settled it through the rights and powers reserved to the States?

Gentlemen, are we willing to take away from the State that sovereign power without whose exercise we would not now have prohibition in any State in the Union and, in taking that power away, surrender forever the right and power of the State to control its own domestic affairs? No emergency has arisen that would justify me in surrendering to the Federal Government this cherished right of the State. If the State were powerless to carry out its own will and to do with the whisky traffic what the people of the State had declared they desired to do, then—having discovered that it was unable within itself to execute its own will—then, I say, and then only, would we be justified in calling upon the Federal Government to interfere in the domestic affairs of a State.

The cause of prohibition is growing everywhere, and all that has been accomplished for the cause has been accomplished by the States acting through their separate sovereignties. Now, then, if the whisky traffic can be and has been suppressed through the police powers of the States, there is no reason or justification for taking this right away from the State and depriving the people of the States of the right and power to do that which they can do and do more wisely and effectively than can the Federal Government. All candid people must admit that the wisest and best way to handle the whisky question is through the exercise of the police power of the State. When you get prohibition that way you have a strong and sympathetic public sentiment to sustain the State in its action. Thomas Jefferson and the fathers of our Federal Constitution provided that it should be handled in that way. Under this plan, through the police powers of the States, prohibition has been established in more than half of the States of the Union, and under this plan the work goes on. State by State the Commonwealths of this Union are taking their places in the prohibition column.

Mr. Speaker, in the first place, it is not necessary in the interest of prohibition to surrender this right of the State, because the surest and safest way of suppressing the whisky traffic is through the police power of the State. The State of Alabama, through the exercise of her police power, has already suppressed the manufacture and sale of whisky within her own borders, and Congress has made it unlawful to ship whisky into a State where the manufacture and sale of it is prohibited, and now the Supreme Court of the United States has declared that the State, through the exercise of its police powers, can even prohibit the citizen from keeping whisky in his own home for personal use. If the individual State now has the power to suppress the manufacture, sale, and use of whisky within its confines, why should we surrender that power to the Federal Government, and why should we aid in depriving other States of the very same power through whose exercise we suppressed the whisky traffic in Alabama?

Mr. Speaker, it is not here proposed to submit this amendment to the people of the various States and I am not willing to take from my State this sovereign power without giving the people themselves an opportunity to vote upon the question. We were going back to the people when we took away from the State legislatures the right to elect United States Senators and conferred that right upon the people themselves, but here you propose to take away from the people a cherished and a valuable sovereign right by the action of the State legislatures, some of whom have already been elected, elected before this amendment became an issue.

Gentlemen of the House, the framers of the Constitution wisely reserved to the separate States certain powers. They realized that it was best for the State and Federal Government for the State to have and exercise certain fundamental rights and powers. In the old days the man who was willing to strip the State of its sovereign powers and turn them over to the Federal Government was properly called a Federalist. Gladstone said truly that the Constitution of the United States was the greatest civic document that ever emanated from the brain of man, and that great document recognized the wisdom and necessity of forever preserving in their vigor and integrity every sovereign State in the Union. The advocates of home rule and local self-government labored hard in the constitutional convention to secure for the States the rights and powers necessary for their well-being and preservation, and I wonder what they would think if they could come here now and see some Members of the House and Senate surrendering to the Federal Government powers that rightly belong to the State. Instead of rendering unto the Federal Government the things that rightly belong to the Federal Government and safeguarding the State in the full and free use of the things that rightly belong to the State, they are joining in the Federalist movement which takes away from the State the very lifeblood of its sovereignty.

Mr. Speaker, when you deprive the State of her sovereign power you weaken the State. You impair her usefulness. You take away from her the right to manage the affairs of her own household and deprive her of the power of self-preservation. Shall it be said that she has been humiliated and betrayed by those chosen to protect and defend her, and that those selected to safeguard her rights have surrendered them? If you surrender this police power of the State and say that the State shall no longer determine her own domestic policies, you have drawn an awful indictment against your State, for, in effect, you have charged her with being indifferent to her own interests or incompetent to manage her own affairs, or you have branded yourself as one careless and indifferent as to her well-being and standing in the sisterhood of States. If the State has become incompetent and unworthy to longer have and exercise the sacred rights and powers that the fathers said were necessary to her well-being and preservation, then, gentlemen, you are justified in calling upon the Federal Government to come in and take control of the domestic concerns of the State. But, gentlemen, such an indictment against the State can not be sustained. The State is more competent than ever to conduct its own affairs and more responsive to the righteous demands of its people than ever before. The very thing that we boast of here to-day—the rapid growth of temperance and prohibition—had its origin in and made its progress through the States acting in their sovereign capacity and using the very same police power that you now seek to destroy.

Gentlemen of the House, the time was when all of the States authorized the sale of whisky. Suppose at that time, when all of the States legalized the sale of whisky, Congress had submitted and three-fourths of the States, through their legislatures, had ratified an amendment declaring the sale of whisky proper and legal in every State in the Union. Why, if that had been done and the State had been stripped of the police power that you are trying to take from her to-day, we would have no prohibition. If the legislatures of three-fourths of the States can ratify an amendment saying that no whisky can be sold in any State in the Union, the same number of legislatures could, by an amendment, declare the sale of whisky legal in every State in the Union and thus banish prohibition from the States that now have it. The Nation is going dry by and through the exercise of the police power of the States. The antiwhisky campaign is being waged in every locality in the country, and the people are being educated on the evils of the whisky traffic, and the result is that when a State goes dry in this way you have public opinion to sustain the law, and prohibition is not a success anywhere unless it is supported by public opinion. But for the police power of the State, the very power that you are seeking this day to destroy, we would not have prohibition on a single foot of American soil.

Mr. Speaker, instead of making it a national question, let the States go on educating their people and holding elections,

if they wish, but do not foist upon the Nation at this time an issue involving the destruction of the rights of the State. The President, by act of Congress, has the power now to stop the manufacture and sale of whisky, beer, and wine all over the country. He can commandeer every drop of it at any time. Gentlemen, is it not wise and best to leave this question in the hands of the President for the present? If he favored this method of handling the question he would advocate it and give us his reasons for wishing to deprive the States of their right to deal with the matter as they deem wisest and best. We have already conferred upon the Federal Government all the power necessary for the handling and the suppression of the whisky traffic during the war, and we have done this without stirring up strife amongst the people and without emasculating the States and amending the Federal Constitution. Would it not be better to wait for further suggestions on this question from the Commander in Chief of our Army and Navy before we plunge the American people into a bitter campaign in every State in the Union? It is unwise and unnecessary to precipitate this fight at this time, and, in the interest of complete harmony and concerted action on all war questions, a campaign such as this issue would present ought not to be forced upon the country at this time. Any State can now act upon the question of prohibition without regard to action on the part of the Federal Government, but if this amendment is submitted the question becomes a national issue and, right here in the midst of the war, the attention of the people would be distracted and sharp division in feelings would result. And it seems to me that it is the patriotic duty of all Members at this time to prevent the doing of anything that will embarrass and handicap the President in his patriotic efforts to bring about unity of purpose and concerted action on all matters pertaining to the war.

Mr. Speaker, no Member of the House or Senate can dispose of this question by simply saying that he was tired of being bothered with it. The man who will surrender a vital power of his State because he wants to get rid of those who want to deprive his State of that power is unworthy of the commission that he holds. Mr. Speaker, just a little while ago the gentlemen who are here to-day urging the destruction of the police power of the State were saying to me and to others, "If we can suppress the manufacture and sale of whisky in the State and keep whisky advertisements and shipments of whisky out of the State, we will have accomplished the desired end, and we will not call upon the Federal Government for action in the matter." Well, the manufacture and sale of whisky has been suppressed in Alabama. Whisky advertisements and shipments have been prevented, but here they are, with no reason or necessity to warrant it, asking us to surrender to the Federal Government the right of the State to manage its own domestic affairs. The police power of the State is one of the cherished landmarks of the fathers, and the people of my district and State do not want this landmark removed. They are opposed to surrendering this right and power to the Federal Government, and they want me, as one of their Representatives in Congress, to protect the State in the full and free exercise of her sovereign powers.

Mr. Speaker, in 1909 the legislature of my State submitted a prohibition amendment to the constitution of Alabama, and I supported that amendment. Every county in my district was dry at that time, and yet the district gave a majority of over 2,000 votes against that amendment. The State, with nine-tenths of the counties dry, gave a majority of nearly 30,000 votes against it, every congressional district in the State going against the amendment. In view of the fact that my district refused by over 2,000 majority to place a prohibition amendment to the constitution of the State, and in view of the further fact that the people of the State refused by a large majority to ratify a prohibition amendment to the State constitution, I would not be justified, even if I desired personally to do so, in using the power delegated to me as a Representative in Congress from Alabama in doing to the Federal Constitution, through the legislatures of three-fourths of the States, what the people of my district and the people of the State by direct vote refused to do to the State constitution when the State prohibition amendment was submitted to the people of Alabama. Why, Mr. Speaker, in 1776 the 13 Colonies took up arms against the mother country because they were denied the right to shape their own domestic policies and to manage as each Colony thought best its own domestic affairs. But in 1917 a proposition is submitted to the legislatures of the States which places in the hands of 35 State legislatures the right and power to disregard the registered will of the entire population of 13 States in the Union. Never has the Democratic Party in my district or State declared in favor of a Federal prohibition amendment. The Democratic Party in the Nation has never declared in favor of it, and yet we are urged here to surrender a right that has endeared the Democratic Party to millions of American people.

The trouble with some Members of Congress is that they seem to become infatuated with the idea of a strong centralized government and instead of safeguarding the State in all its rights and powers, they are ready to surrender to the Federal Government the very things that support and sustain the life of the State.

Mr. Speaker, it is the solemn duty of every Member of the House and Senate to protect and not to surrender the police power of the State. For the time being we are the guardians of these sacred sovereign powers, and God forbid that we shall prove recreant in our obligations to the States whose rights and powers we have sworn to protect and preserve. History teaches us that in all Republics, centralization of power is the great danger to be dreaded. Fortunate, indeed, is the country whose national lawmakers "take care," as President Jackson said, "not to confound the powers of the Federal Government with the rights and powers reserved to the States." Mr. Speaker, I regret to see that some gentlemen here from the South in their enthusiasm for certain federalistic theories on prohibition do not seem to realize that we are treading on dangerous ground when we deliberately surrender our sovereign powers and invite Federal interference in the domestic affairs of the State. They do not seem to realize that we are setting a precedent for Federal control over other things in the State—things that touch the very heart of our civilization. We are not situated as some of the other States are, and we of the South have problems entirely different from the problems that confront the people in many of the other States. Our people have not forgotten the dark days of reconstruction when the negro, drunk on his newfound freedom and led by scalawags and carpetbaggers, threatened the civilization of the South, and that it was the State, through the exercise of its sovereign powers that saved our civilization; that protected our women from the lust and carnality of the brutes in our midst; that drove out the scalawags and carpetbaggers and gave back home rule and self-government to every Southern State. Surrender these rights? No, gentlemen, the very heart of my State cries out against it. [Applause.]

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Speaker, in determining our attitude upon this great question, we need not journey far into the realms of metaphysics or philosophy. We need only to consider whether the thing we propose to eradicate is an evil and whether our Nation and the world will be better and safer when it no longer exists. Having determined these questions, our duty is made plain and will be fulfilled in proportion as we act upon the conclusions we reach in the exercise of our moral and mental perceptions.

There was a time when men could be found who would defend the saloon and the liquor traffic as an institution. That time has passed. No man in his right mind now attempts to defend the American saloon. Men there are, no doubt, who seek by indirection to defend it by resorting to the subterfuge of "personal liberty" or to the ancient cry against "sumptuary legislation" or to the convenient fetich of "States rights." But no man who is jealous of his reputation for moral or intellectual integrity will any longer attempt to defend or justify the continuance of the saloon or the liquor traffic in this Nation upon any ground of principle, either moral, social, or political. [Applause.]

Is the saloon an evil? Does it contribute to the physical strength and well being of mankind, or does it retard them? Does it lengthen or shorten the lives of men? Does it conserve or dissipate the mental vigor of our race? Does it accentuate and buttress the moral perceptions of those who are its devotees, or does it warp, debauch, and finally destroy them?

Does the liquor traffic bring happiness or misery to those whom it touches? Does it fill our land with riches, or does it bring poverty instead? Does it fill our churches with worshipers and our schools with children, or does it fill our jails with criminals? Does it clothe the naked, or leave them to shiver without raiment? Does it drive hunger from cottage doors and humble homes, or is it the prolific source and cause of unfed mouths and unnurtured bodies? Are happiness and sunshine its finished product, or does gloom settle upon all that comes within its blighting touch? Does it foster the refinements of art and of literature, or does it appeal to the most brutal and coarsest appetites of which men are conceivably capable? Does it lighten the burdens and solve the problems of Government, or does it increase and complicate them? Does it seek to advance and uphold public and private morality, or does it invade every private and public right that stands in its way and seek to befoul and corrupt or destroy every agency that is not its willing tool?

To answer these questions with honesty, and many more of a similar character that might be propounded, is to lay out the course of our duty as with a chart and compass.

We know that the saloon is an evil. We know that the manufacture and sale of intoxicating liquors have been responsible for more things that degrade and debase humanity than any other cause, and we might with equal truth say than all other causes combined. We know that the use of intoxicating liquors retards and undermines the physical strength and shortens the lives of men; that it dissipates the mental vigor of our race; that it warps, debauches, and finally destroys the moral perceptions of those who are its devotees.

We know that the saloon and the traffic in intoxicants have brought misery to millions of homes; that it has brought poverty instead of riches; that it has filled our jails and almshouses with criminals and paupers; that it has invaded homes without number and left women and children hungry and cold; that it has been the harbinger of gloom and despair wherever it has flourished; that it magnifies the coarser and more brutal instincts and appetites of men, infinitely increases and complicates the problems of Government, national, State, and local, and seeks to perpetuate its existence by corruption, intimidation, misrepresentation, and every form of false pretense that the ingenuity of its apologists can conceive. [Applause.]

It has stalked into the corridors, and sometimes into the halls, of every legislature that ever attempted to rid the people of it. It has haunted the chambers of courts and of executive officers charged with the enforcement of laws restricting or abolishing it, and its agents and hirelings are here now in this Capital seeking by persuasion and impudent threats to deter Members of Congress from following their conscientious judgment and performing their duty to the people.

Thus believing, I would be false to myself and to those who have honored me with membership in this body if I did not use every legitimate means within my power to safeguard the people of this Nation from the destructive effects and influence of this business. Thus believing, I rejoice at the opportunity which we now enjoy of submitting to the States of this Union a constitutional amendment forever banishing the liquor business from this land. This is no longer a local issue, if it ever was. It is a national issue, and ought to be dealt with by the Nation, just as many other conditions, far less harmful in their extent, have been dealt with by the Nation as a whole. [Applause.]

No institution that destroys the efficiency of a nation or robs its citizens of billions of dollars in money and wealth each year has any right to invoke the doctrine of local self-government in order to lengthen its days as a legalized business. And besides, they are not sincere in their pretended respect for local authorities and only resort to it as a subterfuge in the absence of legitimate argument. We might be more easily convinced of their good faith now if in the past they had not sought to block every attempt of local and State governments to abolish or restrict their business. They did not respect State or local governments in the past when their traffic has been endangered, but, on the contrary, threw every obstacle they could contrive in the way of States and local authorities who attempted to enact or enforce laws against it; and having exhausted themselves in their efforts to thwart and override the States they come here now as the champions of the States and local governments whose laws and whose agents they have always sought to cripple and nullify. [Applause.]

This amendment ought to be submitted, and it ought to be done now. The people, through their legislatures, have a right to determine this question, and no Member of this House ought to allow his personal opinions to stand between the people and the exercise of their rights. The framers of the Constitution provided a wise method for its amendment. No amendment can be submitted to the States except by a two-thirds vote in both the House and Senate; and after it is submitted, so careful were they to guard and fortify the rights of minorities and of the States, they provided that no amendment should become effective or be a part of the Constitution unless ratified by three-fourths of all the States. I am for this amendment. Not only do I believe it ought to be submitted to the States, but I believe it should be ratified by them. And millions of patriotic and brave men and women will feel prouder of our Government and of this Congress when they shall have an opportunity to banish forever by constitutional amendment a business which from every moral, economic, or political standpoint has no right to exist. [Applause.]

We are told by those who pretend to defend the existence and continuation of this business that the Government will lose vast revenues if the manufacture and sale of liquor is stopped. Admitting that the Government will lose this method of collecting revenue from the people, it will be necessary only to substitute another and more honorable and righteous method. The liquor business creates no wealth. It merely acts as a collecting agent, paying into the Government Treasury only about one-tenth of what it exacts in money from the people. I am not willing that the Government shall any longer be the moral, political, or business partner of any business which destroys wealth honestly created, shatters bodies that have a right to remain strong, lowers the efficiency of all who come under its blight, and saps the morals and withers the will of those who become its victims.

It is reliably estimated that more than two and a half billions of dollars are expended in the United States every year for intoxicating liquors. If this enormous sum were left in the channels of legitimate and wealth-creating enterprises the people could well afford to pay to the Government more than it will lose in revenues by abolishing the liquor business. We are compelled to levy enormous taxes upon the people now in order to carry on the great war in which we are engaged for the principles of democracy and civilization. But if all the money expended for and the wealth destroyed by the liquor business in the United States during the last 25 years had been set apart as a war fund, it would be more than enough to win this war and guarantee freedom and liberty to all the nations of the earth without collecting an additional dollar in taxes from the people. Shall Congress longer refuse to allow the people to express their will in determining whether this endless sink hole shall continue to receive the stream of wealth and energy which has flowed into it in the past?

We are at war. We are at war with the cruelest, most brutal military nation in the history of the world. We need all our wealth, all our economic and physical power to win that war and make the world safe for democracy. We have asked the housewife to waste nothing that can be utilized in feeding the world. Yet enough foodstuff goes into the manufacture of intoxicating liquors to feed 7,000,000 of people each year. We have said by law that our soldiers and sailors shall not be debauched by the use of liquors, and we have made it a crime for any man to sell liquor to those who wear the uniform of their country. Why was that done? Because we know that the use of liquor makes unsteady the nerve and inaccurate the aim of those who fight for humanity. Because we intend to see to it, in so far as lies within our power, that these boys taken from Christian American homes shall come back to them as clean and as strong as they were when they left. If this rule is wise for the army in the field, it is wise for the army which must remain at home. If liquor lessens the efficiency of a soldier, it lessens the efficiency of a civilian; and in this great world conflict for the principles of human liberty and self-government we can not endanger the life of our Nation to save the brewers and distillers. [Applause.]

Let this amendment be submitted. Then let it be ratified by the States. When this task shall have been accomplished we will have set before the world an example of democracy at home which will be coincident with our supreme effort for democracy throughout the world, and millions of human souls here and elsewhere will lift up their faces and their voices in the proud possession and full acknowledgment of a wider, deeper, and truer freedom than has dawned upon the world in all the centuries. [Applause.]

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, the gentleman from California [Mr. KAHN] claims to have discovered a "blind pig" in Passadena, and he argues, therefore, prohibition should be abolished there. Some 19 years ago, when I was in San Francisco, they arrested and tried three men for burglary. I presume, with the same process of reasoning he will go home and attempt to do away with the laws against burglary. Furthermore, at that time the press stated that several friends of the burglar were guilty of perjury in assisting him in his difficulty. I am satisfied from this that the law against burglary has a tendency to hypocrisy and false testimony, and I want to commend the suggestion to the gentleman from California.

A well-known scientific authority has suggested that if you put liquor in a man's mouth it will steal away his brains. After sixty centuries of tabulated observation the consensus of opinion seems to be that the human race never did have any too much brains, anyway, and wise legislation will save what we have. This amendment is an effort to conserve the

physical and mental resources of the human race, and I do not see how anybody can make an argument against such an attempt, especially when you realize there has been nobody here to contradict that self-evident fact. The Congress of the United States, perhaps realizing our mental deficiencies and inability to resist temptation, has abolished the sale of liquor in this city, in self-defense, I suppose, and this is simply a proposition to extend that rule, established by the Congress, to the rest of the Union and to give the rest of the Union a chance to adopt that policy. When this legislation goes out, followed by the commendation of this act of Congress, which we have just seen go into effect so successfully, it ought, because of improvement in Washington, to be very kindly received by the people of the other States.

It has been suggested that this attempt to reform the world sprang from the Jack Rabbit States, and I want to hasten to accept that charge as a compliment before some other State takes it up. I do sometimes think that possibly the last rays of the sun as it climbs the Rocky Mountains linger a little longer and with more kindly benediction over the States west of the Mississippi than over any other, and perhaps because of that fact we receive each night a loftier inspiration, a mightier impulse for every to-morrow's work to uplift the race. Another gentleman from some semicivilized foreign colony in New York City [laughter] said that the friends of this measure come from "the outlying settlements." I am afraid if they ever get any reforms in New York City they will have to come from "the outlying settlements," and I think the gentleman was probably right about that.

It has been suggested here as against this proposition that it interferes with the President's control of the liquor traffic and will create dissension and make more difficult our war problems. The contrary is the fact. As it is now you pass up to the President the only authority to decide whether the manufacture and sale of beer shall stop. You have placed him in an embarrassing position. Whichever way he decides, he will receive the criticism of one element. Take the responsibility off the shoulders of the President and assume it yourself and meet this proposition. The gentleman from California, to follow out his logic, wants us to kill all the men and women if we kill whisky, as if they are in the same class; but whisky rather belongs with the burglar. You must decide now whether the whisky goes with the burglar and is an outlaw or is a proper companion for good citizens. It is either right and should be left to live with men and women, or it is an outlaw and ought to go out with the burglar. You have reached after 60 centuries this milestone in civilization.

In two or three or four or five years prohibition will come anyway. Why not face this proposition now? Do you want to be recorded in the annals of time with those who call a halt in the march of civilization? [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, I do not wish to reiterate any of the many and valid arguments against the passage of this resolution, but I do wish to throw some light on a controverted fact on which some of these arguments have been predicated. It has been repeatedly stated here this afternoon that there is no opposition to the passage of this resolution on the part of workingmen as they have expressed themselves through their labor organizations.

New Jersey is one of the great industrial States of the Union. The city of Newark, which I, in part, have the honor to represent, is one of the great industrial centers of the country. On the 20th of August the New Jersey State Federation of Labor, comprising all the labor unions in New Jersey affiliated with the Federation of Labor, met in the city of Paterson, and they unanimously passed a resolution opposing the passage of this resolution, and they there spoke through their delegates for 80,000 workingmen of New Jersey. The Essex Trade Council, Essex County being the county comprising the city of Newark, representing all the building trades—masons, bricklayers, roofers, and all the other trade—unanimously in their county meeting opposed the passage of this resolution. I have in my hand resolutions opposing this resolution by the local unions in Newark—of the bakers, of the confectionary workers, of the councils of the leather workers, of the ivory-button makers, the cigar makers, and others. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. NOLAN].

Mr. NOLAN. Mr. Speaker, in the time allotted to me so generously by the gentleman from New York [Mr. HULBERT] and the gentleman from Missouri [Mr. MEEKER] I am going to read a communication from Samuel Gompers, president of the American Federation of Labor, addressed to me under this date, on the question of the pending amendment. It is as follows:

WASHINGTON, D. C., *December 18, 1917.*

SIR: Because of the very serious situation created by the pending joint resolution now before the House of Representatives, being a proposed amendment to the Constitution of the United States, commonly known as the Nation-wide prohibition amendment; and because of the wholly untoward position taken thereon through the publication in this morning's press by Mr. William Jennings Bryan; and because there is no other opportunity that the truth may in time come to you and to all others whom it may interest before final action upon the proposed amendment in the House of Representatives, I feel constrained to address this letter to you.

At the outset I should say that on behalf of the men vitally and primarily interested in their work I addressed a letter to the Hon. Edwin Y. Webb, chairman of the House Judiciary Committee, requesting that hearing be had so that arguments might be presented in opposition to the proposed amendment. Of course I gave into the hands of Mr. Joseph Dehan, the secretary of the Labor's Emergency Liberty League a copy of that letter, with authority to make such use of it as might be necessary, by reason of the fact that I had duties to perform between Friday evening and this morning in New York City. When Mr. Webb informed me that the committee would give no hearings I so advised the secretary of the league, and the executive board thereof directed its publication in the Washington Sunday papers. The faddists and fanatics upon the subject of prohibition could find no better personage than Mr. Bryan to undertake to answer the letter I addressed to Mr. Webb.

There are but a few thoughts I desire to express here regarding Mr. Bryan's letter, for he gives no good reasons for the need of the proposed constitutional amendment at this time, and he indulges himself with clever witticisms to hide the shallowness of his entire effusion.

With a word Mr. Bryan dimsisses the question of employment or unemployment of large numbers of men and naively states that they can easily find employment in other industries or occupations. I wonder whether Mr. Bryan is aware of the fact that for nearly three months more than 30,000 men in the garment industry of the city of New York alone have been and are now unemployed; that nearly 60 per cent of the bricklayers and masons of the United States are now and have been for months unemployed; that more than 30 per cent of the men in the building trades have been unemployed for the past five months and are still unemployed. Of course this may have no influence upon Mr. Bryan's mind or life. He can continue to talk and write profitably whether we have prohibition or not, but it does cause these men and it causes me grave concern, as it does those who are at all familiar with the situation.

But quite apart from Mr. Bryan I desire to present to you additional considerations, in a hurriedly expressed word, why the prohibition ought not to pass.

Did I for a moment feel that the subject matter were of but passing or momentary interest, or that it did not involve grave injury and danger, I should hesitate long before interposing this letter upon your consideration. But because I am so apprehensive of the consequences to our people, our country, and the titanic enterprise in which we are engaged, I feel it incumbent upon me to trespass upon your time so that you might in your own way use your own good judgment to aid in averting what I am fully convinced would be the gravest cause of dissension and discontent among our people if the pending prohibition constitutional amendment were passed by Congress at this time and submitted for ratification.

As you know, the Congress has passed and the law now obtains prohibiting the manufacture of spirituous liquors (whisky, etc.) during the period of the war. That law also gives the power to the President to modify, limit, and, if necessary, even prohibit the manufacture of beers and light wines. The President has already exercised that power in part and whenever or wherever it shall appear to him that either of these powers conferred upon him shall be necessary to be exercised no one whom I know will find the slightest cause of dissent or disapproval.

The advocates of the proposed prohibition amendment have disingenously declared that the amendment is necessary as a war measure. How fraudulent is this pretense is best understood when it is known that the amendment can not become effective until after the legislatures of three-fourths of the States shall have ratified it, and, as is known, it is hoped that the war will have been successfully fought and won and come to an end long before the proposed constitutional amendment could come into operation.

But in the meantime, that is, between the time of the passage of the amendment by Congress (if it should pass) and until its ratification or defeat, covering a period of from six to seven years, and during the time when it is most essential that there shall be unity of spirit and action among the people of our country, the apple of discord will be thrown among them and the minds of the people will be diverted from the essential subject of winning the war to a proposition which can only become operative after the war has been concluded.

Beer is the general beverage of the masses of the people of our country. Light wines are used among large groups of our people. Many of them have acquired the habit by heritage of centuries and generations. The workers—the masses—no more than others in their indulgence in beers or light wines, have found them a healthful part of their daily diet, particularly with their meals. With the cosmopolitan character of a large mass of our people, their divers habits and customs, I submit that it is neither wise, practical, nor beneficial to divide them into opposite camps upon a nonessential to the winning of the war, when its effectiveness—even if it is advantageous—could only become operative after the war is closed.

In the countries of our allies liquor—spirits, beer, and light wines—are under control and regulation. Not one of our allies has attempted either during the war or proposed thereafter to prohibit their manufacture or sale. Indeed, the regulations provide as part of the rations to the fighting men some portion of beers or light wines, and in some instances a limited quantity of spirituous liquors.

Upon the proposed constitutional amendment neither the Senate committee nor the committee of the House of Representatives having this proposed constitutional amendment under consideration has given one moment of time for the purpose of hearing those who are vitally interested in this question. Requests for hearings of those vitally and primarily interested have been disregarded, ignored, and denied.

Hundreds of thousands—aye, perhaps more than two millions of wage earners—would be effected and thrown out of employment were nation-wide prohibition forced upon our people. * * *

SAMUEL GOMPERS.

The SPEAKER. The time of the gentleman has expired.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to extend the rest of the letter in the RECORD.

The SPEAKER. Is there objection?

Mr. REAVIS. I object.

Mr. GARD. Mr. Speaker, I yield two minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Speaker, there is all too much to justify the cynicism of the gentleman who intimated that Members of Congress are no longer controlled by considerations of political principle, but that they are influenced wholly by expediency, and that State's rights doctrines and other political principles are merely used as subterfuges to justify them in positions they wish to take. I do not fully agree with the gentleman. I believe that there are Members of this body who will not take a near cut, but who will stand by their principles even though they sacrifice themselves in so doing.

I am a prohibitionist. I have been a prohibitionist from boyhood. I have always voted for prohibition when I felt it was the legitimate thing to do. I voted for prohibition when it was a matter of local option in my county. I voted to put prohibition in the constitution of Alabama. I voted for prohibition for the District of Columbia, for Porto Rico, and for Alaska.

I am a prohibitionist, but I am also a Democrat. I hold that the right of self-government is more important than prohibition—more important than anything else in the world.

During recent months we have heard much said about democracy and about making the world safe for it. We are sending young American men by the thousands to the blood-stained fields of France to battle for democracy's cause. It is time, then, that we should analyze what is meant by the term and what ideal is expressed in it. Democracy worth fighting for is more than a mere word—a political formula—it is a real vital thing, having a moral aspect, a principle founded in justice and righteousness.

DEMOCRACY IS SELF-GOVERNMENT.

Democracy has its application to individuals as well as to communities, States, and nations. The individual has a natural right to order his own life. It is an unalienable right, coequal with the right to breathe the air, to live. It is recognized by the Declaration of Independence as among the rights of "life, liberty, and the pursuit of happiness." Anyone who presumes to interfere with that right commits a moral wrong greater than if he had interfered with the right of property. "Whoso steals a man's liberty is more a thief than he who steals his property."

The individual's right to freedom of action is limited to such of his acts as may affect himself alone. To the extent that his acts may affect the right of another the other may interfere. Where the individual's acts affect himself and another equally both have an equal natural right to decide upon that action. This necessarily follows from the equal right of each in matters affecting himself.

Of course, it is obvious that an individual may perform few acts which do not affect others. Men's interests are so interwoven that few, indeed, are the actions which may affect single individuals alone. Men's lives are so interlocked that they must stand together or fall together and a wide stretch of imagination is required to conceive a thing which a man may do and touch no one but himself. This interrelationship, however, does not destroy the abstract principle or its application to acts if such there may be which affect alone the individual who performs them.

But to warrant another to interfere with the actions of the individual they must be such as directly and of reasonable necessity affect him. He may not indulge in remote speculations nor figure upon extreme contingencies. The democracy of individuals will not even permit that the individual's freedom of action may be restrained for his own good. Where the individual has the discretion belonging to sanity he may not be restrained merely for defective judgment, for if such might be done there is no limit to which autocrats might not go. Autocracy is necessarily indefensible, whether benevolent or otherwise, for it usurps power over men reserved to Deity itself.

The democracy of the community rests upon the same principles as the democracy of the individual, upon natural right and justice. To the extent that the community alone is affected, the individuals composing it have the natural right of unrestrained decision and action. That another community whether of greater or less enlightenment should interfere is intolerable to justice and democracy. The right of the community to govern itself is not a mere privilege. It does not exist by virtue of political agreement. Its foundation is not in custom or precedent, but it has a moral aspect springing from the very roots of man's existence.

The principles of individual and community democracy are fundamental; they are wholly applicable to aggregations of communities, and to States and nations as well. Liberty for the individual is but another phase of liberty for community and for nation. It secures the nation's right to rule itself in those things which concern itself alone.

To the same extent that the individual may rule himself, he must not impose his will upon another; and this, again, is true of communities, States, and nations. It is as violative of fundamental democracy that a nation should rule another as that the nation should not be permitted to rule itself. Democracy, then, may be said to have two aspects—the right of self-government of individuals, communities, and nations, and the denial of interference with other individuals, communities, and nations. The truly democratic nation rules itself and does not usurp dominion over its neighbors.

FUNDAMENTAL AMERICANISM.

Upon the fundamental principles of democracy Americanism itself is based and the institutions of our country have their foundation. Fundamental Americanism is the right of the people to life, liberty, and the pursuit of happiness, which includes other principles into which it has been amplified and which are designed to secure it, such as the right of free religion, free press, and free speech, the right of the people to bear arms, to peaceably assemble themselves together, to security against unreasonable seizures and searches, and to trial by jury. All of these relate back to the fundamental right of self-government, the essence of democracy.

When we apply the principles of democracy to our form of government and to the Union of American States few difficulties are presented. We are a Union of States, of self-governing communities. These communities have organized themselves along certain lines acceptable to a majority of their members, each having the right separately to deal with certain local matters and to exercise police powers for the preservation of order, security, and the protection of home and property interests. Each of the States in consideration of admission to the Union ceded to the Federal Government certain governmental functions which otherwise the State might have exercised, but by universal practice and common consent the police powers were reserved.

For one State to dictate to another how it shall exercise the police powers reserved to itself is a gross usurpation—yea, more, it is a denial of democracy and a moral wrong more serious in its nature than the taking of property without the consent of the owner. Dictation by a number of States to a sister State is not different in its moral aspect from dictation by a single State. The compelling force is greater; that is all. By the Union of States there is a pledge of faith that each State may continue to exercise powers not granted to the Federal Government. A change in this principle constitutes a breech of faith, even though such change be wrought under forms of legality.

SELF-GOVERNMENT IS WISE AND EXPEDIENT.

In view of the different origins of the people of various sections and their consequent difference in religion, ideals, customs, and modes of thought, each community is better fitted to deal with questions concerning itself alone than is the Nation as a whole. Each community is a better judge of its own habits, manners, and moral standards. Community matters left to settlement by the majority of community opinion will be dealt with more wisely and with a better understanding. So that reasons of expediency, were it not also a matter of justice, call for local self-government in all matters of purely local concern.

These considerations apply to many questions in addition to prohibition; especially are they applicable to the exercise of the voting franchise. In some communities the harmony of the people is such that a vote may be given to every individual. In other sections such a course would disrupt its civilization. In certain localities in the Southern States the population is as much as seven-eighths colored. To give a vote to every individual in such localities would mean the reduction of its civilization to negro standards and would be harmful alike to both white and black races. In other regions of the country the population is overwhelmingly of alien ideals and birth. If each individual in such sections were given an equal voice, alien sentiments, ideals, and institutions will prevail, and what we cherish as a distinctive American civilization be extinguished.

The arguments in behalf of local self-government as most wise and expedient apply to many subjects, such as marriage and divorce, schools of mixed races, housing conditions, Sunday

observance, the teaching of religion in public schools, the sale of intoxicating liquors, and many other subjects. In all this class of matters the community is best qualified to deal, and a gross mistake will be made if the National Government assumes control. The ideal for which America should strive is the solidarity of our people—not in petty things touching each community at a different angle, but solidarity in the big thing of loyalty to fundamental Americanism.

For generations the Democratic Party has steadfastly adhered to the principles and advocacy of States' rights. Declarations in favor of the protection of the rights reserved to the States and of respect for the sovereignty of the State in the exercise of powers reserved to it are to be found in every platform of the Democratic Party for 50 years and more. That the abandonment of the doctrine of States' rights should be advocated by any true Democrat at this time is grossly inconsistent. However, the right of self-government is fundamental and may not be changed or abandoned as a principle of mere political expediency. It is of the essence of democracy and may not be abandoned without turning one's back upon natural right and basic Americanism.

PROHIBITION AND DEMOCRACY.

The principle of prohibition of the sale of liquors is not violative of the democracy of the individual. The liquor traffic concerns not alone the buyer and the seller but the entire community—the entire State. Local option should be equivalent to State option, for the interests of the entire State are involved. The sale of inoxicating liquors means disorder, insecurity of the home, lawlessness, and violence. It means frightened and abused women and children, poverty, degradation, and disease. It lays its burdens upon the county poor house and orphan asylum. It is reflected in public charities and wayside beggars. It shows itself in hospitals for sick and insane. It fills jails and penitentiaries and furnishes grist for the courts. These matters touch the interests of the State as a whole, and it would be absurd to leave to the decision of the saloonkeeper and his hapless victim whether the traffic should go on; absurd to leave it to the community in which the sale is made. It is the State, which must deal with all the evils that flow out of the liquor traffic, must rescue its widows and orphans, patch up its wrecked lives, defend the innocent, and make good the ravages of this awful business. The State is the local unit which should make final decision.

The decision whether liquors should be sold belongs to the exercise of police powers. Upon the fundamental principles of the Union it is a decision belonging to each separate State. It is clearly within the powers reserved to the States under their contract with each other by which they formed the Union. It is a matter which relates to the right of the State to govern itself. If it is taken away, a denial of self-government occurs; a natural right is invaded; a moral wrong is done.

No assumption of superior wisdom or virtue upon the part of other States can justify such usurpation and denial of self-government, for in any event the smaller wrong is corrected only by committing a greater wrong, for after all human liberty is the most important thing in the world.

In some sections of the country it has been sought to leave the decision upon the sale of liquors to the option of the immediate locality. It has been argued that the citizens of the circumscribed locality where the actual sales are made should be allowed to decide upon the matter; that the few who might be in the immediate vicinity where the sales take place should alone be consulted to the exclusion of those among whom the liquors are consumed after sale, and whose peace and security are jeopardized by those who consume the liquors. A decision of such a question by only a fraction of those directly affected necessarily is undemocratic and can not be defended on grounds either of justice or expediency. Such questions are not to be decided by the village, township, or county in which sales are made. If it were possible to confine the consumption and evil effect of liquors to a restricted area, it alone should decide the issue, but such is manifestly impossible. Therefore it would seem that the larger local governmental unit, to wit, the State, is the political unit to which should be left the decision. Necessarily some middle ground should be found between the extremes of selecting the individuals who are most immediately affected by the sale of liquors for an electorate and leaving the decision to the people of the whole Nation, the vast and overwhelming majority of whom have no interest, direct or indirect, in the matter. Therefore logically it is by the people of the separate States that the decision should be made. In the nature of things a juster and wiser decision may be made by each separate State for itself than by a majority of the States for the remainder. We are not yet a homogeneous people. Our country is peopled by immigrants from various European countries and their descendants, having widely divergent social ideals, customs, and habits, each people having its own peculiar strength and virtue. Customs and laws suited to one section of the country do not find favor in others, and there is no place nor propriety in iron-bound uniformity. Therefore it would seem desirable that it should be left to each State to decide for itself matters which do not affect our whole people.

The sale of liquors in a given State can not reasonably be said to directly affect the people of a distant State; the latter have not such knowledge of local sentiment nor skill in local affairs as would qualify them to intervene. Such intervention can but result in confusion, disorder, and dissatisfaction. Prior to the adoption of the "bone-dry law," States in which the sale of liquors was legalized were enabled to endanger the safety of adjoining States for their citizens by sending liquors into adjoining States, could provoke disorder and lawlessness. The adoption of the bone-dry law, however, has ended all that. It is now as unlawful to carry liquors into a prohibition State as to manufacture them therein. The strong arm of the Federal Government is thus called into action in defense of a State's prohibition laws. It is only through the failure to enforce the Federal statute that the security of a State may be impaired.

PROHIBITION IN ALABAMA.

The results of prohibition in Alabama have been all that its advocates hoped for. It has caused great moral, spiritual, and economic advances. A few years ago, during the time of the open saloon, the jails in my home city, Birmingham, became habitually so crowded as to become dangerous to health. A new and handsome city jail was constructed and was soon filled with prisoners. Then prohibition came in and soon the number was cut in half. Since the passage of the bone-dry law the new jail has been emptied. It has now been unused for several months and recently the city authorities have tendered it to the Government for hospital purposes. The offenders in this city of 175,000 are now confined in the small prison adjoining the police court. A few days ago the coroner of my county told me that in May last we had 31 deaths from industrial accidents, suicides, and manslaughter, and that in September last the number was reduced to 4. This resulted, as he believed, from the bone-dry law.

I have been an advocate of prohibition even from my boyhood. As a citizen I have voted for it whenever I consistently could. I voted for prohibition when it was a matter of local option in my home county. I voted for it when it was proposed to put prohibition in the Alabama constitution. As a Member of Congress I voted for prohibition for the District of Columbia, for Porto Rico, and for Alaska. I have voted for it on every occasion when I felt that it was a legitimate subject for Federal legislation. I would gladly vote to put prohibition in the Federal Constitution if my conscience and my principles did not forbid. I am a prohibitionist, but I am also a democrat. I do not mean that I am a democrat merely in the party sense, but that I am a democrat in that I am a believer in the right of self-government—in the right of every community and State to decide questions which concern themselves alone.

It is exceedingly painful to me to find myself out of harmony with so many of my friends upon the prohibition question, men with whom I have been associated in church and social life and in movements for the public welfare, and for whose views I have profound respect. Only to-day I received a telegram from my Sunday-school class urging me to vote for national prohibition. It is most embarrassing to find myself in opposition to some of the great Christian influences of the Nation—influences disinterestedly devoted to progress and to the public welfare. However, painful as it is to oppose the wishes of my friends, my conscience demands that I should remain faithful to the principles of democracy as I understand them. The future of my country depends upon the preservation of democratic principles. I can not now ignore them, even though I might approve the object sought to be achieved. I can not take this near cut and thereby establish a precedent which will greatly vex us in future.

I believe in prohibition. I look on it as a good thing, but I can not vote to force it on communities remote from my own, of which I have no specific knowledge and in which I have no particular interest. In my own State we already have prohibition. The Federal amendment will be of no benefit to us. It will merely serve to inject the prohibition issue more fully into State politics. This will be harmful to Alabama. It will delay much needed reforms and divert attention from grave public matters of more pressing concern to my State. Alabama through her legislature chose prohibition voluntarily. It was not forced upon us by other States. We accepted it deliberately, not as the result of outside dictation. I am willing to accord to the people

of other States the same privilege that Alabama has asserted for herself; that is, to decide for themselves whether they will stop the sale of liquors. I should resent with all my soul any attempt upon the part of a combination of other States by amendment to the Federal Constitution or otherwise to force the liquor traffic upon the people of Alabama. Likewise I shall not take part in an effort to prohibit such traffic in other States, the people of which desire that it should continue.

Mr. GARD. Mr. Speaker, I yield seven minutes to the gentleman from New York [Mr. FITZGERALD]. [Applause.]

Mr. FITZGERALD. Mr. Speaker, that the abuse of the use of intoxicating liquors has resulted disastrously to many persons is unquestioned. Everyone interested in the happiness of our people and in their proper physical and moral development is anxious to do everything possible to eliminate the evils that result from the abuse of intoxicating liquors. I am one of those who do not believe that by sumptuary legislation success is attained along such lines. The experience of our own country, as well as the experience of other nations, demonstrates that the attempt to control by legislation the habits of the people, in so far as they affect matters not inherently immoral, results in failure. I have as a demonstration of that fact a report of the Commissioner of Internal Revenue for the fiscal year ending June 30, 1917. I have only time for brief reference to it, but it emphasizes the fact that laws prohibiting absolutely the use of intoxicating liquors have not been effective in the United States.

There were in Alabama in the year ending June 30, 1917, 374 illicit distilleries; in Georgia, 472; in Kentucky, 90; in North Carolina, whence hails the champion who leads this cause, 680; in South Carolina, 308; in Tennessee, 192; in Virginia, 299.

I do not criticize nor have I fault to find with the people of any State for adopting prohibition legislation. In my opinion it is a matter to be determined by the people of the respective States; and when the people of the States have determined that there should be no intoxicating liquors manufactured or sold within their borders, in my opinion the Federal Government has acted properly in attempting to assist those States in excluding liquors from their territory.

It is proposed, however, by a combination of persons residing in various States wherein they have not been successful in their effort to prevent the manufacture of intoxicating liquors, the abuse of which only is harmful, to impose upon the people of the entire country prohibitory regulations, to which great numbers of our people are violently opposed. In my opinion it is not a proper subject for regulation by the Constitution. If it were not that there are so many fanatical persons interested in this movement this amendment would not be in the form of prohibiting the manufacture of intoxicating liquors, but it would be in the form of conferring upon the Federal Government the right to exercise the power by legislation to prohibit the manufacture of intoxicating liquors if that were deemed necessary.

It is an unwise time to press this question. It is ill advised. The experience of Great Britain in this war already demonstrates that it would be unwise absolutely to prohibit here the manufacture of intoxicating liquors. The British Government was compelled to increase by 6,000,000 barrels the amount of beer that could be brewed for the use of those engaged in essential industries during the war.

Every Government participating to a great extent in it finds it necessary in certain industries to provide that those engaged therein shall have certain sustenance from the use of beverages containing some alcohol. Under the regulations adopted by the President it is well to recall that beer, as it can be now manufactured, containing only 2¾ per cent of alcohol, about 30 per cent of the alcohol contents of the favorite tipple of the most stringent advocate of temperance.

Mr. Speaker, I shall not be much longer a Member of this body, and yet before I go I wish to speak a word to my colleagues in the Democratic Party upon the unwisdom of such legislation as this. Our party has always been opposed to sumptuary legislation. Our party has been the one political party in all the history of the Union——

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. No; I decline to yield. It has been the one party in all of the history of the Union that has stood for the freest action on the part of the individual, consistent with law and order. Legislation designed to eliminate——

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I used only 7 minutes, according to my watch, Mr. Speaker.

Mr. HULBERT. That is all you had.

Mr. FITZGERALD. Then I have finished. [Laughter and applause.]

Mr. GRAHAM of Pennsylvania. Mr. Speaker and gentlemen of the Congress, I have some profound convictions with reference to this amendment, and yet I can scarcely hope by an expression of them to change a single vote, for perhaps every one has already determined his own action in respect to this question. But as we are met here for the purpose of conference as well as voting, I am going to trespass upon your time for a few minutes to express those convictions.

I voted to send this article out of the committee, while not concurring in the recommendation that it be passed, because I felt that it ought not to be allowed to slumber in the committee, but ought to come forth and be discussed and acted upon by the entire House.

I do not regard the question that is presented to-day as one which involves a struggle between the wets and the drys. That has not been reached. So far as I personally am concerned, I am not classed with the wets. If this question came before my State in proper form, I might possibly do again what I have already done when a candidate coming up for election as district attorney of my city. Then I voted an open ticket in favor of prohibition. So that when I state certain views which impressed themselves upon my mind I am following the line of conscientious duty, and I wish to make an appeal to my brethren here and try to influence them to see this subject as it presents itself to me.

First, let me say there is no difficulty about the third section of this bill. I conferred a moment ago with the gentleman from Wisconsin [Mr. LENROOT], and I think that perhaps I am at liberty to say that he concurred in the view which we expressed together. The limitation here is in the article that is to be submitted and is not a separate proposition. Hence, when it is voted upon by the States and adopted it is as much a valid article and amendment to the Constitution as was the fifth article of that instrument, which itself contained a limitation as to any amendments being made with reference to slavery, or affecting the question of slavery. Congress has the power to propose amendments. That means to state them in their entirety, and it has proposed this amendment with a limitation of seven years as the period within which the legislatures may act upon it.

So much for the question of constitutionality. In my judgment it is absolutely constitutional, and I say this so that it may not be a bugaboo to any Member who wants to vote for its adoption. It is idle and unwise for us to send proposals for amendment loose upon the fabric of this Nation without some limitation. As the chairman of the committee himself said, one of them got astray and has never been heard of up to this date. But the time and the occasion when the proposal is made is when the States ought to be called upon to make their ratification or their rejection; and every time hereafter that a constitutional amendment goes forth from this House, so far as my vote is concerned, it shall have a time limit in it.

Now, gentlemen, is it not true that to-day in this country you can have prohibition in one or two ways?

As a war measure we have clothed the President of the United States with power at once not only to prevent the manufacture and distribution of distilled spirits but also to regulate and prohibit the manufacture and sale of other beverages containing alcohol. We have clothed the President also with power to guard the various cantonments where our soldiers are gathered. Within proper limitations, he can forbid all use of liquor at or near any of these places.

You have another method by which prohibition can be reached. It can be reached by every State in the Union acting upon the subject, and that is the right and the privilege of every State—to act upon this question for itself. Its neighbor has no right to say to it, "You shall prohibit within your dominion." Each State is yet a sovereignty in this Union of States, and no one sovereign State has the right to impose its will upon the other sovereign power and to say, "You shall prohibit, willy-nilly. Whether you wish it or not, it shall be done." My colleague from New York [Mr. CHANDLER] very convincingly pointed out to you how in four combinations 36 States can be obtained representing a minority of the people of this country, and by adopting this amendment they will impose their will upon the rest of the States against their wishes. When once adopted one-fourth of the States can forever prevent its repeal.

You gentlemen know that when the Constitution of the United States was adopted it was adopted by unanimity. It could not be adopted in any other way, and it could not become a document binding upon any State unless that State in particular gave its assent and approval to the instrument. That was the unanimity required, which was foreshadowed in the Articles of Confederation, which could not be altered except by the unanimous consent of the States. When these States unanimously gave to the United States certain powers they retained

all the rest; and to show that that was their purpose and thought the tenth amendment to the Constitution embodies that thought specifically in words. There never was an intendment on the part of the framers of the Constitution that the States should surrender their police power over the regulation of their internal affairs, and this proposed amendment is an exact and direct ovasion of that reserved power in the States and means the destruction of local self-government and the creation of illimitable officers and agencies on the part of the Government to carry out the provisions of such an amendment as this. Think of the spy system that will be inaugurated. Think of the employees that will be gathered in the effort to put this amendment into effect.

And in that connection I call your attention to section 2 of the article, which says that the United States and the States shall have concurrent jurisdiction—two sovereign powers to be exercised in company. The State may pass its legislation, may attempt to enforce the law in its way, and the United States in another way. This will not raise the question that came into being, for instance, under the bankruptcy law; for while the State may legislate on questions of bankruptcy, for instance, up to the time that Congress acts, but when Congress acts the supremacy of the United States' enactment has to be acknowledged throughout all the States; but here you have two entities, struggling one with the other, and it leads to illimitable and immensurable confusion. It can do nothing else.

Now, my friends, it has been said that this is the only way in which to reach the people, and a whole mass of claptrap has been poured out here in the way of sentiment and suggestion about appealing to the dear people whom we are to consult. Is it consulting the people when you send this amendment to the Constitution down to the States to be voted upon by the legislators in those States? This is no direct referendum to the people. Let each State act on an amendment to its own constitution, and then you have the direct and absolute action of the people of every State. It can not be said any longer that a State has no power to enforce bone-dry prohibition within its limits because the recent legislation of Congress has given it that power, and the decision of our United States Supreme Court has declared that it can within its own borders protect itself even to the extent of excluding from interstate commerce every package of rum or other liquor that may be sent from one State into another. I raise my voice in protest against subjecting the majority of the people possibly to the will of a minority.

You may say this is a moral question, and I will grant you for the sake of argument, and for the sake of the fact I will admit that it is; but you have no right to legislate in behalf of the accomplishment of a moral reform by adopting illegal measures to accomplish your purpose. When men become fanatical in any movement they become unreasonable. Men have been known to try to make others religious by violence, by the sword and the flame. Men will not hesitate to prostitute the great Constitution of your country and trample it under foot by imposing upon it legislation of this sort which does not belong in it. There is no semblance of grant in that instrument to control this subject. This is an effort to put a policy in the fundamental law, which should only be a declaration of principles.

I verily believe that so far as the power to amend the Constitution is concerned it relates only to and ought only to be exercised upon the delegated powers unless the unanimous consent of the States is obtained in the matter of the new delegation of power. Amendment means what the word implies and should be made only to affect the delegated powers that were given to the National Government. The National Government is not a sovereignty of itself. It is the creation by the States delegating some of their powers and rights in order that it might exercise the functions of a government. [Applause.] I speak thus in obedience to my oath upon entering this body, that I would support the Constitution of my country.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GARD. Mr. Speaker, I yield to the gentleman from Maryland [Mr. CODDY].

Mr. CODDY. It is a pity, Mr. Speaker, that a great public question like that involved in the pending resolution, affecting as it does not only the property rights of individuals but their personal liberties as well, can not be considered in the light of reason and the experience of mankind and decided upon its merits; but it seems it can not be done.

Most measures that come before this body are debated fully and considered with the greatest deliberation; but, as a rule, when a prohibition bill is before us deliberation is thrown to the winds and we cease to be even fair. We had an illustration of this when the District of Columbia prohibition bill was before the House. The Rules Committee brought in a rule absolutely preventing the opponents of the bill from voicing their opposition to it—completely gagging them, although they knew their action meant the confiscation of property running into the hundred thousands and the denial to the owners of such property of the right to have a voice in their own affairs. Those of us who served in the Sixty-fourth Congress remember that this report was concurred in by some members of the Rules Committee who before that time had ably and consistently fought the adoption of rules limiting debate, but who on this particular occasion tamely and meekly submitted without a word of protest. It was the most arbitrary action I have witnessed here or elsewhere. It was an absolute denial of the right of a majority of the people to be heard through their elected Representative and the absolute surrender upon the part of some Members of their honest conviction that every question should receive fair consideration and its proponents and opponents given a reasonable amount of time to discuss it. It was a denial of the right of free speech. We talk about democracy and the rule of the people, but every man here knows that if this resolution passes and is ratified by the legislatures of three-fourths of the States it will mean the rule of the minority. The wishes of the few will prevail over the protests of the many. The great States of the Union wherein live a majority of our people, from which the Government receives an overwhelming portion of taxes, will vote against it. Gentlemen in favor of this resolution, and who come from States that have statutory, and not actual, prohibition, tell us that their States have advanced in prosperity. They have told us this so often that we began to accept it as the truth until the publication of the report by the Treasury Department of the collection of income and excess-profits taxes. This report shows than an overwhelming portion of such taxes came from those States that do not have prohibition, while those States that do have it showed surprisingly small returns. I am told that in my own city of Baltimore four or five men there paid more income and excess-profits taxes than were collected from five of these legally but not actually dry States. This proves to me that there is more real sobriety, industry, and prosperity in those parts of our country where the sale of liquor is licensed and regulated by law than in the sections where it is prohibited.

Some time ago, I received in my mail, as no doubt all other Members of this body did, a copy of a speech on prohibition delivered by a member of another legislative body before a society of New Yorkers, all of whom were former residents of a Middle West State. The speaker told of the wonderful benefits that had accrued to his State by reason of prohibition, of the great prosperity of his people, and how they were all making money. And let me say here, by way of parenthesis, that his is one of the dry States that brought so little into our National Treasury; and yet the gentleman was talking to a body of men who had left a dry State where they could not find success, and had located in a wet State where they all had achieved splendid reputations and had secured abundant prosperity.

An overwhelming majority of people of the district I represent are opposed to this resolution. They are industrious, successful, sober, law-abiding citizens—men of substance and character, broad minded, liberal, and free from cant and hypocrisy. They know that you can not make men lead clean lives and be sober by the passage of a law. They are too sensible to believe that.

The laboring people, through their accredited representatives, are protesting against the passage of this resolution, so we should be slow to antagonize the wishes of those who toil and spin to please those who neither toil nor spin because they are too busy lobbying.

Do not let us make the toilers dissatisfied, and thereby injuriously affect the industry of the country.

It will be impossible to secure a substantial enforcement of a law of this kind in those cities and States where an enlightened public sentiment prevails against it. An attempt to do this would involve the employment of thousands of Federal officers and the expenditure of large sums of the public money, without any corresponding moral benefit accruing to the people.

It is far better to license, regulate, and supervise public drinking places and get the enormous revenue that comes from such licensing than by prohibition close them and cause to spring up in their places untaxed and unregulated speak-easies, such as exists, I am told, in many of the States that have prohibition laws. [Applause.]

Mr. GARD. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. CANNON.]

Mr. GRAHAM of Pennsylvania. I also yield him one minute.

Mr. WEBB. I also yield the gentleman one minute.

Mr. VOLSTEAD. I yield the gentleman one minute.

Mr. CANNON. Mr. Speaker, on the Princess Alexandra's arrival from Denmark, Tennyson, the poet laureate, wrote:

Saxon or Dane or Norman we,
Teuton or Celt, or whatever we be,
We are each all Dane in our welcome of thee.

I am charged, as the agent of the House of Representatives, to state that within the last hour the Members have expressed a unanimous desire upon their part to extend a memorial to our departing friend in public life, the Hon. JOHN J. FITZGERALD, a memento for him to take with him of our love and respect, to the amount, when selected, of a thousand dollars. [Applause.] I can suggest to him that—

Democrats, Republicans, Progressives are we,
But we all unite in our love for thee.

We love him as a man and as a legislator. [Applause.]

One thing further. The leader of the minority, who has the respect of every man in this House, is sick at Johns Hopkins Hospital, and we have also concluded to send to him on Christmas morning a floral tribute of our love and respect for him. [Applause.]

Mr. WEBB. Mr. Speaker, I yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I do not desire the RECORD to indicate that I had not expressed my overwhelming gratitude for this addition to the innumerable favors I have received from my colleagues in the House. I wish to express to them my sincere thanks for this added manifestation of their kindness. [Applause.]

Mr. WEBB. Mr. Speaker, in closing this debate I shall only be able to touch on three or four points: First, gentlemen, this is not a prohibition vote. It is a question of referendum. We had not long ago the question of a referendum, and a great many of the "wet" men in this House voted for a referendum in the District of Columbia to an unorganized electorate. Will you balk on submitting to States of the Nation this great question whether or not liquor as a beverage shall be banished from the country? Are you afraid to trust the States? The States made the Constitution, reserving to themselves the right to amend it, and that is when two-thirds of both Houses of Congress deem it necessary that an amendment should be submitted. I submit to you gentlemen, "wets" and "drys" alike, that you should be willing to stand by your States in giving them the opportunity to amend the greatest instrument ever struck off by the pen of man, and submit to the 48 sovereign States the question whether liquor as a beverage should be banished from the land. [Applause.]

Mr. DUPRÉ. Will the gentleman yield?

Mr. WEBB. For a question.

Mr. DUPRÉ. How is the gentleman going to vote on the amendment for woman suffrage?

Mr. WEBB. I am going to vote against it for the same reason that I have expressed. I do not think it "necessary" to submit that amendment to the States of the Union, because there are not enough people in the various States demanding it, whereas 61,000,000 out of 95,000,000 live under the Stars and Stripes in dry territory, and 85 per cent of all that territory under the Stars and Stripes is dry. I do not believe, of course, in submitting any and all proposed amendments.

And you tell me that this Congress has the right to disregard the appeal of that number of people and that much dry territory? I have in my possession petitions signed by eight and a half million American people, 500,000 of whom are among the best women in the world, sent to me by Mrs. Anna Gordon, the head of the Woman's Christian Temperance Union. Why not give them a chance? If the States do not want to adopt it, you wet men are not hurt; if they want to adopt it, it certainly is your duty to submit it to them, because that is the only way in which they can change their Constitution; and, as Senator Blair said long years ago, if you do not allow the people of this Republic to amend their Constitution when they want to, it breeds revolution. It is the orderly way to amend that sacred document. I submit that when over 61 per cent of the population and 85 per cent of the area of a great country desire to amend this instrument, that opportunity should be given to them. There is no question of State rights in this proposition. It is the right of the States to have the opportunity to determine whether or not they shall vote to amend the Constitution. That is a sovereign right of which they should not be deprived, and which they provided for in that great instrument. If three-fourths of the States say that the manufacture and sale of liquor for beverage purposes shall be stopped, then it is the highest sovereign prerogative left to the States to say that, and there is absolutely no violation of State rights when that question is submitted to them in that way.

It is argued that we will lose some revenue if we pass this amendment and the States adopt it. I would rather adopt the opinions of the great judges in the license cases when they said it may be there will be a loss of revenue, but if there is a loss of revenue to this country under the banishment, the country will be a thousand times the gainer in the wealth, health, and happiness of the people. Everyone in the House knows that that is so. There is not a man, I do not care whether he takes a drink or is a prohibitionist, but knows and admits that the liquor traffic, the beer traffic, and the wine traffic are the most audacious lawbreakers in the land, the despoilers of men, and the terror of women. Think of that poor boy the other day in France, sent there with an American uniform on to defend this great country, to represent us on a foreign shore. Some low-down scoundrel sold him some liquor, some beer or wine, and made him drunk, and he went off and committed an infamous crime. When he was hauled up before the court-martial he admitted that he committed the crime, but said that he was drunk and did not know anything about it. He was told that that would not excuse him, and he was ordered to be taken out to the edge of the camp grounds and hanged in disgrace. That penalty has been ratified by the War Department, and yet that filthy scoundrel who made money on the sale of that liquor is still roaming about the shores of France ready to make criminals out of American boys whom we have sent there to defend this country.

I hope when this proposed amendment is offered to except wine and beer that you will vote it out. A man can become a drunkard on beer and wine just as he can on liquor. It was not liquor that destroyed Rome, it was wine and beer. It was not ardent spirits that threatened to destroy China, but wine, and that was what caused the emperor to order the natives to dig up the vineyards. We did not except wine and beer when we passed the law prohibiting the importation of liquors into the Indian Territory. We did not except wine and beer when we forbade the sending of intoxicants through the mail. We condemned them all. We did not except wine and beer when we prohibited the sale of intoxicants in canteens and on military reservations. All of it must stand or fall together. As the Siamese twins lived, so must the Siamese twins die. Congress did not expect wine and beer when by practically a two-thirds vote it drove liquor out of the Capital of the United States. Congress said all must go. Congress has never made any distinction between wine and beer and liquor, and I hope this Congress to-day will vote down the proposed amendment overwhelmingly. No State in the Union that has voted itself dry has ever given a place of privilege to wine and beer. They have treated intoxicants all alike. Twenty-seven States and the District of Columbia, Alaska, and Porto Rico, have all gone dry, and not a single one of them has ever excepted wine and beer and said it was all right to drink those but that they would put ardent spirits alone out of business.

Something has been said here about the war. You say we want to win this war. We are determined to do that. Here is an article from the Manufacturer's Record, one of the greatest manufacturer's and trade papers in the world, and here is what Mr. Richard H. Edmonds says about liquor, wine, and beer at this moment:

TO PRESIDENT WILSON AND THE NATION—ONE GREAT AID TO WINNING THE WAR.

If we could find labor enough to operate to advantage all the farms of the country we could produce an abundant supply of foodstuffs for ourselves and our allies.

If we could find labor enough to operate to their fullest capacity all of the coal mines of the country, there would be an ample supply of coal to meet every need of railroads, industries, and domestic use.

If we had labor sufficient to man every shipyard in the country and crowd to the utmost limit our facilities for building ships we would soon settle the world's destiny by supplying the shipping which is so essential to our own salvation and that of our allies.

If men could be found in sufficient number to operate to their utmost capacity all of the munition factories in the country we could provide materials for explosives and guns and shells, without which the war can not be won but with which we could win it.

If there were enough men available, working regularly and earnestly, to crowd to their capacity our iron and steel plants we could produce all the iron and steel needed for ourselves and for our allies and make certain that there would be no shortage in steel shipbuilding material and in the iron and steel needed for guns, for railroads, and for other purposes.

If labor in sufficient quantity could be had every wooden shipbuilding yard in the country would be abundantly supplied with the lumber needed for building wooden ships—and these wooden ships may yet prove a deciding factor in the war.

If labor in sufficient quantity could be had for all the other varied activities of the Nation's life, every interest—agricultural, manufacturing, and other lines of work essential to the winning of the war—

could be run to its utmost capacity and be made to produce an abundant supply of the materials needed for feeding and clothing the Nation, for feeding the live stock of the country, for increasing the food supplies and for doing the other things without which the world must inevitably drag through years of weary and at times despondent conditions.

How shall this labor supply be secured and thus the end of the war be hastened and our success made certain? The answer is simple.

This labor supply can be had almost to the full extent needed. In potentiality it is here, but it is not being utilized, except to a limited extent. On the farm and in the factory there is a vast amount of inefficiency and lack of ability for regular, systematic work. And this condition, which directly militates against the Nation's ability to fight and to feed itself and the allies, is due to the inefficiency produced by the liquor traffic.

Banish the entire liquor industry from the United States for the duration of the war; close every saloon, every brewery; rigorously and vigorously enforce the laws; suppress drinking by severe punishment to the drinker; and, if necessary, death to the seller or maker, or both, as traitors, and the Nation would suddenly find itself amazed at its efficiency and startled at the vast increase in its labor supply. Shipyards would teem with work. Iron and steel and munition industries and coal mines would vastly increase their output. The production of food would almost instantaneously leap forward, and the Nation would suddenly find itself buoyantly optimistic and dominant.

Against such a Nation Germany would struggle in vain. The end of the war would be hastened by many months; perhaps by some years. Our triumphant success would be made certain. Hundreds of thousands of lives and billions of money would be saved.

No intelligent man looking over the situation will question the truth of these statements, for every intelligent man, be he in public life or a day laborer, a mechanic or an employer, will at once admit that the curse of the liquor traffic is the greatest power that holds us back. It is a weight tied around our neck. It is like the chain of the convict which drags the heavy ball as slowly he moves, with his efficiency lessened and his power to do things decreased.

Let us cut loose from the ball and chain of the convict! Let us throw off the weight that hangs around the neck of the Nation! Let us banish, as a war measure, the entire liquor traffic and make the punishment against the drinker and the seller and the maker of alcoholic drinks so severe as to make certain that the punishment will prevent the crime. Then this Nation will go forward in its work with a song of victory on its lips. Millions of mothers and fathers will feel that the Nation has met the challenge, and they will give their sons to the battle feeling that, at least, the Nation is not doing the utmost in its power to damn their bodies and their souls by its upholding of the liquor traffic.

If there were no higher motives than that of efficiency, if there were no higher motive than that of hastening the end of the war, surely President Wilson and his advisers must be ready to meet this issue and force it to a final conclusion. No halfway measure will accomplish the results. Banish from the land every saloon, every brewery and every open or hidden producer of alcoholic drinks; stand before the firing squad every maker or seller of alcoholic drinks during the war, and then victory will be certain and hastened.

Is the Nation ready to meet the issue?

Every interest of the Nation and of the world demands the closing of every saloon and the total prohibition of the manufacture of alcoholic drinks during the war. The liquor interests have protested in times past that prohibition would throw out of employment many thousands of hands. To-day the country needs millions of hands, and every man who is now operating in breweries or distilleries or standing behind the saloon bar could be turned into employment of benefit rather than be kept in an employment which is a curse.

The liquor interests have protested that the farmers of the country would be injured by the elimination of their use of grains. To-day the world is facing a serious shortage of foodstuffs, and every bushel of grain that can be saved for food for man and beast is an essential factor in the world's salvation. Every bushel wasted in producing alcoholic drinks is a moral and economic loss.

Even the breweries and the distilleries and the saloons could be turned into profitable operation for other things. Increased cold storage is needed and larger production of ice is necessary. Munition making must go on in many places not now available. There will be a great increase in the demand for house room for the laborers drawn into shipbuilding, munition making, and other industries. To-day the Government is calling in vain for houses for the munition men that must be put to work in the great cities of the country in these war activities. Every building now used for a saloon could be utilized for a dwelling or for some business purpose.

If we should entirely disregard the moral issue involved and figure on this matter purely from the economic standpoint in regard to the winning of the war, every argument is in favor of wiping out the entire liquor traffic and banishing every saloon from the land.

We are wasting annually $2,000,000,000 or more in drink, but that is only a small portion of the actual waste. This accursed drinking habit is largely responsible for the number of men in jails and penitentiaries and almshouses. It curtails the working power of men needed to build ships, to make munitions, to operate the iron and steel works and the coal mines of the country, and to make possible an increased food production. The $2,000,000,000 or more actually expended for liquor is a very small item compared with the fearful cost of lessened efficiency of labor on the farm, in the factory, in the office, in the countinghroom, and wherever men are engaged in work.

Banish from the Nation every grog shop, every brewery, every distillery; prevent the sale of the whisky that now is in store, at least until the end of the war, and there would come a tremendous increase in the Nation's power to prepare for the war and to carry the war to a successful issue.

We talk about shortage of railroad transportation, and this is vital, and should receive the Nation's attention. We talk about the lack of foodstuffs; this, too, is vital, and every effort should be made to increase the production of food. We talk about the lack of ships, upon which the life of this Nation and the life of other nations hang. But none of these things can be adequately developed so long as the liquor traffic holds sway and so large a proportion of the people who ought to be steadily at work are wasting their time, their bodies, and their souls in the saloon.

Will President Wilson lead the Nation in this, the great, supreme issue before the country for the winning of the war by the development of our economic strength, even if we should be so recreant to our responsibility as to forget the great moral issue involved?

SHALL THE GOVERNMENT CUT OUT LIQUOR AND RACE-HORSE TRAFFIC AND PRIVATE CARS TO SAVE TRANSPORTATION FOR NECESSARY THINGS?

The following letters to Judge Lovett, chairman of the War Industrial Board, will, we believe, meet the approval of all right-thinking people:

NOVEMBER 21, 1917.

Hon. R. S. LOVETT,
Chairman War Industries Board, Washington, D. C.

MY DEAR JUDGE LOVETT: I inclose an editorial from last week suggesting that in view of the importance of curtailing shipments of nonessential things, the Government should forbid the handling by rail of whisky and beer, or of the materials which enter into their manufacture or distribution.

Shortly after writing the editorial I walked out of my office door and saw a big two-horse wagon loaded to the limit with packages of whisky bound for the express office.

You are curtailing, and properly so, the handling of nonessential things by rail in this time of stress, and you are, of necessity, practically cutting out the handling of materials for road and street building, as vital as these are to the best interest of the country, because of the importance of handling coal ahead of them.

Our railroad facilities are heavily overtaxed, and it is not possible to catch up for years to come with inadequate transportation facilities. In an emergency such as this, every carload of materials which enter into the production of alcoholic drinks, and every carload of alcoholic drinks which is shipped, is taking up the facilities of transportation so sadly needed for other things, and is carrying wherever such shipments go a curse rather than a blessing. Is it not, therefore, absolutely incumbent upon your board to forbid the handling of alcoholic drinks or the materials used for the manufacture of them during this war period?

It is also understood that you will shortly have to issue a list of things which can not be shipped by rail because of the lack of facilities. Surely the first on the list of prohibited things should be alcoholic drinks and the material used for their manufacture.

I can not feel that the Government could, under any possible conditions, forbid the handling of things which enter into ordinary trade and commerce of the country, and yet permit the shipment of alcoholic drinks.

In this connection I am taking the liberty of inclosing herewith an editorial from the Manufacturers Record of November 15, headed "Will the Government officials who have the power in the scarcity of transportation refuse all transportation of the liquor interests in order to conserve transportation and increase the Nation's efficiency?" I trust you will do me the favor to read this presentation of the matter.

Very truly, yours,

RICHARD H. EDMONDS, *Editor.*

NOVEMBER 22, 1917.

Hon. ROBERT S. LOVETT,
Chairman War Industries Board, Washington, D. C.

MY DEAR JUDGE LOVETT: Referring to my letter of yesterday, calling attention to the desirability of shutting off the transportation of alcoholic drinks and the materials of which they are made, on account of the inadequate transportation facilities of the country, I beg to inclose an editorial from this week's issue, in which I have published the letter which you kindly sent me in regard to highways.

May I add to yesterday's suggestion the desirability of shutting off the transportation of race horses? Many cars are being used in carrying race horses and race-track gamblers from place to place, a business which, with the liquor traffic, is a curse to the Nation.

Permit me also to raise the question as to whether the handling of private cars, merely because men are able to own private cars, is not against the best interests of the country at present. A few days ago, on a train crowded almost to suffocation with travelers, the private car of a race-horse owner was connected to the train, and this car was occupied by the owner and his wife, and yet the power of the engine was used to pull this heavy car simply for the accommodation of two people, while others were crowded in inadequate accommodations furnished by the railroad. I recognize the fact that these private cars are owned by the men who travel in them, and that they are paying adequate transportation to the railroad, but they are taking up transportation facilities which the public needs.

A few days ago, while many people were standing in line at the depot of the electric line between Baltimore and Camp Meade, trying to send small packages to the soldiers at the camp, and the cars were overcrowded with passengers and freight, there were other cars standing on the track loaded with race horses being shipped from one race-track gambling place to another race-track gambling place. I believe that it is hardly necessary to suggest that at this time the use of private cars or of cars for handling race horses or the liquor traffic is an imposition upon the country.

While I know that railroad officials have been compelled, to a large extent, to use their private cars for business purposes, making these private cars moving offices, I am inclined to think that a considerable amount of this could be cut out, and that many officials who now travel in their private cars could have secretaries with them in the drawing-rooms of the regular Pullmans, and thus economize in fuel and transportation power. Moreover, it is an unfortunate fact that many of these officials use their private cars for pleasure trips, and the visitor to Florida in the winter time will find a string of private cars at nearly every resort place; some owned by railroad officials, some by men and women abundantly able to own such cars. In peace times there can not be any question as to the propriety of the use of private cars by those who are able to have them and to pay the heavy tolls which they now have to pay to railroads for handling these cars, but is there not a serious question as to the wisdom of permitting any of these private cars to be used in this period of tremendous emergency, when every ton of coal that can be saved must be saved, and when every ounce of strength of the railroads to do business must be conserved?

I can imagine that when consideration has once been given to the question of using transportation facilities for the handling of race horses and race-horse equipment and for the handling of the liquor traffic, there can not be any doubt whatever as to the decision of your board in cutting out these things and also in cutting out the use of private cars, except where absolutely essential for public business.

Very truly, yours,

RICHARD H. EDMONDS, *Editor.*

Following up the editorial in last week's issue, urging that in order to win the war by increasing the efficiency of labor for the farm and the factory and the battle field, the Nation should as a war measure adopt prohibition of the manufacture and the sale of all alcoholic drinks, the

editor of the Manufacturers Record sent to Judge Lovett, chairman of the War Industries Board, the foregoing letters, calling upon the board representing the Government to forbid the transportation of any materials which enter into the production of alcoholic drinks or the handling of the finished product.

The adoption by the Government of these suggestions would immediately cut out the vast amount of coal which is now used by breweries, at a time when millions are finding it difficult and many of them finding it impossible to secure coal for domestic use, and even Government industries absolutely necessary to produce munitions of war are unable to secure the full supply of coal needed.

Every ton of coal that goes into the manufacture of alcoholic drinks is thus doubly a curse to the Nation, and we do not believe that President Wilson or his advisers can possibly in the light of this situation fail to have the courage to shut off from every brewery the use of coal.

This would save transportation and it would save coal. The handling of the raw material which goes into the manufacture of alcoholic drinks would be saved, and this vast amount of foodstuffs and feedstuff could be used for other purposes. The men at the plants now used for manufacturing kegs and barrels and bottles and all of the other things which enter into the production of alcoholic drinks would be saved, and every one of these plants is needed for other purposes, and every man engaged in them is needed elsewhere in work for the Nation's safety, while now every man thus engaged is working directly against the Nation's safety.

Moreover, the use of transportation for such purposes in this time of terrific crisis is a crime, when many things that are needed for life of the individual and of the Nation must be delayed or completely shut off because of the lack of cars and locomotives.

We are also using railroads for the shipping of race horses from one race track to another, and shipping the materials needed for the maintenance of these race horses, and wasting the transportation of the gamblers who run from one place to another. Cut it all out if the Government wants to be honest with the people of the country. Let us not talk about cutting down transportation by reducing the number of passenger trains and shutting out the handling of nonessential things until we have shut out the handling of race horses and all the paraphernalia connected with race-track operations, and until we have shut out the handling of whisky and beer and everything that enter into their manufacture, sale, and distribution. These are not essential industries. They are indeed handicaps to the winning of the war. The complete closing down of these interests would tremendously increase the efficiency of the Army and of the men engaged on farms and in factories in producing the things without which we can not possibly win the war. Moreover, they would take out of this destructive business at least half a million men who could immediately find work in constructive operations.

From all parts of the country the Manufacturers Record has received enthusiastic commendation of the position which it took last week on this question.

The issue has been squarely put before the Government. It is now up to the people of the whole country to actively and aggressively urge the matter upon the President and the war board.

HOW DOES THE GOVERNMENT STAND ON THE USE OF COAL AND TRANSPORTATION FOR BREWERIES AND RACE-TRACK HORSES IN VIEW OF THE ACUTE SITUATION OF COAL AND RAILROAD FACILITIES?

A dispatch from New Orleans published in the daily papers on November 30 said:

"Five thousand persons were on hand for the opening of the winter racing season at New Orleans. Winners at the new Shrewsbury track were: Lady Eileen, Pilsen, Phochion, Runes, Cliff Field, and Libyan Sands."

Here were 5,000 people and all the paraphernalia connected with their transportation attending a winter racing meet at New Orleans. Every ton of coal that was used in carrying these people, every pound of material used that lessened the supply of things needed for the war was an absolute waste. More than that, it was a curse to the country. Had this racing season at New Orleans been the only one in the country it would have been bad enough, but at other places where race-track gambling is permitted similiar conditions exist, and the coal and other materials so sadly needed by the country were being consumed in order to permit the horse-race gambling to be carried on.

The Manufacturers Record called attention last week to the fearful waste of coal for the running of breweries and lessening transportation now so badly needed and also lessening the supply of food and foodstuffs.

Bearing on the same question is an interesting letter from F. A. Churchill, of the Dunn Wire-Cut Lug Brick Co., Conneaut, Ohio, a copy of which Mr. Churchill sends us. It was addressed to Judge Lovett, chairman, Priority Shipments, War Industries Board, Washington, and is as follows:

CONNEAUT, OHIO, *November 26, 1917.*

Hon. ROBERT S. LOVETT,
Chairman Board of Priority, Council of National Defense,
Washington, D. C.

DEAR SIR: In your letter to the Manufacturers Record, Baltimore, explaining Order No. 2, relating to road materials, you say:

"We are forced to a choice between highway material and coal essential for war industries and domestic and other essential uses.

"I trust that you will not misconstrue as disrespectful the query: Does Order No. 2 apply as well to material used in paving the road to hell? In other words, are fuel and grains for the use of breweries and distilleries omitted as essential? Does Order No. 2 design to curtail the use of cars for shipping the products of breweries and distilleries as a means of expediting the transportation of fuel and material needed by war industries?

"Breweries are using enormous quantities of coal and grain, yet the patriotic people of this country are stinting themselves in food, and in many sections they are suffering actual discomfort from lack of coal.

"I learn from the newspapers that the public schools at Dayton, Ohio, may be forced to close on account of coal shortage, although brewery side tracks are filled with cars loaded with coal.

"As I have seen no report touching the brewery phase of the transportation problem I take the liberty of asking a few questions for the information of an important industry:

"(1) Are manufacturers of road materials placed on exactly the same plane as breweries and distilleries with respect to coal supply and cars for shipping products?

"(2) While the people everywhere are cheerfully denying themselves food in order to conserve the national supply, is any restriction put upon breweries and distilleries as regards the consumption of grain?

"(3) Is the freight congestion on railroads aggravated to any extent by shipment of fuel or grain to breweries and distilleries or by shipment of beer or fermented liquors from such institutions?

"In the most respectful spirit I submit the foregoing questions, and not only I individually, but thousands of men affiliated with a great industry would appreciate answers from you.

"I am not a temperance fanatic. I write as a man engaged in a business which is sorely hit by Order No. 2.

"I can not conceive it possible that the Federal Government would discriminate against road material and put in the preferential class the coal and grain and beer and liquor of breweries and distilleries; nor can I believe that the Government would withhold coal from schools, churches, hospitals, homes, and legitimate industries, or lay an embargo upon cars for shipping road materials, and at the same time allow wide latitude to breweries and distilleries.

"I have heard of no breweries shutting down because of lack of coal or transportation facilities, but I know of plants engaged in making road materials having to shut down because of fuel shortage and car shortage for shipment of products. I know of other plants preparing to shut down for the same reason.

"No true American hesitates to make any necessary sacrifice, even the supreme sacrifice, if need be; but sacrifices forced by discrimination are a different thing.

"I beg to assure you that I write for information rather than for the purpose of criticism, and I know that if your answer is what confidence in the wisdom and fairness of my Government assures me it ought to be, it will strengthen the patriotic resolution of an industrial army of men to bear with fortitude the ills of the emergency measures of war."

Yours, very truly,

F. A. CHURCHILL.

The statements made by Mr. Churchill demand consideration of the country. He points out the fact, as we have recently done, in regard to the scarcity of coal and shortage of transportation, and he says that while brewery sidetracks at Dayton, Ohio, are filled with cars loaded with coal the public schools of that city may be forced to close on account of lack of coal.

We do not believe that the Government can get away from a question which has been put squarely up to it in regard to cutting out the entire brewery business and the handling of transportation of alcoholic liquors of all kinds as a war measure. Unless the Government cuts this business entirely out of all transportation and out of the use of coal it can have no moral right to cut out transportation of anything else on earth or to require the closing of any plant for lack of fuel.

The production of coal, of foodstuffs, of iron and steel and other things needed for the war and the building of ships is greatly hampered by the fact that many of the men working in these industries have their efficiency lessened by much drinking. There can be no possible argument in favor of permitting the continuation of the whisky and brewery business when transportation and coal and foodstuffs are all so short. The use of these materials or of transportation for the production or the handling of beer or alcoholic drinks of any kind is now a criminal waste which President Wilson and his advisers can not overlook. If the Government will cut this business entirely out, purely as a war measure, leaving, if need be, to the future the question of the moral issue, it will be rendering humanity a service of inestimable value.

Bearing on the use of coal and transportation, when both are acutely short, for the production of beer, Mr. E. D. Leach, the assistant State fuel administrator of Ohio, is quoted as saying:

"If the *Lusitania* were now floating the seas, the coal used annually in the manufacture of beer in this country would furnish fuel for 726 round trips for the giant ship and transport 23,595,000 tons of supplies to the allies.

"Coal used for the manufacture of beer in Ohio alone would furnish more than 60 round trips and carry nearly 2,000,000 tons of supplies a year.

"It requires 180,000 cars of coal, or 3,000 trains, to move the raw material to the breweries.

"We have heard a great deal about the grain in the beer and about the sugar in the beer, but we have heard little about the coal in beer.

"Coal is one of the principal ingredients. It takes almost exactly a pound of coal to produce a pint of beer.

What is to be the Government's stand in the light of the facts presented as to the criminal waste of fuel or food material and of transportation? Dr. Garfield is urging that in private homes, on street cars, and in many other ways fuel should be saved to the utmost extent, but we have not yet seen any direct statement from Dr. Garfield insisting that the supply of fuel to the breweries shall be cut out. Judge Lovett issued an order cutting out practically all transportation of materials for building highways and streets, things which are absolutely essential to the welfare of the country, and more essential in war times than in peace. But we have not seen that Judge Lovett has refused the use of cars for handling coal to breweries, the use of cars for race-track horses, or the use of cars for the materials which enter into the manufacture of beer, or the use of cars for the distribution of beer and whisky.

President Wilson has rightly appealed to the Nation for increased production of everything which enters into the maintenance of the war, from foodstuffs to ships, and also the cutting down to the greatest extent possible of the consumption of foodstuffs. But we have not yet noticed that President Wilson has taken a definite stand on the cutting out of the manufacture and the handling and the distribution of all brewery and other alcoholic products.

Where does the Government propose to stand on these great economic measures, even if we disregard for the time the moral issue involved?

HOW LABOR SUPPLY CAN BE INCREASED, VICTORY IN WAR HASTENED, AND HUNDREDS OF THOUSANDS OF SOLDIERS KEPT FROM DEATH AND BILLIONS OF MONEY SAVED.

We face a great shortage of pig iron, indeed a famine, with consumers eagerly scrambling for iron without finding an adequate supply.

We have a coal famine upon us, with schools, churches, domestic consumers, industrial plants, and iron furnaces unable to secure supplies equal to their immediate pressing needs.

We have a wood famine, and with vast forests of timbers available it is difficult at times to secure even a supply of kindling wood regardless of price.

Our food production is wholly inadequate to our own needs, and farm labor is inadequate to increase the output sufficient to meet the urgent call for grain and meat.

Transportation facilities by rail and water and highway have practically collapsed as measured by the needs of the time, and billions must be expended to increase transportation, or else all other things that we do will be in vain.

The world's shipping has been submarined to a fearful extent, and the ships that have escaped this hell-devised weapon of murder are being overstrained and overworked.

We must build ships to the utmost stretch of our power regardless of cost.

We must push iron and coal production to the last limit of our capacity, and to do this new coal and ore mines must be opened, new furnaces built, new coke ovens constructed, and existing plants must be crowded even to the danger point of overwork that the present situation may be relieved.

Shipbuilders are calling for timber and steel and laborers; the world is begging for more food and must keep on pleading for meat and bread long after the war has ended. Coal mines are short of labor, furnaces and steel works and lumber yards are hampered for lack of labor. Civilization and our existence as a free Nation hang in the balance for lack of labor.

An ample supply of labor working regularly and efficiently would solve every problem of increased coal output, of more rapid shipbuilding, and of larger food production, and would greatly help to settle the labor question as it affects the expansion of transportation facilities.

There is a way in which this labor problem can to a very large extent be solved to the enormous benefit of the laborers, to the increased efficiency of everything that makes for the welfare of the Nation, to the protection and safeguarding of our soldiers, and to our ability to win the war.

To fail to use such means would be an unspeakable crime against our soldiers; it would mean the unnecessary death of hundreds of thousands who otherwise would be saved, the expenditure of many billions more than would be needed if we should adopt this measure; it would mean the lengthening of the war and privations in the way of lessened food and fuel for a hundred million people.

Has the Nation the courage to meet the issue?

Dare the President and his advisers and Congress refuse to do that which would mean so much for humanity, while the failure to do it would be a crime against Heaven and earth?

The solution of the problem is to be found in national prohibition of the manufacture, sale, and distribution of alcoholic drinks of every kind as a necessary war measure.

This would save $2,000,000,000 to $3,000,000,000 now wasted in drink.

It would vastly increase the efficiency and regularity of work.

It would destroy the power for evil of the German-owned saloon, the hotbed of anti-American and antiwork activities, and it would turn hundreds of thousands of drink-cursed hells into blessed homes of sobriety and honesty.

It would cut out the enormous amount of fuel and other materials used in the manufacture of beer.

It would save the transportation of beer and beer-making materials and whisky for the needs of industry, now sadly hampered by lack of transportation.

It would provide half a million or more able-bodied workers for essential things instead of permitting them to curse the Nation as at present with employment which makes for the death of soldiers, decreased output of food, ships' iron and steel, and coal, and everything that is essential.

On one side stands national efficiency to the highest degree, on the other drunkenness, inefficiency, delays in war, and the utmost power of pro-German activities to bring death and defeat to our armies.

Federal reports show that there are nearly 200,000 concerns in the United States, including drug stores, that are licensed to sell liquors. There are about 46,000 drug stores. This would leave, in round numbers, about 150,000 concerns licensed by the National Government in the country. It is safe to estimate that there are 300,000 men engaged in saloons and hotel barrooms. In 1914 there were more than 70,000 wage earners, not counting employers and salaried men, engaged in the production of liquors. If to this number we should add the men employed in the manufacture of barrels and kegs and bottles and other materials that enter into the production and the handling of liquors it is easily seen that the number of men thus engaged must exceed 500,000.

Every man thus employed could find work in some other line which would be useful to the country.

Here is a drain of 500,000 men, and of all the influences connected with their work, which is a direct and deadly power against national efficiency and national production to meet war needs.

Every saloon in existence is a use of property which could be better employed for some other purpose in the interest of the country.

Every man and woman connected with the trade in all its wide ramifications could become a producer of things needed for the winning of the war rather than a producer or a handler of things which minimize our power to carry on war.

Will the Nation face this issue squarely, and while drafting men for the Army and calling upon men for shipyards and for all other activities for the war, permit more than half a million men to continue to operate industries which specifically and to a tremendous extent lessen the efficiency of all the other working forces of the country? If looked at purely as a war measure, from the economic standpoint, and entirely without regard to the moral issue, the Nation will be guilty of criminal shortcoming if it fails to cut out the entire liquor traffic—brewery and saloon interests.

Where do you stand, business man, laboring man, politician, statesman, Congressman, Mr. President?

WHAT GEN. PERSHING SAYS.

There was a time when it was a natural part of a soldier's existence to drink and carouse. That day is past, with the soldier sworn to defend his country's flag and representing the power and dignity of the Nation. Strong muscles, clear brains, high ideals in the soldier increase the fighting efficiency of the army, and these qualities of the citizen insure the permanency of our institutions.

Gentlemen, I want you to listen to this:

Banish the entire liquor industry from the United States for the duration of the war; close every saloon, every brewery; rigorously and vigorously enforce the law; suppress drinking by severe punishment to the drinker, and, if necessary, death to the seller or maker, or both, as traitors, and the Nation would suddenly find itself amazed at its efficiency and startled at the vast increase in its labor supply.

Mr. Speaker, we are now fighting a number of great enemies. We are fighting Germany and Austria; but my opinion is that the most stealthy and dangerous enemy to our country during the war is the liquor traffic. For God's sake, gentlemen of the House, let us not go through what England has had to go through on this question. This is what Lloyd George said, and I believe he is an authority of the British Empire. Here is what he said:

We are fighting Germany, Austria, and drink, and, as far as I can see, the greatest of these three deadly foes is drink.

[Applause.]

It is true there, and it is true in this country.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. WEBB. I am sorry, but I can not yield. I would yield if I had the time. Mr. Speaker, the American people, the Prohibitionists, the Christian people of all sections of this country were never more united and determined in their effort to drive the liquor traffic from the face of our fair land. Never was the Roman war cry "Delenda est Carthago!" more ceaseless and remorseless than that of the American Christian and temperance people that the saloons must be destroyed, and I hope to-day's epochal vote will be the beginning of its destruction. [Applause.]

Drunken orgies undermined the character and stability of the Roman people and made them easy prey for the Goths and Vandals. We are determined by the help of God that intoxicating liquors shall not undermine and destroy our people so that they will become a prey to German domination.

For more than half a century Bacchus has held wide sway in the United States, but during recent years the temperance people, including the brave and godly women, have awakened to the horror of his infernal reign.

We have learned that alcohol causes the death of more than 66,000 human beings in our country every year.

We have learned that alcohol is a poison which paralyzes the white blood corpuscles, giving pneumonia and tuberculosis almost a free hand in their remorseless attack upon a drinking man.

We have learned that the burden of drink is not borne by the drunkard, but by the drunkard's children, and that there are in the United States 7,000,000 deficient school children, and less than 67,000 of these are free from hereditary alcoholic taint.

With these facts before him a great thinker has cried out, "We must settle the alcohol question within the next 10 years, or some more virile nation will write the epitaph of this Republic."

We have learned that liquor and the liquor traffic are the greatest crime breeders known since the dawn of civilization and that 80 per cent of the inmates of our penitentiaries were imprisoned entirely or partly on account of intoxicating liquors.

We have learned that the principal agency by which tens of thousands of girls are led astray in this country every year is liquor and the liquor traffic.

We have learned that the greatest "cause of commercialized vice is the use of intoxicating liquors."

Will not these astounding revelations affect mankind? Will not hearts of adamant turn to flesh once more when they think of the thousands of girls lured to their ruin; thousands of homes disgraced and in mourning for the lost child, gone out from the parental roof never to return, garnered in the arms of Bacchus and buried in living, though forgotten, graves?

The thinking people of this country have come to agree with the great Gladstone's statement that the drink traffic has caused more suffering, misery, and death than all the famines, pestilences, and wars during the nineteenth century.

We have learned the truth of Judge Harlan's written opinion, that the idleness, disorder, pauperism, and crime existing in the country are largely traceable to the general use of intoxicating liquors.

We have learned the truth of a great editor's assertion when he said, "Whisky finds a man full of hope and courage and confidence in himself. It finds him with friends, receiving and giving affection, and one by one it takes these things from him. Have you seen a buzzard picking the skeleton of a horse? Whisky does its work as vilely and as thoroughly as does the meanest buzzard. Bit by bit it picks from the man all that is worth while."

Little wonder is it, therefore, that Bob Ingersoll in one of his reflective moments should have cried out, "I do not believe anybody can contemplate the object without being prejudiced against the liquor crime."

Who defends this traffic? The man who makes money out of it and the man who wants to raise revenue from it. But I submit that no person has the moral right to engage in this man-killing business, much less has he any right to profit by it. And, as to the revenue, when the whole business is swept away from our country, in the language of the great opinion of the Supreme Court in the license cases, will be the gainer a thousandfold in the health, wealth, and happiness of her people.

With all the unanswered indictments against the liquor traffic before us tell me why one cancerous root of it should be left anywhere within our national confines.

I am filled with unspeakable happiness when I realize that we now have the traffic driven back to its last trench, surrounded in only 12 per cent of our national area, and I am praying that one more drive will result in ending the business on our shores forever.

The prohibitionists, and that includes practically all the great church and allied organizations, are fully alive to the evils of alcoholism and were never more aggressive, active, and determined in their united efforts to destroy the liquor traffic.

During one of the great battles fought by Mahomet, the flag was shot from the ramparts. A daring and devoted soldier immediately seized it with his right hand and held it back on the rampart. Immediately his right arm was shot off, but, never faltering, he seized the flag with his left hand, and that, too, was instantly shot away, whereupon with his bleeding stubs he held the emblem in its place until victory came.

With a zeal and a determination akin to that which animated this devotee of the great Mahomet, let us wage a ceaseless battle and never sheathe our swords until our constitutional amendment is firmly adopted and the white banner of real effective prohibition proudly floats over every courthouse and city hall throughout this the greatest Nation on earth.

America is the pioneer in the modern war on the liquor traffic, so let us continue this great crusade until the last vestige of the evil-born business shall have been swept away forever, and then we shall have "blazed out the path and made clear the way up which all the nations of the earth must come in God's own appointed time." [Applause.]

The SPEAKER. The Clerk will report the resolution for amendment.

The Clerk read as follows:

SECTION 1. The manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

The committee amendment was read, as follows:

On page 1 after section 1, strike out the word "The" and insert the words "after one year from the ratification of this article the," so that the section as amended will read:

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors, etc."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 2, strike out sections 2 and 3 and insert in lieu thereof the following:

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

Mr. REAVIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REAVIS. May we have a division of the vote on sections 2 and 3?

The SPEAKER. If anybody demands it.

Mr. REAVIS. Well, I demand it, Mr. Speaker.

The SPEAKER. The question is on the first section of the amendment just read, which is:

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the second proposition in the amendment, which is:

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment by Mr. STEELE: Insert after line 17 the following:

"SEC. 4. Any State may recall its rejection or ratification of this amendment at any time before three-fourths of the States have actually ratified the same."

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. LEA of California: Amend by adding at the end of section 1 the following:

"*Provided*, This section shall not apply to wines containing not more than 14 per cent of alcohol or to beer containing not more than 3 per cent of alcohol, the power to permit, regulate, and prohibit the manufacture, use, and sale of which is reserved to the separate States."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. CALDWELL. Division, Mr. Speaker.

The House divided; and there were—ayes 107, noes 232.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was rejected.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SABATH, Mr. STAFFORD, Mr. NORTON, and Mr. WEBB demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—ayes 282, nays 128, not voting 23, as follows:

YEAS—282.

Adamson	Emerson	King	Russell
Alexander	Esch	Kinkaid	Sanders, Ind.
Almon	Evans	Kitchin	Sanders, La.
Anderson	Fairfield	Knutson	Sanders, N. Y.
Anthony	Farr	Kraus	Saunders, Va.
Ashbrook	Ferris	Kreider	Schall
Aswell	Foss	La Follette	Scott, Iowa
Austin	Fields	Langley	Scott, Mich.
Ayres	Fisher	Larsen	Sears
Baer	Flood	Lee, Ga.	Sells
Bankhead	Focht	Lenroot	Shackleford
Barkley	Fordney	Lever	Shallenberger
Barnhart	Foss	Little	Shouse
Beakes	Foster	Littlepage	Sims
Bell	Frear	Lobeck	Sinnott
Beshlin	French	Lundeen	Sisson
Black	Fuller, Ill.	Lunn	Slemp
Bland	Fuller, Mass.	McClintic	Sloan
Booher	Gandy	McCormick	Smith, Idaho
Borland	Garrett, Tenn.	McCulloch	Smith, Mich.
Bowers	Garrett, Tex.	McFadden	Snell
Brand	Glass	McKenzie	Snook
Brodbeck	Godwin, N. C.	McKeown	Stengall
Browne	Good	McKinley	Stedman
Browning	Goodall	McLaughlin, Mich.	Steenerson
Brumbaugh	Gould	Mapes	Stephens, Miss.
Burnett	Graham, Ill.	Mays	Sterling, Ill.
Burroughs	Green, Iowa	Miller, Minn.	Sterling, Pa.
Butler	Gregg	Mondell	Stevenson
Byrnes, S. C.	Griest	Montague	Stiness
Byrns, Tenn.	Hadley	Moon	Strong
Campbell, Kans.	Hamilton, Mich.	Moores, Ind.	Summers
Candler, Miss.	Hamilton, N. Y.	Morgan	Sweet
Cannon	Hamlin	Mott	Switzer
Caraway	Harrison, Miss.	Nelson	Taylor, Ark.
Carlin	Harrison, Va.	Nicholls, S. C.	Temple
Carter, Mass.	Hastings	Norton	Thomas
Carter, Okla.	Haugen	Oldfield	Thompson
Clark, Fla.	Hawley	Oliver, Ala.	Tillman
Claypool	Hayden	Olney	Timberlake
Collier	Helm	Osborne	Towner
Connally, Tex.	Helvering	Overstreet	Treadway
Connelly, Kans.	Hensley	Padgett	Venable
Cooper, Ohio	Hersey	Paige	Vestal
Cooper, W. Va.	Hicks	Park	Vinson
Cooper, Wis.	Hilliard	Parker, N. Y.	Volstead
Copley	Holland	Peters	Walker
Costello	Hollingsworth	Platt	Walton
Cox	Hood	Polk	Watson
Cramton	Houston	Powers	Watkins
Crisp	Howard	Pratt	Watson, Va.
Currie, Mich.	Hull, Tenn.	Price	Weaver
Dale, Vt.	Humphreys	Purnell	Webb
Dallinger	Hutchinson	Quin	Welling
Darrow	Ireland	Ragsdale	Whaley
Decker	Jacoway	Rainey	Wheeler
Dempsey	James	Raker	White, Me.
Denison	Johnson, Ky.	Ramseyer	White, Ohio
Denton	Johnson, S. Dak.	Randall	Williams
Dickinson	Johnson, Wash.	Rankin	Wilson, Ill.
Dill	Jones, Tex.	Rayburn	Wilson, La.
Dillon	Jones, Va.	Reavis	Wingo
Dixon	Kearns	Reed	Wise
Doolittle	Keating	Robbins	Wood, Ind.
Doughton	Kehoe	Robinson	Woods, Iowa
Dowell	Kelley, Mich.	Romjue	Woodyard
Drane	Kelly, Pa.	Rose	Young, N. Dak.
Dunn	Kennedy, Iowa.	Rowe	Young, Tex.
Elliott	Kettner	Rowland	Zihlman
Ellsworth	Kiess, Pa.	Ruby	
Elston	Kincheloe	Rucker	

NAYS—128.

Bacharach	Buchanan	Carew	Clark, Pa.
Blackmon	Caldwell	Cary	Classon
Britten	Campbell, Pa.	Chandler, N. Y.	Coady
Bruckner	Cantrill	Church	Crago

Crosser	Graham, Pa.	McAndrews	Sabath
Dale, N. Y.	Gray, Ala.	McArthur	Sanford
Davidson	Gray, N. J.	McLaughlin, Pa.	Scott, Pa.
Davis	Greene, Mass.	McLemore	Shelley
Dent	Greene, Vt.	Madden	Sherwood
Dewalt	Griffin	Magee	Siegel
Dies	Hamill	Maher	Slayden
Dominick	Hardy	Mansfield	Small
Doolling	Haskell	Martin	Smith, C. B.
Doremus	Heaton	Meeker	Smith, T. F.
Drukker	Heflin	Merritt	Snyder
Dupré	Huddleston	Moore, Pa.	Stafford
Dyer	Hulbert	Morin	Steele
Eagan	Hull, Iowa	Mudd	Sullivan
Edmonds	Igoe	Nichols, Mich.	Swift
Estopinal	Juul	Nolan	Talbott
Fairchild, B. L.	Kahn	Oliver, N. Y.	Templeton
Fitzgerald	Kennedy, R. I.	O'Shaunessy	Tilson
Flynn	Key, Ohio	Overmyer	Van Dyke
Francis	Lazaro	Parker, N. J.	Vare
Freeman	Lee, Cal.	Phelan	Voigt
Gallagher	Lehlbach	Porter	Waldow
Gard	Lesher	Pou	Walsh
Garland	Linthicum	Ramsey	Ward
Garner	London	Riordan	Watson, Pa.
Gillett	Longworth	Roberts	Welty
Glynn	Lundeen	Rodenberg	Wilson, Tex
Gordon	Lufkin	Rouse	Winslow

NOT VOTING—23.

Bathrick	Fairchild, G. W.	LaGuardia	Scully
Blanton	Gallivan	Mann	Stephens, Nebr.
Capstick	Goodwin, Ark.	Mason	Tague
Chandler, Okla.	Hayes	Miller, Wash.	Taylor, Colo.
Curry, Cal.	Helgesen	Neely	Tinkham
Eagle	Husted	Rogers	

So (two-thirds having voted in the affirmative) the resolution was agreed to.

The Clerk announced the following pairs:

Mr. GOODWIN of Arkansas and Mr. MILLER of Washington (for) with Mr. TAGUE (against).

Mr. NEELY and Mr. STEPHENS of Nebraska (for) with Mr. GALLIVAN (against).

Mr. TAYLOR of Colorado and Mr. GEORGE W. FAIRCHILD (for) with Mr. CURRY of California (against).

The result of the vote was announced as above recorded.

Mr. MORGAN rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MORGAN. I desire to make a statement relative to my colleague, Mr. CHANDLER. I understand that he left the city, believing that he had a pair, but that through some misunderstanding the pair has been declared off. If he were present, he would have voted for the resolution.

Mr. NORTON rose.

The SPEAKER. For what purpose does the gentleman from North Dakota rise?

Mr. NORTON. I move that the vote by which the resolution was carried be reconsidered and that that motion be laid on the table.

Mr. WEBB rose.

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. WEBB. If under the rules it is necessary or permissible, I would like to make a motion to reconsider the vote and to lay that motion on the table.

The SPEAKER. If there be no objection, the motion will be agreed to.

There was no objection.

Mr. NORTON. I made the same motion.

Mr. EAGAN. Mr. Speaker, I would like to make a statement in regard to my colleague, Mr. SCULLY. He was unavoidably detained. If present, he would have voted against the resolution.

Mr. BROWNING. Mr. Speaker, my colleague, Mr. CAPSTICK, telegraphed me this morning to pair him against this resolution. We were unable to get a pair.

Mr. COOPER of West Virginia. Mr. Speaker, my colleague, Mr. NEELY, was unavoidably detained. If he had been present, he would have voted "yea."

Mr. SIEGEL. Mr. Speaker, I desire to announce that if my colleague, Mr. LAGUARDIA, had been present he would have voted "no" on the resolution.

Mr. HARRISON of Mississippi. Mr. Speaker, I had a telephone message from the gentleman from Massachusetts, Mr. GALLIVAN, asking me to state to the House that if he were present he would have voted "nay" on the resolution.

PRESIDENT'S MESSAGE—EMPLOYEES IN THE STATE DEPARTMENT.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, was ordered to be printed and referred to the Committee on Appropriations:

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES:

I transmit herewith a detailed report by the Secretary of State showing the number of persons employed in the Department of State, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided in the legislative, executive, and judicial appropriation act of March 3, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *17 December, 1917.*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed, on December 15, 1917, bill of the following title:

An act (H. R. 7572) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, the 18th of December, 1917, they stand adjourned until 12 o'clock meridian of Thursday, the 3d day of January, 1918.

Also, joint resolution (H. J. Res. 193) authorizing the payment of salaries of officers and employees of Congress for December, 1917:

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives are authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1917, on the day of adjournment of the present session for the holiday recess; and the Clerk of the House is authorized to pay on the same day to Members, Delegates, and Resident Commissioners their allowance for clerk hire for the said month of December.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 193. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1917.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 114. Joint resolution extending the commission provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, with the same authorities, powers, and provisions until on or before March 1, 1918.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 193. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1917.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. NEELY, for one week, on account of important business;

To Mr. GOODWIN of Arkansas, one week, on account of important business;

To Mr. BLANTON, for 10 days, on account of important business; and

To Mr. GEORGE W. FAIRCHILD, indefinitely, on account of illness in his family.

LEAVE TO EXTEND REMARKS.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this morning, when the first request for extension of remarks was made, I made an objection, stating that I wanted to have the RECORD show the actual proceedings of the day. I have

no objection to general leave being granted to all Members of the House, if they wish, now that the record has been made on this vote.

The SPEAKER. Is there objection?

Mr. WALSH. I object.

The SPEAKER. The gentleman from Massachusetts objects.

WAR EXCESS-PROFITS TAX—SALARIES OF MEMBERS, ETC.

Mr. KITCHIN. Mr. Speaker, I move to suspend the rules and pass House joint resolution 195, which specifically subjects the compensation of officers and employees of the United States, including Members of Congress, to the excess-profits tax.

Mr. GILLETT. Mr. Speaker, I do not think the House expected to transact any more business to-night, and I do not think it is in a frame of mind to do so. I suggest to the gentleman that he ask unanimous consent to take this up to-morrow.

Mr. KITCHIN. I appreciate what the gentleman says, and I ask unanimous consent then, for the present, that this joint resolution be in order for consideration immediately after the reading of the Journal to-morrow.

Mr. MEEKER. Reserving the right to object——

The SPEAKER. Let the Chair state the proposition. The gentleman from North Carolina asks unanimous consent that House joint resolution 195 may be taken up to-morrow immediately after the reading of the Journal and the disposition of business on the Speaker's table. Is there objection?

Mr. MEEKER. Reserving the right to object, there are a number of men who are leaving to-night, who had understood that the legislative program before the holidays was practically finished, but who would like to be informed of the consideration of this resolution. Why can we not dispose of it right now?

Mr. KITCHIN. For the reason stated by the gentleman from Massachusetts [Mr. GILLETT], that a great many Members thought that immediately after the vote on the constitutional amendment the House would adjourn. There will be no objection to this, and no fight against it.

Mr. MEEKER. I want to say that I am in favor of it.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. The House does not clearly understand this proposition. The resolution has not been printed and is not before the House. Even some members of the committee have not seen the resolution.

The SPEAKER. It is before the House.

Mr. MOORE of Pennsylvania. It was impossible to hear the gentleman from North Carolina in the confusion. Was his request for unanimous consent to go on with it now?

SEVERAL MEMBERS. No.

Mr. MOORE of Pennsylvania. Reserving thhe right to object, what was the request?

The SPEAKER. The gentleman from North Carolina called up this resolution and moved to suspend the rules and pass it, and that has never been withdrawn; but pending that, at the suggestion of the gentleman from Massachusetts [Mr. GILLETT], the gentleman from North Carolina asked unanimous consent that immediately after the reading of the Journal and the disposition of business on the Speaker's table to-morrow this resolution be taken up.

Mr. MOORE of Pennsylvania. I have no objection to that request.

The SPEAKER. The Chair wishes to find out if any one objects to it.

Mr. RAKER. A parliamentary inquiry. If the request is granted, will that take precedence of a motion for change of reference?

The SPEAKER. It will not, if I live until that time comes. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I should like to inquire of the gentleman from North Carolina what arrangement, if any, has been made by the chairman of the Banking and Currency Committee with reference to the bill that he wants to offer to-morrow?

Mr. KITCHIN. I understand that the Rules Committee will report a rule to-morrow for its consideration after this joint resolution.

Mr. WEBB. I will say to the gentleman that that is the intention of the Committee on Rules to-morrow.

Mr. WINGO. After we get through with this resolution on the revenue matter, what else is to come up to-morrow?

Mr. KITCHIN. I do not know of anything else to come up to-morrow, except this matter to which the gentleman refers. The gentleman from Tennessee [Mr. PADGETT] has a midshipman bill for which he will ask unanimous consent.

Mr. WINGO. Does the gentleman think there would be any objection to taking up the bill from the Committee on Banking and Currency immediately after the disposition of the resolution which the gentleman refers to?

Mr. KITCHIN. The Committee on Rules will report a rule.

Mr. WINGO. But they might withhold the rule.

Mr. HARRISON of Mississippi. The idea is to report the rule to the House to-morrow and take it up as soon as possible.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina that this resolution be taken up to-morrow after the reading of the Journal?

There was no objection.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the debate on the resolution to-morrow close in 1 hour—30 minutes on a side.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that debate on the resolution be limited to one hour. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Speaker, I ask further unanimous consent that the gentleman from Michigan [Mr. FORDNEY] control one half of the time and I control the other half.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the time be equally divided; that he control one half and the gentleman from Michigan [Mr. FORDNEY] the other half.

Mr. GREEN of Iowa. Reserving the right to object, I would like to inquire if this is on the Union Calendar?

The SPEAKER. It would be on the Union Calendar.

Mr. GREEN of Iowa. Then there will be opportunity for debate under the five-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. GILLETT. Reserving the right to object, has the gentleman any definite purpose as to the time that we will adjourn to-morrow?

Mr. KITCHIN. No; but I want to get through as early as possible.

The SPEAKER. The Chair will remind Members that the gentleman from Illinois [Mr. MCCORMICK] has an hour to-morrow. Is there objection to the request of the gentleman from North Carolina?

Mr. GILLETT. I object.

INCREASING THE NUMBER OF MIDSHIPMEN.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill increasing the number of midshipmen at the Naval Academy. It is one that all Members are interested in, and I do not think it ought to take over 10 minutes.

The SPEAKER. The trouble is that it is not on the Unanimous Consent Calendar. During the extra session, when everything was out of order, the Chair did recognize a number of Members in violation of the Unanimous Consent Calendar rule to call up matters, but that is a good rule and the Chair is in favor of enforcing it.

Mr. PADGETT. Then, Mr. Speaker, I move to suspend the rules and pass the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 6967) to increase the number of midshipmen at the United States Naval Academy.

Be it enacted, etc., That hereafter there shall be allowed at the United States Naval Academy 5 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, 15 appointed each year at large, and 100 appointed annually from enlisted men of the Navy, as now authorized by law.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. Is a second demanded?

Mr. LENROOT. I demand a second.

Mr. PADGETT. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. PADGETT. Mr. Speaker, I ask that a vote be taken on the bill.

Mr. CANNON. That increases the number by one for each Member of Congress.

Mr. PADGETT. Yes.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and two-thirds having voted in favor thereof, the bill was passed.

ANNOUNCEMENT.

Mr. PLATT. Mr. Speaker, I wish to announce that if my colleague, Mr. HUSTED, had been here to-day, he would have voted in favor of submitting the prohibition amendment.

Mr. WINGO. Mr. Speaker, my colleague, Mr. GOODWIN, is necessarily absent. He was paired on the prohibition amendment; but if present, he would have voted "aye."

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I renew my request that when the House adjourns it adjourn to meet at 11 o'clock to-morrow.

Mr. GILLETT. I withdraw my objection.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. I object.

VOCATIONAL EDUCATION.

Mr. SEARS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 110 to amend an act entitled "An act for the promotion of vocational education," approved February 23, 1917.

The SPEAKER. The gentleman can not do that.

Mr. SEARS. Then I move to suspend the rules and pass Senate joint resolution 110.

The Clerk read as follows:

Resolved, etc., That section 7 of the act entitled "An act to provide for the promotion of vocational education," etc., approved February 23, 1917, be, and the same is hereby, amended by adding at the end thereof the words "including the rental of quarters in the District of Columbia from the date of the organization of said board until June 30, 1918."

The SPEAKER. Is a second demanded?

Mr. SHERLEY. Mr. Speaker, I demand a second. I do not think that a resolution of this character, which involves a question of considerable expense, ought to pass to-night. If it is insisted upon I shall insist upon a quorum of the House being present. I owe that in justice to the character of the resolution and what it involves.

Mr. SEARS. Mr. Speaker, I withdraw the motion.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p. m.) the House adjourned until to-morrow, Tuesday, December 18, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting tentative draft of a bill to regulate the pay of retired chief warrant officers on active duty (H. Doc. No. 625), was taken from the Speaker's table, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. KITCHIN, from the Committee on Ways and Means, to which was referred the joint resolution (H. J. Res. 195) amending an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to subject to the war excess-profits tax the compensation of officers and employees under the United States, including Members of Congress, reported the same without amendment, accompanied by a report (No. 230), which said bill and report were referred to the Committee on the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3676) granting an increase of pension to Charles N. Bryant; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6229) granting a pension to Warul Houchin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORE of Pennsylvania: A bill (H. R. 7794) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Ways and Means.

By Mr. BAER: A bill (H. R. 7795) to appropriate $50,000,000 for the purchase of seed grain and feed for live stock, to be supplied to farmers and stockmen, and to create boards in the respective States to assist in carrying out the provisions of this act; to the Committee on Agriculture.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 7796) to increase the salary of the United States marshal for the western district of Michigan; to the Committee on the Judiciary.

By Mr. BRODBECK: A bill (H. R. 7797) providing for increase for soldiers and sailors of the late Civil War who served 90 days or more, attained the age of 75 years, or who are suffering from mental or physical disabilities, not the result of their own misconduct, which incapacitates them from performing manual labor; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 7798) to provide for the enlargement of the public building at Cumberland, Md.; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: A bill (H. R. 7799) to repeal sections of the war-revenue act, approved October 3, 1917, relating to and providing for a zone system for second-class mail matter; to the Committee on Ways and Means.

By Mr. WATKINS: A bill (H. R. 7800) providing compensation for fourth-class postmasters and repealing conflicting laws; to the Committee on the Post Office and Post Roads.

By M. GANDY: A bill (H. R. 7801) authorizing the Secretary of the Interior to extend deferred payments by settlers and homestead entrymen upon public and ceded Indian lands; to the Committee on the Public Lands.

By Mr. WEBB: Resolution (H. Res. 198) for the consideration of House joint resolution 1; to the Committee on Rules.

By Mr. POU: Resolution (H. Res. 199) for consideration of House bill 7731; to the Committee on Rules.

By Mr. PARK: Resolution (H. Res. 200) authorizing the Postmaster of the House to employ an additional clerk; to the Committee on Accounts.

By Mr. RAKER: Resolution (H. Res. 201) transferring jurisdiction of House joint resolution 1; to the Committee on Rules.

By Mr. WOOD of Indiana: Joint resolution (H. J. Res. 194) to prevent depreciation of and speculation in certain securities of the United States and providing penalty for violation thereof; to the Committee on the Judiciary.

By Mr. KITCHIN: Joint resolution (H. J. Res. 195) amending the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to subject to the war excess-profits tax the compensation of officers and employees under the United States, including Members of Congress; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 7802) granting a pension to Charles Gordon; to the Committee on Pensions.

Also, a bill (H. R. 7803) granting a pension to Alma McLaughlin; to the Committee on Invalid pensions.

Also, a bill (H. R. 7804) granting a pension to George W. Cordray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7805) granting a pension to Thomas A. Jamison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7806) granting an increase of pension to Benjamin F. Lantz; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 7807) granting a pension to Charles C. Cooper; to the Committee on Pensions.

By Mr. BRUCKNER: A bill (H. R. 7808) to carry out the findings of the Court of Claims in the case of Arthur E. Colgate, administrator of the estate of Clinton G. Colgate, deceased; to the Committee on Claims.

By Mr. BURROUGHS: A bill (H. R. 7809) granting an increase of pension to Ezra H. Keniston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7810) granting an increase of pension to Daniel G. Blaisdell; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 7811) granting a pension to Alpheus R. Bascom; to the Committee on Pensions.

Also, a bill (H. R. 7812) granting a pension to Henry N. Wilks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7813) granting an increase of pension to William E. Hanigan; to the Committee on Invalid Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 7814) for the relief of Charles E. Currier; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 7815) granting an increase of pension to John Tumilty; to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 7816) granting a pension to Sarah B. Stevens; to the Committee on Pensions.

Also, a bill (H. R. 7817) granting a pension to Clara A. Crosby; to the Committee on Pensions.

Also, a bill (H. R. 7818) granting a pension to Theresa Irish; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 7819) granting an increase of pension to William M. Henderson; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 7820) granting a pension to Josephine Ranglett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7821) granting a pension to Emma C. Homer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7822) granting a pension to Ellwood I. Beatty; to the Committee on Pensions.

By Mr. DENISON: A bill (H. R. 7823) granting an increase of pension to William J. Rosborough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7824) granting an increase of pension to Arthur M. Hayes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7825) granting an increase of pension to Claude M. Dixon; to the Committee on Invalid Pensions.

By Mr. DENTON: A bill (H. R. 7826) granting an increase of pension to Thomas J. Lamar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7827) granting an increase of pension to Samuel P. Wolven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7828) granting an increase of pension to Herman F. W. Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7829) granting an increase of pension to John W. Ellis; to the Committee on Invalid Pensions.

By Mr. FARR: A bill (H. R. 7830) granting a pension to Carrie M. Williams; to the Committee on Pensions.

Also, a bill (H. R. 7831) granting a pension to James McHale; to the Committee on Pensions.

Also, a bill (H. R. 7832) granting a pension to James H. Powell; to the Committee on Pensions.

Also, a bill (H. R. 7833) granting a pension to Frances Horan; to the Committee on Pensions.

Also, a bill (H. R. 7834) granting a pension to Henry Graf; to the Committee on Pensions.

Also, a bill (H. R. 7835) granting an increase of pension to Jabez G. Cole; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 7836) granting a pension to Mary C. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7837) granting an increase of pension to William Himes; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 7838) granting an increase of pension to Herman Brumley; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 7839) granting an increase of pension to Samuel A. Parish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7840) granting an increase of pension to Henry T. Brayman; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 7841) granting an increase of pension to George W. Lehman; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 7842) granting a pension to John George; to the Committee on Pensions.

Also, a bill (H. R. 7843) granting a pension to Harry L. Kepler; to the Committee on Pensions.

Also, a bill (H. R. 7844) granting a pension to Harry C. Donald; to the Committee on Pensions.

Also, a bill (H. R. 7845) granting a pension to Mary C. Kaiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7846) granting a pension to William Hummer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7847) granting a pension to Rose Phillips Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7848) granting a pension to Anna Hardy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7849) granting an increase of pension to Lewis C. Edmonds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7850) granting an increase of pension to Daniel J. Slanker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7851) granting an increase of pension to Ransom Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7852) granting an increase of pension to Daniel Ashbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7853) granting an increase of pension to Israel Dunn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7854) granting an increase of pension to Peter Huffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7855) granting an increase of pension to John Wiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7856) granting an increase of pension to George W. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7857) for the relief of John W. Seaver; to the Committee on War Claims.

Also, a bill (H. R. 7858) to remove the charge of desertion from the military record of John S. Ellis; to the Committee on Military Affairs.

Also, a bill (H. R. 7859) to remove the charge of desertion from the military record of Joseph P. Brady; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 7860) granting a pension to Robert L. Rawlings; to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 7861) granting a pension to Ellen Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7862) granting a pension to Jane Melville; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7863) granting a pension to David Erskine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7864) granting a pension to Eliza S. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7865) granting a pension to Harriet J. Houghtaling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7866) granting a pension to Anna Loud; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7867) granting a pension to Minerva J. Warfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7868) granting a pension to Mary E. Selby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7869) granting a pension to Grace E. Syar; to the Committee on Pensions.

Also, a bill (H. R. 7870) granting a pension to Catherine E. Smith; to the Committee on Pensions.

Also, a bill (H. R. 7871) granting a pension to Florence D. Quincey; to the Committee on Pensions.

Also, a bill (H. R. 7872) granting a pension to Emma W. Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 7873) granting an increase of pension to Lottie Tanner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7874) granting an increase of pension to Channing C. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7875) granting an increase of pension to Brooks E. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7876) granting an increase of pension to Warrington O. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7877) granting an increase of pension to Sylvia Call; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7878) granting an increase of pension to John D. Bridgman; to the Committee on Pensions.

By Mr. ROUSE: A bill (H. R. 7879) granting an increase of pension to Elijah Jenkins; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 7880) granting a pension to Martha Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7881) granting an increase of pension to William H. Hampton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7882) granting a pension to Elizabeth Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7883) granting an increase of pension to Gaston P. Lingenfelter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7884) granting an increase of pension to Walter L. Todd; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 7885) granting a pension to L. J. Collins; to the Committee on Pensions.

Also, a bill (H. R. 7886) granting a pension to W. A. Nicely; to the Committee on Pensions.

Also, a bill (H. R. 7887) granting a pension to Daniel J. Bresnahan; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 7888) granting a pension to Howard M. Blankenship; to the Committee on Pensions.

Also, a bill (H. R. 7889) granting a pension to Hiram Dillon; to the Committee on Pensions.

Also, a bill (H. R. 7890) granting a pension to H. H. Broce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7891) granting a pension to Thomas Spurrier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7892) granting a pension to Pleasant D. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7893) granting an increase of pension to Clarence A. Yaucey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7894) granting an increase of pension to Samuel H. McCartney; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 7895) granting a pension to Francis McCloe; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 7896) granting an increase of pension to Angel Housker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7897) granting an increase of pension to Cleophas Guerin; to the Committee on Invalid Pensions.

By Mr. STERLING of Illinois: A bill (H. R. 7898) granting a n pension to Nettie L. Jewell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7899) granting an increase of pension to Erskine M. Hamilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7900) granting an increase of pension to David B. Waeaser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7901) granting an increase of pension to Isaiah W. Wilmeth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7902) granting an increase of pension to Elijah Houghton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7903) granting an increase of pension to William T. Gibbs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7904) granting an increase of pension to George W. Gregory; to the Committee on Pensions.

Also, a bill (H. R. 7905) granting an increase of pension to William C. Rusmisell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 7906) granting an increase of pension to Ernest J. Patton; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 7907) granting an increase of pension to Henry M. Gray; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 7908) granting an increase of pension to Henry Randall; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 7909) granting an increase of pension to James Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7910) granting an increase of pension to Roswell O. Spear; to the Committee on Invalid Pensions.

By Mr WILLIAMS: A bill (H. R. 7911) granting a pension to Charles C. Edwards; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the National Council of American Cotton Manufacturers, urging liberal appropriations for the support and development of the Bureau of Foreign and Domestic Commerce, and further urging the creation and maintenance of an effective bureau for the development and extension of American foreign trade; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolutions of the annual convention of the American Federation of Labor at Buffalo, N. Y., November 12 to 24, 1917, favoring the retirement of teachers in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), petition of Metropolitan Presbyterian Church, Washington, D. C., urging the passage of the prohibition amendment; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Arkansas, Massachusetts, New York, Pennsylvania, Tennessee, Texas, Virginia, Washington, and Wisconsin, favoring the Moore purple-cross bill (H. R. 5410) or the Wolcott purple-cross bill (S. 2682); to the Committee on Military Affairs.

By Mr. BLAND: Evidence in the case of Herschel Spainhour, special pension bill; to the Committee on Invalid Pensions.

By Mr. CARY: Memorial of National Council of American Cotton Manufacturers relative to appropriation for Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

Also, memorial of board of directors of Chamber of Commerce of the United States of America relative to buildings to house Government workers; to the Committee on Appropriations.

Also, petition of Mrs. Leno Wettlenan, Clara Harrison, Helen Wenlig, Mary A. Matthai, Amanda M. Jaeger, Clara Miller, Anna A. Henrichs, and Louisa Paarfusser, all employed as charwomen in the United States post office, courthouse, and customhouse at Milwaukee, Wis., urging passage of Keating bill; to the Committee on Labor.

Also, telegram from J. Y. Feldman, chairman legislative committee, Local No. 3, Federation of Federal Employees, urging passage of Keating bill; to the Committee on Labor.

Also, telegram from H. W. Ludish, president Milwaukee Chamber of Commerce; Henry Rang & Co.; H. Scarborough, president Twentieth Century Machinery Co.; Green Bros. & Hausen Realty Co., of Manitowoc; Kneipp Malt Food Co.; the William Rahr Sons Co.; the Manitowoc Malting Co.; Milwaukee Western Fuel Co.; Albert H. Kletz, president Western Specialty Co.; Gustav Woolaeger, jr.; A. Bergenthal; and Herman F. Wolf, all of Milwaukee, Wis., protesting against passage of national prohibition amendment; to the Committee on the Judiciary.

Also, telegram from Walter Schroeder, of Milwaukee, and Vinegar Co. of Milwaukee, Wis., protesting against passage of national prohibition amendment; to the Committee on the Judiciary.

Also, letter from general counsel Malsters Bureau of Statistics, of Chicago, and R. A. Wittemann, president the Wittemann Co., of Buffalo, N. Y., protesting against passage of national prohibition amendment; to the Committee on the Judiciary.

Also, petition of Thomas W. Lawson, urging a congressional court to expose contracts committee; to the Committee on Military Affairs.

By Mr. COADY: Petition of citizens of Baltimore, Md., against national prohibition; to the Committee on the Judiciary.

By Mr. COOPER of Ohio: Petition of business men and citizens of Youngstown, Ohio, urging enactment of legislation by Congress granting increased pay to postal employees; to the Committee on the Post Office and Post Roads.

By Mr. CRAMTON: Petition of Dr. T. D. McCoy and 39 other citizens of Cass City, Mich., in favor of legislation placing Army medical officers on the same basis as to commissions as Navy medical officers; to the Committee on Military Affairs.

Also, memorial of Mount Clemens Woman's Christian Temperance Union and others in favor of all legislation safeguarding Army camps from vice; to the Committee on Military Affairs.

Also, petition of Louis Priens and 681 other citizens of Macomb County, Mich., opposing legislation proposing the creation of nation-wide prohibition; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of Chamber of Commerce of the United States of America relative to housing of labor needed for the Government; to the Committee on Public Buildings and Grounds.

Also, memorial of Merchant Tailors' Society of New York, relative to shortage of wool; to the Committee on Agriculture.

Also, petition of the American Numismatic Society of New York, relative to House bill 6447, to provide valor medals for our soldiers; to the Committee on Military Affairs.

Also, petition of the Wittemann Co., of Buffalo, N. Y., against national prohibition; to the Committee on the Judiciary.

By Mr. DARROW: Petition of Philanthropic Committee of Philadelphia Yearly Meeting of Friends, in favor of the national prohibition amendment; also a petition of 14 residents of West Philadelphia, Pa., favoring the prohibition amendment; to the Committee on the Judiciary.

By Mr. ELSTON: Resolutions of the California White and Sugar Pine Manufacturers' Association, asking Congress to appropriate $10,000 to be placed at the disposal of the United States Weather Bureau for the purpose of employing a man with necessary equipment to study specifically the problem of weather conditions as related to forest fires and to cooperate with fire-protective agencies in putting the results into effect; to the Committee on Appropriations.

By Mr. FARR: Telegram of Mr. Steve McDonald, president of Central Labor Union (representing 60,000 workers), opposing the prohibition amendment; to the Committee on the Judiciary.

By Mr. FLYNN: Petitions of numerous citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of citizens of the Borough of Brooklyn, city of New York, State of New York, disapproving the resolutions now before the House of Representatives for national prohibition; to the Committee on the Judiciary.

By Mr. HAMLIN: Papers to accompany House bill 5436; to the Committee on Invalid Pensions

By Mr. HILLIARD: Memorial of Ajax Camp, No. 647 Woodmen of the World, urging the passage of House bill 1654, granting an increase of pay to post-office clerks and letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Petitions of Emma B. Evans, Rev. E. R. Evans, and Woman's Christian Temperance Union of Central Falls, all in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Rhode Island State Federation of Labor, protesting against passage of national prohibition amendment; to the Committee on the Judiciary.

Also, petitions of C. L. Michelson, E. H. Thomas, W. R. Esten, I. M. Glassey, E. Ramsbottom, M. Glassey, E. Rosenberry, S. Ramsbottom, C. Lovering, A. H. Howard, John Ramsbottom, E. Kearsley, H. Rothwell, J. S. Esten, George Macauley, J. Manley, W. Birthwell, James Bower, J. Testor, Albert Rothwell, William Little, Manford Cole, J. E. Birthwell, W. E. Quinham, J. W. Quinham, Thomas Readett, Charles Howard, A. Perrigeaux, E. R. Wilbur, A. Jackson, Vincent Bernasconi, L. Mowry, C. E. Curtis, Frank W. Curtis, M. R. Easton, John Michelson, and C. Magoon, all of Lonsdale, in the State of Rhode Island, favoring national prohibition; to the Committee on the Judiciary.

Also, petitions of Roy Pierce, William Burnett, E. Peterson, Henry Getchell, Franklin Lewis, Albert White, Charles Homster, John Simpson, A. Burland, Edward Cole, Edward Turner, Arthur Dobson, William Goddell, Henry Pierce, Henry Hunt, Edward Bass, Edward Gammage, and William Whip, all of Providence, in the State of Rhode Island, favoring prohibition; to the Committee on the Judiciary.

Also, petitions of W. J. Kozlowski and 16 others, of Central Falls, R. I.; directors of New England Hotel Association; Providence (R. I.) Bartenders' Local Union No. 285; Rhode Island Retail Liquor Dealers' Association; and Brewery Workers' Union No. 114, of Providence, R. I. against prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Alfred K. Potter, Thomas J. Steuart, Jonathan Hartley, Providence Methodist Deaconesses, William H. Craig, and Arthur P. Mowry, all of Providence; Arthur R. Bacon, F. E. Kettlety, G. W. Lothrop, H. D. Bryan, William Naismith, Earl French, James Cookson, Paul Gilpin, R. H. Gilbert, H. A. Tarbell, O. G. Terry, F. B. Hicks, Robert Mungall, A. H. Thurston, Fred Kibry, Charles Burgess, John Kerwin, and L. G. Horton, all of Woonsocket; Frederick D. Allen, of Rumford; and Stephen C. Irons, Fred M. Greenhalgh, Ernest E. Hopkins, Thomas W. Steere, George W. Steere, Fred W. Householder, William Hopkins, James L. Brown, Jesse B. Mowry, Robert H. Wade, George W. Burlingame, J. C. Hopkins, E. M. Steere, and Wilson Peckham, all of Glocester, in the State of Rhode Island, in favor of national prohibition; to the Committee on the Judiciary.

Also, petitions of George H. Peabody, Alden R. Vaughan & Co., William R. Cummings, W. A. Brackett, Robert Dow, T. Stewart Little, Carlos F. Hunt, Dr. E. A. Seal, and Primitive Methodist Church, of Lansdale, all of Pawtucket, in the State of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

Also, petitions of Rev. Charles B. Osborne, of Pascoag; Dr. B. U. Richards, secretary of Rhode Island State Board of Health, Providence; James Morgan, William Randall, Charles F. Potter, James Carpenter, William J. Smith, William Doel, Sabin L. Sayles, and C. F. Potter, all of Pascoag; Junior Christian Endeavor Society of Darlington Congregational Church, of Pawtucket, all in State of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

By Mr. LINTHICUM: Telegram of E. C. Wilson, chairman of the Baltimore Yearly Meeting of Friends, expressing the approval of that body of the Federal prohibition amendment; also a letter from D. Meredith Reese, Baltimore Md., opposing the prohibition amendment; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Baltimore, Md., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Henry Pryser, Baltimore, Md., favoring House bill 7356, for increasing pay of Government employees; to the Committee on Appropriations.

Also, petition of Louis Kaufmann & Sons, of Baltimore, Md., favoring 1-cent postage on postal cards; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Baltimore, Md., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of citizens of Hartford, Conn., favoring increase of salaries of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. LUNDEEN: Telegram of the Minneapolis Trades and Labor Assembly, C. L. Mayo, president, and Leslie Sinton, secretary, in opposition to national prohibition legislation; to the Committee on the Judiciary.

Also, telegram of Local Union No. 269, George L. Pidcock, secretary, Minneapolis, Minn., opposing national prohibition legislation; to the Committee on the Judiciary.

Also, telegram of executive board of Brewery Workmen, Ed Rueh, secretary, A. M. McDonald, president, Minneapolis, Minn., opposing national prohibition legislation; to the Committee on the Judiciary.

By Mr. MEEKER: Petitions of Coopers' International Union, Brewery Workers' Union, H. J. Luecke, Ernest A. Hildebrand, and Western Refrigerator & Manufacturing Co., all of St. Louis, Mo., opposing national prohibition; to the Committee on the Judiciary.

By Mr. MERRITT: Petition of sundry citizens of the city of Stamford, Conn., in favor of national prohibition; to the Committee on the Judiciary.

By Mr. OSBORNE: Resolutions passed at a meeting of the directors and stockholders of the California White and Sugar Pine Manufacturers' Association, held November 16, 1917, at San Francisco, Cal., petitioning Congress to appropriate $10,000 to be placed at the disposal of the United States Weather Bureau for the purpose of employing a man with necessary equipment to study specifically the problem of weather conditions as related to forest fires and to cooperate with fire protective agencies in putting the results into effect; to the Committee on Appropriations.

By Mr. O'SHAUNESSY: Petitions of citizens of Rhode Island, against the passage of the woman-suffrage amendment; to the Committee on Woman Suffrage.

Also, petitions of citizens and organizations of Rhode Island, in favor of the passage of the prohibition bill; to the Committee on the Judiciary.

By Mr. RANDALL: Petition of 70 citizens of Orosi, Cal., requesting immediate and complete war-time prohibition to save food and sugar consumed by brewers; to the Committee on the Judiciary.

By Mr. ROWE: Petition of sundry citizens of the State of New York, protesting against the passage of the Sheppard resolution providing for national prohibition; to the Committee on the Judiciary.

By Mr. SIEGEL: Resolution of the Merchant Tailors Society of the City of New York, urging Congress to encourage wool production by giving a bounty on all ewes, expressing approval of the conservation policy of the Government, and offering to coopernte with it in all measures for the conservation of wool; to the Committee on Agriculture.

Also, petition of sundry citizens of New York City, N. Y., opposing the national prohibition amendment; to the Committee on the Judiciary.

By Mr. SHALLENBERGER: Petition of L. A. Dasher and sundry other citizens of Minden, Nebr., in favor of granting suffrage to women; to the Committee on Woman Suffrage.

By Mr. SMITH of Michigan: Papers to accompany House bill 3061, for increase in pension of Jonathan D. Butler; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 7315, for increase in pension of Francis McCloe; to the Committee on Invalid Pensions.

By Mr. SNELL: Petition of city and rural carriers and clerks of post office at Ogdensburg, N. Y., requesting increase of salary as provided in the Madden bill, H. R. 1654; to the Committee on the Post Office and Post Roads.

Also, petition of women of the Red Cross of Plattsburg, N. Y., favoring national prohibition amendment; to the Committee on the Judiciary.

Also, petition of citizens of Brier Hill, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of members of the Church of Christ, of Crookston, Minn., in favor of the resolution to submit the proposed national prohibition amendment; to the Committee on the Judiciary.

By Mr. STINESS: Telegrams from R. P. Winsor, Charles Johnson, William Thelsey, Henry Enegerton, Abraham Mickell, John Finner, Walter Stringer, L. Green, David Stone, Daniel Matthewson, Clarence Thomas Worth, Harold Mattison, David Beeseley, William Potter, Frank Hager, Arthur Anthony, Edward Tingley, Mrs. Daniel Matthewson, Mrs. Elizabeth Dolge, Mrs. Daniel Wright, Mrs. William Steel, Mrs. Walter Small, Mrs. Robert Crowell, and Mrs. Walter Stringer, of Auburn; Edgar Wood, James Green, Frank Fowler, Percy Leathers, Lawrence Shaw, Henry Sherman, William Durfee, Charles Northup, and Herbert Mowry, of Oaklawn; and Robert McGhe, Arthur P. Mowry, William Irving, Elmer H. Gay, and Thomas J. Steuart, of Providence, all in the State of Rhode Island, favoring prohibition; to the Committee on the Judiciary.

Also telegrams, letters, and petitions from Jonathan Hartley, E. L. Lewis, E. A. Lewis, William H. Craig, Walter P. Jones, and Providence Methodist Deaconesses, of Providence; Mr. and Mrs. E. A. Gould and Mr. and Mrs. G. H. Sargent, of East Greenwich; William T. Green, of Natick; Alfred K. Potter, president and treasurer E. A. Potter Co., of Providence; Edgar A. Wood and 19 others, of Oak Lawn; E. Howard Clark and 16 others, William Clark and 26 others, F. C. A. Jones and 43 others, and Robert B. Meikle and 34 others, of Westerly; and Eugena Lawton, Edwin Tetlow, Edric Abel, Raymond Blanch-

ard, Charles Hancock, John Sherry, Clark Hood, Herbert Poole, Ernest Poole, George Butterworth, John Kay, Alfred Spencer, Richard Calvert, Thomas Turner, Howard Perry, Elwin Thayer, Ernest Weller, and George Thomas, of Providence, all in the State of Rhode Island, favoring prohibition; to the Committee on the Judiciary.

Also, petitions of 518 citizens of Rhode Island, assembled in Mathewson Street Methodist Church, R. H. Hollington, chairman, H. A. Fifield, secretary; Neighborhood of Auxiliaries to the Woman's Home Missionary Association of Massachusetts and Rhode Island, Mrs. Herman S. Rich, secretary; St. Luke's Church, East Greenwich, R. I., I. P. Conover, pastor; Fourth Baptist Church Sunday School, Henry C. Finley, superintendent, Providence, R. I.; Clarks Mills Woman's Christian Temperance Union, of Shannock, R. I., Laura E. Waterman, secretary; Woman's Christian Temperance Union, Providence, R. I.; Raymond I. Blanchard and 64 other citizens of Rhode Island; and Litchfield Manufacturing Co., H. L. Litchfield, president, Waterloo, Iowa; also resolutions adopted by the board of directors of the Anti-Saloon League of America in regular session December 13, 1917; and national legislative committee Anti-Saloon League of America, James Cannon, jr., chairman, favoring prohibition; to the Committee on the Judiciary.

Also, telegrams from directors of the New England Hotel Association, meeting held at Northampton, Mass., December 15, William M. Kimball, secretary, and Providence (R. I.) Bartenders' Local Union 285, William J. Guest, business agent; letters from Paul Castiglioni, Providence, R. I., and Joseph DeAugety and three other citizens of Rhode Island; and resolutions of the Grand Lodge Rhode Island Retail Liquor Dealers' Association, John H. Holland, chairman, opposing prohibition; to the Committee on the Judiciary.

Also, telegrams from the bottlers' union, P. J. McQuillian, and brewery workers' unions, numbering 114, Fred H. Bartels, secretary, both of Providence; also letters from Labor's Emergency Liberty League, Joseph Dehan, secretary, the Brewery Workers' Union in convention, representing 60,000; Maisters' Bureau of Statistics, representing the malting industry of the United States, Phil O. Gran, general counsel, Chicago, Ill.; and the Manufacturers and Dealers' League of the City and State of New York, W. H. Brady, chairman legislative committee, representing 1,200 firms, corporations, and individuals owning properties valued in the millions and employing hundreds of thousands of people, opposing prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petitions of Thomas H. Sullivan and 300 others of New Haven, Conn., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of Olof Lungren and 10 other ministers of the churches of Meriden, Conn., favoring submitting prohibition amendment to the various States; to the Committtee on the Judiciary.

By Mr. TIMBERLAKE: Resolutions of the State officers of Colorado, protesting against the provisions of the revenue law exempting State and Federal officers from the law; to the Committee on Ways and Means.

By Mr. WARD: Petition signed by I. N. Steelman and other citizens of Brenkabeen, N. Y., favoring prohibition legislation; to the Committee on the Judiciary.

Also, petition signed by Mrs. Dora M. Avery, M. H. Atwater, and other residents of Greenville, N. Y., in favor of national prohibition amendment; to the Committee on the Judiciary.

Also, petition signed by C. B. Hubbell and other residents of Jefferson, Schoharie County, N. Y., in favor of passage of prohibition amendment; to the Committee on the Judiciary.

Also, petition by Frances E. Hoornbeek and other members of Woman's Missionary Society of Reformed Church, of Ellenville, N. Y., favoring passage of prohibition amendment; to the Committee on the Judiciary.

Also, petition of members of Woman's Foreign Missionary Society of Methodist Episcopal Church of Ellenville, N. Y., in favor of passage of prohibition amendment; to the Committee on the Judiciary.

Also, petition of Joseph E. Appley and other citizens of Ellenville, N. Y., urging enactment of prohibition legislation; to the Committee on the Judiciary.

Also, petition of Rev. F. M. Sawyer and other residents of Chatham Center, N. Y., favoring prohibition legislation; to the Committee on the Judiciary.

Also, petition signed by Rev. Peter De Meester and citizens of Ghent, N. Y., favoring prohibition legislation; to the Committee on the Judiciary.

Also, petition of Rev. P. C. Weyant and other citizens of Kingston, N. Y., favoring prohibition measures; to the Committee on the Judiciary.

Also, petition signed by Julia Lasher and other citizens of Germantown, N. Y., favoring prohibition legislation; to the Committee on the Judiciary.

Also, petition of Rev. Charles G. Ellis and other members of Rondout Presbyterian Church of Kingston, N. Y., favoring prohibition legislation; to the Committee on the Judiciary.

Also, petition signed by citizens of Howes Cave, Schoharie County, N. Y., favoring prohibition legislation; to the Committee on the Judiciary.

Also, petition signed by G. Righterzeiff and other citizens of Kingston, N. Y., favoring prohibition legislation; to the Committee on the Judiciary.

Also, petition of Mr. Egbert V. Bogardus and other citizens of Leeds, N. Y., favoring prohibition legislation; to the Committee on the Judiciary.

Also, petition of Rev. Sidney Aldrich and other citizens of Grapeville, N. Y., favoring prohibition; to the Committee on the Judiciary.

Also, petition signed by citizens of Stone Ridge, N. Y., favoring enactment of prohibition measures; to the Committee on the Judiciary.

Also, petition signed by citizens of Livingston Manor and Roscoe, N. Y., favoring enactment of prohibition measures; to the Committee on the Judiciary.

Also, petition of J. A. Hurn and other citizens of Livingston Manor, N. Y., favoring enactment of prohibition measures; to the Committee on the Judiciary.

Also, petition signed by citizens of Catskill and Leeds, N. Y., opposing prohibition measures; to the Committee on the Judiciary.

Also, petition signed by 215 citizens of Marlboro, N. Y., favoring enactment of prohibition measures; to the Committee on the Judiciary.

Also, petition signed by citizens of North Chatham, N. Y., favoring enactment of prohibition legislation; to the Committee on the Judiciary.

By Mr. WOOD of Indiana: Petition of 403 citizens of Porter County, Ind., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

TUESDAY, *December 18, 1917.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in Thy providence Thou hast brought us to the season of the year when we look back once more to the Babe of Bethlehem, the Boy of Nazareth, the Man of Galilee, the great outstanding figure of all history, the touchstone of all truth. His word has the inherent power of absolute and final truth and His character is the inspiration of all good men. We pray that as we approach the season when Christian civilization will celebrate His coming into the world that our hearts may turn toward Him, that His Word may break the heart of the world, that His hand may be laid upon the feverish brow of the world, and that His example may even now lift the world to a higher and diviner plane of life. We pray Thee to sanctify the season which is just ahead of us to the establishment of the freedom of all men and the peace of the world. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENLISTED MEN AND COMMISSIONED OFFICERS (S. DOC. NO. 154).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of War in response to a resolution of the Senate, which will be printed and also ordered printed in the RECORD.

The communication is as follows:

WAR DEPARTMENT,
Washington, December 18, 1917.

To the PRESIDENT UNITED STATES SENATE:

SIR: I have the honor to acknowledge receipt of a resolution in the Senate of the United States, under date of December 11, 1917, directing me to inform the United States Senate "what, if any, rules or regulations there are of the War Department which prevent officers from having intercourse with privates and mingling with them in social intercourse, or which tend to caste distinction between enlisted men and commissioned officers when they are off duty." In response thereto I submit for the information of the Senate of the United States the following paragraph of Army Regulations in regard to the relationship between officers and enlisted men as the only rule or regulation now existing relative to this matter:

"Superiors are forbidden to injure those under their authority by tyrannical or capricious conduct or by abusive language. While maintaining discipline and the thorough and prompt performance of military duty, all officers, in dealing with enlisted men, will bear in mind the absolute necessity of so treating them as to preserve their self-respect. Officers will keep in as close touch as possible with the men under their command, will strive to build up such relations of confidence and sympathy as will insure the free approach of their men to them for counsel and assistance. This relationship may be gained and maintained without relaxation on the bonds of discipline and with great benefit to the service as a whole.

In this paragraph will be seen an endeavor to arrive at a true balance in the proper relationship between officers and enlisted men; on the one hand, to encourage an exchange of confidence and cooperation between the officer and the soldier, and, on the other, to avoid personal intimacies between an officer and any particular soldier or soldiers, which might have a tendency to lead to favoritism or the suspicion of favoritism in assignments for duties, or cause discontent on the part of those not selected for special intimacy by the officer in question. All officers are expected to so exercise their judgment under this regulation as at all times to enjoy the sympathy, confidence, and respect of the soldiers, and it has always been a part of the instructions given young officers by their superiors to exert themselves to promote this relationship.

Distinctions of rank in the Army are solely in the interest of military discipline. They imply no social distinction; indeed, in a country like ours the advantage of education and culture will very frequently be found in favor of the soldier; and yet it is necessary that the soldier should acquire by continuous and unvarying practice the habit of instant obedience to his superior. This is as true of officers as it is of men. In the emergency of battle, when every condition tends to distract men's attention and peril is on every side, safety for a command frequently lies only in its organized and coordinated activity, and this can proceed from one inspiration alone—the instant, unquestioning compliance by all with the voice of authority. There is no time to debate, no opportunity to consider; the men must have acquired their rule of action—attention and obedience to command. This habit can not be created in emergencies and forgotten under other circumstances, but must result from practice which tolerates no exceptions either of persons or occasions. The relationship between officers and men, therefore, must be so arranged as to lead to this indispensable result; but this is entirely consistent with respect, sympathy, and mutual consideration, and the best officers are those who have most completely won the affection of their men. Military annals are filled with splendid stories of men imperiling their lives outside of the necessities of military action in order to save the life of a beloved captain.

The War Department, therefore, has endeavored and is endeavoring by every means within its power to impress upon officers the military value of this cordial relationship—to have them understand that as is the officer so is the command; that their spirit and their actions constitute the example upon which the spirited actions of the men are molded. While here and there instances undoubtedly occur of thoughtless and inconsiderate conduct on the part of officers and of unreasoning complaint on the part of the men who have failed to understand the just obligations of this disciplinary relationship, I am still persuaded that in the great Army we now have in the field and in training there is a growing realization that it is both possible and useful to be faithful to military discipline and at the same time to the democratic ideals of our country.

Very respectfully, yours, NEWTON D. BAKER,
Secretary of War.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 6907) to increase the number of midshipmen at the United States Naval Academy, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 114) extending the commission provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, with the same authorities, powers, and provisions until on or before March 1, 1918, and it was thereupon signed by the Vice President.

NATIONAL PROHIBITION.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States, which were, on page 1, line 9, to strike out "the" and insert "after one year from the ratification of this article the"; on page 1, to strike out lines 14 and 15 and lines 1, 2, and 3 on page 2, and insert:

SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

And, on page 2, to strike out lines 4 and 5 and insert:

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Mr. SHEPPARD rose.

Mr. GALLINGER. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Dillingham	Gallinger
Beckham	Colt	Fernald	Gerry
Borah	Culberson	Fletcher	Gronna
Brandegee	Cummins	France	Hale
Calder	Curtis	Frelinghuysen	Harding
Hardwick	McCumber	Pomerene	Sterling
Hitchcock	McKellar	Robinson	Stone
Hollis	McLean	Saulsbury	Sutherland
James	McNary	Shafroth	Swanson
Johnson, Cal.	Martin	Sheppard	Thompson
Johnson, S. Dak.	Myers	Sherman	Townsend
Jones, Wash.	Nelson	Shields	Vardaman
Kellogg	New	Simmons	Wadsworth
Kendrick	Newlands	Smith, Ariz.	Weeks
King	Norris	Smith, Ga.	Williams
Knox	Overman	Smith, Md.	
La Follette	Penrose	Smith, Mich.	
Lewis	Pittman	Smoot	

Mr. FRELINGHUYSEN. I wish to announce the absence of my colleague [Mr. HUGHES] on account of illness.

Mr. SUTHERLAND. My colleague, the senior Senator from West Virginia [Mr. GOFF] is absent owing to illness.

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] on account of illness.

Mr. VARDAMAN. I wish to announce the absence of the junior Senator from Missouri [Mr. REED], the Senator from New Mexico [Mr. JONES], the Senator from Iowa [Mr. KENYON], and the Senator from Massachusetts [Mr. LODGE] on official business upon the Committee on Manufactures.

Mr. MYERS. My colleague [Mr. WALSH] is detained from the Senate on account of illness.

Mr. SAULSBURY. I wish to announce that my colleague [Mr. WOLCOTT] is absent on account of illness.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SHEPPARD. I move that the Senate concur in the amendments of the House of Representatives to Senate joint resolution No. 17.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas.

Mr. BORAH. Mr. President, a parliamentary inquiry. Do these amendments require a two-thirds vote?

The VICE PRESIDENT. That is the opinion of the Chair. It is the view of the Chair that an amendment to a resolution proposing an amendment to the Constitution of the United States needs only a majority in order to be adopted; but the resolution having once been adopted by the Senate and gone to the House and returned here for the final action of the Senate, it is necessary to have a two-thirds vote on the amendments of the House, for this constitutes the final passage of the resolution.

Mr. BORAH. Mr. President, I want to say a word before the matter is disposed of.

I regret exceedingly, Mr. President, that this amendment has taken the form which it has. There are two clauses in the amendment which, to my mind, are irreconcilable with any idea of constitutional action or action in harmony with the Constitution. In the first place, the amendment as it is proposed to the Constitution as an amendment has in it the words "after one year from the ratification of this article," so that it will read:

That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution after one year from the ratification of this article—

And so forth.

It is just as plain as the path to the country schoolhouse that that is either wholly and absolutely surplusage and has no business here or else it will prevent any real submission of the question to the States. It can do no good and may do much harm.

The Constitution of the United States provides in unmistakable language when a provision of the Constitution shall go into effect, and it is not within the power of the Congress, by incorporating a different provision in a proposed amendment to change the law of the land. I can not understand, Mr. President, why such a clause should be inserted in an amendment so vital and important as this. It is manifestly out of harmony with the Constitution. I do not assume to say what its effect will be, but it might endanger the whole proceedings.

Secondly, it provides that "this article shall be inoperative"—and I want to call the attention of the Senate to the word "inoperative"—"unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within six years." That has been changed to seven years.

We have no power by this method to limit the time within which this amendment shall be ratified. That matter was discussed before. I shall not discuss it again. After a fuller investigation and a more thorough study of the matter I am more thoroughly convinced that we have no such power. The act which we shall here perform will either result in a submission

to the States or it will be held to be no submission at all. If it ever goes to the States and they actually acquire jurisdiction of it, they can ratify it at any time they see fit, and when a sufficient number shall have ratified it, it becomes a part of the Constitution. If it is a submission at all, then a ratification will be constitutional, though the requisite number of States should not vote for it for 10 years, or later.

We can not limit the time. For instance, to give an illustration we will assume that this is submitted, that the States acquire jurisdiction of the subject and proceed to ratify, and at the end of seven years 35 States have ratified it. At the beginning of the eighth year the thirty-sixth State ratifies it. Will anyone contend for a moment that it is not a part of the Constitution of the United States if it is a submission at all? The Constitution itself, which is unchanged, says that an amendment may be ratified by the States and places no limit upon the time within which to ratify it.

The thing which I most fear, Mr President, however, is that it would be held not to have been a submission to the States at all. What I most fear is that it being a submission in a manner not provided for in the Constitution it is no submission at all.

The Committee on the Judiciary has reported upon this matter since we acted upon the pending joint resolution. The able Senator from Connecticut [Mr. BRANDEGEE] has proposed an amendment to the Constitution providing a limit of time within which constitutional amendments shall be ratified. If the Congress can by each amendment fix the limit of time, there is no occasion for the Senator from Connecticut to offer such an amendment to the Constitution of the United States. In other words, when the woman suffrage amendment comes along we can put in a limit of 4 years or we can put in a limit of 10 years; when some other amendment comes along we can put in a limit of 1 year or 3 years, and it will be a matter wholly within the control of Congress by the act of submission, whereas the Constitution itself places no limit upon it at all, and that is a vital, substantial, elemental provision of the Constitution.

Mr. President, if I have an opportunity, I shall vote against these amendments, because I think they are dangerous in their import. While I am in favor of the amendment, I am opposed to these changes. I think they should by no means be here. I do not think the friends of the measure should thus endanger the whole proceedings.

Mr. LEWIS. Before the Senator sits down may I ask the Senator, to test his position, suppose Congress should reverse the matter and put in a provision that this adoption shall not take effect for 20 years instead of saying within the time it should do so, that it actually said it shall not take effect for 20 years, does the Senator assume that that would be legal?

Mr. BORAH. I do not.

Mr. LEWIS. Then if it could provide in what time it should go into effect, could it not also provide what time it should not go into effect?

Mr. BORAH. If I caught the question, I say yes.

Mr. LEWIS. I was very much interested in the Senator's position. If Congress has the right to put a time limit as to when this amendment shall go into effect it would equally have the right to put a limit when it should not go into effect.

Mr. BORAH. I think so.

Mr. LEWIS. Then if the Senator's argument is well taken, would not the final effect be that if Congress could put a limit as to when it should go into effect it could equally put one in when it should not go into effect?

Mr. BORAH. I think so.

Mr. LEWIS. Therefore, if we could say it should not go into effect for 20 years, could we not also say when it could not go into effect? Not for 20 years, and would not that practically work an absolute obviation of the effect of the amendment by putting a limit of time at such a distance as to make it impossible to reach the object we might have in view?

Mr. BORAH. If I understand the Senator, I am in harmony with the view he expresses.

Mr. LEWIS. Would that be the operation according to the Senator's contention?

Mr. BORAH. That is my opinion.

Mr. BRANDEGEE. Will the Senator, before he takes his seat, let me ask him a question?

Referring to the amendment which the Senator from Idaho [Mr. BORAH] has been discussing, I did not hear the first part of his remarks, and therefore he may have answered the question I am about to ask, but I will ask it again. The amendment reads as follows:

> This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Does the Senator think that that amendment attached to the proposed constitutional amendment makes the entire submission void, or does he think that it would only be regarded as surplusage if Congress had no authority to put it on?

Mr. BORAH. Mr. President, I am not prepared to say I have not reached a conclusion as to what would be the effect of that amendment. Of course, one of two things must necessarily follow; either it will be held surplusage, and, therefore, not effective at all, or the court would hold that Congress, not having submitted it in accordance with the provisions of the Constitution, it would be no submission at all. If I felt perfectly clear that it would be held surplusage, I should not be uneasy about the situation; but when the Constitution of the United States provides the manner in which an amendment shall be submitted, prescribes how it shall go to the States, and under what terms and conditions, I do not see how it can be submitted at all except in accordance with those terms and conditions. That is what I have great fear of—that it will be held not to have been a submission at all.

Mr. BRANDEGEE. Let me ask the Senator a further question. The amendatory section provides that the proposed amendment in its entirety shall, unless it is all accepted within seven years, become inoperative. If Congress has no authority to put that on, the further question might arise as to whether or not the whole submission process is still in operation. Then, even if three-fourths of the States did ratify it, we would still have a lawsuit carried to the Supreme Court to find whether it has been adopted or not. In other words, the minute it becomes inoperative, if this is a valid amendment at all, so as to work, then it is withdrawn from further submission to the States or from further action by the States.

Mr. BORAH. Of course, Mr. President, these changes were not inserted without a purpose and I fear the purpose was not one friendly to the cause.

To recapitulate the Constitution of the United States as it now stands provides that a proposed amendment to the Constitution shall become a part of the Constitution "when ratified by the legislature of three-fourths of the several States." "When;" that is, as soon after submission as three-fourths of the States ratify, it shall become a part of the Constitution. Now, this provision of ours which we are submitting says that it shall not become a part of the Constitution when ratified by three-fourths of the States, but not until one year thereafter. That is in direct conflict with the express language of article V of the Constitution. Then, again, the Constitution of the United States as it now stands provides "when ratified by the legislature of three-fourths of the several States," placing no limit upon the time. Is there any doubt but what if this proposed amendment were submitted to the States they would have a right to ratify it within 10 years or at any other time? Can it be contended for a moment that we can amend the Constitution by putting into a proposed amendment a different rule of ratification as to time than that which is now in the Constitution, and which will be in the Constitution and a part of the Constitution after this amendment is voted upon by three-fourths of the States? This is not a proposition to amend the Constitution providing a different time within which to ratify. This is simply a proposition to provide a different time in this particular submission than that which obtains in the general provision of the Constitution. We ignore the clear, unmistakable terms of the Constitution in this submission, both as to the time when the constitutional provision will begin to have effect and as to the time within which the States must ratify. Now, other friends of this amendment seem willing to take the chance. I am not. I shall therefore vote against these proposed changes. I want this amendment to go to the States in a way that when a sufficient number shall have ratified it there will be no doubt of its being a part of the Constitution.

Mr. SHEPPARD. Mr. President, as the Senator from Idaho [Mr. BORAH] stated, this phase of the amendment was discussed and passed on when the amendment was before the Senate on a former occasion. It was the judgment of the Senate that there was no question as to the power of Congress to submit the amendment in this form, and I ask for a vote.

The VICE PRESIDENT. Those in favor of concurring in the amendments will rise. That is the only way the Chair can determine the question. [A pause.] Those opposed will rise. [A pause.] The vote is 47 ayes and 8 noes. The amendments are concurred in and the joint resolution is adopted.

Mr. ROBINSON. I desire to announce that the junior Senator from Arkansas [Mr. KIRBY] is absent on account of illness in his family. If he had been present on the vote in relation to the adoption of the amendments proposed by the House of Representatives to the joint resolution relating to national prohibition, he would have voted "yea."

HOLIDAY RECESS.

Mr. BORAH. Mr. President, before I make the motion which I desire to submit I wish to ask the senior Senator from Nevada [Mr. NEWLANDS], who is chairman of the Committee on Interstate Commerce, if he can make a suggestion as to the situation in reference to railroad legislation, as to whether or not there will be any occasion for Congress to be in session the next few days in order to deal with that situation?

Mr. NEWLANDS. Mr. President, I will state that I have deferred calling the Committee on Interstate Commerce of the Senate together regarding the recommendation of the Interstate Commerce Commission that the railroads of the country should be unified in the expectation that the President would shortly send to Congress a message on the subject, and that thus our eyes would be focussed upon a specific proposition. I know that the President has this matter under serious consideration and that he is giving a great deal of time to it. I had expected that a recommendation would come in before the recess for the holidays. I have thus far delayed calling the committee together for the reasons which I have stated; but I feel that this is a matter of so much importance and that it is so important that the committee should inform itself regarding the situation, with a view to considering the President's recommendations when they come in, that it is my intention at an early day to call the committee together, even if the presidential message does not come in.

Mr. BORAH. Well, Mr. President, if we take a recess it will be impossible for the President's message to come in.

Mr. NEWLANDS. Yes.

Mr. BORAH. We would, therefore, take the responsibility upon ourselves of delaying this matter for two weeks.

Mr. NEWLANDS. I will state that the Senator from Iowa to-day consulted me with reference to a resolution which he proposed to introduce calling upon the Interstate Commerce Committee to investigate the matters called to the attention of Congress by the Interstate Commerce Commission, and I told him that I would have no objection to the immediate consideration of such a resolution. I do not know whether I can call the committee together during the holidays, but if the resolution is adopted, I shall make an effort to do so.

Mr. BORAH. Mr. President, I desire to move the recall of the concurrent resolution which was passed by the Senate on yesterday and sent to the other House providing for a recess beginning to-day. I understand the resolution having gone to the other House, a motion to recall it is necessary before we can reconsider it.

The VICE PRESIDENT. According to the rule a motion to reconsider must be accompanied by a request to the House of Representatives to return the resolution.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. GALLINGER. I thought the Senator from Idaho had concluded.

Mr. BORAH. I yield to the Senator.

Mr. GALLINGER. Mr. President, the chances are ten to one that there is not a quorum of the House of Representatives in the city at this moment, and it seems to me that it is absolutely useless for us to undertake to reconsider the concurrent resolution which was passed by both Houses on yesterday. I will ask the Senator from Nevada [Mr. NEWLANDS] if he has any expectation or any reason to believe that if we should remain in session the President would send a message to Congress during the next two weeks? In other words, is it not almost certain that he will not do so; that he is going to take this matter under consideration and take that length of time to consider it?

Mr. NEWLANDS. Mr. President, I will state that when I last saw the President, some days ago, it was his expectation to send a message to Congress upon the subject at an early day; but I have reason to know that he is very laboriously at work on the investigation of this subject; he is not prepared to make his recommendations now, and I do not know when he will be ready. I assume, however, it will take some days for him to frame his recommendations.

Mr. GALLINGER. The papers all say that he is not intending to do so during the recess, and I will ask the Senator if it is not more than probable that if the President were adverse to Congress taking a recess, he would have conveyed that information to the Senator from Nevada?

Mr. NEWLANDS. I think so.

Mr. GALLINGER. I think so, too.

Mr. BORAH. That is very interesting.

Mr. ROBINSON. I want to suggest to the Senator from Idaho, with his permission——

Mr. NEWLANDS. I think the President would have communicated to me his views if he thought it was important that there should be an immediate consideration of this subject by Congress during the holidays.

Mr. BORAH. Then, as I understand, we are leaving by permission?

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield.

Mr. ROBINSON. I desire to suggest to the Senator from Idaho, in connection with his remark, that he desires to have the resolution returned from the House of Representatives, that in all probability a difficulty would arise in that respect, for my information is that there is probably not a quorum of that body in the city. I have just had some information to that effect.

Mr. BORAH. There was a full quorum here last evening at 5 o'clock, and I suspect it is still here. I move a reconsideration of the concurrent resolution providing for the holiday recess and its recall from the House; and upon that I ask for the yeas and nays.

The VICE PRESIDENT. The Senator from Idaho moves that the vote whereby the concurrent resolution providing for a recess for the Christmas holidays was agreed to shall be reconsidered; and he moves, in connection therewith, that the House be requested to return the resolution to the Senate. Upon the latter question the yeas and nays have been requested and seconded. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH], and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. VARDAMAN (when his name was called). I have a general pair with the junior Senator from Idaho [Mr. BRADY]. I transfer that pair to the senior Senator from New Jersey [Mr. HUGHES] and vote "yea."

The roll call was concluded.

Mr. HARDING. I transfer my general pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. SUTHERLAND. I desire to announce the absence of my colleague [Mr. GOFF] on account of illness. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. MYERS. My colleague [Mr. WALSH] is necessarily absent on account of illness. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. This announcement may stand for the day.

Mr. WATSON. I withhold my vote because of the absence of my general pair, the junior Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 32, nays 43, as follows:

YEAS—32.

Bankhead	Frelinghuysen	Jones, Wash.	Sherman
Borah	Gronna	Kellogg	Smith, Mich.
Brandegee	Hale	Kendrick	Sutherland
Chamberlain	Harding	Kenyon	Townsend
Culberson	Hardwick	La Follette	Vardaman
Cummins	Hollis	McLean	Wadsworth
Curtis	Johnson, Cal.	McNary	Weeks
France	Jones, N. Mex.	Norris	Williams

NAYS—43.

Ashurst	Johnson, S. Dak.	Newlands	Shields
Beckham	King	Overman	Simmons
Calder	Knox	Penrose	Smith, Ariz.
Colt	Lewis	Pittman	Smith, Ga.
Dillingham	Lodge	Pomerene	Smith, Md.
Fernald	McCumber	Ransdell	Smoot
Fletcher	McKellar	Reed	Stone
Gallinger	Martin	Robinson	Swanson
Gerry	Myers	Saulsbury	Thompson
Hitchcock	Nelson	Shafroth	Trammell
James	New	Sheppard	

NOT VOTING—20.

Brady	Hughes	Poindexter	Underwood
Broussard	Kirby	Smith, S. C.	Walsh
Fall	Owen	Sterling	Warren
Goff	Page	Thomas	Watson
Gore	Phelan	Tillman	Wolcott

The VICE PRESIDENT. The motion to request the House to return the concurrent resolution is lost. This is a final disposition of the motion to reconsider.

INVESTIGATION OF THE SHIPPING BOARD.

Mr. HARDING. Mr. President, I do not know whether it is in order or not; but I have a suggestion in my mind which I can not forbear making to the Senate, and I wish particularly to address the chairman of the Committee on Commerce [Mr. FLETCHER].

If I were not a member of the minority, and thereby subject to the possible suspicion that some partisan motive might be involved, I would put my suggestion in the form of a resolution. I do not believe that this Congress ought to take its holiday recess without making provision for an investigation of the affairs of the Federal Shipping Board. I am not yielding to the current tendency to enter into investigations of all sorts, but I am deeply impressed by the failure of the Shipping Board in this great emergency of the Nation.

We have liberally appropriated not only millions but billions for the furthering of the construction of merchant ships. Since early last year we have witnessed the passing from the service of the board of Gen. Goethals, that great constructor, who builded the Panama Canal. We have witnessed the passing of Mr. Denman, who for a long time was the dominant figure on the Shipping Board; and the press this morning records the retirement of Rear Admiral Harris, who was supposed to bring to the shipping corporation not only his talent for construction but his eminence as a leader in pressing things to a conclusion; and if the newspaper reports be well founded, our shipping program for the merchant marine is in a very discouraging way.

Mr. GALLINGER. Mr. President, the Senator will recall that Admiral Capps has likewise come and gone.

Mr. HARDING. There have been so many changes, Mr. President, that it is not within my ordinary memory to recall them all. But in all seriousness, Senators, the shipping situation is a most discouraging one, if the press correctly reports it. It is of but little use for the Nation to provide an Army that it can not transport and at the same time sustain. I talked very recently to a great captain of industry, who has under way a line of construction for the Navy, and he made the startling statement that his plant was constructing for the United States Navy more destroyers than there are in the world to-day. If that be true, under the leadership of a department and an individual constructing concern which has capacity to build more destroyers than there are in the world to-day, certainly a capable and efficient shipping board could bring to the service of the Nation in this crisis a merchant marine somewhere comparable to our present needs.

I do not care to introduce this resolution of investigation and be subjected to the intimation that it is a partisan interference or suggestion; but I tell you, Senators, the winning of the war depends upon our strength on the seas. We must have this merchant marine if we are to hope to succeed; and I think it is a crime that the money placed in the hands of the Shipping Board should have been so illy handled that there should have been an entanglement of red tape and inefficiency of a character to delay the great American shipbuilding program.

I can believe it will add materially to the confidence and the morale and the hopes of the American people to have some assurance that efficiency and determination are back of this organization. I do not pretend to know what the difficulty is. Judging from the press, it is a conflict of authority and an interminable tangle of red tape. I have a notion that perhaps it is something more than that. I believe, Mr. President, and particularly Mr. Chairman of the Commerce Committee, that the Senate can render the country no greater service just now than to make a determined investigation into the failure of this great branch of the Government in this time of war emergency.

I should like such an investigation to be ordered before the Senate takes its holiday recess.

Mr. FLETCHER. Mr. President, I realize fully the importance of the matter to which the Senator from Ohio has referred. I feel most keenly the need of an American merchant marine. The Senator undoubtedly will recall that this is no new attitude, so far as I am concerned; that away back in 1913 I exhausted every possible effort to take steps that would lead to the upbuilding of our merchant shipping. At one time the Senate was in session continuously for 56 hours considering a bill along the lines of the present shipping bill. It was defeated in 1915, and then subsequently we passed the present law; and I can not understand that there is any need of conflict of authority under that law. It seems to me that, under the law, the Shipping Board is supreme and has the power to go on with this work. I do not understand that the Emergency Fleet Corporation is independent of the Shipping Board or that there need be the slightest conflict there, because the supreme power is the Shipping Board, and it ought to control the Emergency Fleet Corporation and its officers, its executives, and its operating forces. I can not think there is any need of any urgent new legislation upon the subject. It seems to me that under the present law all the necessary power is granted; and we certainly have been generous in appropriating all the money that was asked, as the Senator has suggested.

Whether or not there are difficulties with which we are not acquainted, I can not say. I presume undoubtedly there are difficulties; but we can not overcome difficulties without putting in some extraordinary efforts.

We can not do the difficult thing without overcoming difficulties, and it seems to me there is no reason why better progress should not have been made in the administration of that act. At the same time I am not prepared to say that everything has not been done that could have been done because of the complications and because we did not pass this legislation before we did pass it. We ought to have passed it before. When we did pass it and before the board was organized these war conditions arose, and since then there have been various complications. There are national and international questions involved. There are, for instance, something over 100 Dutch ships lying idle in the harbors of the United States. I do not know why we can not make some arrangement to utilize those ships, but it is not being done. I take it that there are, as I say, international questions which we can not very well go into here and with which we are not fully acquainted.

I do not believe, however, if the Senator will allow me further, that the fact that this official drops out and is succeeded by another, and another drops out and is succeeded by another will prevent the completion of the ships under contract. My information is that over 6,000,000 tons are under contract, and I do not see why that work can not go on irrespective of who is president of the Emergency Fleet Corporation, or superintendent of this, or superintendent of that. That work, I undertake to say, is going on. I think ships are being launched on the Pacific coast that have been contracted for by this board; ships are being launched on the Atlantic coast, and the work is proceeding. Whether it could be done faster or not will depend upon the detail of circumstances, which, of course, I am not qualified to pass upon.

Mr. CHAMBERLAIN. Mr. President, will the Senator permit me to interrupt him a moment?

Mr. FLETCHER. Certainly.

Mr. CHAMBERLAIN. The Senator from Florida speaks about the shipyards on the Pacific coast. Our people have been begging to build wooden ships out there. Men are idle; labor can be procured to construct wooden ships; but for some reason they are not permitting contracts to be made, and where they are made there are usually handicaps placed upon the contracts that forbid men from going into it.

For instance, I will state what I mean by that. Here is a wooden-ship yard that wants to build for private account for some individual who is going to risk his money and to ply the ship between the Atlantic seaboard and the allies. They do not ask the Government to build the ship; the individual is willing to do it himself; but they say, "If we give you a permit to build for private account, we will put in it a clause that reserves to the Government the right to commandeer the machinery." In other words, when the ship is floated and is ready to be paid for and to go on the water, the right is reserved to commandeer the machinery, so that the ship is absolutely useless. Now, private capital does not want to build under those circumstances.

Mr. WILLIAMS. Without promising to commandeer the whole ship.

Mr. CHAMBERLAIN. Without promising to commandeer the whole ship. So that, Mr. President, I have had this matter up with the Shipping Board. I sent them a long telegram from Oregon when I was out there—and the Senators from Washington know that the same conditions exist up there—begging those men, if it was a question of tonnage that they wanted to settle to build the ships, to let private individuals utilize the tonnage and carry the freight. Every ship that is put afloat for private account that is carrying supplies to the allies, releases just that much more space for the transport of troops.

Mr. President, I do not mean to charge any irregularity in the Shipping Board and the Emergency Fleet Corporation, but it seems to me it has resolved itself into a sort of debating society, without being able ever to consummate construction. I am glad to have the Senate take it up, because something ought to

be done, and they never can do anything as long as these changes are being made in the personnel of the Emergency Fleet Corporation and the Shipping Board.

Mr. FLETCHER. Mr. President, I believe that the regulations with regard to interfering with private contracts and commercial business limit the right to build to 3,000 tons. Anything less than 3,000 tons, private yards may construct ad libitum, as I understand, without any danger of interference, but when it goes beyond that the Shipping Board feel that the labor question, the material question, and all those questions ought to be considered before they will permit construction for private use.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator a question. This limitation was made in order to protect the Government, as I understand, in its effort to get steel for steel ships. Now, why should there be any limitation upon the amount of tonnage for wooden ships built upon private account, except this—that of course the Shipping Board will take due account of the fact that a ship that makes less than 13 knots is not fit to go into the war zone?

Mr. HARDING. Mr. President, I should like to hear the debate on this subject.

The VICE PRESIDENT. Nobody knows what is going on.

Mr. WILLIAMS. I was saying that I understand this 3,000-ton limitation for building upon private account was fixed because of the desire to conserve the steel necessary for the construction of the Government ships, but that that did not apply to the wooden-ship situation either upon the Pacific coast or upon the Gulf coast, because the same condition of things exists upon the Gulf coast as was described to exist upon the Pacific coast with reference to wooden ships by the Senator from Oregon [Mr. CHAMBERLAIN]. Now, a wooden ship which can go 13 knots an hour or more is just as well fitted to pass through the war zone as a steel ship going 13 knots an hour; and the Government is not obliged, as it is in the case of a steel ship, to fix a limitation upon the amount of material to be put into a wooden ship, because the Government is not building for Government account any wooden ships at all; and even if it were building for Government account any wooden ships at all, there is plenty of wood. Nobody is disputing about that. Now, I wanted to ask the Senator whether the limitation to which he refers applies to wooden ships, and to suggest that if it does it is an awfully stupid limitation in that far.

Mr. FLETCHER. I am not certain as to whether it applies to wooden ships exclusively or not. The question of tonnage seemed to be the question upon which the permit hinged. If the boat was too small to go into use so as to be of any advantage, then the Shipping Board, of course, would not likely interfere with its construction. In other words, a ship below 3,000 tons would not be considered a ship large enough for the use that we immediately need them for, and therefore they were willing to have contracts made without any restriction below 3,000 tons.

Mr. WILLIAMS. May I ask the Senator a question?

Mr. FLETCHER. Certainly.

Mr. WILLIAMS. Does the Senator know any reason why a wooden ship can not be used just as well as a steel ship for carrying merchandise or anything else through the war zone, provided the wooden ship has sufficient machinery to propel it just as fast as the steel ship can be propelled?

Mr. FLETCHER. I do not. I know of no reason.

Mr. WILLIAMS. Then if that is the case, and if the Gulf coast and the Pacific coast want to furnish all the wood that they can and build all the wooden ships possible upon private account without costing the Government a cent, why should the Government obstruct the whole thing and handicap it by a provision that it is to have the right to commandeer the machinery without commandeering the ship whenever it gets ready? Why do they not do one of two things—either withdraw the threat of commandeering the machinery just as soon as the man has his ship ready for profitable enterprise, or else agree to commandeer the ship as a whole and pay him what it is worth?

Mr. FLETCHER. I quite agree with the Senator in his position. We ought to do one thing or the other, it seems to me. We ought to go on with the building of these ships, and we ought to do away with the restrictions that interfere with the building of ships, and if necessary, it has been suggested here, with the persons who interfere with it.

Mr. HARDING. Mr. President, in the early part of his reply the Senator from Florida scarcely did me justice. I was trying to put this question above the plane of partisan advantage, and that was my object in suggesting that the resolution come from the committee. I have no desire to go into the failure of Congress in the past in building a merchant marine. I am concerned about the immediate emergencies in the United States. I know how perfectly futile it is to attempt an investigation here in the Senate. While it is interesting to learn what this or that Senator knows about the situation, it is not practically helpful, because perhaps none knows any more than I do. But this we can put down as an established fact: We have provided for ships and we are not getting them, and it is the business of Congress to find out why we are not getting them.

Mr. VARDAMAN. I hope the Senator will introduce a resolution and let the investigation proceed.

Mr. HARDING. Let the Senator just be patient. Now, Mr. President, in order to make myself a little better understood, I may say that I have talked to three men who have been conspicuous in the service of the Government relating to shipping, and in each case I have learned after their retirement that they somehow found their hands tied and could not proceed with the work that they were seeking to do.

If I may trespass upon the time of the Senate for a moment, I venture to read one paragraph from the signed article by Mr. George Rothwell Brown in this morning's Post. Speaking of the retirement of Admiral Harris, he says:

> Used to doing things by Navy methods when told to go ahead, it has been evident for some time past that Admiral Harris was baffled not by the size of the job but by lack of vision and decision on the part of those surrounding him.
>
> Taking up one of the biggest jobs in the United States with assurances that he had the authority needed to make that job a success, that his hands were free, Admiral Harris undertook to go ahead under full steam, only to discover that he was held down by the anchor of officialdom and hawsers of red tape. A statement to the effect that Admiral Harris was in full charge of the construction of ships was made.
>
> He was not long in finding that the authority he was supposed to have was not real.

I will not follow the article any further. The statements made by Senators on this floor make manifest the need of the Senate Committee on Commerce finding out what is the matter, and then it shall be the duty of Congress to correct that situation. Since the resolution is not forthcoming from the other side, I venture to offer the following.

The VICE PRESIDENT. Is there objection to the presentation of the resolution?

Mr. FLETCHER. Let it be read.

Mr. HARDING. I ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 170), as follows:

> *Resolved*, That the Committee on Commerce, or any subcommittee thereof, be, and hereby is, authorized and directed to proceed at once with an investigation of the program, progress, and all matters connected with the building of merchant vessels under the direction of the United States Shipping Board Emergency Fleet Corporation and to report its findings to the Senate at the earliest practicable day, together with such recommendations as it may see fit to make as to remedies for exising difficulties, if any.

Mr. WILLIAMS. Mr. President, there is at the head of the Shipping Board now—I suppose he is yet at the head of it if it has any head—a man of magnificent business ability, a man of constructive genius, a man in whom I have the utmost confidence in every way, Mr. Hurley, of Chicago.

I have noticed all my life that whenever military or naval men get mixed up with business men in cooperating with one another they generally do not cooperate. One has one system and method and the other has another system and method.

Nobody can close his eyes to the fact that we, as a Nation, have not thus far done our full duty in this war; and, upon the other hand, nobody can close his eyes to the fact that the amount of work we have done, considering the point at which we started, has been almost miraculous in quantity and very respectable in quality.

Mr. President, of course nobody, I take it, has any objection to the resolution, nor would I for one regard it in the slightest degree as partisan because it happened to come from a Republican Senator, especially coming from a Republican Senator who has held up the hands of this Government in this war and has shown no suspicion of lukewarmness, of disloyalty, as is the case with the Senator from Ohio. I think that almost everything that sheds light upon transactions in a free country is a very good thing. You may think that you are going to give some hint to the enemy, but you may rely upon it that the enemy knows all about it already. The best thing you can do, as a rule, is to let your own people know all about it.

I imagine one of the best things that can be done now is to let these men—able men, honest men, loyal men—upon the Shipping Board explain to the country why and how they have been baffled in their efforts to accomplish a national purpose.

Mr. President, David Lloyd-George said the other day that this was a question of "ships, and more ships, and still more ships," paraphrasing what Danton said long ago about "audacity, and more audacity, and still more audacity." But back of all that is a still more important thing, and that is

to destroy the agencies which are destroying the shipping. The shipping right now is sufficient if you can insure it against future destruction. It seems to me that what we have mainly fallen down on is in not destroying the submarines and in not decreasing the weekly destruction which the German submarines are making upon not only American but neutral shipping as well as the shipping of our allies.

I have no fear of the full glare of publicity being thrown upon any of the operations of this Government, because I know that publicity can do no harm and can possibly do a great deal of good. Nor has any man connected with this administration directly or indirectly the slightest objection to it or antagonism to it.

Of course the Senate in carrying on any investigation will not go into matters that men of common sense know ought to be "taboo" in connection with an investigation, and those matters will suggest themselves to any man of ordinary intelligence or ordinary loyalty. If there be those in the Senate who would exploit their lukewarmness in connection with the war or their objection to it through "investigatory" methods the balance of the Senate I imagine can hold them down.

It seems to me that this resolution ought to pass and that this committee ought to go to work, not because I think there is anything wrong. The very worst that can be imagined is that there has been a lack of cooperation because of bringing together men of military training on one hand and men of business training on the other. Whatever the fault is we can find it out, and I am satisfied that nobody will be more glad to find out what it is than the men who are in charge of this particular business, or will be more glad rather to find out how to remedy it than the men in charge of this particular business, and especially the man who is at the head of it.

Mr. LEWIS. Mr. President, let the Senate indulge me but for a minute.

I stood on this floor presenting the qualifications of the present chairman of the Shipping Board as being worthy of acceptance when the matter of confirmation was considered by this body. I should like to give my indorsement to the flattering but just encomium of the Senator from Mississippi [Mr. WILLIAMS] touching Chairman Hurley. There is no better business man, there is no more patriotic man, and none, in my judgment, who brings to bear more devoted service. I am satisfied that anything that may be disclosed by an investigation or by act of Congress that could indicate how we could improve the service would be promptly accepted by him.

But, Mr. President, I wish to be a little more explicit than the Senator from Mississippi. I take upon myself a little further responsibility.

Mr. President, the Senator from Mississippi indicated, and he could have gone further and very freely stated, what is the real trouble. When there was an effort made through the proceedings of some executive branch of the Government to try to coalesce and merge the services of the Navy together with that of the merchant marine there arose what has been heretofore termed upon a more memorable occasion an irrepressible conflict. The pride of officials of the Navy and the opinion of men in the civil administration ran at once counter, and, to use the words I used upon the same subject matter once before upon this floor, there arose a contest of epaulets. This seems ever to arise, as the Senator from Mississippi aptly intimates, whenever there is an effort to bring these two branches of the service together.

Mr. President, without saying which of them may be right, which opinion should prevail, may I add this, that I happen to know that the officials of the present Shipping Board will welcome the resolution of the eminent Senator from Ohio and the undertaking by this committee in order, sir, that there may be ascertained at the earliest moment two things: First, where is the responsibility for the constant divergencies and the constant conflicts which are being aired in the public press, as they should be, which is giving a very bad view of the United States to the outside. Second, to definitely establish who shall have the authority to proceed in certain directions, that there may be no longer a further conflict.

I join, sir, in the suggestion of the Senator from Mississippi in the support of the resolution of the Senator from Ohio, and hope that the resolution will receive at once a unanimous vote.

Mr. SWANSON. Mr. President, I desire to make only a few remarks in connection with the action of the Navy and the Shipping Board. The Navy has always been invited when they want to determine what kind of ships to build as to the method of construction. If these ships had been turned over to the Navy I believe they would have been under contract and in process of construction. We are building ships, largely cruisers and destroyers, and every type of ship for transports and supplies is under construction and in rapid process of construction.

The trouble has been the naval officers have not been given the authority to construct these ships when they have been selected as managers. Consequently, naval men can not spend their entire time when needed for the construction of ships by the Navy in making suggestions to boards.

It seems to me that the matter should be investigated, and it should be determined why the board can not construct ships as rapidly as the Navy can construct them. I am glad everybody thinks the time has come to ascertain whether the method is good and to put the responsibility where it ought to be, to see why ships are not being constructed which are absolutely necessary for us to conduct the war to a successful conclusion.

Mr. FLETCHER. Mr. President, to the resolution offered by the Senator from Ohio I have no objection at all, and I presume it is broad enough to cover the object in view. I would suggest as an amendment to it, in order to make it more effective, these words:

And that the committee be, and is, authorized during the Sixty-fifth Congress to send for persons, books, and papers; to administer oaths and employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with the subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee or any subcommittee thereof may sit during the sessions or recess of the Senate.

That is the usual form.

Mr. WILLIAMS. I suggest to the Senator from Florida that if he adds that language the resolution will be compelled to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and it can not be adopted now because there is a law which requires that reference.

Mr. FLETCHER. Could not the committee report immediately within an hour or so?

Mr. WILLIAMS. I do not know; I am not a member of the committee now, but there is a law which requires that every payment out of the contingent fund must go to the Committee on Contingent Expenses, and you can not even by unanimous consent, in either House, vary from that law. So I suggest to the Senator from Florida to leave out that part of it and merely put in the general language that the committee shall have authority to sit in the recess of Congress and conduct this investigation. Then when we come back after the Christmas holidays the resolution may be introduced to pay the expenses, and it may then be sent to the Committee on Contingent Expenses.

Mr. SMOOT. Mr. President, I will say to the Senator I do not think there is any need of that, because there are now in the Chamber most of the members of the committee. They can meet within 15 minutes on the resolution and report it back. I believe that that ought to be put in the resolution because of the fact that no expenditures could be made without it. I think if we are going into the examination, the committee ought to have that authority and make a thorough examination.

Mr. WILLIAMS. I do not know that any expense will be incurred necessarily, but if the Senator is sure that a quorum of the committee are upon the floor and the resolution can be reported back right away, then I shall have no objection, of course.

Mr. SMOOT. I can assure the Senator that a majority of the committee are on the floor of the Senate at this moment.

The VICE PRESIDENT. Does the Senator from Ohio accept the amendment of the Senator from Florida?

Mr. HARDING. I would be very glad to accept the amendment with the understanding that the resolution is to be referred to the committee.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

MIDSHIPMEN AT THE NAVAL ACADEMY.

The VICE PRESIDENT. The Chair lays before the Senate House bill 6967, to increase the number of midshipmen at the United States Naval Academy, which will be considered as having been read twice by its title.

Mr. SWANSON. I ask for the immediate consideration of the bill.

Mr. GALLINGER. Mr. President——

Mr. SWANSON. I should like to say, before the Senator from New Hampshire proceeds, that I have polled the members of the Naval Committee who are in the city, and it is their desire that this bill shall pass before the recess for the holidays is taken.

Mr. GALLINGER. Then, let the bill be referred to the Committee on Naval Affairs and be immediately reported back. Let us have the usual procedure.

The VICE PRESIDENT. The bill will be referred to the Committee on Naval Affairs.

Mr. SWANSON. Mr. President, as a member of the Committee on Naval Affairs I am authorized to report back favor-

ably, without amendment, the bill (H. R. 6967) to increase the number of midshipmen at the United States Naval Academy, and I ask for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, as follows:

Be it enacted, etc., That hereafter there shall be allowed at the United States Naval Academy 5 midshipmen for each Senator, Representative, and Delegate in Congress, 1 for Porto Rico, 2 for the District of Columbia, 15 appointed each year at large, and 100 appointed annually from enlisted men of the Navy, as now authorized by law.

SEC. 2. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. OVERMAN. As the bill has not been read, I should like to know what increase is proposed to be made in the number of midshipmen?

Mr. SWANSON. I will say that at present there are three permanent midshipmen allowed each Senator and Representative. One additional temporary midshipman was allowed until the 1st of September, 1918, making four in all. Authorization for the additional midshipman will expire on the 1st of September, 1918. The only increase of midshipmen at the Naval Academy proposed in the bill is from four to five for each Senator and each Member of the House of Representatives.

Mr. MYERS. I will ask is this a House bill or a Senate bill?

Mr. SWANSON. It is a House bill and has been passed by the House of Representatives.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

PETITIONS AND MEMORIALS.

Mr. CALDER. I present a petition of the Legislative League of New York, which I ask to have printed in the RECORD.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

NEW YORK, *December 6, 1917.*

To the SENATE OF THE UNITED STATES.

GENTLEMEN: The officers and members of the National Legislative League do respectfully request you to enact such legislation as shall relieve all native-born American women from loss of citizenship in this Republic, even when married to a citizen or a subject of another nation.

We ask this because such loss of citizenship entails on women such injury by the forfeiture of property which can not in some States be held by an alien, and deprives them, even in case of widowhood, of that protection which the United States should always extend to her daughters as well as to her sons.

We ask it because the women of this country have done their best in all times of war or public distress to serve the Nation by many noble acts of philanthropy and devotion, and, finally, because it is a cruel and unjustifiable wrong to deprive any loyal and honorable daughter of the land of her birthright of citizenship in this Republic.

IDA L. SLACK,
President of Legislative League.

Mr. TOWNSEND presented petitions of sundry citizens of Muskegon and Saginaw Counties, in the State of Michigan, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the Humboldt Chamber of Commerce, of Eureka, Cal., praying that an appropriation be made for a survey of the Pacific coast military highway, which was referred to the Committee on Military Affairs.

He also presented a petition of the city council of Alameda, Cal., praying for the enactment of legislation providing punishment for any spy found in this country, which was referred to the Committee on Foreign Relations.

Mr. THOMPSON presented a petition of Local Branch No. 110, Ladies' Auxiliary, National Association of Letter Carriers, of Pittsburg, Kans., praying for an increase in the salaries of letter carriers, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Haskell Institute, Federal Employees Union, of Lawrence, Kans., praying for the enactment of legislation to increase the salaries of Government employees, which was referred to the Committee on Appropriations.

Mr. McLEAN presented petitions signed by 3,000 citizens of Hartford, Conn., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. KENYON presented petitions of the Monday Club of Decorah, of the Current Events Club of Decorah, of A. E. Anderson and sundry other citizens of Arlington, and of the Woman's Christian Temperance Union of Des Moines, all in the State of Iowa, praying for national prohibition and for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of Maine, praying for the enactment of legislation to curb the activity of pro-German sympathizers, which was referred to the Committee on Foreign Relations.

Mr. SUTHERLAND presented petitions of the congregation of the Methodist Episcopal Church South, of Lewisburg, W. Va., praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of the congregations of the Presbyterian Church and the Methodist Church of Lewisburg, W. Va., praying for censorship of motion-picture films, which was referred to the Committee on Education and Labor.

PUBLIC BUILDINGS COMMISSION.

Mr. MARTIN. In the last sundry civil appropriation act a provision was incorporated creating a joint commission known as the public buildings commission to investigate and report relative to providing permanent quarters for all the Government activities in the District of Columbia. The commission was required to report by the first day of January, 1918. I am authorized by that commission to make the report, which I now submit.

I will say that the report gives a large fund of exceedingly valuable information. We do not finally dispose of the matter, but the information will be useful in the further investigation and disposition of the subject. I ask that the report be printed and that 100 additional copies be printed for the use of the Senate, 25 copies to go to the Committees on Appropriations and the Committees on Public Buildings and Grounds of the Senate and the House of Representatives, and the remainder to be distributed to Senators and Representatives according to the usual rule under which Senate documents are distributed.

Mr. SMOOT. Mr. President, I understand the Senator from Virginia has asked that additional copies be printed?

Mr. MARTIN. I have put it in that form.

Mr. SMOOT. That is necessary because of the fact that the law requires that the regular print shall be distributed in a certain way.

Mr. MARTIN. I ask that 100 additional copies be printed so as to provide the distribution which I have suggested.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia? The Chair hears none and it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WEEKS:

A bill (S. 3291) to amend section 9 (a) of Title I of an act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916; to the Committee on Finance.

By Mr. CALDER:

A bill (S. 3292) granting a pension to Jennie Magee; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 3293) for the relief of Vinson Slaser (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 3294) granting a pension to Rebecca Fullerton (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 3295) for the relief of Charles Taffee; to the Committee on Military Affairs;

A bill (S. 3296) granting a pension to Jennie B. Spiker; and

A bill (S. 3297) granting a pension to Selma M. E. Kattner; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3298) incorporating the Supreme Lodge of the World, Loyal Order of Moose; to the Committee on the Judiciary.

By Mr. OVERMAN:

A bill (S. 3299) authorizing the President to reappoint Maj. Chalmers G. Hall, retired, to the active list of the Army; to the Committee on Military Affairs.

By Mr. THOMPSON:

A bill (S. 3300) for the relief of Sylvester P. Hill; to the Committee on Military Affairs.

A bill (S. 3301) granting an increase of pension to Oxley Johnson (with accompanying papers); and

A bill (S. 3302) granting a pension to Orval W. Hiatt (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 3303) to remove the charge of desertion from the military record of John H. Galloway; to the Committee on Military Affairs.

A bill (S. 3304) granting a pension to Arzanna Nesbitt; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3305) granting an increase of pension to Leonard H. Bunker;

A bill (S. 3306) granting a pension to Clara E. Stuart (with accompanying papers); and

A bill (S. 3307) granting an increase of pension to Horace G. Malcom (with accompanying papers); to the Committee on Pensions.

RAILROAD TRAFFIC DIRECTOR.

Mr. STERLING. I introduce a joint resolution providing for the appointment of a general railroad traffic director, which I ask may be referred to the Committee on Interstate Commerce. In view of the fact that Congress is about to adjourn for the holidays, I should like unanimous consent to have the joint resolution printed in the RECORD.

The joint resolution (S. J. Res. 118) providing for the appointment of a general railroad traffic director was read twice by its title and referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Resolved, etc., That for a period during the present war and in order to meet the present emergency in regard to the transportation of food, fuel, and other products or commodities essential to the public welfare the President be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, a general railroad traffic director who shall have the power, and whose duty it shall be, to have and exercise general supervision and direction over the handling and movement of all railroad freight trains engaged in the transportation of any such products or commodities in order that the railroad facilities of the United States may be fully coordinated and utilized in the transportation and delivery without waste or unnecessary delay of such products or commodities. That in order to meet the public exigencies or the needs of any particular section or community for any of said products or commodities, as well as to serve the military or other governmental needs, the said traffic director shall have the power and it shall be his duty to determine when necessary all questions of priority between different shipments of such products or commodities, including shipments made on Government account, and in all cases of conflict between railroads relative to priority in making any shipment or shipments, or in all cases of conflict between any of the various departments of Government and said railroads or between governmental agencies themselves as to precedence or priority in any given shipment or shipments, it shall be the duty of said director to determine such priority according to the national needs and the public or community exigencies of the case. And the said director is hereby authorized to make and give notice of any proper order directing or staying such shipment or shipments as said several needs and exigencies may require.

Any officer, director, or manager of any railroad company failing, neglecting, or refusing to obey the order of said general traffic director so made shall be punished by a fine of not exceeding $5,000 or imprisoned not exceeding five years, or by both such fine and imprisonment: *Provided*, That nothing herein contained shall be construed to in any manner deprive such railroads of the right to just compensation for shipments made either under contracts for such shipments or under the supervision and direction of said traffic director.

WITHDRAWAL OF PAPERS—HENRY M. BRYANT.

On motion of Mr. JONES of Washington, it was ordered that the papers accompanying the bill (S. 4393, 64th Cong., 2d sess.) granting an increase of pension to Henry M. Bryant be withdrawn from the files of the Senate, no adverse report having been made thereon.

INTERSTATE TRANSPORTATION.

Mr. CUMMINS. Mr. President, I submit the resolution which I send to the desk, and ask that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. But I make this suggestion: If I can secure a favorable report immediately, I intend to ask for the consideration of the resolution at this time, as I regard its passage as very important. I may say, Mr. President, in order that those who are here may know what is the object of the resolution——

Mr. JONES of Washington. I suggest to the Senator that the resolution should first be read.

Mr. CUMMINS. Very well.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 171), as follows:

Resolved, That the Committee on Interstate Commerce of the Senate is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest practical date upon the recommendations made by the Interstate Commerce Commission regarding conditions affecting interstate transportation; that said committee may conduct such inquiry by subcommittee or otherwise, and shall be empowered to hold sessions during the recess of the Senate, and for this purpose the committee, or any subcommittee thereof, is empowered to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. NEWLANDS. Mr. President, the Senator from Iowa consulted me with reference to the presentation of this resolution, and I told him that I would make no objection to it. It will be necessary, however, to have the approval of the Committee on Contingent Expenses, I think, before the resolution can be adopted.

Mr. JONES of Washington. I want to ask the Senator from Iowa a question. As I understood the reading of the resolution, it is limited to an investigation of the recommendations which have been made by the Interstate Commerce Commission. Would that prohibit the Committee on Interstate Commerce from making an independent investigation on any line which it may deem wise?

Mr. CUMMINS. Mr. President, I suppose it would not; but in any event the recommendations of the Interstate Commerce Commission are so broad and comprehensive, at least the report is so comprehensive, that it would permit an inquiry into any subject that is now pertinent to the immediate question before us.

Mr. JONES of Washington. Very well.

Mr. CUMMINS. Mr. President, the purpose of the resolution, I think, is apparent. That our facilities for transportation are now inadequate I think must be taken for granted. The Interstate Commerce Commission has considered that subject and has made a report on the general conditions which now prevail. I must not be understood as imputing any blame to the railroad companies; I think they are doing all they can; I do not impute any blame to the Government, for I think its direction has been as wise as under the circumstances could have been expected; but the truth is that our railroads were neither located nor built to meet the extraordinary conditions which now confront us. If we intend to make these lines of transportation sufficient to meet the extraordinary emergency, we must do something to unite their energies so that the various railroad managers would not feel under obligations to the stockholders and bondholders, so far as the management and operation of particular railways are concerned.

I think it is understood, Mr. President, that this is intended to be helpful and not critical. I think it is understood that presently there will be a recommendation from the President upon this very grave subject. We ought to be prepared as well as we can be when the recommendation reaches Congress to act speedily upon it, because the people of the country are suffering now—seriously suffering—and the conduct of the war is suffering because the transportation facilities are not able to bear the burden that has been put upon them.

I ask the Senator from Kansas whether he can now make a report on the resolution from the Committee to Audit and Control the Contingent Expenses of the Senate?

Mr. THOMPSON. The resolution has not yet been referred to the committee.

Mr. CUMMINS. Under the rule the resolution must be so referred.

The VICE PRESIDENT. The Chair was waiting for the Senator from Iowa [Mr. CUMMINS] to conclude before referring the resolution to a committee. If the Senator from Iowa has concluded, the Chair will now refer the resolution to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. SMOOT. Mr. President, just one word on the resolution. I fully indorse the resolution; I think it should pass; but I really believe that the committee already has power to make the investigation proposed. In order, however, to make it absolutely sure, I will say to the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate that, so far as I am concerned, I am perfectly willing that the resolution should be reported from the committee at once.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably without amendment Senate resolution 171.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the resolution just reported from the committee by the Senator from Kansas.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Is there objection to the request of the Senator from Iowa?

Mr. GALLINGER. Let the resolution be read.

The Secretary read the resolution (S. Res. 171), as follows:

Resolved, That the Committee on Interstate Commerce of the Senate is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest practical date upon the recommendations made by the Interstate Commerce Commission regarding conditions affecting interstate transportation; that said committee may conduct such inquiry by subcommittee or otherwise and shall be empowered to hold sessions during the recess of the Senate, and for this purpose the committee, or any subcommittee thereof, is empowered to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. NEWLANDS. Mr. President, I join in the request of the Senator from Iowa that immediate consideration be given to the resolution which he has offered.

The resolution was considered by unanimous consent and agreed to.

INVESTIGATION OF THE SHIPPING BOARD.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 170, and I ask for its immediate consideration.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 170), as follows:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and hereby is, authorized and directed to proceed at once with an investigation of the program and progress of the building of merchant vessels under the direction of the United States Shipping Board and the Emergency Fleet Corporation, and that the committee be, and hereby is, authorized, during the Sixty-fifth Congress, to send for persons, books, and papers; to administer oaths, to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

Mr. HARDING. I ask unanimous consent for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there any objection?

Mr. GALLINGER. Mr. President, I simply desire to make one observation. I trust that the committee in its investigation will take into consideration the propriety of getting rid of this dual organization and put some business man at the head of one organization that can build these ships. If that could be accomplished I think we would have some ships.

Mr. WILLIAMS. I think so, too.

Mr. LODGE. Mr. President, inasmuch as the ship matter is again up, I want to say one word in regard to the Navy, which has been reflected upon. The Navy has not sought, as I understand, to build the merchant ships, but if the building of those ships is given to the Navy they will be built. The ships of the Navy are being built and they are being turned out with the greatest possible rapidity in the classes which are most needed. I do not in the least desire to thrust upon the Navy the building of our merchant ships, but it is entirely unfair to say that the Navy has anything to do with the delay.

I regard Mr. Hurley as a most excellent man. I spoke of him in the Senate at the time of his appointment, but all that we can say after these months is that we have had the Shipping Board now for nearly a year——

Mr. SMOOT. A year and three months.

Mr. LODGE. And we have not any ships, and apparently there is not much prospect of getting ships. My own belief is that if we would abolish the Shipping Board and put in one thoroughly competent man with responsibility as the head of the shipping corporation, or whatever you choose to call it, and tell him to go ahead and build ships, we would get the work done; but we shall not do so under the present system. I blame no individual, either civilian or naval officer; the system is all wrong.

Mr. BRANDEGEE. Mr. President, in examining the resolution hastily I notice that the work of the committee is confined to the investigation "of the program and progress." I should think it would be desirable, if we wish to know exactly what the trouble is, if there is trouble, to include all matters connected with the building of the ships.

Mr. WILLIAMS. Does not the word "progress" cover that?

Mr. BRANDEGEE. Technically "progress" means to find out to what extent they have progressed, whether the ships are 20 per cent completed or 40 per cent completed. I assume that the Senate would perhaps like to know concerning the contracts in relation to the ships, the prices to be charged, and things of that kind. If we say "all matters in connection therewith," the committee can go as far as they like.

Mr. WILLIAMS. I think "progress" covers it. That includes the activities of the board as well as the rapidity of progress.

Mr. FLETCHER. Mr. President, I have no objection to the amendment suggested by the Senator from Connecticut; I think he has made a very good suggestion.

Mr. HARDING. Mr. President, the author of the resolution has no objection to broadening its scope in any way.

Mr. FLETCHER. Will the Senator from Connecticut suggest where the amendment should come in?

Mr. BRANDEGEE. I suggest that it come in so as to read something like this: "Inquire into the program, progress, and all matters concerning or connected with the building of merchant ships." What I mean is, if in the course of the inquiry a certain state of facts develops which the inquirers do not now know about, they may do what their judgment dictates and not be estopped by the wording of the resolution.

Mr. FLETCHER. I think the Senator's suggestion is a very good one, although I thought perhaps the words "program and progress" would probably be sufficient.

Mr. BRANDEGEE. I have offered the amendment and the Secretary is now trying to insert it in the proper place, as I understand.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. It is proposed to amend the resolution so as to read:

Proceed at once with an investigation of the program, progress, and all matters connected with the building of merchant vessels under the direction of the Federal Shipping Board.

Mr. BRANDEGEE. The Senator from Mississippi [Mr. WILLIAMS] suggests that I should include also the words "and the recommendations."

Mr. WILLIAMS. "Recommendations to remedy the existing difficulty."

Mr. BRANDEGEE. Very well.

The PRESIDING OFFICER. The resolution will be so modified.

The resolution as modified was agreed to, as follows:

Resolved, That the Committee on Commerce, or any subcommittee thereof, be, and hereby is, authorized and directed to proceed at once with an investigation of the program, progress, and all matters connected with the building of merchant vessels under the direction of the United States Shipping Board Emergency Fleet Corporation, and to report its findings to the Senate at the earliest practical day, together with such recommendations as it may see fit to make as to remedies for existing difficulties, if any; and for this purpose the committee is authorized, during the Sixty-fifth Congress, to send for persons, books, and papers; to administer oaths; to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recess of the Senate.

CIVIL-SERVICE EXAMINATIONS.

Mr. POMERENE. Mr. President, I send to the desk a joint resolution and ask that it be read for the information of the Senate.

The PRESIDING OFFICER. The Secretary will read the joint resolution introduced by the Senator from Ohio.

The joint resolution (S. J. Res. 117) amending the act of July 2, 1909, governing the holding of civil-service examinations, was read the first time by its title, and the second time at length as follows:

Resolved, etc., That the act of July 2, 1909 (36th Stats. L., 1), is hereby amended so as to permit the United States Civil Service Commission, during the period of the war, to hold examinations of applicants for positions in the Government service in the District of Columbia and to permit applicants from the several States and Territories of the United States to take said examinations in the said District of Columbia. Said examinations shall be permitted in addition to those required to be held by said act of July 2, 1909. (36 Stats. L., 1.)

The PRESIDING OFFICER. The joint resolution will be referred to the Committee on Civil Service and Retrenchment.

Mr. POMERENE. Mr. President, before that is done allow me to say a word concerning the purpose of the joint resolution. The Civil Service Commission are required to hold examinations for those who seek to get on the eligible list throughout the several States and Territories of the country and under the statutes referred to in the resolution all applicants shall apply for examination in the State or Territory where they reside. Very recently there has been an effort made on the part of the Civil Service Commission and other departments of the Government to get young men and women to enter the service in a clerical capacity, and a good many young men and young women have come to Washington, assuming that they could get positions, not knowing of the statute which required them to stand examination in the States and Territories in which they reside.

The result is that under the law as it now is they would be required to go to the expense of returning to their homes to pass these examinations; and the commission seek to have this statute modified during the period of the war so that it will be permissible for them to hold these examinations and for applicants to enter these examinations here in the District in addition to the examinations which are required to be held in the States and Territories.

Mr. SMOOT subsequently said: From the Committee on Civil Service and Retrenchment I report back favorably, without amendment, the joint resolution (S. J. Res. 117) amending the act of July 2, 1909, governing the holding of civil-service examinations, and I ask its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the act of July 2, 1909 (36 Stats. L., No. 1), is hereby amended so as to permit the United States Civil Service Commission, during the period of the war, to hold examinations of applicants for positions in the Government service in the District of Columbia, and to permit applicants from the several States and Territories of the United States to take said examinations in the said District of Columbia. Said examinations shall be permitted in addition to those required to be held by said act of July 2, 1909 (36 Stat. L., No. 1).

Mr. GALLINGER. Mr. President, from what I have learned about the Civil Service Commission, I think it might as well go out of business now as at any other time. They are taking on to my knowledge hundreds and thousands of people without civil-service examination. I ask that the matter go over, Mr. President. I want to look into it.

Mr. POMERENE. May I make a suggestion to the Senator before that order is made? This matter just came to my attention this morning. I understand that it is true, as a matter of necessity, that these rules have been suspended temporarily, and, as I have been told, these young people have been advised that they must take their examinations within 90 days, if I am correctly informed. If this joint resolution becomes a law, it will avoid the necessity of suspending this rule in the way that I have indicated, so that these examinations may be held.

Mr. GALLINGER. Mr. President, while I am not enamored with the civil-service law, I have never made any particular attack upon it. The civil-service law provides that the employees of the Government shall be apportioned to the States and Territories. These young people have come here without any reference to that, I take it. They will be examined, and that salutary provision of the law, as I think, will be ignored. I do not think they ought to have been invited here as they were. They ought to have been told before they came here that there was a civil-service law on the statute books. They ought to have come here with that knowledge in their minds. But they came here pell-mell. They have been put into positions that they are not qualified to fill, and they are doing the best they can; and they will be coached now and will probably pass some sort of a civil-service examination.

I have a feeling of a good deal of disgust with the way things are going. The President has the power, and he exercises it, under some old statute that somebody revived, to exempt almost anybody from civil-service examination. He is doing it, and these people are put in places without any regard to the civil-service law.

I think this is a matter of sufficient importance to be looked into, and I object to its present consideration.

The PRESIDING OFFICER. In view of the objection, the joint resolution will have to go over.

Mr. POMERENE. Mr. President, may I say in answer to the Senator that this joint resolution does not suspend that part of the statute which regulates the distribution of these clerks among the several States. If that statute has been suspended, or if it has been ignored, this amendment does not recognize or authorize such a change as would seem to be indicated by the statement made by the Senator from New Hampshire.

Mr. GALLINGER. Well, Mr. President, I think they have been given 90 days at least, have they not?

Mr. POMERENE. I have heard that statement made. I can not state that authoritatively, but that is my general information.

Mr. GALLINGER. I think so; so that time will not expire before we meet again. I should like to look into the matter; that is all.

Mr. POMERENE. But, Mr. President, if I may make the suggestion, this prevents the young people who are here now from taking these examinations. It seems to me it would aid the purpose the Senator has in mind if this joint resolution were to be passed.

Mr. GALLINGER. No; I prefer that it go over. The other body would not act on it to-day, anyway, if we were to pass it.

The PRESIDING OFFICER. The joint resolution will go over.

Mr. GALLINGER subsequently said: Mr. President, in reference to the joint resolution introduced by the Senator from Ohio, I was laboring under a misapprehension, if the matter has been properly presented to me. I supposed that all these young people were given employment for 90 days. Senators tell me that there are a good many of them here who have not any employment, but who want to take an examination. That being the case, I want to withdraw my objection and allow the joint resolution to be considered.

Mr. POMERENE. I ask unanimous consent for the immediate consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDING OFFICER. The morning business is closed.

MINING OF COAL, ETC., ON THE PUBLIC DOMAIN.

Mr. PITTMAN. I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, being Senate bill 2812.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2812) to encourage and promote mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

Mr. SWANSON. Mr. President, I desire to offer an amendment, on page 12, line 15, to strike out "or within naval petroleum reserve numbered two."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 12, line 15, it is proposed to strike out the words "or within naval petroleum reserve numbered 2."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SWANSON. On page 13, lines 15 to 19, I move to strike out the proviso.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, lines 15 to 19, it is proposed to strike out the proviso, as follows:

Provided further, That all royalties received under the provisions of this section from said naval petroleum reserve numbered 2, whether in oil or money, shall be delivered or credited to the United States Navy.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SWANSON. On page 13, lines 22 to 24, I move to strike out "numbered 1, in the State of California, or naval petroleum reserve numbered 3, in the State of Wyoming."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 13, lines 22, 23, and 24, it is proposed to strike out the words "numbered 1, in the State of California, or naval petroleum reserve numbered 3, in the State of Wyoming."

Mr. SMOOT. Mr. President, the amendment just offered by the Senator from Virginia would leave the three lines above it meaning nothing at all. His amendment, if it is going to be adopted, ought to begin with the word "That," on line 19, page 13. The whole proviso ought to go out, and not simply the lines the Senator has just mentioned. In other words, what the Senator desires is, after the word "Navy," to strike out the words:

And provided further, That none of the provisions of this section or of this act shall be applicable to or affect lands or minerals included within the limits of naval petroleum reserves numbered 1, in the State of California, or naval petroleum reserve numbered 3, in the State of Wyoming.

Mr. SWANSON. No; I desire to have that language changed a little. I want that part stricken out and on page 13, line 21, insert "any" between "of" and "naval," so that the proviso will read:

And provided further, That none of the provisions of this section or of this act shall be applicable to or affect lands or minerals included within the limits of any naval petroleum reserve.

Mr. SHAFROTH. It seems to me there can be no objection to that.

Mr. SMOOT. Mr. President, I have no objection to that amendment, but I want to ask the Senator from Wyoming if he is satisfied with having naval reserve No. 3, located in Wyoming, eliminated from the bill.

Mr. KENDRICK. Mr. President, so far as I am informed, there has been no controversy about that naval reserve, so that I assume the elimination of it at this time will be satisfactory to the people of my State. Personally, I do not believe that it will ever be used for naval purposes, but I am perfectly willing to trust to future legislation for its proper disposition and the correction of any error to which our attention may not have been called.

Mr. SMOOT. If it is satisfactory to the people of Wyoming, I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Virginia.

The amendment was agreed to.

Mr. BORAH. Mr. President, I should like to ask the Senator from Virginia, so that I may know, not having had time to examine all these matters, the effect of his amendment. As I understand, it is simply to eliminate. It does not put anything else in the bill.

Mr. SWANSON. These amendments simply eliminate from the bill every allusion to the naval petroleum reserves. They do not put anything at all in the bill. They simply eliminate those entirely, so that they are not affected by this legislation.

Mr. SHAFROTH. Mr. President, I desire to offer another amendment. After the word "Alaska," in line 16, page 4, I move to insert "not previously entered under the preceding section 2 hereof."

Mr. SMOOT. Mr. President, I will suggest to the Senator that if he follows the same language used in the other parts of the bill, it would read as follows:

Unless previously entered under section 2 of this act.

Mr. SHAFROTH. All right; that is satisfactory.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the words "Territory of Alaska," on page 4, line 16, it is proposed to insert the words "unless previously entered under section 2 of this act."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PITTMAN. Mr. President, I desire to offer a few formal amendments to the bill. I send them to the desk and ask that they be stated.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 1, line 3, it is proposed to strike out the word "potassium" and the comma following it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. On page 1, line 7, commencing with the word "or," the first word in the line, it is proposed to strike out to and including the word "such," on line 8, or the following words: "or to those who have declared their intention to become such."

Mr. SMOOT. Mr. President, I should like to ask the Senator why he desires to strike out those words. They are the words which are used in nearly all of the land laws in which there is a right given to entry.

Mr. PITTMAN. We are treating as alien enemies the subjects of foreign countries who are in that category; and I thought that during this war it would not be advisable to pass an act giving any civil rights to those to whom we are denying rights under our war conditions. That is the reason.

Mr. SMOOT. I asked the question not because I objected to these words going out but simply because I wanted to have a record made of the reason why the change in our general land laws was made at this particular time.

Mr. PITTMAN. That is the reason at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. Also, on page 2, line 4, after the word "any," the second word in the line, before the word "association," it is proposed to insert the words "citizen or any," so that, if amended, it will read:

SEC. 2. That any citizen or any association composed of persons—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. On page 3, line 1, after the word "such" it is proposed to insert the word "person," so as to read: "no such person, association, or corporation."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I should like to have the Secretary read the provision as it is now amended.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. As amended, beginning at the top of page 3, it reads:

No such person, association, or corporation shall own coal lands entered after the passage of this act in excess of said area.

The PRESIDING OFFICER. The Secretary will state the next amendment.

The SECRETARY. Also on page 3, line 15, after the word "any," it is proposed to insert the word "person," so that it will read:

That any person, association, or corporation, member of such association—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. On page 4, line 16——

Mr. PITTMAN. That has already been taken care of by the amendment of the Senator from Colorado.

The SECRETARY. On page 15, it is proposed to strike out line 24 and all down to and including line 21 on page 21.

Mr. PITTMAN. That is potassium.

Mr. SMOOT. That is for the reason that it has already been acted upon by the Senate.

Mr. PITTMAN. That is true. It has become a law in a separate act.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment offered by the Senator from Nevada will be stated.

The SECRETARY. On page 30, line 5, strike out the word "no" and insert in lieu the word "all."

Mr. PITTMAN. That will be understood as taken in connection with the next amendment that I am offering.

Mr. SMOOT. There will have to be another amendment, for it would never do that way.

Mr. PITTMAN. I ask to have the amendment passed over until the next amendment is stated and that the two be regarded as one amendment.

The PRESIDING OFFICER. The next amendment will be stated.

The SECRETARY. On page 30, line 6, insert, after the word "lands" the words "heretofore withdrawn from entry, except those reserved for the Navy, shall be subject to this act, and none of such lands," so that it will read:

Provided, That all coal, oil, gas, potassium, or sodium lands heretofore withdrawn from entry, except those reserved for the Navy, shall be subject to this act, and none of such lands shall hereafter be withdrawn from the operation of this act for a longer period than one year without the consent of Congress.

Mr. PITTMAN. That makes definite the question that was up between the Senator from Colorado [Mr. SHAFROTH] and the Senator from Idaho [Mr. BORAH].

The amendment was agreed to.

The PRESIDING OFFICER. Has the Senator from Nevada any further amendment to offer?

Mr. PITTMAN. I have no further amendment to offer.

Mr. SMOOT. On page 2, line 11, I move to strike out the words "or reserved," so that the section down to those words following after the word "municipalities" will read as follows:

That any association composed of persons severally qualified by law to enter coal lands, or any corporation incorporated under and by virtue of the laws of any State, or any municipality of any State, shall upon application to the register of the proper land office, have the right to enter by legal subdivisions any quantity of vacant coal lands of the United States within any State of the Union not otherwise appropriated by competent authority.

Mr. PITTMAN. I have no objection to that amendment.

The amendment was agreed to.

Mr. SMOOT. On page 15, line 2, I move to strike out the word "such" and insert "a" so that it will read:

And any person who at the time of any withdrawal order heretofore made was a bona fide occupant or claimant of oil or gas bearing lands within such withdrawn area.

The amendment was agreed to.

Mr. SMOOT. On page 15, line 6, after the word "discovery," I move to strike out the balance of that line and all down to and including the word "claim" in line 11. In other words, I ask that these words be stricken out:

If the claim was initiated within less than three years prior to the withdrawal, and such claimant had performed a reasonable amount of work preparatory and essential to the sinking of a well or wells, and who because of and in obedience to such order deviated from the prosecution of work for the development of such claim.

Mr. SHAFROTH. Mr. President, that matter was a subject of long consideration by the committee and on that account, it seems to me, the text of the bill ought not to be changed. If that is done there ought to be a change in the second line and the words "or claimant" ought to be eliminated. It is contended by some that some of these claimants have never done any work and that they go back not only for 3 years but for 30 years and claim as if they are bona fide occupants all right. To say "or if they were bona fide claimants" would open up a field for any number of persons to claim by saying "Oh, I always claimed that as mine." So if the amendment which is offered by the Senator from Utah prevails, the words "or claimant" ought to be stricken out.

Mr. SMOOT. I wish to say that in some instances the claims were initiated more than three years prior to the withdrawal by prospectors in good faith and acting in good faith, and with the bill as it now stands such locators would be deprived of their equities, the same passing into the hands of those who are unable to secure possession through the courts of law. In the oil fields of Wyoming, if that provision is allowed to remain in the bill and becomes the law, some of the locators who located three years prior to the time mentioned here will be deprived of all the rights that they may have to those locations. In other words, Mr. President, a man who jumped his land and has undertaken through the courts to deprive the locator of it will secure title to the land rather than the original locator. I do not believe we ought to give any such class of citizens any advantages at all in securing the oil lands of Wyoming.

Mr. SHAFROTH. The department seems to desire that that limitation shall be placed in the bill for the purpose of prevent-

ing people from going back for half a century and claiming something that they had done no work upon. There ought to be some limitation and inasmuch as that limitation was placed there that these lands were withdrawn in 1909, and that would make it in 1909, if a person did not comply with the act and find oil within that time it seems to me there should be that limitation.

Mr. SMOOT. They may have been upon the land, they may have been prosecuting the claim as best they could, complying with all the requirements of the law as to the expenditure of money and as to the drilling of a well, and yet it would have been impossible to find oil within the three years' limit. There are many men, I am informed, who find themselves exactly in that condition, and if this provision becomes a law they would have no recourse whatever.

Mr. BORAH. Is this the limitation clause of section 17?

Mr. PITTMAN. Yes.

Mr. BORAH. If the bill is not to be disposed of until after the holidays, as I hope it will not, I should like to have an opportunity to examine this section. I have not had time to look into it, but I have had messages in regard to it which lead me to believe that we ought to investigate it. I ask the Senator from Nevada if it is the intention to have the bill come to a vote to-day. Due to the fact that we have only seven or eight Members in the Senate Chamber, I ask the Senator if he would not be willing to fix a certain time to vote after the holidays.

Mr. PITTMAN. I will state it was my intention to ask for a unanimous-consent agreement in a few minutes so that this matter may go over until after the holidays.

Mr. SMOOT. Then, if this matter is going over and the bill itself is going over until after the holidays, I ask the Senator now to allow me to withdraw the amendment I have offered, and I will get more definite information than I have at the present time. My only object in offering it is to secure the right of certain citizens to what seems to me to be a just claim on their part. Of course, if it is not, I would not ask to have the amendment made, nor would I press it in any way. I will promise the Senator from Nevada that between now and the 4th day of January I will have more information in detail than I have at the present time.

Mr. PENROSE. Mr. President, I happen to know something about this question, on account of the large number of Pennsylvanians who are engaged in Wyoming in developing these lands. It is my understanding that if the period of three years could be made five years it would cover the situation.

Mr. SMOOT. Let it go over.

Mr. PENROSE. Why not make the amendment providing for five years now, and it can be further amended, if necessary, after the recess.

Mr. KENDRICK. Will the Senator yield?

Mr. PENROSE. I shall make that motion or have the Senator make it, if agreeable to him. I move to strike out "three" and insert "five," and then the paragraph can be still further amended when the bill comes up for final passage.

The PRESIDING OFFICER. The Senator from Utah has a pending amendment, which will preclude this amendment.

Mr. PENROSE. I modify his amendment.

Mr. SMOOT. As I stated, I will withdraw my amendment, and I will say now if an amendment is offered by the Senator from Pennsylvania, and if it is adopted, I reserve the right to offer my amendment when the bill reaches the Senate. I reserve that right now.

Mr. PENROSE. It was shown to me that there were a number of claims beyond dispute that would be kept out by this three years' limitation, but that all legitimate claims would be covered by a limitation of five years.

Mr. BORAH. In view of the fact that we can not in all probability dispose of the bill to-day, why not permit us to have all the details? I do not know whether a provision for five years is necessary or whether it will cover the situation. It is manifest that some people are very much dissatisfied with the limitation in the bill and claim that it is practically an adjudication on the part of Congress of their claims. I wish the Senator from Nevada would permit this matter to go over until after the holidays.

Mr. PITTMAN. I will say to the Senator from Idaho this is a matter which seems to be of peculiar interest to the people of Wyoming. In fact, I know of no other section of the country that would be interfered with by this particular section. When the committee were considering the matter they were given to understand that three years would protect any bona fide claimants of land, and the committee were desirous of protecting against any fraudulent claims.

The Senator from Idaho must realize that it was shown in the committee that if there was not any limit placed to the time these claims may have been initiated a man may say that 20 years ago I posted a location notice on a claim.

Mr. PENROSE. No one contends, I understand, for more than five years.

Mr. PITTMAN. It is a matter largely with the citizens of those States, and the committee thought that a limitation of three years would take care of all bona fide claims. They may be mistaken about that, and if mistaken about it the limitation can be changed to five years.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. PITTMAN. I yield.

Mr. BORAH. It may be that the Senator from Nevada is entirely correct, because I confess I am dealing with this matter somewhat in the dark. I should not have called attention to this particular clause at all had it not been for some telegrams which I have had the privilege of reading; but I am unable to protect the parties who sent the telegrams, because I do not know just exactly what they want. However, if the bill is going over anyway, I do not see why it should not carry with it this amendment. I should like even before I urge any change in the bill at all to know more about the facts in regard to it. I may not be in favor of any change. I do not want to protect any fraudulent claim. Nobody in the Chamber does, of course.

Mr. PITTMAN. The Senator in charge of the bill suggests that we pass it over, so that we can look into the matter further.

Mr. KENDRICK. I should like to see the amendment offered by the Senator from Pennsylvania prevail and the change made to five years instead of three. It is a step in the right direction anyway. I am sure that it would bring the necessary relief to the majority of my people, and if we got nothing better later on we would have that much gained anyway.

Mr. BORAH. In view of what the Senator from Wyoming says, I am perfectly willing to take his judgment, with the understanding that if a state of facts is developed to warrant it we shall have the privilege of going into this section again with a view of amending it if we want to do so.

The PRESIDING OFFICER. The Chair understands that the Senator from Utah withdraws his amendment?

Mr. SMOOT. I do.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania to strike out "three" and insert "five" before the word "years," in line 7, on page 15.

The amendment was agreed to.

Mr. PITTMAN. I send the following request for unanimous-consent agreement to the desk and ask that it be read.

The PRESIDING OFFICER. The Secretary will read the proposed agreement.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than from 5 o'clock p. m. on the calendar day of January 4, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 2812, a bill to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain through the regular parliamentary stages to its final disposition, and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once nor longer than 10 minutes upon the bill, or more than once nor longer than 10 minutes upon any amendment offered thereto.

Mr. GALLINGER. Mr. President, I will venture to suggest to my friend the Senator from Nevada, that he put the date a little further along. Our recess will not expire until the 3d, and during the meantime some of us want to look into this measure a little more carefully than we have done. Would not the Senator be willing to make it a couple of days later than the 4th?

Mr. PITTMAN. I will say to the Senator from New Hampshire that I took that matter up with a number of Senators beforehand, and the Senators having charge of legislation on this side are very urgent to get this bill out of the way. Out of respect to their wishes and to those who are conducting legislation on this side I have fixed the date on the 4th. I think that will give us ample time to look into the bill.

Mr. SMITH of Arizona. I hope the Senator from New Hampshire will not delay this action.

Mr. GALLINGER. I do not propose to delay it unduly.

Mr. SMITH of Arizona. I know the Senator would not delay it intentionally longer than it is necessary for a proper consideration.

Mr. GALLINGER. We come here on the 3d and, of course, will do nothing on that day; and the day fixed in the agreement is the very first day that we will be in session, of course.

Mr. PITTMAN. As far as I know, everyone favoring this bill has spoken. I know of no one else who cares to speak.

Mr. GALLINGER. I suggest to the Senator to make it the 5th. There can be no objection to that, surely, on the part of the friends of the bill.

Mr. PITTMAN. The Senator from Arizona [Mr. SMITH] is very anxious to get important legislation passed, and several other Senators have been urging that this measure be gotten out of the way speedily.

Mr. GALLINGER. But we are going to be here six more or eight months, anyway, in all human probability.

Mr. SMITH of Arizona. But the Senator will appreciate that as soon as we get into the regular business of the session after the recess everybody will oppose any legislation that does not affect the war, and we have to pass these bills before the committees bring in legislation pertaining to the war. There are quite a number of very important bills that the Senate ought to attend to before that time.

Mr. GALLINGER. Mr. President, I do not like the habit we are getting into of what is sometimes denominated railroading bills through the Senate. Yesterday we were lectured by a distinguished Senator on the other side upon the ground that we were delaying the consideration of a certain measure that had been before the Senate only a day and a half. I never knew anything of the kind to occur before in the Senate. The Senator from Utah [Mr. KING] was taken to task because he wanted to express his views on the pending bill. He had only talked a short time, but he was told he ought to stop.

Now, I do not like that method of doing business. I am good-natured always, and I have no disposition to postpone unduly any measure. While I shall vote against this bill, I do hope the Senator from Nevada will agree to give us one day at least after we reassemble, to get our second breath on it and give it some consideration.

Mr. PITTMAN. The Senator from Arizona [Mr. SMITH] has relieved me from the pressure I was under. Therefore it affords me pleasure to agree to the suggestion of the Senator from New Hampshire and I will ask that the 5th be substituted for the 4th.

Mr. GALLINGER. That is better. Let the roll be called.

Mr. JONES of Washington. I wish to suggest to the Senator that the hour be changed from 4 o'clock to 5, and that we begin at 2 o'clock under the 10-minute rule. The chances are that most amendments will be left until that time and there may be quite a number of amendments offered after 2 o'clock. I do not like to see any time set after 2 o'clock for a final vote. I should like to see the limitation placed upon speeches to 5 or 10 minutes after 2 o'clock. Then let every amendment that is proposed be discussed. If we put it at 5 o'clock I am quite sure every amendment that is offered will have such discussion as it requires after 2 o'clock. So I suggest to the Senator to make it 5 o'clock instead of 4.

Mr. PITTMAN. That will be agreeable to me.

The PRESIDING OFFICER. The Secretary will make the modification as requested.

Mr. GALLINGER. Let the roll be called under the rule.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Lewis	Ransdell
Bankhead	Harding	McCumber	Shafroth
Beckham	Hardwick	McKellar	Sheppard
Borah	Hitchcock	McNary	Shields
Brandegee	Hollis	Martin	Smith, Ariz.
Calder	James	Myers	Smith, Md.
Chamberlain	Johnson, Cal.	Nelson	Smith, Mich.
Cummins	Johnson, S. Dak.	New	Smoot
Curtis	Jones, Wash.	Newlands	Sterling
Dillingham	Kellogg	Norris	Stone
Fernald	Kendrick	Penrose	Sutherland
Fletcher	Kenyon	Phelan	Townsend
France	King	Pittman	Vardaman
Frelinghuysen	Knox	Poindexter	Wadsworth
Gallinger	La Follette	Pomerene	Weeks

Mr. LEWIS. I wish to announce the absence of the senior Senator from South Carolina [Mr. TILLMAN] because of illness. I ask that this announcement may remain.

I wish also to announce the absence of the Senator from Delaware [Mr. SAULSBURY], called from the Chamber on official business.

Mr. VARDAMAN. I desire to announce the absence of the Senator from Missouri [Mr. REED] and the Senator from Massachusetts [Mr. LODGE] on business of the Senate.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. Let the request be stated once more.

The PRESIDING OFFICER. The Secretary will read the proposed agreement as modified.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of January 5, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 2812, a bill to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once nor longer than 10 minutes upon the bill, or more than once nor longer than 10 minutes upon any amendment offered thereto.

Mr. PENROSE. I suggest that it is very doubtful in my mind whether we will have a quorum on Friday and whether it would not be better to make the agreement for Monday. If there is a quorum here the Senate can take up other business if the bill is not under debate. I am not going to urge the point, but I am only submitting it.

Mr. BORAH. We will certainly have a quorum here after two weeks of adjournment.

Mr. PENROSE. The fact remains, however, that we meet the latter part of the week, and the disposition of a great many Members will be to stay away the rest of the week.

Mr. BORAH. I do not care to debate the matter if the Senator wants to urge it. I know the Senator from Nevada was very anxious to fix it on the 4th, and although I am opposed to the bill I did not myself care to urge any later date. I ask the Senator from Nevada if the agreement is adopted whether he proposes to go ahead with the debate any further to-day?

Mr. PITTMAN. It is the intention of the Senator having charge of the bill to ask that it be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the request?

Mr. SHAFROTH. I suggest to the Senator that Friday is the 4th of January, and undoubtedly it would be better to take the vote at that time than on Saturday, because so many leave at the end of the week.

Mr. PENROSE. I am almost certain there will not be a quorum of the Senate on Friday and Saturday. There is no use in disguising the fact that Senators will not come down here for a session of one day.

Mr. PITTMAN. I would not want to have this matter come up if there was not a quorum. I think it would be very unfortunate for the matter to come up without a quorum.

Mr. PENROSE. That is what I feel. I am interested in the passage of this bill on account of a large number of Pennsylvania constituents, and I do not see any use in fixing a day when every Senator must realize, I believe, that a quorum will not be here.

Mr. GALLINGER. I do not know how the Senator figures it out that there will not be a quorum here. We will have a recess of 12 days, and the Senate convenes on Thursday. It is inconceivable to me that Senators will not return at that time to attend to their duties. There may be a few who will not, but most of us will be here.

Mr. PENROSE. The Senator from New Hampshire, who is my leader in nearly every step I take in this body, is going to stay here, but I am not basing my statement on any theory. I have talked with a large number of Senators, and those who are going away and going to a distance, as nearly all Senators who leave Washington will be going to a distance, I feel very confident are not coming down here to attend a session on Thursday or Friday, with a probable adjournment over until the following Monday. If, however, the Senator in charge of the bill chooses to take the chance, I do not intend to pursue the matter any further. If I had charge of the bill, I should make the date for a vote Monday, the 7th of January.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of Michigan. Mr. President, I agree with the Senator from Pennsylvania [Mr. PENROSE]. I think the date fixed for a vote should be Monday, and unless a later date than the 5th is named I shall object.

Mr. PITTMAN. Mr. President, I have already receded in this matter two or three times for the convenience of Senators; I know that it will inconvenience the Senator from Pennsylvania and the Senator from Michigan, from what they say, and possibly other Senators, to fix the time for a vote on the date named, and, as we are putting the vote off now for two weeks or more, I would not urge against the wish of any Senator having the vote taken two days earlier. I therefore ask that the date for the vote be changed to Monday, the 7th of January.

The PRESIDING OFFICER. The Secretary will make the proper correction, providing that the vote be taken on Monday, the 7th of January. Is there objection?

Mr. SMITH of Arizona. Mr. President, if that be agreed to, I should like to make a parliamentary inquiry. I ask whether this bill will remain, up to the date fixed for a vote, as the unfinished business of the Senate?

The PRESIDING OFFICER. The Chair is advised by the parliamentarian at the desk that it would remain the unfinished business.

Mr. SMITH of Arizona. Then a motion in the meantime to take up another bill would simply mean the displacing of the regular order?

The PRESIDING OFFICER. The unfinished business could be suspended by unanimous consent at any time.

Mr. PITTMAN. Mr. President, having charge of the bill, I will state to the Senator from Arizona that at any time no Senator is desirous of speaking on this bill I shall ask unanimous consent that it be temporarily laid aside, so that the Senator from Arizona or any other Senator may proceed with any matters of emergency.

Mr. SMITH of Arizona. I am interested in the measure the Senator has in charge, particularly as it affects Arizona, but I should like to repeat the notice I heretofore gave—as I stated then, for what it was worth, and it is worth no more now—that I desire to move at every possible opportunity to take up a measure on the calendar relating to the question of print paper.

Mr. SHAFROTH. I suggest to the Senator from Arizona to make the motion now.

Mr. PHELAN. Mr. President, pressure was brought yesterday to yield consideration of section 16 of the pending bill in order that the measure might pass before the holidays. I desire to call the attention of the Senator from Virginia to the fact, now that consideraion of the whole measure has been deferred until after the holidays, that I trust he will be ready to present his substitute measure for section 16 at that time. It seems to me that by reason of this postponement some of us have been mildly imposed upon.

Mr. SWANSON. I will state to the Senator from California that I am framing a bill which I shall introduce as a separate measure for this——

Mr. PHELAN. For section 16?

Mr. SWANSON. A separate measure for section 16. I did not consent that the bill be taken up for consideration except with the understanding with certain Senators that that provision would be eliminated. I am not obstructing the passage of the bill; I am ready to vote now. Senators from the West are objecting to the consideration and passage of the bill and not other Senators. My purpose is to introduce a separate bill to condemn these lands.

Mr. PHELAN. The Senator will be ready, then, to have the bill taken up on January 7?

Mr. SWANSON. Not as an amendment to this bill.

Mr. PHELAN. But as a substitute for section 16?

Mr. SWANSON. I will introduce the bill and have it referred to the Naval Committee. It will be then within the power of the Naval Committee to report the bill, and, if it is the disposition of this body to consider it, that will be done. I will say, however, that the Senator from California is not precluded from introducing any bill or any other measure at any time which he thinks will make a proper disposition of this matter.

Mr. PHELAN. I therefore give notice that at that time I shall seek to take up the question of the reconsideration of the action by which section 16 was eliminated from the bill.

Mr. SMOOT and Mr. SHAFROTH addressed the Chair.

Mr. GALLINGER. Regular order, Mr. President!

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. SMOOT. Mr. President, before I give unanimous consent to an agreement to vote upon the pending bill, I want an understanding with the Senator from Virginia that he is not going to offer the bill referred to by him as a part of the pending bill.

Mr. SWANSON. I have agreed with Senators that I would not do so.

Mr. SMOOT. That is what I have understood.

Mr. SWANSON. I have an agreement with certain Senators that this matter would not be considered on the pending bill.

Mr. PITTMAN. Mr. President, this matter has been placed in my charge by the Committee on Public Lands. It is a bill involving a great many subjects; in fact, it involves three or four subjects outside of section 16 of the bill. It involves something besides 7,000 acres of land in California; it involves 44,000,000 acres outside of 7,000 acres in California; it involves a million acres of oil lands outside of the 7,000 acres in California. I have felt, as does the Senator from California, with regard to the method by which that land in California should be treated; but we came to the conclusion that this bill could not become a law, that it never would become a law, if we attempted to keep the provision in relation to naval reserves in the bill. The Senator from California agrees with that and has agreed with it on this floor.

I do not care what he thinks about it; he may be willing to defeat all this legislation, as he knows it will do if he should succeed in putting that provision back in the bill; but I shall never consent to have it put back in the bill, and I tell him that it never will be put back in the bill, no matter how many times we reconsider it.

So far as the delay in this matter is concerned, it is no more unusual than the delay we have had on many bills. The Senator from Idaho [Mr. BORAH] insisted that he should have more time on this measure. He had it within his power to delay this bill until after the holiday recess if he saw fit to do so. Under the position he took, he would have been justified in doing so if I had declined to grant a reasonable postponement. I therefore have agreed to a reasonable postponement. I not only think that it is a courtesy due to the Senator from Idaho and to the other Senators, but I think also that it is probably the best way to facilitate action on the bill; and so long as I have charge of the bill I am going to pursue this course. Whenever that is not approved by the Public Lands Committee of the Senate, they can give charge of the bill to some other Senator. I now ask that the question on the unanimous-consent agreement be submitted.

The PRESIDING OFFICER. Is there objection to entering into the unanimous-consent agreement? There being none, it is entered into.

Mr. HOLLIS. Mr. President, I ask the Senator from Nevada if he is willing to ask that the pending bill be temporarily laid aside in order that another matter may be brought up?

Mr. PITTMAN. At the request of the Senator from New Hampshire, and if there are no other Senators who desire to speak on the bill at this time—and I assume that there are none—I ask unanimous consent that the bill be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? There being none, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States, and it was thereupon signed by the Vice President.

PURCHASE OF FARM-LOAN BONDS.

Mr. HOLLIS. I move that the Senate proceed to the consideration of Senate bill 3235, being a bill providing for an amendment to the farm loan act.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate proceed to the consideration of Senate bill 3235.

Mr. GALLINGER. Mr. President, let the title of the bill be stated.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 3235) amending section 32, Federal farm loan act, approved July 17, 1916.

Mr. GALLINGER. Mr. President, before the motion is put for the consideration of the bill, I ask that the bill be read for the information of the Senate.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill, as follows:

A bill (S. 3235) amending section 32, Federal farm loan act, approved July 17, 1916.

Be it enacted, etc., That the Federal farm loan act, approved July 17, 1916, is hereby amended by adding at the end of section 32 the following:

"The Secretary of the Treasury is further authorized, in his discretion, upon the request of the Federal Farm Loan Board, from time to time during the fiscal years ending June 30, 1918, and June 30, 1919, respectively, to purchase, at par and accrued interest, with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm loan bonds issued by such bank.

"Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years. Any Federal land bank may at any time repurchase, at par and accrued interest, for the purpose of redemption or resale, any bonds so purchased from it and held in the Treasury.

"The bonds of any Federal land bank so purchased by the Secretary of the Treasury and held in the Treasury under the provisions of this amendment one year after the expiration of the pending war, shall, upon 30 days' notice from the Secretary of the Treasury, be redeemed or repurchased by such bank at par and accrued interest.

"The temporary organization of any Federal land bank as provided in section 4 of said Federal farm loan act shall be continued so long as any farm loan bonds purchased from it under the provisions of this amendment shall be held by the Treasury, and until the subscriptions to stock in such bank by national farm loan associations shall equal the amount of stock held in such bank by the Government of the United States."

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

Mr. CALDER. Mr. President, I want to occupy the attention of the Senate to make some observations on a matter that is not pending here to-day.

Mr. HOLLIS. Will not the Senator from New York wait long enough to have the bill taken up? Then he can, of course, speak upon anything he pleases. The motion for the present consideration of the bill is pending, and I ask that it may now be put.

Mr. CALDER. I agree to that.

The PRESIDING OFFICER. The question is on the motion of the Senator from New Hampshire to proceed to the consideration of the bill which has just been read.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CALDER. Mr. President, I wish to discuss for a moment the operation of the selective-draft act. I find that on December 15 the different draft boards throughout the country forwarded to men registered a questionnaire. Upon the answers to this will determine in just what class the different men eligible for draft are placed. It seems to me, Mr. President, that before we get too far into the next draft the law should be amended, for in its operation great hardship is visited on certain sections of the country.

Yesterday I received from the adjutant general of my State a list of the draft boards, the quota taken from each draft district, and the number of men examined to make up that quota. I find that in some districts about 20 per cent of the registrants have been called to make up the complement required, while in other districts practically every unmarried man physically competent has been taken. The operation of the law in the next draft will work a great hardship in some communities. Not only will every unmarried man be taken who is eligible for service but practically all married men who are citizens and of draft age. This is caused by the fact that in many sections there is a large alien population. I have made a very careful study of the conditions in New York City, where I reside, which indicate that in some draft districts substantially 5 per cent of the registrants are aliens, while in others as high as 80 per cent are aliens. The law rests upon the theory that the number taken shall be based on the total population, but in its operation none but the citizen is selected.

Early in June of last year I introduced a bill which would have made the draft apply only to those eligible for service. That bill was not reported from the Committee on Military Affairs, but a resolution introduced by the senior Senator from North Dakota [Mr. MCCUMBER] and a resolution introduced by the Senator from Oregon [Mr. CHAMBERLAIN] were reported and acted upon. These two resolutions now lie in some committee of the House of Representatives, and I am told are not to be favorably considered there. My bill is a clear exposition of just what the draft act, in my judgment, should be.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Dakota?

Mr. CALDER. I do.

Mr. McCUMBER. I think the Senator is in error with reference to the resolution introduced by myself. If I remember rightly, I think that was converted into a Senate resolution, because it related only to the matter of the President entering into agreements with other nations for the purpose of securing treaties that would allow us to put citizens of countries that were in arms with us against the common enemy and who were residing in the United States into our armies. I understand—and I want to ask the Senator to give me information if I am in error—that the President has acted upon that resolution, that he has taken the matter up with foreign countries, and will soon be able to report to the Committee on Foreign Relations.

Mr. CALDER. Mr. President, the Senator is correct. I was mistaken in my statement that his resolution went to the other House. It was a Senate resolution; it was acted upon unanimously, was referred, as I understand, to the State Department, and that department undoubtedly has taken the matter up. However, our Government has not yet effected treaties with other governments permitting us to draft their citizens residing within our country into our military service. The new draft is coming on very fast; in another six weeks it will be here; and then we will have a condition of things applying to certain sections of the country where every single man who is a citizen will be taken, every man who is physically fit to go, every married man, while in adjoining districts the married men, who ought to be excused, will not be taken.

So, Mr. President, I want to say to the Senate that this hardship upon these certain so-called alien communities of our country is causing a great deal of dissatisfaction on the part of the people. Practically all of the men who live in the sections which I have in mind are either of alien birth or parentage, and they see married men with families and dependent children taken, while in other places they are excused. There can be no excuse, Mr. President, for the Congress to permit a condition of this kind to exist, and I rise now simply for the purpose of calling the attention of the Senate to it and to say that on the first day of the convening of the Congress after the recess I shall move to have the Committee on Military Affairs discharged from the further consideration of my bill, which simply fixes the quota of the draft to be obtained on the basis of citizen registration rather than on the basis of population.

If we do not make this change, Mr. President, I believe we are going to have serious difficulty among those of our citizens who are of foreign birth. Senators have observed, undoubtedly, the very great Socialist vote cast in the city of New York in the recent election. That vote came largely from the so-called foreign sections of the city in which the injustice of the feature of the draft has worked the greatest hardship. I sincerely trust that Senators will realize how very serious this matter is and that unless it is remedied a feeling will be created throughout the land that we are compelling certain sections of our country to give up all of their men who are citizens, relieving others of that very condition. I hope that this matter will not be overlooked. I shall ask the chairman of the Committee on Military Affairs before I depart for my home for the recess to consider this question; but if he does not I shall ask the Senate to act upon it.

Mr. HOLLIS. Mr. President, the Federal farm-loan bill was passed in July, 1916. Under its terms 12 Federal land banks were established covering the entire United States. They were given under that bill a capital of $750,000 each. The Farm Loan Board proceeded to establish the banks and was ready to make loans and to sell farm-loan bonds a year later; that is, last July.

Under the plan of the farm-loan system the loan is made to the farmer at a certain per cent. The banks are allowed to add to that per cent not to exceed 1 per cent of the loan for what is called in the mortgage business the "spread"; that is, the expense of the system. The Farm Loan Board believed that they could sell the farm-loan bonds at 4½ per cent. Therefore they made the rate to the farmers 5 per cent. At the time the Farm Loan Board was ready to authorize the first issue of farm-loan bonds the first liberty loan was in progress, and the board did not wish to interfere in any way with the sale of the liberty bonds, which were at a lower per cent than the farm-loan bonds. It therefore made no campaign, did nothing to cry up its bonds or cry down the liberty bonds or come in competition with them. In spite of the extreme modesty with which the Farm Loan Board proceeded its bonds met with a very great demand; they could not be prepared fast enough for the investors beginning in July last up to November. When the second liberty-loan campaign was started the demand for the farm-loan bonds was chilled and the Farm Loan Board finds itself now with some $70,000,000 of farm loans contracted for; that is, approved, passed upon, and accepted, and is not able to sell its bonds on the 4½ per cent basis. I feel myself that the Farm Loan Board should not be in competition with the Government in the sale of its bonds; I feel that the Government should pool the investment money that is available in one reservoir and the Secretary of the Treasury should say where that money should be applied.

Under the law the Farm Loan Board can raise the rates of the farm-loan bonds above 4½ per cent and make them attractive to investors, but when they do that the tendency will be to raise the rate at which we will have to sell liberty bonds, and that ought not to be done. The Secretary of the Treasury is reluctant to take on any burden of this sort, but he considers it advisable, and he has asked to have this bill passed.

I will explain briefly what the bill is. The bill provides that the Secretary of the Treasury may, in his discretion, purchase farm-loan bonds at par and interest, not to exceed $100,000,000 in the present fiscal year and in the next fiscal year; that any land bank may repurchase these bonds at par and interest at any time, and that one year after the termination of the pending war the Secretary of the Treasury shall demand payment from the land banks.

There is a further provision that was added by the committee in regard to the temporary organization of the land banks. Under the temporary organization it was provided that the five directors of each land bank should be appointed by the Farm Loan Board. Under the law whenever the contributions from farm-loan associations equal $100,000, the land banks are to be permanently organized with six directors elected by the farm-loan associations and three appointed by the Farm Loan Board. It is felt that as long as the Treasury has in its vaults any of

the farm-loan bonds the temporary organization should be continued so that the Government will have control of the conduct of the banks; and the fourth paragraph of the bill provides for that emergency. I myself am very sorry that the necessity to borrow enormous sums by the General Government has made it necessary to call on the Treasury for this relief at this time.

Mr. TOWNSEND. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. TOWNSEND. I want to interrupt the Senator for just a moment, to state that I believe this a subject in which most of the Senators are very greatly interested, and I was wondering if the Senators who were not here knew that this question was to come up to-day. I speak of this because I am sure that they, like myself, would desire to hear this question discussed, and if they did not know it was coming up and the Senator has no objection I should like to suggest the absence of a quorum.

Mr. HOLLIS. I have interviewed many Senators, in fact most of those on this side, and I think most of those on the other side have been spoken to. Those who are in favor of the bill and those who feel obliged to oppose it knew that it was to be pressed before the recess, because the emergency is rather acute. Of course, I do not object to having a quorum called for, if the Senator desires. I doubt, however, if any Senator would remain who is not already here. I have sent for those who I understand are particularly interested in it.

Mr. TOWNSEND. Very well.

Mr. FLETCHER. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Florida?

Mr HOLLIS. I yield.

Mr. FLETCHER. On the subject of the temporary organization of the land banks, which it is provided in section 4 shall be continued, I will ask the Senator if that means that the existing organization must be continued—that is to say, a man who is president of a bank to-day must be continued as president—or whether that means that the organization rests with the Farm Loan Board? Does it necessarily retain in office the president, vice president, and secretary of the banks as they exist to-day, the individuals who are now holding those offices, or can they be changed by the Farm Loan Board?

Mr. HOLLIS. The bill stipulates that the temporary organization as provided in section 4 shall be continued. That does not mean the temporary organization of any bank, but the temporary method or plan of organization shall be continued. I think there can not be any doubt of that. I was about to state that I regret very much that the condition of the money market incident to the war and the very heavy demand made upon the investing funds of the country have made it necessary to ask for this temporary relief. There are now pending in the Federal loan banks loans that have been approved and accepted to the amount of $70,000,000. They were not——

Mr. POINDEXTER. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. POINDEXTER. Will the Senator give us some idea as to the experience of the Federal land banks, as to the nature of the security they have obtained for their loans, whether or not any of the loans have matured, or any of them are delinquent, and what impression the Senator has of the administration of the law by those who are in charge of the 12 land banks? I ask the question because I have heard a good many remarks and some criticism as to the nature of the loans which have been made.

Another phase of it in which I am very much interested, and I think the country is interested, is, What is the general character of these loans as to the term of them? Are they short-term loans, or are the banks carrying out the general purpose of the act and making long-time loans with amortization features?

Mr. HOLLIS. I will say to the Senator that nearly all the loans are made on very long terms, as was intended. They are all made on the amortization plan, so that with every payment part of the principal is paid in. They have been made on a very safe basis all through the country. The bill provides that no more than 50 per cent of the reasonable valuation may be loaned. That has been kept down almost altogether to 40 per cent.

Mr. McCUMBER. Mr. President——

Mr. HOLLIS. I yield to the Senator from North Dakota.

Mr. McCUMBER. Can the Senator say of his own knowledge that it has been kept down to 50 per cent?

Mr. HOLLIS. Oh, I do not know of a single loan that has been made. I am merely acting on information that was given by the Farm Loan Board.

Mr. McCUMBER. I have information from a great many sources that in certain sections of the country loans are being made for more than the full value of the land upon which the loans are being taken. My information comes from those who know the situation, know the values of the land, and know the loans that are being made.

Mr. HOLLIS. I shall be very much astonished if that is so. Of course, that is absolutely unlawful and contrary to the letter and spirit of the farm-loan act. If the Senator knows of such a situation as that, it certainly should be exposed, and the responsibility laid where it belongs. If the Senator has any idea that that is so, the matter should be investigated, and I should encourage investigation if there is any such charge.

Mr. STONE. Mr. President, is not this a very good time to expose it, right now?

Mr. HOLLIS. I should think so. I should think it ought not to continue a moment.

Mr. STONE. The Senator from North Dakota has stated that he knows of specific instances. I think he said numerous instances—where farm loan banks had loaned money on land in an amount exceeding the value of the land. Of course, any act of that kind, if done, was unlawful, and, except for the assurance of the distinguished Senator from North Dakota, I would think it inconceivable, considering all the machinery provided for and in the hands of the land banks to ascertain the value of land.

Now, although it is no particular affair of mine, I do not like to have a statement from such a high source as that just made by the Senator from North Dakota stand here in the RECORD as an indictment of the administration of the land-bank system, the establishment of which I advocated, and the proper administration of which I believed and still believe will be of great benefit to our country. I do not know whether my distinguished friend from North Dakota cares to have that general statement of his stand as he made it, or whether he cares to tell the Senate just exactly what he knows. In such matters actual details are of special value.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire further yield to the Senator from North Dakota?

Mr. HOLLIS. I yield.

Mr. McCUMBER. When the Senator from Missouri formulates his indictment on a charge of any character, I hope he will include in it the words that were used, and not what possibly he might have thought were used. I stated then, and I repeat it so that the Senator may know what my statement was, that I know of instances in which it has been reported to me, and reported to me by those who understand the value of the land and are acquainted with the section where the loans are made, that loans have been made in such sections upon lands to the full value and even more than the value of the lands. That is my statement; so it is not my statement upon my own information at all, but on the information of those in whom I have great confidence.

Mr. STONE. If anything I said was to the effect that the Senator from North Dakota made his statement on personal information, then my statement should be modified, for I did not mean to say that. I heard what the Senator said. Nevertheless the fact stands in the RECORD now, under the authority of the statement made by the Senator from North Dakota, that he is informed—I must assume, in his judgment, reliably informed—that such things as those he has detailed here have occurred. Now, whether it is upon his individual knowledge of the fact or upon information which satisfies his judgment, I submit that it is a matter for the Senator to consider, not me, whether the Senate ought now to be specifically informed of such instances.

Mr. McCUMBER. Mr. President, if the Senator will yield further——

Mr. HOLLIS. I yield.

Mr. McCUMBER. I am speaking in the Senator's time. I wish when the Senator is through to make some remarks upon the present situation of the farm-loan associations or banks, but I wish the Senator first to complete the statement that he desires to make to the Senate.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from North Dakota a question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield?

Mr. HOLLIS. I yield.

Mr. SHAFROTH. I am aware, of course, that there are some people, particularly lenders of money, who are opposed to this farm-loan system, because of the fact that it competes with them in the market for their money. Consequently they are opposed to its being lent at a low rate. I should like to ask the Senator whether or not the persons who have made these complaints are either money lenders or bankers?

Mr. McCUMBER. Neither.

Mr. SHAFROTH. Neither one?

Mr. McCUMBER. Neither.

Mr. SHAFROTH. It seemed to me we ought to have that information, because if, as a matter of fact, they are lending money in excess of the value, it ought to be examined into, and it ought to be condemned most strongly.

Mr. McCUMBER. I do not want the Senator for one moment to think that I have not been strongly in favor of support to the rural communities in the loans. I opposed the particular bill that was ultimately passed, and I think I shall be able to show in a very few minutes that my prophecy of what would happen has happened in reference to it.

Mr. GALLINGER and Mr. FLETCHER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield; and if so, to whom?

Mr. HOLLIS. I yield to my colleague.

Mr. GALLINGER. Mr. President, disclaiming any purpose of interfering with the Senator's interesting statement, I will ask him if he can tell approximately the amount of money that has been loaned by the banks?

Mr. HOLLIS. Yes. The amount that has actually been loaned by the banks is, in round numbers, $29,000,000.

Mr. GALLINGER. Twenty-nine million dollars; and they have now $70,000,000 that they have no market for at the present time?

Mr. HOLLIS. Twenty-nine million dollars have been loaned; $28,000,000 of farm-loan bonds have been sold. There are now pending loans that have been approved to the amount of $70,000,000.

Mr. GALLINGER. I will venture to ask my colleague further whether or not those loans are distributed throughout the country to a large extent?

Mr. HOLLIS. They are. They are distributed throughout every State in the Union.

Mr. GALLINGER. I will ask my colleague further whether the farmers in New England have taken many of these bonds?

Mr. HOLLIS. Does the Senator mean many of the loans?

Mr. GALLINGER. Yes.

Mr. HOLLIS. Yes; they have; a good many—not as many as in other parts of the country, in the West and South; but I can give the Senator the figures. The applications for loans in the Springfield, Mass., bank amount to $6,080,000, and those that have been approved amount to $3,012,000.

Mr. GALLINGER. If the Senator will permit me one minute more, I listened with a great deal of interest to his elucidation of this subject when it was under debate, and the Senator then was very optimistic as to how admirably well this law would operate. As a matter of fact, whether or not the issuance of the liberty bonds has interfered with its operation, it is not operating as well as my colleague expected it would, I assume. Am I correct?

Mr. HOLLIS. The Senator is partly correct. I will explain when he has finished.

Mr. GALLINGER. That is all I wish to ask.

Mr. HOLLIS. I did not hope that any system would go into effect that would work without some Government aid, and for two years I advocated and tried to get adopted this exact provision; but the administration was opposed to it, and I got the bill through in its present form. Up to the 1st of November, when the enormous second liberty loan campaign was under way, everything did work perfectly. The bonds met with a ready demand. They could not be produced as fast as investors wanted them, and that was in spite of the fact of the first liberty loan.

When November came, those who had been investing said: "Every other bond, including the Government bonds, has been marked down. There has been a lower price. Now, are you going to make a lower price on these?" The Farm Loan Board said: "No; we shall not. We think they can be floated at this rate," and they have refused to mark them down. They have not marked them down now. They do not think it is necessary. They think that when the investors find that they can not get them at a lower rate the investors will continue to take them as they did last summer. That is their opinion. I do not know whether they are correct or not.

Mr. McCUMBER. Mr. President, I should like to ask the Senator, if he will allow me, whether these bonds are not exempt from all character of taxation?

Mr. HOLLIS. Everything but the inheritance tax.

Mr. McCUMBER. And they bear 4½ per cent interest?

Mr. HOLLIS. Yes.

Mr. McCUMBER. Does the Senator think that in this period, when the per capita money in circulation is enormously beyond what it ever has been before, when the rate of taxation upon incomes is very excessive, bonds bearing 4½ per cent that are untaxable and are absolutely good will go begging in the markets of this country?

Mr. HOLLIS. I do not think they will.

Mr. McCUMBER. Unless there is something back of the matter.

Mr. HOLLIS. If I thought they would, I should not favor this legislation; but these banks are tremendously undercapitalized for the amount of business that has come to them. One of the chief objections to the farm-loan act was that the farmers would not come into it; that the farmers would not agree to subscribe 5 per cent of the loans to the stock of the bank; that they would not form farm-loan associations, and that was one thing that I was afraid of; but they have done it so freely and in such enormous quantities, and have asked to borrow so much money, that the Farm Loan Board has not been able, on this amount of capital, to turn quickly enough, and it is for that reason that we ask the Treasury to take some of these bonds, to give them an opportunity to turn around. If I believed that these bonds would not go, I should not believe in the Treasury stepping in. I freely say that.

I should like to give the figures as to how this stands. Roughly speaking, the total amount of loans that have been applied for and approved is $100,000,000. Thirty million dollars of loans have been actually made and the money has gone to the farmers. That leaves $70,000,000 applied for and approved; and it is that $70,000,000, or such part as is finally taken, that we wish to take care of under this bill.

Mr. KELLOGG. Mr. President——

Mr. HOLLIS. I yield to the Senator from Minnesota.

Mr. KELLOGG. Can the Senator give us the page of the RECORD where the table may be found showing the applications from each district and State and the amounts?

Mr. HOLLIS. I can not. I have the table here. It was in last Friday's RECORD, in the proceedings of the House.

Mr. KELLOGG. I thank the Senator.

Mr. SHAFROTH. Mr. President, I should like to ask the senator a question.

Mr. HOLLIS. I yield.

Mr. SHAFROTH. The Senator has stated that the small amount of capitalization has been the hindrance in getting these loans floated, but to my recollection he has not stated the amount. As I understand, the amount of capitalization of each one of these banks is only $750,000.

Mr. HOLLIS. I so stated when I began.

Mr. SHAFROTH. Then the reason why these loans can not be floated is because that is too small a capital to handle thirty or forty or fifty or seventy million dollars?

Mr. HOLLIS. That is not entirely so, I think. If the capital had been larger, the bonds could have been taken through the summer in very much larger quantities; the capital could have been turned over very much quicker; but at the present time that is no reason why the bonds are not meeting with a ready sale. It is because the investment pool has been sucked dry by the second liberty loan.

I wish to say that the Senate Banking and Currency Committee had this matter before them Saturday afternoon. There was only one member of the committee present who opposed the bill—the distinguished Senator from Massachusetts [Mr. WEEKS]. Since the bill was reported the Senator from Massachusetts has asked the friends of the measure if they are not willing to have an amendment that will provide that as long as any of these funds from the Treasury have not been repaid the loans made shall not be made for the purpose of refunding other loans; that they shall be made merely for the purpose of increasing farm products.

I think that is an entirely reasonable proviso. If I were a member of the Farm Loan Board, I should pursue that policy. I have conferred with the Farm Loan Board and they say they will pursue that policy; but I can see that they will be subjected to enormous demands from men who do want to refund their loans at a lower rate, and I believe it will be a protection to the Farm Loan Board if this proviso is placed in the amendment that as long as any of the funds from the Treasury have not been repaid no loans shall be made except for the purpose of increasing farm products. If the Senator from Massachusetts offers that amendment, as I presume he will, so far as I am concerned, it will be accepted.

I shall be very glad to answer any questions that I can. If there are no more questions, I shall yield the floor.

Mr. GALLINGER. Mr. President——

Mr. HOLLIS. I yield to my colleague.

Mr. GALLINGER. Inasmuch as for some reason the sale of these bonds has been suspended, and the people have taken a 4 per cent bond which is taxable under certain conditions in preference to a 4½ per cent bond that is not taxable, suppose that the next liberty loan, if it shall be called that, carries a rate of interest of 4½ per cent—which is more than probable—what will be the chance of these bonds, then, in the market?

Mr. HOLLIS. Then I should think that these bonds would sell in preference to the others, because they carry 4½ per cent interest and they are tax exempt; but I should be sorry to see them placed in active competition with Government bonds.

Mr. GALLINGER. Everything is going to be in competition with Government bonds, unless we discover some way of meeting the obligations of the Government without the issuance of bonds; and I have found no one wise enough to suggest any such method up to date.

Mr. HOLLIS. I have already suggested that I believe it is better to have the Treasury borrow the money, pool whatever borrowings are to be made by the Government for any purpose, and for the Treasury to allot as much as should be allotted for each purpose, and for the Treasury to say that the Farm Loan Board can not lend any more than this amount of money. The Secretary of the Treasury is a member of the board, and I think that ought to be done.

I feel as Mr. Louis W. Hill, of St. Paul, does—the son of James J. Hill. He loaned $500,000 to the land bank of St. Paul at 4 per cent because they were doing such good work in his part of the country. He said:

> Agriculture must be encouraged and helped in this emergency, and the people are exceedingly fortunate to have this machinery by which it can be helped by giving money to those who have proved their worth and who can give security so that it will come back.

That was his view of it. I could not put it any better myself.

Mr. McCUMBER. Mr. President, I should like to ask the Senator a question before he yields the floor.

Mr. HOLLIS. I yield to the Senator.

Mr. McCUMBER. In what quantity have these bonds been sold?

Mr. HOLLIS. Twenty-nine million dollars have been actually sold on a four and a quarter per cent basis. They were sold at 104¼.

Mr. McCUMBER. How much has the Government itself advanced to these banks?

Mr. HOLLIS. Nine million dollars. That is the capital of the banks; that is all; somewhat less; a little less than $9,000,000, because there were some private subscriptions.

Mr. McCUMBER. The Government has taken practically all the stock of the banks, or nearly so, has it not?

Mr. HOLLIS. Yes; that was the intention.

Mr. McCUMBER. While it was put forth as a matter in which individuals would take the stock, as a matter of fact the individual citizen has not taken the stock and it has all finally fallen back on the Government?

Mr. HOLLIS. It was never the intention of those who framed the bill—never the expectation—that private persons would take any substantial amount of it. It was not encouraged; in fact, it was discouraged, because private persons owning that stock can not vote on it. It was purposely discouraged.

Mr. HITCHCOCK. Mr. President, may I ask the Senator whether it was not the idea that the stock would gradually pass into the ownership of the farmers' associations that are formed to borrow the money; and is it not a fact that the formation of farmers' associations has been even more rapid than has been expected, and that at the present time 2,000 of such farmers' associations exist? That feature of the bill has been very successful, and gradually those farmers' associations which are borrowing the money are securing a stock ownership in the banks.

Mr. HOLLIS. It will not be long before all the Government stock will have been paid back and retired, at the present rate.

Mr. SMITH of Georgia. Mr. President, I should like to ask the Senator this question, if he has not already answered it: What quantity of approved loans are now with the Farm Loan Board for which they have not yet provided?

Mr. HOLLIS. Substantially $70,000,000.

Mr. KELLOGG. Mr. President——

Mr. HOLLIS. I yield to the Senator from Minnesota.

Mr. KELLOGG. It is not true that by the passage of this bill it is intended to suspend the sale of these bonds, is it?

Mr. HOLLIS. No; not at all. This is merely temporary relief, so that they can turn around and sell their bonds.

Mr. KELLOGG. They are to be on sale, but the sale of them is not to be pushed as against the Government loans?

Mr. HOLLIS. It is to be pushed as much as the Secretary of the Treasury feels that it should be pushed.

Mr. GALLINGER. Mr. President——

Mr. HOLLIS. I yield.

Mr. GALLINGER. I wish to call the attention of my colleague to line 10, page 2, and ask him if the words "under the provisions of this amendment" should not be stricken out? This is an amendment to the existing statute and, if enacted, will become a part of a particular section of the existing statute.

Mr. HOLLIS. But then, of course, the wording of it will relate to the time that it is passed; and it seemed to me that the word "amendment" was the better word and would lead to less confusion. After it becomes merged in the act there are other provisions in the act with relation to the Treasury, and I should rather have it stay this way. There can be no mistake about this. It is true that after this amendment is passed it will become an act.

Mr. GALLINGER. It will become an act, and we will have in the body of the act itself the words "under the provisions of this amendment," although there will be no amendment.

Mr. HOLLIS. Yes; but this will always be called the amendment of so-and-so, giving the date.

Mr. GALLINGER. It may in language be called that, but as a part of that act there will be no means of determining to what amendment it has reference.

Mr. HOLLIS. It says "the provisions of this amendment," and it seems to me it will lead to less confusion in that way. Of course, if anyone wants to change it, it is entirely immaterial to me.

Mr. SMITH of Georgia. It would be printed just after the act.

Mr. GALLINGER. Why, certainly.

Mr. SMITH of Georgia. As an amendment to the act, in the printed copy.

Mr. GALLINGER. As following section 2.

Mr. SMITH of Georgia. No; it would not be merged into the act, would it? In printing it they would print the original act and print this amendment just after the act, I should suppose. That is the way they usually get up these matters.

Mr. GALLINGER. That is not my experience. However, it is inconsequential, so far as I am concerned, whether it is in or out. I simply think it is not good legislation; that is all.

Mr. WEEKS obtained the floor.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. WEEKS. I yield.

Mr. TOWNSEND. I want to repeat that I have been very much confused over the reports that I have received concerning this bill. I voted for it in the first place, hoping that it would accomplish splendid results. I have had coming to me, from what I regard as reliable men, such reports as those suggested by the Senator from North Dakota [Mr. McCUMBER], and I feel as though the Senate ought to understand what is going on. While I do not wish to interfere with the Senator from Massachusetts or the Senator from New Hampshire, I feel as though I ought to suggest the absence of a quorum, so that we can have Senators present to hear this discussion.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Martin	Smith, Ga.
Beckham	Hollis	Nelson	Smith, Md.
Calder	James	New	Smoot
Chamberlain	Johnson, S. Dak.	Norris	Sterling
Cummins	Jones, Wash.	Overman	Stone
Curtis	Kellogg	Penrose	Swanson
Dillingham	Kendrick	Phelan	Townsend
Fernald	Kenyon	Pittman	Trammell
Fletcher	Knox	Poindexter	Watson
France	La Follette	Ransdell	Weeks
Frelinghuysen	Lewis	Robinson	Williams
Gallinger	McCumber	Shafroth	
Hale	McKellar	Sheppard	
Hardwick	McNary	Shields	

Mr. LEWIS. I have been requested to announce that the senior Senator from Delaware [Mr. SAULSBURY] is detained on official business.

Mr. KENYON. I wish to announce the necessary absence on official business of the Senator from Missouri [Mr. REED], the Senator from Massachusetts [Mr. LODGE], the Senator from Mississippi [Mr. VARDAMAN], and the Senator from New Mexico [Mr. JONES].

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present.

Mr. WEEKS. Mr. President, I am a member of the Committee on Banking and Currency, which considered this legislation, and I am one of the members of the committee who

voted against reporting it favorably. I assume that as long as the bill comes here with the approval of the administration and the large majority of the Committee on Banking and Currency no other than an affirmative action will be taken, but I think it due Senators when such an unusual step is being taken, one which has never been undertaken before, that they understand just exactly what is being done. It is for that reason I hope to have an opportunity to express to as many Senators as possible my view of this legislation.

The facts are these: This farm-loan system provides for loaning money to farmers to not more than 50 per cent of the value of their property, that is stipulated in the law. Those loans are taken by the banks and bonds are issued against them. The bonds bear and have borne 4½ per cent interest.

A syndicate of bankers was arranged with to sell these bonds on satisfactory terms. The system has been in operation for about a year, the first six months being required to perfect the organization. This syndicate included Lee, Higginson & Co., of Boston; Brown Bros., of Boston and New York; Brown & Co., of Baltimore; and Harris, Forbes & Co., and it was understood that they were to reach out all over the country and take into their organization banks and bankers so that the sales might be as generally distributed as possible.

The 1st of July, after the first liberty bonds had been placed, these bonds were put on the market. There were applications at that time for $14,000,000 of them. Those, of course, were promptly sold and the bankers were paid a commission of 1¼ per cent. They were sold on a 4½ per cent basis, assuming that they do not run for more than five years or six years—most of the mortgages are made to run 35 years—and may be paid by the borrower at any time after that period.

During the following months, up to the time when the second liberty loan was placed, there were sold about as many more bonds as had accumulated for sale the 1st of July, all told $28,000,000 or $29,000,000 of bonds. Of these about seven-eighths were sold by the syndicate of bankers, their agreement with the Farm Loan Board terminating the 30th of November, and about one-eighth or something less than one-eighth of the bonds were sold by the various farm-loan banks, it being the purpose of the farm-loan banks to sell their bonds after the first six months and save the commission. It was believed, and I think it was good judgment, that they could be sold for the first six months better by bankers, allowing the farm-loan banks to become thoroughly organized and systematized before they devoted their time to that purpose.

During the months of November and December, after the sale of the second liberty loan, all sales of these bonds stopped. Practically speaking, there have been no sales made since the 1st of November. Notwithstanding that fact, the applications which have been coming in and accumulating during all these months, aggregating something like $220,000,000, have been under investigation, and $105,000,000 of those loans have been accepted. So there is now an acceptance of $75,000,000 of these loans and the sale of bonds has stopped. It will not require $75,000,000 probably to satisfy the borrowers who have been promised their money, because in some cases they are reduced. A revisal of the list by the Farm Loan Board might cut out some loans, but practically speaking, from $60,000,000 to $75,000,000 must be furnished by some one or else the promise which has been made to these borrowers must be broken. In that emergency the Farm Loan Board comes to Congress for this loan, which is in this form, that the Treasury shall furnish before the 30th of next June $100,000,000 to buy these bonds and shall furnish an equal amount during the following year for the same purpose. In other words, the Government is to underwrite this system for $200,000,000.

Of course, it stands to reason that we are in an unusual condition at present and that perhaps these bonds might have continued to be sold if the Government had not made the rate of interest of the second liberty loan 4 per cent. It is true also that the Farm Loan Board is going to increase the rate of interest on future loans from 5 to 5½ per cent.

Fundamentally the reason why these loans are made is because borrowers now paying 6 or 7 or 8 per cent for their money can borrow it under this system at 5 per cent, or have been able to do it; but we ought to consider, after all, that those bonds do not pay any taxes; that it takes that amount of capital out of the taxable value of every community; and when the bonds are sold, practically speaking, one hand washes another in this respect.

Generally speaking these loans have been made in States where interest rates have been very high. There is something like $4,000,000,000 of farm-loan mortgages in the United States. The probabilities are that more than half of those are made at 6 per cent and higher rates. There is an absolute certainty of the fact that as soon as those loans mature the borrowers are going to turn to the Farm Loan Board to borrow that $2,000,000,000. So if we are going to continue this system and let the system run as it has been up to this time, we may rest assured that we will have in the course of the next few years to loan something like two or probably three billion dollars on farm mortgages. That is a sufficient amount of money, even in these times, to cause us to pause and consider how far we should go in this matter.

In the first place, the Government furnishes the capital to these banks. Of the $9,000,000 of the capital of the 12 banks, a little over $100,000 of it was taken by the public. There was a little stock taken by the public in each one of the banks, except the one located at Columbia, S. C. Practically speaking, the Government furnishes the $9,000,000. Now, the Government, after an operation of six months, is asked to agree to furnish $200,000,000 more, and Senators ought to consider whether they are going to permit the system to be continued so that it will involve sooner or later an expenditure, or a loan rather, of perhaps $2,000,000,000. It is that feature of it which I especially want to bring to the attention of those who are listening to me.

How is the purchaser of a liberty bond going to feel when he is importuned to buy a bond, either by the sacrifice of some security which he has or by failing to invest his money in something that will pay him better, if he is told that the money is not to be used to prosecute the war, but it is to be loaned to another one of his fellow citizens simply because that fellow citizen can borrow it at a lower rate of interest than he is now paying on his indebtedness? That is the gist and the essence of this proposition. That is exactly what is going to happen. Senators, if you subscribe to the next liberty loan you must feel that some part of your subscription, instead of being used to prosecute the war, is going to be loaned to some of your fellow citizens at a lower rate of interest than he is now paying and for that reason only. Fundamentally, of course, that is bad morally. It is bad from the standpoint of the Government at such a time as this, and it is bad finance as well.

Personally I have very little faith in any of these schemes which put the Government into business with the assurance that we are going to get better results than heretofore. It is true that there are farm-loan banks all over Europe, but they are all under private auspices, and in no case is the Government involved in any way. I want the Government in this case involved as little as possible. Therefore I am going to offer an amendment to this bill, which I will read:

> That until all bonds so purchased by the Secretary of the Treasury have been redeemed or repurchased, no loan in addition to those now approved shall be made by Federal land banks except under special rules prepared by the Federal Farm Loan Board limiting further loans from funds derived from the Treasury to those made for the sole purpose of increasing farm products.

In other words, while this situation is bad, it seems to me it will be simply disgraceful if there should be continued the loaning of money for the sole purpose of enabling a man to get his loan at a lower rate of interest than he is now paying. There may be an excuse if it is going to result in an increase of farm products.

Mr. WILLIAMS. Food products.

Mr. WEEKS. I have used the words "farm products." I suppose that includes food products. However, I will accept the suggestion of the Senator from Mississippi. Personally, I do not care to be put in the position of harming this system until it has been thoroughly tried out; I have no criticism of the loans, for I do not know anything about them, and I have no other criticism of the management than that they failed to take warning of the signs which on every hand should have been sufficient to assure them that they were going to have difficulty in marketing their securities.

It seemed to me to be the height of imprudence for men to go on loaning money during the months of November and December and at the same rate of interest that had been loaned before when the slightest investigation would have shown an advancing tendency in rates of interest and a disposition on the part of all lenders not to loan further. It illustrates the truth of the fact that when we have the National Treasury behind us it is easy to reach into it as if it were a bottomless pit and get money for any purpose, even if it is not businesslike or wise.

These loans have come from those States where interest rates were the highest, as of course they would. In States where crops have been standardized and where the financial conditions are such that comparatively reasonable rates of money have prevailed in the past, there have not been any considerable amount of loans. For example, in the New England States there was loaned on an aggregate only about $700,000. In the great States in the Middle West where the crops are standardized, like Iowa

and Illinois and Indiana and Ohio, where the certainty of a crop is assured, the farmers have borrowed comparatively little money, simply because the rate of interest in those States has been not over 6 per cent at any rate and very often not over 5 per cent. For example, in the State of Pennsylvania, which is a great agricultural State, there was borrowed $190,000 under this system. In Delaware, $9,000; in the State of Illinois, one of the greatest agricultural States in the Union, only $186,000; in the State of Ohio, only $33,000; in the State of Iowa, only $96,000. In other words, the certainty has been realized that where men were paying a higher rate of interest for some reason, either because the crops were not stabilized or because the financial conditions had not become sufficiently settled so that the borrower could command a reasonable rate of interest there has been a turning to this system, and there will be a continuance of that turning until we have loaned, as I have stated, a very large amount of money unless a check is put on these loans in some such manner as I have indicated in this amendment.

Moreover, I want to say now that I am also going to offer an amendment, and I should like the attention of the Senator from New Hampshire [Mr. HOLLIS]. I am going to offer an amendment striking out the $100,000,000 underwriting which it is proposed in the bill which covers the year commencing the 1st day of next July. It does seem to me if it becomes necessary Congress will be in session sufficiently long to make suitable provision for the Farm Loan Board, and they will stand warned in my judgment that Congress is not going to without protest, in times when we are straining every nerve to maintain our financial integrity, provide money for such purposes as this.

Mr. NELSON. Will the Senator yield to me?

Mr. WEEKS. I yield.

Mr. NELSON. Would it not be a good plan, to carry out the suggestion of the Senator, to prohibit the farm-loan banks from approving applications for loans beyond the amount of money they have on hand to loan?

Mr. WEEKS. Mr. President, that might accord with my idea, but I do not personally want to do anything that harms the system which has been established by Congress and which has not been given a sufficiently long test. If after two or three or four years the system does not work, well, of course, the law ought to be repealed. In the meantime farmers have been encouraged to think that they were going to get this money, and if they are going to use it, and they demonstrate they are going to use it, to increase their planting, which would be the only way they could use it under the provisions of this amendment, then it seems to me we might be justified in making the loans which have been applied for by them.

The Senator from Nebraska rose. Did he wish to ask me a question?

Mr. NORRIS. If the Senator will yield to me, I want to get light upon his amendment. I heard it read, of course, but I hardly got its full import. I was going to ask him if the object of it was to curtail the business; in other words, to put up a sort of a stimboard to the Farm Loan Board that they ought to confine their operations within the limitation of the loans that they had practically agreed to make. As I take it, the Senator does not want to interfere with the operation of the board, so far as they have practically agreed to make loans. Is that the object of the amendment?

Mr. WEEKS. The object of the amendment is to provide that no loans additional to those which have been promised shall be made as long as the Government advances money on these bonds, except where the money is to be used to increase food products and that must be clearly demonstrated to the Farm Loan Board.

Mr. FLETCHER. May I inquire if that is not taken out of the funds arising from proceeds of these bonds? If the banks sell their own bonds they can use that money in accordance with the act without regard to this amendment.

Mr. WEEKS. They can do it after the Government indebtedness has been liquidated.

Mr. WILLIAMS. Mr. President, there is a condition of things in Southern agriculture just at this moment the consideration of which I think is relevant to what has just been said by the Senator from Massachusetts. Cotton has recently been selling at a very high price, ordinary upland staple at twenty-odd cents, other cotton at a higher price. There is a little danger of the South being menaced with the trouble with which it has been menaced in the past and which it has been unable to withstand. Every time cotton goes to a very high price the Southern farmer raising food enough to feed himself and stock begins to put his land in cotton.

Just before this war began, when cotton had gone down to a normal price, and for six months after the war started it went down to a very abnormally low price, food production—beef, hogs, oats, corn, peas, beans, everything of that sort—was very much encouraged throughout the South. This is an abnormal condition, and I want to take advantage of this situation to warn the Southern farmer and cotton planter against the idea that he can expect permanently to reap from the present prices for cotton.

If the war lasts a year longer he can reap those prices for a year longer, because something like a million or two millions is burned up in high explosives every year in addition to the munitions that are going up into smoke. No matter how much he raises next year, he may be able to dispose of it at a pretty good price.

Mr. President, there are hops, there are various other things that are raised on the farm that are not necessary to feed men with bread or meat. It seems to me just at this time when we are worried to death about munitions and guns and foodstuffs and transportation of men, the Government ought not to do anything even the remotest effect of which might be to deflect industry from either supplying munitions and men to the front or producing food to feed them, when they are at the front, to deflect industry and capital from that sort of thing to something perhaps more profitable to the producer for the time being but less useful to the Nation right now and in the long run dangerous to it.

The South owed, perhaps, as much of its poverty for some years after the war to the high price of cotton and the expectation that it would continue and the deflection of its energies and industry and capital to the production of cotton as it did to the devastations of the war itself, although some of those devastations were most cruel and most uncalled for.

Mr. President, it seems to me for that reason if this amendment is going to be adopted it ought not to be merely farm products. Farm products may be a great many things utterly useless in this emergency, luxuries even in ordinary times, some of them necessaries, but at the same time not to be useful in an emergency right now. This amendment ought to be confined to foodstuffs, as I understand it, and not extend to all farm products.

As I understand it, the amendment is merely to put a limitation upon future loans and not upon any loans already contracted for and loans in process of contraction where the Farm Loan Board feels it necessary to consummate the transaction.

Mr. President, I think one of the greatest things that ever happened to this country is the rural-credit act which we passed. I have no sort of fear that it will not prove successful in operation. In fact, the Senator from Massachusetts hit upon the real trouble a moment ago. If we had gone along in a state of peace, as we expected to go at the time it was passed, and Government bonds had been 3 per cent bonds, these bonds would have floated all right. Now, in proportion as Government bonds go up of course we have to carry these bonds up, too.

It seems to me one of the most appropriate remedies for the situation is to authorize the increase of the rate of interest on farm-loan bonds up to a point where they shall at all events be one-half per cent above Government bonds. At the time when we originated this system they were a cent and a half above. It seems to me it is very proper and right that an amendment of this sort should be adopted. I am a cotton planter and my people have made a great deal of money out of the last year's crop. God knows they needed it, because they had not made much out of it for some 12 years prior to this situation.

In fact, they had been in a very bad condition and to a great extent what they have made since has been merely to make up what they lost before to pay the amount of debt that they had to incur; but to give a man money at the general expense in order that he may borrow money makes something which is a deflection or subtraction from the popular necessity and bears a sort of speculative aspect to my mind. I therefore think that the amendment offered by the Senator from Massachusetts is, upon the whole, right, although it is an amendment evidently in the interest of his own section of the country and eminently not in the interest of my section.

Mr. WEEKS. I hope the Senator from Mississippi will not consider that I am discussing it from the standpoint of New England.

Mr. WILLIAMS. Oh, no; I did not say that. I said nothing that would bear that construction. I said that the amendment is preeminently in the interest of that section of the country and preeminently not in the interest of mine. That does not grow out of any intention of the Senator from Massachusetts, it grows out of a state of fact. That is the truth.

Mr. SHAFROTH. Mr President, I agree that the first amendment offered by the Senator from Massachusetts is wise and just, but I do not think the second amendment is. The Senator from Massachusetts has talked of this matter as reaching into the

Treasury. This is not an appropriation in the sense of an expenditure upon the part of the Government. It is simply a loan for the repayment, and not only the repayment but secured by first mortgages upon the lands of the people. It can not be considered as an appropriation in the sense of that which is spent by the Government in the aid of any enterprise. It is simply a loan, and if we are going to lend money to Russia it seems to me it is not out of the way to say that for the purpose of increasing that which is absolutely necessary to the success of the war, namely, to increase the food products of this country we can not go far out of the way by at least loaning our credit to that extent for this necessary purpose.

Mr. WEEKS. Let me call the Senator's attention to the fact that we are not loaning our credit; we are loaning our money.

Mr. SHAFROTH. Well, that is practically what we are doing in the case of Russia.

Mr. WEEKS. We have notified the people of this country that we were going to loan European countries associated with us in military operations some part of the proceeds of the sales of the liberty bonds, but we have not notified the people, and we shall not, that we are going to use some part of that money to loan to citizens of the United States.

Mr. SHAFROTH. Well, Mr. President, the Treasury of the United States gets a large income from the taxes that are imposed, and it is not exactly fair to say that we are going to take the identical money which comes from the sale of the liberty loan bonds and loan it to the farmers, in spite of the representations which have been made. We have as much right to say that we shall take this amount of money out of the excess-profits tax or out of the income tax or out of any other tax which is imposed, because we have more than $200,000,000 arising from the collection of such taxes.

Mr. WEEKS. Mr. President, will the Senator from Colorado agree that a separate estimate shall be made in the next tax bill to provide money to be used for this purpose?

Mr. SHAFROTH. Oh, Mr. President, we impose many taxes without reference to what they are for. Our general income tax is not imposed with reference to its use in any specific way. Then, again, the assistance which is given for the raising of farm products is as much necessary for the maintenance and successful operation of our military forces as is any loan to any country or any expenditure upon the part of the Government, even for munitions.

Mr. HITCHCOCK. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Will the Senator permit me to interrupt him there for a moment?

Mr. SHAFROTH. Yes.

Mr. HITCHCOCK. I think the question suggested by the Senator from Massachusetts presents an erroneous illustration or analogy. This is not a proposition to loan the money of the United States or the credit of the United States to any individual, but this is a proposition to lend money to certain banks that are carrying on an important function, just as in past times we have taken money from the Treasury of the United States to lend the banks in the cities to keep the commerce of the country going. It is doing in the country what we have heretofore done in the city, and doing it not for a private purpose but for a public purpose.

Mr. SHAFROTH. Mr. President, there are any number of illustrations of cases where the Government has done similar things. The advances of money which were made by the Government to the Union Pacific and the Central Pacific Railroad Companies were made without any consultation with the people concerning them; and yet it was done on a very large scale, I think $30,000,000 being advanced in one case and thirty-odd million dollars advanced in the other. It is a question of whether this action is wise under the conditions which exist.

We find that these banks have been a great success; we find that they have had many applications and made many loans. Those loans were made so long as they could sell their bonds; but it was the action of the United States in putting forth a 4 per cent bond which, to a large extent, limited the demand for these bonds.

Mr. President, this is a perfectly safe proposition. The loans that are made are made upon security; they are made upon only a 50 per cent valuation upon the real estate. They are secured not only upon the individual real estate but upon the collective real estate in an entire association; so if one piece of property is overvalued in making a loan, those who are in the enterprise, those who are members of the farm loan association become liable for whatever deficiency exists in that particular case. Therefore I do not see that there is hardly the possibility of a chance of the United States losing on this advance which it is proposed it shall make.

The system has been of great benefit to the farmers. Evidently it encourages them to go into farming on a larger scale, for that has been done. It was stated at the time of the consideration and passage of the farm loan act that men ought to be given a sufficient amount of money to enable them properly to equip their farms, to stock them with live stock, to buy seeds, and in every way to encourage them to prosecute their business. If we are now going to discourage the system, I think it will have a very unfortunate effect with relation to the raising of food products that are so necessary for the successful prosecution of the war.

Mr. McCUMBER. Mr. President, the Senator from Colorado [Mr. SHAFROTH] has just stated that these land banks have been eminently successful; eminently successful, however, he states, in securing a large amount of applications for loans, not eminently successful in placing those loans. The trouble that we are experiencing to-day is due to the inherent defect of the system itself. When this land-bank proposition was before the Senate there were a number of us, who perhaps knew the farming situation of the country reasonably well, who at that time prophesied that a system of political banks, created by politicians and operated by politicians, would not be a success, and that sooner or later the Government would have to support the banks in toto. We further stated that the business men of the country would not buy stock in those banks. Thereupon we were answered, "We will fix that; we will make it incumbent upon the Government to buy the stock of the banks so that they can get started."

Another sop was also held out to the public in the declaration that the Government should get no return, no interest on its deposits; that we would make these banks national depositaries without the necessity of paying one penny for the millions which the Government would put into them. We further provided, in order to make a success of these banks, that the bonds which they issued upon the farmers' paper should not be subject to taxation. The Lord knows we did everything on earth to make those banks a success.

They started in business, but the public had no confidence in such a great semipolitical machine; the public did not have the confidence that those in charge would at all times make their loans upon a safe basis. Therefore it was necessary to bolster up the institution with Government credit.

We offered an amendment at that time—a little simple amendment. We asked, if in the finality the Government must stand back of the transactions of these banking institutions with its credit, what was the necessity of the Government going to the expense of establishing and maintaining those banking institutions? If finally the Government must take the loan, what was the necessity of this great complex top-heavy institution that has been foisted upon the American public? Why not let the Government then make the loans directly instead of indirectly? We drafted an amendment which provided for a bureau in the Treasury Department which would be empowered to accept the loans the same as the land banks do; that the bureau would accept them at 5 per cent and issue Government bonds, bearing 4½ per cent, that would be taken by any person in the United States; and that the other half per cent should pay for the entire expense. That meant practically that there would be little if any investment at all on the part of the Government. We should require a few more clerks in the deparment, but the Government when it had a hundred million of these obligations could turn over the bonds and could cash them immediately and the money would be back in circulation and ready for another loan.

It was stated, however, by the advocates of the bill that that was paternalism; that we did not want to put the Government itself into the business of making loans; and yet in less than a single year after this complex top-heavy proposition has been put into effect they are coming right back and asking the Government practically to buy all of the bonds which the public would not buy, and to buy them in competition with its own bonds—its liberty-loan bonds and other bonds which it will have to issue to carry on this war.

I repeat that there was no necessity, first, of taxing the Government $9,000,000 to buy the stock of these banks; there was no necessity for compelling the Government to lose the interest on the hundreds of millions of dollars that it will deposit in these banks; there was no necessity for compelling the Government to loan another hundred million dollars and take that out of taxation and receive no interest upon it; and there was no necessity of compelling the Government to pay the major portion of the expense of running and operating these banks. So this system is being made to cost the Government millions and hundreds of millions of dollars without any return whatever, and the farmers as a rule in most of the States do not

receive their loans any cheaper than they previously did. In the other sections of the country, if the Government makes the loans through this circumlocution system of banks and other institutions and pays the expenses, it will save the farmer something, but if it saves the farmers of the United States one-half per cent upon their loans the Government is going to go back to the people of the United States for these expenses and call upon them to go into their pockets to make up that 1½ per cent, because if you will make out a table showing exactly what is saved and then make out the table upon the other side showing how much this system is costing the Government it will be found that we are not saving the farmer anything, for what he is saved he pays out of the other pocket.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. I yield, Mr. President.

Mr. HITCHCOCK. Mr. President, the Senator from North Dakota has made the statement that these banks are costing the United States Government a great deal of money. I am sure he is mistaken about that. As a matter of fact, the Government can not deposit, as he says, hundreds of millions of dollars in these banks, for it is limited altogether to $6,000,000, and it has not deposited that amount. All of the expense of operating these banks, as I recall, falls upon the banks themselves and in no sense upon the Government.

Mr. McCUMBER. Oh, no, Mr. President; you will find, when you get right down to the actual expense and compare what the banks pay and the Government pays that a goodly portion of the expense is paid by the Government itself, and the Government receives no interest whatever or compensation for its stock in these banks nor for its deposits.

Mr. HITCHCOCK. Let me make a suggestion. The Senator is correct, so far as the stock is concerned, and we went into that with our eyes open; but the Government in this case will receive 4½ per cent for what it advances. The bonds must be redeemed by the banks themselves at par and interest when the banks take them back. It is not a permanent loan; the terms of the bill provide that it is only for a temporary purpose. This legislation has been made necessary by the fact that the Government has gone into the market and sucked up the available capital which the banks otherwise would have had at their disposal.

Mr. McCUMBER. Now, let me make another——

Mr. HITCHCOCK. The Government will collect——

Mr. McCUMBER. Right here let me make another prophecy. I have prophesied heretofore that the Government in the end would be called upon to buy these bonds. I now prophesy that the land banks will not buy back these bonds from the Government; on the contrary, it will be found that there has been foisted upon the country a system of buying those bonds and repurchasing those bonds, and, as has already been stated by the Senator from Massachusetts [Mr. WEEKS], before we get through we will have the Government buying all of the bonds that are to be issued upon the farmers' paper, while it is keeping in existence this vast number of banks and subbanks and associations of different kinds at an enormous and unnecessary expense.

Mr. HITCHCOCK. The Senator is in error when he says this system is an expense to the Government; whatever expense there is is borne by the banks themselves, and the fund from which they pay it represents the difference between the rate at which they borrow their money and the rate of interest they receive from the farmers themselves. It is not the Government that is burdened.

Mr. McCUMBER. Certainly, I understand that if the Government buys these bonds it takes with the bonds the security upon which the bonds are issued; that the Government necessarily collects and receives the interest paid upon that security, and to that extent it is an investment by the Government. What I am complaining of is that, taking the entire cost to the Government of the operation, the running of these banks and the relieving of all of these bonds, which may run up into the billions, from Federal taxation of any character the Government in the end will lose more than the farmer will secure in benefits.

Mr. HITCHCOCK. The Senator recalls, of course, the fact that the Government has deposited millions upon millions of dollars at different times in the commercial banks of the country.

Mr. McCUMBER. Certainly.

Mr. HITCHCOCK. And it either receives no interest at all upon it or it only receives 2 per cent, as I recall.

Mr. McCUMBER. Yes.

Mr. HITCHCOCK. Now, this is a case in which the Government is to receive 4½ per cent for the temporary purchase of these bonds, and I can not see how it can possibly be construed as a raid upon the Treasury or as a burden upon the Government.

Mr. McCUMBER. I do not say that it is a raid upon the Treasury. The Government purchases that which the land banks are unable to float. These banks were created, with their great amount of machinery, for the very purpose of floating bonds of this character. They are unable to do it; the Government has to do it for them; the Government has to issue the bonds at 4½ per cent, free from taxation, while at the same time the Government is borrowing money now, we will say, at 4 per cent on bonds which are subject to at least two different characters of taxation. Those things can not work together; one destroys the other. If the Government is going to get these bonds, the Government may have to sell them; and if it does sell the bonds, then investors will take them with the Government guaranty, which it must give to them, in preference to taking a bond at 4 per cent that is subject to excess-profits taxation. Therefore it is buying something which it may have to put on the market again that will come in competition with its own bonds.

Mr. HITCHCOCK. It is nominally competition, but it is a drop in the bucket compared with the great financial operations of the United States.

Mr. McCUMBER. A drop in the bucket to-day, yes; but it is $200,000,000 for the next two years and $4,000,000,000 before we get through, if we accept the applications as rapidly as they can come in. There is no check upon these banks in accepting applications and then calling upon the Government to purchase the bonds issued upon them. Of course, the banks want to do business, and we will have them in billions in a very short time.

Mr. HITCHCOCK. Of course the Senator realizes that there will be, after the passage of this bill, a check upon the banks, and not only the check proposed by this bill but a check arising from the circumstances that hereafter they will be compelled probably to raise their rate of interest if they desire to do any considerable amount of business.

Mr. McCUMBER. A simple little provision which would have allowed the Government in the first instance to have issued bonds—Government bonds—upon the farmers' paper would have saved all of this trouble, would have produced the money immediately, and we could have taken up these applications almost as rapidly as they came in. I repeat that if you will take the trouble to find out just exactly what this banking system is costing the Government, including what it loses upon the money that it is depositing and upon the money that it is paying out for the banks and in other respects, it will be found that it is not saving the farmer any more than what it is losing, and therefore it must ask somebody else to meet the bill.

Mr. SMOOT rose.

Mr. FLETCHER. May I suggest to the Senator from North Dakota before the Senator from Utah proceeds, that the law distinctly provides that not exceeding 1 per cent in excess of the interest on the bonds can be charged to borrowers for the purpose of covering the expenses of administration? The Farm Loan Board has estimated that they can cover that expense with one-half of 1 per cent, and they have sold their bonds on the basis and made loans to the farmers on the basis that one-half of 1 per cent would cover the expense of administration. They can charge but 1 per cent more than the amount they pay on their bonds; so that the farmer is obliged to get his money at not exceeding 1 per cent above the interest rate which the bonds bear.

Mr. McCUMBER. Except as the farmer must in addition to that pay the taxes either directly or indirectly; and taxes must make up the amount which the Government loses. Therefore he is not making what he would appear to be saving upon the face of the proposition.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge whether he expects to get a vote upon the bill to-night?

Mr. HOLLIS. I think so. I do not know of any disposition to delay it. I think nearly every Senator who wishes to speak has spoken, and I hope for action to-night.

Mr. SMOOT. I do not want to delay a vote upon the bill, I will say to the Senator, but if the bill was going over, I would very much prefer to say what I have to say at some other time. There are few Senators present——

Mr. HOLLIS. I understand action is being taken on a similar measure in the other House, and it is hoped to get the bill passed this afternoon through both Houses. In the other body they have a special rule to vote upon it this afternoon.

Mr. SMOOT. Are we to substitute the House bill for the Senate bill, or is the House to substitute our bill for theirs?

Mr. HOLLIS. Whichever is passed first will be substituted for the other.

Mr. SMOOT. If that is the case, I will have very little to say this afternoon.

At the last session of Congress I made the statement that the appropriations that were made during that session had not been scrutinized by myself nor by other members of the Appropriations Committee as carefully as appropriations are ordinarily scrutinized. They were the initial appropriations for carrying on the war and no one gave especial attention to the amounts asked for by the different departments of the Government. I also stated that at this session of Congress I not only should feel it to be my duty but I believed it to be the duty of every Senator before voting for an appropriation to know for what the money was to be expended.

The Senator from Colorado [Mr. SHAFROTH] has said that this is not an appropriation. Why, Mr. President, the bill itself does not appropriate $200,000,000, but the Senator from Colorado is a member of the Appropriations Committee and he knows that the Secretary of the Treasury will send to the House of Representatives and to the Senate an estimate to cover the amount provided for in this bill, and we have got to appropriate the money for it or authorize its expenditure whenever called for for the purpose of buying bonds.

Mr. SHAFROTH. Of course, Mr. President, we will have security worth the amount to be paid, which is different from an appropriation for cannon or munitions or for ordinary running expenses; in other words, it is not such a thing as a river and harbor appropriation bill, or anything of that kind; we get security, and the security is good for the money we advance.

Mr. SMOOT. No one disputes that; but there are times in the history of men, and even in the history of nations, when they are in no financial condition whatever to lend money, no matter what security they get; and the United States, Mr. President, if the war continues a couple of years, will be in no position, nor is it in a position to-day, to be hunting loans throughout the United States. Do the people of this country know that from the establishment of our Government 128 years ago all the appropriations that have been made by every Congress from that day down to and including the last session of the Sixty-fourth Congress amounted to but a little over $26,000,000,000; and yet at the last special session of Congress we appropriated over $21,000,000,000, or within $5,000,000,000 of the amount of all the appropriations made by this Government since its organization. There is no question that our appropriations at this session of Congress for the next fiscal year are going to be just as large as they were at the last session; and there is no telling how much we have got to advance to our allies. I have been often asked how much that will amount to. All I can say is that it will amount to whatever the cost of the supplies our allies purchase from us, no more and no less, for none of them are in a position to pay us in gold a sufficient amount to cover the balance of trade between us and them.

As far as I am concerned, I want to appropriate every dollar that is necessary to pay the running expenses of this Government in conducting the war upon the highest basis of efficiency; but in doing so, Mr. President, I want to call attention to the fact that we are not securing from any part of the world gold for the goods that we are sending abroad. The currency that we shall issue is resting upon but $3,000,000,000 of gold in this country; and when we stop to think that there is only about twelve billions in all the world, and all of the currency that is being issued is based upon that gold, I think every Senator will realize that the United States Government is in no position to be hunting loans from any sources whatever.

I recognize the good that is being done through the organization of the farm-loan banks. I have no objection to their carrying out all of the provisions of the law, but I know that when we start to purchase the mortgages as provided in this bill and ask for $200,000,000 at this time it will be only the beginning; and we might just as well make up our minds that we are going to continue the same practice unless there is some restriction placed in this bill now in the way of an amendment. By the way, the first amendment that is offered by the Senator from Massachusetts I think ought to be adopted as a part of this bill.

Mr. HOLLIS. Mr. President, I hope the Senator does not misunderstand. I collaborated with the Senator from Massachusetts [Mr. WEEKS] in drawing that amendment, and when he offers it I shall accept it. I think it ought to be accepted. I do not think we ought to be loaning the funds of the Government in order to refund anybody's loans, and I hope the amendment will be adopted. I have no doubt it will be.

Mr. SMOOT. I am very glad to hear the Senator make that statement. There is a safeguard in that, as far as it goes. I want to ask the Senator now, before I say anything more—and perhaps I will not say it at all if the answer I receive is satisfactory—this question:

Does the Senator really believe that it will take $200,000,000 to cover the loans that have already been promised by the land banks of the country?

Mr. HOLLIS. I do not. In the first place, it is not the intention of the Farm Loan Board to spend anywhere near $200,000,000. They feel obliged to take care of the loans that have been approved. After that they will not permit any more refunding operations out of any money that comes from the Treasury. They feel, moreover, that with this $200,000,000 underwritten by the Treasury they will be able to sell the bonds perfectly well, and that the men who have been holding off, wanting to buy the bonds, but expecting they would be marked down as all other bonds have been, will then come into the market and buy them. It is their idea that they will spend a comparatively small amount of this appropriation, but they want it large enough so that investors will see that the Government is there to do it if private investors do not.

Mr. SMOOT. Mr. President, I am fearful that as long as we make a direct appropriation, which, of course, we will have to do under the provisions of this law, private investors from now on will have a chance of investing their money at a higher rate of interest with just as good security as that which is offered them by these farm mortgages. I am fearful that they are not going to invest in these bonds if the Government of the United States will take them; and I am fearful that if we make the appropriations of $200,000,000 now, every dollar will be required in purchasing these mortgages from the banks that now hold them. Will the Senator, upon his statement, be content to reduce this amount, say, one-half?

Mr. HOLLIS. This recommendation came from the Treasury Department. The Secretary of the Treasury is a member of the Farm Loan Board, and he has asked for this amount. Now, he realized that it is a burden. He does not consider that it is too large, because he thinks it will come back. He is very reluctant to assume it, but he thinks in the present emergency, with the need for food and encouragement to farmers, that it ought to be done, and he has asked for this amount, and I see no reason to reduce it. I hope the appropriation will be made in this amount. I have the assurance of the Secretary of the Treasury and of the Farm Loan Board that they do not intend to purchase anywhere near this amount, but they do want it there. If it had been $50,000,000, they would have said, "Well, that will soon be used up; we will wait." That is what they told the committee. Beyond that, I can not tell the Senator.

Mr. SMOOT. Of course, I hope the Senator does not think that I believe for a moment that these advances by the Government are going to be lost. I have never expressed such an opinion, nor do I believe it. What I am trying to get at, Mr. President, is this:

I hope the American people will not be distrustful over Congress; but when the American people see Congress appropriating money by the hundreds of millions of dollars with hardly any discussion whatever I feel that they are going to begin to have a lack of confidence in our judgment and will begin to say, "Well, where on earth is it going to end? If this thing is going to continue, I think the best thing for me to do is to get what little I have into money and even withdraw it from circulation."

We have got to be careful and we have got to maintain the confidence of the people of this country in order to carry on the activities of the Government during this war. I do believe that it would be much better to accept an amendment of $50,000,000 for each year, or a total of $100,000,000, than to have this large amount admittedly not to be expended go out to the country.

You can not fool the bankers. They will know exactly what is going to happen. They have every advantage in the world to receive that information. If this were $500,000,000, I do not believe it would make one particle of difference as to the investment in the mortgages by the banks, but I believe it would have a bad effect upon the American people who are called upon not only to do their bit but to sacrifice some of the best securities they have ever owned in order to buy the liberty bonds that have got to be sold in order to pay the expenses of the Government.

Mr. TOWNSEND. Mr. President, may I interrupt the Senator to ask him a question?

Mr. SMOOT. Certainly.

Mr. TOWNSEND. I know the Senator has given a good deal of attention to this matter; and aside from the arguments that have been presented, there are two things that have given me no little disturbance. The Senator seems to admit that every-

thing is all right. I should like to know if he has information on these two subjects:

First, is this money that is being borrowed as a whole being used to increase the food supply of the country? And, second, is the Senator convinced, has he information which warrants him in the conviction that this money is loaned on the basis of not to exceed 50 per cent of the value of the property?

Mr. SMOOT. Mr. President, I want to say, in the first place, that what information I can gather leads me to believe that the greater part of these loans will be for the purpose of taking up loans already in existence, made by farmers at a higher rate of interest; so all that it could possibly do would be to save the farmer the difference between what he is paying in interest to-day and what he will pay under the provisions of the law. I will say to the Senator, however, that there are some cases, and a number of them, where applications have been made for loans, and more will be made, for the improvement of farms; but the most of the money is for the taking up of loans that are already made and are carrying a higher rate of interest than that which is provided for in the existing law.

Mr. GALLINGER. Mr. President, if the Senator will permit me, does he think there will be any very great addition to the products of the farms unless they can get more labor than they can get now?

Mr. SMOOT. Of course that is the greatest question the American people have to meet. In that connection I want to say that I believe we shall have to follow the practice of England and of France and use the Army to assist in harvesting the crops of this country when the harvest time is on the coming year. I know that in the West even this year it has been almost impossible to secure help at any price to dig beets, to pick the fruit, or to harvest the crops, and I know, Mr. President, that there are many hundreds of thousands, if not millions, of dollars of crops in the West that have failed of being harvested and gathered because they could not pay the wage that was demanded in some instances, and in others it was absolutely impossible to secure help sufficient.

Mr. McCUMBER. Mr. President, may I ask the Senator a question by way of making a suggestion along that line?

Mr. SMOOT. Yes.

Mr. McCUMBER. I received the other day a letter from Idaho, from a gentleman I know very well, a business man, in which he stated that hundreds of thousands of bushels of potatoes rotted in the ground, and fruit rotted on the ground, not because there was not sufficient labor but because the men were being paid from seventeen to twenty dollars a day to pick up and sack potatoes, and they struck for twenty and twenty-four dollars a day, and the result was an enormous loss; and that the same laborers, evidently of the I. W. W. type, were lying around four days a week doing nothing.

Mr. NELSON. Mr. President, I should like to inquire of the two Senators if the condition that they have described can be charged to the farm-loan banks? And if it can not, I should like to ask what bearing the farm loan banks have on the scarcity of labor in this country?

Mr. SMOOT. Mr. President, I was asked a question by the Senator from New Hampshire. I answered that question, which I think I had a perfect right to do. I do not want the Senator from Minnesota to think that I was casting any reflections upon the principles involved in the Federal farm loan bank.

Mr. NELSON. Will the Senator permit me a question?

Mr. SMOOT. Certainly.

Mr. NELSON. The Senator is talking about expenses. Suppose we got some of those German prisoners of war over here to work on our farms. That would cost us some money, but would the Senator be opposed to it on that ground?

Mr. SMOOT. I think, Mr. President, if we had some of those German prisoners over here they would not have a say as to what they should receive per day, and I do not think the American people would pay them more than they actually earned. I will say the German interns are receiving the best of care and in many cases living better than American citizens. The German prisoners we now have are not compelled to work.

Mr. McCUMBER. Will we not have to catch him first?

Mr. SMOOT. We have a lot of them at the present time.

Mr. McCUMBER. I do not know how we are going to bring them over here when we have not the ships and have no possibility of getting them. Of course that is not pertinent to the question, but the Senator from Minnesota brought it up.

Mr. SMOOT. I am speaking now of the interned Germans that we already have in this country.

Mr. President, I do not want to take the time of the Senate further. There were a number of questions that I wanted to discuss in relation to this bill; but it is getting late, and I know that many of the Senators are going to leave the city to-night. I have no inclination whatever to prevent this bill from passing and becoming a law before adjournment this evening, if possible. I shall vote for the proposed amendments and then for the bill.

Mr. NELSON. Mr. President, I am somewhat surprised at the peculiar tack taken by the Senator from North Dakota [Mr. McCUMBER] and the Senator from Utah [Mr. SMOOT] in this matter. To my mind, the farmers of this country, the food-producing element of the country, are as much our allies in this war as our allies over in Europe; and in order to be successful I can not see why we should make any distinction between helping our allies here and helping our allies over in Europe.

I have before me here a sheet of the loans applied for and allowed by these 12 farm loan banks; and what do I find? I find that the greatest number of applications come from the grain-raising, the agricultural States. The State of North Dakota, from which the Senator comes, is one of the greatest applicants. It has applied for over $12,000,000 in loans. It has been allowed $7,000,000, and only $1,825,000 have been closed up and finished. Take the State of California—$15,000,000 have been applied for, and in the great State of Montana $11,000,000. These are our great food-producing States, and it shows the great need of the farmers for assistance. We have been preaching food conservation for more than a year and urging our farmers in every possible way to increase their production; but mere academic help is of little consequence.

What are the conditions? The conditions among our farmers are, in many localities, that they have been bled by exorbitant interest; they have paid unusually high interest; they have come to the Government to get interest at a more reasonable rate, and we have started in in a systematic way to help them. If we want to encourage our farmers in producing more food products in this country during the pendency of the war, here is the opportunity.

A large share of our farm loans heretofore have come from the East, from the insurance companies and from the savings banks. Owing to the fact that these banks have been inclined to help the Government in taking up the liberty loan, they are calling in their mortgages. I have here a letter from the vice president of a company in Indianapolis, the Wells-Dickey Co., which has been engaged on an extensive scale for years in making farm loans in the Northwest. They have been in the habit of taking farm mortgages and then selling them to the savings banks and the insurance companies of the East; but what are the conditions now?

Here is what this gentleman says:

> Practically all of the mortgage dealers find that they are having an increasingly large number of investors in farm mortgages diverting at maturity these funds to other securities; also a heavy demand from investors to repurchase loans sold. I think it has been the almost universal custom of mortgage houses to repurchase loans sold by them at a nominal discount, sufficient to cover the cost of reselling. In these times when all securities are difficult to sell except those tax-exempt, it is likely to become a serious burden to mortgage houses if they continue their former policy.

Now, listen to this sentence:

> The New England savings banks, which have always been heavy investors in farm mortgages, I am reliably informed, are not buying any, and nearly all are calling in maturing loans. This removes a vast amount of money for the financing of the farmers.

As a matter of fact—and it came to my knowledge before I received this letter—these eastern money loaners, by which I mean the savings banks and the life and fire insurance companies that have been investing their money in farm mortgages in the West, are, for reasons of their own, calling in these loans. They refuse to renew them and have refused to grant new loans. There our farmers are stranded, so to speak, in many cases.

Mr. NORRIS. Mr. President, I should like to call the Senator's attention also to the fact that there are a good many loan companies in foreign countries buying the farm loans and have been in the past in England, for instance, and, of course, they will not make any new loans and will not extend the old loans. They must have their money.

Mr. NELSON. I will read from this letter, in support of the statement of the Senator, another paragraph:

> About a year and a half ago the English Government ordered the English and Scottish loan companies operating in the United States to withdraw the principal invested in farm loans as it matured.

That tallies with what the Senator from Nebraska has stated.

> Such is the condition of our farmers. Their mortgages are due. They have got to borrow money from some source. The old source is being cut off, the savings-bank and insurance money from the East, and it leaves them to rely on what little local money they can get in their own neighborhood.

Then, more than that, in some of these Western States the farmers have been charged an exorbitant rate of interest. I

think in the State of North Dakota the farmers have been charged from 7 to 8 per cent, and in some cases even 10 per cent, on their real-estate loans. I know the interest has been so high in North Dakota that the banks in the neighborhood where I live, instead of investing their money in mill paper and in wheat paper, as they were accustomed to do, have found the best investment to be to go out and buy Dakota mortgages; and the same condition exists in Montana and in California.

I was very much surprised at the criticism which the Senator from North Dakota [Mr. McCUMBER] made of the system. Of course it is not a perfect system, and I was a little doubtful of it myself. It was with some reluctance in the first instance that I agreed to some of its provisions; but it is not open to the criticism and to the gloomy forebodings indicated by the Senator from North Dakota. It provides for the organization of farm-loan associations. Every farmer who gets a loan must advance 5 per cent in cash on each $100 of his loan, and the association is jointly liable for all the loans and mortgages of the association; and then the expenses that the Senator speaks about, all the expenses of the system, so far as I know outside of the Federal Board here in Washington, all the expenses of the several local banks, are paid by the banks themselves out of their revenues. Am I not correct? I appeal to the Senator from New Hampshire.

Mr. HOLLIS. All local expenses are paid in that way except the compensation of the land-bank appraisers. It was thought best to have them Government officials, so that they would not be subject to local influences. Their salaries are paid by the Government.

Mr. NELSON. I know something about the operation. I did not think this law would work much in the State of Minnesota. It is a large State from north to south. In the southern part of our State farmers were borrowing money at the rate of from 5 to 5½ per cent. In the middle part of the State, where I live, they were borrowing money for 6 per cent. In the northern part of the State—and it is a good part of our State—they were paying from 7 to 8 per cent and even in some cases 10 per cent; and I notice that the great amount of the applications for loans have come from that portion of the State that we call the Red River Valley and the country contiguous to it.

Mr. SHAFROTH. Mr. President, may I ask the Senator whether it is not a fact that the establishment of this low rate by the farm-loan banks has modified and decreased the rates of persons who are lending money on private account to the farmers?

Mr. NELSON. Why, it is the greatest blessing. The reduction that has been effected to these few men who have secured loans from the Government is a mere bagatelle compared with the good that the system has wrought throughout the country. The effect of the system has been, in the State of Minnesota, that private parties loaning money have had to approximate the Government level, and our farmers get money now at a much lower rate than they ever did before. It has had the same effect that we find sometimes in the case of river and harbor improvements. You oftentimes hear it said that the improvement of this river or this artery of navigation does not produce much result; that there is not much navigation; but if you will scan the thing closely, the great benefit is that it operates as a regulator of the rates of the railroads. So, Senators, the greatest blessing that this system has conferred upon the farmers of this country has been in the fact that it is to a large extent a regulator of the rates that the farmers have to pay for their real-estate loans.

Mr. FLETCHER. Mr. President, may I ask the Senator if he does not believe that if it had not been for the war conditions there would not have been the slightest difficulty in the banks selling the bonds at 4½ per cent?

Mr. NELSON. Certainly.

Mr. FLETCHER. And furnished all of the money that was needed for the full operation of the system through the sale of their own bonds?

Mr. NELSON. Certainly. I have no doubt at all that but for the coming on of the war and the necessity of selling such a volume of Government bonds the farm-loan bonds would have been taken and the Government would not have to advance any more money. What we have advanced is $9,000,000 in all. The Senator from North Dakota speaks of the hundreds of millions we have advanced. We have advanced from five to nine million dollars so far to these banks, in addition to the expense of inaugurating the system. I do not know just how much that amounts to, but it can not be over a million dollars, in my opinion.

Mr. President, I could say more on this subject. My heart is in it. I believe that this is a great relief to the farmers of this country, and our Government should at least treat them as well as we treat our allies in Europe. We furnished them money on their bonds. We loaned them money to carry on the war. Why should we not loan our farmers here, who are raising the food products of this country, money to make the war successful?

Mr. President, I trust that this legislation will become a law. I know it will do much good, and I have faith that in time the Government will not lose a penny, but it will come back to us in a tenfold measure in one way or another.

Mr. McCUMBER obtained the floor.

Mr. HOLLIS. I ask unanimous consent that the amendment offered by the Senator from Massachusetts may be adopted.

Mr. McCUMBER. I have the floor at present. I have been recognized.

Mr. HOLLIS. I beg the Senator's pardon.

Mr. McCUMBER. If the Senator wishes to have me yield to him, I shall be glad to do so. If not, I will make my statement very briefly.

I am not in the habit myself of creating straw men for the purpose of knocking them down. I wish that the Senator from Minnesota when he makes his criticisms would be governed somewhat by the same principle. The Senator has attempted to assume that I would be opposed to lowering this interest and reducing it as far as possible. All the Senator needs to do is to go back to about a year and a half or two years ago and he will find that the act provides for a 5 per cent charge to the farmers. That is followed up now by an increase to 5½ per cent, more than the interest paid in many of the Eastern States to-day.

I believe a simple provision could be made providing for only 4½ per cent to the farmer and a 4 per cent Government bond to be issued upon that. Therefore, so far as that is concerned, I will have to my credit a difference of 1½ per cent in favor of my proposition and of my argument.

Mr. President, what I have criticized has been this, and I want the Senator from Minnesota to understand it: I criticize a system that has been made so expensive. If the Government wants to loan and to see that the farmer gets the loan guaranteed at 5½ per cent, I do not want to see the Government lose the 1½ per cent itself. I do not want to see the Government paying to a system of banks that are not doing the work but are calling upon the Government to perform the functions for which they were created and then have the Government pay the expenses. We may differ entirely upon the method by which we are to secure the best benefits.

Mr. President, I am going to vote for this amendment. I am going to vote and I intend to vote at all times to grant to the farmers who have made their applications the sum of money necessary to cover those applications. But while I do it, I am not going to stand here and excuse a system which has not worked well and which has been altogether too expensive to the American people.

The Senator says there have been but $9,000,000 expended by the Government upon this system. Let the Senator go back over the appropriation bills and ascertain whether there have been only $9,000,000 expended. Let him see what has been appropriated each year for these banks and then let him compute the saving in the interest and say whether or not it has been too expensive a measure by the results which it is securing.

But I favor the bill because we have got the system, having had it foisted upon us. Although it is top-heavy, although it is expensive, although it is tied around with red tape and operates as a nuisance in the matter of securing the benefits under it, still we, of course, will get some good from it.

I think when the Senator from Minnesota finally investigates this matter he will find he is in error when he states that we have paid but $9,000,000 to support these banks.

Mr. WEEKS. I offer the amendment.

Mr. HOLLIS. I ask that the amendment be read.

The SECRETARY. On page 2, after line 13, insert the following:

> Until all bonds so purchased by the Secretary of the Treasury have been so redeemed or repurchased, no loans in addition to those now approved shall be made by Federal land banks except under special rules prescribed by the Federal Farm Loan Board limiting further loans from funds derived from the Treasury to those made for the sole purpose of increasing food products.

Mr. HOLLIS. I ask unanimous consent that the amendment be adopted.

Mr. GRONNA. I ask the Senator from Massachusetts to explain the effect his amendment would have.

Mr. WEEKS. The effect would be that the Government would buy bonds up to the amount of money that has been promised, and after that loans shall not be made unless it is demonstrated to the Farm Loan Board that the additional loans shall be used to increase the food products.

Mr. GRONNA. I wish to ask the Senator a further question. The Senator uses the word "promised." Does he mean by that

the amount of loans approved by the Federal farm-loan banks or does he mean promised by local associations?

Mr. WEEKS. I mean that loans shall not be made, provided the Federal Government furnishes the money, unless it is demonstrated that the money shall be used to increase food products.

Mr. GRONNA. I am afraid I did not make myself understood. As I heard the amendment read I assume that the Senator's amendment provides that no loans except the applications already approved by the farm loan banks shall be made.

Mr. WEEKS. It means, Mr. President, that the Farm Loan Board of Washington shall prescribe rules which shall cover the requirements of this amendment; that is to say, that the farm loan banks shall not make loans as long as the Government is advancing the money, except where it is demonstrated that it will mean an increase in food products.

Mr. GRONNA. Will it not be left to the Farm Loan Board to interpret the law to see whether or not it is being used for that purpose?

Mr. WEEKS. The Farm Loan Board will make rules to govern the action of the farm loan banks.

Mr. GRONNA. If it is satisfactory to the Senator from New Hampshire, I shall not object.

Mr. HOLLIS. If the Senator had been here, he would have been convinced that it is satisfactory to the friends of the bill.

Mr. McCUMBER. I ask that the amendment be read again.

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). The amendment will be again read.

The SECRETARY. On page 2, after line 13, insert:

> Until all bonds so purchased by the Secretary of the Treasury have been so redeemed or repurchased no loans in addition to those now approved shall be made by Federal land banks except under special rules prescribed by the Federal Farm Loan Board, limiting further loans from funds derived from the Treasury to those made for the sole purpose of increasing food products.

The PRESIDING OFFICER. Is there objection to the amendment?

Mr. STONE. Mr. President, I am following the Senator from New Hampshire, but I am curious about the amendment to know why all these loans are not made at all times and under all circumstances with the ultimate purpose of increasing food production.

Mr. WEEKS. Most of the loans are of a different character. Most of the loans are made because a man is paying 7 per cent for money now, and he can borrow it in this way at 5 per cent. He is simply refunding his indebtedness on a lower basis.

Mr. McCUMBER. May I ask the Senator a question? Suppose a farmer has every acre of the land on which the loan is made that is available under cultivation and there is a mortgage upon it bearing 8 per cent interest. He can not cultivate any more simply because he has no more to cultivate. Would the amendment of the Senator from Massachusetts prevent the man from securing a new loan at a lower rate of interest?

Mr. WEEKS. It would, as long as the Government is advancing the money.

Mr. McCUMBER. Then I think we ought to vote against the amendment.

Mr. WEEKS. The Senator has the privilege, of course.

Mr. McCUMBER. Of course, but it is only one vote.

Mr. GRONNA. As I understand the effect of the Senator's amendment, above the amount approved by the Federal land banks——

Mr. WEEKS. Already.

Mr. GRONNA. Already approved, no further loans can be made unless they are new loans. In other words, if the farmer owes a mortgage debt he can not get the money from the Government to refund it, even though his present loan may be foreclosed upon. Is not that the effect of the amendment?

Mr. WEEKS. If the man demonstrates that it will increase food products by refunding the loan he can get the money. If he can not do that he can not get it.

Mr. GRONNA. Will the Senator answer my question, if I can make myself understood? Is it not true that the effect of the Senator's amendment is that it will prevent a renewal or refunding of loans? In other words, a loan made by a farmer that is past due or may become due can not be refunded, but the farmer who has no loan upon his land may secure a loan. Is not that the effect of the amendment?

Mr. WEEKS. That does not require any new money. That is simply a refunding of a loan. I do not think that the Government ought to be advancing money to refund loans simply because the farmer can borrow it on a lower basis.

Mr. GRONNA. Of course, that may be the Senator's opinion, but I think I am right in assuming that this amendment will prevent the refunding of loans which are now due or which may become due in the near future.

Mr. WEEKS. It will if the Government advances the money.

Mr. FLETCHER. That is exactly what it does do and what it is intended to do. The only qualification is where the money is coming from the Treasury. The banks can sell their bonds and do it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. WEEKS].

The amendment was agreed to.

Mr. WEEKS. I offer another amendment. In line 9, page 1, after the words "nineteen hundred and eighteen," I move to strike out the rest of that line and line 10 down to and including the word "respectively"; and in line 4, page 2, after the figures "$100,000,000," I move to strike out the words "in either of such fiscal year."

The effect of this amendment would be to underwrite to the extent of $100,000,000 loans made during this fiscal year, but not to continue the underwriting after the 30th of next June. I do not see any real benefits to be gained by so doing. If it is decided later in the year that it is desirable to increase the underwriting, Congress can consider that proposition as a separate measure; but to underwrite into another year this method of loans seems to me to be unwise and improvident, and a financial policy that is going to deter a great many people from investing in liberty bonds.

Mr. NELSON. It is to continue the same practice to the end of the fiscal year.

Mr. WEEKS. Yes. The bill also proposes it for the fiscal year 1919.

Mr. NELSON. Your amendment limits it to the fiscal year 1918?

Mr. WEEKS. To the fiscal year 1918.

Mr. HOLLIS. The amendment now presented by the Senator from Massachusetts cuts down underwriting, as he states, just one-half. I hope it will be rejected.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Massachusetts [Mr. WEEKS].

The amendment was agreed to.

The PRESIDING OFFICER. If there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate.

Mr. GRONNA. Mr. President, I shall not oppose the passage of the bill in its present form. I want to say, however, I am quite sure that the law, so far as its benefit to the farmer is concerned, will be practically nullified.

I had hoped, Mr. President, that after it was demonstrated to the country that this law was a real and a substantial benefit not only to the farmers but to the business men of the country we would allow at least a limited time to let it be worked out.

I can readily see, Mr. President, that already some of those who control the financial affairs of this country are becoming alarmed over the success that has been made by those who have administered this law. There is not a Senator, there is not a man in this country, who can justify his position and maintain that this system has broken down. It may be asserted by Senators, it may be said by financial men, but it can not be truthfully said, that it has broken down.

As a banker in a small way, I know that the law has already been beneficial not only to the farmers of my country but to the business men of the country. If we had been permitted to pass the amendment in its original form, it would have stabilized the value of the farm-loan bonds. I realize how anxious the people on the exchanges are to depress the value of those bonds. Farm-loan bonds based upon 30 or 40 per cent of the value of the land, to say nothing of the improvements, are as good as Government bonds. Is there anyone here who will deny that those bonds, backed, as they are, by these associations, are not good? In my judgment, it is the best security offered on the market to-day.

But as every man knows we have been compelled to make drives for liberty bonds, and rightly we have done so. We have the patriotism back of the liberty bonds, and, of course, we realize that they are perfectly good, but no special effort has been made to sell farm loan bonds. But is there not a disposition among the exchanges of this country to depress the value of liberty bonds? Why should a bond underwritten by more than 100,000,000 people, with a property value of more than $250,000,000,000, be thrown upon the market and be said to be worth less than par? Is it not unpatriotic to attempt to lower the value of those bonds, especially during the war?

So I am not surprised, Mr. President, to hear it said that these farm loan bonds are not worth par. I believe they are worth 100 cents on the dollar, and they are worth more with the present rate of interest that is paid.

I shall not vote against the bill, although the amendments offered by the Senator from Massachusetts are detrimental to

the operation and the administration of this proposed law.

I am very sorry to see these amendments, detrimental as they are, come from Members on this side of the Chamber. Mr. President, I regret exceedingly that these amendments have been offered, and I regret more that they have been accepted by those in charge of the bill. I believe that we have votes enough here to pass this bill in its original form as it was asked by the Secretary of the Treasury, and as it was asked by the Federal Farm Loan Board. I am opposed to the amendments; but I shall not delay the Senate in passing the measure. I realize that this bill when passed will allow the Government to buy bonds to the amount of the applications approved by the Federal farm-loan banks; but it will, in my judgment, do a great deal of harm to the Federal farm-loan law, its operation, and to the benefit that it otherwise would have been to the people of the country.

Mr. HOLLIS. Mr. President, I ask to have one correction made. In the eleventh line, on the second page, the word "expiration" is used in the phrase "the expiration of the pending war." I ask to have that changed so as to read "the termination of the pending war."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, line 11, it is proposed to strike out the word "expiration" and insert the word "termination."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 6967) to increase the number of midshipmen at the United States Naval Academy, and it was thereupon signed by the Vice President.

COMMITTEE ON PUBLIC INFORMATION.

Mr. GALLINGER submitted the following resolution (S. Res. 172), which was referred to the Committee on Appropriations:

> *Resolved*, That, if not incompatible with the public interest, the Committee on Public Information is hereby directed to furnish the following information to the Senate:
>
> What compensation, in salary or allowance for expenses, is paid to the civilian chairman of the committee? At what date did such salary or allowance begin, and what is the sum so paid up to the 1st day of December, 1917? What are the names of the persons composing the staff of the committee, when was each employed, what compensation, in salary or allowance for expenses, is paid to each; and what is the total sum paid to each up to the 1st day of December, 1917? What persons not now attached to the committee's staff have been employed since the organization of the committee and December 1, 1917? What duties did each perform and what sum, in salary or allowance for expenses, was paid therefor? What other expenses have been incurred by the committee in the course of its work up to the 1st of December, 1917?

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m.) the Senate adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Thursday, January 3, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 18, 1917.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

To be first lieutenants.

Maj. Frederick Hessler Sparrenberger, Medical Reserve Corps, to rank from December 14, 1917.

First Lieut. James Francis Faulkner, Medical Reserve Corps, to rank from December 15, 1917.

Maj. George Philip Stallman, Medical Reserve Corps, to rank from December 16, 1917.

Dr. James Asa Simpson, at large, to rank from December 17, 1917.

APPOINTMENT IN THE NAVY.

Civil Engineer Charles W. Parks, United States Navy, to be Chief of the Bureau of Yards and Docks, in the Department of the Navy, with the rank of rear admiral, for a term of four years.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 18, 1917.

EXPLOSIVES INSPECTORS.

Nicholas Hughes, New Jersey.
William A. Compton, Illinois.
Joseph S. Giudice, Wisconsin.

RECEIVERS OF PUBLIC MONEYS.

Abraham Hogeland to be receiver of public moneys at Lewistown, Mont.

Augustus J. Schroer to be receiver of public moneys at Minot, N. Dak.

Leroy E. Cummings to be receiver of public moneys at Pierre, S. Dak.

PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Hugh de Valin to be surgeon.
Passed Asst. Surg. Marshall C. Guthrie to be surgeon.
Asst. Surg. Howard F. Smith to be passed assistant surgeon.
Asst. Surg. Lon O. Weldon to be passed assistant surgeon.

COAST AND GEODETIC SURVEY.

Stanley T. Barker to be junior hydrographic and geodetic engineer.

Raymond A. Wheeler to be junior hydrographic and geodetic engineer.

The following to be aids:
Edgar H. Bernstein,
Elwood M. Wilbur,
Benjamin Friedenberg,
William H. Overshiner,
Lowell O. Stewart,
James D. Crichton, and
Nathan Chernlack.

APPOINTMENTS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

Lewis W. Call to be judge advocate with the rank of major.

SIGNAL CORPS.

Col. Alexander L. Dade to be brigadier general.

CHAPLAINS.

Joseph Burt Webster,
Frank J. Barry,
J. Donald Hockman,
Frank Meredith Thompson,
John Roswell Edwards,
Henry Augustine Norman,
Alexander W. Thomas,
Jesse Stuart Pearce,
Frank Connors Rideout,
Alfred Coolswan Oliver, jr.,
James L. Blakeney,
Woodward Howard Morgan,
William P. Sherman,
James L. Robinson,
John Hall,
Washington Cannon Pinson,
George H. Nerison,
Thomas Joseph Lennan,
Elmer Orlando Hoffmeister,
Charles Coburn Merrill,
Claude Skene Harkey, and
Stanley Claudius Harrell.

DENTAL CORPS.

Byram Sandford Purviance, to be dental surgeon.

To be first lieutenants.

John Loftus Richards,
Winfred E. Henshaw,
Joseph Earnest Schaefer,
Frank Phillip Kendrick Barker, and
George Julian Sibley.

MEDICAL CORPS.

Bertram Foster Duckwall, to be captain.

To be first lieutenants.

John Michael Hewitt.
Claude Wiggins Cummings,
John S. C. Fielden,
James Monroe Troutt,
Alan DeForest Smith,
Frank Macbeth Ende,
Samuel Augustus White,
Albert Wright Greenwell,

Francis Moylan Fitts,
Eric Adolphus Fennel,
Paul Edgar McNabb,
Harvey Edmund Webb,
George Franklin Aycock,
Henry Wiley Grady,
Philip Jefferson Lukens, jr.,
Norman McLean Scott,
Marion Rudolph Mobley,
Frederick Karl Herpel,
Horace Sumner Villars,
Donald Gardner Russell,
Allen Deming Luzenby,
Patrick Francis McGuire,
James Walsh McClaran,
Louis Frank Boyd,
Tom Sperring Mebane,
Edmund Benjamin Spaeth,
Philip Louis Coulter,
James Blaine Montgomery,
Percy Elisha Duggins,
Brown Shirk McClintic,
Henry Kurtz Baumgardner Hufford,
Joseph George Fernbach,
Howard Henry Dignan,
Charles Wallace Sale,
Robert Henry Lowry, jr.,
Hertel Philip Makel,
Ward Stanley Wells,
Seymour Crandall Schwartz,
Burgh Smith Burnet,
Karl Frederick Kesmodel,
Ross Golden,
Curtis Dudley Pillsbury,
Nelson Allen Myll,
John Robin DeVelling,
Roy Lorraine Scott,
William White Southard,
George Hamilton Dorsey,
Laurent Lescelles LaRoche,
Henry Cheesman Dooling,
Frank Sneeton Matlack,
Cleon Joseph Gentzkow,
James Porter Crawford,
Robert Alexander Hale,
Allen Richmond Howard,
Benjamin Beresford Rowley,
Henry Colmore Bradford,
Harry Hunt Towler,
Oral Bevoly Bollbaugh,
Joseph Roy Jones,
Harold Edward Clark,
Roland Albert Davison,
Charles Reif Snyder,
Arthur Lee Hinchew,
Haskett Lynch Conner,
Edward Bailey Macon,
Furrar Burr Parker,
Percy James Carroll,
Virginius Minervini,
James Vincent Fallisi,
William Daugherty Pettt,
Glenn Holway Reams,
Jay De Pew Mingos,
Allan Wilson Dawson,
John Williams McKeever,
Otis Lee Graham,
Edwin Howerton Roberts,
Arthur Maynard Bacon,
John Jay Moore,
Anthony Joseph Vadala,
Maurice Stevenson Weaver,
John Marion Stanley,
Arthur Howard Nylen,
Myron Parkhill Rudolph,
Noble DuBois McCormack,
Charles Edward Sima,
Bascom Henden Palmer,
Harold Dunn Rogers,
John Randolph Hall,
Arthur Raymond Gaines,
William Love Starnes,
William Archdall Boyle,
Manton Leonard Shelby,
Egbert Hayes Wesson,
Paul Henry Streit,
John Edwin Robinson,
Lewis Edwin Joel Browne,
Ernest Kenneth Stratton,
James Archibald Orbison,
Paul Maxwell Neuman Kyle,
William Cotman Whitmore,
Albert Berchmans Pavy,
Francis Edgerton Evans,
Charles Earle Brenn,
Francis Thomas Duffy,
Leonard Webster Weaver,
Louie Felger,
Leo Stewart Trask,
Raymond Albert Tomassene,
Lowyd Whitcombe Ballantyne,
Otto Richard Brown,
Charles Elmer Yobo,
Cornelin Anthony Denehy,
Joseph Patrick Madigan,
Robert Keith Simpson,
Patrick Sarsfield Madigan,
Frederick Bryton Little,
Chester A. Stayton,
Herbert Wilson Rogers,
John Robert Evers,
Ralph Elmer Curtl,
Daniel Clyde Hankey,
Frederick Arthur Blesse,
Charles Crawford Dickey,
George Beard Fletcher,
Walter Henry Mytinger,
John Joseph Carden,
Henry Earl Fraser,
John Ross Whisenant,
Harold Horton Golding,
Harry Philip Shugerman,
William Cramer Pollock,
William Walker McCaw,
Edward Howard Tonolla,
Earle Douglass Quinnell,
Harold Ogden Brown,
Douglas Hamilton Mebane,
Paul Barrus Johnson,
Irving Kennedy Lovett,
Montreville Alfred St. Peter,
Frank McAlpin Moose,
Percy Kenward Telford,
William Boyd Brigman,
Benjamin Franklin Pence,
Wayne Roscoe Beardsley,
Warren Stirling,
Don Guernsey Hilldrup,
Richard Samuel Magee,
William Alexander Smith,
Frank William Pinger,
Ivy Albert Petzman,
Edward Spencer Murphy,
Leo Peel Bell,
Richard Eugene Werlich,
Paul Kurt Sauer,
Herbert Rowell Stolz,
Louis deKeyser Belden,
Andrew William Smith,
Willard Samuel Howard,
Philip Palmer Green,
William Hulbert Barrow,
Gordon Fay Willey,
Frank Arents Plum,
Charles Robert Irving,
William Wiley Jones,
Charles Clifford Hawke,
Noland Mackenzie Canter,
Pierre Numa Charbonnet,
James Claude Kimbrough,
Meredith Rutherford Johnston,
Merril Kirk Lindsay,
William Drummond Middleton,
Leon Hastings Cornwall,
Reed Benedict Harding,
James Wesley Duckworth,
Bradford Massey,
Edgar Henry Howell,
George William Snyder,
Paul Stanislaus Wagner,

John Alfred Parsons Millet,
Joseph Daniel Foley,
Lewis Alfred Nesbitt,
Thomas Maurice Leahy,
Louis Aristide LaGarde, jr.,
Edward Lane Moore,
Charles Augustus Pfeiffer,
Louis Martin Field,
Clarence Edward Burt,
John Andrews Rogers,
Gilbert Octavius Crank,
Harmon Paul Bulfum Jordan,
William Patrick Joseph Ruddy,
Harmon Hadley Ashley,
Walter Leland Richards,
Newton Washington Sentell,
Stanley Gibson Odom,
Rees Stephen Lloyd,
Richard Samuel Moynan,
William Davies McLelland,
James Roy Hudnall,
Charles Rice Lanahan,
Donald Paul McCord,
Henry Reuben Weston,
Carlton Lakey Vanderboget,
Matthew Aloysius McGarty,
John Edwin Boland,
Joseph Jacobson Hilton,
Clay Ray Murray,
Lee Franklin Turlington,
Edgar Warden Phillips,
Walter Bramblette Martin,
Francis Carrillo Tyng,
Ezra Ralph Bridge,
Jerome Pierce Webster,
Magnus Jacob Myres,
Reginald Ducat,
James McAllister,
Ralph Ward Walker,
Rudolph Duenweg,
Oliver Sheley Gilliland,
Frederic Hamilton Thorne,
Alfred Robert Thomas, jr.,
Neuton Samuel Stern,
Albert Bowen,
Morse Wilder,
William Milton Caffee,
Edward Raymond Easton,
Francis Xavier McGovern,
John Dutilose Barnwell,
Solomon Fisher Hoge,
Thomas Grant Tousey,
George Benjamin Kent,
Eugen Gottfried Reinartz,
John Joseph Lancer,
Sam Hardeman,
Harvey Montreville Andrew,
Robert James Platt,
Horace Tyner Doust,
Niels Peter Paulsen,
Verner Tremary Scott,
Hall Cassor Van Vlack,
Frederick Hessler Sparrenberger,
James Francis Faulkner,
George Philip Stallman, and
James Asa Simpson.

APPOINTMENTS IN THE NATIONAL ARMY.

To be major generals.

Brig. Gen. George H. Cameron,
Brig. Gen. George W. Read,
Brig. Gen. André W. Brewster,
Brig. Gen. Charles H. Muir,
Brig. Gen. Charles C. Ballou, and
Brig. Gen. Charles T. Menoher.

To be brigadier generals.

Col. Malvern-Hill Barnum,
Col. William H. Hay, and
Col. Jesse McI. Carter.

PROVISIONAL APPOINTMENTS IN THE ARMY.

CORPS OF ENGINEERS.

To be second lieutenants.

Samuel Louis Kuhn,
Louis Graham,
Roy Marsh McCutchen,
William Lohmeyer, jr.,
William Allen Clark,
Aubrey Hoskinnyl Bond,
Herbert Walter Collins,
Harold Joseph McDonald,
Maurice Pelham van Buren,
Frederick Slocum Howland Smith,
Frank Bowman Hastie,
Harold Van Vechten Fay,
Oscar Rudolph Peterson,
Thomas Kronenberg Meloy,
Robert Adams Love,
Bennet Hart Bowley, jr.,
Robert Dorrance Ingalls,
William Lloyd Garrison Mackenzie,
Walter Lyman Medding,
Warren Adams Lyon,
Roger Williams Parkhurst,
Albert Carl Lieber, jr.,
Robert King Munroe,
James August Bjerregaard,
Eugene Franklin Gaehler,
William Clair Atwater,
Henry Elmer Strout, jr.,
John Arthur Strang,
George Earl Robinson,
Frank Claxton Rogers,
Philip Nahm Cristal,
Clifford Harry Springer,
Edward Perry Morton,
Lawder Stoddard Hamer, and
George Jacob Nold.

COAST ARTILLERY CORPS.

To be second lieutenants.

Edward Franklin Chase,
Robert Andrew Wheeler,
Catesby ap Lucian Jones,
William Warren Savage,
Charles James Schaefer,
Le Roy Allen Whittaker,
Harold Waldo Kramer,
Harold P. Detwiler,
Clarence Francis Hofsetter,
John J. Vandenburgh,
Paul Sheeley Roper,
John Scott Beck,
Clarence Gordon De Swarte,
Brandley Bellamp Brown,
Mahlon Apgar Combs,
Leslie Arthur Kibbe,
Lawrence Locke Clayton,
Sanford Dole Ashford,
William Mayer,
James Laird Craig,
Glenn Hewenstein Stough,
Charles Ernest Loucks,
Edmund Bradford Tazewell,
Hugh McCauley Cochran, 3d,
Bruce Wilcox Tinker,
Arthur Cavanagh Cox,
Paul Jamison Hunt,
Chauncey Kenneth Smullen,
Moses William Sturgrow,
Harold H. Hilton,
Walter Francis Kraus,
Duval Marshall Taylor,
Samson Heller Rosenblatt,
Hugh Nelson Mayor,
George Abe Woody,
Maurice Rice Gowing,
Geoffrey Maurice O'Connell,
Lloyd William Goeppert,
Frank Richard Rawson,
Francis Bell, jr.,
Harrison George Overend,
Arthur William Gower,
Guy Cephus Smith,
Otis Corcoran Moore,
George Calvin Tinsley,
Arthur Foster Gilmore,
Thomas Blair Hobson,
John T. Lewis,
Walter A. Upham,
Julian Darst Conover,

Ralph Anderson Grant,
Alvah Putnam R. Conklin,
William Quintulius Jeffords, jr.,
Ernest Carroll Porter,
Frederick Wells Gilchrist,
Samuel Lusker McCroskey,
Arthur Leo Lavery,
George Anthony Patrick,
Horace H. Powers,
Walter Christian Thee,
Gwynne Gravelle McCausland,
Wayne Edson Davis,
Oliver Boone Bucher,
Edgar William King,
John Wilson Dillard,
Jesse Kuykendall Mattox,
Wallace Edgar Armstrong,
Riley Edward McGarraugh,
Fletcher Hanson Etheridge,
David Beale,
Charles Thomas Trickey,
Allan Preston Bruner,
Edwin Mahlon McGinnis,
Francis Stuart Swett, and
Arch Charles Huston.

CAVALRY ARM.

To be second lieutenants.

De Lancey Beatley,
William Paton Rauch,
John Aethurald Garvin,
Daniel Denison Streeter,
Randolph Russell,
Brock Putnam,
Leland Long Miller,
Edwin Miles Sumner,
William J. McChesney, jr.,
Joseph Sheehan,
James Madison Currin,
Thomas Henry Green,
William H. C. Grimes,
Russell Crayden Winchester,
James Stevenson Rodwell,
Charles Francis Choate, 3d,
Charles Diller Ryan,
Nathaniel Holmes,
Kirk Brooddus,
Paul Blackmer,
Herbert Aladdin Suman,
Harold de Beaumont Bruck,
Donald Anderson Young,
Hans Charles Minuth,
Edwin Clarence Gere,
John Martin Sweeney, jr.,
George Gill Ball,
Samuel C. Skemp,
Jacob Monroe Carter, jr.,
Thomas Pierrepont Hazard,
Francis Charles Dossert,
George Washington Ewing, jr.,
Crawford Clark Madeira,
Charles Poultney Davis,
Harry Robert Kilbourne,
Elmer Edward Finck,
Harry Hodges Semmes,
Clifford Arthur Eastwood,
Guy Allegre Russell,
Fenton Stratton Jacobs,
Catesby ap Catesby Jones,
Charles Wharton,
W. Dirk Van Ingen,
Herbert Vaughn Scanlan,
Sigurd von Christierson,
Kenneth Osborne Spinning,
Curt Eric Hansen,
Vincent Paul Ryan,
Raymond Charles Blatt,
Clinton de Witt,
Harold J. Adams,
William Booth Van Auken,
Harold Kitson,
John Boles,
Charles Raymond Gross,
Irvine L. McAlister,
Robert Gale Breene,
James Irving Gibson,
Walter Carter Butler,
Don Briley,
Howard Forrest Long,
Benjamin Lufkin,
Burton Curtis Andrus,
Harold E. Lewis,
Newell Phipps Weed,
Arthur Henry Besse,
Charles W. White,
John Royer Lindsey,
George L. Snelling,
Duane Lenton Tice,
Jason Budd Hart,
Roland Harman Rogers,
Fred New Raymond,
Glenn William Keith,
Roscoe Cuffe Brabazon Eliard,
Robert Chandler Knowlton,
Richard Hervey Pinney,
Garland Cuzorte Black,
George Albert Delaney,
Joseph Andral Nichols,
Albert George Hunt,
Egbert Frank Bullene,
Arthur Wood Stanley,
Harold Edwin Brailey,
Carleton Burgess,
Frederick Hukill Vandegrift,
Harry Eugene Dodge,
Charles Forrest Palmer,
Jay Dolph Donald Marcellus,
Lewis Downey Cooper, jr.,
Charles Jester Davis,
George William Outland,
John Menifee Moose, jr.,
Nelson Revitt Perry,
Innes Randolph,
Carl Beecher Byrd,
Thomas Brady, jr.,
Gilbert Xavier Cheves,
Wingate Battle,
Harold Binkley,
Wade Carpenter Gatchell,
Henry George White,
Norman Dean Twichell,
Andrew Jackson Wynne,
Howard Charles Wiener,
Walter Frank Goodman,
Thomas Mardenbro Benson,
Edward Forrest Porter,
Lucian King Truscott, jr.,
Ralph Erland Alstead,
Arthur Sewell Kelley,
James Hugh Akerman,
Raymond Thomas Connell,
James Nicholas Winn McClure,
Gabriel Requa Mead,
Millard George Harnden,
David McKay Wilson,
Leonard Mortimer Mertz,
Ernest Arthur Williams,
Daniel Herman McCarthy,
Slocum Kingsbury,
George Harrison Millholland,
Gardiner Scudder Platt,
Minor George Fitzer,
Roy Irwin Phares,
Donald Ross Dunkle,
Chester Earl Davis,
Holmes Gill Paullin,
Francis Royal Kenney,
Monroe Payne Smith,
John Hamilton Irving,
Evan Dhu Cameron, jr.,
William Francis McLaughlin,
Glenn Smith Finley,
Manly Foster Meador,
Ernest Francis Sexton,
Stephen Webb Davis,
Lynn Boyd Conde,
Clarence Beryl Werts,
Henry Roberts Miller, jr.,
John Henderson Gay Reilly,
Charles Herman Unger,

William Dent Tabor,
Horace S. Kin[illegible],
Edward Maynard Eckett,
James Couzens Van Ingen,
Callie Hammond Palmer,
Charles Rawlings Chase,
Thomas Francis Mish[illegible], jr.,
Robert Bruce Jackson,
Christopher Columbus Strawn,
Allyn Raymond Brownson,
John Russell Bretzinger,
Robert David Beer,
Alfred Joseph de Lorimier,
Malcolm Gray Lowry,
William Cass Coleman,
Herbert Reading Sargent,
John Elgin Ketchum,
Arwel Charles Baltzer,
James Walter Ewing,
Wallace Van Cleave,
Karl Warren Curtis,
Carl Emet Rankin,
Richard Earl Tallant,
Nelson Monroe Utley,
John Alexander MacDonald,
Henry Hale Cheshire,
Nathan Bartholomew Reynolds,
John Andrew Wood,
Venable Moore,
Guy Littleton Furr,
Joseph Augustus Blake, jr.,
Walter McLaren Robinson,
John Sylvester Peters,
Herbert Ludwell Earnest,
Verne Austin,
Willis Holcombe Ryder,
Alden Hamilton Torrey,
Morris Towar Whitmore,
Samuel Lonsk, jr.,
Guy Edward Dillard,
Ray Tyson Maddocks,
Thomas Alexander Frazier,
Victor Robert Sladek,
James William Husted, jr.,
Richard Nelson Atwell,
William Elliott, jr.,
Thomas Bayne Locke,
Morris Simpson Daniels, jr.,
Frank Starr Pope,
Harold Glenn Davis,
Robert Morris Cherry,
Alfred Theodore Wyman,
Roger William Sawyer,
John Hanna Welsh,
Edward Perry Morton,
Edwin John Kratzenberg,
Robert Dudley Coye,
Almet Francis Jenks, jr.,
James Parsons Gifford,
Vern Hinkley,
Charles Claflin Allen, jr.,
A. Herman Stump,
John Orland Lawrence,
Charles Williamson Glover,
William Ralph Evans,
John Knox Galley, jr.,
Warren Lambert Shumaker,
Charles Read Simmons,
James Van Valkenburgh Shufelt,
William Harold Davidson,
Herbert Anson Welch,
Hobart Raymond Gay,
Rutherford Leon Hammond,
Paul Hamilton Alling,
Ervin William Harrison, jr.,
Raymond Gordon Clark,
Elisha Carpenter Wattles,
Brooks Shumaker,
Parker Gillespie Tenney,
George Pat Pattison,
Mordaunt Verne Turner,
Norman E. Waldron,
Herbert Johnson Burke,
Leo Lawrence Gocker,
Carleton Swasey,
John Hickman Ransdell,
Edwin Wilds Godbold,
Louis Gerisch Forney,
Hugh Brooks,
John Gilbert White,
Edwin William Meise,
Raymond Carmichael Gibbs,
Leo Francis Crane,
Harry Clark Boden,
Alfred Grace Ford,
Rohland Andrew Isker,
James Madison Graham, jr.,
Wallace Graham Corwin,
Robert Reginald Maxwell,
Peter Ditmar Larson,
Charles Arthur Horger,
Robert Oney Wright,
Arthur Dickinson Soper,
Conrad Grey Wall,
Andrew Wilson, jr.,
Roger Lee Branham,
Harold Albert Davis,
Lloyd Arthur Hoscin,
Charlie Edward Hart,
Richard Thomas Lyons,
Hugh Arthur Barnhart,
James Wade Jenkins,
George Henry Howard, jr.,
Frank Widemann,
Arthur Chittenden Crunden,
James Parker,
James Thomson Donald,
Edward Gillett Knowles,
Guy Tilghman Orme Holliday,
Francis Vincent Terry,
Tolman Douglas Wheeler,
Charles Edward Dissinger,
Martin George Charles,
Earl Maxwell Abbott,
Harvey Morris Breaks,
Williamson Wells Simons,
Robert Bage Kerr,
Samuel Vallance Hyatt Danzig,
George Frederic Neilson,
Dean Ambrose Jones,
Hugh Franklin Conrey,
Callistus James Ennis,
Venance LeMay,
Edward Longworth Morss,
Paul Carson Febiger,
David Nelson Sutton,
Alexander Dyer Mason,
William Eskridge Duke,
James Jerome Roach,
Paul Juneau King,
Harry Edmund Pendleton,
Thomas McPheeters Glasgow,
John McLean,
Fred Thomas Cunningham,
Benton Frank Munday,
Gyles Merrill,
William Copers Bowie,
Wilfred Ernest Willis,
John Blaine Seaton,
Thomas Paul Sweeney,
Richard Sutphen Miesse,
James Montagu Adamson, jr.,
Charles Everhardt Sheldrake,
Kenneth Melville Harris,
Max Harry Nippell,
Charles Morton Stewart, 3d,
Philip Sheridan Wendock,
Stewart F. Miller,
Joe Carroll Rogers,
Frank Albert Allen, jr.,
Matthew Griswold, 3d,
Guy Orth Kurtz,
Louis Joseph Compton,
Frederick Sanborn,
Clarence Augustus Lefferts,
Nables Fred Ryan,
George W. Barber,
Francis Minot Weld,
Read Wipprecht,
Claire Morton Daugherty,

Ceylon Otto Griffin,
Edward E. Hamilton,
Eric Fletcher Cress,
Dimetrio Peter Harkins,
Harold Grant Hathaway,
Bruce Magaw McDill,
Loren Francis Parmley,
Edward Herendeen,
Floyd Manley Friar,
John Anthony Anbeier,
Grayson Hunter Bowers,
Thomas W. Herron,
Alfred Roy Teter,
Harry Glenister Clarke,
Milton Humphrey Seabury,
Joseph Sarsfield Sweeney,
Fred William Koester,
Marvin Banks Perry,
Chauncey Arthur Shannon,
Alexander Bull MacNabb,
Robert Hicks Van Deusen,
Charles Campbell McCall,
William Neely Todd, jr.,
Walton Whittingham Cox,
Dudley Miller,
John Kelly Egan,
Thomas Reed Taber,
Earl Wilton Henderson,
Rosa Ernest Larsen,
Charles William Burton,
Harry Duncan Bishop,
Walter Alfred Stover,
Samuel Greenwood Mitchell,
Calvert Lewis Estill,
Nathan Cockrell,
Channing Clarence Beeth,
Cecil Junior North,
Robert Milton Eichelsdoerfer,
Edmund Hope Driggs, jr.,
James Tolmie Watson, jr.,
Roswell Emory Round,
William Donald Thompson,
Graham Train Winslow,
Edward Brooke Harry,
Herbert Delmar Bowman,
Albert Gordon Klapp,
Fred Paul Clark,
James Perry Thurber,
Edward Abbott Titcomb,
Henry Chace Tatnall,
Harry Leroy Jones,
John William Middendorf, jr.,
Calvin Ray MacGillivray,
George Stanley Clarke,
Harold Paul Stewart,
Harold La Roy King Albro,
Ward H. Porter,
Elias Lyman, jr.,
Charles Lemon Baker,
Darrow Menoher,
Mark Andrew Devine, jr.,
John Linton Pettibone,
Edwards Hall Berry,
Harold Ernest Taft,
Max George Werner,
Gerald Fitzgerald,
Paul Schulze, jr.,
Henry C. Banks,
Chauncey Ryder McPherson,
Daniel Crossley Robinson,
Thomas Nast St. Hill,
William H. Killian,
Carl Julian Doekler,
Alfred Porter Tenison,
Olin Coke Newell,
Laurence Mather Selleck,
Lawrence W. Fox, jr.,
Lawrence Tracy Brown,
Harry Augustus McColn,
Carroll Edward Patterson,
George Maurice Robertson,
Frank Buckel McKay,
Clark Wesley Johnson,
Winston Reese Withers,
Ashley Hearn Conrad,
Frank Earle Noyes,
Ferdinand Blekre,
Charles Earl Flack,
John Steele Tyler,
Aubrey Russell Bowles, jr.,
Frederick A. Gray,
Ralph Charles Thomas,
James Robert Lowry, jr.,
Talbot Taylor Speer,
John Minor Lile,
Charles Morton Denny, jr.,
Sidney Reed Smith,
Russell Frank Locke,
Charles Underwood Fisher,
Harold Stephen Thurber,
Arthur Tillinghast Huston,
William Kerlin Ennis,
Raymond Shener Jett,
Warren Crenshaw Brown, jr.,
Clarke Oler Kimberly,
Paul Clarence Boylan,
Guy Russell Chamberlin,
Lewis Berry Angel,
Jack Raymond Burke,
William Hobart Little,
Harold Philip Heckenberger,
Emerson Wiley Jarman,
Roger Eugene Williams,
George James Waggner,
Claude Newbury,
Frank Reid Baker, and
Deane Childs Howard, jr.

FIELD ARTILLERY ARM.

To be second lieutenants.

Joseph W. Del Alamo,
Richard Weaver Hocker,
William McKee Dunn,
Willard Sears Simpkins,
Rene Joseph Le Gardeur, jr.,
Corydon Hubert Sutton, jr.,
Henry Manchester Ladd, jr.,
Gustav Edwin Moe,
Philip Ramer,
Ozro Freemon Rideout,
Floyd Courtland Marshall,
Harris Markham Findlay,
Thomas Foster Furness,
Joseph Lovell Corcoran,
Dana Mortimer Hubbard,
Clyde W. White,
Preston Southworth Hoyt,
Clifford Adin Lalin,
Willis Wilkinson Hubbard,
Fairfax Stuart Landstreet,
Floyd W. Stewart,
Fairfax Davis Downey,
Bernard Carter Law,
George Faber Downey, jr.,
Andrew Carrigan, jr.,
Harley Latson,
John Vincent Thompson,
Carl Z. Draves,
Archibald Donald Fisken,
Samuel Cromwell Holliday,
Emory McKinley Hoover,
William McBlair Garrison,
Leon Jenkins Paddock,
Brian Cutler Curtis,
Henry Lewis Nicholls,
Arthur N. Selby,
Thomas Hall McKey, jr,
Walter A. Phillips,
Stuart M. Canby,
Harry Y. Stebbins,
Edmund D. Margrave,
Harry Darby, jr.,
Samuel Powel Griffitts,
Joseph William Leef,
Charles Benjamin Bonner,
Arthur Lafayette Warren,
Thomas Kenneth Vincent,
Merritt Halstead Greene,
William Beattie Weekley,
William Bennett Tucker,

Philip Dorn Tryon,
Ary Clay Berry,
George Davidson, jr.,
David Lewis Ruffner,
Mark Milton Serum,
Louis H. Penney,
Ross Breckon Warren,
William Murray Whittle,
Addison Henry Douglass,
Arthur Eugene Fox,
Lewis Alexander Bond,
Robert Alexander Barnard Goodman,
Devereux Colt Josephs,
Henry Maynard Rees,
John Gray Paul,
James Embury Brinckerhoff,
William Gerald Cummings,
Harold Taylor Brotherton,
Larkin W. Glazebrook, jr.,
Samuel Dalia Smoley,
Charles Ferriday Neave,
Robert Wilbar Wilson,
Donald Howlett Brown,
Ralph de Poix Terrell,
Stephen Bradshaw Ives,
Robert Fulton Webb,
William George Lasch,
Miller Hall Pontius,
Fritz Andrew Nagel,
Adrian James McDonald,
John Eaton Hartigan,
John Littlefield Handy,
Edgar Allen O'Hair,
Stephen Mahon,
Addison Bennett Green,
John Rutledge Shepley,
Roger Allen Sanford,
Kenneth Leeds Holmes-Brown,
Oliver Baty Cunningham,
Harvey Ernest Ragland,
Charles Henry Burchenal,
Robert Emmett Crotty,
Wilton Lloyd-Smith,
Frank Combs Delaney,
Pell William Foster, jr.,
Kennedy Hassenzahl,
Arthur Pruden Patterson,
Robert Parker Reynolds,
Philip Gibson Hodge,
Dennis Percy McCarthy,
Albert Tate,
LeCount Haynes Slocum,
John Howard Shelton,
Louis Heyward Lathrop,
John Van Hoesen Challiss,
Junius Sturges Roberts,
Frederic W. W. Graham, jr.,
Joseph Reed Estabrook,
Harold Daniel Finley,
Leo Joseph Vogel,
James Patrick Kelly,
Richard Baldwin von Maur,
Harold Trumpler Deeds,
Millard Lindsey Hamaker,
John Brainard Fidlar,
Wilbur Burnette Sumner,
Cabell Breckinridge Ten Eyck,
Douglas Henry,
John Arnold Graves,
Hastings Seth Morse,
George Munro Schurman,
William Edward Corkill,
Charles Donald Brown,
Lester Martin Kilgarif,
Henry Wiley Krotzer,
James Bland Catlett,
Robert Luther Randol,
Douglas Lee Crane,
Melville Halstead Rood,
Thomas Lewis Chalmers,
Harry Newton Blue,
Fredric Harris Timmerman,
James Howard McHenry,
Alford John Bradford,
Gurney Lapham Smith,
John Merryman Franklin,
George Sidney Goodspeed,
Amos Eugene Carmichael,
Raymond Hoff Seagle,
John Victor Anderson,
Henry Wood Wiley,
Walter Rompel,
Winfred Charles Green,
Marion Irwin Voorhes,
Algernon Sydney Coleman,
Leslie Warnick Devereux,
Robert Francis La Barron,
Edgar Gibson Crossman,
James Hollam Boyd,
Ralph King Learnard,
Pitt Fessenden Carl, jr.,
David Wentworth Potter,
John Henry Gardner, jr.,
Earl Cranston Ewert,
Donald Degray Demarest,
David John Fitzgerald,
William Chamberlain Chanler,
Ralph Waldo Hahn,
Orrin Paul Kilbourn,
Robert Ellsworth Jacobson,
John Terence Clancy,
Richard Almerin Miller,
Winthrop Worcester Leach,
John William O'Harrow, jr.,
James Blanding Dick,
Carol Spencer Snowden Kennedy,
Dan Cummins Kenan,
Joseph Adelbert Martz,
Andrew Stewart Messick,
Lee Burwel Goff, jr.,
Kenneth Smith Wallace,
Ralph Heatherington,
Eugene Bradford Ripley, jr.,
Thornton Davis,
Frederick Major Williams,
Harry Benjamin Routh,
William Eugene Farthing,
Jackson Herr Boyd,
Noel Noyes,
John Calvin Butner, jr.,
William Boardman Bowles, jr.,
Edward Cummings,
Eugene Weston, jr.,
Edward Stanley Ott,
Richard Dupree Roquemore,
Ralph Bridges Bagby,
Kenneth Hodges,
Theodore B. Moore,
Melvin Leslie McCreary,
John Stacy Brown, jr.,
Eugene Miner ReQua,
Herman Hollie Felix Gossett,
Murray Matthews Montgomery,
Roderick James McIntosh,
Lester Johnson Whitlock,
Harry Lee Campbell,
Hinton Fort Longino,
Frederick Harry Black,
William Ballinger Cobb,
Angelus Geague Burch,
Chisholm Garland,
Harvey Edward,
Everett Banfield Jackson,
George Price Hays,
George Washington Cassell,
Hugh Applegate Reid,
Edward Wadsworth Tanner,
Ralph Julian Canine,
William Lloyd Baily, jr.,
Donald Alfonso Carson,
Herbert Sydney Duncombe, jr.,
Donald Julius Cranston,
Josef Robert Sheetz,
Hugh St. Clair Clarke,
George Glenn Witter,
Elmer Jamison Gray,
George Meade Parker,
Alfred Proden Kelley,

Oliver Ferguson Marston,
Clarence Clemens Park,
Eugene Dodd,
John Swift Anderegg,
Austin Vincent Clifford,
Maurice R. Harrison,
Fred Bidwell Lyle,
Zim E. Lawhon,
Robert Irving Laggren,
Fletcher Settle Riley,
Willoughby Talbot Cooke, jr.,
William Bogardus Merselis, jr.,
Norman Underhill White,
Thomas Joseph Ross, jr.,
Jerome Bowes, jr.,
Harding Chambers Woodall,
John White McCaslin,
Jefferson Cleveland Campbell,
John Harold Keatinge,
Hoyne Howe,
Julian Bobbs,
James Warren Andrews,
Carlton Benton Rettig,
Kirk Wesley Howry,
Maurice Meyer Minton, jr.,
Frederic Arthur Metcalf,
Thomas Wilson Wilmer,
Hudson Burr,
Harrison Marshall Robertson,
William Russell Philp,
Edward Taylor Kirkendall,
Herbert William Nauts,
Walter Harold Soderholm,
Terre Nichols Hendricks,
Charles E. Finney, jr.,
John Milton DeBell,
Edward Carrington Thayer,
Clyde Bassett Sturtz,
Vennard Wilson,
John Blair Barnwell,
Oswald Burnett Higgins,
Albert Webster Long,
Robert Marrs Barnett,
Charles Alexander Staebler,
Percy Custer Fleming,
Sievers Whitehead Susmann,
Paul Bomberger Shearer,
Samuel Cabot Almy,
John Francis Roehm,
John Thomas Shea,
Robert Driscoll,
Chilton Richardson Cabot,
Nathan David Gordon,
Alexander Louis Schlesinger,
Clyde Crenshaw Caswell,
Murray Lloyd Goldsborough,
Robert Taft Staples,
Howell Redd Hanson,
George Robert Hayman,
Howard Everett Camp,
Samuel Chester Gale,
Allan Boyd Smith,
Allie Waldron Miller,
Lloyd Smith Partridge,
Frederick Howes Ruppel,
Richard Jackson Howard Farrar,
Harold White Blakeley,
George Etter,
Willie Charlton White,
Edward Bradley Anschutz,
Charles Burgess Arthur, jr.,
Davis Jones Cloward,
Leon Dessez,
Vernon King Hurd,
Henry Porterfield Taylor,
Armin Adams Uebelacker,
Mark Allan Van Liew,
Yssel Yvette Young,
Carl Arnold Grasse,
James Gaulding Watkins,
Paul Mitchell Arnold,
Charles Miner Miller, jr.,
Curtis Thomas Everett,
William Samuel Jacobs,
John Patrick Crehan,
Charles Mortimer Sheldon, jr.,
Samuel Owen Taylor,
Bernard Marshal Barcalow,
Donald Sutter McConnaughy,
James Bruce,
James Taylor, and
Samuel White, jr.

COAST ARTILLERY CORPS.

To be second lieutenants.

Milton Mortimore Levy,
Ulric Johnson Mengert,
Hugo Dalsheimer,
Richard Whitman Coward,
Edward Tankard Browne,
John Ogden Merrill,
Horace Clifford Levinson,
Percival Spurr Howe, jr.,
Miles Whitney Kresge,
Edwin Scott Roscoe,
George Worcester Ricker,
Edward Smith Fraser,
Milton Wayne Pollock,
Sumner Tucker Pike,
Sealand Whitney Laudon, jr.,
Harold Connett,
Leslie Clyde,
John Mead Silkman,
John Summerfield Jenkins, jr.,
Stanley Raymond Mickelsen,
William Le Roy Hart,
Lawrence Beatty Morse,
George Parkhurst Lee,
Ralph Earl Glasheen,
Earnest Jackson Oglesby,
Eugene Morgan Vigneron,
Henry Clarkson Meredith,
Dana Little Barbour,
Ralph Beatley,
Carroll Gowen Riggs,
Max Weston Thornburg,
George Wright Farnham,
Richard Montague Kimball,
Edwin Fry Barry,
Eugene Sinclair Taliaferro,
Robert Alexander Clyde,
Andrew Fleming Patterson,
Forrest Glenn Tucker,
Howard Tasker Evans,
Spessard Lindsey Holland,
William Penn Esterbrook Ainsworth,
Herbert Fritz Ernst Bultman,
Donald Fisher McClure,
Wilton Burton Persons,
Homer Case,
Edward Parry Sykes,
John Vickers Ray,
Burleigh Adelbert Lum,
Wilbur Southwood Vaughan,
Reginald Scott Fleet,
Roland Dyer Hawkins,
Melzar Merrick Whittlesley,
Roscoe Plimpton De Witt,
John George Murphy,
Walter Joseph Collet,
Joe Jene Miller,
John Van Auken Mackenzie,
Frank Johnson McSherry,
George Francis Arthur Mulcahy,
Charles Sydney Hammond,
William Bertram Jones,
Cornelius Sheldon Whittelsey, jr.,
Carleton Engler Snecker,
Robert Benjamin Adams,
Clarence Cory Harshman,
Lewis Jerome Taylor,
Pennock Hart Orr,
John Kay Christmas,
James Milton Harris,
Walter Berry Littlefield,
Philip Hastings Middleditch,
Wilfrid Warren Montague,
Donald Blake Webster,
George Bassett Roberts,
Arthur Howard Warner,

Frank Eliha O'Neill,
Banks George Moreland,
Monroe Warren,
James Muir Ralston,
Ransom Davis Spann,
Donald Gibbs Crowell,
Arthur Castle Hawkins,
Otto de Lorenzi,
Richard Marston Kew,
Alexander Gould Campbell,
Ernest Ray Campbell,
Joseph Graham Pringle,
John Wesley Card,
Jack Philizy,
Manly Brondus Gibson,
Charles Henry Hagelstein,
Huntington Reed Hardwick,
Robert Clyde Jordan, jr.,
Malcolm Samuel Cone,
Alvah Edgar Moody,
Robert Kent Gooch,
Oliver Nelson Hollis,
Cranston Bourquin Rader,
Cedric Ezra Scheerer,
Geoffrey Marshall,
Lloyd William Taylor,
Guy Head Hearon,
Francis Eugene Harrison, jr.,
James Wallace Hopkins,
Ralph Ernest Billsborrow,
Alfred Wilson Chapman,
William Austin Emerson,
Lawrence James Meyns,
James Cutler Vickery,
Clarence Elmer Muehlberg,
Edwin Converse Higbee,
William Tiffory Andrews,
Stoddard Pintard Johnston,
Lewis Allison Hudgins,
Levi Monroe Bricker,
Thomas Paul Ahern,
Lawrence Iverson,
Herbert Macmillan,
John Pehrson MacNeill,
Archibald Luther Parmelee,
Robert Emmett Ryerson,
Sam Henry Colle,
Junius Rew Penke,
Sam Williams Anderson,
Richard Blodgett Cross,
Geoffrey Airlie Ogilvie,
John Scott Cansler,
George Meade Holstein, jr.,
Joseph Gerald Cole,
Ward Rubendall,
Clyde LeGage Walker,
Richard Brownley Gayle,
Stillman Brainard Hyde,
Winston Woodard Little,
Ralph Patterson Wagner,
John Andrew Spanogle,
Henry Morrell Atkinson, jr.,
Charles Spurgeon Harris,
Paul Wolcott Rutledge,
Alvin Clark Smith,
James Christopher Corliss,
Robert Tappan Chaplin,
Chester Bailey McCold,
Hugh Gray Lieber,
Earle Williams Marvin,
Robert Goodwyn Rhett, jr.,
James Kenneth Morris,
Charles Emmet Bates,
Marshall Lawrence Gosserand,
Winthrop Myers Allen,
Maxwell Renvell McMillan,
St. John Waddell, jr.,
Cary Breckinridge Easley,
Nicholas Brown O'Connell,
Junius T. Moore,
Oscar Dubois McNeely,
Abraham Robert Ginsberg,
Vincent Kinsman Smith,
Charles Lee Ordeman,
Ramon Conroy,
Thomas Jeffries Betts,
David Oliphant Haynes, jr.,
Edwin John Patton,
Morris Clinton Handwerk,
Herbert Benjamin Knox, jr.,
Charles Cobb, 3d,
Benjamin Franklin Harmon,
Ralph Albert Densmore,
Charles C. Bell, jr.,
Charles William Lawrance,
Edgar Carlyle Outten,
David Warner Burgoon,
Raymond Blanton Bottom,
Farrant Lewis Turner,
Henry Terry Morrison,
Lee Duren Pettingill,
Malcolm Harrison Ross,
Leonard Roscoe Crews,
Harold Marshall Jobes,
Thomas Joseph Delaney,
William Fraser Cassedy, jr.,
John Winthrop Loveland, jr.,
Scott Hayes,
Webster Hamlin Warren,
Callan E. England,
Evan Heber Benoy,
John Brown Bethea, jr.,
Charles William Higgins,
Hugh Nathan Herrick,
George Wesley Norrick,
Milton Livermore Dodge,
Robert Mochrie,
Albert Blakeslee Ede,
Donald William Tyrrell,
Everett Maxwell Barton,
Warren Slaughter Robinson,
William Warren Wertz,
Vincent Joseph Flanagan,
Evans Read Crowell,
Simon Lee Bear,
Laurence Willis Hutchinson,
Gilbert Herman Gaus,
James Chester Bates,
Thomas Edison Troland,
William Alice West, jr.,
Louis Howard Thompson,
Albert Bonds,
Thomas William Conrad,
Frederick Wilhelm Hoorn,
Charles Cooper Stalter,
Joseph Carson Stephens,
Eugene Reedy Guild,
Thomas Ryder Lannon,
Leslie W. Jefferson,
Luther Orland Leach,
James Denison Jones,
Guy Wesley Thomas,
James Leo McMullen,
Charles Rumford Walker, jr.,
Harold Long Williamson,
Isaac Wynne, jr.,
Temple Hoyne Buell,
Julien Robert Hume,
John Reigel Embich,
Ernest William Soucy,
Donald Brooks Hilton,
Ralph Edwin Hill,
Francis Lancaster Christian,
Maitland Bottoms,
William Robinson Epes,
Irvin Henry Zeliff,
Charles Harrington Stewart,
John Flaesan,
Edward Norton Horr,
Joseph Edward Simmons,
Lucius Tuttle Hill,
Hal Francis Corry,
Martin Allen Hayes,
Edward Ramsey Holland, jr.,
John Wesley Russey,
James Dennett McIntyre,
Harry William Lins,
Bryan Lee Milburn,
Alexander Berkeley Carrington, jr.,
Frederick Henry Bachman,

Bradley Johnson Saunders, jr.,
Herbert Charles Bartlett,
Nyal L. Adams,
William Brewer Cooley,
Lloyd Gerald Sparks,
Arthur Fernando Aston,
Charles Milby Dale,
Stanford Rayne,
Harry Montgomery Carder, jr.,
William Anthony Clark, jr.,
William Wallace Dinsmore,
Arthur Duffy,
Ellsworth Young,
John William Fuchs,
Thomas Reed Bartlett,
Dudley Franklin Taylor,
James Leslie Dewitt Corey,
Andrew Jackson Bentley,
Frank Hitch Pritchard,
Clyde Mortimer Watson,
Stanley Hamilton Franklin,
Raymond Wilson Symonds,
Thomas Scott McConnell,
Detlow Mainch Marthison,
James Daniel Harvey,
Jerry Vrchlicky Matejka,
Arthur de Vries Burke,
Roy Lee Peck, jr.,
Edwin Eugene Aldrin,
Thomas Lamar Clenton,
Charles Lemon Miller,
Joseph Earl Seiter,
William John Hiller,
Adkins Foote Bowden,
Frank Harold Haupert,
Leroy Kerr Thompson,
Milton Heilfron,
Leonard Ober,
George Flory Begoon,
Maurice Francis Dunne,
Adam Jackson Bennett,
William Hesketh,
George Curtis McFarland,
David Maxwell Waddey,
Harry James Rice,
Frazier Groff,
John Ambrose O'Leary,
Joseph Jennings Clarkson,
Joseph William Vann,
Guy Early Cate,
Walter John Wolfe,
Lloyd M. Hanna,
Seven Parker Costin Duvall,
James de Graffenriede Graves,
Hiram Hitchcock Maynard,
George Warren Dunn, jr.,
James Willard Walters,
Richard Cox Coupland,
William Joseph Burke,
George Hammond Tilghman,
George William Brent,
John Cornelius Roberts,
Daniel Webster Hickey, jr.,
Thomas Atkinson Jones, jr.,
Edwin Meade Newton,
Samuel James Ogilvie,
James Webb Benton,
Bruce W. Mason,
Stapleton Conway Deitrick,
Arthur Wilson Winship,
Elvin Leon Barr,
Thomas D'Arcey Brophy,
James Emerson Troupe,
John D. Hindle,
Douglas Eaton Morrison,
Ray Omer Edwards,
Samuel Davenport Bridge, jr.,
Carl Wood,
Thomas Eugene Jeffords,
Richard Dale,
Leslie Oakes Carr, jr.,
John McClelland Abrams,
Ward Edwin Becker,
George Herbert Glover Campbell,
Amory Oliver,
Seth Gerson Hess,
John Webster Becker,
James Boyden Crelvo Siske,
Ralph Scallon Herman,
Clarence Webb Dresser,
Kenneth George Brown,
Robert James Malone,
Louis Andre Lamoreux,
William Wayne Murphey,
Earl Hendry,
Chester Edward Ames,
Harry Bertram Aaron,
William Boyd Sommerville, jr.,
James Lawrence Whalen,
John Locke Dogget, jr.,
Frank Hendricks Hastings,
Stephen Wilkins Thompson,
Joseph Hiram Gilbreth,
Adolph Frederick Youngberg,
Harold Artemas Packard,
Walter Allan Moore, jr.,
Paul Americus Harris,
John Aloysius Malone,
Harry William Emil Bukowsky,
Howard Wright Reilly,
Walter Edward Huguins,
John Adolph Lindner,
Raymond Miller Richardson,
Marion Nimmo Fisher,
Charles Oliver Pengra,
Lionel David Smiley,
Harold Gilbert Archibald,
Edward Garrett Cowen,
Kenyon Putnam Flagg,
Charles Miller Black,
Murray Hoffman,
Waldo Huntting Rice,
Joseph Burske Hafer,
Leavitt Randall Barker,
Eben Sumner Draper,
Carl Frederick Westerberg,
John B. Roller,
Albert Converse Rountree,
James Kelsey Cogswell,
George Arthur Wilson,
Walter Burroughs Strong,
Walter H. Rice,
Thomas Henry Healy,
Roy Arthur Horning,
Henry Augustine Harkins,
George Bernhard Anderson,
David Longfellow Patten,
George Edward Moore,
John Atkinson Moore,
Russell Meade Neff,
Daniel Howe Hoge,
Renmer Walker Argo,
Edward Lucien Supple,
Francis Whittlesey Swain,
William Kirk Fowler, jr.,
Alexander Maxwell Hamburg,
Fisel Beebe Hanchett, jr.,
Paul Hatch,
Willard Paine Woodman,
Walter Hannum Wheatley,
Armistead Landon Wellford, jr.,
Samuel McCullough,
Owen Miner Rose,
Frank Patterson Christian, jr.,
Wilber Russell Ellis,
John V. Fenton,
Cyrus Bashford Austin, jr.,
Mahlon Milton Read,
Roland Virgil Vaughn,
Allen Ferdinand Grum,
Donald Whitaker Campbell,
Frank Brodsky,
Bernard Clark Dailey,
Francis Paul McKenney,
William Cross Ferguson,
George Montgomery Lovejoy, jr.,
Eugene Thomas Conway,
Edward Carleton Moran, jr.,
John Woodbury Leavitt,
Richard Forrest Evans,

Clarence Stephen Hallett,
Robert Sherman Lewis,
Walter Scott Stewart,
Linwood Irving Noyes,
Allyn Denison Stoddard,
Arthur Knowles Stewart,
Adolf Blunk,
McClellan Ratchford,
Standish Edmund Berry,
Hugh Williamson Rowan,
Edward Prescott Wright,
Edward Columbus Jerome,
Herbert Kuno Schulz,
Robert Elwyn DeMerritt,
Jay Thompson Bell,
James Franklin Powell,
William Delton Hohenthal,
William Shelter Baxter,
Joseph Hall Van Schoick,
Harry Browne Beale,
Rufus Laurence Nelson,
Henry Lafayette Miller,
James Ralph Lowder,
Frederick Mason Fischer,
Robert Joseph Miskovsky,
Bayard B. Buchanan,
John Thomas Schneider,
Willard Warren Scott,
Curt Paul Richter,
Harold Deas,
Irving LaFetra Arbeely,
Edwin Philip Hart,
Lee Bodenhamer,
Leonard Louis Davis,
Frederick William White, jr.,
Franklin Temple Ingraham,
George Roy Genung,
William Langley Granbery, jr.,
Harold Leo Stiebel,
Gilbert Agnew Hunt,
Webster Fletcher Putnam, jr.,
Merle Halsey Davis,
Frank Simmons Hubbard,
George Berry Dobyns, and
Henry Devries Cassard.

PROVISIONAL APPOINTMENTS, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. Francis Fielding Reid, Infantry, to be first lieutenant of Field Artillery.

First Lieut. Frederick R. Baker, Infantry, to be first lieutenant of Field Artillery.

INFANTRY ARM.

First Lieut. Charles W. Chalker, Field Artillery, to be first lieutenant of Infantry.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

FIELD ARTILLERY ARM.

To be captains.

First Lieut. Sherman L. Kiser,
First Lieut. Elmer Yeager,
First Lieut. Marvin C. Heyser,
First Lieut. Idus R. McLendon,
First Lieut. Michael J. Fibich,
First Lieut. Sidney G. Brady,
First Lieut. George A. Pollin,
First Lieut. David E. Finkbiner, and
First Lieut. Chauncey F. Ruoff.

CORPS OF ENGINEERS.

To be captains.

First Lieut. Herman H. Pohl,
First Lieut. Gerald A. Counts,
First Lieut. Hiram B. Ely,
First Lieut. Kenneth M. Moore,
First Lieut. Charles D. Harris,
First Lieut. Edmond H. Levy, and
First Lieut. Thomas D. Stamps.

To be first lieutenants.

Second Lieut. Herman H. Pohl,
Second Lieut. Gerald A. Counts,
Second Lieut. Hiram B. Ely,
Second Lieut. Kenneth M. Moore,
Second Lieut. Charles D. Harris,
Second Lieut. Edmond H. Levy,
Second Lieut. Thomas D. Stamps,
Second Lieut. Bartley M. Harloe,
Second Lieut. Starr C. Wardrop,
Second Lieut. Girard B. Troland, and
Second Lieut. Llewellyn M. Griffith.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Maj. John B. Huggins to be lieutenant colonel.

COAST ARTILLERY CORPS.

First Lieut. Austin Mc. McDonnell to be captain.
Second Lieut. Austin Mc. McDonnell to be first lieutenant.

VETERINARY CORPS.

To be veterinarians.

Asst. Veterinarian Robert Vans Agnew,
Asst. Veterinarian Richard H. Power,
Asst. Veterinarian Henry W. Peter,
Asst. Veterinarian William P. Hill,
Asst. Veterinarian Jules H. Uri, and
Asst. Veterinarian John A. McKinnon.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 18, 1917.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of light and life, justice and mercy, love and liberty, peace and good will, our hearts turn to Thee with inexpressible joy and gratitude at this season of the year; which reminds us of Thine own best gift to the world, through whom Thou didst reveal Thine own heart, and through whom Thou didst impart life more abundantly unto Thy children.

Help us to forgive our transgressors as we hope at last to be forgiven of Thee. Hasten the day, we beseech Thee, when all the nations of the earth shall dwell together in the peace, heralded by the angelic host: "Glory to God in the highest, and on earth, peace, good will toward men."

Let Thy blessing attend the officers, Members, and employees of this House and their respective families as we separate for the holiday season, and bring us together at the appointed time in health, strength, and vigor, that we may do the work Thou hast given us to do, in the spirit of the Lord Jesus Christ, our Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. LANGLEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. LANGLEY. Mr. Speaker, I rise to ask unanimous consent to extend my remarks in the RECORD by printing a letter addressed to me by J. H. Wheelwright, president of the Consolidation Coal Co., of Baltimore Md., discussing the coal situation. This is one of the large producing companies of the country, and this letter is one of the best statements of the present situation that it has been my pleasure to hear or read.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

THE CONSOLIDATION COAL CO.,
Baltimore, Md., December 14, 1917.

Hon. JOHN W. LANGLEY,
House of Representatives, Washington, D. C.

MY DEAR MR. LANGLEY: Coal being the essential of essentials must be produced in sufficient quantity to supply the fuel necessities of the home, the farm, the factories that are engaged in the production of such things as are absolutely necessary for the successful continuation and culmination of this war, the steel mills, the powder mills, the public utilities, the munition plants, the railroads, the steamships, ship yards, by-product, and other plants that can not be shut down or discontinued.

This is an undisputable fact

The question which is important to impress upon your mind is that this amount of coal is not at present being produced and with this statement accepted as a fact, what is the remedy that should be applied immediately?

First, Soft coal almost without an exception when mined has to be dumped from the miner's car as it comes out of the pit or mine mouth over a tipple direct into a railroad car, and unless there is a railroad car under the tipple the miner's car, which holds about 2 tons, can not be dumped and the mine then and there is compelled to shut down. The 100 or more miners working at that particular mine will then come out, go to their homes, and produce no more coal for that day; so therefore the amount of coal that their labor could and would have produced for that particular day is absolutely lost.

It is perhaps also true that the railroad systems are so crowded with freight that under the present arrangement it is absolutely impossible for them to supply coal cars at mines with sufficient regularity, and in sufficient numbers to produce the coal necessary.

While the United States fuel administrator can and does direct unto whom the coal that is mined should be sent, unless coal is mined in sufficient quantity how will this bring relief when there is not sufficient coal on top of the earth to divide to prevent your people from suffering from cold and your necessary institutions, mills, and factories from shutting down for want of fuel?

This situation has been presented and re-presented and there have been months of pleading but no days of action. Now as it would seem that the Government of the United States is about to take charge of the direction of the transportation companies is it not timely to bring to your attention the fact that these transportation companies must be ordered, and these orders must be universally carried out, to furnish to the coal mines of the United States sufficient railroad cars to take care of the fuel needed for the purposes above specified?

Second. My personal belief is that if this is done we have sufficient man power at the mines to produce the necessary coal. If, however, the coal operators and the coal miners fail in their manifest duty to produce the necessary fuel then give the President of the United States the power to conscript the operators, the coal miners, and take over the coal mines and compel the operators and the coal miners to perform their duty with the same fidelity as is required of the soldier in the trenches who is facing the most powerful and cruel foe that the world has ever known.

We have a large number of coal mines in your State that have not been for months producing the coal they are equipped to produce or had the man power to produce, on account of the failure of the transportation companies to furnish cars, and, of course, unless some real steps are taken the production of these mines and all other mines in your State must necessarily be less on account of the increasing difficulties in the operation of the railroads for the next three or four winter months.

I have, my dear Mr. LANGLEY, given you in the above statement my frank and honest opinion of the situation as I believe it exists to-day.

Very truly, yours,

J. H. WHEELWRIGHT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 115. Joint resolution providing additional telephone operators for the Senate and House of Representatives; and

S. 1848. An act for the relief of contributors of the Ellen M. Stone ransom fund.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Senate, two-thirds of the Senators present agreeing thereto, agrees to the amendments of the House of Representatives to the joint resolution (S. J. Res. 17) proposing an amendment to the Constitution of the United States.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 6867. An act to increase the number of midshipmen at the United States Naval Academy.

REFERENCE OF BILLS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that H. R. 242, by Mr. RAKER, and H. R. 3371, by Mr. FRENCH, bills to protect the rights of women citizens of the United States to register and vote for Senators of the United States and Members of the House of Representatives, referred to the Committee on Election of President, Vice President, and Representatives in Congress, be referred to the Committee on Woman Suffrage.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. Reserving the right to object, I desire to ask the gentleman from California, the chairman of the new committee recently created, if the resolutions conferring the right of suffrage on women should receive favorable consideration by the House would it be necessary for any action to be taken by the House on either of these measures?

Mr. RAKER. Presumably not; and I imagine that would be the attitude of the committee, but they claim jurisdiction, and some parties want to be heard, and the only thing is to give them an opportunity irrespective of what the committee might do; but I would say to the gentleman that when the House passes the constitutional amendment, which it undoubtedly will, I imagine there will be no reason, in fact, it would be hardly probable the committee would report this matter to the House. This, of course, can not be determined now.

Mr. WALSH. There is no intention on the part of the new committee to report in these measures before the constitutional amendment is acted upon?

Mr. RAKER. So far as I am concerned, if I can be of any assistance to the committee, it would be the purpose not to report them into the House until after the woman suffrage matter is disposed of.

Mr. WALSH. Despite that fact, does not the gentleman think it would be better to defer this matter of rereference and arranging for hearings upon these measures until action is had upon the national woman suffrage amendment?

Mr. RAKER. That may be all well so far as hearings are concerned.

Mr. CAMPBELL of Kansas. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CAMPBELL of Kansas. To inquire of the bill under consideration, whether it is the suffrage——

Mr. WALSH. Mr. Speaker, if I can not have my question answered in my own time, I shall be obliged to object.

Mr. CAMPBELL of Kansas. I simply asked for information.

The SPEAKER. The Chair supposed the gentleman from Massachusetts was through.

Mr. WALSH. The gentleman from California, Mr. Speaker, was attempting to answer the question I had put.

Mr. RAKER. In answer to the gentleman I will say that I think the jurisdiction ought to be transferred, but, to be perfectly frank with the gentlemen in the House, until that is disposed of—and I believe it will one way or the other on the 10th of January—I do not believe these hearings ought to be had upon those two bills or either of them until the matter is disposed of by the House, but now notwithstanding, in justice to the Committee on Woman Suffrage and the House, jurisdiction ought to be transferred.

The SPEAKER. Does the gentleman from Kansas have anything further to remark?

Mr. CAMPBELL of Kansas. What bill does the gentleman refer to?

Mr. RAKER. The bills I refer to now are H. R. 242 and H. R. 3371, which are practically the same, the latter introduced by Mr. French, of Idaho.

Mr. CAMPBELL of Kansas. For what do these bills provide?

Mr. RAKER. These bills are intended, as parties contend, to give to women the right to vote under the Constitution of the United States for Members of the House and Senate.

Mr. CAMPBELL of Kansas. Without regard to a constitutional amendment?

Mr. RAKER. Yes.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent, being authorized by his committee, to refer H. R. 242 and H. R. 3371 from the Committee on the Election of the President, Vice President, and Representatives in Congress to the Committee on Woman Suffrage.

Mr. GARD. Will the gentleman yield?

Mr. RAKER. I will.

Mr. GARD. To what committee are these now referred? Will the gentleman state the substance of the bills?

Mr. RAKER. I will. The bill 242 reads as follows. It is short.

Mr. SANFORD. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. RAKER. Mr. Speaker, I desire to present the following privileged motion. I am authorized by the Committee on Woman Suffrage to move that H. R. 242 and H. R. 3371, bills to protect the rights of women citizens of the United States to register and vote for Senators of the United States and Members of the House of Representatives, referred to the Committee on Election of President, Vice President, and Representatives in Congress, be rereferred to the Committee on Woman Suffrage.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUCKER. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Is this motion debatable?

The SPEAKER. No.

Mr. RUCKER. I hope it will be lost.

Mr. KITCHIN. Will the gentleman mind withholding that until we get through with these two very important matters that ought to be considered this morning? It could be deferred until these matters are disposed of.

Mr. RAKER. Mr. Speaker, I have another motion, a preferential one. If I will not lose my right, I will yield.

The SPEAKER. If anybody undertakes to enforce the rule strictly, if the gentleman waives his right, he will not get them back until another day. The gentleman from Tennessee [Mr. GARRETT] raised that identical point the other day.

Mr. KINCHELOE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KINCHELOE. Is this a preferential motion?

The SPEAKER. The motion is in order. The question is on rereferring these two bills, taking them from the Committee on the Election of President, Vice President, and Representatives

in Congress and sending them to the Woman's Suffrage Committee.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GARRETT of Tennessee. Mr. Speaker, I demand a division.

Mr. KINCHELOE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order there is no quorum present, and the Chair will count. [After counting.] One hundred and forty-one Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those who are in favor of rereferring this bill to the Committee on Woman Suffrage will, when their names are called, answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 234, nays 107, answered "present" 1, not voting 91, as follows:

YEAS—234.

Anderson	Foster	Lehlbach	Rose
Austin	Francis	Lenroot	Rowe
Ayres	Frear	Lilthicum	Saloath
Bacharach	Freeman	Little	Sanders, Ind
Baer	French	Littlepage	Schall
Barkley	Fuller, Ill.	Lobeck	Sears
Barnhart	Fuller, Mass.	London	Sells
Beakes	Gallagher	Lonergan	Shallenberger
Beshlin	Gandy	Longworth	Shouse
Bland	Garland	Lufkin	Siegel
Bowers	Garrett, Tex.	Lundeen	Sims
Britten	Gillett	Lunn	Sinnott
Burroughs	Glass	McAndrews	Sloan
Byrns, Tenn.	Glynn	McArthur	Smith, Idaho
Caldwell	Goodal.	McClintic	Smith, Mich.
Campbell, Kans.	Graham, Ill.	McCormick	Smith, C. B
Campbell, Pa.	Green, Iowa	McCulloch	Smith, T. F.
Cannon	Greene, Vt.	McFadden	Snell
Cantrill	Griest	McKenzie	Snyder
Caraway	Hadley	McKeown	Stedman
Carter, Mass.	Hamill	McKinley	Steenerson
Carter, Okla.	Hamilton, Mich.	McLaughlin, Mich.	Sterling Ill.
Chandler, N. Y.	Hamilton, N. Y.	McLemore	Stiness
Church	Harrison, Va.	Madden	Strong
Clark, Fla.	Haskell	Magee	Sweet
Claypool	Hastings	Maher	Swift
Connelly, Kans.	Hawley	Mays	Switzer
Cooper, Ohio	Hayden	Merritt	Taylor, Ark.
Cooper, Wis.	Heflin	Miller, Minn.	Temple
Copley	Helvering	Mondell	Templeton
Cramton	Hersey	Montague	Thompson
Crosser	Hicks	Moore, Pa.	Tillman
Dale, N. Y.	Hilliard	Morgan	Timberlake
Dale, Vt.	Hollingsworth	Morin	Towner
Dallinger	Huddleston	Mott	Treadway
Darrow	Hulbert	Mudd	Van Dyke
Davidson	Hull, Iowa	Norton	Vare
Denison	Hutchinson	Oldfield	Vestal
Dillon	Igoe	Oliver, N. Y.	Volstead
Dixon	Ireland	Olney	Waldow
Doolittle	Jacoway	Osborne	Walsh
Dowell	Johnson, S. Dak	O'Shaunessy	Walton
Drane	Johnson, Wash.	Overmyer	Ward
Dyer	Juul	Padgett	Watson, Pa.
Edmonds	Keating	Parker, N. Y.	Weaver
Elliott	Kehoe	Phelan	Welling
Ellsworth	Kelley, Mich.	Porter	Wheeler
Elston	Kelly, Pa.	Pou	White, Me.
Emerson	Kennedy, R. I.	Powers	White, Ohio
Esch	Kettner	Pratt	Williams
Evans	Kiess, Pa.	Purnell	Wilson, Ill.
Fairchild, B. L.	King	Rainey	Wingo
Fairfield	Kinkaid	Raker	Winslow
Farr	Knutson	Ramseyer	Wood, Ind.
Ferris	Kraus	Randall	Woods, Iowa
Fields	Kreider	Rankin	Young, N. Dak.
Fisher	La Follette	Reavis	Zihlman
Flynn	Langley	Riordan	
Foss	Lea, Cal.	Rodenberg	

NAYS—107.

Alexander	Dickinson	Jones, Va.	Rouse
Almon	Dies	Kearns	Tinley
Ashbrook	Dominick	Key, Ohio	Rucker
Aswell	Doremus	Kincheloe	Russell
Bankhead	Drukker	Kitchin	Sanford
Bell	Dunn	Lazaro	Scott, Mich.
Black	Dupré	Lee, Ga.	Sherley
Blackmon	Estopinal	Lesher	Sherwood
Booher	Flood	Lever	Sisson
Borland	Fordney	Mansfield	Slayden
Braud	Gard	Mapes	Small
Brodbeck	Garrett, Tenn.	Martin	Steagall
Browning	Gordon	Moon	Stephens, Miss.
Buchanan	Gould	Moores, Ind.	Stevenson
Burnett	Gregg	Nicholls, S. C.	Sumners
Byrnes, S. C.	Hamlin	Oliver, Ala.	Talbott
Candler, Miss.	Hardy	Overstreet	Thomas
Carlin	Harrison, Miss	Paige	Vinson
Classon	Heaton	Park	Walker
Coady	Helm	Parker, N. J.	Watkins
Collier	Hensley	Platt	Watson, Va.
Connally, Tex.	Holland	Polk	Webb
Cooper, W. Va	Hood	Price	Whaley
Crisp	Hull, Tenn.	Quin	Wilson, La.
Decker	Humphreys	Ramsey	Wilson, Tex.
Dent	James	Rayburn	Young, Tex.
Denton	Johnson, Ky.	Romjue	

ANSWERED "PRESENT"—1.

Butler

NOT VOTING—91.

Adamson	Eagan	Kahn	Saunders, Va.
Anthony	Eagle	Kennedy, Iowa	Scott, Iowa
Bathrick	Fairchild, G. W.	LaGuardia	Scott, Pa.
Blanton	Fess	Larsen	Scully
Browne	Fitzgerald	McLaughlin, Pa.	Shackleford
Bruckner	Focht	Mann	Slemp
Brumbaugh	Gallivan	Mason	Snook
Capstick	Garner	Meeker	Stafford
Carew	Godwin, N. C.	Miller, Wash.	Steele
Cary	Good	Neely	Stephens, Nebr.
Chandler, Okla.	Goodwin, Ark.	Nelson	Sterling, Pa.
Clark, Pa.	Graham, Pa.	Nichols, Mich.	Sullivan
Costello	Gray, Ala.	Nolan	Tague
Cox	Gray, N. J.	Peters	Taylor, Colo.
Crago	Greene, Mass.	Ragsdale	Tilson
Currie, Mich.	Griffin	Reed	Tinkham
Curry, Cal.	Haugen	Robbins	Venable
Davis	Hayes	Roberts	Voigt
Dempsey	Heintz	Robinson	Wason
Dewalt	Houston	Rogers	Welty
Dill	Howard	Rowland	Wise
Dooling	Husted	Sanders, La.	Woodyard
Doughton	Jones, Tex	Sanders, N. Y.	

So the motion was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. DILL (for) with Mr. MASON (against).

Mr. TAYLOR of Colorado (for) with Mr. SANDERS of Louisiana (against):

For the session:

Mr. STEELE with Mr. BUTLER.

Until further notice:

Mr. ADAMSON with Mr. ANTHONY.

Mr. BATHRICK with Mr. BROWNE.

Mr. BLANTON with Mr. CAPSTICK.

Mr. BRUCKNER with Mr. CARY.

Mr. BRUMBAUGH with Mr. CHANDLER of Oklahoma.

Mr. CAREW with Mr. CLARK of Pennsylvania.

Mr. COX with Mr. COSTELLO.

Mr. DEWALT with Mr. CRAGO.

Mr. DALE with Mr. TILSON.

Mr. DOOLING with Mr. CURRY of California.

Mr. DOUGHTON with Mr. DAVIS.

Mr. EAGAN with Mr. DEMPSEY.

Mr. EAGLE with Mr. GEORGE W. FAIRCHILD.

Mr. FITZGERALD with Mr. FESS.

Mr. GALLIVAN with Mr. FOCHT.

Mr. GARNER with Mr. TINKHAM.

Mr. GODWIN of North Carolina with Mr. GRAHAM of Pennsylvania.

Mr. GOODWIN of Arkansas with Mr. GRAY of New Jersey.

Mr. GRAY of Alabama with Mr. GREENE of Massachusetts.

Mr. GRIFFIN with Mr. VOIGT.

Mr. HOUSTON with Mr. HAYES.

Mr. HOWARD with Mr. WASON.

Mr. JONES of Texas with Mr. HUSTED.

Mr. LARSEN with Mr. KAHN.

Mr. NEELY with Mr. KENNEDY of Iowa.

Mr. RAGSDALE with Mr. LAGUARDIA.

Mr. ROBINSON with Mr. MCLAUGHLIN.

Mr. WELTY with Mr. WOODYARD.

Mr. SAUNDERS of Virginia with Mr. MEEKER.

Mr. SCULLY with Mr. MILLER of Washington.

Mr. SHACKLEFORD with Mr. NICHOLS of Michigan.

Mr. SNOOK with Mr. NOLAN.

Mr. STEPHENS of Nebraska with Mr. PETERS.

Mr. STERLING of Pennsylvania with Mr. SLEMP.

Mr. SULLIVAN with Mr. ROBERTS.

Mr. TAGUE with Mr. ROGERS.

Mr. WISE with Mr. ROWLAND.

Mr. VENABLE with Mr. SANDERS of New York.

Mr. BUTLER. Mr. Speaker, did my colleague from Pennsylvania, Mr. STEELE, vote?

The SPEAKER. He did not vote.

Mr. BUTLER. Thank you, sir. I have been paired with him. I voted in the affirmative. I want to withdraw that vote and vote present.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BUTLER, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. RAKER. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Motion by Mr. RAKER: I move that the following House resolutions proposing an amendment to the Constitution of the United States extending the right of suffrage to women be referred from the Committee

on the Judiciary to the Committee on Woman Suffrage, with jurisdiction, namely, House joint resolution No. 3, by Miss RANKIN; House joint resolution No. 4, by Mr. MONDELL; House joint resolution No. 11, by Mr. KEATING; House joint resolution No. 19, by Mr. HAYDEN; House joint resolution No. 34, by Mr. TAYLOR of Colorado.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. The resolutions referred to have gone to the Committee on the Judiciary. That committee has not acted upon them. It has not laid them upon the table. No action on them has been taken. Under the rule the fact that the bills are not reported would not prevent the House——

The SPEAKER. That is not a privileged matter.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. A resolution embodying the substance contained in each of these resolutions having been reported, would that make any difference in the parliamentary situation?

The SPEAKER. The Chair thinks not.

Mr. GILLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] will state his parliamentary inquiry.

Mr. GILLETT. I would like to make a parliamentary inquiry similar in nature to that made by the gentleman from California [Mr. RAKER], and that is that inasmuch as amendments exactly like this are already before the House for action, is it not a waste of time for the House to do anything about these?

The SPEAKER. If that were a parliamentary inquiry—which it is not—the Chair would say "Yes; it is a waste of time." [Laughter.]

Mr. GARRETT of Tennessee. Mr. Speaker, if the Chair will hear me for a moment, I make the point of order that the motion proposed by the gentleman from California [Mr. RAKER] is not privileged.

The SPEAKER. Why does the gentleman make that?

Mr. GARRETT of Tennessee. The Committee on the Judiciary——

The SPEAKER. I know; but I call the gentleman's attention to the fact that there are four of these things besides that one.

Mr. GARRETT of Tennessee. I was about to reach that point. The Committee on the Judiciary has reported to the House and there is now on the calendar a resolution in the express words, if I am correctly informed——

Mr. RAKER. No; they are not——

Mr. GARRETT of Tennessee. Of the several resolutions that are pending.

Mr. RAKER. Will the gentleman yield right there?

Mr. GARRETT of Tennessee. Yes.

Mr. RAKER. The resolutions are not the same. The resolution of Mr. TAYLOR of Colorado contains entirely different provisions. I will read it to the gentleman. It includes——

Mr. GARRETT of Tennessee. Oh, I do not yield to the gentleman. I would rather have the point of order overruled than yield to the gentleman to read. [Laughter.]

The SPEAKER. Each measure or bill introduced into the House is referred on its own merits.

Mr. GARRETT of Tennessee. Mr. Speaker, those matters were properly referred at the time they were referred, of course.

The SPEAKER. There is no question about that.

Mr. GARRETT of Tennessee. The rule provides that correction in case of an error of reference may be made by the House without debate, in accordance with Rule IX, on any day immediately after the reading of the Journal. I make the point of order that the reference was not made by error. The reference was correctly made.

The SPEAKER. On that point the Chair rules with the gentleman, that it was correctly made.

Mr. GARRETT of Tennessee. Then a correction can only be made in case of error.

The SPEAKER. The rule has to be construed——

Mr. SHERLEY. Mr. Speaker, I make the further point that the motion is to refer a number of resolutions, some of which are identical with the action of the resolution reported by the Committee on the Judiciary. To that extent the motion is not in order.

The SPEAKER. There is no question about that.

Mr. SHERLEY. And, not being divisible, the whole motion fails.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. The fact that the resolution that has been reported by the Committee on the Judiciary has an amendment to it, does that make a difference in regard to the point of order made by the gentleman from Kentucky [Mr. SHERLEY]? I will state for the information of the House——

The SPEAKER. The point made by the gentleman from Kentucky undoubtedly is correct; that is, joining several together. We can take more time and dispose of them one at a time.

Mr. RAKER rose.

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. RAKER. I ask unanimous consent to modify the motion—to strike out all after "House joint resolution No. 3, by Miss RANKIN." Strike out all the balance of it.

The SPEAKER. What does the gentleman say to the point of order made by the gentleman from Tennessee [Mr. GARRETT], that these things were not erroneously referred, to begin with?

Mr. RAKER. Mr. Speaker, in answer to that I have given the matter some little consideration, such as my ability will permit. The rule says "erroneous." Unquestionably there was no Committee on Woman Suffrage at the time that reference was made. The House since that time has created a committee, with jurisdiction, and clearly there could be no application of that word "erroneous" now, that the House should not transfer jurisdiction upon a proper application.

Mr. WALSH. Mr. Speaker, will the gentleman from California yield?

Mr. RAKER. I yield to the gentleman.

Mr. WALSH. May I ask the gentleman in all seriousness if the purpose of having these measures referred to his committee is in anticipation of a request by him to have an assistant clerk appointed to that committee?

Mr. RAKER. That is a small question, and there is nothing in it. I will not ask anything from the House except what I think is right.

Mr. HAMLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMLIN. It seems that the whole trouble comes not because these bills were erroneously referred, but because a new committee has been created. Could not this whole matter be obviated by reintroducing these bills and having them referred to the proper committee?

The SPEAKER. It could.

Mr. GILLETT. Mr. Speaker, I should like to be heard for a moment, unless the Speaker is going to sustain the point of order. If he is, I do not care to be heard.

The SPEAKER. The Chair will hear the gentleman.

Mr. GILLETT. It seems to me the point of order unquestionably is technically correct, since nobody can deny that technically the rule simply provides for the correction of a mistake, and here there was no mistake in the reference. Now, in case there was an injustice done, the Chair might say, "I will not give a strained and technical interpretation of the rule. I will bend it to the side of justice." But in this case there can be no injustice done. The motion which the gentleman made is obviously of no practical effect. It is for a purely sentimental or personal purpose. The gentleman can accomplish the same result in a moment by introducing himself the same resolutions and having them referred to his committee, and it makes no difference to him or to the House whether these particular resolutions lie idle in the Judiciary Committee or not. So there is no practical effect produced by his motion. Therefore it seems to me the Chair ought to sustain the obvious strict technical meaning of the words and say that this is not to correct an error.

The SPEAKER. The Chair does sustain the point of order, although it is exceedingly narrow, because the gentleman from California has his remedy. He can reintroduce these resolutions in two minutes and a half and get them referred to his committee.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DYER. Suppose these bills are reintroduced and referred to the Woman Suffrage Committee, would a point of order then lie against their consideration on the ground that the Judiciary Committee already has jurisdiction of those resolutions?

The SPEAKER. Why, no; it would not. The ordinary practice of the House is that bills come up in the order in which they are on the calendar, and that rule goes unless the Committee on Rules brings in a rule to take a bill out of its regular order or unless somebody gets unanimous consent.

Mr. RAKER. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. After a bill has been referred to one committee and still remains in that committee, is it proper under the rules of the House to introduce a similar resolution and transfer it to another committee, if the resolution is identical? I want to be fair with the House.

The SPEAKER. The Chair has already ruled.

SEVERAL MEMBERS. Regular order!

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that I may address the House for five minutes in correction of a mistake which I made a few days ago.

The SPEAKER. As soon as we dispose of a little business on the Speaker's table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOLLINGSWORTH, indefinitely, on account of the illness of his wife; and

To Mr. JOHNSON of Washington, from January 3 to January 9.

RESIGNATIONS FROM THE HOUSE.

The SPEAKER laid before the House the following communications:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., December 18, 1917.

The SPEAKER,
House of Representatives, Washington, D. C.

SIR: I have to-day transmitted to the governor of the State of New York my resignation as a Representative in the Congress of the United States from the eighth district of New York, to take effect December 31, 1917.

Faithfully, yours,

DANIEL J. GRIFFIN,
Eighth District New York.

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 18, 1917.

To the SPEAKER,
House of Representatives of the United States,
Washington, D. C.

SIR: I have to-day transmitted to the governor of the State of New York my resignation as a Representative in the Congress of the United States from the twenty-second district of New York, to take effect December 31, 1917.

Respectfully, yours,

HENRY BRUCKNER.

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 15, 1917.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

SIR: I beg leave to inform you that I have this day transmitted to the governor of the State of Georgia my resignation as a Representative in the Congress of the United States from the fourth district of said State, to take effect on December 18, 1917, at 5 o'clock p. m.

In thus terminating my long and pleasant service in the House of Representatives I can not refrain from expressing to you, and through you to my colleagues, my profound and abiding sense of gratitude for the uniform courtesy, kindness, and cooperation so generously accorded me by all.

Respectfully,

W. C. ADAMSON.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 117. Joint resolution amending the act of July 2, 1909, governing the holding of civil-service examinations.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6867. An act to increase the number of midshipmen at the United States Naval Academy.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 1848. An act for the relief of contributors of the Ellen M. Stone ransom fund; to the Committee on Claims; and

S. J. Res. 115. Joint resolution providing additional telephone operators for the Senate and House of Representatives; to the Committee on Appropriations.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, December 18, 1917.

Hon. CHAMP CLARK,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Alcoholic Liquor Traffic, to take effect when the same is accepted.

Yours, respectfully,

FRANK CLARK.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. KITCHIN. Mr. Speaker, some time ago the gentleman from Illinois [Mr. McCORMICK] was given an hour to address the House this morning. With his permission I ask unanimous consent that instead of this morning the gentleman be granted an hour to address the House immediately after the reading of the Journal on January 7.

The SPEAKER. The gentleman from North Carolina asks unanimous consent, with the permission of the gentleman from Illinois [Mr. McCORMICK] that the date of his address be changed from to-day until the 7th day of January just after the reading of the Journal and the cleaning up of business on the Speaker's table, not to interfere in any way with privileged matters. Is there objection?

There was no objection.

ELECTION TO A COMMITTEE.

Mr. KITCHIN. Just one other matter, Mr. Speaker, I move the election of WILLIAM B. WALTON as chairman of the Committee on Expenditures in the Department of Justice.

The SPEAKER. Are there any other nominations? If not the Chair will put the question.

The motion was agreed to.

EXPENSES OF FIRST LIBERTY LOAN.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Speaker, on last Friday, in discussing the inability of this House to keep track of expenditures, I stated as one of the evidences of secretiveness on behalf of the administration the fact that Secretary McAdoo had not given to the House, as he had assured the Committee on Ways and Means that he would, the expenditures that he had made in selling the first liberty loan bonds.

I received this morning a letter from the Secretary of the Treasury expressing surprise at my statement and calling my attention to the fact that he had made such a report and inclosing it. I find that on December 11, three days before I spoke, it was made and referred to the Committee on Expenditures in the Treasury Department and ordered to be printed. So that it was undoubtedly in print at the time I made my remarks, and I wish to make that as public as my criticism.

In that connection it seems to me only fair that I should add that the statement which he submitted to the House is simply contained on one sheet of paper. It has only 30 or 40 items to account for the expenditure of over $2,000,000, and to my view does not at all meet the needs which this House is under if it is to know what the expenses of the administration are.

Mr. LONGWORTH. To what committee did the gentleman say the report was referred?

Mr. GILLETT. To the Committte on Expenditures in the Treasury Department.

Mr. LONGWORTH. Will the gentleman put the report in the RECORD?

Mr. GILLETT. It is printed and is a public document. I will put the report in the RECORD, but it will not give much light to anybody.

Mr. JOHNSON of Washington. Does it include the expenses of special trains?

Mr. GILLETT. The whole expense of traveling is something over $8,000 and is put in one item.

Mr. JOHNSON of Washington. And it does not show any special trains?

Mr. GILLETT. No; it discloses nothing but the total expense. The salaries run up to over $85,000 and they are in one item. The printing and binding is something over $50,000, and that is in one item. That is not the kind of report which I think this House is entitled to. That does not tell us whether the money was wisely and properly expended. I would not intimate that it was not, but this is exactly the kind of report that would be made if it was wished to conceal something. In view of the liberality of the House in its appropriations that is not the return we should expect.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. HAMILTON of Michigan. Does the gentleman know where the printing and binding was done?

Mr. GILLETT. No; nothing is said about it, and I do not know. Here is simply one sheet, and while I did make a technical mistake when I said the report had not been made, this is not in my opinion an accurate, detailed report such as this

House is entitled to. Now, Mr. Speaker, I ask unanimous consent to print the report or statement in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print the report in the RECORD. Is there objection?

There was no objection.

Mr. NORTON. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. NORTON. Does the gentleman know whether the Secretary made an itemized report to the Committee on Expenditures in the Treasury Department?

Mr. GILLETT. This is undoubtedly the only report made. If there was another report made to the committee the committee would have printed it. I assume that this is the only report made.

The letter of the Secretary of the Treasury with the statement is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, December 3, 1917.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In accordance with the provisions of section 8 of the act of Congress approved April 24, 1917 (Public No. 3, 65th Cong.), I have the honor to transmit herewith a statement of expenditures under said act so far as such expenditures have been submitted to the department up to December 1, 1917.

This statement does not cover complete accounts, for the reason that all bills from the Federal reserve banks have not yet been transmitted to the department, other outstanding bills have not yet been received for payment, and the work in the Bureau of Engraving and Printing and other branches of the Treasury Department in connection with the bonds issued under said act has not yet been completed. As soon as the work is finished and the accounts are rendered and paid a complete classified and detailed statement will be submitted to the Congress.

Respectfully,

W. G. MCADOO, *Secretary.*

Statement of expenditures to Dec. 1, 1917, under the act of Apr. 24, 1917 (Public No. 3, 65th Cong.).

Certificates of indebtedness:		
Distinctive paper	$2,443.05	
Engraving and printing	12,723.90	
		$15,166.95
Bonds and interim certificates:		
Distinctive paper	164,826.72	
Engraving and printing	393,601.84	
		558,428.56
Publicity:		
Posters and stickers	70,029.46	
Buttons	21,777.64	
		91,807.10
Equipment:		
Furniture	7,200.57	
Typewriters	4,119.13	
Labor-saving machines	10,993.12	
		22,312.82
Insurance on transportation of bonds and certificates		25,846.59
Supplies, stationery, etc		27,112.07
Woman's Liberty Loan Committee		1,419.43
Expert assistance		1,684.21
Traveling expenses		8,644.90
Express, cage and postage		8,251.32
Stenographic reporting		414.00
Telegrams		85,495.53
Telephones		469.50
Salaries		85,346.04
Newspapers, directories, etc		258.21
Repairs and moving		360.80
Vault work		1,082.20
Printing and binding		58,250.78
Miscellaneous		727.41
Federal reserve banks:		
Atlanta	$25,099.67	
Boston	98,752.56	
Chicago	170,856.01	
Cleveland	90,086.93	
Dallas	20,083.35	
Kansas City	30,253.85	
Minneapolis	40,576.54	
New York	278,043.73	
Philadelphia	79,450.14	
Richmond	23,710.46	
St. Louis	53,408.88	
San Francisco	128,659.76	
		1,048,465.85
Total of accounts so far submitted		2,041,547.27

PROHIBITION AMENDMENT.

Mr. WALSH. Mr. Speaker, I rise to ask unanimous consent that Members be allowed within five legislative days to extend their own remarks without the inclusion of telegrams, letters, or editorials, upon the national prohibition amendment to the Constitution.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that all Members shall have the right to print their own remarks on the constitutional amendment agreed to yesterday by the House, excluding telegrams, letters, and editorials, and so forth. Is there objection?

Mr. MORGAN. Mr. Speaker, I object.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on prohibition and woman suffrage.

Mr. WALSH. I object.

COMMITTEE ON EXPENDITURES IN NAVY DEPARTMENT.

Mr. HARDY. Mr. Speaker, I ask unanimous consent to call up the resolution authorizing the Committee on Expenditures in the Navy Department to send for persons and papers.

The SPEAKER. The Chair announced yesterday that during the extra session, on account of the great confusion and pressure and the agreement not to pass anything except for war emergency, he violated the rule for six months and recognized Members for unanimous consent, but that he was not going to do it any longer.

Mr. HARDY. But this is a resolution——

The SPEAKER. The Chair understands perfectly what it is.

Mr. GARRETT of Tennessee. I should object anyway, Mr. Speaker.

The SPEAKER. All Members are under obligation to observe the rules of the House, and the Speaker most of all.

WOMAN SUFFRAGE COMMITTEE.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the membership of the Woman Suffrage Committee be increased to 14. That is an increase of 1 as the membership is now 13, and that the gentleman from New York [Mr. LONDON] be made a member of that committee.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to increase the number of the Committee on Woman Suffrage to 14, and that the gentleman from New York [Mr. LONDON] be the additional member.

Mr. GARRETT of Tennessee. Reserving the right to object, Mr. Speaker, the Committee on Rules has given very careful attention to the organization of this committee. I, of course, was opposed to it, but a great majority of the committee was for it. That committee very carefully considered the number of which it should be composed and acted upon it after due consideration. I do not think that this should be done by unanimous consent, and I object.

WAR EXCESS-PROFITS TAX.

Mr. KITCHIN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House joint resolution 195, amending the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to subject to the war excess-profits tax the compensation of officers and employees under the United States, including Members of Congress.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House joint resolution 195.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. WATSON of Virginia in the chair.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That subdivision (a) of section 201 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, is hereby amended to read as follows:

"(a) In the case of officers and employees under any State, or local subdivision thereof, the compensation or fees received by them as such officers or employees.

SEC. 2. That section 209 of such act of October 3, 1917, is hereby amended by adding a paragraph to read as follows:

"The income of officers and employees under the United States, including Members of Congress (but not including the present President of the United States during the term for which he has been elected, nor the judges of the Supreme and inferior courts of the United States in office at the time of the passage of this amendment), received as compensation or fees by them as such officers, employees, or Members, shall be taxable under this section for the calendar year 1917 and each year thereafter; but a nonresident alien officer or employee of the United States shall be entitled to the same deduction as a resident of the United States."

Mr. KITCHIN. Mr. Chairman, under the present revenue law, passed at the last session, the provisions of the excess-profits tax do not apply to governmental officers and employees; that is, Federal, State, county, and city officers and employees. There is considerable doubt in the minds of lawyers in the House, in the Treasury Department, and elsewhere whether Members of Congress are included in the provisions excepting such officers from the operation of the excess-profits tax title. This resolution proposes to specifically include within the provisions of such tax—that is, to make subject to the excess-profits tax—all Federal officers and employees, including Members of Congress. This would make it clear and remove all doubt.

No sections or provisions of any act have ever been more misrepresented than has this exception provision and section 209 of the revenue act.

A lot of demagogues who want to come to Congress, who want to succeed some Member of the House upon either side, and the

press almost generally, have deliberately, willfully, and maliciously misrepresented these provisions, the authors of the act, and the conferees that reported it to the House and to the Senate. They have declared repeatedly, the press a thousand times over, that Members of Congress taxed the income of everyone else in the country but exempted their own incomes from taxes. There is not one word of truth in that. This new revenue act taxes the incomes of Members of the House and Senate three times more than they were taxed before.

The press has declared a thousand times over that Members of Congress exempted their own salaries from the excess-profits tax, but subjected the salaries of all others to the tax. It would have the public believe that Members of Congress specifically exempted their salaries from the tax. There is not one word of truth in that. The act does not specifically exempt the salaries of Members of Congress, and in the opinion of some of the best lawyers in this House, including the gentleman from Iowa, Mr. TOWNER, and the gentleman from Iowa, Mr. GREEN, both of whom have given diligent study and thought to the subject, in the opinion of some of the best lawyers in the Treasury Department, salaries of Members of Congress are not exempted from the excess-profits tax, and they will have to pay both the income and the excess-profits taxes, with respect to their salaries. The provision relative to the exemption of salaries of governmental officers from the excess-profits tax applies generally to all governmental officers, including Federal officers, State, county, and city officers—that is, the governors of the States, the judges of the States, the mayors of cities, the sheriffs, clerks, all officers of the State and county and city, and all officers under the United States Government, the District of Columbia or Territories of the United States. In the opinion of many eminent lawyers, a Congressman, a Member of the Senate or of the House, is not, under the Constitution, such an "officer of the United States" as would include his salary in the exemption. When the conferees decided on section 209 they left in the exception of governmental officers. That was already in the Senate exception or exemption amendments, as was also an exception or exemption of salaries of lawyers, doctors, and other professional men. As far as the House bill was concerned, individuals were not included in the excess-profits tax provisions at all, and therefore no salaries or profits in business or other income of individuals, whether officers or not, whether business or professional men, were subject to the tax. The Senate insisted on retaining its amendments including individuals in the excess-profits tax provision. The House opposed it, but finally yielded, as was pointed out by me in presenting the conference report to the House. As the individual merchant, farmer, banker, lumberman, mechanic, and so forth, were thus made subject to the tax, the conferees thought it but just that the lawyer, doctor, and other professional man and salaried business man should be made subject to the tax, and so section 209 was put in the bill and adopted by Congress. This left the exception of salaries of governmental, Federal, and State officers and employees standing as it was in the Senate amendments. The question of excepting or exempting salaries of Members of Congress was never suggested or discussed in the conference.

I may say here that other governments that have excess-profits taxes—and there are 12 or 14 in addition to the United States—except from the operation of the excess-profits tax salaries of governmental officers and employees, upon the ground that a governmental office is not a business or a trade or a profession or a calling pursued for private profit, as is the profession of a lawyer or a doctor or the business or occupation of an officer of a corporation or other person getting a salary in business. The salaries of officers of corporations, as, say, the president of a bank or of a steel corporation, are for gain, for private profit. The work done is for the benefit of the institution, which is carried on for private gain. The more efficient the officer of a corporation or the business-salaried man the more time he gives, the more thought he bestows upon the business, the more he makes for the corporation or business, the more his salary is increased. Every minute of his time is given for private gain for himself and for the institution for which he is working, while a governmental office is for governmental purposes, in performance of governmental functions, and the time and service given by the officer is not for himself, not for his private gain, but for the use and benefit of the Government and the public. It makes no difference how efficient the officer may be, how much he may save the Government, how much he makes for the Government, he gets no more than a fixed salary, no more than a man who causes loss to the Government. Take, for instance, the gentleman from Illinois, Mr. CANNON, when he was chairman of the Committee on Appropriations, or take the gentleman from New York, Mr. FITZGERALD, lately chairman of the Committee on Appropriations. By their labor and time and study and thought they may have saved the Government—as they have—millions and millions of dollars, while others of us, instead of saving the Treasury millions of dollars may have caused loss to it of millions of dollars. Nevertheless, they get no more salary than those that caused loss.

The salaries are paid not for the benefit of the officer, but for the benefit of the Government. That is the reason why other Governments do not subject salaries of Government officials to excess-profit taxes.

By the resolution we make it clear and specific that we do include Members of Congress and Federal officers and employees. Hereafter, by the passage of this resolution, no paper, no magazine, no demagogue, can have a pretext to misrepresent the provision of the act or the authors of this bill or Congress, or the present Member of Congress whose seat some demagogue may desire. I hope this will pass unanimously. [Applause.]

Under leave to extend my remarks I print below a letter to the New York Sun, in which I discuss section 209:

SCOTLAND NECK, N. C., *October 30, 1917.*

NEW YORK SUN,
New York, N. Y.

DEAR SIR: Section 209 of the new revenue act, to which your letter received this morning refers, reads as follows:

"That in the case of a trade or business having no invested capital or not more than a nominal capital there shall be levied, assessed, collected, and paid, in addition to the taxes under existing law and under this act in lieu of the tax imposed by section 201, a tax equivalent to 8 per cent of the net income of such trade or business in excess of the following deductions: In the case of a domestic corporation, $3,000, and in the case of a domestic partnership or a citizen or a resident of the United States, $6,000; in the case of all other trades or business, no deduction."

Some lawyers, doctors, high-salaried business men, and editors have strenuously objected to this section and bitterly assailed and denounced its authors, because it includes in the application of the excess-profits tax provisions the income or profits of their professions and employments, contending—

1. That it discriminates against the lawyers, doctors, and other professional men in favor of other classes of citizens.

In the remarks of Senator SIMMONS, presenting the conference report to the Senate, in the CONGRESSIONAL RECORD of October 16, 1917, appears the following, relative to section 209:

"When we decided to include occupations and professions the question of how to determine the deduction to be allowed greatly perplexed us. There was no invested capital, and therefore no basis upon which to make such a calculation as in the case of individuals, partnerships, or corporations engaged in trade or business requiring the investment of capital. So we decided that in the case of the business or the occupation without invested capital, of merely nominal capital, as it was impractical to apply the exemption based on capital, we would impose a flat tax of 8 per cent upon their earnings during the taxable year, less the flat exemption allowed in other cases.

"It is said that this imposes a double income tax upon occupations or professions doing business with only a nominal capital, and that it works a discrimination in favor of corporations, partnerships, and individuals doing business with capital. This suggestion is based upon a misapprehension and is unwarranted. * * *

"The rate of taxation applied in the case of invested capital is graduated, the minimum rate being 20 per cent and the maximum being 60 per cent.

"The tax imposed upon individuals, partnerships, and corporations engaged in business without invested capital is, in essence, just as in the other case, an additional income tax, with the flat exemption of from $3,000 to $6,000 allowed as in the other case, but from necessity without the exemption based upon invested capital, because there is no capital invested as in the other case. It may be that his arrangement does not accurately adjust the differences between the two cases, but it is confidently believed if there is any discrimination it is not a discrimination against business without capital. Not a discrimination against the professional man or the occupation without invested capital.

"The confusion about this matter seems to grow out of the impression that the tax now levied is a war tax, a tax based upon the actual difference between the net earnings during the prewar period and the taxable year. That was true of the bill as it was originally reported back to the Senate by the Finance Committee, but that is not true of the bill as amended, limiting the exemption to not less than 7 per cent or more than 9 per cent of the invested capital.

* * * * * * * *

"As I stated this morning, in our efforts to bring the professional man under the provisions of this bill and subject his earnings to a tax, just as we had the farmer and the mechanic and the merchant and everybody else, we found ourselves hedged in by a great many limitations and difficulties. After we had discussed one or two schemes and practically fixed upon one, we finally abandoned it and adopted one to which the Senator refers and criticizes as the best means of reaching that class of earnings. * * *

"The purpose of the conferees was to subject occupations and professions having no invested capital to this war tax, just as those with invested capital were subject to it. If there had been the same basis of exemption in the one case as in the other we would have allowed a like exemption and imposed like rates of taxation, but because of the necessity of the case this could not be done, and because there was no such basis of exemption we imposed a tax very much lighter on business conducted without invested capital—a flat rate of only 8 per cent, as against a graduated rate upon profits over a maximum of 9 per cent of from 20 to 60 per cent on ordinary business. I do not think the professional man has any right to complain."

In my remarks, presenting the conference report to the House, in the same issue of the CONGRESSIONAL RECORD, appears the following, relative to such section:

"In the House bill the excess-profits tax applied only to corporations and partnerships and not to individuals. The Senate included individuals in its amendments. It made the individual merchant, farmer, banker, lumberman, miner, manufacturer, and every other class

of individuals in trade or business subject to the excess-profits tax. But is exempted from the tax the incomes of lawyers and doctors and other [illegible] derived from the profession; also salaries of officers and employees, including the salaries of business occupations, as well as those of governmental officers. The House conferees opposed the exemption of individuals in the excess-profits-tax provision, for the reasons I have before given. The Senate conferees insisted upon including them, but agreed to grant them a specific deduction of $6,000 plus the deduction of the per centum of profits made on invested capital, of any, the same as is given to corporations and partnerships.

After much consideration, the conferees unanimously agreed that there should be no exemption from the tax of lawyers, doctors, civil engineers, or other professional men, or the high salaried business men. So the conferees, after mature deliberation and after a special conference committee meeting called for the purpose of considering the matter, unanimously agreed on section 209.

* * * * * * *

"A prior section defines trade or business to include professions and occupations. There is not a more proper or just provision in the entire bill than this one. If the individual farmer, merchant, banker, miner, businessman, manufacturer, and every other class of individuals in trade or business are made to pay the tax, why should not the lawyer, the doctor, and other professional men who make a profit or income in their profession of over $6,000 be also made to pay? Why should not the high-salaried business man be made to pay?

"What good reason can be given why the farmer and merchant and manufacturer should be made subject to the tax and the lawyer, doctor, and other professional man be exempt from the tax?

"The only fair and reasonable objection that can be made to the provision is that the tax is not high enough to equalize the tax which the farmer, merchant, and manufacturer have to pay. They must pay from 20 to 60 per cent of their income or profits in excess of their deductions, while the professional man and high-salaried business man will pay only 8 per cent on their income in excess of their deductions. Of course, the farmer, merchant, or manufacturer has a large deduction on account of having substantial capital invested, but this deduction will not reduce his tax to as low as that of the lawyer, doctor, or other professional man.

"It is suggested that the lawyer, doctor, or other professional man should not be taxed, because his income is derived from his brain and time and personal qualification. Does not the farmer, merchant, or manufacturer carry to his business his personal qualification? Does he not devote to his business his brain and time, and, in addition, put capital in money and property into it? Is not his income or profit derived from the combination of his brain and time and capital? It is said that the professional man is taxed under the income-tax law on his income and that it is unjust to levy another tax in the nature of an excess-profits tax on his income or profits, that it is double taxation. Is not the farmer, merchant, or manufacturer, or other individual in trade or business, taxed on his income under the income-tax law exactly as the lawyer, doctor, or salaried business man is, and is not an excess-profits tax levied, in addition to the regular income tax, on his profits or income? If such a tax is just in case of the farmer, merchant, and manufacturer, why is it not just in case of the lawyer, doctor, or other professional man?"

As suggested by Senator SIMMONS in his remarks in the Senate, and by me in my remarks in the House, if there be an injustice, an inequality, a discrimination in section 209, it is in favor of the lawyer and other professional man and salaried business man. For instance: A, an individual farmer, merchant, or manufacturer, puts into his business, in addition to his personal services, his brains and labor, $100,000 capital. He makes a net profit or income of $25,000. The excess-profits tax to be paid by him is $8,400. B, an individual lawyer or doctor or other professional man, puts into his business or profession no capital, but only his personal services, his brains, and labor. He makes the same profit or income of $25,000. The tax, under section 209 (the excess-profits tax provision applicable to him), to be paid by him is only $1,520.

If the net income of A, from his business in the case given is $50,000, his excess-profits tax will be $17,200. If the net income of B, the lawyer, from his profession is $50,000, his tax under section 209 will be only $3,520.

The merchant, farmer, manufacturer, or other individual business man puts into his business exactly what the lawyer, doctor, or other professional man (taxable under section 209) does, his personal services, his brain, and labor, and in addition puts in money and property, takes financial risks, makes financial sacrifices, builds up industry, gives employment to labor, produces for public use.

The lawyer, doctor, or other professional man (taxable under section 209) puts into his profession or occupation no money, no property, but only his personal services, his brains, and labor, and by such services takes no financial risks, makes no financial sacrifices, builds up no industry, gives no employment to labor, produces nothing.

It is inconceivable how any fair-minded lawyer or editor or other person can reason to himself the justice of levying an excess-profits tax on the income from the business of the one and of exempting from the tax the income from the profession or business of the other.

It should be remembered that this excess-profits tax applicable to the farmer, merchant, manufacturer, and other individual in business against which no protest was made by the lawyers, doctors, and editors, is in addition to the regular income tax just as is the tax under section 209 and such farmer, merchant, manufacturer, or other individual business man pays on his net income tax, at the same rate, as does the lawyer, doctor, or other professional man on his net income.

2. That it discriminates against the salaried man; that it is unfair and unjust to levy a tax in the nature of an excess profits on a business or occupation salary earned by personal service—by brains and labor.

By including individuals in the excess-profits tax provision of the revenue act, to which the House conferees were opposed, for the reasons set out in my remarks presenting the report to the House, the value of the personal services, of the brains and labor, given to his business by the individual merchant, farmer, manufacturer, and other individual engaged in business, with invested capital, was necessarily taxed thereby. Though the total income of his business is derived from a combination of his invested capital and his personal services, he is not allowed by law to separate from such income that portion earned by his personal services, his brains and labor, and to pay himself a salary for the value thereof, charging it up as part of the operating expenses of the business, as he could do if his business was incorporated. His personal services, in the management of the business, earns a part of the income and has a value just as much so as if he was employed by some corporation to perform the same services and paid therefor by fixed salary. Not being allowed to deduct the value of or earnings from such services as part of the expenses of his business, in levying the tax on the total net income or profits, his earnings from such services are thereby taxed under section 201 at the rates ranging from 20 to 60 per cent, according to the amount of the per cent of profits made on his invested capital.

The business man with a salary in excess of $6,000—the amount of the specific exemption allowed—is generally, in at least 19 cases out of 20, both an officer or employee and a shareholder in, or part owner of, the business concern paying the salary, and very frequently he is substantially the sole owner or controller of it. The concern, being a corporation, can value his personal services, fix and pay a salary therefor, and deduct same from the operating expenses of the business, and thus escape to the amount of the salary the payment of the excess-profits tax of section 201. For instance, A carries on business as an individual, has $100,000 invested, manages it, devoting his personal services to it. He makes a profit of $25,000. It incorporates, with a few other stockholders—perhaps his wife and daughter—to comply with the State law, incorporated, he conducts same kind of business, devotes to it his personal services, has same amount of capital and makes same profit of $25,000. The services rendered by each to the respective businesses are of same nature and value, those of each worth $10,000.

B, as an employee and manager of his incorporated business, is allowed to deduct the value of his services in a salary of $10,000 from the $25,000 profits and to charge it up to operating expenses. His business pays an excess-profits tax only on $15,000, or a tax of only $1,000; while individual A, manager of his business, not being allowed to charge up to expenses the $10,000 value of his services, pays on the whole $25,000, or a tax of $3,400—computation in both cases made on the 7 per cent exemption basis plus the specific exemption. B's salary would escape altogether the payment of any excess-profits tax but for section 209, and even under this he pays on his $10,000 salary only $320; while A, on his earnings from his personal services in the business, though in nature and value the same as B, pays under section 201 over three times as much as B.

The case would not be altered if B had no interest in the business or owned no stock in the corporation, but was employed by it, and paid for his personal services a salary of $10,000. He would pay only $320 tax on the earnings from his personal services, while A would pay more than $1,000 on like earnings from his personal services, they being in law inseparable from the total profits or income of his business.

It seems incredible that an intelligent, fair-minded man should approve the levying of the larger tax on A and denounce as unjust and discriminatory the levying of the smaller tax on B.

How can any one justify subjecting A to the tax and exempting B from the tax?

3. That it discriminates against earned income in favor of unearned income, requiring the earned to pay a larger tax than the unearned income.

Earned income means, according to the assailants of section 209, income derived from personal services or activities of the recipient of the income. Unearned income means income derived from investments, with respect to which no personal service or activity is contributed by the recipient.

A distinguished Senator first suggested this "discrimination" during the discussion of the conference report in the Senate, saying:

"I think an injustice is inflicted upon the man who earns his income by his own efforts as compared with the man who does not earn his income at all, but sits at a desk and clips coupons or cashes dividend checks."

To illustrate the injustice he, as many others have done, recited by comparison the case of the hard-working lawyer earning an income by his own efforts and the man who received an equal income by doing nothing except cashing his dividend checks, and then asserted that the lawyer was required by section 209 to pay a larger tax.

The facts is, the lawyer pays less tax than the "dividend-check casher."

The so-called unearned income is derived from two sources: (1) From interest on money loaned on bonds, notes, or other securities; and (2) from dividends on stock or shares in a corporation or association.

If one has $100,000, generally accumulated earnings of preceding years, and instead of going actively into business he is content to loan it out on bonds or notes at the small profit, which the low interest rates laws of the States only permit, there is and can be no excess profits to be taxed. He has capital to the amount of $100,000 invested in the bonds, notes, or other securities, and the interest does not amount to as much as the per cent (from 7 to 9 per cent) exemption allowed.

If he invests that amount in an active business, corporate or otherwise, and its profits or income do not exceed the exemptions allowed, there would be no excess to be taxed.

Can it be reasonably contended that money invested in loans, whose small per cent of income is limited by interest laws, should have a smaller exemption and a higher rate of excess-profits tax than money invested in business with prospects of large or excessive profits, with no law limit to its income? If so, there would and could be no lending of money—no investment in bonds, notes, or other securities by individuals. Interest from money loaned, of course, pays the regular income tax, like all other forms of income.

So much for the "coupon-clipper" argument.

Now, as to the dividend-check casher.

If one invests $100,000 in the capital stock of a corporation, the corporation, under the act, pays the excess-profits tax (from 20 to 60 per cent) on the earnings or income of that $100,000 for him before he gets a dollar of dividends. Should he be made to pay the second time the heavy excess-profits tax on the earnings of his $100,000, when the dividends, already lessened by the payment of the tax by the corporation, are turned over to him? The law does not and should not require him to again pay the tax.

Instead of the "dividend-check casher" paying less tax under the excess-profits tax provisions on his so-called "unearned income" than does the lawyer or other professional or business salaried man on his "earned income" from his own efforts, he pays much more.

For instance, A invests $100,000 in a $200,000 capital-stock corporation. The corporation makes 25 per cent net profit, or $50,000. A's $100,000 earns half of it, or $25,000. The corporation under the act pays for the stockholders, before they are entitled to dividends, an excess-profits tax of $8,000. A's $100,000 investment pays half of it; that is, A pays through the corporation on his income of $25,000 an excess-profits tax of $4,000. Should he be made to pay it again when the dividends, diminished to the extent of the tax, are turned over to him?

B, a lawyer, makes from his profession, from his personal services, $25,000, the same amount A makes by his investment. B under section 209 pays a tax of only $1,520 on his $25,000 "earned income," about one-third as much as A pays on his so-called "unearned income."

It should be recalled in this connection that, with respect to the income tax, A through the corporation pays under the act on the earnings of his investment—that is, on his $25,000 income—a normal tax of 6 per cent, without exemptions, while B, on his income of $25,000, pays a normal income tax of only 4 per cent, with exemptions.

And so much for the "dividend-checks-casher" argument.

It should not be overlooked that section 209 applies not only to professional and business and occupation salaried persons, without capital invested in their professions or occupations, but to other individuals, partnerships, and corporations that carry on any business or are engaged in any trade or occupation with no or only a nominal capital invested.

Answering your direct question relative to the repeal of section 209 at the next session of Congress, I beg to say: If the application of the excess-profits tax provision to individuals (which I opposed) is retained, section 209 should not be repealed but amended, providing for the increase of the tax rate therein so as to more nearly equalize the tax paid by the class of individuals subject to such section with the tax paid by the class of individuals subject to section 201 of the act.

Permit me, in conclusion, though your letter made no reference to it, to allude to the false charge persistently made by some demagogues, a few lawyers and doctors, and many editors, that in the new revenue act "Congress exempted from taxes the salaries of Congressmen."

Under the new act Congressmen will pay three times more income tax on their salaries than before. They will pay both the rates under the act of September 8, 1916, which doubled the previous rates, and the rates under the new act, which more than doubled the rates of the act of September 8, 1916.

With respect to the "excess-profits tax" of the new act, these demagogues and the press would have the public believe that the conferees and Congress specifically exempted the salaries of Congressmen from the tax, but taxed all other salaries.

Here is the provision of exception of salaries (sec. 201, subdivision a):

"In the case of officers and employees under the United States, or any State, Territory, or the District of Columbia, or any local subdivision thereof, the compensation or fees received by them as such officers or employees."

This exception applies to the salaries of all officials of the United States or States, counties, cities, etc., and properly so in the unanimous opinion of the entire conference. No member of the conference—and, perhaps, no Member of Congress when he voted for the bill—discussed or had in his mind the salaries of Members of Congress. The conference, and so had the Senate before, considered the broad question whether it was proper as a policy to exempt from the excess-profits tax the salary of Federal, State, county, and city officials.

There is a difference between the income tax and the excess-profits tax.

The income tax is imposed upon individuals and corporations with respect to their entire income, including salaries of Congressmen and all other Federal officials.

The excess-profits tax is a tax upon the business, trade, profession, or occupation of the individual, partnership, or corporation with respect to the profits or income of such business, trade, profession, or occupation in excess of certain exemption or deductions.

What kind of "business" or "trade" or "profession" or "occupation" is the office of governor, judge, clerk of court, mayor of city, secretary of state, Representative or Senator? It is neither a business, trade, profession, nor occupation. What is the excess profits of a governor's salary? Of that of a judge, clerk of court, member of the Cabinet, of a Congressman?

An official (especially one whose salary is as much as $6,000—and this is the exemption under sec. 209) gives his time, industry, and brains, not to his profession, business, or trade, for the promotion of such trade, business, or profession, and for private profits as does the lawyer, doctor, and high-salaried business man, but to the service of the Government, Federal, State, county, or city. However efficient, however much time given, however valuable the service rendered, they are for the Government, for the public, and he gets no more compensation than the fixed salary of the office. Not so with the professional man or high-salaried business man (the latter generally a high-salaried officer in his own business—his own corporation). His time, his labor, his brains are devoted solely for himself—his private profits. The more time, labor, brains bestowed the more efficient, the more service rendered, the more he serves himself, his profession or business, and the more are his private profits.

The duties of an official, whether Federal, State, or municipal, whose salary exceeds $6,000 (the exemption in sec. 209) practically debars him from engaging in a business or a profession for private profits, and this privilege he sacrifices when he takes office. However, if a Member of Congress or other official receives income from a business or profession, he is not exempted from the excess-profits tax with respect to such income, as that comes from a business or trade or profession devoted to making private profits.

There is a difference in principle in levying an excess-profits tax on the business, trade, profession, or occupation organized and carried on for private profits than levying such a tax on the salary of an office established and conducted for governmental purposes, the service going to the benefit of the Government, of the public, and the official by his duties practically debarred from engaging in such business or profession for private profits.

Having given some of the reasons which justify the exception of governmental salaries in the application of the excess-profits tax, and being perfectly willing to assume full share of responsibility for it, I will say that I was not the author or suggester of such exception or exemption, as the press so frequently charges, nor do I oppose, nor have I opposed, the inclusion of the salaries of Congressmen or other Federal officials in the excess-profits tax provision.

Yours, truly,

CLAUDE KITCHIN.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, when I make a mistake as a Member of this House and am conscious of it I am willing to admit it, but I am not willing to make a confession of error when I am not conscious of it merely to satisfy a false public opinion. In voting for this war-tax bill I voted to hold Members of Congress to its terms. Neither in conference nor in the House did I vote to exempt Members of Congress from any responsibility placed upon other salaried men or profit earners of a like class.

The act of September 18, 1916, which is law in force, imposed upon Members of Congress a 2 per cent tax upon the normal income of married men earning over $4,000. If they earn in excess of $20,000 it imposes upon them a supertax. The act of October 3, 1917, imposed upon Members of Congress an additional normal tax of 2 per cent upon all they earn (married men) over $2,000 and in addition a supertax of 1 per cent upon everything they earn over $5,000. In addition the act grouped Congressmen with another class of citizens to be taxed for excess profits and fixing their capital of $6,000, which is the amount of exemption granted to everybody, taxed them 8 per cent on all earnings above that amount. Now, that is what you Members of Congress have to pay. If you want to confess you exempted yourself, that, at least, is what you have to pay. I make no such confession. I am liable to 2 per cent normal tax under the act of September, 1916, to an additional 2 per cent tax under the act of October 3, 1917, and I am liable, as is every other salaried, occupational, or professional man, for 8 per cent tax on everything I earn over $6,000. The so-called salaried or professional man receives no better treatment than I receive, nor do I receive any more or less than he receives.

Now, as to this fanfare that has given Members of Congress so much unjust criticism:

The whole war-tax bill is sufficiently intricate to puzzle even the lawyers who helped to frame it. As a layman I am willing to amend it or to wipe it out entirely, if assured that the United States can pay its obligations without taxing anybody. I am not willing to concede, however, that we can beat an efficient nation like Germany by making patriotic speeches or publishing cartoons ridiculing the Kaiser. The people of this country must pay for the war, which some of us think should be prosecuted more vigorously than it is in view of the tremendous appropriations that have been made. We have already appropriated approximately $21,000,000,000, but judging from the importance which many people attach to the question of taxing Congressmen's salaries it would seem that we had been endeavoring to camouflage the country. This is the most arrant bit of nonsense that has come along since the war began, but occasionally, under stress, Members of Congress, like many other patriots, sometimes get cold feet when the pen that is mightier than the sword is directed toward their districts. This war-tax bill, intricate and burdensome as it is, never exempted Congressmen from taxation. It taxed them along with certain professional and business men, and on the same terms. If there was any loophole whatever through which Members of Congress could escape taxation it was as to the difference between the $6,000 exemption allowed to everybody on excess-war profits and the salary of $7,500, a matter of about $40,000 in all, but since Congressmen are not Federal officials under the Constitution and are not State officials, they were not entitled to even this exemption. But lawyers who make fees above $6,000 were touched by this law, and such editorial writers as make over $6,000 were also touched, and therefore "the brains" of the country "were unduly taxed." Those who vote for the amendment now before the House will not relieve these "brains" of war excess-profits taxes; they will simply defer to that enthusiastic group of patriotic pikers in the United States, who, being in funds in excess of $6,000, conjured up the destruction of all Members of Congress who were so "unpatriotic" as to include for taxation money made by "brains" along with money made by industry and brawn. My humble judgment is that when Congress learns to stand its ground against such indecent and unpatriotic assaults, it will be far more highly respected than it is. [Applause.]

Mr. FORDNEY. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I am in favor of taxing the salaries of the Members of Congress in the same manner the salaries of any other person or persons are taxed, but I am not in favor of this proposition, because I consider this bill entirely unnecessary, and because, in my judgment, it will place Congress in a false light. When I voted for the last revenue bill I voted to put the excess-profits tax on the salaries of Members of Congress the same as on the salaries of any other party who was taxed. When this matter first came up and it was charged that Members of Congress were exempted, I stated that there was nothing in the charge, that the tax was placed upon Members of Congress as well as upon others. I said then that I should pay the tax without claiming exemption. I claim no credit for this, as, like all other Congressmen, the law required

me to pay it. I so intended when I voted for the bill, and if there is any Member of this House who says that he intended to the contrary I would like for him to stand up and say so. Gentlemen of the House, I am unwilling to plead guilty to the commission of an act which I have never done.

I do not want to admit, either by inference or by implication, that a charge is true when in fact it is absolutely baseless and unfounded.

I have no time in five minutes to make a legal argument on this matter. I wish I had in order that I could show there is nothing in the statement that Congressmen's salaries were exempt as a legal proposition. I did, however, address a letter to the Commissioner of Internal Revenue sometime ago, which was printed in the RECORD, in which I stated my reasons for holding that Members of Congress were subject to this excess-profits tax and asked that his department so rule. I am willing now to stake my professional reputation on the opinion of the Commissioner of Internal Revenue, feeling absolutely satisfied and confident that if he ruled on this point he would hold that as the law now stands Members of Congress are subject to this tax.

Mr. GARD. Will the gentleman yield? Will the gentleman kindly give the date of the RECORD in which that is published?

Mr. GREEN of Iowa. The RECORD of December 10.

Mr. GARD. I thank the gentleman.

Mr GREEN of Iowa. The Constitution of the United States provides that the President, with the advice and consent of the Senate, shall appoint all officers of the United States except that Congress may by statute provide for their appointment by certain heads of departments. Over and over again—as I showed in this statement I sent to the Commissioner of Internal Revenue, and might have shown other authorities—has the Supreme Court of the United States held that "officers of the United States," speaking strictly and in the terms of the Constitution, are only those who are appointed; and, consequently Congressmen are not embraced in these words when used in the Constitution. That has been held in cases where it became necessary to determine whether a man was an officer of the United States or not. Gentlemen, you will find these cases referred to in my letter and find other cases, if desired, in support of this proposition.

Now, there is another point in the way in which this law was drawn. The terms of the exceptions under this statute, the last revenue bill, are that "officers under the United States" are exempt. But Congress and its Members are under no one. They are in fact the Government of the United States and each House is responsible to no one except Members of its own body. No one is over Congress. It would seem as if in framing this law that especial pains was taken that no mistake might be created as to who would be embraced within its terms, but gentleman say there has been an impression created abroad that Congress was exempt, and therefore we want to correct this impression. Let me say if gentlemen think they are going to escape the Congress mucker in this matter that they are mistaken.

Those who were so careless or reckless or so malicious as to state that Members of Congress had exempted themselves from the income tax will be as malicious as they were before and invoke some other charge against them. Every Member knows that there was not a pin point on which to hang the claim that Congress had exempted its Members from the income tax. The only question that could possibly arise was whether the salaries of Members were exempt from the excess-profits tax, and I have never seen a lawyer who had read the bill and considered the authorities that thought they were. What we ought to do is to await the ruling of the Commissioner of Internal Revenue instead of passing this wholly unnecessary bill. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. HULL].

Mr. HULL of Tennessee. Mr. Chairman, immediately after the passage of the war-revenue act on October 3, some question arose as to whether the compensation paid to Senators and Representatives in Congress was subject to the excess-profits tax. That controversy, however, was at once shifted to a general charge, made in the press of the country, that they had been exempt, as the gentleman from North Carolina has stated, not from the excess-profits tax but from the income tax. In other words, the real question was at once completely beclouded by the injection of entirely erroneous statements and sweeping charges with respect to the status of the salaries paid to Senators and Representatives in Congress as they might be affected, not by the excess-profits act, but by the income tax.

There was ground for enough difference of opinion as to the application of the excess-profits law to the compensation of Senators and Congressmen as to afford room for controversy. And while I thought then, and think now, that the Treasury Department would probably rule that the compensation paid by the Federal Government to Senators and Representatives is subject to section 209 of the excess-profits tax law, yet, in view of the widespread charges sent all over this country as to just what Congress intended in that connection, and in view of the perversion of what I know was the intention of this House in that respect, I have thought as one Member here that, notwithstanding the fact that the Treasury would probably rule that we are subject to the excess-profits tax as stated, we owed it to ourselves to say in the clearest terms what our intention was, in order to leave no doubt in the minds of any citizen of this country, and in order to give no person or newspaper the pretext to say falsely that Congress attempted to exempt itself.

Now, this resolution simply does what I know was in the minds of the House on October 3, when this war-revenue act was passed.

Mr. GLASS. Will the gentleman yield?

Mr. HULL of Tennessee. I will.

Mr. GLASS. Does not this resolution do vastly more than that? If it be true that we find it necessary or desirable to fence and foil demagogic criticism as applied to ourselves, why should we break all precedent and be weak enough to apply this tax to Federal officials, when the chairman of the Ways and Means Committee says that the tax does not apply in other nations to Government officials?

Mr. HULL of Tennessee. Well, Mr. Chairman, there is so much opportunity for discussion and so little time, like the gentleman from Iowa [Mr. GREEN], I have had no disposition to enter into a legal argument as to any of the phases of this tax law. I simply wanted to emphasize the purpose for which this resolution is being considered; that it comes up here to express, or, rather, to reiterate in unmistakable language, the original intention of the membership here. And I think it does that. I think no one can be criticized for reiterating what was on his mind when the act was passed.

Mr. GLASS. But it does more than reiterate that. It goes further and makes this excess-profits tax apply to Federal officials when it never was intended it should apply to Federal officials, and when the chairman of the Ways and Means Committee explicitly states that similar taxes do not apply in any other government. Now, in order to relieve ourselves from criticism, why should we be weak enough to go forward and tax Federal officials?

Mr. HULL of Tennessee. Mr. Chairman, the idea was in the minds of most of us, I think, that the Treasury would and should rule that the salaries of Congressmen would be taxed on the theory that they were not Federal officials under the Constitution and that they did not come under the law of exemption contained in paragraph 9 of section 201. That being true, it was only contemplated that all salaries, whether official or whether those derived from other than official sources, should be treated alike. The sole purpose of this resolution is to make clear and certain the liability of the salary of Members of Congress in excess of $6,000 to excess-profits tax of 8 per cent. No question as to whether salaries generally should have been subjected to this tax in the first place, as they were, does not now arise. This question can later be considered on its merits now that the status of all salaries has with certainty been made the same. I have heretofore indicated my attitude as to the taxation of salaries under excess-profits act.

Mr. FORDNEY. Mr. Chairman, I yield one-half minute to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, I shall support this joint resolution, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. FOSTER. I would like to ask if the gentleman intends to extend his remarks on this subject or on the subject that he asked to extend them on some time ago?

Mr. POWERS. On this subject; and I would like also to extend them on prohibition.

Mr. FOSTER. I object to that. I object to anything on that resolution.

Mr. POWERS. I will confine it, then, to this resolution.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD on the resolution under consideration. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, I yield two minutes to the gentleman from Georgia [Mr. BRAND].

Mr. BRAND. Mr. Chairman, I have only two minutes of time at my disposal, and therefore can only make a mere statement of my position upon this question. I would not occupy this time were I not apprehensive that my vote in favor of the

pending proposition may be construed into an admission that the report sent out all over the United States after the close of the last session of Congress that Members of Congress had voted to exempt themselves from payment of the income tax was true.

According to the view I hold upon this question, the passage of this resolution is useless legislation, and if I had time I believe I could demonstrate it to the satisfaction of any critic. I make this statement in no sense as a criticism of the Ways and Means Committee, because it has likely adopted the correct course to terminate the life of a misrepresentation which has been circulated, and to some extent credited, in every congressional district of the United States. When I first heard of the report that Congress had voted to exempt themselves from the payment of the income tax and the excess-profits tax, though the report was confined to the former, I denied it, and I deny it now.

It is not true for two reasons, as I contend:

First. The portion of the revenue act upon which this report was based does not bear the construction, currently prevailing, and, in my judgment, no court of any respectable reputation would so hold. My contention is that a Congressman is not an officer and an employee of the United States, or an officer and an employee under the United States within the meaning of the law, and therefore the provisions of the revenue act referred to do not exempt him.

Second. As all know, a tax levied upon the people or a class of people operates on all alike. No man and no one class of people can be held exempt from its operation by implication. All are subject to the provisions of a bill designed to raise revenue unless expressly exempted. No class is exempt in a tax or revenue act unless express words are used clearly showing that the legislative body had that particular class in mind at the time the legislation was voted for. No such words can be found in the section under consideration.

I know, and every Member of this House, Republican and Democrat alike, knows as well as we know that our Redeemer liveth, that no vote was cast on the revenue bill by any Congressman with the intention or purpose in his mind to exempt himself from these taxes.

I know and you know that we did not intentionally or purposely vote to put burdens upon other people which we ourselves were not willing to help carry, and as there is not a line in the bill expressly exempting Congressmen from the payment of the income tax or the excess-profits tax, I insist under the law as it stands now that we are subject to the payment of these taxes. And according to the calculations of the tax gatherer, the act imposes an income tax of $245 on each unmarried Congressman and $205 on each married Congressman, and in addition to this an excess-profits tax of $120 on all Congressmen. Those interested should not be unmindful of the further fact that in addition to the payment of these taxes Congressmen will have to pay an income tax on the property respectively owned by them. These taxes will be paid by us ungrudgingly and as cheerfully, in my opinion, as by any other class of taxpayers in this Republic. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Chairman, my friend from North Carolina [Mr. KITCHIN] has just made a rather remarkable speech in support of this resolution. In arguing in favor of its passage he gave strong, logical, and, to my mind, unanswerable reasons why, as a matter of principle, public officials should not be included in an excess-profits tax. Now, let us be perfectly frank about this proposition. Let us not delude ourselves as to just what we are doing. The sum and substance of this resolution is the declaration by legislative enactment that $1,500, the amount by which our salaries exceed $6,000, is excess profit. No such glaring absurdity has ever been enacted in the statutes of this or any other country. How is it possible logically to say what portion of our salaries is an excess profit? Imagine this situation, and I suggest it because the gentleman is not present, for I do not desire to embarrass him. If the salary of the gentleman from New York [Mr FITZGERALD], who is about to leave us, was $100,000 a year, I think every man here will agree that, measured by his service to the country, not one cent of it could be properly regarded as an excess profit. [Applause.]

There are many Members of Congress whose value to the country is not to be measured in dollars. To call any portion of their salary an "excess profit" is, I think, a rank absurdity.

While under ordinary circumstances I would oppose this resolution on its merits to the last ditch, I realize that the Yuletide season is approaching. We are about to adjourn for the Christmas holidays, and I see many of my most cherished friends here with haggard faces, due to loss of sleep from brooding, I suppose, over the abuse they have received for having voted to impose an excess-profits tax on the incomes of doctors and lawyers and clergymen and other income earners and exempted themselves from its operation. Under the circumstances, then, I am prepared, as a finality, to accept this resolution with as good grace as I can.

Now, gentlemen, all this trouble—and I am still speaking frankly—was brought upon us by what I regard as the temporary aberration of the gentleman from North Carolina [Mr. KITCHIN] and a few of his colleagues on the conference committee. I want to say this about my friend from North Carolina, that up to the time he reached the conference committee he behaved remarkably well; he comported himself with dignity, discretion, and wisdom. I will not say that this was due to the benignant influence of association with myself during the formative period of this bill [laughter], but the fact is that when deprived of that association during the conference he so far lost his former admirable poise as to lend his approval to this amorphous invention known as section 209.

I use the word "invention" advisedly. Section 209 is an invention. It is without parallel in the statutes of this country or of any other country under the sun. It is the product of the intelligence of a few gentlemen who succeeded in reconciling their consciences to advocacy of the proposition that human brains are to be regarded as invested capital, and that the product thereof is an excess profit. I assert that no such absurdity has ever before been written into the statutes of this or any other country. Every man here knows that this proposition to impose an excess-profits tax on incomes received where there is no invested capital at all was never even hinted at, much less discussed, on the floor of this House. In the Senate, by common consent, salaries and professional incomes were specifically eliminated from the bill. I think the question whether the conferees, there being no difference between the two Houses on this question, did not exceed their power to bring in this proposition might be distinctly open to debate. The gentleman from North Carolina, in his able argument against the imposition of an excess-profits tax on the salaries of public officials, in which I entirely agree with him, added that no other country had ever imposed such a tax. That is true; but furthermore it is true that no other country under the guise of an excess-profits tax has ever imposed a tax upon earned incomes where there is no invested capital.

Mr. GLASS. Mr. Chairman, may I ask the gentleman a question?

Mr. LONGWORTH. I yield to the gentleman for a brief question.

Mr. GLASS. If we want to relieve ourselves from criticism, why not stop there? Why break all precedents and tax other Federal officials as well as ourselves?

Mr. LONGWORTH. Well, I will answer that simply on the theory that we are giving a Christmas present to our colleagues, about to go home for the holidays, I am willing to do it.

Mr. GLASS. Give them a Christmas present, but not burden Federal officials with it.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. MOORE of Pennsylvania. The gentleman has included all trades and business covered in "professions"?

Mr. LONGWORTH. Yes.

Mr. MOORE of Pennsylvania. The gentleman wants to relieve his entire earnings from taxation?

Mr. LONGWORTH. I want to relieve the man who earns his income, whether large or small, by his personal effort and from his brain alone from an additional penalty tax over the man who without any effort on his own part derives his income from invested capital.

Now, just what does section 209 do? It puts a tax of 8 per cent on trade and business where there is no invested capital. Let me call attention to this fact particularly. Section 209 of itself would not include professional incomes and salaries were it not for the fact that in section 200 of the revenue law the terms "trade and business" are specifically defined to include professions and occupations. It is on account of that definition that professions and occupations come in under section 209.

Now, what is its practical effect? Let me give you an illustration, amplifying my answer to the gentleman from Pennsylvania (Mr. MOORE) a moment ago. A inherits an estate of $200,000, invested at 5 per cent. He draws an income of $10,000 from that inheritance without any effort on his part at all. B is a man who has inherited nothing, but who, by his energy, his ability, and his brains, has built up a capacity to earn an income of $10,000. Which one ought to be taxed the higher, A or B? Is there any man in this House who will say that B, who actually earns all of his income, ought to be taxed more than A, who does not? And yet that is what section 209 does.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. I yield.

Mr. LENROOT. I want to ask this question: The man who earns his income would pay $320 a year more than the man who does not?

Mr. LONGWORTH. A and B pay the same income tax. At that point A's liability to pay taxes ceases, but B, as the gentleman from Wisconsin says, would be compelled, under section 209 to pay an additional tax of 8 per cent on $4,000, the excess of his income, over $6,000.

Gentlemen, this doubly violates a principle that should be fundamental in every income-tax law. It is a fundamental principle of every income-tax law in every other country but this—that earned income pays a less rate of taxation than unearned income.

In Australia there is a difference made of 50 per cent in favor of earned as compared to unearned incomes. In Great Britain, I think, it is 25 per cent. Every country except this discriminates in favor of the man who earns his income by his personal exertion and by his brains, as compared with the man who sits down and cuts coupons or collects rents. Under our law not only does such a man not pay less taxes, but section 209 has imposed upon him an additional tax in the form of an excess-profit tax from which the coupon cutter or the rent collector is exempt.

There is a fundamental reason why a discrimination should be made in favor of the man who earns his income. The man who derives his income from invested capital does not thereby destroy or impair his capital. It remains the same, and his capacity to receive the income therefrom remains the same during his life; but the man who has to earn his income thereby diminishes his capital from day to day, to some extent, and the time eventually comes when his earning power vanishes. Our present law, then, is a double violation of that principle which I am sure most men in this House believes should be made one of the permanent fundamentals in our income-tax legislation. It is a pity that Congress has not so far recognized this principle, but it is an infinitely greater pity that we should have adopted a provision which not only makes no discrimination in favor of the man who earns his income, but places a penalty upon him.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. KELLEY of Michigan. I did not hear the first part of the gentleman's remarks. Is the gentleman's opinion in harmony with that of the chairman, that Members of Congress are liable for this 8 per cent tax on anything in excess of $6,000?

Mr. LONGWORTH. I am inclined to think that under the law as it is now we are liable for this tax, though the question is open to doubt.

Mr. ROSE. Under what pretext can the examples that the gentleman gives be called excess-war profits?

Mr. LONGWORTH. They can not under any circumstances. They can not in any case, I imagine, be a war profit, because in all probability the incomes of clergymen, doctors, attorneys, and presidents of universities, and others with no invested capital are, with few exceptions, less since the war started than they were before. That is an additional reason why these incomes should not be subjected to an excess-profits tax.

After all, gentlemen, it is the passage of section 209, as extended by the definition in section 200 of trade and business, that has brought all this criticism upon us. We are seeking to disarm criticism by committing two wrongs on the mistaken theory that two wrongs make a right. It is not the way to accomplish the result. The way to disarm any just or fair criticism against the revenue law is to eliminate the root of the evil—the penalty tax on earned incomes. I have myself a proposition to suggest by way of remedy in the form of a bill I have introduced, which I sincerely trust will meet with favorable consideration before we adjourn. It is a bill which simply amends the definition in section 200 of the terms "trade" and "business," providing that they shall not include professions and occupations where there is no invested capital. The result of the passage of such a bill would be simply this, that section 209 would still apply to corporations and business partnerships having no invested capital, but would not apply to professional men and to men who earn an income by their personal efforts and by their brains alone.

Mr. MOORE of Pennsylvania. Does the gentleman propose to offer that as an amendment at the proper time?

Mr. LONGWORTH. I have some little doubt as to whether this precise amendment would be ruled to be in order. I shall attempt to accomplish the same thing in another way.

Mr. MOORE of Pennsylvania. If the gentleman does propose to offer an amendment, I want to be heard on that question; that is all.

Mr. KITCHIN. I yield three minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, I am very heartily in favor of this resolution. Congress has been maligned, first by some gentlemen of the demagogue type who desire to defeat some worthy Members of this body, and then again by the metropolitan press of this country, whose toes are trampled on a little by the war-revenue bill passed in the last session of Congress. Every sensible man who has investigated the question knows that without this excess-profits tax Members of the House and Senate were taxed $205 per annum on their salaries. The United States Senate put on that bill after it left the House an excess-profits tax on the salaries and incomes of professional men and all others above $6,000. No Senator nor Congressman intended to exempt themselves from the excess-profits tax on their salaries, nor did they believe that Congressmen or Senators were exempted. All of us know that we are to pay $325 taxes on our salaries yearly under the war-revenue bill passed at the last session of Congress. We are not exempted from any kind of tax under that bill. We are in war, and all people should be willing to pay taxes. Congressmen are not officers of the Government. Yet some of the metropolitan papers and weekly periodicals of the northeastern portion of this Republic have severely criticized Congress and impugned the motives of Members, as though a man elected from a great State as a Senator or from a congressional district of 200,000 souls as a Representative would make a scoundrel of himself for the paltry sum of $120 on his salary. The excess-profits tax on the $1,500 above $6,000 amounts to only $120; and yet some of these periodicals would impugn the motives of a man who has principle and honor enough to be elected by an honorable constituency. [Applause.] The trouble of it is these publications have been for all these years getting a subsidy in the shape of having their papers transported through the mails at 1 cent a pound when it cost 8 cents a pound to transport them. In other words, they have been getting out of the taxpayers of the United States 7 cents on every pound of the papers carried; and the Ways and Means Committee, out of $90,000,000 that these papers and periodicals have been grabbing annually out of the people through this mail subsidy, has compelled them to pay $26,000,000 a year; and the time is near at hand when they shall be made to pay all that it costs to transport their papers through the mails, the same as a man pays for the expense of transporting a first-class letter. There is no reason why the taxpayers of the United States should pay to transport these papers free, but such publications as these weeklies and magazines that I have mentioned have impugned the motives of Members of Congress because the American Congress saw proper to keep those papers, journals, and magazines and others like them from sending through the mails at a cent a pound the tons of pages of advertisements from which they get such enormous revenues. [Applause.] Some of the country papers have accepted as true what the selfish metropolitan press and magazines have published. They should investigate before wrongfully criticizing Congress. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MOORE of Pennsylvania. I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, when I came back to Washington, having seen the notices in the papers that we exempted ourselves from the income tax, I at once took up the matter with the Commissioner of Internal Revenue and attempted to show that there was no intention on the part of Members of Congress to make such exemption, and that it was impossible under the terms of the act. I would have been pleased indeed if the commissioner had seen fit to order, as he might have done, that there should be no exemption of Congressmen from section 209. That would have settled the entire matter.

Of course I shall support this joint resolution, but I regret exceedingly that it was introduced, because I think it was entirely unnecessary, for we were liable without the passage of this act. It gives the newspapers and those who delight to malign Congressmen an opportunity of saying that we are passing this resolution because of the severe criticism.

Title 2 was devoted exclusively to the ascertainment of whether or not there was more profit being made during the war period than there was during the years called the prewar period and placing a tax on such excess profits. It was exclusively devoted to that object and purpose, and the amount was ascertained by a comparison of the profits made in trade and business of the prewar period with the taxable year. The prewar period was fixed as the years 1911, 1912, and 1913. Profits were to be determined by the relationship of the income received with the capital invested. So, of course, it was utterly impossible that there should have been any intention or expectation of including in this any salary or proposition of that kind, because it would be absurd to say that a man receiving a fixed salary was receiving an excess profit. That was the condition of affairs when the exemption provision was inserted, and of course it was perfectly proper under those circumstances. The exemption was in the original act, and it was proper under the original act. Section 209 was inserted by the conferees, and it could not be said that it was the intention to apply the exemption provision which existed in the old title when this was entirely a new matter and had no relation to the old condition. So the facts absolve Congressmen from attempting to exempt themselves from the provision of section 209.

The exemption provision would not apply to Members of Congress unless the language of the statute was expressly or by clear implication intended to so apply. An officer of the United States is defined by the Constitution to be one appointed by the President or by a court of law or by the head of a department. The Supreme Court has said in numerous cases that none others are officers. Language has been used sometimes in statutes in a popular sense, but it never has been so interpreted, except under circumstances where it is shown that that was the intent of the legislators. Certainly no intent could be shown in this case. So we have a clear proposition of law upon which I do not think any lawyer studying the decisions in this case could for a moment believe that the Supreme Court of the United States or any other court would say that Members could claim exemption, because they were officers of the United States, from the operation of section 209. So that in fact we were not exempt, and so in fact this resolution is entirely unnecessary. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield four minutes to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, it has been charged that in the passage of the war-revenue bill Members of Congress exempted their own salaries from the payment of all income taxes. The contrary is true. It has taxed them along and on the same terms with professional and business men.

Everybody familiar with the Federal income-tax laws knows that all persons, including Congressmen, are subject to the payment of income taxes of 2 per cent upon their net incomes above $2,000 exemption for heads of families and above $1,000 for single persons, and an additional 2 per cent upon their net incomes above $4,000 for heads of families and $3,000 for single persons, and a further 1 per cent on net incomes above $5,000 up to $7,500, and an increasing surtax for larger incomes. The war-revenue tax law very largely increases the income tax on the salaries of Congressmen and others with like incomes.

But the general public were not so familiar with the income-tax laws and were easily misled by unjust criticism. The occasion of the criticism was a provision in the war-tax revenue law, finally enacted on October 3 last under the title of war excess-profits tax, which provision was inserted in this revenue bill after it had passed the House and had gone to conference where the differences between the Senate and House were adjusted, and the conference report was adopted during the final days of the special session.

War excess profits are known as the profits during the war in excess of prewar profits. Naturally there could be no excess profits in salaries that are the same both before and during the war. But the conference committee concluded to levy in lieu of an excess-profits tax, as provided in section 201 of the war-revenue law, a tax equivalent to 8 per cent of the net income of the trade or business of every domestic partnership or citizen or resident of the United States in excess of $6,000 where such trade or business had no invested capital, except—

In the case of officers and employees under the United States or any State, Territory, or the District of Columbia, or any local subdivision thereof, the compensation or fees received by them as such officers or employees.

This exception to the conference committee amendment did not at the time attract the attention of Members of Congress generally, for it simply enlarged or extended the exemption heretofore existing in prior income-tax laws as to State officers, and so forth, so as to make officers and employees of the United States as to this law also exempt, and it did not seem unreasonable or of much moment, as few Federal or State officers have salaries above $6,000. But when it was afterwards suggested that Congressmen might be construed to be within this exception there was a general demand from Members of Congress that the language be so amended as to make it plain that Members of Congress were not exempt from this 8 per cent additional tax written in the law under the title of excess war-profits tax. It was well argued that Members of the House and Senate were not officers and employees of the United States in contemplation of the Constitution and could not be held to be within the exception, as they were not officers and employees of the United States, and that Members of Congress were liable to this additional tax, not being expressly named in the exception.

Nowhere in the revenue act are Members of Congress mentioned as being exempt from the payment of any income tax or excess war-profits tax. However, to put the matter beyond any controversy, and responding to the unanimous desire of all Members to make it clear that Senators and Congressmen are liable to this additional tax, and thereby end all controversy, a joint resolution was reported by the Ways and Means Committee, which, when adopted in the House, read as follows:

Joint resolution amending the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to subject to the war-excess-profits tax the compensation of officers and employees under the United States, including Members of Congress.

Resolved, etc., That subdivision (a) of section 201 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, is hereby amended to read as follows:

"(a) In the case of officers and employees under any State, or local subdivision thereof, the compensation or fees received by them as such officers or employees."

SEC. 2. That section 209 of such act of October 3, 1917, is hereby amended by adding a paragraph to read as follows:

"The income of officers and employees under the United States, including Members of Congress, received as compensation or fees by them as such officers, employees, or Members, shall be taxable under this section for the calendar year 1917 and each year thereafter; but a nonresident alien officer or employee of the United States shall be entitled to the same deduction as a resident of the United States."

This joint resolution, unanimously supported in the House, specifically mentions the incomes of Members of Congress as subject to this additional 8 per cent tax, together with the incomes of officers and employees of the United States, received as compensation or fees by them as such officers, employees, or Members, thereby ending all further controversy as to the meaning of the law and the intention of Congress with reference thereto.

Under existing Federal laws Congressmen, as well as others, if married men or heads of families, will pay 2 per cent normal tax on their net incomes exceeding $2,000 up to $4,000, and 4 per cent on their net incomes above $4,000, and a further 1 per cent or surtax above $5,000, and in addition thereto 8 per cent above $6,000.

The incomes of State officers are exempt from payment of all Federal income taxes by reason of a decision of the Supreme Court of the United States.

The unanimous support given this amendment should end all further criticism from any source. Many Members of Congress have sons in the Army—some have already gone and others shortly will go to the battle fields of France, to do service for their country. All Members have far more care for the welfare of these soldier boys than for the income tax cheerfully levied upon their own salaries.

I insert herein a table showing how the income tax figures out for both married and single men. Here is what a married man will have to pay under the income-tax section of the new revenue act. The only alteration necessary in applying the figures to the income of a single man is to make the exemption $1,000 instead of $2,000, as in case of a married man.

Married man having income of—	Amount of normal tax.	Amount of war normal tax.	Surtax.	Total individual income tax.
$1,000	None.	None.	None.	None.
$2,000	None.	None.	None.	None.
$3,000	None.	$20	None.	$20
$4,000	None.	40	None.	40
$5,000	$20	60	None.	80
$7,500	70	110	[illegible]	205
$10,000	120	160	75	355
$12,500	170	210	150	530
$15,000	220	260	250	730
$20,000	320	360	500	1,180
$40,000	720	760	2,100	3,580
$60,000	1,120	1,160	4,500	6,780
$80,000	1,520	1,560	7,900	10,980
$100,000	1,920	1,960	12,300	16,180
$150,000	2,920	2,960	25,800	31,680
$200,000	3,920	3,960	41,300	49,180
$250,000	4,920	4,960	59,800	69,680
$300,000	5,920	5,960	80,300	92,180
$500,000	9,920	9,960	172,800	192,680
$750,000	14,920	14,960	297,800	327,680
$1,000,000	19,920	19,960	435,300	475,180
$1,500,000	29,920	29,960	740,300	800,180
$2,000,000	39,920	39,960	1,050,300	1,130,180
$4,000,000	79,920	79,960	2,310,300	2,470,180

Heads of families are allowed an additional deduction from income of $200 for each dependent child.

In the foregoing on all earned incomes above $6,000 an additional tax of 8 per cent should be added.

You will note from this table that the normal income tax heretofore levied on the salaries of Congressmen was $70; that the new revenue act imposed an additional war normal tax of $110 and a surtax of $25, making a total of $205, to which the additional tax of 8 per cent, or $120, will be added, making in all $325 to be paid by Congressmen and others having similar net incomes.

I believe in the income-tax law and the levy of a reasonable per cent on all incomes, above a fair exemption, for the support of the Federal Government—a larger per cent in war times than in times of peace—and an increasing per cent upon the larger incomes.

If our boys enter the service of their country, risking life and health, then those who earn while others fight should pay without complaint and cheerfully pay the reasonable and fair tax contribution necessary to provide our soldiers with food, clothing, munitions of war, and all the necessities required by this dangerous and patriotic service.

Mr. KITCHIN. Mr. Chairman, I yield one minute to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Chairman, this is a bill to amend the revenue law passed at the last session of this Congress, but it is not for the purpose of correcting that law but is simply for the purpose of making absolutely certain that which everyone in this House thought was certain when the act was passed. I have not yet found a man who was present when the revenue bill was passed who believes that there was any intention to or that it did, in fact, exempt Members of Congress from the payment of their taxes under the excess-profits provision the same as salaries of all other citizens of the United States. But there is no doubt that among the people the belief does exist that we did exempt our salaries and I with many other Members of Congress have received letters from friends saying that Congress had taxed everything in sight except themselves and their own salaries, which were exempted.

We did not do anything of the kind, and every man here at the time understood that we did not. The good lawyers in this House and outside of it say that our salaries are subject to the tax, but I am glad to-day to be able to vote for a resolution not to correct but to make absolutely certain that which we thought was certain at the time we voted for and passed the revenue bill.

Mr. KITCHIN. Mr. Speaker, my distinguished friend from Ohio, Mr. LONGWORTH, says that section 209 is the root of all this trouble. That section taxes lawyers, doctors, professional men, and others, including corporations, without invested capital who make profits in excess of the specified deduction.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. SNYDER. Did the gentleman state the matter correctly?

Mr. KITCHIN. No; he did not state it correctly, and I am going to show you that he did not.

Mr. SNYDER. I mean the gentleman from North Carolina now speaking. Does the gentleman not mean that these men were penalized and not taxed?

Mr. KITCHIN. No; they are justly taxed and not penalized as long as other individuals are taxed. The gentleman from Ohio [Mr. LONGWORTH] said that nobody knew that this proposition was in the bill until after it was passed.

Mr. LONGWORTH. I never said that I did not know it. I said that not 10 Members of the House knew it.

Mr. KITCHIN. The gentleman knew it when it was passed.

Mr. LONGWORTH. Oh, yes; I did.

Mr. KITCHIN. That is the point that I am making. The gentleman knew it was in there when he voted for it. I discussed that very section, 209, upon the floor of the House when I presented the conference report. I discussed it at length, and the gentleman was sitting in front of me as I discussed it. I showed why it was put in there and why it ought to be put in there, and when the time comes and any man wants to strike it out, I shall try my best to show why it ought to remain there. The gentleman knew it was in there, and yet he never raised his voice against it. The time to have denounced section 209 was when it was before the House for approval or rejection. If he wanted to protest against it, that was the time to protest. If it is wrong now, it was wrong then, and yet he never made any protest, knowing it was in there and knowing that we and he were to vote on it. He never made any protest until after he went home and no doubt talked to some of the big Cincinnati lawyers, and he then comes back here and is convinced that it is a big outrage; that it penalizes the lawyers and the doctors.

Mr. LONGWORTH. And the clergymen.

Mr. KITCHIN. Yes; and the preachers.

Mr. LONGWORTH. Will the gentleman yield?

Mr. KITCHIN. I have not the time now.

Mr. LONGWORTH. The gentleman is aware that there is a rule that a conference report must be voted either up or down.

Mr. KITCHIN. Oh, we could have stayed here and voted it down if it was such an outrage as the gentleman makes out this morning. If I were in the gentleman's place I would have voted against it and told the conferees to go back and correct the outrage, because if we had committed an outrage the conferees would have been glad to correct it. Or I certainly would have protested against it and warned the House of its injustice in the speech which the gentleman made on the report; but not a word of protest or warning did he make.

Mr. LONGWORTH. The gentleman at the time was impressed with the necessity for raising revenue.

Mr. KITCHIN. There is no fairer or more equitable or righteous provision in all the revenue act than section 209. When the Senate included individuals in the excess-profits tax we protested against it. The House conferees and the gentleman from Ohio and myself agreed on that, and the Ways and Means Committee agreed on it, and the House was of the opinion that individuals ought not to be put in the excess-profits tax provision, but when the Senate insisted upon it and refused to yield, then we said that it was not right to put in the individual farmer, and the merchant, and the lumberman, and banker, and butcher, and blacksmith, and every other individual and leave exempted from the tax lawyers and the doctors and other professional men.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. LENROOT. Does the gentleman think, then, that a man having an income from invested capital should be taxed less than a man who earns his income?

Mr. KITCHIN. The gentleman has got that error from the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. If it is an error.

Mr. KITCHIN. I want to tell you that the man who has his money, say, $100,000, invested in stocks pays on the average three times more than the lawyer that you are trying to protect. He pays the tax before his income gets to him. The corporation takes it out and pays it for him.

Mr. LENROOT. Suppose he has a hundred thousand dollars invested in real-estate mortgages?

Mr. KITCHIN. And gets his income on that?

Mr. LENROOT. Yes.

Mr. KITCHIN. Let us see; let us appeal to the gentleman's sense of fairness. If I have $100,000 of my money loaned out on mortgages at 6 per cent interest—and in my State it is 6 per cent—should I not be allowed the same deduction on the amount, $100,000, so invested as the gentleman or other person who puts that amount in an active business? We both have the same amount invested. But the amount of my small profits—my income—from my investment is limited by interest law, while the amount of profits from the gentleman's investment is unlimited; it may reach 20, 25, or 50 per cent or more. Should he call his income earned and therefore demand a larger deduction or exemption and call my income unearned and therefore demand a smaller deduction or exemption for me? Under the law capital invested, it matters not how, has the same deduction or exemption.

Mr. LENROOT. But the gentleman is not discussing the question——

Mr. KITCHIN. I am discussing exactly the question the gentleman asked about investment in mortgages. Of course, when I lend $100,000 at 6 per cent there can not be any excess profits, because I would be entitled to a deduction of 8 per cent upon my capital of $100,000 invested even if you make the excess-profits tax apply to such a case.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Resolved, etc., That subdivision (a) of section 201 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, is hereby amended to read as follows:

Mr. LANGLEY. Mr. Chairman, I move to strike out the last word for the purpose of occupying the floor for a moment or two only.

Mr. MOORE of Pennsylvania. Mr. Chairman, is that motion in order at the present time? The paragraph has not been read.

Mr. LANGLEY. The first paragraph has been read, and I think I am in order.

The CHAIRMAN. The first paragraph has been read.

Mr. MOORE of Pennsylvania. I make the point of order that the Clerk has not completed the reading of the paragraph, Mr. Chairman. I was waiting to be recognized.

Mr. LANGLEY. Mr. Chairman, am I recognized? I only made this pro forma motion to get a chance to say a few words. The time for general debate was so limited that I did not feel that I ought to ask for any part of it. I only wish to say this: I am glad this question has been so fully and clearly explained as to leave no doubt that all this criticism of Congress was unjust and wholly unwarranted. I do not deny that it caused me no little embarrassment, as I——

Mr. MOORE of Pennsylvania. Has the Chairman ruled on the point?

The CHAIRMAN. The gentleman from Pennsylvania has raised a point of order which the Chair thinks is well taken.

Mr. LANGLEY. I ask unanimous consent, then, for one minute more in order that I may finish now what I had said in part when the gentleman from Pennsylvania interrupted me.

The CHAIRMAN. The Chairman will recognize the gentleman from Kentucky when the first paragraph is really read.

Mr. LANGLEY. All right, then.

The Clerk read as follows:

(a) In the case of officers and employees under any State, or local subdivision thereof, the compensation or fees received by them as such officers or employees;

Mr. LANGLEY. Mr. Chairman, I now move to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. Being a member of the committee, I ask for recognition at this point. The recognition of the gentleman from Kentucky was made by a fluke. I could have arisen at the same time, but it was the wrong time to rise.

Mr. LANGLEY. Oh, no, Mr. Chairman, it was not a fluke, or anything of that kind. I thought the first paragraph had been completed, and so did the Chair at first, evidently. But I am perfectly willing to yield to a member of the committee. I do not desire to seek to take the floor from him. I understand the rule. I did not know the gentleman from Pennsylvania wanted the floor when I addressed the Chair and made the motion I did.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I concede the gentleman from Kentucky ought to be heard, and I hope he will be. The gentleman from Ohio [Mr. LONGWORTH] has made a 15-minute speech, which seems to be at variance with those made by other members of the Committee on Ways and Means, and I desire to point out one or two points of his speech that I think are wholly misleading. In the first place there is an impression upon the part of Members on this floor that this amendment proposes to tax poor lawyers, poor doctors, poor preachers, the preachers having been brought in as a sort of last resort to fortify the argument. This paragraph will not apply to any poor doctor, poor lawyer, or poor preacher, who earns less than $6,000 a year. I am not responsible for this bill or for any provision in it; but, as a Republican, desiring to help the President prosecute this war and raise the money to pay for it, I voted for what I supposed to be as equitable a system of taxation as the other side had to present. I was not for exempting certain classes of individuals and holding certain other classes of individuals liable to tax. Three kinds of taxes are under discussion—the income tax, which we all pay; the supertax, which we all pay if we have income enough; and the new system or scheme of taxation, which seems to have come from England or some other country, where we get many of our ideas, which is called the war excess-profits tax. If a man makes enough after paying the income tax, after paying the supertax, then for war excess-profits tax we tax him to the extent of 8 per cent in the case of an individual without invested capital and in certain other per cents, much higher, in the case of an organization or concern that has invested capital. The law simply endeavored to reach that skillful, clever sort of brains which generally knows how to make tax returns, and which is not the poor preacher, or the poor lawyer, or the poor doctor. It does include that devilish smart fellow who comes down here and suggests amendments to a conference committee or to the Ways and Means Committee, and who goes home and charges his corporation $100,000 for that service. His is the kind of brains that might be affected.

Mr. LENROOT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. No; not in five minutes, thank you. I do not care whether it is Elihu Root, who can afford to charge a big fee, or some lawyer who can only charge $5,000, I do not think that because he has brains we should put the entire war tax bill of the country upon the industries and corporations and individuals and allow the professional man to go scot free. I do not mince words about this at all. If you are going to play fair, play fair.

My friend from Ohio has an amendment to this bill, which he proposes to introduce if he can have it held in order, which provides "the term trade and business shall not include professions and occupations having no invested capital or not more than a nominal capital." I would change that and say the term "trade and business" shall include professions and occupations having no invested capital or not more than a nominal capital. It would not touch the poor man or anybody else who makes less than $6,000. Some lawyers are capable of absorbing the business of 20 lawyers, some doctors absorb the business of 20 other doctors, some engineers absorb the business of 20 other engineers. If others have to pay they should not escape taxation because they have brains enough to come under the proposed Longworth amendment.

Contrast such an individual earner with a corporation or a poor business concern. The business pays an income tax, a corporation tax, a surplus tax, a munitions tax in certain cases, and an excess-profits tax—five different kinds, in some instances—and when it is all paid the stockholders, the poor widows and orphans, if you please, who have stock in the concern, get nothing. But the clever fellow who gets a salary of $20,000 before the taxes are paid, who may leave nothing for the stockholders, would escape under this amendment. I am not for letting that fellow do it in these war times, and that is the reason I do not propose to let the Longworth amendment go into this bill if it can be prevented. [Applause.]

Mr. LANGLEY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Pennsylvania [Mr. MOORE]. I do not think the word "employees" should be stricken out. It is a very important word, and I do not think we ought to mutilate the paragraph in that manner. I am in favor of this joint resolution. If it can be improved in any way by amendment I am for that, but the general purpose of it meets my hearty approval.

Mr. Chairman, I had already said, before the Chair decided that I was not in order, nearly all that I intended to say. I think the gentleman from Pennsylvania feels too much personal responsibility in this matter and takes the situation too seriously. He referred a while ago to the "pusillanimous, patriotic pikers" who had caused all this trouble and opposed any concessions to them. I do not desire to make any concession to them; but one reason why I am for this resolution is that I wish to satisfy the many people in this country who are honestly mistaken about it and who have been misled by these so-called "pikers" into believing that we intended to do something that we did not intend to do. I wish them to know that this great body did not then intend to exempt themselves from any tax, and I want to help pass this resolution to show them that such is not now our purpose, and that we are willing and anxious to bear our full share of the burden. [Applause.]

Mr. LENROOT. Mr. Chairman, I want to say of the gentleman from Pennsylvania [Mr. MOORE], whom we all admire, that I think this is the first time since I have been a Member of the House that he has made a real demagogic speech. And that was exactly what his speech was.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LENROOT. I can not yield. The gentleman did not yield. So far as the gentleman from North Carolina [Mr. KITCHIN] is concerned, the Democratic leader, from a partisan standpoint, I am glad he takes the position he does, but I have been very much surprised that that side of the aisle defends a proposition that taxes men who earn their income at a higher rate than men who sit down and get an income from unearned capital. I asked the gentleman a question, but he begged it. I asked him whether he would defend taxing a man at the higher rate who earned an income as against a man who had his capital invested in mortgages? He did not answer. He referred to the man who had $100,000 invested in a cotton factory. Let me take his own illustration. A man earns an income of $7,000 through his own efforts. He will pay an excess-profits tax of $80. A man has $100,000 invested in a cotton factory, out of which he receives an income of 13 per cent, or $13,000. How much of excess-profit taxes will he pay? He will not pay one penny. Is that the position that the Democratic side of this House will take, namely, that a man who has invested money shall not pay a tax as high as a man who earns his income?

Another illustration: Take $100,000 invested in 7 per cent farm mortgages. Another man has an earned income of $7,000. What about the excess-profits tax of these two men? The man

wise is president of a university, as my colleague suggests, earning a salary of $7,000 a year, will pay an excess-profits tax of $80. The man who has $100,000 invested in real estate mortgages will not pay one penny of excess-profits tax. If you gentlemen on the other side of the aisle want to defend that kind of a proposition, well and good. We will take it to the people of the country in the next election. [Applause.]

Mr. LEHLBACH. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. LEHLBACH. This title of the revenue law purports to tax the excess profits due to the existence of the war, not excess profits that are levied by reason of the revenue necessitated by the war, but excess profits which come by reason of the existence of war. That is perfectly plain, because the title determines what a prewar period is and directs that, within limitations, profits earned in the prewar period should be deducted from profits now earned, and the difference—excess profit due to the existence of the war—be subject to the tax provided in the title.

Now, I would like to know what profession or occupation, having no invested capital now by reason of the existence of the war, earns an excess income. It has been said that an individual who comes under this title and pays tax by reason of the conduct of a business ought not to be taxed, and the professional man exempt from a similar tax. If an individual runs a steel business, and by reason of the war enjoys excess profits, he is to a certain extent a profiteer and he ought to pay the tax, and it is no injustice to him that a man who earns a normal income that he has always earned in the prewar period is not saddled with an extra income tax. Now, this act, this particular section, as it has been pointed out, taxes earned incomes in excess of $6,000 and exempts unearned incomes. This may be an example of taxing until it hurts, and it does hurt, not because of the money that is to be paid out, but because of the inherent injustice contained in the provision.

Another anomalous provision is that where several professional men associate themselves in a partnership they shall be taxed largely in excess of a man who is conducting a professional business in his own name. If one man associates himself with two other lawyers and does a business of $12,000 a year and pays to each of his associates $4,000 a year in salaries, retaining $4,000 as his profit in the business, not one of the three pays any of this excess-profits tax. But if there is a partnership of these same three, or lawyers similarly situated, and they earn in partnership $12,000 a year, then each pays a tax on $2,000 of his share of $4,000, or $160. These three men pay each $160 because they are honestly in partnership, and the other three do not pay a cent, because two purport to be employees of the other one.

It is an anomalous provision. The section itself is an injustice, and the inclusion of partnerships in professions makes it ridiculous.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. PLATT. I was going to suggest to the gentleman that if three men associate themselves together and get $12,000, their individual incomes on the division of this $12,000 would be very much less. Of course, they all pay that.

Mr. LEHLBACH. Yes; but the two employees get $4,000 each, and the other man gets $4,000, and the incomes would be the same. Of course, the partnership would have to pay.

Mr. PLATT. Their individual taxes would be less.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that all debate on this resolution and all amendments thereto close in 15 minutes.

Here is the situation: We have the rural-credit bond proposition to come up after this. In the Senate there is a motion lodged to rescind the resolution to recess, and they do not know how long it is going to take to discuss that. They do not know whether they are going to rescind it or not if it comes to a vote. We ought to go on and get through with this bill. Every man knows exactly how he is going to vote on it. I would like more time myself to answer the ingenious argument of the gentleman from Wisconsin [Mr. LENROOT] and to show the strained and exceptional nature of the case he gave, and the reason why he gave it. But we have not the time, and I am not going to take the time now. We ought to finish this, so that we can adjourn.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield for a question?

Mr. KITCHIN. I will.

Mr. LONGWORTH. I suggest that the gentleman answer the argument so far as the paragraph read goes. I have an amendment.

Mr. KITCHIN. You can offer your amendment in the 15 minutes.

Mr. WOOD of Indiana. Mr. Chairman, I would like to have five minutes to offer an amendment.

Mr. DILLON. I want to offer an amendment.

Mr. GILLETT. I did not quite understand the gentleman's purpose. Does the gentleman mean that he wants to adjourn before the Senate resolution gets over here?

Mr. KITCHIN. If they decide to rescind it, yes.

Mr. GILLETT. Why don't you adjourn now? There would be no objection to that.

Mr. KITCHIN. According to the suggestion of the gentleman from Ohio [Mr. LONGWORTH], I think "the boys" ought to be be given their "Christmas present," and we should vote on this proposition before we go home.

Mr. GILLETT. The gentleman says there is another proposition after this. It seems to me we should be allowed to discuss important amendments. The gentleman from Ohio [Mr. LONGWORTH] has an important amendment that he wishes to discuss.

Mr. AUSTIN. Yesterday, when the gentleman asked unanimous consent to have an hour's debate, I withdrew my objection on the assurance that I would have five minutes of that hour. I found in the general debate that I did not receive my five minutes. I want to be included now in any arrangement that is made here providing for 15 minutes.

Mr. KITCHIN. Yesterday I asked unanimous consent to consider this resolution this morning, in order to accommodate gentlemen on that side. I was going to be recognized by the Speaker to suspend the rules and pass this resolution last evening, and then we would have had only 20 minutes to a side, without the opportunity for amendment. We have now had an hour and forty minutes' debate.

Mr. AUSTIN. It has all been practically taken up by members of the Committee on Ways and Means.

Mr. KITCHIN. Does not the gentleman think we could finish the debate and discuss the amendments in 20 minutes? Let us see. The gentleman from Tennessee [Mr. AUSTIN] wants three minutes.

Mr. AUSTIN. I was promised five minutes yesterday when I withdrew my objection to unanimous consent for limited discussion.

Mr. LONGWORTH. I shall object to unanimous consent to limit debate until the consideration of the resolution is completed.

Mr. DILLON. I want four or five minutes.

Mr. WOOD of Indiana. I want five minutes.

Mr. KINKAID. I would like to have five minutes.

Mr. KITCHIN. Mr. Chairman, I see an hour's debate right here. Gentlemen, I think we ought to close this debate.

Mr. Chairman, I move that all debate on this resolution and all amendments thereto be closed in 15 minutes, with the privilege of gentlemen offering amendments during that time and sending them to the desk.

Mr. LONGWORTH. I make the point of order, Mr. Chairman, that the motion is not in order until the reading of the resolution has been completed. I do not want any time, but I desire to offer an amendment at the proper place, at the conclusion of the resolution. I shall therefore object to the limiting of time until the resolution has been read.

Mr. KITCHIN. The resolution has been read.

Mr. LONGWORTH. No; only the first paragraph. I shall not object after that is done.

Mr. AUSTIN. I make the point of order, Mr. Chairman, that you can not limit the debate in committee.

Mr. KITCHIN. I did not catch the suggestion of the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. This resolution has not yet been read. We are reading it now for amendment.

Mr. KITCHIN. I will make the motion after it is read, then.

Mr. LONGWORTH. Then I will offer the amendment.

Mr. KITCHIN. Let the Clerk read the next paragraph. I ask unanimous consent that all debate be considered closed on section 1 and all amendments thereto.

The CHAIRMAN. At this time?

Mr. KITCHIN. Yes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on section 1 of this resolution be considered closed at this time. Is there objection?

There was no objection.

The CHAIRMAN. The clerk will read the next section.

The Clerk read as follows:

SEC. 2. That section 209 of such act of October 3, 1917, is hereby amended by adding a paragraph to read as follows:

"The income of officers and employees under the United States, including Members of Congress (but not including the present President of the United States during the term for which he has been elected, nor the judges of the Supreme and inferior courts of the United States in office at the time of the passage of this amendment), received as compensation or fees by them as such officers, employees, or Members, shall be taxable under this section for the calendar year 1917 and each year thereafter; but a nonresident alien officer or employee of the United States shall be entitled to the same deduction as a resident of the United States."

Mr. KITCHIN. Mr. Chairman, I want to give the Speaker a chance to lay before the House an enrolled bill which he wishes to sign, and therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 195, amending the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to subject to the war excess-profits tax the compensation of officers and employees under the United States, including Members of Congress, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 17. Joint resolution proposing an amendment to the Constitution of the United States.

RESIGNATION FROM A COMMISSION.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 18, 1917.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: I hereby resign as a member of the Commission on Reconstruction of the Hall of the House of Representatives.

Respectfully, yours, JOHN J. FITZGERALD.

WAR EXCESS-PROFITS TAX.

On motion of Mr. KITCHIN, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of H. J. Res. 195, with Mr. WATSON of Virginia in the chair.

Mr. LONGWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 15, after the word "States," insert:

"*Provided, however*, That incomes derived from professions or occupations having no invested capital or only a nominal capital shall not be taxable under this section."

Mr. KITCHIN. I ask unanimous consent that all debate on this section and all amendments thereto be closed in 20 minutes, with the privilege to gentlemen to send up amendments at any time.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate upon this section and all amendments thereto shall close in 20 minutes. Is there objection?

Mr. WOOD of Indiana. Can I have three minutes?

Mr. DILLON. I should like four minutes.

Mr. LONGWORTH. I want five minutes.

Mr. AUSTIN. It was agreed yesterday that I should have some time on this.

Mr. GILLETT. There are five gentlemen on this side who want time.

Mr. KITCHIN. I will make it 25 minutes.

The CHAIRMAN. The request is that debate on this section and all amendments thereto close in 25 minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, let me first call the attention of Members to this fact, that the primary object for which this joint resolution is introduced will be carried out if this amendment is adopted, because the salaries of Members of Congress will be included under the provisions of section 209, and will be taxed. Thus, the only persons who will be relieved from the provisions of section 209 will be men who derive their incomes from professions or occupations in which there is no invested capital or only a nominal capital. As I pointed out a few moments ago, such incomes as these are not taxed as excess profits in any country in the world. Furthermore, such incomes as these in every other country in the world are taxed less than incomes derived from invested capital. By adopting this amendment you will have removed what I regard as a gross injustice, in spite of what has been said in praise of it by two gentlemen who were on the conference committee—the gentleman from North Carolina [Mr. KITCHIN] and the gentleman from Pennsylvania [Mr. MOORE]—who are the only ones so far to attempt to defend the principle of this proposition. They are entitled to all the pride they can take in their handiwork; no one else does. For myself, I regard section 209 as the one absolutely indefensible proposition in the revenue law.

It is no answer for the gentleman from North Carolina [Mr. KITCHIN] to say that I had the opportunity to attack this section when the conference report was before the House. He knows, and we all know, that a conference report is unamendable. He knows, and we all know, that the revenue to be raised by that bill was essential to carrying on the war, and even though there were some provisions in the bill of which I entirely disapproved, this particularly, for one I was not willing to have the bill sent back to conference and the whole subject opened wide again. It is no answer to my statement that this proposition is absurd and inexcusable to criticize me for not voting against the conference report.

If you adopt this amendment, gentlemen, you will eliminate from the bill the proposition which has caused all this criticism of which you complain, the proposition that you have taxed salaried men without invested capital and exempted yourselves from the operation of that tax. That is what the criticism was about. Nobody, least of all the gentleman from North Carolina, has ever advocated, on its merits, the proposition that the salaries of public officials should be taxed as excess profits. But a condition, not a theory, seems to confront us, and by adopting this amendment you will salve your consciences, so far as being included and paying this $120 tax is concerned. At the same time you will have removed the most vicious principle in the revenue law, a principle not recognized in any other country under the sun, and never recognized in this country before, which puts an extra tax on the man who earns his income by his ability and his brains, as compared with the man of wealth, inherited or acquired, who draws his income from invested capital, with no effort on his own part. [Applause.]

Mr. KINCHELOE. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, is there a real necessity for this joint resolution? The gentleman from North Carolina [Mr. KITCHIN], the chairman of the Committee on Ways and Means, has stated that the original proposition included Members of Congress. The chairman of the Finance Committee of the Senate, Mr. SIMMONS, stated yesterday in the Senate that it included Members of Congress, and that that was also the opinion of the General Commissioner of Internal Revenue, Mr. Roper.

Every member of the Ways and Means Committee who knew all about the matter when it was before the conference committee has stated that it did not mean to exempt Members of Congress. With all these accumulated statements as to the meaning and intention of the provision, why should we pass a resolution to answer a misstatement, a campaign falsehood, started somewhere in the United States to injure the Members of the Senate or House? As we are innocent of the charge and the testimony and record vindicates us, why is it necessary to take up our valuable time to pass this resolution?

What did the Congressman pay in income taxes prior to the enactment of the new revenue law? Seventy dollars a year for a married Member drawing $7,500. Under the new revenue law he is made to pay $325 a year, or $27 a month. If the so-called excess-profits tax is not included it would be $255 a year, or $21.25 a month. The pending resolution does exempt the President of the United States, with a salary of $75,000; it exempts the Chief Justice of the United States Supreme Court, with a salary of $15,000. It exempts the Associate Justices, with salaries of $14,500 each, and every circuit court judge with a salary of $7,000. Why should we exempt one class of Federal officials and not another? If one should pay all should pay whose salaries fall within the provisions of the income tax and excess-profits tax. The Supreme Court has never in any decision said that Congress could not tax the President of the United States or the members of the judiciary.

The Constitution of the United States says you can not lower the salary of the President during his term of office or increase it. But this is not a reduction of his salary, it is to put him on an equal footing with every other officeholder in the country. It is a reflection, it is an injustice which, I imagine, would be resented by the President of the United States and the members of the Supreme Court and the judges of the circuit courts to pass any law or resolution which would not permit them to do their share and duty in financially aiding the Government to win this great war. Pass such a resolution in time of war, the most

expensive war in the history of the world—tax everybody and every officeholder except these. Exempt the highest paid officer in the United States, and along with him the next highest, holding life positions. You can not justify such action before the American people.

I want the gentleman from North Carolina [Mr. KITCHIN] to answer the speeches of the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Ohio [Mr. LONGWORTH]. Men who have fortunes which they inherited, who are not earning by effort, labor, or ability the income from money invested and left them by their rich ancestors, are not taxed like you propose to tax the professional man, the lawyer, the physician, the minister, the doctor, or the officer of a corporation. Why should we as impartial lawmakers discriminate in this manner? It is unfair; it is unjust, and not to the credit of the American Congress to retain such a law. [Applause.]

Now, one thing more. The most unpopular section in the revenue law to-day is section 209. We will be held to a strict accountability when we face the electors on this section. It is unfair; it distinctly discriminates against earned incomes and penalizes industry in favor of inherited coupon-clipping incomes. In other words, earned incomes are doubly taxed.

This law or section says if you earn your money yourself you are going to be penalized in favor of the nonearning parasitical inheritor of accumulated and inherited wealth. No political party can afford to favor it, and the Members of this House can not stand for it before a thinking, intelligent people. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. KITCHIN. Mr. Chairman, I hope that amendment will be voted down.

The question was taken; and on a division (demanded by Mr. LONGWORTH) there were 56 ayes and 98 noes.

So the amendment was rejected.

Mr. WOOD of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 2, after the word "hereby," strike out all of the remainder of the section and insert in lieu thereof the word "repealed."

Mr. WOOD of Indiana. Mr. Chairman, if the amendment proposed by the gentleman from Ohio [Mr. LONGWORTH] had been adopted it would have cured a great deal of the evil that is going to be wrought by this section. That amendment having been voted down, it occurs to me that this section should be repealed. It is absolutely unworkable except to do very great injury to those to whom it applies. No one wants to avoid their just proportion of taxation, but everyone objects to unjust discrimination in taxation.

I call the attention of the committee to one concrete example that shows how absolutely unfair and unjust this section is. It applies to any partnership that has only a nominal capital invested. I think you will admit that it would apply to attorneys. Suppose, for example, you have four attorneys engaged in the practice of law. Their net income is $15,000 at the end of the year. From that they are entitled to a deduction of $6,000, leaving a balance of $9,000, upon which this tax will apply. The tax is $720, and that divided by 4, the amount that each individual of the partnership would pay, is $180.

Now, take another partnership engaged in the practice of law, with two in the firm, earning $7,500—just half of what the four earned. You take $6,000 from it and it leaves a balance of $1,500. Eight per cent of that is $120. Divided by 2, what each individual would pay, and it is $60. The share is $60, as compared with $180 where the partnership consists of four. This is but one example of a very great number of examples that might be cited showing the absolute unfairness of this section of the bill.

This section can be repealed, and if there should be anything omitted by its repeal there is ample time in which to remedy it. But if you will stop for a few minutes and consider how many, many concerns like the one I have cited to you throughout the United States there are where such great injustice will apply I believe that fair-minded men desiring to do justice to your fellows whom you are representing here, you will repeal this section of the law in order that that injustice may not be done them.

We can not go home now and say that we have not had time for reflection and that these inequities have not been pointed out to us. Every one of us, in some way or other, has had brought to our individual attention the absolute unfairness and the impractical working of this section 209, and it affects every section of this country, from one end to the other. It does not apply only to the lawyers, but to other professions and businesses where the investment is only nominal. Therefore I say to you that it is the bounden duty of this Congress to remedy this evil while it has a chance, before it becomes effective in the enforcement of the law by revenue collectors all over the country. I hope this matter will be given the consideration to which it is entitled, and I believe the greatest service that we can render before adjourning here and going back to our people is to be able to say to them that, having discovered an evil, we have remedied it at the first available opportunity.

Mr. KITCHIN. Mr. Chairman, I desire to occupy the four minutes that I have remaining right now. I would like for every man to pay just a little attention to the facts. Section 209, levying an 8 per cent tax, does apply to lawyers, doctors, and professional men, making them subject to the tax, as other provisions of the act make the farmers, the merchants, the blacksmiths, the butchers, the bankers, the miners, the lumbermen, and all other individuals in business subject to a tax, they paying from 20 to 60 per cent upon their profits or income in excess of their deduction, while, under section 209, lawyers and doctors and professional men and others without invested capital pay only 8 per cent in excess of their deductions. If the gentleman's amendment to repeal section 209 prevails, then every farmer, merchant, banker, miner, lumberman, blacksmith, butcher, and every other individual in business in the United States would have to pay on his profits or income in excess of his deduction the war-profits tax of from 20 per cent to 60 per cent—and it will average 25 per cent—while the lawyer, doctor, or other professional man or salaried business man would pay no excess-profits tax on his profits or income. I dare any man in this House to go back to his people, whether to the city or the country, and tell them that in voting to repeal section 209 while other provisions of the bill remain unrepealed he voted to make the man who must work from sunrise to sunset, and sometimes his wife and children working with him, whether a merchant, a butcher, a blacksmith, a banker, a miner, or a farmer, pay taxes as high as from 20 per cent to 60 per cent of his income or profits over his deduction to help carry on the war, and at the same time voted to make the lawyer or the doctor or high-salaried business man, who works mostly to suit himself, who makes his money by the devotion only of his time and brains, with no capital invested, pay not a cent of excess-profits tax on his profits or income to help our country in its war struggle. If you vote to repeal section 209, that is exactly what you are doing; and if you tell your people the truth, you will have to tell them that.

They say that a man ought not to pay an excess-profits tax who makes a profit or income in excess of $6,000 from his brains and labor; that the lawyer makes it only by his brain and labor, and therefore he ought not to pay an excess-profits tax. Does not the farmer or merchant or blacksmith or any other business individual make his income not only by devoting his brains, his time, and his labor, but by risking his capital in his business? The farmer, the merchant, the banker, the lumberman, mechanic, or like individual not only puts into his business to make his income exactly what the lawyer and the doctor does—his brain and his labor—but his money, his capital. He takes financial risk; he makes financial sacrifices. He builds up industry. He gives employment to labor. He produces for public use. The lawyer takes no financial risks, makes no financial sacrifices. He builds up no industry. He employs no labor. He produces by his profession nothing for public use. And yet the advocates of the repeal of section 209 insist that the lawyer, doctor, and other professional and salaried men go scot free of the tax, while piling this heavy excess-profits tax burden on the backs of every other class of individuals. Gentlemen, you can not face your people, you can not face an honest man, you can not face your conscience around your hearthstone with such a vote.

What else does section 209 do? It not only applies to lawyers, doctors, professional men—which you gentlemen seem to be so anxious to protect and favor—but it was written into the act to meet another situation. Repeal section 209 and every corporation hereafter organized will escape the payment of the excess-profits tax. And why? This section applies to partnerships and corporations "without invested capital," according to the definition of the act. What will the corporations organized hereafter do if section 209 is repealed and nothing substituted for it?

The members will organize them without invested capital within the meaning of the act. They will issue no or only a nominal amount of stock and will do business on borrowed capital—borrowed from the members of the corporation. They will then escape the excess-profits tax. With section 209 repealed, if I wanted to organize, say, a $4,000,000 corporation to escape this tax, and the three gentlemen in front here were associated

with me, we would issue no stock, or only a nominal amount, and then each of us would lend our $1,000,000 to the corporation and it would do business on the borrowed capital without "capital invested." The corporation would escape all excess-profits taxes, though it might make a million a year. But section 209, which some of you wish to repeal, would catch that corporation and does catch hundreds of corporations already organized without "invested capital" under the definition of the act. But for this section many corporations now so organized would escape the payment yearly of millions of dollars of excess-profits taxes.

One thing more. The Secretary of the Treasury appointed nine, I believe, of the wisest men from all walks of business life as an advisory committee to study this new revenue act and to make such suggestions as they saw proper. They had hearings. Business men, including lawyers, from all over the country appeared before them. The gentleman from Tennessee [Mr. HULL], the only Member of Congress from either the Senate or the House on that committee, was made its chairman. They had meetings and worked day and night for three, four, or five weeks, and still are at work. That advisory committee unanimously agreed that section 209 was right and proper, and they have no suggestions to make, except that the tax rate of 8 per cent was not high enough to equalize the tax paid by those subject to it with the tax paid by those subject to the tax of section 201. I hope the amendment of the gentleman will not carry. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. WOOD].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from South Dakota [Mr. DILLON] is recognized for three minutes.

Mr. DILLON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. DILLON offers the following amendment: Strike out all the words after the word "Congress," in line 5, page 2, down to the word "received," in line 9, page 2.

Mr. DILLON. Mr. Chairman, the purpose of this amendment is to bring the President and the Federal judges within the terms of this resolution. Under section 1, Article II, of the Constitution, "the President's salary can not be increased nor diminished during the period for which he shall have been elected." Under section 1, Article III, the judges' salaries can not be reduced during their tenure in office. Amendment No. 1 of the Constitution, which reads as follows:

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived—

gives the Congress the absolute power to tax the salaries of these officials. Will any lawyer on this floor take the position that Federal judges and the President should be exempt from this tax? The sixteenth amendment grants full power to tax these officials. The taxing provision is without limitation, is without exception, so far as incomes are concerned. Articles II and III relate to compensation or salary. There is no confusion in these three articles of the Constitution. The first two provisions relate to salaries, but this last one relates to incomes from any source whatever. Why should the Federal judges be exempt from this income tax? Under what theory is the Congress going to say that these judges who have perpetual salaries during their whole life should be exempt? They know what they will receive, and I know they will willingly bear their part of the burden of this war. Why should we tax everybody on their incomes and exempt them? Upon what theory can you justify this injustice and go to the American people after they have expressed themselves upon the sixteenth amendment to the Constitution? There is absolutely no excuse for this exemption and this classification. If there is any lawyer upon this floor who can justify the exemption, I would like to have him tell us why the sixteenth amendment, which stands here without limitation and without exception, does not allow the Congress to levy taxes upon all incomes. Some must fight, but all who are able must pay in order that we may win the war. [Applause.]

Mr. Chairman, I ask for a vote on my amendment.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from South Dakota [Mr. DILLON].

The question was taken; and the Chairman announced the ayes seemed to have it.

Upon a division (demanded by Mr. GARRETT of Tennessee) there were—ayes 93, noes 44.

Mr. KITCHIN. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. RAINEY and Mr. DILLON) reported that there were—ayes 95, noes 54.

So the amendment was agreed to.

The CHAIRMAN. The gentleman from Nebraska [Mr. KINKAID] is recognized for three minutes.

Mr. KINKAID. Mr. Chairman, I grant that it is anomalous that the Congress is making haste now, at the beginning of this session, to relegislate what was enacted at the close of the last session, according to the best authorities on the subject. We are going about it speedily to make it clear, beyond a peradventure, that the congressional salaries are subject to the war excess-profits tax provision the same as incomes derivable from other sources—to make it plain that the Congress would not belittle and degrade itself by discriminating in favor of its own membership while imposing this burden of taxation upon its constituencies.

The Congress is not legislating to reassure itself that membership salaries must pay an additional tax, because it is satisfied such is the law already; but its purpose is to set at rest completely in the public mind that such is the law. I agree with the Member from Missouri, the able and distinguished lawyer, Mr. RUSSELL, that "this is a bill to amend the revenue law passed at the last session of this Congress, but it is not for the purpose of correcting that law, but is simply for the purpose of making absolutely certain that which everyone in this House thought was certain when the act was passed. I have not yet found a man who was present when the revenue bill was passed who believes that there was any intention to, or that it did, in fact, exempt Members of Congress from the payment of their taxes under the excess-profits provision the same as salaries of all other citizens of the United States. But there is no doubt that among the people the belief does exist that we did exempt our salaries and I with many other Members of Congress have received letters from friends saying that Congress had taxed everything in sight except themselves and their own salaries, which were exempted."

Mr. Chairman, the Members know that in construing legislation the intent of the legislative body is to be given effect, when the language employed shall reasonably permit of it, and it is conclusive that the intention of both Houses was that congressional salaries should not escape the excess-profits tax provision.

The present step is impelled, also, by the purpose to satisfy constituencies, beyond cavil, that their chosen Senators and Representatives have acted conscientiously and fairly in the passing of the revenue law of October 3, 1917.

Mr. Chairman, I am heartily in favor of this Kitchin House joint resolution 195. On the first day of the session I, myself, was prompt to introduce House joint resolution 167, which, if enacted, would have the same legal effect as the Kitchin resolution; but, sir, I very cheerfully grant that it is most appropriate that the resolution of the gentleman from North Carolina [Mr. KITCHIN], who is chairman of the Ways and Means Committee, which formulated and reported to the House the revenue bill now under discussion, be given the right of way in preference to my resolution or that of anyone not a member of the Ways and Means Committee. In fact, I did not ask for the consideration of my resolution by the Ways and Means Committee, when I learned that similar resolutions had been introduced by members of that committee. Certainly, I should have sought consideration of my resolution by the committee had none been introduced by members of the committee.

Mr. Chairman, it is plain that the question—I may say, sensation, which will be short-lived, arising out of the legislation involved—has come about because of the difference between the popular and the legal or judicial construction of the words "officers of the United States." The popular, and perhaps the press construction would have this language include Members of Congress, while the legal or judicial construction excludes Senators and Representatives in Congress. If "officers of the United States," judicially interpreted, means Members of Congress, as well as the executive and administrative officers who are appointed to these offices and not elected, then the act of October 3, 1917, did not require that the portion of congressional salaries in excess of $6,000 should pay a tax of 8 per cent. If it did not exclude them—in other words if they were left out of the exemption—then the excess-profits tax was imposed upon their salaries.

Since I have made a careful study of the act and of the decisions of the Supreme Court I am convinced that the language, "officers of the United States," as employed in the act of October 3, 1917, does not include Senators and Representatives in Congress; therefore, that their salaries were by the act made liable to the excess-profits tax of 8 per cent. And this seems to be the unanimous opinion of the membership of the House, which

includes many lawyers who before they came to Congress had attained distinction at the bar and on the bench.

It has also been reliably stated in this discussion that several lawyers in the Treasury Department, where the act is to be administered, are of the opinion that the salaries of Congressmen are not left exempt from the excess-profits tax. It is stated, also, that the collector of internal revenue, whose province it is to administer the provisions of the law by collecting the tax, is of the opinion that congressional salaries are covered by the excess-profits tax provision.

Several decisions in the Supreme Court are to the effect that only appointive officers are included in the language "officers of the United States." Hence, these decisions are to the effect that salaries of Congressmen were not exempted by the revenue act of October 3, 1917, but that their salaries are liable thereunder for payment of the excess-profits tax.

The opinions involve the construction of Article II, section 2, of the Constitution. These opinions construe the article to mean that only such persons as are appointed either by the President or by the courts or other proper authorities are "officers of the United States." They mean, therefore, that Senators and Representatives of the Congress, who must be elected, are not in the meaning of the Constitution "officers of the United States." To this effect are the opinions contained in United States *v.* Smith (124 U. S., 525-531); United States *v.* Germaine (99 U. S., 508); United States *v.* Monat (124 U. S., 303), and in Wharton's St. Trials, 200, where it was expressly held that a United States Senator was not an "officer of the United States" in the meaning of the Constitution; of course, it is the same with a Representative in Congress. So, according to the highest judicial authority, salaries of Congressmen are required to pay excess-profits tax by the act of October 3, 1917.

The conferees who drafted section 209, now in controversy, most of them lawyers, must be presumed to have been aware of the construction placed upon the words "officers of the United States," and therefore intended that congressional salaries be made to pay the excess-profits tax.

The question may arise, in the light of these authorities, Why recast what is already law? I can only repeat that it is prompted by the duty and deference that Members of Congress owe their constituencies to assure them that the Congress has been fair. The Members further owe it mutually to themselves and their constituents, on account of the misunderstanding over the construction of section 209, to make a full exposé of the circumstances attending its adoption. It is very pertinent that the public be informed of the fact that section 209 was not contained in the bill when passed in the House, neither when it was passed by the Senate, nor when it came back to the House for the ratification of the amendments made in the Senate. This is a fact that no one controverts.

After the House had refused to concur in the Senate amendments and had asked for a joint conference and the conferees having been named by the House and the Senate had conferred, section 209, which has caused the questioning and discussion that have arisen, was first formulated and agreed upon by the conferees and by them reported to the Senate and the House. The report was unanimous with the result that no direct attention was called to section 209 by a printed minority report, usually accessible to every Member for his advice. The attention of Members of the House generally was not in any manner called to section 209, and few of the membership had knowledge that the section was contained in the conference report. On the other hand, the few who had such knowledge did not construe its language to exempt congressional salaries from the excess-profits tax. All the Members believed and assumed that their salaries were being made to pay excess-profits tax. No Member would have prostituted his power by thus shielding himself from participating with his constituents in carrying the burdens of the war.

It is only just to mention the remarkable unanimity with which the Members, regardless of party, have responded to every recommendation and demand made by the President for the enactment of war measures. No political partisanship predilection has betrayed itself in war legislation. The passing of the war resolution fixed the limit for any indecision or halfheartedness in the war cause. He who has not since been affirmatively and zealously for our cause is, even without any overt act to the contrary, in moral effect, against it. No difference what the predilection may have been hitherto, it became henceforward the patriotic obligation of every citizen to be absolutely devoted to the cause. Self-preservation, the first law of nature, without any other reason whatever—but the reasons are many—should impel every one to sustain the war heroically until the honorable peace shall be secured, which American genius and valor, reenforcing the unfaltering and determined offensives of the allies, shall make certain.

My own votes and remarks on war measures have been in full accord with these expressions.

In the just recognition of the nonpartisan unanimity of the support of the war during the recent extra session Speaker CLARK, when officially closing the session, said:

> Gentlemen of the House of Representatives, I congratulate you on the ending of the most important session of Congress in the history of the Republic. The amount of business that we have transacted is absolutely amazing and stupendous. I think every Member of this House has contributed all that was in him to the support of the Government of the United States in this great emergency. [Applause.] So far as I have been able to observe—and I have observed very closely—partisan politics has been temporarily banished from this House. [Applause.]
>
> I think every man has given the utmost of patriotism to his service here.

Likewise the statement of the President concerning the work of the Congress during the extra session expressed appreciation of the high value of the service rendered. The President wrote:

OCTOBER 6, 1917.

> The Sixty-fifth Congress, now adjourning, deserves the gratitude and appreciation of a people whose will and purpose I believe it has faithfully expressed. One can not examine the record of its action without being impressed by its completeness, its courage, and its full comprehension of a great task. The needs of the Army and the Navy have been met in a way that assures the effectiveness of American arms, and the war-making branch of the Government has been abundantly equipped with the powers that were necessary to make the action of the Nation effective.
>
> I believe that it has also in equal degree, and as far as possible in the face of war, safeguarded the rights of the people and kept in mind the considerations of social justice so often obscured in the hasty readjustments of such a crisis.
>
> It seems to me that the work of this remarkable session has not only been done thoroughly but that it has also been done with the utmost dispatch possible in the circumstances or consistent with a full consideration of the exceedingly critical matters dealt with. Best of all, it has left no doubt as to the spirit and determination of the country, but has affirmed them as loyally and as emphatically as our fine soldiers will affirm them on the firing line.

These high testimonials are very complimentary to the entire membership of the Congress, and especially to the minority, as a tribute to their patriotic nonpartisanship.

In view of all the facts and the grave situation it is unthinkable that the membership could have intended to discriminate in favor of themselves.

But, Mr. Chairman, the only constituent who spoke to me upon the question of exemption of salaries in the excess-profits tax disclosed in the language he used that he and his neighbors were under the impression that Congressmen had been exempted not only from the excess-profits tax but from any income tax whatever. For this reason I take time to mention here that under the law as it existed before the passage of the act of October 3, 1917, and now, a married Congressman who has no other income than his salary must pay an income tax of $205. An unmarried Congressman having no other income must pay $245. Both married and unmarried Congressmen under the act of October 3, 1917, as it now is, in the opinion of the best authorities and in the light of the decisions of the Supreme Court, are required to pay $120 as war excess-profits tax in addition to their salary income tax, making the aggregate salary tax for married Congressmen $325 and for unmarried Congressmen $365. These amounts, I am sure, every Congressman will pay ungrudgingly and would be glad to double and treble in aiding our fight for civilization. [Applause.]

Mr. GILLETT. Mr. Chairman, it seems to me the Committee on Ways and Means has brought this House into a very unfortunate and very unnecessary predicament. If we vote against this resolution we appear before the country as if we were voting against the proposition to make us pay the same tax as others, while on the other hand, if we vote for this resolution, we admit thereby that in the original bill we did try to exempt ourselves. Either way we are subject to the public criticism that at one time or the other we were trying to exempt our salaries from taxation.

Mr. BUTLER. Will the gentleman yield?

Mr. GILLETT. I can not yield.

I do not believe there were half a dozen Members in this House when the original bill came out of the Ways and Means Committee that had any suspicion there was anything in the bill that would exempt them. And I do not believe that, if the bill remained as it was before, we were exempt. I believe on the arguments presented by the gentlemen from Iowa that the Members of Congress are not officers, and therefore the Members of Congress are subject to taxation just the same as anybody else. But at the same time we can not afford to vote against this bill, superfluous as I believe it is, because if we do we at once meet the criticism that we were trying to oppose a bill which would make us pay the same taxes as the rest of the country.

Mr. KITCHIN. But this clarifying item makes it beyond any doubt.

Mr. GILLETT. But you ought never to have put us in the position where there was need for clarifying. The rumor is

that the Commissioner of Internal Revenue is going to decide that a Congressman under the present law would have to pay this excess-profits tax. And I think it would have been much better not to have put this in at all and thereby put us in the attitude of trying to repeal an exemption which we originally made in deference to public clamor.

Mr. KITCHIN. Does the gentleman believe the Ways and Means Committee or the conferees put the House in that position, or that the misrepresentation of the press throughout the country put the House in that position?

Mr. GILLETT. You put us in a position where the press were able to represent it so that the country believed it.

Mr. KITCHIN. Misrepresent it.

Mr. GILLETT. If you had waited the ruling of the Commissioner of Internal Revenue, then you would have put us in a position where the press could not have done it. And I heartily approve the amendment of the gentleman from Ohio [Mr. LONGWORTH], for I supposed it was axiomatic in any taxing system that the man who earns his income by his brains or by his brawn should not be taxed more on it than the man who earned his income simply by cutting inherited coupons.

Mr. ROSE. Mr. Chairman, it is doubtless true that under the act of October 3, 1917, the Members of Congress are required to pay all of the taxes set forth in the act. The words, however, are capable of two constructions, and an effort has been made to convince the people of the country that the Congressmen undertook to exempt their salaries from the payment of the tax.

I am fully satisfied that no Member of Congress had in mind the exemption of his salary from taxation, and I can not subscribe to the language of the gentleman from Iowa [Mr. GREENE] that we will be stultifying ourselves by making known the fact that we are not willing to escape payment of the taxes provided in the bill.

The Members of Congress are not Federal employees and hence would not be affected by the exception in the original bill, and this present resolution will set at rest completely all unjust criticism heaped upon the Members of this body.

I yield the balance of my time to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Chairman, while I do not consider there is any question but that the original revenue law makes the salaries of Congressmen liable to the excess-profit tax, still, in order to remove all doubt on the question, I am in favor of the resolution as amended and will vote for it. I voted for the amendment of the gentleman from South Dakota [Mr. DILLON].

Mr. KITCHIN. Mr. Chairman, I move that the committee do now rise and report the resolution as amended.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 195, amending the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to subject to the war excess-profits tax the compensation of officers and employees under the United States, including Members of Congress, and had directed him to report the same to the House with an amendment, with the recommendation that the amendment be agreed to, and that the bill as amended do pass.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

Mr. KITCHIN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To make a request for the yeas and nays.

The SPEAKER. The gentleman does not want the yeas and nays on the engrossment of the third reading, does he?

The gentleman from North Carolina [Mr. KITCHIN] moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MOORE of Pennsylvania. Mr. Speaker——

Mr. GILLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GILLETT. Mr. Speaker, I move to recommit the resolution to the Committee on Ways and Means with instructions not to report it to the House until the Commissioner of Internal Revenue shall have ruled whether under the present bill the Members of Congress are subject to the excess-profit tax.

Mr. MOORE of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] moves to recommit the bill with instructions, which the Clerk will report.

Mr. KITCHIN. Mr. Speaker, I make a point of order against that. It is putting off the resolution until somebody else not within control of the House rules on it. It is like the motion of the gentleman from Illinois [Mr. MANN] to recommit the Underwood tariff bill of 1913, to postpone passage of the tariff bill until the Tariff Board reported. The Speaker properly held such a motion to recommit out of order.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. KITCHIN. The gentleman from Massachusetts moves to recommit this resolution to the committee until the Commissioner of Internal Revenue reports or rules on the exemption or exception provisions of the revenue act. That is not pertinent to this resolution at all. It has nothing to do with it. It is simply to delay it. It is indefinite. The commissioner may never rule on it at all. He never has to rule on it until he begins to collect this tax and some Federal official protests against it.

The Mann motion to recommit the Underwood tariff bill cited by me is exactly in point and on all fours with the motion of the gentleman from Massachusetts. At the proper time Mr. MANN moved to recommit with instructions not to report the bill until the Tariff Commission or the Tariff Board had reported. After nearly an all day's discussion the Speaker held that it was not in order to recommit, because such a proposition, if offered as an amendment to the tariff bill, would not have been in order, and unless it had been in order while considering the tariff bill in the Committee of the Whole House on the state of the Union it could not be in order on a motion to recommit. We never could vote on a proposition if we had to wait until somebody not within the control of the House reports on it.

Now, suppose, Mr. Speaker, that the gentleman from Massachusetts [Mr. GILLETT] had made this motion or offered this amendment to this bill when in Committee of the Whole House on the state of the Union. Would that have been in order? Would it have been germane to the bill? It would have been absolutely out of order, and a point of order would have been sustained unhesitatingly.

Now, unless it is in order on a motion to amend it would not be in order as a motion to recommit. That is a clear and fixed rule.

Mr. GILLETT. Mr. Speaker, of course I could not move to recommit the resolution in committee. But that does not prove anything. I could now have moved to recommit absolutely, without limit. Suppose I had simply asked to recommit. That would postpone the bill still more indefinitely than the motion that I did make, so that the mere fact that it postpones the bill indefinitely does not argue against the right to make such motion. There is no question but that I would have the right to move simply to recommit. That would recommit indefinitely. I am more liberal than that. I do not move to recommit it entirely, but I just move to recommit it until an event happens. If I could move to recommit it absolutely I do not see why I have not the right to recommit it to a time which is more restricted than that. If I have the right to do the whole, I certainly have the right to do a part.

Mr. GARRETT of Tennessee. Mr. Speaker, there are numerous precedents for holding that a motion to recommit is not in order unless the legislative matter it contains would have been in order if offered as an amendment while the bill was under consideration in Committee of the Whole.

Mr. GILLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. GARRETT of Tennessee. Yes.

Mr. GILLETT. It would not have been in order in Committee of the Whole to make a simple motion to recommit?

Mr. GARRETT of Tennessee. It would not have been.

Mr. GILLETT. It is in order here.

Mr. GARRETT of Tennessee. The gentleman from Massachusetts evidently misunderstood my statement and the statement of the gentleman from North Carolina. Of course a motion to recommit would not be in order in Committee of the Whole. But there are numerous precedents holding that a motion to recommit is not in order unless its legislative substance would have been in order if offered as an amendment in Committee of the Whole. That is the substance of it—offered

as an amendment while the bill was under consideration in the Committee of the Whole.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Mr. Speaker, if the gentleman from Tennessee will yield——

Mr. GARRETT of Tennessee. Yes; I yield to the gentleman from Kentucky.

Mr. SHERLEY. The rule is this, that a motion to recommit with instructions would not be in order unless the instructions of the motion to recommit would have been in order as an amendment to the bill.

Mr. GARRETT of Tennessee. The gentleman from Kentucky has stated more clearly than I that which is the correct rule.

Mr. LENROOT. Mr. Speaker, will the gentleman yield to me?

Mr. GARRETT of Tennessee. I will.

Mr. LENROOT. The statement of the gentleman from Kentucky is absolutely correct if the instructions carried with it an amendment. But I do not think it is true if the instruction does not involve any amendment at all. The question is, Would that have been in order at any time when a motion to recommit or refer was in order if an instruction had been coupled with it?

Mr. GARRETT of Tennessee. In reply to that I will repeat the precedent which has been referred to by the gentleman from North Carolina. I mean when a motion to recommit the Underwood tariff bill was made by Mr. MANN, with instructions to await the report of the Tariff Commission before reporting any bill at all. The matter is clearly subject to a point of order.

The SPEAKER. The point of order is sustained. The question is on the passage of the joint resolution. Those in favor will say "aye."

Mr. EMERSON. Mr. Speaker, I raise the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and one gentlemen are present—not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of passing this joint resolution will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 312, answered "present" 2, not voting 119, as follows:

YEAS—312.

Adamson	Dallinger	Green, Iowa	Langley
Alexander	Davidson	Greene, Mass.	Larsen
Almon	Decker	Greene, Vt.	Lazaro
Anderson	Denison	Gregg	Lea, Cal.
Ashbrook	Dent	Hadley	Lehlbach
Aswell	Denton	Hamilton, Mich.	Lenroot
Austin	Dickinson	Hamilton, N. Y.	Lever
Ayres	Dillon	Hamlin	Linthicum
Bacharach	Dixon	Hardy	Little
Baer	Dominick	Harrison, Miss.	Littlepage
Bankhead	Doolittle	Harrison, Va.	Lobeck
Barkley	Doremus	Haskell	London
Barnhart	Dowell	Hastings	Lonergan
Beakes	Drane	Hawley	Longworth
Bell	Dunn	Hayden	Lufkin
Beshlin	Dupré	Heaton	Lundeen
Black	Dyer	Heflin	Lunn
Blackmon	Eagan	Helm	McAndrews
Booher	Eagle	Helvering	McArthur
Borland	Elliott	Hersey	McClintic
Bowers	Ellsworth	Hicks	McCormick
Brand	Elston	Hilliard	McCulloch
Browning	Emerson	Holland	McFadden
Brumbaugh	Esch	Hollingsworth	McKeown
Buchanan	Evans	Hood	McKinley
Burnett	Fairchild, B. L.	Howard	McLaughlin, Mich.
Burroughs	Fairfield	Huddleston	McLemore
Butler	Farr	Hull, Iowa	Madden
Byrnes, S. C.	Ferris	Hull, Tenn.	Magee
Byrns, Tenn.	Fields	Humphreys	Mansfield
Campbell, Kans.	Fisher	Igoe	Mapes
Campbell, Pa.	Flood	Ireland	Mays
Candler, Miss.	Focht	Jacoway	Merritt
Cantrill	Fordney	James	Miller, Minn.
Carawa	Foss	Johnson, Ky.	Montague
Carlin	Foster	Johnson, S. Dak.	Moon
Carter, Okla.	Francis	Jones, Tex.	Moores, Ind.
Chandler, N. Y.	Frear	Keating	Morgan
Church	French	Kehoe	Mott
Classon	Fuller, Ill.	Kelley, Mich.	Mudd
Claypool	Fuller, Mass.	Kelly, Pa.	Nicholls, S. C.
Cooper	Gallagher	Kennedy, Iowa	Nolan
Collier	Gandy	Kennedy, R. I.	Norton
Connally, Tex.	Gard	Kettner	Oldfield
Connolly, Kans.	Garland	Key, Ohio	Oliver, Ala.
Cooper, Ohio	Garrett, Tenn.	Kiess, Pa.	Oliver, N. Y.
Cooper, W. Va.	Garrett, Tex.	Kincheloe	Olney
Cooper, Wis.	Gillett	King	Osborne
Copley	Glass	Kinkaid	O'Shaunessy
Crampton	Glynn	Kitchin	Overmyer
Crisp	Gordon	Knutson	Overstreet
Crosser	Gould	Kraus	Park
Dale, N. Y.	Graham, Ill.	Kreider	Parker, N. J.
Dale, Vt.	Gray, Ala.	La Follette	Parker, N. Y.
Phelan	Russell	Steenerson	Waldow
Platt	Sabath	Stephens, Miss.	Walsh
Poe	Sanders, Ind.	Sterling, Ill.	Walton
Powers	Schall	Sterling, Pa.	Watkins
Pratt	Scott, Mich.	Stevenson	Watson, Pa.
Purnell	Sears	Stiness	Watson, Va.
Quin	Sells	Strong	Weaver
Rainey	Shallenberger	Sumners	Welling
Raker	Sherley	Sweet	Welty
Ramsey	Sherwood	Swift	Whaley
Ramseyer	Shouse	Switzer	Wheeler
Randall	Siegel	Taylor, Ark.	White, Me.
Rankin	Sims	Temple	White, Ohio
Rayburn	Sinnott	Thomas	Williams
Reed	Sisson	Thompson	Wilson, Ill.
Riordan	Slayden	Tillman	Wilson, La.
Robbins	Sloan	Timberlake	Wingo
Roberts	Smith, Idaho	Tinkham	Winslow
Rodenberg	Smith, Mich.	Treadway	Wise
Romjue	Smith, T. F.	Venable	Wood, Ind.
Rose	Snell	Vestal	Woods, Iowa
Rouse	Snook	Vinson	Young, N. Dak.
Rubey	Steagall	Volk	Young, Tex.
Rucker	Stedman	Volstead	Zihlman

ANSWERED "PRESENT"—2.

Cannon Fitzgerald

NOT VOTING—119.

Anthony	Edmonds	LaGuardia	Sanders, N. Y.
Bathrick	Estopinal	Lee, Ga.	Sanford
Bland	Fairchild, G. W.	Lesher	Saunders, Va.
Blanton	Fess	McKenzie	Scott, Iowa
Britten	Flynn	McLaughlin, Pa.	Scott, Pa.
Brodbeck	Freeman	Maher	Scully
Browne	Gallivan	Mann	Shackleford
Bruckner	Garner	Martin	Slemp
Caldwell	Godwin, N. C.	Mason	Small
Capstick	Good	Mecker	Smith, C. B.
Carew	Goodall	Miller, Wash.	Snyder
Carter, Mass.	Goodwin, Ark.	Mondell	Stafford
Cary	Graham, Pa.	Moore, Pa	Steele
Chandler, Okla.	Gray, N. J.	Morin	Stephens, Nebr.
Clark, Fla.	Griest	Neely	Sullivan
Clark, Pa.	Griffin	Nelson	Tague
Costello	Hamill	Nichols, Mich.	Talbott
Cox	Haugen	Padgett	Taylor, Colo.
Crago	Hayes	Paige	Templeton
Currie, Mich.	Heintz	Peters	Tilson
Curry, Cal.	Hensley	Polk	Tinkham
Darrow	Houston	Porter	Van Dyke
Davis	Hulbert	Price	Vare
Dempsey	Husted	Ragsdale	Walker
Dewalt	Hutchinson	Reavis	Ward
Dies	Johnson, Wash.	Robinson	Wason
Dill	Jones, Va.	Rogers	Webb
Doolling	Juul	Rowe	Wilson, Tex.
Doughton	Kahn	Rowland	Woodyard
Drukker	Kearns	Sanders, La.	

So the joint resolution was passed.

The Clerk announced the following additional pairs:

For the session:

Mr. TALBOTT with Mr. BROWNING.

Until further notice:

Mr. BRODBECK with Mr. BLAND.

Mr. CALDWELL with Mr. CHANDLER of Oklahoma.

Mr. CLARK of Florida with Mr. CARTER of Massachusetts.

Mr. DIES with Mr. DEMPSEY.

Mr. ESTOPINAL with Mr. FREEMAN.

Mr. FLYNN with Mr. GOOD.

Mr. GALLIVAN with Mr. GRIEST.

Mr. GRIFFIN with Mr. HAYDEN.

Mr. HAMILL with Mr. HUTCHINSON.

Mr. HULBERT with Mr. KAHN.

Mr. JONES of Virginia with Mr. GEORGE W. FAIRCHILD.

Mr. NEELY with Mr. MCKENZIE.

Mr. LEE of Georgia with Mr. DARROW.

Mr. LESHER with Mr. TILSON.

Mr. MAHER with Mr. EDMONDS.

Mr. MARTIN with Mr. MASON.

Mr. SULLIVAN with Mr. MONDELL.

Mr. PADGETT with Mr. MORIN.

Mr. POLK with Mr. SLEMP.

Mr. PRICE with Mr. ROWLAND.

Mr. TAYLOR of Colorado with Mr. SANDERS of New York.

Mr. SANDERS of Louisiana with Mr. PAIGE.

Mr. SMALL with Mr. PORTER.

Mr. CHARLES B. SMITH with Mr. REAVIS.

Mr. STEELE with Mr. ROWE.

Mr. VAN DYKE with Mr. SNYDER.

Mr. WALKER with Mr. TEMPLETON.

Mr. WEBB with Mr. WARD.

Mr. DILL with Mr. HUSTED.

Mr. HENSLEY with Mr. JOHNSON of Washington.

Mr. BROWNING. Mr. Speaker, I voted "yea." I have a pair with the gentleman from Maryland, Mr. TALBOTT, but if he were present he would vote "yea" also, and therefore I let my vote stand.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

On motion of Mr. KITCHIN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SEARS until January 12, on account of important personal business.

FARM LOANS.

Mr. HARRISON of Mississippi. Mr. Speaker, I have a resolution from the Committee on Rules.

The SPEAKER. The gentleman will send it up.

The Clerk read as follows:

House resolution 197.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider H. R. 7731, amending section 32 of the Federal farm-loan act; that said bill shall be considered in the House as in Committee of the Whole House and shall be a continuing order of the House until disposed of; that there shall be not exceeding one hour of general debate on said bill, at the conclusion of which time the previous question shall be considered as ordered on the bill and all amendments thereto to the final passage.

Mr. HARRISON of Mississippi. Mr. Speaker, I will ask the gentleman from Kansas [Mr. CAMPBELL] how much time is desired on that side on the rule.

Mr. CAMPBELL of Kansas. I have requests for 40 minutes.

Mr. HARRISON of Mississippi. Does the gentleman think 20 minutes on a side will be sufficient?

Mr. CAMPBELL of Kansas. Make it 30 minutes.

Mr. HARRISON of Mississippi. Mr. Speaker, I ask unanimous consent that the debate on this rule proceed for 40 minutes, 20 minutes to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and 20 minutes by myself.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that debate on this rule be limited to 40 minutes, half the time to be controlled by himself and half by the gentleman from Kansas.

Mr. HARRISON of Mississippi. And that at the expiration of that time the previous question be considered as ordered.

The SPEAKER. And that at the expiration of that time the previous question be considered as ordered. Is there objection?

Mr. DYER. Mr. Speaker, reserving the right to object, will the gentleman permit a question?

Mr. HARRISON of Mississippi. I yield to the gentleman.

Mr. DYER. Will the gentleman state what is the intention with reference to adjournment to-day, and how long he thinks this matter will take?

Mr. HARRISON of Mississippi. We ought to get through with this proposition in an hour and a half, if it is not interfered with too much.

Mr. DYER. Does the gentleman think that will be a reasonable time to adjourn to-day?

Mr. HARRISON of Mississippi. We ought to finish this very quickly. I do not think there is any opposition to the matter at all.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I should like to know if the gentleman from Mississippi [Mr. HARRISON] and the gentleman from Kansas [Mr. CAMPBELL] are both in favor of this rule?

Mr. CAMPBELL of Kansas. If the gentleman from Pennsylvania will direct his inquiry to me, I will tell him that I am opposed to it.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The gentleman from Mississippi is recognized for 20 minutes.

Mr. HARRISON of Mississippi. Mr. Speaker, I know of no vote that I have cast since I became a Member of this House that has given me greater pleasure than the one I cast for the rural-credits bill. [Applause.]

High and exorbitant interest rates had long been exacted on loans to the farmers of the country and the passage of the farm-loan act was a very just and necessary measure. When we created that system we led the farmers of this country to believe that by its provisions they would be enabled to borrow money on long terms at low rates of interest. We believed and led them to believe that the system would be a great success. At first there was an apparent delay in inaugurating the system, due to first one thing and then another, but finally the system became organized, and when it was placed in operation it rendered benefit to the farmers to the amount of $30,000,000. That amount has already been lent and to-day we are confronted with this situation: There are now on file applications amounting to about $70,000,000, which have been approved by the Federal Farm Loan Board, and the farmers are waiting to get that money. Their plans have been made on the idea that they would be able to obtain the money.

This Government is under a moral, if not a legal, obligation to lend the farmers that money. In addition to that, there are about $65,000,000 of applications for loans that have not been acted upon by the Federal Farm Loan Board. The board have been unable since about the 1st of November to sell a sufficient amount of bonds to make loans on the approved applications. Since the great campaign for the second liberty loan there has been a most decided falling off in the purchase of farm-loan bonds. There is either a scarcity of money that influences the sale of these bonds or the bond investors are waiting, hoping and believing that the farm-loan bonds will either depreciate in value or the interest rate increase. In either such event the farmer would have to pay the bill. If the bonds sell at a discount, then the Farm Loan Board will necessarily increase the interest rate to the farmer. If the interest rate on the bonds is increased, then the Farm Loan Board will increase the interest rate to the farmer. In either event the productive energies of this Nation will be hampered, and hampered at a time when we can least afford it.

In this great crisis every force of the Government must be utilized that will aid in the slightest degree the success of our cause. If the Farm Loan Board is unable to sell these bonds and make loans to the farmers on legitimate applications that are filed with the various farm-land banks, and that failure is due to the war emergency, then this Government can perform no wiser or more just thing than to purchase the bonds and sell them when normal conditions prevail again. [Applause.]

No class of our people has responded more loyally and promptly to the demands of the Government than have the farmers. In certain sections last year, notably in my section, floods came, storms swept over the country, and unfavorable climatic conditions prevailed, adding greater burdens to the already stooped shoulders of the farming classes. But the farmer did not waver; he set heroically to his task, and from early morn till dewy eve, in the sweat of his brow, labored that the world might be fed. This year when the President sounded the call to the farmers of the country to plant greater acreage that the armies and civilian population might be supplied in this great crisis, they responded by insuring us the greatest food crops in the history of our country. [Applause.] This year we have a wheat crop fifteen million and a corn crop five hundred and ninety-three million bushels more than last year.

Springtime and planting season are approaching. These thousands of farmers who have made application for loans are depending on the success of this system in furthering their plans for next year. If they fail to obtain these loans in this crisis, it will challenge the success of the rural-credit system.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. GREENE of Vermont. The gentleman says that it is owing to the subscription to the liberty-loan bonds on the part of the farmers that they are not able to meet their obligations.

Mr. HARRISON of Mississippi. Oh, the gentleman misunderstood me. It may be attributed to two or three reasons. The farmers have subscribed for the liberty-loan bonds as much as they could, as much as the people of the towns. They have been patriotic, but it may be that the capitalists, the bond purchasers, having an idea that because of the large amount of liberty bonds placed on the market that in the course of time these Federal farm-loan bonds would either depreciate or the interest rate would be increased so that they could get a better investment. In other words, for some reason known to themselves they are not purchasing the bonds. It is not because the farmers have bought liberty-loan bonds. These people who need this money are farmers not able to buy liberty bonds, or, if they do buy, they necessarily borrow the money through the banks to make their purchases; but other farmers who were able bought them in as large quantities as the people in towns.

Mr. GREENE of Vermont. Then it comes down to this, that the original prospect or project that $9,000,000 should be taken to finance this thing to make up for the expected difference has failed.

Mr. HARRISON of Mississippi. No; I understand that the first bonds on the market sold at a premium of 1½ per cent.

Mr. GREENE of Vermont. I am talking about the amount of money that was to be taken from the Treasury to finance this proposition.

Mr. HARRISON of Mississippi. Oh, well, the gentleman is just against the bill; and the gentleman knows that the fact is the Farm Loan Board can not sell these bonds, and the Government ought to take them over to the extent of a hundred million this year and a hundred million next year. [Applause.] These

in the House who are friendly to the farmer and want to do something for the situation that has arisen will support the bill. [Applause.]

Mr. GREENE of Vermont. Yes; but I want to know how I am helping the farmer before I get carried away by rhetoric.

Mr. HARRISON of Mississippi. The gentleman will help him by providing for a sale of these bonds. [Applause.] The Government is under a moral, if not legal, obligation to make these loans.

Mr. GREENE of Vermont. The original expectation that $9,000,000 would do this has failed.

Mr. GLASS. We did not think that $9,000,000 would be a drop in the bucket. The main source of revenue was to be derived from the sale of the bonds.

Mr. GREENE of Vermont. The Government was to come in to the extent of $9,000,000.

Mr. GLASS. Not at all. The capital stock of the Federal Loan Bank was fixed at $9,000,000. That was not expected to afford as much as a drop in the bucket toward accommodating the farm loans in the country, but the main source of revenue was to be derived from a sale of the farm-loan bonds.

Mr. GREENE of Vermont. So the scheme has not turned out as was expected.

Mr. HARRISON of Mississippi. Mr. Speaker, I refuse to yield further. The scheme has been a magnificent success.

Mr. PLATT. Will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. PLATT. Can the gentleman tell why the farmers' loan board can not sell bonds at 4½ per cent interest that are not taxable while the Government sells 4 per cent bonds?

Mr. HARRISON of Mississippi. I can not tell, unless some of the gentleman's constituents want to extort a higher interest rate from my constituents who desire to borrow money. [Applause.]

Mr. PLATT. I can tell the gentleman why——

Mr. HARRISON of Mississippi. Mr. Chairman, I refuse to yield further.

Mr. SABATH. Will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. SABATH. In view of the great yield in crops that the gentleman has stated, for which the farmers get a greater price than ever before in the history of the Nation, can the gentleman tell us why the farmers need the money?

Mr. HARRISON of Mississippi. The gentleman ought to know that the farmers of this country are situated like men in the cities—some of them are very poor and some very rich. This will provide for the farmers who need the money and need it badly, and not those who do not need it, and the gentleman can render a great service to them by helping them in the present situation.

Mr. SABATH. I am willing to help the farmer that needs help, but I am not willing to help a farmer who hoards his products for an exorbitant price, and who for that reason makes a loan and asks us to help enhance the price of his products.

Mr. HARRISON of Mississippi. I may say that it is the opinion of the Farm Loan Board that the Government may not be compelled to take over the bonds. They may not need a dollar of money, but it will be a stimulant and an encouragement to those who might want to invest.

I know the impression has prevailed in some quarters that the farmers are against the war. In my own State I have heard the cry go up that the farmers are against the war, meaning that they are less patriotic than the people in the towns. I deny such a slanderous statement. [Applause.] In this crisis the farmers have responded as patriotically to the demands of the Government as have the men in the cities. They have given their boys and their labor to win the war. They have bought, as they were able to, liberty loan bonds, and in many instances they have borrowed money with which to purchase the bonds. They have contributed to the Red Cross and the Young Men's Christian Association. They are just as patriotic as the farmers have always been. Throughout the history of this country the farmers have played as great a part, in times of peace as well as times of war, as the people in the towns and cities. [Applause.]

Cincinnatus retired from the leadership of the greatest empire the world has ever seen to go to his farm and plow before the season was too far advanced. George Washington refused to accept a third term as President of the United States because he desired to return to Mount Vernon and cultivate his farm. Thomas Jefferson, James Madison, James Monroe, and thousands of others whose names are illustrious in history, were men who loved the pursuits of the farm. I love to look at that page in history and see the picture of Israel Putnam, that brave and sturdy New England farmer, who, hearing the clarion notes of the bugle call, left his plow in the fields and went forth in his working clothes to join the other patriots and help win the Revolutionary War. It was the embattled farmers of Lexington that gave their services, and in many instances their lives, that our independence might be won. At Kings Mountain it was farmers from Virginia and North Carolina that gave us victory. From '61 to '65 as brave men as enlisted in the Federal or the Confederate Armies came from the farms of the North and the South. [Applause.]

To-day the Rural Credit System is in the balance. Its continued success depends, in a large measure, on the fate of this resolution, and in behalf of the farmers of this country I plead with those gentlemen who oppose the passage of the resolution to withdraw their opposition that we may send to the farmers a Christmas message of good cheer and good faith, letting them know that their loans will be made and that the Rural Credit System is a success. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I enjoyed very much the eloquent remarks of the gentleman from Mississippi [Mr. HARRISON], but they did not give me much reason why this rule should be adopted. It strikes me as very extraordinary that on December 15—last Saturday—the gentleman from Virginia [Mr. GLASS] should for the first time introduce this bill providing for the expenditure by the Government of $200,000,000, and that on the same day there should be introduced a rule to take up the vast proposition, and providing further that we should consider it with only one hour of general debate, and that then the previous question should be considered as ordered, so that there would be no five-minute debate or opportunity to amend. I agree that we are getting accustomed to voting out hundreds of millions and even billions of dollars without a great deal of consideration or knowledge, but to come forward Saturday last for the first time and give us notice then that he was going to ask $200,000,000, and then to-day to come forward with a rule granting only one hour of debate seems to me to be the very climax of arbitrary legislation. As I understand it, there have been no hearings except two or three before a subcommittee at the very end of last week. The need for this money can not be anything new. If the farmers of this country are in such terrible condition that they need $200,000,000 right offhand, they must have known it before last Saturday, and if they did not know it before last Saturday it can not be so pressing that they can not give us time to inquire into it and investigate it. It seems to me that it is an outrageous proposition to bring before us without time to give us the facts, without time to investigate whether the action of these farm boards has been such as to merit our approval. I have heard something about the operation of the farm loan board in my district, and I regret that it is not such as to give me great confidence. There are scandals already rumored about these institutions, and before we are asked to come forward and vote $200,000,000 more, before we are asked to indorse a proposition which I think the gentleman from Virginia [Mr. GLASS] himself opposed when it was originally brought forward at the time of establishing the system, we ought to have time in which to make a thorough investigation and learn something about the real facts.

If I mistake not, when this original farm-loan proposition was brought forward it was urged that the Government should back these bonds, and that proposition was voted down by Congress. We decided that it was a business proposition, and that these farm-loan bonds ought to stand on their merits. I recognize, of course, that the war has made a difference, and I recognize that it is much more difficult to float any bonds since the war than it was before; but the grievance that I have against this rule is not the merit of the bill but that it is brought in here on the last evening of the session, without our having any knowledge of it, without any hearings except just by the head of the Farm Loan Board, when the House, except the very few members of the Banking and Currency Committee, has had absolutely no opportunity to acquire any information and when the House impatient to adjourn is in no disposition to consider it impartially. I am not surprised that the gentleman from Mississippi [Mr. HARRISON] moved the adoption of this rule. I notice that Mississippi has $4,000,000 of these farm-loan bonds already approved. Mississippi can not get the money readily, I presume, and they want the United States to come in and advance it.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. GILLETT. Mr. Speaker, this is a very important matter and there are not enough present to properly consider it. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair

will count. [After counting.] One hundred and twenty-two Members present—not a quorum.

Mr. HARRISON of Mississippi. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Dunn	Kiess, Pa.	Rowe
Almon	Edmonds	LaGuardia	Rowland
Anthony	Estopinal	Lee, Ga.	Rucker
Bacharach	Fairchild, G. W.	Longworth	Sanders, La.
Bathrick	Fess	McCormick	Sanders, N. Y.
Bell	Fitzgerald	McKenzie	Saunders, Va.
Black	Flynn	McKinley	Scott, Iowa
Bland	Focht	McLaughlin, Pa.	Scott, Mich.
Blanton	Fordney	Madden	Scott, Pa.
Booher	Foss	Magee	Scully
Borland	Frear	Maher	Sears
Brodbeck	Gallagher	Mann	Shackleford
Browne	Gallivan	Mason	Sisson
Bruckner	Garner	Meeker	Slemp
Brumbaugh	Garrett, Tex.	Miller, Wash.	Small
Caldwell	Godwin, N. C.	Mondell	Smith, Charles B.
Capstick	Good	Morin	Snyder
Carew	Goodall	Mott	Stafford
Carter, Mass.	Goodwin, Ark.	Mudd	Stedman
Cary	Graham, Pa.	Neely	Steele
Chandler, Okla.	Gray, N. J.	Nelson	Stephens, Nebr.
Church	Griest	Nicholls, S. C.	Sterling, Pa.
Clark, Fla.	Griffin	Nichols, Mich.	Sullivan
Clark, Pa.	Hamlin	Padgett	Summers
Connally, Tex.	Hayes	Paige	Tague
Copley	Heintz	Parker, N. J.	Talbott
Costello	Hensley	Parker, N. Y.	Taylor, Colo.
Crago	Holland	Peters	Templeton
Crosser	Houston	Polk	Tilson
Currie, Mich.	Howard	Porter	Tinkham
Curry, Cal.	Hulbert	Powers	Vare
Darrow	Husted	Price	Walker
Davis	Hutchinson	Purnell	Ward
Dempsey	Johnson, S. Dak.	Ragsdale	Wason
Dewalt	Johnson, Wash.	Rayburn	Webb
Dies	Jones, Va.	Reavis	Welling
Dill	Juul	Reed	Wilson, Ill.
Dominick	Kahn	Roberts	Winslow
Dooling	Kearns	Robinson	Woodyard
Doughton	Kennedy, R. I.	Rodenberg	Zihlman
Drukker	Key, Ohio	Rogers	

The SPEAKER. On this roll call 270 Members answered to their names, a quorum. The Doorkeeper will unlock the doors.

Mr. HARRISON of Mississippi. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. They are dispensed with automatically.

EXTENSION OF REMARKS.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to extend remarks I made yesterday for five or six minutes so as to present them connectedly.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

FARM LOANS.

Mr. LENROOT. Mr. Speaker, I have just discovered that the rule as read from the desk is not the rule which the Committee on Rules has agreed upon, and I wish to raise the point of order on it now.

Mr. GILLETT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Massachusetts moves that the House do now adjourn.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. WINGO. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman demands a division.

The House divided; and there were—ayes 101, noes 160.

Mr. WINGO. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. On this vote the ayes are 101, the noes are 160, and the gentleman from Arkansas demands the yeas and nays.

Mr. WINGO. Mr. Speaker, I withdraw the demand.

Mr. BENJAMIN L. FAIRCHILD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 96, nays 185, answered "present" 1, not voting 151, as follows:

YEAS—96.

Anderson	Campbell, Kans.	Davidson	Elston
Black	Cannon	Denison	Emerson
Bowers	Classon	Dunn	Fairchild, B. L.
Britten	Cooper, W. Va.	Eagan	Fairfield
Burroughs	Dale, Vt.	Elliott	Fordney
Butler	Dallinger	Ellsworth	Foss
Francis	Hollingsworth	Moores, Ind.	Smith, Mich.
Freeman	Ireland	Nichols, Mich.	Snell
Fuller, Ill.	Kelley, Mich.	Osborne	Steele
Fuller, Mass.	Kennedy, Iowa	O'Shaunessy	Sterling, Ill.
Garland	King	Parker, N. J.	Stiness
Gillett	Kraus	Parker, N. Y.	Strong
Glynn	Kreider	Platt	Swift
Gordon	Lea, Cal.	Pratt	Switzer
Gould	Lehlbach	Ramsey	Treadway
Graham, Ill.	Lenroot	Ramseyer	Vestal
Green, Iowa	Little	Reed	Waldow
Greene, Mass.	Lufkin	Robbins	Walsh
Greene, Vt.	McCormick	Rose	Watson, Pa.
Haskell	McFadden	Sanders, Ind.	White, Me.
Haugen	Madden	Sanford	Winslow
Beaton	Merritt	Sherwood	Wood, Ind.
Hersey	Miller, Minn.	Siegel	Woods, Iowa
Hicks	Moore, Pa.	Slayden	Zihlman

NAYS—185.

Alexander	Fields	Lesher	Schall
Ashbrook	Fisher	Lever	Scott, Mich.
Aswell	Flood	Linthicum	Sells
Austin	Foster	Littlepage	Shallenberger
Ayres	French	Lobeck	Sherley
Baer	Gallagher	London	Shouse
Bankhead	Gandy	Lonergan	Sims
Barkley	Gard	Lundeen	Sinnott
Barnhart	Garrett, Tenn.	Lunn	Smith, Idaho
Beakes	Glass	McAndrews	Smith, T. F.
Bell	Gray, Ala.	McArthur	Sneed
Beshlin	Gregg	McClintic	Steagall
Blackmon	Hadley	McCulloch	Steenerson
Brand	Hamill	McKeown	Stephens, Miss.
Buchanan	Hamilton, Mich.	McLaughlin, Mich.	Stevenson
Burnett	Hamlin	McLemore	Summers
Byrnes, S. C.	Hardy	Mansfield	Sweet
Byrns, Tenn.	Harrison, Miss.	Mapes	Taylor, Ark.
Campbell, Pa.	Harrison, Va.	Martin	Thomas
Candler, Miss.	Hastings	Mays	Thompson
Cantrill	Hawley	Montague	Tillman
Caraway	Hayden	Moon	Timberlake
Carlin	Heflin	Morgan	Towner
Carter, Okla.	Helm	Nolan	Van Dyke
Claypool	Helvering	Norton	Venable
Condy	Hilliard	Oldfield	Vinson
Collier	Hood	Oliver, Ala.	Voigt
Connelly, Kans.	Huddleston	Oliver, N. Y.	Volstead
Cooper, Wis.	Hull, Iowa	Olney	Walton
Cramton	Hull, Tenn.	Overmyer	Watkins
Crisp	Humphreys	Overstreet	Watson, Va.
Dale, N. Y.	Igoe	Park	Weaver
Decker	Jacoway	Phelan	Welling
Dent	James	Pou	Welty
Denton	Johnson, Ky.	Quin	Whaley
Dickinson	Johnson, S. Dak.	Rainey	Wheeler
Dillon	Jones, Tex.	Raker	White, Ohio
Dixon	Keating	Randall	Williams
Doolittle	Kehoe	Rankin	Wilson, La.
Dowell	Kelly, Pa.	Riordan	Wilson, Tex.
Drane	Key, Ohio	Roberts	Wingo
Dupré	Kinchelog	Romjue	Wise
Eagle	Kinkaid	Rouse	Young, N. Dak.
Esch	Kitchin	Rubey	Young, Tex.
Evans	Knutson	Rucker	
Farr	La Follette	Russell	
Ferris	Larsen	Sabath	

ANSWERED "PRESENT"—1.

Browning

NOT VOTING—151.

Adamson	Dominick	Kahn	Rodenberg
Almon	Dooling	Kearns	Rogers
Anthony	Doremus	Kennedy, R. I.	Rowe
Bacharach	Doughton	Kettner	Rowland
Bathrick	Drukker	Kiess, Pa.	Sanders, La.
Bland	Dyer	LaGuardia	Sanders, N. Y.
Blanton	Edmonds	Langley	Saunders, Va.
Booher	Estopinal	Lazaro	Scott, Iowa
Borland	Fairchild, G. W.	Lee, Ga.	Scott, Pa.
Brodbeck	Fess	Longworth	Scully
Browne	Fitzgerald	McKenzie	Sears
Bruckner	Flynn	McKinley	Shackleford
Brumbaugh	Focht	McLaughlin, Pa.	Sisson
Caldwell	Frear	Magee	Slemp
Capstick	Gallivan	Maher	Sloan
Carew	Garner	Mann	Small
Carter, Mass.	Garrett, Tex.	Mason	Smith, C. B.
Cary	Godwin, N. C.	Meeker	Snyder
Chandler, N. Y.	Good	Miller, Wash.	Stafford
Chandler, Okla.	Goodall	Mondell	Stedman
Church	Goodwin, Ark.	Morin	Stephens, Nebr.
Clark, Fla.	Graham, Pa.	Mott	Sterling, Pa.
Clark, Pa.	Gray, N. J.	Mudd	Sullivan
Connally, Tex.	Griest	Neely	Tague
Cooper, Ohio	Griffin	Nelson	Talbott
Copley	Hamilton, N. Y.	Nicholls, S. C.	Taylor, Colo.
Costello	Hayes	Padgett	Temple
Cox	Heintz	Paige	Templeton
Crago	Hensley	Peters	Tilson
Crosser	Holland	Polk	Tinkham
Currie, Mich.	Houston	Porter	Vare
Curry, Cal.	Howard	Powers	Walker
Darrow	Hulbert	Price	Ward
Davis	Husted	Purnell	Wason
Dempsey	Hutchinson	Ragsdale	Webb
Dewalt	Johnson, Wash.	Rayburn	Wilson, Ill.
Dies	Jones, Va.	Reavis	Woodyard
Dill	Juul	Robinson	

So the motion was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. SHACKLEFORD with Mr. WILSON of Illinois.

Mr. ESTOPINAL with Mr. TEMPLE.
Mr. GRIFFIN with Mr. RODENBERG.
Mr. ALMON with Mr. PURNELL.
Mr. BOOHER with Mr. MUDD.
Mr. BORLAND with Mr. MOTT.
Mr. BRUMBAUGH with Mr. BACHARACH.
Mr. CHURCH with Mr. CHANDLER of New York.
Mr. CONNALLY of Texas with Mr. COOPER of Ohio.
Mr. CROSSER with Mr. COPLEY.
Mr. DOMINICK with Mr. CRAGO.
Mr. DOREMUS with Mr. DRUCKER.
Mr. FITZGERALD with Mr. DYER.
Mr. GARRETT of Texas with Mr. FREAR.
Mr. HOLLAND with Mr. GOODALL.
Mr. KETTNER with Mr. HAMILTON of New York.
Mr. LAZARO with Mr. KENNEDY of Rhode Island.
Mr. NICHOLLS of South Carolina with Mr. KIESS of Pennsylvania.
Mr. RAYBURN with Mr. LANGLEY.
Mr. SEARS with Mr. LONGWORTH.
Mr. SHERMAN with Mr. MCKINLEY.
Mr. STERLING of Pennsylvania with Mr. MAGEE.

The result of the vote was announced as above recorded.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] has 10 minutes and the gentleman from Kansas [Mr. CAMPBELL] has 15.

Mr. HARRISON of Mississippi. Mr. Speaker, I ask unanimous consent to submit a substitute resolution for the one at the Clerk's desk and ask unanimous consent for its consideration.

Mr. MCFADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. MCFADDEN. I withdraw the objection.

The SPEAKER. Is there objection?

Mr. ANDERSON. Let us hear it read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 199 (H. Rept. 251).

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7731, amending section 32 of the Federal farm-loan act approved July 17, 1916; that there shall be not exceeding one hour of general debate, one-half of such time to be controlled by the gentleman from Virginia [Mr. GLASS] and one-half by the gentleman from Iowa [Mr. WOODS]. At the conclusion of such general debate the bill shall be considered for amendment under the five-minute rule. After the bill shall have been perfected in the Committee of the Whole House the same shall be reported to the House with such recommendation as the committee may make. Whereupon the previous question shall be considered as ordered upon the bill and all amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON of Mississippi. I ask the gentlemen on that side to use their time. There will be only one more speech on this side.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] has 15 minutes and the gentleman from Mississippi [Mr. HARRISON] 10.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield one minute to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I was debating the old rule when this unfortunate roll call interrupted me.

I recognize that this new rule is a little better. It allows some opportunity to amend in the Committee of the Whole. In so far as that, it is fairer. But my objection to this whole proposition is not to the bill, but it is to bringing it up in these very last hours of the session, when the House is not in a state of mind and has not the time to fully debate it, and trying to rush it through.

I have suggested to the other side that we should by unanimous consent postpone it until the first day we meet again, the 3d of January, and then take it up and give it full and fair consideration. I will be very glad to have that done, and I wish the gentlemen on the other side would accept that proposition and would be willing to take it up at a time when it would receive the consideration and debate and opportunity for amendment to which its importance entitles it. [Applause.]

Mr. HARRISON of Mississippi. Mr. Speaker, I want to say, in answer to the gentleman, that the Senate has just passed this bill. There is plenty of time for discussion.

Mr. GILLETT. It depends upon what you mean by "plenty of time."

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, I am opposed to this rule solely because it is very plain that there will be no serious consideration of the merits of this bill if this rule is adopted and this bill is considered this evening. I am not opposed to at least a portion of the bill, so that I do not speak as an enemy of the legislation.

But, Mr. Speaker, here is a bill involving $200,000,000, and if this rule is adopted, while there are serious questions in connection with the bill and as to which amendments will be offered, there will be no serious consideration of those amendments. That is entirely plain.

Is it any wonder that the country, as each session goes by, looks with less and less favor upon the House of Representatives, when day after day this House is not deliberating, is not giving consideration to legislation upon its merits, but is making of itself mere rubber stamps? That is absolutely true, and every one of you know it.

I represent an agricultural community. I represent a constituency that is interested in farm loans. But I am not so much afraid of my constituents as I am afraid some Members will vote for anything and everything, with no consideration, simply because they may say, "I am afraid some farmer in my district will say I am against farm loans simply because I do not at the drop of a hat, without any consideration, vote to favorably consider a $200,000,000 proposition."

Mr. Speaker, this House will never gain the respect of the country—and it ought not to gain the respect of the country—if it is going to legislate in this manner at the hour of 5.30 o'clock in the afternoon, with a very large percentage of the membership gone and with the balance of the membership anxious to go and unwilling to give serious consideration to this measure on its merits. And, mark me, if this rule is adopted, it will be demonstrated to everybody that this House is not giving consideration to the bill on its merits, but is anxious to get rid of it at the earliest moment and in such a way as to give the least offense to their constituents.

Is that the way, is that the method in which legislation should be considered by the House of Representatives? We ought to have an opportunity to consider it. We ought to consider it on the 3d day of January, the first day we meet after the holidays. If it were considered then, it should have consideration whether or not at this time we ought to appropriate $100,000,000 for 1919; whether or not it is an invitation to take on all these hundreds of millions of dollars of farm loans, and there will be no private investment in them at all. And what will then happen? With the liberty bonds, the necessity of carrying on this war, with the other demands upon the Treasury, this country may be up against a stone wall inside of 12 months; and if it is, this House of Representatives will be responsible for that stone wall if it is without consideration going to vote to-night not only for the $100,000,000 that is necessary at this time but for another $100,000,000 that may not be necessary at all, and in conditions that may not exist, with authority that ought not to exist in any officer of this Government to purchase $100,000,000 of these farm-loan bonds. [Applause.]

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL of Kansas. Mr. Speaker, how much time did the gentleman from Wisconsin use?

The SPEAKER. Four and a half minutes.

Mr. CAMPBELL of Kansas. I yield four minutes to the gentleman from New York [Mr. SNELL].

The SPEAKER. The gentleman from New York is recognized for four minutes.

Mr. SNELL. Mr. Speaker, I am opposed to adopting a rule which allows the consideration of as important a measure as this at so late an hour, just before adjournment. This bill is important to the people of this country for two distinct reasons. It commits this Government to the expenditure of $200,000,000. It does so at a time when, I think, the people of the whole country do not expect us to pass measures of this kind without giving them any consideration whatever. It is also important from the standpoint that it commits this Government to a new policy. By doing this we are committed to the policy of taking over the bonds of a corporation that can not sell them; and I do not see any more reason why we should take over the bonds of this corporation because it can not sell them than there is to take over the bonds of any public utility or railroad, or any corporation in the country which is having trouble in floating its bonds at this time, and nearly every one is having this same trouble at this time. I feel that this House is entitled to more knowledge in regard to the actual workings of the land bank. From anything I can learn, it seems to me that the land bank is not in a solvent condition, and I am basing that statement on what Mr. Norris says in his letter to the Banking and Currency Committee. He says:

We feel that even the most remote possibility of a suspension of the operations of the farm-loan system should be avoided, and that the legislation suggested would avoid such possibility.

Now, any institution that demands $100,000,000 Government aid certainly, in my judgment, is tending toward insolvency, and I believe the country at large and the Members of this House are entitled to much more definite knowledge as to the actual working of the land bank and to a longer time to consider such an important proposition as this.

It has been generally understood by the Members of the House that before the holiday recess there would be no more important legislation considered after the prohibition amendment yesterday. A great many Members of this House have gone home, and the others who are here are anxious and eager to get away, and every man in this House knows that it is absolutely impossible to give fair and careful consideration to any proposition at this time. I trust that the judgment of this House will be to put over this matter until such a time as we are able to give a bill of such importance to the House and to the whole country as House bill 7731 is the careful and thoughtful consideration that it is entitled to receive from this body. For that reason I trust you will not adopt this rule at this time.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I am a friend of the Federal Land Bank System. The district which I represent is very largely an agricultural district, with something of manufacturing. We must not forget that there have been two drives for the liberty loan bonds, and it is perfectly patent that there will be another in the near future, and another before the close of the fiscal year. We must finance our allies. Now, if the drives for the liberty loan bonds have operated throughout the country as they have operated in the rural districts of Illinois, I want to state to you that, while we subscribed substantially the maximum, yet a great many patriotic country banks, sure of the solvency of the Government, of which I, as well as they, have no doubt, realizing the necessity from the patriotic standpoint of taking these bonds, made subscriptions larger than they are able to carry and care for their depositors and for those who desire to make loans of them, unless they can dispose of these bonds. What is true of Illinois is, I think, true throughout the Middle West, and I presume it is true of the South. Certainly it is true of the North. Of course, they can borrow on short time from the Federal reserve banks. But after all that is only temporary relief. They hope to dispose of these bonds, and no doubt are disposing of them to some extent to the people who have money to invest.

Now, I believe that this Federal Land Bank System is solvent. I believe that if they are willing to pay a reasonable interest on the farm loans they can get their money at less than the rate of interest that prevails, which is now 5, 6, and 7 per cent for commercial loans. It is well enough for us to take notice of this. But I believe that with proper advertising and with proper effort these bonds can be placed. I think it is wise to consider this matter for more than an hour. Many of our people have gone; and I believe this should go over until after the holidays, and that it should then be considered under a rule not providing for an hour's consideration by the House but for fair consideration, and then we can, without harm to anybody, in my judgment, and without injury to the credit of the land bank, determine what it is wise to do. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. CANNON. If I may be granted a half a minute more——

Mr. CAMPBELL of Kansas. I yield to the gentleman half a minute.

Mr. CANNON. As to the land banks, I do not think we can afford to go to the country under all conditions, subject to the tax that may be made and will be made, and say that this thing was rushed through with one hour of debate. It is not just to the Land Bank System, it is not just to the country, and it is not just to the House of Representatives. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point that there is no quorum present.

Mr. GLASS. I make the point of order, Mr. Speaker, that that is dilatory.

The SPEAKER. The point of order is overruled. The gentleman from Pennsylvania makes the point of order that no quorum is present, and the Chair will count. [After counting.] One hundred and sixty-two Members present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Doorkeeper locked the doors, and the Sergeant at Arms was instructed to notify the absentees. The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Doughton	Kennedy, R. I.	Rogers
Almon	Dunn	Kettner	Rose
Anthony	Dyer	Kiess, Pa.	Rowland
Bacharach	Edmonds	LaGuardia	Sanders, La.
Bathrick	Estopinal	Langley	Sanders, N. Y.
Blackmon	Fairchild, G. W.	Lee, Ga.	Sanford
Bland	Fess	Linthicum	Saunders, Va.
Blanton	Flood	Longworth	Scott, Iowa
Booher	Flynn	McClintic	Scott, Pa.
Borland	Frear	McCormick	Scully
Britten	Gallivan	McKenzie	Sears
Browne	Gard	McKinley	Shackleford
Browning	Garland	McLaughlin, Pa.	Sherwood
Bruckner	Garner	Magee	Siemp
Caldwell	Garrett, Tex.	Maher	Sloan
Capstick	Godwin, N. C.	Mann	Small
Carew	Good	Mason	Snyder
Carter, Mass.	Goodall	Mecker	Stafford
Cary	Goodwin, Ark.	Miller, Minn.	Steenerson
Chandler, N. Y.	Graham, Pa.	Miller, Wash.	Steele
Chandler, Okla.	Gray, N. J.	Mondell	Stephens, Nebr.
Church	Griest	Morin	Sterling, Pa.
Clark, Fla.	Griffin	Mott	Sullivan
Clark, Pa.	Hamilton, N. Y.	Mudd	Tague
Claypool	Hayes	Neely	Talbott
Cooper, Ohio	Hefitz	Nelson	Taylor, Colo.
Copley	Helm	Nichols, Mich.	Temple
Costello	Helvering	Padgett	Templeton
Cox	Hensley	Paige	Tilson
Crago	Holland	Parker, N. Y.	Tinkham
Crosser	Houston	Peters	Vare
Currie, Mich.	Howard	Polk	Walker
Curry, Cal.	Hulbert	Porter	Ward
Darrow	Husted	Powers	Wason
Davis	Hutchinson	Pratt	Watson, Va.
Dempsey	Johnson, S. Dak.	Purnell	Webb
Dent	Johnson, Wash.	Ragsdale	Wilson, Ill.
Dewalt	Jones, Va.	Ramsey	Wilson, Tex.
Dies	Juul	Rayburn	Winslow
Dill	Kahn	Reavis	Wise
Dooling	Kearns	Riordan	Wood, Ind.
Doremus	Kelley, Mich.	Robinson	Zihlman

The SPEAKER. On this call 264 Members have answered to their names, a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. HARRISON of Mississippi. Mr. Speaker, I yield the balance of my time to the gentleman from Virginia [Mr. GLASS].

The SPEAKER. The gentleman from Virginia is recognized for 10 minutes.

Mr. GLASS. Mr. Speaker, I am just apprized of the fact that the Senate has passed this bill, with certain amendments, and has adjourned. That being so, it is impossible for the bill to become a law until after the holiday recess, and in my view it would be futile to keep the House here debating a matter that can not be concluded this evening. In my view, while the criticism of haste—I would call it expedition—is measurably justified, not one whit of the blame attaches to the House Committee on Banking and Currency. That committee considered this matter the instant it was brought to its attention; and, with its customary intuitive wisdom, as well as dispatch, immediately disposed of it by reporting it favorably to the House. Furthermore, the speed employed has not been harmful in the least. The whole subject can be understood in five minutes as easily as it can be understood in five years; and, as I have said to friends on that side, if they please to appropriate to themselves a lack of comprehension that I am unwilling to impute, that is their affair. At all events, we can not conclude the matter this evening, and I have risen simply to ask unanimous consent that the bill shall go over and have privilege and precedence as the first matter to be disposed of by the House when the Congress reconvenes on January 3 next.

Mr. CANNON. As transportation may be a little uncertain, and I doubt if all of the Members who ought to be here will be here, will not the gentleman agree to substitute the 4th for the 3d? I shall not object, of course, but I simply make that suggestion.

Mr. GLASS. I would be willing to do almost anything the gentleman from Illinois could ask, but an informal agreement already has been made for the 3d.

Mr. CANNON. Very well.

The SPEAKER. Does the gentleman from Virginia mean that the House shall on the 3d of January resume the consideration of this bill right where it is now?

Mr. GLASS. No.

The SPEAKER. That it shall start in anew?

Mr. GLASS. No. Consider the bill to its final passage under such agreement as shall be made as to the division of time.

The SPEAKER. The gentleman from Virginia asks unanimous consent that on the 3d day of January next this bill shall be the order of business after the reading of the Journal and the disposition of business on the Speaker's table, not to interfere with privileged matters. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if that request contemplates the yielding of some time——

Mr. GLASS. I have already said such time as may enable the gentleman from Pennsylvania to understand this simple problem.

Mr. MOORE of Pennsylvania. That is not satisfactory to the "gentleman from Pennsylvania." The "gentleman from Pennsylvania" has seen enough to know that there will be some objection to this bill, which the gentleman from Virginia says is so clear to himself and the members of his committee.

Mr. GLASS. Undoubtedly there will be some objection.

The SPEAKER. Is there objection?

Mr. McFADDEN. Mr. Speaker, I would like to say to the chairman of the Committee on Banking and Currency that because of the lack of information upon this subject I have introduced to-day a resolution calling on the Secretary of the Treasury to furnish information regarding the Federal farm-loan system. If the gentleman can expedite the matter with the Secretary of the Treasury and see that we have that information by January 3, I think it will help very materially the discussion of this subject.

Mr. GLASS. I do not agree that it will help one bit, but I have no objection to the gentleman getting the information.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to know what understanding has been made in regard to the division of the time.

Mr. LENROOT. It will be under the rules of the House.

Mr. GILLETT. Mr. Speaker, I have had a personal agreement which is entirely satisfactory to me, and which I think will be satisfactory to this side of the House.

Mr. MOORE of Pennsylvania. May I ask if the gentleman from Pennsylvania [Mr. McFADDEN] has been consulted?

Mr. GILLETT. Yes.

The SPEAKER. Is there objection?

Mr. McFADDEN. Mr. Speaker, reserving the right to object, in answer to the question of the gentleman from Pennsylvania as to the division of time, I might say this, that so far as our side is concerned we feel that the control of the time should be in the hands of some one who is opposed to the proposition. If that is arranged satisfactorily, I have no objection.

Mr. GLASS. I have no objection to that. The senior minority Member was mentioned in the resolution from the Committee on Rules, but he very promptly came to the chairman of the committee and suggested that the control of the time upon that side should be by some one who is opposed to the bill, and that will be arranged.

Mr. McFADDEN. As long as that is understood I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

Mr. SHERLEY. Will the gentleman withhold that for a moment?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the bill of the following title: in which the concurrence of the House of Representatives was requested:

An act (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916.

EXTENSION OF REMARKS.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the prohibition resolution.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

REPORT OF PUBLIC BUILDINGS COMMISSION.

Mr. SHERLEY. Mr. Speaker, I desire to present a report of the Public Buildings Commission. It was instructed to report prior to January 1, 1918, and I ask unanimous consent, it being short, that it may be printed in the RECORD.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to print the report in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The report is as follows:

To the Congress of the United States:

The undersigned Public Buildings Commission, appointed by the provisions of the sundry civil appropriation act approved on the 1st day of July, 1916, respectfully submit the following report:

We give below the provision of the law creating the commission:

"Public Buildings Commission: With a view to ultimately providing permanent quarters for all the governmental activities in the District of Columbia in buildings owned by the Government, a commission is created to be composed of the chairman of the Committee on Appropriations of the Senate and two other members of said committee, to be appointed by said chairman, the chairman of the Committee on Public Buildings and Grounds of the Senate and two other members of said committee, to be appointed by said chairman, the chairman of the Committee on Appropriations of the House of Representatives and two other members of said committee, to be appointed by said chairman, the chairman of the Committee on Public Buildings and Grounds of the House of Representatives and two other members of said committee, to be appointed by said chairman, all of whom shall serve thereon only so long as they are Members of Congress, and the Superintendent of the Capitol Building and Grounds, the officer in charge of public buildings and grounds, and the Supervising Architect or the Acting Supervising Architect of the Treasury during any vacancy in said office.

"The said commission shall elect one of its members as chairman of the commission and is authorized to employ such expert clerical or other services as it may deem necessary, and shall avail itself of the advice of the Commission of Fine Arts.

"The said commission shall investigate and ascertain what public buildings are needed in the District of Columbia to provide suitable and adequate accommodations, with allowances for future expansion, for all of the offices, establishments, and public services of the Government in the District of Columbia, the proper location of such buildings, the probable cost thereof, and the probable cost of such new sites as they may deem it necessary for the Government to acquire.

"Any vacancies in said commission shall be filled in the same manner as the original appointments were made.

"For expenses of said commission, $10,000, to remain available until expended and to be paid out on vouchers signed by the chairman of said commission.

"Said commission shall make final report to Congress not later than January 1, 1918."

The commission organized by electing Senator THOMAS S. MARTIN as chairman. As soon as the commission was organized it appointed the Superintendent of the Capitol Building and Grounds, the officer in charge of Public Buildings and Grounds, and the Acting Supervising Architect of the Treasury, all of whom were members of the commission, a subcommittee to study the question of providing permanent quarters for all Government activities in the District of Columbia. We submit herewith the report, including appendix and maps, of that subcommittee. With the many other duties devolved on the members of this commission we have found it impossible to give any considerable consideration to the report of this subcommittee or to the many difficult problems involved.

The subcommittee under the supervision of the general commission followed a plan of operation and investigation, including the following:

I. PLAN OF OPERATIONS.

A. A survey of buildings now occupied.

1. Owned by the Government, including details of space, numbers of occupants, and cost.

2. Rented by the Government, including details of space, numbers of occupants, and cost.

B. An estimate of future requirements for buildings for such period as the commission may designate.

1. Those now available.

2. New buildings needed.

3. Provision for increase of existing establishments.

4. Provision for new establishments.

C. A survey of building sites.

1. Now owned by the Government, including those now occupied and those available for future use.

2. Required for new buildings, showing locations and cost of acquisition.

D. Monthly reports to the members of the commission.

E. Final report of the commission.

We believe that the report of this subcommittee contains very valuable information and will serve as the foundation for the final disposition of the questions submitted to your commission. The commission regrets exceedingly that they have been unable to digest the problems which are presented and that they can do no more at present than submit the report of the subcommittee for such disposition as may seem proper to the Congress. We respectfully suggest that it be printed so as to be easily accessible to all the Members of the two Houses of Congress. The inflated conditions due to the war emergencies make the present time very inopportune for dealing with many of the questions involved. It seems to the commission that the final disposition of the matter may well be permitted to remain until normal conditions are again reached.

Your commission appends to this report an itemized account of its expenditures, showing that of the $10,000 appropriated approximately $4,603.53 have been expended. A very few items of expense will have to be added.

Respectfully submitted.

THOMAS S. MARTIN, *Chairman.*

Itemized list of expenditures by the Public Buildings Commission.

Amount of appropriation		$10,000.00
Personal services of computers, draftsmen, and clerks	$2,938.59	
Photographs, printing, and blue printing	803.97	
Office supplies, stationery, etc	860.97	
		4,603.53
Balance in hand		5,396.47

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 6967. An act to increase the number of midshipmen at the United States Naval Academy.

EXTENSION OF REMARKS.

Mr. BENJAMIN L. FAIRCHILD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the prohibition question.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I object.

Mr. KITCHIN. I am willing for all to have it; let all have it. Mr. Speaker, I ask unanimous consent that all gentlemen who spoke on the prohibition constitutional amendment be allowed to extend and revise their remarks.

Mr. WALSH. Mr. Speaker, reserving the right to object, this morning I proffered that request, but coupled with it the understanding that such extensions only include the remarks of the gentlemen and not telegrams, letters and editorials and articles?

Mr. KITCHIN. Was it granted?

Mr. WALSH. It was not granted. If the gentleman will proffer that request——

Mr. KITCHIN. I will do that.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that all gentlemen who spoke on the prohibition amendment shall have the right to extend their remarks in the RECORD, barring telegrams, letters, editorials, newspaper articles, and so forth.

Mr. ALEXANDER. Mr. Speaker, reserving the right to object, I do not know any reason why those gentlemen who had time to speak should be given that privilege when those who could not get the time were denied it.

Mr. FIELDS. Mr. Speaker, I object to a monopoly of the CONGRESSIONAL RECORD.

The SPEAKER. Does the gentleman object to this request?

Mr. FIELDS. I do, unless all gentlemen have that right.

Mr. KITCHIN. I will modify the request by asking that all gentlemen be given the right to extend their remarks in the RECORD, barring telegrams, letters, and editorials.

Mr. SHERLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman objects.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that all gentlemen——

The SPEAKER. But the gentleman from Kentucky [Mr. SHERLEY] objected.

Mr. SHERLEY. Mr. Speaker, I have no objection to gentlemen who spoke extending their remarks in the RECORD, but I object to gentlemen extending their remarks who did not speak.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

ADJOURNMENT.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p. m.) the House, under the concurrent resolution previously adopted, adjourned to meet on Thursday, January 3, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a paragraph of legislation authorizing the accounting officers of the Treasury Department to allow and credit in the accounts of Maj. (now Col.) Henry L. Newbold, the sum of $2,157.61, being the amount disallowed and charged against him on the books of the Treasury Department (H. Doc. No. 627); to the Committee on Claims and ordered to be printed.

2. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate required for general expenses of the Forest Service for the fiscal year 1918 (H. Doc. No. 628); to the Committee on Appropriations and ordered to be printed.

3. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for the fiscal year 1919, for necessary improvements at the Arlington National Cemetery (H. Doc. No. 629); to the Committee on Appropriations and ordered to be printed.

4. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Frank Brott, Edward Brott, George Brott, and Adaline B. Hamilton, heirs of James H. Brott, deceased, v. the United States (H. Doc. No. 630); to the Committee on War Claims and ordered to be printed.

5. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles J. Olson v. the United States (H. Doc. No. 631); to the Committee on War Claims and ordered to be printed.

6. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Eleanor R. Mintie, widow of Fergus L. Mintie, deceased, v. The United States (H. Doc. No. 632); to the Committee on War Claims and ordered to be printed.

7. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lawrence Moore v. The United States (H. Doc. No. 633); to the Committee on War Claims and ordered to be printed.

8. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah J. Marsh, widow (remarried) of Martin B. Miller, deceased, v. The United States (H. Doc. No. 634); to the Committee on War Claims and ordered to be printed.

9. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John A. Spielman v. The United States (H. Doc. No. 635); to the Committee on War Claims and ordered to be printed.

10. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Birney E. Shaw v. The United States (H. Doc. No. 636); to the Committee on War Claims and ordered to be printed.

11. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Elizabeth W. Broadhead, widow (remarried) of Richard McCowick, deceased, v. The United States (H. Doc. No. 637); to the Committee on War Claims and ordered to be printed.

12. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Juliette Harrow, widow of William Harrow, deceased, v. The United States (H. Doc. No. 638); to the Committee on War Claims and ordered to be printed.

13. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lucy B. Stahl, daughter of James A. Bell, deceased, v. The United States (H. Doc. No. 639); to the Committee on War Claims and ordered to be printed.

14. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Eugene E. Neff, son of Edmund W. S. Neff, deceased, v. The United States (H. Doc. No. 640); to the Committee on War Claims and ordered to be printed.

15. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Louisa Boles, daughter of Charles Heintz, deceased, v. The United States (H. Doc. No. 641); to the Committee on War Claims and ordered to be printed.

16. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Warner C. Grider, administrator of Benjamin C. Grider, deceased, v. The United States (H. Doc. No. 642); to the Committee on War Claims and ordered to be printed.

17. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John W. Clemans and Cora Foote, children of Sylvester W. Clemans, deceased, v. The United States (H. Doc. No. 643); to the Committee on War Claims and ordered to be printed.

18. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles M. Bingham v. The United States (H. Doc. No. 644); to the Committee on War Claims and ordered to be printed.

19. Letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary E. Conine, daughter of Milton Valentine, deceased, v. The United States (H. Doc. No. 645); to the Committee on War Claims and ordered to be printed.

20. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Benjamin F. Kemp v. The United States (H. Doc. No. 646); to the Committee on War Claims and ordered to be printed.

21. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Morton T. Jones v. The United States (H. Doc. No. 647); to the Committee on War Claims and ordered to be printed.

22. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary A. Goddard, widow of William C. Goddard, deceased, v. The United States (H. Doc. No. 648); to the Committee on War Claims and ordered to be printed.

23. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harri-

son Dwire v. The United States (H. Doc. No. 649); to the Committee on War Claims and ordered to be printed.

24. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas Martin v. The United States (H. Doc. No. 650); to the Committee on War Claims and ordered to be printed.

25. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Abraham Mitcham v. The United States (H. Doc. No. 651); to the Committee on War Claims and ordered to be printed.

26. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of George D. Scott, son and sole heir of Oliver H. P. Scott, deceased, v. The United States (H. Doc. No. 652); to the Committee on War Claims and ordered to be printed.

27. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Chloe Hinchcliff, daughter of Liam N. Mitchell, deceased, v. The United States (H. Doc. No. 653); to the Committee on War Claims and ordered to be printed.

28. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles L. Knapp v. The United States (H. Doc. No. 654); to the Committee on War Claims and ordered to be printed.

29. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Eva A. Ingersoll, widow of Robert G. Ingersoll, deceased, v. The United States (H. Doc. No. 655); to the Committee on War Claims and ordered to be printed.

30. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Sarah C. Fisk, widow of Dennison Fisk, deceased, v. The United States (H. Doc. No. 656); to the Committee on War Claims and ordered to be printed.

31. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Walter S. Dunn, guardian of Caroline Dunn, a minor, sole heir of John T. Croxton, deceased, v. The United States (H. Doc. No. 657); to the Committee on War Claims and ordered to be printed.

32. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary A. Clarkson, widow of Isaac L. Clarkson, deceased, v. The United States (H. Doc. No. 658); to the Committee on War Claims and ordered to be printed.

33. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lizzie J. Clark, widow of Willard Clark, deceased, v. The United States (H. Doc. No. 659); to the Committee on War Claims and ordered to be printed.

34. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Ellen B. Harding, daughter of William Brisbane, deceased, v. The United States (H. Doc. No. 660); to the Committee on War Claims and ordered to be printed.

35. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Carrie Adolph and Bella Adolph Epstine, daughters and sole heirs of Philip Adolph, deceased, v. The United States (H. Doc. No. 661); to the Committee on War Claims and ordered to be printed.

36. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lydia F. Taylor, daughter of John G. Wilson, deceased, v. The United States (H. Doc. No. 662); to the Committee on War Claims and ordered to be printed.

37. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Maude Taylor, one of the heirs of John C. Taylor, deceased, v. The United States (H. Doc. No. 663); to the Committee on War Claims and ordered to be printed.

38. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Lilly B. Hancock, widow of William A. Hancock, v. The United States (H. Doc. No. 664); to the Committee on War Claims and ordered to be printed.

39. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of the Navy submitting supplemental estimates of appropriations for the Navy Department and Naval Establishment for the fiscal year 1918 (H. Doc. No. 665); to the Committee on Appropriations and ordered to be printed.

40. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for fortifications in insular possessions for the fiscal year 1918 (H. Doc. No. 666); to the Committee on Appropriations and ordered to be printed.

41. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation for printing and binding for the War Department for the fiscal year 1918 (H. Doc. No. 667); to the Committee on Appropriations and ordered to be printed.

42. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate for contingent expenses of the War Department for the fiscal year 1918 (H. Doc. No. 668); to the Committee on Appropriations and ordered to be printed.

43. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a proposed clause of legislation authorizing the payment to Henry C. Chappell, of certain money paid by him for advertisements (H. Doc. No. 669); to the Committee on Appropriations and ordered to be printed.

44. A letter from the Secretary of the Treasury, transmitting deficiency estimates of appropriations required by the United States Public Health Service for the fiscal year ending June 30, 1918 (H. Doc. No. 670); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. POU, from the Committee on Rules, to which was referred the resolution (H. Res. 197) providing for the consideration of House bill 7731, reported the same with substitute amendment (H. Res. 199), accompanied by a report (No. 231), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ESCH: A bill (H. R. 7912) to amend the Federal insurance-tax law; to the Committee on Ways and Means.

By Mr. SIMS: A bill (H. R. 7913) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DYER: A bill (H. R. 7914) to provide a commission to secure plans and designs for a monument or memorial to the memory of the negro soldiers and sailors who fought in the wars of our country; to the Committee on the Library.

By Mr. LANGLEY: A bill (H. R. 7915) to increase the rates of pension for certain soldiers, sailors, and marines of the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 7916) prohibiting misleading advertising; to the Committee on Interstate and Foreign Commerce.

By Mr. CARTER of Oklahoma (by request): A bill (H. R. 7917) to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, and conferring authority on the courts of said State in reference thereto, and for other purposes; to the Committee on Indian Affairs.

By Mr. McCLINTIC: A bill (H. R. 7918) providing that soldiers, sailors, and marines may send letters through the mails free of postage under rules and regulations prescribed by the Postmaster General; to the Committee on the Post Office and Post Roads.

By Mr. HULBERT: A bill (H. R. 7919) making an appropriation for making demonstrative test of a new patented form of railroad construction and equipment; to the Committee on Appropriations.

By Mr. SWIFT: A bill (H. R. 7920) to amend an act entitled "An act to increase the revenue, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. HILLIARD: A bill (H. R. 7921) for the retirement of public-school teachers in the District of Columbia; to the Committee on the District of Columbia.

By Mr. WATKINS: A bill (H. R. 7922) to appropriate $10,000 for the improvement of navigation on Dorcheat Bayou, in Louisiana; to the Committee on River and Harbors.

By Mr. LENROOT: A bill (H. R. 7923) providing for the creation of the United States Equipment Corporation to acquire railroad equipment and lease the same to the railroads of the United States, and providing capital to carry on its business; to the Committee on Interstate and Foreign Commerce.

By Mr. GARLAND: A bill (H. R. 7924) granting pensions to soldiers confined in so-called Confederate prisons; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 7925) to amend section 35 of the Criminal Code, and for other purposes; to the Committee on the Judiciary.

By Mr. LARSEN: A bill (H. R. 7926) providing for the purchase of a site and the erection of a public building thereon at Hawkinsville, Pulaski County, Ga.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7927) providing for the purchase of a site and the erection of a public building thereon at Fort Valley, Houston County, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. HARDY: Resolution (H. Res. 202) authorizing the Committee on Expenditures in the Navy Department to send for persons and papers; to the Committee on Rules.

By Mr. EDMONDS: Resolution (H. Res. 204) to inquire into the operations of the Shipping Board; to the Committee on Rules.

By Miss RANKIN: Resolution (H. Res. 205) proposing an inquiry into the health and hospital records of Camp Mills, Hempstead, Long Island; to the Committee on Rules.

By Mr. McFADDEN: Resolution (H. Res. 206) calling on the Secretary of the Treasury for information concerning the organization and operation of agencies authorized by the Federal farm-loan act; to the Committee on Banking and Currency.

By Mr. HAYDEN: Joint resolution (H. J. Res. 196) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on Woman Suffrage.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 197) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on Woman Suffrage.

By Mr. KEATING: Joint resolution (H. J. Res. 198) extending the right of suffrage to women; to the Committee on Woman Suffrage.

By Miss RANKIN: Joint resolution (H. J. Res. 199) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on Woman Suffrage.

By Mr. RAKER: Joint resolution (H. J. Res. 200) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on Woman Suffrage.

By Mr. MONDELL: Joint resolution (H. J. Res. 201) proposing an amendment to the Constitution of the United States extending the right of suffrage to women; to the Committee on Woman Suffrage.

By Mr. EMERSON: Joint resolution (H. J. Res. 202) to appropriate $10,000,000 to build freight cars to handle foods and fuels; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 7928) granting an increase of pension to Mary Cortin Kinnevan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7929) granting an increase of pension to Rebecca Van Buskirk McHesson; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 7930) granting an increase of pension to William Harris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7931) granting an increase of pension to Jacob Hamon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7932) granting an increase of pension to Albert Varnell; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 7933) granting a pension to George W. Craig; to the Committee on Pensions.

Also, a bill (H. R. 7934) to correct the military record of John Banks; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 7935) granting a pension to James H. Swallum; to the Committee on Pensions.

By Mr. CARTER of Massachusetts: A bill (H. R. 7936) for the relief of Ellen Driscoll; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 7937) granting an increase of pension to Levi Lightfoot; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 7938) granting a pension to Phebe A. Shisler; to the Committee on Invalid Pensions.

By Mr. FLYNN: A bill (H. R. 7939) for the relief of Elizabeth Peck, widow of James H. Peck; to the Committee on Claims.

By Mr. FULLER of Illinois: A bill (H. R. 7940) granting an increase of pension to Thompson Martin; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 7941) granting an increase of pension to William D. McCormick; to the Committee on Invalid Pensions.

By Mr. GARRETT of Tennessee: A bill (H. R. 7942) granting an increase of pension to Margaret A. McAdoo; to the Committee on Pensions.

By Mr. GRAY of New Jersey: A bill (H. R. 7943) to correct the military record of Edward A. Shave; to the Committee on Military Affairs.

By Mr. IRELAND: A bill (H. R. 7944) to correct the military record of John Wesley Conkling, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 7945) to correct the military record of George A. Culver, deceased; to the Committee on Military Affairs.

Also, a bill (H. R. 7946) to correct the military record of John Kircher; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota: A bill (H. R. 7947) granting an increase of pension to Theresa H. Paulhamus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7948) granting an increase of pension to Joseph Smith; to the Committee on Invalid Pensions.

By Mr. JUUL: A bill (H. R. 7949) granting an increase of pension to Eliza Fosha; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7950) granting a pension to Kate Schultz; to the Committee on Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 7951) granting an increase of pension to Jacob Ripley, alias James Rogers; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 7952) granting an increase of pension to William W. Pope; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7953) granting an increase of pension to Willis Akles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7954) granting an increase of pension to Orville H. Mills; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 7955) granting an increase of pension to Fannie M. O'Linn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7956) granting an increase of pension to Robert Leitch; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 7957) granting a pension to Emma Crewitt; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 7958) granting an increase of pension to William Harrier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7959) granting a pension to Ellen Murphy; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 7960) granting an increase of pension to James Darrah; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7961) granting an increase of pension to Jordan C. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7962) granting an increase of pension to James W. Duty; to the Committee on Pensions.

By Mr. PLATT: A bill (H. R. 7963) granting a pension to Ellen Mulligan; to the Committee on Pensions.

Also, a bill (H. R. 7964) granting a pension to Emma A. Palmer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7965) granting an increase of pension to Abraham Rapelye; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7966) granting an increase of pension to Grace A. Negley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7967) granting an increase of pension to Henry Worden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7968) granting an increase of pension to George W. Fitzgerald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7969) granting an increase of pension to John Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7970) for the relief of John Hill; to the Committee on Military Affairs.

Also, a bill (H. R. 7971) for the relief of Peter Myer; to the Committee on Military Affairs.

By Mr. PRATT: A bill (H. R. 7972) granting an increase of pension to George W. Littleton; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 7973) granting an increase of pension to Jacob H. Murdock; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 7974) granting an increase of pension to Daniel Berkeblie; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 7975) granting an increase of pension to Charles F. Sparger; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 7976) granting a pension to Kate Frances Getts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7977) granting an increase of pension to James K. Nichols; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7978) for the relief of Jacob Mull; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 7979) granting a pension to Annie Sangamo; to the Committee on Pensions.

By Mr. SWEET: A bill (H. R. 7980) granting a pension to Angeline E. Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7981) granting a pension to Emma Cornelia Troy; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 7982) for the relief of Samuel Reigle; to the Committee on War Claims.

By Mr. TOWNER: A bill (H. R. 7983) granting an increase of pension to John Fasnacht; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 7984) for the relief of H. B. Rogers; to the Committee on the Public Lands.

Also, a bill (H. R. 7985) for the relief of J. Ph. Binzel Co.; to the Committee on Claims.

By Mr. WALSH: A bill (H. R. 7986) granting an increase of pension to Carrie C. Washburn; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 7987) granting a pension to Clarence P. McLoud; to the Committee on Pensions.

Also, a bill (H. R. 7988) granting a pension to Elizabeth Moncravie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7989) granting an increase of pension to Hannah J. Estill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7990) granting an increase of pension to William J. Wyatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7991) removing the charge of desertion against John Kreiser; to the Committee on Military Affairs.

By Mr. KEATING: A bill (H. R. 7992) granting an increase of pension to Jane Emperor; to the Committee on Pensions.

Also, a bill (H. R. 7993) granting an increase of pension to Jacob Jewell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of a mass meeting of Bohemian (Czech) and Slovak citizens of Baltimore, Md., held December 16, 1917, avowing their loyalty and thanking the President for his consideration in his recent proclamation; to the Committee on Foreign Affairs.

Also (by request), resolution of the Independence League, Bronx County, New York, urging Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolution of the American Society of Refrigerating Engineers, assuring the President and Congress of their earnest and loyal support of all measures for the welfare of the country and the successful prosecution of the war, and offering the services of its members in any capacity; to the Committee on Military Affairs.

Also (by request), petitions of sundry citizens of Iowa, Ohio, Oregon, Pennsylvania, Texas, and Wyoming, favoring the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2092); to the Committee on Military Affairs.

By Mr. DALE of New York: Resolution of the Tenants' Union of New York (Inc.), urging Congress to monetize railroads by the same process by which gold and silver are monetized, enabling the Nation to purchase public utilities with the cash thus provided, thus relieving the monetary famine and obtaining the needed transportation; to the Committee on Ways and Means.

By Mr. ELSTON: Memorial showing inequality in matter of pay for mates in the United States Navy and suggesting legislation to remedy same; to the Committee on Naval Affairs.

By Mr. FULLER of Illinois: Memorial of the National Association of Letter Carriers for readjustments of salaries; to the Committee on the Post Office and Post Roads.

Also, petition of George Barr McCutcheon, opposing the zone system and increased rates for second-class postage; to the Committee on Ways and Means.

Also, memorial of the Chamber of Commerce of the United States of America, relative to the housing problem; to the Committee on Public Buildings and Grounds.

Also, petition of Henry A. Wise Wood opposing the proposed suffrage amendment; to the Committee on Woman Suffrage.

Also, memorial of the National Council of American Cotton Manufacturers relative to the foreign trade; to the Committee on Foreign Affairs.

By Mr. GARRETT of Tennessee: Papers to accompany bill granting an increase in pension to Margaret A. McAdoo; to the Committee on Pensions.

By Mr. JOHNSON of Washington: Resolutions of C. S. Hamilton Post, No. 113, Grand Army of the Republic, Kelso, Wash., favoring increased pensions for Civil War veterans; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: Petitions of Adam Sutcliffe, Henry G. Thresher, and G. Bion Allen, of Pawtucket, and William Boyd, of Valley Falls, all in the State of Rhode Island, favoring national prohibition legislation; to the Committee on the Judiciary.

By Mr. McCLINTIC: Memorial of the Oklahoma Council of Defense, urging the Government frank for mail of State and local councils of defense; to the Committee on the Post Office and Post Roads.

By Mr. McKEOWN: Petition of J. P. Ford and others, favoring law circumscribing acitivities of disloyal people; to the Committee on the Judiciary.

By Mr. PETERS: Memorial of Mary E. McKeen and others, of Brunswick, Me., against passage of woman-suffrage amendment; to the Committee on Woman Suffrage.

By Mr. RAKER: Petition of R. A. Witteman, Buffalo, N. Y., protesting against national prohibition; to the Committee on the Judiciary.

Also, memorial of Nevada City Chamber of Commerce, Nevada City, Cal., protesting against national prohibition; to the Committee on the Judiciary.

Also, petition of W. B. Cello and five other citizens of Nevada City, Cal.; Phil A. Grau, Chicago, Ill.; and William H. Brady, New York City, protesting against national prohibition; also petitions of L. E. Parke and W. S. Warfield, of Sioux City, Iowa, indorsing national prohibition; to the Committee on the Judiciary.

Also, petitions of Thomas F. Flattery, secretary National Federation of Postal Employees, Washington, D. C., and Frank Morrison, secretary American Federation of Labor, indorsing an increase of salaries for postal employees; to the Committee on the Post Offices and Post Roads.

Also, petition of E. T. Newell, New York, N. Y., in favor of a bill providing for valor medals; to the Committee on Military Affairs.

Also, resolution adopted by California White and Sugar Pine Manufacturers' Association, San Francisco, Cal., urging appropriation of $10,000 for study by Weather Bureau of weather conditions as related to forest fires; to the Committee on Appropriations.

Also, petition of H. L. Litchfield, of Waterloo, Iowa, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of C. R. Hodgkin, secretary California Corrugated Culvert Co., against any further advance in letter postage; to the Committee on the Post Office and Post Roads.

By Miss RANKIN: Petition of the Commercial Club of Great Falls, Mont., for a readjustment in salaries of city letter carriers sufficient to meet the increase in cost of living commodities since salary legislation of 1907; to the Committee on the Post Office and Post Roads.

Also, memorial of Commercial Club of Great Falls, Mont., expressing gratitude and appreciation of the work of the President, his Cabinet, the Congress, the Council of National Defense, and other organizations for the upholding and defending of the Republic; to the Committee on Military Affairs.

By Mr. SABATH: Resolution of the Chamber of Commerce of the United States of America, urging that Congress and the country should consider the housing of employees as a war emergency and that immediate action be taken to solve this problem; to the Committee on Military Affairs.

Also, resolution of the American Federation of Labor, urging an increase in the salaries of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. SCHALL: Petitions of sundry citizens of Minnesota, in favor of woman suffrage; to the Committee on Woman Suffrage.

SENATE.

THURSDAY, *January 3, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in Thy great goodness Thou hast brought us to the beginning of a new year. Thou hast enabled us to write one of the fairest and greatest pages in the history of the whole world in the year that has gone. We bless Thee that Thou hast led us through the year with unity of spirit and with devotion to the great and high ideals to which this Nation has been consecrated.

We pray Thee that as we begin the new year we may begin it under the inspiration and guidance of God alone. Let Thy blessing rest upon every man whom Thou hast called to a place of influence in this Nation, that they may feel the support and interest and cooperation of all the citizenship, that we may continue the unity of spirit and purpose and effort until success comes to our enterprise.

We miss the genial face to-day of one of our colleagues in this Chamber whom Thou hast called to the great Beyond. We thank Thee for the wide influence, for the friendship, for the inspiration of his life. We pray that Thy blessing may rest upon the inner circle of his loved ones and that his memory may abide as an inspiration to us all in this Chamber.

Now, God our Father, guide us by Thy counsel. Give to us the continual influence of Thy Spirit. Bring us to the end of our great national enterprise for the establishment of peace and brotherhood in the earth. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Tuesday, December 18, 1917, when, on request of Mr. MARTIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEATH OF SENATOR FRANCIS G. NEWLANDS.

Mr. MARTIN. Mr. President, in the absence of the Senator from Nevada [Mr. PITTMAN] and acting in accordance with a request from him sent to me by wire—and I should say that Senator PITTMAN'S absence is due to a delayed train on which he is now traveling to Washington—it becomes my duty to make public announcement on the floor of the Senate of the death of the senior Senator from Nevada, Senator NEWLANDS. I ask that the telegram received from Senator PITTMAN may be printed in the RECORD.

The telegram referred to is as follows:

CHARLOTTESVILLE, VA., *January 3, 1918.*

Senator MARTIN,
United States Senate, Washington, D. C.:

My train is five hours late. Should I not arrive in time, may I beg you to move an adjournment in respect for the memory of our late colleague, Senator FRANCIS G. NEWLANDS? In his death our State and our Government has lost one of its foremost statesmen. He won the affection of his friends by his ever gentle, genial, and considerate manner, and commanded the admiration of all by the power of his statesmanship. His loss is bemourned by all in our State. At the proper time I will ask that a day be set apart in which tribute may fittingly be paid to his memory.

KEY PITTMAN.

Mr. MARTIN. I think, Mr. President, I can safely say that Senator NEWLANDS was not only held in high regard but affectionate regard by every Senator on the floor of this body. In addition to our personal loss, Mr. President, I feel that I should also add that the death of Senator NEWLANDS in this crisis of our history is a great public loss. His familiarity with the subject which is now engrossing the attention of the country made his services peculiarly desirable and efficient. But it has pleased the Almighty to call him from our midst, and all we can do is to bow humbly to that decree.

Later on a day, of course, will be fixed when proper tribute may be paid to the memory of this distinguished Member of this body. In the meantime, Mr. President, I send to the desk resolutions, which I ask may have immediate consideration.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 173) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. FRANCIS G. NEWLANDS, late a Senator from the State of Nevada.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. MARTIN. Mr. President, as a further mark of respect to the memory of our deceased colleague, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 4, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 3, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, whose invisible hand guides the stars, which mark the flight of time, Thou hast brought us to the beginning of a new year, with its hopes and ever-widening possibilities.

The past is ours by inheritance and by our personal experience. The future is a closed book. Help us by the wisdom of the past, its mistakes and defeats, that with calmness and serenity we may read the pages of the future, as they are unfolded, with fortitude, courage, and vigor.

As the sun rose upon the new year it looked down upon a world of strife, carnage, brutality, and heart-rending suffering and sorrow. Grant, O most merciful Father, that amid all we may cling to Thee in faith as our refuge and our strength, for faith is truer than doubt, truth is mightier than the sword, right is stronger than might, and love shall live when the stars have all gone out.

May the duty well done to-day strengthen us for the duties of the to-morrow, and may the achievements of the past inspire us to the new achievements which the future hath in store for the faithful.

Since we last met two Members of the congressional family have crossed the river of death; peace be to their souls, and the consolation of faith, hope, and love sustain their colleagues, friends, and bereaved families. In His name. Amen.

The Journal of the proceedings of Tuesday, December 18, 1917, was read and approved.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BORLAND. I rise to ask leave to extend my remarks in the RECORD.

Mr. McARTHUR. Reserving the right to object, on what question?

Mr. BORLAND. On the question of war efficiency.

Mr. WALSH. Mr. Speaker, I do not think that is a very good way to start out the new year, and I shall object.

Mr. BORLAND. I hope the gentleman will not object. This is purely original matter.

ORDER OF BUSINESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the order of business for to-day, which is the bill H. R. 7731, be made the continuing order for to-morrow, immediately after the reading of the Journal, until finished. I do this because the House in all probability will adjourn as a mark of respect to the late Senator NEWLANDS and the late Representative BATHRICK, who died during the recess holiday.

The SPEAKER. Week before last week the House by unanimous consent made the bill H. R. 7731 the special order for to-day. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that that order be transferred until to-morrow.

Mr. KITCHIN. And be the continuing order.

The SPEAKER. And be the continuing order to-morrow. Is there objection? [After a pause.] The Chair hears none.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
December 24, 1917.

Hon. CHAMP CLARK,
Speaker of House of Representatives.

MY DEAR MR. SPEAKER: I hereby tender my resignation from the Committee on Coinage, Weights, and Measures, the same to take effect immediately.

Yours, very truly, B. C. HILLIARD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RESIGNATION OF MEMBER FROM HOUSE.

The SPEAKER also laid before the House the following notification of resignation from the House.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., December 31, 1917.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have to-day transmitted to the governor of the State of New York my resignation as a Representative in Congress of the United States from the twenty-first district of New York, to take effect January 1, 1918.

Respectfully, yours, MURRAY HULBERT.

The SPEAKER. The communication will be filed in the archives of the House.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. CRISP, until Monday next, on account of illness in his family.

To Mr. GREENE of Massachusetts, for one week, on account of illness in his family.

To Mr. IRELAND, for 10 days, on account of important business.

To Mr. CLARK of Pennsylvania, for one week, on account of illness in his family.

To Mr. COOPER of Wisconsin (at the request of Mr. BROWNE), for three days, on account of important business.

ARMED FORCES OF THE PHILIPPINE ISLANDS.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7697) authorizing the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the bill H. R. 7697. Is there objection?

Mr. LITTLE. Mr. Speaker, reserving the right to object, does that include the Philippine Constabulary?

Mr. DENT. It does.

Mr. LITTLE. How many are there, if the gentleman knows, in the Philippine Constabulary?

Mr. DENT. There are 5,200 in the constabulary and 5,500 in the scouts, and they have about 6,000 in the militia, which is organized under the act passed by the Filipino Legislature substantially in the form of the national-defense act of June 3, 1916. They propose by this bill to recruit these forces up to a full division, so as to tender to the Government of the United States a division of about 27,000 officers and men, one-third of whom, at least, will be officered by American officers.

Mr. AUSTIN. May I ask the gentleman if we are going to retain any standing army in the Philippine Islands in the absence of these Philippine troops?

Mr. DENT. Of course this bill does not cover that. That will be a matter for the executive government to decide. But I will state to the gentleman from Tennessee that all of the evidence before the Committee on Military Affairs showed very clearly that there was absolute peace and contentment in the Philippine Islands, and that the object of this act on the part of the Filipinos is to show their gratitude and loyalty to the Government of the United States. [Applause.]

Mr. AUSTIN. Which Government bears the expense incident to this?

Mr. DENT. Of course the Government of the United States will. It will have to feed them just as it does all other soldiers that we have in the service.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. DENT. With pleasure.

Mr. TOWNER. It might be added for the information of the House that this militia has been organized since the war. It is in direct contemplation of the Philippine Islanders of being called into the service. It was altogether a voluntary offer on the part of the people of the Philippine Islands.

Mr. DENT. The gentleman is entirely correct about that.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. LITTLE. Who are to be the regimental officers, Americans or Filipinos?

Mr. DENT. The higher officers will be Americans.

Mr. LITTLE. But the colonels, the battalion commanders, and regimental commanders?

Mr. DENT. As I understand it, most of them will be Americans. I can not answer the gentleman definitely about that.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 7697) to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes.

Be it enacted, etc., That the militia and other locally created armed forces in the Philippine Islands may be called into the service of the United States, and all members thereof may be drafted into said service and organized in such manner as is or may be provided by law for calling or drafting the National Guard into said service, and shall in all respects while therein be upon the same footing with members of the National Guard so called or drafted: *Provided*, The pay and allowances of officers and men of the Philippine Militia and other locally created armed forces in the Philippine Islands called into the service of the United States under the provisions of this act when serving in the Philippine Islands shall in no case exceed the pay and allowances for corresponding grades of Philippine Scouts.

With a committee amendment, as follows:

Amend, page 1, line 10, by inserting, after the word "*Provided*," the word "That."

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on agreeing to the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. DENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement of the facts relative to the bill that has just been passed.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DENT. Mr. Speaker, I submit the following statement of facts, together with letter of Bishop Brent and letter of Gen. Frank McIntyre, printed in the report:

The Filipino troops in the Philippine Islands consist of National Guard, Philippine Constabulary, and Philippine Scouts.

The National Guard and constabulary are locally organized troops.

The Philippine Scouts are part of the Regular Army of the United States.

The constabulary consists of 106 companies, 361 officers, and 5,201 enlisted men.

The Philippine Scouts consist of 52 companies, 170 officers, and 5,570 enlisted men.

The National Guard is organized under the militia act of the Philippine Islands, and complies, as far as possible, with the provisions of the national-defense act of July 3, 1916, all the objectionable features in National Guard organizations in the United States having been eliminated.

Section 7 of the militia act of the Philippine Islands provides that the organized militia, under the designation of the "National Guard," shall constitute a general headquarters and a complete division under the command of a major general.

Section 8 provides that immediately after the passage of the act the Governor General be authorized to organize, equip, and muster a general headquarters and a provisional division. These general headquarters and a provisional division have been organized, and the provisional division is now in active training. The provisional division was organized under Executive Order No. 35, dated April 12, 1917, with the various units located at the main towns throughout the islands.

The school for officers and noncommissioned officers of the National Guard was organized on Saturday, July 21, under Col. Lincoln Andrews, Ninth United States Cavalry, with other officers of the Regular Service as assistants, and for infantry officers continued until October 1 in the camp located on the water front in Manila, the work for the artillery officers being continued in that branch at Camp Stotsenberg under Col. Oliver L. Spaulding, of the Field Artillery, United States Army, until October 15.

Immediately on the expiration of the different schools, the different units of the division were formed at the several towns throughout the islands and active training of the enlisted men began. The entire National Guard is now in training under the supervision of Regular Army officers, scout officers, and constabulary officers of ability and experience.

It is proposed to organize the scouts, the constabulary, and the National Guard into a full division of troops under the new Tables of Organization, which require some 27,000 officers and men. The scouts and constabulary are old organizations of the

very highest experience and efficiency, they having been from their inception under the instruction and command of some of the best officers of the United States Army.

The National Guard is newer, and consists of the very flower of the Filipino youth of the islands. The greatest interest and enthusiasm has been exhibited by the officers and men enrolled therein. The officers of the division will consist of the present officers of the National Guard, officers from the constabulary and Philippine Scouts, and officers of the Reserve Corps located in the Philippine Islands. The officers will consist of Americans and Filipinos. It is proposed that from 25 per cent to 33⅓ per cent—and these the more responsible officers—will be Americans, and the balance Filipinos. This would necessitate some 300 American officers and 600 Filipino officers. In the organizations above enumerated there are some 600 Americans, and the very best of them will be selected for the division. In order that the division may come up to the required number, the governors of the different Provinces will be required to assemble at their provincial capitals five days before the date draft becomes effective twice the number of volunteers that would be required, and from these the extra men necessary to make up the new division will be selected. Recruiting officers and doctors from these headquarters will be sent in time to arrive there five days before the draft to make the selection and physical examination. In this manner the complete personnel of the division can be taken over to the department commander of the United States Army upon date of the draft.

For sites for the final organization of the division either Fort McKinley or Camp Stotsenberg would be ideal, Camp Stotsenberg being the better during the wet season, but Fort McKinley the more desirable on account of the splendid transportation facilities. There are quarters in McKinley for 8,000 enlisted men, and cantonments for the balance could be erected within 30 days; but as there will be six months of dry season from now on the lightest construction would be all that would be at present necessary.

Medical supplies: There is on hand in the medical supply depot, United States Army, in Manila, six months' supply for 20,000 men and families, or a total of 45,000 people. This does not include field equipment, which is in the hands of different departmental surgeons, sufficient for approximately 14,000 men more.

Equipment: There is on hand in the department reserve equipment for a regiment of Cavalry at war strength, equipment for two Mountain Gun Artillery battalions at Camp Stotsenberg and the machine gun, besides the complete equipment of Corregidor.

Engineer equipment: There is about 80 per cent in the engineer equipment necessary for a regiment, less tool wagons, which can be made in the islands; the other 20 per cent can also be made there.

Field equipment: There is enough field equipment on hand, such as field ranges and kitchen utensils, etc., for 15,000 men.

Clothing: There is on hand sufficient clothing for half of the division and some 4,000 woolen blankets. The shoes can be made locally by the Exchange Shoe Co. and the United States Shoe Co. Leggins in any quantity can be furnished if material is supplied. There is sufficient olive drab cotton cloth on hand in Manila to make 24,000 uniforms.

ORIENTAL NEWS AND COMMENT—FILIPINOS MAKE ACTIVE WAR PREPARATIONS—BISHOP BRENT GIVES GLOWING PICTURE OF FILIPINO INTEREST IN WAR—IF NOT IN FRANCE, HE SAYS, THEY COULD SERVE ADVANTAGEOUSLY ON MEXICAN BORDER.

The Rt. Rev. Charles H. Brent, former bishop of the Philippine Islands, who has just accepted the call of the bishopric of western New York, brings us a glowing picture of Filipino interest in Uncle Sam's war, an interest which has been evidenced from the beginning in subscription to liberty bonds, cooperation in Mr. Hoover's food campaign, and intensive farming, and the offer of a submarine and destroyer. Bishop Brent tells us particularly of the training of an army and the eagerness of the Filipinos to see active service.

"There has been an offer made by the Philippine Government," says Bishop Brent, "to provide a division of troops, Filipinos, a total of 19,000 or 20,000 men, for the United States Army. Large numbers of men are in training to form the division. There are already 5,000 Filipinos in service, known as scouts, and they are excellent soldiers.

"This offer is a notable thing for the Filipinos to do, considering their former attitude toward the United States. They offer their services in France, but if they can not be utilized with the Army there owing to the cold climate, to which they are not accustomed, they could be placed on the Mexican border most likely to the great advantage of our Government. The Filipinos are entirely in sympathy with our Government in this war and are anxious to do anything they can to serve the cause of democracy and freedom which has done so much for them; and the Governor General and officials are enthusiastic about giving men and aid to the United States.

"The Filipinos would give our country this great advantage along the Mexican border; they could talk with the Mexicans in their own language; they could tell the Mexicans what the United States has done for them, could explain the true attitude of our Government toward them and their country, and, I believe, could become a great peace-making and peacekeeping force. The scouts are commanded by American officers, principally, with some troops in command of their own men, and they are rated as excellent soldiers by Army commanders who know their work and its value."

Bishop Brent is at present in France, at the request of Gen. Pershing, working with the Y. M. C. A. among the American soldiers. It is not as yet reported when he will take up his work as bishop of western New York.

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, December 8, 1917.

MY DEAR MR. DENT: At the last session of Congress there was included in bills introduced by you and by the chairman of the Senate Committee on Military Affairs a provision authorizing the President of the United States to call into the service of the United States and make use of certain military forces organized by the Philippine Government under an act of the Philippine Legislature.

These bills included many other sections, many of the important provisions of which were included in the bill to increase the Military Establishment of the United States. It is possible, therefore, that these bills will not again come up for consideration. The section, however, authorizing the utilization of the Philippine troops is most important, and I hope that it will be possible to introduce it as a separate measure and that it may be passed early in this session.

The Philippine government has gone forward as rapidly as possible in organizing its troops, has followed, in so far as practicable, the steps taken in the United States with reference to officers' training camps and other details of instruction, and that Government is naturally desirous that its efforts be recognized as soon as possible and that the men will receive that encouragement which can only come with a knowledge that their efforts are to be made use of.

The provision to carry out the approved recommendation of the War Department should be as follows:

"That the militia and other locally created armed forces in the Philippine Islands may be called into the service of the United States, and all members thereof may be drafted into said service and organized in such manner as is or may be provided by law for calling or drafting the National Guard into said service, and shall in all respects while therein be upon the same footing with members of the National Guard so called or drafted: *Provided*, That the pay and allowances of officers and men of the Philippine Militia and other locally created armed forces in the Philippine Islands called into the service of the United States under the provisions of the section when serving in the Philippine Islands shall in no case exceed the pay and allowances for corresponding grades of Philippine Scouts."

I hope that it may be possible to introduce a bill in this form promptly. Its early passage would have a most beneficial effect in the Philippine Islands, where the people have shown a most earnest desire to be of assistance to the United States in the present emergency.

Very sincerely,

FRANK MCINTYRE, *Chief of Bureau.*

Hon. S. HUBERT DENT, Jr.,
Chairman Committee on Military Affairs,
House of Representatives.

LEAVE TO ADDRESS THE HOUSE.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent that on next Monday, after the address of the gentleman from Illinois [Mr. MCCORMICK], my colleague [Mr. KNUTSON] be given 15 minutes in which to address the House in relation to the military camps which he has recently visited.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that on next Monday, at the conclusion of the remarks of the gentleman from Illinois [Mr. MCCORMICK], his colleague [Mr. KNUTSON] shall have 15 minutes in which to address the House. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that after the conclusion of Mr. KNUTSON's remarks Mr. TREADWAY, of Massachusetts, have the privilege of addressing the House for five minutes. If it is desired to know the subject, the subject is his predecessor in the House.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that at the conclusion of the remarks of Mr. KNUTSON, on next Monday, the gentleman from Massachusetts [Mr. TREADWAY] be permitted to address the House for not to exceed five minutes. Is there objection?

There was no objection.

COMMITTEE ON WOMAN SUFFRAGE.

Mr. RAKER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Speaker's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That the Committee on Woman Suffrage be, and is hereby, granted leave to sit during the session of the House.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Speaker——

The SPEAKER. Does the gentleman object?

Mr. WALSH. I want to ask the gentleman from California [Mr. RAKER] a question. On what measures and for what purposes will the committee sit?

Mr. RAKER. On the bills and resolutions that are properly before it.

Mr. WALSH. Is it the intention of the committee to hold any sessions before action is had upon the suffrage resolution?

Mr. RAKER. We had a session this morning, commencing at 10 o'clock, and we adjourned until 3 o'clock this afternoon; and if we can get permission——

Mr. AUSTIN. Can the gentleman arrange it so that the gentleman from Massachusetts [Mr. WALSH] can be present at all the sittings? [Laughter.]

Mr. WALSH. I object.

Mr. BAKER. I hope the gentleman will not object.

The SPEAKER. The gentleman from Massachusetts objects, and that is the end of it.

MESSAGE FROM THE SENATE—DEATH OF SENATOR NEWLANDS, OF NEVADA.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. FRANCIS G. NEWLANDS, late a Senator from the State of Nevada.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

Mr. ROBERTS. Mr. Speaker, it is my solemn and painful duty to announce the death of the Hon. FRANCIS GRIFFITH NEWLANDS, late a Senator from the State of Nevada, and formerly for many years a Member of this House. I shall ask at some later date that a day be set apart for Members of this House to pay a fitting tribute to his memory as a citizen and as a public servant. I offer the following resolutions.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 207.

Resolved, That the House has heard with profound sorrow of the death of Hon. FRANCIS GRIFFITH NEWLANDS, late a Senator from the State of Nevada.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were unanimously agreed to.

DEATH OF REPRESENTATIVE BATHRICK.

Mr. SHERWOOD. Mr. Speaker, I rise to announce to the House the end of the earthly career of Hon. ELLSWORTH R. BATHRICK, late a Representative from the fourteenth district of Ohio. On some future occasion we hope to pay a fitting tribute to his memory. I offer the following resolutions.

The Clerk read as follows:

House resolution 208.

Resolved, That the House has heard with profound sorrow of the death of Hon. ELLSWORTH R. BATHRICK, late a Representative from the State of Ohio.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the deceased this House do now adjourn.

The resolutions were unanimously agreed to.

ADJOURNMENT.

In accordance with the resolution, the House (at 12 o'clock and 29 minutes p. m.) adjourned until to-morrow, Friday, January 4, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Navy, transmitting tentative draft of a provision of legislation for inclusion in an appropriation bill to be enacted during the present session of Congress (H. Doc. No. 671); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting a deficiency estimate of appropriation required by the Provost Marshal General for administration of the selective-service law for the fiscal year 1918 (H. Doc. No. 672); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriations required for additional clerical force in the office of the Auditor for the State and Other Departments for the fiscal years 1918 and 1919 (H. Doc. No. 673); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriations required for the Medical Department of the Army for the fiscal year 1918 (H. Doc. No. 684); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a letter from the United States Employees' Compensation Commission submitting a supplemental estimate of appropriation required for the salaries and expenses of the commission for the fiscal year 1918 (H. Doc. No. 685); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Librarian of Congress submitting a supplemental estimate of appropriation required for legislative reference work for the fiscal year 1918 (H. Doc. No. 686); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Librarian of Congress submitting a supplemental estimate of appropriation for printing and binding for the fiscal year 1918 (H. Doc. No. 687); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplementary estimate of appropriation required for payment of postage on official matter addressed to postal-union countries for the fiscal year 1918 (H. Doc. No. 688); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting certain estimates of appropriations for public buildings, etc., and for certain of the annual appropriations under the control of the Supervising Architect of the Treasury Department (H. Doc. No. 689); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation required by the Department of Agriculture for the purchase and sale of seeds to farmers (H. Doc. No. 691); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting supplemental estimates of appropriations required by the State Department for the service for the fiscal year 1918 (H. Doc. No. 692); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Postmaster General submitting a supplemental estimate of appropriation required by the Post Office Department for fuel, repairs, etc., for the fiscal year 1918 (H. Doc. No. 693); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the United States Food Administrator submitting a supplemental estimate of appropriation required by the United States Food Administration for salaries and expenses for the fiscal year 1918 (H. Doc. No. 694); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Attorney General submitting additional estimates of appropriations required by the Department of Justice and the United States courts for the fiscal year 1918 (H. Doc. No. 695); to the Committee on Appropriations and ordered to be printed.

15. A letter from the Secretary of the Treasury transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriation required by the War Department for the fiscal year 1919 (H. Doc. No. 696); to the Committee on Military Affairs and ordered to be printed.

16. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting supplemental estimates of appropriations required by the Department of Commerce for the fiscal year 1918 (H. Doc. No. 697); to the Committee on Appropriations and ordered to be printed.

17. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Board of Commissioners of the District of Columbia submitting additional estimates of appropriations required by the District of Columbia for the fiscal year 1918 (H. Doc. No. 698); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Secretary of the Treasury, transmitting a tentative draft of legislation to be incorporated in the urgent deficiency bill (H. Doc. No. 699); to the Committee on Appropriations and ordered to be printed.

19. A letter from the Secretary of War, transmitting report of Gen. George H. Wood, president of the Board of Managers, National Home for Disabled Volunteer Soldiers (H. Doc. No. 700); to the Committee on Appropriations and ordered to be printed.

20. A letter from the Secretary of War, transmitting information for quartering officers and enlisted men of the Army (H. Doc. No. 701); to the Committee on Appropriations and ordered to be printed.

21. A letter from the Secretary of the Department of the Interior, transmitting a statement regarding the increase in compensation paid employees of the Alaskan Engineering Commission at Washington, D. C., and Seattle, Wash. (H. Doc. No. 702); to the Committee on Appropriations and ordered to be printed.

22. A letter from the Acting Secretary of Commerce, transmitting a communication from the Director of the Bureau of Standards transmitting a petition for an increase in pay to firemen in the Bureau of Standards (H. Doc. No. 703); to the Committee on Appropriations and ordered to be printed.

23. A letter from the Secretary of Commerce, transmitting items in the estimates of appropriations for the Lighthouse Service for the fiscal year 1919, which have not been authorized by Congress, and to request that the necessary authority therefor be enacted into law (H. Doc. No. 704); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

24. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to authorize the President to temporarily reduce the course of instruction at the United States Naval Academy (H. Doc. No. 705); to the Committee on Naval Affairs and ordered to be printed.

25. A letter from the Secretary of the Navy, transmitting detailed statement of expenditures under the contingent appropriations for the Navy Department for the fiscal year ending June 30, 1917 (H. Doc. No. 706); to the Committee on Expenditures in the Navy Department and ordered to be printed.

26. A letter from the Secretary of War, transmitting statements submitted by the Chief of Ordnance, United States Army, of the expenditures and allotment costs of arms, components of arms and appendages fabricated, altered, and repaired during the fiscal year ended June 30, 1917 (H. Doc. No. 707); to the Committee on Expenditures in the War Department and ordered to be printed.

27. A letter from the Secretary of War, transmitting a statement showing the total appropriations made for the War Department under this act, the total withdrawals from the Treasury during the period from June 15 to November 30, 1917, inclusive, and the balances remaining in the Treasury under these appropriations on November 30, 1917 (H. Doc. No. 708); to the Committee on Expenditures in the War Department and ordered to be printed.

28. A letter from the Secretary of War, transmitting statements submitted by the Chief of Ordnance, United States Army, of the costs of all type and experimental manufacture of guns and other articles, and the average cost of the several classes of guns and other articles manufactured by the Government at the several arsenals (except Springfield Armory) during the fiscal year ended June 30, 1917 (H. Doc. No. 709); to the Committee on Expenditures in the War Department and ordered to be printed.

29. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, with report of the officer in charge of the miscellaneous civil section on encroachments and obstructions in the Chicago River and encroachments on the Chicago lake front (H. Doc. No. 710); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

30. A letter from the Secretary of the Navy, transmitting the number of professors and instructors employed at the Naval Academy paid from the lump sum of appropriation and the amount of compensation prescribed for each (H. Doc. No. 711); to the Committee on Naval Affairs and ordered to be printed.

31. A letter from the Secretary of War, transmitting a statement showing in detail what officers or employees of the War Department have traveled on official business from Washington to points outside of the District of Columbia during the fiscal year ended June 30, 1917 (H. Doc. No. 712); to the Committee on Expenditures in the War Department and ordered to be printed.

32. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Cincinnati, Pomeroy & Charleston Packet Co. v. The United States (H. Doc. No. 713); to the Committee on Claims and ordered to be printed.

33. A letter from the Commissioner of the Federal Farm Loan Bureau, transmitting first annual report of the operations of the Federal Farm Loan Board (H. Doc. No. 714); to the Committee on Banking and Currency and ordered to be printed with illustrations.

34. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a proposed clause of legislation for inclusion in the urgent deficiency bill (H. Doc. No. 715); to the Committee on Appropriations and ordered to be printed.

35. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Engineer Department of the Army for construction of seacoast batteries, Philippine Islands, for the fiscal year 1918 (H. Doc. No. 716); to the Committee on Appropriations and ordered to be printed.

36. A letter from the Secretary of the Treasury, transmitting deficiency estimate of appropriation required by the United States Public Health Service for the fiscal year ending June 30, 1918 (H. Doc. No. 717); to the Committee on Appropriations and ordered to be printed.

37. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimate of appropriations required by the War Department for the service of the fiscal year 1918 (H. Doc. No. 718); to the Committee on Appropriations and ordered to be printed.

38. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Assistant Secretary of Labor submitting supplemental estimates of appropriations required by the Department of Labor for the United States Employment Service for the fiscal year 1918 (H. Doc. No. 719); to the Committee on Appropriations and ordered to be printed.

39. A letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriations urgently required for the service of the Treasury Department for the fiscal year 1918 (H. Doc. No. 720); to the Committee on Appropriations and ordered to be printed.

40. A letter from the Secretary of the Treasury, transmitting copies of communications from the Secretary of the Interior submitting supplemental estimates of appropriations for the service of the Interior Department for the fiscal year 1918 (H. Doc. No. 721); to the Committee on Appropriations and ordered to be printed.

41. A letter from the Secretary of the Treasury, transmitting an estimate for an additional clerk of class 1 in the Section of Security Bonds of this department, supplementing the estimates for this section on pages 38 and 39 of the printed Estimates of Appropriations for the fiscal year 1919 (H. Doc No. 723); to the Committee on Appropriations and ordered to be printed.

42. A letter from the Secretary of the Treasury, transmitting a supplemental estimate in the amount of $600, covering the remainder of the fiscal year ending June 30, 1918, for an additional clerk of class 1 in the Section of Surety Bonds of this department, the services of this employee to become effective as of January 1, 1918 (H. Doc. No. 724); to the Committee on Appropriations and ordered to be printed.

43. A letter from the Secretary of War, transmitting information relating to the land, buildings, and other facilities now available or to be required for the accommodation of airships and other aerial machines to be used in connection with the seacoast defenses of the continental United States, the insular possessions, and the Panama Canal (H. Doc. No. 725); to the Committee on Appropriations and ordered to be printed.

44. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Pamlico and Tar Rivers, N. C., with a view to providing a channel depth of 11 or 12 feet, respectively, with adequate widths at and below Washington, and such additional depth and width as may be advisable up to Tarboro (H. Doc. No. 726); to the Committee on Rivers and Harbors and ordered to be printed.

45. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of inland waterway on the Atlantic coast of the State of New Jersey between Cape May and New York Bay, N. Y. and N. J. (H. Doc. No. 727); to the Committee on Rivers and Harbors and ordered to be printed.

46. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Hackensack River, N. J., with a view to obtaining a depth of 16 feet up to the Central Railroad Co. of New Jersey bridge; and reports on preliminary examination of Hackensack River, N. J., from the New York, Susquehanna Water Co. dam at New Milford, and over Overpeck Creek, N. J., from Little Ferry to Leonia (H. Doc. No. 728); to the Committee on Rivers and Harbors and ordered to be printed.

47. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of One Mile Creek and Bayou Marmotte, Ala. (H. Doc. No. 729); to the Committee on Rivers and Harbors and ordered to be printed.

48. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Hoquarten Slough, Oreg., from Tillamook City to

head of navigation on Tillamook Bay, to provide for a straight channel (H. Doc. No. 730); to the Committee on Rivers and Harbors and ordered to be printed.

49. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Kings Creek, Camden County, Ga. (H. Doc. No. 731); to the Committee on Rivers and Harbors and ordered to be printed.

50. A letter from the Secretary of War, transmitting list of claims against the United States for services, losses, damages, etc. (H. Doc. No. 732); to the Committee on Claims and ordered to be printed.

51. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department to provide for the acquisition of land and erection of temporary office buildings for the use of the War Department for the fiscal year 1918 (H. Doc. No. 733); to the Committee on Appropriations and ordered to be printed.

52. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department for the fiscal year 1919 (H. Doc. No. 734); to the Committee on Appropriations and ordered to be printed.

53. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Chief of the Bureau of Efficiency submitting a supplemental estimate of appropriation for the fiscal year 1918 (H. Doc. No. 735); to the Committee on Appropriations and ordered to be printed.

54. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriations for current and miscellaneous expenses of the Naval Academy for the fiscal year 1919 (H. Doc. No. 736); to the Committee on Naval Affairs and ordered to be printed.

55. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Assistant Secretary of Labor submitting a supplemental estimate of appropriation for salaries and expenses of the United States Employment Service for the fiscal year 1919 (H. Doc. No. 737); to the Committee on Appropriations and ordered to be printed.

56. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation required by the Bureau of Mines for the fiscal year 1919 (H. Doc. No. 738); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 7663) for the relief of J. C. McConnell, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 7994) to amend section 5 of an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917; to the Committee on Agriculture.

By Mr. CLARK of Pennsylvania: A bill (H. R. 7995) for the repair, preservation, care, and future maintenance of the restored historical naval brig *Niagara*, Commodore Oliver Hazard Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. TREADWAY: A bill (H. R. 7996) to amend section 1100 of the act approved October 3, 1917, entitled "An act to defray war expenses, and for other purposes," in order to extend free postage to all soldiers, sailors, and marines in the service of the United States; to the Committee on the Post Office and Post Roads.

By Mr. OLDFIELD: A bill (H. R. 7997) authorizing the Secretary of War to grant permission for utilization of water power at locks and dams constructed by the Government on navigable rivers of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. COPLEY: A bill (H. R. 7998) granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: A bill (H. R. 7999) to establish rates of pensions; to the Committee on Invalid Pensions.

By Mr. ANDERSON: A bill (H. R. 8000) to amend part B of the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes," approved August 11, 1916, known as the United States grain-standards act; to the Committee on Agriculture.

By Mr. RAMSEYER: A bill (H. R. 8001) providing for the registration of all male persons of the United States between the ages of 16 and 60 years, both inclusive, for industrial and military service during the present war and for one year thereafter; to prevent idleness; for the assignment of all able-bodied male persons between the ages of 18 and 60 years, both inclusive, to labor in some industry, business, trade, or profession essential to the maintenance of the military establishment and necessary to the protection and welfare of the people of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota (by request): A bill (H. R. 8002) to establish a Government experiment integral of industries; to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER of New Jersey: A bill (H. R. 8003) further to amend an act approved June 29, 1906, known as the naturalization law and to bar from naturalization any person claiming exemption from military service by reason of not being a citizen; to the Committee on Immigration and Naturalization.

By Mr. KINKAID: A bill (H. R. 8004) authorizing the resurvey or retracement of lands heretofore returned as surveyed public lands of the United States under certain conditions; to the Committee on the Public Lands.

By Mr. PARKER of New Jersey: A bill (H. R. 8005) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: A bill (H. R. 8006) to amend an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. CLARK of Florida: A bill (H. R. 8007) to regulate salutes in the Army of the United States; to the Committee on Military Affairs.

By Mr. LAZARO: A bill (H. R. 8008) to establish a fish-cultural station at some point in the State of Louisiana; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 8009) to provide a site and erect a public building at De Ridder, La.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8010) to investigate the condition of Indians living in Louisiana; to the Committee on Indian Affairs.

By Mr. BORLAND: A bill (H. R. 8011) to be known as the Daughters of the American Revolution old trails act, to provide a national ocean-to-ocean highway over the pioneer trails of the Nation; to the Committee on Roads.

By Mr. McKEOWN: A bill (H. R. 8012) making it unlawful to willfully overcharge for goods, wares, and merchandise sold to persons in the military service of the United States and providing punishment for the same; to the Committee on the Judiciary.

By Mr. RAKER: A bill (H. R. 8013) to amend section 9 of the act of Congress of August 13, 1914, entitled "An act extending the period of payment under reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. DENT: A bill (H. R. 8014) to amend section 11 of "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 8015) for furnishing water supply for miscellaneous purposes in connection with reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. DENT: A bill (H. R. 8016) to authorize the Secretary of War to provide and issue distinctive buttons or badges to men drafted or volunteering for enlistment in the military forces who are exempted or rejected, and to provide a penalty for unlawfully wearing, procuring, or manufacturing the same; to the Committee on Military Affairs.

By Mr. McKEOWN: A bill (H. R. 8017) providing for the execution of power of attorney for persons in the military service of the United States, making provision for execution of bond by the agent, and for other purposes; to the Committee on the Judiciary.

By Mr. HILLIARD: Concurrent resolution (H. Con. Res. 30) granting authority to the Director General of Transportation and the Fuel Administrator to provide transportation facilities to coal fields of Colorado; to the Committee on Military Affairs.

By Mr. BORLAND: Joint resolution (H. J. Res. 203) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Perrigo," claiming to make possible the utilization of free energy; to the Committee on Patents.

By Mr. CLARK of Florida: Resolution (H. Res. 208) for appointment of a committee to investigate and report upon the advisability of the Government owning and operating certain public utilities in the District of Columbia; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 8018) granting a pension to Mary E. O'Reilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8019) granting a pension to Christ Clausen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8020) granting a pension to Horatio N. Carlton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8021) granting an increase of pension to David D. Bryant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8022) granting an increase of pension to Morgan T. Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8023) for the relief of Benjamin F. Dayton; to the Committee on Military Affairs.

Also, a bill (H. R. 8024) for the relief of George W. Bryant; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 8025) granting an increase of pension to George H. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8026) granting an increase of pension to James Rutledge; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 8027) granting an increase of pension to Nathaniel Truebiood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8028) granting an increase of pension to David S. Toland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8029) granting an increase of pension to John William Farrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8030) granting a pension to Sarah J. Latta; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8031) granting an increase of pension to John T. Cannon; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 8032) relating to the option to purchase and to the sale and conveyance of a tract or parcel of land containing forty-six and fifty-seven one hundredths acres, more or less, situated below and to the east of the mean high water line of the Potomac River in the Battery Cove, at the city of Alexandria, Virginia, made in the course of river and harbor improvements upon the submerged soil of the Potomac River; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 8033) for the relief of John M. Daniel; to the Committee on War Claims.

By Mr. CRAGO: A bill (H. R. 8034) granting a pension to John Avery; to the Committee on Pensions.

Also, a bill (H. R. 8035) granting an increase of pension to James Lynch, late a member of the United States Marine Corps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8036) for the relief of Aaron Schmulovitz; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 8037) granting an increase of pension to Merit L. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8038) granting an increase of pension to James M. Turley; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 8039) granting a pension to Oliver P. Jackson; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 8040) granting an increase of pension to William A. Robson; to the Committee on Pensions.

Also, a bill (H. R. 8041) granting an increase of pension to John J. Noftsinger; to the Committee on Invalid Pensions.

By Mr. ELSTON: A bill (H. R. 8042) granting an increase of pension to Charles M. Keil; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 8043) granting a pension to John F. De Wire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8044) granting a pension to Mary E. Roland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8045) granting a pension to Mary H. Staley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8046) granting a pension to Lucien W. Sieber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8047) granting a pension to Isaac Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8048) granting a pension to Sarah E. Hood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8049) granting a pension to Sadie M. Doan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8050) granting an increase of pension to Abraham Bonder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8051) granting an increase of pension to John H. Condon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8052) granting an increase of pension to Daniel Gossert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8053) granting an increase of pension to William Hockenbroucht; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8054) granting an increase of pension to Samuel Hess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8055) granting an increase of pension to Henry S. Rider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8056) granting an increase of pension to Martin L. Rex; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8057) granting an increase of pension to George Rhule; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8058) granting an increase of pension to Amos M. Stroh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8059) granting an increase of pension to Henry C. Wolfe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8060) granting an increase of pension to William J. Shirley; to the Committee on Pensions.

By Mr. FREAR: A bill (H. R. 8061) granting a pension to Emily Ballard; to the Committee on Pensions.

Also, a bill (H. R. 8062) for the relief of Joseph Vermilyea; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 8063) for the relief of Andrew West, Charles Stroble, Mollie Hanson, and John Dodson; to the Committee on the Public Lands.

By Mr. HAMLIN: A bill (H. R. 8064) granting an increase of pension to Charles L. McClure; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 8065) granting a pension to Esther Penick; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 8066) granting a pension to Thomas Daigle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8067) granting a pension to Martin O. Larsen; to the Committee on Pensions.

By Mr. JACOWAY: A bill (H. R. 8068) for the relief of H. L. McFarlin; to the Committee on Claims.

By Mr. KEHOE: A bill (H. R. 8069) for the relief of the Southern States Lumber Co.; to the Committee on Claims.

By Mr. KINKAID: A bill (H. R. 8070) granting an increase of pension to John Hubby; to the Committee on Invalid Pensions.

By Mr. LAZARO: A bill (H. R. 8071) granting a pension to Henry P. Nicholas; to the Committee on Pensions.

Also, a bill (H. R. 8072) granting a pension to Richard Thrash; to the Committee on Pensions.

Also, a bill (H. R. 8073) granting an increase of pension to Richard S. Harrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8074) for the relief of the heirs or legal representatives of Eugene Sennette, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8075) for the relief of Arthur J. Coney, sole heir of J. J. Coney, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8076) for the relief of estate of Joseph Block; to the Committee on War Claims.

Also, a bill (H. R. 8077) to reimburse the postmaster at Bayou Chicot, La., for money taken by burglars; to the Committee on Claims.

By Mr. LONGWORTH: A bill (H. R. 8078) granting a pension to Thomas Pryor; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 8079) granting an increase of pension to Clark E. Frear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8080) granting an increase of pension to William Sollars; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 8081) granting a pension to Reuben I. Seibert; to the Committee on Pensions.

Also, a bill (H. R. 8082) granting an increase of pension to John W. Stockwills; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 8083) for the relief of the owners of the British steamship *Clearpool*; to the Committee on Claims.

By Mr. MOTT: A bill (H. R. 8084) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.; to the Committee on Claims.

By Mr. OVERMYER: A bill (H. R. 8085) making appropriation for payment of balances due by readjustment of salaries of postmasters under existing law; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 8086) granting a pension to Nancy J. Crum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8087) granting a pension to John Hannon; to the Committee on Pensions.

Also, a bill (H. R. 8088) granting a pension to Daisy May Lebo; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8089) granting a pension to Serena E. Reiden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8090) granting a pension to Thomas Jones; to the Committee on Pensions.

Also, a bill (H. R. 8091) granting a pension to Sarah E. Mathis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8092) granting a pension to Amanda L. Townsend; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8093) granting an increase of pension to Oren M. Harlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8094) granting an increase of pension to Leonard Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8095) granting an increase of pension to Lauren W. Case; to the Committee on Pensions.

Also, a bill (H. R. 8096) granting an increase of pension to Jacob M. Wilhite; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8097) granting an increase of pension to Mary E. Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8098) granting an increase of pension to Francis M. Harrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8099) granting an increase of pension to George Wilkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8100) granting an increase of pension to Sarah M. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8101) granting an increase of pension to Lemuel J. Orwig; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8102) granting an increase of pension to Adam B. Shepherd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8103) granting an increase of pension to Abraham E. Curlee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8104) granting an increase of pension to Milton S. Davenport; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8105) granting an increase of pension to Eliza A. Hesler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8106) granting an increase of pension to Perry Harrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8107) granting an increase of pension to Jacob Hesler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8108) granting an increase of pension to James H. Perrin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8109) granting an increase of pension to John Maxwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8110) granting an increase of pension to Henry Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8111) granting an increase of pension to James N. Beasley; to the Committee on Pensions.

Also, a bill (H. R. 8112) granting an increase of pension to Oliver Boord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8113) granting an increase of pension to Joseph T. Earl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8114) granting an increase of pension to Richard L. Rusk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8115) granting an increase of pension to Theodore R. Harbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8116) granting an increase of pension to Richard Renick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8117) for the relief of Ambrose D. Hunt; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 8118) for the relief of Moses Beire; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 8119) granting a pension to Edna G. Costlow; to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 8120) granting a pension to Hannah Lane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8121) granting a pension to Nellie M. Beals; to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 8122) granting a pension to J. W. Smith; to the Committee on Pensions.

Also, a bill (H. R. 8123) granting a pension to Allice L. Enloe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8124) granting an increase of pension to George W. Grigg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8125) for the relief of James W. Kingon; to the Committee on Claims.

By Mr. SHERWOOD: A bill (H. R. 8126) granting a pension to Sommers J. Love; to the Committee on Pensions.

Also, a bill (H. R. 8127) granting a pension to Franklin C. Weaver; to the Committee on Pensions.

Also, a bill (H. R. 8128) granting an increase of pension to John Foster; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 8129) granting a pension to John W. Garten; to the Committee on Pensions.

Also, a bill (H. R. 8130) granting a pension to Mary Wilkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8131) granting an increase of pension to James M. Hummer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8132) granting an increase of pension to Othello A. Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8133) granting an increase of pension to William S. Evans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8134) granting an increase of pension to John M. G. Maver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8135) granting an increase of pension to John Bishop; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8136) granting an increase of pension to John Van Schoyck; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 8137) granting an increase of pension to Gustavus Odor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8138) for the relief of the heirs of Oliver P. Phillips; to the Committee on War Claims.

By Mr. STEPHENS of Mississippi: A bill (H. R. 8139) to reimburse Brig. Gen. Littleton W. T. Waller; to the Committee on Claims.

By Mr. TEMPLETON: A bill (H. R. 8140) granting an increase of pension to James W. Moore; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 8141) granting a pension to W. G. Mhoon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8142) granting a pension to Lee Allen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8143) granting an increase of pension to Wilson H. McKinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8144) granting an increase of pension to John Cayin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8145) granting an increase of pension to Ahi S. Loudermilk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8146) for the relief of Absalom C. Phillips; to the Committee on War Claims.

By Mr. TINKHAM: A bill (H. R. 8147) to establish the citizenship of Matilda Alexandra Fraser; to the Committee on Immigration and Naturalization.

By Mr. VESTAL: A bill (H. R. 8148) granting an increase of pension to Barney Everett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8149) granting an increase of pension to Maria Sibbach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8150) granting an increase of pension to Frank C. McGrath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8151) granting a pension to Gilbert Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8152) granting an increase of pension to Prear Daniel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8153) granting an increase of pension to Isaac J. Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8154) granting an increase of pension to George Garrard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8155) granting an increase of pension to Jacob P. Ellis; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 8156) granting an increase of pension to John H. Catherwood; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 8157) granting an increase of pension to Henry C. McMullen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8158) granting an increase of pension to Nicholas Eastin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8159) granting a pension to Robert T. Bland; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 8160) granting a pension to Karoline Ullman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8161) granting a pension to Mary Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8162) granting an increase of pension to Richard Kolb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8163) granting an increase of pension to Solomon Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8164) granting an increase of pension to John Toliver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8165) granting an increase of pension to Andrew C. McCorkle; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 8166) granting an increase of pension to Mrs. Mary Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8167) granting an increase of pension to John Lattimore; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Resolution (H. Res. 209) to pay to Mary E. Cook, daughter of Leonard B. Cook, late House employee, a sum equal to six months' compensation and $250 to defray funeral expenses of said Leonard B. Cook; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of sundry citizens of Arkansas, Colorado, Illinois, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, New York, North Carolina, Pennsylvania, Ohio, Oklahoma, Oregon, Texas, Virginia, West Virginia, and Wisconsin, urging the passage of the Moore Purple Cross bill or the Wolcott Purple Cross bill; to the Committee on Military Affairs.

Also (by request), resolution of the United Improvement Association, of Los Angeles, Cal., urging measures of conservation and other measures for winning the war; to the Committee on Military Affairs.

Also (by request), resolution of the Common Council of Utica, N. Y., urging a law imposing punishment upon all persons or organizations responsible for pro-German activities; to the Committee on Military Affairs.

Also (by request), petition of R. A. Taylor and 78 other Federal employees of the Department of Agriculture, at the St. Joseph, Mo., station, praying for an increase in salaries commensurate with the increase in the cost of living; to the Committee on Appropriations.

Also (by request), resolutions adopted by a meeting held at Washington Restaurant, Newark, N. J., December 12, 1917, urging the submission of the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also (by request), resolution of Washington Secular League, Washington, D. C., favoring the suffrage amendment; to the Committee on Woman Suffrage.

By Mr. DALE of Vermont: Petition of Ralph O. Brannan, of West Woodstock, Vt., favoring readjustment of fourth-class postmasters' compensation; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Greenboro Bend, Vt., favoring passage of the Randall bill for war prohibition of the liquor traffic; to the Committee on the Judiciary.

By Mr. DALE of New York: Petition of American Federation of Labor, against increase in postage of second-class mail; to the Committee on Ways and Means.

Also, petition of New York State Federation of Labor, favoring woman suffrage; to the Committee on Woman Suffrage.

Also, petitions of Perry Dame & Co., Lehman Bros., and A. E. Borie, of New York, favoring daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Long Island Railroad Co., of New York, favoring bill to limit length of freight trains; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the City of New York and The Bronx Board of Trade, against bill to discontinue pneumatic mail tube; to the Committee on the Post Office and Post Roads.

Also, memorial of Philadelphia Trade Press Club, against changing rates for carrying second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. DOWELL: Memorial of the Federal Employees' Union No. 53, of Des Moines, Iowa, favoring increased salaries to postal employees; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Evidence in support of House bill 7431, for the relief of Peter Belchler; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7442, for the relief of Rev. A. L. Burket; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7438, for the relief of Nathaniel S. Agnew; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7436, for the relief of Christian Bechtel; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7436, for the relief of Samuel F. Burns; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7439, for the relief of Richard A. M. Harner; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7434, for the relief of Thomas D. Hummel; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7443, for the relief of Perry Jarrett; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7444, for the relief of John C. Kuhn; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7432, for the relief of John H. Martin; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7448, for the relief of Levi R. Miller; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7441, for the relief of William S. Nail; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7447, for the relief of Daniel Pope; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7450, for the relief of John E. Pierce; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 5505, for the relief of George A. Parks; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7437, for the relief of Calvin M. Skinner; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7451, for the relief of A. V. B. Souders; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7433, for the relief of Henry Schrawder; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7435, for the relief of David H. Walker; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7448, for the relief of Riley R. Zerbe; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 7429, for the relief of Charles H. Birley; to the Committee on Pensions.

Also, evidence in support of House bill 7453, for the relief of John W. Ferguson; to the Committee on Pensions.

Also, evidence in support of House bill 7430, for the relief of William A. Ellis; to the Committee on Pensions.

Also, evidence in support of House bill 5509, for the relief of Ralph A. Finich; to the Committee on Pensions.

Also, evidence in support of House bill 7452, for the relief of George P. Vance; to the Committee on Pensions.

By Mr. FULLER of Illinois: Memorial of Interstate Sportsmen's Protective Association, against migratory-bird treaty bills; to the Committee on Agriculture.

Also, petition of American Numismatic Society, relative to valor medals and favoring House bill 6447; to the Committee on Military Affairs.

Also, memorial of American Constitutional League, opposing woman suffrage; to the Committee on Woman Suffrage.

Also, memorial of Chicago Federation of Labor, favoring woman suffrage; to the Committee on Woman Suffrage.

Also, memorial of Streator (Ill.) Post, No. 68, Grand Army of the Republic, Department of Illinois, favoring $50 per month pensions for Civil War veterans; to the Committee on Invalid Pensions.

Also, petition of directors of the Illinois Manufacturers' Association, relative to operation of the railroads by the Government; to the Committee on Interstate and Foreign Commerce.

By Mr. GRAHAM of Illinois: Petition of John J. Foley and others, pharmacists of Moline and Rock Island, Ill., in behalf of House bill 5531, for the establishment of a pharmaceutical corps; to the Committee on Military Affairs.

By Mr. HILLIARD: Evidence in support of bill for pension for Thomas Daigle; to the Committee on Invalid Pensions.

Also, memorials of Bakery and Confectionery Workers' Union No. 26, Denver Pattern Makers' Association, and Operative Plasterers' International Union No. 32, all of Denver, Colo., urging the passage of House bill 1654, granting an increase in pay to post-office clerks and letter carriers; to the Committee on the Post Office and Post Roads.

Also, memorial of John S. Stewart Post No. 1, Veterans of Foreign Wars of the United States, urging the immediate suppression of newspapers printed in the languages of our enemies; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Memorial of the Prison Reform League of Pennsylvania, favoring congressional investigation of the conditions of Occoquan Workhouse and the District of Columbia Jail; to the Committee on Rules.

Also, memorial of Philadelphia Board of Trade, favoring central expenditures committee; to the Committee on Rules.

By Mr. RAKER: Petition of Charles A. Dufour, secretary Branch No. 133, N. A. L. G., Sacramento, Cal., asking higher salaries for letter carriers; to the Committee on the Post Office and Post Roads.

Also, memorial of Woman's Christian Temperance Union of Davis, Cal., indorsing national prohibition; to the Committee on the Judiciary.

Also, memorial of Eben Taplin Grand Army of the Republic Post, No. 184, of Corning, Cal., indorsing increase in allowance of pensioners; to the Committee on Invalid Pensions.

Also, petition of George Barr McCutcheon, of New York, against increase in postage on second-class matter; to the Committee on Ways and Means.

Also, memorial of National Council of American Cotton Manufacturers, urging development of American foreign trade; to the Committee on Interstate and Foreign Commerce.

By Mr. RANDALL: Memorial of Van Nuys Woman's Club, of Van Nuys, Cal., recommending early passage of the Susan B. Anthony amendment, in order that womanhood may cooperate in carrying on and concluding the great war; to the Committee on Woman Suffrage.

Also, memorial of Central Labor Council of Los Angeles, protesting against present low salaries and unfavorable working conditions of postal employees, and urging investigation by Congress of eight enumerated items of injustice practiced against such employees; to the Committee on the Post Office and Post Roads.

Also, memorial of South Side Ebell Club, of Los Angeles, favoring adoption of Susan B. Anthony suffrage amendment to the Constitution; to the Committee on Woman Suffrage.

Also, memorial of Los Angeles District, California Federation of Women's Clubs, urging the passage of the Susan B. Anthony amendment for woman suffrage; to the Committee on Woman Suffrage.

Also, memorial of Chamber of Commerce, Santa Barbara, Cal., indorsing military highway from Blaine, Wash., to San Diego, Cal.; to the Committee on Military Affairs.

Also, memorial of Long Beach Post, No. 181, Grand Army of the Republic, Long Beach, Cal., asking Congress to increase to $50 per month pensions of its members and all veterans of the Civil War on account of the present high cost of living; to the Committee on Invalid Pensions.

Also, memorial of Pomona Ebell Club, Pomona, Cal., favoring the Susan B. Anthony amendment for woman suffrage as a war-emergency measure, in order that womanhood of America may more fully cooperate in carrying on and concluding the great war; to the Committee on Woman Suffrage.

Also, memorial of Holt Post, No. 403, Grand Army of the Republic, Fredonia, N. Y., asking that all pensions of veterans of the Civil War be increased to $50 per month during the present high cost of living; to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Covina, Cal., asking for complete prohibition of manufacture and sale of intoxicants during the war; to the Committee on the Judiciary.

Also, petition of members of Auxiliary No. 52, National Association of Letter Carriers, Los Angeles, asking for a fair living wage and better working conditions for letter carriers; to the Committee on the Post Office and Post Roads.

Also, memorial of Bartlett-Logan Post, Grand Army of the Republic, of Los Angeles, praying for increased allowance of pensions to continue during the prevalence of the high cost of living; to the Committee on Invalid Pensions.

Also, memorial of California Federation of Women's Clubs, recommending early passage of Susan B. Anthony suffrage amendment; to the Committee on Woman Suffrage.

Also, memorial of Los Angeles Branch, National Association of Letter Carriers; Railway Mail Association; United National Association of Post Office Clerks; and State Association of Rural Letter Carriers, stating that present salaries of postal employees are entirely inadequate to meet the high cost of living, and urging legislation which will bring about improved conditions; to the Committee on the Post Office and Post Roads.

Also, petition of Central Woman's Christian Temperance Union, of Pasadena, Cal., asking for complete prohibition of manufacture and sale of intoxicants, including whisky, beer, and wine, during the war; to the Committee on the Judiciary.

Also, memorial of Friday Morning Club of Los Angeles indorsing the Susan B. Anthony amendment and recommending its early passage by the Sixty-fifth Congress as a war emergency measure in order that the womanhood of America may more fully cooperate in the efficient carrying on and concluding of the great war our Nation is engaged in; to the Committee on Woman Suffrage.

SENATE.

FRIDAY, *January 4, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee seeking Thy blessing for this day's service—a day laden with momentous issues and responsibilities that we dare not face alone. We ask Thy blessing upon us. We pray that Thou wilt bless our allies, who with us are lovers of peace, but who love justice and freedom more. We pray Thee to give success to their arms, and we pray that Thou wilt give unity of counsel to all who are gathered together in a mighty array of strength against an organization of ill will against the rest of the world. Give success, we pray Thee, to all our endeavors to establish again a brotherhood of nations in the earth. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

ARMY QUARTERS. (H. DOC. NO. 701).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, stating that, due to our entrance into the European war, it has been impracticable to spare from their duties the necessary officers to make the detailed plans and estimates called for by the act approved June 12, 1917, relative to the most desirable method for quartering officers and enlisted men of the Army, etc., which was referred to the Committee on Military Affairs and ordered to be printed.

ACCOMMODATIONS FOR AIRCRAFT. (H. DOC. NO. 725.)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, certain information relating to the land, buildings, and other facilities now available or to be acquired for the accommodation of airships and other aerial machines to be used in connection with the sea-coast defense of the continental United States, the insular possessions, and the Panama Canal, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

TRAVEL OF EMPLOYEES OF WAR DEPARTMENT (H. DOC. NO. 712).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, pursuant to law, a statement showing the travel in detail of officers and employees of the War Department on official business from Washington to points outside of the District of Columbia, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ALASKAN ENGINEERING COMMISSION (H. DOC. NO. 702).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement relative to the increase in compensation paid employees of the Alaskan Engineering Commission, at Washington, D. C., and Seattle, Wash., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SNOW AND ICE IN THE DISTRICT OF COLUMBIA (S. DOC. NO. 158.)

The VICE PRESIDENT laid before the Senate a communication from the Commissioners of the District of Columbia, transmitting, in response to a resolution of December 17, 1917, information relative to what measures have been taken for cleaning ice and snow from the sidewalks in the city of Washington, which was referred to the Committee on the District of Columbia and ordered to be printed.

NELSON ERICKSON V. THE UNITED STATES (S. DOC. NO. 157).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed by the court in the cause of Nelson Erickson v. The United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Civil Service Commission, transmitting, pursuant to law, schedules of useless papers and documents on the files of the commission and requesting action looking to their disposition. The communication and accompanying paper will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Washington [Mr. JONES] and the Senator from New Hampshire [Mr. HOLLIS] the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. F. Turner, one of its clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 7697. An act to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes; and

H. J. Res. 195. Joint resolution amending the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to subject to the war-excess-profits tax the compensation of officers and employees under the United States, including Members of Congress.

The message also announced that the House had passed a concurrent resolution providing that the two Houses of Congress

assemble in the Hall of the House of Representatives on Friday, the 4th day of January, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

The message further communicated to the Senate the intelligence of the death of Hon. ELLSWORTH R. BATHRICK, late a Representative from the State of Ohio, and transmitted resolutions of the House thereon.

The message also announced that the House had passed resolutions relative to the death of Hon. FRANCIS GRIFFITH NEWLANDS, late a Senator from the State of Nevada.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented a petition of Local Union No. 921, United Brotherhood of Carpenters and Joiners of America, of Portsmouth, N. H., praying for national woman suffrage, which was ordered to lie on the table.

Mr. SMOOT. I was requested by the American Bar Association, through its president, to present a petition addressed to the Congress of the United States asking that section 209 of the war-revenue act be repealed. The petition is signed by the president of the American Bar Association and all the members of the executive committee of the association. I ask that it may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the petition was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

To the Congress of the United States:

The undersigned, being the president and all of the members of the executive committee of the American Bar Association, respectfully call the attention of the Congress to the unfairness of the supertax on professional incomes imposed by section 209 of the war-revenue act approved October 3, 1917.

Much might be said in favor of a lower income tax on incomes from professions than upon incomes from investments, but there has been no disposition on the part of the American bar to object to the payment of the same income tax as is paid by others, or, indeed, to any plan of taxation under which lawyers are called upon to bear their fair share of the burden. It seems, however, very unjust that incomes from the practice of any profession, whether legal, medical, or otherwise, which are the result of personal effort and which provide not only for the current support of the professional man but also the savings for his old age, should be subject to a heavy supertax, so that the professional man who works for his income is in a much worse position than the idle man receiving his income from invested wealth.

Wherefore the undersigned respectfully urge that said section 209 of the war-revenue act be repealed.

Walter George Smith, president, Philadelphia, Pa.; Geo. Whitelock, Baltimore, Md.; Frederick E. Wadham, Albany, N. Y.; Geo. Sutherland, Salt Lake City, Utah; H. E. L. Saner, Dallas, Tex.; Charles N. Potter, Cheyenne, Wyo.; John Lowell, Boston, Mass.; C. W. Hood Smith, Topeka, Kans.; Ashley Cockrill, Little Rock, Ark.; F. A. Hammond, Atlanta, Ga.; Geo. F. Page, Peoria, Ill.; U. S. G. Cherry, Sioux Falls, S. Dak.; Charles Thaddeus Terry, New York, N. Y.

WASHINGTON, *December 3, 1917.*

Mr. CURTIS presented a petition of sundry veterans of the Civil War residing at Bonner Springs, Kans., praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Kansas State Horticultural Society, favoring a fixed standard of weights and measures, which were referred to the Committee on Standards, Weights, and Measures.

He also presented a petition of sundry citizens of Wichita, Kans., and a petition of sundry citizens of Topeka, Kans., praying for the enactment of legislation to create a pharmaceutical corps in the Army, which were referred to the Committee on Military Affairs.

Mr. HARDING presented a petition of sundry members of the Fire Department of Columbus, Ohio, praying for the enactment of legislation to increase the salaries of mail carriers, which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented a petition of sundry citizens of Arkansas City, Hartford, and Erie, all in the State of Kansas, praying for the enactment of legislation to increase the salaries of rural letter carriers, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Wichita, Kans., and a petition of sundry citizens of Topeka, Kans., praying for the enactment of legislation to create a pharmaceutical corps in the Army, which were referred to the Committee on Military Affairs.

He also presented a petition of the Kansas State Horticultural Society, praying for the establishment of a fixed standard of weights and measures, which was referred to the Committee on Standards, Weights, and Measures.

Mr. FLETCHER presented resolutions adopted by the Florida Federation of Women's Clubs, favoring the adoption of an amendment to the Constitution enfranchising women, as a war measure, which were ordered to lie on the table.

Mr. NELSON presented a memorial of the Federated Trades Assembly of Duluth, Minn., remonstrating against the passage of the so-called compulsory military training bill, which was referred to the Committee on Military Affairs.

He also presented a petition of George N. Morgan Post, No. 4, Department of Minnesota, Grand Army of the Republic, of Minneapolis, Minn., praying for an increase in pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. JONES of Washington presented petitions of sundry citizens of North Yakima and Seattle, in the State of Washington, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented a petition of sundry grape growers of Van Buren County, Mich., praying that grape juice be taken off the list of nonessentials, which was referred to the Committee on Finance.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Oregon, praying for the enactment of legislation to punish persons and others responsible for pro-German activities, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Suffolk County, Mass., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. KENYON presented the petition of Alice M. Blake and sundry other citizens of Toledo, Iowa, praying for national woman suffrage, which was ordered to lie on the table.

He also presented resolutions adopted by Dunlap Post, No. 147, Grand Army of the Republic, Department of Iowa, of Rock Rapids, Iowa, and a petition of sundry veterans of the Civil War residing in Louisa County, Iowa, favoring an increase of pensions for all veterans of the Civil War, which were referred to the Committee on Pensions.

Mr. PHELAN presented a petition of the board of supervisors of San Bernardino County, Cal., praying for the enactment of legislation for the conservation and control of flood waters of the Santa Ana River and its tributaries, which was referred to the Committee on Commerce.

He also presented a petition of the Trades and Labor Council of Vallejo, Cal., praying for the enactment of legislation providing for the retirement with pay or pension for all employees of the Federal Government, which was referred to the Committee on Pensions.

He also presented a petition of the Federated Trades and Labor Council of San Diego, Cal., praying for the enactment of legislation providing for the retirement of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. LODGE presented petitions of sundry citizens of Boston, Brookline, Cambridge, Chelsea, Greenfield, Harding, Holyoke, Leicester, Leominster, Malden, Manchester, Medford, Milford, Newton, Orange, Palmer, Peabody, Quincy, Roxbury, Southbridge, Somerville, Salem, Waltham, Wellesley, and Webster, all in the State of Massachusetts, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. FRELINGHUYSEN presented resolutions adopted by the city commissioners of Jersey City, N. J., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented resolutions adopted at a meeting of sundry citizens of Newark, N. J., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented resolutions adopted by the Board of Agriculture of Mercer County, N. J., relative to the scarcity of labor on farms and suggesting the adoption of an agricultural draft, which were referred to the Committee on Agriculture and Forestry.

Mr. MYERS presented resolutions adopted by the directors of the Commercial Club of Great Falls, Mont., favoring a declaration of war against Bulgaria and Turkey and urging that limits of freedom of speech be defined and guarded and that violators thereof be punished, which were referred to the Committee on Foreign Relations.

Mr. KNOX presented a petition of sundry citizens of Blair County, Pa., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Minersville, Pa., and a petition of McLean Post, No. 16, Grand Army of the Republic, Department of Pennsylvania, of Reading, Pa., praying for an increase in the pensions of veterans of the Civil War, which were referred to the Committee on Pensions.

IMPORTATION OF CHINESE FARMERS.

Mr. GALLINGER. Mr. President, on the 7th day of December last I introduced a resolution calling upon the Committee on Agriculture and Forestry to make a careful investigation into the advisability of recommending legislation that will permit the importation of Chinese farmers into the United States under proper restrictions and regulations during the continuance of the war. Since the introduction of that resolution I have received many letters and newspaper articles in support of the proposed legislation.

The Pasadena (Cal.) Board of Trade passed a strong resolution in favor of the proposition, which was printed in the CONGRESSIONAL RECORD under date of December 10, 1917. I now beg to submit for reference to the committee articles from the New York Evening Post and the New York Evening Sun and an editorial from the Pacific Rural Press entitled "The farmers find themselves"; also an article from the California Fruit News and a reprint from the Christian Work, being an article by Newell Dwight Hillis, D. D. From numerous communications that I have received on the subject I submit strong letters from Col. John P. Irish, of Oakland, Cal.; B. E. Schubert, of Greenwich, Conn.; and Mrs. Louise C. Maud, of Del Monte, Cal. Also three telegrams from California raisin growers of Maysville, Cal. I will ask that the telegram signed Lloyd H. Wilber and the letter of Col. Irish be printed in the RECORD and that they, with the newspaper articles, letters, and telegrams be referred to the Committee on Agriculture and Forestry.

It is stated, Mr. President, from what seems to be reliable authority, that there are now 17,200 Chinese farmers in the United States, distributed among 45 States, and so far as I know no harm has come from their employment. The urgent necessity for more labor on farms must be met in some way, and unless men are to be conscripted for the purpose some such remedy as I have proposed will have to be resorted to. It should be borne in mind that the proposition is not to import coolies, but genuine farmers, and that only during the continuance of the war, under strict regulations and restrictions. The Government is urging the farmers of the country to increase their crops acreage, but it will be utterly futile to do so unless labor can be found to harvest the crops, which at the present time is an absolute impossibility in many cases. I trust that the committee to whom the matter has been referred will give the subject early and unbiased consideration.

I submit the papers for reference to the committee.

The VICE PRESIDENT. They will be so referred, and the telegram and letter will be printed in the RECORD, at the request of the Senator from New Hampshire.

The telegram and letter referred to are as follows:

MAYSVILLE, CAL., *December 19, 1917.*

Senator GALLINGER,
Washington, D. C.:

Am a large California raisin grower, hiring 100 men harvest time. Am in favor of your bill on the importation of Chinese labor. Believe California Representatives and Senators should give this bill their heartiest indorsement. Impossible to harvest crop without foreign labor.

LLOYD H. WILBER, *Sutter County, Cal.*

OAKLAND, CAL., *December 10, 1917.*

Senator GALLINGER,
Washington, D. C.

DEAR SIR: I inclose a copy of the organ of the fruit industry of this State with report of the recent fruit growers' and farmers' convention held at Sacramento. To this I invite your attention, and also to my article on the farm-labor problem in the same issue. I inclose also editorial page of the Pacific Rural Press, the pioneer and the principal agricultural journal of this West coast.

I am a farmer and foresaw last spring the certainty of loss from the shortage of farm labor, and since then have had many opportunities, at meetings all over the State, to press this matter upon the serious attention of our people.

We salute you gratefully for bringing the matter to the attention of the Government.

The States of Washington and South Dakota have joined us in the demand for Chinese farm labor as a pressing war measure.

I will be glad to supply you with any helpful information and to put you in communication with the committee that was ordered by the Sacramento convention.

Very truly,

JNO. P. IRISH.

HOARDING OF FOODSTUFFS.

Mr. POINDEXTER. Mr. President, there continues to be a number of complaints and very widespread attention called to cases or alleged cases of hoarding of foodstuffs for purposes of speculation. I do not know what the food-control administration is doing under section 26 of the so-called food-control act providing for a Food Administrator that was approved August 10, 1917. I have had a good many inquiries as to the origin and the authorship of that provision. There seems to be considerable confusion in regard to it. I desire to call attention to the language of that provision as applicable to the situation which is complained of, and in this connection to state that it is a provision which I framed and introduced as a bill and reported from the Judiciary Committee. I ask that that bill and the report of the committee be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

A bill (S. 315) to punish the storing of foodstuffs for the purpose of cornering the market, and for other purposes.

Be it enacted, etc., That any person carrying on or employed in interstate or foreign trade in any article suitable for human food who, either in his individual capacity or as an officer, agent, or employee of a corporation, or member of a partnership, carrying on or employed in such trade, shall store any such article for the purpose of cornering the market or unreasonably affecting the market price thereof, or for the purpose of limiting the supply thereof to the public, whether temporarily or otherwise, shall be deemed guilty of a felony, and be punished by imprisonment in the penitentiary for not less than six months nor more than three years.

[S. Rept. No. 47, 65th Cong., 1st sess.]

Mr. POINDEXTER, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to which was referred the bill (S. 315) to punish the storing of foodstuffs for the purpose of cornering the market, and for other purposes, having considered the same, report it back to the Committee on the Judiciary with the recommendation that the bill be favorably reported to the Senate, with amendments as follows:

Amend the title of the bill so as to read as follows:

"A bill to punish the storing of foodstuffs and other necessaries of life so as to affect the market price or limit the supply thereof, and for other purposes."

So that the bill as amended shall read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That any person carrying on or employed in commerce among the several States or with foreign nations or with or in the Territories or other possessions of the United States in any article suitable for human food, fuel, or other necessaries of life, who, either in his individual capacity or as an officer, agent or employee of a corporation, or a member of a partnership, carrying on or employed in such trade, shall store, acquire, or hold, or who shall destroy or make away with any such article for the purpose of limiting the supply thereof to the public or enhancing the market price thereof in such commerce, whether temporarily or otherwise, shall be deemed guilty of a felony and be punished by imprisonment in the penitentiary for not less than six months nor more than three years."

The subcommittee conferred with the assistant to the Attorney General, G. C. Todd, who, at the request of the subcommittee, prepared a statement upon the bill, as follows:

"Speculation in foodstuffs and other necessaries of life is generally thought to be one of the contributing causes of the present abnormally high prices. The object of this bill, shortly stated, is to prevent such speculation.

"The existing law is adequate to reach combinations or agreements the purpose or effect of which is to increase prices or curtail supplies. It also reaches a single person or corporation who monopolizes or attempts to monopolize trade or commerce in an article.

"It is doubtful, however, to say the least, whether the existing law covers the case of a dealer who, on his own initiative and without combination with others, purchases produce and withholds it from the market under circumstances which justify the inference that his purpose is to enhance prices, but whose purchases and holdings, taken alone, are not sufficient in quantity to make out a case of monopolizing or attempting to monopolize. While such a course of dealing on the part of a single trader may not be sufficient to affect the market price, when pursued by a large number of dealers acting on a common impulse the effect is the same as if these dealers had entered into a combination to enhance prices.

The purpose of the present bill is to provide a certain punishment for this class of cases, to which, as stated above, the existing law is at least of doubtful application. The subcommittee is aware, of course, that there may be difficulties in the enforcement of the law and as to proof in particular cases. If, however, the acts against which the bill is aimed are wrongful, difficulties of administration should not be allowed to stand in the way of its enactment.

It may be said to be a matter of common knowledge that speculators and dealers throughout the country are taking advantage of the present economic situation, the difficulties of transportation, and the state of war in which the country now is, to extort unreasonable profits from consumers in food, fuel, and other necessaries of life.

In the Washington (D. C.) Times of April 27, 1917, the following statement was published:

"A national convention of food consumers has been called to meet in Washington by J. W. Roberts, president of the National Food Consumers' Relief League of America.

"It is the announced purpose to make 'unscrupulous' dealers in food disclose their stocks, so the poor will not suffer and that those who are barely able to buy will not be mulcted.

"In his call to consumers to rally to Washington Mr. Roberts says:

"'At the earnest solicitation of those who wish cheaper food I, as president of the National Food Consumers' League of America, hereby issue a call for a nation-wide convention of delegates and consumers of food products to meet in the city of Washington, D. C., at high noon on Sunday, May 13, 1917, for the purpose of devising ways and means whereby the high cost of food may be materially reduced.

"'Every county in every State is entitled to five delegates; at least one should be sent.

"'We are face to face with the most gigantic undertaking of the present century. No other fact is half as momentous as the one of food. Speculators and unscrupulous men have taken advantage of a condition that existed only in the mind and cornered the food, to the

hurt and detriment of the Nation. These men should be brought to terms. Millions of dollars' worth of food is hidden away in warehouses and cold storage, and other millions have been dumped into rivers in order that the high prices may be maintained, thus not only robbing those who can pay, but in this way starving many helpless women and children.'

"In the long period of exceeding prosperity which the country has generally enjoyed there was such abundance on all sides that the idea of actual want or shortage of the necessaries of life to those who were reasonably prudent and industrious received but little attention. It is true that abuses of speculation in staple articles of food or necessary supplies of fuel were flagrant in some cases and caused much dissatisfaction in the public mind. The evil, however, was not of such vital and widespread nature as to call for the revival and strict application of the old common law against such offenses. In the days when the common law was taking its form in England the people were poorer, modes of life were simpler, and any tampering with the necessary articles of life for the purpose of pure speculation, without the rendering of any necessary service in exchange for the profits obtained, was a matter of vital concern. The offenses of "forestalling" and "engrossing" were well-defined crimes, punishable at the common law along with monopoly, cheating, and other offenses against fair trade. Some of the acts which in the ancient common law constituted forestalling and engrossing are more or less obsolete or have lost their significance, but the general tenor and purport of the common law and many of the specific acts constituting forestalling and engrossing were identical with those punishable under the present bill.

"In a paper prepared by the Library of Congress the following definitions are given:

Forestalling, commonly speaking, means to market before the public, or to anticipate or prevent the public market; but, legally understood, it has a greater signification, for it comprehends all unlawful endeavors to enhance the price of any commodity, and all practices which have an apparent tendency thereto, such as spreading false rumors; buying commodities in the market before the accustomed hour; buying and selling again the same articles in the same market; and other such criminal devices. It also comprehended the offenses of regrating and ingrossing; but the names regrator or ingrosser were not known before the reign of Henry III (3 Inst., 195, 196; 1 Hawk. P. Cor., c. 80; Brown Indict., 40; Croup., p. 20 b.)

No attempt of this kind can be looked upon in any other light than as an offense against the public, as it apparently tends to put a check upon trade, to the general inconvenience of the people, by putting it out of their power to supply themselves with any commodity, unless at an unreasonable expense, which often proves extremely oppressive to the poorer sort, and can not but give just cause of complaint even to the richest. (Hawkins, P. C., 234.)

If a person within the realm buys any merchandise in gross and sells the same again in gross, it is an offense of this nature, for by this means the price will be enhanced, because passing through several hands each will endeavor to make his profit by it (3 Inst., 196), and if such practices were allowable a rich man might ingross into his hands a whole commodity and then sell it again at what price he should think fit, which is of such dangerous consequence that the bare ingrossing of an entire commodity, with an intent to sell it again at an unreasonable price, is an offense indictable at the common law, whether any part thereof be sold by the ingrosser or not. (Cro. Car., 231, 232; Hawk., P. C.)

But any merchant, whether he be a subject or a foreigner, bringing victuals or any other merchandise into the realm, may sell the same in gross, but the purchaser can not sell the same in gross, for then he is an ingrosser, according to the strict sense of the word, and may be indicted thereof at the common law. (3 Inst., 195; Hales, P. C., 152; resolved by all the judges, 39 and 40 Eliz.)

[Source: Illingworth, Wm. An inquiry into the laws, ancient and modern, respecting forestalling, regrating, and ingrossing. London, 1800. p. 14-15.]

Regrator. "Forestaller" is he that buyeth corne, cattell, or other merchandize whatsoever is saleable, by the way as if commeth to markets, faires, or such like places to bee sold, to the intent that he may sell the same againe at a more high and deer price, in prejudice and hurt of the common wealth and people. (Termes de la Ley, *Forestaller.*)

"'Regrator' is he that hath corn, victuals, or other things sufficient for his owne necessary need, occupation, or spending and doth nevertheless, ingrosse and buy up into his hands more corne, victuals, or other such things to the intent to sell the same againe at a higher and deerer price in faires, markets, or other such like places, whereof see the stat. 5 E. 6, c. 14, for he shall be punished as a forestaller. (Termes de la Ley, Regrator).

"[Source: Stroud, F. The Judicial Dictionary, London, 1890, p. 664.]"

These offenses are particularly heinous in time of war and at a time when there is danger of a world-wide shortage of food and the possible famine of millions. Speculation and profiting by the necessities and hunger of the people in such a time can not be too severely punished. During the Revolution Washington gave vent to his indignation against forestallers and forgatherers and expressed the opinion that the penalty of death was not too extreme in such cases and under such conditions.

The present bill makes the offense a felony, punishable by imprisonment, and leaves no alternative penalty of fine or otherwise, but makes imprisonment "for not less than six months nor more than three years" mandatory upon conviction.

FARM CREDITS.

Mr. FLETCHER. Mr. President, I present a proposed plan signed by Mr. David Lubin for a proposal for farm credits on open account. Mr. Lubin is the American delegate to the International Institute of Agriculture, with headquarters in Rome. He has been a pioneer for a long term in agricultural relief and has given this subject a very great deal of thought. He now proposes a plan for short-term personal credit or open-account credit for the benefit of farmers. I move that the matter be referred to the Committee on Printing with a view to having it printed as a Senate document.

The VICE PRESIDENT. That action will be taken.

ENGLISH RAILWAY OPERATION IN WAR TIME.

Mr. HOLLIS. Mr. President, I desire to give notice that if it is agreeable to the Senate at the close of the morning business and if it will not interfere with anyone who wishes to speak on the unfinished business, I should like to address the Senate briefly, for not more than 15 or 20 minutes, on the conduct of English railways in war times.

ADDRESS BY HON. JULIUS A. COLLER.

Mr. NELSON. Mr. President, I desire to have printed as a Senate document a short address by State Senator Julius A. Coller, of Minnesota, delivered at Jordan, in that State, November 10, 1917, presenting a strong argument why German-Americans should support the Government in this war. I ask that the matter be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, that action will be taken.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 3308) granting to American women married to foreigners the right to retain their citizenship; to the Committee on the Judiciary; and

A bill (S. 3309) providing increased pensions for honorably discharged persons in the military or naval service of the United States during the Civil War; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3310) to authorize the Secretary of State to procure a suitable portrait of Gen. George Washington and present the same to the Military College of the Argentine Republic.

Mr. CHAMBERLAIN. It was suggested that the bill should go to the Committee on Military Affairs, but I believe that is not the committee to which such bills are usually referred.

The VICE PRESIDENT. It should go to the Committee on the Library.

Mr. CHAMBERLAIN. I move that the bill be referred to the Committee on the Library.

The motion was agreed to.

By Mr. CHAMBERLAIN:

A bill (S. 3311) to increase and expedite the supply of munitions of war; to the Committee on Military Affairs.

A bill (S. 3312) for the relief of homestead entrymen or settlers enlisting or engaged in organized Red Cross service of the United States during the existing war; to the Committee on Public Lands.

A bill (S. 3313) for the relief of William J. Ewing; to the Committee on Claims.

A bill (S. 3314) granting a pension to Andrew J. Mills; to the Committee on Pensions.

By Mr. MARTIN:

A bill (S. 3315) relating to the option to purchase and to the sale and conveyance of a tract or parcel of land containing forty-six and fifty-seven one-hundredths acres, more or less, situated below and to the east of the mean high-water line of the Potomac River, in the Battery Cove, at the city of Alexandria, Virginia, made in the course of river and harbor improvements upon the submerged soil of the Potomac River; and

A bill (S. 3316) to provide chaplains for service with base hospitals (with accompanying papers); to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 3317) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia; to the Committee on the District of Columbia.

A bill (S. 3318) granting an increase of pension to Benjamin F. Morse (with accompanying papers);

A bill (S. 3319) granting a pension to Phebe D. Tate (with accompanying papers); and

A bill (S. 3320) granting an increase of pension to George M. Sawyer (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 3321) for the relief of John H. Fesenmeyer, alias John Wills; to the Committee on Military Affairs.

A bill (S. 3322) granting an increase of pension to Henry J. Porter (with accompanying papers); and

A bill (S. 3323) granting a pension to Mary Steele (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3324) to increase pensions of certain soldiers and sailors of the Civil War;

A bill (S. 3325) granting increased pensions to surviving widows of soldiers of the various Indian wars; and

A bill (S. 3326) granting an increase of pension to Malcolm J. McNeill (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3327) to create a department of munitions; to the Committee on Military Affairs.

By Mr. STERLING:

A bill (S. 3328) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917; to the Committee on Commerce.

A bill (S. 3329) granting an increase of pension to Edith North (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3330) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912; and

A bill (S. 3331) to amend section 2 of an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes," approved March 4, 1917; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3332) to fix the status and rank of officers on the retired list of the Army who, under the provision of the next to the last proviso of section 24 of the act of Congress approved June 3, 1916, have been employed on active duty at any time during the present war; to the Committee on Military Affairs.

By Mr. SHERMAN:

A bill (S. 3333) granting a pension to Charles Diesron; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 3334) to provide for the acquisition of a site and the erection thereon of a public building at Sterling, Colo.; to the Committee on Public Buildings and Grounds.

A bill (S. 3335) granting a pension to Frank J. Windolph;

A bill (S. 3336) granting a pension to Betty Ann Perry;

A bill (S. 3337) granting an increase of pension to George O. Miller;

A bill (S. 3338) granting a pension to Lottie Brown;

A bill (S. 3339) granting a pension to Delia Bell Brooks; and

A bill (S. 3340) granting an increase of pension to John R. Bare, alias John R. Barrett; to the Committee on Pensions.

By Mr. HARDWICK:

A bill (S. 3341) for the relief of the heirs of Solomon Cohen; to the Committee on Claims.

A bill (S. 3342) granting a pension to J. A. D. Tharp; to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3343) granting a pension to Wesley H. Dick (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 3344) to prohibit the importation of nursery stock into the United States in order to prevent the introduction of insect pests and plant diseases; to the Committee on Agriculture and Forestry.

A bill (S. 3345) granting a pension to Henrietta Buswell Brown; and

A bill (S. 3346) granting a pension to Odelon Valcour; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3347) granting an increase of pension to Charles R. Walters (with accompanying papers); to the Commmittee on Pensions.

By Mr. STONE:

A bill (S. 3348) granting a pension to Peter V. Shell (with accompanying papers);

A bill (S. 3349) granting an increase of pension to James M. Widener (with accompanying paper); and

A bill (S. 3350) granting an increase of pension to William H. Isenberg (with accompanying papers); to the Committee on Pensions.

By Mr. KNOX:

A bill (S. 3351) granting an increase of pension to Thomas K. Hastings (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3352) granting a pension to Mary M. Sharp; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3353) granting an increase of pension to Edward Mills (with accompanying papers);

A bill (S. 3354) granting an increase of pension to James G. Hannard (with accompanying papers);

A bill (S. 3355) granting an increase of pension to Isaac Williams (with accompanying papers);

A bill (S. 3356) granting an increase of pension to Reuben H. Neff (with accompanying papers);

A bill (S. 3357) granting an increase of pension to Elijah Roberts (with accompanying papers);

A bill (S. 3358) granting an increase of pension to Rubin J. Huston (with accompanying papers); and

A bill (S. 3359) granting an increase of pension to John A. Van Loan (with accompanying papers); to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3360) to amend section 2 of the act approved August 29, 1916, creating a Council of National Defense, and for other purposes; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota:

A bill (S. 3361) granting an increase of pension to William W. Thurston (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3362) for the relief of the heirs of Thomas N. Stinson (with accompanying paper); to the Committee on Claims.

A bill (S. 3363) granting a pension to Martha E. Hart (with accompanying papers);

A bill (S. 3364) granting an increase of pension to John S. Wells (with accompanying papers);

A bill (S. 3365) granting an increase of pension to David H. Bruce (with accompanying papers);

A bill (S. 3366) granting an increase of pension to George Ketzler (with accompanying papers);

A bill (S. 3367) granting an increase of pension to John Wesley Jones (with accompanying papers);

A bill (S. 3368) granting an increase of pension to George Stamm, sr. (with accompanying papers);

A bill (S. 3369) granting an increase of pension to Lewis Phenicie (with accompanying papers);

A bill (S. 3370) granting an increase of pension to Thomas B. Davis (with accompanying papers);

A bill (S. 3371) granting an increase of pension to Francis M. Wright (with accompanying papers);

A bill (S. 3372) granting a pension to Susan A. Lautzenheiser (with accompanying papers);

A bill (S. 3373) granting an increase of pension to Newton A. Mathis (with accompanying papers);

A bill (S. 3374) granting an increase of pension to George W. Allen (with accompanying papers);

A bill (S. 3375) granting an increase of pension to Abbott A. Mills (with accompanying papers);

A bill (S. 3376) granting a pension to John J. Smith (with accompanying papers);

A bill (S. 3377) granting an increase of pension to Joseph Masden (with accompanying papers); and

A bill (S. 3378) granting a pension to Sarah Cole (with accompanying papers); to the Committee on Pensions.

By Mr. KING:

A bill (S. 3379) to authorize the Secretary of the Interior to exchange public coal lands for private coal lands in certain cases;

A bill (S. 3380) to prevent the withdrawal of mineral lands of the United States from entry and occupancy under the laws of the United States;

A bill (S. 3381) for the relief of Emma Kiener; and

A bill (S. 3382) to authorize the exchange of certain lands within the Wasatch National Forest, Utah; to the Committee on Public Lands.

A bill (S. 3383) for the relief of John Gray; to the Committee on Military Affairs.

A bill (S. 3384) to amend the public-building act, approved March 4, 1913; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of South Carolina:

A bill (S. 3385) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes; to the Committee on Interstate Commerce.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 119) providing for a commission to report upon legislation to meet the problems that will confront this country upon the conclusion of the war; to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMOOT submitted an amendment proposing to appropriate $20,000 for survey and investigation of an irrigation project near Newcastle, Iron County, Utah, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CALDER submitted an amendment providing that the rate of postage on drop letters of the first class mailed in the city of New York for delivery within the confines of that city shall be 2 cents an ounce or fraction thereof, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

CLERKS OF DISTRICT COURTS.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the bill (S. 3079) fixing the salary of the clerks of the United States district courts; prescribing how and when they shall account for the fees collected; providing for the office expenses of such clerks, including salaries of deputy clerks and clerical assistants; and for the travel and subsistence expense of such clerks and their deputies when necessarily absent from their official residences, which was referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—AMANDA B. BIRCH.

On motion of Mr. SHERMAN, it was

Ordered, That the papers accompanying the bill S. 647, Sixty-fifth Congress, first session, granting a pension to Amanda B. Birch, be withdrawn from the files of the Senate, no adverse report having been made thereon.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives, which was read:

House concurrent resolution 31.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Friday, the 4th day of January, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. MARTIN. I move that the Senate concur in the resolution that has just been read.

The motion was agreed to.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 7697. An act to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 195. Joint resolution amending the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to subject to the war excess-profits tax the compensation of officers and employees under the United States, including Members of Congress, was read twice by its title and referred to the Committee on Finance.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following act and joint resolution:

On December 20, 1917:

S. 2334. An act to authorize absence by homestead settlers and entrymen, and for other purposes.

On December 26, 1917:

S. J. Res. 114. Joint resolution extending the commission provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, with the same authorities, powers, and provisions until on or before March 1, 1918.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT. The hour having arrived at which, in accordance with the concurrent resolution of the two Houses, the Senate is to proceed to the Hall of the House of Representatives, for the purpose of hearing such communication as the President of the United States may desire to make, the order will now be carried out.

Thereupon the Senate, preceded by its Sergeant at Arms and headed by the Vice President and the Secretary, proceeded to the Hall of the House of Representatives.

At 12 o'clock and 47 minutes p. m. the Senate returned to its Chamber, and the Vice President resumed the chair.

ADDRESS BY THE PRESIDENT OF THE UNITED STATE. (H. Doc. 764).

The address of the President of the United States this day delivered at a joint session of the two Houses of Congress is as follows:

GENTLEMEN OF THE CONGRESS: I have asked the privilege of addressing you in order to report to you that on the twenty-eighth of December last, during the recess of the Congress, acting through the Secretary of War and under the authority conferred upon me by the act of Congress approved August 29, 1916, I took possession and assumed control of the railway lines of the country and the systems of water transportation under their control. This step seemed to be imperatively necessary in the interest of the public welfare, in the presence of the great tasks of war with which we are now dealing. As our own experience develops difficulties and makes it clear what they are, I have deemed it my duty to remove those difficulties wherever I have the legal power to do so. To assume control of the vast railway systems of the country is, I realize, a very great responsibility, but to fail to do so in the existing circumstances would have been a much greater. I assumed the less responsibility rather than the weightier.

I am sure that I am speaking the mind of all thoughtful Americans when I say that it is our duty as the representatives of the nation to do everything that it is necessary to do to secure the complete mobilization of the whole resources of America by as rapid and effective means as can be found. Transportation supplies all the arteries of mobilization. Unless it be under a single and unified direction, the whole process of the nation's action is embarrassed.

It was in the true spirit of America, and it was right, that we should first try to effect the necessary unification under the voluntary action of those who were in charge of the great railway properties; and we did try it. The directors of the railways responded to the need promptly and generously. The group of railway executives who were charged with the task of actual coordination and general direction performed their difficult duties with patriotic zeal and marked ability, as was to have been expected, and did, I believe, everything that it was possible for them to do in the circumstances. If I have taken the task out of their hands, it has not been because of any dereliction or failure on their part but only because there were some things which the Government can do and private management cannot. We shall continue to value most highly the advice and assistance of these gentlemen and I am sure we shall not find them withholding it.

It had become unmistakably plain that only under government administration can the entire equipment of the several systems of transportation be fully and unreservedly thrown into a common service without injurious discrimination against particular properties. Only under government administration can an absolutely unrestricted and unembarrassed common use be made of all tracks, terminals, terminal facilities and equipment of every kind. Only under that authority can new terminals be constructed and developed without regard to the requirements or limitations of particular roads. But under government administration all these things will be possible,—not instantly, but as fast as practical difficulties, which cannot be merely conjured away, give way before the new management.

The common administration will be carried out with as little disturbance of the present operating organizations and personnel of the railways as possible. Nothing will be altered or disturbed which it is not necessary to disturb. We are serving the public interest and safeguarding the public safety, but we are also regardful of the interest of those by whom these great properties are owned and glad to avail ourselves of the experience and trained ability of those who have been managing them. It is necessary that the transportation of troops and of war materials, of food and of fuel, and of everything that is necessary for the full mobilization of the energies and resources of the country, should be first considered, but it is clearly in the public interest also that the ordinary activities and the normal industrial and commercial life of the country should be interfered with and dislocated as little as possible, and the public may rest assured that the interest and convenience of the private shipper will be as carefully served and safeguarded as it is possible to serve and safeguard it in the present extraordinary circumstances.

While the present authority of the Executive suffices for all purposes of administration, and while of course all private interests must for the present give way to the public necessity, it is, I am sure you will agree with me, right and necessary that the owners and creditors of the railways, the holders of their stocks and bonds, should receive from the Government an unqualified guarantee that their properties will be maintained

throughout the period of federal control in as good repair and as complete equipment as at present, and that the several roads will receive under federal management such compensation as is equitable and just alike to their owners and to the general public. I would suggest the average net railway operating income of the three years ending June 30, 1917. I earnestly recommend that these guarantees be given by appropriate legislation, and given as promptly as circumstances permit.

I need not point out the essential justice of such guarantees nor their great influence and significance as elements in the present financial and industrial situation of the country. Indeed, one of the strong arguments for assuming control of the railroads at this time is the financial argument. It is necessary that the values of railway securities should be justly and fairly protected and that the large financial operations every year necessary in connection with the maintenance, operation and development of the roads should, during the period of the war, be wisely related to the financial operations of the Government. Our first duty is, of course, to conserve the common interest and the common safety and to make certain that nothing stands in the way of the successful prosecution of the great war for liberty and justice, but it is also an obligation of public conscience and of public honor that the private interests we disturb should be kept safe from unjust injury, and it is of the utmost consequence to the Government itself that all great financial operations should be stabilized and coordinated with the financial operations of the Government. No borrowing should run athwart the borrowing of the federal treasury, and no fundamental industrial values should anywhere be unnecessarily impaired. In the hands of many thousands of small investors in the country, as well as in national banks, in insurance companies, in saving banks, in trust companies, in financial agencies of every kind, railway securities, the sum total of which runs up to some ten or eleven thousand millions, constitute a vital part of the structure of credit, and the unquestioned solidity of that structure must be maintained.

The Secretary of War and I easily agreed that, in view of the many complex interests which must be safeguarded and harmonized, as well as because of his exceptional experience and ability in this new field of governmental action, the Honorable William G. McAdoo was the right man to assume direct administrative control of this new executive task. At our request, he consented to assume the authority and duties of organizer and Director General of the new Railway Administration. He has assumed those duties and his work is in active progress.

It is probably too much to expect that even under the unified railway administration which will now be possible sufficient economies can be effected in the operation of the railways to make it possible to add to their equipment and extend their operative facilities as much as the present extraordinary demands upon their use will render desirable without resorting to the national treasury for the funds. If it is not possible, it will, of course, be necessary to resort to the Congress for grants of money for that purpose. The Secretary of the Treasury will advise with your committees with regard to this very practical aspect of the matter. For the present, I suggest only the guarantees I have indicated and such appropriations as are necessary at the outset of this task. I take the liberty of expressing the hope that the Congress may grant these promptly and ungrudgingly. We are dealing with great matters and will, I am sure, deal with them greatly.

ENGLISH RAILWAY OPERATION IN WAR TIME.

Mr. HOLLIS. Mr. President, I venture to address the Senate very briefly this morning on the subject of the operation of the English railways during war time. I do this because it is a matter of very lively interest now, and because I happen to have in my possession a manuscript, not yet printed, that deals with the matter authoritatively.

OUTLINE OF GOVERNMENT CONTROL.

By virtue of laws passed in 1871 and 1888, and under a program worked out long in advance, the railways of Great Britain came under Government control as soon as war was declared.

The machinery was set in motion August 4, 1914, by an order in council, under which Premier Asquith at once empowered the president of the board of trade to take possession of the entire railway system of England, Scotland, and Wales.

Direct control was exercised through a railway executive committee of 10, appointed by the Government from the general managers of certain important roads, one of whom was made acting chairman. The official chairman was the president of the board of trade, forming the connecting link with the English Government.

The staff of each railway remained undisturbed, receiving general directions through its regular officers from the railway executive committee.

INITIAL OPERATIONS.

Under detailed plans long in existence, the mobilization of the English Army and its transport to France were carried out under the president of the board of trade with great speed and efficiency. Traffic then settled down to conditions which were nearly normal for a period of about two years.

CRISIS IN 1916.

Meanwhile, however, the demands on the railways had largely increased, while the facilities for doing business had greatly lessened.

INCREASED DEMANDS.

Increased demand sprang from heavy war business, such as special troop trains; special freight trains and ambulance trains; enlarged use of coal, metals, and manufactured products; priority of shipments for Government and war supplies; and the curtailment of the usual sea transportation.

LESSENED FACILITIES.

Lessened facilities were due to wear and tear of rolling stock, roadbeds, and equipment, without adequate means for repair or replacement, and the enlistment of scores of thousands of the best railway men and officials.

Factories for making and repairing locomotives, cars, and rails had been diverted to the manufacture of munitions of war, while, in spite of efforts to check the enlistment of railway men after the first rush to France, about 10 per cent of the entire railway staffs had joined the colors in October, 1914. This percentage is now well over 25.

ENLISTMENT OF RAILWAY MEN.

The Army needs for more men, particularly for men to do railroad work overseas, have been so insistent that no effective exemption has been applied in the railway service, but recourse has been had instead to the reduction and simplification of work and to the employment of men not capable of bearing arms and of women. The employment of women as clerks, car cleaners, and the like, was natural enough, but it is startling to learn that women are now largely engaged as truckmen, machinists, and porters. There is no record that any women are employed as engineers, firemen, or section hands.

EMPLOYMENT OF WOMEN.

The number of women employed on English railways in July, 1914, was 15,000. It had increased to 100,000 in 1917.

POOLING OF CARS.

The shortage in rolling stock reached an acute stage in 1916. With most factories engaged in producing munitions, new engines and cars could not be supplied, while much equipment was on sidetracks for want of even slight repairs. Steps were taken, accordingly, to get more service out of such cars as were available.

The difficulties of pooling freight cars so that all might be constantly employed were greatly increased by the circumstance that 600,000 freight cars—about one-half the total number—were owned by private concerns. Much opposition arose to effective pooling.

Beginning, however, with cars owned by different railroads, the Government succeeded in preventing the transport of empty cars. Freight cars were kept in constant use, with little regard to their ownership by a particular railway. And, finally, in December, 1916, by order in council, the board of trade was empowered to make rules for taking possession of private freight cars for the general welfare, making necessary orders for conditions as to use and rental.

HANDLING OF FREIGHT.

By the same order the board was further empowered to provide for the prompt handling of freight by making it a criminal offense to fail to load or unload in accordance with the rules provided. Drastic steps had become essential in this regard. Requests and warnings were unheeded; demurrage charges had little effect.

One authority stated that "there was no shortage of railway wagons, but only of empty wagons." To meet this need it was finally provided in March, 1917, that a shipper might have two days for unloading at stations and private sidings and wharves and four days at ports. If the consignee fails to comply with this schedule, the railway may unload and store the goods at the owner's risk and expense, retaining a lien for all charges. The owner may also be fined and imprisoned for his dereliction. He has committed an offense against the defense of the realm act.

REDUCTION OF SERVICE.

Passenger traffic was also brought into line. Many passenger trains were canceled. Express service was slowed down. Reser-

vation of seats and compartments was discontinued. Sleeping and dining car service was curtailed. More stops of express trains were ordered. Excursion and cheap tickets were abolished. Traffic was diverted for reasons of economy. The amount of luggage was cut down, as well as service of porters and baggagemen.

ADVANCE IN PASSENGER RATES.

And finally, January 1, 1917, passenger rates were advanced 50 per cent, excepting traders' tickets, workmen's and zone tickets. This increase was not to raise more revenue, but to discourage travel.

The thoroughness of Government control of English railways is thus apparent. There remains to be considered the matter of wages and strikes.

STRIKES NOT PROHIBITED.

There is not now, nor has there been, in England legislation prohibiting strikes on railways. Matters of wages, hours of service, and conditions of labor have been left to agreements and regulations between the railway companies and the men.

AGREEMENT FOR CONCILIATION.

Before the pending war there was an agreement between the men and their employers that disputes should be settled by conciliation and arbitration. This agreement was secured in November, 1907, through the efforts of the board of trade. It involved about 97 per cent of the railway workers of the United Kingdom.

The conciliation boards embraced representatives of the companies and the men. In case of disagreement the question went to an arbitrator for decision. If the two sides could not agree on an arbitrator, he was to be appointed by the speaker of the House of Commons and the master of the rolls.

The agreement did not work well. There was a strike in August, 1911, involving over 200,000 men. An investigation by a royal commission followed, which culminated in certain changes incorporated in a new agreement which was in existence in August, 1914.

NO RECOGNITION OF UNIONS.

Unions of railway men were not formally recognized under this agreement, largely because the existing unions did not represent a majority of railway employees when the agreement was adopted. This deficiency was overcome, however, in 1914 by the National Union of Railway Men, organized in 1913 and passing the majority mark—300,000—in 1914.

In November, 1913, the unions gave notice that the agreement for conciliation would expire November 6, 1914. When the war broke out in August, 1914, negotiations were pending for a new agreement for conciliation.

GENERAL ATTITUDE OF UNION LABOR.

August 24, 1914, the national committees of organized labor met to discuss labor problems. It is interesting to note that their chief concern related to nonemployment, or unemployment. Resolutions were adopted calling upon the Government to help in matters of short time and benefits. These resolutions were sympathetically received, and in October, 1914, they were favorably acted upon by the cabinet through the board of trade.

CONCILIATION AGREEMENT CONTINUED.

On October 1, 1914, a special agreement was made between the railways and the railway men's unions, providing that the old agreement for conciliation should be continued, subject to termination by the men on six weeks' notice—that is, the trade-unions practically agreed to subordinate the interests of organized labor to the demands of a nation at war. Important demands pending when war was declared, and waived by the agreement of October 1, 1914, were:

1. The eight-hour day.
2. An advance of 5s. per week.
3. A guaranteed day and a guaranteed week, exclusive of Sunday duty.

FIRST AGREEMENT FOR WAR BONUS.

February 13, 1915, an agreement was reached through negotiation by the railway companies and the men's representatives, under which the principal roads agreed to pay a war bonus to men of 18 years or over, as follows: Three shillings a week to men whose standard rate of wages is under 30s. and 2s. to those whose standard rate of wages is 30s. or more. The agreement provided for all men "engaged in the manipulation of traffic," whether members of unions or not.

It was definitely understood that the war bonus was not an ordinary advance in wages, but was to terminate at the end of the war. Twenty-five per cent of the increased expense was to fall on the companies and 75 per cent be charged to operating expenses, and thus fall on the Government. For the Government had undertaken to pay to the stockholders the same sum each year as the prewar earnings in 1913.

In June, 1915, a bonus of 1s. 6d. was provided for employees under 18 years of age.

INCREASED COST OF LIVING.

Because of increased cost of living the war bonus has been increased several times through negotiations between the unions and the railway executive committee, with the approval of the Government.

SECOND GENERAL INCREASE.

On October 16, 1915, the bonus was increased for all men above 18 to 5s. per week, for men under 18 to 2s. 6d. At that time the men agreed not to make any further demand for increases. But this agreement was waived by the railway companies in September, 1916, largely upon the ground that the Government had not kept the cost of living at a reasonable figure, and a new agreement was made, increasing the bonus to 10s. per week for men 18 years and over, and to 5s. for men under 18. The president of the board of trade conceded that the cost of living had increased since July, 1914, 25 per cent in July, 1915; 30 per cent in September, 1915; 35 per cent in December, 1915; 40 per cent in March, 1916; and 45 to 50 per cent in June, 1916.

At the rate of the bonus of September, 1916, the increased cost to the Government is $70,000,000 annually, only 6¼ per cent falling upon the stockholders of the railways.

It was soon after agreed that men in railway shops should receive a bonus of 5s. a week, boys similarly employed, 2s. 6d.; women, 3s.; and girls, 1s. 6d.

THIRD GENERAL INCREASE.

In April, 1917, a third general increase was granted, so that the bonuses totaled as follows:

		s.	d.
In traffic departments.			
Men, 18 years and over	per week	15	0
Boys, under 18	do	7	6
Women, 18 years and over	do	5	6
Girls, under 18	do	3	0
In shops.			
Men, 19 years and over	per week	10	0
Boys, under 19	do	5	0
Women, 18 years and over	do	2	6
Girls, under 18	do	1	3

TOTAL EXPENSE TO GOVERNMENT.

The total war bonus to railway employees is estimated at present rates to amount to $90,000,000 annually, all but 4½ per cent borne by the Government.

DILUTION OF LABOR.

From the beginning of the war the unions have insisted that women employed to fill the places of men should be paid the minimum rate for men in similar positions. In August, 1915, this demand was met by the railway companies, together with an agreement that the employment of women should not prejudice the reemployment of men at the close of the war nor the general question of the employment of women.

GENERAL ATTITUDE OF EMPLOYEES.

The unions of railway men, through their executive committees, have acted throughout the war in a patriotic and reasonable manner, basing their claims to advances in wages or bonuses on the increased cost of living, and not on their power to prevent the operation of railroads. They have realized that a strike would be a strike against the Nation, not against the companies. They have in this way obtained a very substantial advance in wages, at the same time retaining the good will of the public generally.

MUTUAL CONCILIATION.

There have been no railway strikes in England since the war began. The conduct of the railways and the conduct of the men has been in the public interest, with every indication of conciliation and good feeling on both sides. This desirable condition can be attributed to but one cause—that is, the feeling of the men that their sacrifices are made for the public welfare and not to swell the profits of their employers. That this is a sound deduction is plain when we consider the hundreds of strikes in private plants where profits are not controlled.

AUTHORITY FOR FOREGOING.

This sketch of English railways in war time is given to place the Senate and the country in possession of the main facts in the case. It represents no original research of mine. It is hardly more than a summary of one of the volumes of the British Industrial Experience During the War, presented by me to the Senate June 29, 1917, and ordered printed by the Senate September 11, 1917.

This manuscript was prepared and edited by Robert and Katherine Barrett, distinguished citizens of New Hampshire, who worked in collaboration with John F. Bass, the noted war correspondent, and his brother, Robert P. Bass, formerly governor of New Hampshire. The entire work was done without

expense to the Government. I regret that the volume has not yet been printed, so that it could be available to the Senate in the present emergency.

The volume on Railroad Transportation, which forms the basis of my remarks, was prepared by Mr. Leland Olds under the direction of Mr. W. Jett Lauck and the editors in chief.

Mr. WATSON. I should like to ask the Senator from New Hampshire a question. I was out of the Chamber a part of the time, and unfortunately I did not hear all the Senator's remarks. I should like to ask the Senator whether he incorporated in his statement the number of miles of railroad to which he has alluded and to which this system refers?

Mr. HOLLIS. I did not. I am not able to give it.

Mr. WATSON. And the number of employees.

Mr. HOLLIS. I am not able to give that, but I can state that it is approximately 600,000, of whom 100,000 are now women.

Mr. WATSON. There are 600,000 employees?

Mr. HOLLIS. There were approximately 600,000 when the war started. Twenty-five per cent of these have gone to the colors. That would leave 450,000. One hundred thousand women have been added and the rest have been taken from men who were not capable of bearing arms.

Mr. WATSON. Does the Senator know how many miles of railroad were operated?

Mr. HOLLIS. I can not give that.

Mr. NORRIS. May I ask the Senator a question before he takes his seat?

Mr. HOLLIS. I yield to the Senator from Nebraska.

Mr. NORRIS. Can the Senator state what compensation the Government of England is paying to the railroads, or what it has agreed to pay?

Mr. HOLLIS. Yes; the war bonus to employees runs from 1 shilling for girls to 15 shillings for men.

Mr. NORRIS. I heard that statement; but that is not the question. I want to know what is the compensation paid to the owners of the stock of the railroads.

Mr. HOLLIS. I stated that the owners are receiving the same earnings that they received in the year 1913.

Mr. NORRIS. They took that one year?

Mr. HOLLIS. That one year.

Mr. NORRIS. That was the last full year before the beginning of the war?

Mr. HOLLIS. Yes; that is correct.

COUNCIL OF NATIONAL DEFENSE (S. DOC. NO. 156).

The PRESIDING OFFICER (Mr. BECKHAM in the chair) laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Military Affairs and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the provisions of the act of Congress approved August 29, 1916, establishing the Council of National Defense and providing for the appointment of an Advisory Commission to the council, I transmit herewith the first annual report of the council, the Advisory Commission, and the subordinate agencies of both bodies for the fiscal year ended June 30, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *4 January, 1918.*

CUSTOMS-COLLECTION DISTRICTS (H. DOC. NO. 753).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Commerce and ordered to be printed:

To the Senate and House of Representatives:

The sundry civil act approved August 1, 1914, contained the following provision, viz:

"The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs-collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs-collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated, and the President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor."

Pursuant to the requirement of the third proviso to the said provision, I have to state that by Executive order dated January 3, 1917, the port of entry at Ludington, Michigan, in customs-collection district No. 38, of which Detroit is the headquarters port, was abolished for the reason that the volume and character of the business at Ludington did not warrant its continuance as a port.

By Executive order dated January 23, 1917, the port of entry at Corry, Pennsylvania, in customs-collection district No. 41, of which Cleveland, Ohio, is the headquarters port, was abolished for the reason that the volume of business at Corry did not warrant its continuance as a port.

By Executive order dated June 6, 1917, effective on and after July 1, 1917, the port of entry at Lubec, Maine, in customs-collection district No. 1, of which Portland is the headquarters port, was abolished as a separate port and consolidated with Eastport, Maine, for the reason that the business theretofore transacted at Lubec could as well be conducted at Eastport.

By Executive order dated September 7, 1917, effective October 1, 1917, customs-collection district No. 23, of which Laredo was the headquarters port, and district No. 25, of which Eagle Pass, Texas, was the headquarters port, were abolished and a new district No. 23 created with headquarters at San Antonio, Texas.

Districts Nos. 22, of which Galveston is the headquarters port, and No. 24, of which El Paso is the headquarters port, were enlarged. These changes were made in order to insure better administration of the customs laws and to lessen the expenses.

WOODROW WILSON.

THE WHITE HOUSE, *4 January, 1918.*

COMMITTEE ON MILITARY AFFAIRS.

Mr. CHAMBERLAIN. Mr. President, I desire to ask that the Committee on Military Affairs may be allowed to sit during the sessions of the Senate. They are now engaged in holding hearings and it is quite inconvenient to proceed with these hearings without obtaining this permission from the Senate.

The PRESIDING OFFICER. Without objection, the request of the Senator from Oregon will be complied with.

Mr. GALLINGER. Mr. President, in connection with the request made by the Senator from Oregon, I am going to venture to express the hope, inasmuch as there are several committees of investigation conducting inquiries that are of great importance, that the Senate may adjourn over until Monday at the conclusion of to-day's business. Of course, if the unfinished business is to be taken up and discussed to-day, the suggested adjournment ought not to be taken, but I have been informed that the unfinished business will probably go over until Monday.

Mr. MARTIN. I am trying to find the Vice President now to test the accuracy of it, but it has been suggested that the Serbian mission are to be received in the Senate to-morrow. If that is the case, we shall have to adjourn until to-morrow.

Mr. GALLINGER. I had overlooked that fact, and hence the Senate should be in session to-morrow.

Mr. BORAH. Do I understand that a motion is about to be made to adjourn until to-morrow?

Mr. MARTIN. No motion has been made so far as I know. The leasing bill, which the Senator from Nevada [Mr. PITTMAN] has in charge, will have to be taken up by the Senate to see if anyone wants to proceed to discuss it. If the Senate is not occupied with that, I see no reason why we should not adjourn until to-morrow or until Monday if the Serbians are not to be received in the Senate to-morrow. I have just learned that there are other reasons besides receiving the Serbians for a session to-morrow, so that when the Senate adjourns it will have to adjourn until to-morrow.

Mr. BORAH. I understand we have agreed to vote upon the leasing bill on Monday. I am of the opinion that it will take all the time from now until then to get at some of the facts with reference to that bill which are developing interestingly. I certainly do not want the Senate to adjourn until at least we have started in to develop the situation.

Mr. MARTIN. There is no desire to adjourn as long as anyone wants to proceed with the leasing bill. Since I addressed the inquiry to the Chair a few moments ago I have ascertained that it has been arranged that the Serbian mission will be received in the Senate to-morrow at 12.30 o'clock. So we shall have to adjourn until the usual hour, 12 o'clock, to-morrow.

STANDARDIZATION OF WAGES.

Mr. KING. I offer a resolution and ask that it may be read and lie upon the table. I desire to submit a few remarks in support of the resolution before I move its reference to the Committee on Education and Labor.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 174), as follows:

Whereas the several departments, boards, agencies, and contractors having in charge the construction of ships, cantonments, munitions, and other work having relation to the war are separately entering the labor market and are competing against each other in the wages offered for the employment of the laborers severally required by them in the prosecution of Government work, as a result of which employees are constantly quitting one branch of work to take up employment for higher wages in another, this breaking the continuity of Government construction and subjecting the same to recurring interruption with each increase of wages offered in such competition; and

Whereas the competition between departments and agencies of the Government for the employment of labor for necessary war construction has caused a condition wherein the cost of Government work is constantly mounting to the detriment of the Government, to the impairment of its revenues, and the increase of its funded debt; and

Whereas it is claimed that efforts are being made and plans contemplated by some who benefit by such condition to maintain and make permanent the same, to prevent proper and legitimate increase in the output of labor to meet the present emergency, and by conspiracy and otherwise to prevent any correction of such conditions by the establishment of normal wage rates or by the procurement of other labor at fair and just wage rates to meet the needs and requirements of the Government; and

Whereas it is claimed and reported that the competition of separate agencies of the Government for the procurement and employment of labor has unsettled conditions of labor and wage rates generally throughout the country; that great inequality exists in the matter of wages in the different parts of the country in the same trade and craft; that the labor situation is demoralized; that strikes are stimulated; and that industry is being dislocated and disturbed by constantly changing wage rates, unsettled condition of employment, mounting costs, enhanced prices of commodities, and fluctuating conditions in exchange and commerce, operating together in a vicious system of recurring expansion, all of which renders unstable the industrial processes and enterprises of the country: Now therefore be it

Resolved, That the Committee on Education and Labor be, and it is hereby, directed to inquire into the subject of wages having to do directly or indirectly with Government work; to report upon the advisability of establishing standards of wages for laborers employed in such work; and to further report upon the possibility and expediency of legislation looking to the standardization of wages and the stabilization of industry and labor conditions in the country during the pendency of the war.

Mr. KING. I ask that the resolution may lie upon the table for the present.

The PRESIDING OFFICER. The resolution will lie on the table and be printed.

HEADS OF EXECUTIVE DEPARTMENTS.

Mr. HARDWICK. I offer a resolution, which I ask to have read and that it may go over for the present.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution (S. Res. 175), as follows:

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public interest, by what warrant or authority of law the several heads of the executive departments hold their offices.

Mr. HARDWICK. At a later date I intend to address the Senate on the resolution. In the meantime I ask that it may lie on the table.

The PRESIDING OFFICER. For the present the resolution will lie on the table and be printed.

MINING OF COAL, ETC., ON THE PUBLIC DOMAIN.

Mr. PITTMAN. Mr. President, I ask unanimous consent that Senate bill 2812, the unfinished business, be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

Mr. BORAH. Mr. President, what is the status of the measure? Is there any pending amendment before the Senate? I understood that the Senator from Utah [Mr. SMOOT] offered an amendment.

Mr. GALLINGER. I do not think there is a pending amendment.

Mr. SMOOT. I will say to the Senator from Idaho that I did offer an amendment on page 15 of the bill by striking out from line 6, beginning with the word "if," after the word "discovery," down to and including the word "claim," in line 11. I withdrew that amendment until it was decided as to just what amendment would be made in section 2 of the bill.

Mr. BORAH. Has section 2 been disposed of?

Mr. SMOOT. No; not yet. I will state to the Senator that on page 15 there was one amendment that I offered which was only a minor one, striking out the word "such," in line 2, and inserting the word "a." Of course, that was only a verbal amendment. The other amendment I withdrew until the final disposition of the amendment proposed to section 2.

Mr. BORAH. Mr. President, I should like to ask the Senator in charge of the bill if the committee amendments have all been disposed of?

Mr. PITTMAN. I think they have all been disposed of.

Mr. BORAH. Mr. President, I want to direct attention to sections 16 and 17 of the bill, rather with a view of getting an understanding as to what the committee understands those provisions to mean. Some of the provisions are a little difficult for me to understand by reason of the fact, perhaps, that I am not entirely familiar with the actual physical facts which the provisions are sought to cover. Section 16 reads:

SEC. 16. That upon relinquishment to the United States within 90 days from the date of this act or within 90 days after final denial or withdrawal of application for patent, of any claim or subdivision thereof asserted under the mining laws prior to July 3, 1910, to any unpatented oil or gas lands included in any order of withdrawal, the claimant or his successor in interest shall be entitled to a lease for each asserted mineral location of 100 acres or less or any subdivision thereof upon which such claim is based and upon which said claimant, his predecessors in interest, or those claiming through or under him, have, prior to the date of this act, drilled one or more producing oil or gas wells—

As I understand it, that provision is to the effect that the question of title may turn, and does turn, exclusively upon the fact of having drilled one or more producing oil or gas wells upon the property.

Mr. PITTMAN. And having asserted title; I mean having initiated the claim prior to the withdrawal under the act of Congress.

Mr. BORAH. What does the word "asserted" there mean? Does it mean a mere oral contention upon the part of some one, or does it mean that the party shall have complied with the laws of the land or the statutes with reference to making mineral locations?

Mr. PITTMAN. The committee thought that the words "under the mining laws" qualified the word "asserted," and meant that the claim had been located, as we say in the West, in accordance with the mining laws.

Mr. BORAH. The word "asserted," it seems to me, is a rather uncertain and wide-ranging term.

Mr. PITTMAN. I will suggest to the Senator from Idaho that the reason the word "asserted" was used was because the Department of Justice strenuously objected to the word "initiated," which had been used in other acts prior to this proposed act.

Mr. BORAH. Exactly; but if we use the word "asserted," there is no limitation, there is no definition, there is no guide as to what it really means. It is a word that has never been used in the mining laws; there is no precedent for it. I can understand a man sitting in a well-furnished and properly heated room thousands of miles away and asserting that he has a mining claim or a location in Wyoming; and I think he would be perfectly safe under this law in not going any further than to merely assert that he has a mining claim.

I think the use of that word is unfortunate, because it leaves room for all kinds of latitudinous construction. However, I call attention to the further fact—

the claimant or his successor in interest shall be entitled to a lease for each asserted mineral location of 160 acres or less or any subdivision thereof upon which such claim is based and upon which said claimant, his predecessors in interest, or those claiming through or under him, have, prior to the date of this act, drilled one or more producing oil or gas wells—

There is no limitation upon the amount of land which the party may claim, provided he has asserted title to it and has followed it up by drilling a well.

Mr. SMITH of Arizona. Mr. President, will the Senator from Idaho permit an interruption?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. BORAH. I yield.

Mr. SMITH of Arizona. I desire to ask a question for my own guidance. Like the Senator from Idaho, I do not like that language; I do not know why, but I can not get at the exact meaning of the word; but does it not mean in the ultimate that anybody asserting a claim—and that is done by merely saying "I have a claim"—no matter if he got it, as they originally have in many of these cases from gentlemen who are in the meat business in Chicago—a dummy entry—if on any 160 acres of land, the Standard Oil Co. or any other company, or you or I, have actually drilled a well and found oil, no matter how fraudulent the inception of our claim was, if we assert we have it and have found oil we get title under this bill?

Mr. BORAH. I think that is true.

Mr. SMITH of Arizona. And it ought not to be.

Mr. BORAH. I think that is probably the construction of the language.

Mr. President, suppose we should find this condition of affairs to have existed in the oil regions of Wyoming: Suppose that it should be shown upon the facts that independent locators had gone into that territory, had located oil wells, and had initiated such proceedings as were required by law in order to finally ripen their claim into a title, and that thereafter other people

had come in and had forcibly driven them out, or had through legal processes stayed their proceedings and stopped their work, and had themselves actually taken physical possession and drilled wells upon that territory, then we would adjudicate the title in favor of the jumper, adjudicate the title in favor of the ones who had defied the law as against the man who had in good faith initiated his title. As I understand the situation, that is the state of facts that exists in Wyoming; and I ask the Senator in charge of the bill to consider the proposition that with the broad language of the mere assertion of title, the physical possession, and the sinking of a well, a party may acquire an unlimited amount of acreage by mere physical force or by fraud. I am sure the Senator in charge of the bill does not intend anything of that kind, but I can see no other construction to it.

I want also to say, Mr. President, that I am reliably informed that this particular section was drawn to cover a particular condition of affairs. The physical facts are about as I have stated them.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield to the Senator.

Mr. PITTMAN. I do not know whether the Senator means to intimate that this was drawn for the purpose of aiding any particular person in any contest.

Mr. BORAH. No; what I mean to say is that there is a certain state of facts existing, a certain physical condition obtaining, and that it was an effort to cover that physical conditions; in other words, that the committee were not drawing a general law but were drawing a law which was proposed to apply to a particular state of facts. That is what I understand.

Mr. PITTMAN. Mr. President, in order that there may be no mistake about the particular state of facts, and that it may be clear that this proposed law has nothing to do with the state of facts to which the Senator has referred in Wyoming, I want to say that the state of facts is this: If we refer to a location of a mining claim as a foundation of this preferential right, then there must be a discovery, for, as the Senator from Idaho knows—and it is not necessary for me to refer to it—a discovery is essential to a valid mining location. There were very few discoveries made prior to the withdrawals; but believing that the first withdrawal was void and contrary to law, and being so advised by their attorneys, a great many people continued to sink oil wells. They had initiated a right by location, as we understand it in the West, and we have been using the term "initiated" all along; but, unfortunately, the Department of Justice in the prosecution of a number of cases has construed the word "initiated" to embrace discovery.

Then they held—and I think some of the lower courts have held with them—that a right is not initiated to a mining claim until discovery is made. Consequently, if we use the word "initiated" in the sense used by the Department of Justice, there will be no remedy to anyone, no matter how just his cause may be. That is the reason we tried to get away from the word "initiated."

What we really mean is this: If one in good faith has located a mining claim prior to the withdrawal under the congressional act of July 3, 1910, has done everything except make a discovery, and then, subsequent to the withdrawal, proceeded, undisturbed by the Government, and found oil, then that person will not have the land, but upon surrendering all claim of title will have a preference right to lease under the terms of the bill. That is what we mean.

Mr. BORAH. Well, Mr. President, I did not mean to be understood as intimating that the Senator or any member of the committee was seeking to draw a bill for the purpose of doing an injustice to anyone. What I meant to say, and what I did say, was that, as I understand, sections 16 and 17 were put into this bill by reason of a certain state of physical facts which exist in the Western States, and in Wyoming particularly, and that it was supposed, of course, that they were covering a situation in justice to all parties. What I am contending is that, instead of covering it in justice to all parties, it is calculated to work a great injustice, and I think that the use of the word "asserted," a term unknown to the mining laws of the country, without limitation or any established definition in the courts, is unfortunate. I suggest, in view of the fact that the Senator from Colorado [Mr. SHAFROTH] has come in, who is very familiar with the mining laws and conditions in the West, that if we leave in the word "asserted" and leave in the provision with reference to drilling, to wit, "drilled one or more producing oil or gas wells," we will leave the law in such condition that anyone who has made a mere naked, general assertion to a claim, whether it be bona fide, whether it has been in compliance with the law, whether it has been according to established precedents in initiating mining claims, or whether it be anything else than a mere naked, general assertion, and has followed it up by the drilling of a well, regardless of how he got upon the land, whether it was through ousting some one else or by force and fraud, will be given a preference right to an unlimited amount of acreage. There is no other construction to be placed upon it.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator to what page and line of the bill he refers?

Mr. BORAH. I was dealing with section 16 and referring particularly to that portion of it which begins in line 17. I will read the entire section again:

SEC. 16. That upon relinquishment to the United States within 90 days from the date of this act or within 90 days after final denial or withdrawal of application for patent, of any claim or subdivision thereof asserted under the mining laws prior to July 3, 1910, to any unpatented oil or gas lands included in any order of withdrawal, the claimant or his successor in interest shall be entitled to a lease for each asserted mineral location—

I venture to say that the Senator never, in all his wide range of experience in the West, has heard that word used in connection with acquiring title to the public domain.

Mr. SHAFROTH. I will state to the Senator that I am not familiar with that provision. It was not part of the amendment which I offered.

Mr. BORAH. I know that.

Mr. SHAFROTH. I offered an amendment with relation to coal lands. We considered this provision, however, and I do not know that the phraseology was criticized at that time.

Mr. BORAH. Then it goes on to say—

for each asserted mineral location of 160 acres or less or any subdivision thereof upon which such claim is based and upon which said claimant, his predecessors in interest, or those claiming through or under him, have, prior to the date of this act, drilled one or more producing oil or gas wells, such lease to be upon a royalty—

And so forth.

There is no limit, I maintain, to the amount of acreage to which he is entitled in the way of preference if he has succeeded in getting upon the ground and sinking a well.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. PITTMAN. All of this land is withdrawn land; none of it is subject to location now.

Mr. BORAH. I understand that.

Mr. PITTMAN. All of it, if it is utilized at all, must be utilized under the provisions of this bill. It will be leased to somebody. The committee thought that it was not only in the interest of the Government to lease it to the man who actually had a well on it and was operating it, but that a man who had expended the amount of money necessary to test the ground and see if there was oil there was entitled to a lease in preference to somebody who had spent nothing. That was the theory the committee had.

Mr. BORAH. Ordinarily that would be true; but, as I understand the facts, Mr. President, they are something like these, that a number of independent locators went into the territory prior to the withdrawal orders on the part of ex-President Taft; that they had made locations; that is, they had done what was necessary to be done in compliance with the mineral laws up to that time; that when the withdrawal came along they in a certain sense respected the withdrawal; that, on the other hand, another company, entirely disrespecting and disregarding the withdrawal, entered upon this territory, took possession of it under actions of injunction and otherwise, obtained actual physical possession, ousted the independent oil locators who had done their part in so far as they could, sunk wells, and that the effect of this bill is to give them the preference right to that which they had acquired in defiance of the notice of the Government—because I do not contend that it was actually a valid withdrawal—and under the cover of the right which they secured for a time under temporary injunctions and also in some instances by actual force.

Mr. PITTMAN. Mr. President, the Senator is mistaken about that. If he will continue reading the following section will correct his error.

Mr. BORAH. Am I mistaken as to the facts which I have stated?

Mr. PITTMAN. I think so. Let me see if the Senator is mistaken; I hope he is. Listen to this language:

And any person who at the time of any withdrawal order heretofore made was such bona fide occupant or claimant of oil or gas bearing lands within such withdrawn area, other than lands reserved for the use of the Navy, and who has performed all acts necessary to a valid mining location thereof, except to make a discovery, if the claim was initiated within less than five years prior to the withdrawal, and such claimant had performed a reasonable amount of work preparatory and essential to the sinking of a well or wells, and who because of and in

obedience to such order desisted from the prosecution of work for the development of such claim, shall have a preference right to lease the same under the provisions of this act.

Mr. BORAH. Mr. President, that would be all right if it were not for the fact that this five years just about divides the line between those who got in afterwards and the fellows who got in first.

Mr. PITTMAN. Then, as I understand, the only objection the Senator has is to the five-year period.

Mr. BORAH. No. I think myself that there could be a provision put in there which would remedy the situation; but I will tell the Senator what I object to. I feel certain that the Senator would have the same opinion if he understood the facts as I understand them. I may be in error about the facts, but I object to the Congress legislating out men who went there in good faith and respected the notice of the Government, and who were afterwards ousted in one way or another, and legislating in those who went there in violation of the Government's notice, who have taken possession either by writs of injunction or otherwise, and who have actually ousted those who went there in the first instance in good faith.

Mr. PITTMAN. Mr. President, the committee has exactly the same view as the Senator from Idaho, and it attempted in the section I have just read to give a preference right to those who obeyed the order, whether it was legal or not.

As to the five years, the committee thought there ought to be some time fixed within which there should be a location made. In other words, the Senator from Idaho would not want some one to come in and say: "Fifty years ago I made a location on this tract of land, and I did $100 worth of work every year." Fifty years is carrying it back too far. Thirty years is carrying it back too far. It ought to be within a time when people would know the facts or could ascertain the facts.

We took up this matter with some of the gentlemen from Wyoming, because we wanted to get at that fact. We first agreed that three years would include all bona fide claims that were located in that withdrawn area prior to the withdrawal of 1909. It developed later on that possibly it did not include all. Consequently, on the floor here the other day, we accepted an amendment making it five years instead of three years.

There is not any disposition to foreclose bona fide locators who obeyed the law, whether that law is legal or not. That is what the committee has tried to do, and there is no doubt in my mind that this bill does give a prior right to the very people the Senator from Idaho is discussing, provided their locations were initiated within five years prior to 1910. If that time is not long enough, if Senators have facts to show that there are bona fide locations that were made more than five years before, of course that is another question.

Mr. BORAH. I can only say that I have this state of facts: I have facts given to me by men who live there, who are upon the ground, and who are claiming to be entirely familiar with all the facts with reference to the development of these oil fields in Wyoming.

Mr. PITTMAN. How many years does the Senator think would be sufficient to cover it?

Mr. BORAH. I would not want to say without further consultation with those parties.

Mr. PITTMAN. I have no doubt that if the parties with whom the Senator has talked have an idea that this limitation does not include all of them, the committee would be very glad to accept any amendment of that kind. It certainly thought that the five years would cover every case.

Mr. BORAH. The Senator understands that I am not attacking the committee. I assumed that the committee was trying to get at the same thing that I wish.

Mr. PITTMAN. Exactly; the committee was trying to do that.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. SMOOT. I do not think the length of time is of so much importance in this measure as the effect that section 16 will have upon the oil lands in Wyoming; nor is the time altogether a remedy for the evils that will follow the passage of this bill. If I am correctly informed as to conditions in Wyoming. In other words, if section 16 passes as it is now written, the Standard Oil Co. will control at least four-fifths of all the oil in Wyoming, or at least 20,000 acres of oil land in that State. That does not come from the five-year or the three-year limit. It comes from the fact that the restrictions of section 33 are not applicable to the persons whose titles are validated under this section.

In other words, in section 33 of the bill we undertake to place certain restrictions upon validating title to any person making the entry, but that section does not apply to section 16 of the bill, and therefore all of the asserted mining locations made under this section, providing the parties have drilled wells, go to the parties who assert a claim to the lands, no matter how many acres so located or, in other words, there is no limit of area provided for. That being the case, I am informed by men who live in Wyoming and have been in the oil fields from the very beginning, and own claims there now themselves, that if section 16 passes as it is written the Standard Oil Co. can operate four-fifths of all the oil lands in Wyoming.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator yield?

Mr. SMOOT. The Senator from Idaho yielded to me.

Mr. BORAH. I yield.

Mr. PITTMAN. I have received what is called a brief on this bill, written by some lawyer in Oklahoma, which states the facts that the Senator from Utah has just stated. I do not know who this lawyer is or where he got his facts, and I do not take for granted statements of that kind or character.

Mr. SMOOT. If the Senator wishes, I can put into the RECORD a dozen letters from men who live in Wyoming.

Mr. PITTMAN. I want to state that I realize that there is litigation going on in Wyoming over oil claims. There is similar litigation in California; and this committee for four years has been trying, as the Senator from Utah knows, to get a bill that will satisfy everybody. I do not think it is possible. Nobody in my State is interested in this remedial legislation, and personally I very often feel tempted to fight against any remedial legislation, and strike it all out, and let it go to the courts; but we ought to try to do something fundamentally just, and that is what this committee is trying to do.

Mr. BORAH. The Senator from Nevada has made a suggestion that appeals very much and very strongly to me. I will say to the Senator that I received a brief on this subject, I presume the one to which he refers, since I came into the Senate Chamber; but the gentlemen from whom I received my facts are residents of the State of Wyoming, and I have every reason to believe that they are entirely responsible in what they say. If I were called upon, however, to draw and insert in this bill a provision which would do justice to all parties and not do injustice to any one, I could not do it upon the state of facts that has been given to me. I could only approximate it, perhaps. The only way to settle these controversies is by the institutions and tribunals which are created for that purpose, where the bona fides and the good faith of these parties can be determined.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. PITTMAN. Unfortunately that can not be done always by the courts. The courts have recognized time and again, in deciding against claimants, that they had a moral equity but no legal equity. They have held that these men, being advised by their attorneys that the Taft withdrawal order was void and that the lower courts had sustained that opinion, might be expected, as sensible men of good judgment, to go ahead and spend all this money in the development of oil lands, but that as a matter of fact, not having made a discovery before the Taft withdrawal, although they had commenced work prior to that time, their claims were void because a discovery was necessary before the withdrawal.

Those men, the courts themselves have stated, have some excuse. Why, I am satisfied that such an able attorney as the Senator from Idaho possibly has advised his clients, or at least his friends, that in his opinion the order was void.

Mr. BORAH. I have so stated on the floor of the Senate.

Mr. PITTMAN. I know it was the consensus of opinion of the ablest mining attorneys throughout the western country. On the faith of that opinion men expended their money. They discovered oil that was not known to exist before. They enriched this whole country at their individual expense, and yet legally they have no rights at all. They are out. Now, the Government is probably going to decide on a leasing policy. If it does decide on a leasing policy the question is, If you are going to lease to A or to B on the same terms, and B has discovered the very thing you are going to lease and has expended hundreds of thousands of dollars in discovering it, is it not justice in some way to compensate that man for that work?

That is the equitable idea involved in the whole matter. I realize that there is a whole lot of trouble involved in this remedial legislation, and I very frequently feel, as does the Senator from Idaho, like giving up trying to do justice in regard to passed acts and simply passing a law for the future.

Mr. SMOOT. Mr. President, I will ask the Senator from Idaho if I may ask the Senator from Nevada a question?

Mr. BORAH. Yes; I am seeking light.

Mr. SMOOT. I will ask the Senator from Nevada if the wording of section 16 is not virtually the wording that was agreed to by the committee when the question of relief for the California oil industry was under consideration—that is, the locations that were made in naval reserve No. 2?

Mr. PITTMAN. I think that matter was the matter under discussion at the time that wording was adopted. I admit that the committee has had very little discussion with regard to the Wyoming situation. In fact, I know nothing about it.

Mr. SMOOT. Mr. President, if the Senator from Idaho will excuse me——

Mr. BORAH. Certainly.

Mr. SMOOT. I understand that section 16 provides the relief the California people desired; it covers their case exactly; every locator stands upon the same basis. But, unfortunately, the oil people of Wyoming feel that the wording of this section will be a death blow to many of the locators of oil claims in that State; not that individual locators in Wyoming will receive a lease under this section, but they will have to depend upon the Standard Oil Co. for the refining of their product. The information that comes to me may be wrong, but, as I state, I have received at least a dozen letters, and I think more, from citizens of Wyoming, men whom I know, men who have located oil claims, who have lived in Wyoming, who have worked the oil fields of Wyoming, who are interested in Wyoming and in the development of the oil in the State, and they tell me that the statement I have made in relation to the effect of section 16 is correct. Personally I do not know whether it is or not; but I do know that if such were the case the Senator from Nevada would want an amendment to section 16 that would prevent it. I know him well enough to know that.

Mr. PITTMAN. With the courtesy of the Senator from Idaho, I will state that there is no question about that, so far as I am concerned, or any other member of the committee.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit a suggestion, I do not know the facts well enough to cast an intelligent vote on this bill. Like the Senator from Idaho, I am seeking light. While I am a member of the Committee on Public Lands, my duties at the time this particular measure was before it held me elsewhere.

If it is true that the condition in those segregated lands known as the naval reserve in California, about which all of us heard so much before the committee, is so different from the condition in Wyoming, I wonder if it would not be possible to let section 16, if that meets the California conditions perfectly, apply to the California conditions, and see if out of the real facts surrounding the Wyoming situation we may not, in the discussion of this bill, develop such facts as to make the law apply satisfactorily to those people?

As the Senator says—I have no hesitation in referring to anything written to me—I have one leter from Cheyenne, Wyo., signed by Mr. Robert G. Porter, secretary of the Rocky Mountain Division of the Roxana Petroleum Co. of Oklahoma, in which he says that this provision hands over absolutely to the Standard Oil Co. the greater proportion of the oil fields of Wyoming. I do not know anything about it. I know that no member of the Committee on Public Lands wants to hand over to the Standard Oil Co. anything except what it deserves. If it does not deserve it, no member of the committee would think for a moment of permitting this bill to have that effect.

I was only suggesting here to those better acquainted with the facts than I am whether we might not meet the California situation with section 16, if it fits it, and if the Wyoming situation is so entirely different, whether we might not apply a proper remedy to the conditions in Wyoming.

Mr. SMOOT. Mr. President, I should like to say to the Senator that Arizona needs as much relief as California does. I will say to the Senator from Nevada that I received this morning a letter from Wyoming, stating that a committee is on the way, and expects to be here to-morrow, to present the Wyoming oil locators' side of this controversy. I judge from the letter that they have suggestions to offer so as to cover the Wyoming situation. As the bill will not pass until Monday, anyhow, I certainly shall take time, if they come to my office, to listen to what they have to say as to suggested amendments to this section.

Mr. PITTMAN. Mr. President, I think this committee for four years has sought light. We have had about 25 or 30 hearings during that time on this subject. The doors have always been open. This is about the fourth bill we have had. We have had remedial legislation in all of them. I am always willing to listen, as the Senator from Utah is, and I will listen again; and while I have received some protests against this, so far as Wyoming is concerned, I have received no suggestions as to amendments from any of the Wyoming people. I do know that there are two sides to the thing in Wyoming, as there are everywhere else. In fact, there were some people who came here and wanted us to put in the bill the decision of one of the lower courts, and say that that should be the law, to avoid the necessity of an appeal. I might say that that did not appeal to any member of the committee. It was not even suggested.

Mr. SMITH of Arizona. But I think the letter I have received might give the Senator some light, for it closes by saying:

> In view of these facts—

That is, that the Standard Oil Co. was going to get all the valuable oil lands in Wyoming—

> In view of these facts, which this company is ready to substantiate, I urge you to support such amendment of the bill as will give non-Standard Oil companies an even chance, and, failing in having such an amendment passed, to oppose the passage of the bill.

Mr. PITTMAN. Has the Senator from Arizona an amendment with him that will give non-Standard Oil companies an equal chance?

Mr. SMITH of Arizona. That was all the suggestion made to me. They did not suggest what amendment should be made.

Mr. BORAH. Of course these people assumed that we, being here in the business of legislation, know the kind of an amendment that will give them relief.

Mr. PITTMAN. There are very few special pleaders here.

Mr. BORAH. Mr. President, I want to say to the Senator in charge of the bill that if the statement of facts which has been given to me this morning by residents of Wyoming—men who are here now and ready to be heard and anxious to be heard, and will have their amendments ready as soon as they can have time to present them to some one who may see fit to present them here—if the state of facts which they have given to me is correct, we are legislating out a great number of bona fide locators, and it so happens that those men whom we are legislating out are non-Standard Oil men. If, on the other hand, the bill goes through as it is, it will give peculiar and particular protection to the Midwest Refining Co., which, as I am informed, is a subsidiary of the Standard Oil Co., and will protect their property without any further litigation at all.

I need not say that I know that if the committee had those facts the committee would not indorse this measure. I think it is up to us to get those facts and have them here before we pass the bill. The men are here on the ground ready to give the facts, and I would be greatly disappointed if they did not give the facts in such a way as to impress those in charge of the bill that there should be a radical amendment to sections 16 and 17 and also section 39.

Mr. PITTMAN. I should like to ask the Senator from Idaho if he has any suggestion to make with regard to amending the paragraph that I read, giving priority to bona fide locators prior to withdrawal who had desisted from further work during the withdrawal by reason of such withdrawal?

Mr. BORAH. On page 15?

Mr. PITTMAN. On page 15. Have you any suggestion to make as to an amendment to that proviso, which was intended to take care of what the Senator now has in mind?

Mr. BORAH. The only suggestion I have to make at the present time in regard to it, as I carry the facts given to me, is as to the term of years. I would not want to commit myself, because I am proceeding upon a state of facts given to me within the last two hours and I am of the opinion that that could be remedied by a change of the year.

Mr. PITTMAN. That was the object of that provision. It was to protect bona fide locators who made their locations prior to the withdrawal of 1909, but who made no discovery, and who desisted from work leading to a discovery by reason of such order. It was intended to protect the very class of locators the Senator has in mind. As I said, five years was put on here in the Senate the other day. The Senator from Pennsylvania [Mr. PENROSE] offered the amendment for five years after talking with Mr. Mitchell, one of the Wyoming locators, who is complaining that he may lose rights under section 15. I assumed the matter was in a shape satisfactory to him.

Mr. BORAH. Mr. President, I could not suggest the actual number of years at this time, but I will be able to do so before the bill is taken up to-morrow morning. I frankly concede that I am proceeding upon a state of facts which I have not had time to investigate thoroughly or to master thoroughly, but I thought it worth while to call it to the attention of the Senator, and I shall later undertake to give the facts as they were related to me by this committee.

Mr. SMOOT. I wish to ask the Senator from California [Mr. PHELAN] a question. He has entered the Chamber. Do I understand that the Senator from California desires a reconsideration of the amendment in section 16, which struck out,

on line 15, the words "or within naval petroleum reserve No. 2," and on page 13, beginning with line 15, "*Provided further*," and also the next proviso down to and including the word "Wyoming," in line 24? I will say to the Senator those were the amendments offered by the Senator from Virginia [Mr. SWANSON].

Mr. PHELAN. I have no reason for any change of the view that I expressed prior to the recess, that whereas I was opposed to the elimination of those words which would bar the owners in naval reserve No. 2 from the benefit of the act, still it seemed to be conceded by all interested in the passage of a bill for the development of the resources outside of the naval reserve that they could afford to wait, and the Senator from Virginia [Mr. SWANSON], who is not present, promised at the beginning of this session to propose his amendment. I do not believe he has prepared his amendment. I spoke to him yesterday. When he proposes the amendment, I think it is going to take the form of a separate bill, and that would be a wise and proper time for me to express my views on behalf of those who are interested in the State of California. But as the bill stands now amended, with the elimination of those provisions, I am ready to support it. There is no opposition from California. They only want a larger area included, so far as I understand the situation.

Mr. SMOOT. The only reason why I asked the Senator the question was this, that the provisions of section 16 were written to take care of the oil locations in naval reserve No. 2 in California. The wording of it was drawn in such a way that it covered all such cases. The provision affecting naval reserve No. 2 is stricken out, and the only question in my mind now is whether the wording of section 16 will cover the Wyoming locations. Many locators are fearful it will not. That is why I asked the Senator the question as to what attitude he was going to take in relation to this amendment.

Mr. PHELAN. The Senator from Nevada [Mr. PITTMAN] is in charge of the bill and can answer the question.

Mr. PITTMAN. Mr. President, section 16 does not relate wholly to naval reserve No. 2, and never did relate wholly to naval reserve No. 2. It related to all withdrawn land, and there are ten times as many withdrawn lands in California outside of the naval reserve as there are inside of the naval reserve.

Mr. SMOOT. The Senator misunderstood me or else I made a statement I should not have made. What I intended to say was that the wording of section 16 was peculiarly fitted to the oil location in naval reserve No. 2, located in California. In other words, the California people who were interested in procuring relief legislation drew section 16 as it is now worded with a view of taking care of those who had locations within that reserve. Now, the Wyoming fields are somewhat different, so I am informed by the men who made the locations in those fields, and the wording of section 16 does not bring the relief to them that they desire.

Mr. PITTMAN. The wording of the section is not peculiar to naval reserve No. 2 or any other reserve. It was not even peculiar to California. Let me explain. Oil claims have heretofore been acquired under the placer mining act. Locators would mark out the boundaries on the surface of the ground and then sink a well until they discovered oil. It generally took them several months after the claim was located on the ground before they discovered oil. It was not a valid location until they did discover oil. There was a period of several months between the time the claim was marked on the ground and the time they discovered oil.

Now, what happened? Prior to 1909, under the mining act, men who located placer-mining claims in California commenced to sink for oil. President Taft, by the advice of the Department of the Interior, issued an order withdrawing all those lands from prospecting and location under the placer-mining act. Now, what position did that leave those locators in? It left them in a position where they had lawfully commenced work prior to withdrawal and they were lawfully working at the time of the withdrawal, but after the withdrawal, not having yet made a discovery, although they may have expended $50,000 in their work, all their work was for naught, and their right terminated.

Now, what was the result? They questioned the right of the President of the United States to dispose of the public lands without authority of Congress. As I said before, the ablest attorneys of this country gave it as their opinion that the President had no such power. In fact, the lower courts in deciding the question decided that the President had no such power. Then after those decisions and upon the advice of those able attorneys, and upon the advice given publicly on the floor of this body by Senators of the United States, they continued their work. Some of them have expended as high as $3,000,000, the testimony before the Public Lands Committee shows, on that character of land. But that character of land is not embraced in this oil naval reserve alone. Cases of that character existed all over California and all over Wyoming. I have been informed. That is what I mean when I say that the section is not peculiar to the naval reserve; it is only peculiar to that state of facts.

What was the result? The result was that the Pickett Act came on in 1910 to remedy that very condition, and the Pickett Act said what? It said that notwithstanding the withdrawal of Mr. Taft any association of persons who were actually developing oil claims at the time the act was passed should have a right to continue that development, and when they struck oil they might get not a preferential lease but that they would receive a patent to every 160 acres that they got oil upon, no matter how many of such tracts they had so located and developed. That was the mature, deliberate act of Congress in 1910. Congress did that because it felt that these oil prospectors had been done an injustice by Mr. Taft in the withdrawal order.

Then, why has not the Pickett Act satisfied conditions? Here is the reason: Because the Department of Justice in its efforts to take these oil lands away from the men who had discovered the oil has forced on the lower courts a construction of that act which takes out of it all the remedy that Congress intended to give them.

Now, how did they do it? They did it in this way: The act states that the work shall be prosecuted with due diligence to discovery. What did they hold "due diligence" to mean? They held that due diligence was practically continuous work without regard to the conditions that might surround such work. They went so far as to hold that.

Mr. BORAH. What court held that? The lower court? It never went up?

Mr. PITTMAN. No; the lower court held it. I am talking about the lower court. I am glad that the circuit court of appeals has reversed all that the lower court held in construing due diligence to mean continuous work. That is practically what they held. Not only that, but they went further. The court held, under the instruction of the Department of Justice, that the work had to be actual drilling work; that if a man was not actually drilling for oil on the day the act was passed he did not come under the remedy.

They went further than that. They held that he might be laying a water line for many miles to bring in the water that was essential to drilling operations, and yet such act on his part would not constitute due diligence in the prosecution of that work leading to a discovery. In other words, the Department of Justice so construed the Pickett Act as to take out of it any and all remedies, and the lower court sustained it.

Now, then, what was the result? We start in to pass an act that will open up the 8,000,000 acres of oil lands in this country and the 44,000,000 acres of coal lands.

Mr. TOWNSEND. May I ask the Senator a question?

Mr. PITTMAN. Certainly.

Mr. TOWNSEND. Was not the case the Senator refers to appealed? Has not the superior court passed upon that very proposition?

Mr. PITTMAN. It has in another case. In the case I have in mind it has not, but it has passed on the same question in two other cases that went up from naval reserve No. 2. There the circuit court of appeals reversed the lower court and discharged the receiver. It set aside the strict construction that was put on it by the Department of Justice and by the lower court and gave it a reasonable, intelligent construction, such as was intended by Congress.

But we found ourselves in this position: We were ready to legislate with regard to these withdrawn areas. We were going to go in and do it by a leasing bill. We were going to lease some of this very land that somebody else had developed and which subsequent acts of Congress have attempted to grant to them. It was urged before the committee that it would be unfair to lease to an absolute stranger a piece of land that some one else in good faith had demonstrated to be oil land at the expense of many thousands of dollars. The committee took that view of it. The chaotic condition that existed with regard to all this development, the doubt with regard to Mr. Taft's power to make the withdrawals, the second authorization by Congress in 1910, the passage of the Pickett Act in 1910, attempting absolutely to exclude the men who were prospectors there from the operation of the withdrawal, the action of the court in setting aside the pure intent of Congress led our committee to say that in leasing this land we should give a preference right to the man who in good faith had asserted the

right under the mining laws of the United States prior to the withdrawal and who had continued until he got oil.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. PITTMAN. I do.

Mr. KELLOGG. I understand it to be the fact, and I would like to have the Senator correct me if it is not, that the Supreme Court of the United States afterwards held that the President had an implied power to withdraw the land.

Mr. PITTMAN. That is correct.

Mr. KELLOGG. That question is settled?

Mr. PITTMAN. That is settled.

Mr. KELLOGG. But the court has not passed yet upon the right of claimants who in good faith prosecuted their claims and performed work prior to the withdrawal except in the cases under the Pickett Act in California? Is that correct?

Mr. PITTMAN. Yes; that is, under the Pickett Act. That situation, as I said, led the committee to diverge from its main purpose, which was to pass an act to open up coal and oil lands that had been withdrawn. It was hard to resist the appeals of hundreds of men who had put everything on earth they had in the development of these oil lands when by the passage of this act, without remedy, they would be ruined.

Mr. BORAH. The Senator is describing a condition which is sought to be remedied, but, as I said a few moments ago, my opinion is that a state of facts exists which the bill as drawn does not include—that of the men who went there in good faith and expended their means while some others came in who had not expended their means in the development of this territory. In other words, the pioneer in these oil fields is not being protected under this bill sufficiently. Now, the man who is being protected is the man who came after the pioneer had been discouraged and who, with his assistants, got the pioneer out of the district. He is the man who is now being protected under the bill.

Mr. PITTMAN. Mr. President, there are two classes of pioneers. There is one pioneer who did not have the means to sink an oil well, and there is another pioneer who did have the means to sink an oil well. The committee believed that both of them should be protected. One of them should be protected because his condition should not be taken advantage of as long as he was doing all that the law required him to do at the time of the withdrawal, and the other should be protected because he did all he could do under the law and actually discovered oil.

Now, this is the first bill I know of, and there have been three of this character in Congress, that has had a provision in it protecting the man who actually obeyed the withdrawal order of 1909. I believe that that was brought about largely through the junior Senator from Wyoming [Mr. KENDRICK]. In fact, I know it was brought about through the junior Senator from Wyoming. He urged before the committee the very thing that the Senator from Idaho [Mr. BORAH] is now urging, the protection of the pioneer. He urged that there was a class of locators out there who had not asked the advice of attorneys with regard to the withdrawal order of Mr. Taft, but who had obeyed that withdrawal order implicitly, and by reason of such obedience should be recognized when the leasing bill was passed as preferential lessees. Therefore we put into this act what I have before read and which I wish to read once more in conclusion. It is brief and I think it covers it:

And any person who at the time of any withdrawal order heretofore made was such bona fide occupant or claimant of oil or gas bearing lands within such withdrawn areas, other than lands reserved for the use of the Navy, and who has performed all acts necessary to a valid mining location thereof, except to make a discovery, if the claim was initiated within less than five years prior to the withdrawal, and such claimant had performed a reasonable amount of work preparatory and essential to the sinking of a well or wells, and who because of and in obedience to such order desisted from the prosecution of work for the development of such claim, shall have a preference right to lease the same under the provisions of this act.

Mr. STERLING. I note the Senator read "five years prior to the withdrawal" instead of three years.

Mr. PITTMAN. I will state to the Senator from South Dakota that he was not here at the time that amendment was adopted. The Senator from Pennsylvania [Mr. PENROSE] offered that as an amendment and, as I have stated before, the amendment was passed because it was doubted whether three years would include all of the locations that were made in good faith prior to the withdrawal. The Senator from Idaho is informed that five years will not protect all those whom we seek by this provision to protect and he is going to investigate and inform us as to the facts. That is all I desire to say on the subject.

Mr. STERLING. I should like to ask the Senator from Idaho whether there is any objection to any other part of section 17 as it appears on page 15 other than the time limit there fixed? Outside of the time limit does it not cover all imaginable cases that would arise in his State or in the State of Wyoming or in any other State, for that matter?

Mr. BORAH. Mr. President, I could not answer that question, so far as I am individually concerned. Reading the amendment over, without any knowledge of the facts and the ground, I should not have raised any objection to it at present. But as I said a moment ago, a committee came to my office this morning from Wyoming and from the West giving me a state of facts which I obtained only a few moments before I came into the Chamber. I am not able to state just what that state of facts will show or to what extent, if any, there should be an amendment in addition to the change of the years. I do know there will be a desire to change the number of years. I do not know whether there will be a request for any further change in that section or not.

Mr. KENDRICK obtained the floor.

Mr. VARDAMAN. If the Senator from Wyoming will yield to me, I am compelled to leave the Chamber to go to a committee meeting. I should like to ask the Senator in charge of the bill if he expects to dispose of it this afternoon?

Mr. PITTMAN. I will state to the Senator from Mississippi that I do not believe we will reach a vote to-day.

Mr. GALLINGER. There is a unanimous-consent agreement to vote upon it on Monday.

Mr. VARDAMAN. I was requested to ascertain that fact from the Senator in charge of the bill. I should like to know so I can leave the Chamber.

Mr. PITTMAN. There will be no vote on the bill to-day.

The PRESIDING OFFICER. The unanimous-consent agreement states that not later than 5 o'clock on Monday the final vote shall be taken. The Senator from Wyoming will proceed.

Mr. KENDRICK. Mr. President, the Senator from Utah [Mr. SMOOT] asked a question as to whether or not the bill is satisfactory to the people of Wyoming. In answer to that I will say that the people of my State are anxious to have a leasing bill of some kind.

The bill has two features, one of a remedial nature and another providing for the leasing of public lands that have not heretofore been located. We are greatly concerned in the remedial legislation. We are just as much concerned in having some kind of constructive legislation that will bring order out of chaos at this time.

The presence in my State, well known for many, many years, of great bodies of oil, and the absence of any market for the same created there something of a peculiar condition. As far back as 30 years ago there were filings made upon these oil fields, and I have no doubt most of those filings were made in good faith, but the absence of a market, the lack of opportunity to secure results from the drilling of oil wells or the opening up of oil fields, discouraged the people, many of whom abandoned their filings and went away.

In some cases, no doubt, as may be proven, many of these original locators are still on the ground and have been trying to the best of their ability to go on with their development.

When section 17 was incorporated in the bill we asked to have it adopted without limitation as to time, but a protest against this lack of limitation made a change seem desirable. It was pointed out that since some of the original filings dated back, as I have said, for many years, and since some of them had been abandoned, the land involved may have been taken up by other persons, who had gone in upon it in good faith and who had undertaken development. This condition seemed to make it necessary to adopt some sort of a time limitation. But, as the Senator from Idaho has said, I am not sure that five years is sufficient to cover all legitimate and bona fide claims. A little inquiry into that on the part of those who are contending that it is not may, however, clear up that particular situation.

Section 16 originally applied to a naval reserve, but since the naval reserve has been eliminated I see no reason why any protection afforded under that paragraph is not to be found under section 17. But, however that may be, I have no objection particularly to this section. There are people in my State who object to it, and there are people who favor it; but, as I have understood this section, its purpose has been to safeguard only the rights of those who have actually brought in producing oil wells.

Mr. SMOOT. Mr. President, will the Senator from Wyoming yield to me?

Mr. KENDRICK. Yes.

Mr. SMOOT. Does the Senator claim that there is a limitation upon the amount of acreage that an individual may lease under section 16?

Mr. KENDRICK. I have taken no thought of that, Mr. President. I was referring only to limitation of time.

Mr. SMOOT. Limitation of time is not the objection to section 16, but that there is no limitation whatever placed upon the acreage. If the locations have been made as provided for in section 16, or if the restrictions of section 33 apply to section 16, then I would say there would be no special objection to it; but as that section now reads, and as the bill is before the Senate, in my opinion there is no restriction whatever as to the number of acres that an individual may lease under the provisions of this bill if the locations are made according to the bill itself, whereas as to anyone locating lands hereafter the restriction is to 2,580 acres, which is the maximum amount; but under section 16 one individual, if the location were made before the withdrawal order, could lease all of the lands so located and thus, I am informed, have a virtual monopoly of the oil lands of that State. That is the objection to section 16.

Mr. KENDRICK. Well, Mr. President, so far as I can understand the meaning of the bill, no measure that we could pass here would invalidate any legal right that any locator had already established, and it might well be that section 33, to which the Senator refers, might exclude application to rights protected under section 17, because those rights have already been established.

The remedial part of this bill is intended to prevent, as I have stated before on this floor, a situation under which by this measure we might take away from citizens of my State rights that they have secured under existing laws. That we do not want to do.

There are other features of the bill that seem to me to be possible of correction, and all within the limits of the time allowed us. I believe there is a real ambiguity in the paragraph providing for a limitation of holdings. If so, it should be corrected by amendment.

Another feature of the bill which seems now to have a doubtful meaning relates to the resale and disposition of oil, which might create just the condition in my State that it is now intended to avoid—of monopoly. As an illustration, it prevents any interest being held by a producer of oil in any selling or negotiating agency whatever. In Wyoming, with an immense production of oil, there is only one refinery, and if that provision remains in the bill it might establish a condition under which no other refinery could be built.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. KENDRICK. I yield.

Mr. SMOOT. I have no amendment drawn to section 15, nor has one been presented to that section, which would be satisfactory to the Wyoming people who are in Washington and those who will arrive in Washington to-morrow, as I am informed; but it does seem to me that we ought, in section 16, at least to put a limitation upon the lands that can be leased. As it is to-day, suppose one individual, or one acting for a corporation, I will say, had 9,000 or 10,000 acres of oil land in the State of Wyoming. That individual, under the provisions of the bill, would have oil lands enough to erect a refinery, whereas if he only had 2,580 acres, which are provided as the maximum under the leasing system, he could not afford to go to the expense of refining the oil produced from that amount of oil land. The result, therefore, will be, if section 16 remains as it is, that the Standard Oil Co. will control the price of all the oil produced in Wyoming, because of the fact that they will be about the only ones who can afford to erect a refinery.

Mr. SMITH of Arizona. And the pipe lines.

Mr. SMOOT. There is, I believe, only one small pipe line in Wyoming, outside of those that are controlled now by that corporation. I know the Senator from Wyoming [Mr. KENDRICK] does not want that to apply to his State, and I know that he would not be in favor of such legislation. I am also quite certain, from the information that I have received, that that will be the case unless we amend section 16 of the bill.

Mr. KENDRICK. Mr. President, I am strongly opposed to monopoly, especially in Wyoming. I know the situation and I know the extreme difficulty of avoiding it. Acting for two years as chairman of our State land board, I was convinced that it is practically an impossibility to avoid having oil holdings gravitate toward big companies; and I believe that this committee has labored diligently to try to avoid that very situation. If there is an error in that particular section that grants any rights that have not been heretofore held and enjoyed, I myself think that the same limitation certainly should be placed on those holdings that apply in other paragraphs of the bill. However, I had the impression as I read the bill that it referred only to those who already held rights and could not be limited.

Mr. GALLINGER. Mr. President, will the Senator from Wyoming permit an interruption?

Mr. KENDRICK. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, when this bill was being considered a few days ago I made a suggestion that I, as then informed, should probably vote against the bill. If I should do that, it would be the first time during my service here that I voted against any bill that western Senators wanted, for I have always been in sympathy with the West, and I have had little sympathy for the wholesale method that has been adopted in creating so-called forest reserves throughout the western country. I want to see that section of our country developed in every proper way. After having made that statement my attention was called to the bill by a Senator, showing me that, in addition to the leasing system, sales were allowed and that it was a different bill from the one that was here a year ago, which I took occasion to oppose. After looking the bill over with that Senator I concluded to do what I seldom do in the Senate, and that is to frankly announce that I had changed my mind and would vote for the bill; but in this morning's mail I received a communication, at which I casually glanced and am not prepared to state definitely what is in it, but one point made was that this legislation would permit the Standard Oil Co. to get a monopoly of the oil in those States that it is supposed will be benefited by this legislation.

I am not in the habit of getting frightened at the words "Standard Oil," but if there is any ground for that charge—and I shall examine the letter or document that came to me more particularly when I go to my committee room—why, of course, I would not vote for the bill, and I do not believe the Senator from Wyoming [Mr. KENDRICK] would vote for it if that is a fact. I think it ought to be cleared up, whether there is any ground for that charge, which is made by some one who claims to know a good deal about the matter. I would be glad, indeed, to have the Senator from Wyoming give his opinion on the point whether we are apparently legislating for the people, but are, as a matter of fact, legislating for a great corporation. My vote, while it may not be of any consequence, would be largely governed by the answer that I may receive to that question.

I thank the Senator for yielding to me.

Mr. KENDRICK. In answering the Senator's question I will say to him that if this measure is intended to provide particular legislation for any company or corporation, I am not advised of it any further than that one operator claims that another is getting an advantage. I have asked for specific information on all these points, but have been unable to obtain anything of a definite nature to show that there is any privilege granted by this bill that should not be granted, or that it is designed to favor any association, organization, or corporation. All of the changes that I have asked for in the bill have been in the way of remedial legislation for the sole and only purpose of protecting rights already established in good faith. I understand from my short experience here the difficulties that have been encountered by the committee in trying to get final action on this measure. I am anxious, because of the importance to my State of having a definite policy adopted, and to see all differences adjusted. Thousands of people in my State are locating oil lands every day, and the complications grow worse instead of better.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. KENDRICK. I yield to the Senator.

Mr. KELLOGG. I should like to ask a question, and preliminary to the question I should like to make a brief statement.

I am not familiar with the hearings which took place prior to April 2, 1917, but I do not remember any testimony of witnesses appearing before the committee which gave the committee any information as to particular holdings of any corporation or individuals in the State of Wyoming. Within the last few days, however, I have received communications which would indicate a state of facts such as suggested by the Senator from Utah, that one corporation did own a vast quantity of locations. So far as I know, that state of facts did not appear to the committee. Is there any objection, so far as the Senator from Wyoming is concerned, to applying to section 16 the same limitation as to acreage which is applied to other locations?

Mr. KENDRICK. Mr. President, in answer to that question I will say to the Senator that I would be glad to have such restrictions incorporated in the section so far as they would not disturb vested and established rights.

Mr. JOHNSON of South Dakota. Mr. President, I wish to ask the Senator from Wyoming before he takes his seat, or of the Senator who has the bill in charge, a question with regard

to section 2 along the same line as the question suggested by the senior Senator from New Hampshire [Mr. GALLINGER]. As I read section 2 it gives to an association or a corporation rights that it does not give to individuals, so far as the purchase of coal land is concerned.

Mr. PITTMAN. That has been amended.

Mr. SHAFROTH. The word "citizen" has been inserted, so as to read "That any citizen or association," and so forth.

Mr. JOHNSON of South Dakota. Very well. I did not know it had been amended. The bill on my desk does not show the amendment, but I am glad to get the information.

Mr. BORAH. Mr. President, I desire to have printed in the RECORD, so that they may be there for the consideration of those who are not able to get the bill, sections 16, 17, and 33.

The PRESIDING OFFICER. Does the Senator mean as they appear in the bill as it came from the committee or as at present amended?

Mr. BORAH. As amended at the present time.

The PRESIDING OFFICER. Without objection, the sections suggested, as amended, will be printed in the RECORD.

The sections referred to are as follows:

SEC. 16. That upon relinquishment to the United States within 90 days from the date of this act or within 90 days after final denial or withdrawal of application for patent, of any claim or subdivision thereof asserted under the mining laws prior to July 3, 1910, to any unpatented oil or gas lands included in any order of withdrawal, the claimant or his successor in interest shall be entitled to a lease for each asserted mineral location of 160 acres or less or any subdivision thereof upon which such claim is based and upon which said claimant, his predecessors in interest, or those claiming through or under him, have, prior to the date of this act, drilled one or more producing oil or gas wells, such lease to be upon a royalty of one-eighth of the production of oil or gas produced and saved therefrom after first deducting from the gross production such oil or gas as may be used in development and operating such land, and otherwise on the same terms and conditions as other oil and gas leases granted under the provisions of this act: *Provided, however*, That no claimant who has been guilty of fraud in the location of any oil claim or gas-bearing land shall be entitled to any of the benefits of this section, nor shall his assignee be entitled thereto unless he affirmatively shows that prior to the passage of this act he purchased such lands in good faith, for a valuable consideration and without actual knowledge of such fraud: *Provided further*, That upon the issuance of said lease and prior to the delivery thereof the applicant therefor shall pay to the United States for one-eighth of the oil or gas produced and saved from the lands included in said claim at the current field price at the time of production, which shall be in full satisfaction for all oil or gas extracted from said land prior to said lease: *And provided further*, That none of the provisions of this section or of this act shall be applicable to or affect lands or minerals included within the limits of any naval petroleum reserve: *Provided further*, That the provisions of this section shall be applicable in all cases provided for herein, including cases where court actions have heretofore commenced or may hereafter be commenced by the United States Government affecting the title to such lands or the product thereof: *Provided, further*, That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who prior to withdrawal had complied with the requirements of the mining laws, except as to discovery of oil or gas in wells, and who prior to withdrawal expended not less than $1,000 in permanent improvements on or for each location, shall be entitled to the benefits of this section.

SEC. 17. That the rights of any person who on the 1st day of August, 1917, was, and ever since has been, a bona fide occupant, or claimant of oil or gas bearing lands open to appropriation as such under existing law, and who has performed all acts necessary to a valid mining location thereof except to make a discovery, and who on and prior to said date was preparing to develop such lands, and to discover oil or gas therein, and who shall thereafter continue in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by this act so long as such occupant or claimant shall continue in the diligent prosecution of said work. Such occupant or claimant so continuing shall be entitled to develop and prosecute his claim for patent and to have the same as provided by existing law for such locations not exceeding in the aggregate 2,560 acres.

And any person who at the time of any withdrawal order heretofore made was a bona fide occupant or claimant of oil or gas bearing lands within such withdrawn area, other than lands reserved for the use of the Navy, and who has performed all acts necessary to a valid mining location thereof, except to make a discovery, if the claim was initiated within less than five years prior to the withdrawal, and such claimant had performed a reasonable amount of work preparatory and essential to the sinking of a well or wells, and who because of and in obedience to such order desisted from the prosecution of work for the development of such claim, shall have a preference right to lease the same under the provisions of this act: *Provided*, That such preference shall not extend to any lands included in any locations determined to be valid and entitled to proceed to patent under the mining laws existing at or prior to the passage of this act: *Provided further*, That if any claimant is given a preference right to lease lands upon which wells have been sunk to oil by other parties, the Secretary of the Interior may in his discretion require such lessee to pay to the party or parties who sunk such well or wells, or to the United States, the reasonable cost of such well or wells.

SEC. 33. That no person, association, or corporation, except as herein provided, shall be permitted to take or hold any interest, as a stockholder or otherwise, in leases of any one of the deposits herein named and described, during the life of such leases covering in the aggregate an area greater than 2,560 acres, and any interest held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership or interest hereby forbidden, which may be acquired by descent, will, judgment, or decree, may be held for two years and not longer after its acquisition.

Mr. BORAH. Mr. President, I desire to make a single observation before I sit down. I find that a good many provisions in this bill are intended to prevent monopoly in production, in the ownership of the soil, and in lease holdings, in the first instance, but I do not find any sufficient safeguards against complete monopoly in refining. While there are provisions in the bill which, if they would operate upon entirely unoccupied territory, would have that tendency, yet, by reason of the peculiar facts which exist in the particular territory, they will not have that tendency or will not have the effect, in my judgment, of limiting monopoly with reference to refining. I think that there ought to be some such amendment as I shall propose later, and which I hope the committee will accept.

Mr. PITTMAN. I think that section 34 was intended by the committee to apply to refiners. This is the language used in that section:

SEC. 34. That no person, association, or corporation holding a lease under the provisions of this act shall, except as herein provided, hold any interest, direct or indirect, in any agency, corporate or otherwise, engaged in the resale of coal, phosphate, oil, gas, potassium, or sodium purchased from such lessee, or enter into any arrangement, agreement, or other device to enhance the price of such minerals or products, and any violation of the provisions of this section shall be ground for the forfeiture of the lease or interest held.

I think the committee had in mind at the time that the word "agency" covered a refinery. However, I will say that the suggestion of the Senator from Idaho has considerable merit, for I doubt whether it does include refineries. At this point let me ask the Senator from Idaho, while he is considering his amendment on that particular subject, to be also considering a provision for permitting independent oil operators to unite for the purpose of putting up their own refineries.

Mr. BORAH. I think that kind of a provision ought to be in the bill, because its absence is one reason why the refining may be merged into a complete monopoly. The holdings upon the part of the independent owners are such that they can not, unless they are permitted to join together, put up refineries, but they would necessarily have to sell out or surrender to those who could put them up.

Mr. PITTMAN. The object of the committee was this: It desired to prevent the control of oil fields through a refinery; in other words, it desired to prevent corporations owning the oil really owning the refineries—to prevent a combination through the refineries. The provisions that are in the bill now are the same provisions that were in previous bills; the committee merely redrafted the bill and put them in; in other words, the provisions attempting to provide against monopoly which are now in the bill were in the bill that passed the Senate at one time, and they were in the bill that twice passed the House of Representatives.

While this question has been once or twice called to the attention of the committee, they seemed to think it was of more importance to prevent a combination of oil operators in a refinery than to permit them to organize a refinery, but I will call the attention of the Senator from Idaho and of other Senators to the fact that in the bill we passed recently, in fact, at the last session, providing for the development of potash, we expressly provided that the lessees under the act might unite in establishing a refinery, provided that no lessee should have to exceed a 10 per cent interest in such refinery. I simply lay that down here as a suggestion for Senators who are particularly looking into the Wyoming situation.

As the Senator from Minnesota [Mr. KELLOGG] has said, the committee had no hearings on the Wyoming situation. I do not think the committee are advised about the details of the situation in Wyoming; they were simply advised over a period of four years with regard to general conditions; and, as I have before said, we attempted to legislate to meet those general conditions.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, I see in a brief which has been sent to me, signed by Mr. Benjamin F. Rice, to whom the Senator alluded some time ago in the debate, on page 11, after citing section 34, the following observation:

> From a practical standpoint, under the provisions of this section 34, the successful prospector on the public domain may not install a pipe line or refinery. This provision says that no person holding a lease under the provisions of the act may have any interest in any agency engaged in the resale of oil.
>
> Every pipe line in the United States which is a public carrier buys oil at the field of production and sells it at the refinery.
>
> Practically every refiner in the United States buys oil at the field of production, refines it, and sells it.
>
> The refinery and the pipe line are both, to an extent sufficient to bring them under the terms of this act, agencies engaged in the resale of oil.

Whether that is a proper interpretation of the effect of that section I do not know. If it is, it stands in the way of any

sort of competition against the Standard Oil Co. or any other great corporation or monopoly, if you please, in these fields.

Mr. KING. Mr. President, the other day in discussing this measure I called attention to the position taken by the Senator from California [Mr. PHELAN] with respect to section 16, as I recall. As I understood the Senator from Nevada [Mr. PITTMAN], an amendment has been accepted which eliminates in part, at least, this section or certain provisions of it from the bill. I ask the Senator from Nevada if that is correct, if the committee did accept certain suggestions made by the Senator from Virginia [Mr. SWANSON], the result of which was to eliminate from this section certain provisions in it with respect to the reserves?

Mr. PITTMAN. The Senator from Virginia moved to strike out in line 15 the words "or with naval petroleum reserve No. 2," and the motion was carried. That simply excludes the naval reserve from the operation of the act.

Mr. KING. That is naval reserve No. 2?

Mr. PITTMAN. Naval reserve No. 1 and naval reserve No. 3 had already been excluded, so that means that all naval reserves are excluded from the effects of this bill.

Mr. KELLOGG. Mr. President——

Mr. KING. I do not yield the floor. I yield for a question.

Mr. KELLOGG. I wish the Senator would state that again. We could not hear it.

Mr. PITTMAN. Before the holidays the Senator from Virginia [Mr. SWANSON] moved to strike out, on page 12, the words "within naval petroleum reserve numbered 2." The motion was carried. The effect of it, as I say, is to exclude all naval reserves from the operation of this act.

Mr. KING. Mr. President, I am not quite clear yet what the effect of this legislation is or what is designed by the committee with respect to those locations that have been made upon lands that have been withdrawn and characterized as "naval reserves"; but as I understand the situation in brief it is this: Under the provisions of this bill, persons who have made valid locations upon certain oil lands—if not valid before the passage of the Pickett Act, at least were rendered valid by the provisions of that act—are practically compelled to abandon or renounce their claims and to accept leases from the Government covering a portion only of such claims.

Mr. PITTMAN. I do not see how Congress could, by any act, accomplish that, and certainly it is not the desire of the committee. How can Congress take away any valid and existing right of a locator?

Mr. KING. That is exactly what I should like to know.

Mr. PITTMAN. Nor does the bill attempt to do so. The bill simply gives to a locator the privilege of surrendering his claim of title in lieu of a lease; and the reason for that is this: The committee believes that there are a great many claims that are legal which it is afraid will be held illegal under the rulings of the court and the prejudice against such locations. Therefore we have opened a door to partially save these people who, in the opinion of some of them, have been mistreated and will continue to be mistreated. We simply say to them: "You must surrender your claim of title and accept a lease if you are afraid to fight it out."

Mr. KING. But that extends only to those claims that are outside of the naval reserves?

Mr. PITTMAN. Oh, yes; undoubtedly. As far as the naval reserves are concerned, they are just in the position that they were before the passage of the bill.

Mr. KING. Permit me to inquire of the distinguished Senator from Nevada what is the purpose of the committee in dealing with those who are within the naval reserves? Is it to remit them to the courts or to subject them to the provisions of the bill threatened by the Senator from Virginia, which, he says, has for its object the condemnation of their holdings?

Mr. PITTMAN. I think they will be very largely remitted either to the mercy of the courts or to the Senator from Virginia in the first place, and to Congress in the second place.

Mr. KING. Does not the Senator think that while Congress is dealing with the subject of oil lands in a broad and comprehensive way, as this bill seeks to deal with them, that the rights of individuals upon the reserves, so called, ought to be determined and dealt with, so far as they can be by legislation, at the same time?

Mr. PITTMAN. I think so, and I have thought so for four years; and a great majority of our committee have for four years believed that the palpable injustice that had been done the people in this naval reserve, as well as outside, should be remedied at the same time that any general legislation was passed dealing with the whole subject. We have tried to do it; but, as has been stated here on the floor, we who are interested in opening up the 8,000,000 acres of oil land and the 44,000,000 acres of coal land have been forced to the conclusion, after four years' time, that we can not pass an act that has that in it. That is a humiliating admission, but it is the fact nevertheless; and we had to determine whether we preferred no legislation or legislation dealing with all the lands outside of the reserves.

Mind you, there are ten times as many sufferers outside of the reserves as there are in the naval reserves. We could do nothing for those in the reserves, and the question is whether we should do nothing for those outside of the reserves by attempting to pass a law with this provision in it. That is the position we are in, and it is a matter for each Senator to determine in his own mind what to do.

Mr. KING. Mr. President, I expressed the other day my condemnation of the policy of certain executive branches of the Government that has dealt with the public lands embraced within this bill and the method which has been pursued with respect to these oil lands. It seems to me that Congress can not maintain its self-respect if it permits executive subordinates of the Government to dictate the character of legislation which shall be enacted. The statement of the distinguished Senator from Nevada amounts to a confession that the Navy Department and Interior Department and other agencies of the Government has so dominated the legislative branch of the Government that we can not deal justly with claimants upon the public domain and that we can not deal with this subject in a just and fair manner.

Mr. SMITH of Arizona. Because we can not get enough votes.

Mr. PITTMAN and Mr. KELLOGG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and, if so, to whom?

Mr. KING. I yield to the Senator from Nevada.

Mr. PITTMAN. I ought to say that it is not by reason of any influence of the Department of the Interior that it has become necessary to strike this out, but by reason of the influence of other departments of the Government. The Department of the Interior was perfectly satisfied with treating individuals and citizens inside the naval reserves the same as it treated citizens outside of the naval reserves.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. KING. I yield to the Senator from Minnesota.

Mr. KELLOGG. I was under the impression that the Secretary of the Interior had recommended and was in favor of including the naval reserves in the bill. That was my understanding. Is that correct?

Mr. KING. I am very glad to know, Mr. President, that the Secretary of the Interior has taken the position just suggested by the two Senators. I have followed with a great deal of interest the administrative work of the present Secretary of the Interior. He has given to the great questions committed to his care the most earnest and conscientious consideration, and has treated the problems so important to our Nation and which demand solution at the hands of the Government in a broad and comprehensive manner. I think it may be truthfully stated that no Secretary of the Interior has been better equipped for the discharge of the high duties of that position than Secretary Lane, and none have had a keener appreciation of the importance of the work committed to this department. I have not always agreed with the policies of the present Secretary of the Interior or with the administrative work of many of the subordinates in this branch of the Government service.

There has been too much paternalism to meet my views, and some officials have been too persistent to augment the powers of the Federal Government. I have felt that the States more and more are becoming atrophied and that the executive branches of the Government have too often attempted to superimpose the Federal Government upon the State governments. I have not been in sympathy with some of the policies of the Interior Department which I think have unquestionably retarded the development of the West and precluded the opening of agricultural lands and the mineral wealth of our Nation. I understand that the Secretary of the Interior approves, in the main, of the provisions of this bill. I have heretofore stated that I disapprove of this bill and the policy which it seeks to inaugurate. I can not be reconciled to Federal landlordism and to the obnoxious paternal features found within sections of this measure. I can not assent to a policy that repeals the wise and beneficent system under which our Nation has prospered and sterile regions under the flag have grown into prosperous and splendid Commonwealths.

But I did not rise for the purpose of animadverting upon the change in policy proposed by this bill and the sweeping

away of the entire mineral-land system which has met with the general approval of the people of the West. I only rise for the purpose of calling attention to a few of the provisions in the pending measure and to seek from those having charge of the bill information as to the scope and meaning of the same. But, to recur to what I was stating a few moments ago, it occurs to me that some of the executive branches of the Government are either chloroforming Congress or terrifying the National Legislature so that its Members are unable to enact the legislation which the majority of the Members believe to be fair and just. If we are chloroformed, I express the hope that some wise physician with healing and neutralizing potions will administer to our infirmities and relieve us from the narcotizing effects of the poison, which has been so copiously administered. If we are terrified, then I venture the hope that some brave and valiant leader shall appear in our midst and inspire Congress with that spirit of duty that will enable it to perform its constitutional functions and by the assertion of some little wisdom attain the heights reached as the result of honorable service.

I can not comprehend the attitude of those who assert that the approval of some department is indispensable to the enactment of legislation.

While the recommendations of executive officers are desirable, the responsibility of legislation rests upon the Congress and it would be a base betrayal of the interests of the people if the legislative branch of the Government should shirk its responsibility and content itself with registering the edicts of the executive branch and constitute itself a mere echo of the wishes of the bureaus and departments of the Government.

I feel that we shall be dealing unjustly with those who have valuable locations within the naval reserves if we do not at this time and in this bill deal with the entire question. It would be a cowardly evasion of our responsibilities if, because some officials of the Navy Department or any other branch of the Government demand that we should abstain from legislating upon any question that was committed to our power, we conform our conduct to that view. If a given law is required by expediency and in the interest of justice, and it is within the power of Congress to enact the same, it should be passed regardless of the hostility upon the part of any bureau or any executive branch of the Government.

I have carefully read the splendid report submitted by the Senator from Nevada accompanying this bill. It is a severe and scathing arraignment of certain executive departments of the Government. In this report this language is employed:

The Navy Department has objected every time that such provision has been included in similar bills, and the controversy that was thus precipitated, as inconsequential as it was to the Government, has always prevented the passage of such bills. Although there are over 30,000 acres in naval reserve No. 2, only 7,680 are affected by such provision. Notwithstanding the insignificance of the dispute over this small tract of land, it is the opinion of the committee that the bill can not be passed without just settlement or compromise of such differences. * * *

AS TO RESERVE NO. 2.

In this oil reserve there are 7,680 acres of unpatented land that is affected by section 16 of this bill. Upon all of this land mining locations were made for oil prior to the first withdrawal by President Taft in 1909. On all of this land producing oil wells have been sunk by such claimants or their successors in interest, and all deraign their title from locations made prior to any withdrawal. On all of the claims in this said 7,680 acres of land producing oil wells had been developed prior to the reservation of said land for naval purposes in 1912.

Of the 7,680 acres, 2,080 acres have been clear listed for patent by the Department of the Interior; that is, the Department of the Interior, after a thorough investigation and trial, has finally held that such claimants have complied with the law entitling them to United States patent from the Government. Notwithstanding this determination by the Department of the Interior, which has sole jurisdiction in the matter, the Department of Justice, at the request of the Navy Department, is still seeking to prevent the Department of the Interior from issuing patent in accordance with its decree. This case is known as the Honolulu Oil Co. case. The Attorney General, in testifying before the Public Lands Committee of the Senate on February 16, 1916, said:

"In response to these assertions I have this to say: First, These suits were instituted—all of them, I believe—with the approval of the Interior Department, whose liberal view of the Pickett Act is reflected in its decision of the Honolulu Consolidated Oil Co.'s case.

"Second. The Honolulu case, I understand, is regarded by the Interior Department and by the attorneys of my department as a case supported by a state of facts far more favorable to the claimants than exist in any of the cases in suit."

The Attorney General in the foregoing statement was referring to the cases involving section 28 and section 2 as cases less favorable to the claimants than the Honolulu case. In fact, the testimony of the various witnesses of the Department of Justice, made before the various committees, clearly indicated that the Government not only considered such cases the weakest as far as the claimants were concerned, but held them up as examples of the fraud attempted to be perpetrated upon the Government. And yet these were the cases that the Circuit Court of Appeals has just decided so emphatically in favor of the claimants, a portion of the opinion of which is hereinbefore cited. These are the cases which involved the so-called "dummy entries" or "fraudulent entries" known as the McNamara and McLeod locations. The Government set up in such cases the fraud and attempted to prove it. The Government was not even able to produce sufficient evidence of fraud to justify the circuit court of appeals in retaining a receiver for the property. In other words, the Government could not even make out a prima facie case of fraud. What did the court say with regard to the allegation of fraud? The court in its opinion with regard to this issue says:

"Not only has no attack, so far as appears, been made by the Government on the register's final certificate of entry, but there is in these cases not the slightest showing of any fraud or lack of good faith at any time on the part of the appellants or of any of their predecessors in interest. True, the bills of the Government, which were verified by an agent upon information and belief, alleged that the location notices under which the appellants' claim were posted by 'mere dummies' to enable 'Defendant McLeod or some one else' to obtain the land; but that allegation was put in issue by positive denial under oath, and there was no undertaking whatever to sustain the charge."

This was the prize case of the Department of Justice in the naval reserve. It was the alleged facts in this case that gave grounds to the Department of Justice for most violent charges of fraud and corruption in the location of oil claims throughout the United States, charges that have been reiterated and published with the knowledge, and if not with the encouragement, certainly without the opposition of the Department of Justice. It has been the prejudice aroused by the pictures of fraud against the Government, painted in connection with the facts in this case, that have largely tended to prevent calm and intelligent consideration of legislation necessary to the development of the oil resources of this country.

Both the district court and the circuit court of appeals have decided against the Government with regard to the 640 acres included in section 2 in said naval reserve No. 2. First, on June 7, 1917, the United States District Court for the Southern District of California, Judge Bean presiding, upon a trial upon the merits, in a case wherein the Government was plaintiff and the claimants of the land defendants, held that while the claimants had not made discovery prior to the withdrawal order of 1910 at said time, they were in the diligent prosecution of work leading to a discovery, and subsequent to said date did discover oil, and therefore said claimants came within the remedial provisions of the Pickett Act and were entitled to patent for the land.

Prior, however, to such decision Judge Bean had appointed a receiver in the case, and from the decision appointing such receiver an appeal had been taken to the Ninth Circuit Court of Appeals. On the 29th day of August, 1917, the said circuit court of appeals in reviewing such appeal found as a fact that the claimants had complied with the law entitling them to the property and the receiver was discharged.

How can the Government hope to win the Honolulu Oil Co. case, which is admittedly the strongest case for the claimants, in the face of the decisions which have just been rendered and which are referred to in this report? The Government has not so far won a single case in oil reserve No. 2. The result of this litigation so far, which has covered a period of three or four years, is that the Government has expended large sums of money, is bankrupting men who have spent millions of dollars in a legitimate belief that they were entitled to develop unknown supplies of oil, and is retarding the production of oil in the known oil fields, that is so critically needed by the Government at the present time.

The chances of recovery by the Government are, to say the least, not encouraging. It is a condition in which an individual, being in the place of the Government, would be most apt to seek a favorable compromise. The committee has long sincerely and industriously sought such a compromise. The committee simply proposes that this land, which has already been developed by the claimants and the development of which must continue by reason of the geological and physical conditions, be leased by the Government to the claimants under the general provisions of the bill upon the payment by the lessee to the Government of a royalty of one-eighth of the oil. The language of the compromise provision contained in section 16 was prepared and submitted by the Interior Department at the request of a joint committee composed of members of the Public Lands Committee of the Senate and the Public Lands Committee of the House.

A compromise of this nature was authorized and directed by the Congress of the United States by an act approved August 24, 1914. By such act the Secretary of the Interior was expressly authorized to execute leases to applicants for patent for oil lands within withdrawn areas, both inside and outside of naval reserves, pending the determination of the application for such patents. The only distinction with regard to leases in naval reserves is that the royalty shall be placed in a naval fund. The Secretary of the Interior obeyed the instructions of the act with regard to such claims within reserved areas and executed leases, except to naval reserves. He declined to execute such leases within naval reserves, in obedience to the act, solely by reason of the request of the Navy Department that no such leases be executed. In discussing the intent of Congress in the passage of this act, the Attorney General, in testifying before the Public Lands Committee of the Senate on June 27, 1917, said:

"The ATTORNEY GENERAL. Under the act of 1914 he was given power to lease. I want to say right in this connection that my theory in regard to these leases was expressed by your chairman in some remarks in committee recently with regard to the act of 1914, to the effect that by that leasing system it was intended to provide a cheaper way of taking the place of receiverships; and the general idea of that provision of the act of 1914 is that pending disposition of applications for patents the Commissioner of the Land Office or the Secretary of the Interior may issue these leases. That he has done very extensively. I understand he has issued a circular inviting them all to come in.

"The ACTING CHAIRMAN (Mr. PITTMAN). Not inside of the naval reserve?

"The ATTORNEY GENERAL. Outside.

"The ACTING CHAIRMAN. They are pursuing the practice of operating wells inside of the reserve by receivership and declining to let them be operated under the act of 1914 by contract.

"The ATTORNEY GENERAL. I know he made no leases inside the reserve. I understand the Secretary of the Navy seriously objected to it. As far as my department is concerned, when he issues leases and fails to pass on application for patents, my hands are tied. There is nothing I can do in any way. It depends upon the Commissioner of the Land Office how many suits I can bring.

"The ACTING CHAIRMAN. The testimony in the hearing before the committee shows that the Land Office Department intended to execute these contracts inside of the reserve as well as outside of the reserve and on the withdrawn area on the same terms and conditions, but that the Secretary of the Navy requested him not to do that. It is by reason of that request that he failed to execute the act of 1914, which, as I have stated, was intended to take the place of the receiverships.

Instead of following the act and allowing a claimant to work a well that he had sunk, they have taken the wells away from him and put them into the hands of a receiver.

"The ATTORNEY GENERAL. I can not agree with you that the act to which you refer is mandatory and requires him to issue leases. It merely gives him the power. When the Secretary of the Navy protested he merely did not use the power which he had."

The Commissioner of the General Land Office recognized, as must every lawyer, that such discretion was not arbitrary but was a sound judicial discretion, and testified that the only reason that he did not let leases within the naval reserves as he did outside of the reserves and within other withdrawn areas was because of the protest of the Secretary of the Navy. The Secretary of the Navy, in making such protest, knew that he was violating the expressed intent of Congress, because he appeared before the Public Lands Committee of the House and sought to have naval reserves excluded from the operation of such act, and his request was expressly denied by such committee and by Congress. Instead of obeying the mandates of such act, the Department of Justice, on behalf of the Navy, had these wells on these claims, which had been sunk at the expense of many thousands of dollars, and in some cases millions of dollars, taken out of the hands of the claimants and operated under the supervision of a receiver. The appointment of some of these receivers, in fact, in the very strongest cases that the Government claims to have, have been discharged by the circuit court of appeals, as is disclosed in the opinion hereinbefore cited.

It will be observed that in this report attention is called to the fact that the Navy Department interfered with the Secretary of the Interior in the performance of duties devolving upon that official by act of Congress. The report, as will be observed, states that the Secretary of the Navy knew that he was violating the expressed intent of Congress, and that instead of obeying the mandates of law the Department of Justice, on behalf of the Navy, instituted suit and took property out of the hands of men who had spent millions in acquiring it.

It is against these acts that I protest. I know but little concerning the oil lands in California, but this report and the bill accompanying the same present a situation which, in my opinion, calls for different and additional legislation to that provided in the measure under consideration. No matter what the motives of the executive branches of the Government may have been, the facts stated in the report and in the decisions of the courts clearly demonstrate that the rights of individuals have been disregarded and the loss of Congress flagrantly put aside by those who have sworn to uphold the law.

My distinguished colleague [Mr. SMOOT] stated the other day that there were certain forces which had been at work for years to prevent the opening up of public lands and to hold in reserves and from public entry millions of acres of public domain. This conservation craze which affected so many people, and which manifested itself in hysterical utterances, often resulted in hysterical legislation and executive orders and pronouncements.

Doubtless it was inspired by the best of motives, but many of those crying for conservation lacked an appreciation of the practical questions involved and a proper understanding of the physical and other conditions prevailing in our country. Conservation is one thing, and foolish and hysterical undertakings are another thing. There is a conservation of the resources of country, and there is a pseudo conservation which paralyzes the development of the country and locks up resources demanded by a growing and expanding country. It is not too much to say that the organization referred to by my colleague has attempted to strangle legislation that sought to deal justly and fairly with those who had oil locations upon public domain. No doubt these forces just referred to have contributed to defeat legislation so earnestly desired by the people of the West, and have compelled the Public Lands Committee to submit this bill as the very essence of righteousness which their merciful natures will permit the Nation to enjoy. Apparently we are denied the right to enact legislation that we believe to be right. The Secretary of the Navy has threatened that there shall be no legislation that will protect the rights of those having valid locations within certain naval reserves. Apparently we are powerless to enact any legislation that has not the approval of certain executive branches of the Government. As I understand, many of the locations within these reserves have been attached by the Government, but the courts have sustained the validity of such locations.

In the report submitted from the Senator from Nevada, reference is made to a decision by the circuit court of appeals (ninth circuit). The case is The Consolidated Mutual Oil Co. against The United States, and was decided October 8, 1917.

Mr. PITTMAN. Mr. President——

Mr. KING. I yield to the Senator from Nevada.

Mr. PITTMAN. The locators referred to in that decision are not the ones that need remedial legislation. The circuit court of appeals has reversed the lower court, discharged the receiver, and turned over large quantities of money to these locators, and the chances are that the circuit court of appeals will be sustained if the matter is taken to the Supreme Court. They need no remedy. They would not take advantage of this remedy if they had an opportunity. They would not be foolish enough to surrender their claim to the land and accept a lease now, after having fought it so far. The remedy is for the benefit of those people who have morally conformed to all the requirements of law, but who technically are held deficient in their titles. Those are the people that we are trying to help—the persons who believed that the Taft order of withdrawal was illegal and who worked under the advice of their attorneys and under the rulings of the lower courts, and the people who believed they were complying with the Pickett Act and have been held by the lower courts not to have complied with it. It is those people that we are attempting to help.

The argument that was made in that report was not for the purpose of showing that those people needed help, but it was for the purpose of showing that the Navy Department is foolish in opposing this provision. It was for the purpose of showing that the Navy Department is not subserving the best interests of the Government in opposing this legislation. The Navy Department will not get any of that land. The courts have held that it belongs to individuals, when if the Navy Department had not opposed this very provision two years ago the Navy Department to-day would have been the owner of the very land which is now declared to be these individuals' land, and would have been drawing a one-eighth royalty in oil all of this time. The Navy Department would have had oil on hand to-day with which to run the vessels of the Navy, instead of seeking everywhere for it at the highest kind of prices. The report was drawn for the purpose of showing that the Navy Department was foolish, knew nothing about the situation, was trying to make a permanent reservoir where there were two hundred and odd wells tapping it, and refusing to accept one-eighth of the oil out of it, when the courts were holding that the department could not get anything out of it. That was the object of that.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. KING. I yield.

Mr. SWANSON. The Attorney General has informed me that the statement as to the decision in that report is erroneous. The Senator from Nevada, when he included it, made a mistake as to what the decision of the court was. The Attorney General has had prepared and sent to me a list of the number of suits brought, the number that the Government has gained, the number of suits in which receivers have been appointed, and a full recital of the decisions made in all these cases.

The case to which the Senator alludes is a case, as I understand from the Attorney General, in which an application was made for the appointment of a receiver to take charge of the oil wells and operate them. The lower court granted the appointment of a receiver without taking proof, holding that having sworn to this, though it was denied, proof was not necessary. The circuit court held that the allegations of the bill being denied, the burden of proof was upon the complainants to prove their case, and reversed the decision as to the appointment of a receiver, but did not decide the case on its merits.

As I understand, the case is in the lower courts now on the merits as to whether these dummy entries are legal. I am informed that the district judge, though not deciding on that case, but on another case in which this question was involved, decided it in favor of the Government, holding that they had not prosecuted the work sufficiently under the Pickett Act, but, alluding to these dummy entries, saying it was not necessary to decide that question. From the intimations contained in the opinion, however, they were satisfied that the court would hold that these dummy entries were not legal, and that they would not be sustained.

As I understood from the Attorney General, these cases have been decided upon a technicality, and not upon the merits. Besides that, I am informed that they have additional evidence showing facts in these cases which they are satisfied will nullify the claims made by these parties.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I do.

Mr. PITTMAN. I think it is unfortunate that the Senator from Virginia, who is such an excellent lawyer, should be so ill advised by the Attorney General, and I regret that the Attorney General, who has the reputation of being a good lawyer, is so poorly advised by his clerks. It shows how unfortunate the executive officers of our Government are with regard to legislative matters. I have no doubt that we shall have other advice coming from the same source in regard to proposed amendments to this bill.

If the accuracy of the subsequent suggestions is to be measured by the present suggestion of the Senator from Virginia it will certainly subject them to some doubt. The Senator from Nevada, in preparing the report at the request of the Committee on Public Lands of the Senate, only saw fit to use the language of the court, and I would suggest that hereafter the Senator from Virginia have the Attorney General send up the language of the court.

Mr. SWANSON. I have it. It was brought to me just a few seconds ago.

Mr. PITTMAN. One moment. I will ask the Senator from Utah to read the decision which we were discussing. He has it right there.

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from California?

Mr. KING. I yield to the Senator from California.

Mr. PHELAN. I desire to ask the Senator from Virginia a question, as he seems to be so well informed on the subject of the litigation originating in the office of the Attorney General. The question is whether the Department of Justice has won for the Government any case whatever in naval reserve No. 2?

Mr. SWANSON. Here is a summary sent to me regarding the suits. I will read it if the Senator will permit me.

Mr. PHELAN. The Senator is not informed though, at this moment?

Mr. SWANSON. Yes; I have the report right here now.

The general trend of the report under consideration would convey the impression that the Government has lamentably failed in maintaining its precautions against the claimants of these withdrawn lands. The facts are as follows:

Suits instituted.	Suits.	Acres.
In California, in naval reserves	32	8,177
In California, outside naval reserves	23	4,598
Total in California	55	12,775
In Wyoming, outside naval reserves	3	560
Total in California and Wyoming	58	13,335

Receiverships.	Cases.
Receiver in charge	21
Receiver denied (no producing well)	1
Receiver discharged (insufficient showing)	3
Application pending (Honolulu case)	1
Bond in lieu of receiver	1
Total number of applications	27
Stipulation to impound net proceeds	1

Decisions on merits.	Cases.
For the Government (Supreme Court)	1
For the Government (district court)	11
Against the Government (circuit court of appeals)	1
Against the Government (district court)	1
Total	14

Mr. SMITH of Arizona. Are those final decisions?

Mr. SWANSON. They are not final; no. They are none of them final, because they go to the Supreme Court.

You will, of course, observe that while the merits are not gone into for applications for receiverships, the Government is required to make out a prima facie case before the receiver is appointed.

As this letter does not cover all objections to which the report is subject, I will ask you not to insert it in the record. I have not the slightest objection, however, to your using the facts herein stated.

Now, here is the opinion in this case of which complaint was made.

Mr. KING. Is the Senator referring now to the decision in the case of Consolidated Mutual Oil Co. against The United States?

Mr. SWANSON. I have no more suits. I will see if I have that case.

The PRESIDING OFFICER. The Senator from Utah is recognized in his own right.

Mr. KING. Mr. President, I have not before me the memorandum from which the Senator from Virginia has just been reading, but as I understand his statement, the Government has "lamentably" failed—to use the expression in the memorandum—in supporting its contention with respect to the invalidity of the oil locations within these reserves.

Mr. SWANSON. If the Senator will permit me, I have the Consolidated case here. I will read what it says:

While the report does not mention the decision of the circuit court of appeals from which the quotation is taken, I will state that it is in two cases under the title "Consolidated Mutual Oil Co. v. United States," decided August 20, 1917. (245 Fed., 521.)

In these cases a temporary receiver was appointed by Judge Dooling pending final determination on the merits, the condition of the pleadings being as stated in the excerpt from the opinion above quoted. The application for the appointment of a receiver was submitted on the allegations of the Government's bill and the sworn denial of the defendant. Judge Dooling held that this was sufficient and did not require the Government to produce any evidence as to the actual fraud charged, and no evidence was, in fact, introduced. An appeal was taken to the circuit court of appeals from the action of Judge Dooling in appointing a receiver, and by a divided court (Judge Gilbert dissenting) it was held that the receivership should not have been granted without the Government going into proof of the fraud, and that phase of the case was reversed and remanded.

Meanwhile, the merits of the case had come up before Judge Bean, who dismissed the bills without consideration of the merits, on the ground that they should have been brought in the form of ancillary bills instead of bills to recover the lands. (242 Fed., 746.) On motion for rehearing the dismissal was "without prejudice" to the institution of other suits by the Government in accordance with his view that the bills should be ancillary.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I yield.

Mr. PITTMAN. What is the Senator reading from?

Mr. SWANSON. I am reading from a letter of the Attorney General.

Mr. PITTMAN. Oh! That is some more advice from the Attorney General?

Mr. SWANSON. The Attorney General was authorized by the Secretary of the Navy, under an act of Congress, to defend these lands from being improperly taken from the Government; and the only criticism that can be made of these two officials, if any, is that they have been too zealous. In this day and time it is a meritorious thing to be zealous in defending the interests and rights of the Government.

In regard to the McMurtry and McLeod locations, the Attorney General says:

It will be seen from this that the merits of the question in regard to the fraud charged by the Government as to the McMurtry and McLeod locations were neither considered nor determined in these cases, in either the court of appeals or the district court.

Now comes a most pertinent fact that is not disclosed in the report submitted by Senator PITTMAN, which is, that at the same time Judge Bean disposed of the cases above referred to, he decided the case of United States v. Thirty-two Oil Co. (242 Fed., 730), and that this case involved the McMurtry and McLeod locations. In the Thirty-two Oil Co. case there was no question of jurisdiction as in the Consolidated Mutual Oil Co. case, but the decision was on the merits and for the Government, on the ground that defendants had not diligently prosecuted discovery work as required by the Pickett Act, the so-called "group-development theory" of operation being rejected. The court in its opinion, appearing on page 732 of Two Hundred and Forty-second Federal Reporter, said as to the McMurtry and McLeod locations:

"It is claimed by the Government that the paper locations by McMurtry in 1907 and 1909 were not made by him for the benefit of the alleged locators, but for himself and others, and were therefore a fraud on the mining law and void. I am disposed to believe there is merit in this contention. Indeed, there can be no question from the evidence but what the alleged locations made in 1909 were not for the use and benefit of the named locators, but to enable McMurtry to consummate and carry out the previous contract made by him with McLeod and others for the disposition of the property as heretofore stated. But I do not deem it necessary to put the case on that ground. If the defendants have any right to the property as against the plaintiff, it is conferred by the Pickett Act, and the facts do not bring them within the remedial provisions of that law."

From this it will be clearly seen what the court's view was as to the fraud charged by the Government against these locations.

I should like to say in this connection that I have not examined it particularly, so as to speak of my knowledge, but I am informed that these locations were made by petitions obtained, some of them, in the stockyards in Chicago, and then the locations were made in their name, involving millions and millions of dollars of these oil lands. The Government afterwards went to the stockyards and asked these parties if they knew anything about the locations, and I am informed that some of them said that they thought they were signing petitions required by the election law, and they knew nothing about it—that their names were used for these parties to locate lands in the oil reserves.

The Government, as far as its Navy Department is concerned, has never asked to take from or to add one right that these parties have under the Pickett Act. The Navy Department has asked for no legislation to change the law. These people came here and had the Pickett Act passed to give relief, and it gave no more than they are entitled to under the mining law, as I understand it. They accepted that. The Government stands on that. It does not desire to change it. Every right under the Pickett law these people will have. Now an effort is made to change that law to make good these fraudulent entries, as we conceive them to be, to eliminate the necessity of the continuous prosecution of the work. It is the change of the law and the change of title, giving these people what they are not entitled to, that the Navy Department has always opposed and objected to.

They think everything anyone is entitled to under the Pickett law, under the law passed as a compromise, accepted by Congress and these parties, they ought to have, but they can see no reason why the law should be changed to benefit a few people when they have not changed it to benefit thousands and thousands of miners and operators in other cases.

Now, as to the other purpose of the Navy Department, I desire to make this distinction. The Senator from Nevada [Mr. PITTMAN] has usually antagonized these bills, because he has taken the ground the Navy contended, that these lands were being exhausted, and consequently if the Government withdraws its title it would lose all interest. The mines can not be closed up, it is true. These oil wells can not be closed up. Water will seep in these and destroy them. There are about 250 wells open. We tried to get a compromise at one time to let the people have the wells that were open, but that attempted compromise fell through.

Now, the Government comes in and says it desires to condemn this land, to let this naval reserve be set aside absolutely and entirely for the purposes of the Navy, treating everybody equitably and legally in regard to what they have, not adding to their right or subtracting from their right, under the law, and let the Government continue to run these wells and use the oil for the Navy, the Navy to dispose of it; but it does not desire any more wells opened in this naval reserve, because the ships of the Navy now being built are to be operated by oil, and if anything should occur in ten, twenty, or a hundred years, having great battleships, we should not leave it to conjecture, but give the Navy Department a right to condemn these lands and hold them as a reserve for the Navy.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. KING. I yield to the Senator for a few questions, but not for a speech in reply to the Senator from Virginia.

Mr. KELLOGG. I do not wish to make any speech in reply. I do not know enough about the subject.

I should like to ask the Senator from Virginia if it is not a fact that the oil now in stock in this country is not decreasing with alarming rapidity, and whether the Navy Department is doing anything to procure from its reserves a supply of oil for the Navy? I think I asked the Secretary of the Navy if any possible emergency in this country greater than the one now facing the American people was liable to happen in 15 or 20 years. I should like to know from the acting chairman of the Naval Committee whether the Government is taking any steps to procure oil from the naval reserves in this country?

Mr. SWANSON. These two hundred and fifty-odd wells that were open are still being used, and all the oil is extracted from them that it is possible to extract. The Navy Department has not authority, and Congress has not given it authority, to operate, sell, refine, or to seize these lands with a view of operation. The purpose now of the Navy Department, as I understand it in my conversation with the Secretary of the Navy, is that he desires, even where people have title, where patents have been issued to some people in this naval reserve and some patents to railroads, that the reserve should be set aside for the Navy. He desires to have the power to condemn this land and let the wells, machinery, and everything belong to the Government precisely as we condemn other property for public use. At the same time he wishes to have authority to open wells, to get oil, to refine oil, and to conserve it for what is conceived to be the best interest of the Navy now and the best interest of the Navy for the future.

Mr. KELLOGG. Mr. President——

Mr. KING. I yield to the Senator from Minnesota.

Mr. KELLOGG. I should like to know if the Secretary of the Navy or the acting chairman of the Naval Committee has asked that legislation of Congress, because it does seem to be of vital importance that we should know whether we are going to get an oil supply during this war.

Mr. SWANSON. I will say to the Senator that the Attorney General and the Secretary of the Navy and myself on the 1st of January had a conference in regard to preparing a bill to carry out these purposes. The bill was prepared. The bill gives authority to the President, like the other measures that have been passed. I did not feel that I ought to be called on to introduce a bill giving authority to the President to fix prices, to settle suits, to isolate this as a naval reserve, until I had consulted the President. I never like to ask the Secretary of the Navy to be given authority until I see whether it is agreeable, or the Attorney General or any other department of our Government. I have not had an opportunity to see the President to ascertain if it would be agreeable to him to have the authority conferred on him in regard to these naval lands such as was given to commandeer steel, iron, and other products necessary for the Navy and to condemn private lands for public use. I hope to be able to see the President in a few days, and to see the Secretary of the Interior and the gentlemen who are interested in this matter and see if we can not perfect legislation.

I have my views, and I should like to get the views of others before I introduce a bill, which I hope to introduce Monday or Tuesday—possibly to-morrow—in which this authority is given.

I will say for myself that I think the law in this case should be the same as it is in all other similar cases. These people should not be deprived of any right that other people are given, and they should not be given any greater right than is given any other people. I believe when the Government condemns this land it ought to treat these people precisely as justly as it treats all the parties who have rights when the Government exercises the right of eminent domain.

Mr. KELLOGG. I will say to the Senator from Virginia——

Mr. KING. I yield to the Senator from Minnesota.

Mr. KELLOGG. I beg the Senator's pardon for taking his time.

Mr. KING. I am very glad to yield to the Senator.

Mr. KELLOGG. I will say to the Senator from Virginia I was not asking the question bearing on any discussion as to the merits of litigation in the reserves, but there was testimony before the Public Lands Committee last spring, which was undisputed, showing the imperative necessity to procure a greater supply of oil in order to make this country safe, and there was testimony as to the danger of losing a supply of oil that the allied nations to-day are depending on. So far as I heard at that time no steps whatever were taken by the Government to procure oil for immediate use. I am very glad the Senator is taking steps to see that the naval reserves belonging to the Government can be utilized.

Mr. SWANSON. If the Senator from Utah will permit me, these wells, I understand from my information, which I suppose is the same as other Senators have received, are still running. There are more than 250 wells open and disposed of, but the Government desires to have an opportunity to open as it sees proper for the benefit of the Navy these reserves set aside for the Navy.

Mr. KING. Mr. President, I do not care to enter upon a discussion of the wisdom or expediency of the legislation proposed by the Senator from Virginia. I know he has been zealous in the advocacy of those measures which have resulted in bringing our Navy to such a high state of efficiency. I congratulate him and the country for the splendid services rendered by him in behalf of this important branch of our national defense. And I wish to say, in passing, that I congratulate the country upon the most excellent work performed by the present Secretary of the Navy. When the history of his administration shall have been written I have no doubt but that it will be said of him that he was a strong and able public servant. Indeed, in my opinion, he is one of the greatest Secretaries of the Navy our country has ever had. However, this commendation, to which he is so justly entitled, does not excuse his department for the usurpations of which I am complaining. I can well understand the solicitude of the Navy Department which prompts those in control of the same to secure an adequate fuel supply for our ships. There may be some difference of opinion as to the best method of securing this supply. There will be many who will take the view that the Government can not successfully engage in the mining business; that it can secure the necessary oil for its use through private instrumentalities. We all know that the efforts of the Government to carry on business enterprises results in greatly increased costs. It has been stated by those having full opportunities to know the facts that the administration of the departments of the Government if in the hands of private persons would result in a saving of $300,000,000 per annum.

When the Government attempts to sink wells to prospect for oil, drill wells, lay pipe lines, construct receptacles for oil, erect refineries, and perform the necessary work incident to oil production, it will be found that the expenses will be staggering. I do not propose at this time to discuss the feasibility or the wisdom of the proposed policy to condemn oil lands owned and claimed by private individuals. I suggest to the distinguished Senator from Virginia that in executing a law of that character he and the Government will encounter many obstacles, difficulties, and complications not now anticipated. It has been stated by the Senator from Virginia, as I recall and by Government officials, that the lands which it is proposed to condemn are worth millions of dollars. In exercising the right of eminent domain the Government will discover difficulties in finding an acceptable basis for the ascertainment of the value of the property sought to be condemned. I suggest to the Navy Department and to the Senator from Virginia that careful consideration be given this proposed legislation before it is introduced and before it becomes a law.

It is not a sufficient answer to the objections which I am urging against this bill for the Senator from Virginia to aver that certain oil claims were fraudulently located. I have no knowledge of the matters to which he refers, other than as stated in the report accompanying this bill and in the decisions of the

courts which I have recently examined. That there have been some entries made that were tainted with fraud and indeed were fraudulently made may be true. No one is seeking to defend any entry that is invalid or the claim of any individual or corporation that is founded in fraud. I know that the committee reporting this bill would as quickly condemn fraudulent entries as would the Senator from Virginia. It is apparent from an examination of the report and the bill under consideration that the committee have attempted to protect certain oil claims that were made in good faith and rest in sound morals.

But the point I am attempting to make is this, that the committee and the courts recognize that there are many valid oil locations; that the Interior Department has recognized their validity and has indicated "by clear listing" applications for patent; that the locators are entitled to muniments of title; but that, notwithstanding these facts, the Navy Department and the Department of Justice have brought numerous suits against these valid entrymen or their successors in interest to deprive them of their property and their rights; and Congress is now declining to assert its authority in the interest of justice and the protection of valid and legitimate claims.

I am protesting against the action of certain departments in their efforts to deprive individuals and corporations of property to which they are justly entitled.

I think the Senator from Virginia is mistaken when he alleges that the committee reporting the bill under consideration have attempted to give greater protection to oil locators than the present law affords them. The bill under consideration does not, as I understand it, attempt to validate invalid mining claims or to give them a different status from that which they now enjoy. I am sure the committee can be acquitted of any purpose to vitalize dead claims or to legitimatize acts which were fraudulent. I have not in anything I have said urged a recognition of fraudulent claims. I am simply protesting against unwarranted usurpation by the departments and the manifest impropriety of the Navy Department in interfering with the legitimate functions of the Interior Department.

Senators will recall that the Interior Department is charged with the administration of the public lands; that it has important functions to perform in the disposition of mineral as well as agricultural lands belonging to the Government.

Mr SWANSON. Will the Senator permit me?

Mr. KING. Yes; I yield to my friend from Virginia.

Mr. SWANSON. Appropriations were made by Congress directing the Secretary of the Navy and the Attorney-General to defend the rights of the Government in these naval reserves. If they had not done that they would have been recreant in their duty. They have never insisted on any course except the course that the Interior Department should pass on the legal rights as they exist under existing law. We contend that section 16 changes existing law. We claim that it would validate a claim for entry provided the present claimant did not know it was a fraud. We have insisted that as the present law is, a man must buy land to make a proper and legal entry. It would be utterly impossible for the Government to prove in the cases of these dummy entries made by petitions circulated in the Chicago stockyards as to whether a party who signed knew it was a fraud or not. We want the law to stay as it is to-day. Let us administer justice and law as it is to-day, and do not change it. That is all the Navy Department and the Attorney-General have ever insisted upon. These cases that are contested courts are constituted to settle. They have never asked that these claims should be litigated anywhere except in the courts of the United States fixed by law to determine the rights between the Government and other parties.

Mr. KING. I do not think the Senator from Virginia in his last speech has enlightened us any or has added to the very clear statement which he made a few moments ago, and to the very lucid and forceful statement submitted by him when this measure was under consideration before the holiday recess. But certainly he has not justified the course of the Secretary of the Navy or the Attorney General in attempting to interfere with legislation by Congress in dealing with the public domain. It is that of which I complain. It is not the concern of the Attorney General or the Secretary of the Navy as to the character of legislation that shall be enacted by the Congress of the United States. The executive department has its sphere and the legislative branch of the Government has its legitimate sphere, and when the executive attempts to interfere with the legislative branch of the Government it is transcending its constitutional power.

I call the attention of my distinguished friend from Virginia to the fact that we have in the Interior Department a vigilant official. Perhaps no more vigilant official has ever occupied the position of Secretary of the Interior than Mr. Lane. Everyone knows, particularly those of us who live in the West, that the Interior Department very carefully guards the interests of the Federal Government. Indeed, many of us think that it so scrupulously and minutely examines legitimate claims by the people of the West when they assert their rights under the law that grave injustice is often done and the development of the West greatly retarded.

The Secretary of the Interior has at his command a large number of officials. There are various bureaus and departments charged with the responsibility of investigating every claim that is made for patent. If a mining location is made, whether it be upon oil lands or upon metalliferous lands, and patent is sought, it is investigated by the Department of the Interior, by the Geological Survey Bureau, by the Forest Reserve, and by a multitude of employees of the Government. And before patent is issued the application has to pass the scrutiny of a multitude of lynx-eyed employees of the Government.

Now, as I understand the situation, a portion of the lands within this naval reserve have been examined by the Interior Department, the validity of the claims have been attested in unmistakable language and by numerous officials of the Government, and it was determined that the locators were entitled to patent, evidencing their muniment of title from the Federal Government.

The proceedings of the Interior Department were in the nature of judicial acts, for in the performance of this work the function of the Interior Department is quasi judicial at least, and is exclusive. That is, its jurisdiction in the matter is exclusive. Yet in the face of its determination, after numerous claims had been "clear listed" and the Interior Department had adjudged that the locators were entitled to patent, the Secretary of the Navy and the Attorney General instituted suits in the courts of the United States for the purpose of thwarting the work of the Interior Department and of invalidating claims the validity of which had been thus solemnly determined.

Mr. SWANSON. If the Senator will permit me, though I may be mistaken——

Mr. KING. I yield to the Senator.

Mr. SWANSON. I might be mistaken, for I am not so well acquainted with mineral law as the Senator from Utah and other western Senators, but I understand that where an application for a patent is pending suit can not be instituted, but it must be prosecuted before the Secretary of the Interior, but the cases where application is not made for a patent have been the cases where suits can be brought. Is that true?

Mr. PITTMAN rose.

Mr. KING. I yield to the Senator from Nevada, who has risen.

Mr. PITTMAN. The case referred to is the Honolulu Oil Co. case. The Department of the Interior held time and time again that the jurisdiction of the Department of the Interior was exclusive, and that no court had jurisdiction pending application proceedings.

Mr. SWANSON. Pending application for patent.

Mr. PITTMAN. The Attorney General of the United States apparently took a different view of it, because he instituted a suit against the Honolulu Oil Co. while the patent proceedings were pending, even after it had been clear listed for patent, and in an attempt to get jurisdiction of that matter he persuaded the President of the United States to write a letter to the Secretary of the Interior, which is a matter of record, asking the Secretary of the Interior to desist from further proceedings in the matter; and the Secretary of the Interior wrote to the Attorney General, which is in evidence in the hearings before the committee, stating that he would desist. The Attorney General then asked the Secretary of the Interior to authorize him, the Attorney General, to conduct further hearings, and the Secretary of the Interior told the Attorney General he did not desire any further hearings or any further facts; that he was satisfied. Subsequent to that time, in another case where a patent application was pending, the district court of California held that the court had no jurisdiction because the jurisdiction of the Land Office had taken effect upon the application for patent. That is the situation.

Mr. SWANSON. As I understand it, if there was fraud afterwards discovered, even after a patent is granted, a suit can be instituted to vacate the patent.

Mr. PITTMAN. Oh, yes; undoubtedly.

Mr. SWANSON. I understand that in the Honolulu case, the Attorney General told me the other day when we were talking about it, they have additional evidence which they are satisfied will invalidate the matter. They have asked for a rehearing. I understand, before the land commissioner in California, and the proof in that case will be conclusive.

Mr. PITTMAN. What has that to do with it?

Mr. SWANSON. It has this to do with it: If the Honolulu people have gotten a million dollars' worth of land to which they were not entitled and which shows a conspiracy and a combination to deprive the Government of it, we ought to be pleased that we have an Attorney General and a Secretary of the Interior to show it.

If it is a fraudulent patent, obtained by misrepresentation of fact, whether they procure a patent or not they have a right to have it vacated. The Attorney General, I think, has asked that the Honolulu case shall be reopened on a recent disclosure of facts which shows a state of affairs that ought not to be tolerated in Congress or anywhere.

Mr. PITTMAN. Mr. President——

Mr. KING. I yield to the Senator from Nevada.

Mr. PITTMAN. I rose to discuss the question of law, and the Senator from Virginia is constantly getting away from that question. What I want to suggest is this, that although the Attorney General for a long time contended that the courts had concurrent jurisdiction with the Department of the Interior in matters determining applications for patents in disposing of public land, he has changed his mind on that subject since the decision of the district court of California has held that it has no jurisdiction in the suit he instituted. If he had any additional facts that were not submitted to the Department of the Interior, he knows where the Department of the Interior is located.

Mr. SWANSON. I may be mistaken; I am not positive; but I understand he asked to have this case reopened. In reply to the Senator from Utah that it was his impression that the Attorney General and the Secretary of the Navy are bringing suits where applications for patents were clear and repeated, I contend now that they can not file an application for a patent pending in the Interior Department, because, as I understand, as the Senator from Nevada has said, that the action of the Interior Department is conclusive of the fact, and that the only way they can do it is to disclose what was not disclosed before.

Mr. KING. As I said before, the Secretary of the Interior, after applications for patents had been made with respect to some of the lands to which reference has been made, ordered the necessary investigation, and after this investigation was made the Interior Department clear listed these lands; that is, determined that the locators and applicants for patents were entitled to patent from the Government; and after several thousand acres of these lands had been clear listed by the Interior Department, which was an indication that the applicants for patents were entitled to have them issued, the Attorney General, at the request of the Secretary of the Navy, instituted suit for the purpose of ousting the owners from possession and placing the property in the hands of receivers.

Now, it is of that that I complain. I think it is an unwarranted usurpation upon the part of certain executive officers of the Government. I think it is treating with contumely and reproach the Interior Department that is charged with the high responsibility of issuing patents and of making the necessary preliminary investigation to determine whether patents should issue.

Mr. President, the Senator from Virginia called attention a few moments ago to some memoranda which, as I understood, had been placed in his hands by the Attorney General. It is not clear to me from his hasty reading of the same what the result of the litigation was; but, as I gathered from his reading of the memoranda, the Government had not prevailed finally in a single suit which it had brought. At any rate, one of the cases to which the Senator referred, and which it seems to me is a type of much of the litigation, was the case of the Consolidated Mutual Oil Co. against the United States. The Senator from Nevada asks me to read the decision. In view of the limited time for debate upon this bill I will read only a portion of the opinion. But I desire to call the attention of the Senate, and particularly the attention of my distinguished friend from Virginia, to the syllabus of this case. That illustrates the point, and it seems to me clearly establishes the infirmity of his argument and the erroneous position which has been assumed by the Secretary of the Navy and by the Attorney General. The syllabus is as follows:

An oil placer-mining claim, located on surveyed land by an association of eight persons, pursuant to Revised Statutes, paragraphs 2320–2333 (Comp. St., 1916, pars. 4628–4632), and covering a quarter section, constitutes a single claim, and under act February 12, 1903, chapter 548, Thirty-second Statutes, 825 (Comp. St., 1916, par. 4636), development work done on any one of a group of such claims not exceeding five lying contiguous and owned by the same person or association inures to the benefit of all where it tends to their development. The President's proclamation of September 27, 1909, withdrawing certain oil lands from entry provides that "all locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination," and act June 25, 1910, chapters 421–422, Thirty-sixth Statutes, 847 (Comp. St., 1916, par. 4524), provides that "the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands, and who at such date is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work." At the time of the withdrawal proclamation one of the defendants, who was the owner of four contiguous quarter section claims, was in possession of the same through his lessee, which was then diligently prosecuting the work of development, and had commenced a well on one claim and expended $20,000 in preparations for drilling on each claim. This work was continued, and oil was found in paying quantities. In 1914 defendant entered and paid for the land, and there was issued to him a final receipt.

The court upon this state of facts held:

(1) That the exception in the President's proclamation in favor of existing and valid locations did not apply to claims on which oil had been discovered and to which the claimants therefore had an indefeasible equitable title, but applied to all locations to which the claimants had some valid right; (2) that the work done inured to the benefit of all of defendant's claims, and that under the facts he acquired a valid title which could not be questioned by the United States.

The Senator from Virginia has referred to one of the defendants, McLeod. As I understand, the Senator contends that his information is to the effect that the validity of the McLeod entry was denied, and the court held his entry to be fraudulent. The information of the Senator is incorrect. This decision discusses the Executive proclamation of President Taft, issued September 27, 1909, withdrawing certain oil lands from all forms of location, settlement, entry, or disposal, under the mineral or nonmineral public land laws. The court also construes what is also known as the Pickett Act, passed June 25, 1910, and holds that where locators diligently prosecuted work upon their claims after the proclamation of withdrawal, and discovered oil, that the act of withdrawal did not affect the validity of their location. Indeed, the court expressly decides that in such circumstances the location would be valid. The court refers to the case of United States v. Grass Creek Oil & Gas Co. (236 Fed., 481), wherein this language is employed:

It is claimed that actual drilling operations were not commenced until July 1, 1914, on the northwest quarter, and on July 31, 1914, on the east half of the southwest quarter, and that until the actual drilling was begun there was no prosecution of work within the meaning of the act of Congress. We are of the opinion that this is too narrow a view to take of this statute. The enactment of this proviso by Congress could have had but one object in view, and that was to protect the rights of all persons who, at the date of an order of withdrawal, are occupying or claiming oil-bearing lands in good faith, for the purpose of acquiring them under the laws of the United States, and are diligently prosecuting the work leading to the discovery of oil. Before the enactment of this statute discovery of the mineral was essential to make a location.

As frequently—in fact, in most instances—prospecting was necessary in order to determine whether oil or gas are on the public lands, and large sums of money were necessarily expended to ascertain this fact, Congress by this proviso in the act of 1910 extended its protecting arm to those acting in good faith in an effort to ascertain whether there was oil or gas under them. In our opinion, when a citizen of the United States in good faith enters upon public land for the purpose of discovering oil or gas, takes possession of the land by placing a caretaker thereon while he is taking proper steps to obtain the material necessary for the work of constructing the camps, enters into contracts for drilling, acting as expeditiously as possible in erecting camps and preparing for the drilling, spends money and enters into contracts whereby he becomes liable for sums of money to prosecute the work leading to the discovery of oil or gas, and as soon as it is possible, by the exercise of proper diligence, begins the work of drilling and continues it diligently and expeditiously until oil is discovered in commercial quantities, he is within the protection of this proviso.

The court also considers the question mentioned by the Senator from Virginia concerning the transfer by locators of their claims to other persons, and in this connection uses this language:

Moreover, Congress by its act of March 2, 1911 (36 Stat., 1015, c. 201 [Comp. St., 1916, sec. 4637], gave statutory recognition of the right of transfer or assignment by the locator, under the mining laws, of any land containing oil or gas to any qualified person, persons, or corporation "prior to discovery of oil or gas therein," provided "that such lands were not at the time of inception of development on or under such claim withdrawn from mineral entry."

Further discussing the facts in the case and the law governing the same, the court in the Consolidated case, just referred to, proceeds as follows:

But, over and above what has been said, the records show that upon due application to the Land Office of the United States the appellant McLeod was permitted to enter the lands here in question, for which he paid to the Government $1,600, receiving therefor its register's final certificate of entry, issued October 31, 1914, which certificate it appears remains uncanceled, and concerning which the bills in these suits, filed, as above stated, October 25, 1915, are entirely silent. In speaking of a similar receipt issued to the Brick Co. in the case of El Paso Brick Co. v. McKnight (233 U. S., 257; 34 Sup. Ct., 498; 58 L. Ed., 943; L. R. A. 1915A, 1113) the Supreme Court said:

"The entry by the local land officer issuing the final receipt was in the nature of a judgment in rem (Wight v. Dubois [C. C.], 21 Fed., 693), and determined that the Brick Co.'s original locations were valid and that everything necessary to keep them in force, including the annual assessment work, had been done. It also adjudicated that no adverse claim existed and that the Brick Co. was entitled to a patent. From that date and until the entry was lawfully canceled the Brick Co. was in possession under an equitable title, and to be treated as 'though the patent had been delivered to' it. Dahl v. Raunheim (132 U. S., 260, 262 [10 Sup. Ct., 74; 33 L. Ed., 324]); and when McKnight

instituted necessary proceedings against the Brick Co. the latter was entitled to a judgment in its favor when it produced that final receipt as proof that it was entitled to a patent and to the corresponding right of an owner.'

Not only has no attack, so far as appears, been made by the Government on the register's final certificate of entry, but there is in these cases not the slightest showing of any fraud or lack of good faith at any time on the part of the appellants or of any of their predecessors in interest. True, the bills of the Government, which were verified by an agent upon information and belief, alleged that the location notices under which the appellants claim were posted by "mere dummies" to enable "defendant McLeod or some one else" to obtain the land; but that allegation was put in issue by positive denial under oath and there was no undertaking whatever to sustain the charge. Among the affidavits filed in opposition to the appointment of receivers was one made by the president of the appellant company, stating as facts the following, which were uncontradicted:

"That the said Consolidated Mutual Oil Co. acquired and entered into possession of said properties in the month of February, 1914, and from that time forward this deponent has been the president of said corporation and has had active management of its affairs; * * *."

I commend this information to Senators who may not be familiar with the legislation relating to mineral lands. It is true, as stated by the Senator from Virginia, that Justice Gilbert dissented, but I submit that a careful examination of the majority and minority opinions will clearly demonstrate that the reason is with the majority of the court and that the minority opinion is unsound.

I might say in passing that the Supreme Court of the United States finally passed upon the act of the President in withdrawing these oil lands from entry. The majority opinion of the Supreme Court of the United States upheld the Executive proclamation. The minority opinion, in which three of the justices concurred, construes the question involved in a calm and judicial manner and reaches the conclusion that the President had no authority to withdraw the lands in question. The majority opinion proceeded upon the theory that for a century public lands had been withdrawn by Executive proclamation. The deduction seems to be that, though such acts were usurpations, time sanctified them and transmuted the wrong into a right.

It would seem that the right of disposal of the public lands of the United States belonged to Congress. Indeed, the Constitution of the United States commits to the National Legislature the power to dispose of and make all needful legislation concerning the public lands of the United States.

Mr. President, there can be no difference of opinion between the Senator from Virginia and myself with respect to entries upon these or any other public lands that were fraudulently made, but the question whether some of these entries were fraudulently made is not the paramount question involved in the consideration of this bill. Assuming that we are to overthrow the work of the fathers and destroy our mineral-land system and inaugurate a leasing policy, we are forced by the disclosures in connection with this bill to a consideration of certain methods pursued by the executive departments of the Government and are also called upon to determine the fair, just, and expedient method of dealing with the situation which confronts us. The Interior Department is charged with the responsibility of determining whether the locations are valid or invalid; it is its duty to issue patents if the locations are valid. It is the duty of the Interior Department to refuse consent to the institution of suits where its investigations have resulted in the conviction that the applicants for patents are entitled to the same. Those persons or corporations asserting rights within the lands in question should not be harassed by unjust and improvident litigation. It is apparent from the report made by the Senator from Nevada and from the decision of the court in the Consolidated Mutual Oil case that many of the suits brought by the Government will fail; that the receivers will be discharged; and that the courts will decree that the locations from which the present occupants have derivated title were valid.

Before resuming my seat I want to call the attention of the acting chairman of the committee to a number of provisions of this bill in order that I may have "light," which so many of the Senators here seem to be seeking. Inviting attention to the second section of the bill, this language is found:

SEC. 2. That any association composed of persons severally qualified by law to enter coal lands, or any corporation incorporated under and by virtue of the laws of any State, or any municipality of any State, shall, upon application to the register of the proper land office, have the right to enter by legal subdivisions any quantity of vacant coal lands of the United States within any State of the Union not otherwise appropriated or reserved by competent authority.

Mr. President, as I read this section, I can not find any individual, association, or corporation has a clear and positive right to purchase coal lands. The concluding part of the section, it seems to me, reserves the right to the Secretary of the Interior to determine whether or not a purchase shall be made. As I understood the Senator from Colorado [Mr. SHAFROTH], he was persuaded to vote for this bill, though he had fundamental objections to it, because it gave the right to the public to purchase coal lands and was not solely and exclusively a leasing bill.

Mr. SHAFROTH. Mr. President, I should like to call the attention of the Senator from Utah to section 2 of the bill.

Mr. KING. I have been reading from section 2.

Mr. SHAFROTH. Beginning in line 10 that section reads:

Within any State of the Union not otherwise appropriated—

Describing the character of the entry—

by competent authority, not exceeding 2,560 acres—

The word "reserved" is stricken out on an amendment which was made at the suggestion of the senior Senator from Utah [Mr. SMOOT]—

by competent authority, not exceeding 2,560 acres, upon payment to the receiver of not less than $10 per acre for such lands where the same shall be situate more than 15 miles from any completed railroad, and not less than $20 per acre for such lands as shall be within 15 miles of such railroad.

That is the law as it is to-day, almost word for word. The language continues:

And the Secretary of the Interior shall offer such coal lands and award the same through advertisement and competitive bidding, reserving the right to reject any and all bids which he may deem to be unfair.

It does seem to me that that being the provision and the institution of the matter being dependent upon the citizen or association making the entry in the office of the land register, there can not be any doubt that if a person makes that entry it is bound to be submitted, and the price of land is to be determined at not less than $10 in one instance nor less than $20 an acre in another, dependent upon the distance from the railroad, and subject to the competitive bidding that will take place just exactly the same as is provided for competitive bidding on leases.

Mr. KING. In the first place, Mr. President, the elimination of the word "reserved" does not relieve the section from ambiguity. After eliminating the word "reserved," taking up the sentence in the middle, and not going to the beginning of it, we find these words:

Not otherwise appropriated by competent authority.

I am not clear what the meaning of that language is, but, as I read it, it means that if coal lands are within a reservation they have been "appropriated by competent authority." I know of no land that would answer to the words "otherwise appropriated by competent authority," except lands that are found within a reserve. If that be true, then this bill makes no provision for either the leasing or the purchase of any lands that are within reserves. If the words "not otherwise appropriated by competent authority" are broader than the word "reserved," then they are still more objectionable than they would be if you limit the meaning of the language to the word "reserved."

So, Mr. President, we start out with a proposition that no person can buy or lease lands that are within a reserve; that no person can buy or lease lands that have been "otherwise lawfully appropriated." It is obvious, under the decisions of the courts, that if the lands are within reserves they have been "lawfully appropriated"—that is, they have been withdrawn from entry, withdrawn from sale, they are not subject to location or subject to private entry.

Mr. SHAFROTH. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. SHAFROTH. I have always felt that in drafting bills the very best course one could pursue would be to take a statute that has already been enacted and which had received the construction of the court as to its phraseology. Consequently, in drafting section 2 of this bill, I observed that rule, but I want to call attention to just exactly what is the law of 1873 in relation to coal land, which has been on the United States statute books ever since that time. It is the right of any entryman to enter coal lands. Here is the language, and every word of that act is still in force and permits a man to take up 160 acres of land.

Mr. KING. Before the Senator from Colorado reads the law to which he is just calling attention, I should like to ask him if it is not a fact that when that law was enacted there were few if any coal-land withdrawals?

Mr. SHAFROTH. Here is the situation: I will read the provision of the law. I do not know whether or not there had been withdrawals; but I think there had been, for the Supreme Court, in its decision, stated that it had been the custom of all Presidents to reserve land for certain purposes. Now, listen to the language of the act which has been on the statute books for years:

Every person above the age of 21 years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority.

Those are the exact words of the statute, and I put those precise words into section 2. Under the existing law there has been no trouble about taking up land. The difficulty arose in the policy which was attempted to be pursued about 15 years ago of forcing a leasing system, and while the land was reserved temporarily, as a matter of fact it was held permanently by reclassification, fixing the price on the land so high that nobody would take it up.

The senior Senator from Utah [Mr. SMOOT] said that the word "reserved" would perhaps prevent location on any of the lands that had been reserved, and so we have stricken that out, leaving the language identical with the language under which we have operated now for 44 years. When we have a statute which has stood that long and there has been no attempt, except indirectly, to evade it, under which it has been made clear that the land could be taken up, and which has met the construction of the courts, it seems to me it is safer to adopt the language of the statute than to employ new verbiage.

Mr. KING. Mr. President, the Senator from Colorado, who is an exceedingly able lawyer and is perhaps as familiar, if not more familiar, with Western conditions than any other man in the Senate or in public life, has not answered the criticism which I made. It is not a sufficient answer, when we are legislating now in respect to the coal lands of the United States for the purpose of opening them up either through sale or lease, to reply that there was a statute enacted many years ago which provided that coal lands should be subject to private entry unless they "were otherwise appropriated." The Senator knows that 45,000,000 or 50,000,000 or more acres of coal land in the Western States have been withdrawn from entry under Executive proclamation, and that such lands are not subject to entry.

Mr. SHAFROTH. Mr. President, the Senator is right in saying that they were at one time reserves; but the wording of the act under which they were reserved provided that the President should have the authority temporarily to reserve them. Under that act the Interior Department about 15 years ago, realizing that it would look unseemly for reserves made under such a temporary authority to last for a great period of time, concluded that the only way they could produce the same effect would be by putting a price upon the lands at which nobody would buy them, but under which probably somebody might lease them. For that reason, I have no doubt that lands in the State of the Senator from Utah are valued probably from $50 to $400 an acre, which prevents their development, because nobody will give such a price for the land, and nobody can afford to do so and make money. So I say the lands are not in reserves now, because they have avoided keeping them in reserves, while at the same time producing the effect of keeping them in reserves. An individual can make an entry of any coal land in the United States to-day if he is willing to pay the price which has been fixed over and above the $10 and the $20 an acre, as provided in the act, and it has been done several times.

Mr. KING. I should like to ask the Senator from Colorado, before he resumes his seat, if it is not a fact that there are still millions of acres of coal lands not classified and which are within reservations or withdrawals, resulting from Executive orders?

Mr. SHAFROTH. I do not know definitely; I think most of it is classified, especially most of it that is near railroads. It may be that in the interior of some of the Western States, where it has been difficult for surveyors to go and where the lands are not desirable, even at $10 an acre, because the transportation is not there to carry the coal to market, there is some coal land that has not been classified, but I think there is a sweeping order making all of those lands open to entry at the minimum price fixed in the statute.

Mr. KING. My understanding is somewhat different from that of the Senator from Colorado. I believe that there are still large areas of coal lands covered by Executive orders and which are therefore held not to be subject to private entry.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. KING. I yield to the Senator from Nevada.

Mr. PITTMAN. I want to call attention to the amendment on page 30. The copy of the bill the Senator has may not show it, but it is an amendment which has been adopted by the Senate. On line 6, page 30, after the word "lands," the following language has been inserted: "Heretofore withdrawn from entry, except those reserved for the Navy, shall be subject to this act, and none of such lands," so as to read:

Provided, That coal, oil, gas, potassium, or sodium lands heretofore withdrawn from entry, except those reserved for the Navy, shall be subject to this act, and none of such lands shall hereafter be withdrawn from the operation of this act for a longer period than one year without the consent of Congress.

Mr. KING. Mr. President, I think that amendment, if I understand the Senator from Nevada, would meet the particular objection which I am now urging.

Mr. PITTMAN. That amendment has been adopted.

Mr. KING. I was unaware of that fact.

Mr. PITTMAN. It is in the general provisions of the bill.

Mr. KING. With that understanding, I shall not further discuss that feature of the section; but, answering further the position of the Senator from Colorado, I call attention to this language in section 2:

And the Secretary of the Interior shall offer such coal lands and award the same through advertisement and competitive bidding, reserving the right to reject any and all bids which he may deem unfair.

Mr. SMITH of Arizona. Mr. President, is that not an absolute perpetual reservation, if the Secretary of the Interior sees fit to make it so by setting a price at which no one will take the land?

Mr. KING. That is exactly the point that I was about to make. It gives the Secretary of the Interior unlimited authority and power. He is to determine what is fair and what is unfair; no price is stated below which it would be unfair and no standard suggested by which to determine what price would be fair.

Mr. SMITH of Arizona. Or reasonable or unreasonable.

Mr. KING. One Secretary of the Interior might say that $100 per acre was a fair price, while another Secretary might say that a thousand dollars was a fair price. It is left entirely within the discretion of the Secretary of the Interior to award a lease or to award a sale.

Mr. SHAFROTH. Mr. President, I, of course, recognize the fact that it has never been considered wise to make every attempted sale binding and legal, because there may arise questions in connection with the manner in which the advertisements were published, or fraud may have been perpetrated in securing combinations among bidders, and in various other ways. There must be something left to the man who has this trust in charge so as to avoid fraud on the Government. That is the reason that provision was put in. It may be that some officer would violate his oath of office, and that some officer might say, "I will not sell these lands; it would be unfair to do so unless they bring $500 an acre"; but we have to impute good faith to the officers of the Government; we can not say that an officer is going to deprive a person of the right to buy this land when there is a fair competition, when there are a number of persons present, when everybody has an opportunity to bid, and where the advertisement has been sufficient.

Mr. KING. Let me ask the Senator from Colorado if it is not a fact that the Interior Department has now, as the Senator intimated a few moments ago, placed prices upon coal lands so high that their purchase has been made impossible?

Mr. SHAFROTH. I do not know whether it was the Secretary of the Interior or the Secretary of Agriculture, but under one or the other the matter was placed under the influence of the former Chief of the Forestry Bureau, and these high prices resulted, so that we have had, I think, only three or four thousand acres of coal lands taken up in a great number of years.

Mr. KING. If the Senator will permit me, the prices already fixed by the Government officials have been unfair, have they not, because they have prevented entry, purchase, and sale?

Mr. SHAFROTH. Yes; but I understand that prices have been changed and that there have been reductions in a number of instances in the value placed upon coal land. It seems to me, in legislating here, it is necessary to leave some things to the discretion of the Secretary of the Interior in order to prevent frauds on the Government. That is my idea.

Mr. SMITH of Arizona. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arizona?

Mr. KING. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. Might it not be possible under this provision for some Secretary to say, "Any kind of transfer of coal lands to private individuals is absolutely a danger to the Government and to the interests of the common people, and therefore"——

Mr. KING. And that no bid is fair——

Mr. SMITH of Arizona. "And therefore I will set a price at which nobody can afford to take the lands"? It is just as

reasonable to suppose that that condition may happen as it is to suppose that we will always have a reasonable Secretary who will fix a reasonable price.

Mr. SHAFROTH. I would rather, especially after the experience we have had, when no coal development has taken place, risk a decision as to what is fair and what is right to the Secretary of the Interior. He can, of course, relieve himself from any criticism by saying that he put the land up at public auction and it brought a price which persons were willing to pay for it. But it can readily be seen that severe criticism could be made of this bill if we did not have a clause in it of that kind. Men may combine and agree not to bid against each other in order to get the land at $20 or $10 an acre; it may be that some person might stand on the outside and divert the crowd and say, "Do not come in; it is all over; the land is all gone; go home." That would produce an unfair price. So frauds might be perpetrated; and if the Secretary of the Interior were compelled to issue a deed or patent to such lands it would be very unfair to the Government. For that reason this discretion is left to him; but it is not unlimited; it is placed in him to be exercised when he deems the price unfair.

Mr. SMITH of Arizona. Mr. President, does that not bring the Senator back to the old position that he and I have held, as I understand, through the many years of our public life, that all this governmental control, all this leasing system, all this selling system, only militates against the development of the great resources of our western country? And does it not come at last to the point that whenever you hamper it by the suggestion just made, the open bid, and confer on the Secretary the right to say whether it is fair or not—and in the very nature of things he can not know any more about it than I can—you make the devolution of the public lands and the development of our country dependent on the mere whim of anybody, instead of letting things alone, like they used to be, when a man could go out and take possession of the public domain under honest laws and develop our country as for the last 50 years only it has been developed?

Mr. SHAFROTH. Mr. President, I will say to the Senator that I have always been opposed to the leasing system. I think it never will be productive of development in the West. I predicted that no lease would be taken out in Alaska, although we debated that question here for two weeks, and the prediction was freely made by Senators from the Western States that there would not be a lease taken out in Alaska. There has not been, and it is because capital will not invest money on a lease that may be forfeited. That is the reason, and it is conclusive.

Mr. SMITH of Arizona. Yes; that is true.

Mr. SHAFROTH. It seems to me it is for that reason that people are now beginning to realize that we will not have any development without permitting these sales; but you have got to have some safeguard in regard to the sales, and for that reason I think that this one, which gives the Secretary the power to say that a sale that is unfair shall not take place, is a proper expression to prevent frauds against the Government.

Mr. KING. Mr. President, the answer of the Senator from Colorado merely illustrates the difficulty that we encounter in legislating along the lines presented in this bill. When we depart from the system which has been in vogue for many years, and to which the Senator from Arizona has just referred, and which has been productive of good, and has developed not only the West but the entire country, and inaugurate a leasing, paternalistic, bureaucratic system and policy, such as is provided in this measure, we are going to encounter more difficulties and complications than we could anticipate even if we had broader vision than my distinguished friend from Colorado.

Mr. SHAFROTH. Mr. President, I quite agree with the Senator from Utah that there will be great complications if it is attempted to force through this leasing system. I am satisfied of that, and I am satisfied that we will not get development under any such circumstances; but I am putting up the test that I am so confident that there will not be any leasing that I am willing to risk the question in order to get these lands developed. Here we have been in this condition for 15 years, without any development, and the result has been that it has caused a monopoly in the coal companies that already own fee simple title to their coal lands. That being the case, we have got to risk something, and we have got to risk the good faith of the people of the country to administer the act.

Mr. KING. Mr. President, the honesty of the Senator from Colorado and the Senator from Nevada having this bill in charge, their broad and ripe experience, their well-known devotion to the West, and the knowledge we all have that they would do nothing that they did not conceive to be best under all the circumstances, almost persuade me to vote for this bill; yet I find so many objections to it that notwithstanding my profound respect and affection for the Senators just mentioned I can not bring myself to support it.

I have said all that I care to say, Mr. President, about the particular point that engaged our attention a moment ago. I merely repeat that the provisions of this section make it impossible, as a right that can be enforced in the courts, for any man to locate upon and obtain title to coal lands. The Secretary of the Interior has the power and the authority to prevent the sale of any land; and if he conceives a bid which has been offered to be too low he will then refuse to sell, and no man can go into court and compel him to exercise that discretion and sell the land to him.

There is one other objection to this section, Mr. President, and that is this:

Even if it be conceded that there is a right which might be enforced in the courts to compel the giving of a deed upon the tender of the bid, the land is to be advertised for sale and subjected to a competitive bidding system. What is the result? Only the corporation or individual of wealth can purchase. The poor man or the man of limited means can not acquire coal lands. Thus monopoly is fostered. Moreover, the greater price paid for the land the higher the price demanded from the public for the coal sold. The more a person has to pay for the coal lands which he acquires from the Government, the more difficult it is to get capital with which to purchase, the more difficult it is for him to put the mine in operation, and the higher price he has to charge for coal.

I think the policy of the Government, for a number of years at least, has been not to make money out of the sale of the public lands. It is true that many years ago, particularly in the days of Henry Clay, one of the great political parties of our Nation promulgated a platform the particular feature of which was that the public lands should be sold and that the proceeds derived from the sale of the lands should be divided among the States.

It was anticipated that millions would be derived from the sale of the public domain and that the States and the Government would derive great financial returns therefrom. But the American people repudiated that view; the public lands were no longer regarded as a source of revenue, but the public were encouraged to occupy and develop them, practically without charge.

Now we are reversing the modern policy of handling the public domain, and apparently the purpose is to make revenue and profit out of the public domain. I think it is unwise. I think it is unfair. I think the policy will not be approved by the American people.

Mr. President, I can not conclude the criticisms that I desire to offer to this bill within the next few moments. I think the desire of a number of Senators is to go into executive session before adjournment. I shall therefore yield the floor, with the intention of resuming to-morrow.

EXECUTIVE SESSION.

Mr. SMITH of Arizona. I move that the Senate proceed to the consideration of executive business, for the purpose of referring to the committees the nominations that have come in.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE BATHRICK, OF OHIO.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The Chair lays before the Senate resolutions from the House of Representatives on the death of Hon. ELLSWORTH R. BATHRICK, late a Representative from the State of Ohio, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. ELLSWORTH R. BATHRICK, late a Representative from the State of Ohio.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. POMERENE. Mr. President, I offer the following resolutions and ask that they be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 176.

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ELLSWORTH R. BATHRICK, late a Representative from the State of Ohio.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. POMERENE. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 5, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 4, 1918.

COLLECTORS OF CUSTOMS.

Presley Stockton Ray, of Louisville, Ky., to be collector of customs in customs collection district No. 42, with headquarters at Louisville, Ky., in place of Warner S. Kinkead, deceased.

Charles E. Hardy, of Nogales, Ariz., to be collector of customs for customs collection district No. 26, with headquarters at Nogales, Ariz. (Reappointment.)

COLLECTOR OF INTERNAL REVENUE.

Howard Hathaway, of Everett, Wash., to be collector of internal revenue for the district of Hawaii, in place of John F. Haley, deceased.

Mr. Hathaway is serving under a temporary commission issued during the recess of the Senate.

REGISTERS OF LAND OFFICE.

Mrs. Mary Wolfe Dargin, of Colorado, to be register of the land office at Denver, Colo., her term having expired December 21, 1917. (Reappointment.)

Alvah G. Swindlehurst, of Minnesota, to be register of the land office at Cass Lake, Minn. His present term expired December 21, 1917. (Reappointment.)

William F. Cummins, of Mississippi, to be register of the land office at Jackson, Miss. His present term expired December 22, 1917. (Reappointment.)

Alex Nisbet, of Wyoming, to be register of the land office at Evanston, Wyo., his present term expiring January 24, 1918. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Fred A. King, of Minnesota, to be receiver of public moneys at Cass Lake, Minn. His present term expired December 21, 1917. (Reappointment.)

H. Clay Sharkey, of Mississippi, to be receiver of public moneys at Jackson, Miss. His present term expired December 22, 1917. (Reappointment.)

George I. Smith, of Oregon, to be receiver of public moneys at Portland, Oreg., his present term expiring January 30, 1918. (Reappointment.)

Richard R. Turner, of Oregon, to be receiver of public moneys at Roseburg, Oreg., his present term expiring January 30, 1918. (Reappointment.)

James P. Folger, of Wyoming, to be receiver of public moneys at Evanston, Wyo., his present term expiring January 14, 1918. (Reappointment.)

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. Peyton C. March (major general, National Army), to be major general in the Regular Army, from September 23, 1917, vice Maj. Gen. Hugh L. Scott, retired from active service September 22, 1917.

Brig. Gen. Edwin B. Babbitt, Ordnance Department, National Army, to be brigadier general in the Regular Army, vice Brig. Gen. Peyton C. March, nominated for appointment as major general.

PROVISIONAL APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenant with rank from October 26, 1917.

Harold Stacey Macomber, of Illinois.

TEMPORARY PROMOTIONS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be lieutenant colonels witherank from August 5, 1917.

Maj. Dennis P. Quinlan, judge advocate, vice Lieut. Col. Samuel T. Ansell, appointed brigadier general in the National Army.

Maj. Gouverneur V. Packer, judge advocate, vice Lieut. Col. Walter A. Bethel, appointed brigadier general in the National Army.

QUARTERMASTER CORPS.

To be colonels.

Lieut. Col. Alexander M. Davis, Quartermaster Corps, with rank from October 5, 1917, vice Col. David L. Brainard, appointed brigadier general in the National Army.

Lieut. Col. Richmond McA. Schofield, Quartermaster Corps, with rank from October 5, 1917, vice Col. Chauncey B. Baker, appointed brigadier general in the National Army.

Lieut. Col. Robert S. Smith, Quartermaster Corps, with rank from October 8, 1917, vice Col. Harry L. Rogers, appointed brigadier general in the National Army.

Lieut. Col. Arthur W. Yates, Quartermaster Corps, with rank from October 9, 1917, vice Col. Isaac W. Littell, appointed brigadier general in the National Army.

To be lieutenant colonels.

Maj. Morton J. Henry, Quartermaster Corps, with rank from October 5, 1917, vice Lieut. Col. Alexander M. Davis, promoted.

Maj. William Elliott, Quartermaster Corps, with rank from October 5, 1917, vice Lieut. Col. Richmond McA. Schofield, promoted.

Maj. James A. Logan, jr., Quartermaster Corps, with rank from October 8, 1917, vice Lieut. Col. Robert S. Smith, promoted.

Maj. Salmon F. Durton, Quartermaster Corps, with rank from October 9, 1917, vice Lieut. Col. Arthur W. Yates, promoted.

MEDICAL CORPS.

To be colonels with rank from August 5, 1917.

Lieut. Col. Louis T. Hess, Medical Corps, vice Col. Alfred E. Bradley, appointed brigadier general in the National Army.

Lieut. Col. Christopher C. Collins, Medical Corps, vice Col. Charles Richard, appointed brigadier general in the National Army.

Lieut. Col. Benjamin J. Edger, jr., Medical Corps, vice Col. William H. Arthur, appointed brigadier general in the National Army.

Lieut. Col. Samuel M. Waterhouse, Medical Corps, vice Col. Henry P. Birmingham, appointed brigadier general in the National Army.

To be lieutenant colonels with rank from August 5, 1917.

Maj. James D. Heysinger, Medical Corps, vice Lieut. Col. Elbert E. Persons, appointed colonel in the Ambulance Corps.

Maj. Lloyd L. Smith, Medical Corps, vice Lieut. Col. Charles C. Billingslea, who died August 16, 1917.

Maj. John B. Huggins, Medical Corps, vice Lieut. Col. Henry S. Greenleaf, promoted.

Maj. William H. Tefft, Medical Corps, vice Lieut. Col. Robert B. Grubbs, retired.

Maj. Llewellyn P. Williamson, Medical Corps, vice Lieut. Col. Louis T. Hess, promoted.

Maj. William R. Davis, Medical Corps, vice Lieut. Col. Llewellyn P. Williamson, retained in the General Staff Corps.

Maj. Leartus J. Owen, Medical Corps, vice Lieut. Col. Christopher C. Collins, promoted.

Maj. Robert M. Culler, Medical Corps, vice Lieut. Col. Benjamin J. Edger, jr., promoted.

Maj. Frank W. Weed, Medical Corps, vice Lieut. Col. Samuel M. Waterhouse, promoted.

ORDNANCE DEPARTMENT.

To be colonels with rank from August 5, 1917.

Lieut. Col. Kenneth Morton, Ordnance Department, vice Col. Edwin B. Babbitt, appointed brigadier general in the National Army.

Lieut. Col. Samuel Hof, Ordnance Department, vice Col. Charles B. Wheeler, appointed brigadier general in the National Army.

SIGNAL CORPS.

To be colonels with rank from August 5, 1917.

Lieut. Col. Daniel J. Carr, Signal Corps, vice Col. Charles McK. Saltzman, appointed brigadier general in the National Army.

Lieut. Col. Leonard D. Wildman, Signal Corps, vice Col. Edgar Russel, appointed brigadier general in the National Army.

To be lieutenant colonel with rank from August 5, 1917.

Maj. Alfred T. Clifton, Signal Corps, vice Lieut. Col. Daniel J. Carr, promoted.

APPOINTMENTS IN THE NATIONAL ARMY.

GENERAL OFFICERS.

To be major generals with rank from December 17, 1917.

Brig. Gen. William C. Langfitt, National Army.
Brig. Gen. John E. McMahon, National Army.
Brig. Gen. William G. Haan, National Army.

To be brigadier generals with rank from December 17, 1917.

Col. John B. McDonald, Cavalry (Inspector General's Department).
Col. Edward A. Millar, Field Artillery.
Col. DeRosey C. Cabell, Cavalry.
Col. Thomas H. Rees, Corps of Engineers.
Col. George W. Gatchell, Coast Artillery Corps.
Col. P. D. Lochridge, Cavalry (General Staff Corps).
Col. Nathaniel F. McClure, Cavalry.

Col. Peter C. Harris, Infantry (Adjutant General's Department).
Col. Monroe McFarland, Infantry (General Staff Corps).
Col. William R. Sample, Infantry.
Col. Eli A. Helmick, Infantry (Inspector General's Department).
Col. John S. Winn, Cavalry (Inspector General's Department).
Col. Robert L. Howze, Cavalry (General Staff Corps).
Col. Clement A. F. Flagler, Corps of Engineers.
Col. Charles D. Rhodes, Cavalry.
Col. William W. Harts, Corps of Engineers.
Col. Charles Crawford, Infantry.
Col. William S. Graves, Infantry (General Staff Corps).
Col. Frank D. Webster, Infantry.
Col. Joseph D. Leitch, Infantry.
Col. Robert Alexander, Infantry.
Col. William C. Davis, Coast Artillery Corps.
Col. Francis C. Marshall, Cavalry.
Col. Edgar Jadwin, Engineers, National Army.
Col. James A. Ryan, Cavalry.
Col. Fred W. Slayden, Infantry (General Staff Corps).
Col. Harry H. Bandholtz, Infantry, National Army.
Col. Peter Murray, Infantry.
Col. Paul A. Wolf, Infantry.
Col. Tiemann N. Horn, Field Artillery.
Col. Palmer E. Pierce, Infantry (General Staff Corps).
Col. William Chamberlaine, Coast Artillery Corps.

PROMOTIONS IN THE COAST GUARD.

Capt. John Cassin Cantwell to be a senior captain in the Coast Guard of the United States, to rank as such from October 3, 1917, in place of Senior Capt. Howard Emery, retired.

First Lieut. William Joseph Wheeler to be a captain in the Coast Guard of the United States, to rank as such from October 3, 1917, in place of Capt. John C. Cantwell, promoted.

Second Lieut. Thomas Andrew Shanley to be a first lieutenant in the Coast Guard of the United States, to rank as such from October 3, 1917, in place of First Lieut. William J. Wheeler, promoted.

Third Lieut. Frank Joseph Gorman to be a second lieutenant in the Coast Guard of the United States, to rank as such from October 3, 1917, in place of Second Lieut. Thomas A. Shanley, promoted.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Rear Admiral Robert S. Griffin to be engineer in chief and Chief of the Bureau of Steam Engineering, in the Department of the Navy, with the rank of rear admiral, for a period of four years.

The following-named captains to be rear admirals in the Navy, for temporary service, from the 15th day of October, 1917:
Thomas W. Kinkaid (additional number),
William S. Smith (additional number),
Spencer S. Wood,
Joseph L. Jayne,
Charles W. Dyson (additional number),
Clarence S. Williams, and
John D. McDonald.

The following-named commanders to be captains in the Navy, for temporary service, from the 15th day of October, 1917:
Clark D. Stearns,
Robert K. Crank,
Henry B. Price,
Stephen V. Graham,
William P. Scott (additional number),
Joseph M. Reeves (additional number),
Roscoe C. Moody,
Frank Lyon (additional number),
John McLuby,
Hutch I. Cone,
Robert W. McNeely,
George E. Gelm,
Frank H. Brumby,
James P. Morton (additional number),
George L. P. Stone,
Harris Laning,
Franklin D. Karns,
David W. Todd,
John V. Klemann,
Henry V. Butler,
Walter R. Gherardi,
James J. Raby,
William H. Standley, and
Kenneth M. Bennett.

The following-named lieutenant commanders to be commanders in the Navy, for temporary service, from the 15th day of October, 1917:
Hilary Williams,
Fletcher L. Sheffield,
Louis Shane,
Henry C. Dinger (additional number),
Walter G. Roper,
Allen Buchanan,
Richard D. White,
Hollis T. Winston (additional number),
Frederick R. Naile,
Emil P. Svarz,
Herbert C. Cocke,
William V. Tomb,
Bayard T. Bulmer,
Lewis Coxe,
Robert T. Menner,
Benjamin G. Barthalow,
Merlyn G. Cook,
Wallace Bertholf,
Frank McCommon,
Theodore A. Kittinger,
Guy Whitlock,
Jesse B. Gay,
Levin J. Wallace,
James O. Richardson,
James P. Murdock,
David A. Weaver,
Neil E. Nichols,
Otto C. Dowling,
Charles W. Early,
Wilson Brown, jr.,
Robert Henderson,
Edward C. S. Parker,
Joseph O. Fisher (additional number),
William T. Conn, jr.,
John H. Blackburn,
Frank B. Freyer,
Carlos Bean (additional number),
Roscoe C. Davis (additional number),
William D. Puleston,
Charles W. Densmore,
David Lyons,
Joseph F. Daniels,
Gaston DeP. Johnstone,
Frank Rorschach,
Stephen C. Rowan,
Walter S. Anderson,
Henry D. Cooke,
Samuel M. Robinson (additional number),
William W. Smyth,
Ralston S. Holmes,
Francis J. Cleary (additional number),
Fred H. Poteet,
William J. Giles,
Ralph A. Koch,
Lamar R. Leahy,
Milton S. Davis,
Charles C. Moses, and
Sam C. Loomis.

The following-named lieutenants to be lieutenant commanders in the Navy, for temporary service, from the 15th day of October, 1917:
Charles C. Ross,
Howard M. Lammers,
Archer M. R. Allen, and
Francis J. Comerford.

The following-named officers to be ensigns in the Navy, for temporary service, from the 10th day of October, 1917:
Eugene L. Richardson,
Bennie C. Phillips,
James D. Rorabaugh,
Loar Mansbach,
William Pollock,
Fred J. Pope, and
Louis M. Palmer.

Carpenter George H. Wheeler to be an ensign in the Navy, for temporary service, from the 11th day of October, 1917.

Ensign Alexander S. Neilson, United States Naval Reserve Force, to be an ensign in the Navy, for temporary service, from the 30th day of November, 1917.

Ensign George H. Cooley, National Naval Volunteers, to be an ensign in the Navy, for temporary service, from the 15th day of December, 1917.

Ensign Elias Q. Horton, United States Naval Reserve Force, to be an ensign in the Navy, for temporary service, from the 15th day of December, 1917.

Lieut. Commander Ward K. Wortman to be a commander in the Navy from the 1st day of July, 1917.

Lieut. Commander Frank D. Berrien to be a commander in the Navy from the 1st day of July, 1917.

Lieut. Herbert B. Riebe to be a lieutenant commander in the Navy from the 1st day of July, 1917.

Lieut. (Junior Grade) Herman E. Welte to be a lieutenant in the Navy from the 29th day of August, 1916.

The following-named medical directors with rank of captain to be medical directors in the Navy with rank of rear admiral from the 15th day of October, 1917:
Edward R. Stitt and
George H. Barber.

Asst. Surg. William W. Hargrave to be a passed assistant surgeon in the Navy from the 2d day of October, 1917.

Commander Luke McNamee to be a captain in the Navy, for temporary service, from the 1st day of July, 1917.

The following-named lieutenant commanders to be commanders in the Navy, for temporary service, from the 1st day of July, 1917:
William R. Sayles, jr.,
Kenneth G. Castleman (additional number),
Ward K. Wortman,
Frank D. Berrien,
Charles R. Train,
William P. Cronan,
Hugo W. Osterhaus,
Charles P. Huff, and
Byron A. Long.

Lieut. Grafton A. Beall, jr., to be a lieutenant commander in the Navy, for temporary service, from the 23d day of May, 1917.

The following-named lieutenants to be lieutenant commanders in the Navy, for temporary service, from the 1st day of July, 1917:
William A. Hall,
Herbert B. Riebe,
John P. Miller,
Owen Bartlett,
Edward S. Moses,
John F. Connor,
William H. Booth,
Edwin B. Woodworth, and
James P. Olding.

Lieut. Walter W. Lorabough to be a lieutenant commander in the Navy from the 23d day of May, 1917.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1917:
Douglas L. Howard,
Pierre L. Wilson, and
Stuart W. Cake.

Lieut. Archibald G. Stirling to be a lieutenant commander in the Navy from the 11th day of July, 1917.

Lieut. John T. G. Stapler to be a lieutenant commander in the Navy from the 10th day of August, 1917.

Lieut. Lesley B. Anderson to be a lieutenant commander in the Navy from the 1st day of September, 1917.

Lieut. John S. McCain to be a lieutenant commander in the Navy from the 22d day of September, 1917.

Lieut. Matthias E. Manly to be a lieutenant commander in the Navy from the 7th day of October, 1917.

The following-named lieutenants to be lieutenant commanders in the Navy from the 11th day of October, 1917:
Ronan C. Grady and
Reuben L. Walker.

Lieut. Alexander Sharp, jr., to be a lieutenant commander in the Navy from the 20th day of November, 1917.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, for temporary service, from the 5th day of June, 1917:
Zachary Lansdowne,
Herbert R. A. Borchardt, and
Archibald McGlasson.

The following-named officers to be ensigns in the Navy, for temporary service, from the 10th day of October, 1917:
Howard W. Kitchin,
Walter S. Gallagher,
William W. Cole,
Karl E. F. Sorensen,
Jeremiah K. Cronin,
Allen J. Gahagan,
Bruce M. Parmenter,
Benjamin F. Schmidt,
James W. Lennon,
Frank S. Miller,
Arthur Boileau,
William A. Tattersall,
William J. Russell, and
Benjamin F. Blume.

The following-named officers to be ensigns in the Navy, for temporary service, from the 15th day of December, 1917:
Robert J. Ford,
William J. Poland,
Haden H. Phares,
John P. Conraddi,
Thomas Fertner,
James Moran,
Ellis H. Roach,
Emil H. Petri,
Olaf J. Dahl,
Ralph F. Streitz,
Warren W. Wesley,
Stephen J. Drellishak,
August Skolasky,
Edwin F. Bibson,
Werner E. Follin,
James J. Morgan,
Frederick Bense,
Carl E. Nelson,
Carter E. Parker,
Charles M. May,
Walter H. Thomas,
Frederick G. Lemke,
Lester M. Harvey,
Edmund F. Sale,
Adolf J. Hofman,
Edward L. Moyer,
Edward Eger,
Thomas C. Ryan,
William Johnson,
Otto H. H. Strack,
John Erikson, jr.,
Dellworth Ballard,
Harlie H. Brown,
Garrison Payne,
Emmett M. Wanner,
Walter H. Stuart,
Leo E. Orvis,
Harold Bye,
Harold E. Fosdick,
Nels E. Smith,
Archie O. Mundale,
Mauritz M. Nelson,
John C. Hicks,
Orie H. Small,
Charles W. Heuckler,
William B. Anderson,
Henry Quinton,
William P. Crowley,
Harvey C. Brown,
Louis M. Biller,
Joe S. Wierzbowski,
Robin Southern,
George W. Allen,
Elmer A. Posey,
Edmond T. Coon,
John F. McConalogue,
George H. Turner,
Joseph K. Konieczny,
Frederick A. Ruf,
Christian V. Pedersen,
Thomas M. Arrowsmith,
Henry Eismann,
William R. Giddens,
Walter E. Sharon,
Ernest C. Marheineke,
Herman G. Mecklenburg,
John D. Cornell,
Earle S. Nason, and
Lawrence Crilley.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 15th day of December, 1917:
Carl I. Ostrom,
Robert DeBellefeuille,
James Williams,
John H. Burke,
William H. Newman,
George E. Comstock,
George Enos,
Ralph M. Jeffries,

Fred P. [illegible]
Frank L. [illegible]gan,
Thomas [illegible]
Frederick L. Rose,
Harry L. Thompson,
William A. Blazo,
Harry E. Adams,
John D. Lennon,
Herbert G. Haynes,
Edward V. Brown,
Harry L. Ritchie,
William M. Price,
William A. Reynolds,
Roy E. Hall,
Leslie K. Orr,
Leon W. Thomas,
Horatio S. Ford,
Frank Mogridge,
George W. Haynes,
Chub J. Smith,
Charles Braun, jr.,
John R. Rayhart,
John J. Dabbs,
Clyde Morrison
Ira A. White
Joseph A. Curzon,
John F. Warris,
Elmer B. Robinson,
Emil Roeller,
Emerson B. Manlay,
Albert L. Bishop,
Edward D. Berry,
Walker P. Rodman,
Stephen W. Burton,
William Kuskey,
James S. Cuff,
John L. Wilson,
George L. H. Dolan,
Paul E. Current,
Luther Foust,
Theodore R. Raderick,
Ernest N. Varnado,
Edgard J. Thonnesen,
Alfred G. Lewis,
John E. Shaw,
George W. Pounder,
Willie L. De Camp,
Thomas O. Kirby,
Carl A. Stevens,
Elijah E. Tompkins,
Walter J. Thomas,
Svend J. Skou,
Abe Toretsky,
Harry B. Lough,
Loring McCormick,
Thomas C. Macklin,
William [illegible] Gordon,
Oswald [illegible] Schubert,
John W[illegible]anlin,
Carlton [illegible] Tipping,
Cullie C. Manning,
Frank R. Williams,
Jacob Schnell,
Leonard E. Bray,
James D. Rodgers,
James B. O'Reilly,
Emil G. B. Wandt,
Anthony P. Sauerwein,
Ray W. Marsh,
Warren C. Carr,
Harold L. Arnold,
Clarence E. Owens,
John J. Audett,
Harold J. Gordon, and
Stanley Kazmarek.

Surg. Frederick L. Benton to be a medical inspector in the Navy from the 23d day of May, 1917.

The following-named surgeons to be medical inspectors in the Navy from the 15th day of October, 1917:

Royall R. Richardson and
Jacob Stepp.

The following-named passed assistant surgeons to be surgeons in the Navy from the 15th day of October, 1917:

James M. Minter,
Spencer L. Higgins, and
Renier J. Straeten.

Asst. Surg. Henry C. Johnston, of the United States Naval Reserve Force, to be an assistant surgeon in the Navy from the 17th day of November, 1917.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons in the Navy from the 17th day of November, 1917, to correct their date of rank:

Lawrence K. McCafferty,
Stephen R. Mills,
James A. Brown,
Albert N. Champion,
Alvin L. Mills,
Millard F. Hudson, and
Isaac Dellar.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons in the Navy from the 17th day of November, 1917, to correct their status and date of rank:

Carlton L. Andrus and
Floyd G. Tindall.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons in the Navy, for temporary service, from the 17th day of November, 1917, to correct their status and date of rank:

Harold E. Ragle and
Lawrence T. Hopkins.

The following-named officers of the United States Naval Reserve Force to be assistant surgeons in the Navy, for temporary service, from the 17th day of November, 1917, to correct their date of rank:

Esdras J. Lanois and
George A. Alden.

Thomas White, a citizen of the United States, to be a dental surgeon in the Navy, for temporary service, from the 6th day of October, 1917.

Naval Constructor William G. DuBose, with rank of commander, to be a naval constructor in the Navy, with rank of captain, for temporary service, from the 15th day of October, 1917.

The following-named naval constructors, with rank of lieutenant commander, to be naval constructors in the Navy, with rank of commander, for temporary service, from the 15th day of October, 1917:

James Reed, jr., and
Edwin G. Kintner.

Lieut. William H. Booth to be a lieutenant commander in the Navy from the 1st day of July, 1917.

Ensign Boleslaw L. Dombrowski to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1917.

Ensign Alexander S. Neilson, United States Naval Reserve Force, to be an ensign in the Navy, for temporary service, from the 30th day of November, 1917.

Ensign Henry K. McHarg, United States Naval Reserve Force, to be an ensign in the Navy, for temporary service, from the 30th day of November, 1917.

The following-named officers of the National Naval Volunteers to be ensigns in the Navy, for temporary service, from the 30th day of November, 1917:

Henry C. McIlvaine, jr.,
Henry S. Austin,
J. Walker Eaton,
James F. Cooper,
Milton M. Fisher,
Joseph C. M. Small,
Albert L. King, and
Frank J. McManamon.

The following-named surgeons to be medical inspectors in the Navy from the 15th day of October, 1917:

Charles N. Fiske,
Charles G. Smith,
Robert A. Bachmann, and
Howard F. Strine.

The following-named passed assistant surgeons to be surgeons in the Navy, from the 15th day of October, 1917:

Frank H. Stibbens,
Reynolds Hayden,
Edward V. Valz,
Montgomery A. Stuart, and
Rudolph I. Longbaugh.

Ensign David A. Smith, United States Naval Reserve Force, to be an ensign in the Navy, for temporary service, from the 15th day of December, 1917.

CONFIRMATION.

Executive nomination confirmed by the Senate January 4, 1918.

COLLECTOR OF CUSTOMS.

Charles E. Hardy to be collector of customs for customs collection district No. 26, with headquarters at Nogales, Ariz.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 4, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our Heavenly Father, Source of all wisdom, power, and goodness, imbue us plenteously, we beseech Thee, with these inestimable gifts, that with clear conceptions of right and truth and justice and an inflexible will and pure motives we may fulfill the obligations resting upon us, now and always, in the Spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

JOINT SESSION OF THE TWO HOUSES.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Concurrent resolution 31.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives Friday, the 4th day of January, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The SPEAKER. Is there objection?

Mr. GILLETT. Reserving the right to object, Mr. Speaker, I should like to ask the gentleman why this resolution was not brought up yesterday, as has always been the practice in the past? It makes this body look a little ridiculous to go through the form of deliberating after the stage has been all set. It looks as if we were 24 hours behind all the rest of the country in knowing what was going to happen right here.

Mr. KITCHIN. I will say to the gentleman that I had not received notice that the President desired to come here at this time until after the House had adjourned yesterday. If I had known it yesterday before the House adjourned, I should have submitted the resolution then.

The SPEAKER. The Chair will state that the day before yesterday he called up the White House to ascertain when the President desired to address the Congress. At that time no one at the White House was able to give that information. Yesterday, after the House had adjourned, my secretary notified me that the White House had called up and said that 12.30 o'clock to-day would be suitable to the President, if it was satisfactory to the Congress. I replied, of course, that it was satisfactory to us. The White House did not know that the House would adjourn so quickly yesterday. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE.

Mr. BROWNING. Mr. Speaker, I ask unanimous consent for indefinite leave of absence for my colleague, Mr. DRUKKER, on account of illness.

The SPEAKER. The gentleman from New Jersey asks unanimous consent for indefinite leave of absence for his colleague, Mr. DRUKKER, on account of illness. Is there objection?

There was no objection.

EXCESS-PROFITS TAX.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent that I be permitted to extend my remarks in the RECORD by inserting therein a brief, concise, and, I think, very clear statement in regard to the 8 per cent extra tax that the Congress has been criticized about, prepared by my colleague, Judge RUCKER.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing therein a statement by Mr. RUCKER. Is there objection?

There was no objection.

PERSONAL EXPLANATION.

Mr. LENROOT. Mr. Speaker, I ask unanimous consent to proceed for two minutes on a matter pertaining to the RECORD.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Speaker, on the day that the Congress adjourned, the House will remember, we were debating the question of the excess-profits taxation on earned income. In that debate the distinguished leader upon the other side, Mr. KITCHIN, used as an illustration, to aid his argument, the investment in certain cotton factories. In reply I took up the gentleman's illustration and attempted to show the fallacy of the argument. I find in the RECORD that the gentleman from North Carolina has cut out all of that illustration, and that leaves me in the position of replying to something that apparently did not occur.

Mr. KITCHIN. Why, there must be some mistake about that.

Mr. LENROOT. But I have the transcript of the gentleman's remarks in my hand, showing that that particular portion was stricken out by some one.

Mr. KITCHIN. Not by me. I do not recall it.

Mr. LENROOT. And rewritten.

Mr. KITCHIN rose.

Mr. LENROOT. Oh, I do not intend to make any request in respect to it, except to say that because of that I have been put in the unfair attitude of putting in the mouth of the gentleman something which, according to the RECORD, he did not say.

This is a transcript of the gentleman's remarks, which I hand to him. I have no request to make in connection with it, except to say that when a Member makes an argument, and that argument is replied to, it is an abuse of the right of revision to cut out from the transcript all reference to the argument that is replied to, and I hope it will not be repeated.

Mr. KITCHIN. Before the gentleman takes his seat I want to say that if what the gentleman refers to is stricken out, it was an oversight upon my part. I certainly did not intend to strike out anything the gentleman said.

Mr. LENROOT. My point is that the gentleman, or somebody in behalf of the gentleman, struck out the illustration that the gentleman used to support his argument, and I replied to that illustration

Mr. KITCHIN. Having just looked over the notes of my remarks, which the gentleman has handed me, I wish to state that the gentleman is correct. I find—and the notes show it—that in hurriedly revising my remarks, seeing that I had practically made a repetition of the same proposition, I struck out one, which happened to be the one containing the cotton-mill illustration.

EXTENSION OF REMARKS.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter from a constituent.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following resignation from a committee:

Mr. SPEAKER: Having been appointed upon the recently created Suffrage Committee, I hereby resign from the Committee on Irrigation of Arid Lands.

Very respectfully, THOMAS L. BLANTON.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, Mr. Cox was granted five days' leave of absence on account of death in the family.

FILING OF A PETITION.

Mr. HARDY. Mr. Speaker, I wish to ask leave to file petition from quite a number of citizens of Texas against limiting the number of cars on trains.

The SPEAKER. The gentleman can place that in the basket.

FEDERAL FARM-LOAN ACT.

Mr. GLASS. Mr. Speaker, I move that we proceed with the regular order, which is the consideration of the bill (H. R. 7731) on the House Calendar, and, pending that motion, I would like to reach some agreement with gentlemen on the other side about the time of debate.

The SPEAKER. The Chair will state to the gentleman from Virginia that this bill is on the House Calendar. The Clerk will report the bill.

Mr. GLASS. Mr. Speaker, I observe the bill is on the House Calendar.

The SPEAKER. Yes.

Mr. GLASS. And I ask unanimous consent——

Mr. CAMPBELL of Kansas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL of Kansas. Is the bill properly on the House Calendar?

The SPEAKER. The Chair does not know what is in the bill.

Mr. CAMPBELL of Kansas. The bill authorizes the expenditure of $100,000,000 this year and another $100,000,000 next, and I think properly it ought to be on the Union Calendar.

The SPEAKER. Of course it ought.

Mr. GLASS. Mr. Speaker, I ask unanimous consent that it be transferred to the Union Calendar.

The SPEAKER. The gentleman from Virginia asks unanimous consent that this bill be transferred to the Union Calendar. Is there objection?

Mr. LENROOT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question. The Senate bill upon the same subject is before the House. Why will not the gentleman ask that the Senate bill be considered in lieu of the House bill?

Mr. GLASS. That is what I expect to do later.

Mr. LENROOT. That is all right.

The SPEAKER. Is there objection? [After a pause.] The Chair hear none. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration——

Mr. GLASS. Pending that motion, Mr. Speaker, I ask unanimous consent that we may consider the Senate bill on the same subject in lieu of the House bill. The Senate bill is numbered 3235.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider Senate bill 3235, of the same tenor, in lieu of the House bill. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I would like to make an inquiry of the gentleman from Virginia whether he proposes, after he gets unanimous consent to consider the Senate bill, to offer the House bill as an amendment to the Senate bill?

Mr. GLASS. That is my purpose, Mr. Speaker—later to move to strike out all after the enacting clause in the Senate bill and substitute the House bill.

Mr. GARNER. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Now, has the gentleman any request to make in reference to time?

Mr. GLASS. I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union.

Mr. GILLETT. Mr. Speaker, I object to that. I think that we had better go into Committee of the Whole.

The SPEAKER. The question is on the motion of the gentleman from Virginia to resolve the House into the Committee of the Whole House on the state of the Union. Those in favor will say "aye"——

Mr. GLASS. Mr. Speaker, I would like to reach some arrangement as to debate on the bill.

Mr. STAFFORD. Mr. Speaker, the gentleman should have made that request before the vote to go into the Committee of the Whole House on the state of the Union.

Mr. GLASS. Well, I distinctly stated that, pending the motion to go into the Committee of the Whole——

Mr. GARNER. It has been suggested——

Mr. GLASS. I did not understand that we had gone into the Committee of the Whole.

The SPEAKER. The House voted upon going into the Committee of the Whole, but then the gentleman preferred the question about time and, as a matter of fact, the House has not actually gone into the Committee——

Mr. GARNER. That is what I was going to say.

The SPEAKER. As the Speaker has not appointed a Chairman, Mr. GARNER suggested that the negative vote was not put.

Mr. GARNER. Mr. Speaker, I withdraw my motion to go into the Committee of the Whole.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 31.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives Friday, the 4th day of January, 1918, at 12 o'clock and 30 minutes in the afternoon for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 12.27.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that the House stand in recess until 12.27. Is there objection? The Chair hears none. The Chair wants to announce that these three inner rows of seats are to be set aside for the Senate. The House will now stand in recess under the unanimous-consent agreement.

Accordingly, at 12 o'clock and 19 minutes the House stood in recess until 12 o'clock and 27 minutes.

At the expiration of the recess the House resumed its session and was called to order by the Speaker.

JOINT MEETING OF THE SENATE AND HOUSE.

At 12 o'clock and 27 minutes p. m. the Doorkeeper, J. J. Sinnott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. On the part of the House, the Chair appoints Messrs. KITCHIN, SHERLEY, SIMS, CARLIN, CANNON, ESCH, and AUSTIN as a committee to wait on the President and conduct him into the Hall.

The VICE PRESIDENT. On the part of the Senate, the Chair appoints Senators MARTIN, GALLINGER, OVERMAN, LODGE, SMOOT, POMERENE, and PHELAN.

At 12 o'clock and 30 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk, amid prolonged applause.

The SPEAKER. Gentlemen of the Sixty-fifth Congress, I present the President of the United States. [Applause.]

ADDRESS OF THE PRESIDENT (H. DOC. 764).

The PRESIDENT. Mr. Speaker, Mr. President, and gentlemen of the Congress, I have asked the privilege of addressing you in order to report to you that on the twenty-eighth of December last, during the recess of the Congress, acting through the Secretary of War and under the authority conferred upon me by the act of Congress approved August 29, 1916, I took possession and assumed control of the railway lines of the country and the systems of water transportation under their control. [Applause.] This step seemed to be imperatively necessary in the interest of the public welfare, in the presence of the great tasks of war with which we are now dealing. As our own experience develops difficulties and makes it clear what they are, I have deemed it my duty to remove those difficulties wherever I have the legal power to do so. To assume control of the vast railway systems of the country is, I realize, a very great responsibility, but to fail to do so in the existing circumstances would have been a much greater. I assumed the less responsibility rather than the weightier.

I am sure that I am speaking the mind of all thoughtful Americans when I say that it is our duty as the representatives of the Nation to do everything that it is necessary to do to secure the complete mobilization of the whole resources of America by as rapid and effective means as can be found. Transportation supplies all the arteries of mobilization. Unless it be under a single and unified direction, the whole process of the Nation's action is embarrassed.

It was in the true spirit of America, and it was right, that we should first try to effect the necessary unification under the voluntary action of those who were in charge of the great railway properties; and we did try it. The directors of the railways responded to the need promptly and generously. The group of railway executives who were charged with the task of actual coordination and general direction performed their difficult duties with patriotic zeal and marked ability, as was to have been expected, and did, I believe, everything that it was possible for them to do in the circumstances. If I have taken the task out of their hands, it has not been because of any dereliction or failure on their part, but only because there were some things which the Government can do and private management can not. We shall continue to value most highly the advice and assistance of these gentlemen, and I am sure we shall not find them withholding it.

It had become unmistakably plain that only under Government administration can the entire equipment of the several systems of transportation be fully and unreservedly thrown into a common service without injurious discrimination against particular properties. Only under Government administration can an absolutely unrestricted and unembarrassed common use be made of all tracks, terminals, terminal facilities, and equipment of every kind. Only under that authority can new terminals be constructed and developed without regard to the requirements or limitations of particular roads. But under Government administration all these things will be possible—not instantly, but as fast as practical difficulties, which can not be merely conjured away, give way before the new management.

The common administration will be carried out with as little disturbance of the present operating organizations and personnel of the railways as possible. Nothing will be altered or disturbed which it is not necessary to disturb. We are serving the public interest and safeguarding the public safety, but we are also regardful of the interest of those by whom these great properties are owned and glad to avail ourselves of the experience and trained ability of those who have been managing them. It is necessary that the transportation of troops and of war materials, of food and of fuel, and of everything that is necessary for the full mobilization of the energies and resources of the country, should be first considered, but it is clearly in the public interest also that the ordinary activities and the normal industrial and commercial life of the country should be interfered with and dislocated as little as possible, and the public may rest assured that the interest and convenience of the private shipper will be as carefully served and safeguarded as it is possible to serve and safeguard it in the present extraordinary circumstances.

While the present authority of the Executive suffices for all purposes of administration, and while of course all private interests must for the present give way to the public necessity, it is, I am sure you will agree with me, right and necessary that the owners and creditors of the railways, the holders of their stocks and bonds, should receive from the Government an unqualified guarantee that their properties will be maintained throughout the period of Federal control in as good repair and as complete equipment as at present, and that the several roads will receive under Federal management such compensation as is equitable and just alike to their owners and to the general public. I would suggest the average net railway operating income of the three years ending June 30, 1917. I earnestly recommend that these guarantees be given by appropriate legislation, and given as promptly as circumstances permit.

I need not point out the essential justice of such guarantees and their great influence and significance as elements in the present financial and industrial situation of the country. Indeed, one of the strong arguments for assuming control of the railroads at this time is the financial argument. It is necessary that the values of railway securities should be justly and fairly protected and that the large financial operations every year necessary in connection with the maintenance, operation and development of the roads should, during the period of the war, be wisely related to the financial operations of the Government. Our first duty is, of course, to conserve the common interest and the common safety and to make certain that nothing stands in the way of the successful prosecution of the great war for liberty and justice, but it is also an obligation of public conscience and of public honor that the private interests we disturb should be kept safe from unjust injury, and it is of the utmost consequence to the Government itself that all great financial operations should be stabilized and coordinated with the financial operations of the Government. No borrowing should run athwart the borrowings of the Federal Treasury, and no fundamental industrial values should be anywhere unnecessarily impaired. In the hands of many thousands of small investors in the country, as well as in national banks, in insurance companies, in savings banks, in trust companies, in financial agencies of every kind, railway securities, the sum total of which runs up to some ten or eleven thousand millions, constitute a vital part of the structure of credit, and the unquestioned solidity of that structure must be maintained.

The Secretary of War and I easily agreed that, in view of the many complex interests which must be safeguarded and harmonized, as well as because of his exceptional experience and ability in this new field of governmental action, the Honorable William G. McAdoo was the right man to assume direct administrative control of this new executive task. [Applause.] At our request, he consented to assume the authority and duties of organizer and Director General of the new Railway Administration. He has assumed those duties and his work is in active progress.

It is probably too much to expect that even under the unified railway administration which will now be possible sufficient economies can be effected in the operation of the railways to make it possible to add to their equipment and extend their operative facilities as much as the present extraordinary demands upon their use will render desirable without resorting to the national treasury for the funds. If it is not possible, it will, of course, be necessary to resort to the Congress for grants of money for that purpose. The Secretary of the Treasury will advise with your committees with regard to this very practical aspect of the matter. For the present, I suggest only the guarantees I have indicated and such appropriations as are necessary at the outset of this task. I take the liberty of expressing the hope that the Congress may grant these promptly and ungrudgingly. We are dealing with great matters and will, I am sure, deal with them greatly. [Applause.]

At 12 o'clock and 33 minutes p. m. the President retired from the Hall of the House.

At 12 o'clock and 34 minutes p. m. the Speaker announced that the joint session had dissolved.

Thereupon the Vice President and Members of the Senate returned to their Chamber.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On December 18, 1917:

H. J. Res. 193. Joint resolution authorizing the payment of salaries of officers and employees of Congress for December, 1917.

On December 20, 1917:

H. R. 6967. An act to increase the number of midshipmen at the United States Naval Academy; and

S. 2334. An act to authorize absence by homestead settlers and entrymen, and for other purposes.

On December 26, 1917:

S. J. Res. 114. Joint resolution extending the commission provided for in the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, with the same authorities, powers, and provisions until on or before March 1, 1918.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2918. An act providing that the forfeiture provisions of land laws shall not apply in the case of persons in the military and naval service during the present war; to the Committee on the Public Lands.

S. 27. An act to encourage the reclamation of certain arid lands in the State of Nevada, and for other purposes; to the Committee on Irrigation of Arid Lands.

S. 1766. An act to authorize the President to appoint Col. L. Mervin Maus to the grade of brigadier general in the United States Army and place him on the retired list; to the Committee on Military Affairs.

S. 2493. An act to amend section 3 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916; to the Committee on the Public Lands.

S. 730. An act granting certain coal lands to the town of Kaycee, Wyo.; to the Committee on the Public Lands.

S. J. Res. 117. Joint resolution amending the act of July 2, 1909, governing the holding of civil-service examinations; to the Committee on Reform in the Civil Service.

S. 2852. An act to increase the limit of cost of the Federal building and site therefor at Moultrie, Ga.; to the Committee on Public Buildings and Grounds.

EXTENSION OF REMARKS.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a speech on the subject of relations of the railroads to the public and also of the States to the Federal Government, by Jeremiah S. Black.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

FEDERAL FARM LOANS.

Mr. GLASS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 3235, and pending that motion, Mr. Speaker, I would like to reach some agreement with the gentleman from California [Mr. HAYES] as to the time. I would suggest that an hour on a side be devoted to general debate. Is that agreeable to my colleague?

Mr. HAYES. Mr. Speaker, a good many on this side would like to be heard. I think that length of time would be rather short. I would suggest two hours on a side.

Mr. GLASS. I suggest to my colleague that the bill will be considered under the five-minute rule.

Mr. HAYES. I am well aware of that.

Mr. GLASS. And those who do not engage in general debate will have ample opportunity under the five-minute rule.

Mr. HAYES. But under the rules of the House it will be possible to shut gentlemen out. They can not get general debate under that head, unless the House so desires. If any considerable part of the House desire to shut it off, they can do so.

Mr. GLASS. Does the gentleman anticipate that after we have consumed two hours of general debate there will be much desire to speak under the five-minute rule?

Mr. HAYES. I do. Mr. Speaker, it seems to me that this is a very important matter, one rather extraordinary and revolutionary in character, and ought to be thoroughly discussed, and I think that two hours on a side is little enough.

Mr. GLASS. I will suggest to my colleague that when the House adjourned for the holidays we had under consideration and were prepared to vote on a rule that allowed only one hour of general debate, which I think was ample.

Mr. HAYES. But, as I have been informed, the House did not agree to that one hour, and the matter was left open.

Mr. GLASS. The House did not come to any decision on the matter at all.

Mr. GILLETT. May I make a suggestion?

Mr. GLASS. I will be glad to hear it.

Mr. GILLETT. When the gentleman from California [Mr. HAYES] was not here, before the President's address, Members came to me who wished to discuss the bill, and I have here, which does not include the gentleman from California, a list of names of men who would like to consume 1 hour and 55 minutes. It seems to me that this is a question of such importance that there is no reason why it should not be debated as long as men really wish to discuss the question and throw light on it. Perhaps you on your side would not use up all of your time and could yield some to this side. The House is not pressed with business. There is no reason, it seems to me, why, on such an important matter, gentlemen should not be allowed time to debate fairly, as long as they are not trying to delay.

Mr. NORTON. I suggest that the debate be confined to the bill. With that understanding, I have no objection.

Mr. HAYES. I have no objection to that.

Mr. GLASS. Mr. Speaker, I do not think that this is a time or that this is a measure that should offer opportunity to people to talk just to be talking.

Mr. GILLETT. This is all on the bill.

Mr. HAYES. Mr. Speaker, of course we have no desire to continue the discussion longer than is necessary, and if gentlemen do not care to speak the time can be shortened accordingly. But it seems to me that Members who desire to speak on this side should have an opportunity.

Mr. GLASS. I ask unanimous consent, Mr. Speaker, that the general debate be confined to an hour and a half on each side.

Mr. HAYES. I wish the gentleman would give us two hours. We could consume two hours' time on the subject.

Mr. GILLETT. Could the gentleman give us 30 minutes of his time on this side?

Mr. GLASS. I have very few requests.

Mr. GILLETT. If the gentleman would give us thirty minutes of his time that would be satisfactory.

Mr. GLASS. I can not agree to that. I will give all that is not asked for on this side.

Mr. GILLETT. This is not against the bill, you understand.

Mr. GLASS. I understand that. I think more Members on that side want to speak for the bill than against it.

Mr. GILLETT. I think so.

Mr. GLASS. But that is not the question. I simply want to be rid of the proposition as soon as I can get rid of it. It is not a complex proposition. It is one easily understood, and to save my life how we could consume four hours in general debate is beyond my comprehension.

Mr. PLATT. But the gentleman will recollect that there is a whole lot back of it that ought to be brought out.

Mr. GLASS. I do not recollect anything of the sort. I do not know anything of the sort—that there is a whole lot back of it that ought to be brought out.

Mr. PLATT. I do not mean that in a depreciatory sense. I mean that in order to understand this thing thoroughly there are a good many things to be said.

Mr. GLASS. My observation is that a good many things are said that could be very easily dispensed with in all general debate.

Mr. PLATT. The discussion will be confined to the bill.

Mr. GLASS. Well, I suggest to my colleague that that side be given an hour and forty-five minutes and this side one hour and fifteen minutes.

Mr. GARNER. That ought to satisfy gentlemen on the other side.

Mr. GLASS. I ask unanimous consent, Mr. Speaker, that three hours of general debate be devoted to this bill, 1 hour and 45 minutes to be controlled by my colleague from California [Mr. HAYES] and 1 hour and 15 minutes to be controlled by myself, and that the general debate be confined to the subject of the bill.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7731.

Mr. CARLIN. Mr. Speaker, reserving the right to object, I want to inquire if that includes debate on the amendments?

Mr. GLASS. No; that is general debate on the bill itself.

The SPEAKER. And, pending that motion, he asks unanimous consent that general debate be limited to three hours and confined to the subject matter of the bill, an hour and three-quarters to be controlled by the gentleman from California [Mr. HAYES] and an hour and fifteen minutes to be controlled by himself. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I believe the Speaker, through inadvertence, referred to the House bill rather than to the Senate bill.

The SPEAKER. Yes; the Senate bill. I did not have it before me. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill S. 3235, with Mr. HARRISON of Mississippi in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3235) amending section 32, Federal farm loan act, approved July 17, 1916, which the Clerk will report.

The Clerk read the bill, as follows:

An act (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916.

Be it enacted, etc., That the Federal farm-loan act, approved July 17, 1916, is hereby amended by adding at the end of section 32 the following:

"The Secretary of the Treasury is further authorized, in his discretion, upon the request of the Federal Farm Loan Board, from time to time during the fiscal year ending June 30, 1918, to purchase, at par and accrued interest, with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm-loan bonds issued by such bank.

"Such purchases shall not exceed the sum of $100,000,000. Any Federal land bank may at any time repurchase, at par and accrued interest, for the purpose of redemption or resale, any bonds so purchased from it and held in the Treasury.

"The bonds of any Federal land bank so purchased by the Secretary of the Treasury, and held in the Treasury under the provisions of this amendment one year after the termination of the pending war, shall, upon 30 days' notice from the Secretary of the Treasury, be redeemed or repurchased by such bank at par and accrued interest.

"Until all bonds so purchased by the Secretary of the Treasury have been so redeemed or repurchased, no loans in addition to those now approved shall be made by Federal land banks except under special rules prescribed by the Federal Farm Loan Board limiting further loans from funds derived from the Treasury to those made for the sole purpose of increasing food products.

"The temporary organization of any Federal land bank as provided in section 4 of said Federal farm-loan act shall be continued so long as any farm-loan bonds purchased from it under the provisions of this amendment shall be held by the Treasury, and until the subscriptions to stock in such bank by national farm-loan associations shall equal the amount of stock held in such bank by the Government of the United States."

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] is recognized.

Mr. GLASS. Mr. Chairman——

Mr. TILSON. Mr. Chairman, before the gentleman from Virginia begins, will he explain which bill is being considered, whether the House or the Senate bill?

Mr. GLASS. It is the Senate bill 3235.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. STAFFORD. Copies of the Senate bill as it passed the Senate are not available. Will the gentleman kindly indicate what those amendments are so that we may have them before the committee in considering this bill? The Senate bill is not available. The amendments have not been printed. We are considering a bill which is not before the House.

Mr. BUTLER. None of us could obtain it; yet we agreed to consider it.

Mr. WINGO. If the gentleman will look in the RECORD of December 18 he will find the amendments.

Mr. BUTLER. That RECORD is not in our files.

Mr. GLASS. Mr. Chairman, answering the question of the gentleman from Wisconsin [Mr. STAFFORD], as I recall the amendments, one of them limits the total amount of bonds which the Secretary of the Treasury is authorized to purchase to $100,000,000 instead of $200,000,000, as provided by the House bill, and limits the time to one year instead of two years, as provided by the House bill.

The second Senate amendment limits the application of the funds derived from the sale of these bonds to the "actual production of foodstuffs." That, in brief, is the substance of the two Senate amendments to the House bill.

Mr. Chairman, it is needless for me to say to the House that in ordinary circumstances I would oppose—utterly oppose—legislation of this description. I have always been against it. When the Federal reserve act was under consideration I opposed in principle this species of legislative enactment, and when the Federal land-bank measure was under consideration I bitterly resisted legislation of this nature. I think it usually may be regarded as unwise, and in most circumstances vicious.

But these are not ordinary times. Gen. Sherman's characterization of war as "hell" may be given a very broad application. War is not only "hell" in the sufferings and casualties and disasters of the battle field; it is not only "hell" in the heartbreaks and bereavements of the homes, but is "hell" everywhere. It disorganizes and disturbs every interest of a country; and because of that fact this matter is presented for the consideration of the House to-day.

The farm-loan system was established primarily not as a protégé of the Federal Government, but as a business institution, to afford the farming community of the United States what it had theretofore never had in the whole history of this country—ample and reasonable credit facilities. It is not necessary to draw the attention of the House to the fact that the national bank act, under which we operated for half a century, in its text and by the rulings of the Comptrollers of the Currency, as well as under the decisions of the courts, sedulously and persistently excluded the farm-land interests of the United States from the credit facilities which it afforded. No matter what his acreage or how rich and productive his farm, under the national bank act no American farmer was given one dollar of land-credit facilities; and it was to cure that exasperating situation that the Federal farm loan measure was conceived and put into effect by the Congress.

As I have said, it was never contemplated that the system should be a protégé of the Federal Government. Congress resolutely resisted the attempt to make the system a Federal dependent. It is only because these are extraordinary circumstances which confront us that the matter is presented to Congress—not of choice or cheerfully, but of necessity and reluctantly.

Briefly it may be stated that the Federal farm-loan system was in efficient and effective operation up to the 1st of November, 1917. The Federal Farm Loan Board experienced no trouble whatsoever in selling Federal farm land bank bonds. Indeed, if any error of administration was committed by the Farm Loan Board, it was on the side of excessive caution. Mistakes, if any there were, have not been due in any degree to improvidence or extravagance of any sort. The Farm Loan Commissioner told me three months ago that the banks were so flooded with applications for the purchase of farm-loan bonds that the board felt it necessary to admonish great care and deliberation.

From the 20 day of July, when these securities were first put on the market, up to the 1st of November, there were sold approximately $30,000,000 of 4½ per cent bonds at a premium of 1¼. This achievement furnished good ground for the optimism of the Farm Loan Board and for the confident assumption that no trouble would be experienced. The sale of approximately $30,000,000 of these bonds was easily made notwithstanding the fact that the Government had floated its first liberty loan

Approaching the 1st of November the Farm Loan Board found, according to the statement made to the House Committee on Banking and Currency, not so ready a sale for these bonds. They found it very difficult to place them, and the reason was perfectly apparent. It was because the Government had just put on its second liberty loan of $3,000,000,000, had conducted a Nation-wide campaign in behalf of that loan, and the loan itself had absorbed nearly all the ready-investment capital of the country. Now, there may be some criticism of the Farm Loan Board——

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. CAMPBELL of Kansas. Just in connection with the matter that the gentleman has referred to, am I correctly informed, or is my recollection correct, that there was a criticism by the Secretary of the Treasury of the Farm Loan Board for undertaking to float their bonds at the time he was undertaking to float his liberty loan bonds?

Mr. GLASS. I am not definitely informed as to that; but if such was the case I can readily understand why. I think, had I been the Secretary of the Treasury, I should have objected to seeing a rival bond campaign inaugurated just at the moment when the Treasury Department was conducting a campaign for this liberty loan, so essential to the conduct of the war in all of its phases. Very likely that did happen. I am not informed on that point. But the Farm Loan Commissioner stated to the House Committee——

Mr. CAMPBELL of Kansas. If it did happen, do you not think the Secretary of the Treasury is showing considerable generosity by asking now that the money be taken out of the Treasury to take up these bonds that the Farm Loan Board failed to float in rivalry with the liberty-loan bonds?

Mr. GLASS. I do not participate in any criticism of the Secretary of the Treasury on that score, because, had I been the Secretary of the Treasury, I should have objected very seriously and vigorously to the inauguration of a rival bond campaign in the country when the Treasury was trying to raise the unprecedented sum of $3,000,000,000 to carry on the war. However, it was not necessary for the Secretary of the Treasury to make any objection, because the members of the Farm Loan Board definitely stated to the committee that they themselves felt that the patriotic thing to do in the circumstances was to desist, and not precipitate a competitive campaign for placing bonds at that time; and I think their view of the matter was both patriotic and reasonable.

Mr. STAFFORD. Mr. Chairman, the statement has been published in the press that the Farm Loan Board have made loans on securities of a reckless character as a corollary to the need of obtaining Government bonds to the extent of $200,000,000. I wish to inquire of the chairman of the committee whether his committee has made any investigation of the character of the loans made by the Farm Loan Board.

Mr. GLASS. The Banking and Currency Committee has made no such investigation, because it has had no definite or responsible suggestion to the effect that these loans have not been securely made. Since this bill was presented I have heard some such suggestions, and I have personally made inquiry as to the justness of the criticism. I have been assured by the Farm Loan Board generally and the Farm Loan Commissioner specifically that there have been approximately 15,000 loans made, and that soon after the system began operation private interests obviously inimical to the farm-loan system had instituted a very persistent examination of the loans made, but that as far as the investigations of the board have gone—and they have been very thorough, a member of the board having gone in person to review the findings—there had been not more than half a dozen instances in which criticisms were justified. For example, it was suggested that loans were being made on worthless lands in Colorado and Arizona. The investigation by the member of the board who was dispatched to make the inquiry developed the fact that the loans were made on the grazing value of the land alone.

Mr. NORTON. Will the gentleman yield?

Mr. GLASS. I yield to the gentleman from North Dakota.

Mr. NORTON. In reply to the inquiry of the gentleman from Wisconsin, I will say that I take it that the Members from the different States where the system has been operating can speak for their respective States. When I take the floor I can give the gentleman all the information in regard to the working of the system in the State of North Dakota, which I have the honor to represent in part. I take it that the gentleman from Wisconsin is interested in the working of the system in his own State, and he can speak for that State.

Mr. LENROOT. Will the gentleman yield?

Mr. GLASS. I will yield to the gentleman.

Mr. LENROOT. I would like to ask whether the Committee on Banking and Currency has any information as to what percentage of the $105,000,000 of loans approved by the board has been for the refunding of existing mortgages and what percentage has been for new loans?

Mr. GLASS. My recollection is that the Farm Loan Commissioner has said that at least 90 per cent of loans made have involved the refunding of mortgages.

Mr. LENROOT. May I ask another question? Does not the gentleman think that that is a very important consideration in appropriating money out of the Treasury, whether it is for refunding existing loans giving the farmers a lower rate of interest payable out of the proceeds of liberty bonds where the people have made great sacrifices?

Mr. GLASS. I fail to see the distinction between making one farmer an original loan at a fair rate of interest and making another farmer a loan involving a refunding proposition which may prove the salvation of his farm and the continuance of its effective operation. The gentleman will understand that the Government can not make a farm loan except on a first mortgage. If the farmer has a thousand-dollar mortgage on his farm upon which he is paying 10 per cent interest and he finds it difficult to proceed at that extortionate rate of interest—because it is extortionate—and the Government can contribute to the efficiency of the farming operation by loaning that man $2,000 at 5 per cent, using $1,000 to refund his old loan and the other $1,000 for productive purposes, I see no objection to it.

Mr. HARDY. Will the gentleman yield for a suggestion?

Mr. GLASS. I will, except that I proposed to talk for 15 minutes only, and I have talked already 18.

Mr. HARDY. I simply wanted to say that money to take up existing mortgages may be incident to the purchase by the farmer of tracts of land for which they give to the owner the first lien, and that is taken over.

Mr. GLASS. And it arises in many instances, if not in most instances, from the inability or unwillingness of those holding the mortgages to renew at a fair interest rate such as has been compelled by the establishment of this farm-loan system.

Mr. HARDY. A man may wish to purchase a tract of land for which he can not pay the whole purchase price, but he can make the purchase through the assistance that the Government gives.

Mr. MONDELL. Will the gentleman yield?

Mr. GLASS. I will yield to the gentleman.

Mr. MONDELL. I desire to ask a question in regard to the interpretation of the paragraph of the bill, if the gentleman cares to yield.

Mr. GLASS. I think that had better come when we consider the bill by sections under the five-minute rule.

Mr. MONDELL. If the gentleman does not object, I want to call his attention to a view that occurred to me of a certain paragraph, and then we can discuss it later. The paragraph begins on line 8 and extends to line 13, page 2, of the bill. Is it the gentleman's understanding that that is a mandatory provision, or simply a suggestion and direction? The paragraph is as follows:

The bonds of any Federal land bank so purchased by the Secretary of the Treasury, and held in the Treasury under the provisions of this amendment one year after the expiration of the pending war, shall, upon 30 days' notice from the Secretary of the Treasury, be redeemed or repurchased by such bank at par and accrued interest.

Mr. GLASS. That is a Senate amendment, and I regard it as a mandatory provision.

Mr. MONDELL. The House bill is not punctuated in the same way.

Mr. GLASS. The House bill gives the Secretary of the Treasury discretion.

Mr. MONDELL. The punctuation is different, and it strikes me as doubtful whether the language of the House bill, punctuated as it is, would bear the construction of being mandatory; that it would be only permissive.

Mr. GLASS. The House bill gives the land bank the option to redeem—that is, to repurchase—these bonds at any time and gives the Secretary of the Treasury the option 12 months after the termination of the war to require the land banks, upon suitable notice, to redeem the bonds.

Mr. MONDELL. My thought was that if it was mandatory it was an important paragraph, and if so intended the language should be made a little clearer either by changing the punctuation so as to have it correspond to the Senate bill, placing a comma after the word "shall," or transferring it from line 11 to line 10.

Mr. GLASS. I suggest to the gentleman that we will be glad to have any suggestion, when we come to the consideration of the bill in detail, that will clarify its meaning, but I think now I would like to proceed with my statement.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. WOOD of Indiana. I understand that the Government has subscribed $9,000,000 for the stock of the reserved bank.

Mr. GLASS. Yes.

Mr. WOOD of Indiana. The intention was that the stock should be taken by the public. Has the gentleman any information as to how much stock has been taken by the public?

Mr. GLASS. The gentleman is incorrect in his statement that the "intention was that the stock should be taken by the public." The expectation was that the Government would have to take it all; and, practically, the Government has taken it all.

Mr. WOOD of Indiana. One hundred and eight thousand seven hundred and thirty dollars has been taken by the public.

Mr. GLASS. That is correct, and the Government has taken the balance of the $9,000,000. I may say to the gentleman from Indiana that the capital stock of these banks is merely nominal; it does not amount to a drop in the bucket. The expectation was that the banks would be financed out of the proceeds of the bonds sold.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GLASS. Yes.

Mr. LONGWORTH. Did I understand that there were only 15,000 loans made since the establishment of the system?

Mr. GLASS. Approximately 15,000; and out of the loans reviewed after it was ascertained that private interests hostile to the system were examining these loans, only half a dozen loans were reported to be subject to reasonable criticism.

Mr. LONGWORTH. I was only inquiring as to the number of loans made since the establishment of the system.

Mr. GLASS. Forty-six thousand have been passed on, my information is, and 15,000 have actually been made, totaling $30,000,000. Commitments have been made on loans aggregating $70,000,000 more, which the board thinks will be reduced to $50,000,000 by reason of the fact that some of the applications have been withdrawn and others will be withdrawn. There are pending and under immediate consideration, with partial approval, applications amounting to $65,000,000.

Mr. LONGWORTH. But so far only 46,000 individual farmers have received any benefit?

Mr. GLASS. That is my information.

Mr. LONGWORTH. Can the gentleman roughly state how many farmers there are in the country?

Mr. GLASS. I can not. I can state to the gentleman there have been applications aggregating approximately $219,000,000 from all sections of the country. In Ohio $763,000 have been applied for, and $415,000 in loans have been approved.

Mr. LONGWORTH. It would seem under the circumstances that this system had not been of practical benefit to a large percentage of the farming community.

Mr. GLASS. It has been of material benefit, and it is becoming more and more of benefit every day. The system is in its initial stages.

Mr. FERRIS. Mr. Chairman, if the gentleman will permit an interruption there, I would like to suggest this thought, that it has reduced the interest rates nearly everywhere, and that of itself benefits those who do not get loans.

Mr. GLASS. It has reduced the interest rate to the farmer from one end of the country to the other.

Mr. WATSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GLASS. As I stated, there have been applications for loans aggregating $219,000,000. Sixteen million dollars have been applied for in the State of California; $12,000,000 in the State of North Dakota——

Mr. WATSON of Pennsylvania. Can the gentleman inform me which State has been credited with having the greatest number of farm loans?

Mr. GLASS. I can briefly point out the distribution of loans. As I stated a moment ago, the State of California has applied——

Mr. WATSON of Pennsylvania. I do not want the State of California.

Mr. GLASS. I did not understand that the gentleman was asking for any particular State.

Mr. WATSON of Pennsylvania. I simply asked which of the States has had issued the greatest number of bonds?

Mr. GLASS. If the gentleman will wait a moment, I shall try to answer him. The State of California has applied for $16,000,000 in loans, and has been granted $1,452,000. At the time this table was made, $4,958,000 of loans had been approved. The State of Kansas, I believe, has been granted more loans than any other State. Kansas applied for $7,826,000 in loans and has had approved $5,999,000, and has been actually loaned $3,594,000. Has the gentleman any particular State in mind?

Mr. WATSON of Pennsylvania. Will the gentleman inform me how many bonds have been issued in the State of Texas?

Mr. GLASS. Yes. The State of Texas has applied for $22,000,000 in loans, it has been granted $1,145,000 in loans, and has had approved in pending loans $11,488,000.

Mr. WATSON of Pennsylvania. Can the gentleman inform me what proportion of those bonds were sold within the State of Texas?

Mr. GLASS. I can not.

Mr. WATSON of Pennsylvania. The point I desire to raise is that the rate of interest in Texas is much higher than in many of the other States, and the farm-loan bonds being of a lower rate of interest, whether that is one of the reasons the bonds would have to be sold in other States and that the Congress must call on the Government for the purchase of those bonds.

Mr. NORTON. Mr. Chairman, if the gentleman from Virginia will yield, the gentleman from Pennsylvania has asked what State has issued the bonds. Is it not a fact that none of the States has issued the bonds, but that they are issued by the Federal loan bank?

Mr. WATSON of Pennsylvania. I know that; but the mortgages are on the property in those States, and I want to know how many mortgage bonds have been issued in the State of Texas.

Mr. GLASS. Mr. Chairman, I must decline to yield any further. I have been bombarded with questions, rendering it well-nigh impossible to make the concise statement that I desired to make.

The question is simple enough. If the Congress desires to say to the farming community of the United States, after having adopted a rural credit system which, for the first time in the history of the country, has enabled farmers to obtain loans at reasonable rates of interest and under satisfactory terms of payment—if the Congress wants to say now, when the system is caught in the vicissitudes of war, confronted by unprecedented difficulties which no man could have foreseen, that it shall suspend operations, it can make that decision by defeating this bill. The farm land banks are facing difficulties that are not properly related to the normal operation of the system—difficulties produced by a world war. If, because the system can not immediately surmount these extraordinary obstacles, Members are willing that the system shall suspend and its operations temporarily terminate, they may accomplish their purpose by rejecting this measure of relief.

In my own view, this ought not to be done. As previously stated, I am utterly opposed, in ordinary times, to this species of legislation; but in this unavoidable exigency, in these extraordinary times, I think it would be a great misfortune should Congress refuse to respond to the suggestion that temporary aid be extended to this system. Such refusal would mean something more than the mere suspension of a farm-loan system. It would mean, in my judgment, the embitterment of the entire farming community of the United States against the Government when the Government most needs the determined cooperation of all citizens. It would mean an impairment of our facilities for an immediate and efficient conduct of the war. Hence, temporarily putting aside my inherent objection to legislation of this sort, I very earnestly ask the House seriously to consider the grave consequence of withholding aid from this system at this critical time.

The reason that the banks are unable to sell bonds is, as I have indicated, that the investing public is holding off with the expectation that the interest rate must be increased or that the price of the bonds must be lowered. The contention of the Farm Loan Board is that if it is guaranteed reasonable assistance by the Government there will be a psychological change of attitude. The investing public, finding that the system may not be squeezed to death, that it will not be compelled from lack of funds to raise the interest rate or to lower the price of the bonds in the market, will, it is thought, immediately quicken its interest in bond buying. That the Farm Loan Board is measurably correct in its conjecture on this score I have not one particle of doubt. The symptoms are unmistakable. The only protest that I have had from outside sources against the proposed action by the Congress has invariably come from investment bankers, who, foreseeing that the farm-loan system is now, without any fault of its own, without sufficient funds, are trying to force it to raise the interest rates on bonds or to dispose of them at a lower market rate.

This is the whole question to be determined. There is nothing complicated about it. In brief, it is a question as to whether or not the Congress is willing that the system shall suspend by withholding this temporary relief. You will observe that the relief is absolutely temporary. It terminates at a fixed time and is for a limited amount. Otherwise I would not be here speaking for it. I reserve the balance of my time.

Mr. BANKHEAD. I desire to ask the gentleman one question before he yields the floor.

Mr. GLASS. I yield for a question.

Mr. BANKHEAD. Is there any authority contained under provisions of the bill authorizing the Secretary of the Treasury to sell these bonds to private investors pending the period when he is holding them?

Mr. GLASS. No; there is not, for the simple reason that if the Secretary of the Treasury could sell them to private investors the Farm Loan Board and bankers could do that.

Mr. DILLON. Will the gentleman yield for one question, which is very brief? Are these bonds free from tax?

Mr. GLASS. Absolutely free from tax. They are the best investment that can be obtained in this country, 4½ per cent bonds with the moral support of the Government of the United States behind them, absolutely free from taxation. Before the second liberty loan was placed the applications for bonds were a great many more than the Farm Loan Board was willing to accept.

Mr. DILLON. Now, the Government bonds being taxed under the recent enactment and these not being taxed, how does the gentleman explain that they have been a failure upon the market?

Mr. GLASS. They have not been a failure upon the market, because in four months' time $30,000,000 of them were disposed of at a premium of 1¼. In that time $130,000,000 could have been disposed of had not the Farm Loan Board been excessively cautious. But for the intervention of this second liberty loan which, for the time, practically drained the reservoir of immediate investment funds, there would have been no difficulty on earth and the system would now be in no sort of trouble.

Mr. NORTON. If the gentleman will yield for an inquiry. As a matter of fact, during the month of December if a man wanted to buy $1,000,000 worth of these 4½ per cent bonds from the Farm Loan Board, could he have gotten them?

Mr. GLASS. Oh, I think he could.

Mr. NORTON. Where?

Mr. GLASS. From the Federal Farm Loan Board, and from the bonding houses which were cooperating with the Farm Loan Board.

Mr. NORTON. As a matter of fact, were they allowed to sell them during December?

Mr. GLASS. Oh, I think so. They were allowed to sell them at any time. Members of the board stated to the committee that from patriotic motives they did not feel disposed to enter upon a rival campaign for the sale of them while the liberty loan was being placed.

Mr. NORTON. I desired to make that inquiry because of information that has come to me from different sources to the effect that absolutely no effort was made to sell these bonds, and bonds were not given out freely even while they were willing to be taken during December.

Mr. GLASS. Oh, every reasonable effort has been made to sell the bonds since it was ascertained that there was some difficulty in placing them; and, as I said, until we started on the second liberty loan, the board had more applications than it was willing to accept.

Mr. CANNON. Will the gentleman allow me? I have a little time and I am perfectly willing from my time that the gentleman should be recouped.

Mr. GLASS. I think perhaps I had a poor estimate of the time required for the discussion of this matter, and I apologize to my colleague, the gentleman from California [Mr. HAYES], for not freely yielding to his suggestion to give more time.

Mr. HAYES. The apology is accepted.

Mr. CANNON. The gentleman has just stated that the Government is morally back of these farm-loan bonds, and I will not discuss whether the farm-loan bond act originally was wise. We have it. Now, then, in the circular that was distributed lengthwise the opinion of Justice Hughes was quoted to the effect that this system of farm-loan bonds was an instrumentality of the Government. Now, the Government is to purchase these bonds, one hundred or two hundred millions of these bonds, from the Treasury, and does not the gentleman think that if the Government is morally back of these bonds and we pay out $100,000,000 or $200,000,000 from the Treasury that we had better have it in black and white that the Government, being morally bound, will see to it that these bonds are paid, so that there will be no question or opposition by private investors or those who desire to be lenders privately, or no other roarbacks, if there are to be roarbacks that might be brought?

Is it good policy now, to put it in black and white, if the Government is to enact this legislation—I repeat the question—to guarantee these bonds?

Mr. GLASS. I would say to the gentleman from Illinois that I do not agree with the opinion of Mr. Justice Hughes that the farm-loan system is "a Government instrumentality" or that it was intended to be a Government instrumentality. The Government, after considerable discussion, took a very limited temporary stake in the system. I do not agree with Judge Hughes's opinion that "the Government is morally bound" for these

bonds. But Mr. Justice Hughes is a very distinguished constitutional lawyer, a very deserving public man; and I had in mind his expressed opinion, which was requested by the investment bankers of the country when I stated a while ago that the Government was "morally behind the bonds." I think the country will accept Mr. Justice Hughes's opinion rather than mine. Nevertheless, I do not think the farm-loan system is "a Government instrumentality" nor do I think it should be one.

I do not think, except in just such an exigency as that with which we are now confronted, that the Government will ever have any need or a more intimate relation with the system than the temporary supervision which the act originally provided. I do not think the Farm Loan Board will ever, in ordinary times, have to ask the Government for any sort of aid. It would not now but for this war. Had it not been for these unprecedented liberty bond issues the farm-loan system would stand solidly on its own bottom and conduct business out of its own resources without any help from the Government or from any other source than that involved in the revenue derived from making farm loans at a fair rate of interest.

Mr. HAYES. Will the gentleman yield to me for one question?

Mr. GLASS. Yes.

Mr. HAYES. I would like to ask the gentleman if he has the opinion of anyone whose opinion is worth anything as to the constitutionality of this proposed act?

Mr. GLASS. No. It is proposing to do things that have been repeatedly done by the Congress of the United States, and in a very much more aggravated form, when it comes to the refinements of constitutional law. The Congress itself has made gifts of millions of dollars to other enterprises, whereas this is not a gift, but a loan. The President of the United States from that rostrum to-day advised the Congress that it may soon be called upon to make, practically, investments in railroad properties with a view to their efficient operation in this war exigency.

The Congress of the United States in the early period of the Government's history loaned every one of the thirteen original States millions of dollars, not one cent of which has ever been paid back. While I am not a constitutional lawyer, or a lawyer of any description, for that matter, I have no doubt of the constitutionality of this measure. But if it is not constitutional, my colleagues may be sure that the investment bankers who are opposed to its enactment will promptly take steps to test the validity of it.

Mr. MORGAN. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Virginia yield to the gentleman from Oklahoma?

Mr. GLASS. Mr. Chairman, I have taken up so much time that I can not yield for further questions, and I reserve the balance of my time. [Applause.]

Mr. HAYES. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. McFADDEN. Mr. Chairman, I would ask the right to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. McFADDEN. Mr. Chairman, we are discussing this morning the Senate bill which has been substituted for the House bill. The Senate bill is S. 3235—and I ask that it be printed in my remarks at this point, together with the amendments made in the Senate—and the House bill is H. R. 7731.

The matter referred to is as follows:

A bill (S. 3235) amending section 32, Federal farm loan act, approved July 17, 1916.

Be it enacted, etc., That the Federal farm loan act, approved July 17, 1916, is hereby amended by adding at the end of section 32 the following:

"The Secretary of the Treasury is further authorized, in his discretion, upon the request of the Federal Farm Loan Board, from time to time during the fiscal years ending June 30, 1918, and June 30, 1919, respectively, to purchase, at par and accrued interest, with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm loan bonds issued by such bank.

"Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years. Any Federal land bank may at any time purchase, at par and accrued interest, for the purpose of redemption or resale, any bonds so purchased from it and held in the Treasury.

"The bonds of any Federal land bank so purchased by the Secretary of the Treasury, and held in the Treasury under the provisions of this amendment one year after the expiration of the pending war, shall, upon 30 days' notice from the Secretary of the Treasury, be redeemed or repurchased by such bank at par and accrued interest.

"The temporary organization of any Federal land bank as provided in section 4 of said Federal farm loan act shall be continued so long as any farm loan bonds purchased from it under the provisions of this amendment shall be held by the Treasury, and until the subscriptions to stock in such bank by national farm loan associations shall equal the amount of stock held in such bank by the Government of the United States."

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

Senator WEEKS offered the following amendment:

"On page 2, after line 13, insert:

"'Until all bonds so purchased by the Secretary of the Treasury have been so redeemed or repurchased no loans in addition to those now approved shall be made by Federal land banks except under special rules prescribed by the Federal Farm Loan Board, limiting further loans from funds derived from the Treasury to those made for the sole purpose of increasing food products.'"

Senator WEEKS offered the following amendment:

"In line 9, page 1, after the words 'nineteen hundred and eighteen,' I move to strike out the rest of that line and line 10 down to and including the word 'respectively'; and in line 4, page 2, after the figures '$100,000,000,' I move to strike out the words 'in either of such fiscal year.'"

Mr. McFADDEN. It is my understanding that later, during the discussion of this measure, the House bill will be offered as a substitute for the Senate bill.

Now, a little over a year ago we enacted the farm-loan law. At that time I pointed out certain features of the bill which in my judgment would become unworkable. I might assume an attitude to-day of "I told you so." One or two of the vital points that I criticized at that time were that this system was cumbersome and that it would not work without Government aid. That position, I believe, has been thoroughly vindicated by the introduction of this measure to-day.

Now, let us look at this proposition. The first bank of the 12 that was organized under this system was organized in March, 1917. The first loan under the system was made last June, after the declaration of war. Now, what has happened since that time? The Federal Farm Loan Bureau has received and approved and are obligated for $105,000,000 worth of loans. They have sold through investment bankers approximately $28,000,000 of these bonds on a 4½ per cent basis, or par plus a premium of 1½ per cent.

In answer to a question which I put to the Farm Loan Commissioner, interrogating him as to the theory upon which this law was predicated and enacted, that one-half of 1 per cent would cover the cost of the operation of the system from the farmer to and including the sale of the bonds—in answer to my question as to whether or not they had kept within that limit, he informed me that the total cost had been 1⅙ per cent plus the 1½ per cent premium which was paid to the bond house, who paid par to the Farm Loan Bureau, making something like 2⅓ or 2⅔ per cent as the actual cost of the operation thus far, instead of one-half of 1 per cent.

Mr. WINGO. Will the gentleman yield?

Mr. McFADDEN. I will.

Mr. WINGO. The gentleman evidently does not want that statement to go as a statement of the Farm Loan Commissioner? The gentleman is certainly in error as to his understanding of what the Farm Loan Commissioner said.

Mr. McFADDEN. I would be glad to be informed.

Mr. WINGO. The gentleman by his statement has led the House to believe that the Farm Loan Commissioner gave the committee to understand that the cost of operating this system had been 2⅔ per cent. That is the only conclusion that can be reached from the gentleman's statement. The fact is the Farm Loan Commissioner did not make any such statement, because that is not the fact.

Mr. McFADDEN. Will the gentleman state what the fact is?

Mr. WINGO. If the gentleman will permit me, the fact is that the Farm Loan Commissioner, in reply to the question of the gentleman, stated this, that the experience of the board so far was that the system, when it got into full operation, could be operated for less than one-half of 1 per cent, but the overhead charges in the beginning, which the gentleman will very readily understand are heavy in the beginning, have run the expenses on the initial business up to 1½ per cent. But that included a lot of organization expenses that will not have to be incurred again. In the course of a year or so, spreading all the operating expenses out over the entire business, he thought the expense would get down to less than one-half of 1 per cent.

Mr. McFADDEN. That is also true; but when this law was passed we appropriated $100,000 for organization expenses, and at the last session of Congress we appropriated $260,000 to pay salaries and incidental expenses in connection with the operation of this system, and this was all in addition to what I have stated.

Mr. WINGO. Will the gentleman yield for a question right there?

Mr. McFADDEN. I regret I can not yield further. I have only a few minutes, and I want to finish my argument.

Mr. WINGO. We gave the gentleman's side extra time from this side.

Mr. McFADDEN. I beg the gentleman's pardon. I have only 15 minutes. It seems to me that in the operation of the system thus far the Farm Loan Board have not exercised ordinary business acumen in the sale of these bonds. These bonds appear to me to be a semi-Government obligation that should be put on a basis that would insure their sale to investors, and there would appear to be no more reason for the purchase of these bonds on the part of the United States than there would be for the Government to purchase its own bonds in an endeavor to make a fictitious market for its own securities.

Mr. Chairman, on the day that this bill came up for discussion, I introduced House resolution No. 206, calling upon the Secretary of the Treasury for information in regard to the Federal farm-loan system.

I had no ulterior motive in doing this, but was prompted solely because of the lack of information in regard to this system. I felt that the Members of the House should have other information than simply the letter of the farm-loan commissioner asking for an appropriation of $200,000,000 before appropriating this vast sum of money in as critical a time as this, and especially so when the people of this country are denying themselves and are patriotically subscribing for thrift stamps, war-savings certificates, and liberty bonds, and in addition are paying heavy taxes for the purpose of winning the war.

So far as I am aware, there is no concerted move which has for its object the breaking down of the Federal farm-loan system. I am not opposed to the granting of loans to farmers for the purpose of increasing agricultural production, and I am not opposed to loaning to the farmers 50 per cent of the valuation of their property, providing the loans are in accordance with the intentions of this act. I am opposed to the operation of a system such as presented, which is under political control and domination, and which can not exist except by Government aid and support, which contention is fully justified by this bill.

Nor do I think that the farmers of this country are demanding or expecting in this critical period aid or assistance in this respect from the Government, and the enactment of this bill may be the basis of a serious criticism of this Congress and may be a factor in the sale of future liberty bonds.

The farmers of this country are patriotic and are supporting the Government to the fullest extent of their ability in the production of crops and foodstuffs, and are furnishing their share of the man force for the Army and Navy, and will continue to do so in this crises. I do not believe the farmer is asking nor does he expect to receive a more favorable rate of interest than the commercial interests of the country at this time are paying. I am, therefore, firmly of the opinion that if the Federal Farm Loan Board had seen fit to raise the rate of interest on its bonds offered to the public there would have been no difficulty in the flotation of these securities during the past six months.

I am told that because of the very great prosperity in the farming sections of the South and West there is ample money to invest in these bonds, but not at the rates quoted on farm-loan bonds. Also that if the 12 banks had been permitted to do so (which privilege was withheld from them by the policy of the Farm Loan Board to sell the bonds) that large amounts could have been sold locally by them.

The very purposes that prompted the organization of this farm-loan system in the first instance are being defeated by this legislation. The purpose of the plan was to furnish a system for the farmer to enable him to borrow from the investing public under Government supervision money on the same basis that commerce was getting it and not from the Government Treasury, and upon no other basis. Now, the board after finding it impossible to sell their bonds to the investing public comes here and asks for an appropriation of $200,000,000, and on top of that the board, I understand, is asking that the maximum which can be loaned to any one borrower be raised from $10,000 to $25,000. This will mean an increase of applications from the well-to-do farmer and speculator, and still further demands upon the Treasury of the United States.

I lay no special claim to being more patriotic than the average Member of Congress, but I do regard myself as fortunate wherein I represent a district which, while devoted almost exclusively to agriculture, yet at the same time no inflation in real estate values exists, as I will presently prove. I am, therefore, in a position to look at this important question from a sound economic viewpoint, not being carried off my feet by the terrible wail of the real estate speculator who paints the awful condition as resulting in case he fails to get into the Government crib with a pitchfork. I desire here and now to warn the Members of the House that if they permit the establishment of this precedent all the schemers who favor Government aid will get into the crib, and there is no such thing as being able to satisfy this class once the door is open.

The fact that during the discussion of this bill in the Senate the proponents of this farm-loan act who had charge of the measure acquiesced in the amendment offered by Senator WEEKS, and by unanimous consent the House is now considering the Senate bill as amended, which amendment limits the appropriation in this bill to $100,000,000, and further provides that this money shall be used exclusively for the increase of agricultural production, I believe eliminates partisanship entirely in the discussion of this measure, at least so far as the Senate is concerned, and I sincerely trust that every Member of this House will rise to the occasion and eschew all semblance of politics from the discussion of this important measure. This is not a political proposition, but an economic one, and should be considered and acted upn as such by this House.

History proves beyond all doubt that the class of people heretofore referred to have profited but by one argument, the sad argument of experience, after these teachings have brought ruin and destruction to the people. And the people of this century do not differ one bit from the people of the eighteenth century, a century in which more harm was done by inflation than any century since the advent of Christian civilization. Every important country in Europe was ruined during that century as a result of the pernicious practices of inflation. And the injury was not confined to merely financial ruin, but moral as well. Corruption and crime have invariably attended such action.

It was during the reign of inflation in England—to be exact, in 1693—that Speaker Trevor was expelled from the House of Commons for accepting a bribe of 1,000 guineas to secure the passage of a bill introduced in Parliament for means of satisfying the debts due by the city of London to the orphans, by their orphans' fund, aggregating some $3,000,000. It took them much longer to bring the disaster to England which they brought forth in France. The people of the latter country were only four years in gulping down the fallacies of John Law and causing the bursting of his "Mississippi Bubble."

If there is any question in the mind of any Member of this House in regard to what inflation means, let him read the history of France from 1717 to 1721 and he will readily learn the evil effects.

I desire to call attention to a statement issued on December 31 by the Federal Reserve Board, being an appeal to the people urging thrift, having reference to the heavy financial burden that rests upon the country at this time, and that the Nation must have goods, and urging the people to save in every way, including food, clothing, and fuel, and thus enable our Government and our allied Governments to obtain goods with the requisite speed. As everybody knows, this is the most important factor at this juncture. Coal, copper, steel, and foodstuffs are cases in point.

The board says it can not have escaped the attention of the banks that since the beginning of the war deposits have increased at a rapid rate, and that loans, discounts, and investments have grown at an even more rapid rate. It is true that the Federal reserve holdings of gold have also increased to a point where they are larger than those of any other country, but the percentage of the gold reserves against the deposits and notes has decreased. This is a familiar phenomenon in time of war, and to a certain extent, perhaps, unavoidable, but it must, nevertheless, be our constant concern to keep every dangerous tendency in the banking situation under control and particularly to retard the too rapid expansion of banking credit as far as this can be done without jeopardizing the main business of the country at this time.

They further say that nobody should draw upon the credit resources of the country except to finance transactions which are essential for a national war. Credit should be saved as much as goods.

I would ask you to compare this statement with the bill now under discussion and ask you frankly whether or not this bill is in accordance with the suggestions of the Federal Reserve Board in this statement?

The board further says that gigantic operations of the Government will cause a further growth of bank deposits and loans. Our credit structure should therefore be strengthened as far as possible, and to this end the banks should lend their efforts toward three things:

First. Absorption of Government loans by savings.

Second. Conservation of credit for public and other essential uses, with curtailment of nonessential enterprises.

Third. Increase of the gold holdings of the Federal reserve banks, so as to maintain an adequate basis for our growing credit structure.

I therefore argue that in conformity with the sentiment expressed by the Federal Reserve Board that the only argument

that can be used in support of this measure, which provides for an appropriation of $200,000,000 from the Treasury at this time, would be that it would aid in winning the war by increasing agricultural production. This may be true as to possibly 10 per cent of the money, but the other 90 per cent will be used for the purpose of refunding existing loans. Unless this amendment is added the argument might possibly be made that it was necessary to relieve the Farm Loan Board from the obligation to take $75,000,000 of loans, which should never have been promised in times like the past six months.

Mr. QUIN. Mr. Chairman, will the gentleman yield right there for a question?

Mr. McFADDEN. I regret I can not yield. I have only a few minutes left.

The CHAIRMAN. The gentleman declines to yield.

Mr. McFADDEN. During the continuance of this war we must do all we can to stimulate the production of foodstuffs, and nothing could be more conducive to that end than by Congress placing in the hands of the Federal Farm Loan Board $100,000,000 with which to purchase Chilean or other nitrogen, seeds, and fertilizers, to be sold to the farmers at the lowest price and on such terms as would encourage them to use it plentifully. No one will deny but that that would increase the production of foodstuffs, and that is the only way we can hope to reduce their cost during the war. War is naturally wasteful, and do what we may in economizing in foodstuffs, still we can not counteract the effects of the waste of war unless we increase the supply.

In this connection I would point out here that the chairman of the Committee on Banking and Currency when interrogated replied, in answer to a question as to how much of this money was used for refunding purposes, that 90 per cent of it was used to refund existing loans now held by private investors, banks, insurance companies, loan companies, and so forth. Credit should be saved as much as goods.

If we authorize this appropriation without imposing the safeguard imposed by the Senate amendment, and these funds are used by the board for the purchase or refunding of loans or for the purchase of lands, we will commit an act of inflation which no Member of this House can justify. This is no time for Congress to authorize the use of Government credit for inflation, and if we begin it on the small scale provided in this bill there will be no end to such demands during the period of the war. We have some four billions of real estate mortgages in this country, and if Congress favors a few farmers with a low rate of interest, then it will be asked to so favor all farmers; and if we favor all farmers, why not favor all classes of business.

Why, $200,000,000 would be a mere bagatelle in refunding the permanent investment of even the farmers, whereas $100,000,000 used for the increase of farm production would accomplish wonders. The Government's demands for capital to carry on the war are so stupendous that they have impoverished the capital markets of the country, impoverished them to such an extent that it is impossible for the transportation companies to procure the means to make such repairs as are necessary to transport our war material. But the roads must be properly equipped to carry that and our foodstuffs, even if the Government must supply temporarily the capital to keep the roads running and do the work itself during the war.

But we should announce the policy that in no event will we employ the Government's credit to protect the credit of any business, however much such business may be in need of credit. In that way, and in that way only, can the Government protect its own credit. If the time comes when creditors ruthlessly foreclose land mortgages or other evidences of debt, Congress can afford the necessary relief by the establishment of a moratorium for the general public, just as it has already established it for the soldiers and sailors.

The strongest argument in favor of any land-mortgage system for the purchase of lands is sociological, to prevent tenant farming. But this is no time to solve sociological problems which violate sound economic laws, especially not with Government credit. Beggars should never play the rôle of philanthropists, and for the next few years our Government will be the greatest beggar the world ever knew. The poor man should not be encouraged to buy farm lands when they are inflated, and, speaking for myself, I wish to say that I shall not be a party to any such arrangement. This farm-loan law does not help the landless man, "the poor man," to own a farm; he must first be worth half the value of his farm at least before he can participate in the benefits of this law. This law benefits the big farmer by permitting him to borrow at a less rate than the business man.

I would like the attention of the House for a few minutes while I point out how the bill under consideration will lead to inflation unless we adopt the Senate amendment. I shall not trespass on the patience of the House by making an extended argument on inflation and all the causes which produce that result, but this bill is such an important one that I must ask your kind indulgence while I give a few illustrations on inflation.

Definitions of any science are quite difficult to frame; that is to say, a definition which will meet every phase of the subject under all conditions. One definition of inflation which is doubtless familiar to all is the causing the price of an article to advance without a corresponding increase in its productivity. Any and every facility afforded for the purchase of a permanent investment will produce inflation, but any and every facility used to increase the productivity of a permanent investment will have the opposite effect.

To illustrate, suppose I lend a man money for the purpose of buying a piece of land and he makes such purchase. By that act he took that piece of land off the market, and in consequence caused the other lands in that vicinity to advance in price, and that without increasing their productivity. But suppose that instead of lending him that money to purchase that land I let him have it to buy fertilizers with and he had used it for such purpose and actually put them on the land and cultivated the land in such a way as to make those fertilizers useful. If the year be a seasonable one that loan would result in increasing the productivity of that land and become a blessing not only to the individual who obtained the loan for such purpose but to the community as well. So it is the use to which capital or credit is placed which counts. If it be used merely to change the ownership of a permanent investment, something which is already created, nothing is done to create value, and if that act advances the price there can be nothing to the transaction but inflation, and the public must pay for that without realizing any benefit in return.

The man who furnishes capital or credit for the production of agriculture or commerce, or for the distribution of those commodities through the various channels until they reach the ultimate consumer, is a public benefactor, because he has furnished the facilities for the creation of actual wealth.

It is pretty well agreed that lands in some sections of the country have become inflated during the past few years almost to the breaking point. To illustrate this I wish to present a table compiled from the 1910 census reports for the States of Iowa, Illinois, Indiana, and Pennsylvania, which I wish to incorporate with my remarks.

Value of farm lands in 1900 and 1910 and value of all farm products in 1909, and ratios of the values of such products in 1909 to such land values in 1910, according to the last United States census (1910).

State.	Value of farm lands in 1900.	Value of farm lands in 1910.	Value of farm products in 1909.	Ratio of 1909 products to 1910 land values.
				Per cent.
Iowa	$1,256,751,980	$2,801,975,729	$314,666,298	11
Illinois	1,514,118,970	3,099,411,148	372,270,470	12
Indiana	687,633,460	1,317,195,448	204,203,812	15
Pennsylvania	575,392,940	630,430,010	166,739,898	26
Fourteenth Pennsylvania congressional district	26,228,240	22,909,425	8,786,903	38

Number of counties in the above States which increased and decreased in population between 1900 and 1910.

State.	Number of counties which increased in population.	Number of counties which decreased in population.	Total number of counties.
Iowa	28	72	100
Illinois	52	51	103
Indiana	31	60	91
Pennsylvania	46	21	67

Land and crop values of the fourteenth congressional district of Pennsylvania, given by counties.

	Bradford.	Susquehanna.	Wayne.	Wyoming.
Land values:				
1910	$9,517,220	$6,213,198	$4,333,837	$2,845,170
1900	11,596,340	6,548,760	4,901,840	3,091,305
Value of crops for 1909	3,594,664	2,543,845	1,729,427	918,967

This table shows that the values of the farm lands of Iowa increased from $1,256,751,980 in 1900 to $2,801,975,729 in 1910,

or 115 per cent; those of Illinois from $1,514,118,970 in 1900 to $3,099,411,148 in 1910, or 104 per cent; those of Indiana from $687,633,460 in 1900 to $1,317,195,448 in 1910, or 92 per cent; that of Pennsylvania from $575,392,940 in 1900 to $630,430,010 in 1910, or 9 per cent; while those of the district I have the honor to represent on this floor actually decreased from $26,228,240 in 1900 to $22,909,425 in 1910, or a decrease of 12 per cent.

That makes out a pretty bad case for my district on paper, but only on paper, because the same census reports show the value of the farm products produced on those lands during the year 1909. The values of those products in proportion to the 1910 value of those lands were as follows: Those of Iowa, 11 per cent; those of Illinois, 12 per cent; those of Indiana, 15 per cent; those of Pennsylvania, 26 per cent; while those from the fourteenth Pennsylvania congressional district were 38 per cent.

Let us look at that from another viewpoint, that of the time required to purchase those lands. Let us assume that the labor cost of producing those crops and interest on the investment to be 50 per cent of the annual yield, or the value of the 1909 crops. Under that assumption the lands of Iowa would be nearly a 20-year purchase; those of Illinois, nearly 17 years; those of Indiana, nearly 14 years; those of the State of Pennsylvania, less than 8 years; and those of the fourteenth Pennsylvania congressional district a little over 5 years. It will be observed, therefore, that the fourteenth district does not show up so bad when the real test is applied, the test which takes into consideration the hard toil required to pay for those lands, and that is the only real test.

I do not give the statistics of my district for the purpose of advertising it, for it needs no advertising at my hands. I give them for the sole purpose of showing that there was no speculation to speak of in farm lands in my district during the decade in question. Hence it is that I have no land speculators "prodding" me to vote for this bill. I do not use the term "prodding" in an offensive sense, for I believe that every Member should be amenable to the healthy public sentiment of his district, but every Member should be sure that the sentiment is a healthy one. The sentiment which actuates the inflationist is the most harmful sentiment which can pervade a community or State, and all who yield to that sentiment do much harm. Therefore I plead with every Member on this floor, irrespective of party affiliation, to resist the plea of the inflationists who are behind this bill. Inflation is only caused by the use to which money is put. It is the use and not the money that is responsible for the cost of increase in prices. That inflation is giving the administration some concern is evidenced by the recent statement made by the Secretary of the Treasury cautioning the people against the use of thrift stamps, war-savings certificates, and liberty bonds in settlement of commercial transactions, and so forth. He warns the public not to treat this medium as you would treat circulating notes or money.

The real truth of the matter is that thrift stamps issued in denomination of 25 cents, war-savings certificates in denomination of $5, and liberty bonds in denominations of $50 and multiples thereof are being used to-day the same as currency or bank credits, and if the practice continues an inflation equal to the amount of the securities so issued can not fail to take place. Thus the Secretary of the Treasury very wisely warns the people to discontinue this practice, which has grown up innocently with a desire on the part of the people to popularize the purchase of these securities and to encourage the people to save and invest in thrift stamps.

There is another tendency along this same line, and I want to call the attention of the House to it in this discussion, and that is the attempt on the part of many banks and bankers throughout the country to make municipal, railroad, and other first-class bonds available for rediscounting purposes with the Federal Reserve System in giving to them the same rights as commercial paper has at the present time.

This is an attempt to make liquid fixed assets, such as real estate and permanent improvements by municipalities, railroads, and so forth. If this were permitted, it would, in my judgment, lead to a serious abuse and inflation and should not under any circumstances be permitted.

The activity of the circulating medium should be limited to the requirements of business, and in this connection every transaction of a commercial nature should carry with it its own source of relief. When that transaction is closed and finally settled the circulating medium should automatically retire.

I mention this at this time because there is sleeping quietly in the Banking and Currency Committees of the House and Senate a bill to accomplish this very result, namely, to make railroad bonds, municipal bonds, and so forth, the basis of rediscount and the issuance of Federal reserve notes, and such a measure should never pass.

At the proper time during the discussion of this bill I propose to offer amendments which will provide that this money if appropriated shall be used for the purpose of increasing agricultural production and not for the purpose of refunding existing loans in accordance with and in support of the argument which I have made. I will also offer an amendment providing that the Secretary of the Treasury shall within two years after the expiration of the war dispose of or compel the Federal Reserve Board to repurchase all of the bonds remaining in the Treasury of the United States at that time. I do this for two purposes. The first is in conformity with the argument that this contemplated purchase of bonds is only temporary and the purchase is made because of the fact that the United States is monopolizing the money market, and, second, to do away with the control over the system by the Secretary of the Treasury and return the management of the banks to the stockholders, under whose management and direction the system should be properly conducted.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McFADDEN. I ask unanimous consent, Mr. Chairman, for 10 minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes more. Is there objection?

Mr. SHOUSE. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Kansas objects.

Mr. HAYES. Mr. Chairman, I will yield to the gentleman three minutes more, if that will help.

Mr. McFADDEN. Three minutes more will not cover it, so I had better quit.

Mr. HAYES. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. PLATT. Mr. Chairman, there is no question before us, in my opinion, of the suspension of this farm-loan system. There is no danger whatever that it will suspend. It does not make the slightest bit of difference, in my opinion, to the Federal Farm Loan Board or the system whether we pass this measure or not. The Federal Farm Loan Board has by no means exhausted its efforts to sell these bonds. In fact, it is not too much to say that they have not made any real effort to sell them. They have turned away bids for more than $100,000,000 worth of bonds, and now they come in on their bended knees to us and ask the Government to sell liberty bonds and use the proceeds to purchase farm-loan bonds. I think it is unnecessary and absurd, and it ought not to be done.

I believe the farm-loan system will stand on its own feet if given a chance.

I have sufficient confidence in Mr. Norris, at the head of the Farm Loan Board, to believe that he could go to New York City and sell $100,000,000 of these bonds himself in 24 hours. He has not tried to do it.

What have they done in regard to this business? They first fixed a uniform rate of interest—5 per cent—for mortgage loans in all districts, though the law does not require a uniform rate. The Federal reserve banks do not give uniform rates in all districts in rediscounting, and I think it fair to say that Congress did not expect that a uniform mortgage rate should be given in all districts, regardless of local conditions and risks, in the administration of the farm-loan act.

Then they tied themselves up with contracts to four bond companies to sell these bonds at a fixed price, on a 4½ per cent basis, and they did that under war conditions, knowing that liberty bonds were being sold and that no power on earth could hold down the rates of interest with the enormous borrowings that the Government is making. These 4½ per cent tax-free bonds are so good that there was a big demand for them at first, and the fixed contract price worked all right until the second liberty loan sale. Then it naturally proved a serious hindrance.

Mr. MADDEN. If they do not sell these bonds through these bond houses with which they have made the contracts, they can not sell them at all—is that it?

Mr. PLATT. That has been the case up to New Year's Day. They made a contract which was good until the 1st of December, and Mr. Norris told me and told members of the committee under questioning—I do not think those hearings are printed yet, but we asked him a good many questions—that the bond companies were bound under a gentleman's agreement for 30 days beyond the period of the extension of the contract not to sell the bonds at a lower price, and that the farm-land banks were also bound.

Now, these companies have got on hand something over $1,000,000—I think $1,500,000—of these bonds. I do not know whether one reason for the introduction of this bill is to get the Government to take these bonds off of their hands or not. It will not hurt these bond houses—all big, prosperous institutions—to have $1,500,000 of 4½ per cent tax-free bonds on their hands.

Now, just a word as to the possibility of selling these bonds. When I was over in New York during the holidays I was talking with a director of one of the big insurance companies, and I asked him whether he had ever heard of these 4½ per cent tax-free bonds, practically as good as Government bonds, and he said he never had heard of them. He said there should be no difficulty in placing $100,000,000 of them with the big insurance companies and other concerns which are looking for that kind of investments, and he said he would bring it up before his company. But the Farm Loan Board has before this refused to sell these bonds to those people. They have turned down every offer that has been held out for large blocks of the bonds. They were bound by a wooden contract up to January 1 to sell these bonds in small lots on a 4½ per cent basis, when they can not probably any longer be sold on that basis. Then they come to the United States Government and ask us to underwrite or buy $100,000,000 of these bonds each year for two years; and as the first bill which came to us was written, it looked as if that $100,000,000 was to be paid out of the Treasury each year for good and all unless the land banks took it on themselves to redeem them.

Mr. GLASS. May I ask my colleague if he thinks it is exactly advisable to take the irresponsible statement of any one man that such and such a thing can be done, against the official declaration that it can not be done? I ask that question because a colleague of mine in the House said to me the other day that he knew these bonds could be disposed of easily, and he gave me the name of a banker in his State who, he said, would take $100,000 of them. I immediately gave that banker's name to the Farm Loan Commissioner, but at last accounts the bonds had not been taken.

Mr. PLATT. That is a different proposition from going to New York and trying to sell these bonds to the big insurance companies and the people who have got the money to buy them. They have not heard of them at all. The board has not tried that at all. Mr. Norris said so under questioning from me and from other members of the committee. They have not tried to sell these bonds to the people who have got the money to buy them with, 4½ per cent tax-free bonds. Surely they can be sold when 3½ per cent tax-free liberty bonds sell at 98.50 and above.

Mr. GLASS. Did not Mr. Norris say that it was the policy of the board not to put a great amount of these bonds with the wealthy corporations, but to disseminate them in small amounts throughout the United States?

Mr. PLATT. Yes; he did.

Mr. GLASS. The purpose being to enlist all the people in the investment securities of the farm-loan bank, and to have them interested in the banks.

Mr. PLATT. He did say that, and I have no criticism of that as an initial policy when all was going well.

Mr. GLASS. That was when no difficult was being experienced in placing these bonds; but the board has tried repeatedly every sort of expedient to place the bonds since the 1st of November, when they began to experience difficulties on account of the liberty loan, and they have not been able to do it.

Mr. PLATT. Yes; but they have tried to sell them under the fixed wooden contract price which they had with the bond companies. They could not break it and the bond companies could not break it; but now the contract has expired, and they are free to go out and sell these bonds; and I say we ought not to give them a cent until they go to New York and try to sell these bonds at par. I have no doubt they can sell them.

You can talk to investors, men who have money to invest, and ask them if they have ever heard of these 4½ tax-free bonds, and not 1 in 50 has ever heard of them. They are practically as good as Government bonds. There are some Members of this House who have got money to invest, and I have asked them if they had ever had any of these bonds offered them, and they said they had not.

Mr. GLASS. Yes; and a Member of this House said he would take $100,000 of them, but he has not done it.

Mr. PLATT. I do not know anything about that, but there is scarcely a man in this House who has had any opportunity to buy them. I would not mind buying a few of them myself, but they have never been offered to me, and I would not know where to go to buy them. They are not quoted in any of the financial markets or exchanges, so far as I have ever seen.

Mr. MADDEN. The gentleman talks about a wooden contract. What does he mean by a wooden contract—a contract with a man who is wooden from the chin up?

Mr. PLATT. I mean that the bond houses and the banks were bound to a fixed price regardless of conditions. They would not let the farm-loan banks sell their bonds as they ought to be allowed to do. The Kansas banks had a chance to sell their bonds above the fixed price, and the Farm Loan Board would not let them do so, I am told. They insisted that the bonds must be sold at a fixed price through the bond companies.

Mr. MADDEN. Are the men who are managing the Farm Loan Board competent?

Mr. PLATT. I believe Mr. Norris is a good man, and I have no criticism of the way they started the thing off. The contract was perhaps good policy as a beginning, when the land banks were busy with organization problems, appraisals, and so forth.

Mr. MADDEN. Why should the Treasury of the United States be called upon to furnish money to buy these bonds?

Mr. PLATT. It should not be.

Mr. MADDEN. Does the Government of the United States guarantee these bonds?

Mr. PLATT. No; not in terms, but the Government furnished the $750,000 with which each of the 12 banks began business.

Mr. MADDEN. The Government is not responsible for the bonds, except morally?

Mr. PLATT. No; except morally. I do not know that one can fairly say it is even morally responsible, but the banks are under Government control.

Mr. MADDEN. In what section of the country have most of the loans been made?

Mr. PLATT. Kansas has the largest amount so far—$3,594,000.

Mr. MADDEN. Has any been loaned in the very rich agricultural sections of the United States?

Mr. PLATT. Well, I will say that the great and prosperous State of Iowa has only had $96,000 loaned to it.

Mr. GLASS. Mr. Chairman, may I interrupt to answer the question of the gentleman from Illinois? He wants to know in what States these loans have been disposed of. The State of Illinois applied for $1,697,000.

Mr. MADDEN. That is a small amount of money for that State.

Mr. PLATT. The applications for loans do not count for a great deal. The loans already made count for more than the applications. Illinois has so far received $186,000. Many people will apply for a loan at a low rate of interest who do not greatly need the money. There is no great urgency among the farmers to borrow money. I questioned Mr. Norris, and he admitted that the $70,000,000 in mortgage loans which they consider the land banks are morally bound to furnish at the 5 per cent interest rate, having already approved them, will shrink to $50,000,000 and has already shrunk to about $50,000,000.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HAYES. I will yield to the gentleman three minutes more.

Mr. PLATT. As I say, that $70,000,000 has already shrunk to $50,000,000, which is a big shrinkage, because when a farmer asks to borrow $5,000 and they will not let him have but $4,000, he generally says he does not want any loan. Many farmers are paying mortgages instead of borrowing, and most of the loans made by the land banks go not for increased agricultural production but to refund or pay old mortgages.

Mr. MADDEN. Is it not easier for them to borrow from the private banks?

Mr. PLATT. No; I do not think so; 5 per cent is a low farm-mortgage rate, particularly at this time.

Mr. MADDEN. Is not there an additional charge made by the banks?

Mr. PLATT. Not by the farm-land banks, though there may be by private banks.

Mr. MADDEN. Do not they charge 1 per cent in addition?

Mr. PLATT. Oh, I could talk for an hour about the additional charges that are made to the farmer by some lenders of money. My point is that there is no necessity for the passage of this act. This Government bond-purchasing plan is exactly the same thing that the gentleman from Virginia [Mr. GLASS] and myself, the gentleman from California [Mr. HAYES], and others, sound-money Members, stood against in the Sixty-third Congress. The Bulkley bill provided that the Government should buy the bonds. The President was against it and we were against it, and after a strenuous struggle we prevented its being reported.

Mr. GLASS. If the gentleman will pardon me, the Bulkley bill put no limitation on the amount of bonds the Government might acquire. It was a cumulative proposition and might have involved the Government in billions of dollars expenditure.

Mr. PLATT. That is true, and nobody knows what this will entail. No power on earth can keep the interest rate down. There will be another liberty bond issue, and the interest will probably be above 4 per cent. What this amounts to is to have the Government buy these bonds to keep the market price up. Why does not the Government go into Wall Street and buy liberty bonds which are selling at 97?

Mr. GLASS. Well, that is one way of stating it, and another way is to prevent people who would naturally invest in the bonds from squeezing the system, in extraordinary circumstances, by forcing the price of the bonds down and the rate of interest up. That is another way of stating it.

Mr. PLATT. Yes; that is another way of stating it; but the contract for the sale of these bonds has only expired a few days ago, and no effort has been made to sell the bonds without restrictions on their merits as a gilt-edged 4½ per cent tax-free security. It was all right at the beginning to sell the bonds in small lots all over the country, in lots of not over 6,000, but under present circumstances it is far better to sell them to people who have the money to purchase them than to ask the Government to bolster them up.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. GLASS. Mr. Chairman, I will yield the gentleman enough of my own time to answer a question. The gentleman has perfect confidence in the sincerity and character and ability of Mr. Norris?

Mr. PLATT. Absolutely.

Mr. GLASS. Does not my friend know that Mr. Norris and the Farm Loan Board will not ask the Secretary of the Treasury to exercise this power to the extent of one dollar if they should find that they can sell the bonds to individuals? Is not there an avowed purpose to sell them to individuals, and did not they express the conviction that they can sell them to individuals if they may be fortified by this guaranty of the Government to take them if in the future they do not sell them to individuals?

Mr. PLATT. Yes; but I believe that they can sell to individuals without the guaranty, and I think they should try that first.

Mr. HAYES. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman and gentlemen, I am opposed to this measure, because I do not see any merit in it at this time especially. This is a proposition to induce the Government to put $200,000,000 into this farm-loan proposition at a time when the people of our country are called upon for more money than ever before in the history of the Republic, at a time when money is much more needed to carry on the war than it is to further this particular banking system. In the first place, I have little or no faith in the system at any time, for I do not believe the Government gets legitimate loans generally, at least not so much so as do the local banks and local money lenders. I am led to that belief by a great many things that have transpired and come under my observation, and to one I desire to call your attention, which is me is a most striking illustration of the merit of this proposition. Three years ago I sold a piece of land for $2.50 per acre. It was cheap stump land, from which the valuable timber had been cut and removed. I sold that land on contract. The contract has not yet been fully paid. No improvements have been made on the land and there has been no change in its value whatever, except as it may have enhanced in value through time that has elapsed since then. I was advised the other day by the man who had purchased that property from me that he had made application for money from the Government on a mortgage on this property at $15 an acre, and that he wanted to take up his contract. Can you tell me that there is merit in such a loan? Why, he can not borrow such a sum on that land from any money lender in the vicinity of the land, because they know the value of that property better than does any outsider.

Mr. NORTON. Will the gentleman say that that loan was approved at $15?

Mr. FORDNEY. No; I do not. He gave me notice that he was going to pay up on his contract, and he said he was getting the money from the Government at $15 an acre on a mortgage on that property.

Mr. NORTON. Will the gentleman give a description of that land, so that it may be investigated?

Mr. FORDNEY. No; I will not. I can not do that. I ask the gentleman to take my word for it.

Mr. NORTON. The gentleman does not say that the loan was approved for $15.

Mr. FORDNEY. I do not say anything of the kind. I say that he has notified me that he is going to borrow the money from the Government at $15 an acre and wants a deed from me at $2.50 an acre. Let me tell you another thing. The people of this country are called upon to support our men on the battle field right now, at a most critical period in the history of this country, and the money to be subscribed in the purchase of Government bonds and the taxes to be paid by the people of this country this year is two and a half times the amount of all the money in circulation in the United States, as shown by the statement of the Treasury Department. You are coming in at a time when it is not necessary and calling upon the people of the country for $200,000,000 to put in an investment of this kind, when the money is not needed as badly, you will all admit, for this purpose, as it is to sustain our boys on the battle field. Think of it! The Treasury Department shows that there are about $5,000,000,000 of money in circulation. That is not all the money in circulation; there is far more than that—double that amount—but I say that is the amount the Treasury Department shows is in circulation in the country, and we are going to call upon the people this year for from twelve to thirteen billion dollars to purchase United States Government bonds and in direct taxes. The taxes the people will pay under existing law this year will call for 80 per cent of all of the money in circulation in this country as shown by the Treasury Department.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HAYES. I yield the gentleman one more minute.

Mr. FORDNEY. Mr. Chairman, I think it is exceedingly unwise legislation at this time, when the people of the country are called upon for so much to sustain our Government, in time of war. This can be easily passed over until after the war, and then be intelligently, carefully, and sanely considered at a time when this kind of legislation may be needed more than now. [Applause.]

Mr. HAYES. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Chairman, it would be useless now to endeavor to call a halt upon the raids that are being made on the Treasury of the United States. It would be useless also to suggest that we have a fundamental law known as the Constitution of the United States. Apparently that great charter has been lost. Upon the impulse of the moment we appropriate millions out of the Treasury without regard to the provisions of our great charter, and to the authority that the Congress has. Even fundamental political principles adhered to for more than a century by the dominant political party have been thrown to the winds. The doctrine of the rights and the duties of individuals and of the States has been forgotten. Everything now goes out from Washington. All authority is centered here. The Treasury is to the whole people now what the Government in 1840 was to the red man—the Great Father. It is useless at this time to undertake to call a halt upon these matters. At this time we are asked for $100,000,000 this year and $100,000,000 next year to buy farm-loan bonds. As a matter of policy, as a matter of constitutional right, it is quite as feasible and proper to do that as to lend $1,400,000 to the State of Tennessee, as was done by the Secretary of the Treasury a few years ago, or in a few weeks from now to lend millions to the railroads, as was suggested by the President a few moments ago we would be called upon to do. We are borrowing money from everybody who can lend; we are taxing the people by every possible method of taxation, for the purpose of raising money to carry on the war. The Treasury is not overburdened with money to carry on the great activities of the Government itself, and yet we are asked to take out of a needed fund for war purposes $100,000,000 to bolster up a failing scheme. If this were for the purpose of lending money to the farmers of the United States to carry on the next year's crop, I would not say a word in opposition, but it is for the purpose of enabling loans to be made for 30 years, out of moneys borrowed and raised by taxation to carry on the war. We are not acting in good faith with the people of the country who loaned this money and paid the taxes. The Secretary of the Treasury quarreled with the Farm Loan Board three months ago because the banks that had been designated by the Farm Loan Board were offering to sell these same bonds at a time when the Government was selling its securities—liberty loan bonds—to raise money with which to carry on the war.

And now, in three months, the Secretary of the Treasury asks the Congress to appropriate $100,000,000 this year and $100,000,000 next year out of money raised by the Government to carry on a war to buy bonds issued by the farm-loan banks. It is said my own State has been the largest borrower. The principle involved may not now be questioned, as I have before

stated, but the policy at this time of taking money out of the Treasury that was borrowed to carry on the war may be questioned and ought to be questioned and this matter ought not to have been thrust upon the Congress by the Secretary of the Treasury or by the Farm Loan Board or by anyone else. It is unwise and I believe unpatriotic at this time to ask Congress to take money out of the Treasury for other purposes that was secured by taxes or by loans for war purposes.

Mr. QUIN. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I am sorry I can not. I have here a sentiment I want to read. I have received many letters of protest against this bill:

The farmers are not asking this appropriation of $100,000,000 to buy farm-loan bonds. It is a device of the Federal Farm Loan Board to help get themselves out of their embarrassing financial difficulty. The farmers throughout the country generally never were in a more prosperous and better financial condition than now. All kinds of farm products sell at high prices, farm lands are in demand and selling at increased prices, the legitimate wants of the farmer are being taken care of now and will be in the future as they have been in the past, without borrowing from the United States Government.

This is but an extract from one of the many letters I have received in protest against the bill.

Mr. GLASS. Letters from farmers, may I ask?

Mr. CAMPBELL of Kansas. No; but I have not had a request from a farmer in the State of Kansas to support this measure, not one.

Mr. GLASS. Is not that because they assume, of course, the gentleman will do it? [Laughter and applause.]

Mr. CAMPBELL of Kansas. I will say this to the gentleman from Virginia, that while the Government lends money to States, as it did to the State of Tennessee, and lends money to the railroads, as the President says we must in the near future, if it is lawful or wise policy for those purposes, the right of it can not be questioned when it comes to loans to the farmer, but I say in all conscience, and I believe I express the sentiment of the gentleman from Virginia, that it is untimely to ask Congress to take $100,000,000 out of the Treasury at this time that was placed there to carry on the war to bolster up the farm land-bank scheme.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. GLASS. Mr. Chairman, I yield 10 minutes to my colleague from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, the gentleman from Kansas [Mr. CAMPBELL] closed his remarks by reading a statement from somebody who does not seem to have been a farmer, stating that the farmers were not asking for this and did not need it. The farmers are asking to the extent of $100,000,000 for loans with which to relieve themselves from encumbrances that they can not relieve themselves of otherwise, unless, as his correspondent suggests, they sell their farms; and when they sell their farms the correspondent says that the farm lands are bringing a good price; therefore when he attempts to continue to farm by buying another he finds the price of the farm that he wants to buy put up so high that he is squeezed out of the farming business; and now they are asking that loans be provided in order that they may have funds with which to liquidate these debts and enable them to go on. This statement of his correspondent that the farmers are in a good and prosperous condition is partly true, but as to the section of the United States from which I come, it is just beginning to recover from the enormous loss, which Congress said it could not help them to avoid, brought about by this war, when in 1914 they marketed the crop of cotton at a loss of $480,000,000, and many a farm was mortgaged as a result, and they have not had a prosperous time sufficient to rehabilitate themselves. They made 16,000,000 bales of cotton in 1914, and it cost the average farmer at least 12 cents a pound to make it—$60 to the bale—and the people got, on an average, $30 for it. They have never recovered, and they are to-day facing demands from England and elsewhere, from the mortgage companies, that they liquidate their mortgages, and they have got to do it in this way or not at all. Now, are these bonds safe? If they are not, who is responsible? This Congress enacted this act, and in the 27th section it provided the Federal reserve banks should have the right to buy and deal in them. Well, if they are not a safe security, why allow the great financial institutions handling the commercial credits of this country to deal in them as assets on which our currency should be based? Not only that, but is it just that we should do something for them, and is it propitious now? We have got to do one of two things, to allow these farm-loan bonds put upon the market in competition with the United States loans that are being made and asked for for the purpose of helping until this war is over—we have got either to do that or we have got to take it out of the Treasury of the United States; and I say we should not put the Farm Loan Board in competition with the Treasury of the United States, and the President this morning in this apt language expressed exactly the principle that should govern us now when he said:

No borrowing should run athwart the borrowing of the Federal Treasury.

Mr. PLATT. Will the gentleman yield?

Mr. STEVENSON. I will.

Mr. PLATT. How is this $100,000,000 going to be raised if we do not borrow it on the credit of the United States?

Mr. STEVENSON. We borrow it on the credit of the United States, along with the billions that we are borrowing to loan to France, England, and other countries. We hear no protest against that. We hear no protest when we find that the Government is preparing to loan money to keep the railroads running; and I submit that if we are going to loan money to the railroads to keep them running, it is high time we began to take care of the men who produce that which will move upon the railroads and which is absolutely necessary to maintain the railroads, the people, and the army at the front.

Mr. PLATT. Will the gentleman yield again?

Mr. STEVENSON. Yes.

Mr. PLATT. Does the gentleman agree to have the Government seize the farms and run them for the benefit of the people as it has the railroads?

Mr. STEVENSON. The Government has not found that necessary, because the farmers have shown their capacity, if given proper credit and given the proper facilities, to run their farms so as to support this great Government; and they responded last year in a way that has far exceeded the ability of the railroads or anybody else to demonstrate their patriotism in this country.

Mr. MOORE of Pennsylvania. Could not the railroads do that, too, if they had that much credit from the Government?

Mr. STEVENSON. They have had much more than the farmers have had. They have had their credit in the money center of New York; and when in 1907 we had a panic, preceded by speculation in securities in New York, the farmers of the South paid for it in the prices of their cotton, and the money that we had in New York we could not get, for the Treasury of the United States put $100,000,000 there in order to maintain the values of the stocks of the railroads and of the bonds of the great corporations. [Applause.]

Why, Mr. Chairman, coming to that, I was president of a bank at that time. We had money in New York and could not get it. I had a neighbor who had $100,000 on deposit in a bank in New York, and it took him three weeks to get $10,000 of it, and we were having cotton forced on the market and were taking certificates of indebtedness for it. If it comes down to a question of aiding the farmers as a special class, I want to call your attention to one other thing.

The great commercial centers, such as New York, have had their heart and center in the Federal reserve banks. What have we done? There has been on deposit in those banks by the Government not less than $50,000,000, practically, ever since they have been established, upon which they do business every day in the year.

Not only that, but we passed last spring here a bill amending the provision for Federal reserves, so as to require 7 per cent of all deposits of all banks of the reserve system to be maintained in those banks, and that meant on the average deposits last year $568,000,000 of reserves, put there for the Federal reserve banks to do business upon. And yet they say that the Federal farm-loan banks can not have a credit of $100,000,000 from the Government in this way, when it is absolutely secured, which it is given the right to control until the loan is paid off; and it is presumed to be secure, because the very basis of these bonds is the land of the farmers of this country, and land is the basis and the foundation stone of all credit, and everything that maintains credit is grown for the support of this country, of its armies, and of its institutions, and upon its shoulders rests the conclusion and successful termination of this war. And they are doing their duty and using their best endeavors to provide the means with which to prevent the people from starvation. It would be a tardy act of justice not to give them at least an opportunity to look in on the Treasury of the United States and feel that Uncle Sam is a father to the farmer as well as to the other interests of this country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, it seems like old times in this House to have the gentleman from South Carolina [Mr. STEVENSON] denounce the trusts of New York and remind us of the crushing effect of Wall Street upon the cotton

lists of the South. All these things are supposed to be laboured in this session of Congress.

Mr. STEVENSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. And it brings up pleasant memories of those days when speech was free on the floor of the House and Democrats sat on one side and Republicans on the other and pleasantly contended.

Mr. STEVENSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. STEVENSON. I have not named Wall Street or any trust. I ask the gentleman if he appears on behalf of Wall Street here?

Mr. MOORE of Pennsylvania. I answer the gentleman by stating that I read in a paper day before yesterday that whereas the present administration came into power cursing the trusts, promising to crush them and put them out of business, all prosecutions against the great trusts of the United States have for the time been suspended. And in order that the gentleman may more thoroughly understand, and that Democrats as well as Republicans may be informed of the assiduity with which the present war administration is prosecuting trusts, I put this little statement in the RECORD:

Suspension until October of Government suits for dissolution of the International Harvester Co.—

Do you remember what an incubus that was upon Kansas and South Carolina—

the United States Steel Corporation—

Do you remember what a holy terror that was when Mr. Woodrow Wilson was campaigning in 1912, and how you were going to put it out of business, and how you are relying upon it now—

the United States Shoe Machinery Corporation—

Which may now have some very profitable contracts with the Government in one form or another—

the Eastman Kodak Co., the Quaker Oats Co.—

And food prices have certainly gone up recently—

the American Can Co., and the Corn Products Refining Co.—

Another food producer which is said to be a part of the Standard Oil Co.—

was asked of the Supreme Court by Attorney General Gregory to-day.

Further suspension until the close of the war will be requested then.

The tremendous expense—

Think of it!

Why, we raised $21,000,000,000 to prosecute this war and are worrying over this bauble of court costs. [Laughter.]

Mr. MADDEN. You should add $30,000,000 more to it.

Mr. MOORE of Pennsylvania. Yes; I will do that. We are going to add many more billions before this administration gets through. But think of "the tremendous expense"! Think of it! The Attorney General to whom we make constant appropriations for the investigation of trusts; the President, to whom we make an appropriation of $100,000,000 to employ agents and go out and investigate the trusts. Think of the "tremendous expense" involved in dissolving these seven great corporations. And "should the Supreme Court hand down a favorable decision, think of the disruption of the business involved." Ah, do not come up here from South Carolina or Texas or down from Minnesota and throw up to us our political contentions of 1912, when you were opposing the trusts. You have had it in your power now for nearly six years to "bust the trusts," but they seem to have become your nearest and dearest friends. Even you walk into the Supreme Court of the United States and ask for a suspension of judgment until the war is over.

Why, the prices of commodities to the people under your administration have grown higher than at any time in the history of the world, yet you ask for a suspension of judgment against the trusts during the war, because of "the tremendous cost" of hiring lawyers and prosecuting your suits to a successful conclusion. [Laughter.]

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Minnesota?

Mr. MOORE of Pennsylvania. Yes.

Mr. KNUTSON. The gentleman referred to Minnesota. I want to say on behalf of the State of Minnesota that she had nothing to do with the fraud of 1912. [Laughter and applause.]

Mr. MOORE of Pennsylvania. I accept the gentleman's statement, and I hope the gentleman from South Carolina [Mr. STEVENSON] will be good from now on.

Mr. Chairman, I have looked through this bill very carefully. I can not find that it is a war measure, which the Democrats promised us would be the substance of the legislation of this session.

I can not find anywhere in the literature respecting this bill a letter from the Secretary of the Treasury, Mr. McAdoo, advocating this measure; but I do find coming from the committee a voluntary statement that this proposed legislation, which turns loose from the Treasury of the United States $200,000,000 to the use of certain farm agitators and farmers, who may eventually turn "cats and dogs" into the Treasury of the United States, that it is a "war emergency measure." The necessity for it is explained in an appended letter from the Farm Loan Board to the Secretary of the Treasury. Read that letter, gentleman, and you will find in it not a word about the war, but a plain, blunt statement to the effect that whereas "dad," the Government of the United States, gave $9,000,000 to one of "his boys" to go out and do a little farm-loan business, on which he was thereafter to take care of himself, "the boy" failed to make good, and having made certain promises in his business, involving upwards of $100,000,000, comes back to "dad," the Government, and asks for $200,000,000 more to put him on his feet.

Oh, yes. When my colleague from Pennsylvania [Mr. MCFADDEN] asks for more time to explain the objectionable features of this legislation, the gentleman from Kansas [Mr. SHOUSE] rises in his seat over yonder and objects to two or three minutes' more discussion, presumably because it appears from the RECORD that the gentleman from Kansas, looking out for the interests of his State, is doubtless aware that under this new deal Kansas expects to receive $7,826,577. His State is one of the largest of all the borrowers. Of course, he wants no discussion of a matter of this kind.

Mr. GLASS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I yield to the gentleman.

Mr. GLASS. I suggest to the gentleman from Pennsylvania that had he yielded to his colleague the first 10 minutes of his own speech, which was not directed to the discussion of the bill but to politics, he might have had more enlightenment on the subject of the bill. [Laughter.]

Mr. MOORE of Pennsylvania. I suspect this bill has some politics in it. Mr. Chairman, how much time have I consumed?

The CHAIRMAN. The gentleman has used seven minutes.

Mr. MOORE of Pennsylvania. I suspect, I say, that this bill has some politics in it, but I did not introduce politics into the discussion. The gentleman from South Carolina [Mr. STEVENSON] introduced the subject of politics by referring to the trusts that sadly distressed the cotton planter.

Now, the cotton planter has not been paying very much in taxes during this war. Let the gentleman from South Carolina remember that. The cotton farmer has declined to submit himself to taxation on cotton in the bale; he has the voting power in this House to prevent it. But he has conceded that at least four States of this Union should bear the burden of practically all of the income tax necessary to prosecute the war. He has conceded that out of the 48 States of this Union the States of New York, Pennsylvania, Massachusetts, and Illinois shall pay $122,000,000 out of a total of $180,000,000 on income tax for 1917 and more for 1918. The great voting power of this House just now can impose this new and additional farm-loan burden of $200,000,000 upon the consuming public if it wants to. It is a fine, generous spirit from 44 States of the Union which unload the bulk of the taxes on 4 States.

Politics in this bill? Why, we have had more politics under cover of war than any gentleman here dares to speak of for fear he will be charged with giving information and comfort to the enemy. Politics in this session? Well, gentlemen, if you can control the capitalists on the one hand by Government control of railroads and make the Treasury of the United States pay the cost of operation rather than those who are the beneficiaries of the railroad service you will have done one thing. Withdrawing the prosecution of the trusts of the United States is another. That may not be politics, but if you can tie up the big trusts and railroad managers and capitalists on the one hand and satisfy labor by increasing wages on the other hand and then give the farmers $200,000,000, it looks like playing pretty good politics.

Yet we are forbidden to discuss politics in this House. [Laughter.]

They wanted to pass this bill under a rule just before the holidays, and my distinguished friend from Virginia [Mr. GLASS], who made a plain, frank statement as to his attitude on the bill this morning, was in favor of that move. He did not want any more discussion of the bill than that other distinguished gentleman, the gentleman from Mississippi [Mr. HARRISON], who now occupies and graces the chair. It was the gentleman from Mississippi, who, arguing for the rule to limit debate, closed his brilliant speech with a tribute to Coriolanus and George Washington, the illustrious farmer, and Thomas Jefferson, the great tiller of the soil, and declined to be interrupted. Why did he cling to these delightful historic memories? Not

only to secure the $200,000,000 that the bill asked for, reduced, as it has been temporarily by senatorial action, to $100,000,000——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. But because, perchance, the State of Mississippi had put in its claims to receive $7,000,000 out of this $100,000,000 or $200,000,000 or whatever the total may be. Compare that with the income tax paid by Mississippi and you can understand why this bill ought to pass. [Laughter and applause.] I would like to make some other comparisons.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GLASS. Mr. Chairman, I want to give notice now that, whether from this side or from that, I am not going to tolerate any more political harangues while we are considering a serious matter; and I will submit a point of order if any other man takes the floor and indulges in picayune politics when we want to discuss a grave question. [Applause.]

Mr. HAYES. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. SLOAN. Remember, the chief tolerator of the House has given notice that you will not be tolerated if you talk politics.

Mr. LENROOT. Mr. Chairman, I shall not discuss politics, even though there may be some politics in this bill. I am in favor of the Senate bill, and I sincerely hope that the substitute which the chairman of the committee announces he will present, being the House bill, will not be adopted. I want, first, to call attention to the differences between the Senate bill and the House bill. The House bill provides for $200,000,000—$100,000,000 this year and $100,000,000 next year. The Senate bill provides only $100,000,000. There is a provision in the Senate bill, known as the Weeks amendment, which provides that after the loans now approved have been taken care of, amounting to something over $70,000,000, no other funds of the Treasury shall be used for the purchase of these farm-loan bonds except for loans made for food production; in other words, that outside of the $70,000,000 of loans already approved, if the Treasury is to loan money for this purpose it must be for the purpose of increasing food production, as against making loans merely for the refunding of existing loans. The chairman of the committee stated in response to a question from me a little while ago that of the loans now approved, amounting to something over $100,000,000, 90 per cent of them involved the refunding of existing mortgages; and that means that a very large majority of these loans are not for the purpose of increasing food production except as a lowering of the interest rate may do so.

Mr. TOWNER. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. TOWNER. I think the gentleman misapprehends, perhaps, the statement made, because it is not true that 90 per cent of the loans made are for refunding purposes only. It is true that they involve refunding purposes.

Mr. LENROOT. That is what I said.

Mr. TOWNER. But it should be explained to the House that in a vast majority of cases a part of the loan is for refunding purposes and the other is for extension purposes.

Mr. LENROOT. That may or may not be so. Of course it is true to a certain extent, but I am satisfied that it is not true as to a majority of the cases. But, however that may be, under what is known as the Weeks amendment, if the loan is for the purpose of increasing food production the funds of the Treasury may be used, but not otherwise; but if it be solely for the purpose of enabling a farmer who is now paying 6 per cent to obtain his loan for 5 per cent the money of the Treasury can not be used for that purpose. And that brings us to the question whether we ought to appropriate money out of the Treasury of the United States in these war times for the sole purpose of reducing the interest rate and not for the purpose of increasing food production. That, gentlemen, is a very serious matter. Many gentlemen think they must favor this proposition as a whole because otherwise they will be charged with not favoring the farmers of their districts. Let us see. In the two liberty loans that we have floated there is no part of the United States where farmers, business men, and professional men have not gone to the banks and borrowed money at a higher rate of interest than the liberty loan bears for the purpose of purchasing liberty bonds. That is true in every section of the United States. That is true of farmers. Now, I think they have a good case for the $70,000,000, but outside of that when you say, "We will authorize the Secretary of the Treasury to use the proceeds of these liberty bonds for the purpose of loaning money to farmers to refund mortgages," when our next liberty loan comes up and we again make an appeal to the people of this country to purchase liberty bonds to carry on the war, and do it as a matter of patriotic duty, can we ask a man to go to the bank and borrow money at 5 per cent or 6 per cent in order to buy liberty bonds at 4 per cent, when we are going to turn around and pay out that money to his neighbor in order that he may get a rate of interest of 5 per cent instead of 6? Can you justify it? Is there anyone who can justify it? Ah, it is more than that. Upon that proposition the very success of the liberty loans in the future may depend.

We have no right to ask the poor and humble people of this country to go without necessaries of life in order that they may patriotically help the Government to carry on this war and purchase liberty bonds in amounts as low as $50, when it can be absolutely demonstrated that the money—perhaps the very money taken from them and depriving them of necessities—will be given to a farmer who may be worth $10,000 or $25,000, in order to enable that farmer to get a mortgage refunded for 5 per cent instead of 6 per cent. Ah, any gentleman who thinks there is any politics in supporting that kind of a proposition and voting against the Weeks amendment is very sadly mistaken. You can not justify it, and it ought not to be considered for a single moment, and I am surprised that the chairman of the committee should be opposed to the Weeks amendment. Under the Weeks amendment the $30,000,000 that the Senate bill provides for, in excess of the $70,000,000, can be used wherever the farmer making the loan will use the money for the purpose of increasing food production. All that it prevents is the refunding of existing mortgages. In a few months we may be confronted with a most serious situation with reference to raising money needed to carry on this war. Facing that condition, are we in a position to furnish money out of the Treasury that will be used in many cases solely for the purpose of lowering the rate of interest in some section of the country? Why, I understand that to-day, since the President delivered his message to this House, a bill has been introduced appropriating $500,000,000 for the railroads of this country. Unquestionably we will be compelled to appropriate in some form or other a very large amount of money out of the Treasury for that purpose. That is just as important to the farmer as it is to anyone. The farmer's farm is of no value to him unless his products can be transported. And so in every direction we are confronted and will be confronted, from day to day, with staggering sums necessary to carry on this war, and thus it is all the more important that not one dollar be appropriated out of the Treasury, or that any officer of the Government be vested with power to expend a single dollar except where it is necessary for the purpose of carrying on and winning this war. [Applause.]

But to get back to the original proposition, it should be clearly understood that every Member who votes for the House bill against the Senate bill votes to take money out of the Treasury in order to refund existing mortgages at the expense of the farmers who do not get mortgages from these farm-loan banks, asking the farmer who pays 6 per cent now from private sources to buy a liberty bond, to borrow the money from the bank to do it, in order that his neighbor who pays 6 per cent on a like mortgage may get his mortgage reduced to 5 per cent. Gentlemen, it ought not to be.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HAYES. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I am in favor of this bill. It provides that the Government may purchase for each of the fiscal years of 1918 and 1919 $100,000,000 worth of farm-loan bonds. Unless this is done, our Federal land banks may be compelled to suspend business until the close of the war. I regret that there are so many on this side of the House who are antagonizing this measure. All who have spoken on this side, so far, have been in a way criticizing this bill. I regret it. It has been said that there ought not to be any politics in this bill, and there ought not. And yet I say to you, my Republican friends, that opposition to this bill will be, and ought to be, construed as antagonistic to the great agricultural interests of this country [applause], and the Republican Party will never be in power in this Nation again if the farmers of this country understand that the party is unfriendly to their interests. [Applause.]

Now, I warn you who are here, and I warn the great leaders of the Republican Party in this Nation, that we can not return to power without the confidence and support of the farmers. We can not expect, and indeed we ought not to have that support and confidence, unless we are ready, through national legislation and national policies, to promote the prosperity of farmers and the expansion of agriculture. Shall we be wrapped up in the great commercial, financial, and industrial interests and not be ready to extend a sympathizing hand to the great agricultural interests of this country?

Mr. PLATT. Will the gentleman yield?

Mr. MORGAN. Yes; I will yield for a question.

Mr. PLATT. Does the gentleman understand that the farmers are asking us to do this? I do not so understand it; not one farmer in a million knows anything about it.

Mr. MORGAN. What I have said I stand by, and I again warn the Republican leaders of the House and of the Nation that a friendly attitude toward the farmers must be maintained if we expect to go back in national power. Historically the Republican Party has always stood for agriculture and commerce alike. Its principles and polices have favored the farmers and their industry, but modern conditions have brought new problems. No party that does not stand by the farmers and their industries should be placed in power in this Nation. [Applause.]

Now, the able gentleman from Wisconsin [Mr. LENROOT] has made an eloquent speech criticizing this measure. I am surprised at it, and I regret it. Of course if this was simply a measure to help the farmer to the injury of the carpenter, or help the farmer to the detriment of the merchant, I would not support it, and no one should; but this is to carry out a great policy established when the Government undertook to aid in financing the farmers by the passage of the Federal farm-loan act. Why was this act passed? Not simply in the interest of the farmer. No, no; but to strengthen this great Government; to increase food production; to expand agriculture; to promote through the expansion of agriculture the prosperity of the whole country. It was for the benefit of nonagricultural population as well as farmers. In this critical hour the cry comes from England, from France, from Italy, and from all of our allies for bread—the cry is food. Where is it to come from? All eyes are turned to the farmers of the United States. Shall we by our voices and our votes say to starving Europe that we will not encourage our farmers in their effort to feed the world? Certainly not. But to refuse to pass this bill would be doing so. Then, Mr. Chairman, let us pass this bill.

We can do nothing better in this hour of peril and danger than by a unanimous vote of this Congress, to give the necessary financial aid to promote the prosperity and expansion of agriculture, in order that in this great war—whether it shall last one year or five years—we may be able to feed ourselves and those who are fighting with us to free the world of autocracy, and make liberty, freedom, and justice supreme throughout the world.

Mr. Chairman, this is not the time to criticize the management of our Farm Loan Board. I have no doubt there have been mistakes made. I have no doubt, as the gentleman from Michigan has indicated, that some loans have been made too high. Nothing else could be expected. There are always mistakes made, and sometimes public officers are corrupt and betray their trusts. But this is no argument against the passage of this bill. There should be criticism if criticism is just, but this is not the time to make it. I want the report from the Federal Farm Loan Board. I want to know what they have been doing; whether they have been administering their trust efficiently and economically as they should. I will be ready at the proper time to criticize any mismanagement, with a view to improving it. But I can not lend my voice and vote to-day to oppose this great measure.

Why is the passage of this bill necessary? Here is the situation. The Government is monopolizing the credit power of this Nation to-day. You can not sell industrial bonds; you can not sell railroad bonds. If the truth were known, one of the objects of taking over the railroads is in order that the Government may finance them. Railway officials said that they could not borrow money. They could not meet their maturing obligations without borrowing money. Their bonds were depreciating in value. Our banks own billions of these bonds, and billions of their loans are based on railway bonds as collateral security. So the Government proposes to finance the railroads. The Federal Land Banks are in the same position as the railroads. In this emergency these banks—representing the farmers and their industry—must be rendered such aid as will enable them to carry on the great work they have undertaken.

It may be as the gentleman from New York [Mr. PLATT] says, these bonds can be sold without this aid. The Federal Farm Loan Board think not. Their opinion is entitled to great weight. Even if they could be sold, I am not certain it would be wise for the Federal Farm Loan Board to put 4½ per cent bonds, free from taxation, on the market in competition with the liberty loan bonds at 4 per cent in part taxable. We must clear the track for financing the war. That is the paramount duty of the hour. In the meantime we must not discourage the farmer. We must not let agriculture languish. It is of no less importance to finance the farmer than it is to finance the railways. We must do both. That is why this bill should pass.

The work of financing the farmer has not yet been completed. We have done nothing for short-time personal credit. Last summer the farmers in northwest Oklahoma, and over much of Kansas and other western States, could not buy seed wheat. This resulted in restricting the acreage of wheat sown in these sections. Various schemes were proposed. In all of them the farmers were compelled to pay an exorbitant rate of interest to borrow money to buy seed wheat. This ought never to occur again in the United States. We must go on and perfect our mortgage credit system—give it the aid it now needs—and then perfect a personal, short-time loan system which will in truth give the farmers the same credit facilities possessed by the great commercial, manufacturing, and industrial interests.

We should pass this bill and carry out the great policy of promoting agricultural growth, through better credit facilities. By so doing, we will encourage the farmers to produce all the food products possible in this hour of great crisis, and there ought not to be one vote against the measure when it comes to a vote. I hope there will not be. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HAYES. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I think that opposition to this bill in a general way is unjustified. I do not mean by that to criticize gentlemen who really believe that the bill, if passed, will mean taking $100,000,000 or $200,000,000 out of the Public Treasury. I think gentlemen are not justified in that belief, not because of the weakness of their judgment but because of a lack of knowledge of the circumstances. We have not anything to explain here that is at all remarkable, as some gentlemen seem to believe. Here is the situation. These bonds could have been placed on the market at any time and sold there for par and for more than par, if it had not been for circumstances for which the Government of the United States is itself responsible. So there is nothing to do but for us to meet the question in the best way we can. Thirty million dollars of these bonds were sold under terms that everybody agreed were just, both to the borrower, to the Government, and to every one else. Seventy million dollars more in applications which are approved are pending, for which loans would have been made if it had not been for the remarkable effect of the last liberty loan on the credits of the country. We know that just as soon as that loan was placed all of the credits of the country fell to a remarkable degree. Those who had been handling these bonds could no longer sell them. There were two reasons for that, one because of the depreciation of the investment funds of the United States, and another reason, that it is now believed by the investing public that the United States bonds of all kinds and character must carry a higher rate of interest than has hereto been authorized in order to be floated. That belief is so widespread that no one will take existing bonds except at a discount. It is very well known that our 4 per cent bonds on the market are now selling at 97 or thereabouts. These bonds are depreciated, and why? Not because of a lack of faith in the credit of the United States, but because of the fact that people believe that better terms will be given them in a very short time; that the next liberty loan will carry 4½ per cent; that in order to float this loan it will have to be raised to 5 per cent or still more. Those are the conditions beyond peradventure which exist, and which explain the reason why the $70,000,000 could not be floated.

It can not be taken charge of as it has been by those gentlemen who have managed the flotation of the $30,000,000 on existing terms and conditions. Their contracts extended only to $30,000,000, and they refused to extend it to the other $70,000,000, not because they did not desire to do so, but because they did not dare to do so. Those are the conditions which exist. Instead of taking $100,000,000 from the United States Treasury, I have very grave doubts as to whether it will ever take $10,000,000 from the Treasury. In other words, as soon as it is known to the investing public that they do not have to sell these bonds at a higher rate of interest, then they will sell at 4½. Why should they not? No more desirable bonds were ever offered in any market of the world than these. They are to-day the very best investment that can be offered anywhere on earth, and it is because the public believes they can

secure them at better rates that they are not able to sell them on the market now, in my judgment.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. PLATT. The gentleman referred to the present 4 per cent liberty bonds as selling on the market at 97.

Mr. TOWNER. Yes.

Mr. PLATT. The gentleman knows that the 3½ per cent tax-free bonds are selling at 98½. Is there any reason why we should not sell these bonds at 98½ if we tried?

Mr. TOWNER. I do not know.

Mr. PLATT. I do.

Mr. TOWNER. Of course, I know the gentleman knows a great deal more about this matter than I do, but there are so many conditions that exist about which it is impossible for me to have all of the knowledge necessary to form a judgment, that I feel very great hesitancy in making a judgment on that proposition.

Mr. HARDY. It is very evident, however, that if investing capital feels sure that it can command a rate of 5 per cent it will not invest in 4¼ per cent bonds.

Mr. TOWNER. That is about the whole proposition.

Mr. PLATT. If investing capital feels it can command a rate of 5½ per cent or something like that, why do they buy the 3½ per cent liberty bonds and pay 98½ for them?

Mr. TOWNER. Because, and I think the gentleman knows it, that that is the difference between the tax-free bonds and those that are taxed.

Mr. PLATT. Exactly; but these are tax-free bonds.

Mr. TOWNER. I know; and that is one of the reasons why I say they will sell readily if the investing public does not believe that the interest rate will be raised upon them.

I want to say just a word or two regarding the Senate bill. I sincerely hope that the Senate bill will be adopted by this House, and I want to address myself more particularly to the Democratic side of the House, because I think they know the responsibility that rests upon them. If we pass the Senate bill to-day, that ends the transaction, and it ends it as the Treasury desires it. Of course, I know that the Farm Loan Board would prefer that the House bill should go through. I know that the Secretary of the Treasury would prefer that the Weeks amendment should not be attached to it, but that is not a serious objection. It is a great deal better for us to pass that bill to-day and have it ended, because matters that gentlemen consider desirable can be obtained in the future, and I fear that a disagreement now to the Senate amendments may lead to a prolonged discussion between the two Houses. We ought not to wait a day longer. This bill ought to have been passed in December. Conditions are such that these borrowers of $70,000,000 are uncertain as to whether they will receive the money the Government has agreed to furnish or not. Men do not know what they can do. Their loans have been due and they have got the bank to pay them and carry them over until the 1st of January. They can not be carried much longer. We must pass this bill now if we want to save them from embarrassment and loss. Seventy millions of dollars of approved loans are now waiting, $70,000,000 are promised men who have made arrangements to take up old mortgages and who have made arrangements for the investment of additional money for improvements on property. This money that was promised to them months ago they ought to have now. Do not delay it for another two or three months. Let us pass the Senate bill to-day. What is the Weeks amendment? After all, I think there is a good deal of justification for it under the existing circumstances. We are claiming, and I believe with justice, that this is properly a war measure for the purpose of increasing the agricultural production of the United States. Gentlemen who have opposed this bill say that they would gladly pay money of the Treasury to increase production.

Very well; we do not ask them to take money from the Treasury; we just ask them to lend the credit of the United States to increase production. That is what we are asking, and only that. Therefore I am for this bill unequivocally. I believe this is a great measure for the carrying on of this war, and gentlemen who say that this is taking money out of the United States Treasury that ought to be used for carrying on the war I think are not justified in that statement. We can do nothing better than to increase the productive activities of the United States to feed our soldiers at home and abroad, to give the raw material to the manufacturers, and to furnish the things that the Government needs to equip the soldiers comfortably in the field.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. TOWNER. Yes; I yield to the gentleman from Nebraska.

Mr. STEPHENS of Nebraska. Does the gentleman understand that under the Weeks amendment no more bonds can be sold by the farm-loan banks until the Government is paid off?

Mr. TOWNER. No, sir; I do not so understand. The Weeks amendment only provides——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. I yield the gentleman two minutes more.

Mr. TOWNER. The Weeks amendment simply provides this, that these loans of $70,000,000 shall be put out without limitation. Then, if further applications are approved, they shall only be approved with those conditions that will make the money available for increased production and not merely for the refunding of loans.

Mr. STEPHENS of Nebraska. But the amendment states plainly that they can not approve of any more loans until the Treasury has been paid off.

Mr. TOWNER. I know; but they have approved $70,000,000 already.

Mr. STEPHENS of Nebraska. Well, but suppose after they have settled that account and they still owe the Treasury of the United States on money advanced to them on bonds, can the farm-loan banks continue the sale of their own bonds while still owing the Treasury?

Mr. TOWNER. Why, certainly they can.

Mr. STEPHENS of Nebraska. The amendment says they can not.

Mr. TOWNER. Oh, I do not think so.

Mr. STEPHENS of Nebraska. And in the Senate Senator FLETCHER stated that they could, and Senator WEEKS stated that they could not, so the amendment apparently is not very clear.

Mr. TOWNER. I do not think there is any question about it. Let me say this, gentlemen: I do not think there are a great many of these loans that are merely for refunding old loans. Nearly all of these—and it has been the policy all the way through of the farm-loan people that they should make these loans not merely for reinvestment purposes but, as far as they could, for increasing the capacity of the farmer to produce; that if he had a $1,000 loan he could refund that and get $500 more to buy more stock or build a new barn, or something of that kind, to increase his capacity to produce.

Mr. GARD. Does the gentleman know that 90 per cent of these loans involve a refund?

Mr. TOWNER. I do; but a refund, of course, would include an absolute refund of the entire loan, and also a partial refund of the loan that may be made for improvement. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HAYES. Mr. Chairman, I yield two minutes to the lady from Montana [Miss RANKIN].

Miss RANKIN. Mr. Chairman, the Federal Farm Loan System must be continued if the farmers of my State are to meet their share of the Nation's demand for food in the future as generously as they have met it in the past. My farmer constituents are complaining bitterly against conditions imposed upon them by exorbitant farm-loan rates charged by private local companies, and I feel that in the Federal Farm Loan System lies one important factor in the development of their farms.

The people of Montana have filed with the Federal land bank of Spokane 4,377 applications for loans, which aggregate nearly $12,000,000. This means an average of something over $2,700 for each applicant.

The amount of applications ranks third in the United States. Loans have been approved on 1,915 of these applications, involving $4,604,815 altogether, and averaging about $2,400 apiece. Six hundred and thirteen loans, aggregating $1,632,020, have already been closed and the money paid to the borrowers.

I am informed that reductions, rejections, inability to make title, change of mind on the part of the borrower, and other causes have cut off about 40 per cent of the applications in the country at large, to date. Assuming that the same proportion prevails in my State, it means that $7,250,000 worth of loans are closed out of the $12,000,000 worth of applications, and that my people are receiving about $1,600,000. On the same basis they will receive about $5,600,000 additional on applications now pending if the Federal Farm Loan System continues.

The consideration of the Federal Farm Loan System is especially timely right now, as we face the national food problem, which becomes more acute each week. We are urging increased production. And in the meantime we are lending to those countries with which we are associated in the world war, and, I believe, to manufacturers and builders upon whom we are depending for military equipment.

Our financial arrangements are far from complete, however, when we leave out of consideration the farmer who must feed us,

and, further than that, must feed the world. He is the man who finds it most necessary and at the same time most difficult to secure capital, and he is the man whose capital requirements must be taken care of.

I am advised that both foreign and domestic companies that have heretofore been engaged in making loans in various sections of the country are discontinuing or seriously curtailing their operations, and unless the Government facilitates the operation of the Federal Farm Loan System which it has created, the farmers of my State will not only be unable to increase their production, but will find it impossible to continue even the production of the last few years.

The Federal Farm Loan System was intended to operate on capital accruing from the sale of Federal farm-loan bonds issued through the 12 farm-loan banks to individual investors. During normal times the system operated without difficulty. Even during the abnormal period between the first and second liberty loan flotations the sale of Federal farm-loan bonds was not seriously interfered with. But since the second issue of liberty bonds, capital for such investment has been so completely absorbed as to make it impossible now to sell Federal farm-loan bonds in sufficient quantities to meet the demands for loans.

This condition of the Federal farm-loan bond market can be but temporary, and possible investors are now waiting to see whether the price of the bonds is to be reduced or the interest rate increased. During the last six months the change in interest rates has made possible the reduction in the price of the bonds from 101½ to 100½; and it is reasonable to believe that prospective investors will be eager to buy the bonds as soon as they know that the banks can get cash for the bonds pending their sale in the market. Thus, if the Treasury is authorized to buy the bonds, in limited amount, until they are resold to individual buyers, a certain confidence will be inspired in the investors and the Federal Farm Loan System can be continued. Inasmuch as Congress has created this system, it should be responsible for the continuation of it until some more satisfactory system of aiding the farmers can be devised.

With regard to Senator WEEKS's amendment, although it may be desirable to prevent loans being made for the mere purpose of paying off a mortgage at 6 or 7 per cent or even 12 per cent, which is not due, or for the mere purpose of enabling the applicant to borrow money at 5½ per cent, the amendment limits future loans from the proceeds of the bonds bought by the Treasury to loans which are made "for the increase of food production," and overlooks the fact that the act prohibits loaning except on first mortgages.

I believe I am safe in saying that most of the farmers of my State already have a mortgage or lien of some kind on their lands. If, then, a man whose farm is mortgaged for $1,000 wishes to borrow an additional $1,000 for live stock, machinery, or other improvements, he can not be loaned that $1,000 and have a second mortgage taken as security; but the Farm Loan Bureau must lend him $2,000 to enable him to take up his existing mortgage and give a first mortgage in exchange for the new loan.

Thus the amendment would limit future operations of the bureau to only that very small minority of farmers who have no already existing indebtedness on their farms. This would make impossible the organizations of Federal farm-loan associations of 10 or more members in which borrowers must associate themselves before loans can be made to them; and would be impracticable. [Applause.]

Mr. HAYES. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, during the Sixty-third and Sixty-fourth Congresses I gave much time and study to the subject of a suitable and practical Federal system of credits for securing to those engaged in the production of farm products in our Nation long-time loans at fair and reasonable rates of interest on the security of their lands and permanent improvements thereon. As the few Members of the House who were most deeply and actively interested in this subject will recall, it was not an easy matter for us to formulate or to agree upon a system of Federal rural credits that would be practical and suitable for our ever-changing farming population and for the very varied agricultural conditions of our country. The subject of a Federal system for long-time farm loans was one of the most important and live subjects of consideration and debate in the House and Senate for many months over a period of about four years prior to the passage of the present rural-credit law. The study of rural-credit legislation before the passage of the existing law developed two schools of thought in this country on the subject. The followers of the one school held that the system should be purely cooperative among the borrowers; that it should be wholly self-supporting; that the Government should give no financial credit or support to the system; and that the only aid the Federal Government should give to the system should be that of Federal supervision of its organization and its business transactions.

The other school held that the Federal Government should issue and dispose of United States Government bonds to secure money at the lowest possible rate of interest, the proceeds of these bonds to be used as a fund from which loans direct to farmers could be made on their farm land as security, the notes and mortgages to be held by the Federal Government as security for the repayment of the loans. The present legislation is a compromise between two schools of thought on Federal rural-credits legislation for this country.

The rural-credits law was approved on July 17, 1916. The members of the Federal Farm Loan Board held their first meeting on August 7, 1916. The first Federal farm-land bank to receive a charter was the bank located at Wichita, Kans., which was chartered on March 3, 1917. The first bonds authorized to be issued were issued by the Wichita land bank of the ninth farm-land district. Authority for the issue of these bonds in the sum of $250,000 was made by the Federal Farm Loan Board on June 28, 1917. The first authorization for the issue of the bonds by the Federal farm-land bank at St. Paul, Minn., which is the farm-land bank of the seventh district, including the States of North Dakota, Minnesota, Wisconsin, and Michigan, was made by the Federal Farm Loan Board on August 16, 1917.

The Federal farm-land banks for the most part were not organized and ready to receive applications and approve loans until about the 1st of June, 1917. From the very beginning there was a very great demand from every section of the country for farm loans under the new system. This demand was so general and so great that the farm-land banks were not able to care for but a small part of the business that was offered to them. While the original capital of the 12 farm-land banks, each having a capital of $750,000, was but $9,000,000 up to November 30, 1917, practically the first six months' business of the banks since they were organized and ready for business, applications for loans amounting to $219,760,740 had been made. Of these applications $105,136,529 were approved. From these approved applications $29,824,655 were closed. These loans that were approved and made were made at an interest rate of 5 per cent and on an amortization plan, whereby 1 per cent per annum of the amount of the loan was provided to be collected and applied in reduction of the principal sum of the loan.

In my judgment, the work accomplished by the Federal farm-land banks up to the present time shows conclusively that the Federal Farm Loan system is a splendid success and that it is one for which there has been great and long need in this country. It could not be reasonably expected that all the workings of this new system in the first six months of its active existence would be perfect. To fully appreciate the work that the Federal farm-land banks have done in so short a time it must be understood how the system provides for a revolving fund from which farm loans are made. Under the law, when any Federal farm-land bank has made and has in its possession a certain amount of first-mortgage farm loans, say, an amount aggregating one hundred or two hundred thousand dollars, the Federal farm-land bank then may, with the approval of the Federal Farm Land Board, issue farm-land bonds to the full amount of the farm-land mortgage loans it has in its possession. These bonds are issued and sold to the public at not less than par by the Federal farm-land bank and the proceeds are again used by the Federal farm-land banks to make more first-mortgage loans to farmers on their farm lands and improvements. The amount of the loans made to farmers is not to exceed 50 per cent of the value of the land and 20 per cent of the value of the farm buildings and permanent improvements.

I wish to speak here to-day on this subject for the farmers of the Northwest. To those here who have stated that the farmers of the country do not demand legislation of this kind in aid of the Federal rural-credits system I desire to say that the farmers of my State are asking for this legislation and the farmers of every other State adjoining the State of North Dakota are asking for it. Why, gentlemen of the committee, the farmers of Massachusetts are asking for it. The farmers of Mississippi are asking for it. Farmers are asking for it from one end of this country to the other.

I have a letter here that may interest some gentlemen, and, unlike the gentleman from Kansas [Mr. CAMPBELL], who read an extract from a letter in opposition to this proposed legislation, I am pleased to give the name of the party who forwarded this letter strongly favoring the passage of the bill. This letter is written by a Mr. William E. Putnam, secretary-treasurer of

the Berkshire National Farm Loan Association, of Pittsfield, Mass. In his letter, presenting the needs for this legislation and urging the passage of this bill in aid of the rural-credit system, Mr. Putnam says, among other things:

To expect farmers to increase the food production when faced with the foreclosure of their mortgages and the loss of their farms is to expect the impossible, owing to the difficulty of obtaining money from the savings banks and, together with the floating of the huge war loans, the constant appeal for funds for the different interests, is just what the farmer is facing to-day.

When the Federal land banks were organized the farmer welcomed them as the greatest blessing they had ever enjoyed, thus to be recognized in the class of legitimate borrowers at a fair rate of interest and a living chance to pay up.

I want further to say to you, gentlemen of the committee, that the farmers of Maine are asking for and are advantageously using this system of Federal rural credits. Farmers are using it in Florida. Farmers are using it in California. Farmers are using it in Washington. They are using it in Kansas, in Oklahoma, and in every leading farming State of this Union. They are using it, and they are being greatly benefited through its operation in lower interest rates and in more favorable terms of payments on their farm loans than they have ever had heretofore. As I have observed the operation and the benefits of the rural-credits system in its present not altogether perfect form, I consider it one of the greatest pieces of Federal legislation that has been passed by Congress in the last quarter of a century in the interests of agricultural production and in the interests of the welfare of the farmers of this country. The amendment that has been added to this bill known as the Weeks amendment would completely destroy the usefulness of the Federal rural-credits system and should not be considered favorably for a moment by any true friend of rural-credits legislation. If this ridiculous and vicious amendment were enacted into law no loans other than those that have already been approved could be made to renew an existing mortgage or to provide for making farm improvements. I am surprised that anyone claiming to be a friend of Federal rural-credits legislation should speak a word in its support.

The failure of the sale of farm-loan bonds during the past two months is not due to any inherent defect in the present rural-credits law. If the Federal farm-loan bonds had been properly placed upon the market, and if the farm-land banks of the country during the last six months had been allowed to sell these bonds in competition with the United States Government bonds, they would have been easily sold. The administration, however, has seen fit to withhold the sale of these bonds and to suggest to the Federal farm-land banks that the bonds be not placed upon the market in active competition with the second liberty loan bonds. Since this has been done, I believe it is only right and proper that this Congress respond to the recommendation of the administration to enact this law in aid of the Federal rural-credits system.

Mr. GORDON. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. GORDON. Is it a fact that these bonds have never been offered for sale to the public?

Mr. NORTON. Between July 1 and November 1 of this year $30,000,000 worth of these bonds were sold. Since the 1st of November the sale of these bonds has not been pushed.

Mr. MORGAN. Will the gentleman yield?

Mr. NORTON. Yes; I shall be pleased to yield to the gentleman from Oklahoma.

Mr. MORGAN. As I understand it, they have never been offered to the public. So far they have been sold by a syndicate of bankers that had the exclusive contract for selling the bonds up to the first of this year.

Mr. NORTON. The farm-land banks have never made a systematic effort to sell these bonds to the public. The bonds that have been sold were sold through a syndicate of brokers.

Mr. GORDON. What price did they bring?

Mr. NORTON. They sold at a considerable premium. They sold at a price that would return to the purchaser about 4 per cent per annum. The bonds bear interest at the rate of 4½ per cent per annum.

Mr. HARDY. Does not the gentleman think it would have been a rather bad condition if these loans had been pushed in competition with the liberty bonds?

Mr. NORTON. I will say to the gentleman from Texas [Mr. HARDY] that I am perfectly willing at this time to waive any criticism of the wisdom of the action of the administration in this matter.

This debate has again evidenced in a most conspicuous manner that whenever there is brought up in the House for consideration any measure of importance in aid of the farming industry of this country and of the farmers of this country there are men who represent the manufacturing industries, banking interests, and railroad interests of the country who almost invariably are loud in their wails of opposition. These men are not satisfied with what has been given their constituents. They want the whole earth and the fullness thereof. They seem quite unmindful and forgetful of the past. It may be well for them to remember that during the period of depression brought on by the European war in 1914 up to the 24th of September of that year the Federal Government had loaned emergency currency to banks of the country in an amount exceeding $315,000,000. I do not now recall that I heard a word of protest at that time from any gentleman in the House from Pennsylvania or from any gentleman in the House from New York as to any loss that the Government might suffer on account of this loan of emergency currency to the banks in Pennsylvania or in New York. This money, be it remembered, was loaned to those banks at a rate of interest of 2 and 3 per cent per annum and not at a rate of interest of 4½ per cent, the rate that these good farm-land bank bonds bear. [Applause.] The banks of the State of New York, from which the gentleman [Mr. PLATT] comes, were loaned $37,000,000 of this Government emergency currency. I want to say to the gentleman from Pennsylvania [Mr. MOORE], who has so vigorously protested against this legislation, that the banks of his State were given $20,000,000 of this easy emergency currency. There was not a word of protest against that procedure by the gentleman, as I now recall it. Further, I want to say to the gentleman from Pennsylvania that it might be fairly said that considerable of that emergency currency was loaned upon real cats and dogs and not upon securities in anything like the same class as good, sound farm-mortgage loans.

Mr. MOORE of Pennsylvania. If the gentleman knows that, will the gentleman point out to anyone of them that happens to be in the Treasury to-day? Will the gentleman venture to say at all that every dollar of that was not paid?

Mr. NORTON. The gentleman can not with any reason say that a single dollar of the farm-mortgage bonds that are made or to be issued under this system will not be paid. The gentleman, if he knows anything about the rural-credit system that has been enacted, can not say that a single dollar of the bonds issued under it is not absolutely gilt-edged.

Mr. MOORE of Pennsylvania. Will the gentleman deny that the banks and trust companies that loan money upon real estate do not eventually get some of that real estate?

Mr. NORTON. While that may be true, I want to remind the gentleman that the banks and trust companies that have loaned money upon the real estate of this country have made countless millions from these loans.

Mr. MOORE of Pennsylvania. Do they not get some real estate that they can not sell?

Mr. NORTON. They do not get any good farm lands that they can not readily sell. I want to remind the gentlemen of the House that we are loaning vast sums of money to our allies across the seas. We have already loaned millions of dollars to France, to England, and to Italy; but of all our allies the greatest and the most powerful allies of this Nation in this great war are the farmers of our Nation. [Applause.] They it is who are supplying the real sinews of war. During the past year they have produced more than $21,000,000,000 worth of farm products. They have produced during the past season farm products aggregating a greater value than the total amount we have already appropriated for our expenses in this war and for all loans to be made to foreign nations during the present fiscal year. [Applause.] The farmers of the State which I have the honor in part to represent, under the most adverse seasonal conditions, produced from the soil and from the air crop products of the value of more than $220,000,000.

The passage of this legislation will enable the rural-credit system to continue its helpful and beneficial operations. It will immediately supply the funds necessary to make payment for the $70,000,000 of farm-loan applications that already have been approved, but not closed. It will give needed relief to many farmers from exorbitant interest rates and from constant fear and dread of mortgage foreclosures. It will permit these farmers to give their best thoughts and best energies to producing during the coming year a maximum amount of the foodstuffs so much needed and so essential to the great work of winning this war. Its passage will lift burdens from those farmers who are now carrying burdens heavier than they reasonably ought to bear. It will do simple justice to the farmers of this Nation who in truth are the bulwark of the Nation in this war as in all our former wars where victory has crowned our banners. It will give merited consideration to those who, for manifold reasons, are entitled to the Nation's first, highest, and most favorable consideration. [Applause.]

Mr. MORGAN. Mr. Chairman, I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAYES. Mr. Chairman, I yield two minutes to my colleague from California [Mr. OSBORNE].

The CHAIRMAN. The gentleman from California is recognized for two minutes.

Mr. OSBORNE. Mr. Chairman, there are to my mind two or three controlling considerations that have been brought out in this debate and that have influenced my mind in this matter. One is that the policy has already been adopted in the farm-loan act as passed in 1916. Practically it is not before the House for consideration now. That being the case, the question arises as to the proposed new measure for providing this extra capital.

It has been forcibly stated here that the raising of money by the liberty loan for war purposes and then turning it into this channel is justly subject to criticism. I think that is true, and it is only justified upon the superior considerations which this proposed action involves.

The gentleman from Oklahoma [Mr. MORGAN] made a statement which was very striking to my mind. That was that the Government is practically commandeering the credit of the country, and very properly so. That being the case, it places a handicap upon these bonds that is very difficult to overcome. The product of the farms is subjected by the Government to officially fixed prices, and it is no less than just that the Government should at least partially even matters up by facilitating farmers' credits, as is contemplated in the pending bill. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GLASS. Mr. Chairman, I stated a while ago that there was but one more speech on this side. I overlooked the fact that I had promised the gentleman from Alabama [Mr. STEAGALL] two minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for two minutes.

Mr. STEAGALL. Mr. Chairman, the bill under consideration embraces no wild or revolutionary scheme. It is in perfect accord with the established view of Congress on the subject of rural credits. As was stated by the gentleman from North Dakota [Mr. NORTON], the study of the subject of rural credits developed two schools of thought in this country—one favoring a Government system based upon Government credit, dealing directly with the borrowers; the other advocating a cooperative system under Government supervision, with Government aid and credit limited to initial organization and establishment. This latter view found expression in the provisions of the Federal farm-loan act approved July 17, 1916, which provided for the organization of 12 regional land banks, with a capital stock of $750,000 each, subscribed by the Government. The bill made provision for the reimbursement to the Government of the sum of $9,000,000 original capital stock, as the same is taken over automatically by the borrower.

The measure under consideration to-day follows the same scheme. It nowhere contemplates that the Government shall take over the entire system nor lend its credit, nor make any land bank a loan of a single dollar permanently. It authorizes the Secretary of the Treasury to purchase in his discretion upon request of the Federal Farm Loan Board $100,000,000 of Federal land-bank bonds for the fiscal years ending June 30, 1918, and June 30, 1919, respectively, at par and accrued interest, such bonds so purchased to be held in the Treasury one year after the termination of the war to be repurchased by the Federal land banks at par and accrued interest on 30 days' notice from the Secretary of the Treasury.

It will be remembered that when the original bill was before the House some of us who believe in a larger measure of Government aid sought to amend the bill so as to authorize the Secretary of the Treasury to purchase with Government funds as much as $50,000,000 annually of the Federal land-bank bonds. The amendment was offered by the gentleman from Texas [Mr. HENRY], with an amendment to the amendment offered by myself. I thought then and I think now that it would have been better to have extended the additional Government aid carried in that amendment. I believe such action would have insured a continued sale of the bonds at as favorable figures as those at which they were placed by the Federal Farm Loan Board. In fact it can scarcely be doubted that under that plan the bonds could have been sold to better advantage than has been possible under the plan adopted. But the House in its wisdom rejected the amendment, and it must be admitted that subsequent events have demonstrated that they were correct in the opinion that the system could be operated successfully without such increased Government aid, had business conditions remained the same as they were at the time of the passage of that act.

Since the system was inaugurated loans have been made to the farmers by the Federal land banks to the amount of approximately $30,000,000 at an interest rate of 5 per cent per annum. Applications have been made for 92,446 loans, amounting to $219,760,740. Loans to the amount of $105,136,529 have been approved. This leaves nearly $200,000,000 of loans applied for which the Federal land banks have not the money to supply. The sale of enormous amounts of liberty bonds necessarily withdrew immense sums from the investment world. The result has been an increase in the interest rate on commercial paper and other securities. Even the interest rate on the Government bonds themselves has been increased since the sale of those bonds was begun. On account of the changed conditions brought about by the world war the Federal Farm Loan Board have increased the interest rate to be charged by the Federal land banks from 5 to 5½ per cent. Prior to November the bonds of the Federal land banks found ready market throughout the country, selling at 4½ per cent with premium of 1½, the demand of investors exceeding the supply. But for the changed conditions incident to the war no one doubts that such demand would continue to exist.

It is only natural for investors to seek the best bargain possible, and they are not unreasonable under existing conditions in hoping to get the bonds at a better price. But ought the Congress to sit by and allow this to be done? Some of us think not. I will not say that the system will be destroyed or be forced to terminate its operations if this bill is not passed; but it is manifest that its usefulness to the farmer will be seriously curtailed. It is probably true that the bonds of the Federal land banks can be sold at some price without this legislation; but the moment the Congress passes this bill the investing public will know that, if necessary, the Secretary of the Treasury is going to use Government funds to sustain the market for these bonds, and that will settle the whole matter. This will be the effect if we pass the House bill without the Senate amendment, but the moral effect sought—which is the chief object sought to be accomplished—will be lost if we accept the Senate amendment limiting and qualifying the assistance authorized. The Senate amendment would practically destroy the purpose of the bill, because that amendment provides that no loans shall be made in addition to those now approved until all bonds so purchased by the Secretary of the Treasury shall have been redeemed or repurchased, unless such loans shall be made for the sole purpose of increasing foodstuffs. So, if we wish to stabilize the market for these bonds and sustain their value during the existing emergency, let us pass the House bill without amendment and serve notice on the investing world of our purpose to stand by the system, and not go at the matter in a half-handed way.

If we do this, investors will abandon hope of driving a better bargain and normal investments will be revived. While I do not believe that without the passage of this bill the bonds could be depressed to the point of destroying the system, it must be borne in mind that under the existing law no loan can be made at a rate of interest in excess of 6 per cent, and that the rate to the borrower can not be more than 1 per cent above the amount at which the bonds of the Federal land banks sell. So it is better to take no risk of such serious and far-reaching results. Surely, this House would not be guilty of such folly.

For my part I agree with the veteran statesman from Illinois [Mr. CANNON] that the Government is morally responsible for these bonds and should guarantee their payment. I realize that this view has been rejected all along, and will be for the present. But some day I expect to see this great system simplified and utilized as a great instrumentality of the Government for the development of the agricultural interests of the Nation to a degree not possible under the existing law. For the present, especially in the great emergency confronting the Nation, creating, as it does, an unprecedented call for the increased production of the necessaries of life, surely no one who understands the situation would have the Government withhold the temporary aid indispensable to the continued usefulness of this system to the farmers of the land.

Let no one be alarmed by fear that the Government will be involved in loss through the operation of this measure. These bonds have every safeguard thrown around them than can be devised. The bonds of each of the land banks are secured by the entire 12 banks, all under strict Government supervision, having as chief security land, which really constitutes the greatest basis of credit of the Government itself. In Germany bonds

of land banks in a system similar to ours sold last year above the bonds of the Imperial German Government.

For my part, I am not frightened because this bill embodies something unusual. We are doing unusual things here every day. The Government established and controls and operates a great commercial banking system, lending its credit by issuing currency based upon commercial assets. It has built and equipped railroads and canals. It is now taking over the vast railroad properties of the Nation. This is being done not alone because their operation is essential to the Nation's welfare in the present crisis, but for the additional reason that railroad values and securities should be stabilized and upheld.

The development of agriculture and an increased production of farm products at this time transcends in importance all other economic problems confronting the Nation. It is not true, as has been suggested here to-day, that the benefits of the Federal Farm Loan System are limited to those who actually borrow of the land banks. Before the establishment of this system the farmers of the country were paying between 8 and 9 per cent interest. In round figures, their annual interest debt was something like one-half a billion dollars. The average interest rate in all lines of business was not much more than one-half of the rate paid by them. Such a discrimination has depressed agriculture, decreased production, and tended to drive the young men of the country from the farm to the cities and industrial centers. The Federal farm-loan law has reduced interest rates not alone to the farmer, who borrows under the system at 5 per cent, but through its operation banks and loan companies have reduced their rates, resulting in a general stimulus throughout every agricultural section of the country. It is not demagogery but the part of wisdom and patriotism to continue this good work. In doing so we not only serve the best interest of the farmer but we promote the welfare of every citizen of the Nation, no matter where he lives nor what may be his pursuit, because the time has come when an increased production of the farm is indispensable to the well being of all citizens and classes.

The rural population of the United States decreased from 70.5 per cent in 1880 to 53.7 per cent in 1910. The tenant farms in 1880 constituted 25 per cent of the total; in 1910 they had increased to 37 per cent. These figures are sufficient to impress every thoughtful man with the wisdom of attempting by every means at our command to make farm life more pleasant and farming pursuits more profitable. They present a problem upon the solution of which rests the future peace and happiness of the Nation. This truth is emphasized to-day as at no other period of our history, when the Republic is engaged in a struggle to the death with the biggest and bloodiest military power the ages have known—a struggle the result of which depends upon our ability to furnish food for the armies of the Nation and their allies. It would be folly unthinkable, while sending billions across the sea to support the soldiers associated with ours in battle, to withhold the paltry assistance carried in the pending bill to make it possible for the farmers of the Nation to do their part in winning the war. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. GLASS. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has 15 minutes.

Mr. GLASS. Mr. Chairman, I hardly think it necessary to continue this discussion. I think, perhaps, everything essential for an accurate understanding of the case has already been said. Statements to the contrary notwithstanding, there is not one whit of politics in this measure. For myself I may avow that in the 16 years I have been in this House I have never taken a partisan or narrow political view of any economic question. I would lose my own self-respect if I should do it. If I could not feel that I have vision enough to contemplate public measures in their genuine governmental aspects I would want to quit the House.

There is no sectionalism in the proposition, as any Member may very soon convince himself by the most casual inspection of this table, prepared by the Farm Loan Board, of applications for loans and loans approved and granted and of loans now pending. There is nothing sectional about it.

I deny, Mr. Chairman, that the farm loan system has "broken down" in any true sense of the term—certainly not any more than the railroad systems of this country at this time have "broken down"; not any more than the food supply by individual initiative and enterprise has "broken down"; not any more than the fuel supply of the country in the hands of individuals and corporate interests has "broken down." The fact is that nearly every public utility has broken down in this war emergency, except the Government of the United States; and God grant that this Government may never break down—and certainly not now. [Applause.]

As far as the principle involved in this measure is concerned, it is already embodied in the farm loan act—not by any effort or even assent of mine, but it is there. In the subscription by the Government to the capital stock of the bank it is there, and in other respects it is there; and this is simply a utilization in larger form of the principle that the Congress has already put into the act itself. I do not agree with the principle, but I heartily advocate its efficient and temporary utilization at this extraordinary period.

Mr. FESS. Will the gentleman yield for a question for information?

Mr. GLASS. I have only a few minutes, but I yield for a brief question.

Mr. FESS. I want to know whether in this emergency, when the Government embarks in taking the bonds, it will ever get rid of that or whether we will not continue it after the war is over?

Mr. GLASS. I think we will not continue this aid. I think there will be no need to do it. These bonds will be gotten rid of by the Treasury in a specific time. The gentleman from New York [Mr. PLATT], my colleague on the committee, who is always patriotic and always fair, and who discusses measures with intelligence and character, stated the case in a nutshell. Not in terms, but practically, he admitted what I have contended all along, that this is primarily a psychological proposition. He says there is no trouble about selling these bonds. The Farm Loan Board says there is trouble about selling the bonds.

Accepting the gentleman's statement that there is no trouble about selling, then the Government will not be called upon to spend a dollar for the purchase of these bonds. What we are proposing here is simply to create a situation in which the Farm Loan Board may be enabled to dispose of these bonds without being squeezed to a higher rate of interest, and that is the whole of it. I think myself that the bonds will be speedily sold when Congress enacts this legislation.

Now, just a word as to the Senate amendment. I am utterly opposed to it, because it cuts the very vitals out of the psychological aspect of the proposition. Not only am I opposed to it, but the farm loan commissioner, who is an expert in these matters, who has spent his life in the bonding business and knows what the bonding business is, distinctly states in a letter to me that in his judgment the amendment put on by the Senate limiting future loans to such as are for the increase of food products would not only discredit but hopelessly cripple the operation of the system, and I agree in that judgment. That is precisely what it would do.

And, moreover, it is absolutely impracticable. As has been stated here, 90 per cent of the loans made to farmers involve, either directly or indirectly, the refunding of existing loans. A farmer who wants to increase the productiveness of his farm, who wants to engage in larger operations—to be specific, a farmer who has a mortgage of a thousand dollars already on his farm and who needs a thousand dollars additional for productive purposes can not borrow the money from the Federal farm loan bank by making application merely for $1,000. He must make application for $2,000 in order to discharge the existing mortgage on his farm before he can get any credit at all; because the farm loan act, in terms, requires that the farm loan bank shall have a first mortgage on the farm; so that the existing mortgage has to be refunded. And that is what the Farm Loan Board means when it says that 90 per cent of these loans involve a refunding operation.

If we adhere to the Senate amendment, we practically make it impossible of operation and we utterly destroy the psychological aspect of this measure, which I think is important. I do not believe the Federal Treasury will have to expend one dollar for the purchase of these bonds if the Congress will enact this legislation. The Farm Loan Commissioner is an expert, experienced bond man, and he expresses the opinion that the investing public—and this is said in no reprehensible sense—is holding off under the very reasonable and natural expectation that the Farm Loan System, having no immediately available funds, will have to increase the rate of interest on the bonds or reduce their selling price. I believe that the moment it is known that this Government will not permit this system to be held up—will not permit this "squeezing" process—just as soon as that announcement goes out and the investing public knows that if it does not take these gilt-edged securities the Treasury will, then the last dollar of them will be taken.

As has been stated, there are commitals now to the extent of $70,000,000, which, as the gentleman from New York [Mr. PLATT] has said, will be practically reduced to $50,000,000; and it would make an impression upon the farming communities that would be hurtful to all of our national interests to have this system suspend operations and refuse to meet the moral obligation to loan this $50,000,000.

I think I have said all that is needful to be said.

The CHAIRMAN. General debate is closed, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Federal farm-loan act, approved July 17, 1916, is hereby amended by adding at the end of section 32 the following:

"The Secretary of the Treasury is further authorized, in his discretion, upon the request of the Federal Farm Loan Board, from time to time during the fiscal years ending June 30, 1918, and June 30, 1919, respectively, to purchase, at par and accrued interest, with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm-loan bonds issued by such bank.

"Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years. Any Federal land bank may at any time repurchase, at par and accrued interest, for the purpose of redemption or resale, any bonds so purchased from it and held in the Treasury.

"The bonds of any Federal land bank so purchased by the Secretary of the Treasury, and held in the Treasury under the provisions of this amendment one year after the expiration of the pending war, shall upon 30 days' notice from the Secretary of the Treasury, be redeemed or repurchased by such bank at par and accrued interest.

"The temporary organization of any Federal land bank as provided in section 4 of said Federal farm-loan act shall be continued so long as any farm-loan bonds purchased from it under the provisions of this amendment shall be held by the Treasury, and until the subscriptions to stock in such bank by national farm-loan associations shall equal the amount of stock held in such bank by the Government of the United States."

SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

Mr. GLASS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out all of the enacting clause and insert the following:

"That the Federal farm-loan act, approved July 17, 1916, is hereby amended by adding at the end of section 32 the following:

"'The Secretary of the Treasury is further authorized, in his discretion, upon the request of the Federal Farm Loan Board, from time to time during the fiscal years ending June 30, 1918, and June 30, 1919, respectively, to purchase at par and accrued interest, with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm loan bonds issued by such bank.

"'Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years. Any Federal land bank may at any time repurchase at par and accrued interest for the purpose of redemption or resale any bonds so purchased from it and held in the Treasury.

"'The bonds of any Federal land bank so purchased by the Secretary of the Treasury, and held in the Treasury under the provisions of this amendment one year after the termination of the pending war, shall upon 30 days' notice from the Secretary of the Treasury be redeemed or repurchased by such bank at par and accrued interest.

"'The temporary organization of any Federal land bank as provided in section 4 of said Federal farm-loan act shall be continued so long as any farm-loan bonds purchased from it under the provisions of this amendment shall be held by the Treasury, and until the subscriptions to stock in such bank by national farm-loan associations shall equal the amount of stock held in such bank by the Government of the United States.'

"SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved."

Mr. CANNON. Mr. Chairman, at the proper time I would like to offer an amendment to the gentleman's amendment.

Mr. GLASS. I want to inquire whether we can agree on some time for the discussion of this amendment and all amendments thereto.

Mr. HAYES. Is not that a little premature? It may be that this will not require much discussion. I doubt if there will be much discussion on it. I would suggest to my colleague that we run along for a little while.

Mr. GLASS. Under the rule we are not entitled to but 10 minutes.

Mr. LENROOT. On each amendment?

Mr. GLASS. On each amendment. I merely wanted to facilitate the proceedings; I do not want to cut off any reasonable debate.

Mr. HAYES. I suggest that we go on for a little bit and see how it will develop.

Mr. GLASS. Very well; then I yield the floor to the gentleman from Arkansas.

Mr. WINGO. Mr. Chairman, I presume the committee recognizes the fact that this amendment really goes to the real question we have to settle in the consideration of this bill. There are only two matters in dispute: First, are those who are opposed to the legislation, and then those who may be in favor of the legislation and yet prefer the Weeks amendment.

From my viewpoint, if we fail to adopt the amendment offered by the gentleman from Virginia [Mr. GLASS] we might as well kill the bill. Even if you were in favor of the limitation which the gentleman in discussing the Weeks amendment says it places on the law, you can not afford to accept the language of the Weeks proposal, because the Weeks amendment, if adopted, will mean that within 60 days the land banks will be closed for all practical purposes.

The Weeks amendment says that no loan shall be made until all bonds purchased by the Secretary of the Treasury have been redeemed or repurchased.

Mr. MADDEN. Nobody has seen or knows what the Weeks amendment is.

Mr. WINGO. It has been read.

Mr. MADDEN. The Members of the House would like to know what it is.

Mr. WINGO. I can not yield. I tried to get one gentleman to yield after I had denied myself time as a member of the committee and gave that side 30 minutes more than we had, and he refused.

Mr. LENROOT. But if the gentleman states an inaccuracy, the gentleman ought to yield.

Mr. WINGO. I prefer to argue my proposition in my own way.

Mr. LENROOT. The gentleman should yield to an interruption if he states that which is not so.

Mr. WINGO. The gentleman is discourteous and unparliamentary, but he may take advantage of the protection of the House——

Mr. MADDEN. Will the gentleman yield?

Mr. WINGO. I do not yield, with all courtesy to the gentleman from Illinois. I insist that I have the right to discuss the matter in my own way. If the gentleman from Illinois will only listen, I intend to take up the Weeks proposition and discuss it fully.

Mr. MADDEN. But nobody here knows what it is.

Mr. WINGO. My altercation was not with the gentleman from Illinois, but with the gentleman from Wisconsin, who butted in.

The only Weeks amendment I have found is in the RECORD on page 501. I will ask the Clerk to give me the original Senate bill. I want the attention of the House and of those gentlemen who feel that the Weeks amendment is the proper safeguard. I want to show you that you go further than any of you think. I have no criticism to make of the author of the amendment, for he does not believe in the system. He does not believe that we ought to grant any relief, but the Senate disagreed with him and he got the best that he could out of the wreck.

Now, the Weeks amendment reads as follows:

Until all bonds so purchased by the Secretary of the Treasury have been so redeemed or repurchased no loans in addition to those now approved shall be made by the Federal land bank—

I have no need to read further. In other words, 11 of the banks may have redeemed all of the bonds which the Secretary of the Treasury has bought from them, and yet if 1 bank has $100,000 worth of bonds left unredeemed in the Treasury it would mean that the other 11 banks are held up by that 1 bank. That goes further than I believe any man who really believes in the alleged "safeguarding" proposition supposed to be covered by the Weeks amendment.

Let us see what else you do. There is no question but that the whole effect of the bill is purely psychological, for the purpose of stabilizing the market for farm-loan bonds. I think everyone will agree to that. Any fair man will agree that the bond-loan market, like the railroad-security market, has broken down.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Arkansas may proceed for five minutes. Is there objection?

Mr. LENROOT. I object.

Mr. MADDEN. Mr. Chairman, I think the mere presence of this bill here to-day comes more nearly proving the inefficiency or inexperience of the Farm Loan Board than anything else could. If they had ability and experience, they would have sold the bonds issued and they would not be here. That is the truth of it. It is said that the policy of the Farm Loan Board was to sell the bonds to small purchasers in five and six thousand dollar lots. They refused to sell these bonds to the men who had money and could buy. They prefer to come to the Congress of the United States and dip their hands into the Treasury and compel the Government to tax the people to furnish the money to buy the bonds, instead of going into the market and selling them.

Mr. GLASS. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. GLASS. Does the gentleman think that is a fair statement?

Mr. MADDEN. Yes.

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Mr. GLASS. To the gentlemen who are in the service of the Government to say that they prefer to do that?

Mr. MADDEN. Well, they did it.

Mr. GLASS. And that they anticipated doing that?

Mr. MADDEN. I do not know what they anticipated, but that is the effect of it.

Mr. GLASS. Does the gentleman on consideration think that is a fair statement?

Mr. MADDEN. I do.

Mr. GLASS. I am astonished.

Mr. MADDEN. They could have sold these bonds. They would not have had to come here. They refused to sell the bonds except under contract with some men in New York or some other place, and under that contract they restricted the right of the sale of the bonds to a 4½ per cent basis. They could have gone into the open market and sold the bonds at 4½ per cent without a contract, but they did not want men with money to have the bonds they said. That is what is said on the floor by those who speak for them. We have to reach the conclusion that these men are not efficient; that they are not practical; that they do not understand their business; and that they are working along the lines of least resistance, that they can find money more easily by coming to Congress and getting it out of the Treasury of the United States, by taking the money that we wring from the blood of those who are compelled to save, which we obtain as the result of selling liberty bonds.

These bonds ought to sell and can be sold, and if the men in charge of the Farm Loan Board are not qualified and have not the experience they ought to be supplanted by men who have the qualifications and experience and understand the thing that ought to be done. Why should the Government loan money to men who want to place mortgages upon their property? Why, it was only a year or so ago that we had before us a bill for the deposit of hundreds of millions of dollars in certain banks in the cotton section of the country with the requirement that those banks should loan the money to cotton raisers at a certain fixed price per pound of cotton. The bill was not passed. This is the equivalent of that except in another form. It is wise that the bill which we had before us before did not pass; the Congress refused to consider it seriously and it was laughed out of court, and there was just as much merit in that as there is in the bill now before us. Tell these men who have been charged with public responsibility and who have been given the amount of $9,000,000 already out of the Treasury of the United States to exercise their genius, if they have any, and furnish a market for the bonds. Ah, they will be putting mortgages on land that the Government will have to take over after a while. A vast amount of loans that are being made by this Farm Loan Board is being made in sections of the Nation where the lands upon which the mortgages are placed are absolutely valueless. You do not find money loaned in sections of the country where the land is worth something, because they can borrow the money more cheaply from private sources than from the Farm Loan Board. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Chair will state to the gentleman from Illinois that he promised to recognize the gentleman from Mississippi and then he will recognize the gentleman from Illinois.

Mr. STEPHENS of Mississippi. I am willing to allow the gentleman from Illinois to proceed and I will follow him.

Mr. CANNON. Does the gentleman desire to offer an amendment? Does he have an amendment to the amendment?

Mr. STEPHENS of Mississippi. No, sir; I have not.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. CANNON offers the following amendment to the amendment: Strike out all of section 1 of the amendment, beginning with line 6, page 1, and insert in lieu thereof the following: "the payment of all bonds provided, principal and interest, heretofore or hereafter issued by any Federal land bank, is hereby guaranteed by the Government of the United States."

Mr. CANNON. Mr. Chairman, it is admitted by all the friends of this bill that under this law on the statute books the Government of the United States is morally bound with a guaranty. Does anybody object to that statement? Silence gives assent. Now, then, there has been some doubt by some people, putting an anchor to the windward, as to whether the Government is bound. Now, in my judgment, it is morally bound, strengthened by the circular that was issued by by the Federal Farm Loan Board, with the opinion of Justice Hughes, with which gentlemen are familiar, that the Government is committed to a guaranty of the bonds. Now, you can, in my judgment, settle the whole matter. Under the law as it is now bonds can, I think, be issued in the discretion of the Federal Farm Loan Board. At what? Five or six per cent?

Mr. BYRNES of South Carolina. Must not exceed 6 per cent.

Mr. CANNON. Must not exceed 6 per cent. Now, I have not any doubt, nor has any gentleman of this House, in my judgment, any doubt that a bond at 4½ per cent net to the man who buys the bond, and certainly 5 per cent in any event, exempt from taxation, both State and National, both inheritance and surtax, will command the money without any doubt. Ah, says some gentleman, it is patriotic for the Secretary of the Treasury or the Farm Loan Board to hold up and not put the bonds on the market while the liberty loan was being pressed. It may happen that that may come again. I do not believe it will, because with a 4½ per cent liberty bond I believe that would go. This is better than a 5 per cent liberty bond, because it is absolutely free from inheritance tax and surtax. Now, why fuss about getting the money in the Treasury and buying the farm loan bonds under the provisions of the House or Senate bill? Why, may be I am foolish in my old age, but I have no doubt that the amendment amended as I have proposed——

Mr. SNOOK. Vote it down.

Mr. CANNON. Well, my friend says vote it down. Why——

Mr. SNOOK. Well, vote it up.

Mr. CANNON. That is right. I think it settles the whole question, and as long as this act stands upon the statute book and these banks exist there can be no question about the money forthcoming to meet the bonds that shall be issued. It can not hurt the farmer; it can not hurt the Government because the Government guarantees, gives credit. It gives credit to these bonds, and no man, no Socialist, no repudiationist, no Populist, no highflyer, no fool, can dispute the value of these bonds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Mississippi. Mr. Chairman, the bill now under consideration proposes an amendment to the farm-loan act. If this bill is enacted into law, the Secretary of the Treasury will be authorized to purchase bonds from the Federal land banks.

Bills identical in language were introduced both in the Senate and in the House. The committee of each body reported the bill without amendment. The bill has passed the Senate with what is known as the Weeks amendment.

As stated by the chairman of the Committee on Banking and Currency, Mr. GLASS, he will move to strike out all after the enacting clause, the Senate bill as amended being now before us, and substitute the original bill.

It is my purpose to support the motion of the gentleman from Virginia [Mr. GLASS].

As was said by Senator GRONNA, the Weeks amendment practically nullifies the whole bill so far as giving any benefit to the farmer is concerned.

The purpose of the farm-loan act is to help build up the agricultural industries of the Nation. What was in mind in the introduction of the original bill was to further the general purpose by authorizing the Secretary of the Treasury to buy the land-bank bonds in order to give an additional sum to be loaned to the farmers.

The Weeks amendment would prevent any farmer who has a mortgage on his land from borrowing any money from the farm-loan banks. The farmer who is not in debt could borrow from such banks.

It is a discrimination that is unfair, unjust, and unwise. It puts the premium upon good fortune and adds an additional handicap and burden to the man who has not been so well blessed.

For example, there are two neighbors, each owning 80 acres of land. One has a mortgage on his land; the other has not. Under the Weeks amendment the one with the mortgage can not borrow; the other can borrow.

Which is in greater need of help? Of course it is the one in debt. Yet under that amendment he will be denied any relief.

Interest rates are high. The purpose of the farm-loan act is to cut down the interest rate as well as to give a long time in which to pay the principal. The man already in debt would be forced to continue to pay a high rate of interest and take his chances of having his mortgage foreclosed, while the man out of debt could borrow at a low rate of interest and be assured that he would have many years in which to pay his debt.

The gentleman from Michigan [Mr. FORDNEY] said that we ought not to refund any loans if it is necessary to take money out of the Treasury to do it, because that money, he said, was taken from the people to be used for the benefit of our soldiers, who are now, or soon will be, in the trenches of Europe.

The gentleman certainly does not grasp the situation. We will not take anything from those boys. We will be aiding them. If not, the whole purpose and effect of the farm-loan act is wrong.

It was passed not to help only a few individuals here and yonder but in the interest of the agricultural classes generally; not simply to help those now out of debt but those in debt.

Why not use this money to refund debts as well as to lend it to those who are free from debt? What we are interested in, what we need, what we must have, is an increased production of foodstuffs. If the debtor is allowed to pay a smaller rate of interest as well as to be allowed to pay only a small portion of the principal, instead of the whole of it, then he will be enabled to expand his activities and to lay out his money in such a manner as to materially increase his production. If every dollar that he gets his hands on must be used to pay high interest and a mortgage debt, with what can he buy fertilizer, improved machinery, or live stock?

The farmers of the Nation have been urged to increase production of farm products. They have responded nobly. The large increase of food production shows this, and I earnestly contend, Mr. Chairman, that we can not afford to do anything to lessen or handicap their efforts, or rather their opportunities, to serve the Nation in a larger way in this hour of great necessity.

Of course food alone will not win this war, nor will men and guns and shot and shell alone win it. All these elements are absolutely essential, and none of them are of greater importance to the United States than food, because the burden of supplying food to the allies has fallen largely upon us. The greatest need of the allies to-day is food.

I shall insert an article from the Banker-Farmer that states in a forceful way the great importance of the farmer in this war, as follows:

FARMERS' WAR RESPONSIBILITY.

The war has given to the American farmer the greatest responsibility, the greatest privilege and the greatest task any man or any class of men have ever known. In large degree he will determine the trend of human history for all time to come, because the enormous ultimate consequences of this conflict rest primarily upon the farmers' production of food and feed to sustain the fighting forces. They might fail even with an adequate food supply; without it they are certain to fail.

But in his field, far from the fury of battle, far from either the adventures or the horrors of the firing line, the American farmer will say whether autocracy or democracy shall rule the world during the seasons that are to come.

In a sense the war will be won or lost in the fields, gardens, orchards, pastures, and hog lots of the American farmer.

The hope of the American citizen, not a farmer, also hinges upon adequate agricultural production. Our aeroplanes are useless, our guns are spiked, and our rifles jammed, our shells are but as harmless baubles, if the farmer fails. This must be understood in all its grim force by every man, woman, and child in America; by farmers and by those who are not farmers.

With food we can win the war.

Lack of food will lose the war.

Whether or not we produce the food depends upon whether or not each and every individual farmer does his level best on his farm—produces its maximum.

Many people have thought of the war as "far away," as a remote, impersonal thing, a sort of dreadful nightmare—but not as a specter menacing our immediate persons or property. Our appreciation of the actuality is more poignant now, with our own flesh and blood upon the firing line. That firing line is in France to-day. It will come to America if the farmer fails.

No matter what course military strategy may take, the final battle field of the war is already fixed. The Waterloo of the Prussian autocrat and all he stands for, or the Waterloo of American liberty—the end of autocracy or the end of democracy—the end of Prussianism or the end of freedom—will be wrought on the battle field of the American farm—every American farm.

Mr. GLASS. Mr. Chairman, I am told that practically the only amendments to be proposed to the amendment offered by me, aside from the amendment just offered by the gentleman from Illinois, are amendments to take the bill back to the Senate form. And if that be so, I would like to have those amendments sent up to the desk right away, with a view of moving to close debate on my amendment and all amendments thereto.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all amendments to be offered be now reported. Is there objection?

Mr. McFADDEN. Reserving the right to object, in answer to the query of the gentleman from Virginia [Mr. GLASS] I might say I have some amendments here that I will send to the desk covering the points he mentions, and in addition to them one other amendment.

Mr. GLASS. I ask that the gentleman send all his amendments to the desk.

The CHAIRMAN. Is there objection?

Mr. MADDEN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Virginia if it is his intention to foreclose debate on amendments that may be offered, so that Members of the House will not know what is in the amendments?

Mr. GLASS. As I have stated, my information is that the only amendment to be offered, aside from the one offered by the gentleman from Illinois [Mr. CANNON], involves taking the bill back to the Senate form. And I distinctly inquired if there were other amendments of a different nature. If not, I think we have very largely debated the proposition as to whether the Senate amendment shall prevail or not, and I have it in mind to move to close debate.

Mr. GREEN of Iowa. I do not think the gentleman ought to do that without giving some of us who have not spoken an opportunity to speak.

Mr. GLASS. I do not mean to do that. I want to develop how many people want to speak.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. LENROOT. Reserving the right to object, I think it would be better procedure if we voted upon each amendment. The gentleman could move to close debate on each amendment, and the House could vote intelligently on each amendment before it.

Mr. CANNON. I would be glad to have a vote on the amendment to the amendment, and when that is disposed of other amendments can be offered.

Mr. LENROOT. The gentleman can move to close debate——

Mr. GLASS. I am perfectly willing to vote on the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CANNON].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CANNON. Division, Mr. Chairman.

The committee divided; and there were—ayes 63, noes 71.

Mr. CANNON. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois asks for tellers.

Tellers were ordered; and the Chairman appointed Mr. CANNON and Mr. GLASS to act as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 82.

So the amendment was rejected.

Mr. HASTINGS. Mr. Chairman, the bill before us (H. R. 7731) has for its purpose the amending of the Federal farm-loan act approved July 17, 1916. It authorizes the Secretary of the Treasury to purchase at par and accrued interest not to exceed $100,000,000 of Federal farm-loan bonds for the fiscal years ending June 30, 1918, and June 30, 1919. Provision is made for the redemption or repurchase by the Federal land banks of the bonds upon 30 days' notice at any time after one year after the expiration of the present war.

The rural-credits system was authorized by the act of July 17, 1916. Twelve land banks were to be established. About six months elapsed before the members of the Farm Loan Board were selected, the banks established, and their officers and employees appointed, so that the several farm land banks have now been in operation less than a year. Up to December 1, 1917, 1,839 local cooperative associations have been chartered, the charters of 2,019 associations have been approved, and applications for 1,171 charters are pending, so that there have been formed and in process of formation 3,190 local loan associations.

These associations have applied for 92,446 loans, aggregating $219,760,740. Of these loans, 44,332 have been approved, aggregating $105,136,529. The total number of loans closed is 14,000, and $29,824,655 have been paid to borrowers.

In my State of Oklahoma 86 local loan associations have been chartered and 17 additional associations are under consideration, with 15 more in process of formation, or a total of 118 associations when all are organized. There have been 2,804 loans applied for in Oklahoma, aggregating $6,075,157. Of these loans, 913 have actually been closed, aggregating $1,740,200. Loans aggregating $4,327,957 are pending approval and disbursement.

This summary justifies the enactment of the rural-credits law. It was designed to stimulate agriculture. Everyone living in the country should have an ambition to ultimately own and cultivate a farm. The rural-credits system enables farmers to borrow money on long-time loans at a low rate of interest upon first-mortgage securities. There is greater need now to stimulate agriculture, because of the war, than when the act was passed. We need to greatly increase our food supply, not only for ourselves but for our allies. Everybody appreciates that we are going to win this war not only with men but with munitions, clothing, food, and the financial aid our country can give.

If we had not been forced into this world-wide war, there would have been no necessity for this legislation, because these farm-land bonds would have found a ready market everywhere. The 4½ per cent bond was being sold at 101½, or a premium of 1½ cents on the dollar. The offering of so many war bonds has attracted immense sums of money. Interest rates on com-

mercial paper have increased, so that there is not now the same ready sale for farm-land bonds that there was before the war broke out. The necessity for stimulating agriculture increases as the war proceeds.

The loans applied for aggregate $219,760,740, and the sum of $29,824,655 has actually been loaned. This leaves $189,936,085 in loans applied for and approved but for which the farm-land banks do not have the money to give the borrowers. Such farm-land bonds as have been sold were 4½ per cent bonds. They were sold at 101½. A small part of the 1½ premium was allowed for the sale of the bonds. The remainder of the premium, plus one-half of 1 per cent, was allowed for expenses in administering the system. This enabled the various banks to lend money to farmers at 5 per cent interest, to which, of course, the amortization charge was added. The amortization charge depends entirely upon the length of time the loan is to run. If it runs for a period of 36 years, 1 per cent, payable semiannually, will pay the principal. The farmers of the country under the administration of the rural-credits law during the past year were enabled to borrow money for a period of 36 years by paying 5 per cent interest, plus 1 per cent amortization, which paid both principal and interest. This has greatly stimulated farming, particularly throughout the South, and the farmers of the Southern States have been quick to take advantage of it.

Farmers should remember that they can borrow money not only for the purpose of buying land but to pay off existing indebtedness, to make permanent improvements upon their land, and to buy machinery, equipment, and fertilizer.

I was very much interested in the bill when it was being considered by the Banking and Currency Committee, of which I was a member, and when it passed the House, and I favor the enactment of the present amendment. As soon as this war is over farm-land bonds will find a ready sale and the farm-land banks will be able to repurchase them. In my judgment, it will not then be necessary to longer extend Government aid.

However, one criticism has been made against the system, and that is the delay in making the loans. I have invited the attention of the Farm Loan Board and the farm-land bank at Wichita to it. This bank has jurisdiction over my State. In an effort to expedite consideration of loans and to overcome this objection, when the original bill was up for consideration in the House more than a year ago, I pointed out that it was the only objection which I feared. The Federal Farm Loan Board answered my inquiry with reference to delays by calling attention to the fact that many men who are forming the local associations are not men with business experience; that their papers are not correctly filled out when first received, necessitating their return in a great many cases; that after they are received in proper form delay is caused by reason of a large number of applications being received at the same time; that it is necessary to make the preliminary investigation required by the rural-credits law before recommending that the charter be granted; and that while some of the fault is due to delays, much of it is due to the inauguration of a new system, with which no one, not even the men in charge, is familiar.

I called on the farm-land bank at Wichita, Kans., and also the Federal Farm Loan Board in Washington, for specific data as to the charters issued for local associations in my district in an effort to definitely fix the cause of these delays. I found that but five charters had been issued for local associations in my district. The original papers for the one at Tahlequah are dated March 17, 1917, but all the signatures were not secured and the papers were not sworn to until May 12, 1917. The farm-loan bank at Wichita made an investigation and forwarded the papers to the Federal Farm Loan Board on June 20, 1917. This was a month and eight days after the application for a charter was perfected and sworn to. The charter was issued on June 23, 1917, so that the application for this charter was with the Federal Farm Loan Board only three days.

However, I am advised that many of these prospective borrowers did not receive their money until three or four months thereafter. What is true of the association at Tahlequah is also true of the one in Adair County and true of the associations at Fort Gibson, Wagoner, and Enterprise. Upon investigation I find that none of the applications for charters remained with the Federal Farm Loan Board more than five days. I have called for definite information several times as to when members of these local associations actually received their money upon the loans applied for, but have not as yet received the same. I feel sure that after one or more local associations have been chartered in each county and farmers become used to the system and get their details in good shape with abstracts brought down to date such long delays will not be experienced as when the system is new. I think much can be done by the farm-land banks in expediting consideration of applications for loans. If the system is going to be a success, this will have to be done. No prospective borrower can wait from six to eight months to secure favorable action upon his application for a loan to be used as a partial payment on land or for any other purpose. He will be forced to borrow money at a much higher rate of interest from individuals, banks, or loan companies. Where the abstract can be examined at once and the land viewed and appraised, the transaction should be closed within a few days.

I believe that a further testing of the system will prove its great value to the farmers of the country and to the Nation, but I indulge the prediction that amendments will be necessary to the act, which will have for their purpose expediting the making of loans. For my part I do not think local associations are necessary. I so stated when the bill was up before the Banking and Currency Committee and when it came up for consideration in the House. I see no reason why local agents could not in safety be appointed, using a county or a district as a unit, through whom individuals could submit applications to the farm-land bank and at the same time submit an abstract brought down to date and comply with such other rules and regulations as may be prescribed by the Federal Farm Loan Board or the farm-land bank. This agent could either view and appraise the land, or the present system of appraising could be followed. Assuming that there is money on hand with which the farm-land bank could make the loan, there is no reason why the whole transaction could not be completed and the money sent to the borrower within a week after his original application is made if the local representative were permitted to appraise the land. The agent could see that the application is made in the proper form upon blanks prepared by the farm-land bank, and that the abstract is brought down to date, and could soon become an expert in passing upon the less complicated abstracts.

The rural-credits law has greatly lowered interest rates throughout the South and West, and has been the cause of much more favorable terms being extended those who borrow money. If we had not become involved in this war, interest rates would have been much lower, and prospective borrowers could have secured much more favorable terms from those anxious to invest in the very best and safest securities—farm mortgages.

Pass this amendment and provide the money to make the loans to farmers, and you will enable the tenant farmers to purchase homes, increase the number of farmers, cause all surplus lands to be placed under cultivation, increase very greatly the production of all kinds of farm products, and increase the general prosperity of the country. While the present bill only extends temporary Government relief during the period of the war, if bonds to the amount of $2,000,000 are bought by the Government within the next two years and the money is loaned to members of local loan associations, making it possible to organize additional associations in every county throughout the country, you may rest assured the system will be so strengthened that the representatives of the people in Congress will in the future continue the system, enlarge and amend it, and no backward step will be taken.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. WATKINS. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Louisiana makes the same request—to revise and extend his remarks. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Nebraska makes the same request. Is there objection?

There was no objection.

Mr. WALSH. Mr. Chairman, I rose for the purpose of objecting. I was on my feet. The Chair went so hurriedly that I could not secure recognition.

The CHAIRMAN. The Chair did not see the gentleman rise in time, and thinks the objection comes too late.

Mr. GREEN of Iowa rose.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GREEN of Iowa. Mr. Chairman, if there ever was a time when this House ought to exercise a little sober thought, it is right now. Since the foundation of this Government, if I understand, the total amount collected and the amount of money expended by the Government has been around $28,000,000,000. We are now asked to raise about $20,000,000,000 this fiscal year—probably as much the next year—and the Committee on

Ways and Means has been struggling with that proposition. If the time can possibly arise when no money ought to be loaned to anybody by this Government, except under the most dire necessity, that time has been reached right now.

I am inclined to think that, so far as the loans already made by the land bank are concerned, it is a case of dire necessity. I think that we can not afford to let these banks fail, and that is probably what would happen if we refused this money, and a large number of other calamities would ensue. I am therefore in favor of the Senate bill, but I am not in favor of anything further.

Why, gentlemen, take this matter into fair consideration. Gentlemen of the House, myself and others have been out during the vacation that ensued since the recess on December 18, calling upon men who had only $900 or $1,000 a year, or up to $1,500—sums that many gentlemen are saying now are not sufficient on which to support a family—asking them to subscribe to liberty loan bonds, and now we are proposing to take that money and loan it to somebody else who is in a better situation, so far as I know, than the men from whom it is proposed to derive this great sum of money. We ought to have consistency in our financial system. We are putting out bonds at 3½ per cent and 4 per cent, Government bonds, and we are asking the people to subscribe for them, saying that is the Government rate; and now we are proposing to loan out this money to some other parties in order that they may reduce some interest rates.

Such a proposition was never before presented to any Government or to any House, in my judgment. When this farm-loan bill was first presented to the House we were told that $9,000,000 would be enough to start it; that $100,000 would be enough to pay the expenses of organization; and that the money would not be loaned except to people who needed it in agriculture, upon first-class security.

Now we find that instead of taking a small amount it is going to take at least $100,000,000 this year and $100,000,000 next year under the amendment proposed by the gentleman from Virginia. Now we find that the organization expenses are not satisfied with $230,000, as some gentleman has stated, but that the expenses of loaning are, up to date, something like 2½ per cent on the amount loaned. How many votes would this proposition have got in the House if at the time the bill was originally pending in this House we had been told that when the Government was struggling to save itself from absolute destruction we would be called upon to furnish $200,000,000 more? Gentlemen say that we are loaning money to the allies—France and England. So we are, but I did not vote for that on the ground that it would lower the rate to France and England. I did it because I wanted to save the people of this country from having the Kaiser's foot on our necks. That is what I had in mind when I voted for that. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. Mr. Chairman and gentlemen, every man who talks against this bill has some excuse to offer for his action. Here is the gentleman from Iowa, who stated that he voted to loan $500,000,000 to England, France, and Italy and for $200,000,000 to Russia. Yes; that is all right. I voted for it, too; but he is against this bill providing that the United States Treasury shall take up mortgages and lend $100,000,000 a year for the great farming industry of this country, that produces $22,000,000,000 worth of food and material for clothing to feed and clothe the people of this country and our allies in the war. [Applause.] Gentlemen are willing to loan hundreds of millions of dollars to our allies across the water, and all of us are in favor of that, but some of you object to the loan of $100,000,000 this year and $100,000,000 next year to the farmers of this Nation to make crops to feed and clothe the 104,000,000 people here and our allies in Europe and the million and a half of soldiers that we propose to have over there. So the gentleman from Kansas [Mr. CAMPBELL] strenuously objects to this bill after the farmers of his State have already received $5,000,000 from the Government under this proposition. So the gentleman from Philadelphia [Mr. MOORE], who always gets up here and takes a big hammer and hits the farmer over the head [laughter], proposes to rise up on this occasion and keep the farmer from having this money. They say that the United States Government is going out to ask for a $3,000,000,000 liberty loan, and that for that reason, forsooth, the farmers of this country should not have a loan to pay off the heavy debts and the mortgages that now hang over their heads in order that they may operate their farms successfully and produce the necessary food and clothing to keep up the world and carry on this war. [Applause.]

Gentlemen talk in favor of the Weeks amendment on this bill, but if they will analyze it they are bound to know that it cuts the guts out of the bill and that it will be worthless to the farmer who already has a mortgage or deed of trust on his land. [Applause.] Where is there a man on the floor of this House whose heart honestly beats for the farmer who will favor the Weeks amendment as passed by the Senate? Do you suppose that the men in this Congress who represent the great cities, with their enormous wealth and great financial interests—lenders of money, who come and offer amendments to this farm loan proposition—are going to come in here and offer amendments for the benefit of the farmer? Do you not know they are endeavoring to keep the rate of interest high? Always beware of such gifts as that. Look out for an amendment coming from some gentleman from a city, who has nothing in common with the man behind the plow. [Applause.]

This Glass substitute bill is the thing that will do the work. Farmers can borrow money at low rates of interest under this bill. You can not fool the man whose heart is for the farmer. We know the Weeks amendment is a wolf in sheep's clothes. [Applause.] Why, all of us men, who a few minutes ago voted for Uncle JOE CANNON's amendment, which provided that the Government should guarantee these bonds, these men are for the farmers of this country heart and soul. I am happy to say I am one of them. [Applause.] I voted for that proposition when we had it in the original farm-loan bill. I voted for it in the caucus. The gentleman [Mr. GREEN of Iowa] who preceded me said, "Who would ever dream that anybody in this Congress would vote for a proposition for the United States Treasury to buy these mortgages from the farmers?"

Why, my friends, I voted for that in the Democratic caucus in 1913, and a great many more friends of the farmers voted for it. We were not in a majority in that caucus, but here to-day I am proud to see a great drove of Republicans who are friends of the farmer come over to this proposition and are advocating it on the floor of the House. [Applause.]

One gentleman, endeavoring to kill our bill, said it is populism. Well, we have needed a little populism in this country for a long time. [Laughter.] Some talk about taking over the railroads. Nobody can object to the Government coming along and taking the railroads when they are so congested. All of you ought to favor it. I am no Socialist, but I am proud to-day to see you gentleman recognize the fact that the Government of the United States is already in charge of the railroads of this country, and I hope it will be in charge of them from now until the very end of the existence of man. The farmers of this country have been robbed too long by the transportation companies. When private enterprise can not handle things in an emergency to properly protect the people the Government should take charge and protect the masses of this Republic. People should not be forced to shiver and freeze for the lack of coal—and suffer and starve for the lack of food. [Applause.]

Mr. McFADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 9, page 1, after the words "nineteen hundred and eighteen," strike out the rest of that line and line 10 down to and including the word "respectively."

Mr. McFADDEN. Mr. Chairman, also the following amendment, which I send to the desk, to complete that.

The Clerk read as follows:

In line 4, page 2, after the figures "$100,000,000," strike out the words "in either of such fiscal years."

Mr. McFADDEN. Mr. Chairman, that simply provides that the appropriation is for the current year, for $100,000,000, to conform to the Weeks amendment, which will be offered a little later. I do not care to discuss those amendments at this time.

Mr. SUMNERS. Mr. Chairman, I am opposed to the Weeks amendment. In order that the maximum of benefit may be had from the Federal farm-loan bank, it is necessary not only to provide a low rate of interest for the loans effected through the bank but it is necessary that the bank shall at all times be in unrestricted competition with private capital seeking investment in farm loans. During the course of this debate a number of gentlemen have based their opposition to the House bill upon the proposition that it would be unjust to the patriotic citizens of this country, and especially to the poor people, who placed their money in the Federal Treasury by the purchase of liberty loan bonds, for any part of that money to be used, as it may be used if this bill is passed without the Weeks amendment.

Mr. Chairman, I desire to direct the attention of these gentlemen to the fact that in this country we have passed the point where it is wise to consider that the farmer alone is interested in the economic problem of the farm. The whole country is face to face with the imperative necessity of helping agriculture to raise its bid for population, in order that that proportion of population which is necessary to feed and clothe us may be held in the country. There is no longer a surplus of agri-

cultural products. Even though agricultural products are still sold to the highest bidder the margin between production and the imperative necessity is so narrow that the consumers are compelled to include in the price given for that which they eat all overhead charges incident to production. Nobody is more interested than the poor man of the city in having a cheap interest rate for the farmers of this country, because the poor man of the city must pay in the price of every loaf of bread which he purchases a part of the interest charge which the farmer must pay who produces that bread.

The country boy of to-day has been liberated by education from the necessity of following the vocation of his father. He must have as much net profit from agriculture as any other business offer or he will accept the better bid of the other business. Net profit, gentlemen; that is what we must pay. The movement of population in this country shows conclusively that the cities have been offering the better bid, and the almost total exhaustion of the world's reserve food supply shows conclusively that associated with the high cost of living is the peril of widespread hunger.

We have reached the point in the evolution of this problem, Mr. Chairman, when those who are the spokesmen for the farming interests must not spike the confidence of others in their sincerity by engaging in demagogy, and those who represent the great cities of this country must recognize that as they imperil the strength and attractiveness of agriculture they imperil the food and raiment supply of their constituents. I say that the farmer is no better than anyone else. I would not ask anything for him which is contrary to the soundest public policy. I speak the truth when I say that those of you who live in the cities are more concerned in this great drift of population from the country to the city than are those who represent country constituents. You are more concerned in interest rates than all the farmers because you must pay the charge.

We have reached the point, Mr. Chairman, when the margin between imperative necessity and current production is so narrow that if we were to slip a cog in the machinery of production the question would not be the high cost of living; but where on the face of this wide earth can we get those elements necessary to sustain life? When that time comes, when there is not enough to go around, the constituents of those who represent country districts can hold back enough for themselves, but I ask you gentlemen who represent great cities with their millions of population, a population which neither produces nor possesses a reserve surplus, what will be their situation then? What will you do when these hunger-crazed millions march down your streets behind red banners? Let us face the situation fairly. If the Weeks amendment is adopted, by its adoption you provide that those mortgage concerns which now hold farm mortgages shall not be under the necessity of competing for their renewal with the rates of interest carried by the loans made through the Federal Farm Loan Bank. If you do that, you people who live in the cities will pay the 8 and 10 per cent interest which some of those loans carry. You can not escape it—it is a fundamental economic fact, under existing conditions, that the farmer must have as much net profit as any other business will pay, or he will go to that business which offers him a higher net profit.

That is what has been happening in this country. We have reached the danger point—we have gone beyond the danger point. Our condition is one which appeals to the best constructive genius of this country and to its most disinterested statesmanship. The problems of the farmers are the problems of the country at large.

Mr. JACOWAY. Mr. Chairman, I think the record will disclose that the tenant class in this country has doubled in the last 11 or 12 years; and I would like to ask the gentleman if he has given any thought to that, and if so, what reason he can assign for it?

Mr. SUMNERS. Pardon me for not answering that, because I have not time. However, some gentlemen seem to be laughing, because, I presume, they have concluded that the question embarrasses me and I shall therefore answer it, not in detail, of course. Fundamentally, I should say that the reason why this has occurred is because neither the officials of the Federal Government nor of the several States have recognized that in dealing with the question of home ownership they are not dealing with a matter, from the Government's standpoint, at least, of primary concern to the individual, but are dealing with a matter which is of paramount concern to the Government.

No theory of government can excuse those who act and speak for the Government for permitting the relative decrease of home owners, because the home—the owned home—is the foundation upon which government rests. No government is justified by any consideration in permitting its own foundation to become weakened. A nation of home owners, regardless of its system or theories of government, can safely be trusted to deal effectively with its problems. No government whose body of citizenship is not composed of home owners is safe. I care not what its form or theories of government are. To the extent of necessity, therefore, every government should go to preserve for itself a foundation of home owners. We have not done that. The Federal farm-loan act is a step in that direction. The Weeks amendment is a step backward. Getting somewhat away from this fundamental aspect, the reason for the increase of tenantry is due to a number of related causes. I will not undertake to enumerate them all.

When the railroads and power factories came, and with them improved farm machinery, the cities began to develop and to offer to the energy and the capital of the country and to the educated and ambitious youth of the country better inducements than the country offered. Many of the young men and women bred in the country, capable of leadership, capable of making money in the country, and therefore capable of acquiring homes for themselves, left the country and left behind them a larger percentage of men in the country who are not so capable from a money-making standpoint. That of itself would necessarily reduce the home-getting average of the country population. Many of those who remained in the country who were possessed of money-making ability, after acquiring sufficient land to sustain their families from the rent thereof, moved to the town and city because of better educational advantages and the other attractions which they found there. The superior economic advantages offered by the vocations of the cities and towns shifted the wealth of the country largely to the inhabitants of the cities and towns, and many men of the cities and towns, by reason of the better credit which their fortunes gave to them, were able to procure money at a lower rate of interest than the individual living in the country and could, therefore, outbid the country man for farm lands coming on the market, other things being equal. Besides, many of them having businesses in the cities and towns which provided them a livelihood, and because of the constant advance in farm lands, they could afford to pay a price upon which they would realize a smaller per cent of revenue than they would ordinarily require, depending upon the increase in farm values to supplement the annual earnings, while the poor man in the country could only offer a price upon which, if he borrowed the money, he could pay interest charges on the principal and liquidate the debt.

The other reasons for the increase of tenantry is disclosed from the form and philosophy of this sort of legislation, which seeks to substitute for high interest rate and a short-time loan low interest rate and amortized payment, under which the tenant farmer can pay the loan in payments which are practically no larger than the interest rate on the farm loans in a large part of the country before this legislation was enacted.

I can not go further into detail. In a sentence, I will say that the increase of tenantry is due to that failure to approach the vital, imperative necessity of home ownership to the Government itself, which, it seems to me, the attitude of some gentlemen here discloses, and the failure to appreciate that the economic problems of agriculture in a peculiar sense are the problems of all of us who must eat to live.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS. Mr. Chairman, I would ask that I may have five minutes additional.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that he may proceed for five minutes. Is there objection?

Mr. LENROOT. Mr. Chairman, reserving the right to object, I have no objection provided liberal debate is still to be extended.

Mr. GLASS. I think we have had quite liberal debate, and I propose to move to close debate on all amendments.

Mr. SUMNERS. Then I will not insist.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. MOORE of Pennsylvania. I will not object, but I should like to ask if I could have five minutes before this debate closes somewhere on one of these amendments?

Mr. GLASS. I do not think that it is reasonable that those who have had ample time should take all of the remaining time. I have refrained from invoking the rule because there are so many Members on both sides who have not spoken at all and who have appealed for some time. I am not disposed to have a long debate for the benefit of those who have already spoken.

Mr. LENROOT. The Weeks amendment has not——

Mr. SUMNERS. Mr. Chairman, in view of the peculiar situation that seems to be developed, I withdraw my request.

The CHAIRMAN. The gentleman from Texas withdraws his request.

Mr. KINKAID. Mr. Chairman, I am heartily in favor of the relief as sought by the Farm Loan Board. The condition which confronts the board in the administration of the law is one that ought to be promptly relieved. The board and the farm-land banks are stranded for want of funds. This very beneficent act had but a short time in which to get a start, and we should not allow it to perish while it is yet a yearling, but we should give it fatherly assistance, having brought it into legislative existence. [Applause.]

I think the demand for relief is reasonable and justifiable. I am unqualifiedly in favor of the amendment of the gentleman from Virginia to substitute the House bill for the Senate bill. I should have gone further—well, in fact, I have gone further—in voting for the amendment to the amendment offered by the gentleman from Illinois [Mr. CANNON] that the Government guarantee the payment of farm-land bank bonds. I thing that amendment well reflects the wisdom of long-experienced statesmanship.

Mr. Chairman, why should the Government go half way and not all the way in sustaining the operation of the act? Why obligate itself morally, which it has admitted that it has done, to make good and safe the investments in farm-loan bonds without shouldering the responsibility legally and unrestrictedly? It is plain that to remain only morally obligated would thus leave it uncertain how a future administration with a future Congress might view the matter, and that such an attitude would make investors as apprehensive and as cautious as if the Government had given the system no support whatever.

Why not go further and guarantee that farm-loan bonds shall be at all times kept at par to the same extent as a Government bond, pure and simple, is? By so doing the risk and responsibility assumed by the Government would be reduced to the minimum by the increased standing in value given the bonds, and I deem it very unlikely that the Government would ever be called on to redeem bonds if it would guarantee payment.

On the other hand, simply to stand responsible for the act, and, as a mere gratuity, to help along now and then with its operation, may compel the Government to buy and carry a large percentage of the bonds, and thus to become so loaded with such investments as to render it advisable to issue its own bonds whereby to secure funds to pay for the same.

Mr. Chairman, our history has established precedents that prove the Government recognizes a moral obligation equally with a legal obligation. Fortunately, our chief administrators have been wise enough to foresee that it was a good investment and a good State policy to sustain the faith and confidence of the people that justice will be done them at all times and in all cases.

But what is the status? Why, applications for loans have been accepted by farm-land banks to the extent of $70,000,000, for which the money has not yet been furnished. A large percentage of these applicants are intending to use all or a considerable portion of the money to pay off existing mortgages, and when their applications were accepted they promised their mortgagees to make payments within a certain time. But the farm-land banks were unable to furnish the money within the periods agreed upon, and in many instances the applicants have been obliged to go to their local banks and borrow sufficiently to take up their mortgages. In most cases a short time was given these borrowers by the local banks, and now, when the creditor banks and their patrons need this money for the ordinary commercial transactions, it is lacking. These banks, large and small, doubtless were assured by the farm-land banks that the money would be forthcoming soon in accordance with the applications they had accepted, and, in order that the farm-land banks may keep faith with the local banks, who have undertaken to help the borrowers as well as the farm-land banks, relief must somehow be afforded them.

Mr. Chairman, I take issue with the two or more Members who maintain that it is not justifiable or legitimate to legislate the relief sought for the purpose merely of reducing the rate of interest 1 per cent, which farmers must pay. It is my judgment that this is sufficient ground for affording the relief. One of the fundamental purposes of the farm-loan law, when first sought, was to secure lower rates of interest, and I am glad to say that has been already, in a measure, realized, but the result will be only temporary if the operation of the act is permitted to be long suspended for the want of funds, as is now the actual situation. Members point out that none of their constituents have written them in behalf of this legislation; neither have my constituents expressly requested me to support it; but a number of them have written me earnestly, complaining of the delay in consummating loans for which their applications have been accepted; but in any event, I favor extending relief. I grant that there are large areas where farmers feel no interest whatever in the subject, because of their good fortune in not needing loans, since they have large accumulations or live in communities so old and so well developed that interest rates have become reasonably low.

Mr. Chairman, I am in favor of affording relief in accordance with the recommendations made by the Farm Loan Board and O. K.'d by the Secretary of the Treasury. I favor it as a war measure; but if our country were not involved in war and the same or a less degree of necessity existed, I would favor the relief.

Both the great political parties were pledged to the farming industry for a farm-loan law for several years before its enactment. Considerable expenditures were made under Republican administrations in collecting information concerning the operation of farm-loan banking systems in European countries, to be used in the preparation of a farm-loan bill, so that the views of Congress had become pretty well matured on the subject before formal steps were taken for legislation when the change came.

Having launched the policy under the act passed, it would not now become us to let it lag or fail for the want of funds, which the Government can without difficulty supply.

The purpose of legislation is to help rather than to hinder the successful operation of the law, and this object will be reached by substituting the House bill unhampered by any restrictions. [Applause.]

Mr. GLASS. Mr. Chairman, I move to close all debate on the pending amendment and all amendments thereto.

Mr. LENROOT. Mr. Chairman, I do not think that is fair. The Weeks amendment has not been offered yet.

Mr. GLASS. I gave notice half an hour ago that it ought to be sent up.

Mr. LENROOT. But under the rules of the House the only way it could be offered is to get recognition, and I have been trying to get recognition for an hour.

Mr. WINGO. Mr. Chairman, I make the point of order the gentleman is out of order.

Mr. LENROOT. I know I am.

The CHAIRMAN. The gentleman from Virginia moves that all debate on this amendment and all amendments thereto do now close.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MOORE of Pennsylvania. Mr. Chairman, a division.

The committee proceeded to divide.

Mr. LENROOT. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LENROOT. The motion is that the debate close on this amendment and all pending amendments. I make the point of order that the reading of this amendment has not been completed. Only section 1 of the amendment has been read.

The CHAIRMAN. The entire amendment has been read.

Mr. LENROOT. I beg the gentleman's pardon. The gentleman from Virginia [Mr. GLASS] at the conclusion of the reading of section 1 offered his amendment.

Mr. WINGO. If that is true, the point of order comes too late.

Mr. MOORE of Pennsylvania. Mr. Chairman, I make the point of order that that is not in order when the committee is dividing.

The CHAIRMAN. The Chair sustains the point of order and will continue the count.

The count was completed; and there were—ayes 72, noes 63.

Mr. LENROOT. Now, I make the point of order that this vote is of no effect because it was not within the power of the Committee of the Whole to make any such order.

The CHAIRMAN. The Chair——

Mr. LENROOT. I want to be heard if the Chair raises any question about it.

The CHAIRMAN. The Chair would like the gentleman to state his argument on the proposition. Does the Chair understand the gentleman to say that in the Committee of the Whole the debate can not be closed after the question has been debated for five minutes?

Mr. LENROOT. Let me give an illustration: Suppose we had a tariff bill under consideration, and at the end of the consideration of the first paragraph in that tariff bill a motion was made to close debate upon the entire bill, and through misunderstanding on the part of the Chair that motion had been put. Now, will the Chair say that if the committee voted to close debate upon that entire tariff bill, something the committee under the rules of the House had no power to do, the vote would be of any effect whatever? And that is exactly this situation.

Mr. SHERLEY. If the Chair please, the Chair has no right to assume that the Committee of the Whole acts without in-

telligence and knowledge of what it is doing. The fact is, a motion was made that might have been subject to a point of order. The gentleman from Wisconsin [Mr. LENROOT], assuming that he had a good point of order, slept on his right and did not make it until after the House was dividing, and therefore lost the right.

Mr. LENROOT. In reply to the suggestion of the gentleman from Kentucky, I would suggest to the Chair, irrespective of a point of order being made, until the reading of a bill is completed the Chair would have no right to put the motion. It does not require a point of order on the part of a Member, because it is the absolute right of every Member, irrespective of a point of order, to have the reading of the bill completed before this motion can be made at all. And if made under that situation it is of no effect.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin [Mr. LENROOT] that he tried to recognize the gentlemen as they rose who had not spoken under general debate.

Mr. LENROOT. I am not criticizing the Chair——

The CHAIRMAN. The Chair is just stating that. And the Chair tried to be fair. But the Clerk informs the Chair that this bill was read, and that the whole amendment was read as offered by the gentleman from Virginia [Mr. GLASS]. There was no point raised at that time that applied to both sections. And debate has been had on these amendments that have been offered.

Mr. LENROOT. The bill was read, but the amendment was not read, except the first section.

Mr. SISSON. The amendment was read.

The CHAIRMAN. The Clerk informs the Chair that they were read, and so the Chair thinks the motion to close debate was in order and therefore overrules the point of order. On this vote the ayes were 72, and the noes 63.

Mr. LENROOT. Mr. Chairman, I ask for tellers.

Mr. SHERLEY. Mr. Chairman, I make the point of order that the gentleman's demand for tellers is too late. The gentleman permitted the Chair to announce his decision, and then made the point that the decision had no validity, because the committee could not entertain or could not act upon such a matter. Now, having urged that the action of the committee had no validity, and being overruled, he wants to reconsider by tellers the action of the committee.

The CHAIRMAN. The Chair thinks the count had not been announced, and so he overrules the point of order of the gentleman from Kentucky [Mr. SHERLEY]. All in favor of tellers will rise and be counted. [After counting.] A sufficient number has risen. The gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Virginia [Mr. GLASS] will act as tellers.

The committee again divided; and the tellers reported—ayes 88, noes 70.

So the motion was agreed to.

The CHAIRMAN. The Clerk will report the amendment to the amendment offered by the gentleman from Pennsylvania [Mr. MCFADDEN].

The Clerk read as follows:

On line 9, page 1, after the words "nineteen hundred and eighteen," strike out the rest of that line and line 10 down to and including the word "respectively."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the other amendment offered by the gentleman from Pennsylvania [Mr. MCFADDEN].

The Clerk read as follows:

Line 4, page 2, after the figures "$100,000,000," strike out the words "in either of such fiscal years."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MCFADDEN. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers another amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MCFADDEN offers the following: Amend, on page 2, by striking out, on line 8, the words "one year" and inserting in lieu thereof the words "two years," and on lines 9 and 10 strike out the words "upon 30 days' notice from the Secretary of the Treasury."

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Did the motion that recently passed preclude all debate on these amendments?

The CHAIRMAN. It precludes all debate, but does not preclude amendments being offered.

Mr. MOORE of Pennsylvania. There can be no further debate?

The CHAIRMAN. No; there can be no further debate. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania [Mr. MCFADDEN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The vote now is on the amendment offered by the gentleman from Virginia [Mr. GLASS].

The question was taken, and the amendment was agreed to.

Mr. GLASS. Mr. Chairman, I now move that the committee rise and report the bill with amendments to the House.

Mr. LENROOT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LENROOT. I desire to ask whether section 2 of the original bill has been read for amendment?

The CHAIRMAN. The Chair will state that section 2 was embodied in the amendment of the gentleman from Virginia [Mr. GLASS]; that the motion was made to strike out all after the enacting clause. The question is on agreeing to the motion of the gentleman from Virginia, that the committee rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARRISON of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill S. 3235, amending section 32, Federal farm-loan act, approved July 17, 1916, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. GLASS. Mr. Speaker, I ask for a yea-and-nay vote.

No; I will withdraw that request.

Mr. FORDNEY. Mr. Speaker, I renew the motion. I demand the yeas and nays on the bill.

Mr. SHERLEY. We have not reached the passage of the bill yet.

Mr. FORDNEY. On the amendment.

The SPEAKER. Does the gentleman demand the yeas and nays on the amendment?

Mr. FORDNEY. Yes; on the amendment.

Mr. GILLETT. Mr. Speaker, I demand the yeas and nays on the Glass amendment.

The SPEAKER. The gentleman from Massachusetts demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. [After counting.] Forty-five gentlemen have risen in the affirmative—a sufficient number.

Mr. WINGO. I ask for the other side, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas demands the other side. Those opposed to taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] One hundred and six Members in the negative and 45 in the affirmative. A sufficient number in the affirmative. The yeas and nays are ordered, and the Clerk will report the amendment.

The Clerk began reading the amendment.

Mr. SHERLEY. Mr. Speaker, it is not necessary to read the amendment again. It has been read once.

The SPEAKER. Members ought to know what they are to vote on. The Clerk will report the amendment.

The Clerk resumed and completed the reading of the amendment, as follows:

Strike out all after the enacting clause and insert the following:

"That the Federal farm-loan act, approved July 17, 1916, is hereby amended by adding at the end of section 32 the following:

"'The Secretary of the Treasury is further authorized, in his discretion, upon the request of the Federal Farm Loan Board, from time to time during the fiscal years ending June 30, 1918, and June 30, 1919, respectively, to purchase at par and accrued interest, with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm-loan bonds issued by such bank.

"'Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years. Any Federal land bank may at any time repurchase at par and accrued interest for the purpose of redemption or resale any bonds so purchased from it and held in the Treasury.

"'The bonds of any Federal land bank so purchased by the Secretary of the Treasury and held in the Treasury under the provisions of this amendment one year after the termination of the pending war shall upon 30 days' notice from the Secretary of the Treasury be redeemed or repurchased by such bank at par and accrued interest.

"'The temporary organization of any Federal land bank as provided in section 4 of said Federal farm-loan act shall be continued so long as any farm-loan bonds purchased from it under the provisions of this amendment shall be held by the Treasury, and until the subscriptions to stock in such bank by national farm-loan associations shall equal the amount of stock held in such bank by the Government of the United States.'

"SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed; and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on agreeing to the amendment. The Clerk will call the roll.

The question was taken; and there were—yeas 218, nays 70, answered "present" 1, not voting 139, as follows:

YEAS—218.

Alexander	Drane	Kennedy, Iowa	Rubey
Almon	Dupré	Kettner	Russell
Anderson	Eagle	Kless, Pa.	Schall
Aswell	Ellsworth	Kincheloe	Scott, Iowa
Austin	Emerson	Kinkaid	Scott, Mich.
Ayres	Esch	Kitchin	Sells
Baer	Evans	Knutson	Shackleford
Bankhead	Fairfield	La Follette	Shallenberger
Barkley	Farr	Langley	Sherley
Beakes	Ferris	Larsen	Sherwood
Bell	Fields	Lazaro	Shouse
Beshlin	Fisher	Lea, Cal.	Siegel
Black	Flood	Lee, Ga.	Sims
Blackmon	Focht	Lesher	Sinnott
Bland	Foster	Lever	Sisson
Blanton	Frear	Little	Sloan
Borland	French	Littlepage	Small
Brand	Fuller, Ill.	Lobeck	Smith, Idaho
Brodbeck	Fuller, Mass.	London	Smith, T. F.
Buchanan	Gandy	Lonergan	Snook
Burnett	Gard	Lunn	Steagall
Byrnes, S. C.	Garner	McAndrews	Stedman
Byrns, Tenn.	Garrett, Tenn.	McClintic	Steele
Caldwell	Garrett, Tex.	McKenzie	Steenerson
Campbell, Pa.	Glass	McKeown	Stephens, Miss.
Candler, Miss.	Godwin, N. C.	McLemore	Stephens, Nebr.
Cannon	Gray, Ala.	Mansfield	Stevenson
Cantrill	Gregg	Mapes	Sumners
Caraway	Hadley	Mays	Sweet
Carlin	Hamill	Mondell	Switzer
Carter, Okla.	Hamilton, Mich.	Montague	Taylor, Ark.
Chandler, Okla.	Hamlin	Moon	Thomas
Classon	Hardy	Morgan	Thompson
Claypool	Harrison, Miss.	Nicholls, S. C.	Van Dyke
Coady	Harrison, Va.	Norton	Venable
Collier	Haskell	Oldfield	Vinson
Connelly, Kans.	Hastings	Oliver, Ala.	Voigt
Cooper, Ohio	Haugen	Oliver, N. Y.	Volstead
Cramton	Hawley	Olney	Walton
Currie, Mich.	Hayden	Osborne	Watkins
Dale, N. Y.	Helvering	O'Shaunessy	Weaver
Davidson	Hensley	Overmyer	Welling
Davis	Hilliard	Overstreet	Welty
Decker	Holland	Park	Whaley
Denison	Hood	Quin	White, Ohio
Dent	Huddleston	Rainey	Williams
Denton	Hull, Iowa	Raker	Wilson, La.
Dewalt	Hull, Tenn.	Ramseyer	Wilson, Tex.
Dickinson	Igoe	Randall	Wingo
Dies	Jacoway	Rankin	Woods, Iowa
Dillon	Johnson, Ky.	Rayburn	Woodyard
Dixon	Jones, Tex.	Reavis	Young, N. Dak.
Dominick	Keating	Roberts	Young, Tex.
Doughton	Kehoe	Romjue	
Dowell	Kelley, Mich.	Rouse	

NAYS—70.

Bacharach	Gould	McArthur	Stafford
Bowers	Graham, Ill.	McFadden	Stiness
Burroughs	Green, Iowa	Madden	Tague
Butler	Greene, Vt.	Merritt	Temple
Campbell, Kans.	Griest	Moore, Pa.	Tilson
Carter, Mass.	Hayes	Mudd	Towner
Dale, Vt.	Heaton	Nolan	Treadway
Dallinger	Hersey	Parker, N. J.	Vestal
Darrow	Hicks	Peters	Waldow
Edmonds	Hutchinson	Phelan	Walsh
Elliott	Juul	Platt	Ward
Elston	Kahn	Purnell	Watson, Pa.
Fess	Kearns	Ramsey	Wheeler
Fordney	Kennedy, R. I.	Robbins	White, Me.
Francis	Kraus	Rose	Wood, Ind.
Freeman	Lehlbach	Sabath	
Gillett	Lenroot	Sanders, Ind.	
Glynn	Lufkin	Snell	

ANSWERED "PRESENT"—1.

Browning

NOT VOTING—139.

Anthony	Brumbaugh	Clark, Fla.	Costello
Ashbrook	Capstick	Clark, Pa.	Cox
Barnhart	Carew	Connally, Tex.	Crago
Booher	Cary	Cooper, W. Va.	Crisp
Britten	Chandler, N. Y.	Cooper, Wis.	Crosser
Browne	Church	Copley	Curry, Cal.
Dempsey	Houston	Miller, Wash.	Scott, Pa.
Dill	Howard	Moores, Ind.	Scully
Dooling	Humphreys	Morin	Sears
Doolittle	Husted	Mott	Slayden
Doremus	Ireland	Neely	Slemp
Drukker	James	Nelson	Smith, Mich.
Dunn	Johnson, S. Dak.	Nichols, Mich.	Smith, C. B.
Dyer	Johnson, Wash.	Padgett	Snyder
Eagan	Jones, Va.	Paige	Sterling, Ill.
Estopinal	Kelly, Pa.	Parker, N. Y.	Sterling, Pa.
Fairchild, B. L.	Key, Ohio	Polk	Strong
Fairchild, G. W.	King	Porter	Sullivan
Flynn	Kreider	Pou	Swift
Foss	LaGuardia	Powers	Talbott
Gallagher	Linthicum	Pratt	Taylor, Colo.
Gallivan	Longworth	Price	Templeton
Garland	Lundeen	Ragsdale	Tillman
Good	McCormick	Reed	Timberlake
Goodall	McCulloch	Riordan	Tinkham
Goodwin, Ark.	McKinley	Robinson	Vare
Gordon	McLaughlin, Mich.	Rodenberg	Walker
Graham, Pa.	McLaughlin, Pa.	Rogers	Wason
Gray, N. J.	Magee	Rowe	Watson, Va.
Greene, Mass.	Maher	Rowland	Webb
Hamilton, N. Y.	Mann	Rucker	Wilson, Ill.
Heflin	Martin	Sanders, La.	Winslow
Heintz	Mason	Sanders, N. Y.	Wise
Helm	Meeker	Sanford	Zihlman
Hollingsworth	Miller, Minn.	Saunders, Va.	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. POU with Mr. RODENBERG.

Mr. HELM with Mr. STRONG.

Mr. SCULLY with Mr. LAGUARDIA.

Mr. TALBOTT with Mr. BROWNING.

Mr. ASHBROOK with Mr. ANTHONY.

Mr. BARNHART with Mr. BRITTEN.

Mr. BOOHER with Mr. BROWNE.

Mr. BRUMBAUGH with Mr. CAPSTICK.

Mr. CAREW with Mr. CARY.

Mr. CHURCH with Mr. CHANDLER of New York.

Mr. CLARK of Florida with Mr. CLARK of Pennsylvania.

Mr. CONNALLY of Texas with Mr. COOPER of West Virginia.

Mr. COX with Mr. COOPER of Wisconsin.

Mr. WISE with Mr. TEMPLETON.

Mr. CROSSER with Mr. WASON.

Mr. DILL with Mr. CRAGO.

Mr. DOOLING with Mr. CURRY of California.

Mr. DOREMUS with Mr. DEMPSEY.

Mr. EGAN with Mr. WILSON of Illinois.

Mr. ESTOPINAL with Mr. DUNN.

Mr. FLYNN with Mr. ZIHLMAN.

Mr. GALLAGHER with Mr. BENJAMIN L. FAIRCHILD.

Mr. GALLIVAN with Mr. GEORGE W. FAIRCHILD.

Mr. GOODWIN of Arkansas with Mr. FOSS.

Mr. GORDON with Mr. GARLAND.

Mr. HEFLIN with Mr. ROWE.

Mr. HOUSTON with Mr. GOODALL.

Mr. HOWARD with Mr. GRAHAM of Pennsylvania.

Mr. HUMPHREYS with Mr. GREENE of Massachusetts.

Mr. JONES of Virginia with Mr. HAMILTON of New York.

Mr. KELLY of Pennsylvania with Mr. ROWLAND.

Mr. KEY of Ohio with Mr. HOLLINGSWORTH.

Mr. LINTHICUM with Mr. HUSTED.

Mr. MAHER with Mr. IRELAND.

Mr. MARTIN with Mr. JAMES.

Mr. NEELY with Mr. SANFORD.

Mr. WEBB with Mr. JOHNSON of Washington.

Mr. PADGETT with Mr. KING.

Mr. POLK with Mr. SIEGEL.

Mr. PRICE with Mr. LONGWORTH.

Mr. RIORDAN with Mr. SMITH of Michigan.

Mr. ROBINSON with Mr. SNYDER.

Mr. RUCKER with Mr. MCKINLEY.

Mr. SANDERS of Louisiana with Mr. MCLAUGHLIN of Pennsylvania.

Mr. SANDERS of New York with Mr. MCLAUGHLIN of Michigan.

Mr. SAUNDERS of Virginia with Mr. MCGEE.

Mr. SEARS with Mr. MASON.

Mr. SLAYDEN with Mr. MEEKER.

Mr. STERLING of Pennsylvania with Mr. MILLER of Minnesota.

Mr. CHARLES B. SMITH with Mr. STERLING of Illinois.

Mr. SULLIVAN with Mr. MOTT.

Mr. TAYLOR of Colorado with Mr. NICHOLS of Michigan.

Mr. TILLMAN with Mr. PAIGE.

Mr. WALKER with Mr. PORTER.

Mr. WATSON of Virginia with Mr. POWERS.

Mr. WEBB with Mr. PRATT.

On this vote:

Mr. TIMBERLAKE (for) with Mr. COSTELLO (against).

Mr. CRISP (for) with Mr. TINKHAM (against).
Mr. LUNDEEN (for) with Mr. WINSLOW (against).
Mr. DOOLITTLE (for) with Mr. ROGERS (against).
Mr. RAGSDALE (for) with Mr. GRAY of New Jersey (against).
Mr. BROWNING. Mr. Speaker, I voted "no." I am paired with my colleague, Mr. TALBOTT. I wish to withdraw that vote and answer "present."
Mr. BENJAMIN L. FAIRCHILD. Mr. Speaker, I want to vote "aye."
The SPEAKER. Was the gentleman in the Hall and listening when his name should have been called?
Mr. BENJAMIN L. FAIRCHILD. I am not sure. I was rushing in in response to the bell, and got in as soon as I could.
The SPEAKER. The gentleman does not qualify himself to vote.
The result of the vote was then announced as above recorded.
The SPEAKER. The question now is on the third reading of the Senate bill.
The question was taken; and the bill was ordered to be read a third time and was read the third time.
Mr. CANNON. Mr. Speaker, I move to recommit the bill with the following instructions.
The Clerk read as follows:
Mr. CANNON moves to recommit the bill with instructions to report it back forthwith amended as follows:
Strike out all of section 1 of the bill beginning with line 6, page 1, and insert:
"The payment of all bonds, both principal and interest, heretofore or hereafter issued by any Federal land bank is hereby guaranteed by the Government of the United States."
The SPEAKER. The question is on the motion to recommit.
The question was taken, and the motion was rejected.
The SPEAKER. The question now is on the passage of the bill.
The question was taken, and the bill was passed.
Mr. GLASS. Mr. Speaker, I move that the House insist on its amendment to the Senate amendment and ask for a conference with the House.
The motion was agreed to.
The SPEAKER appointed as conferees on the part of the House Mr. GLASS, Mr. PHELAN, and Mr. HAYES.

EXTENSION OF REMARKS.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.
The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD. Is there objection?
Mr. WALSH. I object.
Mr. NORTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD in the speech I have already made.
The SPEAKER. The gentleman from North Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?
Mr. WALSH. I object.

LEAVE OF ABSENCE.

Mr. BARNHART, by unanimous consent was given leave of absence on account of illness.
The SPEAKER. The Clerk will read this telegram.
The Clerk read as follows:

PHILADELPHIA, PA., *January 4, 1918.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.:
My colleagues, PETER E. COSTELLO and JOHN R. K. SCOTT, and I are unable to reach Washington to-day on account of inadequate railroad train service.
WM. S. VARE.

The SPEAKER. The Chair construes this as asking for leave of absence. Is there objection? [After a pause.] The Chair hears none.

LEAVE TO PRINT.

Mr. GLASS. Mr. Speaker, in view of the fact that there are so many Members of the House who wanted to speak on this bill and were not permitted to do so, I ask unanimous consent that general leave to print on this bill be allowed for five legislative days.
The SPEAKER. The gentleman from Virginia asks unanimous consent that all gentlemen have leave to print for five legislative days on the bill. Is there objection?
Mr. WALSH. I object.
Mr. GLASS. Then, Mr. Speaker, I move that they be allowed to have five legislative days to print on the bill.
Mr. WALSH. I make the point of order that that is not in order.
The SPEAKER. The gentleman from Virginia moves that all Members be given five legislative days to print on the bill.
Mr. WALSH. I make the point of order that the motion is not in order; that you can not make a motion of that kind under the rule.
Mr. STAFFORD. Mr. Speaker, I make the point of order that no quorum is present.
Mr. GLASS. I move to suspend the rules.
The SPEAKER. The gentleman can not do that to-day. Will the gentleman from Wisconsin withhold his point for the present?
Mr. STAFFORD. I will withdraw it for the present.

ADJOURNMENT OVER.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.
The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?
There was no objection.

CUSTOMS-COLLECTION DISTRICTS (H. DOC. NO. 753).

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on Ways and Means:
By Executive order dated September 7, 1917, effective October 1, 1917, customs-collection district No. 23, of which Laredo was the headquarters port, and district No. 25, of which Eagle Pass, Tex., was the headquarters port, were abolished and a new district No. 23 created with headquarters at San Antonio, Tex.
Districts No. 22, of which Galveston is the headquarters port, and No. 24, of which El Paso is the headquarters port, were enlarged. These changes were made in order to insure a better administration of the customs laws and to lessen the expenses.

WOODROW WILSON.

THE WHITE HOUSE, *4 January, 1918.*

COUNCIL OF NATIONAL DEFENSE (S. DOC. NO. 156).

The SPEAKER laid before the House the following message from the President of the United States, which was referred to the Committee on Appropriations and, without the accompanying document, ordered printed:

To the Senate and House of Representatives:

In accordance with the provisions of the act of Congress approved August 29, 1916, establishing the Council of National Defense and providing for the appointment of an advisory commission to the council, I transmit herewith the first annual report of the council, the advisory commission, and the subordinate agencies of both bodies for the fiscal year ended June 30, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *4 January, 1918.*

UNANIMOUS CONSENT TO ADDRESS THE HOUSE.

Mr. STAFFORD. Mr. Speaker, I make the point that there is no quorum present.
Mr. BORLAND. Mr. Speaker, I rise to prefer a request for unanimous consent. I ask unanimous consent that on next Tuesday, after the reading of the Journal and the disposition of business on the Speaker's table, I may be allowed to address the House for 30 minutes.
Mr. GILLETT. On what subject?
Mr. BORLAND. It is the one hundredth anniversary of the application of Missouri for statehood.
The SPEAKER. Is there objection?
There was no objection.
Mr. CARLIN. Mr. Speaker, I ask the Chair to lay before the House Senate joint resolution 106.
Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.
The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.), in accordance with the order heretofore made, the House adjourned until Monday, January 7, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the United States Shipping Board, submitting a supplemental estimate of appropriation for the acquisition or establishment of plants suitable for shipbuilding (H. Doc. No. 739); to the Committee on Appropriations and ordered to be printed.
2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the president of the Civil Service Commission, submitting supplemental estimates of appropriations required by the commission for salaries and expenses for the fiscal year 1919 (H. Doc. No. 740); to the Committee on Appropriations and ordered to be printed.
3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Bayou Queue De Totue, La. (H. Doc. No. 741); to the Committee on Rivers and Harbors and ordered to be printed.
4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Columbia River, Oreg., from the mouth of the Snake River to Priest Rapids, with a view to improving open-river navigation (H. Doc. No. 742); to the Committee on Rivers and Harbors and ordered to be printed.
5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Greenwood Lake, N. J., with a view to dredging channel at the southern end (H. Doc. No. 743); to the Committee on Rivers and Harbors and ordered to be printed.
6. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to amend an act approved May 27, 1908 (34 Stats., pp. 417, 418), and for other purposes (H. Doc. No. 744); to the Committee on Naval Affairs and ordered to be printed.
7. A letter from the Secretary of the Navy, transmitting tentative draft of a bill for the relief of Paymaster Alvin Hovey-King, United States Navy (H. Doc. No. 745); to the Committee on Claims and ordered to be printed.
8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Cape Fear River, N. C., with a view to securing an increased depth from Wilmington to the sea (H. Doc. No. 746); to the Committee on Rivers and Harbors and ordered to be printed.
9. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of channel of Young Bay from the main ship channel of the Columbia River to a point 1 mile above County Road Bridge (H. Doc. No. 747); to the Committee on Rivers and Harbors and ordered to be printed.
10. A letter from the Secretary of the Navy, transmitting tentative draft of a bill for the relief of certain ex-paymasters' clerks, United States Navy (H. Doc. No. 748); to the Committee on Naval Affairs and ordered to be printed.
11. A letter from the Secretary of the Navy, transmitting a tentative draft of legislation for the relief of certain officers of the United States Navy (H. Doc. No. 749); to the Committee on Naval Affairs and ordered to be printed.
12. A letter from the Secretary of the Treasury, transmitting copy of communication from the director of the mint submitting a supplemental estimate of appropriations required by the Bureau of the Mint for wages and contingent expenses of the assay office at New York for the fiscal year 1918 (H. Doc. No. 750); to the Committee on Appropriations and ordered to be printed.
13. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting an estimate of deficiency in the appropriation for protecting Panama Canal and canal structures for the fiscal year ending June 30, 1918 (H. Doc. No. 751); to the Committee on Appropriations and ordered to be printed.
14. A letter from the Secretary of the Treasury, transmitting copy of a communication from the superintendent of the State, War, and Navy Department Building submitting supplemental estimate of appropriations required for operation of the State, War, and Navy Department Building during the remainder of the fiscal year 1918 (H. Doc. No. 752); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7089) for the relief of the heirs of Adam and Noah Brown; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5327) granting an increase of pension to Robert J. Clark; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRODBECK: A bill (H. R. 8168) providing for the protection of Antwerp homing pigeons when in interstate flight, under such regulation as may be prescribed by the Secretary of War; to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 8169) making an appropriation for the establishment of a hospital for the care and custody of the legally adjudged insane of Alaska, providing for the selection of the site thereof, and for other purposes; to the Committee on Appropriations.

By Mr. TOWNER: A bill (H. R. 8170) to establish the department of war supplies, to provide for the appointment of a secretary of war supplies, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 8171) to establish the department of munitions, to provide for the appointment of a secretary of munitions, and for other purposes; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 8172) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY of California: A bill (H. R. 8173) to fix the status and rank of officers of the retired list of the Army who have been or shall be detailed on active duty by direction of the President of the United States; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 8174) providing for the classification of salaries of veterinary inspectors and lay inspectors (grades 1 and 2) employed in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

By Miss RANKIN: A bill (H. R. 8175) to equalize the wages paid to men and women employees of the Government who perform similar labor; to the Committee on Reform in the Civil Service.

By Mr. KEATING: A bill (H. R. 8201) granting an increase in appropriation to all State and Territorial soldiers' and sailors' homes from $100 per year for each inmate to $150 per year for each inmate thereof; to the Committee on Appropriations.

By Mr. ASWELL: Joint resolution (H. J. Res. 206) authorizing the President to take possession of the electrical agencies of communication to meet certain military exigencies, etc.; to the Committee on Interstate and Foreign Commerce.

By Miss RANKIN: Joint resolution (H. J. Res. 204) proposing recognition by the Congress of the United States of the right of Irish independence; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 205) authorizing the President to require all employers of labor in the United States during the progress of the war to pay women the same wages as they pay the men for performing similar work; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 8176) granting an increase of pension to Walter W. McGehee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8177) granting an increase of pension to Robert W. Potts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8178) granting a pension to Ida E. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8179) granting a pension to G. C. Crawshaw; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 8180) granting a pension to Daniel B. Yeaple; to the Committee on Pensions.

Also, a bill (H. R. 8181) granting a pension to Charles C. Cooper; to the Committee on Pensions.

Also, a bill (H. R. 8182) granting an increase of pension to George W. Welsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8183) to correct the military record of Jeremiah Stover; to the Committee on Military Affairs.

Also, a bill (H. R. 8184) to correct the military record of Nathaniel Staub; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 8185) granting a pension to William Stewart; to the Committee on Pensions.

Also, a bill (H. R. 8186) granting a pension to Andy Skaats; to the Committee on Pensions.

Also, a bill (H. R. 8187) granting a pension to William Campbell; to the Committee on Pensions.

By Mr. CLASSON: A bill (H. R. 8188) granting an increase of pension to Andrew J. Britton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8189) granting an increase of pension to James E. Webb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8190) granting an increase of pension to Alfred Hazen; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 8191) granting an increase of pension to Edward P. Tuttle; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 8192) granting an increase of pension to Martin H. Ozment; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 8193) granting an increase of pension to William Rook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8194) granting an increase of pension to Frederick Von Dissen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8195) granting an increase of pension to Samuel J. McDonald; to the Committee on Pensions.

Also, a bill (H. R. 8196) granting an increase of pension to Joseph F. Hughey; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 8197) granting a pension to James A. Coyne; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 8198) granting a pension to Elizabeth Ohl; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 8199) granting a pension to Joseph B. Montgomery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8200) granting a pension to James M. Comer; to the Committee on Pensions.

Also, a bill (H. R. 8201) granting an increase of pension to Leonidas H. Oldfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8202) for the relief of the Woman's Board of Domestic Missions, Reformed Church in America; to the Committee on Indian Affairs.

By Mr. FRENCH: A bill (H. R. 8203) granting a pension to John Miller; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 8204) granting a pension to Thomas Mahan; to the Committee on Pensions.

Also, a bill (H. R. 8205) granting a pension to William Bogen; to the Committee on Pensions.

Also, a bill (H. R. 8206) granting an increase of pension to Lucretia Napier; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 8207) granting a pension to Sarah Johnson; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 8208) granting an increase of pension to James C. Faulins; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 8209) granting an increase of pension to George W. Bagley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8210) granting an increase of pension to Eugene B. Hoxie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8211) granting an increase of pension to William M. McCune; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8212) granting an increase of pension to Charles Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8213) granting a pension to Anna Eliza Serrien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8214) granting a pension to Jesse Holt; to the Committee on Pensions.

By Mr. GANDY (for Mr. JOHNSON of South Dakota): A bill (H. R. 8215) granting an increase of pension to James Cooper; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Iowa: A bill (H. R. 8216) granting a pension to Mrs. Ollie Laehn; to the Committee on Pensions.

Also, a bill (H. R. 8217) granting a pension to Frank C. Barrow; to the Committee on Pensions.

Also, a bill (H. R. 8218) granting an increase of pension to William Turnham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8219) granting an increase of pension to Simeon Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8220) granting an increase of pension to Seth K. Coats; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8221) granting an increase of pension to Isaac M. Gausford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8222) granting an increase of pension to John Guy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8223) granting an increase of pension to Isaac N. Rhodes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8224) granting an increase of pension to David Houghton; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 8225) for the relief of John A. Odell; to the Committee on Military Affairs.

Also, a bill (H. R. 8226) for the relief of Cyrus J. Wilsey; to the Committee on Military Affairs.

Also, a bill (H. R. 8227) to correct the military record of John S. Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 8228) granting an increase of pension to Henry D. Loveland; to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 8229) granting a pension to Christopher Johnson; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 8230) granting an increase of pension to C. F. Dewert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8231) granting an increase of pension to Samuel J. Pealer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8232) granting an increase of pension to James A. Kooney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8233) granting an increase of pension to John L. C. Kline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8234) granting an increase of pension to William Roup; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8235) granting an increase of pension to James J. Mitchell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8236) granting an increase of pension to Benjamin Mastellar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8237) granting a pension to Benjamin E. Kneibler; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 8238) granting a pension to Amandy Hall; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 8239) granting an increase of pension to Pleasant H. Ripley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8240) granting an increase of pension to Ephraim J. Stroud; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 8241) granting an increase of pension to John W. Higdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8242) granting an increase of pension to Andrew Codu; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 8243) for the relief of Hewson L. Peeke; to the Committee on Claims.

By Mr. PURNELL: A bill (H. R. 8244) granting an increase of pension to Jacob L. Helms; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8245) granting a pension to Elizabeth C. Fry; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 8246) granting an increase of pension to Michael Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8247) granting an increase of pension to Oliver P. Krutz; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 8248) granting an increase of pension to Joseph B. Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8249) granting an increase of pension to Nancy Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8250) granting an increase of pension to John H. Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8251) granting an increase of pension to Nellie G. Carr; to the Committee on Pensions.

Also, a bill (H. R. 8252) granting a pension to William V. Yeager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8253) granting a pension to Ezra Cleveland; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 8254) granting an increase of pension to William H. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8255) granting an increase of pension to F. M. Keltner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8256) granting an increase of pension to Alfred F. Yates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8257) granting an increase of pension to William May; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8258) granting a pension to Pearl Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8259) granting a pension to Mary Cash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8260) granting a pension to Sarah E. Vining; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8261) granting a pension to Dicy C. Robinson; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 8262) granting an increase of pension to Jasper N. Woods; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8263) granting an increase of pension to Benjamin F. Kester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8264) granting an increase of pension to Harvey Comerly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8265) granting an increase of pension to William W. Decker, sometimes known as I. W. Sanders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8266) granting an increase of pension to Mary A. Kinsley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8267) granting an increase of pension to James Knight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8268) granting an increase of pension to John S. Thorp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8269) granting an increase of pension to Noah Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8270) granting an increase of pension to Isaac Q. Wiggins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8271) granting an increase of pension to Joseph Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8272) granting an increase of pension to Harlie A. Calvin; to the Committee on Pensions.

Also, a bill (H. R. 8273) granting a pension to Jesse O. Ray; to the Committee on Pensions.

Also, a bill (H. R. 8274) granting a pension to Lizzie Wilkins; to the Committee on Pensions.

Also, a bill (H. R. 8275) granting a pension to Ellen Patch, widow of Jesse C. Patch; to the Committee on Pensions.

Also, a bill (H. R. 8276) granting a pension to Mrs. Jennie Ridgley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8277) granting a pension to Lydia A. Keller; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 8278) granting an increase of pension to John B. Albrecht; to the Committee on Pensions.

Also, a bill (H. R. 8279) granting a pension to Jacob Sauerwein; to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 8280) for the relief of George Sloan; to the Committee on Claims.

By Mr. SWEET: A bill (H. R. 8281) granting an increase of pension to David A. Ladd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8282) granting an increase of pension to Frank Stimpson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8283) to reimburse Mrs. Abbie J. Foster for safe destroyed by burglars; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 8284) granting an increase of pension to J. K. P. Moreiock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8285) granting an increase of pension to Daniel McCammon; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 8286) to remove the charge of desertion from the military record of Micheal Gillespie, alias Micheal Harrington; to the Committee on Military Affairs.

Also, a bill (H. R. 8287) granting an increase of pension to Alvin D. Lane; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 8288) to correct the military record of Nathan Cunningham; to the Committee on Military Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 8289) to appoint Lieut. Commander Richard Drace White a commander on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. DECKER: A bill (H. R. 8290) granting a pension to Samuel D. Lee; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 8291) granting an increase of pension to Edmond C. Kirk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8292) granting an increase of pension to John S. Bemisdarfer; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 8293) granting an increase of pension to John L. Nebergall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8294) granting an increase of pension to Andrew Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8295) granting an increase of pension to James Carmine; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 8296) granting a pension to Henry A. Rowley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8297) granting a pension to Charles Wheeldon; to the Committee on Pensions.

Also, a bill (H. R. 8298) granting a pension to Nellie Hubacher; to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 8299) granting a pension to Alice C. Baker; to the Committee on Pensions.

By Mr. WARD: A bill (H. R. 8300) granting an increase of pension to George Perkins; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLAND: Evidence in support of bill granting increase in pension of Ida E. Jones; to the Committee on Invalid Pensions.

Also, evidence in support of bill granting increase of pension to George C. Cranshaw; to the Committee on Invalid Pensions.

Also, evidence in support of bill granting increase in pension of Robert W. Potts; to the Committee on Invalid Pensions.

Also, evidence in support of bill granting increase in pension of Walter W. McGehee; to the Committee on Invalid Pensions.

By Mr. CARY: Petition of National Federation of Federal Employees, favoring passage of the Keating bill to increase pay of Government employees; to the Committee on Appropriations.

Also, memorials of Philadelphia Trade Press Club and American Federation of Labor, opposing changing present rates on second-class mail matter; to the Committee on Ways and Means.

Also, petition of Albert H. Van Deusen, favoring passage of the volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. CURRY of California: Petition of Rural Letter Carriers' Association of California, asking increase in salaries, etc.; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of Federal Employees' Union No. 4, favoring increase of salaries of Government employees; to the Committee on Appropriations.

By Mr. DARROW: Memorial of Pennsylvania Woman Suffrage Association, favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. ESCH: Memorial of women of Monroe County, Wis., favoring a Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, papers in support of House bill 7938, granting a pension to Phebe A. Shisler; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Memorial of Vorhis Post, No. 273, Department of Iowa, Grand Army of the Republic, for increase of Civil War soldiers' pensions; to the Committee on Invalid Pensions.

By Mr. HARDY: Petition of sundry citizens of Corsicana, Tex., opposing bill to limit the number of cars in a freight train; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Petitions of 102 men and 175 women of the third congressional district of Rhode Island and Newport (R. I.) Central Labor Union, favoring passage of Federal amendment for woman suffrage; to the Committee on Woman Suffrage.

Also, petition of Ellen D. Sharpe, of Providence, R. I., protesting against passage of woman-suffrage amendment; to the Committee on Woman Suffrage.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 6713, granting increase in pension of John S. McGinness; to the Committee on Invalid Pensions.

By Mr. PURNELL: Petition of Alonzo J. Nay and others, of Boone County, Ind., asking bill to forever prohibit boards of trades; to the Committee on Interstate and Foreign Commerce.

Also, petition of James C. Doty and others, favoring creation of court of appeals for benefit of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. RAKER: Memorial of Half Century Association of America, urging suspension of age limit under civil service; to the Committee on Reform in the Civil Service.

Also, memorial of San Francisco Labor Council, protesting against importation of Chinese labor into the country; to the Committee on Immigration and Naturalization.

Also, memorial of parishioners of Christ Church, Washington, D. C., favoring woman suffrage; to the Committee on Woman Suffrage.

Also, petition of State commission of horticulture, Sacramento, Cal., favoring increase in appropriation for extermination of ground squirrels; to the Committee on Agriculture.

Also, memorial of American Federation of Labor, against war tax on second-class mail matter; to the Committee on Ways and Means.

Also, memorial of Alameda County Civic Association, Oakland, Cal., favoring location of Pacific naval base on shores of Alameda; to the Committee on Naval Affairs.

By Mr. RAMSEYER: Petition of 70 ladies of Mahaska County, 25 of Monroe County, and 713 ladies of Wapello County, all in the State of Iowa, favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. TAGUE: Petition of The Bronx Board of Trade, of New York City, favoring keeping pneumatic mail tube; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: Resolution of Federated Trades Council, Colorado Springs, Colo., favoring the adoption of the Susan B. Anthony suffrage amendment; to the Committee on Woman Suffrage.

By Mr. VARE: Petition of Philadelphia Trade Press Club, protesting against rates on second-class mail matter; to the Committee on Ways and Means.

Also, memorial of Prison Reform League of Pennsylvania, requesting investigation of prisons of the District of Columbia; to the Committee on the District of Columbia.

Also, memorial of Pennsylvania Woman Suffrage Association, favoring woman suffrage; to the Committee on Woman Suffrage.

SENATE.

SATURDAY, *January 5, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, bless us with Thy gracious favor, and continue us by Thy continual replenishing, that our spirits may respond to Thy Spirit, that our cause may be Thine, that our land, consecrated to the high ideals born out of the Gospel of Christ, may continue its mission among men until it shall have accomplished its end in the establishment of peace and brotherhood amongst men. For Christ's sake. Amen.

CHARLES S. THOMAS, a Senator from the State of Colorado, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

PETITIONS, ETC., SENT TO THE VICE PRESIDENT.

The VICE PRESIDENT. On the 7th day of December, in order to clarify the situation with reference to the rights and duties of the presiding officer of this body touching petitions and memorials, the Chair announced that unless otherwise ordered by the Committee on Rules petitions and memorials from citizens of the several States must be sent to the Senators representing those States for presentation to the Senate. No exception was taken to this ruling, the only comment being a commendation of the action by the Senator from Pennsylvania [Mr. PENROSE].

Upon yesterday the Chair received a letter from the managing editor of the Vigilantes, a patriotic, antipacifist, nonpartisan organization of authors, artists, and others, with headquarters at 505 Fifth Avenue, New York City, N. Y., asking the Chair to bring to the attention of the Senate certain inclosed letters of protest against the continuing membership in the highest council of the Nation of ROBERT M. LA FOLLETTE.

These letters come squarely within the ruling of the Chair made upon the 7th day of December. They will, therefore, be by the Chair transmitted to the senior Senators of the several States in which the writers thereof reside for such action as the judgment and conscience of the Senators may deem appropriate to be taken.

The presentation of petitions and memorials is in order.

CALLING OF THE ROLL.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, S. Dak.	Nelson	Smith, Ga.
Beckham	Jones, N. Mex.	New	Smith, S. C.
Borah	Jones, Wash.	Norris	Smoot
Culberson	Kellogg	Overman	Sterling
Cummins	Kendrick	Phelan	Stone
Curtis	Kenyon	Pittman	Sutherland
Dillingham	King	Poindexter	Thomas
Fletcher	Kirby	Pomerene	Thompson
France	Knox	Robinson	Tillman
Frelinghuysen	La Follette	Saulsbury	Townsend
Gallinger	Lodge	Shafroth	Trammell
Gronna	McKellar	Sheppard	Watson
Hale	McNary	Sherman	Wolcott
Hollis	Martin	Simmons	
Johnson, Cal.	Myers	Smith, Ariz.	

Mr. FRELINGHUYSEN. My colleague [Mr. HUGHES] is unavoidably absent, owing to illness.

Mr. McNARY. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN] on account of work in committee.

Mr. SUTHERLAND. I desire to announce the unavoidable absence of my colleague [Mr. GOFF] on account of illness.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916, with an amendment; insists upon its amendment to the bill, asks a conference with the Senate on the disagreeing votes in the two Houses thereon, and had appointed Mr. GLASS, Mr. PHELAN, and Mr. HAYS managers of the conference on the part of the House.

PETITIONS.

Mr. NELSON presented a petition of sundry postal employees of Minneapolis, Minn., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a resolution adopted at a conference called by the San Francisco Chamber of Commerce, of California, indorsing the findings and recommendations of the Navy Yard Commission appointed by the Secretary of the Navy to investigate the location of sites, which was referred to the Committee on Naval Affairs.

WAR CONDITIONS IN SEATTLE, WASH.

Mr. POINDEXTER. Mr. President, I present the following letter and ask that it be read by the Secretary.

The VICE PRESIDENT. Is there any objection? There being none, the Secretary will read the letter.

The Secretary read as follows:

WASHINGTON STATE SOCIETY OF ARCHITECTS,
Seattle, Wash., December 29, 1917.

Hon. MILES POINDEXTER,
Washington, D. C.

MY DEAR POINDEXTER: This city is overrun with German sympathizers, and something should be done to check it forthwith. The work of detecting such persons is in the hands of the United States Department of Justice, and do you know that that department is struggling along with 10 poorly paid men, when the least number of well-paid men that can render the desired service that we must have is 50 men; not half that number, but 50, and pay them. Trying to run this department with 10 men under present conditions, and in this the leading shipbuilding point in our country, is a thousand times poorer judgment than was the management of the steamship *Lusitania* in running that vessel without proper field glasses.

I am giving such of my time free to this work as I can and look after my business, and have made the statements above with a full knowledge of what is required.

I will await an early reply from you. I am worried over the situation, knowing what I do, and shall not be satisfied until this matter is remedied.

Sincerely, HARRY H. JAMES.

IMPORTATION OF CHINESE FARMERS.

Mr. PHELAN. Mr. President, yesterday morning the Senator from New Hampshire [Mr. GALLINGER] presented petitions in favor of the importation of Chinese labor to meet the demand for farm labor. The necessity for securing farm labor we all concede. I desire to have spread upon the RECORD, if there be no objection, a letter from the Department of Labor stating that, in view of the fact that the Department of Labor has organized a central farm service for the purpose of meeting the demand for farm labor, "it is not deemed by the department necessary to go into the matter of the importation of Chinese, Japanese, Hindu, or other foreign labor."

I submit this letter from the Department of Labor for printing in the RECORD.

I am disposed to believe that every encouragement should be given the department to solve the farm-labor question before the drastic remedy of importing nonassimilable people be entertained. In a self-governing Republic we must preserve the character of our white population as a first consideration.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF LABOR,
OFFICE OF THE ASSISTANT SECRETARY,
Washington, January 3, 1918.

Hon. JAMES D. PHELAN,
United States Senator, Washington, D. C.

MY DEAR SENATOR: My attention has been called to your communication of December 21st ultimo, addressed to the Secretary of Labor, with which you transmit a letter of the 15th ultimo from Carson C. Cook, general manager of the Rindge Land & Navigation Co., of Stockton, Cal., and also a copy of a communication to Mr. R. L. Adams, State farm-labor agent, Berkeley, Cal., concerning a possible shortage of farm help for 1918.

In this connection I wish to state that a special farm-labor service has been organized within the United States Employment Service and that the matter will be looked into by the officers thereof and recommendations made to meet whatever conditions may arise. In view of this it is not deemed necessary to go into the matter of importation of Chinese, Japanese, Hindu, or other foreign labor.

Sincerely, yours,
LOUIS F. POST, *Assistant Secretary.*

Mr. PHELAN. In this connection I desire to present a petition from the Central Labor Council, of Santa Clara County, Cal., and one from members of the Oil Workers' Local Union No. 15612, American Federation of Labor, of Fellows, Cal., on the same subject, which I ask to have printed in the RECORD.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

CENTRAL LABOR COUNCIL,
San Jose, Cal., December 23, 1917.

Hon. JAMES D. PHELAN,
United States Senator from California, Washington, D. C.

HONORED SIR: The Central Labor Council of Santa Clara County has been informed that Senator GALLINGER, of New Hampshire, has introduced in the Senate a bill "providing for the importation of Chinese as farm laborers during the war." The Central Labor Council of Santa Clara County, Cal., is decidedly opposed to any importation of Chinese, and the secretary has been instructed to communicate with you as to their attitude on any measure of this kind.

I don't believe it is necessary to acquaint our Senator with the sentiment of Californians on questions of this nature, as you have been in public life so long that you are very familiar with the motives behind measures of this kind.

Trusting that you are in accord with the foregoing, I beg to remain,

Yours, very respectfully,
F. J. HEPP,
Secretary Central Labor Council of Santa Clara County.

FELLOWS, CAL., *December 28, 1917.*

Hon. J. D. PHELAN,
Washington, D. C.

DEAR SENATOR: We (Oil Workers' Union, Local No. 15612) humbly beg of you to do all you can to defeat that bill (introduced by Senator GALLINGER) providing for the importation of cheap Asiatic labor. We feel that to admit this cheap labor, even as a war measure, would hamper the laboring class of the United States, and that it would take years to overcome it, if ever. So we, the laboring people of California, ask you again in our behalf to work against this bill.

Thanking you in advance for what you do for us, I am

Very respectfully,
[SEAL.] VIRGIL M. SELF,
Secretary Oil Workers' Union, Local 15612.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 3386) to provide for commissioned officers of the Dental Corps of the Navy the same rank, pay, promotions, and allowances of officers of corresponding grades in the Naval Medical Corps, and for other purposes, which was referred to the Committee on Naval Affairs.

By Mr. FLETCHER:

A bill (S. 3387) to authorize and empower the President to create military zones around shipyards where vessels are under construction for the United States;

A bill (S. 3388) to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 30, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes; and

A bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes; to the Committee on Commerce.

By Mr. MYERS:

A bill (S. 3390) to authorize the transfer to the Government of privately owned timberland within the Bitter Root National Forest, Mont., and for other purposes;

A bill (S. 3391) to authorize the Secretary of the Interior to issue patent to G. H. Beckwith for certain land within the Flathead Indian Reservation, Mont.;

A bill (S. 3392) for furnishing water supply for miscellaneous purposes in connection with reclamation projects; and

A bill (S. 3393) to authorize the exchange with the Government of lands privately owned within national forests; to the Committee on Public Lands.

A bill (S. 3394) granting a pension to Mary J. Ritchey; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 3395) for the relief of Daniel H. Scofield, alias Cofield; to the Committee on Military Affairs.

A bill (S. 3396) granting an increase of pension to Gilbert L. Holmes (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 3397) to fix the salaries of clerks and deputy clerks of the district courts of the United States, and to repeal all other conflicting laws and parts of laws; to the Committee on the Judiciary.

By Mr. NELSON:

A bill (S. 3398) granting an increase of pension to William W. Gordon; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 3399) to amend an act approved May 27, 1908 (35 Stat., pp. 417, 418), and for other purposes;

A bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty;

A bill (S. 3401) to authorize the President to temporarily reduce the course of instruction at the United States Naval Academy;

A bill (S. 3402) to fix the age limits for candidates for admission to the United States Naval Academy;

A bill (S. 3403) for the relief of Paymaster Alvin Hovey-King, United States Navy;

A bill (S. 3404) to authorize the President to drop from the rolls any naval or Marine Corps officer absent without leave for three months, or who has been convicted of any offense by civil authorities, and prohibiting such officer's reappointment;

A bill (S. 3405) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; and

A bill (S. 3406) to authorize the Secretary of the Navy to determine where and when there are no public quarters available for officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. WATSON submitted an amendment proposing to increase the per diem allowance of inspectors in the field while actually traveling on official business away from their homes, etc., from not to exceed $3 per day to $4 per day, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

PROPOSED AMENDMENT OF INCOME-TAX LAW.

The VICE PRESIDENT. Are there concurrent or other resolutions? [A pause.] The morning business is closed.

Mr. PITTMAN. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

Mr. SMOOT. Will the Senator withhold that request for a moment until I make an announcement?

Mr. PITTMAN. Certainly.

Mr. SMOOT. Mr. President, immediately following the exercises of to-day, which I understand are to begin at 12.30 o'clock, I am going to ask, out of order, to offer an amendment to House joint resolution 195, a joint resolution amending the present revenue act. In connection therewith I desire to make a statement. I will say to the Senator from Nevada that it will not take over 30 minutes for me to do so, and I simply give notice now, because if the unfinished business is taken up I shall ask the privilege, out of order, to offer the amendment and to make the remarks which I desire to make.

MINING OF COAL, ETC., ON THE PUBLIC DOMAIN.

Mr. PITTMAN. Mr. President, I renew my request for unanimous consent that the unfinished business may be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

Mr. PITTMAN. I offer the amendments which I send to the desk for the purpose of perfecting the bill.

The VICE PRESIDENT. The first amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. On page 12, line 12, before the word "of," at the beginning of the line, it is proposed to insert the words "by a claimant," so that it will read:

SEC. 16. That upon relinquishment to the United States within 90 days from the date of this act or within 90 days after final denial or withdrawal of application for patent by a claimant, of any claim or subdivision thereof asserted under the mining laws, etc.

Mr. PITTMAN. I do not ask to have these amendments acted on now, but I merely desire to have them read.

The VICE PRESIDENT. The next amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. On page 12, line 14, after the word "withdrawal," it is proposed to insert the words "and who prior to such date had performed all acts necessary to a valid mining location thereof except to make a discovery of oil."

Mr. BORAH. Mr. President, I did not understand what the amendments were. Is the Secretary now reading the last amendment or the context?

Mr. PITTMAN. These are amendments which I am now offering, to be considered later in the day.

The VICE PRESIDENT. The next amendment proposed by the Senator from Nevada will be stated.

The SECRETARY. On page 12, line 15, it is proposed to strike out the word "the" and to insert the word "such," and on page 12, line 17, after the word "each," to insert the word "such."

Mr. PITTMAN. For the purpose of perfecting the text, on behalf of the committee I offer the amendment which I now send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 25, line 6, it is proposed to strike out the word "any" and to insert the words "more than a tenth."

On page 25, line 8, after the word "the," to insert the words "transportation, refining, or."

Mr. PITTMAN. I give notice that immediately after the recess this morning I shall ask to have these amendments taken up in the order in which I have presented them, of course giving way to the Senator from Utah [Mr. SMOOT] for the presentation of the amendment to the amendment, which he desires to submit.

Mr. JONES of Washington. Mr. President, if it is now in order, I desire to propose an amendment to the pending bill, to which I do not think there will be any opposition. I have spoken to the chairman of the committee about it. The amendment is with reference to the provision on page 14 in regard to oil or gas bearing lands in the Territory of Alaska. On page 14, line 9, I desire to move to strike out the sum of "$1,000" and to insert in lieu thereof the sum of "$500." As I understand now, to secure a patent to land in Alaska an expenditure of only $500 is required, and I do not, therefore, see any reason why, to secure the benefits of the provisions of this act, there should be required the expenditure of a greater sum than to secure a patent. So I desire to offer the amendment.

Mr. PITTMAN. I think there is no objection on behalf of the committee to accepting the amendment, but I will ask the Senator from Washington to allow the amendment to go over until after the recess.

Mr. JONES of Washington. I thought that if the amendment would require no discussion and there was no opposition to it we could adopt it now.

Mr. PITTMAN. I am sure the amendment will require a few minutes of explanation.

Mr. JONES of Washington. Very well; I will withdraw the amendment now, and I shall offer it later.

RECEPTION OF THE SERBIAN MISSION.

Mr. MARTIN. Mr. President, I have just been advised that the members of the Serbian mission are now in the Capitol, and I am sure it will be a pleasure for the Members of the Senate to have an opportunity to receive them and to be presented to them. I therefore move that the Senate take a recess until 1 o'clock.

The motion was agreed to.

The VICE PRESIDENT. The Chair appoints the Senator from Virginia [Mr. MARTIN], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Missouri [Mr. STONE], the Senator from Pennsylvania [Mr. KNOX], the Senator from Delaware [Mr. SAULSBURY], and the Senator from Massachusetts [Mr. LODGE] to conduct the members of the Serbian mission into the Senate Chamber.

At 12 o'clock and 30 minutes p. m. the members of the Serbian mission, escorted by the committee appointed by the Vice President and headed by the Sergeant at Arms, appeared at the main door of the Chamber, and were announced to the Senate by the Sergeant at Arms. The members of the mission were: Dr. Milenko R. Vesnitch (chairman), Dr. Sima Loznitch, Gen. Michailo Rachitch, Lieut. Col. Michailo Nenadovitch, Capt. Milan Yovitchitch, and Mr. Vladislav Martinatz.

Mr. Lioubomir Michailovitch, minister from Serbia to the United States; Mr. Alexandre V. Georgevitch, and Mr. Todorovitch accompanied the mission into the Senate Chamber, together with the Assistant Secretary of State, Mr. William Phillips, Mr. A. B. Ruddock, of the Department of State, and Lieut. H. F. Armstrong, United States Army.

Dr. Milenko R. Vesnitch was seated on the right of the Vice President and Minister Michailovitch on his left.

ADDRESS BY THE VICE PRESIDENT.

The VICE PRESIDENT. Senators, even so untrained a mind as mine grasps the artistic possibilities of this scene. Here you are, the representatives of a free people, because your forbears heard and heeded the agonizing cry of Patrick Henry in the Virginia House of Burgesses. Here they are, the representatives of a people who for nearly six centuries in mortal combat with Austrian and with Turk have written in the blood of their sons upon the greensward of every mountain side and every valley of the Balkans the immortal cry of Henry. Here you both are this day, each a worthy representative of his race, clasping hands in the midnight darkness and solemnly vowing that the morrow's morn will find you and yours, as always, consecrated to liberty or to death! [Applause.]

If I were asked by some not so learned as you what the world will open its eyes upon when the nightmare of this awful carnage has passed, I should answer of my faith and hope and not my knowledge; I should say that the world would gaze upon one dream come true.

The greatest of the national heroes of our visiting friends was Stephen Dushan, Stephen the Throttler. His untimely death prevented the unification of the Serbs and the driving of the last Turk from the soil of Europe. It is a far cry from Diavoli to Washington. The physical Throttler died there; the spiritual Throttler, we hope, lives in this city. [Applause.]

For centuries the dream of the real world has been that some time, somehow, the spirit to rule alien nations, the ambition to lord it over conquered provinces, the arrogant desire to fatten and grow great upon the broken and bruised bodies of the weak and helpless would be throttled, throttled to their undoing and to their death; and when that time comes, as come it must, the Serb will be as free as the air that soothes to sleep his babe on the Balkan mountain side.

Senators, you are not what you pretend to be if it be not "hats off" and voices in unison with these our friends as they sing:

On our sepulcher of ages
Breaks the resurrection morn,
From the slough of direst slavery
Serbia anew is born;
Through five hundred years of durance
We have knelt before Thy face;
All our kin, O God, deliver—
Thus entreats the Serbian race.

[Applause.]

We should be traitors and forsworn to our own glorious traditions if we did not gladly greet and joyously acclaim the representatives of a people who, through the long centuries, have never failed to put their backs to the wall of Europe fighting to die in the defense of their rights and their liberties. So, Senators, it pleases me to present to you Dr. Milenko Vesnitch, the head of the Serbian mission, whom the wings of destiny have wafted to our shores. [Applause.]

ADDRESS BY DR. MILENKO R. VESNITCH.

Dr. VESNITCH. Mr. President and gentlemen of the Senate, destiny willed that we arrive in the United States just before your Christmas eve, and, having heard in Europe of the historic announcements made in your Congress during the past year, like the Magi from the East, we were anxious to inquire and to testify to their truth. The same good destiny wills, thanks to your gracious invitation, that we appear before you on the eve of our Christmas, and, like the shepherds of the Gospel, we are now going about in the splendid capital of your country singing in our hearts and reciting to ourselves the magic words which President Wilson has addressed to mankind, "We believe in peace, but we believe also in justice and righteousness and liberty." More than anybody we believe that peace can not subsist without justice, without liberty and righteousness.

From over the ocean we have anxiously listened to the epochal declarations of the eminent leader of the greatest and purest democracy that history has ever known, and we have been happy to understand that this Congress was in complete harmony with the ideas of the dignified successor of Washington and of Lincoln.

With golden characters in their hearts and souls, all liberty-loving nations will inscribe forever his and your program, following which America stands first of all for the right of men to determine whom they will obey and whom they will serve, for the right of political freedom and a people's sovereignty; for the equality of nations, which means the equality of rights, neither recognizing nor implying a difference between big nations and small, between those that are powerful and those that are weak; for no peace can last or ought to last which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed [applause], and that no right anywhere exists to hand people about from sovereignty to sovereignty, as if they were property. [Renewed applause.] We, too, accept with enthusiasm the doctrine of Monroe as the doctrine of the world, "that no nation should seek to extend its policy over any other nation or people, but that every nation or people should be left free to determine its own policy, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful." We are happy to be permitted to share with you the belief that right shall command might, and that it ought not to be dishonored in its very inception.

Let me confess to you, gentlemen, that over there in Europe many people were anxious for months, if not for years, as to the attitude of the United States in this unexampled war. But let me add at the same time that I was not of the number. How could a man acquainted with your history imagine for a single moment that this great Nation should confine herself to the part of a reserved spectator in the presence of the most tremendous struggle for the highest principles of humanity? How could we believe that you could have been insensible in reading the barbarous and unprecedented ultimatum which the Hapsburg Government presented to Serbia and foreseeing the unequal struggle between the two countries, of which the one was

ten times bigger and stronger than the other, especially as the latter had just passed through two successive wars? How could an American citizen remain indifferent to the violation of Belgian neutrality, excused by the imperial chancellor with the assertion that solemn international treaties are nothing else than simple "scraps of paper"?

The people who doubted the course you were going to take are excused only by the consideration that they did not know, or rather that they had forgotten, your history.

My mind had been fixed about this problem from the very first moment of the war. But on the tragic day when our old King and his heroic son, our almost dying Vojvod Putnik, and our last soldier, hungering and freezing, quite exhausted, left the Albanian coast, taking with them nothing save our national flag and our honor enveloped in it [applause], I remained for hours and hours deploring our unmerited misfortune and defending myself against despair, and, glancing at the map in my mind, I reviewed countries and nations. And looking across the Atlantic, I saw your ancestors sailing over the "sea of darkness," after having left forever in their native countries all that was dear to them, and going to this unknown continent without any fear, unaware of the trials and troubles awaiting them here, scorning the risks and dangers, determined to fight with savages, with beasts, and with the elements. For what reason? Because they were not willing to endure autocracy and capriciousness in their native countries, and because they were ready and capable to found new human societies, where political, religious, and moral liberty would be the same for all, and where law and right would command instead of tyranny and caprice. I have followed their generations, extending civilization over the mountains, over the woods and lakes, and enlarging the political rights of everybody in this part of the continent—becoming, in a word, the promised land of all liberty-loving people. [Applause.] I remembered then how early it was that Turgot represented the American people as "the hope of mankind," and how justly he appreciated and foresaw at that time the character and importance of your people for the civilization of mankind. The American people, he thought, "must show the world by its example that men can be free and tranquil, and can do without the chains that tyrants and cheats of all garbs have tried to lay on them under the pretense of public good. It must give the example of political liberty, religious liberty, commercial and industrial liberty."

This prophecy of the great French statesman, made in the second half of the eighteenth century, has become a reality. And so, in my desolate eagerness, I said to myself that the Nation with this origin and this history, I know, can not consent to the overwhelming of the whole civilized world by the barbarous rule which centuries ago had forced them to leave their native countries and to seek other homes, and that the day is not far off when the Star-Spangled Banner will join the flags of the nations fighting for freedom, for right, and for justice, and that then better days will come for the nations suffering injustice in Europe and throughout the whole world. [Applause.]

The Serbian Nation, with their kinsmen, the Croats and Slovenes, have suffered in this war more than any other nation. But I shall not appeal to-day to your commiseration. I am happy and proud to say we have fought for our liberties as bravely as any one of our gallant allies. [Applause.] In thus fulfilling our sacred duty to our country we venture to think that we have rendered a real service, however small it may be, to the better future of humanity, for in defending our beloved land our regiments have sown the greater portion of our territory with the lives of the best of their men. These seeds of virtue can not, they will not, perish. They have even begun to give their blessed fruits. To them we owe the interest which the civilized world has taken in our national cause; to them, and because of their martyrdom, we owe the heartiness with which your great Nation has opened her magnanimous arms to us; to them my friends here present and I myself owe the great honor of being received in your Senate, which we regard as the strongest asylum of right, of liberty, and of justice, and as the noblest temple for the prayer of a better future for the human race. [Applause.]

We, too, believe with you, Mr. President of the Senate; we, too, have faith to-day that the morning light will break in this good year at hand, and that it will break with the sun of liberty rising upon a rose-tinted sky. We, too, have in this solemn hour a vision, and we voice our unalterable faith that this magnificent Republic is to lead the nations of the world unto the mountain of perfect peace and to become the arbiter of them all, because we know that the American commandments of peace are commandments of justice, which alone will enable mankind to improve in free evolution.

When, in the service of these ideals, the allied Governments, the allied soldiers and sailors, and civilian men and women will have put forth all their energies; when, in a coordinated and strongly cemented unity of all our forces, of all our war aims, and of all our thoughts, we win this fight—and we must win it unless we are all to be crushed in slavery under the Prussian heel—then, as you said some days ago, Mr. President:

The darkness will disappear. The light will break over a world grown old in want, in sin, in misery, in autocratic kingcraft. It will be the light of a newer and a better day; and anything else that America has ever accomplished will pale into insignificance before the light of the sacrifices which it shall have made for humanity and for freedom.

Blessed be the nation which first in history gives glorious impulse to the Christian teaching, "Thou shalt love thy neighbor as thyself."

Accept, for the sake of our common humanity in these epochal days, the heartfelt gratitude of a small but of an honest nation. [Prolonged applause.]

The VICE PRESIDENT. Senators, Dr. Vesnitch and the members of the mission will be pleased to meet you and greet you.

The members of the Serbian mission took their places at the left of the Vice President's desk and the Members of the Senate were presented to them by the committee appointed by the Vice President.

The distinguished visitors were escorted from the Chamber, and (at 1 o'clock p. m.) the Senate reassembled upon the expiration of the recess.

MINING OF COAL, ETC., ON THE PUBLIC DOMAIN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

The PRESIDENT pro tempore. The Secretary will report the pending amendment.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

Mr. SMITH of Arizona. I rose also to suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, S. Dak.	Norris	Sterling
Beckham	Jones, N. Mex.	Phelan	Stone
Borah	Jones, Wash.	Pittman	Sutherland
Calder	Kendrick	Pomerene	Swanson
Chamberlain	Kenyon	Robinson	Thompson
Fletcher	King	Saulsbury	Tillman
France	Lodge	Shafroth	Townsend
Gallinger	McCumber	Sheppard	Trammell
Gerry	McKellar	Sherman	Watson
Gronna	McNary	Simmons	Weeks
Hale	Martin	Smith, Ariz.	Wolcott
Harding	Myers	Smith, Ga.	
Hollis	Nelson	Smith, S. C.	
Johnson, Cal.	New	Smoot	

Mr. GERRY. I desire to announce that the Senator from Illinois [Mr. LEWIS] is detained on important business. I also wish to announce that the Senator from Louisiana [Mr. BROUSSARD] and the Senator from Oklahoma [Mr. GORE] are detained from the Senate by illness.

Mr. McKELLAR. I wish to state that the senior Senator from Tennessee [Mr. SHIELDS] is unavoidably detained from the Chamber this morning.

Mr. TOWNSEND. I desire to announce the unavoidable absence of my colleague [Mr. SMITH of Michigan]. I will let this announcement stand for the day.

Mr. MYERS. My colleague [Mr. WALSH] is still detained from the Senate by illness.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present.

PROPOSED AMENDMENTS TO EXISTING REVENUE LAWS.

Mr. SMOOT. Mr. President, out of order I offer the following amendment to House joint resolution 195. I ask that it be printed in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment referred to is as follows:

Amendments intended to be proposed by Mr. SMOOT to the joint resolution (H. J. Res. 195) entitled "Joint resolution amending the act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, so as to subject to the war excess-profits tax the compensation of officers and employees under the United States, including Members of Congress," viz: Strike out all after the resolving clause and insert the following:

TITLE I.—INCOME TAX.

Part 1.—On individuals.

SECTION 1. (a) That there shall be levied, assessed, collected, and paid annually upon the entire net income received in the preceding calendar year from all sources by every individual, a citizen or resident of the United States, a tax of 2 per cent upon such income; and a

like tax shall be levied, assessed, collected, and paid annually upon the entire net income received in the preceding calendar year from all sources within the United States by every individual, a nonresident alien, including interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise.

(b) In addition to the income tax imposed by subdivision (a) of this section (herein referred to as the normal tax) there shall be levied, assessed, collected, and paid upon the total net income of every individual, or, in the case of a nonresident alien, the total net income received from all sources within the United States, an additional income tax (herein referred to as the additional tax) of 1 per cent per annum upon the amount by which such total net income exceeds $5,000 and does not exceed $7,500, 2 per cent per annum upon the amount by which such total net income exceeds $7,500 and does not exceed $10,000, 3 per cent per annum upon the amount by which such total net income exceeds $10,000 and does not exceed $12,500, 4 per cent per annum upon the amount by which such total net income exceeds $12,500 and does not exceed $15,000, 5 per cent per annum upon the amount by which such total net income exceeds $15,000 and does not exceed $20,000, 6 per cent per annum upon the amount by which such total net income exceeds $20,000 and does not exceed $40,000, 12 per cent per annum upon the amount by which such total net income exceeds $40,000 and does not exceed $60,000, 17 per cent per annum upon the amount by which such total net income exceeds $60,000 and does not exceed $80,000, 22 per cent per annum upon the amount by which such total net income exceeds $80,000 and does not exceed $100,000, 27 per cent per annum upon the amount by which such total net income exceeds $100,000 and does not exceed $150,000, 31 per cent per annum upon the amount by which such total net income exceeds $150,000 and does not exceed $200,000, 37 per cent per annum upon the amount by which such total net income exceeds $200,000 and does not exceed $250,000, 42 per cent per annum upon the amount by which such total net income exceeds $250,000 and does not exceed $300,000, 46 per cent per annum upon the amount by which such total net income exceeds $300,000 and does not exceed $500,000, 50 per cent per annum upon the amount by which such total net income exceeds $500,000 and does not exceed $750,000, 55 per cent per annum upon the amount by which such total net income exceeds $750,000 and does not exceed $1,000,000, 61 per cent per annum upon the amount by which such total net income exceeds $1,000,000 and does not exceed $1,500,000, 62 per cent per annum upon the amount by which such total net income exceeds $1,500,000 and does not exceed $2,000,000, and 63 per cent per annum upon the amount by which such total net income exceeds $2,000,000.

For the purpose of the additional tax there shall be included as income the income derived from dividends on the capital stock or from the net earnings of any corporation, joint stock company or association, or insurance company, except that in the case of nonresident aliens such income derived from sources without the United States shall not be included.

All the provisions of this title relating to the normal tax on individuals, so far as they are applicable and are not inconsistent with this subdivision and section 3, shall apply to the imposition, levy, assessment, and collection of the additional tax imposed under this subdivision.

(c) The foregoing normal and additional tax rates shall apply to the entire net income, except as hereinafter provided, received by every taxable person in the calendar year 1917 and in each calendar year thereafter.

INCOME DEFINED.

SEC. 2. (a) That, subject only to such exemptions and deductions as are hereinafter allowed, the net income of a taxable person shall include gains, profits, and income derived from salaries, wages, or compensation for personal service of whatever kind and in whatever form paid, or from professions, vocations, businesses, trade, commerce, or sales, or dealings in property, whether real or personal, growing out of the ownership or use of or interest in real or personal property, also from interest, rent, dividends, securities, or the transaction of any business carried on for gain or profit, or gains or profits and income derived from any source whatever.

(b) Income received by estates of deceased persons during the period of administration or settlement of the estate shall be subject to the normal and additional tax and taxed to their estates, and also such income of estates or any kind of property held in trust, including such income accumulated in trust for the benefit of unborn or unascertained persons, or persons with contingent interests, and income held for future distribution under the terms of the will or trust shall be likewise taxed, the tax in each instance, except when the income is returned for the purpose of the tax by the beneficiary, to be assessed to the executor, administrator, or trustee, as the case may be: *Provided*, That where the income is to be distributed annually or regularly between existing heirs or legatees or beneficiaries the rate of tax and method of computing the same shall be based in each case upon the amount of the individual share to be distributed.

Such trustees, executors, administrators, and other fiduciaries are hereby indemnified against the claims or demands of every beneficiary for all payments of taxes which they shall be required to make under the provisions of this title, and they shall have credit for the amount of such payments against the beneficiary or principal in any accounting which they make as such trustees or other fiduciaries.

(c) For the purpose of ascertaining the gain derived from the sale or other disposition of property, real, personal, or mixed, acquired before March 1, 1913, the fair market price or value of such property as of March 1, 1913, shall be the basis for determining the amount of such gain derived.

ADDITIONAL TAX INCLUDES UNDISTRIBUTED PROFITS.

SEC. 3. For the purpose of the additional tax the taxable income of any individual shall include the share to which he would be entitled of the gains and profits, if divided or distributed, whether divided or distributed or not, of all corporations, joint-stock companies or associations, or insurance companies, however created or organized, formed or fraudulently availed of for the purpose of preventing the imposition of such tax through the medium of permitting such gains and profits to accumulate instead of being divided or distributed; and the fact that any such corporation, joint-stock company or association, or insurance company is a mere holding company or that the gains and profits are permitted to accumulate beyond the reasonable needs of the business, shall be prima facie evidence of a fraudulent purpose to escape such tax; but the fact that the gains and profits are in any case permitted to accumulate and become surplus shall not be construed as evidence of a purpose to escape the said tax in such case unless the Secretary of the Treasury shall certify that in his opinion such accumulation is unreasonable for the purposes of the business. When requested by the Commissioner of Internal Revenue, or any district collector of internal revenue, such corporation, joint-stock company or association, or insurance company shall forward to him a correct statement of such gains and profits and the names and addresses of the individuals or shareholders who would be entitled to the same if divided or distributed.

SEC. 4. The following income shall be exempt from the provisions of this title:

The proceeds of life insurance policies paid to individual beneficiaries upon the death of the insured; the amount received by the insured, as a return of premium or premiums paid by him under life insurance, endowment, or annuity contracts, either during the term or at the maturity of the term mentioned in the contract or upon surrender of the contract; the value of property acquired by gift, bequest, devise, or descent (but the income from such property shall be included as income); interest upon the obligations of a State or any political subdivision thereof or upon the obligations of the United States, but, in the case of obligations of the United States issued after September 1, 1917, only if and to the extent provided in the act authorizing the issue thereof) or its possessions or securities issued under the provisions of the Federal farm-loan act of July 17, 1916; the compensation of all officers and employees of a State, or any political subdivision thereof, except when such compensation is paid by the United States Government.

DEDUCTIONS ALLOWED.

SEC. 5. That in computing net income in the case of a citizen or resident of the United States—

(a) For the purpose of the tax there shall be allowed as deductions—

First. The necessary expenses actually paid in carrying on any business or trade, not including personal, living, or family expenses;

Second. All interest paid within the year on his indebtedness, except on indebtedness incurred for the purchase of obligations or securities the interest upon which is exempt from taxation as income under this title;

Third. Taxes paid within the year imposed by the authority of the United States (except income and war-profits taxes), or of its Territories or possessions, or any foreign country, or by the authority of any State, county, school district, or municipality, or other taxing subdivision of any State, not including those assessed against local benefits;

Fourth. Losses actually sustained during the year, incurred in his business or trade, or arising from fires, storms, shipwreck, or other casualty, and from theft, when such losses are not compensated for by insurance or otherwise: *Provided*, That for the purpose of ascertaining the loss sustained from the sale or other disposition of property, real, personal, or mixed, acquired before March 1, 1913, the fair market price or value of such property as of March 1, 1913, shall be the basis for determining the amount of such loss sustained;

Fifth. In transactions entered into for profit but not connected with his business or trade, the losses actually sustained therein during the year to an amount not exceeding the profits arising therefrom;

Sixth. Debts due to the taxpayer actually ascertained to be worthless and charged off within the year;

Seventh. A reasonable allowance for the exhaustion, wear, and tear of property arising out of its use or employment in the business or trade;

Eighth. (a) In the case of oil and gas wells a reasonable allowance for actual reduction in flow and production to be ascertained not by the flush flow but by the settled production or regular flow; (b) in the case of mines a reasonable allowance for depletion thereof not to exceed the market value in the mine of the product thereof, which has been mined and sold during the year for which the return and computation are made, such reasonable allowance to be made in the case of both (a) and (b) under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That the allowances authorized in (a) and (b) shall equal the capital originally invested, or in case of purchase made prior to March 1, 1913, the fair market value as of that date, no further allowance shall be made. No deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate, and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made;

Ninth. Contributions or gifts actually made within the year to corporations or associations organized and operated exclusively for religious, charitable, scientific, or educational purposes, or to societies for the prevention of cruelty to children or animals, no part of the net income of which inures to the benefit of any private stockholder or individual, to an amount not in excess of 15 per cent of the taxpayer's taxable net income as computed without the benefit of this paragraph. Such contributions or gifts shall be allowable as deductions only if verified under rules and regulations prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

CREDITS ALLOWED.

(b) For the purpose of the normal tax only the income embraced in a personal return shall be credited with the amount received as dividends upon the stock or from the net earnings of any corporation, joint-stock company, or association, trustee, or insurance company, which is taxable upon its net income as hereinafter provided.

(c) A like credit shall be allowed as to the amount of income, the normal tax upon which has been paid or withheld for payment at the source of the income under the provisions of this title.

NONRESIDENT ALIENS.

SEC. 6. That in computing net income in the case of a nonresident alien—

(a) For the purpose of the tax there shall be allowed as deductions—

First. The necessary expenses actually paid in carrying on any business or trade conducted by him within the United States, not including personal, living, or family expenses;

Second. The proportion of all interest paid within the year by such person on his indebtedness (except on indebtedness incurred for the purchase of obligations or securities the interest upon which is exempt from taxation as income under this title) which the gross amount of his income for the year derived from sources within the United States bears to the gross amount of his income for the year derived from all sources within and without the United States, but this deduction shall be allowed only if such person includes in the return required by section 8 all the information necessary for its calculation;

Third. Taxes paid within the year imposed by the authority of the United States (except income and war-profits taxes) or of its Territories or possessions, or by the authority of any State, county, school

district, or municipality, or other taxing subdivision of any State, paid within the United States, not including those assessed against local benefits;

Fourth. Losses actually sustained during the year, incurred in business or trade conducted by him within the United States, and losses of property within the United States arising from fires, storms, shipwreck, or other casualty, and from theft, when such losses are not compensated for by insurance or otherwise: *Provided*, That for the purpose of ascertaining the amount of such loss or losses sustained in trade, or speculative transactions not in trade, from the same or any kind of property acquired before March 1, 1913, the fair market price or value of such property as of March 1, 1913, shall be the basis for determining the amount of such loss or losses sustained;

Fifth. In transactions entered into for profit but not connected with his business or trade, the losses actually sustained therein during the year to an amount not exceeding the profits arising therefrom in the United States;

Sixth. Debts arising in the course of business or trade conducted by him within the United States due to the taxpayer actually ascertained to be worthless and charged off within the year;

Seventh. A reasonable allowance for the exhaustion, wear, and tear of property within the United States arising out of its use or employment in the business or trade; (a) in the case of oil and gas wells a reasonable allowance for actual reduction in flow and production to be ascertained not by the flush flow, but by the settled production or regular flow; (b) in the case of mines a reasonable allowance for depletion thereof not to exceed the market value in the mine of the product thereof which has been mined and sold during the year for which the return and computation are made, such reasonable allowance to be made in the case of both (a) and (b) under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That when the allowance authorized in (a) and (b) shall equal the capital originally invested, or in case of purchase made prior to March 1, 1913, the fair market value as of that date, no further allowance shall be made. No deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate, and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made.

(b) There shall also be allowed the credits specified by subdivisions (b) and (c) of section 5.

(c) A nonresident alien individual shall receive the benefit of the deductions and credits provided for in this section only by filing or causing to be filed with the collector of internal revenue a true and accurate return of his total income, received from all sources, corporate or otherwise, in the United States, in the manner prescribed by this title; and in case of his failure to file such return the collector shall collect the tax on such income, and all property belonging to such nonresident alien individual shall be liable to distraint for the tax.

PERSONAL EXEMPTION.

SEC. 7. That for the purpose of the normal tax only, there shall be allowed as an exemption in the nature of a deduction from the amount of the net income of each citizen or resident of the United States, ascertained as provided herein, the sum of $1,000, plus $1,000 additional if the person making the return be a head of a family or a married man with a wife living with him, or plus the sum of $1,000 additional if the person making the return be a married woman with a husband living with her; but in no event shall this additional exemption of $1,000 be deducted by both a husband and a wife: *Provided*, That only one deduction of $2,000 shall be made from the aggregate income of both husband and wife when living together: *Provided further*, That if the person making the return is the head of a family, there shall be an additional exemption of $200 for each child dependent upon such person, if under 18 years of age or if incapable of self-support because mentally or physically defective, but this provision shall operate only in the case of one parent in the same family: *Provided further*, That guardians or trustees shall be allowed to make this personal exemption as to income derived from the property of which such guardian or trustee has charge in favor of each ward or cestui que trust: *Provided further*, That in no event shall a ward or cestui que trust be allowed a greater personal exemption than as provided in this section from the amount of net income received from all sources. There shall also be allowed an exemption from the amount of the net income of estates of deceased citizens or residents of the United States during the period of administration or settlement, and of trust or other estates of citizens or residents of the United States the income of which is not distributed annually or regularly under the provisions of subdivision (b) of section 2, the sum of $1,000, including such deductions as are allowed under section 5.

RETURNS.

SEC. 8. (a) The tax shall be computed upon the net income, as thus ascertained, of each person subject thereto, received in each preceding calendar year ending December 31.

(b) On or before the 1st day of March, 1918, and the 1st day of March in each year thereafter, a true and accurate return under oath shall be made by each person of lawful age, except as hereinafter provided, having a net income of $1,000 or over for the taxable year to the collector of internal revenue for the district in which such person has his legal residence or principal place of business, or if there be no legal residence or place of business in the United States, then with the collector of internal revenue at Baltimore, Md., in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth specifically the gross amount of income from all separate sources, and from the total thereof deducting the aggregate items of allowances herein authorized: *Provided*, That the Commissioner of Internal Revenue shall have authority to grant a reasonable extension of time, in meritorious cases, for filing returns of income by persons residing or traveling abroad who are required to make and file returns of income and who are unable to file said returns on or before March 1 of each year: *Provided further*, That the aforesaid return may be made by an agent when by reason of illness, absence, or nonresidence the person liable for said return is unable to make and render the same, the agent assuming the responsibility of making the return and incurring penalties provided for erroneous, false, or fraudulent return.

(c) Guardians, trustees, executors, administrators, receivers, conservators, and all persons, corporations, or associations acting in any fiduciary capacity, shall make and render a return of the income of the person, trust, or estate for whom or which they act, and be subject to all the provisions of this title which apply to individuals. Such fiduciary shall make oath that he has sufficient knowledge of the affairs of such person, trust, or estate to enable him to make such return and that the same is, to the best of his knowledge and belief, true and correct, and be subject to all the provisions of this title which apply to individuals: *Provided*, That a return made by one of two or more joint fiduciaries filed in the district where such fiduciary resides, under such regulations as the Secretary of the Treasury may prescribe, shall be a sufficient compliance with the requirements of this paragraph: *Provided further*, That no return of income not exceeding $1,000 shall be required except as in this title otherwise provided.

(d) Persons carrying on business in partnership shall be liable for income tax only in their individual capacity, and the share of the profits of the partnership to which any taxable partner would be entitled if the same were divided, whether divided or otherwise, shall be returned for taxation and the tax paid under the provisions of this title: *Provided*, That from the net distributive interests on which the individual members shall be liable for tax, normal and additional, there shall be excluded (1) their proportionate shares received from interests on the obligations of a State or any political or taxing subdivision thereof, and upon the obligations of the United States (if and to the extent that it is provided in the act authorizing the issue of such obligations of the United States that they are exempt from taxation) and its possessions, and (2) their proportionate shares of amounts paid to individual partners as reasonable salaries or compensation for personal services actually rendered during the taxable year, if such payments are made in accordance with prior agreements and are properly recorded on the books of the partnership; but in no case shall such salaries or compensation be in excess of the salaries or compensation customarily paid for similar services under like responsibilities by corporations engaged in like or similar trade or business. With respect to any period from the beginning of the calendar year 1917 (or, if the partnership has fixed its own fiscal year, from the beginning of such fiscal year) to March 1, 1918, where no previous agreement has been made as to salaries or compensation a like allowance shall be made for services actually rendered. In the case of a foreign partnership the allowance shall be limited to those portions of salaries or compensation which are paid for services rendered with respect to trade or business carried on within the United States: *Provided further*, That for the purpose of computing the normal tax there shall be allowed to the individual members a credit, as provided by section 5, subdivision (b), for their proportionate share of the profits derived from dividends.

Such partnership, when requested by the Commissioner of Internal Revenue or any district collector, shall render a correct return of the earnings, profits, and income of the partnership, except income exempt under section 4 of this act, setting forth the item of the gross income and the deductions and credits allowed by this title, and the names and addresses of the individuals who would be entitled to the net earnings, profits, and income if distributed. A partnership shall have the same privilege of fixing and making returns upon the basis of its own fiscal year as is accorded to corporations under this title. If a fiscal year ends during 1916 or a subsequent calendar year for which there is a rate of tax different from the rate for the preceding calendar year, then (1) the rate for such preceding calendar year shall apply to an amount of each partner's share of such partnership profits equal to the proportion which the part of such fiscal year falling within such calendar year bears to the full fiscal year, and (2) the rate for the calendar year during which such fiscal year ends shall apply to the remainder.

(e) In every return shall be included the income derived from dividends on the capital stock or from the net earnings of any corporation, joint-stock company or association, or insurance company, except that in the case of nonresident aliens such income derived from sources without the United States shall not be included.

(f) An individual keeping accounts upon any basis other than that of actual receipts and disbursements, unless such other basis does not clearly reflect his income, may, subject to regulations made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, make his return upon the basis upon which his accounts are kept, in which case the tax shall be computed upon his income as so returned.

ASSESSMENT AND ADMINISTRATION.

SEC. 9. (a) That all assessments shall be made by the Commissioner of Internal Revenue and all persons shall be notified of the amount for which they are respectively liable on or before the 1st day of June of each successive year, and said amounts shall be paid on or before the 15th day of June, except in cases of refusal or neglect to make such returns and in cases of erroneous, false, or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after any such return is due, or has been made, make a return upon information obtained as provided for in this title or by existing law, or require the necessary corrections to be made, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such person or persons immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the 15th day of June in any year, and for 10 days after notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of tax unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same became due, except from the estates of insane, deceased, or insolvent persons.

(b) All persons, firms, copartnerships, companies, corporations, joint-stock companies or associations, and insurance companies, in whatever capacity acting, including lessees or mortgagors of real or personal property, trustees acting in any trust capacity, executors, administrators, receivers, conservators, employers, and all officers and employees of the United States having the control, receipt, custody, disposal, or payment of interest, rent, salaries, wages, premiums, annuities, compensation, remuneration, emoluments, or other fixed or determinable annual or periodical gains, profits, and income of any nonresident alien individual, other than income derived from dividends on capital stock, or from the net earnings of a corporation, joint-stock company or association, or insurance company, which is taxable upon its net income as provided in this title, are hereby authorized and required to deduct and withhold from such annual or periodical gains, profits, and income such sum as will be sufficient to pay the normal tax imposed thereon by this title, and shall make return thereof on or before March 1 of each year and, on or before the time fixed by law for the payment of the tax, shall pay the amount withheld to the officer of the United States Government authorized to receive the same; and they are each hereby made personally liable for such tax, and they are each hereby indemnified against every person, corporation, partnership, association, or insurance company, or demand whatsoever for all payments which they shall make in pursuance and by virtue of this title.

(c) The amount of the normal tax hereinbefore imposed shall also be deducted and withheld from fixed or determinable annual or periodical gains, profits, and income derived from interest upon bonds and mortgages, or deeds of trust or other similar obligations of corporations, joint-stock companies, associations, and insurance companies (if such bonds, mortgages, or other obligations contain a contract or provision by which the obligor agrees to pay any portion of the tax imposed by this title upon the obligee or to reimburse the obligee for any portion of the tax or to pay the interest without deduction for any tax which the obligor may be required or permitted to pay thereon or to retain therefrom under any law of the United States), whether payable annually or at shorter or longer periods and whether such interest is payable to a nonresident alien individual or to an individual citizen or resident of the United States, subject to the provisions of the foregoing subdivision (b) of this section requiring the tax to be withheld at the source and deducted from annual income and returned and paid to the Government, unless the person entitled to receive such interest shall file with the withholding agent, on or before February 1, a signed notice in writing claiming the benefit of an exemption under section 7 of this title.

(d) All persons, corporations, partnerships, or associations undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills of exchange shall obtain a license from the Commissioner of Internal Revenue, and shall be subject to such regulations enabling the Government to obtain the information required under this title as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and whoever knowingly undertakes to collect such payments as aforesaid without having obtained a license therefor, or without complying with such regulations, shall be deemed guilty of a misdemeanor and for each offense be fined in a sum not exceeding $5,000, or imprisoned for a term not exceeding one year, or both, in the discretion of the court.

(e) The tax herein imposed upon gains, profits, and incomes not falling under the foregoing and not returned and paid by virtue of the foregoing or as otherwise provided by law shall be assessed by personal return under rules and regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. The intent and purpose of this title is that all gains, profits, and income of a taxable class, as defined by this title, shall be charged and assessed with the corresponding tax, normal and additional, prescribed by this title, and said tax shall be paid by the owner of such income, or the proper representative having the receipt, custody, control, or disposal of the same. For the purpose of this title ownership or liability shall be determined as of the year for which a return is required to be rendered.

The provisions of this section, except subdivision (c), relating to the deduction and payment of the tax at the source of income, shall only apply to the normal tax hereinbefore imposed upon nonresident alien individuals.

Part II.—On corporations.

SEC. 10. (a) That there shall be levied, assessed, collected, and paid annually upon the total net income received in the preceding calendar year from all sources by every corporation, joint-stock company or association, or insurance company organized in the United States, no matter how created or organized, but not including partnerships, a tax of 8 per cent upon such income; and a like tax shall be levied, assessed, collected, and paid annually upon the total net income received in the preceding calendar year from all sources within the United States by every corporation, joint-stock company or association, or insurance company organized, authorized, or existing under the laws of any foreign country, including interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, and including the income derived from dividends on capital stock or from net earnings of resident corporations, joint-stock companies or associations, or insurance companies whose net income is taxable under this title.

The foregoing tax rate shall apply to the total net income received by every taxable corporation, joint-stock company or association, or insurance company in the calendar year 1917 and in each year thereafter, except that if it has fixed its own fiscal year under the provisions of existing law, the foregoing rate shall apply to the proportion of the total net income returned for the fiscal year ending prior to December 31, 1917, which the period between January 1, 1917, and the end of such fiscal year bears to the whole of such fiscal year, and the rate fixed in section 10 of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," shall apply to the remaining portion of the total net income returned for such fiscal year.

For the purpose of ascertaining the gain derived or loss sustained from the sale or other disposition by a corporation, joint-stock company or association, or insurance company of property, real, personal, or mixed, acquired before March 1, 1913, the fair market price or value of such property as of March 1, 1913, shall be the basis for determining the amount of such gain derived or loss sustained.

(b) In addition to the income tax imposed by subdivision (a) of this section there shall be levied, assessed, collected, and paid annually an additional tax of 10 per cent upon the amount, remaining undistributed six months after the end of each calendar or fiscal year, of the total net income of every corporation, joint-stock company or association, or insurance company, received during the year, as determined for the purposes of the tax imposed by such subdivision (a), but not including the amount of any income taxes paid by it within the year imposed by the authority of the United States.

The tax imposed by this subdivision shall not apply to that portion of such undistributed net income which is actually invested and employed in the business or is retained for employment in the reasonable requirements of the business or is invested in obligations of the United States issued after September 1, 1917: *Provided*, That if the Secretary of the Treasury ascertains and finds that any portion of such amount so retained at any time for employment in the business is not so employed or is not reasonably required in the business a tax of 15 per cent shall be levied, assessed, collected, and paid thereon.

The foregoing tax rates shall apply to the undistributed net income received by every taxable corporation, joint-stock company or association or insurance company in the calendar year 1917 and in each year thereafter, except that if it has fixed its own fiscal year under the provisions of existing law, the foregoing rates shall apply to the proportion of the taxable undistributed net income returned for the fiscal year ending prior to December 31, 1917, which the period between January 1, 1917, and the end of such fiscal year bears to the whole of such fiscal year.

(c) The taxes imposed by this section shall not apply to any corporation, joint-stock company or association, or insurance company whose net income is less than $2,000, nor to any foreign corporation, joint-stock company or association, or insurance company whose net income from sources within the United States is less than $2,000.

CONDITIONAL AND OTHER EXEMPTIONS.

SEC. 11. (a) That there shall not be taxed under this title any income received by any—

First. Labor, agricultural, or horticultural organization;

Second. Mutual savings bank not having a capital stock represented by shares;

Third. Fraternal beneficiary society, order, or association operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;

Fourth. Domestic building and loan association and cooperative banks without capital stock organized and operated for mutual purposes and without profit;

Fifth. Cemetery company owned and operated exclusively for the benefit of its members;

Sixth. Corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;

Seventh. Business league, chamber of commerce, or board of trade not organized for profit and no part of the net income of which inures to the benefit of any private stockholder or individual;

Eighth. Civic league or organization not organized for profit but operated exclusively for the promotion of social welfare;

Ninth. Club organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net income of which inures to the benefit of any private stockholder or member;

Tenth. Farmers' or other mutual hail, cyclone, or fire insurance company, mutual ditch or irrigation company, mutual or cooperative telephone company, or like organization of a purely local character, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting its expenses;

Eleventh. Farmers', fruit growers', or like association, organized and operated as a sales agent for the purpose of marketing the products of its members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of produce furnished by them;

Twelfth. Corporation or association organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title; or

Thirteenth. Federal land banks and national farm-loan associations as provided in section 26 of the act approved July 17, 1916, entitled "An act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes."

Fourteenth. Joint-stock land banks as to income derived from bonds or debentures of other joint-stock land banks or any Federal land bank belonging to such joint-stock land bank.

(b) There shall not be taxed under this title any income derived from any public utility or from the exercise of any essential governmental function accruing to any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, nor any income accruing to the government of the Philippine Islands or Porto Rico, or of any political subdivision of the Philippine Islands or Porto Rico: *Provided*, That whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, has, prior to the passage of this title, entered in good faith into a contract with any person or corporation, the object and purpose of which is to acquire, construct, operate, or maintain a public utility, no tax shall be levied under the provisions of this title upon the income derived from the operation of such public utility, so far as the payment thereof will impose a loss or burden upon such State, Territory, or the District of Columbia, or a political subdivision of a State or Territory; but this provision is not intended to confer upon such person or corporation any financial gain or exemption or to relieve such person or corporation from the payment of a tax as provided for in this title upon the part or portion of the said income to which such person or corporation shall be entitled under such contract.

DEDUCTIONS.

SEC. 12. (a) In the case of a corporation, joint-stock company or association, or insurance company, organized in the United States, such net income shall be ascertained by deducting from the gross amount of its income received within the year from all sources—

First. All the ordinary and necessary expenses paid within the year in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity;

Second. All losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the exhaustion, wear, and tear of property arising out of its use or employment in the business or trade; (a) in the case of oil and gas wells reasonable allowance for actual reduction in flow and production, to be ascertained not by the flush flow, but by the settled production or regular flow; (b) in the case of mines a reasonable allowance for depletion thereof, not to exceed the market value in the mine of the product thereof which has been mined and sold during the year for which the return and computation are made, such reasonable allowance to be made in the case of both (a) and (b) under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That when the allowance authorized in (a) and (b) shall equal the capital originally invested, or in case of purchase made prior to March 1, 1913, the fair market value as of that date, no further allowance shall be made; and (c) in the case of insurance companies, the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: *Provided*, That no deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate, and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made: *Provided further*, That mutual fire and mutual employers' liability and mutual workmen's compensation and mutual casualty insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policyholders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves: *Provided further*, That mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them, less amounts paid for reinsurance, but shall be entitled to include in deductions from gross income amounts repaid to policyholders on account of premiums previously paid by them and interest paid upon such amounts between the ascertainment thereof and the payment thereof, and life insurance companies shall not include as income in any year such portion of any actual premium received from any individual policyholder as shall have been paid back or credited to such individual policyholder, or treated as an abatement of premium of such individual policyholder, within such year.

Third. The amount of interest paid within the year on its indebtedness (except on indebtedness incurred for the purchase of obligations or securities the interest upon which is exempt from taxation as income under this title).

Fourth. Taxes paid within the year imposed by the authority of the United States (except income and excess profits taxes), or of its Territories or possessions, or any foreign country, or by the authority of any State, county, school district, or municipality, or other taxing subdivision of any State, not including those assessed against local benefits: *Provided*, That in the case of bonds or other indebtedness, which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed, or any other tax paid pursuant to such guaranty, shall be allowed.

(b) In the case of a corporation, joint-stock company or association, or insurance company, organized, authorized, or existing under the laws of any foreign country, such net income shall be ascertained by deducting from the gross amount of its income received within the year from all sources within the United States—

First. All the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the United States, including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity;

Second. All losses actually sustained within the year in business or trade conducted by it within the United States and not compensated by insurance or otherwise, including a reasonable allowance for the exhaustion, wear, and tear of property arising out of its use or employment in the business or trade; (a) and in the case of oil and gas wells a reasonable allowance for actual reduction in flow and production to be ascertained not by the flush flow, but by the settled production or regular flow; (b) in the case of mines a reasonable allowance for depletion thereof not to exceed the market value in the mine of the product thereof which has been mined and sold during the year for which the return and computation are made, such reasonable allowance to be made in the case of both (a) and (b) under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That when the allowance authorized in (a) and (b) shall equal the capital originally invested, or in case of purchase made prior to March 1, 1913, the fair market value as of that date, no further allowance shall be made; and (c) in the case of insurance companies, the net addition, if any, required by law to be made within the year to reserve funds and the sums other than dividends paid within the year on policy and annuity contracts: *Provided*, That no deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate, and no deductions shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made: *Provided, further*, That mutual fire and mutual employers' liability and mutual workmen's compensation and mutual casualty insurance companies requiring their members to make premium deposits to provide for losses and expenses shall not return as income any portion of the premium deposits returned to their policyholders, but shall return as taxable income all income received by them from all other sources plus such portions of the premium deposits as are retained by the companies for purposes other than the payment of losses and expenses and reinsurance reserves: *Provided further*, That mutual marine insurance companies shall include in their return of gross income gross premiums collected and received by them less amounts paid for reinsurance, but shall be entitled to include in deductions from gross income amounts repaid to policyholders on account of premiums previously paid by them, and interest paid upon such amounts between the ascertainment thereof and the payment thereof, and life insurance companies shall not include as income in any year such portion of any actual premium received from any individual policyholder as shall have been paid back or credited to such individual policyholder, or treated as an abatement of premium of such individual policyholder, within such year;

Third. The amount of interest paid within the year on its indebtedness (except on indebtedness incurred for the purchase of obligations or securities the interest upon which is exempt from taxation as income under this title) to an amount of such indebtedness not in excess of the proportion thereof which its net income from sources within the United States bears to its entire net income;

Fourth. Taxes paid within the year imposed by the authority of the United States (except income and excess-profits taxes), or of its Territories, or possessions, or by the authority of any State, county, school district, or municipality, or other taxing subdivision of any State, paid within the United States, not including those assessed against local benefits: *Provided*, That in the case of bonds or other indebtedness which have been issued with a guaranty that the interest payable thereon shall be free from taxation, no deduction for the payment of the tax herein imposed or any other tax paid pursuant to such guaranty shall be allowed.

(c) In the case of assessment insurance companies, whether domestic or foreign, the actual deposit of sums with State or Territorial officers, pursuant to law, as additions to guarantee or reserve funds shall be treated as being payments required by law to reserve funds.

RETURNS.

SEC. 13. (a) The tax shall be computed upon the net income, as thus ascertained, received within each preceding calendar year ending December 31: *Provided*, That any corporation, joint-stock company or association, or insurance company, subject to this tax, may designate the last day of any month in the year as the day of the closing of its fiscal year and shall be entitled to have the tax payable by it computed upon the basis of the net income ascertained as herein provided for the year ending on the day so designated in the year preceding the date of assessment instead of upon the basis of the net income for the calendar year preceding the date of assessment; and it shall give notice of the day it has thus designated as the closing of its fiscal year to the collector of the district in which its principal business office is located at any time not less than 30 days prior to the 1st day of March of the year in which its return would be filed if made upon the basis of the calendar year;

(b) Every corporation, joint-stock company or association, or insurance company, subject to the tax herein imposed, shall, on or before the 1st day of March, 1918, and the 1st day of March in each year thereafter, or, if it has designated a fiscal year for the computation of its tax, then within 60 days after the close of such fiscal year ending prior to December 31, 1916, and the close of each such fiscal year thereafter, render a true and accurate return of its annual net income in the manner and form to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and containing such facts, data, and information as are appropriate and in the opinion of the commissioner necessary to determine the correctness of the net income returned and to carry out the provisions of this title. The return shall be sworn to by the president, vice president, or other principal officer, and by the treasurer or assistant treasurer. The return shall be made to the collector of the district in which is located the principal office of the corporation, company, or association, where are kept its books of account and other data from which the return is prepared, or in the case of a foreign corporation, company, or association, to the collector of the district in which is located its principal place of business in the United States, or if it have no principal place of business, office, or agency in the United States, then to the collector of internal revenue at Baltimore, Md. All such returns shall as received be transmitted forthwith by the collector to the Commissioner of Internal Revenue.

(c) In cases wherein receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, joint-stock companies or associations, or insurance companies, subject to tax imposed by this title, such receivers, trustees, or assignees shall make returns of net income as and for such corporations, joint-stock companies or associations, and insurance companies, in the same manner and form as such organizations are hereinbefore required to make returns, and any income tax due on the basis of such returns made by receivers, trustees, or assignees shall be assessed and collected in the same manner as if assessed directly against the organizations of whose businesses or properties they have custody and control;

(d) A corporation, joint-stock company or association, or insurance company keeping accounts upon any basis other than that of actual receipts and disbursements, unless such other basis does not clearly reflect its income, may, subject to regulations made by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, make its return upon the basis upon which its accounts are kept, in which case the tax shall be computed upon its income as so returned;

(e) All the provisions of this title relating to the tax authorized and required to be deducted and withheld and paid to the officer of the United States Government authorized to receive the same from the income of nonresident alien individuals from sources within the United States shall be made applicable to income derived from dividends upon the capital stock or from the net earnings of domestic or other resident corporations, joint-stock companies or associations, and insurance companies by nonresident alien firms, copartnerships, companies, corporations, joint-stock companies or associations, and insurance companies not engaged in business or trade within the United States and not having any office or place of business therein.

(f) Likewise all the provisions of this title relating to the tax authorized and required to be deducted and withheld and paid to the officer of the United States Government authorized to receive the same from the income of nonresident alien individuals from sources within the United States shall be made applicable to income derived from dividends upon the capital stock or from the net earnings of domestic or other resident corporations, joint-stock companies or associations, and insurance companies by nonresident alien companies, corporations, joint-stock companies or associations, and insurance companies not engaged in business or trade within the United States and not having any office or place of business therein.

ASSESSMENT AND ADMINISTRATION.

SEC. 14. (a) All assessments shall be made and the several corporations, joint-stock companies or associations, and insurance companies shall be notified of the amount for which they are respectively liable on or before the 1st day of June of each successive year, and said assessment shall be paid on or before the 15th day of June: *Provided*, That every corporation, joint-stock company or association, and insurance company computing taxes upon the income of the fiscal year which it may designate in the manner hereinbefore provided shall pay the taxes due under its assessment within 105 days after the date upon which it is required to file its list or return of income for assessment, except in cases of refusal or neglect to make such return and in cases of erroneous, false, or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as provided for in this title or by existing law, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such corporation, joint-stock company or association, or insurance company immediately upon notification of the amount of such assessment, and to any sum or sums due and unpaid after the 15th day of June in any one year, or after 105 days from the date on which the return of income is required to be made by the taxpayer, and after 10 days' notice and demand thereof by the collector, there shall be added the sum of 5 per cent on the amount of tax unpaid and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due: *Provided*, That upon the examination of any return of income made pursuant to this title, the act of August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," the act of October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," and the act of September 8, 1916, entitled "An act to increase the revenues, and for other purposes," if it shall appear that amounts of tax have been paid in excess of those properly due the taxpayer shall be permitted to present a claim for refund thereof notwithstanding the provisions of section 3228 of the Revised Statutes;

(b) When the assessment shall be made, as provided in this title, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President: *Provided further*, That the proper officers of any State imposing a general income tax may, upon the request of the governor thereof, have access to said returns or to an abstract thereof, showing the name and income of each such corporation, joint-stock company or association, or insurance company, at such times and in such manner as the Secretary of the Treasury may prescribe.

(c) If any of the corporations, joint-stock companies or associations, or insurance companies aforesaid shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint-stock company or association, or insurance company shall be liable to a penalty of not exceeding $10,000: *Provided*, That the Commissioner of Internal Revenue shall have authority, in the case of either corporations or individuals, to grant a reasonable extension of time in meritorious cases as he may deem proper.

(d) That section 3225 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3225. When a second assessment is made in case of any list, statement, or return, which in the opinion of the collector or deputy collector was false or fraudulent, or contained any understatement or undervaluation, no tax collected under such assessment shall be recovered by any suit unless it is proved that the said list, statement, or return was not false nor fraudulent and did not contain any understatement or undervaluation; but this section shall not apply to statements or returns made or to be made in good faith under the laws of the United States regarding annual depreciation of oil or gas wells and mines."

Part III.—General Administrative Provisions.

SEC. 15. That the word "State" or "United States" when used in this title shall be construed to include any Territory, the District of Columbia, Porto Rico, and the Philippine Islands, when such construction is necessary to carry out its provisions.

SEC. 16. That sections 3167, 3172, 3173, and 3176 of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

"SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States he shall be dismissed from office or discharged from employment.

"SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate such objects.

"SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, (1) in case of a special tax, on or before the 31st day of July in each year, (2) in case of income tax on or before the 1st day of March in each year, or on or before the last day of the 60 day period next following the closing date of the fiscal year for which it makes a return of its income, and (3) in other cases before the day on which the taxes accrue, to make a list or return, verified by oath, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, article, or objects liable to pay any duty, tax, or license shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles, and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post office, a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law within 10 days from the date of such note or memorandum, verified by oath. And if any person, on being notified or required as aforesaid, shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is erroneous, false, or fraudulent, or contains any undervaluation or understatement, or refuses to allow any regularly authorized Government officer to examine the books of such person, firm, or corporation, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects or income liable to tax or the returns thereof. The collector may summon any person residing or found within the State or Territory in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State or Territory, he may enter any collection district where such person may be found and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned: *Provided*, That 'person,' as used in this section, shall be construed to include any corporation, joint-stock company or association, or insurance company when such construction is necessary to carry out its provisions.

"SEC. 3176. If any person, corporation, company, or association fails to make and file a return or list at the time prescribed by law, or makes, willfully or otherwise, a false or fraudulent return or list, the collector or deputy collector shall make the return or list from his own knowledge and from such information as he can obtain through testimony or otherwise. Any return or list so made and subscribed by a collector or deputy collector shall be prima facie good and sufficient for all legal purposes.

"If the failure to file a return or list is due to sickness or absence the collector may show such further time, not exceeding 30 days, for making and filing the return or list as he deems proper.

"The Commissioner of Internal Revenue shall assess all taxes, other than stamp taxes, as to which returns or lists are so made by a collector or deputy collector. In case of any failure to make and file a return or list within the time prescribed by law or by the collector, the Commissioner of Internal Revenue shall add to the tax 50 per cent of its amount, except that when a return is voluntarily and without notice from the collector filed after such time and it is shown that the failure to file it was due to a reasonable cause, and not to willful neglect, no such addition shall be made to the tax. In case a false or fraudulent return or list is willfully made the Commissioner of Internal Revenue shall add to the tax 100 per cent of its amount.

"The amount so added to any tax shall be collected at the same time and in the same manner and as part of the tax, unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax."

SEC. 17. That it shall be the duty of every collector of internal revenue to whom any payment of any taxes is made under the provisions of this title to give to the person making such payment a full written or printed receipt, expressing the amount paid and the particular account for which such payment was made; and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

SEC. 18. That any person, corporation, partnership, association, or insurance company liable to pay the tax, to make a return or to supply information required under this title, who refuses or neglects to pay such tax, to make such return or to supply such information at the time or times herein specified in each year, shall be liable, except as otherwise specially provided in this title, to a penalty of not less than $20 nor more than $1,000. Any individual or any officer of any corporation, partnership, association, or insurance company required by law to make, render, sign, or verify any return, or to supply any information, who makes any false or fraudulent return or statement with intent to defeat or evade the assessment required by this title to be made, shall be guilty of a misdemeanor and shall be fined not exceeding $2,000 or be imprisoned not exceeding one year, or both, in the discretion of the court, with the costs of prosecution: *Provided*, That where any tax heretofore due and payable has been duly paid by the taxpayer it shall not be re-collected from any withholding agent required to retain it at its source; nor shall any penalty be imposed or collected in such cases from the taxpayer, or such withholding agent whose duty it was to retain it, for failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment.

SEC. 19. The collector or deputy collector shall require every return to be verified by the oath of the party rendering it. If the collector or deputy collector have reason to believe that the amount of any income returned is understated, he shall give due notice to the person making the return to show cause why the amount of the return should not be increased, and upon proof of the amount understated may increase the same accordingly. Such person may furnish sworn testimony to prove any relevant facts, and, if dissatisfied with the decision of the collector, may appeal to the Commissioner of Internal Revenue for his decision under such rules of procedure as may be prescribed by regulation.

SEC. 20. That jurisdiction is hereby conferred upon the district courts of the United States for the district within which any person summoned under this title to appear to testify or to produce books shall reside, to compel such attendance, production of books, and testimony by appropriate process.

SEC. 21. That the preparation and publication of statistics reasonably available with respect to the operation of the income-tax law and containing classifications of taxpayers and of income, the amounts allowed as deductions and exemptions, and any other facts deemed pertinent and valuable, shall be made annually by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury.

SEC. 22. That all administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal-revenue taxes not heretofore specifically repealed and not inconsistent with the provisions of this title, are hereby extended and made applicable to all the provisions of this title and to the tax herein imposed.

SEC. 23. That the provisions of this title shall extend to Porto Rico and the Philippine Islands: *Provided*, That the administration of the law and the collection of the taxes imposed in Porto Rico and the Philippine Islands shall be by the appropriate internal-revenue officers of those governments, and all revenues collected in Porto Rico and the Philippine Islands thereunder shall accrue intact to the general governments thereof, respectively: *Provided further*, That the jurisdiction in this title conferred upon the district courts of the United States shall, so far as the Philippine Islands are concerned, be vested in the courts of the first instance of said islands: *And provided further*, That nothing in this title shall be held to exclude from the computation of the net income the compensation paid any official by the governments of the District of Columbia, Porto Rico, and the Philippine Islands, or the political subdivisions thereof.

SEC. 24. That Section II of the act approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," and Title I of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, as amended, are hereby repealed, except as herein otherwise provided, and except that they shall remain in force for the assessment and collection of all taxes which have accrued thereunder, and for the imposition and collection of all penalties or forfeitures which have accrued or may accrue in relation to any of such taxes, and except that the unexpended balance of any appropriation heretofore made and now available for the administration thereof or any provision thereof shall be available for the administration of this title or the corresponding provision thereof. Title I of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," is hereby repealed.

SEC. 25. That income on which has been assessed the tax imposed by Section II of the act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, shall not be considered as income within the meaning of this title: *Provided*, That this section shall not conflict with that portion of section 10, of this title, under which a taxpayer has fixed its own fiscal year.

SEC. 26. Every corporation, joint-stock company or association, or insurance company subject to the tax herein imposed, when required by the Commissioner of Internal Revenue, shall render a correct return, duly verified under oath, of its payments of dividends, whether made in cash or its equivalent or in stock, including the names and addresses of stockholders and the number of shares owned by each, and the tax years and the applicable amounts in which such dividends were earned, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

SEC. 27. That every person, corporation, partnership, or association, doing business as a broker on any exchange or board of trade or other similar place of business shall, when required by the Commissioner of Internal Revenue, render a correct return duly verified under oath, under such rules and regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe, showing the names of customers for whom such person, corporation, partnership, or association has transacted any business, with such details as to the profits, losses, or other information which the commissioner may require, as to each of such customers, as will enable the Commissioner of Internal Revenue to determine whether all income tax due on profits or gains of such customers has been paid.

SEC. 28. That all persons, corporations, partnerships, associations, and insurance companies in whatever capacity acting, including lessees or mortgagors of real or personal property, trustees acting in any trust capacity, executors, administrators, receivers, conservators, and employers, making payment to another person, corporation, partnership, association, or insurance company, of interest, rent, salaries, wages, premiums, annuities, compensations, remuneration, emoluments, or other fixed or determinable gains, profits, and income (other than payments described in sections 26 and 27) of $800 or more in any taxable year, or, in the case of such payments made by the United States the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, are hereby authorized and required to render a true and accurate return to the Commissioner of Internal Revenue, under such rules and regulations and in such form and manner as may be prescribed by him, with the approval of the Secretary of the Treasury, setting forth the amount of such gains, profits, and income, and the name and address of the recipient of such payment: *Provided*, That such returns shall be required, regardless of amounts, in the case of payments of interest upon bonds and mortgages or deeds of trust or other similar obligations of corporations, joint-stock companies, associations, and insurance companies, and in the case of collections of items (not payable in the United States) of interest upon the bonds of foreign countries and interest from the bonds and dividends from the stock of foreign corporations by persons, corporations, partnerships, or associations, undertaking as a matter of business or for profit the collection of foreign payments of such interest or dividends by means of coupons, checks, or bills of exchange.

When necessary to make effective the provisions of this section, the name and address of the recipient of income shall be furnished upon demand of the person, corporation, partnership, association, or insurance company paying the income.

The provisions of this section shall apply to the calendar year 1917 and each calendar year thereafter, but shall not apply to the payment of interest on obligations of the United States.

SEC. 29. That in assessing income tax the net income embraced in the return shall also be credited with the amount of any war-profits tax imposed by act of Congress and assessed for the same calendar or fiscal year upon the taxpayer, and, in the case of a member of a partnership, with his proportionate share of such war-profits tax imposed upon the partnership.

SEC. 30. That nothing in section 2 of the act approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," or in Title I of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," or in this title, shall be construed as taxing the income of foreign governments received from investments in the United States in stocks, bonds, or other domestic securities owned by such foreign governments, or from interest on deposits in banks in the United States of moneys belonging to foreign governments.

SEC. 31. (a) That the term "dividends" as used in this title shall be held to mean any distribution made or ordered to be made by a corporation, joint-stock company, association, or insurance company out of its earnings or profits accrued since March 1, 1913, and payable to its shareholders, whether in cash or in stock of the corporation, joint-stock company, association, or insurance company, which stock dividend shall be considered income, to the amount of the earnings or profits so distributed.

(b) Any distribution made to the shareholders or members of a corporation, joint-stock company or association, or insurance company, in the year 1917 or subsequent tax years, shall be deemed to have been made from the most recently accumulated undivided profits or surplus, and shall constitute a part of the annual income of the distributee for the year in which received, and shall be taxed to the distributee at the rates prescribed by law for the years in which such profits or surplus were accumulated by the corporation, joint-stock company, association, or insurance company, but nothing herein shall be construed as taxing any earnings or profits accrued prior to March 1, 1913, but such earnings or profits may be distributed in stock dividends or otherwise, exempt from the tax, after the distribution of earnings and profits accrued since March 1, 1913, has been made. This subdivision shall not apply to any distribution made prior to August 6, 1917, out of earnings or profits accrued prior to March 1, 1913.

SEC. 32. That premiums paid on life insurance policies covering the lives of officers, employees, or those financially interested in any trade or business conducted by an individual, partnership, corporation, joint-stock company or association, or insurance company shall not be deducted in computing the net income of such individual, corporation, joint-stock company or association, or insurance company, or in computing the profits of such partnership for the purposes of subdivision (e) of section 9.

SEC. 33. That any amount heretofore withheld by any withholding agent as required by Title I of the act approved September 8, 1916, entitled "An act to increase the revenue, and for other purposes," on account of the tax imposed upon the income of any individual, a citizen or resident of the United States, for the calendar year 1917, except in the cases covered by subdivision (c) of section 9 of such act, as amended, shall be released and paid over to such individual, and the entire tax upon the income of such individual for such year shall be assessed and collected in the manner prescribed by this title.

TITLE II.—WAR-PROFITS TAX.

SEC. 200. That when used in this title—

The term "corporation" includes joint-stock companies or associations and insurance companies;

The term "domestic" means created under the law of the United States, or of any State, Territory, or District thereof, and the term "foreign" means created under the law of any other possession of the United States or of any foreign country or government;

The term "United States" means only the States, the Territories of Alaska and Hawaii, and the District of Columbia;

The term "taxable year" means the 12 months ending December 31, excepting in the case of a corporation or partnership which has fixed its own fiscal year, in which case it means such fiscal year. The first taxable year shall be the year ending December 31, 1917, except that in the case of a corporation or partnership which has fixed its own fiscal year it shall be the fiscal year ending during the calendar year 1917, in which case the tax for such taxable year shall be that proportion of the tax computed upon the net income during such full fiscal year which the time from January 1, 1917, to the end of such fiscal year bears to the full fiscal year;

The term "net income" means in the case of a foreign corporation or partnership or a nonresident alien individual, the net income received from sources within the United States; and

The term "prewar period" means:

(1) The three of the calendar years 1909, 1910, 1911, 1912, and 1913 remaining after the exclusion of the two calendar years in which the net income of the trade or business was respectively the greatest and the least;

(2) If a corporation or partnership was not in existence or an individual was not engaged in trade or business during the whole of each of such five calendar years, but was in existence or engaged in trade or business during the whole of four of such calendar years, the term means the two of such four years remaining after a like exclusion;

(3) If a corporation or partnership was not in existence or an individual was not engaged in trade or business during the whole of each of four of such calendar years, the term means as many of such calendar years during the whole of which the corporation or partnership was in existence or the individual was engaged in trade or business.

SEC. 201. (a) That this title shall not apply to—

(1) Corporations exempt from tax under the provisions of section 11 of this act, and partnerships and individuals carrying on or doing the same business, or coming within the same description;

(2) Corporations, partnerships, or individuals the net income of whose trade or business for the taxable year is less than $2,000.

(b) This title shall apply to all trades or businesses of whatever description, whether continuously carried on or not, except—

(1) An office or employment;

(2) Agriculture;

(3) A trade or business substantially all the net income of which is derived from personal services and in which capital is not a material income-producing factor;

(4) The business of life, health, and accident insurance combined in one policy issued on the weekly premium-payment plan.

The exception in clause (1), (2), (3), or (4) shall be made only if such trade or business is carried on separately from all other trades or businesses in which the taxpayer is engaged. If the books are so kept that the Secretary of the Treasury is unable satisfactorily to determine the net income of such excepted trade or business, or if he finds that by reason of any improper or artificial method of accounting or other device an undue proportion of the total net income of all the trades and businesses of the taxpayer is ascribed to such trade or business, the exception shall not be made.

(c) For the purposes of this title—

(1) Every corporation or partnership not exempt under subdivision (a) shall be considered to be engaged in trade or business, and all the trades or businesses in which it is engaged (except those exempt under subdivision (b)) shall be treated as a single trade or business, and all its income from whatever source derived (except from a trade or business exempt under subdivision (b)) shall be treated as received from such trade or business;

(2) All the trades or businesses in which an individual is engaged (except those exempt under subdivision (b)) shall be treated as a single trade or business;

(3) A partner shall not be considered to be engaged in trade or business with respect to his share in the profits of the partnership.

SEC. 202. That in addition to the taxes under existing law and under this act there shall be levied, assessed, collected, and paid for each taxable year upon the income of every corporation, partnership, or individual engaged in trade or business a tax (hereinafter in this title referred to as the tax) equal to the following percentages of the war profits of such trade or business (determined as hereinafter provided):

Ten per cent of the amount of such war profits not in excess of 10 per cent of the prewar profits of such trade or business (determined as hereinafter provided);

Twelve and one-half per cent of the amount by which such war profits exceed 10 per cent of such prewar profits and do not exceed 20 per cent thereof;

Fifteen per cent of the amount by which such war profits exceed 20 per cent of such prewar profits and do not exceed 30 per cent thereof;

Twenty per cent of the amount by which such war profits exceed 30 per cent of such prewar profits and do not exceed 40 per cent thereof;

Twenty-five per cent of the amount by which such war profits exceed 40 per cent of such prewar profits and do not exceed 50 per cent thereof;

Thirty per cent of the amount by which such war profits exceed 50 per cent of such prewar profits and do not exceed 60 per cent thereof;

Forty per cent of the amount by which such war profits exceed 60 per cent of such prewar profits and do not exceed 70 per cent thereof;

Fifty per cent of the amount by which such war profits exceed 70 per cent of such prewar profits and do not exceed 80 per cent thereof;

Sixty per cent of the amount by which such war profits exceed 80 per cent of such prewar profits and do not exceed 90 per cent thereof;

Seventy per cent of the amount by which such war profits exceed 90 per cent of such prewar profits and do not exceed 100 per cent thereof; and

Eighty per cent of the amount by which such war profits exceed 100 per cent of such prewar profits.

SEC. 203. That for the purposes of this title the war profits shall be determined, except as otherwise in this title provided, by deducting the prewar profits from the net income of the trade or business for the taxable year.

SEC. 204. (a) That for the purposes of this title the prewar profits shall be, except as otherwise in this title provided, the average annual amount of the net income of the trade or business during the prewar period, plus 8 per cent of the amount of new capital and minus 8 per cent of the amount of capital withdrawn.

(b) For the purposes of this section the term "new capital" means: (1) The amount of cash actually paid into the trade or business since December 31, 1913, if employed in the trade or business during the taxable year; (2) the amount of the surplus and undivided profits accumulated since December 31, 1913, if employed in the trade or business during the taxable year; and (3) tangible property paid into the trade or business since December 31, 1913, valued as of the time of such payment, if employed in the trade or business during the taxable year.

If any portion of such new capital has not been employed in the trade or business during the whole of the taxable year, there shall be added, in lieu of the 8 per cent thereon referred to in subdivision (a), the same proportion of such 8 per cent which the part of the taxable year during which such portion of such new capital has been employed bears to the whole taxable year.

(c) For the purposes of this section the term "capital withdrawn" means: (1) Cash paid into the trade or business prior to January 1, 1914, and withdrawn therefrom between December 31, 1913, and the close of the taxable year; (2) surplus or undivided profits accumulated prior to January 1, 1914, and withdrawn from the trade or business between December 31, 1913, and the close of the taxable year; and (3) tangible property paid into the trade or business prior to January 1, 1914, and withdrawn therefrom between December 31, 1913, and the close of the taxable year, valued as of the time of such withdrawal.

If any portion of such capital withdrawn has been employed in the trade or business during any part of the taxable year, there shall be substituted, in lieu of the 8 per cent thereon referred to in subdivision (a), only the difference between such 8 per cent and 8 per cent per annum on such portion of the capital withdrawn for the part of the taxable year during which it has been employed.

(d) In computing new capital and capital withdrawn in the case of a foreign corporation or partnership or a nonresident alien individual, the term "trade or business" as used in this section means only that portion of the trade or business which is carried on within the United States.

(e) If the Secretary of the Treasury in any case is unable satisfactorily to determine the prewar profits, the war profits and prewar profits shall be determined as provided in section 205.

SEC. 205. (a) That if a corporation, partnership, or individual had no net income from the trade or business during the prewar period, or if a corporation or partnership was not in existence or an individual was not engaged in the trade or business during the whole of any one calendar year during the prewar period, the amount of the war profits shall be the same proportion of the net income of the trade or business for the taxable year as the proportion which the average war profits for such year of representative corporations, partnerships, and individuals engaged in a like or similar trade or business and whose war profits and prewar profits are determined as provided in section 203 and 204 bears to the average net income of the trades or businesses of such corporations, partnerships, and individuals.

(b) The proportion between the war profits and the net income in each trade or business shall be determined by the Commissioner of Internal Revenue in accordance with regulations prescribed by him with the approval of the Secretary of the Treasury. In the case of a corporation or partnership which has fixed its own fiscal year, the proportion determined for the calendar year ending during such fiscal year shall be used.

(c) A trade or business carried on by a corporation, partnership, or individual, although formally organized or reorganized on or after January 2, 1913, which is substantially a continuation of a trade or business carried on prior to that date, shall, for the purposes of this title, be deemed to have been in existence prior to that date, and the net income of its predecessor prior to that date shall be deemed to have been its net income.

(d) In cases where the war profits are determined in accordance with subdivision (a) of this section, the prewar profits shall be determined by deducting the war profits thus determined from the net income of the trade or business for the taxable year.

SEC. 206. (a) That if the Secretary of the Treasury, upon complaint finds either (1) that during the prewar period the net return of any domestic corporation or partnership or a citizen or resident of the United States from a trade or business was low as compared with the net return during the calendar years 1909, 1910, 1911, 1912, and 1913, of representative corporations, partnerships, and individuals engaged in a like or similar trade or business, or (2) that during the prewar period the ratio between the net and gross income from such trade or business was substantially less than the like ratio during the calendar years 1909, 1910, 1911, 1912, and 1913, in case of representative corporations, partnerships, and individuals engaged in a like or similar trade or business, then the war profits and prewar profits of such trade or business shall be determined in the same manner as provided in section 205, and the tax shall be computed separately from the other war profits of the taxpayer.

(b) If the Secretary of the Treasury, upon complaint finds either (1) that during the prewar period the net return of any foreign corporation or partnership or a nonresident alien individual from a trade or business carried on within the United States was low as compared with the net return during the calendar years 1909, 1910, 1911, 1912, and 1913, of representative corporations, partnerships, and individuals engaged in a like or similar trade or business, or (2) that during the prewar period the ratio between the net and gross income from such trade or business was substantially less than the like ratio during the calendar years 1909, 1910, 1911, 1912, and 1913, in case of representative corporations, partnerships, and individuals engaged in a like or similar trade or business, then the war profits and prewar profits of such trade or business shall be determined in the same manner as provided in section 205, and the tax shall be computed separately from the other war profits of the taxpayer.

(c) The tax shall be assessed upon the basis of the war profits and prewar profits determined as provided in section 204, but the taxpayer claiming the benefit of this section may at the time of making the return file a claim for abatement of the amount by which the tax so assessed exceeds a tax at like rate computed upon the basis of war profits and prewar profits determined as provided in this section. In such event collection of the part of the tax covered by such claim for abatement shall not be made until the claim is decided, but if, in the judgment of the Commissioner of Internal Revenue, the interests of the United States would be jeopardized thereby he may require the claimant to give a bond in such amount and with such sureties as the commissioner may think wise to safeguard such interests, conditioned for the payment of any tax found to be due, with the interest thereon, and if such bond, satisfactory to the commissioner, is not given within such time as he prescribes, the full amount of tax assessed shall be collected and the amount overpaid, if any, shall upon final decision of the application be refunded as a tax erroneously or illegally collected.

SEC. 207. That for the purposes of this title the net income of the trade or business in the case of a corporation shall be ascertained and returned—

(a) For the calendar years 1909, 1910, 1911, and 1912 upon the same basis and in the same manner as provided in section 38 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, except that income taxes paid by it within the year imposed by the authority of the United States shall be included;

(b) For the calendar year 1913 upon the same basis and in the same manner as provided in Section II of the act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, except that income taxes paid by it within the year imposed by the authority of the United States shall be included, and except that the amounts received by it as dividends upon the stock or from the net earnings of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax imposed by Section II of such act of October 3, 1913, shall be deducted; and

(c) For the taxable year upon the same basis and in the same manner as provided in Title I of this act, except that the amounts received by it as dividends upon the stock or from the net earnings of other corporations, joint-stock companies or associations, or insurance companies, subject to the tax therein imposed, shall be deducted.

The net income of the trade or business in the case of a partnership or individual shall be ascertained and returned for the calendar years 1909, 1910, 1911, 1912, and 1913, and for the taxable year, upon the same basis and in the same manner as provided in Title I of this act, except that the credit allowed by subdivision (b) of section 5 shall be deducted. There shall be allowed (a) in the case of a domestic partnership the same deductions as allowed to individuals in subdivision (a) of section 5; and (b) in the case of a foreign partnership the same deductions as allowed to individuals in subdivision (a) of section 6.

In computing net income for the taxable year there shall also be deducted by a partnership reasonable salaries or compensation paid to individual partners for personal services actually rendered during the taxable year, if the payments are made in accordance with prior agreements and are properly recorded on the books of the partnership; but not in excess of the salaries or compensation customarily paid for similar services under like responsibilities by corporations engaged in like or similar trades or businesses. With respect to any period from the beginning of the first taxable year to March 1, 1918, where no previous agreement has been made as to salaries or compensation a similar deduction may be made for services actually rendered.

In computing net income for the taxable year an individual carrying on a trade or business may also deduct a reasonable amount as salary or compensation for personal services actually rendered by him in the conduct of such trade or business, but not in excess of the salaries or compensation customarily paid for similar service under like responsibilities by corporations or partnerships engaged in like or similar trades or businesses.

In the case of a foreign partnership or nonresident alien individual, the deduction shall be limited to that portion of the salary or compensation which is for service rendered with respect to trade or business carried on within the United States.

SEC. 208. That every partnership having a net income of $2,000 or more for the taxable year shall render a correct return of the income of the trade or business for the taxable year, setting forth specifically the gross income for such year and the deductions allowed in this title. Such returns shall be rendered at the same time and in the same manner as is prescribed for income-tax returns under Title I of this act.

SEC. 209. That all administrative, special, and general provisions of law, including the laws in relation to the assessment, remission, collection, and refund of internal-revenue taxes not heretofore specifically repealed and not inconsistent with the provisions of this title, are hereby extended and made applicable to all the provisions of this title and to the tax herein imposed, and all provisions of Title I of this act relating to returns and payment of the tax therein imposed, including penalties, are hereby made applicable to the tax imposed by this title.

SEC. 210. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall make all necessary regulations for carrying out the provisions of this title, and may require any corporation, partnership, or individual subject to the provisions of this title to furnish him with such facts, data, and information as, in his judgment, are necessary to collect the tax imposed by this title.

SEC. 211. That Title II of the act entitled "An act to provide increased revenue to defray the expenses of the increased appropriations for the Army and Navy, and the extensions of fortifications, and for other purposes," approved March 3, 1917, and Title II of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, are hereby repealed.

Any amount heretofore or hereafter paid on account of the tax imposed by Title II of such act of March 3, 1917, shall be credited toward the payment of the tax imposed by this title, and if the amount so paid exceeds the amount of such tax the excess shall be refunded as a tax erroneously or illegally collected.

Subdivision (1) of section 301 of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, is hereby amended so that the rate of tax for the taxable year 1917 shall be 10 per cent instead of 12½ per cent as therein provided.

Subdivision (2) of such section is hereby amended to read as follows: "(2) This section shall cease to be of effect on and after January 1, 1918."

TITLE III.—GENERAL PROVISIONS.

SEC. 300. That the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall by regulation allow an extension of time, not to exceed ——— days, for the filing of returns for, and the payment of, income and war profits taxes for the taxable year 1917.

SEC. 301. That if any clause, sentence, paragraph, or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of said act, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

TITLE IV.—SECOND-CLASS POSTAGE RATES.

SEC. 400. That sections 1101 to 1106, both inclusive, of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, are hereby repealed.

Amend the title so as to read: "Joint resolution amending the acts relating to income and excess-profits taxes, and for other purposes."

Mr. SMOOT. Mr. President, I desire to make a short statement explaining the provisions of this amendment.

I have yet to discuss the revenue act of October 3, 1917, with a person who understands just what the act means, and taken in connection with the act of September 8, 1916, and the act of March 3, 1917, it is useless to think that a uniform tax return by individuals, partnerships, or corporations can be made. I have yet to find any two persons, professionally or otherwise, who interpret the revenue acts alike. I am positive there are but few who will not freely admit that the act of October 3, 1917, should be amended. Not only is it unworkable but the taxes imposed are unscientific and discriminatory.

My proposed amendment repeals title 1 of the act of September 8, 1916, the income tax; title 3 of the same act, munition manufacturers' tax; title 2 of the act of March 3, 1917, the excess-profits tax; title 1 of the act of October 3, 1917, the war-income tax; title 2 of the same act, the war excess-profits tax; title 12 of the same act, the income-tax amendments; and sections 1101 to 1106, inclusive, of the same act, the provisions creating a zone system and increasing postal rates on second-class mail matter.

The amendment provides a taxing system that any ordinary business man or individual can understand and will have no trouble in making out a tax return. Every individual, whether in business as such or as a member of a partnership, is treated alike. Every corporation is taxed upon the same basis, and the questions of capital invested, watered stock, and bonded indebtedness do not enter into the question of the amount of tax to be imposed. Subnormal businesses during the prewar period are treated on the same basis as normal businesses of like and similar character.

If the amendment becomes a law there will be no need of an advisory board to prepare Treasury decisions, such as is the case to-day in the Treasury Department, nine of such decisions having already been rendered and approved by the Secretary of the Treasury. Treasury Decision 2602 shows the treatment under section 201 of the act of October 3, 1917, of the deductions authorized by sections 203, 204, 205, or 210. Such a decision is nothing more nor less than legislating by interpretation by an advisory board appointed by the Secretary of the Treasury and instructing the Commissioner of Internal Revenue to enforce the interpretation given by the board as against the law passed by Congress. In this I am not finding fault with the wisdom of the advisory board's conclusions, but I call attention to this new form of legislation, which I consider a very unwise procedure. What the courts will have to say regarding this administrative legislation I have no doubt, but I do know that there will follow endless litigation for the Government and the people.

The amendment makes no change in the normal rate of 2 per cent upon all net incomes of individuals, but it consolidates the surtax rates imposed by the acts of September 8, 1916, and October 3, 1917. It does away with the two different amounts of exemptions on individual net incomes, as provided under existing laws, and allows the sum of $1,000 exemption plus $1,000 additional if the person making the return be the head of a family or a married man with a wife living with him, or plus the sum of $1,000 additional if the person making the return be a married woman with a husband living with her, and also provides that if the person making the return is the head of a family there shall be an additional exemption of $200 for each child dependent upon such person if under 18 years of age or if incapable of self-support because mentally or physically defective, but this provision shall operate only in the case of one parent in the same family. It also adds a provision allowing a deduction for amounts paid to individual partners as reasonable salaries or compensation for personal services actually rendered during the taxable year, but in no case shall such salaries or compensation be in excess of the salaries or compensation customarily paid for similar services under like responsibilities by corporations engaged in like or similar trades or businesses. It does not provide a higher rate of taxation upon unearned incomes than upon earned incomes, as I do not think it wise to inject this question into the legislation at this time, as the amendment ought to be passed at as early a date as possible and could be passed before the end of this month if the administration would approve it. I believe in the principle of taxing unearned incomes at a higher rate than earned incomes.

Instead of the different normal taxes imposed under existing revenue acts amounting to 6 per cent upon the total net income of all corporations, the amendment levies a straight tax of 8 per cent upon the net income of all corporations except those whose net income is less than $2,000. This 8 per cent tax is not imposed upon individuals or partnerships, thus equalizing the income tax required to be paid by an individual or an individual partner engaged in business as compared with the income tax imposed upon the stockholders of a corporation. This 8 per cent rate on corporations will raise $180,000,000 over and above the amount that the 6 per cent rate under existing laws will yield; or, in other words, the amendment will provide a revenue to the Government of $715,000,000 on corporation incomes in place of $535,000,000 under existing laws.

The greater changes provided for in the amendment to the existing laws will be found in title 2, designated in the act of October 3, 1917, as "war excess-profits tax" and in my amendment as "war-profits tax." Under this title the amendment only taxes the war profits and at graduated rates that I will hereafter name. Under this title the prewar period means the three years of the calendar years 1909, 1910, 1911, 1912, and 1913 remaining after the exclusion of the two calendar years in which the net income of the trade or business was, respectively, the greatest and the least. These five years taken as the prewar period will result in a much fairer normal income of all classes of business than the three years—1911, 1912, and 1913—provided in existing laws. Taking the five years as provided in the amendment will eliminate practically all, if not all, claims of discrimination against subnormal businesses, and it certainly will prevent a just claim of discrimination being made that the income from any one class of business during the five years was subnormal as proved to be the case in a few classes of business taking the normal earnings of the three prewar years provided in the act of October 3, 1917.

Again, if a corporation or partnership was not in existence or an individual was not engaged in trade or business during the whole of each of such five calendar years, but was in existence or engaged in trade or business during the whole of four of such calendar years, the term means the two of such four years remaining after a like exclusion; and if a corporation or partnership was not in existence or an individual was not engaged in trade or business during the whole of each of four of such calendar years, the term means as many of such calendar years during the whole of which the corporation or partnership was in existence or the individual was engaged in trade or business.

The war-profits tax as provided in the amendment does not apply to corporations which are exempt from income taxes. These are—

First. Labor, agricultural, or horticultural organizations;

Second. Mutual savings bank not having a capital stock represented by shares;

Third. Fraternal beneficiary society, order, or association, operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association or their dependents;

Fourth. Domestic building and loan association and cooperative banks without capital stock organized and operated for mutual purposes and without profit;

Fifth. Cemetery company owned and operated exclusively for the benefit of its members;

Sixth. Corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;

Seventh. Business league, chamber of commerce, or board of trade, not organized for profit and no part of the net income

of which inures to the benefit of any private stockholder or individual;

Eighth. Civic league or organization not organized for profit but operated exclusively for the promotion of social welfare;

Ninth. Club organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes, no part of the net income of which inures to the benefit of any private stockholder or member;

Tenth. Farmers' or other mutual hail, cyclone, or fire insurance company, mutual ditch or irrigation company, mutual or cooperative telephone company, or like organization of a purely local character, the income of which consists solely of assessments, dues, and fees collected from members for the sole purpose of meeting its expenses;

Eleventh. Farmers', fruit growers', or like association, organized and operated as a sales agent for the purpose of marketing the products of its members and turning back to them the proceeds of sales, less the necessary selling expenses, on the basis of the quantity of produce furnished by them;

Twelfth. Corporation or association organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title; or

Thirteenth. Federal land banks and national farm-loan associations as provided in section 26 of the act approved July 17, 1916, entitled "An act to provide capital for agricultural development, to create standard forms of investment based upon farm mortgage, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes."

Fourteenth. Joint-stock land banks as to income derived from bonds or debentures of other joint-stock land banks or any Federal land bank belonging to such joint-stock land bank.

(b) There shall not be taxed under this title any income derived from any public utility or from the exercise of any essential governmental function accruing to any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, nor any income accruing to the government of the Philippine Islands or Porto Rico, or of any political subdivision of the Philippine Islands or Porto Rico: *Provided*, That whenever any State, Territory, or the District of Columbia, or any political subdivision of a State or Territory, has, prior to the passage of this title, entered in good faith into a contract with any person or corporation, the object and purpose of which is to acquire, construct, operate, or maintain a public utility, no tax shall be levied under the provisions of this title upon the income derived from the operation of such public utility, so far as the payment thereof will impose a loss or burden upon such State, Territory, or the District of Columbia, or a political subdivision of a State or Territory; but this provision is not intended to confer upon such person or corporation any financial gain or exemption or to relieve such person or corporation from the payment of a tax as provided for in this title upon the part or portion of the said income to which such person or corporation shall be entitled under such contract.

Fifteenth. Corporations, partnerships, or individuals the net income of whose trade or business for the taxable year is less than $2,000.

Nor does it apply to—

(1) An office or employment.

(2) Agriculture.

(3) A trade or business substantially all the net income of which is derived from personal services and in which capital is not a material income-producing factor.

(4) The business of life, health, and accident insurance combined in one policy issued on the weekly premium-payment plan.

Section 202 of the amendment provides an additional tax to the taxation under existing law and under this act to be paid for each taxable year upon the income of every corporation, partnership, or individual engaged in trade or business equal to the following percentages of the war profits of such trade or business:

Ten per cent of the amount of such war profits not in excess of 10 per cent of the prewar profits of such trade or business (determined as hereinafter provided);

Twelve and one-half per cent of the amount by which such war profits exceed 10 per cent of such prewar profits and do not exceed 20 per cent thereof;

Fifteen per cent of the amount by which such war profits exceed 20 per cent of such prewar profits and do not exceed 30 per cent thereof;

Twenty per cent of the amount by which such war profits exceed 30 per cent of such prewar profits and do not exceed 40 per cent thereof;

Twenty-five per cent of the amount by which such war profits exceed 40 per cent of such prewar profits and do not exceed 50 per cent thereof;

Thirty per cent of the amount by which such war profits exceed 50 per cent of such prewar profits and do not exceed 60 per cent thereof;

Forty per cent of the amount by which such war profits exceed 60 per cent of such prewar profits and do not exceed 70 per cent thereof;

Fifty per cent of the amount by which such war profits exceed 70 per cent of such prewar profits and do not exceed 80 per cent thereof;

Sixty per cent of the amount by which such war profits exceed 80 per cent of such prewar profits and do not exceed 90 per cent thereof;

Seventy per cent of the amount by which such war profits exceed 90 per cent of such prewar profits and do not exceed 100 per cent thereof; and

Eighty per cent of the amount by which such war profits exceed 100 per cent of such prewar profits.

War profits are ascertained by deducting the prewar profits from the net income of the trade or business for the taxable year and prewar profits are the average annual amount of the net income of the trade or business during the prewar period, plus 8 per cent of the amount of new capital and minus 8 per cent of the amount of capital withdrawn.

The estimated revenue to be derived from this tax will amount to $1,351,050,000, based upon a war profit of $8,300,000,000 for the year 1917. The amount raised under each bracket is estimated as follows:

First bracket, 10 per cent	$59,500,000
Second bracket, 12½ per cent	56,250,000
Third bracket, 15 per cent	33,000,000
Fourth bracket, 20 per cent	42,000,000
Fifth bracket, 25 per cent	47,500,000
Sixth bracket, 30 per cent	45,000,000
Seventh bracket, 40 per cent	55,200,000
Eighth bracket, 50 per cent	62,500,000
Ninth bracket, 60 per cent	60,000,000
Tenth bracket, 70 per cent	52,500,000
Eleventh bracket, 80 per cent	837,600,000
Total	1,351,050,000

This is an increase of revenue over the excess-profits tax as provided in the act of October 3, 1917, of $125,050,000.

New capital is designated as the amount of cash actually paid into the trade or business since December 31, 1913, if employed in the trade or business during the taxable year; the amount of the surplus and undivided profits accumulated since December 31, 1913, if employed in the trade or business during the taxable year; and tangible property paid into the trade or business since December 31, 1913, valued as of the time of such payment, if employed in the trade or business during the taxable year.

Mr. GALLINGER. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. As I understand, the Senator proposes to offer a somewhat comprehensive bill as a substitute for the joint resolution which has come from the House of Representatives.

Mr. SMOOT. That is my purpose in proposing to strike out all after the resolving clause and to insert.

Mr. GALLINGER. If the Senator will permit me, Mr. President, I should like to ask the Senator if the bill which he proposes to offer as a substitute for the joint resolution will take the place of the two statutes which we now have relating to this question?

Mr. SMOOT. It will take the place of certain titles found in the three statutes we now have on the subjects of my amendment.

Mr. GALLINGER. So that we shall then have one comprehensive and, as the Senator has stated, easily understood law on the subject?

Mr. SMOOT. Should my bill be passed, all any person in the United States will have to do will be to get a copy of the law containing the titles covered in my amendment and he will then understand just what all of the rates are upon incomes and what all of the rates are on war profits.

Mr. GALLINGER. The present situation is one that is very annoying and very difficult to understand, there being the three laws on the subject on the statute books. I hope the Senator's proposed substitute may be adopted. We ought at least in some way to get rid of the multiplicity of statutes and to have a plain and easily understood law on this most important subject. I hope the Senator will succeed in accomplishing that

purpose, either in the effort he is now making or in some other way.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Mexico?

Mr. SMOOT. I yield to the Senator.

Mr. JONES of New Mexico. I should like to ask the Senator from Utah if the suggestion which has just been presented was not under rather exhaustive consideration, by the committee, at least, during the last session of Congress, and was it not then concluded that it was not advisable to have one comprehensive act, because of the hope that after the war it would be a simple matter to repeal any additional revenue legislation and leave the old legislation in operation? I should like also to ask the Senator whether or not at that time he did not concur in that view?

Mr. SMOOT. Mr. President, in answer to the Senator from New Mexico, I will state that what he has said is true as to the action of the committee, but that action was based upon the supposed-to-be fact that all of the revenues that would be necessary to be raised by our Government for the fiscal year ending June 30, 1918, would not exceed $7,000,000,000. The committee thought that under existing laws, which would raise $1,330,000,000, that would be sufficient revenue to be raised by the Government after the close of the war. That hope, however, has gone glimmering long ago. Instead of $7,000,000,000 to be raised, it has increased by leaps and bounds, until the amount is over $21,000,000,000 by direct appropriations and authorizations for the fiscal year ending June 30, 1918.

Mr. GALLINGER. And it will be $30,000,000,000 at the end of this session.

Mr. SMOOT. Mr. President, at this session of Congress I have no doubt but that we shall at least appropriate the same amount which was appropriated at the last session of Congress. Therefore, instead of having a bill enacted into law, hoping that as soon as the war ceased it could be repealed, because we should not need the revenue derived from it, we now find ourselves in a position where we shall require additional legislation to the act of October 3, 1917, in order to raise revenue sufficient for the needs of the Government. As to the revenue to defray the expenses of our Government, even after the war, I believe, Mr. President, that we shall require legislation to raise sufficient revenue to pay the running expenses of our Government to remain upon the statute books so long as our grandchildren are living.

I desire to say further to the Senator from New Mexico, in answer to his question, that I took the position in the committee that there ought to be one revenue bill and that all of the previous revenue measures ought to be repealed, but the majority of the committee thought otherwise. As we have further light upon the requirements of our Government as to the amount of revenue that must be raised, it seems to me that now is the proper time to enact a revenue measure that can be easily amended, to increase or decrease the revenue, that shall contain the principle of justice toward every individual, toward every partnership, and toward every corporation in the United States.

Mr. President, I ask Senators to read the proposed amendment which I have offered to-day and to study it in connection with existing revenue laws. If they will do so, I believe there is not a Senator in this body who will not admit that it proposes a more scientific and a more just form of taxation than is imposed upon the business and individuals of this country under existing law.

Mr. President, to resume the thread of my remarks at the point where I was interrupted, the only excuse that I have heard for not amending existing revenue acts is that the blank returns have already been prepared by the Treasury Department and should be delivered to persons affected and interested within the next 30 days, as under existing laws the returns must be made by March 1. My amendment provides in section 300 that the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall, by regulation, allow an extension of time, not to exceed —— days, for the filing of returns for and the payment of income and war-profits taxes for the taxable year 1917. If the amendment is adopted any time during the months of January or February, it will not be too late, with a reasonable extension of time, to have the blanks prepared and sent to the interested persons.

I see no reason why this amendment should not pass both Houses of Congress within the next 30 days.

MINING OF COAL, ETC., ON THE PUBLIC DOMAIN.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

The PRESIDING OFFICER. The question is on the first amendment offered by the Senator from Nevada [Mr. PITTMAN].

Mr. SHAFROTH. I ask that the section be read as it will appear if the amendments offered by the Senator from Nevada are agreed to.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The SECRETARY. The first amendment is on page 12, line 12, section 16, before the word "of" at the beginning of the line, to insert "by a claimant," so that it will read:

Or within 90 days after final withdrawal of application for patent by a claimant of any claim or subdivision thereof asserted under the mining laws prior to July 3, 1910—

And so forth.

Mr. SHAFROTH. Mr. President, I should like to have the Secretary read the other amendments to the section, and then reread the section to show the connection which these amendments have.

Mr. SMOOT. The Senator means the proposed amendments to section 16, does he not?

Mr. SHAFROTH. Yes; they are amendments offered by the Senator from Nevada. One of the amendments proposes to insert in line 12, before the word "of," the words "by a claimant"; and then, after the word "withdrawal," on page 12, line 14, to insert "and who prior to the said date had performed all acts necessary to a valid mining location thereof, except to make a discovery." So that the section will appear in the RECORD as it is proposed to be amended I read it, as follows:

SEC. 16. That upon relinquishment to the United States within 90 days from the date of this act or within 90 days after final denial or withdrawal of application for patent by a claimant of any claim or subdivision thereof asserted under the mining laws prior to July 3, 1910, to any unpatented oil or gas lands included in any order of withdrawal, and who prior to the said date had performed all acts necessary to a valid mining location thereof, except to make a discovery, such claimant or his successor in interest shall be entitled to a lease for each such asserted mineral location of 160 acres or less or any subdivision thereof upon which such claim is based and upon which said claimant, his predecessors in interest, or those claiming through or under him, have, prior to the date of this act, drilled one or more producing oil or gas wells, such lease to be upon a royalty of one-eighth of the production of oil or gas produced and saved therefrom after first deducting from the gross production such oil or gas as may be used in development and operating such land, and otherwise on the same terms and conditions as other oil and gas leases granted under the provisions of this act: *Provided, however*, That no claimant who has been guilty of fraud in the location of any oil claim or gas-bearing lands shall be entitled to any of the benefits of this section, nor shall his assignee be entitled thereto unless he affirmatively shows that prior to the passage of this act he purchased such lands in good faith, for a valuable consideration, and without actual knowledge of such fraud: *Provided further*, That upon the issuance of said lease and prior to the delivery thereof the applicant therefor shall pay to the United States for one-eighth of the oil or gas produced and saved from the lands included in said claim at the current field price at the time of production, which shall be in full satisfaction for all oil or gas extracted from said lands prior to said lease: *And provided further*, That none of the provisions of this section or of this act shall be applicable to or affect lands or minerals included within the limits of any naval petroleum reserve: *Provided further*, That the provisions of this section shall be applicable in all cases provided for herein, including cases where court actions have been heretofore commenced or may hereafter be commenced by the United States Government affecting the title to such lands or the product thereof: *Provided further*, That any bona fide occupant or claimant of oil or gas bearing lands in the Territory of Alaska, who prior to withdrawal had complied with the requirements of the mining laws, except as to discovery of oil or gas in wells, and who prior to withdrawal expended not less than $1,000 in permanent improvements on or for each location, shall be entitled to the benefits of this section.

Mr. BORAH. Mr. President, I do not know that I have any objection to these amendments, but they have only been offered and not as yet printed. I have had no opportunity to consider them, except as I heard them read from the desk. In view of the fact that we can not dispose of this bill until Monday—and we must dispose of it on Monday—is not the Senator from Nevada willing to let the amendments be printed, so that we may have an opportunity to consider them in connection with amendments that may be proposed from other sources?

Mr. PITTMAN. I have no objection whatever to that.

Mr. BORAH. We gain nothing by considering them this afternoon, because we can not dispose of the bill to-day anyway, and we must dispose of it on Monday. My opinion is that these amendments are in the line of the suggestions which have been made.

Mr. PITTMAN. Before I make a motion to adjourn I want to state, so that it may be in the RECORD for those who are interested in considering the subject, that the amendments made to section 16 are simply carrying out the intent that the committee originally had but which possibly was not clearly expressed. There was some doubt, as the Senator from Idaho calls attention to, with regard to the definition of the words "asserted under the mining laws." Therefore, in defining "asserted under the mining laws," we have used the same language that was used on page 15 with regard to the Wyoming

situation, which, I think, makes it definite. In other words, we now define a claim "asserted under the mining laws" to be a claim that has been located and marked on the ground and worked and sustained in accordance with the mining law in every particular except the sole particular of discovery of oil; and if the discovery of oil is subsequently made, it relates back and gives the claimant then a preference right of lease.

I think possibly that meets the objections to the definition made by the Senator from Idaho. However, we will have the bill printed, and between now and Monday we will have an opportunity to give more thought to it.

There is another amendment to which I wish to call the attention of Senators, and that is an amendment to section 34 which we have introduced here but which has not been read since we reconvened. That section provides, just as was provided in the potash bill which became a law, that locators may combine for the purpose of transporting or refining or marketing their oil, provided that no claimant or locator shall have to exceed a one-tenth interest in any one of these corporations or associations. That matter was thrashed out very carefully in the preparation of what we know as the potash bill, which has now become a law, and we agreed then that there would be no danger of monopoly if each of the oil owners was limited to a one-tenth interest in any refining company, transportation company, or pipe line.

Therefore I have offered that amendment to the section, which I believe will remedy that situation, and will remove any danger that the people in Wyoming might have of being under the domination of any one refinery or any one pipe line that may be there.

I may say, however, that if I correctly understand the law of Wyoming there is no danger from any pipe line there. The pipe line company is a common carrier, and is required to accept the oil that is given to it. I believe that does not apply, however, to refineries; and if there was any doubt about an oil operator being allowed to put up his own refinery, I know that the committee had no such intention. The committee had just the opposite intention. The committee desired by this very provision to prevent the refinery from controlling the oil lands, and it has been in all these bills for that purpose. This, in my opinion, at the present time not only prevents the monopoly that we have been trying to protect against for four years, but opens the door for the organization of mutual associations out there among the mine claimants.

Mr. SMOOT. Mr. President, I see no objection to the amendments offered by the Senator; in fact, in my opinion, they greatly improve the bill; but I ask him now to allow the amendments to go over without being acted upon.

Mr. PITTMAN. Certainly.

Mr. SMOOT. Then, if there are any objections, after more thorough consideration and examination of them, we will have an opportunity to speak on them next Monday.

Mr. PITTMAN. Undoubtedly.

Mr. SMOOT. I will say to the Senator that I have a few amendments to offer to the bill that I do not care to offer at this time, but I will do so on Monday.

Mr. JONES of Washington. Mr. President, I offer an amendment and ask to have it printed and lie on the table.

Mr. PITTMAN. There is no objection to that.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2 it is proposed to insert the words "or Territory," in line 6, after the word "State"; also to insert the same words, in line 7, after the word "State," and, in line 10, after the word "State."

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. PITTMAN. Mr. President, I desire to say that there is a great deal of misunderstanding with regard to the contents of this bill, as is demonstrated by a number of statements that have been made in this body and elsewhere. Besides that, there have been a great many views expressed with regard to the bill that are based purely on some little local condition and personal interests of private litigation. It has been impossible for the committee of the Senate to draw satisfactorily a bill that would grant to everybody what everybody believes he is entitled to. We have been able to treat this matter only in a fundamental way, to treat it in a general way, so that those that come within the law with the proper state of facts will have a remedy and the others will not.

In order that the Senate may be properly advised of the bill in the form in which it now is, I ask that it may be reprinted as amended, showing amendments agreed to in small caps and amendments pending in italics.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STERLING. Mr. President, is it in order now to propose amendments to the bill?

The PRESIDING OFFICER. Amendments are being offered and permitted to lie on the table.

Mr. STERLING. Very well. I submit an amendment, which I ask may be printed and lie on the table, and also that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The amendment is as follows:

After line 13, on page 25, insert the following:

"*Provided*, That nothing herein contained shall be construed to prevent any number of patentees or lessees under the provisions of this act from combining their several interests so far as may be necessary for the purpose of establishing and constructing a pipe line or lines to be operated and used by them jointly in the transportation of oil from their several wells or from constructing and carrying on the business of a refinery: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same."

Mr. KING. I offer two amendments and ask that they be printed and lie upon the table and printed in the RECORD. I do not ask that they be included within the order just made by the Senate that they be printed in connection with the bill.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The amendments are as follows:

On page 7, and at the end of section 6, insert the following as section 7:

"SEC. 7. That where, in the opinion of the Secretary of the Interior, the public interest will be benefited thereby, he is authorized to exchange noncontiguous bodies of public coal lands for privately owned coal lands, similarly situated, of approximately equal character and value, to such an extent and in such manner that thereafter the lands of the United States and those in private ownership shall each form single, compact, workable bodies or units: *Provided*, That nothing herein shall authorize the issuance or treatment of the privileges herein granted as script or assignable rights or privileges. In consummation of the exchanges herein authorized, the Secretary of the Interior is authorized to receive and record conveyances covering privately owned lands and to issue patents covering lands of the United States exchanged therefor."

On page 31, after section 44, insert the following:

"SEC. 45. That hereafter no public lands of the United States containing minerals shall be withdrawn by Executive proclamation or otherwise, and no reserve of any character or description, covering or including within its limits any mineral lands of the United States, shall be created or established except by act of Congress.

"All acts and parts of acts in conflict with this section are hereby repealed."

Mr. PITTMAN. If there is no further business at this time in connection with the bill and no one wants to speak on it, for the purpose of giving an opportunity to consider the amendments that have been offered, I propose that the Senate shall now adjourn. [After a pause.] I make that motion.

The motion was agreed to, and (at 1 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, January 7, 1918, at 12 o'clock meridian.

SENATE.

MONDAY, *January 7, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy favor and grace as we address ourselves to the task of another day. We pray Thee to write Thy new law, the law of love, on our hearts, that as we exercise our powers and fill the measure of our responsibility within the limited sphere of our independent activities we may have the guidance of that law of love to control and direct us in all things. Fit us, O God, as leaders of men; fit us as a part of the lawmaking body of this great land to lead the people unto the highest and best. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

DEATH OF SENATOR FRANCIS G. NEWLANDS.

The VICE PRESIDENT. The Secretary will read the following letter.

The Secretary read as follows:

JANUARY 5, 1918.

MY DEAR MR. VICE PRESIDENT: I beg to express to you and through you to the Members of the Senate my appreciation of your friendly sympathy during these last sad days.

My husband treasured the friendships he had formed in the Senate and valued his associations there beyond any other interest.

The evidences of the friendly feeling which his associates had for him, as expressed by you and them, have been most grateful to me.

Very sincerely, yours,

EDITH MCA. NEWLANDS.

CAMP JOSEPH E. JOHNSTON, FLORIDA.

Mr. FLETCHER. Mr. President, I desire to make a brief reference to an article that appears in the New York Herald of January 2, page 8, column 2. The article is entitled "Site

at Camp Johnston." It is misleading in title, because there is no reference made to Camp Johnston except as a means of identifying the alleged swamp. The following statement is made by the writer of the article, a communication to the editor of the Herald, signed by A. F. Engel, New York City, December 29, 1917:

About 4 miles from Camp Johnston, Jacksonville, Fla., a large tract of swamp land has been sold to the Government as a site for a recuperation hospital. This land is, at tidewater, covered with Atlantic moss, dead trees, and rotting vegetation. It is necessary to fill in and pump out streams before buildings can be erected, and it is a question which interests every citizen why the Government should purchase land of this character.

The vice of the article is that it is wholly untrue. As a matter of fact, there has been no recuperation hospital located in Florida at all. There has been some investigation with reference to establishing a site for a hospital in the State, but no report has ever been made on it to the Surgeon General, and thus far nothing has been done. So the whole statement is without any foundation and utterly false.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Washington?

Mr. FLETCHER. I do.

Mr. POINDEXTER. Otherwise the article is all right, is it?

Mr. FLETCHER. Well, the heading may be all right, but the statement with reference to this alleged recuperation hospital which it was intended to discuss is, as I said, without any foundation in fact. Perhaps otherwise it might be admitted to the newspaper as some sort of a communication.

With reference to Camp Johnston, I hold in my hand a statement from the Florida Times-Union of January 3, 1918, setting forth that—

HEALTH OF CAMP JOHNSTON EXCELLENT; SICKNESS IN LESS THAN 1 PER CENT.

The excellent health of Camp Johnston is not only a source of gratification to the authorities at the cantonment, but to the citizens of Jacksonville as well. It speaks volumes for the precautions taken by the medical authorities to guard the health of the soldiers, and also speaks eloquently for the general healthfulness of Florida.

The soldiers at Camp Johnston were drawn from every cantonment in the United States, as well as practically all States, as recently the enlisted men from the Quartermaster Reserve Corps were called into service and sent here for training. The last named came as civilians, and constitute a class of men prone to contract diseases and to bring disease into camp. They are unseasoned, undisciplined, and therefore more susceptible to disease than the men hardened by the rigors of camp and outdoor life.

It is extremely doubtful if another cantonment in the United States can show a health rate which in any way compares with that of Camp Joseph E. Johnston.

This article does not, however, have any reference to the conditions at Camp Johnston. I merely quote this because of the heading of the article, "Site of Camp Johnston."

I desire to state further, Mr. President, that Florida does not want any camp or cantonment or hospital or other military activity that is not the best for the country and helpful in these trying times.

I think it is fair to the community, I shall say, that whereas we can not, of course, correct the dense ignorance and deep prejudice of the author of this article, we can at least show that the statements are without foundation in fact.

WAR WITH GERMANY.

Mr. KING. Mr. President, I send to the desk a clipping from the Washington Post of yesterday containing resolutions recently adopted by an organization in the State of Wisconsin known as the Wisconsin State Council of Defense. Coming from that State where there are so many German-American citizens, it occurs to me, Mr. President, that at this particular juncture these resolutions ought to go into the RECORD and the attention of the country be called to them. No doubt but what they are indorsed by the residents of Wisconsin, and they are proof of the fact that the great body of the German-Americans of the United States are loyal and patriotic and that they are doing their part in the war.

I am sure that these resolutions will be gratifying to the Members of the Senate and gratifying to the patriotic people of the United States. I ask that the resolutions be read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

MADISON, WIS., *January 5.*

Demanding vigorous prosecution of the war, with no delay in the manufacture and transportation of guns and munitions or in furnishing proper food and clothing to soldiers and sailors, the Wisconsin State Council of Defense has adopted resolutions which have been forwarded to President Wilson.

The statement recognizes the patience and wisdom of the President, and declares that Wisconsin is not inclined to temporize with Members of Congress who, because of political selfishness, inefficiency, or subservience to red tape——

Mr. GALLINGER. Mr. President, I rise to a question of order, if I can not reach the matter in any other way. This paper seems to be a criticism of Congress, I should judge, and an exploitation of somebody or something. If I am not too late, I will enter an objection to the reading of the document.

Mr. KING. I desire to state to the Senator that I want read only the resolutions; and I am sure that the resolutions, not the comments of the newspaper, will not be regarded as a criticism of Congress. After having read them carefully, I feel confident that they contain no criticism of this or any other body.

The VICE PRESIDENT. The resolutions can be presented to the Senator from New Hampshire for examination, and if they contain a criticism of the Congress of the United States the Chair will sustain the point of order.

Mr. PENROSE. Mr. President, I only want to say on this point when the Senator from Utah rose I supposed he had a resolution addressed to the Senate——

Mr. KING. Oh, no.

Mr. PENROSE. But it appears he wants to have a newspaper clipping read. I thought we had at last arrived at a tacit understanding that we would not make the CONGRESSIONAL RECORD ridiculous by having a collection of telegrams and newspaper clippings inserted every morning. I shall emphatically object to having any newspaper clippings read.

Mr. KING. The objection of the Senator from Pennsylvania comes too late. Moreover, I am not so sensitive to the point suggested by the Senator. I am sure we ought to be gratified to know that the organizations of this country that represent public sentiment are vigorously behind the President in the prosecution of the war, and that they look with displeasure upon those who may hamper the war, and the spies and traitors, if there be any, throughout the country.

Mr. PENROSE. Mr. President, I do not require the listening to the reading of a Wisconsin newspaper to persuade me that our German-American citizens are loyal. I suppose I represent in this Chamber as many German-Americans as any half dozen Senators or more. I know they are as loyal as anyone else. But I can not help feeling that it is a very cheap form of statesmanship to be reading telegrams and newspaper clippings in the Senate.

Mr. KING. Of course, the Senator from Pennsylvania has had so many years of statesmanship he knows the difference between "cheap" and that which is very valuable, and he represents the valuable, while I suppose I must confess to representing the cheap form of statesmanship. However, I like to know that the form of statesmanship I represent stands for the war, for its vigorous prosecution, and stands behind the President. It stands for American rights, which ought to be dear to the hearts of those citizens found within the district represented by the Senator from Pennsylvania.

Mr. PENROSE. Now, let us proceed with the ordinary routine of business, and I hope I shall be permitted to present a number of petitions for proper reference.

Mr. GALLINGER. Mr. President, I renew my objection to the matter being read from the desk.

The VICE PRESIDENT. Upon the ground that it is a criticism of Congress?

Mr. GALLINGER. A criticism of Congress, and giving instructions as to what Congress shall do in a certain important matter.

Mr. KING. I submit it is not a criticism of Congress, but if the Senator objects and the Chair sustains the objection, later on in the day I shall take occasion to read it as a part of my remarks. I insist that it is not a criticism of Congress.

The VICE PRESIDENT. In view of the controversy the Chair will not take time to read the resolutions, which are long, and, in view of the statement of the Senator from Utah that later in the day he will read them, they will get into the RECORD.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a resolution adopted by the Philadelphia Bourse, of Pennsylvania, favoring the authorization of a war-supply board to control all purchases of war necessities and the manufacture thereof, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against section 200 of the war-revenue act, relating to incomes derived from professions or occupations which have no vested capital, and praying that it be amended, which was referred to the Committee on Finance.

He also presented a resolution of the Board of Trade of Philadelphia, Pa., favoring the recommendation made by the President of the United States relative to the consideration of all appropriation bills through a single committee, which was referred to the Committee on Appropriations.

Mr. KENDRICK presented a petition of the One Hundred Per Cent American Club of Douglas, Wyo., praying that Indians be included in the military service of the country, which was referred to the Committee on Military Affairs.

He also presented a petition of the One Hundred Per Cent American Club of Douglas, Wyo., praying for the enactment of legislation making it a crime to use unpatriotic language, etc., which was referred to the Committee on the Judiciary.

Mr. CURTIS presented resolutions adopted by the executive committee of the Kansas State Live Stock Association, favoring the classifying of labor and so assigning it that the industries necessary for winning the war may be provided for, which were referred to the Committee on Education and Labor.

Mr. PHELAN presented resolutions adopted at a meeting of Serbian, Cortian, and Slovene residents of San Francisco, Cal., favoring the declaration of war on Austria and swearing allegiance to the United States, which were ordered to lie on the table.

He also presented a petition of the Merchants' Exchange of Oakland, Cal., praying for the construction of a naval base in Alameda as soon as possible, in order that additional facilities may be provided for naval operations, which was referred to the Committee on Naval Affairs.

Mr. THOMPSON presented a petition of the Kansas State Live Stock Association, praying for the enactment of legislation to regulate labor to the end that no labor be employed which does not contribute toward the winning of the war, especially during the crop season, which was referred to the Committee on Education and Labor.

Mr. CUMMINS. I present resolutions adopted at the annual meeting of the Joseph Smith Family Association, held on December 23, 1917, at Lamoni, Iowa, which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

LAMONI, IOWA, *December 27, 1917.*

Senators A. B. CUMMINS and W. C. KENYON,
Washington, D. C.

DEAR SIRS: At the annual meeting of the Joseph Smith Family Association on the 23d instant, the following resolution was read and adopted, and I, as secretary of the association, was requested to prepare and send copies of the same to yourselves, President Woodrow Wilson, and Hon. H. M. TOWNER:

"*Resolved*, That we, the Joseph Smith Family Association, composed of the direct descendants of Joseph Smith and those allied with them by marriage, not one of whom owes his or her birth or allegiance to the morally corrupting and soul-destroying doctrine of polygamy, of which he has been falsely accused, assembled in annual reunion at Lamoni, Iowa, on this 23d day of December, the one hundred and twelfth anniversary of the birth of our distinguished ancestor, hereby affirm the political faith of Joseph Smith declared in 1844, viz:

"'In the United States the people are the Government; and their united voice is the only sovereign that should rule, the only power that should be obeyed, and the only gentleman that should be honored, at home and abroad, on the land and on the sea.'

"We therefore unreservedly pledge to President Woodrow Wilson and the Congress of the United States our loyal support and our faithful service, in this dark hour of our country's peril, in their effort to make the world safe for democracy.

"*Resolved, further*, That copies of this resolution be forwarded to President Wilson and to our representatives in the Senate and House of Representatives, with request that they present the same to the bodies of which they are Members."

Very sincerely, REBECCA WELD, *Secretary.*

Mr. WARREN presented a resolution adopted by the One Hundred Per cent American Club of Douglas, Wyo., relative to the public utterances of Hon. ROBERT M. LA FOLLETTE, a Senator from the State of Wisconsin, which was referred to the Committee on Privileges and Elections.

He also presented a resolution adopted by the One Hundred Per Cent American Club of Douglas, Wyo., praying for the enactment of legislation making it criminal to use unpatriotic language, etc., which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the One Hundred Per Cent American Club of Douglas, Wyo., favoring the use of Indians in the military service of the country, which was referred to the Committee on Military Affairs.

MUNICIPAL BRIDGE AT ST. LOUIS, MO.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 3081) to extend the time for the completion of the municipal bridge approaches and extensions or additions thereto by the city of St. Louis within the States of Illinois and Missouri, and I submit a report (No. 185) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in section 1, page 1, line 10, after the word "extended," to strike out the words "without limitation" and to insert "for the period of three years," so as to make the section read:

That the time for the construction and completion of the municipal bridge approaches, and also extensions or additions thereto, which said construction and completion was authorized by an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906, be, and the same is hereby, extended for the period of three years from the date of the passage of this act.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. SMOOT. Mr. President, just a moment, please. I ask that the Secretary again report the amendment.

The VICE PRESIDENT. The Secretary will again state the amendment reported by the committee.

The Secretary again stated the amendment.

Mr. SMOOT. Mr. President, I shall not object to the passage of the bill, but as we are to vote at not later than 5 o'clock to-day on the bill to encourage and promote the mining of oil, phosphate, and so forth, I shall object to the consideration of any other bills during the morning hour.

Mr. POINDEXTER. I desire to inquire of the Senator who has reported the bill what is the purpose of extending this franchise without any limitation at all?

The VICE PRESIDENT. There is an amendment which has been reported by the committee to that provision of the bill.

Mr. POINDEXTER. That provision of the bill is proposed to be amended by the committee?

Mr. SHEPPARD. I will say to the Senator from Washington that I have been directed by the Committee on Commerce to report an amendment to the bill limiting the time for a period of three years.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENDRICK:

A bill (S. 3407) granting an increase of pension to John Dewire;

A bill (S. 3408) granting a pension to Charles J. McClendon; and

A bill (S. 3409) granting a pension to Julia H. Bock; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3410) for the relief of Charles Mace; to the Committee on Military Affairs.

A bill (S. 3411) granting an increase of pension to Milton S. Lawhead;

A bill (S. 3412) granting an increase of pension to Samuel R. Smith;

A bill (S. 3413) granting an increase of pension to David Dryburgh;

A bill (S. 3414) granting an increase of pension to Jay Smith;

A bill (S. 3415) granting an increase of pension to William J. Rigg;

A bill (S. 3416) granting an increase of pension to Robert Masters;

A bill (S. 3417) granting an increase of pension to William Wellman;

A bill (S. 3418) granting a pension to Francis M. Fox; and

A bill (S. 3419) granting an increase of pension to John E. Carpenter (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3420) granting a pension to Elizabeth H. Mills; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 3421) granting an increase of pension to James M. Millirons (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 3422) granting a pension to Agnes Swarts (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3423) granting a pension to Mary L. Colney (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 3424) granting an increase of pension to Julia Burger (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3425) for the relief of Paul Guenther (Inc.), and Paul Guenther and Olga Guenther; to the Committee on Claims.

GOVERNMENT CONTROL OF RAILROADS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 3385) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

Mr. WATSON submitted an amendment intended to be proposed by him to the bill (S. 3385) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

PROPOSED AMENDMENT OF INCOME-TAX LAW.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 195) amending the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, so as to subject to the war excess-profits tax the compensation of officers and employees under the United States, including Members of Congress, which was referred to the Committee on Finance and ordered to be printed.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. PENROSE submitted an amendment providing that the Postmaster General may, in his discretion, allow employees detailed to the Army mail service abroad a per diem allowance not to exceed $3 per day, intended to be proposed by him to the Post Office appropriation bill (H. R. 7237), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

EAST ST. LOUIS RIOTS.

Mr. SHERMAN. I present a report from the attorney general of Illinois on the East St. Louis race riot. If the Senate will bear with me, I should like from three to five minutes to preface the report with a statement. I ask unanimous consent for that purpose.

The VICE PRESIDENT. The Chair hears no objection, and the Senator from Illinois will proceed.

Mr. SHERMAN. Mr. President, on the day and until midnight of July 2, 1917, a riot occurred in East St. Louis, Ill., attended with a loss of life unprecedented in such outbreaks in time of peace. The commotion disclosed a most deplorable condition in the municipal government. It showed an alliance with the vicious, lawless element which resulted in the paralysis of the ordinary agencies designed to protect life and property and preserve the public peace. A remarkable indifference afflicted officials. It was discouraging to the reputable element at East St. Louis to find their city government in such a condition. Law-abiding citizens, however, united their efforts and with a commendable spirit entered upon the redemption of their city.

Edward J. Brundage, attorney general of Illinois, promptly assumed control of the detection and punishment of those responsible for the outrages. His official conduct has been marked by a high sense of duty and professional ability. The crimes committed were of unprecedented atrocity. They manifested an abandoned spirit and a malignant cruelty difficult to believe unless proven by indisputable evidence. The bodies of 35 negroes were collected by undertakers and buried the day after the riot, unidentified and unclaimed. A large number of negroes were burned. The bodies of many were thrown into Cahokia Creek or the Mississippi River and were never recovered. Over 100 negroes were shot or mangled and beaten to various degrees of helplessness or injuries. Eight white men were killed. Over 250 buildings were burned. Some entire blocks were burned in the negro districts so completely as to leave nothing but heaps of ashes. Many negroes are believed to have been killed and their bodies destroyed so as to escape identification in the resulting fires.

The disreputable negro escaped. The law-abiding industrious one with the usual insensate blind fury of the mob was killed or maimed. Negro children were thrown back into the burning buildings. Some ran from their flaming homes and were shot by the mob while trying to escape. The East St. Louis police generally not only gave no help, but refused their efforts to save life and restore order.

Under those conditions Attorney General Brundage began an investigation. Circuit Judge Crow impaneled a grand jury in St. Clair County, in which East St. Louis is situated. When Attorney General Brundage began the investigation he demanded that the mayor of East St. Louis suspend the heads of the police department. This resulted in the suspension of the day and night chiefs and the resignation of the entire police board. One hundred and forty-three indictments were returned without a single dissenting vote. The defendants indicted were negroes in the mob that had killed white policemen, the man who fired the first shot the morning of the riot, leaders of mobs which searched street cars for negroes, policemen who disgraced their official character, leaders of riotous bodies of men which dragged negroes along the streets with ropes around their necks and hung and shot them. The mayor of the city was indicted for misfeasance in office, his private secretary for conspiracy, and a number of policemen for a variety of statutory offenses.

The attorney general sent his personal representatives to the trial table, who assisted in the prosecution. Convictions have been had for felonies in 18 or 20 of the cases, inflicting long penitentiary sentences. The defendants are now actually in the penitentiary. In the conviction for misdemeanors, generally speaking, the evidence showed only such conduct as would on ordinary occasions have been a breach of the peace.

Great publicity was given the riot and severe but merited criticisms were made. I believe it proper to say that the attorney general of Illinois and his personal representatives, the circuit judge, the grand jury, and the county officials charged with public duties in the prosecution, as well as the trial jury, have risen to the level of the emergency. They have shown a keen sense of their public duties and are resolved not only to punish the guilty, but to guarantee the future against the recurrence of such bloody outrages. The State of Illinois was humiliated by the deplorable lawlessness made manifest. It is none the less determined that the State and its several communities shall be redeemed from the disgrace brought upon it by municipal home rule of the vicious element gone mad. Illinois now challenges other States in which the mob spirit usurps control and leaves its bloody trail and ashes of ruined homes in its wake, to show a similar purpose to punish crime and vindicate the right of civilized communities to administer the laws and protect life and property. Severe reflections were made upon Illinois because of the riot. It now, so far as civil authority can atone for such unparalleled disorder and crime, presents its prosecution and punishment of the guilty who gave the occasion for such animadversion. A number of cases are still pending for trial on the indictments found. The prosecutions are being pushed vigorously. An aroused public sentiment is manifested, which promises a livelier performance of official duty and a guaranty for better conditions in East St. Louis.

One evident fact conveys a warning to every municipality in the United States. Vice and lawlessness supposed heretofore to be local in character are not so. The claim that such offenses are matters purely of home rule and punishment is a dangerous error. The insidious character of the element concerned in such supposed local offenses numbs officials, debases politics, and endangers public tranquillity. Its hidden character, until it blazes out in riot and disorder, as an ally of other forms of lawlessness, renders it more dangerous than more violent offenses. East St. Louis lies at the gateway of the great southwestern markets, factories, and carrier systems tributary to St. Louis, Mo. In time of war it could by such disorders as that of last July effectually interfere with or completely block the transportation of military and naval forces, munitions of war, and United States mails, together with the civil traffic that underlies the transactions of private life. Such conditions therefore are no longer mere matters of municipal home rule, but are become national in their necessary results.

With this preface I ask that the report of the attorney general of Illinois in reference to this prosecution be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The report referred to is as follows:

EAST ST. LOUIS RACE RIOT.

TIME AND PLACE.

The riot took place on the principal streets of East St. Louis, Ill., and most of the negroes were killed and wounded in the very heart of the city; many within sight of the city hall. There were five small mobs of rioters that operated in different parts of the outskirts of the city, but the damage caused by them was small in comparison with that done in the downtown business part of the city.

The riot started on the morning of July 2, 1917, between 9 and 10 o'clock and continued until midnight, when it was practically quelled by the State militia. Two policemen who came on duty at 7 o'clock on the morning of the 3d took a small detachment of militia (eight men) and killed one and wounded two negroes on the island, and the Bauman Road mob assaulted three negroes on the afternoon of the 3d. A number

of fires were set at different times during the succeeding weeks in the negro districts, but little damage was done after the 2d. The large fires were started about 5.30 p. m. on the afternoon of the 2d.

EXCUSE.

The excuse assigned by the mobs for the riot was the murder of two policemen the night before by a mob of negroes. (The negroes were beaten up by the whites during the day before the riot, and rumors of a massacre were carried to the negroes, causing them to arm and become disorderly.)

CASUALTIES AND DAMAGE.

About 35 bodies of negroes were collected by the undertakers. (In most cases they were buried the day after the riot, unidentified and unclaimed.) Eight whites were killed. (Four of these by white mobs.) Eight known whites were badly wounded (four by white mobs). Many—over 100—negroes were shot or beaten up, or both. A large number of negroes were burned and their bodies not recovered. A number were thrown into Cahokia Creek. Owing to the fact that a large part of the negro population left East St. Louis the day of the riot or shortly afterwards and went to all parts of the United States, no correct list or number of the dead and injured has ever been obtained. For days after the riot, especially before the investigation and prosecution of the rioters was commenced in earnest, it was boasted that "the niggers would be finished shortly, together with anyone who interfered with the rioters," and the negroes were afraid to even appear and claim their dead in many cases.

Over 256 buildings were burned. In some instances entire blocks in the negro districts were completely consumed. Large numbers of buildings were shot into and otherwise wrecked but escaped being burned.

RIOT CHECKED BY WHOM.

The East St. Louis police force, most of whom were in sympathy with the rioters, did nothing to stop the riot, and early in the day word was passed around that the police would not interfere. The militia on the ground during the day was composed mostly of young, green boys, and they spent the day trying to keep the crowds moving and in escorting negroes to places of safety. (Many negroes were saved in this manner.)

At 7 o'clock p. m. Company B of the Fourth Illinois Infantry, from Newton, Ill., arrived, and under the personal direction of Col. E. P. Clayton they were rushed to the corner of Collinsville and Broadway and arrested about 200 of a mob that was dragging a negro on the ground with a rope toward Main and Broadway, where they were going to hang him within sight of the city hall. Col. Clayton had his soldiers surround this crowd and marched them to the city hall at the point of the bayonet, and this wholesale arrest of the rioters broke the backbone of the riot.

The first fire alarm was turned in about 5.15 p. m., and between 6 and 7 the crowd hampered the firemen by cutting the hose; but after the wholesale arrest by Col. Clayton, he promised the fire chief of St. Louis, Mo., ample protection, and in a few minutes his companies arrived, and the fires were under control by midnight.

INCIDENTS OF THE RIOT (AS SHOWN BY EVIDENCE COLLECTED DURING INVESTIGATION).

Negroes were generally assaulted and knocked down by members of mobs and then shot while on the ground. Some were kicked and stamped with the boots and heels of the rioters. In numerous cases their skulls were crushed with paving blocks, iron bars, and clubs.

Some negroes were dragged on the ground with ropes around their necks.

Three negroes were hung.

Negro children were thrown back into burning buildings.

Numbers ran from their burning homes only to be shot by mobs which had started the fires.

One little negro girl about 2 years old was shot through the breast with a bullet.

One white woman cut the throat of a negress.

A number of negroes were chased to Cahokia Creek banks and jumped or were thrown in and when they would arise to the surface the mob would pelt them with clubs and stones until they sank.

A mob of white girls (prostitutes) attacked and beat a number of negro women. One girl would beat them with the heel of her shoe. These girls made a weapon from a table fork which they had attached to a cane, and when the street cars were stopped by the rioters the girls would stick and jab the negroes with the sharp tines of this weapon. A policeman was present when one of these girls stamped on the head of a negro whom the crowd had just assaulted and knocked down.

In a number of cases the mobs would not let the ambulance drivers pick up the wounded negroes, but would make them drive on.

One ambulance was shot into by the mob and riddled with bullets.

One negro who sought safety at the police station was driven out by an officer in the presence of the mayor and shortly afterwards was killed almost in front of the police station.

The mobs broke into the pawn shops and secured guns and ammunition in this manner.

Automobiles went from crowd to crowd passing out ammunition.

Many negroes saved their lives by "playing possum" and lying in the streets as if dead.

One officer of the police when approached by a citizen who asked him to stop the crowd from hanging a negro said, "No; they are only getting what they gave Coppedge and Wadley last night" (Coppedge and Wadley were the two policemen who were killed by the negroes the night before).

The deputy sheriffs were assisting in getting some colored women and children from a burning building, and they appealed to a police officer for help, and he said, "They did not need any help last night."

The two instances that stand out of white men attempting to stop a mob single handed from assaulting negroes are worthy of mention. Waldo D. McClure and a Mr. Stephenson are the two white men. McClure was nearly killed and Stephenson is now in an asylum from injuries received. Both of these men saved the lives of a negro, and it is interesting to know that they are both southerners.

There are numerous instances of where after driving the negroes from their homes the white mobs carried away the belongings of the negroes.

At least four white men were shot by bullets intended for the negroes.

No instance has come to light where a really bad negro was killed or wounded. In every case the victim was an old man or defenseless woman or child.

In a good many cases of the assaults committed after noon the victims were not even residents of East St. Louis, as after noon the East St. Louis negroes had run to cover and the mob began to stop all street cars and take the negroes from the cars. A good many of these cars came from other towns in the vicinity. The following story was brought to light in the trial of the case of the State against Robinson, Dow, and Hanna. (These three defendants are all now in the State penitentiary at Chester.)

Mrs. Lena Cook and husband Ed Cook, daughter Bernice, and son Lurizza were on a street car passing through East St. Louis; they were returning from a day's fishing trip. (None of these parties had ever stepped foot on East St. Louis soil.) The car was stopped, and Mrs. Cook's husband was taken out of the car by Dow, an ice man, who beat him over the head with a revolver until he was off the car and then shot him dead by a bullet in the back of the head. The son was beaten but got away and started to escape when he was also killed by a bullet from the crowd. (This bullet went through Lurizza and hit the pavement and killed a white man by the name of Keyser who was standing in front of his hardware store.) Mrs. Cook, who was begging the crowd to spare her children, was then kicked and beaten and pounded until she lost consciousness and was left for dead on the sidewalk in a pool of blood, with large handfuls of her hair which had been pulled from her head lying on the walk beside her. A white man named Stephenson interfered with mob and tried to save this woman, but the mob turned on him and inflicted injuries which has resulted in his losing his mind, and he is now in an asylum in Chicago.

As soon as the soldiers arrived at the scene of this killing, they ordered an ambulance and put in the bodies of five negroes, including Mrs. Cook. Mrs. Cook testified in the above-named case, and stated that when she came to in the ambulance her eyes were so full of blood that she could not see and that after she had felt around and secured something to wipe them with the first thing that she saw was her dead husband and the next was her dead son, one lying on each side of her. Her daughter was secreted in a drug store by a Salvation Army woman, and she found her daughter later in St. Louis.

Other witnesses testified to the fact that large bunches of her hair were lying beside her in her blood. She exhibited a scar the entire length of her head where the hair had been pulled out by the roots.

The police sergeant and police officer who led the soldiers on the 3d to the island shot one negro through the head and killed him; shot the arm off a woman, and shot another negro through the side.

PROSECUTIONS.

On the day of the riot, when the mayor, Fred Mollman, admitted to the governor over the telephone and in the chamber of commerce that he had lost control of his police force and could not force them to act and was powerless to do anything to quell the riot, a committee of 100 was formed out of the chamber of commerce and other leading business and professional men and they immediately started out to do the necessary things to protect life and property and regain order out of chaos and destruction.

They knew that under existing conditions in their county no honest, far-reaching investigation or prosecution would or could be accomplished by the local officers, and they telephoned to the attorney general of Illinois, Edward J. Brundage, for advice and help in the matter. In spite of the fact that his life was threatened in case he went to East St. Louis, he appeared there in person on the 4th of July and went into conference with the executive committee of the committee of 100.

He found a county in which it was common knowledge that a white man would not be prosecuted seriously for injuring a negro and where the boast of the ordinary citizen was that a white man had never been hung for murdering a negro; where a small race riot of a month previous had been whitewashed and where most of the officials were prepared to allow this orgy of crime also to be whitewashed; where hardly a name of members of mobs had been secured, hardly a name of the dead or wounded, the dead having been buried unidentified and without post-mortems; most of the mob members arrested by the militia already turned loose; the police force and police board which had allowed the riots still in office and shielding the rioters; and the citizens, almost without exception, ready to withhold information and evidence, either through sympathy with the rioters or fear of reprisals for divulging same. In a city where the better element threw up their hands in despair and said that the necessary convictions could not be had to redeem the city and make it a safe place to live the attorney general found more murders and other crimes committed by more criminals than ever before grew out of an act of mob violence at any place in the State or United States in the history of the country.

He immediately took charge of the investigation and prosecution of the rioters. He demanded that the mayor suspend the heads of the police department, and this resulted in the suspension of the day and night chiefs and the resignations of the entire police board. Assistant Attorney General W. E. Trautman was assigned to the coroner's jury, C. W. Middlekauff to the grand jury, and John E. Hamlin and James A. Farmer were appointed special attorneys general for the collection of evidence and the prosecution of the offenders. A large corps of investigators from the attorney general's office were also assigned to the task of collecting and presenting evidence to the grand jury, which was immediately called by Judge Crow, for the purpose of hearing the evidence, at the request of the attorney general.

After hearing over 600 witnesses the grand jury returned two lots of indictments against 143 defendants and without a single dissenting vote from a single juryman.

Among those indicted were 21 negroes, who were in the mob that killed the policemen;

The man who fired the first shot on the morning of the riot;

The leader of the labor temple hall meeting, where the first mob was organized;

The leaders of the mob which hung and dragged the negroes;

The leaders of the mobs which worked on the street cars;

The leaders of the mob which threw the negroes into the creek;

The man who stopped the ambulance from picking up the wounded negroes;

The leaders of the arson mob;

The crowd of ex-policemen who intimidated the few honest policemen by taking their prisoners away from them;

The policemen who led the militia that killed the negroes on the island;

The leaders of the mobs which worked in the outskirts of the city;

Seven of the policemen against whom positive evidence of conspiracy was obtained; and

The mayor and his secretary—the mayor for misfeasance in office and his secretary for conspiracy.

When the attorney general faced the first jury in the trial of the first case it was the first time since the early days in the history of the State of Illinois that the attorney general had appeared as a prosecutor

in a murder case, and, there being 13 defendants on trial for murder at one time, it was the largest murder case in number of defendants ever tried in the State. Ten of these defendants were given 14 years each in the penitentiary at Chester and are now serving their time.

When the investigation was first begun, the common report was that no evidence could be secured.

When the evidence was secured, the common report was that the grand jury would not indict.

After the indictments had been returned even the lawyers who were in favor of the prosecutions said that it would be impossible to secure convictions.

Even after convictions were secured the rumor was largely circulated that no one would ever serve time in the penitentiary, but at this time there are 19 in the penitentiary and 3 who have been sentenced recently. Altogether there have been over 50 defendants convicted of one crime or another on account of indictments obtained by the attorney general. All of this in spite of the fact that all of the time-worn customs of continuances, jury fixing, intimidation of witnesses, etc., were attempted, but without avail. Without hardly an exception the cases were tried as they were set, and with the above-described results, in less than five months from the time of the riot. The forces of the attorney general are ready to continue the prosecutions in the next term of court.

Just before the first riot in East St. Louis one of the lawyers of the city, in addressing a white meeting which was considering the race question, advised the people that there was no law in Illinois against mob violence. The trial of the riot cases has shown the people of that county that there is probably more law against this sort of crime than any other. At least the lawyer who made the statement, being the same lawyer who has represented the rioters in numerous cases, and who has lost every case, probably now thinks so.

As a matter of fact, law enforcement is picking up fast in this locality, and race rioting has probably been cured for some time to come. There is one law in Illinois for all nationalities—whites and negroes, Italians and Greeks, Frenchmen and Englishmen, Irishmen and Germans. They are all entitled to the protection of their lives and property, and they will get it.

GOVERNMENT CONTROL OF RAILROADS (S. DOC. NO. 159).

Mr. POINDEXTER. I ask that there be printed as a Senate document the proclamation by the President assuming possession and control of the railroads and appointing a director general, and also the statement of the President in connection with the proclamation.

Mr. SMOOT. Has not that already been printed in the RECORD?

Mr. POINDEXTER. It may have been printed in the RECORD, but I am informed it has not been printed as a document.

Mr. SMOOT. Then let it go to the Committee on Printing and we will consider it.

Mr. POINDEXTER. It is a matter of such importance I hope the Senator from Utah will not insist on its going to the committee. The Committee on Interstate Commerce is now considering this question. A large number of railroad officials and public officials who have to deal with the railroads are discussing this very proposition. There is an actual immediate need of the document in an available form.

Mr. SMOOT. Upon the statement of the Senator from Washington, I shall not object, although I think the matter ought to have gone to the Committee on Printing.

The VICE PRESIDENT. It will be so ordered.

ECONOMIES IN GOVERNMENT PAPER.

Mr. FLETCHER. Although not technically a report of a committee, perhaps, but appropriate to that head, I desire to ask to have printed in the RECORD a statement regarding the work of the Joint Committee on Printing relative to economies in Government paper. I think the statement will be valuable both for the information of Congress and the public. It is a very short statement.

The VICE PRESIDENT. Without objection, it is so ordered.

The statement referred to is as follows:

GOVERNMENT PRINTING OFFICE WILL USE 160,000,000 POUNDS OF PAPER, COSTING ABOUT $4,000,000, THIS YEAR.

[From the Official Bulletin, published by the Committee on Public Information, Dec. 15, 1917.]

Sixty-five million pounds of paper will be required for Government printing in the year beginning March 1, 1918, according to estimates submitted by the Public Printer to-day to the Joint Committee on Printing. This estimate is about 60 per cent of the quantity of paper which the Government Printing Office will use during the present year, the extraordinary demands for printing due to the war having already necessitated an expenditure of $2,200,000 for the first five months of this fiscal year. It is expected, therefore, that the total amount of paper which the Public Printer will have to buy for the present fiscal year will exceed 100,000,000 pounds, costing about $4,000,000.

Some idea of the vast increase in Government printing due to the war may be had from the fact that in normal years the Public Printer has required only about 28,000,000 pounds of all classes of paper, while for the coming year his estimate for book paper alone exceeds this total. The War Department itself has estimated that it will require $3,000,000 the coming year for printing, which is ten times the amount it ordinarily expends for that purpose in peace times.

WILL REDUCE WEIGHT OF PAPER.

In order to effect a substantial economy in the use of this immense quantity of paper the Joint Committee on Printing to-day adopted standards which materially reduce the weight of the more important classes of paper. This action was taken on the recommendation of the committee on specifications, consisting of Government paper experts, who estimate that the proposed reduction in weight will save the Government at least $320,000 in the cost of paper alone and reduce the total quantity required by nearly 2,000,000 pounds, which will thereby be available for other users of paper. Adding to this the even greater saving that will be possible for the Post Office Department to effect in the handling of the reduced weight of franked matter, the total economy proposed will amount to more than $600,000 for the coming year.

The Joint Committee on Printing itself has already taken the initiative in the use of lighter weight papers by having the CONGRESSIONAL RECORD and congressional documents printed upon 35 instead of 40 pound book paper. Including the estimated saving to the Post Office Department in the handling of the reduced weight of franked congressional matter this has already effected an economy of about $200,000 for the year.

ECONOMY IS URGED.

In view of the higher cost of paper, and the especially great need for conserving all paper-making material, the joint committee has requested the Public Printer to exercise to the fullest extent his authority under the printing law to require the use of the lightest weight and lowest grade paper possible in the execution of the public printing and binding. At its meeting to-day the members of the committee expressed the hope that all the departments of the Government would heartily cooperate with the Public Printer in his efforts to effect a further saving in the use of paper by the Government.

In addition to adopting the standards of paper for the coming year, the Joint Committee on Printing decided to open bids for such paper on January 21 in its room at the Capitol, and the Public Printer was directed to advertise for proposals in accordance with the schedule approved by the committee. The schedule, as before stated, calls for approximately 65,000,000 pounds of various classes of paper, including among the principal items, 25,000,000 pounds of machine-finish printing paper; 4,350,000 pounds supercalendared printing paper; 1,500,000 pounds news-print paper; 725,000 pounds coated book paper; 15,500,000 pounds writing paper; 5,400,000 pounds bond paper; 2,100,000 pounds ledger paper; 650,000 pounds map paper; 450,000 pounds safety writing paper; 1,150,000 pounds manila paper; 2,500,000 pounds bristol board; 1,600,000 pounds binder's board, and numerous minor lots.

THE PROPOSAL FORM.

The proposal form adopted by the committee provides that whenever the fair and reasonable market price, as determined by the Federal Trade Commission, for paper contracted for varies 20 per cent or more above or below the accepted price, either the Government or the contractor may have the option of annulling the contract at the expiration of either three, six, or nine months. This innovation was adopted by the committee last year and has since been included in other Government contracts. It is believed to be fair both to the Government and the contractor, in view of the great fluctuations that have occurred from time to time in the cost of manufacture due to the war.

The joint committee also gave recognition to the recent agreement entered into by the Attorney General with the news-print manufacturers to the effect that the price for news print should be fixed by the Federal Trade Commission. The committee's schedule provides, in accordance with this agreement, that the price of news print to be furnished the Government Printing Office after April 1 shall be the same as that fixed upon by the Federal Trade Commission for the newspaper publishers of the country.

BULK BOUGHT IN OPEN MARKET.

During the past year the Public Printer, under direction of the joint committee, has purchased by far the greater bulk of his paper in the open market, as the committee declined to award contracts on the basis of bids submitted to it last January. This has resulted in a saving of approximately $500,000 in the price that the paper would have cost the Government had it been purchased on the basis of the low bids made at that time. The committee hopes, however, that it will be able to obtain sufficiently reasonable bids for the coming year, so that it may award annual contracts as usual, for it is somewhat of a hardship to the Government and uncertainty to the manufacturers to continue the vast quantities of open-market purchases. These open-market purchases have, however, all been made after competitive bidding and the paper furnished has been inspected and tested in the same manner as that bought under annual contracts.

AMENDMENT OF FEDERAL FARM-LOAN ACT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives insisting upon its amendment to the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HOLLIS. I move that the Senate disagree to the amendment of the House and agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. OWEN, Mr. HOLLIS, and Mr. GRONNA conferees on the part of the Senate.

MINING OF COAL, ETC., ON THE PUBLIC DOMAIN.

The VICE PRESIDENT. The morning business is closed.

Mr. PITTMAN. I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2812) to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

Mr. PITTMAN. Mr. President, there has been a peculiar attack made upon this proposed legislation. Some one is spending a large amount of money for the purpose of creating a prejudice against this measure. A full-page advertisement has appeared in one of the great papers of this city charging that this proposed legislation is in the interest of the Standard Oil Co. It is a strange thing, in the first place, that after four years' consideration of this subject, just about the time that this bill is to be voted on, this question should come up in this form.

The Committees on Public Lands of both bodies have for four years not only listened to the opinions and advice of everyone who might be interested in this matter but have invited them. This bill was originally prepared under the direct supervision of the Secretary of the Interior. It was drawn for the purpose of introducing into this country the leasing system as to nonmetalliferous metals. It is well known that nearly the entire West was opposed to that theory. It was a theory for which Mr. Pinchot was largely responsible; it was a theory which in its ultra form was totally impracticable and unfair to the development of the West. That bill came before the Public Lands Committee of the Senate. As I have said, we had possibly 20 hearings with regard to the bill; every interest was invited to come there and to be heard, and they were heard with regard to it. A bill was finally reported to this body and passed the Senate, which was very largely in the form in which this bill to-day now appears; in fact, in greater part, the pending bill is word for word the same.

The Committee on Public Lands of the House at the same time were holding hearings, and the House passed a bill almost identical with the present bill. At that time the only practical difference between the bill passed by the House and the bill passed by the Senate was this: The Senate bill provided that one lessee might hold not to exceed 2,560 acres of oil lands, while the House bill provided that one lessee should only hold 640 acres of such lands. The House contended that to grant more land to a lessee would tend toward a monopoly of the oil of this country. It was in conference on those two ideas that the final split came, and no bill was agreed to.

At the following session the bills were again introduced, again hearings were had, and again a bill was reported to this body practically in the form of the bill now pending. A third time a similar bill was reported by the Senate committee to this body, and this is the fourth bill of this kind which has been reported.

The advertisements to which I have referred attack what? They say that this legislation is going to be in the interest of the Standard Oil Co. Why? Because, they say, that if we limit the amount of land to 2,560 acres it will not permit one company to become sufficiently strong to contest with the Standard Oil Co. What does that mean? It means that the very people who are hallooing "Standard Oil Co." for the purpose of cowering the Members of Congress are urging the Congress at this time to permit them to establish a monopoly equal to that of the Standard Oil Co.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. PITTMAN. I do.

Mr. BORAH. I have not read the argument in the Post to which the Senator refers——

Mr. PITTMAN. It is the same argument as that contained in the brief handed to the Senator.

Mr. BORAH. I was going to say that I presume it is the same argument as that found in the brief; but the objection to this bill, Mr. President, whether it is found in an argument in a brief or in the Post, is that it undertakes to place a limitation upon production, but leaves the door wide open for all kinds of monopoly and combination with reference to refining.

Mr. PITTMAN. Mr. President, I have not gotten to the question of refining; I am taking up the complaints made by this public benefactor at the expense of $2,000 a page. This public benefactor states deliberately in the brief, which was handed to the Senator from Idaho, that the limitation of a lease to 2,560 acres is too small. He says that it will not give enough land to one lessee to enable him to become sufficiently strong to oppose the Standard Oil Co. Now, I will ask if that is not in that brief. If there is anyone here who denies it, then I will read the brief.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator whether in that same brief the suggestion is not made that it should be about 9,000 acres instead of 2,560 acres?

Mr. PITTMAN. That is true, I believe. The fact is, that this whole matter was fought out before both committees of Congress, and in that fight the committees determined absolutely——

Mr. BORAH. Mr. President——

Mr. PITTMAN. Just a second until I finish the sentence—that to grant more than 2,560 acres would tend to the very monopoly that now exists.

Mr. BORAH. Mr. President, I want to repeat that this law is so framed that there is no limitation upon the amount of leases which the refiners in that district may control.

Mr. PITTMAN. In what way?

Mr. BORAH. In the first place, after a man has made his discovery you put up the lease for competition. You put the prospector or the independent oil dealer in open competition in bidding for leases with the Standard Oil Co.; and that will cause the independent man to disappear just as soon as the Standard Oil Co. gets on the ground.

Mr. PITTMAN. That argument would be sound if that were all that the bill contained; and it is such arguments as that by those who desire to defeat this bill—as it is my belief this advertisement has in view—that are deceiving the people of this country and this Congress with regard to this legislation. The bill expressly provides that no person or corporation or association can, either directly or indirectly, have any interest, as a stockholder or otherwise, in more than 2,560 acres under this lease. If that is true—and that is in the bill, and to attempt it is punishable not only by forfeiture of the interest but by criminal prosecution—if that is true, then how could the Standard Oil Co. become interested in or bid for more than 2,560 acres?

Mr. BORAH. Does the Senator refer to sections 33 and 34?

Mr. PITTMAN. Yes, sir.

Mr. BORAH. I will discuss those later.

Mr. PITTMAN. I will read it, so that it will be definitely before the Senate.

Mr. BORAH. Does the Senator contend that sections 33 and 34 have any reference whatever to sections 16 and 17?

Mr. PITTMAN. No; they do not. They have no reference to those sections, but they have reference to the general leasing provision. There is no bidding provided for under sections 16 and 17. The Senator was talking about competitive bidding. Sections 16 and 17 do not provide for that form of bidding.

Mr. BORAH. Exactly; but what I say is that sections 16 and 17 open the door to those parties who are supposed to be controlled by sections 33 and 34, whereas, as a matter of fact, sections 33 and 34 do not refer to sections 16 and 17 at all.

Mr. PITTMAN. The Senator stated that the Standard Oil Co. and these refiners could outbid the individual or the poor man. I was answering that argument first, because that is erroneous.

Section 33 says:

> That no person, association, or corporation, except as herein provided—

And that refers to section 16—

> shall be permitted to take or hold any interest, as a stockholder or otherwise, in leases of any one of the deposits herein named and described during the life of such leases covering in the aggregate an area greater than 2,560 acres, and any interest held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership or interest hereby forbidden, which may be acquired by descent, will, judgment, or decree, may be held for two years and not longer after its acquisition.

Mr. OWEN. Mr. President, I should like to ask the Senator what are the exact exceptions provided for in the act when it says "except as herein provided"?

Mr. PITTMAN. I will read the exceptions now. I will read section 16, on page 12. Let me state that this section was put into the bill for this purpose:

> The minute this act becomes a law all other acts in conflict with it are repealed. Under the existing law there is a provision for acquiring oil lands. That provision is under the placer-mining act. That means that a man may locate a piece of public land, mark its boundaries, file a location in the proper office, and go ahead until he makes a discovery, and when he makes a discovery he then may purchase it from the Government. A great many people are acting at the present time under the existing law. They have proceeded to sink wells and locate, and there must be some provision to take care of them when this new law takes effect. Again, there are a great many people who, under a misconception of the law, have at great expense developed new oil fields and sunk wells and are now producing oil, who, under the technical legal construction of the existing law are held not to have valid locations.
>
> It means, as I have said before, that when the Taft withdrawal order took place in 1909 a great many of these men were cut off in their prospecting privileges just before they struck oil. Some of them were down 2,500 feet, within 200 feet of oil, and had they been permitted to go on for two weeks longer their claims would have been protected under the existing law. But what was the result? The Taft withdrawal order came on and withdrew all of these public lands from prospecting. These gentlemen did not believe that the President had authority to deal with the public lands. The Senator from Idaho [Mr. BORAH], on the floor of the Senate, denied that the President had authority to make the order of 1909. The ablest lawyers of this country denied it; and it was not until 1915 that there was a decision that the President had authority.

> What was the result? Following the advice of the lower courts that decided that the President had no authority to make the order, following the advice given by Senators and Congressmen that the President had no authority to make the order, following the advice of the ablest attorneys of the United States those men continued with their work, opened up these oil wells, and have been producing ever since. Unless you put section 16 in the bill, what is the result? The result is that some man who has done nothing, some influential party, will come in and obtain a lease on the very ground that has been developed by some honest man in good faith. What are you going to do about it?
>
> Mr. OWEN. Mr. President, can the Senator give the relative number of acres that are involved in those claims?
>
> Mr. PITTMAN. I will give the Land Office statement with regard to Wyoming. I should judge that there are involved probably some fifteen or twenty thousand acres in California, and possibly the same amount in Wyoming.
>
> Mr. NORRIS. Mr. President——
>
> The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Nebraska?
>
> Mr. PITTMAN. I do.
>
> Mr. NORRIS. I want to ask the Senator if President Taft's order of withdrawal made no provision for people who were on the ground, engaged in prospecting for oil? Did it not specifically provide that their rights should not be interfered with?
>
> Mr. PITTMAN. Mr. President, President Taft was and is an excellent lawyer. President Taft, in making that order of withdrawal, stated to Congress his doubt with regard to his power to make it; and in view of that very doubt, Congress in 1910 passed what we call the Pickett Act, authorizing the President to make withdrawals. But the President, in withdrawing this land from location, had no desire to work any hardship on people who were actually operating under existing law. We know that. Under existing law, any citizen of the United States had a right to go on the public domain and prospect for oil; and should he find oil in that operation, no matter how long after he marked the boundaries of his claim—a year, or two years, or ten years—the discovery related back to the marking of the boundaries on the ground, and he was granted a patent from the United States in fee simple.
>
> What is the result? Mr. Taft knew, as a lawyer, that there was no valid mining location—that is, no consummated mining location—until the discovery was made; and he also knew that after the discovery was made no act of Congress could affect it. He knew that after discovery was made there was no use in making an exception in the act in regard to that man, because he owned it; and what did he state? Let me read what Mr. Taft said. Here is the language that Mr. Taft used:

Temporary petroleum withdrawal No. 5: In aid of proposed legislation affecting the use and disposition of the petroleum deposits on the public domain, all public lands in the accompanying lists are hereby temporarily withdrawn from all forms of location, settlement, selection, filing, entry, or disposal under the mineral or nonmineral public-land laws.

> Now, listen to this mind you—and this answers the question of the Senator from Nebraska:

All locations or claims—

> Now, note the distinction he uses—

All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination.

> What does the circuit court of appeals say with regard to this? Listen to this: The Ninth Circuit Court of Appeals interprets the language of the President of the United States, and what does it say?

It is insisted on behalf of the Government that the exemptions from the effect of the order of the President therein provided for, can not be properly held to apply to any land upon which at the time of its promulgation no mineral had been discovered, even though, as in the present cases, the land had been located under and by virtue of the mining laws, its boundaries properly marked on the ground, and the assignees of the locators, then in its bona fide actual possession, actively engaged in seeking mineral therein.

A discovery of mineral in the ground under such conditions would manifestly have perfected the locations not only against third parties but also against the Government, and would have given to the owner of them an equitable title against the United States, and have entitled the owner to the legal title upon compliance with the statutory requirements respecting annual assessment work and payment, which rights would have been secure under the provisions of the Constitution of the United States. Such locations upon which discovery had then been made needed no protection through any order of the President. Said the Supreme Court in Belk v. Meagher (104 U. S., 279, 289): "A mining claim perfected under the law is property in the highest sense of that term, which may be bought, sold, and conveyed, and will pass by descent." It is not, therefore, added the same court in Sullivan v. Iron Silver Mining Co. (143 U. S., 431, 434), "subject to the disposal of the Government."

President Taft, who had himself been a distinguished Federal judge, of course well knew this, and we think it altogether unreasonable to hold that the words employed by him in his order "All locations or claims existing and valid on this date may proceed to entry in the usual manner after field investigation and examination," were intended or can be fairly construed to apply to lands upon which discovery had already been made and to which its locators had already acquired an equitable title; but, on the contrary that they were intended and should be held to apply to all locations and claims existing at the time of the making of the withdrawal order to which the locators or claimants had some valid right.

> There is a construction by the ninth circuit court of appeals of President Taft's language, clear and simple, that these men whom section 16 attempts to relieve were entitled to proceed to patent in spite of the withdrawal order of 1909.
>
> Mr. BORAH. Mr. President——
>
> The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?
>
> Mr. PITTMAN. I do.
>
> Mr. BORAH. It would depend entirely upon the physical facts as to whether or not they were entitled to proceed to patent, which section 16 undertakes to relieve. The assumption upon which the Senator is proceeding is that they had perfected a valid location.
>
> Mr. PITTMAN. No; the assumption is that they had not perfected a valid location in the sense of a discovery.
>
> Mr. BORAH. Well, but that they had done all that was required to be done under the law up to that time.
>
> Mr. PITTMAN. Undoubtedly.
>
> Mr. BORAH. Section 16 provides that anyone who has asserted the right to a claim and who has sunk a well——
>
> Mr. PITTMAN. Let me read section 16, so that we will see if that is the case. Pardon me; I had in mind, of course, the amendments to section 16 that I submitted on behalf of the committee.
>
> Mr. BORAH. Oh.
>
> Mr. PITTMAN. I assume that unless the Senator from Idaho or some one who is opposed to the bill opposes those amendments that I have offered on behalf of the committee they will be adopted.
>
> Mr. BORAH. Of course, I was speaking of the section as it now stands.
>
> Mr. PITTMAN. I will read the section as the bill is now printed. I would suggest that the printed form be handed to the various Senators, because it has been changed.
>
> Section 16 now reads as follows:

That upon relinquishment to the United States within 90 days from the date of this act or within 90 days after final denial or withdrawal of application for patent, by a claimant of any claim or subdivision thereof asserted under the mining laws prior to July 3, 1910—

> That is the date of the withdrawal under congressional authority—

to any unpatented oil or gas lands included in any order of withdrawal and who prior to such date—

> That is, prior to the withdrawal—

had performed all acts necessary to a valid mining location thereof except to make a discovery of oil, the claimant or his successor in interest shall be entitled to a lease for each asserted mineral location—

> And so forth.
>
> Mr. BORAH. Mr. President——
>
> The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Nevada yield to the Senator from Idaho?
>
> Mr. PITTMAN. I do.
>
> Mr. BORAH. I take it that the language "and who prior to such date had performed all acts necessary to a valid mining location thereon except to make a discovery of oil" is the amendment?
>
> Mr. PITTMAN. Yes, sir; it is the amendment. That language was also used by the committee in section 17, and therefore the committee put it in here.
>
> Section 16 simply treats these claimants as President Taft intended that they should be treated, with the exception that President Taft intended that they should get patent to that land, and we provide that instead of getting patent to the land they shall simply take a lease on the land, the same as any other lessee, simply having a preference in leasing because of the conditions in which they have been placed.
>
> Certainly that is the least we can do for these people. You would imagine that the whole public domain was going to be absorbed under section 16. In Wyoming there are withdrawn oil lands amounting to some 900,000 acres, and yet those who have applied for patents cover only about 8,900 acres. That designates those who have sunk wells to a discovery, because only those who have made a discovery are in a position to apply for a patent. Certainly any man who is in a position to apply for patent will apply for a patent.
>
> Mr. KELLOGG. I should like to ask the Senator in charge of the bill how many acres there are in Wyoming of which he has a record where claims would exist under section 16 outside of those ready for patent.
>
> Mr. PITTMAN. I have it here.

Mr. KELLOGG. It is claimed that the Standard Oil has claims which could be settled under sections 16 and 17 to a very large acreage, and that it would give them a monopoly of that field. I should like to know the number of acres.

Mr. PITTMAN. I will answer that in just a minute. I think I have it here.

Mr. KELLOGG. In connection with that, if the Senator will answer that question, I should like also to know what is the objection to placing the same limitation as to the number of acres each one can lease and acquire under section 16 as is applied under the other sections of the bill.

Mr. PITTMAN. I will attempt to answer that.

Mr. KELLOGG. It seems to me that that would solve that problem. I do not see why that should not be done, making sections 33 and 34 apply to the claimants under sections 16 and 17.

Mr. PITTMAN. I have a letter here from the Commissioner of the Land Office which I requested. It is a summary of the situation in Wyoming. I ask to have it read.

The PRESIDING OFFICER. The Secretary will read the letter.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
January 7, 1918.

Summary of pending oil-land applications—Wyoming.

Applicant.	Number of applications.	Acreage.
Midwest Oil Co. et al	40	6,400
Petroleum Mattchappij Salt Creek	1	160
W. VerVelin	1	160
Elmer Church and F. Hammond	1	160
William Hanley et al	1	160
H. E. Stock et al	2	320
Societe Belge Americaine, etc	3	320
Grass Creek Oil & Gas Co	3	480
I. D. and G. Pickett	1	40
Limit Oil Co	1	40
C. M. Bequette	1	160
Western Oil & Gas Co	1	320
E. J. McMahon	1	40
R. B. Whitehead et al	1	160
Total	58	8,900

Of the above item of 40 applications by Midwest et al., the Central Wyoming Oil & Development Co. and associates, known as the "Franco" interests, are the real parties in interest to the extent of a considerable portion. The Petroleum Mattchappij Salt Creek & Societe Belge are part of said Franco interests. Church & Hammond, William Hanley et al., H. E. Stock et al., and Grass Creek Oil & Gas Co. are all in some way associated or under contract with the Midwest interests. The Franco interests are also more or less associated with the Midwest interests particularly in the refining end of the business. No positive information appears of record in this office as to whether any of these concerns are associated with or controlled by the Standard Oil interests. This office has not been directly concerned with this feature of the situation.

The office has made no attempt to procure a list of the hundreds of locations or claims outside the producing areas. The two principal producing fields are Salt Creek and Grass Creek; the producing area of the former is nearly all covered by patent applications, while very few applications are pending for lands in the Grass Creek field. In the Grass Creek field 17,680 acres are withdrawn, which includes about 2,200 acres of patented land. Of the balance the Standard Oil Co. of Ohio is known to have claims for 260 acres and the Midwest interests for from 1,500 to 2,000 acres. The Roxana Oil Co. has no claim or application of record in this office.

In this connection, and also concerning Naval Reserve, Wyoming, No. 3 (Teapot Dome), reference is made to page 64, report of proceedings of Joint Conference Committee on Public Lands on House bill 406, Sixty-fourth Congress, second session. See also page 9, Annual Report of Commissioner of General Land Office, to Secretary of the Interior for the fiscal year ended June 30, 1917.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
January 7, 1918.

Summary—Wyoming.

Total acreage of petroleum withdrawals	934,295
Total number of mineral applications filed on above lands	58
Acreage included in pending mineral applications	3,900

The above are blanket withdrawals. All, no doubt, include considerable areas of patented lands, as well as considerable areas of lands of doubtful oil value, and there is some production on unpatented lands not included in withdrawals.

Mr. PITTMAN. I wish to call attention to that for a minute. I do not see in the list there any reference to any claim applied for by the Standard Oil Co. or any of its subsidiaries that are known to exist except for 200 acres. The total amount applied for is 3,900 acres. I take it that includes most of the lands which will come within the provisions of section 16. My reason for saying that is this: Section 16 only gives a preference right to lease to the lessee who has made a discovery and who has a producing well, and such a lessee would, in the nature of things, apply for a patent at the earliest possible moment. Therefore, there are only about 8,900 acres out of the 900,000 acres in Wyoming that would come under the provisions of section 16.

There is a list showing some fifteen or twenty claimants of this land. As to the Midwest Co. I know nothing, except what has been stated to me by men in whom I have confidence. Since these attacks were made I have asked Mr. William Wheeler of San Francisco, the vice president of the Midwest Oil Co., whether there is any relation whatever, direct or indirect, with the Standard Oil Co. or any of its subsidiaries, or whether the Standard Oil Co. or any of its known stockholders are big stockholders in his company, and he says, "No; that it is an independent company which originated in San Francisco, Cal., with California people, and that there is not the slightest interest; that they have two or three thousand stockholders throughout the United States at the present time." There has been a charge made here through the press that this is to the interest of the Standard Oil Co. Where is the proof? Why have they been standing back all this time? Why did they not come like honest men if they had any information and give it to the committee and give it to the Senate, instead of at the last minute attempting to impose upon what they supposed to be the cowardice of Members of this body? They are mistaken. The cry of the Standard Oil Co. can not serve to intimidate unless it is backed up by some substantial evidence.

As a matter of fact, if the Standard Oil Co. or any of its subsidiaries are in the same position exactly as the poorest prospector of this country, then I would be ashamed to deny to them the same remedy I would give the poor prospector. I do not stand here to legislate through any sentiment or any prejudice, and I would be ashamed of the man who would use that argument for a single solitary minute.

But the record discloses the fact that the charge through the public press by these men, paying $2,000 per page, is without foundation in fact, or they would submit the facts to this body. We have been ready to hear the facts. We have been ready to hear the facts ever since this matter came before the Senate. We announced the other day that we would hear the facts on this matter, and where are these men with their facts? The independent operators of Wyoming came on with their facts. Here is a letter from the independent operators of Wyoming who deny that they have any connection with this public lobby that is operating through the public press. I ask that the letter may be read.

The PRESIDING OFFICER. The Secretary will read the letter:

The Secretary read as follows:

WASHINGTON, D. C., *January 7, 1918.*

Hon. KEY PITTMAN,
United States Senate.

DEAR SIR: The undersigned are a committee of three appointed by the Wyoming Independent Oil Men's Protective Association, which independents met in assembly at Casper and Thermopolis, Wyo., and other points, and perfected an organization of that name. They are composed of the independent operators in Wyoming who are not connected with the Standard Oil Co. or with the Royal Dutch Shell Co., nor in any way connected with the briefs, advertisements, and publicity campaign now in progress. The members of this association are producers, lessees, locators, and claimants of existing claims.

We as a committee were instructed to favor the leasing bill and to endeavor to secure its amendment in the following particulars:

To change the limitation from arbitrary mileage to reference to geologic structures or conditions.

We were further instructed to ask that the permittee, instead of being limited to a patent to one-quarter of his acreage, should be entitled to elect either to accept such patent or in lieu thereof to accept a lease upon the area of his permit.

We believe that independent lessees and producers should be permitted to combine for the purpose of transporting and refining their oil and are willing that the interest of lessees in more than one lease, or his holding of stock in more than one leasing, transportation, or refining company, be reasonably limited by proper provisions to prevent monopoly, and ask that such holdings be permitted in order to make possible independent piping and refining.

We were further instructed to aid in sustaining the relief provisions of the bill and ask additional provisions that a lease shall not be let under section 16 until after final determination of any existing adverse suit.

The association is also of the opinion that the limitation to five years is arbitrary and will not protect all meritorious cases. In fact, the five-year period will arbitrarily exclude most of the claims transferred to innocent holders or lessees.

We were also instructed to request the protection of the innocent transferee or lessee of an existing claim under section 17 in the same manner as is now done in section 16.

Very truly, yours,

H. H. SCHWARTZ,
For the Committee.

Mr. POMERENE. Mr. President——

Mr. PITTMAN. I yield to the Senator from Ohio.

Mr. POMERENE. An advertisement which I saw in one of the papers was signed, as I recall it, by a firm of attorneys or rather by one member of a firm of attorneys. Is the Senator able to inform the Senate who these clients are and why their names do not appear?

Mr. PITTMAN. Two or three days ago, when this matter was up and when the very brief which was afterwards published in the Post was under discussion, we invited these men, together with others, to appear before us and tell us whom they represented and what they wanted. They have not seen fit to do so, although they continue their attack through innuendo through the press. I want to say, however, that I am informed that these gentlemen are attorneys for the Royal Dutch Shell Oil Co. I am not sure that that is the exact title of the company, but the company is largely owned or controlled by foreigners. It is a company that has holdings almost as much as the Standard Oil Co., if not more. It is one of the great oil monopolies of the world. It is reputed to own oil in all oil countries that are known. It has hundreds of prospectors throughout the United States seeking oil lands everywhere.

It seeks to defeat this bill, in my opinion, and my reason for saying that is this, that if they do not seek to defeat this bill they would come before our committee and give us facts. If they did not seek to defeat this bill they would not cry Standard Oil Co. when they themselves are just as monopolistic as the Standard Oil Co.

Do you think for one moment they represent the prospector of Wyoming, the little man? Here is a letter which has just been read, signed by a committee elected at a great mass meeting in Wyoming, by the independent operators, absolutely denying any connection with this crowd that are advertising through the papers, and not only denying it, but saying that their people in Wyoming sent them here to sustain the relief contained in sections 16 and 17 of this bill.

Mr. SMITH of Arizona. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Arizona?

Mr. PITTMAN. With pleasure.

Mr. SMITH of Arizona. The shell-game company of which the Senator speaks is the one represented by the attorney who sent the brief, I think, to every Member of this body, alleging that the Standard Oil Co. would own the State of Wyoming in case we pass this bill in its present form.

Mr. PITTMAN. I do not know the exact name of it, but that is the company.

Mr. SMITH of Arizona. That is the brief that was on all our tables?

Mr. PITTMAN. That is the one.

Mr. SMITH of Arizona. Submitted by an attorney who was representing the Shell Co.?

Mr. PITTMAN. I am informed that he is the attorney for the Shell Co. I know one thing, he does not represent the independent oil operators of Wyoming, whom he is pretending to be trying to protect, because those little men have sent a committee on here and this is the letter of that committee. That committee has said that they stand for section 16 and section 17 and the whole bill with just a few modifications, and what are those modifications?

Mr. PHELAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from California?

Mr. PITTMAN. In just a second. First, they want the power of the independent operators to combine for building their own pipe lines and their own refineries. The section as amended gives them that power, because it lets them build a pipe line or a refinery or create a sales agency—in other words, to combine for this purpose, provided that it is not such a close combination as would be monopolistic, provided that no lessee shall hold more than a tenth interest in one of these companies. They are in favor of the bill as it is amended. That is the way the bill is amended now. They are in favor of section 17 with one exception. They think the five-year limitation is too short.

They think that claims located 10 or 15 years before should have a preferential right if the law has been complied with up to the time of the withdrawal. That is a matter that is immaterial. That is a matter that the committee was always willing to meet. But they have no objection to sections 16 and 17; in fact, they say in this letter they were instructed to favor it absolutely.

Now, they are opposed to the 20-mile limitation. The bill states that a permittee under the prospecting provision can only get a permit to prospect on 640 acres within 20 miles of producing wells. They object to that. They say it ought to be on the same geological structure. That is purely a difference of expression. There is no objection to the provision. I think that a limitation of 20 miles is better than a geological structure. Why? Because you have something definite. You can measure the 20 miles and you can not measure the geological structure. The prospector can measure for 20 miles from a known well and he knows, when he gets beyond that, he can have a prospecting permit for 2,560 acres; but if you say "on the geological structure," he does not know where to go; it is not definite; and they ask for that change. What I am getting at is that they do not ask for any material change in either section 16 or section 17, and yet they favor absolutely both of those sections. Is not that a complete answer to these advertisements that are going through the newspapers? It seems to me it is.

These men had a mass meeting while the attorneys down here are in the dark. They will not even come before a committee of the Senate. To my knowledge, they have not asked an interview with any of them; they will not submit themselves to examination; they will not submit themselves to cross-examination as to whom they represent and what their secret motives are. We have a right to draw our conclusions as to what their motives are. We are satisfied that they are the attorneys of the Royal Dutch Shell Oil Co. I do not think they will deny it. In their own advertisement, what do they say? They say that the limitation of 2,560 acres to a lessee in this bill is too little; that it will not allow a lessee to become sufficiently strong to oppose the Standard Oil Co.; in other words, that it will not allow them to create another monopoly. That is what they say; that is what they are fighting for; and that is the whole situation.

Mr. PHELAN. Mr. President, at this time it may be pertinent to amplify the answer which has been made by the Senator from Nevada [Mr. PITTMAN] with respect to the character of these attorneys. The Senator from Arizona [Mr. SMITH] asked whether they represent the Dutch Shell Oil Co. As a matter of fact, they represent the Roxana Oil Co. The significance of that is that the Roxana Oil Co. is a subsidiary of the Dutch Co. The Dutch Co. is a foreign corporation, which is owned by capitalists in Holland and in Germany, and under our law can not by location acquire mining claims. Therefore they have organized subsidiary companies. Rice & Lyons, lawyers of Tulsa, Okla., are the attorneys of one of these subsidiary corporations, the Roxana.

I do not wish to encroach upon the time of the Senator at this moment, but I will say there is a deep significance in a foreign corporation seeking at this time the acquisition of oil lands. I have in my hand a letter of the secretary of the Rocky Mountain division of the Roxana Petroleum Co., of Oklahoma, in which he complains about one of the provisions of the bill, by which only a limited number of acres—2,560—can be acquired, and that, under the provision of this bill, it would interfere with the plan of campaign of the Dutch Co. to acquire oil territory in the United States. It is a competitor of the Standard Oil Co. in everything except prices; they agree upon prices. So there is a competition for the acquisition of our land and by a foreign corporation.

The Senator has proposed an amendment, I believe, at any rate an amendment will be submitted, by which small claimants may have the right, which is not given at present in the bill, to organize for the purpose of transportation and refining. That seems to meet one of the honest objections. If the small owners of claims may unite for the purpose of transportation and refining, they can compete with the Dutch Co. and with the Standard Oil Co., but these lawyers, I rose to state, are the attorneys of a subsidiary corporation, foreign owned or controlled, and there are many such subsidiary corporations, possibly which design to undermine the great hope of this country to own and control its mineral resources. We should pass no legislation to allow a loophole in the law by which foreign owners—perhaps hostile owners—can gain control of mineral lands which yield the sinews of war.

The protests and advertisements of these attorneys should be disregarded.

Mr. PITTMAN. Mr. President, I thank the Senator from California for that information. I was satisfied that these gentlemen did represent the Royal Dutch Shell Oil Co.; that they represent the subsidiaries of that foreign corporation. Not only that, but there was another advertisement in a morning newspaper, I believe signed by Mr. Ball. I am very credibly informed—and I do not think it will be denied—that Mr. Ball is the consulting geologist of the Roxana Co. In other words, we have a great foreign oil monopoly coming here pretending to represent the independent oil operators of Wyoming, while it is apparent that they are attempting to establish a monopoly equal to that of the Standard Oil Co. They are using the old cry of the Standard Oil Co. to cover up their own monopoly, but the cloven hoof is uncovered when you read in their advertisements that by limiting the amount of land that shall be leased to one lessee to 2,560 acres you are not going to permit one company to get strong enough to fight the Standard Oil Co. That alone should be sufficient; but if that did not settle the question, this letter [exhibiting], which has been put into the RECORD from a committee of the independent operators of Wyo-

ning, absolutely repudiating these advertisements, denying that they stand for what the advertisements stand for, and stating that they stand for this bill, ought to end the whole question now and forever.

I have heard intimations that possibly some Senator might move to recommit this bill. I can not believe such a thing for a moment—to recommit a bill that has been before Congress for four long years; to recommit a bill on which there have been 20 or 30 hearings; to recommit a bill by reason of charges by some one who is afraid to come before a committee—why, it is preposterous!

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Nevada yield to the Senator from Idaho?

Mr. PITTMAN. I do.

Mr. BORAH. Has the Senator concluded?

Mr. PITTMAN. I have not yet concluded.

Mr. BORAH. Would the Senator from Nevada be willing to eliminate from this bill sections 16 and 17, and bring in a new bill, and give us opportunity to be heard upon the remedial features of this proposed law?

Mr. PITTMAN. Mr. President, I stated the other day that the constant fighting of individuals for remedies applicable to their particular case tempted me personally to favor that course; but I see nothing to be accomplished by it. I had just as lief settle the question now as to settle it later, if we have got to settle it later.

Mr. BORAH. Mr. President, will the Senator again yield to me?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. PITTMAN. Yes.

Mr. BORAH. If a mistake is made in the passage of this bill, it will not be by reason of the intent of any of us to do anyone an injustice, but I know, Mr. President, from my own examination that there is a want of knowledge of the facts with reference to the Wyoming situation. If the Senator in charge of the bill will be willing to eliminate sections 16 and 17 from the bill and let us have a separate bill, I think we shall produce some facts before the committee; and whose ever fault it may be that they have not been heretofore produced, they would be enlightening to the committee and to the entire Senate.

Mr. PITTMAN. Mr. President, we were somewhat in the dark with regard to the Wyoming situation when this matter first came before the Senate, but we are not in the dark with regard to it now—not in the slightest degree. We have very accurate knowledge with regard to the gentlemen who have been getting these advertisements out; and, fortunately, gentlemen representing the independent operators of Wyoming, who were selected at a mass meeting, have come before us and have laid down very clearly the Wyoming situation. They have stated in writing exactly what the people of Wyoming think in regard to this bill. They have stated the amendments that they want. Those amendments in the main are rather of expression than of material significance. I have not seen any particular objection to any of the amendments that the Wyoming gentlemen who have been here have suggested.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. PITTMAN. I do.

Mr. NORRIS. The Senator has not referred as yet to one of the amendments which has been suggested; and that is in the general leasing provisions of the bill—I have no reference to sections 16 and 17 now—where it is provided that when oil is discovered the discoverer shall be entitled to patent to one-fourth of the acreage of his permit. They want to get permission to secure the entire area of the original permit.

Mr. PITTMAN. Wait a moment.

Mr. NORRIS. That is one of the amendments they have suggested.

Mr. PITTMAN. That is not exactly correct, I will state to the Senator. He is somewhat in error. They propose that, after a discovery of oil under a permit, the permittee shall have the option, in lieu of obtaining title to one-fourth of the area of the permit, to surrender the right to such patent and take a lease on the whole area.

Mr. NORRIS. Yes; the Senator has perhaps stated it technically more correctly than I did, but I assume that the permittee will always take the whole area. The gentlemen referred to want an amendment to the bill under which, when they discover oil, they can either take a fourth of the area of the permit or all of it—and I have little doubt that they would take it all—the only difference being in the class of title they would get. In one case they would get their patent, while in the other case they would get a lease.

Mr. PITTMAN. I do not think that that is a very material amendment. Does the Senator think it is?

Mr. NORRIS. I think it is quite material, and my own idea is that it ought not to be agreed to; but I only mention that because the Senator expressed himself as rather in favor of most of the amendments which they propose, or rather as being of the opinion that they were not important. It seems to me that that would be a very important amendment.

Mr. PITTMAN. I do not see that it seriously affects the public domain as to whether a permittee surrenders claim of title to one-fourth and takes a lease of three-fourths, or whether he takes title to one-fourth and applies as a lessee under the general terms of the bill.

Mr. NORRIS. If he applies as a lessee, he would be subject to competition; in other words, as a reward for his efforts in getting oil he would, under the bill if it becomes a law, get patent to one-fourth of the area under his prospecting permit, and as to the balance of it he would come in competition with the entire world, the remainder of the area of that permit being subject to lease after competition.

Mr. PITTMAN. I do not know whether it would be more to the interest of the Government to give title to 640 acres or to lease 2,560 acres. That is just the question.

Mr. BORAH and Mr. KENDRICK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nevada yield; and if so, to whom—to the Senator from Idaho or the Senator from Wyoming?

Mr. BORAH. I yield to the Senator from Wyoming.

Mr. PITTMAN. Then I yield to the Senator from Wyoming.

Mr. KENDRICK. I believe the Senator from Nebraska is laboring under a misconception of the amendment. The particular provision of the bill allows a prospector in case of discovery to secure title to one-fourth of the land, and it concludes by saying that he may have a lease on the remaining three-fourths; but it seems to imply no obligation that he shall have a lease. In my State a prospector must be prepared when he goes out to look for oil to expend large sums of money; but under this particular provision it is intended that he shall have only partial compensation. The independent oil operators in Wyoming believe that the prospector ought to have title to one-fourth and a preferential lease on the remainder; but instead of asking for that they ask for the alternative, or that it be made optional as to whether the prospector may accept title to one-fourth or a preferential lease on all of the land included within his permit. I do not believe that the Senator from Nebraska understood the proposed amendment in that way.

Mr. PITTMAN. I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, do I understand the Senator in charge of the bill to state that the representatives selected at the public meeting in Wyoming came before the committee?

Mr. PITTMAN. No; I said they have prepared a letter which has been presented and read. They are here. They called upon me this morning, and they handed me the letter which I have put in the RECORD.

Mr. BORAH. Do I understand that the Senator in charge of the bill is favorable to the amendments which they propose?

Mr. PITTMAN. No; I did not say I was in favor of the amendments suggested by them. I stated that I did not think any of the amendments are very material or change to any great extent the bill as it now stands. As an illustration, the question just came up of a suggested amendment making it optional to accept a lease for 2,560 acres instead of a patent for 640 acres——

Mr. BORAH. But there are some of those suggested amendments which are vital. Of course, if the Senator is in a position to favor those amendments it will put an entirely different face upon the situation; but, unless those amendments are adopted, I think it would be most unfortunate to pass sections 16 and 17 of this bill.

Mr. PITTMAN. I do not know whether the Senator is familiar with the amendments. I will inquire if he has read the amendments submitted by the Wyoming representatives?

Mr. BORAH. I have.

Mr. PITTMAN. Does the Senator favor all of them?

Mr. BORAH. No; I do not know that I do. But there are some of them that I do favor.

Mr. PITTMAN. Well, I understood the Senator to say that it would be unfortunate if they were not all adopted.

Mr. BORAH. I did not say that. I said, "Unless the amendments are adopted." That did not necessarily include each one of them.

Mr. PITTMAN. I am exactly in the position the Senator is—some of them I favor and some of them I doubt; but I will be able to pass on them.

Mr. PENROSE. I should like to ask the Senator from Idaho whether he has offered the amendments to which he has referred?

Mr. BORAH. They will be offered.

Mr. PENROSE. They have not been offered yet? I am asking the question for information.

Mr. BORAH. No; they have not been offered, and will not be until 2 o'clock, for I presume no opportunity to do so will be afforded until then.

Mr. PITTMAN. Mr. President, there is another question to which I desire to advert before passing from this matter. The Senator from Minnesota [Mr. KELLOGG] asked me whether or not I favored limiting the leasing under section 16 to 2,560 acres. I want to state that this matter was discussed most thoroughly at a meeting of a joint committee composed of three representatives of the Public Lands Committee of the other House, three representatives of the Public Lands Committee of the Senate, two representatives of the Interior Department, two representatives of the Navy Department, and two representatives of the Department of Justice. Those proceedings are set forth in the hearings on House bill 406, Sixty-fourth Congress, second session; and in that report the Department of the Interior urged that those who actually had producing wells and had complied with the other requirements of section 16 be allowed a lease on each claim, but limiting the claim to 40 acres instead of 160 acres. The joint committee, however, finally agreed that if you were going to lease 2,560 acres, and some man had a well on each mining claim of the 2,560 acres producing oil, he was not only entitled to a preference lease by reason of the development, but that the Government itself would be benefited by leasing a full claim of 2,560 acres to the man who had the producing well there instead of leasing it to three or four people. At that hearing the representative of the Department of the Interior submitted section 16; and section 16, as submitted by the Department of the Interior at that hearing, and as recommended to go into this bill, is practically in the identical words with section 16 of this bill, with the exception of the amendments that have been offered more clearly defining the words "asserted under the mining law."

I ask permission to be allowed to have printed in the RECORD section 16 as submitted by the Department of the Interior and proposed to the joint committee, to which I have referred.

The PRESIDING OFFICER. Without objection, the request will be granted.

The matter referred to is as follows:

That upon relinquishment to the United States within 90 days after final denial or withdrawal of application for patent, of any claim asserted under the mining laws to any unpatented oil or gas lands included in an order of withdrawal of naval petroleum reserve No. 2, in the State of California, the claimant shall be entitled to a lease for each asserted mineral location of 160 acres or less, upon which such claim is based and upon which said claimant, his predecessor in interest, or those claiming through or under him have, prior to the date of this act, drilled one of more producing oil or gas wells, such lease to be upon a royalty of one-eighth of the production of oil or gas produced and saved therefrom after first deducting from the gross production such oil or gas as may be used in the development or operating of said lands, and otherwise on the same terms and conditions as other oil and gas leases granted under the provisions of this act: *Provided*, That within 90 days from the date of this act or of final denial or withdrawal of application for patent, the applicant for a lease shall pay the United States for one-eighth of the oil or gas produced from the lands included in said claim subsequent to ——, at the current field price at time of production, which shall be in full satisfaction for all oil or gas extracted from said land prior to said lease: *Provided further*, That all royalties received under the provisions of this section from said naval petroleum reserve No. 2, whether in oil or money, shall be delivered or credited to the United States Navy: *And provided further*, That none of the provisions of this section or of this act shall be applicable to or effect lands or minerals included within the limits of naval petroleum reserve No. 1, in the State of California, or naval petroleum reserve No. 3, in the State of Wyoming.

Mr. THOMAS. Mr. President, if certain amendments which are to be offered to this bill are accepted by the Senate I shall probably vote for it under a species of moral compulsion. I am not in favor of the so-called leasing policy proposed by the Government. I do not want to see my Government occupy the attitude of a vast continental landlord. I do not believe that it will make for the progress of society, for the development of the West, or for the good of our population; and, so believing, I have always opposed it. I have not changed my convictions upon the subject in the slightest; but when at the bar I always, after a thorough defeat, was ready to compromise, not because I wanted to but because I had to.

When the Supreme Court of the United States handed down its decision on the Adamson Act it also decided the Utah power case. The one decision was eclipsed by the other because of its transient importance; but the Utah power case is one of the most important, far-reaching, and disastrous decisions, as suggested by the Senator from Arizona, that has been made by that distinguished tribunal in many years. If I may paraphrase that once popular but erroneous quotation from the Dred Scott decision, the Supreme Court there decided that as to the continental domain, the public domain, the States have no rights which the Government or anybody else is bound to respect. For the first time in the history of our Government it has been decided by the court of last resort that the sovereign power of eminent domain which Calhoun very truly declared to be inseparable from sovereignty no longer exists in States like Colorado and Arizona as applied to the public domain.

It is unnecessary to do more than refer to that decision now, because the time at my disposal and the condition of my voice both protest against it. However, it has had the same effect upon me that Appomattox had upon the soldiers of the Southern army. They were then ready to take the oath. We will get what we can, because we can not get what we want.

I may say, before referring directly to the bill, that the present occupant of the chair [Mr. KING in the chair] on last Friday expressed my views regarding the general framework of this bill so completely and so much more eloquently and logically than I can that I can refer to it as the indolent old fellow used to refer to the printed prayer placed above his bed, who every night before retiring pointed to it, saying: "O, Lord, them's my sentiments." It is not necessary, therefore, for me to enlarge with reference to the general features of the bill.

Mr. President, there is much unconscious humor in some of our proceedings here. For a dignified body perhaps it is more delightful because it is unconscious. The reputed author of this bill is not a humorist, and yet he has entitled the bill as one "to encourage and promote the mining of coal, phosphate, oil, gas, and potassium," and so forth. "To encourage and promote!" Why, Mr. President, this bill should have been entitled "A bill to discourage and limit" the mining of all these things the products of which to-day are so essential to the very life of the Nation.

I have listened with much interest to the arguments this morning, which are based upon the theory that this bill is going to develop the public resources. My very dear friend and colleague [Mr. SHAFROTH] seems to feel that under it a lot of coal land will be sold to private purchasers. Not one acre of coal land will be purchased under this bill, for the reason that it will be administered by a department thoroughly imbued with this new policy of conserving everything in the country until after the day of judgment, so that the angels and the goats may have something to develop and thus pass away their time through all eternity.

Mr. SHAFROTH. Mr. President, I should like to state to the Senator that my views as to the entry system or the sale system have not been modified and they conform to those of the Senator; but when he says there will be no development under this bill, it seems to me he overlooks the provision with respect to the coal lands.

Mr. THOMAS. Oh, no. The Senator has read that, and I have read all of the Senator's arguments here. My colleague differs from me in that he is a cheerful optimist. He always looks on the bright side of things, and that is the reason that I am so much fleshier than he is. But the Senator is doomed to disappointment. That is simply an assertion; let us call it a prophecy and let it go at that.

Mr. SHAFROTH. Mr. President——

Mr. THOMAS. I will yield for a moment. I only have a very few minutes, however.

Mr. SHAFROTH. I wish to call the attention of the Senator to the fact that we have used the exact language that is on the statute books now.

Mr. THOMAS. Oh, I know.

Mr. SHAFROTH. And we say that the Secretary of the Interior shall offer such coal lands and award the same through advertisement, just as he does in leasing.

Mr. THOMAS. Oh, yes; and we also said in the Pickett bill that relief should be granted to those who have taken advantage of the largess of the Government and located and occupied the oil lands—that he should, having exercised due diligence, be entitled to relief. How was the statute construed? Why, Mr. President, if any locator at the time that bill went into effect was even temporarily away from his claim he was constructively out of possession, could not show diligence, and was excluded from the benefits of the law.

That, Mr. President, is a sample of these departmental constructions of a remedial statute.

This has been said to be a bill for relief. It is. It relieves a great many of the citizens of your State and of mine, a great

many citizens of the West, of property rights which they have lawfully acquired, and then proposes to lease them at terms satisfactory to the national bureaucracy.

Mr. President, the one thing which makes me hope that some benefit will flow from this bill is my desire to see the men who have taken advantage of the opportunities given by the statutes of their country, who have given their time, their money, some of them their entire youth, some of them their lives, in developing the public domain, who have braved the horrors of the desert and the terrors of the climate, suffered all of those privations which but for the lure of wealth would never be encountered, and who have acquired something as a consequence of these risks and hardships, obtain some relief, some escape from a policy which, impliedly at least, regards them as lawbreakers and criminals and proceeds to treat them accordingly.

We are imitators, Mr. President. We read that when the savages inhabited this country, when the Iroquois Tribes captured an enemy they lined up the squaws and the warriors, armed with tomahawks and clubs and other deadly weapons, in parallel rows. Then the captive was required to run the gantlet between them. If he reached the other end of the line, they spared his life. If he did not, the Lord may have had mercy on him and shortened his agonies. Now, we are imitators, for that is how the Government in the last few years has treated the western pioneer, the man who has sought to develop our mineral wealth.

We have bands of Iroquois down here in these departments, but we call them bureaus and bureau chiefs. Our people must run the gauntlet of the Land Office and of the Reclamation Office and of the Forest Service and of all the others. A few have survived. But recently, and because some have escaped, the Secretary of the Navy, on the one hand, and the Attorney General, on the other, has each armed himself and his department with bludgeons, and taken positions at the end of the line, where they can whack the victim who may be so hardy as to reach them.

Mr. SMITH of Arizona. Away down below.

Mr. THOMAS. Clear down, yes; and may the good Lord have mercy on the poor citizen of the United States who, having believed in the bona fides of his Government, has sought to develop its resources, when he reaches the city of Washington and asks for his reward!

Mr. SMITH of Arizona. They will get him if he gets here.

Mr. THOMAS. Yes; if they do not get him "a-comin," they are pretty apt to get him "a-gwine," as the old darky said. It is because of these conditions that I hope to do something to help these claimants so long denied of justice, if we can do it.

We are met here with much opposition, one element of which has reference to the Standard Oil Co., which is said to be the bill's chief beneficiary. Mr. President, I have as little use for the Standard Oil monopoly as anybody. I have denounced it ever since I was old enough to pronounce the words which form the title of the concern, and I am conscious of the fact that there is a well-grounded and justifiable popular prejudice against that and similar organizations. For that reason it has been capitalized here for the purpose of beating this bill. It has but little interest in fact, if the records of the Government and the courts of Wyoming are at all reliable.

Reference was made here this morning, by the Senator having charge of the bill, to an advertisement in the Post the other day, a page advertisement signed by some lawyer and warning us against the Standard Co. Well, there was a half-page advertisement this morning, another one, signed by somebody calling himself a former employee of the Geological Department of the Government. That settled him with me. This statement, however, is no reflection whatever upon the distinguished head of that bureau. But he did not say that he was the geologist for this Roxana Co. which has just gone up into Wyoming and which proposes to conjure with the Standard Oil Co. in order to enable the Dutch Shell Co., which seems to be at the head of the Roxana Co. across the sea, to "get its work in," as the boys say, in Wyoming.

I am glad to see them go to Wyoming where they are needed; but would it not have been a little better if Mr. Ball had in his newspaper disquisition announced his interest as the geologist for this company? He believes, perhaps, in a wheatless day. He certainly practices some of the mysteries which are associated with a lightless night.

I am told by citizens of my State, my neighbors, in whom I believe, in the city of Denver, officers of the Mid-West Co., that the Standard Oil Co. has nothing to do except in business ways with the Mid-West Oil Co., and I believe it. I must believe it if I believe in the integrity of my neighbors, which I do. The Standard has interests there, the Ohio Oil Co. being the corporate name of the concern which it operates. It has a refinery there which utilizes a process for the manufacture of gasoline of which they control the exclusive patent, and that is about all. But, Mr. President, if the Standard Oil Co., monster monopoly as it is, has, as a citizen of the United States, taken advantage of the provisions of the law then existing and located public lands and complied with the law, is there any man with a proper sense of justice in his heart who would deny to that company, because it is a monopoly, the same rights that we extend to every citizen? If it be shown that the Standard Oil Co. have sunk a number of producing wells under the law, are they not entitled to all the benefits of this bill if we pass it?

It seems to me that common justice—that justice for which Western Senators and Representatives have been beseeching the Congress for so long—would be no justice at all if it discriminated between great as against small concerns in a relief measure of this character.

So much, Mr. President, for the general subject of this bill. I could say more if I had time; but, not having time, I will proceed at once to the details of the bill. I perceive that the hour of 2 o'clock is approaching, and in order to keep the floor for 10 minutes afterwards I have some amendments here that I should like to offer at this time and then discuss two or three of these sections.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator desire to have the amendments read?

Mr. THOMAS. I shall not ask to have them read now, but I want it understood that I am now speaking on the amendments under the 10-minute rule.

Something was said in the discussion, I think by the senior Senator from Utah [Mr. SMOOT], to the effect that there was no limitation upon the amount of oil which would be acquired under this section 16. I think there is a very decided limitation. No lease can be granted to more than 160 acres and not then unless there is a producing well upon it. There is a distinct and decided limitation. It may be that John Smith may own half a dozen 160-acre claims with a well upon each of them, but what of it? If he has spent his money in the sinking of the wells and has brought in producing claims, why should he not have a lease upon them? Why should he not have a lease upon 10,000 of them if he has upon each of them sunk a producing well under the law? Why should there be any other limitation if the number of claims which he has thus developed exceeds the four sections provided for in the development part of the bill?

But there is another limitation which grows out of the physical conditions in Wyoming. The number of acres affected by this section, I am informed by those who know, is in the aggregate less than 9,000, much of which is now pending on application for patent. So the limitation imposed by existing conditions makes it impossible, no matter what the language used in the section may be, to obtain much more in any one instance, if at all, than the amount which is fixed as the standard for the general operation of the leasing sections of the bill.

It has been suggested, Mr. President, and I think it a good one, that on page 12, at the end of line 16, before the beginning of line 17, the words "in the absence of an adverse claim" should be inserted.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. THOMPSON in the chair). Does the Senator from Colorado yield to the Senator from Nevada?

Mr. THOMAS. I yield.

Mr. PITTMAN. I was simply going to suggest that in the case of an adverse claim confirmed they could not grant a lease to anyone. Would it not serve the same purpose to say "until after final disposition of the adverse claim"?

Mr. THOMAS. I am not particular about the phraseology. I am perfectly willing it should be thus expressed.

In line 25, after the word "land," I believe there should be an amendment reading as follows:

And to be for a period of 20 years, with the right of the lessee to a renewal of the same for successive periods of 10 years.

A man has a producing well or claim. He has sunk it with his own money and at his own risk. If it is not exhausted at the end of 20 years, he should certainly have a perfect right to renew his lease so long as he sees fit to work it. If the old law had been permitted to remain as it was, he would of course have been given absolute title to the premises, and which he expected at the time he located the property.

I will offer as an amendment those two suggestions and hand them to the Secretary later.

With reference to section 17 a great deal more should be said at this time. That section is designed to safeguard the rights of those who under existing law have made locations on the unreserved domain which have not been perfected by patent and on which everything has been done as required by the law

except the making of a discovery. My first comment upon that section is that the limitation of five years is wrong. Let me say here that the right to obtain a patent upon mineral lands is not obligatory; it is permissive. A man may without a patent, so long as he complies with the law, enjoy all the advantages of the mining claim which the patent confers. Some of them perhaps for that reason have failed to make application, others for lack of money, and still others because of the difficulty of securing a market for the oil after they acquire it. But it is not right to draw an arbitrary line between the claims of all who have been operating under the law and who have done everything which the law requires except to make a discovery. Why should a man with a 5-year-old claim be protected while a man with a claim 5 years and 1 month old is denied the justice which it is said the bill will confer. I think that limitation should be eliminated.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Nevada?

Mr. THOMAS. I yield.

Mr. PITTMAN. I will state that the reason why the committee put in a certain limitation was because of the controversy that arose over that provision, in which the Department of the Interior participated before the committee. The department took the position that they would have to determine the adverse right, of course, to determine the equity before they can lease to anyone. They said if there is no limitation placed upon the date of the location they might go back indefinitely, and they realized that innumerable contests would arise which it would be very difficult, if not almost impossible, to equitably and justly settle. The committee then placed three years as the limitation. Then, on the floor of the Senate it was amended to five years, and that is the way it stands. I am simply suggesting that as the argument presented to the committee.

Mr. KING. Will the Senator yield to me?

Mr. THOMAS. I will yield, but I have not much time.

Mr. KING. I should like to ask the Senator from Nevada before——

Mr. THOMAS. It is not to be taken from my time.

The PRESIDING OFFICER. It will be taken from the Senator's time if he holds the floor.

Mr. KING. Let it be taken out of my time.

The PRESIDING OFFICER. The Senator from Colorado has two minutes left.

Mr. KING. I shall not interrupt the Senator, then.

Mr. THOMAS. The fear on the part of the Interior Department that it might have too much work to do in order to establish the rights of citizens under this law does not appeal to me. If we are to pass a law we ought to pass one that will be just to everybody, and because the Interior Department fears it might have to work unduly does not appeal to me at all. We either should do justice to all the men who are entitled to relief under this bill or we ought not to pass it. It may be that there are good reasons why this arbitrary limitation should be imposed, but I do not believe it.

Now, Mr. President, the 10 minutes upon the first amendment which I offered have expired. If the Senate will bear with me to discuss one or two other of these amendments, to which I think I am entitled under the rule to 10 minutes, I shall then leave the floor.

The PRESIDING OFFICER. The Senator will pardon the Chair, but we are proceeding under the unanimous-consent agreement, and the Senate can act upon only one amendment at a time.

Mr. THOMAS. Then I, of course, yield the floor.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Colorado.

Mr. SMITH of Arizona obtained the floor.

Mr. NORRIS. Can we not have the amendment read?

Mr. SMITH of Arizona. Not in my time.

Mr. NORRIS. It will not be taken out of the Senator's time. We are debating an amendment that has never been read.

Mr. SMITH of Arizona. I am not confining myself simply to the amendment, as I have as yet said nothing whatever on the bill.

The Senator from Colorado [Mr. THOMAS] has expressed much better than I can my attitude on the public-land questions of the West, and I feel that it would be an imposition upon the Senate for me to go into that part of the discussion. I do not like this bill. I do not like a word of any bill that has in it leases of the public lands of the United States. Absent landlordism is just as offensive to me when exercised by the Government as it is to an Irish patriot when exercised against the lands of Ireland.

The West went on and developed these lands under liberal laws until a time came for this conservation idea. Sensible conservation has as warm a friend in both the Senators from Colorado and the other Western Senators, myself included, as any other one provision of law, but a conservation that means the absolute destruction of every right of a State is ruin to that State. I say here that in the early days of it my firm judgment is that, as far as the West is concerned, certain gentlemen engaged in the conservation of the West were playing about the same part in the development of that country that the Kaiser is playing now in the development of the world. They did not know what they were talking about.

As the Senator from Colorado says, with due respect to that great tribunal, how the Supreme Court of the United States ever decided the Utah case is beyond the comprehension of any lawyer off that bench, in my judgment. The United States owns the public lands of the United States, just exactly as any other proprietor owns his land.

Mr. KING. Mr. President——

Mr. SMITH of Arizona. The Government, I say, owns it simply as any citizen would own his own land.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. SMITH of Arizona. I do.

Mr. KING. Will not the Senator make this qualification, that aside from the lands which it leases as proprietor it holds merely as trust for the inhabitants of the country?

Mr. SMITH of Arizona. Of course, whenever the Government makes a reservation for purely governmental purposes it is clearly within the power of the Government to do it, and it ought to do it, and it ought to protect those lands from any sort of intrusion by anybody, but they hold fifty-odd per cent of the land of my State to-day, and the court in the Utah case decides that we can not force a right of way across the public domain, that we can not take out a water power, because the United States Government has segregated water-power sites.

The United States Government have no more interest in the nonnavigable streams of my State than in the open sea, and not as much, as my friend by my side [Mr. THOMAS] very well suggests. They have no interest on earth in them. Yet because they own the land on each side of it, which is so poor that nobody can settle it, they immediately proceed to create a power-site location. Then we can not use that power, the State can not use it, the thing that the State necessarily owns, because the Government owns the public land abutting on that stream. I think I will offer an amendment before we are through to give these water-power sites to the States in which they are located and see whether or not we can not develop the West. This, however, is by the way.

I do not like this bill. I do not like any bill that takes from any one of the States its right to the occupancy of the public land under the old law applying to it. I do not like the Government going into private business. I am opposed to it. But for the very reason suggested by the Senator from Colorado [Mr. THOMAS], with the greatest possible reluctance and because it gives relief to men who plainly have no other, who appeal to me to forego that sentiment of mine against what I deem an outrage against the rights of every Western State, if I do not change my mind between now and 5 o'clock I shall vote for this bill. I do not like a line of it; I do not like the theory on which it is built. My State has neither of the products for which so many people are suffering, and if I vote for the bill it will be, as the Senator from Colorado suggests, because it gives some relief to men who ought to have much more relief than the bill gives them.

Mr. President, I wish I could see my way clear with the rest of the Western Senators and that we could all get together in one effort to see if we could not put them, even at this late day, on an equality with the other States. Under the Utah case they could stop the people from my State going from one county seat to another if they wanted to, if they passed over public land. The State is absolutely powerless to move in the line of its own development. Yet we run against conditions where so many people are suffering in States other than mine that I may possibly give my support to the bill.

Mr. BORAH. Mr. President, I wish to say a few words in the way of general observation, although we are under the 10-minute rule and supposed to be debating amendments.

I am opposed to the bill on general principles, and being opposed to it I shall vote against it. It has been my purpose to state more extendedly than I shall be permitted to do now under the rule under which we are proceeding the objections to the general leasing system.

The leasing system, so far as the public is concerned, is just as detrimental to the Western States as any system, in my judgment, in any wise heretofore connected with the title to the natural resources of those States. We are some three or four thousand miles from the seat of authority, and the leasing sys-

tem means the taking over of our domestic concerns and our domestic affairs and operating them from Washington. The result of it would be that it would impose a burden upon the average citizen of the West which destroys initiative and prevents development, and will finally concentrate the natural resources of that country in one control, to wit, those who can afford to come here and secure the leases.

However, I am not going, Mr. President, into a general discussion of that, but I wish to make some general observations with reference to this particular bill. I have listened with a great deal of interest to what the Senator from Colorado [Mr. THOMAS] has said and as to the situation in which he finds himself by reason of the decision of the Supreme Court of the United States. I occupy somewhat that position myself mentally, but it has forced me to a different conclusion than the conclusion which the Senator from Colorado has reached.

Under the present condition of affairs, so far as I am concerned, I shall never vote for any bill here in the Senate again which has the effect of conveying even by lease these natural resources, such as oil, coal, and power, which are in their very nature monopolies. I am in favor from this time on of city, State, or Government ownership and operation of the natural resources, such as oil and power in our Western States. It does not make any difference, Mr. President, what clauses we may put into this bill which distinguish and discriminate between the small man and the large man, it will not be very long until the small man will wholly disappear and the monopolistic interests will control the situation. This will be true under the leasing system just as completely as under the entry system.

I am very anxious myself to see some amendment to sections 16 and 17, because I think they are due to those who, as independent operators, have entered that field and exploited it and developed it and it will enable them to get some compensation for the efforts that they put forth and for their labor. But I am not deluding myself with the thought that they will long remain in that field or will long constitute a part of the developing force in the great oil fields of Wyoming. The very nature of the oil development will bring it within a very short time under the control of a very limited number of people, probably of one or two companies, and the only entity which can contend against the great monopolies which control these great natural resources day by day is the Government of the United States itself or the States. Hence, so far as I am concerned from this time, in view of the situation in which we find our resources, I am not willing to vote to donate or grant either in fee simple or by limited title these natural monopolies to private parties. I am convinced that the only way we can protect the situation and make these natural resources inure to the public good and constitute a real benefit to the mass of the people is by granting them to the States or by the Government holding them, and one or the other or, in some instances, both developing them, controlling them, and operating them. Whatever may be said as to public ownership generally, I am sure that these great oil, coal, and power possessions now belonging to the Government should be held and operated by the public for the public.

Mr. President, what has become of our power sites under the leasing system in so far as leases have been made? Where are they? Who is developing the power of the West, and who is controlling it, and who is getting the benefit of it? Has the leasing system changed one iota or the slightest the effect of this proposition upon the masses of the people? Is there any difference in the price which the people pay, or will there be any difference in the price which the people pay under a complete ownership or under a leasing system? The ultimate consumer will pay, in my judgment, finally, just as much for the use of his oil and for the use of his coal and for the use of his power under a leasing system as he will pay under an absolute ownership system, taking into consideration that we have a public utility commission whose business and whose power it is to fix rates that is especially true.

As to this bill, and I do not say this in criticism of anyone who is the author of it, its inevitable effect, its logical effect, will be worth $50,000,000 to two oil companies operating in the State of Wyoming. There is no way by which you can prevent it from being worth that amount to them if you grant a leasing system at all, in view of the physical facts which obtain now in the State of Wyoming.

The leasing system will not give the people any better use or greater benefit of these resources. I am therefore—and am compelled to be brief—for public ownership and operation of all this class of resources.

Mr. SHAFROTH. Mr. President, I am somewhat surprised to learn the attitude of the Senator from Idaho [Mr. BORAH]. I must say that I have heartily concurred in the statements that have been made by the Senator from Arizona [Mr. SMITH] and my colleague [Mr. THOMAS] as to the manner of developing the public lands and particularly the natural resources of the Government. I believe that a leasing system will never be a success. It was predicted on the floor of the Senate time and again during the consideration of the Alaskan leasing bill that there would not be a single lease taken out. That has been verified. There is not a coal mine in Alaska that is being operated to-day under a leasing system. The reason is that when a man enters upon coal lands for the purpose of developing a mine that will produce he has to have capital, and it is not the capital that goes and makes the location. When he locates upon the land he has got to have a patent that the capitalists will lend money on, and when you present a Government lease that may be forfeited at any time, especially under such circumstances as have been referred to by the Senator from Colorado and the Senator from Arizona, you can readily see that the capitalist will say, "No; we do not want to invest anything when our security is simply something that might be forfeited." That is the reason why they can not get money with which to buy machinery to open up a coal mine. The minute you refer to the fact that you have a lease title as security, immediately capitalists will say they can not consider it at all; but if the party gets a fee-simple title, he then has something upon which capitalists can depend. They know if the miners put a million dollars into modern machinery, which is necessary for the equipment of a good mine, that that security is going to be theirs in the event that the amount which they have loaned fails to be repaid.

Mr. President, I recognize the fact that it would be a very good thing—I do not mean financially—for the people if all these lands were transferred to the States; but I see no possibility of any such action. Our lands have been locked up for 15 or 20 years, and we are not getting any result from them. That situation has produced a monopoly upon the part of the people who acquired their lands before the withdrawal system was put in operation. It is for that reason that there must be some compromises in such legislation.

Perhaps some Senators remember that I have introduced bill after bill and have made a number of speeches in the Senate against the leasing system and in favor of the entry system. What I have stated in those speeches was true, and I believed every word which I stated at the time they were made; yet what have I accomplished, or what have we who have been trying to get these lands developed accomplished in the way of development? Nothing whatever. The withdrawal order on coal lands has been removed, but that did not remedy the situation, because upon a classification of such lands, which was made 10 or 15 years ago, the prices were placed upon them so high that nobody would take them up. Consequently there could be no inducement whatever to development.

Mr. President, the Senator from New Mexico [Mr. JONES] came to me one day and said: "You have been in favor of the entry system and the sale of coal lands." I said, "I have." He said, "The junior Senator from Montana [Mr. WALSH] has believed in a leasing system." I said, "He has." He said, "You believe that there can be no development except on an entry system?" I said, "Yes." The Senator from New Mexico further said, "The Senator from Montana believes that there can be no development whatever under a purchase system. Why not enact both your bills, and thereby give the applicant for the land the option"? We three met. We exchanged suggestions; a bill was introduced and referred to the committee. We met a number of times relative to the matter, and our suggestions were carried out in a report, which was ratified by a vote of 10 to 1. The result is somebody has to make certain concessions. Believing that there will be no leasing system by the Federal Government, I am willing to test the question as to whether we are right that there will be no development whatever under the leasing system, and that consequently people will not take leases.

The VICE PRESIDENT. The time of the Senator from Colorado has expired. The question is on the amendment which has been proposed by the Senator from Colorado.

Mr. SHAFROTH. I ask that the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 15, line 5, it is proposed to strike out the article "a" and to substitute the word "locations" for the word "location."

Mr. BORAH. I desire to make an inquiry. I thought the committee had some amendments pending.

Mr. THOMAS. I think the Senator from Utah [Mr. SMOOT] would like to be present when the amendments, of which that is the first that I offered some time ago, are acted upon. I offered two other amendments, however, to section 16, which I think are pertinent to be voted upon at the present time.

Mr. BORAH. The Senator from Nevada [Mr. PITTMAN] offered several amendments, which went over on last Saturday. Those are committee amendments, and I had supposed that they were pending. Have they been adopted?

Mr. SHAFROTH. No; I think not. The regular way, of course, would be to first adopt committee amendments.

Mr. BORAH. I have no objection to this procedure, but I wondered if the committee amendments had been disposed of.

Mr. SHAFROTH. No; they have not been. They were printed, and they are contained in the reprint of the bill, which is on the desk of each Senator. I think that perhaps they had better be first voted on. I should like to inquire whether or not we are operating under the 10-minute rule, Mr. President, instead of the 5-minute rule?

The VICE PRESIDENT. We are operating under the 10-minute rule.

Mr. SHAFROTH. Had I consumed my 10 minutes?

The VICE PRESIDENT. The timekeeper so informed the Chair, and the Chair thought so.

Mr. SHAFROTH. I ask that the committee amendments be now taken up.

The VICE PRESIDENT. Then the Senator from Colorado must withdraw his amendment. The committee amendments were not formally offered; they could not be offered except one at a time. The Senator from Nevada stated that he had offered them in order that they might be printed and lie on the table and be subsequently considered; that he was not asking action on them. They were all offered at once, and a dozen amendments can not be offered to a bill at the same time. If the Senator from Colorado withdraws his amendment for the present the committee amendments will then be considered.

Mr. THOMAS. I withdraw it because of the absence at this time of the Senator from Utah from the Chamber.

The VICE PRESIDENT. The first committee amendment will be stated.

The SECRETARY. On page 12, line 12, before the word "of," at the beginning of the line, it is proposed to insert the words "by a claimant."

The amendment was agreed to.

The next committee amendment was, on page 12, line 14, after the word "withdrawal," to insert the words "and who prior to such date had performed all acts necessary to a valid mining location thereof, except to make a discovery of oil."

The amendment was agreed to.

The next committee amendment was, on page 12, line 15, to strike out the word "the" and to insert the word "such."

The amendment was agreed to.

The next committee amendment was, on page 12, line 17, after the word "each," to insert the word "such."

The amendment was agreed to.

The next committee amendment was, on page 25, line 6, to strike out the word "any" and to insert the words "more than a tenth."

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. PITTMAN. Before that amendment is agreed to, I desire to state that the amendment was suggested by me, and there is also an amendment which was afterwards offered by the Senator from South Dakota [Mr. STERLING]. Both those amendments seek to accomplish the same purpose. If, however, the Senator from South Dakota insists on his amendment I will withdraw my amendment, so that we may first act on the amendment of the Senator from South Dakota.

Mr. STERLING. Mr. President, I can not quite agree with the Senator from Nevada that these two amendments mean the same thing, although his amendment may to some extent accomplish the purpose that I had in view in framing my amendment.

As I understand, the Senator from Nevada relies upon the potash bill as a precedent for the one-tenth provision contained in his amendment. The circumstances, it seems to me, are altogether different. In the potash bill there was no danger of a combination or a monopoly, such as would be found in the Middle West with the Standard Oil Co. No such condition existed there as exists here. Hence, I think that my amendment, giving the right to any number of patentees or lessees to form combination was necessary for the purpose of laying down pipe lines and for the purpose of building a refinery, is better than the Senator's amendment, and affords a better safeguard against monopolization than does the amendment of the Senator from Nevada. That is the way it appears to me.

Mr. PITTMAN. Mr. President, I have no pride in the authorship of the amendment. I adopted the formal expression because it had been debated in both Houses on a prior bill, and it was then decided by both the Senate and the House of Representatives that no lessee under the potash bill should hold a greater interest than one-tenth in any refinery or resales agency; but, as I have said, I used the language principally because it had heretofore been debated and adopted. I have no desire to have any contest over the question. I therefore ask leave to withdraw the amendment at the present time in favor of the amendment offered by the Senator from South Dakota.

Mr. STERLING. Mr. President, in lieu of the amendment of the Senator from Nevada, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The SECRETARY. On page 25, after line 13, it is proposed to insert the following:

Provided, That nothing herein contained shall be construed to prevent any number of patentees or lessees under the provisions of this act from combining their several interests so far as may be necessary for the purpose of establishing and constructing a pipe line or lines, to be operated and used by them jointly in the transportation of oil from their several wells, or from constructing and carrying on the business of a refinery: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior, on application to him for permission to form the same.

Mr. SMOOT. Mr. President, I should like to ask the Senator proposing the amendment a question. If his amendment be adopted, supposing there should be a half dozen or more locators who desired to combine to build a pipe line—and in the same field there might be 50 or more locators who were not in that combination—is there anything that would obligate the constructors of that pipe line to carry the oil of the other operators through that pipe line?

Mr. STERLING. No; I will say to the Senator there is not; there is nothing in the amendment that would compel that pipe line to do so.

Mr. SMOOT. Does not the Senator think that they ought to be compelled to do so?

Mr. STERLING. I thought that other locators might, under the approval of the Secretary of the Interior, make like combinations and build their own pipe lines.

Mr. SMOOT. That might be very expensive and no doubt unnecessary, I will say to the Senator. I am in favor of his amendment, but I do not think it goes far enough. I think that wherever there is a grant given to locators to combine for the purpose of constructing a pipe line for the carrying of oil, they should be compelled to carry the oil that may be offered by other producers in the same field.

Mr. BORAH. Are they not already common carriers under the interstate commerce law?

Mr. SMOOT. They are so under the interstate commerce law, but this amendment being passed after the enactment of that law, I do not know whether that law would affect the situation which might arise under the amendment offered by the Senator from South Dakota.

Mr. BORAH. I think they would still be common carriers.

Mr. SMOOT. Mr. President, I ask that the amendment be again reported. It was read hurriedly.

The VICE PRESIDENT. Without objection, the amendment will be again stated.

The Secretary again read the amendment proposed by Mr. STERLING.

Mr. STERLING. Mr. President, if the Senator from Utah will permit me, I will state that I can see how under the phraseology of this amendment other locators might be excluded probably from the use of these pipe lines. That is not intended, and I suggest this as an amendment to my amendment: After the words "several wells," add "or from the wells of other patentees or lessees under this act." Then they would be common carriers under the provisions of the amendment.

Mr. SMOOT. All I want in this amendment is to provide that the pipe lines shall be common carriers, or that we should use language that would give all operators the absolute right to have their oil transported whether such declaration is made or not.

Mr. NORRIS. Mr. President, if the Senator from South Dakota will permit me, I should like to suggest that there might be some doubt, and it seems to me there would be, as to whether these pipe lines would be common carriers, because the language under which they are authorized does not so specify. So, why not, instead of the amendment which the Senator has suggested, in line 3, on page 26, after the word "constructing," add the words "as common carriers," so that it will read "necessary for the purpose of establishing and constructing as common carriers a pipe line or lines," and so forth.

Would not that make it plain, then, that these pipe lines were common carriers? And of course, if they were common carriers, they could be utilized by others than their owners.

Mr. SMOOT. Perhaps the wording suggested by the Senator from Nebraska would cover the matter; but would it not make

it a little more definite to say "for the purpose of establishing and constructing, hereafter to be deemed common carriers, a pipe line or lines"?

Mr. STERLING. How would it do to say "or from the wells of other lessees or patentees as common carriers"?

Mr. KING. Mr. President, will the Senator from South Dakota yield to me?

Mr. STERLING. I yield.

Mr. KING. Does not the Senator feel that any attempt by the Federal Government to legislate with respect to that matter would be an encroachment upon the rights of the States? Most of the States have provided for the duties of common carriers within the States; and why should we now seek to legislate with respect to that matter? Our legislation here may run athwart the pathway of the legislation of the States. If there be a pipe line within a State, and the State law has declared a pipe line to be a common carrier, then obviously a person who desired to have his oil transported through the pipe line of that corporation, if it should refuse, would seek relief in the courts, and through the instrumentality of the public-utilities commission, if not through the courts, would secure the relief which he desired. It seems to me that we can safely leave that matter to the States.

Mr. SMOOT. Mr. President, some of the States may not have acted upon that question and may not have declared by State law that a pipe line is a common carrier. I can not say whether or not Wyoming and California have made such provision.

Mr. NORRIS. Mr. President, if the Senator will permit an interruption there, I will suggest that pipe lines may cross State lines, so that the State law would not perhaps apply.

The VICE PRESIDENT. In order to enforce the unanimous-consent agreement and to keep some track of time, the Chair would like to know what amendment is pending before the Senate?

Mr. SMOOT. The Senator from South Dakota yielded to other Senators.

Mr. STERLING. I move as an amendment to the amendment offered by me the following: After the word "constructing," in line 3, on page 26, according to the reprint, add the words "as a common carrier," and then, after the word "wells," in line 6, on page 26 of the reprint, add the words "or from the wells of other lessees or patentees."

Mr. THOMAS. Mr. President, the amendment offered by the Senator from South Dakota relieves the situation somewhat, but, if I have not misconstrued the phraseology of sections 33 and 34, they will, unless they are much more materially modified, fill the penitentiaries of the West, and possibly of the East, with practically all of the people who now enjoy their liberty for the commission of what are now and always have been simple transactions of everyday life. These two sections were designed, I presume, to prevent monopoly. A man might as well try to win a horse race by putting handicaps on his own animal instead of that of his adversary as to try to prevent monopoly by such legislation. Now, let us see what they propose. As I have said, I may be mistaken regarding their purport. I have spent some anxious moments over them, however, and I think that the conclusion which I have reached is at least justified by the language employed. Section 33 reads:

SEC. 33. That no person, association, or corporation, except as herein provided, shall be permitted to take or hold any interest, as a stockholder or otherwise, in leases of any one of the deposits herein named and described, during the life of such leases covering in the aggregate an area greater than 2,560 acres, and any interest held in violation of this provision shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in any court of competent jurisdiction, except that any such ownership or interest hereby forbidden, which may be acquired by descent, will, judgment, or decree, may be held for two years and not longer after its acquisition.

Section 34 is as follows:

SEC. 34. That no person, association, or corporation holding a lease under the provisions of this act shall, except as herein provided, hold any interest, direct or indirect, in any agency, corporate or otherwise, engaged in the resale of coal, phosphate, oil, gas, potassium, or sodium purchased from such lessee, or enter into any arrangement, agreement, or other device to enhance the price of such minerals or products, and any violation of the provisions of this section shall be ground for the forfeiture of the lease or interest held.

Then follows the penalty:

That any person who shall purchase, acquire, or hold any interest in leases of any one of the deposits herein named and described, except as herein provided, or who shall knowingly purchase, acquire, or hold any stock in a corporation having an interest in two or more such leases, except as herein provided, or who shall knowingly sell or transfer to one disqualified to purchase, or, except as in this act specifically provided, disqualified to acquire, any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $1,000.

The remainder of the section applies the penalty to directors, trustees, officers, or agents of a corporation in the following language:

That any director, trustee, officer, or agent of any corporation holding any interest in such a lease who, on behalf of such corporation, shall knowingly participate in the purchase of any interest in another lease of the same substance or deposit which such corporation is disqualified to take or to hold or in the sale or transfer of any such interest in any lease for the same substance or deposit held by such a corporation to any corporation or individual holding any interest in any similar lease under this act, except as herein authorized, shall be guilty of a felony, and shall be subject to imprisonment for a term of not exceeding three years or a fine of not exceeding $1,000, or both.

Now, let us analyze it. This is designed, as I understand, to prevent a monopoly in refining. My friend, the Senator from Idaho, may be inclined to purchase 10 shares of the John Smith Co., whose assets consist of one of these leases. The next day some friend of his may make him a present of 10 shares of the John Jones Co., which is operating another of the leases, and that sends him for the penitentiary, for he is a shareholder at once in two of these concerns and the penalty of the statute attaches. So if the owner of one of these leases shall become, however necessary it may be, interested in any agency that is designed to transport or to treat or to sell his product, he becomes at once a felon in the eyes of the law; and, if convicted, he must either go to the penitentiary and wear stripes for a certain number of months or pay $1,000 as a maximum fine.

We can but faintly realize the effect of a provision of that kind in a speculative community or among people who, entirely innocent of any wrong motive, acquire such interests in good faith and sometimes acquire them unwittingly. One man may present a friend with a small block of stock in one of his leases, and another friend having a similar lease may make him a present also of a stock interest in his lease. By these little acts of generosity they may send their friend to the penitentiary.

We are about to pass such a law on the theory that it will prevent a monopoly in refining. Why, Mr. President, it is difficult for me to reconcile these two sections with the known ability and character of the members of the committee which reported the bill. Prevent monopoly! Why, as one Senator has said, we might just as well under these sections attempt to arrest the law of gravitation. We may control the situation, as we tried to do in the Trade Commission act; but these two sections should go out, or they should be so materially modified as to remove the specter of the penitentiary from every citizen and from every lintel throughout the country. It is the most monstrous legislation, if I have correctly interpreted it, that I have ever been called upon to consider since I have been a Member of this body.

Mr. STERLING. Mr. President, I should like to ask the Senator from Colorado if he does not think the amendment proposed by me a while ago should not apply to section 33 as well as to section 34?

Mr. THOMAS. The amendment offered by the Senator is good so far as it goes; it will relieve men from the penalties of the act in the event they combine for the purpose of building a pipe line or a refinery; but suppose a man buys stock in his neighbor's company while owning one himself or owning an interest in another, then what becomes of him?

Mr. STERLING. I think perhaps my amendment could not be construed to apply to a case of that kind.

Mr. THOMAS. The amendment is all right, but the inherent difficulty arises from the language of the two sections. Certainly we do not want deliberately to penalize a man for buying stock in two concerns engaged in the same business because forsooth, their assets consist of a leasehold interest of identical character—at least I do not. I shall probably vote for this bill, but I do not want to vote for a bill which will so operate that when I go home I will be confronted at the station by a mob of innocent stockholders insistently demanding an explanation of the legislation which has transformed them from decent citizens to prospective criminals. These two sections should be eliminated.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Dakota.

Mr. STERLING. Mr. President, I submit a further amendment. I think there is a danger that section 33 might be so construed as to prevent the very combinations that are provided for in my amendment to section 34. Hence, I desire to amend the amendment so that in the reprint, beginning with line 25, at the bottom of page 25, it will read as follows:

Nothing contained herein nor in the last preceding section shall be construed—

And so forth. I move that amendment.

Mr. PITTMAN. Mr. President, these are two entirely different questions. Section 33 is an absolute prohibition against

one lessee holding an interest, either directly or indirectly, in more than 2,560 acres, and the Senator's provision seeks to provide for a combination of lessees in a greater amount than that. It seems to me it destroys the whole effect of section 33.

Mr. STERLING. Mr. President, my thought was that under the provisions of section 33 it might be held that lessees might not be able to combine their interests in their several holdings for the purpose of building a pipe line, and I wanted to prevent any such construction as that.

Mr. PITTMAN. The very object of section 33 is to prevent a combination of lessees. If you are going to permit a combination of lessees, then you are going to destroy the protection against monopoly.

Mr. STERLING. Does the Senator understand that the amendment to section 34, as I have offered it and as it has been read, does permit of a combination of lessees or patentees for the purpose of building a pipe line or for the purpose of building a refinery?

Mr. PITTMAN. Yes.

Mr. STERLING. That is what it is for, and it is to prevent a monopoly.

Mr. PITTMAN. Yes; but not for the production of oil.

Mr. STERLING. It is to prevent monopoly in that part of the business which is most subject to monopoly—namely, the refining of oil, of course.

Mr. PITTMAN. The very object of section 34, in the first place, was to prevent a great many leases from being combined in a refining company, and it was to prevent a refining company from being the holder of innumerable leases. That was the object of it.

Mr. THOMAS. Mr. President, may I ask the Senator a question? He has stated very clearly the object of the section. Suppose, under section 33, the Senator becomes a stockholder in a company holding a lease which I have secured, and also becomes a stockholder in a company owning a lease of a similar tract of land which the Senator from North Carolina has secured: Does he not come within the prohibitory clauses of the section?

Mr. PITTMAN. Yes.

Mr. THOMAS. And will he not, if indicted and convicted, incur the consequences of the section?

Mr. PITTMAN. Undoubtedly.

Mr. THOMAS. Does the Senator think that such legislation should be enacted by the Congress of the United States?

Mr. PITTMAN. Mr. President, the great trouble we have had with regard to our natural resources, as has been stated here on the floor, is the monopolization of them. We have got to do one of two things: We have either got to prohibit monopolization and punish monopolization, or we have got to take the position of the Senator from Idaho and have the Government not only own but operate all of them. I am not ready to go as far as the Senator from Idaho, because I believe that we can regulate it if we try to.

The committee has tried to regulate it. It has stated most emphatically that the extent of the interest of any individual in any lease shall be 2,560 acres, and it has also prohibited him from acquiring interests indirectly, because the prohibition would be ineffective unless it applied to indirect acquisition; and therefore the bill prohibits you from holding an interest in 100 corporations that own 100 different interests of 2,560 acres each.

Mr. THOMAS. It would seem that the Senator's remedy for monopoly is legislation that will put everybody in the penitentiary except the monopolist.

Mr. PITTMAN. I understand that the Senator is opposed to monopoly, but the suggestion he has made is not capable of being incorporated in legislation right now. As a matter of fact, if you destroy section 33, you throw down the bars, as was alleged by the Senator from Idaho heretofore.

Mr. THOMAS. And if you do not destroy it, hundreds and hundreds of innocent people, ignorant of the operation of this law, will be subjected to the pains and penalties of the bill.

Mr. PITTMAN. Mr. President, that is the complaint against every criminal law, and always has been, and always will be. Unless you are going to limit the amount of acreage in which a man may be interested under this lease system, you are bound to have monopoly. We have attempted to limit it to 2,560 acres; and I say that the amendment of the Senator from South Dakota is a destruction of section 33.

Mr. KING. Mr. President, the more this bill is analyzed the more objectionable it will appear, not only to those who are familiar with the West and its needs, and the great problems with which this bill attempts to deal, but to all who appreciate the functions of the Federal Government and the limitations placed upon it and the rights and powers and prerogatives of the sovereign States. Little by little the Federal Government has encroached upon the States, but now the tendency is to practically obliterate State lines, extinguish the rights of the States, and concentrate all power in the Federal Government.

In times of war this tendency is always exaggerated. But even the imperative legislation demanded by the great war in which we are engaged does not warrant or justify in my mind many of the provisions of this bill. It was never intended that the Federal Government should enact a general penal code. Certainly it was not the intention of those who wrote the Constitution that there should be a superimposition of penal statutes enacted by Congress upon the States and to govern the conduct of citizens of the various States in their purely domestic and local affairs.

Here we find a provision that property acquired by descent, will, judgment, or decree may be held for two years and not longer. In other words, the Federal Government is attempting to determine the question of the devolution of property, the manner in which it may be held, as well as the conditions attending its ownership. This legislation, as well as other provisions in the bill, in effect relate to purely domestic and local affairs. It has been held repeatedly by the Supreme Court of the United States that the Federal Government has no municipal control, that the States deal with the people within their borders, that their laws prescribe how property should be held, the uses to which it may be put, and so forth.

This bill further provides a criminal code in relation to domestic matters and in relation to transactions which may be purely intrastate in character.

Further supplementing the illustrations just submitted by the Senator from Colorado [Mr. THOMAS], let me suggest a set of facts of this character: If the Senator from Nevada owns a share of stock in a corporation organized under the laws of his State, which corporation was engaged in the production of oil, and he purchased a share of stock in another corporation organized under the laws of his own State engaged in a similar business, he would be guilty of a felony and subject to punishment by the Federal courts. If he sold a share of stock in one of these corporations to his neighbor, he would be compelled to scrutinize with care his action lest his neighbor might own a share in a domestic corporation engaged in the oil business, and thus bring him under the condemnation of this bill. He would thus be guilty, even though the share of stock which he sold was in a corporation which produced only one barrel of oil per day or per year——

Mr. THOMAS. Or no oil at all.

Mr. KING. Or, as stated by the Senator, no oil at all. That is, if the Senator from Nevada owns a share of stock in a nonproductive corporation engaged in the oil business, he would be guilty of a felony if he sold that practically valueless share of stock to some individual who owned a share of stock in another corporation equally as nonproductive. And this would be so even though, as stated, the corporations were organized in the same State. It would also be an offense if the two corporations in the supposititious case just mentioned produced oil and the entire output was consumed within the State.

This bill attempts to regulate purely intrastate transactions, and enacts a penal statute with reference to matters that may be purely intrastate.

I submit that the provisions of sections 33 and 34 are tyrannous and oppressive in the highest degree. This bill will retard development of oil lands as well as coal lands. It is known that the oil business is exceedingly hazardous. It is really a gamble. Millions of dollars are expended in the search for oil without oil being discovered. Most of the oil wells have been driven by men of limited resources. They have organized corporations and have sold stock to a large number of people. In most instances the persons purchasing the stock knew that the enterprise was a hazard and that they were running a risk of losing the money paid for the stock.

It is known to all persons familiar with the oil business that many people purchase a few shares of stocks in a number of companies organized to sink wells, and that most wells are driven from the moneys derived from the sales of stock in small blocks to numerous persons. This bill will prevent the sale of stock to any great extent for the purposes mentioned. Hereafter men who have not considerable capital will not be the discoverers of oil. I make the prediction that this bill will drive the oil business into the hands of a comparatively few persons of large financial interests and will unquestionably result in the transportation and refining business, which is now a monopoly, being perpetuated as a monopoly. This bill will create monopolies and perpetuate monopolies.

Many people seem to entertain the view that oil production is in the hands of monopolists. I think the history of the oil

business in the United States clearly proves that the production of oil has been by independent operators, and in the main by men of but small means. The Standard Oil Co. is not, and has not been, what might be called an oil producer. Its money has been made in the refining of oil. I think the Standard Oil Co. and its subsidiary organizations produce less than 20 per cent of the oil of the United States, but they refine more than 70 per cent. The refining of oil is in the hands of a monopoly, but the production of oil is not controlled by a monopoly.

This bill will strengthen the grasp of the refining monopoly and it will increase the power of the Standard Oil Co. and its subsidiary organizations as well as the Dutch Shell, referred to by the Senator from Nevada, in any efforts they may make to control the production of oil in this country.

This bill is a delusion and a snare. It is harmful to the best interests of the people. It will throttle and strangle competitive oil development. Unquestionably it is a blow at the Western States and places the yoke of bureaucracy and a tyrannous autocratic paternalism upon the new Commonwealths that have been so grossly discriminated against in the legislation and Executive orders of the past two decades.

I suggested in effect that the Standard Oil Co. was not a monopoly so far as oil production is concerned. While I do not profess much knowledge concerning the history of the oil industry of our Nation, my information is to the effect that the Standard Oil Co., and the organizations which it controls, have encouraged individuals and corporations to sink wells and produce oil. It and its subsidiary organizations, when the oil was produced, would then construct the pipe lines and the refineries and obtain control of the crude oil and also determine the prices of the finished product. These companies then became a monopoly in the transportation and in the refining business.

As illustrative of this situation I invite attention to a transaction with which many of the Senators are familiar. In 1896 certain leases were granted on the Osage Indian lands in Oklahoma. During 20 years, the term of the leases as I recall, about 75,000,000 barrels of oil were produced. The lessors got 5 per cent of the profits, the original lessees 2.3 per cent, and the sublessees 12.7 per cent. The Standard Oil Co., as the refiner, obtained 80 per cent. Or to put it in dollars, the lessors got for this oil $5,452,234.08, the original lessees $2,442,099.40, the sublessees $13,729,064.83, and the refining company—that is, the Standard Oil Co. and its subsidiary organizations—got $86,250,000.

There were, no doubt, a large number of lessees and sublessees. These were the producers. The Standard Oil Co. did not compete in production; it only desired to control the transportation and the refining of the oil.

It seems very clear to me that this bill is improperly conceived and will result in frightful injustices and most baneful and injurious consequences. I can not conceive how people from the West can support this bill, and I sincerely hope that the Senator from Colorado, who has just voiced his opposition to the fundamental principles contained in this measure, will continue his opposition and with others vote against it.

The Senator from Idaho [Mr. BORAH] made a suggestion in regard to the cession of the public lands to the States in order that they might control the same. Sometime ago I introduced a bill providing for the cession to the States of the public lands. I will offer it to-day as a substitute for the pending measure. Of course, I understand that such a bill will not meet with favor, but I warn Senators that the present bill is a mistake; it will fasten a millstone around the neck of the West and will prove a burden which will be grievous to the Nation.

I regret that we are not in a frame of mind to enact wise and just legislation; that we have not the vision to deal with this question in a broad and statesmanlike manner. I desire to register my unalterable opposition to it and only regret my inability to defeat it.

Mr. THOMAS. Mr. President, if an amendment is in order to the amendment, I should like to offer one at this time, my amendment being to strike from the bill sections 33 and 34.

The VICE PRESIDENT. The amendment of the Senator from South Dakota is pending first.

Mr. STERLING. Mr. President——

Mr. THOMAS. I offer this as an amendment to that amendment.

The VICE PRESIDENT. Under the rule, the right exists to perfect the part to be stricken out before it is stricken out.

Mr. STERLING. Mr. President, while I do not agree with the Senator from Nevada with regard to the effect of the last amendment offered by me upon section 33, yet I think the main purpose of the amendment will be served by having it as an amendment to section 33 alone; and therefore I withdraw the amendment to the amendment last offered.

Mr. SMOOT. Mr. President, let the amendment be stated as finally proposed.

The VICE PRESIDENT. Yes; let us try to find out what is before the Senate.

The SECRETARY. In section 34, on page 25, after line 13, it is proposed to insert the following:

Provided, That nothing contained herein shall be construed to prevent any number of patentees or lessees under the provisions of this act from combining their several interests so far as may be necessary for the purpose of establishing and constructing, as a common carrier, a pipe line or lines to be operated and used by them jointly in the transportation of oil from their several wells or from the wells of other lessees or patentees under this act, or from constructing and carrying on the business of a refinery: *Provided further*, That any combination for such purpose or purposes shall be subject to the approval of the Secretary of the Interior on application to him for permission to form the same.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. There is one more committee amendment, which will be stated.

The SECRETARY. On page 25, line 8, after the word "the," it is proposed to insert the words "transportation, refining, or."

Mr. PITTMAN. The Senate having agreed to the amendment of the Senator from South Dakota, I withdraw that.

Mr. BORAH. That ought to be line 18, anyhow, instead of line 8, ought it not?

Mr. PITTMAN. No; that is in harmony with the amendment. I ask for action on it, therefore.

Mr. THOMAS. Mr. President, I again renew my amendment to the pending amendment, to strike out all of sections 33 and 34.

The VICE PRESIDENT. Just a moment. The Chair understood first from the Senator from Nevada that he had withdrawn his amendment. Now the Chair understands that he has not withdrawn it. It is an amendment to perfect section 34, and therefore takes precedence of the proposed amendment of the Senator from Colorado.

Mr. THOMAS. I intended to offer it to the other amendment, but the Chair was too quick for me.

Mr. SMOOT. Mr. President, do I understand that the Senator from Nevada wants the Senate to adopt this amendment to his proposed amendment after the adoption of the amendment offered by the Senator from South Dakota?

Mr. PITTMAN. I feel that it is in perfect harmony with it.

Mr. SMOOT. I think it covers the same thing exactly, only the amendment offered by the Senator from South Dakota makes these transportation lines common carriers.

Mr. PITTMAN. The first amendment to that section offered by the Senator from Nevada is out by consent—that is, "more than one-tenth"—but the rest of it is more definite and explains the sales agencies. In other words, it reads now:

That no person, association, or corporation holding a lease under the provisions of this act shall, except as herein provided, hold any interest, direct or indirect, in any agency, corporate or otherwise, engaged in the transportation, refining, or resale of coal—

Except as provided in the amendment of the Senator from South Dakota.

Mr. SMOOT. Mr. President, I do not see the necessity for that amendment after adopting the one offered by the Senator from South Dakota.

Mr. PITTMAN. We have no prohibition in the section before the words "transportation" and "refining." I insist that it is in harmony with the section.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 25, line 8, after the word "the" or before the word "resale" it is proposed to insert the words "transportation, refining, or."

The amendment was agreed to.

Mr. THOMAS. Now, Mr. President, I move, as an amendment to the bill, to strike out sections 33 and 34.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike from the bill sections 33 and 34, as amended.

Mr. THOMAS. Mr. President, I am impelled to offer this amendment by reason of the very frank admission of the Senator having charge of the bill as to what will be the consequences of its enactment into law.

In response to my criticism the Senator said that it was one which was made to every criminal statute, and I suppose that is true. It is one that ought to be made to every statute which seeks to transform into a felony a perfectly innocent act and an act which is performed thousands of times daily by citizens all over the country.

Why, Mr. President, there is no more moral obloquy in the purchase of a share of stock at present than in the purchase of a horse or any other article of personal property. It is a recognized, legitimate transaction, and one in which men indulge with greater and greater frequency as time passes. These two sections at one fell stroke, for the ostensible and very creditable purpose of preventing a monopoly, transforms an innocent and lawful and in many cases necessary transaction into one of the gravest of crimes. No matter what may be the exigency which provokes such a remedial statute, I am unable to give it the sanction of my consent. I would rather have monopoly, with all of its consequences, than to seek to prevent it by a measure which necessarily operates to the disadvantage, the humiliation, and the disgrace of thousands upon thousands of innocent men and women. Nor does this one even tend to prevent the evil at which it is aimed.

Why, Mr. President, in addition to depriving locators of their property acquired under the law, this so-called measure of relief goes further and opens the doors of the penitentiaries of the Nation not only to those who are here seeking relief but to all of the citizens of the United States everywhere, if, forsooth, they should knowingly or innocently expend one dollar in the purchase of a share of stock in one company and another dollar in the purchase of a share of stock in another company, both of which are operating leases under this bill. That, to my mind, is not only indefensible but monstrous.

Mr. PITTMAN. Mr. President——

Mr. THOMAS. Just a moment. I would rather see the public domain tied up forever than released under such conditions. It is un-American; it is unjustifiable from any standpoint from which we approach the so-called land question. If it could have the effect in practical operation of preventing this monopoly, there might be some justification for it; but it will not. Its only possible effect will be to subject hundreds of thousands of our citizens to the humiliation of a criminal trial and to probable conviction for felony.

I now yield to the Senator from Nevada.

Mr. PITTMAN. I will take up the matter in my own time, so as not to consume the Senator's time.

Mr. THOMAS. I am nearly through. Therefore, Mr. President, I have offered this amendment. I think it ought to be adopted. I do not believe language is capable of so transforming or modifying these sections as to relieve them from the peril which is embodied in both. After we have enacted the bill into law, and perceive the effect of its operation, I very much fear that those who are proposing it here will be the first to clamor for its repeal.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield.

Mr. BORAH. The Senator from Nevada stated this morning that sections 33 and 34 had no reference to sections 16 and 17. If we strike out sections 33 and 34, what limitation is there anywhere in the bill to prevent, to any extent, monopoly of these oil lands?

Mr. THOMAS. The limitations exist in those sections. They exist in one section because of the limited amount of ground to which it can possibly be applied. They exist in the other section with regard to the number of locations and the extent to which they can be recognized. But I would rather have no location at all than to place a limitation like this upon any of these sections.

Mr. BORAH. Exactly; you limit the amount of ground; but suppose the stockholders combine? What is there to prevent a complete combination of all the stockholders or owners of a piece of land?

Mr. THOMAS. Nothing, and we can legislate here until doomsday, and some method of evasion of what we may do will be found. The Senator knows that.

Mr. BORAH. Yes; that is what I was seeking to develop. As I said a while ago, it does not make any difference what we do in this bill, the result will be that three or four people will control the whole thing.

Mr. THOMAS. Oh, yes. We dissolved the Standard Oil Co. some time ago. It now has a dozen heads where it had only one, and it is a great deal harder to cut off either of the heads it now has than to have decapitated it in the first instance.

I believe in remedial legislation and restrictive legislation. I want to say here that the Senator from Idaho to-day has proposed the only possible outcome—that is to say, the substitution of public for private monopoly.

Mr. PITTMAN. Mr. President, I did state this morning that sections 33 and 34 were intended for the purpose of preventing the monopolization of these oil fields. There is not any question about it. There are only two courses that can be taken unless we want to cease to protect against monopoly. We must either have the Government operate the oil fields and coal lands or we must place such restrictions upon the operation of the oil fields and coal lands as the intelligence of the legislator may dictate.

Our committee have decided to try to develop these oil fields through individual effort and to throw around that development such restrictions as will prevent monopoly as far as possible. That policy was adopted four years ago in this body when it passed a bill similar to this. That policy has been adopted twice in the House of Representatives when it passed the bill and sent it to this body. This kind of protection is the result of the work of both the committee of the Senate and the committee of the House with regard to public lands. It is their judgment after hearings on numerous occasions. It is the result of the labors of the lawyers and the statesmen on those committees. Now, it may not prevent monopoly; it may be true that we are powerless to prevent monopoly; but I am not ready at this time to admit it. If I were ready to admit that to be the fact, I would instantly be in favor of the Government not only owning all the oil and coal lands but actually operating them.

If I had the view of this matter that the Senator from Colorado has, I would not vote for any bill except a bill to furnish the United States Government sufficient money to take the oil out of the ground and to take the coal out of the ground and distribute them where they are needed; but as I am not prepared to go that far, as I still believe that punishment can prevent the commission of crime to such an extent as to permit the people to operate without Government interference in everything——

Mr. SMITH of Arizona. Mr. President, will the Senator permit a question on the line of the monopoly of which he speaks?

Mr. PITTMAN. Certainly.

Mr. SMITH of Arizona. From the Senator's experience with the West, does he know of anything that could possibly be worse than a Government monopoly?

Mr. PITTMAN. I do not know that there is very much distinction between monopolies, but I would prefer a Government monopoly to an individual monopoly.

Mr. SMITH of Arizona. I would not.

Mr. PITTMAN. But I want to say right now, as I said before, that these two sections of the bill include the principal protection that the committee has offered against the monopolization of this land. So far as section 16 is concerned, monopolization under that section is protected by physical facts. It is protected by physical facts, because there are only a few cases where wells have been sunk down to oil; but in the leases that are to be let under this bill on 6,000,000 acres of land there is no protection if you strike out sections 33 and 34.

In other words, you open the door for the Standard Oil Co. or the Royal Dutch Shell Co., or both of them together, to acquire every lease that the United States Government executes under the bill, and to hold and operate it. I am satisfied, and the committee were satisfied, that 2,560 acres of oil lands are enough to sustain a good, sound, substantial company.

Mr. THOMAS. I agree to that.

Mr. PITTMAN. The Senator from Colorado agrees with me. Therefore we should prohibit the acquisition, directly or indirectly, of any more.

The Senator's speech was largely directed to a misconception of what the Senator from Nevada said or the Senator from Nevada inadvertently misstated what he knew with regard to the bill. Here is the situation. The bill says:

That any person who shall purchase, acquire, or hold any interest in leases of any one of the deposits herein named and described, except as herein provided, or who shall knowingly purchase, acquire, or hold any stock in a corporation having an interest in two or more such leases, except as herein provided, or who shall knowingly sell or transfer to one disqualified to purchase, or, except as in this act specifically provided, disqualified to acquire, any such interest, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $1,000.

In other words, the statement of the Senator from Colorado that one might be punished who innocently purchased stock in a corporation that is interested in more than one is a condition that can not arise under the statement of the bill. Innocent purchasers of stock or innocent purchasers of an interest at least are absolutely protected under the bill. The bill only punishes those who knowingly and willfully in violation of law attempt to monopolize the public domain under the provisions of the act. I certainly hope that the bill will not be destroyed by striking out these provisions.

Mr. THOMAS. Let me ask the Senator before he takes his seat if the word "knowingly" helps the situation. If I purchase 10 shares of stock in one company to-day, I do it know-

ingly. If I purchase 10 shares to-morrow in a prohibited company, I do it knowingly.

Mr. PITTMAN. The question is as to knowledge.

Mr. THOMAS. The intent is absent from the expression of the bill.

Mr. PITTMAN. Who has knowledge of the fact?

Mr. THOMAS. I do not object to the limitation of 2,560 acres. What I object to is the punishment which follows if one or more individuals acquire small stock in two of these companies.

Mr. PITTMAN. If the word "knowingly" does not import knowledge, then the Senator can suggest an amendment to that section.

Mr. THOMAS. It imports knowledge but does not import willfulness.

Mr. PITTMAN. But you are striking out all the safeguards against monopoly. If it does not, then the language of this section is sufficient. If the Senator will offer an amendment at that point the committee will be glad to accept it if it makes the language clearer.

Mr. BORAH. If we are through with the debate I wish to call for a quorum. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	McNary	Simmons
Beckham	James	Martin	Smith, Ariz.
Borah	Johnson, Cal.	Myers	Smith, Ga.
Culberson	Johnson, S. Dak.	New	Smith, Md.
Curtis	Jones, Wash.	Norris	Smoot
Fernald	Kendrick	Overman	Sterling
France	Kenyon	Owen	Sutherland
Frelinghuysen	King	Phelan	Swanson
Gallinger	Kirby	Pittman	Thomas
Gerry	Knox	Poindexter	Thompson
Gronna	Lewis	Shafroth	Tillman
Hale	Lodge	Sheppard	Trammell
Harding	McCumber	Sherman	Vardaman
Hardwick	McKellar	Shields	Wolcott

Mr. WOLCOTT. I wish to announce the absence of my colleague [Mr. SAULSBURY] on public business.

Mr. MYERS. My colleague [Mr. WALSH] is still detained from the Senate by illness.

Mr. LEWIS. I desire to announce that the members of the Interstate Commerce Committee are in session on the railroad bill and beg to state that if necessary for a quorum they will return to the Chamber; if not, they ask that they may be excused so that they may continue the hearing.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

Mr. OWEN. I send to the desk the following proposed amendment.

The VICE PRESIDENT. There is a pending amendment now.

Mr. OWEN. I beg the Chair's pardon; I was not aware of it.

The PRESIDING OFFICER. The pending amendment is the amendment of the Senator from Colorado [Mr. THOMAS] to strike out sections 33 and 34 as amended.

Mr. SHAFROTH. Mr. President, I hope this amendment will not prevail. One charge that has been made against the administration of the public lands has been the fact that there have been created monopolies, and it is claimed that by reason of that condition there ought to be some supervision upon the part of the Federal Government. That has been the strength of what might be termed the conservation movement, and it has created a condition of affairs that has been very detrimental to the Western States. Here are two sections that propose to remedy that condition or tendency toward monopoly as much as they can, and the striking out of them would throw down the bars and say there shall be no law against combinations. It seems to me the adoption of the amendment would prevent the bill from ever becoming a law.

Sections 33 and 34, the part to which the Senator from Colorado, my colleague, has objected, prohibit combination in the ownership of stock in companies that own oil leases. The usual form of owning and having a combination in several leases or several pieces of property is by means of stock. That is the very way by which it is done, and to strike out this provision that proposes to prohibit the ownership of stock or knowingly acquiring the ownership of stock in any other company, it seems to me would simply permit any one combination to own 90 per cent of every leasing company or ownership company. That being the case there would be no safeguard whatever, there would be no protection whatever, against monopoly.

Mr. President, we have had sections that have been proposed in various forms. Some have said that the ownership of a stockholder of one company in that of another company owning a lease should be limited to one-tenth. That will not do, because 10 men in one company then could each acquire stock in all the other companies in the field and consequently produce a monopolization of it. The only way that that combination can be prevented is by the retention of sections 33 and 34.

Mr. SMITH of Arizona. Will the Senator permit an interruption there?

Mr. SHAFROTH. Yes, sir.

Mr. SMITH of Arizona. Is it not the whole purpose of the committee in the adoption of those two sections to prevent the Standard Oil Co. and the Dutch Shell Co. from owning every one of these leases?

Mr. SHAFROTH. Or any other company. That is what it is.

Mr. SMITH of Arizona. Or any other company; and the purpose is to prevent the absolute monopoly of these leases by rich companies. The only inhibition is against you or me or anybody else going in and owning shares in every one of the companies.

Mr. SHAFROTH. We are prohibited because by that prohibitory statute they are prohibited. That is the reason. On that account, it seems to me, it would be very wrong to strike out these sections.

I want to say in addition that the attempt has been made to have small leases, and under this bill quite a large lease is permitted, 2,560 acres. That is done for the very purpose of letting a company that has capital and means to develop oil lands to the highest extent to have such control that they can make a business success of it. That is the reason why, instead of being limited to 20 acres, or a combination of eight men to acquire 160 acres, under the present placer act, they are permitted to prospect for and get the fruit practically of their discovery to the extent of 2,560 acres. Of course a great many competing companies can exist under that large area. The House committee does not consent to that. They make only 640 acres the limit. We believe that there should be a larger area so that there would be companies that could compete with the large companies and thereby make a competition that would be of use and benefit to the consumer.

Now, we find that if you prevent the statute from going into effect which says that the owner of stock in one company can not acquire stock in another company, one company could own the entire field in Wyoming or in any other State in the Union where there is public land. So while there may be some inconvenience in the case of stockholders as a result, on the other hand, not to have stockholders at all, not to have corporations; they would have to be all individuals. Individuals do not like to go into business where there is an unlimited liability. For that reason they can sacrifice some of their right or transfer some of their right of purchasing stock in other companies in order to prevent the monopoly under which people have been very much aggrieved because the consumer is held up by the large company.

Mr. President, it does seem to me that some modification might be made, but to strike out the only two provisions in the bill relating to the prevention of monopoly, the prevention of the stockholders of one company owning all the oil lands in a field. If these sections are stricken out, there is no land of the public domain but what might be acquired by one company.

So I hope, Mr. President, that the amendment offered by my colleague, the Senator from Colorado, will be rejected.

The VICE PRESIDENT. The question is on the amendment of the Senator from Colorado [Mr. THOMAS].

The amendment was rejected.

The VICE PRESIDENT. The Senator from Oklahoma offers the following amendment.

Mr. OWEN. I should like to have my proposed amendment read.

The VICE PRESIDENT. It shall be read.

The SECRETARY. Strike out sections 16 and 17 and insert in lieu thereof the following:

SEC. 16. That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910, honestly and in good faith for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work to a discovery of oil or gas, shall be entitled to lease from the United States any producing oil or gas well resulting from such work, at a royalty of not less than one-eighth of all the oil and gas produced therefrom, together with an area of land sufficient for the operation thereof but without the right to drill any other or additional wells: *Provided*, That such claimant shall first pay to the United States an amount equal to not less than the value of one-eighth of all the oil and gas already produced from such well: *And provided further*, That this act shall not apply to any well involved in any suit brought by the United States, or in any application for patent, unless within 90 days after the approval of this act the claimant shall relinquish to the United States all rights claimed by him in such suit or application: *And provided further*, That all such leases shall be made and the amount to be paid for oil and gas already produced shall be fixed by the Secretary of the Interior under appropriate rules and regulations.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator to explain the difference between his amendment and the provisions that he seeks to strike out. The amendment has not been printed?

Mr. OWEN. No; it has not.

Mr. SHAFROTH. It is difficult to follow it, so as to see what the difference is.

Mr. OWEN. Mr. President, as I understand the controversy over the question of validating the claims on various leases for oil and gas which arose under the old placer act, it is substantially that while some of these claimants were justified in some of the claims to have been bona fide, there are many of them who are charged with having made dummy entries and perpetrated various frauds by which to put themselves in the attitude of a just claim and asking to have Congress protect their equities. It is now a matter before the court, and many of these cases are pending.

The proposed amendment which I have offered undertakes to protect the equity of the man who in good faith under the old placer law made a claim and prosecuted it with the intention of developing oil and actually carrying out the purpose of making a development even if it was done after the act of withdrawal, provided it was done before the time fixed in the proposed amendment, 1910. The purpose of it is to protect the man who had an actual equity, and draw a clear line of demarcation between that man with an equity and the man who has no equity but who violated the purposes of the act of Congress, who violated good ethics, in his attempt to monopolize the public domain for speculative purposes; and it does draw a clear line of demarcation between the two.

I think the proposed act in sections 16 and 17 is broader than it should be, because it proposes to give to a claimant who prior to July 3, 1910, had performed all acts necessary to a valid mining location except to make a discovery of oil. The exception, of course, is vital, because he could only acquire a right if he did actually make a discovery of oil under that statute.

Mr. PITTMAN. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. PITTMAN. If there was no discovery made, then the bill proposes that he shall have no relief at all.

Mr. OWEN. I understand some of them did actually make discovery.

Mr. PITTMAN. I do not think the Standard Oil made a discovery prior to 1910.

Mr. OWEN. I do not know what the evidence discloses, but I have had so many statements made with regard to these claims——

Mr. PITTMAN. Those who made discovery prior to 1910 do not need any relief, because they had title.

Mr. OWEN. If they are given relief they would not have to prosecute a case in court, and those who went on after the time when they were inhibited by the Government, I think, are not justified in seeking this character of relief.

Mr. SMOOT. Mr. President, I have not had a chance to examine the amendment offered by the Senator from Oklahoma, but if his explanation of the amendment is correct, then you are going to penalize the man who has spent his money to develop an oil field in which he was unfortunate enough not to find oil; but if a man was lucky enough to find oil you are going to give him the right to a lease. If a man before the withdrawal in 1910 discovered oil there is no court on earth and no power on earth that can take his title away from him; he is entitled to the land.

If the amendment the Senator offers is adopted it seems to me we might just as well pass no bill at all and just leave the law as it is to-day, because it simply means that a man who did have a title and a right to the land of course could not lease it, and nobody is going to lease land who has not an absolute title to it. If I understand the amendment, that is the effect of it.

Mr. KING. Mr. President, as I interpret the language contained in the amendment offered by the Senator from Oklahoma, it narrows rather than broadens the ground upon which relief will be granted to certain claimants of oil lands. I think there can be no question but what the proposed amendment would not protect locators who had gone upon oil lands in good faith, but who had failed to remain in actual possession because of being driven off by stronger parties, who in some instances used the process of the courts to aid them in ousting the original locators and in keeping the latter out of possession. Neither would the amendment protect locators who respected the President's proclamation and deserted from work, even though they expended many thousands of dollars upon their respective claims. Other situations suggest themselves, not covered by the suggested amendment. It is too restricted and should be defeated.

Mr. BORAH. Mr. President, if I have an opportunity, unless sections 16 and 17 are materially amended, I shall vote to strike them from the bill. But I can not vote for this amendment, because the substitute for sections 16 and 17, I think, in all probability would not accomplish what I am sure the Senator has in mind. After hearing it read from the desk, I am not willing to vote for the substitute, although I would like to vote to strike out sections 16 and 17.

Mr. SHAFROTH. Mr. President, the difficulty is in examining amendments that are offered here and are not printed. It makes it almost impossible for a person to know exactly the purport or meaning of the amendment. For that reason it seems to me we ought to be very careful in deviating from the report of a committee that has examined this question for at least four years, presenting sections that have been approved by the action of the House of Representatives and also by committees of the Senate. It seems to me that we ought to be careful in adopting an amendment unless it is clearly understood. I believe in view of the action of the committee in approving a certain measure, especially when, as I understand, the Interior Department has approved those very sections, we should not change it unless the amendment is plain and palpably right. So it seems to me we should adhere to the sections as presented by the committee.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Oklahoma?

Mr. SHAFROTH. I yield.

Mr. OWEN. I think the Senator from Colorado did not understand the scope of the amendment, nor did the Senator from Nevada, as to the period of time. The language is—

That any claimant who, either in person or through his predecessor in interest, entered upon any of the lands embraced within the Executive order of withdrawal dated September 27, 1909, prior to July 3, 1910—

That was entered prior to that time—

honestly and in good faith for the purpose of prospecting for oil or gas, and thereupon commenced discovery work thereon, and thereafter prosecuted such work.

That is, after the period of July 3, 1910, prosecuted the work and found oil after that date. It does not limit it to the finding of oil prior to July 3, 1910, but it limits it to the entry prior to July 3, 1910, and who thereafter found oil.

Mr. SHAFROTH. What is the difference, then, between them? It seems to me that sections 16 and 17 provide for just such conditions as those, although probably not in the same language. I do not believe in changing language that has been studied and which has been repeated in bills for four years by substituting something else, unless it is so manifestly clear that all agree the amendment is wise.

Mr. SMOOT. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. SMOOT. I understand the difference between the two propositions is that in line 16, on page 15, the words "except to make a discovery" are not included in the proposition of the Senator from Oklahoma. In other words, no matter how diligently he has acted and how much money a locator has expended to discover oil, unless he has actually discovered it, under the amendment of the Senator from Oklahoma he is not entitled to a lease.

Mr. OWEN. I would suggest to the Senator, Mr. President, that a man who in seven years has not made any discovery has not been diligent.

Mr. SMOOT. The Senator from Oklahoma makes that statement offhand, without knowing the conditions existing in the Wyoming oil fields.

Mr. OWEN. I think that a man who knows anything about the oil fields—and the State of Oklahoma produces as much oil as any State in the Union——

The VICE PRESIDENT. Senators can only speak once on this amendment. The Chair will enforce the unanimous-consent agreement. The question is on the amendment of the Senator from Oklahoma.

The amendment was rejected.

Mr. THOMAS. Mr. President, referring back to sections 33 and 34, I offer the following amendment: On page 24, line 17, of the old print of the bill, I move to strike out the words "except as herein provided" and to insert "except as provided in sections 16 and 17 of this act."

Mr. SHAFROTH. I suggest to my colleague that he leave in the words "except as" and that he simply move to strike out the words "herein provided" and insert in lieu thereof the words "provided in sections 16 and 17 of this act." It is a limitation of the act and makes more specific what is excepted.

Mr. THOMAS. I modify my amendment as suggested by my colleague.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado as modified.

The amendment was agreed to.

Mr. THOMAS. In section 34, page 25, line 5, after the word "act," I move to insert the words "other than leases issued under the provisions of sections 16 and 17 thereof," and to strike out the words "except as herein provided," on line 6. It is virtually the same amendment which I have just previously offered.

Mr. PITTMAN. There is no objection that I can see to that amendment.

Mr. JONES of New Mexico. Mr. President, I endeavored to get recognition before the other amendment was voted upon, but evidently I did not make myself heard by the Chair. This amendment, however, involves the same question. The purpose of it is to prevent there being any limitation upon the quantity of land which may be acquired by these so-called equitable claimants, and the amendment now offered is to remove any restriction as to the manner in which these lands may be operated by these so-called equitable claimants. In my opinion, it was unwise to have adopted the amendment to section 16, for the reason that it enlarges the area which one concern may control, and it enlarges it beyond the point where we are willing to permit for the future citizens or associations of the country to acquire these lands. In other words, we propose by this bill to limit the amount of land that any individual or corporation may be interested in for the future to 2,560 acres; but we have a class of claimants who went upon these lands in violation of law, in good faith, it is true, under a misconstruction of the law, and we are proposing to permit those who are trespassers upon the public domain to acquire greater rights through a so-called claim of equity than we are willing to permit the individual of the country, who now goes upon the land in good faith and under the law, to acquire.

In my judgment, there should be some restriction, and the restriction offered by the Senator from Colorado, which has just been adopted to section 16, removes that limitation. I am perfectly willing that there shall be relief granted to the people who have actually developed oil in that country under legal advice that they had a right to do so, although it has been decided that they had no such right; I am willing to grant to them relief; but I am not willing to grant to them relief beyond the point where we are willing to permit the citizen of the country to go in a legal way. I think this amendment should be voted down, and I think the vote upon the other amendment should be reconsidered.

I think we are doing an injustice here to people who in the future under the law may go upon the public domain and seek to develop oil. We are limiting them; but we put no limitation upon those who have gone upon the public domain in violation of the law, even though in good faith, and developed oil. I can not conceive upon what principle Senators favor giving to these claimants rights beyond those which we are willing to permit citizens to have who go there in a legal way, simply because the others have gone there in an illegal way, although acting in good faith.

Mr. THOMAS. Mr. President, my purpose in offering these amendments is to mitigate in some degree those provisions of sections 33 and 34 to which I unsuccessfully called attention a few moments ago. I do not conceive that any of the men concerned in sections 16 and 17 went upon the public domain of the United States illegally, except in the most technical sense. The President of the United States himself, the author of the withdrawal order of September, 1909, expressed doubt as to his power to make that order, and the Supreme Court of the United States, in sustaining it, virtually held that acts of usurpation, if persisted in and repeated, became sanctified by time into law. These men took a chance, it is true, and the Supreme Court decided against them, but the two sections, 16 and 17, apply to other locations as well as to those to which the Senator from New Mexico refers.

So far as section 16 is concerned, the limitations placed upon the acreage involved by the actual physical conditions in Wyoming, are such that an extreme combination could not exceed 5,000 acres; and if the limitations of sections 33 and 34 apply to them, it will be impossible for them to avoid that monopoly of refinement which has been so eloquently inveighed against here.

So far as section 17 is concerned, the locations there described represent the rights of persons who on the 1st day of August, 1917, were bona fide occupants or claimants of oil or gas bearing lands open to appropriation as such under existing law. Certainly, those locations could not be called illegal, nor can the locators themselves be accused of disregarding the withdrawal order of the President. They refer to locations made upon the unappropriated public domain which had not been withdrawn and which were, therefore, open to occupation under the statutes of the United States, the only need of relief being that no discoveries had yet been made upon them.

I think, therefore, that it is perfectly right and proper that these remedial sections, framed to relieve men from existing conditions, should not be made subject to the penal clauses and limitations of the other two sections. I might add that, so far as I am able to judge from a somewhat cursory reading of the bill several times, the exceptions exist anyway. I merely offer the amendments to clarify the situation.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield the floor.

Mr. BORAH. I want to ask the Senator from Colorado a question. As I understand the Senator's amendment—I was called out at the moment he offered it—to section 33 consisted in striking out the words "herein provided" and inserting the words "other than leases issued under the provisions of sections 16 and 17 thereof."

Mr. THOMAS. Yes.

Mr. BORAH. In what respect does that change the bill from its present form as construed by the committee itself?

Mr. THOMAS. I think it merely expresses more clearly what the language embodied in sections 33 and 34 means anyway.

Mr. BORAH. It has been stated over and over again here by those in charge of the bill that sections 33 and 34 do not apply to section 16.

Mr. THOMAS. Yes; but the Senator and myself have had some experience with department constructions of remedial statutes.

Mr. BORAH. Yes.

Mr. SHAFROTH. Mr. President, under the law as it now exists and as it existed prior to the withdrawal order of President Taft a company has a right to locate as many claims as it wanted to. It could locate a million claims if it so desired. That was a right which had been given; it was a matter of right that would accrue in a patent. There came, however, the sweeping order withdrawing such lands from entry where the discovery of oil had not been made. The owner of a mining claim drives four stakes on every 20 acres of land; he does not have to record his certificate, and probably would not record the certificate until 30 days thereafter; at least he is allowed that right by law. He must, however, make a reasonable effort to discover oil, and that is generally done by a derrick. With the drill he is supposed to keep on until he discovers oil. If he does not discover oil, he will have no more title to that land than would I—not a particle more. Consequently, after these men went upon the public lands and sunk wells for oil, when the order was issued some of them had spent, as I have understood, as high as fifty thousand and in several instances as much as $100,000.

I have not any doubt, as explained by the Senator from Nevada, that President Taft never intended that those who had not discovered oil at the time of the issuance of that order should be cut off; in fact, the Pickett Act seemed to sanction the same view. Suppose a company having under law acquired 2,560 acres of land, had acquired a patent and a lease, and when this order was promulgated had spent $50,000 or $100,000 in a well, is it possible that we should legislate that such a company should not be entitled to get the additional well upon which they had spent that sum of money and let any locator without any work acquire the same? Is that right? Such a policy would produce no development. The object of this statute is to produce development; and it seems to me in framing this law those people should be given that right.

I believe in a limitation, but it should be equitably made. There must be a limitation as to the amount of land which can be acquired when a man begins operation. It is not fair to say, after he has his claim in process of development, "We shall not allow you to acquire any more than a certain fixed amount, and all your work will go to the first man who asks for a permit on that land."

It is possible that the House of Representatives, acting on this bill, will send back their bill, which may be to the effect that only 640 acres may be acquired by lease. I do not know where they are located, but I have no doubt that there are any number of companies in the United States which have more than 640 acres of land, and perhaps there are a number of them which have more than 2,560 acres. To say that they shall be cut off, when such a provision was not in the law when they began operations, it seems to me would be doing them an injustice and not granting them relief at all. Let us fix a maximum in the law, so that people who locate may know the

limits as to which they may acquire land, and let them acquire that amount; but to say, after a man has made his entry, that he may be cut down by a law subsequently passed by Congress it seems to me would be unwise and unfair.

For those reasons, Mr. President, I hope the amendment proposed by my colleague will be adopted.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado. [Putting the question.]

Mr. KENDRICK. I wish to offer the several amendments, respectively, which I send to the desk.

Mr. SMITH of Arizona. Mr. President, what became of the amendment offered by the Senator from Colorado?

The VICE PRESIDENT. The Chair has not ruled.

Mr. SMITH of Arizona. I would like to have the ruling of the Chair.

The VICE PRESIDENT. The Chair does not know on the vote taken whether it was carried or not. All in favor of the amendment will rise.

Mr. PITTMAN. Mr. President, a parliamentary inquiry. Is the question on the amendment to section 34?

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado.

Mr. SHAFROTH. The amendment is to insert the words "other than leases issued under the provisions of sections 16 and 17."

The VICE PRESIDENT. Those in favor of the amendment will rise. [A pause.] Those opposed to the amendment will rise. [A pause.] The amendment is adopted.

The first amendment offered by the Senator from Wyoming will be stated.

The SECRETARY. In section 11, on page 8, line 21, it is proposed to strike out the words "if the same are situated within 20 miles of any producing oil or gas well," and in lieu thereof to insert "if, in the judgment of the Secretary of the Interior, the same are situated within the geologic structure of a producing oil or gas field."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Wyoming.

Mr. PITTMAN. Mr. President, I desire to express opposition to that amendment. I do not think it is determinative at all. It provides for a determination by the geologic structure, which I believe would be a very difficult matter for a prospector to ascertain, and I am satisfied that, if left to some of the bureaus, they might include a whole State in a geologic structure. I think that it is to the interest of the prospector to have some limitation as to where he may prospect and how much land he may get within certain areas. I am opposed to the amendment.

Mr. KENDRICK. Mr. President, in explanation of the amendment I wish to say that whatever the situation may be in other sections of the country it is rather easy to determine the limitations of any oil structure in my State. This section clearly intends to govern the acreage in a prospector's permit according to the distance from producing oil structures. As an indication of the injustice of the language of the bill as drawn I will point out the fact that what has been spoken of here as the Teapot Dome is within 5 miles of the largest oil-producing field in my State, but it is an entirely separate structure. Under such circumstances the section as it at present stands would limit the prospector, drilling in an entirely separate structure, to one-fourth of the maximum area, which is clearly contrary to the spirit of the bill. In my judgment, it would be a mistake to make such a provision, and I hope that the amendment will prevail.

Mr. BORAH. Mr. President, may I ask the Secretary to restate the amendment?

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment.

Mr. BORAH. As I understand the Senator from Wyoming, the amendment is intended as a limitation?

Mr. KENDRICK. A limitation that carries with it a restriction of the amount of land that a prospector may have under a prospector's permit. Under the section as it now stands, if the land is within, say, 19¾ miles of a producing well, he can only have 640 acres, as I understand, while if it is 20 miles away he may have 2,560 acres. The truth of the matter is, that it is intended to restrict prospecting to territory that has not been proved, as contradistinguished from oil structures that have already been proved as such.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator whether or not the phrase "the geologic structure of a producing oil or gas field" is easily ascertained? A man by going on the public domain and seeing a derrick, of course, can measure 20 miles and know where the line is between the 640-acre entry and the 2,560-acre entry; but I am not sufficiently familiar with the oil fields to know whether the geologic structure is readily ascertainable and is delineated on the ground. It would not be so objectionable if it were delineated and visible, so that the prospector could find it. The only question in my mind is whether the use of the words "geologic structure" would not confuse him. If the geologic structure is plain and visible, or can be ascertained readily, I am in favor of the proposal; but if it can not, I feel that the best way to do would be to make distance in miles the guide; and if 20 miles is too much, we can make it less than 20, so far as I am concerned.

Mr. KENDRICK. Mr. President, in the territory of the larger oil fields in my State there have been frequently expensive wells sunk just outside of the structure where there were evident lines indicating the outline of the structure. Such wells have proved an entirely new oil structure, sometimes one after the other in succession. As I have already said, the oil structures are clearly defined, and some of them are very much nearer and closer together than 20 miles. Therefore I think that any prospecting done within an entirely new territory should be done on a basis of equality.

Mr. SHAFROTH. What is there on the surface of the ground to indicate where these zones or geologic structures are?

Mr. KENDRICK. In my State there are clearly defined walls in almost every instance.

Mr. SHAFROTH. Visible to the eye, on the surface?

Mr. KENDRICK. Yes.

Mr. SHAFROTH. So that they can be ascertained by the prospector without having to come down to Washington to find out about them?

Mr. KENDRICK. Yes; and they are known not only to the local but to the Federal geologists. There is only a question of expending the money to determine the presence of oil. In many cases these structures are broken; the oil has wasted away; and the fact of the presence of oil is only demonstrated by a heavy outlay of money, as the Senator from Colorado has already suggested.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Wyoming.

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, on page 14, in the proviso at the close of section 16——

The VICE PRESIDENT. Just a moment. The Senator from Wyoming sent to the desk several amendments. The next amendment offered by the Senator from Wyoming will be stated.

The SECRETARY. In section 11, on page 8, line 24, it is proposed to strike out the words "if the same are situated over 20 miles from any producing oil or gas well" and insert "if, in the judgment of the Secretary of the Interior, the same are not situated within the geologic structure of a producing oil or gas field."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment offered by the Senator from Wyoming.

The SECRETARY. In section 17, on page 14, line 12, it is proposed to strike out the words "August, 1917," and insert in lieu thereof "January, 1918," so as to read:

That the rights of any person who on the 1st day of January, 1918, was, and ever since has been, a bona fide occupant—

And so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will state the next amendment offered by the Senator from Wyoming.

The SECRETARY. At the end of section 12, page 10, line 3, after the words "unsurveyed lands," it is proposed to strike out the period and insert a semicolon and the following: "or at his election the said permittee shall be entitled to a lease for the entire area described in his permit for a term of 20 years, such lease to be conditioned upon the payment by the lessee, after first deducting from the gross production such oil or gas as may be used in development and operating such land, of a one-eighth royalty of the product of said land, or the value thereof, and the payment in advance of a rental of $1 per acre per annum thereafter during the continuance of the lease, the rental paid for any one year to be credited on the royalty for that year, and such other reasonable terms and conditions as may be prescribed by the Secretary of the Interior."

Mr. STERLING. Mr. President, as a substitute for the amendment just read, I offer the one which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In lieu of the words proposed to be inserted, the Senator from South Dakota moves to insert the following:

Provided, That said permittee shall be given a preference right to lease the remaining and unpatented lands embraced within the limits of his permit upon the same terms and conditions as provided for other leases, or said permittee may, at his election, with like preference right and upon like conditions, become the lessee of the entire tract embraced within said permit, instead of receiving a patent for any part thereof.

The VICE PRESIDENT. The question is on the amendment of the Senator from South Dakota.

Mr. STERLING. Mr. President, just a word in regard to this amendment. It is somewhat broader than the amendment of the Senator from Wyoming [Mr. KENDRICK]. It gives the patentee a preference right to lease the remainder of the tract if he desires. It gives him a preference right to lease it. It also allows him, at his election, instead of taking a patent for any portion, to lease the entire tract covered by his permit.

I think the rest of the language of the amendment puts the lessee in this case upon exactly the same footing as other original lessees provided for in the bill, and I believe the amendment is a little preferable to that of the Senator from Wyoming.

Mr. SHAFROTH. Mr. President, I like the first part of the amendment offered by the Senator from South Dakota, but I do not like the latter part of it. This measure is one that has been considered very carefully by the committee, and, so far as I am concerned, I do not like to have the leasing system extended to one acre more than is necessary in order to get through a working bill. For that reason I feel that where the proposition is as contained in the bill itself—namely, that the applicant shall have a right for his discovery to 160 acres in one instance and to one-fourth of the other premises that may be issued to him—that is something definite and fair, and you will find that in every instance the well would be sunk on the land of which the man is the owner.

While I would not vote against the bill on this account, yet where we have a system that we hope will work and a provision with relation to what shall be given to a man for his discovery it seems to me we ought to let that system prevail all the way through. Therefore I shall vote against the amendment.

Mr. KENDRICK. Mr. President, I wish to accept the amendment offered by the Senator from South Dakota in lieu of the one which I offered.

Mr. NORRIS. Mr. President, the bill as reported authorizes the giving of a permit for anyone to prospect for oil and gas. He has within the limits of that permit two years to prospect; and if he discovers oil, then he gets as a reward for the discovery a patent to one-fourth of the land embraced in his permit. It may be 640 acres or it may be 2,560 acres, depending upon the location.

It seems to me that that reward is sufficient. He gets that absolutely. He gets an absolute patent for it. The balance of land within that permit is then leased by the Secretary of the Interior. Of course it is known then that oil has been discovered, and probably, as a rule, it would be valuable.

As I understand this amendment, the effect of it is this: Instead of confining the man to a patent for one-fourth of the land embraced within his permit it gives it all to him. That is really the effect of it. He gets a lease for it. In the other case he would only get a patent for one-fourth, and the balance would be leased, if the Secretary saw fit, in a competitive way. He would put it up and lease it to the highest bidder, very likely. He is given authority under the bill to do that. If this amendment prevails, that is what it will do. In other words, instead of giving the man title in fee to one-fourth of the land embraced within his permit, it gives him a lease of the whole thing for 20 years.

Mr. BORAH. Upon the same conditions that he leases the balance.

Mr. NORRIS. No; if the Senator will turn to——

Mr. BORAH. I have not the amendment of the Senator from South Dakota before me.

Mr. NORRIS. I am referring now to the bill in another place. It tells how the balance of the land under that permit, after oil has been discovered, shall be leased. It gives to the Secretary of the Interior the right to lease it under competitive bidding. It is in section 15, I think, on page 11, where provision is made that after one-fourth of the land embraced in the man's permit has been given to him in fee simple the balance of the land can be leased, the bill says—

By the Secretary of the Interior, through competitive bidding or such other methods as he may adopt by general regulations, in areas not exceeding 2,560 acres and in tracts which shall not exceed in length two and one-half times their width, such leases to be conditioned—

And so forth.

Mr. BORAH. Mr. President, as I understand this amendment, its effect is no other than to give the original discoverer a preference right to a lease upon the same terms and conditions upon which the Secretary would have granted a lease to anybody else under this bill.

Mr. NORRIS. Well, if that means that he may put it up at competitive bidding and permit this man to take it at the highest bid——

Mr. BORAH. This is what it says:

Provided, That said permittee shall be given a preference right to lease the remaining and unpatented lands embraced within the limits of his permit upon the same terms and conditions as provided for other leases, or said permittee may, at his election—

And so forth.

Mr. STERLING. Mr. President, will the Senator from Nebraska pardon me for a moment?

Mr. NORRIS. I do not know how much time I have left.

The VICE PRESIDENT. About a minute.

Mr. NORRIS. Let me finish this statement, and then I shall be glad to yield to the Senator.

The language I have read is found on page 15. If that goes in as it is now, it is going to be necessary to amend the bill, to strike out this language that I have read; otherwise, it will be absolutely inconsistent. I do not see how the Secretary of the Interior could put that up at competitive bidding and then say, "Here is one man who is going to have it if he wants to."

Mr. STERLING. Mr. President, under the language of the amendment he could not do that. The amendment is intended to give that man a preference right to the remainder of the tract covered by his permit, or a preference right to lease the whole of the tract instead of taking a patent for part of it, if he so desires.

Mr. NORRIS. I understand that.

Mr. STERLING. That is the object of it.

Mr. NORRIS. I have not a misconception as to what the amendment means.

Mr. STERLING. Otherwise the lease would be subject to the same terms and conditions as other leases.

Mr. NORRIS. Yes; but that language means that the balance of the land embraced in the permit could not be put up at competitive bidding.

Mr. STERLING. I grant that.

Mr. NORRIS. That is all I contend. It seems to me that that means that the man who gets this permit has the exclusive right to stay on 2,560 acres of land for two years and keep everybody else off of it. He gets that permit to prospect, and he gets oil. If he gets oil, under the bill as it is drawn now, he is given one-quarter of the land contained in his permit in fee simple, and he selects it himself. It must be in compact form, but he takes a quarter of it. If this amendment prevails, instead of that happening when he discovers oil, he gets it all. So it seems to me that so far as practical purposes are concerned you may just as well say, when you give the permit to a man: "We will give you two years to decide whether you want this land or not, and if you decide within two years that you want it, we will lease it to you. You will get everything there is in it, and if at the end of two years you think you do not want it you can give it up and pay no more attention to it, but during that time you have the exclusive right, and everybody else must be kept off."

The VICE PRESIDENT. The time of the Senator from Nebraska has expired. The question is on the amendment of the Senator from South Dakota.

Mr. STERLING. Mr. President, just this word in regard to this amendment:

One thing that I have had in view here is what we are all interested in, I suppose, and that is the production of oil, and the production of oil as far as possible free from monopoly or free from one interest getting control. I have thought that the man who made the exploration, who looked over the land and who made the discovery, did the work, and paid out the money, making, after all, a proposition that was more or less problematical, when he takes his patent for 160 acres in the one case or 640 acres in the other case, ought to be entitled to a preference right to the balance of the 640 acres if the land is within 20 miles of a known oil or gas well, or 2,560 acres if the land is more than 20 miles from an oil or a gas well. I think he should be entitled to that preference. He knows the land better than anybody else; he knows the possibilities of that land; and I think it will tend more to the production of oil to give the man who has made this investigation and this discovery a preference right than it otherwise would.

That is the sole object I have in offering this amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Dakota and accepted by the Senator from Wyoming.

The amendment was agreed to.

The SECRETARY. Also, on page 10, line 4, after the word "patent," insert the words "or lease."

The amendment was agreed to.

The SECRETARY. On page 10, line 10, after the word "patent," insert the words "or lease."

The amendment was agreed to.

The SECRETARY. On page 10, of the old print, in section 13, the last words in the section, after the word "terminate," strike out the words "but he may become a lessee of the other lands described in his permit."

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from Wyoming whether that language should not be kept in the bill, so that if the prospector elects to take his patent to the one-fourth, he may be permitted to lease the balance of it and be upon equal terms with anybody else?

Mr. KENDRICK. Mr. President, the Senator from Colorado is absolutely right.

Mr. SHAFROTH. Does the Senator insist upon his amendment?

Mr. KENDRICK. I withdraw the amendment just read. The last three, if I remember right, refer to leases.

The SECRETARY. Amend section 15, on page 11, line 8, after the word "patented," by inserting the words "or leased."

The amendment was agreed to.

The SECRETARY. In line 9, after the word "patent," add the words "or lease."

The amendment was agreed to.

The SECRETARY. On page 25, line 18, strike out the words "two or more such."

Mr. SHAFROTH. Wait, please. What is that—page 25?

Mr. KENDRICK. I withdraw that amendment.

Mr. JONES of Washington. Mr. President, on page 14, in line 9, I move to strike out "$1,000" and insert "$500."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, line 9, it is proposed to strike out "$1,000" and to insert in lieu thereof "$500."

Mr. SHAFROTH. Mr. President, I will state to the Senator from Washington that the amount carried in this section was suggested by the Delegate from Alaska. The object of it is to show that the man had expended a large amount of money, and had been continuously expending it for a certain time, showing his good faith in prosecuting his claim. If we should make the amount too small, it might let anybody come in and claim the benefits of the statute, whereas, in the case of the withdrawal, he wanted and the committee wanted something to show that there was an effort on the part of the applicant to keep continuously at work until he got a discovery. On that account it was difficult to say that he did not get his discovery at that time; and a substitute was offered, making it a thousand dollars, which would show that the man had exercised good faith in trying to get his discovery; and the committee thought that a man who would spend as much as a thousand dollars in endeavoring to get it should be protected.

Up in Alaska the climate is often so cold that they have to desist from work, and strictly and literally under the placer mining act the man has not any claim at all. He is subject to be "jumped," according to the laws of the United States, and there ought to be some——

Mr. JONES of Washington. Mr. President, I should like to know whether the Senator from Colorado is using my time or his own?

The VICE PRESIDENT. He is using yours.

Mr. JONES of Washington. I can not yield further to the Senator if he is using my time.

Mr. SHAFROTH. I beg the Senator's pardon.

Mr. JONES of Washington. I simply wanted to say this about the amendment:

As I understand the law, before the withdrawals were made it was this: That a person could get a patent for these lands in Alaska upon proof that he had made improvements of the value of $500. Now, there ought not to be more required to get a claim under this law than there was to get a patent to the land, and that is the sole purpose of reducing this to $500. While I would not say that the Delegate from Alaska had told me this, I had understood that he was desirous of having this change made.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator yield?

Mr. SHAFROTH. I will state to the Senator that he is under a misapprehension as to the amount it was necessary to expend. You have got to expend money often to the amount of $50,000 before you make a discovery. It is not like, after you get a discovery, doing $500 worth of work annually; and for that reason it seems to me there ought to be a good, substantial amount required for the purpose of showing his good faith.

Mr. JONES of Washington. Mr. President, I want to say that if I have been misinformed as to the law—and I have not had time to look it up—I agree with the Senator. I do not want to have any amount in here that will not require a showing of good faith in securing these claims.

Before my time expires I want to say that I have three amendments pending on page 2 which I shall not have time to discuss, as the time for discussion will close in 10 minutes. They are simply to insert the words "or Territory" in section 2; in other words, to make the provisions of this act, with reference to coal, apply to Alaska as well as to the coal fields of the continental part of the United States. It seems to me there can not be any objection to that.

I am not going to take any further time. I simply want that to be kept in mind when the amendments are submitted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 31, at the end of section 43, on line 19, insert a colon and the following words:

Provided, however, That in order to assist in the production of oil to meet the present emergency, pending the final determination of a right to a patent to any oil or gas lands, or the actual granting of a lease upon oil or gas lands, as herein provided, the Secretary of the Interior is hereby authorized to permit increased production of oil under the terms of agreements authorized under the provisions of said act Approved August 25, 1914, which act is hereby continued in force for such purpose.

Mr. SMOOT. Mr. President, I want to say to the Senator having the bill in charge that that is simply allowing the act of August 25, 1914, the temporary leasing act, to continue in force after the passage of this act, if it becomes a law, until the time when the land is actually leased by the Government.

Mr. PITTMAN. In other words, it is to take care of the hiatus between the operation of the two acts.

Mr. SMOOT. That is all.

Mr. JONES of New Mexico. Mr. President, I offer a substitute for the amendment just offered by the Senator from Utah, as follows:

In order to assist in the production of oil to meet the present emergency pending the final determination of a right to a patent to any oil or gas lands, or the actual granting of a lease upon oil or gas lands, as herein provided, the Secretary of the Interior is hereby authorized to permit production of oil to continue under the terms of existing agreements authorized under the provisions of said act approved August 25, 1914.

Mr. SMOOT. Mr. President, I can not see what difference there is between the two amendments.

Mr. JONES of New Mexico. There is quite a difference. In the first place, the amendment proposed by the Senator from Utah authorizes an increased production, and in my opinion it also authorizes the making of new agreements under the act of August 25, 1914; and I do not believe that should be done. As to agreements which are in existence now, I am quite agreed that they should be continued in force until this bill becomes operative and until the parties have an opportunity to transfer their rights under the act of August, 1914, to their rights under this bill, but I do not believe that a new agreement should be entered into, or that any increased production should be permitted. It seems to me that if they go ahead under the agreements that they have now, they ought to be satisfied, and then come in under the provisions of this bill.

I therefore offer this amendment as a substitute for the amendment of the Senator from Utah.

Mr. SMOOT. Mr. President, the only difference between the two amendments is that my proposed amendment will allow an increase of production of oil that is so badly needed now. The amendment offered by the Senator from New Mexico is exactly the same with the exception of the allowance of an agreement between the Secretary of the Interior and the producer to produce more oil until the land that is to be leased is leased out under the terms of the pending bill, if it becomes a law.

I think my amendment is far better than limiting the production as the amendment of the Senator from New Mexico does.

Mr. JONES of New Mexico. Mr. President, it seems to me that the language of the amendment offered by the Senator from Utah permits a much broader construction than that based upon the amendment by himself. The language of his amendment is:

The Secretary of the Interior is hereby authorized to permit increased production of oil under the terms of agreements authorized under the provisions of said act approved August 25, 1914—

And so forth. He uses the words "under the terms of agreements authorized." If that does not mean that the Secretary has authority to execute new agreements, then I am incapable of understanding that language, and not only to execute new agree-

ments but to modify existing agreements so as to authorize the sinking of new wells and increasing their production.

It seems to me that the amendment offered by the Senator from Utah goes far beyond what he wants, and the purpose of my substitute is to limit the transaction in express language, so that the agreements may go ahead just as they are now but no further until they bring themselves within the provisions of this law.

The VICE PRESIDENT. The question is on the amendment of the Senator from New Mexico [Mr. JONES] to the amendment of the Senator from Utah [Mr. SMOOT].

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now is on the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 15, lines 6, 7, 8, 9, 10, and 11, it is proposed to strike out all of the following words: "If the claim was initiated within less than five years prior to the withdrawal, and such claimant had performed a reasonable amount of work preparatory and essential to the sinking of a well or wells, and who because of and in obedience to such order desisted from the prosecution of work for the development of such claim."

Mr. SMOOT. Mr. President, in explanation of that amendment I want to say that the words were put in, so I have been informed, for the purpose of taking care of the locator who located prior to the withdrawal order and who had assisted in work after the second order was issued. I think that whoever inserted the words did not take time to consider what effect these words really would have upon just such honest locators.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Nevada?

Mr. PITTMAN. The committee did give very careful attention to that, and it was a subject of considerable debate there with representatives of the Department of the Interior. I hope that amendment will not be adopted.

Mr. SMOOT. Mr. President, I do not want the Senator to take my time. With those words stricken out, it would read:

And any person who at the time of any withdrawal order heretofore made was a bona fide occupant or claimant of oil or gas bearing lands within such withdrawn area, other than lands reserved for the use of the Navy, and who has performed all acts necessary to a valid mining location thereof, except to make a discovery, shall have a preference right to lease the same under the provisions of this act.

If those words remain in the bill, the honest locator will be in many cases deprived of the privilege of leasing the land. If they go out, the dishonest locator will have a chance to get those lands as against the man who is entitled to the lease. It does not apply to any locator who has complied with the law and done his annual assessment work and all that is required of him under existing law.

I hope the amendment will be agreed to.

Mr. JONES of New Mexico. Mr. President——

The VICE PRESIDENT. The hour of 5 o'clock has arrived. The question is on the amendment of the Senator from Utah [Mr. SMOOT].

The amendment was rejected.

Mr. PITTMAN. I offer the following amendment to come at the end of section 17.

The SECRETARY. At the end of section 17, on page 15, at the end of line 22, insert:

Provided, however, That no claimant who has been guilty of fraud in the location of any oil claims or gas-bearing lands shall be entitled to any of the benefits of this section, nor shall his assignee or lessee be entitled thereto unless he affirmatively shows that prior to the passage of this act he purchased such lands in good faith, for a valuable consideration and without actual knowledge of such fraud.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nevada.

The amendment was agreed to.

Mr. SMOOT. I offer the following amendment.

The SECRETARY. On page 15, line 12, strike out the words "have a preference right to lease the same," and in lieu insert: "shall be entitled to a lease upon the same at one-eighth royalty and otherwise for the period and upon the conditions as other oil and gas leases are granted."

The amendment was agreed to.

Mr. SMOOT. I offer the following amendment.

The SECRETARY. On page 14, line 19, strike out the word "diligent" and insert, after the word "work," the following words: "without unreasonable delay"; and, in line 22, strike out the word "diligent" and in lieu thereof insert the word "said."

The amendment was agreed to.

Mr. SMOOT. On page 14, line 20, after the word "gas," I move to insert the words "which work may be done on said location successively."

The amendment was agreed to.

Mr. JONES of Washington. I offer the amendment to which I referred a moment ago: On page 2, lines 6, 7, and 10, after the word "State," in three places, I move to insert the words "or Territory."

The amendment was agreed to.

Mr. KING. I offer the following amendment.

The SECRETARY. On page 31, after section 44, insert a new section, as follows:

SEC. 45. That hereafter no public lands of the United States containing minerals shall be withdrawn by Executive proclamation or otherwise, and no reserve of any character or description, covering or including within its limits any mineral lands of the United States, shall be created or established except by act of Congress. All acts and parts of acts in conflict with this section are hereby repealed.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

The amendment was agreed to.

Mr. KING. I offer the following amendment.

The SECRETARY. On page 7, at the end of section 6, insert a new section, as follows:

SEC. 7. That where, in the opinion of the Secretary of the Interior, the public interest will be benefited thereby, he is authorized to exchange noncontiguous bodies of public coal lands for privately owned coal lands, similarly situated, of approximately equal character and value, to such an extent and in such manner that thereafter the lands of the United States and those in private ownership shall each form single, compact, workable bodies or units: *Provided*, That nothing herein shall authorize the issuance, or treatment, of the privileges herein granted as script or assignable rights or privileges. In consummation of the exchanges herein authorized the Secretary of the Interior is authorized to receive and record conveyances covering privately owned lands and to issue patents covering lands of the United States exchanged therefor.

The amendment was rejected.

Mr. PENROSE. I desire to offer the following amendment.

The SECRETARY. On page 15, lines 7, 8, 9, 10, and 11, strike out the following words: "and such claimant had performed a reasonable amount of work preparatory and essential to the sinking of a well or wells, and who because of and in obedience to such order desisted from the prosecution of work for the development of such claim."

Mr. PITTMAN. A point of order. I think that amendment has just been acted upon.

Mr. PENROSE. It is in a different order.

Mr. PITTMAN. It is clearly out of order. The same amendment, to the same intent and purpose, was presented by the Senator from Utah and was defeated.

Mr. PENROSE. It is an amendment of narrower scope, I think, than that of the Senator from Utah.

Mr. PITTMAN. It was an amendment in about this language.

Mr. PENROSE. Let us have a vote on it, Mr. President.

The VICE PRESIDENT. The Chair thinks it was voted on once, but there is not any harm in having it voted on again. The question is on the amendment.

The amendment was rejected.

Mr. JONES of New Mexico. Mr. President, a parliamentary inquiry. The committee adopted an amendment at the end of section 43 inserting "except as provided in sections 16 and 17 of this act." I desire to give notice that in the Senate——

Mr. PITTMAN. Mr. President, a point of order.

Mr. JONES of New Mexico. I desire to give notice of a motion to disagree to the amendment offered which was adopted in Committee of the Whole and at the end of section 43, if it is in order, I should like to move to strike out the words adopted in Committee of the Whole and at the end of the section insert other words.

The VICE PRESIDENT. There is a unanimous-consent agreement here that certainly can be understood, and it is not to discuss amendments further.

Mr. JONES of New Mexico. Then I should like to give the notice.

The VICE PRESIDENT. The Senator has a right to reserve the amendment for a separate vote in the Senate.

Mr. JONES of New Mexico. I reserve it.

Mr. SMOOT. I offer the following amendment. On page 15, line 5, I move to strike out "a," where it occurs before the word "valid," and, in the same line, to strike out the word "location" and insert "locations."

The amendment was agreed to.

Mr. POINDEXTER. On page 12, in section 16, line 21, after the word "withdrawal," I move to insert the words "not within a naval petroleum reserve."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Washington.

Mr. SHAFROTH. I ask that the Secretary may read the amendment. I did not catch it.

Mr. POINDEXTER. I am stating it from the latest print of the bill.

The VICE PRESIDENT. It is impossible for the Secretary to get it in that way.

Mr. POINDEXTER. In the original print, on page 12, section 16, at the end of line 14, after the word "withdrawal," I move to insert the words "and not within a naval petroleum reserve."

The amendment was rejected.

Mr. POINDEXTER. In section 3 of the bill, page 4, line 16, I move to strike out the words "outside of the Territory of Alaska."

The amendment was rejected.

Mr. POINDEXTER. I move to strike out section 2 of the bill, which relates to the sale of coal land.

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington.

The amendment was rejected.

Mr. STERLING. I offer the following amendment. I have not had time to indicate where the amendment will come in, as I have just written it, but it should be inserted after the word "thereof," on line 18, page 12.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12, line 18, after the words "any subdivision thereof," insert "and not exceeding in the aggregate 640 acres, if in the judgment of the Secretary of the Interior the same are situated within the geologic structure of a producing oil or gas field, or 2,560 acres if, in the judgment of the Secretary of the Interior, the same are not situated within the geologic structure of a producing oil or gas field."

The amendment was rejected.

Mr. KING. I offer the following amendment as a substitute for the bill.

The SECRETARY. Strike out all after the enacting clause and insert:

That the public lands, property of the United States, within the several States, which have not been acquired or reserved for the public or special uses of the Government of the United States, together with all rights, jurisdiction, privileges, and sovereignty appertaining thereto, or heretofore exercised or enjoyed by the Government of the United States with respect thereto, are hereby ceded, granted, and confirmed severally to the particular States within the territorial boundaries of which such unreserved public lands may severally lie and be situated.

SEC. 2. That there is excepted from this grant all particular tracts of land which have been entered pursuant to law, and for which the rights of entrymen or claimants may have been initiated, vested, or accrued. Upon the relinquishment, however, of the right of the claimant or entryman to any such lands the same shall be subject to the operation of the grant made by this act.

SEC. 3. That the grant made by this act shall take effect as to the lands within any particular State when the legislature of such State shall by resolution accept the grant made by this act and shall deposit such resolution with the Secretary of the Interior. Resolutions of acceptance shall be made within four years after the date of the approval of this act.

Upon the receipt of a resolution of acceptance from a particular State the Secretary of the Interior shall deliver to such State such maps, records, books, and documents, or certified copies thereof, as may be necessary or convenient for the enjoyment, control, use, administration, or disposition of such lands.

SEC. 4. That the grant hereby made shall be subject to the right of holders of outstanding land script, heretofore issued by the United States, to locate such lands in satisfaction of such script; but such locations shall be made before the lands herein granted shall pass to private proprietors.

SEC. 5. That all laws relating to the entry of public lands within the several States are hereby repealed.

SEC. 6. That the provisions of this act shall not apply to Alaska or to the Hawaiian or Philippine Islands.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah.

Mr. JONES of Washington. I should like to move an amendment to the amendment. After the words "United States," in line 6, I move to insert "and which are not included within forest reserves."

The VICE PRESIDENT. The question is on the amendment of the Senator from Washington to the amendment of the Senator from Utah.

The amendment to the amendment was rejected.

The amendment was rejected.

Mr. WARREN. I offer the amendment on page 3, line 13, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 3, line 13, after the word "lands," it is proposed to insert the words "entered after the passage of this act."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Wyoming.

The amendment was rejected.

Mr. KIRBY. I submit the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill, and to insert the following:

The President of the United States is hereby authorized to mine and develop oil, gas, and coal on any lands belonging to the United States, and to operate the wells and mines under the direction and supervision of the Secretary of the Interior, when the public exigency, in his discretion, may require that it shall be done.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas.

The amendment was rejected.

The VICE PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to further amendment. The Senator from New Mexico [Mr. JONES] has reserved a vote on one amendment. The question is on concurring in all of the amendments save the one reserved by the Senator from New Mexico.

Mr. POINDEXTER. I ask to reserve the last amendment, which I have proposed—to strike out section 2 of the bill.

The VICE PRESIDENT. The amendment was lost. The Senator from Washington can again offer it in the Senate.

Mr. POINDEXTER. It was lost; but I ask to reserve a separate vote upon the amendment.

The VICE PRESIDENT. The Senator can not reserve a vote on an amendment which has been rejected; but he can offer it again in the Senate. The question is on concurring in all of the amendments made as in Committee of the Whole, save the amendment on which the Senator from New Mexico has asked a separate vote. They are concurred in, without objection. The Senator from New Mexico asks a separate vote upon an amendment, which will be stated.

The SECRETARY. In section 33, page 24, line 17, as in Committee of the Whole, the Senate agreed to an amendment to strike out the words "herein provided,' and to insert the words "provided in sections 16 and 17 of this act."

Mr. JONES of New Mexico. I move that the Senate disagree to that amendment, to strike out the amendment agreed to as in Committee of the Whole, and at the end of the section to insert:

The provisions of sections 16 and 17 of this act shall be subject to the limitations of this section.

The VICE PRESIDENT. It is not possible to disagree to this amendment, but the Senate can concur in it. Later on the Senator can offer his amendment. The question is on concurring in the amendment.

The amendment was concurred in.

The VICE PRESIDENT. The bill is in the Senate and open to amendment.

Mr. POINDEXTER. I move to strike out section 2 of the bill, which is, the section authorizing the sale of all the coal lands of the United States in all the States and Territories.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington.

Mr. POINDEXTER. I ask for a yea-and-nay vote upon the amendment.

The yeas and nays were not ordered.

The amendment was rejected.

The bill was ordered to be engrossed for a third reading and read the third time.

The VICE PRESIDENT. The question now is, Shall the bill pass?

Mr. BORAH. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "nay." I desire to state, while on my feet, that my colleague [Mr. HUGHES] is absent on account of illness.

Mr. SUTHERLAND (when Mr. GOFF's name was called.) I desire to announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS]. I am informed that if present he would vote in the affirmative on this question. I shall therefore cast my vote. I vote "yea."

Mr. PENROSE (when his name was called). I am paired with the senior Senator from Mississippi [Mr. WILLIAMS], who is absent. I believe he is in favor of the general principles of the pending bill; but being in doubt as to how he would vote on

the final passage of the measure as amended to-day, I shall refrain from voting.

Mr. STONE (when Mr. REED's name was called). My colleague [Mr. REED] is necessarily absent on business. He is paired with the Senator from Michigan [Mr. SMITH].

Mr. WOLCOTT (when Mr. SAULSBURY's name was called). I desire to announce the absence of my colleague [Mr. SAULSBURY] on account of public business.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. In his absence I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the necessary absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. VARDAMAN (when his name was called). May I ask whether or not the junior Senator from Idaho [Mr. BRADY] has voted?

The VICE PRESIDENT. He has not.

Mr. VARDAMAN. I have a general pair with that Senator, which I transfer to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr MYERS (when Mr. WALSH's name was called). My colleague [Mr. WALSH] is necessarily absent on account of illness. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. If present, my colleague would vote "yea."

Mr. WILLIAMS (when his name was called). I understand that the Senator from Pennsylvania [Mr. PENROSE], who has a pair with me, has announced that pair. If he is now present I want my vote recorded in the affirmative; and, if not, I want the pair to stand.

The VICE PRESIDENT. The Senator from Pennsylvania is not here.

Mr. WOLCOTT. I transfer my pair with the Senator from Indiana [Mr. WATSON] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

The roll call was concluded.

Mr. JAMES. Has the junior Senator from Massachusetts [Mr. WEEKS] voted?

The VICE PRESIDENT. He has not.

Mr. JAMES. I have a pair with that Senator, and therefore withhold my vote.

Mr. REED. I requested my colleague [Mr. STONE] to announce my absence, but I got through with my affairs and have been enabled to return to the Chamber. I desire to state that I am paired with the Senator from Michigan [Mr. SMITH]. If he were present and I were at liberty to vote, I should vote "nay."

Mr. RANSDELL. I wish to announce the unavoidable absence of my colleague [Mr. BROUSSARD] on account of sickness.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; and

The Senator from New Mexico [Mr. FALL] with the Senator from Nebraska [Mr. HITCHCOCK].

The result was announced—yeas 37, nays 32, as follows:

YEAS—37.

Ashurst	Jones, N. Mex.	Overman	Simmons
Bankhead	Kendrick	Owen	Smith, Ariz.
Berkham	King	Phelan	Sterling
Chamberlain	Lewis	Pittman	Stone
Fernald	Lodge	Pomerene	Thompson
Fletcher	McCumber	Ransdell	Warren
Gerry	McKellar	Robinson	Wolcott
Hale	McLean	Shafroth	
Hollis	McNary	Sheppard	
Johnson, Cal.	Myers	Shields	

NAYS—32.

Borah	Gronna	Kirby	Sutherland
Calder	Harding	La Follette	Swanson
Cummins	Hardwick	New	Tillman
Curtis	Johnson, S. Dak.	Norris	Townsend
France	Jones, Wash.	Poindexter	Trammell
Frelinghuysen	Kellogg	Sherman	Underwood
Gallinger	Kenyon	Smith, S. C.	Vardaman
Gore	King	Smoot	Wadsworth

NOT VOTING—25.

Brady	Goff	Pearose	Walsh
Brandegee	Hitchcock	Reed	Watson
Broussard	Hughes	Saulsbury	Weeks
Colt	James	Smith, Ga.	Williams
Culberson	Martin	Smith, Md.	
Dillingham	Nelson	Smith, Mich.	
Fall	Page	Thomas	

So the bill was passed.

SUPPLY OF PRINT PAPER.

Mr. SMITH of Arizona. I move that the Senate proceed to the consideration of the joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of paper at a fair price, and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. STONE. Mr. President, I understand that the action of the Senate makes the joint resolution, called up by the Senator from Arizona, the unfinished business. Is that correct?

The VICE PRESIDENT. It will be the unfinished business if it is not taken out of the category of unfinished business by something else.

Mr. STONE. Oh, it could be displaced by motion.

The VICE PRESIDENT. Certainly.

Mr. STONE. Yes; by taking up something else; but ordinarily it is the unfinished business?

The VICE PRESIDENT. It is if the Senate adjourns now.

EXECUTIVE SESSION.

Mr. STONE. I am told there are numerous appointments pending, sent in by the President, some of importance, which should be referred, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 35 minutes spent in executive session the doors were reopened and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 8, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 7, 1918.

SOLICITOR OF INTERNAL REVENUE.

A. A. Ballantine, of Boston, Mass., to be solicitor of internal revenue, vice E. C. Johnson, resigned.

DISTRICT ATTORNEYS.

Robert N. Bell, of Birmingham, Ala., to be United States attorney, northern district of Alabama. A reappointment, his term having expired.

Thomas D. Samford, of Montgomery, Ala., to be United States attorney, middle district of Alabama. A reappointment, his term having expired.

Alexander D. Pitts, of Mobile, Ala., to be United States attorney, southern district of Alabama. A reappointment, his term having expired.

Thomas A. Flynn, of Phoenix, Ariz., to be United States attorney, district of Arizona. A reappointment, his term expiring January 27, 1918.

John W. Preston, of San Francisco, Cal., to be United States attorney, northern district of California. A reappointment, his term having expired.

John Robert O'Connor, of Los Angeles, Cal., to be United States attorney, southern district of California, vice Albert Schoonover, resigned. (Mr. O'Connor is now serving under appointment by the court.)

Hooper Alexander, of Atlanta, Ga., to be United States attorney, northern district of Georgia. A reappointment, his term having expired.

James L. McClear, of Boise, Idaho, to be United States attorney, district of Idaho. A reappointment, his term having expired.

Thomas J. Boynton, of Everett, Mass., to be United States attorney, district of Massachusetts, vice George W. Anderson, resigned. Mr. Boynton is now serving under a recess commission.

Francis Fisher Kane, Philadelphia, Pa., to be United States attorney, eastern district of Pennsylvania. A reappointment, his term having expired.

Rogers L. Burnett, of Scranton, Pa., to be United States attorney, middle district of Pennsylvania. A reappointment, his term having expired.

Stuart W. Walker, of Martinsburg, W. Va., to be United States attorney, northern district of West Virginia. A reappointment, his term having expired January 6, 1918.

L. H. Kelly, of Sutton, W. Va., to be United States attorney, southern district of West Virginia, vice F. W. McCullough, appointed by the court. Mr. Kelly is now serving under a recess appointment.

UNITED STATES MARSHALS.

Emmet R. Jordan, of Nome, Alaska, to be United States marshal, district of Alaska, division No. 2. A reappointment, his term having expired.

F. R. Brenneman, of Valdez, Alaska, to be United States marshal, district of Alaska, division No. 3. A reappointment, his term having expired.

Joseph P. Dillon, of Phoenix, Ariz., to be United States marshal, district of Arizona. A reappointment, his term expiring January 15, 1918.

Edgar H. James, of Louisville, Ky., to be United States marshal, western district of Kentucky. A reappointment, his term having expired.

William T. Dortch, of Raleigh, N. C., to be United States marshal, eastern district of North Carolina. A reappointment, his term having expired.

Charles A. Webb, of Asheville, N. C., to be United States marshal, western district of North Carolina. A reappointment, his term having expired.

Frank J. Noonan, of Philadelphia, Pa., to be United States marshal, eastern district of Pennsylvania. A reappointment, his term having expired.

John J. Richards, of Providence, R. I., to be United States marshal, district of Rhode Island. A reappointment, his term having expired.

Jacob A. Herring, of Houston, Tex., to be United States marshal, southern district of Texas. A reappointment, his term having expired.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Surg. Herbert M. Tolfree to be a medical inspector in the Navy from the 15th day of October, 1917.

Passed Asst. Surg. Frank X. Koltes to be a surgeon in the Navy from the 15th day of October, 1917.

Pay Clerk George W. Armstrong to be a chief pay clerk in the Navy from the 15th day of July, 1915.

The following-named citizens of the United States to be assistant civil engineers in the Navy from the 27th day of December, 1917:

Raymond V. Miller,
Willard A. Pollard, jr.,
John J. Manning,
William M. Angas,
Vernon R. Dunlap,
Lewis B. Combs,
Valentine J. McManus,
Arthur L. Nelson,
George W. Horsley, and
Hugo C. Fischer.

The following-named citizens of the United States to be assistant civil engineers in the Navy, for temporary service, from the 27th day of December, 1917:

Fritz C. Nyland,
Emil Praeger,
Lewis Thornburg,
Ira P. Griffen,
Lewis N. Moeller,
Harold W. Johnson,
Henry B. Overesch, jr.,
Charles R. Johnson,
Carl F. Fritch,
Frank F. Addicks,
Carl H. Cotter,
Andrew G. Bisset,
Henry Brinkmeyer, jr.,
Robert L. McLellan,
Louis B. Hyde,
John B. McTigue,
Charles D. Riddle,
Theron A. Hartung,
Herbert S. Bear, and
Arthur C. Eberhard.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 7, 1918.

SOLICITOR OF INTERNAL REVENUE.

A. A. Ballantine to be solicitor of internal revenue.

COLLECTOR OF CUSTOMS.

Presley Stockton Ray to be collector of customs, in customs-collection district No. 42, with headquarters at Louisville, Ky.

UNITED STATES MARSHALS.

F. R. Brenneman to be United States marshal for the District of Alaska, division No. 2.

Joseph P. Dillon to be United States marshal for the district of Arizona.

Edgar H. James to be United States marshal for the western district of Kentucky.

William T. Dortch to be United States marshal for the eastern district of North Carolina.

Charles A. Webb to be United States marshal for the western district of North Carolina.

Frank J. Noonan to be United States marshal for the eastern district of Pennsylvania.

John J. Richards to be United States marshal for the district of Rhode Island.

Jacob A. Herring to be United States marshal for the southern district of Texas.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 7, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Look down from Thy throne of grace, O Lord God, our Heavenly Father, with compassion upon our infirmities. We are weak. Thou art mighty. We are finite. Thou art Infinite.

Help us to fix our minds upon the Eternals, with a grim determination to follow where they lead, amid the conflicting forces, the unholy strife, the international struggle into which we have been reluctantly forced.

Grant that we may put all our energy, strength, and courage into it, that liberty, truth, justice, righteousness may obtain.

That we, with our allies, under Thy guidance, may establish a world-wide peace.

That all the nations of all the world may be permitted to pursue the peaceful vocations of life to the glory and honor of Thy Holy Name, in Christ Jesus, our Lord. Amen.

The Journal of the proceedings of Friday, January 4, was read and approved.

RESIGNATIONS FROM COMMITTEES.

The SPEAKER laid before the House the following resignation from a committee.

The Clerk read as follows:

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

DEAR SIR: I hereby tender my resignation as a member of the Committee on the Post Office and Post Roads and as a member of the Invalid Pensions Committee.

Respectfully, W. E. COX.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Chair lays before the House another resignation from a committee.

The Clerk read as follows:

JANUARY 4, 1918.

Hon. CHAMP CLARK,
Speaker of House of Representatives, Washington, D. C.

Mr. SPEAKER: I herewith tender my resignation from the Committee on Coinage, Weights, and Measures, and request immediate acceptance of same.

Very respectfully, JAS. H. MAYS.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request.

The Clerk read as follows:

BRAMWELL, W. VA.

Hon. CHAMP CLARK,
Speaker of House of Representatives, Washington, D. C.:

On account of serious illness of member of family, I am compelled to ask for leave of absence for one week.

EDWARD COOPER.

The SPEAKER. Without objection, the request is granted.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. ELLSWORTH R. BATHRICK, late a Representative from the State of Ohio.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the deceased the Senate do now adjourn.

The message also announced that the Vice President had appointed Mr. JONES of Washington and Mr. HOLLIS members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the United States Civil Service Commission.

SERBIAN MISSION.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that at 12.30 to-morrow the House stand in recess from that hour for 30 minutes and that the Speaker be instructed to invite the Serbian mission to visit the House at that time.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. GARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a series of communications from the Surgeon General of the Army to the Chief of Staff upon the sanitary conditions of the Army camps and cantonments.

The SPEAKER. The gentleman from Ohio [Mr. GARD] asks unanimous consent to extend his remarks in the RECORD by printing correspondence upon the sanitary arrangements in the camps. Is there objection? [After a pause.] The Chair hears none. Under special order the gentleman from Illinois [Mr. MCCORMICK] is entitled to one hour.

Mr. GILLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. GILLETT. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER. Evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Fairchild, B. L.	King	Sanders, N. Y.
Ashbrook	Fairchild, G. W.	Kreider	Sanford
Bachmann	Flynn	LaGuardia	Schall
Baer	Foss	Lea, Cal.	Scott, Pa.
Barnhart	Fuller, Mass.	Lundeen	Scully
Bowers	Gallagher	Lunn	Sears
Brand	Gallivan	McCulloch	Shackleford
Bradley	Garland	McLaughlin, Pa.	Siegel
Byrnes, S. C.	Goodall	Mann	Sloan
Capstick	Goodw'n, Ark.	Martin	Small
Carew	Graham, Pa.	Mason	Smith, Mich.
Carv	Greene, Mass.	Miller, Wash.	Smith, T. F.
Church	Griest	Morin	Steele
Clark, Fla.	Hamill	Mott	Sterling, Ill.
Clark, Pa.	Hamilton, N. Y.	Nelson	Sterling, Pa.
Condy	Harrison, Miss.	Nichols, Mich.	Sullivan
Cooper, W. Va	Haskell	Padgett	Swift
Costello	Heflin	Phelan	Templeton
Cresser	Heintz	Porter	Timberlake
Curry, Cal.	Helm	Price	Tinkham
Davis	Hollingsworth	Ragsdale	Van Dyke
Dill	Humphreys	Rainey	Walker
Dooling	Husted	Riordan	White, Me.
Drane	Ireland	Robinson	Wise
Drukker	Johnson, S. Dak.	Rogers	Woodyard
Dunn	Johnson, Wash.	Rowe	
Edmonds	Kehoe	Rowland	
Estopinal	Kelley, Mich	Sanders, La.	

The SPEAKER. A quorum is present.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

COPIES OF WATER-POWER BILL.

Mr. POU. Mr. Speaker, I ask unanimous consent to make an announcement of half a minute.

The SPEAKER. The gentleman asks unanimous consent for half a minute. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, I would like to announce to the House that 1,000 copies of the water-power bill have been printed, and any gentleman who desires a copy can have it by applying to the desk here or sending to the office of the Committee on Rules.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OWEN, Mr. HOLLIS, and Mr. GRONNA as the conferees on the part of the Senate.

VICKSBURG MEMORIAL CELEBRATION (H. DOC. NO. 754).

Mr. COLLIER. Mr. Speaker, I want to ask unanimous consent to have printed as a public document the report of the national memorial celebration and peace jubilee at Vicksburg last October. It is a small report.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to have printed as a public document the report of the national memorial celebration held at Vicksburg last October. Is there objection?

Mr. MADDEN. I would like to ask the gentleman to couple with his request the printing of the pictures.

Mr. COLLIER. Mr. Speaker, it is a small report, less than 40 pages, and there is one picture and two diagrams in it.

Mr. MADDEN. I would like to ask the gentleman to have those included in his request.

Mr. COLLIER. I ask it.

The SPEAKER. The gentleman asks unanimous consent that in printing this document the pictures and diagrams be also printed. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. DRANE, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

WAR IN EUROPE.

The SPEAKER. The gentleman from Illinois [Mr. MCCORMICK] is recognized for one hour. [Applause.]

Mr. MCCORMICK. Mr. Speaker, let me say by way of preface to my remarks that I have received word that the French ministry of war is sending to the House a large relief map in plaster of Paris showing the front in detail, and that later, after it has arrived, if any Member cares to have me do so I should be glad then to answer questions in detail relative to the problems on the front.

May I add that, as I have tried to compact within the hour allotted to me a review of the problem in Europe as those of us who went over there have seen it, I shall be glad if Members of the House will defer any questions until after I have concluded?

This war, like other long-drawn conflicts, falls into chapters of events. Such a chapter came to an end when Russia collapsed and America declared war. Russia went out of the war in the spring of 1917, while America will not go into it in earnest until the spring of 1919. There is in war, as in peace, a distinction between forms and facts. Russia has not made peace, but she no longer fights. America has declared war, but she has not begun to fight. We must see now that if Germany is not yet victorious neither are we winning the war.

The military task was never more simple nor more difficult than it is to-day. I have not seen Russia this year, but I have talked with Russians who represented the revolutionary government until anarchy supplanted it; I have talked with European socialists who went on official missions to Petrograd, with European statesmen who knew all that men could learn of Russia from messengers and dispatches, and among them I met but one who believed that we might hope for a Russian effort against the enemy this year or next. Russia is so disordered that if she can not make war there is also hope that she may not be able to make peace, to supply the Hohenzollern and Hapsburg autocracies with food and labor to fight Russia's old allies and America; but if Russian radicals failed directly to help our enemies, still it was they who chiefly contributed to the unhappy events in Italy by releasing German guns and divisions, together with Hungarian divisions, for service on the western front.

"Our anvil is gone," the greatest of the active commanders among the allies said to me. "To disintegrate the enemy forces without it we shall have to hammer all the harder. If you had come in before Russia went out, we should have finished this horror in a short year. If you had been ready when you came in, your pressure would have begun before Russia's disintegration was complete and Germany had increased her forces on the front." I quote this, not in the spirit of recrimination but to emphasize what I have to say later about the great responsibility which rests upon our still inadequate organization for the war.

All through the spring and summer Germany was on the defensive in the western line. She had won nothing from Switzerland to the Channel, but, on the contrary, had suffered reverses and terrible losses of human material. Her enemies, at last, not only had her outmanned, but in a smaller but appreciable degree

outgunned. Never did the strategic genius of the German general staff shine more clearly than when they resumed at sea, or rather under the sea, the offensive which they lost on land. Whether it succeed or fail, barbarous though it may be, the submarine offensive was a powerful flank attack. Germany was failing in the main theater; she struck at her enemies on their left flank, struck at the source of the power of England, the most formidable of her adversaries, formidable in wealth and numbers; struck at great England, unconquerable in undiminished reserves of moral energy and courage. It was a hazardous business, justified in German minds by their contempt for our moral fiber and by their knowledge of our military weakness. We joined our little sea force to England's greater forces to fight the submarines. It is too soon to say that we have mastered them. They may be improved; they may be better equipped to combat destroyers; their cruising radius may be increased; it may be that the rougher waters and shorter days of winter rather than the activities of their adversaries are responsible for the falling losses in merchant ships. At all events, during the late summer and early autumn the German public, like the German staff, saw that the submarines had failed in their full promise for this year. Then the imperial staff struck their adversaries again, this time on the right flank, in Italy. There is no mystery about that blow. In order to understand it we have only accurately to estimate the weakness and the strength of Italy, her achievement, and her failure, and the responsibility which we share with her European allies for her recent defeat. Italy, strong in man power but weak in all other resources, had done well. Some of her troops had been proved the equal of any in the French and British Armies. She had driven the Austro-Hungarian forces slowly eastward in the face of the great natural obstacles. All observers praised the organization with which she maintained her front in an incomparably difficult country. You must bear in mind that Italy labored under great handicaps.

In a war which is primarily industrial, Italy producing no iron and no coal, received from abroad even less than her normal imports. Her shell factories, which should have been working night and day, were working but part time. In spite of her lack of war material she pushed the enemy to the north in the Trentino and forced him eastward on the road which runs past Trieste to Laibach. She was seeking the old Napoleonic route to the heart of the Hapsburg monarchy. Ah! If she had been supplied with the resources to have driven through it! When I was on that front, Trieste was before our eyes. There were but two barriers between us and the highway to the plains beyond. The sons of the Roman road builders had woven over the rocky and precipitous desert a network of splendid highways the like of which are not to be seen on this continent. Along those highways, for miles, in iron pipes, they carried water for the parched armies and compressed air for the tools to drive galleries, to drill out tunnels, to cut roads across the faces of sheer cliffs. But for lack of ammunition her advance was stopped.

The Austrians were weakening. Italian officers told me of the capture of Turks among the prisoners, Turks summoned by the imperial German staff to the help of faltering Austria. As Italy pushed painfully toward the eastern edge of the desert country her difficulties increased. Her advance had been stopped because she lacked shells. For want of shells and guns her long flank on the north was weak. When I was there Hungarian divisions of real worth, together with German guns and German divisions from the Russian front, were being assembled for the drive which the Italians even then anticipated. They knew that they were in danger.

Sir, people were troubled by our course. They asked why we had joined hands with France and Britain and not with them, whose ideals and purposes were the same as those of the other western democracies. They asked why we had differentiated between the modern Hohenzollern autocracy and the more ancient, more obscurantist, more reactionary, and more tyrannical Hapsburg.

Italy expected the attack, but she did not look for the cowardice and treason of some of her divisions, which had been corrupted by the imperial spy system developed—in Italy as in America—while Italy stood by and watched the other democracies fight. They threw down their guns, those divisions, and Italy with her line broken had to fall back to the Piave.

There is a little satisfaction to be gained from the knowledge that the imperial staff achieved no great strategic success in Italy when they drove their enemies back to the line of the Piave. They made a political foray primarily for its moral effect and to relieve the pressure in the main theater of the war. Both these results they accomplished. They cured Austria-Hungary of despair. They marched Italian prisoners through the streets of Berlin and restored the faltering faith of the German people in the invincibility of the Hohenzollern. They compelled the British and French to detach divisions and guns from the western line, where they were gaining, to assist the Italians in the plain of the Po.

If America and the allies can profit by the lesson, we may yet count the German drive into Italy as a disguised blessing. Every thinking creature can now see, what too few saw before, that the front from the Adriatic to the channel is a common front. [Applause.] It is 700 hundred miles long. Three hundred miles of it lie between the Alps and the Adriatic; 400 miles between the channel and the Alps.

There are about 7 Italians under arms for every 10 men in the combined French and British armies in France and Flanders, so that the number of men is about equally proportioned to the lengths of the two great sections of the western line, but there is a great disparity in the distribution of guns. Even before the Italians lost a third or so of their cannon, the enemy on the Italian front faced less than one-quarter as many guns as he faced in the hands of the British and the French.

If America and the allies can learn anything from the past, if America awakens and does her full duty in the manufacture of vast numbers of cannon, Italy with her millions of infantry can be armed by us with the great weapons necessary to repeat on the Piave what transpired on the Marne. [Applause.]

When the drive into Italy was checked, for simple and cogent reasons, the imperial staff turned from Italy to France.

So far the submarines have failed to accomplish all that the imperial staff hoped of them, but the attack in Italy did very nearly all that was expected of it. Now, with unremitting energy, the imperial staff is assembling its forces to take the initiative against the French and British Armies in the main theater, where a real decision must be had if there is to be any. They intend to win before we can make ready.

Mr. Speaker, they know that in France there is a minority which, believing that we bluffed before we declared war, believes or fears that we may prove bluffers still. The imperial staff must strive to induce France to make peace on that score—the score that America will not make ready in time. That is the reason why the front from the Alps to the channel has assumed a greater importance than at any time since the battle of Verdun.

There is no military activity in the Vosges. So much of the front as lies south of the sharp salient of St. Mihiel has been quiet. One-third of the whole line is held by the British, against whom the Germans have mustered nearly as many divisions as there are opposed to the French. In passing, I may venture to remind you that there is a direct relation between the frequency of attack by the British as compared with the French and the greater concentration of men and guns on the shorter British line.

You have noted all through the summer a series of French and British successes. With a single exception the successes followed intensive artillery preparation, of which they were the direct result. If I venture to refer to certain of my own observations on the British and French fronts in some detail it is because I there saw the terrain of the two recent battles which exemplify the usual and the exceptional in modern attack. I traveled along the line upon which the British effected their advance toward Cambrai. The line before Cambrai was quiet, save for the singing of an occasional shell passing overhead. The monotony of an apparent stalemate was relieved only by occasional trench raids.

To the north the greater part of the British forces in guns and men had been pounding for months, while, as I have said, the French recently had made a savage attack to the south. Thus the German line before Cambrai had been drawn thin in the effort of the imperial staff to accumulate reserves to check the French to the south and the British to the north. Other reserves were not to be spared, for they had been dispatched to Italy. Then, when the attention of the whole world was held by the German thrust in Italy, Byng's infantry, with their tanks, in the thick mist of the autumn dawn burst through the thin line of sleeping Germans. It was a surprise; it was splendid; it was in keeping with the finest traditions of the British Army, but, as Gen. Maurice, chief of the British military intelligence in London, pointed out, it was only the long bombardment below and above Cambrai that made possible Byng's dash forward.

A day or two after the news of the sudden British advance some anonymous expert in Washington was responsible for the published statement that we were planning to win this war with masses of infantry. Infantry there must be in great numbers. Men will bleed and men will die, but every man who has lived on that bloody line will say that with guns enough you can win this war without the terrible losses of the past,

that without the guns you will lose thousands and you may lose the war.

In contrast to the drive for Cambrai stands out the bloody check which the French suffered last April. It is hard to learn the exact truth. Apparently the commander in chief (since disgraced), yielding to political pressure, thrust his infantry forward against the height of the Chemin des Dames without adequate artillery preparation. Then, when news of the subsequent losses reached the politicians, at their instance the general in chief precipitately and prematurely halted the attack. It was those fruitless losses before we came into the conflict which darkened the spirit and quenched the hopes of our friends in the Republic across the seas.

How different it was this autumn. I had been running from Verdun toward Soissons. Gen. Petain, the commander and chief of the French armies, sent for me to learn if I had profited by the special facilities afforded me for observation. I told him that from the lips of his principal commanders, as well as from what I had seen and heard in Italy, I had come to realize that this was a vast industry in which we were engaged and that big guns were the tools of the trade. I said that therefore I wanted to see with my own eyes on as large a scale as possible an artillery attack. He promised that it should be so. He did not tell me where, nor that it was to be the greatest bombardment of the war. He told me to return to Paris and wait. There had been bloody losses and no success in the spring; there had been no adequate preparation.

The last battle of the Chemin des Dames was planned in July to be fought in October. The French had laid well nigh a thousand miles of broad and narrow gauge track to bring up the great guns and the munitions for their service. They had brought in 110 freight loads of high explosives. There was a cannon for every 3 or 4 yards of the front attacked. For every 2 infantrymen employed in that action there were 3 men engaged in the service of the artillery.

We set out very early from the French great headquarters for the front along a highway checked with traffic; motor-driven or motor-drawn trucks, heavily carrying forward supplies of ammunition, horse-drawn light artillery, food convoys, field kitchens, stretcher bearers, ambulances, battalions and brigades, African blacks from the Senegal, yellow-skinned Asiatics from Annam and Cochin China, bronzed tribesmen of Morocco, soldiers from every Province of dauntless France. At intervals, and each at a little distance from the grinding roads, there were the headquarters of the commander of the army of that particular front, of an army corps on that sector, each differing from the other only in size, each housed in a quiet villa. Every such headquarters was linked to the other commands by wires, so that each commander could communicate with his chief or follow and direct every move under him, with his eyes on a relief map, which pictured to him hillside and hamlet, stream and farm house, highway, bridge, battery, and entrenchment.

We worked our way forward, the soldiers on the front seat pressing the slower vehicles to the side. Presently the traffic began to melt along the light railways and narrower roads which lead to the actual line. The main highway was clearing. The driver hurried the car and hurried it still more.

We could hear the voice of the battle softly calling, still far off.

We raced past the nets of grass and leaves—camouflage—which as the road neared the front screened traffic from the enemy airplanes; turned up a rough road, over a steep hill, dropped down, and came to a stop under some bombed and broken buildings.

The air roared.

There were waves upon waves of sound as thousands of noises overlapped one another, shaken together, rolling apart, as far as the ears could hear, even farther—as far as the senses could imagine hearing, while overhead the many airplanes looked like a flock of birds and through the reverberations of the guns, their engines sometimes hummed like distant sawmills. There were no ear-splitting shocks, such as you have seen described. There are none save when you are near a battery or perhaps when a shell bursts too near, but the air was filled, saturated by the sound of guns, now and then punctured by the popping of the shrapnel overhead.

Before us was the Chemin des Dames, "the road of the ladies," the blood-drenched "road of the ladies," along which for months men fought and waited, in hate, to fight again. Picture a long, low flat-crested ridge, its sides covered with forests and pierced by caverns—quarries really, from which stone had been taken for the building of Paris. Here and there the ridge widens into a larger mass, from which in turn run out spurs. Such a place was it that the French planned to take. Along the center of the flat top of the ridge runs the "road of the ladies," flanked on either side by wasted fields, once fertile with the minute care of the French husbandman. Across that road the advance posts of the armies faced each other. Beyond the ridge is a valley cut by a little stream and then another ridge upon which was placed a great part of the German artillery. Southwest of the Chemin des Dames there was also a valley and stream and another ridge, on which the French had found emplacements for so many of the guns as were not thrust forward on the spurs of the larger mass which it was purposed to attack.

We had stopped in front of a hut, partly dug in the ground, partly built of sand bags and roofed with railroad iron and still more bags of sand. A calm little man in the uniform of the general of a colonial division came forward to greet us. "Permit me," he said, as we shook hands, "to introduce to you our 'wrecking contractor.'" I looked at the "contractor" with some wonder, which doubtless expressed itself on my face, for the general of the division continued, "It is his function as chief of the artillery to wreck the batteries and defenses of the enemy so that our infantry as it goes forward may not be cut up." Then I sought to catechize the chief of artillery, but our host interrupted to lead us to the sand bag and dug-out hut, which was staff headquarters and mess hall for the division. The windows shook in the shocked air. In spite of us Americans, it was impossible to confine the conversation to the subject of the attack outside. The officers wished to question us as much as we did to question them. We talked of public opinion in France, England, Italy, and America, even of literature, although we were interrupted by officers coming to report news of the action. All the while the air shivered in the torture of the bombardment.

They are very calm and cool on the battle line, those French officers. I remember when I had persuaded the commander of the citadel of Verdun to let us go to the outermost defenses, we strolled along the crest of Souville, looking down over the dip of the valley at the German batteries on the rolling ground beyond. I remarked to a French officer standing near, that considering the daily communiques of "more or less artillery activity," it was very quiet. Just then a bomb burst on the left. We did not purpose to indicate to our French companion that we were disturbed, so I waved my stick toward the enemy and asked where was the battery which sent that shell. Boom, went another just below us. "My friend," said the French officer, as he took his cigar from his mouth, "that is the way those devils always begin; high first, low next, bang through the middle the third time. Let us stroll along." [Laughter.]

But to return to the Chemin des Dames, we walked along the front of the dugout and descended into a hole in the ground, which was the office of the wrecking contractor. It was not unlike the office of an American contractor for a big job. There were plain pine shelves, upon which were stacked little reports of munitions expended and damage done, for all the world like the reports of the number of square yards of earth excavated. There were neatly classified piles of little photographs taken by the airplane observers, showing the work of the French shells upon the German defenses and batteries. Certain officers became expert to read them, just as some physicians are cunning to diagnose disease from radiographs. There were occasional supplemental reports from rarely returning airplanes, while more came by wireless from the planes equipped with Marconi instruments, advising the artillery to sprinkle a little more to the left or lower on the right. There was one report that some German battalions had been definitely located hiding in one of the quarried caverns, on which the roof was too thick to be broken in by shelling, but not too thick to crack. Orders were issued to open fire upon it with the largest shells, filled with the heavy asphyxiating gas, invented by the Germans themselves, so that through the cracks which they might make the gases could filter down and asphyxiate the men within.

When all this had been explained we moved down toward the front, first past the dugouts, where were lodged the infantry waiting for the attack to be made in the mist at dawn. There were guns behind, before, on either side. The screaming of our own shells overhead, to our untutored ears, could not be distinguished from the "arrivals," as the French dub the enemy shots. Then up past the final observation post and down to the last light batteries, just back of the trenches. Here we closed our ears to the steady pounding of the guns that did the work—that is it, the guns that did the work. They blasted the way for the infantry; they destroyed the enemy batteries, overwhelmed, stunned, slaughtered the enemy infantry, so that on the October morning when the French advanced in the measured pace of modern charges, they took with almost methodical exactness that which was planned last July for them to take, and they took it with astonishingly little loss. Have I made

myself clear? It is all so clear to me that I am fearful lest I omit something which may make it intelligible to others.

Great guns are to this war what the steam shovel was to the Panama Canal. When the French company, under De Lesseps, sought to pierce the Isthmus with shovels and picks and petty machinery men died by thousands on the tropic hillsides, which they had but scratched. So fell hundreds of thousands at Mons, on the Marne, and at Verdun, who with their own bodies stopped the shells and stayed the charges which ought to have been stayed and stopped by the counterbombardment of their own batteries. Time is the essence of victory and cannon are the weapons with which it must be won. We, we Americans, must make cannon enough, in time, to win.

I do not underestimate the other agencies necessary to victory. Men we must send slowly at first, because we can send them only slowly, to join our gallant little Army across the seas. Transport there must be and aircraft—"the cavalry of the air," as Lloyd-George once called them in Celtic poesy. Guns, transports, destroyers, aircraft—25,000 guns to be made by the forges of America to win the war. That is not a figure which I summon from my inner consciousness. It is the best military opinion in Europe. The general upon whose shoulders rests the heaviest burden said to me: "We are grateful for your little army. The echo of its footfalls on our shores carried hope to every hearth in France; it told us that you had not forgotten that the blood of the soldiers of Rochambeau and Lafayette mingled with those of your forebears in the fight for American liberty; but while we await the gathering of your forces send ammunition and guns to us, that we may have the weapons to win victories and to defend ourselves, so that we may still be here in force to fight by your side on the appointed day to win victory and peace."

We know that war is an industry of destruction, but though the industry almost has hidden the romance and heroism of war, heroes there are in greater numbers than ever before.

An old friend of my mother's, a splendid American, Mrs. Whitelaw Reid, sent for me in London to ask of our boys. She had come from the bedside of a young British officer, who never would walk again nor would ever again be able to take a friend by the hand. He was almost merry in his misery; glad, for although he had been crippled for life by the bomb upon which he had thrown himself, yet when it broke not one of his men had been harmed. [Applause.]

Gen. Pershing told me of a French lady, a nurse, torn by a shell. As he stood by her bed while the commander in chief of the French Army pinned upon her breast the Croix de Guerre—the soldiers' war cross, with palms—she whispered to him, "Gen. Pershing, I am glad that I have been struck, so that you may tell your countrymen that the daughters as well as the sons of France are ready to suffer and, if need be, to die—die for her and liberty." [Applause.]

I spent a day in the Hindenburg trench with a splendid Irish division. As I sat at division headquarters with the gallant Irishman who commands them, we turned the pages of the long roll of honor, counting the names of those who had done gallant deeds. There was one, that of a simple private who was lying wounded in a shell crater when he espied over the lip of a ridge, in a near distance, a German machine gunner turning his deadly fire to and fro over the ranks of the Fusileers as they sought shelter in the shell holes on that muddy slope. Up he jumped, dashed, limping, over the ridge, and brained the machine gunner with the butt of his rifle. He shouldered the machine gun and carried it back to the crater. Then, as he caught his breath, "Begorrah," he panted, "I left me gun where the Huns can get it. The old man will be giving me hell for that." And out of the crater and over the ridge he dashed again. There he came upon two of the enemy quarreling over his rifle. He flew at them with fists and feet in such fury that both surrendered. He made them carry their own guns and his as well, and back to the crater he marched them and there held them until dusk, when he took them to the rear for surrender. [Applause.] He got not hell, but the Victoria cross for that afternoon's work. [Applause.]

Oh, there are no comparisons in gallantry along that line. Among the French there are none more brave than the others, Gascon or Norman, Breton or Savoyard. In the British armies, English or Canadian, Irish or Australian, Welsh or Scotch, none are braver or better troops than the other, where all are sublime. We shall be proud of our young men. They will reflect glory on the Union. They will be a credit to the men whose arms founded the Republic and those who fought in the sixties. In generous rivalry, where all are bravest, they purpose only to be bravest, too. [Applause.]

The spirit of the armies is indomitable. The French, in spite of their terrible losses, are grimly brave, believing that by our side liberty can not lose, ready to give themselves in the last sacrifice for the future security of the world. They are brave. They are tired. They clearly know that promises are to be measured by performance. Let us not fail to do all that must be done, for their confidence in us must remain unshaken if they are to endure terrible to their enemies unto the very end.

How can I speak of the still-growing power of Britain, of the high, rollicking courage of her armies, better than to say that when I went among our men and found with them British noncommissioned officers, teachers of the deadly bayonet, professors of cold steel, each told me that the world owned no better fighting men than their brother in arms? [Applause.] Those lithe American boys will prove the peers of veteran armies. They have but two anxieties: First, lest they do not get at the enemy soon enough; second, lest the great body of the people at home lack something of the unity, the iron energy, and terrible resolve which moves the American soldiers at the front. "Tell them," they said, "tell the folks at home that if they will stand by us we'll can the Kaiser."

Sir, it is not possible within the compass of the time which the House so generously has accorded me to measure the task before us. Even the most exhaustive analysis of the economic condition of Germany leaves ground for conjecture. Let me say only that as Germany plainly has been crippled for the economic contest which must follow the war, so no less plainly has she suffered awful losses of man power. During the summer German soldiers in increasing numbers deserted, complaining that during bombardments their officers left them in the front line to seek shelter in the dugouts connected with the second. We know from prisoners captured that in the summer of 1917 there were incorporated in the armies the military classes of 1918—that is to say, lads 17 years of age—while there were many so-called volunteers of the classes of 1919, mere striplings of 16, whose tears and stifled sobs wrenched the hearts of the poilus and the Tommies who captured them. But I would not have you believe that there are not splendid German divisions, splendid in the efficiency imposed by the iron Prussian discipline. They were outgunned and they were outmanned still more, but the reenforcements brought from the eastern front will redress the balance. To the unity of purpose which actuates all the belligerents the Central Empires add a unity of command through which the Imperial German staff directs the movements of the Turks and the Bulgarians as well as of the Hapsburg and Hohenzollern forces. We are fighting the German armies; we are also fighting the German economic machine and the German administrative system. We who have tolerated inefficiency, because in a new country we could afford to do so, must now reckon that administrative energy and genius are as essential to victory as strategic skill. As the allies have marshaled armies, so they have been compelled to organize industrially and politically to combat German militarism.

As Germany may be our apprentice in democracy, so must we be her pupil in administrative energy. Even in western Europe the hand of government is now omnipresent. It measures the food and fuel of the people, allots raw products to the manufacturer, lends public credit to private enterprise, writes the terms of settlement between employee and employer. Government has created new offices in Europe, as it has restricted the activities of the old, in order that they may bear the heavier burdens imposed by the war. In France and England the manufacture of guns and munitions has been taken out of the war department, as it will be here if we are to profit by the lessons of the war. [Applause.] The task of organizing armies and of forging the instruments of destruction was too great even for the great Kitchener, so Lloyd-George, the ablest of the servants of all the enemies of Germany, was put to organizing the making of cannon and shell and shrapnel.

Government is planning not only for the war but for the economic reconstruction which must follow the war. Italy intends to double her developed water power as a state monopoly.

Mr. COOPER of Wisconsin. Mr. Speaker, how much time would the gentleman like in which to finish what he has to say?

Mr. McCORMICK. I could certainly do it in 20 minutes.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent that the gentleman may have 20 minutes' extra time.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the gentleman from Illinois may proceed for 20 minutes more.

Mr. GARD. Mr. Speaker, I amend that request by asking that the gentleman be allowed to go on until he concludes his remarks.

The SPEAKER. The gentleman from Ohio amends that request by asking that the gentleman from Illinois be allowed to proceed until he concludes his remarks. Is there objection?

There was no objection.

Mr. McCORMICK. Committees of French business men, their credit underwritten by the Government, are planning the rehabilitation of her industries.

French scholars and public men have united to devise legislation to stabilize the Government and to increase the birth rate. John Bull, the old merchant and mariner, has made the most far-reaching plans of all. He knows that the world has changed, never again to be what it was before the war. Beside the other new ministers, he has appointed a minister of reconstruction, aided by committees, expert in manufactures and raw products, in problems social and problems industrial. John Bull plans also for the agricultural rehabilitation of his little island no less than he plans for the growth of his trade from the Bight of Guinea to the Gulf of Carpentaria. But most striking of all, he has already matured plans to build, at public cost, as the ink dries on the treaty of peace, 300,000 workingmen's homes. The slums, which disgraced English cities before the war, are gone, never to return. [Applause.] English workers, once chiefly interested to get a day off, are now eager to seize the new chances to get on in the world. Once underpaid, they now earn high wages. Girls in the shell shops are paid ten times the pittance they earned before the war.

It has been said that this is a war not of armies but of nations, yet until the eyes see and the ears hear it is not possible to know the measure in which the people have given themselves, body and spirit, to the conflict. The men from 18 to 40 years of age, if they be sound in body, have gone to the war. Boys have been called forward and old men called back to fill the places which the soldiers have left. Girls and young women have taken up the tools which the men have laid down. You see them everywhere, those high-hearted girls; in the stables and the shops, as conductors of omnibuses, running elevators, at work on railway trains, as messengers, as porters, as drivers of motor trucks. In France and England 2,000,000 of them are engaged in work for the war, while in England alone this year 200,000 women and girls, volunteers, went out from the cities upon the farms to garner the harvest. Crofters' lassies, daughters of old houses, girls from shops and from sheltered homes, like their brothers in the trenches, are knit together in the new democracy of toil. If in Europe they have suffered, so also have they been ennobled by self-sacrifice. Sir, there is no one of us in this House who, as his foot touched the soil of wounded France, but drew new strength from the well springs of her courage. Nor is there one of us who saw in England the fusion of true idealism and hard intelligence but felt that never in her greatest hour was England greater than she is to-day.

Yonder the national spirit has been shot through with a new fire. In England, Italy, France they began, as we have begun, with a party truce and a party administration of the war, but they have got beyond that and unite in the administration men of every great party unless they refuse to share in the responsibility of government. Whatever his legal powers may be Lloyd George, deriving his authority from the people, directly responsible to their House of Commons, is invested with the moral authority of a dictator. But he sits daily in conference with his war cabinet of five—Smuts, the Boer general; Barnes, the labor leader; Curzon, the old Indian Viceroy; Carson, the Ulsterman; Milner, the Tory administrator. The old political elements are almost equally represented.

One of the greatest men in Europe, whose name I wish I might give this House, said:

> You Americans will have to include in the administration of the war the greatest talent in America. You will have to call to Washington your greatest leaders, regardless of past political differences and past personal animosities.

Across the seas they were divided before the war by political differences more venomous than any which we have known since the civil conflict in the sixties, but the fires of a new patriotism, kindled by the awful struggle, have fused old hatreds into a common labor and fast cooperation. [Applause.] Men embittered by years of personal and political strife have put aside all bitterness to sit at one council table, there to apportion among them without jealousy the tasks which must be done.

In democracies governments reflect the sober sense, the energy, and the courage of the people who choose them. So it was in Europe. The voice of the people of Italy, France, England, in louder tones and ever more imperative, demanded that the genius and leadership of the land be summoned to share in the government at Rome, Paris, London, there to muster the forces of the nation to the conflict. This must we do in America in order to mobilize and to direct the industrial and military forces of the greatest of all democracies. Our decisions, our promised successes, must not be stillborn, like so many of those of our friends across the sea. Idealism, democracy, great plans, will go for nothing unless they be supported by force and action. Let each of us contribute of his energy and let each, according to his conscience, speak out his measured opinion to the end that his Government may act and greatly do before it is too late. [Prolonged applause.]

CAMP CODY, NEW MEXICO.

The SPEAKER. The gentleman from Minnesota [Mr. KNUTSON], under the special order of the House, is recognized for 15 minutes.

Mr. KNUTSON. Mr. Speaker, early last fall I received a letter from a young soldier constituent of mine, stationed at Camp Cody, Deming, N. Mex., which closed with this paragraph: "This camp is a hell hole, and if you can procure our transfer to some other place it will be an act of God."

"Camp Cody, Deming, N. Mex." The words floated through my mind like a song wafted on the gentle breezes of fall, and to refer to such a place as a hell hole seemed to my poor untutored mind as bordering upon the sacrilegious. I had pictured Deming as being situated in the heart of a land abounding in milk and honey, where want and privation were unknown.

Naturally, I determined to visit Camp Cody upon the first opportunity, and, after the close of the second liberty loan campaign in my district, set out for Deming. En route I visited at Camp Dodge, Iowa, for two days, where I found everything in shipshape order and the boys in the best of spirits. Before taking up the rather disagreeable subject of Deming I crave your indulgence for a moment while I dwell upon the very pleasant one of Dodge. The location is an ideal one. The boys are well housed; the site is well drained, and almost perfect health is the rule. The many boys with whom I talked were unanimous in their praise of Camp Dodge, and their well-nourished and contented looks verified all they said to me. [Applause.]

How different was the situation at Camp Cody. It is situated in the heart of a vast desert waste where one only finds dust, yuccas, cactus, sagebrush, rattlesnakes, jack rabbits, and then some more dust. Of all the God-forsaken spots in the Universe it easily holds first place. A native proudly informed me that the section adjacent to Deming has been proven by geologists to be the oldest known portion of the earth. I can easily believe that, for it has a moth-eaten and hackneyed appearance that mere words can not describe, and when I contrast it with my own State of Minnesota, I can but conclude that the glorious North Star State was one of the last places created. [Laughter.]

My impression of the town of Deming was not a favorable one. It has all the earmarks of mushroom growth. The hotel accommodations are decidedly meager. At two hotels I failed to find accommodations, while the landlord at the third place where I called offered to fix me up with a cot in a hall upstairs at an outrageous price. I declined his generosity and called up an officer friend of mine at the camp who invited me to come out and take pot luck with him, which I did.

If the village of Deming looked God forsaken, Camp Cody beggars description. It is situated in the middle of nothing, surrounded by a desert of alkali dust, ankle deep. Were I in fear of the hereafter, I would first go to Camp Cody for a preparatory course. [Laughter.] It is an annex of hades of which his Satanic Majesty is evidently ashamed, and why the War Department should have seen fit to select such a place in which to train 26,000 red-blooded young Americans I can not understand. Had I the gift of a Dante I might do justice to the subject, but its true portrayal is beyond my poor power.

Picture to yourself a vast stretch of alkali dust with a chain of mountains on either side; barren of vegetation, save for a sprinkling of cactus and yuccas; no sign of life, save the thousands of boys drilling in clouds of dust. Ye Gods! What a scene! Gov. Harding, of Iowa, upon his return from a four-days' stay there, gave out an interview wherein he likened it to hades.

In the three days I spent there my throat became so sore from breathing the alkali dust that I could not speak except with pain. Hundreds of the boys are having trouble with their eyes as a result of the dust. They drill in it and sleep in it. Is it any wonder that there is so much sickness at Camp Cody? If grit were the all-necessary requisite to military success Camp Cody has it aplenty.

The "Broomstick Brigade" was also very much in evidence at Cody. I saw several regiments but partially accoutered, and while it has not been necessary for the boys to wear each others' shoes, as has been the case at Camp Custer, according to testimony brought out at the Senate committee hearings, yet they use each other's guns. Many of the boys were without heavy underwear and mittens; they live in tents, and the cold nights now prevailing in the high altitude of Deming imposes an unnecessary hardship that could and should have been avoided.

The officers and men at Camp Cody are among the best in the country, but all are laboring under extremely difficult conditions, and were it not for the fact that all are seasoned troops who served on the border last year the task of getting them ready would be well-nigh hopeless.

The men with whom I talked could not understand why they had not been sent to Brownsville, or San Benito, Tex., where they were during the Mexican trouble, and which are situated within the boundaries of God's country. All were unanimous in declaring those ideal locations, but not one of them had a good word to say for Cody as a site. I defy any living man to advance a good and valid reason for locating a camp at Deming. It is true they have a plentiful supply of pure, cold water, but there are thousands of other places in this country where the same holds good, that are far better adapted for the training of soldiers.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I will.

Mr. LITTLE. Does not the gentleman think that those who pull through would make dandy good soldiers?

Mr. KNUTSON. Yes. They will be impervious to everything if they can stand Camp Cody.

Now a word about the business men of Deming. Be it understood that there is little or no agriculture in that section of the country. Heretofore their only crop has been consumptives, and when the American troops began flowing in a vista of coming wealth dazzled the eyes of the Deming merchants and presaged a crop such as they had never dreamed of, even in their most delusive moments. They fairly licked their chops in anticipation, and no time was lost in taking the wares off the shelves and marking them up, in some cases 100 per cent, and Heaven knows they were high enough before. [Laughter.]

It finally became so bad that it was necessary for the camp authorities to stock the regimental canteens with almost all necessary merchandise. One canteen that I visited carries a $5,000 stock. When the Deming merchants saw that the boys would not fall for their coarse tactics they marked the prices down to somewhere within reason. But not so with house rentals. I believe that I have already stated that the soldiers promised to be the best crop they had ever had in Deming—in fact the only crop, save for the few consumptives who go there to die. Well, many officers and a few privates brought their families with them to Deming. Those who did were robbed in a shameless manner.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. AYRES. I will ask the gentleman if it is not practically a fact where all these cantonments are established? Is it not the same thing in Des Moines and the same thing in Illinois?

Mr. KNUTSON. I will say that as to Des Moines a committee has been appointed to investigate, and they invite the soldiers to report the case of any merchant who has been overcharging. I was unable to find any place where the soldiers were overcharged at Camp Dodge.

Mr. AYRES. I will say to the gentleman that I had a report from one of the captains at Des Moines, who made that complaint not more than 6 or 10 days ago.

Mr. KNUTSON. I talked with more than 100 of the men, and I did not hear of any complaint.

Mr. AYRES. Not that I am upholding them at all.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. SABATH. Are not the conditions in the District here equally bad as to overcharges of rents and the necessaries of life? Of course, if the gentleman has his own home here he would not perhaps be aware of it.

Mr. KNUTSON. I will show you conditions existing there that can not be duplicated anywhere in the country, if I am allowed to proceed.

Two-room unplastered shacks, about the size of a decent chicken house, bring $35 per month, while five and six room palaces, not modern, bring as high as $150 per month. I doubt if you can duplicate that anywhere else in all the world.

Mr. AYRES. Can you not duplicate that in Washington?

Mr. KNUTSON. I hardly think so. Rather than submit to the real estate highbinders who make Deming their habitat, many have built their own homes, and while they are all modest in the extreme, yet they enable their owners to escape the claws of the human vultures who would prey upon those who are about to go forth to fight, yea, mayhap, lay down their lives for their country. Any remonstrance over high prices always elicits this reply: "Well, it cost us $15,000 to get the camp here, and we've got to make it back in some way."

In that section of New Mexico they have a stream named the Mimbres River. Mimbres means "lost" in Spanish. The stream meanders down the Mimbres Valley for miles and miles, deploying out on the plains east of Deming, where it becomes smaller and smaller, finally disappearing into the ground altogether. Nature is wise, indeed. As the cactus wears a coat of thorns to protect itself against roaming beasts, so the Mimbres River seeks the protection of Mother Earth before reaching Deming, well knowing that it could never get by that den without paying a heavy toll. [Applause.]

The Germans levy tribute upon their enemies; Demingites levy toll on their friends. Which is worse?

Mr. HARDY. Mr. Speaker, will the gentleman yield there?

Mr. KNUTSON. Yes.

Mr. HARDY. Did not Deming have a camp for the Regular Army in 1916, before this cantonment was located there, and was there not a considerable amount of buildings there?

Mr. KNUTSON. Cantonment buildings?

Mr. HARDY. A considerable amount of buildings and a division of the Regular Army?

Mr. KNUTSON. I think the gentleman will find that everything that is there now was put up this past year.

Mr. HARDY. I think there was a camp there in 1916.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. SMITH of Idaho. How many soldiers have they stationed there?

Mr. KNUTSON. Twenty-six thousand.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Ohio?

Mr. KNUTSON. I will yield to the gentleman for a brief question.

Mr. KEARNS. The gentleman speaks about its having cost the merchants of that town $15,000 to get the camp. To whom did they pay that money?

Mr. KNUTSON. They did not tell me that. They told it to soldiers and officers.

Gentlemen, I believe that Cody should be changed to a more suitable location; I believe that a committee of Congress should be named to make a thorough investigation of why a cantonment was located there; that we should find out why it was necessary to spend $15,000 to get the camp located at Deming. [Applause.] Situated as it is, Camp Cody will take the heart out of the best of our boys, and the Congress of the United States owes it to itself, to the American people, and the boys stationed there to find out why that particular spot was chosen.

Only those who are callous to the needless suffering of our soldier boys will object to the bringing of these facts to light. The American people are entitled to know the truth, and he who tells it renders a most valuable service to the country. [Applause.]

Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. TREADWAY], who will follow me.

The SPEAKER. The gentleman has no time left to yield. His time is out.

Mr. WALTON. Mr. Speaker, I ask unanimous consent for 15 minutes in which to address the House at the conclusion of the addresses already scheduled.

The SPEAKER. The gentleman from New Mexico asks unanimous consent for 15 minutes in which to address the House at the conclusion of the address of the gentleman from Massachusetts [Mr. TREADWAY].

Mr. ROBBINS. On what subject?

The SPEAKER. On this same subject that the gentleman from Minnesota [Mr. KNUTSON] was speaking on. I take it for granted that is it.

Mr. ROBBINS. Is that the subject?

Mr. WALTON. Yes; at the conclusion of the others.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY] is recognized for five minutes.

EX-CONGRESSMAN LAWRENCE.

Mr. TREADWAY. Mr. Speaker, Members who served in this body previous to the Sixty-third Congress will readily recall the Member from the first Massachusetts district. Should any of the older men be asked who made friends the most readily, and the most of them, who always had a cordial greeting, a hearty handclasp, and a pleasant word for everyone, I believe the name that would be most likely to come to mind would be of this very Member.

The disposition which endeared him to his friends at home was the same as that which made him so popular in the Halls of Congress. The smile, the handclasp, the hearty laugh, were all the indications of his natural personality. I well recall

during my early membership in the Sixty-third Congress how frequently Members on both sides of the House inquired most feelingly for him. It was very easy for me, a new Member, to realize what a loss the House itself felt in his retirement, both from his merit as a Member and from his personal association with his colleagues. His jovial disposition could not better be illustrated than by the remark he made to me when I asked him, after I had been elected as his successor, why he was retiring from Congress. His reply was:

I want the people to say, "Why did you?" instead of "Why don't you?"

George Pelton Lawrence was a native son of Berkshire County, Mass., where he always resided. He was a graduate of one of its academies, of Amherst College, in the class of 1880, was later admitted to the bar, and for nearly 10 years was judge of the district court. He was a member of the Massachusetts Senate from 1895 to 1897, and during the sessions of 1896 and 1897 he was the president of that body. He was first elected to this House in the Fifty-sixth Congress, and was continuously reelected until he voluntarily retired at the close of the Sixty-second Congress. He served here for many years upon the important Committee on Rivers and Harbors, having the position of ranking Republican member at the time of his retirement. He was also selected for the difficult task of aiding in the reconstruction of the rules in the Sixty-first Congress.

I should like to refer briefly to his closing remarks in Congress, which were delivered during debate on the rivers and harbors bill on March 2, 1913. His expressions on that occasion are typical of the man, and I here quote the following from the RECORD of that date:

Mr. Speaker, since I made the announcement a year ago that I would not be a candidate for reelection my colleagues upon both sides of the aisle have said so many gracious and generous things, in public and private, about me that I wish to express my very deepest appreciation. The fact that I have not merited all that has been said has not interfered in the slightest degree with my enjoyment of it.

I will confess that I am shameless to that degree. I have been a Member of the House for 15 years. I think the man must be hopeless who is not broadened and rendered more patriotic by such service. If there was about me when I came here any suggestion of sectionalism, and I presume there might have been, every vestige of it has been eliminated. [Applause.] And as I have sat here in this Congress, under one of the best and fairest Speakers that this House has ever had, and as I have worked with my colleagues upon the other side of the aisle, I must confess that it has been pretty difficult to keep myself up to the point of believing that he and they were a menace to the Republic. [Applause.]

* * * * * * *

I shall not speak in detail of my service here during 15 interesting and eventful years. Perhaps some time I shall write a book about it. That is everybody's privilege. All I wish now to say is that I shall leave the House on the 4th of March with, as you all must know, the greatest affection and good will for my colleagues on both sides of the aisle and with entire respect for their patriotic purpose. [Applause.]

His service was always of that sincere and earnest character that marked his every action through life. To this no reference need be made among his former colleagues, and it is therefore of his life at home I ask the privilege of saying a few words. Mr. Lawrence was probably personally better known to more men in western Massachusetts than any other citizen of that section. His cordial laugh is historical and proverbial. His middle name was dropped almost entirely, and when it appeared it was invariably printed in a nickname—George "Popular" Lawrence. He never failed to bring a smile to the faces of any friends among whom he was mingling or to any gathering where he made a speech. He was, however, a man of strong convictions, and mingled with his jocular ways were invariably seriousness and good judgment.

In private life he was regarded as one of the substantial citizens of our State; in public life his record here was such a brilliant one that he was frequently considered as a probable gubernatorial candidate in Massachusetts. I can not refrain from mentioning one incident indicative of his loyalty. An intimate friend met with business reverses, which brought on a nervous breakdown. Both he and Judge Lawrence were fond of tramping over our beautiful hills. For weeks he devoted himself exclusively to restoring his friend to health by taking him on long tramps and preventing his further decline.

It is sometimes said that a strong character must make enemies, but this was not true of Mr. Lawrence. I have associated for years with people among whom he lived and never heard a word of criticism of him as a man, as a statesman, or a public official. A person would be a misanthrope indeed who could find any reason to dislike George Lawrence.

After leaving Congress he was selected by the then governor, although a member of the opposition party, for one of the responsible positions in our State. This position, however, he was able to retain only for a short time. Last summer he was designated as chairman of the local exemption board in the city of North Adams. The work of that board was a severe strain upon him in that he felt the conscientious duty of designating the young men who were to enter the military service of our country from his own city. It was this service that permanently undermined his health. No man could have gone about this task with more feeling of responsibility and conscientious desire to perform his duty than did Mr. Lawrence. He gave his life in serving his country. Positions on the exemption boards are ones of patriotism, and as Mr. Lawrence lost his health and strength in that service he can be classed as one of those who have given their lives gladly in their country's cause and the patriotic call of duty. I last saw him as the first troops went to the cantonment, and, together with all his friends present, noticed that he was broken in health and was in need of a change of scene. He died in New York City on November 21 last. George Pelton Lawrence has forever left the earthly scenes which he so greatly enjoyed and where he was so much beloved. His life was a useful and illustrious one.

Verses might be quoted which would be truthful of his life and character. I prefer, however, in these brief remarks to designate him with these few words: A true friend, a brilliant statesman, a manly man. [Applause.]

CAMP CODY, NEW MEXICO.

Mr. WALTON. Mr. Speaker, I wish to apologize to the gentlemen of the House for taking their time at this particular moment, but I would not be doing my duty toward myself or toward the people whom I represent if I did not at least make some reply to the unjust charges, the unfounded accusations, the unwarranted criticisms just made upon a community in my State—one of the most progressive cities in New Mexico—by the gentleman from Minnesota [Mr. KNUTSON]. I am compelled most earnestly to take issue with the gentleman as to the accuracy of the information upon which his remarks are based and upon the conclusion which he has reached as a result of that information. The gentleman's visit to Deming and Camp Cody—Camp Cody being located very close to the city of Deming—must necessarily have been a very brief one. The impressions which he gained were unquestionably the result of hasty information, obtained from those who had recently left their comfortable homes and taken up the inevitable rigors of camp life and who had not yet accustomed themselves to their new surroundings. I do not deem that to be a reflection upon the patriotism and loyalty of those boys. To use a slang expression, to "kick," to register complaints, is only human nature, and the gentleman from Minnesota [Mr. KNUTSON] has apparently paid attention only to the registered "kicks" and has not looked for the benefits and advantages manifestly apparent from the location of that camp.

Camp Cody was selected for a cantonment only after an exhaustive and careful investigation by the officials of the War Department. Not only did the natural advantages of the place commend it to favorable consideration, but past experience has demonstrated its availability and its advantages as a site for a cantonment or a military camp. With an abundant supply of pure water—99.99 per cent pure, by Government analysis—with a climate that is mild, both in summer and in winter, with excellent railroad facilities, Deming possesses the additional advantage of being located within a short distance of the Mexican border, where past experience has demonstrated that troops in large numbers are liable to be needed at almost any moment. There was, as the gentleman from Texas [Mr. HARDY] indicated in his inquiry, a National Guard cantonment at Deming in the spring and summer of 1916, and the experience of that time demonstrated to the War Department that the site was an admirable one, both from a strategic and a practical standpoint. The camp has received high praise from such real red-blooded American soldiers as Maj. Gen. Tasker H. Bliss, Chief of Staff; Maj. Gen. H. A. Green; and Maj. Gen. E. F. Glenn, who was in command there in 1916.

Digressing for a moment, and while I think about it, to answer the statement made by the gentleman from Minnesota that some one told some person, and some person, told somebody else, and so on and so forth, that $15,000 had been expended to secure the location of the camp at Deming, I want to say to you, Mr. Speaker, that I was present in Washington when the committee came from Deming to present the availability of that section; that the committee consisted of the president of the chamber of commerce and the mayor of the village of Deming; that they were here absolutely at their own expense; that they did not wine; that they did not give dinners; and all that they did was to go to the War Department—because I accompanied them and was present and know whereof I speak—and present a written statement of the advantages of the camp and offer the donation of the land necessary for the camp.

I know that of my own knowledge. The particular advantage of the location of Camp Cody is the mild and equitable climate, permitting of outdoor work every day of the year. The average yearly temperature in that section—and I live within 48 miles of Deming; have lived there 27 years and certainly know something about conditions; also having lived in Deming—is about 45 degrees. The latest data which I have noticed was for the year 1915, when the average temperature was 58 degrees. The number of sunshiny days was 323. The highest average monthly temperature was 77 and the lowest 44. The soldier boys there can work and train in the open and with absolute comfort all the year round.

With reference to dust, Mr. Speaker, which seems to have made such a very vivid impression on the distinguished gentleman, I desire to say that in all sections of the Southwest there are at infrequent intervals dust storms; and I presume that the visit of the gentleman occurred on one of these very rare occasions. These storms are really healthful in effect, purifying, as they do, the atmosphere. A large body of men moving around as they do in Camp Cody naturally creates dust, but it is a pleasure to inform the gentleman that this condition has been rectified by the liberal sprinkling of water and oil and no longer exists, if it ever did exist as he describes it.

Now, Mr. Speaker, I called at the office of the Surgeon General the other day in regard to conditions in Camp Cody. I have heard that some criticism was about to be made relative to the camp and I asked a formal expression of that office especially as to health conditions there, and I received this letter:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, December 14, 1917.

Hon. W. B. WALTON,
Room 172, House of Representatives, Washington, D. C.

MY DEAR MR. WALTON: In compliance with your request of this morning, I am directed by the Surgeon General to make the following statement in regard to health conditions in the Thirty-fourth Division, National Guard, at present stationed at Camp Cody, N. Mex.:

This camp is excellently located. Its general sanitary condition and sanitary administration has been reported as excellent by all inspectors, including an inspector from this office. The climate is a fine one.

It is believed that health conditions would have remained excellent at this camp had it not been for the outbreak of measles, which started soon after drafted men had been received. The outbreak of measles assumed considerable proportions by the middle of November, since which time the number of new cases reported each week has been increasing, but not to the same extent as in a number of other camps of the National Guard made up of troops from the more sparsely settled States.

Reports from Camp Cody indicate that the type of measles cases is mild. The outbreak has been attended by a few cases of pneumonia as a complication, and, as with pneumonia, there is always a certain proportion of deaths.

As regards pneumonia at Camp Cody, the death rate has been remarkably low. The proportion of cases of pneumonia following measles has also been much lower than in the other camps.

Conditions would appear to indicate that the measles outbreak has about reached its height at this camp. Additional cases of pneumonia are to be expected, but as the measles subside these will no doubt diminish in number. Generally conditions at Camp Cody may be said to be better than at five or six other National Guard camps and not so good as at five or six others. These latter camps are composed of troops from the more densely populated Northern States, among whom the proportion of men who have not had measles is small. All reports indicate that the extent to which the National Guard camps suffer from measles depends very largely upon the number of men in the camp who have not had the disease in childhood. Western troops appear to go through the disease easier than those from the South and with fewer complications and a much lower death rate.

No unfavorable criticism has been received in this office in regard to the care of patients in the hospital at Camp Cody. The chiefs of the Medical Service have been selected with great care from among the most prominent specialists in the country. During the height of the measles outbreak the doctors, nurses, and attendants have no doubt been very hard worked, and for this reason the same personal attention which a sick man may receive in his home could not be expected in the Camp Cody hospital. Nothing has been received to indicate that there has not at all times been plenty of vacant beds and ample supplies of bedding, with medical supplies and equipment sufficient to meet all needs.

Very sincerely, yours,

F. P. REYNOLDS,
Colonel, Medical Corps.

And also an extract from telegraphic report dated Camp Cody, December 29, 1917, to the Surgeon General from the committee of special sanitary inspectors, composed of Col. P. M. Ashburn, Medical Corps; Maj. William H. Welch, and Maj. A. C. Abbott:

Conditions in this camp generally very satisfactory. All your recommendations being put into effect, but recommend expediting plumbing and sewerage. Measles situation controlled. Pneumonia not so bad as in many places, and mortality not unusually high. Meningitis not a problem. Venereal record excellent. Medical affairs in division and hospital well handled and not criticized.

The charge made by the gentleman from Minnesota that exorbitant charges were being demanded by the people of Deming for the rental of houses and for the purchase of merchandise, with all due respect to him, is absolutely not substantiated by the facts.

Mr. KNUTSON. Will the gentleman yield?

Mr. WALTON. Yes.

Mr. KNUTSON. Did not the officials at the camp warn the boys not to trade at Deming, but to trade at the canteen?

Mr. WALTON. Every Army post of which I have knowledge has what is called a canteen, and it is customary and usual for the soldiers to trade at those canteens. Now, I am in receipt of a telegram from the Chamber of Commerce of Deming, which I think explains the situation, and shows also the high patriotism of the people of that place.

Mr. HARDY. Before the gentleman leaves that point I want to say that I was in Deming in 1916. They had a good many splendid buildings there and were still adding to them for a camp for the Regular Army. How many regiments were there I do not know.

Mr. WALTON. There were about 5,000 National Guard troops stationed there during the crisis in the Mexican affairs.

Mr. HARDY. That is about the number I thought.

Mr. WALTON. The telegram is as follows:

DEMING, N. MEX., *December 10, 1917.*

Hon. W. B. WALTON,
Washington, D. C.:

When camp was first started and thousands of people flocked to Deming, some to work on camp construction and others to start in business, there were some cases of high rents, for which the owners of the property were not responsible. They leased at reasonable prices, but speculators drove up the rents on business property. In one or two instances Army officers got to bidding against each other on furnished residence property and drove up rents in that way. Members of the chamber of commerce and business men of Deming have done everything possible to relieve the situation by constructing houses with modern improvements at actual loss for Army men with families at $20 and $25 per month, and the chamber of commerce is offering to furnish ground rent free to any officer or enlisted man who wishes to erect temporary residences. Over 300 residences have been erected in this way.

SECRETARY DEMING CHAMBER OF COMMERCE.

Now, I might say that the increase in the population of Deming, which was formerly about 4,000, has been about 10,000. I know of my own knowledge that many reputable business men of Deming have erected houses, when they had no desire to do so, simply to provide accommodations to newcomers, and they rented them at a reasonable price.

A meeting of the chamber of commerce was held a little while ago to investigate complaints of overcharges at which a committee of officers attended by invitation, and after a careful and exhaustive investigation not a single case was found where a soldier had been charged in excess of the prices that were charged the local people—not a single case of discrimination. And the secretary of that body addressed a formal letter to the officers in charge of the camp asking them to report any cases of violation in order that prompt and summary action might be taken. Certainly nothing more could be done. Deming has a reputation for fair dealing that was established long before any soldiers were sent there, and is doing everything that it possibly can to maintain that reputation.

The people of Deming are my neighbors—almost my home folks—and I do not speak from conjecture or hearsay when I undertake to voice their sentiments in these matters. I can say from my own personal knowledge that there has been no effort on the part of representative citizens to exact from the soldiers or from those brought to Deming by reason of the existence of the cantonments any higher prices than are charged to their own people. Not only that, but I assert that there has not in any camp site in the United States been a more earnest and patriotic effort on the part of the local citizenry to aid the Government in the stupendous task of fitting its soldiers for the war and to aid the soldiers in all matters that pertained to their welfare and comfort. There are no more hospitable, no more loyal, no more patriotic people in the country than are to be found in Deming and in Luna County, N. Mex.; and I keenly resent any statements that reflect on these qualities of their citizenship.

In conclusion, Mr. Speaker, I think that I can offer an explanation of the reason for the gentleman's criticism. I suspect that he fears, and his fears are well founded, that the boys from Minnesota and the other States at Camp Cody will be so enamored of the magnificent climate of New Mexico, so impressed with the great resources of the country, so enthusiastic over the wonderful opportunities awaiting there that they never will be content to return to their former homes in the bleak and dreary Northwest, but at the conclusion of the war will come back to the Sunshine State and cast their lot with us. And they will be welcome—heartily welcome.

The SPEAKER pro tempore (Mr. FOSTER). The time of the gentleman has expired.

Mr. WALTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. The gentleman from New Mexico asks unanimous consent to extend and revise his remarks. Is there objection?

Mr. STAFFORD. I assume that the gentleman only wants to extend his remarks as far as his own speech and not by incorporating other letters and telegrams.

Mr. WALTON. Yes.

The SPEAKER pro tempore. This being unanimous-consent day, the Clerk will call the first bill on the Unanimous Consent Calendar.

NATURALIZATION OF RESIDENT ALIENS.

The Clerk read as follows:

A bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Reserving the right to object, I would like to inquire of the gentleman in charge of the bill whether this authorization granting the right of citizenship to those who declared their intentions prior to our entry into the war has the indorsement of the State Department? It is true that it only modifies the existing statute by substituting the date of April 6, 1917, for the earlier date when this statute was last amended.

Mr. KITCHIN. In the absence of the gentleman from California, I ask to have this bill go over without prejudice.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the bill be passed without prejudice. Is there objection?

Mr. STAFFORD. I have no objection to the request of the gentleman.

There was no objection.

FOR INCREASE OF PRODUCTION IN RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4431) to provide for the common defense and general welfare by increasing the production upon public and private lands within the United States reclamation projects, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. I object.

Mr. TAYLOR of Colorado. Will the gentleman modify his objection so as to allow the bill to remain on the calendar?

Mr. STAFFORD. What is the purpose? It has been on the calendar for months. It should not be taken up by unanimous consent and can be taken up on a call of committees. It is a bill containing important provisions to which there are serious objections. I do not think it will ever be considered under unanimous consent, and I do not see any necessity of encumbering the Unanimous-Consent Calendar with it.

Mr. TAYLOR of Colorado. If the gentleman has serious objections to it, of course there is no use in retaining it on the calendar, but the Interior Department and the Reclamation Service are very much in earnest about this bill. They speak to me every few days about it and want to know when it is coming up. There is nothing personal to me in it; it is a departmental bill, and the Reclamation Service has been very urgent to have it taken up.

Mr. STAFFORD. It is a rare thing to put a bill on the Unanimous-Consent Calendar where there is a minority report.

Mr. TAYLOR of Colorado. I understand that.

Mr. STAFFORD. There is a minority report on this bill, where the gentleman from Texas [Mr. BLANTON] has gone to the pains of preparing a very elaborate argument stating objections to the bill. This involves the expenditure of several million dollars, and the bill should not remain on the Unanimous-Consent Calendar. I therefore object.

Mr. KINKAID. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

CITIZENS OF ALLIED COUNTRIES IN UNITED STATES MILITARY FORCES.

The next business on the Calendar for Unanimous Consent was House joint resolution 115, requesting the Secretary of State to open diplomatic negotiations with certain Governments with a view to obtaining their approval and sanction for action by the United States permitting the inclusion in the armed forces of the United States of such citizens of the countries of such Governments as are within the United States.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the author of this resolution is out of the Chamber at the present time and I ask unanimous consent in deference to him to have the resolution passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the resolution be passed over without prejudice. Is there objection?

There was no objection.

AUXILIARY RECLAMATION PROJECT, YUMA, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill 3135, to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to obtain some information about the bill which is not given in the report. I wish to inquire what additional funds will be utilized in the construction of the project if this amendment be adopted? As I understand the present law, the funds that can be utilized for the construction work on this auxiliary project at Yuma must arise from the sale of lands exclusively. I wish to inquire, if this condition be lifted, what additional funds will be available?

Mr. HAYDEN. The law as it now stands is inconsistent with itself. The act of January 25, 1917, provides that money received from the sale of public lands and money received from the owners of private lands included within the project shall be placed in a separate fund in the Treasury, to be known as the auxiliary reclamation fund of the Yuma project. But in section 4 of the act there is a provision that the moneys in this special fund, only to the extent which they are received from the sale of public lands, may be used in the construction of the works of the auxiliary project. I am trying to correct this inconsistency so as to let all of the money which may be placed in the fund be used to pay for the irrigation works, regardless of whether received from the sale of public lands or as payments made by the owners of private lands.

Mr. STAFFORD. Was not the money from private owners of land on this project to be raised merely for the use of water rights rather than from the sale of land itself?

Mr. HAYDEN. That is true, of course; because if a man owns his land he would not have to again pay for it; but in order to obtain a water right for his land he has to pay the same construction charge as anyone else. The whole theory of the bill was that the private landowner should pay his full share, just the same as the man who bought public land.

Mr. STAFFORD. As I understand it, a private owner can avail himself of the advantages of this project if he contributes the regular price fixed by the Secretary of the Interior for the use of the water.

Mr. HAYDEN. Yes.

Mr. STAFFORD. And now you wish to utilize whatever he contributes to this fund for that purpose before he receives any water at all?

Mr. HAYDEN. Yes; everyone has to advance some money before he gets any water. In other words, the plan is that the landowners shall advance their share of the money and that the public lands shall be sold and the payments thus obtained placed in this fund, the combined amount to be available before any construction work is undertaken.

Mr. STAFFORD. How much money is it contemplated to expend in the construction of this project?

Mr. HAYDEN. The dam is already built. A pumping plant is to be constructed to lift the water from the existing main canal to the level of the mesa, where it will be distributed by a canal system.

Mr. STAFFORD. What amount is estimated will be raised?

Mr. HAYDEN. The estimate of cost had not been completed, but the latest figures are about $100 an acre.

Mr. STAFFORD. What total amount will be required?

Mr. HAYDEN. If 40,000 acres could be irrigated, it would amount to $4,000,000.

Mr. STAFFORD. How much money will arise from the sale of public lands?

Mr. HAYDEN. If all of the private lands are taken into the project they will amount to about 7,000 acres out of a total of 40,000 acres. It will be possible to irrigate approximately 33,000 acres of public land and 7,000 acres of private land.

Mr. STAFFORD. How much money will be realized from the sale of these public lands?

Mr. HAYDEN. The Reclamation Service expects to raise about $100 an acre from each source. That would be $3,300,000 from the public-land and $700,000 from the private-land owners.

Mr. STAFFORD. The thought occurred to me, in reading the bill in connection with the original act, that you were trying to obtain from the private-land owner the use of money for a right that could not be charged to him until the works are in operation.

Mr. HAYDEN. There is no money available with which to construct this project, because the regular reclamation fund is practically exhausted. In his report on the bill that we are now

amending the Secretary of the Interior describes its objects as follows:

The bill provides a means by which it is made possible that the work of reclaiming the mesa lands of the Yuma project may be continued without further expense to the United States or draft upon the reclamation fund, a work which in the present condition of the reclamation fund must otherwise be delayed for many years.

It purposes to create an auxiliary reclamation fund to be constituted of the proceeds of the sale of the future water rights which will attach and become appurtenant to the lands when the irrigation works have been completed. No works are to be undertaken until a sufficient sum has been subscribed and paid in to insure the completion thereof. It also provides for the payment into the reclamation fund of a sufficient amount to cover the proportionate cost of the main Yuma project works.

The mesa lands of the Yuma project are generally believed to be the best citrus-fruit lands in the United States, free from the dangers of frost, and to be worth much more when irrigated than the cost of the irrigation works necessary to completely reclaim them. It is believed that experienced citrus-fruit growers will gladly pay for such lands the prices that will be fixed under this act if it becomes a law, and that the resulting benefits to the Yuma project as a whole and to the reclamation fund will wholly justify the experiment. Under its provisions the money must be paid into the Treasury before any liabilities are incurred or expenditures made for construction purposes, and none in excess of the amounts so paid in.

Mr. BORLAND. Mr. Speaker, reserving the right to object, is this the auxiliary project for the mesa lands at Yuma?

Mr. HAYDEN. Yes.

Mr. BORLAND. Where it is necessary to pump the water up to the higher levels to irrigate it?

Mr. HAYDEN. Yes.

Mr. BORLAND. That was to be a purely auxiliary project to the Yuma project?

Mr. HAYDEN. Yes.

Mr. BORLAND. It was to carry itself?

Mr. HAYDEN. The auxiliary project must bear its share of the burden of the works heretofore constructed and all additional work.

Mr. BORLAND. And any additional work necessary to put in this pumping plant to raise the water to that level?

Mr. HAYDEN. Yes.

Mr. BORLAND. Will the bill result in taking any part of the funds collected for water rentals on the lower lands and applying them to the mesa lands?

Mr. HAYDEN. No. The two units are separate and distinct in every particular.

Mr. BORLAND. Are you still adhering to your original plan that the mesa land shall bear its share of the original construction and also an additional share of the other construction?

Mr. HAYDEN. Exactly so.

Mr. BORLAND. You are not departing from that at all?

Mr. HAYDEN. There is no change at all. The truth of the matter is that the law we are now seeking to amend was originally prepared by the Reclamation Service, was introduced and passed the Senate, and then passed through the House. None of us at that time noted this inconsistency in the original bill.

Mr. BORLAND. Why, if that is true and you are proceeding on your original proposition, are you asking water rentals to be applied to construction when, as the gentleman from Wisconsin says, there are no water rentals on the mesa land?

Mr. HAYDEN. I was perhaps incorrect in using that term, but what I am really trying to do is to make available the money that will be received from the private-land owners for the construction of this project. One part of the law provides that they shall pay the same for water rights as the purchasers of public land, but when their money once gets into the fund it can not now be used.

Mr. BORLAND. Does that apply only to private-land owners who happen to be on the mesa?

Mr. HAYDEN. That is all.

Mr. BORLAND. And who happen to be engaged on this auxiliary project?

Mr. HAYDEN. Yes.

Mr. BORLAND. The main part of the auxiliary project was to be paid by the sale of public lands on the mesa, but there are certain privately owned lands to whom it is proposed to sell water rights.

Mr. HAYDEN. Because of the physical situation there, which makes it advantageous to include the private lands within the project.

Mr. BORLAND. So that the money you will get from the private-land owners of the mesa you intend to apply to construction, and you are not asking any water rentals from the original project for the mesa land?

Mr. HAYDEN. It aids the original project to the extent that the lands on the mesa help to pay for the irrigation works heretofore constructed.

Mr. BORLAND. To that extent it is an additional help to the Yuma project?

Mr. HAYDEN. That is it, exactly.

Mr. LENROOT. Mr. Speaker, reserving the right to object, I would like some further information. From what source is the money derived that goes into this auxiliary reclamation fund now?

Mr. HAYDEN. There is no money in the auxiliary reclamation fund now. The bill provides that the public lands located on the Yuma mesa shall be sold to create such a fund.

Mr. LENROOT. The gentleman says there is no money, the bill expressly limits the appropriations to the money in the fund.

Mr. HAYDEN. As a matter of fact the plans have not been carried out far enough to determine how much the charges will be. The Secretary of the Interior by the act passed in the last Congress is directed to ascertain the proportionate cost of the work heretofore constructed which should be charged to the mesa land, and then to ascertain the cost of the works to be constructed in the future—that is, the pumps, canals, etc., needed to deliver the water to the mesa land. Using these two estimated costs as the basis, he is to fix an appraised price for the public lands and offer them for sale. If he receives enough money from that source and from a like charge paid by the private landowners, he is then authorized to construct the new project. That is the sum and substance of the scheme.

Mr. LENROOT. Well, let me ask this question: A portion of the burden of the original project is to be borne by this auxiliary district?

Mr. HAYDEN. And very properly so.

Mr. LENROOT. Now, if we permit all the money of this fund to be used in the construction work of this auxiliary district, how is the main project to get its share of the burden that should be borne by the district?

Mr. HAYDEN. Because the proportionate cost of the works heretofore constructed is included in the charge which all of the lands in the auxiliary project must bear.

Mr. LENROOT. Yes; but if it is paid into this fund and then can be used entirely for construction within the auxiliary district, how does the Yuma project get its share?

Mr. HAYDEN. Of course, if a thing like that could happen the original Yuma project would not receive its proportionate share, but as a matter of fact the price that must be paid includes the two costs, the cost of the works heretofore constructed and the cost of the work hereafter done, so the fund will be large enough to pay both costs.

Mr. LENROOT. But does not the bill permit all money, that for the auxiliary district and that for the main project, to be used within the auxiliary district, and is not that the purpose of it?

Mr. HAYDEN. No; the object of the bill is to make available the money received from the private landowners for the same purposes as the money received from the sale of public lands.

Mr. LENROOT. Does the gentleman think that the bill is limited to that? All the money in the fund may be used now, if this bill passes, for this purpose, without any portion of it being used to defray its share of the burden of the original project.

Mr. HAYDEN. I have no such fear, because I am sure that the total sum of money received from the sales of the public land and the payments made by the private landowners will be sufficient to pay both costs. Otherwise there would be no advantage to the reclamation fund. If this plan is successful there will be immediately paid into the reclamation fund the proportionate part of the cost of the Laguna Dam and the other irrigation works now in existence. That is the plan, and we have no desire to depart from it.

Mr. LENROOT. What proportion of the lands within this auxiliary district is in private ownership and what portion has been public lands and sold?

Mr. HAYDEN. There are about 40,000 acres in the auxiliary project, about 33,000 acres of public lands, and approximately 7,000 acres in private ownership.

Mr. LENROOT. If there are 33,000 acres sold and the law now provides all the proceeds of that can be used within the district, although a portion of it is for the purpose of carrying the burden of the Yuma project, is not the district already getting more than its share without the use of the money from the private lands?

Mr. HAYDEN. I do not know what the proportionate cost will be between the irrigation works to be constructed and the works heretofore constructed. But I do know that the Yuma mesa should be treated as one project, the private lands and the public lands, and all the funds received from them treated exactly in the same way. That is what this bill seeks to do. It was a mere oversight that we did not do so in the first place.

Mr. LENROOT. As to the law passed last January, there must have been some purpose in the use of that language.

Mr. HAYDEN. There was not. It was one of those cases where somebody, in trying to be very careful, said something they did not intend to say. That is the explanation the Reclamation Service gives for the use of this language.

Mr. LENROOT. The gentleman is willing to assure the House that the original project will not lose any of the share that belongs to it?

Mr. HAYDEN. Oh, absolutely so. I am here representing the people now living on the Yuma project, rather than somebody who in the future may be benefited by this plan.

Mr. STAFFORD. Can the gentleman inform the House whether there is any precedent for this character of legislation, calling upon owners of private lands to utilize their rental for prospective rights in the construction of water-power plants?

Mr. HAYDEN. I do not know that there is any precedent for it, but we were driven to this extremity because the reclamation fund itself was exhausted. There was no other way to obtain the money to do this work, and the owners of the private land included in the project are more than willing to advance the money to the Government and let that work be done by the Reclamation Service.

Mr. MONDELL. If the gentleman will allow me——

Mr. HAYDEN. Certainly.

Mr. MONDELL. My opinion is that the plan adopted on the auxiliary Yuma project is a very splendid plan, and the only regrettable fact of the situation is that there are not more lands that we can apply such a good plan to.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8135) to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Ariz."

Be it enacted, etc., That the first sentence of section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona," approved January 25, 1917, be amended so as to read as follows:

"That the money in said auxiliary reclamation fund of the Yuma project, Ariz., shall be available for the construction or completion of irrigation works of the said auxiliary project or unit."

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the point of no quorum.

Mr. KITCHIN. I hope the gentleman will withhold that for one minute.

PRINTING OF PRESIDENT'S MESSAGE.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the President's message be ordered printed. We failed to do that the other day.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. KITCHIN] asks unanimous consent that the President's message delivered on Tuesday last be printed. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Pennsylvania [Mr. MOORE] makes the point that there is no quorum present. The Chair will count.

Mr. KITCHIN. Does the gentleman from Pennsylvania insist on the point?

Mr. MOORE of Pennsylvania. Yes.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 8, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbors and connecting waters of the Great Lakes, with a view to determining what additional improvements would be necessary in order to permit those waterways to accommodate vessels able to pass through the Welland Canal when enlarged by the Dominion of Canada, including report as to the character and drafts of vessels which may be expected to use the canal when so enlarged (H. Doc. No. 755); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Caloosahatchee River, Fla., from the mouth to Fort Myers (H. Doc. No. 756); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Tugaloo River, Ga. (H. Doc. No. 757); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Galveston Harbor and Galveston Channel, Tex., with a view to obtaining a navigable depth of 35 feet (H. Doc. No. 758); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Nehalem Bay and Nehalem River, Oreg., from the entrance of Nehalem Bay to the city of Nehalem, with the view of the improvement of the same in cooperation with local interests (H. Doc. No. 759); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

6. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes (H. Doc. No. 760); to the Committee on Naval Affairs and ordered to be printed.

7. A letter from the Secretary of the Navy, transmitting tentative draft of a bill for the relief of certain pay officers of the United States Navy (H. Doc. No. 761); to the Committee on Claims and ordered to be printed.

8. A letter from the Sergeant at Arms of the House of Representatives, transmitting a statement of receipts and disbursements for the year December 1, 1916, to December 1, 1917, and a statement of property in his charge December 1, 1917 (H. Doc. No. 762); to the Committee on Accounts and ordered to be printed.

9. A letter from the Acting Secretary of Commerce, transmitting annual report of the Chief of the Division of Publications (H. Doc. No. 763); to the Committee on Expenditures in the Department of Commerce and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 69) to authorize the payment of indemnities to the Governments of Austria-Hungary, Greece, and Turkey for injuries inflicted on its nationals during riots occurring in South Omaha, Nebr., February 21, 1909, reported the same with amendment, accompanied by a report (No. 232), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 6966) authorizing the Secretary of State to procure a suitable portrait of Gen. George Washington and present the same to the Military College of the Argentine Republic, reported the same without amendment, accompanied by a report (No. 233), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from further consideration of the bill (S. 2117) to appoint Allen M. Sumner a captain on the active list of the United States Marine Corps, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BANKHEAD: A bill (H. R. 8302) to amend section 2237 of the Revised Statutes, fixing the salaries of registers and

receivers of the United States Land Offices; to the Committee on the Public Lands.

By Mr. BORLAND: A bill (H. R. 8303) to increase and expedite the supply of munitions of war; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 8409) to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes; to the Committee on Military Affairs.

By Mr. BELL: A bill (H. R. 8410) for increased allowance for carriers on rural free delivery mail routes; to the Committee on the Post Office and Post Roads.

By Mr. JACOWAY: A bill (H. R. 8411) to provide for the improvement of navigation on the Arkansas River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8412) providing for a survey of Arkansas River, Ark., with the view to making same navigable; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8413) appropriating $350,000 for the construction of dredge boats for dredging on the Arkansas River; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8414) for the purchase of a site and the erection thereon of a public building at Morrilton, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8415) for the erection of a public building at Conway, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8416) for the purchase of a site and the erection of a public building at Little Rock, Ark.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8417) to establish marketing departments in agricultural colleges in the several States of the United States; to the Committee on Agriculture.

By Mr. SWIFT: A bill (H. R. 8418) allowing transportation to enlisted men granted furlough; to the Committee on Military Affairs.

By Mr. SULZER: A bill (H. R. 8419) extending the provisions and benefits of the Federal farm-loan act to the Territory of Alaska; to the Committee on the Territories.

By Mr. LUFKIN: Resolution (H. Res. 210) directing the Secretary of State to inform the House of Representatives of the status of negotiations with foreign countries with respect to the drafting of aliens into the military forces of the United States; to the Committee on Foreign Affairs.

By Mr. JACOWAY: Resolution (H. Res. 211) requesting the Secretary of Agriculture to report to the House the buildings occupied by the Department of Agriculture, the amount of floor space, the number of employees in each, and other information; to the Committee on Agriculture.

By Mr. EMERSON: Joint resolution (H. J. Res. 207) to appropriate money to clear the Cuyahoga River (Ohio) of sand that has washed into the channel; to the Committee on Rivers and Harbors.

By Mr. BENJAMIN L. FAIRCHILD: Joint resolution (H. J. Res. 208) authorizing the President to expend sufficient sums of money, in his discretion, to provide buildings for the housing of departmental employees engaged in emergency war work; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 8304) granting an increase of pension to Joseph C. Hammond; to the Committee on Invalid Pensions.

By Mr. DENTON: A bill (H. R. 8305) granting an increase of pension to Mortimer Johns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8306) granting an increase of pension to Denton Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8307) granting an increase of pension to William Hopkins; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 8308) granting a pension to Laura D. Bricker; to the Committee on Pensions.

Also, a bill (H. R. 8309) granting a pension to Caroline Scott; to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 8310) granting an increase of pension to Valentine Fish; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8311) granting an honorable discharge to Albert Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 8312) for the reimbursement of Horace M. Blunt for the loss of a horse while hired by the United States Geological Survey; to the Committee on Claims.

By Mr. GOOD: A bill (H. R. 8313) granting an increase of pension to Evans Blake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8314) granting an increase of pension to John H. Maxwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8315) granting a pension to Kate Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8316) granting a pension to Charles A. Walters; to the Committee on Pensions.

By Mr. HENSLEY: A bill (H. R. 8317) granting an increase of pension to A. M. Casteel; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 8318) granting a pension to James Gallagher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8319) granting a pension to Arthur F. Stowell; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 8320) granting a pension to Tiney and Demple Rittenberry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8321) granting an increase of pension to Sarah M. Brown; to the Committee on Pensions.

Also, a bill (H. R. 8322) for the relief of Alexander V. Richardson; to the Committee on Claims.

Also, a bill (H. R. 8323) granting a pension to Catherine Beek; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 8324) granting a pension to George W. Johnston; to the Committee on Pensions.

Also, a bill (H. R. 8325) granting a pension to George W. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8326) granting a pension to Kate Chance; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8327) granting a pension to Sam Ragsdale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8328) granting a pension to C. B. Chamness; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8329) granting a pension to Mrs. A. M. Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8330) granting an increase of pension to Mary Ballou; to the Committee on Invalid Pensions.

Also a bill (H. R. 8331) for the relief of the heirs of Peter Goodman; to the Committee on War Claims.

Also, a bill (H. R. 8332) for the relief of the heirs of Simon Kirkpatrick; to the Committee on War Claims.

Also, a bill (H. R. 8333) for the relief of the heirs of Augusta W. Diehl, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8334) for the relief of the heirs of George W. Sleeker; to the Committee on War Claims.

Also, a bill (H. R. 8335) for the relief of the heirs of Lovick Lambeth, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8336) for the relief of the heirs of Jacob Pennington; to the Committee on War Claims.

Also, a bill (H. R. 8337) for the relief of estate of George Byerly, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8338) for the relief of the estate of Jeremiah Cockrell, late of White Oak, Fairfield County, S. C.; to the Committee on War Claims.

Also, a bill (H. R. 8339) for the relief of the estate of William A. Crawford and the heirs of Henry H. Beavers; to the Committee on Claims.

Also, a bill (H. R. 8340) for the relief of Stephen W. Bates; to the Committee on Military Affairs.

Also, a bill (H. R. 8341) for the relief of Eli G. Collier; to the Committee on War Claims.

Also, a bill (H. R. 8342) for the relief of C. V. Hinkle; to the Committee on Claims.

Also, a bill (H. R. 8343) for the relief of James A. Frey; to the Committee on War Claims.

Also, a bill (H. R. 8344) for the relief of George W. Beavers; to the Committee on Military Affairs.

Also, a bill (H. R. 8345) for the relief of R. W. Harris; to the Committee on Military Affairs.

Also, a bill (H. R. 8346) for the relief of Marion H. Henderson; to the Committee on Claims.

Also, a bill (H. R. 8347) for the relief of J. C. Hill; to the Committee on Military Affairs.

Also, a bill (H. R. 8348) for the relief of William D. Kirkland; to the Committee on Claims.

Also, a bill (H. R. 8349) for the relief of Mrs. Herbert Williams; to the Committee on Claims.

Also, a bill (H. R. 8350) for the relief of Caleb B. Zachry; to the Committee on Military Affairs.

Also, a bill (H. R. 8351) for the relief of Patrick O'Kane; to the Committee on War Claims.

Also, a bill (H. R. 8352) for the relief of Gillum Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 8353) for the relief of James Shook; to the Committee on Military Affairs.

Also, a bill (H. R. 8354) for the relief of Edgar Shinn; to the Committee on Claims.

Also, a bill (H. R. 8355) for the relief of John W. Fein; to the Committee on Claims.

Also, a bill (H. R. 8356) for the relief of Finis M. Williams; to the Committee on Military Affairs.

Also, a bill (H. R. 8357) for the relief of John Davis; to the Committee on Naval Affairs.

Also, a bill (H. R. 8358) for the relief of W. M. Middleton; to the Committee on Military Affairs.

Also, a bill (H. R. 8359) for the relief of Leander Mason and others, heirs of Thomas M. Mason, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8360) for the relief of Elizabeth Granger and Mary Granger, daughters of Dan B. Granger, deceased; to the Committee on Claims.

Also, a bill (H. R. 8361) for the relief of the legal representatives of Wiley J. Davis, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8362) for the relief of the Grand Lodge of Free and Accepted Masons of Arkansas; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 8363) granting an increase of pension to Oscar Weil; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8364) granting an increase of pension to J. Murray Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8365) granting a pension to Marie Barisch; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 8366) granting an increase of pension to Michael T. Wertz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8367) granting an increase of pension to Saul Shipman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8368) granting an increase of pension to Charles Edward Rohrbach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8369) granting an increase of pension to John M. Goodwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8370) granting an increase of pension to Benjamin D. Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8371) granting a pension to John U. Shroyer, alias John W. Schroyer; to the Committee on Pensions.

Also, a bill (H. R. 8372) granting a pension to Mary J. Rockefellow; to the Committee on Pensions.

Also, a bill (H. R. 8373) granting a pension to Pierce G. Clinger; to the Committee on Pensions.

Also, a bill (H. R. 8374) to correct the military record of George W. Wall; to the Committee on Military Affairs.

By Mr. McCLINTIC: A bill (H. R. 8375) granting a pension to Herman Mootz; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 8376) granting an increase of pension to Harriet Busick; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 8377) to correct the military record of Sylvester De Forest; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 8378) granting an increase of pension to Ellen Hawkes; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 8379) granting a pension to Nancy Ellen Benedict; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8380) granting a pension to Lillie Bircut; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8381) granting a pension to Carl Schoppe; to the Committee on Pensions.

Also, a bill (H. R. 8382) granting a pension to Joseph A. Bell; to the Committee on Pensions.

Also, a bill (H. R. 8383) granting a pension to Mary F. Payne; to the Committee on Pensions.

Also, a bill (H. R. 8384) for the relief of John D. Humphrey; to the Committee on Naval Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 8385) granting an increase of pension to Samuel A. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8386) granting an increase of pension to Henry Matteson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8387) granting an increase of pension to Bernard Boyle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8388) granting an increase of pension to Mary Matteson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8389) granting an increase of pension to Gustav Lenau; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8390) granting an increase of pension to Henry B. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8391) granting a pension to Mary T. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8392) granting a pension to Josephine Greene; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8393) granting a pension to Lydia Jacques; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8394) granting a pension to Mary A. Luther; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8395) granting a pension to Ellen M. Cornell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8396) for the relief of George S. Boutwell; to the Committee on Military Affairs.

By Mr. PLATT: A bill (H. R. 8397) granting a pension to Minerva J. Forrest; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8398) granting a pension to Frances Norris; to the Committee on Invalid Pensions.

By Mr. REAVIS: A bill (H. R. 8399) granting an increase of pension to William M. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8400) granting a pension to Lavina C. Walbridge; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 8401) granting a pension to Walter Starnes; to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 8402) to perfect the title of the heirs of James S. Rollins, deceased, to bounty land warrant No. 58479, issued to George Hickum, teamster, United States Quartermaster Department, War with Mexico; to the Committee on the Public Lands.

By Mr. SLEMP: A bill (H. R. 8403) granting a pension to Amos H. Archer; to the Committee on Pensions.

Also, a bill (H. R. 8404) granting a pension to Henry L. Fitzhugh; to the Committee on Pensions.

By Mr. CHARLES B. SMITH: A bill (H. R. 8405) granting an increase of pension to John Shanly; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 8406) granting an increase of pension to Marcellas F. Darling; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 8407) granting a pension to William S. Whitley; to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 8408) granting an increase of pension to Charles H. Stockton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of sundry citizens of Indiana, Ohio, Oklahoma, and Pennsylvania, urging the passage of the Moore Purple Cross bill (H. R. 5410) or the Wolcott Purple Cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), memorial of the Federated Trades Council of Colorado Springs, Colo., urging the adoption of the suffrage amendment; to the Committee on Woman Suffrage.

By Mr. BRODBECK: Papers to accompany House bill 8184; to the Committee on Military Affairs.

Also, papers relative to bill granting a pension to Charles C. Cooper, House bill 8180; to the Committee on Pensions.

Also, papers to accompany House bill 8180, granting a pension to Daniel B. Yeaple; to the Committee on Pensions.

By Mr. CARY: Memorial of Wisconsin Game Protective Association, urging early consideration and passage of House bill 2612 or Senate bill 1553; to the Committee on Agriculture.

Also, a letter from P. R. Bolton, asking for a law to prohibit the sale of game birds in the District of Columbia; to the Committee on Agriculture.

By Mr. CLASSON: Petition of citizens of Brown County, Wis., favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. DALE of New York: Petition of Wallabout Grocery Co., protesting against the discrimination by the Government in favor of the American Sugar Refining Co.; to the Committee on Agriculture.

Also, memorial of the Chamber of Commerce of the State of New York, favoring the establishment of free zones at the port of New York and such other ports as are deemed advisable; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. M. Roberts, Long Island City, N. Y., against the submission of the suffrage amendment; to the Committee on Woman Suffrage.

Also, a memorial of the Central Federated Union of Greater New York and vicinity, favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, memorial of Central Federated Union of Greater New York and vicinity, urging increased compensation for Federal employees and indorsing the Keating bill; to the Committee on Appropriations.

By Mr. FOCHT: Evidence in support of House bill 8060, for the relief of William J. Shirley; to the Committee on Pensions.

Also, evidence in support of House bill 8050, for the relief of Abraham Bouder; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8056, for the relief of Martin L. Rex; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8051, for the relief of John H. Condon; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8059, for the relief of Henry L. Wolfe; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8048, for the relief of Sarah E. Hood; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8055, for the relief of Henry S. Rider; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8054, for the relief of Samuel Hess; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8046, for the relief of Lucien W. Sieber; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8043, for the relief of John F. De Wire; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8058, for the relief of Amos M. Stroh; to the Committee on Invalid Pensions.

By Mr. HILLIARD: Petition of Margaret Long, M. D., M. Jean Gale, M. D., Margaret Donaldson, Nettie A. Donaldson, Clara M. Moore, M. D., Annie R. Grossmann, Nettie G. Kline, Ella Dufer, Ida Beers, M. D., Frances A. Highnbotham, Mary A. Donovan, Dorothy Donovan, Ellen C. Messinger, Mary K. Messinger, D. E. Wetzel, M. D., F. Woodward, Della B. Johnston, Anna H. Strang, Mary E. Gacks, Garnet Isabel Pelton, Elsie Sedge Pratt, M. D., M. Ethel Fraser, M. D., Mildred L. Beatty, Mary G. Beatty, Mrs. John C. Graham, E. A. Ramsey, Olga M. Oakes, E. W. Brewster, Julia Tyler Davis, Estelle Mathews, Lenore V. Cooper, Mary E. Bennett, M. L. McFarren, Lillie Angerman, L. C. Olmsted, Cora E. Dodge, Lydia B. Nye, Mary A. Hollingsworth, Mrs. Edith Davis, Mrs. Eva S. Rinkle, Louise W. Frazer, Ella Harper, Eva Stoneman, Ethel Armstrong, Theodora Mussey, Mrs. Margaret Smith, Mrs. L. Alice Stile, Lottie S. Gardiner, Mrs. R. E. Ridelle, Annie Hayner, and Mrs. Frank C. Wilder, all of Denver, Colo., urging the immediate adoption of the national suffrage amendment; to the Committee on Woman Suffrage.

Also, letter from G. E. Brown, superintendent Greeley (Colo.) public schools, urging the creation of a department of education; to the Committee on Education.

Also, letter from Virginia D. Hyde-Vogl, urging the adoption of House bill 1654, providing an increase of pay for post-office clerks and letter carriers; to the Committee on the Post Office and post roads.

By Mr. KAHN: Papers to accompany a bill to increase the pension of J. Murray Bafley; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Memorial of Just Government League of Maryland, urging a favorable vote on the suffrage amendment; to the Committee on Woman Suffrage.

Also, telegrams and letters from the following citizens of Maryland, asking favorable action on suffrage amendment: R. H. Tillman, Florence R. Sabin, A. Morris Carley, Margaret T. Carey, Olympia Brown, Maud S. Weeks, Minnie L. Henry, B. C. Y. Hogue, Josephine C. Thomas, Ella Roberts, Hilda Roberts, A. S. Roberts, Ellen Price, Henrietta Haggerty, V. C. McNabb, M. Goldenberg, Julius Goldenberg, Clara E. Benson, Helena Geer, and J. E. Greiner; to the Committee on Woman Suffrage.

Also, letters of Lyon, Conklin & Co., S. Halle Sons, the Marcus W. Wolf Co., and Dietrich Bros., all of Baltimore, Md., asking that Congress do not repeal recent legislation increasing postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, memorial of Baltimore Meat Packers' Association, Baltimore, Md., favoring House bill 1654; to the Committee on the Post Office and Post Roads.

Also, letter of Joseph A. Busey, urging the formation of a pharmaceutical corps; to the Committee on Military Affairs.

Also, letters of L. P. Morton, Charles H. Clark, and Charles E. Read, all of Baltimore, Md., asking support for legislation increasing compensation of Government employees; to the Committee on Appropriations.

By Mr. LUFKIN: Resolutions adopted by the Haverhill Chamber of Commerce, Haverhill, Mass., relating to the proposed new postage rates on periodicals; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Resolutions of Warren Equal Suffrage League, Warren, R. I., and the Jamestown Equal Suffrage League, Jamestown, R. I., desiring a favorable vote on the suffrage amendment; to the Committee on Woman Suffrage.

By Mr. SCULLY: Memorial of the Methodist Episcopal Church of Belmar, N. J., favoring the national prohibition amendment; to the Committee on the Judiciary.

Also, a resolution by the First Unitarian Church of Orange County, Orange, N. J., asking Congress to pass, as a war measure, a law prohibiting manufacture, sale, and transportation of alcoholic beverages and to compensate those who would suffer financial loss as a result of the law; to the Committee on the Judiciary.

Also, resolutions of New Jersey Branch of the National Woman's Party of a mass meeting in Paterson, N. J., and of a mass meeting held in Newark, N. J., favoring the suffrage amendment; to the Committee on Woman Suffrage.

Also, resolutions of Monmouth County (N. J.) Board of Agriculture, asking legislation to supply the farms with sufficient labor, and urging Congress to immediate action to see that farmers get a sufficient supply of fertilizers; to the Committee on Agriculture.

Also, resolution of Board of Commissioners of Jersey City, N. J., favoring bill providing for increase of salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, resolution of National Council of American Cotton Manufacturers, favoring liberal appropriations for the Bureau of Foreign and Domestic Commerce, and urging the creation of a bureau to develop and extend American foreign trade; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of International Typographical Union, at Colorado Springs, Colo., protesting against increase in postal rates for second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of 70 citizens of South Kingston, R. I., favoring the Federal woman-suffrage amendment; to the Committee on Woman Suffrage.

Also, a petition of 834 men and women of the second congressional district of Rhode Island, requesting favorable action on the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. TILSON: Petitions of Frank Goetz Bakery Co. and Messrs. Miner, Reed, and Tullock, of New Haven, Conn., protesting against discrimination by the Government in favor of the American Sugar Refining Co.; to the Committee on Agriculture.

SENATE.

TUESDAY, *January 8, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, amid conditions that try men's souls and that put to the utmost test the fiber of our national life, we bless Thee for the light that shines upon our pathway and for the assurance of our own hearts that we do not hesitate to confess to the world that our desire as a Nation is only to advance the interests of mankind, to establish peace and brotherhood among men, to extend the borders of Thy kingdom in the earth, and to glorify Thy holy name. We pray Thee to further us in our undertakings in Thy name and give us the assurance that Thou art leading us on to victory. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

LIEU-LAND CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of December 11, 1917, copies of various papers in connection with forest lieu selection No. 2904, involving lands claimed by Alma De Long and others as entrymen or contestants, which, with the accompanying papers, was referred to the Committee on Public Lands.

PETITIONS AND MEMORIALS.

Mr. THOMPSON presented a petition of Garfield Post, No. 25, Grand Army of the Republic, Department of Kansas, of Wichita, Kans., praying for an increase in the pension of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. HARDING presented a petition of sundry citizens of Youngstown, Ohio, praying for the establishment of a pharmaceutical corps in the Army, which was referred to the Committee on Military Affairs.

Mr. McLEAN presented a petition of sundry citizens of Farmington, Conn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Board of Supervisors of Riverside County, Cal., praying for the enactment of legislation providing for flood control and conservation of waters of Santa Ana River running through the counties of San Bernardino, Riverside, and Orange, in that State, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of Stockton, Cal., praying for the establishment of a military highway from Blaine, Wash., to San Diego, Cal., which was referred to the Committee on Military Affairs.

TUG RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back with amendments the bill (S. 3009) granting the consent of Congress to the P. M. C. Coal Co. to construct and maintain a bridge across Tug River, connecting Pike County, Ky., and Mingo County, W. Va., and I submit a report (No. 186) thereon. I ask for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, lines 5, 6, 7, and 8, to strike out "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906"; in line 9, after the words "Tug River," to insert "at a point suitable to the interests of navigation"; and, on page 2, line 2, to strike out the words "the said bridge to be constructed," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the P. M. C. Coal Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Tug River at a point suitable to the interests of navigation, one end of the said bridge being in Pike County, Ky., near the western portal of Hatfield Tunnel of the Norfolk & Western Railway, and the other end of the said bridge being on the opposite side of Tug River, in Mingo County, in the State of West Virginia, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3426) to empower the President to requisition timber and timber products for war purposes (with accompanying papers); to the Committee on Military Affairs.

By Mr. TILLMAN:

A bill (S. 3427) for the relief of certain ex-paymaster's clerks; to the Committee on Naval Affairs.

By Mr. BORAH:

A bill (S. 3428) granting an increase of pension to Benjamin S. Waggener; and

A bill (S. 3429) granting an increase of pension to Eri C. Tuller; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3430) granting a pension to Fred T. Macomber (with accompanying papers);

A bill (S. 3431) granting a pension to Linda H. Lount (with accompanying papers); and

A bill (S. 3432) granting an increase of pension to Martha E. Hammond (with accompanying papers); to the Committee on Pensions.

CALLING OF THE ROLL.

The VICE PRESIDENT. Are there concurrent or other resolutions?

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Cummins	Fernald
Beckham	Colt	Curtis	Fletcher
Calder	Culberson	Dillingham	Frelinghuysen
Gallinger	Knox	Pomerene	Swanson
Gerry	Lewis	Ransdell	Thomas
Gronna	Lodge	Robinson	Thompson
Hale	McCumber	Shafroth	Tillman
Harding	McKellar	Sheppard	Townsend
Hardwick	McLean	Sherman	Trammell
Hollis	Martin	Shields	Underwood
James	New	Simmons	Vardaman
Johnson, Cal.	Norris	Smith, Ariz.	Warren
Johnson, S. Dak.	Overman	Smith, Ga.	Watson
Jones, Wash.	Owen	Smith, Md.	Williams
Kellogg	Phelan	Smith, S. C.	
Kenyon	Pittman	Smoot	
King	Poindexter	Sterling	

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] owing to illness.

Mr. TOWNSEND. I announce the absence of my colleague [Mr. SMITH of Michigan]. He is paired with the Senator from Missouri [Mr. REED]. I will let this announcement stand for the day.

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 8th day of January, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution from the House of Representatives, which was read:

House concurrent resolution 32.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 8th day of January, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. MARTIN. I move that the Senate concur in the resolution that has just been laid before the Senate.

The motion was agreed to.

SUPPLY OF PRINT PAPER.

The VICE PRESIDENT. Is there further morning business?

Mr. SMITH of Arizona. I ask unanimous consent that the Senate proceed to the consideration of Senate joint resolution 101, the unfinished business.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. GALLINGER. This is a very important matter, and I ask that the joint resolution may be read.

The VICE PRESIDENT. The Secretary will read it.

The Secretary read the joint resolution, as follows:

Joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of print paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

Whereas by reason of a state of war now existing it is essential to the national security and defense for the successful prosecution of the war to assure a supply of print paper and its equitable distribution at a fair price in order that the Government of the United States may be assured an adequate supply of paper products and that all proper news may be generally and efficiently disseminated: Now, therefore, be it

Resolved, etc., That the Federal Trade Commission is hereby authorized and empowered to supervise, control, and regulate the production and distribution of print paper and mechanical and chemical pulp in the United States, and that all mills producing and all agencies distributing print paper and mechanical and chemical pulp in the United States shall be operated on Government account; that these products be pooled in the hands of the Federal Trade Commission for the term of the war and the emergency occasioned thereby and equitably distributed at a price based upon cost of production and distribution plus a fair profit per ton, as determined by the Federal Trade Commission: *Provided*, That if the compensation so determined be not satisfactory to the person, company, or corporation entitled to receive the same such person, company, or corporation shall be paid 75 per cent of the amount so determined by the Federal Trade Commission and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such paper, and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies.

SEC. 2. That the President is authorized and empowered to take all proper steps to secure the cooperation of the Government of the Dominion of Canada in the creation of a similar agency as herein provided, with like functions; and the Federal Trade Commission is authorized and empowered to act in conjunction with such Canadian agency, when appointed to the end of fully effectuating the objects of this act.

SEC. 3. That the President shall have power by proclamation to declare that imports into the United States during the present war emergency of print paper and mechanical and chemical pulp shall be made only on Government account, to or through the Federal Trade Commission, if and whenever he shall determine such step to be necessary in order to fully effectuate the objects of this act.

SEC. 4. That compliance with all orders and regulations of the Federal Trade Commission made in accordance with this act shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry, or the responsible head or heads thereof, and shall take precedence over all other orders and contracts heretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry; and any individual, firm, company, association, corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this act shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment for not more than three years or by a fine of not exceeding $50,000, or both.

Mr. SMITH of Arizona. Mr. President, I have had no opportunity to get together the Committee on Printing since this joint resolution was reported. I have had interviews with the Trade Commission and some of the newspaper publishers themselves; and to the joint resolution I wish to offer the amendments which the Secretary will please read as a part of the joint resolution, modifying in a great measure the extreme powers granted in the first instance.

Mr. SMOOT. Mr. President, this is a most important measure, and I ask the Senator if he will not have the amendments printed, because I doubt very much whether he intends to force the passage of the joint resolution to-day. We can then see exactly what effect they will have upon the joint resolution as reported.

Mr. SMITH of Arizona. I would have no objection that the amendments I have placed in the hands of the Secretary be printed, with a new print of the joint resolution with those proposed amendments in it, they being a substitute for certain parts of the joint resolution.

Mr. SMOOT. That will be all right. I should like to have them read now, and then they will go into the RECORD and we can see them to-morrow morning.

Mr. SMITH of Arizona. That is what I was asking.

Mr. SMOOT. My suggestion was they be read and then they may be printed immediately.

Mr. SMITH of Arizona. I have sent to the Secretary the amendments in the order in which they are to be made, and I ask him to read them, so they will appear in the RECORD just exactly as they will appear in the joint resolution.

Mr. SMOOT. That will be all right, then, Mr. President.

Mr. SMITH of Arizona. That is the request I make.

The VICE PRESIDENT. The Secretary will read the amendments.

The SECRETARY. On page 1, after the word "That," in line 3, strike out down to and including the word "empowered," in line 4, and insert in lieu thereof "whenever during the continuance of the war and for six months thereafter the President shall deem it needful, he may direct the Federal Trade Commission." On page 2, after the word "pulp," in line 2, insert the words "and their products." On page 2, strike out the word "all," on line 2, and insert in lieu thereof the word "such." On page 2, line 3, strike out the word "all" and insert in lieu thereof the word "such." On page 2, line 4, after the word "pulp," insert "and their products." On page 2, line 4, after the word "States," insert the following words "as the President shall designate." On page 2, after the comma, in line 18, insert the words "pulp and pulp products." And strike out all of section 3, page 3, and insert in lieu thereof:

That the President, during the present war emergency, shall have power, by proclamation, to declare that such imports of mechanical and chemical pulp and their products as he shall deem necessary in order to fully effectuate the objects of this act, shall be made only on account of the United States of America, to or through the Federal Trade Commission.

So as to make the joint resolution read:

Whereas by reason of a state of war now existing it is essential to the national security and defense for the successful prosecution of the war to assure a supply of print paper and its equitable distribution at a fair price in order that the Government of the United States may be assured an adequate supply of paper products and that all proper news may be generally and efficiently disseminated: Now, therefore, be it

Resolved, etc., That whenever during the continuance of the war and for six months thereafter the President shall deem it needful, he may direct the Federal Trade Commission to supervise control, and regulate the production and distribution of print paper and mechanical and chemical pulp and their products in the United States, and that such mills producing and such agencies distributing print paper and mechanical and chemical pulp and their products in the United States as the President shall designate shall be operated on Government account; that these products be pooled in the hands of the Federal Trade Commission for the term of the war and the emergency occasioned thereby and equitably distributed at a price based upon cost of production and distribution plus a fair profit per ton, as determined by the Federal Trade Commission: *Provided*, That if the compensation so determined be not satisfactory to the person, company, or corporation entitled to receive the same such person, company, or corporation shall be paid 75 per cent of the amount so determined by the Federal Trade Commission and shall be entitled to sue the United States to recover such further sum as, added to said 75 per cent, will make up such amount as will be just compensation for such paper, pulp, and pulp products, and jurisdiction is hereby conferred on the United States district courts to hear and determine all such controversies.

SEC. 2. That the President is authorized and empowered to take all proper steps to secure the cooperation of the Government of the Dominion of Canada in the creation of a similar agency as herein provided, with like functions; and the Federal Trade Commission is authorized and empowered to act in conjunction with such Canadian agency, when appointed to the end of fully effectuating the objects of this act.

SEC. 3. That the President, during the present war emergency, shall have power by proclamation to declare that such imports of mechanical or chemical pulp and their products as he shall deem necessary in order to fully effectuate the objects of this act, shall be made only on account of the United States of America, to or through the Federal Trade Commission.

SEC. 4. That compliance with all orders and regulations of the Federal Trade Commission made in accordance with this act shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry, or the responsible head or heads thereof, and shall take precedence over all other orders and contracts heretofore placed with such individual, firm, company, association, corporation, or organized manufacturing industry; and any individual, firm, company, association, corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this act shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment for not more than three years or by a fine of not exceeding $50,000, or both.

Mr. SMITH of Arizona. Mr. President, as a concurrent resolution has just been adopted providing that the two Houses shall meet in joint session in the Hall of the House of Representatives at 12.30 o'clock, I ask that the unfinished business be temporarily laid aside.

Mr. MARTIN. That is not necessary. When the Senate returns to its Chamber the measure in charge of the Senator from Arizona will be automatically before the Senate.

Mr. SMITH of Arizona. Then I suggest that some Senator make an appropriate motion.

Mr. MARTIN. That is not necessary.

Mr. GALLINGER. Mr. President. I will ask my friend, the Senator from Arizona, if he is not willing to let this joint resolution go over until to-morrow. I want to look into it with a good deal of care. I apprehend there will be no disposition at all to unduly hold the joint resolution back, but I should like to examine the amendments in connection with the joint resolution, and I want also to communicate with one or two people who are interested in this matter. I have had no time to do so in the last few days.

Mr. SMITH of Arizona. I have no objection to that. I do not wish to attempt to rush the joint resolution through without proper consideration by the Senate. The only objection I have on earth to any delay is the fear that the measure may be displaced by some more important matter.

Mr. GALLINGER. Oh, no.

Mr. SMITH of Arizona. With the understanding that no effort will be made to do that——

Mr. GALLINGER. We will cooperate with the Senator to see that that is not done.

Mr. SMITH of Arizona. With that understanding, I am perfectly willing that the consideration of the joint resolution shall go over until to-morrow, and with the understanding also that the joint resolution will be printed as proposed to be amended.

The VICE PRESIDENT. Just a moment. The Chair can not be a party to making arrangements as to the unfinished business. The hands of the Chair must be clean about this matter.

Mr. GALLINGER. Let the joint resolution be temporarily laid aside.

Mr. SMITH of Arizona. That is the request that I originally made.

The VICE PRESIDENT. The joint resolution will be temporarily laid aside.

JOINT MEETING OF THE TWO HOUSES.

The VICE PRESIDENT. The hour arriving at which, in accordance with the concurrent resolution, the Senate is to proceed to the Hall of the House of Representatives to hear such communication as the President of the United States may be pleased to deliver, the order will now be carried out.

Thereupon the Senate, preceded by its Sergeant at Arms, and headed by the Vice President and Secretary, proceeded to the Hall of the House of Representatives.

At 1 o'clock p. m. the Senate returned to its Chamber and the Vice President resumed the chair.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 765).

The address of the President of the United States, this day delivered at a joint session of the two Houses of Congress, is as follows:

Gentlemen of the Congress, once more, as repeatedly before, the spokesmen of the Central Empires have indicated their desire to discuss the objects of the war and the possible bases of a general peace. Parleys have been in progress at Brest-Litovsk between Russian representatives and representatives of the Central Powers, to which the attention of all the belligerents has been invited for the purpose of ascertaining whether it may be possible to extend these parleys into a general conference with regard to terms of peace and settlement. The Russian representatives presented not only a perfectly definite statement of the principles upon which they would be willing to conclude peace, but also an equally definite programme of the concrete application of those principles. The representatives of the Central Powers, on their part, presented an outline of settlement which, if much less definite, seemed susceptible of liberal interpretation until their specific programme of practical terms was added. That programme proposed no concessions at all either to the sovereignty of Russia or to the preferences of the populations with whose fortunes it dealt, but meant, in a word, that the Central Empires were to keep every foot of territory their armed forces had occupied,—every province, every city, every point of vantage,—as a permanent addition to their territories and their power. It is a reasonable conjecture that the general principles of settlement which they at first suggested originated with the more liberal statesmen of Germany and Austria, the men who have begun to feel the force of their own peoples' thought and purpose, while the concrete terms of actual settlement came from the military leaders who have no thought but to keep what they have got. The negotiations have been broken off. The Russian representatives were sincere and in earnest. They cannot entertain such proposals of conquest and domination.

The whole incident is full of significance. It is also full of perplexity. With whom are the Russian representatives dealing? For whom are the representatives of the Central Empires speaking? Are they speaking for the majorities of their respective parliaments or for the minority parties, that military and imperialistic minority which has so far dominated their whole policy and controlled the affairs of Turkey and of the Balkan states which have felt obliged to become their associates in the war? The Russian representatives have insisted, very justly, very wisely, and in the true spirit of modern democracy, that the conferences they have been holding with the Teutonic and Turkish statesmen should be held within open, not closed, doors, and all the world has been audience, as was desired. To whom have we been listening, then? To those who speak the spirit and intention of the Resolutions of the German Reichstag of the ninth of July last, the spirit and intention of the liberal leaders and parties of Germany, or to those who resist and defy that spirit and intention and insist upon conquest and subjugation? Or are we listening, in fact, to both, unreconciled and in open and hopeless contradiction? These are very serious and pregnant questions. Upon the answer to them depends the peace of the world.

But, whatever the results of the parleys at Brest-Litovsk, whatever the confusions of counsel and of purpose in the utterances of the spokesmen of the Central Empires, they have again attempted to acquaint the world with their objects in the war and have again challenged their adversaries to say what their objects are and what sort of settlement they would deem just and satisfactory. There is no good reason why that challenge should not be responded to, and responded to with the utmost candor. We did not wait for it. Not once, but again and again, we have laid our whole thought and purpose before the world, not in general terms only, but each time with sufficient definition to make it clear what sort of definitive terms of settlement must necessarily spring out of them. Within the last week Mr. Lloyd George has spoken with admirable candor and in admirable spirit for the people and Government of Great Britain. There is no confusion of counsel among the adversaries of the Central Powers, no uncertainty of principle, no vagueness of detail. The only secrecy of counsel, the only lack of fearless frankness, the only failure to make definite statement of the objects of the war, lies with Germany and her Allies. The issues of life and death hang upon these definitions. No statesman who has the least conception of his responsibility ought for a moment to permit himself to continue this tragical and appalling outpouring of blood and treasure unless he is sure beyond a peradventure that the objects of the vital sacrifice are part and parcel of the very life of Society, and that the people for whom he speaks think them right and imperative as he does.

There is, moreover, a voice calling for these definitions of principle and of purpose which is, it seems to me, more thrilling and more compelling than any of the many moving voices with which the troubled air of the world is filled. It is the voice of the Russian people. They are prostrate and all but helpless. It would seem, before the grim power of Germany, which has hitherto known no relenting and no pity. Their power, apparently, is shattered. And yet their soul is not subservient. They will not yield either in principle or in action. Their conception of what is right, of what it is humane and honorable for them to accept, has been stated with a frankness, a largeness of view, a generosity of spirit, and a universal human sympathy which must challenge the admiration of every friend of mankind; and they have refused to compound their ideals or desert others that they themselves may be safe. They call to us to say what it is that we desire, in what, if in anything, our purpose and our spirit differ from theirs; and I believe that the people of the United States would wish me to respond, with utter simplicity and frankness. Whether their present leaders believe it or not, it is our heartfelt desire and hope that some way may be opened whereby we may be privileged to assist the people of Russia to attain their utmost hope of liberty and ordered peace.

It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open and that they shall involve and permit henceforth no secret understandings of any kind. The day of conquest and aggrandizement is gone by; so is also the day of secret covenants entered into in the interest of particular governments and likely at some unlooked-for moment to upset the peace of the world. It is this happy fact, now clear to the view of every public man whose thoughts do not still linger in an age that is dead and gone, which makes it possible for every nation whose purposes are consistent with justice and the peace of the world to avow now or at any other time the objects it has in view.

We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us. The programme of the world's peace, therefore, is our programme; and that programme, the only possible programme, as we see it, is this:

I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view.

II. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war, except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance.

IV. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety.

V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to be determined.

VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

VII. Belgium, the whole world will agree, must be evacuated and restored, without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine, which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all.

IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

X. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

XI. Rumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea; and the relations of the several Balkan states to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan states should be entered into.

XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.

XIII. An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant.

XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike.

In regard to these essential rectifications of wrong and assertions of right we feel ourselves to be intimate partners of all the governments and peoples associated together against the Imperialists. We cannot be separate in interest or divided in purpose. We stand together until the end.

For such arrangements and covenants we are willing to fight and to continue to fight until they are achieved; but only because we wish the right to prevail and desire a just and stable peace such as can be secured only by removing the chief provocations to war, which this programme does remove. We have no jealousy of German greatness, and there is nothing in this programme that impairs it. We grudge her no achievement or distinction of learning or of pacific enterprise such as have made her record very bright and very enviable. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair dealing. We wish her only to accept a place of equality among the peoples of the world,—the new world in which we now live,—instead of a place of mastery.

Neither do we presume to suggest to her any alteration or modification of her institutions. But it is necessary, we must frankly say, and necessary as a preliminary to any intelligent dealings with her on our part, that we should know whom her spokesmen speak for when they speak to us, whether for the Reichstag majority or for the military party and the men whose creed is imperial domination.

We have spoken now, surely, in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole programme I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything that they possess. The moral climax of this the culminating and final war for human liberty has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.

SUPPLY OF PRINT PAPER.

Mr. SMITH of Arizona. I ask unanimous consent that Senate joint resolution 101, the unfinished business, be taken up and proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of print paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

Mr. SMITH of Arizona. Mr. President, if the Senate will indulge me with its attention I will briefly—and I hope clearly—explain the purpose of the joint resolution now before us for consideration, and the abuses which led up to the favorable report by the Committee on Printing, which I have had placed on the desks of Senators for a more detailed history of the facts than I feel justified in giving in the brief time I shall consume in this statement of the case.

First. The resolution authorizes the Federal Trade Commission to supervise and control and regulate the production and distribution of print paper and mechanical and chemical pulp in the United States, and all mills making either in the United States shall be operated on Government account during the war, and the products equitably distributed at a fair price by the commission to the Government and other users of the commodity.

As to that I have offered amendments, as the reprint of the joint resolution to-morrow will show.

Second. The President is authorized to secure the cooperation of Canada in the creation of a similar agency, and the Trade Commission empowered to act in conjunction with such agency to fully effectuate the objects of this act.

Mr. GALLINGER. Will the Senator permit me? What will be the status of this matter if Canada declines to proceed along the line the joint resolution proposes we shall adopt?

Mr. SMITH of Arizona. It would result probably in a refusal to permit Canada to import, as the joint resolution further provides.

Mr. GALLINGER. Does the Senator really think that we will ever reach that point?

Mr. SMITH of Arizona. I do not think we will.

Mr. GALLINGER. To prohibit the importation of anything from the Dominion of Canada?

Mr. SMITH of Arizona. I do not think there will be the least trouble. Canada is selling to-day for 2½ cents to their papers and selling to the American papers at 9 and 10 cents.

Mr. GALLINGER. And equally so with American manufacturers.

Mr. SMITH of Arizona. I know; but we stopped them in a suit; and they pleaded guilty and paid a fine.

Third. The President can, during the war, prevent the importation of print paper or pulp from Canada, except such as is consigned to our Government account, whenever he shall determine such step necessary to effectuate the objects of this act.

Fourth. Plenary power is given the Trade Commission in the premises and severe penalties imposed on those persons or firms failing to comply with the provisions of this act.

It will be observed on reading the resolution that it is made to conform to the views of Congress as expressed in the food-control act in authorizing suits in the United States Court in case the price set by the commission is deemed unfair to the manufacturer. The penalty clause of the resolution finds a just precedent in the national defense act, where like penalties are prescribed in the purchase of military supplies.

Mr. President, there is no doubt of the great and extraordinary powers conferred on the Government of the United States and its instrumentalities in this resolution—powers which if proposed in time of peace or under normal conditions would find no advocate on this floor. But this is no time of peace, and every condition is intensely abnormal. A free press in a Government like ours is absolutely essential not only to the preservation of our liberties but to our very existence as a Government. It is essential as a war measure that the press of the country shall not be suppressed. The general enlightenment of the people is the only guarantee of perpetuity of this Republic. At this time under these conditions, where patriotic

nerve is strained to meet the almost boundless requirements of our country not only in personal service, in taxes, but in life offering itself, we stand appalled before that infamy that would reap personal unearned gain from the country's distress. I have as much respect for a common thief—yes, more than I have for any man or set of men who raise at this time the price of any needed commodity above a fair and legitimate profit. The poor and hungry thief may have some excuse for stealing bread, and his case appeals to human sympathy; but the rich thief, who does not need to plunder, yet steals from the public without mercy and without shame merely to swell his own plethoric pocket and roll in more opulence amid the envy and pain of surrounding want, deserves as little mercy as he shows for others as he moves along this path so nearly touching treason.

Mr. GALLINGER. Will the Senator permit me a question?

Mr. SMITH of Arizona. Certainly.

Mr. GALLINGER. The Senator recalls the fact that when this joint resolution was introduced and when it was reported I was absent from the city in consequence of illness. I wish to ask the Senator, because I have not the information at hand, whether any hearing was had on the joint resolution?

Mr. SMITH of Arizona. There was. The members of the Trade Commission were before the committee.

Mr. GALLINGER. But were the parties interested, the paper manufacturers and dealers, invited to appear before the committee?

Mr. SMITH of Arizona. They were not. They were invited to appear before the commission at the time of the report. On the part of the committee, on my part at least, there was no inclination to extend an invitation to them to appear when they had already been invited to appear before the Trade Commission and give all the reasons they had, if any, against the report of the commission and against this proposed legislation.

Mr. GALLINGER. Then I will ask the Senator further, if he will permit me, if the interested parties were heard before the Trade Commission, was that hearing put in print?

Mr. SMITH of Arizona. Oh, yes.

Mr. GALLINGER. Is the testimony those men gave available?

Mr. SMITH of Arizona. We have the report of the commission itself and the correspondence between them.

Mr. GALLINGER. That is the opinion of the Trade Commission, but was the position that those men took, with the representations they made to the Trade Commission, ever put in print?

Mr. SMITH of Arizona. I have no doubt it was. I do not know whether it was or not.

Mr. SMOOT. No.

Mr. GALLINGER. I have not been able to find it.

Mr. SMITH of Arizona. I will tell you what was put into the matter to show what they themselves confess they did, and that they themselves rendered a plea of nolle contendere in one of the most infamous trusts and robberies ever perpetrated upon the American people.

Mr. GALLINGER. The word "trust" is a familiar one.

Mr. SMITH of Arizona. I will show that before I get through, if the Senator will bear with me.

The price of print paper becoming so high and no just cause appearing for the great increase in price, the Senate on April 24, 1916, by resolution directed the Federal Trade Commission to make an investigation of the news-print industries and ascertain whether the price demanded for print paper was justified. The report of the commission is found in Senate Document 49. Read that report and see to what extent impudent and lawless greed can go. The Senator will be enlightened if he will obtain a copy of it. The facts set forth in this report caused the indictment of the members of the News Print Manufacturers' Association in the United States District Court for the Southern District of New York, and on trial which occurred on the 26th of November, 1917, certain of the defendants on a plea of nolle contendere, were found guilty of violation of the antitrust law, and by a consent judgment the defendants Ed. W. Backus, representing two companies; George H. Meade, Spanish River Co.; George Cahoon, Laurentide Co.; F. J. Sensenbrener and Philip T. Dodge, International Paper Co., were found guilty and fined in the sum of $2,500 each and the trust known as the News Print Manufacturers' Association was dissolved by decree of the court and the defendants entered into an agreement of record whereby they were bound until April 1, 1918, to furnish the print paper to the users thereof in rolls by carload lots at $3 per hundred pounds, f. o. b., and that after said date they would furnish their product at a price to be fixed by the Government, through the Trade Commission.

That this agreement does not give adequate relief is clearly set forth in the following letter received by me from Mr. Colver, of the Trade Commission:

FEDERAL TRADE COMMISSION,
Washington, December 13, 1917.

Hon. MARCUS A. SMITH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: We have received your letters of December 8 and December 11, 1917, in regard to the advisability of action on Senate resolution 101. The copy of our letter to Senator KELLOGG, which I took the liberty of forwarding to you, was not sent in response to your inquiry of December 8, but because I knew that you would be interested in our view regarding this matter, being the author of the bill which embodies substantially the recommendations made in our final report.

The letter to Senator KELLOGG, however, covers the matter pretty fully. The agreement which the Department of Justice entered into with certain news-print manufacturers relates only to the price of their news-print paper. It gives no control over the price or distribution of other grades of printing paper, such as book paper, and no control over the price and distribution of chemical and mechanical pulp, which are the principal materials used in making paper. Thus far only three companies in the United States and six or seven in Canada have joined in the agreement. Our last information is that one of the Canadian companies which signed the agreement is undertaking to disavow the act of its representative and withdraw its consent.

The necessity for the enactment of your bill depends upon the conditions of production and consumption which shall prevail and in these abnormal times it seems impossible to foretell accurately what changes the next few months will bring. The best informed persons in the industry differ radically regarding the future course of the market. Because of the uncertainties in the situation it seems to us that the wisest course is to have this legislation enacted at the earliest opportunity. If the commission finds that it can control the situation without the exercise of the powers granted thereby, it will not invoke them. The mere possession of such powers to be used in case of emergency would in itself help to give assurance and stabilize conditions.

If you should desire to have us do so, we would be glad to appear before your committee at any time to give whatever information we can relative to this matter.

Very truly, yours,

WILLIAM B. COLVER,
Commissioner.

The letter sent to the Senator from Minnesota [Mr. KELLOGG] is as follows:

DECEMBER 6, 1917.

DEAR SIR: The commission has your inquiry of December 3, 1917, regarding the present status of the print-paper matter.

In connection with our investigation of the news-print-paper industry, we obtained certain records tending to show violation of the Sherman law, which were turned over to the Department of Justice in January, 1917. Largely on the basis of this evidence the Department of Justice secured indictments against a number of news-print manufacturers in April, 1917. The case came to trial in November, and after the jury had been drawn a settlement was reached. The indicted manufacturers entered a plea of nolle contendere and signed an agreement with the Attorney General providing, among other things, that the price of their standard news print would be $3 per hundred pounds f. o. b. mill for rolls in carload lots from January 1 to April 1, 1918, after which date the price on all grades of news print should be determined by the Federal Trade Commission for the continuance of the war.

This agreement will give the commission control over the news-print-paper prices of three manufacturers in the United States and six or seven in Canada, who have signed it. The agreement gives the commission no control over the distribution of news-print paper or over the price and distribution of chemical and mechanical wood pulp, from which the paper is made. If as a result of abnormal conditions a severe shortage should occur the commission would be unable to prevent those publishers who were not protected by contracts from suspending publication. If, on the other hand, the production keeps pace with consumption the powers conferred upon the commission by the agreement will be sufficient to accomplish much good.

It may be that your inquiry is moved by the pending Smith bill, which was reported favorably by the Committee on Printing. The commission feels that the enactment of this bill will be of great benefit. Should conditions improve and become tolerable the law need not be invoked; should they become intolerable, on the other hand, it will be well to have the law ready to hand. If the law is enacted that very fact will tend to make its invocation unnecessary.

Very truly, yours,

FEDERAL TRADE COMMISSION.

I see no need of amplifying the statement thus clearly made in these letters. The decree dissolving the trust and the agreement between the manufacturers and the Government each went a great way in breaking the strangle hold these "gentlemen" had on the throats of their victims, but did not by any means give the full relief to which the Government and all other purchasers of print paper were and are entitled.

The intolerable condition of the print-paper purchasers before the report of the Trade Commission was made public is fully set forth in Senate Report No. 49, Sixty-fifth Congress, first session, and the facts are also fairly well collected in the report on this resolution.

I have these facts to which I have just alluded before me, and I read them.

Before submitting its report to the Senate the Trade Commission undertook an arbitration between the manufacturers of print paper and the publishers whereby immediate relief might be had on a basis that would prevent serious financial distress and injury to the publishers and at the same time assure a fair

compensation to the manufacturers of paper. In the course of this negotiation the principal manufacturers of news-print paper submitted a formal proposition to the commission requesting it to fix upon a fair and reasonable price for their product and agreeing to abide by such findings. The commission promptly fixed upon 2¼ cents per pound, car lots, f. o. b. mill, as a fair and reasonable price for news-print paper, but, subsequent to this finding, several of the largest manufacturers withdrew from the arbitration and no substantial or permanent relief has yet been obtained for the newspaper publishers. However, the Government itself has profited from the findings of the Trade Commission in that the President, at the suggestion of the Joint Committee on Printing, has exercised his authority under the national-defense act to purchase news-print paper required for certain war publications at the price fixed upon by the Trade Commission. Therefore it seems all the more important that Congress should not delay longer in securing the same measure of justice for the newspaper publishers of the country.

There are 2,000 small dailies and some 14,000 weekly newspapers in the United States that have to depend largely on the open market for their supplies of news print. In the latter part of 1916 many of these smaller papers had extreme difficulty in obtaining a supply of paper except at prices which, if maintained, will drive them out of business, and yet the Federal Trade Commission, which spent more than a year investigating the news-print situation, reports to Congress that—

The efforts of the commission to restore competitive conditions in the news-print industry expeditiously and to arbitrate and effectively project a fair price for news-print paper have failed.

The Federal Trade Commission in its report states that at prices now prevailing news print will cost the publishers in 1917 more than $105,000,000, which is an increase of $35,000,000, or 50 per cent. The commission further declares that one-half of this $35,000,000 increase in paper cost, or $17,500,000, alone represents additional profits to the manufacturers.

VAST PROFITS OF PAPER COMPANIES.

The International Paper Co., of New York, which produces nearly 40 per cent of the news print made in the United States, and thereby largely fixes its price, is reported to have added $7,465,827 to its profits in 1916, an increase of $4,344,146 over its profits for 1915. It is likewise interesting to note that the common stock of the International Paper Co. jumped from 9½ to 75½ in 1916 and recently was quoted around 35, while its preferred stock ranged in 1916 from 42½ to 109½, the current quotations being about 65. Unless Congress takes some such action as here proposed, the International will likewise get the lion's share out of the $17,500,000 of additional profits, which the Federal Trade Commission reports are in sight this year for the news-print manufacturers.

In connection with the vast profits now being made by the manufacturers of news-print paper the report of the committee on paper of the American Newspaper Publishers' Association states:

There is not a single paper mill which has been built in the United States or Canada in the last 10 years which has not made 15 to 20 per cent on the money invested. The very fact that stock jobbers and watered-stock promoters are able to get away with so much in the paper business is prima facie evidence that the margins are more than liberal. Many companies have millions of dollars of water stock, which was only promotion and organization bonus stock. Under the liberal profits being made this stock is in many cases worth away above par.

That the News Print Manufacturers' Association at the time of the indictment of its members was an impudent, lawless, unconscionable trust is fully shown in the record of the trial of these freebooters. The indictment to which the defendants entered the plea "nolo contendere" set forth the following amazing facts. They agreed among themselves in carrying on their business and trade—

(a) To refrain from competing with each other for new customers for their paper;

(b) To refrain from competing with each other as to the quality of paper to be sold in said trade and commerce;

(c) To refrain from competing with each other as to delivery of, and furnishing storage for, paper sold but not delivered;

(d) To refrain from competing with each other as to terms of credit, rate of interest upon open accounts, the dates of the beginning and ending of contract years, the methods of making sales of such paper through salesmen, dealers, and jobbers, the payment of return freight upon the cores upon which their paper should be wrapped, payment of charges for cartage, and allowing of claims for waste or damaged paper;

(e) To engage in simultaneous representations to the public, to their customers, and to each other, of alleged increased cost of manufacture and of alleged shortages of such paper;

(f) To manufacture insufficient quantities of such paper;

(g) To cooperate in discouraging the erection of new mills or the installation of new machinery for the manufacture of such paper;

(h) To cooperate in preventing new concerns from competing with the corporate defendants by transferring orders and contracts for such paper to new concerns on condition that such new concerns should not compete with the corporate defendants;

(i) To cooperate in preventing other manufacturers of news-print paper from competing with the corporate defendants;

(j) To furnish from time to time to said News Print Manufacturers' Association, at 18 East Forty-first Street, in the Borough of Manhattan, and in said southern district of New York, for the information of the individual defendants. Full and complete information and data concerning their contracts with their customers and the quantity of such paper manufactured, carried in stock, or sold by them in relation to the capacity of their several plants and other details of their several businesses.

BAR TO COMPETITION.

(6) The corporate defendants submitted to such regulations, rules, and decisions, in the carrying on of their said trade and commerce, notwithstanding the fact that because the corporate defendants were independent of each other, they should and, but for said unlawful combination, they would have competed freely and fully with each other as to all said matters and should and would have conducted their said trade and commerce free from such regulations, rules, and decisions.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Arizona yield to the Senator from South Dakota?

Mr. SMITH of Arizona. I yield.

Mr. JOHNSON of South Dakota. I wish to ask the Senator when these associations reached this agreement among themselves, if he knows?

Mr. SMITH of Arizona. Here it is [exhibiting]. I have the proceedings of the trial contained in the Editor and Publisher. It is as follows:

In the spring of 1915, at the suggestion of the defendant, Sensenbrenner, and with the cooperation of the other defendants, the organization which they had up to that time was done away with and this new organization was inaugurated, known as the News Print Manufacturers' Association, and Steele was appointed as its manager, at the rather moderate stipend, considering his duties, of $24,000 a year salary.

They did not know whether they ought to incorporate or not, in order to carry out the purposes, but they concluded to act as a company without incorporation, and appointed a general manager and five directors. They sent directions to each of the paper manufacturers to return reports on the cost of producing paper, and not to be particular in making it too low, but to report to the world the highest possible cost they could squeeze out of it, so as to show the necessity for this raise which they contemplated and the raise that they did make.

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona further yield to the Senator from South Dakota?

Mr. SMITH of Arizona. Yes.

Mr. JOHNSON of South Dakota. Certainly the statement which the Senator has made is a most remarkable one and discloses a remarkable condition of affairs which it is the duty of this Congress to put an end to.

Mr. SMITH of Arizona. Here [exhibiting] is what one of the investigators states, and it is stated by the attorney who tried the case also:

I have calculated, in the light of the Federal Trade Commission's report, that these defendants, the news-print manufacturers, have reaped a profit of at least $15,000,000 in a short period of time; and it seems to me that to let anybody else throughout this industrial country know that in order to make $15,000,000 worth of exorbitant profits in contravention of the law, all you have to do is to incur a fine of $5,000.

They agreed to pay $2,500 and have the case dismissed, and that they would enter into this agreement, which they did enter into with the Federal Trade Commission.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from New Hampshire?

Mr. SMITH of Arizona. I do.

Mr. HOLLIS. I should like to inquire of the Senator if this very astonishing agreement which he has read to the Senate was in writing and signed by the parties to it?

Mr. SMITH of Arizona. No; it was not in writing signed by the parties, but it was ascertained from the facts which were disclosed by the record, and which the Trade Commission found did exist, and it was made the charge in the indictment in which

they plead nolle contendere. They have not denied a line of it nor have they denied a single one of the facts which were set out in the report of the Trade Commission, to which I have alluded, when they were indicted and appeared in court, nor from that day to this have they denied a single allegation of fact which the Trade Commission has made against them, even as to the absolutely unearned profits of $17,000,000 which they reaped.

Their conduct is particularly conspicuous in comparison with the views expressed by other American business men who, at the recent Atlantic City convention of the Chamber of Commerce of the United States, adopted resolutions urging Government price fixing for all essential products, not only in sales to the Government but to the public as well, and advocating a general Government purchasing department, which, in addition to fixing prices, would have power to distribute the output of industries in a manner most necessary to the conduct of the war. The resolutions adopted by the Chamber of Commerce of the United States gave further expressions to the loyalty of the business men, as follows:

It is the spirit of American business, that however fundamental may be the change in the relation of Government to business, the Government should have the power during the period of the war to control prices and the distribution of production for public and private needs to whatever extent may be necessary for our great national purpose.

The resolution giving the Federal Trade Commission power to supervise, control, and regulate the production and distribution of print paper is in full accord with the position taken by these patriotic American business men at their Atlantic City convention.

The demand for favorable action on the pending resolution comes from nearly every newspaper in the country.

I had presented to me this morning a petition from newspapers of every State in the Union, and I think from every congressional district, and they are not half of those who have also petitioned for the passage of this joint resolution, as they have said, through the trade press. I have copies of the petitions somewhere in my desk of 800 or more of the local newspapers which have paid or attempted to pay the price these people were charging them and whose editors are asking relief from these unconscionable exactions.

The press of the country and the Government itself are entitled to fair play and just treatment in regard to this great necessary product. This resolution will afford proper relief without injury to just trade.

By indorsing the proposition for Government control over the production and distribution of print paper during the war the newspaper publishers have indicated that they have no fear whatever of the Government censorship under such plan. What the newspapers do fear, and justly so, is that their very existence may be placed in jeopardy by the paper combine, which already, by its greed for excessive profits, has forced hundreds of the smaller newspapers throughout the country to discontinue publication. Could any Government censorship be more drastic or fatal to a free press than that which the indicted paper clique already has exercised for their own selfish interest?

The committee submits the resolution for the consideration of the Senate with the question whether it is better to safeguard the continuance of a free press in this country by assuring it an adequate supply of print paper at a fair and reasonable price or whether to permit a further increase in the excessive profits of the paper industry, which the Federal Trade Commission declares is about to exact $17,500,000 more in excessive profits from the American publishers who are loyally and patriotically supporting their Government in this fateful hour?

Mr. LEWIS. Seventeen million dollars annually?

Mr. SMITH of Arizona. Yes, sir; $17,000,000 annually; $13,000,000 or so in about six months.

Mr. President, I shall not detain the Senate much longer, but there is one thing to which I should like to call attention before I forget it.

Mr. GALLINGER. If he desires to put something more into the RECORD, I shall not interrupt until he does so.

Mr. SMITH of Arizona. I have not given up the floor at all.

Mr. GALLINGER. Mr. President, as I said a moment ago, and I beg to reassure the Senator from Arizona, I do not propose to present any factious opposition to this measure. If it is wise, I want to vote for it just as much as does the Senator from Arizona; but I want some information. In the daily press of Washington I find this clipping:

Commissioner W. B. Colver, of the Federal Trade Commission, announced to-day—

That was two days ago, I think—

that plans were rapidly maturing for the hearings beginning January 7 in connection with the news-print price agreement, which several manufacturers recently made with the Department of Justice. A general invitation has been extended to all publishers and jobbers to participate and from replies it is expected a large number will attend.

The manufacturers will present information supplementary to their cost reports bearing on such matters as the hazards of the business, methods of determined wood costs, and depreciation charges. It is probable that information will also be given on what is a fair investment in the business and what is a fair rate of profit on such investment.

The afternoon of January 9—

That is to-morrow—

has been set for a conference with the jobbers, at which the provisions of the agreement in which they are interested will be considered.

So it seems, Mr. President, that while we are considering this joint resolution the Federal Trade Commission is having a hearing, and they are having a hearing, as I understand—if I am wrong the Senator from Arizona will correct me—on an agreement that was reached between the Attorney General of the United States and the manufacturers and jobbers of news-print paper that they will furnish during the war news-print paper at a price satisfactory to the Department of Justice. Is that a fact?

Mr. SMITH of Arizona. Not altogether. It is true that the investigation is still going on. There is, however, no necessity for investigation in regard to the agreement, for that is of record. That agreement promised on the part of the paper makers that they would furnish paper f. o. b. at 3 cents a pound at the mill up to the 1st day of April next, and, in consideration of the dismissal of the indictment, when they accepted a moderate fine and the dissolution of their trust, they agreed that after the 1st day of April the Federal Government, through the Federal Trade Commission, should set the price of roll print paper. It applies to nothing else. I have a letter received a few days ago from Mr. Colver in regard to the joint resolution itself, and I saw him yesterday.

I imagine that what the Post alludes to is that there may be under way a preliminary investigation as to what is the fairest and best thing to do when this agreement of record shall have expired. I imagine that is the reference. Otherwise the Trade Commission is anxious for the passage of this measure. It is less drastic than originally drawn, as the Senator will perceive from the amendments which have been offered to the joint resolution. It has no purpose to take control, except where it becomes essential to take control. So, I take it, that the proposed legislation very much will relieve the situation. Mr. Colver, of the Trade Commission, hoped that with the power given them they could probably negotiate with the paper men, acting in perfect frankness, and they could set reasonable prices, satisfactory both to the publishers and to the manufacturers of paper. My hope is that they can do so, and I believe they will do so. I am certain they can do so under this resolution.

Mr. GALLINGER. Mr. President, does not the Senator think that they can do so without passing this joint resolution?

Mr. SMITH of Arizona. No, sir; for two of the gentlemen in the agreement, or one of them at least, already, as I am informed, has been trying to back out of it; and I see also that 67 or 68, instead of 6 or 7, have now begun to join together in some kind of an understanding. The dissolution of the Paper Trust strikes me on its face as being something like the dissolution of the Beef Trust, when the packers quit the Beef Trust, but became a Stockyards Trust, which is much more prolific of trouble than was the original trust.

Mr. GALLINGER. I will join with the Senator in the expressed belief that the dissolution of the great trusts has not done the American people much good.

Mr. SMITH of Arizona. Not much.

Mr. GALLINGER. Now, I want to ask the Senator one or two questions——

Mr. BORAH. Mr. President, may I ask the Senator a question?

THE PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Arizona yield to the Senator from Idaho?

Mr. SMITH of Arizona. Certainly.

Mr. BORAH. What trust has been dissolved?

Mr. GALLINGER. We have been told that the Standard Oil Trust was dissolved on a certain occasion, although I believe the Standard Oil Co. has prospered more than ever before because of that wonderful dissolution that took place. I wanted to ask the Senator from Arizona one or two other practical questions, and I do not do it to annoy the Senator.

Mr. SMITH of Arizona. I appreciate that fact.

Mr. GALLINGER. The Senator is always courteous, and I want to be equally so. Has the Senator information that at the present time print paper is being sold in the United States at from one-half to one-third of the price which is being paid for it in Great Britain to-day?

Mr. SMITH of Arizona. I know that is not true, so far as the record and the investigations made in respect to Canada show. In that country print paper is sold a good deal cheaper than in the United States.

Mr. GALLINGER. I am talking about Great Britain.

Mr. SMITH of Arizona. I presume that Great Britain has great difficulty in getting news-print paper at any price. I doubt whether she can get it at all.

Mr. GALLINGER. One other point: The Senator has improved the joint resolution beyond a doubt by the amendments which he has offered. Has the Senator given very careful consideration to the question of withholding a portion of the price and sending these people to the courts to establish their rights to some added compensation? The Senator is a business man and he must know that that provision will work great hardship to these people. They may not get money enough to pay the cost of manufacture if they only get two-thirds, and they will probably be forced into the market to secure capital, which is not an easy matter to do at the present time. The Senator may not answer this, but I want him to give consideration to the question whether or not when the Government or somebody arbitrarily fixes the price at which these people shall sell their product and they have no redress from that they ought not to be given the entire amount awarded to them by this arbitrary tribunal?

Mr. SMITH of Arizona. No; I do not think so, and I do not think the Senator will think so if he will reflect a moment.

Mr. GALLINGER. I have reflected.

Mr. SMITH of Arizona. It would cause them to begin speculating in the decisions of the courts from the very start; they would get all the money accorded them and gamble on getting more. It is a matter of merely providing that a fair amount of the money shall be held back. I am not particular about the amount being 25 per cent. If that is thought to be too much, let it be changed, although, as a general rule, in dealing with the Government on disputed accounts that is the amount withheld. A provision to that effect has been put in several bills recently.

Mr. GALLINGER. It has been done in some cases, yes.

Mr. SMITH of Arizona. I presume the Senator is alluding probably to the fact set forth by the grand mogul of the paper companies, Mr. Philip T. Dodge, the president of the International Paper Co., in which he states, in a letter of recent date, that no mill in America could remain out of bankruptcy under this provision. If they were getting full compensation—grant that they were—and they concluded that they wanted to sue, as it is not impossible with men who did what these gentleman did to get money, they would probably not hesitate to sue for all they thought they could get.

In this connection, in regard to injuring the industry, I should like to say, in answer to Mr. Dodge's letter—and if I had had time I would have answered him respectfully—that these people never denied one fact brought out by the Trade Commission. I am informed that they were asked to come before the Trade Commission, and that their own financial reports show that their profits were just about what the Trade Commission said they were; that is, some $17,000,000, or in excess of 19 per cent. They did not deny the allegation that they made a profit of this amount. I thought perhaps that out of the $17,000,000—and $13,000,000 previously—they had probably saved enough to enable them to stand the holding back of 25 per cent on a disputed account. However, I am not so anxious that the amount withheld shall be 25 per cent. All I want is something to deter them from gambling in lawsuits and that is all it amounts to.

Mr. GALLINGER. Mr. President, I am glad to hear the Senator say that he has not fixed in his mind that the amount ought to be 25 per cent. These men may have saved a good deal of money. I do not know anything about that; but they have been in the hands of the Attorney General, and the courts are open to prosecute them. They were found to be a trust. I do not know whether the trust was dissolved or not. I believe the Senator says it was; but I really do not think that in our legislation we ought to penalize them because they may have saved a little money, which very likely they have lost between that time and now, for they may have gone into some other speculation that was not so profitable.

I simply wanted the Senator's opinion on that point, and he has given it frankly. I do think that it may prove to be a great hardship, especially to the smaller concerns—and we have a great many of them in the United States—to be compelled to live under a provision—a penalizing clause, I would call it—that they can only be paid a portion of what is adjudged to be their right and that then they can go to the courts, and, if they can supply money enough and live long enough and employ lawyers enough, they may get something further.

Mr. President, I think upon candid reflection the Senator will not feel that he ought to disassociate the men who are engaged in this business from all the rest of the people of this country and declare them to be rogues and scoundrels and violators of law, and hence that they have no place before the Congress of the United States when they appeal to us to give them what they, I think, feel is fair play. I do not know one of them; I have not seen one of them, now or in the past, and hence I hold no brief for them. I want to vote fairly on this question, but I want to vote intelligently. That is the reason why I asked the questions that I have asked, and for no other purpose.

Mr. SMITH of Arizona. I think the Senator will bear me out, as far as he has noticed my record, in the statement that I have never been one of those yelling about somebody because he had money; but it is not altogether wrong, and I do not think even the subject of criticism, to call attention to the conduct of men who in the stress of occasions like this use their combined power to oppress. They certainly did it or they would not have paid the fines and consented to the dissolution of their organization as they did.

I shall incorporate the judgment of the court in that case in the RECORD with my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

This cause came on to be heard at this term and was argued by counsel; and thereupon, upon consideration thereof, and upon the consents hereto in writing and in open court by the defendants, George H. Mead, Philip T. Dodge, George Chahoon, Jr., Gordias H. P. Gould, Edward W. Backus, Alexander Smith, Frank J. Sensenbrenner, Abitibi Power & Paper Co. (Ltd.), Belgo-Canadian Pulp & Paper Co. (Ltd.), Brompton Pulp & Paper Co., Donnacona Paper Co. (Ltd.), Gould Paper Co., International Paper Co., Kimberly-Clark Co., Laurentide Co. (Ltd.), Minnesota & Ontario Power Co., Price Bros. & Co. (Ltd.), and Spanish River Pulp & Paper Mills (Ltd.), and upon the unanimous resolution of the executive committee of the News Print Manufacturers' Association consenting to the dissolution of said association and consenting to this decree, and said consents having been duly given by their respective solicitors to the entry of this decree before any testimony has been taken, it was ordered, adjudged, and decreed as to said defendants so consenting as follows, viz:

(1) Defendants, by becoming and acting as members of the News Print Manufacturers' Association, have entered into and engaged in an unlawful combination in restraint of trade and commerce in news-print paper among the several States and with foreign nations in violation of the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

(2) The News Print Manufacturers' Association is an unlawful combination of the defendants in restraint of the trade and commerce in news-print paper among the several States and with foreign nations in violation of said act of July 2, 1890, and said News Print Manufacturers' Association shall be, and it hereby is, dissolved.

(3) Each corporate defendant is hereby perpetually enjoined from carrying into further effect the combination hereby dissolved and from entering into or engaging in any like combination having for purpose or effect (a) the elimination or restriction by concert of action of competition in news-print paper, or (b) the concerted working for materially higher prices for news-print paper, or (c) the establishment by concert of action of uniform prices, terms, or conditions for the sale of news-print paper, or (d) the concerted working to discourage others from manufacturing news-print paper.

(4) Each corporate defendant is hereby perpetually enjoined from entering into any combination, agreement, understanding, or concert of action with any other corporate defendant or with any other manufacturer of news-print paper having for purpose or effect (a) to limit or restrict itself as to the customers to whom it should sell or offer to sell news-print paper, (b) to limit or restrict itself as to the quality or quantity of news-print paper it should make or sell, (c) to limit or restrict itself as to the service it should render to its customers or the prices, terms, or conditions upon which it should sell or offer to sell news-print paper.

(5) The injunctions herein contained against the corporate defendants shall apply to and be binding upon such corporations and their respective officers, directors, agents, and employees and all other persons, firms, or corporations acting under, for, or in behalf of them, or any of them, or claiming so to act.

(6) Each individual defendant is hereby perpetually enjoined from entering into, engaging in, or carrying into further effect any contract, combination, or conspiracy having for purpose or effect to regulate, dominate, or restrict the trade or commerce in news-print paper of any person, firm, or corporation other than the firms or corporations with which such individual defendant is or may be connected as an officer, agent, or employee.

(7) Nothing herein contained shall prevent the defendants from entering into and performing a certain contract of even date with the Attorney General of the United States, as trustee, made for the purpose of meeting the emergencies created by existing conditions and by the present state of war in the United States. Nothing herein contained shall be deemed an adjudication for or against the exercise of control by any corporate defendant of any of its subsidiaries as set forth in the petition, nor for or against the right of certain of the defendants or their subsidiaries to avail themselves of the services of the Canadian Export Paper Co. (Ltd.) or the G. H. Mead Co. or the Minnesota & Ontario Power Co. in the manner and to the extent now being availed of as set forth in the petition herein.

(8) The court retains jurisdiction to proceed against the defendants not hereby consenting to this decree and to enforce this decree and to enable any of the parties to apply to the court for modification hereof, if it be hereafter shown to the satisfaction of the court that by reason of changed conditions or changes in the statute law of the United States the provisions hereof have become inappropriate or inadequate to maintain competitive conditions in the interstate or foreign trade or commerce of the United States in news-print paper or have become unduly oppressive to defendants or any of them and are no longer necessary to secure or maintain competitive conditions in such trade or commerce.

Dated New York City, N. Y., November 26, 1917.

--JULIUS M. MAYER,
United States District Judge for the Southern District of New York.

Mr. SMOOT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. SMITH of Arizona. Certainly.

Mr. SMOOT. I will ask the Senator if it is not a fact, however, that the agreement that was made between the paper manufacturers and the Federal Trade Commission to sell paper at a certain price per pound was not violated by the paper manufacturers until after the Attorney General had begun suit against the very paper manufacturers that had entered into the agreement?

Mr. SMITH of Arizona. I think the Senator is mistaken in that.

Mr. SMOOT. I am quite sure I am not mistaken, Mr. President.

Mr. SMITH of Arizona. The Senator may be right. I am not charging that he is not, but I have heard differently. I am not so confident about the sources of my information as the Senator himself may be, but I know that they did commence immediately violating the 2½-cent agreement. Whether or not it was done by reason of the Attorney General bringing suit and this indictment against them I do not know.

Mr. SMOOT. I agree with the Senator that the agreement was repudiated by the paper manufacturers; but it was not repudiated until after the Attorney General had started suit against the very manufacturers that had entered into this agreement with the Federal Trade Commission.

Mr. SMITH of Arizona. Yes; but that did not justify them in violating a subsequent contract.

Mr. SMOOT. They thought they were dealing with a part of the Government that had a perfect right to make the agreement, and another part of the Government immediately started suit against them as a trust and for the dissolution of the company.

Mr. SMITH of Arizona. There is not any doubt about that.

Mr. SMOOT. Now, I want to ask the Senator another question in this connection while we are on the subject: Is it not a fact that the price of print paper—I mean the great bulk of it that is sold in the United States to-day—has not increased in price as great as many other commodities have increased in the United States since the breaking out of the war?

Mr. SMITH of Arizona. Oh, very likely; I do not know. I could not say whether that is true or not.

Mr. SMOOT. I want to say now, for the RECORD, that that is the case.

Mr. SMITH of Arizona. If it be true that they have already killed a big part of the demand, I might account for it in that way.

Mr. SMOOT. I wish they could kill a great deal more of the demand for the purposes for which news-print paper is being used to-day. For instance, the Senator knows that on Sunday morning he can pick up a paper from any of the great cities of the United States and it is almost all he can do to put it under his arm, and all the real news that is in the paper could be printed in 12 pages.

Mr. SMITH of Georgia. It is in the first 12 pages.

Mr. SMOOT. Yes; as the Senator from Georgia suggests, it is in the first 12 pages.

Mr. SMITH of Arizona. Easily.

Mr. SMOOT. The Sunday papers consume nearly 20 per cent more paper than ought to be consumed by the press of this country.

Mr. SMITH of Arizona. I am glad the Senator makes that criticism, in which I most heartily concur, for, in my judgment, if there ever was an exhibition of absolute waste, it is in these 50 and 60 and 70 page Sunday papers, with their Sunday magazines.

Mr. GALLINGER. Mr. President, will not the Senator add to that the absolute and indefensible waste of which the Congress of the United States is guilty?

Mr. SMITH of Arizona. There is not a doubt about that, either, and we ought to try as hard as we can to curtail it from now on. I certainly shall do whatever I can to accomplish it.

Mr. SMOOT. Yes; that is certainly the case, when we know to-day that the amount of paper that is to be purchased for the Government of the United States for the coming fiscal year has increased by 400 per cent in quantity——

Mr. SMITH of Arizona. I think more than that.

Mr. SMOOT. Four hundred per cent in quantity; and as to the price, the advance runs all the way from 50 per cent up to 150 per cent, and in some particular instances higher than that.

Mr. SMITH of Arizona. Mr. President, I only want to recur for a moment to those who have favored this legislation, aside from the thousands of petitioners that have written to the Congress, many of them to me, publishers all over the country.

The National Editorial Association, at its annual convention in Minneapolis on July 11 of last year, adopted resolutions urging the Federal Trade Commission to take over and operate American news-print mills and thus reduce the price of news-print paper. The Southern Newspaper Publishers' Association, in convention at Asheville, N. C., about the same date, adopted a resolution on the same subject. Both of these I ask to have printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[Resolutions of National Editorial Association.]

Whereas for the past 18 months there has been a determined and persistent effort on the part of the print-paper manufacturers and jobbers to create a panic market for print paper; and

Whereas for several months they have succeeded in making the publishers believe that there was good and sufficient reasons for the extraordinary prices they were charging, but during the past seven or eight months it has been clearly demonstrated by the investigations of the Federal Trade Commission and by your legislative committee that there was, and is, no good reason for the large advances made, as the Trade Commission clearly demonstrated that there had been but a very slight increase in the cost of manufacture: Therefore be it

Resolved, That the National Editorial Association in convention assembled at Minneapolis calls upon Congress to pass legislation immediately that will give the Federal Trade Commission power to fix prices and operate the mills and distribute the print paper manufactured in the United States during the period of the present war in accordance with the recommendations of the Trade Commission in its report to Congress; and further be it

Resolved, That arrangements be made with the Canadian Government so that the print paper manufactured in Canada and shipped into this country shall also be handled by the Trade Commission in order that all the publishers of the United States may be provided with sufficient paper at a reasonable price.

[Resolution of Southern Newspaper Publishers' Association.]

Resolved, That the Southern Newspaper Publishers' Association, representing 105 leading daily newspapers of the South, in convention assembled, unqualifiedly approves and strongly urges the immediate adoption of the complete plans of the print-paper committee of the American Newspaper Publishers' Association to empower the Federal Trade Commission by legislative enactment to control the production of news-print paper, to pool its distribution, and to fix its price.

This action is absolutely necessary to conserve the best interest of our Government and our people under the present extraordinary emergency.

Mr. SMITH of Arizona. The Georgia Weekly Press Association likewise adopted a resolution at its meeting in Thomasville, Ga., on July 16 to 18, indorsing the action of the Federal Trade Commission in urging Government control of print paper.

The New York State Press Association at its meeting in Ithaca on June 29 adopted a resolution indorsing the action of the Federal Trade Commission in recommending Government control of print-paper mills; and various others have done likewise.

Mr. Hosmer, chairman of the legislative committee of the National Editorial Association, says:

The smaller newspapers are particularly thankful to the Trade Commission at this time for the paper they have furnished them since last April, even though the big manufacturers, who agreed to furnish paper at a reasonable price, failed. Independent mills have furnished the paper through the commission to newspapers in more than 20 States at prices from 25 to 33⅓ per cent under the prices quoted by jobbers and mills direct. In some cases this paper has been distributed through designated jobbers, who have been paid about 10 per cent for handling; in other cases through State associations or committees from associations, who have handled it as a patriotic duty, without expense to the newspaper men.

The Canadian Government, at the time of this finding of the Trade Commission, had undertaken to control the production and distribution of news-print paper through its orders in council; and I hear that the government of each one of the nations now at war has control of its news-print paper.

Mr. SMOOT. Mr. President, they virtually control it by controlling the size of the issue of every paper and every publication.

Mr. SMITH of Arizona. But the Canadian Government has undertaken to control the production and distribution of news-print paper through its orders in council.

Mr. SMOOT. That is true.

Mr. SMITH of Arizona. It is stated that a pool is actually in existence in Canada, the news-print manufacturers selling to Canadian publishers at $2.50 per hundred and charging $3 per hundred when shipped outside of Canada. In this connection it is interesting to note that $2.50 is the price that the Federal Trade Commission has fixed upon as a fair and reasonable price for news-print paper in this country—that is, at the time to which the Senator alludes. In comparison with this price the Trade Commission reports that the largest consumers of news-print paper have had to pay from $3 to $3.50 per hundred pounds, and in some cases even as high as $4.50, while the small publishers have been forced to pay prices as high as $7.50 to $9 per hundred f. o. b. mill. This same paper, before the war started, sold generally at $2 per hundred pounds.

Mr. SMOOT. Mr. President, in that connection I want to say that Canada is treating the United States, in the selling of her paper, just opposite to the way we have been trying to

treat our allies in selling products that are shipped to them from this country. For instance, we put a price upon copper of 23½ cents per pound. We sell it to all of our allies at 23½ cents a pound. England buys it at 23½ cents a pound from the United States; and yet, at the same time, for copper produced in Canada she pays 29 and 30 cents a pound, and for copper produced in Mexico, in the case of purchases made upon the same day, instead of 23½ cents a pound she has paid as high as thirty-odd cents a pound.

Mr. FERNALD. Does the Senator refer to the United States Government?

Mr. SMOOT. No; I refer to England. Everybody purchases it from us for 23½ cents a pound. In other words, we are trying to sell our allies our products just as low as it is possible to sell them, while our allies are forcing us to pay as high prices as possible and more than she charges her own people, as in the case cited here by the Senator from Arizona.

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him a question before he takes his seat?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Georgia?

Mr. SMITH of Arizona. I do.

Mr. SMITH of Georgia. How can the machinery of this joint resolution be carried into execution? The Trade Commission is to take the paper. It can not take it without paying for it; and then it must sell it. Is any money provided for the Trade Commission with which it can make this first payment? Is it to go into the general business of buying and selling all this paper? And if so, where is the capital provided?

Mr. SMITH of Arizona. Where is the capital in the case of coal? Where is the capital in the war-products bill?

Mr. SMITH of Georgia. The coal bill does not provide for purchasing and selling coal, if the Senator will allow the suggestion.

Mr. SMITH of Arizona. Yes; it does.

Mr. SMOOT. There are also appropriations made there.

Mr. SMITH of Georgia. Yes; the food-control bill contains an appropriation of $100,000,000. I do not want the Senator to misunderstand me. I just want to have the joint resolution in such shape that it will work.

Mr. SMITH of Arizona. I do not misunderstand the Senator; not at all. I am glad of the interruption. I think we need it.

Mr. SMITH of Georgia. I am not opposing the legislation. It seems to me there is simply no machinery to execute this joint resolution as it is drawn, and that the Trade Commission would have no power to do anything under it except to stop the paper manufacturers' business. Would it not be better to permit the Trade Commission to fix the price, and not interfere with the business of any company that accepts the price, but let it go on in a normal way, dealing directly with its customers rather than with the United States Government?

Mr. SMITH of Arizona. Here is the purpose that I get from those who expect to try to handle it: They believe that under the power given them they can establish fair and legitimate prices after an investigation of the costs. They can see that the paper is fairly distributed and not given to one place and refused to another. The power rests in them. The provision is that the mechanical and chemical pulp in the United States shall be operated on Government account, and that these products shall be pooled in the hands of the Federal Trade Commission.

Mr. SMITH of Georgia. Nothing of that sort is done with reference to coal.

Mr. SMITH of Arizona. It has not been done yet, but it can be.

Mr. SMITH of Georgia. No; the Government has the right to take the mines and operate them and do the work itself, but the fuel administration has no power to take all the coal in the United States and distribute it; and the food control has an appropriation of $100,000,000 with which to conduct its business with reference to foodstuffs. It seems to me that without some amendment this measure is calculated to stop the business and to give nobody any means of obtaining the goods for distribution. The Interstate Trade Commission can not get them without paying 75 per cent of the value. They have no money with which to pay the 75 per cent. They have no authority and machinery for distribution. They must go into the general business of buying and selling. They can not distribute without pay. Most of the newspapers buy on time. A great many of them do. Is the Trade Commission to determine the credit of every newspaper in the country and sell on time? All these delicate details, it seems to me, we ought to settle in this legislation and in the joint resolution before we pass it.

While I am on my feet there is one further provision to which I wish to call attention. It is in line 7, page 2, where it is provided that the legislation shall continue in force "for the term of the war and the emergency occasioned thereby." I am opposed to leaving any such language as "emergency occasioned thereby" in any legislation.

Mr. SMITH of Arizona. I do not care for that at all.

Mr. SMITH of Georgia. I should like to take that out.

Mr. SMITH of Arizona. I do not care; let it come out.

Mr. SMITH of Georgia. I have been sitting here studying it, and I have had this bill brought to my attention by my friends who want something of the sort, who feel that they have been greatly oppressed by what has been going on. My suggestion is, first, that if the Trade Commission is authorized to fix the price, then we ought not to interfere with the business of anybody who accepts that price.

Mr. GALLINGER. Mr. President, if the Senator will yield, if I understand the matter correctly, the Attorney General has made an agreement with the manufacturers and dealers in print paper that the Federal Trade Commission may fix the price, and both sides have agreed to that.

Mr. SHIELDS. I understood that they violated the agreement.

Mr. SMITH of Georgia. Not this last agreement. They made an agreement, and subsequently to the agreement it is claimed that the Attorney General instituted legal proceedings against the manufacturers, and they jumped the agreement after the legal proceedings were instituted by the Attorney General. The two branches of the Government did not act in harmony, so it is claimed. I do not know what the facts are in that respect. What I want is to see a measure passed which will practically work out fairly to everybody and be a real protection to those who must use paper against unjust combinations and extortionate prices.

My first suggestion is that if the Trade Commission is to fix the price those who accept the price should go on with their business with their customers without interference. As I understand this language, it proposes that the Trade Commission shall take over the paper product of the United States and resell it. It does not give them the money to buy it. It does not provide the machinery for the resale. It does not say whether they shall resell at the same price.

Mr. SMITH of Arizona. The only purpose of the measure, I will say to the Senator, was that in case of necessity it was to be done.

Mr. SMITH of Georgia. Ought there not to be at least this kind of a provision, that any company accepting the rate fixed by the Trade Commission shall be permitted to go on with its business without any interference at all?

Mr. SMITH of Arizona. That is the object of two or three of my amendments.

Mr. SMITH of Georgia. I have not studied the amendments; I have just studied the original joint resolution.

Mr. SMITH of Arizona. I am obliged to the Senator for his comment.

Mr. SMITH of Georgia. I hope that the great bulk of companies will accept, if they have not already agreed to do so. They agreed once before, and some kind of a dispute arose that broke up the agreement.

Mr. SMOOT. Mr. President, I shall not take the time to-day to discuss the provisions of the pending joint resolution for I want to see the amendments the Senator from Arizona has offered to it and what effect they will have upon it, but as they were read from the desk I hardly think that they correct the measure in a way that it can possibly be administered. The joint resolution says:

That the Federal Trade Commission is hereby authorized and empowered to supervise, control, and regulate the production and distribution of print paper and mechanical and chemical pulp in the United States, and that all mills producing and all agencies distributing print paper and mechanical and chemical pulp in the United States shall be operated on Government account; that these products be pooled in the hands of the Federal Trade Commission for the term of the war and the emergency occasioned thereby and equitably distributed at a price based upon cost of production and distribution plus a fair profit per ton, as determined by the Federal Trade Commission.

The Senator knows that there are thousands of little papers, weekly papers and little magazines, published in small towns throughout the country that do not use half a car of paper in a year. They buy their paper from the local paper distributor, and those distributors are in every large city in the United States.

Mr. SMITH of Arizona. And they have charged most enormous profits.

Mr. SMOOT. Some of them, and some of them no doubt charged a reasonable profit. I know small papers that can not buy even a roll of paper at a time. I know they have actually asked that the rolls be divided, and not only that but their credit is such that it is absolutely impossible for them to buy more than what is required for the actual issue, and they issue once a week or once a month, as the case may be. I do not believe

that there are 5 per cent of the newspapers of the United States that pay cash for their paper. They are given 30 days' time, some of them 60 days' time, and with many of them special arrangements are made by which they are carried by the distributor of paper for a longer period than 60 days.

Under the joint resolution there is no provision whatever to meet a situation of that kind. If the Federal Trade Commission is going to undertake to distribute print paper as the joint resolution provides, we shall have employed not a thousand or two thousand or three thousand men under the Trade Commission but so many thousand that I can not predict what the number would be.

Mr. SMITH of Arizona. The Senator does not permit me to tell him.

Mr. SMOOT. Yes; I will yield to the Senator at any time.

Mr. SMITH of Arizona. All the matter of which the Senator speaks right now is modified by the proposed amendments that have been offered.

Mr. SMOOT. Will the Senator read the amendment that modifies it?

Mr. SMITH of Arizona. I will read a few of them right now in the order they come.

Mr. SMOOT. I mean the one that takes care of this very point.

Mr. SMITH of Arizona (reading)—

That whenever during the continuance of the war and for six months thereafter the President shall deem it needful, he may direct the Federal Trade Commission to supervise, control, and regulate the production and distribution of print paper and mechanical and chemical pulp and their products in the United States, and that such mills producing and such agencies distributing print paper and mechanical and chemical pulp and their products in the United States as the President shall designate shall be operated on Government account—

And so forth.

This shows that it can not affect all the small people, except as the President shall designate, that a particular one shall be taken. It gives more latitude. Instead of turning over every newspaper plant in America it only turns over the recalcitrant ones—the disobedient ones—and those who are combining for the purpose of making a bigger price for their product.

Mr. SMOOT. The amendment has the effect of taking out of the Federal Trade Commission the authority and giving it to the President of the United States, and to authorize the Federal Trade Commission to put it in force.

Mr. SMITH of Arizona. It does not. It gives the President of the United States power to designate any cases, and very probably they will report to him. As the Senator knows very well, it must pass through the commission of necessity.

Mr. SMOOT. I do not think the President of the United States can or should say to this mill, "You shall sell your paper to Tom Jones at such and such a price"——

Mr. SMITH of Arizona. I do.

Mr. SMOOT. "And deliver so much paper to him every day, and you shall extend credit to him for 60 days or 90 days, and in case Tom Jones can not buy one roll of paper, then you have got to divide the roll of paper and give him just what he wants." The President of the United States under any act of Congress ought to be given general powers, and whatever power he uses——

Mr. SMITH of Arizona. This gives general power, and nothing else.

Mr. SMOOT. Affect all alike.

Mr. SMITH of Arizona. It is nothing else except the very same thing you complain of. As soon as there is proposed the least possible relief from seizing every newspaper in the country, then you complain because the relief given does give the authority to the President or to this agency either. As you know, the President has to act through the Trade Commission, and not otherwise. It is merely designating some source by which they can seize those who are absolutely violating the provisions of the joint resolution, and no others, and order a fair price. There is nothing else to say about it.

Mr. SMOOT. I ask the Senator how will any manufacturer of paper in the United States know he is violating a law unless he knows beforehand what the law requires of him? There has got to be a price fixed, and that price apply to all alike.

Mr. SMITH of Arizona. There will be a price fixed, and there is one fixed by agreement with the very trust, and there is another, as far as roll print paper is concerned, that they will submit to what the Trade Commission says until the end of the war.

Mr. SMOOT. If that be the case, then there is no necessity whatever for this legislation.

Mr. SMITH of Arizona. No matter if they do violate the contract, as they would do in 15 minutes if they had only $2,500 to pay to keep out of the penitentiary.

Mr. GALLINGER. There is a $50,000 fine in the joint resolution.

Mr. SMOOT. I know the Senator from Arizona is a just man and I know he does not want to cast reflections upon any man unjustly.

Mr. SMITH of Arizona. I do not, and I will not, either.

Mr. SMOOT. There is no question, Mr. President, but what the Federal Trade Commission took up this question of the price of print paper. They went into it, as they stated before our committee, most thoroughly, and it was agreed what the price of print paper should be. They called the print-paper manufacturers of the country or the representatives of the leading mills of the country before them and after an exhaustive conference it was agreed at that conference what the price of print paper should be. The print-paper manufacturers thought that that agreement was made in good faith with the Government of the United States and were perfectly willing to carry it out. The agreement had not been made very long before the Attorney General started suit against the very concerns that had made agreements with the Federal Trade Commission that print paper should be a certain price. Shortly after that agreement was made with a commission of the Government another department of our Government starts suits against them to declare them a trust and dissolve the association. Just as soon as that happened the manufacturers who had agreed upon the price of paper stated if the Government of the United States was going to start suit they might as well let them carry on the suit and there will be no further agreement as to the price of paper until the suit was decided.

Mr. HARDWICK. Will the Senator allow me. The Senator I take it is opposed to the joint resolution.

Mr. SMOOT. I am opposed to it in the form in which it is.

Mr. HARDWICK. So is the Senator from Georgia on principle, no matter what form it is put in. I think there was some agreement that it was not to be disposed of until to-morrow or not to be taken up even. Of course, it will not be disposed of to-day.

Mr. SMOOT. It was not to be disposed of until to-morrow.

Mr. SMITH of Arizona. My intention was to put my explanation of the measure in the RECORD to-day and have the amendments printed.

Mr. SMOOT. I will say to the Senator from Georgia that after the statement was made by the Senator from Arizona there developed through his colleague [Mr. SMITH of Georgia] a question that seemed so vital to the resolution that it was worthy of consideration, and in order that it might be obviated, if it could be, we thought it was proper to call the attention of the Senator having the measure in charge to it.

Mr. HARDWICK. I want to discuss the measure at some length, but I do not care to do it until the amendments which the Senator from Arizona has offered have been printed and I can comprehend exactly what they mean. I think it would be better to lay aside the joint resolution until to-morrow.

Mr. SMOOT. I will say to the Senator, I am through with what I had to say.

Mr. HARDWICK. I was not complaining of the Senator.

Mr. SMOOT. I recognize that. I opened my statement with the remark that to-morrow I shall more than likely discuss the joint resolution in detail, but I did feel like calling the attention of the Senator having it in charge to this one question, that it seemed to me was so vital that the measure would be unworkable and would be of no effect whatever if passed in the shape it is.

Mr. SMITH of Arizona. There are amendments to meet all those bad conditions.

Mr. GALLINGER. Mr. President, I want to submit two proposed amendments and have them printed in the joint resolution as it will appear pending to-morrow. I move to strike out "seventy-five," before "per centum," in line 13, page 2, and insert "ninety," and in lines 16 and 17, to strike out "seventy-five," before "per centum," and to substitute "ninety." I hope the Senator from Arizona will look into that matter very carefully and see if 10 per cent in place of 25 per cent would not be a sufficient amount.

Mr. SMITH of Arizona. I shall be very glad to give it consideration in committee, if I can get a chance.

Mr. GALLINGER. If the joint resolution passes, as it is likely it will in some form, I should like very much indeed to have those amendments agreed to, and I hope the Senator will find it in his heart to agree to them.

Mr. SMITH of Arizona. I would not want to meet the suggestion of the Senator without some sort of a showing of good faith.

Mr. GALLINGER. Then I wish to ask the Senator one further question as a preliminary. There may be some bad men

engaged in the news-print paper business, as there are bad men engaged in every other activity of human endeavor. Does the Senator find in any similar cases a penalty of three years in prison and $50,000 fine or both? Does not the Senator think that amount might well be reduced and not let it go to the world that these men are such a wicked lot of scoundrels that they ought to be dealt with differently from the rest of human kind?

Mr. SMITH of Arizona. I have no pride at all about that, and all those matters will rest in the judgment of the Senate. When we come to the final consideration of the measure all those things will appeal to me, no doubt, as they will to any Senator.

Mr. GALLINGER. I will tender another amendment now. I move to strike out "$50,000," on page 3, line 24, and insert "$20,000." Let that be pending.

Mr. SMITH of Arizona. I suggest right in this connection, if the Senator will permit me, the national-defense act provides as follows—

or any necessary supplies or equipment, as ordered by the Secretary of War, or who shall refuse to furnish such arms, ammunitions, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War, then, and in either such case, the President, through the head of any department of the Government, in addition to the present authorized methods of purchase or procurement herein provided for, is hereby authorized to take immediate possession of any such plant or plants, and, through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required, and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and by a fine not exceeding $50,000.

Mr. GALLINGER. Well, Mr. President, that deals with the life of the Nation. Men who obstruct the Government in its efforts to carry on this great war ought to be dealt with very severely, and I would not object to $500,000 instead of $50,000, but in this business transaction it seems to me it is an entirely different thing.

As the joint resolution is to go over until to-morrow, I will move that the Senate do now adjourn.

Mr. SMITH of Arizona. Before that is done I ask that the joint resolution be temporarily laid aside.

The PRESIDING OFFICER. It is requested by the chairman of the committee having the joint resolution in charge that it be temporarily laid aside. Does the Chair hear any objection? The Chair hears none. The request of the Senator from Arizona is granted, and the joint resolution takes its regular course and remains as the order of business.

Mr. CULBERSON. I suggest that we have a short executive session.

Mr. GALLINGER. I do not object to that.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed a bill (H. R. 3135) to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona," in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 3135. An act to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona," was read twice by its title and referred to the Committee on Irrigation and Reclamation of Arid Lands.

EXECUTIVE SESSION.

Mr. CULBERSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 2 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 9, 1918, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 8, 1918.

COLLECTOR OF INTERNAL REVENUE.

James J. Brady to be collector of internal revenue for the first district of Michigan.

UNITED STATES ATTORNEYS.

Robert N. Bell to be United States attorney, northern district of Alabama.

Thomas D. Samford to be United States attorney, middle district of Alabama.

Alexander D. Pitts to be United States attorney, southern district of Alabama.

Thomas A. Flynn to be United States attorney, district of Arizona.

John W. Preston to be United States attorney, northern district of California.

John Robert O'Connor to be United States attorney, southern district of California.

Hooper Alexander to be United States attorney, northern district of Georgia.

James L. McClear to be United States attorney, district of Idaho.

Thomas J. Boynton to be United States attorney, district of Massachusetts.

Francis Fisher Kane to be United States attorney, eastern district of Pennsylvania.

Rogers L. Burnett to be United States attorney, middle district of Pennsylvania.

Stuart W. Walker to be United States attorney, northern district of West Virginia.

L. H. Kelly to be United States attorney, southern district of West Virginia.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 8, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father, who art in Heaven, let Thy spirit come mightily upon these, Thy servants, that with clear minds, strong hearts, and high resolves they may prosecute the work of the hour with courage, vigor, and efficiency, and thus make themselves worthy of the trust reposed in them. For Thine is the kingdom, and the power, and the glory, forever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3081. An act to extend the time for the completion of the municipal bridge, approaches, and extensions or additions thereto by the city of St. Louis within the States of Illinois and Missouri; and

S. 2812. An act to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain.

CORRECTION OF THE JOURNAL.

Mr. COOPER of Wisconsin rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER of Wisconsin. I understood from listening to the reading of the Journal a sentence saying that Mr. COOPER of Wisconsin made a point of no quorum. If that is in the Journal I think it is incorrect, because I did not make that point.

The SPEAKER. The Chair did not understand the gentleman.

Mr. COOPER of Wisconsin. I would like to have a correction made.

The SPEAKER. It ought to be Mr. GILLETT instead of Mr. COOPER.

Mr. FOSTER. It ought to be Mr. MOORE of Pennsylvania.

The SPEAKER. Mr. MOORE of Pennsylvania was the man.

Mr. GILLETT. Mr. Speaker, I made the point of order, as the RECORD correctly has it.

The SPEAKER. It fixes GILLETT, then. [Laughter.]

Mr. FOSTER. It was the gentleman from Pennsylvania [Mr. MOORE] who made the last point of order.

JOINT SESSION OF THE TWO HOUSES.

Mr. FLOOD. Mr. Speaker, yesterday unanimous consent was given that the House take a recess at 12.30 o'clock to-day to receive the Serbian commission. I ask unanimous consent that that time be changed until after the President finishes his address to-day, and that then the House stand in recess for 10 minutes for the purpose of receiving the Serbian commission.

The SPEAKER. The gentleman from Virginia asks unanimous consent, in view of the fact that the President notified us that he wanted to come over here at 12.30 o'clock, that this prior order, to take effect at 12.30 for 30 minutes to hear the Serbian commission, be changed so as the Serbian commission shall come in just after the President leaves, and a recess of 10 minutes instead of 30 minutes.

Mr. GILLETT. Mr. Speaker, reserving the right to object, this is the first notification we have had that the President is coming up. May I inquire why this sudden change?

The SPEAKER. The change was necessitated by the fact that the President suddenly notified us that he was coming over here at 12.30.

Mr. GILLETT. I will acquiesce then. I suppose the House has to adopt some resolution on the subject.

The SPEAKER. It is going to adopt it right now.

Mr. KITCHIN. Mr. Speaker, I move immediate consideration and adoption of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House concurrent resolution 32.

Resolved by the House of Representatives (the Senate concurring), That the Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 8th day of January, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. FOSTER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. FOSTER. Mr. Speaker, I withdraw the point.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 32.

Resolved by the House of Representatives (the Senate concurring), That the Houses of Congress assemble in the Hall of the House of Representatives on Tuesday, the 8th day of January, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

RECESS.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the House stand in recess until 12.25.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand in recess until 12.25. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 10 minutes p. m.) the House stood in recess until 12.25 p. m.

AFTER RECESS.

At the expiration of the recess the House resumed its session and was called to order by the Speaker.

JOINT MEETING OF THE SENATE AND HOUSE.

At 12 o'clock and 25 minutes p. m. the Doorkeeper, Joseph J. Sinnott, announced the Vice President of the United States and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the Vice President and by their Secretary and Sergeant at Arms, entered the Chamber.

The Vice President took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. On the part of the House the Chair appoints the following committee to wait on the President: Mr. FLOOD, Mr. SHERLEY, Mr. WEBB, Mr. POU, Mr. COOPER of Wisconsin, Mr. GILLETT, and Mr. CAMPBELL of Kansas.

The VICE PRESIDENT. On the part of the Senate the Chair appoints Senators MARTIN, STONE, SIMMONS, OVERMAN, GALLINGER, LODGE, and WARREN.

At 12 o'clock and 30 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk.

The SPEAKER. Gentlemen of the Sixty-fifth Congress, I present the President of the United States.

ADDRESS OF THE PRESIDENT (H. DOC. NO. 765).

The PRESIDENT. Gentlemen of the Congress, once more, as repeatedly before, the spokesmen of the Central Empires have indicated their desire to discuss the objects of the war and the possible bases of a general peace. Parleys have been in progress at Brest-Litovsk between Russian representatives and representatives of the Central Powers, to which the attention of all the belligerents has been invited for the purpose of ascertaining whether it may be possible to extend these parleys into a general conference with regard to terms of peace and settlement. The Russian representatives presented not only a perfectly definite statement of the principles upon which they would be willing to conclude peace, but also an equally definite programme of the concrete application of those principles. The representatives of the Central Powers, on their part, presented an outline of settlement which, if much less definite, seemed susceptible of liberal interpretation until their specific programme of practical terms was added. That programme proposed no concessions at all either to the sovereignty of Russia or to the preferences of the populations with whose fortunes it dealt, but meant, in a word, that the Central Empires were to keep every foot of territory their armed forces had occupied,—every province, every city, every point of vantage,—as a permanent addition to their territories and their power. It is a reasonable conjecture that the general principles of settlement which they at first suggested originated with the more liberal statesmen of Germany and Austria, the men who have begun to feel the force of their own peoples' thought and purpose, while the concrete terms of actual settlement came from the military leaders who have no thought but to keep what they have got. The negotiations have been broken off. The Russian representatives were sincere and in earnest. They cannot entertain such proposals of conquest and domination.

The whole incident is full of significance. It is also full of perplexity. With whom are the Russian representatives dealing? For whom are the representatives of the Central Empires speaking? Are they speaking for the majorities of their respective parliaments or for the minority parties, that military and imperialistic minority which has so far dominated their whole policy and controlled the affairs of Turkey and of the Balkan states which have felt obliged to become their associates in the war? The Russian representatives have insisted, very justly, very wisely, and in the true spirit of modern democracy, that the conferences they have been holding with the Teutonic and Turkish statesmen should be held within open, not closed, doors, and all the world has been audience, as was desired. To whom have we been listening, then? To those who speak the spirit and intention of the Resolutions of the German Reichstag of the ninth of July last, the spirit and intention of the liberal leaders and parties of Germany, or to those who resist and defy that spirit and intention and insist upon conquest and subjugation? Or are we listening, in fact, to both, unreconciled and in open and hopeless contradiction? These are very serious and pregnant questions. Upon the answer to them depends the peace of the world.

But, whatever the results of the parleys at Brest-Litovsk, whatever the confusions of counsel and of purpose in the utterances of the spokesmen of the Central Empires, they have again attempted to acquaint the world with their objects in the war and have again challenged their adversaries to say what their objects are and what sort of settlement they would deem just and satisfactory. There is no good reason why that challenge should not be responded to, and responded to with the utmost candor. We did not wait for it. Not once, but again and again, we have laid our whole thought and purpose before the world, not in general terms only, but each time with sufficient definition to make it clear what sort of definitive terms of settlement must necessarily spring out of them. Within the last week Mr. Lloyd George has spoken with admirable candor and in admirable spirit for the people and Government of Great Britain. [Applause.] There is no confusion of counsel among the adversaries of the Central Powers, no uncertainty of principle, no vagueness of detail. The only secrecy of counsel, the only lack of fearless frankness, the only failure to make definite statement of the objects of the war, lies with Germany and her Allies. The issues of life and death hang upon these definitions. No statesman who has the least conception of his responsibility ought for a moment to permit himself to continue this tragical and appalling outpouring of blood and treasure unless he is sure beyond a peradventure that the objects of the vital sacrifice are part and parcel of the very life of Society [applause], and that the people for whom he speaks think them right and imperative as he does.

There is, moreover, a voice calling for these definitions of principle and of purpose which is, it seems to me, more thrilling and more compelling than any of the many moving voices with which the troubled air of the world is filled. It is the voice of the Russian people. [Applause.] They are prostrate and all but helpless, it would seem, before the grim power of Germany, which has hitherto known no relenting and no pity. Their power, apparently, is shattered. And yet their soul is not subservient. They will not yield either in principle or in action. Their conception of what is right, of what it is humane and honorable for them to accept, has been stated with a frankness, a largeness of view, a generosity of spirit, and a universal human sympathy which must challenge the admiration of every friend of mankind [applause]; and they have refused to compound their ideals or desert others that they themselves may be safe.

They call to us to say what it is that we desire, in what, if in anything, our purpose and our spirit differ from theirs; and I believe that the people of the United States would wish me to respond, with utter simplicity and frankness. Whether their present leaders believe it or not, it is our heartfelt desire and hope that some way may be opened whereby we may be privileged to assist the people of Russia to attain their utmost hope of liberty and ordered peace. [Applause.]

It will be our wish and purpose that the processes of peace, when they are begun, shall be absolutely open and that they shall involve and permit henceforth no secret understandings of any kind. [Applause.] The day of conquest and aggrandizement is gone by; so is also the day of secret covenants entered into in the interest of particular governments and likely at some unlooked-for moment to upset the peace of the world. It is this happy fact, now clear to the view of every public man whose thoughts do not still linger in an age that is dead and gone, which makes it possible for every nation whose purposes are consistent with justice and the peace of the world to avow now or at any other time the objects it has in view.

We entered this war because violations of right had occurred which touched us to the quick and made the life of our own people impossible unless they were corrected and the world secured once for all against their recurrence. What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression. All the peoples of the world are in effect partners in this interest, and for our own part we see very clearly that unless justice be done to others it will not be done to us. The programme of the world's peace, therefore, is our programme; and that programme, the only possible programme, as we see it, is this:

I. Open covenants of peace, openly arrived at, after which there shall be no private international understandings of any kind but diplomacy shall proceed always frankly and in the public view. [Applause.]

II. Absolute freedom of navigation upon the seas, outside territorial waters, alike in peace and in war [applause], except as the seas may be closed in whole or in part by international action for the enforcement of international covenants.

III. The removal, so far as possible, of all economic barriers and the establishment of an equality of trade conditions among all the nations consenting to the peace and associating themselves for its maintenance. [Applause.]

IV. Adequate guarantees given and taken that national armaments will be reduced to the lowest point consistent with domestic safety. [Applause.]

V. A free, open-minded, and absolutely impartial adjustment of all colonial claims, based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the Government whose title is to be determined. [Applause.]

VI. The evacuation of all Russian territory and such a settlement of all questions affecting Russia as will secure the best and freest cooperation of the other nations of the world in obtaining for her an unhampered and unembarrassed opportunity for the independent determination of her own political development and national policy [applause] and assure her of a sincere welcome into the society of free nations under institutions of her own choosing; and, more than a welcome, assistance also of every kind that she may need and may herself desire. [Applause.] The treatment accorded Russia by her sister nations in the months to come will be the acid test of their good will, of their comprehension of her needs as distinguished from their own interests, and of their intelligent and unselfish sympathy.

VII. Belgium, the whole world will agree, must be evacuated and restored [applause], without any attempt to limit the sovereignty which she enjoys in common with all other free nations. No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

VIII. All French territory should be freed and the invaded portions restored, and the wrong done to France by Prussia in 1871 in the matter of Alsace-Lorraine [applause], which has unsettled the peace of the world for nearly fifty years, should be righted, in order that peace may once more be made secure in the interest of all. [Prolonged applause.]

IX. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality. [Applause.]

X. The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development. [Applause.]

XI. Rumania, Serbia, and Montenegro should be evacuated; occupied territories restored; Serbia accorded free and secure access to the sea [applause]; and the relations of the several Balkan states to one another determined by friendly counsel along historically established lines of allegiance and nationality; and international guarantees of the political and economic independence and territorial integrity of the several Balkan states should be entered into. [Applause.]

XII. The Turkish portions of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development [applause], and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees. [Applause.]

XIII. An independent Polish state should be erected which should include the territories inhabited by indisputably Polish populations, which should be assured a free and secure access to the sea, and whose political and economic independence and territorial integrity should be guaranteed by international covenant. [Applause.]

XIV. A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small states alike. [Applause.]

In regard to these essential rectifications of wrong and assertions of right we feel ourselves to be intimate partners of all the governments and peoples associated together against the Imperialists. We cannot be separated in interest or divided in purpose. We stand together until the end. [Applause.]

For such arrangements and covenants we are willing to fight and to continue to fight until they are achieved; but only because we wish the right to prevail and desire a just and stable peace such as can be secured only by removing the chief provocations to war, which this programme does remove. We have no jealousy of German greatness, and there is nothing in this programme that impairs it. We grudge her no achievement or distinction of learning or of pacific enterprise such as have made her record very bright and very enviable. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair dealing. We wish her only to accept a place of equality among the peoples of the world,—the new world in which we now live,—instead of a place of mastery. [Applause.]

Neither do we presume to suggest to her any alteration or modification of her institutions. But it is necessary, we must frankly say, and necessary as a preliminary to any intelligent dealings with her on our part, that we should know whom her spokesmen speak for when they speak to us [applause], whether for the Reichstag majority or for the military party and the men whose creed is imperial domination.

We have spoken now, surely, in terms too concrete to admit of any further doubt or question. An evident principle runs through the whole programme I have outlined. It is the principle of justice to all peoples and nationalities, and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything that they possess. The moral climax of this the culminating and final war for human liberty has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test. [Prolonged applause.]

At 12 o'clock and 54 minutes p. m. the President retired from the Hall of the House.

At 12 o'clock and 55 minutes p. m. the Speaker announced that the joint session had dissolved.

Thereupon the Vice President and Members of the Senate returned to their Chamber.

SERBIAN MISSION.

The SPEAKER. The Chair appoints as a committee to escort the Serbian mission Messrs. FLOOD, DENT, SABATH, COOPER of Wisconsin, and FORDNEY, and the House will stand in recess.

Accordingly (at 12 o'clock and 58 minutes p. m.) the House stood in recess.

At 1 o'clock p. m. the members of the Serbian mission, escorted by the committee appointed by the Speaker, entered the Hall of the House and were announced by the Doorkeeper. The members of the mission were: Dr. Milenko R. Vesnitch (chairman), Dr. Sima Lozanitch, Gen. Michailo Rachitch, Lieut. Col. Michailo Nenadovitch, Capt. Milan Yovitchitch, and Mr. Vladislav Martinatz.

Mr. Lioubomir Michailovitch, minister from Serbia to the United States, accompanied the mission into the Hall of the House, together with the Third Assistant Secretary of State, Mr. Breckinridge Long; A. B. Ruddock, of the Department of State; and Lieut. H. F. Armstrong, United States Army.

The SPEAKER. Gentlemen of the House of Representatives, almost 500 years ago the Turks overran the Balkans and got as far as the capital of Austria, and John Sobieski, the heroic King of Poland, went down there with an army and defeated the Turks under the walls of Vienna. From that day to this the Turks have been retreating eastward, sometimes very slowly and sometimes more rapidly. During all these years, nearly five centuries, the Serbians and Montenegrins have kept up a more or less constant warfare against the Turks. [Applause.] They never admitted that they were conquered. Serbia was one of the first of the Balkan Provinces that achieved its independence. It is one of the smaller States of Europe, but no nation in the world has ever put up a braver fight. [Applause.] About the time that the western end of the Balkans, including Serbia, had achieved independence from the Turks, the Austrians precipitated this war by an assault on Serbia. They did not get along as easily as they supposed they would, and the Serbians fought them inch by inch, and were driven from their own country only by the overwhelming force of men and guns. I suppose that in this war the Serbians have suffered more than any other nation in Europe.

I take pleasure in introducing to the House the head of the Serbian mission to the United States, Dr. Milenko R. Vesnitch, who will now address the House. [Applause.]

Dr. VESNITCH. Mr. Speaker and gentlemen of the House of Representatives, we stand here, in this post of honor, my friends and myself, thanks to your great courtesy, and my first thoughts go beyond you to your constituents, to those whom you so conscientiously represent, and who probably have often asked of you the reason for this catastrophe overwhelming the world, and which has imposed upon them the greatest sacrifices which humanity has ever been called upon to endure. Would that my voice might reach them all, but, alas! I fear that I can not hope to succeed in this self-imposed task, for the voice of a modest representative of a small nation is too weak to be heard throughout this vast country. Nevertheless, I dare not hesitate, and your democracy, gracious and gentle as it is powerful, will lend its ears to my voice, because I ask the favor of speaking the truth and of invoking justice for the cause of the allies and for that of my desolate country.

The most distinguished of our common allies have explained to you from this platform the reasons for which Germany and Austria-Hungary have provoked this tremendous war, and for which all righteous and liberty-loving nations have been successively and necessarily involved in this conflagration. This duty was for none of them so great and so imperative as for me; for little Serbia, as you know, was the first nation attacked by Austria Hungary, and later invaded by Germany, Bulgaria, and Turkey. Serbia was the first object of the Teuton's aggression. In a single moment the armies of four powers, representing 150,000,000 inhabitants, were hurled against a small nation of hardly 5,000,000, whose army was exhausted by two preceding wars.

Why did the central European powers attack us, aided by their Turanian, Asiatic, and half-Asiatic allies? Why did the liberal nations of Europe interfere in this unequal struggle? Why was it impossible for your great country to stand, as it were, apart, and await the final result of this immense conflict, far from the field of battle? To frame clearly the answer of these questions would require hours and hours, if not days, and, as I may not impose upon your good nature or claim more than half an hour of your precious time, I shall endeavor to be very brief. Because of this my address will necessarily suffer, but I count upon your indulgence.

You will, I sincerely hope, agree with me that a great and enlightened democracy has the right in our time to be fully informed why it is that its citizens, so far removed from the battle field, why, to be specific, the countrymen of Washington and Monroe, should forsake their regular occupations, renounce all their cherished plans, and concentrate their thoughts and their powers, physical as well as moral and material, exclusively on one object—to win the war. The necessity for this is absolute.

Two motives have led Germany and Austria-Hungary to crush Serbia, both of which were peremptory and categorical. The first was dictated by the determination of the Germans to become the masters of the world after having successfully subjected Europe to their will and having settled themselves in Asia Minor. The second was due to the horror in which the German mind holds democracy. If you consider these two motives more closely you will readily persuade yourselves that their origin is the same autocratic mentality of the Teutons, of which the Hohenzollerns and the Hapsburgs are the strongest and the most evident personifications. This mentality manifested itself long ago in the Middle Ages, when the Hohenzollerns imposed Christianity with the sword for political purposes, and when the Hapsburgs forced a people to stand bareheaded before the hat of Gessler. Medieval, feudal robbers, the Hohenzollerns descended from their mountain castles, and, passing through the county of Nuremburg, founded the Duchy of Brandenburg, outraging and exterminating the Slavs, and colonizing their lands with Teutons. Through persistent intrigue and military activity they have transformed their dominions into the Kingdom of Prussia, which they enlarged by robbing Austria of Silesia, Denmark of Schleswig-Holstein, and, excluding Austria from the circle of German States, formed the North German Confederation, under the leadership of Prussia. Five years later the South German States, through compulsion and compromise, were united with the North German States and merged into an empire, and, enlarged by the cynical annexation of Alsace and Lorraine, under the dominion of this same Prussia, the German States have become Prussianized. From that moment the ambition of the Hohenzollerns has known no bounds. They have resolved to conquer the world. Indeed, before Nietsche announced his theory of the superman, the German people considered themselves to be a superior people. Their superior people—Ubervolk, to use their own expression—ought, in their opinion, to govern and direct the world, because, in their pride, they claimed to be the cultured people—in their own language Kulturvolk—and the transmitters of culture, as they termed it, Kulturtrager—to the peoples of the earth. The first step to be taken was to secure financial and agricultural resources for the struggle which this ambition would necessarily provoke. These, they early saw, were to be found in Palestine and Mesopotamia, where there were cotton and wheat in abundance. After having for scores of years lulled the Turks into a belief in their friendship, until the Kaiser, with turban on head, knelt before the grave of Mohammed, the Germans decided to cut their way through the Balkans. But to reach Constantinople and Saloniki it was necessary to win over or to crush Serbia. As we could not be won over, our destruction was quickly decided at Berlin and Vienna.

The House of Hapsburg had even more reasons to wish for our disappearance from the map. Old feudal brigands, descending from the Swiss mountains, the Hapsburgs conquered, often fraudently acquired, Province after Province. By cabal, corruption, and treachery, they acquired the crown of the Holy Roman Empire of the German Nation, without ever seeing in their provinces and realms anything more than private lands or family domains. Even nowadays the Hapsburgs do not recognize an Austrian or Hungarian, a Czech or Croat country, nor even an Austria-Hungary. They only know lands and estates belonging to their house like simple property, and it is on the basis of these conceptions that they administer their Provinces, considering the inhabitants as belonging to and forming a part of their estates. At the same time, being essentially a Teutonic dynasty, the Hapsburgs have always been in the East the agents of German policy. With the exception of the German, and from the latter half of the last century Magyar, they have never tolerated national tendencies under their rule, and they have persecuted systematically every nation or race with those ambitions, especially the Slavs; but they have emptied the vials of their wrath upon the Yougoslavs, because the democratic Slovenes and Croats had seen in the Serbia of their brothers the realization of their dreams extending over centuries, and, as they have openly and with all their energy favored our development, many of them abandoning their homes and their native lands in order to pass over to and to settle in little Serbia, the feudal and bureaucratic Hapsburgs have seen in our country a real danger to their political situation. And because of this menace, as they considered it, they long ago inaugurated the policy of oppressing the Yougoslavs, of persecuting Serbia, and of thwarting all our endeavors toward a normal economic and political development.

If Austria-Hungary has become a hell to all her inhabitants, with the exception of the Germans and Magyars, no nationality has suffered more under Hapsburg misrule than the Yougoslavs.

Hatred of the Croats and of the Slovenes has increased in the last 50 years as they have begun to oppose Germanization, leaning upon Serbia as a defense and upon her democracy. Since the formation of the Austro-German alliance of 1879, Vienna and Berlin have been united in their policy to crush Serbia because of its democracy—a small America in the southeast of Europe—and to counteract every effort of the Serbs and Croats or Slovenes in the dual monarchy standing in their way.

Our desperate moral and political situation has been truly pictured by one of our great national poets, "Our tears flow unremarked, and neither our cries nor our prayers are heard." The ambition to dominate the world, and the determination to check democratic movements in their dominions, have been the motives which have caused the central powers to inaugurate this tremendous war. All else has been simple pretext.

You know the methods followed by the Germans in this war in Belgium, in France, in Italy, in Roumania, and even in Russia. You have never heard of the horrors endured by the Yougoslavs, not only in Serbia but even in the Provinces of Austria-Hungary. They are so cruel and inhuman that I am obliged to spare you the recital. But I must give you one, the slightest example of it.

Since we have been so happy as to enjoy the hospitality of your beautiful Capital, I have been going every Sunday to commune with your people in prayer for all the unfortunate men and women in the world and for our redemption from the evils imposed upon us all by German aggression. On every one of these occasions I have recalled to mind the military order issued by the invader of my martyred country:

> Divine service is only to be permitted at the request of the inhabitants of the locality and only in the open air and outside the church. No sermon, however, will be permitted under any conditions whatsoever. A platoon, prepared to fire, will hold itself in readiness near the church during divine service.

In methods of barbarity, Austrians, Magyars, Bulgarians, and Germans have vied with one another. Contrary to the traditions of warfare in the last three centuries, and contrary to the obligations assumed in international treaties, the Austro-Germans, the Bulgarians, and the Turks have violated the most elementary civil, moral, and religious rights in Belgium, in France, in Italy, in Roumania, but surely nowhere in such large measure as in Serbia. Should they be victorious in this war, the turn of others would necessarily come, and neutral nations would not escape.

This situation imposes upon us all the imperative duty of facing sacrifices to win the war. I have come from the western front in Europe, and I saw there all the horrors of German devastation. Attila could go to the school of barbarism founded by the successors of Moltke. But I saw at the same time the resolution of all the allied soldiers, those under the command of your gallant Gen. Pershing included, to win this war, forced upon us all, and to restore right, justice, and liberty to the civilized world. [Applause.] But to win it we must act with all our coordinated energy and indefatigably day and night. We must not, we dare not, think of anything else these days than of the war and of winning it. Only when we hold complete and definite victory in our hands can we dare to think of peace. This peace must be a just and a lasting one, and to be such it can not be made in Germany. [Applause.] To obtain it we must realize that further great and earnest efforts are to be made. We must stand as one man and concentrate all our energies. We Serbs put all our confidence in our allies, as we have up to the present day, that this sunlight will dawn. We hope that the new world organization—for a new world will and must result from this war—will be inspired by the American spirit, tending toward "a more perfect union," providing at the same time that no State shall be deprived of its equality in the new society of nations. We may assure you, gentlemen of the House of Representatives, that in the coming happier organization we shall be factors and elements of order and of progress, and that we shall be happy and proud to stand beside you and to follow you in the way in which the spirit of Washington is to guide mankind. [Applause.]

The members of the mission then took their places on the right of the Speaker's rostum, and the Members of the House of Representatives were presented to them.

The distinguished visitors were then escorted from the Hall of the House.

The recess having expired, the House (at 1 o'clock and 37 minutes p. m.) resumed its session.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the proceedings which took place during the recess be published in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the proceedings incident to the visit of the Serbian mission be printed in the RECORD. Is there objection?

There was no objection.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, Mr. DENTON was given leave to withdraw from the files of the House, without leaving copies, the papers in the case of Thomas J. Lamar (H. R. 19145, 64th Cong.), no adverse report having been made thereon.

REFERENCE AND PRINTING OF THE PRESIDENT'S ADDRESS.

Mr. KITCHIN. Mr. Speaker, I move that the address of the President be printed and referred to the Foreign Affairs Committee.

The motion was agreed to.

Mr. KITCHIN. Mr. Speaker, in addition to the copies of the President's address which will be printed and distributed through the Document Room under the rules of the House, I ask unanimous consent that 25,000 copies be printed and distributed through the Folding Room.

The SPEAKER. The gentleman asks unanimous consent that 25,000 copies of the President's address just delivered be printed in document form and distributed through the Folding Room. Is there objection?

There was no objection.

The SPEAKER. The Chair will call attention to the fact that the next to the last address of the President never has been referred. Does the gentleman wish to make some motion about it?

Mr. KITCHIN. I thought myself that being a special message it was unnecessary to make a motion.

The SPEAKER. Then the Chair will refer it to the Committee on Interstate and Foreign Commerce.

HOUR OF MEETING THURSDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns Wednesday it adjourn to meet at 11 a. m. on Thursday.

Mr. GILLETT. Is that with the understanding that the woman-suffrage amendment will be considered on Thursday?

Mr. KITCHIN. I understand the Rules Committee will bring in a rule on Thursday for the consideration of the woman-suffrage amendment, and that it is the purpose to close the matter up and vote on the amendment on that day, and we wish to have an extra hour.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns on Wednesday it adjourn to meet at 11 o'clock a. m. on Thursday. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. KEATING. Mr. Speaker, I ask unanimous consent for leave of absence for the gentleman from Ohio [Mr. CROSSER], indefinitely, on account of illness.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the gentleman from Ohio [Mr. CROSSER] be given indefinite leave of absence on account of illness. Is there objection?

There was no objection.

UNLAWFUL RESTRAINTS AND MONOPOLIES.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent for the present consideration of S. J. Res. 106, extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, now on the Speaker's table.

The SPEAKER. The parliamentary clerk is momentarily absent, but the Chair will recognize the gentleman from Virginia when the gentleman from Missouri [Mr. BORLAND] has concluded his 30-minute speech.

Mr. CARLIN. Mr. Speaker, I have no objection to awaiting the return of the parliamentary clerk, but I want to be certain that we are not going to adjourn so as to cut off consideration of Senate joint resolution 106, because this is the last day of the existence of the law and it is necessary to consider it if possible to-day.

Mr. STAFFORD. What does the resolution relate to?

Mr. CARLIN. It relates to the suspension of section 10 of the Clayton Antitrust Act.

Mr. STAFFORD. I think there is some objection to the passage of the resolution.

Mr. CARLIN. I am not concerned about the objection to the resolution, but I am concerned about its consideration to-day.

The SPEAKER. There is no trouble about that; it is entitled to be called up to-day. The gentleman from Missouri [Mr. BORLAND], under the order of the House, is entitled to 30 minutes.

Mr. LONDON was called to the chair as Speaker pro tempore.

Mr. BORLAND. Mr. Speaker, January 8 commemorates the brilliant victory of Gen. Jackson at New Orleans, but this year we Missourians celebrate it for another reason. It marks the date when the first petition was presented in Congress to confer statehood upon that great Commonwealth. The battle then began was epoch-making in the history of our Republic. It ranged over the whole field of social, political, and constitutional problems, until it culminated in the famous "Missouri compromise," under which Missouri was admitted to the Union August 10, 1821.

It is the purpose of the people of our State to celebrate the centennial anniversary of the statehood of Missouri in some fitting manner in 1921. It is my purpose at this time to call attention to the rapid Americanization of Missouri during the first 14 years of its history and the tremendous effect of this change upon the destiny of the great West.

The transfer of Upper Louisiana from the control of France to that of the United States occurred at St. Louis March 10, 1804. The Province of Louisiana had belonged to Spain for 40 years, but Spanish rule had made little or no impression on it. The settlements remained French. Their language and customs were French. The spirit of the people was French, and no influx of Spanish colonists had come in all those 40 years to disturb the quiet, shut-in life of the little villages. The nominal transfer of the Province back to France to permit it to be ceded to the United States awakened in their hearts the fires of enthusiasm for the land of their fathers.

Gen. Chittenden thus describes the scene of the transfer:

> It was an unusual spectacle that took place in St. Louis March 9 and 10, 1804, and one filled with sadness to the old inhabitants, who were mostly of French descent. The formal transfer of Upper Louisiana from Spain to France had not been made when the time arrived for its transfer to the United States. In order that this transfer might be made from France to the United States according to the terms of the treaty with Napoleon, Capt. Amos Stoddard, of the United States Army, who had been delegated to receive the country from France, was empowered by the French Government to act as its agent in the transfer which must first take place from Spain to France. The ceremony of the first transfer occurred between the hours of 11 a. m. and noon, March 9, 1804. The Spanish flag was lowered and the standard of France was run up in its place. The people, although conscious that the sovereignty of France was being resumed but for a moment and simply as a necessary formality in the final transfer, nevertheless could not restrain their joy at seeing float over them once more the standard which even the 40 years of the mild sway of Spain had not estranged from their memories. So deep was the feeling that when the customary hour came for lowering the flag the people besought Capt. Stoddard that it might remain up all night. The request was granted and the flag of France floated for 24 hours over the city from which it was about to be withdrawn forever. At the appointed time on the following day, March 10, 1804, the ceremony of transfer from France to the United States was enacted. The flag of the French Republic was withdrawn and the Stars and Stripes waved for the first time in the future metropolis of the valley of the Mississippi. Thus St. Louis became perhaps the only city in history which has seen the flags of three nations float over it within the space of 24 hours. * * * (American Fur Trade, vol. 1, p. 105.)

With such a beginning, the task of governing and Americanizing our first-acquired territory was inaugurated. With this, our first venture in national expansion, the whole theory of our institutions was on trial. Was Missouri to remain French—a mere subject province, alien in thought and speech; another Alsace and Lorraine—or was it to become American, an integral part of the Union?

The first government of acquired territory is always military, but the military régime should last no longer than is necessary to establish public order. Capt. Amos Stoddard, afterwards major, the Army officer who received the territory on behalf of the United States, became the head of authority for the time being. He exercised power in pursuance of the act of Congress of October 31, 1803, which authorized the President to take possession of Louisiana, and which provided "that until the expiration of the present session of Congress, unless provision for the temporary government of said Territories be sooner made to Congress, all the military, civil and judicial powers exercised by the officers of the existing government of the same shall be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property, and religion."

The settlements then existing in Upper Louisiana were Arkansas Post, New Madrid, Cape Girardeau, St. Genevieve, Carondelet, St. Louis, and St. Charles, and a few private trading posts among the Indians. The total population of these settlements, according to the census furnished by the United States consul at New Orleans, was 6,028. This may have included only the inhabitants of the villages. Many American settlers had come in during the last decade of Spanish rule, and these followed the frontier custom of building their log cabins in clearings on their individual tracts of land, often remote from the settlement. The French, on the contrary, clung to the villages. According to one estimate, about two-fifths of the inhabitants of the upper district were Americans at the time of the transfer.

On the 26th of March, a few days after the transfer, and during the same session of Congress as that which passed the act for the taking possession of Louisiana, an act was passed for the temporary government of the newly acquired domain. The portion south of the 33° of latitude, and now constituting the State of Louisiana, was organized into the Territory of Orleans. The residue of the Province from the southern boundary of Arkansas to the British possessions was included in the unorganized District of Louisiana. By the act the latter was placed under the control of the governor and judges of Indiana Territory, which Territory, embracing Illinois, extended to the east bank of the Mississippi. To these officials was given not only executive and judicial but legislative authority, subject to the Constitution of the United States and to certain special provisions for religious liberty and for trial by jury in all criminal prosecutions and in civil cases when the amount involved was $100. All inhabitants between the ages of 18 and 45 were to be subject to militia duty. "The laws in force in the said District of Louisiana at the commencement of this act and not inconsistent with any of the provisions thereof, shall continue in force until altered, modified, or repealed by the governor and judges of Indiana Territory."

Gen. William Henry Harrison, governor of Indiana Territory, thus became governor of the new District of Louisiana, which was simply added for the time being to his jurisdiction without being incorporated in the Territory of Indiana. Some technical question was afterwards raised about this on the subject of slavery. It was contended that as Indiana Territory was part of the Northwest Territory, in which by the ordinance of 1787 slavery and involuntary servitude were prohibited, the District of Louisiana came under the same law when it was added to the jurisdiction of the governor of Indiana Territory and therefore slavery became unlawful from that date. The contention was never seriously pressed. It is manifest from the terms of the act of Congress of March 26, 1804, that the laws then prevailing in the District of Louisiana were continued in force until changed by the governor and judges to whom the legislative authority was committed. As Gov. Harrison was not to assume his duties until October 1, 1804, he came to St. Louis, with his judges, in the meantime and familiarized himself, as far as possible, with the needs of the District.

The summer of 1804 was a busy one for St. Louis and for the new Territory. Lewis and Clark organized and started upon their expedition to the Pacific. Americans began to pour into the new land, led by the spirit of adventure and the unaccountable lure of a new country. After the return of Gov. Harrison and the judges to Vincennes from their visit to St. Louis, they enacted, on October 1, 1804, a few laws for the government of the District of Louisiana, including a slave code modeled upon that of Kentucky. Congress at the following session, March 3, 1805, changed the name of the District of Louisiana to the Territory of Louisiana. In response to a popular demand the act provided that a governor, a secretary, and three judges should be appointed who should reside in the Territory. The act was modeled after that for the government of Indiana Territory. All power, legislative, executive, and judicial, was vested in the governor and the three judges, who were appointees of the President. This is what is known in our law as a Territory of the first grade. It is a civil government and is one step higher than the military rule which it supersedes. It provides for local legislation but not for local participation in government.

The first governor appointed under the new act was Gen. James Wilkinson, who was then in command of the western posts of the American Army. The first judges of the Territory who served with Gov. Wilkinson were John B. C. Lucas, Return J. Meigs, jr., and Joseph Browne. The new governor established himself at St. Louis and took up his duties April 24, 1805. Shortly thereafter Aaron Burr came to St. Louis and visited Wilkinson, and the air was soon thick with rumors of the wonderful conspiracy of Burr to establish an independent empire in the Southwest. It was never known how deeply Wilkinson was involved in Burr's plans. After the acquittal of Burr, Wilkinson was tried as an accessory, but no case was proved against him. He was unpopular with the St. Louis people, whether on account of his supposed intrigue with Burr

or because of his speculations in land is not clear. He was removed from the office of governor after less than two years' service. Col. Hammond was acting governor until the spring of 1807, when Capt. Meriwether Lewis was appointed governor.

The Americanization of the new Territory had now begun in earnest. In 1805 Lieut. Zebulon Pike was sent by Gov. Wilkinson to explore the upper whiters of the Mississippi and to establish American authority there as against the encroachments of the British traders. The following year Pike was sent to the headwaters of the Arkansas, which resulted in his invading Spanish territory and being detained in honorable captivity. In 1806 the American post, Fort Bellefontaine, was established on the south bank of the Missouri River a few miles above its mouth. During that year and the next a colony of pioneers from Kentucky, under the leadership of Col. Benjamin Cooper, was established on Loutre Island in the Missouri River, opposite where the city of Hermann now stands. The return of Lewis and Clark, crowned with success in their efforts to reach the Pacific by way of the valley of the Missouri, gave new impetus to the fur trade. Companies were organized, and St. Louis became the emporium of this traffic.

The sons of Daniel Boone, Daniel M. and Nathan, had begun the manufacture of salt at a locality known as Boones Lick. This commodity was much in demand on account of the growing trade in peltries and the influx of the pioneer population with its live stock. The methods of the salt makers were primitive, consisting simply in the evaporation of the water from a salt "lick" or spring. The salt was loaded into dugout canoes and floated down the Missouri to St. Louis. Cedar Creek, which now divides the counties of Calloway and Boone, was the western boundary of the St. Charles district. The country above this stream was known as "Boones Lick country" and for a generation was the outpost of American settlement. Here in 1810 was removed the Cooper colony from Loutre Island, and the great fertility of the region attracted the first permanent group of American settlers.

The first newspaper in the Territory was the Missouri Gazette, established at St. Louis in 1808 by Joseph Charless. This paper is still in existence under the name of the St. Louis Republic. During the Spanish régime a few of the prominent French traders had established trading posts at points convenient for the traffic with certain tribes, but these were not even the nucleus of settlements. Manuel Lisa had such a post near the Osage villages on the headwaters of the Osage River. Francis G. Chouteau founded what was known as the "Kansas Post," supposed to have been located on an island in the Missouri River about 3 miles below the mouth of the Kansas River.

The abuses of the unregulated trade with the Indians moved the American Government to do something in their behalf. The Spanish policy had been a restriction of trade into the hands of a few concessionaires of the Crown. With American sovereignty came the genius of the American institutions, which abolished monopoly and threw trade open to free competition. This was not an unmixed blessing to the Indians. Fraud, imposition, deceit, oppression, the debasing use of liquor, and the demoralizing influences of real or pretended sales on credit determined the Government to extend the "factory system" to the new country. A factory was a Government trading post, where the Indians could procure honest goods at just prices in exchange for their furs. The first, and for a time the only, factory west of the Mississippi was established at Fort Osage in 1808. The original orders from the Secretary of War directed the founding of a trading house and a military post to protect it at some point on the Osage River. After reviewing the situation, however, Gen. William Clark, Capt. Clemson, and Mr. Sibley decided upon locating the post on the Missouri River 4 miles above Fire Prairie Creek. This locality was 20 miles east of Kansas City. The post was accordingly started September 4, 1808, and completed December 2. It was first called Fort Clark, afterwards Fort Osage.

The lead mines of Missouri contributed also to the rapid settlement of the territory. The presence of a valuable deposit of mineral had been known since the time of the early French exploration. When first discovered it was supposed that the metal was silver, and this apparently fabulous wealth gave rise to the Mississippi scheme projected by John Law in 1719. The mines were worked in a desultory fashion under the French and Spanish, but no great progress was made. In 1797 a grant was made by the Spanish authorities to Moses Austin, afterwards celebrated as the pioneer colonizer of Texas. He was given a tract 1 league square for mining and smelting land. After the American occupation some real development occurred.

By 1809 a shot tower was in operation at Herculaneum, at which, tradition says, the shot was made to furnish the troops of Gen. Jackson in the Battle of New Orleans. John Bradbury, the English naturalist, gives an extended account of the lead mines as he saw them in 1810. He was impressed with the fact that there was a considerable body of lead under the soil of Missouri. The mineral land was held under French or Spanish grants and the proprietors did little besides collecting a royalty from prospectors. The latter went from tract to tract as prospects seemed to offer. They stripped the soil, finding the lead in pockets and selling it to the proprietors at a customary price.

The cause which contributed most to the rapid growth of Missouri was the fact that it was new slave territory. The Northwest Territory, embracing Ohio, Indiana, and Illinois, was free soil by the ordinance of 1787. The settlers from Virginia, the Carolinas, Kentucky, and Tennessee, who then constituted the most enterprising and adventurous class of the American population, crossed over the free soil of the Northwest Territory to reach Missouri, where they could take their slaves. This was supposed at the time to be an immense advantage to Missouri, and did contribute both to the rapidity of its settlement and to the character of its population, although the country never was adapted, from an economic standpoint, to the institution of slavery. The census of 1810 revealed a population in the Territory of 20,845, of which 3,011 were slaves. In St. Louis there were 5,667 inhabitants, of which 740 were slaves. The percentage of slaves in proportion to population continued to fall off with each census. After the coming of river transportation the doom of slavery as an economic institution was sealed. It was preserved only by the stress of partisan zeal.

Gen. Benjamin Howard was made governor of the Territory in 1810, and in the years of his administration several forts or stockades were erected by the settlers in the Boones Lick neighborhood for protection against the Indians. These forts had no regular garrison. In case of alarms the sounding of a horn summoned all the neighbors within the walls of the stockade, which was defended by the men and boys, all of whom were experts with the rifle. Punitive expeditions, composed of volunteer riflemen, were frequently sent after marauding parties of Indians who by a sudden raid had committed some outrage. Of the various tribes of Indians with whom these troubles occurred the Iowas only were of Sioux stock and belonged west of the Mississippi at the advent of the white men. They overran a portion of northern Missouri. The remaining tribes—the Miamis, Pottawatomies, Fox, Kickapoos, Delawares, and Shawnees—were Algonquin tribes, who had originally lived east of the river, some of them as far east as Pennsylvania. They had been driven from their homes by the steady advance of white settlement in the Northwest Territory. Many of them had fought in the French and Indian war against the Americans. By the time they reached Missouri they had become predatory vagabonds—cruel, bloodthirsty, and crafty. The savage virtues which they shared with the Algonquin race had disappeared in their contact with the whites and as result of their homeless wanderings. They gave more trouble than the resident tribes of the Sioux race that were found in the Missouri Valley.

The census of 1810 showed that the Territory had grown in population over 300 per cent in the six years following the change in sovereignty. All of the newcomers were Americans. It was but natural that they should begin to agitate for some form of political rights. Accordingly, a petition was presented to Congress in 1811 praying for local self-government. At this time the Territory of Orleans, comprising that part of the purchase below the thirty-third degree of latitude, was petitioning for statehood under the name of Louisiana. It was admitted as a State under that name April 8, 1812. The residents of the upper settlements, theretofore known as the Territory of Louisiana, promptly adopted the name "Missouri." Congress passed an act June 4, 1812, providing that the Territory of Louisiana should thereafter be called the "Territory of Missouri." No change in the boundaries was made. A governor and secretary were to be appointed by the President. The legislative power was to be vested in a general assembly consisting of the governor, a legislative council, and a house of representatives, with an absolute veto in the hands of the governor.

The house was to be composed of members elected every second year by the people of the Territory—one representative for every 500 white male inhabitants. The legislative council was to consist of nine members appointed by the President for five years from a list of 18 persons nominated by the house. The people were to elect one Delegate to Congress. The act took effect the first Monday in December of that year. Edward Hempstead was the first Delegate elected to Congress.

Here was the beginning of local government—an elective lower house, with an appointive upper house and executive. This is called a Territory of the second grade. The house of representatives held its first session on December 7, 1812, and nominated 18 persons, from whom the President was to select the

legislative council. Gov. Howard had taken the field in the war then beginning with England, and Gen. William Clarke, the companion of Capt. Meriwether Lewis, was appointed governor. The first meeting of the fully organized general assembly occurred on the 3d day of June, 1813. A number of laws were passed for the local government of the Territory.

The second war with England, which was officially proclaimed June 19, 1912, did not disturb seriously the new Territory of Missouri. Actual hostilities did not extend that far west. It was feared by the inhabitants that the Indians, particularly those tribes which had come in from the Northwest, would be armed and instigated by British agents to commit fresh depredations. Fortunately, Gen. Clarke had, in May just preceding the outbreak of war, taken a party of chiefs of the Great and Little Osages, the Sac, the Renards or Foxes, the Delawares, and Shawnees to Washington on an embassy of friendship. As a result no organized warfare was attempted by the Indians, although the settlers did not escape occasional raids.

When the War of 1812 broke out Gen. Howard sent word to the settlers in the Boones Lick country to come into St. Louis for protection, but received this reply from Capt. Cooper:

> We have maid our Hoams here & all we hav is here & it wud ruen us to Leave now. We be all good Americans, not a Tory or one of his Pugs among us & we hav 2 hundred Men and Boys that will fight to the last, and we hav 100 Women & Girls that will tak their places wh. makes a good force. So we can defend this Settlement, wh. with Gods Help we will do. So if we had a few barls of Powder and 2 hundred Lead is all we ask.

Whether the fear that British agents were inciting the Indians of the trans-Mississippi region to hostilities against the Americans was well founded or not, the rumors to that effect persisted among the fur traders. To prevent such influence among the Indians of the upper Missouri one of the most experienced fur traders, Manuel Lisa, was appointed by Gov. Clarke subagent for those tribes. Lisa was the stormy petrel of St. Louis business life in those days. He was eminently successful as a trader and very tactful in his dealings with the Indians, but nothing he did escaped criticism from his commercial rivals. The Indians under his charge remained peaceful and even friendly to the Americans throughout the course of the war, but at its close it was necessary for him to resign and write a long letter to Gov. Clarke explaining that he had not enriched himself unlawfully out of the $500 which the Government allowed him for the expense of his office.

The United States Government, on the acquisition of the Territory, made Auguste Chouteau a colonel and ambassador to the Indians. Chouteau was a handsome man of winning manners and convincing oratory, with light hair, high forehead, and straight nose; was always smoothly shaven and carefully dressed. After the treaty of Ghent, which put upon the United States the duty of making peace with the Indian tribes, Col. Chouteau achieved his greatest feat of diplomacy in a council which he held with them at Portage des Sioux on the Missouri River, a few miles above St. Louis. As the result of the tact and fairness of Col. Chouteau, Gov. Clarke, Maj. Sibley, Manuel Lisa, and other representatives of the Government in Indian affairs, the Indians of the new Territory remained friendly and tractable, and Missouri was spared most of the horrors of Indian massacres which have stained with blood the early history of many American Commonwealths.

The treaty of Ghent, which closed the second war with England, was signed by the commissioners of the two Governments December 24, 1814, but news of the treaty did not reach the United States until after the brilliant victory of Jackson at New Orleans January 8, 1815. An attempt was made on the part of the British negotiators of the treaty to settle the northern boundary of Louisiana Province, but nothing could be agreed on, and the treaty was therefore silent on that point.

The termination of the war, with the sense of security which that event gave to the western settlers from attacks from the British dominions on the north or from the Indians instigated by the British, conduced to the rapid settlement of Missouri Territory. The two Boones, sons of Daniel, surveyed and laid out the first road west of the river. Their highway led from St. Charles to Old Franklin, a distance of about 150 miles. It was a rude affair, consisting of little more than the "blaze" on the trees to indicate the route and primitive log ferryboats at those streams which were too large to be forded. Rude as it was, it turned the immigrant tide toward the interior of the Territory and became a great artery of travel. It was known as the Boones Lick Road, and is one of the famous highways of history.

Settlers poured in from the Southern and Southwestern States. These who came brought their families, and, in many cases, their live stock and slaves with them. While they were accustomed to live as much by hunting as by tilling the soil, they were home makers and not moving trappers. They were of the best type of frontier life, hardy, adventurous, self-reliant, and resourceful. The axe and the rifle were their simple weapons to conquer the wilderness, and they were proficient in the use of each. Missouri was one great woodland and contained an abundance of sound, hard timber. Before provision was made for disposing of the public domain the new settlers squatted on the land wherever the fancy took them—usually on the bank of some creek, where there was water for the stock and the household. They did not gather into villages or even into clusters. Each settler maintained a jealous independence—"not near enough to hear the bark of his neighbor's dog."

Their houses were built of logs, notched at the end so that when the logs were laid one upon the other, the sides and ends alternating, they would fit together as snugly as possible. Chinks between the logs were filled with mud and broken stones. At first the logs were undressed, even the bark being left on, and the floor of the house was only the hard-packed dirt. Afterwards, as the pressure for immediate shelter was less acute, and especially as the family of boys grew, the houses were made of logs hewn square and neatly fitted together. Floors, tables, and benches were made of puncheon—that is, logs flattened on top and left rounded beneath. Chimneys were added, built of stone, running up the side of the house, with the fireplace opening into the living room through a hole left in the logs. Hardware there was none, so none was used in the building. No nails were needed, and the doors hung on leather or wooden hinges. A latch or bar which fitted into a rest fastened the door on the inside. This latch could be raised from the outside by means of a leather thong fastened to the latch and then passed through a hole in the door just above the latch. If the latchstring was hanging through the hole anyone outside the door could pull the latchstring and raise the latch. Unwelcome intrusion could be prevented by closing the door, fastening the latch, and pulling the string inside. "The latchstring hanging out" meant, therefore, the right to enter, or, colloquially, a standing invitation and welcome.

The woods abounded with game—turkey, deer, quail, grouse, rabbits, and squirrels. The streams were full of fish. The soil was fertile and the climate temperate. A little labor would raise more food than the family could consume, and there was no market for any surplus. After the few household utensils were provided, ammunition, salt, and some coarse cloth were the chief needs of the family. The men and boys dressed as much as possible in buckskin, so admirably suited to hard service and to protect the body in the tangled growth of the forests. Wild honey was a convenient substitute for sugar. Hunting bee trees was a sport of the late summer. A single hollow tree might yield several tubs of honey—enough for the winter supply of the family. Strange to say, bees are not naturally wild, nor are they native to Missouri. The Europeans brought the bees to our shores, but the insects escaped into the woods and became wild in the splendid luxuriance of field and forest. They crossed the continent in the vanguard of civilization, keeping just ahead or abreast of the settlers. The Indians came to regard bees as the forerunners of the white men.

The United States land system, so simple and so immensely superior to the Spanish system, was put into force in the new territory as rapidly as possible. It was not possible to begin the survey of the public lands immediately upon the acquisition of Louisiana. The country was wild and, for the most part, unexplored. The titles were clouded not only by the Indian right of occupancy but by the existence of the French and Spanish grants. The first settlers could only squat upon unoccupied lands and take chances on buying in the title when the lands were opened for settlement. The settler who had cleared the forest and built his improvements had no legal right of preemption, but his chances of perfecting his title as against a claim jumper or a mere speculator were greatly enhanced by a healthy public sentiment, aided by a firm reliance upon the "silent sentinel of the fireside," which hung above every chimney piece.

In 1815 the fifth principal meridian, the basis of land surveys in Missouri and Arkansas, was run north from the mouth of the Arkansas River. After the peace with Great Britain land was placed on sale at the St. Louis land office and at a land office opened at Franklin, in Howard County. Military bounties to the soldiers of the War of 1812, in lands to the north of the Missouri River, were decreed by Congress.

The act of Congress of 1812 creating the Territory of Missouri was amended April 29, 1816, by providing that both branches of the legislative council should be chosen by the people of the Territory. This raised Missouri to the status of a Territory of the third class, which is the most complete local self-government short of statehood. Little debate occurred

in Congress over this change, and yet it was a momentous one for Missouri. It indicated very nearly complete Americanization of this alien land in the short space of 12 years. Nothing truly approaching self-government had existed there in the hundred years from its settlement to its purchase, but as soon as the American pioneer became affixed to the soil his political genius asserted itself. With both branches of the legislative council elected by the people came the opportunity for general legislation in response to local demands. The first Territorial legislature under the act of 1816 revolutionized the system of law which prevailed over all of the old Province north of the boundaries of the State of Louisiana. The Spanish law was found in force. It was swept aside and the English common law substituted for it. Not a vestige of the Spanish law now remains in all that vast domain.

At the time of the original settlement of the Province of Louisiana the French law, which would in any event have followed the settlers of that nation, was expressly introduced and the customs of Paris were given to the colonies as their legal code. This continued to be the rule of action in the rather infrequent cases in which appeal to its provisions was necessary until the cession of the Province from France to Spain in 1762. In fact, it continued longer, until the coming of Count O'Reilly as the representative of the new sovereign in 1769. The seven years from 1762, when French authority ceased, to 1769, when actual control was taken by Spain, is spoken of in our history as the "interregum." This means only that there were no legal governors, and not that there were no laws protecting private rights, for it is a principle of international jurisprudence that the laws governing the rights of private citizens are not destroyed by the mere fact of conquest or the transfer of sovereignty, but remain in force until altered or repealed by the new sovereign. This is what is known as the territorial theory of law which prevails among all civilized nations in contrast to the tribal theory of law which prevails among savage and barbarous tribes. It has been decided by the courts, both of Louisiana and Missouri, that the Spanish law was introduced into the Province of Louisiana by the Spanish authorities shortly after O'Reilly's proclamation in 1769—if not by the mere legal force of that instrument, at least by the practical adoption of it which followed.

Mr. Jefferson, indeed, insisted in the celebrated Batture case that this proclamation only changed the civil organization and the form of judicial proceedings, and that the French law still continued in force in reference to the civil rights of the inhabitants, but his opinion was not sanctioned by the courts. Notwithstanding this formal decision decreeing its death, the French law seems to have survived with remarkable vitality in the hearts of the people, as witness its reappearance more than 40 years later as the basis of the jurisprudence of the new State of Louisiana. In fact, the Supreme Court of the United States has said:

> Every country has a common law of usage and custom, both local and general, to which the people, especially those of a conquered or ceded one, cling with more tenacity than to their written laws, and all sovereigns respect them. The people of Kent contended with the Conqueror of England till he confirmed their local customs and tenure which continue to this day; and history affords no instance where the people have submitted to their abrogation without a struggle, as was the case in Louisiana when they found that the laws of France and the customs of Paris were about to be superseded by those of Spain.

Legally and technically, when we took over the Province it was under the laws of Spain, and these laws remained in force until expressly altered or repealed by the proper lawmaking authorities. The laws of the Province were never treated by the Supreme Court of the United States as foreign laws, to be decided as a question of fact, but the court held itself bound to notice them judicially, as much so as the laws of a State of the Union. After the American occupation, the earlier territorial acts necessarily repealed such of the Spanish laws as were inconsistent therewith, as for example the act of July 4, 1807, which abolished the Spanish law of community and gave a wife dower in lieu of her interest under the Spanish law.

But the act of 1816 adopting the common law, which was a complete system, had the effect of repealing the entire Spanish code and thereafter the latter had no existence in the Territory of Missouri.

The act adopting the common law follows in its wording that of Virginia, in providing: "That the common law of England and all acts of Parliament of a general nature, not local to that Kingdom as it existed prior to the fourth year of the reign of James the First, shall be the law of this Territory." The fourth year of the reign of James the First was 1606, one year before the first permanent settlement of Englishmen within the limits of the United States at Jamestown, in Virginia. Our common law, therefore, goes back to the time when there were no colonies and when neither the written nor the unwritten law had been warped by the struggle between the colonies and the mother country.

The common law of England was claimed by the American colonists as a heritage and followed them into all the territory belonging to the thirteen original States. But Missouri adopted the common law by the free act of its legislative assembly. Thus the common law was carried across the Mississippi and displaced an alien system that had held sway for more than a century. And Missouri, at this time, included all of the Louisiana Purchase except the State of Louisiana. Thus the destiny of the whole West was affected, and the seal of Americanization set for all time upon the acquired domain. It was the supreme test of the change of national sentiment. The body of customary law, the deepest rooted of human institutions, was superseded—utterly swept away—by the free vote of the first popular assembly, both branches of which were chosen by the people of the Territory.

In 12 short years Missouri had become American. [Applause.]

Mr. COX. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COX. I may have forgotten my history, but how long had it been French?

Mr. BORLAND. It was settled in 1700, and had been French for 100 years. In 1762 it was ceded to Spain, but Spain's rule was purely nominal. There were no Spanish colonists.

Mr. COX. Between 1762 and 1769 Spain acquired full power and dominion over it.

Mr. BORLAND. In 1762, and took possession in 1769.

Mr. COX. Did the French have possession again in 1769?

Mr. BORLAND. France acquired the Territory and relinquished it in 1803.

Mr. COX. So that France and Spain had the Territory between 1769 and 1802.

Mr. BORLAND. Spain had the Territory, but the laws and customs and inhabitants were French. We had acquired the domain by treaty with Napoleon, and the population was still so purely French that they demanded that the French flag be kept up for 24 hours. But it became rapidly Americanized. It did not remain long under military rule. Within a year it was a first-grade Territory, with local judges and local officers. In six years more it was a second-grade Territory, with a legislative assembly, the lower house of which was elected by the people and the upper house appointed by the President. In five years more both branches of the legislature were elected by the people. Missouri had advanced to a Territory of the third grade. The first act of the legislature, both branches being elected by the people of the Territory, was to repeal the entire body of the French and Spanish law and supplant it with the English law. No such complete Americanization of territory has ever occurred, and no such complete change in national sentiment in an acquired domain has been recorded in the pages of history. In less than 12 years a people, completely alien in thought, habits, and laws for 100 years and a land with an alien language, were Americanized and turned into American territory. In 1818, less than two years after that, Missouri felt able to ask for statehood. It was much more entitled to statehood at that time than any other State when it first applied. But on account of the bitter struggle between the North and the South then coming on, it was not until August 10, 1821, that Missouri was able to be admitted as a State. In 1821, under the celebrated compromise, Missouri, the first completely American State to be created out of an acquired domain, came under the Stars and Stripes. [Applause.]

UNLAWFUL RESTRAINT AND MONOPOLIES.

Mr. CARLIN. Mr. Speaker, I ask that the Chair lay before the House Senate joint resolution 106.

The SPEAKER laid before the House joint resolution (S. J. Res. 106) extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

The Clerk read the joint resolution, as follows:

> *Resolved, etc.*, That the effective date on and after which the provisions of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, shall become and be effective is hereby deferred and extended to January 1, 1919: *Provided*, That said section shall become effective on January 8, 1918, as to any corporations hereafter organized.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CARLIN. I will.

Mr. STAFFORD. Section 10 of the Clayton Antitrust Act, which is sought to be still further deferred in its enforcement, was deferred for two years under the terms of the original enactment and was later extended for its operation, which limit expires to-day?

Mr. CARLIN. Yes.

Mr. STAFFORD. Its purpose was to prevent railroad directors from profiting by the purchase of supplies from some company in which they were largely interested?

Mr. CARLIN. That was one of the purposes of the section.

Mr. STAFFORD. As I understand it, there is a strong argument for this further extension, because the railroad companies are not able to purchase under contracts as limited by the provisions of section 10, which requires them as to all supplies above $50,000 to advertise for bids?

Mr. CARLIN. That is correct. The difficulty now is not how to buy but where to get supplies, and the request came to the Committee on the Judiciary from the joint legislative committee of the Senate and the House that has the subject under consideration. The gentleman will recall that a joint legislative committee was appointed from the two Commerce Committees of the Senate and the House. That joint committee wrote us a letter, which the gentleman will find in the report, suggesting the advisability of continuing this matter for a year.

Mr. STAFFORD. This is a matter that the joint committee has under consideration?

Mr. CARLIN. Yes; and they are ordered to report upon it.

Mr. STAFFORD. I assume by reason of the deferring of the enforcement of this section there is some valid reason why the railroad is find it unworkable.

Mr. CARLIN. It is absolutely unworkable at this time and we have to get an extension.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CARLIN, a motion to reconsider the vote by which the Senate joint resolution was passed was laid on the table.

By unanimous consent, House joint resolution 188, of similar tenor, was laid on the table.

RETIREMENT OF JOHN J. FITZGERALD (H. DOC. NO. 805).

Mr. STAFFORD. Mr. Speaker, I desire to make a request for unanimous consent. At the time of the passage of the deficiency bill just before the Christmas holidays some notable addresses, as I view them, anent the retirement of our distinguished former colleague, the gentleman from New York, Mr. Fitzgerald, were made in the House. I believe that those addresses, together with the address subsequently made by the former Speaker, Mr. CANNON, on the day prior to adjournment, when a gift was presented to Mr. Fitzgerald, should be printed as a House document, and I therefore make that request.

EXTENSION OF REMARKS.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein the speech to which the President referred in his message this morning made by Mr. Lloyd-George.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to print in the CONGRESSIONAL RECORD the speech referred to by the President, made by the Premier of England, Mr. Lloyd-George. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the speeches made touching the retirement of Mr. Fitzgerald and the subsequent speech made by the former Speaker, Mr. CANNON, presenting him with a silver service, be printed as a House document. Is there objection?

There was no objection.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a speech delivered by my colleague, Mr. HICKS, in New York City, on the subject of the European front.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing therein a speech made by Mr. HICKS as to his experiences in Europe. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, where was the speech delivered?

Mr. SIEGEL. In New York City, on Sunday, December 23.

Mr. WALSH. Mr. Speaker, I object.

Mr. TREADWAY. Mr. Speaker, I desire to renew my request for unanimous consent to extend my remarks in the RECORD by printing therein the speech of Mr. Lloyd-George.

The SPEAKER. Is there objection to the gentleman from Massachusetts printing in the RECORD the speech by Premier Lloyd-George?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, can the gentleman obtain an authorized copy of that speech, so that the speech that will be printed will be unquestionably the speech made by Mr. Lloyd-George?

Mr. TREADWAY. In reply to the gentleman I will say that I have asked for a copy and have been informed that undoubtedly an official copy can be obtained through the State Department. I shall make such a request of them in time to have it inserted in the CONGRESSIONAL RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Speaker, I desire to prefer a request for unanimous consent, and if it be granted, then, at the conclusion of the remarks to be made, I shall move to adjourn. I ask unanimous consent that the gentleman from Texas [Mr. BLANTON] be permitted to address the House for three minutes.

The SPEAKER. Is there objection?

Mr. ROBBINS. Mr. Speaker, on what subject?

Mr. BLANTON. I desire to explain my absence from the House at the time of the taking of the vote on the prohibition question. It is a personal matter.

The SPEAKER. Is there objection?

There was no objection.

Mr. LONDON. Mr. Speaker, I ask unanimous consent that I be permitted on Friday next, immediately after the reading of the Journal, to address the House for three-quarters of an hour on the subject of an international league to secure peace.

The SPEAKER. The gentleman from New York [Mr. LONDON] asks unanimous consent that on Friday next, immediately after the reading of the Journal and the disposition of business on the Speaker's table, he be permitted to address the House for 45 minutes on the subject of creating an international league to secure peace, not to interfere with appropriation bills or conference reports. Is there objection?

Mr. COX. Mr. Speaker, reserving the right to object, the gentleman from Ohio [Mr. SHERWOOD], chairman of the Committee on Invalid Pensions, I think intends to call up an omnibus pension bill on Friday next, and if the gentleman would provide that his speech shall be delivered after the passage of that bill I shall not object.

The SPEAKER. What does the gentleman from New York say?

Mr. LONDON. Well, Mr. Speaker, I make it after the consideration of the bill to which the gentleman from Indiana [Mr. COX] referred.

The SPEAKER. The gentleman changes his request until after the gentleman from Ohio [Mr. SHERWOOD] gets through with his omnibus pension bill. Is there objection? [After a pause.] The Chair hears none.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to revise and extend in the RECORD the remarks which I have just made.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. The gentleman from Texas [Mr. BLANTON] is recognized for three minutes.

Mr. BLANTON. Mr. Speaker, I have been criticized—by one not in my district, however—for being absent on the 18th day of December when the vote on the prohibition amendment was taken. Shortly after the convening of the present session of this Congress, learning that there would be few matters considered before the holiday recess, I had agreed upon a pair with my colleague from Texas [Mr. GREGG] on the prohibition amendment. Later on he informed me that he was inclined to support the resolution, that he had about made up his mind to support it, and I released him from the agreement. On the 7th day of December Mr. T. A. CHANDLER, of Oklahoma, Mr. JAMES C. WILSON, of Texas—my colleague—and myself signed a written agreement to pair both on the national prohibition amendment and the woman-suffrage amendment, Mr. T. A. CHANDLER, of Oklahoma, and myself pairing in favor both of prohibition and suffrage, and Mr. JAMES C. WILSON, of Texas, against both measures, agreeing, however, that should all three of us be present whenever the vote was taken on either measure that then we should be released from the pair and all could vote. This signed written agreement was filed with the pair clerk on the 7th day of December, 1917, after which I left for Texas and Mr. CHANDLER left for Oklahoma, both Mr. CHANDLER and myself relying implicitly upon our pair duly executed and filed.

Having in my district 58 counties running 566 miles east and west, from Mineral Wells to El Paso, and several hundred miles north and south, from Lubbock to Rock Springs and Presidio, with over 400,000 people in it, and being the largest district in the United States, while over 90 per cent of the people are loyal, patriotic, dependable citizens standing solidly behind their flag, President, and Government, yet because of socialistic

propaganda and ignorance of conditions, there existed some disloyal, seditious sentiment, three men having already been sent to the Federal penitentiary for such crime, and, moreover, many boys from my district stationed at Camp Bowie were dying, and some at Camp Travis were dying. I went to my district and drove in an automobile, through freezing weather part of the time, over 100 miles a day, making two, three, four, and even five speeches a day, and making a personal inspection of conditions at said camps, and upon one day especially I remember I drove 167 miles from Abilene, Tex., to Junction, speaking at Ballinger, Paint Rock, Eden, and Junction in behalf of our Government policies, no politics, however, being in any of my speeches. On the 15th day of December I received a telegram from Dr. A. J. Barton, president of the Antisaloon League of Texas, from Washington, indicating that the prohibition cause might be embarrassed by my pair with Mr. WILSON, and asking me to wire Mr. KITCHIN to change pair to some one else provided Mr. WILSON could be induced to vote for prohibition. I immediately wired Mr. KITCHIN on December 15 that provided Mr. WILSON of Texas would support the prohibition amendment, then to change my pair to benefit the prohibition cause.

Also, on December 15 I wired Dr. A. J. Barton that I had complied with his request and had wired Mr. KITCHIN, authorizing him to change pair if Mr. WILSON of Texas would vote for prohibition, and that if necessary to count Mr. WILSON's vote for prohibition I would return immediately. On the 16th day of December, from Albany, I sent a telegram to Mr. WILSON of Texas, urging him as his colleague and particular friend since college days to support the prohibition amendment, thus permitting the States to pass upon the question once for all, and stated that if he would vote for prohibition to pair Mr. CHANDLER and myself with some other negative vote.

The SPEAKER. The time of the gentleman has expired.

Mr. BLANTON. Mr. Speaker, may I have two minutes additional?

The SPEAKER. The gentleman from Texas asks unanimous consent to speak for two minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. I received no reply from Mr. WILSON. Also, on December 16 I wired Mr. E. Y. WEBB, chairman of the Committee on the Judiciary, that in case Mr. WILSON would vote for the prohibition amendment to pair Mr. CHANDLER and myself with some one else.

Also, on December 16 I wired Mr. GREGG, of Texas, and others, urging that they support the prohibition amendment.

I refer to pages 8683 and 8684 of the RECORD of last session for remarks I made on October 5, 1917, in favor of the passage of the national prohibition amendment and predicted that it would pass the House early in the December session. I missed only seven days' sessions of the House, as during my entire absence the House met only on the 11th, 12th, 13th, 14th, 15th, 17th, and 18th days of December.

I will state, on the prohibition question I am further already on record. On April 9 I introduced a joint resolution (H. J. Res. 40) proposing an amendment for national prohibition, which is practically the same resolution introduced by Senator SHEPPARD that passed this House on the 18th of December, and on the 19th of April I introduced a bill (H. R. 3565) to suspend the manufacture of and all traffic in intoxicating liquors for beverage purposes during the war. On May 8 I introduced an amended bill (H. R. 4248) to suspend the manufacture of and all traffic in intoxicating liquors for beverage purposes during the war, and on May 9 I got Senator KENYON to introduce a copy of this last amended bill in the Senate. These matters, I take it, place me upon record on this question as being unalterably in favor of national prohibition, and I ask unanimous consent that these documents may go into the RECORD in connection with my remarks.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by inserting these telegrams, and so forth. Is there objection?

Mr. WALSH. Mr. Speaker, I think the gentleman's statement is sufficiently clear as to what the telegrams contain, and I object.

Mr. BLANTON. Mr. Speaker, if the gentleman will withdraw his objection——

The SPEAKER. But the gentleman objects, and it is not debatable.

SANITARY CONDITIONS IN DIFFERENT ARMY CAMPS, ETC. (H. DOC. NO. 806).

Mr. GARD. Mr. Speaker, at the request of some Members of the House of Representatives I ask unanimous consent that the report of Surg. Gen. Gorgas on the sanitary conditions in the different Army camps and cantonments, as made to the Chief of Staff, be printed as a public document.

The SPEAKER. The gentleman from Ohio [Mr. GARD] asks unanimous consent that the report of Gen. Gorgas, Surgeon General of the Army, on the sanitary conditions of the various camps be printed as a public document. Is there objection?

Mr. STAFFORD. Mr. Speaker, I assume the gentleman means as a House document?

Mr. GARD. Yes.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 31 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 9, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting tentative draft of a provision of legislation to be included in some urgent deficiency bill (H. Doc. No. 766); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a supplemental estimate of appropriation required by the Ordnance Department of the Army for the fiscal year 1918, on account of armament and fortifications (H. Doc. No. 767); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of harbor of refuge at Evanston, Ill. (H. Doc. No. 768); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting abstracts of proposals received during the fiscal year ending June 30, 1917, for material and labor in connection with works under the Engineer Department (H. Doc. No. 769); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on Woman Suffrage, to which was referred the joint resolution (H. J. Res. 200) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, reported the same without amendment, accompanied by a report (No. 234), which said joint resolution and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 2810) granting a pension to Samuel Miller; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5571) granting a pension to Thomas Maginnis; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7564) granting a pension to Sally Speer Signor; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6409) granting a pension to Mary E. Price; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6897) granting a pension to George W. Hyland; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8029) granting an increase of pension to John William Farrell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7558) granting an increase of pension to William A. Strong; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ZIHLMAN: A bill (H. R. 8420) authorizing the Federal control and operation of the Chesapeake & Ohio Canal, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DIXON: A bill (H. R. 8421) for the conservation of feedstuffs and alcohol; to the Committee on Agriculture.

By Mr. DENTON: A bill (H. R. 8422) to amend section 401 of an act approved October 6, 1917, entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: A bill (H. R. 8423) to authorize the addition of certain lands to the Weiser National Forest, Idaho; to the Committee on the Public Lands.

By Mr. MERRITT: A bill (H. R. 8424) to provide for the purchase of additional land for the enlargement of the site of the public building at Stamford, Conn.; to the Committee on Public Buildings and Grounds.

By Mr. SCHALL: A bill (H. R. 8425) to increase the pension of Civil War veterans, and for other purposes; to the Committee on Invalid Pensions.

By Mr. SIEGEL: A bill (H. R. 8426) fixing the salary of the clerks of the United States district courts, prescribing how and when they shall account for the fees collected; providing for the office expenses of such clerks, including salaries of deputy clerks and clerical assistants; and for the travel and subsistence expenses of such clerks and their deputies when necessarily absent from their official residences; to the Committee on the Judiciary.

By Mr. NEELY: A bill (H. R. 8427) to amend an Act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, and an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. BYRNS of Tennessee: A bill (H. R. 8428) to relieve Congress from adjudication of private claims against the Government; to the Committee on the Judiciary.

By Mr. FAIRFIELD: Joint resolution (H. J. Res. 214) proposing an amendment to the Constitution of the United States limiting suffrage to citizens of the United States only; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 8430) to amend the Army Regulations; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Joint resolution (H. J. Res 209) requesting the President to take over the Chesapeake & Ohio Canal, and to improve and operate it for purposes of national defense; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Resolution (H. Res. 213) for consideration of House joint resolution 209; to the Committee on Rules.

By Mr. REAVIS: Resolution (H. Res. 212) to provide for a service flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 8431) granting a pension to Frances Brady; to the Committee on Pensions.

Also, a bill (H. R. 8432) granting an increase of pension to Richard Williams; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 8433) granting a pension to George W. Willard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8434) granting an increase of pension to Benjamin F. Hemmingway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8435) granting an increase of pension to Charles L. Shriver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8436) granting an increase of pension to Alexander Sumpus; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 8437) for the relief of Charles F. Johns; to the Committee on Military Affairs.

Also, a bill (H. R. 8438) granting a pension to Louis K. Rohde; to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 8439) granting a pension to Ella H. Garlock; to the Committee on Invalid Pensions.

By Mr. DILLON: A bill (H. R. 8440) granting an increase of pension to Archibald Brannaugh; to the Committee on Invalid Pensions.

By Mr. DOUGHTON: A bill (H. R. 8441) granting a pension to Jesse D. Nelson; to the Committee on Pensions.

By Mr. DUPRÉ. A bill (H. R. 8442) granting a pension to Henry Rudolph; to the Committee on Pensions.

By Mr. FAIRFIELD: A bill (H. R. 8443) granting an increase of pension to John S. Lozier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8444) for the relief of Ira G. Kilpatrick and Guy D. Dill; to the Committee on the Public Lands.

By Mr. GEORGE W. FAIRCHILD: A bill (H. R. 8445) granting an increase of pension to Carpenter Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8446) granting an increase of pension to Anna M. Monk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8447) granting an increase of pension to Chester P. Tryon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8448) granting an increase of pension to James Beyea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8449) granting an increase of pension to Alvin W. Every; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8450) granting an increase of pension to Marcus W. Dewitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8451) granting an increase of pension to Thomas A. Pine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8452) granting an increase of pension to William F. Clapham; to the Committee on Pensions.

By Mr. FREAR: A bill (H. R. 8453) granting an increase of pension to William H. Adams; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 8454) for the relief of John Weigart; to the Committee on Military Affairs.

By Mr. HOLLAND: A bill (H. R. 8455) granting a pension to Hardy B. Liverman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8456) for the relief of The Ferries Co.; to the Committee on Claims.

By Mr. JACOWAY: A bill (H. R. 8457) granting an increase of pension to Mary A. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8458) granting an increase of pension to Alvin G. Woodworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8459) granting an increase of pension to James R. Power; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8460) granting an increase of pension to William Douglas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8461) granting an increase of pension to William H. Simmons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8462) granting an increase of pension to George W. Burton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8463) granting an increase of pension to George W. Plank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8464) granting an increase of pension to Jefferson D. Williams; to the Committee on Pensions.

Also, a bill (H. R. 8465) granting an increase of pension to Andrew J. Lee; to the Committee on Pensions.

Also, a bill (H. R. 8466) granting a pension to Edward Reynolds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8467) granting a pension to Rebecca E. Skaggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8468) granting a pension to Frank Thompson; to the Committee on Pensions.

Also, a bill (H. R. 8469) granting a pension to James A. Swaim; to the Committee on Pensions.

Also, a bill (H. R. 8470) granting a pension to William A. Pollard; to the Committee on Pensions.

Also, a bill (H. R. 8471) for the relief of John Davis; to the Committee on Naval Affairs.

By Mr. KEARNS: A bill (H. R. 8472) granting an increase of pension to Eli Clark; to the Committee on Invalid Pensions.

By Mr. LONDON: A bill (H. R. 8473) for the relief of Thomas H. Rockwell, deceased; to the Committee on Military Affairs.

By Mr. PURNELL: A bill (H. R. 8474) granting a pension to Elizabeth Goodykoontz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8475) granting an increase of pension to Levi P. Fodrea; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8476) for the relief of Willard Thompson; to the Committee on Military Affairs.

By Mr. RUCKER: A bill (H. R. 8477) granting an increase of pension to Nancy Wood; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 8478) for the relief of James P. Cornes; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 8479) granting an increase of pension to Alexander H. McQueen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8480) granting an increase of pension to William Carpenter; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 8481) granting an increase of pension to George Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8482) granting a pension to Kate Frances Getts; to the Committee on Pensions.

By Mr. STRONG: A bill (H. R. 8483) granting an increase of pension to David R. Pringle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8484) granting an increase of pension to Andrew Lydick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8485) granting an increase of pension to John McDowell; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 8486) to carry out the findings of the Court of Claims in the case of Frank S. Bowker; to the Committee on Claims.

By Mr. WILLIAMS: A bill (H. R. 8487) granting an increase of pension to Elias Culbreth; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 8488) granting an increase of pension to Benjamin R. Brewer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of druggists of Topeka, Kans., and transmitted by Gov. Arthur Capper, of Kansas, favorable to the passage of House bill 5531; to the Committee on Military Affairs.

Also, petition of Wesley F. P. Haas and other pharmacists of Leavenworth, Kans., favorable to the passage of House bill 5531; to the Committee on Military Affairs.

By Mr. BORLAND: Memorial of the Council of Administrative School Women, favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. CARY: Petition of Miss Mabel Search, chairman Milwaukee Branch National Woman's Party, signed by the following, who favor the passage of the Susan B. Anthony suffrage amendment: Frank Haggerty, Fred Heath, John Abrams, Edna Peters, I. R. Diegle, Leo A. Wolfsohn, S. A. McIntosh, A. F. Krueger, W. C. Eichstaedt, F. J. Le Bean, Stanley Lutomski, Anton Kilhanek, Andrew Wibican, Edmund T. Melms, Louis A. Arnold, Theo. Sweet, George Gauer, R. Wustrade, E. Haase, F. J. Hahn, Fred Wall, M. H. Whitaker, and Bert W. Wederell; to the Committee on Woman Suffrage.

Also, memorial of Dane County Equal Suffrage League, favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. CLASSON: Petition of women of Brown County, Wis., favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. COOPER of Wisconsin: Petition of sundry citizens of Racine, Kenosha, Walworth, Rock, and Waukesha Counties, Wis., and of William H. Somners and other members of the Trades and Labor Council, Racine, Wis., favoring woman suffrage; to the Committee on Woman Suffrage.

Also, resolution adopted at the Forty-fourth Annual Convention of the Woman's Christian Temperance Union, favoring woman suffrage; to the Committee on Woman Suffrage.

Also, resolutions adopted by the Wisconsin Game Protective Association, at the convention in Madison, Wis., favoring the enactment of pending legislation better to conserve migratory birds; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of National Union American Society of Equity, favoring Government control of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of National League of Postmasters of United States, favoring increase in pay of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

Also, petition of National Council of Women, United States of America, favoring suffrage for women; to the Committee on Woman Suffrage.

By Mr. DAVIDSON: Petition of men and women of the sixth congressional district of Wisconsin, in favor of the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. ELSTON: Petition signed by 10,000 citizens of Oakland, Cal., urging increase of salaries for post-office clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of prominent citizens of Berkeley, Cal., requesting pension legislation in aid of aged widows; to the Committee on Invalid Pensions.

Also, resolution adopted by the Yugoslavs, Croatians, Serbians, and Slovenes of Alameda County, Cal., approving the declaration of war against Austria-Hungary and pledging loyalty to the United States; to the Committee on Military Affairs.

By Mr. ESCH: Petition of Wisconsin Game Protective Association, favoring passage of House bill 2612, for better conservation of the valuable bird life of the country; to the Committee on Agriculture.

By Mr. FOCHT: Evidence in support of House bill 8044, for the relief of Mrs. Mary E. Roland; to the Committee on Invalid Pensions.

By Mr. FREEMAN: Petitions of Arthur H. Brewer and others, of New London County, Conn., favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. FULLER of Illinois: Petition of International Typographical Union, relative to salaries of printers in the New York post office; to the Committee on the Post Office and Post Roads.

Also, petition of Bi-Lateral Fire Hose Co., of Chicago, Ill., favoring woman suffrage; to the Committee on Woman Suffrage.

Also, memorial of Philadelphia Trade Press Club, relative to second-class postage rates; to the Committee on Ways and Means.

Also, memorial of Eggleston Post No. 244, Department of Kansas, Grand Army of the Republic, favoring increase of civil-war pensions; to the Committee on Invalid Pensions.

By Mr. KAHN: Papers to accompany H. R. 8365, granting a pension to Mrs. Marie Barisch; to the Committee on Pensions.

Also, papers to accompany H. R. 8363, granting an increase of pension to Oscar Weil; to the Committee on Invalid Pensions.

By Mr. MERRITT: Petition of sundry citizens of Fairfield County, Conn., favoring the submission of the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. O'SHAUNNESSY: Petition of sundry citizens of the State of Rhode Island, favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. RANDALL: Memorial of N. P. Banks Post, No. 170, Grand Army of the Republic, asking that pensions of Civil War veterans be doubled, to continue during the prevalence of high price of living; to the Committee on Invalid Pensions.

Also, memorial of Ebell Club, of Fullerton, Cal., recommending early passage of the Susan B. Anthony amendment; to the Committee on Woman Suffrage.

By Mr. SANDERS of New York: Petitions of the Medina Woman's Christian Temperance Union, Medina, N. Y., and the Women's Society of Batavia, N. Y., urging the adoption by Congress of a resolution to amend the Federal Constitution to prohibit polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petitions of a public meeting held in Medina, N. Y., a mass meeting held in Brockport, N. Y., and a mass meeting of women held in Lima, N. Y., urging the adoption by Congress of a resolution to amend the Federal Constitution to prohibit polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petitions of the Methodist Episcopal Church of Hulberton, N. Y., and the Methodist Episcopal Church of Clarendon, N. Y., urging the adoption by Congress of a resolution to amend the Federal Constitution to prohibit polygamy and polygamous cohabitation; to the Committee on the Judiciary.

By Mr. SCHALL: Resolution adopted by the City Council of the city of Minneapolis, Minn., requesting Congress to enact a law providing for the punishment of those found guilty of impeding or interfering with the United States Government in the prosecution of the war; to the Committee on Military Affairs.

By Mr. SIEGEL: Memorial of city of New York, against discontinuing pneumatic mail service; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petition of 1,000 farmers of Herkimer County, N. Y., against any unnecessary conscription of farm labor and in the interest of the production and conservation of food; to the Committee on Military Affairs.

Also, memorial of Common Council of Utica, N. Y., asking law restraining operations of certain persons in the United States; to the Committee on the Judiciary.

Also, memorial of Oneida County (N. Y.) Pomona Grange, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of members of Bacon Post, Grand Army of the Republic, Utica, N. Y., favoring increase of pensions for soldiers of the Civil War; to the Committee on Invalid Pensions.

Also, petition of Sturdevant & Co. and L. Hower & Son, of Rome, N. Y., against forcing the placing of orders for sugar with the American Sugar Refining Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. STRONG: Petition of the employees of the Brookville post office, Brookville, Pa., favoring enactment of the Madden bill (H. R. 1654); to the Committee on the Post Office and Post Roads.

By Mr. VOIGT: Petition of about 600 men and women of the second congressional district of Wisconsin, praying for the submission of the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. WALTON: Petition of women of Colfax County, N. Mex., favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. WASON: Resolutions of Grafton County (N. H.) Rural Letter Carriers' Association, favoring increased compensation to rural carriers; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *January 9, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we address ourselves to our task day after day with the assurance that Thou art leading us on. When we stand for the sacredness of contracts we are sure that we stand with Thee, who hast entered into a covenant with men, and Thy word has never been broken. When we stand for the rights of men, the great and the small alike, we stand with Thee who hast made of one blood all men who dwell on all the face of the earth and hast fixed the bounds of their habitation. And when we stand for universal liberty we stand not only for the impulses of our own hearts but for that law which Thou hast written upon our hearts, the law of love and of justice and of right. So we bless God we stand with Thee in the great world conflict. Lead Thou us on. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore assumed the chair.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the joint resolution (S. J. Res. 106) extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 106) extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. MYERS presented a petition of sundry citizens of Montana, praying for a reduction in the present appraisement of lands on the Fort Peck Indian Reservation, in that State, which was referred to the Committee on Indian Affairs.

Mr. TOWNSEND presented a petition of the Pattern Makers' Local Association, of Detroit, Mich., praying for an increase in the salaries of post-office employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Arizona. I present a petition signed by a large number of newspaper publishers in favor of Senate joint resolution 101, known as the Smith resolution, providing for Government control of print paper by the Federal Trade Commission.

The newspaper publishers from every State in the Union except one have signed a separate petition and forwarded it through the American Press Association, expressing earnest support of Senate joint resolution 101, and urging Senators and Representatives in Congress to give it early consideration. I move that the petition be referred to the Committee on Printing.

The motion was agreed to.

Mr. COLT presented resolutions signed by the governor and sundry other citizens of Rhode Island, and resolutions adopted by the Equal Suffrage Leagues of Newport County, Pawtucket Valley, Narragansett, Warren, Jamestown, North Providence, North Kingstown, and Smithfield, in the State of Rhode Island, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. PHELAN presented a memorial of the Labor Council of San Francisco, Cal., remonstrating against the importation of Chinese to this country to be used as farm laborers, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Branch, National Association of Letter Carriers, of Alameda, Cal., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3433) requiring the Government to furnish uniforms to officers of the Army, and for other purposes; to the Committee on Military Affairs.

A bill (S. 3434) prohibiting the issuance of patent under lieu selection 2904, serial 1034, Olympia, Wash.; to the Committee on Public Lands.

A bill (S. 3435) authorizing the issuance of patent to the Pioneer Educational Society and its successors for certain lands in the diminished Colville Indian Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 3436) to accept from the Southern Oregon Co., a corporation organized under the laws of the State of Oregon, a reconveyance of the lands granted to the State of Oregon by the act approved March 3, 1869, entitled "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg in said State," commonly known as the Coos Bay Wagon Road grant, to provide for the disposition of said lands, and for other purposes; to the Committee on Public Lands.

A bill (S. 3437) granting a pension to Louise R. Hanley (with accompanying papers); to the Committee on Pensions.

By Mr. GERRY:

A bill (S. 3438) to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress; to the Committee on Privileges and Elections.

By Mr. MYERS:

A bill (S. 3439) for the relief of certain homestead and desert-land entrymen; to the Committee on Public Lands.

By Mr. FRANCE:

A bill (S. 3440) to authorize the President to further mobilize the Federal forces and to increase temporarily the Military Establishment of the United States; to the Committee on Military Affairs.

By Mr. KENDRICK:

A bill (S. 3441) granting an increase of pension to Richard McDermott; and

A bill (S. 3442) granting a pension to Alice C. Baker; to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3443) granting a pension to Catharine A. Kanouff; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 3444) for the relief of certain pay officers of the United States Navy;

A bill (S. 3445) to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes; and

A bill (S. 3446) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes", approved March 4, 1917; to the Committee on Naval Affairs.

By Mr. HOLLIS:

A bill (S. 3447) granting an increase of pension to George L. Danforth (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 3448) granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River; to the Committee on Commerce.

By Mr. TOWNSEND:

A bill (S. 3449) granting a pension to Charles D. Jackson (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 3450) to establish experiment stations in engineering and in the other branches of the mechanic arts in connection with the colleges established in the several States and Territories under the provisions of an act approved July 2, 1862, and

of the acts supplementary thereto; to the Committee on Agriculture and Forestry.

By Mr. WATSON:

A bill (S. 3451) fixing rate of pension for soldiers of the Civil War; to the Committee on Pensions.

By Mr. JONES of Washington:

A joint resolution (S. J. Res. 120) providing for employees to Senators and Senate committees commencing with the fiscal year beginning July 1, 1918; to the Committee on Rules.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. WATSON submitted an amendment relative to the compensation of printers, skilled laborers, and mechanics in the Post Office Department, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

COST OF OFFICERS' UNIFORMS.

Mr. JONES of Washington. Mr. President, I have a bill which I desire to introduce, and I want to take a moment or two of the time of the Senate to call attention to it in the hope that some action may be taken promptly by the Military Committee with reference to it if, after considering it, they think it advisable to do so.

As I understand it, the Government furnishes the uniforms for the private soldiers in our armies but that officers must furnish their own uniforms. Thousands of our young men have volunteered to enter the training camps to fit themselves for officers in the Army. They have done this from a purely patriotic motive, and this is about the situation which confronts them: While they are in the training camp the Government issues to them the uniforms that they use until their training experience is over. Then if they receive a commission in the Army they must go out and purchase their uniforms.

Now, what is the situation? The situation in this respect is just as it seems to be in almost every line of industry and every product of our country in which our people deal. These men must turn back to the Government the uniforms issued to them while in training. They must go to private establishments to get the uniforms they must have. The private dealer knows they must have them, and the result is that these patriotic boys must pay two or three prices for their uniforms. In other words, the profiteer of the country is given these men as his special prey, and he is taking advantage of the situation and making profit out of patriotism. I have here a letter from a gentleman from my State relating his experience, and I want to read it to the Senate.

Mr. KING. Will the Senator yield to me for a moment?

Mr. JONES of Washington. Yes, sir.

Mr. KING. Why does the Senator limit his statement of this matter to those who have attended the training camps? The reason why I ask it is that I have received a number of communications from young men who have been made officers from the ranks, and in one instance a young man was inclined to refuse his commission because he ascertained that it would cost him so much to get the necessary equipment.

Mr. JONES of Washington. My bill is not limited to that, as far as the bill is concerned. It is true the slime of the profiteer touches everybody and touches all these various avenues of possible profit. This young man says in this letter:

> Last summer when we accepted our commissions a price list of outfit required was sent and we were given to understand that we could buy all of our quartermaster supplies from the Army quartermaster. When we get into the Army we find out that the quartermaster has nothing to sell, but instead issues an order that no quartermaster goods are to be sold to officers. This order was disastrous to us, as the Regular Army officers were all outfitted by the Government at cost, so that the only ones to suffer were the men who had given up everything to go into the fight.

My understanding is that he is mistaken in that. I understand that the Regular Army officers must buy their uniforms as well as other officers; but this is the result that came to this young man, and it is similar to that suggested by the Senator from Utah [Mr. KING]:

> The result is that my outfit, instead of costing $300, as I expected and was willing to pay for, will now be $500. The most regrettable thing in connection with the whole business is that although the Army quartermaster can not get these supplies to sell to us at the manufacturer's cost every scoundrel in the country is stocked up with them, which they sell to us for two and three times their value. I can state conservatively with truth that up to the present time at least $3,000,000 have been taken out of the pockets of reserve officers in inflated profits for supplying them with necessities that the quartermaster should have supplied at cost.
>
> What is the result to those of us that are married and have families and must keep our homes running? Frankly, I can not afford to pay the exorbitant prices, and now down here at ———, with snow and freezing, I am wearing the same cotton uniform that I wore last summer. From the time I entered the Army I have drawn, besides my pay, $125 to meet my family's and my own expenses—

I have left out the name of the camp—

> Now, I am not complaining of the Army life. I am well satisfied, but I am simply up against it for an outfit. I have at least $200 more equipment to buy.
>
> If you can get the quartermaster of the Army to issue an order that all quartermaster supplies are to be sold to reserve officers at manufacturer's cost, it will be appreciated by thousands of officers that are in the same fix that I am. There is no question but that the wolves that are stocked up with military supplies will howl, but they should be interned with the Germans.

I think there is a good deal of merit in that last suggestion.

Mr. President, in talking with another Army officer he told me this—and I merely cite it as a simple illustration of what these men are subjected to. He said that while in the training camp shoes were issued to him at between two and three dollars a pair, and when he got out the same shoes cost him from six to eight to ten dollars a pair. Then for an overcoat that was issued at nine to fifteen dollars, that was turned back when he came out, he now has to pay from forty to seventy-five dollars. Then he showed me this—a little thing. He took off a belt he was wearing and he said, "When I was in the camp this belt would be issued to me at 9 cents, but when I buy it I have to pay 75 cents for it."

Mr. President, it seems to me that the Congress of the United States ought to do something to correct any situation like this. Certainly nothing can do more to dampen the patriotism of the men who have volunteered to fight their country's battles and who may be at the battle front of Europe fighting for world democracy while their comrades and the thousands who must come after them, if our declared aims are to be sustained, are being made the prey of profiteers at home. If we are to carry out the program laid down for us and we are to right the ancient wrongs of the peoples of the earth, rearrange the boundaries of States great and small, and set up and maintain individual sovereignties in Europe, we must do nothing to quench the patriotism of the thousands and millions that we will have to take from our homes to do this world-wide work. I hope the Military Committee will consider this proposition and act promptly.

Mr. CHAMBERLAIN. Mr. President, in reference to the remarks of the Senator from Washington I may be permitted to say that the Military Affairs Committee of the Senate is investigating the whole proposition as to the character of the uniforms being furnished to the officers in the three different armies and the character of the uniforms being furnished to the men and inquiring generally into the whole situation. We are now investigating this very subject, and the committee hopes in a short while to be able to make a report and give some suggestions. It takes a good while to discuss it, and I would prefer not to go into the question under this order; but, Mr. President, the committee is working night and day on this investigation and have been at it ever since Congress convened and I think will be able to present a report and suggest a remedy before we get through.

Mr. BORAH. I desire to ask the Senator if the report of the proceedings to which he has referred are being taken down and printed so that other Members of the Senate may have them?

Mr. CHAMBERLAIN. They are being taken down. There is possibly just a little of the hearings that ought not to be printed, but I will say that that particular portion refers more particularly to conditions in Europe.

Mr. BORAH. I have no desire to call out anything that the committee think ought not to be printed.

Mr. CHAMBERLAIN. There will be very little of it, I will say to the Senator.

Mr. BORAH. I should like to have a print of the hearings which are permitted to be made public. I have not been able to get them yet, and I do not know whether they are being printed or not.

Mr. CHAMBERLAIN. We are printing only a copy for each member of the committee at present. We are going over that after a little while, and I think that we shall not have to expunge any of it, and if we do eliminate any at all it will be simply a few pages of it that have reference only to conditions in Europe.

Mr. THOMAS. Mr. President, in corroboration of what has been said by the Senator from Washington, it is perhaps not out of place for me to refer to similar conditions existing in the capital city of my State.

During the examination of the Quartermaster General by the Military Affairs Committee he was asked by the chairman or some member of the committee whether Government contracts for clothing to private contractors of the same line of goods had not been, in some instances, postponed because of the additional profits that could be derived from dealing in those goods by the dealers. I think the answer of the Quartermaster General was that he was not informed of such conditions. About an hour after I had read this statement a major in the Army, who, of

course, does not want his name given, informed me that every department store and every clothing store in the city of Denver had on hand a very large supply of officers' uniform goods and also a large supply of the ordinary khaki uniforms, and that officers who are volunteering, particularly at that recruiting station, Fort Logan, are obliged as soon as they are mustered into the service to appear in uniform and can only secure them from private dealers at a cost averaging from 45 to 100 per cent in excess of the Government's price for similar articles.

I visited casually three or four of these establishments and discovered as far as I could by casual inspection that this officer's statement was absolutely true.

About that time my youngest son volunteered and was accepted. I thought it was no more than proper that I should contribute a little something to his equipment, and I told him to go and provide himself with a uniform and have the bill sent to me. I got the bill this morning. It is from a private house in Denver, because he was unable to secure a single thing required from the stores at Fort Logan. The bill, without going into particulars, is $65.50, exclusive of shoes, for which I presume I shall receive some notification to-morrow.

Now, the condition of which the Senator from Washington complains exists everywhere, and it seems to confirm the impression embodied in the question asked the Quartermaster General, to wit, that the Government requirements are postponed for those of private dealers in order that the volunteer officers of the United States Army and the others may be compelled to pay tribute to profiteers of the country, because of their inability to secure this accouterment from the authorized official sources. I am glad to hear the chairman of the committee say that he is investigating these conditions. They certainly exist; and while I shall not anticipate what the report may be, I am prepared to go to any length that may be necessary to protect the volunteer officers of this country from this species of oppression and extortion.

Mr. STONE. Mr. President, I listened with interest to what the Senator from Washington [Mr. JONES] said in commenting on the bill he introduced with respect to Army uniforms, and I sympathize with what he said. I have no purpose of attempting now to add to what he so well said in support of the particular thing he has in mind to accomplish by his bill; but I wish at this juncture, which seems to be an opportune juncture, to make a suggestion of my own about uniforms, and I should like to have it written into the law, if there is to be a new law enacted on that subject.

Mr. President, I have read, all of us have, more or less, in the press, and have otherwise heard a good deal about the unauthorized and fraudulent use of uniforms worn by American soldiers in Europe. Last night at a social gathering—I hope I may properly speak of this—I listened to most interesting statements outlining in a conversational way the observations and experiences of two Senators who recently visited France. Among other things, I gathered from them is that our Army uniform has been frequently fraudulently worn in the streets of Paris and of other cities by men who have no right whatever to wear it. Of course, cases of this kind can now be taken in hand, as they have been, and I do not know that any additional legislation with respect to such cases is needed.

But beyond that I have something else in mind, Mr. President and Senators. There are to-day thousands of men in France and perhaps elsewhere wearing uniforms—officers' uniforms, as well as the uniforms of privates—who never get and never expect to get within the sound of a hostile gun. I believe that there ought to be some distinguishing mark on uniforms to separate the men who go into the trenches with their guns and put their lives at stake, from those who are holding other kinds of positions, no doubt of more or less importance—but clerical or civilian positions—positions that keep them out of the zone of danger, positions labeled "Safety first," or, as the Senator from Iowa [Mr. KENYON] suggests sotto voce, "bomb-proof" positions.

Mr. President, I know and you know that there has been a clamor for and a rush after the positions which are labeled "safety first."

Mr. SMOOT. And with a higher salary attached to them.

Mr. STONE. The Senator from Utah observes—and I suppose he is accurate as to that, although I am not advised—that these "safety first" heroes actually receive, as a rule, higher compensation for their services than the men who bear the guns; and yet these carpet knights are wearing the same uniform and wearing the same marks upon their shoulders and upon their sleeves as real soldiers wear to show the rank which they hold in the fighting Army of the United States.

Mr. President, I do not believe that this is fair to the men who are to fight. They should not be thus put upon a par with the men who are to do a lesser, although important, service, but a service of little or no personal hazard. I do not see any reason why this latter class of men, generally speaking, should be clothed with uniforms at all, and still less why they should be given a military rank, requiring the fighting men to salute them. But if for some reason it is deemed necessary to clothe them in uniform, then I express the firm conviction that there ought to be some mark upon uniforms—maybe an entire difference in the color of them—but, whatever it may be, something to distinguish the soldier in uniform from the civilian in uniform; to distinguished the soldier who is in line of actual battle, or whose duty takes him into the zone of danger, from the man who is stationed so far back that he may never hear the sound of the big guns, much less the rattle of musketry.

I suggest this thought to my friend from Washington, since he is preparing a bill on the subject of uniforms, if it should happen to meet with his approbation, that something of the kind I indicate might be incorporated in his measure.

Mr. JONES of Washington. Mr. President, I intended to ask that the bill which I introduced may be printed in the RECORD in connection with my remarks. It is only six or seven lines in length, and, in brief, simply provides for the furnishing of these uniforms hereafter by the Government of the United States.

The PRESIDENT pro tempore. If there be no objection, the bill introduced by the Senator from Washington will be printed in the RECORD. The Chair hears none, and it is so ordered.

The bill (S. 3433) requiring the Government to furnish uniforms to officers of the Army, and for other purposes, was read twice by its title and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That all uniforms, accouterments, and equipment required for any officer of the military forces of the United States shall be furnished and issued to such officers by the Government at cost price, under regulations to be prescribed by the Secretary of War, and the same shall be similar in quality and price for all officers of the same rank.

NATION-WIDE PROHIBITION RATIFICATION BY MISSISSIPPI.

Mr. VARDAMAN. Mr. President, I was awakened at an early hour this morning from a deep dream of peace, superinduced probably by the remarkable message delivered to the Congress on yesterday by the Chief Executive, by a messenger who delivered to me the telegram which I send to the desk, and which I ask to have read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested. The Chair hears none.

The Secretary read the telegram, as follows:

JACKSON MISS., *January 8, 1918.*

Senator JAMES K. VARDAMAN,
Washington, D. C.:

Prohibition amendment ratified on first legislative day of session. Vote in House 93 for and only 3 against. Vote in Senate 35 for and only 5 against. We believe Mississippi is the first State to ratify amendment. Great rejoicing in Mississippi.

H. V. WATKINS.

Mr. VARDAMAN. Mr. President, the information contained in that telegram brings great joy to my heart, and bids me hope for better and cleaner things in our Government. It announces the flowering of the ideas entertained by me and the culmination of the great work to which I with other men and women have devoted many years of our lives in the State of Mississippi.

If I may be permitted a personal reference, I will say that the first vote I ever cast was against the open saloon in my State. It was a time when prohibition was unpopular, and the indulgence in intoxicating liquors was rather a common custom. The average toddy-drinking Democrat looked with suspicion upon any man who dared to antagonize the liquor interests. The saloon in those days was a potent factor in politics, and the person who undertook to interfere with the prosecution of that nefarious business was often denounced as a fanatic, a puritanical crank, and one who would put the shackles of intellectual servitude and the straight jacket of political proscription upon the free-born American citizen.

Prohibition was denounced as sumptuary legislation which, if carried to its logical conclusion, would finally eventuate in prescribing the form of dress and the regulation generally by the Government of one's private life. But "in spite of the stare of the wise and the world's derision" we continued the fight for this righteous cause, and it gathered strength as the years passed by until this good day when, thank God, we see the creed of the persecuted minority about to become the faith of an awakened nation.

It is gratifying to me that Mississippi should be the first State to ratify this amendment, but may I be permitted to add that this is not the first time that Mississippi has played the noble part of protagonist in great matters of reform. Mississippi was the first State of this Republic to recognize the right and capacity of woman to attend to her own business and

manage her property interests. Mississippi was the first State, in fact, to emancipate woman commercially and place her on a dead level with man in the business world. It was also Mississippi's proud distinction to be the first State to establish and maintain by public taxation a great industrial college for the education of woman, whose curriculum and policies teach her to understand and equip her in all respects to enjoy the rights, privileges, and perform the duties of citizenship. And if I may be permitted to indulge in a little speculation, it is my deliberate judgment that Mississippi will be the first of the old rock-ribbed Democratic States of the South to give woman the ballot. That problem would have been solved many years ago by our people and justice done to woman if it had not been for the presence of the enormous negro population, which imposes upon us a problem of far-reaching and almost infinite moment. It touches every public question and involves limitations and proscriptions which overshadow every other consideration and fills the hearts of our people with apprehensions that often discourage enterprise and hinder progress and advancement along certain lines.

I believe the time has arrived when the influence of woman at the polls has become a positive necessity. We need the purity of her morals, her undeviating devotion to the home, together with her unfailing intuition which in the darkness always points the way when the logical processes of man fail us. If the women of the world had been consulted this world-wide cataclysm would never have occurred.

It was Mississippi, led by that incomparable statesman, patriot, and practical dreamer, James Z. George, who devised a constitutional scheme which mitigated the dangers and tantalizing difficulties growing out of that unfortunate enactment known as the fifteenth amendment. That amendment was conceived in hate and brought forth in a spasm of venom and revenge. Of course, the remedy which Mississippi's constitution provides, which saves us from Ethiopian incompetency in government, is only of temporary duration. This great race question still looms upon the horizon and as of old causes statesmen to pause and ponder; but in the Providence of God and by the ingenuity and patriotism of our people, I believe we will be able to meet and overcome all the difficulties that may grow out of it.

I believe the time has arrived in the history of this Republic when sectional animosity and war-generated hatreds of 50 years ago have passed away, and that the thoughtful, patriotic American people of the North recognize and appreciate the difficulties of their brethren of the Southern States and will at the proper time lend a helping hand in the solution of this great problem.

Mr. President, since the Nation is about to enter upon the herculean task of fixing the boundary lines of the nations of the earth and prescribing the form of government for the peoples of other lands, I thank God that we see the wisdom of devoting at least a little time to our own domestic needs; that we are providing means whereby the blood of our people shall be kept clean and pure, the mind alert and the brain freed from the fume clouds of intoxication. To do all of these things well America must first be true to herself. If America is to lead the world in politics, if she is to become the dictator and exemplar of civilization, it is important that we have a sober America. The saloon has been, and is to-day, a blot upon our civilization. It is a biting, blasting, curse without a mitigating incident—a cancerous growth upon the body politic which must be extirpated.

That the Legislature of Mississippi should be the first of all the States to act on this matter is very gratifying to me. I congratulate the Nation, I congratulate the Legislature of Mississippi, I rejoice with the people of Mississippi and throughout the entire Republic upon the action of the legislature in this behalf. May Mississippi's lead be followed with celerity by the other Commonwealths of the Nation.

NATIONAL BUDGET SYSTEM.

Mr. KENYON. I introduce a joint resolution, which I am going to ask to have read. I desire to say, in explanation, that I have tried for a good many sessions of Congress to secure some action on a plan providing a budget system for this Government. We are to spend, we are informed, some $21,000,000,000 this year. Outside of Turkey, we are the only civilized Nation—if Turkey can be called civilized—that does not have a budget system of finance, and it is time that we get out of the class of Turkey.

If this joint resolution does not receive the consideration of the committee to which it is sent, I propose within a short time to move the discharge of the committee from its further consideration and bring the question to the floor of the Senate, as no more important question can come before us now than to establish some kind of a budget system. I ask that the joint resolution be read.

The joint resolution (S. J. Res. 121) creating a commission to report a plan for the adoption of a national budget system, was read the first time by its title and the second time at length, as follows:

Whereas in times of peace the expenditures of the Government were increasing yearly at a rapid rate; and

Whereas our entry into the world war will enlarge these expenditures to enormous proportions; and

Whereas the increased taxation to support the Government will place new burdens upon the shoulders of every citizen of the United States; and

Whereas this vast sum of money should be spent with the utmost efficiency and economy, and under modern methods of control; and

Whereas the estimates for the expenditures of the Government come to Congress without revision or scrutiny by any centralized agency of the Executive Government and are not treated by Congress as a part of its legislative program; and

Whereas under the present methods of legislative procedure the responsibility for the expenditures of the Government is scattered amongst a number of standing committees in the two Houses of Congress, which work independently of each other and of the Executive Government in providing funds; and

Whereas it is possible for private Members, on the floors of the two Houses, to offer amendments at will increasing the items of expenditures provided in the respective appropriation bills beyond the amounts requested by the Executive; and

Whereas under this procedure the evil practices, known as "logrolling" and "pork-barrel" methods, have grown up and flourished; and

Whereas under this system there is no possibility of a governmental business program, or of a financial policy, or of a coordination of expenditures with revenues; and

Whereas it is the consensus of opinion among men of business, publicists, and students of public finance that the adoption of the national budget system would put the finances of the Government upon a sound, efficient, and economical basis by making possible a business program prepared upon the responsibility of the Executive and presented by him to Congress to be enacted into law; and

Whereas the chief political parties of the country in their platforms in 1916 pledged themselves to carry out budgetary reforms for the Federal Government; and

Whereas it is the experience of practically all foreign governments that the national budget system is the only efficient method of dealing with the expenditures and revenues; and

Whereas to plan such a system for this Government requires careful study: Therefore be it

Resolved, etc., That a joint commission to report out a plan for adoption of a national budget system is hereby established. Its membership shall consist of the Secretary of the Treasury and two other officials of the executive department of the Government to be appointed by the President, three Members of the Senate and three Members of the House to be appointed by the presiding officer of the House and Senate, respectively.

SEC. 2. That no compensation shall be paid to any member of said commission.

SEC. 3. That said commission is hereby empowered and directed to report by March 1, 1918 a plan for the adoption of a national budget system for the Government of the United States, and showing therein what changes, amendments, or adjustments the adoption of said budget system would cause in the rules of the Senate and the House in the laws now in operation relative to revenues and expenditures, in the organization of the Treasury Department, in the forms and method of preparation of the departmental estimates, in the method of presenting said estimates to the Congress, in the methods of accounting and audit, and such other and further information as said commission may see fit to lay before the Congress.

SEC. 4. That said commission is authorized to employ such experts and such clerical assistance as may be necessary to carry out the provisions of this resolution.

SEC. 5. That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this resolution.

SEC. 6. That said commission shall expire on the 1st day of June, 1918.

Mr. KENYON. I ask that the joint resolution be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The joint resolution will be referred to the Committee on Appropriations.

CONSIDERATION OF TREATIES.

Mr. BORAH. I submit a resolution and ask for its present consideration.

The PRESIDENT pro tempore. The Senator from Idaho asks for the present consideration of a resolution which will be read.

The resolution (S. Res. 178) was read, as follows:

Resolved, That the Committee on Rules be, and the same is hereby, directed to prepare a revision of the rules of the Senate relating to the consideration of treaties so as to provide that all treaties hereafter shall be considered in the open executive sessions of the Senate, and, when such revision is so prepared, to report the same to the Senate for its consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SMITH of Arizona. I object.

Mr. SMOOT. Mr. President, as I understand, it is a resolution proposing an amendment of the rules.

Mr. BORAH. No; it is not proposing an amendment of the rules. It is a direction to the Committee on Rules to revise and report.

Mr. SMOOT. Oh!

The PRESIDENT pro tempore. Objection is made, and under the rules the resolution will go over.

Mr. SMITH of Arizona. Mr. President, I do not wish to make an objection unless the request is for the present consideration of the resolution.

The PRESIDENT pro tempore. The Chair understands that the Senator withdraws his objection.

Mr. BORAH. I simply desire to have this resolution passed. That will bring in the report of the committee, and then it will be up for consideration.

Mr. KENYON. Mr. President, I should like to ask the Senator from Idaho a question. Does the Senator's resolution go to the point of abolishing executive sessions?

Mr. BORAH. No; this resolution only deals with the consideration of treaties.

Mr. KENYON. I supposed, in view of the President's message yesterday, that executive sessions for the consideration of treaties would cease.

Mr. BORAH. This is in harmony with that suggestion.

Mr. SMITH of Georgia. Mr. President, I ask that the resolution be read again.

The Secretary again read the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. GALLINGER. Mr. President——

Mr. SMITH of Georgia. Yes, Mr. President; I object.

The PRESIDENT pro tempore. Objection is made to the consideration of the resolution, and it will go over.

Mr. SMITH of Georgia. I wish also to make the further point on the resolution that it is out of order. It is, in effect, an amendment of the rules of the Senate in that it directs the Committee on Rules to prepare a particular kind of a rule. I submit that such a procedure would violate the rules, because the rules require that notice shall be given of a purpose to offer an amendment to the rules, and then that the proposed amendment itself must be offered and sent to the committee. I submit to the Senator from Idaho that to instruct the committee by resolution to bring in a particular rule violates the provisions of the rule applicable to the way in which changes in the rules can be made.

Mr. BORAH. Mr. President, I do not desire to debate the matter now, unless we are going to consider the resolution today. If the Senator objects to its consideration at this time I will discuss this feature of it on another day. I understand that the Senator objects.

Mr. SMITH of Georgia. Yes; I object and will insist that it has to go to the Committee on Rules when it comes before the Senate.

Mr. BORAH. I desire to have it go to the Committee on Rules. That is my object.

Mr SMITH of Georgia. I misunderstood the Senator.

Mr. GALLINGER. But, Mr. President——

Mr. SMITH of Georgia. I have no objection to the resolution being referred to the Committee on Rules without adoption.

Mr. BORAH. That is precisely what I want. The resolution simply calls upon the committee to report a revision of the rules. Then, when the revision report comes in, it will be for the Senate to determine whether or not it will adopt the change proposed by the report of the committee.

The PRESIDENT pro tempore. The Chair has ruled that objection has been made to the consideration of the resolution and that under the rule it goes over.

Mr. KENYON. Mr. President, I do not want the statement of the Senator from Georgia to go unchallenged that the Committee on Rules can not be instructed to bring in a change of the rules. We had that identical question up here in a resolution seeking to get rid of these secret sessions. That identical question was raised, and the Vice President ruled that it could be done.

Mr. SMITH of Georgia. Mr. President, I do not recall the ruling, but if the Vice President so ruled I disagree with him.

Mr. KENYON. That is unfortunate for the Vice President.

Mr. GALLINGER. The Vice President is wrong.

Mr. SMITH of Georgia. It has been unfortunate sometimes for presiding officers that the Senate disagreed with them or, rather, fortunate for the Senate.

The PRESIDENT pro tempore. The resolution has gone over under the rule.

THE DISTRICT CODE.

Mr. VARDAMAN submitted the following resolution (S. Res. 179), which was read and referred to the Committee on Printing:

Resolved, That the Code of Law for the District of Columbia, approved March 3, 1901, as amended to January 1, 1918, together with index and annotations, be printed as a Senate document.

FUNERAL EXPENSES OF THE LATE SENATOR NEWLANDS.

Mr. PITTMAN submitted the following resolution (S. Res. 177), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. FRANCIS G. NEWLANDS, late a Senator from the State of Nevada, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. Are there further concurrent or other resolutions? If not, the morning business is closed and the calendar under Rule VIII is in order.

AMENDMENT OF THE FEDERAL FARM-LOAN ACT (S. DOC. NO. 100).

Mr. OWEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

ROBERT L. OWEN,
HENRY F. HOLLIS,
A. J. GRONNA,
Managers on the part of the Senate.

CARTER GLASS,
MICHAEL F. PHELAN,
EVERIS A. HAYES,
Managers on the part of the House.

Mr. OWEN. In order that Senators may understand the conference report, I ask that the amendment of the House be printed in the RECORD.

The amendment is as follows:

Strike out all after the enacting clause and insert:

"That the Federal farm-loan act, approved July 17, 1916, is hereby amended by adding at the end of section 32 the following:

"'The Secretary of the Treasury is further authorized, in his discretion, upon the request of the Federal Farm Loan Board, from time to time during the fiscal years ending June 30, 1918, and June 30, 1919, respectively, to purchase at par and accrued interest, with any funds in the Treasury not otherwise appropriated, from any Federal land bank, farm-loan bonds issued by such bank.

"'Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years. Any Federal land bank may at any time repurchase at par and accrued interest for the purpose of redemption or resale any bonds so purchased from it and held in the Treasury.

"'The bonds of any Federal land bank so purchased by the Secretary of the Treasury, and held in the Treasury under the provisions of this amendment one year after the termination of the pending war, shall upon 30 days' notice from the Secretary of the Treasury be redeemed or repurchased by such bank at par and accrued interest.

"'The temporary organization of any Federal land bank as provided in section 4 of said Federal farm-loan act shall be continued so long as any farm-loan bonds purchased from it under the provisions of this amendment shall be held by the Treasury, and until the subscriptions to stock in such bank by national farm-loan associations shall equal the amount of stock held in such bank by the Government of the United States.'

"SEC. 2. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved."

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Oklahoma if he will not let the conference report go over until to-morrow and be printed?

Mr. OWEN. I should be pleased to have the report lie on the table. I move that the report lie on the table, to be printed, and I give notice that to-morrow I shall ask to have it taken up for consideration.

Mr. SMOOT. That is satisfactory, Mr. President.

The PRESIDING OFFICER. That action will be taken.

Mr. HOLLIS. Mr. President, in order that Senators interested may understand the matter, I ask the Senator from Oklahoma if it is his intention to have this conference report taken up at the close of morning business to-morrow?

Mr. OWEN. I gave notice that I would bring it up at the first opportunity to-morrow.

Mr. HOLLIS. But would it be agreeable to the Senator to state that he would bring it up at the close of morning business to-morrow, in order that Senators may understand the matter?

Mr. OWEN. Yes; I will give notice, Mr. President, that after the morning business to-morrow I shall ask that the report be taken up for consideration.

The PRESIDING OFFICER. The notice will be entered.

SUPPLY OF PRINT PAPER.

Mr. SMITH of Arizona. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate joint resolution 101, the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

Mr. HARDWICK. Mr. President, if considerations of personal friendship could control our actions as Members of this body, or if other personal considerations could rightfully influence them, I should hesitate to oppose the proposition reported to this body by my warm personal friend, the senior Senator from Arizona [Mr. SMITH]. But I take it that that Senator, as well as all other Senators, will understand that no such considerations can or ought to materially influence or control the position of any Member of this body with respect to public measures; and I am impelled to oppose this measure because it violates, and violates unnecessarily, the most important and the most fundamental principles.

What is this measure, Mr. President? It is a proposition that the Government shall go into the business of manufacturing and selling print paper. If the proposition were that the Government of the United States should manufacture the print paper that it needs for the Government Printing Office, for its own agencies, for its own business, it would be unobjectionable. But if the proposition is—as I think I can demonstrate to this body that it is—that the Government of the United States shall engage generally in the business of manufacturing and selling as well as fixing the price of wood pulp and print paper for a great business industry of the country, then undoubtedly Senators who feel as I do are bound to oppose the measure, unless it can be in some way justified as growing out of the present national emergency, in some way directly related to that emergency, in some way directly connected with that emergency.

The joint resolution is entitled:

Joint resolution to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of print paper at a fair price—

So far, so good—

and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

Then the preamble recites as follows:

Whereas by reason of a state of war now existing it is essential to the national security and defense for the successful prosecution of the war to assure a supply of print paper and its equitable distribution at a fair price in order that the Government of the United States may be assured an adequate supply of paper products and that all proper news may be generally and efficiently disseminated—

All proper news may be generally and efficiently disseminated—

Now, therefore, be it

Resolved, etc., That whenever during the continuance of the war and for six months thereafter the President shall deem it needful, he may direct the Federal Trade Commission to supervise, control, and regulate the production and distribution of print paper and mechanical and chemical pulp and their products in the United States, and that such mills producing and such agencies distributing print paper and mechanical and chemical pulp and their products in the United States as the President shall designate shall be operated on Government account.

For the present I will stop there, because the measure explains itself, by its own terminology.

If it is justifiable at all, then we ought not to shift the responsibility for its enactment to the President. If a condition exists or is likely to exist which makes this legislation either necessary or justifiable, why should we shift the burden for its enactment to the already overburdened shoulders of the Chief Executive of the Republic? Has Congress sunk so low that it can not take even this responsibility in and of and by itself, but must ask that the President do this if he thinks it needful?

So I say, with all respect, that the amendment suggested by the Senator from Arizona, so far from improving the measure, makes it absolutely more objectionable, from my standpoint, at least.

Is it necessary, Mr. President, in order to provide for the national defense, that the Government of the United States shall go into the manufacture of print paper? If so, there is not an article in all the great commercial and industrial index of this country that can not with equal force—yea, in most instances, with greater force—be put in the same category by the use of the same argument. Surely we are not going to fight the Germans with paper bullets. Surely we are not going to send our overvalient and overzealous newspaper editors out to fight the Germans with their papers; although I will say that I would be somewhat reconciled to some of the things that have been done if we could take a few of these overly patriotic newspaper gentlemen and stick them on the front line of the firing ranks of the men they drafted. But surely we are not going to conquer the German Empire by putting the Government in the business of giving these people their print paper at a little lower price; and anybody who makes a contention so roundabout and remote almost makes himself ridiculous in the eyes of thinking men.

The joint resolution recites that—

It is essential to the national security and defense for the successful prosecution of the war to assure a supply of print paper and its equitable distribution at a fair price in order that the Government of the United States may be assured an adequate supply of paper products and that all proper news may be generally and efficiently disseminated.

My God! What a commentary upon a country in whose Constitution is embedded the guaranty of a free press!

Ah, gentlemen, if we could win this war in the newspapers we would have won it long ago. But the trouble is that some of our most valiant newspapers and some of our most notable newspaper victories do not contribute much toward real success. If we could capitalize some of their statements and turn them into an effective dynamic force, the Germans would undoubtedly surrender before sundown. But I am afraid that even though the American newspapers get print paper at the Government expense and by Government operation at a fair price the Germans will fight on just the same and that Germany will fail to surrender, although we, "for the national security and for the national defense" and in order to protect the country and in order to wage the war, have violated our fundamental principles and embarked the Government on the socialistic enterprise of supplying the raw material of a great business industry, all for the purpose of "the national safety and defense."

Mr. President, if this proposition rested frankly and solely on the real reason and the real ground upon which it must rest we would know better how to meet it and the country could better appreciate a verdict upon it. If this proposal be a part of the propaganda, somewhat general and entirely alarming, to substitute for private control, for competition, for individualism, Government monopoly, Government activity, and governmental participation in all the great businesses of this country, the debate could be narrowed and would be narrowed, for then the proponents of this measure would carry the simple burden of maintaining successfully to this body and to the country the proposition that our old-time methods of dealing with monopoly were obsolete; that our present situation is such that they are ineffectual. They could contend, as they doubtless would contend, that monopolies have grown up so strong and so powerful in this country that the courts were impotent when it came to their control; that even the lawmaking powers of the Nation are inadequate to give relief from their oppressions.

Mr. KING. Will the Senator yield for a question?

Mr. HARDWICK. I yield.

Mr. KING. What reason is there to differentiate this business from any other business? Obviously, in a Republic such as ours we must look with abhorrence upon a proposition that the Government should enter upon the domain of private business and private industry. Assuming that as a premise for the question, why should we then enter into the private control of this business? Why should the Government manufacture print paper any more than it should manufacture steel or manufacture anything else?

Mr. HARDWICK. Or grow cotton or raise wheat?

Mr. KING. Or grow cotton or raise wheat, as the Senator says, or enter into any other industry essential to the economic life and growth and development of the people?

Mr. HARDWICK. I can only answer the Senator according to my own opinion. There is no difference. Not only that, if this is to remain a free country, if the constitutional guarantees are to be preserved unimpaired, in their full vigor and vitality, there is abundant additional reason why we should not do it. You should never put any political administration in control of

the great business end of the affairs of these trustees and servants of public opinion, denominated the press.

Mr. SHERMAN. Mr. President——

Mr. HARDWICK. I yield to the Senator from Illinois.

Mr. SHERMAN. Following out the same line of inquiry of the Senator from Utah, I inquire from the Senator whether print paper, generally, would be valuable in the absence of printers' ink, type founders, and a printing press, and whether these would not be a necessary incident of print paper?

Mr. HARDWICK. Oh, undoubtedly, Mr. President.

Mr. SMITH of Arizona. Mr. President——

Mr. HARDWICK. I yield.

Mr. SMITH of Arizona. If we permit a combination at this particular time and make it impossible to acquire any one of the things necessary to print, would the Government be justified if it allowed such a thing in an emergency like this?

Mr. SHERMAN. No more than assuming control of a potato patch. The householder has got to have potatoes, especially if he has a big family.

Mr. HARDWICK. The Senators have gotten to the pith of the argument. If the Senator from Arizona can sustain this proposal at all before the Senate, it can be sustained with reference to almost every other line of business or industry and with reference to several other branches of the same industry, as suggested by the Senator from Illinois. Now, are the Senator from Arizona and those gentlemen who think with him prepared to accept the proposition that our statutes have broken down, that our courts have become impotent? There is a law against combinations, not only one law, but a mass of laws, from the Sherman antitrust law on down, including the very act establishing this self-same Federal Trade Commission. Are those laws impotent? Are they valueless? Are they to be thrown into the scrap heap? There are courts in this country presided over by able and distinguished, honest and impartial jurists. Are those courts impotent to give the relief provided by statute? In other words, has our system of individual enterprise broken down? Is that what the Senator means to assert when he presents this proposal? If he does, we must face it. We must face this question in a thousand ramifications. If he does, we must meet it on almost every corner and in every phase of American activity. If he does, then we need to reform a system, to change the form and possibly the substance of a government, because I am convinced, Mr. President, in all soberness and in all seriousness, that if this thing goes on unobstructed, unchallenged almost, we will have soon destroyed the great principles of individualism on which the rights and liberties and the very form and structure of this Government rests.

This is no war emergency. The same argument could be made with equal or with greater force as to almost every other article or commodity in the Republic. It is a sop to the press of this country, and that is what we know it to be. If in our effort or in our desire to give these newspaper people, by governmental activity, print paper at a cheaper price than they can secure it at present we are prepared to desert our principles and abandon all our beliefs, we had just as well realize at once what we are doing and what it means.

Mr. President, I address the Senate with a spirit of some sadness on this occasion and on this question, because I realize how futile are my words, because I realize that Senators who feel as I feel, who think as I think, and who believe as I believe are going to vote for just this sort of a proposition in spite of their thoughts and beliefs and principles. I may be powerless to stem this tide; I may be powerless to stop it; but, at least, I have the poor privilege and at least I have the high duty of standing here to protest against it. At least, I have the right to say to Senators, if you continue to do this thing, if you continue to yield to this sort of war-emergency measures, pitiful, indeed, will be the pittance of liberty and individual initiative that will be left to the once proud people whom you came here to represent, and whose liberties and rights you came here pledged to preserve.

I believe that I measure by words, Mr. President, that I would go as far as any Senator in this body on either side of the aisle to do anything that according to my opinion was best calculated and best suited to serve this country and advance its interests in the great contest on which it is embarked. I do not yield to any Senator in patriotism in that respect, or in any other. I may differ with many Senators about the wisest plan to pursue or the best method to adopt about many things; but, after all, can any Senator honestly think, fairly contend, really assert that this is a war measure or anything like one, and if it is not a war measure what Senator can justify it, what Senator can urge it, what Senator can ask the Senate to adopt so radical, so revolutionary, so unnecessary a departure from the principles of our Government?

Mr. SHERMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WARREN in the chair). The Senator from Illinois suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	McCumber	Smith, Ga.
Beckham	Hardwick	McKellar	Smith, Md.
Borah	Hollis	McNary	Smoot
Chamberlain	James	Martin	Sutherland
Cummins	Johnson, S. Dak.	Norris	Swanson
Curtis	Jones, N. Mex.	Owen	Thompson
Dillingham	Jones, Wash.	Poindexter	Tillman
Fernald	Kellogg	Ransdell	Townsend
Fletcher	Kendrick	Saulsbury	Underwood
France	Kenyon	Shafroth	Warren
Frelinghuysen	King	Sheppard	Weeks
Gallinger	Kirby	Sherman	Wolcott
Gronna	Lewis	Shields	
Hale	Lodge	Smith, Ariz.	

Mr. KELLOGG. I announce the necessary absence of my colleague [Mr. NELSON]. On account of illness in his family he is unable to be here to-day.

Mr. TOWNSEND. I announce the necessary absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. I should like to have this announcement stand for the day.

Mr. KING. I desire to announce the absence of the senior Senator from Arkansas [Mr. ROBINSON] on official business. I ask that this announcement may stand for the day.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GORE], is absent owing to illness.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum is present.

Mr. SMITH of Arizona. Mr. President, I move to amend the joint resolution, as shown by the reprint in italics, at the top of page 2, and I ask that the lines struck through be eliminated from the joint resolution and that those which are printed in italics be substituted therefor.

Mr. GALLINGER. Mr. President, let the amendment be reported from the desk.

The PRESIDING OFFICER. The Secretary will report the proposed amendment.

The SECRETARY. It is proposed, in section 1, page 2, line 1, after the first word "That," to strike out the words "the Federal Trade Commission is hereby authorized and empowered," and in lieu thereof to insert "whenever during the continuance of the war and for six months thereafter the President shall deem it needful, he may direct the Federal Trade Commission."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arizona.

Mr. SMOOT. Mr. President, if this joint resolution is to become a law, I can not see that the amendment offered by the Senator from Arizona would improve it in any way. The joint resolution as originally reported to the Senate reads as follows:

That the Federal Trade Commission is hereby authorized and empowered——

Mr. SMITH of Arizona. The joint resolution further reads:

To supervise, control, and regulate——

Mr. SMOOT. Yes; it continues:

To supervise, control, and regulate the production and distribution of print paper and mechanical and chemical pulp in the United States—

And so forth.

Mr. President, we all know that if this joint resolution becomes a law the details of enforcing it will be administered by the Federal Trade Commission.

Mr. SMITH of Arizona. Unquestionably.

Mr. SMOOT. There is no necessity whatever, Mr. President, for changing the original language of the joint resolution in that respect and authorizing and giving the power to the President of the United States, if he deems it needful, to transfer it to the Federal Trade Commission, and then the Federal Trade Commission to put it into force. In fact, Mr. President, I think the amendment which has been offered by the Senator from Arizona makes the joint resolution more objectionable than it was as originally reported.

Mr. SMITH of Arizona. Mr. President, it is hard for me to conceive, when one understands the purpose of the joint resolution, that there should be an objection to the amendment. If the amendment is not adopted, the Senator from Utah will observe that every newspaper manufacturing plant in America would immediately be put under the supervision of the Federal Trade Commission. There is no necessity for any such broad, sweeping, and universal application of the rule——

Mr. SMOOT. Then, I will ask the Senator from Arizona why he reported the joint resolution at all?

Mr. SMITH of Arizona. Therefore we make the modification by simply inserting the words "whenever during the continuance of the war and for six months thereafter the President shall deem it needful," and so forth.

We know that information as to its needfulness will come from the Federal Trade Commission, who will have this law to administer, and this amendment will prevent the wholesale seizure of every newspaper manufacturing plant in the United States. That was the purpose of the amendment.

Mr. SMOOT. Mr. President, I yielded to the Senator from Arizona for a question; but I want to say to the Senator that he himself reported the joint resolution just as he read it in the first place.

Mr. SMITH of Arizona. I did.

Mr. SMOOT. I know who prepared the joint resolution. The Federal Trade Commission prepared it. It went to the Joint Committee on Printing of the two Houses; and it was considered by that committee. I will frankly state that I was not present at the time the joint resolution was being considered. My duties called me to the Finance Committee of the Senate. The joint resolution was considered at a time when we had the revenue bill before the Finance Committee, and so I could not attend the meeting of the Committee on Printing. The joint resolution, however, came from that committee just as I read it, conferring the power upon the Federal Trade Commission.

Mr. President, in the way in which this joint resolution is worded, if it should become a law, it would mean that there is given power to the President of the United States to withhold print paper from any newspaper or magazine in the country that he may see fit.

Mr. SMITH of Arizona. If the Senator will permit an interruption, would it not also be true that the Federal Trade Commission could do the same thing under the provisions if it were unamended?

Mr. SMOOT. Certainly; but I want the Senator to understand that I think it is a most vicious measure.

Mr. SMITH of Arizona. I thought the Senator thought so.

Mr. SMOOT. I think it the most vicious measure that has ever been presented to this body, and I think, if Senators were present in the Chamber and would listen to the discussion of the joint resolution and analyze its provisions, the joint resolution could not pass the Senate of the United States.

Mr. OWEN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Certainly.

Mr. OWEN. Without this joint resolution, could not the manufacturers, who have been shown to be in combination, withhold print paper from a newspaper at their option?

Mr. SMOOT. No; Mr. President, if what the Senator from Arizona said yesterday be true, that there is an agreement now between the Federal Trade Commission and the print-paper manufacturers of the country as to the price of paper and as to its distribution, there is no necessity whatever for this legislation.

Mr. OWEN. The Senator just made the point, if I understood him correctly, that the Federal Trade Commission might withhold paper from a newspaper——

Mr. SMOOT. Yes.

Mr. OWEN. Whereas, without this proposed law, that can be done by a private interest?

Mr. SMOOT. Well, Mr. President, it never has been done by a private interest. And not only that, but they could not do it; there are a thousand different places at which news-print paper can be purchased in the United States; a newspaper could purchase news-print paper through any one of the various agencies established for that purpose. It is impossible to control all of the agencies for print paper in the United States and prevent all of them from selling paper to any one newspaper, whereas, under the provisions of the joint resolution, all that it would be necessary to do would be to have an order issued that no print paper should be sold to a particular paper or magazine, and it would be absolutely impossible for such paper or magazine to buy a pound of it.

Mr. KING. Mr. President, will my colleague yield for a suggestion?

The PRESIDING OFFICER. Does the Senator from Utah yield to his colleague?

Mr. SMOOT. Certainly.

Mr. KING. I should like to suggest to my colleague in answer to the distinguished Senator from Oklahoma, furthermore that if the Government takes control of the private business it becomes a gigantic monopoly, and it could withhold paper from any newspaper that it desired to punish, whereas if an individual engaged in the manufacture of print paper withheld the paper there would be opportunity for other individuals engaged in the business to produce paper and vend it, or private individuals of their own initiative could embark upon the business undertaking and produce sufficient to satisfy the needs of the public.

Mr. SMOOT. There is no question, Mr. President, that the statement made by my colleague is correct.

But there is another provision in this measure that goes even further than that. It reads:

That the President, during the present war emergency—

And who knows what length of time that may be construed to mean; certainly, Mr. President, if there were any advantage to be gained it could be construed to mean until after the next presidential election—

That the President, during the present war emergency, shall have power by proclamation to declare that such imports of mechanical and chemical pulp and their products as he shall deem necessary in order to fully effectuate the objects of this act shall be made only on account of the United States of America, to or through the Federal Trade Commission.

In other words, we are about to pass legislation giving to the President of the United States power to prevent all importations of wood pulp or its products into the United States.

Why, Mr. President, we say we are fighting for the democracy of the world, but it is just such legislation as this that causes thinking men to conclude that we are fighting for socialism in its most rampant form. Why stop at the control and manufacture of print paper? Why not give the President of the United States power to control every business in the United States?

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. Yes; I yield.

Mr. FLETCHER. If the Senator will allow me to interrupt him, I wish to say that I regard the provision with reference to dealing with the Canadian situation as perhaps the most important feature of the joint resolution. The Senator, I believe, will bear me out in the statement, on the information which I have, to the effect that some 30 per cent of all our print paper comes from Canada.

Mr. SMOOT. Certainly.

Mr. FLETCHER. Which is somewhere near 80 per cent of the Canadian output, and it comes into this country free of duty. Now, my understanding is that newspapers in Canada get their paper at about 2½ cents a pound, whereas, although it comes into the United States free of duty, we have to pay from 3 to 4 cents a pound for it, or something like that.

Mr. SMITH of Arizona. Yes; and if the Senator will permit me right there, I will say that these very gentlemen themselves are Americans running plants in Canada and selling to Canada at 2½ cents a pound and to our own people at 3 cents.

Mr. FLETCHER. Yes; I think there is a good deal in that; but they are hampered by this condition as I understand: Some of our very largest manufacturers—I think the International Paper Co., for instance—have large areas of wood-pulp timber in Canada.

Mr. SMOOT. And so have other manufacturers.

Mr. FLETCHER. And they can not get it out of Canada as the Canadian Provinces prohibit the exportation of the wood after American manufacturers have gone there and invested hundreds of thousands of dollars in its purchase. After they have made their investment they can not use the wood because Canada will not allow the wood to be exported. To meet that kind of a situation, it seems to me we must have some such provision as this, so that we can say to Canada, "We will not allow that material to come into the United States unless we can come to some sort of terms and agree that we may have paper at the same rates that the Canadian people have it, a reasonable allowance being made for transportation, and that sort of thing." Canada has the advantage because there is wood-pulp timber there owned by American manufacturers which they can not get out after they have purchased it. I understand the Provinces, by some sort of regulation, prohibit the exportation of that timber and all the products of that timber. That was done, I presume, in pursuance of a policy to compel the location of manufacturing plants in Canada. That may be a very good policy for Canada, perhaps, but it does not help the situation in the United States.

Mr. SMOOT. Mr. President, if the Senator is through with his question I will proceed.

Mr. FLETCHER. I am asking the Senator if he does not feel that there ought to be some sort of power vested here whereby we would be able to cope with that condition which confronts our manufacturers?

Mr. SMOOT. In answer to the Senator I will state that the wording of this proposed amendment would not meet the situation complained of. The Senator from Arizona and the Senator from Utah live in a State that has no paper-manufacturing establishment nor within many hundreds of miles of them. But under this bill the President of the United States could close every paper-manufacturing concern in the State of Maine, or any one of them. Mr. President, wood pulp and mechanical wood pulp are absolutely necessary to the manufacture of print paper in the United States, and this provision means that an order could be issued against any one of the paper mills in Maine or in any other State of the Union in which a paper mill was located, preventing it from getting wood pulp or mechanical wood pulp from Canada, and this would result in absolutely closing the mills. We can not manufacture the paper that we do in this country unless we get the wood pulp and mechanical wood pulp from Canada, as everybody knows.

Mr. FLETCHER. If the Senator will allow me to interrupt there, this does not prevent the importation of wood pulp. It gives the President power to order its importation for account of the United States.

Mr. SMOOT. Well, that is what I said.

Mr. FLETCHER. But that is a power which needs to be exercised only where advantage is being taken of manufacturers in this country, and to prevent that. So long as wood pulp can come to the manufacturers here from Canada on the same basis that it is sold in Canada, or approaching that basis, there will be no need for excluding it.

Mr. SMOOT. If that is all that is necessary by way of legislation, let us pass a resolution to that effect, and then quit.

Mr. SMITH of Arizona. Let us do anything except pass the pending joint resolution, according to the Senator.

Mr. SMOOT. If the Senator will please desist until I get through, and then answer me, I shall be very much obliged, unless he asks me to yield, and then I shall be very glad to yield.

Mr. SMITH of Arizona. If the Senator, then, will yield, so that I can respond to that politeness, I will say that when the Senator gets the floor he is almost as much of a monopolist as these news-print-paper manufacturers are. It is impossible for any man to interrupt him, no matter how gently he tries, without receiving some sort of criticism from my friend from Utah, for whom, personally, I have as high regard as for any man in the country.

Mr. SMOOT. I thank the Senator.

Mr. SMITH of Arizona. I should be glad if occasionally the Senator would abate his intensity enough to permit me to interrupt him, either to get, or in the wild hope of giving, a little information as the debate runs on. I certainly shall not intentionally interfere with or attempt in any way to weaken the force of his argument. It is not necessary.

Mr. SMOOT. Mr. President, the Senator from Arizona occupied the floor yesterday for an hour and a half or two hours. Nobody interrupted him to any extent, and if he will take the RECORD to-morrow morning and examine it I think it will be found that the interruptions of the Senator occupy about as much space as the remarks of those that have addressed the Senate. Now, I am not objecting to that. Certainly the Senator from Arizona does not have a higher regard for the Senator from Utah than the Senator from Utah has for the Senator from Arizona.

Mr. President, what is back of this legislation? Who is pushing it? Why is it wanted? What is it supposed to accomplish? I take it for granted that the Senator from Arizona will not deny that some of the newspapers of the country have felt that if they could have legislation of this kind passed they would buy their news-print paper at a lower price than they can get it for under the agreement that has been made between the manufacturers and the Federal Trade Commission.

Yesterday the Senator from Arizona stated that users of print paper have paid as high as 9 cents a pound for it. I say now, without fear of successful contradiction, that no news-print-paper manufacturer in all of the United States ever charged 9 cents for a pound of paper, or 7 cents, or 6 cents. It may be true that some news-print-paper distributor located in some little town away out West, in dealing with some little paper that wanted to print a few pages of an issue once a month, and required a roll of paper to be divided, has charged 9 cents a pound. There may be one case of that kind in the United States; but it is brought up here as an awful example of what the manufacturers of paper in this country are doing to the consumers of print paper in this country.

Ninety per cent of the paper that is used in the United States to-day is purchased at a price the increase of which is less than the increase in the price of 75 per cent of the commodities of the United States.

I hold no brief for the paper manufacturers. I know little about their business, but I know that they are in business for the same purposes as other concerns are in business. They all ought to be protected by the same laws, and no different ones. They ought to have the same privileges that other concerns have, and no more. If they have been formed into a monopoly, and are charging undue prices for their product, we have laws upon the statute books to reach them; and if those laws are not ample, I am perfectly willing that they shall be strengthened.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I yield to the Senator.

Mr. FLETCHER. I should like to suggest that one difficulty about the law is that by the time you proceed and get any results by an attempt to enforce the law, injuries will have occurred and losses and inconveniences and disturbances which can not be remedied. I think the record shows that these people did violate the antitrust law. They formed a combination which finally, under this proceeding, resulted in fines aggregating $11,000, and the result of that combination was that they cleaned up something like $15,000,000 of profit; and the combination that they formed was unquestionably a clear violation of the law. There are only, I think, six or seven manufacturers who have signed the agreement with the Attorney General, leaving some fifty or sixty outside who have not signed it; and if they continue any such arrangement as they had before, I am afraid you will not accomplish very much by invoking the antitrust law on them.

Mr. SMOOT. Mr. President, I do not think that any of the manufacturers of print paper in this country would like to go to jail. If the jail sentences provided in the existing law are not enough, make them greater. If the law has not been enforced, Congress is not to blame for that. I believe that wherever a combination in restraint of trade is shown, it ought to be handled by the authorities of the United States Government. But, Mr. President, in this joint resolution we are singling out one industry, and saying that that industry, from now on, shall be absolutely controlled by the Government of the United States. If the country has come to such a pass that individual initiative shall cease, and that all of the business of the country shall be directed by one director general appointed by the President of the United States, let us take them all in, and not single out one industry. Let us be fair to them all or let us notify the socialists of America and the socialists of the world that the only way to run the business interests of the country is to have the Government of the United States control them all.

As far as I am concerned, Mr. President, I have not arrived at such a conclusion; and woe be to the Government that tries to maintain itself by having a single power control all of the energies of all the people of the country!

I had thought, Mr. President, when this piece of legislation was to be discussed in the Senate that we could have Senators present to listen to what was said upon it; but evidently there is a feeling among the Senators that no matter what legislation is asked by the administration or by any department of the Government—or now it has gotten even to a commission—we ought to pass it without a question. There are other provisions of the bill that are just as objectionable as those to which I have referred, but what is more surprising than all is that this class of legislation should be brought before the Senate of the United States and recommended by a joint committee of the Senate and the House even for favorable consideration.

Mr. President, I hope this measure will be defeated. If it passes, it will be a notice to the people of the United States that Congress is in favor of legislation granting a commission power to make or destroy any business organization in the United States that is engaged in making print paper. If this power is going to be given, and if it is exercised, I would prefer that it apply to all engaged in the business, rather than that particular ones that may be selected may be marked for slaughter.

Therefore, Mr. President, I certainly hope that the Senate of the United States will not vote for any such measure.

Mr. OWEN obtained the floor.

Mr. FLETCHER. Mr. President, will the Senator from Oklahoma yield to me for just a minute? I have to attend a committee meeting.

Mr. OWEN. I yield to the Senator.

Mr. FLETCHER. I should like to say in this connection—it will take only a minute—that I am inclined to favor the amendment, which has come up in my absence, which provides that 90 per cent instead of 75 per cent of the amount ascertained by the Federal Trade Commission shall be paid pending the determination of the question of compensation. In other words, I am inclined to believe that it would hardly be fair to the

manufacturers, who will have a right to appeal from any decision made by the Federal Trade Commission, to withhold one-fourth of the amount involved; and I would favor the amendment which proposes to change 75 to 90 per cent. That is somewhat in line with the agreement made by the Attorney General with certain manufacturers as a result of the litigation in New York State. There none of the amount is withheld. The parties have a right to appeal to the court from the decision of the Federal Trade Commission as to the whole sum involved. I think that if this 75 per cent were changed to 90 per cent it would improve the joint resolution and would be more fair and just.

In that connection, Mr. President, I think it might be well to insert in the RECORD the agreement made on the 26th day of November, 1917, between the Attorney General and certain manufacturers or representatives of manufacturers. As I understand, six or seven manufacturers have signed the agreement. It bears upon this question.

Mr. SMOOT. They produce, however, the great bulk of the news-print paper in the United States.

Mr. FLETCHER. I think that is true. I think they are the larger manufacturers.

The PRESIDING OFFICER. Is there objection to the matter being printed in the RECORD? If not, it is so ordered.

The matter referred to is as follows:

This agreement, made this 26th day of November, 1917, between Thomas W. Gregory, the Attorney General of the United States, and his successor or successors in office, as trustee, acting herein in behalf of each and every individual, firm, or corporation publishing a newspaper and using news-print paper in his or its business in the United States that now is, or during the life of this agreement shall become, a customer of any of the parties of the second part to this agreement, party of the first part, and the undersigned engaged in the manufacture and sale of news-print paper, parties of the second part: Witnesseth:

Whereas heretofore differences have arisen between the manufacturers and users of news-print paper as to the price and terms at which such paper should be sold, and such differences have heretofore been brought to the attention of the Federal Trade Commission; and

Whereas the Department of Justice of the United States has instituted, or is about to institute proceedings in equity under section 4 of the act of July 2, 1890, entitled an act to protect trade and commerce against unlawful restraints and monopolies; and

Whereas it is desirable in the present condition of affairs in the United States that some adjustment of the trade conditions in news-print paper should be had, it is agreed between the parties hereto as follows:

First. The United States may file a petition in equity to enjoin any operations of the News Print Paper Manufacturers' Association and of the manufacturers who are members of that association, in so far as such operations are claimed to constitute a restraint of trade. In such proceeding the parties of the second part will consent to a decree as prayed for, reserving the right at the time such consent to a decree is presented to the court to make such statements, oral or written, not impairing the binding force of the decree as they are advised may be necessary to protect their interests. The petition may also pray for the dissolution of the News Print Manufacturers' Association, and if a request be made to that end the parties of the second part will consent thereto.

Second. The price of news-print paper on the basis of 24 by 36 inches in size, weighing approximately 32 pounds per 500 sheets, on all new contracts from now to January 1, 1918, and on all contract in existence on January 1, 1918, or made thereafter, and on all sales and deliveries in the United States shall not exceed the following amounts:

(a) From January 1, 1918, until April 1, 1918, for such news-print paper in rolls, $3 per hundred pounds f. o. b. at the mill, in car-load lots, and $3.25 per hundred pounds f. o. b. at the mill, in less-than-car-load lots, and for such news-print paper in sheets, $3.50 per hundred pounds f. o. b. at the mill, in car-load lots, and $3.75 per hundred pounds f. o. b. at the mill in less-than-car-load lots. The foregoing subdivision (2–a) shall not apply to the Minnesota & Ontario Power Co. nor the Fort Frances Pulp & Paper Co. (Ltd.); but as to said two companies, the Federal Trade Commission, after due hearing and investigation and subject to review as provided in subdivision 2–b, shall fix the just and reasonable maximum prices and terms of contract for said two companies from January 1, 1918, until April 1, 1918, effective January 1, 1918.

(b) After April 1, 1918, the just and reasonable maximum prices and terms of contracts for the sale of all or any news-print paper shall be determined and fixed by the Federal Trade Commission, after due hearing and investigation, subject to review by the circuit judges of the second circuit, who, if of opinion that the prices or terms of contract fixed by the commission are unjust or unreasonable, shall determine what are just and reasonable. Such judges shall have the right to hear any pertinent matter considered by the Federal Trade Commission and additional evidence or matter if it shall be shown to their satisfaction that such additional evidence or matter is material and that there were reasonable grounds for the failure to adduce the same in the proceedings before the commission. The maximum prices and terms of contract so determined shall continue during the war and for three months thereafter, with the right to any of the parties of the second part or to the Department of Justice to ask the Federal Trade Commission for an investigation and determination of new prices or terms of contract whenever during such period conditions arise which in the opinion of either make it desirable to ask for any change in price or terms of contract, subject to the same right of review. In determining the prices to be effective April 1, 1918, the Federal Trade Commission shall consider all pertinent conditions, including those prevailing during the months of January, February, and March, 1918, to the end that the prices when announced shall cover the facts as near the time of the effective date of the new prices as is possible.

Third. The parties of the second part, during the life of this agreement, shall offer their news-print paper for sale in accordance with paragraph second hereof. In case of sale by written contract, said paragraph shall be embodied therein, either wholly or by sufficient reference thereto; but if any customer of any of the parties of the second part who is offered paper in accordance with the provision of this agreement prefers to make or retain a contract for a fixed price for any definite period, and any one of the parties of the second part, after duly notifying the Attorney General of his or its intention in the matter, shall make or retain such contract solely in deference to the wishes of the consumer, such agreement so made shall not be construed as a violation of this agreement, even though the price which the consumer pays in furtherance of his own interest is in excess of the prices fixed in this agreement.

Fourth. The parties of the second part agree that, to the extent of their power, they will cause such of their news-print paper as is ordinarily purchased by the so-called small publishers through the intervention of jobbers, dealers, or other middlemen to be delivered to such small publishers at not to exceed reasonable and just prices and terms of sale to be established by the Federal Trade Commission (subject to review by the circuit judges in the manner aforesaid).

Fifth. The party of the first part, or his successor in office, as trustee of an express trust, may bring any appropriate action, suit, or proceeding in law or in equity to enforce this agreement on behalf of any person, firm, or corporation injured or damaged by a violation of the terms hereof, and may proceed by preliminary injunction or otherwise to restrain violations of the terms hereof.

Sixth. Books of account and records of parties of the second part and of all corporations or other instrumentalities owned or controlled by them shall be open to inspection of the Department of Justice and the Federal Trade Commission during the life of this agreement, upon reasonable notice, in so far as said books and records relate to the manufacture and sale of news-print paper.

Seventh. The liability of the parties of the second part hereunder is several and not joint. Any manufacturer of news-print paper may become a party to this agreement by signing the same or a counterpart hereof; all counterparts hereof shall be deemed one and the same instrument.

In witness whereof each of the parties of the second part has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized and has set after its name the approximate present daily tonnage of news-print paper which it is subjecting to the terms of this agreement.

Mr. OWEN. Mr. President, republics can not be successfully carried on, except where the people are educated and informed with regard to current affairs by a free and unembarrassed press. Printing paper at a fair price is vital to a free press. This monopoly of print paper strikes at the most vital interests of the people of the United States, because it strikes at the ability of the publishers of newspapers and magazines in securing their supplies of print paper.

The Senator from Utah [Mr. SMOOT] lays great stress upon the power which would be given to the President of the United States or the Trade Commission under this joint resolution, and argues that putting the power in the hands of the authorized agents of the United States might result in closing up a paper manufacturing establishment in Maine or in some other State. That argument, broadly, would go to the final conclusion that the President of the United States should not have any power lest he abuse it. It is incredible that the President of the United States would close a paper manufacturing company in Maine or in any other State. It is not a question of closing a paper manufacturing company in Maine or in any other State. It is a question of putting the firm and patient hand of the Government upon the lawless profiteers, those of the print-paper manufacturers, who are taking unfair advantage of the publishers of the United States, and thus taking advantage of the people of the United States at a vital point.

Mr. SMOOT. Mr. President, is it not true that the Federal Trade Commission have agreed that the price that is being charged for print paper now is not an exorbitant price?

Mr. OWEN. I do not absolutely know whether it is or not, but I do not think it is at all material whether they have or not. I do know now that these unrestrained profiteers have been laying their heavy hands upon the publishers of this country, and that they have been in a position to put out of business every little country newspaper in the land and have put them in jeopardy and in fear of ruin.

Mr. SMOOT. That statement, of course, can not be——

Mr. OWEN. That is a statement which I am justified in making here from this record, and I call the attention of the Senate to it.

Mr. SMOOT. I can name any number of little country newspapers that have never been put out of business in my own State, as I suppose the same is true as to the Senator's State.

Mr. OWEN. The fact that they have not been killed is no reason why this power should be left in the hands of this unrestrained monopoly to kill them.

Mr. SMOOT. I was only referring to what the Senator said, that they had all been put out of business.

Mr. OWEN. I did not say they all had been put out of business. I said they were in a position to be put out of business; that they could be put out of business by this greedy, ruthless monopoly.

Mr. SMITH of Arizona. If the Senator will allow me——

Mr. OWEN. I will be pleased to hear the Senator.

Mr. SMITH of Arizona. A great New York newspaper, one of the very few absolutely independent ones, has made its contracts for this year at 2½ cents a pound.

Mr. SMOOT. Certainly, and I know that some of the western mills have made contracts at 2¼ cents a pound.

Mr. SMITH of Arizona. Then, can the Senator say that it is not exorbitant when these companies charge 7 and 9 cents a pound?

Mr. SMOOT. I asked the question as to whether the Federal Trade Commission had not said that it was not exorbitant. I know that newspapers in Ohio and other parts of the country are paying 3 cents under the agreement made by the manufacturers of news-print paper with the Federal Trade Commission.

Mr. OWEN. Mr. President, these unscrupulous profiteers were reported by the Trade Commission as having charged as high as 9 cents for print paper, and I regard the report of the Federal Trade Commission as worthy of full credit.

Mr. SMITH of Arizona. They admitted it in their plea of nolle contendere when the indictment was brought against them.

Mr. SMOOT. I say there is no manufacturer of print paper who has ever sold print paper at 9 cents a pound.

Mr. OWEN. Then the Senator disagrees with the Trade Commission report.

Mr. SMOOT. If the Senator had been here, he would have heard the explanation I made.

Mr. OWEN. I have the report of the commission itself, and it states positively that while paper sold before the war at 2 cents, it has been pushed up as high as 9 cents a pound.

Mr. SMOOT. I do not care what the report says; the paper that was sold at 9 cents a pound was sold by paper distributors, not by manufacturers.

Mr. GALLINGER. In small lots.

Mr. SMOOT. In small lots—less than roll lots.

Mr. OWEN. It matters not whether these profiteers themselves, directly or through agents, were contriving in their lawless greed to throttle the publishers of the country. The methods of the manipulation of print paper is exhibited. The indictment of Philip T. Dodge, the president of the International Paper Co., sufficiently shows what the nefarious practices were. The fraud charged against him together with the president of the Laurentide Co. and other members of the News Print Manufacturers' Association shows that they had agreed in carrying on their trade—

First. To refrain from competing with each other in the matter of securing new customers for their paper—

A violation of the laws of the United States—

Second. To refrain from competing with each other as to the quality of the paper to be sold—

A violation of the laws of the United States—

Third. To refrain from competing with each other as to delivery of and furnished storage for paper sold but not delivered—

Another violation of the law—

Fourth. To refrain from competing with each other as to terms of credit; rate of interest on open accounts; dates of beginning and ending of contracts; the methods of making sales of paper through salesmen, dealers, and jobbers; the payment of return freight on the cores upon which their paper was wrapped; payment of charges for cartage; and allowance of claims for waste or damaged paper—

Another violation of the statute—

Fifth. To engage in simultaneous representations to the public, to their customers, and to each other, of the alleged increased cost of manufacture and of the alleged shortage of news print paper, and to manufacture insufficient quantities of such paper, with the object of consequently working for materially higher prices—

Another violation of the statutes of the United States, a violation intended to aid these profiteers in levying tribute upon the publishers of the newspapers of this land.

Mr. KING. Will the Senator yield?

Mr. OWEN. I yield.

Mr. KING. Assume that all these facts are true and assume that these men ought to be sent to the penitentiary for constant infractions of the Sherman antitrust law; assume that there is a gigantic monopoly which has charged extortionate prices for the paper which has been disposed of to the newspapers of the United States or to intermediate companies which have furnished the paper to the newspapers, does the Senator think that that fact or series of facts justifies the Federal Government in going into the newspaper business and performing the functions that ought to devolve upon private enterprises?

Mr. OWEN. I answer the Senator that when the statute has been persistently and viciously disregarded by these men, when the statute which Congress through more than 20 years has been perfecting failed to protect the publishers of this land, then I say the drastic hand of the Government should be put upon these things, and that the power of the Government should be used to restrain these profiteers from their nefarious conduct. It will not necessitate having the Government going into the newspaper business; the power to do so will teach these greedy men some decency for fear of the Government's power, which they do not now properly respect.

Mr. HALE. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. HALE. There are manufacturers of print paper in this country who are not unscrupulous profiteers.

Mr. OWEN. I am glad to be informed of this and have not doubted that there were such honest manufacturers of print paper.

Mr. HALE. I have in mind a great corporation in my State which is charging substantially 2¼ cents a pound right along through all the high prices. Is it not true that this legislation will apply equally to the man who has done a fair business and to the man who has done an unfair business?

Mr. OWEN. No; it is not. The administrative officers of the Government of the United States will take cognizance of the honorable conduct of such concerns as have been referred to by the Senator from Maine, and the Government of the United States would under no circumstances interfere with the legitimate, ordinary affairs of such upright, honorable manufacturers.

Mr. SMITH of Arizona. If the Senator will permit me, for the enlightenment of the Senator from Maine, I will state that the joint resolution itself in the first amendment I have offered, taken in connection with the other amendments, leaves those men absolutely free, as long as they are doing a legitimate, fair business, from the Government interfering with them in the least degree. It is only the monopolistic cases, the unfair dealings, that the joint resolution proposes to touch at all. The amendment that I have offered, as the Senator will see in the reprint of the joint resolution, justifies the statement that no legitimate trade will be interfered with in any particular by the resolution, and a man like the one to whom the Senator from Maine refers will be absolutely protected in his rights.

Mr. OWEN. I wish to make this observation: The people of the United States are face to face now with determining whether or not they will have this Government controlled by an intelligent democracy or threatened by organized State socialism. Make no mistake about that. The Nonpartisan League which was organized in North Dakota has taken charge of the offices there and elected every one of the candidates in the State with one exception. Out of 113, I think, it elected 112, because it discovered that the elevator system and the commission system had systematically robbed the producers of that State and the consumers of that State of the lawful profit on their labor, estimated at $55,000,000 in one wheat crop. No wonder the people of that State would not submit to it, and they are beginning to organize in Idaho and Montana and a number of other States. We either must have an intelligent democracy in this country, which will put its hands on unrestrained private greed, or we will have to meet the menace of State socialism as an unavoidable consequence.

These men were indicted also because they cooperated—

Sixth. In discouraging the creation of new mills or the installation of new machines for the manufacture of news print.

Seventh. To cooperate in preventing new concerns from competing with them by transferring orders and contracts for paper to new concerns on condition that such new companies should not compete with them.

Eighth. To furnish from time to time to the News Print Manufacturers' Association, at No. 18 East Forty-first Street, New York City, for the information of the defendants, full and complete information concerning contracts with their customers and the quantity of the paper manufactured, carried in stock or sold by them, also the capacity of their various plants and other details of their businesses.

Here was a whole series of acts in violation of the statute which had been on the books of this Republic over a full generation, and which Congress has been from time to time trying to perfect. But the condition of our judiciary system, the difficulty of indictment, the difficulty of bringing to speedy trial, the difficulty of bringing to speedy punishment those who violate our statutes show two things: First, that our judicial system ought to be revised so as to make it as effective as the English system; and it shows, second, that because our statutes fail to meet the needs of this country we are forced to provide a mechanism that shall lay the hand of Government more quickly and directly upon the men who undertake to rob the publishers of this land. And here comes in before us the report of this committee of both Houses telling us of the appeals that have been made by the National Editorial Association at its convention in Minneapolis July 12, in which they say:

Whereas for the past 18 months there has been a determined and persistent effort on the part of the print-paper manufacturers and jobbers to create a panic market for print paper; and

Whereas for several months they have succeeded in making the publishers believe that there was good and sufficient reasons for the extraordinary prices they were charging, but during the past seven or eight months it has been clearly demonstrated by the investigations of the Federal Trade Commission and by your legislative committee that there was, and is, no good reason for the large advances made, as the Trade Commission clearly demonstrated that there had been but a very slight increase in the cost of manufacture: Therefore be it

Resolved, That the National Editorial Association in convention assembled at Minneapolis calls upon Congress to pass legislation immediately that will give the Federal Trade Commission power to fix prices and operate the mills and distribute the print paper manufactured in the United States during the period of the present war in accordance with the recommendations of the Trade Commission in its report to Congress. And further be it

Resolved, That arrangements be made with the Canadian Government so that the print paper manufactured in Canada and shipped into this country shall also be handled by the Trade Commission in order that all the publishers of the United States may be provided with sufficient paper at a reasonable price.

Now, this memorial and other memorials of like character come to the Senate of the United States and appeal to us to protect the publishers of this country against the frauds that have been perpetrated upon them and upon the people of the United States.

Mr. GALLINGER. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. If the Senator will permit me, does he think that that association is accurate enough to receive the indorsement of any reasonable man when they say that there has not been any considerable increase in the cost of the production of anything on this continent. Is it conceivable——

Mr. OWEN. They said that the Trade Commission have demonstrated there has been but a very slight increase in the cost of manufacturing paper.

Mr. GALLINGER. Does the Senator himself believe that?

Mr. OWEN. Certainly I believe that.

Mr. GALLINGER. The Senator believes it?

Mr. OWEN. I fully believe it, and am justified by the evidence of our honorable Federal Trade Commission.

Mr. GALLINGER. Then the Senator, of course, is irreconcilable as far as my attitude is concerned.

Mr. OWEN. I have great respect for the Trade Commission that heard both sides and could determine where the truth lay; and when these greedy monopolists and violators of law are indicted for repeated violations of the statutes of the United States I do not regard their testimony as Holy Writ by any manner of means.

Mr. GALLINGER. If the Senator will further permit me——

Mr. OWEN. Certainly; I yield to the Senator.

Mr. GALLINGER. I am not going to be terrified by the Senator's enthusiasm in this matter. Does the Senator believe that any great manufacturing enterprise in this country is producing its products without a very considerable added expense beyond what it was a few years ago?

Mr. OWEN. Some of them have a greatly increased expense and others have not.

Mr. GALLINGER. I should like to know what——

Mr. OWEN. In this case we have a report of the Trade Commission of the United States, that heard both sides and determined what the truth was, and the truth of their statement is abundantly verified and demonstrated and proven by the statement of the Senator from Maine [Mr. HALE] that there is a great corporation in his State that is now selling paper for 2¼ cents a pound.

Mr. GALLINGER. The Senator knows that the price of timber of every description has increased almost four times over what it cost a few years ago.

Mr. OWEN. The suggestion of the Senator from New Hampshire is answered by the statement which I have just made, that this great company is selling print paper at 2¼ cents a pound and, of course, at a profit.

Mr. GALLINGER. That may be.

Mr. OWEN. The suggestions I have made are, therefore, well founded.

Mr. GALLINGER. But before the war they sold for even less than that.

Mr. OWEN. They sold before the war, I understand, on an average of about 2 cents.

Mr. GALLINGER. What I want to emphasize is this—and I know something about it—that the cost of the raw material in the manufacture of paper has enormously increased; that wages have enormously increased.

Mr. OWEN. That may be; but still this great, honest company sells for 2¼ cents a pound, while this combination of profiteers have been selling paper as high as 9 cents.

Mr. GALLINGER. No; they never did.

Mr. OWEN. That is what the Trade Commission said, and I believe them in preference to the self-serving statements of the profiteers.

Mr. GALLINGER. The Trade Commission did not state the truth in that respect any more than when they say there has been no substantial increase in the cost of producing print paper.

Mr. SMITH of Arizona. Whether the Federal Trade Commission stated the truth or not, these gentlemen divided the whole territory out amongst themselves.

Mr. GALLINGER. We are not talking about that.

Mr. SMITH of Arizona. These are the real facts. They divided the territory among themselves. This very combination one year ago offered to the Government paper at 7¼ cents. The Trade Commission fixed the price at a reasonable rate, away below what they are claiming we should give them.

Mr. SMOOT. Mr. President——

Mr. SMITH of Arizona. The Senator will excuse me. They divided the territory. The Senator is now claiming that the news-paper manufacturers are not getting a profit. No; they are not getting it; they are simply handing over each one of the districts free from intrusion, free from the competition of any other news-paper print concern in America. They permit their agents to hand it out to the country newspapers, and they are handing it out at 9 cents a pound. That is what they have been paying for it. The newspapers have been furnished in that particular section that nobody can invade except this man, and they hide behind the fact that the agent is a party to the robbery. We find that the manufacturer and those acting under him are in a combination to rob the publishers at the rate of 9 cents a pound.

Mr. GALLINGER. If the Senator will permit me?

Mr. OWEN. I yield to the Senator.

Mr. GALLINGER. My cook the other day paid for a bag of coal at the rate of $28 a ton. Does the Senator think that is an indictment against the men who are mining coal and selling coal to the people of the United States?

Mr. SMITH of Arizona. When you prove to me that the coal was in the hands of seven different gentlemen, only one of whom was allowed to sell coal in Washington, and that coal was selling cheaper in every other district not so controlled by that particular corporation or company or trust, I say unquestionably that the man who sold that coal at $28 a ton ought to be sent to the penitentiary.

Mr. GALLINGER. The Senator is romancing now.

Mr. SMITH of Arizona. I think it is legitimate.

Mr. GALLINGER. The fact that a little batch of paper, half a roll, perhaps, was sold by some dealer in some country town to a country newspaper at 9 cents a pound, whether it be true or not, does not carry any conviction to my mind that the men who are producing paper had anything to do with it whatever.

Mr. SMOOT. I note the Senator made a statement which may be misconstrued, or I at least misunderstood him. I understood the Senator to say that the newspaper manufacturers today charge the Government 7¼ cents for news-print paper.

Mr. SMITH of Arizona rose.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Arizona?

Mr. OWEN. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. They actually refused to deliver it. They left the Government at the mercy of jobbers and they would supply it to the jobbers. They offered it under those conditions to the Government at 7¼ cents.

Mr. SMOOT. I have never known the Government of the United States to pay 7¼ cents for print paper.

Mr. SMITH of Arizona. You can buy it at two and a half now.

Mr. SMOOT. Certainly; and never paid any more. I think they paid one day——

Mr. OWEN. The Senator from Arizona did not say the Government paid seven and a fourth cents a pound. He said these manufacturers' agents tried to get the Government to pay that price. There is a vast difference between attempting a fraud on the Government and succeeding in it.

Mr. SMOOT. I do not think they even offered it at that.

Mr. OWEN. There is a vast difference between the attempt at fraud and succeeding in the attempt, and the Senator from Utah can safely enter his negation of the latter with perfect propriety. In view of the vast profits of this combination in one year estimated at seventeen and one-half million dollars, no excuse of increased cost of production of paper will exculpate them from the charge of extortion, so fully established by the Government.

Mr. President, one of the most evil consequences of this banded lot of profiteers and pirates, one of the worst consequences of their gross misconduct, is this, that they have put themselves by virtue of this vicious monopoly in a position where they could dictate to the press of this country and deny to a publisher an orderly, constant, reasonable supply of paper, which is so vital to the commercial and financial life of any newspaper. A paper which does not get the means with which to regularly print its issues would go out of business. The free American press has been intimidated by this trust. It is quite a surprise to me that this editorial association would have the courage to publicly ask for relief against these commercial masters. One

of the greatest evils to America would be the power to suppress the newspaper press of this Republic. One of the principal means by which the autocracy of Germany and of Austria have established monarchy and the military power with which they are governing their people now has been the suppression of a free press and the ignorance and misdirection of public opinion in unhappy Germany. They declared in the secret treaty at Verona, in the second article, their solemn purpose to suppress the freedom of the press in order to maintain monarchy and autocracy. If we allow the commercial profiteers of this country to lay their heavy hands upon the free press of America, we permit a condition to arise the far-reaching consequences of which no man can foresee.

Mr. WADSWORTH. Will the Senator yield?

Mr. OWEN. I yield.

Mr. WADSWORTH. Does the Senator think there will be any danger to the freedom of the press in the future if the supply of print paper upon which the press is depending is in the control of the Government itself?

Mr. OWEN. I do not believe under the joint resolution there will be any danger whatever to any newspaper or to any honest, legitimate paper manufacturing company. I have confidence in the officers of the United States, whether those officers be Democrats or Republicans, and I think they are about half-and-half. I do not regard this as a partisan matter, and I deprecate the suggestion that it should be considered in that way.

Mr. WADSWORTH. I made no such suggestion whatever.

Mr. OWEN. Perhaps not, but a Senator very near him said sotto voce that such power would be used for partisan purposes, and he was heard throughout the Chamber.

Mr. WADSWORTH. I did not hear him. The Senator was commenting on the power of the German and Austrian Governments to suppress the press of those countries, and it occurred to me that we were about to clothe our Government with a portion of that power.

Mr. OWEN. Mr. President, we can clothe our own Government with power without the slightest fear, because the people of the United States control this Government. The sovereignty is vested in the people of the United States, and their representatives, whether executive or legislative, Republican or Democratic, will respond to the will of the people. We are in no danger when we put power in the hands of our Executive.

Mr. WADSWORTH. Does the Senator believe that this should be confined merely to the period of the war?

Mr. OWEN. I do not.

Mr. WADSWORTH. The Senator believes it should be a permanent policy?

Mr. OWEN. I think it should be a permanent policy, until these gentlemen have been taught the lesson of good behavior.

Mr. SHERMAN. Mr. President, Senators have suggested that we must take our choice between a socialistic state and an intelligent democracy. If it were a matter of an intelligent democracy governing the country as manifested by the provisions of this resolution, I could support it. It does not so present itself to me. It is a question of a choice between an intelligent, active democracy and a quasi combination of bureaucrats suffering from a chronic and incurable inertia. That is the complaint from which popular government is now suffering in this country, and this is merely a manifestation of the general disease. If it were only a question of lodging power in Congress, I would turn to the Constitution and find out what our limit of power is. Our powers are legislative. The administrative and executive powers are lodged elsewhere. But when I search four years of legislation I find in it a continuous abdication of congressional power. It is not a question of Congress exercising its governmental powers, which are purely legislative in character. It is a further surrender of those powers into departments and bureaus. This resolution forges another link in the endless chain of delegated legislative power to boards, commissions, and departments.

I remember that the Senator who last had the floor not long since introduced a resolution, which can be found with but little search, censuring the Supreme Court of the United States because it had the judicial temerity to set aside acts of Congress as in contravention of the organic law of the country. That resolution demands that whenever a member of the Supreme Court of the Government concurs in or writes a decision setting aside an act of Congress as unconstitutional, he thereby declares by his judicial conduct the office vacant, and the Executive is empowered to fill the vacancy so created. The reason that I have heard given to sustain such a condemnation of the court is that it is a denial or an impairment of the sovereign power of Congress; that it is in effect an usurpation of legislative power by the judiciary.

Comment has been made upon the unlimited powers of an act of Parliament that the court of last resort of England never sets aside an act of Parliament. That is true; and if you will carry the analogy further I will agree with the conclusion at which gentlemen arrive when they consider conditions in the British Empire. There is no such thing as a written constitution in England. Some of her colonial dependencies have written constitutions; they have been written since the one under which we act was written; but, as to England herself, the only constitution she has is found in acts of Parliament of a general character, in decisions of her courts of last resort, in that great body of maxims called the common law, in certain immemorial usages that have cost the heads or scepters of English kings and have sent thousands of her people to die upon the battle field. They have built up an instrument which is as binding as anything ever committed to human parchment.

The English King to-day is but little more than the head of a dress circle in an evening reception in England. He possesses not so much power as the Sergeant at Arms of the Senate. He is the semblance of a once crowned monarch. To-day King George is but little more than the memory and the residuary shell of monarchical power in the Old World.

I sometimes wish that we should heed the lesson of the English people; that we would curb our seemingly irresistible tendency to build up a mighty executive power in this country. The President of the United States is the fountain head of all patronage; he is the head of tremendous political power as well as of a great political party.

Notwithstanding these are war times and we are exhorted by sundry admonitions of all the faithful to forget our politics, we can not forget the actions of those who would delegate all power to the head of a partisan organization. This joint resolution is not a war measure; it is a measure to still more firmly rivet upon the press of this country a supreme and uncontrollable censorship. At present a censorship is practically exercised by denying postal facilities to an offending publication and the searching provisions of the espionage act. That ought in ordinary times to seem enough. However, it is evident that more power yet is sought. Under this measure, coupled with the espionage law, a newspaper can not only be prosecuted but its supply of print paper can be withheld. This completes the authority. From it there is no appeal. The passage of such a joint resolution adds one more department or one more power to that immense number of bureaus that now make the most complete circumlocution office there is in the world. When Dickens in a novel invented the phrase embodied in his "circumlocution office," he seemed to have had prophetic insight into what would happen to us in the years to come.

You remember when the poet Byron, Mrs. Shelley, and three others on the banks of a river in Italy, where they were spending some time, floated down the river to the seashore one evening, after they had dined both sociably and well, separated with an agreement that each of them should write a novel that would be completely a work of the imagination, in which no human element of probability would be found, but which yet might be in the development of the future chemical and biological research of mankind. Four of those novels are unknown to the world and to its literature. But one, that of Mrs. Shelley, remains. It is a novel known as Frankenstein, in which the monster is not Frankenstein, but the creator of the monster is Frankenstein, who suffers all the melancholy experiences and undergoes all the dangers consequent upon the exercise of an unhallowed power which he discovers. I do not care to do more than refer to that and to correct the ordinary use of the expression. When we speak of a "Frankenstein" we think of a monster, inhuman in his powers and remorseless in his cruelty, but Frankenstein was the creator of the monster in human form but beyond human control. He breathed into this dangerous creation, by some strange power which he discovered in his laboratory, human life, strength, and physical ability, until he was beyond the reach of the ordinary man and possessed all of the powers destructive in character that made him a terror to the regions where he roamed. Frankenstein was the victim of his misplaced power. To-day Congress is a legislative Frankenstein, a victim of its misplaced delegated powers. It is engaged in creating by repeated delegations of its lawful powers an uncontrollable executive despotism alien to free government and akin to kingcraft.

The Senator from Oklahoma [Mr. OWEN] is the author of the resolution of judicial censure to which I alluded. He to-day supports here this further delegation of legislative power. He adds another hand, with hands already numerous and strong, to the bureaucratic devices to which we have already delegated so much of our power. His resolution is based upon the judicial censure of judges who have shorn Congress of the power to violate the Constitution. Of course the Constitution is a hackneyed document which now has 17 amendments; it is over a century old, and perhaps it is unfashionable to allude to it. For that reason when, in the exercise of its duty, it feels called upon to enforce any of its provisions, it draws upon itself the censure of such resolutions as that to which I have referred.

It is true the Supreme Court does at times curtail the power of Congress; it restrains the lawmaking department of the Government inside of the limits marked out by the instrument that creates us and under which we act. If that be so, it is a proper action for the Supreme Court to take; but to-day some of the Senators who believe the Supreme Court very often unjustly usurps the powers of Congress and sets aside bills which we pass are attempting still further to subtract from the power of Congress by delegating such powers as are embodied in this resolution to a commission or a bureau or a department. The support of such resolutions as this menaces the legislative power of Congress more than all the judicial usurpations from George Jeffreys to the twentieth century.

We have had some trouble in our section of the country, in common with other large centers of population, in getting print paper. The publishers in many of our Western States have found themselves in sore straits. I might parenthetically remark here that we are in no greater difficulty than are many men and women in Washington to-day who are attempting to find a place to lay their weary heads.

Mr. HARDING. Or to buy coal.

Mr. SHERMAN. Yes, sir; or buying coal. There is no more profiteering by the manufacturers of print paper or by the jobbers distributing it, no, not by 100 per cent or by four or five hundred per cent, than there is by the lessees of landlords by way of subtenancies in the city of Washington. Senators talk of the jobber in print paper. The manufacturer stands at the source of supply, and it is suggested that the jobber is an evil agency that becomes the convenient medium for exacting extortionate profits from the publishers; but I know of one case—and I can multiply it by several thousand—in the city of Washington where there is a profit of 650 per cent between the original lease made by the owner of the property and the sublease which is made by the tenant who pays the rent to that owner. Six hundred and fifty per cent, when extorted from a Government clerk, is a matter of some concern to the clerk if he has a wife and five children; but I have heard no sympathetic voice raised for him in this Chamber in the discussion of this joint resolution, nor have I observed any action of any committee in an effort to relieve the person of small means who is called on to pay 650 per cent profit after the lease for the possession of the property leaves the landlord and is farmed out by some cormorant in Washington to the homeless who require some place to lay their heads.

How much saccharine matter does a housekeeper get on one trip to a grocery shop? Ten cents' worth, if she be a favored customer; otherwise she goes sugarless to rest. I have gone to eight grocery shops myself—and I am old-fashioned; I do my own marketing—and each time I was greeted with either an incredulous look or a frozen stare. But sugar has gone to the limbo of forgotten things. Had it not been for the kindly ministrations of a friend, I would have seen no sugar until the lambs were gamboling on the Maryland hills, until the Cuban crop had passed through the refinery, and the gentlemen who are colaborating with Mr. Hoover had permitted us to have sugar. I have heard no complaint about that; I am not complaining about it; I am only citing it as an illustration of what Government action can do. And it has done some of the most wonderful things in the city of Washington, which is governed, not by Congress, but by the same bureaus, my friend, to which you wish to delegate more and more power. There is not a more bureaucratic government on earth than that of the District of Columbia, and every time a bureau is created here the price of rents jump 100 per cent and the price of sugar 200 per cent.

If you go down where the inbound freights on all the great lines come into Washington and study the statistics of coal shipments arriving in the District of Columbia, you will find that 2,000 more tons of coal have come into the District of Columbia so far, to the 1st day of January this year, than in any year since I have been here. Can you find that coal? Where is it? Is it in the homes of the poor mentioned here a while ago? It is not. Can it be had at anything like reasonable prices, compared with the price paid the operator who produces the coal at the mines? It can not. Is there any profiteering? There is not. I read a long advertisement by a retail coal dealer in Washington—it has been in the newspapers for two or three days—denying that there is such a thing as profiteering in coal in Washington; he spurns the thought that the coal dealers wish to make any money; they are Good Samaritans who are distributing buckets of coal to the needy; they are engaged in an honorable struggle with the frost king, and they are giving up freely of their substance that the stove may be full of coal.

And where is the jobber? He, too, is brought before the bar of public opinion, and he, too, proves an alibi. So we are just where we were when we started; and the people of Washington are in the same condition as the average Senator of the minority party when, refreshed from his sleep, he starts in the early morning at 9 o'clock on a trip to some of the bureaus or departments in quest of useful information. He runs until a few minutes before 12 o'clock, and if he is extremely fortunate and nimble-footed he will go out of the same door he went in at 9 o'clock. Has he any information? None. What has he been doing? Wearing out his shoe leather visiting departments. Has he any answer to any query propounded to guide his constituents, to keep them free from the toils of the law, or to give them any information they desire? He has not. What has he been doing meanwhile, if I may continue this primer of elementary instruction? He has been shunted from pillar to post; he has been the circulating medium in the departments; he has been going from one branch of the circumlocution office to another, and when he gets out he rubs his hand over his puzzled eyes and wonders what he has been doing all forenoon as he heads for the Capitol to make the laws of this Republic.

I can understand why the cobbler is the only man who is amassing any wealth in Washington. These comparatively humble gentlemen who sit in stalls and holes in the wall, with half a peck of shoe pegs and a hammer, a ball of wax, and a little linen thread, are the only men who are getting ahead in the world because we are wearing out our shoe leather in Washington running around the departments and paying $12 a pair for shoes under the Hoover administration of food supplies and the like.

That is what has happened to us; and yet we are asked to delegate more power. The condition in which Mr. Frankenstein found himself will be an earthly edition of paradise compared with ours if we go on building up this governmental combination known as bureaucratic government. We are governing by bureaus when we ought to govern by laws. When we go around to the departments to find whether they have been enforcing laws that have been on the statute books for 20 years and more—since 1890—they say they are insufficient; we can not enforce them. "Why?" "Because we go into court and the jury acquits them." That is what one of the law officers of the Government told me, that a jury can not be trusted to convict. I asked, "Why?" He answered, "Well, they are the judges of fact, and they do not find that the defendants ever have enough proven on them to constitute guilt under the statute." He said, "Look at the packers out in your section; we went out and prosecuted them and tried them before a jury, but the jury went out and found them not guilty, although," he said, "everybody knew they were guilty." I said, "Of what?" He said, "Of something or other." I said, "That is the reason you tried them; you tried them for something or other. You did not try them for an offense; you tried them because you thought they were guilty of something; but you could not tell just what it was, and so you indicted them and expected the jury to find them guilty of something that they might discover from the evidence as the case went along." "It was a jury of farmers," he said, "and the farmers all sold cattle and hogs to the packers, and therefore they were prejudiced." If the jury had not been farmers, they would have been somebody who sold merchandise to farmers and the same condition would continue.

Following up that method, it has been very fashionable here to talk about the farmers. This is the first measure of this character I recall being under consideration in the four years I have been here in connection with which, somehow or other, the farmer has not been thrust into the discussion. He is not in this print-paper question; but another person is in it who is in the aggregate sense just about as mythical for present purposes as the farmer, and that is the newspaper editor. The National Editorial Association met and resoluted. Editors are just like lawyers; I never knew a lot of lawyers to get together that they did not pass a resolution; and I never knew editors to get together and not improve the occasion in like manner. I remember that once a biographer, I think it was Parton, who biographied about everybody worth while in this country in his day, made a very sage remark. Everyone that he ever wrote about was a hero; I do not know of one of the characters Parton preserved to posterity that was not a hero; he was at least a demigod; he knew more than anybody else; he was born great; he inherited the purple; he had a vast quantity of brains of a superlative quality; and if he had not lived in his generation everything would have gone down, the pillars of state would have crumbled,

general darkness would have ensued, and the heavens would have rolled up like a scroll in the manner that the apostle and revelator tell us about. In the midst of this tangle, of adulation—and I read these biographies when I can not sleep and am not better occupied—I found one grain of wheat. After eulogizing lawyers, editors, statesmen, divines, and generals without number he got through, ended the chapter, and indulged in one solitary philosophical reflection that has a world of truth in it when applied to practical men who do something besides talk, who do not have time to talk because they are so busy doing something. He said a government made up of lawyers, orators, and editors would be a failure because it would lack somebody who could make up his mind and do something.

The editors got together at Minneapolis and resoluted about print paper. Well, I remember they resoluted once before some years ago—in 1913, if I remember; and my good friend from New Hampshire [Mr. GALLINGER] remembers, as do the rest of us—they resoluted, and with resounding phrase that smote the skies, and that wasted much pure print paper and good ink, they announced that the extortionate price of print paper was because there was a customs duty on the paper, or on the chemically treated pulp, as it came through the customhouse. All you need to do to make this a newspaper heaven was to free list the product. So even some Republicans were caught by the clamor, and there was no very strenuous objection to free listing the article. Well, what happened? It went on the free list, but our editor friends did not walk in the elysium that they had supposed. Everybody fell for the argument, if you will permit the phrase here in this august Chamber, Democrats and Republicans, Progressives and unprogressives. Everybody thought it was worth trying. Like my good friend who sits here, who is absent to-day, when he voted to put hides on the free list, he thought it would lower the price of leather, and so he hearkened to the argument, and the thing was so arranged; and the senior Senator from Vermont realizes that it had no more effect on the price of leather than if he had resolved that it was a mistake.

Mr. GALLINGER. Did it not increase the price of leather? Did not leather and shoes immediately go up in price?

Mr. SHERMAN. They did; yes, sir. The Senator is entirely within the record. It had no more effect to lower it, apparently, than if he had addressed his remarks to an inhabitant of some far-off planet, but it did increase the price, or it permitted it, or it happened. Now, take your choice. A very short time afterwards prices began to increase, so print paper began to increase in price.

Mr. BECKHAM. Mr. President, will the Senator yield for a question?

Mr. SHERMAN. Certainly.

Mr. BECKHAM. Does the Senator think that the placing of print paper upon the free list and the placing of hides upon the free list caused the increase of the price of those articles?

Mr. SHERMAN. I will answer the Senator's question in this way: It did not cause the price to go down.

Mr. GALLINGER. And the price went up.

Mr. SHERMAN. Going back, now, to many a hard-fought phrase in the years past, whenever anything did not go down we said it ought to go up as a result of the same action. I do not know; I do not suppose I could demonstrate it mathematically to the Senator, but in years past when we placed a duty on anything, and somebody had to pay a penny more for it, it was anathematized as the result of the protective tariff. That always followed, and we have carried the load many times, the burden has come to us in the heat of the day, that the duty was responsible for the increase in price. You took off the duty and it acted just the same way, only about a thousand per cent worse.

I will let my friend from Kentucky answer the conundrum that he has propounded. I can not demonstrate it to his satisfaction, and maybe not to anybody's. I can only say that the promises that were made and the legislative changes that were made produced no result of a kind corresponding with what was promised, but that, on the contrary, they did cause the price to advance. If the tariff is a tax, it never acts like one, and the protective tariff lowers prices and gives us our own markets.

We are facing here the proposition of delegating to the Federal Trade Commission the power contained in this joint resolution.

Mr. HARDING. Mr. President, will the Senator allow me to interrupt him?

Mr. SHERMAN. Yes, sir.

Mr. HARDING. Appropriate to the immediate discussion of the change in price, it is authoritatively stated that after paper was put on the free list there was no increase of production in this country of any character whatever, while prior to the elimination of the tariff on paper we had been increasing our tonnage in news print approximately 250,000 tons per year for a period of something like 15 years; so the inference may be drawn rationally that the abnormal increase in the price of paper was due almost directly to placing it on the free list, because by that act we stopped the increase of American production, while the demand was going on all the time.

Mr. SHERMAN. Yes, sir. We went across into Canada when we stopped our production, if I remember the conditions correctly. Others followed them who are more conversant with this business than I am. We went across into Canada to import. The Dominion of Canada changed her laws so that the wood from which the pulp is made can not be brought into the United States in its unmanufactured form. The result was that the manufacturing was done in Canada. Not only was the wood stopped from being imported in its raw form, but the Crown lands of Canada were so arranged in the leases made to those producing the wood pulp that we paid tribute to Canada on her Crown lands because of the export duty or the regulations attending the export into our country of the needed supplies of print paper or of wood pulp.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. WARREN in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. Yes, sir.

Mr. KING. I hope the Senator from Illinois, who is making such a strong and admirable and interesting address and showing so many reasons for voting against the joint resolution which is under consideration by the Senate, will pretermit the discussion of the tariff heresies just suggested by the Senator from Ohio [Mr. HARDING] as well as the Senator from Illinois, because some of us who are going to vote against the joint resolution might be considered by some of our friends as having yielded to these heretical views and antagonized the bill because of the arguments on the tariff.

Mr. SHERMAN. I appreciate the scruples of the Senator and will respect them. I will say that he may not have been here at the time this controversy was embarked upon, but it began incidentally and not as the main point in view. As the man said who once took out a hound and shot him, "He was a good hound, but when we were after a wolf he branched off and chased too many rabbits." This may forensically be called a rabbit chase, on the side. I will get back now after the wolf in this joint resolution—that is, from your viewpoint. From our viewpoint we think it is very material, and even more important than the basic principles of this bill. But I realize that when there is a union of allies we must not complain about the different views which nations may hold about their respective ideas of domestic policy. So the Senator is right in cautioning those who are against this joint resolution not to use what some might consider heretical arguments.

But, Mr. President, we are building up here in war times a series of powers which will return to plague us time out of mind in the years to come. I think that the Trade Commission is fairly busy now. I have the good fortune to know one or two of its members, men of ability—one lawyer in particular in whom I have great confidence, who has the happy faculty of doing things instead of talking about them—and I think they are occupied. I happen to know further, relating to this territory where we need a great deal of print paper to communicate intelligence to each other—we would have nothing to read on the elevated railroad in the morning unless it were for the cheap morning editions—keeping that in mind, I remember to-day, Mr. President, that the Trade Commission a year and a half ago exercised the power of bringing before it the print-paper manufacturers. They conferred at various times and places, through their representatives, with these manufacturers. They actually did enter into an agreement. That agreement on the part of the paper producers may have been actuated by a fear of prosecution under the antitrust law. I do not know what their motive was; but it is sufficient to say that there was an agreement made, and it is in existence. I have a copy of it in my files. All of the Chicago newspapers were affected by it. The country newspapers, even those that are published twice a week, were affected by it. Prices were fixed at a variable scale. I think, in some instances, as low as $2.50 per hundred. The price of paper in small quantities going to country newspapers was fixed, I think, at $3.50, at which price the country newspapers, many of them, assured me they could get along; that they could live. They said that everything else was going up, and they were not complaining at the small advance, if it only kept within the bounds of their ability to pay.

I will say that these prices are not greater prices, when you compare the advance, than the advance in almost every other needed article. All the footgear, leather manufactures of all

kinds, leather findings, the metals raw and in their manufactured form, clothing, both wool and cotton fabrics, have increased in price many fold. It is useless to take the time here to enumerate these articles. I could produce here tables of learned length and thunderous sound to demonstrate all this, but it would not throw any more light on this discussion than the mere statement, because we are familiar with it.

So these contracts were made, and print paper was delivered under the contracts for a long time. I think it is delivered under it yet. The joint resolution, however, proposes not to regulate the paper manufacturers or the jobbers by law; it proposes to take possession of their factories and to run them by law. Of course I know the joint resolution is not in express terms that way, but the necessary effect of it is. Whenever you pool the product of which I may manufacture a certain per cent, control its prices and its distribution, then you are controlling the production.

I do not care what men may say about manufacturers still retaining control of their plants; the prices are fixed; the quantities and the terms of sale are fixed. Who is to buy does not depend upon the vendor; it depends upon the commission. The commission can go out into Utah and into Illinois and say to certain publishers: "You shall have paper," and to the paper manufacturers whose product is pooled, and the central point of which is the Trade Commission, "You must sell to certain men in Utah and certain men in Illinois." "On what terms?" "Oh, on easy terms"—just like tax paying. Everything is easy until pay day comes. We have not reached pay day on most of our undertakings. It is like "the morning after," Mr. President, the time when the ice water and the towels arrive. The repentance always comes after it is too late.

Here in this particular transaction the product is pooled, and the Government, through the Trade Commission, undertakes to say how the product shall be sold. If the Government does not make any better success of managing print paper than it has of a host of other things, where it has meddled in essentially private undertakings, then may Heaven deliver us and the editors of the association who passed the resolution from the consequences of the acts demanded by their own resolution!

We have attempted to regulate by law, it is said, and the Senator was quite emphatic in his statement that regulation had failed. If that be so, then nothing remains in this country save to take over the human being in time of peace, as well as all of his active pursuits. If a census of criminal dockets be taken, it will be found that there are no more prosecutions of corporations for violations of law than of the natural individual indicted either singly or jointly with other defendants. Criminal codes have been in existence for many centuries. The Government has them; every State has them. Every term of courts of criminal jurisdiction finds luckless individuals indicted, arraigned, and tried. This does not argue that Government regulation of individual conduct to restrain crime is a failure, but that there are certain inherent traits of human nature in some persons that lead them to break the laws, however great the punishment may be. Either through inherited tendencies or their environments or for some other reason unknown to human understanding they commit the crime and take the chances. Are we to argue from that that the Government must immediately lay its hand upon the personal liberty of everyone in the country, that civil liberty shall end, and that we shall go into a socialistic state where there is no such thing as personal civil liberty remaining?

Nobody argues that. I think it is equally unsound to say that the business enterprises of the country, whether individual or corporate, have reached the stage where regulation will fail. I think, on the contrary, that governmental regulation has succeeded; that if a census were taken of the corporations of the United States, great and small, it would show that the average business enterprise, whether corporate or individual, is a law-abiding enterprise. The difficulty is with every concern doing business in more than one State that there is not a lawyer in the United States who can advise any large concern as to what it can with safety do.

Before I came into this body my associates and myself were sometimes at our wits' end to tell associations of business men what they could do. They do not want you to tell them what they can not do. They do not need a lawyer for that. What they want lawyers for is to tell them what they can lawfully do. The corporations have had great difficulty, especially the larger ones that do business in all the States and Territories radiating out from Chicago and in foreign countries; so in that difficulty some of them have gone on and taken their chances and been indicted, in order to have an interpretation and application of the law to the particular case.

I remember that one of the best lawyers in the Northwest advised a corporation what to do. They were advised by another lawyer not to do it. They framed up their business, made their contracts, sold their merchandise, and courted an indictment by a United States grand jury, in order that they might forever set at rest the question of what they could or could not do. It was charged, when the matter came into court, that here was "another great lawless combination, setting at naught the laws of the country," when they themselves had paid out many thousands of dollars to ascertain what the laws were. All they tried to do was to continue their business.

I think regulation has not failed. On the contrary, in every instance when you could understand what the law was, in the frequent changes and interpretations put upon it, regulation has been the guide and the mentor of all the great business enterprises of this country, with certain exceptions. I will admit that there are some buccaneers in business who take their chances, just as individuals do in private life.

If they run contrary to the criminal code, they expect prosecution; but it is unfair to say that regulation has broken down when the Government has attempted to apply it to the business enterprises doing an interstate business in this country.

This means that the producer of print paper in the United States must take all of his merchandise to the Federal Trade Commission and pool it. That is all there is left for him to do. How long will he manufacture under those regulations? What incentive is there? Manufacturers have not yet reached the point where they are purely altruistic in their activities. Somebody has got to make something. I hear Senators comment with some harshness on "profiteering." I should like to know where we will get these billions of revenue from, in the years to come, unless somebody in private life makes some profit. I know of no source from which this beloved Government can draw a dollar except the private taxable wealth of the country, and you can not tax private wealth unless it has a fair return on what it is undertaking to do. So the producer of paper pulp or print paper will necessarily at last, unless he can be permitted to earn something on his investment, be driven to cease his operations. That, therefore, drives the Government to the point where it must take his plant when he stops and operate it. Then we have got the Government in the print-paper business.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Delaware?

Mr. SHERMAN. I do.

Mr. WOLCOTT. The Senator has touched a question there that has been occurring to me. Suppose the manufacturer of print paper should not find it to his profit to continue the manufacture under the regulations of the Federal Trade Commission and should choose to quit. Where does this joint resolution give the Government the power to do that which the Senator said it might do, namely, assume for itself the manufacture of print paper in that particular plant of that particular manufacturer? Where does this joint resolution empower the Government to manufacture print paper?

Mr. SMITH of Arizona. There is not a line to that effect.

Mr. SHERMAN. In lines 10 and 11.

Mr. SMITH of Arizona. What page?

Mr. SHERMAN. Page 2. I will read the whole of it, beginning with the amendment at the top of the page:

> That whenever during the continuance of the war and for six months thereafter the President shall deem it needful, he may direct the Federal Trade Commission to supervise, control, and regulate the production and distribution of print paper and mechanical and chemical pulp and their products in the United States, and that such mills producing and such agencies distributing print paper and mechanical and chemical pulp and their products in the United States as the President shall designate shall be operated on Government account.

Mr. WOLCOTT. By whom?

Mr. SHERMAN. I assume, from the interpretation of the spirit of this joint resolution, while it is not specific in its terms, that if the owner should cease to operate the Government can operate through its agencies.

Mr. WOLCOTT. I do not agree with the Senator in the interpretation of that language. They are to be operated on Government account, that is true; but if the owner ceases to operate there is no authority conferred on the Government to operate on its own account, and I take it that there is no inherent power in the United States Government, in the absence of a statute, to go in and operate a business.

But let me pursue the question further, and assume that the Senator is right, that by this language there is an implied grant of power to the Government to operate a plant in case the owner ceases to operate it. Must not that power be further followed by a grant of money to finance it before there can be any actual

operation of the plant?—and there is no grant of money in this bill.

Therefore, may I not suggest to the Senator that we come back to this proposition—that if the owner of the plant finds that it is no longer profitable to him to operate, and if he quits, there will not be any manufacture of paper in that plant, and a situation arises which we certainly do not want—that the quantity of output is thereby reduced?

Mr. SHERMAN. Either that would happen, as the Senator says, if he is correct in his interpretation of the joint resolution, or the Government itself must operate, taking over the plant. But while there is no money appropriated in the joint resolution, there is a fund of $100,000,000, or the balance of it, in the hands of the President, to be used for war purposes. This may not be fairly said to be for war purposes; but there will be, within the next 90 days, another issue of liberty bonds. Whether or not these mills make the kind of paper needed for these bonds, I am not sure.

Mr. SMOOT. No; they do not.

Mr. SHERMAN. They do not make anything of that kind, I understand. But print paper can easily be interpreted into a war necessity in many lines. The Army and the Navy and all the departments must have it.

Mr. WOLCOTT. Mr. President, will the Senator yield to me further?

Mr. SHERMAN. Yes, sir.

Mr. WOLCOTT. I am inclined to consider the point I have just made a very strong point against this joint resolution. If this scheme, when it goes into operation, is going to result in the reduction of paper output in any such manner as I have suggested, then the scheme never ought to be adopted.

Mr. SHERMAN. One or the o her must necessarily follow. Either the Government must operate or, if the private manufacturer quits, the output of that mill must cease. If they all quit in the United States because of unprofitable terms under which they must operate, then the American production will cease to be available for publishers. In that event it would be an unmixed calamity that would drive us, for our print-paper supply and for chemical pulp, into the Canadian market. There is no other country to which we have access, outside of our own. We must depend upon some part of Canada to get pulp and wood across into our own country. Mexico is out of the question.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me to make a suggestion there?

Mr. SHERMAN. Yes, sir.

Mr. SMITH of Arizona. We must remember that one-third of the paper used in the United States is brought from Canada, owned by Americans operating in Canada. The proof before the Trade Commission was that the combination of these men who were indicted and convicted had suppressed the further erection of a mill in the United States by a combination in opposition to it. Therefore Americans went to Canada. One paper in the Senator's own State—the great Chicago Tribune, I think—owns its entire plant, and every ounce of paper it uses it brings from its plant in Canada. It was forced into it by the conditions then surrounding the news-print paper world.

In my judgment, there is no necessity for the calamitous conditions to which the Senator has referred flowing from the passage of this joint resolution, because if it were true that the suppression of news-print paper would be such a calamity to the country—and I confess it would be—then how would it be if, without some agency or some aid, without a combination, the news-print paper people of the United States should say, "We will not sell to the Government, we will not sell to anybody, for less than $5 a hundred pounds at the mill," when we know they can make it for less than 1½ cents a pound?

Mr. SHERMAN. We would be in exactly the same condition if the men holding the patents on the Mergenthaler linotype machine should all unite and say, "We will not sell it; we will quit," or if the manufacturers of printer's ink should do the same thing. Only a limited number of concerns manufacture printer's ink. Every newspaper publishing company that must use ink in vast quantities knows that there is a limited supply of printer's ink. The advance in the price of all these necessities is as great as the advance in the price of print paper.

Mr. HARDING. Much greater.

Mr. SHERMAN. I have no doubt, as the Senator from Ohio says, that it is greater, and he is familiar with those matters; I am not. The type founders in Chicago have found the same difficulty in satisfying their customers. Every type founder in the United States has the same conditions confronting him. Type metal has gone up, wages have gone up, rent has gone up, and everything they use in the composition of the type has reached a point where they can no longer sell at prices that do not excite comment on the part of the purchaser.

Print paper, as far as the newspaper world is concerned, would be utterly useless unless we had printer's ink and type founders. Practically in every large daily, unless the linotype could be used, they had just as well suspend publication to-morrow morning. These are all covered by patents. There are only a few men in the United States or in the world who manufacture the Mergenthaler typesetter. No man would think for a moment that those men would stop and destroy the daily newspapers to-morrow morning, and it is inconceivable that the print-paper manufacturers through any act of theirs would destroy the newspaper world, because there is after that no market for most of their product. Self-interest alone would lead them at all times to deliver their product to the consumer at living prices, because that is the only way they can hope themselves to continue in business.

There is much in what the Senator from Delaware [Mr. WOLCOTT] says in the possible cessation of the manufacture altogether. It is only by considering the spirit of the resolution that I should think the Government may take over the plant and operate it. A strict adherence literally to the verbiage of the resolution would not justify the inference I have drawn.

That leads us, if I be correct, however, again to the point raised on the ability of the Government to operate under this resolution. Suppose the Government does undertake to operate the plant. It will have to do it with men who know the business. I am aware there are some undertakings of a governmental character where it is possible for the Government to call to its use those who know about the business. But the general rule is to undertake to run a private business by the Government by appointing those who know nothing about it. It has become almost an axiom of Government ownership and operation that a man who understands the business must not be appointed to run it. Some essayist and platform psychologist is called in to make the enterprise go by talking at it.

I do not like to be uncharitable, but it looks to me like much of the governmental activity of the last 10 or 15 years has been devoted to ejecting the men who have spent a lifetime in some occupation from the management of a business, and the search afterwards has been to get somebody to run the same business who does not know anything about it. I heard a man a few days ago say that he had only got help from one man—that all the rest of them gave nothing but advice how to run his business.

So if it be a governmental operation and the print mills are run by the Government, to be taken over under the resolution, what must we expect? We would expect the same activity that we have had on the Shipping Board, for instance. We would expect the same activity that we have had in getting blankets for some camps in northwestern United States; the same activity we have had in getting woolen overcoats. I know most of them have been supplied, but the truth remains that one department I shall not name openly boasted in the city of Washington that it has woolen blankets for men in the service for more than two years, and woolen blankets and woolen overcoats for another department of the United States service are lacking in some of the camps. If they can not distribute pulp paper any better than they can distribute woolen blankets, the Lord deliver us from any more governmental activity until the Government has learned to use what the departments now have without waste and duplication! I give fair and timely warning to the editors who assembled at Minneapolis and passed the resolution, if it is equally deadly among them there will be a good many editors who will lose their places before this is over.

I totally condemn the exercise of any governmental power over individuals or corporations unless it be to regulate them. I believe in a government of regulated individualism, not in the collective ignorance and inexperience of a great multitude, and that is what Government ownership of a private undertaking is in its final analysis. The Government ownership of print-paper pulp will work out like all other Government ownerships. It will produce the usual number of assistants and bureaus and departments and lead to a fresh destruction of shoe leather when we try to find out anything. It will be the same circumlocution office over again.

It is said that the civil service will protect the pay roll. I used to be a victim of that hallucination myself. I confess it with shame. It is just like the universal direct primary, with a ballot the size of a Sunday metropolitan daily. It is a glittering thing when seen in the sky, but it must be worked out under the feet of misguided stargazers of this Republic, and then I sadly confess it is not. Civil service will guide and control every employee in a Government print-paper mill, I presume.

Mr. SMITH of Arizona. Will the Senator permit an interruption there?

Mr. SHERMAN. Certainly.

Mr. SMITH of Arizona. It is in the shape of a kindly suggestion. While I confess I agree with the Senator on the civil-service business, I would suggest also that on account of so many of the civil-service advocates on his side it might be that in his opposition to the resolution he had better pretermit that part of it for fear that some of them will vote to sustain the civil service in support of the resolution.

Mr. SHERMAN. I have no objection to their supporting the civil service, but what I object to is to use it as a nostrum that will cover everything, even including a pay roll in a pulp factory. It will not do it. Civil service as administered in this Government to-day is the one colossal humbug of the Western Hemisphere, and everybody knows it. Civil service in the Postal Department is a trap for the unwary. The civil service covers a multitude of sins, all the way from fourth-class postmasters up to the advisers of these departments, their counsel. Some of the lawyers have to go in under civil service, some of the doctors have to pass under the rod of the Civil Service Commission, notwithstanding the lawyers have been licensed and the doctors have been given their license to practice upon helpless communities. It may be manslaughter; I do not know. At any rate the State from which they hail has given them, under general laws, the power to practice their profession. Then the civil service, with solemn unction, assembles itself, through many high-priced examiners, and proceeds to examine for every position in the healing art. They asked a lawyer at one time if he knew what the rule in Shelley's case was. He said he did once years ago, before he ever practiced law, but he said since he learned anything about how law was actually practiced he had forgotten what the rule was.

Mr. SMITH of Arizona. If the Senator will excuse me, in the examination for a local carrier on a rural route they asked him how far it was to the moon. He said, "I do not know how far it is exactly, but if it is on my route I do not want this contract." [Laughter.]

Mr. SHERMAN. I have no doubt of it. That is on an equality with some of the questions asked carriers in my part of the country. I do not want to be led astray from the point under discussion here, but when it is said, and it has been said in private conversation to me, that civil service will come in and cure all these governmental ills, the truth is the civil service was here before the Government ills came. If it is an antidote we ought have remained in sound health. We ought never to have had any occasion for its criticism. The longer the war continues the worse it will grow. When the war is over the most indefatigable chemist in a laboratory could not find, to drop into their parlance, a remote vestige of civil service in all this realm. It will be extinct. It will die a natural death unless somebody reforms the civil-service reformers. War accelerates that as it does with the physically unfit. They get into the service and they have either to get out or die. With many of the governmental undertakings, laws, and institutions all of them that linger for years in peace under the swift surgery of modern warfare will end.

This is only a symptom of the general disease, Mr. President. That is the reason why I am taking the time here to comment on it, not because I have any manufacturers of print paper in my immediate part of the country. We are in a prairie country and we buy from those who manufacture it. I am moved to express myself upon the joint resolution because I regard it as a Government ownership and operation resolution in disguise. I suppose it will be regarded as unwise for me to say that if I must lose my American birthright I would rather lose it by conquest under the helmeted legions of the Kaiser than to lose it from the degradation and decay that comes from the failure of private enterprise.

In this country we have built up our institutions, we have developed our resources, we have hewed and used our forests, we have broken up the sod of our great northwestern plains, we have builded our cities, we have developed our States, we have passed our laws, we have restrained the unruly and criminal, we have made ourselves into great populous empires in the northern Mississippi Valley, taking it from the Canadian border down to the cotton belt. The people of my generation have done this. I can remember to have seen on the unbounded plains the morning sun rise where there was not a house or a fence for a hundred miles. We have seen all of that mighty commonwealth grow to what it is. In that time we have stood aloof from the Government. Outside of buying postage stamps and occasionally being drawn for jury service in the district or circuit court of the United States, we have not known there was such a thing as United States authority. We have built up our enterprises, banking, manufacturing, railways, agriculture, and transportation by inland waterways. We have done all this without a dollar from the Government or a word of encouragement since the Civil War closed.

To-day the Government, as manifested in this resolution, from time to time has been committed to embarking in what are essentially private enterprises, to take away from all these people what they have done, to remove from them what is theirs as a birthright, coming to them from their fathers of old, and committing them to a series of Government undertakings under the guise of war necessity. Great as the emergencies of war are, all human wars have ended. Even the 100 years' war that Holland waged with the Spanish Crown ended. All the battle cries have died away. Some time it will end. We fervently pray the end will speedily come, but if it endure until the last territory of Europe taken in robbery shall be restored, or has been devastated and desolated, or until human exhaustion shall come to the modern world, whether we shall continue the struggle with the posterity of the same armed legions that centuries since destroyed ancient Rome before the Dark Ages were ushered in, it will end at some time and some way.

I have sometimes thought that the present age was somewhat like the days when the Goths and Vandals came down from northern Europe on the civilization of ancient Rome. We do not know with our limited human vision what the end will be. I have seen the luxury of modern life in its development from day to day, from year to year, of great wealth concentrated in cities, the end of that human economy and struggle and simplicity that marked our grandfathers. We have softened our muscles. We abstain from exercise and self-denial. We have lost physical well-being. The automobile has destroyed our ability to walk, and it has taken our appetite with it. We have forgotten half we knew about how to take care of ourselves. It is the age of gasoline and electricity, of class and caste. By pressing a button all human effort by muscle is saved. So we have gone on, staggering beneath a load of self-indulgence, luxuries, until I wonder whether we have reached a condition to-day where Germany and her legions are threatening the civilized world as her ancestors did the ancient Empire of Rome. Time will tell. But we must remember that whatever the end may be, if there is anything left for this Republic it is for the sturdy muscle and mind, the self-reliance of private enterprise, to be permitted to continue on their way. The dreary mediocrity of a socialistic state promises nothing but decay. We can not live in the way and at the gait we are going and sustain ourselves in the great competitive race with the nations of the world.

To my mind, one of the most menacing aspects at present in public affairs is this tendency every time this generation reaches a problem it will not solve itself to run to the Government for help, just like the newspapers are doing now. I wish the editors who founded these great dailies were alive to-day or could be reincarnated and put back upon earth. If their posterity had the same self-reliance that our ancestors had, they would settle this question themselves. But now they reserve a Pullman drawing-room, come to Washington, and ask for help. Every time the price of corn meal goes up in Illinois somebody wires, "See the Government."

Mr. KING. Or if it goes down.

Mr. SHERMAN. Yes; it is the same way. All the average farmer wants, though, is to be let alone; but as a rule when anything pinches, instead of trying to devise a remedy by individual effort or by working out the salvation at home we come to Washington for help. The States are gradually being destroyed. There are no State powers any more under this administration. Food regulators are going into the kitchens, into the restaurants and hotels. There is not any such thing as private life; it is all the Government.

This is only, I repeat, a symptom of the general disease. I may belong to another age; I do not know nor do I care. I may be a reactionary; I do not know that and I care less. I only know that no Government that has undertaken the unrestrained management of private enterprises has ever strengthened itself or succeeded. It has universally gone the way of taking a growing concern, with its brain and ability and management, and putting it on an unprofitable basis, lowering the rate of the commodity or shortening the hours—and within a reasonable limit I have no objection to raising wages—but taking no account of original cost, no account of depreciation and maintenance, nothing for a sinking fund, going blithely along and living in a financial fool's paradise. All the way from San Francisco to Chicago it is telling the same story. It is sapping individual strength. It is weakening the initiative of the individual, which is the greatest incentive the world ever saw for the development of the Caucasian race. It is creating a staggering debt. It is diminishing the revenues. It is taking away the sources of taxation, because no public property is taxed.

I do not want to take more time; but I repeat, I can not vote for this or any resolution of a similar character. It is only the harbinger of more to come, and I had as well begin on such a question as this as any other. The railroad problem will come

in due season. I would rather spend the rest of the life allotted to me in private than to surrender one syllable of my convictions upon these unalterable principles that lie at the basis of civil government. A halt must be called upon the attempt to take in hand the enterprises which are essentially private in character and operate them by the Government. I believe in regulation to the reasonable limit, but I believe in drawing a line of demarcation between what is governmental in character and what is essentially private in character. That, it seems, some of this generation have lost all ability to do. I believe it to be the duty of the Senate to face this issue and manfully, without regard to consequences upon individual Members, to meet the issue that divides what is legitimately a Government undertaking from an essential private undertaking that has belonged to us as an American inheritance.

I have departed somewhat from the exact question involved in the resolution, but it touches the great issue soon to come, and I have done so because of the inevitable tendency of this and all other measures of a like kind.

Mr. SMITH of Arizona. Mr. President, it would be impossible for me, and I think for anyone else, to attempt to follow successfully, with any sort of an answer, the very strange mosaic, the beautiful, conglomerate of argument—Government interference with private individuals, the tariff, civil service, the teeth of the children in Chicago, automobiles, leather, powers of the State, taxation, railroads. These are only a few of the very important questions touched on very entertainingly by the Senator from Illinois, and even if the conclusions reached as to many of the positions he has taken be true, none of them, as far as I can see, have anything to do with the consideration of this measure further than the mere naked question as to the wisdom of the Government proceeding under the provisions of the joint resolution.

With the ingenuity of a practiced debater, however, the Senator from Illinois has very well appealed to every prejudice that ever man had in peace times against any interference by the Government with any functions of private life or the private business of people. In that sentiment we all agree, but let us get out of the clouds and the mist of these Niagara Falls noises and see if we can not come down to a condition that now confronts us.

The Senator from Illinois speaks always entertainingly, and we listen to him with pleasure, but did you notice that he has not offered a single suggestion? My friend from Utah [Mr. SMOOT] is equally prolific in denunciation, but he can not find one word to put in its place. It is like what the old preacher once said when he heard an infidel. He said:

> How pitiable it is to see men attempting to tear down the things which so many think are right and on which so much of hope and belief depends and yet offering not one thing in place of the superstructure which they are attacking.

So it is in this case. We have nothing but a denunciation of every single war measure which has been taken since the war began. There is not an argument which has been made here against this measure which is not equally applicable to the food law and to every other war measure which has been passed by Congress, and, boiled down to its lowest terms, you find in the very argument that has been used by the Senator from Illinois—while I do not claim that the Senator was attempting in any manner to stand in the way of the successful prosecution of the war—I say in the application of his argument, his position may be used against every war measure which has been passed by Congress.

Mr. SHERMAN. I should like to have the Senator specify what I or any of my colleagues who have opposed this joint resolution have said to justify opposition to legitimate war measures.

Mr. SMITH of Arizona. I have said that I can take the generalizations of the Senator's statements and apply them to the food law, for in the food law there is the very provision to which he is objecting in this joint resolution. He may make a differentiation that the food law presented a very different matter from that contained in this print-paper joint resolution; and that is what I want to get at right now. I want to disclaim now, though there is no need for the disclaimer in the light of the record of my friend from Illinois, that he and the Republican Party are not entitled to credit, just as I am, for standing behind the people of the United States in every just means to prosecute this war to a successful termination. I want to say that no act of the Senator's which I have ever known has intentionally militated against that result.

Mr. SHERMAN. Mr. President, will the Senator from Arizona permit an inquiry?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Illinois?

Mr. SMITH of Arizona. Certainly.

Mr. SHERMAN. I will ask the Senator from Arizona if all the arguments opposed to this joint resolution have not been to limit the Government to what is strictly necessary, and not to go outside to take up any private enterprise which is not urgently demanded by the exigencies of war? That is our argument.

Mr. SMITH of Arizona. Well, that is your argument, as stated, but the argument goes further, in effect, against this particular joint resolution by your denial of the fact that it is in any sense necessary for the Government to take hold of this matter at all.

Mr. SHERMAN. Mr. President, will the Senator permit a further inquiry?

Mr. SMITH of Arizona. Certainly.

Mr. SHERMAN. Does the Government of the United States expect to fight the Germans with paper wads made out of pulp or with leaden bullets? What has paper got to do with the war? All of the war news is censored out of the papers. We do not get any news. Every correspondent is bursting with suppressed information which he dares not publish.

Mr. SMITH of Arizona. Mr. President, I have no idea that all the newspapers are half so pregnant with valuable information as is my friend himself, who suppresses the knowledge of the things he has; and if he thought it would militate against America, against our successful enterprise, he would not give it, no matter how strongly the pains of parturition might oppress him.

Mr. SHERMAN. Mr. President, might I then inquire what is the vital necessity of paper pulp or print paper in the war if we do not get any news?

Mr. SMITH of Arizona. I will answer the Senator with pleasure. In order to get paper you must have pulp. You can not print a paper in the United States without chemical or mechanical pulp. That is essential to the industry of printing. You could not run this country, and you could not have floated your war loans if the action of the court in this particular case had not been taken, removing, as I said yesterday, the strangle hold of this trust from the throats of the publishers of the United States.

As to the talk about the censorship of the press, I desire to say that there is not a reputable newspaper, except the large ones of which the Senator speaks, that looking between the lines and speaking only from a very just suspicion, that has said nothing on this subject, that has not contracts which are far better than the ordinary paper gets from these print-paper manufacturers.

Mr. SHERMAN. Will the Senator from Arizona explain to the Senate how this joint resolution will help the progress of the war? I have been waiting to hear as to that.

Mr. SMITH of Arizona. I will tell the Senator. This joint resolution may not help the progress of the war; it may not retard an enemy shot on the battle field or save a drop of blood in France, in Belgium, in Russia, or in Italy; but it may save many a drop of blood of some poor typesetters in every little country town in Illinois who have been robbed, whose lives have been made a burden, and their homes made unhappy under all this taxation which we are enduring for the purposes of war. Take this combination of news paper manufacturers; they form themselves into a trust, and through the instrumentality of their own illegal conduct they have compelled every single country newspaper in my State and in yours to buy paper at a price not justified either by conscience or by common decency.

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Ohio?

Mr. SMITH of Arizona. I do.

Mr. HARDING. If the Senator from Arizona will allow me, as I happen to be a newspaper publisher myself, I am extremely interested to know how this reaches the typesetter?

Mr. SMITH of Arizona. It will reach the typesetter if he is put out of business, will it not? I should not think it would be hard for the Senator from Ohio to draw the conclusion that, if you drive the typesetter out of business and send him on the street as a tramp, it might be that he would be a little worse off than he was before. Will they keep him on the newspaper with these constantly increasing prices?

Mr. HARDING. Will the Senator allow another question?

Mr. SMITH of Arizona. Certainly.

Mr. HARDING. Does the Senator know of any newspaper publication having been discontinued because of the price of paper?

Mr. SMITH of Arizona. I do not know of any such publication which has been discontinued because of the price of paper, except, as the Senator will see himself, by looking at the report of the Federal Trade Commission.

Mr. HARDING. Then, another question. Does the Senator know that news-print paper generally was much cheaper in January, 1917, than it was, for instance, in December or January, 1916?

Mr. SMITH of Arizona. There is not a doubt about it, and I am delighted that the Senator has called my attention to it. The very men against whom I am inveighing did not get in their "fine Italian hand" until the time of which the Senator speaks, until they were indicted, and only escaped the penitentiary by confessing to absolute crimes against common business decency as well as against the law of this country. Until that minute they held the strangle hold. I will tell the Senator about that. As soon as they were convicted, and as soon as the Federal Trade Commission made its report, they commenced letting go; they commenced selling news-print paper cheaper, and the only independent concern to-day is furnishing paper to the trade everywhere at 2½ cents. They agreed to give it for 3 cents until the 1st of April, and then at whatever price the Trade Commission might fix; but the ink was not dry on that agreement, the record had hardly been signed by the judge, before we find these people, as appears in the Paper Trade Journal, in the forty-sixth year of its publication, declaring:

> It is held in this connection that now more than ever before is the time for news paper manufacturers to stand close together and obtain unified action.

Just exactly the unified action that they had when they were charging from 4½ cents up as high as 9 cents a pound for common print paper, which they were making for a cent and a half a pound.

Mr. SHERMAN. Mr. President, will the Senator from Arizona yield to me?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Illinois?

Mr. SMITH of Arizona. I will yield to the Senator from Illinois with pleasure.

Mr. SHERMAN. If any typesetters in the western country have lost their occupation, I know of no place than there where they can more quickly find something else to do. The potato patch is still untenanted in that country; the corn is still unhusked; the stock is still unfed; the great granary of the world in this crisis is without the garnerer of the sheaves or of the planter in the spring to come; and no human being with ordinary understanding and a fair pair of legs, Mr. President, can fail to get a job in the mighty West.

Mr. SMITH of Arizona. That is very true.

Mr. SHERMAN. No typesetter need be out of work, Mr. President.

Mr. SMITH of Arizona. The Senator is not confining himself strictly to the discussion, but I do not object to that, for the Senator is always at least illuminating in the suggestions he makes. Now, however, he is dodging the question of this combine, which controls 90 per cent of the print paper in America and one-third of that which is sent from Canada, which is being sold to Americans for 3 cents and to Canadians for 1½ cents a pound, with no duty. These manufacturers infamously and impertinently claim that they are being compelled to compete with a similar commodity imported free of duty. If a duty were added, I do not know what the effect would be; for a part of the argument of my friend demonstrated to me beyond question that the best possible way to secure high prices for American products was to give free trade. He showed that by his argument.

Mr. SHERMAN. Mr. President——

Mr. SMITH of Arizona. Let me state my position in this case. I shall not be led into further argument in reference to matters outside. Here are the conditions which constrain the Senate of the United States, on an appeal from the publishers of this country, to take action. There was a combination in restrain of trade on an article which was very important to the United States itself; that is, print paper. I presume no man will gainsay that in this hour of civilization, and certainly it will not be gainsaid by one who for so many years gave out from his sanctum, through the instrumentality of his own press, the enlightenment which every once in a while made Ohio democratic.

But, Mr. President, there has not been a suggestion as to how the country is to get rid of this condition; no man has dared suggest an amendment that will take care of it; but, on the contrary, Senators have merely declaimed against the Government taking hold of anything.

Here were the conditions, as I said yesterday, and when I conclude this I shall say no more. The record shows that about 85 or 95 per cent of the print-paper manufacturers in the United States formed a combination. They were not working closely enough together. They called in an attorney, who told them they could not evade the law by forming a mere corporation, and there was no sense in doing that. So they formed an association without articles of incorporation, and they appointed a board of five directors, with a sort of director general. The very first thing they did when they got well consolidated, as the record shows, was to notify every user of paper in the country, when there was not one iota of evidence, that it cost 20 cents more a hundred tons to produce paper at the time they took the action than it cost six months before; that the cost of production had so enormously increased that they would have to increase the price. The grand mogul of the crowd wrote to the different manufacturers requesting that they send him a statement of their costs and to make those costs as extreme and as high as they could in order to justify an increase in the price of the product to the consumer.

Senators, if the newspapers of the United States are not essential to the prosecution of the war, there is nothing on earth that is. You can strike down the newspapers to-day, but the result would be disastrous. Senators talk about invading private rights. Suppose, on the other hand, by the outrageous proceedings or measures that I have suggested as being taken on the part of the paper manufacturers, the newspapers should be blotted out, and suppose in every country home to-morrow there could not be read news of what the Government is doing, how long would it take to float another liberty loan? Under such conditions, how long would it have taken to float the last liberty loan? The newspapers of this country, in spite of the criticisms that have been made of their selfishness, as we all know, are the bulwark of American power and force in the creation of an enlightened and patriotic public sentiment.

It is easy to decry an argument of this kind and say it has nothing to do with the question and in the meantime permit these robbers to flock like vultures at the corpses of those whom they are despoiling in order to make profit. They put in their own pockets in one year a profit of $17,000,000 wrung from the people, without earning it in the least degree; and in their last report, in spite of some of the complaints of these gentlemen as to the increased cost of living and production, they say that they paid above all expenses, including war taxes and 15 per cent depreciation on their mills, a modest little dividend of 29 per cent.

Senators, I ask, What is to be done? It is well enough to inveigh against the Government taking private property into its hands; but the newspaper press of this country is as essential as is the soldier. The newspaper is the most potent factor in keeping up the esprit de corps of our people. Yet, it is said, let the newspapers be taxed all that the print-paper manufacturers please, we must not dare let the Government put its sacrilegious hand on those who have gotten together in the attempt to rob everyone who uses their product.

It is said the Government has no power to act, but no other remedy is offered; no single remedial amendment is proposed. There is merely a general denunciation of the pending proposal and the statement that the Government has no right to take over the property of private individuals.

When I opened the debate on this question yesterday I said then all I intended to say, and but for the remarks of the Senator from Illinois this evening I would have said no more. I regret even that I have said now what I have said, for I am anxious to get a vote on this measure. But, Mr. President, let us not, under the guise of protecting the rights of the individual to his own development, because of the appeal to that beautiful vision of the American conquering the West and the glorious story of America's useful achievements, be led away from the issue. America will show in this modern day still greater achievements if we can make people deal fairly with each other. That is all this joint resolution proposes. Every suggestion that it provides for Government control, every suggestion that it proposes Government ownership, is absolutely outside of the facts. It merely proposes to tell these manufacturers that if they do not distribute their products fairly the Government will distribute them; that they shall not do as they have been doing and as their new combination will probably do—give to my friend, the great Senator from Ohio [Mr. HARDING] 20 tons of paper and give to my equally distinguished friend from Illinois [Mr. SHERMAN] not a ton. That is the reason why the provision in regard to distribution comes in. These manufacturers do not care whether they sell to one man or another if they get their money, but their contracts do not allow a resale. One newspaper could get 20 tons of paper from them, but under its contract with them it could not let a neighboring paper have half a ton of it; it would be itself required to use every bit of it. That provision is in their written contracts, of which I have a copy. That practice, the decision of the court says, they shall not pursue further.

I suggest that Senators read the decision in that case. If they will do so, they will learn something about the print-paper business as it is conducted by its present owners, which, it is said, we are going to invade, although it is simply proposed to grant such power as will make them quit robbing the public; that is all. We do not want to take possession of their plants; we do not want to do a thing to them but what we have done in every other case, and what we will probably have to do to a still greater extent before the war is over.

In a time of profound peace nobody, as I suggested in opening this debate, would for one moment contend that some of the measures proposed come within the legitimate functions of the Government; there are in time of peace other ways to handle such situations. That is true of the food bill, and it is true of every war bill we have passed; they were not within the legitimate functions of the Government in time of peace; but this is not a time of peace; this is a time of war—a war straining every energy—and I say, without meaning to denounce anybody, that my own private judgment is that the men or the set of men who take advantage of this unhappy condition of our suffering country to line their own pockets with money, only to flaunt themselves around in the face of the want and need of their neighbors, are deserving of the severest condemnation. They do not need the money, and they have no right to take it.

On the hands of the Government in time of war there is very little restraint. As much as my friend reveres the Constitution, he has studied it no more and worshipped at its shrine no longer than I; but if that Constitution is to nerve the arm of this country when fighting for its very existence, are we to permit adherence to its strictest terms alone to guide us while the Germans are killing men, women, and children in every country which they have invaded, as they soon may invade ours? Are we to indulge in namby-pamby talk about the restrictions and limitations of the Constitution when the Government needs something to preserve its very life? When the Government requires something for its existence, it can take it. It could take over the newspapers if it wanted them to send forth news to the world and there was no other way of doing it. That is the reason I contend that all this argument amounts to nothing in the light of the facts which are of record that 7½ cents was the price offered to the Government for paper a year ago, while the paper manufacturers have agreed now to supply the paper for 3 cents a pound, an independent company is supplying it for 2½ cents a pound, and there is not one of the paper companies that can not make paper at 1 cent a pound.

Mr. SMOOT and Mr. GALLINGER. At 1 cent?

Mr. SMITH of Arizona. At 1½ cents, to a certainty.

Mr. SMOOT. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Utah?

Mr. SMITH of Arizona. I yield.

Mr. SMOOT. I merely want to ask the Senator a question. The Senator bitterly criticizes the paper manufacturers of the country as profiteers, and says they ought to be put in jail. That ought to apply, then, to all the manufacturers of the country, ought it not, who may be said to be in the same situation?

Mr. SMITH of Arizona. Unquestionably; as to those engaged in producing a material that is necessary; though it might not apply to concerns engaged in furnishing fox and skunk hides.

Mr. SMOOT. That is what I meant—materials necessary for use by the people.

Mr. SMITH of Arizona. Yes, sir.

Mr. SMOOT. Then, I will ask the Senator, why he does not include in this joint resolution manufacturers of cotton goods? Mrs. Smoot went down town the other day to buy a piece of cotton cloth, which three years ago she could buy for 10 cents a yard, but she was compelled to pay 35 cents for it. That is a 350 per cent increase. There has been no such increase in the price of print paper.

Mr. SMITH of Arizona. If I should——

Mr. SMOOT. Just a moment.

Mr. SMITH of Arizona. But the Senator is not asking me a question.

Mr. SMOOT. Yes; I am asking a question; and I am going to conclude it in a moment. The news-print paper manufacturers charged 2 cents a pound for their paper before the war, while now they are charging from 2½ to 3 cents a pound. That is an increase of from 25 to 50 per cent, whereas the price of cloth made from cotton has increased 350 per cent. Why do we not regulate that business?

Mr. SMITH of Arizona. The Senator says——

Mr. SMOOT. Because——

Mr. SMITH of Arizona. Oh, I give up.

Mr. SMOOT. I do not blame the Senator for giving up.

Mr. SMITH of Arizona. I should not think the Senator would; he takes my time and will not let me get the floor again.

Mr. SMOOT. Well, the Senator can answer the question now.

Mr. SMITH of Arizona. I will try to answer it in this way: Will the Senator consent to a reduction, to the same extent, in the price of woolen blankets made in Utah?

Mr. SMOOT. Certainly I will.

Mr. SMITH of Arizona. That is so much a yard?

Mr. SMOOT. Why, blankets are not sold by the yard.

Mr. SMITH of Arizona. Well, so much on the pound.

Mr. SMOOT. Certainly.

Mr. SMITH of Arizona. Do not quibble on how they are sold. You are getting a bigger profit or as big a profit on woolen goods as is being obtained on cotton goods. There is no use in trying to beclouds this question. Why does not the Senator ask me something about the scarcity of parsnips in Montana?

Mr. SMOOT. So far as I am concerned, I am perfectly willing to have the law apply to every class of manufactures in the United States and not merely to one class. I am not going to stand here and try to point out that the print-paper manufacturers are profiteers when there are other industries in the United States that are making from 300 to 400 per cent more profit out of the goods which they produce than are the paper manufacturers.

Mr. SMITH of Arizona. Inasmuch as the Senator has injected another speech, I should like to make an observation in my own time.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Illinois?

Mr. SMITH of Arizona. Very well.

Mr. SHERMAN. I desire to make an inquiry relative to the ground covered just a moment ago by the Senator. Why have these robbers not been indicted?

Mr. SMITH of Arizona. They have been convicted and would have gone to the penitentiary except for an agreement that was arrived at.

Mr. SHERMAN. Why not keep on convicting them, so that it will be so unprofitable that these robberies will cease? I inquire why existing law has not been applied and applied sufficiently to correct any evil?

Mr. SMITH of Arizona. I will tell the Senator a little about that, since the Senator calls it up. I am again obliged to the Senator. He will get enough enlightenment now, if he will listen, to change his ideas about this measure. These gentlemen got together when an investigation of them was commenced and in order to avoid it they went before the Trade Commission and agreed with the Trade Commission to fix a price of 2½ cents a pound for print paper, not claiming, as they themselves said, that there had been any unreasonable increase in the cost of manufacture. Then they attempted to get the Attorney General's Office to agree that if they would produce paper at 2½ cents a pound there would be no indictment brought against them under the antitrust law. However, he did bring that indictment. Those gentlemen appeared before us, and immediately on the finding of the indictment and the equity suit to do away with this corporation they increased the price to 3 cents in less than a week. What for? It certainly was not out of revenge, was it? Were they giving it to the Government at a price at which they were going to lose money? As soon as the Government began to indict them they said, "Well, we will increase it to 3 cents.

They were indicted. Look at the remarks I submitted yesterday, which appear in the RECORD. I put the indictment in the speech.

Mr. SHERMAN. I know; I have seen it.

Mr. SMITH of Arizona. They entered what you and I and all lawyers know, that ingenious plea that "I will not answer; I will not contend." In spite of the fact that the indictment laid down seven or eight of the most awful violations of the Sherman antitrust law in the history of this country, they would not contend. They agreed to it in the processes of that settlement, in consideration of the fact that the Government would not press the question of conviction.

I am glad the Senator is back, for I may have gone too far in the statement I made, to which I see he is about to make some interruption.

As soon as they were indicted they came before the tribunal on the 17th, I think, of last November. There they confessed, as you and I and every lawyer knows, that "We will not contend against these facts. We will confess that we have been in this conspiracy," and here is what we did: We agreed to fine them $2,500 apiece and remit any further prosecution on that account. They agreed that they would sell news-print paper now not at the 2½ cents to which they had agreed but at 3 cents

up to the 1st of April, in carload lots, roll paper, f. o. b. at the mill. That did not touch the greatest part of the iniquities that they had been practicing; but let that go. They agreed to that, and agreed further—these five men, running five of those big companies—after the 1st day of April to submit to the very things as to which you are contending, and all the balance of you, how outrageous it would be; and those men themselves consented that this matter should be thereafter settled at the price stated by the Federal Trade Commission.

They have been given six months. They only met here yesterday—a matter to which the Senator from New Hampshire called my attention, and which I investigated last night. They were not ready. Six months was not nearly enough time. In spite of their statements prior to this that the products going into the manufacture of paper have not seriously increased in price, they now want until the 4th of February to ascertain what their property is worth.

If that is not fraud, what is it? They are making every day accounts to their own people, and they are writing off every year 15 per cent depreciation on the wear and tear of their machinery, and yet, while they have had six months, they want three months more, until the 4th of next February, to make a showing as to what their property is worth and what it costs them to make paper. You know and I know and every other man knows that those great business concerns know to the fraction of an ounce what a ton of paper costs them. They know.

If that were all there were in it, there might be nothing left in the bill; but under these agreements that they have made any one of them can still make a trade with a publisher for the small cut paper going to the country press at any prices they please. They ought to be allowed 10 per cent for handling it; the mill ought to be allowed a fair profit for making it; and that is the whole purpose of this resolution, and the whole purpose of the Trade Commission and every man on it, and the whole purpose of these thousands, yes, thousands of editors of some of the biggest papers in the country, answering completely the Senator's argument as to censorship of the press. They have asked for this action in paper after paper. I have here on my desk two different publications that are absolutely filled with the names of the papers and the localities where the men live asking for relief from this aggression; and yet, my Lord! we stand here asking what paper has to do with the war! We lose sight of the inadvisability, in an emergency like this, of allowing the crippling of this great arm of the Government that is suffering in its support, but is none the less devoted to it, the great country press of this country that has assisted so materially in floating our liberty bonds. We stand by, for fear of interfering with legitimate business, and let this sort of a combination keep up, and keep up eternally!

Better a thousand times a censorship of the Government against every paper that did not say exactly what it pleased, as infamous as that would be, a thousand times better than to let a combination of self-seeking gentlemen get together and say, "We will rob every poor editor, every poor paper, and increase the price in spite of the great tax they are already paying in their postage. We will increase the price to these people and fill our own pockets still fuller."

Mr. President, unless some other Senator desires to speak, I would just as soon move that the Senate adjourn at this time.

Mr. GALLINGER. I think the Senator would better make that motion. Quite a number of Senators on this side of the Chamber intend to speak on the resolution, but they are not prepared to do so to-day. I think this is a good time to adjourn.

Mr. SMITH of Arizona. I have no objection, unless there is some reason to have an executive session.

Mr. GALLINGER. No; there is not.

Mr. MARTIN. Mr. President, I know of no reason for an executive session. There has been some suggestion for the Senate not to sit to-morrow; but in explanation of a motion to adjourn until to-morrow I will say that, among other things, the conference report on the farm-loan bank bill will be taken up to-morrow, and more particularly I want to call attention to the fact that the Senator from Iowa [Mr. KENYON] desires to submit some remarks to the Senate to-morrow. I take it that he will have something to say about his recent trip to the battle front in France, though he did not tell me the subject to which he expected to address himself; but he did say that if it would be agreeable he would like to address the Senate to-morrow.

Mr. SMITH of Arizona. I think that could easily be accomplished before the expiration of the morning hour, and I would willingly join in the request that the Senator should have that right. I would not if I could stand in the way of the delivery of his speech.

Mr. MARTIN. I will say that I do not know that the Senator from Iowa would want to interfere with any other business. He just happened to mention to me the fact that he wished to address the Senate to-morrow, if it would be agreeable to the Senate to hear him.

Mr. GALLINGER. Mr. President, I was only going to make this suggestion: We have been in the habit recently, when a bill came here, of being told that it must be put through instantly, almost the very day it has been reported; and we have yielded to that because it was said that it was a crisis in our affairs. Now, this bill need not be hurried. If the Senator gets his bill through in three or four days he will be doing remarkably well. I had a bill here, relating to something that concerned me much more deeply than this concerns the Senator, and I did not get it through for three months

Mr. SMITH of Arizona. The Senator remembers well when he was one of the few that helped me try to get a bill through for over 20 years.

Mr. GALLINGER. Yes; I did, and we succeeded after a while.

What I was about to remark was that I think the Senator would better let the consideration of this measure go along deliberately. There are several Senators who desire to speak. Some of them are not prepared to speak to-day, and they may not be to-morrow, but I feel sure that the Senator will get a vote on this bill in a few days. There is no doubt about it.

Mr. SMITH of Arizona. I want to be perfectly frank with the Senator. The only fear I have about it is that matters of greater importance, in the view of the Senate, will probably be intruded, and the bill will go over for weeks and weeks at a time.

Mr. GALLINGER. There is nothing in sight.

Mr. SMITH of Arizona. Whatever I have asked about the consideration of the bill, I confess has been largely personal. I would not permit that to prevent the proper consideration of the bill and whatever debate on it Senators really want to make; but I am extremely anxious, largely on personal grounds, to see that it is not displaced as the unfinished business.

Mr. GALLINGER. We will try not to allow that to happen.

Mr. SMITH of Arizona. If that is not done I am perfectly willing that it shall go over until to-morrow as the unfinished business.

Mr. MARTIN. It will, under the rules, take that course if the Senate adjourns. Therefore I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 10, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 9, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the clear and cogent messages delivered by the Premier of Great Britain and the President of the United States as to the demands of the entente powers, their position, and desires for a world-wide peace, based on clear and God-like principles, for all the world. And we pray that these just and equitable principles may find a response in every true heart and become the basis of a world-wide conference among the leaders of all nations; that the terrible war may cease, and liberty, truth, justice, and righteousness be established in all the world, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3009. An act granting the consent of Congress to the P. M. C. Coal Co. to construct and maintain a bridge across Tug River, connecting Pike County, Ky., and Mingo County, W. Va.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3081. An act to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis within the States of Illinois and Missouri; to the Committee on Interstate and Foreign Commerce.

S. 2812. An act to encourage and promote the mining of coal, phosphate, oil, gas, potassium, and sodium on the public domain; to the Committee on the Public Lands.

CONSTITUTIONAL PROHIBITION AMENDMENT.

Mr. HARRISON of Mississippi. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. HARRISON of Mississippi. Mr. Speaker, on August 1, 1917, the Senate passed the amendment to the Federal Constitution providing for nation-wide prohibition by a vote of 65 to 20. In the House, on December 17, 1917, the House passed the resolution by a vote of 282 to 128. The legislature of my State yesterday convened at 12 o'clock, and in the lower house of that body, by a vote of 93 to 3, it ratified the constitutional prohibition amendment. [Applause.] The senate of that State on yesterday by a vote of 28 to 5 took like action. [Applause.] Thus Mississippi is the first State to ratify the constitutional prohibition amendment, and it is hoped that the action of that body, in a State that has seen the beneficent influence of prohibition for many years, will be followed by other States of the Union. [Applause.]

SERVICE FLAG IN THE HOUSE OF REPRESENTATIVES.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives secure from the Members of the House of Representatives the record of the number of sons or brothers of Members in the military or naval service of the United States, and that he is instructed to procure a suitable service flag representing this number, or such number as may later join the colors, to be hung in the Hall of the House of Representatives, and that credit on the flag shall also be given for the four Members of the Sixty-fifth Congress who have joined the colors.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. GORDON. I object, Mr. Speaker. I did not hear the resolution read. I will object to its consideration.

Mr. TREADWAY. I ask unanimous consent, Mr. Speaker, that the resolution be read again for the benefit of the gentleman.

Mr. GORDON. All right.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the resolution be read again. Is there objection to that?

There was no objection.

The resolution was again read.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. LENROOT. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Massachusetts on what theory brothers of Members are included?

Mr. TREADWAY. Mr. Speaker, I thought that there were Members of the House probably not old enough to have sons in the service, but who are greatly interested in the fact that they have younger brothers or older brothers who have joined the colors.

Mr. LENROOT. Generally, where service flags are used by members of families, brothers are not included.

Mr. TREADWAY. My understanding, Mr. Speaker, is that the use of the service flag is pretty general. Organizations use them, and they are used to designate members of a family or members of a church. It has been very general, and I think properly so. It strikes me that the relationship of brothers and sons is sufficiently close to recognize them in a flag of this character.

Mr. LENROOT. My understanding was that service flags only included the members of the immediate family, and it seems to me that if brothers are to be included the force and significance of the service flag would largely be lost.

Mr. MADDEN. Yes; unless the brothers were members of the family or the same household. I really think it would lessen the effect of it if it includes brothers in the form in which it is stated.

Mr. TREADWAY. Mr. Speaker, in view of the statement made by some of the Members I ask unanimous consent that the word "brothers" may be stricken out.

Mr. CANNON. What are you going to do—if the gentleman will yield—about those Representatives who have no sons or brothers?

Mr. MADDEN. They may have sons-in-law.

Mr. CANNON. Some have no sons-in-law.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. GARD. What is the plan of the War Department or of the Navy Department as to the use of the service flag?

Mr. TREADWAY. My only knowledge on that score is that gained from the service flag at the entrance of the War Department, showing the number of employees of the department that are now with the colors—a very large flag, as the gentleman probably knows.

Mr. GARD. Has there been any general rule adopted with regard to the service flag?

Mr. TREADWAY. Not to my knowledge, I will say to the gentleman.

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, this is a matter upon which some of us have had no thought before. It occurs to me that the gentleman ought to consider very carefully just who should be represented. I really have some question as to whether a service flag hung in the Hall of the House of Representatives should contain stars indicating other than Members of the House of Representatives and probably employees of the House of Representatives who have gone, and that it ought not to go to the extent of including members of families. Those are represented in the homes of Members by the service flags there. I suggest that to the gentleman's consideration. With the spirit and purpose which the gentleman has in mind, of course, I am sure we are all in harmony, but I venture to suggest to the gentleman that he withdraw the resolution for the present.

Mr. TREADWAY. I am willing to leave it temporarily.

Mr. GARRETT of Tennessee. Leave it temporarily, and let us discuss that a little and see just what form it should take.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that the resolution be allowed to lie on the table temporarily, to be brought up later.

The SPEAKER. Without objection, it will be so ordered.

Mr. MOON. I object.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] objects.

Mr. TREADWAY. What is the nature of the objection?

The SPEAKER. The gentleman from Massachusetts requested that his resolution lie on the table temporarily, and the gentleman from Tennessee [Mr. MOON] objected. The gentleman from Massachusetts can withdraw his resolution without asking anybody's consent.

Mr. GARRETT of Tennessee. I ask unanimous consent that the resolution be referred to the Committee on Military Affairs.

Mr. TREADWAY. That is entirely agreeable to me, Mr. Speaker.

Mr. GARRETT of Tennessee. I think it ought to be considered by the committee.

Mr. WALSH. Mr. Speaker, reserving the right to object, I want to suggest to my colleague from Massachusetts that, as I understand it, there is now no officially recognized service flag. There happens to be pending before this House, as I understand it, a resolution or bill, introduced by the gentleman from Nebraska [Mr. REAVIS], to have Congress provide a design for a service flag, and I would suggest that, rather than have the resolution referred to the Military Affairs Committee, my colleague from Massachusetts withdraw it until action is had upon the resolution of the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Speaker, reserving the right to object, I desire to call the attention of the House for just a moment to the situation with reference to this service flag. The service flag that is in general use throughout the Nation has been patented by an Army officer, Capt. R. L. Queisser, of Cleveland, Ohio, who is charging for the use of this flag a royalty of 5 and 10 per cent of the wholesale price. This Army officer has pretended to assign this patent to what is known as the Service Flag Co., of Cleveland, Ohio. The stationery of that company has but one name on it, and that is the name of the president, who, by the way, is the officer who patented the flag. It is merely a pretended assignment for the reason that the patentee and the company are one and the same person. I think there should be something in our connection with this war so altogether worthy that the profiteer should be made to keep his hands off of it. [Applause.] The mothers of America are hanging this flag in their windows as a sort of holy sacrament, as an expression of the pride that they feel in contributing a son to the service of the Republic. That anyone, especially an Army officer, should exact from them a royalty is nothing short of contemptible. I have pending before the Judiciary Committee a resolution calling for the adoption of a service flag which shall be known as the national service flag, upon which no patent shall be granted. I would not like to see this House indicate its pride in the Members who have gone to the service by hanging any flag upon these walls upon which we have to pay a royalty before we may use it. [Applause.] I would like to see this resolution withdrawn until the Judiciary Committee can report in proper form some legislation, either by resolution

or such amendment as may suit its pleasure, looking to the adoption of some design as a national service flag which the homes of America may use without charge, because I am tired of seeing the devotion and the patriotism of the parents of this Nation coined into money for the benefit of the profiteer. [Applause.]

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] has offered a motion to refer the resolution to the Committee on Military Affairs.

Mr. STAFFORD. I ask unanimous consent to proceed for three minutes, to give some information that may be of value to the House concerning the patent upon this flag.

The SPEAKER. The Chair will state the question. The gentleman from Tennessee [Mr. GARRETT] moves that this resolution be referred to the Military Affairs Committee. How much time does the gentleman from Wisconsin ask for?

Mr. STAFFORD. Three minutes.

The SPEAKER. The gentleman from Wisconsin asks for three minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, last November my attention was called to the fact that this captain in the Army to whom the gentleman from Nebraska [Mr. REAVIS] refers, and who has been given considerable prominence in this House by a resolution introduced by the gentleman from Ohio [Mr. EMERSON] to provide $50,000 for the purchase of this service design to be displayed in the homes of families whose sons have enlisted under the colors, had begun proceedings against manufacturers of these generally used service flags. I received the information from a patent attorney who was representing some of these manufacturers who had manufactured flags without authority from the inventor of the design. He advised me that the head of the division of designs in the Patent Office had made a finding adverse to the granting of the patent for the design, but that in his absence on a vacation some subordinate or other official had authorized the patent. This patent attorney is contesting the position of this Army officer who is claiming 5 per cent royalty on all flags manufactured before the issuance of the design patent, and 10 per cent royalty, 5 per cent for himself and 5 per cent for the Red Cross, on all flags manufactured thereafter. It is a question that is going to be contested, because many manufacturers are being besieged with claims by this person who has obtained this design patent really with the disapproval of the head of the Design Division that had it in charge.

True, he has a patent; but I approve the position taken by the gentleman from Nebraska that we should not go ahead and grant authorization by congressional action of a design which the claimed originator is using for collecting money from innocent users.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to refer the resolution to the Committee on Military Affairs.

Mr. REAVIS. Mr. Speaker, I move to amend the motion so as to refer it to the Committee on the Judiciary, that already has the other resolution.

Mr. TREADWAY. Mr. Speaker, I hardly think it should go to the Committee in the Judiciary. The matter that the gentleman from Nebraska has before him is the general proposition, and this is a special one relative solely to this organization. As far as I am concerned, I should be perfectly willing to have it await in the Committee on Military Affairs until action is taken in the Judiciary Committee on the gentleman's previous resolution.

Mr. WALSH. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. WALSH. My point of order is that permission has not been secured to consider the resolution, and therefore the motion to refer it is not in order.

Mr. TREADWAY. The question was put by the Speaker as to whether there was objection, and there was none.

Mr. GARD. Would not it solve all the difficulty if the gentleman from Massachusetts would withdraw the resolution?

Mr. TREADWAY. Mr. Speaker, we have already taken too much time on a matter that I thought would not take any time, and I withdraw the resolution for the present.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 106. Joint resolution extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

WOMAN SUFFRAGE.

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask unanimous consent that the minority of the Committee on Woman Suffrage may file minority views.

The SPEAKER. The gentleman from Virginia asks unanimous consent to file minority views on the woman suffrage resolution. In what time?

Mr. SAUNDERS of Virginia. Instanter.

The SPEAKER. The gentleman asks unanimous consent to file minority views on the woman suffrage resolution. Is there objection?

There was no objection.

PAIRS.

Mr. CHANDLER of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement by one of the pair clerks of the House.

The SPEAKER. The gentleman asks unanimous consent to print in the RECORD a statement from one of the pair clerks of the House. Is there objection?

There was no objection.

The SPEAKER. The Chair will take occasion to state that the House has absolutely nothing to do with pairs. It has gone as far as to allow them to be made a matter of record, but it is a private transaction. A good many Members think that the House has something to do with it, but it has not. If anybody wishes to know all about pairs, let him get Benton's "Thirty Years in the United States Senate" and see what he had to say about it when it was first begun.

The statement is as follows:

HOUSE OF REPRESENTATIVES UNITED STATES,
Washington, D. C., January 8, 1918.

Messrs. THOMAS L. BLANTON, M. C., and T. A. CHANDLER, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIRS: On day before yesterday you requested me, as pair clerk of the House of Representatives, to make you a statement in writing as to the facts concerning the pair made between you and Hon. JAMES C. WILSON, giving the reason why the pair was not observed and did not appear in the CONGRESSIONAL RECORD.

About two weeks before the vote was taken on the constitutional amendment for national prohibition, Hon. THOMAS BLANTON, Member of Congress from the sixteenth Texas district, came to me and stated that he had a pair upon the votes to be taken upon the constitutional questions of national prohibition and woman suffrage, Mr. BLANTON stating that he was for both these propositions and that Mr. WILSON would be against both, and that they would secure some other Member who would vote as Mr. BLANTON would in the matter. (Pairs upon these constitutional questions are in the same proportion as the vote, and as it requires a two-thirds majority for legislation of this character, it would take two Members for either of these amendments to protect one Member voting against.) On the next day Mr. BLANTON came to me with Mr. T. A. CHANDLER, Member of Congress from Oklahoma, and handed to me a pair which was out of the ordinary for the reason that it was a typewritten agreement, with the names of Messrs. BLANTON and CHANDLER voting for the prohibition amendment and Mr. WILSON voting against the prohibition amendment inserted in the pair and duly signed by each of them, and I told them, as pair clerk, that the pair would go into the RECORD.

Two or three days before the vote was taken on the prohibition amendment Mr. WILSON came to me and said he had expected to leave the city, but that as he had not he desired to have the pair changed to some one else who would vote as he would in order that he might vote.

Now, pairs are simply agreements between Members of Congress, the idea being that one vote will offset the other, and should one or all Members concerned in a pair or an agreement made between Members be absent, these agreements and pairs are observed. After such an agreement is made it is never altered by the pair clerks, except by the consent or permission of those concerned.

Therefore, when Mr. WILSON requested the pair clerks to release him we had nothing to do with it, as the matter was between Messrs. BLANTON of Texas, CHANDLER of Oklahoma, and Mr. WILSON of Texas. I told Mr. WILSON that if he would communicate with Messrs. BLANTON and CHANDLER, and they would agree to do so, of course it would be all right; otherwise I would put the pair up for the RECORD.

In the meantime Hon. CLAUDE KITCHIN, the Democratic floor leader, handed me a telegram from Mr. BLANTON, which is as follows:

"Am making three speeches a day in my district, embracing 58 counties, in effort to wipe out all disloyalty and force absolute support behind Government. If WILSON of Texas will support prohibition amendment, then change my pair to benefit cause, or if necessary I will return immediately."

Mr. WILSON came back to see me and said so far as Mr. BLANTON was concerned he was willing to release him (Mr. WILSON) from the pair. Mr. HOLLINGSWORTH, who represents the minority in the matter of pairs, who was present, asked Mr. WILSON how he expected to protect Mr. CHANDLER. Mr. WILSON said that he had no agreement with Mr. CHANDLER, and then we cited Mr. WILSON to the signed agreement, with all names filled in, and which is as follows:

"Mr. Speaker: We, the undersigned, have paired on the resolutions for the national prohibition amendment and the national woman suffrage amendment, THOMAS L. BLANTON, of Texas, and T. A. CHANDLER, of Oklahoma, each voting both for national prohibition and national woman suffrage and JAMES C. WILSON, of Texas, voting against both of these said resolutions, and we request that this agreement be printed in the RECORD.

(Signed) "THOMAS L. BLANTON, of Texas.
"T. A. CHANDLER, of Ohio.
"JAMES C. WILSON." (Name later erased.)

Mr. WILSON then said that he intended to vote anyway. I went to Mr. FERRIS, of Oklahoma, and although it was late we made an effort to communicate with Mr. CHANDLER as to whether he wanted to hold

Mr. WILSON to the pair, as it was my plain duty as pair clerk to have the pair as made announced for printing in the RECORD. Mr. WILSON came to the pair clerk's desk again, and with him was Mr. MORGAN, of Oklahoma, who stated that he was not willing to state whether or not Mr. CHANDLER would be willing to release Mr. WILSON from the pair, after the matter had been explained to him. Mr. WILSON then left and returned after a few minutes and said that he was going to vote and asked to see the signed pair, which he took and said as he intended to vote, would not have his name on it, and then erased his name from the agreement, which he had, according to his own statement, signed.

Mr. BRANTON's telegram released Mr. WILSON from the pair, provided he intended to vote for the prohibition amendment, and on the final vote he voted against the amendment, so that he had no release from Mr. BLANTON and did not claim to have any from Mr. CHANDLER. We, the pair clerks, could not put the pair into the RECORD because Mr. WILSON had erased his name and there was nothing to hold him to the agreement, as he had announced his intention of voting.

This is how the matter happened, and no one regrets as much as do the pair clerks that you both were left unprotected on the vote, as we knew when you left the city it was with the understanding that you would be taken care of.

With highest personal regard, I am,

Very respectfully, yours, W. B. SMALL, Jr.,
Pair Clerk, House of Representatives.

LEAVE TO PRINT.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to print in the RECORD a speech made by my colleague from New York [Mr. HICKS] on his observations on the battle front in Europe.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing a speech made by the gentleman from New York [Mr. HICKS] on his observations on the battle front in Europe. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. DENISON. Mr. Speaker, the gentleman from Pennsylvania [Mr. PORTER] is ill, and I ask unanimous consent that he be excused for 10 days.

The SPEAKER. The gentleman from Illinois asks for the leave of absence for the gentleman from Pennsylvania [Mr. PORTER] for 10 days. Is there objection?

There was no objection.

The SPEAKER. The Chair will take occasion to state that in such cases as this if the Member will give the Clerk a slip making the request they can all be attended to at once without waste of time. This is Calendar Wednesday, and the Clerk will call the first committee.

FUEL STORAGE YARD IN THE DISTRICT OF COLUMBIA.

The Clerk proceeded to call the committees, and when the Committee on Mines and Mining was reached,

Mr. FOSTER. Mr. Speaker, I call up House joint resolution 23, authorizing and directing the Secretary of the Interior to make an investigation and report upon the advisability of establishing and maintaining Government fuel yard or yards in the District of Columbia.

The Clerk read as follows:

House joint resolution 23.

Resolved, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be prepared by the Director of the Bureau of Mines plans and specifications, together with report showing the approximate cost of the establishment of a fuel-storage yard or yards and necessary handling and distributing equipment in the District of Columbia, for the storage of fuel for the use of and for delivery to all executive departments and independent establishments in the District of Columbia and vicinity, which plans and specifications and estimates of cost, together with a report upon the advisability of establishing, maintaining, and operating such a yard or yards and equipment, and the feasibility of consolidating all matters relating to the purchase and supply of fuel for the use of the Federal Government in the District of Columbia and vicinity, shall be submitted to Congress on the first Monday in December, 1917, or as soon thereafter as practicable.

Mr. FOSTER. Mr. Speaker, this resolution is for the purpose of directing the Bureau of Mines and Mining to prepare plans and select a location for the establishment of a Government fuel yard in the District of Columbia to supply the executive departments and independent establishments within the District of Columbia, and those within the vicinity of the District of Columbia. I do not recall how many there are but the workhouse at Occoquan is outside and the fuel is supplied to it by the Government.

Last summer one department of the Government secured its own coal, buying some 15,000 tons, securing a truck for the purpose of delivering it, and secured its coal for 76 cents less a ton than it could have been bought from the dealers or by bids. There is used, or was previous to the war, about 225,000 tons per year, so at this rate in normal times the saving in the cost of coal for the District of Columbia for Government use would amount to quite a considerable sum of money and would also insure a supply to be purchased at a time when coal could be easily secured.

The Government now gets its coal by bids. The yards of the District do not have sufficient capacity for storing coal, and they do not have the equipment that is necessary for handling it; and it is believed by the Committee on Mines and Mining that the passage of such a resolution looking to the establishment of a yard for the purpose of supplying the Government would be not only an economical transaction but would result in securing an adequate supply for the Government.

Mr. DOWELL. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. DOWELL. In what manner has the coal been purchased for the Government heretofore?

Mr. FOSTER. By bids from local dealers in the District of Columbia.

Mr. DOWELL. Retailers?

Mr. FOSTER. Wholesalers and retailers. I think the coal which supplies the Capitol is purchased direct from the mines.

Mr. DOWELL. Has it not been possible to purchase all of it at the mines?

Mr. FOSTER. I do not know; but it has not always been done.

Mr. DOWELL. It has all been purchased from the retail dealers.

Mr. FOSTER. As I say, so far as I know except for the Capitol.

Mr. MOORE of Pennsylvania. Will the gentleman yield to me five minutes?

Mr. FOSTER. Yes. Permit me to say that this is a unanimous report from the Committee on Mines and Mining after hearing statements from those who knew something about it, and we believe that the establishment of this yard would be of great value.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FOSTER. Yes.

Mr. MADDEN. I notice that the report of the committee says that a saving of 76 cents a ton has been made by one department of the Government because it has been able to handle and deliver its own coal supply. How many hundred thousand tons of coal do the departments use?

Mr. FOSTER. I can not give the gentleman the information since all these new places have been opened up, but previous to the war it was about 225,000 tons.

Mr. MADDEN. So that would be about $2 a ton for the year, if we spend $400,000 for a yard. If the Government can save 76 cents a ton on coal at the yards, I would like to know why it does not undertake to save some for the people who pay the cost of running the Government?

Mr. FOSTER. I thoroughly agree with the gentleman from Illinois, and this year has demonstrated beyond doubt that in the District of Columbia, or in any other place throughout the United States, a yard which would sell to the people in the immediate vicinity at reasonable prices, without permitting them to get into the hands of speculators, would be a blessing.

Mr. MADDEN. But the trouble is that the price that is fixed by the Government for coal to be sold to private consumers is about 95 per cent more than the cost of producing the coal. Instead of trying to save to the private individual, who pays the cost of maintaining the Government, the Government itself has fixed a price beyond all reason, and the coal miners and the coal operators are making more money than they have ever made before and more than they ought to be permitted to make. It costs about $1.01 a ton to mine coal in the bituminous coal fields of Illinois, put on the cars, and yet the operators are allowed to sell this coal for over $2 a ton, which is a profit of 100 per cent.

Mr. GORDON. To sell it where?

Mr. MADDEN. At the mine, and at prices away above that. That is the minimum. There is no industry in the United States that ought to be permitted to get rich at the expense of the overburdened taxpayers in a time like this, and that is what the coal people are doing right now.

Mr. FOSTER. I agree with the gentleman, they ought not to be permitted to charge exorbitant prices, but they ought to be compelled to produce coal at a proper price, and this is one way to help start this thing. I hope my colleague will vote for such an arrangement. If the Government can not control the price, there is but one other thing to be done, and that is to take the coal mines of the country and operate them in the interest of the people of the country.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. DENISON. Does the gentleman agree with the statement of his colleague, Mr. MADDEN, that coal can be mined in Illinois for $1.01 a ton?

Mr. FOSTER. I do not believe that.

Mr. MADDEN. The cost sheet of the mine show that.

Mr. FOSTER. The gentleman has not examined them lately, I am sure.

Mr. DOWELL. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. DOWELL. I want to ascertain, if I may, if it is the purpose to present legislation on this question to regulate and control the price of coal purchased by the Government?

Mr. FOSTER. No; this provides that the Government shall purchase its own coal for use in the District.

Mr. DOWELL. Is there to be a provision to compel a department to purchase under this resolution?

Mr. FOSTER. There will be succeeding legislation. If they report the advisability of establishing a coal yard, then legislation will be necessary which would then, I suppose, provide that it should be done.

Mr. DOWELL. But, as I understand it, they are now purchasing at retail, each department paying the price it pleases and doing what it pleases. This will not correct that as I understand it.

Mr. FOSTER. Yes; it will.

Mr. DOWELL. This resolution?

Mr. FOSTER. No.

Mr. DOWELL. It will be necessary to have further legislation?

Mr. FOSTER. Certainly.

Mr. DOWELL. I am asking if it is the purpose to introduce further legislation to follow this resolution up, to fix the price?

Mr. FOSTER. Certainly.

Mr. DOWELL. Is this price to be fixed on the same basis as the price generally to the public, or is it to be for what it is actually produced?

Mr. FOSTER. I can not answer the gentleman on that point.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GARD. The District of Columbia is a purely governmental reservation, intended for the purposes of the Government. Is it the idea of this committee that there would also be included in this resolution a report as to the advisability or propriety of purchasing coal for those who are residents of this governmental reservation?

Mr. FOSTER. This resolution itself does not provide for that.

Mr. GARD. I understand it does not; but is it in the mind of the committee that the resolution should be so extended as to include that?

Mr. FOSTER. I can say to the gentleman that in my own private opinion—and I am not speaking for the committee—I would welcome the time when opportunity may be afforded to sell to the people of the District of Columbia in an emergency such as we have had this winter.

Mr. GRAHAM of Illinois. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GRAHAM of Illinois. I presume the object of the resolution is to take care of the coal that is needed by the Government, to establish a place and a means by which the Government can obtain its coal supply? Is not this resolution as it is drawn broader than that? Does it not occur to the gentleman from an inspection of the resolution that it has in mind a report as to plans for a general distribution of coal?

Mr. FOSTER. I think not.

Mr. GRAHAM of Illinois. What does the language "independent establishments" mean?

Mr. FOSTER. That is a well-defined term. "Independent establishments" means such establishments of the Government as the Interstate Commerce Commission or the Federal Trade Commission—all of those establishments not under any executive department of the Government.

Mr. GRAHAM of Illinois. I am merely submitting my judgment of the matter, but I think it ought to be limited.

Mr. FOSTER. I think my colleague is wrong about that. I think that is well understood.

Mr. STAFFORD. Would the gentleman have any objection to inserting before the word "establishments" the word "governmental," so as to correct any ambiguity that exists in the present phraseology? It would then read "independent governmental establishments." And that would remove all doubt as to the purpose of this depot.

Mr. FOSTER. I have not any objection to that if it makes it any plainer, but I do not think it needs it. It is very well defined.

Mr. CANNON. Will the gentleman yield me, say, 10 minutes?

Mr. FOSTER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. CANNON] 10 minutes.

Mr. STAFFORD. Allow me to present a parliamentary inquiry. Mr. Speaker, I would like to present this parliamentary inquiry——

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. So as to obtain a ruling from the Chair, if the gentleman from Illinois will also yield for that purpose. This is Calendar Wednesday. The rule under which we are proceeding provides that not more than two hours of general debate shall be permitted on any measure called up on Calendar Wednesday, and all debate must be confined to the subject matter of the bill. Heretofore, Mr. Speaker, on Calendar Wednesday, when bills on the House Calendar have been considered, it was the practice—though it has been questioned, but never presented to the Chair for a ruling—that there should be two hours of general debate, one hour in favor and, presumably, one hour opposed. In my acquaintance with the House I do not know of any general debate, as such, except on a bill which is on the Union Calendar, where the House resolved itself into the Committee of the Whole House on the state of the Union, or a bill on the Private Calendar, where the House resolved itself into the Committee of the Whole House. When this amendment was first proposed, the purpose of it was to curtail unlimited general debate on bills considered on Calendar Wednesday which were on the Union Calendar, so that the whole time of the proceedings could not be frittered away in general debate. Its very purpose was to try to expedite the consideration of the bills which were considered on Calendar Wednesday.

I submit, Mr. Speaker, though I do not profess to have gone into the details as much as I should have, that on a bill on the House Calendar there can not be any general debate; that the ordinary rules of the House should apply, namely, that the gentleman who has charge of the bill has an hour at his disposal, during which time he can move the previous question, and I wish to call the attention of the Speaker to the fact that whenever bills on the House Calendar have heretofore been considered on Calendar Wednesday, that the practice has been to grant an hour's time of debate in favor and an hour's time of debate in opposition before the gentleman having control of the bill would move the previous question.

The SPEAKER. What point of order does the gentleman make?

Mr. STAFFORD. I am not making a point of order. I am making a parliamentary inquiry, whether in the consideration of this bill there is to be two hours of so-called general debate or whether under the rules of the House the gentleman from Illinois will control the time, so he can move the previous question at any time? Of course, Mr. Speaker, if the Speaker is not prepared to make a ruling that may be adhered to for all time on Calendar Wednesday, I do not wish to press the point, because I believe the gentleman from Illinois will yield time sufficient for the consideration of the bill. However, I thought it advisable to present this matter for the consideration of the Speaker.

The SPEAKER. The Chair would rather defer the matter until next Calendar Wednesday, because he can hunt it up and make a ruling that will stick.

Mr. FOSTER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has used 12 minutes.

Mr. FOSTER. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, this joint resolution, in my judgment, should not pass. We are in war time. As a war measure we have fuel inspectors, food inspectors, and very properly. As a war measure we have seized the railroads and all other means of transportation on land and on sea. Some time or other the war will end, and I do not believe that a joint resolution of this kind should pass looking toward the legislation that is proposed when the report is received. In the law as it is now it is the duty in normal times for the respective departments to advertise and give all the world in the production of coal a chance to bid and give bond and security for the fulfillment of the contract. So far as I know and believe this law in normal times has been sufficient to get the best service for the least money. This is looking to the establishment of a coal yard. If you have a coal yard and the necessary machinery and purchase the necessary plant and establish it for the purpose of buying coal in the amount of 250,000 tons when the total production of coal in the United States is—how much?

Mr. FOSTER. Last year 675,000,000 tons.

Mr. CANNON. Six hundred and seventy-five million tons. I think we had better proceed as we are now proceeding. It is true that with an exceptional season, under peculiar conditions that I can not now take time to discuss, with railroad transportation exceeding what it ever has been, with a larger gross and a

smaller net, we have a great slump in railway securities and a great destruction in the credit of railways so that the President has, in my judgment, properly as a war power, taken possession of the railroads and other means of transportation. There is an agitation. Why, gentlemen rush into print? We want to lay a foundation now, not to take care of the war, but we want to legislate for a time of peace. I think we had better let this war end and then, free from excitement, let us proceed to enact such legislation as is necessary.

Ah, do you know what a Government coal yard would cost? God knows; I do not know. I expect a quarter of a million. You have got to have your engines, you have got to have all your appointments; and my observation has been that the Government in the payment of its employees does not conduct a particularly economical service.

I want to say—although my friend knows that I am against the resolution, and he has kindly yielded me 10 minutes—he seems to be, from an intimation had, of the opinion that this thing might expand, and that the coal mines, if I understand him properly, in the United States could be permanently seized and that we might, at least in the District of Columbia and presumably elsewhere, proceed to operate mines and furnish 110,000,000 people with coal.

Maybe I am old-fashioned. I expect I am. But competition is the life of trade, and I pray God that in my time, at least, the Government will not, under the pretense or under the excitement of a war period lay the foundation, great or small, to care for the business of the country by the regulation of prices, and so forth, by governmental authority.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I wish I could always agree with my distinguished friend from Illinois [Mr. CANNON] on public questions. Generally I do agree with him. But I see no real objection to the passage of this resolution in its present form. It contemplates an inquiry, and only an inquiry, as to what might be done for the Government only in the District of Columbia. Therefore it can hardly be said to be a Government ownership proposition in the general sense to which the gentleman from Illinois refers. It seems to me it might be a good thing to pass a resolution like this in the present war crisis. It is the war crisis that brought about the high price of coal and the confusion resulting in the taking over of the railroads by the President of the United States, a proposition upon which very few Members of this House would have agreed a year or two ago. But the crisis is here, and it is due to war conditions. And not only is the Government at a disadvantage, but the people of the District of Columbia are suffering. Indeed, if we pass a resolution of this kind and it should result in the erection of a coal-storage yard, it might be made sufficiently large and of such capacity that in another such crisis not only the Government might be served, but the people in distress over coal prices and coal scarcity due to war emergencies might also be served. It might be a good thing even to have the Secretary of the Interior inquire as to a coal bin of the capacity of 500,000 tons, if 250,000 tons is the amount necessary for the actual needs of the Government, and thus give the people who are without coal and freezing in their homes a chance to come in on equal terms with the Government. It would be the humane thing when the ordinary supply methods fail.

An inquiry like this may do some good.

There is ample proof to show at the present time that neither the Government nor the people have taken advantage of their opportunity to obtain coal in due season. They have utilized one method of transportation only. They have used the rails until they have stopped the cars and blocked the tracks, and yet other means of communication, like from Cumberland yonder to the District of Columbia, have gone to waste because of the prejudice against waterways and canals—a helpful and competitive or relief method of transportation.

Mr. MEEKER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. MEEKER. Can the gentleman give us a sort of a percentage or average of reduction in the cost of foods and fuels to the consumers since our bill passed?

Mr. MOORE of Pennsylvania. There has been no reduction in the cost of consumption anywhere. The cost of consumption has steadily gone up, but it has gone up very largely by reason of the fact that the common carriers of the country have had their cars used as storage warehouses instead of distributing agencies which might operate for the relief of the people. And at great construction works now cars that ought to be used for carrying foodstuffs to the people are standing upon the tracks idle, paying demurrage on cargoes of lumber and heavy freight that ought to have been discharged days and weeks ago.

Mr. WINGO. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. WINGO. The gentleman from Missouri asked you to state what reduction, if any, had resulted in prices by reason of the fuel and food control. Can the gentleman state in what manner prices were held down, and what increase there might have been if we had not had that control?

Mr. MOORE of Pennsylvania. The gentleman is aware of the fact that prices have not come down. If the gentleman wants concrete details, I will tell him. We are paying 85 cents a dozen at our house now, in the District of Columbia, for eggs.

Mr. SNYDER. Ninety cents a dozen.

Mr. MOORE of Pennsylvania. And they are going to a dollar.

Mr. WINGO. If you had not had fuel and food control, prices might have gone a great deal higher. Of course, food control does not cause the hens to lay any more rapidly.

Mr. MOORE of Pennsylvania. Nor make the grass grow.

But before my time expires I want to say this, that our present stringency in the coal market in the District of Columbia is due to the fact, as it is in other large cities, that in times of plenty, when we had ample means of transportation, we did not avail ourselves of the supply or of the auxiliary means of transportation. So that when the freeze came and the crisis is on, stress naturally follows.

The SPEAKER. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I will ask the gentleman from Illinois [Mr. FOSTER] if I can have more time?

Mr. FOSTER. I am sorry, but I have promised to yield all of my time.

Mr. Speaker, I yield to my colleague from Illinois, Mr. DENISON.

Mr. DENISON. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker and gentlemen, I am unalterably opposed to this resolution for more than one reason. In the first place, it is an entering wedge to Government ownership, to which I have always been opposed.

The gentleman from Pennsylvania [Mr. MOORE] speaks about the high cost of living and says that eggs are 90 cents a dozen. Do not worry, my friend. The funny man down at the theater the other night said that a chicken was a valuable bird; you could eat it before or after it was hatched. [Laughter.] Do not worry about the price going up, because they are cold-storage eggs anyway.

Mr. MOORE of Pennsylvania. That is certainly consolation to the consumer, anyway.

Mr. FORDNEY. Well, it may develop into a chicken. [Laughter.]

Mr. MOORE of Pennsylvania. There is plenty of time yet.

Mr. FORDNEY. The report of the committee says on page 2 that the Treasury Department last year sent to Congress an estimate of $400,000 to equip those Government coal yards. Everybody knows that conditions are critical all over the country, in shipping especially. We do not give enough consideration to the causes of this condition. In the first place, the Congress of the United States is responsible for legislation that has crippled the railroads of the country. The Interstate Commerce Commission fixes the maximum rates the railroads can charge for hauling freight, and the politicians of Congress have fixed the minimum wage scale on railroads, and the two are so close together that it does not yield a reasonable profit to the railroads to supply the money necessary to purchase equipment, railroad cars, and motive power, and, consequently, with the greatly increased volume of business in this country caused by this war, there are not enough railroad cars and railroad engines in the country to carry the freight to its destination and to provide suitable terminals to take care of that freight.

And let me call your attention to this fact, gentlemen, that prior to the war our exports never exceeded two and one-half billion dollars in value in any one year, and yet in the year 1917 our exports reached the enormous sum of $6,000,000,000. Prior to the war our imports never exceeded $1,825,000,000 in any one year, but in 1917 they reached the enormous sum of $3,000,000,000.

Mr. SLOAN. Mr. Speaker, will the gentleman yield right there?

Mr. FORDNEY. I will.

Mr. SLOAN. How do you get that figure as to imports? You do not get it from the amount of duties paid, do you?

Mr. FORDNEY. You get it from the volume of business reported by the Department of Commerce, my friend, showing the value of imports.

Mr. SLOAN. What does it show about the revenues arising from those enormous imports?

Mr. FORDNEY. I do not wish to advert to that, but the ad valorem rate on our imports last year was 7 per cent—pretty close to free trade. And yet to-day our President recommends universal free trade to the whole world. The Kaiser may speak for the German people, or for himself, but the President does not speak for me when he says the people of the United States are in favor of free trade. [Applause on the Republican side.] I am in favor of that label, "Made in America," not that "Made in Germany." [Applause.]

My friends, we are bordering near to Government ownership. I doubt seriously if the railroads of this country will ever return to private ownership again, and if not, it is a mighty serious question for the people of the United States.

Mr. DENISON. Mr. Speaker, will the gentleman yield for a question?

Mr. FORDNEY. Yes.

Mr. DENISON. The Government owns the different buildings and the different furnished rooms where the coal is consumed in the different departments in the District?

Mr. FORDNEY. Yes.

Mr. DENISON. What objection can the gentleman have to the Government owning a central storage plant and the machinery to handle it?

Mr. FORDNEY. I am not in favor of any kind of Government ownership, because the Government can not do at double the price the things that firms and individuals can do. The Government can go out and buy coal anywhere in the United States, and there is no law or regulation preventing it. Why, then, should we legislate on this matter?

Mr. COX. Mr. Speaker, will the gentleman yield right there?

Mr. FORDNEY. Yes.

Mr. COX. The gentleman is in favor of the Government owning the Panama Canal, is he not?

Mr. FORDNEY. That is a different proposition altogether.

Mr. COX. Yet the Government built it.

Mr. FORDNEY. That is a different proposition altogether, I will say to my friend.

Now, let me answer the gentleman. I made this statement on this floor before. For the year 1913 I have the cost of carrying freight on the railroads in all the principal countries of the world. You can obtain it. Let me call your attention to this fact, and see whether there is any recommendation in it for Government ownership. In the year 1913 the Government of Germany owned 95 per cent of all the railroads in Germany—the only country in the world owning that large percentage of the railroads.

The wage scale in Germany for that year was $7.76 a week on her railroads, and the freight cost was 1.42 cents per ton per mile. The wage scale on the railroads in the United States was $15.56 per week, or double the wage scale in Germany, and the freight carried was seventy-two one-hundredths of a cent per ton per mile. Our wage scale double that of Germany and our freight cost one-half that of Germany. Do you get any recommendation in favor of Government ownership in that, my friend? If so, tell me what it is.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. GORDON. Do you recognize that the cost of carriage is very much less where the average haul is two or three times as far?

Mr. FORDNEY. I recognize, my friend, that the population per square mile in Germany is five times that of the United States, and consequently their freight ought to be cheaper than ours. I know we have a longer haul in this country than they have in Germany. The center of population in the United States is just west of Indianapolis. The long haul is from the Pacific coast. The center of population of Germany is around a very thickly populated territory.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a question along that line?

Mr. FORDNEY. Yes; but I have but a limited time.

Mr. HARDY. Does the gentleman realize that the average cost per ton per mile in Germany is made up of high-class freight, and that in Germany the cheap freight goes by water?

Mr. FORDNEY. No; I do not recognize anything of the kind. I recognize that it is made up in Germany just as it is made up here, and not differently at all. I have not got time to discuss that question fully, but I can show it to you, my friend, if necessary.

Mr. HARDY. But that is the fact, nevertheless.

Mr. FORDNEY. There are difficulties to overcome. I am not criticizing the administration. I have stood loyally by this administration since the war began and I am going to continue to do so, and the administration will be entitled to any credit coming out of this war and should have any criticism that belongs to them. I know of a port on the Atlantic coast where to-day there are 800 carloads of hay piled up, and they will not unload it off the cars, because they are waiting for a ship to send that hay abroad, and there is no ship in sight. I know of a special delivery of anchors that were given the right of way as class A freight. These anchors reached a shipyard on the Atlantic coast, and the keel for the ship on which those anchors are to be used has not yet been laid. Yet those cars must be utilized for shipping anchors while you and I go cold for the want of coal and of cars in which to ship it. Now, that may be good management. I do not know who is to blame or whether anybody is to blame. I am not finding fault with that; but that is the condition, and that is why there is a shortage of coal cars. Last night I talked with a coal operator from West Virginia, who has at his mine 40,000 tons of coal in stock and can not get a car to ship a ton of it North or East or West, and he is here appealing to this board to get cars to ship his coal. Where are they? You and I who travel over the roads see upon the side tracks of the country thousands of cars which are loaded waiting for some opportunity to unload.

Who is to blame? I do not know. I do not blame anybody. It is a condition that is here, and a serious one, and since the Government has taken over the railroads, a very short time ago, I do not see any change. I hope it is for the better, and let us all hope and do all we can to better these conditions. But I do not believe you better the condition of the people of this country when you resort to Government ownership. In our recent tax bill we aimed to put the taxes upon the incomes of the country, the rich people of the country. I want to know whether or not you believe that is going to work out just as that law was intended? The other day, my good friends, I sent to a meat market in my home town for some steak and paid 60 cents a pound for choice cuts of beefsteak. Who pays for that beef? The consumer. Who pays $7 or $8 for a pair of shoes that you and I used to buy for $4 or $5? The consumer, every time. The manufacturer and the producer must add to their overhead cost and will do so, because every dollar of tax that you put upon an article produced in a factory will be added to the price of the article. You can not tax the rich men of this country without putting a proportionate burden upon the consumer. Every time you add to the cost of production you add to the cost to the consumer. You can not get away from that; and Government ownership, that costs more to do the thing than the individual or the set of individuals can do it for, will add to the burden upon the poor people of this country. Think that over. You can not get away from it my good friends, and the more carefully you study that question the more thoroughly you will be convinced that those conditions are as I have stated. I am opposed to Government ownership, of anything—it makes no difference what—except some things that the individual can not do. Therefore, my friends, I hope this resolution will fail. [Applause.]

Mr. STAFFORD. Mr. Speaker, will the gentleman from Illinois yield me some time? I should like to have about 10 or 15 minutes.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that my time be extended 30 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his time be extended 30 minutes.

Mr. DENISON. How much time is there for general debate?

The SPEAKER. Two hours from the time it began. The gentleman from Illinois [Mr. FOSTER] has 23 minutes left of his hour. The gentleman asks to have his time extended 30 minutes.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, do I understand that at the expiration of the time of the gentleman from Illinois [Mr. FOSTER] the gentleman from Illinois [Mr. DENISON] or any other gentleman on this side in opposition would be entitled to recognition for one hour?

The SPEAKER. The Chair does not know whether the gentleman from Illinois [Mr. DENISON] represents the opposition or not.

Mr. FOSTER. I understand from the statement of the Speaker a little while ago that the parliamentary question raised will be deferred, and that during the consideration of this resolution we will proceed under the one-hour rule. I have yielded time to those opposed to the bill as well as to those favoring it. With that understanding I have yielded more time to those opposed to the bill than to those for it. Now I ask unanimous consent that my time be extended 30 minutes beyond the hour.

Mr. ROBBINS. It is two hours, is it not?

Mr. FOSTER. No; an hour.

Mr. CANNON. And then there is another hour.

Mr. ROBBINS. Who has the other hour?

Mr. FOSTER. Nobody.

Mr. STAFFORD. Why not ask to have your time extended one hour, and then yield?

Mr. FOSTER. I will yield to my colleague the right to control some of the time.

The SPEAKER. To begin with, each side has an hour. That much is clear. The Speaker is not going to render any opinion on technical points until he has a chance to study them. Now the gentleman from Illinois [Mr. FOSTER] asks that his time be extended 30 minutes.

Mr. FOSTER. Mr. Speaker, I made that request thinking that the Speaker was not going to decide that question now.

The SPEAKER. I am not going to decide it, except this far, that after the gentleman from Illinois gets through with his hour the opposition will have an hour.

Mr. FOSTER. I have already yielded 20 minutes' time to the opposition, and if the gentleman from Illinois [Mr. DENISON] controls the time in opposition, I hope he will yield some time to those who favor the bill, and I think he will.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that his time be extended 30 minutes. Is there objection?

Mr. CANNON. Why not have a gentleman's agreement that whoever is recognized in opposition will yield 20 minutes to my colleague [Mr. FOSTER]?

Mr. FOSTER. That is fair, and I withdraw my request for an extension of time.

Mr. DENISON. I am not opposed to the bill. I am in favor of the bill.

The SPEAKER. The rule is explicit in one thing: That on Calendar Wednesday the general debate is limited to two hours, and that one hour of it shall be controlled by the peope in favor of the bill and the other hour by those opposed. That much is clear.

Mr. DENISON. It is my intention to yield time to those who request it, whether they are for the bill or against it.

The SPEAKER. Does any gentleman want to control the hour in opposition to this bill?

Mr. CANNON. I will ask to control it, but I may or may not use it. If I do control it I will yield 20 minutes to the gentleman from Illinois.

Mr. STAFFORD. It has been customary for the ranking member of the committee to control the time, even though he was not in favor of the bill, and to yield to those opposing it.

Mr. DENISON. I will yield to anyone who is against the proposition.

Mr. CANNON. Then that is satisfactory to me.

Mr. DENISON. I will yield 20 minutes to the gentleman from Illinois.

The SPEAKER. Then the gentleman from Illinois has 43 minutes.

Mr. FOSTER. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin, [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I listened a moment ago to the remarks of the gentleman from Michigan [Mr. FORDNEY], in which he gave what he said was a fair comparison between the freight rates on Government-owned railroads in Europe and the rates on privately-owned railroads in this country. And when the gentleman from Texas [Mr. HARDY] interrupted him with questions suggesting that freight rates in Europe on Government-owned roads cover the transportation of more kinds of freight than do freight rates on our corporation-owned roads and cover the transportation also of some articles which are never carried as freight in this country, I heard the gentleman from Michigan deny specifically and absolutely what the gentleman from Texas intimated, and then follow that denial with the statement that freight rates are much lower here than on the Government-owned roads in Germany. Now, I am not going to speak in favor of Government ownership of railroads, but have taken the floor at this time merely to show that the gentleman from Michigan was, as I think, much mistaken in that denial and statement—a statement which is only a repetition of what he has heretofore said on the same subject in debates here.

I have in my hand a book written by Carl Vrooman, published by the Oxford University Press, London, and so forth, the preface bearing date "Oxford, July, 1910." The title of the volume is "American Railway Problems in the Light of European Experience, or Government Regulation versus Government Operation of Railways." Let us see what are here set forth as the facts about rates under Government ownership:

"Undoubtedly, the question which interests the general public most is that of rates. This is not the most important question connected with the railway problem, but it is the one which touches the public most immediately. Any comparison of railway rates between different countries, however, must necessarily be more or less unscientific, owing to the varying conditions under which their lines are run and the different rate schedules which are employed.

"But while no entirely satisfactory comparison of the rates of one country with those of another has been or can be made, at the same time comparisons can be instituted which will prove of very great practical value as making clear certain highly important facts. The most difficult attempt of this sort upon which one can embark is that of making a comparison between the rates of American railways and those of European countries. Take, for example, the case of Prussia. It is extremely difficult to make any comparison between the rates on her State roads and those on our corporation roads, because, first, the general scale of wages is distinctly higher in America than in Germany; secondly, the length of haul for freight in this country is 242 miles, whereas in Prussia it is only 71½ miles, causing the terminal expenses to constitute a much larger per cent of the expense of transportation in Prussia than they do with us; thirdly, most of the heavy and bulky freight materials, such as ores, minerals, fertilizers, timber, etc., in Prussia are carried by water, while with us they are generally carried by rail. Moreover, the cream of the American freight, that part which pays the highest rate, is carried at exorbitant rates by our express companies, whereas in Germany it is counted as freight and helps to raise the general average of the price for carrying a ton of freight a mile; fourthly, in America large quantities of freight are carried for the companies themselves, for which no charge is made, whereas in Germany every ton so carried is actually paid for; fifthly, the German roads carry an immense quantity of mail, including parcels, for which they get no pay, while the American roads receive very high pay for every ounce of mail carried by them.

"Messrs. Hoff and Schwabach, the Prussian commissioners sent to this country a few years ago to study and report on the American railway system, made a careful effort to take into account all of these diverse factors in their comparison instituted between our rates and those of the Prussian State lines. The conclusion which they arrived at, after making allowances for all the factors which have tended to reduce the average price for carrying a ton of freight a mile in this country, was that under similar conditions the average rate in America would be 1.44 cents per ton per mile, while on the Prussian State railways it would be only 0.95 of a cent. In the course of their interesting and valuable discussion of this subject, they say:

"American freight rates are divided into very many grades; they consequently reach and sometimes fall below the level of the German standard rates for long distances; that is to say, for the distances which with us do not come into question for the bulk of the traffic. However, as with us the bulk of the freight movement takes place within distances which, according to American ideas, must be called short, the natural consequence of geographical and economic conditions, it is permissible to say that the goods transported in standard classes, which amount with us to about 35 per cent of the total freight, enjoy in Prussia-Hesse and nearly throughout Germany a lower freight rate than the goods forwarded in America according to the standard classes in force in that country. (The average distance of transportation of all freight amounts with us to 115 kilometers (or 71.5 miles), in America to 390 kilometers (or 242.33 miles). * * *

"If the freight rates for articles in bulk are to be compared with any pretense to correctness it stands to reason that it is necessary to come down to the distances over which goods are actually transported in Germany, and then the aspect is not unfavorable to our conditions after all.

"The Hon. Charles A. Prouty, of the Interstate Commerce Commission, some time ago made an interesting comparison of rates from his home town, Newport, Vt., to Boston, with rates for the same distance in Iowa (where, owing to the activity of their State railway commission, rates are low for this country), and with rates for a similar haul in Prussia, where the rates are lower still.

[Rates in cents per 100 pounds.]

	Newport, Vt., to Boston.	Iowa rate for same distance.	German rate.
Potatoes	19	12½	9.6
Hay	17	11	10½
Butter	46	26	36
Sugar	19	17.1	10.9
Lumber	10½	9½	6.4
Fertilizers	17	9½	8

"Commissioner Prouty further says:

"Last summer a company in which I was interested had occasion to transport considerable quantities of copper wire from Phillipsdale, R. I., to Bradford, Vt., and of dynamos and transformers from Pittsfield, Mass., to the same destination. We paid in less than carloads from Phillipsdale 32 cents per hundred pounds and from Pittsfield 45 cents per hundred pounds. The corresponding rates in Prussia are 11.08 and 15 cents.

"In the most recent and perhaps most authoritative comparison of Prussian and American railway rates that has yet appeared, Prof. Henry C. Adams, statistician of the Interstate Commerce Commission, after giving a number of exhaustive tables of rates in both countries, says:

"Quite a number of distinct impressions are derived from a study of the above tables. In the first place, it is observed that the Prussian rates are much more regular and uniform than American rates, thus showing that they are not exposed to the influence of temporary changes of commercial conditions or to the passing demands of shippers or localities. The degree of uniformity disclosed indicates that commercial conditions in Prussia are supposed to adjust themselves to railway tariffs rather than railway tariffs to industrial conditions, except it be that the industrial conditions which call for a departure from the rule of uniformity are of a permanent character. Which of these two policies is preferable, and whether stability of railway tariffs, or what railway advocates in this country call elasticity of railway tariffs, is preferable, is again a question of judgment, and for this reason is excluded from further consideration. A second impression left by a study of the above tables is that for a distance not exceeding the average haul on Prussian railways the Prussian rates are lower than the American rates, but that for long hauls the American rates are lower than the Prussian rates.

"A less complex and fairer comparison could be made between the rates of the Prussian State roads and those of the corporation roads of some other European country, such as England or France. In fact, in 1902 such a comparison of the freight rates of Prussia and Great Britain was made by a British 'select committee.' The conclusion arrived at by the committee was that the 'cost of transportation on the German railways, as concerns the Levant and East African tariffs, is only one-third to one-fifth as high for a large number of commodities as the British rate.'"

Mr. ESCH. Mr. Speaker, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. ESCH. My colleague undoubtedly knows that under the German system they produce a large profit, which goes into the treasury?

Mr. COOPER of Wisconsin. Yes.

Mr. ESCH. If that profit were distributed over the rates, it would result in a still greater reduction.

Mr. COOPER of Wisconsin. That is very true, and I am glad to have that interruption by my colleague. I knew the fact he stated, but I had forgotten to mention it. Under similar conditions and a fair comparison based on those conditions the freight rates on the Government-owned railroads in Germany have been cheaper than have freight rates in this country.

Mr. COOPER of Ohio. While the rates are lower, is it not a fact that the wages paid for labor in this country are a great deal higher?

Mr. COOPER of Wisconsin. In the first paragraph which I read from this book, the author says that wages are lower in Germany, but he says that freight rates also are lower there, whereas the gentleman from Michigan said that our wages are higher, but that our freight rates are very much less than they are in Germany. That was his statement, but according to these expert investigators that statement is not in accordance with the facts. I have read some of the literature—undoubtedly the same literature—on which the gentleman from Michigan bases his statement, but I took occasion a few years ago to investigate as to the accuracy of some of the articles written by the author of that literature.

Mr. CANNON. The gentleman quotes as an author Carl Vrooman. Who is Carl Vrooman—is he an American or an Englishman?

Mr. COOPER of Wisconsin. He is an American.

Mr. CANNON. Is he the Assistant Secretary of Agriculture?

Mr. COOPER of Wisconsin. Yes. This book was published in 1910, printed at the University Oxford Press in England.

Mr. CANNON. This was a political campaign document in the campaign of 1910. I do not know, but I think Mr. FORDNEY is as good an authority as Mr. Vrooman.

Mr. COOPER of Wisconsin. If the gentleman from Illinois will permit me, Mr. Vrooman has given the findings of fact made by official Government representatives who came here from Europe and investigated this subject, and also statements from the report of a British select committee appointed to investigate this exact subject. These are not the ex parte statements of an American railroad employee. These are statements of fact from official reports of German and of British investigators, compiled by Mr. Vrooman, who is now in the employ of our Government in its Agricultural Department. I know of no reason to believe that when he wrote this book he was not entirely disinterested. Nor do I know of any reason to believe that he has not told the truth. As I have said, he bases his statement on official reports of German and of British investigators.

There are many more important things than rates to be considered before it is possible to make a wise decision on the great question of Government ownership. That question is not now before us and I am not discussing it nor advocating Government ownership of railways. But this is a time of all times for accuracy of information and truthfulness of statement; and what we ought always to strive to know before discussing problems of statesmanship are the facts upon which alone it is possible to base intelligent opinion. [Applause.]

Mr. DENISON. Mr. Speaker, I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, this is a practical question, and not one that involves theory. The Government has provided for the establishment of a central heating, lighting, and power plant, and has appropriated $1,669,000 for that purpose, of which appropriation very little has been used except to lay the foundations on the tract near the Bureau of Printing and Engraving. The location has railroad sidings and water frontage. That plant will furnish heat, light, and power to all of the Government buildings in the territory in the central part of the city, but the House well knows that that power plant will not be in existence for several years, and that even when it is in existence with its railroad sidings, which will enable it to get coal direct from the mines, there will be no governmental facility for supplying heat, light, and power to the private office buildings that are rented by the Government. For instance, the Department of Justice, the Department of Commerce, the Interstate Commerce Commission, and the Department of Labor are housed in buildings that are all privately owned under contracts for a term of years. The Government merely rents the building as it stands and furnishes the heat, light, and power. Some means must be provided even when the central heat, light, and power plant is established to provide heat, light, and power for these privately owned buildings. The question is, Shall we continue under the present method? The present method provides for the purchase of coal at the mines, paying the railroad rate from the mines to the city and then providing for its distribution under separate contracts from the railroad sidings to the respective departments and office buildings. The Treasury Department enters into the contract for all the coal utilized by the Government in all of its activities. That price has varied in the last six months. When the President, through Executive order, first fixed the price of coal it was $2.30 at the mines, and, as I recall, the price was increased subsequently by 50 cents. The Government to-day is paying $2.80 or $2.85 for bituminous coal at the mouth of the mine. It then pays something over a dollar for railroad transportation to Washington, and there are some 10 or 12 private parties who have contracted to haul the coal to the various departments. The charge for haulage varies according to the distance the department is from the railroad siding. The Agricultural Department, I think, pays $1.05 a ton.

The Interior Department in the past year has been experimenting with the hauling of coal from the general railroad siding to that department, and the testimony of the chief clerk is that there has been a marked saving in the cost whereby they have saved sufficient to pay for the 5-ton trucks that are used in transporting coal to the Interior Department.

It is upon the recommendation of the Secretary of the Interior that in this year's Book of Estimates there is included an estimate of $200,000 for this very purpose. It is not an extravagant appropriation when you consider that the Government has appropriated $1,670,000 for the erection of a central light, heat, and power plant. Of that $200,000 it is purposed to expend only $10,000 for the purchase of land, $10,000 for roadways to yards, and $70,000 for coal pockets, trestles, and equipment, and $100,000 for the purchase of 25 trucks, at $4,000 each.

This is a practical question. Shall we continue under the existing system or shall we extend the system which we have already adopted in providing a central heat, light, and power plant for the departments and one for the Capitol, both adjoining the railroads, whereby the Government can go into the market, purchase the quality of coal it desires at the mouth of the mine, pay the freight rate to these yards, and provide the means of conveyance from the central coal yard to the various Government establishments?

That is a practical question. It is not a question of Government ownership; it is merely a question of whether the Government shall provide the proper facilities for doing its own work, that and nothing more.

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. I will gladly yield to the gentleman from Ohio.

Mr. FESS. In line 10, page 1 of the resolution, what is the comprehension of the term "independent establishments in the District of Columbia and vicinity"? How far does that go?

Mr. STAFFORD. As was stated before, it is rather ambiguous, but the gentleman from Illinois stated that he would have no objection to having an amendment to insert after the word "independent," the word "governmental." In the draft of the estimates, I may say to the gentleman, the ambiguity is removed by the following language:

The Secretary of the Interior is authorized and directed to establish a fuel storage yard or yards, to procure by purchase or lease of necessary land, wharfs, railroad trestles, and sidings required for such yard or yards, and to procure the necessary storage, handling and distributing equipment, including motor trucks, for the storage of fuel for the use of and for delivery to all the executive departments and independent establishments and the District government in the District of Columbia and vicinity.

The following language, "and the District government in the District of Columbia," would eliminate the ambiguity as it exists in the present resolution.

Mr. FOSTER. Let me say to my friend if you limit it to the District of Columbia you leave out some of the governmental establishments.

Mr. STAFFORD. I only suggested to insert the word "governmental" before "establishments."

Mr. FOSTER. The gentlemen, I think, in his service here knows very well what independent establishments mean; that is, establishments like the Interstate Commerce Commission, the Federal Trade Commission, establishments of that kind which are not under the departments.

Mr. STAFFORD. There are good lawyers here like the colleague of the gentleman from Illinois [Mr. GRAHAM], the gentlemen from Ohio [Mr. FESS], who think that perhaps it is ambiguous, and why not remove the ambiguity by inserting the word "governmental," which will not restrict in the least the object of the resolution.

Mr. FOSTER. It is so well established that I think the gentleman agrees with me there is no question about what it means.

Mr. FESS. Can not there be an independent establishment that is not governmental?

Mr. FOSTER. Not under the Government.

Mr. STAFFORD. Now, the only question before the House, as far as this resolution is concerned is whether we shall extend the facility whereby the Government can provide heat, light, and power, not only to the Government buildings until the central heat, light, and power plant is completed, but to the privately owned buildings which the Government is renting, which, as the House knows, houses 50 per cent of all the clerical force in the city. Here we have established recently 2,000,000 feet of floor space on the Mall on the site of the old Pennsylvania Railroad station. We have established a heat, light, and power plant there. Is the Government to be hampered by these peculiar conditions with traffic conditions so that it will have to pay the high rates for the haulage of coal from some points distant——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STAFFORD. I would ask for two minutes more.

Mr. DENISON. I yield two minutes more to the gentleman.

Mr. STAFFORD (continuing). Distant from the department, when the Government could have a central storage yard for fuel, tributary to some siding or tributary to water connection, saving perhaps many thousands of dollars. It is merely a question of economy. I think the resolution should be passed and that the policy should be adopted for a central storage fuel yard to supply coal to the various Government establishments. [Applause.]

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Speaker, the members of the Committee on Mines and Mining had no idea when we reported this resolution for a central fuel yard or joint purchasing agency for fuel for use of the Government departments that it would provoke a discussion of as many different questions not related to the subject matter of the resolution as have been discussed here to-day. The discussion has wandered far afield. We have discussed Government ownership, the price of eggs, the congestion of freight, freight rates in Germany, Carl Vrooman, and other things. Now, there is not any element of Government ownership in the resolution. There is no question of freight congestion only in an indirect way, that the plan that it is proposed to investigate would have a tendency to relieve such congestion. Now, all that the resolution does is to authorize the Secretary of the Interior, through the Director of the Bureau of Mines and Mining, to prepare a plan to show the cost of having a joint establishment—for what? For the Government going into the coal business for the general public? No; but a plan by which the coal that is bought for the different departments of the Government here in Washington, each one buying separately now, bidding against each other, may be bought under one purchasing agent and placed in one yard, thereby saving not only in the price—because it is an elementary business proposition that the larger the volume of your purchase the cheaper you can get the stuff by purchase—but also reduce the different clerical expenses of having all these different departments looking after their particular coal bill. That is all there is to it. It does not involve any Government ownershsip of any kind under the sun. It is a proposition to provide a joint purchasing agent for the fuel for the different departments of the Government. That is all there is to it, and I can not for the life of me see where there can be any objection to it, and there is every reason at this time why we should have a plant of this kind. I, for one, would be willing to vote for a plan like that now, but it is thought best to have this resolution and let it be worked out and report a plan so that the details of it can be worked out with reference to the purchase and storage of the fuel supply of the different departments in the city of Washington. That is all there is to the resolution.

Now, a man is naturally inclined to enter into the other and different questions that have been discussed here. I was very much interested in the discussion of some of the questions by the gentleman from Michigan [Mr. FORDNEY]. We all love the gentleman from Michigan; we all admire not only his splendid character but his remarkable abilities as a business man—one of the ablest men in the House. I was struck by one statement that he made that I never expected to hear the gentleman from Michigan make upon this floor, and that is that the ultimate consumer pays the tax. I knew it was true, and had believed it all these years, and had been contending that; but it was the first time I ever heard the gentleman from Michigan make that admission on the floor, and especially after the question of the tariff had been dragged into the discussion by one of his colleagues, the gentleman from Nebraska [Mr. SLOAN].

There was something said about the fuel control. Now, of course, you can never determine just exactly of what benefit the fuel control has been; but this fact stands out, and I think that every man of any intelligence will agree to this, that the fuel-control bill has in a large measure checked the advance of prices that might have occurred in certain commodities. We know there has been a reduction in price of some of the stable commodities—for instance, flour, which is less than it was when the Food Administration took charge of it. I presume the Fuel Administration may have made mistakes, but I am convinced that there has been some good in spite of the mistakes that have been made.

A question came up concerning Carl Vrooman, with reference to his book as to railways in this country and other countries, it being stated that it was a political campaign document. I do not believe it was. Even if it were, it was a statement of facts and not the ex parte statement of Carl Vrooman. And even if it were, I take it that those who know him recognize him as a great American student and statesman, and on a question of this kind his opinion will command the respect of any man who is not blinded by partisan prejudice. He has rendered great public service and his writings are interesting. To my mind he is one of the ablest men we have in public life. And the statements in that book are borne out by facts from every source, regardless of partisanship.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, I am glad to support this resolution and all measures which tend to modernize the methods of doing business with the Federal Government. We all recognize the fact that the Government, in the increasing number of divisions and activities in the departments, tends to a multiplication of red tape and to an increase of expense, purely by a failure to coordinate and correlate the different departments of the Government and to modernize their methods.

Now, before the Bureau of Mines was created the purchase of coal for the Government departments was on a most extravagant and unbusinesslike scale. They bought the coal by the ton, without regard to its heat units. It was purely a question of the price per ton by competition. Some coal is almost utterly worthless for heating purposes. Some coal is of very high value. It was not until after the Bureau of Mines was created that we had a method of determining on behalf of the Government what the big business man has determined for himself, to wit, the value of the coal according to the heat unit it contains. I have no doubt there are departments still in the Government that are buying coal according to the old plan, without referring the matter to the Bureau of Mines to determine the British thermal unit.

Mr. DENISON. I will state to the gentleman that the committee is going to report a bill that will control that.

Mr. GILLETT. Is it not a fact that all the coal for the departments is bought by the general supply committee?

Mr. BORLAND. I say that I think all the coal is bought by the general supply committee, and I think now it is submitted to the Bureau of Mines for a test; but it may be, and I would not be surprised to find if it were true, that there were some of these independent departments, the District government or elsewhere, that were still buying under the old plan.

Now, this resolution simply provides for an investigation on the part of the Bureau of Mines of the feasibility and cost of providing a Government coal yard for the departments in Washington. That is not a Government-ownership proposition at all, but if it were it would not frighten me on the subject. I have had some experience with this question of the Government furnishing supplies in connection with the Panama Canal. We maintained and were compelled to maintain down there a Government commissary, not only to supply the Government but 37,000 men in the working force of the canal. Otherwise there would have been profiteering, poor supplies, discontent, dissatisfaction, and a decrease in the earning power of the man who was working for the Government, and all of those attendant evils. That Government commissary at Panama fully justified itself, and I challenge any gentleman in this House who knows the facts to say that it did not fully justify its purpose. It was run economically, and men at work on the Panama Canal procured supplies at very reasonable prices. I noticed that in many cases they were paying less for beef on the Panama Canal than I was paying for it for my own household use in Washington or in Kansas City; and the same is true, or ought to be true, in regard to the Government supply of coal.

Now, the gentlemen speak about the congestion of cars. The very purpose of a Government yard is to purchase the Government supply of coal at a time when it can be delivered without congestion on the railroads. The great trouble now is that there is congestion and everybody is ordering supplies at the same time. The great heating plant of this Capitol is living from day to day, taking its coal direct from coal cars as they come into Washington. I think every car of coal that is used by the Government heating plant here must be hauled in the day or the week that it is used. That is one cause of the congestion. Suppose we had a supply on hand, as many great manufacturing concerns have throughout the Middle West—a supply of coal on hand to run the Government for a certain number of months, without the necessity of taking it direct from the coal cars.

My own private opinion of the cause of the shortage of coal at this time is that it is due to the fact that the food and fuel bill was filibustered against for two months last summer after it ought to have passed both Houses of Congress and at a time when the big consumers of coal, who formerly bought by annual contract, ought to have bought their supplies but were unable to do so. When the cold weather came on the big consumer and the small consumer were compelled at the same time to put in their orders, and the result has been that the small consumer, as usual, has not got the best of the situation.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes; I yield to the gentleman.

Mr. CRAMTON. The gentleman is aware of the fact that in many States, even after that bill became a law, it was a matter of one or two months, or perhaps three months, before any State administrator was appointed under it so that anything could be done to carry it into effect?

Mr. BORLAND. Yes. I have no doubt that we were fully two months late in putting that fuel bill into effect, and that is the cause of the present distress.

Mr. CRAMTON. The gentleman evidently did not understand me.

Mr. BORLAND. I understand the gentleman's question. He says that after the bill was passed there was a further delay?

Mr. CRAMTON. Yes.

Mr. BORLAND. I am not excusing that. I say there was a delay before the bill was passed. The Government ought not to take its part in that active competition. It ought to supply itself at a time when coal can be mined and transported for the advantage of the consumers of coal without congesting the small consumers. I am in favor of the bill. [Applause.]

Mr. DENISON. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. ROBBINS. Mr. Speaker, I wish to oppose this resolution. I seem to be somewhat lonely in my efforts, but, nevertheless, I am sincere.

This resolution proposes two things, and, judging from its title, it proposes to establish a coal yard in the District of Columbia. You would not suspect, from looking at the title, that it proposes anything else. Yet on lines 4 and 5, on page 2, it does suggest that it proposes to make an inquiry into the matter of the purchase and supply of fuel in the District of Columbia.

Now, there are about 26 coal yards in the District of Columbia, as I am informed about this matter. The Government buys all its coal by public advertisement, after bids are submitted showing the quality of the coal required and the British thermal units it must contain. The coal is subjected to investigation and test at the Bureau of Standards before it is accepted or before the Government will accept bids for supplying it. The Government has all the mines of the United States tributary to the Government plants rated as to the quality of the coal produced and whether it is acceptable and comes up to the Government standard for the purpose required.

Mr. BORLAND. That has only been the rule since the creation of the Bureau of Mines.

Mr. ROBBINS. It has been the rule for several years. It is a sufficient answer to say that it has been the rule for some time and for the last two years.

The trouble in the whole situation is not a lack of coal or a lack of labor but a lack of transportation facilities. In 1915 we produced 442,624,426 tons of bituminous coal. In 1916 we produced 502,518,545 tons, and up to the 31st of October, 1917, we produced 454,326,059 tons, or 40,833,075 tons above the amount produced at the same date in 1916. But the question is how to get that coal to market. We have not been able to market it, and the reason why we have not been able to market it is because the Government has interfered with the legitimate means of transportation by giving preferential orders and ordering continuous movement of coal. At one time there were 20,000 cars up at Lake Erie ports waiting to be loaded on the boats for transportation up the Lakes. Movements of that kind have so disorganized the transportation of coal in the United States that we have not been able to get the coal produced to market.

Now, what is the purpose of this resolution in proposing to establish a coal yard in the city of Washington? How is it going to save any expense to the Government or relieve the situation? It is simply asking us to put the Government into competition with 20 or 30 coal yards now in operation here that could and will furnish this coal on competitive bids to the various governmental departments, and it is proposed by this resolution to establish in the District of Columbia coal yards and to enter upon the business of dealing in coal on a wholesale basis.

That, however, is not the real purpose of it at all.

Another thing about this resolution that is wrong is that it does not take into account the fact that if it does propose to establish this coal yard, it also proposes to embark the Government upon an expenditure of a large sum of money. They have already investigated this subject, because we see on page 2 of the committee report the statement that the Treasury Department last year sent to Congress an estimate of $400,000 for establishing a coal yard in the District of Columbia. That is the secret of this thing, and that is what is back of this resolution. There are some people in the city of Washington doubtless who have on hand a piece of property that they want to sell to the Government as a coal yard for $400,000. They want to sell that property to the Government at a big price.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

Mr. ROBBINS. Certainly.

Mr. FOSTER. Does the gentleman know that the Government now owns property on which this coal yard can be established without buying it?

Mr. ROBBINS. I only know what this committee report states.

Mr. FOSTER. The gentleman is charging that somebody wants to sell some property.

Mr. ROBBINS. Has the Government bought a property?

Mr. FOSTER. No. It owns the property now.

Mr. ROBBINS. Why, then, does the committee that has investigated this subject state that here is a proposition made last year to appropriate $400,000 to establish this coal yard?

Mr. FOSTER. Surely.

Mr. ROBBINS. That is an exorbitant expenditure of money for a coal yard, now that we are at war and will need all our money to fight the Kaiser. A coal yard involves a railroad sid-

ing and some pockets that the Government would put up for the purpose of getting the coal dumped from the cars. It is suggested here that we have rail transportation and water transportation, and that we ought to take and use the Chesapeake & Ohio Canal, which runs from here to Cumberland, that is now dry or probably frozen up and not navigable at this season, and in that case we would have to have a yard on the Chesapeake & Ohio Canal, with equipment of cranes and lifts from the boats to pockets, and another one established somewhere else, along some railroad, entirely differently equipped and at a distance, so that we are not going to conserve the supply or reduce the price by establishing these various coal yards.

Mr. FOSTER. You ought not to involve others by undertaking to say what they are trying to do.

Mr. ROBBINS. I am only saying what this report says, that a proposition of $400,000 was submitted last year by the Treasury Department.

Mr. FOSTER. The report states that the Treasury Department last year sent to Congress an estimate of $400,000 for the establishment of a coal yard.

Mr. ROBBINS. I say that, too.

Mr. FOSTER. Is that all?

Mr. ROBBINS. Therefore I say that if you are going to establish coal yards, as suggested in this report, you are going to spend $400,000 for it.

Mr. FOSTER. I will say to the gentleman that it may take more than that.

Mr. ROBBINS. That is worse yet.

Mr. FOSTER. We can save that in one year.

Mr. ROBBINS. How will you save it?

Mr. FOSTER. On the price of coal as supplied to the District of Columbia and to the Government here.

Mr. ROBBINS. I want to say to the gentleman from Illinois that I know something about the coal business. I was raised in a coal country, up in western Pennsylvania, and the congressional district which I have the honor to represent here produced over 20,000,000 tons of bituminous coal in 1916

Mr. FOSTER. I know something about it, too, on the side of the people. I know something about the coal business from the side of the consumer of coal.

Mr. ROBBINS. I know it from the side of the consumer and from the side of the producer, both, because I live in a coal country, in western Pennsylvania.

Mr. FOSTER. I live in a coal country. The miners in my district are patriotic, too.

Mr. ROBBINS. I am patriotic, too, and so are the miners of my district; but even patriots can not produce coal when they can not get cars to ship it to market.

Mr. FOSTER. I am not charging the gentleman with any lack of patriotism.

Mr. ROBBINS. Of course you are not. Here is the situation: If the Government is to get this coal as cheap or cheaper than it gets it now it must get it by competitive bids, and it must submit its proposals to the largest number of coal producers. That is the only way in which it can get this coal more cheaply than now. Now, these bids are submitted f. o. b. the tipple in every instance The Government and every other consumer pays the freight, and pays the same freight; hence if you are going to get this coal more cheaply you will only get it by competitive bidding, and your coal yard is not going to give any solution of that question, because the coal yard simply receives the coal from the coal cars at the dumps, and then you have got to transport the coal from those yards to the points of consumption or the various Government buildings, which are the various Government power plants, and that you do by trucks and wagons. Hence the proposition is one of the cost of trucking, not of coal yards or coal storage.

Mr. DENISON. Does the gentleman think it possible for the Government to save anything by purchasing coal in larger amounts?

Mr. ROBBINS. No; I do not.

Mr. DENISON. Instead of purchasing it in small amounts?

Mr. ROBBINS. No; the difference between one amount and another larger amount is not a factor in most instances, for this reason: If the Government is buying coal it is buying it by 10,000 or 20,000 ton lots, and a coal producer will not make any difference in his bid to supply a consumer in the city of Washington with 10,000 tons or 15,000 tons or 50,000 tons unless it is all to be delivered within a certain specific time. If the delivery is to extend over a season—5,000 tons a month or 1,000 tons a month—there is no difference in the bid, and you would not get it for a cent less per ton if you were to ask for 50,000 tons than for 10,000 tons, because it all goes in to take care of the general output of the mine, and the operator simply gathers up contracts in the East or at the Lakes—taking western Pennsylvania as an example—for his entire tonnage for the year. He gets his price at the mines, and it does not matter how much each consumer takes; that is, outside of a few tons, which would be exceptional and not apply to the Government. Of course, one car of coal would be a different thing. There would be no saving on that. So I am opposed to this resolution, because I do not see how it would save the Government anything, and it will require the expenditure of a large sum of money and commit the Government to the expenditure of much larger sums in the future, at a time when we need all our money to arm, equip, and support our gallant soldiers, who are fighting this war for freedom and human rights. [Applause.]

Mr. DENISON. I yield two minutes to the gentleman from Illinois [Mr. WHEELER].

Mr. WHEELER. Mr. Speaker, while this resolution on the face of it seems to be a very innocent one, because it provides that the Secretary of the Interior shall direct the Bureau of Mines to make an estimate on plans and specifications, of the approximate cost of establishing fuel yards, and all necessary handling of the same, yet if the Secretary of the Interior makes a report to this House and estimates that the building of a dock, and the purchase of trucks for transporting coal to the different departments will cost $500,000, unquestionably this House will pass it. So why throw ourselves wide open for unnecessary appropriations at this time? This Congress has appropriated already at this session about $1,500,000,000, and the estimates of the departments amount to about $14,000,000,000. The taking over of the railroads by the Government will necessitate perhaps an appropriation of $500,000,000, which we will pass within a few days. The urgent deficiency bill, which we will soon pass, will amount to about $1,500,000,000. The sum total that we will appropriate will amount to perhaps, in round numbers, about $18,000,000,000, or within two or three billions of what we appropriated at the last session, and it is not only possible but very probable that we will appropriate more money at this session than we did in the last.

The SPEAKER pro tempore (Mr. KELLY of Pennsylvania). The time of the gentleman has expired.

Mr. DENISON. I yield to the gentleman one minute more.

Mr. WHEELER. We have loaned to the allies now in the neighborhood of $5,000,000,000, and the longer this war continues the more demands they will make upon us for money. And perhaps by next fall the amount will reach $10,000,000,000 or $12,000,000,000. It does seem to me that this Congress instead of trying to appropriate as much money as it can, or instead of laying itself wide open by the passage of bills which would call for immense appropriations, had better economize as much as possible.

Mr. FOSTER. I yield five minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Speaker, I am in favor of the pending resolution. I wish the committee had reported a broader resolution, and provided for a coal yard which would sell coal to all the citizens of the District of Columbia. I believe the sale of coal to citizens is a legitimate activity for any municipal government.

A very interesting experiment along those lines is now being conducted in the city of Denver. Denver is a city of perhaps 250,000 people, not as large as Washington, but in a general way in the same class. Denver was confronted by practically the situation in which the people of Washington now find themselves. The retail dealers put up the price of coal—endeavored to get all that the traffic would bear. That is the general policy among retail dealers over the country. Usually you will find that there is a combination between the retailers by which they maintain prices.

The mayor of the city of Denver decided to go into the coal business. He succeeded in securing contracts with three companies. Under these contracts he secures lump coal for $1.25 a ton less than the price charged by other coal companies to retail dealers. So the mayor makes an initial saving of $1.25 a ton.

In the matter of retailers' profits he has saved between 25 and 50 cents a ton. His net saving to the consumers of Denver on lump coal is about $1.50 a ton at the present time, and he is delivering 800 tons a day.

Mr. ROSE. Is the mayor of Denver able to make such contracts now?

Mr. KEATING. I do not know. The mayor made these contracts last fall. He made the contracts with independent concerns, men who are not in the coal combination; in order to get their product on the market they were ready to make that deal with him. To-day the coal consumers in Denver who

patronize the retail dealers—for there is not enough coal obtained by the city to supply all the people—are paying $1.50 a ton more for their coal than those consumers who are dealing with the city.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. GREEN of Iowa. I noticed an item in the Des Moines paper that the mayor has been selling coal for 45 cents less a ton than the local dealers.

Mr. KEATING. I am glad to see that Iowa is following in the footsteps of Colorado. Iowa is always wise in following Colorado's example, but Colorado is doing a little better than Iowa in this instance.

There is a newspaper in Denver—the Denver Post—that has gone into the coal business on the same basis as the mayor. It acquired the output of two coal companies, and it, too, is saving its customers about $1.50 a ton.

So my friends, in my judgment, the establishment of this coal yard will undoubtedly result in a very large saving to the Government. If you were to extend it so as to give the Commissioners of the District of Columbia a municipal coal yard, they could save the people of Washington millions of dollars a year.

I hope the resolution will pass, and I hope that eventually the committee, in its wisdom, will bring in a resolution to give the people of Washington the benefits of municipal ownership in this important matter. [Applause.]

Mr. GARLAND. Will the gentleman yield?

Mr. KEATING. Yes.

Mr. GARLAND. What is the price to the consumer out there in Denver?

Mr. KEATING. In my home city—Pueblo, Colo.—it is $7.25 a ton from the retail dealers. In Denver the city and the Post are selling for from $4.65 to $4.75 a ton. The retailers are charging from $5.95 to $6.45.

Mr. GARLAND. Was it not under such a monopoly that the price of coal was exceedingly high and they could easily take off $1.25 and still have an extraordinary high price?

Mr. KEATING. I do not think Colorado suffers any more from the evils of monopoly than the great State of Pennsylvania, but it is true that Colorado coal companies are pretty well monopolized, and could easily sell lump coal for $1.25 below the price fixed by the national fuel administration.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX]. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has 16 minutes.

Mr. COX. Mr. Speaker, I am for the resolution. It has been a hard problem for me to settle in my mind for many years in the past in favor or against Government ownership on many things. I must confess that down to this hour, after investigating the subject to some extent for 8 or 10 years, my mind is not yet clear just how far the Government ought to go in Government ownership on various lines.

I had occasion to go down to the Panama Canal in March, 1913, when the big organization was yet in existence. The man at the head of the Government commissary department was from my State, a man whom I knew personally and had known before he went there. I spent one day with him in the Government commissary. I was informed by him—and this was not off-hand information, it was information based on tangible facts—that through the Government commissary furnishing the employees food and clothing and supplies of various kinds they had actually reduced the cost from 25 to 33⅓ per cent from what we were paying in the States and 80 per cent of the food commodities selling there were raised in the States and shipped to Panama.

Mr. FESS. Will the gentleman yield?

Mr. COX. Yes.

Mr. FESS. Does the gentleman think that Government ownership at Panama, a perfect organization and a success there, would be an argument for making it a success throughout the United States?

Mr. COX. I am not prepared to say that it would. But I am prepared to say that there were physical facts presented to me by Mr. Burke from his purchase and sales in that commissary.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. COX. Yes.

Mr. GREEN of Iowa. The Government got the cost of commodities, including the overhead charges?

Mr. COX. They ran in connection with the commissary a laundry, and the laundry itself employed 1,600 persons. The commissary paid for itself all overhead charges, all of its employees, paid for the laundry, and the least amount of money, if I recollect correctly, that it turned into the Treasury of the United States in one year was $26,000. They had up into the small thousands of employees working in the commissary and in the laundry. That was a concrete illustration to me that Government ownership, under strict regulation, at least was not a failure.

I would like to see, as the gentleman from Colorado well expressed it, this resolution widened and broadened. In my opinion the people of this District are held up by the heels and absolutely skinned from the top of their heads to the soles of their feet by the retailers. I have no question on earth about that. Why, take the increase in rents here. An old building erected 30 years ago, which has not been repapered for 10 years—the price of electricity has not gone up, the price of gas has not increased, taxes and insurance have not increased, and yet the rent has increased from 25 to 33 per cent. Ask the owners why, and they say, "Oh, it is because of the war." Ask the employees, the janitors, who are firing the furnaces in these houses if their salaries have been increased as the result of the war. Oh, no. I know janitors to-day in the city of Washington firing furnaces in apartment houses where they have as many as 16 apartments who get $10 a month and live in the basement of the apartment. And yet the rents of these apartments have increased from 25 to 33 per cent in the last two or three years.

And when I came to make up my mind upon the matter I had come to the conclusion that there is no way to break the strangle hold of monopoly except by Government ownership. I am willing at least to go to the extent of trying out Government ownership. I would like to see this resolution broadened, widened, and deepened to give a coal yard here to supply the people of the District of Columbia and cut out all of the intermediate profits of the middleman. Last summer we had for our consideration before the Committee on the Post Office and Post Roads a bill to establish transportation from the city to the country to carry parcel post; in other words, to put the city consumer and the country producer into direct and immediate touch as far as possible. That bill did not go very far; we did not have hold of it many days until the transportation lines, the railroads, and express companies began to raise their copper heads. I entertain no doubt in my own mind that is but the beginning, and I firmly believe that with that beginning, if that service be established leading from the city to the country, we will begin to reduce the cost of living. It is largely a question of profiteering. You go to the groceryman and ask him why there is an increase of this and that, and he will answer it is because of the war, although he may handle a commodity the war has never laid its hands on.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. FOSTER. Mr. Speaker, I want to say just a word. Awhile ago there was some talk about the general supply committee of the Government and what it was doing with reference to the supply of coal. Mr. Jones, chairman of the subcommittee on fuel of the general supply committee, made the following statement in answer to a question by Mr. Moss, a former Member of this House:

> Is it your opinion that the coal is purchased as cheaply as it can be purchased under existing conditions?
>
> Mr. JONES. I think, Mr. Chairman, the Government could no doubt purchase coal a little cheaper if it had a coal yard of its own. I believe it not only could purchase coal cheaper, but the Government officials would feel safer, knowing that they had their coal supply on hand. During this past winter the department officials have been holding their breath, feeling that the supply of coal might run out and that they would not be able to get any more.

I want to call attention to one other thing. The Government operated a building down here beside the Knickerbocker Hotel, which is west of the War Department. The Government was burning anthracite coal and the Knickerbocker was using bituminous, the Government paying $2.40 more for its coal than was the hotel, although the anthracite did not contain as many British thermal units as the bituminous. When the Government took over the hotel it changed the heating plant so as to burn anthracite at $2.40 a ton more than had been formerly paid by the hotel, although getting less heat. I want to say further that the Government in the past has hauled anthracite coal from the Pennsylvania fields to New Mexico, they have hauled anthracite coal to Florida, and they have hauled it out to Fort Logan, Colo., when in Denver people have been using the soft coal to be had in the State of Colorado. That condition has been going on throughout the United States, and in one instance we found where the Government officials had macadamized a road with anthracite coal. There has been all sorts of wastefulness, the throwing away of money, and I think in this instance the Government ought to take some means to establish its own yard where it will be assured of a supply, and at reasonable prices. There is no sense in the Government

hauling anthracite coal, as it does, to the State of Wyoming when Wyoming has a good quality of coal. When the haul has been over a land-grant railroad, they have been buying the coal delivered at the post instead of buying it at the mine and having it delivered.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MONDELL. I agree with the gentleman that the Government has done some very extraordinary things, but I do not want my friend to charge them with crimes they have not committed. I think among all of the peculiar and extravagant things that the Government departments have done, the hauling of anthracite to Wyoming is perhaps not one of them. I do not recall any anthracite having been hauled to my State, although, as an illustration, the gentleman's suggestion is very good, because some things almost as extravagant have been done.

Mr. FOSTER. I think I can show the gentleman where they have hauled coal from the Pennsylvania region to Cheyenne, Wyo.

Mr. MONDELL. The gentleman may have some information that I have not.

Mr. FOSTER. I am standing for the coal of Wyoming. They have good coal.

Mr. MONDELL. Certainly. We have no need for anthracite in Wyoming.

Mr. GILLETT. Does the gentleman think that these examples of Government extravagance that he cites are good arguments for the Government ownership which the gentleman from Indiana [Mr. COX] has just advocated?

Mr. FOSTER. I will say to the gentleman that that is the mismanagement that we are trying to correct.

Mr. GILLETT. Is not that inevitable in a government like ours?

Mr. FOSTER. I think not, if it is managed by men who are intelligent.

Mr. GILLETT. Oh, if properly managed; but would it be?

Mr. FESS. Mr. Speaker, I desire to ask the gentleman a question respecting the resolution. On page 2 of the resolution, on lines 3 and 4, there is the language "and the feasibility of consolidating all matters relating to the purchase and supply of fuel." Would not that include transportation lines to Washington bringing the coal?

Mr. FOSTER. I do not think so.

Mr. FESS. It would include the delivery from the yard to the Government establishments?

Mr. FOSTER. The tracks would run into the Government establishments.

Mr. FESS. How does the gentleman discriminate between simply the coal-yard purchase and the supply? That term is used so as to cover all matters that might be involved in establishing the yard and getting this coal.

Mr. FOSTER. Not the matter of transportation.

Mr. FESS. If you control all matters pertaining to it, why would it not include transportation?

Mr. FOSTER. I think the gentleman sees a bogey man.

Mr. FESS. I am a friend of the resolution; I am going to vote for the resolution.

Mr. FOSTER. Then let me say that this is only a resolution to investigate, anyhow——

Mr. FESS. I know.

Mr. FOSTER. And it is not a final resolution that will establish a coal yard.

Mr. FESS. Why not say, "and the feasibility of establishing Government control, of the purchase and supply of fuel," and so forth?

Mr. FOSTER. The only thing is, there may be some other matters that they would like to report to Congress, and this is only a resolution to investigate, and I do not see any harm in it.

Mr. FESS. I am honest in my contention that the words "all matters" would include transportation.

Mr. FOSTER. The gentleman might make more definite language if this were the final resolution to establish a yard.

Mr. McKENZIE. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. McKENZIE. I have not had an opportunity to study this resolution very carefully, but I wish to ask my colleague if one of the purposes of the resolution, in case it is passed, would be to build these sheds that the Government will be required to store the coal in—these particular sheds that the Government owns? Is that one of the purposes of it?

Mr. FOSTER. I expect they would do it; yes.

Mr. McKENZIE. Unless it is so provided in the law does not my colleague fear, from other experiences we have had related by him of shipping coal, for instance, from Wyoming to the Atlantic seaboard and from there to some other places where it was altogether unnecessary, that unless there is some clause in the law compelling the storage of Government coal in the Government sheds that it might be possible that the men who had this law under their hands for administration might rent some of these high-priced buildings in Washington and store the coal there rather than in the Government sheds?

Mr. FOSTER. That is a matter that can be taken up. I think the gentleman also sees a bogie man, too.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GREEN of Iowa. The gentleman astonished me with his statement of governmental extravagance and incompetence, and I am a little afraid converted me on the other side, but I would like to ask one question in that connection; that is, whether this hauling of coal to western regions where there is already fine coal is still going on on the part of the Government?

Mr. FOSTER. I do not know that I can answer the gentleman. I want to say this: That the Government need not be extravagant. The Government can coordinate its forces, it can stop duplication if it desires to do so, and it can save all this money that has been wasted in the past. Now, that is very easy if we get men hold of it who are business men and know something about it. There is no question but what that can be done. This is no argument for or against Government ownership. It is an argument in favor of supplying the Government itself with coal for all its activities in the District of Columbia.

Mr. DENISON. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, we are the greatest coal-producing nation on earth; in fact, we product within our boundaries, if I recollect rightly, about half of the coal produced in all the world—possibly more. Our coal fields extend from one end of the country to the other. No people in the world are blessed with fuel resources as we are; and yet, in spite of all that, the coal industry, the fuel industry, is rarely in a condition satisfactory to anyone interested in or connected with it, either the producer or the consumer. In the summer the mines are largely idle; in the winter they are run at their utmost capacity. Always there is a shortage somewhere in the winter; always there is some actual suffering for lack of fuel, and that with the greatest coal supply on earth. The conditions we are passing through now differ only from normal conditions in that they are a little worse than usual. The demand is a little greater, the lack of cars is a little more acute, the shortage of fuel more widespread because of an unusually cold spell, but there is nothing strikingly peculiar in the present condition of affairs except that conditions are a little worse than ordinarily; the difference is in degree, not in kind. Some day in this country some genius will arise, let us hope, who will make it his work to bring about a better condition relative to the mining and distribution of coal. Such a man will have a work before him that will be tremendously far-reaching, the beneficial effects of which can scarcely be calculated.

Mr. DENISON. Will my friend, the gentleman, yield?

Mr. MONDELL. Yes.

Mr. DENISON. I was going to make this suggestion: Mr. Giragossian claims that the Garabed would do away with the use of coal. It may be the gentleman thinks Mr. Giragossian may be the genius the gentleman was speaking about?

Mr. MONDELL. Well, I wish Mr. Giragossian and his Garabed well. I only wish I had a little more faith in Mr. Giragossian and his invention. But assuming, for the sake of argument, that the Garabed may not develop as its inventor hopes, we will still have to depend upon coal. This—one of the greatest industries of the Nation—needs a readjustment and reformation more than any other great industry of which I know. We sometimes hear that the miners receive high wages, and at times they do; and yet it is a lamentable fact that even where the wages are highest, where men make the most when they are actually employed, the yearly wage is largely inadequate because of the fact that the employment is not steady.

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. I ask that I may have five minutes more.

Mr. FOSTER. I have but one minute, and I can not yield to the gentleman.

Mr. DENISON. I yield the gentleman five minutes, if I have that much time to yield.

The SPEAKER. Does the gentleman from Illinois yield a minute?

Mr. FOSTER. No; I do not.

The SPEAKER. What about the other gentleman from Illinois?

Mr. MONDELL. I have not reached my discussion of the resolution.

The SPEAKER. Does the gentleman yield?

Mr. DENISON. I yield to the gentleman five minutes, if I have that much time to yield.

The SPEAKER. The gentleman from Wyoming is recognized for five minutes more.

Mr. FOCHT. Mr. Speaker, I would like to ask the gentleman a question. In your hope of the attainment of proper regulations for the mining and distribution of coal and the distribution of fuel, it is evident, then, from your observation, that you do not attach any serious hope for the ultimate accomplishment of that much-cherished desire, by what is being done by Prof. Garfield?

Mr. MONDELL. I wish Prof. Garfield well, and I hope he will accomplish more good in the future than he has been able to accomplish in the past. [Laughter.] I believe he is making an earnest effort, and I wish him well in his work.

The solution of many of the difficulties surrounding the coal industry in America lies in storage. A great railway engineer was once asked, "What is the most important thing in building a railroad?" He said, "Drainage." "What is the next most important thing?" He said, "Drainage." "What is the all-important thing?" He replied, "Drainage." What is the most important thing in establishing a reasonably satisfactory condition in reference to the coal industry of this country? Storage. As far as coal is concerned, we mostly live from hand to mouth. We buy a ton of coal when the clouds are lowering, when the rain falls and the wind drives, and we expect it to be delivered within five minutes after we telephone our order. There never can be a satisfactory condition in the coal industry of the United States until the American people learn to store coal and to store it to an extent that will make possible the operation of the mines practically the year around. That will be beneficial in a thousand ways. First, it will prevent these winter shortages. It will give the operator a better opportunity to mine and sell his coal at a fair price and for a reasonable profit. It will give the coal miner a fair income, although his daily wage be not as high as under present conditions. It will bring the coal business to a normal, reasonably satisfactory condition.

Here is a proposition, in a small way, it is true, in one place, to start and to enlarge, as far as the Government bureaus here are concerned, the practice of storage. It is proposed that the Government, instead of buying a small amount of coal from time to time through many agencies, storing it in a great many places in small quantities, shall establish a yard or yards where coal purchased in the summer season, when the work of the mines is slack, and when the men need employment, when coal is comparatively cheap, may be stored. We shall then have a supply on hand in the days when there is a congestion of railway traffic, a shortage of cars; when the mines are pressed to their utmost in their production; when it is the most difficult to deliver and the price is highest. Even though the Government did not save a penny by this method of procedure it would be wise to inaugurate the policy proposed; but there will, in my opinion, be a very considerable saving in money.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. MONDELL. I yield to my friend.

Mr. KELLEY of Michigan. I would like to inquire of the gentleman what is the practical reason why the mine operator does not store at the mines? Presumably some financial or other reason?

Mr. MONDELL. It is practically impossible to store in sufficiently great quantities at the mines to remedy the situation. The conditions about the mines are such as to make it difficult. The cost would in many cases be prohibitive. Some kinds of coal can not be safely or satisfactorily stored in the very great quantities that it would be necessary to store at the mines. In the main, storage must be by the individual and by the individual industry all over the country, and I know of no better work that a man can do for his country. I know of no effort that could be put forth that would bring better results, than that of advocating and securing the country over the storage of coal, as is proposed in this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. DENISON. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Speaker, I think this resolution ought to pass for the reason that it will give, if it is found practical to establish a yard here, information as to the real facts in the coal industry. And that will be satisfactory to those who are not supplying the Government. I do not think it is going to bring a great deal of benefit to the Government in the way of prices, but it is going to educate in the practicability of operating and mining and distribution of coal, just as you have spent millions of dollars for other evidence that you had not at hand.

The last Congress appropriated $11,000,000 for the establishment of an armor-plate plant, and when they finally get that established they will find it will be at a cost of about $30,000,000, and that it costs them double the amount to make a ton of armor plate that they thought it would cost when they first purchased it; that is, if they keep books as to the cost. And we have gone along other avenues to discover facts. In this case we will take coal, for instance. I live in western Pennsylvania. All of western Pennsylvania and part of eastern Ohio is one great coal field, one stratum of coal under another, sometimes as many as three available strata. Every farmer who owns his land owns the coal under it. They are not operating. The trouble is to get the coal out. It is stored all right, but it is stored underneath the ground. They can not get the labor at the prices now being offered for the coal. The farmers would willingly take out coal in winter in order to supply the people if they could do so. And even though that supply is there we are suffering. But labor now at the mines is paid from $5 a day—common labor, out around the mines—to $15 a day in the mines. And even then they can not get the men to do it. That is the situation out there in western Pennsylvania. We are suffering from want of coal while living right in the midst of it. [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. DENISON] has three minutes remaining.

Mr. DENISON. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to speak for five minutes.

The SPEAKER. The gentleman has three minutes, and asks unanimous consent for two minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Speaker, the business of mining coal is a very practical one. It requires executive ability and the capacity to labor with the hands and brains. Up to this year there has been no difficulty in the United States to any appreciable extent in supplying the demands of the country, the necessary fuel for the operation of the railroads, the manufacturing industries, and the domestic necessities of the country. Some time during the early summer last passed somebody conceived the idea that there could be an improvement upon the methods of producing and distributing coal. The result was that during the months of summer and fall, when every coal mine in the country should have been worked to the limit of its capacity, most of them were idle, waiting to see what the Government was going to permit them to do.

That is the answer to the present shortage of coal in every city and town of the country. In Pittsburg, Kans., surrounded by a great coal field, the miners were ready and anxious to work, but were not permitted to work for three months; those who were distributing coal were not permitted to distribute it. Operators were afraid to operate their mines and pay labor for fear they could not sell the coal at the prices it cost them to produce it.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. In a moment. It took the Government and Prof. Garfield until along in November to arrive at the conclusion that the mines of the country must run to meet the demand for coal. That is the reason why people have suffered and died this winter for want of fuel.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MONDELL. Is it not also true that there was official discouragement of the purchase and storage of coal?

Mr. CAMPBELL of Kansas. That is one of the things the people were told by those in authority in the Government. "Do not lay in coal. Do not lay up a supply now. We are going to see to it that it will be cheaper when we get the management of it." Instead of getting it cheaper, the people have been obliged to pay more for it than ever before. Why, the people can not get it at any price. People have suffered and died in Washington, in New York, and every section of the country for lack of coal. They could not get the coal. They could have secured coal if the Government had not interfered with the operation of the coal mines early in the fall last year and prevented the production of coal at the time when it should have been produced to supply the necessities of the country.

That is the truth about it. What is the use of talking about coal and hardships and shortage? If you want to get at the reason for the appalling conditions that now exist, go back to last fall and find idle mines and idle miners and idle coal cars for months. There you will find the answer for the present suffering that exists throughout the country. There you

will find the reason for the present high price and the impossibility of getting it at any price.

I have been trying to get coal for three weeks. I will pay $10 a ton, or $15 a ton, or $20 a ton, if I can get it, rather than have my family suffer. I can not get the coal; neither can you. Why? It has not been produced. Why? Because the mines were idle when they should have been operating. Why were they idle? Because Government officials said, "Do not buy your coal in July. We will get it for you cheaper next winter." [Applause.]

Mr. FOSTER. Mr. Speaker, I have an amendment on the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. FOSTER: Page 2, lines 6 and 7, after the word "the," on line 6, strike out the words "first Monday in December, 1917," and insert "first day of April, 1918."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, there were two other amendments sent to the desk.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 1, line 10, after the word "independent," insert the word "governmental," so that the line will read "and for delivery to all executive departments and independent governmental establishments in the District of Columbia."

Mr. FOSTER. Mr. Speaker, I move the previous question on the amendments and resolution to its final passage.

Mr. FESS. Mr. Speaker, I would like to offer another amendment, on page 2.

Mr. FOSTER. I think we have given sufficient time to it already.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GARD. Mr. Speaker, there is an additional amendment there.

Mr. FOSTER. It has not been offered.

Mr. GARD. It has been offered and is in the hands of the Clerk.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. Is not this the stage for offering amendments?

The SPEAKER. Of course it is; but if the motion of the gentleman from Illinois [Mr. FOSTER] prevails, that is the end of the amendments.

Mr. FESS. I do not wish to make a point of no quorum, but I will have to do it if there is no opportunity given to offer amendments here.

Mr. GARD. Mr. Speaker, I sent to the Clerk's desk two amendments, and now call for the reading of the second amendment. Is not now the time to read it?

The SPEAKER. The gentleman must rise in his seat and offer an amendment in order to get it before the House.

Mr. GARD. I transmitted the amendment to the Clerk's desk.

The SPEAKER. The Chair knows; but that is not the way. The way to get an amendment before the House is for some gentleman to rise in his place and offer it.

Mr. FESS. I offer an amendment, Mr. Speaker.

The SPEAKER. The Chair knows; but the gentleman from Illinois [Mr. FOSTER] made a motion for the previous question on the bill and amendments.

Mr. FOSTER. Well, Mr. Speaker, I will withdraw it.

The SPEAKER. Then the Chair recognizes the gentleman from Ohio [Mr. GARD] to offer the amendment he sent up here.

Mr. GARD. I offer the amendment previously sent up, Mr. Speaker.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 2, line 4, after the word "purchase" strike out the words "and supply" and insert the words "storage and distribution."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. FESS. Mr. Speaker, I send to the Speaker's desk an amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. FESS: Page 2, lines 3 and 4, strike out the words "consolidating all matters relating to" and insert the words "establishing control of."

The SPEAKER. The question is on agreeing to the amendment.

Mr. FESS. Mr. Speaker, I am not opposed to this resolution. I am in favor of it. I think it is a wise piece of legislation. But those words that I am striking out are all inclusive. They do not exclude anything. They include everything. I insist that, reading it as it is written, we include transportation lines, bringing coal here to the city, and I am not sure that it would not extend to the operation of mines. It says "all matters relating to the purchase and supply," and if it includes distribution from the yard here to the Government buildings, it will under the same interpretation include the facilities for bringing it here. All the change I have made is that instead of "consolidating all matters relating to" I propose "establishing Government control of."

Then we will have control of the purchase and the supply. It is certainly not an amendment that is offensive to the resolution, but it simply proposes to clarify it so that the commission may have its limits within which to operate. As a friend of the resolution, I hope the amendment will be adopted.

Mr. FOSTER. Mr. Speaker, just a moment. The gentleman from Ohio fails to understand the difference between this resolution which limits this to only inquiry and a report to Congress, and not a resolution to establish a coal yard at this time. It is simply an investigation to determine whether it shall be established, and his amendment limits the right of this Bureau of Mines to find out all the facts.

Mr. FESS. Will the chairman of the committee yield?

Mr. FOSTER. Yes; I yield.

Mr. FESS. Does not the resolution go to the extent of taking in the distributing of the coal from the coal yard to the Government?

Mr. FOSTER. Of course. It would be of no use to have coal in the yard and not be able to distribute it.

Mr. FESS. How can you get coal into the yard unless you bring it there?

Mr. FOSTER. The gentleman wants now to limit the investigation as to the distribution.

Mr. FESS. Oh, no.

Mr. FOSTER. The gentleman wants them to be limited, so that they can do just a few things. This is simply a joint resolution calling for an investigation and report. I move the previous question on the amendment and the joint resolution to the final passage.

The SPEAKER. The gentleman from Illinois moves the previous question on the resolution and the amendment.

The question being taken, on a division (demanded by Mr. FOSTER) there were—ayes 44, noes 20.

Accordingly the previous question was ordered.

The SPEAKER. The question is on the Fess amendment.

The amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken.

The SPEAKER. The ayes appear to have it, the ayes have it, and the joint resolution is passed.

Mr. ROBBINS. Mr. Speaker, I was on my feet seeking recognition. I want to make the point that there is no quorum present.

The SPEAKER. The gentleman has a perfect right to raise the point of no quorum. Does he raise it?

Mr. ROBBINS. Yes; I do.

The SPEAKER. The Chair will count.

Mr. HEFLIN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEFLIN. The Chair had already announced that the bill was passed.

Mr. ROBBINS. I was addressing the Chair.

The SPEAKER. The Chair thinks the gentleman was in time. [After counting.] Eighty-nine gentlemen present, not a quorum. The Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Is this a roll call on the passage? There has been no division.

The SPEAKER. Yes; this is a roll call on the passage of the joint resolution.

Mr. LONGWORTH. But there has been no division.

The SPEAKER. The Chair put the question, and really announced that the bill was passed; but the gentleman from Pennsylvania [Mr. ROBBINS] insisted that he was on his feet, and the Chair thinks he was. There is no question that this vote

will be on the passage of the joint resolution. Those in favor of the passage of the joint resolution will, when their names are called, answer yea, those opposed nay, and the Clerk will call the roll.

The question was taken; and there were—yeas 278, nays 30, answered "present" 1, not voting 109, as follows:

YEAS—278.

Alexander	Eagan	Keating	Ramsey
Almon	Eagle	Kehoe	Ramseyer
Anderson	Elliott	Kelley, Mich.	Randall
Ashbrook	Elston	Kennedy, R. I.	Rauch
Aswell	Emerson	Kettner	Riordan
Austin	Evans	Key, Ohio	Roberts
Ayres	Fairfield	Kiess, Pa.	Robinson
Bacharach	Farr	Kinkaid	Rodenberg
Baer	Ferris	Kitchin	Rogers
Bankhead	Fess	Knutson	Romjue
Beakes	Fields	Kraus	Rose
Bell	Fisher	La Follette	Rouse
Beshlin	Flood	Langley	Rowe
Black	Foss	Larsen	Ruby
Blackmon	Foster	Lea, Cal.	Rucker
Bland	Francis	Lee, Ga.	Sabath
Blanton	Frear	Lehlbach	Sanders, Ind.
Borland	Freeman	Lenroot	Saunders, Va.
Bowers	French	Linthicum	Schall
Brand	Fuller, Ill.	Little	Scott, Iowa
Britten	Gallagher	Littlepage	Scott, Mich.
Brodbeck	Gallivan	Lobeck	Sells
Browne	Gandy	London	Shackleford
Browning	Gard	Lonergan	Shallenberger
Brumbaugh	Garland	Longworth	Sherwood
Buchanan	Garner	Lufkin	Siegel
Burnett	Garrett, Tenn.	Lundeen	Sisson
Burroughs	Garrett, Tex.	McAndrews	Sloan
Byrnes, S. C.	Glynn	McArthur	Smith, Idaho
Byrns, Tenn.	Godwin, N. C.	McClintic	Smith, C. B.
Caldwell	Good	McCormick	Smith, T. F.
Campbell, Kans.	Goodall	McCulloch	Stafford
Campbell, Pa.	Gordon	McKenzie	Steagall
Candler, Miss.	Graham, Ill.	McLaughlin, Mich.	Stedman
Cantrill	Gray, Ala.	McLaughlin, Pa.	Steenerson
Caraway	Green, Iowa	Magee	Stephens, Miss.
Carew	Greene, Mass.	Maher	Strong
Carter, Mass.	Greene, Vt.	Mansfield	Sumners
Carter, Okla.	Gregg	Mapes	Swift
Chandler, N. Y.	Hadley	Martin	Switzer
Chandler, Okla.	Hamilton, Mich.	Mays	Tague
Church	Hamilton, N. Y.	Miller, Minn.	Taylor, Ark.
Classon	Hamlin	Mondell	Thompson
Coady	Hardy	Moon	Tillman
Collier	Harrison, Miss.	Moores, Ind.	Towner
Connally, Tex.	Harrison, Va.	Morgan	Treadway
Connelly, Kans.	Hastings	Morin	Vinson
Cooper, Wis.	Haugen	Mott	Voigt
Copley	Hayden	Mudd	Volstead
Cox	Heflin	Neely	Waldow
Crago	Helvering	Nicholls, S. C.	Walker
Cramton	Hensley	Nichols, Mich.	Walton
Currie, Mich.	Hicks	Nolan	Ward
Dale, N. Y.	Hilliard	Oldfield	Watkins
Dale, Vt.	Hood	Oliver, Ala.	Watson, Va.
Dallinger	Houston	Oliver, N. Y.	Weaver
Darrow	Howard	Olney	Webb
Davis	Huddleston	Osborne	Welling
Denison	Hull, Iowa	O'Shaunessy	Welty
Dent	Hull, Tenn.	Overstreet	White, Ohio
Denton	Humphreys	Park	Williams
Dickinson	Igoe	Parker, N. Y.	Wilson, La.
Dillon	Jacoway	Peters	Wilson, Tex.
Dixon	James	Pou	Wingo
Dominick	Johnson Ky.	Pratt	Wise
Doolittle	Jones, Tex.	Purnell	Woodyard
Doughton	Jones, Va.	Quin	Young, N. Dak.
Dowell	Juul	Ragsdale	Young, Tex.
Drane	Kahn	Reilly	
Dyer	Kearns	Raker	

NAYS—30.

Anthony	Hersey	Platt	Thomas
Cannon	Kennedy, Iowa	Robbins	Tilson
Claypool	Lesher	Sanford	Walsh
Dies	McFadden	Shouse	Wason
Ellsworth	McKinley	Slayden	Watson, Pa.
Focht	McLemore	Slemp	Whaley
Gillett	Madden	Snell	Wheeler
Gould	Meeker	Snyder	Wood, Ind.
Gray, N. J.	Merritt	Sterling, Ill.	Woods, Iowa
Heaton	Paige	Temple	

ANSWERED "PRESENT"—1.

Butler

NOT VOTING—109.

Barkley	Dewalt	Graham, Pa.	King
Barnhart	Dill	Griest	Kreider
Booher	Dooling	Hamill	Lafuardia
Capstick	Doremus	Haskell	Lazaro
Carlin	Drukker	Hawley	Lever
Cary	Dunn	Hayes	Lunn
Clark, Fla.	Dupré	Heintz	McKeown
Clark, Pa.	Edmonds	Heim	Mann
Cooper, Ohio	Esch	Holland	Mason
Cooper, W. Va.	Estopinal	Hollingsworth	Miller, Wash.
Costello	Fairchild, B. L.	Husted	Montague
Crisp	Fairchild, G. W.	Hutchinson	Moore, Pa.
Crosser	Flynn	Ireland	Nelson
Curry, Cal.	Fordney	Johnson, S. Dak.	Norton
Davidson	Fuller, Mass.	Johnson, Wash.	Overmyer
Decker	Glass	Kelly, Pa.	Padgett
Dempsey	Goodwin, Ark.	Kincheloe	Parker, N. J.
Phelan	Sanders, N. Y.	Stephens, Nebr.	Van Dyke
Polk	Scott, Pa.	Sterling, Pa.	Vare
Porter	Scully	Stevenson	Venable
Powers	Sears	Stiness	Vestal
Price	Sherley	Sullivan	White, Me.
Rankin	Sims	Sweet	Wilson, Ill.
Rayburn	Sinnott	Talbott	Winslow
Reed	Small	Taylor, Colo.	Zihlman
Rowland	Smith, Mich.	Templeton	
Russell	Snook	Timberlake	
Sanders, La.	Steele	Tinkham	

So the joint resolution was passed.

The following pairs were announced:

Until further notice:

Mr. SIMS with Mr. ZIHLMAN.

Mr. TALBOTT with Mr. WINSLOW.

Mr. BARKLEY with Mr. CURRY of California.

Mr. BARNHART with Mr. KREIDER.

Mr. BOOHER with Mr. DRUKKER.

Mr. RAYBURN with Mr. HAYES.

Mr. DOREMUS with Mr. REED.

Mr. GLASS with Mr. BENJAMIN L. FAIRCHILD.

Mr. LAZARO with Mr. GRAHAM of Pennsylvania.

Mr. SCULLY with Mr. MOORE of Pennsylvania.

Mr. DEWALT with Mr. HAWLEY.

Mr. SNOOK with Mr. CLARK of Pennsylvania.

Mr. GOODWIN of Arkansas with Mr. LAGUARDIA.

Mr. SEARS with Mr. DUNN.

Mr. CRISP with Mr. GRIEST.

Mr. MCKEOWN with Mr. STINESS.

Mr. LEVER with Mr. COOPER of Ohio.

Mr. MONTAGUE with Mr. COOPER of West Virginia.

Mr. ESTOPINAL with Mr. MASON.

Mr. DUPRÉ with Mr. GEORGE W. FAIRCHILD.

Mr. LUNN with Mr. MILLER of Washington.

Mr. VENABLE with Mr. DAVIDSON.

Mr. HELM with Mr. SMITH of Michigan.

Mr. STEPHENS of Nebraska with Mr. HEINTZ.

Mr. CARLIN with Mr. SWEET.

Mr. VAN DYKE with Mr. WILSON of Illinois.

Mr. HOLLAND with Mr. CAPSTICK.

Mr. OVERMYER with Mr. NORTON.

Mr. KELLY of Pennsylvania with Mr. FULLER of Massachusetts.

Mr. PADGETT with Mr. JOHNSON of South Dakota.

Mr. KINCHELOE with Mr. ROWLAND.

Mr. SHERLEY with Mr. FORDNEY.

Mr. RUSSELL with Mr. PARKER of New Jersey.

Mr. PHELAN with Mr. SINNOTT.

Mr. CLARK of Florida with Mr. COSTELLO.

Mr. SMALL with Mr. JOHNSON of Washington.

Mr. HAMILL with Mr. ESCH.

Mr. DILL with Mr. HOLLINGSWORTH.

Mr. POLK with Mr. DEMPSEY.

Mr. FLYNN with Mr. HUSTED.

Mr. CROSSER with Mr. POWERS.

Mr. SANDERS of Louisiana with Mr. HASKELL.

Mr. STERLING of Pennsylvania with Mr. EDMONDS.

Mr. DOOLING with Mr. PORTER.

Mr. STEVENSON with Mr. HUTCHINSON.

Mr. DECKER with Mr. SANDERS of New York.

Mr. TAYLOR of Colorado with Miss RANKIN.

Mr. PRICE with Mr. CARY.

Mr. SULLIVAN with Mr. SCOTT of Pennsylvania.

Mr. STEELE with Mr. BUTLER.

The result of the vote was then announced as above recorded.

A quorum having appeared, the doors were opened.

On motion of Mr. FOSTER, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. CAMPBELL of Kansas, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Samuel T. King (H. R. 9902, 58th Cong.), no adverse report having been made thereon.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication:

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Rivers and Harbors Committee.

Respectfully,
WILLIAM KETTNER.

The SPEAKER. Has the Committee on Mines and Mining any further bill?

Mr. FOSTER. We have not, Mr. Speaker.

The SPEAKER. The Clerk will proceed with the call of committees.

The Clerk proceeded with the call of committees. When the Committee on Labor was called.

NATIONAL INSURANCE AGAINST UNEMPLOYMENT, ETC.

Mr. KEATING. Mr. Speaker, I desire to call up House joint resolution 189.

The SPEAKER. It seems that there is a special order in reference to these matters. It is as follows:

On motion of Mr. KITCHIN, by unanimous consent,

Ordered, That when bills now on the calendar which are in order on Calendar Wednesday shall have been disposed of the bill H. R. 269 shall be in order on Calendar Wednesday.

Mr. KEATING. I understand that, Mr. Speaker, but the gentleman from Arizona [Mr. HAYDEN], who is interested in the bill referred to in that order, is quite willing to waive his rights at this time in order that the Committee on Labor may present this joint resolution.

Mr. HAYDEN. That statement is correct, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

House joint resolution 189, to provide for a commission to inquire into the advisability of establishing national insurance against unemployment, invalidity, and sickness.

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into Committee of the Whole House on the state of the Union, and the gentleman from Indiana [Mr. Cox] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. Cox in the chair.

The Clerk read the joint resolution, as follows:

House joint resolution 189.

Resolved, etc., That a commission is hereby created and established, to be known as the Commission on Social Insurance, hereinafter referred to as the commission. The commission shall be composed of five persons, to be appointed by the President of the United States, two of whom shall be employers of labor and two of whom shall be representatives of organized labor, the Secretary of Labor to be the fifth member of the commission and the chairman thereof. It shall be within the power of the Secretary of Labor to select a representative of the Department of Labor to act in his stead in any hearing or investigation in which the Secretary himself may be unable to participate, and said representative shall have full power to act in the name of the Secretary of Labor, but the position of the Secretary of Labor, as the fifth member and as chairman of the commission, shall in no wise be impaired, and in the report, findings, and recommendations of the commission his name and title shall be appended.

SEC. 2. That the members of this commission shall be paid actual traveling and other necessary expenses, and in addition the members of the commission, other than the Secretary of Labor, or his representative appointed by him pursuant to section 1, shall receive a compensation of $15 per diem while actually engaged in the work of the said commission and while going to or returning from such work.

The commission is authorized, as a whole or by subcommittees of the commission duly appointed, to hold sittings and public hearings anywhere in the United States; to send for persons and papers; to administer oaths; to summon and compel the attendance of witnesses and to compel testimony; to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which said commission is created; and to rent such offices, to purchase such stationery and other supplies, and to have such printing and binding done as may be necessary to carry out the purposes for which the commission is created; and to authorize its members or its employees to travel in or outside of the United States on the business of the commission.

SEC. 3. That it shall be the duty of the commission to inquire into the causes of unemployment; to inquire into the subject of systems of insurance, voluntary or obligatory, contributory or noncontributory, now in vogue to meet unemployment, invalidity, and sickness, and to what extent the Government of the United States may aid by establishing a Federal insurance system for the benefit of the wage earners of the United States when in need by reason of involuntary unemployment, whether the unemployment be due to lack of work, to disability arising by reason of sickness, or to the impairment or destruction of earning capacity because of old age. If the commission shall recommend that a Federal insurance system or fund be established by the Government of the United States, it shall prepare and recommend the regulations that would be necessary for the successful administration of a national insurance system or fund, the amount of said fund, and the method of cooperation with existing insurance systems.

SEC. 4. That the commission shall submit, through the President, to Congress a report containing the testimony taken, its findings, and its recommendations on or before the first Monday of December of the year 1918.

SEC. 5. That the sum of $50,000 is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission: *Provided*, That no portion of this money shall be paid except upon the order of said commission signed by the chairman thereof.

Mr. KEATING. Mr. Chairman, the members of the Committee would like to secure a vote on this resolution to-night. Under the rule we have two hours for general debate. The gentleman from Wisconsin [Mr. BROWNE], the ranking minority member on the committee, will, I presume, under the rule, control one half of the time and the other half will be controlled by this side of the House.

This resolution was reported in the last Congress, in practically its present form, by the Committee on Labor. It was a unanimous report, and was made after exhaustive and very interesting hearings. The committee for three or four days listened to gentlemen who may be regarded as experts upon this subject. They represented every shade of political opinion. We had Republicans, Democrats, Socialists, and Progressives. We had actuaries, insurance commissioners, authors of books, and students of social questions. I think the volume containing those hearings is one that should find a place in the library of every student of public affairs. In this Congress the Committee on Labor, by a unanimous vote, made a second favorable report upon the resolution.

Briefly, the resolution provides for the appointment of a commission to investigate the entire subject of social insurance. The commission is to be named by the President of the United States. It is to consist of five members, two of whom are to be employers of labor, two to be representatives of labor, and the fifth to be the Secretary of Labor. The commission is to submit its findings to Congress.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. KEATING. Yes.

Mr. BORLAND. I notice that the type of insurance is confined to unemployment, invalidity, and sickness. Does the word "invalidity" include death, or is death insurance excluded from this scheme? Is it the purpose of the commission to inquire into a system of State insurance for death?

Mr. KEATING. No; that would not come within the scope of the commission's work. The principal object would be insurance against old age, unemployment, and sickness. In Germany they have maternity insurance.

Mr. BORLAND. Invalidity, I suppose, would mean where a man was crippled?

Mr. KEATING. It is not the object to establish a system like the ordinary life insurance business.

Mr. Chairman, the United States has lagged behind other nations in the matter of social insurance. Germany has led in this as she led in rural credits. This country adopted the principal features of the German rural-credit system. That system had spread over Europe and other portions of the world before it was adopted by the United States. England, France, Germany, Austria, and practically every country on the other side of the Atlantic has some form of social insurance. The experts who appeared before our committee were agreed it was not possible to pick out any one of those European systems and apply it in whole to the United States. It was recognized that conditions in this country were so radically unlike conditions found in other countries that it was deemed necessary for us to fashion an American system. So it was considered best as a first step that we should appoint a commission which would devote itself to the study of all the systems now in existence and determine upon a system that was adapted to American needs, providing the commission found that any social insurance system was desirable in this country. The appropriation of $50,000, considering the importance of the subject, is a modest one.

I now yield 15 minutes to the gentleman from New York [Mr. LONDON].

Mr. ROBBINS. Mr. Chairman, before the gentleman takes his seat, will he yield for a question?

Mr. KEATING. Certainly.

Mr. ROBBINS. Does this include anything about the Government establishing a system of old-age insurance?

Mr. KEATING. Oh, yes.

Mr. ROBBINS. That comes under the term "invalidity"?

Mr. KEATING. Yes; that would come under that term.

Mr. LONDON. Mr. Chairman, this resolution which has been unanimously reported by two committees provides for the investigation of a subject which has engrossed the minds of statesmen for nearly 40 years. In the last Congress the resolution came up on suspension day under a rule which permitted only 40 minutes of discussion and which prevented a complete analysis of the merits of the resolution. It required a two-thirds vote. We fell 29 votes short. The hearing to which the gentleman from Colorado [Mr. KEATING] has referred covers 317 pages of testimony of expert opinion, of statistical data, of a bibliography of the subject, and furnishes indisputable evidence of the fact that a great deal of literature has accumulated on the subject; that a great deal of knowledge has already been gathered; that the problem which presents itself to-day is how to assort the information now existing on the subject, how to coordinate the efforts made by students of the subject, and how to adapt social legislation to American conditions. The commissioner of insurance from Illinois, Mr. Potts, in the course of his admirable address before the Committee on Labor, made the following interesting statement. He testified on April 6, 1916, and this is what he said:

When the European war is over and conservation and salvage of humanity is supplanted for human wreckage, then the nations of the world will take rank and be measured by a new standard. The rank and standard will be determined by the nation's attitude toward its

wage earners—its common people—its masses. All those traditional things which give a false rank and a false standard to nations must now give way to the establishment of a true national life and higher human betterment. National and industrial efficiency will correspond with the degree of efficiency of the people of each nation, and an efficient people can not exist in nations neglecting its wage earners—its common people, its masses—and social insurance is the one and only method of bringing to these people that efficiency that all successful and progressive nations must possess. If our Nation is to maintain a ranking position with the other nations, it must base its eligibility to its assumed rank by its actual ability to meet all other nations in national, commercial, and industrial contests, and to survive these tests its people must be as efficient as are contesting nations, and our Nation must begin at once to grant our people such opportunities and benefits as will permit them to bring self-standardization and the highest degree of efficiency.

The subject of social insurance covers unemployment insurance, old-age pensions, and health insurance. There will be a very serious disarrangement of industry with the termination of the present war, and the war is going to end some day. With the inevitable collapse of the industries now serving the needs of war, with the suspension of many a normal industry, the finding of a job will be quite a problem for many a man. Millions of men will return from the camps and from the battle fields to find their positions filled by women. There will be great difficulty in adjusting industry to the changed conditions, and then the evil of unemployment will present itself in its most acute form. The time to take up the preparation for that emergency and a comprehensive study of everything connected with it is now.

We should now accumulate the necessary knowledge, so whatever legislation we may be called on to enact will be based upon knowledge, systematized, sifted, analyzed, and brought up to date. There is a general impression that involuntary unemployment is an occasional or accidental thing. It is not so. Unemployment is inherent in the very system of production which characterizes modern industry. There are industries which from their very nature do not permit of constant employment, such as those which serve the caprices of fashion. It is impossible for a merchant or a manufacturer to predict in advance what demand there will be for a certain style of hat. To-day the women choose a hat that will look like a skull cap and to-morrow determine upon a hat that will look like a telescope. All seasonal industries give employment only part of the time.

The movements of labor incident to the removal of harvests means the shifting of men from place to place. Every new invention, every new machine, the application of a new method of division of labor causes a temporary shifting and disassociation of the man from his job. Every change in the tariff, the loss of a market, or the gain of a new one, a change in international relations causes a shifting of men and the separating of men from their jobs. Why, for that matter, competition among workers for wages can only exist on the basis of the presence of a large number of unemployed, ready to take for a lower wage and under worse conditions the places of those who are employed. So unemployment in its very nature is a part and parcel of the present system, which is no system, but chaos incarnate. It is not an accident, it is not an extraneous affair, but it is inherent and intrinsic, so far as the present system of industry is concerned. Thinking men should study the problem with the seriousness which it deserves. During the discussion of the little bill relating to the coal situation in the District of Columbia the gentleman from Wyoming [Mr. MONDELL] brought out the point that the miners did not work during the summer; that the mines were idle and the miners were idle. If there had been a comprehensive method, if there had been a comprehensive system, if there had been somehow, somewhere, some one who could suggest to the Government what to do, we would have had the mines and miners working during the summer, so there would have been at all times a plentiful supply of coal and there would have been no unemployment in an industry whose product is always needed. In England they adopted some time ago an elastic system of providing public works, so as to increase the opportunity of the unemployed to find work in times of acute distress. Every industrial crisis means unemployment. Do you gentlemen know that the statistics of unemployment of 1910—statistics which were never assorted and published because they were so shocking—showed the presence of such a large number of unemployed that nobody dared publish the facts? Every industrial crisis brings with it hordes of unemployed, nor are these crises accidents. They have been recurring almost regularly every 10 or 15 years.

We had a crisis in 1819, in 1837, in 1857, in 1873, in 1893, in 1907, and 1912, because of the anarchy and chaos in the modern system of production. Goods are manufactured, not because the people need them at that particular moment, but with the object of sale at some time, the manufacturer taking the chance of finding a market at some time and of course taking the chance of finding themselves without customers to purchase their goods.

A permanent solution should be found. The long-tried remedies of soup kitchens, vagrancy, and poor laws are out of date and will not do.

The fact that we are at war should not prevent us from taking up the task. See what Germany has done during the war. In the course of the hearing Mr. Stone brought out the fact that Prussia, following the outbreak of the war, appropriated one and a half million marks, or $375,000, to be spent in combating unemployment through the construction of dikes, the draining of swamps, reforestation, road building, and so forth.

Notwithstanding the extraordinary expenditures called for by the war they found enough wisdom and enough statesmanship to take care of unemployment. If this contest we are now engaged in will not terminate soon, we will have a great deal of unemployment in industries that do not serve the purposes of the war and which are necessarily disarranged. Take the great ladies' garment industry of New York. That industry is to-day in distress because the average worker finds it hard, in view of the rise of cost of food, to spend the necessary amount of money for ladies' garments, and the industry is suffering. There will be a great deal of unemployment in other industries which do not supply absolute necessities.

Mr. GARD. Will the gentleman yield for a question?

Mr. LONDON. With pleasure.

Mr. GARD. Can the gentleman advise the committee relatively what proportion of involuntary unemployment there is at this time?

Mr. LONDON. Oh, what I am looking into is the future——

Mr. GARD. I understand.

Mr. LONDON. I am not so much concerned for the present moment. I assume there is less unemployment, less involuntary unemployment now than at any time in the history of the country.

Mr. GARD. Is there any?

Mr. LONDON. I assume in some branches of industry there necessarily must be. Take an industry which manufactures luxuries, for instance. Whenever there is a crisis or whenever there is a sudden change in industry the first industries to suffer are the industries that supply luxuries. You can not transfer men from an industry of peace to an industry of war without causing some unemployment. It is impossible for a man who is working in an industry requiring but slight physical effort to transfer himself at once and adapt himself at once to another kind of work which requires a great deal of physical exertion.

It all involves a great deal of suffering. I am looking to the future and I speak for the to-morrow, for the day that is to come, of the problems that will be upon us. I have not attempted to present an exhaustive analysis of the subject. All I am trying to do now is to point out the necessity for studying the problem.

The same thing is true about old-age pensions. The idea of an old man, of a man who has been rendering useful service to a community, finding himself at the age of 50 or 60 compelled to resort to charity is a negation of the most elementary principles of morality. You wonder why the German people to-day stand so loyally by a detestable form of government. You wonder why so many social democrats have tolerated a form of government that is dangerous to the German people and dangerous to the world, and they answer that the German Government, as wicked as it is, was clever enough to take care of the old, to take care of the weak, to attempt to take the thunder away from the Socialists in the eighties when they introduced social insurance, when they introduced old-age pensions and pensions for sickness and injury, so that vagrancy and the need for charity have been reduced to the minimum.

I submit that the things that a feudalistic government could do in order to bribe its people so that they might consent to a continuance of it can be done by a free people in order to help build a free, great, and big nation. The appointment of a commission which will approach the subject with sympathy and with a desire to know will help us to understand the problem and to find a solution.

Several States have attempted to create similar commissions. There is such a proposition before the Legislature of Massachusetts, but the problem is in its very nature national. It can not be solved by the subdivision of a county or of a State, or even by a State. Industry does not confine itself to geographical limits. Commerce does not know State lines. Commerce and industry are national and international. The problems of unemployment, of old-age pensions, of health insurance, can not be effectively solved by a subdivision of the American people. They are national problems and of national concern.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEATING. Mr. Chairman, I wish the gentleman from Wisconsin [Mr. BROWNE] would use a little of his time.

Mr. BROWNE. No one has asked for any time on this side.

Mr. KEATING. So far as the Members on this side are concerned, I will ask that the bill be read.

The CHAIRMAN. The Clerk will read the bill for amendment.

Mr. BROWNE. As I understood the gentleman's proposition, it was to close general debate to-day and have the bill go over until next Calendar Wednesday and then have it open to amendment at that time. I therefore yielded up the time on general debate with that understanding.

Mr. KEATING. If that was the understanding, I move that the committee rise.

Mr. THOMAS. Are amendments in order now?

The CHAIRMAN. Not after the motion is made to rise.

The gentleman from Colorado [Mr. KEATING] moves that the committee do now rise.

The motion was agreed to, and the Speaker having resumed the chair, Mr. COX, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution 189, to provide for a commission to inquire into the advisability of establishing national insurance against unemployment, invalidity, and sickness, and had come to no resolution thereon.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made.

The SPEAKER. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Thursday, January 10, 1918, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a supplemental estimate for clerical assistance required by the United States Public Health Service for that portion of the present fiscal year from February to June (H. Doc. No. 772); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation required by the District of Columbia for the fiscal year 1919 (H. Doc. No. 773); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of the Interior submitting a supplemental estimate of appropriation required by the Bureau of Indian Affairs for the fiscal year 1918 (H. Doc. No. 774); to the Committee on Appropriations and ordered to be printed.

4. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary Ann Ford, daughter of William Boden, deceased, v. The United States (H. Doc. No. 775); to the Committee on War Claims and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Thomas J. Craycroft v. The United States (H. Doc. No. 776); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Narcissa E. Wade, sister of Berry M. Webb, deceased, v. The United States (H. Doc. No. 777); to the Committee on War Claims and ordered to be printed.

7. A letter from the Acting Secretary of Labor, transmitting a detailed statement of the number of documents received and the number distributed by the Department of Labor during the fiscal year 1916 (H. Doc. No. 778); to the Committee on Expenditures in the Department of Labor and ordered to be printed.

8. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation for the Bureau of War Risk Insurance for the fiscal year 1918 (H. Doc. No. 779); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8496) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, reported the same with amendment, accompanied by a report (No. 235), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FESS: A bill (H. R. 8489) providing for the erection of a public building for the city of Urbana, Champaign County, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. LUFKIN: A bill (H. R. 8490) to authorize the acquisition of a site and the erection of a Federal building at Salem, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. WALDOW: A bill (H. R. 8491) empowering the President to take possession and assume control of projects for the generation of hydroelectric power from the waters of Niagara River, and for other purposes; to the Committee on Foreign Affairs.

By Mr. DAVIDSON: A bill (H. R. 8492) to increase pensions of certain soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 8493) to regulate solicitation of funds for educational, charitable, and philanthropic purposes, and for war aid and war charity; to the Committee on Education.

By Mr. GREGG: A bill (H. R. 8494) for the relief, civilization, and education of the Alabama and Coushatta Indians, located in Polk County, Tex.; to the Committee on Indian Affairs.

By Mr. RANKHEAD: A bill (H. R. 8495) for increased allowance for carriers on rural free delivery mail routes; to the Committee on the Post Office and Post Roads.

By Mr. RUSSELL: A bill (H. R. 8496) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House on the state of the Union.

By Mr. WHITE of Ohio: Resolution (H. Res. 214) to pay to Carl Polling, clerk of the late Hon. E. R. Bathrick, the sum of $166; to the Committee on Accounts.

By Mr. FOSTER: Resolution (H. Res. 215) for consideration of House joint resolution 200; to the Committee on Rules.

By Mr. POU: Resolution (H. Res. 216) to appoint a special committee to consider all bills and resolutions pertaining to the development and utilization of water power; to the Committee on Rules.

By Mr. TREADWAY: Resolution (H. Res. 217) instructing the Clerk of the House to secure a service flag; to the Committee on the Judiciary.

By Mr. HICKS: Resolution (H. Res. 218) providing for an investigation of the Post Office Department in relation to the transmission of mail to our forces abroad; to the Committee on Rules.

By Mr. HUMPHREYS: Resolution (H. Res. 219) authorizing the Doorkeeper to appoint an additional page; to the Committee on Accounts.

By Mr. GRAY of New Jersey: Joint resolution (H. J. Res. 210) for the adoption of an official country service flag by the Government of the United States; to the Committee on the Judiciary.

By Mr. DALLINGER: Joint resolution (H. J. Res. 211) creating a joint committee from the membership of the Senate Committee on Post Offices and Post Roads and the House Committee on the Post Office and Post Roads to investigate the present condition of the Post Office Department and to report to Congress such recommendations as will insure prompt and efficient postal administration in the present emergency; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8497) granting a pension to George F. Bostwick; to the Committee on Pensions.

Also, a bill (H. R. 8498) granting a pension to Crawford Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8499) granting a pension to Bert Wassem; to the Committee on Pensions.

Also, a bill (H. R. 8500) granting a pension to Eduard McConnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8501) granting a pension to Minnie E. Lowery; to the Committee on Pensions.

By Mr. BESHLIN: A bill (H. R. 8502) granting a pension to Lucinia Bartholomew; to the Committee on Invalid Pensions.

By Mr. BOOHER: A bill (H. R. 8503) granting an increase of pension to Lewellyn L. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8504) granting an increase of pension to George Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8505) granting an increase of pension to Stephen K. Lyons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8506) granting an increase of pension to Isaac H. Hull; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 8507) granting a pension to John Sellers; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 8508) granting a pension to William Thompson; to the Committee on Pensions.

By Mr. CAPSTICK: A bill (H. R. 8509) for the relief of Paul Guenther (Inc.) and Paul Guenther and Olga Guenther; to the Committee on Claims.

By Mr. CRAMTON: A bill (H. R. 8510) granting an increase of pension to Jeremiah Hyatt; to the Committee on Invalid Pensions.

By Mr. DARROW: A bill (H. R. 8511) granting a pension to Mary Ann McMahn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8512) for the relief of William Thomas Winstanley; to the Committee on Military Affairs.

By Mr. DENISON: A bill (H. R. 8513) granting a pension to Eliza Frederick; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 8514) granting a pension to Charles H. Jessee; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 8515) granting a pension to Mary E. Beitzell; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 8516) granting an increase of pension to Salathiel Jackson; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 8517) granting a pension to E. Dora Cutler; to the Committee on Pensions.

Also, a bill (H. R. 8518) granting a pension to Lida G. Frantz; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 8519) granting a pension to Martha B. Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8520) granting a pension to John H. Norris; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 8521) for the relief of J. Homer Reed; to the Committee on Claims.

Also, a bill (H. R. 8522) for the relief of Albert C. Burgess; to the Committee on Claims.

By Mr. KIESS of Pennsylvania: A bill (H. R. 8523) granting an increase of pension to Thomas F. Regan, alias George S. Bennett; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 8524) granting an increase of pension to Harlan Cowgill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8525) granting a pension to James Hall; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 8526) granting an increase of pension to Jarrett E. Burgess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8527) for the relief of George Miller; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 8528) granting an increase of pension to Phebe Schonhoff; to the Committee on Pensions.

By Mr. OVERMYER: A bill (H. R. 8529) granting a pension to Sophronia Lemmon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8530) granting a pension to George W. Earhart; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 8531) granting a pension to Taylor Hoskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8532) granting a pension to Joel Petrey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8533) granting a pension to William Sizemore; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 8534) granting a pension to William A. Brown; to the Committee on Pensions.

Also, a bill (H. R. 8535) granting a pension to Charles F. Burton; to the Committee on Pensions.

Also, a bill (H. R. 8536) granting a pension to Clyde A. Klinger; to the Committee on Pensions.

By Mr. RAINEY: A bill (H. R. 8537) granting an increase of pension to David Lemon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8538) granting an increase of pension to Thomas A. Peters; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8539) granting an increase of pension to James Altic; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8540) granting an increase of pension to John H. Bright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8541) granting an increase of pension to Montgomery Z. Sweet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8542) granting a pension to Margia Alice Raines; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8543) granting a pension to William S. Harrell, alias James Strawther; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8544) granting a pension to Sarah E. Hall; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 8545) for the relief of Leonore M. Sorsby; to the Committee on Foreign Affairs.

By Mr. STEDMAN: A bill (H. R. 8546) for the relief of John G. Young; to the Committee on Claims.

Also, a bill (H. R. 8547) for the relief of Levi R. Whitted; to the Committee on Claims.

By Mr. STEPHENS of Mississippi: A bill (H. R. 8548) for the relief of certain pay officers of the United States Navy; to the Committee on Claims.

Also, a bill (H. R. 8549) for the relief of Paymaster Alvin Hovey-King, United States Navy; to the Committee on Claims.

Also, a bill (H. R. 8550) for the relief of Col. Henry L. Newbold; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 8551) granting an increase of pension to Frank H. Bruce; to the Committee on Pensions.

Also, a bill (H. R. 8552) granting a pension to William Patterson; to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 8553) granting a pension to John Lippincott; to the Committee on Pensions.

Also, a bill (H. R. 8554) for the relief of William Henry; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 8555) granting an increase of pension to Edward Springer; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 8556) granting a pension to I. Lillis Pettit; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 8557) granting a pension to Annie T. La Marche; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the City Federation of Colorado Springs, Colo.; City Council of Colorado Springs, Colo.; and the Delaware branch of the National Woman's Party, urging the submission of the suffrage amendment; to the Committee on Woman Suffrage.

Also (by request), resolutions of Universal Commandery, No. 476, A. and I. O. K. of M., Sewickley, Pa., favoring the Moore purple cross bill (H. R. 5410) or the Wolcott purple cross bill (S. 2692); to the Committee on Military Affairs.

Also (by request), resolutions of the City Council of Minneapolis, Minn., requesting Congress to pass a law punishing those guilty of impeding or interfering with the United States Government in prosecuting the war; to the Committee on Military Affairs.

Also (by request), resolutions of United Mine Workers of America, pledging the loyalty and support of that organization in carrying on the war, and promising not to strike or stop work unless life or health is at stake; to the Committee on Military Affairs.

By Mr. BROWNE: Petition of 289 residents of Wood County, Wis., favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. CARY: Petition of the Wisconsin Association Opposed to Woman Suffrage, against passage of the Susan B. Anthony amendment; to the Committee on Woman Suffrage.

Also, petition of the American Society of Equity, relative to Government controlling the railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National League of Postmasters of the United States, favoring increase in pay of fourth-class postmasters; to the Committee on the Post Office and Post Roads.

Also, petition of the National Council of Women, favoring passage of the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. CLARK of Pennsylvania: Petition of George R. Downs and 21 other citizens of Erie, Pa., praying for the enactment of Senate bill 3063, for the repair, preservation, care, and future maintenance of the restored naval brig *Niagara;* to the Committee on Naval Affairs.

By Mr. COADY: Memorial of Bohemian (Czech) and Slovak citizens of Baltimore City, Md., declaring their loyalty to the United States; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of R. J. Caldwell Co., of New York, favoring woman suffrage; to the Committee on Woman Suffrage.

Also, memorial of the Merchants' Association of New York, against the zone system to second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. DRUKKER: Memorial of the Passaic County (N. J.) Board of Agriculture, relative to the farm-labor situation in New Jersey; to the Committee on Agriculture.

By Mr. ESCH: Petition of the Vernon County board of supervisors, National Council of Women, favoring woman suffrage; to the Committee on Woman Suffrage.

Also, memorial of the Wisconsin State Council of Defense, relative to Members of Congress from Wisconsin giving their support to the President of the United States; to the Committee on Military Affairs.

Also, petition of the American Society of Equity, favoring Government control of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. FESS: Petitions of various women's organizations in Marysville, Ohio, urging prohibition as a war measure; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the National American Woman Suffrage Association, favoring the adoption of the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, petition of the National League of Postmasters of the United States, desiring more pay for fourth-class postmasters; to the Committee on the Post Office and Post Roads.

Also, memorial of the National Union American Society of Equity, relative to the railroad situation; to the Committee on Interstate and Foreign Commerce.

Also, petition of the New Jersey Association Opposed to Woman Suffrage, opposing the adoption of the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, petition of Frank Bogard, of La Salle, Ill., for the relief of rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Memorial of Denver Typographical Union, No. 49, urging passage of House bill 1654, granting an increase in pay to post-office clerks and letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Laura C. Hollschneider, Isis O. Mackenzie, Hallie S. Lock, Harriett T. Dougherty, Elvina A. Baker, C. H. Pettenger, Mary H. Blakely, Jennie C. McGehe, Una G. Roberts, M. D., Matilda Bowman, Mattie MacNeill, Lina Johnson, Emil Johnson, Cora E. Lind, Emma E. Smith, William S. White, Mrs. Caroline White, Walter C. Beall, Mary A. Wascha, Ida A. Hart, Melissa Ruddett, A. B. Hart, Albert E. Chase, John W. Hart, Mary E. Hughes, Mary Wascha, Terence Hughes, Martin John Suhy, William A. Grund, and Mrs. William A. Grund, all of Denver, Colo., urging the immediate adoption of the national-suffrage amendment; to the Committee on Woman Suffrage.

By Mr. KAHN: Papers to accompany a bill granting a pension to E. Dora Cutler; to the Committee on Invalid Pensions.

Also, petition of the Alaska Fisherman's Union, urging the passage of House bill 5875, for the erection of a general hospital on or near the shores of Bristol Bay, Alaska; to the Committee on the Territories.

Also, resolutions of the Chamber of Commerce of Stockton, Cal.; Chamber of Commerce of Santa Barbara County, Cal.; San Luis Obispo Chamber of Commerce; Chamber of Commerce of San Jose, Cal.; and the Humboldt Chamber of Commerce, Eureka, Cal., indorsing the proposed military highway from Blaine, Wash., to San Diego, Cal., as a means of protection to the Pacific coast; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: Petition of citizens of Lock Haven, Pa., favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. LINTHICUM: Letters and telegrams from 16 citizens of Baltimore, Md., asking for the submission of the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, letters and telegrams from six Baltimore citizens against the suffrage amendment; to the Committee on Woman Suffrage.

Also, memorial from the Maryland Woman Suffrage Association, the Woman Suffrage League of Maryland, and of the Baltimore Yearly Meeting of the Religious Society of Friends, urging favorable vote on the suffrage amendment; to the Committee on Woman Suffrage.

Also, petition of A. R. Katz and the members of the firm of Lyon, Conklin & Co. (Inc.), urging the passage of the Chamberlain universal military training bill; to the Committee on Military Affairs.

Also, petition of the Traffic Club, of Baltimore, Md., favoring the Madden bill, H. R. 1654; to the Committee on the Post Office and Post Roads.

Also, a letter from McCormick & Co., Baltimore, Md., protesting against the reduction of second-class postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of the E. E. Jackson Lumber Co., Baltimore, Md., relative to eight hours a day for all workers; to the Committee on Labor.

Also, petition of S. Nalle Sons, Baltimore, Md., against repeal of the bankruptcy law; to the Committee on the Judiciary.

Also, petition of the Schapiro Waist Co., against the repeal of the bankruptcy law; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of 68 citizens of Hartford County, Conn., in favor of the Susan B. Anthony amendment; to the Committee on Woman Suffrage.

By Mr. LUFKIN: Petitions of citizens of Manchester, Mass., favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. MORGAN: Petition of numerous citizens of Noble County, Okla., praying for an amendment to the Constitution expressing our national acknowledgment of Almighty God; to the Committee on the Judiciary.

By Mr. PRATT: Petition of the New York State Wholesale Bakers' Association, by Mr. F. W. Dawdy, treasurer, Elmira, N. Y., favoring congressional action to fix the price of corn, barley, rye, and oats in the same manner as has been done in fixing the price of wheat; to the Committee on Agriculture.

Also, petition of the New York State Wholesale Bakers' Association, by the Nye Baking Co., of Owego, N. Y., favoring appropriate action to fix the price of corn, barley, rye, and oats in the same manner as has been done in the price of wheat; to the Committee on Agriculture.

By Mr. PRICE: Petition of men and women of Cecil County, Md., favoring the woman-suffrage amendment; to the Committee on Woman Suffrage.

By Mr. SIEGEL: Resolution of the Bronx Board of Trade, New York City, N. Y., protesting against the discontinuance of the pneumatic-mail service for New York City; to the Committee on the Post Office and Post Roads.

By Mr. STEVENSON: Petition of prominent men and women of Lancaster County, S. C., desiring the immediate submission of the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. STINESS: Petition of sundry citizens of the State of Rhode Island, favoring woman suffrage; to the Committee on Woman Suffrage.

By Mr. TINKHAM: Papers to accompany bill granting an increase of pension to Ebenezer H. Spaulding; to the Committee on Invalid Pensions.

By Mr. VESTAL: Petition of rural letter carriers of Madison County, Ind., urging increase in salary, etc.; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the eighth district of Indiana, urging passage of Federal suffrage amendment; to the Committee on Woman Suffrage.

SENATE.

THURSDAY, *January 10, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in the midst of the world's great clamor for justice and freedom we pray that Thou wilt help us first of all to be just to ourselves, that we may hold ourselves to the highest standard, that we may appear before God clear upon Thy book, that our hearts may be right in Thy sight. If we are just to ourselves we know that we can afford to be generous to others. So do Thou mold us according to Thy will and enable us to bring ourselves completely into submission to the Divine will. To this end do Thou bless us and guide us to-day. For Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	McKellar	Smith, S. C.
Bankhead	Harding	McNary	Smoot
Borah	Hardwick	Martin	Swanson
Calder	Hollis	New	Thomas
Culberson	James	Norris	Thompson
Curtis	Johnson, Cal.	Owen	Tillman
Dillingham	Johnson, S. Dak.	Poindexter	Townsend
Fernald	Jones, Wash.	Saulsbury	Vardaman
Fletcher	Kellogg	Shafroth	Warren
France	Kenyon	Sheppard	Watson
Frelinghuysen	King	Sherman	Williams
Gallinger	Kirby	Smith, Ariz.	
Gerry	Knox	Smith, Ga.	
Gronna	McCumber	Smith, Md.	

Mr. FRELINGHUYSEN. I desire to announce the unavoidable absence of my colleague [Mr. HUGHES] owing to illness.

Mr. VARDAMAN. I desire to announce the absence of the Senator from Missouri [Mr. REED] on business of the Senate. I wish also to announce the absence of the senior Senator from Massachusetts [Mr. LODGE] and the junior Senator from New Mexico [Mr. JONES], who are engaged in committee work.

Mr. WARREN. I wish to state that the Committee on Military Affairs is in session and there are important witnesses being heard.

Mr. GERRY. I desire to announce the unavoidable absence of the Senator from Kentucky [Mr. BECKHAM] on official business.

Mr. McNARY. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN] on official business.

Mr. SIMMONS. I desire to announce that my colleague, the Senator from North Carolina [Mr. OVERMAN], is detained from the Senate by illness.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. A quorum is present. The Secretary will read the Journal of the proceedings of the preceding day.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed a joint resolution (H. J. Res. 23) authorizing and directing the Secretary of the Interior to make an investigation and report upon the advisability of establishing and maintaining Government fuel yard or yards in the District of Columbia, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. Mr. President, I have here a letter from a committee of citizens of Wilkeson, Pierce County, Wash., sending me a petition urging that aliens in this country be either drafted and made to serve in the Army of the United States or else that they be deported.

I ask that the letter may be printed in the RECORD, and the body of the petition, because these citizens make some very pertinent suggestions and also give illustrations where these aliens have referred slightingly to American citizens and advised them not to go into the Army, and said, "We will take your jobs away and make the money."

There being no objection, the letter and petitions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

WILKESON, PIERCE COUNTY, WASH., *December 15, 1917.*

The Hon. WESLEY L. JONES,
Washington, D. C.

DEAR SIR: Inclosed you will find petition signed by 210 citizens of this town. Wilkeson, as you probably know, is the center of Pierce County's mining district. It has a population of approximately 1,500 and boasts of about 200 voters. What is true of Wilkeson is true of every mining camp in the State of Washington with few exceptions.

We request the privilege of stating a few reasons for this petition: We have a mixed population, consisting of Austrians, or people of Slavish blood in predominance, Germans, Italians, Finns, Russians, English, Swedes, and nearly every other nationality under the sun excepting Japs, Chinese, and Negroes. Some of these people have lived in the United States 10, 20, and in some cases 30 years, but in all this time they have not had enough interest in the welfare or government of our country to apply for naturalization papers. When you speak of the war they say, "Oh, you can go; I'm not a citizen." Yet when it comes to demanding higher wages and the best in the land—liberty, free speech, and still more liberty—they get it, and the American citizen pays the bill.

When the draft law was passed and the country called for men to bear arms, the best young American manhood responded; the rest claimed exemption—"I'm not a citizen of the United States; I belong to Austria, Italy, or some other country." Why not send them back to that country? The young Americans go; the others stay behind to demand higher wages and free speech, and they are not a bit afraid to tell you about it either—to hoard their money and send it back to the old country when the war is over.

Not very long ago two Austrians received their checks on pay day. They took them to the local bank to be cashed, and the banker counted it out in currency, whereupon they pushed it back and said: "We want gold." On being told that they could not get gold they refused to cash their checks, as currency would not keep very well in cans.

The town of Wilkeson subscribed $1,300 to the first liberty loan; the First Bank of Wilkeson took $1,000 of that amount. On the second liberty-loan drive a committee of citizens endeavored to make a better showing. They raised the magnificent sum of $9,050, exclusive of the bank's subscription. They received the large sums of $50 and $100 from men earning as high as $15 per eight-hour day.

Recently we undertook a Y. M. C. A. drive for the boys in khaki. On entering a local pool hall we asked a group of Austrians to donate something to this cause. One man gave 50 cents, the others refused to give a penny. These men had just returned from a season's fishing in the straits and Alaskan waters, where they had netted from $1,000 to $2,000 each. They have their first papers but merely to enable them to fish. Ninety per cent of them stop right there; the other 10 per cent obtain their full citizenship.

The Government recently arrested in Seattle a man who at one time was president of the miners' local union at Wilkeson, a man who was loud in denouncing this country, a citizen of the British Empire. His arrest followed his connection with the Industrial Workers of the World. He was expelled from the boiler makers' union of Seattle and is now suing them and the Seattle Construction & Dry Dock Co. for damages and loss of work.

All the inhabitants of the town of Wilkeson send their children to our free public schools and use our free public roads, which is a good thing without a doubt, for which they pay not a cent of direct taxes nor share a bit of responsibility.

Recently while circulating the inclosed petition we asked a naturalized Slav to sign. This is what he said: "You bet I will. My countrymen make fun of me for taking out my citizenship papers. They say, 'What is the use of spending $50 to get your papers? If this country needs soldiers of your age, you will have to go. We will stay behind and get good jobs.' You bet I will sign, and I have some friends who will sign, too. We hope it passes and the Government charges each of these countrymen of mine about $10 a month to help win the war." You will notice on the petition how well he kept his word about his friends signing the petition.

These are some of the reasons we have for presenting you the inclosed petition. They may not be the reasons of all the signers of this petition, but we are sure they agree with a large percentage, and the petitions speak for themselves. We hope you may in some way be able to make these people appreciate the free country in which they live and their responsibilities to that country.

Very respectfully, yours,

L. G. MASTERS,
E. A. WESTFALL,
J. A. PYFER,
Committee.

WILKESON, PIERCE COUNTY,
STATE OF WASHINGTON,
December 1, 1917.

To the honorable Congressmen from the State of Washington, Washington, D. C.

GENTLEMEN: We, the undersigned citizens of the United States, residing at Wilkeson, Pierce County, Wash., do respectfully petition the Representatives of the people of the State of Washington to use their influence at the coming session of Congress to have legislation passed compelling people of foreign birth working and residing within our country to make application for naturalization papers after five years' residence within the United States and for full citizenship within a reasonable time thereafter or be deported. And, further, that they be compelled to bear their just part of the taxes and responsibilities necessary to the successful conclusion of the war with the German Empire.

J. J. CORBY
(And others).

Mr. JONES of Washington. I also have received a letter from Mr. Charles V. Powell, of Buffalo, N. Y., on the same subject, which I ask to have referred and printed in the RECORD.

There being no objection, the letter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

721 LAFAYETTE AVENUE,
Buffalo, N. Y., December 24, 1917.

Senator WESLEY L. JONES,
Washington, D. C.

MY DEAR SENATOR: Thank you for your letter of the 18th instant, re my letter on "declarent aliens." Will you kindly consider the following points which are directly connected with this matter. I may state that I am an accountant, a man turned 45 years, British born, thoroughly American from my "shoes up," lived away in outlying section of Rocky Mountains, Colo., also Utah, for nearly 10 years, yet my handling about as auditor prevented my obtaining "final papers." I have a year to elapse; my wife is Swedish-French American, 26 years in this country. We are westerners. I offered myself to British recruiting mission because I was over American age, yet within British age. I failed to pass medical examination and was rejected. I have letter to that effect. No man ever called me slacker and "got away with it."

I tell you all this detail so that you will understand how unfair it would be to force such men as I back to England because we had not obtained our final papers, often not our own fault.

1. Look at "Citizenship" paragraph in the new draft questionnaire. Here the alien has to answer "yes" or "no" to the question, "Is he willing to serve United States Army military service." If "yes" he does not have to answer the following questions, or when and how he entered country, parentage, first papers?

2. Further down the page he is asked would he serve United States Army or army of his old country?

3. Now, Mr. JONES, here clearly is established a choice of service for your alien United States Army or old-country army. This means allied aliens, for nonneutral aliens affect the army question.

4. But, Mr. JONES, we are told that the reciprocal treaties are to be laid before the Senate for ratification. This means exchange of subjects between England and America in particular. Now, your questionnaire give the allied aliens choice of service clearly—"Which army do you prefer?" How do you reconcile the questionnaire choice of service with reciprocal treaties forcing Britishers to their old country's army?

Yours, for America only,

CHARLES V. POWELL,
A very "sore" old Britisher.

The British recruiting mission has established offices in most of our principal cities in anticipation of you gentlemen passing reciprocal treaties to permit Britishers declarent, 18 to 45 years, to be drafted into the British Army. One officer told me that England "would not stand for" anything else. Since when, Mr. JONES, has England acquired the right to dictate the policies of the United States of America?

Mr. GRONNA. Mr. President, I have here a great number of telegrams and letters from citizens of my State, as well as the citizens of other States, urging the passage of Senate bill 3235, the Federal farm-loan bill. I ask that one of the telegrams, from Mr. A. C. Townley, president of the National Nonpartisan League, be printed in the RECORD, and also another telegram, from Mr. Frank P. Cowing, of Maddock, N. Dak., together with a letter from a New England farmer. I ask that those three be printed in the RECORD and that all be noted in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The telegrams and letter are as follows:

ST. PAUL, MINN., *January 8, 1918.*

Senator ARLE J. GRONNA,
Senate Office Building, Washington, D. C.:

Bill appropriating $100,000,000 for Federal farm loan banks has passed House. Will you not use your influence to bring it to an early roll call and vote for its passage? The bill is not all it should be, but it offers some much-needed aid to the farmers, and financial aid is imperative to relieve serious situation. Congress voted huge sums to help shipbuilders, munition makers, and others. The farming industry certainly is entitled to same consideration. Unless farmers get this help the Nation's food producing capacity will be handicapped. This may jeopardize our success in war. The necessity for relief is urgent to the Nation as well as the western and southern farmer. The farmers are watching this bill. All they ask is a square deal. We respectfully request you to support this most meritorious measure.

A. C. TOWNLEY,
President National Nonpartisan League.

MADDOCK, N. DAK., *December 31, 1917.*

Senator A. J. GRONNA,
Washington, D. C.:

Your attention respectfully called to importance of bill to enable Federal land banks to continue business in spite of abnormal conditions due to war and private competition. Large numbers of farmers in this region have applied for loans. If unable to obtain them, will be forced to fall back on former mortgage holders. Any rural-credit work for the future would be badly discredited. It is a critical time to cause financial embarrassment to the farmers. Failure by Congress to make the Federal land banks workable will raise interest rates, discourage farmers, and lower their efficiency. Your support is expected, as usual, by the farmers in your district.

FRANK P. COWING,
Secretary-Treasurer Maddock Farm Loan Association, and Secretary Benson County Federation of Farm Clubs.

WESTFORD, MASS., *January 1, 1918.*

Hon. ARLE J. GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: I wish to send a word of thanks to you for the support of the Federal farm-loan bonds the other day in the Senate. I am an eastern farmer engaged mostly in the growing of apples. I have a letter from my Senator WEEKS, mailed this morning, wherein I expressed the hope that the limitation put upon the act by his amendment to Senator HOLLIS's provision for the purchase of the farm-loan bonds, would be amended so that there might be an open door for us during all of 1918, 1919, and the duration of the war.

I outlined to him the peculiarly distressing conditions in which we country people find ourselves by the war and the way in which the governmental activities cripple us.

There is a profound feeling of loyalty in our New England country districts to the Government. We have given our help, our boys, and a lot of hard, unpaid toil this summer to increase food supplies. Yet there is the feeling that there ought to be relief from some of the conditions that are apprehensive to us.

We go into the raw-material markets for our fertilizers. We meet the powder makers. We and they use many of the same materials. We to grow our crops. They to make their explosives. They outbid us. No matter how high it goes, they will go above us.

They simply turn the high cost of raw material into the cost price when they settle with the Government.

We farmers can not do this. We can not get our money back in the open and unsupported market to which we must carry our food products.

In the labor market, powder men and bullet makers, constructors, and shipbuilders are all in the labor market bidding against each other, and all conjointly against the farmer. In this kind of labor competition we have no ghost of show. Not only does this competition make our entry impossible, but the bonuses that are paid to manufacturers and labor make it absolutely prohibitive.

Most all war industries have an open or implied contract with the Government for a guaranteed market, a stipulated price that includes any price for raw materials and labor, and a given bonus for accelerated production.

As farmers and produce growers, we have to do without any of these supports. The isolation of our units makes them handicaps to us in growing war essentials. Still more, lacking bonuses, we have to fight man-made penalties and the penalties nature exacts from us.

As farmers we see these things. There may be no way other just now than this crippling condition that the manufacturers of war material impose upon us. We are loyal to the core under this crippling by the city mills and manufacturers.

All we ask is for a fair chance for our working capital. This means not only our homes and what is dear to us in our domestic life but the continued supply of things to eat, and things to wear. What is more fundamental than food and clothes in this great struggle? Antecedent to bullets and battles, there must be bread. Bread, and always bread.

In the growing of these fundamental foodstuffs, why should next July find the doors of these Federal farm banks closed when we go there with the best collateral God and man ever made to get working capital—closed by the action of an arm of the Government?

It is bad enough to run up against the crippling action of the different activities of Government war work. But, why in the name of all that is intelligently patriotic, should the Senate arm of the Government make impossible for us to exist and work in the economic farm crisis that impinges?

Let me be concretely clear. I have a neighbor who keeps a herd of 38 cows. This milk is carried into Lowell, where it goes to feed a lot of families and their children and babies. He is having a very hard time in getting his fertilizer that he needs in addition to his barnyard manure. He has no help. He milks by electricity. His wife helps in the milk room, besides doing all the household cooking and work. Yesterday morning both were up at 4 o'clock. The thermometer was at 30° below. And an 8-mile drive to Lowell by truck.

This man and his family are doing this work, have their home because they have been able to rent $2,500 at 5 per cent. Mortgage note to be renewed at the expiration of every six months.

Savings banks and private individuals are calling in their mortgage loans. This same farmer will receive notice next June that his mortgage will not be renewed next June. Not at any figure.

The capital that is out in these farm-loan mortgages is finding a greater return in the manufacturing markets and construction, where there are guaranteed markets, guaranteed prices, and heavy bonuses from the Government. From the Government to bankers, millmen, manufacturers, and laborers.

This dairyman, when he goes to the local farm-loan association under the Hollis Rural-Credits Act, will be told that the doors are closed to him. That one part of the Government foresaw these difficulties and consequent hardships and wished to buy these farm-loan bonds so that fresh capital might be furnished to continue this fundamental war work. But that the United States Senate made it impossible to go beyond the fiscal year of June, 1918.

What will he think? How will he feel to see the foreclosure of his industry that is so fundamental to the carrying on of this war for a world democracy? The collaterals that lies behind these bonds is better than any mercantile paper. The Government has stood behind the mercantile interests of the country with far less security in tight-money markets. The same arm of the Treasury has gone out in helpful, hopeful ways to the purely business men of the country. Why not on much better security and necessity? The way of patriotism lies that we farmers shall not dare demand the marketing of our farm-loan bonds just now. The liberty bonds must have the right of way.

The logic that makes it necessary to spend some of this liberty loan money for bonuses to stimulate production without its being stipulated in appropriation details makes it more than legitimate to take up these farm-loan bonds.

The bonuses are necessary, we farmers have no doubt. But in themselves they will never return to the Treasury Department.

With the farm-loan bonds it is different. If the Treasury Department takes them up there will be an interest of 4½ per cent flowing back into the Treasury.

If they are taken for 1918, 1919, or whatever period the war may last, there will be this interest return to the Treasury.

When the war is over and liberty bonds cease to hold the market, the farm-loan bonds can be sold by the Treasury Department. It will have a better money return than other money that it has used. It will have its original sum back, with added interest.

Of no other appropriation can this be said. Of no other appropriation can it be as truly said, "Life, and life more abundantly." For many a soldier. Perhaps for the Nation.

I have gone into these details because I must believe there is no Senator in the Senate at Washington, when he sees the personal and economic difficulties in which the farmers of our country work but will be glad to keep open the doors of our Federal land banks.

The pinch is growing tighter. The threat of loss of home and farm grows more ominous as the war lengthens. The day will come when private greed in its short-sightedness will withdraw all its investments from farm mortgages. Not because they are unsafe but because they can get more in the big, bonused war industries.

If that finds the farm-loan banks closed, because we took no heed of a common obligation, in the purchase of the best underlain bonds in the world, this war will collapse. Millions will then have given their lives in vain and the reality of a democracy fade in an autocracy.

We pray God that we may be spared this calamity.

I wish to thank you again for the loyalty you have shown in this purchase of the farm-loan bonds.

Sincerely,

LOUIS H. BUCKSHORN.

Mr. GRONNA presented petitions of the Commercial Club of Bismarck; of C. H. Belknapp, cashier of the First National Bank of McIntosh; of E. N. Bosworth, treasurer of the National Farm Loan Association of Raleigh; of W. A. Priess, secretary-treasurer of the National Farm Loan Association of Garrison; of T. G. Nelson, of Dunn Center; of A. A. Hoffman, president of the Federal Farm Loan Association of Courtenay; of the board of directors of the National Farm Loan Association of Ray; of the National Farm Loan Association of Lisbon; of the Limbercreek National Farm Loan Association, of Rawson; of the National Farm Loan Association of Berthold; of the National Farm Loan Association of Velva; of the National Farm Loan Association of McVille; and of the National Farm Loan Association of Bergen, all in the State of North Dakota, praying for the passage of the so-called administration bill amending the Federal farm-loan act, which were ordered to lie on the table.

Mr. GALLINGER presented the petition of C. J. Kindred, of Grenoble, Pa., and the petition of J. Clarence Davies, of New York City, N. Y., praying for the importation of Chinese farmers into the United States during the war, which were referred to the Committee on Foreign Relations.

He also presented the petition of Charles C. Doten, of Plymouth, Mass., praying for the enactment of legislation to

it out in currency, whereupon they pushed it back and said: "We want

A very "sore" old Britisher.

pension soldiers who served less than 90 days, which was referred to the Committee on Pensions.

Mr. THOMPSON presented a petition of Federal Employees' Local Union No. 49, of Leavenworth, Kans., praying for an increase in the salaries of Government employees, which was referred to the Committee on Appropriations.

Mr. SMITH of South Carolina presented a petition of sundry railway postal clerks of Columbia, Greenville, Sumter, and Walhalla, all in the State of South Carolina, praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Aiken, Lancaster, and Richland Counties, all in the State of South Carolina, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. FERNALD. I present a resolution adopted at a meeting of the Maine branch of the Woman's Party, which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Senator BERT M. FERNALD,

DEAR SIR: Resolution adopted at meeting held under auspices of Maine branch of the Woman's Party at Frye Hall on January 5:

"*Resolved*, That this meeting call upon President Wilson and the Democratic administration to give effective support to the national suffrage amendment by making it an administration measure and securing its passage in this session of Congress, at a time when the Government is calling upon the women of the Nation for their indispensable services to assist in bearing the burdens of the war; be it also

"*Resolved*, That this meeting call upon the Congress of the United States to pass at once the Federal suffrage amendment, establishing at home that democracy for which the men of this country have been called to fight abroad; be it further

"*Resolved*, That this resolution be sent to the President; the Vice President; Speaker CHAMP CLARK; Senator THOMAS MARTIN, Democratic leader of the Senate; Hon. CLAUDE KITCHIN, Democratic leader of the House of Representatives; Hon. FREDERICK H. GILLETT, Republican leader; and to our Senators and Representatives."

FLORENCE BROOKS WHITEHOUSE,
Chairman Maine Branch.

Mr. PHELAN presented a petition of Fred Steele Post, No. 70, Department of California and Nevada, Grand Army of the Republic, of San Luis Obispo, Cal., praying that pensions of veterans of the Civil War be made commensurate with the present cost of living, which was referred to the Committee on Appropriations.

He also presented a petition of the Yugoslavs of Oakland, Cal., favoring the declaration of war on Austria and declaring firm allegiance to the United States, which was referred to the Committee on Foreign Relations.

OSAGE INDIAN SCHOOL, OKLAHOMA.

Mr. CURTIS. From the Committee on Indian Affairs I report back favorably with amendments the bill (S. 3223) providing for the continuance of the Osage Indian School, Oklahoma, for a period of 10 years from January 1, 1918, and I submit a report (No. 187) thereon. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. Let the bill be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the third paragraph of section 4 of the act of June 28, 1906 (34 Stat. L., 539), is hereby amended to the extent that the moneys therein provided for support of the Osage boarding school may be used, in the discretion of the Secretary of the Interior, for the same purposes as provided in said paragraph for a further period of not exceeding 10 years from the 1st day of January, 1918: *Provided*, That said moneys may be expended without limitation, except that there shall not be expended more than $300 for annual support and education of any one pupil: *Provided further*, That the foregoing shall also apply to expenditures for the fiscal year ending June 30, 1918.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The first amendment of the committee was, on line 10, page 1, before the word "years," to strike out "ten" and insert "thirteen."

The amendment was agreed to.

The next amendment was, after the word "limitation," in line 12, page 1, to insert the words "and shall include systematic vocational instruction."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the continuance of the Osage Indian School, Oklahoma, for a period of 13 years from January 1, 1918."

THE COMMITTEE ON THE LIBRARY.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 168, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on the Library, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recess of the Senate.

CLAIMS OF SIOUX INDIANS.

Mr. JOHNSON of South Dakota. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S. 2052) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, and I submit a report (No. 188) thereon. A similar bill passed this body in the last Congress. It has the unanimous recommendation of the committee and of the department, and I ask for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the immediate consideration of the bill?

Mr. GALLINGER. Let the bill first be read.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That all claims of whatsoever nature which the Sioux Tribe of Indians may have against the United States, which have not heretofore been determined by the Court of Claims, may be submitted to the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for determination of the amount, if any, due said tribe from the United States under any treaties, agreements, or laws of Congress, or for the misappropriation of any of the funds of said tribe, or for the failure of the United States to pay said tribe any money or other property due; and jurisdiction is hereby conferred upon the Court of Claims, with the right of either party to appeal to the Supreme Court of the United States, to hear and determine all legal and equitable claims, if any, of said tribe against the United States, and to enter judgment thereon.

SEC. 2. That if any claim or claims be submitted to said courts they shall settle the rights therein, both legal and equitable, of each and all the parties thereto notwithstanding lapse of time or statutes of limitation, and any payment which may have been made upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as an offset in such suits or actions, and the United States shall be allowed credit for all sums heretofore paid or expended for the benefit of said tribe or any band thereof. The claim or claims of the tribe or band or bands thereof may be presented separately or jointly by petition, subject, however, to amendment, suit to be filed within five years after the passage of this act; and such action shall make the petitioner or petitioners party plaintiff or plaintiffs and the United States party defendant, and any band or bands of said tribe the court may deem necessary to a final determination of such suit or suits may be joined therein as the court may order. Such petition, which shall be verified by the attorney or attorneys employed by said Sioux Tribe or any bands thereof, shall set forth all the facts on which the claims for recovery are based, and said petition shall be signed by the attorney or attorneys employed, and no other verification shall be necessary. Official letters, papers, documents, and public records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said tribe or bands thereof to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys for said tribe or bands of Indians.

SEC. 3. That upon the final determination of such suit, cause, or action the Court of Claims shall decree such fees as it shall find reasonable to be paid the attorney or attorneys employed therein by said tribe or bands of Indians under contracts negotiated and approved as provided by existing law, and in no case shall the fee decreed by said Court of Claims be in excess of the amounts stipulated in the contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and no attorney shall have a right to represent the said tribe or any band thereof in any suit, cause, or action under the provisions of this act until his contract shall have been approved as herein provided. The fees decreed by the court to the attorney or attorneys of record shall be paid out of any sum or sums recovered in such suits or actions, and no part of such fees shall be taken from any money in the Treasury of the United States belonging to such tribe or bands of Indians in whose behalf the suit is brought unless specifically authorized in the contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior as herein provided: *Provided*, That in no case shall the fees decreed by said court amount to more than 10 per cent of the amount of the judgment recovered in such cause.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment of the committee was, in section 2, page 2, line 21, after the word "tribe," to insert "or any other tribe or band of Indians."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, and for other purposes."

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 3452) granting an increase of pension to S. S. Hubbell (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 3453) for the relief of Volney M. Curry; and

A bill (S. 3454) for the relief of Calvin S. James; to the Committee on Military Affairs.

A bill (S. 3455) granting a pension to William Washington Poor;

A bill (S. 3456) granting an increase of pension to John M. Stephens; and

A bill (S. 3457) granting an increase of pension to Thomas M. Wiskey; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 3458) providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash.; to the Committee on Indian Affairs.

A bill (S. 3459) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908; to the Committee on Education and Labor.

A bill (S. 3460) granting a pension to Amy E. Wingreen, now Macomber (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3461) granting an increase of pension to Samuel W. Presley; to the Committee on Pensions.

By Mr. CALDER:

A joint resolution (S. J. Res. 122) directing the Secretary of the Treasury to permit the entry under bond of certain shipments of distilled spirits; to the Committee on Finance.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 23. Joint resolution authorizing and directing the Secretary of the Interior to make an investigation and report upon the advisability of establishing and maintaining Government fuel yard or yards in the District of Columbia was read twice by its title and referred to the Committee on the District of Columbia.

CONSIDERATION OF TREATIES.

The PRESIDENT pro tempore. Are there further bills or joint resolutions? If not, concurrent and other resolutions are in order. If there be no resolutions, the morning business is closed, and the calendar under Rule VIII is in order.

Mr. BORAH. Mr. President, there is on the table a resolution coming over from yesterday.

The PRESIDENT pro tempore. The order is that when called for such resolutions shall be handed down, which the Chair does at the request of the Senator from Idaho.

The resolution (S. Res. 178) was read, as follows:

Resolved, That the Committee on Rules be, and the same is hereby, directed to prepare a revision of the rules of the Senate relating to the consideration of treaties so as to provide that all treaties hereafter shall be considered in the open executive sessions of the Senate, and, when such revision is so prepared, to report the same to the Senate for its consideration.

Mr. BORAH. The Senator from Iowa [Mr. KENYON] desires to address the Senate this morning, and I ask that the resolution may go over without prejudice to its present position.

The PRESIDENT pro tempore. That order will be taken.

AMENDMENT OF THE FEDERAL FARM-LOAN ACT.

Mr. OWEN. Mr. President, may I not ask, before the Senator from Iowa begins his address, to have the conference report on the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916, first disposed of? If it will not take any great length of time, I should be glad to have that action taken.

The PRESIDENT pro tempore. The Senator from Oklahoma calls up the conference report heretofore submitted by him on Senate bill 3235, which will be read.

The Secretary read the report (S. Doc. No. 160), as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

ROBERT L. OWEN,
HENRY F. HOLLIS,
A. J. GRONNA,
Managers on the part of the Senate.
CARTER GLASS,
MICHAEL F. PHELAN,
EVERIS A. HAYES,
Managers on the part of the House.

Mr. SMOOT. Mr. President, I have not had time to examine this conference report in detail, but I take it from the report as submitted by the Senator from Oklahoma [Mr. OWEN] that the only change made in the bill as it passed the Senate has been to increase the appropriation from $100,000,000 to $200,000,000. I will ask the Senator from Oklahoma if I am correct in that statement?

Mr. OWEN. The provision is that this amount shall extend to July 1, 1919, giving 18 months in which this legislation shall operate instead of six months. The system could hardly get into good running order in so short a time as six months. The language is:

Such purchases shall not exceed the sum of $100,000,000 in either of such fiscal years.

The words "such fiscal years" referring to the fiscal years 1918 and 1919.

Mr. SMOOT. In other words, Mr. President, it is proposed to authorize the Secretary of the Treasury to purchase farm-loan mortgage bonds to the amount of $200,000,000.

When the bill was before the Senate, I called attention to the fact that it was simply a beginning of the requests that would be made upon the Treasury of the United States for the purchase of farm-loan mortgage bonds. From information which I have received from different parts of the United States, I am quite sure that the statement I then made was correct. Only yeserday, Mr. President, before the Public Lands Committee, we listened to a plea that as to all homestead entries on public lands of the United States which had been made one year before the passage of an act, which was to be introduced in the Congress yesterday, patents should be granted immediately to the locator. It was specifically stated that the object of the legislation was to secure title to the land, so that their owners could secure money from the Federal Farm Loan Board. Asked as to what amount they expected to receive, the question was not answered, nor do I believe that it could be answered. If it is to be, Mr. President, a universal custom that one class of citizens are to receive patents to the lands which they have homesteaded, all citizens should receive the same consideration.

Instead of this legislation involving an expenditure of $200,000,000, we shall find ourselves in such a position that we shall have to advance a billion dollars for this purpose. Evidently there is a majority of Congress that feels that this policy should be adopted.

Mr. President, if the Government of the United States were in a prosperous financial condition at the present time and its obligations were not growing by leaps and bounds, by billions upon billions of dollars every year, there is no class of legislation, paternal in its nature, that I should prefer to this; but what I am fearful of, Senators, is that our system is going to break down. The demands that are going to be made upon the Treasury of the United States will be such that, even with the immense resources of the United States, our financial system will be loaded beyond all reason and power to meet. I am fearful, Mr. President, that when the people understand this, when they begin to realize what will be required of them by way of direct taxation and also by way of bonded obligations, they will lose confidence in the judgment of the men whom they have sent here to represent them.

I notice that the bill to which I have referred was introduced yesterday in the Senate by the Senator from Montana [Mr. MYERS], and I have little doubt that it will pass. I know that all of those who are affected by the proposed legislation have just as much right to expect advances from the Federal Farm Loan Board as those who already have the title to their lands. I was told by one person interested in this legislation that it ought to pass, because while billions are being spent for other purposes, we also can add billions for this purpose just as well as not, and that those desiring the money are entitled to it. It may be, Mr. President, that they are entitled to it just as much as those who are to be beneficiaries of the appropriations covered by the pending legislation; but I know that the day is

coming when a halt will have to be called. I know that we can not go on appropriating and authorizing the expenditure of money as recklessly as has been done in the last 12 months. I am fearful of the result, and I felt that it was my duty to say this much on this occasion. However, in saying it, Mr. President, I do not think that anything will come of it in the way of defeating this conference report. I do it because I think it is a duty I owe to my country.

I am not going to say anything more about the report; I presume it will be adopted; but I do hope and trust that Congress will at least stop and consider where we are drifting and what the result of these appropriations covering untold millions of dollars will be.

Mr. OWEN. Mr. President, I agree with the general idea that we ought to be careful in our expenditures. In this particular case the farm-loan associations have applied altogether for about $200,000,000 in loans. The Farm Loan Board has been able to let out something between $20,000,000 and $30,000,000 of loans. After this system was inaugurated the United States entered into this world war and has had occasion, of course, to call for very large amounts of credits from the country, so that the demands of the Federal Government have made it much more difficult and awkward easily to market farm-loan bonds, although they comprise a very excellent security.

In this case, however, the proposed legislation only authorizes the Secretary of the Treasury, in his discretion, upon the request of the Federal Farm Loan Board, to purchase at par and accrued interest certain portions of the bonds, not to exceed $100,000,000 in any fiscal year. It is not believed that quite so much will be required, but it is necessary when men desire to have the loans made to have available somewhere funds from which these loans can be supplied; otherwise the need of the individual for the loan will be satisfied elsewhere, and the system itself will not operate or function as Congress intended that it should.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. I yield.

Mr. KING. I was under the impression that this bill merely authorized the purchase by the Secretary of the Treasury of not to exceed $100,000,000 in all of the bonds.

Mr. OWEN. Well, that was drawn for the current fiscal year, and it was amended so as to provide for the next fiscal year, because the current fiscal year will terminate on June 30 next.

Mr. KING. Do I understand the Senator to mean that this may go on indefinitely?

Mr. OWEN. No; not at all; only for the present fiscal year and the ensuing fiscal year.

Mr. KING. I want to say to the Senator, with his permission, that I have received a large number of letters from various parts of the country objecting to and, indeed, protesting against this legislation. The letters, in the main, are to the effect that the writers and the corporations with which they are identified have loaned and are ready to loan whatever money the farmers may require; that they are being taxed very heavily by the Government in the prosecution of the war, and they think that it is very unfair for the Government to tax them, to take their money, and then to loan their money out to individuals, thus entering into competition with the corporations in loaning money to the farmers of the United States.

If this were to be a permanent policy it seems to me that it would be not only unwise but exceedingly dangerous and would be committing the Government to a line of policy that is not consistent with its functions, and, indeed, is in contravention of the functions of the Federal Government.

I shall vote for the conference report, but I shall do so very reluctantly; and I hope we may have the assurance of the distinguished Senator from Oklahoma that no more legislation of this character will emanate from his committee, at least for some time.

Mr. OWEN. This request, of course, comes from the Farm Loan Board, who have been met with the difficulties which I have pointed out. I do not think it will embarrass the Government in the least, and it will afford a means by which to increase the output of raw materials—cotton, flax, and foodstuffs of all sorts—which are essential, of course, to carrying on this war. It is regarded as essential to stimulate the production of these materials and to carry out the policy which was laid down by the Congress of the United States in adopting the farm-loan banking system.

Of course, I appreciate that the banks and the mortgage companies that have heretofore loaned money to the farmers regard this system with some aversion. That is not unnatural, because lending money to farmers was a profitable business, especially in some parts of the West, where the farmers, because of the difficulty in getting credits, had to pay a very high rate, a rate so high that it really obstructed in a serious way the development of agriculture in the western parts of the country.

Those are the reasons which justify this amendment to the Federal farm-loan act, and I trust the Senate will give it its approval.

Mr. GALLINGER. Mr. President, when this matter was first before the Senate I expressed my dissent from the proposed legislation. Perhaps I was influenced to some extent by the fact that the savings banks of my State are loaning money to farmers at 5 per cent, and want to continue to loan money at that rate. Not a single bond has been taken in the State of New Hampshire, so that our people have no interest whatever in the matter; but it is evident that the Congress feel differently than I do. The House originally passed the bill granting $100,000,000 for two years consecutively. The Senate amended it by making it $100,000,000 for one year. I voted for that, and I regret that the conferees on the part of the Senate have yielded to the House in this matter; but they have done so, and all I can do is to vote against the conference report, which I shall do.

Mr. SMOOT. Mr. President, just a word more.

I learn from the Federal Farm Loan Board that 80 per cent of the applications for loans are for the purpose of paying loans that are already carried by other institutions or private parties. The object is, of course, to get a lower rate of interest than the farmers now are paying. I should like to see the farmers get as low a rate of interest as possible. That being the case, Mr. President, there is no necessity of trying to deceive ourselves by claiming that the advance of this money is going to increase the production of farm products in the country. At least 80 per cent of it is not going to increase production, because all the farmer will do is to receive the money and pay the obligations held against him to-day by some corporation or some individual.

Mr. LODGE. Mr. President, if I may interrupt the Senator from Utah, I suppose the theory is that the Government will never collect either principal or interest. Is not that it?

Mr. SMOOT. That is not the theory of the legislation.

Mr. LODGE. No; not of the legislation, but that is the theory of the farmers?

Mr. SMOOT. Well, I would not say that.

Mr. OWEN. Mr. President, I must enter my protest against that suggestion, because, of course, that is not the theory of anybody.

Mr. LODGE. Does the Senator think that these loans are going to be paid, principal and interest?

Mr. OWEN. Absolutely. The Government could not have a better security than this—not only the individual land, but——

Mr. LODGE. Like the irrigation bonds; they are going to be paid in that way, I suppose.

Mr. OWEN. No; not like the irrigation bonds; very different even from the irrigation bonds. The bond is secured by the individual land; it is secured by a group who have a common interest, and besides that it is secured by the common credit of all of the land banks.

Mr. SMOOT. Mr. President, if they are careful in making the loans, and the property is worth what the mortgage calls for, it is possible that every dollar of it will be collected, if enforced.

Mr. LODGE. If enforced; yes.

Mr. GALLINGER. Will the Senator yield to me?

Mr. SMOOT. Certainly.

Mr. GALLINGER. The Senator knows, however, that an appeal has been made to Congress to let up on the collection of the indebtedness to the Government on the part of parties who have taken advantage of the irrigation law, for which I voted. Does not the Senator think there will be an appeal from the poor farmer, after a while, in this matter?

Mr. SMOOT. All that the Congress has done in that regard has been to make the payments extend over a period of 20 years instead of 10.

Mr. GALLINGER. Yes.

Mr. SMOOT. Of course, at the end of 20 years I can not say what may happen; but I know that under the irrigation projects the advance of the Government is absolutely secure, because it covers irrigated lands, and those lands never will be worth less than they are to-day, and undoubtedly they will increase in value in the future.

Mr. GALLINGER. But does the Senator think that the Government will ever enforce its claim?

Mr. SMOOT. Well, I rather think it will.

Mr. GALLINGER. I am glad the Senator has faith.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. SMOOT. Certainly.

Mr. NORRIS. Has the Senator any doubt that the Government is going to get its money back on these irrigation bonds?

Mr. SMOOT. I think it will, as I expressed myself.

Mr. NORRIS. I think so, too; but the Senator answered as though he thought there might be some doubt about it. Can anybody question that those bonds are going to be paid?

Mr. SMOOT. I know what the Senator from New Hampshire had in mind when he asked the question. I know that some of the organizations have petitioned to be relieved of the obligation.

Mr. GALLINGER. That has been done.

Mr. SMOOT. That has been done.

Mr. NORRIS. But there has not been any relief from any obligation. Nobody has been relieved from the payment of any of those irrigation bonds.

Mr. SMOOT. No one at all.

Mr. NORRIS. I do not think anybody has asked for relief. I have not heard of it.

Mr. SMOOT. I will say to the Senator there have been petitions asking that they be relieved, but Congress has not acted favorably upon those petitions.

Mr. SHERMAN. Mr. President——

Mr. NORRIS. As far as the security is concerned——

Mr. SMOOT. It is unquestionable.

Mr. NORRIS. It seems to me that we could not conceive of better security than those irrigation bonds.

Mr. SMOOT. I wish the security back of the Farm Loan Board bonds were as good as the security back of the irrigation bonds.

Mr. OWEN. If the Senator will permit me there, it is quite as good.

Mr. SMOOT. I will say to the Senator from Oklahoma that I have received reports in some cases already to the effect that the loans are not amply secured.

Mr. OWEN. The reports, I am satisfied, can not be true, because out of $200,000,000 of applications they have only granted about 10 per cent, and the board is very scrupulously careful about it. Besides that, if there were an individual case where by some accident of administration the lands were not quite worth the amount of the loan the mortgage is secured by the combined credit of all the land banks.

Mr. SHERMAN. Mr. President, may I make an inquiry?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Illinois?

Mr. SMOOT. Certainly.

Mr. SHERMAN. I hail with great satisfaction the announcement as well as the statement made by the Senator from Nebraska and others that all of the irrigation bonds are good. I have a number of constituents holding irrigation bonds in the Southwest that will be greatly pleased with that announcement. They can be had by the Government at much less than par, and I can get hold of them within 48 hours. We paid par for them, but we can not get it.

Mr. SMOOT. I mean the Government reclamation projects, not the irrigation projects that have been started by innumerable companies with the view of selling lands, knowing very well when they began the project that it would not be successful. I will admit that there are a number of those.

Mr. SHERMAN. The Senator, then, is confining himself entirely to the Government reclamation areas?

Mr. SMOOT. Entirely so, and entirely to the $30,000,000 that the Government has advanced for the purpose of building these reclamation projects.

Mr. SHERMAN. If the Senator will permit me, I have had a great deal of correspondence from former residents of the Mississippi Valley who have gone to these reclamation areas, and the conditions are far from ideal on the part of many of the farmers; and either amendments of the law or some changes will be required, or there will be great unrest, to say the least of it.

Mr. LODGE. Yes.

Mr. GRONNA and Mr. POINDEXTER addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Utah yield, if to anyone?

Mr. SMOOT. I think the Senator from North Dakota rose first. I yield to him, and then I will gladly yield to the Senator from Washington.

Mr. GRONNA. Mr. President, I simply want to say to the Senator from Illinois that I trust he will not have it understood that the bonds to which he refers are Government bonds or anything that the Government has anything to do with. The bonds to which the Senator from Illinois refers are private bonds, bonds of corporations or individuals, and I do not think that has anything to do with this legislation.

Mr. SHERMAN. Mr. President, I would rather have a farm in the irrigated country covered by some of these private bonds than in anything I have seen that the Government has undertaken to develop.

Mr. GRONNA. I could tell the Senator from Illinois something about these bonds. They are issued——

Mr. SHERMAN. I could tell the Senator from North Dakota a great deal about them, too. I have traveled in that country, and some of my clients have investments there. They would like to have their money back, but it is a glimmering hope. I have chased a great many of those rainbows in my time.

Mr. GRONNA. With the permission of the Senator from Utah, may I ask the Senator from Illinois a question?

Mr. SMOOT. Yes.

Mr. GRONNA. Are the bonds to which the Senator has reference bonds issued by corporations?

Mr. SHERMAN. Yes, sir; but they cover projects in the same territory in which the Government is endeavoring to lift itself over its financial fence by its own bootstraps, and it will meet with the same failure that individual effort does. The Government has no supernatural power of finance.

Mr. POINDEXTER. Mr. President, if the Senator will permit me now——

Mr. SMOOT. I yield to the Senator from Washington.

Mr. POINDEXTER. It is perfectly evident that the Senator from Illinois, if he has ever seen a Government reclamation project, must have passed through it in a very hurried manner, and that he knows nothing whatever about the general condition of affairs on those projects.

Mr. SHERMAN. Mr. President, I know far too much——

Mr. POINDEXTER. I decline to yield, Mr. President, until I get through.

Mr. SHERMAN. All right; I shall be happy to have the Senator yield after the proper interval.

Mr. POINDEXTER. The Senator speaks about the possibility of there being a condition of unrest on some of these projects. I have never seen any place where there was not more or less unrest. There has been a good deal of unrest in the city of Chicago. There has been a good deal of unrest in East St. Louis.

Mr. SHERMAN. And in Seattle.

Mr. POINDEXTER. There has been unrest in a great many parts of the State of Illinois, but we would not necessarily condemn such great States because some of the people are dissatisfied. No more ought you to condemn this great system of reclamation of arid lands, which is a demonstrated success, because some people to whom the Senator has talked have not found conditions to be ideal.

The same circumstances confronted the settlers of the entire West. All the pioneer country of the United States had its periods of hardships and difficulties to contend with; but they have gone on until they have added a good many prosperous and wealthy States to the Union, and wealth and prosperity will undoubtedly flow from the great majority of the Government reclamation projects.

There is just one other word I want to say in connection with my remarks, and that is that in my opinion there is nothing unreasonable in the application of these settlers for the extension of the time of payment of the expenses of the reclamation from 10 years to 20 years. My opinion is that it would be more reasonable, it would be better security, it would be juster to the settlers if the period were 40 years rather than 20 years, with a system of partial payments each year, which in that period of time would enable them to retire the principal as well as pay the interest without hardship.

That has been the experience of other governments which have had reclamation problems to deal with. They have discovered that men going into a new and entirely wild country can not begin making money the first year after they have put water on the land; that a considerable period of time must elapse before they can begin to get returns.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Illinois?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. SHERMAN. The proverbial effort to extract blood out of a turnip is a profoundly profitable occupation compared with the Government effort to get crops out of a large part of the arid Southwest. The trouble is that where individual initiative and industry will not get anything out of the soil, a Government fiat will be equally a failure.

The most of the profitable territory has been occupied by private capital. The Government is now engaged, in the territory named, in an effort to attract, and it will attract, the same character of loans that the rural-credit system will attract. It will be loans that nobody else wants and nobody else will take. That is the kind of loans you are getting now. You can not deceive me on the farm-loan business. I know the territory covered by the applications for farm loans in considerable volume over the whole West and Southwest country; and the margin between cost and investment is so narrow that no conservative investor or bond house would loan the money of any client upon that particular security. The Government, though, being possessed of the endless resources of the taxpayer's pocketbook, can take chances where no sane investment house would do so. Outside of that it is business of that kind that this $100,000,000 is required to finance.

Why, the truth is that the average irrigation system, planned and executed by private undertaking, is successful where the right kind of engineers and people who know the country and have gauged its resources in advance have accurately estimated what kind of development is possible. All of those are successful. The Government has reached a water supply and has covered territory that private capital would not take chances on, or did not have the ability to develop, and has been successful; but it is a mistake to say that all the territories to be developed are good security. What the man in the Southwest and the West wants, what they want in the Mississippi Valley, where they are producing really the meats and the breadstuffs of the world, is not Government coddling. They want you to send them somebody that can help do their work, and on top of that can give them transportation and freight cars to get to market the millions of bushels in the western country that are now rotting in the fields.

Mr. President, commissions have come here, and advices from London have told the American people to eat corn meal, and we are eating it. We know how. It is a healthful diet. We are saving our wheat and our flour for our allies that need it. In one area in my own country, by actual computation, there are more than 10,000,000 bushels of corn still standing in the fields in the shock. There is not a grain elevator in all that magnificent corn belt that can buy a bushel of corn to-day, because they can not sell a bushel of it in the market. They can not get freight cars to reach it. The result is that all this soft corn—and the most of it in the corn belt is more or less frostbitten—is standing there, a prey to inclement weather; and if there should be an early wet spring before this corn is taken out of the husk, literally millions upon millions of bushels of it can be taken to the great centers, where I suppose the criminal grain man lives, and has kilns and drying facilities of all kinds to dry corn of this kind and to put it into food form, and in that way it can be used. But if it stands where it is, with no freight cars, it will rot in the fields, and the farmer in that country next year or the coming spring will not put in the full acreage of corn. That is the natural result.

What the farmer in this country wants is freight cars and hired help. That he has not got, and no measure of this kind will give it to him.

Mr. SMOOT. Now, Mr. President, let us get back to the conference report.

Senators must not be deceived and think for a minute that this $200,000,000 is not going to be used for the purchase of farm-loan bonds. There are applications now to take the whole of it.

In justice to the Federal Farm Loan Board Congress ought to express themselves at an early day by an amendment to the law creating this board specifically stating what the policy shall be hereafter, how far we want to go, and give the members of the Farm Loan Board to understand that they can go just so far and no farther.

Mr. President, in making that statement I know that I echo the sentiment of some of the members of the board. As it is, the board can not differentiate between one application and another unless after an investigation they decide that the security is not good.

Mr. VARDAMAN. May I ask the Senator if they should not be permitted to decide the question as to whether the security is good or bad? Should not the board be permitted to exercise their wise discretion in determining that question?

Mr. SMOOT. They should be.

Mr. VARDAMAN. Do they? Does not the Senator think that after the board employs all of its machinery for gathering information regarding the value of the land upon which the loan is made that it is safe to indulge the presumption that the security is ample to make sure the payment of the loan?

Mr. SMOOT. It is not a question of the payment of the loan that I am discussing now, nor the question whether the security is good. It is a question as to how far we want to go in this line of endeavor. The board do not know. They have applications now for $200,000,000 that they can not meet. The only way to meet them is for the Government of the United States to purchase $200,000,000 of these farm-loan bonds. I have no doubt, I will say to the Senator, that in the next six months there will be another $100,000,000, and within a year perhaps $500,000,000. We might just as well understand that there are about $4,000,000,000 of farm loans in the United States, and, outside of a small district on the eastern coast of our country, the rate of interest runs from perhaps 6 per cent up. Every farmer who is paying 6 per cent for his money and can get it for 5½ per cent from the Government is going to make the application.

In this connection I wish to say, in answer to what the Senator from Oklahoma said, that as far as the banks are concerned—I mean the banks that are in commercial business or in the saving business, and therefore for banking purposes only—in many cases it will be a great advantage to them if the Government of the United States will take the loans off their hands that have been running so long. But where there is a loan agent who makes his money by loaning to farmers, who charges a commission, and secures money probably from some individual somewhere in the United States, all he is interested in is to get his commission, and he naturally objects; but the objection does not come from the regular banks of the country to any great extent.

Mr. VARDAMAN. The sooner the money sharks are put out of busines the better for the farmer. The purpose of this act, as I understand it, is to encourage and assist the farmer in the development of his farm and promote the interests of agriculture generally. It is not an investment by the Government—the Government is not making the loan for the interest which it carries, but the loan is made to stimulate the farmer in producing all the things that grow in the ground—to encourage the tiller of the soil, make farm life more attractive, and in that way add to the material wealth of the country, and at the same time strengthen those moral forces which we find always among the sturdy progressive farming population.

The farmer has been the victim of the money changer for all ages and the purpose of this act is to liberate him and make him independent. The borrower is too often the servant of the lender. There is nothing more humiliating and discouraging than debt, and for that reason the Congress enacted this beneficent law that the farmers might be free to use their better judgment—work with hope and enjoy the products of their own toil. It was supposed that it would greatly enlarge his enterprise, and in that way reflect prosperity over the entire country. It seems to me that it is a very proper use of the Government function to render this assistance, if that will be the effect.

Mr. SMOOT. I know that is the claim which is made, and as far as 20 per cent of applications are concerned perhaps that will be the result; but I want to say to the Senator there are applications to borrow money upon property upon which money has already been borrowed at a higher rate of interest as far as 80 per cent of the applications are concerned. All the advantage there is in it would be to allow the farmer to borrow his money at a less rate of interest than he is paying to-day.

Mr. VARDAMAN. The Senator will pardon the further interruption, and permit me to say that the purpose of this law is to afford the farmer an opportunity to get from under the control of the shylock, who by sapping his very industrial life-blood prevents the development of his farm, denies him the comforts of home, and eats up all of his substance by demanding exorbitant interest. If the money which the farmer borrows from the Government at a low rate of interest shall be used for the payment of an outstanding debt upon the land and the improvement of the land and, in addition thereto, stocking his farm with a better breed of cattle, horses, hogs, and so forth, I can not conceive of a better use to which the money could be devoted.

As I have said heretofore that is the purpose of this legislation. As the farm is the substratum upon which all industrial prosperity rests, it is an inscrutable mystery to me how wise statesmen can afford to oppose measures of this character when they ought to know that the very class of people who object to the Government lending money to the farmer depend in the last analysis upon the products of the farm for their own material prosperity.

Mr. SMOOT. Mr. President, I do not want to say anything further in relation to the report at this time, knowing that the report is going to be adopted.

Mr. FLETCHER. Mr. President, some observations have been made apparently with the purpose of discrediting somewhat or causing a lack of confidence in the farm-loan system as provided in the farm-loan act. I think it is wholly unjustified.

This bill is made the excuse for an argument of that kind and for intimations and claims that the system is proving unsatisfactory, and, as stated by some one, that the whole scheme is on the verge of bankruptcy. There is absolutely no foundation for that. The plan and system are working admirably. The system is a magnificent success. If it had not been for the war conditions there never would have been any need for this sort of legislation, and I do not believe now there is any real need for it. My own opinion is that these farm-loan bonds will sell throughout the country as rapidly as the people get acquainted with their merits. They will have to be somewhat pressed perhaps in order that people may be informed of their nature and their character and what they mean. I would guarantee——

Mr. NORRIS. Mr. President——

Mr. FLETCHER. Excuse me one minute, Senator. I would undertake to take the stump in this country from one end of it to the other and let any man on this floor go with me and offer to sell Government bonds, and I will guarantee to sell five times as many farm-loan bonds as he will sell Government securities, at prevailing rates of interest and terms. Now, the situation is one that simply calls for these bonds being placed before the public in a way that the public will know what they are and to have to some extent at least their merits made known.

The first issue of these bonds at 4½ per cent sold at a premium of 1½ cents without the slightest difficulty. No other bonds offered in this country except Government bonds have ever sold like these farm-loan bonds. They have sold in the district I know in which my State is located, composed of North and South Carolina, Georgia, and Florida, as promptly as they were offered; the demand for them exceeded the supply; and the requests to-day for them are numerous. There would not be the slightest trouble about selling those bonds down there, and I do not believe there would be trouble anywhere in selling the bonds if they are known to the public and if there were not some reason for not pushing them. I can see what the reason might possibly be. The Treasury is in need of money. They have offered liberty bonds to the public, and the public has taken the liberty bonds very patriotically. They are offering now savings stamps and other governmental securities to the public.

It is possible that the officials in charge of the financial affairs of the Government think it wise not to put in competition with Government securities these farm-loan bonds, thinking that it would be better to have the money which comes in from the sale of Government securities to the extent named in this bill—$100,000,000 for this year and the same next—come out of the Treasury and take up these bonds by the Government. I do not speak as to that with any knowledge or authority. It is just a supposition. It is an absolutely safe, sound, and wise investment of Government money in these bonds. They will draw 4½ per cent interest, or, if they sell them at 5 per cent interest, whatever rate they draw the Government will get.

It is perfectly ridiculous to intimate here that there is any idea or possibility under this law for the farmers who borrowed money to escape the payment of principal and interest precisely as they agreed to do. It would be dishonorable in the first place; but it is utterly impossible. No borrower ever conceived of any such notion. There is not a man who has borrowed money under the farm-loan system who does not propose to pay every dollar of it as it falls due. He will be obliged to pay it, and he understands that.

The people interested in this system are just as anxious to make these securities safe as the people who buy the bonds, because they know the minute the bonds become discredited in any way, or there is the slightest lack of confidence in them, that minute the rate of interest will go up and every man who borrows will have to pay an increased interest, because the bonds can not be sold at the low rate of interest that they may be sold for when it is known that they are absolutely safe. Every man interested in the system is anxious that the bonds should be safe beyond any question and that they should be taken on that basis. The borrowers are composed of members of the National Farm Loan Associations. Each association must have 10 or more members, and the aggregate call for loans must be not less than $20,000 from each association before it is chartered. The property is submitted with each application for a loan. It is examined by a committee appointed by the National Farm Loan Association. An appraisal committee from that association appraises the property. That is checked up by an appraiser chosen by the Farm Loan Board, recommended by the bank of the district. That appraiser passes upon the value of every particle of the security offered for loans; and the law says that no loan can be made exceeding 50 per cent of the actual value of the land and 20 per cent of the actual value of the improvements upon a farm, and the loans must be made to persons who are engaged in agriculture and for the purposes set forth in the act.

There is no need of amending the act. There is no reason for the suggestion of the Senator from Utah [Mr. SMOOT] that Congress ought to outline to the Farm Loan Board to what extent they should make loans and for what purposes. The act is plain and definite upon that point. One of the purposes is to pay off existing liens; another is to improve the farm in order that production may be increased, and so forth. The act is perfectly plain. The Farm Loan Board have only to see that the money is used for the purposes named in the act, and each application before a man is eligible to secure a loan is based upon the provisions of the act and must set forth the purpose for which it is desired. So there is no need of any legislation there.

The only reason that I can see for this legislation is that those who are responsible for the financial affairs of the country feel that it is wiser that the money from Government securities may be used to this extent to purchase these bonds rather than have the bonds offered to the public in competition with Government securities. It is a perfectly safe investment. After the loan is made to an extent not exceeding 50 per cent of the value of the land and 20 per cent of the value of improvements you have the mortgage upon the land, you have the individual responsibility of the borrower, you have the guaranty of his association back of the loan, you have the guaranty of the bank and the guaranty of all the other 11 banks that the bond is safe and the security is sound. There can be nothing more secure than that.

Why, what are Senators thinking about? The capital invested in the farms of this country to-day amounts to $50,000,000,000, according to the latest estimate. The value of the farm products in 1917 was over $21,000,000,000. If that is not a basis for security of any sort, if that does not protect the bondholder where bonds are issued against mortgages on that kind of property, in Heaven's name where are we to find security?

Mr. SHAFROTH. Mr. President, I should like to emphasize, as it were, one thing that I think the Senator from Florida has not emphasized sufficiently. I agree that he has made a very strong presentation of the safety and soundness of these securities, but there is one other factor in it that it seems to me has great strength, and that is the fact that every one of these mortgages is made by the men who form the farmers' association, and then in addition the property itself is held as a security for the bonds that are issued.

Mr. FLETCHER. Precisely.

Mr. SHAFROTH. Then if there is an overvaluation made upon one farm it means that all the other 9 men or 20 men in the association have got their farms hypothecated for the payment of the bonds. Consequently I can not conceive how there can be a loss. My fear at the time the original bill was presented was that the other farmers would not unite to hypothecate their own lands for the payment of every other loan that was executed in the association; but they have done it and they are willing to do it. They have confidence in their associates, and the bondholder does not take any risk whatever.

Mr. FLETCHER. Precisely. I am glad the Senator from Colorado mentioned that. I thought it was included in the statement I was making, but it ought to be made perfectly plain that when these mortgages are sent up to the bank from the various farm-loan associations, having started from the individual borrower, each association not only sends to the farm-loan bank of the district the mortgages from that association, which have the approval not only of the local association but of the appraiser selected by the board and of the bank which has passed upon them, but all those mortgages are put together, we will say $500,000 all told in any district, and against those mortgages these bonds are issued. Those are the bonds in which it is proposed the Treasury may invest $100,000,000 under the bill. It is absolutely safe. They bear the interest that is specified in the bond, and beyond all question it is as sound a security as the Government could have under any circumstances for any money it may have in the Treasury.

Mr. BANKHEAD. I should like to ask the Senator from Florida if the bonds are not exempt from any form of taxation.

Mr. FLETCHER. They are exempt from every form, municipal, county, State, national, income tax—everything except inheritance tax.

Mr. BANKHEAD. I wish to ask a further question. These bonds bear 5½ per cent interest on their face. Would not that be equal to 6½ per cent?

Mr. FLETCHER. I think so. And more than that. The 4½ per cent bonds have sold at a premium of 1½ cents, as stated, and I should say that investment is equal to at least an ordinary loan on mortgage at 6 per cent.

Mr. BANKHEAD. In that case, would not the public buy these bonds instead of buying Government bonds which carry a lower rate of interest?

Mr. FLETCHER. That is the very reason I stated in the outset why I could sell more farm-loan bonds than any man on this floor could sell Government securities if the effort were made in that direction. I can see how that might be pressed so far that it would interfere with the revenue coming in from the sale of war scrip and liberty bonds and all that sort of thing, and it would be to the interest of the Government to derive this revenue from other sources and then invest it in these bonds to the extent named here. It is no favor to the farmer.

Mr. BANKHEAD. I quite agree with the Senator from Florida. He is eminently correct.

Mr. FLETCHER. There is no favoritism shown anywhere. There is no discrimination anywhere. This is an absolutely safe and sound proposition for the Government, and I can not see the slightest objection to it.

As I said at the outset, I do not really see the necessity for it. If proper effort were made to sell these bonds, I believe they would be sold. I can fully understand how the applications now mount up to a considerable sum, but I rather commend the Farm Loan Board for taking time to see that every borrower lives up to and complies with the law. In making the system absolutely safe, let them take enough time to do that. There is no need to hurry so fast that chances are taken or risks unnecessarily run. For that reason, up to this time, the amount of actual loans does not perhaps equal what was anticipated; but, in my judgment, that is simply an evidence of the caution and care of the board. Perhaps sometimes there have been unnecessary delays, but it is all the more commendable, so far as they are concerned, that they are exercising such care and caution. I think the conferees on the part of the Senate acted wisely when they receded from the action taken by the Senate and in yielding to the House.

I shall, of course, support the report of the committee of conference.

Mr. KENYON obtained the floor.

Mr. HOLLIS. Mr. President, I know there are several friends of rural credits who would like to speak on this conference report, but I am sure they will forego that pleasure if the Senator from Iowa will merely let us vote on the matter now.

Mr. KENYON. I was going to make my remarks on the conference report; but, of course, if there can be a vote now taken upon it, I shall not do so.

Mr. HOLLIS. I think no other Senator will insist upon speaking on the conference report, and that we can get it out of the way. I ask that we may have a vote.

Mr. KENYON. I want to be accommodating, and if the Senator from New Hampshire will guarantee that there may be a vote I shall yield for that purpose. I am, however, compelled speedily to go to a committee meeting.

Mr. HOLLIS. I think I can guarantee that there will be an immediate vote.

The PRESIDENT pro tempore. The question is on the adoption of the conference report.

The report was agreed to.

PEACE AND THE WORLD WAR.

Mr. KENYON. Mr. President, I am not in the habit of taking up much of the time of the Senate, but in view of the peace propaganda that is now spreading to some extent throughout the world I want to make a few observations about war conditions and about peace.

There has been a sort of monopoly of the Lord and His utterances by the Kaiser; but in reference to the peace which he is now attempting to bring to the world there are some things in the Holy Scriptures, familiar, of course, to all of you, but which I feel at liberty to point out, and which, it seems to me, are very applicable to his situation. The old prophet Isaiah said:

> The way of peace they know not; and there is no judgment in their goings: they have made them crooked paths; whosoever goeth therein shall not know peace. (Isaiah lix, 8.)

And in Romans we find:

> Their throat is an open sepulchre; with their tongues they have used deceit; the poison of asps is under their lips.
> Whose mouth is full of cursing and bitterness.
> Their feet are swift to shed blood.
> Destruction and misery are in their ways.
> And the way of peace have they not known.
> There is no fear of God before their eyes. (Romans iii, 13, 14, 15, 16, 17, 18.)

Another passage in Ezekiel, which I commend to the Kaiser, who is so accustomed to quoting Scripture for his purpose, is this:

> Destruction cometh; and they shall seek peace, and there shall be none. (Ezekiel vii, 25.)

We have just passed through the season of "peace on earth, good will to men." Never before in the history of the world has there been a time when there was so little peace on earth and so much hatred among men.

In the last three and a half years probably 10,000,000 men have been killed in war. Forty million, at least, are now under arms. The war is costing the world $75,000,000 a day, and in a few years the war debts of the world will run into the trillions.

Staggering as these figures are, however, it is not a time for pessimism. Justice, somewhat delayed, is on its way to triumph; ideals are holding their place; and the world can rejoice that out of the turmoil of the past year at least one inspirational event has happened, namely, the capture of Jerusalem from the atrocity-loving Turks, and there is a firm resolve on the part of the civilized world that it shall never be returned to them.

Our Nation has loved peace and hated war. It has looked forward to the time when throughout the world "swords would be beaten into plowshares and spears into pruning hooks." It wanted no quarrel. It was willing that other nations should live and enjoy the best there was in life. It sought no territorial aggrandizement. America was content and happy itself and desired only the same for others.

The great Republic has learned, however, that it does not take two to make a quarrel. One person or one nation, determined and persistent in the determination, can always provoke a quarrel if the other individual or other nation has one spark of red blood within it.

Everyone had a right to disagree as to the wisdom of entering the war before we entered it, and to talk, work, and vote against our participation therein; but since we are in this war, and have undertaken the mightiest task the Republic has ever attempted, the right now does not exist to say or to do a single thing to make more difficult the accomplishment of the national purpose. Most of those who opposed the war, in a spirit of patriotism, I believe, now subscribe to the philosophy of Decatur, "My country—in its dealings with foreign nations may it always be right; but right or wrong, my country!" Our people have come to better understand the great purpose of the war. Many thoughtful men who hesitated long as to the wisdom of our going into the war, who honestly believed that we might have remained out of it, are now thoroughly convinced that they were wrong, and whole-heartedly are determined that the matter shall be fought through to a peace that will make future wars impossible. The time to have kept out of the war was before we go into it. Those who are now trying to help in bringing about a patched-up peace and lend their influence in that direction are weakening the American forces, injuring the country, and interfering with the preparation we must make. We have taken hold of this tremendous job. Are we going to see it to a finish, or are we going to dilly-daily and assist in getting some kind of a peace that will amount to nothing? We had better bear in mind the words of a German statesman who a short time ago, when Germany first became anxious about the United States entering the war, said that the amount of indemnity they would ask from our country would be something like $89,000,000,000. It will cost us more to lose this war than it will cost us to win it. They will need a better collection agency than ever yet has been devised to collect the $89,000,000,000.

Possibly, Mr. President, we could have remained out of this war for a few years; we could have indulged in our easy, money making, and selfish life a little longer; but eventually we would have been presented with the alternative of either going into war or submitting to a vassalage of Germany. Were we ready to give up the Monroe doctrine? If Germany conquered France and England and took a part of Canada, what would we do about the proposition? Were we ready to give up the freedom of the seas? Are the people of this Nation willing to give it up now, to acknowledge the right of Germany to say to us that we could send one boat a week on certain parts of the sea, provided it was painted like a barber's pole? Were we willing to recognize that "while the earth is the Lord's and the fullness thereof," the sea is the Kaiser's? We would sink below a second-rate power were we to give up the freedom of the seas. What would become of our merchants, our manufacturers, our farmers, if one nation were to be permitted to dictate the markets of the world by controlling the seas? And, pray, from whom did Germany secure the right to control the sea?

Thank God—and I have thanked Him more since I have witnessed some of the butchery of the conflict—we came with clean hands into this war. We did not bring on this war. We saw American citizens, women and children, go down in the *Lusitania* to a watery grave without a chance; we saw broken the promises of Germany made as to the future; we beheld the *Sussex* sinking beneath the waters wounded by a villainous

torpedo; plot upon plot was conceived in the office of Bernstorff, the German ambassador; spies invaded our land; Von Zimmermann plotted against us in Mexico and tried to arouse the Mexicans by promises of giving them portions of our country. How much longer could we have stood this reign of intrigue and trickery? Yes; we could have kept out of the war on the same theory that a man can keep out of a quarrel when another comes into his house and slaps and insults his wife. He can run out into the kitchen, crawl through the window and out into the fields, like a craven coward; but that is not the American spirit. We had one alternative presented to us, "fight or run." The American Nation found itself. It was not too proud to fight for righteousness, just as now it is too wise, or ought to be, to make peace until the menace of Prussian militarism is ended.

We did not start the angel of death fiddling over the world, but we are going to have something to say about how and when the war is going to end. We had a distinct American issue, the issue that has been presented so many times, the murdering of our people, the closing to us of the seas. We had the opportunity to fight with the allies helping us or fight the battle alone. So it was a wise choice to fight with the allies. Who can deny this now? I believe the President's course was wise, although he was subjected to such severe criticism for waiting. He kept us out of war as long as he could, but when at last we were compelled to go in he had practically a united Nation behind him.

Out of this war, incidentally, there is going to be a greater respect for American citizenship. You remember the incident of Paul. When they bound Paul he said unto the centurion that stood by him, "Is it lawful for you to scourge a man that is a Roman and uncondemned?" The centurion then went to the chief captain saying, "Take heed what thou doest, for this man is a Roman." And the chief captain was afraid after he knew he was a Roman, because he had bound him. So in the future when any nation attempts to injure an American citizen, wherever he has a right to be, that nation is going to hesitate, for it will be said, "Take heed what thou doest; this man is an American citizen, protected by all the power of the mightiest Nation of the earth."

There is a greater issue, however, than what might be termed merely the American issue. There is a world issue, and we can not divorce ourselves from it. We must be a part of the great world's work whether we will it or not. Destiny places us there. There are to-day, as has been pointed out, two great systems in the world struggling for the mastery—autocracy and democracy. One of these two systems must triumph. Both can not live and flourish. To make the world safe for democracy is only half. We must make the world safe for humanity. And in order to make the world safe for democracy we must do our part to see that the Anglo-Saxon race does not go down. Autocracy has been preparing for this contest for 40 years, while democracy has been sleeping. It takes some time to awaken democracy, but it is now thoroughly awake.

The German people have been taught that Germany is to rule every nation; that the voice of Germany is the voice of God; that God is a German God; that German institutions and the German system must spread over and conquer the world. I saw a poor Belgian, who had been a professor in a college, now a porter around a hotel in London, who said, "We pray to God and the Germans pray to God; and it looks as if God was a German God." The writers and thinkers of Germany have not hesitated to declare with becoming modesty that German rule is essential for the world. This self-constituted partnership, however, between the Kaiser as Emperor of Germany and the Almighty is going to be dissolved, and we are going to help do it.

I have some choice thoughts from German philosophers and writers, which I will not take the time to read, but I will refer to one from Pastor Lehmann. He says:

[Gems of German Thought.]

95. If God is for us, who can be against us? It is enough for us to be a part of God. (On the German God, by Pastor W. Lehmann, quoted in H. A. H., p. 77.)

Another great writer of Germany says:

[Gems of German Thought.]

116. There lurks in our people something of the God consciousness which inspired the Old Testament prophets. Very childlike, indeed, but of far deeper meaning than he could guess was the saying of a little boy to his playmate at the outbreak of the war, "I am not in the least afraid. The good God will help us, for he is German." (K. Engelbrecht, D. D. D. K., p. 45.)

I will ask, Mr. President, to insert in the RECORD other extracts to which I have referred, without taking the time to read them.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The extracts referred to are as follows:

[Gems of German Thought.]

We thank our German Army that it has kept spotless the shield of humanity and chivalry. It is true we believe that every bone of a German soldier, with his heroic heart and immortal soul, is worth more than a cathedral. (Prof. W. Kahl, D. R. S. Z., No. 6, p. 5.)

96. We have become a nation of wrath; we think only of the war. We execute God's almighty will and the edicts of his justice we will fulfill, imbued with holy rage, in vengeance upon the ungodly. God calls us to murderous battles, even if worlds should thereby fall to ruins. We are woven together like the chastening lash of war; we flame aloft like the lightning; like gardens of roses our wounds blossom at the gates of heaven. (F. Philippi, quoted in H. A. H., p. 52.)

101. The German soul is the world's soul. God and Germany belong to one another. (On the German God, by Pastor W. Lehmann, quoted in H. A. H., p. 83.)

142. I look upon it as absolutely the deepest feature of the German character, this passionate love of right, of justice, of morality. This is something which the other nations have not got. (On the German God, by Pastor W. Lehmann, quoted in H. A. H., p. 79.)

185. The German must conquer; and when once he has conquered—to-day or in a hundred years—no duty is more urgent than that of forcing the German language upon the world. (H. S. Chamberlain, K. A., p. 33.)

Mr. KENYON. I stood one evening a little way below San Quentin, near the third line of trenches. It was a Sunday evening. I stood outside in the utter blackness of the night, just about church time in our own country. As far as you could see, the flashes of the great guns were visible, some of them 20 miles away, that you could not hear, others nearer. Rockets were going up from No Man's Land. I had read a book going over on the boat, called "Where Is God?" and as that scene unfolded before me in the blackness of the night, hell-fire literally on black cloth, I could not help repeating that question, "Where is God, that lets a thing like this go on?"

Germany, in her opinion, is in partnership with the Almighty. This system that she has developed is not one of advanced civilization, as we have been taught in the past; it is merely a system of the beast.

Germany is attempting to terrorize the world. She does not understand the spirit of the British or the American people. They know a "bluff" when they see it, because each one has tried it on the other so many times, and they are not frightened by bluff. Terrorism does not dismay them, especially when their cause is just. Can it be possible that the thinking people of Germany, if there are any thinking people left, believe that their conduct can bring about peace? Do they believe that the wild vaporings of the Kaiser as to the mailed fist are going to frighten anybody? They have left a reign of terror through Belgium and northern France; but Belgium, with only a little territory left, amounting to two or three counties, is not dismayed, nor is France.

A leading Frenchman said to me when we were talking about the Germans and their victory in Italy, "Better give up Venice"—it looked then as if they would take it—"better give up Rome, give up Venice; better give up everything but liberty." You can not conquer such a people.

I am glad, Mr. President, that in this great contest to make this whole world a safe place for ordinary individuals to live in we can help France. All of us, I think, feel pretty deeply on that subject. We go back to the time when France looked upon us as a little struggling Nation in the great family of nations, trying to struggle into the light. We needed help. They came. People stood at the old Liberty Hall at Philadelphia and watched Rochambeau as he went by with his troops to Yorktown. Lafayette came, willing to give up his life for this country. France cast its bread upon the waters a hundred years ago. Now, almost wrecked, bleeding at every pore, the great Republic comes none too soon.

The Rainbow Regiment happened to land in France—portions of it—at ports that can not be mentioned because of the censorship. I happened to see, a day or two afterwards, a gentleman who saw the landing. He said: "These boats waited for a day or so at the harbor; then they drew up to the dock, lined with boys in the American uniform," and that is a great sight. I saw myself three transports come in loaded down with those boys in the American uniform. "The people had assembled in this town. They all knew Americans were coming, and as the boats came up, one after the other," he said, "a band somewhere started playing the Marseillaise." He noticed a little girl with her mother on the dock trying to talk and her mother trying to explain, and he heard the words "Americaner, Americaner." Finally the little girl comprehended it, and she turned and put her arms around her mother, and, in French, uttered these English words: "Oh, Mother, they have come to save us!"

It is a great thing, Mr. President, to have part in saving a nation like France. I do not mean by that to have any part in getting back any territory to France. I do not believe we are carrying on war for that purpose; but, as a part of saving

civilization, we are saving those poor people of France, and they look up to us as a poor, weak sister to a great, strong brother coming to save her. When this war is over, I have said before and I reiterate it, I hope this great, rich Nation will say to poor, bleeding France: "Keep all of the money we have loaned you. We ask not for the return of a single dollar."

I had occasion a short time ago to go through northern France. Wreckage and ruin were everywhere—inconceivable ruin. Herculaneum and Pompeii were never more ruined than some of these cities of France. Having done this, no wonder the Kaiser is willing to move out! No wonder he is willing to have peace! Count Von Hertling's terms, if I read them right the other day, were that, as to northern France, it was to be subject to the self-determination of the people there. Let the people of northern France determine whether they want to stay with France, with their men practically killed off, with the German intrigues and the German treachery and the German money that can come in there! Any hand that ever signed a peace treaty for this country that did not demand the restoration of northern France ought to be palsied by the Almighty.

On the remaining walls of the buildings of many of these towns are written the words, "Nicht argern; nurwendurn" ("Rage not; only wonder"). Cathedrals have been destroyed everywhere, and on the walls of some of them are written, "With the love of your enemies." They destroy the cathedrals and then wire to the noble troops: "On with God!"

In the case of the old cathedral at Albert, with the statue of the Madonna and the child Jesus—a beautiful cathedral before this war—even the Madonna was not sacred. It has been shelled until the figure of the Madonna reaches out at right angles, holding over the stricken town the little figure of the child Jesus. Yes; "on with God!"

I want to put in the RECORD another one of those choice gems of thought in that connection, by Prof. Kolb:

We thank our German Army, that has kept spotless the shield of humanity and chivalry. It is true that we believe that every bone of a German soldier, with his heroic heart and immortal soul, is worth more than a cathedral.

Count von Hertling recently said in a speech that Germany was saving Europe from America. Saving it—what mockery! I do not want to indulge in any recitation of horrors or atrocities. I think there have been brought to this country stories of atrocities that are tremendously exaggerated, but the truth is enough. Matters that are subject to absolute proof are enough. Saving Europe from America—yes!

They have placed women and children before their soldiers in charges against the French troops. That is not a matter of dispute. They have shelled the Red Cross hospitals. That is a matter I am ready to prove. They have killed the wounded after the battles. Germany has lost its soul. Could a nation that had a soul permit such things to go on? It has no honor. It has broken every treaty made and every provision of The Hague conferences. It has observed no chivalry in the freemasonry of arms. It has killed prisoners, poisoned wells, carried girls away for worse than death. It has treated women as beasts. Along the highways of France you will see the fruit trees cut down. You will see in the little peasants' yards, what there is left of them, rose bushes destroyed—pure vandalism, with no military purpose. You will be told: "We are coming to a town now; you had better get out." You get out of your automobile and inquire: "Where is the town?" "This is the town"—nothing but cellar holes; absolute wreck and ruin. All that is left of one town, Fricourt, is a little board marked "Fricourt."

Rather than have the things come to our country that have been dealt out by the Huns to Belgium and northern France, rather than have the women of our country treated as those women have been treated, we had better die, every man of us; and we will die, every one of us, if we are men, before permitting it.

One man alone is responsible. He can sit in his splendor, with his entire family around him. None of his sons have gone down in battle. True, indeed, was the response of the Belgian woman to a German soldier chiding her about their lost country when she said, "I would rather have a king who has lost his country than an emperor who has lost his soul." It is not the Germany of the old days, of Schubert's Symphony, of Liszt, of Schiller, of Beethoven, of Goethe. It is the Germany of lust and murder.

Do we wonder at any cruelty when we know that the Kaiser, through his boyhood days and young manhood, despised his own mother?

What can be expected from a man who despises his mother? It is that same spirit that has permeated Germany—the spirit of the Kaiser addressing his troops embarking for China, when he said: "When you come in touch with the enemy, give no quarter; take no prisoners. A thousand years ago the Huns, under their king, Attila, made themselves a name which still lives in tradition. Do you likewise. Strike home, so that for a thousand years to come no Chinaman dare look askance at Germany."

This is the man who now wants peace, but wants his kind of peace. Will America nibble at his bait?

What a horrible heritage Germany is handing down to her posterity, if there be any posterity left! If one were asked to give his judgment as to the worst thing that Germany has done in the war, what could he say?

He who loved art and sculpture might answer: "The destruction of such magnificent cathedrals as Rheims, Arras, and others, shows the vandalism of the Hun."

Another would say: "Where could you find a worse atrocity than the bombing of Red Cross hospitals?"

Another would reply: "Ah, yes; that is infamous, but what do you say to the torpedoing of hospital ships, sending poor, suffering men, struggling even then for their lives, down to the depths, without a chance to escape?"

Another would say the worst thing that has been done was dropping bombs on defenseless women and children.

Others would protest that the taking of women and girls from Belgium and northern France, compelling them to work against their own country, and subjecting them to every kind of infamy, could not be exceeded in cruelty.

Another would say that the shelling of boats on which people were trying to escape from torpedoed ships reached the heights of infamy; and so the list would go on.

Among all the damning cruelties that have been inflicted by the Huns it would be difficult to pick the worst, but the all-dominating fact is that the very making and bringing about of this war is the worst fact in connection with it. It did not come spontaneously. It was not started to protect any rights. It came about through a system of intrigue practiced throughout the world, through a training of the German people that their mission was to subdue others, and that no one had a right to live without their consent. We are engaged now in teaching them that the people of the world propose to live without their aid or consent.

Germany and Austria are in a conspiracy against freedom. We have declared war against Austria, and it is well. Germany is assisting Turkey. No nation can be a partner of Turkey without being an accessory to Turkey's infamous crimes. We ought to declare war against Turkey unless there be some good reason otherwise.

America's part in this great contest can not be overestimated. The allies are counting upon us for tremendous things. The great problem of transportation is, of course, the most difficult for us, but it is a problem that we will solve. We talk of sending soldiers by the million, and we will; but we must realize the difficulties of this problem. We will solve it much sooner if all ambitions and wranglings are laid aside upon the part of those who have charge of the construction of our ships.

Ships, ships, and more ships is the cry of the hour. Our duty is to hasten. The Russian situation has added to our responsibilities. France is calling loudly to us for help. The saddest words this Nation can ever write, if it fails in this emergency by reason of delay will be the words, "too late." There are no sadder words in language. When the Savior in the Garden of Gethsemane asked His disciples to watch with Him and they went to sleep and, coming back again and again to them, the Savior said: "Sleep on now; it is too late." May no historian write those words as an epitaph for the great Republic. England was almost too late. Had it not been for the magnificent inspiration, courage, and wise statesmanship of one man she would have been too late. That man stands as the most beloved man among the continental allies, the Premier of England, Lloyd-George.

Peculiarly are the various forces correlated in this war. Infantry can do nothing without artillery, artillery but little without airships, airships do nothing unless they are transported across the sea. The peculiar relationship of artillery and airships is illustrated by an incident near Vimy Ridge.

Infantry can not be used without artillery. Artillery in this war is of but little use without the aeroplane. The great guns shelling day and night accomplish a purpose of course. The continual hammering destroys the morale of the opposition troops. The allies are putting over into the Boches, as they call them, at least five shells to one the other way. This would indicate that the allies are superior in artillery. But there is the aeroplane. When I heard this discussion about aeroplanes blinding Germany I did not attach the same im-

portance to them that I did when I saw them floating above treaches, going over and making sketches of enemy positions and wirelessing back to the gunners. I might relate a little incident as illustrating that. At a certain place a great gun was under the hill and had to shoot up the hill and over to a German battery, possibly 4 miles away. The aeroplane hovered high. At the first shot of this great gun under the hill where they could not see the enemy the airship wirelessed back "100 kilometers too far." At the next shot "50 kilometers short." The next shot landed squarely on the battery. That would not have been accomplished possibly in hundreds of shots without the aeroplane. So I come back from witnessing some of those performances firm in my belief that with the artillery and the aeroplane we must win this war. The more aeroplanes we get the better, and the sooner we get them there to blind Germany the better. Ten thousand aeroplanes starting from behind the lines on a trip to Berlin would come mighty near nailing the Stars and Stripes on the flagpole of the Kaiser.

When you travel the ocean nowadays you realize that tremendous problem regarding ships. That includes destroyers, and I pause to say that we have done marvelous work with our destroyers. The captain of one of the great ocean liners told me that within three days after the American destroyers arrived it was noticeable in the submarine campaign.

Nobody can say we have not done anything in this war, because the record of our destroyers is a proud record. They are beautiful little instruments of the sea. They especially appear beautiful when you have been five or six days wondering what the submarine zone is going to look like, and you find them aside your boat some morning four or five hundred miles out from the Irish coast. They bob up and down, with the waves going over them. Those boys never sit down. At a meal they eat out of their hands. They are some of the unnamed and unknown heroes of this war, and they seem to have a new way of doing this. Instead of circling around as the British destroyers and the French destroyers, when they see a submarine they go right straight for it. There are chances in that; oh, yes; but they are swift enough and skillful enough almost to dodge the submarine, and the submarine has learned it. The American boys on these destroyers have put the fear of God into the commanders of the submarines. Let us increase the destroyers until wherever there is a submarine the destroyers will be after them and the sea will be rid of the most hellish of satanic devices pressed to completion by the devil's chief of staff, commonly known as the Kaiser.

In this era of criticism I pause here to remark that no criticism has been made of our Navy. Lloyd-George a few days ago congratulated our Nation on the splendid work of our Navy. Let no one say we have done nothing in this war. We helped to destroy the submarine. Our Navy is doing some of the most essential work of the war. All honor to the boys of the American Navy, to the work of Admiral Sims, and to the splendidly efficient Secretary of the Navy, Josephus Daniels.

Our boys over there are doing splendid work. If we can not go over and fight, let us insist that they shall have everything reasonably necessary to their comfort. Heroes, all of them! Let it never be said that the great Republic does not care for the wives and children left behind, and may it never be that those boys over there when they shall come home, as most of them will, will ever be in want.

Now, I want to say something about this. It will not suit some of my friends. I have observed in the papers criticism of the drunkenness of the American soldiers and comment as to certain diseases. As to those diseases I want to say that they are less than a fraction of 1 per cent—less than the statistics would show of any large city in this country. As to the drunkenness, I am as good a prohibitionist, I claim, as anybody in this country. I am commonly and usually denounced as a crank on that subject. I hate the liquor business. I will hit it every time I get a chance. But I want to say to my prohibitionist friends, "Don't father the stories of drunkenness among our boys across the sea." I have seen church publications for which I have great respect setting this matter forth. It is not so. You may find here and there a drunken man in the Army, just as you might a number of years ago in the Senate. That does not condemn the whole institution.

I want to say to you, my prohibition friends, we prohibitionists have a job on our hands. It is the important job of getting constitutional prohibition in this country, getting the amendment ratified by the States. That is job enough for us. That is going to keep us busy. When we do that we have done a tremendous work along the lines of ending the liquor business. But for this war let us not make it harder for the men in command over there by accusing our American boys of drunkenness. There is a man over there, the head of affairs, who is a temperate man, a God-fearing, a clean man, a fighter from the word "go," no blower, no grandstander, just an ordinary, thrifty fighter—Gen. Pershing. He can look after that question better than you and I can here in comfortable chairs. Gen. Pershing does not want a drunken army. Gen. Pershing does not want a diseased army. Gen. Pershing is just as much interested in the cause of our Army and in the great fight we are in as you and I. Now, let us quit this and leave that matter to Pershing. I hope that is not treason to the prohibition cause, but if it is they will have to make the best of it.

These boys are there for serious fighting purposes. Up Vimy Ridge the Canadians went and took it in two hours of tremendous fighting. It is interesting to know that 9,000 American boys went up the hill with them, storming the German lines, and one of the first flags to be planted on Vimy Ridge was the Stars and Stripes, carried by a lean, lank Texan.

While the Russian situation is not to our wish, let us be charitable with the Russian people. They have done great work in the past. They saved the west line. Let us be thankful for what Russia has done and prepare all the more to take her place in this contest. We must bring to the western front 2,000,000 men and have a million in reserve. We must do it as quickly as possible. We must cut the red tape, stop quarreling over the kind of guns and like things, and carry this thing through on business principles. Is it not possible for each individual in this country to quit thinking about what some one else should do and resolve to do everything he can do? It is not enough to do our bit. We must do our best. Is it not possible for each individual in this country to think about his Nation and get rid of every element of selfishness? There is too much grandstanding and limelighting; too much telling what everyone else should do; too much patriotic posing, and not enough of sacrifice.

There is no reason for gloom. It took Great Britain two years to get on a firm war basis. We need not be discouraged. The British and French will hold the line until we can come; but come we must with all reasonable speed that we can summon. If our men are not there, properly armed, they will be a liability instead of an asset. Never again will this Nation be found in such condition of unpreparedness, and one of the best preparations for future trouble will be universal military training.

They are sacrificing over there. What are we doing over here? The people of Great Britain and France have gone to the limit of sacrifice. Have we even reached the point of feeling it? We need not worry about the spirit of our people. It is right.

The women in England and France are in the munitions factories, they are in every kind of factory, hundreds of thousands of them also car conductors, truck drivers, motor-bus drivers. They have earned, it is conceded over there by their conduct during the war, the right to participate fully in the franchise, and I hope that right is coming to them here.

We need not worry, however, about the spirit of our people. We must think of what they are doing and the condition they are in. I think I rode 15 miles along the battle field of the Somme with graves on each side. Up the hill at Verdun a great cemetery was so full of graves of the French that they had to add an addition to it, and on the Marne, where the German soldier is sleeping side by side with the French soldier, there are palms over the French graves, so there is just a great sea of palms. Those people have made the supreme test.

The patriotism of one section of the country is no greater than the patriotism of the other. We are united solidly for this contest. We are ready for sacrifice and will meet the test. Let us love this country as we would our mother. And what sacrifices we would make for our mother! Men of the East and of the West, of the North and the South, are brothers in patriotism.

Patriotism does not consist in attending banquets with seven or eight courses to argue the food conservation question. Nor is it particularly evidenced by rising when the orchestra plays the Star-Spangled Banner and then rushing to the telegraph office and wiring Members of Congress, "For God's sake, not to increase the taxes on those things that affect us." We must search our souls in this country. We must quit thinking about ourselves; about what our neighbor is doing. We must cease criticizing others unless we are doing more than we think they should. We must think in terms of war; marshal our industries; marshal the spirits of our people not to expect profits; nor desire to grow rich during the war.

It is not enough to do our bit. That is, I think, an unfortunate expression. It is not enough to do our bit, but to do our best.

America is responding splendidly; the great Red Cross movement glorifying the womanhood of our country, the Young Men's

Christian Association, the Knights of Columbus, bring the little touch of home to the boys over there. And on the liberty loan the whole country has responded nobly and will continue so to do. Our business for the next year or two is war, and we will have to bend every energy of our being; every particle of our thought to that task. Let side issues wait. We will learn the lesson of thrift and economy. Congress should set the example.

In this same feeling of sacrifice I refer to a bill I introduced here for which I have received the usual customary denunciation of being a demagogue, a bill to reduce the salaries of Members of Congress. I do not know that it will pass. I am not here to argue that every Member of this body and the other body is not illy paid; but regardless of that, in this era of scrimping and sacrifice, what an example it would be to the people of this country if Congress would voluntarily during the war put its salary back to where it was before it was raised the last time. Oh, yes; we have lots of duties, of course, and we have children to educate, and all these things, and we can not live on our salary; that is the talk. Go across the water and see what they are living on. Members of the House of Commons receive $2,000 a year. We could do it if we would. It would be a great thing for this country. We have our meatless days and our wheatless days and sweetless days, and I hope "porkless" days in legislation.

Patriotism is awake in the land. It may not all be of the shouting kind; but ofttimes the deep, quiet patriotism is more lasting. We have shown it in every crisis in which our country was involved.

To-day the grandsons of the men who fought with Sherman and the grandsons of the men who fought with Lee are fighting under the Stars and Stripes, side by side with the tricolors of France, for the freedom of the people of the world.

Out of this war will come great things to our people. We will have no hyphenated Americanism in this country. Those in our country enjoying the blessings of American liberty, who are continually trying to harass the Government, who seem to like some other country better than this, had better go to that country just as quickly as they possibly can. If not voluntarily, be assisted there. It is not a time for partisanship nor politics and, may I say, it is no time for inefficiency in any departments of our Government. I wish in this spirit of nonpartisanship that pervades our country to-day we could have a coalition Cabinet, made up of the strongest men of the Nation. What enthusiasm it would bring to the people of this country if we had a coalition Cabinet, with Elihu Root and Theodore Roosevelt members thereof; if in some of the missions abroad the services could be utilized of such a great American as William Howard Taft. It is not injurious to the war that we have criticism. Honest criticism is helpful; honest criticism will help in winning the war; criticism helps bring out inefficiency, and inefficiency wherever it may be—in the heads of bureaus, in Congress, or in the Cabinet—must go, and the sooner it goes the better.

There is one thought that we should get into the German skulls—and it may take a surgical operation to do it—the thought that after the war the civilized nations of the world will not trade with Germany.

I had a State senator from my State down here. He had a pencil, which he was carrying, marked "Made in Germany." He cut off that part before he went to bed that night, but said he got to thinking about it, so in the night he got up and threw the pencil out of the window. That is the way the world is going to feel if this thing keeps up.

Who will buy German goods after the war? Who wants anything in their homes made by the same hands that have shot poor little children and women of Belgium; hands that have bayoneted women and carried away as relics parts of women's breasts? Who wants any utensils made by those who have carried women and children into exile; who have blown up the homes of the people in northern France; who have sent women and children down into the seas with the hellish torpedo and submarine; who have shelled boats in which people were trying to escape from their devilish work; who have let drop the murderous bomb upon hospitals where men were already living in pain; who have blotted out from the sky, contrary to all edicts of warfare, poor men and their families. Who wants anything made by the outlaw? Let her take her products to hell. That is the only place she should find a market. She has been such an ally of the devil that he might assist her. Let Germany know that the world knows her word can not be believed; that her treaties are nothing. She knows she can have no virile national life without commerce, and the civilized world will refuse to have any dealings with her when the war is over.

There is much talk in the world about peace. Yes; everyone would want an honorable peace. We are fighting for a permanent peace. Everyone would want the slaughter to stop. The world is weary of war. But how can there be peace? Can you sit down and work out a peace problem with a mad dog? Do you desire to sit down at a table and formulate peace plans with one who has been engaged in killing members of your family? You may say that while your family has been killed, and while death is the penalty for murder, it will cost the life of a sheriff or two to take the man. Hence it would be better to sit down and enter into peace terms. No red-blooded man would say it. When the Kaiser takes his bloody hands off of Belgium and France it will be time enough to consider peace. The Kaiser is a multimurderer and a murderer in the first degree. The punishment for murder in the first degree everywhere is death. A million deaths would not atone for what he has done, but one is all that can be administered to him.

In traveling over the sea and witnessing the deadly submarine peril a few weeks ago, I could not help wishing that the Kaiser might be compelled to traverse the sea in an unprotected boat with submarines shooting at him every now and then along his course.

In the ruined towns of France I could not help wishing that the great palaces of the Kaiser might be blown up in like fashion.

In witnessing an air raid on London I could not keep from my heart the desire that the Kaiser might be placed where the bombs from the infernal machines could drop around him.

When I saw the trenches and the brave boys in the wet and cold standing through the night, I wished the Kaiser might be compelled to stand for days and nights in those trenches with the shells and the hand grenades and the machine guns popping at him.

If there is no hell, there ought to be one. It has been suggested that the Kaiser be turned over to a jury of the civilized world under an indictment for millions of murders, rapes without number, and let the jury of the civilized world pass on his cause before talking about peace. What would be the use of any Hague conferences in the future? What would be the sense of making any treaties? Do you want to sit down with the Turkish partner of the Kaiser, their hands dripping with the blood of the Christian people of Armenia, and talk about a righteous peace? Do we want peace by neglecting duty? Far be it from us. As a Scotch second lieutenant said to me near one of the battle fields, "Of course, we do not like this. We would like to go home, but we will fight this thing through, and the Kaiser has no more chance of whipping us than a celluloid cat has to catch an asbestos rat in hell." Good spirit those boys have. Peace, yes, but not with the Hohenzollern. When they abdicate we can talk peace with the German people. This Nation must be very careful as to the great propaganda now being started by Germany throughout the world to create a sentiment in every country favorable to the peace terms promulgated by Germany, which would, in fact, be a German peace. This is another gold brick. Let us beware.

In my humble judgment, nothing could assist Germany more than this present peace talk, and the talk likewise that Germany is exhausted. Peace is alluring, of course; no one wants to stand against it; everyone wants peace; but what use is an unavailing peace, and what would it amount to now? A mere expedient, requiring going over the ground again in a few years unless Germany should submit to disarmament. There can be no lasting peace without disarmament. Will Germany submit to disarmament unless Great Britain submits to giving up its navy? Does anyone believe that Great Britain will be willing to give up its navy? But the day must come when there shall be disarmament throughout the world if we are to have peace.

Analyze the terms of the attempted treaty to be made with the Russians. If Russia falls into this trap and accepts the peace terms, Germany will be stronger than she ever has been before in her sphere of influence. Russia is learning the lesson of German duplicity. No one can talk peace with a person not on the square, nor with a nation likewise. Germany is not on the square. In dealing with tricksters, beware. Germany is the greatest trickster of all the ages. Let us not be gassed at this time with peace talk. It is an alluring but asphyxiating gas for us. This is a time for resolution; for nerve; for firmness; a time to have our eyes open and our ears open as to the tremendous propaganda with which Germany is attempting to spread peace talk throughout the world.

We started out, so we were informed by high authority, to end the Hohenzollern reign, in order that the world might have permanent peace; that is our purpose. Let us plow that furrow straight to the end and not be diverted from it; let us not become wearied before we have started. Lloyd-George defined Great Britain's terms a few days ago, and the President later, with great clearness, has declared our terms. I do not believe, speaking only for myself, that our people would be willing to wage a great war across the sea merely in order that Alsace

and Lorraine might be returned to France; but we need not cavil about that, because that is merely incidental to the main purpose. Our purpose is well defined—to end the menace of Prussian militarism. If out of that shall come Alsace and Lorraine to France, we will rejoice, but we are not fighting for that. Different allies may have different objects, and hence fight together without binding each to the particular object of the other. Our present business is clear—to help win this war; and all of these incidental questions can then be settled.

In conclusion, Mr. President, I want to say that we have a peace in our country. It is "that peace that passeth all understanding." It is a peace amid the roar of the cannon and the bursting of the shells. It is the peace that comes from the lusting conscience of America. It is a peace of mind, a peace of righteousness, a peace that comes to us because we know we are fighting to save worth-while civilization, for a civilization based on justice and not on greed, with that peace of mind which the military powers of Germany can not understand we war on.

America knows now why it is in this war. Our country knows that democracy can not be safe in America if autocracy succeeds in Europe. We learned in 1861 that this Nation could not be half slave and half free, and so we know to-day that the world can not be half cruelly autocratic and half humanely democratic. We know that righteousness and not ruthlessness must rule the world. There is a deep, set purpose in the hearts of our people to fulfill every obligation to the great duty that God has placed upon us. Loyalty, sacrifice, efficiency will win this war. In this contest of the allies and the United States, which the historian will regard as the most unselfish of all times on our part, to preserve the freedom of men and women throughout the universe, we rejoice to believe that there is no East, no West, no North, no South; a united people under one flag, marching on to the music of humanity; a people undeceived and unbeguiled by false peace moves born of German intrigue; a people determined that when peace comes it shall be a permanent peace; a people with vision enough to know that a peace now, without the destruction of the Prussian military machine, means simply getting ready for another terrific war. This people, devoted to peace, with the highest ideals of humanity, with the most unselfish purposes, knowing that no permanent peace can come by any arrangement with the present ruling class of Germany fight on with determination and with their faces fully to the light.

Mr. THOMPSON. Mr. President, before the Senator takes his seat I should like to ask him a question for information. Before doing so I wish simply to state that the Senator has made a very able, interesting, and instructive address, and one which, I am sure, has been enjoyed by his colleagues, as it will be appreciated by the country. The Senator has personally visited the front, as I understand, and in his address he has stated that in one gallant charge in a battle which I think took place before the declaration of war between this country and Germany——

Mr. KENYON. Just after that.

Mr. THOMPSON. There were 9,000 Americans who participated. Did the Senator learn, or can he tell us, without giving any confidential information, as to the number of Americans who had volunteered prior to that time for service with the allies and also the number who have gone to the front since that time?

Mr. KENYON. The Senator asks me two questions. I can not give the exact information in reply to the first question, and hence I rather dislike to answer it. The general understanding is that somewhere between 40,000 and 50,000 American boys were with the troops of the allies before we declared war. The number of our troops now in France I have heard estimated by very competent authority, but would prefer that the Senator secure that information from the War Department.

During the delivery of Mr. KENYON's speech,

The PRESIDENT pro tempore. The Senator from Iowa will suspend a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of print paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

Mr. SMITH of Arizona. I ask that the unfinished business be laid aside until the Senator from Iowa finishes his address, when I shall call up the joint resolution.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Iowa will proceed.

After the conclusion of Mr. KENYON's speech,

Mr. OWEN. Mr. President, the appeal of the Senator from Iowa [Mr. KENYON] that America should do her utmost in this war, of course, will be appreciated and responded to by every loyal man. I have myself believed—and I wish to call the attention of the Senate to it—that, as a means of coercing Germany, we ought to take concrete, direct, positive steps to organize all of the world against Germany—the financial powers of the world and the commercial powers of the world, as well as the naval and military forces of the world. It would be entirely possible for the United States, through proper representations and through proper missions sent to the Republics of South America, to bring every one of those Republics into this gigantic conflict for democracy. We ought to organize the world together, so that the combined powers of the world that are against the German militaristic policy should serve notice upon the German people, who are backing the Kaiser in this war, that the whole world are defensively and offensively organized to establish liberty and justice and to fight the Hohenzollern ambition to rule the world by force to the death. To let the German people know the truth if they can be made to see it, and, if not, to enforce the rights of nations by the material, industrial, commercial, and military powers of an organized world. The psychology of this upon the German people now, I believe, would have a substantial effect in bringing about a realization in that country what the possibilities for harm may be if the German people continue to uphold the Kaiser in the making of this wicked, unwarranted, prearranged war, which has no purpose except the glorification and extension of the powers of his own dynasty.

SUPPLY OF PRINT PAPER.

Mr. SMITH of Arizona. I ask that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of print paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

Mr. SMOOT. Mr. President, I desire to ask the Senator from Arizona if he will not allow the joint resolution to be laid aside to-day? There are three examinations going on now by committees of the Senate. There are two Members of the Senate who desire to speak on this measure who are in attendance on those committees. They expected to speak between the hours of 12 o'clock and 2 o'clock to-day, while the committee stood in recess, but they had to leave even before the close of the splendid address of the Senator from Iowa [Mr. KENYON]. Inasmuch as an executive session is desired now, I will ask the Senator if he will not allow the Senate to go into executive session? I know of no other business that is to come up to-morrow, so we can take up the Senator's measure in the morning hour, and then go on with it for the full day.

Mr. SMITH of Arizona. Mr. President, it is almost impossible for me to resist a reasonable appeal, or any appeal, from the Senator from Utah. My desire to secure early action on this measure is, as I have heretofore suggested, largely personal. I have the joint resolution under charge. If I could leave it to other hands, I would not press it to a vote at any particular time; but I feel that it is necessary for me to get away from Washington, and I will have to get away as quickly as I possibly can.

Mr. SMOOT. I think I am safe in saying to the Senator that the joint resolution will pass before the end of the week.

Mr. SMITH of Arizona. If I could be certain that I could get this joint resolution through——

Mr. KING. Mr. President——

Mr. SMITH of Arizona. I want to make a statement before the colleague of the Senator from Utah [Mr. SMOOT] modifies what he has stated. If I could obtain a vote on the joint resolution, or if I could to-day obtain unanimous consent for a final disposition of the measure, I would be glad to yield for an executive session. Of course, an agreement to vote on the joint resolution would involve the adoption or the voting down of the amendments which I have suggested. The amendments, as Senators know without my telling, have been suggested very largely on my own initiative, because in many particulars I have thought the joint resolution had gone further in the direction of seizure of property or the products of property than it ought to go, and, accordingly, the amendments I have offered have been due to an effort on my part, after consultation with the one man on the Federal Trade Board who knew more about the subject than I or anybody else, to liberalize the measure to the point of making no seizure, and

probably none would be made under the amendments I have proposed.

Mr. SMOOT. I desire to say to the Senator that I do not think there is going to be any particular discussion upon the amendments the Senator has offered. The remarks that were to be made were to be made upon the joint resolution itself.

Mr. SMITH of Arizona. On the principle of the joint resolution.

Mr. SMOOT. Yes; on the principle of the joint resolution. I do not want now to have the Senators who desire to speak called from the committees on which they are in attendance. The Senator realizes the urgent necessity of those hearings coming to a close as soon as possible.

Mr. SMITH of Arizona. I appreciate that very fully. I should like to ask the leader of the majority, my friend, the Senator from Virginia, if he knows of any probability of this joint resolution being displaced by any other important matters in the Senate?

Mr. MARTIN. I am very sure that there will be no attempt to displace the joint resolution.

Mr. SMOOT. I will say to the Senator that I will vote with him at any time against any proposition to displace it as the unfinished business.

Mr. SMITH of Arizona. That is perfectly satisfactory to me. I yield for a motion for an executive session, with the understanding that the joint resolution remains the unfinished business.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 2 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 11, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 10, 1918.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

Louis Brownlow, of the District of Columbia, to be a Commissioner for the District of Columbia for a term of three years. A reappointment; term expires January 21, 1918.

AUDITOR FOR THE INTERIOR DEPARTMENT.

David C. Reay, of Morgantown, W. Va., to be Auditor for the Interior Department, in place of Oscar A. Price, resigned.

REGISTER OF THE LAND OFFICE.

John T. Cogan, of Sioux Falls, S. Dak., to be register of the land office at Pierre, S. Dak., vice John E. Kelley, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 10, 1918.

RECEIVER OF PUBLIC MONEYS.

H. Clay Sharkey, to be receiver of public moneys at Jackson, Miss.

REGISTER OF THE LAND OFFICE.

William F. Cummins, to be register of the land office at Jackson, Miss.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named captains to be rear admirals:
Thomas W. Kinkaid,
William S. Smith,
Spencer S. Wood,
Joseph L. Jayne,
Charles W. Dyson,
Clarence S. Williams, and
John D. McDonald.

The following-named commanders to be captains:
Clark D. Stearns,
Robert K. Crank,
Henry B. Price,
Stephen V. Graham,
William P. Scott,
Joseph M. Reeves,
Roscoe C. Moody,
Frank Lyon,
John McC. Luby,
Hutch I. Cone,
Robert W. McNeely,
George E. Gelm,
Frank H. Brumby,
James P. Morton,
George L. P. Stone,
Harris Laning,
Franklin D. Karns,
David W. Todd,
John V. Klemann,
Henry V. Butler,
Walter R. Gherardi,
James J. Raby,
William H. Standley, and
Kenneth M. Bennett.

The following-named lieutenant commanders to be commanders:
Hilary Williams,
Fletcher L. Sheffield,
Louis Shane,
Henry C. Dinger,
Walter G. Roper,
Allen Buchanan,
Richard D. White,
Hollis T. Winston,
Frederick R. Naile,
Emil P. Svarz,
Herbert C. Cocke,
William V. Tomb,
Bayard T. Bulmer,
Lewis Coxe,
Robert T. Menner,
Benjamin G. Barthalow,
Merlyn G. Cook,
Wallace Bertholf,
Frank McCommon,
Theodore A. Kittinger,
Guy Whitlock,
Jesse B. Gay,
Levin J. Wallace,
James O. Richardson,
James P. Murdock,
David A. Weaver,
Nell Nichols,
Otto C. Dowling,
Charles W. Early,
Wilson Brown, jr.,
Robert Henderson,
Edward C. S. Parker,
Joseph O. Fisher,
William T. Conn, jr.,
John H. Blackburn,
Frank B. Freyer,
Carlos Bean,
Roscoe C. Davis,
William D. Puleston,
Charles W. Densmore,
David Lyons,
Joseph F. Daniels,
Gaston DeP. Johnstone,
Frank Rorschach,
Stephen C. Rowan,
Walter S. Anderson,
Henry D. Cooke,
Samuel M. Robinson,
William W. Smyth,
Ralston S. Holmes,
Francis J. Cleary,
Fred H. Poteet,
William J. Giles,
Ralph A. Koch,
Lamar R. Leahy,
Milton S. Davis,
Charles C. Moses, and
Sam C. Loomis.

The following-named lieutenants to be lieutenant commanders:
Charles C. Ross,
Howard M. Lammers,
Archer M. R. Allen, and
Francis J. Comerford.

The following-named officers to be ensigns:
Eugene L. Richardson,
Bennie C. Phillips,
James D. Rorabaugh,
Loar Mansbach,
William Pollock,
Fred J. Pope,
Louis M. Palmer,

George H. Wheeler,
Alexander S. Neilson,
George H. Cooley, and
Elias Q. Horton.
Lieut. Commander Ward K. Wortman to be a commander.
Lieut. Commander Frank D. Berrien to be a commander.
Lieut. Herbert B. Riebe to be a lieutenant commander.
Lieut. (Junior Grade) Herman E. Welte to be a lieutenant.
The following-named medical directors to be medical directors with rank of rear admiral:
Edward R. Sitt and
George H. Barber.
Asst. Surg. William W. Hargrave to be a passed assistant surgeon.
Commander Luke McNamee to be a captain.
The following-named lieutenant commanders to be commanders:
William R. Sayles, jr.,
Kenneth G. Castleman,
Ward K. Wortman,
Frank D. Berrien,
Charles R. Train,
William P. Cronan,
Hugo W. Osterhaus,
Charles P. Huff, and
Byron A. Long.
The following-named lieutenants to be lieutenant commanders:
A. Beall, jr.,
William A. Hall,
Herbert B. Riebe,
John P. Miller,
Owen Bartlett,
Edward S. Moses,
John F. Connor,
William H. Booth,
Edwin B. Woodworth,
James P. Olding,
Walter W. Lorshbough,
Douglas L. Howard,
Pierre L. Wilson,
Stuart W. Cake,
Archibald G. Stirling,
John T. G. Stapler,
Lesley B. Anderson,
John S. McCain,
Matthias E. Manly,
Ronan C. Grady,
Reuben L. Walker, and
Alexander Sharp, jr.
The following-named lieutenants (junior grade) to be lieutenants:
Zachary Lansdowne,
Herbert R. A. Borchardt, and
Archibald McGlasson.
The following-named officers to be ensigns:
Howard W. Kitchin,
Walter S. Gallagher,
William W. Cole,
Karl E. F. Sorensen,
Jeremiah K. Cronin,
Allen J. Gahagan,
Bruce M. Parmenter,
Benjamin F. Schmidt,
James W. Lennon,
Frank S. Miller,
Arthur Boileau,
William A. Tattersall,
William J. Russell,
Benjamin F. Blume,
Robert J. Ford,
William J. Poland,
Hiden H. Phares,
John P. Conraddi,
Thomas Fertner,
James Moran,
Ellis H. Roach,
Emil H. Petri,
Olaf J. Dahl,
Ralph F. Streitz,
Warren W. Wesley,
Stephen J. Drellishak,
August Skolasky,
Edwin F. Bilson,
Werner E. Follin,
James J. Morgan,
Frederick Bense,
Carl E. Nelson,
Carter E. Parker,
Charles M. May,
Walter H. Thomas,
Frederick G. Lemke,
Lester M. Harvey,
Edmund F. Sale,
Adolf J. Hofman,
Edward L. Moyer,
Edward Eger,
Thomas C. Ryan,
William Johnson,
Otto H. H. Strack,
John Erikson, jr.,
Dellworth Ballard,
Hartie H. Brown,
Garrison Payne,
Emmett M. Wanner,
Walter H. Stuart,
Leo E. Orvis,
Harold Bye,
Harold E. Fosdick,
Nels E. Smith,
Archie O. Mundale,
Mauritz M. Nelson,
John C. Hicks,
Orie H. Small,
Charles W. Henckler,
William B. Anderson,
Henry Quinton,
William P. Crowley,
Harvey C. Brown,
Louis M. Bliler,
Joe S. Wierzbowski,
Robin Southern,
George V. Allen,
Elmer A. Posey,
Edmond T. Coon,
John F. McConalogue,
George H. Turner,
Joseph K. Konieczny,
Frederick A. Ruf,
Christian V. Pedersen,
Thomas M. Arrowsmith,
Henry Elsmann,
William R. Giddens,
Walter E. Sharon,
Ernest C. Marheineke,
Herman G. Mecklenburg,
John D. Cornell,
Earle S. Nason, and
Lawrence Crilley.
The following-named enlisted men to be ensigns:
Carl I. Ostrom,
Robert DeBellefeuille,
James Williams,
John H. Burke,
William H. Newman,
George E. Comstock,
George Enes,
Ralph M. Jeffries,
Fred P. Brown,
Frank L. McLellan,
Thomas E. Orr,
Frederick L. Rose,
Harry L. Thompson,
William A. Blazo,
Harry B. Adams,
John D. Lennon,
Herbert G. Haynes,
Edward V. Brown,
Harry L. Ritchie,
William M. Price,
William A. Reynolds,
Roy E. Hall,
Leslie K. Orr,
Leon W. Thomas,
Horatio S. Ford,
Frank Mogridge,
George W. Haynes,
Chub J. Smith,
Charles Braun, jr.,
John R. Rayhart,

John J. Dabbs,
Clyde Morrison,
Ira A. White,
Joseph A. Curzon,
John F. Warris,
Elmer B. Robinson,
Emil Roeller,
Emerson B. Manlay,
Albert L. Bishop,
Edward D. Berry,
Walker P. Rodman,
Stephen W. Burton,
William Kuskey,
James S. Cuff,
John L. Wilson,
George L. H. Dolan,
Paul E. Current,
Luther Foust,
Theodore R. Raderick,
Ernest N. Varnado,
Edgard J. Thonnesen,
Alfred G. Lewis,
John E. Shaw,
George W. Pounder,
Willie L. De Camp,
Thomas O. Kirby,
Carl A. Stevens,
Elijah E. Tompkins,
Walter J. Thomas,
Svend J. Skou,
Abe Toretsky,
Harry B. Lough,
Loring McCormick,
Thomas C. Macklin,
William A. Gordon,
Oswald T. Schubert,
John W. Scanlin,
Carlton C. Tipping,
Cullie C. Manning,
Frank R. Williams,
Jacob Schnell,
Leonard E. Bray,
James D. Rodgers,
James B. O'Reilly,
Emil G. B. Wandt,
Anthony P. Sauerwein,
Ray W. Marsh,
Warren C. Carr,
Harold L. Arnold,
Clarence E. Owens,
John J. Audett,
Harold J. Gordon, and
Stanley Kazmarek.
The following-named surgeons to be medical inspectors:
Frederick L. Benton,
Royall R. Richardson, and
Jacob Stepp.
The following-named passed assistant surgeons to be surgeons:
James M. Minter,
Spencer L. Higgins, and
Renier J. Straeten.
Asst. Surg. Henry C. Johnston to be an assistant surgeon.
The following-named officers of the United States Naval Reserve Force to be assistant surgeons:
Lawrence K. McCafferty,
Stephen R. Mills,
James A. Brown,
Albert N. Champion,
Alvin L. Mills,
Millard F. Hudson,
Isaac Dellar,
Carlton L. Andrus,
Floyd G. Tindall,
Harold E. Ragle,
Lawrence T. Hopkins,
Esdras J. Lanois, and
George A. Alden.
Thomas White to be a dental surgeon.
Naval Constructor William G. Du Bose to be a naval constructor with rank of captain.
The following-named naval constructors to be naval constructors with rank of commander:
James Reed, jr., and
Edwin G. Kintner.
Lieut. William H. Booth to be a lieutenant commander.
Ensign Boleslaw L. Dombrowski to be a lieutenant (junior grade).
Ensign Alexander S. Neilson to be an ensign.
Ensign Henry K. McHarg to be an ensign.
The following-named officers of the National Naval Volunteers to be ensigns:
Henry C. McIlvaine, jr.,
Henry S. Austin,
J. Walker Eaton,
James F. Cooper,
Milton M. Fisher,
Joseph C. M. Small,
Albert L. King, and
Frank J. McManamon.
The following-named surgeons to be medical inspectors:
Charles N. Fiske,
Charles G. Smith,
Robert A. Bachmann, and
Howard F. Strine.
The following-named passed assistant surgeons to be surgeons:
Frank H. Stibbens,
Reynolds Hayden,
Edward V. Valz,
Montgomery A. Stuart, and
Rudolph I. Longabaugh.
Ensign David A. Smith to be an ensign.
Surg. Herbert M. Tolfree to be a medical inspector.
Passed Asst. Surg. Frank X. Koltes to be a surgeon.
Pay Clerk George W. Armstrong to be a chief pay clerk.
The following-named citizens of the United States to be assistant civil engineers:
Raymond V. Miller,
Willard A. Pollard, jr.,
John J. Manning,
William M. Angas,
Vernon R. Dunlap,
Lewis B. Combs,
Valentine J. McManus,
Arthur L. Nelson,
George W. Horsley,
Hugo C. Fischer,
Fritz C. Nyland,
Emil Praeger,
Lewis Thornburg,
Ira P. Griffen,
Lewis N. Moeller,
Harold W. Johnson,
Henry H. Overesch, jr.,
Charles R. Johnson,
Carl F. Fritch,
Frank F. Addicks,
Carl H. Cotter,
Andrew G. Bisset,
Henry Brinkmeyer, jr.,
Robert L. McLellan,
Louis B. Hyde,
John B. McTigue,
Charles D. Riddle,
Theron A. Hartung,
Herbert S. Bear, and
Arthur C. Eberhard.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 10, 1918.*

The House met at 11 o'clock a. m.

Rev. William A. Sunday, evangelist, offered the following prayer:

Almighty God, our Heavenly Father, we thank Thee and rejoice that through faith in Thee and Thy word this Government was built upon that foundation. We thank Thee that the compact signed in the cabin of the *Mayflower* by our ancestors was for democracy, liberty, freedom, and the right to worship Thee according to the dictates of our own conscience. We thank Thee that as a Nation we have the courage to proclaim to the world our continued belief in Thee by stamping on our coins the inscription "In God we trust." We thank Thee that we are Americans and live beneath the protecting folds of the Stars and Stripes. We thank Thee that Thou canst look over the battlements of glory on our land and see that there is not one stain on any star or stripe in Old Glory. We thank Thee for our happy homes. We thank Thee for our wives and little

ones. We thank Thee for the fruitful trees and bountiful harvests. We thank Thee that as a Nation we have never gone to bed hungry nor scraped the bottom of our flour barrel, and we pray Thy continued mercy and blessing upon us. We pray Thee that Thou wilt forgive our transgressions and blot out all our iniquities.

Thou knowest, O Lord, that we are in a life-and-death struggle with one of the most infamous, vile, greedy, avaricious, bloodthirsty, sensual, and vicious nations that has ever disgraced the pages of history. Thou knowest that Germany has drawn from the eyes of mankind enough tears to make another sea; that she has drawn blood enough to redden every wave upon that sea; that she has drawn enough groans and shrieks from the hearts of men, women, and children to make another mountain. We pray Thee that Thou wilt make bare Thy mighty arm and beat back that great pack of hungry, wolfish Huns, whose fangs drip with blood and gore. We pray Thee that the stars in their courses and the winds and waves may fight against them.

We pray Thee that Thou wilt bless our beloved President and give him strength of mind and body and courage of heart for his arduous duties in these sorrow-laden, staggering days. We pray Thee to bless the Secretary of State, the Secretary of War, and the Secretary of the Navy; and bless, we pray Thee, the Naval Strategy Board. Bless, we pray Thee, Lord, the generals at the head of our Army. Bless the boys across the sea, "somewhere in France," and bless those protecting our transports, loaded to the water's edge with men and provisions. Bless our boys at home who are in the cantonments. Bless, we pray Thee, the Senate and House of Representatives, and give them wisdom and strength, for they seem to have come into the kingdom for such a time as this. And Lord, may every man, woman, and child, from Maine to California and from Minnesota to Louisiana, stand up to the last ditch and be glad and willing to suffer and endure until final victory shall come. Bless our allies, and may victory be ours. And in Thy own time and in Thy own way we pray Thee that Thou wilt release the white-winged dove of peace until Thou shalt dispel the storm clouds that hang lowering over this sin-cursed, blood-soaked, and sorrowing world; and when it is all over we will uncover our heads and lift our faces to the heavens and sing with a new meaning—

My country, 'tis of thee,
Sweet land of liberty,
Of thee I sing.

And the praise shall be to Thee forever, through Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION FROM A COMMITTEE.

The SPEAKER. The Chair lays before the House a resignation from a committee, which the Clerk will read.

The Clerk read as follows:

JANUARY 10, 1918.

Hon. CHAMP CLARK,
Speaker of the House, Capitol.

DEAR MR. CLARK: Having been appointed a member of the Committee on Interstate and Foreign Commerce, I beg to submit my resignation from the other committees of which I have been a member, namely, Elections No. 2, Industrial Arts and Expositions, Reform of Civil Service, and Roads, under the exclusive rule governing such cases.

Yours, very sincerely,
J. Y. SANDERS.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

WITHDRAWAL OF PAPERS.

Mr. RIORDAN, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Henry Metz, H. R. 14040, no adverse report having been made thereon.

Mr. MCARTHUR, by unanimous consent, was given leave to withdraw from the files of the House papers in the cases of Eda M. McCammon, H. R. 18641, and Mary J. Davis, H. R. 19580, of the Sixty-fourth Congress, no adverse report having been made thereon.

WITHDRAWAL OF A RESOLUTION.

Mr. EMERSON rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. EMERSON. Mr. Speaker, at the first session of the Sixty-fifth Congress, at the request of the chairman of the Military Committee of the Mayor's Advisory War Committee of Cleveland, Ohio, I introduced House joint resolution 122. I have been requested to withdraw that resolution. It is in relation to the service flag. I ask unanimous consent to withdraw that resolution.

The SPEAKER. It does not have to have unanimous consent. It is withdrawn.

The Chair wants to admonish the galleries that they are here by courtesy of the House. They are not here to help conduct the business of the House, and it is against the rules for them to show any signs of assent or dissent by applause or otherwise. If I catch anybody violating that rule, I will clear the part of the gallery where they are. [Applause.]

WOMAN SUFFRAGE.

Mr. FOSTER. Mr. Speaker, by direction of the Committee on Rules I present a privileged report.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

House resolution 215 (H. Rept. 236).

Resolved, That immediately upon the adoption of this resolution the House shall proceed to the consideration of House joint resolution 200. There shall be not exceeding four hours' general debate, to be divided between those favoring and those opposing the resolution, but such general debate shall be concluded at not later than 5 o'clock p. m. At the conclusion of such general debate the resolution shall be considered for amendment under the five-minute rule. Whereupon the previous question shall be considered as ordered on the resolution and all amendments thereto to final passage, without any intervening motion, except one motion to recommit: *Provided*, That all debate shall be confined to the subject matter of the resolution.

Mr. CLARK of Florida rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. There was some confusion in the Hall while the resolution was being read and I did not hear how many hours were given to general debate.

The SPEAKER. Four.

Mr. FOSTER. The gentleman from Kansas [Mr. CAMPBELL], the ranking minority member of the committee, I take it, is in favor of the resolution now before the House?

Mr. CAMPBELL of Kansas. Mr. Speaker, I simply want to submit to the gentleman from Illinois a suggestion that we might agree upon time upon the rule. Has the gentleman from Illinois any suggestion as to that?

Mr. FOSTER. I would suggest that we agree upon one hour's time on the rule.

Mr. CAMPBELL of Kansas. That is agreeable to me.

Mr. SAUNDERS of Virginia. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. SAUNDERS of Virginia. Can we not agree to adopt the rule without debate and let the time that would be devoted to the discussion on the rule go to the general discussion of the proposition before the body? In other words, my suggestion is this, amplified a little: That we have no roll calls in connection with the adoption of the rule or the previous question. Let it be agreed that the rule shall be adopted and that the previous question shall be ordered, and the time saved in that connection could then be devoted to the discussion and added to the time of general debate.

Mr. CAMPBELL of Kansas. I think, Mr. Speaker, that a roll call may be avoided, but the suggestion that there be no discussion on the rule comes after some arrangements have already been made with respect to the discussion. That will largely revolve around the main question, rather than on the merits of the rule.

Mr. SAUNDERS of Virginia. Could not that time be utilized in the discussion of the main question? It would more appropriately come in in connection with the discussion of the main question.

Mr. FOSTER. Mr. Speaker, I think the gentleman from Virginia will recognize that it is the custom on the rule to discuss the merits of the proposition.

Mr. SAUNDERS of Virginia. That is the reason I suggest that we add that to the general debate, and consolidate the debate upon the main proposition.

Mr. FOSTER. So that whatever time would be given to the discussion of the rule shall be given to the discussion of the main proposition. I suggest that there would be no practical difference.

Mr. GILLETT. May I ask the gentleman a question?

Mr. FOSTER. Yes.

Mr. GILLETT. I notice that the rule does not fix any time for voting. That, of course, leaves it in the power of those in control of the measure to close debate under the five-minute rule at any time.

Mr. FOSTER. That is true.

Mr. GILLETT. May I ask what the program is—how much time you intend to devote to the five-minute rule; whether you intend to have a vote to-day; and if so, at what time?

Mr. FOSTER. The intention is to have a vote before the House adjourns to-day, and I will say that when the resolution comes before the House I am unable to say as to what time the debate under the five-minute rule will be closed, but I apprehend that the gentleman who may be in charge of this resolution will give sufficient time for the offering of amendments under the five-minute rule.

Mr. GILLETT. Genuine amendments?

Mr. FOSTER. Oh, I think so.

Mr. GILLETT. I suppose it follows that any time wasted now in roll calls would either postpone the time of voting or would take so much from the debate.

Mr. FOSTER. It will.

Mr. GILLETT. So it will be better not to have any roll calls?

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that debate upon the rule be limited to one hour, and that at the end of that time the previous question shall be considered as ordered, and that the time be controlled—if satisfactory to the gentleman from Kansas [Mr. CAMPBELL]—one-half by myself and one-half by the gentleman from Tennessee [Mr. GARRETT], who is opposed to the rule.

Mr. CAMPBELL of Kansas. That was not the suggestion made in the committee.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] asks unanimous consent that debate on this rule be confined to one hour, half the time to be controlled by himself and the other half controlled by the gentleman from Tennessee [Mr. GARRETT], and that at the close of the hour's debate the previous question shall be considered as ordered on the rule.

Mr. LENROOT. Mr. Speaker, I did not quite catch how the time was to be controlled.

Mr. FOSTER. My suggestion was that the gentleman from Tennessee [Mr. GARRETT] who is opposed to the rule, be permitted to control one-half the time.

Mr. LENROOT. And the gentleman from Illinois [Mr. FOSTER] half and the gentleman from Kansas [Mr. CAMPBELL] the other half of the time for the resolution? Is that the suggestion?

Mr. FOSTER. No; not of my own time.

Mr. CAMPBELL of Kansas. I could not consent to that.

Mr. LENROOT. Reserving the right to object, if I may call the attention of the gentleman from Illinois [Mr. FOSTER] to the informal understanding in the committee, it was that he should control one-half the time, dividing it equally on his side between those for and against, and that the gentleman from Kansas [Mr. CAMPBELL] control one-half, dividing it equally upon this side between those for and against.

Mr. FOSTER. I will state to the gentleman from Wisconsin that that is satisfactory as far as I am concerned.

Mr. GARRETT of Tennessee. That was not my understanding.

Mr. GARNER. That does not give the opposition any chance.

Mr. GARRETT of Tennessee. My understanding was that we were to have the control of the time in our own right.

Mr. GARNER. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Illinois [Mr. FOSTER] whether or not he proposes to let the gentleman from Tennessee control the time in opposition to the resolution?

Mr. FOSTER. That was what I first proposed.

Mr. GARNER. Does the gentleman from Kansas [Mr. CAMPBELL] propose to yield half his time to those in opposition?

Mr. CAMPBELL of Kansas. That, of course, is my purpose.

Mr. GARNER. If so, who is to control that time?

Mr. CAMPBELL of Kansas. When it comes to the resolution, I assume that the tentative suggestion made yesterday will be carried out—that Miss RANKIN will control for the majority and that Mr. MEEKER will control for the minority, the opposition here. Upon the rule, any gentleman opposing the rule on this side of the House may have half of my time.

Mr. LENROOT. May I suggest that there is a distinction between the Democratic members of the Committee on Rules and the Republican members, in this, that all of the Republican members are for this proposition. [Applause.]

Mr. FOSTER. Mr. Speaker, my impression is——

Mr. CLARK of Florida. Reserving the right to object, I should like to ask the gentleman from Illinois if he thinks, and if the Rules Committee think, that four hours are ample time for the House of Representatives to discuss a great constitutional question like this?

SEVERAL MEMBERS. Oh, yes!

Mr. FOSTER. Mr. Speaker, in answer to the gentleman from Florida, I believe that two-thirds of this House have made up their minds to adopt this resolution [applause], and I see no occasion for discussing it a great length of time.

Mr. CLARK of Florida. Mr. Speaker, that may be true; but posterity has a right to know why this great fundamental change was made at this time.

Mr. GARRETT of Texas. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Texas demands the regular order.

Mr. CLARK of Florida. I want to make one more request. Do I understand that the gentleman's request for unanimous consent goes to the extent of ordering the previous question on the rule, so as to cut out the offering of amendment to the rule?

Mr. FOSTER. It does.

Mr. CLARK of Florida. Then I object.

The SPEAKER. The gentleman from Florida objects.

Mr. FOSTER. I move the previous question on the resolution.

The SPEAKER. The gentleman moves the previous question on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

A MEMBER. Division!

The SPEAKER. A gentleman can not sit in his seat and demand a division.

Mr. FOSTER. Mr. Speaker, the resolution before the House providing for the consideration of House joint resolution 200 simply provides that there shall be four hours general debate, but that these four hours shall expire not later than 5 o'clock p. m. to-day. If it extends beyond that time, if the four hours have not been occupied, then it will close at 5 o'clock. I have no doubt the resolution will be adopted, and I reserve the balance of my time.

Mr. GARRETT of Tennessee. Mr. Speaker, I believe I am entitled to 20 minutes.

Mr. CAMPBELL of Kansas. How do I understand the time to be divided?

The SPEAKER. The rule of the House provides for 40 minutes' debate, 20 minutes for and 20 minutes against.

Mr. CAMPBELL of Kansas. That would deny this side of the House any time on the rule.

The SPEAKER. The Chair thinks not.

Mr. CAMPBELL of Kansas. If the gentleman from Illinois [Mr. FOSTER] controls the time for the rule and the gentleman from Tennessee [Mr. GARRETT] controls the time against it, this side of the House is without time.

Mr. SHERLEY. If the gentleman will yield, I suggest a way that it can be solved. I understand the gentleman from Massachusetts, the minority leader, is opposed to the resolution, and 20 minutes' time can be given to him to yield to Members who are opposed to the resolution.

Mr. CAMPBELL of Kansas. May I ask if the gentleman from Illinois [Mr. FOSTER] will yield some of his time to this side of the House?

Mr. FOSTER. Certainly I will; I had made promises for more time, but I will see that that side gets an equal division of the time.

Mr. CAMPBELL of Kansas. Will the gentleman yield 10 minutes to this side?

Mr. FOSTER. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, I understand that it is settled now that I have 20 minutes under my control. Is that correct?

Mr. GREENE of Massachusetts. I do not understand that the proposition was that the gentleman from Tennessee should have 20 minutes.

Mr. GARRETT of Tennessee. I am entitled to it under the general rule.

The SPEAKER. The Chair will state that this does not go by political lines. The rule of the House is that there shall be 40 minutes' debate allowed on a rule where the previous question is ordered without debate, 20 minutes to the proponents of the proposition and 20 minutes to the opponents of it. Now, the gentleman from Tennessee was the first Member that arose to oppose the rule, and the gentleman will proceed.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Speaker, I deprecate bringing a constitutional question of this sort before this House, especially at this time, when all of our energies ought to be given to carrying on the war. This is not a war measure. It is said that it has been regarded as such in England, and that suffrage has been granted in rather limited form to the women

of England as a war measure. It is a sufficient answer to say that there is now no suffrage whatever in England; that Parliament by successive resolutions has refused to allow any general election for four successive years and has extended their own term of office, because they did not want to go into an election in England at the present time, and certainly not into one into which an enlarged electorate is brought, unhinging the whole foundation of government.

I will not debate the question as to whether in a time of war women are the best judges of policy. That great student of human nature, William Shakespeare, in the play of Macbeth makes Lady Macbeth eager for deeds of blood until they are committed and war is begun, and then just as eager that it may be stopped, while the man, as man should be, is slow to enter into a quarrel, but, being in, knows that he must so bear himself that his opponents may beware of him.

Mr. Speaker, I maintain that certain rights are reserved by the Constitution to each individual State, and that one of these is the right to determine what its electorate shall be. [Applause.]

I deny the moral right at any rate of any State to enforce an electorate upon another State. There was a seeming exception to that principle after the Civil War. There is now no such necessity as seemed to be upon the States then. It is a fundamental right of the locality to determine its own electorate. It is one that may have to be determined as to cities. There are now parts of some cities in which the janitors cast the vote and the clerks who live in the tenements cast the vote, while those most interested in the hundreds of millions invested there have no control over the business affairs of the town. The electorate is the foundation of local free government. It must often be determined by the local conditions as to what is the right thing to do, but it is certainly wrong in time of war, when our whole energies should be devoted to measures to carry on the war, that there should be thrown into every State a discussion on any such subject as this. It was wrong as to the amendment as to national prohibition, and it is wrong as to this, and I oppose the passage of this rule.

Mr. FOSTER. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. CAMPBELL]. Before he uses it I yield five minutes to the gentleman from Kentucky [Mr. CANTRILL].

Mr. CANTRILL. Mr. Speaker, in the presidential campaign of 1916 I was Democratic campaign chairman for the State of Kentucky. For five long months, day and night, I gave the best that was in me, physically and mentally, and cheerfully gave several thousand dollars of my individual funds for Democratic success in my State. On the night of the election I was full of hope and eager for results. I was deeply grateful that Kentucky rolled up her biggest majority in 30 years for the Democratic ticket. When the returns began from the great States of the North and East my heart sank within me. State after State in the North and East, which we Democrats were sure of, rolled in big Republican majorities, and, as the night grew, these majorities against us grew until it seemed that all hope was lost. Nearly every big Democratic newspaper in the country, except the Courier Journal, conceded Judge Hughes' election after all of the man suffrage States of the North and East had reported their returns. Not, until the early morning hours came, was there a single ray of hope for Democratic success. Then there came a report from the West showing a Democratic victory, then another and another until our hopes began to brighten. State after State from the Golden West, where woman suffrage prevailed, sent in cheering victories for Woodrow Wilson and Democratic policies. When all seemed lost, the tide was turned from defeat to victory, and every Democratic heart sent up a prayer of thanksgiving and praise for the woman suffrage States of the great West. It was on the morning following the election that I resolved, as a Democrat, that I would take advantage of the first opportunity to show my appreciation of the women's vote of the West. That opportunity for the first time presents itself to-day, and I will return, in part, my obligation as a Democrat, by voting in favor of the woman-suffrage amendment now before the House. I would feel myself an ingrate if I did otherwise.

Woodrow Wilson, the President of the greatest Republic on earth, and the spokesman of the world for humanity and liberty, speaks to the nations of the earth because the women of the West by their ballot so decreed; CHAMP CLARK, one of the greatest champions of the rights of the people, presides over this House because the voters of woman suffrage States joined hands with the Southern States in support of Democratic policies. The Democratic Party of the Nation controls the legislation of our country in the Senate and in this House, and upon our country depends the safety and happiness of the world. Our party has taken this position of world leadership for civilization and Christianity because the woman-suffrage States of the West by their votes made it possible. This being true, then right and justice demand that those of us on the Democratic side of the House should stand by those States which have stood by us.

In taking this position I find myself in good Democratic company. Many of our most distinguished leaders in all parts of the country have declared in favor of the woman-suffrage amendment; nearly all of the members of the President's Cabinet have declared for it; the great Speaker of this House favors the amendment; the President of the United States is in favor of this Congress now sending the woman-suffrage amendment to the States for ratification.

It was my privilege yesterday afternoon to be one of a committee of 12 to ask the President for advice and counsel on this important measure. [Prolonged laughter.] Mr. Speaker, in answer to the sentiment expressed by part of the House, I desire to say that at no time and upon no occasion am I ever ashamed to confer with Woodrow Wilson upon any important question [applause], and that part of the House that has jeered that statement, before it adjourns to-day, will follow absolutely the advice which he gave this committee yesterday afternoon. [Applause and laughter.] After conference with the President yesterday afternoon he wrote with his own hands the words which I now read to you and each member of the committee was authorized by the President to give full publicity to the following: "The committee found that the President had not felt at liberty to volunteer his advice to Members of Congress in this important matter, but when we sought his advice [laughter on the Republican side] he very frankly and earnestly advised us to vote for the amendment as an act of right and justice to the women of the country and of the world." Now, you gentlemen on that side of the House can jeer that statement, if you want to do it.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To ask if the gentleman will yield in order that I may ask him whether the President wrote that with his own hand?

Mr. CANTRILL. He certainly did write it with his own hand, I will state for the information of the gentleman. To my Democratic brethren who have made these Halls ring with their eloquence in their pleas to stand by the President, I will say that now is your chance to stand by the President and vote for this amendment "as an act of right and justice to the women of the country and the world."

Mr. RAGSDALE. Mr. Speaker, will the gentleman yield?

Mr. CANTRILL. I decline to yield. Do you wish to do that which is right and just toward the women of your own country? If so, follow the President's advice and vote for this amendment. It will not do to follow the President in this great crisis in the world's history on those matters only which are popular in your own districts. The true test is to stand by him, even though your own vote is unpopular at home. The acid test for a Member of Congress is for him to stand for right and justice, even if misunderstood at home at first. In the end, right and justice will prevail everywhere.

This terrible war has made it necessary for the Congress to do many things which it would not have considered for a moment before the declaration of war. No one thing connected with the war is of more importance at this time than meeting the reasonable demand of millions of patriotic and Christian women of the Nation that the amendment for woman suffrage be submitted to the States. An affirmative vote to-day does not commit one to woman suffrage in the State in which one lives, but it is simply a vote to permit your State to say, through its legislature, if your State favors woman suffrage. Eighteen States of the Union, with 184 electoral votes, have already given women presidential suffrage, and several other States in addition recognize the right of women to vote in other matters. The question has reached such magnitude that it is deserving of being submitted to the States for final settlement. One of the chief arguments used by the opponents of woman suffrage is that women are unable to bear arms in war, but the fact stares us in the face that when the men who are bearing arms in France had a chance to vote on the question of woman suffrage they voted 2 to 1 in favor of the proposition.

If the men who are daily risking their lives in defense of our Nation in the trenches are willing to trust the women to vote as to their welfare, surely those who are fighting the war behind mahogany desks can trust the women of the land with the ballot. Gen. Pershing says, "This war is being fought by women; it is women who suffer and lend courage to us; women

are the ones who will deserve honor for their aid in establishing democracy." No one asks for the passage of the Federal suffrage amendment as a pretty compliment to womanhood. It is urged as a vital, sound, tremendous step in putting every ounce of power that can be marshaled behind our country in its time of need. However bitterly in the past I might have opposed woman suffrage, in the face of the statements from Gen. Pershing, our great military leader in Europe, and of the statement from the President, Commander in Chief of our Army and Navy, I would cheerfully support the woman suffrage amendment now. As the President states, it is a question of right and justice to the women of the country and of the world. The American Congress at this critical time must do those things which are just and right toward all mankind. Every single one of our great allies have given or are about to give suffrage to the women of their countries. We must do the same for the women of America, because this country, above all others, boasts of liberty and justice. What becomes of our boasted democracy when we deny to half our population the right to participate in the affairs of government? No man on the floor of this House will dare say that the women of America are not as patriotic as are our men. As Gen. Pershing says, they are the ones who suffer most. Justice demands that those who suffer most for the Nation should have at least some recompense for their suffering. The least reward that can be given them is to say that they should have a voice in the affairs of the Nation which takes away from them their fathers, brothers, sons, and husbands to bleed and die that democracy might live.

What answer can we give to the nations of the earth when we send millions of our men, the very flower of our manhood, to fight for democracy and then at home deny the very fundamentals of democracy to millions of our own women? What answer can we give when we spend billions of our wealth that the world may be free and then at home tax millions of our own women without giving them the right to vote on questions of taxation? What answer can we give when we give our all for freedom of foreign countries and keep in political slavery our own women? No, Mr. Speaker, right and justice will not permit us to do these things. The war in Europe is for the freedom of mankind in the centuries to come. This amendment here to-day is for the freedom of American women, which freedom has too long been denied to them. Let the American Congress catch the spirit of the times; let the lawmakers of the Nation catch the spirit of the men in the trenches who are upholding our laws with the bayonet; let the Members of Congress join the Speaker of this House and the President of our Republic in justice for American womanhood. Right, justice, liberty, and democracy have always been, and will always be, safe in the tender care of American womanhood. From this day on, let the men and women of America be equal and united, citizens all, for the common good of our beloved Nation and for the welfare of all mankind.

The SPEAKER. The time of the gentleman from Kentucky has expired.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, for the present I object.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Speaker, before addressing myself briefly to the question, I ask unanimous consent to revise and extend the remarks I may make.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to revise and extend his remarks. Is there objection?

Mr. WALSH. Mr. Speaker, for the present I shall object.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. MOON. Mr. Speaker, I suspected as much. That is about all the gentleman from Massachusetts is capable of doing. I shall say then what I have to say in the time granted and to be granted to me.

Mr. FIELDS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FIELDS. I ask unanimous consent that all gentlemen be permitted to extend their remarks in the RECORD upon this question.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that all gentlemen shall have five legislative days in which to extend their remarks on woman suffrage. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. MOON. Mr. Speaker, I hope this does not come out of my time.

The SPEAKER. It does not.

Mr. MOON. Mr. Speaker, a few hours for debate upon a question that will add 14,000,000 of voters to the electorate of the United States is a want of consideration of one of the most important questions ever presented to this House. The time ought to be extended for this debate or gentlemen ought at least to be permitted to express their views in the RECORD.

For the gratification of those most excellent women and men who desire the passage of the pending woman's suffrage amendment to the United States Constitution I would be much pleased to vote to submit it for ratification to the States, but my sense of duty and my loyalty to the platform of the national Democracy and to the principles of my party and obedience to the will of an overwhelming majority of the people I represent forbids that I do so. It is not because I have any opposition to women exercising the right of franchise that I cast a negative vote on this amendment, but because of the manner in which it is sought to be obtained. A restrictive amendment upon the rights and the liberties of the people of a State attached to the Federal Constitution can not be desired by any person who has given careful thought to our system of government and the basis upon which local rights and liberty rests.

There are various reasons assigned why the amendment should be passed and many why it should not be passed. There are many people who believe in the right of women to exercise suffrage who can not, so long as they represent the will of the majority of the people and oppose the destruction of the rights of States, consent to the granting of suffrage by Federal amendment. Some contend that the mingling of women in politics would purify the electorate and make the Government safer and better. They may be correct. Others contend that such conduct would render women less modest and therefore less worthy of the respect of men, and at last produce a race wanting in that delicate refinement and feeling of sentiment that comes from the tender and confiding life of a pure woman, unstained with the gross and sinister methods of political life. This may possibly be true. It is most likely true that both ideas present a remote contingency and can not be of much value in the practical determination of the question.

Logically, no man can deny that a woman is entitled to all the rights and privileges, including the right of suffrage, that men enjoy; nor has man the moral right to determine whether it is best for women to exercise the right to vote or not. Women should be permitted to determine for themselves that which they think is best for them. For men to determine that women ought not to vote is to destroy the equal justice to which the sexes are entitled. The power, aside from the moral right, however, to make men and women equal at the ballot box under existing law rests with the qualified voters. The qualified voters are men, and women therefore have no voice under the Constitution and law as it exists in securing their own enfranchisement. It therefore becomes the duty of men under our dual system of government to determine the manner in which it shall be done, if they conclude it shall be done at all. There are two methods by which women may be entitled to equal political rights with men. One is by amendment to the Federal Constitution, the other is by amendment by each State to its constitution or by its law if permitted under the State constitution to grant suffrage to women. A large number of the States have already granted suffrage to women. They have exercised their political power and sovereignty in the matter and determined in the interest of the rights of women. Other States might be of the opinion that it is not proper to grant this power to women. The proposed Federal amendment, if passed, would deprive the State of its legal right to determine its electorate. It may be said that the amendments that have already been passed to the Federal Constitution that are restrictive of the rights of States do also pro tanto deprive the State of sovereign power. That, so far as it goes, is true, but it affords no reason why the State should be further deprived of sovereignty, nor are the powers of which the States are deprived under the Federal Constitution essential to the maintenance of local self-government. The enumerated powers of the Federal Government under the Constitution are those powers which are essential to the transaction of the greater functions of government that are national in their nature. They do not restrict the States in the most vital function that enables them to maintain local self-government. When you deprive a State of the right to say who its electors are or place restrictions upon the State in determining the qualifications of its electors, you strike down absolutely and unconditionally the life of its sovereignty. The power that names the voter is the sovereign and the only sovereign. The man who assumes that there should be further restriction upon the right of the State understands not the principles of free

government or the foundation upon which American liberty must rest. [Applause.]

There is no necessity for placing this sovereign power in the hands of the Federal Government. It ought to remain in the control of the States where it is, and a restriction upon it in any way or modification of the State's rights is a practical destruction of the power. I do not object to women voting if they get the right to vote exactly as men get their right to vote—by virtue of the State constitutions where they live. There is no reason why women should have the right to vote in any other way. The thoughtless advocate of suffrage does not appreciate that one method preserves the rights of the States and the other destroys it. They say that it makes but little difference how women get the right to vote, so they get it. A right obtained in the wrong way does more wrong than can be done in any other way. If women must have suffrage, let them have it by the acts of their neighbors and friends and fellow citizens of the States in which they live. If a State is not willing to give it to them, let them abide the hour until it is willing, for in no other way can local self-government exist. The destruction of the sovereignty of States is more fatal to liberty than the denial of votes to women. The concentration of all power at Washington must and will ultimately undermine our institutions. We have gone too far in that direction already.

The contention that it is difficult in some States to amend the constitution affords no reason for subverting their constitution by a Federal amendment which will coerce them into submission to a mere policy against what they think is their interests.

Again, the advocates of the Federal amendment say to you, "Why, the Constitution prohibits the denial of the right of suffrage to any person by reason of race, color, or previous condition of servitude. Are you not therefore willing to give to the white women of the country the same rights that the negro man has?" Of course this is a mere ad hominem argument, just like a good woman always uses. The negro man does not get affirmatively his right to vote by the fifteenth amendment. But that amendment is a restriction on the liberty of the State and its sovereign power in the selection of its electors. It should not have been passed. The fact that this wrong was done does not justify the perpetration of another wrong along the same line. Then, too, this amendment was passed at the close of a long and bloody war, when the real South had no voice in the Government. Many of the States of the South that were forced to vote for this amendment voted at a time when a majority of its best citizens were disfranchised and had no voice in the local government of the States. It is the only amendment to the Federal Constitution that was coerced. I have no objection to the colored man voting, but this privilege should have come from the States.

Again, with a good deal of complacency some of the advocates of the Federal amendment say that gentlemen who voted to submit for ratification to the States the prohibition amendment must upon the same ground vote to submit the suffrage amendment. The weakness of this suggestion ought to be apparent even to anyone, conditions being different. A man who voted to submit the prohibition amendment in obedience to the will of the majority of the people of the district or State he represented did right, because the highest principle involved in representative government is obedience to the will of the majority of the people as understood by their representative. The representative must comply with the will of the majority as he understands it, or, if he be an honorable man and can not do so, he must resign his commission. The people of the States whose representatives voted to submit the prohibition amendment did so in obedience to the overwhelming will of the people. Those who voted in the negative, if in obedience to the will of their constituents, also voted right.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield three minutes more to the gentleman.

Mr. MOON. So it follows that whether a representative believes in a proposition or not personally he must in his representative capacity carry out the will of the people. If I believed that the majority of the people of my State or my district desire that I should vote to submit the suffrage amendment for ratification to the States I should do so, yielding to their will, regretting and condemning their judgment. This is the people's Government and they have a right to control it. In my opinion, the restrictions by the Federal Constitution are already too great upon the people of the States. We must seriously doubt the wisdom of any further extension of Federal power and authority. Already that power is overwhelming. The Constitution itself is pregnant with the seeds of imperialism. Its dormant and undeveloped powers, if exercised by an ambitious tyrant, are sufficient to make us an imperial Republic rather than a representative government. No man knows the extent to which power may be granted by the Congress to the Executive or how far judicial construction will extend existing powers of Government. It is not wise to further deprive the people of local self-government. I shall not discuss those extraordinary powers now being exercised pending the war in which we are engaged. The necessity of the situation has perhaps justified the extension of power that the Congress has granted to the Executive. Just a little more of Federalization of States' rights and and the power of the people over their local affairs forever ends.

When men deride the rights of States and of the people for local self-government and seek to bury them in an arbitrary policy to be fixed in the National Constitution, where only principles should find a place, they betray an absence of the knowledge of the principles on which a representative government rests. A monarchy with single power is just the same as a Republic of sovereign States for such people. They are honest, but see no difference. Some of the most intelligent men think that if any proposition can secure the vote of two-thirds of Congress for submission and three-fourths of the States should ratify it under the Constitution nothing more is desired. By this method the President might be given the power to name the officers of a State. This would be an infringement of State rights, but it would be proper in the minds of those who favor centralized power and think that amendments should be made to the Constitution to enforce a mere policy. While this may be an extreme case, it is no less to be considered than the slow processes that have been going on for years in taking away all power of the people locally in the States by centralizing that power at Washington. Power diffused among the people may prove at all times effective. No republic is as stable and powerful as a monarchy. But it is free. The power over vast territory like that of the United States, with millions of people, centralized at Washington, controlling the things that ought to be controlled alone by local power, will be an inevitable source of tyranny. I believe in the full exercise of Federal power under the Constitution, but oppose its extension unless absolutely necessary for the national defense and in the full exercise of the rights of the States. We must look beyond the mere language of an amendment to the conditions in the various sections of our country and the effect on the people in passing an amendment to the Constitution.

It has been insisted that the real purpose of this amendment is the basis for political legislation that will ultimately deprive the Southern States of representation in part in Congress and their force in national affairs. This may be and probably is true. It could occur if Congress should force all persons to vote under penalties. For Tennessee to grant suffrage to her women would be no material harm to the State, but to deprive her of the right by Federal amendment to do so or to force her to do so would be to deprive her of her sovereign power. Some of the Southern States are in a different attitude from Tennessee and Kentucky and other border States which have but a small colored population. In those Southern States where the colored population outnumbers the white to double the number of ignorant voters by giving the colored woman the right to vote would produce a condition that would be absolutely intolerable. We owe something to the wishes and the sentiments of the people of our sister States struggling to maintain law and order and white supremacy, and if suffrage can be given to the women State by State, as the States will it, and the errors and injustice as to some of the States could be avoided which a Federal amendment would produce, it would seem the part of wisdom to do so.

We are engaged now in a great foreign war. It is not the proper time to change the whole electoral system. It is not the time to consider amendments to the organic law. When the German Empire shall have been overthrown and peace given to the world, it will be time enough to urge this question as a part of the policy of our country. Patriotism, in my judgment, forbids the injection of this issue into national politics at this time. This is not the hour for any honest American or patriotic man to press this issue upon the people. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MOON. Mr. Speaker, I place in the RECORD a portion of the minority report and an editorial from the Baltimore Sun:

[From minority report.]

One of the very ablest of living Republicans, the Hon. Elihu Root, of New York, whose great learning and knowledge of the Constitution entitles any utterance of his to most careful consideration, has said:

"There is nothing more essentially and vitally local to a community than the way in which it shall select the officers who are to govern it. Any external power which can control that can control the local government. Nothing is more clear in the Constitution under which our Union was formed than that this is a matter of purely local concern."

Former President William H. Taft, in discussing this question, said:

"If in any of the States now acting on the question I were called upon to vote, I would vote against giving the suffrage, because I think to force it on an unwilling or indifferent majority is to add to the electorate an element that will not improve its governing capacity."

Thomas Jefferson, author of the Declaration of Independence and patron saint of Democracy, thus expressed his opinion of women mingling in political strife:

"All the world is now politically mad. Men, women, and children talk nothing else, and you know that naturally they talk much, loud, and long. Society is spoiled by it. But our good ladies, I trust, are too wise to wrinkle their foreheads with politics. * * * American women have the good sense to value domestic happiness above all other and to cultivate it beyond all other."

Former President Grover Cleveland, the first Democratic President after the Civil War, gave utterance to his conviction on this subject in the following language:

"I am willing to admit that it was only after a more thorough appreciation of what female suffrage really means that I became fully convinced that its inauguration would vastly increase the unhappy imperfections and shortcomings of our present man-voting suffrage. Its especial susceptibility to bad leadership and other hurtful influences would constitute it another menacing condition to those which already vex and disturb the deliberate and intelligent expression of the popular will."

Our present President, Woodrow Wilson, never exemplified his great qualities of statesmanship more clearly than when with reference to woman suffrage he said in the New York Times October 7, 1915:

"I believe that it should be settled by the States and not by the National Government."

Again, in a letter to Jane Jefferson Club, of Denver, Colo., October 7, 1916, he gave expression to this statement:

"Both the great political parties have in their recent platform favored the extension of suffrage to women through State action."

The President at various times has discussed the question of suffrage fully and at length, and always with the wisdom which he brings to the discussion of any question. In his textbook, State and Federal Governments of the United States, he announces the following indisputable truths:

"The suffrage in particular is a privilege which each State may grant upon terms of its own choosing, provided only that those terms be not inconsistent with a republican form of government.

"All the powers of the General Government are plainly such as affect interests which it would be impossible to regulate harmoniously by any scheme of separate State action, and only such; all other powers whatever remain with the States. With them rests the regulation of the suffrage.

"Federal law does not determine who shall vote for Members of the House of Representatives. The Constitution provides, simply, that all those persons in each State who are qualified under the constitution and laws of the State to vote for members of the larger of the two houses of the State legislature may vote also for Members of the House of Representatives of the United States. The franchise is regulated, therefore, entirely by State law."

In conclusion we desire to say that we stand with the views expressed by the President on this question of woman suffrage when, on December 23, 1914, he declared: "I still believe that it is a matter to be fought out in the individual States." This sentiment the President has since then on more than one occasion in effect reaffirmed.

Respectfully submitted.

E. W. SAUNDERS.
JACOB E. MEEKER.
FRANK CLARK.

[From the Baltimore Sun.]

SELLING THEIR BIRTHRIGHT FOR A MESS OF POTTAGE.

Southern Members of Congress and southern leadership in Congress have been the subjects of bitter criticism for months in many northern and New England newspapers which are in sympathy with President Wilson and which can generally be counted on to support the Democratic Party in presidential elections. While criticism of some southern leaders has been justified by their obstinate attitude with regard to conscription at the outset of the war and by the narrow and sectional spirit which they have manifested with regard to principles of war taxation, the Sun has been strongly inclined to resent the disposition to include all southern Members in this category and to regard a few as representative of the whole.

But in view of the reported change in the attitude of many southern Congressmen toward the suffrage amendment, and the motive unblushingly avowed for that change, we are compelled to believe that the South will have reason to join with the North and East in their scornful appraisement of the average Congressman from the Southern States. In Monday's Sun Representative JAMES C. CANTRILL, from the once proud State of Kentucky, was quoted as follows:

"The fact that the Congress is now almost evenly divided between the Democratic and Republican Parties," he says, "should force the Democratic Members from the South to give heed to the situation. This statement is based on the supposition that each Democrat is looking to the welfare of his party in the Nation and that he will not be governed by local conditions in his own district. The Democratic Party is now in control of all branches of the Federal Government. Almost every committee assignment, so far as the chairmanships are concerned, is held by southern Democrats, who thus far practically dictate the legislation of the Nation. We have this control, as everyone knows, because the woman-suffrage States in the last presidential election voted almost solidly for Democratic electors and candidates. For the Democratic Party in Congress to vote against the States that gave them this power would, in my opinion, be political suicide. For the southern Democrats in Congress to say to the millions of patriotic women of the Nation that suffrage shall not be given them would bring down upon our heads such condemnation from the suffrage States that we would be driven from power."

Mr. CANTRILL assumes that the women voters of the West decided the presidential election. Whether that be true or not—and it is open to dispute—Mr. CANTRILL deliberately proposes to his southern colleagues to trade the South's birthright of local self-government for a mess of political pottage. Committee chairmanships, in his view, it would seem, are more important than "local conditions" in the Southern States. And he thinks a Democratic majority in Congress is more essential than the protection of the South from negro domination. In a word, the new code proposed to southern Members is a code of political expediency and job-holding and not the old southern code of honor.

The proposition represents the practical abandonment of a policy which has been considered vital to prosperity and good government in the South. She is being betrayed in the house of her friends. As Judge HARRISON, of Virginia, points out, the adoption of this amendment will again force the people of the South "to face the hateful conditions which have prevailed in many parts" of that and other Southern States in the past. The conditions will, indeed, be more "hateful" and more menacing than before, because a new element will be added to the electorate, "deadlier than the male."

This southern desertion to suffrage is insincere and dishonest, and it will reap the reward of insincerity and dishonesty. The southern Members are hitching up to partners who have no respect for their race prejudices, no sympathy with southern feeling, and who will throw them overboard at the first opportunity. We trust the people of the South will put on their blacklist forever men who think committee chairmanships are things of greater value than the maintenance of white supremacy in their section. This is the plain issue that these strange southern representatives have raised.

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 10 minutes.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the Chair call it to my attention when I have used five minutes? Mr. Speaker, the man who does not know that to-day witnesses the dawn of a new era in the progress of civilization of mankind fails to comprehend what is passing in the world. Old things are passing away and we are coming into new and greater things. We are about to vitalize and make real the old theory that Governments derive their just powers from the consent of the governed. That theory has been the hope of mankind through the centuries. We are about to make that theory a glorious reality for the women of America. [Applause.] The new day that is now dawning will witness a leveling up of mankind throughout the world. It will witness the granting of all the powers of government by the governed throughout the world. Why, then, in our own glorious Republic should one-half of the intelligent people be denied by any State the right to participate in the Government they love and support? The resolution under consideration denies the right of any State to enact a law that will deny any citizen the right of voting because of sex. It is not an affirmative grant, as assumed by the gentleman from Tennessee [Mr. MOON]. It is the removal of an implied inhibition on the right of women to vote.

Mr. Speaker, it has been said that women should not be granted the right of suffrage because they can not bear arms. The women of the world to-day have given to every battle front and to fighting ships on every sea the fighting men who are fighting the battles of this epoch-making war [applause], and the women of the world are the inspiration to those men on every battle front. And more, they are doing as much for the success of this war in America and throughout the allied countries as are the men behind the lines. They are doing every kind of work to-day that men are doing behind the lines—manufacturing arms, munition, clothing, and so forth—doing every manner of work. At this very moment in these galleries the women who are listening to this discussion are working for the soldiers. Not a man to-day in these galleries is doing anything except idly listening to what is going on. The women are doing something for the comfort of the soldiers on the battle fields and in the trenches and on the fighting ships. [Applause.] The gentleman from Tennessee [Mr. MOON] said that this resolution should not be agreed to or considered at a time when the Nation is engaged in an awful war. There never was a more propitious time for this Nation, that entered this war to secure for those who are governed the right to have a voice in the Governments under which they live than at this hour for America to grant the right of suffrage to the noble women of the Republic. If it is right for America to participate in this war in behalf of the consent of the governed in other lands, it can not be denied that Congress should go as far as it can go to grant the right of suffrage to all the women of the United States. I am for the resolution. [Applause.]

The SPEAKER. The gentleman has used five minutes.

Mr. GARRETT of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Speaker, the question before this House is adoption of a rule. I object to the adoption of the rule with such extreme haste. The gentleman who has just preceded me has many times spoken in this House, and spoken very strongly, against bringing in a rule and adopting it with a provision for only 40 minutes for debate, 20 minutes for each side. Here is an important matter which is brought up for consideration. The question of an amendment to the Constitution of the United States is, to my mind, a very much different proposition than the presenting for consideration and enactment into law of a measure which might be a proposition of only minor importance. But in my opinion a constitutional amendment, which vitally affects the entire country, should have more mature consideration. I shall not argue as to the privilege of any man in this House or any man in the country

or any woman in the country to have the right to their own views on the question of the adoption of this amendment, which the arbitrary action of the Committee on Rules forces us to discuss and consider. I do say for myself I believe it is literally wrong for Members to stand here and talk about the adoption of a rule and then begin to use as an argument for the proposition that we follow the rule if adopted, and then propose to limit the debate in which 435 Members of this House ought to have the privilege of participation when less than 300 minutes are granted for debate.

We are here to consider the question of the advisability of the adoption of this rule with such a limited debate. Now, I have been a Member of this House for nearly 20 years and I have seen rules brought in here from time to time with very limited time allowed for debate on the question of the rule. I have seen gentlemen on the other side of the House, when the Republicans were in the majority, pound us as hard as they could, because we brought in a rule providing for a limited debate on a simple proposition, and they solemnly and vigorously protested that when the Democracy came into power there would be no such arbitrary rules presented. But if you will examine the Record I think you will find that very many more drastic rules have been brought into this body during the limited time the Democracy has been in power than was ever done by the Republican Party when we were in power during the long term of our service.

I oppose this rule because I believe it is wrong to take up a constitutional question and to act on it with such limited debate. Even when the rule is adopted, we shall have so little time for debate that the question can hardly be brought to a decent consideration. Now, I have rarely voted for a rule in this House. I do not believe in bringing matters up in that way. I do not believe that this rule is necessary. We have a very limited calendar, and there would have been ample opportunity to bring up this proposition, and have it properly considered, before the time when the congressional session will be brought to a close, because we are going to be in session for a great many months, and there is no reason in the world for this House to bring up and force its immediate consideration such a drastic rule. I am opposed to the rule on that ground. When it comes to the question of the adoption or the passage of the resolution, if I can get a little time, I shall talk briefly on that proposition; but I am speaking now on the question of this drastic rule, brought in by unanimous vote of the committee, and putting such a limited debate on an amendment to the Constitution.

I am not a lawyer, but I am one who has read the Constitution a great many times. A very few Members of this House, I fear, have read it, but I have read it many times, and there have been just 17 amendments adopted since the original Constitution was framed by the master minds whom God had inspired in the cabin of the Mayflower to formulate the Constitution of the Plymouth Colony which was made the basis of the Constitution of Massachusetts and subsequently resulted in the establishment of the Constitution of the United States under which we now live. The thirteenth, fourteenth, and fifteenth amendments were passed by this body and were concurred in by the Senate. That is, the men from the South could not obtain representation in this House and return to the home of their fathers unless they voted for the acceptance of these amendments which were intended for the protection of the slave whose freedom was provided as the result of the Civil War. They voted for these amendments because they wanted figuratively to get back to the fleshpots of Egypt. They did not want to stay out in the cold any longer. They had been whipped in the war and wanted to get back, and they were willing to adopt any amendment in order to get back home once more. But it is to their everlasting discredit that they have ignored these amendments ever since. They are here now with the privileges their successors now enjoy.

I still strongly desire to state that I think the rule is wrong and ought not to be adopted, and I shall vote against it because I do not believe in it and I wish to reserve my individual rights.

I append a brief reference to some reasons why I shall vote against this amendment. There are many other reasons which might also be referred to, but I deem these I have presented sufficient to justify my actions.

Since the second session of the Sixty-fifth Congress opened I have met several women suffragists from the State of Massachusetts. I have immediately propounded to them this one question: "Do you approve or disapprove of the suffrage banners in front of the White House with the following words emblazoned thereon, namely, 'Kaiser Wilson, what will you do for woman suffrage?'" The banners with these words inscribed thereon were flaunted many days during the last session of the Sixty-fifth Congress. The day the Russian visitors called on President Wilson they were especially offensive. The answer in nearly every case to my inquiry was, "I glory in that demonstration." President Wilson, while not my choice for President, is the Commander in Chief of our Army and Navy, and this action in time of war was insulting to him and to the Nation in the terrible struggle in which we are now engaged and were then endeavoring to make successful. Besides, the response to my question was very offensive, and I immediately ordered these suffrage advocates from my office.

I have watched the suffrage movement at close range. I am very much opposed to the efforts made at the Capitol and elsewhere in the propaganda having for its purpose the adoption of the suffrage amendment. Large sums of money have been contributed, and have been and are to be expended, to bring about the adoption of said amendment. This method is objectionable and is corrupting in its nature. Threats have been uttered to me by suffragists that they would be present in my district and oppose my reelection next year. I am not disturbed by this threat. But I respectfully beg leave to state that I can not perform my duty as a Member of the House of Representatives in accordance with my oath of office by supporting this amendment, and I shall record my vote against it.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman from Tennessee [Mr. GARRETT] use some of his time?

Mr. GARRETT of Tennessee. I have only two minutes remaining. There will be only one other speech.

Mr. FOSTER. I have three minutes remaining, and will grant it to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Then I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, when the resolution similar to this was before the House three years ago I opposed it. I opposed it upon two grounds. I opposed it as a matter of principle, on the ground that Congress ought not to submit constitutional amendments unless it was reasonably probable that, if submitted, the amendments would be adopted in the near future. Three years have gone by and that condition is changed. That argument no longer applies, and I think that nearly everyone will agree that if this amendment be adopted during this session of Congress it will be ratified by a sufficient number of the States within less than five years. [Applause.]

Another ground that I then took was that if submitted by the States the people directly vote upon the question, whereas if submitted by the Federal Government the legislatures themselves act upon it. But it was a matter of some humiliation to me, within a very few weeks after the House considered that resolution, to find that my own State legislature had refused to permit the people of my State to vote upon the question of woman suffrage. And so I have been compelled to change my mind upon that question. Therefore I am heartily supporting this amendment to-day. [Applause.]

Mr. Speaker, there should be no partisanship in the consideration of this resolution; and yet I must congratulate the Republican side of the House that because of the fact that an overwhelming majority of them will vote for this resolution to-day they have compelled the President of the United States to change his mind upon this proposition. [Applause on the Republican side.]

Mr. GORDON. Mr. Speaker——

Mr. LENROOT. I can not yield.

Mr. Speaker, I am hopeful from that fact that as time goes on the President may in some other matters be susceptible to Republican influence occasionally. [Applause on the Republican side.] Mr. Speaker, there should be no sectionalism in the consideration of this resolution to-day, and yet we might as well squarely face the fact that if this resolution does not this afternoon secure the necessary two-thirds vote it will be due to one section of this country and to Democratic votes—the solid South. From a Republican standpoint, from a partisan standpoint, it would be an advantage to Republicans to be able to go before the people in the next election and say that this resolution was defeated by southern Democrats. But, Mr. Speaker, I hope that you will not give us Republicans that opportunity. I hope there will not be a solid South upon this proposition.

Mr. CALDWELL. Will the gentleman yield?

Mr. LENROOT. I shall have to decline to yield.

You gentlemen of the South, how often you have stood on this floor and decried sectionalism! I have agreed with you. Let us not have sectionalism upon this proposition to-day. No other section of the country stands as you have stood upon this proposition, and, as I said a few moments ago, if this resolution is defeated to-day the country will understand whom to

hold responsible—one section of the country, controlling a portion of the Democratic Party.

Mr. Speaker, I yield back the balance of my time. [Applause.]

The SPEAKER. The gentleman yields back one minute.

Mr. GARRETT of Tennessee. Mr. Speaker, there will be only one other speech. Has the gentleman from Kansas exhausted all his time?

The SPEAKER. Except one minute. Does he desire to use that?

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield it back to the gentleman from Illinois [Mr. FOSTER].

The SPEAKER. That gives the gentleman from Illinois [Mr. FOSTER] four minutes.

Mr. GARRETT of Tennessee. I yield two minutes to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT], who has just taken his seat, and who refused to yield, gives as a reason for voting for this joint resolution that the legislature of his own State refused to permit the people to vote on the question of woman suffrage. Here is the logic of his argument, namely, that because the legislature of his own State refused to allow the women to vote he is going to vote for a joint resolution that deprives the people of every State of this Union of the privilege of voting upon it. [Applause.] That is the logic of his argument. He made a good speech against this proposition three years ago. [Laughter.] Now he has changed his mind.

Mr. LENROOT. Others have.

Mr. GORDON. Gentlemen, this proposition involves treason to the principle of representative government, and is a gross violation of the national platform of the Republican and Democratic Parties adopted in the last campaign. [Applause.] Mr. Hughes bolted the platform before election, and he got his for it. [Laughter.] He lost the State of Ohio because he repudiated his party platform on the question of the right of the States to control the granting of suffrage.

Mr. MADDEN. What will happen to Mr. Wilson? [Laughter.]

Mr. GORDON. Mr. Wilson is not running for office now.

A MEMBER. He has kept us out of war. [Laughter.]

Mr. GORDON. Any man in this House, whether Democrat or Republican, who votes for this resolution, and who did not in the campaign in 1916 publicly repudiate that plank in his platform, is guilty of bad faith with his constituents, every single one. The Republican platform declared that the question of suffrage is one that should be determined by the people of the States. Now, because in some of the most important States the people themselves have voted down this proposition, you propose to force it upon them by a constitutional amendment through Congress and the legislatures of other States. I say this is an outrage, and every decent man—Democrat or Republican—who votes for this resolution ought to blush for his vote. [Laughter and applause.]

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for four minutes.

Mr. FOSTER. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. KELLY].

The SPEAKER. The gentleman from Pennsylvania is recognized for four minutes.

Mr. KELLY of Pennsylvania. Mr. Speaker and gentlemen of the House, the gentleman from Ohio [Mr. GORDON] is mistaken when he says that those who favor equal suffrage by their votes to-day will blush for their action. By a large majority this afternoon this House will go on record as favoring a fundamental principle of government by the people, and those who blush for their attitude will be those who vote against it. [Applause.]

The gentleman seemingly does not recognize the fact that we are living in a new world and that old conditions will not return again.

New conditions teach new duties;
Time makes ancient good uncouth;
They must upward still and onward
Who would keep abreast of truth.
Lo! before us gleam her campfires;
We ourselves must pilgrims be;
Launch our Mayflower and steer boldly
O'er the wild, tempestuous sea,
Nor attempt the future's portals
With the past's blood-rusted key.

America is in a new epoch since last April, and we must meet conditions as they exist to-day. The gentleman from New Jersey [Mr. PARKER] states that this is not the time for action on this great question. His argument is reiterated by the gentleman from Tennessee [Mr. MOON]. Gentlemen of the House, this is the time above all others. If America does not act now she will be a laggard instead of a leader in this great movement for the democracy for which liberty-loving nations are battling around the world.

Even in the midst of the welter of war the allied nations, the neutrals, and even the central powers are pledging equal suffrage to their peoples. At this very moment the question is pending in the British Parliament, in the Chamber of Deputies of France, and the legislative body of Italy. The heroic King of Belgium has promised that one of the first acts after his Kingdom is restored will be to see that women are enfranchised as a reward for the valiant service they have rendered in time of disaster.

These nations, even in the shadow of the Prussian mailed fist, have thought this great task of liberation worthy of consideration and action. Surely America can not rightfully take the position that this question should be delayed indefinitely.

Even in the German Reichstag, in Bohemia, and in Hungary the right of equal suffrage has been discussed, and in some instances that right has been pledged. Surely America will not allow the exponents of autocracy to lead the way in this advance of democracy. Now is the appointed time for action. Let the oldest and greatest democracy in the world lead this movement instead of straggling in the rear.

But, Mr. Speaker, Congress should also adopt this amendment now because there is a Nation-wide compelling demand from the people that this fundamental question be submitted to them for settlement. The Rules Committee, the Judiciary Committee, and the Woman Suffrage Committee have all held hearings at which were represented millions of American citizens, all asking action on this amendment. From every town and hamlet and city have come petitions urging that at least Congress give the people the right to act upon equal suffrage. Already more than one-fourth of the membership of this House and of the Senate come from States where women vote.

There have been 29 State elections held where this question was an issue. In these elections the total vote of men voting in favor of granting the franchise to women was 4,703,371. These were elections at which only male voters cast their ballots. While the number is increased by the fact that a second election was held in two States, still it is a conservative estimate, counting the women voters and those who favor it in States where no election has been held, that there are to-day at least 7,000,000 American voters who would go to the polls and vote that this amendment should be submitted to the States for decision. Whenever there is such a demand as that this House has no right to refuse to submit any question to the people. Putting aside the merits of the question itself and how individual Members feel about equal suffrage, the fact remains that it is the duty of Congress to refer this question or any question to the States when demanded by such a large proportion of the American electorate and citizenship.

Mr. Speaker, there must also be considered the fact that this amendment is essential to the equality of rights upon which this Government stands. Women to-day in many States help to elect a President and to choose a national administration. Women in other States are absolutely disfranchised, a situation which is manifestly unjust and unfair.

But still worse, the women voters in equal-suffrage States have no protection at all when they change their residence into other States. An amendment to the National Constitution, the recognition that America is a Nation and not a collection of States, is essential if there is to be "Equal rights to all, special privileges to none."

Congress should pass this amendment now, because this Nation needs as never before the votes of its women. It will add to the molding force that element of citizenship which naturally looks to the common welfare in time of peace. The evils in society are regarded as hostile forces by women, for they see their effects upon the home. The problems of bad housing, unwholesome food, conservation of life and health, commercialized vice, evil working conditions, all need the remedial hand of the home maker.

But if that is true in time of peace, it is doubly true in time of war. America needs the help of its womanhood as never before. The problems of this armed conflict include the problems of food, clothing, nursing, thrift, conservation, and others which are much more in woman's line than in man's. Every call sent out by the Nation to the women has been answered with enthusiastic devotion. Their work has been one of the splendid things of the past year, but I maintain that all these efforts would be vastly more effective if with them went the power to express patriotism, devotion, and convictions in the place where they count most after all—in the voting booth on the day of election.

Let us release the energy which has been expended by necessity in the effort to secure an undoubted right and turn it into

the channels of activities which will make surer the conquest of democracy over autocracy. When we remember that more girls are graduated every year from high schools and colleges than boys; when we remember that only one-fortieth of the inmates of our jails and penitentiaries are women, we must see that this step of liberation will mean an addition to the educated, moral, law-abiding electorate which is needed now and in the trying days which lie ahead.

Mr. Speaker, one of the guiding maxims of Napoleon was "A clear pathway for merit." He told his army that every soldier carried in his knapsack the baton of a marshal of France. Because this idea was the exact opposite of the Bourbon idea and because Napoleon's career itself showed that his poverty, low birth, and other handicaps did not act as a bar against ability and genius, the people of France followed the Little Corporal as the very personification of the spirit of their new nation.

America to-day must have a clear pathway for merit. At a dreadful cost in blood and treasure she wrote into the fabric of this Nation that neither color nor race nor previous condition of servitude should bar entrance to that pathway.

To-day, by orderly, peaceable methods outlined in the organic law of the land, we have the opportunity to say that the pathway for merit shall not be barred on account of sex.

That is the issue, for it is a fraudulent affront to argue that the vote will not be used wisely by women. Every observer of actual conditions has testified that the effect of women on political conditions has been elevating. But even if that were not assured, still suffrage is fairly due the women of America, and the debt should be paid. No honest man who owes another $10 refuses to pay his debt because he feels that perhaps the money will not be wisely spent. The ballot is a debt owed the womanhood of America, and now is the time to pay the debt.

Mr. Speaker, the people demand the submission of this amendment to them. The nations of the world are preparing to enfranchise their own women, and America must not prove recreant. The Nation needs the votes of its women in peace and in war. This amendment is the only way to secure a national solution for a national question. I sincerely hope and believe that this amendment will be adopted by a two-thirds majority, and that this Congress will nobly measure up to its responsibility and its opportunity. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired. All time has expired. The question is on agreeing to the resolution.

Mr. SAUNDERS of Virginia. Mr. Speaker, one moment. Those of us who are opposed to the resolution have not interposed any sort of delay by way of votes or demands for roll calls, by which we have saved a good deal of time. I ask unanimous consent of all of the Members of the House that the time that would otherwise be taken in roll calls be added to the general debate. It would be about an hour. I ask unanimous consent to amend the report of the Committee on Rules by inserting "five" where "four" occurs, the effect of which will be to give five hours of debate in this body instead of four hours. I think that is a reasonable request, because, as I said, we have not interposed a moment's delay.

The SPEAKER. The gentleman from Virginia asks unanimous consent that, in consideration of not calling for the yeas and nays, the time it would take be added to the general debate.

Mr. FOSTER. With the understanding that we conclude this matter to-day?

Mr. SAUNDERS of Virginia. Oh, yes; certainly, so far as I am concerned.

Mr. FOSTER. Reserving the right to object, Mr. Speaker, let me ask the gentleman from Virginia if he would not be willing to fix the time, which may be a little later than 5 o'clock?

Mr. SAUNDERS of Virginia. So far as I am concerned, I am agreed.

Mr. FOSTER. Let me say to the gentleman from Virginia that if we can fix it at 5 o'clock, I have no objection. I ask to amend by fixing it not later than 5 o'clock.

The SPEAKER. That is the time that the rule fixes.

Mr. FOSTER. I understand that; but it also provides that not exceeding four hours of general debate shall be had, and in any event it shall not go beyond 5 o'clock. I ask that general debate shall not run later than 5 o'clock.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the rule shall be so amended that debate shall close at 5 o'clock. Is there objection? [After a pause.] The Chair hears none. The question now is on the passage of the rule as amended.

The question was taken, and the resolution was agreed to.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 200) proposing an amendment to the Constitution of the United States extending the right of suffrage to women.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of said Constitution, namely:

"Article —.

"SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

"SEC. 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article."

The SPEAKER. The Chair desires to ask those in the management of this debate if the Chair understands the situation correctly. The Chair's understanding is that the four following Members shall each control one-quarter of the time: The gentleman from California [Mr. RAKER], the lady from Montana [Miss RANKIN], the gentleman from Virginia [Mr. SAUNDERS], and the gentleman from Missouri [Mr. MEEKER]. Is that correct?

Mr. RAKER. That is the understanding, Mr. Speaker.

Mr. CLARK of Florida. And amendments will be in order after debate is closed?

The SPEAKER. Yes.

Mr. SAUNDERS of Virginia. That gives to each one of the four Members an hour and a quarter.

The SPEAKER. It gives to each one one-quarter of the time, whatever there is. The gentleman from California is recognized.

Mr. RAKER. Mr. Speaker, before proceeding I ask unanimous consent that all Members who speak on the resolution be given the privilege of revising and extending their remarks.

Mr. NORTON. That is included in the rule.

The SPEAKER. No; there is no such provision in the rule.

Mr. NORTON. It is in the rule that I have in my hand.

The SPEAKER. The gentleman has the wrong rule. The gentleman from California asks unanimous consent that all gentlemen have five legislative days in which to print remarks in the RECORD. Is there objection?

Mr. SHERLEY. Mr. Speaker, that was not the request of the gentleman from California.

Mr. RAKER. I intended to make that request after I got consent to my first request.

The SPEAKER. The gentleman from California asks unanimous consent that all Members speaking on the resolution may have leave to revise and extend their remarks. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to have that qualified so that those who do extend their remarks will not have leave to incorporate telegrams or letters, but that it shall be their own speech.

The SPEAKER. Is the gentleman objecting?

Mr. STAFFORD. I am, without that qualification.

The SPEAKER. Does the gentleman from California adopt that qualification?

Mr. RAKER. I do, under the circumstances.

Mr. McARTHUR. Reserving the right to object, I would like to ask the gentleman how many days we will have?

The SPEAKER. From now until the close of the session, under a general leave of that sort.

Mr. GARRETT of Tennessee. Is that broad enough to include those who have already spoken?

Mr. RAKER. I intend that it shall.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that all Members have five legislative days in which to extend remarks upon this resolution.

The SPEAKER. The gentleman from California asks unanimous consent that all Members have five legislative days in which to extend remarks on the resolution. Is there objection?

Mr. MEEKER. Reserving the right to object, I think the same stipulation should be made that there shall not be telegrams and letters included.

The SPEAKER. Does the gentleman from California accept the qualification?

Mr. RAKER. I do.

Mr. SHERLEY. Mr. Speaker, personally I had intended to object, because I think it is a bad practice to make the RECORD show what does not happen; but there have been so many individual requests for time that I do not desire to punish anybody, and therefore I shall not object.

Mr. WALSH. Will the gentleman from California yield?

Mr. RAKER. Yes.

Mr. WALSH. I desire to inquire if it would interfere with the gentleman's plan in any way if he permitted the lady from Montana [Miss RANKIN] to open the debate on this resolution?

Mr. RAKER. Mr. Speaker, I reserve the balance of my time, and will permit the lady from Montana to open the debate under the circumstances. [Applause.]

Miss RANKIN. Mr. Speaker, we are facing to-day a question of political evolution. International circumstances have forced this question to an issue. Our country is in a state of war. The Nation has had a terrible shock. The result has been a sudden change in our national consciousness. The things we have for years been taking for granted are suddenly assuming a new significance for us.

We as a Nation were born in a land of unparalleled resources, of vast acreage of fertile soil, of minerals, of coal, oil, gas, of timber, and water power. The combinations in which these resources were found, together with our great natural highways, gave us opportunities for development which no other nation could boast. And we had people, people in whose veins ran the blood of all nations, people imbued with the buoyancy of youth, fearless, and with the will and energy to make their dreams of freedom come true.

Without restraint we drew upon the stored treasure of the past. We spent recklessly, and we wasted our natural resources and our human energy with youthful abandon.

And then came the world war, and with its coming our carefree attitude was suddenly replaced by a new seriousness. To-day we are mobilizing all our resources for the ideals of democracy. We are taking stock of our available energy. And we are finding that with all our past wastefulness we still have limitless resources upon which we can count. We have men—men for the Army, for the Navy, for the air; men for the industries, the mines, the fields; men for the Government. And the national leaders are now reaching out and drawing men of talent, picking those with the best minds, with expert knowledge, and with broad perspective to aid in war work.

But something is still lacking in the completeness of our national effort. With all our abundance of coal, with our great stretches of idle, fertile land, babies are dying from cold and hunger; soldiers have died for lack of a woolen shirt.

Might it not be that the men who have spent their lives thinking in terms of commercial profit find it hard to adjust themselves to thinking in terms of human needs? Might it not be that a great force that has always been thinking in terms of human needs, and that always will think in terms of human needs, has not been mobilized? Is it not possible that the women of the country have something of value to give the Nation at this time?

It would be strange indeed if the women of this country through all these years had not developed an intelligence, a feeling, a spiritual force peculiar to themselves, which they hold in readiness to give to the world. It would be strange if the influence of women through direct participation in the political struggles, through which all social and industrial development proceeds, would not lend a certain virility, a certain influx of new strength and understanding and sympathy and ability to the exhausting effort we are now making to meet the problem before us.

For 70 years the women leaders of this country have been asking the Government to recognize this possibility. Every great woman who stands out in our history—Susan B. Anthony, Elizabeth Cady Stanton, Clara Barton, Mary Livermore, Harriet Beecher Stowe, Frances Willard, Lucy Stone, Jane Addams, Ella Flagg Young, Alice Stone Blackwell, Anna Howard Shaw, Mrs. Catt—all have asked the Government to permit women to serve more effectively the national welfare. All have felt that the energy, the thought, and the suffering that was spent in trying to obtain permission to serve directly should as quickly as possible be turned to the actual service. And in the meantime they did all they could indirectly. They learned to read and to know each other. They became interested in each others' problems, for they found them to be their own problems. As they were the stabilizing influence in the home and kept the family unity, so they have become a great possible stabilizing influence in society, asking now to help keep the unity of the Nation to its highest standard of service.

They have stood back of the men. They have pioneered with them, rejoiced with them over their successes, and, when they failed, encouraged them and helped them to begin again. The women have done all that they were allowed to do, all that the men planned for them to do. But through all their work they have pleaded for the political machinery which would enable them to do more.

To-day as never before the Nation needs its women—needs the work of their hands and their hearts and their minds. Their energy must be utilized in the most effective service they can give. Are we now going to refuse these women the opportunity to serve in the face of their plea—in the face of the Nation's great need? Are you gentlemen representing the South, you who have struggled with your negro problem for half a century, going to retaliate after 50 years for the injustice you believe was done you so long ago? Have you not learned in your struggle for adjustment in the South to be broad and fair and open-minded in dealing with another franchise problem that concerns the whole Nation?

The women of the South have stood by you through every trial. They have backed you in every struggle, and they gave themselves and all they held most dear for the cause for which their men laid down their lives. Now they are asking to help you again in a big, broad, national way. Are you going to deny them the equipment with which to help you effectively simply because the enfranchisement of a child-race 50 years ago brought you a problem you were powerless to handle?

There are more white women of voting age in the South to-day than there are negro men and women together. Are you going to say to these thoughtful women: "After 50 years we have been unable to accomplish more than a temporary adjustment of our problem; and now we refuse to let you disturb us, even to help us"? Dare you say that in the face of our tremendous national crisis—in the face of problems too great to rest upon the old doctrines of our youth, but demanding the action of a Nation united in spirit and using all its power?

These are heroic times, and they call for the strength and the courage and the dignity to think and act in national terms. We thought in national terms when we restricted activities by the prohibition amendment a few weeks ago. Why can we not now think in national terms and extend opportunities?

Our President emphasized the great nationalizing process our country is undergoing when he took over the railroads of the country to meet this crisis. The food and fuel problems must soon be solved by nationalization. We are working and thinking to-day not as separate States but as a Nation. We must discuss public affairs not as Montanans or New Yorkers or Floridians but as Americans, taking always a national perspective and looking toward the welfare of the entire country.

We have made the protection of our child workers a national question. We declared war not State by State but by Federal action. We mobilized and equipped our Army not State by State but through Congress. Shall our women, our home defense, be our only fighters in the struggle for democracy who shall be denied Federal action? It is time for our old political doctrines to give way to the new visions, the new aspects of national and international relations which have come to us already since the war began.

For we have had new visions; we have been aroused to a new way of looking at things. Our President, with his wisdom and astuteness, has helped us to penetrate new problems, to analyze situations, to make fine distinctions. He startled us by urging us to distinguish between the German Government and the German people. We who have been steeped in democratic ideals since the days when our forefathers signed the Declaration of Independence find it difficult to think of government as something separate from the people.

Yet, as we learn to make this distinction for Germany, will not our minds revert to our own situation and be puzzled? How can people in other countries who are trying to grasp our plan of democracy avoid stumbling over our logic when we deny the first steps in democracy to our women? May they not see a distinction between the Government of the United States and the women of the United States?

Deep down in the hearts of the American people is a living faith in democracy. Sometimes it is not expressed in the most effective way. Sometimes it seems almost forgotten. But when the test comes we find it still there, groping and aspiring, and helping men and women to understand each other and their common need. It is our national religion, and it prompts in us the desire for that measure of justice which is based on equal opportunity, equal protection, equal freedom for all. In our hearts we know that this desire can be realized only when "those who submit to authority have a voice in their own government," whether that government be political, industrial, or social.

To-day there are men and women in every field of endeavor who are bending all their energies toward a realization of this dream of universal justice. They believe that we are waging a war for democracy. The farmer who knows the elements of democracy becomes something of an idealist when he contemplates the possibility of feeding the world during this crisis. The woman who knits all day to keep from thinking of the sacrifice she is making wonders what this democracy is which

she is denied and for which she is asked to give. The miner is dreaming his dreams of industrial democracy as he goes about 2,000 feet underground, bringing forth from the rock precious metals to help in the prosecution of this war.

The girl who works in the Treasury no longer works until she is married. She knows now that she will work on and on and on. The war has taken from her opportunities for the joys that young girls look forward to. Cheerfully and willingly she makes her sacrifice. And she will pay to the very end in order that the future need not find women paying again for the same cause.

The boys at the front know something of the democracy for which they are fighting. These courageous lads who are paying with their lives testified to the sincerity of their fight when they sent home their ballots in the New York election, and voted two to one in favor of woman suffrage and democracy at home. [Applause.]

These are the people of the Nation. These are the fiber and sinew of war—the mother, the farmer, the miner, the industrial worker, the soldier. These are the people who are giving their all for the cause of democracy. These are the people who are resting their faith in the Congress of the United States because they believe that Congress knows what democracy means. These people will not fight in vain.

Can we afford to allow these men and women to doubt for a single instant the sincerity of our protestations of democracy? How shall we answer their challenge, gentlemen; how shall we explain to them the meaning of democracy if the same Congress that voted for war to make the world safe for democracy refuses to give this small measure of democracy to the women of our country? [Prolonged applause.]

Mr. RAKER. Mr. Speaker, I respectfully request the Members of the House that I be permitted to proceed without interruption, and I will beg the Chair to advise me when I have consumed 10 minutes. This proposed amendment should be passed "as an act of right and justice" to the women of America.

To my mind, this is one of the most important questions that has been presented to the Congress since I have been a Member, one that has far more wide-reaching effect upon the people of the country, in so far as what the country stands for and what we stand for, than any other question since the writing of the Declaration of Independence and the adoption of our Constitution. There are 20,000,000 of American women in this country who are of age and entitled to vote, and they simply ask that you extend to them the same right that has been extended to the men of the country. The present amendment does not seek to make any change in that respect; it does not make the change that the opponents claim it does. It does not fix the qualifications. The fact is that her sex, for which she is not responsible, has been the basis for a denial to women of the privilege of participating in this Government. The same qualifications that exist in the States for men, giving them the right to vote, will apply to women. At present when she goes to register or to the polls to vote she is denied that right because she is a female and not a male. There is not one of the qualifications provided in the several States that she can not meet. There is no qualification provided for in any of the State constitutions or their laws that every American citizen can not meet. He must be 21 years of age and a resident of the State, and so forth, and only a few States fix limitations on account of property, and we are truly sorry for that. We provide that those under 21 years of age, because of their want of knowledge of the condition of affairs, shall not vote; that the insane and idiots and those convicted of crime shall not vote. Suffrage is extended to every man in the United States except under the conditions named, and the woman simply asks now that she be given the same right as the man.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Not at present, if the gentleman will pardon me. This is unquestionably a war measure——

Mr. MADDEN. I was trying to get some explanation about some matters in the report that I do not quite understand.

Mr. RAKER. I will yield for a question then.

Mr. MADDEN. I notice on the first page of the report written by the gentleman the names of a number of gentlemen and of the lady who have introduced resolutions with respect to suffrage, and on the second page I notice the gentleman from California says that Mr. TAYLOR of Colorado has been a true and loyal advocate of this measure and is one of the pioneers in this work, but he does not say anything about what the others have done. What has that to do with this question?

Mr. RAKER. Nothing, only I like to give credit to whom credit is due.

Mr. MADDEN. I thought maybe they were all entitled to equal credit.

Mr. RAKER. I try to give them all credit.

This is a war measure, unquestionably. The American women of this country are doing the same as the men. In the factory, in the field, in the shop, in fact, in every field of endeavor where aid and assistance could be given to the Government in its mighty struggle for democracy this has been demonstrated. In foreign countries the women are necessary to wage the war, so that the supply of munitions and other things to carry it on may be kept up. In justice to the women of America we say that they should be given the right to vote in this country and thereby become actual and living factors in its affairs and activities.

Mr. MEEKER. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I can not yield for more than a moment. I yield to my colleague on the committee for a question.

Mr. MEEKER. Does the gentleman realize that a very large majority of the women who are doing actual war work do not want this vote?

Mr. RAKER. No; it is just the contrary. [Applause.]

Mr. MEEKER. It is not the contrary.

Mr. RAKER. I want to call the attention of the House to the fact that in Canada, where many hundreds of thousands of their men have gone to the front, the Canadian Government realized the need of the support of its patriotic women. Five Provinces of Canada have granted provincial suffrage. The Canadian Parliament realized and recognized that these women must have the power of the vote, and in September of this year granted the Federal franchise to women, which gave the vote to a million and a half of them, and those loyal Canadian women, with the loyal Canadian men, joined in support of the Canadian Union Government. When the question of conscription was up and to carry on the war, the women by their vote helped to win it. It has been recognized by the premier and the other leading men of Canada that if it had not been for the loyal women's vote in Canada the result might have been disastrous or serious to Canada. In the same way in England, where they have been in this struggle for three years, Parliament has seen fit and proper to give enough time to this question to consider it, and it has passed the House of Commons by vote of 7 to 1, and has gone to the House of Lords, where within the next two weeks they expect to pass it, and it will then receive the King's signature. The women of Australia have stood loyally and patriotically by their Government in this war. They have voted for conscription, they have voted for war, because this is a war for democracy, in which the women are as much interested as the men. And while our men at the front are unable to participate, they have by their vote in the New York election demonstrated how they feel upon this question. When the soldier vote came back it was 2 to 1 for woman suffrage, because they know that mother, wife, and sister at the polls will do everything in their power to uphold the hands of their Government in the way of lives, money, and until, if need be, the last sacrifice has been made, although we hope it will not be needed, to win this war for democracy.

I want to recall to my Republican friends this fact, and I want to say to you, my Republican friends, that your action on this matter is ideal, although it followed hours, and even days, after the declaration of the President. You deserve credit for the position you have taken.

Mr. DENISON. Will the gentleman yield?

Mr. RAKER. I yield for a question.

Mr. DENISON. It was known by the committee that went to see the President that the Republicans were going to take this matter up and pass it in caucus, was it not?

Mr. RAKER. I want to say to my Republican friends upon this question that I have been in conference with the President for over three years upon this question, and that over three weeks ago I went to him for his advice and to ask him how the matter stood. He told me the same then as he told the committee yesterday afternoon; and I leave it to the members of that committee if this was not his own language. He said: "Raker knew, but he knew how to keep his advice and counsel until the proper time" [Applause.]

Now, to my Democratic friends I want to say this: The Speaker of this House, the chairmen of the committees of this House, and the officers who constitute the organization of this House hold their positions to-day as the result of the votes of women. Without the votes of the Democratic Members from California, the Speaker would not be in the Chair. These Democratic Members from California would not have been elected without the votes of the women of California. Every man who holds a chairmanship of a committee owes it to the woman vote of the West. And I want to say further to the Members on the Democratic side that the returns indicated two

hours before we closed our polls in the West that the President was defeated——

Mr. WILLIAMS. Will the gentleman yield?

Mr. RAKER. Just a moment. But when the final vote was taken the women, realizing what had been done and where the President stood, voted to the last minute for President Wilson. They realized that the Democratic Party had stood for certain things; that they had revised the rules of the House, provided for the election of United States Senators by direct vote of the people, established the postal-savings bank act, Philippine independence, the Porto Rican bill, the child-labor bill, the antitrust law, revision of the tariff downward, the anti-injunction bill, labor legislation, eight-hour law for railroad employees, Alaska railroad, Alaska coal-leasing law, public-land legislation, irrigation-extension act, Federal farm-loan law, Mine Bureau legislation, Department of Labor, and many other progressive and liberal laws demanded by the people.

The SPEAKER pro tempore. The Chair desires to notify the gentleman that he has used 10 minutes.

Mr. KEARNS. How did the women of California find out and learn where the President stood on this thing just before election last fall? Nobody else seemed to know it.

Mr. RAKER. They knew it.

Mr. KEARNS. How did they find it out?

Mr. RAKER. I will take a minute or two——

Mr. KEARNS. I wish the gentleman would.

Mr. RAKER. The President went home and registered. The President went home and voted for woman suffrage.

Mr. KEARNS. He said he believed in it for the several States——

Mr. RAKER. One moment—and the people of California and the women of the West realized that a man who performs and does acts is better than a man who promises and never does. [Applause.] Therefore they voted for the man whom they believed would carry out the principles for which they stood.

Mr. KEARNS. That is the only information they had upon the subject, is it?

Mr. WILLIAMS. Is it not a fact they voted for him because he kept us out of war? Will the gentleman yield?

Mr. RAKER. I can not yield.

Mr. WILLIAMS. Just for a question.

Mr. RAKER. I can not yield. Again I want to appeal to my Democratic friends. Lying on this table here are hundreds of telegrams from the loyal women of the South. From every organization and association these women are appealing to Congress that they be recognized as are the men of this country in regard to the right to vote. They say that the negro question is a camouflage, and that they can well take care of it. There are over 8,788,000 white women in the South and 4,000,000 colored. You will have over 4,000,000 more white women than you will have colored. The total negro population is 8,294,274, and white women outnumber both negro males and females by nearly half a million. Therefore, from every conceivable point this resolution should pass. Here are telegrams open for your inspection which show that tens of thousands of loyal women of the South in every Southern State are writing, demanding, and pleading that they be given the right to participate in the affairs of their Government.

Woman suffrage is no longer a controversial question; it is an established fact in nearly half the territory of our country. Wyoming in 1869 led the way and New York in 1917 carried the question "over the top." No one denies that the coming of woman suffrage over the entire country is inevitable. The experiments already tried over a succession of many years have proved certain incontrovertible facts. (1) When the opportunity offers women vote in about the same proportion to their numbers as men. (2) Their vote has wrought no mysterious unfeminizing influence upon them, as the world once feared, nor caused neglect of children, home, or husbands. (3) It has not overturned political parties, nor the social order, nor in any way proved an abnormal or discordant influence. (4) On the contrary, by strengthening the demand for good laws governing home conditions and care of children mothers have been enabled to do their work in the world to better effect. Their influence upon politics and society in general has been a positive and not a negative force. The opinions of the men and women of the suffrage States are practically unanimous on these points.

With the overwhelming testimony on the one hand that woman suffrage in practice is a success and the unanswerable argument for the justice of woman suffrage on the other, there is nothing for a fair-minded American to do but to recognize the fact that woman suffrage is a sound principle in theory and in practice.

With woman suffrage established as a sound principle, the only question remaining is, How shall it be written into the law of the land?

All political parties are pledged to woman suffrage by the planks of their 1916 platforms. Some construe the planks of the Democratic and Republican Parties to mean suffrage for women by amendment of State constitutions only; but the planks of neither party stipulate that there shall be no Federal action. While they declare for suffrage by State action, they do not declare against suffrage by Federal action.

Since the adoption of those platforms circumstances and opinions have radically changed under the quickened impulse toward democracy brought about largely by the war. The reversal of opinion in New York is indicative of the change of view of the whole country.

To carry into effect this change of opinion by State action is clearly impossible at this time. The process is slow and the provisions of many State constitutions practically prohibit amendment. To cling to that plan of procedure longer is, therefore, to repudiate real democracy in the Nation for a method not applicable to present conditions nor responsive to the present demand.

Meanwhile woman suffrage has made amazing progress in foreign lands. In every belligerent country the services of the women in the munition factories, the railways, the shipyards, the offices of administration, have first amazed men and then filled them with admiration and gratitude. The expressions have been numerous among the chiefs of the war departments in Great Britain and France that the successes so far attained would have been impossible without the aid of women. The most conspicuous change of front is that of Mr. Asquith, long premier of Great Britain and an implacable enemy of woman suffrage. Said he:

> Short of actually bearing arms in the field, there is hardly a service which has contributed or is contributing to the maintenance of our cause in which women have not been at least as active and as efficient as men, and wherever we turn we see them doing, with zeal and success and without any detriment to the prerogatives of their sex, work which three years ago would have been regarded as falling exclusively within the province of men. This is not a merely sentimental argument, though it appeals to our feelings as well as our judgment. But what I confess moves me still more in this matter is the problem of reconstruction when the war is over. The questions which will then necessarily arise in regard to women's labor and women's functions and activities in the new ordering of things—for, do not doubt it, the old order will be changed—the questions in regard to which I, for my part, feel it impossible, consistently either with justice or with expediency, to withhold from women the power and the right of making their voice directly heard.

The greater respect for the claims of women to a share in government which the war has brought the world around has resulted in remarkable actual gains.

SUFFRAGE ADVANCE IN FOREIGN COUNTRIES, 1917.

Great Britain: Premier Lloyd-George on behalf of the Liberal Party has pledged the parliamentary vote to British women (all other electoral rights were extended long ago), and by a vote of 7 to 1 the measure passed the House of Commons in June. It is expected that the bill will be through the House of Lords and receive the King's signature before the middle of February. Lloyd-George said, "To give the women no voice would be an outrage; it would be unjust, inequitable. That is why the woman question has become largely a war question."

Canada: Five Provinces within the last two years have extended full suffrage to women by acts of their legislatures, and in September a bill was passed by the Dominion Parliament giving the parliamentary vote to all women who are mothers, wives, widows, sisters, or daughters of soldiers, making the parliamentary vote practically universal, except for those of alien-enemy birth naturalized since 1902. Premier Robert Borden has pledged full suffrage.

In Mexico, in November, 1917, the State of Guanajuato conferred the privilege of suffrage in all municipal matters upon women of reputable character.

In France a suffrage commission appointed by the Chamber of Deputies has brought in a favorable report on woman suffrage, declaring that women should have the vote "first of all as an act of delayed justice and secondly as a move dictated by public interests." The measure is now pending.

Bohemia: The city of Prague has appointed a commission with instructions to bring in a new plan of franchise for the city, including woman suffrage.

Hungary: The city of Budapest unanimously demanded of the Hungarian Parliament suffrage for men and for women, and the minister of justice has pledged the party in power to grant the petition.

Italy: The premier of Italy, on behalf of the majority party, has pledged municipal suffrage for women.

Sweden: All the Scandinavian countries, except Sweden—that is, Finland, Norway, Denmark, and Iceland—have universal suffrage for both men and women. The King of Sweden has recommended full suffrage for women of that country, where

they have long enjoyed municipal suffrage, and the Premier of the Liberal Party now in power has pledged his party to grant it.

Belgium: The King of Belgium has said that if ever his kingdom is restored to him one of his first acts will be to see that the women are enfranchised as a reward for the wonderful service they have rendered to their country in its time of stress.

Germany: Woman suffrage was recently proposed in the Imperial Reichstag as a reward for the war service of the women and was debated.

While other nations are fighting for their very lives in the world war for democracy, they have found time to take steps toward its establishment at home. Yet those nations are supposed to be more conservative than ours, and most of them are pledged to institutions that are more or less monarchial rather than democratic.

The Congress of the United States has not acted upon this question; it can pass the question on to the States. That is the purpose of this proposed amendment. For the Congress of the supposedly most democratic country in the world to refuse to take this action, to block the progress of democracy at home while professing to fight for it abroad, would be so high handed a performance as to fill the world with suspicions of our purposes in the war. To deny the States the opportunity to establish woman suffrage if they wish to do so is an act of autocratic injustice which would certainly be misunderstood abroad and would deeply incense the millions of women who are voters as well as the millions more who are petitioning for the vote. The opinions of millions of men and women are expressed in an editorial of the Los Angeles Times of December 24, 1917:

The women of the States where equal suffrage now prevails have fully justified their claim to the ballot. The game of politics is played more cleanly and occupies a higher plane than before women were permitted to vote; and the part which the women of America have taken in the war crisis proves incontestably that they are qualified both mentally and temperamentally to assist in the direction of the destinies of the Nation. To oppose longer the right of equal suffrage is simply to play the rôle of illogical obstructionist.

The West wants the opportunity of ratifying the Federal suffrage amendment and thus to stop delay in the establishment of this measure of democratic justice. Gov. Lister, of Washington, calls attention to the fact that the legislature of that State by joint memorial asked Congress to submit the amendment, and that the State is ready to ratify it. Gov. Stewart, of Montana, wires, "I hope the Federal amendment will pass. Montana is for woman suffrage."

The governor of Wyoming wires, "After 40 years' experience with woman suffrage Wyoming enthusiastically and unqualifiedly recommends the adoption by the Nation of the Federal woman-suffrage amendment."

Gov. Gunter, of Colorado, wires, "Woman suffrage has been beneficial to Colorado and I recommend the extension to the women of the Nation."

Gov. Capper, of Kansas, wires, "Woman suffrage has been an unqualified success in Kansas. I hope Congress will pass the Federal suffrage amendment and give the woman of the Nation the right to vote, a right which should never have been denied them."

Gov. Boyle says Nevada's people "want to see suffrage established Nation wide as part of Federal Constitution."

"Idaho is in favor of national enfranchisement of our women. It is in favor of the Federal suffrage amendment, woman suffrage having worked in Idaho so satisfactorily that we believe its benefits should be Nation wide," wires Gov. Alexander.

Oregon's governor, James Withycombe, wires that he is a strong advocate of the Federal suffrage amendment.

"The Utah Legislature, by unanimous vote, recommended the adoption of an amendment to the National Constitution granting woman suffrage. I heartily concur in this recommendation and feel that such an amendment will be favorably acted upon by Congress," reads the telegram signed by Gov. Simon Bamberger.

"The people of Arizona have already ratified an amendment to the State constitution giving full suffrage to both sexes alike. I regard such ratification as an index to the manner in which the people of this State would receive a Federal amendment providing for universal suffrage," wires Gov. W. P. Hunt.

Gov. Whitman, of New York, says: "I believe that the proposed Federal amendment providing for equal suffrage should be passed, and I believe, too, in the event of its passage that it will be ratified by at least three-fourths of the States. The State of New York by an overwhelming majority has given the vote to its women, and I think that it is the wish of our people that our Representatives in Congress should support this measure."

The Legislature of California in session in 1917, both houses concurring, unanimously passed a joint resolution, which reads as follows:

Assembly joint resolution 22, relative to urging Congress to submit to the legislatures of the States for their ratification an amendment to the United States Constitution granting women the right to vote.

Whereas the women of the United States are being called upon to share the burden and sacrifice incidental to the present national crisis; and Whereas they are patriotically responding to that call: Be it

Resolved, That denial of the right of women to vote in any part of the Nation on equal terms with the men is an injustice; and be it further

Resolved by the assembly (the senate concurring therein), That we do urge upon Congress the submission to the legislatures of the States for their ratification an amendment to the United States Constitution granting women the right to vote.

In other words, the people who have seen woman suffrage in operation, who know what it is and how it works, recommend it whole-heartedly to the rest of the country, and those who are blocking its progress are those who do not know what it is nor how it works but are governed by preconceived notions emanating from traditional prejudice.

The fact that the soldier vote of New York went 2 to 1 for suffrage should not be forgotten. These men, or those of them who come back, will be our Congressmen, our governors, and so forth, a few years hence. To vote with them on this question now is not to be regarded by them later as bigots and obstructionists.

It should be remembered the suffrage amendment is only a referendum. Those who vote for it are not committed to woman suffrage; they are merely committed to the proposition that they are willing to grant the States an opportunity to act. Those who vote against it are obstructing this movement which has already so far succeeded that 10,000,000 women of voting age live under woman-suffrage laws.

In 1916, 91 electoral votes were controlled jointly by men and women, and it was commonly admitted that women in the Western States played an important rôle in deciding the election. During the year 1917 the number of electoral votes cast by equal-suffrage States grew from 91 to 193. These voting women, as well as the millions of nonvoting petitioners, are certain to be deeply incensed if the same Congress which referred prohibition to the States refuses equally fair treatment to woman suffrage.

It must be borne in mind that it was the Nation, not the States, which declared war, conscripted men, voted a necessarily huge war tax, and has taken over the control of food and fuel. It is the Nation which has appealed to women to take the places of men, to give their money, their labor, their sons. All these things which but a few months ago seemed impossible have happened, and the Nation is engaged in the greatest war of its history—a war for democracy.

This crisis of our Nation calls for bolder action than would have been necessary a year ago. We can not consistently profess to lead in a war for democracy and be the last nation to establish it at home. Nor can we claim that the Nation is fighting for democracy abroad and leave the States to demonstrate our understanding of democracy at home. The loyal votes of women who would vote in the places of absent men are a national concern. The war has made woman suffrage a national question. The Congress should treat it as such.

The Congressmen who called on him to ask his advice were advised very frankly and earnestly by President Wilson to vote for the amendment "as an act of right and justice to the women of the country and of the world."

The women of America will be grateful to President Wilson for his advice and consequent great assistance in their cause, and the Members of the House can well afford to follow such advice.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman has used 13 minutes.

Mr. SAUNDERS of Virginia. Mr. Speaker I yield three minutes to the gentleman from Ohio [Mr. GORDON].

Mr. MEEKER. Mr. Speaker, I also yield the gentleman five minutes.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for eight minutes.

Mr. GORDON. Mr. Speaker, House joint resolution No. 200 is entitled "Proposing an amendment to the Constitution of the United States extending the right of suffrage to women," and provides for an amendment to the Constitution of the United States which prohibits the several States from refusing to permit women to vote in any and all elections.

Section 2 of this resolution provides: "Congress shall have power, by appropriate legislation, to enforce the provisions of

this article." Here the authority is conferred to enable the Government of the United States to take charge of every election held in the most remote precinct of every State in this Union, and to override and nullify every constitutional provision and statute in each of the States of this Union enacted to protect the purity and sanctity of the ballot. All these constitutional provisions and legislative enactments in each of the States are subordinated, subverted, and submerged to the will of the Federal Government by the terms of this proposed amendment. We are told that this revolutionary proposition must be engrafted upon the organic law of this Nation, because the people in different States of this Union have voted down proposed amendments to their State constitutions, conferring the right to vote upon women in those Commonwealths. The only reasons which can be assigned for proposing this amendment are: (1) The qualifications of voters are defined in the constitutions of the several States, and any change proposed therein must be submitted to a vote of the qualified electors. (2) By submitting this proposed amendment to the legislatures of the several States, instead of to constitutional conventions called for the purpose of passing upon it, the purpose to prevent even an indirect expression of the people on the amendment is apparent. The advocates of this amendment have a legal opinion from their counsel to the effect that even in those States which have constitutional provisions authorizing a referendum upon all legislation, a referendum can not be invoked upon the action of a State legislature in ratifying this amendment. The real underlying motive, then, for this proposed amendment is to override the action of the people of a number of the States, at the polls, by an appeal to Congress and the legislatures of other States.

This joint resolution is a naked and impudent repudiation of both the letter and spirit of the last national platforms adopted by the two leading political parties in this Nation, and every man on this floor, elected as a Democrat or Republican, who did not in the last campaign openly repudiate the platform of his party on this question is guilty of an act of bad faith in voting for this joint resolution. The Democratic national platform adopted at St. Louis, June 16, 1916, reads on suffrage as follows:

We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

Here is a plain and unequivocal recognition of the right of each State to control the question of suffrage in accordance with the wishes of the people of the several individual States. The Republican national platform adopted at Chicago on June 10, 1916, deals with this proposed joint resolution in the following terms:

The Republican Party, reaffirming its faith in Government of the people, by the people, for the people, as a measure of justice to one-half the adult people of the country, favors the extension of suffrage to women, but recognizes the right of each State to settle this question for itself.

If this language is not a plain, unequivocal, and emphatic recognition of the right of each State to settle and determine the question of woman suffrage for itself, then there are no words in the English language that would fairly express that purpose. Any Congressman on the floor of this House elected as a Democrat or a Republican who did not in the campaign in which he was last a candidate publicly repudiate this plank in his party's platform is morally bound to vote against this joint resolution. There is not in the Constitution or laws of the United States a single restriction, limitation, or obstruction to prevent, hinder, or delay the adoption of woman suffrage by any State in this Union. If any such obstruction existed, I would vote to remove it. Because the suffrage leaders in some of the large States of this Union have not been able to convince a majority of the electors of those States that woman suffrage ought to be adopted, or that even a majority of the women in those States favor it, these women rush down here to Washington and ask the Congress of the United States, by a species of legislative force and violence embodied in this joint resolution, to override and nullify the action of their own State by the aid of the legislatures of other States and their Representatives in Congress. Permit me to call attention to the history of my own State upon this question. In 1912 we held a constitutional convention in Ohio, which promulgated and submitted to a vote of the people of the State certain amendments, one of which authorized women to vote at all elections. It was defeated. In 1914 this same amendment was again submitted, and in the largest vote ever cast in the State up to that time this amendment was again voted down by a majority of 182,905 votes. These elections would seem to have established the fact that, whatever the sentiment in other States of the Union, the people of Ohio, both men and women, were opposed to granting the women of that State the right to vote. In the spring of 1917 a bill was introduced in the legislature of our State to confer upon women the authority to vote for and thereby join in the appointment of presidential electors. The broad power conferred upon the States by the Federal Constitution would seem to warrant the selection of presidential electors in any manner that the legislatures of the States might deem wise. This language is as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of [presidential] electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

Standing alone, this language of the Federal Constitution would seem to permit the legislatures of the several States to authorize the red-headed women alone in those States to appoint presidential electors, but the framers of the Ohio constitution concluded it would not be wise to leave such broad powers in the general assembly of our State, so a provision was inserted in our State constitution adopted in 1851 that "No person shall be appointed or elected to any office in this State who is not an elector," and in the same instrument the term "elector" is defined as "male white citizens 21 years old." The authority conferred by the legislatures of the several States to join in the appointment of presidential electors, either at elections or in any other way, is unquestionably an office which is defined as "a special duty, trust, charge, or position conferred by an exercise of governmental authority and for a public purpose." A majority of each branch of the legislature of Ohio yielded to the clamor and importunities of the same men and women who are in Washington now attempting to force woman suffrage on the State of Ohio by a Federal constitutional amendment and passed the measure authorizing women to vote for presidential electors. A referendum upon this measure was invoked by the constitutional number of electors of our State, and at the November election in 1917 this Reynolds bill authorizing women to join with men in the appointment of presidential electors in Ohio was defeated by 146,120 majority. This most recent action of the electors of Ohio, of course, furnishes, from the standpoint of these militant suffragists, an additional argument why this constitutional amendment ought to be adopted, because it seems to demonstrate the failure to procure woman suffrage in Ohio with the consent of the people of that State.

In addition to the pending joint resolution and others of similar tenor and effect, the gentleman from California [Mr. RAKER] and the gentleman from Idaho [Mr. FRENCH] have introduced bills entitled, "A bill to protect the rights of women citizens of the United States to register and vote for Senators of the United States and for Members of the House of Representatives," and then these bills attempt to confer by legislative enactment of Congress authority upon the women of all the States of this Union to vote for United States Senators and Members of the United States House of Representatives. These bills were recently referred to the Committee on Woman Suffrage of the House, and, being desirous of learning what it was the purpose of this committee to do with these bills, I called upon the lady from Montana [Miss RANKIN] after the bills had been referred to her committee and asked her what the committee proposed to do with them. She replied in substance that the action of the committee on these bills would depend upon the action of the House on the joint resolution now pending.

In other words, if the Congress of the United States refuses to pass this joint resolution to amend the Constitution, this Committee on Woman Suffrage proposes to pass one of these bills in violation of the Constitution as a measure of reprisal against the Congress and people of the United States.

We are threatened by these militant suffragettes with a direct and lawless invasion by the Congress of the United States of the rights of those States which have refused to confer upon their women the privilege of voting. This attitude on the part of some of the suffrage Members of this House is on an exact equality with the acts of these women militants who have spent the last summer and fall, while they were not in the District jail or workhouse, in coaxing, teasing, and nagging the President of the United States for the purpose of inducing him by coercion to club Congress into adopting this joint resolution. [Cries of "They got it!"] Last Saturday one of these suffrage crusaders declared before the Woman Suffrage Committee of the House that unless Congress enacts this pending joint resolution they intend to renew their seige of the White House and keep it up until the occupant surrenders to them. They forget the admonition which one of their orators gave to the chairman of the Woman Suffrage Committee [Mr. BAKER]: To see the

President in behalf of this joint resolution, and if he was for it to advertise that fact, but that if he declared against it to tell him it is none of his official business, anyway. [Laughter.] This same militant Amazon from Iowa in this same speech declared that the only way they could get woman suffrage in Iowa was through the action of Congress and the State legislatures by constitutional amendment, because the qualifications of electors in Iowa are defined by the constitution, and the people of that State had voted down a woman's suffrage amendment and the legislature could not reverse the action of the people at the polls. She explained that the people of Iowa had also voted down State-wide prohibition, but that the legislature enacted it. What the State of Iowa needs worse than anything else is a lot of first-class political funerals among their Members of Congress and State legislature. [Laughter.] The people of Iowa ought to change their minds on the subject of prohibition and woman suffrage or change their representatives in Congress and in the legislature of their State. [Laughter.]

Now, the President of the United States has no more to do officially with the adoption of a joint resolution providing for a constitutional amendment than has Carrie Chapman Catt. The action of these militants in besieging the President's official residence with pikes and banners for the purpose of procuring the adoption of this joint resolution is not only an insult to Senators and Congressmen, who are the only United States officials charged with any duty or responsibility in the matter, but it is a reflection upon the President himself, who repeatedly declared before his last election, and which was declared in the platform upon which he was reelected, to be a question for each State to decide for itself. Mr. Wilson did not, like his opponent, repudiate the platform upon which he was running for President in 1916, and having been reelected upon a platform which recognized the right of each State to control the question of suffrage for itself. I say it is an insult for any man or woman to ask or expect the President to use his influence with Congressmen and Senators to induce them to violate the platforms upon which they were elected.

It is only a few years ago that the resounding voice of a presidential candidate was heard throughout the land, propounding the inquiry, "Shall the people rule?" This same man has been in Washington during the present session of Congress, urging Members to prevent the people of their States from ruling on the question of prohibition and woman's suffrage by forcing these policies on them by constitutional amendment through Congress and the State legislatures of other States. Nothing in the Constitution or laws of the United States prevents a single State in the Union from granting suffrage to its women, and if there is any obstacle in the constitution or laws of any State a majority of the people of that State can remove it. This joint resolution ought to be entitled: "A bill to take from the people of the States control over an important matter and vest it in the legislatures of three-fourths of the States." It ought to be defeated, and I hope and believe it will be, here or elsewhere.

In a recent decision by the Supreme Court of Indiana, adjudging null and void an act of the State legislature attempting to authorize women to vote for certain candidates for office, the court said:

The right of suffrage is not a natural or inherent right, but a political privilege, and it is held only by those on whom it is bestowed, either by virtue of express constitutional grant or through authorized legislative provision. The question is primarily one for the consideration of the people in their capacity as creators of the constitution, and is never one for the consideration of the legislature, except in so far as that instrument clearly sanctions an extension of the elective franchise or permits a regulation of its mode of exercise.

The lady from Montana [Miss RANKIN] has introduced a joint resolution in this House recognizing the right of Ireland to home rule and political independence, but she is unwilling to permit the people of Ohio to have home rule in their domestic affairs, but by her voice and vote as a Member of this House is attempting to deprive them of it. The people of my State have always sympathized with the desire of the people of Ireland for home rule, but we demand it for Ohio and for every other State in this Union as a matter of right. These vociferous advocates of home rule for foreign nations and peoples ought to apply their principles to their own people, for home rule, like charity, ought to begin at home.

Mr. Speaker, there is very much more involved in this joint resolution than the principle, bad as it is, of coercing the people of a number of States into granting to women the privilege of voting at elections. The exercise of this power involves the assertion of the right by constitutional amendment to overturn, alter, amend, and repeal the taxation laws, the school laws, the statutes of descent and distribution of real and personal property, and numberless other local laws and institutions which were deeply rooted in such old States as Virginia and Massachusetts many years before the Federal Government was organized. To protect the States from the possible invasion of these rights by the Federal Government the tenth amendment was adopted concurrently with the Constitution itself, by which it was solemnly asserted that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

This amendment was designed and intended to declare and define the relations between the States and Federal Government, and it was only because their relative rights and powers were so designated and generally understood that a Union was agreed upon. If any considerable number of people, prior to the adoption of the Federal Constitution, had asserted the right and power of three-fourths of the States to usurp by constitutional amendment jurisdiction and control over purely local matters, the Constitution would never have been ratified by the requisite number of States. The right to vote is a privilege, coupled with a duty and responsibility, which in free States is vested in those of its citizens who may be trusted to exercise it wisely for the general welfare; it is not, as so many of our militant friends so vociferously assert, a right inherent in the citizen like the right to life, liberty, and property. If a voter sells his vote, the law condemns him to penal servitude in the penitentiary for the betrayal of a public trust reposed in him by his fellow citizens to be exercised solely for their benefit, in accordance with his best judgment, which it is unlawful for him to delegate to another. Our woman-suffrage friends, who contend so glibly that all human beings have an inherent and inalienable right to vote and that they have been deprived of this "right" by "man-made" laws, are, of course, driven to the extremity of conceding the same "right" to all other human beings, hence we hear the most fantastic arguments adduced in support of laws permitting parents to vote their children, guardians of imbeciles and lunatics their wards, and mothers their babes in arms, and so forth.

I would not vote to deprive any woman of the voting privilege she now enjoys by the action of her own State, but Members of Congress before voting for this joint resolution ought to weigh and consider all the consequences involved in such action. You are invading the jurisdiction of many States against the protest of their own citizens upon a matter of local or State concern and upon a subject concerning which you can not claim any special or superior knowledge. What do Members of Congress know about the qualifications of citizens, men or women, in remote States, to exercise the elective franchise? They know still less about the state of public sentiment where no election on the subject has been held.

In the States of Alabama, Arkansas, Indiana, Kansas, Michigan, Missouri, Nebraska, South Dakota, and Texas aliens are permitted to vote after having declared their intention to become American citizens and after having been residents of the States the required time, usually six months; and, therefore, we have the anomalous situation of hundreds of thousands of alien enemies in these States voting at all elections. Although final naturalization will be refused to them during the period of the war, they are excluded by law from military service, from suing in the courts, and some of them are confined in internment camps. If this joint resolution shall be adopted by Congress and approved by the legislatures of three-fourths of the States, the practical effect of it will be to place the ballot in the hands of many thousands more of alien enemies who are under the disabilities above described.

In the summer of 1915 I attended a luncheon of the Ohio Woman's Suffrage Association and occupied a seat next to the president, who has held that office for 13 years continuously. She is one of the best educated and most accomplished women in our State. I asked her if she believed that since woman's suffrage had been rejected in Ohio by more than 180,000 majority, I, as a Representative from that State, ought to go to Washington and attempt to force it on them by Federal amendment. She answered, "No." I asked her further if she did not believe that whenever a majority of the women in Ohio desired to vote, the men would grant them that privilege. She answered, "Yes." And yet this lady is now here in Washington with an opinion of her lawyers to the effect that if this joint resolution passes and the legislature of our State ratifies this amendment, such action can not be submitted to a vote of the people under the initiative and referendum provision of our State Constitution, and she is urging that Congress enact this joint resolution. Because childish and imbecile arguments are adduced in favor of a proposition, does not prove that it is wrong or unwise, but it raises an implication that sound reasons

are lacking. We are told that because the men of the Nation are being mobilized in training camps and rushed to Europe to defend the rights of this Nation, the women ought to be rushed into the voting booths to take their places there. The logic of this argument is that because the men are required to defend with arms in their hands the rights of our people under international law, the women ought, with their well-known pacifist tendencies, to be armed with the ballot in order that they may vote for a treaty of peace, dictated by the Hohenzollerns and the Hapsburgs. I have been told that by voting against this resolution I am showing disrespect to the memory of my mother. The only suggestion my mother ever made to me on the subject of woman's suffrage was that she hoped I would not aid in forcing this additional duty and responsibility upon the mothers of this land, because it would add enormously to the already too large number of ignorant and incompetent voters. Do not be misled into believing that the shrill and strident voice of the militant suffragette is the voice of the people or the voice of God.

When Elijah stood upon the mountain top listening for the voice of the Lord, we are told in Holy Writ that the Lord was not in the wind. He was not in the earthquake. He was not in the fire, but in the still, small voice which followed these convulsions of nature. If the Members of this House will heed the "still small voice" of reason, justice, and common sense and permit their votes to be controlled by their conscientious convictions of public duty, they will defeat this joint resolution. [Applause.]

Miss RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Speaker, I am still "standing with the President," or, in other words, the President this morning is standing with me. [Applause.]

Last night the President met his party in conference and advised them to vote to-day for woman suffrage as "an act of right and justice to the women of the country and of the world." At the same hour the Republican Members of this House were also in conference and voted by a large majority to stand by that part of the plank in the last Republican national platform which said:

The Republican Party, reaffirming its faith in government of the people, by the people, for the people, as a measure of justice to one-half the adult people of the country, favors the extension of the suffrage to women.

Woman has conquered. She has met every test and answered every argument, and now demands from this Congress simple justice. It is justice long delayed. The greatest logician that ever lived was John Stuart Mill. His wonderful work on logic is the textbook of every great college in the world. Fifty years ago he wrote a wonderful book on "The Subjection of Woman." In that book he carefully considered every possible argument for and against woman suffrage. He gave to that consideration calm, cold, and merciless logic, and he arrived at the following conclusions:

The legal subordination of one sex to the other is wrong in itself, and now one of the chief hindrances to human improvement; it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side nor disability on the other.

To have a voice in choosing those by whom one is governed is a means of self-protection due to everyone. Under whatever conditions and within whatever limits men are admitted to the suffrage there is not a shadow of justification for not admitting women under the same.

Mill has never been answered. He never will be answered. All the arguments of logic and reason have for the last half century been settled in favor of the enfranchisement of women.

But there were those who said "Mill's logic is all right, but he stands for a theory in government that has never been put to practice. Experience will show that women should not have the ballot," and since that time we have had fully demonstrated the argument from experience.

Forty-nine years ago Wyoming gave to her women equal suffrage, and year by year since then State after State of the great western world has enfranchised her women until 11 States, side by side, have full suffrage and 18 States to-day have presidential suffrage. Never one of these States has for a moment thought of returning to the old way. Never a legislature has resubmitted the question to the voters. The women of these States have never asked to be again returned to slavery. Representatives from these States are sitting to-day in this Congress. They are a fine body of men, intelligent, patriotic, and honest. They are the equal of any of the other States in the Union, and every one of these Representatives will tell you that they are proud of the suffrage given to their women; that experience has shown the wisdom of the act; that nothing would induce them to return to the time when the ballot was given only to the male voters. This argument from experience is conclusive; it can not be answered by the absurd claim that evil would result from now placing the ballot in the hands of American women.

But there are those to-day in this House who invoke the old, discarded doctrine of State rights and say that woman suffrage has no place in the Constitution; that it should be settled by the States. Every one of these arguments could have been more forcably invoked against all the 17 amendments to our national Constitution, and with a great deal more reason and logic than against the present amendment now before Congress.

Another says you had an election down in Maine last September, and your State defeated woman suffrage. Why should you here on the floor of Congress after that advocate the passage of this amendment? I answer that the election in Maine settled nothing, but only proves the inability of a State to settle this matter by submitting it to the voters at a special election.

In the last State election in my State for governor there were cast over 150,000 votes. At this special election for woman suffrage only 58,000 voted. In other words, 92,000 male voters of my State were afflicted with political indifference and did not go to the ballot box. Of the one-third who voted, the majority were induced to vote against woman suffrage by false testimony and an appeal to their prejudices. Before that election all over my State, at the leading hotels the political leaders of both parties were given banquets by those opposed to woman suffrage, and somebody paid the bills. I do not know who, and at those banquets there was provided a speaker, who was advertised to come from one of the suffrage States of the West, an unknown, smooth of tongue and polished of manner, who claimed to the banqueters that he lived in a State that had given the ballot to women and that the people of his State were disgusted and dissatisfied with their act enfranchising the women; that experience had shown that the women did not want the ballot; that they did not vote at the elections; that a great many evils had grown up by giving the ballot to women, and so forth, and under the influence of a good dinner these men accepted the ex parte testimony of this unknown and were induced to go to the ballot box and give a verdict on such false testimony, when every governor of these States and every Representative and Senator and every public man of any note and influence was eager to give the lie to such statements. And while these dinners were being served hired speakers from out the State were going from place to place in the country towns appealing to the patriotic impulses of the people to stand by the President and against picketing at the White House, and claiming that if the ballot was given to the women of Maine the pickets at the White House would continue during the war, and these appeals to prejudice caused a sufficient number to defeat woman suffrage. Such arguments could not prevail in our legislature. Such witnesses would never be tolerated there. After the election in Maine, New York State met these arguments, exposed their falseness, and from an adverse verdict of over 200,000 two years ago New York voted in favor of woman suffrage by a majority of over 90,000.

A few days before the New York election that approved suffrage the New York Tribune published as a matter of news the following:

WOMEN WHO NEED THE VOTE PLEAD FOR EQUAL SUFFRAGE—LAUNDRY, KITCHEN, AND SWEATSHOP WORKERS, POORLY CLAD, FACE 10,000 MEN IN UNION SQUARE AND SHOW WHY THEY SHOULD HAVE FRANCHISE.

Up from the laundries and the kitchens, from the sweatshops and the factories, the working women came yesterday to plead with the men of New York for the vote. Much has been said of the need of the ballot to remedy conditions for the working women, but usually the working woman has had to keep on working and let some one else do the talking for her. Yesterday she came herself.

Pale, undersized, meanly clad, the women who need the vote climbed a rickety ladder leading to a platform erected on the north side of Union Square and faced a crowd of 10,000 men. Then in a series of "living pictures," they told the story of woman's place in the industrial world.

Down in Maine both political parties indorsed suffrage in their platforms, and then never lifted a finger at the election to put it into the constitution. In New York State both political parties indorsed not only woman suffrage in convention but worked and voted for it on the day of election, and they won. Maine's legislature is ready to-day to indorse this amendment, but she is not satisfied with this special election which settled nothing.

As a Representative from Maine, I am unwilling that the great States of New York and Illinois should double their voting population while Maine is shorn of her power. The suffrage States to-day control 163 electoral votes for President. What influence will Maine and other nonsuffrage States in New England have in the next presidential campaign if their women remain unfranchised?

Thomas B. Reed, of my State, ex-Speaker of this House, who submitted every argument to the court of common sense, said of woman suffrage:

If suffrage be right, if it be true that no man has a claim to govern any other man, except to the extent that the other man has a right to govern him, then there can be no discussion of the question of

woman suffrage. No reason on earth can be given by those who claim suffrage as a right of manhood which does not make it a right of womanhood also.

The late Senator George F. Honr, of Massachusetts, said:

We have driven our leading opponents from one position to another until there is not a thoughtful opponent of woman suffrage to be found who is not obliged to deny the doctrine which is affirmed in our Declaration of Independence.

The late Hon. John D. Long, ex-governor of Massachusetts and Secretary of the Navy, put the argument for woman suffrage in a nutshell when he said:

I have never heard an argument against woman suffrage that was not an insult against the intelligence of a 10-year-old boy. If one man or woman wants to exercise the right to vote, what earthly reason is there for denying it because other men and women do not wish to exercise it?

If I desire to breathe the fresh air of Heaven, shall I not cross my threshold because the rest of the family group prefer the stale atmosphere indoors? When the Government extends the principle of voting to a citizen it says to him, "We do not compel you to appear at the polls; we simply give you the liberty to vote or not to vote, as you desire. You may express your consent or your protest against conditions, and you may help make civilization if you wish." On the other hand, when the Government refuses the privilege, it says, "We compel you to remain away from the ballot box. Whether you wish to vote or not, you shall not. We will impose upon you any laws which we see fit, and you shall have no official authority to protest or to consent."

Human ingenuity can not suggest a single distinction between the sexes so far as the right of voting is concerned. They are equally intelligent so far as the intelligence to vote is concerned. They are equally competent to judge of the merits of measures and the comparative merits of candidates. * * * If it is a right, why should it be denied? When yet in the history of the world has it been found that what is right is inexpedient?

The New York World, of October 28 last, said:

The case for woman suffrage rests upon a fundamental principle of democracy, the right of the governed to have a voice in their government. Women have the same kind of a stake in government that men have. In modern civilization there is practically no sheltered woman who lives apart from her times. She may exist in the fiction of novelists and in the fiction of the common law, and there may be an instance now and then of complete feminine isolation from the current of events, just as there are men and women who live in monasteries and convents; but the Government affects most of us in the same way regardless of sex, and civilization that compels women to be wage earners has destroyed the last argument against their voting.

And so one by one, every argument either from reason, logic, or experience has been decided in favor of woman, and here to-day on this floor everyone admits that if this amendment is submitted by Congress it will be adopted by the States. Here to-day everyone admits that there is no argument against woman suffrage and we only differ as to methods, as to whether woman suffrage shall be given by a Federal amendment or be delayed and defeated by special elections in the several States.

The American woman stands before us to-day with every argument in her favor and she demands of us only justice.

It has been well said that "There is something grander than benevolence, more august than charity. It is justice," and that "justice delayed is justice denied."

The Sacred Record gives us an apt example of justice denied:

Then said Pilate unto Him, * * * "knowest Thou not that I have power to crucify Thee, and have power to release Thee?"

Pilate therefore went forth again, and saith unto them, "Behold, I bring Him forth to you that ye may know that I find no fault in Him."

When Pilate saw that he could prevail nothing, but that rather a tumult was made, he took water and washed his hands before the multitude, saying, "I am innocent of the blood of this Just Person; see ye to it."

And Pilate gave sentence that it should be as they required.

And when he had scourged Jesus he delivered him to be crucified.

It is not up to the President. The responsibility can not be shifted to our political party or to the revival of State rights. The Members of this Congress have the responsibility and the power. We, too, can say to the women of this country as Pilate said of old, "Knowest thou not that I have power to crucify thee and power to release thee?"

We must meet this responsibility. We can not deny women justice and then wash our hands in the waters of State rights.

Woman does not ask you for praise; she does not demand flattery. She begs of you not to ridicule her further, but to let her have in the battle of life the same weapons of defense that you possess; to let her stand and work by your side, your equal, your companion in the battle of life. She asks only and simply justice.

For all mankind one Christ has sighed
Upon the cross; but hourly
In every woman crucified!

O sons of mothers, shall the pain
Of all childbearing be in vain?
Shall we drive nails, to wound her thus,
Into the hands that fondled us?

In this Capitol sits the greatest court and most august judicial tribunal in the world—the Supreme Court of the United States. One of the greatest minds that ever graced that tribunal was the late Justice Brewer, of this city. Shortly before his death he reviewed woman suffrage from the standpoint of the judge. He submitted her case to the judicial mind. He reviewed all the arguments for and against her and summed up the case in her favor in the following eloquent language:

Female suffrage will come; woman's broader education, her increasing familiarity with business and public affairs, will lead to it; and why not?

The chief reply is the home. God forbid that it should be jeopardized. But female suffrage will not debase the home or lessen its power and influence. On the other hand, it will introduce a refining and uplifting power into our political life.

Union in effort is the growing lesson of the times. Our first parents, guilty of a mutual sin, were, according to the allegory in Genesis, driven out of Eden, that garden which gave men all things to live with and nothing to live for. Hand in hand they went out of Eden; hand in hand they must enter the new paradise, grander and nobler than the pristine Eden, because wrought out of the thorn-growing earth by their united labors.

This is the case for woman suffrage. I submit that it meets every argument; that it justifies the affirmative action of every Representative; that it calls for our votes in favor of this amendment as an act of justice to woman. We can not vote against woman suffrage and go out into the world and meet the eyes of women when we have denied them justice. How can I go down Pennsylvania Avenue to my home and meet the 10,000 women who, early in the morning, throng our streets on their way to do the work of the men in the departments, in the shops, and in the industries when I have denied them justice? How can I meet the eyes of the women in the munition factories and in the homes who are fighting the battle for life and bread to keep the home fires burning while the men are at war? Three-fourths of the teachers in our public schools are women. How can I meet them after I have denied them the ballot? Ten million women are out in the ranks of industry, loyally supporting the country, doing all the work that men could do to preserve our institutions and our flag and give democracy to the world. If I cross the ocean and go upon the present battle fields, there I will find the Red Cross women in the hospitals, in the ambulances, thousands on the battle fields, risking their lives standing by man's side in this great world war. I can not vote against her and meet those silent patient eyes when I have denied her justice; and so to-day I stand—

For equal rights,
For human weal,
For nobler aim,
For laws that heal
The wounds of tyrants.

Mr. MOORE of Pennsylvania. Mr. Speaker, when the woman-suffrage amendment was before the House, January 12, 1915, I stated my position as follows:

Mr. Speaker, woman suffrage is another of the questions which the younger States of the Union are passing up for acceptance to the older and more populous States. The Legislature of Pennsylvania has partially indicated its purpose to submit this question to a vote of the people of the State. Thus far, apart from the preliminary step taken by the legislature, we have had no real expression from the body of the people of the State upon the subject, and we can not have until further action is taken by the legislature. It is therefore impossible at this time to say definitely whether Pennsylvania approves of the wisdom or desirability of woman suffrage. We are not assured that a majority of the women themselves desire it. Some of them oppose it bitterly upon the ground that it will tend to degrade rather than exalt the womanhood of the State. Women who hold this view contend that in America no such social or legal inequalities as are said to prevail in England and other European countries exist. There is also a considerable feeling amongst the women opposed to suffrage that the high place which American women now hold in the esteem of manly men may be prejudicially affected by forcing upon all women, regardless of their domestic relations, the responsibility that would be imposed by the voting power. While I recognize the "right" of mothers, wives, and single women, if they so desire, to inject themselves into the maelstrom of politics, even though the exercise of that "right" may tend to lessen the sacred preference which is already accorded to them by all true Americans, I do not believe I am authorized as a Representative to impose such responsibilities upon them now, nor until at least a majority of the people of Pennsylvania have indicated that such a course shall be pursued. I shall therefore vote against the resolution.

It will be recalled that the amendment was defeated in the House. Subsequently the question of woman suffrage, under an act of the legislature, was submitted to the people of Pennsylvania, and the amendment there was defeated by a majority of more than 55,000. In the third Pennsylvania district, which I represent, the majority against suffrage was overwhelming. Every one of the 11 wards gave a majority against. Without again discussing the merits of the proposition, and leaving open the question of right or wrong, or the further equally important question as to whether a majority of the women themselves desire suffrage, I do not feel warranted in ignoring the officially expressed sentiment of the voters of the district I represent. This was substantially the position I assumed when the question was before the House in January, 1915, before the vote had been taken in Pennsylvania.

Mr. MEEKER. Mr. Speaker, I yield eight minutes to the gentleman from Ohio [Mr. KEARNS].

Mr. KEARNS. Mr. Speaker, when I cast my vote against this resolution I shall have to stifle my personal inclinations, because if you were to ask me why the women in the United States, wherever they may live, should not vote, I would probably be unable to assign to you a sufficient reason, but there are several impelling reasons why I am not going to support this joint resolution. The first reason is because before I could get my name on the official ballot to be voted for as a Representative in Congress at the primaries I had to sign this declaration, as did every Republican Member of this House from the State of Ohio, as well as every Democratic Member from that State. It seems to me that we soon forget the pledges that we take, and this pledge was indeed a solemn one, because each one of us from Ohio, Democrats and Republicans alike, had to go before a notary public and sign it. I am not one of those who look upon this statutory obligation as "a mere scrap of paper":

I further declare that if nominated and elected I will qualify as such Representative and that I will support and abide by the principles enumerated by the Republican Party (or the Democratic Party, as the case may be) in its national platform and in its platform in the State adopted or to be adopted during the present year.

That declaration of candidacy was signed in the presence of an officer authorized by law to take acknowledgments, as solemn a declaration as a man can take, that if nominated and elected he would support each plank of the party platform to be adopted at the party convention. Men in this House from the State of Ohio seemingly have forgotten the pledge that they so solemnly took some 60 days before the primary election of 1916. That plank of the Republican platform read as follows:

The Republican Party, reaffirming its faith in government of the people, by the people, for the people, as a measure of justice to one-half the adult people of the country, favors the extension of the suffrage to women, but recognizes the right of each State to settle this question for itself.

And the Democratic as follows:

We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

Mr. MEEKER. Will the gentleman yield? Is that a pledge or an oath?

Mr. KEARNS. It is a declaration made before an officer authorized to administer an oath. It is not sworn to, but I take it that gentlemen, when they go through the solemnity of going before such an officer and declaring that they will abide by the principles of the party as laid down in the National and State conventions, are not soon going to forget that. That is one of the great reasons why, as I stated in the beginning, I am compelled to stifle my own personal opinion on this great subject and vote against this resolution.

Mr. MEEKER. It is understood by the State that it is made upon a man's honor?

Mr. KEARNS. It is made not only upon his honor but he must reduce it to writing. He must sign in the presence of a notary public or other officer.

I know there are a great many good, loyal, and patriotic women in the State of Ohio who are able to cast just as intelligent a vote as can any Member of this body, but our party platform is against it, and until that barrier is raised I propose to remember the pledge that I have made, and I am going to vote against woman suffrage in this House until the party leaders in convention assembled relieve me of this obligation that I have taken. That I know will be soon. Both parties will, in the future, adopt national suffrage.

Three times the State in which I live has voted upon this subject. Each time I have voted in favor of woman suffrage, but as a Member of this body I can not do it, because my party has declared that it is a State issue and not a Federal issue. They have declared against this resolution. And so did the great Democratic Party at about the same time declare against it.

There is another reason why I am against this resolution. At the November election this fall in Ohio, we had a referendum on the question of woman suffrage. The question of suffrage lost in the State by a majority of about 145,000. In my district the majority against giving the vote to women lost in every county by overwhelming majorities. This, I take it, was a mandate to me as to what I should do here to-day. I am one of those who firmly believe that every man ought to represent the feelings and opinions of his constituency when he is advised what that opinion is. This may be old-fashioned, but I can not help but think that a Member of Congress ought to be guided, in part at least, by the judgment of his constituency when he knows absolutely what that judgment is. I can readily understand where a question may come up on the instant and the people at home have not the time or the opportunity to form a well-defined opinion on a subject that may be in this House. In that case I think it is well for the Representative to be guided by his own judgment. But this is a question that has been before the people of every State in the Union for many years. Men and women have had the opportunity to study the question from every angle, and in my State and in my district the mature judgment of the men is against this proposition, and I will have to be guided by their opinions as expressed at the last election. I know this will be very disappointing to a great many very fine ladies in the sixth district of Ohio for whose judgment and opinions I entertain the highest regard. But the law of my State is such, together with the expression of the voters at the recent election, as to estop me from doing otherwise.

I shall have to vote against this amendment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KEARNS. I wanted to say about the women of California, that they have the right to vote——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KEARNS. Mr. Wilson has declared against it——

The SPEAKER pro tempore. The gentleman from Ohio is out of order. The gentleman's time has expired.

Mr. KEARNS. I beg your pardon. [Laughter.]

Mr. FERRIS. Mr. Speaker, I do not approve of or believe in picketing the White House, the National Capitol, or any other station to bring about votes for women. I do not approve of wild militancy, hunger strikes, and efforts of that sort. I do not approve of the course of those women that throw themselves in front of horses, become agitators, lay off their womanly qualities in their efforts to secure votes. I do not approve of anything unwomanly anywhere, any time, and my course to-day in supporting this suffrage amendment is not guided by such conduct on the part of a very few women here or elsewhere. [Applause.]

NO DANGER OF NEGRO DOMINATION IN THE SOUTH OR PETTICOAT DOMINATION IN THE NORTH.

Friends of mine in this House have doubts and forebodings as to the advisability of giving women the right to vote, fearful of negro domination in the South and petticoat domination in the North. I entertain no such fears.

Mr. RAGSDALE. Will the gentleman yield?

Mr. FERRIS. I can not yield in the short time allotted.

If there were in fact danger of negro domination or if this amendment would contribute to it I, too, would feel apprehensive, for I have no disposition to inflict on that great southern country legislation that is obnoxious to them, offensive to them, or anything for which there is no adequate solution. But I pause and ask them now what is the answer to the question that the same educational test that now prevents the ignorant male voter, both white and black, from exercising the right of suffrage will at the same time deny the ignorant female voter the right? What is the answer to the question that the same poll-tax law that now largely prevents the ignorant male from voting will likewise prevent the ignorant female from voting? What is the answer to the statement that for every negro woman so enfranchised there will be hundreds and thousands of intelligent white women enfranchised? I can not share the doubts and forebodings of my friends from the North or South who are to-day opposing suffrage. I can not think either their doubts or their fears are well founded. [Applause.]

MINORITY OF GOOD WOMEN WHO OPPOSE SHOULD NOT OBSTRUCT MAJORITY OF GOOD WOMEN WHO DESIRE TO BE ENFRANCHISED.

We are told by the opponents of suffrage that there are many thousands of good women in the country who do not care to exercise the right to vote and are in fact opposed to giving the franchise to women. I do not deny this statement, but I answer it by saying that in my opinion there are but a small per cent of the 14,000,000 women affected by this amendment that are really and in fact opposed to granting suffrage. I also assert that they have no good or sufficient right to stand in the way of the major portion of the good women of the country who earnestly hope and pray that this right may be given to them. I answer it further by saying that if this amendment is passed to-day and later becomes the law and full franchise to women is given, it is not mandatory. No woman is compelled to exercise the right. It is merely a privilege which she may exercise or let alone at her option, at her pleasure, in her own way. How can this offend those who do not favor it—naught but pure selfishness would prompt one to deny to others a right they themselves did not desire.

NATIONAL PLATFORMS OF 1916 COMMITTED TO EQUAL SUFFRAGE FOR MEN AND WOMEN.

Much has been said here to-day regarding party platforms. The opponents of suffrage have said that the vote for this amendment was a betrayal of the party platform. The proponents of suffrage have said that to oppose it was a betrayal of party platform. This brings the provision of the platform into close scrutiny. My answer to this controversy is that each of the four political platforms in the 1916 election, judging them by

any fair interpretation, provide emphatically for equal suffrage. Of course, a technical reading of them provides it is to be accomplished in a certain way, but, after all, I repeat a fair reading of these platforms can not but convince any fair-minded man that the four national political parties of this country are already well and unequivocally committed to equal suffrage for men and women. I shall not present all of these platforms but will content myself in presenting the 1916 Democratic platform under which Woodrow Wilson was triumphantly elected President of the United States. It is as follows:

We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

This provision of the Democratic platform is short—to the point—it answers all quibbles, all debates, all technical reasoning in connection with the proposition as to whether or not the Democratic Party is committed to suffrage.

CONFERRING OF SUFFRAGE ON WOMAN WILL NOT DEGRADE HER—WILL STRENGTHEN AND ENNOBLE HER.

I hear others during the course of this debate say that to confer the right of suffrage upon woman is but to degrade and debase her, but I deny any and all such arguments and assert them to be both fallacious and untrue. In the State of Wyoming suffrage has prevailed for almost a half century. I deny that the women are debased or mannish in Wyoming or that the men are mollycoddles. In the neighboring State of Colorado, where suffrage has been the accepted doctrine for many years, it has neither degraded the women nor feminized the men but it has strengthened and helped both sexes. It is true throughout the 18 States that have suffrage. [Applause.]

OPPONENTS JEER SUFFRAGE TO-DAY, BUT THEY FIRST JEERED ELECTION OF SENATORS BY POPULAR VOTE—THEY FIRST JEERED PROHIBITION AND OTHER REFORMS.

Opponents of equal suffrage to-day shrug their shoulders and jeer at the thought of enfranchising 14,000,000 American women. I can remember when the talk of election of Senators by a popular vote brought jeers from many of these same gentlemen—it brings no jeers to-day.

I can well remember when the subject of rural routes brought jeers through the newspapers of the country, brought jeers through the CONGRESSIONAL RECORD, brought jeers from the Members of Congress—it brings no jeers to-day. I can remember when the question of prohibition brought jeers—like the rest, it brings no jeers to-day. Woman suffrage to-day and in this debate has brought jeers from the opponents, but it, like the rest, will bring no jeers on the coming morrow, for the enfranchisement and gentling influences that come with responsibility of 14,000,000 women will and can not long be the subject of jeers by thoughtful people anywhere or at any time. [Applause.]

SUFFRAGE NOT MANDATORY—THOSE IN FAVOR OF IT MAY ENJOY IT—THOSE OPPOSED TO IT MAY LET IT ALONE.

We are told to-day by the opponents of suffrage that many women of the land will not exercise the right to vote even if it be given them, and in that they tell the truth. In my own State some 40,000 male voters each year fail to exercise the right. Still none will be so bold as to say because a few fail to exercise the right that it shall even be denied them, much less the denial of the right to those male electors who do desire to vote.

NO ADEQUATE ANSWER TO THE QUESTION—IF A GOOD WOMAN DESIRES TO VOTE, SHE SHOULD BE GIVEN THE RIGHT.

To me there is no answer to the question that if a good woman desires to vote, why should she not be given the right to do so? This question has not been answered in this debate to-day. It has not been answered in preceding debates. It will not be answered in succeeding debates, for there is no just and adequate answer to the question that if a good woman desires the right to vote it should be given to her. [Applause.]

SUFFRAGE A GREAT NATIONAL QUESTION—IT WILL NEVER BE SETTLED UNTIL IT IS SETTLED RIGHT.

No, Mr. Speaker, this question to-day is a great national issue—one involving the rights of our mothers, our wives, our daughters, our women. It will never be settled until it is settled right. Most of them have asked it with upturned face, feeling that it would benefit them, would help them, ennoble them, and strengthen them. It is ours to give or withhold. For me and mine, I am in favor of giving it to them ungrudgingly, first, because I believe it is right; second, because I can find no sound or satisfying argument, logic, or reason that would justify a course in opposition to it; third, in substance, in truth, and in fact, the four great political platforms of the last election promised equal suffrage to women as to men. True, they did not promise specifically by this particular avenue of a constitutional amendment, but in answering platforms made in haste I shall answer to the substance and not to the detail, believing as firmly as that I live that I am doing my duty as a citizen and as a Congressman, not only to womanhood and manhood but to mankind. [Applause.]

Miss RANKIN. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. LANGLEY].

Mr. LANGLEY. Mr. Speaker, I was somewhat surprised at the remarks of the distinguished gentleman from Ohio [Mr. GORDON]. He read the Republican platform on this suffrage question and argued that we Republicans are violating it, but he failed to read the Democratic platform on the same question, which his own party's President has just violated. Moreover, he did not tell you, as he should have done, if he wished to be fair to us, that the President has time and again argued against the Federal amendment when delegations called on him about the matter, as well as on other occasions, and has uniformly said that it is a State and not a national question, and that he was in favor of leaving it for the States to settle, and yet we are informed by the gentleman from Kentucky [Mr. CANTRILL] to-day that the President has changed front upon the question, abandoning the platform upon which he was elected, and now says this resolution proposing to submit to the States the question of a suffrage amendment to the Federal Constitution ought to be adopted as a matter of right and justice to the women of the country. It is passing strange, Mr. Speaker, that the President should so suddenly change his mind on this proposition. I will not say that he changed it because he foresaw the passage of the resolution or that he realized that this side of the House was going to vote almost unanimously for it and tried to beat us to it, but it certainly is a rather funny proceeding. I am glad he has done this, especially if it will help to pass the resolution; but I do not think it becomes the gentleman from Ohio, under the circumstances, to criticize us for favoring this resolution, notwithstanding the language in our last national platform. It is simply another case of the pot calling the kettle black, a rôle which the gentleman always seems delighted to play. The other gentleman from Ohio, my Republican colleague, Mr. KEARNS, says that he does not think that he could give a good reason for voting against the resolution, and that he is going against his personal inclination, but that he feels bound by a declaration which he made before a notary public when he was a candidate and which binds him to vote that way. The trouble about my friend is that he made a mistake in thus obligating himself to vote against his judgment and conscience. [Laughter.]

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Kentucky yield to the gentleman from Ohio?

Mr. LANGLEY. No; I can not yield. My time is too short. If the law of Ohio compelled him to do that, as I infer to be the case, before he could come to Congress, then the fault is not his, but with the State of Ohio for passing such a foolish law. We do not pass such laws as that in Kentucky. [Laughter.]

I do not wish to be understood, however, as blaming the gentleman for standing by the wishes of his constituents on this or any other question, because, as I have frequently said on this floor, a Representative ought to represent the wishes of the people who sent him here or resign. My position on that point has been time and again confirmed since I have been a Member of this body by the vote on a number of measures that I recall. As a rule, Members representing a large foreign-born constituency have always voted against restrictive measures, and Members from wet districts usually vote wet, and vice versa. I am finding no fault with them for that, but I can not quite understand why it is that, as a rule, Members who are from wet districts are against this resolution, unless it be that they are afraid of the ballots of the women on that question. I do not say this as applicable to all, of course, but there seems to be a striking preponderance.

Gentlemen complain about this effort to force woman suffrage upon the States that do not want it, and about ignoring the wishes of that class of women in the country who do not ask for the ballot and do not desire it, and yet we are proceeding in the exact manner which the founders of the Republic themselves provided in the Constitution for its amendment, so that this argument is in effect a criticism of the only method of amendment to that instrument which was provided for us. What harm can it do the women who do not want to vote if we give the ballot to those who do want to vote? It might as well be contended that it is wrong to let some men vote because others never go to the polls. There has been a good deal of talk along these lines, but I have yet to hear a single sensible, logical reason why a democracy should deny to any patriotic citizen, with intelligence enough to vote and the desire to vote, the right to do so. Some gentlemen have contended that the founders of our Republic were against woman suffrage. I am not prepared to concede that this is a correct statement of their position, but

even if it is, I firmly believe that if they were living to-day and had the privilege of voting on this resolution, they would vote for it in view of the changed conditions that now exist. Surely, if Woodrow Wilson can change his mind overnight and get by with it, Washington and Jefferson ought to be pardoned if they were to change their minds in a hundred years.

Judging from some of the arguments that have been presented here and elsewhere against this resolution, I suspect that some gentlemen have a conception of woman's sphere that is on a par with that expressed by a certain southern bachelor poet of more or less local fame, who in a spirit of poetic fervor exclaimed:

Woman, woman, thou art divine!
Oh, that I had one I might call mine,
To soothe me in my worstest woes
And cook my dinner and wash my clothes.

[Laughter.]

My distinguished friend and colleague [Mr. CANTRILL], whose political sagacity and wise foresight are everywhere recognized, has warned his Democratic associates from the Southland that if they vote against this resolution they are likely to lose their grip upon the legislative machinery of this body. That is, indeed, a consummation devoutly to be wished for. [Laughter.] If I may be permitted to digress enough to indulge in a political prophecy, I wish to say that, in my judgment, that consummation is already a foregone conclusion. [Applause on the Republican side.] But, however that may be, I am so anxious to see this resolution adopted that I hope you southern Democrats will follow my colleague's advice, and I for one am willing for my party to take its chances in the future upon other issues.

Much has been said pro and con about "picketing"—that rather dramatic chapter in the history of this great movement. It is not my purpose to speak either in criticism or commendation of that; but if it be true—I do not say that it is, because I do not know—but if it be true, as has been alleged, that certain promises were made, as a result of which a great campaign was won, and those promises were not kept, I wonder whether in that silent, peaceful protest that was against this broken faith there can be found sufficient warrant for the indignities which the so-called "pickets" suffered; and when in passing up and down the Avenue I frequently witnessed cultured, intellectual women arrested and dragged off to prison because of their method of giving publicity to what they believed to be the truth I will confess that the question sometimes arose in my mind whether when the impartial history of this great struggle has been written their names may not be placed upon the roll of martyrs to the cause to which they were consecrating their lives in the manner that they deemed most effective.

Mr. Speaker, ever since I entered the halls of the General Assembly of Kentucky, which was more years ago than I care to acknowledge here [laughter], and became the author of the first bill introduced in that body to give married women the right to hold a separate estate; indeed, ever since as a university law student, I studied the history and scope of the bondage in which the canons of the English common law held women, I have had an abiding faith that this measure of justice would, in the fullness of time, be meted out to the women of America. I earnestly hope and believe that, so far as the House of Representatives is concerned, this will go down in history as the epochal day on which that was done.

Mr. Speaker, this is woman's era, and her plea for suffrage is as resistless as the tides of the sea. It required the problems developed by this war, and a practical demonstration of woman's usefulness in their solution, to prove that their enfranchisement is essential if governments instituted by men are to be perpetuated. And the errors and sufferings that have already occurred emphasize the expediency and justice of placing in the hands of the mothers of America the power of the ballot that they may have a real voice in shaping the course and destiny of the Republic, especially on questions like those with which we are now confronted, for who are more entitled than they are to have that voice? However much the balance of us may suffer as a result of war, it does not compare to what they suffer. Theirs is the unspeakable anguish, the unending sorrow. [Applause.]

Mr. Speaker, the history of civilization shows that wherever the influence of true womanhood has touched the affairs of the world it has exalted them; that wherever that influence has been exerted, whether in spiritual or material affairs, it has lifted mankind to a higher plane of usefulness and honor. The world would be a barren waste without woman's ennobling influence and the wheels of progress will move faster, as they have already done, as the sphere of her activity is widened. Give all of them the ballot and we will have better laws, better government, better men, and a brighter and a better world. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. SAUNDERS of Virginia. Mr. Speaker, I yield 20 minutes to the gentleman from Florida [Mr. CLARK].

The SPEAKER pro tempore. The gentleman from Florida is recognized for 20 minutes.

Mr. CLARK of Florida. Mr. Speaker and gentlemen of the House, this resolution proposes to submit to the States of the Union for ratification or rejection an amendment to the Constitution of the United States conferring upon women the privilege to vote.

It is erroneous to say that it is a proposal to submit the matter to the people of the different States and thus allow them to say whether they want the Constitution so amended, because the people will not be permitted to vote on the question at all. Under this proposed submission the legislatures of three-fourths of the States, without the people having a voice therein, can fasten this amendment on the Constitution and make it a part of the supreme law of the land. But in answer to this I apprehend the advocates of this measure will say that the people will vote on the question because they will elect the members of the legislatures which will ratify or reject the amendment. This is not the fact in all cases, Mr. Speaker. In some of the States legislators already elected, and elected without any reference to this question, will vote to ratify or reject this amendment if this Congress submits it in its present form. Take my own State, for instance: If this amendment is submitted this year, our legislature, which convenes in April of next year, will pass on the question of ratification, and men composing one-half of the senate in that legislature were elected in 1916 and without the slightest reference to this proposed amendment. Would this be giving the people of Florida an opportunity to express their views on this very important question? In view of this condition, which also exists in other States, advocates of this measure should not talk so flippantly of submitting the question "to the people."

But, Mr. Speaker, even if every member of every State legislature should be elected after this resolution should pass Congress, you would not get from the action of the legislatures a real expression of the people's will, because of the fact that so many issues, local and otherwise, enter into a campaign for the election of State legislatures that it would be impossible to state with certainty on what particular issue a member was elected. There is only one way provided by the Constitution to get with any certainty the will of the people relative to an amendment to that instrument, and that is to provide for conventions in the different States for the express purpose of passing on the proposed amendment. When the proper time arrives I propose to offer an amendment providing the convention method, so that delegates may be elected by the people, instructed either for or against ratification after full, free, and fair discussion of the same, and I sincerely trust I shall have the active support of the advocates of votes for women, who are so loud in their demands for fair play, and who are so long in professions of loyalty to the principle that the "people should rule."

Mr. Speaker, I want to talk a minute or two about the constitutional aspect of this proposition, and I know that when I mention that gentlemen are going to say, "Yes; you voted to submit the amendment on the prohibition question and you are estopped from raising that question here." But not so. They are different. There is no analogy between them, so far as the power of Congress is concerned. There is absolutely no analogy at all between them. The Constitution of the United States recognizes and leaves in the States themselves the right to fix the qualifications of voters, but the Constitution of the United States gives to the Congress the power to tax the manufacture and sale of intoxicating liquors, and if one legal principle in this country has been settled beyond all question it is the principle that the power to tax carries with it the power to destroy or to prohibit, if you please. Therefore the Congress had the right to submit an amendment to the States prohibiting the manufacture and sale of liquor because they had the right to destroy the manufacture and sale of it.

Our suffragette friends demand the ballot as a "right," and in all their literature and public addresses they refer to women as being "disfranchised." They are absolutely wrong in both of these propositions. Suffrage for either man or woman is not a "right" but is simply a privilege, to be conferred or withheld at the pleasure of the State. The Supreme Court of the United States, the highest judicial tribunal in all the world, has so repeatedly declared this principle that it does seem as though

even the suffragettes would cease to designate suffrage as a "right." Neither are women disfranchised. To say that a person is "disfranchised" is to imply that they were once enfranchised and that the franchise has been taken from them. Women never were enfranchised, and therefore they are to-day as they always have been—simply unfranchised—and the question should be considered free from any idea that women have been deprived of something which they formerly possessed, and therefore that an injustice is to be righted. Several weighty considerations should enter into a determination of the pending proposition, but I shall not have the time to discuss them all, and shall, therefore, content myself by calling attention to a few which I regard as the most important.

My position is that the bestowal of the privilege of exercising the franchise will be extremely detrimental to both the country at large and to women as a class, and I believe I can convince any reasonable and unbiased person that I am right.

Both of these propositions may be considered together, because anything which is detrimental to the country is detrimental to women, and anything which is detrimental to women is detrimental to the country. If women are to take an active part in the politics of the country and in managing the Government, they must undoubtedly neglect some of the duties now imposed upon them by nature and by society. It occurs to me that this proposition is absolutely unassailable, for the simple reason that the multitudinous duties of such great importance now imposed upon the good women of the land constitute a burden entirely sufficient for them to carry. To add to the burden already placed on them would not only be an injustice, but would so increase their responsibilities as necessarily to result in the neglect of some of them, and thus the country would suffer loss. In order for a people to reach their highest development along all lines which make for the good of the whole, duties and responsibilities must be divided among the classes in such manner as to impose upon each class those duties and responsibilities for which it is best suited. In no other way can the highest degree of efficiency be reached, and "the greatest good to the greatest number" secured. Women as a class, while the intellectual equals of men, and frequently their superiors, are peculiarly fitted for those duties and responsibilities which pertain to the home and home life. Gentle, loving, tender, and true, it is their province to guide the children into paths which lead to the higher, better, and nobler life. Their duty to plant in the young mind the seeds of virtue, courage, and honor, and nurture them until they, with strength of character fully matured, are prepared to assume the burdens and responsibilities of life. Can there be in all the world a higher, nobler, more holy duty than that of guiding the thought, molding the character, and shaping the destiny of the youth of the land? There is no truer declaration than that "The hand that rocks the cradle rules the nation," and it is as true to-day as when first uttered. To confer on woman the right of suffrage is to lower her from her proud estate, and, as for me, I shall never consent that she shall be taken from the high pedestal which, since the dawn of civilization, she has so fittingly occupied with the common consent of all mankind.

I now desire to invite your attention for a few moments to a consideration of the question as to whether under our form of government the Congress, under the only power it has—the power delegated by the States—should undertake to submit an amendment of this character. I know that when I shall touch upon this subject I shall be met with the contention that those who supported the resolution proposing an amendment to the Constitution which provided for the prohibition of the liquor traffic in the States are estopped from opposing this resolution on the ground that it is an interference with the rights of the States. Mr. Speaker, I assert and believe I can convince the unbiased mind that there is absolutely no inconsistency in the two positions; I believe I can differentiate them so clearly that "the wayfaring man though he be a fool need not err therein."

The manufacture and sale of intoxicating liquors are two acts which have always been under the ban of the law among civilized, enlightened people, as is evidenced by the fact that heavy licenses and other restrictions have always been attached to such manufacture and sale.

It has always been known and freely admitted that intoxicating liquors are detrimental both to the health and the morals of the people, and the regulation and suppression of the manufacture and sale of such articles comes squarely within the police powers of the Nation. The traffic in intoxicating liquors, either directly or indirectly, is responsible for a large portion of the crimes which fill our jails and penitentiaries, and is the largest contributor of inmates for our public almshouses. It is no interference with the domestic affairs of a State for the Nation to reach forth her strong arm to stem a flood of crime which threatens the very existence of the Government itself; it is no invasion of State rights for the Federal Government with its mightier power to step in the breach and protect the health of the people against the attack of a deadly disease; it is no usurpation of State jurisdiction for the central power to exert its authority in suppressing an evil which threatens to retard Christianity, destroy morality, and put in jeopardy the happiness, prosperity, and liberty of generations yet unborn.

The liquor traffic is an evil which threatens to undermine the manhood of America, wreck our institutions, and eventually destroy the Republic itself, and to argue that the national authority has no power to deal with a question of this character is to admit that the Federal Government is utterly impotent and powerless to protect itself. Dealing with a national peril such as is the traffic in intoxicating liquors is entirely different from and bears no analogy to the question of who shall constitute the electorate in the different States of the Union.

Article I, section 8, paragraph 1, of the Constitution of the United States provides that—

> The Congress shall have power to levy and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States, but all duties, imposts, and excises shall be uniform throughout the United States.

In this clause two powers are conferred on the Congress, under either of which there is ample authority to warrant the prohibition of the liquor traffic in the States by the Federal Government without doing violence to the principle of State rights. Under the power to provide for the "general welfare of the United States" the Congress is amply justified in submitting an amendment proposing to prohibit the manufacture and sale of intoxicating liquors in the several States of the Union. In view of the sorrow, misery, pain, poverty, and death which have followed in the wake of this traffic for so many years in every section of the Republic, where is the man who will seriously contend that its prohibition is not an effort to "provide for the general welfare of the United States"?

The other power contained in the paragraph of the Constitution which I have quoted, and under which I claim the Congress has ample authority to submit to the States an amendment to the Constitution providing for the prohibition of the manufacture and sale of intoxicating liquors, is the "power to lay and collect taxes, duties, imposts and excises," and so forth. No one, I presume, will have the hardihood to deny the constitutional power of Congress to "lay and collect taxes" on the manufacture and sale of intoxicating liquors at any place within the United States, although such place may be within the borders of a particular State. Such taxes on both the manufacture and sale have been levied and collected practically ever since the organization and establishment of the Government itself, and, so far as I am advised, the right so to do has never been seriously questioned.

If any legal principle is so firmly established in this country as to be absolutely beyond the pale of debate, it is the proposition that the right to tax carries with it the right to destroy, or to prohibit, if you please. This, it seems to me, Mr. Speaker, is so clear that no room is left for argument. The States delegated to the United States the right to tax the manufacture of intoxicating liquors, and by that same grant of authority delegated the right to destroy or to prohibit such manufacture. The States delegated to the United States the right to tax the sale of intoxicating liquors, and by that same grant of authority delegated the right to destroy or to prohibit such sale. The Congress of the United States, under this delegated power, for very many years was content simply to tax the manufacture and sale of intoxicating liquors, but finally decided that in the interest of the "general welfare" it was necessary to resort to the ultimate delegated power—the power to destroy—and submitted to the States what we know as the "prohibition amendment." Believing that I have demonstrated beyond question that the submission to the States of the "prohibition amendment" by Congress is not an invasion of the reserved rights of the States, I desire briefly to call attention to what I consider a most flagrant attempt to deprive the States of the Union of one of their most sacred and exclusive rights—the right to deal with the privilege of suffrage.

In the first place, Mr. Speaker, suffrage is not a right which is inherent in any person, no matter of what race, color, sex, or station in life. It is a privilege conferred by the State, of which the person may be deprived at the will of the State. No person, therefore, has a natural right to vote, and can only exercise the privilege of voting after the State in legal manner has conferred that privilege. When the free and independent States on this continent, in order, as they said, "to form a more perfect Union," entered into the agreement to establish the United States of America, they, through their accredited representatives, agreed upon a Constitution which was afterwards ratified by the States and became effective, and to-day the compact of union between these States contains a full and complete statement of all the power given to the Government of the United States. The Federal Government is a government of delegated powers, and these powers were delegated to it by the several States, and it has power and authority from no other source. The Constitution provides specifically that "all powers not herein enumerated and hereby delegated to the United States are hereby reserved to the several States or to the people thereof," and therefore it is clear that the Federal Government can legally exercise no power unless the same is delegated to it by the Constitution in express language or by necessary implication.

If this proposition be sound—and I apprehend no one with any regard for his own reputation as a lawyer will dispute it—then let us examine the Constitution with reference to suffrage. Is the power to prescribe the qualifications of electors delegated to the United States in express language or by necessary implication? Is the authority to say who shall vote or who shall not vote in elections granted to the Federal Government either expressly or by inference? There is not one line in the Constitution which even hints at the grant of any such power to the Federal Government, but, on the contrary, the power to prescribe the qualifications of electors is reserved to the States exclusively. Article 1, section 2, paragraph 1, of the Constitution of the United States is as follows:

> The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The seventeenth amendment of the Constitution, which relates to the election of United States Senators, contains exactly the same language with reference to electors in the various States. This language of the Constitution referring to the election of Representatives in Congress is the only place in that document where the qualifications of voters is even mentioned, and in this it will be seen that the framers of the instrument simply declared that "electors of Representatives in Congress should have the same qualifications as electors of the members of the most numerous branch of the legislatures of the respective States," leaving, of course, the power to define those qualifications exclusively to the different States, where that power had always been lodged.

It will also be noticed that in dealing with the election of United States Senators and presidential electors the whole matter was left where the makers of the Constitution found it, viz, within the jurisdiction and power of the States.

The fourteenth and fifteenth amendments to the Constitution do not in any wise conflict with my position. By those amendments Congress is not given the power to regulate the suffrage or to prescribe the qualifications of voters in the different States, but it is simply given the power to reduce the representation of a State if that State shall in the exercise of its exclusive power deny to a certain class the right to vote.

In effect the Constitution declares to each State that such State has the sole power to deal with the question of suffrage, and to declare who are qualified voters within its borders, and to exclude all from the polls who do not come within the prescribed class, but claims the right if a particular class of male citizens over 21 years of age are denied the right to vote "except for participation in rebellion, or other crime" to reduce the representation in Congress of each State "in the proportion which the number of such male citizens shall bear to the whole number of male citizens 21 years of age in such State." This amendment was adopted when partisan sectional feeling was at its highest tide in this country; and does anyone doubt that if the men who composed the Congress which submitted it had for one moment believed that they had the right they would not have submitted a resolution giving to Congress the absolute power to prescribe the qualifications of voters in the several States? I am convinced that if the right had even been doubtful in the minds of the statesmen of that day Congress would have been given full and complete power to deal with the whole question of suffrage in the States.

Mr. Speaker, not only is the right and power to prescribe the qualifications of electors expressly reserved to the several States of the Union, and therefore not delegated to the United States, but the several States have for more than a century and a quarter exercised this power, with the full knowledge, acquiescence, and I believe I am justified in saying with the distinct approval of the Federal Government. During all these years different qualifications for electors have existed in the different States, and the Government of the United States, knowing that the regulation of the suffrage was not within its powers, has never sought to interfere with the qualifications of the voters as prescribed in any of the States. The right to regulate the suffrage is the most important, the most sacred, the most vital of all the rights reserved to the individual States in the agreement for the Union of States, and I solemnly warn gentlemen that when they as the representatives of their people consent to give up this greatest of all the rights of a State they obliterate State lines and crucify local self-government. Gentlemen may attempt to satisfy or still their consciences with the reflection that, after all, it is simply a proposition to allow the people a chance to vote on the question; but, my friends, this is a proposal to reverse the order of nature, to repeal the law of God, to ruthlessly set aside the matured judgment of the "Fathers of the Republic," to ignore and trample underfoot the wisdom and experience of the ages, and to sacrifice upon the altar of an unnatural and inexplicable aspiration the priceless heritage of local self-government.

What of the stand of the two leading political parties on this question of conferring suffrage on women by constitutional amendment? Neither a Republican nor a Democrat in this House can square his vote for this resolution with the last utterance of his party. One or both of these parties in the future may declare for the pending proposition, but they not only have not yet so declared but, on the contrary, have, in effect, declared against it. The platform of the Republican Party in 1916 declared as follows on the subject of woman suffrage:

> The Republican Party, reaffirming its faith in government of the people, by the people, for the people, as a measure of justice to one-half the adult people of the country, favors the extension of the suffrage to women, but recognizes the right of each State to settle this question for itself.

The platform of the Democratic Party in 1916 declared as follows on the subject of woman suffrage:

> We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

Thus it is seen that neither of the two great political parties in its last official utterance declared for woman suffrage by amendment to the Constitution of the United States. In fact, to all intents and purposes, both parties declared against it, because they said, in effect, that the question of woman suffrage was a question for the several States to consider and determine, and therefore it follows that no Republican and no Democrat upon this floor can vote for this resolution and be absolutely loyal to his party platform. Your party platform says, in effect, that Congress has no jurisdiction to submit this resolution; that the subject matter is exclusively within the control of the States and should be determined by the people of the respective States. Can you claim to be a party man, loyal to your party platform, if you, while that platform declaration is still in force, by your vote say that Congress has jurisdiction to submit this resolution; that the subject matter is not exclusively within the control of the States and should not be determined by the people of the respective States?

Console yourselves, as you may, with all sorts of specious reasoning, the fact remains that a vote for this resolution is in direct conflict with the platform declarations of both the Republican and Democratic Parties. The only political parties which, in 1916, declared for woman suffrage by an amendment to the Constitution of the United States were the Socialist and Progressive Parties, and the passage of this resolution will be a victory for socialism in America. Democrats and Republicans on the floor of the American Congress, ignoring and deserting their own party declarations of faith and embracing, sustaining, and supporting one of the main planks in the platform of the Socialist Party is, indeed, something new in American policy, and demonstrates in the language of the Rev. Jasper that "the sun do move."

Neither Democrats nor Republicans can justify a vote for this resolution on the ground that it is a party principle or policy.

I was pained to notice in the press a few days ago, Mr. Speaker, what purported to be an interview with a prominent Southern Democrat, in which he was reported as warning Southern Democratic Congressmen that if they voted anything like solidly or in large numbers against this resolution they would be in grave danger of losing chairmanships of committees in this House; that the advocates of woman suffrage in the coming elections would defeat every Democratic candidate for Congress possible; and that this would give the next House to the Republicans. I sincerely trust this eminent gentleman, whom I esteem most highly, has been misquoted. He certainly could not have meant what the language attributed to him implies. If the language of that alleged interview means anything, it means that Democratic Members of Congress should sacrifice their views on a great constitutional question in order that they may continue to hold chairmanships of committees in this body. Mr. Speaker, when I became a Member of this body, I took an

oath to "uphold and defend the Constitution of the United States."

That oath meant that I should "uphold and defend" it according to my best judgment, weak and feeble as it might be, and not according to the judgment and opinion of anyone else, no matter how strong and powerful that some one else might be, and so help me God, I intend to adhere to the spirit and the letter of that oath so long as I am a Member of this great body. No Member of this House can justify in the court of conscience abandonment of honest conviction because of political disaster to his own fortunes. No Member of this House can stand acquit of official perfidy, if he slaughters deliberate, conscientious opinion on the altar of party supremacy. It were better for our country, yea, ten thousand times better, that no Democrat should ever again hold a chairmanship of a committee in this House, than that one Democrat should resort to the ignoble expedient of bartering his own convictions on a great public question for the hope that his party may retain power. As a Democrat, I am anxious for my party to continue in control of this Government. Since we came into control of all the branches of the Government under the leadership of Woodrow Wilson, the mightiest figure in all the world to-day, we have met successfully every condition, and demonstrated our capacity and fitness to properly manage the affairs of this great Republic; but, sir, as intensely anxious as I am, to retain the reins of Government, I do not hesitate to say that I would rather see the Democratic Party deserve success than to see it succeed by abandoning the solid, stable rock of principle for the shifting sands of expediency. I have heard it said that the Republicans are going to vote for this resolution almost solidly, and that it would be good politics for the Democrats to line up solidly for it also, else the Republicans would get credit for its passage, if it should pass, and the Democrats would be swept from power in the next election. I do not believe it. I have found, during my 13 years of service in this House, that the average Republican Member is just about as loyal to his convictions as is the average Democratic Member, and about as unlikely to sell those convictions for "a mess of pottage." Even if I believed that every Republican upon this floor intended to repudiate the platform of his party on this question, I can not see wherein that would justify a Democrat in repudiating the solemn pronouncement of his own party, and I warn members of both organizations that no permanent good can come to any political party whose members will sacrifice an important principle of the organization for the hope of "a little brief authority." Such a course of conduct will surely earn for the political party which pursues it the lasting contempt of the great body of the American people.

It might be well, Mr. Speaker, in considering this question, to examine the views of some of those great thinkers of the world who have advocated woman suffrage, and who after more mature deliberation, or who, after observing its effect when put in operation, have changed their minds on the subject. John Bright in 1867 voted for woman suffrage, but after he had an opportunity to think and study the question more fully, as his final, deliberate judgment, said:

I do not believe that women suffer by not being represented in Parliament, and I do not believe it would be an advantage to them if they were so represented.

Herbert Spencer was at one time a strong advocate of woman suffrage, but on fuller investigation renounced that position, stating that he had formerly argued the matter "from the point of view of a general principle of individual rights," but, he said, he found that this could not be sustained, as he "discovers mental and emotional differences between the sexes which disqualify women for the burdens of government and the exercise of its functions."

The Revolutionary fathers of the Commonwealth of Massachusetts, in the convention at Newburyport, in 1778, discussed the whole question of suffrage with reference to women and declined to confer the franchise upon them, saying:

Women, whatever age they are of, are also [not to have the suffrage] as not having a sufficiently acquired discretion—but not from a deficiency in their mental powers—but from the natural tenderness and delicacy of their minds, their retired modes of life, and various domestic duties. These concurring, prevents that promiscuous intercourse with the world which is necessary to qualify them for electors.

Bishop John H. Vincent, the founder of Chautauqua, and strong advocate of higher education of women, once favored suffrage for women, but, like most of the stronger thinkers, upon thorough study and full investigation of the question in all its bearings, came to the conclusion that he was wrong, and thus gave expression to his changed views:

When about 30 years of age I accepted for a time the doctrine of woman suffrage and publicly defended it. Years of wide and careful observation have convinced me that the demand for woman suffrage in America is without foundation in equity, and, if successful, must prove harmful to American society.

I find some worthy women defending it, but the majority of our best women, especially our most intelligent, domestic, and godly mothers neither ask for nor desire it. The instinct of motherhood is against it. The basal conviction of our best manhood is against it. The movement is at root a protest against the representative relations and functions by virtue of which each sex depends upon and is exalted by the other. This theory and policy tending to the subversion of the natural and divine order, must make man less a man, and woman less a woman.

A distinguished woman advocate of this suffrage movement says: "We need the ballot to protect us against men." When one sex is thus compelled to protect itself against the other the foundations of society are already crumbling. Woman now makes man what he is. She controls him as a babe, boy, manly son, brother, lover, husband, father. Her influence is enormous. If she use it wisely she needs no additional power. If she abuse her opportunity she deserves no additional responsibility. Her womanly weight, now without measure, will be limited to the value of a single ballot, and her control over from two to five additional votes forfeited.

The curse of America to-day is in the dominated partisan vote—the vote of ignorance and superstition. Shall we help matters by doubling this dangerous mass? Free from the direct complications and passions of the political arena, the best women may exert a conservative and moral influence over men as voters. Force her into the same sad atmosphere, and both man and woman must inevitably suffer incalculable loss. We know what woman can be in the "commune," in "riots," and on the "rostrum."

Woman can, through the votes of men, have every right to which she is entitled. All she has man has gladly given her. It is his glory to represent her. To rob him of this right is to weaken both. He and she are just now in danger through his mistaken courtesy.

These are the testimonials of men who have made up their judgments not only after diligent study of the whole question in all of its bearings but men who originally were favorable to woman suffrage, and who were forced to change their views by the force of unanswerable logic. They are men who have earned their high places in the world of thinkers and students, and whose opinions are entitled to great respect. I commend their words to those among us who seemingly, with only a superficial examination, would plunge our beloved country into the maelstrom of interminable trouble, which must inevitably be produced by the engrafting of this amendment on the Constitution of the United States.

To-day woman stands the uncrowned queen in the hearts of all right-thinking American men; to her as rightful sovereign we render the homage of protection, respect, and love, and may the guiding hand of an all-wise Providence stretch forth in this hour of peril to save her from a change of relation which must bring in its train discontent, sorrow, and pain.

But we are told that this resolution should be passed as a "war measure," but just why it should be denominated as a war measure I have been utterly unable to understand. How could this legislation possibly aid us in the war in which we are now engaged? Do these good women, if given the privilege to vote, intend to shoulder arms and go to the front? I have heard of no such declaration of that intention on their part. If I knew that was their purpose, then I should oppose it more strenuously, if that were possible, because I am old-fashioned enough to believe that men, and men only, should fight the battles of their country. Women take up arms only after the men have become yelping coyotes and skulking cowards, and, I thank God, America has not as yet become Russianized. In what way then can woman suffrage help us win the war? If it could help us at all we could not avail ourselves of the assistance, because the war will undoubtedly have ended long before the proposed amendment could possibly become a part of the Constitution, and thus this claim of its proponents vanishes into thin air.

But, Mr. Speaker, the passage of this resolution will affect the war situation, but not in the helpful way claimed for it by its supporters. The President has said in effect that to win this war we must think together, speak together, and act together. In other words, that the American people must be harmonious and act as a unit if we are to be successful in this great world-wide conflict, and in the face of that statement of our great President it is seriously proposed to pass this resolution and start a riot of dissension, turmoil, and strife in every one of the 48 States of the American Union. Can you imagine any one thing which would be more productive of ill feeling and bitterness than to launch a campaign in every one of the 48 States of the Union to determine if woman suffrage should become a part of and guaranteed by the Constitution of the United States? Political parties and candidates for public office would be stirred up over the prospect of these millions of new voters being added to the registration lists, particularly with reference to their party alignment, and instead of presenting to our enemies an unbroken and harmonious front this great Republic in the very midst of the most terrible and devastating war of all time will exhibit to the world such a spectacle of domestic disorder and internecine strife as will inevitably dishearten our allies, strengthen the hopes and courage of our enemies, and weaken us in the opinion of all the world. If

such a contest should ever be desirable, surely it is not desirable at a time like this, when we are engaged in a death struggle with the mighty forces of autocracy, on the issue of which depends the very life of democracy among men. The "picketing" of the White House and of Congress has given us some little idea of the methods which may be expected if this question is submitted to the legislatures of the different States for ratification or rejection. Pass this resolution, and not only will the Nation in time of war be plunged into turmoil, disorder, and bitterness by heated political meetings and inflamatory articles in the press, but the legislature of every State in the Union will be "picketed," governors will be besieged and harassed, legislators will be cajoled and threatened, and thousands of homes throughout the land where contentment now reigns supreme will be converted into a perfect bedlam of unseemly debate and bitter political disputation. It will not do to say that these things will not occur.

They have occurred in England, and in our own country right in our midst, and in practically every other country where the question has been raised. Mr. Speaker, the three things which will raise more disturbance, create more discord, separate more families, and raise more Cain generally than any other things on this earth is a county-site election, a church dispute, and a woman-suffrage campaign.

In the hearings before the committee it will be found that one of the leaders among the suffragettes declared that they wanted the ballot for "protection," and when asked against whom she desired "protection" she promptly and frankly replied "men." My God, has it come to pass in America that the women of the land need to be protected from the men? I do not live in a State where such a condition exists, and I am profoundly thankful for it.

If women desire and are to have the ballot to protect themselves from men and man-made laws, if they are to be placed upon an exact equality with men in administering the affairs of government, so that they may in future protect themselves, then they may expect no special protection of the law beyond what is accorded to men, and they should ask for the repeal of those laws which apply to them now by reason of being under the coverture of marriage.

No more when charged with crime can she be heard to plead coercion on the part of the husband; no more when marital troubles come can she go into the courts of the country and so easily secure the payment of her counsel's fees in divorce proceedings, alimony for herself pending the litigation, and permanent alimony in the final decree for the support of herself and children. In other words, she can not exercise the rights of a man and at the same time claim the privileges of a woman. The two are entirely incompatible, and she must relinquish the one or the other. If she relinquishes the privileges of a woman and secures the rights of a man, then, in my judgment, we shall soon see woman becoming more manly and man becoming more womanly. God forbid. It is said that "nature abhors a vacuum," and I want to say that about the nearest approach to a vacuum that I know anything about is a manly woman or a womanly man.

I come to the platform again. I was amused at my friend from Oklahoma, Mr. FERRIS, who wants us to stand with the President. God knows I want to stand with him. I am a Democrat, and I want to follow the leader of my party, and I am a pretty good lightning-change artist myself sometimes [laughter]; but God knows I can not keep up with this performance. [Laughter.] Why, the President wrote a book away back yonder. He said this:

The suffrage in particular is a privilege which each State may grant upon terms of its own choosing, provided only that those terms be not inconsistent with a republican form of government.

He said again:

All the powers of the General Government are plainly such as affect interests which it would be impossible to regulate harmoniously by any scheme of separate State action, and only such; all other powers whatever remain with the States. With them rests the regulation of the suffrage.

That is what the President said. Again he said:

Federal law does not determine who shall vote for Members of the House of Representatives. The Constitution provides simply that all those persons in each State who are qualified under the Constitution and laws of the State to vote for Members of the larger of the two houses of the State legislature may vote also for Members of the House of Representatives of the United States. The franchise is regulated therefore entirely by State law.

Mr. SLOAN. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. No; I have not the time.

Now that is not all that the President has said.

Mr. SLOAN. Does not the statute of limitations intervene?

Mr. CLARK of Florida. In a letter or in an interview with the New York Times on October 7, 1915, the President, referring to woman suffrage said:

I believe that it should be settled by the States and not by the National Government.

He never rose to a higher plane of statesmanship than when he uttered that sentence. Again, on October 7, 1916, the President expressed himself in a letter to the Jane Jefferson Club, of Denver, Colo.:

Both the great political parties have in their recent platforms favored the extension of suffrage to women through State action.

Not only that, but my friend from Oklahoma [Mr. FERRIS] construes the Democratic platform to mean that we should pass this resolution. I want to say that your leader and mine did not so construe it. I want to tell you that Mrs. Catt, the leader of the suffragettes, denounced the President after the Democratic convention for "playing fast and loose" on this question, and Mrs. Catt also delivered the utterance that some people may claim that that plank in the Democratic platform was in favor of a Federal amendment, but she did not believe anything of the sort; and she was right.

Ah, gentlemen, you can not get around it. Both political parties in their last official utterance have put themselves on record, and that is the law of the Democratic Party and that is the law of the Republican Party to-day. No President has a right to repeal the law of his party. No leader of any party has a right to do that; and both of those parties declared emphatically for woman suffrage, it is true, but through the regular legal channels of State action. That is where they both planted themselves.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. CLARK of Florida. I can not yield. No specious reasoning can avoid that. It is reported in the Washington Post this morning about that meeting that these gentlemen had down at the White House—I do not vouch for its truth—that the President said something else:

Members of Congress who participated in the conference said the President told them he still believed that the proper and orderly way of dealing with the question was to permit each State to take its own action.

Did he say that? If he did, it is in keeping with what he has said heretofore. And I want to say something else. This paper also quotes my friend from California——

Mr. MEEKER. Will the gentleman yield?

Mr. CLARK of Florida. For just a second.

Mr. MEEKER. Will the gentleman from California say whether the President said that or not? Let us have it straight.

Mr. CLARK of Florida. I have not time to yield for that. He can answer that in his own time. I do not want it taken out of my time. But I want to say something else. You gentlemen can answer that. This paper says that—

Representative RAKER, chairman of the Suffrage Committee, jubilantly predicted last night that the necessary two-thirds would be exceeded by 15 or 20 votes—

Counting on the weight of the President's influence to swing doubtful Democrats.

Mr. BENJAMIN L. FAIRCHILD. And the headlines in the morning papers.

Mr. CLARK of Florida. To swing doubtful Democrats! Is there a man upon this floor worth his salt, or to be considered for a moment in connection with the high office of a Representative, who will change his convictions on a constitutional question because the President seems willing to change his position? I do not believe there is such a man, nor do I believe that our great President would have respect for one who did. The President has a right to change his views on this or any other question, and I claim the right as a Representative on this floor to stand by my own convictions and change my views only when convinced of error in the forum of my own judgment. In a matter of party policy I might be willing to waive my own views to coincide with the superior wisdom of my great leader, but not in a matter involving a constitutional question, which I am to determine for myself under my oath of office.

I want to say, in conclusion, that if I had no other objection to woman suffrage, I should oppose it because, in my humble judgment, the conferring of the franchise on woman will tend to disrupt the family, which is the unit of society, and when you disrupt the family you destroy the home, which in America is the foundation stone of the Republic. Nothing can convince me that a thing which is not only liable, but almost certain, to create discord in the families of men can ever prove beneficial to this country. If this resolution should pass and the proposed amendment should be ratified by three-fourths of the States of the Union, then we would find a condition where the wife would

either blindly follow the husband in the casting of her vote or she would disagree with his views and have her vote counted in opposition to his. If the former is to be the case, then it occurs to me that all will agree that this would be an entirely superfluous and useless piece of legislation, as the only result would be to practically double the number of votes cast without changing in the slightest the political complexion of the State or the Nation, but adding largely to the expense of holding our elections. If the latter should be the case, then we would find the husband and wife constantly engaged in political disputation, which would grow warmer, more heated, and more acrimonious as the campaign advanced, until finally a veritable conflagration of domestic infelicity would be kindled, consuming the marital tie, destroying the home, and sending the children, to all intents and purposes, orphans out on the cold charity of the world to become charges on the State. It may be said that this picture is overdrawn, but, sir, it is not. Man and wife to live happily together must be in harmony. They must think alike, act alike, have the same ideals of life, and look forward with like vision to the happy consummation "beyond the vale." Anything which will disturb this harmony will tend to disrupt the union, and there is nothing known among men so disturbing in its character and so productive of dissension, ill temper, and bitterness of feeling as is partisan political discussion unless it be factional political discussion.

God knows that factional politics, when confined to two wings of the same political party, is bad enough, but when you get factional politics limited to husband and wife, oh, what a spectacle will be presented, my countrymen. Disagreement will supplant concord; discord will take the place of harmony; home will be neglected for the political rostrum; household duties will be left unperformed while political rallies are attended; children will be left without the guiding hand of mother while she goes valiantly forth to save the Nation; respect of wife for husband will give way for contempt, and love will vanish while hate ascends the throne.

But, say some, "You are speaking only of the women who are married; what of those who are not married?" Mr. Speaker, I am speaking of those who are married, and I think this question ought to be settled with relation to its effect upon the married women of the land, because that is the relation which nature intended for them. The unmarried woman who has passed marriageable age is the exception to her class, and no general law should ever be passed to fit the exceptions to the class upon which it is intended to operate. I am quite sure this is a principle of legislation so sound and so universally accepted that no one will be found to question it. The Creator of us all intended that men and women should mate—one woman for one man is the law of God, and the law of all enlightened Christian people everywhere. It is not only in accord with the law of nature for men and women to marry, but it is also in accord with that law for them to establish homes and rear children. I dare say there is not a girl throughout this broad land who does not expect at some time in the future to marry, have a home, rear children, and be supremely happy in her own little world. Why, then, should we make a general law to fit the case or suit the convenience or cater to the whim of a few exceptions to the general class of women? I confidently believe that a great majority of the women of America do not want the burden of suffrage placed upon them.

If they do, why is it that the suffragists never make a proposition to leave the question to a vote of the women of the State or the Nation? If this were done in a primary or by some other method, and the suffragists came here with proof that a majority of the women of the country really desired to assume this burden, they would at least be in position to speak with authority as representing their sex. But, Mr. Speaker, before I will believe that the American woman, contented and happy in the love of her husband and children, desires to exchange her proud estate for the poor privilege of dragging her skirts through the mud and mire of partisan politics I must have indisputable proof. I know that it is quite out of fashion in some circles to speak of man's protection of woman and her dependence upon him. I know that in some quarters there has grown up out of the progressive civilization of our time a tendency to ridicule and sneer at every reference to the finer and more tender emotions of humanity, and this tendency to ridicule reached its climax when a suffragette leader some time ago sneeringly referred to the Association of Women Opposed to Woman Suffrage as "the Home, Mother, and Heaven Party." I thank God for "the Home, Mother, and Heaven Party." If she had only added one more word and made it the "Home, Mother, Wife, and Heaven Party" it would have been complete, and she would have linked together the four sweetest words in all the language. These four—home, mother, wife, and heaven—are the corner stones of our governmental structure, and if either be destroyed, the Republic will crumble to decay and self-government among men will pass from the earth. Ridicule it, if you please; sneer at it, if you will; but I shall never cease to reverence and love the sweet, womanly wife and mother who, in the fear of God and with queenly dignity, presides over an American home. Hers is the proudest place in the economy of the universe. Talk about rights, about influence, about power—all mankind is at her feet, and she wields a scepter more powerful than that of any king or potentate, the scepter of wifely fidelity and motherly love. [Applause.]

Mr. RAKER. I yield seven minutes to the gentleman from Texas [Mr. BLANTON], a member of the committee.

Mr. BLANTON. Mr. Speaker, if every Member of this House could have heard the splendid speeches of Mrs. Maud Woods Park, of Massachusetts, and Mrs. Carrie Chapman Catt, of New York, and of the other splendid women who appeared before our committee, there would be nothing left to say on the adoption of this amendment. I have racked my brain to discover some new point or idea on this question, but, so very ingenious and comprehensive were their arguments, I must, indeed, be careful if I avoid repetition. I take it that every Member in this House may be classified into one of two groups, and two only; first, those who are in favor of women voting, and, second, those who are against women voting. You can make all the excuses imaginable, and attempt to satisfy your consciences with this or that reason for denying to woman a God-given right inherent with citizenship, to enjoy equally with men the privilege of voting; and you can say what you please about dodging this question behind the proposition of State rights, but, after all, when the excuses and reasons are stripped down there is nothing left but a blunt unwillingness to let women vote.

When my southern colleague says that he is against it because of State rights, when you pin him down to the crucial question you will find out that he is unwilling for women to have the vote at all, even though acquired through the State method, and that generally and every other way he is against the proposition of women voting in this country. The first group that I have mentioned are willing to admit women are a part and parcel of the people of this Nation, and that when the Constitution of the United States says "the people of the United States" that term embraces women as well as men. The second group believe that the Constitution of the United States was ordained and established for "men only," and, with teeth clenched and eyes shut, are still manfully asserting that such expression "the people of the United States" is of the masculine gender and applies and relates only to him who each evening hangs his hat in the hall after he enters the front door of his castle.

So far as State rights are concerned, if this amendment sought to take away from any State the right of fixing the qualifications of its voters, I would be against it first, last, and all the time, but such it does not. With the exception of the question of sex, it does not affect one single qualification that any State has now or may desire to impose, and all such qualifications will remain the same as now until changed by State action. No State, however, should prescribe a qualification which it would be absolutely impossible for an honorable, intelligent, high-minded, and high-principled citizen ever to acquire. Why, so far as this bugaboo negro question is concerned, your Constitution has already fixed the right of negro women in this country. Show me a State to-day that has suffrage in its constitution and I will show you a State which now can not regulate the question entirely, for it could not let white women vote without also enfranchising the negro women. Let the legislature of that State attempt to-day to restrict the vote to white women, and what would happen? Why, it would be unlawful under the fifteenth amendment to the Constitution. You could not do it, because the Supreme Court would hold that if you attempted to give the suffrage to the white women of this country, under the terms of the fifteenth amendment, you must likewise give it to negro women. Hence, so far as the color question is concerned, the Constitution has already fixed that, and what we seek now, merely, is to fix the sex question, a matter for which God alone is responsible, and over which the particular individual, unfortunately born a female, has no control. After this amendment has been proposed by Congress and ratified by the States and becomes the constitutional law of the land, States will still prescribe all qualifications—age, residence, registering, procuring poll-tax receipts, reading and writing, and so forth.

My friends, I want to say to my Texas colleagues that my district has already spoken in no uncertain terms on this question.

It is my honor to represent the biggest district in the United States, a district that embraces 58 counties, some of them about 100 miles across, north and south, such as Pecos, Reeves, El

Paso, Brewster, and Presidio, and which district, east and west, is 556 miles, a distance over twice as far as from this Capitol to New York. In that district there is a greater territory than in six of the smaller States. In that district there are 400,000 people.

In the last campaign I ran against a man who had been an honored Member of this body for 14 years. In my platform I made an issue upon national woman suffrage in favor of it, and he was against it. I had joint debates with him in that district. My district elected me by an overwhelming majority, and thus spoke for national woman suffrage. [Applause.] If my friends from Texas believe that the Texas people are not in favor of this question, let them just try it once and fail to put the issue in their platform, and let their opponents espouse it and make it an issue in their districts, and you will see how they will act. I shudder to think of the consequences, for the Democrats of Texas have not forgotten what democracy and our Government owes to the western suffrage States and to the good women of the West, and particularly to the loyal mothers in America. I take it that so far as my territory is concerned, which in area embraces nearly one-fourth of the whole State, the Texas people have already spoken.

I am not surprised at my friends on the Republican side of the House who criticize the President of the United States. They are on the outside looking in, and he is on the inside looking out; but I am surprised that a Democrat from Florida should make the kind of an argument that he has made upon the floor of this House, when to-day he enjoys his standing in the organization of this Congress and his chairmanship of the committee by reason of the fact that the President won a reelection because he was willing at all times to derive his power from the people he governed and to do justice to all and at all times, and hence gained a Democratic victory in the last campaign. [Applause.]

Mr. CLARK of Florida. Will the gentleman yield?

Mr. BLANTON. Had I the time I would, gladly. I wish I had the time so that every benighted Member of this body opposing this resolution could ask me a question, as it would be a pleasure for me to enlighten him; but my time is limited and I can not yield.

My friend from Florida did ont emphasize that particular part of the article which the President wrote in his book when he said it should be left to the States to fix the terms; he said also that they should fix those terms so long as they were not against a republican form of government. If you deny the 14,000,000 white women of this country the right to vote, you are interfering with a republican form of government. [Applause.]

When the President of the United States says, "I get my power, not from God above, like an autocratic German Kaiser, but I get my power from the people of the United States, the people whom I govern," is it anything strange that a President who represents a Republic like that should say that it would be unjust to deny to the women of this country the right to express their voice in the affairs of their Government? [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MEEKER. Mr. Speaker, I yield 12 minutes to the gentleman from New Jersey [Mr. GRAY].

Mr. GRAY of New Jersey. Mr. Speaker, the United States of America is a party to the great war not only to save the world for democracy but to protect its own homes and firesides from the wolves of Prussia. We abhor the German philosophy that might makes right; but, on the other hand, we know that right without might means the triumph of wrong. The future of our Nation and of civilization itself is at stake. We have become the deciding factor in the situation. If we win the war or do our part in winning the war, it will be by the exercise of physical force; and that physical force is vested in the manhood of the Nation. A nation is just so strong as its men are strong. A nation will endure just so long as its men are virile. History, physiology, and psychology all show that giving woman equal political rights with man makes ultimately for the deterioration of manhood. It is therefore not only because I want our country to win this war but because I want our Nation to possess the male virility necessary to guarantee its future existence that I am opposed to the pending amendment.

Our country entered into this war by the votes of the male Members of Congress. If we win the war or do our part in winning the war, it will be done primarily by the physical force of the male men of the Nation. The majority of the women of the Nation may be for war or they may not be for war. We can not afford to take the chance that they are not for war and give them the vote. We are determined to win this war, no matter what it may cost us in men and in treasure, and we should not stand for the introduction of any uncertain domestic element into the proposition. That high priest of pacifism, William Jennings Bryan, said that woman should have the vote, and that then the question of war should be submitted to a national referendum. That sole female representative of woman suffrage in the House, Miss JEANNETTE RANKIN, admitted, not from judgment but from her woman's heart, that while she loved her country, she could not vote for war. This war may last a year or it may last 10 years. At all events, it is not impossible that it will last long enough to see this proposed amendment adopted by three-fourths of the States and made part of the organic law of the land. With the war still on, how would you like to see a majority of the membership of Congress made up of women? And that in the face of the fact that this is a war to the death, a war of extermination, a war of annihilation, a war to be fought to the finish by strong men, courageous men, red-blooded men, virile men, men who can watch their life-blood flow without whimpering. This is no issue to be decided by woman's fears and tears and emotions; this is an issue to be decided by the real, manly men of America. And that is another reason why I am opposed to the pending amendment.

The advocates of woman suffrage point to the heroic part the women of France and England have played in the war and the splendid part the women of America are playing in the war as a reason why woman should be given the vote. Do they mean to suggest that if the women of America are not given the vote, they will be less loyal to the cause? Do they mean to insinuate that the womanhood of America is so base as that? Why, real womanhood has always stood behind real manhood. Woman has, from the very institution of family life, been man's second-line of defense. I have said that the United States was in this war not only to save the world for democracy but to protect its own homes and firesides. The two objects are one; they go together. And the women of America, in gladly sending their men forth to fight for democracy, know that their men are fighting for their women as well; fighting to save them from the barbaric savageries of German soldiers; fighting to keep the United States of America a safe place for them and their children and their children's children to live in for all time to come. Are the great mass of the loyal women of America who have sent and are sending their husbands and brothers and sweethearts forth to battle caring whether they, the women, shall be given the vote or not? Not—if you are honest in your observation—not so that you could notice it.

It must follow, as a logical sequence of the German philosophy that might makes right, that war and not peace is the normal condition of society. We, however, to whom the German philosophy is abhorrent, take the view that war is an inversion of the normal condition, that it is disorder, insanity, chaos, or, as Gen. Sherman expressed it, it "is hell." If our women find it necessary to work in the munition factories and to plow the fields, as the women in France and England have been obliged to do, it will not be because they prefer to do that kind of work, but because they are willing to do it to back up their men at the battle front. If our women find it necessary to do this kind of work, it will not be because their men elect it, but because their men are willing to yield to the exigencies of the situation, much as the idea is revolting to them. Therefore, again it must follow as a logical sequence that if in this abnormal condition brought on by war, if, in the inverted state of things in which society finds itself by reason of war, woman should be given the vote because of the part she is taking in war, then, by the same token, when conditions go back to the normal and peace once more hovers over the land, the vote should be taken away from her.

Suppose the United States should be engaged in this war as long as England and France and Germany already have been, and had lost as many men as they have lost, what do you suppose the principal industry in the United States would be after the war was over? I will tell you. It would be the having and the rearing of children. And that would be woman's mission, the maternalistic inclinations of many modern men to the contrary notwithstanding. And if, after the war is over, the economic condition of woman shall so nearly equal that of man that she shall be entitled to the vote, if for every man working in the factory and the field there shall be a woman so engaged, then, I want to tell you, your social structure will have gone to smash, and your family, as the unit of society, will have gone to smash. If, after the war is over, woman is not free to have children, to establish and reestablish and maintain the home, without any thought of political equality with man, but with a firm reliance upon man as her God-given protector and champion, then you will have to confess that your civilization is a failure and that God and nature both have erred in their scheme of things. And that is another reason why I am opposed to the pending amendment.

I have used the war argument against woman suffrage because I deem it to be the most immediate and convincing at this time. But I am opposed to woman suffrage on a more fundamental basis, and it is this: That "God created man in his own image, in the image of God created He him; male and female created He them. And God blessed them; and God said unto them, Be fruitful, and multiply, and replenish the earth, and subdue it." Male and female created He them; and while they so remain they will not only be fruitful and replenish the earth, but they will subdue it. But when the sexes coalesce, when the masculine becomes effeminized and the feminine becomes masculinized, they will do neither. And the inevitable, the ultimate result of giving woman equal political rights with man will be the coalescing, the deterioration of the sexes. Even now we have a powerful element in the woman suffrage movement represented by the feminists who demand that if they submit to the inconvenience of having children the State shall support those children. Even now it is a sorry commentary on the male sex, a sorry augury for the future, that they are willing to yield up their natural dominion as men to the unnatural dominion of women. I am not thinking of the immediate effect of the enactment of woman suffrage; it will be merely to complicate and make more expensive our elections. I am not thinking of political expediency, for my actions and utterances here to-day may spell my political finish. But I am thinking of the future of society and the race. You men who are going to vote for the amendment may lay the flattering unction to your souls that you are getting away with something that will mean your reelection. Well, have your reelection. But allow me to predict that when you are dead and gone, and your political achievements have long since been forgotten, the historians of the future will describe this day, if you pass this amendment, as the day that marked the beginning of the decay of the great American Republic. And it is because I think more of the future of the country than I do of my own future that I am opposed to this amendment. [Applause.]

Mr. BAKER. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Speaker, I notice on the front page of one of the leading dailies of this country a large headline which reads as follows: "Freedom of the world is U. S. aim." Similar headlines have appeared on the front pages of the press throughout this country the past two days. Of course, they refer to the President's historical speech, in which he outlines the aims of America and the allies in this world war. The President has several times, and again on yesterday, stated what every thoughtful American begins to realize, that hereafter America must and will assume not only an important but a leading place in all the international affairs of the world. Never again in our history will our country pursue the policy of exclusion, or refrain as we have heretofore, from interfering, if necessary, with the international affairs of the world. If "the freedom of the world" is the aim of our country, if we are to be leaders in liberalizing the human race, if that is to be the policy and the aim of every loyal American, I can not conceive of how any patriotic citizen, who loves his country and respects the rights of common humanity, can vote against a proposition intended simply to accord those rights to the good women of our country. There never was a time in the history of the world when the women, not only of this country, but of every other country, have demonstrated so overwhelmingly their right to this recognition as at the present time. In fact to deny them the right, especially in America, of a participation in the affairs of our country at this time would be a most colossal act of injustice. The eyes of the whole civilized world are centered on our action here to-day. This vote is one of the most important and far-reaching that has ever been, or ever will be, cast in this House, and I can not believe that in view of the hopes and prayers of the women of the world, and the eloquent and forcible appeal of the President of the United States to pass this amendment, "As an act of right and justice to the women of the country and of the world," that one-third of this great body will vote against it. This is not a local or even a national matter. This is an international and a world-wide proposition. It affects all of the other nations as well as our own, and as much, if not more, than any act of Congress during this war. It is the test of our good faith and of our preaching of liberty and justice to all humanity. Within the next three years the women of the entire British Empire; in fact, of all the English-speaking people of the world, outside of the United States, will be granted the right of suffrage, and it would be a colossal blunder as well as an unspeakable outrage if the United States shall fall behind the rest of the civilized world in granting this plain and simple act of justice to our good women.

I have been an advocate of woman suffrage for over 30 years. Colorado was the second State in the Union to adopt woman suffrage. The women of my State have been voting now for nearly 25 years. Our women are entitled to the lion's share of the credit for redeeming the State of Colorado from being one of the most "wild and woolly" of the West to one of the most orderly and best-governed States in the Union. While I have not recently examined the statistics, I feel reasonably confident in saying that Colorado spends more money per capita on both her schools and her roads and has a smaller percentage of crime than any other State in this Union. If the question of woman suffrage were submitted to the voters in Colorado to-day, there is not 1 per cent of the voting population who would vote against it. During the nearly 25 years that women have been voting and holding office in Colorado there has never been a defalcation or any dishonest act committed by any of the over 10,000 women who have held public office in my State, and no record equal to that has ever been made by an equal number of men from the time the world began to this hour.

But, Mr. Speaker, time will not permit a discussion of this great subject. I can only say that I confidently believe this amendment will pass this House to-day. But whether it does or does not, a few men can not block the wheels of progress or prevent the evolution of the human race or the final triumph of justice and right, and those who oppose this measure to-day will see the triumph of it within the next two years, and they will have occasion to sorely regret its opposition at this time. The women of this country are going to be given this right for the reason, first, that it is absolutely just, and for the further reason that wherever women have been given this right throughout the civilized world they have wisely exercised it, and their influence has been unqualifiedly beneficial. [Applause.]

Miss RANKIN. Mr. Speaker, I yield three minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Speaker, woman suffrage in America is inevitable.

Political status flows out of and is supplemental to social and economic status. The belief prevalent in certain circles that the former is the means of achieving the latter is not based upon the experiences of the human race. The history of civilization teaches us that political equality can not permanently be withheld from a class or a division within a people which approximates social equality and economic independence; furthermore, attempts to bestow political equality upon such classes as are socially and economically dependent upon the rest of the population have universally failed. In the past the restriction of the right of suffrage to the male population was not contrary to democratic philosophy, because under the old order of civilization women derived their social status from their men and were economically dependent upon them.

For the past half century a change in this regard has been taking place in the social structure, particularly in the last generation. The old conception of the place of woman in the scheme of existence was that she was the member of a household, which was ruled by a male head; that her place in the world was determined by the place held by this head; and that he was responsible for her economically. Among many this conception still obtains as a theory, and is still to an extent recognized in the law, but in reality has been substantially modified. The mass of women in this country are no longer entirely and solely dependent upon the men for their support and maintenance. In a large majority of American households girls are prepared for and enter gainful occupations, just as the boys. On the farms their labor within the sphere allotted them contributes to the common support, just as that of the sons. In the marriage relation the wife is no longer under such domination of her husband as he might exercise over an older child. She retains control of her own property, and her liberty of action in ordinary affairs is unchallenged. The restrictions of old conventions that limited her social activities no longer obtain. These strides toward social and economic independence do not result from the demands of women for them, but flow from industrial conditions.

This status by women having been achieved, participation in political affairs is a necessary corollary. The opponents of woman suffrage are not in reality opposing the giving of the vote, but are protesting against and are trying to deny the existence of the present order of things that makes the granting of the vote logical and necessary. I deeply sympathize with those who regret the passing of the old ideal, wherein the activities of womankind are bounded entirely by the home, brightening the life of her husband, guarding and rearing her children, while she enjoys the love, support, and protection of her mate.

But in solving public questions we must square our actions with realities and not with fond delusions. Woman suffrage, then, is inevitable. Under normal conditions we might well allow it to become universal in the country after protracted struggles through a long period of years and by piecemeal.

Now we are at war. The entire energy of the Nation and its resources need be utilized to achieve the victory. For this reason I deem it wise that this controversy be ended as speedily as possible, and in the only way in which it sooner or later necessarily will be settled. Consequently I shall vote to submit this amendment to the States for ratification. [Applause.]

Miss RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Speaker and Members of the House of Representatives, a little more than 400 years ago Columbus discovered America. Before that page of American history was written he was compelled to seek the advice and assistance of a woman. From that day until the present day the noble women of America have done their part in times of peace and times of war to make this grand country what it is to-day. For that reason I am in favor of this resolution, and I am in favor of granting suffrage to the women all over America.

I believe that the time has come when the efforts of the noble women of this country are going to be crowned, and that they have arrived at the brow of the hill from which they can see Jerusalem and the temple walls. [Applause.]

I come from a State that, I am proud to say, whose delegation in Congress is practically unanimous on this proposition of woman suffrage. It is a divided State politically, but I desire to state in justice to the Members of Congress from that State that I believe the opinions of none of them have been changed by the miraculous conversion of the President to this cause. I have no criticism of the President coming out for woman suffrage. I am glad that he is standing with me on that proposition, and I hope that his conversion will be like that of St. Paul, and that he will become a master worker in the vineyards of the Lord for this proposition. [Applause.]

I can say but little in the two or three minutes allotted to me on a question like this. It has been suggested that 38 or 39 men who made the Constitution of the United States possessed all the wisdom of the earth. I will grant that these men were noble, that they were wise, but you must remember that at the time these men made the Constitution none of them had ever seen a cook stove, none had seen a telephone, a telegraph, an automobile, or any of the modern things which we have in this day. They were all right in legislation and in the making of constitutions for their time, but we are living in a progressive age, and, while the politicians may stand still, very often these great questions get beyond them, which this seems to have done. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. Mr. Speaker, I yield four minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. MEEKER. Mr. President, I yield three minutes to the gentleman from North Carolina, Mr. SMALL.

The SPEAKER pro tempore (Mr. RANDALL). The gentleman from North Carolina is recognized for seven minutes.

Mr. SMALL. I shall not attempt to discuss the merits of woman suffrage, although it is obviously a debatable proposition. There are sharp differences of opinion entertained by intelligent citizens throughout the country, and even in those States which have granted suffrage to women it is still an experiment in government.

Even if one were in favor of equal suffrage, he should be opposed to securing it by the method of constitutional amendment. My objections to the method are fundamental. This amendment is to prohibit the States from denying to women the right to vote. In its results it commands the States to grant the franchise to women. Under our scheme of government this is an unwarranted and dangerous invasion of a fundamental right of the States. In our governmental structure there are two independent units of governmental power. The Federal Government has jurisdiction of all national and external affairs. The States have jurisdiction of all local and internal affairs. With the State rests exclusively the right of local self-government. Such of these rights as were left with the States by the framers of the Constitution, and which clearly and unreservedly are comprehended as matters of local self-government, can not be impaired without serious injury to our form of government.

The extension of the franchise and the regulation of the right of voting at elections was by the Constitution left with each State, and, except as modified by the fifteenth amendment, it still remains unchallenged within the jurisdiction of the States. It has been the opinion of those who formed this Government and of every reputable student of the Constitution that the right of the States to control elections should not be disturbed. This was clearly expressed by Jefferson and Hamilton. However much these constructive minds may have differed about the interpretation of the powers granted to the Federal Government, they both agreed as to the importance of maintaining unimpaired in the States all the essential rights of local government. This position has been ably affirmed by such distinguished writers on the Constitution as Judge Story, Judge Cooley, Mr. Pomeroy, and John Randolph Tucker.

We are therefore squarely confronted with the query whether, as the representatives of the people and the defenders of the Constitution, we shall depart from this settled and well-defined principle of government. I do not feel free to make that departure. My judgment and my civic conscience constrain me to stand by the form of government under which for more than a century we have maintained liberty, promoted civilization, and become the acknowledged premier among all the republics of the world.

Under Article I, section 2, of the Constitution it is provided that the House of Representatives shall be chosen by the people of the several States, "and the electors of each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." This means that the Members of this House are elected by those citizens whom each State has declared are entitled to vote for members of the most numerous branch of their State legislatures.

This provision was in the original Constitution and this interpretation has never been questioned. It was so satisfactory that when, within this decade, we adopted the seventeenth amendment providing for the election of Senators by the people of the several States it was provided in substantially identical language that Members of the Senate should be elected by voters having "the qualifications required for the most numerous branch of the State legislature." Subject to the provision in Article IV, section 4, of the Constitution that "the United States shall guarantee to every State in this Union a republican form of government," the States have continuously exercised the power to regulate the right of voting at elections. If it could be expressed with propriety, it might be said that those who seek to change this fundamental principle exhibit an ignorance and disregard of the history and structure of our Government.

It may be profitable to examine some of the reasons assigned in behalf of this amendment. It would be superfluous to refer to those noisy and sentimental men and women who declare that they favor equal suffrage and therefore favor this amendment. Their innocence of any knowledge of our Government would be ludicrous if the results were not so serious. They have a feeling that they are in favor of equal suffrage, and they follow the procession of that class of people who appeal to the Federal Government in behalf of every kind of reform.

The advocates of this amendment point to the action of Great Britain and other countries in extending the suffrage to women, and conclude that the United States should do likewise. They forget that what Great Britain may do is, under our form of government, denied to the United States, but rests with the several States. They might the more consistently contend that whereas 12 of the States of the Union have adopted suffrage that the remaining 36 States should likewise extend the suffrage to women.

These advocates further contend that by the constitutions of most of the States suffrage is denied to women, and they plead the length of time which would be consumed in inducing these States to amend their constitutions as an argument in favor of forbidding these States to deny women the right to vote. If this amendment can be submitted and ratified, it will unquestionably be the most expeditious method of overriding the will of the States and depriving them of an essential power; but such expeditious method would dangerously weaken the capacity of the States to manage their local affairs and would undoubtedly centralize power in the National Government. We are a confederated Union, which has grown to be a giant in power and influence, but that Union is composed of many States, and the Union has grown strong through the States. Any impairment of the independence or the rights of the States to manage their internal affairs will, by reflex action, weaken the strength of the Union.

The advocates of this amendment have attempted to inject this issue into the political parties. They have threatened to defeat for reelection members of the opposition, although such threats in the past have not materialized. They have attempted to secure the support of the Democratic and Republican Parties and induce rivalry between them by threats of reprisal against each.

This is no party question, and such efforts will be futile. It almost equals in intelligence the scheme of that delectable and inane group of women who picketed the White House on the theory that the President could grant them the right to vote. Some of these demonstrative advocates of suffrage are evidently

imitating the tactics of another class of moralists and Constitution tinkerers of the Anti-Saloon League, who regard the Constitution as an elastic instrument which Members of Congress may seek to amend at the instance of any numerous body of citizens. They insist that if the people in large numbers wish to secure a reform and are unwilling to wait upon the States, that it is the duty of Members to submit such amendments. They say that any representative number of citizens have the right to demand the submission of an amendment in the nature of a referendum to the legislatures of the States, regardless of the nature of the amendment or whether it violates the fundamental principle of government.

If the confederated union was the unit of local government, and it was consistent with our political structure for the Federal Government to attempt to fix the qualifications of the franchise throughout the country, then it would be in order in this forum to argue the merits of equal suffrage and its adaptation to the country, but neither of these propositions are correct, and therefore the desirability of equal suffrage has no place in this discussion.

I have stated that with the exception of the fifteenth amendment the power of each State to regulate the right of voting at elections had never been challenged. That amendment prohibited any State from denying the right to vote to any citizen on account of race or color. I shall not attempt to question the motives of those who advocated that amendment. It was a direct aftermath of the great Civil War. But I will venture a brief and frank discussion of its merits. This amendment, followed by the efforts to enforce it, created the horrible era of reconstruction in the Southern States. There were racial conflicts. Industrial and educational progress was arrested. Not until Federal troops were withdrawn and the Southern States were left to work out their own local government were peace and sectional unity restored. As an academic and ethical proposition the fifteenth amendment could not be condemned, but it is a political fact that it violated a fundamental principle of local self-government. The people of every State are jealous of this right. It is no more peculiar to North Carolina or Louisiana than it is to Ohio or Massachusetts. To force equal suffrage upon an unwilling State will not be tantamount to the peaceful and undisputed enjoyment of this privilege. I ask Representatives if, in the face of the one experiment which we have made in interfering with the right of each State to control the exercise of the franchise, we should be willing to repeat that unhappy experiment? I submit the question not alone to Representatives of the South but to intelligent and conscientious students of government from every State in the Union.

The proposition substantially resolves itself into this question, Shall we maintain the dual form of government instituted by the fathers and embodied in the Constitution, which has been characterized as the greatest political handiwork of man? Shall we continue to limit the power of the Federal Government to purely external affairs and to the exercise of those powers which are essentially national? Shall we preserve in the States unrestricted jurisdiction over those subjects which are internal and which have always been recognized as inherently embraced among the rights of local self-government? If we intend to change our form of government, if we intend to centralize the administration of local affairs in the Federal Government, and if we intend to make the States mere subdivisions and dependencies of the Central Government, we may be justified in submitting this amendment, but not otherwise. My duty seems clear, and I shall vote against the submission of the amendment. [Applause.]

Mr. MEEKER. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. LUFKIN].

Mr. LUFKIN. Mr. Speaker, I am absolutely opposed to the passage of this amendment at this time. I could offer many excuses for this opposition, but they would not appeal to me as good reasons. I could cite, for example, the fact that in a State-wide campaign in Massachusetts two years ago universal suffrage was defeated by over 133,000 votes, or I could cite as a more personal reason that in my own congressional district in that election universal suffrage was defeated by nearly 10,000 votes, or about two to one. Moreover, I am not opposed to the amendment because I believe that the women of this country are not intelligent enough to vote. A trial of the system in many of the States of the Union has proven the fallacy of this argument.

My opposition to the passage of this resolution is based solely and entirely on the fact that in my opinion this is no time to be trying an experiment of such tremendous magnitude as the granting of the franchise to millions and millions of new voters. These are decidedly abnormal times. The management of this great war is, to my mind, pretty much a one-man job, and, so far as I am concerned, until peace is finally declared, I should prefer to restrict the suffrage of the country rather than to increase it. This especially applies to the State of Massachusetts, which I have the honor in part to represent. Our State is so fortunate, or so unfortunate, according to one's viewpoint, as to have annual elections of all State and of a great many of the municipal officers. The result is that we have a State-wide primary every September, a State-wide election every November, municipal elections in the cities every December, and municipal elections in the towns in March. That seems to me to be quite enough politics for one community to undertake in one year, with war work and the horrors that go with it on all sides of us. Two years ago we had a State-wide campaign for woman suffrage in Massachusetts, lasting from early spring until November. I venture to say that there was not a street corner in any city or town of our great Commonwealth which was not entertained at least once a week during those eight months with orators on one side or the other of the suffrage cause. The campaign was conducted intelligently and energetically by both sides. It was perhaps interesting and educational at that time, but to-day the people's minds are on other questions. Our officials, both State and National, are striving with but one point in view, namely, to fight this war successfully and to bring it to the earliest possible end. With such conditions around us, I do not desire to see Massachusetts obliged to go through an eight months' campaign for the adoption of the suffrage amendment this summer, and, if it fails, to have a repetition next year, the year after, and perhaps for a number of additional years, until it is finally adopted. That, Mr. Speaker, is the sole reason why I believe the introduction of such a vastly important economic question at the present time is ill timed, is unnecessary, and that is the sole reason why I shall vote against it and why I hope it will be defeated by this House. [Applause.]

Miss RANKIN. Mr. Speaker, I yield one minute to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Speaker, I shall vote for this joint resolution proposing an amendment to the Constitution of the United States extending the right of suffrage to women. In so doing I am not voting either for or against woman suffrage. I am simply voting to give the people of my State, along with the people of every other State in this Union, the right, if they desire to exercise it, of amending the Constitution of the United States in the only way in which it can be amended.

I am not afraid to trust the States. They made the Constitution and reserved to themselves the right to amend it when two-thirds of both Houses of Congress deemed it necessary that an amendment be submitted.

Aside from the merits or demerits of woman suffrage, the question for me now to decide is, Shall I, by my vote, help to give the States the right and opportunity of amending their own joint Constitution—the Constitution of the United States—or shall I help to deprive them of that revered privilege and sovereign right?

This joint resolution will have to be ratified by three-fourths of the States before it can become effective. If three-fourths of the States do not want to adopt it, then no harm can possibly follow its submission to them. If three-fourths of the States do want to adopt it, I submit that it is our bounden duty to submit it to them for that purpose, because that is the only way in which they can exercise their sovereign right of changing their joint Constitution.

In the States of Wyoming, Colorado, Idaho, Utah, Washington, California, Arizona, Kansas, Oregon, Montana, Nevada, New York, and in the Territory of Alaska, men and women now vote upon equal terms.

In the States of Illinois, North Dakota, Rhode Island, Michigan, and Nebraska women now have the right to vote for the President and Vice President of the United States, or rather their electors. This shows how the right of suffrage to women is regarded in many of the States of this Union. There are thousands of intelligent and earnest women in every other State in this Nation, who believe and feel that the right of suffrage should be extended to them through Federal amendment. I shall not by my vote here to-day attempt to deny three-fourths of the States from according women this privilege if they deem it wise to do so. [Applause.]

Miss RANKIN. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, as is well known, the State of Massachusetts voted on the suffrage referendum in the election of 1915. A very large vote was cast against suffrage. The first district, which I represent, voted nearly 2 to 1, or by

a majority of 8,939, against it. In view of these facts a person in my position who supports the amendment to-day is entitled to an opportunity to express his reasons.

This I will do in a very brief manner. First, I voted in the Sixty-third Congress for the amendment, and I also cast my ballot for it as a voter in the election in Massachusetts. Secondly, I have frequently explained to the suffrage and anti-suffrage supporters at home my attitude upon the question. It is this: It does not seem logical to me that one sex should have the power to deny the right of suffrage to the other.

I have invariably told my friends that if the women by their own conduct and knowledge of public affairs and by an expression of the majority of their own sex showed their desire to exercise the right of franchise, I, for one, was willing and glad to assist them in procuring it. It is for this reason that I shall vote contrary to the expressed opinion of the male voters of my district and the State of Massachusetts on the question. [Applause.]

In response to a question at the hearing before the Massachusetts delegation, an advocate of suffrage remarked that the women of Massachusetts would gladly have a referendum given to them and would abide by the results. In my opinion, suffrage would win on such a vote at the present time.

It further seems to me that the conduct of the women in the prosecution of the war offers still another argument for suffrage at this time. The women of the country have arisen to their full duty and have proven themselves worthy of being the mothers of the fighting force of this Nation. Many of their boys are overseas and many more are going. If these young men were asked in whose hands they would leave their right of franchise, there would be a unanimous response in favor of leaving the question with their mothers, wives, and sisters. [Applause.] It is nearly 15 years since I first saw active efforts on the part of suffragettes, and, while the militants made mistakes then and while they have made mistakes here in Washington during the past two years, I am convinced that the majority of the women of this country have become capable of properly making use of the franchise, both through education and study of the affairs of government.

Certainly I credit the women of Massachusetts and the women of the first congressional district as possessing as much if not more knowledge and intelligence as their fellow women of the country and as being as capable as others of exercising the right of franchise.

In view of these facts as applied directly to my own case and my own district, I shall vote to-day to refer the amendment to the States. [Applause.]

Mr. RAKER. Mr. Speaker, I yield three minutes to the gentleman from Utah [Mr. MAYS].

Mr. MAYS. Mr. Speaker, as I listened to the gentleman from Florida [Mr. CLARK] I almost imagined that he was trying to impeach the President of the United States, but a little further on in his speech he showed that he himself had not been standing squarely on the platform of the Democratic Party. He blamed the President for recommending this method of securing suffrage for women, which the Democratic platform clearly stands for, and then himself said that he was not for suffrage; that he thought it would disrupt the home; that it would destroy the families of this country, showing he was opposed to suffrage when he stood upon the platform or pretended to stand upon the platform of the Democratic Party. He is now receiving emoluments and honors by virtue of the fact that he stood on that platform upon which he had no right to stand, according to his own confession.

The gentleman from Tennessee [Mr. MOON] worked himself into a fever heat about State rights, saying that he would not consent that Tennessee should have forced upon it a suffrage question against its will. Yet I see by the RECORD that the gentleman from Tennessee himself voted to force upon my State, against its will, the seventeenth amendment to the Constitution of the United States. My State expressly objected to that amendment, expressly repudiated the amendment, and never did ratify it. Yet the gentleman voted to impose that amendment relating to a suffrage question upon the State of Utah against its consent. The question is, Did the gentleman from Tennessee infringe upon the rights of my State? I do not think so, because when Utah consented to join this Union it came in under the Constitution, and it admitted the right of three-fourths of the States of the Union, in a regularly orderly way, to change the fundamental law of the land. The rights of the State of Utah were not infringed upon and neither will the rights of the State of Tennessee be if we adopt this amendment against its consent.

The gentleman from Ohio [Mr. GORDON] became emphatic in saying that this repudiated the Constitution, that it took away local self-government. Yet the gentleman from Ohio [Mr. GORDON] voted upon my State of Utah this same seventeenth amendment against its will, and he also voted for the child-labor law, putting into the Federal statute a law that no State had a right to say whether it wanted to have child labor or not and regulate its own customs in that regard.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. MAYS. Yes.

Mr. GORDON. The child-labor law does not interfere with any State in reference to its child-labor laws. It is enacted under an express provision of the Federal Constitution to regulate commerce between the States.

Mr. MAYS. If the gentleman thinks that and acts accordingly he will go to jail some of these days. [Laughter.] The gentleman from Ohio knows very well that the interstate-commerce clause was used simply as a vehicle to control the child-labor laws in this country. Some one on our committee asked the distinguished ex-Senator from Texas, who was appearing before us, if he would grant to women the right to vote at all, and he said, "No; except in a sewing society or in a purely woman's association." That is the kind of man you will line up with—who would not be in favor of letting women vote on school matters, taxation, problems on municipal affairs, or anything "except in a sewing society." He is 40 years behind the times. [Applause.]

Mr. FESS. At least.

Mr. MAYS. He spoke at length of southern chivalry. I thought of what Edmund Burke said when the lords of England were trying to force upon this country taxation without representation, saying that their dignity was tied to it. He said:

> My lords, I do not know how it happened, but this dignity of yours is a terrible incumbrance upon you, because it has of late been ever at war with your interests, your equity, and every idea of your public policy.

And that is true of the southern chivalry. It is a terrible incumbrance upon them. What the women want is not chivalry and reverence, as the president of the national association said before our committee, but they would rather have the vote to protect themselves than the chivalry and reverence that these men so graciously hand out to them while denying justice. [Applause.]

Mr. Speaker, the resolution proposes the following amendment to the Federal Constitution:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.
>
> SEC. 2. That Congress shall have power to enforce this article by appropriate legislation.

It will be observed that the proposed amendment undertakes to deal with the rights of citizens of the United States. The proposed amendment has been introduced into every Congress for 40 years. It will continue to be introduced into every Congress for twice 40 years more unless favorable action is taken. Some thought that it was killed when defeated three years ago. Others knew that ceaseless persuasion and vigorous agitation would continue until justice was done to one-half the people of the country. I have scanned those debates of three years ago in the CONGRESSIONAL RECORD and noticed that many fine speeches were made. The then majority leader, arguing against the resolution, stated that the right to vote was not really a right at all but a high privilege. Of course, he was obliged to take that position; otherwise he would be discovered in the attitude of arguing that a right of a citizen of the United States should be denied. He could not be placed in that attitude, especially when such citizen had committed no crime, was entirely law abiding, was not a lunatic or an imbecile, or even illiterate. He therefore elaborated upon the theory that to vote is a privilege. The Constitution of the United States, in Article XV, section 1, calls it a right, but suppose the learned gentleman were a higher authority than the Constitution, suppose it is a "privilege," would he discriminate against citizens of the United States in the matter of granting privileges when each is a supporter of the Government, a contributor to its financial necessities, and each of equal intelligence and of good moral character?

Suppose by some political miracle the women of his State or of his country should gain control of affairs political and should conclude to withhold the "high privilege" of voting from the gentleman, would he not protest and complain with great vigor and most persistently that an undemocratic régime was depriving him of his inherent rights? A little of his own medicine might be the best remedy for the affliction from which he suffered.

The gentleman from North Carolina [Mr. WEBB] made upon that occasion an elaborate argument. He may make it again to-day. He was for woman; he eulogized his chivalrous regard

for her. He could yield to no man in his extravagant esteem. He followed this statement by asking this pertinent question:

If women are to demand and receive equal privileges at the polls, in the workshops, and in every walk of life, then why should men be longer required to support the wife?

Apparently, he would deny women equal privileges, not only at the polls, but in the workshops and in every walk of life. They are there, and they are there to stay. They are in the countingrooms, in the factories, in the business houses, in the schoolroom, in the churches, in the workshops; they are helping to win the war; they are in every walk of life, laboring as effectively as man. Millions of them are not being supported by any man, but instead are helping, in many cases, to hold families together. Would this chivalrous gentleman deny them equal privileges, even in these walks of life? His question would so indicate. He asks why should men support the wife? That is a manly suggestion! He knows that in the economy of the household there is a division of labor; that neither husband nor wife can be said to support the other, if each does his or her duty. Both contribute patient labor and infinite care of equal importance. Man does not buy the right of suffrage, or any other inherent right of a woman, by his alleged support of her.

The best part of the gentleman's speech was his quotation from Dr. Shaw, as follows:

The reason men are enfranchised is that, as citizens, they have a stake in the Government. The reason women should be enfranchised is because, as citizens, they have a stake in the Government. That's all there is to the question of woman suffrage.

Dr. Shaw was right. A woman is a stockholder in a corporation. She has her investment in the enterprise; she is assessed for its development; she pays for her stock in good and legal tender. What crowd of male autocrats would say she should have no vote in the stockholders' meeting? Yet that is what the gentleman from North Carolina would say if he were a fellow stockholder.

The gentleman from Texas [Mr. DIES] exclaimed in his speech:

We are told by our suffrage-seeking sisters that in dealing with this question we should put chivalry aside. "Why, Mr. Speaker," he exclaimed, "that is unthinkable and impossible. Men without chivalry would be masculine monsters!"

Would true chivalry deprive a woman of even a high privilege? He said further:

Because some women want the ballot will not justify us in thrusting it upon those who do not want it.

Would a gentleman, even though unboastful of his chivalry, withhold the franchise from women who have a stake in the Government and want a part in its management because, perchance, there were women who would not exercise the right.

The gentleman from Florida [Mr. CLARK], now a member of the suffrage committee, then quoted with his approval the arch woman hater of biblical times:

As in the churches of the saints, let women keep silence in the churches, for it is not permitted of them to speak, but let them be in subjection. If they would learn anything, let them ask their husbands at home.

No wonder they were ignorant in those days.

Further—

Wives be in subjection unto your husband, as unto the Lord.

Again—

Let a woman learn in quietness with all subjection, but I permit not a woman to teach nor to have dominion over man but to be in quietness.

The gentleman from Florida would not permit a woman even to teach! Where would go our school system? Would not let her have a voice in church! Where would go our churches? Compel her to remain in subjection! He would bring back the days of slavery, merely changing the color of the subjects.

The gentleman from Wisconsin [Mr. STAFFORD] said it would infringe upon our sacred theory of federal union of self-governing States. Yet he supported and voted for the child-labor law, denying to those States the prerogative of governing their children and of enforcing their own regulations as to child labor.

Also, the gentleman from Texas [Mr. HENRY], who seemed to lead the debate on the rule that day, after saying it was the most important question before the House in 40 years, said each State should be left free to individually control all questions relating to suffrage, still the gentleman voted for a constitutional amendment providing for the direct election of United States Senators. He loudly proclaimed that he would not have the General Government interfering with the State in matters of suffrage, yet he voted to force upon my State against its expressed will his solution of this suffrage question. I am glad he did so, because Utah was then afflicted with a reactionary government as obnoxious as ever impeded the progress of a commonwealth. Through the help of the women voters of that State, they have relegated that régime to oblivion. Did the gentleman infringe upon the rights of my State? I think not, because in voluntarily becoming a member of the Union my State recognized the constitutional right of a three-fourths majority to amend the Constitution. Shall one State assist in forcing what it considers a good thing upon unyielding States and then be permitted to invoke the time-worn doctrine of States' rights to prevent the majority from amending the fundamental law in the perfectly regular and constitutional manner?

Another gentleman from Texas [Mr. HARDY], who with keen-edged logic always cuts close to the heart of a subject, made in his speech on that occasion this significant statement:

I shall leave out all question of State rights. My respect for the phrase and logic has in the last few weeks largely diminished. I have found that largely every man of either side can use, or professes to, the doctrine of State rights to favor his contention.

The gentleman from Arkansas, who favored the prohibition amendment but has opposed this resolution and some others, cleverly elaborated this point the other day, and demonstrated from the record that the statement made by the gentleman from Texas, just quoted, was entirely correct.

The gentleman from Pennsylvania [Mr. MOORE] expressed uncertainty as to whether a majority of his people favored equal suffrage. He thought many women opposed it bitterly upon the ground that it will tend to degrade rather than exalt the womanhood of the State. He said:

There was also a fear among women that manly men would not love and esteem them if the responsibility of voting should be thrust upon them.

That is surely a weighty argument, worthy of the distinguished gentleman; but can not he believe the evidence and accept the assurance of nearly half the States of the Union?

The gentleman from Alabama, Dr. Abercrombie, spoke against the resolution but uttered this impressive sentence:

One of the most hopeful results of the spread of education and democracy is that which reveals itself in the gradual emancipation of woman.

He felt bound, however, by some caucus action with which, fortunately, we are not handicapped to-day.

The gentleman from Ohio, Mr. Bowdle, who appeared to be the humorist of the House in his day and time, said in his speech that his wife and sister both wanted to vote, but he did not think it safe for man's sacred prerogatives to permit them to do it. He could trust them to teach his schools, train his children, to run his church, but not to vote. He would let them pay taxes, but would deny them representation. He made the unique argument that it was on account of their ignorance, and said he had formed his opinion by taking account on a street car, on seven trips, of the number of men and women reading the newspaper; also by consulting a Jewish newsboy on Pennsylvania Avenue. This was high authority, but he forgot that statistics show women quite as intelligent as men, though they may not read the sporting page of the morning papers quite so generally. They read in the home, they attend lectures, they hear speeches, they attend political meetings, in this House they listen attentively to debates from the galleries, and are quite the equals of man in all the pursuits of life which they wish to enter. This gentleman, as well as a gentleman from Nebraska, Mr. SLOAN, wanted the question left to the women themselves, but the gentleman from Nebraska said there should be no dissenting voice. He wanted to govern by unanimous consent. He would permit a feeble minority to deprive the majority of women of the franchise.

The gentleman from Alabama [Mr. HEFLIN], who always utters extravagant praise but denies simple justice to what he terms the divine feminine, wanted the subject left to each State and expressed the fear that the negro women might enter politics. In this he took counsel of his fear instead of his chivalry. Surely rendering justice to their women will not disable the Southern people from handling their peculiar problems. Regulations may, of course, be imposed. I have a table here which purports to show the number of negro men and women in each of 11 southern States. In all but 2 of the 11 the white women outnumber both negro men and women. This being true, it is sufficient to say that the white women, if they are of the same spirit as the white women of my section, will far outvote the colored women. If not, they should cheerfully submit for a while to negro domination. Of such submission, however, I believe there is not a particle of danger.

In this connection I am reminded that many benevolent lovers of the negro race, who admire them from a distance, from States like Massachusetts and others, have precipitated sectional arguments of much bitterness by insisting that negroes in the South be allowed to vote without restriction, while they and other States denied the right of their women to vote. It occurred to me then, and I think now that when a white woman pays her taxes, helps support the Government, takes care of her

home, looks after the education and welfare of her children, attends to her duties faithfully and modestly, as a teacher, as a doctor, as a minister, she is almost as good as a negro and her rights should receive some of the generous and benevolent attention which these philanthropists extend to the negro race.

The gentleman from Wisconsin [Mr. LENROOT] made a peculiar argument that the day. He opposed the resolution solely because he thought it would not pass, although voicing his belief in the eternal verity of the principle. What reform would ever be effected under his plan? The world admires and always will admire the man who is willing to stand alone and go down to defeat for what he believes to be right. Such men and women are the pioneers of progress.

The gentleman from Kentucky [Mr. FIELDS] spoke that day against the resolution. He repudiated, however, two of the arguments of his fellow opponents. He said in part:

I believe that if they were given the ballot and should exercise it that they would maintain on the political field and in the booth that high standard of womanhood which characterizes their everyday life in their home and the social circle and that this standard would be maintained by all good women.

That is the type of chivalry to be admired, rather than the sort which pretends to worship, but will refuse to treat justly. Along the same line spoke the gentleman from Indiana, who opposed the resolution, but who said:

I do not believe, as gentlemen seem to believe, that women are unqualified for the right of franchise. On the contrary, I believe that they are qualified for it, and would use it to good advantage. I do not believe, as some believe, that to exercise the franchise would pull them down into the dirty mire of politics. On the contrary, if we have dirty politics they would cleanse the same and elevate the standard.

This gentleman voted against the resolution, because of the defeat of his proposed amendment, submitting the question to conventions instead of to legislatures. In that memorable debate we observed that gentlemen depended upon the following arguments to justify their opposition:

First. That suffrage was not a right, but a privilege.

Second. That there would be danger of negro domination in the South.

Third. That women did not want it.

Fourth. That they could vote through their husbands (8,000,000 have no husbands).

Fifth. That it would pollute the womanhood of the country.

Sixth. That it would infringe on the constitutional rights of the State.

Seventh. That it could best be secured through State action.

Probably the most important reason of all against the reform was not mentioned, namely, that women, if voting, would be dangerously unfriendly to the liquor traffic. It may be that friends of the saloon should vote against the resolution to-day, unless their love of justice and fair play is greater than their love of the institution called the saloon. On December 17, a day which will always be memorable in the history of legislation, we passed a resolution submitting the prohibition amendment. If this equal suffrage resolution should pass and should precede the other in adoption, undoubtedly the vote of the women would assist in carrying the necessary number of States for the prohibition amendment. If prohibition carries first, opposition to equal suffrage will evaporate. The striking similarity between the list of negative votes on both subjects is evidence of this fear. I observe that only 21 gentlemen voted for woman suffrage three years ago who voted against the prohibition amendment on December 17 last, while 104 voted against both amendments. This is significant, indeed. I note in the RECORD an interesting incident in the House in the debate on suffrage three years ago. The gentleman from Ohio [Mr. GORDON] interrupting the gentleman from Michigan, said his State had defeated woman suffrage by 182,000 majority.

The gentleman from Michigan replied that Michigan had also defeated woman suffrage, but that the liquor interests had stolen the election. There was such confusion and cheering in the galleries that the Speaker had to make such vigorous efforts to preserve order that the gentleman from Michigan thought he was being called off the floor. The Speaker explained, and threatened to clear the galleries. One of the gentlemen, Mr. SABATH, voted for equal suffrage, though opposing prohibition. He believed it to be righteous that he should vote for suffrage, and incidentally his State had gone for suffrage and the women were voting out there; so, in fact, had practically all the States from whence came those who acted so strangely as to vote for suffrage while opposing prohibition. That was the reason given the other day by the eloquent gentleman from New York [Mr. CHANDLER]. So it happens that men's opinions are civilized by the practical operations of equal suffrage wherever it is adopted. Some say that pro-Germans and pacifists are back of this movement. This movement was full-fledged before anyone heard the name pro-German or pacifist. The efficient work that friends of equal suffrage are rendering in the death grapple with autocracy brands the assertion as vile and slanderous. It should be noted that the soldiers at the front voted 2 to 1 for suffrage.

Some say to-day that they are ashamed of the action of the militants in picketing the White House and the Capitol. So are we all; but we should be more ashamed of the unreasonable stubbornness on the part of men who refuse them the justice they have so long and patiently asked. Every reform has the overzealous, but it would be a narrow-gauged statesmanship which would let such incidents decide the action to take.

By reviewing the arguments against this reform we find that most all are sufficiently refuted by speakers on the same side. Some charge that women are not intelligent enough. A gentleman on the same side of the question repudiated the statement. Some say that the standard of womanhood would be lowered. Others on the same side emphatically deny it. Some say it would be an infringement upon State rights. Others on the same side of the question assert that this is only a convenient contention. The opponents have disproved their own arguments which are entitled to any weight, excepting perhaps the contention that the reform can best be secured by State action. There are serious obstacles in the way of State action. It might be far into the distant future before the constitution of some States, with men only voting, could be changed in this regard. In the meantime unjust discriminations would prevail. Citizens of the United States removing to and owning property in such State would suffer the injustice of taxation without representation.

Equal suffrage has been tried in many of the States in the Union and is adopted in most of the really civilized nations of the world. Wherever tried and adopted the effect is uniformly wholesome. No nation has taken a step backward. No State has ever abolished it. Every Representative here to-day from a State civilized and progressive enough to render justice to one-half the citizenship will vote for this resolution.

Miss RANKIN. Mr. Speaker, I yield four minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker, I have endeavored in this Congress, to the best of my ability and judgment, to so speak and vote as to give the greatest aid possible in upholding the honor and the dignity of the United States. I have endeavored first to decide whether or not the proposition presented was right and just, and, second, whether it would aid in the successful carrying on of the present war. In arriving at the decision as what best to do I have been governed in a large measure by the recommendations of the President, recognizing as I do that he is the responsible head of the Government of the United States and the Commander in Chief of the Army and of the Navy. So far I have not taken any position during this Congress contrary to his recommendations. [Applause.] I believe thoroughly and earnestly it is right, just, and proper to give the vote to the women of America. [Applause.] I believe, Mr. Speaker, that it will aid in this great war to give this recognition at this time to the American women. I believe it will help in every way in showing to them that the burdens and great sacrifices they are making, and which are equal to the men who are engaged in this war, are appreciated fully by the Congress. The great State of Missouri, which I have the honor, in part, to represent here, has not yet given an opportunity to women to vote upon any proposition, but I am in favor of giving it to them now.

I did my best to bring this about in the past and voted to give that right to the women of Missouri whenever the opportunity presented itself. When the roll is called to-day in this House that patriotic State will not only be for woman suffrage by a big majority but every vote cast here by the membership of this House, with the exception of one, will be in favor of the enfranchisement of the women of America. [Applause.] The great city of St. Louis, which I have the honor in part to represent, through the Republican Party organization of that city some weeks ago took action and unanimously indorsed the Susan B. Anthony amendment. [Applause.] The mayor of our city, a Republican, serving now going on six years, has officially time and again spoken in favor of this amendment and there is every evidence that the people in my city want to give this right and this opportunity to women because it is just. The women of Missouri ask this privilege and I, as one of their representatives here, endeavoring to represent them as well as the male sex, am ready to give it to them and hope the time may soon come when the necessary three-fourths of the States will ratify this amendment, which we ought and I believe will submit, so far as this House is concerned, to the States to-day. And, Mr. Speaker, if there were more evidences

needed of the desire of the people to have this done, if there were more evidences that it is right and just, and if there were more evidences that it is a war measure in truth and in fact, I could state them here to-day. I need only call attention to the lady from Montana sitting in this House and say to you that this is one of the very best evidences that we should give the right of suffrage to the women of America. [Applause.] I would be glad to see more of them come if they came as capable and well able to help the people as she. I am willing to let down the bars of opportunity for the women of America to do their part in government and in the management of this great war. Franchise to them will help in State and municipal government as well as from a national standpoint. Mr. Speaker, there should be no sectionalism in this question. The women of America are patriotic and worthy in all sections, and we should all vote for this resolution. [Applause.]

Mr. Speaker, as a member of the Committee on the Judiciary when that committee had charge of the woman-suffrage resolution I voted to return favorably the Susan B. Anthony amendment. I also filed minority views touching the resolution (H. J. Res. 1), and which views are as follows:

The Federal amendment for woman suffrage should be passed by the Sixty-fifth Congress for the following reasons:

1. It is fundamentally just. The principle on which the American Government was established—that governments derive their just powers from the consent of the governed—demands it.

That woman is industrially and legally an individual and not a mere family factor in the social system is no longer a matter of argument. Logic demands that she be a political entity as well.

2. The justice of the principle of woman suffrage has already been admitted in 12 States. Half a century ago it was proved that a democracy can not exist half slave and half free economically. It is clear it can not continue to do so politically. Recently Mr. Root has said "the world can not be half democratic and half autocratic. It must be all democratic or all Prussian. There can be no compromise." No more can one country be half democratic and half autocratic; part of its States ruled by the voice of all the people, the rest ruled by an autocracy of sex.

3. Woman suffrage is inevitable. It is plainly written in the signs of the times. The only question is when and how.

Women and men throughout the United States—and the civilized world generally, for that matter—have come to understand that real democracy must recognize the political freedom of women as well as men. Opposition still blocking their enfranchisement comes mainly from two classes of people: (1) Those whose private interests are best served by the status quo, and (2) those whose minds are inherently reactionary. It is folly to oppose longer a measure so imminent. New York ought to point the trend of the times to even the blindest.

Moreover there is a peculiar fitness in Congress adjusting the grievances of women, for Congress and the legislatures are the nearest approach to representation that voteless women have, since their Members are apportioned among the several States on the basis of population and not on the number of voters.

4. The time for national action has come.

Educational propaganda as a means of extending the suffrage through the States has done its work. The College Suffrage League, which has been active for many years, held its last meeting in Washington on December 15, 1917, "because its work is finished." It set out to convert the women in the colleges to suffrage for women. It now finds college women so generally suffragists that there is nothing for the league to do. This fact is tremendously significant. What is true of the colleges is true outside. It means that the chief business of suffrage organizations is no longer educational, that there is no longer such need to convert large numbers of men and women to the faith. It must therefore become political; that is, to induce the few in power to grant the demands of the many. Briefly, woman suffrage is no longer a subject for educational propaganda but for political pressure.

The passage of the Federal amendment would conserve the time and energy and money, not to mention the good will, spent in State campaigning, and divert it to war service.

5. Never was there a time so fitted to passing this measure as now. Never was there a measure so suited to the times.

"We are fighting for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own government" said President Wilson, defining our position in this world war. What better pledge of the sincerity of the purpose of the Government than to give to the women of the United States a voice in their Government—when they with the men of their country are giving all they have to make this principle safe throughout the world.

To insure democracy at home in the one concrete case before the country is to strengthen confidence in the Government's declaration of the purpose of the war—democracy. It will dissipate the fears of thousands of working men and women that the war to establish the principle of democracy throughout the world does not always mean its application at home. It will make for devotion and singleness of purpose in the prosecution of the supreme task of the moment—the world war.

The reaction of the passage of this bill on the minds of the people will be salutary—the people who are far away from the operations of cabinets, commissioners, and generals, but who are close to the realities of life, to the sufferings and sacrifices of the war, who get their opinions through vague and contradictory news reports, may at times grow suspicious and disheartened.

They understand facts where they are confused by words and argument. Pass the Federal amendment enfranchising the women and there will be no confusion in the mind of anyone about the intention of the Government, however slow it sometimes works out. Devotion and singleness of purpose will be strengthened immeasurably throughout the whole United States. The Federal amendment is a war measure of the most definite sort.

6. To limit the time allowed the several States for ratification of the amendment is to trip up justice by technicalities.

When Congress has once indorsed the principle involved in the extension of the franchise to women it will defeat its own ends if it limits the legislatures in their procedure.

Mr. SAUNDERS of Virginia. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, a few weeks ago, at my home in Texas, I was discussing the woman-suffrage movement and this proposed amendment with an eminent lawyer, who told me that he was a supporter of the movement, and that if the Legislature of the State of Texas would submit an amendment to its constitution to confer upon the women of that State the right to vote he would support it; that he would go upon the stump and advocate it before the people; but that if he were a Member of the Congress of the United States and this amendment came forward for consideration and came to a vote he would oppose it as one of the inexcusable invasions of the constitutional, fundamental, necessary rights of the States, if they are to exist.

It is entirely fit, Mr. Speaker, when the few remaining dignities of the States are being destroyed, that it should be done with shouts of laughter and cries of "Vote! Vote!" Gag rules are historically associated with assaults on the liberties of free States, central or federated, big or little. That practically no time is allowed for the debate of a revolutionary change in the Constitution is not surprising, for that also is associated with an invasion of the rights of States.

It will be recorded when the history of Jeffersonian-Jacksonian democracy, so soon to die, comes to be written that the first, although not the only, voice raised here to-day for the preservation of the right of the States of the Federal Union to control their own electorate was that of Mr. PARKER of New Jersey, a Republican, who is, however, so thoroughly grounded in Americanism that he refuses to be stampeded by political exigency to commit the crime.

Everybody knows, so far as the question of suffrage for women is concerned, that there is no reason for this amendment. The right for women to vote is being granted State by State, and so rapidly that it seems probable that it will be given them in the regular constitutional way much sooner than was expected.

Mr. Speaker, I forbear to say that in my opinion it will bring an era of emotional legislation when it does come.

Mr. Speaker, of Democrats who take national platforms as their guide to political votes in this House I ask, Where is the platform authority for a vote in support of this amendment? It can not be found. In fact, every time a Democratic platform has spoken on the question at all it has specifically and plainly condemned any such violation of the existing constitutional rights of the States as written in the charter of our liberties.

Very few, if any, Members of this House were elected to propose or support an amendment of any sort to the Constitution. We all took the oath to support the Constitution as it is, and before doing so radical a thing as this the whole question should be submitted to the people. Let it be referred to them. Go to the people themselves for orders in so vital a matter as this. I hope no man who calls himself a Democrat or American is afraid of such a referendum.

Mr. Speaker, in the New York World of this morning there was an editorial which, in the main, discusses the amendment to the Constitution recently agreed to in this House. It was referring to the precipitate action of the State of Mississippi, which, it said, it had the unquestioned right to take, but which it may deeply regret hereafter. I ask attention to the concluding paragraphs of that editorial:

We make these comparisons as a basis for the statement that in the matter of a constitutional amendment well calculated to destroy home rule, the States acting as units, the one vote of Mississippi has the same power as that of New York, with a population of 10,000,000 and a male representation at the ballot box as great as the entire population of the southern Commonwealth, which makes haste to inflict upon its neighbors an odious centralization of power wholly subversive of personal rights.

Mississippi, of course, has accepted for itself the policy of prohibition, its right being unquestioned. In rushing with breakneck speed to fasten the system undemocratically upon the country at large, it assumes a leadership which we believe it will have reason to regret. If the other States of the South would retain the political power they now possess, they will not follow an example so inviting to reprisal at the North.

I ask the Democrats from the South who do not want to see their representation in this body reduced to take that thought home with them. At present it is a cloud no larger than a man's hand, but behind it a storm threatens, and when it breaks, as very likely it will, the South will be the sufferer.

Mr. MEEKER. Mr. Speaker, I yield six minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, supporters of this proposed constitutional amendment commit themselves for all time to a nationalistic form of government as opposed to the dual form of government as founded by the framers of the Constitution. Nothing is more fundamental in our national polity than that

suffrage is a matter for the States. That has been recognized as recently as 1914, in a decision rendered by not only a jurist but a statesman, the Chief Justice of the Supreme Court of the United States, when in construing the suffrage law of Oklahoma and passing upon the construction of the fifteenth amendment, that relates to suffrage, in the case of Guinn v. United States (238 U. S. Supreme Court Reports, p. 364), he used this language. I invite the special attention of those Democrats who still believe in the State-rights theory of government and of those few Republicans who believe in it—and I class myself as one of those who believe in that principle and who has, since I entered this Congress, tried to consistently adhere to that policy. I believe it is the best policy for the welfare of this country to recognize and follow the policy of leaving to the States that which pertains to the internal affairs of the States. He uses this language:

Beyond doubt the amendment—

Referring to the fifteenth amendment—

does not take away from the State governments, in a general sense, the power over suffrage which has belonged to those governments from the beginning, and without the possession of which power the whole fabric upon which the division of State and National authority under the Constitution and organization of both governments rests would be without support, and both the authority of the Nation and the State would fall to the ground.

I follow that political statement of principle—not of policy—but of the principle of government that was enunciated from the Supreme Bench of the United States. He believed it not as a matter of expediency, but in harmony with our form of government, that it was for the best interests of the States to control their suffrage affairs. I am unwilling for the West, for the Northwest, or for any section of the country to foist their views as to suffrage upon an unwilling section, whether it be the South, the East, or the Northeast.

In my own State, in a vote had in November, 1912, nearly two-thirds of the electors of that State registered themselves as in opposition to suffrage. Only 14 of the 71 counties registered themselves in favor of suffrage, and yet because in the legislature two years afterwards, in their august judgment they saw fit not to submit again the question of suffrage to the voters of my State, because they had only so recently had an opportunity to express their views, my distinguished colleague, Mr. LENROOT, says that he opposed this proposition two years ago because the sentiment was not ripe for suffrage and because it did not leave it to the vote of the people, and he wishes to change his position, because the legislature of the State followed the very policy which he had enunciated as the reason for opposing this provision three years ago. [Applause.]

You gentlemen from Illinois who commit yourselves to-day in favor of this national amendment would take away the right from your legislature to limit the extent of the franchise as it has done to the extent of presidential electors and Congressmen. You from Maine who are going to vote in favor of suffrage to-day would take away from your people the right to determine that question for themselves, and by your vote would indicate that you view their attitude at the polls in opposition to suffrage with disapproval.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. No; I can not yield. You gentlemen from Iowa will register your disapproval of the vote of the people recently on the prohibition question when they protested against making permanent law by constitutional amendment what the legislature had favored as against allowing the people of the State at any time to change its policy when once this amendment is adopted.

We have given suffrage to a limited extent a trial in the State of Wisconsin. The people of Wisconsin have the right in their sovereign capacity to say how far that suffrage shall be exercised. You who favor this proposal want to put upon the States for all time to come an amendment which will deprive them of all opportunity of determining hereafter what shall be their policy, whether it would work out well or ill.

So far as suffrage is concerned, if suffrage is going to be exercised at all, it should be exercised not by a small fraction of a class but by all the class; and you should not force an unwilling fraction of American voters to have to go to the polls to counteract the action of another fraction of woman voters, and possibly a very small fraction, who wish to go to the polls and register their votes. If you once pass this measure and force suffrage upon unwilling States, they are deprived of the right of ever changing their form of government, so far as suffrage is concerned. I urge you earnestly to adhere to the old and fundamental principle of State rights, so far as the government of internal affairs is concerned. [Applause.]

Mr. RAKER. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. COX].

The SPEAKER. The gentleman from Indiana is recognized for three minutes.

Mr. COX. Mr. Speaker, the proposed amendment, if it passes Congress and is thereafter ratified by three-fourths of the States, will constitute the eighteenth amendment to the Constitution of the United States.

The fathers of the Constitution soon after its adoption quickly recognized that it ought to be amended in many particulars. In less than 10 years after the organization of the Government 11 amendments were added to it. I imagine that the debates for and against those amendments would reveal substantially the same argument made here to-day for and against the proposed amendment.

I imagine that those amendments were not adopted by Congress without a struggle, although they are known to-day as our "bill of rights." At the time of the organization of our Government we did not have universal manhood suffrage in the thirteen original States. In many, if not all, of those States property voted instead of men. This condition continued for more than a quarter of a century, but during the period of the early development of our constitutional form of government the common man, the poor man, the man without property, said "I, too, desire the right to vote." This argument and determination on the part of all mankind to be free and to be given the right to vote could not be held down or smothered into silence. It burst forth about 1825, and thereafter the right to vote, so far as manhood suffrage is concerned, was not denied to men by the new incoming States of the Union, but all were armed with the ballot without regard to property qualifications.

The right of women to vote is not a new question in our country. It had its origin nearly three-quarters of a century ago, but the last two decades has witnessed a determination on the part of women to be free, to be armed with the ballot, to have a voice in the maintenance of her country, and to in all things be recognized as a citizen should be recognized. One of the beauties of our form of government is the fact that we can amend the Constitution of the United States. It is not an ironclad, unamendable instrument, but an instrument that can be amended by the people along lines set forth in the Constitution. [Applause.] One of the beauties of our form of government is that we are not governed to-day by a military autocracy such as governs the German Empire with which we are now at war. [Applause.]

Many able Members have argued to-day that it is wrong to force on a State a proposition which it does not like. This argument does not appeal to me. It is unsound, illogical, and can not be based upon constitutional foundations. Within the last five or six years the Constitution has been amended in two instances.

One of these amendments enabled Congress to enact an income-tax law, and I imagine that some of the States of the Union, particularly the great State of New York, which pays from one-third to one-half of the income tax, was not overenthused for this amendment. The fathers plainly provided in the Constitution the way and manner in which Senators should be elected, and yet the sentiment in the country became overwhelming for an amendment to the Constitution so as to give the people a direct vote for and against a candidate to the United States Senate, and Congress finally yielded to this nation-wide demand.

Will anyone rise in his seat and declare that our present mode of electing Senators by popular vote has been a failure? Some have argued that voting is a right. Others contend it is a mere privilege. No one yet in this argument has undertaken to draw a clear distinction between a right and privilege. If voting is a right, why deny it to women? If it be a privilege, why give the privilege exclusively to men and deny it to women? Why not treat them both alike? As both sexes are amenable to the laws of the country, why not equally arm them with the ballot? Why not put both men and women on the same footing and let both of them work out their common ideals of government together. I care not whether it be regarded as a right or a privilege, the results are what we are aiming at, and the result aimed at is universal man and womanhood suffrage.

No harm has ever befallen any government based upon universal suffrage of its people. We proudly boast that our Government rests upon the consent of the governed, and the only way those governed can wield their consent is by their ballot, and while making this boast we are denying suffrage to fully one-half of our citizens; not only denying them the right to suffrage but making them amenable to the laws of both State and Nation upon the same ground, upon the same terms, and with the same penalties as men. To hold an individual responsible to a law that he or she had no voice in making amounts to

a complete denial of justice, and to hold women responsible to law without a voice in its enactment is equivalent to denying them a voice in the affairs of their country.

No harm ever befell our Government as a result of universal manhood suffrage. Women are as patriotic as men. Women are just as capable and intelligent as men, and armed with the ballot there is no more danger of them betraying the ideals of our Nation than there is in men.

Some vainly attempted to bolster up a false argument against woman suffrage by saying that this was an inopportune time to grant them this privilege, because of the world-wide war in which our Nation finds itself. "Sufficient unto the day is the evil thereof." This is the propitious time, the golden time, the time of all times to arm women with the ballot. War falls heaviest on women, the wives and mothers who must bear the solemn responsibility of loss of boys and husbands, and why should they not be given a voice when the smoke of battle has cleared away and the many world-wide and far-reaching social questions that will forge themselves to the front then affecting their husbands and their sons as well as themselves? Women are as patriotic as men; yea, in the main more so. Examine the court records since we have declared war against Germany. How many convictions of women do you find for violation of any statute for treason or uttering seditious statements? My memory only recalls one, Emma Goldman, an anarchist of international fame. I do not recall the conviction of a single patriotic American woman since we declared war against Germany, not one, while the court records disclose the convictions of hundreds if not thousands of men for violation of some penal code designed to protect our country in time of war.

You will find no slackers among the patriotic women. The slackers are the men and not the women. In every village, town, city, and community you find patriotic women in Red Cross sewing rooms exerting their very utmost to help win the war, while you find millions of wise men sitting around in stores, hotels, barrooms, and barber shops telling how the war could be won and criticizing the way and manner it is being conducted. Women are criticizing by acts of kindness and deeds of mercy, through actual hard work in the Red Cross. Men are wisely and gravely criticizing by word of mouth and doing nothing.

When the final chapter of this war is written the angel of mercy through the Red Cross will stand well to the forefront of having done her duty.

She has never been denied the right to vote on the ground of her inability to make out an intelligent ballot. She has been denied upon the ground of her sex. Woman has had to fight her way upward from the first rung of the ladder to whatever position she occupies to-day. Nothing has been given or granted to her by man except she won it in the open field of competition. And to-day she is competing with man anywhere and everywhere where brain power counts. Our colleges and our universities are filled with brainy women lecturing on subjects side by side with man, but she is denied a right which he enjoys—the right to cast a sovereign ballot.

In my State the vilest man that walks the highways, fresh from the jails and penitentiaries, with a pistol in one pocket and a pint of whisky in the other, if not disqualified by the court, can on election day go to the booth, deposit his ballot, which in the last analysis has the same weight in the final count as the President of the United States or the Chief Justice of the Supreme Court, and yet a woman like Ella Wheeler Wilcox, whose poetry and song has brightened every home in civilization, is denied the right to vote solely because she wears a dress. An absolute mockery upon our institutions, a complete denial of justice to the noble, patriotic women of our Nation.

The immortal Lincoln, as such I name him, because he belongs to the immortals, once said, "All I am, all I ever expect to be, I owe to my mother." The matchless Garfield, the beloved McKinley, our three martyred Presidents, all stricken in a moment, in the twinkling of an eye, without a moment's warning, in the heyday of their lives, by an assassin armed with the ballot, and yet the mothers of these great men, who gave them birth, taught them high ideals of life, and made them mountain peaks among the men of the earth, were denied the right to vote. The fight is on. It will never down until the victory is won. The women are eternally right in their request and in their demand, and right was never known to recede. Crushed to earth to-day, it will rise sevenfold stronger to-morrow. Defeat their proposition to-day, and it will rise stronger to-morrow. Its strength lies in its absolute equality of justice and right. I hope the amendment will carry overwhelmingly in the House and in the Senate, and then I trust that the patriotic people of the 48 States will quickly and promptly ratify it, so as to give the women the right to universal suffrage. [Applause.]

Mr. RAKER. I yield three minutes to the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, it must seem strange to many who know what is going on in the world, "the New World in which we now live," to note the opposition that is so apparent here and in certain other sections against giving women the right to vote. If the suffrage question were as prominent in those sections alluded to as prohibition, many Members of this House would assume a very different attitude here to-day.

What the women are demanding of this body is simple justice. All this talk about defeating woman suffrage is nonsense. This House can not defeat it. Suffrage is here now and here to stay, and, borrowing an expression of the President from his message on Tuesday last, "This happy fact is now clear to the view of every public man whose thoughts do not linger in an age that is dead and gone."

As I have said, woman suffrage is here now, and is here to stay, and what we should concern ourselves about from now on is how we can best get along with it. It has already elected one President, because in California the women vote—"Oh, you California"—and, take it from me, the women will elect more Presidents hereafter, and possibly defeat some of the very wise politicians in the near future who are opposed to this resolution.

Woman now governs one of the greatest institutions in the land—the home—where her help and advice bring happiness and contentment. It seems strange and unfair that she should be deprived longer of a voice in our Government. Women are already helping to bear war's heavy burdens and the country depends on them as well as on men. They are willingly giving their loved ones to aid us to preserve liberty and civilization, and this great Republic can not longer deny them the right of suffrage. Fair play, decency, and justice demand for women equal rights. I shall vote for the joint resolution. [Applause.]

Mr. MONDELL. Mr. Speaker, on behalf of Miss RANKIN I yield five minutes to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Speaker, there seems to be some exception taken to this legislation proposed, because of the manner of its proposal. The women, in seeking for suffrage, have adopted the policy universally employed by those who advocated amendments heretofore; and yet their opponents come here and say to these women, "You are taking an unfair advantage of us. You should go at it in some other way, the constitutional method is disadvantageous to us." Gentlemen of the House, I take it that when we address women seeking the right to vote, it is a mighty poor time for a man to plead the baby act. Let them have the same chance men have had. If, as the gentleman from Florida suggests, there is a better way to test public opinion, why do they not invoke it?

When woman first appeared on the pages of profane history, man dragged her in by the hair, and for centuries she was nothing but a slave. Then man reached the conclusion that she was an angel, and every novel in our youth told us of some young fellow who told his girl that she should never soil her lily-white hands with work; but the last chapter, as a rule, showed her taking in washing to support an orphan asylum for a drunkard's home, the children of a man sleeping somewhere in a drunkard's grave. It seems to me, gentlemen, that it is time for us to learn that woman is neither a slave nor an angel, but a human being, entitled to be treated with ordinary, common sense in the adjustment of human affairs, and that is why she is asking for the ballot.

In the good old days when there was a home for every woman a woman's place was at home; but the complications of modern society which have arisen because of the many developments of manufacturing, social, mercantile, and agricultural life have forced women out of the homes and into an absolutely essential struggle for existence. Society is much more than sex relation. There are more women working in the House Office Building than there are men. There are more women toiling in the shops and stores of this city than men. The factories are thronged with troops of those whose place is at home. Gentlemen reason in the terms and under the imaginary conditions that obtained in England a thousand years ago—all gone, like a dream, never to return. Every man of us all regrets the day when all this terrific demand upon human effort became necessary to the existence of the human race, but you can not force women into this struggle with their hands tied. She is a human being caught in the swelling tide of life and struggling for a foothold. You must treat her as such. You must give them the same power and the same opportunity that you give to men when you compel them to battle for existence on the same plane with men.

They have done most of the work, furnished most of the loyalty, devotion, and unselfishness and half the brains of the human race for 6,000 years. When they wish to be heard in the councils of society, you say to them, "Ah, you can not fight." This is unworthy of any man that can fight. They supply different elements to the constituency of society. The child bearer has as many rights as the soldier. They are equally important, and if our race has improved after all the struggles and battles of the ages the time has come for this great Republic to declare that fact. That will give us a mightier Nation, a more resplendent civilization, more ideal homes, and men and women who shall go forward—

To that richer life, where beauty
Walks hand in hand with duty.

John James Ingalls, for years the foremost man in the Senate of the United States, was a vigorous opponent of woman suffrage. He was accustomed to say, "In the last analysis government is force." During the recent hearings before the Woman Suffrage Committee of this House another famous Senator, Joseph W. Bailey, advanced the same theory, charging that woman should not vote because she could not do military service. There has been much persiflage and camouflage and rhetoric and prejudice sounded out as against woman suffrage, but the only argument advanced is that woman should not vote because she can not fight. The trouble with it is that it is simply a recurrence to prehistoric and antediluvian conditions under which our race fought its way out of the woods and into society.

Zobier Pasha, still living, I think, in the Sudan, was the greatest slave king Africa ever saw. From a black adventurer in the African forest he rose to be the chieftain of an empire that extended for a thousand miles in every direction. He gave to me the key to his success when he stated he began his career after the first step by buying slaves for soldiers, not for servants. With evident appreciation of the importance of his idea he said to me in his native Arabic, "I discovered that the man who can carry a spear is the master of him that must carry a burden." He spoke for Rameses and David, for Genghis Khan and Tamerlane, for Frederick the Great and Bonaparte, for Achilles and Romulus and all their mighty predecessors who led mankind to fight its way from chaos and its dangers to civilization and its opportunities. He divulged the theory that was the secret of primeval leadership.

But the debaters have forgotten that force is only useful when directed by intelligence, the master. They have confused the means and the end. The voice is the voice of a Senator and a statesman, but the hand is the hand of a Cæsar and a conqueror. If brute strength is the dominating authority of government and civilization, then Moses and Manu, Confucius and Buddha, Socrates and Jesus have lived and died in vain. For generations our mothers were merchandise and beasts of burden, but now the highest watermark for the tide of civilization is one where her loftiest privileges are registered. I challenge the authority of force and appeal to you for the rule of reason. The test of capacity to administer government is not the amount of brute strength which might be furnished by an animal. The only proper method of deciding upon the value of citizenship is the possession of brains. When reason and force work together on equal terms we will have a Christian civilization.

They say a woman can not fight. Why should she? Every boy that marches to battle is hers. The loftiest, most useful, most essential duty of citizenship is not that of the soldier, but it is that of the child bearer. She can not fight? Why should she? The mother furnishes every recruit, inspires every hero. Every man on this floor came into the world at the peril of his mother's life. "Greater love hath no man than this, that he lay down his life for his friend." Every time a soldier is born a mother goes down into the valley of the shadow of death. Shall she have no voice in the disposition of those for whom she risked her life? What man is there here that claims he has a better right to be heard than the mother who bore him? "Is thy servant a dog, that he shall do this thing?"

The New York soldiers voted to give their mothers the ballot. Who are we in Congress that shall deny our mothers and theirs that privilege? Arms and armaments are society's chiefest menace. When both sexes are heard public opinion will reflect both the strength and the sweetness of humankind. That society is the most powerful, that government is founded upon the most solid basis which employs in its legislation and administration the most intelligence, and that means every intelligent mind of mature age within its borders. [Applause.]

Mr. MONDELL. I yield two minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I avail myself of the limited time at my disposal to pay a simple, sincere, and deserved tribute to the fair Member of this House [Miss RANKIN] who so well and faithfully represents the State of Montana, and who is in fact the real leader and invincible champion of the just cause of our noble women in the American Congress. In all fairness, she well deserves the chief credit for the victory which I hope will be achieved here to-day for human rights, for equal justice, for the blessings of liberty, for the freedom and enfranchisement of one-half of 100,000,000 Americans. The highest, best, and strongest evidence that woman suffrage is a success has been established in this House by the enviable record made by our colleague from Montana, who has won the respect, confidence, and admiration of the Members and officials of this House, from our honored and impartial Speaker down. During my service in this House, covering a period of nine years, the greatest ovation given a Member on opening a debate was accorded to the Member from Montana this morning. It was not so much an indorsement of the subject she championed, as it was a just tribute to an able, popular, and successful woman, who has made good as an honored Member of the American Congress. Well may Montana, the women of this Nation, the Congress, and the American people, regardless of politics, be proud of Representative JEANNETTE RANKIN. [Applause.]

Mr. RAKER. Will the gentleman from Virginia use some of his time now?

Mr. SAUNDERS of Virginia. Mr. Speaker, I will use some of my time. I yield three minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Speaker, like the gentleman from Ohio [Mr. KEARNS], the Members from South Carolina are required to take an oath to stand on the platform of the party, State and National; and when the platform of my party in South Carolina was being formed the president of the Woman's Suffrage Association of South Carolina made her speech, in which she said, "I desire that you instruct your delegation to the national convention to vote for a suffrage plank in the national platform, but against a Federal amendment." That was the request made of our convention by the suffrage association of South Carolina. The convention saw fit not to go that far, and declined even to instruct its delegation to vote for a suffrage plank, and, in fact, voted against allowing it to have anything to do with the suffrage business in the national convention, but instructed the legislature that the matter be submitted to the people by proper act or resolution at the next general election. That legislature is now in session, and we are entitled to assume that it will follow the instructions given. So far as I am concerned, I helped to make that action. I am in favor of the State of South Carolina giving suffrage to women. But we consider that the platform and pledge is something more than a scrap of paper, and I remind you to-day that we are at war because this Nation has raised the banner that a contract and pledge between nations is something that must be respected and can not be discarded as a scrap of paper. If that is so, why should we as a party repudiate our platform and our instructions from the people of our State?

Something has been said about the control of this House passing from the Democratic Party and the South. We are a good deal more concerned in the South in controlling and arranging our own affairs than we are in controlling the chairmanships and Speakership of this House and the small amount of patronage of the gang of politicians that are coming to Congress merely for the loaves and fishes. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, the national Democratic platform adopted at the St. Louis convention June, 1916, says upon the subject of woman suffrage:

> We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

Mr. Speaker, the merits of the question of woman suffrage are not here up for consideration. The method of obtaining votes for women is the only question that we are to consider here to-day. I say frankly that when the women of my State want the ballot I am willing for them to have it, and when they do want it they will get it; but the women of my State do not want this Federal suffrage amendment forced upon our State. The women of my State are convinced that it is wisest and best for the State of Alabama to retain its right and power to handle the suffrage question.

I want to remind some gentlemen on that side—and I do not know from the way some of you talk whether the white people

of the South have your sympathy or not—but I want to remind you gentlemen in the North that we have a problem in the South that you do not have, and we feel that we know best how to handle that problem. The civilization of the white race in the South is involved in this matter of the ballot. We are working out this question of suffrage wisely and to the best interests of both races, and we ask you, our white brethren and sisters of the other sections of the country, to let us continue to work out this question as the builders of the Republic intended it should be worked out. The States now have that right, and no State ought to surrender it or have it taken from it. There is no necessity or justice to warrant such action by Congress. All the States in this Union that have given suffrage to their women gave it to them through the power now belonging to the States. But gentlemen now, strange to say, want to take this power away from the States and surrender it to the Federal Government. Why, gentlemen, God Almighty will not do for an individual what the individual can do for himself, and surely a sovereign State ought not to call upon the Federal Government to do that which the State can do for itself.

Mr. Speaker, the State can now, and some States have already, granted votes to women. Suffrage is growing all over the country. Let it continue in the old safe and sensible course, but do not, gentlemen, I beg you, strip the States of this vital power and thus contribute to the centralization of power which injures the State and endangers the life of the Nation. Leave to each sovereign State the right to work out this question as it deems wisest and best. You are not hurt by leaving this question for settlement by each State in its sovereign capacity, and it is infinitely better for us in the South to leave this power with the State. Have you no consideration or sympathy for the people of the South? We have grave questions that you do not have. It was this power of the State that gave us relief from carpetbagger and negro rule in reconstruction days, and gentlemen of the House I am ready to stand or fall in the attempt to preserve this power to my State. [Applause.]

Mr BAKER. Mr. Speaker, I yield five minutes to the gentlemen from Missouri [Mr. DECKER].

Mr DECKER. Mr. Speaker and gentlemen of the House, I, too, like the gentleman from Alabama [Mr. HEFLIN], who has just spoken, am a Democrat. And I am as proud of my democracy as he is of his. I am that kind of a Democrat that believes in State rights, that believes in the right of the State to exercise a very right which by the Constitution has not been conferred upon the Federal Government. And one of the most important of State rights is that fundamental right of the three-quarters of the States of the American Union to amend that Constitution. [Applause.]

They talk of Thomas Jefferson, of Virginia, and of Mr. Madison and George Washington and those great statesmen from the South to whom we owe so much in this great land. Think you, my friends, that any of these men would ever have permitted the imperial State of Virginia to join in a union in which there could be no amendment to the fundamental constitution of that union? Mr. Jefferson had his views on suffrage and so did Mr. Madison and Mr. Washington, but they never stated in any place I have read that their opinions would not change in a hundred years if they were to live so long. In the great State of Virginia at the time these statesmen made the Constitution they had a qualification for property suffrage. Do you think if Thomas Jefferson were living to-day he would stand for that kind of a doctrine? In those good old days the women did not go to school like the boys; that is, they did not study mathematics; they did not learn how to weigh the stars or analyze the sun. They studied music and penmanship and dancing and the cultural things of life, but since those old days we have thrown wide the gates of higher education, and the women have entered in. This is not only a question, my friend from the South, of the right of women to vote. It is a greater question. It is the denial by a solemn resolution here of the right of men like you and me to limit the sphere of any woman or human being that God has made. [Applause.] Who are you and who am I—yes, who was Thomas Jefferson, that he should say what was the proper sphere of the mother who gave me life?

The gentleman from Alabama [Mr. HEFLIN] is always chivalric. No man can vie with him in his tribute to woman. He reminds me somewhat, however, of the man at the banquet in New York City. He and his friends had prospered during the year, and they indulged in a banquet, where they ate and drank until the small hours of the morning. Before the affair was closed one of the gentlemen rose and said:

Mr. Toastmaster, as we sat here around this table spread with the good things of life, all we could eat and all we could drink, my heart went out to the poor people of New York City, the women who have not enough clothing, the children who have not shoes to wear nor books with which to go to school, and I move you, Mr. Toastmaster, that we now rise and give three cheers for the poor.

[Prolonged laughter.]

My first recollection of the gentleman from Alabama [Mr. HEFLIN]—and he is my personal friend, as you all know—was his resolution for the observance of mother's day in this country—a mother's day—and he pays the women tribute.

He tells us how wise they are, how they can help in time of war. The gentleman ought not to forget, however, what they are worth in time of peace. The gentleman is willing to pay them all of these tributes and all of these compliments, but, unfortunately, he is like the man at the banquet in New York. When it comes to giving them a vital thing—the ballot—he is willing to stand up and give three cheers for the women of the country. [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. BAKER. Mr. Speaker, I yield the gentleman one minute more.

Mr. DECKER. Mr. Speaker, I stand for something higher. My lot in life may not have been cast along the pleasant lines of that of the gentleman from Alabama. I loved my mother as much as he loved his, but I have not forgotten the pioneer days—how my mother, with my dear father, who has passed away, crossed the prairie, as "of old our fathers crossed the sea, to make the West, as they the East, the homestead of the free." It was my mother who heard the coyotes howl upon the plains; it was my mother who, when the hot winds blew and the grasshoppers came, said, "No, Jim, we will not go back to Ohio; we will stick it out." My mother always did her part not only in time of war but also in time of peace. Some gentlemen seem to think that women's sacrifice in time of war is the great reason women should have the right to vote. In time of war I dare to stand in the Halls of Congress and give you a higher reason why women should have a right to vote. It is this. Women suffer the agonies of hell in time of war, and I demand that women shall have an equal right with men to say when war shall come. [Applause.]

Miss RANKIN. Mr. Speaker, I yield four minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, not many hours ago I left an interesting group of Members who had been discussing this resolution, and reaching my room, unable to dismiss all I had heard, decided to ask time enough to pay this brief tribute to that portion of our population who are not yet included in the American electorate:

It was she who entered the valley and passed under the shadows to give motherhood to humanity. It was she who, through the lonely night and anxious day, waited and watched the ebb and flow of hope and despair as the childhood of the world was guarded and guided by her hand. It was she who taught us to take our first step, to answer to our many childish wants, to lisp our simple prayers. It was she who supplied us the things that would help and withheld from us the things that would hurt. It was she who commended our virtues and condemned our vices. It was her heart that warmly loved, and her hand that gently chided the wayward child throughout the years of tender teens. It was her mother love that was transfused into a nobility of character that proved a safe anchorage in the hour of temptation. It was her steadying hand that led the youth step by step through the unsettled and unsettling period of adolescence, when, if ever, wise council should prevail. It was the memory of her pleading which won the pledge of devotion that stayed the impulse of passion and appetite when absent from home and homelike environment. It was her voice of admonition to which response was open when the call of country was first heard; her heroic sacrifice which buoyed up hope when the command to advance was given; her tender touch which smoothed the fevered brow when the agonies of war filled the earth with the dying and the dead; and her mother heart which suffered greatest agony when war's ravages submerged humanity in its own blood. It was she who clung to the faith that wars will cease, and a better way in the Providence of God must be found.

To her we owe the uplifting and refining influences of our race. To her we are in debt for a higher standard of life, both individual and social, as well as political. To her our churches point to a deeper faith in things spiritual. To her our schools go for the keenest devotion to the training of childhood, for a stronger manhood, and a sweeter womanhood. To her our institutions must look for a firmer grip upon the humanities. On her we must depend for a better state in our political life.

As wife and mother she will always be the queen of the home. As a power of personality she will ever be the guiding influence

in our schools. As a spiritual force she will continue to be the chief reliance of the church. As a member of society she will become more and more the determining factor in the betterments of social and industrial conditions. As a citizen she will exert an abiding and a salutary influence upon the political life of a people.

Her nature readily responds to the humanitarian calls of the times. What the masculine character refuses to heed, she, more sensitive to duty, will answer with less hesitancy and without becoming any less a woman. No man, no woman, ever lowered a standard by performing a duty.

Woman, God's noblest creation, man's better counterpart, humanity's perennial hope, the world's object most to be admired and loved! The past has not been kind to her. Much of the world's woe is recorded in her prayers and her tears; much of humanity's burdens has been borne on her frail shoulders; much of history's tragedies, which we all would fain forget, is written in the agonies of womankind throughout the world.

But a better day has dawned. She who was first to reach and last to leave the sepulcher of Him who brought a new life has generations ago come into a new inheritance step by step until to-day she marches by the side of her brother almost his equal in the rivalry of life. America, the first great Republic, the most powerful representative democracy of all history, is now about to decide whether by our organic law, the Constitution, we shall remove the last barrier which denies her equality with her brother. From whatever angle the issue may be viewed, my duty, as I see it, is clear. I will not assume a superior intelligence over her who has in a thousand ways proved her equal with her brother. I will not, simply because I have the power, withhold from her a right which she can claim with equal force that I may monopolize it. I will not deny her a privilege which I demand for myself. I will not refuse her entrance to a field of duty in which her abilities peculiarly qualify her to exert an ever-widening influence against prevalent evils and on behalf of the good of humanity. I shall, so far as in me lies, remove every barrier against her right and privilege, and shall open wide the door of opportunity to her performance of public duty by placing in her hands America's most effective weapon, the ballot, democracy's instrument of command. [Applause.]

Mr. MEEKER. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. RAMSEY].

Mr. RAMSEY. Mr. Speaker and gentlemen of the House, without in any way giving expression to whether I favor or do not favor the right of women to vote, I desire at this time to give my reasons briefly why I shall vote against this proposed constitutional amendment. The reasons are, first, because each State has, under the Constitution, the right to regulate the qualifications of its electors, and I do not believe that a matter of this character should be disturbed by a constitutional provision. Many States have justly exercised the right accorded them by the Federal Constitution and have given to women the right to vote, against which I have no objection. Second, the State which I have the honor, as a Member in Congress, to represent, in 1915, by a legislative enactment, permitted the people of that State to vote upon this question. There was no organized opposition to it, but it was defeated by more than 51,000 majority. Third, I believe this to be a very inopportune time to present this matter before the people. We are engaged in a great war and I do not think the great political agitation which would necessarily result from the adoption of this resolution should be carried on throughout the various States at this time. Fourth, of all the letters and requests and demands made by the people of our State, at least by 20 to 1 the representative women of the State of New Jersey are opposed to this proposed constitutional amendment. Among the letters from people who are opposed to it are one from Mrs. Preston, who was formerly the wife of ex-President Cleveland, and Mrs. Garrett A. Hobart, widow of former Vice President Hobart.

With the permission of the House I shall insert the following letter from J. Gresham Machin, a professor in Princeton Seminary, who writes to me as follows, and whose thoughts and expressions have my approval:

PRINCETON SEMINARY,
Princeton, N. J., January 8, 1918.

Hon. JOHN R. RAMSEY,
House of Representatives, Washington, D. C.

DEAR SIR: In urging you to vote against the Susan B. Anthony amendment I am not animated chiefly by a spirit of opposition to woman suffrage in general, though personally I am not yet convinced that it is just or wise. Even if I were an ardent advocate of woman suffrage I should still be strongly opposed to the present amendment, which seems to me to run directly contrary to the manner in which important constitutional changes ought to be made. The step once taken can scarcely be reversed. Is a time like this the time to give careful consideration to such irrevocable and far-reaching changes? If the suffrage leaders had the slightest inkling of what true patriotism means, they would cease all divisive agitation until the present war is over.

Furthermore, I can not for the life of me see why the suffrage issue should not be left to the individual States. The chief argument for Federal action in many concerns of government as against State action is that often Federal action alone is effective. Such an argument might plausibly be urged, for example, in the case of the prohibition amendment. But it does not apply at all to the suffrage issue. Every State can choose the kind of suffrage it desires and make its choice effective, quite independent of the choice of any other State. And conditions in the various States differ so widely that the forcing of suffrage upon the women of some States may be an offensive piece of tyranny.

Do the people of New Jersey want woman suffrage? The vote of 1915 was a sufficient answer. Do the voters of the United States want woman suffrage? No one can doubt for a moment that a referendum on the subject in the whole country would give an overwhelming majority for the negative. Do the women of the country want woman suffrage? There is no clear evidence of it as yet, and if the present amendment is passed there never will be evidence.

In short, the present amendment represents an attempt to avoid a popular vote (which could be overwhelmingly negative) on an exceedingly momentous question. The suffrage leaders are absolutely unscrupulous in their choice of means. All fairness, all true democracy, all united effort in the present war are abandoned ruthlessly in the interest of an ill-timed and unintelligent feminism. Do such leaders really represent the women of this country? For my part I do not believe it for a moment.

Sincerely, yours,

J. GRESHAM MACHIN.

Mr. MEEKER. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Speaker, the proposition before the House is not one for amending an existing article in the Constitution of the United States but to add an entirely new article upon a subject that, to my mind, is entirely unnecessary. Under the Constitution of the United States no amendment is necessary to grant the right of suffrage to women. They have that right under the existing Constitution, the same as the men have that right. Then the only purpose of this amendment, the only purpose it can possibly serve, will be to compel or coerce some State to do that which it does not want to do. Now, there has been a time in this country when that word "coercion" did not sound very sweetly upon the ears of a large number of our people and, to my mind, the word is just as obnoxious today as it ever was to anyone. I do not believe that any State should be coerced or compelled to do that which its people do not want upon a question pertaining exclusively to its own affairs. Of course, I can not speak for all of the States, but in my State, by the way, one of the largest States of the Union, the women had the right to vote there for many years and never exercised it. Not until the adoption of what is known as the "Terrell election law" were the women of Texas excluded from the right, and yet not a woman of that State ever went to the ballot box to cast her vote. Why should Texas be compelled to force this question of suffrage upon them when perhaps a very large majority of the women of that State do not want to exercise it?

But we hear it urged as a war measure. Some gentlemen have referred to the action taken by some of the countries of Europe engaged in the war, claiming that those countries have granted the right of suffrage as a war measure, yet they do not tell us that under the laws of those countries they have no general elections until after the war closes. Now, we have no such provision as that in our law. Our elections will go on whether the war does or not. My judgment is that this amendment can not serve any purpose to assist this country in winning the war. In all probability the war will have been brought to a successful termination long before the amendment could possibly be acted upon by the several States.

Mr. Speaker, the claim that is being made for this as a measure for winning the war is far-fetched, indeed; but I desire to add that the patriotic women of this country are already doing a great and noble work, indeed, to help us win this terrible war, and if we now force this question of suffrage upon them in all the States it will be to detract from instead of adding to their efficiency in this respect. The great work they are now doing for the Red Cross and various other channels is worth a thousand times more from a war standpoint than the political agitation that will follow the adoption of this resolution. Political agitation by either men or women at this time can not be made to serve a good purpose from a war standpoint. What we most need is a country united in our purpose, and to give its entire time and attention to those matters that are necessary in placing and equipping an efficient army in the field, and to furnish the necessary supplies and munitions for ourselves and our allies.

But the claim has been made that the women elected the President, and because the President received the electoral votes of a number of the States where the women exercised the franchise the proposition is that all the States shall now be compelled by Federal command to grant the right or privilege of voting to the women of all the States. Whether this claim that the women elected the President be true or not, I can not say, nor can anyone else speak with authority upon that question. The ballots, I presume, were cast and counted secretly, as the law

provides, and that no election officer had authority to violate the secrets of the ballot box. We do know, however, that in the State of Illinois, the only State in which a ballot was taken by men and women voters separately, and in which State perhaps as many women voted as in all the other suffrage States combined that State cast an unusually large majority for Mr. Hughes, the Republican candidate. The election records there also show that the ballots of the women voters were cast against the President in about the same proportion as were the ballots of the men voters.

Furthermore, it is a well-known fact that a large majority of the leading female politicians of the suffrage States were open and avowed supporters of Mr. Hughes, the candidate of the Republican Party, he being the only candidate at that time to express himself in favor of the amendment which we now have under consideration. I, myself, have talked with a number of intelligent women who took part in that campaign in those States who have invariably told me that they took an active part in opposition to the reelection of the President on account of his failure to openly espouse their cause. If the women voters of those States were guided by their eloquent advocates in casting their ballots, it is very evident to my mind that the reelection of the President is due more to the men than to the women voters of the Northwest. Furthermore, Mr. Speaker, it has been announced in this debate by some of the leaders on the Republican side that the representatives of that great party in this House are standing almost a unit for the adoption of this measure, and that the next national platform of the Republican Party will declare in favor of woman suffrage by Federal amendment. If it is true that the women were the cause of the defeat of Mr. Hughes in the late campaign, the fact that the leaders of that party are now so anxious to reward them for the accomplishment of that end is the best evidence of the fact that their candidate was in no sense of the word the popular idol of that party.

Mr. Speaker, we hear a great deal upon the question of State rights, and many refer to that phase of the question in an ironical manner. Much literature and propaganda has been sent out in which that question has been referred to as of trivial consequence, and those adhering to it are referred to as having lived in a past age and not up with the progress of events. It is true, Mr. Speaker, that some people do not lay as much stress upon this question of State rights as others do. I, for one, have a great reverence and admiration for the highest principle upon which this Republic was founded. Mr. Jefferson, the author of the Declaration of Independence and founder of the Democratic Party, the man to whom, above all others, we are most indebted for the admirable system of government and laws that have been handed down to us, was the former advocate of this question of State rights. The whole theory of our Government rested upon it as the very name of this country, the "United States," will verify. This is also accentuated by the manner in which that document is to be amended, all amendments being required to be submitted to the several States for ratification instead of to the country at large. There is nothing clearer to my mind than that this manner provided for amending the Constitution was the highest recognition of the States in their joint and several capacities.

I will quote a few sentences from Mr. Jefferson, which I will ask my colleagues upon the Democratic side to consider. In a letter to Mr. Madison in 1786 he wrote as follows:

> The politics of Europe render it indispensably necessary that, with respect to everything external, we be one nation only, firmly hooped together. Internal government is what each State should keep to itself.

In a letter to Edward Carrington in 1787 he said:

> My general plan would be to make the States one as to everything connected with foreign nations, and several as to everything purely domestic.

Writing to Archibald Stuart in 1791, he made use of the following language:

> I wish to preserve the line drawn by the Federal Constitution between the general and particular governments as it stands at present, and to take every prudent means of preventing either from stepping over it. * * * It is easy to foresee from the nature of things that the encroachments of the State government will tend to an excess of liberty which will correct itself, while those of the General Government will tend to monarchy, which will fortify itself from day to day instead of working its own cure, as all experience shows. I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it.

In 1798, writing to Peregrine Fitzhugh, he complained, even in that day, that too little respect was given to the rights of the several States. In this letter he used the following language:

> I do not think it for the interest of the General Government itself, and still less for the Union at large, that the State governments should be so little respected as they have been. However, I dare say that in time all these, as well as their central government, like the planets revolving around their common sun, acted and acting upon according to their respective weights and distances, will produce that beautiful equilibrium on which our Constitution is founded and which I believe it will exhibit to the world in a degree of perfection, unexampled, but in the planetary system itself.

It seems that Mr. Jefferson never abandoned the doctrine of State rights, but even as late as the year 1811, in writing to Mr. Tracy, he still adhered to his former views. He said:

> But the true barriers of our liberty in this country are our State governments; and the wisest conservative power ever contrived by man is that of which our Revolution and present government found us possessed. Seventeen distinct States, amalgamated into one as to their foreign concerns, but single and independent as to their internal administration, regularly organized, with a legislature and governor, resting on the choice of the people, and enlightened by a free press, can never be so fascinated by the arts of one man as to submit voluntarily to his usurpation.

In the State which I have the honor in part to represent we have a constitutional provision for the payment of a poll tax of $1.75 as a prerequisite to voting. The adoption of this amendment would compel us in Texas to require the payment of this tax by each woman in the State, whether she wanted to exercise the right of franchise or not. The tax would be assessed against her upon the tax roll of each county, and default in payment would be equivalent to a judgment against her property. Not only that, but many of the counties of that great State have adopted special road laws requiring those who are defaulters in the payment of poll taxes to satisfy the same by hard labor upon the public roads in the same manner as misdemeanor convicts are required to labor. Under this amendment we could not be permitted to make a distinction in this respect as to the female voters. They would, of course, be compelled to stand in the same category of the male voters, and the people of that State would be compelled, by the actions of this Congress and by the legislatures of other States, to heap these indignities upon the good women of that State until such time as they could revise and amend their constitution and laws.

In addition to this democratic question of the right of the States to settle these issues for themselves, I will call attention to the fact that the platform upon which every Democratic Member of this body was elected contained the following declaration:

> We recommend the extension of the franchise to the women of the country by the States upon the same terms as to men.

Let every Member of this body who claims to be a Democrat and who was elected upon that platform now cast his vote for this amendment, which prescribes the qualifications for a voter in the election of all State and county officers in his State, not even excepting the constable of Hog Wallow precinct, reconcile his action with the expressed instructions of his party if he can do so. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MEEKER. Mr. Speaker, I yield three minutes to the gentleman from Ohio [Mr. GARD].

Mr. SAUNDERS of Virginia. Mr. Speaker, I also yield the gentleman three minutes.

Mr. GARD. Mr. Speaker, very much to my regret there seemed in the early part of this debate to be an inclination to turn the consideration of this most important question into a matter of partisan advantage, for I am of those who believe that amendments to the Federal Constitution should be considered in a sense of the highest dignity and by the best thought of the body before which such proposed articles of amendment are pending.

I do not believe that the great foundation wall of the Constitution upon which is builded the superstructure of laws affecting rights of collected States in a united nation should lightly be changed by amendment.

Illustrative of my argument, as I shall seek to develop it, I wish to say in my home State of Ohio, as an elector of that State, I have twice voted to extend suffrage to the women of that State.

To me it has always seemed that the ideal American electorate should be composed of the intelligent men and women of the country.

This may be far away in actual consummation, but I believe the continuance of this Republic depends upon the intelligence of the people within its boundaries.

I would go so far as to say that those coming into our country should successfully pass an intelligence test, and I distinguish between "education" and "intelligence" and mean the power to reason and understand that which is best for American institutions.

I do not favor the general possession of property qualification but insist upon the qualification of ability to understand the tenets of American citizenship.

Then, too, I would have the law say to native born and foreign born alike that the privilege of suffrage for either man or woman

should always be limited to those who are loyal to the United States of America and who have its interests at heart. [Applause.]

In the struggle for this ideal American electorate one ever true and loyal to this Government and capable of understanding and reasoning that which is best in principle and in policy, we must realize that we face long and continuous processes of education, training, and experience in the determination of the best selectives.

It is because I believe that an orderly process at present obtains under the Constitution for the procuring of the best electorate within the States that I contend this resolution proposing an additional article of amendment to the Constitution should not be adopted.

The real meaning and effect of the passage of this resolution and its subsequent ratification by the required number of State legislatures will be to prevent the States of this Nation from amending in this respect their own constitutions.

This is a most radical and elementary departure from the principles of that Constitution under whose benign protection the United States has achieved the highest place among all the nations of the world.

Section 2 of Article I of the Constitution of the United States provides:

> And the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Article X of Articles, in addition to and amendments of the Constitution of the United States, provides:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States, respectively, or to the people.

In all the debates upon the Constitution there never was any contention that the Federal Government, in which was centralized the power of governing all the States, should regulate voting within the States.

To do this, it seems to me, takes from the States an essential element of their very being and removes one of the very strongest reasons for statehood.

The method prescribed by the above constitutional limitations have been followed in all the States of the United States which up to this time have granted the extension of suffrage to women and has likewise been pursued in those instances where such extension of suffrage has been refused; and the recognition of the right of individual States to fix the qualifications of the electors within State boundaries as conceded by the framers of the Constitution has remained unchallenged to this day, save as to the statutory exception concerning aliens and the fifteenth amendment.

As to the wisdom of granting suffrage to women or continuing to withhold it from them, many and various reasons are given, which I do not think here necessary to enumerate or analyze, for, as I have said, I favor it under unquestioned present power of procedure.

During the excitement naturally incident to a state of war some have proposed the granting of suffrage to women as a "reward."

We, as a legislative body, seeking to protect and continue the national life at this time, pass laws to make our power more terrible that the great war in which we are engaged may be brought to a successful and early conclusion, but this proposed article of amendment is a measure for times of peace—not war.

There is no question but that the women of this country rank as high in patriotism as its men, and I prefer to think that the splendid service of the American women in this war emergency, by which they from every part of this broad land are contributing their labor and time to the manufacture of necessities in health and in illness for those of our men who at home or on foreign field fight for a continuation of that great democracy which has given its protection under the law to American men, women, and children is done in a fine realization of their patriotic duty.

That American homes and American women may forever remain free and continue under the rule of a representative democracy American men are preparing even for the most complete sacrifice and American women are sustaining them by a spirit splendid to see.

From the time Betsy Ross sewed the stars upon our first flag until this very present moment our women have done this work, and have nobly done it, and they are doing it now, I am sure, without hope of "reward," proud only that they are American citizens and assisting their country as they best can.

Nor do I think that after the war women will take the place of men, for in the reconstruction of commercial and industrial affairs it will be soon made manifest that while a woman can in emergency do a certain work, as a regular thing she should not have it to do, and certain other work she finds it always physically impossible to do.

There is much that she has done and will continue to do even better than man, and in the homes, in the schools and colleges, in the arts, the professions, mercantile life, and even some of the very light industries, she has worked with excellent result.

We hope that conditions now abnormal may be soon made normal, and we know the readjustment must inevitably be worked out wisely and sanely and with a recognized regard for the qualifications of both women and men for particular work.

That qualification of electors reserved for the wisdom of the States "has been left to the good people of each Commonwealth to enlarge the class of voters from time to time as the ideas of popular sovereignty obtained more force."

The very vital thing which leads me to vote against this proposed amendment and to have voted against an amendment passed by Congress denominated the national prohibition amendment is that to do otherwise would be to destroy the very essential elements for the creation and maintenance of States, to wit, the selection of qualifications of electors and the right of local self-government, and to set up over these a centralized government so wide and so diverse that it must in the end break again into parts of its own weight, and in the meantime fail to carry out good government, for "it is not by the consolidation or concentration of powers but by their distribution that good government is effected." [Applause.]

Miss RANKIN. Mr. Speaker, I yield three minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, the man who to-day votes against this resolution is a man who dwells in the past. He is a man who is asleep to the great events that are taking place in the world to-day. He is a man who slumbers in an age of narrow selfishness and conservatism. He is a man who is inoculated with an indefensible perversity against all progress and advancement. He is a man who is insensible to the great needs of humanity in this hour of civilization's greatest trial and greatest danger. In the debate on this resolution that has been had to-day not a single argument that will long last or bear the scrutiny of time has been made in opposition to the passage of this resolution. The chief arguments that have been made against the adoption of this resolution have been based upon opinions expressed by distinguished scholars and statesmen now living and by others who long since have passed to the great beyond, who were either entirely opposed to woman suffrage or who were opposed to the adoption of national woman suffrage through an amendment to the Federal Constitution.

Almost in every case where the opinions of distinguished men now living have been quoted on the subject these men hold different opinions to-day and are in favor of woman suffrage and of its adoption by all the States through an amendment to the Federal Constitution. I, as one who is ineffably proud of the great men who have emblazoned the history of our glorious country by their splendid deeds and noble characters, have too high regard and too much respect for the memory of George Washington, Thomas Jefferson, Andrew Jackson, and James Madison to entertain for a moment any doubt but that if these men were living to-day they would give loyal, generous, and full-hearted support to this resolution. The argument contained in the minority report from the Committee on Woman Suffrage against the adoption of this resolution is based mainly upon quotations from President Wilson. The conclusion reached by this report is, because President Wilson during the last national campaign and in other years gone by repeatedly in his writing and in his public addresses declared himself opposed to this method of adopting national woman suffrage, by means of an amendment to the Federal Constitution, this resolution, forsooth, should not be adopted. But, as has been evidenced in reference to other important civic questions, as to this the opinions of President Wilson are neither infallible nor immutable.

I do not believe that the President should be so severely arraigned and criticized as he has been to-day for having yesterday afternoon by means of his self-arranged newspaper publicity, gotten aboard the band wagon of national woman suffrage by amendment to the Federal Constitution, which, so evident to him at that time, was being carried on to certain victory by an overwhelming majority of Republican votes. He should not be so roundly condemned if he suddenly decided that he did not wish to be left far behind with the minority on this great question. He should not be censured because he may have a new idea once in a while.

While we are spreading democracy throughout the nations across the seas let us spread more of it among our own good people at home. Irrespective of what their condition may have

been in years gone by, to-day the women of this Nation possess in equal measure with the men of the Nation all the elements of education, intelligence, and character which go to make up good citizenship. Let us, then, in the spirit of true democracy, in the spirit of justice and equality, pass this resolution, so that the quickest means may be provided to give to the women of this Nation the full right of suffrage, which has so long been unfairly and unjustly denied to them. [Applause.]

Mr. MEEKER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 20 minutes.

Mr. MEEKER. Mr. Speaker and gentlemen of the House, in the introduction to my remarks I intend to read what everybody is to-day trying to forget, and following that I shall ask that the Clerk read my letter to the Republican city committee in St. Louis, in which they ask that I vote for this amendment. I am going to read the plank from the Republican platform of 1916, and there has not been a man on the Republican side to-day who has denied that that plank was against this proposition. There will not be a man to go back to his constituents, who violates this pledge, but what must give as an explanation political expediency.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. MEEKER. Not now.

The Republican Party, reaffirming its faith in the government of the people, by the people, and for the people as a measure of justice to one-half of the adult people of the country, favors the extension of suffrage to women—

I happen to remember that when the Senator from Massachusetts read that plank at the Republican convention he stopped right there, and there was great applause from the suffragists. When they had finished the applause the Senator finished the plank—

but recognizing the right of each State—

Not of the States, but of each State—

to settle this question for itself.

There was no further applause from the Federal suffragists. The Republicans did what the Democrats failed to do. The Republicans specified that it as a party recognized the right of each State—and that means New York and Ohio and Michigan and individual units, and not the States collectively—of each unit, including every last State of this Union. No man can now or hereafter repudiate that plank in the platform and go to the people of his country and say that he kept the faith of that campaign. I now ask that my letter to the Republican city committee be read.

The SPEAKER. Without objection, it will be read.

There was no objection.

The Clerk read as follows:

DECEMBER 14, 1917.

Mr. JOHN SCHMOLL,
Chairman Republican Central Committee,
St. Louis, Mo.

MY DEAR MR. SCHMOLL: The petition of the Republican city central committee, in which Representatives and Senators of Missouri are requested to vote for a Federal suffrage amendment resolution, which is now before Congress, has come to me, bearing your signature as chairman of the Republican city central committee.

In reply I must say that I feel in honor bound to vote against the resolution. I deem myself so bound because of the following facts:

1. In the campaign of 1914, both prior to the primaries and prior to the election, I stated publicly that I would consider the vote of the tenth district on the suffrage question as instructions as to how I should vote should the question come up in Congress. The tenth district went overwhelmingly against woman suffrage. As I remember, there was but one ward in the city and two precincts in St. Louis County that indorsed woman suffrage.

2. The national Republican platform of 1916, upon which I was elected, was for leaving the question of woman suffrage to the individual States. I again stated my position and said that I stood squarely on the national platform on that question.

3. I believe that there is no more vicious practice than that of legislative candidates violating their public pledges, unless some emergency may arise which will make it apparent to every fair-minded man that an immediate change of front is justified. I do not believe such an emergency now exists in this particular instance. As I have said repeatedly, I am against all domestic agitators while we are at war with a foreign foe.

Should, at a coming election, the tenth district vote favorably to woman suffrage, I would consider that as an instruction for me to so vote here, and I would so vote. But, in casting that vote, I would state that it was against my best judgment as to the welfare of the women of our country and of the Government, and that I voted thus solely because of the majority vote in the tenth district.

I trust this makes my position absolutely clear. I believe I express the feelings and desires of an overwhelming majority of the quiet home women of my district when I voice my protest against dragging them into politics. It is true, they are not as insistent as are the proponents of suffrage, nevertheless, I believe the wishes of these women are as genuine and are as worthy of consideration as are those of their suffragette sisters.

Sincerely,

JACOB E. MEEKER.

Mr. MEEKER. Mr. Speaker, I have been very much interested, and I will not use any stronger term, to-day, when men have stood on the floor of this House and talked about what the women of this country are doing in this war, and saying that they should be given the ballot because they are doing it. I have yet to hear one man on this floor say one word voicing the protests of the women who, instead of standing in front of the White House with banners have been making sweaters for the boys and who do not want this suffrage. It seems that the woman with the hatchet is the one that attracts attention to-day, while the woman with the needle is forgotten in this discussion.

I want to say to my friend from Missouri who was talking some time ago about his mother, and his tribute was a beautiful tribute, that I happen to have a mother, as most of us have, and incidentally I think we all have fathers, although a father does not count for much any more. My mother has forgotten more political history than he ever knew, and she knows more about the American Government and American political economy than he has ever shown symptoms of knowing, and for the good of mankind as well as the country she is opposed to women getting into politics.

This talk that you Members are putting up here about the women of the United States wanting suffrage is not a fact. Take your own State of New York when on the 8th of January a telegram came from your own State capital at Albany as follows:

[Telegram from Albany, N. Y., Jan. 8, 1917.]

Miss MINNIE BRONSON, *Secretary,*
Washington, D. C.:

Three hundred antis met at Hotel Ten Eyck this afternoon, Miss Henrietta Church presiding. Were addressed by Mrs. Henry Preston White. Telegrams were read from 19 State auxiliaries indorsing resubmission. Resolutions unanimously adopted by the Albany branch and delegates for resubmission. The appointment of various committees—legislative and publicity and organization—with headquarters at Albany. The New York Legislature does not meet until Wednesday evening.

HENRIETTA CHURCH.

Mr. CHANDLER of New York. Will the gentleman yield?

Mr. MEEKER. No; I will not yield. I want you to think of another thing when you talk about the political advantage of women voting. There were two candidates for the Presidency last year, and the gentleman from New York, Mr. Hughes, favored a Federal suffrage amendment; and yet every suffrage State voted against it. [Laughter and applause.] The gentleman who is now in the White House passed out the word that he kept us out of war, and if he had depended on the suffrage States Germany would be here now. It was a pacifist vote.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. MEEKER. I do not yield. That is trickery in argument. If there was ever a chance given for the women to stand by the man who was for Federal suffrage, it was in the Federal suffrage States last year on the Hughes-Wilson vote, and the man who came out for Federal suffrage was beaten unmercifully in the State of California to the tune of three hundred and so many thousand that we never could count it—we just gave it up. Now, you men come up and tell me that the women of this country want this. When you talk of mothers, are the quiet mothers of this country who to-day, instead of saying if we do not get suffrage we will not help win the war, but who are knitting at home for the Red Cross, and sending their work to the boys—are they not mothers just the same as these women in the parade? Are they to be forgotten or ignored?

I ask you, what agitation, forgetful of reason, in the last seven months has been carried on in this country? The spectacle in front of the White House during these months has been a disgrace to the Nation, but it has met the applause of a large part of the suffragists. During all this time those 61 women were breaking into jail, where they got common treatment with others, and then did not want equality of treatment. They came out and have been lionized, while those hundreds of thousands of women who, when the men on the floor of this House voted for war, were willing to believe in the virile judgment of the men who so voted, and who since that hour have with their toil and their sorrow stood behind the boys that are to the front, seem to have been forgotten.

Instead of parading the streets of the Capital, insulting the Executive when he had his guests here from abroad, they have kept on with their work. Gentlemen, let me give you just one thought in closing. There is an old character in Bible history into whose charge one day was given a prisoner of war. After awhile his general came to him and found the prisoner gone. When he asked the man who had lost the prisoner why he was gone, the man replied: "While I was busy hither and thither, lo, he was gone." This Congress has spent more time, and this Congress has been bothered more since the war was declared by the nagging, by the agitation of domestic questions that will not whip the Kaiser in a million years, than we have

in settling our minds to the one gigantic problem of holding this Nation together until victory is ours. Whatever it may be that tends to draw the attention of the American people from this herculean task, a task the like of which this Nation has never before undertaken, a task that will call for the resources of all the money and all the blood and life of the whole Nation. Here we are, still pottering around over these questions that have nothing to do with this war. While we are here now, talking these things, the boys at the front in France are not bothering their heads nor wondering what we will do on prohibition or woman suffrage, or any other domestic problem. They say, "Won't you come on and hustle the game up for us." The conduct of this campaign, as you well know, as in every other domestic question, means the taking of money and time and strength and thought and energy away from our great task.

If ever there was a time when this Nation should say with all of its soul and all of its being, "This one thing I do, forgetting the things that are behind, pressing forward to the prize of the high calling," it is now. This Nation in this hour of trial should lay aside and repudiate every domestic question that tends to divide and distract the attention of the people here at home. [Applause.] You talk to me about England granting suffrage. England is close enough to the battle field to say, "After the war, but not now." You quote the King of Belgium, and the King of Belgium says, "After the war, but not now." You quote all these stories of France, but France says, "After the war, but not now." Our suffragettes in this country are the only group anywhere who say, "We first; the war next." The American Government as yet is practically playing at this war program. Every relative I have who is old enough and physically fit is in uniform somewhere between here and France, and the only boy that I have will soon be gone if the war lasts. And yet we men to-day on the floor of this House, for the second time since war has been declared, are getting ready to throw a bone of contention amongst the people of our own country, to disturb and to distract their thoughts and energy. We hear the call of the Red Cross and of all organizations for money with which to win this war. We ought to be willing to answer that call. Shame on the men on the floor of this House who voted for this war and then found time to take weeks of vacations and go fishing, forgetting the work we might have done while the boys are over yonder. We are talking to-day and working in terms of human blood, and it is the blood of the sons of America. Whatever may come out of this vote I pray to the God of all nations that when it does come it will be forgotten in an hour afterwards, and that we will devote our undivided attention to taking care of the lives of the boys who are at the front. [Applause.]

Mr. RAKER. I yield five minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Speaker, the gentleman from Missouri [Mr. MEEKER] has just made a fervid plea to you to defeat this amendment because its submission will interfere with the winning of the war. The President of the United States, charged with the prosecution of the war, sends you word to pass the amendment in order to aid in winning the war. [Applause.] It is for the membership of this House to decide now whether, on the important question of winning the war, they will follow the leadership of Mr. MEEKER, of St. Louis, or Woodrow Wilson, President of the United States. [Applause.] For my part, I am willing to take it for granted that the Commander in Chief of the Army and Navy of this country knows what he is about.

The gentleman has intimated that the women who are here to-day pleading for justice, pleading for democracy here at home, have fallen short in the performance of their patriotic duties. I would ask you where did Newton Baker, Secretary of War and president of the Council of National Defense, turn for assistance when he needed woman's help? Did he turn to the organization known as the Antis? No, my friends; he went to the National Woman Suffrage Association. [Applause.] And to-day at the head of the woman's branch of the Council of National Defense, placed there by your Secretary of War, is Anna Howard Shaw, the honored leader of this movement. [Applause.]

And when your Secretary of the Treasury desired to float the great issue of liberty bonds, where did he turn in order to secure the assistance of the women of this country? Did he go to those who were petitioning Congress to deny women the right to vote because they did not want to vote themselves? Not at all, my friends. He turned to Carrie Chapman Catt; turned to the women who lead the National Woman Suffrage Association.

And did these women fail to respond? Why, my friends, we have the testimony of the Secretary of War himself; we have the testimony of the Secretary of the Treasury himself—that not only did they respond but that they were in large measure responsible for the success of those great enterprises. My friends, upon this issue I prefer to follow the leadership and to accept the advice of the Secretary of War and the Secretary of the Treasury rather than follow the leadership of the gentleman from St. Louis. [Applause.]

Mr. Speaker, I favor woman suffrage because I believe in democracy—the old-fashioned kind of democracy—the kind the fathers of the Republic wrote into the Declaration of Independence when they gave mankind the "American idea," that "governments derive their just powers from the consent of the governed"; the kind for which ten million men are fighting, freezing, and dying in the trenches, from the North Sea to the Adriatic; the kind for which we are pouring out our treasure and for which we are preparing to shed the best blood of America.

Surely, my friends, if we are willing to make these supreme sacrifices in order that Englishmen and Frenchmen, Germans and Austrians, Russians and Serbians may have democracy we will not deprive millions of our own citizens of the same precious gift.

I hold that every human being, unless a convict or an imbecile, has an inherent, God-given right to a voice in his or her government.

Colorado has had equal suffrage for a quarter of a century and our women are not Amazons and our men are not mollycoddles.

They told us women would not vote, but our official records show that women vote in about the same proportion as men.

They told us the women of the underworld would go to the polls while the wives and mothers remained at home. Experience has proven that the reverse is true. The percentage of women voting in the downtown precincts of the large cities in suffrage States is very much smaller than in the residential sections.

They told us that the American polling booth was too vile a place for a respectable woman to enter. The women of the suffrage States replied by taking the polling booths out of the back rooms of saloons and placing them in schoolhouses and churches.

They told us that equal suffrage would disrupt the home, but the court records of Colorado show that in 24 years not one divorce has been granted because of political differences.

They told us that under equal suffrage the women would combine and take all the offices away from the men, thus compelling many worthy patriots to earn an honest living. Again experience has confounded the prophets. Many women have held high office in suffrage States, but the men continue to hold down 80 per cent of the jobs. And here is an interesting fact: Occasionally—only occasionally—we have been compelled to arraign a male official at the bar of justice charged with criminal misconduct, but no female officeholder has ever been investigated by a grand jury.

Of course, the people of the suffrage States are not unanimous in their support of woman suffrage. There is opposition. Ask the saloon keeper who put him out of business and he will answer, with a curse, "The women."

Ask the gambler who stopped the roulette wheel and closed the faro bank and he will tell you, "The women."

Ask the political boss why his power is disappearing and he will tell you, "Those confounded women insist on scratching their ballots."

Equal suffrage by Federal amendment may be delayed, but it can not be defeated.

In the next presidential campaign both great political parties will be compelled to indorse the proposition.

No Republican can be elected without the vote of the States where women are enfranchised. No Democrat can be defeated if he can secure those votes.

Fortunately for us the Republicans wabbled on this issue in the last campaign. If they had indorsed the Federal amendment, Charles E. Hughes might have succeeded Woodrow Wilson as President of the United States.

They will not repeat the blunder, and if the Democratic Party is to continue to rule this country it must display a willingness and capacity to meet this issue.

The greatest living Missourian, CHAMP CLARK, of Bowling Green, once said: "Two things are coming as surely as death and taxes: One is prohibition and the other is woman suffrage."

A few weeks ago Congress submitted the prohibition amendment. Now let us fulfill the remainder of the prophecy by casting a two-thirds vote for the suffrage amendment.

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. Mr. Speaker, I yield eight minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Speaker, I feel that my duty as a Massachusetts Congressman calls upon me for something more than merely recording my vote on the referendum that will place the woman-suffrage amendment to our Constitution before the legislature of my State. Merely to vote in favor of referring this question to the Massachusetts Legislature might leave a doubt as to my views on the merits of the question itself, and I now address myself to the fundamental rights, privileges, and duties of the women of America, as I see them reflected in the mirror of Massachusetts history.

To my mind woman suffrage—equal rights under the law—is sound Massachusetts doctrine. It was in Worcester, Mass., over a half century ago that the first woman suffrage convention in the world was held. The call for that convention was signed by Lucy Stone, Lucretia Mott, William Lloyd Garrison, Wendell Phillips, and Ralph Waldo Emerson—an array of intellectuals whose thoughts are now spread upon the pages of the world's history. It was at that convention that Phillips, at the zenith of his powers in epigrammatic statement, speaking on democracy said: "The granting of suffrage to women is the corner stone."

Since then we have seen the great progress of the movement, State after State, nation after nation coming into line. Always some opposition to meet, but never a step backward. Woman suffrage has always held its ground. It has never been on the defensive. The efforts of the antisuffrage forces have failed to stop the movement. The suffrage bugle has never sounded retreat.

Mr. Speaker, while it is true that the great States of the West have taken the lead in granting equal suffrage to their women citizens, I maintain that the inspiration came from the State where the first blows for liberty were struck. When Dr. Anna Howard Shaw made her masterly argument before the Suffrage Committee a few days ago she was voicing the views of a Massachusetts coeducationalist. Her collegiate degree, her degree in medicine and in theology, were granted by Massachusetts institutions. Her first pastorate as America's first woman preacher was in a little town on Cape Cod. She has preached Massachusetts doctrine all over the world. What question is too big for Dr. Shaw to discuss or to vote upon?

When Julia Ward Howe, of Boston, penned the Battle Hymn of the Republic, that sent its patriotic thrill through the Nation in an hour of national stress, she was committed to the side of equal suffrage. Who to-day would dare question the right of Julia Ward Howe to vote on any question involving the welfare of our people?

Twenty-five years ago, when I was a member of the Massachusetts Legislature, a sweet-faced little woman appeared before legislative committees on many occasions. That woman was Lucy Stone Blackwell, known throughout the English-speaking world as "the guiding star of the woman-suffrage movement." Although her life was given over to suffrage, her voice was heard on any and all matters affecting child labor, women in factories, and on educational, humane, progressive legislation of all kinds. I have yet to recall a measure which she advocated or indorsed that has not since been written into the statute laws of my State except that of full suffrage to women.

The life of Lucy Stone was as inspired as that of Joan of Arc. Born in the little farming town of West Brookfield, she yearned for an education, and while quite young put the matter before her father. Faced with the problem of educating his sons, the father was compelled to turn down her appeal. "Women don't need an education," was the way he expressed it, "and boys do need one. I can't afford to do anything beyond the district school for you." But the young girl persisted and finally prevailed upon her father to let her go to college if she earned the money herself.

"I would be glad to have you go to college, Lucy, on your own money, but there isn't a college that will take women."

"Oh, yes, there is," answered the young girl. "Out in Oberlin, Ohio, they allow women to get a degree."

It was the only college in America at that time that would accept women for degrees. So Lucy Stone taught school and made shoes by hand and picked berries for preserving and saved her money to go away out to a little Ohio college for the education that her brilliant mind craved. She did not go there on the Twentieth Century Limited, seated in a parlor car, with a limousine to meet her at the station. Oh, no! The young woman of whom I am speaking went there in a slow steamer, over the Great Lakes, and when she was told that a stateroom would cost her a dollar she decided to sleep on deck to save the money. Think of it—one of the world's greatest teachers sleeping under the stars to save a dollar in order to get the education that she later gave so freely to the causes which she loved. No "gold-coast" dormitory for Lucy Stone! Only the cheapest room at Oberlin was hers. And there she spent four years—washing clothes, mending dresses, tutoring—doing anything that an honest young girl could do in order that she might pay the bills for her education.

When graduation day drew near and the coveted degree was in sight, she wrote a brilliant essay on civil government and submitted it to the faculty. It was highly commended, but the president explained that while Oberlin granted degrees to women they "could not allow them to speak in public, and Lucy Stone must allow some member of the faculty to read her essay at the graduation exercises." But the Lucy Stone of four years ago had changed. She was going ahead. Looking the president of Oberlin proudly in the eye, she said, "I am from Massachusetts, the home of liberty. If I can not read my essay in public, then nobody will read it for me." And she graduated with her essay unread.

The world moves and with it the suffrage movement. Years later, when Oberlin College had reached its fiftieth anniversary and the faculty wanted to observe, in a fitting way, the first half century of Oberlin's achievements, they met and asked each other, "Who of all our graduates will we select to deliver the leading address on this anniversary?" And the answer came, "Why, there is only one choice. Lucy Stone is our greatest graduate. She stands up like a mountain peak among the public speakers of America."

So Lucy Stone, of Massachusetts, went out to Oberlin, where once they would not let her speak because it was not the right thing for women to speak in public, and delivered the "address of the day" to celebrate the fiftieth anniversary of the founding of her alma mater.

And in this brief sketch of the life of Lucy Stone we can trace the onward progress of the equal suffrage movement. Women have advanced themselves. Their appeal for recognition has been won along the lines of greatest resistance. They have earned their place.

In my district in Massachusetts lives Alice Stone Blackwell, the daughter of Lucy Stone. Like her illustrious mother, she has devoted her entire lifetime to the cause of suffrage, and in answer to the specious argument advanced by the opponents of woman suffrage that women are not able to comprehend the questions that voters must face I offer in Alice Stone Blackwell one of the most brilliant writers on governmental affairs that this country has ever produced.

I am in favor of full suffrage for the women of my State because it is only fair to suppose that Massachusetts women are as much entitled to vote on all matters as are the women of New York State, which is just across the line from Massachusetts. I favor the Federal amendment because it equalizes the voting privilege of women and handles this great democratic question better than if it were left to each State to decide. The idea of a woman in a suffrage State moving into a nonsuffrage State and being disfranchised is settled only by Federal amendment.

A great Persian philosopher once said, "Dogs bark, but the caravan moves on." I think it is time to stop the barking of the antisuffrage dogs in this country, once and for all. Democracy can not live, half free and half female. [Applause.] Let the autocracy of sex pass into the discards along with the autocracy of divine right of kings that is now making its last stand before the forces of true democracy in the trenches "over there" in France. [Long-continued applause.]

At this point Mr. MANN entered the Hall and was greeted with applause.

The SPEAKER. I am certain we are all glad to have Brother MANN back with us. [Applause.]

Miss RANKIN. Mr. Speaker, I yield one-half minute to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I shall use the 30 seconds granted to me to say, as the Representative of the original woman suffrage State, the Representative of the State in which women have voted for 49 years, the Commonwealth of Wyoming, that this is a great and a glorious day, the day that shall see the adoption of the resolution for the submission of a Federal woman suffrage amendment. [Applause.]

Miss RANKIN. Mr. Speaker, I yield four and one-half minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Speaker and gentlemen of the House, a good deal of time has been taken in determining whether or not suffrage is a right or a privilege. From my own standpoint I look upon it more as an obligation and a duty than as either a right or a privilege. It is more a question of expediency, in my judgment, than it is a question of right.

We say to the lad of less than 21 years of age, "You are not entitled to vote, because it is unsafe from the standpoint of the

Government that one of immature mind should have a voice in the affairs of State." We say to one of infirm mind, "It is unwise to permit you to participate in governmental affairs." It is always determined from the viewpoint of the Government and not from the desire or the viewpoint of the individual. I have long, long since reached the conclusion that woman had reached that high mental estate which made it an imperative duty on the part of the Republic to give her the opportunity of making her contribution to the Nation by giving her the right of suffrage. [Applause.]

The statement has been made on the floor here that she should not be given this right because she can not bear arms. When did a physical essential become a determining qualification for mental activity? Some of the greatest statesmen in this Nation, some of the most useful men in public life to-day, are men who by reason of physical misfortune can not be soldiers, and yet no one would advocate that the right of suffrage be taken from such individual.

The gentleman from Missouri [Mr. MEEKER] says that she is a pacifist, that she was responsible for the election of the President, inspired as she was by the desire to keep out of war. My friends, when did the love of peace and the abhorrence of war become a crime? [Applause.]

If you are going to deprive one of the right of voting because he loves peace, you would deprive the President of the United States of that right, who for three years with infinite patience endured humiliation and injury in the effort to preserve the peace of 100,000,000 people. You would deprive a majority of the electorate of the United States, for they, by their vote, gave notice that they desired a continuation of peace. Such a test should not be made, as one's opinion as to a governmental policy can not determine one's right to vote. But it would be an emotional government if she participated, says the gentleman from Virginia [Mr. SAUNDERS]—a pacifist government—for woman is opposed to war. Gentlemen of the House, based on my own observation, let me give you this advice: Never determine one's courage by his eagerness to get into a fight. [Applause.] A safer test is to wait and see how he fights after he gets in. Judged by that qualification, what is the attitude of the ladies of America to-day? The mistresses of a million homes in the United States are conserving food to help the country. Nurses are on the front in the hospitals and in the cantonments. I have noticed on the boats, on the railway trains, on the street cars, on the streets, in the crowded galleries of this Chamber this afternoon, the loving, "praying hands" of American womanhood knitting garments to protect the soldiers. [Applause.] That is how they are fighting, now we are in.

The SPEAKER. The time of the gentleman has expired.

Mr. RAKER. Mr. Speaker, I yield to the gentleman from Washington [Mr. DILL].

Mr. DILL. Mr. Speaker, I desire to add my support to the cause of woman suffrage to-day. In two campaigns a crowd of suffragettes—the same crowd that have been picketing the White House—have tried to defeat me, and in both campaigns the women voters have rallied to my support. I mention this because those who have picketed the White House not only do not represent the women voters of the great West but are absolutely unrepresentative of voting women. I have just returned from the West; and I speak with the authority of the women of my district when I say that they unreservedly condemn these pickets in their actions. But the fact that a few misguided women have conducted themselves as they have must not be allowed to hinder or delay the passage of this amendment.

The women of America should be allowed to vote as a matter of plain justice. If a woman does not desire to vote, she will not be compelled to vote. But, if a woman does desire to vote, why should she not be permitted to do so? The people are made up of men and women. All of them have an equal right to life, liberty, and the pursuit of happiness. If a woman violates the law, what man goes to jail for her or pays her fine? If she owns property, who pays her taxes? If she is sued and judgment is secured against her, who pays the judgment? A woman in this country can buy or sell, sue or be sued, own and convey property—in fact, she can do practically everything that a man can do except vote.

Why can not women vote? Simply because they are the one great part of the population to whom the franchise has not yet been granted. The history of the extension of the right to vote among free peoples is interesting and suggestive. Originally only the king could vote. Later a few of his lords were given the power to vote. A little later the clergy secured that right. Then the landowners were granted the franchise. Here in the United States we swept away the property qualification and established manhood suffrage. Now we propose to extend this right to women. [Applause.]

All of this talk that suffrage will destroy the home has been answered a million times by the home-loving women who live in the West, where women exercise that right already. Gentlemen need not fear that women will neglect or destroy the home because women created the home. The home does not depend upon government but is the foundation of government.

The progress of mankind is measured by the progress of the women. In the state of savagery it was woman who provided for and protected her young while her cave-dwelling consort roamed the forest or engaged in battle. I have read that woman built the first human habitation and discovered how to start a fire. It was woman who first learned to prepare skins of animals for protection from the elements, and tamed and domesticated the dog and horse and cow. She was a servant and a slave and did these things because of the human instinct to lessen her labor and better the condition of herself and her children.

The distinctive feature of our time is the emancipation and individualism of woman. To-day she is the peer of man, not only in intelligence but in privileges and powers as well. With these privileges and powers are coming a new realization of the kind of dangers that beset herself, her husband, her home, and her children. She is learning that her assailants are no longer in the open, but that they lurk and hide in the results and products of social injustice and industrial greed. She can see that they exist because of laws and the absence of laws. She has found from bitter experience that sickness and death are concealed in impure food which is bought for pure, and in insanitary tenement houses of our great cities in which so many are compelled to live. In other words, she is coming to know that if she is to protect herself and the race she has borne from the assailants that beset and destroy she must be able to control the reservoir in which the water of life is collected as well as the faucet from which it is drawn. That is why all over this broad land of ours there is going up an irresistible demand for woman suffrage.

This theory that the man provides and the woman is sheltered is a living lie, as millions upon millions of women wage earners are proving every day. Sometimes a man provides and sometimes he does not. Sometimes it is the woman who must provide, not only for herself but for her children also. Never was that so true as it is to-day with America at war and millions of men being sent to the battle fronts and millions more to go. Let us remember that "Hunger knows no sex, want knows no sex, necessity knows no sex, law knows no sex, property knows no sex; only the ballot box knows sex."

But the ballot box once knew rank. It once knew income and money and title. The onward march of democracy has swept away all these paraphernalia of privilege and the disability of sex now must go. In the years to come the present reasons advanced against woman suffrage will seem as reactionary and as senseless as the reasons once advanced against the extension of manhood suffrage now seem. [Applause.]

Mr. RAKER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RAKER. I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. SAUNDERS of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS of Virginia. To see what has become of my time.

The SPEAKER. It has gone.

Mr. SAUNDERS of Virginia. How did the gentleman get it? I have been trying to get recognition. I had three minutes left.

The SPEAKER. I know the gentleman would have three minutes left if it was not for the clock.

Mr. SAUNDERS of Virginia. I understand.

Mr. RAKER. There are 19 minutes that I have not used.

The SPEAKER. Now, what does the gentleman from Virginia [Mr. SAUNDERS] want?

Mr. SAUNDERS of Virginia. I just wanted my time. [Laughter.]

The SPEAKER. Of course, anybody who has ever observed things very closely here knows that in one of these long debates some time is lost. It is utterly impossible to stop a gentleman who is in the middle of a sentence. When he is rapped down he goes on and finishes the sentence. This rule provides that the debate goes on until 5 o'clock.

Mr. BARKLEY. Mr. Speaker, I shall support this resolution for several reasons, all of which I can not in the short time at my disposal enumerate. Many Members have hesitated upon this question because of the fear that it interfered with the rights of the States to fix the qualifications of voters. However,

it occurs to me that this is a confusion resulting from a misinterpretation of the amendment itself.

It does not disturb any qualifications already or hereafter fixed by the States except as to the matter of sex. All educational, property, or other qualifications as fixed by the States will remain as they are now, unless changed by the States themselves. This amendment simply says to the States or to the Federal Government, "You may not deny to a woman the right to vote simply because she is a woman."

There is no question of the right of the Federal Government to deal with the question of suffrage. The framers of the Constitution dealt with it in framing that instrument, afterwards adopted by the States. It so happens that they dealt with it by adopting those qualifications which were fixed by the States. But they might have dealt with it by fixing any other standard which they thought wise. The fact that they dealt with it in that way makes certain their power to have dealt with it in any other way, and makes certain the power and right of the National Government to deal with it in this way by submitting this amendment to the States to determine whether the people still desire the States to have exclusive jurisdiction in this matter. There can be no question that the people have the right to change their Constitution if they desire. The only chance they have at it is by the submission of amendments by Congress. I believe the States have a right to pass upon this amendment, and thus believing, I shall vote to submit it to them. [Applause.]

Already in 18 States women have the right to vote for Members of Congress and for President of the United States. These are in a sense national offices, because they deal with national conditions and policies. It seems to me an anomaly in political science and economy that the women of 18 States may have a voice in the election of a President of all the people of the Nation, and therefore may determine who he shall be, without the women in the other 30 States having any voice whatever in the selection of the Chief Executive of the land. If we could, for illustration, imagine the disqualification of all the men in the country for any reason we would have a situation where the voters of 18 States would choose the Government for themselves and the other 30, without giving the latter or any portion of them any voice in the result. Therefore, considering the present situation in all the States, we must admit that the women in 18 of them have the balance of power and may say who shall govern all the men and all the women in all the States. This condition leads me to believe that the States of the Union have a right to determine whether the Constitution shall be amended so as to give the women of the other States an equal voice with those already enfranchised in determining the policy of their Government, as well as its character and personnel. They have the right to say whether they will do it by Federal amendment. But they can not do it unless the amendment is submitted to them. I therefore believe it my duty to vote to submit this amendment to the States in the interest of that theory of democracy in whose behalf we have become the leaders of the world. [Applause.]

Mr. BARKLEY. Has the time expired?

The SPEAKER. Yes. It is 5 o'clock. The Clerk will read the resolution for amendment. All gentlemen will take their seats. All gentlemen will refrain from conversation, and likewise the people in the galleries.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid as part of said Constitution, namely:

Mr. MOORES of Indiana. Mr. Speaker——

Mr. SAUNDERS of Virginia rose.

Mr. MOORES of Indiana. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

Mr. SAUNDERS of Virginia. Mr. Speaker, as a member of the committee, I was seeking recognition on this section.

The SPEAKER. The gentleman from Indiana got recognition. The Chair did not see the gentleman from Virginia.

Mr. SAUNDERS of Virginia. I was trying to get recognition.

The SPEAKER. The Chair would have been glad to recognize the gentleman. The Clerk will report the amendment offered by the gentleman from Indiana [Mr. MOORES].

The Clerk read as follows:

Amendment offered by Mr. MOORES of Indiana: After the word "to," in line 4, strike out the words "the legislatures of"; and after the word "ratified," in line 6, strike out the words "by three-fourths of said legislatures" and insert in lieu thereof the following: "by conventions duly called by authority of law in three-fourths of the several States."

The SPEAKER. The gentleman from Indiana [Mr. MOORES] is recognized for five minutes.

Mr. MOORES of Indiana. Mr. Speaker, by Article V of the Constitution it is provided that the Constitution may be amended by the submission, by a two-thirds vote, of a resolution for its amendment to either the legislatures or conventions of the States. Article V provides for amendments and provides for their alternative submission either to the legislatures or to conventions of the several States. An adoption or ratification by three-fourths of the States, either by convention or the legislatures, will be a ratification as fixed by the resolution of submission.

Mr. BARKLEY. Mr. Speaker, will the gentleman yield?

Mr. MOORES of Indiana. Certainly.

Mr. BARKLEY. I would like to have the gentleman explain what he means by authority of law. Would it be within the power of the legislature to fix a law that would call this convention, or would Congress have the right to do it?

Mr. MOORES of Indiana. The legislature would have the right.

Mr. BARKLEY. Suppose the legislature provided no law for calling this convention. Then there could be no convention.

Mr. MOORES of Indiana. Congress could supplement it by a provision calling for conventions in the States refusing to call conventions. There is no question about that as a matter of law.

Mr. BARKLEY. Does the gentleman think that Congress in submitting the amendment ought to leave any possibility of confusion like that to arise in the future?

Mr. MOORES of Indiana. I do not think it would create any confusion or any possibility of confusion. I do not believe there is a general assembly in the Union that would refuse to submit this resolution to its people in a call for a convention.

Mr. Speaker, I am not speaking in any spirit of hostility to this constitutional amendment. A change in the fundamental law of the United States at any time is a most serious question, and should have serious, earnest, and faithful consideration at the hands of the people. At this time, when another proposition for constitutional amendment has been submitted to the legislatures for adoption, I do not want to have so important a question as this, involving, as it does, the change of our whole electoral system, submitted to our legislatures to become involved in dealing in crookedness, in possible rascality, in getting votes from people who are not for it and in losing votes of people who are for it by a trade. It is not right that we should throw the Constitution of the United States into a pot to be scrambled for by the people. It is not right that this amendment, going to the very foundation of our Government, should be either passed or defeated by a deal, should be passed in one State possibly by a deal with the opponents of prohibition and in an adjoining State by a deal with those who are for prohibition. It should not be involved with railroad legislation. It should not be involved in a multiplicity of contentions. The convention idea is the true and the only true referendum. An amendment to the Constitution should go to the people for consideration upon its own merits and should not be tied up and bundled up and hampered with a thousand other measures which occupy the brief time of a legislature's session.

Mr. RAKER. Mr. Speaker——

SEVERAL MEMBERS. Vote! Vote!

The SPEAKER. Gentlemen do not expedite the business of the House by yelling "Vote!" They delay it.

Mr. RAKER. I ask unanimous consent that all debate on the amendment close in two minutes.

Mr. SHERLEY. I object.

Mr. RAKER. I move that all debate be now closed on this amendment.

The SPEAKER. The gentleman moves that all debate on this amendment be now closed.

The motion was agreed to.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry. I want to know whether the rule does not permit five minutes to speak in opposition to the amendment.

The SPEAKER. Why, yes; unless debate is closed. It is entirely in the hands of the House. The question is on agreeing to the Moores amendment.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MOORES of Indiana. Mr. Speaker, I call for the yeas and nays. I had the floor, and I call for the yeas and nays.

The SPEAKER. The gentleman has that right. Nobody is trying to deprive him of the right. Those in favor of taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Sixty-two gentlemen have arisen in the affirmative. A sufficient number——

SEVERAL MEMBERS. The other side.

The SPEAKER. The other side is called for. Those opposed to taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Two hundred and thirty-three Members have risen in the negative. It requires one-fifth. A sufficient number have seconded the demand for the yeas and nays, and the Clerk will call the roll.

The question was taken; and there were—yeas 131, nays 273, not voting 21, as follows:

YEAS—131.

Almon	Freeman	Lufkin	Sherley
Ashbrook	Gard	McLemore	Sisson
Aswell	Garner	Mansfield	Slayden
Bacharach	Garrett, Tenn.	Martin	Small
Bankhead	Gillett	Meeker	Snook
Bell	Gordon	Merritt	Stafford
Black	Gould	Miller, Minn.	Steagall
Blackmon	Gray, Ala.	Montague	Stedman
Brand	Gray, N. J.	Moon	Steele
Browning	Greene, Mass.	Moore, Pa.	Stephens, Miss.
Buchanan	Greene, Vt.	Moores, Ind.	Stevenson
Burnett	Greg	Nicholls, S. C.	Sumners
Byrnes, S. C.	Hardy	Oliver, Ala.	Switzer
Candler, Miss.	Harrison, Miss.	Olney	Tague
Cannon	Harrison, Va.	Overmyer	Talbott
Carew	Heflin	Overstreet	Tinkham
Carlin	Helm	Paige	Venable
Clark, Fla.	Houston	Park	Vinson
Classon	Howard	Parker, N. J.	Voigt
Claypool	Hull, Iowa	Platt	Walker
Candy	Hull, Tenn.	Polk	Walsh
Collier	Jones, Va.	Pou	Ward
Connally, Tex.	Kehoe	Price	Watkins
Crisp	Key, Ohio	Quin	Watson, Pa.
Dent	Kincheloe	Ragsdale	Webb
Dewalt	Kitchin	Ramsey	Whaley
Dies	Larsen	Rayburn	White, Ohio
Dominick	Lazaro	Riordan	Wilson, La.
Doughton	Lee, Ga.	Robinson	Winslow
Dupré	Lesher	Rouse	Wise
Eagle	Lever	Sanders, La.	Wood, Ind.
Estopinal	Lonergan	Sanders, N. Y.	Young, Tex.
Focht	Longworth	Saunders, Va.	

NAYS—273.

Alexander	Ellsworth	Kahn	Raker
Anderson	Elston	Kearns	Ramseyer
Anthony	Emerson	Keating	Randall
Austin	Esch	Kelley, Mich.	Rankin
Ayres	Evans	Kelly, Pa.	Reavis
Baer	Fairchild, B. L.	Kennedy, Iowa	Robbins
Barkley	Fairfield	Kennedy, R. I	Roberts
Barnhart	Farr	Kettner	Rodenberg
Beakes	Ferris	Kiess, Pa.	Rogers
Beshlin	Fess	King	Romjue
Bland	Fields	Kinkaid	Rose
Blanton	Fisher	Knutson	Rowe
Booher	Flood	Kraus	Rowland
Borland	Flynn	Kreider	Ruby
Bowers	Fordney	La Follette	Rucker
Britten	Foss	Langley	Russell
Brodbeck	Foster	Lea, Cal.	Sabath
Browne	Francis	Lehlbach	Sanders, Ind.
Brumbaugh	Frear	Lenroot	Sanford
Burroughs	French	Linthicum	Schall
Butler	Fuller, Ill.	Little	Scott, Iowa
Byrns, Tenn.	Fuller, Mass.	Littlepage	Scott, Mich.
Caldwell	Gallagher	Lobeck	Scott, Pa.
Campbell, Kans.	Gallivan	London	Scully
Campbell, Pa.	Gandy	Lundeen	Sears
Cantrill	Garland	Lunn	Sells
Caraway	Garrett, Tex.	McAndrews	Shackleford
Carter, Mass.	Glass	McArthur	Shallenberger
Carter, Okla.	Glynn	McClintic	Sherwood
Chandler, N. Y.	Godwin, N. C.	McCormick	Shouse
Chandler, Okla.	Good	McCulloch	Siegel
Church	Goodall	McFadden	Sims
Clark, Pa.	Goodwin, Ark.	McKenzie	Sinnott
Connelly, Kans.	Graham, Ill.	McKeown	Slemp
Cooper, Ohio	Green, Iowa	McKinley	Sloan
Cooper, Wis.	Griest	McLaughlin, Mich.	Smith, Mich.
Copley	Hadley	McLaughlin, Pa.	Smith, C. B.
Costello	Hamill	Madden	Smith, T. F.
Cox	Hamilton, Mich.	Magee	Snell
Crago	Hamilton, N. Y.	Maher	Snyder
Cramton	Hamlin	Mapes	Steenerson
Crosser	Haskell	Mason	Stephens, Nebr.
Currie, Mich.	Hastings	Mays	Sterling, Ill.
Dale, N. Y.	Haugen	Mondell	Sterling, Pa.
Dale, Vt.	Hawley	Morgan	Stiness
Dallinger	Hayden	Morin	Strong
Darrow	Hayes	Mott	Sullivan
Davidson	Heaton	Mudd	Sweet
Davis	Helvering	Neely	Swift
Decker	Hensley	Nelson	Taylor, Ark.
Dempsey	Hersey	Nichols, Mich.	Taylor, Colo.
Denison	Hicks	Nolan	Temple
Denton	Hilliard	Norton	Templeton
Dickinson	Hollingsworth	Oldfield	Thomas
Dill	Huddleston	Oliver, N. Y.	Thompson
Dillon	Humphreys	Osborne	Tillman
Dixon	Husted	O'Shaunessy	Tilson
Dooling	Hutchinson	Parker, N. Y.	Timberlake
Doolittle	Igoe	Peters	Towner
Dowell	Jacoway	Phelan	Treadway
Drane	James	Porter	Van Dyke
Dyer	Johnson, Ky.	Powers	Vare
Eagan	Johnson, Wash.	Pratt	Vestal
Edmonds	Jones, Tex.	Purnell	Volstead
Elliott	Juul	Rainey	Waldow
Walton	Welling	Williams	Woodyard
Wason	Welty	Wilson, Ill.	Young, N. Dak.
Watson, Va.	Wheeler	Wilson, Tex.	Zihlman
Weaver	White, Me.	Wingo	

NOT VOTING—21.

Capstick	Dunn	Ireland	Reed
Cary	Fairchild, G. W.	Johnson, S. Dak.	Smith, Idaho
Cooper, W. Va.	Graham, Pa.	LaGuardia	Woods, Iowa
Curry, Cal.	Heintz	Mann	
Doremus	Holland	Miller, Wash.	
Drukker	Hood	Padgett	

So the amendment was rejected.

The result of the vote was then announced as above recorded.

Mr. SAUNDERS of Virginia. Mr. Speaker, I move to strike out the last word. I desire to have read in my time the paper which I send to the desk.

The Clerk read as follows:

HON. ALBERT F. POLK.

House of Representatives, Washington, D. C.

DEAR SIR: Understanding that the vote upon the amendment to the Constitution providing for woman suffrage throughout the United States is to be submitted to the House of Representatives on January 10, we, the undersigned, desire, as citizens of Delaware and of the United States, to protest through you against the adoption of such an amendment. We believe that the people of this State of both sexes are overwhelmingly opposed to this momentous and basic change in the structure of our Federal Government, and that, if finally adopted, it would do wanton violence to those principles of local self-government in the several States which have so long been held sacred in our dual scheme of government.

In this view it is unimportant whether our individual opinion be for or against woman suffrage. Nothing that so vitally concerns the political and social well-being of a State as the proposed fundamental change in the seat of political power should be arbitrarily imposed upon the people of any State without their consent, and we can not but consider the initiation of such a change by the vote of the two Houses of Congress as an abuse of the power conferred upon them by the Constitution.

From the very beginning and during the long period of our national existence it has been held as a cardinal principle not only by the framers of the Constitution but continuously by the intelligent public opinion of the country, without distinction of party, that suggestion by Congress of change in the organic law of the Union should only be made with extreme caution and in response to a well-recognized emergency requiring the same. The few amendments ingrafted upon the Constitution during this long period (for the first 10 amendments were almost contemporaneous with the adoption of the Constitution itself) testify to this fact, and most of them, including the fifteenth, grew out of the emergencies created by the Civil War. The historical circumstances were exceptional and the exigencies overwhelming. They were the outcome of a social and political revolution and seemed to the actors in that bloody drama necessary to safeguard civilization itself.

No such emergency now exists. No grievances on the part of the women of the country cry out for redress so drastic and so dangerous to State autonomy. There is only a desire of a portion of the women of the country to share in political power, and its propaganda is comparatively of recent growth. There is no compelling reason for imposing it by constitutional edict on the whole country and invading so important a province of local self-government.

There is nothing in the manner in which the States have dealt with this question to justify the impatience of the protagonists of woman suffrage. On the contrary, they have reason to be satisfied with the progress made of their cause by the somewhat slow but considerate action of the peoples of the several States. In the face of all this it seems to us absurd to say that there is any such exigent demand as would justify this momentous change in our organic law. Every unwelcomed call for amendment to that law weakens its stability and encourages the recurrent frequency of such demands.

Yours, respectfully,

Geo. Gray, Thomas F. Bayard, S. D. Townsend, George A. Elliott, Alexis I. du Pont, H. H. Ward, W. W. Laird, Henry P. Scott, D. W. Corbit, John P. Nields, David T. Marvel, T. W. Wilson.

Mr. SAUNDERS of Virginia. Mr. Speaker, I desire to withdraw the pro forma amendment and simply say that this protest was presented in behalf of Judge Gray, a distinguished citizen of Delaware, and many other distinguished citizens of the same State.

Mr. GARD. Mr. Speaker, I offer the following amendment to go in as section 3.

Mr. RAKER. But section 2 has not been read.

The SPEAKER. The Clerk will read section 2.

The Clerk read as follows:

SEC. 2. Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

The SPEAKER. The Clerk will read the amendment offered by the gentleman from Ohio [Mr. GARD].

The Clerk read as follows:

SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States as provided in the Constitution within seven years from the date of the submission hereof to the States by the Congress.

Mr. GARD. Mr. Speaker, I merely desire to call the attention of the House to the fact that the language used in the new section 3 as offered by me is the identical language contained in the article of amendment adopted on December 10, having been passed in so far as everything except the time is concerned by the Senate of an amendment by the House adding one additional year, accepted by the Senate. So that it is the exact language

which this House voted for and which the Senate ratified in connection with the so-called prohibition amendment.

Mr DUPRÉ. Will the gentleman yield?

Mr GARD. Yes.

Mr DUPRÉ. Does it contain the other provision that the amendment shall not be effective until one year after the ratification?

Mr GARD. It does not.

Mr DUPRÉ. Does not the gentleman want to include that?

Mr GARD. It is not here included.

Mr. RUCKER. Will the gentleman yield?

Mr GARD. Yes.

Mr. RUCKER. If the amendment is adopted, would the gentleman vote for the resolution?

Mr GARD. For the resolution in its entirety? I am frank to say that I could not support the resolution. I made a speech to that end. I am offering this with the purpose of perfecting the bill because it seems to me and to many other gentlemen that it is both idle and unwise, to use the words of another, to send an article of amendment out before the people without any time fixed when it shall be returned.

Mr. BLANTON. Will the gentleman yield for a question?

Mr GARD. I can not yield. It has been said in the history of this Republic that there is one so-called amendment which has been wandering around the country for over a hundred years, and surely it should be the policy of this legislative body to impose on every constitutional amendment a time limit. There should be something in the law or in the article of amendment, rather, which shall make it compulsory to be acted upon within a certain time. As I have said, this is exactly the language which the House accepted, with the addition of one year, which was ratified by the Senate. It is to my mind and to the mind of many others a most important and necessary addition to any article of amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio.

Mr. FRENCH. Mr. Speaker, I am opposed to the amendment, and I want to say a few words upon it.

Mr. RAKER. Mr. Speaker, before the gentleman from Idaho begins, I ask unanimous consent that debate on this amendment and all amendments to the resolution close in five minutes.

The SPEAKER. The gentleman from California asks unanimous consent that debate on this amendment and all other amendments close in five minutes. Is there objection.

Mr GARRETT of Tennessee. I object to that.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that debate upon this amendment close in five minutes.

The SPEAKER. The gentleman from California asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. FRENCH. Mr. Speaker, I am opposed to the Gard amendment. I am in favor of the resolution as it has been reported from the committee. I am opposed to this particular amendment because it can do no good and may prolong the fight looking to the granting of suffrage. One of the reasons why I am in favor of the amendment to the Constitution as it is proposed is because of the difficulties in the several States in amending their constitutions. Here is a proposition that, if it shall prevail, will make it necessary that a sufficient number of the States ratify the amendment within a period of seven years. If they fail then, this question must be submitted to the States again. Here is a question that is virile. It will not be pending for a hundred years and then forgotten, as the amendment to which the gentleman from Ohio referred. Here is a question that if it shall not prevail within seven years will be submitted again by another Congress, and the work of ratification will have to be done over again in the several States. Because of that I urge it as the part of wisdom to omit the time limit in its entirety.

Gentlemen, seven years is a short time in the life of a State and in the life of our Nation. If we are to have a time limit it should be not less than 20 years. Why, the Legislature of Alabama meets in regular session in four-year intervals. In Vermont the constitution can be amended not oftener than once in 10 years. Other States have time limits of 4, 5, or 6 years. Again, I say a period of 7 years is a short time in the history of our country. This amendment may not be ratified within 7 years, but in my judgment it will be ratified within a time that is altogether reasonable.

Mr. CLARK of Florida. Mr. Speaker, will the gentleman yield.

Mr. FRENCH. Yes.

Mr. CLARK of Florida. The gentleman voted for the prohibition amendment, did he not?

Mr. FRENCH. Yes; I voted for the resolution in spite of the fact that it had attached to it this particular provision.

Mr. CLARK of Florida. How can the gentleman differentiate between the two?

Mr. FRENCH. I would vote for this resolution with the time limit upon it, but I prefer to vote for it without any limit as to time.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. BLANTON. I want to ask the gentleman if it is not a fact that the amendment tacked onto the prohibition amendment was put there by enemies of the prohibition cause?

Mr. FRENCH. I have no doubt of it.

Mr. BLANTON. And this is attempted by enemies of this cause?

Mr. FRENCH. Undoubtedly; and it was admitted by the gentleman who offered it that, even if his amendment should pass, he will not support the resolution.

But let me ask you to consider for a few minutes another phase of the situation. In my judgment, one of the strongest reasons why we should pass the resolution granting suffrage to women is because of the harsh and sometimes unworkable conditions imposed in State constitutions that have to do with their amendment. Gentlemen, in spite of overwhelming majorities and unquestioned sentiment, it is well-nigh impossible for many State constitutions to be amended. Ought we not to adopt a simpler means, and ought we not to provide a reasonable time within which action may be had?

In examining the question I shall merely refer to the States where by constitutional amendment suffrage has not been granted.

Take the State of Illinois. No one familiar with the situation doubts that the people of Illinois are overwhelmingly in favor of woman suffrage. Then, why do they not amend their constitution?

Let us see. The legislature meets biennially, and let us suppose that a legislature favorable to suffrage will be elected. Now, suffrage is not the only thing that the people of Illinois are in favor of. Suppose they want to pass a prohibition amendment. Suppose the people favor State ownership of certain public utilities that can only be acquired by constitutional amendment. The opponents of suffrage can join with the friends of the public utilities amendment and force a vote upon it. The vote is forced before action can be had on the suffrage amendment; and, once passed, its passage defeats the suffrage amendment. And why? Why, because only one constitutional amendment can be placed before the people at a time. Remember the legislature meets only once in two years.

Remember, again, that a two-thirds vote of the legislatures is required to pass the amendment, and that it must be ratified by a majority of the people voting at the election. And so your suffrage amendment may not even come before the people. Suppose at the next legislature prohibition has right of way, then the suffrage amendment is again postponed. Well, Illinois is not the only State so hampered. In Kentucky all the legislature would need to do would be to submit two constitutional amendments to crowd out suffrage, and in Arkansas only three.

But let us go further. Suppose South Carolina favors suffrage overwhelmingly. Well, the legislature meets annually. But the suffrage amendment must pass by a two-thirds vote of both houses; then it must be submitted to the people and receive a majority of the votes of the people voting for representatives. Then with this ratification has the suffrage amendment passed? Not at all. The whole question must go to the next legislature and there it must pass by a two-thirds vote of both houses. In Mississippi it is even worse, for the legislature, although on the second vote a majority may ratify the amendment, meets quadrennially and not every year, as is the case in South Carolina.

In Connecticut, Massachusetts, Tennessee, and Vermont the amendment, aside from being ratified by the people, must run the gantlet of two separate legislatures, and pass them both by at least a two-thirds vote of one or both houses in at least one of the sessions.

In Indiana, Iowa, New Jersey, North Dakota, Pennsylvania, Rhode Island, Virginia, and Wisconsin the amendment must not only be ratified by the people but must pass two separate legislatures by majority votes. In Rhode Island the people to the extent of three-fifths of all voting at the election must vote for the amendment. Remember, too, that all of the States in this group, excepting New Jersey and Rhode Island, have biennial sessions of their legislatures.

But let us examine a few more features. By the laws of Congress admitting immigrants to our shores, and by the laws of our States, not by constitutional amendment, we have endowed with suffrage thousands upon thousands of people who do not

know the meaning of the word, or who have criminal records, or who, barely escaping the doors of penitentiaries, are dragging society downward. We have endowed these, I say, with suffrage by simple statutes.

Yet the mothers of our land, women who teach our children, and from whom we all have learned the purest lessons of social conduct, the loftiest ideals of duty to society, to government, to God; the women of our land, cultured, educated, refined, toiling by the side of man, sacrificing in measure that man himself can not ask; the women of our land, I say, must attain their simple right to participate in government, not by acts of legislatures or of Congress but by constitutional amendment.

To attain suffrage in Alabama, Florida, Kentucky, Maryland, North Carolina, and Ohio, the legislatures by a three-fifths vote of both houses must pass amendments to their constitutions. In Alabama and Kentucky the amendment must then be ratified by the people; in Alabama by a majority of all votes cast at the election; and in Kentucky by a majority voting on the amendment. In Georgia, Illinois, Louisiana, Maine, Michigan, Mississippi, South Carolina, Texas, and West Virginia a two-thirds vote of both houses is necessary, while in Illinois, Mississippi, and South Carolina the people must ratify the amendment.

But not only are constitutions difficult to amend as a rule, requiring overwhelming votes of State legislatures, but many of our States require such majorities when submitted to the people for ratification as to make amendment next to impossible. When candidates aspire to office it is not required that for any one to be elected he shall receive a majority vote of all persons voting at the election. Plurality counts, and the person is elected who receives the greatest number of votes. Yet in at least the 10 States of Alabama, Arkansas, Indiana, Illinois, Minnesota, Mississippi, Nebraska, Oklahoma, Rhode Island, and Tennessee the amendment must be carried, not by a majority of votes for or against the amendment, but, in most of those States, by a majority of all persons voting at the election; in Rhode Island by three-fifths of those voting, and in Indiana, if we are to accept as correct what I believe is the latest interpretation of the constitution of the State by its supreme court, a majority of all the people of the State who are eligible to vote. Do you not see that in these States the man who is too ignorant to vote, or who is too indifferent, may have the same influence as the thoughtful man—the patriotic citizen who has earnestly and well pondered over the merits of a constitutional amendment?

But there are other limitations still. In Illinois when a proposed amendment to the Constitution has been defeated it can not be submitted again until after a period of four years.

In Kentucky, New Jersey, and Pennsylvania not until after five years. In Tennessee an amendment may not be submitted a second time till after 6 years, and in Vermont not until 10 years shall have passed.

Now, let us see how the women would go about amending the constitution of New Mexico. Here is a State in which no educational test may be imposed. Here is a State in which the vote of the ignorant peon or the illiterate immigrant counts for as much as the vote of the farmer, the miner, the business man, or man following a profession. Yet to pass the suffrage amendment it would need to be carried through both houses of the legislature by a three-fourths vote. That is not all. It would need to be ratified by three-fourths of the electors of the State participating. But that is not all. It would need to be ratified by two-thirds of the electors of each and every county of the State.

Let me ask those who talk of democracy, who talk of the rule of the people, how long it would take to attain suffrage in New Mexico? Why, 99 per cent of the people of New Mexico might be in favor of woman suffrage, but if in one single county one man more than one-third of the voters of the county voted against suffrage the amendment would fail to pass.

But some one says, Why not hold constitutional conventions in the several States and in that way make new constitutions? Gentlemen, in all States where conventions may be held heavy expense must be incurred and many problems besides suffrage would be opened to discussion that people have regarded as fixed and stable for many years. Why impose that burden, and why tie suffrage up with a multitude of other problems that would prevent a fair consideration, problems, maybe, that of their own dead weight would defeat the ratification of a proposed constitution containing full suffrage grants? Remember, too, that in at least 12 of our States there is no provision by which constitutional conventions may be held, and that in still another—Maryland—20 years must elapse after the holding of a constitutional convention before another such convention may be assembled.

Mr. Speaker, what I have said is not new. The State constitutions themselves tell the story, and it has been admirably worked out by Prof. W. F. Dodd in his Revision and Amendment of State Constitutions, and worked out in brief detail by Mary Sumner Boyd in her pamphlet entitled, "State Constitutional Obstructions." But the condition to which I have referred constitutes, in my opinion, a most powerful argument in favor of submitting the whole question to the several States in the way of a proposed Federal amendment to our National Constitution. It is well known that the opponents of woman suffrage are urging the sovereignty of the States in this great question. They apparently do not want the question voted upon when a fair vote and a clean decision may be attained. They want the advantage of archaic machinery. They want cumbersome methods of amending constitutions to supplement their lack of argument. They are like the gladiator who says, "I will enter the arena but the hands of my opponent must be tied behind his back."

Mr. Speaker, in conclusion may I say this: The women of our land as part of our people are called upon to bear their responsibility in every walk of life. How nobly they bear that responsibility may well be the subject of the mightiest epic. More I need not say, only that to them, without question and without asking, should be accorded full measure of suffrage. I believe they will honor suffrage in exercising its responsibilities; but even this is beside the mark. Were it necessary for woman to begin at the lowest rung of the ladder and climb up, were it necessary for her to go through the pangs of birth of responsible citizenship, as the people of Russia are asked to do at this hour, then, still it would be our duty to endow her to the extent that is in our power with the means of full participation in the affairs of state.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. GARD].

The question was taken.

Mr. GARD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 158, nays 247, not voting 22, as follows:

YEAS—158.

Almon	Focht	Lonergan	Sisson
Ashbrook	Freeman	Longworth	Slayden
Aswell	Gallivan	Lufkin	Small
Bacharach	Gard	McLaughlin, Pa.	Snook
Bankhead	Garland	McLemore	Stafford
Bell	Garner	Mansfield	Steagall
Black	Garrett, Tenn.	Martin	Steadman
Blackmon	Gillett	Meeker	Steele
Brand	Glass	Merritt	Stephens, Miss.
Browning	Godwin, N. C.	Moon	Stephens, Nebr.
Buchanan	Gordon	Moore, Pa.	Stevenson
Burnett	Gould	Moores, Ind.	Sumners
Byrnes, S. C.	Gray, Ala.	Morin	Switzer
Byrns, Tenn.	Gray, N. J.	Mudd	Tague
Candler, Miss.	Greene, Mass.	Nicholls, S. C.	Talbott
Cannon	Greene, Vt.	Nichols, Mich.	Thomas
Carew	Gregg	Oliver, Ala.	Tilson
Carlin	Hardy	Olney	Tinkham
Clark, Fla.	Harrison, Miss.	Overmyer	Venable
Classon	Heaton	Overstreet	Vinson
Claypool	Heflin	Paige	Voigt
Coady	Helm	Park	Walker
Collier	Houston	Parker, N. J.	Walsh
Connally, Tex.	Howard	Platt	Ward
Crago	Hull, Iowa	Polk	Watkins
Crisp	Hull, Tenn.	Pou	Watson, Pa.
Dallinger	Humphreys	Price	Watson, Va.
Davidson	Igoe	Quin	Webb
Denison	Jones, Va.	Ragsdale	Welty
Dewalt	Kearns	Ramsey	Whaley
Dies	Kehoe	Rayburn	White, Ohio
Dominick	Key, Ohio	Riordan	Wilson, La.
Doremus	Kincheloe	Robinson	Wilson, Tex.
Doughton	Kitchin	Rouse	Winslow
Eagle	Kreider	Sabath	Wise
Edmonds	Larsen	Sanders, La.	Wood, Ind
Esch	Lazaro	Saunders, Va.	Woods, Iowa
Estopinal	Lee, Ga.	Sears	Young, Tex.
Fairchild, B. L.	Lesher	Sherley	
Flood	Lever	Sherwood	

NAYS—247.

Alexander	Brumbaugh	Costello	Dowell
Anderson	Burroughs	Cox	Drane
Anthony	Butler	Cramton	Dyer
Austin	Caldwell	Crosser	Eagan
Ayres	Campbell, Kans.	Currie, Mich.	Elliott
Baer	Campbell, Pa.	Dale, N. Y.	Ellsworth
Barkley	Cantrill	Dale, Vt.	Elston
Barnhart	Caraway	Darrow	Emerson
Beakes	Carter, Mass.	Davis	Evans
Beshlin	Carter, Okla.	Decker	Fairfield
Bland	Chandler, N. Y.	Dempsey	Farr
Blanton	Chandler, Okla.	Denton	Ferris
Booher	Church	Dickinson	Fess
Borland	Clark, Pa.	Dill	Fields
Bowers	Connelly, Kans.	Dillon	Fisher
Britten	Cooper, Ohio	Dixon	Flynn
Brodbeck	Cooper, Wis.	Dooling	Fordney
Browne	Copley	Doolittle	Foss

Foster	Keating	Mott	Sims
Francis	Kelley, Mich.	Neely	Sinnott
Frear	Kelly, Pa.	Nelson	Slemp
French	Kennedy, Iowa	Nolan	Sloan
Fuller, Ill.	Kennedy, R. I.	Norton	Smith, Idaho
Fuller, Mass.	Kettner	Oldfield	Smith, Mich.
Gallagher	Kiess, Pa.	Oliver, N. Y.	Smith, C. B.
Gandy	King	Osborne	Smith, T. F.
Garrett, Tex.	Kinkaid	O'Shaunessy	Snell
Glynn	Knutson	Parker, N. Y.	Snyder
Good	Kraus	Peters	Steenerson
Goodall	La Follette	Phelan	Sterling, Ill.
Goodwin, Ark.	Langley	Porter	Sterling, Pa.
Graham, Ill	Lea, Cal.	Powers	Stiness
Green, Iowa	Lehlbach	Pratt	Strong
Griest	Lenroot	Purnell	Sullivan
Hadley	Linthicum	Rainey	Sweet
Hamill	Little	Raker	Swift
Hamilton, Mich.	Littlepage	Ramseyer	Taylor, Ark.
Hamilton, N. Y.	Lobeck	Randall	Taylor, Colo.
Hamlin	London	Rankin	Temple
Harrison, Va.	Lundeen	Reavis	Thompson
Haskell	Lunn	Robbins	Tillman
Hastings	McAndrews	Roberts	Timberlake
Haugen	McArthur	Rodenberg	Towner
Hawley	McClintic	Rogers	Treadway
Hayden	McCormick	Romjue	Van Dyke
Hayes	McCulloch	Rose	Vare
Helvering	McFadden	Rowe	Vestal
Hensley	McKenzie	Rubey	Volstead
Hersey	McKeown	Rucker	Waldow
Hicks	McKinley	Russell	Walton
Hilliard	McLaughlin, Mich.	Sanders, Ind.	Wason
Hollingsworth	Madden	Sanford	Weaver
Huddleston	Magee	Schall	Welling
Husted	Maher	Scott, Iowa	Wheeler
Hutchinson	Mann	Scott, Mich.	White, Me.
Jacoway	Mapes	Scott, Pa.	Williams
James	Mason	Scully	Wilson, Ill.
Johnson, Ky.	Mays	Sells	Wingo
Johnson, Wash.	Miller, Minn.	Shackleford	Woodyard
Jones, Tex.	Mondell	Shallenberger	Young, N. Dak.
Juul	Montague	Shouse	Zihlman
Kahn	Morgan	Siegel	

NOT VOTING—22.

Capstick	Dunn	Hood	Reed
Cary	Dupré	Ireland	Rowland
Cooper, W. Va.	Fairchild, G. W.	Johnson, S. Dak.	Sanders, N. Y.
Curry, Cal.	Graham, Pa.	LaGuardia	Templeton
Dent	Heintz	Miller, Wash.	
Drukker	Holland	Padgett	

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. SAUNDERS of Virginia. Mr. Speaker, I move to strike out section 2.

The SPEAKER. The gentleman from Virginia moves to strike out section 2.

Mr. LENROOT. Mr. Speaker, I make the point of order that that is not in order. We passed section 2, and a new section has been offered and voted upon.

The SPEAKER. The point of order is sustained.

Mr. RAKER. Mr. Speaker, I ask for a vote on the joint resolution.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

Mr. CLARK of Florida. Mr. Speaker, I demand the yeas and nays on the passage of the joint resolution.

The SPEAKER. The Chair has not announced that the time has come for that.

The question is on agreeing to the joint resolution.

Mr. RAKER. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Florida [Mr. CLARK] and the gentleman from California [Mr. RAKER] ask for the yeas and nays.

Mr. BUTLER. The Constitution requires this, anyway.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 274, nays 136, not voting 17, as follows:

YEAS—274.

Alexander	Brumbaugh	Connelly, Kans.	Dill
Anderson	Burroughs	Cooper, Ohio	Dillon
Anthony	Butler	Cooper, Wis.	Dixon
Austin	Byrns, Tenn.	Copley	Dooling
Ayres	Caldwell	Costello	Doolittle
Bacharach	Campbell, Kans.	Cox	Dowell
Baer	Campbell, Pa.	Cramton	Drane
Barkley	Cannon	Crosser	Dyer
Barnhart	Cantrill	Currie, Mich.	Eagan
Beakes	Caraway	Dale, N. Y.	Edmonds
Beshlin	Carew	Dale, Vt.	Elliott
Bland	Carter, Mass.	Darrow	Ellsworth
Blanton	Carter, Okla.	Davidson	Elston
Booher	Chandler, N. Y.	Davis	Emerson
Borland	Chandler, Okla.	Decker	Esch
Bowers	Church	Dempsey	Evans
Britten	Clark, Pa.	Denison	Fairchild, B. L.
Brodbeck	Classon	Denton	Fairfield
Browne	Connally, Tex.	Dickinson	Farr
Ferris	Jones, Tex.	Nelson	Slemp
Fess	Juul	Nichols, Mich.	Sloan
Fields	Kahn	Nolan	Smith, Idaho
Fisher	Keating	Norton	Smith, Mich.
Flynn	Kelley, Mich.	Oldfield	Smith, C. B.
Fordney	Kelly, Pa.	Oliver, N. Y.	Smith, T. F.
Foss	Kennedy, Iowa	Osborne	Snell
Foster	Kennedy, R. I.	O'Shaunessy	Snyder
Francis	Kettner	Parker, N. Y.	Steenerson
Frear	Kiess, Pa.	Peters	Stephens, Nebr.
Freeman	King	Phelan	Sterling, Ill.
French	Kinkaid	Platt	Sterling, Pa.
Fuller, Ill.	Knutson	Porter	Stiness
Fuller, Mass.	Kraus	Powers	Strong
Gallagher	La Follette	Pratt	Sullivan
Gallivan	Langley	Purnell	Sumners
Gandy	Lea, Cal.	Rainey	Sweet
Garrett, Tex.	Lehlbach	Raker	Swift
Glynn	Lenroot	Ramseyer	Taylor, Ark.
Good	Linthicum	Randall	Taylor, Colo.
Goodall	Little	Rankin	Temple
Goodwin, Ark.	Littlepage	Reavis	Templeton
Graham, Ill.	Lobeck	Robbins	Thomas
Green, Iowa	London	Roberts	Thompson
Gregg	Lundeen	Rodenberg	Tillman
Griest	Lunn	Rogers	Timberlake
Hadley	McAndrews	Romjue	Towner
Hamill	McArthur	Rose	Treadway
Hamilton, Mich.	McClintic	Rowe	Van Dyke
Hamilton, N. Y.	McCormick	Rowland	Vare
Hamlin	McCulloch	Rubey	Vestal
Haskell	McFadden	Rucker	Volstead
Hastings	McKenzie	Russell	Waldow
Haugen	McKeown	Sabath	Walton
Hawley	McKinley	Sanders, Ind.	Ward
Hayden	McLaughlin, Mich.	Sanford	Wason
Hayes	Madden	Schall	Weaver
Helvering	Magee	Scott, Iowa	Welling
Hensley	Maher	Scott, Mich.	Wheeler
Hersey	Mann	Scott, Pa.	White, Me.
Hicks	Mapes	Scully	Williams
Hilliard	Mason	Sears	Wilson, Ill.
Hollingsworth	Mays	Sells	Wingo
Husted	Merritt	Shackleford	Wood, Ind.
Hutchinson	Miller, Minn.	Shallenberger	Woods, Iowa
Igoe	Mondell	Sherwood	Woodyard
Jacoway	Moores, Ind.	Shouse	Young, N. Dak.
James	Morgan	Siegel	Zihlman
Johnson, Ky.	Mott	Sims	
Johnson, Wash.	Neely	Sinnott	

NAYS—136.

Almon	Garner	Lever	Saunders, Va.
Ashbrook	Garrett, Tenn.	Lonergan	Sherley
Aswell	Gillett	Longworth	Sisson
Bankhead	Glass	Lufkin	Slayden
Bell	Godwin, N. C.	McLaughlin, Pa.	Small
Black	Gordon	McLemore	Snook
Blackmon	Gould	Mansfield	Stafford
Brand	Gray, Ala.	Martin	Steagall
Browning	Gray, N. J.	Meeker	Stedman
Buchanan	Greene, Mass.	Montague	Steele
Burnett	Greene, Vt.	Moon	Stephens, Miss.
Byrnes, S. C.	Hardy	Moore, Pa.	Stevenson
Candler, Miss.	Harrison, Miss.	Morin	Switzer
Carlin	Harrison, Va.	Mudd	Tague
Clark, Fla.	Heaton	Nicholls, S. C.	Talbott
Claypool	Hedin	Oliver, Ala.	Tilson
Condy	Helm	Olney	Tinkham
Collier	Houston	Overmyer	Venable
Crago	Howard	Overstreet	Vinson
Crisp	Huddleston	Paige	Voigt
Dallinger	Hull, Iowa	Park	Walker
Dent	Hull, Tenn.	Parker, N. J.	Walsh
Dewalt	Humphreys	Polk	Watkins
Dies	Jones, Va.	Pou	Watson, Pa.
Dominick	Kearns	Price	Watson, Va.
Doremus	Kehoe	Quin	Webb
Doughton	Key, Ohio	Ragsdale	Welty
Dupré	Kincheloe	Ramsey	Whaley
Eagle	Kitchin	Rayburn	White, Ohio
Estopinal	Kreider	Riordan	Wilson, La.
Flood	Larsen	Robinson	Wilson, Tex.
Focht	Lazaro	Rouse	Winslow
Gard	Lee, Ga.	Sanders, La.	Wise
Garland	Lesher	Sanders, N. Y.	Young, Tex.

NOT VOTING—17.

Capstick	Dunn	Hood	Padgett
Cary	Fairchild, G. W.	Ireland	Reed
Cooper, W. Va.	Graham, Pa.	Johnson, S. Dak.	
Curry, Cal.	Heintz	LaGuardia	
Drukker	Holland	Miller, Wash.	

So (two-thirds having voted in the affirmative) the joint resolution was passed.

The Clerk announced the following pairs:

Mr. GEORGE W. FAIRCHILD and Mr. REED (for) with Mr. DUNN (against).

Mr. IRELAND and Mr. LAGUARDIA (for) with Mr. PADGETT (against).

Mr. CURRY of California and Mr. MILLER of Washington (for) with Mr. HOLLAND (against).

Mr. JOHNSON of South Dakota (for) with Mr. COOPER of West Virginia (against).

Mr. GRAY of New Jersey. Mr. Speaker, my colleague Mr. DRUKKER, of New Jersey, absent on account of illness, had he been present would have voted "nay."

Mr. MADDEN. Mr. Speaker, my colleague, Mr. IRELAND, is absent on account of being in a railroad wreck. If he had been present, he would have voted "yea."

Mr. DOMINICK. Mr. Speaker, I desire to vote "nay."

The SPEAKER. Was the gentleman in the Hall, listening?

Mr. DOMINICK. Yes; I vote "nay."

Mr. AUSTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AUSTIN. Does not the gentleman have to answer the question that he was in the Hall listening when his name was called?

The SPEAKER. Yes.

Mr. AUSTIN. I ask that the question be put to him in that shape.

Mr. DOMINICK. Mr. Speaker, as I understand it, the gentleman has made some inquiry as to my vote. I would state that I was in the Hall when the second roll call was called, and my name was not called at the proper time when it should have been called.

Mr. AUSTIN. I heard the gentleman's name called, Mr. Speaker. I ask that this question be put to him: "Was he listening at the time his name was called?"

Mr. DOMINICK. I was sitting by Congressman LEVER at the time, and I was listening, and my name was not called, the gentleman's statement to the contrary notwithstanding.

Mr. AUSTIN. I say his name was called. I heard it.

Mr. STAFFORD. Mr. Speaker, he qualifies.

The SPEAKER. Gentlemen will all keep still until the Speaker can rule. The gentleman brings himself within the rule. [Applause.]

Mr. RUSSELL. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. RUSSELL. I was. I thought I voted on the first roll call. It may be that I am not recorded.

The SPEAKER. The Clerk will look and see. The gentleman is not recorded.

Mr. RUSSELL. I was in the Hall.

The SPEAKER. Does the gentleman state that he was in the Hall listening when his name was called and failed to hear it, or does he state that he voted?

Mr. RUSSELL. I thought I voted on the first roll call.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. RUSSELL, and he voted "aye."

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask for a recapitulation of this vote. It is exceedingly close.

The SPEAKER. The gentleman from Virginia demands a recapitulation of the vote, and the Clerk will recapitulate it.

Mr. LANGLEY. Mr. Speaker, is that a matter of right for any Member to demand it?

The SPEAKER. It is a matter of right. It has been fought out here a number of times. It is in the discretion of the Speaker, but nevertheless and notwithstanding when any man demands a recapitulation he ought to have it.

Mr. AUSTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AUSTIN. Will the gentlemen have the right to change their votes on recapitulation or cast their votes according to the original roll call?

The SPEAKER. It will simply be as the lists show. Members will please be seated. There is no sense in recapitulating the vote unless Members can hear.

The Clerk recapitulated the vote.

Mr. CARLIN. Mr. Speaker, how was my name called?

The SPEAKER. Mr. CARLIN voted in the negative.

The result was announced as above recorded.

Mr. RAKER. Mr. Speaker, I move to reconsider the vote and to lay that motion on the table.

The SPEAKER. Without objection, that will be done.

Mr. GARRETT of Tennessee. I object, Mr. Speaker.

Mr. RAKER. I make the motion, Mr. Speaker, to reconsider the vote and to lay that motion on the table.

Mr. GARRETT of Tennessee. The gentleman can not make that motion. The gentleman can move to reconsider, but he can not move to lay on the table.

The SPEAKER. The Chair did not understand the point of order made by the gentleman from Tennessee [Mr. GARRETT]. The gentleman from California [Mr. RAKER] moves to reconsider——

Mr. RAKER. And lay that motion on the table.

Mr. GARRETT of Tennessee. No.

The SPEAKER. You can not.

Mr. FOSTER. I move to lay that motion on the table.

The SPEAKER. The gentleman from Illinois moves to lay the motion to reconsider on the table. The question is on agreeing to that motion.

The motion was agreed to.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 12 minutes p. m.) the House adjourned until to-morrow, Friday, January 11, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting statement showing the number of employees of the Bureau of Engraving and Printing whose compensation is paid from "Compensation of employees" as carried in the sundry civil bill, but detailed for duty in connection with clerical work of the bureau (H. Doc. No. 780); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting tentative draft of a bill for the relief of certain pay officers of the United States Navy (H. Doc. No. 781); to the Committee on Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting certain estimates, for inclusion in the urgent deficiency appropriation bill for post office and courthouse at Harrisburg, Pa., and bridge at Nogales, Ariz. (H. Doc. No. 782); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting report of expenditures by the Alaskan Engineering Commission from its appropriation for "Construction and operation of railroads in Alaska" to October 31, 1917 (H. Doc. No. 783); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 8558) providing increased pensions for honorably discharged persons in the military or naval service of the United States during the Civil War; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 8559) to increase the membership of the visiting committee of the Bureau of Standards from 5 to 10 members; to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 8560) to amend an act entitled "An act to increase the pensions of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War," approved April 19, 1908, and for other purposes; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 8561) for the relief of certain homestead and desert-land entrymen; to the Committee on Public Lands.

By Mr. CARY: A bill (H. R. 8562) to increase the compensation of bookbinders in the Government Printing Office; to the Committee on Printing.

By Mr. SULZER: A bill (H. R. 8563) to amend the homestead laws in its application to Alaska, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 8564) to provide for the abolition of the 80-rod reserved shore spaces between claims on shore waters in Alaska; to the Committee on the Public Lands.

By Mr. COX: A bill (H. R. 8565) providing for the licensing of owners of privately owned automobiles run and operated by hired chauffeurs, fixing penalties, etc.; to the Committee on the Judiciary.

By Mr. VARE: A bill (H. R. 8566) authorizing and directing the Secretary of the Navy to erect at the entrance to the Philadelphia Navy Yard a suitable gateway and accompanying buildings; to the Committee on Appropriations.

By Mr. SWIFT: A bill (H. R. 8824) extending the time for the filing of income-tax returns; to the Committee on Ways and Means.

By Mr. BURNETT: Joint resolution (H. J. Res. 212) authorizing the readmission to the United States of resident aliens applying therefor after having been enlisted or conscripted for

the military service of the United States or of one of the nations cobelligerents of the United States; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8567) granting an increase of pension to Lewis F. Aunspaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8568) granting an increase of pension to Alexander Bumpus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8569) granting a pension to Catherine Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8570) granting a pension to Martin Randles; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 8571) granting a pension to Clem Boian; to the Committee on Pensions.

By Mr. BOOHER: A bill (H. R. 8572) granting a pension to Franklin A. Peters; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 8573) granting an increase of pension to Catharine M. Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8574) granting a pension to Helen Larsen; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8575) granting an increase of pension to John Whitney; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 8576) granting a pension to Margaret Mitchell; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 8577) for the relief of Sarah J. Ireland; to the Committee on Claims.

By Mr. FERRIS: A bill (H. R. 8578) granting a pension to William Leishing; to the Committee on Pensions.

By Mr. FLOOD: A bill (H. R. 8579) granting a pension to Emma K. Brockman; to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 8580) granting a pension to Robert Leigh Morris; to the Committee on Pensions.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 8581) granting an increase of pension to Charles Stackhouse; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 8582) granting a pension to Peter McLaughlin; to the Committee on Pensions.

Also, a bill (H. R. 8583) granting a pension to Henry R. Riber; to the Committee on Pensions.

Also, a bill (H. R. 8584) granting a pension to Mary E. Mott; to the Committee on Pensions.

By Mr. HAMLIN: A bill (H. R. 8585) granting a pension to Eugene V. Wagner; to the Committee on Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 8586) granting a pension to Joseph L. McLean; to the Committee on Pensions.

Also, a bill (H. R. 8587) granting a pension to S. C. Broden; to the Committee on Pensions.

Also, a bill (H. R. 8588) granting a pension to William Daugherty; to the Committee on Pensions.

By Mr. LEA of California: A bill (H. R. 8589) granting a pension to Genevra M. Lamb; to the Committee on Pensions.

By Mr. LONGWORTH: A bill (H. R. 8590) granting an increase of pension to William Schneider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8591) granting an increase of pension to William C. Runyan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8592) granting a pension to Dalbert Gray; to the Committee on Pensions.

By Mr. PRATT: A bill (H. R. 8593) granting an increase of pension to Joshua Westbrook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8594) granting a pension to Cornelius J. Ryan; to the Committee on Pensions.

Also, a bill (H. R. 8595) to correct the military record of Eli F. Westfall; to the Committee on Military Affairs.

By Mr. ROBBINS: A bill (H. R. 8596) granting a pension to Nicholas Long; to the Committee on Pensions.

By Mr. ROSE: A bill (H. R. 8597) granting an increase of pension to Albert Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8598) granting an increase of pension to Albert Cunningham; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 8599) granting an increase of pension to William Way; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8600) granting a pension to Calvin H. Klapp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8601) granting a pension to August Lehn; to the Committee on Pensions.

By Mr. SCOTT of Iowa: A bill (H. R. 8602) granting an increase of pension to James Mohan; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 8603) granting a pension to Arthur D. Warden; to the Committee on Pensions.

Also, a bill (H. R. 8604) granting a pension to Lucy C. Range; to the Committee on Pensions.

Also, a bill (H. R. 8605) granting a pension to John Alford; to the Committee on Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 8606) granting a pension to Burton Cure; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 8607) granting an increase of pension to George H. Richardson; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 8608) to credit the accounts of certain officers of the Engineer Department; to the Committee on Claims.

Also, a bill (H. R. 8609) providing for the payment of certain claims arising under the Engineer Department for services, losses, damages, etc.; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 8610) granting a pension to Elizabeth Messer; to the Committee on Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 8611) for the relief of the heirs of Lot Quinn, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8612) for the relief of S. Reamey; to the Committee on War Claims.

Also, a bill (H. R. 8613) for the relief of Jennie Bell Cox, Robert Isaac Clegg, and Thomas Neel Clegg, children and only heirs of Thomas Watts Clegg, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8614) for the relief of the heirs of Abraham Elrod; to the Committee on War Claims.

Also, a bill (H. R. 8615) for the relief of the heirs of Nathan Pumphrey; to the Committee on War Claims.

Also, a bill (H. R. 8616) for the relief of the legal representatives of Jennie Hunter, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8617) for the relief of the legal representatives of Stephen Courtney, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8618) for the relief of Mrs. M. A. Hibbard; to the Committee on War Claims.

Also, a bill (H. R. 8619) for the relief of the legal representatives of Archer Hays, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8620) for the relief of the legal representatives of J. H. Moseby, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8621) granting a pension to G. W. Granberry, sr.; to the Committee on Pensions.

By Mr. TINKHAM: A bill (H. R. 8622) granting an increase of pension to Ebenezer F. Spaulding; to the Committee on Invalid Pensions.

By Mr. SWIFT: A bill (H. R. 8623) for the relief of Henry Schmidt; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of Ada L. James, and of the Milwaukee Federated Trades Council, representing 30,000 tradeunionists, urging the submission of the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, a resolution of the Wisconsin Teachers' Association (7,000 strong), urging Congress to submit and secure the passage of the Susan B. Anthony amendment; to the Committee on Woman Suffrage.

By Mr. CLARK of Pennsylvania: Petition of citizens of Erie County, Pa., favoring Federal suffrage; to the Committee on Woman Suffrage.

By Mr. ELSTON: Memorial of Hayward Veterans' League, Hayward, Cal., indorsing increase in pension allowance to veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. FESS: Evidence to accompany House bill 3591, granting an increase of pension to Matthew Stamets; to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Springfield, Ohio, favoring passage of House bill 5410, the purple cross bill; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petitions of the Nineteenth Century Club, of Oak Park, Ill., and the De Kalb (Ill.) Woman's Club, favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, memorial of the National Council of Women, United States of America, favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, memorial of the Delaware Association Opposed to Woman Suffrage, against the adoption of the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. GOOD: Petition of citizens of Marshall County, Iowa, in favor of equal suffrage; to the Committee on Woman Suffrage.

By Mr. HASTINGS: Memorial of the Civil War revenue cotton-tax claimants; to the Committee on War Claims.

By Mr. HAYES: Resolutions of Fred Steele Post, No. 70, San Luis Obispo, Cal.; of Sheridan-Dix Post, No. 7, San Jose, Cal.; of R. L. McCook Post, No. 26, Grand Army of the Republic, Watsonville, Cal.; and of E. O. C. Ord Post, No. 82, Los Gatos, Cal., all urging an increase of pensions to all Civil War veterans; to the Committee on Invalid Pensions.

By Mr. HILLIARD: Telegram from Womans' Council of Defense for Colorado, by Mary Turner Pope, its corresponding secretary, urging the adoption of the national suffrage amendment; to the Committee on Woman Suffrage.

Also, petition of Margaret Long, Mr. and Mrs. W. H. Huff, Mr. and Mrs. R. F. Feagans, Mr. and Mrs. H. B. Dinwiddie, Mr. and Mrs. S. B. Strong, Mr. and Mrs. W. N. Valle, Col. and Mrs. Edward Verdeckberg, Mr. and Mrs. Ready Kehehan, Mrs. Mary Montgomery, Rabbi W. S. Friedman, Mrs. Ray David, Mrs. E. W. Burris, Mrs. Mildred L. Thomas, Mrs. C. S. Keys, Lewis Searing, Lucia Hadley, Mrs. Lizzie Forrester, Mrs. Frances Walden, Mr. and Mrs. W. H. Malone, Mabel C. Haynes, Mrs. George Miller, George E. Nightingale, Frank E. Shephard, Ida Hands, Augusta Rothwell, Mr. and Mrs. George Campion, Mr. and Mrs. A. A. Boyd, Mrs. Fred Kerns, Mrs. Mattie O. Peoler, Mabel Forrester, Leila Kinney, John W. Watson, J. G. Scott, Dora Phelps, Beull Jean Gale, Mrs. Agnes Bishop, Mrs. Florence Mack, Mrs. Dewey Bailey, Sen. Agnes C. Riddle, W. W. Torrence, Frank Kratke, Helen T. Miller, Eleanor Lawney, Margaret Conway, Fannie Dore, Florence Green, Kate Russell, John L. Russell, Annie Raglan Randall, Mr. and Mrs. J. J. Flint, Ira Dunklee, Nona L. Broiks, Ida J. Booth, Mrs. R. W. Speer, E. L. Doyce, Clarence Hawkins, Samuel D. Nicholson, Mr. and Mrs. W. A. Bennett, Laura C. Holtschnelder, Clara Mosser, Charles E. Tibbits, Mr. and Mrs. J. Nolan, Mr. and Mrs. Charles H. Leckenby, Mrs. Gertrude Lee, Alice B. Clark, Mrs. J. H. Teller, Mr. and Mrs. Cecil Rothwell, Theodosia B. Raines, Mr. and Mrs. W. W. Barnett, and Mr. and Mrs. Chalmers Hadley, all of Denver, Colo., favoring the submission of the suffrage amendment by this session of Congress; to the Committee on Woman Suffrage.

By Mr. KENNEDY of Rhode Island: Petition of J. E. C. Colt, of Bristol, R. I., urging passage of Federal amendment for woman suffrage; to the Committee on Woman Suffrage.

Also, petition of Mary B. Anthony, Elizabeth G. Hale, E. B. Hale, Ruth A. Haskell, Frank Cale, E. C. Hodge, Alice A. Daggett, Martha B. Willson, Harriet I. Roworth, Katherine Johnson, Lucia K. Whitman, Louise C. Wheaton, Katherine H. Austin, Amey L. Wilson, Mary Schofield, Mrs. Anne L. Willson, Mary E. Carpenter, all of Providence, in the State of Rhode Island, favoring passage of Federal amendment for woman suffrage; to the Committee on Woman Suffrage.

Also, petition of Woman's branch of the Socialist Party of Rhode Island, favoring passage of Federal amendment for woman suffrage; to the Committee on Woman Suffrage.

Also, petition of Mary S. Packard, of Centerdale, R. I., favoring passage of Federal amendment for woman suffrage; to the Committee on Woman Suffrage.

Also, resolution of Smithfield (R. I.) Equal Suffrage League, urging passage of Federal amendment for woman suffrage; to the Committee on Woman Suffrage.

Also, petition of J. F. Archibald, of Providence, R. I., urging passage of Federal amendment for woman suffrage; to the Committee on Woman Suffrage.

Also, petition of the Woman's Christian Temperance Union of Rhode Island, favoring passage of Federal amendment for woman suffrage; to the Committee on Woman Suffrage.

By Mr. LINTHICUM: Letters and telegrams from 18 men and women of Maryland, urging a favorable vote on the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, letters and telegrams from four men and women of the State of Maryland, protesting against the suffrage amendment; to the Committee on Woman Suffrage.

Also, petition of Guy M. Eytings, requesting support for the Chamberlain bill for universal military training; to the Committee on Military Affairs.

By Mr. LUNDEEN: Petition of a group of college alumnæ, by Mrs. Bertha C. Moeller, secretary of the Woman's Party of Minnesota, urging the passage of the Susan B. Anthony amendment; to the Committee on the Judiciary.

Also, resolution of the City Council of Minneapolis, Minn., requesting Congress to enact a law providing for the punishment of those found guilty of impeding or interfering with the United States Government in the prosecution of the war; to the Committee on Military Affairs.

Also, petition of Electric Short Line Railway Co., D. E. K. Hunter, general manager, Minneapolis, Minn., urging governmental action for the relief of intrastate railroads; to the Committee on Interstate Commerce.

By Mr. MAHER: Resolutions of the Bronx Board of Trade and of the Board of Aldermen of the City of New York, protesting against the discontinuance of the pneumatic-tube mail service in that city; to the Committee on the Post Office and Post Roads.

Also, resolutions of the American Federation of Labor, protesting against the excessive rates for second-class matter in the war-revenue law, and recommending that the law be amended by eliminating that section; to the Committee on the Post Office and Public Roads.

By Mr. O'SHAUNESSY: Petition of E. B. Hale and 16 other citizens of Providence, R. I., favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

Also, a resolution by the Newport County Equal Suffrage League, urging a vote in favor of the suffrage amendment; to the Committee on Woman Suffrage.

By Mr. STEENERSON: Petition of the Towle Maple Products Co., St. Paul, Minn., urging bill for the payment of Federal taxes in installments; to the Committee on Ways and Means.

Also, petition of George N. Morgan Post, No. 4, Department of Minnesota, Grand Army of the Republic, Minneapolis, Minn., favoring bill increasing pensions of old soldiers; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of sundry citizens of New Haven County, Conn., favoring the submission of the Federal suffrage amendment to the States; to the Committee on Woman Suffrage.

Also, a petition of Ellen Strong Bartlett and others, protesting against the adoption of the woman-suffrage amendment; to the Committee on Woman Suffrage.

By Mr. TIMBERLAKE: Resolutions of the City Council of Colorado Springs, Colo., favoring the suffrage amendment; to the Committee on Woman Suffrage.

Also, resolution of the City Federation, representing 300 women of Colorado Springs, Colo., favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. WATSON of Virginia: Petition of sundry citizens of Mecklenburg County, Va., in favor of the woman suffrage constitutional amendment; to the Committee on Woman Suffrage.

Also, petition of sundry citizens of Petersburg, Va., favoring the Federal suffrage amendment; to the Committee on Woman Suffrage.

SENATE.

FRIDAY, *January 11, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we bless Thee for the assurance of Thy presence with us as a nation and Thy guidance—an assurance that keeps us calm under provocation such as never before tried a nation in the history of the world. We pray that Thou wilt still abide with us with the constant ministry of Thy Spirit, and while our spirits are unconquerable and we move forward in the midst of the conflict of the world yet may there be calm and peace in our hearts because of our oneness of life and purpose with Thee. Guide us this day in the discharge of our duties. For Christ's sake. Amen.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 200) proposing an amendment to the Constitution of the United States extending the right of suffrage to women, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. JAMES. I present a resolution adopted unanimously by the Kentucky Senate approving the course pursued by President Wilson and the administration in attempting to stamp out autocracy and to use every effort to conserve that the men of this Nation now in the trenches can be protected while fighting for the cause of democracy. I ask that the resolution be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution is as follows:

SENATE COMMENDS WILSON—RESOLUTION INTRODUCED BY JAY W. HARLAN ADOPTED UNANIMOUSLY.

FRANKFORT, KY., *January 8.*

Patriotism was the keynote of the opening session of the Kentucky Senate this afternoon and each mention of the great conflict in which this country is engaged with the European allies was received with profound respect by the members of the body and those who filled the gallery. By a unanimous vote of the entire membership the senate went on record, approving the course pursued by President Woodrow Wilson and the Democratic administration in attempting to stamp out autocracy and to use every effort to conserve that the men of this Nation now in the trenches can be protected while fighting for the cause of democracy.

The resolution commending the President was offered by Jay W. Harlan, of Boyle County, and was adopted by a rising vote. Following is the resolution in full:

"Whereas our Nation has championed the cause of justice, humanity, and democracy, and we have taken up arms in defense of the priceless heritage won for and devised to us by our forefathers: Now, therefore, be it

"*Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky, in session assembled:*

"First. That we most highly commend our beloved and esteemed President, Woodrow Wilson, and his administration for their wise and patriotic decisions and actions in handling the many perplexing problems that have arisen since their incumbency pertaining to our national integrity and interest; that we assure him and them that no true American can deny the justice of our national position in the present conflict between democracy and autocracy, humanity and barbarism, liberty and oppression; that we assure the President, his administration, and the Nation that we heartily indorse and will unqualifiedly support our present international position in this conflict.

"Second. That we make the welfare of our Nation the guiding motive in this present session, sacrificing all individual ambitions, political or factional prejudices, and will work and cooperate solely for the good of our Nation and State.

"Third. That we do now call upon every citizen of this Commonwealth to comply with all requests and suggestions made by our national administration in order to conserve our resources and strengthen our position.

"Fourth. That we unqualifiedly and severely condemn any whose action or desire is contrary to the interest of our common cause, and call upon all true Kentuckians to see that such a disloyal resident is awarded his just deserts.

"Fifth. That we do now express to the men of our State and Nation, who have already sacrified all to take up arms in the defense of our country and the principles of democracy, humanity, and justice, our highest admiration and respect.

"Sixth. That a copy of these resolutions be spread upon the journal of this senate; that a copy be furnished to the President of the United States; and a copy to the press."

Mr. JAMES. I have received petitions signed by a large number of citizens of Montgomery County and Allen County, in the State of Kentucky, praying for the immediate submission of a Federal suffrage amendment to the legislatures of the several States, in order that the women of the United States may become the political equals of those of Great Britain, Australia, New Zealand, Canada, and the Scandinavian countries. I ask that the petitions be received and lie on the table, the joint resolution having been reported from the committee and is now on the calendar.

The PRESIDENT pro tempore. The petitions will lie on the table.

Mr. NELSON presented a petition of Appomatox Post, No. 72, Grand Army of the Republic, Department of Minnesota, of Minneapolis, Minn., and a petition of McIntyre Post, Grand Army of the Republic, Department of Minnesota, of Austin, Minn., praying for an increase in the pensions of veterans of the Civil War, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Wadena County, Minn., and a petition of sundry citizens of Hennepin County, Minn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a resolution adopted by the Commercial Club of West Duluth, Minn., favoring Federal control of prices of all cereals used as food during the period of the war, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the City Council of Minneapolis, Minn., favoring the enactment of legislation providing for the punishment of those found guilty of interfering with the Government in the prosecution of the war, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the congregations of sundry churches of Brownsdale, Minn., favoring prohibition during the war and pledging loyalty to the country, which was ordered to lie on the table.

Mr. SHERMAN. I present resolutions adopted at a mass meeting of Lithuanians, held in the city of Chicago, Ill., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Hon. LAWRENCE Y. SHERMAN,
United States Senate:

During the mass meeting of the Lithuanian people in Chicago, Ill., held January 1, 1918, under the auspices of the Lithuanian national fund, after the addresses made by Dr. J. J. Bielskis, Lithuanian representative at Washington, D. C.; Rev. Vaiciunas, rector of St. George's Parish; Rev. Kemesis and Mr. Zoldakas, editors of the Lithuanian Daily Draugas, the following resolutions were adopted:

"Whereas the aggression and outrages of the autocracy against liberty of the people forced the United States to take arms to defend the peoples' rights on land and sea;

"Whereas the United States, being morally, physically, and materially one of the most powerful countries, is able of accomplishing great things in this undertaking;

"Whereas during this war small nations in Europe have suffered the most and some of the countries have been entirely devastated by ruthless militarism;

"Whereas Lithuania, on the eastern battle front, has for three years served as a battle field, having contributed also half a million of her sons for the allied armies, taking thereby an active part in the war for liberty and justice;

"Whereas the much appreciated words of President Wilson in the recent note to Russia, and also the proclaimed principle of nationalities by the allies, assure restoration of political liberty to the smaller nations;

"Whereas the claims of the nations could be considered as just only when they are presented to the peace congress by the authorized representatives of those nations: Therefore be it

"*Resolved*, That we, the Lithuanians of the State of Illinois, having migrated from our native land of Lithuania to this land of liberty, and ever pledging our loyalty to this, our adopted country, sincerely believing in and living up to the principles of the United States of America, being nevertheless in sympathy with our brethren in Lithuania bearing the heavy yoke of autocracy:

"1. We appeal to the Congress of the United States, through the representatives of our State, that the Congress of the United States, in discussing peace terms, include the demand for the restoration of the political independence of Lithuania.

"2. That the Government of the United States support the rights of all nations participating or affected in this war, be they large or small.

"3. That these rights can only be satisfactorily supported by considering just claims when presented by the representatives of such nations.

"4. We earnestly pray and implore the representatives of our State in the Senate and House of Representatives of the United States Congress to bring to pass the above measure.

"Be it further

"*Resolved*, That Dr. J. J. Bielskis be, and he hereby is, empowered and instructed to present a copy of these resolutions to the representatives of the State of Illinois in the Senate and House of Representatives of the United States Congress at Washington, D. C."

MATHEW E. ZOLDAKAS, *President.*
VINCENT W. RUTKAUSKAS, *Secretary.*

Subscribed and sworn before me, Charles Z. Urnich, notary public, of Cook County, Ill., this 2d day of January, 1918.

[SEAL.] CHARLES Z. URNICH, *Notary Public.*

Mr. RANSDELL presented a petition of Ouachita Parish, Louisiana Council of Defense, relative to the public utterances of the Senator from Wisconsin, Hon. ROBERT M. LA FOLLETTE, which was referred to the Committee on Privileges and Elections.

Mr. PHELAN presented a memorial of the Trades and Labor Council of Vallejo, Cal., remonstrating against the proposed importation of Chinese or Japanese coolie laborers into California, which was referred to the Committee on Immigration.

He also presented a petition of the California Federation of Women's Clubs, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. JOHNSON of South Dakota. I present resolutions adopted at a meeting of the Suffrage Club of Mitchell, S. Dak., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions adopted at meeting of Mitchell Suffrage Club, December 3, 1917.

Resolved, That this meeting ask President Wilson and the Democratic administration to support the Susan B. Anthony amendment by making it an administration measure and securing its passage this session of Congress, when the Government is calling upon the women of the Nation to assist in bearing the burdens of war. Be it also

Resolved, That this meeting call upon Congress to pass at once the Federal suffrage amendment, establishing at home that democracy for which the men of this country have been called to fight abroad. Be it also

Resolved, That copies of this resolution be sent to the President; the Vice President; Speaker CHAMP CLARK; Senator THOMAS MARTIN, Democratic leader of the Senate; Hon. CLAUDE KITCHIN, Democratic leader of the House of Representatives; Hon. FREDERICK H. GILLETT, Republican leader; and to our Senators and Representatives.

(Signed) MRS. MYRA P. WELLER,
MRS. BESSIE BISHOP,
MRS. O. E. CASSEM,
MRS. ELLEN GREGORY,
Officers Mitchell Suffrage Club.

PROPOSED RAILROAD LEGISLATION.

Mr. FRELINGHUYSEN. I send to the desk a telegram, addressed to the Vice President, which has been handed to me and which I desire to have read.

The PRESIDENT pro tempore. Without objection, the Secretary will read it.

The Secretary read the telegram, as follows:

TRENTON, N. J., *January 7, 1918.*

Hon. THOMAS R. MARSHALL:

As president of Council of States on Taxation, I respectfully draw your attention to the importance that any congressional action re governmental railroad control does not interfere with existing methods or privileges of individual States and local units of taxation on railroads, property or receipts, at the present time. This, in many States, constitutes a large portion of State revenue, and to amend in any form would greatly embarrass many States, necessitating new methods of taxation, which at this time would be most burdensome and unfortunate.

WALTER E. EDGE, *Governor.*

Mr. SMITH of Georgia. Mr. President, in connection with the communication just read, I desire to ask that the bill introduced by the Senator from South Carolina [Mr. SMITH] upon this subject be printed in full in the RECORD. I know it was his purpose to ask that that be done, but it seems not to have been printed. There is a desire from all over the United States for copies of the bill, and I think printing in the RECORD would afford the best opportunity for general familiarity with it, and it will also make it easy for us to telegraph inquirers who desire to see it that by turning to a certain number of the CONGRESSIONAL RECORD they can find it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The bill, introduced by Mr. SMITH of South Carolina January 4, 1918, is as follows:

A bill (S. 3385) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Be it enacted, etc., That the President, having in a time of war taken over the possession, use, and control (called herein Federal control) of certain systems of transportation (called herein carriers) is hereby authorized to agree with and to guarantee to any such carrier that during the period of such Federal control it shall receive as its just compensation an income at an annual rate equivalent as nearly as may be to its average net railway operating income for the three years ending June 30, 1917 (called herein standard return); said net railway operating income for the purposes of this act shall, as to carriers making returns to the Interstate Commerce Commission, be computed from such returns, excluding, however, debits and credits arising from the accounts called in the monthly returns leased road rents and miscellaneous rents: *Provided, however*, That no Federal taxes in excess of taxes assessed during the year ending June 30, 1917, shall be charged against revenue in computing such standard return. Any net railway operating income in excess of such standard return shall be the property of the United States. The amount of such standard return as accruing during said period of three years shall be determined by the Interstate Commerce Commission, and the certificate of said commission as to the amount of said net railway operating income shall, for the purpose of such agreement and guaranty, be taken as final and conclusive.

During the period of such Federal control adequate depreciation and maintenance of the properties of the carriers shall be included as a part of the operating expenses or provided through a reserve fund, in accordance with such principles and rules as shall be determined by the President.

SEC. 2. That if no such agreement is made, the President may nevertheless pay or cause to be paid to any carrier while under Federal control an amount not exceeding 90 per cent of such standard return, remitting such carrier to its legal rights in the Court of Claims for any balance claimed; and any amount thereafter found due above the amount paid shall bear interest at the rate of 6 per cent per annum; and any excess amount paid hereunder shall be recoverable by the United States, with interest at the rate of 6 per cent per annum.

SEC. 3. That any claim for just compensation not adjusted as provided in section 1 shall be submitted to a board of three auditors appointed by the Interstate Commerce Commission, members of which and of the official force thereof being eligible for service as such auditors, but without additional compensation therefor. Said auditors shall give a full hearing to such carrier and to the United States and shall report to the President the amount due such carrier as just compensation; a sum not exceeding the amount so reported may be agreed upon by the President and such carrier. Failing such an agreement, either the United States or such carrier may file a petition in the Court of Claims for the purpose of final ascertainment of the amount of such just compensation, and in the proceedings in said court the report of said auditors shall be prima facie evidence of the facts therein stated. The just compensation of any carrier under Federal control not making returns to the Interstate Commerce Commission shall be determined in accordance with the provisions of this section.

SEC. 4. That the return of any carrier shall be increased by an amount reckoned at a rate per centum to be fixed by the President upon the cost of any additions and improvements made while under Federal control with the approval of the President to the property of any carrier and paid for by such carrier from its own capital or surplus; and by an amount equal to the rate accruing to the United States upon any advances made to such carrier for the cost of such additions and improvements as provided in section 6 hereof.

SEC. 5. That no carrier while under Federal control shall, without the prior approval of the President, declare or pay any dividend in excess of its regular rate of dividends during the three years ending June 30, 1917: *Provided, however*, That such carriers as have paid no regular dividends or no dividends during said period, may, with the prior approval of the President, pay dividends at such rate as the President may determine.

SEC. 6. That the sum of $500,000,000 is hereby appropriated out of the Public Treasury from any funds not otherwise appropriated, which, together with any funds available from any excess earnings of said carriers, may be used by the President as a revolving fund for the purpose of paying the expenses of the Federal control, and any deficit of any carrier below such standard or ascertained return, and to provide terminals, improvements, engines, rolling stock, and other necessary equipment, such terminals, improvements, and equipment to be used and accounted for as the President may direct, and to be disposed of as Congress may hereafter by law provide.

The President may also, on or in connection with the property of any carrier, make or order any carrier to make any additions and improvements necessary or desirable for war purposes or in the public interest. He may from said revolving fund advance to such carrier all or any part of the expense of such additions and improvements so ordered and constructed by such carrier or by the President, such advances to be charged against such carrier and to bear interest at such rate and be payable on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for any sums so advanced.

Any loss claimed to accrue to any carrier by reason of any such additions or improvements so ordered and constructed may be determined by agreement between the President and such carrier; failing such agreement the amount of such loss shall be ascertained as provided in section 3 hereof.

From said revolving fund the President may expend such an amount as he may deem necessary or desirable for the purchase, construction, or utilization, and operation of boats, barges, tugs, and other transportation facilities on the inland and coastwise waterways, and may in the acquisition, operation, and use of such facilities create or employ such agencies and enter into such contracts and agreements as he shall deem in the public interest.

SEC. 7. That for the purpose of providing funds requisite for maturing obligations or for other legal and proper expenditures, or for reorganizing railroads in receivership, carriers may, during the period of Federal control, issue such bonds, notes, equipment trust certificates, stock and other forms of securities, secured or unsecured by mortgage, as the President may approve as consistent with the public interest. The President may purchase for the United States all or any part of such securities at prices not exceeding par, and may sell such securities whenever in his judgment it is desirable at prices not less than the cost thereof; any sums available from the revolving fund provided in section 6 may be used for such purchases.

SEC. 8. That the President may execute any of the powers herein and heretofore granted him with relation to Federal control through such agencies as he may determine, and may fix the reasonable compensation for the performance of services in connection therewith; and may utilize the personnel and facilities of the Interstate Commerce Commission and call upon members of such commission, or any of its employees, or employees of any department of the Government for such services as he may deem expedient. No such Federal official or employee shall receive any additional compensation for such services.

SEC. 9. That the President is hereby authorized while carriers are under Federal control, to direct that the Federal workmen's compensation act of September, 1916, shall be extended so as to apply to carrier employees, on such terms and conditions as will

give due consideration to remedies available under State compensation laws or otherwise.

SEC. 10. That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President to take possession and assume control of any or all systems of transportation; and the President, in addition to the powers conferred by this act, shall have, and is hereby given, such other and further powers necessary or appropriate to give effect to the powers herein and heretofore conferred.

SEC. 11. That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act, or any other act applicable to such Federal control, or with any order of the President, be subject to all laws and liabilities as common carriers; and suits may be brought by and against such carriers and judgments rendered as now provided by law: *Provided, however*, That except with the written assent of the President no attachment shall be levied by mesne process or on execution on or against any of the property used by any such carrier in the performance of its duties as a common carrier.

SEC. 12. That every person or corporation, whether carrier or shipper, or any receiver, trustee, lessee, agent, or person acting for or employed by a carrier or shipper, or other person, who shall knowingly violate or fail to observe any of the provisions of this act, or shall knowingly interfere with or impede the possession, use, operation, or control of any railroad property, railroad, or transportation system hitherto or hereafter taken over by the President, or shall violate any of the provisions of any order or regulation made in pursuance of this act, or of any other act concerning such possession, use, operation, or control, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not more than $5,000, or, if a person, by imprisonment for not more than two years, or both. Each independent transaction constituting a violation of, or a failure to observe, any of the provisions of this act, or any order entered in pursuance hereof, shall constitute a separate offense. For the taking or conversion to his own use or the embezzlement of money or property derived from or used in connection with the possession, use, or operation of said railroads or transportation systems, the criminal statutes of the United States, as well as the criminal statutes of the various States where applicable, shall apply to all officers, agents, and employees engaged in said railroad and transportation service while the same is under Federal control, to the same extent as to persons employed in the regular service of the United States. Prosecutions for violations of this act or of any order entered hereunder, shall be in the district courts of the United States, under the direction of the Attorney General, in accordance with the procedure for the collection and imposing of fines and penalties now existing in said courts.

SEC. 13. That the Federal control of transportation systems herein and heretofore provided for shall continue for and during the period of the war and until Congress shall thereafter order otherwise.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr THOMAS:

A bill (S. 3462) to amend an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Finance.

By Mr. FERNALD:

A bill (S. 3463) granting an increase of pension to Chester S. Pease (with accompanying papers);

A bill (S. 3464) granting an increase of pension to Joseph E. Gammon (with accompanying papers);

A bill (S. 3465) granting an increase of pension to Granville Fernald (with accompanying papers); and

A bill (S. 3466) granting a pension to Cora W. Merryman (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 3467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased; to the Committee on Claims.

By Mr. PHELAN:

A bill (S. 3468) granting an increase of pension to Sarah E. Holton (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3469) to amend an act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917; to the Committee on Agriculture and Forestry.

NAVAL OIL SUPPLY.

Mr. SWANSON. I introduce a bill to further provide for the common defense and general welfare of the United States with respect to the production, use, and conservation of oil and gas in naval petroleum reserves, and for other purposes, and I ask unanimous consent that it be referred to the Committee on Naval Affairs.

Mr. SMOOT. I object to the bill being referred to the Committee on Naval Affairs, and suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	McKellar	Smith, Ga.
Beckham	Hardwick	McLean	Smith, Md.
Borah	Hitchcock	McNary	Smoot
Calder	James	Martin	Stone
Culberson	Johnson, Cal.	Nelson	Sutherland
Curtis	Johnson, S. Dak.	New	Swanson
Fernald	Jones, Wash.	Norris	Thomas
Fletcher	Kenyon	Poindexter	Tillman
Frelinghuysen	King	Robinson	Townsend
Gallinger	Knox	Saulsbury	Trammell
Gerry	La Follette	Shafroth	Vardaman
Gronna	Lewis	Sheppard	Williams
Hale	McCumber	Smith, Ariz.	Wolcott

Mr. HITCHCOCK. I desire to state that the Senator from Oregon [Mr. CHAMBERLAIN] is unavoidably detained from the Chamber on official business.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

Mr. FRELINGHUYSEN. I desire to state that my colleague [Mr. HUGHES] is unavoidably absent owing to illness.

Mr. LEWIS. I wish to announce that the Senator from Kansas [Mr. THOMPSON] is detained on important public business.

Mr. McKELLAR. I desire to announce that my colleague, the senior Senator from Tennessee [Mr. SHIELDS], is detained on account of illness.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. There is a quorum present.

Mr. SWANSON. I have made a motion that the bill I introduce be referred to the Committee on Naval Affairs. It is a bill to permit the Government to operate for oil the naval reserve lands that have been set aside for that purpose. I will state in this connection that the lands were withdrawn from public entry and taken out of the public domain.

Mr. THOMAS. Mr. President, a parliamentary inquiry. Has the bill been read to the Senate?

The PRESIDENT pro tempore. It has been introduced by the Senator from Virginia and a motion made to refer it to the Committee on Naval Affairs.

Mr. THOMAS. When it is reported at the desk I desire to object under the rule to its consideration to-day.

The PRESIDENT pro tempore. The question is on the motion to refer it to the committee.

Mr. SWANSON. I make that motion.

Mr. THOMAS. Under Rule XIV—

Whenever a bill or joint resolution shall be offered, its introduction shall, if objected to, be postponed for one day.

My reason for making the objection is that when we adjourned yesterday it was understood that two arguments, or perhaps three, would be offered upon the unfinished business to-day, provided that the chairman of the Committee on Printing would consent to its withdrawal at that time. This motion is going to involve a great deal of controversy, and if it comes on to-day it will be impossible to carry out the understanding with regard to the proceeding upon the pending business. Therefore, under Rule XIV, I object to its introduction to-day and ask that it go over.

Mr. SWANSON. It must go over under the rule, if objection is made.

The PRESIDENT pro tempore. The bill will go over for one day.

Mr. SMOOT. I ask that the bill be printed and lie on the table.

Mr. SWANSON. I make the request that it be printed and come up to-morrow.

Mr. TILLMAN. Printed in the RECORD?

The PRESIDENT pro tempore. The Chair wishes to know whether the request is that the bill be printed in the RECORD.

Mr. SWANSON. I did not make that request.

The PRESIDENT pro tempore. Without objection, the bill will be printed and lie on the table.

Mr. SMITH of Arizona. Do I understand that there was a request that the bill be printed in the RECORD?

The PRESIDENT pro tempore. There was none.

Mr. SMITH of Arizona. There would be no use to print it in the RECORD.

THE PHILIPPINE SCOUTS.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 2933) for the relief of the Philippine Scouts, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

THE COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. BANKHEAD submitted the following resolution (S. Res. 180), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be authorized during the Sixty-fifth Congress to send for books and papers, to administer oaths, and to employ a stenographer, at a price not to exceed $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

THE PRESIDENT'S PEACE POLICY.

Mr. LEWIS. Mr. President, I tender a resolution and ask that it be read and lie on the table after reading, not to be referred.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 181), as follows:

Whereas the Senators of the United States Senate, anxious for a just peace between the contending nations now at war in Europe, and also for peace between the United States and the world, and particularly between the United States and the German Empire; and

Whereas the Senate is advised as to the terms which have been stated and expressed to the Congress of the United States by the President of the United States, upon which the United States recommends peace: Now, therefore, be it

Resolved, That for the purpose of aiding the peace of all belligerents the Senate approves the course of the President of the United States in presenting with definiteness and in detail the terms upon which peace could be had; and

Resolved further, That the Senate approves the statement of the President as presented by him in his message to Congress of January 9, 1918; and

Resolved further, That the Senate will cooperate with the President in every way consistent with its duty to the public to obtain the acceptance of the terms presented by the President, or such other terms as will serve the objects set forth by the President, as will bring peace consistent with the welfare of the United States and justice to the contending parties.

Mr. LEWIS. I ask that the resolution for the present lie on the table.

The PRESIDENT pro tempore. That action will be taken.

CONSIDERATION OF TREATIES.

Mr. BORAH. I ask that Senate resolution 178, coming over from yesterday, be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. BORAH on the 9th instant, as follows:

Resolved, That the Committee on Rules be, and the same is hereby, directed to prepare a revision of the rules of the Senate relating to the consideration of treaties so as to provide that all treaties hereafter shall be considered in the open executive sessions of the Senate, and, when such revision is so prepared, to report the same to the Senate for its consideration.

Mr. BORAH. Mr. President, I have no desire to discuss this matter; particularly, I have no desire to discuss the merits of the proposed change in the rules. The Senator from Georgia [Mr. SMITH], however, has raised a point of order upon which, if he desires to press it, I may have something to say.

Mr. STONE. What is the point of order?

Mr. BORAH. The point of order was that I had not proceeded to amend the rules in accordance with the rules; that I should have given notice, and so forth. My contention is that this procedure does not come under the provision of the Senate rules at all; but I do not know whether or not the Senator desires to press the point of order.

Mr. SMITH of Georgia. Mr. President, I did not formally make the point of order; I suggested the point of order after objection had been made to the immediate consideration of the resolution, and it went over.

I myself do not believe that the Senator has followed the mode provided by the rules for amending the rules. I think that Rule XL clearly contemplates a written notice pointing out the rule to be changed and specifying the exact change that is to be made, which must lie over a day. Then I think the rule contemplates the formal presentation from the floor of the proposed changes. It is, however, true that the Senate has had this subject up several times. It has been ruled by the Senate that the presentation of an amendment to the rules without notice, if it lie over a day, is a compliance with the rule; it has also been held by the Senate that such a course was not a compliance with the rule.

My real objection, not so much to this particular resolution, but generally, is that I should vastly prefer that a Senator who wanted something done should himself prepare it than that he should by resolution call upon a committee on which I am serving to prepare it for him.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. SMITH of Georgia. I do.

Mr. BORAH. I shall be very glad if this resolution goes to the committee to prepare what I consider ought to be the revision of the rule, and submit it to the committee for its consideration and report. I will take upon myself, as I am the mover of the resolution, to do the work, and I hope that when it is done it will be satisfactory to the committee.

Mr. SMITH of Georgia. Well, the committee, no doubt, could report favorably or unfavorably upon it.

Mr. BORAH. Yes.

Mr. SMITH of Georgia. I do not understand that the resolution commits the committee as to what report it shall make upon the subject, but that it only requires the committee to prepare an amendment to the rules for the Senator from Idaho. It provides that the Rules Committee shall prepare an amendment to the rules along the lines that he desires to be considered and to report it to the Senate, favorably or unfavorably. I know the Senator from Idaho can prepare it certainly as well as can the committee, and I do not understand why he failed himself to prepare and present it in the usual way. With this statement, so far as I am concerned, I do not object.

Mr. GALLINGER. Mr. President, I do not agree with the Senator from Georgia that under this resolution the committee can report it unfavorably. The committee is "directed to prepare a revision of the rules of the Senate relating to the consideration of treaties, so as to provide that all treaties hereafter shall be considered in open executive sessions of the Senate, and when such revision is so prepared, to report the same to the Senate for its consideration."

Mr. SMITH of Georgia. The resolution does not say "report it favorably."

Mr. GALLINGER. It does not.

Mr. SMITH of Georgia. We can prepare it and present it with an unfavorable report.

Mr. GALLINGER. I differ from the Senator in that, because, to my mind, it is a specific direction to the committee to prepare a certain thing and to report it to the Senate. If it is to be reported adversely, it is not providing for a change of the rules of the Senate so as to have treaties considered in open executive session at all. I really think, as first suggested by the Senator from Georgia, that the Senator from Idaho, who is greatly interested in this matter, should himself prepare whatever he has in mind and submit it to the committee for its consideration, or ask for its immediate consideration by the Senate. I very likely would not agree favorably to report a resolution providing that all treaties should be considered in open executive session, and yet I am commanded by this resolution to agree with other members of the committee to make such a report. I think the resolution is unfortunately worded.

Mr. BORAH. Mr. President, this resolution does not, in my judgment, with all respect to the Senator's opinion, do anything of the kind. It was specifically drawn so as not to do anything of that kind. I desire to bring before the Senate a report of the committee revising the rules, without asking for a commitment from the committee as to whether it was favorable or unfavorable. I specifically state that after the report is made providing for these changes that it is to be reported to the Senate for its consideration. I do not understand at all that that would necessitate the Senator from New Hampshire coinciding with my view of the matter in order to make this revision and report it.

Mr. GALLINGER. Mr. President, I still hold to that view, and I move to refer the resolution to the Committee on Rules for its consideration.

Mr. STONE. Mr. President, just a word. I suppose, of course, that this resolution will go to the Committee on Rules——

Mr. GALLINGER. Certainly.

Mr. STONE. As it concerns a rule for the government of the body. But it also concerns, in a very serious and far-reaching way, the diplomatic relations between this country and other countries as related to treaties. I am not clear how to get at it, but I believe whenever the Committee on Rules reports, if it reports a rule of this general kind suggested, I shall move that in some way it be referred to the Committee on

Foreign Relations for consideration there and a report upon the wisdom or expediency of the change in the rules so as to provide for the consideration of all treaties in the open sessions of the Senate.

I wish merely to make the suggestion that it seems to me, in a matter of such grave consequence, which involves such a wide departure from the course that has been followed in our whole history, it at least in some way ought to have the authoritative consideration of the Committee on Foreign Relations.

Mr. BORAH. Mr. President, when the committee reports back the provision, the Senator would doubtless move to refer it to the Committee on Foreign Relations, and I do not know that I would object to have it so considered before final action by the Senate. What I desire now is to get a report before the Senate for its consideration. Whether to adopt it or refer it to the Foreign Relations Committee will be determined at that time.

Mr. GALLINGER. Mr. President, if the Senator will permit me, if this resolution goes to the Committee on Rules, as similar resolutions usually do, the committee will then take it up and make a report on the resolution. There is no doubt that we will get a report one way or another. I think it ought to go to the committee, and I think the Senator ought to agree to that.

Mr. BORAH. I am sending it to the committee, Mr. President.

Mr. GALLINGER. Oh, no; the Senator is sending it to the committee with directions.

Mr. BORAH. The Senator does not move to strike out anything in the resolution, does he?

Mr. GALLINGER. No; but I want the committee to consider the resolution in its present form, without any direction on the part of the Senate.

Mr. BORAH. Mr. President, I desire to submit to a ruling of the Chair upon the point of order, if any has been made.

The PRESIDENT pro tempore. There has been no point of order made, according to the understanding of the Chair.

Mr. BORAH. Then I ask for the adoption of the resolution.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire [Mr. GALLINGER] to refer the pending resolution to the Committee on Rules.

Mr. BORAH. Now, Mr. President, a parliamentary inquiry. Suppose the resolution is referred to the Committee on Rules, what will be the difference in its status than if it were adopted by the Senate directing the committee to report?

Mr. KENYON. It would be buried.

Mr. SMITH of Arizona. The committee might use its discretion in regard to its action.

Mr. GALLINGER. It would not go to the committee with a direction; it would go there for its consideration.

Mr. BORAH. If that is the program, I suggest the absence of a quorum, and I call for a vote.

The PRESIDENT pro tempore. The Secretary will call the roll, the absence of a quorum being suggested.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, S. Dak.	Nelson	Smoot
Beckham	Jones, N. Mex.	New	Stone
Borah	Jones, Wash.	Norris	Swanson
Calder	Kenyon	Phelan	Thomas
Culberson	King	Poindexter	Tillman
Curtis	Kirby	Ransdell	Townsend
Fernald	Knox	Robinson	Trammell
France	La Follette	Saulsbury	Underwood
Gallinger	Lewis	Shafroth	Vardaman
Gerry	McCumber	Sheppard	Warren
Hale	McKellar	Sherman	Watson
Harding	McLean	Simmons	Williams
Hardwick	McNary	Smith, Ariz.	Wolcott
James	Martin	Smith, Ga.	
Johnson, Cal.	Myers	Smith, S. C.	

Mr. McKELLAR. I desire to announce that my colleague, the senior Senator from Tennessee [Mr. SHIELDS], is detained on account of illness.

Mr. LEWIS. I wish to announce that the Senator from Ohio [Mr. POMERENE] is detained on official business.

Mr. TOWNSEND. I desire to announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. I ask that this announcement may stand for the day.

Mr. MYERS. I wish to announce that my colleague [Mr. WALSH] is still necessarily detained from the Senate by illness.

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. SMITH of South Carolina. I ask unanimous consent that the members of the Interstate Commerce Committee be allowed to sit in committee during the sessions of the Senate.

Mr. GALLINGER. There is another matter before the Senate now.

The PRESIDENT pro tempore. The request of the Senator from South Carolina is for unanimous consent. Is there objection?

Mr. GALLINGER. I object until the pending matter is disposed of.

The PRESIDENT pro tempore. Objection is made. The question is on the motion of the Senator from New Hampshire.

Mr. GALLINGER. I withdraw my motion, and submit the amendment which I send to the desk as a substitute for the resolution submitted by the Senator from Idaho. I feel assured there will be no objection on the part of the Senator himself to the proposed substitute.

The PRESIDENT pro tempore. The Secretary will state the amendment submitted by the Senator from New Hampshire as a substitute for the resolution of the Senator from Idaho.

The SECRETARY. In lieu of the resolution submitted by Mr. BORAH, Mr. GALLINGER submits the following:

Resolved, That the Committee on Rules be, and the same is hereby, directed to consider the advisability of preparing a revision of the rules of the Senate relating to the consideration of treaties, with a view to providing that all treaties hereafter shall be considered in the open executive sessions of the Senate, report to be made to the Senate at an early day.

The PRESIDENT pro tempore. Does the Chair understand that the mover of the resolution accepts the substitute?

Mr. BORAH. I think I shall, Mr. President.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from New Hampshire as a substitute for the original resolution.

The amendment was agreed to.

The resolution as amended was agreed to.

THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. SMITH of South Carolina. I ask unanimous consent that the members of the Interstate Commerce Committee may be permitted to sit during the sessions of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the request is granted.

COST OF OFFICERS' UNIFORMS.

Mr. JONES of Washington. Mr. President, before the morning business is closed I desire to refer for a moment to the bill which I introduced a few days ago providing that the uniforms of officers of the Army should be furnished to them by the Government. I have a letter from the Secretary of War in answer to one which I wrote December 26 relating to this matter, in which he says:

Army regulations provide for sales only when supplies are not required for issue to enlisted men, and it has been necessary to apply these regulations very rigidly, owing to the present difficulty of procuring clothing and equipage for enlisted men. Sales of clothing and equipage supplies to officers have therefore been temporarily suspended.

A board of officers of which Gen. Baker is president is now considering this question with a view to establishment of purchases either through post exchanges or cooperative stores.

Mr. President, I do not claim to know very much about this matter, but it does occur to me that the simple, proper, and direct course for the Government to take would be to put itself in a position where it can take all this material that is available. Apparently, there is an abundance of material in private establishments for furnishing these uniforms. The Government can commandeer that and take it, and if the Government would arrange to deal with the wholesale manufacturers of these goods it would have on hand all the time ample supplies to furnish the officers with the goods at wholesale or cost prices, just as it furnishes the goods for the private soldiers.

Mr. NORRIS. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES of Washington. Yes.

Mr. NORRIS. Since the Senator has studied this matter, I should like to know his judgment about this point: Is it necessary to have additional legislation in order to give the Quartermaster Department of the Army authority to commandeer this stuff and to sell it at cost to the officers the same as it does to the private soldiers?

Mr. JONES of Washington. I doubt if it is necessary, but I will say to the Senator that I have not investigated that feature of the matter very fully. I have understood that the officers were required to buy all their uniforms.

Mr. NORRIS. I know they are.

Mr. JONES of Washington. But I see here, according to this letter of the Secretary, that apparently they have a regulation under which the officers can purchase uniforms from the Government, but that that has been suspended because of the inability of the department to get supplies. Now, if they need any authority to commandeer this stuff they ought to have it.

Mr. NORRIS. Then what does the suspension of this order mean? I take it, from the very fact that they have suspended

an order that seems to have given them the authority to supply uniforms to these officers, that they must have the authority under existing law.

Mr. JONES of Washington. They may have the authority to supply it, but not the authority to commandeer the stocks.

Mr. NORRIS. Oh!

Mr. JONES of Washington. I judge from the suspension of this regulation that they have not the authority to commandeer the stock and get control of it; so, not being able to supply both officers and men, they have suspended that regulation.

Mr. NORRIS. How do they get the men's clothing?

Mr. JONES of Washington. We make an appropriation directly for the supply for the private soldiers. I do not think we do for the officers. I think that is what we ought to do, however.

Mr. NORRIS. That may explain it; but if that is true probably the only thing necessary is for us to make an appropriation.

Mr. JONES of Washington. An ample appropriation—I think so.

Mr. WARREN rose.

Mr. JONES of Washington. The Senator from Wyoming probably can give us the facts more accurately.

Mr. WARREN. Mr. President, may I ask the Senator from Washington if there is any complaint on the part of the officers themselves in regard to this matter?

Mr. JONES of Washington. Oh, yes. I made some statements on that subject here the other day about the outrageous prices they are having to pay for their uniforms.

Mr. WARREN. I did not hear them.

Mr. JONES of Washington. I will say that this morning I got a letter from an officer stating that he had to pay $18 or $20 for a pair of breeches.

Mr. WARREN. There never has been any particular attention paid by the Government to the purchase of clothing and equipment by the officers, provided the uniforms were according to regulations, because that is their own matter; but the Government has usually held itself in readiness to sell to officers or men any of the equipment that it had at cost, or perhaps cost, plus a small margin to cover contingencies.

Mr. NORRIS. They have not been doing that lately.

Mr. WARREN. That may be, while they are furnishing the men, because in the case of the enlisted men clothing is a part of their compensation. The Government is under obligation to furnish that.

Mr. NORRIS. Yes; I understand that.

Mr. WARREN. The officers, on the other hand, take their own responsibility as to clothing, and always have done so; and very seldom in this part of the country have they bought of the Government. They usually buy directly from the different tailors, as civilians do.

Mr. NORRIS. As I understand, it is necessary for these officers to buy from private parties if the Government will not sell to them.

Mr. JONES of Washington. That is shown by the letter from the Secretary.

Mr. NORRIS. That is shown not only by the letter but by many other complaints.

Mr. WARREN. It does not require any new legislation, unless the Senator expects the Government to furnish free the uniforms to the officers. I saw some notice in the paper of the introduction of a bill on that subject. That, of course, would require legislation; but in my judgment no legislation is necessary about selling them the material, and I think there will be no hesitancy about selling it just as soon as this particular crisis is past, when they once get the private soldiers uniformed.

Mr. NORRIS. By that time the officers also will have purchased all their uniforms and that will not be of much value to them.

Mr. JONES of Washington. No; the profiteers will have gotten their profit.

Mr. NORRIS. The profiteers will have reaped all the benefit and supplied them with the clothing.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. SMOOT. Mr. President, I think there will be very few officers who, after examining the cloth that is furnished by our Government now for overcoats for the soldiers, will ask to have the privilege of buying that class of cloth. I consider it a very, very poor product and I do not believe many officers are going to buy that kind of cloth. I have noticed that the overcoats for officers are made of cloth that must have come from some different mill, or, if from the same mill, that is made entirely differently from the cloth that is made into overcoats worn by private soldiers. The officers' cloth is worth twice as much as that worn by the privates. It is made of the very finest of wool. It is finished as the overcoats used to be finished, whereas the overcoating that is worn by the privates—and I have examined many of them—is loaded with shoddy just as much as it is possible to load a thread and make it so that it will hold to be woven into cloth.

Mr. JONES of Washington. Does the Senator think that ought to be permitted?

Mr. SMOOT. That can not be regulated by law. The only thing I am calling attention to is that regardless of any law we pass now, I do not believe that the officers of the United States would buy that kind of cloth for an overcoat.

Mr. JONES of Washington. There is a provision in the bill I have introduced that the quality of these uniforms shall be prescribed by the department, and that the quality for all officers of the same rank shall be exactly the same. I would not permit an officer of the Army to have any say about the character of the uniform that he shall wear. We should direct that every officer of the same rank shall wear the same sort of uniform, just as we require privates to wear the same sort of uniform. Let us prescribe what the uniform of a colonel shall be, what the uniform of a major shall be, what the uniform of brigadier shall be, and not have it so that because one officer is wealthy he can have a uniform of a certain quality and of a certain peculiar fitness while the man who does not happen to be in the ranks of the millionaires must be satisfied, although he has the same rank, with a different kind of uniform. I take it that we can require that by law, and that the Secretary of War can prescribe regulations under which these uniforms can be properly provided.

Mr. WARREN. Now, Mr. President, will the Senator permit me to interrupt him?

Mr. JONES of Washington. Yes.

Mr. WARREN. The uniform regulations already provide the kind of uniforms the officers shall wear. If they want to get all-wool cloth, or cloth that contains perhaps 10 per cent of reworked wool, undoubtedly they can do that; but as to the cut, color, and style, the law, or rather the regulations, provide what that shall be. The officers, however, have the purchases to make themselves, and if they choose they can have all wool in the goods instead of the regulation material.

Speaking of the kind of uniforms that the enlisted men wear, the evidence that is being taken in another place shows exactly the make. The standard when the war broke out permitted a small percentage of cotton in the cloth, the balance to be of virgin wool. It was found that that did not have the warmth necessary for the cold country. Of course, cotton does not give the warmth that wool does, and so it was changed to have, say, 20 per cent reworked wool and 80 per cent virgin wool. As the stress of obtaining the right kind of wool for these uniforms was on, which requires the quarter-blood grade and possibly three-eighths grade at times, they changed the standard to, I think, as much as 35 or 40 per cent reworked wool, and the balance virgin wool; so it is all wool, although part of it is reworked.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES of Washington. I do.

Mr. CURTIS. I want to ask the Senator if he means, by "reworked wool," shoddy?

Mr. WARREN. It means the cuttings from the making of suits, and so forth. All of the off-fall is the reworked wool. Of course, we all use the name "shoddy" as applying to that as well as to other classes of material, but shoddy proper, which meets the opprobrium of everyone, is quite a different substance. It is that which has been reworked, and again and again reworked, and ground up, and so forth.

Mr. CURTIS. Mr. President, if the Senator will permit me further——

Mr. JONES of Washington. Yes.

Mr. CURTIS. I have not attended the hearings to which the Senator refers, but I have read accounts of them in the newspapers, and I understand that the admission was made before the committee that shoddy was substituted for the cotton, and later on that a further reduction of the wool was made, so that the proportions are now 50 per cent wool and 50 per cent shoddy. I for one think it is an outrage that our soldiers should be clothed in that way.

Mr. WARREN. I do not believe there has been quite that percentage of shoddy. I agree with the Senator that all-virgin wool should be what we finally aim at. I should prefer to see the clothing all wool, and perhaps that will soon be brought about.

Mr. CURTIS. That is what should be brought about.

Mr. WARREN. But in the haste of supplying a million men the use of shoddy or reworked wool has crept in, and, of course, we submit to it for the time being; but undoubtedly it must have been and is the intention, and undoubtedly it will be brought about—it certainly will if the committee that is hearing this testimony has anything to do about it—that the clothing eventually will be all wool.

Mr. POINDEXTER. Mr. President, will the Senator allow me a question?

Mr. JONES of Washington. I yield to my colleague.

Mr. POINDEXTER. The Senator from Wyoming comes from the sheep country and is a member of the Committee on Military Affairs. Is it true, as reported in the papers, that the Secretary of War testified before that committee that some time last spring, after our declaration of war, the Western Wool Growers' Association offered to sell their entire wool output to the Government at such a price as the Government might fix, and that the Secretary of War testified that no action was taken on that offer, but that it was referred to some one, and from that person to some one else, and he did not know what was finally done about it? Is that correct?

Mr. WARREN. Not exactly that way. Since the Senator has asked the question, I will say——

Mr. POINDEXTER. I should like to add that the reason I ask the question is on account of the debate here this morning as to whether or not there is enough wool in the country to make uniforms for the soldiers and for the officers. I am very much in sympathy with the bill which has been introduced by my colleague; but if there is a shortage of wool, necessitating the use of reworked wool, or even of shoddy, which some of the subcommittees of the Council of National Defense have resorted to, we can readily understand why that would be the case if the offer of the wool people of the country was ignored when they offered to sell wool to the Government at such a price as the Government might fix.

Mr. WARREN. On the 2d or 3d day of April last the wool trade of Boston offered the Government one-half of the wool that they had on hand at the market price of that date, they believing—which was perfectly apparent to everybody—that wool must rise. That offer was considered to some extent by the Government, but there was nothing shown in the evidence as to just what action, if any, was taken on it. Later, about July, the offer was again made, and the representatives of the wool trade came over here, and they were referred to the committee on purchases, and to the particular branch of the committee that had charge of the purchases of raw material; and the answer was given at that time that there was no law for it. In the first instance, I think, the answer was that there had been no appropriation made for it.

A little later on, or about that time, representatives, not of the associated woolgrowers altogether but of those that have their headquarters in Chicago and have their large warehouses there, sent a committee here, and it met the purchase of raw materials committee, which was presided over by Mr. Baruch, and offered the wool committee its wool at any price that the Government would make, taking into consideration, of course, the then market price. The same answer was given them; but about that time, or soon afterwards—the appropriations having in the meantime become effective—the Government decided that it could buy wool, and the Navy started in first to buy it, and later the Army; so that is the story of that.

A telegram from Mr. Hagenbarth, who is the president of the National Wool Growers' Association, received within a week, gave the quantity of available wool of the world, as the association was informed, and made the statement that there was enough to provide all wools, and that it was unnecessary to use substitutes; that there was enough to provide the Army with a certain number of pounds per annum per man, which was considered the necessary equipment. But, of course, that statement did not provide for the civilian market, nor did it state what would be the fact, that to use certain grades of that wool, the finer grades, would be more expensive; but he maintained that there was enough wool in the country to clothe every soldier so far with all-woolen goods.

Mr. JONES of Washington. Mr. President, I have been led to wonder whether or not the fact that we happen to have so much cloth for so many officers of the Army, and that their being supplied rests very largely with the private concerns of the country, has not had a good deal to do with the fact that a good deal of shoddy is being used for the private soldiers? Is it not partly due to the fact that they have been using wool to make these fine uniform cloths for the officers?

Mr. WARREN. Mr. President, there is nothing in that. The proportion of that is entirely too small. They may be taking advantage in the price, but the wool used in the officers' clothes would have a very slight effect upon the vast amount which is used for private soldiers. I do not believe there is anything in that.

Mr. GALLINGER. Mr. President, will the Senator yield to me for a moment?

Mr. JONES of Washington. I yield.

Mr. GALLINGER. I have not followed this matter very closely; but in conversation with a member of the Committee on Military Affairs last evening he presented some very startling facts as developed in the hearings of the last two or three days on this question of shoddy. His statements certainly surprised me very greatly, and if there is not great haste required in the consideration of this matter I think the Senator might well have that testimony transcribed, if it has not been printed, for the information of the Senate. I will say to the Senator frankly that the statements made by that member of the committee will, I think, astonish every Member of this body if they are presented to him.

Mr. WARREN. I will say that that evidence was given in extenso, and is only being printed confidentially for the committee, and I think it is not in type yet; but it covers every angle and every line of the making of the cloth and the production of clothing. Very little has been testified about the wool growing of the world, of course, because that was not called out. The balance of it is very elaborate.

Mr. JONES of Washington. I want to ask the Senator if he considers that information that ought to be kept confidential?

Mr. WARREN. I think it is not the intention to keep it confidential.

Mr. JONES of Washington. I thought the Senator said that it was being printed in confidence.

Mr. WARREN. It is, from day to day, because there are some matters that very likely the committee will think it is better to strike out, but nothing of this kind; only matters regarding our relations with other countries, and so forth.

Mr. JONES of Washington. Oh, yes; certainly.

Mr. WARREN. But I think it is the intention to have it all printed. That is my idea of it.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES of Washington. I yield to the Senator.

Mr. BORAH. Without assuming to criticize the committee at all, the Members of the Senate outside of the committee are very anxious to get some of these reports. The presumption is that the facts stated in some of them may crystallize at some time or other into some kind of legislation in regard to these different matters. I presume there is very good reason for not hastening the printing of these hearings, but it is a great inconvenience to Members of the Senate who desire to keep in touch with the situation not to be able to have these hearings. I should like the Senator from Wyoming to carry to the committee the suggestion that we are very anxious to get them before we actually come to the consideration of those matters which grow out of the investigation, that some one ought to be put to work to revise them, if any are to be eliminated, so that that which is to be published may be published.

Mr. WARREN. I think that will follow. It looks now as if the committee is nearly closing the investigation, and as witnesses are revising their remarks, as they are doing right along, I think that will be very easily and soon accomplished.

Mr. JONES of Washington. I wish to suggest to the Senator from Wyoming, and through him to the committee, that if the hearing is prolonged all matters that are not considered confidential ought to be printed from day to day. That course is being pursued by the Committee on Commerce that is investigating the work of the Shipping Board and the Emergency Fleet Corporation; matters that are not considered confidential are printed within a day or two after the hearing is had.

I wish also to say that the suggestion of the Senator from Wyoming as to the very small proportionate part of wool needed for officers' uniforms compared with that of privates confirms me in my belief that they ought to be furnished by the Government and that the Government can very well do it along with the facilities and means that it has for furnishing private soldiers with their uniforms.

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. JONES of Washington. Certainly.

Mr. NELSON. I wish to suggest to the Senator what is undoubtedly one of the reasons why the price of officers' uniforms has gone up. I understand that upward of 2,000 commissions have been issued to officers in the Quartermaster Department. Those officers are still at large and it takes a good deal to supply them with uniforms. That undoubtedly raises the market price of officers' uniforms.

Mr. JONES of Washington. I have here a statement that I received. As a general rule I pay no attention to an anonymous communication, but sometimes they state facts that can be very easily verified, and give information that may be of importance. It contains some very interesting statements which I desire to read. It purports to come from a wholesale manufacturer of cloth for uniforms. His business is in New York and he gives some very interesting information with reference to the procedure in the city of New York under which officers there can get their uniforms much more cheaply than they do elsewhere. He says:

> My attention has been called to an article in to-day's issue of the Daily News-Record, of New York, quoting you to the effect that officers are being overcharged for equipment by retailers, and particularly mentioning uniforms. As my firm is one of the leading manufacturers of the country making hand-tailored uniforms for officers, as well as clothing for civilian wear, for distribution through the retailers, I am in position to know something regarding this matter that may be of interest to you and helpful in solving this problem.
>
> That officers are being overcharged in many cases by retailers can not be denied, but in my opinion the question will by no means be solved when the Government undertakes to manufacture them, and for the following reasons:
>
> With few exceptions, officers will not wear the grade of uniforms that are being made by the Government.

My bill takes care of that phase of the matter and requires officers to wear the uniforms prescribed by the regulations issued by the Secretary of War.

> They require and insist upon high-grade fabrics, such as pure worsted serges, whipcords, etc., and they demand high-grade linings, such as alpaca, serge, or silk.

Some officers may do that, and the very fact that they do demand these things may compel officers who are not really able to buy them to try to do the same. It certainly is not conducive to a proper spirit in the Army for officers to be wearing one quality of uniform and officers of the same rank being forced by their means to wear a poorer quality or else be compelled to go beyond their means to keep up with officers in the same rank who are better able to pay for their uniforms.

> They also demand a hand-tailored suit, as this is the only process of making and finishing which will produce the fit and style they want. Officers are, for the most part, men who have worn the finer grades of civilian clothes—

I leave the rest of that paragraph—

> It seems to me that the quartermaster depot of New York is handling this question in a very practical way. I am informed that they are supplying to all officers who call at the depot a list of names of some 20 or 30 manufacturers of officers' equipment, and have requested these manufacturers to supply them with a price list and to deliver equipment to officers individually and collect the wholesale price from the officers, thus saving the officers the retailers' expense of doing business plus the profit. As the expense of retailers vary from 20 to 30 per cent and their ideas of profit from 25 to 40 per cent, you can readily see the saving that the New York depot is effecting for these officers who call there for equipment.
>
> I have been present on several occasions when officers called for uniforms, presenting this list from the New York depot, and have heard their expressions of surprise at the very large savings effected in the purchase of a blouse and breeches. Uniforms of fine quality of pure wool serge are thus obtained for $24 to $33. Prices varying according to the weight, linings, etc. In this case officers make their own alterations where necessary, just as they would have to do were they supplied by the Quartermaster Department.
>
> These are the same uniforms being retailed throughout the country at $37.50 to $55 (in some cases as high as $65). These retail prices are beyond the control of manufacturers, as you can readily understand. May I suggest that it might be advisable for the Government to require all manufacturers of officers' equipment to file their price lists with the various depot quartermasters and to supply officers as they are now being supplied through the New York depot, or by mail.
>
> Manufacturers would, as a patriotic duty, I am sure, be glad to render this service to the Government, although their prices are based on quantity production and handling, and it entails some extra expense to handle single garments.
>
> If this request came from the depot quartermasters there could be no complaint on the part of the retailer to the manufacturer. Manufacturers are—

Here is rather a significant suggestion:

> Manufacturers are reluctant to offer their goods to officers for fear of the loss of the retailers' trade. From observation I should say that very few officers know of this arrangement at the New York depot, as only those who call there are given this list of manufacturers.

Of course a plan followed something like that may be of benefit to the officers in localities where they have these manufactories, but there are a great many places in the country where officers must get their uniforms where these manufacturing establishments are not located. It is very significant that the wholesale manufacturers of cloth to be made into uniforms for officers of the country are afraid of disposing of it to officers individually, because of their fear of losing the trade of retailers, who seem to want to prey upon the patriotism of the men of the country who have offered their lives in its defense.

I ask that this communication may be referred to the Committee on Military Affairs, and I hope that something more than an investigation will be had with reference to the matter. It ought not to take very long to determine something as to what would be a wise course to take in regard to it. We are going to have to call for thousands more of officers from the homes of the country, and prompt and definite action should be taken by the committee if any legislation is necessary, and if no further legislation is necessary the department ought to adopt a definite and clear course and do it promptly.

The PRESIDENT pro tempore. Without objection, the communication will be referred to the Committee on Military Affairs. The morning business is closed.

SUPPLY OF PRINT PAPER.

Mr. SMITH of Arizona. I ask that Senate joint resolution 101, the unfinished business, be laid before the Senate and proceeded with.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of paper at a fair price, and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

Mr. SMITH of Arizona. Mr. President, the pending question is on the amendment offered by me, which I will say I submitted after conference with the Trade Commission. I should like to have a vote upon the pending question unless some Senator desires to be heard.

Mr. HARDING. I do not think it is necessary, Mr. President, for one who makes his livelihood in the newspaper business to disavow any selfish ends in taking for the moment the news-print manufacturing side of the pending question, nor do I think it is necessary to say that circumstances are rather lacking in the inspiration one ought to have to speak on a subject of the importance of this question, but I am resolved to say a few things, in my mind, for my own conscience sake, whether I influence any vote on the pending question or not.

I venture to make these remarks because as a small publisher I have been brought in contact with the news-print problem from which the publishers of the country have suffered notably during the last year. The cost of news print is not the only mounting expense in the newspaper publication business of these days. Congress has some knowledge that it has attempted, rather ineffectually I will admit, to add to the cost of newspapers and newspaper distribution. Everything that enters into the cost account of a newspaper office has mounted up. Notably the manufacture of printer's rollers, a very essential thing in the operation of a press, and without which no newspaper could be published, has more than doubled. The metal necessary for the operation of the linotype machine, without which no modern newspaper can be published, and the metals employed in the stereotyping department of any newspaper of any considerable importance have essentially doubled in price. There was some reference made day before yesterday to the cost of ink, which most publishers are ready to testify as essential, having doubled in price. Metal type, brass rules, all the requisites of a mechanical department, have mounted up astonishingly, and yet quite in accord with the mounting price of everything else in a business era of extravagant expenditure.

I do not know how anybody, whatever his personal prejudices may be, can expect a normal cost on anything when the Government has doubled, tripled, and quadrupled its expenditures, and we are living in a perfect saturnalia of extravagance and outlay. Not only have these things in the newspaper world advanced in cost but labor has advanced, not as it reasonably ought in comparison with other things, but in accordance with increases that have been acceptable to the unions throughout the land. Then, there is the question of fuel, of power, and the innumerable things that enter into the cost of the production of a newspaper.

In passing it will be appropriate to the immediate subject under consideration to state—and I suppose it has been called to the attention of the distinguished chairman who has the joint resolution in charge—that paper generally which is uninfluenced by the so-called Paper Trust, job printing and book paper and writing paper, which are quite without the domination of the combinations which have offended in the news-print world, have gone up from 50 to 100 per cent in cost and are entering into the making of the current prices in the printing world. All these things have come to the publisher and to the printer.

I think it is fair to say that in most instances the cost has been passed along. The large newspaper publisher, the publisher of the daily paper, in many instances, has doubled his circulation price. I think the rural publisher has not added so much to the cost of his subscription rate. In many cases the increased cost has been partially compensated, if not altogether so, in an increased toll on the advertiser. The advertising

word has been familiar with the general advance in prices, and it is worth while saying that the business men, who are the larger advertisers, have been big enough to accept the situation and accept the added burden. I think it is too much to say that the increased cost has been handed along in every instance or completely covered, but there has been a fair adjustment of it, notwithstanding the extremely enormous addition to the cost of publishing in 1917.

I think a newspaper man who knows the business, who has the qualities of making a success, would very much prefer in the end to adjust his own affairs. I make bold to say at this time that I do not want the United States Government to furnish me my print paper. I want to emphasize the fact that as a Republican publisher in this era I do not want to subject myself to a Government control of my paper supply. I am not saying this in any ugly temper, but it is a fact that there is the tightest "little old" censorship of the press on in this country to-day that ever existed in the world. I voted for it and I suspect it is necessary, and I am willing to submit to it; but I am not going to be a publisher, while I can help it, and submit to the censorship on one hand and invite the Government control of my newspaper supply on the other. When I am obliged to do that I am going to join the party in power, which never forgets its partisan aspirations, no matter how much those of us on this side of the Chamber have been willing to submerge ours for the country's good. But that is quite apart from my immediate thought.

I know something about the news-print manufacturing business. I hope it is not necessary for me to say that I have neither an interest in it nor sympathy with the robbing methods that were employed by a great many large news-print manufacturers who took advantage of the war situation in this country last year, but as a buyer of news print I have experienced the varying market for a goodly number of years.

It may interest the Senator from Arizona to know that prior to the outbreak of the Spanish-American War, when we were suffering from alleged "high" prices incident to the economic policy in existence at that time, when there were ample news-print mills to meet the American demand, even so small a publisher as the company in which I am interested was able to buy its news print at $1.65 a hundred pounds. Suddenly the Spanish-American War created a great demand for news print. It is very easy to understand that war in itself brings no new emergency to the newspaper world, but the interest in war events makes an unusual demand for the perfectly useless extra editions of the papers. News-print prices in 1898 jumped from $1.65 a hundred to $3 and $4 without the slightest suggestion of a combination on the part of any of the manufacturers. It jumped because the suddenly increased demand created a panic on the part of those who were not covered in their supply by contracts, and they were obliged to enter the open or spot market and get their supply of paper at any price they could. So that sort of a situation advanced the price of news-print paper in 1898 to 3 and 4 cents per pound for the publisher whose supply had not been previously arranged for, and that sort of a market prevailed more or less until approximately a year after the war was ended. A very similar situation developed in 1917; it began in 1916.

There had previously been mounting costs in the production of news-print paper. I wonder if Senators have ever stopped to think that news-print paper is made principally from the spruce tree? We have almost denuded the American forests of spruce. One may go into Maine these days and travel over hundreds of miles where the forests have been denuded and the land, fortunately, turned into the culture of potatoes. We are getting our spruce nowadays, in the main, from Canada. Any man who has taken sufficient interest to go into the question of raw materials knows that unless we start a systematic reforestation of the spruce lands and cultivate spruce specifically for the production of paper we are going to have a famine in the original raw material which is necessary to the manufacture of news-print paper.

If it is not too much of a diversion at this point, I should like to say that the United States Government could do a far greater service for the newspapers of this country if it would give its attention to finding a substitute for the spruce trees than would be done by the passage of this legislation. One objection I have to paralyzing the production of news-print paper by Federal control is that it is going to hinder the application of American genius and American determination to find a basic source of supply for the manufacture of news-print paper. Do you suppose for a moment that any genius, that any student of this problem is going to bend his energies to such a development if he contemplates Government control of his industry? I do not. So news-print paper has been advancing in price continually because of the menace of a disappearing supply of raw material.

Quite apart from that, and properly I want to say, the cost of news-print paper was increased very largely in the last three or four years by a complete change of the labor situation. Five years ago there was scarcely a news-print paper factory in the United States that was not operating under what we call two shifts of 12 hours each. The manufacturers were persuaded by the working forces in their plants to adopt an 8-hour day and to change from two shifts of 12 hours each to three shifts of 8 hours each. It does not require very much knowledge of arithmetic to understand how much that added at one jump to the expense of paper production.

So, then, for two reasons we have had a mounting cost in the manufacture of news-print paper. As to the third reason, I am reluctant to enter into a discussion of that, because I would not for anything in the world offend the genial Senator from Arizona [Mr. SMITH], and I am not going to be foolish enough to attempt to interest anybody in the discussion of the political and economic side of this question; but it is a fact that the newspaper publication business in this country has far outstripped news-print paper production. That requires considerable discussion to get at the various reasons involved, but two principal reasons will offer the explanation. One was the perfection and the cheapening of the typesetting machines. Rural publishers who 20 years ago were content to send a little daily paper to press with five columns of news matter, which they had themselves set, now produce from 40 to 50 columns at little more outlay in the mechanical department; and with the improvement of the reading side of the paper they have added to their advertising account.

Papers which formerly were content to issue 8 pages now issue 16 pages. If one picks up a metropolitan paper, with which he will be familiar if he resorts to his memory, he will find that the publication which used to convey its advertising, its news, and its comments in 8, 12, or 16 pages now goes to press daily with 16, 24, 28, or 32 pages, while on Sunday—well, the average Sunday publication is so enormous that it baffles a reasonable description. All this consumes paper, and production in this country has not kept apace.

The newspaper men who might view an economic situation with a business eye would resolve to meet it with diminution of consumption. I think it is a pretty fair proposition that if there is an inadequate supply of anything in the world, if you will diminish the consumption you will adjust the situation; and the boys in the newspaper gallery can tell their publications, if they want to, that I said that there is not a newspaper in the United States of America that could not reduce its consumption of paper without taking anything away from its readers; but it has become the fashion in these United States to turn to the Government in every hour of grievance, and that is why I am talking for the moment in opposition to this joint resolution.

However, before I take up that phase of the question—meanwhile expressing my gratitude to the half dozen Senators who are good enough to sit here—I want to express a selfish reason for opposing this resolution. Perhaps some Senators will be interested in the news-print controversy. I think I know it. I do not think there is a news-print trust, I will say to the Senator from Arizona. At any rate, I never in my 30 years' experience as a publisher bought of the trust. I do know that there was a combination of large manufacturers last year, or the year before, to fix the price of news-print paper and the trade conditions under which it was sold. I think they violated the law; I think they ought to have been prosecuted; I think they ought to be brought to repentance; and I am glad there were efforts made in that direction. I quite agree with the Senator from Arizona that they robbed thousands of publishers of this country unreasonably and in an unforgivable manner. I think it is fair to say, however, in that connection—and I say it solely through a spirit of fairness—that the biggest robbers in the United States were not in the combination but were the men outside of it, who took advantage of the situation while proclaiming their independence. That is one of the inevitable things, however.

Mr. SMITH of Arizona. That condition will run along with a combination always.

Mr. HARDING. But this enormous robbery was made possible in 1917 by a perfect panic in the newspaper world incident to the increased demand for news print, and, without drifting into a discussion, which we will differ upon at the proper time, we have increased enormously our American consumption without keeping up our American production. Then when the strain came there was a panic to secure news-print supplies, and prices to those of the small publishing world who were not covered by

contracts were immediately advanced in some cases to an enormous figure; and it was not infrequently the case that some of us who had only informal contracts found ourselves immediately obliged to go into the "spot market" and pay according to the figure prevailing at that time. Not only that, but it is fair to say that the panic in the newspaper market was so marked and so acute and the demand was so far in excess of the supply that many a publisher who was supposedly protected by a contract found himself driven to every extremity to get a sufficient supply of paper.

I think I heard the Senator from Arizona say the other day that the big and favored publishers were able to get all that they wanted, while the little publisher here and there was robbed enormously.

Mr. SMITH of Arizona. "All they needed," I think I said.

Mr. HARDING. Well, "all they needed." I will accept the correction. The Senator is not well informed on that subject. I know many large publishers in this country whose supply of paper was amply covered by the most exacting contracts who were obliged to enter the open market and buy "spot" paper at 6 and 6½ cents a pound when their contracts provided that they should have paper at 2.10 cents a pound. That was not an uncommon experience. There are various explanations for it—mainly because the United States publishing world was in a perfect panic about the shortage of the news-print supply.

I will not say that the combination which was called to the bar of justice did not have something to do with that situation, because it undoubtedly did; but the Federal Trade Commission, either late in 1916 or early in 1917, contemplating an intolerable situation in this country, called in the representatives of the larger makers of news print and began an investigation of the situation, which long before the threat of prosecution by the Department of Justice, terminated in an arrangement whereby the large purchasers, the car-lot purchasers, of news print in rolls were to be supplied at the mills of this country at 2¼ cents per pound. I think any newspaper man in the United States who is fair, who contemplates the diminishing spruce forests in this country and the increased cost of production, will agree that 2¼ cents per pound is a fair price for news print, however much he might wish to buy it for less. The agreement was made with the manufacturers that they would turn their contracts over to the Federal Trade Commission and, no matter how much anyone was paying beyond that, he should have his supply as apportioned by the commission at the 2¼-cent rate at the mill. There were other rates adjusted to that basic price for the small consumer.

That was a very happy arrangement, and I think the newspapers of the country were glad to applaud the making of it; but before it became effective the Department of Justice availed itself of the information which had been brought out in the investigation and secured indictments against a combination of a half-dozen or more large producers in this country. That, of course, disturbed the amity of the situation. I think I violate no confidence when I say that a number of publishers in this country, including some representatives of the publishing world from Capitol Hill, went before the Trade Commission and sought to have a suspension of the criminal prosecution because the thing accomplished under the friendly arrangement was of infinitely greater advantage to the publishing world than any punishment which could be meted out. Without criticizing—perhaps one can not justly criticize the Department of Justice—the department went on with its prosecution. That upset the friendly arrangement, and throughout 1917 every man sought paper to the best advantage he could and got it where he could. Of course, much of the output had already been covered by contracts, which nothing but a friendly arrangement could abrogate, and the little publisher, who has no more important business than that which I am interested in at home, found himself assessed anywhere from ten to twenty thousand dollars because of the increased cost of paper in 1917.

Having failed in relief because of the threat of prosecution the Federal Trade Commission very properly, I think, sought again to renew a friendly arrangement for the handling of the print supply of this country; and negotiations reached such a stage that the Department of Justice, on the recommendation of the Trade Commission, agreed to accept pleas of nolo contendere, I think you lawyers call it—and the imposition of nominal fines which should end the criminal litigation, and the news-print producers of the country should enter into a voluntary arrangement with the Trade Commission as to fixing the price of paper. That arrangement was made. If I correctly understood the Senator from Arizona in his remarks the other day, he said that it was made, but that they were now trying to get away from it. Am I correct?

Mr. SMITH of Arizona. I said I thought I saw evidences of an effort to get away from it by a recent combination of the same men.

Mr. HARDING. That clears the situation and is in conformity with the information which I have.

Mr. SMITH of Arizona. I should like to suggest to the Senator just at this point, merely explanatory of the Federal Trade Commission taking any hand at all in the matter, that the Senate itself started the investigation by a resolution directing the Federal Trade Commission to inquire into the price of this paper, and to make such recommendations as they saw fit.

Mr. HARDING. Yes; that is all quite true. This new arrangement—and I should like to have this very select company know about this——

Mr. GALLINGER. Mr. President, would it disturb the Senator if he yielded to me for the purpose of getting him a larger company?

Mr. HARDING. No; I would not wish that.

Mr. GALLINGER. The Senator would not wish it?

Mr. HARDING. No; I am very particular. I rather relish the thought that at a time like this, when the American Republic is headed straight for a condition of State socialism, when we are seemingly doing everything in the world possible to paralyze individual initiative, when we are taking the Government of this Republic from the hands of the people and putting the people in the hands of the Government, when we are "hellbent" to the very condition that led Germany to bring on the war to save her from herself, and we have before us a measure so vital as this, relating to Government control of private industry, the Senate is so employed that there are six or seven of us present to discuss this great, vital problem!

Mr. President, I am not taking this extreme paucity of attention as a personal defect of mine, because it is characteristic of all the discussion that has been going on upon the floor of the Senate pertaining to these tremendously important questions; and I can hope for no great satisfaction, except that in the end I shall have put my warning into the records of this body, and the Nation that ultimately comes to repentance can read.

However, getting back to the problem in its practical phase, the Federal Trade Commission made an arrangement with the news-print producers of this country that beginning January 1, 1918, they would supply paper in rolls, carload lots, at the mill, at the basic price of 3 cents per pound, for a period of three months. I may say that that will save the average medium-sized publisher, if continued throughout the year, a sufficient cost on his paper product to pay a dividend on his capital. The arrangement further provided that after an experimental period of three months' control by the Trade Commission, a readjustment of price should be made after an ascertainment by the commission of the cost of production. Nobody disputes the arrangement. Nobody has proposed to abandon that arrangement; but the Senator from Arizona says he thinks he sees signs of trying to get away from it. I can tell you what the signs are; but, mark you, I hold no brief for the paper manufacturers. The signs are that the print-paper producers are gathering their forces to show what the cost of production is, and the newspaper men have been foolish enough to express the apprehension that the print manufacturers are going to produce a larger cost figure than anyone has been willing previously to believe. I want to say in this connection that if the Federal Trade Commission is so utterly incompetent, so utterly unworthy to pass upon a presentation of cost figures, then I do not want such an incompetent body to have control of the distribution of the print supply of this country.

Mr. SMITH of Arizona. Mr. President, will the Senator permit me right there?

Mr. HARDING. Certainly.

Mr. SMITH of Arizona. There will be no need of a Federal Trade Commission or anybody else to settle what the cost of print paper is if you will permit the same processes and the same morality to carry on the business of fixing what the cost is. There is no necessity for this investigation if you are limited to what they say, and if they combine now, as they did before, when they advertised to the world that they were going to raise the cost of paper, and notified each one of the manufacturers to make an extravagant return of costs so that they would be justified in increasing the price.

To answer further along the line of what the Senator has suggested as to this agreement, the agreement did fix the price of paper in rolls, carload lots, at the mill, at the price quoted.

Mr. HARDING. If the Senator wants to make an answer to my statement, I much prefer that he shall do so later.

Mr. SMITH of Arizona. I am not doing that. I am suggesting that the Senator did not do me justice in saying that I was

contending against that and had nothing but a fear of a combination. That did not apply to the cut paper. It did not apply to any particle of paper except that in carload lots at the mill. If this joint resolution had nothing else to do except to attend to that, the Senator would not find me here advocating it.

Mr. HARDING. The Senator is mistaken. The agreement does apply to cut paper, but it does not provide for the same price for it, and here is the reason for that: I happen to have, in my capacity as a news-print buyer, a copy of the agreement made by the Federal Trade Commission with the manufacturers of this country, and I know what it contains. It does provide for a higher price for the cut paper, because there is more expense involved in preparing that paper for the market. The roll buyer gets his paper from the machine, turned out in the roll, and the moment it is wrapped it is ready for the car, for shipment. The buyer of cut paper must have that paper put through the process of cutting, packing, and counting into reams, which is a very different proposition; and the price is all accurately adjusted in this contract between the commission and the producer. I happen to have two contracts in my possession, though they are not before me just at this moment, which fix the agreement between the manufacturers and the Federal Trade Commission as the basis of our trade; and now I am going to utter my selfish reason for opposing this measure.

I do not want the United States Government to come in and again upset a friendly arrangement, with the result of increasing the cost of news-print paper to the consumers of this country. That is precisely what the prosecution did last year, though I am not attempting to criticize that action. The prosecution that was undertaken last year cost the newspaper publishers of this country not less than $5,000,000.

The Senator from Arizona misses one of the very essential points in this discussion. One news-print mill can produce paper at a cent a pound. I understand that there is one that produces it at a little less than a cent a pound. Another will produce it at a cent and a half a pound, and there may be scores of them that can not produce news print nowadays at less than 3 cents a pound. That is easy to explain. One large concern owns its own spruce forests, and it has an abundant supply of the raw material which it turns into sulphite pulp itself. It probably does it where it has an abundance of water power and cheap production. Another mill may be more or less antiquated. It may be four, five, or six hundred miles from the spruce forests. It may have no water power except during certain portions of the year, and in order to carry out its contracts for delivery it must grind and roll paper at certain seasons of the year with steam power.

You do not want any arrangement in this country, when there is a shortage of supply, that will cut out even the antiquated producer. That is where the Government made a very serious mistake in trying to control the fuel situation of the country. I voted for it, and I am glad we attempted to control the fuel situation, because that concerned the great masses of our people, and dealt in a large part with the distress of the people and the paralysis of necessary activities in this country. But the news-print situation does not involve such a question as that; and when the price of coal was fixed in this country the Fuel Administrator took no cognizance of the scalper, of the little producer who had gone in and added his thousands of tons of coal to the supply of this country, because prices were so high that he could profit through his crude processes. The price fixing shut him off, and immediately our supply was diminished by that much, when we ought really, for the country's good, to have had a variation in prices that would have permitted the little producer to continue his activities.

As a consumer of news-print paper anxious to see a sufficient supply to adjust the market in this country, I do not want a price that is going to shut down the mill that is producing by old-time methods. I do not want to shut down the mill that must buy its pulp from the pulp producer or its sulphite from the sulphite producer or must turn to steam power when its water supply fails. The only real way to adjust a price in the United States of America in time of peace or in time of war is to encourage a supply equal to the demand; and the trouble with this country is that we are trying to do these things by the artificial process of Government control, and it will prove the most miserable failure that was ever attempted by any civilized people.

I have said these things so far, Mr. President and the faithful, from the selfish viewpoint of the newspaper publisher. Now, let us for a moment ask ourselves where we are drifting.

Mr. President, I have voted for a good many measures in the last five months that were repugnant to my conception of governmental ideals. I have accepted the program of the administration almost without question, because I love my country far more than any political party; and I have assumed that the Executive, with complete knowledge of the situation, with facts I do not possess, knew infinitely better than I could hope to know what was required. I have been following along patriotically and blindly, accepting the call for legislation that has been proposed in the name of a war emergency. But I am resisting the passage of this measure because there is not a stretch of the imagination anywhere that will make this one a war-emergency measure.

The news-print situation is serious, to be sure, but a shortage would not seriously interfere with the Government's conduct of the war, because the most embarrassed agency in furthering the success of the Government in the war just now is the press of this country. It is true that we have not paralyzed it. The press, in the main, is loyal and wants to be helpful, but if you are going to conserve expenditure, if you are going to apply the Government-control policy, why not abandon the news associations that are spending their millions? Why not abolish the scores of special correspondents who are here at the expense of their publishers? Why not eliminate competition between newspapers in any given city and have one Government agency of publicity under the direction of Mr. Creel, of the department of publicity, and just tell the American people what the Government thinks it ought to know? Seriously, I tell you, we are on the verge now of being a people subject to the Government.

Mr. President, if you want to know the drift, there may be one illuminating fact. It is estimated that in the last 15 years the Government forces in Washington have increased by far more than 100 per cent. Suppose the population of the United States increased 1 per cent a year—you can make it larger if you like—then the population of this country will be increased 15 per cent in 15 years. So we are adding to the Federal forces engaged in Government work more than six times the addition to the population of the country. That applies only to the Federal Government, and we have only fairly begun in the establishment of bureaucracy in this land. Now, go a little further. We have followed the same inclination to put the people in the hands of the Government, rather than the Government in the hands of the people, except when we made a very miserable attempt at reformation, to which the Senator from Illinois [Mr. SHERMAN] referred the other day, in our primary system, to which is to be added the privilege of suffrage soon to come. In the States we have more than doubled the Government bureaus and Government agents controlling private affairs, and it does not end in the States. You can follow it to the municipality. In my State, where we have a basic limitation to the municipal tax rate, every great municipality in that State is facing a deficit in its financial affairs, and you can not raise money enough under the limitations to pay the expenses of municipal government. Where are we drifting?

Mr. SHERMAN. Will the Senator allow me to state, in order to fortify his statement, that the same condition prevails in the municipalities of Illinois. Nearly all the taxes are levied under delegated powers and limitations of the constitution and the statutes of the State.

Mr. HARDING. I have no doubt that that is the case. It is the tendency throughout the country.

I am not sure, Mr. President, where I want to place the blame. When the German Kaiser decided to make war for the world's domination he cast a solvent into our present-day civilization that has put us in a very fluid state, and I am frank to say to the Members of the Senate who honor me with their hearing that I am a lot more concerned about the aftermath of the war than I am of the winning of it. Senators, if you go on adding to governmental control, and that is all this joint resolution is whatever else may be said about it, I want to hear from the genius who can offer a way to get back to normal conditions. I do not think we ever will. I think the sociological conditions of the past under which this American Republic was made, what we boast it to be, will never be reestablished. I am a good deal like the optimist who testified yesterday before the Senate Committee on Commerce. I am willing to take my chances in accordance with whatever conditions there are, with the sanction of the Government. But while I am willing to take my chances, and while I recognize the utter hopelessness of restoring the conditions of individualism under which we achieved as we have, nevertheless I think I should be remiss in my conscientious service as a public official if I did not cry out against a tendency which will ultimately put the bolsheviki in control of the United States.

Senators, I must allude to the Government assuming control of transportation, which would never have been necessary for a moment if we had allowed the railway managers of this

country to do what the Government will now do on its own account. May I digress for a moment? There is nothing very pressing.

Mr. SMITH of Arizona. Nothing that I know of.

Mr. HARDING. In all, we have been very unthinking, and so unreasonable, so demagogic, if I may use the word, in dealing with the railroad problem. Out in my State, when I was a member of the general assembly, I remember voting for a statute forbidding State lines paralleling, and in natural competition from ever entering into any combination or amalgamation. When we found ourselves out in Ohio distressed by the fuel situation, as every section of the country did, the railroad managers of two parallel lines from the coal fields to the Lakes, both single-track roads, seeing the difficulty of handling the congested traffic over single-track lines, and at one time having had sufficiently intimate and friendly relations to have contemplated a merger, suggested that they would take from the coal fields to the Lakes the loaded trains over one line, keeping them constantly moving in one direction, and they would take the empty trains of cars back to the mines over the other line, keeping them moving in one direction, and thereby adding notably to the efficiency of the service.

But what happened? Our old statute in Ohio forbidding pooling or joint operation or any friendly cooperation was called to the attention of the courts and that helpful contribution to efficiency in an emergency was halted by the courts of the State of Ohio.

Of course, under Government control you eliminate those things. It is a pity that we could not have eliminated them long ago. Now we shall have Government control, probably, founded on the investigation and conclusions of some of the most eminent railroad talent in the United States, after six or eight months of careful, studious work in trying to solve this difficult situation, and if it proves a success, then the achievement wrought through the suspension of the laws of this country will be used as an argument for Government control of the railway system of the land.

If you are going to control the railroads, and if you are going to control the fuel supply and the food supply in this country, it is not at all abnormal to reach out and take control of the paper supply. The next logical step, if the advertisers or the subscribers of this country have a grievance about prices, is for Government control of the press, and we have more or less of that already, without the financial obligations that go with public business.

Where are we drifting? I listened the other day to the Senator from Illinois [Mr. SHERMAN] with very deep interest in his tribute to the individualism which brought about the development of this country. I want to supplement what he said and go on record as saying now that notwithstanding many of the plausible theories of the socialistic doctrines which are being applied in this country just now, and some of them may be helpful—and, so far as the promotion of brotherhood is concerned, I cordially agree—I make the prediction that the socialistic tendency of this country to-day will prove to be the Nation's paralysis. It will stop every development. It will hinder every initiative essential to the progress of the people in the making of a great nation.

I hope, Senators, while we find ourselves brought to the test on a little measure relating to news-print control in this country when there is not any essential call for it, there will be enough Members of this body to assert their convictions and say, "No; we are not going to do these things that are not necessary to the winning of the war."

If it were necessary to paralyze America to save us from Germany I would vote for that paralysis. I remember some of my colleagues in this body criticized me rather severely some months ago when I ventured to say in a rather informal way that I believed a dictator was necessary to the winning of the war. Whether I was wise in saying it or not, you now have the dictator, and I think we are going to win the war. We must; we will. But listen, Senators. Let us not hamper ourselves for the trial to come in the recovery after the war. Let us not put the manufacture of paper, let us not put the manufacture of wearing apparel, let us not put the manufacture of the thousand and one things that are not directly related to the war in the hands of Government control in order to increase the tremendous population which has turned Washington from a normal, easy-going Capital into an over-crowded mining camp, where we have not only the adventurers and those who sell for war but the profiteerers who are seeking fat places in Government service.

Mr. President, I had not expected to talk to this hour on this subject. I do not know that I have said to the Members of the Senate the things that I wanted to convey to them. But business is one thing and politics is another, and I am convinced that they do not always satisfactorily mix. I do not want to find myself supplicating a Washington bureau for a supply of news print with which to issue the publication for which I am the sponsor. I do not want to put into the hands of the President of the United States, even though he be as the Senator from Iowa [Mr. KENYON] said yesterday, "the most popular and worshipped man in the world to-day," the power to say, "No; Harding's Marion Star does not get any newspaper supply until everybody else is cared for." I do not want to make it possible for the President of the United States or any agency of the President of the United States to punish in its news supply any newspaper in this land. Let us be content with what the Postmaster General can do to us. You have not thought of all these things; there are too many others that have been given consideration.

So, Senators, I admonish you who have honored me with your hearing, let us call it to the attention of others in this body who are unable to be here, either because of their engagements or who are unwilling to be here; and let us ask them to halt this tendency until the necessity is proven for such radical action.

I submit that the Senator from Arizona has not made a very strong case, because the newspapers of this country are going to be more injured than helped by the passage of this joint resolution. You can never bring paper down to anything like the normal price until you have encouraged a sufficient production in this country, or encourage a production for import, to meet the demand. I warn you now, you will never increase the production under Government regulation and control. If you want to put the Government into the manufacture, then you are only adding one more nail into the great casket in which you are going to bury the Republic that we boast of and put in its place a socialistic order that will be the land of paralysis and hopelessness for all time to come.

Mr. SMITH of Arizona. Mr. President, I am not surprised at all at the sentiments expressed by the Senator from Ohio [Mr. HARDING], but I am somewhat surprised at the mistaken historical facts which he brings out in reference to the price of print paper. He gives as an illustration the great increase of print-paper cost at the time of the Spanish-American War. I have before me a compilation made by Mr. Tuttle, former treasurer of the New York Tribune, for the period of many years, and then of the International Paper Co., who gives the following as the price of paper during the years named.

Beginning with 1860, it was 8 cents a pound. During the Civil War it reached 22 cents, and it was not before 1874 that it got below 12 cents. In 1889 it was 3 cents, and in 1896 it had reached 2.25 cents, and in 1897, 1898, 1899, 1900, and 1901, clear through all the reconstructive industries, if you please, if any had ever been dislocated during the Spanish-American War, in those years afterwards this same paper we are talking about to-day sold for 1.8 cents a pound. That answers the congested condition that the Senator spoke of in the present war time. Now, taking the present war, in 1913 all this paper sold at 2.25 cents. So in 1910, 1911, 1912, 1913. In 1914 the paper sold at 2.15 cents, in 1915 at 2.15 cents, in 1916 at 2.15 cents. That is where the combination of which I have spoken began and where the Senate, after its operations, passed a resolution giving to the Trade Commission the power to investigate and make a report to Congress. Through the investigation of that commission the facts were found as I have set forth in the report on this joint resolution, and a good deal more will be found if the Senator will refer to the report of the commission that I had not the time nor the inclination to print in full in the report on the pending joint resolution. So the Senator's statement is not true. They are selling independent paper in New York at 2.5 cents, and never asked any more.

Yet it is a very easy matter for the gentlemen running a great business to manipulate it in this way. As I said before, it is not in any sense immoral. It is the result of the tendency of human trade. If I have advantages, I want to keep them as long as I can keep outside of any indication or suspicion of any moral turpitude about it. So the men feel who have the right and essential advantage in the distribution of this paper and in the purchase of it. I ask my friend what cares he for the price of paper? If the price is going high, he can absolutely kill all competition. If it is 10 cents a pound, they will quit the business.

The resolution looks to controlling the price of paper and keeping it at a fair price, and a fair price is to be found by the Trade Commission. Every item of cost that the Senator spoke of will be justly and fairly estimated by any sensible board in ascertaining the cost of production. If they find that

the men who are manufacturing it can not make any profit under 4 cents I have not any doubt, neither has any man here a doubt they would recommend a profit sufficient to pay all that these men ought to receive in time of war and furnish what I consider and what any thoughtful man who will give his attention to it must consider an extremely vital element, if you please, in the conduct of the war itself.

I am paying the newspapers no particular tribute, but with few exceptions these newspapers, whatever their politics, have stood behind this Government in the awful struggle through which it is now marching. Without their aid what would you have done with your liberty loans? What would you have done when you made an appeal for a conscription law, if you please? What would you have done in every great effort that is so essential to ending the war successfully if it had not been for the universal support that the press of the country gave to the great measures which we were considering?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Arizona yield to the Senator from New Hampshire?

Mr. SMITH of Arizona. I yield to the Senator.

Mr. GALLINGER. I will ask the Senator what would have become of the newspapers of the country if they had opposed the liberty loan or the conscription law. What would have happened to them?

Mr. SMITH of Arizona. I do not know.

Mr. GALLINGER. I know.

Mr. SMITH of Arizona. I do not know what might have happened to them. A good many of them did it.

Mr. GALLINGER. Their subscribers would have repudiated them.

Mr. SMITH of Arizona. A good many that did it are still running.

Mr. GALLINGER. Not many of them who opposed the liberty loan? I do not know of any.

Mr. SMITH of Arizona. I notice that none of them suffered very materially afterwards. But I should like to know what would become of them if you are going to charge them under a combination 8 cents a pound.

Mr. GALLINGER. Nobody proposes that.

Mr. SMITH of Arizona. If in this trouble they are entitled to any sort of consideration nobody should trespass on their rights. These men have made a profit of 29 per cent after deducting taxes and everything else. Do you tell me that they themselves are not ready to submit to a profit say of 10 per cent, or whatever is necessary, that the paper may be sold to those needing it, and to the United States Government as well as any other applicant for it at a fair and reasonable price?

I am not going to stand here and debate now what is going to happen after the war, the seizure of railroads, and all that. I only protest against that argument being used and arousing all the prejudices that can be excited for the purpose of hurting this particular measure. It is an ingenious way of argument to say that something is going to happen, and here is a bill going along the same line, less hurtful, it is true, but if we pass it the newpapers can never be printed again without governmental supervision.

Mr. WATSON. May I ask the Senator is it not true that on two occasions press censorship was sought here and voted down by a majority, and is not this the rankest form of press censorship that it is possible to be set up in the United States?

Mr. SMITH of Arizona. Emphatically and absolutely there is not one vestige of fact in the suggestion. You can not find an editorial to that effect in any paper in the country. I have three or four thousand editorials on the very question of censorship. There is no protest from a single one of them on that ground. Read the report of the committee on the joint resolution and you will see how much the newspapers fear censorship.

Mr. STONE. I should like to inquire in what way the joint resolution, if enacted into a statute, could be made or would be made an instrumentality of censoring the newspapers of the country?

Mr. SMITH of Arizona. I do not know, unless they want to claim that inasmuch as you have the power of distribution the parties having the power would say, "We do not like the color of your hair or the cut of your jib, or something you have said in the newspapers, and therefore we, the great commission for the sole purpose of being absolutely fair in the world, will say that newspaper shall stop." That is not the commission suggested by the Senator from New Hampshire. If it attempted anything like that, the vote has already been shown in this body, and not only that, but from the inspiration that warms the hearts of every one of us we know that the commission itself would not stand for five minutes in the respect of the world if it attempted to do these little prejudicial damages to people who did not happen to speak according to their particular wishes. It is ridiculous to talk about it and to belittle this question to such a degree as that.

Mr. STONE obtained the floor.

Mr. SMITH of Arizona. Mr. President, in connection with the remarks I made before the Senator from Missouri took the floor I ask unanimous consent to have printed, rather than to read it, an editorial on the question of the control of print paper coming from the Editor and Publisher, of New York, on January 5. It is very largely an expression of the views which I entertain. I have indicated by marks on the paper what I should like to have appear in the RECORD at the end of my speech.

The PRESIDING OFFICER (Mr. KING in the chair). Is there objection?

Mr. GALLINGER. What is the request, Mr. President?

Mr. SMITH of Arizona. My request is, because my throat is in bad condition, that instead of reading it there may be printed in the RECORD an editorial on the very questions which we are now discussing.

Mr. GALLINGER. From what paper?

Mr. SMITH of Arizona. From the New York Editor and Publisher, a paper about 45 or 50 years old, I think.

Mr. GALLINGER. Mr. President, while I am, as a rule, opposed to loading down the RECORD with newspaper editorials and articles of various kinds, which practice we have carried to an alarming extent, I can not object to this editorial going into the RECORD.

Mr. SMITH of Arizona. The Senator from New Hampshire knows full well that he and I equally agree as to that, and I commend his course in regard to it; but I have never heard the question raised, when a Senator on the floor has asked that a particular matter be incorporated in his remarks, as to permitting it to be done.

Mr. GALLINGER. I have no objection, Mr. President.

The PRESIDING OFFICER. The Chair hears no objection, and the editorial will be printed, as requested.

The editorial referred to is as follows:

[From the Editor and Publisher, Jan. 5, 1918.]

FEDERAL CONTROL.

We have Government control of the railroads, and the skies have not fallen nor has the social fabric been shattered. In a commonwealth—of which a republic is the best example—sovereignty is vested in the people and delegated by them to chosen executives. In normal times the exercise of authority over the people, in whom it is primarily vested and from whose collective will it must proceed, is attended, happily, with as little interference with individual freedom as is compatible with the communal interest.

In war times, when the national purpose is unified and the national needs paramount, individual interests are subject to the merciless test of "the common good."

The immediate task of the Nation, to which all individual interests must contribute, is the winning of the war. That the railroads may become an effective part of the fighting machinery of the Nation, their direction has been placed in the hands of one man. That the commodities essential to the life of the people and for the conduct of the war may have preference in shipment, priority orders are formulated. The necessities are given right of way.

Some timorous people profess to see great danger in the present internal policies of the Government—in the adoption of Federal control of the vital business interests of the country. Jealous of any menace to individual rights, these people see in this drastic action an attack upon the sacred citadel. It is a mistaken alarm. The ship of state is steaming steadily and stoutly in stormy seas, and its navigating officers seek first to conserve the safety of the ship, and must not permit that purpose to be disregarded in order to cater to the comfort whims of the passengers.

In view of the larger adoption of the policy of Federal control, the opponents of such control of the news-print industry sound a feeble and unconvincing note of protest. As a matter of fact and as a conclusion based upon common sense, Federal control of the news-print industry is now necessary—necessary alike to the sellers and to the users of that commodity.

With control vested in the Federal Trade Commission, as the pending Smith resolution provides, the publishers of the country will have at Washington a governmental agency committed to the task of supervising the distribution of news print. The publisher whose supply may be held up through freight congestion would then be able, through the intervention of the Trade Commission, to have his shipment hurried to him in ample time to meet his urgent needs. Under present conditions, with the railroads committed to priority orders in freight handling—some of these orders perhaps not of the wisest—the publisher whose carload of paper is sidetracked somewhere has small chance of speeding up its journey. The Trade Commission, armed with authority, could quickly unravel these shipping tangles. Convinced, as the commissioners are, that the publication of newspapers is a war need of the primal sort, they would see to it that no newspaper should face suspension through a lack of news print.

The distribution of news print under war conditions can not be managed properly under any plan short of Federal control. That the Congress should hesitate to establish such control is due, in large part, to the lethargy of publishers in the matter. If every user of news print should see to it that his Representative at Washington is fully informed of the conditions existing and of the urgent need of Government control, the Smith resolution would meet with little opposition.

Mr. STONE. Mr. President, under the present law the Postmaster General is clothed with sufficient power to shut newspapers out of the mail when they do not speak in accordance with the judgment of departmental officials. Now, there is a censorship, but here is a bill which proposes merely to prevent undue extortion by a certain class of producers upon a certain class of consumers. To say that if that power is granted the governmental agencies would undertake to control distribution or to direct distribution in a way to inflict punishment, so to speak, upon a given newspaper or upon a number of newspapers seems impossible.

Mr. WATSON. May I interrupt the Senator? Does he agree that if the Federal Trade Commission sought to use the power in that way that under the terms and provisions of this joint resolution they have the power and that they could do it?

Mr. STONE. I doubt it. I do not think so. I do not think that the Federal Trade Commission would be given the power under the terms of the joint resolution to deny to me, one publisher, the right to have my supplies in a wholly different and to me a hurtful way from that in which like supplies would be furnished to the Senator from Indiana, if he were conducting a publication similar to mine. That would be such a gross abuse of power that I think the courts could be appealed to to remedy it, and I do not believe it would ever be attempted.

Mr. SMOOT. However, the joint resolution authorizes it.

Mr. STONE. If the joint resolution authorizes any such thing as that, which I do not believe——

Mr. SMOOT. That is what it does.

Mr. STONE. The Senator from Utah so construes it, I assume; but I do not. If, however, it does, by a line or a change of word or two, any such power as that, if it is sought to confer it, could be withdrawn from the provisions of the joint resolution. There is no need of being hypercritical about this joint resolution. If such power as that indicated by the Senator from Indiana [Mr. WATSON] and the Senator from Utah [Mr. SMOOT] is written in the language of the joint resolution, it can be easily rectified; but, Mr. President, I do not think we ought to be hunting mere excuses here and there to throttle this measure. Let us settle it upon its broad merits.

Mr. HARDWICK. Mr. President, I do not care to discuss this proposition at any considerable length. I have made plain to the Senate the ground of my opposition to it. It is putting the Government into a private business wholly unrelated to and entirely disconnected with the real prosecution of this war. There is no reason for it, from the standpoint of giving relief to the newspaper publishers, because it has not been many months since the Post Office Department submitted proof to the Senate showing that every penny of the increased expense to which these publications have been put as to print paper, in most cases at least, has been passed on to the public, usually through the advertising rates.

It is inconceivable to my mind that the ordinary criminal laws and the great volume of trust laws that we have are not efficient to relieve the situation, if there is a combination in restraint of trade or operating in violation of law. Unless we are prepared to admit that our system of trust regulation and suppression, and of criminal prosecution for violations of the laws against restraint of trade or combinations in restraint of trade, have utterly failed, there is no justification whatever for this measure.

It seems to me, Mr. President, as if day by day, and in one transaction after another, in many important particulars we are absolutely departing from the great structural principles on which this Government rests. We have built up a centralized Federal power in this Government, and in matters wholly unrelated to the prosecution of this war, that would have amazed Alexander Hamilton, and that exceed the wildest dream that he ever dreamed; and Democrats still professing the Democratic faith have done it. We have surrendered in many important and essential features the principle, not only fundamentally Democratic, but fundamentally American, of local self-government. We did it when we passed the child-labor law, undertaking to regulate the hours and terms and conditions on which labor may be employed in every State of the Union; we did it when we abandoned the ancient, historic, democratic, yea, American, position on the liquor question, and said that the Government of the United States, acting nationally, should control that question, instead of each locality asserting its own will with respect to it.

It is proposed now to do it, not only with respect to such little measures as the one proposed by the Senator from Arizona [Mr. SMITH], but with respect to the suffrage question. The right of each State to fix and determine for itself the qualifications of its electors is one of the fundamental propositions that underlie and support local self-government, if not the one most fundamental of them all.

In that connection, I want to read the thoughtful words of the greatest Democratic newspapers in the North. I agree with them in part, at least. I believe, however, that the application of the memorial address printed this morning in the New York World is broader than a mere party application. The dirge that ought to be sung is not only the death of Democratic ideals and Democratic principles, but of American ideals and American principles. The editorial is entitled "In memoriam," and it reads as follows:

The World's famous question, "Shall the Democratic Party die?" has been answered. The historical Democratic Party is dead.

We do not mean that the Democratic organization has ceased to exist. We do not mean that there are no more Democrats. Nor do we mean that the Democratic Party is dead in the sense that the Federalist Party is dead, or the Whig Party is dead, or the Greenback Party is dead, or the Populist Party is dead. What has died is the Democratic Party of Jefferson and Jackson and Tilden. The principles of government which they enunciated and advocated have been obliterated. What slavery and secession and silver were unable to accomplish has been brought about by prohibition and woman suffrage.

The deathblow to Jeffersonian Democracy was delivered by the Democratic Senators and Representatives from the South and West under the leadership of William J. Bryan, who carried through the prohibition amendment. The coup de grâce was administered by Woodrow Wilson, President of the United States, in indorsing the Federal suffrage amendment to the Constitution.

The kind of government for which the Jeffersonian Democracy successfully battled for more than a century has been repudiated. Centralization is now invited, not repelled. State rights have been assassinated in the ancient citadel of State rights. The charter of local self-government has become a scrap of paper. The way is now open for the obliteration of the States in all their essential functions and the erection of a central government more powerful than anything of which Alexander Hamilton dared to dream.

To-day there are no fundamental differences of principle between Democrats and Republicans. The two parties are interchangeable so far as any vital profession of faith is concerned. Republicans claim to be better business men than Democrats, and hence quicker and slicker in grabbing a dollar; Democrats claim to be more honest and simple-minded than Republicans. Republicans bitterly resent the fact that the Democrats are in possession of the Federal Government. Democrats resent with equal bitterness the disgusting ambition of the Republicans to get back into power. It is not of such stuff that great parties are formed or great issues are vitalized.

Perhaps it was all inevitable. Perhaps it was ordained that a time would come when an impatient people would deliberately throw away as too cumbersome the old system of checks and balances that the fathers provided in framing the Constitution and give over the minority to the tyranny of the majority until a new system could be created in the light of better experience. It is difficult to quarrel with events, however much we may regret them, but dangerous to ignore them.

A great revolution has suddenly come about in the Government of the United States. Strangely enough, it has come about during the Presidency of one of the greatest Democrats in all history—

So says the New York World—

whose leadership is hardly less commanding in Europe than at home—a leadership which in many respects holds out hope of democracy in civilization. Yet under that leadership the institutions of the United States have been permanently changed without a word of protest from him in one instance and with his active assistance in the other. The clock can not be turned back. Yet we may wonder if the President is so keenly absorbed in the processes of anarchy in Russia as to be oblivious to what is happening to our own institutions.

It is possible that out of the stress and circumstance of this world war will come a new Democratic Party in the United States—a Wilsonian democracy in place of a Jeffersonian democracy. But can it find means of restoring the balance and provide new methods for insuring that organized self-control without which all free government is bound to sink to the present level of Russia or is forced to establish an elective autocracy as a means of self-preservation? We shall see what we shall see.

Of the two instruments by which the old Jeffersonian democracy succeeded in committing suicide the most dangerous weapon, of course, is prohibition. Suffrage by Federal amendment, in spite of its perversion of the original theory of American institutions, is at least an extension of human freedom. It is not, like prohibition, an absolute suffocation of individual rights and personal liberties at the mandate of three-fourths of the legislatures. The suffrage amendment may result in as many complications and misfortunes as the fourteenth and fifteenth amendments produced, but we can say of it that ipso facto it invades no man's home, nor does it prescribe what he may eat or what he may drink or how he shall order his life.

At the same time the two amendments taken together, the one championed by southern Democrats still giving a lip service to the old party faith, and the other indorsed by the President who deliberately abandoned an issue on which he was reelected in 1916, are as completely at variance with all the fundamental purposes of the old democracy as those purposes were at variance with federalism.

The World has never been able to regard change and progress as synonymous, and it can not do so in this instance. Nor can we believe that the advantages of the political expediency which have dictated official Democratic policy in regard to these issues are adequate compensation for the utter sacrifice of principles which had given to the Democratic Party the longest continuous history of any political party in the world.

Possibly we are too apprehensive about the future, but a change of so radical a character may well be considered apprehensively. Each generation must work out its own salvation, and it is not wholly beyond the nature of things that out of the ashes of the old Democratic Party will spring a new democracy more vigorous and more insistent than ever upon those elementary rights without the continuous assertion of which free institutions have never succeeded in maintaining themselves. That remains to be seen.

The World is no prophet of disaster. In paying a respectful tribute to the dead it implies no reproach to the living. But the record is the record.

So speaks the greatest Democratic newspaper of the Nation this morning in its leading editorial. If it be not considered treason in these momentous and stirring times to express my agreement, I want to say that, in part at least, I agree with

this editorial. The ancient party of my faith, the party of Jefferson, of Jackson, of Tilden, and of Cleveland, is no more. If there is a Democrat alive to-day in the Senate or out of it or anywhere in this Republic who can show me a single principle to which it has proven its fidelity, I would like to have him stand up and name it.

I do not think our Republican friends are in much, if any better, position; but I know that the Democratic faith that I learned at my mother's knee and that I have cherished all my life is not respected or followed here. Local self-government! Is it the corner stone of the Democratic faith? If so, wherein have you kept the covenant? A low tariff, for revenue only! I can demonstrate to any audience, in this body or out of it, that in many instances we have proven false to that profession of faith. Opposition to federalism, to strong centralized power! When did we cease to believe in it? We certainly have long since ceased to practice such opposition.

Mr. President, I must confess that at times I almost despair of the Republic when I see one autocratic power piled upon the top of another unnecessarily and without a word of protest or of challenge. I realize that when we are engaged in a war the Executive ought to be given every power that is necessary for its adequate prosecution, and no man would be quicker to bestow that power than would I; but this movement did not begin with this war; it is not related to this war; it is totally disconnected with this war. When it is all over and the war is won, I hope the people of America will get back some few of their liberties; but, so far as I am concerned, unless some one can show to me the absolute and direct connection of measures of this sort with the war itself and with its actual and direct prosecution, I am disposed to keep a few of my liberties instead of surrendering them all. I know we will have those that we do not surrender, but I am not certain whether we will get back those that we do surrender and, if we ever do get them back, when we will get them back.

This is no war measure in any sense, in any shape, form, or fashion. If you want to pass it because you are willing to concede that Jefferson's old idea that the least governed people are the best governed people, that the idea under which we have all operated, the idea that individual initiative and individual enterprise could run the private business and the private industry of this country, regulated by law and controlled by law, and when they violate the laws against combinations and trusts prosecuted and punished by law—I say, if you want to concede that all that has failed and you want to set up a socialistic government, strongly centralized, with its powers here in Washington increased until the powers of the present Executive exceed those ever conferred upon or ever wielded by even the most despotic and autocratic of the Cæsars, and in matters wholly unrelated to and entirely disconnected with this war, then, of course, we will know what we are facing and what we are about to embrace.

Mr. President, I know not what course other Senators may adopt—I care, of course, very vitally—but so far as I am concerned, I wish to put the Senate and the country on notice here and now, on this measure and on all others, that I propose, so far as I can, to see that this Government remains a Government of coordinated powers; I propose to do all in my power to prevent the building up of despotic and democratic and unnecessary power and authority in the hands of any one man, be he termed President or what not.

The Constitution itself confers on the Chief Executive ample power, plenary power, for the prosecution of the war, and I have no objection to giving him all the power that any Executive ought to have for the prosecution of the war, but, Senators, I warn you, do not on that account and for that reason, because we are in this war, let pass every sort of measure that may come in here labeled a war measure seeking to give to the Executive this power and that power and the other power during the war, in that way building up an executive authority the like of which was never seen in a free country—an executive authority so great that if we do not finally check this movement the country can not long remain free.

Mr. THOMAS. Mr. President, if there were any prospect of an immediate vote upon this measure, I should not detain the Senate by discussing it. From intimations which have been expressed, however, I infer that a vote to-day will be practically out of the question, and consequently I do not feel that I am trespassing upon the time of the Senate in suggesting some reasons which will impel me to support the resolution.

In 1916 we created what is known as the Federal Trade Commission, and armed it with certain powers and responsibilities, by a bill which was the subject of very extensive and elaborate discussion in both Houses. I was unable to lend it the sanction of my approval, because I could not perceive how the commission under its provisions would be able to rectify the abuses at which it was aimed. I felt that it should go much further or that we should not assume to legislate upon the subject at all.

I am neither a prophet nor the son of a prophet, yet I think it is fair to assert that the operations of the commission since the enactment of the law have not been entirely satisfactory or successful. That may be due to the personnel of the commission quite as much as to the powers which the bill conferred upon them. As to that, I make no comment; I do not know. From the report of the committee upon this joint resolution, however, and assuming its correctness, it appears that the commission's efforts to control the evil at which this joint resolution is aimed have been unsuccessful. Upon page 6 of that report appears an extract from the report of the commission regarding the news-print situation, which recites that—

> The efforts of the commission to restore competitive conditions in the news-print industry expeditiously and to arbitrate and effectively project a fair price for news-print paper have failed.

That is a confession either that the commission is not equal to the duty which has been imposed upon it, or that the law imposing that duty is so defective as to make the object sought to be attained beyond the power of the commission. But, however that may be, the commission is upon record that as to this particular difficulty its efforts to remove it have failed. The report recites, in some degree, what those efforts have been, for one of the conclusions reached between the commission and the combination was the fixing of a certain maximum price for its product, shortly after which some members of the combination withdrew from the arbitration, and as a consequence the arrangement proposed was ineffective.

Now, what are the conditions confronting the country and which provoke this joint resolution? Briefly stated, they are that a certain number of manufacturers of a very important and highly essential commodity have formed a combination, including manufacturers whose output embraces practically 80 per cent of the product, whose purpose it is to dominate that particular business, and to make successful competition impossible. The outline of the agreement is set forth on page 7 of the report, and that I assume to have been the basis of the indictment afterwards presented against a very considerable number of those executing it which indictment has been followed by what the lawyers call a nolo contendere, which does not involve an admission of guilt upon the one hand, but requires the infliction of a penalty upon the other.

This agreement is "to refrain from competing with each other in the matter of securing new customers for their paper; to refrain from competing with each other as to the quality of the paper to be sold; to refrain from competing with each other as to the delivery of and furnishing storage for paper sold but not delivered; to refrain from competing with each other as to the terms of credit, rate of interest on open accounts, dates of beginning and ending of contracts, the methods of making sales of paper through salesmen, dealers, and jobbers, the payment of return freight on the cores upon which their paper is wrapped, the payment of charges for cartage, and allowance of claims for waste or damaged paper; to engage in simultaneous representations to the public, to their customers, and to each other of the alleged increased cost of manufacture and of the alleged shortage of news-print paper, and to manufacture insufficient quantities of such paper with the object of concertedly working for materially higher prices; to cooperate in discouraging the erection of new mills or the installation of new machines for the manufacture of news print; to cooperate in preventing new concerns from competing with them by transferring orders and contracts for paper to new concerns on condition that such new companies should not compete with them; to furnish from time to time to the News Print Manufacturers' Association at No. 18 East Forty-first Street, New York City, for the information of the defendants, full and complete information concerning contracts with their customers and the quantity of the paper manufactured, carried in stock, or sold by them; also, the capacity of their various plans, and other details of their business."

It appears, in addition to this agreement, or as a part of it, that the country was partitioned out between and among these manufacturers, each having his own set of customers with whom the others would in no wise interfere, in that way still further strengthening the monopoly inevitably resulting from these drastic covenants.

Mr. President, I am unable to imagine anything which could be added to this agreement which would make it a more complete, searching, and far-reaching combination in restraint of trade than appears from the language cited. It was evidently made with much deliberation, and with the full and complete knowledge of all of the conditions connected with the print-

paper trade. Unless all human experience is at fault, the purpose of the combination was to enhance the price of the product to the consumer by compelling him to purchase from one customer, and from one customer only, because under such an agreement competition was out of the question.

It may be, Mr. President, that the day of competition is over. It may be that those who contend that competition is wasteful, and productive of anything but benefit as an ultimate result, are correct. But in view of the fact that Congress has not so determined, but, upon the contrary, has enacted legislation penalizing such combinations in the interest of fair competition, the question for this purpose is foreclosed. The law has been written, and it must and ought to speak for itself; and that law has placed the ban not only of disapproval but of criminality upon such a combination as this, and upon all similar combinations against which the Federal Trade Commission is confessedly powerless, and regarding which indictments are lightly set aside upon pleas of nolo contendere, followed by fines so infinitely out of all proportion to the enormous amount of profit resulting from these agreements as to justify, perhaps, the suggestion of the Senator from Georgia [Mr. HARDWICK] that the courts of the country, as well as this commission, are inadequate to deal with the evil.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. Certainly.

Mr. HARDWICK. I asked that question. I did not make it in the form of a suggestion.

Mr. THOMAS. I stand corrected. I refer to the inquiry of the Senator, and not his suggestion.

Mr. HARDWICK. Does the Senator think, because the law fails in one particular in its administration, that that is an indictment of the law itself, or of the courts generally?

Mr. THOMAS. I do not.

Mr. HARDWICK. Why can we not enforce the law against these people?

Mr. THOMAS. I think, however, that if the law fails in one direction and then fails in another direction, so that it becomes valueless, it is the duty of the lawmaker to see to it that the purpose expressed in it be made effective by laws strengthening and confirming those already in existence, but of demonstrated ineffectiveness.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator yield further?

Mr. THOMAS. Certainly.

Mr. HARDWICK. The laws to which the Senator refers were laws against combinations in restraint of trade, commonly called trusts?

Mr. THOMAS. Yes.

Mr. HARDWICK. Now, because those laws are not enforced by some particular court or in some particular instance is that a reason, according to the Senator's way of looking at things, for abandoning the system, and saying that the system is inadequate?

Mr. THOMAS. If there were but one failure, no; but if, through series of years, the laws, through the operations of the courts, their constructions——

Mr. SMITH of Arizona. And delays.

Mr. THOMAS (continuing). And delays, prove inadequate for the purpose, in consequence of which the interests affected may in some instances be brought to the verge of ruin and in others across the verge, then I think further legislation is essential; and I think that if ever there was a case about which there seems to be no dispute as to its facts it is the case with which this joint resolution proposes to deal.

Mr. HARDWICK. Mr. President, I should like to understand that. Will the Senator explain to me why that is true? Is it because some particular district court will not enforce the law?

Mr. THOMAS. It is because the Trade Commission has confessed its inability to deal with it.

Mr. HARDWICK. Well, that would not be very important.

Mr. THOMAS. It is also because, up to this time, the courts have failed to deal with it properly and effectively. That is why I make the statement. It may be an inadequate reason; doubtless it is, in the judgment of my distinguished friend from Georgia; but to my mind it is convincing. If there were no war pending, and this situation addressed itself to my judgment in times of peace, accompanied by this sort of a report, and the Committee on Printing saw fit to offer such a joint resolution, I think I would support it, not because it presents the best remedy in the world, not because it is desirable, but because it seems to be the one essential step which the Government must take, if it is taken at all, to remedy the evil, since the power does not exist elsewhere, and which, in my judgment, it ought to take, in view of the fact that we have heretofore assumed charge of the general trust question, and to legislate nationally regarding it.

Mr. HARDWICK. Mr. President, does it bother the Senator for me to interrupt him?

Mr. THOMAS. Not at all, although my voice is not in as good condition as I would like.

Mr. HARDWICK. I will not interrupt the Senator if he prefers not to be interrupted.

Mr. THOMAS. It is all right; I am perfectly willing to be.

Mr. HARDWICK. Would the Senator, then, applying that principle, be willing to abandon the laws against trusts and combinations in every line of industry and of business where some court or several courts have failed to administer them according to his ideas?

Mr. THOMAS. That is a very pertinent question.

Mr. HARDWICK. That is what it means, I think.

Mr. THOMAS. In every instance like the one under consideration that is brought to our attention; yes. I do not know that we should go hunting for them; but where they are brought, as this is brought, to our attention, and where the record is so one-sided as this seems to be, that is our relief or we have none.

Mr. HARDWICK. Mr. President——

Mr. THOMAS. I yield.

Mr. HARDWICK. Applying the same line of reasoning, then, to the Standard Oil Co. case or the American Tobacco Co. case, or any one of the cases where this has happened, where a dissolution was decreed by the courts and such a reorganization was effected by the corporation or corporations involved that in the opinion of many people the dissolution decree did not amount to very much, would the Senator then be in favor of Government ownership and operation in those fields?

Mr. THOMAS. The dissolution of the Standard Oil Co. and of the American Tobacco Co. resulted merely in a transformation of the companies and the continuation of their businesses ostensibly by separate concerns, but I imagine really by the same general control. In each of those instances the law, although applied, failed to accomplish the object desired. With regard to the Standard Oil Co., however, it has relieved the producing end of the oil business from that monopoly which previously existed. But I will say to the Senator that whenever it shall appear to the Congress, as it appears in this case, that either of those companies or any other companies controlling a large majority of the business make an agreement like this, we should treat the situation just as we propose to treat this, unless it be possible to suggest something equally effective, which up to this time the genius of man does not seem to have discovered.

Mr. HARDWICK. Mr. President, if the Senator will yield again, why is not the enforcement of the statute laws, as written, better?

Mr. THOMAS. If the statute laws as written—and I speak now of the antitrust acts rather than of the Federal Trade Commission act, which I do not think that we should have adopted in its present form—can be enforced so as to produce the result desired; yes. They never have been, however, and even in cases where they have been successfully applied the resultant has been merely a change of appearances while the substance of the thing sought to be destroyed has continued.

Perhaps it might be well, if it could be done by legislative enactment, to place concerns like these in the hands of a receiver until they shall conform to the requirements of the law as written and conduct their business in a lawful manner; but we can not appoint receivers by legislation. That is a judicial act; and while I do not intend to reflect upon the courts, I may be pardoned for expressing some skepticism with regard to their general attempted enforcements of this and kindred legislation. I do not in the slightest degree impugn their integrity in calling attention to the fact that with the refined constructions and exceptions and differences and distinctions with which all of the decisions upon these antitrust laws fairly bristle no man knows what he can do nor what he should refrain from doing, the law to-day being in a greater state of unsettlement than it was when judicial construction first began.

Mr. President, I do not believe in governmental control or in Government ownership per se. I am satisfied that private operation of business of all kinds, except it be with regard to public utilities, is eminently preferable to governmental control or interference. I think everyone will agree to that. But I believe in Government control in certain instances, of which this is one, when it appears to be the last alternative, without the exercise of which the evil complained of may be aggravated

instead of diminished, until those who are its victims shall be stripped of all their possessions.

My friend the distinguished Senator from Illinois [Mr. SHERMAN] the other day deprecated the constantly growing tendency of all interests and of all individuals to appeal to Congress and the General Government for relief against recurring evils of which they complain, whereas two or three generations ago, under the then prevailing spirit and genius and individualism, each man depended largely upon his own resources to work out his own salvation. Unfortunately, that is true; and in that tendency my friend the Senator from Georgia can find the germ of that departure from State rights which he deplores so earnestly and so mournfully. The States, for the most part, have lost their rights because they preferred to surrender them to the General Government in consideration of that Government's bearing the financial burden of their exercise.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. THOMAS. I do.

Mr. LEWIS. Does not the Senator think that those privileges have been too often surrendered for financial favors and benefits?

Mr. THOMAS. That is exactly what I say. With the editorial read by the Senator from Georgia a few moments ago I have no quarrel, except that the condition which the editor of that paper bewails is not a condition created by the adoption of the prohibition resolution or by the passage yesterday in the House of Representatives of the suffrage resolution. Those were merely its latest manifestations. It has been going on constantly for the last generation. The States have not expressly, perhaps not intentionally, but have constantly shifted their rights, their duties, and their obligations from themselves to the General Government in exchange for appropriations. I recall that it was the proudest boast of one of the Senator's most distinguished predecessors on this floor that during his long career in the House and the Senate he never asked for or received a dollar of appropriation for the benefit of his State. But that was long, long ago. The Senator who pursues such a policy now would retain his seat not longer than the expiration of his term.

Mr. HARDWICK. Mr. President——

Mr. THOMAS. I yield.

Mr. HARDWICK. I think the Senator's statement is inaccurate, with due respect.

Mr. THOMAS. Well, it may be. I am not infallible.

Mr. HARDWICK. I do not think the Senator can instance a single case in which the States have voluntarily surrendered rights for appropriations—not of the South, at least; not Georgia, I know.

Mr. THOMAS. Mr. President, it is the duty of the States to build their own roads and to improve their own water highways, except in instances where navigation—actual navigation, not navigability—is involved. The States, North and South, have long ago shifted that burden—not only shifted it but imposed it—upon the Treasury of the United States, until to-day the old doctrine that the States or the riparian proprietors were the owners of the waters of the streams, and certainly of nonnavigable streams, and of the beds thereof, has disappeared.

Mr. HARDWICK. I beg the Senator's pardon.

Mr. THOMAS. Such are the decisions of the Supreme Court of the United States.

Mr. HARDWICK. No; it has not disappeared there, either.

Mr. THOMAS. The Senator is mistaken, and I think if he will examine the question as carefully as I have had occasion to do he will find that I am right. A citizen of my State can not secure the granting of a permit to divert water for irrigation in a nonnavigable stream without the permission of the Secretary of War, who must determine whether such diversion in any way impairs the navigability of the stream of which it is a tributary.

Mr. HARDWICK. If the Senator will pardon me, that is a very different question from the proposition to which the Senator was alluding.

Mr. THOMAS. Oh, no; that is the legitimate outcome of it.

Mr. HARDWICK. I do not think so at all. That is navigability only. The ownership question has not been determined by the courts.

Mr. THOMAS. The ownership has been asserted and sustained by the Supreme Court in many cases growing out of the insistence by the State upon its right to dispose of, or of its citizens to own, the power generated by the water of these navigable streams, which has nothing whatever to do with navigability. The same is true of the public roads. Ninety per cent of the matters involved in our agricultural bills for which appropriations are asked and received are peculiarly within, and ought to be within, State jurisdiction. But inasmuch as the Government makes appropriations for them it follows as a matter of course that the rights have been shifted, until they are no longer recognized as a part and parcel of the rights of the States.

Why, Mr. President, in these days a great calamity can not occur in any of the States involving the destruction of property or loss of life, but that an appeal is instantly made to the General Government for financial and other relief, which is granted as a matter of course, but which should not form the subject of appropriations from the Federal Treasury under the old doctrine of State rights. We have progressed, and we are progressing, and we will progress until every right of the States—and there are not many left—will, in all probability, be absorbed by the General Government in exchange for fat appropriations from the Public Treasury.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. I do.

Mr. HARDWICK. I hate to disturb the Senator, but I do not like to have him make a statement of that sort without my correcting it.

Mr. THOMAS. My remarks, of course, do not bind the Senator.

Mr. HARDWICK. Oh, no; not at all. The Senator is usually very accurate in his statements, and as a general proposition he is accurate about this, but I want to take this occasion to call attention to the fact that recently one of the great cities of my State was almost totally destroyed by fire. It did not ask for one cent's aid of any sort from the Federal Government, and it is one of the boasts of the people that they did not do it, although they were almost ruined. I refer to the city of Augusta. So that the Senator can not make a general indictment of the kind he is making, which may be applicable to some of the States, without my insisting that the State of Georgia is an exception to it.

Mr. THOMAS. Well, Mr. President, one swallow does not make a summer.

Mr. HARDWICK. But the Senator started out to establish a proposition on which he has cited nothing; namely, that the States themselves have voluntarily renounced their rights and duties in order to get these appropriations.

Mr. THOMAS. Well, of course, that is a difference of contention between the Senator and myself. He does not think so. I do.

Mr. HARDWICK. I can not think of an instance where the States themselves have asked for these things. The Senator speaks of the change about internal improvements. The States themselves did not ask for that to be done. The people determined that here in Congress through their representatives.

Mr. THOMAS. The States are represented in Congress by Senators and by Representatives. They presumably voice, and I think they generally voice, the wishes of their constituents; and a general principle or a general condition once established, the fact that in one or two instances, or in the case of one or two States, there have not been observable the things to which I referred does not, I think, militate against the general proposition. Ever since the end of the war between the States this country has been marching constantly, and sometimes with accelerated speed, toward centralized government. The things to which the Senator referred as indicating that fact—the child-labor legislation, the legislation of similar import which from time to time has been adopted by this body, and I occupied and still occupy the same position with regard to the child-labor law that my friend from Georgia does—all are in my judgment the legitimate outgrowth of the original tendencies of the States to avoid the financial obligations which the exercise of their original duties involved. The assumption of these powers by the General Government has been sustained by the decisions of the courts of last resort, which in all probability will sustain the constitutionality of the law to which he and I have just referred.

These are the prevailing conditions, Mr. President; and I think that future historians will regard them as the outgrowth of the necessities which have arisen from our expanding population, from the multiplication of our business activities, and from the general progress of society from one stage of political and industrial activity to another.

I think it has been inevitable from the foundation of this Government that ultimately the General Government would absorb many functions of the States hitherto regarded as attributes of their sovereignty. The other day the Supreme Court of the United States, in what is popularly known as the Utah power case, determined that the States in which the public domain still exists were powerless to legislate concerning or to interfere with any policy of the General Government regarding that domain. It has gone so far, although it has not said so in exact words, as to deny the existence of the sovereign power of eminent domain with regard to the public lands in the States, a power which Mr. Calhoun, as I stated the other day, very truly declared to be one of the inseparable attributes of sovereignty.

I do not expect, Mr. President, in the short time I have to live, to see any change, unless it be one of accelerated progress in the centralizing tendencies of the Government through congressional legislation and judicial construction.

Mr. President, just another reflection with regard to this bill and for the present I am through. My support of the joint resolution is dictated by the belief and by the conviction that without it the unfortunate condition outlined in the report will be aggravated. I have no particular love for the newspaper fraternity, particularly some of them in my section of the country, but justice is justice, whether it be applied to one class in a community or to another. They are all entitled to the same treatment under the law. Newspaper print is an essential to our general everyday life. To my mind, the dissemination of news is quite as important as the dissemination of food. That which interferes with it, especially in war times, may rise to the dignity of a national calamity.

That, however, is not the only interest which this combination injures or at which it is aimed. It is aimed at all those who have use for its product, and that virtually comprises the entire country, the men and women and children composing that aggregate community which we call the United States.

It seems to me, therefore, Mr. President, to be of sufficient importance, considered as a national question, to demand, after this investigation and failure of the Trade Commission, the due consideration of the Congress of the United States. The joint resolution, therefore, is one which is designed to supplement the power of the Trade Commission by extending it so far as to enable it, if the President shall so determine, to supervise, control, and regulate the production and distribution of print paper and mechanical and chemical pulp. It is the taking of a long step forward, and the pertinent inquiry has been made as to whether the same conditions do not justify similar action in other directions. I think they do.

Mr. President, I believe the Food Commission should have been armed at the outset with the power not only to determine the prices of the necessities of life to the producer, but also the retail prices to the consumer. We know that at the present time a large proportion of the public are taking advantage of the war, and of the scarcity in the necessities of life which the war has produced, to make large sums of money and prodigious profits out of the everyday requirements of the citizen. That is true all over the United States and it is eminently true in the District of Columbia. This center of the Nation is inhabited by the most avaricious, the most grasping, and the most unscrupulous set of business buccaneers that can be found anywhere on the face of the globe.

Take the matter of rent, of groceries, of fuel, of all the things which minister not only to the comfort but to the actualities of existence, and the faces of not only the poor but the well-to-do and the rich are being ground more and more as the days pass; and Congress, which is the common council of the District of Columbia, has so far done nothing to check or control it.

I wish we could extend this resolution so as to include those evils, rectify them, do away with them if possible. Of course, under existing law nothing can be done, but is there anyone here who denies that it ought to be done?

The only proposal so far made is to meet it by increasing the compensation of Government officials. That is merely using the Government officials as a conduit to convey more money of the Treasury into the hands of the modern purveyors in this city particularly, as well as all over the country. My prediction now is that unless we legislate along analogous lines to meet this difficulty any increases in salary will simply be followed by a corresponding increase in the cost of the necessities of life. We recall that in 1909 Congress placed an added duty of 10 cents a box upon lemons and oranges at the behest of the growers of California. The President had hardly approved the act until the railroad companies increased their freight rate just enough to absorb that 10 cents tariff increase. That is what has been done here and what will be done until we shall interfere in earnest.

I am actuated, Mr. President, let me say in conclusion, by no sort of feeling, of which I am conscious, of prejudice against or animosity to the people who will be affected by this resolution. They are doing what a great many others are doing, and we are very apt, all of us, to justify wrongdoing by referring to the fact that the practice is common, that others do it, and therefore we are justified in following their example.

I am not advocating this measure through any animosity toward the so-called capitalistic class. I do not believe this is a capitalistic war. The charge is an infamous slander or else it is made in total ignorance of the facts. The wealth of this country has responded to the needs of the Nation, both in its contributions of money and of men, to a degree that commands my sincere admiration and entitles it to the grateful thanks of the Republic. But, of course, there are exceptions in all cases, and among these exceptions are these profiteers, whose monstrous conduct has made it necessary for the Government to bring forward this resolution, which I hope will be passed.

Mr. SMITH of Arizona. Mr. President, I ask the unanimous consent of the Senate to the following agreement, fixing a time for a final vote on the joint resolution. I understand that under the rule a quorum has to be present, and therefore I shall ask after the reading of the proposed agreement that the roll be called.

The PRESIDING OFFICER. The Senator from Arizona submits a proposed unanimous-consent agreement, which will be read.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of Tuesday, January 15, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon S. J. Res. 101, a joint resolution to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of print paper at a fair price, etc., through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the joint resolution or more than once or longer than 10 minutes upon any amendment offered thereto.

The PRESIDING OFFICER. In order to present the proposed agreement for consideration by the Senate a quorum will be necessary. The Secretary will call the roll.

Mr. LEWIS. Mr. President, at this juncture let me inform the Senate of the absence of Senators who are members of the Interstate Commerce Committee, the Committee on Manufactures, and the Committee on Military Affairs, caused by the fact that each of those committees now have investigations before them calling for the attendance of the members of the committees.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson, S. Dak.	Norris	Swanson
Chamberlain	Jones, N. Mex.	Owen	Thomas
Fernald	Jones, Wash.	Phelan	Tillman
France	Kenyon	Pittman	Trammell
Frelinghuysen	King	Poindexter	Vardaman
Gallinger	Kirby	Ransdell	Wadsworth
Gerry	Lewis	Reed	Warren
Hale	Lodge	Shafroth	Weeks
Harding	McCumber	Sheppard	Williams
Hardwick	McNary	Sherman	Wolcott
Hitchcock	Martin	Smith, Ariz.	
James	Nelson	Smith, Md.	
Johnson, Cal.	New	Smoot	

Mr. LEWIS. In making the announcement I neglected to do the justice to the Committee on Commerce to state that their members are also absent, caused by an investigation pending before that committee.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. SMITH of Arizona. I ask that the proposed unanimous-consent agreement may be again read.

The PRESIDING OFFICER. The Secretary will read it.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of Tuesday, January 15, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon S. J. Res. 101, a joint resolution to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the joint resolution or more than once or longer than 10 minutes upon any amendment offered thereto.

The PRESIDING OFFICER. Is there objection to the proposed agreement submitted by the Senator from Arizona?

Mr. REED. I ask the Senator from Arizona if the joint resolution can not be printed with all the amendments so that it will be before us in the morning?

Mr. SMITH of Arizona. The joint resolution has been printed and all the amendments that have been offered have been printed, so that it is now before the Senate in just the form the Senator desires. It is the desire of Senators that we may vote upon the joint resolution on Tuesday in order that the Senate may

recess over to-morrow. That will give Monday and Tuesday for the consideration of the measure, extending not later than 5 o'clock on Tuesday.

Mr. REED. I have been absent on committee work, and I have not been here since the joint resolution has been printed, but I understand it has been amended in many respects.

Mr. SMITH of Arizona. No vote has been taken on any amendment. All the amendments that have been offered have been printed.

Mr. JONES of Washington. Mr. President, I would not have any objection to the limitation of debate beginning at 2 o'clock on Tuesday and to a vote being taken on that calendar day, but we had a unanimous-consent agreement here just a few days ago similar to this one, and when 5 o'clock came there were a great many very important amendments presented and not a word of debate or explanation could be heard upon them.

Mr. SMITH of Arizona. What was the cause of that?

Mr. JONES of Washington. It was simply because the time between 2 o'clock and 5 o'clock was taken up with the consideration of other amendments, and when the hour of 5 o'clock arrived a lot of amendments that had not been discussed or explained or anything of the sort were presented. I do not believe the Senate ought to put itself in that sort of a position. I would be perfectly willing that on Tuesday next after 2 o'clock the debate should be limited to 10 minutes, and that we shall vote on the calendar day. In that way we would not reach a time when amendments would be offered without any opportunity to explain them.

Mr. SMITH of Arizona. I have no objection to that modification.

The PRESIDING OFFICER. The Secretary will state the modification proposed by the Senator from Washington.

Mr. SMITH of Arizona. That instead of 5 o'clock the vote shall be taken on that calendar day?

Mr. SMOOT. On the calendar day of Tuesday.

Mr. GALLINGER. Some time during the day.

The PRESIDING OFFICER. The agreement will be read as modified.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that on the calendar day of Tuesday, January 15, 1918, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon Senate joint resolution 101, a joint resolution to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the joint resolution or more than once or longer than 10 minutes upon any amendment offered thereto.

Mr. LODGE. I should like to ask the Senator from Arizona if he would not be willing to make it Wednesday instead of Tuesday. Some of us are tied down with committee work.

Mr. SMITH of Arizona. I will agree to make it any day in the week that will suit Senators.

The PRESIDING OFFICER. The proposed modification will be stated.

The Secretary read as follows:

It is agreed, by unanimous consent, that on Wednesday, January 16——

Mr. LODGE. I withdraw the request.

The PRESIDING OFFICER. The suggested modification is withdrawn.

Mr. STONE. I ask if Senators will not agree that after 2 o'clock on Tuesday debate shall be limited to 10 minutes on the joint resolution and the amendments pending and offered up to 5 o'clock, and that thereafter a vote on the final passage of the joint resolution shall be taken during the calendar day.

Mr. SMOOT. The hour of 5 o'clock has been eliminated.

Mr. STONE. Let the proposed agreement be read again.

The PRESIDING OFFICER. The Secretary will read the agreement as it now stands modified.

The Secretary read as follows:

It is agreed, by unanimous consent, that on the calendar day of Tuesday, January 15, 1918, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon S. J. Res. 101, a joint resolution to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States, through the regular parliamentary stages to its final disposition; and that after the hour of 2 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the joint resolution or more than once or longer than 10 minutes upon any amendment offered thereto.

Mr. STONE. The point I have in mind is that we shall vote on the calendar day of January 15, and that after 2 o'clock on that day there shall be no debate by any Senator exceeding 10 minutes, and so forth. There is no limitation whatsoever placed in the order as read as to the time when there may be a final vote upon the bill.

Mr. GALLINGER. During that day.

Mr. SMOOT. At 12 o'clock at night the day ends.

Mr. SMITH of Arizona. We are to vote on that calendar day.

Mr. SMOOT. Not the legislative day, but the calendar day.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and it is entered into.

EXECUTIVE SESSION.

Mr. SWANSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916.

ADJOURNMENT TO MONDAY.

Mr. MARTIN. I move that the Senate adjourn until Monday next at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned until Monday, January 14, 1918, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate January 11, 1918.

APPOINTMENT IN THE NAVY.

Paymaster Christian J. Peoples to be a pay director in the Navy with the rank of rear admiral from the first day of July, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 11, 1918.

CHIEF OF BUREAU OF YARDS AND DOCKS.

Civil Engineer Charles W. Parks, United States Navy, to be Chief of the Bureau of Yards and Docks, in the Department of the Navy, with the rank of rear admiral for a term of four years.

RECEIVERS OF PUBLIC MONEYS.

George I. Smith to be receiver of public moneys at Portland, Oreg.

Richard R. Turner to be receiver of public moneys at Roseburg, Oreg.

James P. Folger to be receiver of public moneys at Evanston, Wyo.

REGISTERS OF THE LAND OFFICE.

Mrs. Mary Wolfe Durgin to be register of the land office at Denver, Colo.

Alex Nisbet to be register of the land office at Evanston, Wyo.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 11, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who hast compassed the pathway of our life from the beginning, we thank Thee that Thy Providence abides through every change, which has given to us our homes, and all that makes them dear; our Government, with its glorious institutions.

May the memory of those who died that it might live, inspire us to loyalty, deepen our patriotism, that it may abide through all time, and be a blessing to untold generations yet to come.

Let Thy blessing descend upon these Representatives of the people. Give to them patience, courage, wisdom, that they may adjust all questions which may present themselves, to Thy will; and all praise and gratitude be Thine, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

WATER-POWER COMMITTEE.

Mr. POU. Mr. Speaker, by direction of the Committee on Rules I present the following privileged report, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 216.

Resolved, That the Speaker of the House be, and he is hereby, authorized and directed to appoint a special committee of 18 members to whom all bills and resolutions hereafter introduced during the Sixty-fifth Congress pertaining to the development or utilization of water power shall be referred (notwithstanding any general rule of the House to the contrary), except, however, bills and resolutions of which the Committee on Foreign Affairs has jurisdiction under the general rules of the House.

Resolved further, That the Committee on Interstate and Foreign Commerce be, and it is hereby, discharged from further consideration of H. R. 3808, H. R. 7095, H. R. 4504, H. R. 8095, and S. 1419, and said bills are hereby referred to the special committee herein provided for; that the Committee on Public Lands is discharged from further consideration of H. R. 7227, and the same is hereby referred to the special committee aforesaid; that the chairman of said special committee be, and he is hereby, empowered to appoint a clerk subject to its approval.

Mr. SANFORD. Mr. Speaker, I make the point of order against the resolution upon the ground that this committee has no privilege to report a resolution providing for the appointment of a clerk. The Committee on Rules has no special privilege to report any such resolution. At the conclusion of the resolution which has just been read appears the following:

that the chairman of said special committee be, and he is hereby, empowered to appoint a clerk subject to its approval.

Mr. POU. The resolution does not provide for any appropriation.

Mr. SANFORD. The Committee on Rules has certain privileges to report resolutions, but among those privileges is not the privilege to provide for the appointment of a clerk to a committee. Section 56 of Rule XI:

The following-named committees shall have leave to report at any time on the matters herein stated, viz: The Committee on Rules, on rules, joint rules, and order of business.

It seems to me too plain for argument that the matter of this resolution does not come within that privilege.

Mr. POU. Mr. Speaker, on the contrary, it seems to me that it is too plain for argument that the point of the gentleman from New York is not well taken. The provision in the resolution which has just been reported does not provide for any appropriation. It is a controverted point, at least among some of the best parliamentarians of the House, as to whether or not it would destroy the privileged character of a resolution if it did carry an appropriation, but the Committee on Rules was particular in drafting the resolution in respect to the wording not to incorporate any provision that carried an appropriation.

The SPEAKER. What does the gentleman say about the point that is made by the gentleman from New York that the Committee on Rules is not authorized to bring in a rule about a clerk?

Mr. POU. My reply to that is I do not think it is well taken. A clerk is a necessary and essential part in the make-up of a committee, a part of the necessary machinery of a committee.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. GARRETT of Tennessee. The general rules of the House provide that each regular standing committee shall have a clerk. This is a special order. There is nothing unusual about this. Every resolution in all the years that has been brought in providing for special committees of investigation has always carried a provision that the committee should have the right to select such clerical aid as it might need. At times the resolution has provided that the committee might employ lawyers. It has never been held that that destroys the privileged character of the resolution. It has been held, however, that if the resolution carries an appropriation it destroys the privileged character of it.

Mr. POU. It would be an anomalous situation if the Committee on Rules had the power to bring in a report creating a committee and yet did not have authority to provide machinery for the necessary work of that committee.

Mr. TOWNER. Mr. Speaker, of course primarily I think the question is a question of privilege; that is, as to whether or not the Committee on Rules has a right to report this as a privileged rule. The provision with regard to the privilege character of reports from the Committee on Rules is that the Committee on Rules shall have the right to report at any time—on rules, joint rules, and order of business.

That denominates the privileged character of the rule. It does not denominate the character of the rule, but its privileged character. This is sought to be brought before the House at this time as a privileged rule—that is, with the right to report it at any time—but it is neither a rule nor is it a joint rule, nor does it refer to the order of business. It is constructive; it reports a new rule. It reports something that will require further action of the House. It seems to me that it is quite clear that it can not be within the things that are denominated as privileged, and that the committee has no right to bring in this rule at this time.

Mr. LENROOT. Mr. Speaker, as the gentleman from Iowa [Mr. TOWNER] has just said, this is a new rule; that is what it amounts to. I call the attention of the Chair to section 666 of the General Rules of the House, page 291:

The chairman shall appoint the clerk or clerks or other employees of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.

The rules of the House do deal with the matter of a clerk. Under the rules of the House, the House must first provide for a clerk before the chairman can appoint one. It seems to me that it would be competent to change the rule in that particular, and it would not destroy the privilege if a rule were introduced changing the rule in that particular and permitting the chairman to appoint.

Mr. CRAMTON. Mr. Speaker, I find in the compilation of forms, section 931, in the House Manual, for "resolutions providing for investigations" that the form includes the statement that "the expenses incurred shall be paid upon vouchers approved by the chairman," and so forth, out of certain funds. The note with reference to it states that "the provision for payment of expenses out of the contingent fund is more properly made the subject of a separate resolution, which should be considered by the Committee on Accounts, while the portion ordering the investigation is considered by the Committee on Rules. But frequently the Committee on Rules reports on both propositions, although their report in such a case is necessarily subject to a point of order."

The gentleman from Tennessee, it seems to me, was urging this matter of privilege by reason of the fact that necessarily expenditures must be made by such a special committee, and among other expenses would be a clerk. This quotation makes it clear, so far as it may be authority, that general authority for expenditures would not be permitted in a resolution from the Rules Committee if objection were made. If the authorization for general expenditure would not be in order, it seems only reasonable that the expenditure for a clerk could not be authorized by the Rules Committee without making this resolution subject to a point of order.

The SPEAKER. Where is the gentleman reading from?

Mr. CRAMTON. Page 447 of the House Manual, in connection with the form of resolution providing for an investigation.

Mr. STAFFORD. Mr. Speaker, if the contention of the gentleman or the members of the Committee on Rules is correct, then they would have the right in this connection to authorize the appointment not only of a clerk but an assistant clerk or any number of secretarial force for that committee they desired.

Mr. SANFORD. Including janitors?

Mr. STAFFORD. Including janitors and messengers; and yet we know that even at this session of Congress, when the gentleman from North Carolina [Mr. POU] introduced a resolution providing for the appointment of an additional clerk as an assistant to his committee, it was referred to the Committee on Accounts. If his committee had had the right under the rules of the House to appoint a clerk, it would have had the right necessarily to appoint every other kind of official that the committee saw fit to recommend; but under the rules of the House, as interpreted by the Chair and the practice of this House, that privilege has always belonged to the Committee on Accounts. I cite to you, Mr. Speaker, the authority found in Hinds' Precedents, paragraph 4534. Of course, the authority referred to by the gentleman from Tennessee [Mr. GARRETT], that the chairman appoint the clerk, is not inconsistent with the position taken by the gentleman from New York [Mr. SANFORD], that the original authority of appointment vests in the Committee on Accounts. After the Committee on Accounts gives the authority for the appointment of the clerk, then, necessarily, the operating effect of the rule, that the chairman shall appoint, begins. Now, referring to paragraph 4534 of Hinds' Precedents:

An annual clerkship of a committee is authorized by a resolution reported by the Committee on Accounts and agreed to by the House.

That is the heading as framed by Mr. Hinds.

On August 23, 1888, Mr. M. M. Boothman, of Ohio, from the Committee on Accounts, presented for the action of the House this resolution:

"*Resolved*, That the Committee on the Merchant Marine and Fisheries be allowed an annual clerk, to be paid out of the contingent funds of the House, until March 3, 1889, at the rate of $2,000 per annum; and the Committee on Appropriations is hereby instructed to make provision for such clerk at the said rate of $2,000 per annum, from said March 3, 1889."

Mr. Speaker, the mere fact that the Committee on Rules has authority to create a new committee, which is a rule of the House, does not give the committee the right to present a rule providing for a clerkship, for which authority is granted to the Committee on Accounts. That destroys the privileged character of it as pointed out by the gentleman from Iowa [Mr. TOWNER]. It only has authority and privilege to present resolutions prescribing rules, joint rules, or order of business. It has no authority if the Committee on Accounts has that privilege to authorize a clerk, otherwise it would have had the right the other day to have brought in here a rule providing for an assistant clerk for its own committee. But no, under the interpretation of the rules of the House that resolution was referred to the Committee on Accounts.

The SPEAKER. Well, if the proposition to create an assistant clerk stood by itself, if it stood by itself after this special committee had been created, it would undoubtedly go to the Committee on Accounts.

Mr. STAFFORD. The mere fact is that time does not affect the character of the authority. The committee not having that authority in the instance given by me as to their own committee would not have authority as a matter of privilege to provide it for some other committee.

Mr. MAPES. Mr. Speaker, there is one section of Hinds' Precedents that seems to me more in point than any one heretofore cited. That is section 4332. The heading is:

The assignment of committee clerks is within the jurisdiction of the Committee on Accounts.

And the paragraph reads:

On December 17, 1869, the House agreed to a resolution that all propositions providing for committee clerks be referred to the Committee on Accounts before being acted on, and this was also the practice in 1877, when the resolutions assigning committee clerks were reported from this committee, and has continued the practice.

The SPEAKER. Now, what does the gentleman conclude?

Mr. MAPES. I conclude that that part of this resolution providing for a committee clerk coming from the Committee on Rules is not in order. That must go to the Committee on Accounts. The Committee on Accounts is the only committee, according to this section, that has jurisdiction over the assignment to or the creation of a clerk for a committee.

Mr. GARRETT of Tennessee. Mr. Speaker, the authority which the gentleman has just cited evidently applies to those cases where clerks are to be provided for committees already in existence, and only to that.

Now, a very learned and witty judge in my State once said that common sense is always good law, though good law may not always be common sense. I think that is true of parliamentary law as well as other law. And what is the common sense of this proposition? Here is a proposition submitted to the House—and the House can determine whether or not it desires to adopt it—to create a special committee. That carries with it by the resolution the authority to appoint a clerk. The committee must have a clerk if it is to be selected. It does not provide the appropriation. The Committee on Accounts will have to attend to that. That is the part of it with which the Committee on Accounts must deal, namely, fixing the compensation of the clerk. This is merely a complete piece of machinery provided in the rule, and why should that not be as a matter of common sense? In the absence of any direct decisions upon the matter, and inasmuch as the Chair must blaze the way, it seems to me——

Mr. GARRETT of Tennessee. I did not mean to say, Mr. Speaker, that the committee would be entitled to a clerk under the general rules of the House. I do not think so. The committee did not think so, and hence it inserted the provision that it should have a clerk.

Why, Mr. Speaker, if the Chair should hold that that destroys the privileged character of the resolution, let me call attention to future complications that will arise. In almost every Congress there occurs the necessity for creating special committees for this purpose or for that, very often for purposes of investigation.

We have had numerous investigating committees, namely, the Stanley steel committee and the Hardwick sugar committee, the Mulhall committee, investigating the lobby charges, and so forth. In each and every instance the Committee on Rules, in bringing in the resolution providing for the selection of the special committee, has provided that those committees should have the right to employ such clerical and other assistance as they might need, frequently giving the power to employ counsel. Now, if the chair should hold that that is not privileged, see what complications it would bring about in the effort to create even the machinery necessary in the operation of special committees in the future.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. STAFFORD. Assuming that the provision in the rule authorizing the appointment of a new committee, or a select committee, for the appointment of a clerk or the employment of counsel, would destroy its privileged character, following out the suggestion made by the gentleman that common sense should be good law, is it to be presumed that the Committee on Accounts, which has undoubted authority to provide for the employment of a clerk, or authorize the employment of counsel, would refuse to do its duty in giving to that committee the proper authority?

Mr. GARRETT of Tennessee. Oh, I do not think so. The gentleman evidently did not understand what I had in mind. I am simply striving to obtain the simplest methods of reaching a result, and that is the simplest method.

Mr. STAFFORD. Oh, of course. The simplest method would be to vest the power in the Committee on Rules——

Mr. GARRETT of Tennessee. Oh, no.

Mr. STAFFORD. And deprive the Committee on Accounts of some of its authority.

Mr. GARRETT of Tennessee. Oh, not at all. The Committee on Rules is not usurping any authority and could not usurp any authority if it wanted to do so. The Committee on Rules can not do anything except what this House wants it to do. That has been demonstrated several times recently. The matter, I think, is of considerable importance in that it affects the procedure of the House, and this is the plain, simple way to get at the result, which is, of course, desirable. Otherwise you would have to take two or three different bites of the cherry.

Mr. POU. Mr. Speaker, I submit one additional observation. It is admitted that the Committee on Rules has the right to present a rule changing the rules of the House. The creation of a new committee is undoubtedly a subject for a privileged report. Now, whatever is necessarily a part of that committee properly comes, I submit, within the jurisdiction of the Committee on Rules. If it is necessary for that committee to have a clerk, the provision authorizing the employment of such clerk does not destroy the privileged character of the resolution. The question is, Where does the line of demarcation come? Whatever is essential to the creation of the proposed committee properly belongs to the Committee on Rules. Whatever is not essential or necessary destroys the privileged character of a report. An appropriation, it has been held, would destroy such privilege.

But in the creation of a committee, if the Chair shall be of opinion that a clerk is essential and necessary in the work of that committee, then the provision empowering the committee to have such clerk does not destroy privileged character.

Mr. SANFORD. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. SANFORD. Does the gentleman contend that the Committee on Rules could report a rule providing for a disbursement out of the contingent fund?

Mr. POU. I do not.

Mr. SANFORD. Why not, then, if you can bring in any resolution you want changing the rules?

Mr. POU. I have tried to make myself plain. The point I am making is that whatever is essential to the creation of this committee does not deprive the resolution of its privileged character.

Mr. SANFORD. Does the gentleman consider this further—does not the gentleman think the payment of a clerk is just as essential as the appointment of a clerk?

Mr. POU. Not in the sense in which I am speaking.

Mr. SANFORD. The gentleman does not rely on common sense, as the gentleman from Tennessee [Mr. GARRETT] suggested.

Mr. POU. Yes; I rely on parliamentary common sense, and I think the gentleman himself comprehends very clearly the point I make, that if the appointment of a clerk is an essential part of the initial creation of this committee, then it is competent for the Committee on Rules to bring in this provision. That is the point I am making.

Mr. STAFFORD. Mr. Speaker, if the Chair will indulge me for the citation of some further authorities, I will call his attention to paragraph 4331 of Hinds' Precedents, bearing on this subject, the heading being, "The Committee on Accounts recommends to the House resolutions authorizing and assigning clerks to committees." I will not read the paragraph following the heading. Paragraph 4332 says:

The assignment of committee clerks is within the jurisdiction of the Committee on Accounts.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. LENROOT. Does not that derive entirely out of the general and specific rules of the House that the House must provide for those clerks? And if there is a rule taking it out

of the general rules of the House, none of that which the gentleman has read will apply.

Mr. STAFFORD. There is nothing in the rules of the House to the effect that the House must provide for clerks. I take issue with the position of the gentleman from Tennessee [Mr. GARRETT] that a clerk is absolutely necessary for the performance of the duties of the committee. If that is the fact, then the Committee on Rules would not only have authority to appoint a clerk, but also an assistant clerk, and a janitor, or a messenger, or anything else, and the Committee on Accounts would be deprived of its proper jurisdiction.

Mr. LENROOT. The gentleman says that the rules of the House do not provide that the House shall make provision for a clerk. Section 5 of Rule X (paragraph 666 of the Manual) does expressly provide that—

The chairman shall appoint the clerk or clerks or other employees of his committee, subject to its approval, who shall be paid at the public expense, the House having first provided therefor.

Mr. STAFFORD. Of course; "the House having first provided therefor." It confirms the very position I take—that before there is a clerk to a committee there must be an authorization given by some standing committee for the appointment of that clerk, and the proper committee to appoint that clerk or assistant clerk is the Committee on Accounts; and then, after the authorization is made by the proper committee, which is the Committee on Accounts, the chairman has the authority to appoint the clerk or other subordinate clerks.

Mr. LENROOT. The gentleman overlooks the fact that the Committee on Rules can report a rule at any time changing the rules of the House in that or any other particular.

Mr. STAFFORD. Then, following that construction, the Committee on Rules would have the authority to report a rule at any time changing the rules of the House authorizing expenditures out of the contingent fund. It was contended always that that deprived a resolution of its privileged character, because that was in the exclusive power of the Committee on Accounts.

I direct the attention of the Speaker to the fact that in these prior authorizations, as, for instance, those for investigating committees, while they may have had authorizations providing for the employment of clerks or counsel, the point of order was never tested on the floor of the House. There is nothing to show that that character of legislation was debated in this House.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. TOWNER. It does not pretend to change the rules of the House. The rules of the House still exist, and they provide that propositions shall be reported to the House when new clerks are to be appointed.

Mr. STAFFORD. That is so. I wonder whether this new committee is to be provided with a janitor. If so, could there not be an authorization to appoint a janitor or messenger?

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CRAMTON. Is there not a decided difference in the authority of the Committee on Rules to report to the House a change of rules and to make a report in disregard of the rules?

The SPEAKER. The point of order is sustained.

AMENDMENT TO THE FEDERAL FARM-LOAN ACT (H. REPT. NO. 237).

Mr. GLASS. Mr. Speaker, I ask unanimous consent that the conference report on Senate bill 3235 be presented to the House.

The SPEAKER. The Clerk will read the conference report.

Mr. GILLETT. Mr. Speaker, I rise to a question of order. Has this been printed under the rules?

Mr. GLASS. It is in the RECORD to-day. It is in the RECORD, and it has been acted on by the Senate.

Mr. RUSSELL. Mr. Speaker, a parliamentary inquiry.

Mr. GILLETT. It is printed in the RECORD?

Mr. GLASS. It is printed in the RECORD.

Mr. GILLETT. Is it printed in the House proceedings?

Mr. GLASS. No.

Mr. GILLETT. Then, under the rule, Mr. Speaker, I make the point of order that it can not be considered.

The SPEAKER. The Chair did not understand what the point was.

Mr. GILLETT. That it has not been printed in the House proceedings, under the rule.

The SPEAKER. The Chair sustains the point of order.

Mr. GLASS. I ask unanimous consent, Mr. Speaker, that we may proceed with the consideration of the conference report and take it from the Speaker's table. The matter has been acted upon by the Senate. The Senate has receded from its disagreement and accepted the House bill in toto.

Mr. GILLETT. I did not know what the House report was. If that is so, I have no objection.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the conference report, the rule to the contrary notwithstanding.

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, may I ask the gentleman from Virginia if it is the farm-loan bill conference report?

Mr. GLASS. Yes; it is.

Mr. COOPER of Wisconsin. What, in substance, is the outline of the report? What did the conferees do?

Mr. GLASS. The Senate receded from its disagreement and accepted the House bill.

Mr. COOPER of Wisconsin. Without the Weeks amendment?

Mr. GLASS. Yes.

Mr. GREEN of Iowa. Mr. Speaker, what time is to be given for the consideration of this conference report?

Mr. GLASS. I did not suppose that anybody would want to speak on it again. The House bill was discussed for three hours under general debate and then under the five-minute rule, and the Senate has accepted the House bill in toto.

Mr. GREEN of Iowa. The time was very limited. I remember I succeeded in getting three minutes, by a great deal of exertion, when the matter was up before.

Mr. GLASS. If anybody desires further discussion on the matter, I shall raise no objection. The gentleman will recall that the House passed the House amendment by a vote of 3 to 1, and the Senate has now yielded.

Mr. GARNER. I was just going to ask about that. The Senate has yielded to the House amendment?

Mr. GLASS. The Senate has yielded, and has agreed to the conference report.

Mr. GARNER. Then there is nothing else to do.

Mr. GREEN of Iowa. It may be that further discussion is useless, but the matter was not discussed much before.

Mr. GLASS. I agree with the gentleman, and it was largely through my fault.

The SPEAKER. Is there objection to the request of the gentleman from Virginia [Mr. GLASS]?

There was no objection.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] rose to the parliamentary inquiry, but he was interrupted.

Mr. RUSSELL. I did not understand that this was a conference report, and I merely wanted to ask whether it would destroy the right of the Invalid Pensions Committee to call up its bill.

The SPEAKER. Oh, no. The conference report has the right of way.

Mr. RUSSELL. I understand that. As soon as I found that out, I withdrew my point.

The SPEAKER. The Clerk will read the conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same.

CARTER GLASS,
MICHAEL F. PHELAN,
EVERIS A. HAYES,
Managers on the part of the House.

ROBERT L. OWEN,
HENRY F. HOLLIS,
A. J. GRONNA,
Managers on the part of the Senate.

Mr. GLASS. I move the adoption of the conference report.

The conference report was agreed to.

FISHING IN THE COLUMBIA RIVER—CHANGE OF REFERENCE.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent for the rereference of the bill (H. R. 2617) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish.

This bill was introduced by Mr. HADLEY, of Washington, at the first session of this Congress and was referred to the Committee on the Judiciary. In the last Congress the gentleman from Washington [Mr. HADLEY] introduced the bill and it was referred to the Committee on the Merchant Marine and Fish-

eries, and was reported out of that committee and passed by the House. In the opinion of the committee the bill ought to go to the Committee on the Merchant Marine and Fisheries.

The SPEAKER. The gentleman asks to rerefer the bill to the Committee on the Merchant Marine and Fisheries. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed Senate bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3223. An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of 13 years from January 1, 1918; and

S. 2052. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below.

S. 3009. An act granting the consent of Congress to the P. M. C. Coal Co. to construct and maintain a bridge across Tug River, connecting Pike County, Ky., and Mingo County, W. Va.; to the Committee on Interstate and Foreign Commerce.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the bill (H. R. 8496) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the title of the bill.

Mr. RUSSELL. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] will take the chair.

Mr. SHERLEY took the chair as Speaker pro tempore.

Mr. RUSSELL. I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Barbara F. Hicks, widow of Francis M. Hicks, late of Company G, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Allie Hicks, helpless and dependent child of said Francis M. Hicks, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Barbara F. Hicks, the name of said Allie Hicks shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Barbara F. Hicks.

The name of George W. Evans, late of Company E, Thirty-ninth Regiment, and Company H, Seventh Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac B. Hawke, late of Company C, One hundred and eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adam Wilson, late of Company A, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William H. Kidd, late of Company L, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Armilda Hays, widow of William G. Hays, late of Company D, Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of May B. Hays, helpless and dependent child of said William G. Hays, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Armilda Hays the name of said May B. Hays shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Armilda Hays.

The name of George Barber, late of Company G, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Sheldon, late of Company H, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Kate Hafer, helpless and dependent child of William Hafer, late of Company H, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joel S. Stump, late of Company G, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis Auguste Zurcher, late of Company E, Twelfth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Patrick McDonnell, late of the United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Norris C. Richmond, late of Company D, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac D. Nichols, late of Company A, battalion, Forty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Wymore, late of Company C, Fortieth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Sanders, late of Company F, One hundred and forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel H. Smith, late of Company C, One hundred and thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Brenner, sr., late of Company D, Tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susanna Rose, widow of George W. Rose, late of Company K, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary E. Rose, helpless and dependent child of said George W. Rose, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Susanna Rose the name of said Mary E. Rose shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Susanna Rose.

The name of Frederick Schwartz, late of Company K, Twelfth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Birdwell, late of Company C, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas C. King, late of Company A, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Alvin U. Persing, late of Company H, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Brumbaugh, late of Company I, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christopher Hummel, late of Company I, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. McKelvy, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and Troop L, Sixth Regiment United States Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Bridgens, late of Company G, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan B. Rhodes, late of Company E, Twenty-fifth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McDonald, alias William McKenzie, late of Company B, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sampson Sherwood, late of Company B, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry N. Yocum, late of Company H, Third Regiment, and Company I, Ninth Regiment, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peyton Johnson, late of Company D, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew P. Grubaugh, late of Company C, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Ervin, late of Company D, One hundred and ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Q. Goss, late of Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Bell, late of Company B, One hundred and ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John J. West, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Vandine, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry C. Chaney, late of Company A, Junior Artillery, and First Regiment Maryland Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Randall M. Bates, late of Company D, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Bird C. Guffey, late of Company D, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William B. Rogers, late of Company F, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Oberon Payne, late of Company C, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Archibald W. Mayden, late of Company M, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Luther W. Holmes, late of Company A, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eva L. Phillips, helpless and dependent child of David O. Phillips, late of Company I, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Simeon Flory, late of Company C, One hundred and seventy-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Riley, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah W. Lamb, late of Company I, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nathaniel H. Guthery, late of Company D, Tenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin B. Cravens, late of Company I, Fourth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin M. Curtis, late of Company H, Forty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Stine, late of Company F, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard H. Hughes, late of Company G, Eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Stephen Mullen, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Smith, alias James D. Miner, late of Company F, Third Regiment New York Volunteer Cavalry, and Company H, Fourth Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank P. Lawrence, late of Company A, Twenty-second Regiment, and Company F, Thirty-ninth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William J. Shwimmer, late of Company G, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Luther Martin, late of Company D, One hundred and twenty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward M. Jurin, late of Company G, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew J. Buchanan, late of Company E, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Upton J. Hammond, late of Company A, Fourth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Eby, late of Company D, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rufus G. Cook, late of Company H, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Craig, late of Company F, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Enos Pearce, late of Company A, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Stivers, late of Company E, Thirteenth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Pool, late of Companies E and C, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles W. Webster, late of Company F, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David McQuincy, late of Company G, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Mooneyham, late of the Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Skrine, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Routien, late of Company F, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elijah Walters, late of Company F, Fifth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Horton, late of Company B, Third Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nelson G. Mills, late of Company D, Seventieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Zedekiah Stapleton, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Timothy Kelley, late of Company K, Sixty-second Regiment New York Volunteer Infantry, and Company A, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward Van Kleeck, late of Company A, Second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The name of John Devine, late of Company E, Forty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Theodore Wilkins, late of Company A, Ninth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles A. Tucker, late of Company K, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph L. Killgore, late of Company D, Fourth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Morris Lincoln, late of Company K, One hundred and thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Taylor, late of Company F, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh S. Stanley, late of Company F, Fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. A. Reynolds, late of Company I, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos Hales, late of Company B, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George L. Wells, late of Company A, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Hennessy, late of Company F, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Otto Schellhorn, alias August Roessler, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Layne, late of Company C, Sixth Regiment Tennessee Mounted Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George L. Clapp, late of Company M, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Cyrus S. Lyon, late of Company I, Twenty-seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Columbus Massey, late of Company B, Ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. La Rue, late of Company A, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Marshall, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John M. Stanley, late of Company D, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles T. Higgins, late of Company K, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hattie Kinkade, helpless and dependent child of Andrew Kinkade, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Noah W. Gerrish, late of Company H, Twenty-seventh Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Booker, late of Company A, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Bennett, late of Company K, Sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Knighton, late of Company G, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Hiram Eells, late of Company C, Thirtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Perry Powers, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of De Forest Rutman, late of Company F, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis J. McHaney, late of Company C, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bethuel J. Goff, late of Company C, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph B. Rickart, late of Company D, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Hineline, late of Company D, Twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Absalom Shaeffer, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert P. Williams, late of Company I, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas J. Hughes, late of Company I, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alexander H. Reed, late of Company A, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry Arnold, late of Company D, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry A. Adcock, late of Company E, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Porter, late of Company E, Eighteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elizabeth Mathews, the widow of Dana Mathews, late of Company F, One hundred and thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Samuel Shoup, late of Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Waterhouse, late of Company E, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nathaniel C. Long, late of Company I, Fourth Regiment, and Company A, Tenth Regiment, Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas J. Trulock, late of Company C, One hundred and forty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Melvin Seward, late of Company A, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Loveman Place, late of Company A, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph H. Pillars, late of Company D, One hundred and eighteth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Hedrick, late of Company C, One hundred and eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Uriah J. Favorite, late of Company G, One hundred and ninety-sixth Regiment, and unassigned, One hundred and eighty-seventh Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Lawrence, late of Company H, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christian Weisel, late of Company I, Eighty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas J. Westfall, late of Company E, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob Bachman, late of Company I, Eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John R. Rice, late of Company I, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas G. Mitchell, late of Company B, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Miers B. Betts, late of Company C, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob Snook, late of Company E, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Plummer, late of Company I, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Felix Karl, late of Company B, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Columbus Jeffries, late of Company C, Sixth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Sweet, late of Company E, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Carrie S. Wright, helpless and dependent child of William H. Wright, late of Company B, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Harris, late of Company B, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles G. Craig, late of Company H, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lumas W. Storey, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Myrenus Leonis, late of Company I, One hundred and second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Griffith, late of Company K, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stacey Packer, late of Company E, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles E. Speer, late of Company F, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin Vanfossen, late of Company B, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Watson, widow of Lindley Watson, late of the Sixth Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Delia M. Watson, helpless and dependent child of said Lindley Watson, the additional pension herein granted shall cease and determine; *And provided further*, That in the event of the death of Mary J. Watson, the name of said Delia M. Watson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary J. Watson.

The name of Emanuel Mayberry, late of Company K, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Cullen Bradley, late of the Sixth Independent Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Daniel Maloy, late of Company K, Twenty-ninth and Twentieth Regiments Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Carroll, late of Company C, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick J. Cressey, late of Company G, Fourteenth Regiment United States Colored Infantry, and Company B, Seventeenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph M. Johnston, late of Company K, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Adaline Swearingen, former widow of Samuel P. Young, late of Company H, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Albert Pride, late of Company D, Twelfth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Subin, late of Company F, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and Company B, Nineteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Young, late of Company C, Eighteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Sargent, late of Company H, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaiah Blair, late of Company B, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Adam G. Fitzkee, late of Company B, One hundred and thirtieth Regiment, and Company F, One hundred and ninety-fifth Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter T. Nile, alias Patrick Nilan, late of Company H, Twenty-third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Akerman, late of Company I, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Luke Arnold, late of Company F, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William C. Adams, late of Company D, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Patrick Keligher, late of Company G, First Regiment, and Company E, Twenty-first Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac B. Robinson, late of Company H, One hundred and thirty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James N. Russell, late of Company D, Ninth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob C. Maduix, late of Company I, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rufus Potter, late of Company I, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Phillips, late of Company G, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick N. Dickey, late of Company D, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Patrick Donoghue, late of Companies E and C, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Fred Babcock, late of Company B, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James K. P. Weaver, late of Company E, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George C. Elliott, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Cooper, late of Company D, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Levi S. Flinchbaugh, late of Company K, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Laura E. Case, former widow of John E. Case, late of Company E, One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of George C. Hornby, late of Company K, Fifty-seventh Regiment, and Company G, One hundred and fifty-first Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William E. Openshaw, late of Battery F, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Nellie Collier, former widow of Wesley W. Lair, late of Company K, Eleventh Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $25 per month.

The name of Johnson Schenck, late of Companies G and I, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aaron Hart, late of Company K, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Coppins, late of Company G, Forty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas E. Winfield, late of Company C, One hundred and thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Oscar Bowen, late of Companies K and E, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles A. Sugg, late of Company K, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion S. Day, late of Company F, Eighty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Cyrus M. Brown, late of Company A, First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John E. Spilman, late of Company G, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph C. Whittington, late of Smith's independent company Maryland Volunteer Cavalry, and pay him a pension at the rate of $24 per month.

The name of Frances Watches, the widow of Allen Watches, late of Company C, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John T. Bell, late of Company F, Fortieth Regiment, and Company C, Fifty-fifth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry B. Tonnemacher, late of Company D, Fiftieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Edward Smith, late of the United States Navy, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William N. Bridges, helpless and dependent child of Joseph Bridges, late of Company F, Thirty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Elijah Eddington, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Pleasant Evans, late of Company D, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jehu P. Kinnan, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Mallett, late of Company G, Eighteth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John F. Whipple, late of Company B, Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Davis, late of Company D, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Perry S. Latham, late of Company D, Seventeenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James N. Dennis, late of Company H, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Horatio S. Howe, late of Company E, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Brown, late of Company L, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George F. Bennett, late of Company B, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Ranft, late of Company G, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Mary F. Russell, widow of Alfred W. Russell, late of Company F, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $25 per month.

The name of John A. Barr, late of Company A, Thirty-fifth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis Feltner, late of Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alexander G. Duff, late of Company L, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anthony Lafor, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Francis Penny, late of Companies G and B, Second Regiment New York Volunteer Veteran Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jeremiah Daniels, late of Company H, One hundred and thirty-ninth Regiment, and Company C, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Vinel E. McCreary, late of Company E, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Helon C. Norton, late of Company G, One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and Company B, Twenty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jonathan Miller, late of Company I, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas Croft, late of Company C, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry J. Fruchey, late of Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles M. Merrill, late of Company B, Fourteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abbie H. Lewis, widow of Henry A. Lewis, late of Company B, One hundred and twenty-fourth Illinois Infantry, and Company E, Sixty-fourth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of David K. W. Briggs, late of Company D, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary J. Cook, the former widow of Homer C. Cook, late of Company I, First Regiment Missouri Engineers of the West, and pay her a pension at the rate of $25 per month.

The name of John Getz, late of Company B, Two hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Randolph Snell, late of Company F, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Geuder, late of the band, Twelfth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Pine, late of Company D, Thirty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edgar C. Martin, late of Company K, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward F. Gurry, late of Company F, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Clara E. Larish, helpless and dependent child of Andrew S. Larish, late of Company A, Ninetieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of August Dorman, late of Company A, Fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert Stevenson, late of Company F, Sixty-ninth Regiment New York State Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus Boone, late of Company G, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry Strassner, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Strope, late of Company C, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Joseph H. Woollen, late of Company F, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James S. Taylor, late of Company I, One hundred and thirty-ninth and One hundred and forty-sixth Regiments Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hezekiah W. Kelley, late of Company F, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John P. Hardin, late of Company H, Fifth and Sixth Regiments West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Felton, late of Company I, Ninty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Albert Fields, late of Companies D and K, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elisha S. Peck, late of Company K, Twenty-first Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John S. Brademeyer, late of Company M, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ida J. Goldman, helpless and dependent child of William H. Goldman, late of Company H, Twenty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Levi Blume, late of Company D, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frank M. Gibson, late of Company F, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George A. C. Coffey, late of Company K, Nineteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eli Sherman, late of Company I, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David Hood, late of Company K, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James McKitrick, late of Company G, Ninetieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Burns, late of Company E, Eighty-first Regiment Ohio Volunteer Infantry and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Reed, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Haxton, late of Company G, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edwin Downs, late of Company E, Nineteenth Regiment Connecticut Volunteer Infantry (Heavy Artillery), and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaiah Hilliard, late of Company A, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Cornell, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ann Diltz, widow of William H. Diltz, late of Company —, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Charles S. Phelps, late of Company F, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Burrell, late of Company K, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. Hodgkins, late of the Second Independent Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Allen McKee, late of Company I, Third and Fifth Regiments Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Brossart, late of Company C, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry C. Salton, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Bernard, widow of Ferdinand E. Bernard, late of Company I, Ninetenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Hugh Stevenson, late of Company C, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Benjamin F. Baldwin, late of Company K, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Calvin A. Hutchinson, late of Company D, Fourth Regiment West Virginia Volunteer Cavalry, and Company K, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Rose Montgomery, late of Company C, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Kint, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Christian A. Baldwin, late of Company H, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ezra H. Keniston, late of Company B, Sixteenth Regiment New Hampshire Volunteer Infantry, and Company G, First Regiment New Hampshire Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel G. Blaisdell, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Herman Brumley, late of Company H, Ninety-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel A. Parish, late of Company G, Ninth Regiment Rhode Island Volunteer Infantry, and United States Navy, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Hummer, late of Company H, Sixteenth Regiment, and Company I, One hundred and fourteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna Hardy, widow of Thomas L. Hardy, late of Company I, One hundred and second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Daniel Ashbaugh, late of Company B, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harriet J. Houghtaling, widow of Aaron Houghtaling, late of Company D, Fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Warrington O. Smith, late of Company C, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Erskine M. Hamilton, late of Company H, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William C. Rummell, late of Company D, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Fitzgerald, late of Company D, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morgan W. Mills, late of Company I, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles M. Kell, late of Company C, First Regiment Mountaineers' California Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Martin L. Rex, late of Company I, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Amos M. Stroh, late of Company D, Two hundred and eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Esther Penick, widow of Daniel Penick, late of Company G, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John Foster, late of Company A, Twenty-first Regiment, and Company G, Sixtieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry C. McMullen, late of Company G, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nicholas Easton, late of Companies B and A, Fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert T. Bland, helpless and dependent child of James N. Bland, late of Company K, One hundred and twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John Toliver, late of Company D, Fortieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James E. Webb, late of Companies K and B, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Carmine, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David W. Anderson, late of Company D, One hundredth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 447. Barbara F. Hicks.
H. R. 473. David W. Anderson.
H. R. 474. George W. Evans.
H. R. 516. Isaac B. Hawke.
H. R. 559. Adam Wilson.
H. R. 560. William H. Kidd.
H. R. 584. Armilda Hays.
H. R. 682. George Barber.
H. R. 684. John M. Sherman.
H. R. 730. Kate Hafer.
H. R. 731. Joel S. Stump.
H. R. 761. Louis Auguste Zurcher.
H. R. 793. Patrick McDonnell.
H. R. 826. Norris C. Richmond.
H. R. 856. Isaac D. Nichols.
H. R. 858. John W. Wymore.
H. R. 859. John Sanders.
H. R. 896. Samuel H. Smith.
H. R. 923. William H. Brenner.
H. R. 924. Susanna Rose.
H. R. 934. Frederick Schwartz.
H. R. 938. James M. Birdwell.
H. R. 939. Thomas C. King.
H. R. 968. Alvin U. Persing.
H. R. 973. George Brumbaugh.
H. R. 1005. Christopher Hummel.
H. R. 1010. William C. McKelvy.
H. R. 1033. John T. Bridgens.
H. R. 1034. Jonathan B. Rhodes.
H. R. 1055. John McDonald.
H. R. 1106. Sampson Sherwood.
H. R. 1132. Henry N. Yocum.
H. R. 1158. Peyton Johnson.
H. R. 1176. Andrew P. Grubaugh.
H. R. 1177. John Ervin.
H. R. 1186. John Q. Goss.
H. R. 1232. John S. Bell.
H. R. 1311. John J. West.
H. R. 1340. John W. Vandine.
H. R. 1389. Henry C. Chaney.
H. R. 1437. Randall M. Bates.
H. R. 1474. Bird C. Guffey.
H. R. 1476. William B. Rogers.
H. R. 1477. Oberon Payne.
H. R. 1479. Archibald W. Mayden.
H. R. 1514. Luther W. Holmes.
H. R. 1521. Eva L. Phillips.
H. R. 1538. Simeon Flory.
H. R. 1539. James Riley.
H. R. 1555. Josiah W. Lamb.
H. R. 1586. Nathaniel H. Gutherry.
H. R. 1592. Benjamin B. Cravens.
H. R. 1640. Benjamin M. Curtis.
H. R. 1643. James W. Stine.
H. R. 1644. Richard H. Hughes.
H. R. 1828. Stephen Mullen.
H. R. 1849. Charles W. Smith, alias James D. Miner.
H. R. 1920. Frank P. Lawrence.
H. R. 1936. William J. Shwimmer.
H. R. 2149. Luther Martin.
H. R. 2203. Edward M. Jurin.
H. R. 2222. Andrew J. Buchanan.
H. R. 2225. Upton J. Hammond.
H. R. 2249. Henry Eby.
H. R. 2256. Rufus G. Cook.
H. R. 2258. John W. Craig.
H. R. 2270. Enos Pearce.
H. R. 2271. Wiltsey E. Sivers.
H. R. 2278. John Pool.
H. R. 2366. Charles W. Webster.
H. R. 2395. David McQuinney.
H. R. 2404. William Mooneyham.
H. R. 2417. James Shrine.
H. R. 2434. John Routien.
H. R. 2441. Elijah Walters.
H. R. 2452. George W. Horton.
H. R. 2453. Nelson G. Mills.
H. R. 2460. Zedekiah Stapleton.
H. R. 2486. Timothy Kelley.
H. R. 2511. Edward Van Kleeck.
H. R. 2641. John Devine.
H. R. 2644. Theodore Wilkins.
H. R. 2670. Charles A. Tucker.
H. R. 2672. Joseph L. Killgore.
H. R. 2684. Morris Lincoln.
H. R. 2722. James B. Taylor.
H. R. 2726. Hugh S. Stanley.
H. R. 2729. Charles W. A. Reynolds.
H. R. 2864. Amos Hales.
H. R. 2939. George L. Wells.
H. R. 2960. James Hennessy.
H. R. 2987. Otto Schellhorn, alias August Roessler.
H. R. 2997. James Layne.
H. R. 3068. George L. Clapp.
H. R. 3093. Cyrus S. Lyon.
H. R. 3159. Columbus Massey.
H. R. 3184. John W. La Rue.
H. R. 3242. Hiram Marshall.
H. R. 3279. John M. Stanley.
H. R. 3318. Charles T. Higgins.
H. R. 3398. Hattie Kinkade.
H. R. 3454. Noah W. Gerrish.
H. R. 3512. Albert Booker.
H. R. 3530. Charles W. Bennett.
H. R. 3684. James S. Knighton.
H. R. 3736. Hiram Eells.
H. R. 3745. Perry Powers.
H. R. 3747. De Forest Rutman.
H. R. 3765. Lewis J. McHaney.
H. R. 3794. Bethuel J. Goff.
H. R. 3798. Joseph R. Rickart.
H. R. 3848. Hiram Hineline.
H. R. 3850. Absalom Shaeffer.
H. R. 3863. Robert P. Williams.
H. R. 3865. Thomas J. Hughes.
H. R. 3868. Alexander H. Reed.
H. R. 3898. Henry Arnold.
H. R. 3923. Henry A. Adcock.
H. R. 3947. William W. Porter.
H. R. 3999. Elizabeth Mathews.
H. R. 4018. Samuel Shoup.
H. R. 4129. John Waterhouse.
H. R. 4186. Nathaniel C. Long.
H. R. 4206. Thomas J. Trulock.
H. R. 4252. Melvin Seward.
H. R. 4273. Loveman Place.
H. R. 4274. Joseph H. Pillars.
H. R. 4276. George Hedrick.
H. R. 4278. Uriah J. Favorite.
H. R. 4288. William C. Lawrence.
H. R. 4289. Christian Weisel.
H. R. 4290. Thomas J. Westfall.
H. R. 4292. Jacob Bachman.
H. R. 4311. John R. Rice.
H. R. 4340. Thomas G. Mitchell.
H. R. 4387. Miers B. Betts.
H. R. 4396. Jacob Snook.
H. R. 4399. John T. Plummer.
H. R. 4420. Felix Karl.
H. R. 4435. Columbus Jeffries.
H. R. 4542. Benjamin F. Sweet.
H. R. 4550. Carrie S. Wright.
H. R. 4631. William H. Harris.
H. R. 4671. Charles G. Craig.
H. R. 4673. Lanman W. Storey.
H. R. 4678. Myrenus Loomis.
H. R. 4694. William Griffith.
H. R. 4787. Storer Packer.
H. R. 4793. Charles E. Speer.
H. R. 4794. Benjamin Vanfossen.
H. R. 4796. Mary J. Watson.
H. R. 4836. Emanuel Mayberry.

H. R. 4905. Cullen Bradley.
H. R. 4921. Daniel Maloy.
H. R. 4946. William H. Carroll.
H. R. 4974. Frederick J. Cressey.
H. R. 5039. Joseph M. Johnston.
H. R. 5064. Adaline Swearingen.
H. R. 5085. Albert Pride.
H. R. 5087. George F. Sabin.
H. R. 5096. George Young.
H. R. 5145. George W. Sargent.
H. R. 5230. Beulah Blair.
H. R. 5278. Adam G. Fitzkee.
H. R. 5297. Peter T. Nile, alias Patrick Nilan.
H. R. 5316. John Akerman.
H. R. 5322. Luke Arnold.
H. R. 5378. William C. Adams.
H. R. 5375. Patrick Kelleher.
H. R. 5399. Isaac B. Robinson.
H. R. 5402. James N. Russell.
H. R. 5429. Jacob C. Maddix.
H. R. 5596. Rufus Potter.
H. R. 5581. Thomas Phillips.
H. R. 5663. Frederick N. Dickey.
H. R. 5664. Patrick Donoghue.
H. R. 5780. Fred Balcock.
H. R. 5801. James K. P. Weaver.
H. R. 5834. George C. Elliott.
H. R. 5837. Samuel Cooper.
H. R. 5904. Levi S. Flinchbaugh.
H. R. 5914. Lazza E. Case.
H. R. 5923. George C. Hornby.
H. R. 5937. William E. Openshaw.
H. R. 5942. Nellie Collier.
H. R. 5982. Johnson Schenck.
H. R. 6004. Aaron Hurt.
H. R. 6018. George Coppins.
H. R. 6036. Thomas E. Winfield.
H. R. 6037. Oscar Bowen.
H. R. 6092. Charles A. Sugg.
H. R. 6235. Marion S. Fay.
H. R. 6247. Cyrus M. Brown.
H. R. 6260. John E. Spilman.
H. R. 6317. Joseph C. Whittington.
H. R. 6323. Frances Watches.
H. R. 6366. John T. Bell.
H. R. 6375. Henry B. Tonnemacher.
H. R. 6407. Edward Smith.
H. R. 6427. William N. Bridges.
H. R. 6428. Elijah Eddington.
H. R. 6429. Pleasant Evans.
H. R. 6431. John P. Kinman.
H. R. 6434. John Mallett.
H. R. 6441. John F. Whipple.
H. R. 6461. Daniel Davis.
H. R. 6478. Perry S. Latham.
H. R. 6496. James N. Dennis.
H. R. 6700. Horatio S. Howe.
H. R. 6703. Henry Brown.
H. R. 6704. George F. Bennett.
H. R. 6708. Joseph Ranft.
H. R. 6723. Mary F. Russell.
H. R. 6732. John A. Barr.
H. R. 6742. Lewis Feltner.
H. R. 6743. Alexander G. Duff.
H. R. 6815. Anthony Lafer.
H. R. 6816. Francis Penny.
H. R. 6817. Jeremiah Daniels.
H. R. 6819. Vinel E. McCreary.
H. R. 6852. Helen C. Norton.
H. R. 6853. Jonathan Miller.
H. R. 6854. Thomas Croft.
H. R. 6855. Henry J. Fruchey.
H. R. 6857. Charles M. Merrill.
H. R. 6858. Abbie H. Lewis.
H. R. 6862. David K. V. Briggs.
H. R. 6869. Mary J. Cook.
H. R. 6912. John Getz.
H. R. 6928. Randolph Snell.
H. R. 6987. John Geudes.
H. R. 6989. William A. Pline.
H. R. 6990. Edgar C. Martin.
H. R. 7051. Edward F. Gurry.
H. R. 7068. Clara E. Larish.
H. R. 7086. August Dorman.
H. R. 7115. Robert Stevenson.
H. R. 7125. Cyrus Boone.
H. R. 7243. Henry Strassner.
H. R. 7246. William Stropo.
H. R. 7250. Joseph H. Woollen.
H. R. 7261. James S. Taylor.
H. R. 7262. Hezekiah W. Kelley.
H. R. 7275. John P. Hardin.
H. R. 7367. Daniel Felten.
H. R. 7393. Albert Fields.
H. R. 7398. Elisha S. Peck.
H. R. 7406. John S. Brademeyer.
H. R. 7407. Ida I. Goldman.
H. R. 7410. Levi Blume.
H. R. 7428. Frank M. Gibson.
H. R. 7461. George A. C. Coffey.
H. R. 7471. Eli Sherman.
H. R. 7473. David Hood.
H. R. 7477. James McKitrick.
H. R. 7479. William A. Burns.
H. R. 7480. John W. Reed.
H. R. 7481. Thomas Haxton.
H. R. 7510. Edwin Downs.
H. R. 7517. Isaiah Hilliard.
H. R. 7553. John Cornell.
H. R. 7554. Ann Diltz.
H. R. 7581. Charles S. Phelps.
H. R. 7591. John Burrell.
H. R. 7603. John P. Hodgkins.
H. R. 7604. Allen McKee.
H. R. 7615. Charles Brossart.
H. R. 7667. Henry C. Salton.
H. R. 7677. Mary J. Bernard.
H. R. 7710. Hugh Stevenson.
H. R. 7711. Benjamin F. Baldwin.
H. R. 7745. Calvin A. Hutchinson.
H. R. 7753. Rose Montgomery.
H. R. 7759. George Kint.
H. R. 7765. Christian A. Baldwin.
H. R. 7809. Ezra H. Keniston.
H. R. 7840. Daniel G. Blaisdell.
H. R. 7838. Herman Brumley.
H. R. 7839. Samuel A. Parish.
H. R. 7846. William Hummer.
H. R. 7848. Anna Hardy.
H. R. 7852. Daniel Ashbaugh.
H. R. 7865. Harriet J. Houghtaling.
H. R. 7876. Warrington O. Smith.
H. R. 7890. Erskine M. Hamilton.
H. R. 7905. William C. Rummell.
H. R. 7968. George W. Fitzgerald.
H. R. 8022. Morgan W. Mills.
H. R. 8042. Charles M. Kell.
H. R. 8056. Martin L. Rex.
H. R. 8058. Amos M. Stroh.
H. R. 8065. Esther Penick.
H. R. 8108. John Foster.
H. R. 8157. Henry C. McMullen.
H. R. 8158. Nicholas Easton.
H. R. 8159. Robert T. Bland.
H. R. 8164. John Toliver.
H. R. 8180. James W. Webb.
H. R. 8295. James Carmine.

Mr. MAPES. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore (Mr. SAUNDERS of Virginia). The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 1, after the word "of," strike out "$30" and insert "$50."

Mr. MAPES. Mr. Speaker, the report of the committee on this case shows that the soldier, a veteran of the Civil War, is 73 years of age and has no property or income of any kind, except the pension which he is now receiving. The medical testimony filed with the committee shows that he is "wholly unfitted for manual labor, by reason of asthma, chronic myocarditis, interstitial nephritis, and arteriosclerosis."

I think it will be conceded by everyone that a soldier who is afflicted as the report shows this soldier to be, and who has no property or income, ought to receive more pension than $30 per month. He is now receiving $20 per month, and the committee recommends that he be given $30. He is unable to work and has no property or income of any kind. He certainly can not live on this amount, especially if he has a wife or family dependent upon him for support. Fifty dollars now will not go as far as $30 would a few years ago.

I realize, however, the practical impossibility of getting an item in one of these omnibus pension bills increased on the floor of the House after it has been reported by the committee, and I do not wish anyone to construe what I have to say as in any way being a criticism of the Committee on Invalid Pensions, which reports this bill. I appreciate the fact, as everyone else here does, that that committee does good, conscientious work and a lot of it; and I take this opportunity to urge upon the committee to report a bill giving an increase of pension to all the veterans of the Civil War. I believe such a bill would pass the House by an overwhelming majority if the committee would only give us a chance to vote upon it.

There have been several bills introduced in this Congress which are now before the Committee on Invalid Pensions, to increase the pensions now being paid to the veterans of the Civil War. Some of them would keep the principle of the age-and-service law but raise the rates as provided therein; others would give all veterans of the Civil War a pension of $50. I believe the committee should promptly report one of these bills.

It is fair to say that practically all of the men who fought in the Civil War are now over 70 years of age and unable to perform manual labor to support themselves. The time has come when the committee, however diligent, can not differentiate between the degrees of helplessness which exist in these old men. They are all helpless; they are all worthy.

The last session of Congress very justly raised the pensions paid to widows of veterans of the Civil War from $12 and $20 to $25 per month. Let us before this session adjourns do complete justice and raise the pensions of the men who actually did the fighting from what they are now receiving to $50 per month or some amount that is just and adequate. [Applause.]

Mr. RUSSELL. Mr. Speaker, this is one of 301 cases in this bill. If we undertake to thrash out an amendment to all of these items we will not get anywhere with this legislation. The committee has considered all of these items as best they could in the time they have had to do it. They have tried to do exact justice, and in this case believe it is no exception. The soldier mentioned in this item for whom the increase is asked had a comparatively short service, one year and three months. It is true that he is 70 years of age, but many others in this bill are 80 and 85 years of age. Many cases, it is shown by proof, require the attention of nurses all the time to take care of them, and had a long service in the war. The rules of the committee permit the allowance of $50 in such cases, but they limit special bills to $50. If we allow the amendment offered by the gentleman from Michigan, when there is no proof of needed assistance, it would not be fair to those who have served longer, who are more helpless, who are older, and who need the assistance of an attendant all the time. So there would be a disparity and a partiality shown unless you increase all others. I hope the House will not encourage an amendment of this sort. We invite Members of the House who have bills to come before the committee. We try to treat everybody fairly and do not discriminate against anyone if we know it, and did not do so in this case. If I am correctly informed and understand the facts of the case, the soldier referred to in this amendment lives in Missouri and not in Michigan. He is not a resident of the district represented by the gentleman from Michigan [Mr. MAPES] but is in the district represented by the gentleman from Missouri [Mr. ALEXANDER], who is satisfied with the amount which is allowed. He is asking for no amendment, and it will be manifestly improper for the House to vote an amendment for this man in view of all the proof, in view of all the facts, and in view of the fact that the author is satisfied with the action and recommendation of the committee. I ask all of those who are interested in getting liberal pensions for the old soldiers who need them to stand by this committee as the proper way to get the best and the most adequate relief. I hope the House will vote down this amendment.

Mr. FULLER of Illinois. Mr. Speaker, the pending amendment proposes to increase the pension of one of the proposed beneficiaries in this bill from $30 per month, as reported by the committee, to $50 per month. The soldier is now pensioned at the rate of $20 per month. The committee recommends that his pension be increased to $30. He is shown to be unable to perform manual labor and to own no property and to be entirely without any other income or means of support except his pension. He is not helpless and does not require the aid or assistance of another person in caring for himself. Under the rules of the Committee on Invalid Pensions $30 per month is the limit of allowance in cases of this kind. Personally I would be in favor of allowing a greater rate, but it would be unfair to do so in this case unless, at the same time, we grant similar increases in all other cases. If the House thinks we should be more liberal and go beyond the rate prescribed by the rules, the committee would like to be advised of that fact. We have a very large number of such cases as this before the committee, and we try to treat all alike, and we think no case should be singled out for an increase above the rates allowed by the committee under the rules, unless it is the desire of the Members of the House that all Civil War pensions should be

increased. I have myself introduced a bill providing for an increase of pensions by general law, in cases like this, to $50 per month, and I would like to see that bill, or some general bill, enacted at this session of Congress to increase all pensions of Civil War veterans who are now receiving or entitled to pensions of less than $50 per month. I am not particular whether it is my bill or some other bill, but I would like to see a general increase all along the line. The same arguments now being made for increase of pay to Government employees apply equally to the matter of the pensions of the old soldiers. The country owes them much. They saved this Union. We can afford to treat them justly and generously. As everyone knows, the cost of living and of all the necessities of life have increased enormously in the last few years. In the case of an old soldier who is destitute, who owns no property, and has no income aside from his pension, $30 per month is wholly inadequate for his support, and where he has a wife or children dependent upon him for support the amount is ridiculously inadequate. I think that by a general bill we should grant pensions of $50 per month in all such cases, thus doing away with the necessity of passing so many special pension bills. Thousands of cases which the committee never hears of are as deserving as any of those reported by the committee, and relief should be granted in all such cases.

Mr. DOWELL. Will the gentleman yield?

Mr. FULLER of Illinois. I will.

Mr. DOWELL. Would not the gentleman favor an amendment of the rule until his bill is passed upon by Congress in order to allow deserving men a larger pension than the rule admits?

Mr. FULLER of Illinois. I would be in favor of allowing a larger amount in all cases where the pensioner is without means of support other than his pension and is virtually in a helpless condition.

Mr. DOWELL. Would not the gentleman be in favor of the committee amending the rule under the circumstances?

Mr. FULLER of Illinois. I would like to know how the House feels on that.

Mr. DOWELL. It is a committee rule and not a rule of the House. Why can not the committee amend it?

Mr. FULLER of Illinois. I am in favor of a larger amount, but I am in the minority on that committee.

The example set by these old veterans of the Civil War is worth untold millions in the present emergency. Their devotion to duty, their patriotism, their deeds of valor on many a hard-fought battle field form many of the brightest pages in the history of this free Government and are an inspiration to the patriotic young men of this generation who are to-day fighting for the liberation of mankind from the yoke of tyranny, autocracy, and frightfulness. As the Government cares for its old soldiers, their widows and orphans, so may the young patriots of to-day know that they and their loved ones will be cared for in the coming days when the present great conflict is over and when the shadows lengthen in their declining years. We are appropriating vast sums to carry on the war in which we are now engaged, and we have pledged, if necessary, all the resources of this great Nation, and we shall make good. We shall win the war at whatever cost, that the lives and liberties of those who are to come after us may be safeguarded on land and sea, safe from attacks by an outlaw nation or a murderous military autocracy led by ambitious scoundrels who recognize no law of humanity, of justice, or of right.

But while the present and the future problems demand our undivided attention, let us not forget to do justice to those who carried our flag to victory, who made our country great and free, whose fighting days are over, but whose example will spur on to victory our national armies now engaged or about to engage in the most titanic struggle in all the world's history. A few more years and the last veteran of that grand Army of the Union will have passed away. Any aid we can give them in the few remaining years they are to be with us should be given promptly, cheerfully, and as matter of justice and right. Compared with other appropriations we are making the cost will not be great, and in this case, if in no other, there should be no cheeseparing. In these days of the Nation's supreme trial let it be known as the settled policy of the Government that the Nation's defenders shall ever be held in sacred remembrance, and that they and their dependents shall always be entitled to and shall receive the first consideration of the Government which they risked their lives to save and perpetuate.

Mr. CRAMTON. Mr. Speaker, I formerly served on the Committee on Invalid Pensions under Gen. SHERWOOD, with the gentleman from Missouri [Mr. RUSSELL], and the gentleman from Kentucky [Mr. LANGLEY], and I learned certain things there. One of them is that you are bound in that committee by certain rules of action. Necessarily so, and the provision in the item under consideration is in accordance with those rules. I also learned then what I am sure is the case now, that members of that committee are disposed to do everything possible for the old soldiers and the widows.

I am, therefore, not speaking from the standpoint of criticism of the work of the committee, but rather by reason of the expression of the gentleman from Illinois, Judge FULLER, asking for something in respect to the sentiment of the House. I do not think the gentleman from Michigan [Mr. MAPES] offered this amendment with a view to this item alone, but rather as a precedent, which would be followed in other items in the bill, and in view of such action by the House then the committee would probably make some change in their rules and perhaps give the greater consideration to more generous general legislation, since the committee, I am sure, does desire to know and to do what the House desires.

Since we have provided that the widows are to receive $25 a month as a pension, it is not consistent that a veteran of the Civil War who served a year and four months should receive only $20, when that man may have not only himself to support, as would be the case of a widow, but a wife to support.

Further, I know that the principle that moves the Committee on Invalid Pensions and this House is that they do not desire that in their old age the veterans who rendered good service in the crisis of a half century ago, or their widows after they are gone, shall starve or go to the poorhouse or be the objects of private charity, but that they will get sufficient pension to keep them out of the poorhouse. Two or three years ago $30 would do that, but if that old veteran has a wife living with him, how can they live on $30 a month in these times?

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. LANGLEY. What does the gentleman say about this situation? We all understand, of course, that we can not get a special bill through the Senate that provides for a higher rate than $50 a month. If you raise a case like this to $50, where an attendant is not needed, as the evidence discloses, would that be just to that class of cases where the soldier is shown to be helpless and to require the constant aid and attendance of another person? The gentleman seems to be inclined himself to the proposition of general pension legislation raising the rate, and with that I am in hearty accord, but I do not think his position is consistent on this case.

Mr. CRAMTON. The most we have in mind—and I think that is all my colleague from Michigan [Mr. MAPES] has in mind, is to give to the Committee on Invalid Pensions an idea of the sentiment of the House——

Mr. LANGLEY. Yes; that is what I want to know, and I am glad to note these evidences of a liberal sentiment toward the old soldiers. I have a bill proposing a much higher rate for all of them.

Mr. CRAMTON (continuing). That the committee may realize that we have need for legislation, and that it will report legislation such as the House wants.

Mr. LANGLEY. Exactly.

Mr. RUSSELL. Mr. Speaker, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. RUSSELL. If we should give the soldier affected by this amendment $50 under the proof filed before the committee, does the gentleman from Michigan believe that that will be sufficient, then, for those who served three or four times as long and are a great deal older and more helpless and need a nurse all of the time?

Mr. CRAMTON. So far as keeping out of the poorhouse is concerned, I am just as anxious to keep out of the poorhouse the man who served a year and four months as the man who served three or four years. It is not a question now based on age and service, although I think that age and service act ought to have considerable amendment.

Mr. RUSSELL. Does not the gentleman appreciate that a man who is bedfast or who is totally blind ought to have more money than a man who is not bedfast or who is not totally blind or who does not need any nurse?

Mr. CRAMTON. If the man gave good service and is now without property, without other income than his pension, I would favor this Congress giving him, whether he be bedfast or not, a sufficient pension to enable him to live and support his wife, if he has one, without taking private charity. If the committee finds that $50 will not do that in the case of a man who is bedfast, then it should make it more than $50.

Mr. RUSSELL. What limit would the gentleman recommend?

Mr. CRAMTON. Sufficient to keep them out of the poorhouse and from the necessity for receiving private charity.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. BLAND. Mr. Speaker, as a member of this committee I would like to express my views on the point raised by the gentleman who desires to amend the report. The gentleman's statement that he is willing to give $50 to any man who served, regardless of the length of service, if he is unable to support himself, meets a responsive chord in my heart. I am in entire harmony with that statement. I do not think that $50, the limit that we are allowed to give by the rule of the committee, is sufficient in the case of total disability, where a nurse is required. Neither do I think that $36 is enough for anyone who is totally incapable of performing manual labor. I do not think $30 is enough for the support of a soldier who has reached the age most Civil War Veterans have attained, regardless of the length of service; but those are the rules as established by the committee. If we take out a single exception, it means that it will be in each instance criticized and corrected by the Congress and result in unequal and unfair discriminations among these old fellows, most of whom are entitled to the tenderest and most generous and impartial consideration from this Government. The real remedy would be a new general bill, general legislation covering that point.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. BLAND. In a minute. I am in entire sympathy with the sentiment expressed by the gentleman who preceded me, in which he asks for more liberal pensions for soldiers of the Civil War, and I know there is a large sentiment in this Congress in favor of a bill coming out of this committee favoring a higher rate for all soldiers, so that we will not be required by special act in each instance to come before Congress and petition for enough money for the soldier to live on, and as a member of the committee I will vote to favorably report such a bill. I yield to the gentleman from Iowa.

Mr. DOWELL. Until such a bill is presented, is not the real remedy to amend the committee rule?

Mr. BLAND. I think so, absolutely, but not to amend the bill that was drawn under the rule; but what we need is a new general law.

Mr. DOWELL. It seems to me the committee should do that, and not attempt to control the House when it attempts to raise the amount.

Mr. BLAND. As has just been said, the gentleman will run up against the proposition of getting this bill, if amended as suggested, through at the other end of the Capitol.

Mr. DOWELL. That is their responsibility, not ours.

Mr. BLAND. We are trying, in the most practical way, to give relief to the old soldiers as well as we can under the circumstances.

Mr. LANGLEY. Will the gentleman yield for a suggestion?

Mr. BLAND. I will.

Mr. LANGLEY. And that is that the Committee on Invalid Pensions is going to take up at an early date the question of reporting a general measure affecting the situation we are now discussing, and, if the gentleman will pardon we further, I think that any attempt here to raise rates beyond what we know the Senate will approve will only delay this legislation, because it will involve amendments and thrashing it out in conference later on.

Mr. BLAND. The question raised here by the gentleman's proposed amendment merely emphasizes the fact that there is universal demand for a pension law for the Civil War soldiers, and for all other soldiers of other wars, for that matter, that is reasonable in amount but sufficient to take care of the needs of those men who are suffering. I think this debate emphasizes this fact, and I know that there are certain bills which have been presented, one by the gentleman from Indiana [Mr. VESTAL], which is before this committee now, and other bills of a similar character, by which they are seeking to raise the general rate for the old soldier. I am heartily in sympathy with such effort, but at present, when gentlemen ask you to override the rules of this committee and show partiality in favor of some, I say it will result in giving some a higher rate than others who are equally deserving. Take, for instance, my grandfather's captain, whose pension is increased in this bill; he is 85 years of age. He is totally helpless; he has to have an attendant; and $50, the limit under the rules, is not enough. Another soldier, a constituent from my district, is in here who is absolutely in need, in want, who, under this bill, gets only $30 a month. I insisted that they get the limit of their class under the rules, but I have no quarrel with my committee because they have treated these constituents the same as others in their class. Until the House shall express by vote its wishes, or require a voting out of this committee, a general law to aid the old soldiers you can not get much relief. It only causes a fight at the other end of this Capitol if you exceed the rules of our committee.

Mr. SWITZER. Mr. Speaker, as the debate has taken a general character, I wish to say a few words at this time. I will gladly vote for the pending bill, but it seems to me that the time is at hand when on account of the necessitous circumstances of something like 300,000 Civil War veterans now on the pension roll that there is a pressing demand on this Congress to pass, and speedily pass, a general law that will increase the rates of pension of such soldiers drawing $55 and less per month. I am not wedded to any particular rate. I do not know that I am wedded to the particular line of demarcation that I have mapped out, but in the closing days of the last session this House, by a large vote, and the Senate passed a law increasing the pension of the Civil War widows, giving them from $12 to $25 and from $20 to $25 a month. Why? Because this House determined here after days and days of deliberation that it required $25 a month to support a young widow of a soldier who was killed or died from injuries or disease contracted in the present war. If that is true, of course it follows that the mothers of the soldiers of the present war, who are widows of soldiers of former wars, should have $25 per month. Now, what is the situation? Here is an anomalous condition. We have to-day upon the pension roll fewer than 100,000 Civil War veterans drawing more than $25 a month. There were more than 200,000 Civil War veterans drawing less than $25 a month July 1, 1917, as shown by the last report of the Commissioner of Pensions. The men who faced the shot and shell and endured the hardships of the conflict drawing less than $25. One of the first men to enlist from my home county and who served four years, by a special act draws only $24 a month to-day. I have a bundle of petitions here asking that these pensions be increased, not only from old soldiers but from other citizens of my district. One petition is signed by 73 Civil War veterans of one county, and only 2 are 69, 4 are 70, and the remaining 67 are away beyond 70 years of age, and this Congress having meted out a fair measure of justice to the Civil War widows, it should not hesitate to do what is right by these old veterans. The woman who married a Civil War soldier 30 years after the war, much younger than these soldiers here petitioning for relief to-day, when he dies draws $25 a month, but while living as man and wife only $24, $20, $17, and less in many cases is received for the support of both. This is the absurd situation in which we find ourselves, and it seems to me the Committee on Invalid Pensions—I do not want to criticize them—ought to get to work quickly and report out a bill increasing most of the present rates. I have introduced a bill, I am not particularly wedded to it, asking an increase of 40 per cent for all drawing under $30, 33⅓ per cent for all those drawing $30 and under $40, and 20 per cent for those drawing $40 and not over $55, and that when a soldier reaches 76 years of age he be given no pension of less than $40 a month and no pension shall be given less than $30 a month. The last rate might be reduced, but no soldier who served 3, 6, 9, 12 months or 2 years ought to receive less than his widow receives on account of his death.

True, our resources are being heavily taxed and burdened with large obligations which must be defrayed in the future, but I do not believe we have reached that degree of financial depression that makes it necessary to be neglectful of the pressing needs of the survivors of that grand army which by its heroic efforts from '61 to '65 preserved the Union and made it possible to have a mighty American Republic to wage the great world battle for human liberty to-day.

Omnibus bills carrying increases for a few hundred or a few thousand cases will not suffice, and it is urgent that a general law be enacted substantially increasing the pensions of 200,000 of the 300,000 Civil War veterans now on the pension roll drawing less than $25 per month, practically all of whom have outlived the allotted three score years and ten and who are not only handicapped by the infirmities accompanying old age but who are also pinched by the high cost of living now prevailing.

The SPEAKER pro tempore. The time of the gentleman has expired.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

The name of Felix Karl, late of Company B, One hundred and forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Speaker, I move to amend the bill by striking out lines 7 to 10, inclusive, on page 25, his bill having been passed previously.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Missouri.

The amendment was agreed to.

Mr. SWITZER. Mr. Speaker, I move to strike out the last word for the purpose of asking a question of the chairman of the committee. Is he contemplating taking steps to have hear-

ings on or to report out any general law for increase in the rate of pensions?

Mr. RUSSELL. I will state that there have been a number of general bills offered proposing to increase pensions of soldiers and they are pending before the committee. No time has yet been fixed for the hearing on those bills, but I presume the chairman of the committee, Gen. SHERWOOD, will call a meeting for that purpose, when such bills will be properly considered. I will not undertake to state what the action of the committee will be. Personally I realize that with the present high cost of living the soldiers deserve more, especially many who are poor and helpless.

Mr. SWITZER. I thank the chairman.

Mr. Speaker, I would ask unanimous consent to extend and revise my remarks in the RECORD.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. FULLER of Illinois. Mr. Speaker, I ask the same thing.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The Clerk read as follows:

The name of Robert Stevenson, late of Company F, Sixty-ninth Regiment New York State Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Speaker, I ask to amend, on page 42, line 2, by adding after the word "Militia" the word "Infantry." As it is, it is a clerical error.

The SPEAKER pro tempore. Without objection, the amendment indicated will be agreed to.

There was no objection.

The Clerk read as follows:

The name of Edwin Downs, late of Company E, Nineteenth Regiment Connecticut Volunteer Infantry (Heavy Artillery), and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Speaker, I ask to amend, on page 45, at line 18, by inserting in the bracket, before the word "Heavy," the word "Second." It is a typographical error. I want it to read "Second Heavy Artillery."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RUSSELL: Page 45, line 18, after the bracket, before the word "Heavy," insert "Second."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Ann Diltz, widow of William H. Diltz, late of Company —, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

Mr. RUSSELL. Mr. Speaker, I ask to amend, on page 46, at line 5, by striking out the word "Company" and the comma. It is a mistake of the Printing Office.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RUSSELL: Page 46, line 5, after the word "of," strike out the word "Company" and the comma.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of John P. Hodgkins, late of the Second Independent Battery Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Speaker, I ask to amend, on page 46, line 18, by striking out the figures "30" and inserting "36." This is not an increase to be made on the floor, but is a typographical error which ought to be corrected.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 46, line 18, after the word "of," strike out the numerals "30" and insert in lieu thereof "36."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of William Hummer, late of Company H, Sixteenth Regiment, and Company I, One hundred and fourteenth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Speaker, I ask to amend the bill on page 49, at the end of line 3, by striking out the two character letters and inserting the letter "H" instead. As it is now, it is a roman two.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. RUSSELL: Page 49, line 3, strike out "II" and insert in lieu thereof the letter "H."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk concluded the reading of the bill.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

WATER-POWER COMMITTEE.

Mr. POU. Mr. Speaker, I offer by direction of the Committee on Rules a privileged report, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

Mr. LONDON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. By special order I have been given leave to address the House after the disposition of the omnibus pension bill, which has just been disposed of. Does that order stand after this rule is disposed of, or do I waive my right?

The SPEAKER. Yes; it stands. This is the way of it: Whether the Chair put it that way or not, it is the way it ought to be put always as to these special orders, namely, not to interfere with privileged matters. That order was made, and the Chair will recognize the gentleman as soon as we can get through with this.

The Clerk read as follows:

House resolution 220 (H. Rept. No. 238).

Resolved, That the Speaker of the House be, and he is hereby, authorized and directed to appoint a special committee of 18 members to whom all bills and resolutions hereafter introduced during the Sixty-fifth Congress pertaining to the development or utilization of water power shall be referred (notwithstanding any general rule of the House to the contrary), except, however, bills and resolutions of which the Committee on Foreign Affairs has jurisdiction under the general rules of the House.

Resolved further, That the Committee on Interstate and Foreign Commerce be, and it is hereby, discharged from further consideration of H. R. 3808, H. R. 7695, H. R. 4504, H. R. 8005, and S. 1419, and said bills are hereby referred to the special committee herein provided for; that the Committee on Public Lands is discharged from further consideration of H. R. 7227, and the same is hereby referred to the special committee aforesaid.

Mr. POU. Mr. Speaker, I shall submit a very few observations concerning the resolution now under consideration, and I shall be glad then to yield to other gentlemen who know more about the history of this matter than I do.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. POU. Certainly.

Mr. LENROOT. Does the gentleman intend to yield some time to our side?

Mr. POU. I do. I mean that there is no purpose on my part to attempt to cut off reasonable debate.

Mr. JOHNSON of Washington. Can we have an agreement to that effect?

Mr. POU. I believe under the rules I am entitled to an hour, and I will yield from that hour as fairly as I can.

Mr. LENROOT. You will yield to this side?

Mr. POU. Yes.

Mr. JOHNSON of Washington. I desire to make some remarks against the resolution.

Mr. POU. I will be glad to have the gentleman from Wisconsin [Mr. LENROOT] control 30 minutes of the hour.

It is well known to the membership of this House, Mr. Speaker, that there has been controversy with respect to water-power legislation for a long time. It is extremely desirable from many standpoints that action be taken by this Congress to the end that the immense water power of this country which is now being wasted shall be made available.

The rule, which was unanimously reported by the Committee on Rules, provides for the creation of a committee of 18. No limitation is placed upon the Speaker in the selection of this committee, because of that unanimous confidence which is entertained on both sides of this Chamber in the Speaker of this House. I will state that the Committee on Interstate and Foreign Commerce, the Committee on the Public Lands, the Committee on Agriculture, and the Committee on Rivers and Harbors are entirely in harmony with the proposal to create the new committee.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield for a question?

Mr. POU. Yes.

Mr. JOHNSON of Washington. Is it proposed to make this committee up from the four committees named?

Mr. POU. I will say to the gentleman from Washington such a suggestion has been made; but, as I said, there is no requirement in the rule as to where the membership of this committee shall be taken from.

Mr. JOHNSON of Washington. But there is an understanding as to where they shall be taken from?

Mr. POU. There has been no understanding, because nobody has authority to enter into any agreement or understanding. I can simply say this to the gentleman that——

Mr. JOHNSON of Washington. Did not the gentleman just say there was an understanding?

Mr. POU. No. The matter has been discussed by these respective committees, and the committees that I have named are entirely in harmony with this proposed procedure.

Mr. JOHNSON of Washington. Did not the Committee on the Public Lands meet this morning and designate five of its members to be members of that committee?

Mr. POU. I did not catch the gentleman's question.

Mr. JOHNSON of Washington. I asked if the Committee on the Public Lands met this morning and designated five of its members to be members of this new committee?

Mr. POU. I am informed that the Committee on the Public Lands did not take that action. I am informed that the Committee on the Public Lands had no meeting this morning at all, and that it has taken no action along the lines indicated by the gentleman.

Mr. JOHNSON of Washington. The whole thing seems rather nebulous. But the statement was made to me that they had agreed upon the three majority members and the two ranking members of the Committee on the Public Lands to be members of that committee.

Mr. POU. That binds nobody.

Mr. LENROOT. The Committee on the Public Lands has taken no such action.

Mr. POU. If it had, it would bind nobody.

Mr. GILLETT. Mr. Speaker, will the gentleman yield?

Mr. POU. I do.

Mr. GILLETT. I would not bind anybody unless there was such an understanding as would be binding and which the Speaker would be aware of. I understand there was such an understanding. There is no impropriety in it, but I think it ought to be known whether there was or not.

Mr. POU. I am going to say to the gentleman from Massachusetts this: There is no disposition to conceal anything. When this matter was before the Committee on Rules it was suggested that the new committee should be made up of gentlemen taken from the Committee on Interstate and Foreign Commerce, which has had to do with this legislation; from the Committee on Public Lands, some gentlemen on that committee having devoted years of study to this question; and that the Committee on Agriculture should have representation on it, and the Committee on Rivers and Harbors also. That was discussed, and all that the Committee on Rules did was to provide a membership large enough so that if the Speaker of this House, after consultation, decided to take representation from those committees, he could do so.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield for another question?

Mr. POU. I do.

Mr. JOHNSON of Washington. Has it not been stated that it is proposed to make up this committee of 5 members from the Committee on Interstate and Foreign Commerce and 5 members of the Committee on the Public Lands, making 10 members out of the proposed 18, and that it has been so designated on purpose, so that the members of those two committees would have control?

Mr. POU. I have heard the suggestion made that that would be a proper way to constitute the committee.

Mr. JOHNSON of Washington. And yet it is declared there has been no agreement or arrangement.

Mr. POU. I have heard the suggestion that, inasmuch as the Committee on Interstate and Foreign Commerce has had to do with this legislation, and inasmuch as the Committee on Public Lands is interested in it and has heretofore considered similar legislation, those committees should be more largely represented on this committee than any other committees of the House. But that is a question for the Speaker to determine when he comes to name the membership of this committee.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield further?

Mr. POU. Yes.

Mr. JOHNSON of Washington. In these discussions that the gentleman has had, of course, it is understood that those men will still retain their positions on the other committees?

Mr. POU. I can not say that there has been any such understanding. This has all been talk that binds nobody. It has been merely a suggestion as to how it would be wise and proper for the Speaker to make up this committee, having in view harmony and early action. That is all there is to it.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield for a question?

Mr. POU. Yes.

Mr. CRAMTON. I ask the gentleman whether the two existing committees which will be largely distributed, whether those committees have had opportunity to give consideration to the proposed changes?

Mr. POU. The Committee on Interstate and Foreign Commerce and the Committee on the Public Lands have considered the proposal of the creation of the new committee, and, as I said before, as I understand it, they are entirely in harmony with the proposal.

Mr. COX. Mr. Speaker, will the gentleman yield for a question?

Mr. POU. Yes.

Mr. COX. Is it designed to make this a permanent committee?

Mr. POU. No; just for the life of this Congress.

Mr. JOHNSON of Washington. If this committee takes hold of this nameless bill, without even a number, that provides a $10,000 head of a commission and makes other appropriations of money, is it not likely that that committee will stay on to look after it?

Mr. COX. I do not think there is any doubt about that.

Mr. POU. So far as I am personally concerned, I will say to the gentleman that I see no reason why we should not pass a water-power bill during this Congress, and I see no reason for the continuance of this committee after the Sixty-fifth Congress.

Mr. JOHNSON of Washington. Why not come out in the open with the Members of this House and say that there here is a bill introduced, without even a number——

Mr. POU. It has not been introduced.

Mr. JOHNSON of Washington. Printed as if it were a bill, though, and marked "Confidential," and that erased, a proposed water-power bill, introduced by no one, and that this bill is proposed to be reported out of this combination committee for the express purpose of blocking the bill which has been passed in another body.

Mr. POU. Oh, no.

Mr. JOHNSON of Washington. It must be.

Mr. POU. I could not assent to that proposition at all. So far as the bill which the gentleman has there is concerned, it was printed simply for the information of the Members of the House and for the consideration of the new committee if the House should see fit to vote for the establishment of that committee.

Mr. JOHNSON of Washington. This confidential print, or whatever it is, is not available in the document room.

Mr. POU. I will state to my friend that I stated the other day on the floor of the House that the Committee on Rules had had 1,000 copies printed, and that any gentleman who desired to get a copy could either send to the office of the Committee on Rules or to the desk over there. I had a big batch of them put over there on the desk to the left of the Speaker for universal distribution.

Mr. JOHNSON of Washington. I made strenuous efforts at the document room, without success.

Mr. POU. It was not in the document room. I made that announcement the other day.

Mr. STAFFORD. I recognize that in the resolution before the House there is a departure, for the first time I believe since the Democrats obtained control of the House, in the method of appointing this special committee, a return to the old method, authorizing the appointment by the Speaker, which was so severely criticized by the Democrats and which resulted so largely in the Democrats getting control of the House. I am not here at this time to criticize the method, because in those days I believed and still believe in the appointment of the committees of the House by the Speaker with some limitations, but

as it was a cardinal principle of the Democratic faith when they gained control of the House to have the committees appointed by a committee on committees, I would like to inquire what is the reason for the departure in this instance?

Mr. POU. In answer to the gentleman from Wisconsin I will say that there has been no departure. The rule of the House provide that all special committees shall be appointed by the Speaker. This is a special committee. We are simply following the general rules of the House. There is no change in the rule.

Mr. STAFFORD. If the gentleman will yield further, while it is in a sense a special committee, every one knows that it is going to be a regular committee so far as this Congress is concerned, and that it will continue perhaps in succeeding Congresses. Under the rules of the House the Speaker has the right to appoint such special committees as committees of conference, and I am not questioning for one moment the power that should be given to the present Speaker, but you are departing from the rule which you adopted and going back to the practice which you criticized in the old days by vesting the power in one man to appoint a committee that will report important legislation.

Mr. POU. Oh, well, Mr. Speaker, that is an observation which I do not think requires any further answer than a repetition of what I said a moment ago—that the general rules of the House provide that special committees shall be named by the Speaker, and that this is a special committee. That is all I have to say about it, and I reserve the remainder of my time.

Mr. SIMS. Will the gentleman from North Carolina yield to me a few minutes to make a statement in connection with this legislation?

Mr. POU. Yes. Certainly, I yield to the gentleman. How much time does the gentleman wish?

Mr. SIMS. Not over three or four minutes.

Mr. POU. I yield to the gentleman five minutes.

Mr. SIMS. Mr. Speaker, I want to state for the information of the House, as far as I know, how this matter came about.

The Committee on Interstate and Foreign Commerce, ever since I have known anything about the matter, have had jurisdiction of bills concerning the construction of bridges and dams over navigable waters of the United States within the States. The Committee on the Public Lands have had jurisdiction of legislation relating to dams on the public lands of the United States. It appears that the Committee on Agriculture have jurisdiction of so much of the public lands as are embraced in forest reserves. For several years there have been attempts to pass a bill authorizing the building of dams on navigable streams, and I think the bill has been passed twice in the House. I know it was passed at the last session. That bill was reported by the Committee on Interstate and Foreign Commerce. It was acted on by the House and amended on the floor of the House. The bill was a substitute for a Senate bill, and after the House passed it it went to conference, and the conferees failed to agree. Now, it has been suggested, from a source that perhaps many of you will surmise without my stating in terms, that in order to bring about uniform legislation with reference to the building of dams for water-power purposes, both on the forest reserves, on the public lands, and in navigable streams in the States, the Secretary of War, who has jurisdiction of dams on navigable streams within the States, and the Secretary of the Interior, who has jurisdiction of the public lands, and the Secretary of Agriculture who has jurisdiction of the public lands in the forest reserves, should unite in preparing a bill creating a commission out of the three secretaries, and providing legislation exactly similar for the construction of dams on all navigable rivers, and that a bill be introduced and passed dealing with the whole subject.

Mr. GILLETT. That is what I was going to ask the gentleman.

Mr. SIMS. And in order to do that it was suggested—not by myself, for I knew nothing about it—that a rule be brought in authorizing the creation of a committee of three or five members from the Committee on Interstate and Foreign Commerce, three or five members from the Committee on Public Lands, and the same number from the Committee on Agriculture.

When the matter was submitted to me and to five or six members of the Committee on Interstate and Foreign Commerce I suggested that I would not agree to it without submitting it to the full committee. I did submit it to the full committee, and the committee voted unanimously to agree to such a rule, but it was to be a special committee having jurisdiction of the legislation proposed during the present session of Congress and no further or otherwise. Of course, being a special committee of limited life and jurisdiction it was to be appointed by the Speaker of the House. I think I have stated substantially all the facts.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. JOHNSON of Washington. Where does it state in the resolution that this is to be a limited committee, or limited in time?

Mr. SIMS. It is a special committee.

Mr. POU. The committee can only continue during this Congress.

Mr. SIMS. I would not agree to a permanent committee of that kind.

Mr. STAFFORD. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. STAFFORD. Could Congress authorize a committee for any longer time than this Congress?

Mr. FOSTER. This says a special committee.

Mr. LENROOT. If the gentleman will allow me to make a suggestion, the next Congress adopting the rules of this Congress would not include this committee.

Mr. STAFFORD. Could it not very well incorporate a provision authorizing this committee continued?

Mr. LENROOT. Certainly. The next Congress would have to act specifically on this proposition.

Mr. GARRETT of Tennessee. It would take a special order the same as the old pension orders were.

Mr. STAFFORD. If the Committee on Rules brought in a rule providing that the rules of the present Congress should be adopted for that Congress, together with this special committee, it would be continued.

The SPEAKER. All gentlemen are out of order.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to be heard in opposition to the resolution.

Mr. LENROOT. Will the gentleman from North Carolina yield 30 minutes to this side?

Mr. POU. Yes. I stated that the gentleman from Wisconsin was to control 30 minutes.

Mr. LENROOT. Then, Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Speaker, I hope Members will give attention to what is coming off in the Congress of the United States. Behind this innocent-looking resolution for a special committee is a bill without a name and without an introducer. The bill is ready with which it is proposed to block the bill S. 1419. If it is necessary to pass this proposed bill, which is all ready, indexed and reported upon by three Secretaries—and I wish I had time to read the report—if it is thought necessary by the Executive that this bill should be passed, why go through this rigmarole and red tape in the appointment of a rubber-stamp committee? Why not pass the bill at once without appointing a special committee and a clerk?

Mr. SIMS. There is no clerk.

Mr. JOHNSON of Washington. There will be a clerk sooner or later. Why not pass the bill in five minutes? Here it is cut and dried. Here is the report of the three Secretaries. The committee will send the bill down to the Secretaries, who will report favorably, then it will go on the calendar, and it will go through this House, actually making rubber stamps out of the new committee and of the membership of the House as well. Here we have the order of three Secretaries, the President favors it, so why have Congress do anything now than O. K. it and let it go? Why not do it in five minutes and have it over with? It is not designed to go into a full discussion of water-power legislation, because your bill is ready and all other bills will be laid on the table.

Mr. SIMS. But we will have the power to amend it or offer a substitute.

Mr. JOHNSON of Washington. It is not likely that any amendment or substitute will be adopted with three Secretaries favoring a bureaucratic bill that has been written over in the departments for the express purpose of outwitting the Senate of the United States and making the House of Representatives the tool with which to do it. What does the bill propose? A special commissioner at a salary of $10,000 and a secretary at $5,000 a year, and so on. Just one more commission! Just one more arm of Congress which will be stronger than Congress itself. The bill is bureaucratic, written by bureau chiefs and indorsed by three Secretaries. It gives no western States any hand in the control of the water power within their confines and no share in any of the returns. It fixes it so that a western State having a Federal domain of 50 per cent will remain forever in that position. The leases are renewable and the revenue is to go to the Federal Government and not to the States. It provides in a recapture clause that the Government may take

over at the end of 50 years the water-power plant and pay only the original cost of it. Will that invite the capital which the West needs? I know half a dozen places, one in particular in the State of Washington, where if the water power can be developed a city of 100,000 people will develop in 10 years. Twenty thousand men can make fortunes there, but a water-power bill which offers only 6 per cent to those who might invest twenty-five to thirty million dollars will not invite capital under the terms of this bill. I have not time to discuss water-power legislation, however, but simply desire to call attention that this is a cut-and-dried proposition, a cut-and-dried membership committee, a bill prepared for it, and the House of Representatives has nothing to do but to put on the rubber stamp of approval.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. GARRETT of Tennessee. We have been trying for many years to get water-power legislation.

Mr. JOHNSON of Washington. That is no reason why Congress should abrogate its powers any further.

Mr. GARRETT of Tennessee. Is it not desirable from the gentleman's standpoint to at least make some move toward getting legislation?

Mr. JOHNSON of Washington. Not if it is necessary for Congress to adopt a bill made outside, printed in advance, and a committee named in advance——

Mr. GARRETT of Tennessee. Oh, that is aside from the question; the gentleman is speaking against the adoption of the rule. The whole purpose of the rule is to try to bring about a condition in which legislation can be considered, no matter from what source it may come.

Mr. JOHNSON of Washington. Could not a bill come out of a properly constituted committee, as did the Ferris bill?

Mr. GARRETT of Tennessee. Water-power legislation has been tied up for years. We have not gotten anywhere, and though this may be a feeble stagger, we are making an effort.

Mr. JOHNSON of Washington. Suppose we abdicate to the bureaus on every proposition on which the House and the Senate fail to agree—have some chief write a bill and bring it down here with instructions to pass it. I hope that Congress will open its eyes as to what it is doing. It is ceasing to be a coordinate branch of the Government. This nameless, numberless bill, this hybrid report of the three Secretaries, and this special resolution for an especially selected committee are the final proofs.

Mr. POU. Mr. Speaker, I yield seven minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, there is nothing mysterious about what has happened, and there is nothing to wound the feelings of the gentleman from Washington or anyone else. The facts are these: The Committee on Interstate and Foreign Commerce, headed by Judge SIMS, has jurisdiction over a portion of the water power of the country, about 28 per cent. The Committee on the Public Lands has jurisdiction over about 72 per cent. Each committee has been trying to do its duty and give an adequate water-power policy to the country, so that 30,000,000 horsepower of hydroelectric energy might not every year find its way to the sea, idle and totally wasted. Members of these committees have endeavored to bring this about, and each time we have failed. Twice, step by step, under the closest scrutiny of the gentleman from Illinois [Mr. MANN], of the gentleman from Wisconsin [Mr. LENROOT], and with leaders on this side, the House has passed a bill without a dissenting vote. That bill bore my name, was worked out by the committee, and indorsed by the department. The Interstate and Foreign Commerce Committee has had similar experiences with their bill, for it failed each time to get through the Senate. Three departments of the Government had jurisdiction over the water-power bill; the War Department and the Board of Army Engineers, having jurisdiction over navigable streams, have 28 per cent of the water power within their jurisdiction. The Interior Department and the Agricultural Department, in the public lands and forest reserves, have about 72.6 per cent of the water power of the country under their jurisdiction. Each has struggled with the policy it thought was right, neither was able to bring here a composite plan that would be acceptable to the Senate. Those three Secretaries—Mr. Baker, Mr. Lane, and Mr. Houston—very properly, as I believe, came together and formulated a bill which they think provides an adequate water-power policy for this country. I do not now place detailed approval on it, but think it essentially correct in principle.

The Interstate and Foreign Commerce Committee, as I believe, very properly passed unanimously a resolution agreeing to come in and try to create a new committee made up of these committees that would agree upon some adequate policy. The Committee on the Public Lands, of which I am a member, did the same thing. Both committees are here asking that this be done, and the Rules Committee, very properly I think, has brought in a rule providing for this procedure.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. JOHNSON of Washington. Which committee of those is the one that considered and brought about this particular bill which it is proposed to submit?

Mr. FERRIS. So far as I am concerned, there is absolutely no secret about this matter, and I am glad to advise the gentleman that the three Cabinet officers who are to ultimately administer the policy have taken the initiative and have brought in a bill to us which we can dissect and work over and finally prepare. There is nothing mysterious about that. On the contrary, it is a very great help.

Mr. JOHNSON of Washington. A bill that they indorsed and asked Congress to pass.

Mr. FERRIS. No; they did not. They are trying to help, and they are helping. We need their help, and I am sure help will be welcomed from verey source.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. LENROOT. I want to ask the gentleman whether or not it is a fact that this bill that is now presented by the Secretary does or does not embody the principles of the Ferris bill that have been indorsed by the House.

Mr. FERRIS. I was going to get to that. If I may, in the short time that I have, I want to say that it is not a moot question as to what are the real essentials of a proper water-supply policy. I think both sides of this Chamber are committed to the essential characteristics and elements of a correct water-power policy, and I shall go over hurriedly what are embodied in this tentative or proposed bill. They are taken from the best in the bill of the Public Lands Committee and the bill from the Interstate and Foreign Commerce Committee. There are 10 essentials which this proposed bill embodies.

First. No legislation, Executive order, or department ruling should permit the patenting or the title in fee to pass out of the Federal Government under any conditions. The fee title should be reserved in perpetuity to the United States.

This bill carries such a provision.

Second. The dam sites should be leased for a period of time not longer than 50 years, without any entangling alliances or phrases difficult to understand, on which the courts might quibble or debate as to the relative rights of the Federal Government and the lessee after the term has expired.

Third. The recapture provision should provide that all nonperishable property, such as land, water rights, dam sites, good will, and so forth, should go back to the Federal Government at actual cost, and that all perishable property in connection with the plant should come back to the Federal Government at the end of the lease at its fair value. In both cases the interest of the public is conserved and made certain.

Mr. JOHNSON of Washington. Why do we not just pass this bill now?

Mr. FERRIS. No one asks the gentleman to do that, no one asks the committee to do that, no Cabinet officer asks to do that, and no Member of the House would do that. They merely suggest it, and we are to pick it to pieces and make it over, and the gentleman will help do it, for he knows a good deal about water power.

Mr. JOHNSON of Washington. I would like to help do it, but I understand the committee is already selected.

Mr. FERRIS. The gentleman does not want to make a misstatement of fact. The committee is not selected. No one knows that better than the Speaker. I dare say the Speaker has not now made up his mind as to a single Member of that committee. I certainly have not suggested a name to him, and I do not believe Judge SIMS has suggested a name to him. I do not believe the chairman of the Committee on Rules has suggested a name to him, and I doubt if he has a name in his mind. So I know the gentleman does not want to muddy the water with that.

Fourth. Strong, clear, well-understood provisions should be inserted in the lease contract for the revocation of the permit for a violation of the conditions thereof.

Fifth. Provisions should be inserted in the lease requiring diligence and prompt construction of the plant so that the property may not be held for speculative purposes.

Every bill that is adopted by this House ought to have a clause providing for diligence in the construction of water-power plants, so that they might not hold them in cold storage and thereby increase the grasp which the water-power monopoly now has.

Mr. HUDDLESTON. Will the gentleman yield for a question?

Mr. FERRIS. I will yield to the gentleman.

Mr. HUDDLESTON. Has this bill any provision by which the Government itself may develop any of these water powers for governmental purposes?

Mr. FERRIS. I do not think it has. I have not examined it critically, but I do not think it has.

Sixth. A royalty or rental for the use of dam sites and the property of the Federal Government should be required in all cases except for municipalities which furnish current to consumers without profit.

Royalty or tax or payment or rental, or whatever you call it, ought to be contained in every bill, so that this Congress may not be subject to the indictment and the charge that we are giving away 35,000,000 hydroelectric horsepower energy of this country. That has been one of the main controversies between the House and the Senate. They have contended all along that if we put any sort of tax, any sort of charge, on water power, we never would have any development.

Mr. HUDDLESTON. If the gentleman will permit, in view of the gentleman's statement that there is no provision whereby the Government can utilize this water power itself, are not we proposing to grant away a great asset of the people comparable to coal and minerals of various kinds?

Mr. FERRIS. We do not grant away a thing. The Government retains fee title of every water-power site and every power site in this country. It does not grant away a single horsepower of hydroelectric energy. We merely lease it for a term of years and charge them for the right to use it. We grant away nothing. If the gentleman is a friend of Government ownership, I do not know whether he is or not, this bill will not meet with his approval. It is not a Government-ownership plan. I am not yet convinced that the Government of the United States can blow the nose of every citizen every morning in the year and do it better than the citizen can do it himself. I am not for Government ownership of water power.

Mr. JOHNSON of Washington. It can blow the nose of Congress, however.

Mr. FERRIS. The gentleman can speak for his own good self.

Mr. JOHNSON of Washington. I am trying to speak, I am sure——

Mr. HUDDLESTON. Does not the gentleman believe the Government has the power and fitness to utilize some of the great natural resources of the country for the purpose of public benefit?

Mr. FERRIS. Undoubtedly.

Mr. HUDDLESTON. Why does that principle apply to minerals and not apply to water power?

The SPEAKER. The time of the gentleman has expired.

Mr. LENROOT. I yield the gentleman two minutes.

Mr. FERRIS. Now, if the gentleman will let me proceed, I would be very glad to yield if I could. I will say to the gentleman from Alabama that the Government does not operate mines, as the gentleman knows, so that question has no analogy.

Seventh. The Federal Government should at all times maintain the paramountcy, so it will at all times have full control over water power to the end that the natural monopoly of the water flowing from the highlands to the lowlands and finding its way back to the sea should not be a monopoly by which one man or set of men may torture all the rest of us who, perchance, use water power and hydroelectric energy.

Eighth. Annual reports should be exacted from the power companies, so that the public might at all times know of their acts and doings. This provision is highly essential.

Mr. MADDEN. Will the gentleman yield to me for one simple question?

Mr. FERRIS. I really can not.

Mr. MADDEN. Is there a provision in this law to authorize an audit of expenditures made by the people who will have the grant made to them?

Mr. FERRIS. I think it does. I am not the last word on this bill, as I have not given it much attention.

Ninth. The Federal Government should reserve to itself full power to fix rates for service, capitalization, bond issues, and so forth, in interstate projects and, where there is no public-utilities commission for this purpose, in intrastate projects.

This is essential, so that the people can tell something about what is going on with a natural monopoly that belongs to them.

Tenth. Each lease, permit, or consent of Congress should contain a provision that upon proof that any such permittees, lessees, or grantees have conspired to prevent the development of water power or to limit the output of already constructed plants the lease should be revocable in a court of competent jurisdiction. Water power is a natural monopoly, and the greatest sort of care and caution should at all times be exercised in issuing permits that authorize its creation by strong, virile, vigorous laws and regulations. Something of this sort is due the teeming millions of America, who have the right to expect that this great national blessing will be carefully preserved for them and carefully preserved in their interest.

Water power, as is well known in this House, is a natural monopoly. Only a few can have it. The people ought to have something to do with the control of it. There are 35,000,000——

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption? Will the gentleman yield for one question only?

Mr. FERRIS. All right; go ahead.

Mr. COOPER of Wisconsin. If it is a natural monopoly that should be given a private corporation under lease, what provision is there for the regulation of rates?

Mr. FERRIS. We have complete power reserved in the Federal Government in this department bill, and it should be at all times maintained. I will say to the gentleman. Now, one word. There are 35,000,000 horsepower of hydroelectric energy in the United States, as estimated by the water-power engineers. Some go above that and some go below, but they all agree that that is a fair estimate. Only 6,000,000 of the 35,000,000 is in any sort of use, and the rest is running idly to the sea, a total waste. Is the Congress going to allow 110,000,000 of people to pay $30 a ton or $50 a ton for coal while there are 35,000,000 horsepower of hydroelectric energy running away to the sea, a total waste, every year?

I have tried. I know the Committee on Interstate and Foreign Commerce has tried, my committee has tried, but we have failed, and this is an additional trial, an additional chance of which we should avail ourselves.

Mr. AUSTIN. Will the gentleman yield for a question?

Mr. FERRIS. I am afraid my time is getting away.

Mr. AUSTIN. It will be a very short question.

Mr. FERRIS. Go ahead.

Mr. AUSTIN. What about the regulation of the price of oil that is proposed to be taken off the Government reservations under the bill which the gentleman had passed through the House?

Mr. FERRIS. The gentleman must know that I can not go into that. I would like to discuss it with him, but I have only another minute. The only thing I want to say is this: That I appeal to the members of the committee that I know are in harmony with what I am saying, and to the Committee on Interstate and Foreign Commerce, that I know is in harmony, to let us get together with a long and a strong pull and put up a water-power policy that will induce the Senate to take it.

The SPEAKER. The time of the gentleman has expired.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, there has been a good deal of gossip, which I have heard and I have no doubt other Members have heard, about the personnel of this new committee, but the chairman of the Committee on Rules tells us there has been no combination made and no program; that it is left, as the wording of the rule provides, in the hands of the Speaker. That to me is entirely satisfactory. I recognize the propriety of some members of the Committee on Interstate and Foreign Commerce, some members of the Committee on the Public Lands, perhaps some members of the Committee on Agriculture, who have had this subject in charge, going on to such new committee, and I have no doubt the Speaker will recognize them. I have no doubt also that the Speaker will recognize that in the appointment on this committee questions of geography and different attitudes upon this whole problem should be recognized. And I have no doubt, consequently, that it will be a fair committee, representing the whole country and all interests in this controversy.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. LONGWORTH. Has not the gentleman some doubt all the time, even in the case of a special committee, of this manner of selecting a committee on the part of the House?

Mr. GILLETT. The rule is that all special committees shall be selected by the Speaker, and I am glad to have this committee selected by the Speaker, having entire confidence that all sections will be recognized, as well as the various points of view on this problem.

Mr. TOWNER. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. TOWNER. Is it not practically necessary that some action of this kind be taken if we are to take action at all?

Mr. GILLETT. That is what I was going to say. I think it is criminal that no action has been taken before on this vital subject. Here are great water-power possibilities all over the country waiting for development. Here is capital waiting to develop them, and yet because Congress will not allow it to be done they are all tied up. Why, there are hundreds of thousands of unharnessed horsepower which would save hundreds of thousands of tons of coal, but simply because Congress has not acted, and apparently will not act, that is all wasted. Apparently the present committees are not going to act. I am sorry to say that I am not very sanguine that even with this new committee a bill will be passed, but it apparently is the only chance, and therefore I am willing to try it because, as I say, Mr. Speaker, in my view it is criminal that there should be this delay in the development of water power. I am particularly interested because of the Connecticut River.

The United States has not the slightest interest or title in that river, except by its power over a theoretically navigable stream, a stream which at Windsor Locks has rapids utterly unnavigable. For years there have been parties ready to obstruct this theoretically navigable stream, which is the only way of making it navigable, by building a dam or lock——

Mr. KNUTSON. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. KNUTSON. I would like to ask the gentleman from Massachusetts whether in his opinion the proposed bill would bar the Government from getting in and developing any water power it might need?

Mr. GILLETT. This proposed bill, marked "Confidential," was not given me until just now. I never saw it until a few moments ago.

Mr. POU. If the gentleman from Massachusetts will permit, I had this bill printed by the request of at least 25 Members of the House.

Mr. KNUTSON. Why was not notice given to that effect?

Mr. TOWNER. It was given, and on the floor of the House.

Mr. GILLETT. Here is a river—the Connecticut—theoretically navigable, and capital is ready to put a big dam across it and build locks without expense to the Government and make it navigable, which it is not now; and, in addition, such a dam would produce thousands of horsepower which now is lying there idle because Congress will not enact any legislation on this subject. It is an outrage. I have no doubt that same condition exists all over the country, and it is a shame that we should not enact some legislation of this kind. It is an outrage that this mere theoretical jurisdiction which Congress has over such a river as that should prevent both actual navigation and actual use of the water power.

Therefore I hope that this new committee will be able to do what Congress has not been able to do in the past, and that it will give us some legislation, although I am not very confident about it.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

Mr. POU. Mr. Speaker, will the gentleman from Wisconsin use some more of his time?

Mr. LENROOT. I am willing to. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, I wish I could see my way clear to support this resolution, because I realize, as I think possibly all the Members of the House do, the importance of having legislation on the subject of water power.

But I am opposed to the creation of this new committee, first, because in my opinion the subject of water power on navigable streams and the questions involved in the utilization of water power on the public lands are so dissimilar that they can best be handled and disposed of by separate committees.

It occurs to me that it will be difficult to get a committee of 18 that are thoroughly well informed in relation to all the problems connected with the utilization of water power under such diverse conditions. For instance, the chairman of the Committee on the Public Lands, Mr. FERRIS, referring just a moment ago to one of the fundamental propositions, as I understand it, that should be contained in a water-power bill, stated that under no circumstances should there be a grant of water. Now, when you come to the question of the public lands of the West, in the arid States, the Federal Government owns no water, and there can not be any such a thing under the constitution of those States as a grant of ownership in water. The only right that any one can secure is the right to use, under certain conditions and under certain control. I just use that as an illustration.

Mr. FERRIS. I do not want the gentleman to understand that I meant to say that the Government can grant ownership of water. But we own the eye of the needle.

Mr. MONDELL. Yes. The gentleman wants to have the fact of ownership of certain lands made the vehicle for the laying of a burden that I think ought not be laid on the development of the resources of the Western States.

I am not in entire agreement with the attitude of the Committee on the Public Lands on this question, but I would much prefer to leave the question with the Committee on the Public Lands, with its membership made up largely from the public-land States, than to intrust it to a committee selected so as to cover the entire country.

Then, another thing. I am not altogether happy over the conditions and circumstances surrounding the presentation of this matter to us. The proposition of a new committee is accompanied by a carefully prepared and properly indorsed and O. K'd and viséed bill, which the committee is supposed to take up and approve and present to Congress.

The gentleman who just spoke said the committee could take up such a bill and amend it and modify it as it saw fit. The trouble with that proposition is that a bill once prepared along certain lines can not well be modified and amended except in a way to somewhat modify the carrying out of the theory on which the bill is drafted. One of the difficulties we have had here for quite a number of years past in respect to bills is a growing disposition to take our legislation from the departments. I shall be happy when the bills that are presented to the House shall have been prepared by the Members of the House or by committees of the House, and I shall be much more inclined to forgive and overlook errors in bills of that kind than in bills that are prepared for us and presented to us and over which we have no control or supervision except in the way of possibly changing by some minor amendments some relatively unimportant feature of the legislation.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Not now. We all know that when a bill is presented to a committee, drafted along certain lines and on a certain theory, you can not easily modify the basic and important provisions, you can not greatly change the controlling lines along which the legislation has been prepared, without practically discarding the measure, and that it is practically impossible to do if the bill has any considerable support or influence behind it. The best that can be done under such circumstances is to make minor changes here and there, leaving the measure, in the main, as it was introduced—good, bad, or indifferent, as the case may be.

We need water-power legislation, it is true, but we ought to have sane and sensible legislation. I wish I were more hopeful of securing it under this plan.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. LENROOT. Mr. Speaker, I yield two minutes to the gentleman from Oregon [Mr. MCARTHUR].

The SPEAKER pro tempore. The gentleman from Oregon is recognized for two minutes.

Mr. MCARTHUR. Mr. Speaker, in the consideration of this rule we are confronted by a condition, not a theory.

Congress during the past two sessions, when this important subject has been under discussion, has been utterly unable to arrive at any conclusive understanding that would give to the country that water-power legislation which is so much needed to develop our latent resources, particularly in the far West. There has been a disagreement between this body and the Senate, with the result that we have not arrived at any common understanding where we can get legislation to promote the development of those resources. We have divergent views on the different angles of this water-power question. It is apparent that if we proceed along the same line that we have proceeded on before and have bills considered by the same committees as heretofore there will continue to be that disagreement between the House and the Senate, and the result will be that there will be no legislation of any character.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. MCARTHUR. Yes.

Mr. LITTLE. What will the Government receive as profits by this action?

Mr. MCARTHUR. I can not answer that question. That is a matter that must be answered by experts.

Mr. LITTLE. Will we get anything?

Mr. MCARTHUR. I can not answer that now. That must be answered at the proper time by the proper authorities.

But here we have a proposition to create a special committee to take up the question of water-power legislation. We have failed dismally in the past to get anything under the old arrangement, and if this new proposition opens up any avenue or holds out any prospect of getting such legislation as the country is entitled to, I say, "For Heaven's sake, let us create this commission and let it go ahead." [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. LENROOT. Mr. Speaker, I yield two minutes to the gentleman from North Dakota [Mr. NORTON].

The SPEAKER pro tempore. The gentleman from North Dakota is recognized for two minutes.

Mr. NORTON. Mr. Speaker, I consider the legislation to be considered in reference to the leasing, development, and control of the water power of the country to be the most important legislation that will be considered during this Congress outside of actual war measures. I quite agree with other gentlemen that the country should now have definite legislation on this subject. This special committee will assist, I believe, in presenting legislation to Congress that the Congress can agree upon. I trust, however, that the members of the committee that may be appointed under the provisions of this resolution will not consider the great question either lightly or hastily. The committee should, as suggested by the gentleman from Wyoming [Mr. MONDELL], guard against the danger of reporting a bill that may be ready prepared and submitted to the committee.

The people of the country—particularly the people of the West—are deeply interested in Federal legislation for the control and development of the water power of the country. They are interested in having conserved for the people of the country as well as can be the great water-power resources of the Nation. The thought and the view of the great masses of the American people on this subject should be very carefully considered by the committee in the making up of any bill to be favorably recommended to the House. It seems to me the Government should retain the fullest possible control of the great water-power resources of the country for the interests of all the people, and that whatever legislation this Congress enacts, it should be with this view in mind. I am personally in favor of having a special committee appointed which will be able to give sufficient time and the most careful consideration to all bills introduced on this most important subject.

The SPEAKER pro tempore (Mr. ALEXANDER). The time of the gentleman has expired.

Mr. LENROOT. Mr. Speaker, may I inquire how the time stands now?

The SPEAKER pro tempore. The gentleman has 9 minutes and the gentleman from North Carolina [Mr. POU] has five minutes.

Mr. LENROOT. Has the gentleman from North Carolina more than one speech?

Mr. POU. I will yield one minute to the gentleman from Alabama [Mr. ALMON].

Mr. ALMON. Mr. Speaker, I simply want to say that I am heartily in favor of the rule. There are more reasons to-day than ever in the history of our Nation for legislation that will result in water-power development. On account of the scarcity of fuel and the high price of coal, the reason for water-power development is more urgent and more important than ever before in the history of our country. I believe this committee ought to be provided for and that this House should use its best efforts at this time to bring about proper legislation upon this question. I do not understand the rule to mean that this committee of 18 is to be selected from the three committees—Interstate and Foreign Commerce, Agriculture, and the Public Lands. I do not believe that the Speaker ought to be confined to the selection of this committee from those three committees. He may find it best to select from those committees, but it may be that there are States in the Union more directly interested in water-power development, because they have the greatest amount of water power, which have no representation on these committees, and I trust that the Speaker will take that into consideration in appointing the committee.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LENROOT. I yield half a minute to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, inasmuch as we have plenty of time this afternoon I will use my half minute in asking unanimous consent that I may proceed for five minutes, not to be taken out of the time allotted.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent for five minutes, not to be taken out of the time allotted to the committee. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, I agree with the gentleman from Massachusetts [Mr. GILLETT] that the situation which now presents itself is a sad commentary on the ability of this Congress to carry through much needed legislation. In fact, it is but little better than a national scandal and disgrace that we have not acted on this subject before this time. We are contending against a power in this war that exercises its authority in the most autocratic manner, that proceeds with an energy and an efficiency that leaves nothing lacking, that acts with astonishing swiftness and velocity, commensurate with every emergency, and at this time here we are. We have tried to enact several bills. We have accomplished nothing. As the gentleman from Oklahoma [Mr. FERRIS] tells us, millions of horsepower are running to waste, and in the meantime homes are without sufficient coal; and worse than that, our munition factories are actually shutting down for want of coal, and our Army and our Navy are being deprived of much-needed ammunition because these factories can not be run on account of the want of power. Yet here we are, with millions of horsepower running to waste. I am willing to take the chance of some mistakes, of something possibly being done wrong as a result of this action if only we get something done in this emergency. The growing need is something that will not be denied, and if this House exercises its power and authority, as it ought to, and goes before the country and presents this issue before it, the country will sustain the Congress in demanding that some action be taken, and some action will be taken as a result of it.

Mr. LENROOT. Mr. Speaker, it has been assumed by some of the speakers that there has been handed down from the executive branch of the Government, first, a bill, a confidential print of which has been made, and, second, this proposed rule creating a special committee. Now, in so far as this special committee is concerned, I wish to say that the first suggestion of this course came from myself. I am very glad that the President has adopted the suggestion and brought it before the Committee on Rules. We were confronted with this situation: As has been said, for years Congress has been endeavoring to enact water-power legislation, and it has failed in one body or the other, or there has been a deadlock in conference. Now, as has been stated, a bill has been prepared combining all the water-power propositions in one bill, and there is a very good reason for that, because the main essential principles relating to water-power legislation are common to both water powers upon the public lands and upon navigable streams. There are questions as to each that are entirely distinct. For instance, upon navigable waters we have the question of navigation. Upon the public lands we have the question of the use of the public lands aside from the actual water-power sites themselves; but the length of the charter, the conditions under which the license is to be granted, the conditions under which it may be taken over by the Government, the compensation to be charged, if any; those are principles that are common to both propositions, and legislation upon them ought to be uniform.

Mr. FESS. Will the gentleman yield?

Mr. LENROOT. Just for a question.

Mr. FESS. The bill as it now is proposed could not be referred to any one committee?

Mr. LENROOT. I am just coming to that. That being true, that this is legislation embodying more than one proposition, if this was introduced by a Member, and the Speaker, called upon to refer it, he would be compelled to choose between the Committee on the Public Lands and the Committee on Interstate and Foreign Commerce.

Each committee naturally would be jealous of its own jurisdiction with reference to this question, and there would be a contest on the floor of the House as to which committee the bill should go. The only practical thing, the only feasible thing, is to create such a committee as is proposed by this rule. I am frank to say that, while there has been no intimation, so far as I know, of anybody talking with the Speaker—I do not know of anybody who has had a word of conversation with him on this subject—I do assume that a majority of the members of this special committee will come from committees that have jurisdiction of this subject and are especially familiar with it.

In reference to the members of the committee it was suggested in the Committee on Rules that this resolution expressly provide that so many men come from this committee, so many from that, and so many from the other. That would involve this: Naturally there would be three Democrats and two Republicans to each committee, and the natural result would be that there would be a very large disproportion in the membership of that committee between the Republicans and the Democrats, and

while there is no partisanship in this proposition, when the House is so evenly divided, the Speaker ought not to be bound by any such thing, and I assume, although I have not had a word with him—I assume that when this committee comes to be appointed it will be in the ratio of 10 Democrats to 8 Republicans; but he is left entirely free in that respect.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. GARRETT of Tennessee. I am sure the gentleman would not want to leave the impression that anyone insisted in the Committee on Rules in attempting to fix the number.

Mr. LENROOT. Not the slightest. It was a tentative suggestion that that should be done, and when discussed it was unanimously agreed that the resolution should not do it.

Mr. GARRETT of Tennessee. And the question of party representation was raised by me.

Mr. LENROOT. Yes; raised by the gentleman from Tennessee himself, so there was no contest in it in that regard.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. JOHNSON of Washington. I suppose the gentleman expects that some Members will be placed on the committee who can present a minority report from the standpoint of western States and western revenue.

Mr. LENROOT. The gentleman would expect the Speaker of this House, in appointing this committee, to have all views represented in so far as they have developed themselves into groups or different lines of opinion, and that both sides will be represented on this committee.

I may say, however, that I would also expect that the Speaker, in appointing this committee, would appoint a majority representing principles repeatedly indorsed by the House of Representatives in the bills heretofore passed. [Applause.] I am willing to rest upon that and I am sure when this committee is appointed there will be representatives upon it of the two different views, because we may as well recognize that throughout all this legislation the difficulty has been that there has been a small group in this House representing one view as to the water-power legislation and the majority in the Senate have agreed with them, and a majority in this House have represented another view and the minority in the Senate have agreed with them. This resolution proposes a plan whereby we can consider this entire question with the reasonable hope that before the Sixty-fifth Congress shall adjourn we will have secured a solution of this troublesome question.

Mr. LONGWORTH. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. LONGWORTH. I agree with the gentleman that the resolution ought to be passed, but, in view of the importance of the question and it not being a purely select committee, in view of the fact that it is charged with such important legislation, why should not the committee be elected by the House?

Mr. LENROOT. The only suggestion I would make is that the same method is provided in this resolution that is provided with reference to all special and select committees. The rule in providing for the election of committees only provides for the standing committees. I do not know why the rule should be changed and enlarged at this time.

Mr. LONGWORTH. The rule provides that the Speaker shall appoint select committees and committees of conference, but this is a committee charged with most important legislation.

Mr. LENROOT. Very often we have select committees charged with most important duties, and yet under the general rules of the House the Speaker appoints those committees. This committee, while it will last through this Congress, when they report the legislation, whatever it may be, and it passes the House, its functions are over, except some members of it may be in the committee of conference. It is in every sense a temporary committee, and when the work is done the committee is gone. It will not be renewed at another session unless, perchance, this legislation should not be concluded.

Mr. LONGWORTH. Allow me to call the gentleman's attention to the fact that many Members have dwelt upon the personnel of the committee. I have not the slightest doubt but that the Speaker will be most careful in considering appointments and that the committee will be well chosen, but this very system of appointing committees has been a great issue before the country. The predecessor of the present Speaker appointed his committees most wisely, but that was not the question. It was a question of the method of appointment. If we are to have a committee which it is conceded will deal with one of the most important questions before this Congress, is it not of sufficient importance for this House to proceed and elect it and not have it appointed by the Speaker?

Mr. LENROOT. So far as I am concerned, I think the result in this particular case would be practically the same whether the House selects the committee or whether the Speaker appoints it.

Mr. LONGWORTH. The practical result was much the same before, several years ago, when we deprived the Speaker of that power.

Mr. POU. Mr. Speaker, it seems that there is one proposition about which there is no controversy. It is agreed that it would be criminal to postpone action indefinitely upon this legislation. Now, the Committee on Rules has tried to proceed by unanimous consent as near as it could, and this resolution is the result of the conference of the Committee on Rules, and it comes in here with a unanimous report.

It seems that this is the best hope for legislation of this kind. There has been nothing cut and dried about the matter. There has been no limitation put upon anybody, and nobody has any authority to speak for the Speaker of the House. All gentlemen can do is to make predictions. We present this resolution as the best hope for action from this Congress.

Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from North Carolina moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

THE RECORD.

Mr. FESS. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. Mr. Speaker, on page 837 of the RECORD of yesterday I find the following:

Mr. RAKER. Mr. Speaker, I move to reconsider the vote and to lay that motion on the table.
The SPEAKER. Without objection, that will be done.
Mr. GARRETT of Tennessee. I object, Mr. Speaker.
Mr. RAKER. I make the motion, Mr. Speaker, to reconsider the vote and to lay that motion on the table.
Mr. GARRETT of Tennessee. The gentleman can not make that motion. The gentleman can move to reconsider, but he can not move to lay on the table.
The SPEAKER. The Chair did not understand the point of order made by the gentleman from Tennessee [Mr. GARRETT]. The gentleman from California [Mr. RAKER] moves to reconsider——
Mr. RAKER. And lay that motion on the table.
Mr. GARRETT of Tennessee. No.
The SPEAKER. You can not.

That would indicate that the ruling of the Chair is that one could not make a motion to reconsider and lay that motion on the table at the same time. I rise to ask under a parliamentary inquiry whether it is not proper for a Member to make the motion to reconsider and at the same time make a motion to lay that motion on the table?

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman will permit, the RECORD does not state accurately, according to my recollection at least, what I had in mind. I did not mean to make a point of order that the gentleman could not make the motion to reconsider and lay on the table. What I intended to do was to demand a division of the question in order that I might object to the latter part of it. Undoubtedly under the general parliamentary law a Member can make a motion to reconsider and that same Member can make a motion to lay that on the table.

The SPEAKER. That is correct.

Mr. GARRETT of Tennessee. There is no doubt about that. What I desired to do and what I desired was to have a severance of the matter.

The SPEAKER. The Chair understood that, and understands it now. Both of those motions can be made. There is no necessity for making both at once—that is, you are not compelled to—but one can file a motion to reconsider any time during the day on which the thing occurs or the next day, and you can let that motion hang up as long as you please, until the end of the Congress, the Chair thinks. The motion to lay upon the table cuts out debate. The motion to reconsider is debatable. In the confusion the Chair did not know, but supposed that what was desired was an opportunity to get at the matter to-day. A Member can undoubtedly make both motions.

There is one other matter to which the Chair wishes to direct attention. Two gentlemen suggested yesterday that the Constitution provided there must be a roll call on a constitutional amendment. It does not provide anything of the sort. Everybody was rising, however, and, without ruling on the matter, the Chair ordered the Clerk to call the roll, because there was no use wasting time about it.

EXTENSION OF REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. LENROOT. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal and the disposition of business on the Speaker's table, I be permitted to address the House for 30 minutes upon the subject of the delegation of power to Congress over railroads, not to interfere with privileged business.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that after the reading of the Journal and the clearing up of business on the Speaker's table on Monday next he be permitted to address the House for 30 minutes. Is there objection?

There was no objection.

BRIDGE ACROSS MONONGAHELA RIVER, W. VA.

Mr. NEELY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 6176, to authorize the city of Fairmont to construct and operate a bridge across the Monongahela River at or near the city of Fairmont, in the State of West Virginia.

The SPEAKER. The gentleman from New York [Mr. LONDON] is entitled to 45 minutes at this time. If he is agreeable to permitting the gentleman to bring this up at this time, the Chair will put the request.

Mr. LONDON. Mr. Speaker, I yield to the gentleman upon his assurance that it will not take over five minutes.

The SPEAKER. The Clerk will report the bill.

The Clerk reported the bill by title.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I would like to have the gentleman state why there is urgency of taking this up instead of waiting until the Unanimous Consent Calendar could be called regularly.

Mr. NEELY. Mr. Speaker, I will say to the gentleman from Wisconsin that this bill is simply an extension of an act that was approved on the 17th day of April, 1916. Bonds were voted for the purpose of constructing the bridge, but because of a technical defect in the bond issue the city of Fairmont was unable to finance the project within a year following the approval of the act. Later the bonds were disposed of and the city began the construction of the bridge. The War Department stopped the construction on the ground that under the bridge law after a period of one year had elapsed from the approval of the original act, the bridge could not be constructed without an extension of time granted in a regular legal way. At the present time there is a force of men idle, and they will continue to be idle and can do nothing until the bill has been passed authorizing an extension of the time in which to construct the bridge.

This nonresident contracting firm is on the ground to do the work, but they can not proceed——

Mr. COOPER of Wisconsin. It involves, then, the payment of a lot of idle men unless this goes through?

Mr. NEELY. Precisely so.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the city of Fairmont, a municipal corporation under the laws of the State of West Virginia, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Monongahela River at or near the city of Fairmont, in Marion County, W. Va., at a point suitable to the interests of navigation, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the times for commencing and completing the construction of a bridge authorized by the act of Congress approved April 17, 1916, to be built across the Monongahela River at or near the city of Fairmont, W. Va., by the city of Fairmont, are hereby extended to one year and three years, respectively, from the 17th day of April, 1917.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. NEELY. Mr. Speaker, I move the adoption of the committee amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va."

On motion of Mr. NEELY, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT OVER.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on next Monday. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from North Carolina whether, Monday next being District day, the Committee on the District of Columbia will have any business before the House?

Mr. KITCHIN. I do not think it will, but we will meet on Monday because I understand the Committee on Indian Affairs will be ready to report their appropriation bill.

Mr. MADDEN. And that bill will be taken up for consideration?

Mr. KITCHIN. It will be taken up on Tuesday. It will be introduced on Monday, and it has to go over for a day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

NOMINATIONS TO FILL VACANCIES.

Mr. KITCHIN. Mr. Speaker, I send to the Clerk's desk some nominations to fill vacancies on committees, and move their adoption.

The SPEAKER. The Clerk will report them.

The Clerk read as follows:

SWAGAR SHERLEY, of Kentucky, to be chairman of the Committee on Appropriations.

WILLIAM E. COX, of Indiana, to be a member of the Committee on Appropriations.

WILLIAM KETTNER, of California, to be a member of the Committee on Naval Affairs.

SAMUEL W. BEAKES, of Michigan, to be a member of the Committee on the Post Office and Post Roads.

EARL H. BESHLIN, of Pennsylvania, to be a member of the Committee on Invalid Pensions, the Committee on the Merchant Marine and Fisheries, and the Committee on Patents.

The following-named gentlemen to be members of the Committee on Coinage, Weights, and Measures:

CARL HAYDEN, of Arizona.
HENRY B. STEAGALL, of Alabama.
AUGUSTINE LONERGAN, of Connecticut.
TOM D. MCKEOWN, of Oklahoma.
EARL H. BESHLIN, of Pennsylvania.

The SPEAKER. Are there any other nominations? If not, the question will be on these.

The question was taken, and the nominations were agreed to.

INCREASE IN TWO COMMITTEES.

Mr. KITCHIN. Mr. Speaker, the rules of the House provide that the Committee on Public Buildings and Grounds shall be composed of 19 members and the Committee on the Territories shall be composed of 16 members. At the first of the session, in the printed document filed by the Clerk of the House, of the standing committees of the House there was given to the Committee on Public Buildings and Grounds 20 members and to the Committee on the Territories 17 members and, therefore, it appeared that there were more vacancies than there were on those two committees. In consequence of that, Mr. GILLETT, on the other side of the House, presented nominations filling the apparent vacancies as they appeared upon the printed document, so that the Committee on Public Buildings and Grounds now has one more than it was entitled to and the Committee on the Territories one more. As I said, he was misled by this printed document, and I therefore ask unanimous consent—I have conferred with the members of the Committee on Rules and Mr. GILLETT and others before preparing this resolution—for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 222.

Resolved, That the rules of the House of Representatives of the Sixty-fifth Congress be, and they are hereby, amended so that the Committee on Public Buildings and Grounds shall consist of 20 members and the Committee on the Territories of 17 members.

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

The SPEAKER. The gentleman from New York [Mr. LONDON] is recognized for 25 minutes.

INTERNATIONAL LEAGUE FOR PEACE.

Mr. LONDON. Mr. Speaker, I ask leave to revise and extend my remarks.

The SPEAKER. The gentleman from New York asks leave to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. Mr. Speaker, on the 6th of December last I introduced the following resolution, namely:

Joint resolution (H. J. Res. 173) to initiate the organization of an international league to secure a durable peace.

Resolved, etc., That the Congress of the United States shall initiate the organization of an international league to secure a durable peace, and for that purpose shall, through the President of the United States, invite the representatives of the parliaments of all the countries now at war with the central powers to convene in joint conference, to be held at the city of Washington, D. C.

To the average man the phrase "international league" carries with it the idea of something vague, intangible, and infinitely distant. It has always seemed inconceivable that the nations of the world should be able to cooperate. The world's experience of the last three years has shown the contrary. To-day 21 nations, representing every race, every continent, every tongue, and every nationality, are engaged in a common and joint effort against four powers. We have in effect an international alliance, international cooperation, an international league. The thing that seemed a dream of dreamers has come to be true. The present world struggle is not a war between races. The Anglo-Saxon and the Teuton are of the same racial stock, although on opposite sides now.

The English language has probably one-third words of Germanic origin. Some of the States engaged in this war are not nations in any sense of the word, but are artificial States, such, for instance, as the State of Austro-Hungary, a conglomeration of nationalities and races, held together by force. It is not a war of races nor of nations, it is a war of the world against four powers, two of which are States and not nations.

The concrete problem which presents itself to us is, can we extend the principle of international cooperation, now shown by the war to be a practicable proposition, into the future? Can we extend its operation so that it will embrace the world, and can we extend it so that it should have as its primary and sole object to secure, as far as it is humanly possible, a durable peace? The four powers have so far been able to defy the rest of the world. But is it not primarily due to the fact that, with the exception of Russia, France, and England, each of the other allied powers entered the contest when it suited its own convenience? Does anybody doubt that had there been an international league to take simultaneous action against the invader of Serbia we would have been spared the present world tragedy? That a league to prevent the recurrence of war is desirable no one would dare dispute. No people on earth are for war. No man loves it, except perhaps a few savages, to be found here and there, who revert to the brute.

The normal state of mankind is peace. That it is desirable all the nations of the world and all religions agree. The fatherhood of God and the brotherhood of man constitute one of the fundamental concepts of every religious system. The pity of it is that these sacred words have been used so long by those who render lip prayer only that the phrase has lost all meaning, and one is almost ashamed to utter the sentiment. I intend to prove that not only is it desirable to establish lasting order in the relations of peoples but that much progress has been made in the direction of finding the proposition a practicable one. Astonishing progress has been made. We find a gentleman of judicial mind, a former President of the United States, Mr. Taft, uniting on the proposition of the desirability and possibility of such a league with the most extreme of extreme types, the present leader of the Russian revolutionary movement, Trotsky, who has been denounced by the press as an impossible man. We find that in the French Republic an international association to secure peace is considered one of the most vital things for which the French people are fighting. To France the organization of a world association which shall insure permanent peace is a matter of life and death. Here we have a people of a noble and distinct civilization, a people who have made contributions to the world's progress, unequaled by any other nation, but numerically much smaller than their immediate neighbors. There are only 38,000,000 of them, and right near them is a nation, an intellectually and physically vigorous people, 70,000,000 strong, and offering in a physical sense a very serious menace to their existence. And as you read the proceedings of the French Chamber of Deputies you find that nothing touches them to the quick so much as the suggestion that this war may end without a permanent association for a league to secure peace.

Take the British labor movement. And, by the way, the British labor movement is wide-awake, intelligent, and alert. They dare say things, and they are listened to. It is they that are responsible for the recent candor of Lloyd George.

In the draft of a manifesto on the war aims of British labor made public in England on December 17, 1917, by the joint action of the parliamentary committee of the Trade Union Congress and the executive committee of the Labor Party they lay special stress on the immediate necessity of making it an essential part of the treaty of peace itself "that there shall be forthwith established a supernational authority or league of nations."

This manifesto anticipated Lloyd George's definite statement of war objects by 15 days.

The Socialists of Russia demand an international league. The Socialists of Germany demand an international league to secure peace. The Socialists of the world have always demanded it. They were always wise enough to see that, no matter how much progress a nation was making, no matter how rapidly it was advancing, that the life of the country and all its progress would be checked by a conflict with another nation. They considered democratic control of foreign and international relations just as vital and just as essential as popular rule in domestic affairs.

My first act as the Socialist Representative in the Sixty-fourth Congress was to suggest in a resolution, among the terms of peace, the formation of an international court of arbitration, with the commercial boycott as a means of punishment for disobedience.

A few days ago I received by mail a pamphlet called "War and Transportation," by Calvin Thomas, ex-commissioner of docks of New York City, containing an address made before the Cleveland Chamber of Commerce on December 11, 1917. Now, the last person in the world from whom I would expect any advanced ideas would be an official of the city of New York. [Laughter.] But here it is. In speaking before the Chamber of Commerce of Cleveland he says:

National sovereignty and international anarchy are interchangeable terms.

How bold! How radical! I take it that he means to say that the attempt by a nation to say to the rest of the world, "I want this done, and I care not at whose expense; I care not whom it may injure; I care not what nation may be adversely affected" amounts to international anarchy and that war is its culminating stage.

Let me come back to Mr. Taft's proposition of a league to enforce peace.

He proposes that the nations shall form an international league to enforce peace; that there shall be a court of arbitration and a council of conciliation; that the court of arbitration shall have the power to render a decision which shall be binding upon the litigants; that the council of conciliation, as its name implies, or a branch of the same court, shall have as its function the conciliation of the disputants.

He divides that court into two parts, for the reason that he divides the disputes which arise among nations into two classes, justiciable and nonjusticiable. Justiciable disputes among nations shall be submitted to arbitration. The nonjusticiable disputes to conciliation. From time to time this international league shall meet for the purpose of working out a code of procedure and to make international law.

That each of the member nations shall obligate itself to submit justiciable disputes to arbitration, and nonjusticiable disputes to conciliation.

That all member nations shall obligate themselves to punish any nation which shall refuse to submit a dispute either for arbitration or conciliation, as the case may require.

That the nations shall use their joint military and naval forces to punish the recalcitrant nation.

That is Mr. Taft's proposition. You will notice the distinction between justiciable and nonjusticiable disputes. He proceeds upon the theory that there are certain things that no nation can afford to permit other nations to question, and so far as that class of questions is concerned he would not have any nation submit to international authority. He would reserve the right to go to war in some cases.

It is evident that so far as the internal life of a nation is concerned no outside nation has any power to intervene or interfere, but whatever affects the intercourse or contact between nation and nation becomes a matter of international concern. It should be the very object and the very reason for the existence of such a league to assure to each nation full scope to live its own life unmolested.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. LONDON. Yes.

Mr. GORDON. Would you consider the question of duties upon imports as a question of international concern?

Mr. LONDON. Personally, in order to make my position clear, I want to say that I am a free trader. I believe in free trade among nations. Protective tariffs and punitive tariffs are barriers among the nations of the world. I would see international free trade. Just as we have free trade between the Pacific and Atlantic coasts of the United States, and just as

this country has benefited by the abolition of tariff walls among the 48 States, just as free trade between the States has resulted in mutual benefit to the entire Union, just so would, in my opinion, the entire world be benefited by the abolition of tariffs. It is certainly in the interest of the nations to take up the question of tariffs. All reciprocity treaties and the "favored-nation" clause in present treaties are steps in the direction of uniformity in the commercial relations of nations.

I have dwelt so much on Mr. Taft's plan, which is, by the way, indorsed by a number of statesmen abroad, because it emphasizes the necessity of international cooperation, and not because I am in full agreement with his proposition.

The artificial theory that questions of national honor may be involved which can not be submitted to the judgment of the world, and that such questions are not judicable, is one of the most dangerous and prolific causes of conflict. Whenever there is a selfish design to be accomplished, it is usually covered up by the veil of national honor. I discussed this subject at length in one of my speeches delivered during the Sixty-fourth Congress.

The Taft plan fails to emphasize the necessity of disarmament, and as long as the nations maintain large armies and navies all treaties will be scraps of paper. As long as it will be within the power of any government to set in motion millions of armed men against any people, there will be "war and rumors of war." For the last three years the world has been trying to regain its balance and to offset the effect of the vicious blow inflicted during the first two months of the war by a powerful military machine. One of the principal objects of international cooperation must be to do away with armaments and militarism.

The present revolutionary Government of Russia in presenting its terms for universal peace demands that "peace conditions (are) to be settled by a peace congress composed of delegates chosen by national, representative bodies; diplomatists to bind themselves to sign no secret treaties, which are to be declared, by their nature, null and void" and "gradual disarmament on land and sea, and the reestablishment of militia to replace standing armies." I shall take up later their other demands.

Unfortunately, while the President of the United States has again and again urged the need of permanent international institutions to guarantee lasting peace and to reduce to the minimum the evil of armaments, the people of the United States and most of their representatives look upon these suggestions as a beautiful sentiment, a dream, which it will do no harm to indulge in, and not as a concrete, definite, and practical remedy for war.

The people fail to grasp the fact that when the President speaks of Alsace-Lorraine, of Belgium, and Serbia, and Roumania, of the readjustment of the frontiers of Italy, he speaks of world purposes and world problems; that while no treaties have been entered into, binding the United States as an ally, the old policy of isolation has been abandoned. America is in the midst of it. If the United States is not to initiate the organization of a world league to assure peace, who will? There is too much bitterness, too much hatred, there has been too much suffering on the other side of the Atlantic. They have seen too much blood.

An international congress, for the present to consist, of course, of the representatives of the parliaments of the allied countries—associates in the war—only, should be convoked without delay. With the President of the United States as the presiding officer, the conference would undertake the task of eliminating selfish national designs and of presenting the basic principles, the acceptance of which would entitle a nation to membership in a league of democratic nations.

I have promised to return to the demands of the Bolsheviki. The word "bolsheviki" is a newly coined Russian word. The Bolsheviki represent one of the two factions of the Social Democratic Party of Russia, and owe their name to the fact that at a certain party conference they were in a majority. Were we to create a corresponding English word, we would use the word "majoritists." Two groups outside of the social democrats are respectively designated by two words of Latin origin—Maximalists and Minimalists. Here are their demands, published in the New York World, by the way, the only paper, I think, that did publish them, with the exception of the New York Evening Post; so that most of the American people who read other papers are still under the impression that the international aims of the Bolsheviki represent an emanation from a lunatic asylum. Here are their demands:

(1) The evacuation of all Russian territory occupied by Germany, and autonomy for Poland and the Lithuanian and Lettish Provinces.
(2) Autonomy for Turkish Armenia.
(3) Settlement of the question of Alsace-Lorraine by plebiscite, with a guarantee of perfect freedom of vote.

A substantial group of the French Socialists take the same attitude. The refusal of the French Socialists to be represented in the last two cabinets is attributable to their moderation in the matter of Alsace-Lorraine. The British Socialists also favor a referendum. My resolution of December 6, 1915, contained a similar provision.

(4) The restoration of Belgium and indemnity for damages to be provided by an international financial fund.
(5) The restoration of Serbia and Montenegro, with indemnity for damages to be taken out of a similar international fund. Serbia, moreover, to have access to the Adriatic; Bosnia and Herzegovina to have complete autonomy.
(6) Other contested territory in the Balkans to enjoy temporary autonomy until a plebiscite is taken.
(7) Roumania to recover all territory within her previous frontiers, after promising to grant autonomy to the Dobrudja and to give effect to article 3 of the Berlin convention concerning the equality of the rights of Jews—

Roumania still being the only country in the world that follows the medieval policy of denying to the Jewish people the rights accorded to people of every other faith.

Here the principle of religious toleration is considered too elementary to require restatement.

(8) Autonomy for the regions Trent and Trieste, inhabited by Italian populations, until a plebiscite is taken.
(9) Germany to receive back her colonies.

The colonies of Germany have a population of only 12,000,000 souls. The question of their possession does not justify the sacrifice of a single life.

(10) Restoration of Persia and Greece.

AGAINST U-BOAT WAR.

(11) Neutralization of all maritime straits leading to inland seas, including the canals of Suez and Panama; freedom of commercial navigation; the cancelling of all charters during war time of enemy ships, and the torpedoing of commercial ships on the high seas to be forbidden by international agreement.
(12) All belligerents to renounce war indemnities under any form or disguise, and all contributions exacted since the beginning of the war to be refunded.
(13) All belligerents to renounce definitely any commercial boycott after the war or the institution of special customs and agreements—

And the two demands I previously referred to—

(14) Peace conditions to be settled by a peace congress composed of delegates chosen by national representative bodies; diplomatists to bind themselves to sign no secret treaties, which are to be declared, by their nature, null and void.
(15) Gradual disarmament on land and sea, and the reestablishment of militia to replace standing armies.

Mr. COOPER of Wisconsin. Will the gentleman please give the date when that appeared in that paper?

Mr. LONDON. It appeared on the 2d of January, 1918. I cut it from the New York Evening Post, which in a headline says, "The following cable dispatch was printed yesterday in the World."

Mr. COOPER of Wisconsin. That was before the President's message?

Mr. LONDON. Oh, yes.

Mr. COOPER of Wisconsin. And before Lloyd George's speech.

Mr. LONDON. Yes; before the President's message.

Mr. COOPER of Wisconsin. I will say that I have looked the papers over very carefully, and this is the first intimation I have had that there had been any such thing printed anywhere.

Mr. LONDON. It was printed in the New York World and in the New York Evening Post.

Mr. HUDDLESTON. Will the gentleman give his idea as to how the Russian terms correspond with the terms of peace enunciated by the President in his recent address to Congress?

Mr. LONDON. I have compared them, and it appears to me that most of the terms are identical with the terms enunciated by the President. There are 15 conditions in the Russian statement. One of them is that reparation to Belgium should be at the expense of an international fund, while, so far as I can recall, the President's proposed terms omitted any reference to indemnity for damages, unless the word "restoration," which he uses after "evacuation," means that.

Oh, I can imagine that if these terms had been published before the President's message and had been read from a platform in Mississippi or Kentucky or Kalamazoo by a man who happened to be a Socialist, it would probably have brought him to a lamp-post, with the encouragement of a part of our press.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. HUDDLESTON. To what does the gentleman attribute the fact that the newspapers have almost unanimously suppressed that news?

Mr. LONDON. So far as the newspapers are concerned, I said on a previous occasion, that the man who invented movable type had a just right to consider himself a benefactor of humanity; but the question is, Who does the writing? If we had a press that represented the honest opinion of the men who wrote, whether what they wrote was right or wrong, that would be a contribution to the making of thought; but when you have a newspaper which takes the most brilliant mind and enslaves it

and makes a man write things, not that his soul and heart dictate, but the things that he is paid to write, we have the worst form of prostitution, worse than the social evil. [Applause.] The great problem for democracy, using that word in the broadest sense, is how to get an honest press, how to get the people to hear the word of truth or of error honestly, independently, and courageously spoken.

Mr. PLATT. Was not a synopsis of those terms published in a great many newspapers? I am sure I read them, and I do not think I read them in either the World or the Evening Post.

Mr. LONDON. That may be; but the fact is that the men who prepared these demands were being denounced as the most dangerous lunatics that had escaped from an asylum.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman recall the lurid stories of the arrival on the Pacific coast at San Francisco of a vessel supposed to be Russian, the command of which was said to have been taken away from the captain by a committee of three or four, and which was the subject of much investigation for several days?

Mr. LONDON. Oh, the newspaper people will be making up stories if they have not got anything that is really new. A good newspaper man must have some imagination or he would not have the courage to live. [Laughter.]

Mr. MOORE of Pennsylvania. It was said of that vessel that it came as a part of the Bolsheviki movement to fraternize with the I. W. W. in the United States, and it was also said, with considerable dramatic effect, that a stack of 150 arms had been found on the vessel by which the I. W. W. was to revolutionize the world.

Mr. LONDON. Yes; and I saw the report of a collection having been taken up at one of these meetings in which they collected $2.11 to revolutionize the world. [Laughter.]

Mr. MOORE of Pennsylvania. And about a week after it appeared somewhere at the bottom of a newspaper column that the vessel had been discharged, the customs officials having declared that there was nothing wrong with the cargo or crew.

Mr. LONDON. If that was the worst thing about the press it would not be as black as it is.

Half of the time we can not find out what is going on. It is unfortunate that we do not get German newspapers and publications in the United States; it has been impossible to obtain in the Congressional Library contemporary German publications since March, 1916. I think I am correct in that statement. We do not know what is going on there. To us it is just as important to know the morale of the German people, to know what their opinions are, what they say, and what they are being permitted or prohibited to say, as it is to know the number of their regiments. This war will be won or lost by the morale of the peoples. It is a world war; it is not a war of armies. It is a war of the people, and we are entitled to know what the German people are saying, what they think they are fighting for.

As a matter of fact, German efficiency is largely a bugaboo. Once in a while we get, in a social democratic paper published in the German language in New York City, extracts of articles from Swiss or Norwegian papers; once in a while an extract of a speech delivered in the Reichstag. Less than four weeks ago we read that the German Socialist paper—the Vorwaerts—reported that 40,000,000 people were starving in Germany. The report of the various committees who investigated the conditions of the occupied Polish Provinces now in possession of Germany disclose a state of affairs which is almost unbelievable—that infants under the age of 5 have almost disappeared; that children are being brought with swollen stomachs into the hospitals, swollen because of hunger; and that tuberculosis is increasing because of starvation. Evidently the so-called efficiency means taking away everything from the civil population and giving it to the army. The incessant babbling about German efficiency is calculated to arouse the spirit of the savage and of the pugilist, a spirit which is aroused when you are told that the other fellow is getting the better of you.

If we but knew how much they suffer, if we but knew that the Imperial Government has been compelled to change chancellor after chancellor at the demand of the social democrats; if we knew that it was compelled to permit peace meetings; if we knew that all over the cities of Germany they have peace demonstrations, we would know that the enemy has reached the limit of his power and is about to yield and will be compelled to yield. [Applause.] British labor has been speaking boldly and openly. I have before me the report of a speech made in London in December, 1917, by J. H. Thomas, member of Parliament, as copied for me from the Daily Post, of London, England.

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. MOON). The gentleman has 11 minutes.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York may proceed until he concludes his remarks.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from New York may proceed until he concludes his remarks. Is there objection?

There was no objection.

Mr. LONDON. Now, here is what this British member of parliament says. After reciting that the country was near an industrial revolution in 1914, after speaking of the patriotic response made by British labor to the appeal of the Government, the paper reports him as saying:

He was sorry to think how much better it would be for us to-day if we were satisfied in our minds that the same principle, the same feelings, and the same enthusiasm that carried us through the critical months of 1914 was the spirit that is assisting us now. It was not; and no good purpose was to be served by blinding ourselves to that fact.

What was the cause of what he would call this loss of morale? In the first place, he believed that all the governments since the war began had failed to take the public sufficiently into their confidence.

During all these years we had never been told the truth, the full truth, of the situation and now we had reached the stage when, unfortunately, they did not believe the word of their statesmen.

People have begun to speak boldly everywhere. I suppose these are some of the voices to which the President referred in his last message and in his message before the last. Somebody somewhere ought to have the courage to raise his voice without being accused of disloyalty, without his devotion to the country being questioned. How can there be any American who will be disloyal to America? How can there be any citizen of the United States who will not wish good to this land? Why should a man be silenced because he has an opinion to express, a story to tell, a message to deliver, a thought to suggest? [Applause.] I am a Socialist. I have been treated fairly by you; I have no complaint to make; but once in a while I do feel like throwing something at the demagogue who dares impeach the loyalty of the Socialists of the United States.

The speaker, continuing, says:

There have been too many ambiguous phrases as to what we are fighting for. The people would be ready for any sacrifice in order to crush the spirit of militarism; but if we are to remain a people united against the dangers that confront us we must be told in clear and simple terms what are our aims.

When the President came in to deliver his last message I instinctively applauded him. As a rule I do not do that, but, somehow or other, I felt that an advance was about to be made, that a step forward was about to be taken. A clear statement of the objects of the war, even if that statement should contain things which appear to be irreconcilable, is of incalculable benefit to the human race. [Applause.] Let the central powers and the democratic elements throughout the world say, "What is there in that statement of demands, what are the things that we are going to continue to fight for?"

Is there any man in the world who wants to question the right of Belgium to be restored to herself? Is there any man in the world who wants to dispute the right of the smaller nations like Serbia and Montenegro to belong to themselves? If the central powers have the courage to dispute it, let them do so, and they will have the whole world fighting until the Government of Germany is destroyed. No declaration can be taken as the final word. But an unequivocal statement of objects brings things to an issue. The world is then called upon to approve or disapprove, to accept or reject a clearly stated proposition. One thing is quite certain, and that is that the masses are beginning to be heard from. They are taking courage to say what is in their minds and in their hearts. They do not take anything for granted, they are analyzing and studying.

And if they go back to the beginning of this great world contest, here and there a number of men will be found who will discover that the guilt was not all on one side. One of the things that makes me sick at heart is the constant use of the word "Hun." The sinking of the *Lusitania* was an act of barbarism that will never be forgiven as long as mankind exists. [Applause.] The sinking by torpedoes of commercial and hospital ships is barbarous, and is a reversion to the stage of savagery; but when you speak of an entire people as a Hun people, you do injustice to yourself and to your sense of intelligence.

What was the situation? Here we had a people reaching unity in 1871, building an empire, out of a number of small principalities. Can we ask that they shall break up again into principalities, that they should cease to be one? No. They had a large army, an efficient army. So did their immediate neighbors. Here you have a people 70,000,000 strong, just realizing the value of being a united people. In the Provinces they have

a feudal system of government, and are not democratic. As an American professor described the German Government, it is not a government of the people, it is not a government by the people, but it is an attempt to be a government for the people. Every nation has its own psychology, its own institutions.

The Germans are competing with the rest of the world in commerce, in industry, and in science. They are not by any means the greatest people upon earth, but they are a great people. What are the colonies of Germany?

The colonies of Germany contain a population of 12,000,000 souls. What are the colonies of the other countries? France, with a population of thirty-eight or forty million souls, has colonies with 44,000,000 population. Great Britain, with a population of 45,000,000, has colonies with a population of 376,000,000 souls. Of these 376,000,000 souls there are only 18,000,000 who occupy colonies with democratic institutions—in reality, republics, like the Dominion of Canada, Australia, Labrador, South Africa. The claim can not honestly be made that any one of these countries has been in the recent past less imperialistic than the other.

All of them have maintained armies and navies. It is true that naval power is not half as dangerous as military power, as a continental army. Let us assume that the British naval power has been used and will be used in the future solely for defensive purposes, as fleets are not effective for aggression, while a continental army is a serious danger to every neighbor. The presence of a large army in Germany compelled the maintenance of a large army in France, forcing France into the embrace of Russia. This war has been the nightmare of France since 1871.

One can not indict history. No man is all he wants to be. No nation can be all it would like to be. It is the Socialist theory that the principal cause of modern wars has been economic rivalry. I shall quote to you a conservative authority in support of that theory.

The Encyclopædia Britannica in its article on Europe reveals with scientific precision the clash of colonial ambitions of the European powers. It says:

The conflicting desires of several of the powers to obtain colonial possessions in various parts of the world and to forestall their competitors in the act of taking possession were bound to introduce complications in which England, as the greatest of colonial powers, would generally be involved; and as the unappropriated portions of the earth's surface at the beginning of the period under discussion were to be found chiefly in Africa, it was in the Dark Continent that the conflicts of interests mostly took place. England's chief competitors were France and Germany. Her traditional policy, except in the south of the continent, where the conditions of soil and climate were favorable to European colonists, had been purely commercial. She had refrained from annexation of territory as involving too much expenditure and responsibility, and confined her protection to the trading stations on the coast. When France came into the field this policy had to be abandoned. The policy of France was also commercial in a certain sense, but the methods she adopted were very different. She endeavored to bring under her authority, by annexation or the establishment of protectorates, the largest possible extent of territory, in order to increase her trade by a system of differential tariffs; she encroached on the hinterland of British settlements, and endeavored to direct artificially the native inland trade toward her own ports. A glance at the map of the African west coast will suffice to show the success with which this policy was carried out. When the British Government awoke to the danger, all that could be done was to prevent further encroachments by likewise annexing territory.

So that annexation and desire for annexation was not the vice of any particular nation.

To say that none of these nations had been preparing for this contest would also be a historical falsehood, but I am not going to take advantage of the kindness of the House to go into that. You can all more or less readily ascertain the facts. Bernhardi pointed out in his book, published in 1911, Germany and the Next War, that the strategic Russian roads would be completed in 1915. He predicted that it would be impossible to rely upon Italy because Italian national ambitions conflicted with her being loyal to the central powers. Incidentally, it was he who predicted the value of the submarine as a fighting machine. On the other hand, it appears from an official report, laid before the House of Commons on July 22, 1912, by the First Lord of the Admiralty—you will find it in the Britannica Yearbook of 1913—that Great Britain was officially warned of the menacing growth of the German fleet. In short, this war was not an accident. The selfish and the unselfish, the noble and the ignoble, the highest in men and the meanest combine in war. That is applicable as to individuals as well as to nations. The appeal of Belgium is an appeal to the whole world. The protest against its invasion was a protest to the conscience of the whole world. The protest against the attack upon Serbia is a protest to the world.

When Serbia was attacked by Austria, who moved against Austria? England? No; Russia. Why Russia and not England? Because Constantinople was involved. Belgium was attacked. Who took up the cause? England. Why England? Because English interests—I am not speaking in reproach but as a student of history—English vital interests were in danger. England allowed July to pass, part of August to pass, before it declared war against Austria. The crime against Serbia was surely not less infamous than that against Belgium. Each of them was entitled to the protection of the world.

It is the misunderstanding of the causes of the war and of its aims and objects that has led to the present state of distress in Russia, the land of martyrdom. Kerensky had on six or seven different occasions promised that he would obtain a clear and definite statement of the objects of the war so that the Russian people would not be asked to shed their blood in vain. That statement was not forthcoming. They all loved him, they respected him. He represented no faction, no narrow group, but on six or seven occasions he deceived the people by promising them a clear statement of the objects of the war, and instead of a clear statement there was an outpouring of polysyllables from the inexhaustible English vocabulary. You can not feed people with words all the time. Here is what the President said in December——

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. LONDON. Yes.

Mr. MILLER of Minnesota. Before the gentleman takes up that subject. Who does the gentleman mean by the term "people of Russia"? Who was it Kerensky deceived?

Mr. LONDON. I do not say he deceived them, he certainly did not deceive them intentionally. I should have used the word "disappointed." I mean by the people of Russia the man who tills the soil; the man who walks behind the plow; the man who is called upon to sacrifice his life by fighting; I mean by the people of Russia the illiterate, the poor, and the ignorant as well as the intellectual, the peasants as well as the big landowners who speak a little French and are cultured. I mean by the people of Russia those who have lived there and have been suffering there all their lives. It is the people of Russia in whose behalf the President of the United States has made a warm and noble appeal in his last message delivered to the American Congress. [Applause.]

Mr. MILLER of Minnesota. If the gentleman will yield for another inquiry. Does the gentleman mean the people of Russia are those who are now working for Germany and the Kaiser?

Mr. LONDON. Oh, but the President has disposed of that.

Mr. MILLER of Minnesota. Who has?

Mr. LONDON. The President of the United States has disposed of that.

Mr. MILLER of Minnesota. He may have for the gentleman from New York but not for anybody else of whom I know.

Mr. LONDON. I hope the gentleman from Minnesota does not assume to speak for the entire American people? [Applause.]

Mr. MILLER of Minnesota. It is quite certain I voice the sentiment of the American people a heap sight better than the gentleman from New York who is now on his feet and addressing the House.

Mr. LONDON. I guess I better disregard the gentleman from Minnesota. I am dealing with big things.

How many years did it take the United States, the little Republic of 3,000,000 souls, to establish a stable form of government? You had the Whiskey Rebellion. You had the confederation struggling for years to establish a government. You had constitutional conventions composed of the best minds of America, who many times gave up the hope of framing a constitution. And after all, the builders of the Constitution had to compromise with slavery, knowing well that some day it would lead to civil war. You can not take 180,000,000 people and organize them in a day. It is only the selfish and the unthinking who would condemn 180,000,000 people who have struggled for centuries and have finally overthrown an autocratic form of government. The rest of the world sympathizes with that long-suffering people. [Applause.]

Had the allies made a definite declaration five or six months ago Russia would have been saved to them to-day. And even to-day Russia exhausted, bleeding at every pore, starving Russia, repudiates a selfish peace and pleads for the peace of the world. [Applause.]

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. LONDON. No; I do not like the tone of the gentleman, who attempts to speak as the father confessor for the American people.

Mr. MILLER of Minnesota. Mr. Speaker, a parliamentary inquiry. How much time has the gentleman received in the House?

The SPEAKER pro tempore. The gentleman has spoken one hour exactly.

Mr. MILLER of Minnesota. How much more time has the gentleman?

The SPEAKER pro tempore. As much as he needs.

Mr. MILLER of Minnesota. The gentleman was extended the privilege——

Mr. LONDON. I did not want to be offensive. If I was, I am sorry.

Mr. MILLER of Minnesota. The gentleman from New York was never sorry for anything in his life.

Mr. LONDON. I am always sorry if I happen to do a wrong, and I am always man enough to attempt to correct it.

Mr. MILLER of Minnesota. Will the gentleman now yield for an inquiry?

Mr. LONDON. A relevant inquiry.

Mr. MILLER of Minnesota. Does the gentleman approve of the efforts on the part of the present Russian Government to make a separate peace with Germany?

Mr. LONDON. What nonsense. Why should the gentleman ask that question when he knows that I sent a cablegram to the president of the Soldiers and Workmen's Council in April of last year suggesting that a separate peace was a danger to Russia and a danger to the world? I sent that message, getting myself into trouble with the pacifists, who instead of possessing the idea of peace is possessed by that idea. Why should the gentleman ask me that question?

Mr. MILLER of Minnesota. I repent it.

Mr. LONDON. I have just praised Russia's effort to bring about universal peace. Is it not a condemnation of the theory of a separate peace?

Mr. MILLER of Minnesota. The gentleman is opposed to the present movement?

Mr. LONDON. I deny there is a present movement for a separate peace. On the contrary, these men are to-day speaking for universal peace. But one should have patience with a people who are in the agony of a revolution and of war. Men are abnormal in time of war. How much more difficult is it to be normal when war is added to revolution.

Mr. PLATT. May I suggest that anybody who reads John Fiske's Critical Period of American History will find that we were in very much the same state, not in all respects, of course, but almost as hopeless, in founding a stable government.

Mr. LONDON. I have read a number of works on that period of American history. I have in my bedroom a volume on the French Revolution, and when things look very dark in Russia I take up one of those volumes and find how much better things are in Russia. For one thing, the guillotine is not busy.

All I want is to urge the necessity of taking up for discussion the basic principles upon which a permanent peace can be established for the world and by the world. I am an opponent of anarchy. I hate disorder. I detest with every fiber of my being the abuse of physical force and the taking advantage of the weak by the strong. I detest it in industry when it takes little children and exploits their helplessness for profit. I detest oppression. I am for order. I stand for order and for peaceful methods. I love America not because it is the best that can be given to mankind, but because of the opportunity it affords to fight for better things, and so long as that opportunity exists we will have better things.

Democracy does not guarantee to be wise; democracy does not guarantee to be always just; but it is always wiser and always more just than the little groups who speak in the name of the peoples. I stand for order in the relation of each man to his nation and of each citizen to the government to which he owes loyalty and of each nation to the rest of the world. That is why I advocate the necessity of international order instead of international chaos, international destruction, and international anarchy. I thank you, gentlemen. [Applause.]

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Mr. Speaker, I ask leave to proceed for 30 minutes, to reply to the gentleman from New York [Mr. LONDON].

The SPEAKER pro tempore (Mr. MOON). The gentleman from Illinois asks unanimous consent to proceed for 30 minutes. Is there objection?

Mr. MILLER of Minnesota. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from New York [Mr. LONDON] a question in the utmost good faith. It will take only a moment if the gentleman from Illinois will kindly withhold.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr Speaker, if the gentleman from New York [Mr. LONDON] will give me his attention, I would like to ask him a question before he takes his seat.

Mr. HUDDLESTON. Mr. Speaker, I make the point that the gentleman has yielded the floor.

The SPEAKER pro tempore. The point is well taken.

Mr. MILLER of Minnesota. I ask the gentleman from Illinois to yield to me for one minute in which to ask the gentleman from New York a question.

The SPEAKER pro tempore. The gentleman from Minnesota asks leave to proceed for one minute. Does the gentleman from Illinois yield to the gentleman from Minnesota?

Mr. RAINEY. Yes; pending my request for 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota [Mr. MILLER] and that of the gentleman from Illinois [Mr. RAINEY]?

There was no objection.

Mr. MILLER of Minnesota. My question is this: Which nation mobilized her troops first and started this war?

Mr. LONDON. The cause of this war, if the gentleman please, was the attack by Austria-Hungary upon Serbia.

Mr. MILLER of Minnesota. I confess that. I agree with the gentleman on that.

Mr. LONDON. And there is no doubt but that Austria-Hungary would not have taken that step unless it had been supported by the Kaiser and his crowd.

Mr. MILLER of Minnesota. I agree with that. Who mobilized his troops first?

Mr. LONDON. It is not a question of who mobilized first, but who was responsible for the mobilization.

Mr. MILLER of Minnesota. I wish the gentleman would answer that question.

Mr. LONDON. I take it for granted that the first to mobilize was Austria-Hungary.

Mr. MILLER of Minnesota. No; Russia.

Mr. LONDON. I mean against Serbia.

Mr. MILLER of Minnesota. Yes; of course.

Mr. LONDON. The spark that started the conflagration came from Austria-Hungary.

Mr. MILLER of Minnesota. Does not the gentleman think that the quickest and only way to get a peace for democracy is to——

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired. The gentleman from Illinois [Mr. RAINEY] is recognized.

PROMOTION OF EXPORT TRADE.

Mr. WEBB. Mr. Speaker, with the permission of the gentleman from Illinois [Mr. RAINEY], I ask unanimous consent that the bill H. R. 2316, known as the export bill, with Senate amendments thereto, be taken from the Speaker's table, that the Senate amendments be disagreed to and the conference agreed to, as asked for by the Senate.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the House bill 2316, to promote export trade, and for other purposes, be taken from the Speaker's table, the Senate amendments disagreed to, and the conference asked by the Senate agreed to. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 2316) to promote export trade, and for other purposes.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the bill be taken from the Speaker's table and the conference agreed to, as asked for by the Senate.

Mr. WEBB. Yes; I ask that the bill be taken from the Speaker's table and a conference agreed to, as asked for by the Senate.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Chair appoints as conferees on the part of the House Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD.

DECLINING AMERICAN BIRTH RATE.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to print in the RECORD an address by Louis I. Dublin, statistician of the Metropolitan Life Insurance Co., delivered before the American Association for the Advancement of Science on December 29, 1917, concerning the decline of the American birth rate. It is an interesting document which should not be allowed to die.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to extend his remarks in the RECORD by inserting the adress referred to. Is there objection?

There was no objection.

The following is the address referred to:

THE SIGNIFICANCE OF THE DECLINING BIRTH RATE.

[Address of retiring vice president, Section I, Social and Economic Science, American Association for Advancement of Science, Pittsburgh, Dec. 29, 1917, by Louis I. Dublin, statistician, Metropolitan Life Insurance Co.]

It is a custom of this section, I believe, for the retiring vice president to select for his address a subject of national interest in the field of social economy. He is expected to avoid narrow and technical discussion of specialties, but he may properly summarize the important works of other investigators in specialized fields to show their trend and bearing, and he may also point out the direction which further research should take. These requirements of the occasion are all the more necessary now, in view of the circumstances under which we are living. We are going through a period of serious conflict. Our Nation is at present engaged in concentrating its resources of men, of materials, and, above all, of thought to make itself felt in the world struggle for preserving civilization. This is no time for trivialities or for small detail. Under these conditions the Section on Social and Economic Science of the American Association may be expected to have a message of national import. It would be almost common to take your time and attention for anything but a topic of the widest practical significance in the present national emergency.

With these considerations in mind, I have chosen as the subject of this address the significance of our declining birth rate. I have done so with considerable hesitancy, because of the difficulty of the subject and the importance of its present lesson. I shall count also on your forbearance, hoping that you will forgive the incompleteness and sketchy character of my argument. The study of American demography has convinced me that we are concerned with a problem of the greatest possible moment. Changes have been progressing in the internal structure of our population which have, for the most part, escaped attention and which, if allowed to continue, will result in very serious national embarrassment. Conditions of war bring into relief the necessity for a vigorous and efficient population. It is not too much to say that the present tendencies in our national and family life are such as seriously threaten the development of those groups in the population on which we must rely for vigor and efficiency in thought and action.

The declining birth rate has received but little scientific attention in the United States. It has been, however, the subject of very careful investigation in Europe. During the last 50 years the birth rate has declined in virtually every country of the civilized world. Some countries have been affected more than others, but the phenomenon has been observed in extreme form in one country, namely, France. France has made an experiment in birth control on a national scale. All the parts of that experiment, including the end result, are now on view and available for scientific observation and comment. Before the present war France had already reached a point where her birth rate had decreased to a point below her death rate; her population was actually decreasing. But for 10 years before that time the approaching crisis had called for the careful attention of her best minds.

A commission on depopulation, composed of statesmen and sociologists, was appointed to study the problem, and a comprehensive report on the sources of depopulation was prepared. This report is too elaborate for detailed description here. I shall rather present the situation for France, as I understand it, in broad outline, bringing into relief only the main findings of the commission.

Let us consider the growth of population during the last century in the three leading countries of western Europe, namely, France, the United Kingdom, and the States composing the German Empire. At the beginning of the nineteenth century France was the leader of the three countries, with a population of about 29,000,000. The States which now compose the German Empire were second, with a population of about 23,000,000, and the United Kingdom stood third, with a population of about 18,000,000. A century later we find the situation totally changed. The German Empire headed the list with a population of nearly 65,000,000; the United Kingdom was second, with a population of 45,000,000; and France was third, with a population of only 39,000,000. In other words, while the population of the German Empire had nearly trebled and the United Kingdom had increased to two and one-half times its earlier numbers, the population of France had increased less than one-half. Further inspection of the figures show that a marked change in the rate of increase of the population of France occurred about the year 1860. At that time France was still in the lead and had already reached a population of 37,000,000. After that date it increased only 2,000,000, while Germany in the same period almost doubled in population. In 1811 the population of France constituted 16 per cent of all Europe. One hundred years later the French population constituted only 9 per cent of the total.

This situation for France may be accounted for principally in terms of its declining birth rate. Such figures as I have for France show that at about 1830 the rate was 30 births per 1,000 of population. The last available figure for 1914 was 18 per 1,000; the death rate was 19.6 per 1,000. This was the first war year, but already in 1911 the death rate, 19.6, exceeded the birth rate, 18.7. The reduction of more than one-third in the birth rate during the 80 years was both gradual and continuous. On the other hand, the birth rates in the German Empire and in the United Kingdom continued high, over 30 per 1,000 up to 1895 in the latter and up to 1909 in the former. Since then the birth rates have declined rapidly in both countries, but the enormous increase in population for both Germany and the United Kingdom were achieved before the changes in the birth rate began to make themselves seriously felt.

We are not concerned entirely with gross totals of population. Equally significant is the internal structure of population. As we shall see later, changes in the constitution of a population almost invariably appear with changes in the birth rate. This will become clearer by comparing the ages below which one-quarter, one-half, and three-quarters of the total populations of Germany, of England and Wales, and of France, respectively, are found. Thus, one-quarter of the population of Germany is under age 11, one-quarter of the population of England and Wales is under 12 years of age, whereas one-quarter of the French population is under age 14 years. Again, one-half of the population of Germany is found under 23.5 years, one-half of the population of England and Wales is below 26 years, while one-half of the French population is below age 30. We find, finally, that three-quarters of the population of Germany is below age 41 years, of England and Wales is below 42 years, and of France is below 49 years. These figures show clearly that the average age of the French population is considerably higher than that of the other two countries. Its youth and its strength form a smaller part of its total population, while its old and its dependents form a much larger part. This, we shall find, is an invariable consequence of a decreasing birth rate, which reduces the proportion of the young and thus brings into relief an undue proportion of the aged.

The declining national birth rate of France is also severely selective in character. The reduction of the birth rate has affected mostly those who are both economically and socially best fitted to bear and to raise a family to maturity. A careful classification by Bertillon of the number of children per 100 families in Paris shows that the very poor have the largest number and the very rich the smallest number of children. The order of size of the family is invariably the reverse of the order of economic condition. Since economic status is highly associated with efficiency and social worth, low birth rates in the best equipped groups of the population can have but one effect on the vital constitution of the next generation, namely, a decline in constructive effort for national development.

Evidence suggestive of such decline in national development is afforded by the fact that coincident with a rapidly declining birth rate France has had a high and rather stationary death rate during the last quarter of a century. England, through the development of its public-health service, reduced its death rate to under 14 per 1,000 in the year before the war (1913), when France had a death rate of 4 per 1,000 higher. In spite of the low French birth rate, the infant mortality rate has not been low and has been coupled with a high still-birth rate. The death rate from tuberculosis in France has recently come into public notice here because of war conditions, but it was high before the war. The acute infectious diseases, including typhoid fever, which have so readily lent themselves to control in other European countries and in the United States, show unsatisfactory death rates for France. In fact, we find in this country, side by side with a low rate of reproduction, evidence of indifference to the conservation of the valuable lives that are born. A disturbing element in the French situation to-day is the lack of a national public-health program. Is it not possible that such conditions follow directly from the absorption in the community of those earnest and able men who everywhere further progress along social and economical lines? These leaders of the nation are absent because they were not born. It would seem from the facts that where the psychology of a people permits depopulation to go on for a long period unchecked other evil tendencies of national life appear, such as indifference to the obligation of maintaining high standards of public health.

It is painful to say these things at this time, and I should refrain from referring to them were it not for the necessity of emphasizing the facts which so directly affect our own American population problems.

The experience of England has been much less acute, although the tendency of the most recent years has been fully as disturbing as that in France during the previous decade. In the 5-year period between 1871 and 1875 the birth rate was 35.5 per 1,000 of population. In the period 1911 to 1914, inclusive, the birth rate was only 24 per 1,000. The reduction in the birth rate in England has been accompanied, to be sure, with a very healthy decline in the death rate. In the forty-odd years since 1871 this has decreased from 22 to less than 14 per 1,000; whereas the decreasing birth rate in France did not accompany any appreciable reduction in the death rate. The rate of natural increase has, however, declined in England from 13.5 in the period 1871 to 1875 to 10.1 per 1,000 in the period 1911 to 1914. England was still increasing in population at the rate of 1 per cent annually before the war. The reduction in the rate of natural increase and certain internal changes in structure of population had, however, become a source of apprehension to English statesmen, and a commission of qualified experts was appointed to study and report on the problem. Their findings have been available for some time and may be summarized as follows:

The birth rate has declined to the extent of approximately one-third during the last 35 years.

This decline has not been due to any large extent to a decline in the marriage rate or to a rise in the mean age at marriage or to other causes diminishing the proportion of married women of fertile age in the population. The decline has been due rather to a conscious limitation of fertility in the large mass of the population.

The decline in the birth rate, although general, has not been uniformly distributed over all sections of the community. It has affected primarily those economic and social groups which, as we have shown for France, are best able to bear and maintain a good-sized family. Thus we find that the number of legitimate births per 1,000 married males under 55 years in England and Wales was 110 for the upper and middle classes and 213 for the unskilled workmen, with a maximum of 230 among the miners. The birth rate is greater as the economic and social status is lower.

Internal changes of population are taking place in England very similar to those observed in France. Under the influence of the decreasing birth rate the average age of the population of England and Wales is rising and the proportion of old persons is, of course, correspondingly increasing. If we keep in mind also that the mortality rates of females at the adult ages are progressively lower than those for males we are not surprised to find that the increasing proportion of old people is greater among females than among males. While there were, for example, 119 females per 100 males in 1871 at the ages 65 and over, the number in 1911 had become 132. The disturbing element in this picture is that the population is growing older not only through the increased longevity of its constituents but more especially through the decreasing reenforcement from its youth, and, due to the operation of mortality, that there is a progressive excess of females over males at the older ages. The situation in England may be summed up in the words of her leading demographer, Sir J. Athelstane Baines, as follows: "In the last 40 years the proportion of people of an age to marry has materially increased, but they marry less and later in life, and thus, to some extent, cause a reduction in the number of births. The main cause of the falling birth rate, however, is the decline in the fertility of the married due to the voluntary restriction of childbearing, a decline which has been especially rapid since the beginning of the century. The effects of the fall in the birth rate have been neutralized, until within the last few years, by a still greater fall in the death rate. The improvement has not been so marked amongst the very young and the old as at adolescence and in the prime of life. While, therefore, the rate of natural increase has diminished less than the fall in the birth rate would indicate, it has been maintained at the expense of the young."

"As the proportion of infants with a high mortality decreased, that of the ages of low mortality increased. The death rate went down, and the balance of population became economically favorable. But as the supply of infants diminishes relatively to the rest of the community, and their elders pass from their prime into the time of life when mortality is heavy, the proportionate supply of potential parents of the most prolific ages tends to decrease, the birth rate falls more

rapidly, and the death rate begins to rise, leaving the margin of natural increase alarmingly narrow. The result is an older and less vigorous people, and, as the vitality of women is greater than that of men, more of the former sex reach maturity, and they last longer, so that a relatively small and probably wholesome numerical superiority at the working ages is converted into a growing preponderance of old women in the vale of life."

I shall now present the situation for the United States. Superficially the facts of American population growth present a very favorable picture. Each successive census has shown a marked increase in our total population over the preceding one; that for 1910 showed an increase of nearly 16,000,000 live over 1900, or 21 per cent. Such data as we have for births and deaths indicate a similar situation. Our birth rate is probably about 25 per 1,000, and the death rate for the entire country not far from 15 per 1,000. The difference between the birth rate and the death rate, the rate of natural increase, is about 10 per 1,000, or 1 per cent annually. The rate is much the same as we found for England and Wales in the year before the war. No one should find fault with a rate of natural increase of 1 per cent per year. The population problem of France would be considered on a fair way to solution if that country could maintain for a period of years a rate corresponding to even one-half of that which we now enjoy in the United States.

The difficulty with our American situation is that we have been satisfied with a gross showing. We have not looked underneath the surface to observe the various tendency in the several groups of the population and in the several sections of the country. The marked increase in our total population is in large measure the result of two factors, (1) immigration and (2) a high rate of increase in the foreign born rather than in our native stock. This is shown by the constantly diminishing proportion which the native whites of native parentage form of the total white population. In 1870, for example, this group formed 67.8 per cent of the total white population in the United States, while in 1910 it had decreased to 60.5 per cent. The proportion of the foreign stock correspondingly increased during these 40 years. These figures are accentuated if we turn to certain areas of the country. Thus, in the New England States the proportion of the native white stock decreased from 52.3 per cent of the total white population in 1890 to 40.3 per cent in 1910. In the Middle Atlantic States the native white stock decreased from 51.8 in 1890 to 44.8 in 1910. In these important areas the native stock is playing an ever smaller part in the composition of the total population. In fact, a very definite tendency toward depopulation has already fastened itself upon a large part of the native stock of the country.

There has been a marked and continuous reduction in the birth rate in the United States for a period of years. In the absence of comprehensive birth statistics, such as are available for European countries, we must turn to other sources which are clearly indicative of the changes which have occurred in the birth rate. We may use, for example, the number of children under 5 per thousand women in the child-bearing ages, namely, 15 to 44 years, inclusive.

Prof. Willcox in a recent paper has shown that this proportion has decreased about 50 per cent in the course of the last hundred years. At the beginning of the century there were 976 children under 5 for every 1,000 women between the ages of 15 to 44 years, whereas in 1910 the number was only 508 per thousand women at these ages. During the 60 years between 1850 and 1910 the number of children under 5 per thousand women at the childbearing ages decreased in the United States by 191, or at an average of 32 in each decade. The rate of decline in the recent decades has been so rapid that Prof. Willcox suggests amusedly that if it were continued over a period of a century and a half, which is a comparatively short time in the life of a nation, there would be no children at all at the end of that time.

The decline in the birth rate in the United States has been, as elsewhere, selective in character. In Massachusetts, for example, where the best American data on birth rates are available, we find first, that there has been a continuous decrease in the birth rate during the last 40 years, and, second, that this decrease has been most marked in the native stock. In 1910 the native stock had a birth rate of 141.9 per thousand; the foreign-born birth rate was 49.1 per thousand. In the same year the native death rate was 16.3 per thousand, while the foreign death rate was only 15.4. There was thus an excess of deaths over births corresponding to a net annual loss of a little more than one-tenth of 1 per cent of the native stock, while there was an annual increase of 3.4 per cent among the foreign born population.

A tabulation of a significant sample of the population returns for the 1910 census shows similar differences in the fecundity of women of native and foreign parentage. In a group of women under 45 years of age, who were married for a period of from 10 to 20 years, the average number of children was found to be 4.1 per married woman. The women of native parentage, however, showed an average of only 2.7 children, whereas the women of foreign parentage showed an average of 4.4 per married woman. In like manner it was found that 7.4 per cent of the women under 45 years, who had been married 10 to 20 years, had borne no children. The women of native parentage had borne no children in 13 per cent of the cases, whereas the women of foreign parentage had borne no children in only 5.7 per cent of the cases. In view of the fact that very few children are born to women who have been unproductive for a period of at least 10 years, we may consider these figures as fairly reliable indices of sterility in the two groups. We find that close to 40 per cent of the married women of native parentage had borne only one or two children, whereas the women of foreign parentage showed only 19 per cent of their number in this group. Finally, only about 10 per cent of the women of native parentage had 5 children or more, whereas 33 per cent of the women of foreign parentage belong in this group.

I hope I am not assuming too much when I infer that these figures show selection in the decline of the birth rate. The race stock which laid the foundations of our institutions during the critical period of our national existence is, in large areas of the country, no longer maintaining itself and its place is being taken gradually but surely by foreign races, which, as we have seen, are reproducing very rapidly.

Additional evidence of the selective character of the declining birth rate is presented in special studies on the size of families of college graduates and of men of science. Thus Phillips, in his work on the birth rate among graduates of Harvard and Yale Universities, shows that the number of children born per married graduate has fallen from about 3.25, in the decade 1850 to 1869, to a little over 2, in the decade 1881 and 1890. Similar facts are observed in the statistics for other college graduates, but none are so low as those for the graduates of colleges for women. Thus we find that the number of children per married woman graduate of Smith College was only 1.5, of Vassar 1.6, of Bryn Mawr 1.7, and of Holyoke 1.8. Even more significant is the ratio of children per graduate, which for all of these colleges is less than one, due to the fact that less than 50 per cent of the graduates of women's colleges marry. Prof. Cattell further shows in his study of 643 American men of science that the families from which the scientific men had come had an average of 4.7 children, while these scientific men who were married and whose families were complete had an average of only 2.3 children, these figures including all the children born. We shall later see how far from adequate such an average number of children is for maintaining the status quo in the respective groups.

In the preceding discussion I have referred frequently to the number of children per family in groups of our population, and have intimated that some families were small, that others were fairly normal, and that others were large. You may now properly ask me what the average number of children per family should be. The answer to the question depends upon the point of view, namely, upon the amount of natural increase one would wish to see in a generation. As there is likely to be a difference of opinion on this point, I shall attempt to show only what the number of children in a family must be, under present conditions, in order that the population may remain stationary; anything above this figure will mean natural increase, anything below will mean a decrease in population.

It is obvious that the basis of every family is two individuals. The question then resolves itself as follows: How many children must be born to every family in order that two individuals may be raised to maturity? The number of children born must be more than two for a number of reasons. The first is the fact of mortality. The death rate is exceptionally high in the period of childhood, amounting in the first year of life to about 10 per cent of the children born. If we begin with 100,000 at birth and trace them through from year to year, we find that about 75,000 are alive at the average age at marriage. This is according to the mortality rate that prevails over a large portion of the United States. The rest have died. This fact alone would make it necessary that every marriage result in an average of two and one-half children in order that two persons may attain the average age of marriage and replace their parents in the population. But this assumes, first, that all persons marry, and, second, that every marriage is productive. As a matter of fact, all persons do not marry. In our own country from 12 to 15 per cent do not marry until after the reproductive period, if at all. A considerable proportion of marriages, over 7 per cent, are sterile. When we make the necessary corrections in our figures, the average number of children per family which must be born is increased to close to four in order that the stock may maintain itself without increase or decrease.

I say without hesitation that a large part of the native stock of this country is in this sense not maintaining itself. It is not producing the four children that are necessary to perpetuate the stock. This fact is true primarily for those families in the population which, by economic and social standards, are best able to bear and rear families. On the other hand, those groups in our population which are economically and socially less able to raise families are still producing on the average in excess of the minimum necessary to maintain the status quo. As a result, the balance of population is in favor of the less economically efficient. The best blood of America is being constantly thinned out by the exercise of a conscious limitation of births and is being replaced by a stock of a different order. Our national standards are being leveled to meet more and more the lower quality of our population.

If I have succeeded in making a plausible diagnosis of one of our national ills, will you permit me also to suggest a remedy for the condition? I should say, at the outset, that since many causes have been at work to produce the end result which I have described, it will require many lines of action to improve the situation. I shall, however, suggest some thoughts which seem to me to reach the heart of the problem more nearly than any others.

The State is largely responsible for the present condition. The system of education which it has provided for the youth of the country has failed for the most part to inculcate national ideals. Our young people have grown up without a broad outlook on life. They have been taught to think in terms of personal convenience and advancement, and not in terms of the common good. Democratic education is a failure if it neglects to make provision for the character of its future citizenship. Our young men and women must be taught to realize early that we do not live for ourselves; that our intellectual, economic, and social advancement must be carried forward not only as tradition but more especially in terms of new, vigorous, and worthy personalities. Our educational system must make our various racial groups conscious of their best traditions and instill desires to see their better strains strengthened and increased as a foundation of the greater democracy of the future.

The education of our women is especially faulty in this regard. Our schools and colleges, with few exceptions, direct the thoughts and energies of our girls away from ideals of normal home life and center them upon personal refinement or upon personal ambition. It is no uncommon thing to find that girls have gone through their entire college course without a single occasion when the subject of their place in society as mothers and wives was given serious consideration. No wonder that our educated women think mainly of "careers" or of pleasures offered by society as the aim of existence. These are all false gods which smother the natural and wholesome instincts which every species possess to insure its maintenance. The old virtues of womanhood need restatement today. Whatever else women learn in the schools they must be educated for their place as mothers, and democratic education must make efficient provision for this primary function.

The State is guilty of another sin. It has made no provision to reward, either substantially or with esteem, the women who, realizing their obligation to the State, are willing to bring up families of normal size. The bearing and rearing of children is costly, both in energy and in funds, and must act as a check on personal ambition and on the enjoyment of the freedom and pleasures of social life. A family of four children requires all the attention of the thoughtful and capable woman. Her success as a mother will be at the expense, in the majority of cases, of her achievement in other fields. It is not asking too much that such a woman should be favored with the admiration of the community in which she lives and not, as at present, with its contempt, misanthropy and pity. The State may find it expedient, likewise, to encourage parenthood by considering the size of the family as a factor, among others, in fixing exemptions from taxes.

Individual selfishness is at bottom the source of the evil I have described. An increasing number of men and women do not assume the marital state or, when married, do not raise a family of children because they prefer to live better than their forebears and to spend more

on themselves than would be possible if they had children to raise and educate. Under present conditions children are not an economic asset. Restrictive compulsory education and child-labor laws make children an expensive luxury which only the poor can afford. In fact, there is no very good reason, on the score of personal comfort alone, why individuals should assume the obligations and sacrifices which large families entail. Such, indeed, is the logical conclusion of our growing materialism.

Yet the shallowness of this attitude must be obvious. Men and women who to-day are rallying to the defense of the country in war time need not be reminded that we live not for ourselves but rather for the fuller life of the community. If only the same spirit would animate us in times of peace, more would then meet their obligation to the State through parenthood. A new citizenship would then arise which would be worthy to receive the noble traditions from our past and to carry our civilization forward into the future. Our appeal must be made to the religious impulse in our individual lives. It will require all the religious power latent in our people to set us right. I do not mean the mandate of any particular religious sect but rather the ethical force which arises within us when we realize clearly our relation to the community about us and the obligation which this relationship involves. The problem of the size of the family, like a whole host of other important social questions, will be solved only when men realize the holy purpose of life, that we are here to add to the sum total of the common good; in a word, that we must leave the world better than we have found it.

In conclusion, let me emphasize the need for birth release among the healthy and normal people of our country as a primary national duty. Such release must be conscious and deliberate, the act of will of free individuals who thus express a highly moral purpose.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. RAINEY] is recognized for 30 minutes.

SOCIALISM IN AMERICA.

Mr. RAINEY. Mr. Speaker, it is with some hesitancy that, without any preparation, or even with most careful preparation, I enter into a discussion of these matters with a man who has on so many occasions in this House demonstrated himself to be a master of debate. [Applause.] I have listened with great interest to the scholarly address of the gentleman from New York [Mr. LONDON]. We have been fortunate in having in this House, whenever we have had representatives of the Socialist Party, scholarly, capable, pleasant gentlemen, and the gentleman from New York is the peer of any of them in these particulars.

The difficulty about socialism is that as it presents many of its propositions you can not disagree with them. With unalarming advance socialism proceeds in this country and the world, holding, always, every position it gains. I am unwilling to agree with the position that the gentleman takes so positively and with so much force, that the principles enunciated in the President's message to this country and to the world, proposing terms of peace, were discovered by the Socialists of Russia, or were discovered by the Socialists of any other country in the world. Prior to the opening of this awful war, before the invasion of Belgium, 600 peace societies were at work in the civilized nations of the world, every one of them proclaiming as fundamental principles those 14 or 15 propositions contained in the President's message. Our own Declaration of Independence proclaims the right of peoples to govern themselves, and that is the principle which underlies the several peace propositions submitted by the President of the United States; first of all, the right of nations, great or small, to govern themselves and to work out their own destinies. And then there follows, as a matter of course, if that principle is to be recognized in the world, the principle that the nations must disarm, in order that none of them may become strong enough to threaten the existence of smaller and weaker nations. The Socialists of Russia, in announcing these propositions, discovered nothing new; and the fact that a few days later, or about the same time, Lloyd-George, speaking for Great Britain, announced substantially the same propositions, and that a few hours later the President of the United States announced, in substance, the same propositions does not prove that any priority of discovery rests with the Socialists of Russia.

I have been interested in his discussion of this subject to-day, because the gentleman from New York [Mr. LONDON], with splendid ability and profound scholarship, goes back to the propositions announced by Carl Marx, the greatest of all socialists, and calls attention to socialism in its international aspect; without an international character socialism can not succeed in this world.

And now I want to call the attention of this House to the remarkable advance of socialism among the nations of the world, and of socialistic theories here in these United States. The differences between the parties as at present organized and as this war proceeds are absolutely academic. There are no tariff differences worth mentioning in view of these great questions which loom upon the horizon of the nations. The world is being made over in the fiery ordeal of war, and after this world war closes you will see in this country, in all probability a realignment of parties, greater and more pronounced than occurred during the period of the Civil War and after the Civil War to meet these new issues. Socialism tenders the greatest of all of them. The time is approaching in this country and in the world for the nations and the statesmen who lead the thought of the nations to determine whether or not socialism is the correct theory upon which nations shall conduct themselves through the centuries to come. Now, let us see how far we have proceeded in this country in the direction of socialism.

The gentleman has discussed Russian socialism in its international aspects. The gentleman is not in harmony with the expressions of his own party in this country or in Germany; and if socialism in this international aspect means what these propositions indicate, the propositions which it is alleged they have submitted to Germany, then there seems to be no apparent present international danger from the spread of socialism. But within the boundaries of Russia as they existed recently socialism is developing and developing with a wonderful rapidity.

We must remember that 80, and perhaps 90, per cent of the people of Russia are illiterate. They are not to blame for that. They are struggling through illiteracy—let us hope the millions there are struggling toward the light. They believe they are. I remember as I stand here some of the facts of Russian history. I remember that during the early centuries of the Christian era the Slavs, protected by the towering heights of the Carpathian Mountains, slowly developed and spread over Russia, without any organization, because they did not need any organization; without any head men, without any chiefs, without any central organization of any kind, because they were in no danger from their neighbors. Rome had extended her boundaries as far in that direction as she cared to extend them, and under these circumstances and without any sort of a government the Slav nations developed until they spread over Russia. Then there came the failure of the Byzantine Empire, and the necessity for protection against their enemies; and the socialistic theories which prevailed then, although they did not call it socialism and had never heard of its principles, of course were unable to protect them against their enemies. They invited the Russ, the Norsemen of the Baltic Sea, great blond warriors, who came down there at their invitation, covered with iron armor, and built castles outside of their villages, and exacted a military tribute. And then, following the advent of the Russ, there came the Tartars, and then the Muscovite kings, and from that developed the Romanoff régime, which lasted until a recent period, and which cemented these vastly different types of people at least into one great nation.

The situation in Russia to-day is this: Ninety per cent of the population, an illiterate population, following a few dreamers, have thrown off the Russ, the Tartar, and the Muscovite king influences, and have harked back to the ninth century, when they had only village organizations, and nothing else.

They will develop in time as other nations have, and if it takes them as long as it has taken other nations to develop from an organization of that kind into the present modern State, it will take 1,000 years. I hope the Russians are proceeding in the proper direction, and that they are working out their proper salvation.

PRINCIPLES UPON WHICH ALL RUSSIAN FACTIONS AGREE.

As I stand here I recall the principles upon which all elements in Russian politics to-day are united, including the Don Cossacks, who are small land owners. They stand united upon these three propositions: First, the giving of the land to the peasants; second, the distribution of the profits of industrials among the workingmen; third, the compelling of the well-to-do to pay all the expenses of the Government. In harmony with the latter proposition, they have confiscated the deposits in the banks of Russia, with the guarantee only that the smaller deposits will be protected for the smaller depositors. And if we are to believe the reports which reach this Capital City, they have confiscated even the deposits in the banks placed there by this Government to maintain in their capital city an embassy representing the greatest Republic in the world. These tendencies are not encouraging.

HOW FAR HAVE WE PROGRESSED IN SOCIALISM?

Now, let us see how far we are proceeding in this country in the direction of socialism. It may be all right in its international aspects according to present international world politics, as explained so ably and so clearly by the gentleman from New York [Mr. LONDON]; but as an interior force within the nations it is obtaining its expression in Russia to-day, and we know what it means. I am not ready to agree to the spread of socialistic theories, so far as I am concerned.

Now, let us see how far we are progressing in that direction. We have taken over the railroads with the approval of all their employees, and with the vociferous and apparently unanimous approval of the owners of the railroads themselves. And the fact that the owners of the railroads approve the taking over of the railroads is evidenced by the fact that they are so anxious

to acquire more and more of the stock that the stock is increasing in value almost by leaps and bounds. The employees of the railroads are all for the proposition, because they expect larger compensation for their services. The owners of the railroads are in favor of the proposition because they expect from their investment a larger and a more assured income.

The millionaire owners of railroads, the million or more employees of railroads, are proceeding in the same socialistic direction, demanding more and more compensation, and expecting it now to be guaranteed by the Treasury of the United States or paid out of the Treasury of the United States. We sit here to-day face to face with the proposition that one-fifth—certainly one-sixth—of the adult voting population of the United States are either directly or indirectly on the national pay roll, and that you have here the power to increase or decrease their compensation. I know of no railroad employee, I know of no Government employee, who does not want his compensation increased. They are willing, all of them, that it be done out of the Treasury of the United States, and there is no definite objection or protest against this by any party or any definite section of the population of this country. All of them apparently stand for it, and that is socialism, of course.

We just agreed to a resolution a few minutes ago in this House which means the ultimate ownership and control of the water-power possibilities in this country by the Government itself. In 50 years from now it will mean it, they say, and if Government ownership proceeds to gather momentum with the rapidity that it has in the recent weeks it will not be long until we take them over. We are already controlling the distribution of the coal supply. It is not logical to control the distribution of coal unless you control also the coal mines of the country. The owners of the coal mines will not object, and the millions of employees who work in the mines will not object. If you take over the coal, why not take over the copper mines and the iron mines. The owners of those mines will not object, because it means that under our theory of government we must compensate them. We can not confiscate their property. They are willing to be compensated and to live without effort on their part their lives hereafter, their compensation insured out of the Treasury of the United States.

If you take over all these things, why not take over the instruments for the distribution of intelligence. That is the logical thing—to take over the telegraph and the telephones of the country. It is just as logical to control them as it is to control the Postal Service of the country. You will find that the owners will not object; they will be satisfied, because it means an easy income for them and for their children, paid out of the Treasury of the United States as long as they may live, or an adequate lump-sum compensation for the taking over of their property. And so we plunge along, being irresistibly drawn in this country into the very maelstrom of socialism.

The Government can do any one thing better than any one private individual or any one group of individuals. The Government can control the railroads better than private individuals. The Government can control the telephone and the telegraph better than private individuals. The Government can do any one thing better than any individual or any aggregation of individuals can do it. But when the Government commences to do them all, what sort of a situation are you up against?

HOW SOCIALISM MAY COME.

When the Government commences to control all these things, with the approval of all the employees of these industries, with the approval of all the owners, then that party which favors the perpetuity of Government control and ownership when this war ends—that party which pledges its unequivocal support of these things—will win in the elections, of course. There will be enough voters believing themselves to be compensated out of the Treasury to make it possible for that party to win, and when that party wins under these circumstances socialism has arrived in this Nation. Then there comes these other things to which so large a portion of the people of the United States seem to be chaining themselves without knowing it—a different method of holding land—perhaps it will be a single-tax system or a method of communal ownership. If everybody is compensated by the State, then there must be a confiscation of private property and private incomes. All of the parties in Russia, including the Don Cossacks, have declared against private ownership of any kind of property. The Don Cossacks, in their resolutions a short time ago, as announced in the papers of this country, say that confiscation of land applies only to the large estates, that estates as large as they own will not be taken. And so we plunge along on this perilous road without setting any danger signals.

I have heard able socialistic speeches made upon the floor, none abler than the gentleman from New York [Mr. LONDON] can make; but I have never heard a Member of Congress during my long period of service here who has had enough courage to rise in his place on this floor and express dissent from any of the propositions or tendencies to socialism in this country, and the time has now come when you must do it or submit. We must do the things we are now doing in order to win this war. When the war ends it is going to be a difficult matter to maintain our methods of government as they now exist and as they have existed from the days of the founders. It is going to be an easy thing to sink into socialism with all that socialism may mean to the people of the country. While we are making the world safe for democracy we must not make it safe for socialism.

IS THE SOCIALIST PARTY LOYAL?

I do not want my friend from New York to "throw anything at me," and I am sure he will not say that I am a "demagogue" if I question the loyalty to this Government in this present crisis of the party he represents here in this body. So I am simply going to read from recent declarations as expressed by them in their emergency convention held here in the United States just after we declared war.

Mr. LONDON. Mr. Speaker, will the gentleman yield for a moment?

Mr. RAINEY. I prefer not to yield now.

Mr. LONDON. I would ask the gentleman as a favor to yield to me at this moment.

Mr. RAINEY. I will do anything for the gentleman as a favor except to agree to follow the gentleman in his socialistic career.

Mr. LONDON. The word "recent" in connection with the war will not be applicable to that statement. That statement was adopted a short time after the declaration of war—a few days—in the excitement in the change of the national situation.

Mr. RAINEY. The gentleman is right. When I said that it was a recent declaration I did not mean that. I meant, and I think I said, that I am about to read the declaration of the principles of the Socialist Party in the United States, which immediately followed our entry into this war, and it was made while the declaration of a state of war was being discussed and unanimously approved by the loyal citizens of the United States. Mr. Speaker, the Socialists are splendidly organized; they can get their conventions together quickly, and the 200 men who assembled in that emergency convention to prepare a platform for the Socialists of the country, in the dangerous emergency which confronted this Nation, spoke for the Socialists of the Nation, and they have had no further meetings since in which they have revoked their position or their doctrines. These are their serious pronunciamentos, the planks in their war platform. With reference to our recent declaration of war, with the news still going over the wires every day that in violation of all moral law, in violation of all treaties, in violation of all laws of the seas, Americans were being murdered upon the seas, in spite of the fact that at that very moment great ships with the American flag painted upon their sides were lying at the bottom of the British Channel, sunk by a treacherous enemy, while claiming to be our friend, they said in this convention of theirs, referring to our entry into the war—and I quote the exact language:

> Our entry into this war is a crime against the people of the United States and the nations of the world.

That is what the Socialists of this country stood for then; that is what they stand for this day. I have heard no repudiation of that principle from the gentleman from New York [Mr. LONDON], who represents all the Socialists in the United States here in this body. Is that consonant with loyalty? Will any loyal body of the citizens of the United States agree to such a proposition as that? With the spectacle of bleeding Belgium, of unfortunate Serbia, presented to us, with the news of the outraging of women and the murder of children coming to us every day, while the red glow of the burning villages of Belgium covered the skies, they say that our entry into the war was a crime against nations. A crime against what nation? Was it a crime against unfortunate Belgium? Was it a crime against bleeding Serbia? Was it a crime against the people of northern France being cruelly murdered by the merciless invaders? The proclamation proceeds, and I quote again the exact language of this latest Socialistic platform in the United States:

> In all modern history there has been no war more unjustifiable than the war in which we are about to engage.

I know my friend would not charge me with being a demagogue. I do not say such expressions are disloyal. It is unnecessary for me to say that—it is unnecessary for any loyal

citizen to say that—but that language speaks for itself. It spoke for itself at that time and has spoken for itself throughout the months that have passed since it was first uttered.

I proceed to read again from this latest platform of the Socialist Party of the United States. They proceed then to pronounce against the delusions——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to proceed for 15 minutes more.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. RAINEY. After referring to the delusions of so-called defensive wars, they say—and I quote again:

The only struggle which would justify the workers in taking up arms is a struggle of the working class of the world to free itself from economic exploitation and political oppression.

In other words, the Socialists of these United States are pledged by this platform against this war. They are pledged by this platform to engage in no war except a war which permits them to take up arms against their own exploitation here in this country and against the political oppression which they may find here. Many of them came here from the oppressed sections of other countries and they seem to have become leaders of the Socialists of the United States, and they come here claiming in this convention that the only fight the Socialists of the United States will make is a fight against this great Government; that they will take up arms in this Nation for the purpose, and for the purpose alone, of overcoming the present method of doing things here. Now, is that loyalty to this Government or is that disloyalty? You know and the country knows what that is, and I am not here for the purpose of designating what that is.

Any patriotic citizen of the United States knows whether that sort of an argument, whether that sort of a platform, is loyal or disloyal. It comes as near grazing the edge of treason as any expression I have heard in this country from any one man or from any body of men. And so, unless we are careful, this world menace of Socialism, plausibly proceeding and gaining ground slowly and in an unalarming manner, is the real issue of the future.

PRESENT AND FUTURE ISSUES.

We have been divided here in the United States upon the question of the tariff. We never got out of the protective tariff more than the sum of $333,000,000 a year in the peak year of the Payne-Aldrich tariff bill. We attempted to reduce the Payne-Aldrich tariff bill to $280,000,000. As a matter of fact, in our peak year under the Underwood bill, until the war interrupted its procedure, we got $225,000,000 a year. A tariff bill can be arranged by imposing maximum rates upon all schedules which will yield $400,000,000 and that will not mean protection. It will mean that certain schedules must be lowered. It will not mean free trade, but will mean certain schedules must be higher, but as compared to the stupendous budget which will confront this country when this war is over the question of a protective tariff or a tariff for revenue only is from a standpoint of revenue absolutely negligible. If this war continues three or four years longer—and it will in all probability—if this war continues that much longer we have staring us in the face, if we retire a billion and a half dollars of bonds a year, and we must retire that much—we have staring us in the face an annual budget of, how much? An annual budget of $6,000,000,000, and the $80,000,000 of tariff fluctuation we can get for the Treasury or take out of the Treasury is absolutely negligible.

If the parties in this country as at present organized continue these mock battles of theirs upon issues which are now absolutely academic, upon little issues that do not deserve consideration in this present great age of the world—when the world is being made over—if they continue that sort of course, they will find confronting both of them the specter of socialism in this land as well as throughout the world. The question is, Are you ready for it? Do you stand for the things that Russian socialism—and that is the only nation that has ever had an opportunity to express itself upon this question—do you stand for the things they stand for in Russia, or are you opposed to them?

Do not deceive yourselves. The old order is changing in the world. These new issues are presenting themselves with great force, and they must be met. And it is the province of the political parties of this country to express themselves along these lines and to get ready when this war is over to lower the floodgates; to return, if they can, to the same methods of holding property; to adhere to same methods of holding land; to reestablish and maintain the methods of administering the affairs of the people of this Republic under which we have prospered and progressed—the methods which have prevailed in the world since the birth of the modern state. [Applause.]

WITHDRAWAL OF PAPERS.

Mr. CALDWELL, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Lizzie Yarker, H. R. 9344, Sixty-fourth Congress, no adverse report having been made thereon.

Mr. BROWNE, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of John P. Chesley, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

SUFFRAGE RESOLUTION.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that House joint resolution No. 1, a resolution proposing an amendment to the Constitution of the United States extending the right of suffrage to women, be laid on the table.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that House joint resolution No. 1 be laid on the table.

Mr. WEBB. Otherwise the calendar would have to carry it for the remainder of the session, and nobody wants that.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. RAINEY. Mr. Speaker, let me inquire if permission has been granted to adjourn over until Monday?

The SPEAKER pro tempore. Yes; it has.

Mr. RAINEY. Then I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House, under its previous order, adjourned until Monday, January 14, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting communication from the Secretary of State submitting supplemental estimate of appropriation required by the State Department for the fiscal year 1919 (H. Doc. No. 784); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of Agriculture, transmitting detailed report of the expenditures of all moneys appropriated thereunder during the period from August 10 to November 15, 1917, inclusive (H. Doc. No. 785); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8061) granting a pension to Emily Ballard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6226) granting a pension to William W. Cravens; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1024) granting a pension to Francis G. Babcock; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 8625) to accept from the Southern Oregon Co., a corporation organized under the laws of the State of Oregon, a reconveyance of the lands granted to the State of Oregon by the act approved March 3, 1869, entitled "An act granting lands to the State of Oregon to aid in the construction of a military wagon road from the navigable waters of Coos Bay to Roseburg, in said State," commonly known as the Coos Bay Wagon Road grant, to provide for the disposition of

said lands, and for other purposes; to the Committee on Public Lands.

By Mr. MEEKER: A bill (H. R. 8626) to confer jurisdiction on the Court of Claims to inquire into whether or not the immigrant Cherokees by blood are entitled to be reimbursed for lands allotted to intermarried white persons from lands granted to immigrant Cherokees by blood under treaty of 1835 and the patent of December, 1838, from the United States Government to the Cherokees by blood and their descendants, and inquire into and determine the validity of the treaty of 1866; to the Committee on the Judiciary.

By Mr. MERRITT: A bill (H. R. 8627) making an appropriation for the improvement of the harbor of Stamford, Conn.; to the Committee on Rivers and Harbors.

By Mr. TAGUE: A bill (H. R. 8628) to increase the cost of the immigration station at Boston, Mass.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8629) to extend the provisions of the bond and warehouse statement to merchandise free of duty; to the Committee on Ways and Means.

Also, a bill (H. R. 8630) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

By Mr. OSBORNE: A bill (H. R. 8631) providing a Liberty Loan bond redemption fund, for the purpose of stabilizing and maintaining at par the various series of liberty loan bonds which have been issued by the United States, and making an appropriation therefor; to the Committee on Appropriations.

By Mr. KNUTSON: A bill (H. R. 8632) authorizing the expenditure of a portion of an unexpended appropriation for the improvement of a road in the counties of Cass and Beltrami, in the State of Minnesota; to the Committee on Indian Affairs.

By Mr. FULLER of Massachusetts: A bill (H. R. 8633) to establish a common-commodities commission; to the Committee on Agriculture.

By Mr. SABATH: A bill (H. R. 8634) to prohibit speculation in cotton or wool; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIARD: A bill (H. R. 8635) to establish in the District of Columbia a laboratory for the study of the criminal, pauper, and defective classes; to the Committee on the District of Columbia.

Also, a bill (H. R. 8636) to assist the worthy mother who by reason of insufficient property or income or lack of earning capacity is unable to support her children; to the Committee on the District of Columbia.

By Mr. MOON: A bill (H. R. 8637) to amend the act approved June 25, 1910, establishing postal savings depositories, and acts amendatory thereof, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. DYER: A bill (H. R. 8638) to amend sections 9 and 10 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 8639) to exempt persons engaged in agriculture from military service, and for other purposes; to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 8640) granting to the State of Minnesota certain public lands; to the Committee on the Public Lands.

Also, a bill (H. R. 8641) to authorize the erection of a public building at Litchfield, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8642) authorizing the erection of a public building at Marshall, Minn.; to the Committee on Public Buildings and Grounds.

By Mr. BLANTON: A bill (H. R. 8643) to authorize the President to further increase temporarily the Military Establishment of the United States; to the Committee on Military Affairs.

By Mr. KREIDER: A bill (H. R. 8644) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SABATH: Resolution (H. Res. 221) providing for a clerk for the Committee on Alcoholic Liquor Traffic; to the Committee on Accounts.

By Mr. VOLSTEAD: Joint resolution (H. J. Res. 213) proposing to amend the Constitution of the United States to authorize the Congress to enact laws to define and limit the causes for divorce; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 8645) granting an increase of pension to Walden Kelly; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 8646) granting an increase of pension to Daniel Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8647) granting an increase of pension to Albinus Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8648) granting an increase of pension to Joseph R. Moore; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 8649) granting an increase of pension to Andrew Sigerfoos; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8650) granting an increase of pension to William C. Blyler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8651) granting a pension to Abraham G. Hendryx; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 8652) for the relief of John P. Chesley; to the Committee on Claims.

Also, a bill (H. R. 8653) granting a pension to Bernard Klatt; to the Committee on Pensions.

By Mr. CRISP: A bill (H. R. 8654) granting a pension to William F. Graham; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 8655) to authorize the Secretary of the Interior to issue deed to G. H. Beckwith for certain land within the Flathead Indian Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. FOSTER: A bill (H. R. 8656) granting an increase of pension to Jacob H. B. Leuty; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 8657) for the relief of Richard A. Schwab; to the Committee on Claims.

By Mr. HOLLINGSWORTH: A bill (H. R. 8658) granting an increase of pension to Iven Brandon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8659) granting an increase of pension to Stephen Brooks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8660) granting a pension to Mary C. Thompson; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 8661) granting an increase of pension to Elizabeth Williams; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 8662) granting a pension to Anna K. Sabin; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 8663) granting an increase of pension to Thomas H. Wilson; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 8664) granting a pension to Olaf H. Heiele; to the Committee on Pensions.

Also, a bill (H. R. 8665) granting a pension to Charles Ducber; to the Committee on Pensions.

Also, a bill (H. R. 8666) granting a pension to Richard M. Van Dervort; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 8667) for the payment of certain claims for travel pay from the place where honorably discharged to place of enlistment, growing out of service in the Army, as reported by the Court of Claims; to the Committee on War Claims.

Also, a bill (H. R. 8668) for the payment of certain soldiers' claims growing out of service in the Army, as reported by the Court of Claims, known as three months' pay claims; to the Committee on War Claims.

By Mr. LESHER: A bill (H. R. 8669) granting an increase of pension to C. F. Deivert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8670) granting an increase of pension to Oliver E. Yohey; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 8671) granting an increase of pension to Arthur W. Brittingham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8672) granting an increase of pension to Susan Owens; to the Committee on Pensions.

Also, a bill (H. R. 8673) granting a pension to Fred H. Williams; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 8674) granting an increase of pension to Henry Sonders; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 8675) granting an increase of pension to Alvin O. Thayer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8676) granting a pension to Elmer R. Harrington; to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 8677) granting a pension to Burton Erwin; to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 8678) granting a pension to Rebecca Buffington; to the Committee on Invalid Pensions.

By Mr. WHITE of Ohio: A bill (H. R. 8679) granting an increase of pension to Henry W. Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8680) granting an increase of pension to Charles Delong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8681) granting an increase of pension to John T. Waxler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8682) granting an increase of pension to Barbara J. Boothby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8683) granting an increase of pension to Joseph D. Heston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8684) granting a pension to Louis Settles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8685) granting a pension to Alonzo Hutchison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8686) granting a pension to Adam Mikel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8687) granting an increase of pension to Alexander Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8688) granting a pension to Anna M. Bremigam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8689) granting a pension to Ida McCoy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8690) granting a pension to Alvanes P. Henery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8691) granting a pension to Annie Hoover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8692) granting a pension to Matilda Cass Lipps; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 8693) granting an increase of pension to Reuben J. Smith; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 8694) granting an increase of pension to Marvin J. Boughton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petition of F. W. Oulcott, of New York, favoring passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mabel Gordon Parker, of Brooklyn, N. Y., asking passage of resolution for investigation of the O. G. Library League; to the Committee on Rules.

Also, petition of National Association of Chiropodists, favoring bill for appointment of podratrists in the Army; to the Committee on Military Affairs.

By Mr. FLSTON: Petition of railway postal clerks of San Francisco Bay region, favoring increase in salaries; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petition of 1,235 citizens of the twelfth congressional district of Massachusetts, favoring the Federal suffrage amendment; to the committee on Woman Suffrage.

By Mr. HOLLINGSWORTH: Memorial of Hon. C. S. Speaker, chairman, Lisbon (Ohio) Division of National Defense League, against peace or relaxation of American efforts until German militarism is decisively defeated; to the Committee on Military Affairs.

Also, evidence in support of the bill granting increase of pension to Iven Brandon; to the Committee on Invalid Pensions.

Also, evidence in support of the bill granting an increase of pension to Stephen Brooks; to the Committee on Invalid Pensions.

Also, evidence in support of the bill granting pension to Mary C. Thompson; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: Resolution of 1,200 citizens of Rhode Island, favoring passage of Federal suffrage amendment; to the Committee on Woman Suffrage.

By Mr. LUNN: Petition of American Defense Society of the State of New York, asking passage of a bill to punish all persons, etc., responsible for pro-German activities; to the Committee on Military Affairs.

By Mr. MEEKER: Memorial of Board of Aldermen of St. Louis, Mo., favoring bill authorizing the completion of the municipal free bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Tenth Ward Improvement Association of St. Louis, Mo., favoring time extension for the completion of the municipal free bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Branch 343, of St. Louis, Mo., of the National Association of Letter Carriers, in favor of H. R. 1654, providing for an increase in salary of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of A. H. Shields and other old soldiers of Havana, Ill., against $25 pensions for widows while many soldiers are drawing less than $20; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Resolution adopted by the City Council of Minneapolis, Minn., urging Congress to enact legislation to punish persons interfering with the Government in the prosecution of the war; to the Committee on Military Affairs.

SENATE.

MONDAY, *January 14, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, our hearts are saddened as we come together by the news of the death of another Member of this Senate. We thank Thee for the life and character of the distinguished Senator who has gone from our midst. We will cherish his memory. He was among us who served faithfully and devotedly the interests of his country, kind and generous in his friendships, patriotic, and consecrated to the highest ideals of Christian civilization. We pray that Thou wilt impress us this day with the great fact that in the midst of life we are in death, that we may catch the inspirations of life from the sweet memories that linger with us of those who have gone before us and conform our lives to the Divine ideals, that we may be ready for the passage into that eternal world beyond. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last when, on request of Mr. MARTIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

COMMITTEE SERVICE.

Mr. MARTIN. Mr. President, at the request of the Senator from South Carolina [Mr. SMITH] I ask that he be excused from further service as a member and chairman of the Committee on Immigration, and at the request of the Senator from Georgia [Mr. HARDWICK] I ask that he be excused from further service as a member and chairman of the Committee on Industrial Expositions.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MARTIN. I ask unanimous consent that the following committee assignments may be made. I send the order to the desk and ask that it may have immediate consideration.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

Ordered, That Senator SMITH of South Carolina be appointed chairman of the Committee on Interstate Commerce;

That Senator HARDWICK be appointed chairman of the Committee on Immigration;

That Senator CHAMBERLAIN be appointed a member of the Committee on Coast Defenses;

That Senator JAMES be appointed a member of the Committee on Interstate Commerce; and

That Senator JOHNSON of South Dakota be appointed a member of the Committee on Public Lands.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 2316) to promote export trade, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6176. An act extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va.; and

H. R. 8490. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

HOUR OF MEETING TO-MORROW.

Mr. MARTIN. I move that when the Senate adjourns to-day it adjourn to meet at 10 o'clock a. m. to-morrow.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 6176. An act extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va., was read twice by its title and referred to the Committee on Commerce.

H. R. 8490. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

DEATH OF SENATOR JAMES H. BRADY.

Mr. BORAH. Mr. President, it becomes my painful duty to announce the death of my colleague, which took place in this city at his home yesterday at 6.30 p. m.

This is not the time, Mr. President, to enter upon a discussion of the life and services of Mr. BRADY. On some future day I shall ask the Senate to set aside a time to consider his life and public services.

For the present, Mr. President, I offer the following resolutions and ask for their consideration.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 182.

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. JAMES H. BRADY, late a Senator from the State of Idaho.

Resolved, That a committee of 10 Senators be appointed by the Vice President to take order for superintending the funeral of the late Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The Vice President, under the second resolution, appointed the Senator from Idaho [Mr. BORAH], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Utah [Mr. SMOOT], the Senator from Ohio [Mr. HARDING], the Senator from Wyoming [Mr. WARREN], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Colorado [Mr. THOMAS], the Senator from Utah [Mr. KING], the Senator from Florida [Mr. FLETCHER], and the Senator from Kentucky [Mr. BECKHAM] as the committee on the part of the Senate.

Mr. BORAH. Mr. President, as a further mark of respect to the dead, I move that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 15, 1918, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 14, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, source of all our longings, hopes, and aspirations, strengthen our arm of faith, that we may draw near to Thee, be inspired with brighter hopes, a deeper, purer love for Thee and our fellow men; that selfishness may depart, evil cease, and brotherly love prevail; that godliness may enrich the heart, the home, society, the Nation, wars vanish, and the world become a better dwelling place for all classes and conditions of men.

To the glory and honor of Thy Holy Name. Amen.

The Journal of the proceedings of Friday, January 11, 1918, was read and approved.

LEAVE OF ABSENCE.

Mr. BYRNS of Tennessee. Mr. Speaker, Mr. EVANS, of Montana, is detained at home this morning in his apartment on account of sickness. I want to ask that he be excused for a week on that account.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Montana [Mr. EVANS] be excused for one week on account of sickness. Is there objection?

There was no objection.

Mr. HAWLEY, by unanimous consent, at the request of Mr. SINNOTT, was granted leave of absence for an indefinite period on account of sickness.

By unanimous consent, at the request of Mr. LEVER, leave of absence was granted to Mr. WHALEY on account of serious illness of his brother.

LEAVE TO PRINT.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent to print in the Record a very brief statement from the New York Times relative to the meeting of the New York Bar Association on Saturday night, in which a statement appears from Mr. Hughes relative to the moral and eloquent leadership of President Wilson.

The SPEAKER. Is there objection to the gentleman's request?

Mr. WALSH. I object.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to file the report on the Indian appropriation bill at any time before 12 o'clock to-night, as if the House were in session.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to file the report on the Indian appropriation bill at any time before 12 o'clock midnight, whether the House is in session or not. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Kansas reserves all points of order on the bill.

WITHDRAWAL OF PAPERS.

The SPEAKER. The Chair lays before the House the following letter, which the Clerk will report.

The Clerk read as follows:

JANUARY 12, 1918.

Hon. CHAMP CLARK,
Speaker of the House of Representatives:

I hereby ask unanimous consent to withdraw from the files of the House, without leaving copies, the papers in the case of Mary M. Murray, no adverse report having been made thereon.

EDWARD E. BROWNE.

The SPEAKER. Without objection, the permission will be granted.

There was no objection.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 30 minutes.

Before the gentleman begins, the Chair wishes to announce again that the easy way and the short way to get leave of absence is to write a slip out and give it to the Clerk. We will get through a heap quicker.

Mr. ASHBROOK. Mr. Speaker, I notice that every day Members submit requests to withdraw papers from the file room. I wonder why this is, when Members can go there and withdraw them.

Mr. CAMPBELL of Kansas. I understand the rule to be that if an adverse report has been made, the files can not be taken out. If an adverse report has not been made, the files can be taken out.

The SPEAKER. The gentleman from Illinois [Mr. MANN] expounded that question once, but I have forgotten the reason he gave.

Mr. FOSTER. They can not get the papers unless the bill to which they refer has already been introduced and is before the committee.

Mr. CAMPBELL of Kansas. I know what the prevailing and controlling reason is, that in the case of a bill on which an adverse report has been made the papers can not be taken from the files.

Mr. ASHBROOK. I would like to inquire if they can be withdrawn, even with the consent of the House, when an adverse report has been made?

Mr. CAMPBELL of Kansas. Not without leaving copies.

The SPEAKER. Is the answer of the gentleman from Kansas satisfactory?

Mr. ASHBROOK. It is partially so.

LEAVE TO ADDRESS THE HOUSE.

Mr. HAMLIN rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. HAMLIN. I ask unanimous consent that I may address the House for not to exceed 30 minutes, when the gentleman from Wisconsin [Mr. LENROOT] shall have finished, on the subject of the war.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at the conclusion of the remarks of the gentleman from Wisconsin [Mr. LENROOT] he be permitted to address the House for 30 minutes on the subject of the war. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, may I have the attention of the gentleman from North Carolina [Mr. KITCHIN]? I understand that after the speeches

scheduled for to-day there is going to be no other business before the House?

Mr. KITCHIN. We expect to adjourn out of respect to the memory of the late Senator BRADY from Idaho.

Mr. TREADWAY. Mr. Speaker, may I have five minutes before the gentleman from Missouri?

Mr. KITCHIN. I suggest to the gentleman from Missouri that he wait until to-morrow.

Mr. HAMLIN. At the suggestion of the gentleman from North Carolina, Mr. Speaker, I am perfectly willing to wait until to-morrow.

Mr. KITCHIN. The gentleman can get time on the Indian appropriation bill.

Mr. HAMLIN. If I can get it on the discussion of the Indian appropriation bill, I will withdraw my request.

The SPEAKER. Does the gentleman from Missouri withdraw his request?

Mr. HAMLIN. Yes; I withdraw my request.

The SPEAKER. Does the gentleman from Massachusetts [Mr. TREADWAY] desire to make any request?

Mr. TREADWAY. No, Mr. Speaker; I will defer my request as the gentleman from Missouri has done.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized.

Mr. LENROOT. Mr. Speaker, in the President's proclamation taking over the railroads for the duration of the war there is an assertion of power by him and attempted to be delegated to the Director General of Railroads which should receive the attention of Congress and the country. I refer to that paragraph of the proclamation reading as follows:

Until and except so far as said director shall from time to time otherwise by general or special orders determine, such systems of transportation shall remain subject to all existing statutes and orders of the Interstate Commerce Commission and to all statutes and orders of regulating commissions of the various States in which said systems or any part thereof may be situated. But any orders, general or special, hereafter made by said director shall have paramount authority and be obeyed as such.

This is a declaration upon the part of the President that during the time the railroads of the United States shall be in his possession in behalf of the Government all statutes of the United States, all orders of the Interstate Commerce Commission, and all statutes of the various States and orders of State commissions relating to railroads may be suspended by him, acting through the Director General whom he has appointed. I confidently assert that no such power has been delegated to him and none can exist unless expressly delegated by Congress. If this power does exist the Interstate Commerce Commission may be deprived of all of its functions by the Director General except the drawing of their salaries. The safety appliance acts, the boiler-inspection act, the hours-of-service act, the eight-hour law, the statutes providing for reasonable rates and prohibiting discrimination, all can be suspended if the Director General shall so order.

I do not now propose to discuss whether such a power should be delegated to the President, but only the question of whether it has been delegated. The power exercised by the President in taking over the railroads is declared in the proclamation to be founded upon the acts of Congress declaring a state of war to exist between the United States and the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, and by section 1 of the act approved August 29, 1916, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes." The last-named act, so far as it relates to this subject, reads as follows:

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

The power conferred by this act is plainly stated. It is to take possession and assume control of the railroads and utilize the same to the exclusion, so far as may be necessary, of all other traffic thereon for the purposes named. There is no language in this act from which any implication can be drawn that the President is given power to set aside or suspend any existing statutes relating to railroads. I think I am safe in asserting that when this act was passed no Member of Congress ever dreamed that under it a power to set aside the laws enacted by Congress would be asserted. While there are certain statutes affecting railroads that will not affect them while in possession of the Government, it is not because of any power of the President to suspend them, but only because under the now existing conditions they are no longer applicable. A most important illustration of this is the statute against pooling. This statute can not be set aside or suspended, but it will have no applicability so long as the railroads are in the possession of the United States, for while they are in this condition there is for practical purposes but one single control expressly authorized by Congress and therefore there can be no diversified interests to be pooled. Exactly the same situation would arise if Congress should authorize one single Federal corporation to take over all of the railroads of the United States, and that corporation did so. The statutes of the United States in that case against pooling would not apply to the business of that corporation, for there would be no competition and no other railroad with which a pooling agreement might be made. Therefore, as in the present case, while the antipooling statute would remain it would not apply; but the statutes of the United States providing for the safety of the public and railway employees, the prevention of unjust and discriminatory rates, and delegating to a tribunal of the United States the power and duty of enforcing these statutes, still stand with full force and effect.

Although I do not know upon what particular ground this power is asserted, I assume that it may be based upon the general principle that the sovereign authority is not bound by the general words of a statute unless expressly named therein, and that it may be argued upon this principle that the various statutes of the United States relating to railroads, inasmuch as they do not expressly name the United States being bound by them, if it should own or control a railroad, that the United States is not bound. But while the doctrine is sometimes stated in as broad language as I have just put it, it is subject to very important qualifications, and these qualifications clearly take the present case out of the principle. The correct rule is that where general words in a statute would, if the sovereign was included, divest it of any prerogative, right, title, or interest which it theretofore had, then, and in that case, the sovereign will not be deemed to be included in the general words, but where general words are used in a statute the purpose and object of which is to promote the public welfare and prevent injury and wrong, then and in that case the sovereign authority is deemed to be included in such general words without being expressly named therein. If then I have stated the correct rule, it is plain that the statutes that I have specifically named were enacted to promote the public welfare and prevent injury and wrong and that they are in full force and effect against the United States in the operation of railroads and as completely as when the railroads were under private operation. That the correct rule is as I have just stated it has been held by the Supreme Court of the United States in numerous cases. In the case of the United States v. Knight (14 Pet., 301), the construction of an act of Congress was under consideration, and the question was whether such act applied to the United States. The language of the act, so far as it pertains to this question, was as follows:

And be it further enacted, That writs of execution and other final process, issued on judgments and decrees rendered in any of the courts of the United States, and the proceedings thereupon shall be the same except their style in each State as are now used in the courts of such State.

With a provision—

That it shall be in the power of the courts if they see fit in their discretion, by rules of court, so far to alter final process in said courts as to conform the same to any change which may be adopted by the legislatures of the respective States for the State courts.

The court said:

It is first objected that whatsoever may be the construction of this section, as now governing executions in case of other parties, yet it does not embrace those issued on judgments rendered in favor of the United States; and this upon the ground that the United States are never to be considered as embraced in any statute, unless expressly named.

The words of this section being, "that writs of execution and other final process, issued on judgments and decrees rendered in any of the courts of the United States," it is obvious that the language is sufficiently comprehensive to embrace them, unless they are to be excluded by a construction founded upon the principle just stated. In Bacon's Abridgment (title "Prerogative," 3-5), it is said that the general rule is that where an act of Parliament is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, the King shall be bound by such act, though not particularly named therein. But where a statute is general, and thereby any prerogative, right, title, or interest is divested, or taken from the King, in such case he shall not be bound; unless the statute is made by express words to extend to him. It is a settled principle that the King is not, ordinarily, barred, unless named by an act of limitations. The principle expressed in the maxim nullum tempus occurrit regi rests upon the ground that no laches shall be imputed to him. The doctrine that the Government should not, unless named, be bound by an act of limitations is in accordance with that just cited from Bacon, because if bound it would be barred of a right; and in all such cases is not to be construed to be embraced unless named, or, what would be equivalent, unless the language is such as to show clearly that such was the intent of the act. The same principle has been decided in New York, Pennsylvania, Massachusetts, and no doubt in other States; and all upon the same ground. Not upon any notion of prerogative, for even in England, where the doctrine is stated under the head of prerogative, this in effect means nothing more than that this exception is made from the statute for the

public good, and the King represents the nation. The real ground is a great principle of public policy, which belongs alike to all governments, that the public interests should not be prejudiced by the negligence of public officers, to whose care they are confided. Without undertaking to lay down any general rule as applicable to cases of this kind we feel satisfied that when, as in this case, a statute which proposes only to regulate the mode of proceeding in suits, does not divest the public of any right, does not violate any principle of public policy; but, on the contrary, makes provisions in accordance with the policy which the Government has indicated by many acts of previous legislation, to conform to State laws, to giving to persons imprisoned under their execution the privilege of jail limits; we shall best carry into effect the legislative intent by construing the executions at the suit of the United States to be embraced within the act of 1828.

Now, while this is very technical, the case that I have now cited and read, and quoted from the opinion of, is clearly upon all fours with the discussion that I am discussing. There was a statute in general language. The question there was whether the United States was included within the general language of the statute, just as we have here the question whether the United States is included in the general language of the interstate-commerce law.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. I yield to the gentleman.

Mr. GREEN of Iowa. I quite agree with the views which the gentleman has forcibly and clearly expressed, and my understanding is that there are many other lawyers who also agree. This was clearly intimated by Senator CUMMINS the other day in the hearings before the joint committee, when he inquired of one of the members of the Interstate Commerce Commission what would be left of the laws and the Constitution under the President's order. My understanding is that the commissioner was somewhat at a loss for a reply.

Mr. WALSH. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. WALSH. The gentleman has made a very careful study of this question, but I want to ask him if it is his opinion that in a case where the Commander in Chief was engaged in the movement of our troops he would be bound by the provisions, for instance, of the eight-hour law, and that the progress of the troops while being moved would have to be interfered with because he was bound to observe the eight-hour law as a safety-appliance act.

Mr. LENROOT. I am very frank to say to the gentleman that that presents a different question, and one which I do not propose to discuss to-day; but there is a distinction between the control and the operation of the railroads in carrying out the purely military purposes of the Government and the carrying on of the ordinary functions of the railroads, so far as private shippers are concerned.

Mr. REAVIS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. REAVIS. Was not that distinction made in the act under which the President is now acting?

Mr. LENROOT. It certainly is expressly stated that the President may use the same for these military purposes, to the exclusion of all other business.

But, going on with my legal argument—because this is merely a legal argument—this same doctrine was approved in the case of United States v. Herron (20 Wal., 251). In this case, however, unlike the Knight case, if the United States had been deemed to be included in the general language, it would have divested it of one of its prerogatives, and there was nothing in the case to bring it within the qualifications of a statute whose object was to promote the public welfare and prevent injury and wrong, but in this case the correct doctrine is stated by the court as follows:

It is a maxim of the common law—

Said Savage, chief justice—

that when an act of Parliament is passed for the public good, as for the advancement of religion and justice, or to prevent injury and wrong, the King shall be bound by such act, though not named, but when a statute is general and any prerogative, right, or interest would be divested or taken from the King, in such a case he shall not be bound unless the statute is made by express words to extend to him, for which he cites both English and American authorities, and adds that the people of the State, being sovereign, have succeeded to the rights of the former sovereign, and that the people of the State are not bound by the general words in the insolvent law. (People v. Herkimer, 4 Cow., 348; see also Com. v. Hutchinson, 10 Pa., 466, which is to the same effect; Hilliard Bank (2d ed., 295.)

Sanctioned as that principle is by two express decisions of this court, it would seem that further discussion of it is unnecessary, as it has never been questioned by any well-considered case, State or Federal, and is founded in the presumption that the legislature, if they intended to divest the sovereign power of any right, privilege, title, or interest, would say so in express words; and where the act contains no words to express such an intent, that it will be presumed that the intent does not exist. (U. S. v. Knight, 14 Pet., 315; Bk. v. U. S., decided at the present term (ante), 80; U. S. v. Hoar, 2 Mass., 311; Com. v. Baldwin, 1 Watts, 54.)

Every State court, so far as I can find, that has had occasion to consider this subject has laid down the same doctrine, that any statute whose object is to promote the public welfare and prevent injury and wrong binds the sovereign as well as the people, even though not expressly named, and if is only statutes where the sovereign, if included, would be divested of some prerogative, right, title, or interest, that it must be expressly named. It is true that in some of the cases there is general language stating the general rule without qualifications, but in all such cases the facts making the qualification were not present. Such a case is that of the Guaranty Title & Trust Co. against The Title, Guaranty & Surety Co., Two hundred and twenty-fourth United States, 151, but it is to be observed that in this case the decision in United States against Herron, which I have just quoted, was approved, and in this case the sole question was that of whether the United States, as a creditor, was bound by certain provisions of the bankruptcy law. The court very properly held that "the general language in the statute did not include the United States." To have included it would have divested it of a prerogative and right that it theretofore had.

It seems entirely clear, then, that, so far as the act of Congress of August 29, 1916, is concerned, empowering the President to take over the railroads, no power has been delegated to him by that act to set aside or suspend any of the statutes of the United States such as I have specifically named and others whose object is to safeguard the public welfare and prevent injury and wrong. The United States is as much bound by the provisions of these statutes as the railroads were when in the possession of private owners.

One other question then presents itself and that is whether the powers delegated to the President by Congress in the declaration of war against Germany and Austria conferred any power to set aside or suspend the statutes in question. I think that it can be completely demonstrated that they do not. The power delegated to the President in these declarations is in the following language:

And that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government.

It may be claimed that the power to employ the resources of the Government to carry on the war carries with it the power to suspend the statutes of the United States if he shall deem it necessary to carry on the war. No such power can be implied from the language used. It seems to me entirely clear that the proper construction of this language is that the President is authorized and directed to employ the resources of the Government to carry on the war, but not in violation of any existing law. Assume for the purpose of argument that the railroads of the United States when taken possession of by the United States become resources of the United States, the President can no more use them in violation of existing law than any other resource of the United States in violation of existing law. To illustrate: Congress prior to the declaration of war passed most of the annual appropriation bills, appropriating more than $1,000,000,000 for various purposes. The amount of money in the Treasury necessary to meet these appropriations is a resource of the United States, but a resource which Congress by law has decreed should be used for certain specific purposes. Will anyone claim that the delegation of power to the President to employ the resources of the United States to carry on the war authorizes him to nullify and set aside as he might see fit the annual appropriation laws enacted by Congress?

Mr. SINNOTT. I have not heard all of the gentleman's remarks. Has he referred to the statute which the President has suspended?

Mr. LENROOT. He has not suspended any. He has merely asserted the power to suspend, the right to suspend, and the priority of any orders issued by the Director General of Railroads over any statute relating to railroads, and has directed that they be obeyed as such.

Again, the public lands of the United States containing coal and oil are, of course, resources of the Government. We have laws providing for their disposition. Public lands containing coal under these laws can not be sold for less than their appraised value. Would it be claimed that under the power to use the resources of the Government to prosecute the war the President could set aside or suspend these laws and sell all the coal lands of the United States for any price that he chose? No one, of course, would make any such claim, and it is therefore easily demonstrated that under the power to use the resources of the Government he could only use them in accordance with existing law, and this principle applies to railroads as well as coal lands. Upon mature reflection it seems to me that no one can claim that the power to employ the resources of the Government to carry on the war carries with it a power to set aside or suspend any of the laws of the United States.

Mr. CANTRILL. Mr. Speaker, will the gentleman permit a question?

Mr. LENROOT. Certainly.

Mr. CANTRILL. As I understand the gentleman, he makes some objection to the method of the President. The gentleman's time is about to expire, so I wish to ask him—the gentleman favors, of course, the complete Federal control of railroads?

Mr. LENROOT. Yes; and I favor the President's action in taking over the railroads.

Mr. CANTRILL. That is what I wanted to know.

Mr. LENROOT. I am simply discussing the question of method.

Mr. CANTRILL. But you are not opposed to it?

Mr. LENROOT. Oh, not at all. I am just coming to that.

Mr. CANTRILL. The gentleman knows, of course, that his party is committed to complete Federal control of railroads?

Mr. LENROOT. Oh, well, I will not discuss that with the gentleman. Whether or not the President should have the power to suspend any of these statutes in order to more efficiently carry on railroad transportation is a matter that should be settled by Congress, and it should act only upon complete information as to the necessity of delegating such power. The Interstate Commerce Commission is a tribunal created by Congress for the enforcement of these statutes. The functions now exercised by them should continue to be so exercised until it is clearly shown that the public interest and the successful prosecution of the war demands that the Director General of Railroads should be clothed with these great powers. It is no answer to say that the Director General will not abuse the power that is claimed for him. Congress is the direct representative of the people, and any powers not directly vested in the executive officers of the Government by the Constitution necessary to win this war should come from Congress. Congress has freely granted all necessary powers in this regard in the past that have been asked for by the administration. Congress will continue to do so in the future, but the assertion of a power to set aside or suspend the statutes of the United States by the executive department of this Government without lawful authority so to do should challenge the serious consideration of Congress and of the country.

I sincerely hope that the executive department of the Government, upon reflection, will not assert any of the powers it has claimed in this matter, and that if further power is needed it will secure it in a lawful way by coming to Congress for it. [Applause.]

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3223. An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of 13 years from January 1, 1918; to the Committee on Indian Affairs.

S. 2052. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. JAMES H. BRADY, late a Senator from the State of Idaho.

Resolved, That a committee of 10 Senators be appointed by the Vice President to take order for superintending the funeral of the late Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

And that in compliance with the foregoing resolution the Vice President had appointed Mr. BORAH, Mr. GALLINGER, Mr. SMOOT, Mr. HARDING, Mr. WARREN, Mr. CHAMBERLAIN, Mr. THOMAS, Mr. KING, Mr. FLETCHER, and Mr. BECKHAM as said committee.

DEATH OF SENATOR BRADY.

Mr. SMITH of Idaho. Mr. Speaker, it becomes my sorrowful duty to announce the death of Hon. JAMES H. BRADY, the junior Senator from Idaho, who passed away at his home in this city last evening after an illness of one week. Senator BRADY was held in affectionate regard by the Members of the Senate and by those in this body who enjoyed an acquaintance with him, many of whom will desire to bear witness to his patriotic devotion to his country and his wise and intelligent counsel in legislative affairs; but this is not an appropriate time to eulogize his splendid life and accomplishments.

The House will be requested at a later date to suspend temporarily its business in order that well-deserved tributes may be paid to his high character and distinguished public service.

I offer the following resolution.

The SPEAKER pro tempore (Mr. PARK). The gentleman from Idaho offers a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 223.

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES H. BRADY, a Senator of the United States from the State of Idaho.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 15 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

Resolved, That as a further mark of respect the House now adjourn.

The resolutions were agreed to, and the Speaker appointed as the committee on the part of the House Mr. DILL, Mr. FRENCH, Mr. SMITH of Idaho, Mr. DILLON, Mr. HILLIARD, Mr. EVANS, Mr. GANDY, Mr. MAYS, Mr. ROBERTS, Mr. ROMJUE, Mr. WALSH, Mr. AUSTIN, Mr. BENJAMIN L. FAIRCHILD, Mr. RAKER, and Mr. MCARTHUR.

In accordance with the resolution, the House (at 12 o'clock and 45 minutes p. m.) adjourned until Tuesday, January 15, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the United States Food Administrator submitting a supplemental estimate of appropriation in the sum of $10,000,000 required for the fiscal year 1919 (H. Doc. No. 786); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting a proposed draft of an act to amend section 2 of the act of February 5, 1915 (38 Stat., 805) (H. Doc. No. 787); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Secretary of Agriculture, transmitting annual report of expenditures for the fiscal year ended June 30, 1917 (H. Doc. No. 788); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting two statements, one covering "sale of surplus and obsolete material and equipment during the year ended June 30, 1917," and the other "collections from town-site assessments to June 30, 1917" (H. Doc. No. 789); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation "Contingencies of the Army" during the fiscal year ended June 30, 1917 (H. Doc. No. 790); to the Committee on Expenditures in the War Department and ordered to be printed.

6. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation for contingent expenses of the War Department during the fiscal year ended June 30, 1917 (H. Doc. No. 791); to the Committee on Expenditures in the War Department and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting supplemental estimate of appropriations required by the State Department for expenses of the Diplomatic and Consular Service for the fiscal year 1919 (H. Doc. No. 792); to the Committee on Foreign Affairs and ordered to be printed.

8. A letter from the president of the Chesapeake & Potomac Telephone Co. transmitting report of the Chesapeake & Potomac Telephone Co. for the year 1917 (H. Doc. No. 793); to the Committee on the District of Columbia and ordered to be printed.

9. A letter from the vice president of the Georgetown Barge, Dock, Elevator & Railroad Co., transmitting report of the Georgetown Barge, Dock, Elevator & Railroad Co. for the year ending December 31, 1917 (H. Doc. No. 794); to the Committee on the District of Columbia and ordered to be printed.

10. A letter from the president of the United States Civil Service Commission, transmitting certain schedules of useless papers in the office of the secretaries of the fourth, eleventh, and twelfth civil-service districts, and in the office of the labor board at the Norfolk (Va.) Navy Yard, which are not needed in the transaction of public business and are of no permanent value or historical interest (H. Doc. No. 795); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the United States Shipping Board submitting a supplemental estimate of appropriation required by the United States Shipping Board for the construction of ships, fiscal year 1919 (H. Doc. No. 796); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriations required by the War Department for the fiscal year 1918 (H. Doc. No. 797); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a proposed paragraph of legislation for inclusion in the urgent deficiency bill (H. Doc. No. 798); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriations required by the War Department for fortifications, etc., Panama Canal (H. Doc. No. 799); to the Committee on Appropriations and ordered to be printed.

15. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriations required by the United States Geological Survey for "Examination and classification of lands for homesteads," fiscal year 1918 (H. Doc. No. 800); to the Committee on Appropriations and ordered to be printed.

16. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation required by the Navy Department for rent of building, fiscal year 1919 (H. Doc. No. 801); to the Committee on Appropriations and ordered to be printed.

17. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department for increase in salaries of certain employees of the Army War College for the fiscal year 1919 (H. Doc. No. 802); to the Committee on Military Affairs and ordered to be printed.

18. Letter from the Secretary of the Treasury, transmitting copy of communication from the chairman of the United States Shipping Board submitting a proposed change in the wording of the estimates of appropriations for acquisition of plants suitable for shipbuilding, etc., for the fiscal year 1919 (H. Doc. No. 803); to the Committee on Appropriations and ordered to be printed.

19. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation required by the Reclamation Service for secondary projects, cooperative and other miscellaneous investigations, for the fiscal year 1919 (H. Doc. No. 804); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NOLAN, from the Committee on Labor, to which was referred the bill (H. R. 152) to fix the compensation of certain employees of the United States, reported the same without amendment, accompanied by a report (No. 239), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8696), making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, reported the same without amendment, accompanied by a report (No. 240), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAPES: A bill (H. R. 8695) to increase pensions of certain soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 8696) making appropriation for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919; to the Committee of the Whole House on the state of the Union.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8697) granting an increase of pension to John H. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8698) granting an increase of pension to James H. Kiste; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8699) granting a pension to Sarah A. Trauger; to the Committee on Invalid Pensions.

By Mr. GEORGE W. FAIRCHILD: A bill (H. R. 8700) granting an increase of pension to Hezekiah Smith; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 8701) granting a pension to Corwin W. Holbaugh; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 8702) increasing the pay of compositors and pressmen employed in the Government Printing Office, and for other purposes; to the Committee on Printing.

By Mr. JACOWAY: A bill (H. R. 8703) for the relief of the heirs of N. N. Barmore, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8704) for the relief of James A. Frey; to the Committee on Claims.

By Mr. McKEOWN: A bill (H. R. 8705) granting an increase of pension to A. J. Davis; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 8706) granting an increase of pension to George Byers; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 8707) for the relief of William W. Hawley; to the Committee on Military Affairs.

Also, a bill (H. R. 8708) granting a pension to Robert E. McCormick; to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 8709) to reimburse the California Shipbuilding Co. for its expenditures over the price named in the contract for the United States lighthouse tender *Cedar*; to the Committee on Claims.

By Mr. SCHALL: A bill (H. R. 8710) granting an increase of pension to Henry Kolp; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 8711) granting pension to James B. Shannon; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 8712) for the relief of George R. Gary; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLARK of Pennsylvania: Petition of Turner W. Shacklett, postmaster; Hon. Miles B. Kitts, mayor; Frank Nagorski, councilman; Theo. Eichhorn, councilman; Thomas Mehaffey, councilman; W. D. Kinney, councilman; S. L. Gilson, councilman; Hon. U. P. Rossiter, presiding judge; Hon. E. L. Whittelsey, additional judge; Joseph Leslie, controller; Joseph Rogan, commissioner; T. W. Waterhouse, commissioner; Joseph Williams, commissioner's clerk; R. H. Howell, register and recorder; J. B. Yard, prothonotary; H. G. Brevillier, prothonotary's clerk; F. H. Watson, county detective; W. C. Kramer, commissioner; and G. W. Fowler, food commissioner, all citizens of Erie, Pa., praying for enactment of immediate legislation for preservation of commodore Perry's flag ship *Niagara*, in the Battle of Lake Erie; to the Committee on Naval Affairs.

Also, petition of F. H. Houghton, George W. Lunger, E. J. Hallock, S. D. Warner, and 42 others, citizens of Erie, Pa., praying for the enactment of immediate legislation for the preservation of Commodore Perry's flag ship *Niagara*, in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of the Chamber of Commerce of Topeka, Kans., and Tufts College Publishing Association of Massachusetts, against increased rates on second-class mail; to the Committee on Ways and Means.

By Mr. DUPRÉ: Memorial of Local No. 22, Federal Employees' Union, favoring passage of the Nolan minimum wage bill; to the Committee on Labor.

Also, petition of the Federal Employees Union, favoring bill for retirement of all civil-service employees who are superannuated; to the Committee on Reform in the Civil Service.

By Mr. FULLER of Illinois: Memorial of the American Pharmaceutical Association, favoring House bill 5531, to increase the efficiency of the Medical Department of the Army, etc.; to the Committee on Military Affairs.

Also, petition of the Supreme Lodge, Order of Mutual Protection, favoring the Chamberlain bill for universal military training; to the Committee on Military Affairs.

Also, memorial of the Military Order of Foreign Wars of the United States, favoring amendment to the selective-service law by requiring registration of all men from 19 to 31 years of age; to the Committee on Military Affairs.

Also, memorial of the Topeka Chamber of Commerce, favoring repeal of the second-class postage provision of the revenue bill; to the Committee on Ways and Means.

By Mr. VARE: Memorial of the city council of Philadelphia, Pa., against abolition of pneumatic mail tubes in Philadelphia; to the Committee on the Post Office and Post Roads.

Also, memorial of the Federal Employees Union, No 23, customs service, Philadelphia, favoring passage of the Keating and Nolan bills; to the Committee on Appropriations.

SENATE.

TUESDAY, *January 15, 1918.*

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, give unto us grace to meet the solemn responsibilities of this day, and when we come to its close may we cease with the comforting satisfaction of having accomplished God's will and of having filled up the measure of the day with the largest possible amount of usefulness on the part of every one of us. Guide us by Thine own unerring counsel into the larger life. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

THE SHIPPING SITUATION.

Mr. McCUMBER. Mr. President, I wish to give notice that to-morrow morning immediately after the close of the routine morning business I shall ask permission of the Senate to submit some remarks concerning the shipping situation of the world to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, transmitted to the Senate resolutions on the death of Hon. JAMES H. BRADY, late a Senator from the State of Idaho.

SURPLUS AND OBSOLETE MATERIAL (H. DOC. NO. 789).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, statements covering the sale of surplus and obsolete material and equipment during the year ended June 30, 1917, and collections from town site assessments to June 30, 1917, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SCHOOLS IN ALASKA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement relative to the transfers of moneys from "The proceeds of town sites for schools and other improvements, Alaska," and "Construction and operation of railroads in Alaska," which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CONSTRUCTION OF ROADS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report of expenditures for the fiscal year 1917, out of the funds appropriated for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, together with a report of the expenditures for the construction of rural post roads under the Federal aid road act, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

FOOD PRODUCTS (H. DOC. NO. 785).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed report of the expenditure of all moneys from the period from August 10 to November 15, 1917, appropriated under the act "to provide for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

LIST OF CLAIMS (S. DOC. NO. 162).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of cases referred to the Court of Claims by the United States Senate under the act of March 3, 1887, commonly known as the Tucker Act, and dismissed by the court November 12, 1917, on motion of the defendants, etc., which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO. (H. DOC. NO. 794).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 793).

The VICE PRESIDENT laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Norris	Smith, Ga.
Calder	Johnson, S. Dak.	Overman	Smith, Md.
Chamberlain	Jones, Wash.	Ransdell	Smoot
Fernald	Kenyon	Robinson	Swanson
Fletcher	Kirby	Saulsbury	Townsend
France	Knox	Shafroth	Trammell
Gronna	McCumber	Sheppard	Vardaman
Hale	McNary	Shields	Wadsworth
Harding	Nelson	Smith, Ariz.	

Mr. SHEPPARD. I desire to announce that the Senator from Illinois [Mr. LEWIS], the Senator from Rhode Island [Mr. GERRY], the Senator from California [Mr. PHELAN], and the Senator from Kansas [Mr. THOMPSON] are detained on important public business.

Mr. JAMES. I wish to announce that my colleague [Mr. BECKHAM] is absent on official business.

Mr. RANSDELL. I desire to announce the continued absence of my colleague [Mr. BROUSSARD] on account of illness.

Mr. TOWNSEND. I wish to announce the absence of my colleague [Mr. SMITH of Michigan], who reports that he is storm bound on his way to Washington. This announcement may stand for the day.

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. JOHNSON of California answered to his name when called.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present.

Mr. SMOOT. I desire to announce that the Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate and that the Senator from Kansas [Mr. CURTIS] is absent on official business.

Mr. UNDERWOOD, Mr. POINDEXTER, and Mr. COLT entered the Chamber and answered to their names.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. REED, Mr. MARTIN, Mr. McKELLAR, Mr. NEW, Mr. WEEKS, Mr. PITTMAN, Mr. CUMMINS, Mr. KELLOGG, Mr. SMITH of South Carolina, and Mr. POMERENE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. Mr. President, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

PETITIONS.

Mr. TOWNSEND presented a petition of the Trades and Labor Council of Lansing, Mich., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. FERNALD presented resolutions adopted by the Maine Sportsmen's Fish and Game Protective Association, favoring the enactment of legislation relative to the proper protection of migratory birds, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. JOHNSON of South Dakota. I have two telegrams, one from C. M. Day, editor of the Argus, of Sioux Falls, S. Dak.,

and the other from W. R. Ronald, publisher of the Daily Republican, of Mitchell, S. Dak., relative to the control of the print-paper industry, which I ask to have printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

SIOUX FALLS, S. DAK., *January 14, 1918.*

Hon. E. S. JOHNSON,
United States Senator, Washington, D. C.:

South Dakota publishers who have suffered terribly from extortionate prices of print paper are to a man in favor of Smith resolution giving Federal Trade Commission power to regulate the price of print paper. Manufacturers are planning further aggressions if this resolution fails.

C. M. DAY, *Editor Argus Leader.*

MITCHELL, S. DAK., *January 14, 1918.*

Hon. ED. JOHNSON,
United States Senator, Washington, D. C.:

Permit me respectfully to urge you to support the Smith resolution for control of print-paper industry. Twelve hundred papers were forced out of business last year, yet papers are called upon constantly to help the Government in war activities. Are they not entitled to protection against a combine so unscrupulous as was shown in evidence in recent hearing in United States court at New York? Publishers want only justice and mills can suffer no injury at the hands of the Trade Commission.

W. R. RONALD,
Publisher Daily Republican.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on Commerce, to which was referred the bill (S. 3387) to authorize and empower the President to create military zones around shipyards where vessels are under construction for the United States, reported it with an amendment and submitted a report (No. 190) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 3388) to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 30, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes (Rept. No. 191); and

A bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes (Rept. No. 192).

Mr. SHAFROTH, from the Committee on Public Lands, to which was referred the bill (S. 1849) permitting minors of the age of 18 years or over to make homestead entry of the public lands of the United States, reported it without amendment and submitted a report (No. 189) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3470) to amend section 35 of the Criminal Code of the United States (with accompanying papers);

A bill (S. 3471) to authorize the Secretary of War to grant furloughs without pay and allowances to enlisted men of the Army of the United States;

A bill (S. 3472) to authorize the Secretary of War to provide and issue distinctive buttons or badges to men drafted or volunteering for enlistment in the military forces who are exempted or rejected, and to provide a penalty for unlawfully wearing, procuring, or manufacturing the same (with accompanying papers);

A bill (S. 3473) to provide for the importation into the United States without the payment of duty of raw materials, parts or partly fabricated parts of equipment, and finished equipment for war purposes (with accompanying papers); and

A bill (S. 3474) to amend section 600 of an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917 (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 3475) to prescribe the requisite form of proof of death under policies or contracts of insurance covering the lives of persons in or serving with or attached to the military forces of the United States, and for other purposes (with accompanying papers); to the Committee on Finance.

A bill (S. 3476) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the Field Medical Supply Depot of the Army (with accompanying papers); to the Committee on the District of Columbia.

A bill (S. 3477) granting a pension to Lillie Walk (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3478) amending the act commonly known as the "espionage act"; and

A bill (S. 3479) amending an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

A bill (S. 3480) to amend paragraph A, section 500, of an act entitled "An act to provide revenue to defray war expenses, and for other purposes"; to the Committee on Finance.

By Mr. NELSON:

A bill (S. 3481) to authorize the logging of timber on the Red Lake Indian Forest, Minn., under the direction of the Department of the Interior; to the Committee on Indian Affairs.

By Mr. McKELLAR:

A bill (S. 3482) to protect officers and enlisted men in the Army from discrimination; to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 3483) to fix the salary of the assistant United States district attorney for the western district of Tennessee; to the Committee on the Judiciary.

A bill (S. 3484) granting an increase of pension to John L. Johnson;

A bill (S. 3485) granting an increase of pension to Oliver P. Chambers;

A bill (S. 3486) granting a pension to William R. Phillips;

A bill (S. 3487) granting an increase of pension to Thomas W. Stone; and

A bill (S. 3488) granting a pension to Tide Owens; to the Committee on Pensions.

By Mr. NEW:

A bill (S. 3489) granting an increase of pension to Daniel Barngrover;

A bill (S. 3490) granting a pension to Marshall E. Shutters;

A bill (S. 3491) granting a pension to Emma Emery;

A bill (S. 3492) granting an increase of pension to John M. Taylor;

A bill (S. 3493) granting a pension to Edgar L. Thompson;

A bill (S. 3494) granting an increase of pension to James W. Mefford;

A bill (S. 3495) granting an increase of pension to William S. Patterson;

A bill (S. 3496) granting a pension to Emma Pierce Sayce;

A bill (S. 3497) granting a pension to Frank H. Seay;

A bill (S. 3498) granting a pension to Henry C. Smither;

A bill (S. 3499) granting an increase of pension to John D. Swift (with accompanying papers);

A bill (S. 3500) granting an increase of pension to Leander Johnston (with accompanying papers);

A bill (S. 3501) granting an increase of pension to Theadore Routh (with accompanying papers);

A bill (S. 3502) granting an increase of pension to Elisha D. Turner (with accompanying papers); and

A bill (S. 3503) granting an increase of pension to Arnold Bauer (with accompanying papers); to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 3504) to provide further for the national security and common defense by the conservation of foodstuffs, feeds, and materials necessary for the production, manufacture, and preservation of foodstuffs and feeds; to the Committee on Interstate Commerce.

By Mr. HITCHCOCK:

A bill (S. 3505) authorizing the President of the United States to strike certain names from the lists of Army and Navy deserters; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota:

A bill (S. 3506) authorizing the Secretary of the Interior to aid lessees of Indian lands in increasing the food and forage supply of the country, and for other purposes; to the Committee on Indian Affairs.

By Mr. TOWNSEND:

A bill (S. 3507) granting a pension to Sylvester Oatman (with accompanying papers); to the Committee on Pensions.

By Mr. UNDERWOOD:

A bill (S. 3508) to amend an act approved May 28, 1896, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes; to the Committee on the Judiciary.

By Mr. BANKHEAD:

A bill (S. 3509) for the relief of Bertram T. Clayton, jr.; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 3510) for the relief of the Woman's Board of Domestic Missions, Reformed Church of America; and

A bill (S. 3511) authorizing the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska to submit claims to the Court of Claims; to the Committee on Indian Affairs.

A bill (S. 3512) granting a pension to Charles E. Mann;

A bill (S. 3513) granting an increase of pension to George W. Case; and

A bill (S. 3514) granting a pension to John R. Tucker (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 3515) granting an increase of pension to George W. Evans (with accompanying papers);

A bill (S. 3516) granting a pension to Z. H. Golden (with accompanying papers);

A bill (S. 3517) granting a pension to Cora Summers (with accompanying paper);

A bill (S. 3518) granting a pension to George C. Williams (with accompanying papers);

A bill (S. 3519) granting a pension to Esther E. Cooper (with accompanying papers); and

A bill (S. 3520) granting a pension to Helen Sherry (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 123) providing for the calling into immediate military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States" (with accompanying papers); and

A joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons, citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

NAVAL OIL SUPPLY.

Mr. SWANSON. Mr. President, at the last session of the Senate I presented a bill relative to the production, use, and conservation of oil and gas in naval petroleum reserves. The senior Senator from Colorado [Mr. THOMAS] objected to the introduction of the bill, and under the rule it went over one day. At that time I moved that it be referred to the Committee on Naval Affairs.

I now ask that the bill be read and referred to the Committee on Naval Affairs.

I should like to say in this connection that the Senator from Utah, as I understand, objects to the reference of the bill to the Committee on Naval Affairs and desires that it be sent to the Committee on Public Lands. As I understand the rules of the Senate, there is no rule affecting the reference of bills, except Rule XVI, which provides, under certain conditions, how an appropriation bill shall be referred; that bills making appropriations for the Navy shall be referred to the Committee on Naval Affairs, and so forth.

This bill affects lands that had been set aside by an order of the President in 1912, exclusively for the use and benefit of the Navy. That is the language under which this land was originally set aside. This bill proposes to condemn this land; that is, to condemn a portion of the land that has become private and for which patent has been issued, to pay for it, and to let the entire land be developed by the Navy in order to secure oil and conserve it.

As I understand, the contention of the Senator from Utah is that the bill should be referred to the Committee on Public Lands, the Senator claiming that the lands affected are public lands. I should like to make this distinction, that, while they are governmental lands, they are not public lands. As I understand, public lands are lands that are open to entry by the public. A navy yard is governmental land, but it is not public land; that is, the public has no right under the Pickett Act and other acts to make any entry on the land embraced within the naval reserves as public lands. They have been set aside for the exclusive use and benefit of the Navy; they are subject to use by the Navy, and, consequently, are within the control of the Navy. Therefore the proper reference of this bill is to the Committee on Naval Affairs.

In addition to that, I desire to say that this bill should go to a committee that is friendly. If the Senate is friendly to the protection of the naval reserves and desires them to be used for the benefit of the Navy, and it has the authority to refer bills to suit itself, the proper committee to have jurisdiction of the bill under the rules and precedents of the Senate is the Committee on Naval Affairs.

Mr. SMITH of Georgia. Mr. President, will the Senator state just how these lands became naval reserve lands?

Mr. SWANSON. The President by proclamation—I think in September, 1909—set aside certain lands from public entry as a reserve. Then, on June 25, 1910, the Pickett Act sustained the right to exclude these lands from public entry and authorized the President to set aside lands for naval and other purposes. In 1912 the President set aside these lands for the Navy as a naval reserve, using the language "for the exclusive use and benefit of the Navy." This bill does not affect any lands except those that have been set aside "for the exclusive use and benefit of the Navy."

Mr. SMITH of Georgia. Then these lands, by due legal procedure, under acts of the President and under acts of Congress, are now naval reserve lands?

Mr. SWANSON. Absolutely, and nothing else. They have been set aside "for the exclusive use and benefit of the Navy."

Mr. SMITH of Georgia. And what the Senator asks is that they all be handled and that legislation with reference to them be handled by the Naval Committee?

Mr. SWANSON. By the Naval Committee, like a navy yard or any other property pertaining to the Navy.

Mr. SMOOT. Mr. President, I hope the Senator from Georgia will not make up his mind on that question until I call his particular attention to the language of the bill.

I am rather surprised at the statement which has been made by the Senator from Virginia. The Senator says that these lands are not public lands; that included in the area are some lands within the withdrawn area to which title has been secured, and therefore they are not public lands. Mr. President, all I ask Senators to do is to read the bill. Perhaps I had better read portions of the bill so that the Senate will see exactly what it provides:

That the absolute title and right of possession to any oil or gas lands within the exterior boundaries of naval petroleum reserve No. 1, in California, as defined and established by Executive order dated September 2, 1912, naval petroleum reserve No. 2, in California, as defined and established by Executive order dated December 13, 1912, and naval petroleum reserve No. 3, in Wyoming, as defined and established by Executive order dated April 30, 1915, together with any oil and gas wells, machinery, equipment, appliances, and other property on, useful for, and incidental to the production, storage, transportation, refining, use, protection, and conservation of oil and gas on or in connection with said lands shall become vested in the United States upon the issuance from time to time by the President of an Executive order or proclamation to that effect, containing a description of said lands and other property; and thereupon it shall be the duty of the Secretary of the Navy to take possession of all properties so vested in the United States—

That is, by proclamation of the President—

to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof for the benefit of the United States.

SEC. 2. That all moneys derived from the operations conducted under the preceding section shall constitute an operating fund which shall be used by the Secretary of the Navy for continued operations of the same character; that this fund shall be reimbursed from the proper appropriations on account of the oil and gas products from said properties used by the United States at actual cost; and that any sums not required for such purposes of operation shall be covered into the Treasury as general receipts.

SEC. 3. That the Secretary of the Navy is hereby authorized to employ such persons, purchase such equipment and supplies, make such contracts, erect and maintain such structures, and prescribe such rules and regulations as may be necessary in his judgment to enable him to carry into effect the provisions of this act; and for such purposes there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, or so much thereof as may be necessary, to be available immediately and until expended.

SEC. 4. That the President is hereby authorized, in such manner as he may direct, to agree with any claimant or owner of any property taken under this act upon a division of lands or the proceeds of operation, upon any exchange of lands without the naval petroleum reserves for lands within the reserves, or upon a compensation in money for the relinquishment or transfer to the United States of any such claim or property, and any amount so agreed upon shall be paid by the Treasurer to such claimant or owner; that in the event of a disagreement upon the amount of compensation to be paid in any case, such amount may be determined by the President, and thereupon the claimant or owner shall be paid 75 per cent of such amount, and shall have the right to recover from the United States such further sum as, added to such 75 per cent, will amount to just compensation.

Mr. President, this question has been before the Public Lands Committee for a great number of years. The Pickett Act, referred to by the Senator, came from the Public Lands Committee, authorizing the President to withdraw these lands. I had the privilege of reporting that act to the Senate. This very question has been reported to the Senate from the Public Lands

Committee time and time again, and in my opinion would have been passed but for the disagreement between officials of the Interior Department and the Navy Department.

It is not because the Public Lands Committee is adverse to legislation of this kind that legislation has not been enacted long ago. If this bill was referred to the Public Lands Committee, I have no doubt but that it would report the bill to the Senate, perhaps with some amendments, not interfering in the least with any rights that the Government may have under the withdrawal order of the President, and the Senator does the Public Lands Committee of the Senate an injustice when he implies that it is an unfriendly committee.

Now, however, the Navy Department comes to the Naval Affairs Committee of the Senate and selects a member of that committee to introduce the bill and ask that it be referred to the Naval Affairs Committee—a committee that has not had one thing to do with the consideration of legislation of this character in the past. I want to say to the Senator from Virginia that there are hundreds of individual or corporate claimants in the naval reserves, and there are many owners of claims within the reserves, and this bill provides how those claimants shall undertake to secure title to their claims. Not only that, but it actually provides that the owner of an oil claim within the exterior boundaries of one of these petroleum reserves can exchange, if agreeable to the Secretary of the Interior, for public lands outside of the reserve. Does the Naval Affairs Committee have anything to do with public lands? Have they ever had such a bill referred to them? If so, it was before ever I entered this body.

The bill, as I say, goes so far as to authorize the exchange of lands—lands within the reserve, the titles to which there is no question; lands within the reserve, the titles to which have not passed from the Government.

Mr. SHAFROTH. Mr. President, will the Senator yield?

Mr. SMOOT. I yield to the Senator from Colorado.

Mr. SHAFROTH. Mr. President, let me suggest to the Senator that we have had bills before us frequently with regard to reservations. We are continually reserving forest lands and taking up lands inside of the forest reserves and putting them back into the public domain for entry, and yet no bill for that purpose has been referred to the Committee on Agriculture and Forestry, although that is the committee that has jurisdiction of all matters relating to the administration of forest reserves. When it comes, however, to titles and transfers of the public domain, the Public Lands Committee always has been recognized as having jurisdiction, both in the House of Representatives and in the Senate of the United States.

It seems to me that, in view of the fact that this bill deals in that manner with lands that are reserved by proclamation and every bill relating to that subject has been referred to the Committee on Public Lands, they ought to be considered strong precedents for referring this bill to the Committee on Public Lands.

Mr. SMOOT. Mr. President the Senator from Colorado is absolutely correct.

Again, section 5 of this bill provides:

That in all cases of disagreement mentioned in the preceding section, and in all cases in which the property taken is claimed by the United States independently of this act, appropriate proceedings for determination of the preexisting right and title to such property, and the value thereof if determined not to be the property of the United States independently of this act, shall be promptly instituted by the Attorney General in the name of the United States, or may be instituted by any claimant of such property against the United States, in the respective district courts of the United States for the judicial districts in which such property is situated—

And so forth.

Why, Mr. President, supposing there were a bill introduced into the Senate that had particular reference to the Navy of the United States, and some Senator from the Public Lands Committee introduced it and asked that it be referred to the Committee on Public Lands. The Senator from Virginia would be the very first Senator upon the floor to object, and I would support him. Senate committees are created for the purpose of handling bills and resolutions covering subjects for which the committee was originally created, and this is nothing more than an undertaking on the part of a member of the Naval Affairs Committee to take from the Public Lands Committee of the Senate a subject matter that the Public Lands Committee has considered for years, and a matter that would have been settled years ago if it had not been for the dispute between officials of two departments of our Government. If this bill does not go to the Public Lands Committee there is no bill that ought to go there affecting the public lands of this country.

Mr. President, I wish the Senators were present so that they could hear what is being said in relation to this matter, for I know that no Senator who reads the bill and has any understanding of the history of legislation affecting this question in the past would for a moment consent to its being sent to the Committee on Naval Affairs.

Mr. President, I do not know that it is worth while for me to take any more of the time of the Senate, but I do trust that when the vote is taken upon this question we are not going to violate all of the precedents of this body and take a bill that deals directly with the public lands of this country from the Public Lands Committee and send it to the Naval Affairs Committee.

Mr. SWANSON and Mr. SHAFROTH addressed the Chair.

The VICE PRESIDENT. The Senator from Virginia. Before the Senator from Virginia begins, the Chair is going to rule on this very important subject that two speeches of five minutes each are all that will be allowed to each Senator.

Mr. SWANSON. I yield to the Senator from Colorado.

Mr. SHAFROTH. Mr. President, I believe that this is a matter which is within the jurisdiction of the Public Lands Committee, as has been uniformly the rule, as I understand; and, consequently, it ought to be referred to that committee.

I want to call attention to the fact that we have various reserves. The truth of the matter is that we have almost killed development of the West by reservations, beginning about 25 years ago. We have had coal reservations, petroleum reservations, and forest reservations; but nobody has ever thought that you had to refer a bill to the particular committee that may have to do with some policy of administration with relation to them, and deprive the Public Lands Committee of its jurisdiction.

Mr. President, those precedents have been numerous. Instead of being confined to one, there have been any number of instances of the kind. Legislation affecting forest reserves is never sent to the Committee on Agriculture and Forestry, but is sent to the Committee on Public Lands every time. Inasmuch as this bill provides explicitly for the exchange of lands in this naval reserve for public lands on the outside, it seems to me it is absurd to say that the Public Lands Committee has not jurisdiction.

But, Mr. President, this very question has been before the Public Lands Committee for a long while; hundreds of pages of testimony have been taken by it, and its members thought it was solved by the reporting of a bill providing for certain remedies and certain relief. You will remember that the Senator from California [Mr. PHELAN] was urgent in insisting that that provision should remain in the bill which was passed here on last Monday. There the whole problem, it seemed to us, was treated fairly. When the time came for considering the bill the Senator from Virginia said that he would introduce a bill dealing with this particular subject. He did not say that he was going to have that bill referred to the Committee on Naval Affairs. He was simply to draft it and introduce it. I have not examined the bill as to its merits and therefore express no view as to anything but the reference of the bill. It ought to go where all the precedents say that it should go, because it deals with the public lands and the exchange of lands, over which the Committee on Public Lands unquestionably has jurisdiction.

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me——

Mr. SHAFROTH. Certainly.

Mr. SMITH of Arizona. I will suggest to my friend that if there is any committee of the Senate that knows about the public lands, the necessity for exchanges, and so on, I should think it would be that committee which has had jurisdiction and has had so much experience within the last two years with all these questions. I doubt whether the Naval Affairs Committee has any more idea about the proper disposition of these particular things than any other committee of this body.

Mr. SHAFROTH. If the Senator will allow me, we have only five minutes, and I shall be glad if the Senator will pursue that thought in further remarks.

Mr. President, when we reserve coal lands and treat the matter with respect to mining coal, we do not refer the bills to the Committee on Mines and Mining. We had that very question tested in the Senate here about a year ago, when the question arose as to whether a certain bill that provided for the development of reserved coal lands should be referred to the Public Lands Committee or to the Committee on Mines and Mining. The result was that after the consideration of the matter and a very full discussion the Senate, by a large majority, held that the bill should not be referred to the Committee on Mines and Mining. Although I was a member of that committee and was not at that time a member of the Committee on Public Lands, I advocated that it should be held in the committee to which all precedents had assigned it.

The Agricultural Committee does not take jurisdiction of matters relating to the forests when they touch the transfer of public domain at all. The Committee on Mines and Mining

never attempts to interfere with bills involving mining on the public domain, nor has there been any suggestion of it except in that one instance, when the Senator from Montana [Mr. WALSH] tried to have a bill referred to the Committee on Mines and Mining. Then the precedent was unquestioned that it should go to the Committee on Public Lands, and we have gotten a good bill out with relation to that matter.

The VICE PRESIDENT. The time of the Senator from Colorado has expired.

Mr. SMITH of Georgia. Mr. President, if this were simply a question of carving out from the public domain certain land and setting it apart for naval purposes, unquestionably the bill would belong to the Committee on Public Lands. It may be that there are some features of the bill that could properly go to the Committee on Public Lands. It frequently happens that a bill contains features part of which might properly go to one committee and part to another. The main features of this bill are provisions that fix the manner in which the Secretary of the Navy is to handle this property. It has already been carved from the public domain. It has already been separated by executive orders and in pursuance of legislation from the public domain. It is set apart to be used for naval purposes.

This bill gives the Secretary of the Navy the power to use it. This bill provides matter that is entirely disconnected from the work of the Committee on Public Lands.

Section 1 provides:

> And thereupon it shall be the duty of the Secretary of the Navy to take possession of all properties so vested in the United States, to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise, and to use, store, exchange, refine, sell, or otherwise dispose of the oil and gas products thereof for the benefit of the United States.

Certainly that is the work of the Navy, and the consideration of that proposition is the work of the Naval Affairs Committee.

The next section provides:

> That all moneys derived from the operations conducted under the preceding section shall constitute an operating fund which shall be used by the Secretary of the Navy for continued operations of the same character; that this fund shall be reimbursed from the proper appropriations on account of the oil and gas products from said properties used by the United States at actual cost; and that any sums not required for such purposes of operation shall be covered into the Treasury as general receipts.

Section 2 involves the work of the Navy. Section 3 involves the work of the Navy. Section 4 involves the work of the Navy and applies to public lands. It authorizes the Navy Department to exchange a portion of these lands set apart for the Navy for lands outside. It is true that the lands outside might properly be handled by the Committee on Public Lands, but the process of exchange may well devolve upon the Committee on Naval Affairs.

So, Mr. President, the bulk of this bill bears upon authority to the Secretary of the Navy to perform certain duties and carry out certain acts with which the bill charges him. It is not at all a case of taking from the public domain. That legislation went to the Committee on Public Lands, and went there properly; but that legislation having been passed, and the property having been carved out to be used for naval affairs, this bill undertakes to provide the way. It is introduced by the Senator from Virginia, the leading member of the Committee on Naval Affairs. It is to place responsibility upon the Navy Department. It is to give it the machinery to execute that responsibility. The Committee on Public Lands has nothing to do with a measure of this kind. It is not the work of the Committee on Public Lands. Granting that there are a few features of the bill which might go to it, the preponderating features of the bill are measures that belong to the Navy, and therefore the bill should go to the Committee on Naval Affairs, and I do not think the Committee on Public Lands would have any right to object or should object. There is practically nothing in this bill that would fall within their province. There is a great deal in it that falls within the province of the Committee on Naval Affairs. The Senator from Virginia introduced the bill and moves that it go to the Committee of which he is often the acting chairman and always a leading member. His motion for reference is justified by the nature of the bill. His wishes should be respected.

Mr. SWANSON. Mr. President, if there ever was an attempt in the Senate on the part of a committee to take jurisdiction of a matter to which it is not entitled, it is the effort of the Senator from Utah [Mr. SMOOT] to get possession of this bill.

This land is governmental land, but not public land. You have as much right to take jurisdiction of a navy yard and say what shall be done to use it, to condemn land for a navy yard, as you have to do this. There is a distinction between governmental land and public land. Public land is land that is open to the public for entry. Not an acre of this land is open to the public for entry—not an acre of it. The Committee on Public Lands got rid of its jurisdiction when it allowed this land to be set aside for the exclusive use and benefit of the Navy.

What committee has jurisdiction of the sale of property belonging to the Navy? All that this bill does is to condemn private property in the naval reserve, set aside for the exclusive use and benefit of the Navy, so that the Government can get possession of private property.

The only thing in this matter that this jurisdiction can possibly hang on would be the exchange of these naval reserve lands for some lands outside. That is true, but the Committee on Naval Affairs has equal jurisdiction and equal right to jurisdiction on that phase of it. But take the rest of the measure. There is $1,000,000 appropriated for development, to get machinery, to make disposition of it, to store the oil, and I should like to know when the Naval Committee has ever been deprived of the privilege of providing storage for oil in the Navy or the means of developing the oil supply.

If there ever was an effort made in the Senate to encroach upon the jurisdiction of another committee it is the effort that is made by the Senator from Utah. He can not distinguish between governmental land and public land. Does not the Senator know well that there is not an acre of this land under the law that is open to public entry now? Is not that true? There is not an acre of it open to public entry, and he knows it as well as I do. This land has been set aside by law for the exclusive use and benefit of the Navy. It was so stated in the proclamation. Who is to determine the amount of money necessary for a storage plant where it can be refined for the Navy to be used for battleships? It is the Committee on Naval Affairs that ought to determine the policy marked out for the Navy, and not the Committee on Public Lands.

This subject was improperly brought in here, and it was taken out from the bill then pending because we insisted that the disposition of this land and its development should be determined by the Naval Committee. Nine-tenths—yes, ninety-nine one-hundredths—of the bill is under the Secretary of the Navy, directed by the Secretary of the Navy. Appropriations are made for navy yards. I have never known the Public Lands Committee to be an appropriation committee. Did it ever have jurisdiction of an appropriation bill? I should like to ask the Senator from Colorado if it has jurisdiction of an appropriation bill.

Mr. SHAFROTH. No; but the committee has jurisdiction of the public lands.

Mr. SWANSON. Is there an acre of public lands involved here that can be entered? What part can be entered? The Senator can not distinguish between public land and governmental land. Governmental land is owned by the Government, and public land is subject to entry by the public. Not an acre of this land is subject to entry by the public.

Mr. SHAFROTH. Does the Senator say that in the case of forest reserves the Public Lands Committee has no jurisdiction?

Mr. SWANSON. I do not know anything about the disposition of forest reserves.

Mr. SHAFROTH. And coal lands? The jurisdiction is in the Committee on Public Lands.

Mr. SWANSON. I do not see how the Public Lands Committee could take jurisdiction of a matter in which an appropriation is made. It is well established that this is for the benefit of the Navy. Is that entire policy simply to go to the Public Lands Committee? Has that ever been an appropriation committee? Under the precedents, the bill should go to the Committee on Naval Affairs. I have never known a bill that put aside a naval reserve on the public lands or that appropriated an amount for a navy yard and provided for condemnation proceedings that did not emanate from the Naval Committee. About one-third of this land is owned by private individuals. All we ask is the privilege of making an appropriation and providing for furnishing oil for the Navy.

Mr. JOHNSON of South Dakota. I wish to ask the Senator from Virginia before he takes his seat if this oil supply is not for the exclusive use of the Navy?

Mr. SWANSON. It authorizes the land to be set aside for the exclusive use and benefit of the Navy. It provides for sinking wells and for getting oil and storing it and taking care of it, and placing it where the Navy might need it, and keeping it in future for the Navy. It is one of the most important policies regarding the Navy that could be adopted.

Mr. SMOOT. Mr. President, all that the Senator from Virginia [Mr. SWANSON] has said does not change the history of this whole legislation. I do not think the Senator from Virginia knows that the Secretary of the Navy has been before the Public Lands Committee time and time again upon this

very legislation. We have had volumes of testimony taken before that committee upon this one question. The Secretary of the Navy never refused to come before the committee because of its lack of jurisdiction of the question. There was never anything suggested before that committee that it should go to any committee other than the Public Lands Committee.

It seems to me, Mr. President, that there is no need to take the time of the Senate upon this question, but I——

Mr. SWANSON. If the Senator will permit me——

Mr. SMOOT. I have only five minutes, and I want to get through.

The Senator asks the question, Did the Public Lands Committee ever make an appropriation? The House of Representatives make the appropriations, but there have been bills reported from the Public Lands Committee calling for appropriations for particular items named in the legislation, just the same as the bill here provides that there shall be $1,000,000 appropriated—and untold millions appropriated—for paying for lands that are expected to be taken over by the Navy Department. There is no sum named. It is just a conditional sum, as may be found necessary. Nobody knows whether it will be $100,000,000, $300,000,000, $500,000,000, or $1,000,000,000. I hope the Congress of the United States will never enter upon this sort of legislation.

Mr. President, it is useless to think of getting very many Senators here at this time of the day, and I want the Senate to go on record on this bill when it is voted upon. I am quite sure that we can not get a record vote of the Senate to-day, and I ask that it be read once to-day and go over under Rule XIV, which provides that every bill and joint resolution shall receive three readings.

The VICE PRESIDENT. There is no doubt about that right. The bill will be read.

The bill to further provide for the common defense and general welfare of the United States with respect to the production, use, and conservation of oil and gas in naval petroleum reserves, and for other purposes, was read the first time by its title.

FEDERAL CONTROL OF RAILROADS.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3385) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

CLERKS TO DISTRICT COURTS.

Mr. UNDERWOOD submitted an amendment intended to be proposed by him to the bill (S. 3079) fixing the salary of the clerks of the United States district courts; prescribing how and when they shall account for the fees collected; providing for the office expenses of such clerks, including salaries of deputy clerks and clerical assistants; and for the travel and subsistence expense of such clerks and their deputies when necessarily absent from their official residences, which was referred to the Committee on the Judiciary and ordered to be printed.

COST OF OFFICERS' UNIFORMS.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (S. 3433) requiring the Government to furnish uniforms to officers of the Army, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

SUPPLY OF PRINT PAPER.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of Arizona. I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, Senate joint resolution 101.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 101) to provide further for the national security and defense by insuring to the Government of the United States an adequate supply of print paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States.

The VICE PRESIDENT. The pending amendment is, on page 1, line 4, after the word "empowered," to insert certain words.

Mr. FERNALD. Mr. President, this joint resolution authorizing the Government to take over the paper and pulp industry of the country, which is now under consideration by the Senate, is perhaps of the most importance to my State of any domestic measure that has come before this body in the past decade. A State where the paper industry represents one-sixth of the entire valuation of its people is naturally interested in legislation affecting it.

The census of 1914 shows that Maine had 17 mills manufacturing both pulp and paper, 13 producing pulp only, and 8 which made only paper, a total of 38 great industrial plants. They employed 10,033 workers, both men and women, in the mills alone. Many more than this number were indirectly furnished employment in the woods, getting out raw material, and in the transportation of the product. The annual wage paid to workers, exclusive of clerks and officials, was $7,000,000. These mills had a capitalization of over $80,000,000. The value of their annual output exceeded $40,000,000. They paid for materials over $22,000,000 and paid taxes of more than $400,000. These figures have greatly increased, except in the number of mills, in the past two years.

If the claims set forth by the proponents of this bill were true in fact; if, indeed, the publishers of this country and the reading public were to be largely benefited and no serious damage were to be imposed upon another industry of my State, I should be glad to give it my unqualified indorsement; but instead of aiding those who are supposed to receive such relief it will, I believe, work the opposite and in the near future impose hardships upon those who are supposed to be benefited. I do not alone share these beliefs, nor do I think that the publishers of my State feel that the proposition would prove of assistance to them. First of all, I want to say that I have not received any communication from any publisher in Maine asking me to give this bill my support. On the other hand, from almost every manufacturer of paper in the State, at least, I have received advice that this bill would prove detrimental to their interests.

It has been said that some of the great manufacturers have operated their mills and business in restraint of trade. Whether this be true I do not know, but I do know that under the law creating the Federal Trade Commission there is ample authority to bring to justice any corporation so acting. I have always felt that the authority given the Federal Trade Commission was ample in its scope to deal with all such cases. It has authority to subpœna witnesses, to oblige every business man to open his books and divulge not only to the Federal Trade Commission but to the court as well all details of his business and lay open to the world those matters which are of so much moment and consequence to the business man.

I do not share the oft-repeated assertion that every business man is an outlaw or that all those engaged in the great manufacturing and commercial interests of the country, who have become unusually successful by their efforts, are nefarious in their practices or unjust in their dealings, or the idea that these business men of tremendous capacity should be "hung as high as Haman"; but, on the other hand, it is time now that this Government lend aid instead of attempting to hamper and embarrass the industries of this country.

It is asserted by those who favor the passage of this bill that the paper manufacturers have been extortionate in their price and unfair in their dealings. I deny the charge. These men engaged in the paper industry in this country are honest and reputable business men. First, let me comment upon this alleged extortion in price; I wish to be very careful in any statements I may make, and to assure the Members of the Senate that I can amply prove every assertion which I make. The average price of news-print paper, up to and including the year 1913, for a considerable period was about $2.15 per hundredweight, delivered at destination, and on that basis the great paper mills of the country were able to pay only 2 per cent annually on the preferred stock, which had back of it at least double its worth in sound value of invested capital. These prices prevailing in 1913 drove several mills into bankruptcy and the industry in this country was in a deplorable condition.

The movement across the border into Canada was begun at that time and has continued ever since. The average price of news-print paper in 1917 was $3.10 a hundredweight, at the mill, an increase of about 50 per cent. This advance, I submit, was less than that of almost any commodity produced in our country. I believe, considering the increased demand for paper, the high cost of labor and of everything entering into the manufacture, which have been advancing by leaps and bounds, as I have stated, this advance is not unreasonable. As compared to the advance of other articles it makes a most favorable showing, as shown by the following: Advance of paper, 50 per cent; cotton, 250 per cent; wool, 300 per cent, and if other commodities were to be considered I could go through the entire list and show greater advance in these than have existed at any time in the advance of paper; for instance, the price of corn, one of the chief products in my own State, has advanced in the past few years 266⅔ per cent. These figures demonstrate the fallacy of the charge made against paper.

By what token does the Federal Trade Commission—for I understand that from this source comes the demand for this legis-

lation—select this industry and propose Government control for the paper business? From what business sources come the demand for this legislation? As I have stated, not a single publisher from my State, knowing full well the condition of the paper business, has asked for the enactment of this resolution.

It is natural that every business should desire to purchase its supplies at the lowest possible price. If every purchaser of goods and every association desirous of buying at a low price should come to this Congress with resolution for relief and receive assistance, every business man and every association in the country would go into the resolving business. It is also asserted that the manufacturers of paper have attempted to limit the output. So has every far-seeing citizen of this country undertaken to limit this production.

Spruce wood from which print paper is largely manufactured comes to maturity about once in 80 years. There are about 60,000,000,000 feet growing in the United States suitable for the manufacture of paper; one-third of this is growing on the soil of Maine. We can cut from now to the end of time 750,000,000 feet annually and still have our forests in prime condition, but should we extend this cut to 1,000,000,000 or one and a half billion in a very few years the forests would be depleted and there would be no source of supply. Naturally those who have large investments in paper mills are desirous of continuing the business, because when the source of supply ceases the mills become valueless and useless; for this reason the manufacturers of paper are endeavoring to conserve the supply of spruce, which clears them of the charge of wrongfully limiting the production. If you desire to aid the publishers of this country repeal the zone system enacted last session, which will in my judgment be of greater benefit to them than any possible control by the Government of the paper industry.

The paper manufacturers of our country, realizing fully the tremendous draft upon our forests, a number of years ago commenced the purchase of timber lands in Canada. The Canadians were anxious to sell these lands, which they did, at liberal prices.

Our manufacturers purchased on a generous scale, and, I may say, millions of acres were bought, believing they could ship this pulp wood to the States for manufacture. Almost immediately the Canadians passed a law placing an embargo on pulp wood and many of the mills in the country went into the hands of receivers. Many of our large and most successful manufacturers were obliged to build in Canada mills which are operating to-day. And, Senators, at this moment, instead of undertaking to pass this measure and further embarrass the paper manufacturers of this country, we should be endeavoring to remove the restrictions of the Canadian Government. We should insist that unless they remove the embargo which they have placed on pulp wood not a pound of coal or cotton from the United States be permitted to enter their border; that in order to receive our products they should be made to reciprocate.

In reply to a question propounded to my distinguished friend, the Senator from Arizona, asking if there had been any considerable advance in labor and in the production of paper he replied that the cost had slightly advanced. I do not know how he interprets that word "slightly." I have here a telegram from Frank D. True, treasurer and manager of the Poland Paper Co., which answers this completely, and which I want to read into the RECORD at this time. Mr. True is one of the most successful business men in Maine, whose word is accepted by every man in the State, and, further, he is an out-and-out Jeffersonian, Jacksonian Democrat, which ought to be sufficient guarantee of his integrity to my friends on the other side of the Chamber. Mr. True's wire reads as follows:

> We paid for bleached sulphite pulp 1913, $53 per ton; 1917, $120—

An advance of more than 100 per cent.

Here I wish to say in passing that Mr. True, who is treasurer of the Poland Paper Co., an industry established in my town, for years gave his services without compensation, in an effort to keep the plant running and build up the business of the town. Perhaps a few words as to the history of this plant—and this is not an isolated case—are not out of place. It was established more than 60 years ago, and is located on one of the fine water powers of our State, and around it has grown up a thriving village. This plant to-day is operating at only 25 per cent of its capacity for the reason that it is unable to procure pulp, and the town is languishing on this account. If this company were able to secure pulp from Canada, as formerly planned, the plant would be running at its full capacity.

I cite this case because I am familiar with conditions, but this same situation exists in other localities. Many other large towns in our State, which have been built up by this industry are equally affected, and the enactment of such legislation would seriously affect further development, and possibly curtail even present production. Permit me to call attention to the town of Rumford, containing several large mills, which for years supplied the United States Government with its postal cards. Here is a town dependent entirely upon this industry. This town has grown up in the wilderness around the paper industry.

Millinocket and East Millinocket, in another section of the State, which have been built up and become thriving and prosperous towns depend entirely upon this one industry. I might cite numerous other instances of this kind, but these are sufficient to show that this question is of vital importance to the people of my State; and I can not see how the legislation here proposed would help in any way to increase the output, but would embarrass and discourage these industries.

It is needless for me to stand here and say to the Members of the Senate that the advance in labor has been something phenomenal and that there is no industry, however small or great, but that feels the result. Every Senator knows this to be true. Only recently there appeared before the Commerce Committee a man representing the largest private shipbuilding corporation in the United States. He testified that laborers with but little experience in his shipyard were receiving from $6 to $10 a day and some as high as $90 a week. I asked him where he drew these men from, and he replied, "As many as possible from the farms near my plant." In Maine to-day it is difficult to secure men to labor in the woods, and spruce timber, which is largely in demand for other purposes besides paper making, has advanced nearly 300 per cent in price. This answers the question as to whether there has been a considerable increase in the cost of producing paper.

A Senator yesterday told me that he was obliged to pay $20 a cord for wood in this city. Let me say to you, Mr. President, that the great manufacturers of paper are to-day moving pulp and wood from Maine to Pennsylvania, at an expense of $18 per cord, to manufacture paper with which to supply their customers.

Ah, Senators, it is time that this Congress do something toward the aid of business men and business interests; it is time for us to go into the repealing business and repeal some of the laws that are already on the statute books. The fear of what is coming, basing their knowledge on the acts which have already passed, is casting a gloom over business men and causing them seriously to consider retrenchments as precautionary measures.

The legislatures of 48 States, aside from this Congress, have been laboriously and industriously enacting laws of every conceivable character until it would seem that we were law mad. This legislation causes confusion, and every business of any considerable size is obliged to retain an attorney to guide and keep it within the law. To a liberty loving people who are desirous of square dealing and honorable methods this proceeding is unnecessary and obnoxious. More than this, it involves an expense which ultimately the consumer pays.

This measure has been brought into the Senate under the guise of helping the Executive to carry on the war, but this is absolutely no war measure. It is not necessary for this Government to go further in this direction; there is no man in this Senate, no man in this country, who is more desirous of bringing this war to a successful conclusion than I. I am willing to go to any limit to enact such laws as will assist the President in this consummation. I believe it is the duty of every citizen not only to do his bit but to do his best in this great crisis. Successfully to prosecute this war we must have men and money. Now and then a Senator declares that there must be no profiteering. If by this term is meant unfair, unjust, excessive, illegal, and exorbitant profit making, I certainly agree. But, Senators, we must allow business a fair, reasonable, and just return upon its investment. Where, Senators, is the money coming from to carry on this war unless business men are allowed to conduct their business in a reasonable and profitable way? If no man were allowed to make profit in his business, he would have nothing from which to pay taxes and no interest in the prosecution of his business. We must soon ask the country to subscribe to another bond issue. We can compel men to pay taxes, but we can not compel them to buy bonds; and I fear that unless we turn about, lend our efforts to the assistance of the business of our country, we shall not receive the response to this call which we all so much desire.

I am not naturally of a pessimistic nature. I prefer to look hopefully forward to the days succeeding this terrible war with the belief that the liberties of our people will be preserved. This Government of ours, established by the fathers, shall endure. This is no time for partisanship or sectionalism. Senators from one section of the country must not, and will not, impose hardships and injustice upon others, but we must stand together, and, as Webster said more than 70 years ago, "clasp hands" and unitedly fight this great war.

I am aware that as a national question there is another side to this issue which has already been covered by many Senators in this Chamber. Two bills before this joint resolution have been introduced into the Senate providing for the censorship of the press. The first was defeated by one vote and the second by a reasonable majority; but this joint resolution, which I consider the most vicious of them all, ought to be defeated by an overwhelming majority.

I am aware that Carlyle in some of his gloomy papers has pictured this Republic in the year 2,000 as a thing of the past. I am aware that he has predicted that the free institutions which we have so firmly and successfully established will, before the end of the present century molder, decay, and have perished, and that he has attempted to demonstrate the impossibility of free government; but I have lived long enough, Senators, to see many such dire predictions as this come to naught. Yet I fear and warn you now that unless some encouragement be given to those engaged in the business interests of this country and to all who are trying to do their part that the words of Carlyle's prophecy will become a grim and terrible reality.

Let us stand firmly together not as members of separate parties but as American citizens, devoted to those principles which have been cherished from the conception of our Republic, and we shall bequeath to our children and our children's children the greatest Government and the grandest Republic that the world has ever known.

Mr. SMITH of Arizona. I ask the Secretary to report the first amendment.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smith, Ariz.
Bankhead	James	New	Smith, Md.
Beckham	Johnson, Cal.	Norris	Smith, S. C.
Calder	Johnson, S. Dak.	Overman	Smoot
Chamberlain	Jones, Wash.	Owen	Sutherland
Colt	Kellogg	Pittman	Swanson
Culberson	Kenyon	Poindexter	Thomas
Cummins	King	Pomerene	Tillman
Fernald	Kirby	Ransdell	Trammell
Fletcher	Knox	Robinson	Underwood
France	La Follette	Saulsbury	Watson
Gerry	McCumber	Shafroth	Williams
Hale	McKellar	Sheppard	Wolcott
Harding	McNary	Sherman	
Hardwick	Martin	Shields	

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

Mr. JOHNSON of South Dakota. I desire to state that the Senator from New Mexico [Mr. JONES] has been called from the Chamber on important business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present. The Secretary will report the first amendment submitted by the Senator from Arizona.

The SECRETARY. On page 1, after the first word, "That," strike out the words "the Federal Trade Commission is hereby authorized and empowered," and in lieu insert "whenever, during the continuance of the war and for six months thereafter, the President shall deem it needful, he may direct the Federal Trade Commission."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. NORRIS. I should like to inquire of the Senator in charge of the joint resolution what is the necessity of this amendment? Is not the joint resolution complete without it? Why is it that we are designating the President as the person who shall say?

Mr. SMITH of Arizona. The Senator from Nebraska will readily admit that all legislation is a compromise. The joint resolution without this amendment would read:

> That the Federal Trade Commission is hereby authorized and empowered to supervise, control, and regulate the production and the distribution of print paper—

And so forth.

Instead of that, I have offered the amendment, so that it would read:

> That whenever during the continuance of the war—

I do not care if the language "and for six months thereafter" be rejected.

Mr. NORRIS. That is not my only objection to the amendment, I will say to the Senator. Not only that amendment, but further down, in lines 9 and 10, there is an amendment which reads, "as the President shall designate," following out, of course, the same idea, turning it all over to the President. If these amendments were all agreed to, it would be within the power of the President, I take it, to designate any particular mills and producing agencies which shall be operated on Government account, and so forth, and how the product shall be distributed; he might designate that Mr. A, in one town, might get his paper, and that Mr. B should not.

Mr. SMITH of Arizona. The Senator from Nebraska very well knows that the President of the United States, with his multifarious and onerous duties, could not go and look into this business, and this is a safeguard.

Mr. NORRIS. That is a good reason why this amendment should not be adopted. The President must follow somebody else's advice, and it will probably be that of the Federal Trade Commission.

Mr. SMITH of Arizona. He might not follow their advice.

Mr. NORRIS. The President will not be able to give the matter his attention personally. As the Senator from Arizona has said, he has so many duties to perform that he could not possibly give attention to all of them, and this would probably be one to which he could not give attention. To my mind, that is the objection to the amendment.

Mr. SMITH of Arizona. Would the Senator from Nebraska prefer the language of the original joint resolution? If a majority of the Senate prefer that, I am perfectly willing to ask that it be adopted.

Mr. NORRIS. So far as I am concerned, I am going to vote against this amendment and against several others, entirely on the ground that I prefer the joint resolution as it was originally introduced by the Senator from Arizona. I have never, during the debate when I have been present, heard any argument made in reference to these particular amendments. That is the reason why I was asking the question. It seems to me this amendment weakens the joint resolution.

Mr. SMITH of Arizona. Unquestionably, from the standpoint of the Senator from Nebraska, it weakens the joint resolution. To be perfectly frank I have made concessions in order to get some sort of relief for these papers. I have been forced to make these concessions. These concessions, everybody here consents, liberalizes the joint resolution, putting the least possible control over the business, and yet the question is whether or not Senators will vote for the resolution even then.

Mr. NORRIS. It may be that the Senator from Arizona is catering to Senators who will vote against the joint resolution any way and making it distasteful to those who would like to support it. To my mind this amendment is not liberalizing the joint resolution, but making it more stringent than it previously was.

Mr. SMITH of Arizona. Let us see what the language is and leave the matter to the Senate. It reads, as originally reported:

> The Federal Trade Commission is hereby authorized and empowered to supervise, control, and regulate the production and distribution of print paper and mechanical and chemical pulp in the United States, and that all mills producing and all agencies distributing print paper and mechanical and chemical pulp in the United States shall——

Mr. NORRIS. "Shall be operated."

Mr. SMITH of Arizona. Wait.

Mr. NORRIS. The Senator is speaking in my time.

Mr. SMITH of Arizona. I beg pardon of the Senator. The Senator had resumed his seat. I thought I was answering him in my own time. The language is "mechanical and chemical pulp," and so forth. Now, let us see. That language gave the Federal Trade Commission absolute authority to supervise, control, and regulate the production and distribution of print paper. I have provided in the amendment:

> That whenever during the continuance of the war * * * the President shall deem it needful he may direct the Federal Trade Commission to supervise and regulate the production and distribution of print paper and mechanical and chemical pulp.

The reason we inserted that language was that, instead of conferring all this power on the Trade Commission, if the Trade Commission should say, "We do not want to do all this; there are many papers that are not offensive," they then can present to the President only the offensive ones; and the President could then make the order. So, you see, it is only permitting the Federal Trade Commission to act through the agency of an appeal to the President, who will necessarily do what they say. It gives him an opportunity of escape from supervision where none at all is necessary. That is the reason for

towns in our state, which have been built up by this industry are | tors from one section of the country must not, and will not, im-

the amendment, and that is my purpose. I should like a vote on the amendment.

Mr. HARDWICK. Mr. President, I am opposed to this amendment; and I think I can state to the Senate in a very few words why I am opposed to it.

If this legislation is necessary at all, then Congress ought to enact it on its own responsibility and by the exercise of its own power. We have no business to shift to the President a responsibility that belongs to us. Instead of enacting a law which its proponents must claim is necessary, or at least advisable, if the amendment of the Senator from Arizona [Mr. SMITH] is adopted, the Congress will simply say, "We enact this law if the President thinks best to put it into effect in whole or in part, and we put the responsibility on him."

Mr. SMITH of Arizona. That is equally true against the Federal Trade Commission, is it not?

Mr. HARDWICK. It may be; but I am opposed to all that sort of business. Let this Congress shoulder its own responsibility.

Mr. SMITH of Arizona. But Congress could not investigate the matter.

Mr. HARDWICK. Then we ought not to pass such legislation if we can not investigate. If we do not know it is needed, if we can not affirmatively sustain the burden that the legislation is necessary and advisable, then there ought to be no legislation.

Mr. SMITH of Arizona. Certainly not.

Mr. HARDWICK. On the other hand, if we are convinced that the burden can be carried, that there ought to be such legislation, then we ought not to shift the burden of responsibility which rests on us and say, "We will have legislation only in the event the President thinks it is needed." I am not in favor of this sort of an amendment, and I hope the Senate will vote the amendment down.

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question] The "ayes" seem to have it.

Mr. HARDWICK and Mr. HARDING called for a division; and the question being put on a division, the amendment was rejected.

The PRESIDING OFFICER. The Secretary will state the next committee amendment.

The next committee amendment was, on page 2, line 2, after the words "mechanical and chemical pulp," to insert the words "and their products."

Mr. SMITH of Arizona. Mr. President, as the first amendment has been stricken out, I am reduced to going back to the original joint resolution, and I should prefer to withdraw every amendment I have offered to it in the present attitude of the Senate, for there is no use of attempting to perfect the joint resolution with its present amendments, if the first amendment endeavoring to cure the very language against which every complaint has been made was voted down, unless it be the desire of those who voted in that way to defeat the joint resolution entirely.

My object was to prevent the very thing against which all Senators have been inveighing, and if the amendment I have offered for that purpose be stricken out, the remainder of the joint resolution should be so framed as to correspond with it.

Mr. NORRIS. Does the Senator from Arizona refer to the amendment now pending?

Mr. SMITH of Arizona. That was the only amendment pending.

Mr. HARDWICK. Will the Senator from Arizona yield to me?

Mr. NORRIS. Does the Senator from Arizona have reference to the words in line 6, page 2—"and their products"?

Mr. SMITH of Arizona. The difficulty under which I am laboring is that I have a copy of the joint resolution which I myself have been marking and have not the one which the Senator from Nebraska has in his hand. Does the Senator refer to the words "and their products" on page 2, line 6?

Mr. NORRIS. As I understand, to insert those words is the pending amendment. I may be mistaken, but in the copy which I have in my hand that is the next amendment.

Mr. FLETCHER. Mr. President, I ask that the Secretary state the pending amendment.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The SECRETARY. On page 2 of the joint resolution as originally printed, in line 2, after the words "mechanical and chemical pulp," the committee proposes to insert the words "and their products."

Mr. FLETCHER. That amendment ought to go in, of course. That has nothing to do with the other amendment.

Mr. NORRIS. It seems to me this amendment, Mr. President, if the Senator will permit an interruption, has nothing to do with the one which has just been voted down. Personally I see no reason why this amendment should not be adopted, although I voted against the other amendment.

Mr. SMITH of Arizona. I have no objection to its adoption after the amendment that I offered has been defeated, my purpose being to limit the joint resolution in its scope, so as not to interfere with that magnificent business of which I have heard so much, which formed a combination to rob somebody. When that is gone further amendment is of no use. I do not care whether the words "and their products" remain in or not. That is the attitude in which we are left.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The next amendment will be stated.

The SECRETARY. On page 2, line 2, before the word "mills," it is proposed to strike out the word "all" and insert in lieu the word "such."

Mr. SMITH of Arizona. I withdraw that amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn. The Chair hears no objection. The Secretary will state the next amendment.

The SECRETARY. The next committee amendment is on page 2, line 3, before the word "agencies," to strike out the word "all" and insert the word "such."

Mr. SMITH of Arizona. I will withdraw that amendment. In view of the action the Senate has now taken, it hardly carries out the purpose intended when proposed.

The PRESIDING OFFICER. If there is no objection, the amendment is withdrawn. The Chair hears no objection. The Secretary will state the next committee amendment.

The SECRETARY. On page 2, line 4, after the words "mechanical and chemical pulp," it is proposed to insert the words "and their products."

The PRESIDING OFFICER. Without objection, that amendment is not agreed to, a similar amendment having been rejected. The Secretary will state the next committee amendment.

The SECRETARY. On page 2, line 4, after the words "the United States," it is proposed to insert the words "as the President shall designate."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. NORRIS and Mr. WATSON addressed the Chair.

The PRESIDING OFFICER. The Chair will put the question on agreeing to the amendment.

Mr. SMITH of Arizona. I withdraw that amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn. The Chair hears no objection. The Secretary will state the next amendment of the committee.

The SECRETARY. On page 2, line 18, after the word "paper," it is proposed to insert the words "pulp and pulp products."

Mr. SMOOT. That ought to go out.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDING OFFICER. The Secretary will state the next amendment of the committee.

The SECRETARY. On page 3, beginning in line 4, it is proposed to strike out all of section 3 and in lieu thereof to insert:

> That the President, during the present war emergency, shall have power by proclamation to declare that such imports of mechanical and chemical pulp and their products as he shall deem necessary in order to fully effectuate the objects of this act, shall be made only on account of the United States of America, to or through the Federal Trade Commission.

Mr. JONES of Washington. Mr. President——

Mr. SMITH of Arizona. Mr. President, if the Senator will permit me, I should like to offer an amendment to that amendment.

The PRESIDING OFFICER. The Senator from Arizona offers an amendment to the amendment, which the Secretary will state.

Mr. SMITH of Arizona. In the reprint of the bill, after the words "in order to fully effectuate the object of this act," I move to insert the words "shall be sold and distributed under the supervision of the Federal Trade Commission as provided for in section 1 of this act."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. JONES of Washington. I desire to ask the Senator from Arizona a question about this provision which I think would apply to the original part stricken out as well as to the amendment. Would this provision affect existing contracts that are

now in force with reference to the purchase of print paper; for instance, by a newspaper in this country from a paper producer in Canada?

Mr. SMITH of Arizona. I do not think Congress could enact legislation affecting an existing legal contract.

Mr. JONES of Washington. It seems to me the language is broad enough to do so. If we give the President the power to do it, it seems to me he can do it; and if the Senator does not want it to have that effect, I should like to see an amendment something like this put in: I will merely suggest it to see whether the Senator would oppose it. At the conclusion say "except that existing contracts shall not be interfered with."

Mr. SMITH of Arizona. I have no objection to preserving any existing contracts, and I would be glad to accept the amendment. I confess that I am put somewhat at sea because of the changes in the joint resolution from what I had hoped might be made. I had hoped that we might be able to preserve some sort of unity, and I have been working on the theory that the Senate would prefer a measure with less rather than one with more restrictions. I now find, however, that the amendment to section 3 inserting the words "as provided for in section 1 of this act," section 1 of the act not having been amended in any way, does not seem to apply.

Mr. FLETCHER. Mr. President, if the Senator will allow me, it seems to me that the amendment he offers now is entirely in harmony with the situation in which section 1 is left.

Mr. SMITH of Arizona. As it now stands?

Mr. FLETCHER. As it now stands. The amendment, as I gather, is to strike out in line 22 of the reprint, after the word "be," the words "made only on account of the United States of America to or through the Federal Trade Commission" and insert "sold and distributed under the supervision and regulation of the Federal Trade Commission." In other words, it is proposed to leave the whole matter with the Federal Trade Commission, as the joint resolution now stands, in view of the rejection of the amendment to section 1. This provision continues the power in the Federal Trade Commission, and, instead of the words "made only on account of the United States," it is proposed, I understand, that the product shall be sold and distributed under the regulations of the Federal Trade Commission, which harmonizes with the way in which section 1 now is, and it seems to me very much improves the joint resolution.

Mr. SMITH of Arizona. On account of the difference of the two prints of the bill and the difficulty of following the amendments as stated, I am somewhat confused; but the Senator's explanation is perfectly clear and section 3 should be amended as indicated in the reprint and by the addition of the words which I have read; that is, commencing in line 11 strike out all down to and including the word "act" in line 17, and then insert the new matter beginning after the word "act," in line 17, perfecting it as I have indicated, so that it will read:

> That the President, during the present war emergency, shall have power by proclamation to declare that such imports of mechanical and chemical pulp and their products as he shall deem necessary in order to fully effectuate the objects of this act, shall be sold and distributed under the supervision and regulation of the Federal Trade Commission as provided for in section 1 of this act.

That makes it conform thoroughly to the other provisions of the joint resolution. I ask for a vote on the amendment.

Mr. HARDING. Mr. President, I am unable to see any essential difference——

Mr. SMITH of Arizona. Mr. President, will the Senator not allow us to perfect this amendment?

Mr. HARDING. I do not object to perfecting the amendment, but I do want to say something about the section itself. I have not any particular choice myself between the words proposed to be eliminated and the substitute proposed by the chairman of the committee. I think any Senator can understand that the fundamental cure for high prices of print paper is increased production. While I think this Government is a very powerful one, I am unable to understand how it can control the production of a neighboring people. I have in mind this sort of a problem: Owing to the growing scarcity of news-print paper in this country and the vital necessity of a supply to a great newspaper, many of them who are able to command the financial means necessary to do so have established their own paper mills. I do not know how far-reaching this joint resolution is intended to be, but it seems to me it would be a very great violation of individual rights for the Government to step in and take from an individual owner, himself producing a supply of paper, and distribute it at the whim of the Federal Trade Commission. It would certainly be very unjust to place in the hands of any authority in this country the power to prohibit the imports of either spruce wood or sulphite pulp. It looks to me as though we were getting deeper and deeper all the time in our efforts to perfect this joint resolution.

What the newspapers of this country need more than anything else, aside from the voluntary arrangement for a fair price for print paper, which has been in effect since the 1st of January, are the things essential to increased production. Every one familiar with the paper trade knows that a very large percentage of the raw material for paper making must be imported. It comes from Canada, and we are proposing here to hamper and hinder production by putting an embargo, at the instance of the President, on the importation of pulp and wood and sulphite from Canada. Everything that we are proposing to do is calculated to hinder the production of the essential supplies to relieve the news-print situation in these United States.

I think the whole joint resolution ought to fail. Instead of doing something to help the newspapers of this country, we are doing something to add to the tax already imposed upon the newspaper publishers of the land. I am very well aware that many newspapers are telegraphing here in favor of the passage of this joint resolution, but I am just as well aware that they have not stopped to realize the far-reaching results which may attend the act of the United States Government going into the manufacture and control of paper. If we only judge by our experience in dealing with coal, which I took occasion the other day to admit seemed to be a necessity, we would be warned that, instead of helping a difficult situation, we are going to embarrass it for every publisher in this country. The joint resolution ought to fail, and this amendment and the section for which it is proposed as a substitute ought not to have the sanction of this body.

Mr. KNOX. Mr. President, I had not intended to address the Senate upon this joint resolution, although I am opposed to it, and would not have done so but for the remarks made this morning by the Senator from Utah [Mr. KING]. When I say "the remarks made by the Senator from Utah" I do not refer to his observations upon the position I have taken upon the constitutionality of the program of war legislation we have passed. I was impelled and intended to rise to say to him that in expressing the hope that some one would correctly appraise the present situation of this country, and particularly in the Democratic Party, that I doubt if any man, however distinguished or however broad his statesmanship, could have made a more powerful appeal for a recrudescence of the principles upon which this Government is founded than has the Senator from Utah. I think, however, Mr. President, that in justice to myself I ought to take some cognizance of his observation as to the position that I have taken upon the constitutionality of the program of legislation to which I have referred.

It is my own misfortune, and due to my own limitations, if I failed to make it perfectly clear that I was not one of those who for one instant imagined that any part of the Constitution of the United States was suspended during a period of war. Why, Mr. President, upon the contrary, there is never a period of time when the Constitution of the United States is so vital and so much in action as during war, because then all of its powers are called into play. We might just as well say that the Constitution of the United States is suspended or dead because of war, as to say that a man who rises in defense of his family against an intruder has had his normal functions suspended, as upon the contrary, his latent powers and natural passions are aroused when he flies to the defense of that which he holds most dear.

The Constitution of the United States specifically empowers the Congress of the United States to declare war. It not only empowers the Congress of the United States to declare war but it prohibits such power to the States, and, in addition to that, the Constitution in terms empowers the Congress to enact all laws necessary to carry that power—the power of war—into effect; so that, Mr. President, my position has all along been that there is nothing in the Constitution that in any way limits or interferes with the power of self-preservation. There is no principle in the Constitution so sacred that this Government must perish in order to preserve it; upon the contrary, when we are at war Congress can pass any law necessary to carry the war to a victorious conclusion.

Mr. President, the question of necessity is the question that Congress must consider. This question of necessity imposes upon us an obligation from which we can not escape. It is for the administration, it is for the Commander-in-Chief of the Army and the Navy, it is for the Chief Executive of the United States to propose to us the powers that he desires in order to prosecute the war; but it is for us to judge of the necessity of those powers. Upon us rests the duty, upon us rests the responsibility, upon us rests the obligation; so that the acid test

for every bill that is laid before this body, so far as we are concerned, is: Satisfy us as to the necessity.

Mr. President, when a measure was rejected in the Senate last spring proposing to create a censorship of the American press I opposed the measure, not upon the ground that there were no circumstances under which the Congress of the United States might constitutionally pass a censorship bill, but upon the ground that no necessity had been shown at that time to lay the powerful control of censorship upon the American press. For myself I realized that while we had vested unparalleled powers in the Chief Executive, while we had appropriated unthought-of sums of money for the expenditures of this war, if there ever was a time when we ought to weigh and weigh conscientiously and weigh deliberately the question of necessity of proposed legislation it was under such circumstances. I believe if ever there was a time when the press of America should be free, when the press should be in a position where it could speak without coercion, it was when these vast powers were being exercised and these stupendous sums of money were being expended.

Mr. President, it is not enough, it is never enough, that some one in executive authority desires a measure to be passed. It is never enough that the argument shall be closed when we are told that the administration desires the enactment of a bill unless we propose to play the ignoble part of which the poet spoke in referring to the Roman Senate:

A Cæsar with a Senate at his heels.

Mr. President, to me this measure is incomprehensible. It is unscientific in construction, and if its purpose is to be judged by its possibilities it is vicious in purpose. The one great reason recited in the preamble of the resolution, the one reason that is tangible, is that proper news shall be generally and efficiently distributed. It is true that the preamble recites the necessity of supplying the Government with print paper, which in itself is in principle a trifling necessity; but for the purpose that is most specifically avowed is that the proper news shall be efficiently disseminated.

Mr. President, I ask now, as I asked last spring, what necessity is there for us to exercise this unprecedented power over the newspapers of the country upon the theory that improper news is now being distributed? If any institution in this country has shown greater loyalty, greater consideration, and more self-sacrifice than the press of America in dealing with war news, I know not what it is; and it is rather significant that as the newspapers themselves begin more thoroughly to understand the vicious principle within this bill the more they are disposed to ask us to withhold such an extraordinary grant of power.

As I have stated at another time, I received this morning from the Philadelphia newspapers the following telegram, illustrating the awakened attitude toward this measure:

The Philadelphia newspaper publishers are unanimously opposed to governmental control of the newspaper industry.

This is signed by the Philadelphia Bulletin, the Philadelphia North American, the Philadelphia Public Ledger, the Philadelphia Press, the Philadelphia Record, the Philadelphia Inquirer, the Philadelphia Evening Ledger, and the Philadelphia Telegraph. These papers, as Senators know, represent every shade and phase of political thought in the State of Pennsylvania and in the United States—Republicans, Democrats, and Progressives alike.

The VICE PRESIDENT. The time of the Senator from Pennsylvania has expired.

Mr. SMITH of Arizona. Mr. President, I ask unanimous consent that the amendment be modified as read by me, in which case I have no objection to the insertion of the Senator's amendment with regard to not affecting the validity of any present existing contract. Of course, we have no desire to do that, and I have no objection to that amendment. My words are only to make it consonant with the balance of the bill. Then let the vote come on the amendment as amended by the words I have stated.

I ask the Secretary to report the amendment, and I ask unanimous consent that that modification be made in it.

Mr. HARDWICK. Mr. President, a parliamentary inquiry. The Senator has a right, has he not, to modify his proposition in any way he wants to? He can modify it himself.

Mr. SMITH of Arizona. I know, but I want these words inserted in the amendment as read by the Secretary. The amendment is in italics in the reprint of the bill, and to those words I have asked to add that it shall be sold and distributed under the supervision and regulation provided in section 1 of the bill. I modify my amendment to that extent.

Mr. JONES of Washington. I was going to suggest that the Senator make that provision also a part of his modification.

Mr. SMITH of Arizona. I have no objection to that coming in as a modification to my amendment, that it shall not affect any existing contract, if the Secretary will read it.

The SECRETARY. The Senator from Arizona proposes to amend the committee amendment as follows:

In the part proposed to be inserted, section 3, strike out the words "made only on account of the United States of America to or through the Federal Trade Commission," and in lieu thereof insert——

Mr. SMITH of Arizona. Strike out down to "to or through"; leave in "the Federal Trade Commission."

The SECRETARY. Strike out the words "made only on account of the United States of America to or through the Federal Trade Commission," and insert——

Mr. SMITH of Arizona. No; leave in "the Federal Trade Commission."

The VICE PRESIDENT. The Secretary will state the amendment as he understands it.

The SECRETARY. And insert the following words:

sold and distributed under the supervision and regulation of the Federal Trade Commission as provided for in section 1 of this act, except that existing contracts shall not be interfered with.

The VICE PRESIDENT. Is that right now?

Mr. SMITH of Arizona. Yes.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The VICE PRESIDENT. The question now is on the amendment as amended. [Putting the question.] By the sound the "noes" seem to have it.

Mr. SMITH of Arizona. I call for a division.

The VICE PRESIDENT. All in favor of the amendment as amended will rise. [A pause.] Those opposed will rise. [A pause.] The impression of the Chair was right. The amendment is rejected. The joint resolution is in the Committee of the Whole——

Mr. SMITH of Arizona. I have not heard the decision of the Chair.

The VICE PRESIDENT. The amendment was rejected.

Mr. SMITH of Arizona. On that I wanted the yeas and nays. I demand the yeas and nays. I did not hear the announcement of the Chair. I was waiting and listening to hear the announcement of the result.

The VICE PRESIDENT. The Senator from Arizona called for a division of the Senate.

Mr. SMITH of Arizona. Yes, sir.

The VICE PRESIDENT. And he got it.

Mr. SMITH of Arizona. Yes, sir.

The VICE PRESIDENT. And it was against the Senator's amendment.

Mr. SMITH of Arizona. Yes.

The VICE PRESIDENT. The Chair has ruled. The amendment is rejected. The Senator can offer the amendment again in the Senate.

Mr. SMITH of Arizona. I give notice that I shall call for the yeas and nays on the amendment in the Senate.

The VICE PRESIDENT. The Senator can do that in the Senate, but not now.

Mr. JONES of Washington. Mr. President, is the text of the bill now subject to amendment?

The VICE PRESIDENT. It is.

Mr. JONES of Washington. I desire to perfect it by adding, after the word "act," in line 17, the proviso which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, section 3, after the word "act," on line 10, it is proposed to insert the following:

Provided, That this act shall not affect any valid contracts existing and in force at the time of its approval.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was rejected.

Mr. JONES of Washington. I reserve the right to offer that amendment in the Senate.

Mr. SMITH of Arizona. Mr. President, if I can get the attention of the Senate for a minute, I think I understand the purpose of the opposition here. If you do not like a thing, no matter how good it happens to be or how nearly good it may be, so that some sort of amendment might help it, the best way to bent it is to make it as obnoxious as possible; and I see Senators here actually vote for an amendment to violate a contract. Then, I suppose, they will refuse to vote for the joint resolution. In this connection I do not know exactly where we are all standing, but I will leave that for some subsequent remarks that I will submit.

I move to amend the joint resolution on line 4, page 1, of the original print, where it reads:

That the Federal Trade Commission is hereby authorized and empowered to supervise, control, and regulate the production—

I move to strike out the word "control."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 1, line 4, it is proposed to strike out the word "control" and the comma.

The VICE PRESIDENT. The question is on the amendment of the Senator from Arizona.

Mr. WADSWORTH. Mr. President, may I ask the Senator what is the significance of the amendment?

Mr. SMITH of Arizona. If it makes no difference, it does not hurt to have it go out.

Mr. WADSWORTH. That is scarcely an explanation.

Mr. SMITH of Arizona. If it makes a difference, it might hurt to keep it in. If it makes the bill still more unpopular to keep it in, I can understand the opposition.

Mr. WADSWORTH. Mr. President, the purpose of my inquiry is to have the Senator from Arizona tell the Senate what his amendment will do in the actual operation of this law.

Mr. SMITH of Arizona. The Trade Commission is authorized and empowered to supervise and regulate. Will the Senator himself tell me why he has any objection to leaving out the word "control" if he can not see any distinction?

Mr. WADSWORTH. The Senator from New York is not the sponsor of this bill.

Mr. SMITH of Arizona. No. If he were, it would be differently written.

Mr. WADSWORTH. The sponsor of the bill rises upon the floor of the Senate and moves to strike out one of these words.

Mr. SMITH of Arizona. Yes.

Mr. WADSWORTH. And I have asked the Senator why he does so.

Mr. SMITH of Arizona. I do so because I do not want them to control. Is that sufficient?

Mr. WADSWORTH. Does the Senator think that they will not control if we take out the word "control"?

Mr. SMITH of Arizona. I do not want the word "control" in, because the word "control" gives them the power to control without any question as to how it may be subsequently decided.

Mr. WADSWORTH. What does the word "regulate" imply?

Mr. SMITH of Arizona. That is another matter. The word "regulate" is in there, and I want the word "regulate," because we all know what it means.

Mr. WADSWORTH. There is one Senator who does not know and never has known what "regulation" meant.

Mr. SMITH of Arizona. That may be true.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Arizona.

The amendment was agreed to.

Mr. SMITH of Arizona. I call for the yeas and nays.

The VICE PRESIDENT. The amendment was agreed to.

Mr. SMITH of Arizona. Mr. President, that shows the difficulties under which a man labors who is almost down now with pneumonia, who can hardly hear a word spoken in this body. The decision on the former amendment was held against me. I did not hear a word of it. It was impossible for me to hear it. The eustachian tube is absolutely closed, and it has been observed that I have to walk over to-day to listen to anything that is said. So, if the amendment is agreed to, I am obliged to the tender consideration of the Senate and certainly will make no motion about it when we get into the Senate itself.

In conformity with that, in the case of the second amendment, on page 2, I desire to strike out after the words "chemical pulp in the United States shall," on line 4, the words "be operated on Government account; that these products be pooled in the hands of the Federal Trade Commission for the term of the war and the emergency occasioned thereby and equitably distributed."

I ask to strike out those words and insert "equitably distribute such products at a price based upon cost of production," and so forth. In other words, I am letting these products be equitably distributed without this seizure or pooling.

I ask that that amendment be adopted.

The VICE PRESIDENT. The Chair will ask the Senator from Arizona to see if the Secretary has it right.

The SECRETARY. On page 2, beginning on line 4, after the word "shall," it is proposed to strike out all down to and including the words "equitably distributed," on line 8, and to insert "equitably distribute such products," so that it will read:

And that all mills producing and all agencies distributing print paper and mechanical and chemical pulp in the United States shall equitably distribute such products at a price based upon cost of production and distribution plus a fair profit per ton, as determined by the Federal Trade Commission.

The VICE PRESIDENT. Did the Secretary have it right?

Mr. SMITH of Arizona. I understand the Secretary to have it right.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Arizona. Mr. President, some amendments were proposed by the Senator from New Hampshire [Mr. GALLINGER], who is not here, to which I have no objection as far as I am personally concerned. In the case of the amount to be retained by the Government, instead of being 25 per cent, it was proposed to make it 10 per cent.

Mr. SMOOT. Mr. President in the reprint of the bill it is on page 2, line 19.

The VICE PRESIDENT. The amendments will be stated.

The SECRETARY. On page 2, line 13, strike out "75" and insert "90."

The amendment was agreed to.

The SECRETARY. And before the words "per cent," on line 17 of the same page, strike out "75" and insert "90."

The amendment was agreed to.

The SECRETARY. And in the provision as to a fine, on page 3, line 24, it is proposed to strike out "$50,000" and insert in lieu thereof "$20,000."

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, in the interest of the conservation of print paper and of our eyesight, I propose an additional section which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, a new section, as follows:

SEC. 5. That from and after 30 days from the approval of this act no newspaper shall be issued containing more than 16 pages such as were ordinarily printed by such paper.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound the "ayes" seem to have it.

Mr. SMITH of Arizona. I call for a division.

On a division, the amendment was agreed to.

Mr. SMITH of Arizona. Mr. President, I shall ask for a separate vote on that amendment in the Senate, and shall call for the yeas and nays upon it.

Mr. SMOOT. Mr. President, I move that the bill be recommitted to the Committee on Printing.

Mr. HARDING. Mr. President——

Mr. SMITH of Arizona. Mr. President, is that debatable?

Mr. HARDING. A point of order, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. HARDING. Under the unanimous-consent agreement, can anything be done with the pending measure except to bring it to a final vote?

Mr. SMOOT. Mr. President, as I remember, the present occupant of the Chair ruled that to recommit a bill to a committee under unanimous-consent agreement was a final disposition of the bill as far as the Senate was concerned. That is what the unanimous-consent agreement provides for—the final disposition.

The VICE PRESIDENT. Can the Senator refer the Chair to that ruling?

Mr. FLETCHER. The present occupant of the Chair held just the contrary.

The VICE PRESIDENT. I thought I ruled the other way.

Mr. SMOOT. Mr. President, I have not the ruling before me. I know I always was of the opinion, and am now, that under a unanimous-consent agreement providing for final disposition a bill could not be recommitted to a committee; but, as I remember, a ruling was made contrary to what I had formerly thought was the practice of this body. I may be mistaken, however, but I think we had better have a ruling on the question to-day.

The VICE PRESIDENT. The Chair may be mistaken about it; that would be quite natural; but the present recollection of the Chair is that he ruled that it could not be recommitted to the committee; that that was not a final disposition at all, but the measure would simply go back to the committee and again be reported to the Senate, and that such a course was a violation of the unanimous-consent agreement. That is the Chair's recollection of the ruling he made, although he may be mistaken, and it might be well to take a moment to look into it.

Mr. SMOOT. Mr. President, I am not particular whether we vote upon the resolution directly or whether we vote upon a recommittal of it. As far as my personal opinion is concerned, I think the proper thing to do is to vote directly upon the joint resolution and not to have a vote on a motion to recommit it, although I had understood the ruling of the Chair to be otherwise.

Mr. THOMAS. Mr. President, will the Senator yield to me?

Mr. SMOOT. Certainly.

Mr. THOMAS. I think the Senator has momentarily overlooked the fact that just prior to our adjournment on Friday the Senator having charge of the bill asked the floor leader, who had moved to adjourn until Monday, whether such action would interfere with a final vote upon the joint resolution, whether it would be sidetracked; and he was assured to the contrary not only by the Senator from Virginia [Mr. MARTIN] but also by the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. Oh, Mr. President, the Senator from Colorado is wrong in that. The Senator then had reference to taking up another bill and displacing his resolution as the unfinished business.

Mr. TOWNSEND. Mr. President, if the Chair will look on page 264 of the Precedents, he will find the ruling to which reference has been made.

Mr. THOMAS. I think I am correct about that, Mr. President.

Mr. SMOOT. Oh, no. What I stated to the Senator from Arizona was that I would vote against taking up any other bill to displace the unfinished business.

Mr. ASHURST. Mr. President, from the very language of the unanimous-consent agreement the Senate is precluded from recommitting this resolution. I am opposed to recommitting this resolution, and unless you break the unanimous-consent agreement a motion to recommit can not be entertained, because it provides that the resolution shall proceed "through the regular parliamentary stages to its 'final disposition,'" and every one of us who indulges in the luxury of reflection knows that to "recommit" a bill is not proceeding to its final disposition. It means that there will or may be more proceedings taken later thereon. Should such a motion prevail it would not be a "final disposition"; to recommit would mean that the Senate through one of its committees would still retain jurisdiction over the resolution, and such could not be a "final disposition."

The VICE PRESIDENT. The Chair finds, through the courtesy of the Senator from Michigan [Mr. TOWNSEND], that substantially the same question was ruled upon by the Chair on the 17th of October, 1914, where, under a unanimous-consent agreement, I ruled that a motion to lay the bill on the table was not in order, not being a final determination; that although it usually and ordinarily constituted a disposition of the measure, still it might be again taken from the table. The Chair sustains the point of order of the Senator from Ohio [Mr. HARDING] and rules that the joint resolution can not be recommitted to the committee. The joint resolution is in Committee of the Whole and open to amendment.

Mr. HITCHCOCK. Mr. President, I want to say a few words on this joint resolution before it comes to a vote and before it goes into the Senate.

A year ago, or possibly even six months ago, probably much might have been said in favor of some measure to bring relief to the newspaper world. That time has passed. To a large extent, if not to a full extent, a remedy has been found. The combination that then existed among certain manufacturers representing about 75 per cent of the news-print manufacture of the country has been broken, and to a considerable extent the processes of competition have resumed their operation. Under an agreement to which the Attorney General of the United States was a party, those manufacturers representing a commanding position in the world of news-print manufacturers, the Federal Trade Commission is now engaged in fixing a price for news print in the United States, not only the price of rolled print for the large papers but of sheet paper for the small papers as well. Under this process the price of paper has already been materially reduced. Newspapers have found that they were not compelled to deal with the mills they were formerly tied to by the secret conspiracy which had been formed. The result is that a reduction of 10 per cent and later a reduction of a larger per cent in the price of paper to all classes of consumers has taken place.

So I say the occasion for this legislation has passed. At all times it has seemed to me to be questionable legislation. I have a strong faith in the Federal Trade Commission. I believe in the measure which created it, and I believe that the Federal Trade Commission is performing a useful function. It gathered information which was finally used to break up this combination. It has been the watchman which has succeeded in protecting the newspapers of the country as the result of a long struggle.

The Federal Trade Commission is now engaged under an amicable arrangement in fixing prices and in adjusting distribution. I think it would be a mistake, Mr. President, at this juncture to attempt by legislation to modify that situation.

Mr. STONE. Mr. President——

Mr. HITCHCOCK. I can not yield for a question because I have only a few minutes.

Mr. STONE. It was a pertinent question.

Mr. HITCHCOCK. But there is an additional reason why I think it would be a mistake to put the Federal Trade Commission, which now performs a useful function, into the position provided by the bill. It would practically throw responsibility upon it which might break its back. If we put upon the Federal Trade Commission the work of actual distribution and manufacture of paper, as the bill was originally intended, it would go far beyond its legitimate function and raise very serious doubt as to any successful result.

But, Mr. President, there is another thing the Senator from Ohio [Mr. HARDING] and others have said, that the real question in the print-paper world is one of production. There has been a real scarcity of print paper. There has not been enough print paper manufactured. It is easy to see what will be the result of putting the print-paper manufacture of the country in the hands of a Government agency. It will discourage enterprise; it will restrain investment. No one with money will go into the investment of print paper in paper mills while those mills are largely under the control of an agency of the Government. So I fear that this legislation would tend to restrict production and would really tend to embarrass the trade. It would do more. It would serve to throw the trade into a confusion which is entirely unnecessary.

I have a good deal of respect for Government agencies. We all know that most of the Government agencies which have undertaken in this emergency the conduct of business have met with very serious embarrassment and have not made a very creditable record.

So, Mr. President, I believe that this is not the time to pass this resolution. It may be said that in the form in which the bill now stands no one can tell exactly what it means. As reported by the committee it meant but one thing, but as the result of a series of amendments which have been injected into the bill it forms now a chapter in legislation which, I think, no one here can exactly understand, and I believe that it will not be a benefit to the newspaper world at this juncture to pass this legislation. I believe it is far better to allow the present amicable process to continue, under which, as the result of an agreement, the Federal Trade Commission is operating to fix prices and under which the manufacturers have been prohibited from forming the combinations which they have heretofore had in existence.

I believe that what has been done will be successful. The relief has already begun and the reduction in the price of print paper has already been considerable, not only as to large users of print paper but the small users as well.

Mr. SMITH of Arizona. Mr. President, I wish to say a word or two in response to the suggestions of the Senator from Nebraska [Mr. HITCHCOCK]. Absolutely intolerable conditions are found to exist in the print paper and pulp business in this country. The Senate passed a resolution requesting the Trade Commission—or ordering it, if you please—to make a thorough investigation of this business in the United States and report its findings to the Senate. The Senate adopted that resolution, I understand, without any division. The report came to the Senate with an aggregation of facts that, without the use of intemperate language—that never does any good and is never used by men except, probably, in their excitement—I may say disclosed an intolerable trust, the most heartless, the most shameless, and to which a virtual admission was made by every man in it who was then before the court.

Before the Trade Commission made the investigation these people were selling print paper at 2½ to 3, 5, 8, 9, and 10 cents a pound. Some of them were making 1 cent a pound. The Senator from Ohio [Mr. HARDING] admitted the other day, in spite of what the Senator from Utah had said in response to that sort of a statement made by me, that as soon as the report came out with the facts the gentlemen composing the trust made an agreement with the Trade Commission that they would sell the paper at 2½ cents a pound f. o. b. at the mill. As soon as the Attorney General brought a suit to set aside this unconscionable combination the profiteers immediately began to violate that contract and to sell paper at 3 cents, a menace to the whole industry of this country. It was unconscionable. The newspapers were entitled to the protection of anybody anywhere, and especially of the Senate of the United States that investigated it and the courts who found that there was an unconscionable trust robbing the people, even above the 29 per cent profit, and they had already received $17,000,000 in a year. Then we hear Senators talk about hurting the industry in this country. God help us to hurt every industry of that kind! The country newspapers,

the Ohio papers from the State to which the Senator from Ohio [Mr. HARDING] belongs, write a letter this morning. The Associated Ohio Dailies, of which the Senator from Ohio was a party, write this letter to Mr. Hosmer:

MY DEAR MR. HOSMER: I have your letter of December 6, and want to assure you that the Associated Ohio Dailies will be ready to cooperate with you in the matter of the Smith resolution now before Congress and on the Senate Calendar.

He states more that it is unnecessary for me to read, but this shows that they are for it. Is it not strange that exalted gentlemen who hold a high position, as the Senator from Pennsylvania [Mr. KNOX], should say that the great newspapers from Pennsylvania did not want this measure to pass at all? No wonder they did not; and if the whole gang that has been represented could only kill every one of the poorer papers, even if they paid 10 cents a pound for paper, they would make a profit in the end, for they would be the only ones who would have newspaper circulation at all.

That was the purpose of this resolution, and it has been shown on this floor that Senators have voted for the violation of a contract. With a provision in the measure that a contract should not be violated Senators have stood here—dignified Senators—and voted against it, because they wanted it to appear that the bill carried a violation of a contract, and they were willing if the bill should happen to pass that it should not carry that provision rather than have the paper which they happened to be fortunate enough to be interested in get print paper at prices cheaper than their neighbors.

Mr. President, this is not aimed to help or support the big papers of this country.

Mr. REED.—Mr. President——

Mr. SMITH of Arizona. I have only a minute left.

Mr. REED. I simply wish to ask the chairman of the committee a question.

Mr. SMITH of Arizona. I know, but there have been hundreds of questions asked, and they have been answered. I will yield in half a second.

Mr. President, that is the reason why this resolution is before the Senate. It was based on the belief that in the general circulation of newspapers they had the same right of protection as the right of the product on which they print. It was based in that particular on the ground of a war measure for nine-tenths of the papers. That is what they were charging them, and what they will continue to charge them, and already they are working with all their attorneys, and not one of the print-paper gentlemen who was indicted and convicted, not one of them, will tell the Trade Commission what it cost to make paper. So they wanted time to tell what their plans were. It is the same old, ingenious proposition that they could say to every publisher in the United States and user of paper that there was going to be an increase in the cost.

Mr. President, the matter is now before the Senate. When it votes, I hope no Senator here will vote that a contract ought to be violated. I hope Senators are not so unfamiliar with the conditions that led up to this measure that they have lost their conscience to that extent that they would make the bill as obnoxious as possible instead of attempting in good faith to amend it and improve it, and so that it would be as harmless as possible from their standpoint.

Mr. REED. Mr. President, I rose to ask the chairman of the committee a question.

Mr. SMITH of Arizona. I beg the Senator's pardon.

Mr. REED. A question which he did not feel he could yield to at this time. While I want the most of my time, I should like to get a direct answer to this question: Is it or is it not true that arrangements have been perfected by which a price has been fixed upon print paper to hold until some date in the coming year?

Mr. SMITH of Arizona. I can tell the Senator all about it.

Mr. REED. It is that question I ask. Is that the fact?

Mr. SMITH of Arizona. Some six or eight indicted people have made a contract that they will furnish paper up to the 1st day of April at a certain price.

Mr. REED. Is it not true that those same six or eight indicted people, or formerly indicted people, have agreed that the Federal Trade Commission shall fix their price after the 1st day of April?

Mr. SMITH of Arizona. They have.

Mr. REED. Is it not true that those 8 or 10 indicted people are the producers of practically 75 per cent of all the print paper of the United States?

Mr. SMITH of Arizona. It is. They made the same contract before, if the Senator will permit me, and violated it.

Mr. REED. Mr. President, I want to state my position upon this bill as briefly as I can, if not for the enlightenment of the Senate, at least that I may put in the RECORD my own position.

When the newspapers began to suffer from the exactions of the combination to advance the price of wood pulp I was one of the first to call the attention of the Senate to that fact, and at the instance of great newspapers I introduced a resolution calling upon the Trade Commission to advise the Senate why it had not served the notice which it could serve under the Federal trade act and made the demand that it could make, which would have put these conspirators to answer before the court.

The Senate received in reply to that resolution which was passed a somewhat long and involved reply from the Federal Trade Commission. After reading it, I concluded that the Federal Trade Commission had reached the view that they had thought it best to lay the facts before the Attorney General of the United States, that certain indictments had been found and that therefore the law ought to be allowed to take its course without any interference on the part of Senators, and with the full acquiescence of the newspaper men who asked me to act, as I have stated, I proceeded no further in the matter, awaiting the outcome of those suits.

It now transpires, Mr. President, that those who were indicted in the suit pleaded guilty and effected an arrangement with the Attorney General of the United States or with the interested parties, to wit, the great newspaper publishers who had been back of these particular prosecutions in the effects to obtain redress from the Federal Government to which I have already adverted.

I take it that the Attorney General of the United States ought to have enough good sense and shrewdness not to make an idle or a foolish agreement, particularly when we find that agreement coupled with what appears to have been a very moderate sentence. Taking the situation in the light I am able to view it, it seems to me perfectly plain that the Attorney General and the court have substantially said to these great producers: "What we want at this time is results, practical results, rather than punishment. Your penalties will be mild in these courts, provided you will agree to furnish news-print paper at a reasonable price until the 1st of April, and thereafter put yourselves under the jurisdiction of the Federal Trade Commission and let it fix prices."

I am not prepared to believe that Attorney General Gregory made an arrangement of that kind and left himself and left the country in such shape that they are liable at any moment to have this contract violated. I believe the Attorney General has worked out a plan by virtue of which the Federal Trade Commission will investigate the cost and will fix prices; that the only reason the agreement did not provide for an absolute price throughout the year was because it was not deemed possible to fix such a price justly without further hearing.

Believing that, Mr. President, I come to the consideration of this joint resolution. So far as the combination is concerned, unless the Attorney General of the United States had such an agreement as I have referred to, then he was very derelict in his duty for not insisting upon a severe penalty, a penalty that would have taught these conspirators a lesson they would always remember; and the Federal court was derelict in its duty if it did not impose such penalty, save and except the mildness of the penalty is to be explained by an understanding having been reached which would benefit the American public.

With that situation, therefore, what becomes of all the argument about trusts? What becomes of all the denunciation of the monopolies that rob little newspapers? That is water over the wheel; that is a thing that is passed. It was an outrage when it existed; but the authorities have undertaken to cure it and have undertaken to cure it by putting the jurisdiction of the fixation of prices in the Federal Trade Commission, the very tribunal to which the distinguished Senator who is the author of this measure appeals.

No man will go further than will I to punish trusts and monopolies; no man on this floor has a cleaner record for voting against trusts and monopolies and for their severe punishment than I myself have; no man would have rather seen these wood-pulp, news-print paper makers in the penitentiary than would I; but the authorities of the United States have seen fit, evidently for the benefit of the business, to impose light penalties, and, in lieu of a criminal penalty, to give the newspaper people the benefit of low prices.

Mr. President, in the one minute which remains to me I can not discuss this measure, but let me call attention to the fact that there is a complete demonstration that it was an undigested measure when it came here, because the sponsor for the joint resolution has himself seen fit to amend it and offer an amendment which completely changes the very fundamentals of the joint resolution.

Mr. SMITH of Arizona. Now, will the Senator permit me to say——

Mr. REED. I can not permit the Senator to say much in my one minute, though I should like to do so.

Mr. SMITH of Arizona. I appreciate that fact.

Mr. REED. The joint resolution is brought here, giving the Federal Trade Commission the authority to take this print paper over without a single word as to how it shall be distributed or who shall be entitled to it. A point like that overlooked in a measure is proof positive that the measure was not inspected, is proof positive that it was not understood, and is proof positive that it ought to go back for proper consideration.

Perhaps some legislation is necessary along this line, but certainly it is not this legislation. As the joint resolution is now amended we find the absurd provision in it that no newspaper shall print more than 16 pages. Nothing is said about the size of the pages; nothing is said about great periodicals——

The VICE PRESIDENT. The time of the Senator from Missouri has expired.

Mr. SMOOT. Mr. President, I think I ought to take only a few moments of the time of the Senate to again refer to the question that was brought up in reference to the newspapers having to pay 9 cents a pound for print paper. I think there were one or two such cases reported to the Federal Trade Commission, where they were charged 9 cents a pound away out in the western country, where a few pounds were purchased and taken from a roll of paper; in other words, it was shown that about once a month a little four-page pamphlet called a newspaper, but which did not buy more than 20 pounds at a time for one issue, had been charged 9 cents a pound—not by the manufacturer of the paper, but by the distributor of the paper, who had paid the freight upon the paper, and the purchaser took but a part of a roll and was charged 9 cents a pound, that is cited here as a wicked sample of what has been generally charged to the papers of this country for news-print paper.

Mr. President, in regard to the charge of a violation of the contract, I wish to say that the Federal Trade Commission was directed by the Senate, as I remember, to make an investigation of the cost of print paper. That investigation proceeded, and as it proceeded the Federal Trade Commission undertook to make an agreement with the paper manufacturers of this country as to the price at which print paper should be sold. An agreement was reached and a price named at 2¼ cents a pound. Shortly after the agreement was reached the Attorney General, in behalf of the United States, brought suit against seven or eight paper manufacturers for the purpose of dissolving the companies, claiming that they had associated themselves together, and thus had formed a monopoly in restraint of trade.

It is true, Mr. President, that after they had made the agreement to sell paper at 2¼ cents a pound, when the Attorney General began suit against them, they concluded that the agreement which they had made with the Federal Trade Commission, a branch of our Government, should not be binding. I think in many cases they then sold paper as high as 3 cents a pound instead of 2¼ cents. But, further, Mr. President, when the cases were settled—and I am not going into the question of how they were settled, because that has already been stated on the floor a good many times—the Attorney General, as trustee in behalf of each and every individual, firm, or corporation publishing a newspaper and using news-print paper in his business or in its business in the United States, agreed with the seven or eight print-paper manufacturers who manufactured at least 75 per cent of the paper manufactured in the United States upon certain prices at which the paper should be sold. Those prices were based upon the investigation of the Federal Trade Commission and were the prices which that commission recommended. Here are those prices: From January 4, 1918, until April 1, 1918, for such news-print paper in rolls, $3 per hundred pounds f. o. b. at the mill in carload lots, and $3.25 per hundred pounds f. o. b. at the mill in less than carload lots.

Then, the agreement further provides:

After April 1, 1918, a just and reasonable maximum price and terms of contract for the sale of all or any print paper shall be determined and fixed by the Federal Trade Commission after due hearing and investigation.

Why, Mr. President, the agreement that has been reached is such that the Federal Trade Commission has absolute power to fix the price at which print paper shall be sold in the United States.

Mr. SMITH of Arizona. By the manufacturers not a party to that agreement?

Mr. SMOOT. Oh, well, I have already said manufacturers making 75 per cent of news-print paper in the United States are included in this agreement. Furthermore, Mr. President, I have no doubt whatever that the manufacturers of the other 25 per cent will follow suit just as soon as the Attorney General can get the signatures of the parties to the agreement. Why is any legislation needed when we know that such an arrangement is in force to-day? The only reason this legislation is sought is to give, indirectly, the power to the President of the United States to say to any one paper in the United States, or to all of them, that they shall not have print paper if, in his judgment, it is better for the public good that they should not have it. It involves a greater censorship than was ever heretofore thought of or ever tried to be put into effect.

Mr. SMITH of Arizona. I should like to correct the Senator as to that.

Mr. SMOOT. I have only a few minutes, and I hope the Senator will wait until I conclude.

Mr. SMITH of Arizona. I understand the Senator's position.

Mr. SMOOT. The Senator from Arizona has had his 10 minutes.

Mr. SMITH of Arizona. I merely wish to say that only 55 per cent of the paper is handled by the companies included in this arrangement. I have here [exhibiting] the showing of every one of them.

Mr. SMOOT. I hope the Senator will let me proceed. Let us grant, Mr. President, that what the Senator has said is true, although he has said several times to-day that the output controlled by the so-called combine was about 75 per cent; but granting that it is only 55 per cent, that does not change the principle of the pending legislation.

Mr. NORRIS. Mr. President——

Mr. SMOOT. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to suggest to the Senator that his designation of the reason for giving this great power to the President is hardly accurate, because the amendment proposing to put this matter in the control of the President was not agreed to and is not in the joint resolution now.

Mr. SMOOT. The power is given in section 3, but be that as it may, it gives the power to the Federal Trade Commission.

Mr. NORRIS. Yes; that is right.

Mr. SMOOT. And the Federal Trade Commission would not deny a request of the President of the United States.

Mr. NORRIS. The Senator does not mean to say, does he, that the Federal Trade Commission will not exercise its own judgment, and that it is completely subservient to the President?

Mr. SMOOT. The Senator from Utah is willing to say that there is no telling what the joint resolution, if it ever passes the Senate, will contain when it comes out of conference; there is no telling what amendments may be made in the other House.

Mr. NORRIS. That may be, but the Senator is speaking of the joint resolution as it stands now, and it gives no such power to the President.

Mr. SMOOT. The Senator from Utah will stand corrected as far as section 1 is concerned, inasmuch as the amendment proposing to transfer the power to the President has been disagreed to, and it has been placed in the Federal Trade Commission rather than in the President, although in effect that does not change the situation a particle.

Mr. President, I do not care to say anything more about the measure at this time and hope the Senate will defeat the passage of the resolution.

The joint resolution was reported to the Senate as amended.

The VICE PRESIDENT. The Senator from Arizona has reserved for a separate vote in the Senate the amendment inserting section 5. The question is on concurring in the other amendments not reserved.

The amendments not reserved were concurred in.

The VICE PRESIDENT. The Senator from Arizona has reserved a separate vote on the amendment adding section 5 on which he has requested the yeas and nays. Is the request of the Senator from Arizona seconded?

Mr. THOMAS. I ask that the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add a new section at the end of the joint resolution as follows:

SEC. 5. That from and after 30 days from the approval of this act no newspaper shall be issued containing more than 16 pages such as were ordinarily printed by such paper.

Mr. SMITH of Arizona. I ask for the yeas and nays on the question of concurring in the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). As I have a pair with the Senator from New Hampshire [Mr. GALLINGER], in his absence I withhold my vote.

Mr. KELLOGG (when his name was called). I have a pair with the junior Senator from Maine [Mr. HALE] and therefore withhold my vote.

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. As he is not present, I withhold my vote.

Mr. WEEKS (when Mr. LODGE's name was called). My colleague [Mr. LODGE] is absent on account of death in his family. He has a general pair with the senior Senator from Georgia [Mr. SMITH]. If my colleague were present he would vote "nay" on this amendment.

Mr. NORRIS (when his name was called). I am paired with the junior Senator from Utah [Mr. KING], who was called away from the Chamber and who has not yet come back. I do not know how he would vote on this amendment if present, and therefore withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. He not being present, I withhold my vote.

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. SHIELDS (when his name was called). I have a pair with the Senator from Connecticut [Mr. BRANDEGEE], who is absent on account of illness. I therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], but upon this joint resolution and the amendments to it he is paired with the junior Senator from New Hampshire [Mr. HOLLIS]. I vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], but under that pair I am authorized to vote when I think proper on this measure. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan] is necessarily absent. He is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the senior Senator from South Dakota [Mr. STERLING]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. WILLIAMS. I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. HARDWICK. I have a general pair with the junior Senator from Kansas [Mr. CURTIS], who is absent on official business. I therefore withhold my vote.

Mr. KIRBY. I announce the absence of the senior Senator from Kansas [Mr. THOMPSON] on important public business.

Mr. TILLMAN. I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the senior Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. HARDING (after having voted in the negative). I voted without noticing the absence of the junior Senator from Alabama [Mr. UNDERWOOD], with whom I have a general pair, but I am informed that on this amendment he would vote as I have voted. Therefore I will allow my vote to stand.

Mr. SMITH of Georgia (after having voted in the affirmative). I have not regarded this amendment seriously, and I really did not mean my vote seriously, so I should like the consent of the Senate to change it.

Mr. SMOOT. I desire to announce that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Wyoming [Mr. KENDRICK] and that the Senator from New Jersey [Mr. FRELINGHUYSEN] is paired with the Senator from Montana [Mr. WALSH]. I also announce that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably absent and that the junior Senator from Kansas [Mr. CURTIS] is absent on official business.

The result was announced—yeas 4, nays 53, as follows:

YEAS—4.

Jones, Wash.	McCumber	Ransdell	Sherman

NAYS—53.

Ashurst	James	Poindexter	Swanson
Bankhead	Johnson, Cal.	Pomerene	Thomas
Beckham	Jones, N. Mex.	Reed	Tillman
Borah	Kenyon	Robinson	Townsend
Calder	Kirby	Saulsbury	Trammell
Chamberlain	La Follette	Shafroth	Vardaman
Colt	McKellar	Sheppard	Wadsworth
Cummins	McNary	Simmons	Watson
Fernald	Martin	Smith, Ariz.	Weeks
France	Myers	Smith, Ga.	Williams
Gerry	Nelson	Smith, Md.	Wolcott
Gronna	New	Smoot	
Harding	Owen	Stone	
Hitchcock	Pittman	Sutherland	

NOT VOTING—36.

Brandegee	Goff	King	Phelan
Broussard	Gore	Knox	Shields
Culberson	Hale	Lewis	Smith, Mich.
Curtis	Hardwick	Lodge	Smith, S. C.
Dillingham	Hollis	McLean	Sterling
Fall	Hughes	Norris	Thompson
Fletcher	Johnson, S. Dak.	Overman	Underwood
Frelinghuysen	Kellogg	Page	Walsh
Gallinger	Kendrick	Penrose	Warren

So the amendment made as in Committee of the Whole was nonconcurred in.

The VICE PRESIDENT. The Senator from Arizona [Mr. SMITH] now offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 3, as printed in the bill, and to insert:

That the President, during the present war emergency, shall have power by proclamation to declare that such imports of mechanical and chemical pulp and their products as he shall deem necessary in order to fully effectuate the objects of this act shall be sold and distributed under the supervision and regulation of the Federal Trade Commission, as provided for in section 1 of this act, except that existing contracts shall not be interfered with.

The VICE PRESIDENT. The Senator from Arizona asks for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). Making the same announcement as to my pair as before, I withhold my vote.

Mr. HARDWICK (when his name was called). I have a pair with the junior Senator from Kansas [Mr. CURTIS], who is detained from the Senate on account of official business. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. KELLOGG (when his name was called). I am paired with the junior Senator from Maine [Mr. HALE] and withhold my vote.

Mr. NORRIS (when his name was called). On this question I am paired with the junior Senator from Utah [Mr. KING]. If he were present he would vote "nay," and I would vote "yea."

Mr. OVERMAN (when his name was called). Again announcing my pair with the senior Senator from Wyoming [Mr. WARREN] I withhold my vote.

Mr. REED (when his name was called). Making the same announcement as on the previous roll call I vote "nay."

Mr. SHERMAN (when his name was called). I am paired with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. SHIELDS (when his name was called). Announcing my pair as before I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the senior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call I vote "yea."

The roll call was concluded.

Mr. MYERS. My colleague [Mr. WALSH] is still detained from the Senate by illness. He is paired with the junior Senator from New Jersey [Mr. FRELINGHUYSEN].

The result was announced—yeas 52, nays 9, as follows:

YEAS—52.

Ashurst	Kenyon	Pittman	Stone
Bankhead	Kirby	Poindexter	Sutherland
Beckham	Knox	Pomerene	Swanson
Colt	La Follette	Ransdell	Thomas
Cummins	McCumber	Robinson	Tillman
Gerry	McKellar	Saulsbury	Townsend
Gronna	McLean	Shafroth	Trammell
Hardwick	McNary	Sheppard	Underwood
Hitchcock	Martin	Simmons	Vardaman
James	Myers	Smith, Ariz.	Wadsworth
Johnson, S. Dak.	Nelson	Smith, Ga.	Weeks
Jones, N. Mex.	New	Smith, Md.	Williams
Jones, Wash.	Owen	Smoot	Wolcott

NAYS—9.

Calder	France	Johnson, Cal.	Sherman
Chamberlain	Harding	Reed	Watson
Fernald			

NOT VOTING—32.

Borah	Frelinghuysen	Kendrick	Phelan
Brandegee	Gallinger	King	Shields
Broussard	Goff	Lewis	Smith, Mich.
Culberson	Gore	Lodge	Smith, S. C.
Curtis	Hale	Norris	Sterling
Dillingham	Hollis	Overman	Thompson
Fall	Hughes	Page	Walsh
Fletcher	Kellogg	Penrose	Warren

So the amendment of Mr. SMITH of Arizona was agreed to.

Mr. REED. Mr. President, I move to strike out section 4 and to insert in lieu thereof the matter which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all of section 4 as amended, and to insert in lieu thereof the following:

That any person or persons engaging in a conspiracy to limit the production or sale of print paper, or to fix the price of the same, or to create a monopoly in the manufacture or sale thereof, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years, and shall be fined not less than $150,000.

Mr. SMITH of Arizona. Mr. President, I have no objection to the Senator's amendment if he does not strike out the whole of section 4 of the joint resolution. He can put in afterwards whatever he wants as to conspiracy; but I hope the Senator will not press the amendment to strike out section 4, for he will admit, and everyone else will admit, that if section 4 is struck out it leaves no power on earth in the joint resolution. If section 4 is struck out, it is equivalent to voting against the joint resolution itself. The question will come up better, in my judgment, on the square question of passing the joint resolution than on an amendment that will make the measure absolutely nugatory, in my judgment.

I say that, although I was not able to catch as clearly as I should like to, because of the noise about me, the precise words of the Senator's amendment.

Mr. REED. Mr. President, the joint resolution as drawn gives the Federal Trade Commission authority to control, supervise, and regulate the production and distribution of print paper and chemical pulp. That, of course, gives it jurisdiction over all of the activities and all of the energies employed in making paper. As I stated awhile ago in a colloquy, it gives the Federal Trade Commission jurisdiction over every instrumentality, from the man who wields the ax in the forest to cut down the trees to the transportation company that hauls the material to the mill that manufactures it and to the agencies that distribute it.

The section giving that broad power to the Federal Trade Commission is followed by section 4, which provides that every order of the Federal Trade Commission shall be obligatory on every individual, firm, association, company, corporation, or organized manufacturing industry, or the responsible head or heads thereof, who shall do any of the things I have heretofore referred to; and then it is followed with the provision that a failure to comply, not with the orders of the Federal Trade Commission, not with the laws of Congress, not with the laws of our country, but with the orders of the Federal Trade Commission, shall constitute a felony, which shall be punishable by three years' imprisonment and a fine.

Mr. President, if this joint resolution authorized the Federal Trade Commission to seize the products of these plants, to go into court or outside of court to take possession of the property of individuals, and left the individual to his recourse in the civil courts of the country, it would be a very radical measure, but it might be tolerable. But, Mr. President, the joint resolution proposes to say to every man engaged in this industry: "Obey the orders of the Federal Trade Commission or go to the penitentiary."

No matter how arbitrary the order may be, no matter how destructive it may be, no matter how unjust it may be, no matter how illegal it may be, every man who refuses to obey does so with the threat of the penitentiary hanging over him; and this is proposed in a country where we claim to have a Constitution, in a country where it always has been said that a man was entitled to his day in court, and to be tried according to the law of the land; and the proposition here is to send a man to the penitentiary because he does not obey the order, not of the law itself, but of a board or tribunal!

Mr. SMITH of Arizona. Mr. President, I will ask the Senator, if he will permit me, if that is not true of the national-defense act; if the very same language does not occur also in the food and coal act and in the national-defense act, except that the penalty is three times as great?

Mr. REED. Well, Mr. President, if any such language occurs in any act of Congress, it is to the shame of Congress, and it is to the shame of our country. This has always been understood to be a government of law and not a government of men; a government in which the rules by which the citizen is to be guided are laid down by the lawmaking power that the citizen has created. It is a new chapter in American jurisprudence and is constitutional development or disintegration when it is proposed to say that whenever some board issues an order that a man does not see fit to obey he shall not have his day in court to settle his civil rights in a civil tribunal, but that if he fails to turn over his property or obey the mandate of that board he shall be instantly haled before a criminal court and started to the penitentiary.

That sort of legislation, Mr. President, I do not believe finds a parallel in Austria. I do not believe you can parallel it in Prussia. I think you would have to go to Turkey to find its real source.

Now, the chairman in charge of this bill holds before me some book, in which he says we have done similar things before. That is a miserable begging of a question. If we have done things of this kind before, if this Congress has been reckless to the people's rights, it is so much the more reason why we should pause now. Who is it in his calm moments can deem it safe to vest such powers as these in men?

Mr. President, the amendment I have offered proposes to punish as crimes those things that are crimes, those things that have been recognized as crimes. It is proposed to penalize these institutions and men if they shall conspire in restraint of trade, if they shall seek in any way to fix prices, to limit output. That far we can justly and properly go, and no further than that should we go.

Mr. SMITH of Arizona. Mr. President——

Mr. REED. Mr. President, I raise the question that the Senator has occupied his time on this bill.

Mr. SMITH of Arizona. I thought the Senator offered an amendment.

Mr. REED. And you spoke to it——

Mr. SMITH of Arizona. I have not said a word in the way of a speech. I interrupted the Senator.

Mr. REED. For at least seven or eight minutes.

Mr. SMITH of Arizona. I interrupted you.

Mr. REED. The Senator did not interrupt me. I offered an amendment, and before I said a word the Senator spoke. I would have no objection, but if we are going to have rules we should observe them.

Mr. SMITH of Arizona. In order to avoid that, I move to amend the Senator's amendment by striking out the first clause of it.

Mr. REED. Very well.

Mr. SMITH of Arizona. Mr. President, the speech the Senator has delivered is so much in line with so many great speeches he has delivered, never a weak one, in this body but along the same identical lines, that I was wondering whether the Senator voted for or against the national-defense bill. If he voted for it, he is subject to all the denunciation that he has been heaping on the balance of us. If he voted against it, he is perfectly consistent. I was wondering whether he voted for the food and coal regulations. I think the Senator probably voted against that measure.

Mr. REED. I undoubtedly did.

Mr. SMITH of Arizona. If he did, the Senator was consistent; but in the national-defense bill there are provisions forty times worse than the very one against which he inveighs now. If the Senator will permit me, I will read a section from that act.

Mr. REED. I was going to ask the Senator to find where there was something forty times worse in the English tongue.

Mr. SMITH of Arizona. I will show it. It was forty times worse, according to the Senator's own statement, than what is contained in this bill. It is very easy to say how evil something is; it is easy to say there is something equally awful; yet it does not make any difference; "I know it is awful, but this is awfuller than the awful mistake I made last week."

What was the national defense bill? I will not read all of its 128 sections, but I will read part of it. Under the section providing for the purchase or procurement of military supplies the President—

is hereby authorized to take immediate possession of any such plant or plants—

I do not do that in this bill—

and, through the Ordnance Department of the United States Army, to manufacture therein in time of war, or when war shall be imminent, such product or material as may be required—

Listen, Senator from Missouri, to your own criticism—

and any individual, firm, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section—

And this section not only gives the power that is given in this measure, but broader, giving the power under the head of the department—

shall be deemed guilty of a felony and, upon conviction, shall be punished by imprisonment for not more than three years and by a fine not exceeding $50,000.

Mr. REED. Will the Senator yield for a question, since he is making this entirely personal?

Mr. SMITH of Arizona. It is not personal.

Mr. REED. That section applies to the commandeering by the United States of property to be used in war, does it not?

Mr. SMITH of Arizona. Yes.

Mr. REED. It provides simply that the Federal Government can take it, and it provides a method of sure and speedy payment, and then it punishes the individual for refusing to turn over the property under those circumstances.

Mr. SMITH of Arizona. My friend is not asking me a question.

Mr. REED. Does the Senator mean that that is a parallel with this miserable thing he has produced here?

Mr. SMITH of Arizona. Yes; I claim that the thing you voted for is more miserable than this.

Mr. REED. You may claim it, but nobody will believe it.

Mr. SMITH of Arizona. I put it as boldly as that. The Senator makes a naked assertion.

Mr. REED. Very well.

Mr. SMITH of Arizona. The Government of the United States is paying millions upon millions of dollars for this very product right now.

Mr. REED. Does the Senator pretend that this bill is the taking over of property?

Mr. SMITH of Arizona. As there was under this section. That is precisely the case with this present outrage.

Mr. REED. Does the Senator pretend that the bill we have now proposes to take property and pay for property and take it as a war measure and turn it over?

Mr. SMITH of Arizona. I must ask the Senator to excuse me from permitting him to make a speech. I will answer any direct question.

Mr. REED. I was asking a question.

Mr. SMITH of Arizona. I know; but it takes so long to ask a question that the Senator will make a long speech before I can get through.

Mr. REED. Very well, proceed.

Mr. SMITH of Arizona. Mr. President, this is nothing in the world but the same old condemnation of everything that is trying to get from under the operation of these combinations that are taking advantage of war times to rob the people. The Senator is not conscious of any such purpose as that underlying it. He has just one single, solitary thing that convinces and persuades him without his knowledge of it. No man has higher respect for anybody than I entertain for my very able and genial friend from Missouri, but we all know our friend from Missouri. He is a natural, everlastingly pugnacious, fighting individual with the kindest heart in the world. He can not argue a case but that he has to get mad.

Mr. President, the object of the Senator's amendment is for us to take all we can get, take all our machinery and see if we can not hunt out and find this combination in restraint of trade. We have got to work for months and months under his amendment to find out whether or not some people are violating the law, and if they are whether they are doing it under the particular combination in this particular case before the bill would operate.

No, my friend wants to be perfectly fair. He does not want to denounce the things that I am advocating as being outrageous when the things he advocated a few weeks ago are just the same. Both of us are too good friends to have the least feeling about a matter of our own differences or about what we may say pleasantly of each other in this body or elsewhere, but it is not fair from my standpoint to be assailed for the very thing on account of which the Senator is assailing me when, in my judgment, he did the same thing in a bill passed a few weeks ago.

Mr. President, I sincerely hope that this amendment may not prevail, for it only takes all possible power out of the bill itself. Vote as you please, whether it shall be operative or not in the final analysis, but I insist that as fair men and Senators of the United States it should be the effort of all of us to keep the bill in as good a state as we can make it, that we should make it as good as possible, and if we can not get it good enough in the minds of many they had better vote against it. Let us make it good in the minds of those who will vote for it, and let us not play this schoolboy prank of voting that newspapers shall only print seven columns and inveigh against Senators rising on this floor and voting for what they themselves voted.

Mr. REED. Mr. President, I desire to speak to the amendment to the amendment. I regret exceedingly that my course in the Senate has not met with the approval of the Senator from Arizona or that I should bring myself within the characterization which he has seen fit to put in the RECORD.

So far as I am concerned, I have always voted my honest judgment on the floor of the Senate. I have never pettifogged nor played demagogue either on the floor of the Senate or elsewhere. I would not stand before this body and assert that a bill which had been passed was forty times as bad as this bill and seek to excuse the badness of this bill by an argument of that kind, particularly if I had voted for the bill that was forty times as bad.

The loose statement made by the Senator, inadvertently made, has a fitting illustration in the fact that I asked the Senator to produce a sample of the bill that was forty times as bad and he read us a clause from the defense act which authorized the President of the United States, strictly as a war measure, strictly as a military measure, to take possession of property necessary for the preservation of the Army and the Navy, but not to take possession until and unless provision was made for payment. Then in order that the President might not find himself resisted but should be permitted to take the property for military purposes, it was provided that resistance to that lawful authority of the President's should be punished as a crime.

The Senator tells us that because a man voted that the Government of the United States had authority to take possession of propery for military purposes and pay for it, and that resistance to that lawful act should be made a crime, the Senator has the audacity to tell us that that is forty times worse than making it a crime punishable by the penitentiary to do something that the Federal Trade Commission said you should not do.

Now, I have no quarrel with the Senator. He has not agreed with me on many measures of legislation. We think differently; that is all. He has a right to his view of the Constitution, and I have a right to mine. I have stood upon the floor of the Senate and have said that the Constitution ought to be regarded on the floor of the Senate if in any place on earth, and I have objected to ruthlessly disregarding it, and every time I have so objected I have unfortunately found myself in opposition to the Senator from Arizona. For that I am sorry, but I do not regret the fact that I have occasionally lifted my voice in the defense of my country.

Mr. President, the amendment I have offered I offered in good faith. It proposes to say simply this, that if news-print paper manufacturers shall conspire to fix prices, to restrain trade, to create monopoly, for those crimes or any of them they may be severely punished. This substitutes law for the punishment of a defined crime for the purpose of a bill which is to send men to the penitentiary for refusing to obey the commands of other men.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arizona to the amendment offered by the Senator from Missouri.

Mr. SMITH of Arizona. I withdraw the amendment to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLETCHER (when his name was called). I make the same announcement of my pair as on the former vote and withhold my vote.

Mr. HARDWICK (when his name was called). I make the same announcement of my pair and its transfer as on the last vote. I vote "yea."

Mr. SHERMAN (when his name was called). I repeat the announcement of my pair and its transfer as on the former vote, and I vote "yea."

Mr. SHIELDS (when his name was called). Making the same announcement as before of my pair with the Senator from Connecticut [Mr. BRANDEGEE], I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair, I withhold my vote.

The roll call was concluded.

Mr. FLETCHER. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. WILLIAMS. Repeating the announcement which I made upon the previous roll call, I vote "nay."

Mr. POINDEXTER. A parliamentary inquiry, Mr. President. I am somewhat confused as to which amendment we are voting on. Is it the Smith amendment or the Reed amendment?

The VICE PRESIDENT. It is the Reed amendment.

Mr. OVERMAN. I make the same announcement as before. I am paired with the senior Senator from Wyoming [Mr. WARREN], and therefore I withhold my vote.

Mr. JAMES (after having voted in the negative). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I understand that he has not voted, and therefore I withdraw my vote.

The result was announced—yeas 30, nays 31, as follows:

YEAS—30.

Borah	Hardwick	McKellar	Sutherland
Calder	Johnson, Cal.	McLean*	Townsend
Chamberlain	Jones, Wash.	McNary	Trammell
Fernald	Kenyon	New	Vardaman
France	King	Reed	Wadsworth
Gronna	Knox	Sherman	Watson
Hale	La Follette	Smith, Ga.	
Harding	McCumber	Smoot	

NAYS—31.

Ashurst	Johnson, S. Dak.	Owen	Smith, Ariz.
Bankhead	Jones, N. Mex.	Poindexter	Stone
Beckham	Kellogg	Pomerene	Swanson
Colt	Kirby	Robinson	Thomas
Cummins	Martin	Saulsbury	Tillman
Fletcher	Myers	Shafroth	Underwood
Gerry	Nelson	Sheppard	Williams
Hitchcock	Norris	Simmons	

NOT VOTING—32.

Brandegee	Goff	Overman	Smith, Mich.
Broussard	Gore	Page	Smith, S. C.
Culberson	Hollis	Pearose	Sterling
Curtis	Hughes	Phelan	Thompson
Dillingham	James	Pittman	Walsh
Fall	Kendrick	Ransdell	Warren
Frelinghuysen	Lewis	Shields	Weeks
Gallinger	Lodge	Smith, Md.	Wolcott

So Mr. REED's amendment was rejected.

The VICE PRESIDENT. The joint resolution is in the Senate and open to further amendment.

The joint resolution was ordered to be engrossed for a third reading and read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. SMITH of Arizona and Mr. SMOOT called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). Making the same transfer of my pair as formerly, I vote "nay."

Mr. OVERMAN (when his name was called). I again announce my pair with the senior Senator from Wyoming [Mr. WARREN], who is absent to-day, and I therefore withhold my vote.

Mr. REED (when his name was called). Making the same announcement as on the previous vote, I vote "nay."

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the Senator from Vermont [Mr. PAGE] and vote "nay."

Mr. SHIELDS (when his name was called). I again announce my pair with the Senator from Connecticut [Mr. BRANDEGEE] and withhold my vote. If I were at liberty to vote I should vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. He has authorized me to vote as I see proper on this joint resolution. I therefore vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair, I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating my announcement as on the last roll call, I vote "yea."

The roll call was concluded.

Mr. RANSDELL. I wish to announce the absence of my colleague [Mr. BROUSSARD] on account of illness.

Mr. FLETCHER. I have a general pair with the Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. McLEAN. I desire to announce the necessary absence of my colleague [Mr. BRANDEGEE]. If he were present he would vote "nay."

Mr. GERRY. I desire to announce the absence of the Senator from Illinois [Mr. LEWIS] and of the Senator from Kansas [Mr. THOMPSON] on account of important business. I am informed that if the Senator from Kansas were present he would vote "yea."

Mr. WEEKS. My colleague [Mr. LODGE], whose absence has been announced, is paired on this question with the junior Senator from New Hampshire [Mr. HOLLIS]. If my colleague were present he would vote "nay."

Mr. SMOOT. I desire to announce that the Senator from New Hampshire [Mr. GALLINGER] is unavoidably absent from the Senate, and that the Senator from Kansas [Mr. CURTIS] is absent on official business.

Mr. SHIELDS. I desire to transfer my pair with the Senator from Connecticut [Mr. BRANDEGEE] to the Senator from Texas [Mr. CULBERSON] and vote. I vote "yea."

The result was announced—yeas 32, nays 36, as follows:

YEAS—32.

Ashurst	Kellogg	Pittman	Smith, Ariz.
Bankhead	Kirby	Poindexter	Stone
Beckham	McKellar	Pomerene	Swanson
Colt	Martin	Robinson	Thomas
Fletcher	Myers	Shafroth	Tillman
James	Nelson	Sheppard	Trammell
Johnson, S. Dak.	Norris	Shields	Underwood
Jones, N. Mex.	Owen	Simmons	Williams

NAYS—36.

Borah	Harding	McCumber	Smith, Md.
Calder	Hardwick	McLean	Smoot
Chamberlain	Hitchcock	McNary	Sutherland
Cummins	Johnson, Cal.	New	Townsend
Fernald	Jones, Wash.	Ransdell	Vardaman
France	Kenyon	Reed	Wadsworth
Gerry	King	Saulsbury	Watson
Gronna	Knox	Sherman	Weeks
Hale	La Follette	Smith, Ga.	Wolcott

NOT VOTING—25.

Brandegee	Gallinger	Lodge	Sterling
Broussard	Goff	Overman	Thompson
Culberson	Gore	Page	Walsh
Curtis	Hollis	Pearose	Warren
Dillingham	Hughes	Phelan	
Fall	Kendrick	Smith, Mich.	
Frelinghuysen	Lewis	Smith, S. C.	

So the joint resolution was rejected.

DEATH OF MAJ. AUGUSTUS PEABODY GARDNER.

A message from the House of Representatives, by G. F. Turner, transmitted to the Senate resolutions on the death of Maj. Augustus Peabody Gardner, formerly a Member of this Congress and who resigned therefrom to enter the military service of the United States.

The VICE PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES, JANUARY 15, 1918.

Resolved, That the House has heard with profound sorrow of the death of Maj. Augustus Peabody Gardner, formerly a Member of this Congress and who resigned therefrom to enter the military service of the United States, and whose death occurred at Camp Wheeler, Ga., on Monday, the 14th day of January, 1918.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased this House do now adjourn.

Mr. WEEKS. Mr. President, I send the following resolutions to the desk, which I ask may be read, and I ask unanimous consent for their immediate consideration.

The VICE PRESIDENT. The resolutions will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 183.

Resolved, That the Senate has heard with profound sorrow of the death of Maj. Augustus Peabody Gardner, formerly a Member of this Congress and who resigned therefrom to enter the military service of the United States, and whose death occurred at Camp Wheeler, Ga., on Monday, the 14th day of January, 1918.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Mr. WEEKS. Mr. President, I think these resolutions are without precedent, but I am confident that there can be no objection, but hearty approval of their purpose. Maj. Gardner, whose death was announced in this morning's papers, was elected a Member of the present Congress. He was the first Member to resign his seat to go into the military service, and the body of which he was a Member has to-day taken similar action to that proposed in these resolutions, and has adjourned out of respect to his memory.

I am very glad that this gives me an opportunity to make one or two comments which I think may not be out of place at this time. Mr. Gardner was a man of strong views. It was not necessary to agree with his conclusions in order to recognize his courage and independence of expression. That has been typical of his career during the 16 years he served in the House of Representatives. His early training led him to have positive views on the question of his country's preparedness. More than 20 years ago he was a member of the Massachusetts State Senate and chairman of the military committee of that body. Later he served with credit in the Spanish-American War. He has served in the Massachusetts militia, and his natural aptitude and taste for military subjects were instrumental in bringing him to the conclusion that this Government was totally unprepared and it would be criminally negligent to allow such a condition to continue. Having these views and the enthusiasm and temperament of the evangelist of the Billy Sunday type, he did not hesitate to strike and strike hard in favor of the views he entertained. It may be justly said of him that he had quite as much to do as any other man in centering attention on our military condition and military necessities. However, he not only preached but he acted, and when we declared war, although he had passed the meridian of life, he did not hesitate to go into service in a branch of the Army suitable for one of his years and physical condition. But even this did not satisfy his sense of obligation and duty, for he voluntarily—and this is one of the few instances in my knowledge of such action being taken—asked that he be demoted from the rank of colonel to that of major so that he might serve directly with troops. By doing so he has set an example to the youth of this country, especially to a large number of young men with whom we are more or less familiar who have endeavored to get into branches of the service not of the fighting forces. In serving his country he has met his death with as much courage and devotion as if he had lost his life in the trenches in France. It is for these reasons, the lesson which his life carries, and because of his having been a Member of this Congress, that I move the adoption of the resolutions.

Mr. President, I move, as a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 16, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 15, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, our hearts turn to Thee in fervent prayer for all who are suffering the rigors of an exceptionally severe winter, especially those who have been and are without fuel in their homes; and we pray most fervently that wind and wave may be tempered to our soldiers and sailors.

Our hearts are touched by the news of the death of one who filled a conspicuous place on the floor of this House for many years, and was first to resign his position to follow the flag in defense of the principles he upheld as a Representative and a statesman. Comfort, we beseech Thee, those who knew and admired him.

His stricken family, uphold and sustain them in the blessed thought that life is ever lord of death, and love can never lose its own, for Thou dost live and reign.

Hear us, we pray Thee, in the name of Him who said: "I am the resurrection and the life. He that believeth on me shall never die." Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. VARE, by unanimous consent, was given leave of absence for two weeks, on account of important business.

DEATH OF MAJ. AUGUSTUS P. GARDNER.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. LUFKIN] have permission to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUFKIN. Mr. Speaker, it is with profound sorrow that I rise to announce the death of my predecessor in this House, your colleague for the past 15 years, Maj. Augustus P. Gardner. At 5.05 o'clock yesterday afternoon, in the base hospital at Camp Wheeler, Ga., Maj. Gardner answered his last roll call either as a legislator or as a soldier, a victim of camp pneumonia.

With the same courage which he ever displayed as a Member of this House, with the same fortitude which characterized his action when the President called for volunteers, Augustus P. Gardner cheerfully answered the command of that great General from above and gave his life as a sacrifice to the cause for which he had not only preached but practiced, the future safety of our country.

I think I can truthfully say that Maj. Gardner was the first man in the American Congress to warn his fellow countrymen of the importance and necessity of strengthening our national defense in every way possible. It was characteristic of the man, therefore, that when America was called upon to do her part in the world-wide war now upon us that Augustus P. Gardner should be the first Member of this House to resign his seat and offer his services to his country's call. It was further characteristic of the man, after a service of a few months in the United States Army, to establish the almost unknown precedent of asking for a demotion from a colonel on the staff to a major in the line in order that he might more fittingly fight his share of our Nation's battles.

It was the privilege of you men here to have been associated with Augustus P. Gardner as a legislator, some during his entire service, others for a much shorter period. It was my privilege, however, to have been associated with him in a more personal manner, as his secretary, as his political associate, and as my dearest and best friend and benefactor during a service of nearly 16 years. I knew him before he became a Member of this body, I knew him as a Member, and I knew him as a soldier of the United States. He was always the same. The office or the uniform made no difference. He was always a man in all that the term implies.

You who have served with him, whether it be as an associate on this side of the Chamber or as an opponent on the other side, know that when he fought it was with both hands and with all the strength at his command. But you also know that Augustus P. Gardner never struck a blow below the belt and never took an unfair advantage of an adversary. And if this applies to this House, it also applies to his private life and to his long list of political campaigns in Massachusetts. His friends loved him; his opponents admired him as a man who did not know the meaning of the word deceit and whose whole lexicon was based on the theory of justice and fair treatment toward his fellow man.

Mr. Speaker, there will probably be many more sacrifices of good and true men before this terrible war is over. But when the history is finally written, when the toll is at last complete, I am proud to think that there will be no soldier, be he officer or private, of whom it can more truly be said—

He was a man,
Take him for all in all;
I shall not look upon his like again—

Than your former colleague, my friend and benefactor, a statesman, a soldier, and, best of all, a man, Augustus P. Gardner.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolutions which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 226.

Resolved, That the House has heard with profound sorrow of the death of Maj. Augustus Peabody Gardner, formerly a Member of this Congress, and who resigned therefrom to enter the military service of the United States, and whose death occurred at Camp Wheeler, Ga., on Monday, the 14th day of January, 1918.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. KITCHIN. Mr. Speaker, I hope, subject to the approval of the family, to offer a resolution later for holding the funeral services either in the House or the Rotunda of the Capitol.

The Clerk read the further resolution, as follows:

Resolved, That as a further mark of respect to the memory of the deceased, this House do now adjourn.

The SPEAKER. Is there objection to the present consideration of the resolutions?

There was no objection.

The resolutions were agreed to.

ADJOURNMENT.

Accordingly (at 12 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 16, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting tentative draft of legislation to admit, free of duty, articles made by prisoners of war interned in a foreign country (H. Doc. No. 807); to the Committee on Ways and Means and ordered to be printed.

2. A letter from the chief clerk of the Court of Claims, transmitting a list of cases referred to this court by the House of Representatives dismissed on motion of defendants, consented to by the claimant's attorney (H. Doc. No. 808); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Controller Bay, Alaska (H. Doc. No. 809); to the Committee on Rivers and Harbors and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GALLIVAN: A bill (H. R. 8429) granting an increase in compensation to the Commissioner of Internal Revenue and collectors of internal revenue; to the Committee on Ways and Means.

By Mr. BORLAND: A bill (H. R. 8713) to prevent the misuse of receipts for internal-revenue taxes or special-tax stamps, and for other purposes; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 8714) providing for an advisory referendum by the people of the District of Columbia on certain questions relating to municipal self-government and representation in Congress; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 8715) to authorize the construction of a building for the Bureau of Fisheries in the District of Columbia; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 8716) to create a Federal Power Commission and to define its powers and duties, to provide for the development of water power, for the use of lands of the United States in relation thereto, and for other purposes; to the Special Committee on Water Power.

By Mr. HADLEY: A bill (H. R. 8717) to amend paragraph A, section 500, of an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. LEVER: A bill (H. R. 8718) to provide further for the national security and common defense by the conservation of foodstuffs, feeds, and materials necessary for the production, manufacture, and preservation of foodstuffs and feeds; to the Committee on Agriculture.

By Mr. GARD: Resolution (H. Res. 224) directing the Committee on Military Affairs to make investigation of camp conditions in military camps; to the Committee on Rules.

By Mr. CARY: Resolution (H. Res. 225) providing for an investigation of certain charges concerning our soldiers in Europe; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8719) granting a pension to Laura C. Kinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8720) granting an increase of pension to Lucy M. Robey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8721) granting a pension to Mary A. Lake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8722) granting an increase of pension to Lyman L. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8723) granting an increase of pension to George R. Hemmingway; to the Committee on Invalid Pensions.

By Mr. BURROUGHS: A bill (H. R. 8724) granting an increase of pension to Mason Gates; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 8725) granting an increase of pension to Archy N. McIntyre; to the Committee on Invalid Pensions.

By Mr. CONNELLY of Kansas: A bill (H. R. 8726) granting an increase of pension to Ben F. Wood; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 8727) granting an increase of pension to Joel Strieby; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 8728) granting an increase of pension to Joseph L. Middleton; to the Committee on Invalid Pensions.

By Mr. HARDY: A bill (H. R. 8729) for the relief of Alma Harris; to the Committee on the Public Lands.

By Mr. HASKELL: A bill (H. R. 8730) granting an increase of pension to Andrew Henri Hart; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 8731) granting an increase of pension to John Crawford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8732) granting an increase of pension to Samuel Scott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8733) granting a pension to William H. Culler; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 8734) granting a pension to Mary E. Steepy; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 8735) for the relief of E. W. Null; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN: A bill (H. R. 8736) to carry into effect the findings of the Court of Claims in case of James A. Verret, administrator of Adolph Verret, deceased; to the Committee on War Claims.

By Mr. MASON: A bill (H. R. 8737) granting an increase of pension to Florence E. Foster; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 8738) to exempt persons engaged in agriculture and coal mining from military service, and for other purposes; to the Committee on Military Affairs.

By Mr. PURNELL: A bill (H. R. 8739) granting a pension to Philip Owen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8740) granting an increase of pension to Thomas T. Munhall; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 8741) granting a pension to Carl N. Nelson; to the Committee on Pensions.

By Mr. STERLING of Illinois: A bill (H. R. 8742) granting an increase of pension to Dallas McIntyre; to the Committee on Pensions.

Also, a bill (H. R. 8743) granting an increase of pension to Patterson Short; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 8744) for the relief of Louis A. Barretta; to the Committee on Claims.

PETITIONS, ETC.

By the SPEAKER (by request): Resolution of the general medical board of the Council of National Defense, favoring the principle of daylight saving as proposed by Senate bill 1854; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Evidence to accompany House bill 6034, William H. Williams, for special relief; to the Committee on Pensions.

By Mr. BROWNING: Petition of St. Enda's Literary Society, Camden, N. J., indorsing the joint resolution proposing that Ireland be included among the "small and oppressed nationalities" referred to in the President's peace pronouncements; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Petition of John S. Sills & Sons, protesting against the reduction of postage rates on second-class matter; also, resolution of the Agricultural Publishers' Association, protesting against the recent increase in such rates, and requesting that they be lowered; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of the Agricultural Publishers' Association, for repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. MAHER: Petitions of 250 citizens of Portland, Oreg.; 184 citizens of Columbus, Ohio; 486 citizens of Salt Lake City, Utah; 400 citizens of St. Paul, Minn.; 156 citizens of Lynn, Mass.; 325 citizens of Paterson, N. J.; 886 citizens of Superior, Wis.; 358 citizens of Lansing, Mich.; 486 citizens of New York City; 346 citizens of Buffalo, N. Y.; 225 citizens of San Francisco, Cal.; 63 members of the Business Men's Association, Gloucester, Mass.; many citizens of Cincinnati, Ohio, and 98 citizens of Middleton, Ohio, all favoring the passage of the Madden bill (H. R. 1654); to the Committee on the Post Office and Post Roads.

Also, resolutions of the Board of Aldermen, New York City; Parkway Club, Brooklyn, N. Y.; Auxiliary No. 124, National Association of Letter Carriers, Gloucester, Mass.; Auxiliary No. 5, Rochester, N. Y., Auxiliary No. 91, San Diego, Cal., Auxiliary No. 21, Springfield, Ill., and Auxiliary No. 3, Philadelphia, Pa., National Association of Letter Carriers, favoring the passage of the Madden bill (H. R. 1654); to the Committee on the Post Office and Post Roads.

Also, petitions numerously signed by citizens of Topeka, Kans.; San Jose, Cal.; Pittsburg, Kans.; South Bend, Ind.; Altoona, Kans.; Sedalia, Mo.; Baltimore, Md.; Jacksonville, Fla.; Kansas City, Kans.; Covington, Ky.; Lincoln, Nebr.; Duluth, Minn.; Fremont, Nebr.; Danville, Ill.; and Erie, Pa., all favoring House bill 1654; to the Committee on the Post Office and Post Roads.

Also, petitions of the auxiliaries of the National Association of Letter Carriers of New Britain, Conn.; Austin, Tex.; Trenton, N. J.; Los Angeles, Cal.; Seattle, Wash.; Harrisburg, Pa.; Des Moines, Iowa; Helena, Mont.; Joplin, Mo.; Braddock, Pa.; Syracuse, N. Y.; Birmingham, Ala.; Spokane, Wash.; Grand Junction, Colo.; and Omaha, Nebr., favoring House bill 1654; to the Committee on the Post Office and Post Roads.

By Mr. POWERS: Petition of divers citizens of Monroe County, Ky., protesting against grading second-class postage on a zone basis; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petition of Lieb & Ladenberger, N. B. Thompson & Co., J. F. O'Brien & Co., R. A. Rasche & Co., and John

Hamilton, all of Cincinnati, protesting against the American Sugar Refining Co. taking advantage of the position occupied by it under the Food Administration to eliminate brokers in refined sugar; to the Committee on Agriculture.

By Mr. TAGUE: Resolutions of the common council of Philadelphia, protesting against the taking away of the pneumatic mail service in that city; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Miner, Reed & Tullock, Meriden, Conn., and Myer Leenie, New Haven, Conn., protesting against the American Sugar Refining Co. being permitted to take advantage of its position to force the placing of orders with said company; to the Committee on Agriculture.

By Mr. WALDOW: Resolutions of the rural carriers of Erie County, N. Y., asking that Congress provide for maintenance of equipment for rural carriers; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of Indiana: Resolution of the Farmers' Institute Association of Shelby Township, Tippecanoe County, Ind., favoring the prohibition of the liquor business as a war measure; to the Committee on Alcoholic Liquor Traffic.

SENATE.

WEDNESDAY, *January 16, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray that the ministry vouchsafed to us to-day out of all the incidents of life and the conditions that surround us may be a spiritual ministry, that we may be led to contemplate the spiritual origin of life and the significance of all the facts of life in the light of its spiritual origin. Grant, we pray, that Thy gracious Spirit may be ministered unto us by the power of Thy holy Spirit within us, that we may overcome the world through our faith in Thee. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RENT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report of rents received from properties located on sites of proposed public buildings purchased by the Government in the city of Washington, which was referred to the Committee on Appropriations and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules and lists of papers, documents, and so forth, on the files of the Treasury Department, which are useless and have no historic value, and requesting action looking to their disposition. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints the Senator from Maryland [Mr. FRANCE] and the Senator from New Hampshire [Mr. HOLLIS] the committee on the part of the Senate. The Secretary will notify the House thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916.

STRIKES AND LOCKOUTS.

Mr. SHERMAN. Mr. President, I present a summary prepared on the number of days lost in strikes and lockouts in the United States and Germany. The facts are based on the report of the Bureau of Labor Statistics, Department of Labor, of date December, 1917. I ask that it may be printed in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

STRIKES AND LOCKOUTS IN THE UNITED STATES AND GERMANY.

The Bureau of Labor Statistics, Department of Labor, in its December, 1917, issue, declares that in the last month for which it has figures, September, 1917, 283 strikes and 7 lockouts are reported. The bureau estimates that this is incomplete and that "the number of strikes in the country probably approach 450 in the month under consideration."

It is stated that in 171 of such strikes 147,349 persons were involved; of the remaining 112 strikes no figures are available as to the number of persons involved. It is further stated with respect to the duration of strikes that the average of the least number given is about 7½ days. The number of persons involved in lockouts is inconsiderable and may therefore be put aside. But taking the number of persons involved in 171 strikes, which is 147,349, and multiplying by the average duration of seven days, it is apparent that on this minimum at least 1,031,443 work days were lost by strike during the month of September, 1917. This, from the condition of the statistics, is obviously a great underestimate.

The same number of the Review gives the figures for strikes and lockouts in Germany, in the calendar year 1916, from volume 323 of the Statistics of the German Empire, appearing in the Bremer Bürger-Zeitung, Bremen, August 6, 1917. From this it appears that 240 strikes, affecting 124,183 workers, were reported for 1916. The Review then says:

"The real extent of labor disputes is best indicated by the number of work days lost, which is obtained by multiplying the number of striking or lockout workers with the duration of the disputes."

Not giving the average duration but evidently following this process, the Review announces a loss of 245,404 workdays by the German strikes.

It thus appears that taking an underestimated minimum as the basis of American figures and the official statistics of the German Empire that four times as many workdays were lost through strikes in the month of September, 1917, in the United States than was lost in the whole of the year 1916, from the same cause, in the entire German Empire

THE LABOR SITUATION.

Mr. SHERMAN. I present further a copy of a report made by the National Industrial Conference Board relating to the same subject, which I ask to have printed in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE COUNCIL OF NATIONAL DEFENSE.

GENTLEMEN: Some months ago, at the suggestion of Mr. Howard Coffin, a committee of five was appointed by the National Industrial Conference Board to advise with him in matters relating to the economics of industry, which committee has been officially designated the advisory committee of the National Industrial Conference Board. At his suggestion we are here to present certain statements and recommendations regarding the relations of employer and employee and the adjustment of possible differences during the period of the war.

The National Industrial Conference Board is a cooperative and advisory body of representative manufacturers constituted through the selection of two members by and from each of the following national associations:

American Cotton Manufacturers' Association.
American Paper and Pulp Association.
Electrical Manufacturers' Club.
Manufacturing Chemists' Association of the United States.
National Association of Cotton Manufacturers.
National Association of Manufacturers.
National Association of Wool Manufacturers.
National Automobile Chamber of Commerce.
National Boot and Shoe Manufacturers' Association.
National Council for Industrial Defense.
National Erectors' Association.
National Founders' Association.
National Implement and Vehicle Manufacturers' Association.
National Metal Trades Association.
Rubber Association of America (Inc.).
Silk Association of America.
United Typothetæ and Franklin Clubs of America.

In order that the statements and recommendations which the committee here makes may be truly representative of industrial opinion, we have called to our counsel the executive heads of the foregoing 17 national associations, comprising in their membership more than 18,000 manufacturers, representatives of a majority of State associations of manufacturers, and, in addition, a large number of executive officers of industrial organizations engaged either directly or indirectly on the production of war essentials. These statements and recommendations express the unanimous opinion of this large body of representative manufacturers.

In approaching a discussion of the relation of employer and employee at this critical hour we believe we are animated by a spirit worthy of the time and place and the gravity of the circumstances, which makes an equitable and harmonious adjustment of employment relations a matter of national necessity.

The Council of National Defense has deemed this subject of such consequence that it created a committee on labor, substantially directed and controlled by representatives of the largest national unions, which, after due deliberation, issued, through its executive committee, a statement apparently intended to declare certain fundamental policies of industrial relationship which should apply during the period of the war. Perhaps the most important sentence of this statement was the declaration that "neither employers nor employees shall endeavor to take advantage of the country's necessities to change existing standards." Differences of interpretation and opinion led to a further amplification and explanation and accompanying declarations, which were indorsed by the Council of National Defense.

These were to the effect that standards of safety and service established by State or Federal law should remain in effect unless and until, under the exigencies of war, the Council of National Defense, after proper investigation, should recommend some modification as essential to the national safety. It was likewise urged that inasmuch as the standard of living was particularly dependent upon the purchasing power of wages, no arbitrary wage change should be sought through the medium of strikes or lockouts by employer or employee without affording the established State or Federal mediums of arbitration or conciliation an opportunity to adjust disputes without stopping production, and it was especially urged that "employers and employees in private industries should not attempt to take advantage of the existing abnormal conditions to change the standards which they were unable to change under normal conditions."

Despite these timely admonitions, we find ourselves entering the fifth month of war faced with unprecedented demands for war production seriously interrupted and delayed by numerous strikes and threats of strikes in every part of the country, some of which are likely to assume the proportions of a national interruption of essential service in our factories and shipyards.

Let it be clearly understood that we, without equivocation, indorse the maintenance of every necessary regulation for safety and health and the fair adjustment of wages in accordance with the American standard of living and the increasing cost of its maintenance. So far as we know the American manufacturer can and will pay any advance in wages which expresses corresponding labor efficiency. Hours of labor have been universally contracting under the influence of many causes, the chief of which has been the always increasing development of labor-saving machinery constantly multiplying the producing power of human effort. We enter the war with the average hours of labor in American manufacture, as shown by the Government manufacturers census of 1914, very considerably less than the average hours of labor recommended for either sex in British industry in the reports of the health of munition workers' committee to the minister of munitions during 1916.

We also submit that the Naval Consulting Board, reporting upon its preliminary investigation of manufacturing establishments capable of munition work found the total number to be 18,654, and that of these 16,787, or 89 per cent, were "open" shops. Of 1,950 establishments usable for the manufacture of ammunition powder and explosives, guns and gun material, gun carriages, limbers and accessories, personal military equipment, tools, gauges and punches, machine tools and aeroplanes, all but 73 are "open" shops. (S. Doc. No. 664, 64th Cong., 2d sess., p. 40.)

With respect to wages, a great body of munition production for the Government proceeds under a contract wage law, assuring at least time and a half for all overtime in excess of eight hours, so that for like tasks industrial wages for war work are universally increased by the operation of statute in every plant whose contracts come within its scope. Antecedent to our entrance into the war general wage increases in large amounts had been voluntarily given throughout the generally prosperous industries, so that it may be fairly said that our wage scale on the average was, actually as well as nominally, greatly superior to that of any belligerent country. But despite this condition and the increase by statute of wages for the subject matter of our own war production, it is inevitable that wage differences will continue to arise. The vital thing is that such disputes shall be adjusted without interruption of production necessary to national defense. To this end we believe that manufacturers are ready and anxious to cooperate in the establishment of a representative and equitable system of adjustment for the period of the war.

There are, however, other "standards" of employment than those relating to hours and wages which are of critical importance, not merely to efficient production but to the institutions of a free people. Strikes are threatened and are occurring in increasing numbers to compel the exclusive employment of union men. This, we emphatically urge, is contrary to any fair interpretation of the spirit and letter of the fundamental policy declared by the council, "that employers and employees in private industries should not attempt to change the standards which they were unable to change under normal conditions."

Can there be any doubt that to undertake to open a "closed" shop or close an "open" shop under the exigencies of war is an evident attempt "to change the standard which they were unable to change under normal conditions"? This is the view frankly presented by Mr. Thomas, the English labor representative, in his suggestions to the committee on labor of the advisory commission of the Council of National Defense, when, recommending conduct predicated upon his British experience, he declared, according to the American Federationist for August of this year:

"Let the employer say, 'I am not desirous of taking advantage of the war to break down something that I never believed in.' On the other hand, let the employes say, 'Whilst anxious to maintain the law, we are not anxious to take advantage of the war to enforce something during the war that we could not obtain in peace times.' With both sides recognizing that, I repeat, I believe they will find a solution."

Secretary of Labor Wilson apparently indorsed this view when, on April 23, 1917, in an explanatory statement on behalf of the council, he said "that where either an employer or an employee has been unable under normal conditions to change the standards to their own liking, they should not take advantage of the present abnormal conditions to establish new standards." This, we urge, declares a sound policy and a fair interpretation for the council to place upon its recommendation.

Moreover, there is a labor shortage which will necessarily be intensified by withdrawing from industry the personnel of its contribution to our armed forces. In this crisis America needs the service of every citizen. We can no more depend upon one class to operate our factories than to fill the ranks of our armies. Therefore it is inconceivable that the Government can tolerate, much less approve, any proposal which makes membership in a private organization a prerequisite to a citizen securing employment in production for the war. All citizens, union or nonunion, are equally entitled to and must receive like consideration from their Government and equally enjoy the full protection of national authority in every circumstance of daily life. The assertion is untenable that a minority or a majority of employees in any industry by voluntarily associating themselves into an organization acquire authority or right over the equal liberty of those who do not care to do likewise. As was said in a great public document:

"This all seems too plain for argument. Common sense and common law alike denounce those who interfere with this fundamental right of the citizen. The assertion of the right seems trite and commonplace, but that land is blessed where the maxims of liberty are commonplaces." (Report of Anthracite Coal Strike Commission, 1902.)

To win this war we can sacrifice everything but the principles of the Republic and the fundamental rights of citizenship it was founded to protect. The right to pursue a lawful calling and to live free from annoyance and molestation is the primary, if not the greatest, privilege which society is founded to sustain.

The British policy expressed in its munition acts is that all labor, whether it be that of employer or the employee, of men or women, of union or nonunion, of the skilled or unskilled, shall be employed to the best advantage of the country. Neither restriction nor discrimination, nor, in "controlled shops," strikes or lockouts are permitted. A ministry of munitions is successfully promoting the expeditious output of munitions by employing all the available labor to that end. With due regard to the plant and equipment of each establishment, it has successfully subordinated conflicts between employer and employee to the winning of the war.

To the same great end we propose through you, in the presence of the public, that employer and employes, organized and unorganized, shall pledge themselves to prevent strikes and lockouts, to deal rationally and unselfishly through a representative tribunal with serious wage disputes, and for the period of the war not compel or attempt to compel discriminations in employment by strikes, threats of strikes, or lockouts.

We further submit that, under the present circumstances of national necessity, it is the duty of both the manufacturer and of organized labor to jointly cooperate with the Government that sedition in any of its manifold forms, whether masquerading in the name of labor or under any other guise, shall be ruthlessly exposed and suppressed.

To epitomize our conclusions and recommendations we urge:

1. That as a basis of mutual understanding employer and employee recognize and agree that now and for the period of the war continuous efficient production can alone equip and sustain our military forces. Every dispute, whatever its motive, which interrupts production furthers the ends and operates to the advantage of the public enemy.

2. The Nation needs the service of every citizen. Its industrial workers are as indispensable to victory as the soldier on the firing line. The nonunion man is as necessary in the factory as he is in the Army. On economic as well as indisputable moral grounds the Government can therefore neither permit nor tolerate the exclusion of any laborer from productive employment. We, therefore, urge the council to adopt and reassert as its guiding principle the fundamental American doctrine authoritatively stated by the Anthracite Coal Strike Commission with the approval of representatives of both employers and unions included in its membership and commended as the basis of industrial adjustments by Presidents Roosevelt, Taft, and Wilson.

"That no person shall be refused employment or in any way discriminated against on account of membership or nonmembership in any labor organization; that there shall be no discrimination against, or interference with, any employee who is not a member of any labor organization by members of such organization."

3. The council's reiterated recommendation that "employers and employees in private industries should not attempt to take advantage of the existing abnormal conditions to change the standards which they were unable to change under normal conditions" should now receive an unambiguous interpretation to assure its practical application as a working principle. To this end we propose:

(a) That applied to existing statutory regulations intended to promote safety and health, it shall be agreed that for the period of the war there shall be no suspension or modification of such provisions, except upon recommendation of the Council of National Defense after due investigation by its agencies and when, in its judgment, required by the exigencies of war.

(b) Applied to wages, demands shall be tested by the prevailing local standard of the establishment at the beginning of the war with such modification as may be shown to be necessary to meet any demonstrated advance in the cost of living.

(c) Applied to hours, the standard shall be those established by statute or prevailing in the establishment at the beginning of the war, subject to change only when in the opinion of the Council of National Defense it is necessary to meet the requirements of the Government.

(d) Applied to what are commonly known as "open" or "closed" shop conditions, it shall be understood and agreed that every employer entering the period of the war with a union shop shall not by a lockout or other means undertake to alter such conditions for the duration of the war, nor shall any combination of workmen undertake during the like period to "close" an "open" shop.

4. Adopting these standards as the basis of its operation, we recommend the creation of a Federal board to adjust labor disputes for the duration of the war; the activities of this board to be confined to disputes growing out of employment on the subject matter of war production for the Government. To such board shall be primarily referred for final settlement all major disputes of the nature suggested, with full power to create all machinery necessary to execute its functions. Its decisions must bind all parties to the dispute. It should be constituted equally of representatives of employees, employers, and the Government, representatives of the latter to hold the deciding voice in the event of an equal division of opinion. It is to be further understood and agreed that there shall be no interruption of production by strike, lockout, or other means within the control of employer or employee.

5. We pledge to the country through you the acceptance of such a program by the great body of representative associations and individual manufacturers we are authorized to represent. We do not seek to be regarded as the exclusive spokesman of all industry, and will cooperate in any helpful capacity with any and every manufacturer whether members of our association or not.

6. To secure in the public interest a mutual understanding and agreement predicated upon the proposals set forth, we suggest: That the Council of National Defense call, at the earliest convenient date, a conference of representative national and international officers of American trade-unions, that they may be requested to join in the pledge here made on behalf of employers. Their loyal cooperation for the duration of the war will assure a known standard of conduct to govern these vital industrial relations. The national safety will then no longer be imperiled by disputes, halting vital production and necessarily operating to give aid and assistance to the public enemy.

We reiterate in conclusion the pressing necessity for recognizing one vital and primary principle. A Government which can not itself discriminate between its citizens can not tolerate a condition which encourages private organizations to compel such discrimination. Politically and economically such a policy spells disaster. It destroys the responsibility of management which is vital to successful production and denies in our own democracy the basic principles of individual liberty and opportunity, for which its citizens since the foundation of the Republic have shed freely of their blood and for which to-day they are prepared to die on alien soil

Signed on behalf of the National Industrial Conference Board by its executive committee and its advisory committee.

Executive committee:

LOYALL A. OSBORNE, *Chairman*,
FREDERICK P. FISH,
WILLIAM H. BARR,
A. LAWRENCE FELL,
CHARLES CHENEY,
MAGNUS W. ALEXANDER, *Executive Secretary*.

Advisory committee:

LOYALL A. OSBORNE, *Chairman*,
WILLIAM H. BARR,
W. H. VAN DERVOORT,
C. A. CROCKER,
ELLISON A. SMYTH,
W. A. LAYMAN,

Indorsed by the following associations not members of the conference board:

California Metal Trades Association, San Francisco, Cal.
Manufacturers' Association of Conecticut (Inc.), Hartford, Conn.
Manufacturers' Association of Bridgeport, Bridgeport, Conn.
Georgia Manufacturers' Association, Atlanta, Ga.
Illinois Manufacturers' Association, Chicago, Ill.
Iowa State Manufacturers' Association, Des Moines, Iowa.
Kentucky Manufacturers and Shippers Association, Louisville, Ky.
Associated Industries of Massachusetts, Boston, Mass.
Michigan Manufacturers' Association, Detroit, Mich.
Associated Employers of Missouri, St. Louis, Mo.
Manufacturers' Association of New Jersey, Trenton, N. J.
Associated Manufacturers of Electrical Supplies, New York, N. Y.
Associated Manufacturers and Merchants of the State of New York, Syracuse, N. Y.
Ohio Manufacturers' Association, Columbus, Ohio.
Associated Employers of Oregon, Portland, Oreg.
Pennsylvania Manufacturers' Association, Philadelphia, Pa.
Steel Founders Society of America, Pittsburgh, Pa.
Cotton Manufacturers' Association of South Carolina, Greenville, S. C.
Tennessee Manufacturers' Association, Nashville, Tenn.
Employers' Association of Washington, Seattle, Wash.
United Metal Trades Association of the Pacific Coast, Seattle, Wash.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 940) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana, reported it without amendment and submitted a report (No. 194) thereon.

He also, from the same committee, to which was referred the resolution (S. J. Res. 104) authorizing the assistant to the Secretary of the Interior to sign official papers and documents, reported it without amendment and submitted a report (No. 193) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 7697) to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes, reported it without amendment and submitted a report (No. 195) thereon.

THE "GARABED" INVENTION.

Mr. JAMES. From the Committee on Patents I report back favorably with certain amendments House joint resolution 174. It is a unanimous report of the committee, and I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Senator from Kentucky reports from the Committee on Patents the following joint resolution.

The SECRETARY. A joint resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

The VICE PRESIDENT. The Senator from Kentucky asks unanimous consent for the immediate consideration of the joint resolution.

Mr. SMOOT. Mr. President, just a moment. I wish to ask the Senator reporting the joint resolution if there are amendments made to it protecting the interests of any other inventor who may invent something along the same line, but not to interfere with this particular process.

Mr. JAMES. The amendments by the committee declare that Mr. Giragossian is the first and original inventor or discoverer of this process. I will state to the Senator that I think it gives every protection possible. The Senator from Pennsylvania [Mr. KNOX] drew the amendments and they were accepted by the committee and unanimously ordered to be reported by the committee.

Mr. SMOOT. I have no objection to the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendments were, on page 1, line 6, before the word "discovery," to strike out the article "a" and insert "his"; in section 2, page 2, line 6, after the word "invention," to insert the words "and that it can substantially effect the purposes set out in section 1 of this resolution"; in section 3, page 2, line 14, after the word "invention," to insert the words "and that it can substantially effect the purposes set out in section 1 of this resolution"; in line 14, before the word "original," to insert the words "first and"; on the same page, line 15, after the word "thereof" and the comma to insert "and if the Secretary of the Interior accepts the assignment of the use of said invention as provided in the first section hereof"; on the same page, line 21, after the word "practicable" and the comma, to insert the words "as aforesaid"; and in section 6, page 4, line 14, after the word "use," to insert the words "and ownership," so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Interior is hereby authorized to accept, as trustee for the United States Government, from Garabed T. K. Giragossian an assignment of the right to utilize for the Government's own use his discovery or invention to be known as the "Garabed." Said assignment to and utilization of said discovery or invention by the United States Government shall be free of charge or expense.

SEC. 2. That the Secretary of the Interior is authorized to perform any and all acts, and to make such rules and regulations, and enter into such contracts as may be necessary to carry this resolution into effect: *Provided, however*, That the said Garabed T. K. Giragossian shall demonstrate the practicability of his discovery or invention and that it can substantially effect the purposes set out in section 1 of this resolution, to a commission of five eminent scientists, who shall be appointed by the said Garabed T. K. Giragossian and be approved by the Secretary of the Interior. The United States Government shall be under no expense in connection with the demonstration of the "Garabed."

SEC. 3. That if such demonstration shall in the opinion of the said scientists prove the practicability of said discovery or invention and that it can substantially effect the purposes set out in section 1 of this resolution, and that he is the first and original discoverer or inventor thereof, and if the Secretary of the Interior accepts the assignment of the use of said invention as provided in the first section hereof, the said Garabed T. K. Giragossian shall be recognized by the United States Government as the original discoverer, inventor, and legal owner of the invention or discovery and of any improvements pertaining thereto that may be made by the said Garabed T. K. Giragossian. The certificate of said commission of scientists, to the effect that said discovery or invention is practicable, as aforesaid, and that he is the original discoverer or inventor thereof, shall constitute the said Garabed T. K. Giragossian the legal owner of and entitle him to all the rights and benefits of said discovery or invention for a period of 17 years. The right is reserved to the said Garabed T. K. Giragossian, his heirs and assigns, to take out patents for his aforesaid discovery, invention, or for any improvement or device pertaining thereto.

SEC. 4. That the United States Government shall not issue to anyone else any patent involving or relating to the distinctive principle of the "Garabed" free energy generator regardless of its form or shape, or for any device, improvement, process, equipment, or apparatus based upon the distinctive principle of the said discovery or invention, or for any improvement or change developed by the use of the said "Garabed," and shall prevent the construction, importation, use, or exploitation thereof, in whole or in part, in the United States, and shall protect the said Garabed T. K. Giragossian, his heirs and assigns, in the rights and interests in the "Garabed" in the above respect for a period of 17 years in the United States and in foreign countries where such protection is afforded by treaty obligation, international law, or diplomatic representation.

SEC. 5. That any essential improvement or contrivance by any person or persons other than Garabed T. K. Giragossian relating to the "Garabed," or its principle, which shall prove valuable and essential thereto in the opinion of the Secretary of the Interior during the period of the said Garabed T. K. Giragossian's special protection shall be bought by the United States Government for its own use in conjunction with its use of the said "Garabed," with adequate compensation to the inventor or contriver thereof. If, however, the said Garabed T. K. Giragossian wishes to utilize any such invention or contrivance so acquired by the United States Government, he or his assigns, and no other person or corporation, shall be entitled thereto upon the payment of a fair, just, and reasonable royalty therefor. In consideration of this right the United States Government shall have, without expense, the right to use for its own purpose any new improvement or device made by the said Garabed T. K. Giragossian.

SEC. 6. That after the successful demonstration of the "Garabed," if the United States Government wishes to purchase the right and title for the exclusive use and ownership of said discovery or invention, the said Garabed T. K. Giragossian will comply with the request of the United States Government: *Provided*, That he shall be remunerated to the extent commensurate with the value of his discovery or invention, which shall be appraised by a committee of even number, one-half of the membership of which shall be selected by the Secretary of the Interior and one-half selected by the said Garabed T. K. Giragossian, and the finding of said committee shall be subject to the approval of the Secretary of the Interior and of the said Garabed T. K. Giragossian.

If the United States Congress in session at the time of the demonstration, or at the latest during the following session, does not decide to avail itself of this privilege, the said Garabed T. K. Giragossian's legal rights and powers shall continue unimpaired as prescribed and set forth in this resolution.

SEC. 7. That any sale, or attempted sale, by the said Garabed T. K. Giragossian, or by his representatives or assigns, of any interest in or any title to said discovery or invention, or any part thereof, prior to the approval of the same by said commission of scientists, shall be illegal, invalid, and void.

SEC. 8. That the United States Government will have the right to exercise the aforesaid right to utilize said discovery or invention for its own use simultaneously with the beginning of the public and general use of the said "Garabed" system.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time.

Mr. BRANDEGEE. I should like to have the resolution, with the amendments agreed to by the Senate, incorporated in the resolution, printed in the RECORD, so that it will appear in the RECORD as it would read if the House should agree to the amendments of the Senate.

The VICE PRESIDENT. It will appear in the RECORD as it would read if amended. The question is, Shall the joint resolution pass?

The joint resolution was passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CULBERSON:

A bill (S. 3522) to amend an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917; to the Committee on the Judiciary.

By Mr. RANSDELL:

A bill (S. 3523) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917; to the Committee on Commerce.

By Mr. JAMES:

A bill (S. 3524) to amend the act entitled "An act to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens," approved August 17, 1916; to the Committee on Patents.

By Mr. SMOOT:

A bill (S. 3525) to create a Legislative Drafting Bureau and to establish a legislative reference division of the Library of Congress; to the Committee on the Library.

By Mr. CHAMBERLAIN:

A bill (S. 3526) to amend section 11 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916 (with accompanying papers);

A bill (S. 3527) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885 (with accompanying papers); and

A bill (S. 3528) to suspend for the period of the present emergency sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, and for other purposes (with accompanying papers); to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 3529) to repeal the act entitled "An act to incorporate the National German-American Alliance," approved February 25, 1907.

Mr. KING. I think the bill should go to the Committee on the Judiciary. As I understand, the charter granted to this organization was reported by the Judiciary Committee, although I may be in error. It may have been reported from the Committee on the District of Columbia.

The PRESIDING OFFICER. The bill will be referred to the Committee on the Judiciary.

By Mr. KING:

A bill (S. 3530) to repeal the act approved March 1, 1913, entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities"; to the Committee on Interstate Commerce.

A bill (S. 3531) for the relief of Franklin A. Swenson; and

A bill (S. 3532) for the relief of Frank Harrigan; to the Committee on Claims.

NAVAL OIL SUPPLY.

The VICE PRESIDENT. The second reading of a bill.

The bill (S. 3521) to further provide for the common defense and general welfare of the United States with respect to the production, use, and conservation of oil and gas in naval petroleum reserves, and for other purposes, was read the second time by its title.

Mr. SWANSON. I move to refer the bill to the Naval Committee.

Mr. SMOOT. As a substitute for that, I move that the bill be referred to the Public Lands Committee.

Mr. SWANSON. The rule is that we can not substitute one committee for another.

The VICE PRESIDENT. The point of order is well taken. The rule is that you can not substitute. After a vote on this question, if it is voted down, then motion may be made to refer the bill to some other committee.

Mr. MYERS. Mr. President, I suppose the motion is debatable, and I wish to say a few words on it.

The VICE PRESIDENT. The Chair assumed a prerogative yesterday which the Chair did not possess. The motion is debatable, and Senators can take all day upon it, or until 2 o'clock.

Mr. MYERS. Mr. President, I think the bill as a measure of right and justice under the rules of the Senate should go to the Committee on Public Lands. It has been an unbroken and immemorial practice to refer all measures relating to the disposition, regulation, or control of the public domain of the country, and all legislation in any way affecting the public domain of the country, to the Senate Committee on Public Lands. There have been some very sharp conflicts in this body in times past over the jurisdiction of that committee, and it has been the decision of the Senate in every case to refer all such measures to the Committee on Public Lands. There have been some contests waged along that line where the line of demarcation of jurisdiction was not nearly so clearly marked as it is in the case of this bill, but in every instance the Senate has decided in favor of the jurisdiction of the Committee on Public Lands.

Personally I am not anxious to have the committee of which I have the honor of being chairman handle great matters of legislation, nor am I greedy for the handling of bills. Personally I care but little or nothing about those matters, but I believe that the right of jurisdiction and the dignity of the committee of which I have the honor to be chairman should be protected in this body, and I do not believe it would be right or just or in accordance with the precedent set by the Senate nor the rules of the body to refer a bill of such great importance, which plainly affects in a very vital way the public domain of the country, to any other committee than the Committee on Public Lands.

Mr. STONE. Mr. President, will the Senator yield to me?

Mr. MYERS. With pleasure.

Mr. STONE. I should like to ask the Senator a question or two—probably one will be sufficient—to get a clear understanding of the matter before us as influencing my own action when I come to vote. I have heard the remarks made by different Senators about the jurisdiction of the committees. I agree in the main with most of what has been said on both sides of the controversy; that is, I agree to this extent, that the jurisdiction prescribed by the rules should be observed. I will state the particular question presented to me. I am told by the Senator from Virginia [Mr. SWANSON], the Senator from Georgia [Mr. SMITH], and perhaps others, that certain sections of the public lands were carved out of the public domain and donated to, turned over to, given to, public uses which concern the Navy alone; in other words, given over to the Navy. Where is that tract of land, exactly?

Mr. MYERS. I know of no such tract of land about which there was any legislation at all. Large tracts of land have been withdrawn from entry—from mineral entry, homestead entry, desert-land entry, or any other kind of entry—but they are still nevertheless public domain. The United States Government is the owner of those tracts of land.

Mr. STONE. The Senator does know where the lands in question are located?

Mr. MYERS. In the State of California and in the State of Wyoming.

Mr. STONE. So I understand; in the State of California and in Wyoming. Now, I should like to ask the Senator to explain, that I may know, what would be the real difference between the Government of the United States buying a given area of land and acquiring it in private ownership for the use of the Navy? No matter whether it is a wise thing to do, assuming it to have been done, what would be the difference between that and the Government taking a certain tract of land out of the public domain and devoting it exclusively to naval uses?

Mr. MYERS. There would probably be no difference.

Mr. STONE. It seems to me that that is the question presented to us here, as I have listened to the argument.

Mr. MYERS. There would probably be no difference. That can only be done by legislation, and I know of no legislation which has set aside any part of the public domain for the exclusive use and benefit of the Navy. If there is any such legislation, I do not know of it.

Mr. SWANSON. If the Senator will permit me, acting under the Pickett Act, in 1912, the President set aside this land for the exclusive use and benefit of the Navy, using that expression. This bill only affects that land.

Mr. MYERS. The President can not divest the United States of the title to the land.

Mr. SWANSON. The thing the President did was with governmental land. A navy yard is on governmental land. It is not public land, because it is not subject to public entry. Does the Senator contend that a navy yard is subject to the jurisdiction of the Public Lands Committee?

Mr. MYERS. No; I would not claim that, because it is not and never was public domain; but this land in California and in Wyoming always has been and is public land which belongs to the public domain.

Mr. SWANSON. The navy yard at Puget Sound was once public land subject to entry and was set aside. Does the Senator contend that legislation affecting the navy yard at Puget Sound can go to the Committee on Public Lands?

Mr. MYERS. Legislation by Congress has made that land belong to the Navy, but there has never been any legislation by Congress making this land in California and Wyoming belong to the Navy.

Mr. STONE. That is the very question I had in mind.

Mr. SWANSON. The Pickett Act confirmed and authorized what had been done and the President by the proclamation of 1912, which I can read to the Senator, said that these lands should be set aside for the exclusive use and benefit of the Navy.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Montana yield to the Senator from Utah?

Mr. MYERS. I yield.

Mr. KING. Does the Senator from Virginia insist that the President of the United States by any power that he has, or by any that he may usurp, may carve out a part of the public domain, and in virtue of the Pickett Act set it apart for any purpose and transfer title?

Mr. SWANSON. The Supreme Court of the United States has decided in passing upon the Pickett Act that the President of the United States, when authorized to do so as he was by the Pickett Act, has a right to set apart the Federal reserves for the use of the Navy, and he did so.

Mr. MYERS. The President withdrew those lands from public entry, but title has never been divested from the United States and no power can do that except Congress.

Mr. SWANSON. If the title goes to the Navy it is not divested from the United States.

Mr. MYERS. There has never been any legislation which would make that land other than what it always was—public domain; and the President of the United States has not the power to make it otherwise.

Mr. SMOOT. Mr. President, will the Senator from Montana yield to me for a moment?

Mr. MYERS. With pleasure.

Mr. SMOOT. I want to call the Senator's attention to the fact that the Pickett Act specifically authorized temporary withdrawals. That is what all the withdrawals under the Pickett Act are—temporary withdrawals. The word "temporary" is used in the act.

Mr. STONE. For what purpose?

Mr. SMOOT. For the purpose that thereafter, if Congress wants to legislate affecting the land withdrawn, Congress may do so. To now legislate upon the withdrawn area means that this bill should go to the Public Lands Committee instead of to the Naval Committee.

Not only that, but I want the Senate to distinctly understand that the statement that there are no public lands involved in the bill can not be sustained. I ask Senators to read section 4 of the bill, which refers to lands that are claimed by location by individuals in the United States. No title has yet passed, and they are public lands. Again, the Government is questioning titles that have already passed. The bill provides that in cases where it is finally decided the title should pass to the claimants an exchange for lands outside of the exterior boundaries of the withdrawal lands can be made. If that is not dealing with public lands, I do not know what can be dealing with them.

Mr. MYERS. Mr. President, I think the statement of the matter which has been made by the Senator from Utah [Mr. SMOOT] is very clear and is very correct.

Mr. SMITH of Georgia. But, Mr. President, does not the bill also deal with lands set apart for the Navy; and does not section 4 simply provide that as to lands set apart for the Navy, where claimants are upon them, can be so handled as to adjust the claimants' rights by letting them take something outside? Therefore, does not that section apply to the responsibility of the Committee on Naval Affairs as well as of the Committee on Public Lands?

Mr. MYERS. Who sets them apart for the benefit of the Navy?

Mr. SMITH of Georgia. The President of the United States, in pursuance of law.

Mr. MYERS. Does the Senator from Georgia claim that the President of the United States can set lands aside for the use of the Navy without legislation by Congress?

Mr. SMITH of Georgia. No; but the legislation authorized it.

Mr. MYERS. It only authorized a temporary withdrawal, as the Senator from Utah [Mr. SMOOT] has said, subject to the disposition by Congress.

Mr. STONE. Well, has the President of the United States attempted to segregate and set aside the particular lands in question exclusively for naval uses?

Mr. MYERS. That is immaterial. He had no power to do that.

Mr. STONE. I am asking for the facts, and not as to the materiality of them.

Mr. MYERS. His order attempted to do that; yes.

Mr. STONE. What President did that?

Mr. THOMAS. Two of them.

Mr. SMOOT. President Taft——

Mr. STONE. President Taft did that?

Mr. SMOOT. President Wilson also did it.

Mr. STONE. It is immaterial what President did it; I merely wanted to get the date when that was done more than the name of the President who did it.

Mr. SMOOT. Mr. President, there have been temporary withdrawals for this purpose just the same as there have been as to forest reserves. Such withdrawals are made permanent only by further legislation by Congress. Does the Senator from Virginia say that the forest lands to-day are not public lands because they are withdrawn? Mr. President, it is absurd.

Mr. KING. The withdrawal operates.

Mr. SMOOT. Not only that, but the forest lands are withdrawn by direct authorization of Congress, the act giving the President the power to withdraw lands for forest purposes, while the lands withdrawn under the Pickett Act are only temporary withdrawals.

Mr. STONE. Mr. President, if the Senator from Montana will yield—and it is with his consent I am turning now to interrogate the Senator from Utah—I desire to ask exactly what is meant by the term "temporary withdrawals"? President Taft, the Senator says, did temporarily withdraw these particular lands in question for naval uses. What does that mean, and what were the naval uses for which President Taft withdrew the lands? I ask that question in order to determine in my own mind whether the withdrawal was in fact to be a permanent thing or a temporary thing, so far as the President was concerned.

Mr. SMOOT. Will the Senator from Montana bear with me further?

Mr. MYERS. With pleasure.

Mr. SMOOT. Mr. President, I should like to answer the question which the Senator from Missouri has just propounded.

When the Pickett bill was first considered in the House we had a similar bill under consideration in the Public Lands Committee of the Senate. The House passed its bill before the Senate passed the Senate bill. The House bill came to the Senate, and it was reported to the Senate instead of the Senate bill.

Mr. STONE. What importance has that?

Mr. SMOOT. I am giving the history of the matter. In the original bill the word "temporary" was not used, but in the House and in the Senate the word "temporary" was inserted in the bill, and all of the discussion upon the floor of the Senate went to the effect that it was absolutely necessary that the word "temporary" be inserted in the bill because of the fact that the legislation was simply for the purpose of withdrawing whatever lands the President of the United States thought was necessary to withdraw when considered as being required by the Government, but that the withdrawal is temporary is undenied. It was thought Congress would pass within a reasonable time legislation disposing of such withdrawn lands or should return them to the public domain. That is the history, I will say to the Senator, of the insertion of the word "temporary" in the Pickett Act. I know the character of the hearings before the committee and the recommendations which were made by those who were interested in the legislation.

Mr. MYERS. Mr. President——

Mr. NELSON. Mr. President, will the Senator from Montana yield to me?

Mr. MYERS. With pleasure.

Mr. NELSON. The Senator from Utah [Mr. SMOOT] is utterly mistaken in his position. The Supreme Court of the United States has expressly decided these questions in the case of the United States against The Midwest Oil Co., in Two hundred and thirty-sixth United States Reports. Let me read a paragraph from the syllabus of the opinion, as follows:

> There is no distinction in the principle between the power of the Executive to make reservations of portions of the public domain and the power to withdraw them from occupation.

Now, what are the facts? I want to show to the Committee on Public Lands how they have attempted by legislation to nullify the act of the Executive.

Mr. SMOOT. In what respect?

Mr. NELSON. If the Senator will be patient, I will point that out to him. In 1909, at the instance of the Geological Survey, owing to the fact that a number of men were occupying and seizing oil lands in California and other States, the Executive issued an order withdrawing those lands from location and entry. The men who were trying to capture those public lands paid no attention to the order, but disregarded it and said it was illegal.

In 1910 legislation in regard to the question came before Congress, an intimation having been made that the President had no right to issue such withdrawal order; that it was not within the scope of his authority to do so. So a bill was introduced in Congress to clear up the situation. The bill giving the President the power of withdrawal passed the House and came over to the Senate. That bill came before the Committee on Public Lands, and a majority of that committee made a report, stating that the President from the very beginning of our land system had the power and the right to withdraw public lands from settlement and set them apart either for military or other reservations. In the face of that order of withdrawal, and in the face of the report of the committee, the men seeking the land went to work and filed claims on the lands which had been withdrawn.

Finally, growing out of the matter, a case went to the Supreme Court, the case I have already cited, and the Supreme Court decided that the President of the United States had always possessed the right of withdrawing the public lands and creating reservations. In that decision a multitude of cases were referred to, as was the report made by the Public Lands Committee in February, 1910, and the views expressed by the committee in that report were concurred in by the Supreme Court of the United States.

What has been done by the legislation which has been recently passed by Congress? It has attempted to nullify that withdrawal order. Let me read section 16 of Senate bill 2812, passed by the Senate last week. Unfortunately, I was laid up by an accident, for otherwise I should have been present and discussed it. Section 16 of that bill reads:

SEC. 16. That upon relinquishment to the United States within 90 days from the date of this act or within 90 days after final denial or withdrawal of application for patent, by a claimant of any claim or subdivision thereof—

Now, listen to this—

asserted under the mining laws prior to July 3, 1910—

That carries it a year past the President's order of withdrawal—

to any unpatented oil or gas lands included in any order of withdrawal and who prior to such date had performed all acts necessary to a valid mining location thereof—

I will not read further from the bill, but I have read enough to show that it gives the men who, in the face of the order of the President and in utter disregard of it, filed on these public lands, a prior right to lease them. Now, does not the Senator from Utah see the situation? These men had bid defiance to the order of the President; they went on those lands and are on them yet, and the bill to which I have referred proposes to give law violators a priority of right to lease these lands. That is all there is in the section of the bill from which I have quoted, and the Senator from Utah ought to know it.

Mr. SMOOT. Has the Senator concluded?

Mr. NELSON. Yes, sir.

Mr. SMOOT. And will the Senator from Montana [Mr. MYERS] yield?

Mr. MYERS. I will.

Mr. SMOOT. All that the Senator has said has nothing to do with the subject before the Senate or what I have stated. Mr. President, the withdrawal order of President Taft of July 3, 1910——

Mr. NELSON. Nineteen hundred and nine.

Mr. SMOOT. Nineteen hundred and nine, was the first withdrawal order, but the order of 1909 is not mentioned in the bill of the Senator from Virginia, the reference of which is under discussion. I will say to the Senator that the withdrawal order was made in July, 1910, after the passage of the Pickett Act, because President Taft himself expressed the opinion that all withdrawals of oil lands in the United States made before the passage of the Pickett Act, in his opinion, were doubtful.

Mr. NELSON. Mr. President, the Senator, with all due respect, if he will yield to me, is mistaken.

Mr. SMOOT. Certainly, I will yield to the Senator.

Mr. NELSON. The President did not say that he doubted it, but he said that it was questioned by others, and it was to remove that doubt that the Pickett Act was passed. President Taft was too good a lawyer to say that he himself doubted it; he merely said it was questioned by others.

Mr. SMOOT. Mr. President, I do not particularly care how often the Senator from Minnesota may say I am mistaken, but I am not mistaken, for President Taft himself told me he had doubts on the question. There is no need of discussing the question, however, as to whether President Taft's opinion was right or whether it was wrong; the administration at that time wanted the Pickett Act passed, and it was passed, and in that act were written the words "temporary withdrawal."

As to section 16 of the bill referred to by the Senator from Minnesota, which passed the Senate last week, and injected into this discussion, I understand was a bill drawn by the department. I will say further that I did not vote for that bill, but voted against it.

Mr. NELSON. Well, that is to the Senator's credit.

Mr. SMOOT. The only question before the Senate is whether the bill introduced by the Senator from Virginia dealing with public lands should go to the Committee on Naval Affairs or to the Committee on Public Lands. The bill recognizes the locations that were made before the withdrawal order of July, 1910, and it provides for the exchange and payment for such lands, in case an investigation shows that the locations were made properly and the locators have complied with the law that they can even exchange such lands within the exterior boundaries of the withdrawal for lands within the public domain.

I am not discussing the wisdom of the provisions of the bill because I am in favor of the legislation, and if it should be referred to the Committee on Public Lands I would vote for it. But what I am discussing is the question of referring to the Committee on Naval Affairs a bill that deals with public lands. It is not right, in my opinion, that such a measure should be referred to the Naval Committee. I believe it should be referred to the Committee on Public Lands.

Mr. MYERS and Mr. SWANSON addressed the Chair.

The PRESIDING OFFICER. Has the Senator from Montana surrendered the floor?

Mr. MYERS. I had not intended to do so. I wanted to make a few additional remarks, and I merely sat down to rest a little while the floor was being occupied in my time.

Mr. McCUMBER. Mr. President, before the Senator proceeds, I wish to propound a parliamentary question. I wish the Chair would state whether or not a mere motion to refer a bill or resolution to a committee is subject to unlimited debate during the morning hour?

The PRESIDING OFFICER. The Chair will state to the Senator that the Vice President, at the time of the commencement of the discussion with relation to this matter, made the following statement before he called the present occupant to the chair:

The Chair assumed a prerogative yesterday which the Chair did not possess. The motion is debatable, and Senators can take all day upon it, or until 2 o'clock.

Mr. McCUMBER. That means the debate is unlimited until 2 o'clock?

The PRESIDING OFFICER. Under subdivision 3 of Rule XIV is the following:

No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, on the same day, if not objected to, for reference, but shall not be considered on that day as in Committee of the Whole, nor debated, except for reference, unless by unanimous consent.

The rule says "nor debated, except for reference"; and there is no limitation on that, it seems.

Mr. McCUMBER. The point I am trying to make, Mr. President, is that the general rule relative to debate not exceeding five minutes applies until 1 o'clock under our rules.

The PRESIDING OFFICER. That is under our Rule VIII, after the conclusion of the morning business.

Mr. SMOOT. And when the bill is on the calendar.

The PRESIDING OFFICER. Yes; and when it is on the calendar.

Mr. McCUMBER. Then, Mr. President, if this debate is to go on without limit, I shall insist upon the other rule, namely, that no Senator shall speak more than twice on the same day and upon the same subject.

Mr. SWANSON. Mr. President, I understand that the Senator from North Dakota gave notice that he would make a speech to-day, and if he prefers speaking now I will consent to this matter going over until to-morrow. I would not let this matter interfere with the speech he desires to make to-day; and if he wishes to speak now, with the consent of the other Senators, I will let it go over until to-morrow.

Mr. SMOOT. That is all right. That is satisfactory.

Mr. MYERS. Mr. President, I think the point of order made by the Senator from North Dakota really was in substance that he desired to make a speech. I am perfectly willing to yield for that purpose and let the matter go over until to-morrow.

Mr. SWANSON. The Senator gave notice that he desired to make a speech, and I would not interfere with it.

Mr. McCUMBER. Mr. President, these notices have been given ever since I have been in the Senate, and I think very properly given, that those Senators who desire to absent themselves may have the opportunity, and others who have business and desire to attend to it may do so. I think the practice is very valuable for another reason—that we may know how to accommodate our business to the time that is at our disposal. While it is immaterial to me whether I go on now or an hour later, I understand that a great many Senators desire to attend the funeral this afternoon, and I should be gratified if I may be allowed to proceed at this time.

Mr. SWANSON. I ask that the motion go over until to-morrow.

The PRESIDING OFFICER. By unanimous consent, the further consideration of this motion to refer will go over until to-morrow.

Mr. McCUMBER. I understand that the morning business has not been closed, and I do not wish to take the time of the Senate until it is closed.

PEACE BASES.

Mr. SHERMAN. Mr. President, on August 15, 1917, I submitted a resolution, which is on the Table Calendar, and known as Senate resolution 115. I ask that it be indefinitely postponed. The resolution is already covered in other matters.

The PRESIDING OFFICER. The Senator from Illinois asks for the indefinite postponement of Senate resolution 115. Is there objection? The Chair hears none, and the resolution is postponed indefinitely.

STANDARDIZATION OF WAGES.

Mr. McCUMBER obtained the floor.

Mr. KING. Mr. President, I ask the Senator from North Dakota to yield to me for a moment.

Mr. McCUMBER. I yield to the Senator.

Mr. KING. On the 4th day of January I submitted a resolution, being Senate resolution 174, directing the Committee on Education and Labor to inquire into the subject of wages having to do directly or indirectly with Government work, etc. The resolution is on the table. I ask that it be taken from the table and now taken up for consideration.

Mr. STONE. Mr. President, I request the Senator from Utah to allow the resolution to remain on the table until to-morrow. When this resolution is taken up I desire to address some remarks to the Senate on the general subject of politics in the war and other cognate questions related more or less to the resolutions of investigation which have been showered on the Senate. I expect in the course of my remarks to make some pointed, but, I need hardly say, not offensive, remarks in which the Senator from Pennsylvania [Mr. PENROSE] will be personally interested; and as he is not here to-day I should like to give notice of my purpose, expressing the hope that on to-morrow the Senator from Pennsylvania may find it convenient to honor me with his presence.

Mr. KING. I shall be very glad to accede to the request of the Senator from Missouri, and ask that the resolution lie on the table to be considered to-morrow.

The PRESIDING OFFICER. The resolution will lie on the table for the present.

TRAINED NURSES FOR ARMY.

Mr. TRAMMELL submitted the following resolution (S. Res. 185), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Senate Committee on Military Affairs be, and it is hereby, directed to investigate and report to the Senate at the earliest practicable date the available number of trained nurses for service with the United States Army; and whether or not this present available number will be adequate for the needs of the Army when increased by the anticipated future increments, taking into consideration the increased demand when the Army shall more largely engage in active conflict; and to investigate and report on the advisability of at once establishing training courses or schools for nurses for future service with the Army hospitals; and to investigate and report what, if any, provisions have been made to this end by the War Department.

EMPLOYMENT OF ADDITIONAL PAGES.

Mr. OVERMAN submitted the following resolution (S. Res. 184), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to employ three additional pages for the Senate Chamber at $2.75 per day each for a period lasting until the end of the present session of the Sixty-fifth Congress, to be paid from the miscellaneous items of the contingent fund of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 12th instant, approved and signed the joint resolution (S. J. Res. 106) extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

THE SHIPPING SITUATION.

Mr. McCUMBER. Mr. President, yesterday I gave notice that I would to-day discuss the present shipping situation and other matters pertinent to the present condition of the war in Europe. I shall be careful not to give any facts that have not been already made absolutely public, but I shall attempt to present figures and statistics that I think will be interesting and useful to the Senate in the future consideration of the duties which we shall be called upon to perform.

Mr. President, as we stand at the threshold of a new year, ready to shoulder every burden which a battle-torn and distracted world has thrust upon us, no matter of merely domestic concern should be allowed to hold a position of precedence over our important war duties. The pending question should at all times be the question of war.

Actuated by this conviction, it is my purpose here and now to develop and place upon the records of this body such a definite picture of the actual war situation of to-day as will enable us to clearly see and fully comprehend the duties which we have undertaken and with the hope that so seeing and comprehending we shall make our performance square with our colossal task.

Mr. President, the year 1918 opens on a world shrouded in darkness, lighted only by the fires of death. But horrible as is this gloom, great beyond words of expression as are the sufferings and agonies of nations, they are insignificant as compared with the blacker shadow of an impending military autocracy which threatens to rivet its accursed manacles on a world made slave to the brutal lusts of the god of war. Might, armored with dishonor, sustained by intrigue and weaponed with every hell-devised instrumentality which an intellect trained only in the school of murder could conceive, rides in triumph over the weaker and unprepared nations of Europe.

It is most proper that we, whose resources alone can by any possibility shield the world from military slavery, that we who alone have the latent power to save those ideals toward which the whole human race with slow, plodding, and weary steps have labored for centuries, should awaken at the beginning of this new year to a full realization of the magnitude of the task which destiny has assigned to us; and, thus realizing, that we should make our New Year's resolution conform in spirit, intensity, and devotion to the full measure of our sacred obligation.

I am well aware, Mr. President, that there are those who labor under the mistaken theory that to take account of our own weakness in any line or to publicly admit the strength or advantage of the enemy discourages our own people and encourages our foes; and so they advocate a course of suppression. Possibly there are people who will be thus affected, but unless the American people have woefully deteriorated since our last real conflict they certainly can not be so classified. From a military standpoint we as a people may be slow, but we have never failed to measure up to our full capacity when we knew what we must do; and, Mr. President, the sooner we now know and the sooner we gird ourselves for the realities of this war the better it will be for the country.

The first step toward the goal of victory is to undeceive ourselves. Looking at our enemy through the reverse end of the telescope as we have been doing is worse than folly. It creates an unwarranted assurance and invites disaster. We have heretofore talked too much of our invincibility and have done too little to demonstrate it. We have overcultivated our conceit and undercultivated our striking strength. Some one has truly said that "conceit may puff a man up, but it can never prop him up." Shakespeare speaks of boasting as a "killing tongue, but a quiet sword." I commend those words of wisdom to a certain gentleman who some months ago sent out to the American people the picture of a mighty sea battle between our convoy ships and a squadron of submarines—a picture so gory in its colorings that the column of water shot a hundred feet skyward by a bursting shell was red with the blood of our enemies and the dark waves encarmined as though kissed by a crimson sunset. I need not commend them to that British admiral who, at the beginning of the war, declared that the German Navy and the German submarine would be forced like rats out of their holes. He has since learned his lesson; and

his country, with that stern silence which always presages real power, is now giving to the world the old traditional spirit of the days of Crecy, of Blenheim, of Trafalgar, of Waterloo, and of Balaklava. Bluster and decision never have reigned and never can reign joint sovereigns of the mental throne. If decision shall now govern, bluster must now abdicate. The great military leaders of the world were equally renowned for their modesty. Grant never boasted; Lincoln hated a braggart.

Mr. President, from the very beginning of this war the press of the country has underestimated the striking power of the central nations and overestimated the strength and resources of the entente powers. The press of the country has assumed, and the people have fallen into the trap, that the central nations were weaker in man power than the forces against them, and that when we entered into the contest our vast resources and weight of numbers would quickly decide the conflict. Of course, those who have taken the trouble to make careful and accurate comparisons have known better. We must now learn the lesson that boasting will not win this war. Collecting money by the billions and spending it in wildest extravagance will not win the war. I am not condemning a proper optimistic spirit on the part of the people. But optimism is a virtue only when harnessed with energy and guided by an intelligent purpose. A blind complacency that fails to recognize great danger is a vice little less than active criminality. The present situation demands action and quick action.

Mr. President, in order to fully understand just what we must meet in this war, I wish to survey briefly the present situation where the battle is raging. What is the relative strength of the countries engaged along that battle front? I get tired of hearing people say that Germany can not win with the world against her. Such statements show a dense ignorance of real proportions. The world is not against the central powers, and the greater part of the world can not even get within striking distance of her. Instead of the world being against Germany on the battle line, she and her allies are vastly superior in territory, in population, and in resources, while their geographical situation gives them a thousand advantages over their opponents. At the beginning of this year, 1918, this country should awaken to that truth.

Mr. President, as no statistical data can so impress the mind as a visual image of proportion, I have prepared a map showing the territory constituting the central powers, the territory actually occupied by these powers and furnishing them the substance which they do not themselves produce. [Indicating map on wall.] The heavy blue line encircles not only the central powers engaged in this war but also includes the conquered territory of opposing countries giving all of their substance to the support of those central powers.

I have not been able to carry the blue line over that portion of Asia which is now held by the Turks. We know that we would have to press that line eastward and southward through Mesopotamia and on to the British line, and the map is not large enough for that purpose. Here we have—

Germany proper, with an area in square miles of	208,780
Austria-Hungary, including Bosnia and Hercegovina	260,034
Bulgaria	43,000
Turkey	710,000
A total of	1,221,814

That comprises the original boundaries of the central powers. But in addition to this the central powers are in actual possession of and utilizing all the resources of—

Belgium, with an area in square miles of	11,302
Serbia	34,000
Roumania, about	39,000
Russian Poland and other Russian territory, now about	150,000
Northern France	7,595
Montenegro	5,330
Albania	7,800
Making a total enemy country in her possession, in square miles, of about	255,027

Or greater than the entire German Empire. This makes a grand total of territory furnishing its resources for the central powers of 1,476,841 square miles.

Against this mighty empire we have in Europe—

Great Britain, including Ireland, square miles	121,331
France	207,054
Italy	110,623
Or a total of	439,008

Deducting therefrom the square miles of France now held by Germany of 7,595, we have left a total of 431,413.

In actual territorial domain, therefore, the central powers exceed the entente powers by nearly 3 to 1 and in actual territory possessed by them, over which they are exercising complete sovereignty and which is furnishing them with all its valuable resources, the central powers exceed the entente powers by more than 3½ to 1.

Not only this, Mr. President, but the territory occupied by the central powers in productivity and in all that sustains modern life and adds to effectiveness in war is enormously superior, acre for acre, to that of the entente powers. Bulgaria has always produced a surplus of agricultural products. Austria-Hungary has always produced more agricultural products than she has consumed.

These central countries are in possession of all the important oil fields, of all the important coal fields, of all the important iron fields of continental Europe. With intensified farming, supplemented by reasonable economy, this section of Europe is unquestionably self-supporting in food products. The coming spring will undoubtedly see the vast fields of Russia promising a bounteous harvest for the German armies and civilian population.

Is it not about time that we stop our talk about the collapse of the central powers for lack of food? The truth is the central powers are better supplied with food than any other European belligerent power. Great Britain is suffering far more than any other country, is complaining less, and, for the most part, fighting harder.

Passing from the subject of physical resources and territorial domain, I want Senators now to again approach the fighting line and take accurate measurement of the man power of each nation engaged in that conflict. Here we have—

Germany, with a population in round numbers of	70,000,000
Austria-Hungary	50,000,000
Bulgaria	5,000,000
Turkey	21,000,000
Or a total population of	146,000,000

Pitted against these we have—

Great Britain and Ireland, with a population of	45,000,000
France (about)	40,000,000
Italy	35,000,000
Or a total of	120,000,000

I have not included Belgium because the number of Belgian soldiers is a negligible quantity.

If we go to the limit in man power, any first-class nation can put into the ranks one-sixth of its population. On this basis the central powers can put into the field, in round numbers, 24,350,000. The entente powers, at the same ratio, could put into the field 20,000,000. The entente would be outnumbered on the battle line 4,350,000. But you may suggest that I have not considered Canada, Australia, and what may be drawn from India. A very brief glance at the situation, however, will demonstrate that the number of soldiers drawn from these distant countries are more than balanced by the number of men that Great Britain must utilize in other avenues than along the battle front. Remember that Great Britain must furnish the sea service for all of her allies. She must divert a vast number of men who could otherwise be called to the front to man the ships necessary to furnish herself food and clothing and to carry food, clothing, ammunition, and soldiers to her allies. I do not know just how many able men would be required for the service, but probably not less than 500,000.

Great Britain must hold the naval mastery of the ocean, at least the surface of the ocean, and this, including trawlers, chasers, mine sweepers, and so forth, will take, we will say, 500,000 more. This would about equal all of the soldiery which Great Britain can draw from her over-seas domains and leave the proportionate man strength about the same as suggested.

It must also be remembered that Great Britain, in furnishing ammunition and guns and other equipment to her allies, must withdraw from her otherwise fighting forces a vast number of men to produce those things. It should further be remembered that the conscription has not been applied to Ireland.

So it is safe to say that the entente countries, after using all their man power, will necessarily be outnumbered on the field of battle by between four and five million.

Nor is this all. The central powers have the additional advantage of one solid contiguous territory, with both flanks of their battle line resting against inviolate neutral territory. She can not, therefore, be flanked. All the entente powers can hope for is to either protect their line of battle or hold it without advantage to either, and this seems the utmost that can be hoped for until the United States really gets into the conflict, if we ever do get in.

Again, the transportation facilities of the central powers are such as to enable them to throw a preponderating force against any point in a line in a few hours, while it would take days to move a like force from point to point by the entente powers.

And still again, not a foot of the territory of the great central powers has been devastated or is under enemy control. Their industries, untouched by the hand of devastation, and organized as those of no other country in the world, are sending their steady flow of equipment to maintain those vast armies. The entente powers have about reached their limit. It is up to us to supply the deficiency. To just balance the man power of the central nations, this country should send to the front, as I have declared, and I reiterate it again, this country should have at the front to-day at least 5,000,000 soldiers. To equal the geographical advantage of the central powers, this country should have on the battle field at least an additional million. To overcome the advantages of a mere defensive warfare, to be the aggressors—in other words, to force the central powers to retreat—we should furnish at least another million; and as a retreat would shorten the line of the central powers and bring them nearer the axis of the arc, closer to the source of supply, the number of the offensive should be correspondingly increased.

So, Mr. President, we should have in the field at this time at least 7,000,000 men. And that is assuming that the three powers, England, France, and Italy, will all remain in the field.

But, Mr. President, who can say with any degree of certainty that in another six months Italy will still be battling for this world cause? Encouraging as our smile of hope may be, the ugly fact stares us in the face that about 300,000 of that army have surrendered within the last two months. There may be causes for that surrender of which I am ignorant, and I shall not criticize, but I shall not fail to note, in view of the fact, that the surrender was without even a battle, without even a real blow; that there were strong indications of internal disintegration. There are possibilities, Mr. President, even more grave than this which I shall not mention at this time.

But with Italy out and with France flanked, though our burdens would be enormously increased, we would not be beaten in this war. Supply Great Britain with food and clothing and Great Britain and the United States can continue this war for 40 years if necessary. British soldiers and British sailors will fight to the death. In my judgment, they will suffer more and still maintain their tenacity of purpose than any other European people, but no amount of courage or fidelity can resist the weapon of famine. And talk as heroically and as optimistically as we may, the undeniable fact still stares at us that with her under-sea craft Germany is taking in unchecked flow the very life-blood of Great Britain in this unequal contest. Great Britain, the one country which is doing greater work and is suffering more than all others, whose financial credit and whose ships are sustaining the life of her allies, is rapidly losing that upon which her own life depends.

If Great Britain were to battle for herself alone, she might defend herself for years, even against this new monster of the sea. But she knows that she is fighting the world's war, that she is battling for a peace that shall be permanent; and she knows, as we all know, that any peace that will leave Continental Europe prostrate before any military autocracy means a renewed war or slavery, and she will never desert her allies, though, like Russia and Roumania, they fall one after the other, either through exhaustion or intrigue, or both, so long as one of them remains at her side.

In my opinion, there is but one power that can overcome her endurance, and that is the power of starvation—a starvation brought about by Germany's only hope, the submarine, which alone can paralyze her arm and destroy her power.

The question, then, presents itself to us, How long can she stand this strain? Russia and Roumania are out of the war. Italy is losing ground. France is unable to make any headway. The wall of opposition at the eastern end of the battle line in continental Europe is crumbling. How long can Italy withstand the Teutonic pressure? Optimistic, indeed, must be the man who would prophesy a single year without additional support. With Italy under the heel of the conqueror, with France assailed in the flank, who can prophesy that that country will not be quickly brought under the heel of the same conqueror, and England's Army left to battle against overwhelming numbers? You may say that this is painting a gloomy picture. This, Mr. President, is delineating two things, first, the exact situation as it now is, and, second, the possibilities of the future; and it is presented with the hope that we will at least partially awaken to a realization of what is before us.

In April of 1917, in an address before the Senate, I declared that this war would be lost or won by the U-boat; that if we were able to meet its ravages, we would win; if we were not able, we would lose. I have not changed in the slightest degree the opinion I then held. Every day has added to my conviction. Every day has seen fewer tons of the world's shipping afloat. Germany declared that if she could sink a million tons of the world's shipping a month she would bring England to her knees in 10 months. Had she been able to do so her hope might possibly have been realized. She has not done all of that, but she has sunk about 8,000,000 tons of the world's shipping in the year 1917, and the destruction goes on without cessation and with little variation in the monthly toll.

The question is not whether these central powers can conquer the United States. Of course they can not conquer us. Our resources are so great and so diversified, our food, clothing, and mineral supplies are so adequate, that we could live in comfort for a century, even though we had not a merchant ship afloat on the ocean, and then we could do just what Germany is now doing to the British shipping—that is, without any shipping of our own to defend—we could turn into the ocean such a hoard of submarines as would close every German port to the outside world until she begged for peace.

I am not failing to observe the strain of this war on the central powers. But they are buoyed up with the courage that comes from the fact that the prowess of Russia has been broken; that Roumania has surrendered; that they have opened the granaries of Russia; and that their U-boats report in undiminished figures the weekly toll of enemy merchant ships.

The question is, Can our allies, and especially Great Britain, stay in the field until we can actually get into this war? Or will those powers be compelled to declare a draw, with nothing settled and begin the preparation for a further and greater slaughter?

And this, Mr. President, brings us right up to the one situation which is so imminent and which so overshadows all others that it is folly to talk about raising armies or saving food supplies until that question is solved, and that is the shipping question. Why talk about sending a million men to Europe when we have not the ships to take care of more than a quarter of a million? Why talk about conserving our food in order to assure a surplus for export when we have not the ships to take one-quarter of that surplus?

Mr. President, our allies informed us the very day of our entry into the struggle that what they most needed was ships; that ships were far more important to them than men; that they must have food and coal and ammunition; that Great Britain had turned over to France 2,000,000 tons of her shipping; that she was supplying her merchant marine to all the other allies, while suffering a devastation many times greater than all put together; that she was losing by the submarine from six to seven million tons per year, while her shipyards in 1916 produced but little over half a million gross tons. They cried for ships, they begged for ships, and more ships. They said to us, "Give us 6,000,000 tons in 1918 and we can possibly withstand the ravages of the submarine." We allayed their fears; we assured them we would supply that shipping. We took that duty upon ourselves, the most important, the most vital duty incumbent upon us in this war. And, Mr. President, we have neglected that duty beyond any other, shamefully neglected it. They tell us it was because of the wrangling and disagreements among the members of the Shipping Board. But had the members of the Shipping Board fully realized what the creation of this tonnage would mean in this war, had they contemplated the disastrous results that would follow their failure I can not believe that any one of them would have been so unpatriotic as to have delayed construction while they were fighting out differences of opinion. I must attribute the delay to a lack of appreciation of the magnitude of the submarine danger. It is between that and unpatriotism only that I must decide.

We appointed a Kilkenny Shipping Board and then we went to sleep, and as this board awakes to the chimes of the new year it says that it hopes to produce of new shipping 2,000,000 gross tons. Was ever a promise more glibly made? Was ever a promise more disgracefully broken?

As one modest Member of this body, I have not slept at my post or failed to hoist the danger signal. I admit that what I may have said upon the subject could not penetrate very far, and especially against the assurance of the Committee on Naval Affairs that there was really nothing serious in the submarine menace. I have tried in a most earnest, though apparently feeble way to awaken the country, the Navy Department, the Shipping Board, and the Committee on Naval Affairs to the dire situation that would certainly confront us unless we directed our energies toward meeting the submarine menace. In February, 1917, in April, in July, and again in August I attempted to present this matter. I prepared tables and statistics to bring the subject matter home to us. I introduced a bill which, had the Committee on Naval Affairs not been misled by the unfounded assurance of the Navy Department, would, in my opinion, have ships afloat to-day that could defy the torpedo. But the answer from this committee, given with smiling serenity, was that my fears were unfounded; that the Navy Department had had the matter under consideration; that it had conceived a plan which

would in a few weeks make the submarine menace a matter of no consequence.

I was assured that if I would see the Secretary of the Navy I would be relieved of all concern.

Well, Mr. President, I doubted if the Secretary of the Navy had in contemplation any real method of meeting that menace. So I introduced a resolution calling on him to give to the Senate, if not incompatible with national interests, what steps had been taken and what in view to meet this menace. The following excerpts from the letter of the Secretary of the Navy in response to this resolution are sufficient to demonstrate the spirit of incredulity on the part of the Navy Department in respect to the possibility of protecting merchant vessels against the submarine torpedo.

Contrary to the press reports, there is no single device which has solved the submarine menace; it is considered very unlikely that there ever will be any single device that can accomplish this desirable end. It is a well-known fact that for every offense there is a defense, and for every successful defense there will develop a new type of offense. It therefore appears essential to develop not only one but as many devices as may have sufficient merit to justify their use.

I heartily agree with the Secretary that for every offense there is a defense. But, Mr. President, what we complain of and what every nation whose sons are strangling down to watery graves every day and hour of the year have a right to complain of, is that the effort to find the real defense against the torpedo offense has been too insignificant in comparison with the gravity of that offense. Proposed measures of defense which give the greatest promise have been met with seeming hostility rather than with welcoming demeanor.

The answer proceeds:

The department has placed available for use such vessels as conditions warrant and needs justify for the purpose of conducting the necessary tests. Shore facilities have also been made available as necessary. The representatives of the various boards and councils mentioned above have utilized their own laboratories or laboratories placed at their disposal in order that no effort may be spared to produce the desired results.

Mr. President, it is the duty of the Navy Department on its own account and at its own expense to make reasonable tests. The Navy Department is one of the war arms of this Nation, and as such charged with the duty of developing a defense against this awful destruction of the merchant marine of the world upon which we and our allies must depend in this struggle; and having billions at its disposal for this purpose it has no right to say to the private individual, "We will give you shore facilities and the use of our laboratories. Now, you show us." The individual has not the means to build a ship or a quarter of a ship; you have, and it is up to you to give adequate tests to those proposals which, indorsed by experts on both explosives and ship construction, give fair promise of rendering the torpedo harmless. This war is costing $160,000,000 daily, and you can well afford a little $50,000, the sum asked to give the proposal a fair trial.

Again, says the Secretary:

Senate resolution No. 76 appears to apply primarily to mechanical devices to protect or shield merchant vessels, thereby covering only a limited part of the field. It is believed that the reports in the press of the country, referred to, must have originated with the various inventors, who naturally believe that their ideas are satisfactory.

While numerous inventions and mechanical contrivances for protecting and shielding merchant vessels have been submitted to and considered by the department, none of them are regarded as perfected in the sense of being an adequate and satisfactory contrivance for the purpose and capable of general application to merchant vessels engaged in traffic between ports of the United States and ports of Europe.

The attitude of this department seems to be that if some kindly disposed citizen will beg or borrow enough to demonstrate beyond any possibility of failure and perfect a vessel that can withstand a torpedo attack and still keep afloat, the department will not be averse to giving the matter consideration.

Mr. President, that is not the spirit that should dominate this department in this dire emergency. Its negative attitude should immediately give way to an aggressive attitude. It should not only welcome but search with unswerving energy for any clue or means that would promise a solution of this great and controlling factor of this war.

Mr. President, after repeated efforts to secure information from the Navy Department or the Shipping Board concerning any real program for ship construction and meeting the same spirit of indifference on the part of the Committee on Naval Affairs, I sought to awaken the Senate to the gravity of the situation by a presentation of such statistics as I could then gather covering the destruction of the tonnage of the world, the constructive possibilities of the maritime nations engaged to meet such destruction, and the resulting devastation which, if not met, would spell the doom of those nations which were bearing the whole burden of an unequal war. I then declared as a sequence to that argument that unless we could meet the ravages of the submarine it would destroy our allies before we could get into the conflict. Since then Russia and Roumania have been overcome by force and intrigue. Italy has been rapidly surrendering men and territory. Serbia is prostrate. The power of France has subsided to a defensive attitude only. Britain alone is striking hard and battling to the death, while Fate, with measuring line, is telling off her losses in ships on which the life of her population depends. She dare not even look at the full ugliness of the situation. Her sons in grim desperation fight and die or, with the gloom of the fatalist on their brows, go down to death unable to strike or even see their foes.

We are raising an army of a million men, which we hope to make effective some time. We must convoy them by long, circuitous and zigzag routes, requiring 40 per cent more tonnage than a direct route would demand.

We know we must supply Great Britain and France and Italy. We know we shall require 5,000,000 men in France before we can ever hope to equalize the forces of the powers pitted against each other. Where is our shipping? Where is it coming from? Possibly God knows; certainly neither the Shipping Board nor the Navy Department knows.

What, then, is the real shipping situation of to-day? It is an ugly picture, I admit, but we must look it squarely in the face, and once recognizing its proportions, we shall cease to think or talk about setting afloat a little two or three million tons of shipping in 1918, but, in conjunction with our allies, bend every energy toward the construction of ten times that tonnage.

To properly supply our wants we and our allies would have use for more shipping than the entire world possessed on August 4, 1914. But of course we can not dream of such a realization.

In giving the data which I shall now present, I must follow consistently a single standard for measuring the tonnage capacity of any vessel. When we read of the destruction of a ship of 4,000 tons, we never know with certainty whether the reporter means net tonnage, gross tonnage, or dead-weight tonnage. To make this clear let me define each:

"Dead-weight tonnage" means the maximum of cargo, bunkers, consumable stores, engines, boilers, and all other matter, including passengers and crew.

"Gross tonnage" means the number of units of 100 cubic feet each of the entire cubical capacity of the vessel, including spaces occupied by cabins, boilers, engines, coal bunkers, and so forth.

"Net tonnage" means gross tonnage less the space occupied by all cabins, boilers, engines, coal bunkers, and so forth, and is a trifle over three-fifths of gross tonnage.

When Great Britain speaks of a vessel of a certain tonnage she means gross tonnage. When the United States speaks of producing a certain tonnage of vessels during the war she means dead-weight tonnage.

To reduce dead-weight tonnage to gross tonnage, the term generally used by maritime nations, we must divide dead-weight tonnage by 1.65. Thus 4,000 dead-weight would be only about 2,425 gross tonnage. The data I shall give will be in gross tonnage only.

The Journal of Commerce gives the total tonnage of the world on August 1, 1914, as 48,139,365.

Others give it as high as 51,000,000.

I think we may properly adopt as a fair basis for our computation 49,000,000.

In order to ascertain what tonnage is now afloat we must first deduct from this the tonnage of Germany, Austria-Hungary, and Turkey, which in the early stages of the war was either destroyed or driven off the seas and which amounted to about 7,000,000 tons.

This would leave for our allies and all neutrals about 42,000,000 tons.

Destruction since the war began and up to January 1, 1918, will be, by submarine and mine, about 9,500,000 tons; other maritime casualties about 1,275,000 tons; total casualties, 10,775,000 tons; leaving a balance of prewar tonnage still afloat, 31,225,000 tons.

There has been added to this tonnage, constructed since the beginning of the war, by—

	Tons.	Tons.
Great Britain in 1915	968,000	
Great Britain, 1916	538,000	
Great Britain, 1917, estimated	1,400,000	
Total by Great Britain		2,606,000
United States, 1915, ocean-going (we have created something more than this, but I must limit the figures to the ocean-going tonnage)	141,864	
United States, 1916, ocean-going	237,836	
United States, 1917, ocean-going, about	1,000,000	
Total by United States		1,479,700
All other construction		500,000
Total construction allied and neutral shipping		4,585,700

Total construction afloat January 1, 1918, 35,810,700 tons.

The shipping of all the countries, exclusive of the central powers and Turkey, at the beginning of the war was 42,000,000 tons.

Therefore the shipping of our allies, ourselves, and the neutral countries has decreased since 1914 about 6,189,300 tons.

As we can only call upon our own shipping in case of an emergency—and I mean our shipping and our allies' shipping—it may be well to consider the shipping of those countries engaged in war against the central powers independently of other world shipping.

The tonnage of Great Britain at the beginning of the war is given as 19,779,119; say, in round numbers, 20,000,000; France, 2,300,000; Italy, 1,700,000; the United States, 8,000,000; total, 32,000,000 tons.

I have not included Japan, for the reason that she is in this war only in Asia and is using very few ships within the war zone.

The losses of these countries since the war began have been about 9,500,000 tons.

Balance of prewar shipping, 22,500,000 tons; constructed and put afloat by the United States and Great Britain, including all vessels commandeered which are ocean going, about 2,400,000 tons; amount now afloat, 24,900,000 tons.

Loss of the allies, including the United States, since 1914, after making all allowance for new construction, about 7,100,000 tons.

Thus, when we are in need of an enormous increase in shipping facilities to carry on this war we find ourselves at the beginning of 1918 with 7,100,000 tons less than we had in 1914.

But, Mr. President, this comparison does not measure the full deficiency. To keep apace with the growing population and commerce in peace times demands an increased tonnage of about 5 per cent annually. To meet peace requirements these countries should have had, therefore, at the beginning of 1918, 38,400,000 tons.

So, Mr. President, if we had no war on our hands to-day, we and our allies would be short of our combined needs in times of peace 13,500,000 tons.

But, Mr. President, these calculations would be more valuable if we could narrow them down to the available trans-Atlantic tonnage. That is the principal thing. The present emergency calls for ships to be used exclusively between the United States and Canada and Argentina on one side and Europe on the other. In talking of total world tonnage we are liable to deceive ourselves, as this tonnage consists of all kinds of boats and sailing vessels and ships that can not be used for ocean traffic. For instance, while in 1914 the entire tonnage of the United States was about 8,000,000, less than 2,000,000 was engaged in foreign commerce. The lakes, rivers, and coastwise commerce account for most of that tonnage. So, too, less than one-fourth of the tonnage of the world was engaged in trans-Atlantic service prior to the war. And when we recall that nearly all the U-boat victims have been trans-Atlantic ships we begin to realize the tremendous blow at the commerce upon which we must now depend.

On July 23, 1917, the Emergency Fleet Corporation prepared a chart showing that out of the total trans-Atlantic shipping of 10,000,000 tons, the submarine destruction was accounting for 7,500,000 tons per annum, leaving only 2,500,000 of the original tonnage.

This mighty loss has to be made good by diverting all possible tonnage from other routes and by new construction. But, Mr. President, the sources of supply are grossly inadequate to fill the gap.

So, in a nutshell, the situation to-day calls from us in men 5,000,000. To supply these men constantly employed an additional tonnage of 30,000,000 is required; and if we are to keep the commerce of ourselves and our allies up to a normal condition we should require a further construction of 13,500,000; in all, 43,500,000.

We should need that much additional tonnage to be able to throw the maximum strength of our allies and even half of our own maximum strength into this war.

But, coming right down to the unquestionable necessities of the shipping tragedy: We have in Europe to-day, say, 200,000 soldiers. I have shown that before we can make any real headway, before our allies can make any real advance against the increasing numbers of the central powers transported to the western front since the surrender of Russia, we should have not less than 5,000,000 soldiers in France. We should have ships enough to supply those soldiers and keep them supplied with ammunition. Considering the longer passage, the longer period of time consumed in such passage, from the best information I can obtain I am of the opinion that it will require not less than 6 tons per man to transfer these men and equipment of all character, and thereafter to supply losses and keep the number up to that standard it will continually require 6 tons per soldier. That would mean that there must be diverted for Army purposes alone to supply an army of 5,000,000 men 30,000,000 tons. As heretofore shown, we and our allies are now short of normal needs by 13,500,000 tons.

Recognizing the impossibility of our being able to produce the tonnage we should have, we must direct our attention to the minimum amount that we must produce if we have any hope of maintaining the status quo on the firing line until we can get into the war. That minimum amount is problematical, because we do not know how tenaciously the Italian forces may hold out. It is asserted that Italy to sustain her fighting power will need 250,000 tons of wheat each month until the next harvest, besides vast quantities of coal. France is short and is sounding the alarm, and Great Britain is short and must again cut her rations.

Great Britain advised us at the time we entered this conflict that the allies, to maintain their present striking force, must have from this country at the very least 6,000,000 tons of shipping. We must remember that Great Britain has loaned much of her available tonnage to her allies. France, for instance, has 2,000,000 tons of British shipping under her control. In addition to this, Great Britain is supplying the major part of the shipping for all of her allies' requirements.

It is a fair estimate to say that the British and other allies' losses for the year 1917 from all causes was about 8,000,000 tons.

Estimating the losses for 1918 on the basis of the last nine months, which excludes the very heaviest sinkings in the winter of 1917, it is safe to predict that the allies will lose in 1918 at least 7,500,000 tons.

Great Britain can produce in 1918 hardly more than 2,000,000 tons.

That would leave for us to construct to keep even the present tonnage afloat 5,500,000 tons.

But the amount afloat at the present time is not sufficient to take care of the pressing needs of Italy and France, even leaving Great Britain out of the question. There should be at least another five or six million tons for that purpose; in all, say, 11,000,000 tons.

If we attempt to put 1,000,000 men in the field in 1918 it would require 6,000,000 tons additional, or a grand total of 17,000,000 tons.

So, to put ourselves and our allies on a proper war footing, we and they combined should produce 43,500,000 tons of shipping before 1919. To meet the pressing demands and keep the situation in balance, without further loss of territory and possible loss of some of our allies, we must construct in 1918 17,000,000 tons. Can it be done?

Mr. President, it can be done, and I shall proceed to show how it can be done. I do not expect to make any impression upon the departments responsible for the conduct of the war, any more than I was able to make an impression last April when I declared that the question of winning or losing this war was simply a question of overcoming or being overcome by the U boat. I know the awakening process must be through the medium of the press and public opinion, and I must do my bit in this war by helping this process. Heretofore arguments seemed to have been futile. You might as well have tried to persuade a turtle on a railroad track that his inactivity meant destruction. He would have simply drawn his head within his shell with the same optimistic assurance that has characterized our course in reference to this whole submarine menace. Had the Navy Department of the United States been able to get out of its shell of antiquated ideas long enough to have caught a ray of the inspiration of originality, I believe we could already have seen the doom of the U boat. Had the Committee on Naval Affairs of the Senate been an active power to win the war rather than a passive instrumentality to simply advise and report what the Navy Department in its wisdom or unwisdom had seen fit to suggest, we should have had to-day ships that would have been able to defy the submarine torpedo. But so ossified had become this great department, so conceited in the prowess of dreadnaughts, that it condemned without hearing and as a gross impertinence any suggestion that a ship could be so constructed as to continue afloat after being struck by a torpedo. And while that august department has been literally throwing away millions its auxiliary, the Shipping Board, refused the little sum of $50,000 asked for by the greatest expert on explosives in the United States to test a torpedo-proof hull, and who, with a ship contractor, presented plans and specifications of a ship which he declared would carry its freight across the ocean with the loss of only about 11 per cent of cargo space, submarine or no submarine.

Mr. President, even though the ship, constructed as proposed, should not have proved a success $50,000 would have

demonstrated it; and, in view of the mighty promise that, if successful, it would be equivalent to the instantaneous destruction of every U boat afloat and would render harmless every one under construction, assuring victory before the end of another year, was it not worth the trial?

We have prided ourselves upon being the greatest inventive country in the world, and, outside of the deep-rutted and case-hardened Military and Naval Departments, our pride is fully justified. Our opportunities for the utilization of new mechanical inventions have intensified and strengthened the inventive genius of the American people. The greatest instrumentalities of destruction and usefulness in the war to-day are all of American origin. The submarine, the flying machine, the caterpillar truck, the Maxim gun, and many others which might be mentioned, all had their origin in the United States; and, strange to say, every one of them has been tabooed by our War and Navy establishments. And yet this war has demonstrated that it must be fought with new weapons, and the new weapons must be neutralized by new instrumentalities. The whole success of Germany has been due to the fact that, though not the inventor, she has been the leader in the utilization of these new devices. Long before the war began her scientists were developing gases to blind the eyes or burn out the lungs of her opponents, flames to burn away all obstacles to their massed attacks, U boats to strike unseen.

Germany was not afraid to try out any new and original idea. It may be that the Zeppelins have not proved a success, but she had the courage to try them and to try them thoroughly. And she has undoubtedly tried many other things that have not been successful, but out of the many she has brought forth new instrumentalities of destruction that are fast leading her to victory, while our Navy Department and our Shipping Board strain at the little expense of $50,000 to try out the most important suggestion that has ever been made in this war. The department must answer to the indictment of inability to meet a situation. The only answer to that indictment is one either of incompetency or of negligence, and neither is satisfactory. Had this department been competent it must have known long before we entered into this war just what the controlling factor in the conflict would be, namely, the question of meeting the submarine ravages. It knew that little, if anything, could be hoped for in capturing and destroying the submarine. It knew that hunting submarines would be as uncertain as hunting needles in a haystack. And yet almost nothing has been done to meet that situation. In fact, nothing has been suggested by the department other than to build ships as rapidly as the U-boats could sink them. In other words, it proposed to ram ships and cargoes and men down the monster's throat in such numbers as to choke it to death. The only thing that has appealed to this department or the Shipping Board as a defense against the submarine has been the great idea of painting a ship to look like the ocean waves.

Mr. President, the very first step taken in 1918 should be to cease for the present the sending of our soldiers over to Europe and to use every ton of shipping space for food for our allies. The empty caisson can wait, the empty stomach can not wait. The soldier must eat before he can shoot, and if he waits overlong for his food he can never shoot again. Just now our allies need our food a thousand times more than they need our soldiers. The splendid words of our President restating our war aims can not but fill the hearts of all our allies with new courage. I would supplement that with a thousand cargoes of food that this courage may have a foundation to stand on, and the tide of military success will immediately be turned in our favor.

Concurrent with this effort should be steps to immediately demonstrate whether it is possible to construct a vessel that will keep afloat notwithstanding torpedo attack, and if demonstrated then every ship should be so constructed. Germany's entire reliance is in her submarine. Pull the teeth of this monster of the sea and she will make the peace we demand in a month. Building ships and loading them with munitions for torpedo fodder must certainly be most gratifying to Germany herself. One ship that will stay afloat is worth a thousand ships at the bottom of the ocean. If the torpedo is rendered harmless every submarine is thereby instantly destroyed at a single blow. The assurance that such a ship can be constructed, coming from the source it does, demands an immediate test, and the gravity of the situation emphasizes the demand a thousandfold.

The next step is to make a full and adequate test of reinforced concrete ships. I understand that the Government has contracted for one or two of these ships. But what should be done is to put one of them to an immediate test. I do not think we should even make construction wait for that test. I believe that ships of this character have already been tried out in sufficient numbers to demonstrate their utility. As most of the ships proposed to be built are of slow speed, which will require convoy, and as the ability of these concrete ships to stand the stress of ocean storms has already been demonstrated, the pressing exigencies of the shipping situation justify our proceeding immediately to construct a vast fleet of them. If, in the meantime, we find that the one constructed is not a success and can not be made a success we can cease our further efforts along that line. We can afford the loss far better than we can afford the delay. We can proceed with the construction of concrete ships without interfering with the construction of steel and wooden ships. The hulls can be constructed by unskilled labor, which is not the case in the construction of any other character of ship. Concrete can be produced in adequate quantities at any point desired. I have been informed by a single firm of long experience in concrete structures that it can turn out 10,000,000 tons of hulls in 1918. This could easily be increased to 20,000,000. Notwithstanding the fabulous prices paid to all character of skilled workmen, we would have no difficulty in securing the unskilled labor necessary for the construction of this reinforced concrete tonnage.

Mr. President, there appeared in the December number of the North American Review an article written by Col. Harvey, entitled "Are we losing this war?" I shall not comment on the article, which, while it may have had some justification for the ironical criticisms, did not point out any specific line which should be followed to win the war.

The question weighing most heavily on every man who attempts to analyze the actual war situation as we enter the year 1918 is not are we losing the war, but are we liable to lose the kind of a peace proclaimed by the President in his address on the 8th day of January, 1918? Have we been so remiss, so slow in preparing to meet the great emergency that confronted us when we drew the sword that we shall be unable to secure that kind of peace that will assure to all nations immunity from destruction by powerful military neighbors and an opportunity to work out their own industrial and commercial destinies unscared by the spector of military destruction?

I have an abiding hope, based upon the everlasting principle that right will in the end prevail, that we shall not emerge from this war without securing this peace; but I am equally certain that unless we shall come to the support of our allies with shipping facilities many times greater than we propose some of our allies will fail before we can take their place on the battle field and thereby prolong this war, with its hideous slaughter, for many months. Our every thought, our every energy should now be devoted exclusively to these methods of meeting the submarine ravages, to the question of supporting our allies with food and such war material as they can not produce, until the full might and prowess of this country, with the invincible sweep of our armies, shall achieve a victory that will forever free the nations of the world from the tyranny of autocratic militarism and its people from the crushing load of armaments.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 17, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 16, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, increase our confidence and faith in Thee as individuals and as a people; that amid all the changes, disappointments, and sorrows of life we may have that peace which the world can neither give nor take away.

"For they that trust in the Lord shall be as Mount Zion, which can not be removed, but abideth for ever."

Thus may we be firm in the Lord and increase in all that makes a Nation great; for Thine is the Kingdom, and the Power, and the Glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

COMMITTEE ON WATER POWER.

The SPEAKER. The Chair announces the following Committee on Water Power, which the Clerk will report.

The Clerk read as follows:

Mr. SIMS, Mr. FERRIS, Mr. LEVER, Mr. DOREMUS, Mr. TAYLOR of Colorado, Mr. LEE of Georgia, Mr. STEPHENS of Nebraska, Mr. RAKER, Mr. CANDLER of Mississippi, Mr. HAYDEN, Mr. ESCH, Mr. LENROOT, Mr. HAUGEN, Mr. HAMILTON of Michigan, Mr. LA FOLLETTE, Mr. MCLAUGHLIN of Michigan, Mr. PARKER of New Jersey, and Mr. ANDERSON.

The SPEAKER. The committee is made up by taking the six top members of the three committees who were invited to the White House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolution:

Resolved, That the Senate has heard with profound sorrow of the death of Maj. Augustus Peabody Gardner, formerly a Member of this Congress and who resigned therefrom to enter the military service of the United States, and whose death occurred at Camp Wheeler, Ga., on Monday, the 14th day of January, 1918.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as further mark of respect to the memory of the deceased the Senate do now adjourn.

SENATE BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3235. An act amending section 32, Federal farm-loan act, approved July 17, 1916.

INSURANCE AGAINST UNEMPLOYMENT, ETC.

The SPEAKER. This is Calendar Wednesday. The unfinished business is House joint resolution 189, to provide for a commission to inquire into the advisability of establishing national insurance against unemployment, invalidity, and sickness. The resolution is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Missouri [Mr. RUBEY] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of House joint resolution 189, with Mr. RUBEY in the chair.

Mr. KEATING. Mr. Chairman, when we adjourned on Wednesday last we had concluded the general debate on the resolution. I therefore ask for the reading of the resolution for amendment.

The CHAIRMAN. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That a commission is hereby created and established, to be known as the Commission on Social Insurance, hereinafter referred to as the commission. The commission shall be composed of five persons, to be appointed by the President of the United States, two of whom shall be employers of labor and two of whom shall be representatives of organized labor, the Secretary of Labor to be the fifth member of the commission and the chairman thereof. It shall be within the power of the Secretary of Labor to select a representative of the Department of Labor to act in his stead in any hearing or investigation in which the Secretary himself may be unable to participate, and said representative shall have full power to act in the name of the Secretary of Labor, but the position of the Secretary of Labor, as the fifth member and as chairman of the commission, shall in no wise be impaired, and in the report, findings, and recommendations of the commission his name and title shall be appended.

Mr. GARD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 1, line 3, strike out the word "That," in line 3, and insert in lieu thereof the following: "When the present war emergency shall have ended, as evidenced by a proclamation of the President to that effect."

Mr. GARD. Mr. Chairman, I offer this amendment for the purpose of perfecting this resolution.

With the object of affording all proper legislative relief to men and women who labor I am in the heartiest accord, and I believe the great question of the future to be the proper assembly, distribution, and care of labor, in order that the laboring people and the country in which they labor and its people generally may be mutually benefited.

One does not labor for himself alone. He labors for society, and society should recognize its responsibility to the laborer. So the questions of proper surroundings in labor, of proper safeguards against injury, the care and compensation for the disabled, the invalided, and the aged are very vital questions.

But just at this time there could be no reliable data collected on these great questions which are not already in print or in the possession of the committee bringing out this bill.

Data to be useful must be live data, and obsolete data are worse than useless—they are cumbersome and obstructive of the search for truth.

At present all labor in the United States should be united in one great purpose, and that purpose is the doing of the appointed task allotted to each and in which he is most capable of achievement for the winning of the war.

Labor is loyal, and with loyal labor the complete success of American arms is assured.

At the present time I do not think there is any such proportion of involuntary employment as will lead to any information of value being acquired by any commission or investigating body.

If we concede, as we must, that there will be a great number of labor problems resulting from the war, that the questions of readjustment and reapportionment of labor are vital ones, as well as the questions of disability and invalidity and other elements which enter into the employment of labor, still present industrial conditions in America, when all this country is speeding up for the purpose of winning the war, are not the normal conditions of America, and the information which will be of benefit to the laboring man and woman will be information relative to normal conditions as they will exist after this great and war emergency has passed?

Therefore I offer this amendment, that there be no creation of this proposed committee until the present war emergency shall be ended.

I attach, with the consent of the committee, a newspaper clipping reciting a called meeting to be held at the University of Illinois in February of this year for the purpose of discussing the questions of labor problems resulting from the war:

LABOR PROBLEMS GROWING OUT OF WAR TO BE CONSIDERED BY EMPLOYERS AND EMPLOYEES.

URBANA, ILL., *January 13.*

Employers and employees are to be brought together in a discussion of "Labor problems resulting from the war" at a congress to be held at the University of Illinois in February. The university, acting in conjunction with the Illinois Manufacturing Association, the Illinois Coal Operators' Association, the National Safety Council, the State Federation of Labor, and many other associations of employers and employees of the State, is holding the congress.

Samuel Gompers, president of the American Federation of Labor; Charles Piez, of the United States Shipping Board; Victor Olander, secretary of the Illinois State Federation of Labor; and R. C. Richards, chairman of the central safety committee of the Northwestern Railroad, are among many prominent speakers who have been asked to participate in the congress and lead the discussion of the many relating problems.

The congress has been called for the purpose of impressing upon both labor and capital the need of recognizing the human element in production, especially at this time. It is hoped that greater cooperation between employers and wage earners in this State will result, and so further the production for the country, at least during the war.

The congress was made possible by the efforts of several prominent Illinois faculty men, who persuaded the university to invite representatives of employers and employees to Champaign to discuss labor problems, particularly from the standpoint of the effect of the war on them.

Questions concerning the health of the worker, the many injuries which he is subject to at his work, the difficulties of laborers in finding work and of employers in hiring men, and problems of scientific management will be among the topics to be considered. The congress will be held February 14, lasting through February 16.

Mr. KEATING and Mr. McCORMICK rose.

Mr. KEATING. Does the gentleman from Illinois desire to support the amendment?

Mr. McCORMICK. No; I desire to oppose it.

Mr. KEATING. Then I will yield to the gentleman.

Mr. McCORMICK. Mr. Chairman, I desire to oppose the amendment on the ground that now is the time to begin the accumulation of preliminary information. If the gentleman from Ohio [Mr. GARD] had offered an amendment to postpone the report of the commission until after the war or for a given time after the conclusion of the war, I should have been disposed to have listened to his argument with a good deal of readiness. When all the world is making ready to cope with the problems which must arise from this conflict, to plan for the inevitable readjustment, greater by far than any of us can picture to ourselves, I say, Mr. Chairman, that it would be a grave error to postpone the appointment of such a commission. I shall have amendments to offer to the joint resolution, but to this amendment offered by the gentleman from Ohio I for one am absolutely opposed.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I question whether this report would be of much value if, as the joint resolution states, the commission is to make its report on December 1, 1918. We all know that industrial and sociological conditions will be radically changed in this country after the return of peace and that there will be some urgent need then to have a report of a commission, as this joint resolution provides, under conditions then existing, rather than under conditions that now exist in this country, which are abnormal and are largely resultant from this war. I recognize the need of having a commission to examine into conditions that will exist after the conclusion of the war, but to create a commission and allow them to go traveling over the world, as this joint resolution provides, during these war times, when everyone knows that this war is going to change completely the sociological conditions of and the obligations of government itself, those who survive from the battle field, as well as those who do not partake but remain

in the industrial walks of life, after peace is concluded would make their report of little value. I think the amendment of the gentleman from Ohio is a most meritorious one. This work will be of little value if it is going to proceed at the present time. We have had commissions in time of peace, commissions, for insurance, on immigration, that have traveled the world over and collected voluminous information, but what value will the findings be of these traveling experts on conditions of to-day, which everyone recognizes will not be normal after the conclusion of the war?

Mr. KEATING. Mr. Chairman, the Committee on Labor has carefully considered this feature of its report and believes this commission can carry on its work at this time. The argument that the commission will run all over the world in an effort to secure data is not worthy of very serious consideration. The men who will be named on this commission by the President of the United States will undoubtedly be gentlemen of distinction and you will not find them entering the war zone at this time except with the consent of the State Department. So I think we may very well leave the question of their movements to the members of the commission. The committee hopes this amendment will be voted down. I ask for a vote, Mr. Chairman.

Mr. SHERLEY. Mr. Chairman, I should favor the amendment offered by the gentleman from Ohio [Mr. GARD], though I would very much rather favor a motion to strike out the enacting clause. I want to talk very seriously to the House for a very few moments because we are facing now a situation we have to meet. There is pending before the Committee on Appropriations deficiency estimates for about a billion and a half dollars and those on the way to the Congress will probably carry that total a couple of millions beyond. Some of these estimates are for matters of first importance; some of them represent the desire of some branches of the Government to use the war as an excuse for expanding its activities and increasing its appropriations.

This country has to-day a surfeit of commissions. We have had commissions about everything under the sun, commissions to reform every institution except our own, where the most reformation could take place. Echoes of the commission on social unrest have not died out before we are met with a proposition to create another commission to report on the subject of old-age pensions and insurance. The speeches of the gentlemen who support this matter, as well as the report which they submit to the House, tell you that there is already a great volume of valuable, accurate information upon the subject. There is no reason in the world why a committee willing to work should not itself gather whatever information is necessary to enable the House and the Congress to legislate upon this subject. I would infinitely rather have the result of its findings than the result of a commission that will be created as this one is proposed to be. We all know something about commissions.

This commission on the causes for social unrest, which, by the way, more than covers the field of reasons for nonemployment or unemployment, went over this country exploiting all sorts of views, from reactionary to what was almost anarchistic. It became a medium for exploiting the political ambitions of at least one of its members, and it would be running yet if Congress had not very wisely put a limit to its activities.

Now we are faced with a proposition to create a new commission. I do not speak against the commission because of an opposition to old-age pensions. I speak against the doing of a useless thing. Those men who favor legislation of this kind will better enhance it by having a committee of Congress deal with it than by having a commission to make a report on it. A commission that would report within a year from now would necessarily make a report that would be bound to be a wrong one, because it would be made as the result of a survey of conditions that are temporary and transitory and could not be the conditions upon which permanent, remedial legislation ought to be based. That must be appreciated by every man of judgment and of sense. Let it not be carried because it is in the interest of labor when the judgment of men is against it. Let no man vote against it because it is for labor, but let no man vote for it simply because it is for labor. Let it stand as any other proposal for a new commission would stand, and I am willing to submit then to the judgment of men.

And let me say one word more. If there ever was a time when the people of America are going to respect and reward courage on the part of public officials it is now. We are not going to be true to our trust if we appropriate moneys without any regard to results. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. Mr. Chairman, I move to strike out the last word.

The gentleman from Kentucky [Mr. SHERLEY] fails to grasp the significance of the suggestion that we are now, when we have no unemployment, to prepare for the emergency, to prepare for the change, for the disarrangement, for the dislocation in industry, which will be inevitable with the termination of the war.

Mr. WALSH. Will the gentleman yield? Will this help to win the war?

Mr. LONDON. Well, I assume that every man and every woman in the United States will do everything to help the United States in the present crisis. The commission has its specific purpose, and that specific purpose is to prepare and to systematize information, to assemble data, which will be helpful to us in those days when it will be necessary to legislate on these problems. It is not a new thing that we are suggesting now. If the gentleman would examine the record of the appropriation bills during Taft's administration he would find that an appropriation bill carried an item for the holding of a congress at which this very question was to be discussed.

And may I say to the House this? That labor throughout the world realizes that now is the time to begin studying this problem. We do not have to wait for unemployment; we do not have to wait for the crisis when the soup kitchen will be suggested as a remedy; we do not have to wait for starvation and distress. A committee of Congress might be an excellent thing but the suggestion before you is not that. The proposition before you is this: Shall we advance the study of a subject by nominating or appointing a commission, or shall we have no commission at all? Shall we delay until after the war, or shall we begin now to study, investigate, and scrutinize, and look into all the data available for the formation of an intelligent opinion on the subject? See what British labor says now in time of war on this subject:

> Moreover, it can not but be anticipated that in all countries the dislocation of industry attendant on peace, the instant discharge of millions of munition workers and workers in war trades, and the demobilization of soldiers—in face of the scarcity of industrial capital, the shortage of raw materials, and the insecurity of commercial enterprise—will, unless prompt and energetic action be taken by the several Governments, plunge a large part of the wage-earning population into all the miseries of unemployment more or less prolonged.
>
> In view of the fact that widespread unemployment in any country, like a famine, is an injury not to that country alone, but impoverishes also the rest of the world, the British labor movement holds that it is the duty of every Government to take immediate action, not merely to relieve the unemployed when unemployment has set in, but actually, so far as may be practicable, to prevent the occurrence of unemployment.
>
> It therefore urges upon the labor parties of every country the necessity of pressing upon their Governments the preparations for plans for the execution of all the innumerable public works (such as the making and repairing of roads and railways, the erection of schools and public buildings, the provision of working-class dwellings, and the reclamation and afforestation of land) that will be required in the near future, not for the sake of finding measures of relief for the unemployed, but with a view to those works being undertaken at such a rate in each locality as will suffice, together with the various capitalist undertakings that may be in progress, to maintain at a fairly uniform level year by year, and throughout each year, the aggregate demand for labor, and thus prevent their being unemployed. It is now known that in this way it is quite possible for any Government to prevent, if it chooses, the very occurrence of any widespread or prolonged involuntary unemployment which, if it is now in any country allowed to occur, is as much the result of Government neglect as is any other epidemic disease.

This bill does not contemplate a system of payments to men who happen to be unemployed, whether they desire to work or not. We are primarily interested in the question of the preventive remedy, how to prevent unemployment, what to do in order that unemployment may not be upon us. It is not a commission to promote unrest. On the contrary, it is a commission to make unrest unnecessary; and I submit, Mr. Chairman, that Members should not hesitate to vote for the proposition.

The CHAIRMAN. The debate has been exhausted on the resolution.

Mr. KEATING. Mr. Chairman, I ask unanimous consent that the vote be now taken.

The CHAIRMAN. Does the gentleman make the request for unanimous consent that all debate be now closed?

Mr. KEATING. Yes. I ask that all debate be now closed.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that all debate be now closed. Is there objection?

Mr. RAINEY. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. KEATING. Mr. Chairman, I move that all debate on the pending amendment be now closed.

The CHAIRMAN. The gentleman from Colorado moves that all debate on the pending amendment be now closed. The question is on agreeing to that motion.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. KEATING. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 22, noes 48.

So the motion was rejected.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not believe we have all gone crazy, but it seems that some of us are pursuing a very headlong course with regard to the money of the people of the United States. We are going deeper and deeper into the pockets of the people every session of Congress and with almost every bill that comes into this House, and we are doing much of it under cover of war; much of it because the country is in a state of excitement; much of it because it may be politically expedient to pass some of these extravagant measures.

I am glad the gentleman from Kentucky [Mr. SHERLEY], the chairman of the Committee on Appropriations, had his nerve with him this morning and saw his patriotic duty with respect to measures of this kind. The gentleman belongs to the majority party, although there may be members of the minority who may not agree with him. But he had the courage of his convictions this morning, and he spoke out the truth, that we are going far afield in the matter of expenditures, that we are taking great liberties with the money of the common people of the United States in order to promote schemes of one kind and another.

If anyone wants any information in regard to social insurance, all he has to do is to go down to the Department of Labor and pick out any one of hundreds of volumes on social questions that have already been prepared at the expense of the people and which nobody is reading.

Some time ago somebody wanted to know something about immigration, and we appointed a committee which expended nearly a million dollars to acquire information about immigration. That commission toured the world, just as this commission on social insurance will have power and money to do. It published many volumes that are now covered with dust.

Then, again, somebody wanted to know something about our industrial relations. So we created a Commission on Industrial Relations, and that commission toured the country and obtained enough information to satisfy a thousand Congresses, although this Congress probably never read a volume of the proceedings. Yet it published dozens of volumes, and came back session after session to obtain more money in order that it might keep up the agitation throughout the United States as between employer and employee. Now, do we want to get the employer and employee together, or do we want to set them further apart? What is the purpose of this new commission?

Mr. CRAMTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Michigan?

Mr. MOORE of Pennsylvania. I regret I have not the time. I would like to yield, but I am within a minute of the end of my time.

The CHAIRMAN. The gentleman declines to yield.

Mr. MOORE of Pennsylvania. This new commission will have the power and the money to tour the country and invite the representatives of various lines of thought, various theories, and various schemes to come before it, and it will exploit itself and have columns in the newspapers showing unrest, even in time of war. It will stir up trouble to plague Congress, but it will not succeed in settling these social problems. It will come back to ask for more money and still more money, and this first $50,000 will grow into a million dollars before it is done. It will give a number of gentlemen comfortable berths at public expense and an opportunity to make trouble. They may impede railroad progress and go into establishments manufacturing munitions for war and halt the proceedings while they air differences between those who are employing and those who are employed.

I think the time has come to put a quietus upon some of these commissions. I believe, with the gentleman from Kentucky, that this Congress is able to determine these questions for itself. I believe that the various committees of this Congress are as capable as any commission could possibly be to send for witnesses, to send for employees and employers, and to send for books and papers and obtain this information, if they desire it, at first hand. The idea here is that we shall constitute an autocratic body to go forth in our name, spend the people's money, and stir up trouble and unrest, and then come back here and unload the whole thing upon us. We should not encourage it. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. RAINEY. Mr. Chairman, I want to emphasize——

Mr. KEATING. Mr. Chairman, what is pending now before the House?

The CHAIRMAN. The motion to strike out the last word in the amendment.

Mr. KEATING. I think that is out of order, in view of the fact that the gentleman from Ohio [Mr. GARD] has submitted an amendment to the House, so that if the amendment of the gentleman from Ohio is voted on the motion is not in order.

The CHAIRMAN. The motion is to amend the amendment.

Mr. KEATING. If that is the case, I make the point of order that the gentleman must speak on the amendment.

Mr. GILLETT. Mr. Chairman, is not the gentleman willing that we shall follow the ordinary customs of the House and debate the amendment more fully?

Mr. KEATING. I will state to the gentleman from Massachusetts that I have no desire to interfere with debate unnecessarily. One week ago we had two hours under the rule——

Mr. GILLETT. That was general debate.

Mr. KEATING. General debate, and with the consent of the gentleman from Massachusetts [Mr. GILLETT] who was present, and of his colleagues on that side of the House, the use of those two hours was waived, with the understanding that we would proceed with the discussion of amendments. Now, I submit, in all fairness to the gentleman from Massachusetts, that much of the discussion which we have had here this morning has nothing to do with the amendment, but is in the nature of general debate, and that we are occupying time which other gentlemen of the House desire to use in the consideration of another bill. When we adjourned on last Wednesday it was with the distinct understanding that we would take up this joint resolution under the five-minute rule and confine ourselves to a discussion of amendments. If the gentleman from Illinois [Mr. RAINEY] had been present on last Wednesday and had desired to discuss this amendment, having charge of the time on this side of the House I would gladly have yielded him time. I made a general offer to the Members of the House on Wednesday of time for the discussion of this resolution. Under the circumstances I submit that the gentleman should confine himself to the amendment before the committee.

Mr. TOWNER. Before the gentleman from Colorado sits down will he permit me to make this suggestion to him? This amendment necessarily carries with it the consideration of the entire question. It would hardly be possible to consider this amendment without discussing the merits of the entire proposition, and I want to make this further suggestion to the gentleman: Only a few moments ago there was a vote taken by the committee regarding the shutting off of debate, and the committee, by a very large vote, decided not to do it, manifesting, I think, to the satisfaction of anyone, that they desired to discuss it further. Now, does not the gentleman think that he, in charge of the bill, ought to submit to the evident desire of the committee to discuss an important proposition of this sort further?

Mr. KEATING. I am always glad to submit to the will of the House very cheerfully, but I did not understand that the motion which was made was to suspend the rules of the House, and the rules of the House provide that when an amendment is offered the gentleman who addresses himself to the amendment shall confine himself to that. But I will say to the gentleman that I have no desire to interfere unnecessarily with debate. I think in all fairness to other gentlemen who have business coming before the House this afternoon that we should endeavor to dispose of this bill as soon as possible. But for the time being I will not press the point.

Mr. RAINEY. Mr. Chairman, I want to discuss the subject matter of this paragraph, and I have the right to do that under the rules.

I want to emphasize as strongly as I can the argument advanced by the gentleman from Kentucky [Mr. SHERLEY] and the argument just advanced by the gentleman from Pennsylvania [Mr. MOORE]. This proposition now presented to the House involves the selection of an important and an expensive commission, authorized to do extensive traveling in this country or wherever they may desire to travel, with an expensive equipment of stenographers, secretaries, and clerks, just as big as they want to make it, and with the authority to create here a whole library of books upon these important subjects. I am wondering where the money is to come from for all these tremendous expenses. Facing a budget that will amount to $5,000,000,000 at least, in time of war, when the period is abnormal, when all conditions are abnormal, we are asked here in the resolution which is submitted to inquire into the cause of unemployment, to look into systems of insurance, voluntary and obligatory, to find out how we are providing to meet unemployment, invalidity, and sickness in the future, and to examine and report on a number of other similar matters, including insurance against sickness and old-age pensions. In other words,

the significance of the suggestion that we are now, when we

So the motion was rejected.

in the most abnormal period that ever occurred in the history of the world we are asked to make these investigations, with a view to determining what our career as a Nation in the future may be when normal times are restored. The time has come for Members of this body not to get their pictures in a Washington newspaper because they advocate all sorts of raids on the Treasury of the United States—the time has come for a Congress which is courageous enough to send 2,000,000 men, and more than that if necessary, to the French front to work there in trenches for $30 a month—the time has come to show whether we are courageous enough to stop bills of this kind. [Applause.] I am irrevocably against this joint resolution and everything that is in it at this time. These measures, which are purely and absolutely socialistic, ought to be considered in a period of normal times, rather than in a period of abnormal times. This looks to still further tremendous increases in our enormous budget.

An important convention is in progress in this city to-day, if it did not conclude its work yesterday, for the purpose of determining upon equitable methods of taxing, and the method they seem to favor there is to compel the rich, the large incomes, to pay all the expenses of this war and nearly everything else. At the same time, from the capitalistic centers of this country, there issue all sorts of complaints against the kind of taxes we are levying now. The man in this House who belongs to one of these war committees, who with flags flying bring in these war measures, becomes tremendously popular here; but the man on the committee charged with raising the money and with levying the taxes to pay all these enormous expenses becomes the butt of all sorts of ridicule and criticism. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, in order to bring the matter to a conclusion, I offer as a substitute a motion to strike out the enacting clause.

Mr. KEATING. I make the point of order that that comes too late.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. SHERLEY moves to strike out the enacting clause of the joint resolution.

Mr. KEATING. I make the point of order that the motion is made too late.

The CHAIRMAN. On what ground?

Mr. KEATING. On the ground that the gentleman from Illinois has offered an amendment, and that the motion to strike out the enacting clause must be made before the other amendment is offered.

The CHAIRMAN. This motion is in order at any time before the reading of the bill has been completed. The point of order of the gentleman from Colorado is overruled. The question is on the motion of the gentleman from Kentucky [Mr. SHERLEY].

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. KEATING. Division, Mr. Chairman.

The committee divided; and the yeas were 101 and the nays were 31.

So the motion prevailed.

Mr. KEATING. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUBEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration House joint resolution 189, to provide for a commission to inquire into the advisability of establishing national insurance against unemployment, invalidity, and sickness, had directed him to report the same back to the House with the recommendation that the enacting clause be stricken out.

The SPEAKER. The question is on agreeing to the report, in the nature of an amendment, to strike out the enacting clause.

Mr. KEATING. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Colorado makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and sixty-two Members present, not a quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 133, not voting 95, as follows:

YEAS—199.

Almon	Austin	Bell	Blanton
Anthony	Bacharach	Black	Booher
Aswell	Bankhead	Blackmon	Borland
Brand	Glynn	McClintic	Sears
Browning	Godwin, N. C.	McFadden	Sherley
Buchanan	Good	McKenzie	Shouse
Burnett	Goodwin, Ark.	McKinley	Sisson
Burroughs	Gordon	McLaughlin, Mich.	Slayden
Butler	Gould	Madden	Slemp
Byrnes, S. C.	Gray, Ala.	Magee	Sloan
Byrns, Tenn.	Gray, N. J.	Mansfield	Small
Campbell, Kans.	Green, Iowa	Martin	Snook
Caraway	Gregg	Meeker	Snyder
Carlin	Griest	Merritt	Stafford
Carter, Mass.	Hadley	Miller, Minn.	Steagall
Carter, Okla.	Hamilton, Mich.	Montague	Stedman
Chandler, N. Y.	Harrison, Va.	Moon	Steele
Chandler, Okla.	Haugen	Moore, Pa.	Steenerson
Clark, Pa.	Hayes	Moores, Ind.	Stephens, Miss.
Classon	Heflin	Nicholls, S. C.	Stephens, Nebr.
Collier	Helm	Norton	Sterling, Ill.
Connally, Tex.	Hicks	Oldfield	Sterling, Pa.
Cooper, Ohio	Holland	Oliver, Ala.	Stevenson
Cooper, W. Va.	Hollingsworth	Olney	Stiness
Crago	Houston	Overmyer	Sweet
Cramton	Hull, Tenn.	Overstreet	Switzer
Crisp	Husted	Paige	Talbott
Currie, Mich.	Hutchinson	Park	Taylor, Ark.
Dallinger	Ireland	Parker, N. J.	Temple
Darrow	Johnson, Wash.	Peters	Tillman
Dempsey	Jones, Tex.	Platt	Timberlake
Denison	Kahn	Porter	Tinkham
Dent	Kearns	Pou	Towner
Dies	Kehoe	Powers	Treadway
Dominick	Kelley, Mich.	Price	Venable
Doughton	Kennedy, Iowa	Rainey	Vinson
Dupré	Key, Ohio	Ramseyer	Walker
Dyer	Kincheloe	Rayburn	Walsh
Eagan	Langley	Reed	Wason
Elliott	Larsen	Robinson	Watson, Va.
Ellsworth	Lazaro	Rogers	Weaver
Esch	Lee, Ga.	Romjue	Webb
Fess	Lehlbach	Rouse	Welling
Flood	Lenroot	Rowe	Welty
Fordney	Lever	Rucker	Williams
Foss	Linthicum	Russell	Wilson, Ill.
Freeman	Lobeck	Sanders, Ind.	Wilson, La.
Fuller, Ill.	Longworth	Sanders, La.	Wilson, Tex.
Garrett, Tenn.	McAndrews	Sanders, N. Y.	Wood, Ind.
Gillett	McArthur	Scott, Mich.	

NAYS—133.

Alexander	Fisher	Knutson	Rose
Anderson	Focht	Kraus	Rubey
Ashbrook	Foster	La Follette	Schall
Ayres	French	Lea, Cal.	Scott, Iowa
Baer	Gallagher	Lesher	Sells
Beakes	Gallivan	Little	Shackleford
Beshlin	Gandy	Littlepage	Shallenberger
Bland	Gard	London	Sherwood
Brodbeck	Garner	Lonergan	Siegel
Browne	Garrett, Tex.	Lundeen	Sims
Caldwell	Graham, Ill.	Lunn	Sinnott
Campbell, Pa.	Hamlin	McCormick	Smith, Mich
Cary	Haskell	McCulloch	Smith, C. B.
Connelly, Kans.	Hastings	McKeown	Sumners
Cooper, Wis.	Hayden	McLemore	Swift
Crosser	Helvering	Maher	Tague
Dale, N. Y.	Hensley	Mapes	Taylor, Colo.
Davidson	Hersey	Mason	Thomas
Decker	Hilliard	Mondell	Thompson
Denton	Howard	Morgan	Van Dyke
Dickinson	Huddleston	Morin	Vestal
Dill	Hull, Iowa	Mott	Voigt
Dillon	Humphreys	Nolan	Volstead
Dixon	Igoe	Osborne	Waldow
Doolittle	Jacoway	Phelan	Walton
Dowell	James	Purnell	Watkins
Drane	Johnson, Ky.	Quin	Wheeler
Elston	Juul	Raker	White, Me.
Emerson	Keating	Ramseyer	Wingo
Fairchild, B. L.	Kelly, Pa.	Randall	Woods, Iowa
Fairfield	Kettner	Rankin	Young, N. Dak.
Farr	Kiess, Pa.	Robbins	
Ferris	King	Roberts	
Fields	Kinkaid	Rodenberg	

NOT VOTING—95.

Barkley	Dunn	Johnson, S. Dak.	Rowland
Barnhart	Eagle	Jones, Va.	Sabath
Bowers	Edmonds	Kennedy, R. I.	Sanford
Britten	Estopinal	Kitchin	Saunders, Va.
Brumbaugh	Evans	Kreider	Scott, Pa.
Candler, Miss.	Fairchild, G. W.	LaGuardia	Scully
Cannon	Flynn	Lufkin	Smith, Idaho
Cantrill	Francis	McLaughlin, Pa.	Smith, T. F.
Capstick	Frear	Mann	Snell
Carew	Fuller, Mass.	Mays	Strong
Church	Garland	Miller, Wash.	Sullivan
Clark, Fla.	Glass	Mudd	Templeton
Claypool	Goodall	Neely	Tilson
Coady	Graham, Pa.	Nelson	Vare
Copley	Greene, Mass.	Nichols, Mich.	Ward
Costello	Greene, Vt.	Oliver, N. Y.	Watson, Pa.
Cox	Hamill	O'Shaunessy	Whaley
Curry, Cal.	Hamilton, N. Y.	Padgett	White, Ohio
Dale, Vt.	Hardy	Parker, N. Y.	Winslow
Davis	Harrison, Miss.	Polk	Wise
Dewalt	Hawley	Pratt	Woodyard
Dooling	Heaton	Ragsdale	Young, Tex.
Doremus	Heintz	Reavis	Zihlman
Drukker	Hood	Riordan	

So the enacting clause was stricken out.

The following pairs were announced:

Until further notice:

Mr. COADY with Mr. HAMILTON of New York.

Mr. HARDY with Mr. CURRY of California.
Mr. EAGLE with Mr. WINSLOW.
Mr. CAREW with Mr. WOODYARD.
Mr. CLARK of Florida with Mr. ZIHLMAN.
Mr. DOOLING with Mr. TILSON.
Mr. WHITE of Ohio with Mr. WARD.
Mr. JONES of Virginia with Mr. DALE of Vermont.
Mr. DOREMUS with Mr. ROWLAND.
Mr. WISE with Mr. DAVIS.
Mr. CHURCH with Mr. STRONG.
Mr. CANTRILL with Mr. DRUKKER.
Mr. HARRISON of Mississippi with Mr. TEMPLETON.
Mr. DEWALT with Mr. HAWLEY.
Mr. CANDLER of Mississippi with Mr. CANNON.
Mr. KITCHIN with Mr. MANN.
Mr. YOUNG of Texas with Mr. DUNN.
Mr. CLAYPOOL with Mr. SMITH of Idaho.
Mr. BARKLEY with Mr. GARLAND.
Mr. RAGSDALE with Mr. REAVIS.
Mr. OLIVER of New York with Mr. WATSON of Pennsylvania.
Mr. ESTOPINAL with Mr. KENNEDY of Rhode Island.
Mr. GLASS with Mr. GEORGE W. FAIRCHILD.
Mr. O'SHAUNESSY with Mr. PARKER of New York.
Mr. LUFKIN with Mr. GOODALL.
Mr. EVANS with Mr. FRANCIS.
Mr. MAYS with Mr. EDMONDS.
Mr. FLYNN with Mr. BOWERS.
Mr. BRUMBAUGH with Mr. GRAHAM of Pennsylvania.
Mr. PADGETT with Mr. SANFORD.
Mr. RIORDAN with Mr. HEATON.
Mr. HOOD with Mr. FREAR.
Mr. SABATH with Mr. SNELL.
Mr. SAUNDERS of Virginia with Mr. BRITTEN.
Mr. NEELY with Mr. MUDD.
Mr. BARNHART with Mr. FULLER of Massachusetts.
Mr. SULLIVAN with Mr. GREENE of Vermont.
Mr. POLK with Mr. COPLEY.
Mr. HAMILL with Mr. PRATT.
Mr. SCULLY with Mr. COSTELLO.
Mr. WHALEY with Mr. GREENE of Massachusetts.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

HOUSE OFFICE BUILDING COMMISSION.

The SPEAKER. When Mr. Fitzgerald resigned from the House, although he did not necessarily have to do so, he also resigned from the House Office Building Commission. The Chair appoints in his place the gentleman from Kentucky, Mr. SHERLEY, the chairman of the Committee on Appropriations.

MINIMUM WAGE FOR FEDERAL EMPLOYEES.

Mr. MAHER. Mr. Speaker, I call up the bill (H. R. 152) to fix the compensation of certain employees of the United States.

Mr. STAFFORD. Mr. Speaker, I make the point of order that this bill is not in order in view of the special order of the House made on December 12 whereby the bills then on the calendar were first to be disposed of, and that then the bill, H. R. 269 was to be given a privileged status for consideration. I call the Speaker's attention to the special order that was made on that day the last Calendar Wednesday before the holiday recess. At that time the gentleman from North Carolina [Mr. KITCHIN] said:

Mr. Speaker, I ask unanimous consent that when the bills now on the calendar which are in order on Calendar Wednesday are disposed of that the bill which we have just a moment ago considered in the Committee of the Whole House on the state of the Union—H. R. 269—be in order on Calendar Wednesday.

That fixes that bill as virtually the unfinished business of the House, after the bills then on the calendar have been disposed of on Calendar Wednesday. The bill that the gentleman from New York now attempts to bring up for consideration was not on the calendar on that date, but was reported only on January 14, 1918. The reason why I make the point of order is this: The subcommittee of the Committee on Appropriations having in charge the legislative, executive, and judicial appropriation bill is considering very thoroughly the question of an increase of salary of all of the Government employees whose compensation is fixed in that bill. It is also purposed, I believe, to provide for a general percentage increase of all Government employees.

The SPEAKER. That has nothing to do with the point of order.

Mr. STAFFORD. I think it will be inopportune to bring this bill up for consideration at this time.

The SPEAKER. The point of order is sustained.

Mr. MAHER. Mr. Speaker, I understand that the gentleman from Arizona [Mr. HAYDEN], in charge of that bill, is not present in the Hall.

The SPEAKER. If any gentleman from his committee desires to call it up, it is in order.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. Is there any gentleman here who desires to press that bill?

The SPEAKER. That is what the Chair desires to learn. If any gentleman on Mr. HAYDEN's committee desires to call up the bill 269, the Chair will recognize him.

Mr. STAFFORD. Mr. Speaker, I respectfully contend that the order of the House is a call of committees.

The SPEAKER. The committees are now being called.

Mr. NOLAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NOLAN. Does the Chair interpret the unanimous-consent order of Mr. KITCHIN to mean that the Committee on Labor is to be deprived of its two full days?

The SPEAKER. No. The Committee on Labor is not to be deprived of its two full days, but it is the special order of the House that that particular bill take precedence.

Mr. NOLAN. Suppose they get the consent of the gentleman from Arizona [Mr. HAYDEN] that we may go on?

Mr. HAYDEN. Mr. Speaker, so far as I am concerned, I shall waive any right that I may have under the special rule, because after investigation I find that it is not workable.

Mr. STAFFORD. Mr. Speaker, the order of the House having been made, no gentleman of the House can set it aside, except by unanimous consent. The order of the House is a fixed order of proceeding, and it is beyond the power of the gentleman from Arizona to set it aside.

Mr. HAYDEN. Mr. Speaker, the situation in respect to the special rule is that it was ordered that my bill, H. R. 269, should have precedence over any bills placed on the calendar after that date, but that all bills then on the calendar should be disposed of before my bill was considered.

The SPEAKER. Have they not all been disposed of?

Mr. STAFFORD. Only from the Committee on Labor, Mr. Speaker, and I have made the point of order that this bill which the gentleman from New York seeks to call up now was reported after December 12, when that special order was made.

The SPEAKER. That point of order is good. Has the committee any bill that was on the calendar before the 12th of December? If so, the Chair will recognize any gentleman on that committee to call it up.

Mr. MAHER. No; we have not.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. What difference does it make whether it was reported before the 12th of December or not?

The SPEAKER. Because there is a special order of the House to that effect.

Mr. LONDON. I know; but that special order is out of the way now.

The SPEAKER. No; it is not. The special order provides that when bills already on the calendar are disposed of that Mr. HAYDEN's bill shall have precedence over what are put on the calendar afterwards.

Mr. LONDON. I know, but the Hayden bill is out of the way now.

The SPEAKER. How does the gentleman determine that?

Mr. LONDON. I asked the Speaker to ask the House whether anybody was going to press the Hayden bill, and we have the statement before the House now that the Hayden bill is withdrawn, and all of the rights that he has under that rule have been waived.

Mr. SHERLEY. He can not waive the right. There is an order of the House and the Hayden bill is not in order until every bill that was on the calendar has been disposed of——

The SPEAKER. That was on the calendar prior to the 12th of December.

Mr. SHERLEY. Prior to the date of the order.

Mr. NOLAN. Mr. Speaker, I call attention to the fact that the House has just been considering a bill that was placed on the calendar after December 12.

The SPEAKER. But nobody raised the point of order; if so, it would have been knocked out. The Chair can not go around hunting up points of order; he has enough to do anyhow. The Clerk will call the committees.

The Clerk began to call the committees.

Mr. KEATING. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. KEATING. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KEATING. Now, the Committee on Labor, under the rules of the House, would be entitled to two full days. The

committee has occupied less than one full day. The Chair now rules, as I understand it, that the roll of committees shall be called because of this unanimous-consent arrangement. May I ask the Chair when the Committee on Labor will have another opportunity to present its business to the House?

The SPEAKER. Here is the way of it: Each committee has two days if it has business enough to occupy two days. If it has not enough grist to occupy the time the Chair causes the roster to be called and you go on. The Committee on Labor will be called when the wheel again revolves.

Mr. KEATING. But the Committee on Labor has business and is prepared to go on.

The SPEAKER. The Chair knows, but it is out of order under this special order. How that special order came to be made the Chair does not know. It is a good deal of a puzzle to the Chair to know why that thing was fixed that way.

Mr. KEATING. The Chair holds all bills which were not on the calendar on the date that special order was adopted can not be considered?

The SPEAKER. That is exactly what the Chair holds, until we get through with the bills which were on the calendar prior to the 12th.

Mr. KEATING. Then, do we revert, for instance, to the Committee on Labor?

The SPEAKER. You do not. If that committee has any bill that is in order, why it can call it up right now, but if it is not in order you can not call it up. Now here is this special order——

Mr. KEATING. Then, Mr. Speaker, I ask unanimous consent that, despite the special order, the House now proceed to the consideration of this minimum-wage bill.

The SPEAKER. The gentleman from Colorado asks unanimous consent——

Mr. RAINEY. I object, Mr. Speaker.

The SPEAKER. Objection is made, and the Clerk will call the committees.

The Clerk called the Committee on Patents.

Mr. LONDON. Mr. Speaker, I rise for a point of order——

The SPEAKER. The gentleman will state it.

Mr. LONDON. That there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and eighty-six gentlemen are present—not a quorum.

Mr RAKER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from California moves a call of the House.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. LONDON and Mr. STAFFORD. Division, Mr. Speaker.

The House again divided; and there were—ayes 65, noes 91.

Mr. RAKER. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from California demands tellers.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. NOLAN. Division, Mr. Speaker.

The House again divided; and there were—ayes 116, noes 51.

Mr. NOLAN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from California demands the yeas and nays. Twenty-one gentlemen have risen in the affirmative, not a sufficient number.

Mr. NOLAN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. SHERLEY. Mr. Speaker, I submit that it is not necessary to have a quorum to adjourn.

The SPEAKER. The House can adjourn without a quorum.

ADJOURNMENT.

So the motion was agreed to; accordingly (at 1 o'clock and 39 minutes p. m.) the House adjourned until to-morrow, Thursday, January 17, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting reports from accounting officers of this department showing what officers of the Government were delinquent in rendering their accounts for the fiscal year ended June 30, 1917 (H. Doc. No. 810); to the Committee on Expenditures in the Treasury Department and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Department of the Treasury to provide an interest teller for the office of the Treasurer of the United States for the fiscal year 1919 (H. Doc. No. 811); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 5489) to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co., reported the same with amendment, accompanied by a report (No. 241), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 8745) fixing the salaries of the clerks of the United States district courts; prescribing how and when they shall account for the fees collected; providing for the office expenses of such clerks, including salaries of deputy clerks and clerical assistants; and for the travel and subsistence expense of such clerks and their deputies when necessarily absent from their official residences; to the Committee on Expenditures in the Department of Justice.

By Mr. McKENZIE: A bill (H. R. 8746) to provide for the construction of a military road from the arsenal at Rock Island, Ill., to the proving grounds for artillery in Carroll and Jo Daviess Counties, Ill., and making an appropriation therefor; to the Committee on Military Affairs.

By Mr. GRAHAM of Illinois: A bill (H. R. 8747) to provide for the construction of a military road from the arsenal at Rock Island, Ill., to the proving grounds for artillery in Carroll and Jo Daviess Counties, Ill., and making an appropriation therefor; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 8748) to provide for a survey of the Cowlitz River, Wash.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8749) providing for the appraisal and sale of the Gig Harbor abandoned military reservation, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. FULLER of Illinois: A bill (H. R. 8750) to amend the law granting second-class mail privileges to certain publications, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. POU: A bill (H. R. 8751) to amend section 203, Title II, of the act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916; to the Committee on Ways and Means.

By Mr. AUSTIN: A bill (H. R. 8752) for the grading of Fourth Street SE., and construction of a bridge over Oxon Run; to the Committee on Appropriations.

By Mr. WEBB: A bill (H. R. 8753) to amend section 3, Title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917; to the Committee on the Judiciary.

By Mr. BORLAND: A bill (H. R. 8754) amending the act of August 29, 1916, chapter 415, and a part of section 20 of the act of February 4, 1887, chapter 104, as amended, relating to bills of lading, receipts, and agreements of common carriers and the limitation of liability by common carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: A bill (H. R. 8755) authorizing a survey with a view to protection of the beach at and near Sea Bright, N. J., and for other purposes; to the Committee on Rivers and Harbors.

By by EMERSON: A bill (H. R. 8756) to provide an allowance to rural mail carriers for expenses; to the Committee on the Post Office and Post Roads.

By Mr. COLLIER: A bill (H. R. 8757) for the erection of a military post at or near the city of Vicksburg, in the State of Mississippi; to the Committee on Military Affairs.

Also, a bill (H. R. 8758) to establish a fish-hatching and fish-culture station at a point near the city of Jackson, in the State of Mississippi; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 8759) providing for an addition to the Federal courthouse and post-office building at Jackson, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. CARY: A bill (H. R. 8760) to create the Department of Transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: A bill (H. R. 8761) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of coal, oil, copper, iron, and other metalliferous minerals, timber, and water power; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY of California: A bill (H. R. 8762) authorizing the Secretary of the Treasury to create an antidepreciation fund with which to purchase at par certain war-loan or Liberty loan bonds that may be offered for sale below par, and to prohibit bond brokers, stock-exchange brokers, or bankers from buying or offering to buy or from selling or offering to sell said war-loan or liberty bonds at less than par, making such action a felony, and providing punishment therefor; to the Committee on the Judiciary.

By Mr. CHARLES B. SMITH: A bill (H. R. 8763) to amend the act entitled "An act to extend temporarily the time for filing applications and fees and taking action in the United States Patent Office in favor of nations granting reciprocal rights to United States citizens," approved August 17, 1916; to the Committee on Patents.

By Mr. WHEELER: A bill (H. R. 8764) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the admission of the State of Illinois into the Union; to the Committee on Coinage, Weights, and Measures.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8765) granting an increase of pension to Christopher Geese; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8766) granting a pension to Joseph Hutzell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8767) granting a pension to Wesley P. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8768) granting an increase of pension to James S. Squire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8769) granting an increase of pension to Daniel S. Grube; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8770) granting a pension to William W. I. Edwards; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 8771) granting an increase of pension to Albert H. Lanphear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8772) for the relief of H. H. Hogan; to the Committee on the Post Office and Post Roads.

By Mr. BRUMBAUGH: A bill (H. R. 8773) granting an increase of pension to Cornelius L. Leport; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8774) granting an increase of pension to Moses Goldstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8775) granting an increase of pension to George S. Armstrong; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 8776) granting an increase of pension to Hiram W. Covill; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 8777) granting a pension to J. H. Kissinger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8778) granting an increase of pension to Anton Ohnesorg; to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 8779) granting a pension to Rachael S. Dobbs; to the Committee on Pensions.

Also, a bill (H. R. 8780) for the relief of the heirs of John Wixon, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8781) for the relief of the heirs or estate of David S. Sexton, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8782) for the relief of the heirs of Hariet B. Selma, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8783) for the relief of J. W. Cain, Morde Fuller, Charles Van Buren, and H. C. Perry; to the Committee on Claims.

Also, a bill (H. R. 8784) for the relief of the heirs of Isaac Whitaker, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8785) for the relief of the legal representative of Ann D. Halsey, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8786) for the relief of the legal representatives of James W. Brabston and Roche H. Brabston; to the Committee on War Claims.

Also, a bill (H. R. 8787) for the relief of James Richards, administrator of the estate of William Richards, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8788) for the relief of the estate of W. L. Johnston; to the Committee on War Claims.

Also, a bill (H. R. 8789) for the relief of Thomas H. Jett; to the Committee on War Claims.

Also, a bill (H. R. 8790) for the relief of Maria Elizabeth Burnett; to the Committee on War Claims.

Also, a bill (H. R. 8791) for the relief of the heirs or estate of William J. Milligan, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8792) for the relief of the estate of John P. Gee; to the Committee on War Claims.

Also, a bill (H. R. 8793) for the relief of Dr. G. Y. Hicks, Vicksburg, Miss.; to the Committee on Claims.

By Mr. DARROW: A bill (H. R. 8794) granting a pension to L. Ethel Bolton; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 8795) granting an increase of pension to James H. Handy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8796) granting an increase of pension to Amos C. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8797) granting a pension to Hans Fulson; to the Committee on Pensions.

By Mr. FISHER: A bill (H. R. 8798) for the relief of the legal representative of Enoch Ensley, deceased; to the Committee on War Claims.

By Mr. GALLAGHER: A bill (H. R. 8799) granting a pension to William W. Hartigan; to the Committee on Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 8800) granting a pension to Amelia Davis; to the Committee on Pensions.

Also, a bill (H. R. 8801) granting a pension to John O'Neil; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 8802) granting a pension to Sylvia Ferington; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 8803) granting an increase of pension to John R. Worth; to the Committee on Invalid Pensions.

By Mr. HUTCHINSON: A bill (H. R. 8804) granting an increase of pension to Elizabeth A. Snook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8805) granting an increase of pension to Herbert E. Roberson; to the Committee on Pensions.

By Mr. McKENZIE: A bill (H. R. 8806) granting an increase of pension to William S. Eberman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8807) granting a pension to Malvina A. Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8808) to amend the military record of William R. Paget; to the Committee on Military Affairs.

By Mr. MONTAGUE: A bill (H. R. 8809) granting an increase of pension to William H. Steinmann; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 8810) granting a pension to Jeremiah H. Worthley; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 8811) granting a pension to Annie Sangamo; to the Committee on Invalid Pensions.

By Mr. VINSON: A bill (H. R. 8812) granting an increase of pension to William C. Benning; to the Committee on Pensions.

Also, a bill (H. R. 8813) granting an increase of pension to Thaddeus M. Kelly; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 8814) for the relief of Edith B. Macon, sole heir of the estate of David W. and Elizabeth L. W. Bailey, deceased; to the Committee on Claims.

By Mr. WELTY: A bill (H. R. 8815) granting an increase of pension to Isaac W. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 8816) granting a pension to Minnie L. Cahill; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 8817) granting a pension to Frederick Blackledge, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8818) granting a pension to Maggie Lee Olivor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8819) granting a pension to William W. Fuller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BACHARACH: Resolution adopted by the Burlington County (N. J.) Board of Agriculture, asking for exemption from military service of farm operators and farm laborers; to the Committee on Military Affairs.

By Mr. CLARK of Pennsylvania: Petition of W. E. Sweet, Dr. J. W. Wright, Frank E. Bond, James D. Johnson, and 18 others; also, a petition of J. L. Whalen, George M. Lyle, Harry Meld, M. C. Cornell, and 18 others; also, a petition of Rev. W. P. Murray, H. A. Strong, Dr. O. N. Chaffee, and 16 others, all praying for the passage of House bill 7995, for the preservation of Perry's flagship; to the Committee on Naval Affairs.

Also, a petition and copy of the the Perry Centennial Book of Past National Commander George R. Downs, Army and Navy Union, to accompany House bill 7995; to the Committee on Naval Affairs.

By Mr. EAGAN: Petition of many citizens of New Jersey, favoring the enactment of legislation providing for an increase in the salaries of the city letter carriers and post-office clerks; to the Committee on the Post Office and Post Roads.

My Mr. ESCH: Papers in support of House bill 795, granting a pension to George K. Redmond; to the Committee on Invalid Pensions.

By Mr. FISHER: Petition of M. L. B. Ensley; also, abstract of printed evidence and a statement relative to a claim of Enoch Ensley for 77 bales of cotton used by the United States Army; to the Committee on War Claims.

By Mr. FOCHT: Evidence in support of House bill 8300, for the relief of Caroline Scott; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8053, for the relief of William Hockenbroucht; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Memorial of the Merchants' Association of New York, protesting against the zone system for second-class mail; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of B. B. Martin and sundry other citizens of Blandinsville, Ill., for the repeal of zone rates on second-class mail matter; to the Committee on Ways and Means.

By Mr. HILLIARD: Petition of Jennie B. Kern, Elizabeth Lovins, Mary L. Frantz, Lena Auslander, A. Lampert, M. M. Kern, Charlie N. Roberts, R. J. McRae, H. M. Clark, B. Cohen, J. B. Hewitt, N. Cramer, A. T. Milstein, N. Haipern, J. Suponick, N. Brookman, L. Kerlick, N. Waltson, A. G. Mann, Max Solisch, J. A. Lovin, S. Lampert, S. L. Skoss, Sarah M. Skoss, and M. Bilkon, all of Denver, Colo., urging the passage of the Keating bill, granting an increase of pay to Government employees; to the Committee on Appropriations.

Also, petition of Peter G. and Mary E. Miller, of Denver, Colo., urging passage of House bill 1654, granting increase in pay of post-office clerks and letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of Baltimore Branch of the Pharmaceutical Association, favoring bill for the organization of a pharmaceutical corps in the Army; to the Committee on Military Affairs.

Also, petition of Susan Collins, of Baltimore, Md., relative to appropriation for maintaining the kindergarten division of the Bureau of Education; to the Committee on Education.

Also, petition of Carr-Lowrey Glass Co., of Baltimore, Md., against repeal of increased postage on second-class matter; to the Committee on Ways and Means.

By Mr. O'SHAUNESSY: Memorial of Local Board of Exemption No. 1, Pawtucket, R. I., protesting against the exemption of aliens who have not yet become full-fledged citizens; to the Committee on Military Affairs.

Also, a memorial of the Rhode Island Council of Defense urging legislation permitting the induction of aliens not alien enemies into the military service under the selective act; to the Committee on Military Affairs.

By Mr. ROWLAND: Resolution passed by the John S. Melvil Post, No. 141, Grand Army of the Republic, of Bradford, Pa.; to the Committee on Invalid Pensions.

By Mr. SNELL: Petition of the Woman's Club of Lake Placid, N. Y., protesting against the postal increase by zones on periodicals, and urging a repeal of the present law; to the Committee on Ways and Means.

Also, petition of employees of United States customs service, port of Maline, N. Y., urging increase in salary of Federal employees; to the Committee on Appropriations.

SENATE.

THURSDAY, *January 17, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we ask Thy guidance and blessing upon the labor of this day, that it may be done under the inspiration of Thy holy Spirit, that we may have an eye single to Thy glory, and that the accomplishments of the day may add to the happiness and prosperity of all the people whom we serve. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., January 17, 1918.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JOHN H. BANKHEAD, a Senator from the State of Alabama, to perform the duties of the chair during my absence.

WILLARD SAULSBURY,
President pro tempore.

Mr. BANKHEAD thereupon assumed the chair.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	New	Sterling
Beckham	Johnson, Cal.	Norris	Stone
Calder	Johnson, S. Dak.	Overman	Sutherland
Chamberlain	Jones, N. Mex.	Poindexter	Swanson
Culberson	Jones, Wash.	Pomerene	Thomas
Curtis	Kellogg	Ransdell	Tillman
Fernald	Kirby	Robinson	Townsend
Fletcher	Knox	Shafroth	Trammell
Gallinger	McKellar	Sheppard	Vardaman
Gerry	McLean	Simmons	Wadsworth
Gronna	McNary	Smith, Ga.	Watson
Hale	Martin	Smith, Md.	Weeks
Harding	Myers	Smith, S. C.	Wolcott
Hardwick	Nelson	Smoot	

Mr. TOWNSEND. I announce the necessary absence of my colleague [Mr. SMITH of Michigan]. He is paired with the junior Senator from Missouri [Mr. REED]. I ask that this announcement may stand for the day.

Mr. MYERS. My colleague [Mr. WALSH] is still detained from the Senate by illness. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. I ask that this announcement may stand for the day.

Mr. CURTIS. I desire to announce the unavoidable absence of the junior Senator from Maryland [Mr. FRANCE] for the day.

Mr. RANSDELL. I wish to announce the continued absence of my colleague [Mr. BROUSSARD] on account of illness.

Mr. GERRY. I desire to announce that the Senator from Illinois [Mr. LEWIS] and the Senator from Kansas [Mr. THOMPSON] are detained on important business.

The PRESIDING OFFICER. Fifty-five Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of yesterday's proceedings.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. THOMAS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILL SIGNED.

The PRESIDING OFFICER announced his signature to the bill (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916, which had previously been signed by the Speaker of the House.

PETITIONS.

Mr. GALLINGER presented a petition of the Rural Letter Carriers' Association of Grafton County, N. H., praying for an increase in the salaries of rural letter carriers, which was referred to the Committee on Post Offices and Post Roads.

Mr. SUTHERLAND presented a petition of the Pan Handle Agricultural Club of Brooke County, W. Va., praying for the conservation of food, which was referred to the Committee on Agriculture and Forestry.

Mr. SMOOT. I present a petition from Prof. William H. Hart and ask that it be referred to the Committee on Printing with the view of publishing the same as a public document.

The PRESIDING OFFICER. It will be so referred.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 2886) for the relief of Albert O. Brown, reported it without amendment and submitted a report (No. 196) thereon.

He also, from the same committee, to which was referred the bill (S. 1084) for the relief to J. G. Seupelt, reported it with amendments and submitted a report (No. 197) thereon.

Mr. SHAFROTH, from the Committee on Public Lands, to which was referred the bill (S. 2487) permitting Frances Mack Mann to purchase certain public lands, reported it with an amendment and submitted a report (No. 198) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Finance, which was agreed to:

A bill (S. 3473) to provide for the importation into the United States, without the payment of duty, of raw materials, parts or partly fabricated parts of equipment, and finished equipment for war purposes; and

A bill (S. 3474) to amend section 600 of an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917.

MONONGAHELA RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 6176) extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va., and I submit a report (No. 199) thereon. I ask for the immediate consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADDITIONAL PAGES.

Mr. JONES of New Mexico. From the Committee to Audit and Control the Contingent Expenses of the Senate I make a favorable report upon Senate resolution 184, and I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read Senate resolution 184, submitted by Mr. OVERMAN on the 16th instant, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to employ three additional pages for the Senate Chamber at $2.75 per day each for a period lasting until the end of the present session of the Sixty-fifth Congress, to be paid from the miscellaneous items of the contingent fund of the Senate.

Mr. OVERMAN. Mr. President, I ask for the present consideration of the resolution. In making this request I wish to state that the force of pages has not been increased in 30 or 35 years, whereas the membership of the Senate has increased largely and, as everyone knows, the business has increased during these war times greatly. We do not have enough pages to do the work. We have two extra 'phones in the cloakrooms, which require the attendance of pages. The Sergeant at Arms says that he has not enough pages to do the work necessary for Senators in carrying messages, and so forth. I therefore ask for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Mr. President, I do not care to object to the present consideration of the resolution, but in view of the statement of the Senator from North Carolina, I suggest that it be amended so that the increase shall be limited to the duration of the present war.

Mr. OVERMAN. It is limited to the present session.

Mr. THOMAS. I did not so understand the resolution when it was read.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 3534) granting an increase of pension to John S. Jordan (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3535) for the relief of Lloyd D. Barley; to the Committee on Public Lands.

By Mr. SUTHERLAND:

A bill (S. 3536) to amend the military records in relation to William M. Cheuvront; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 3537) for the relief of the estate of Henry Ware, deceased; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 3538) for the relief of the heirs of John J. and Mary S. Englebright; and

A bill (S. 3539) for the relief of Samuel W. Morrison; to the Committee on Claims.

A bill (S. 3540) granting a pension to Laura Belle Ewing;

A bill (S. 3541) granting an increase of pension to Mary Jane Drew;

A bill (S. 3542) granting an increase of pension to Ida Critchell;

A bill (S. 3543) granting an increase of pension to Delia Curry;

A bill (S. 3544) granting a pension to Mary C. Christensen;

A bill (S. 3545) granting an increase of pension to Henry Brown;

A bill (S. 3546) granting an increase of pension to Jeanie G. Lyles;

A bill (S. 3547) granting a pension to Margaret M. King;

A bill (S. 3548) granting an increase of pension to Christopher C. Kelly;

A bill (S. 3549) granting a pension to Hiram B. Kelly;

A bill (S. 3550) granting a pension to Mrs. W. H. Holmes;

A bill (S. 3551) granting a pension to Phoebe W. Hooper;

A bill (S. 3552) granting a pension to Lucy S. Hamilton;

A bill (S. 3553) granting a pension to Anna C. Gregory;

A bill (S. 3554) granting a pension to William H. Emery;

A bill (S. 3555) granting an increase of pension to Mary A. Price;

A bill (S. 3556) granting a pension to Anne E. Newbury;

A bill (S. 3557) granting a pension to John A. McCarthy;

A bill (S. 3558) granting an increase of pension to Elizabeth McKeever;

A bill (S. 3559) granting an increase of pension to George W. McKelvey;

A bill (S. 3560) granting a pension to William G. Neeley;

A bill (S. 3561) granting a pension to Cora E. Myers Barton (with accompanying papers); and

A bill (S. 3562) granting a pension to Jennie Perry (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 125) authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the Rotunda of the Capitol; to the Committee on the Library.

SUSPENSION OF CIVIL PROCESS.

Mr. JONES of Washington. Mr. President, I have received a letter from the Hon. H. J. Snively, chairman of the legal advisory board of Yakima County, Wash., relating to registrants, and making a suggestion with reference to the suspension of civil process. I wish to read a paragraph or two from the letter, and then introduce a bill which I think covers the situation. He is one of the leading attorneys in our State and a man thoroughly conversant with the situation in connection with the registrants. He says:

I received your letter in relation to the passage of an act by Congress to stay suits against young men in the National Army. I have never looked up the question as to the authority of Congress to stay process in the State courts. I know during the Civil War that State laws were passed by the States.

It occurred to me, however, that as part of the conscription act, or as an amendment to it, that Congress would have the power to stay process against soldiers, and my particular purpose in writing you now is this:

I am chairman of the legal advisory board of Yakima County, and have been in close touch with the registrants from this county. I find quite a number of young men who have been engaged in business, would like very much to waive exemption they might have by virtue of being engaged in agricultural pursuits, particularly if they were assured that existing indebtedness would not be pressed against them during their absence.

Practically all of these young men in this country have made their own starts, and they are more or less involved in debt. As I told you in my other letter, I know of some great hardships that already have been vested upon soldiers taken away from their business and put into the National Army.

I do not know of any one thing that would encourage young men either to volunteer or to waive exemption than the passage of an act to protect them in their absence from judgments.

Then he proceeds to urge that Congress ought to take action along these lines:

Certainly Congress has the power to do what is necessary to encourage enlistment or to encourage the waiver of exemptions. The trouble about State legislatures being convened is that it would take too long a time. Meantime claims could be put into judgments.

I had suggested that some question had been raised as to the power of Congress to go into the States and close their courts and stop their processes.

Mr. President, I know that a bill has been presented regarding this matter, and I know that there are very serious questions with reference to the authority of Congress to suspend process in local courts, and so on, but it seems to me we ought to take some action, and we ought to take it promptly, if there is any action that we possibly can take. It has occurred to me that there is a very simple way to take care of it, and I desire to introduce a bill along the lines I have in mind for that purpose. I ask that it may be read and referred to the Committee on the Judiciary, and I want to urge that that committee take prompt action, one way or the other. It should do something if we have the power, and if we have no power it should say so, that agencies that can act may do so.

The bill (S. 3533) to prevent service of civil process during the war upon those enlisted in the military service of the United States was read the first time by its title, and the second time at length, and referred to the Committee on the Judiciary, as follows:

Be it enacted, etc., That whoever, during the war and prior to the making and ratification of the treaty of peace terminating it, shall serve, attempt to serve, or assist in serving, any process upon any person enlisted in the military service of the United States for the collection or enforcement of any claim arising prior to such enlistment shall be deemed guilty of a misdemeanor and subject to a fine of not more than $1,000 or imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

AMENDMENT TO DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. SMOOT submitted an amendment proposing to appropriate $232,900.58 for the relief of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children, as settlement in full for his costs incurred, losses sustained, etc., intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

STANDARDIZATION OF WAGES.

Mr. SWANSON. Mr. President, on yesterday a motion was made to refer a certain bill to the Naval Committee. That motion went over for a day, and I now ask permission to call it up.

Mr. STONE. Mr. President, will the Senator from Virginia delay that request for a moment, in order that I may make a statement?

Mr. SWANSON. Certainly.

Mr. STONE. I am obliged to the Senator.

Mr. President, by the courtesy of the Senator from Virginia I make this statement: On yesterday the Senator from Utah [Mr. KING] called up Senate resolution 174, directing the Committee on Education and Labor to inquire into certain subjects mentioned. At my request he was kind enough to let the resolution lie over until to-day on my statement that I desired to address the Senate when the resolution was under consideration. The Senator from Utah advises me from his home this morning that he is physically so indisposed as not to be able to attend the session of the Senate to-day, but authorizes me to call up the resolution, if I so desire. When I gave the notice on yesterday of my intention to address the Senate this morning I was under a misapprehension with respect to the date of an important engagement I had. I thought the engagement was for 2 o'clock to-morrow, whereas it is for 2 o'clock to-day. I feel under some obligation to keep that appointment.

I had intended, under the authority of the Senator from Utah, to call up his resolution this morning; but after being informed that the engagement of which I speak is for to-day instead of to-morrow, I had intended to give notice that I would call up the resolution if the Senator from Utah was not present on to-morrow, and speak then. I am now told that it is probably the wish of Senators to adjourn the Senate at the conclusion of to-day's business until Monday. That may not occur, of course, but I have consulted with our floor leader, the Senator from Virginia [Mr. MARTIN], and others, and that, I am informed, may occur. So I wish merely to state that, in view of the circumstances related, I shall ask the Senator from Utah to call up his resolution not earlier than Monday next, to which date I postpone what I had in mind to say to-day.

SUSPENSION OF ORDER OF FUEL ADMINISTRATOR.

Mr. SWANSON obtained the floor.

Mr. HITCHCOCK. Will the Senator from Virginia yield to me, as the matter which he intends to bring before the Senate will probably take some time? I have a resolution which I desire to present.

Mr. SWANSON. I will yield to the Senator from Nebraska temporarily.

Mr. GALLINGER. Mr. President, I will say to the Senator from Virginia that I also have a resolution which I desire to present.

Mr. HITCHCOCK. I offer the resolution which I send to the desk.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 186), as follows:

Resolved, That the Fuel Administrator of the United States be, and he is hereby, requested to delay for five days the order suspending the operation of industrial plants in portions of the United States, in order that protests may be heard, investigation made, and information presented.

Mr. HITCHCOCK. I ask for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. GALLINGER. Mr. President, I had hurriedly prepared a resolution on the same subject as that which has been submitted by the Senator from Nebraska [Mr. HITCHCOCK], which I will ask the Secretary to read. If the resolution submitted by the Senator from Nebraska shall be agreed to, very likely I shall not think it necessary to press the consideration of the resolution I offer, but I ask that it may be read.

The PRESIDING OFFICER. The Secretary will read the resolution submitted by the Senator from New Hampshire [Mr. GALLINGER].

The Secretary read the resolution as follows:

Whereas through the newspaper press it has been brought to the attention of the Congress and the country that an order has been issued by the Fuel Administrator providing for the closing down of a large portion of our industrial establishments; and

Whereas on information already received it would seem to be of serious doubt whether such order would not prove highly detrimental to both the industrial and labor interests of the United States: Therefore be it

Resolved, That it is the sense of the Senate that such order should be suspended until a thorough investigation shall be made as to the necessity for the proposed action.

Mr. HITCHCOCK. Mr. President, the resolution which I have presented asks the Fuel Administrator only for a delay of five days. I do not assume to say that the Fuel Administrator has made a mistake. All I ask for is sufficient time to permit the country to be heard from. The thing which he has done has been properly denominated "a national disaster."

Mr. President, it may be necessary; there may be such a grave situation confronting the fuel administration, such a grave situation concerning the supply of fuel for the ships that we must send overseas, and such a grave situation confronting the railroads that drastic action of this sort is necessary; but, before it is taken, the short time of five days should certainly be afforded the country to present the facts to the Fuel Administrator; and, if necessary, to the President.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HITCHCOCK. I do, for a question.

Mr. VARDAMAN. I desire to make a suggestion to the Senator from Nebraska. In the absence of the chairman of the subcommittee of the Committee on Manufactures [Mr. REED], I want to state to the Senator that that subcommittee has had this question under consideration for six weeks; a great mass of testimony has been taken; and we are just about to conclude our investigations and make a report upon the subject matter. I think that if this resolution, which I very heartily approve, is passed the information the Senator wants can be obtained from the testimony taken by our committee. I think that the resolution ought to be adopted, for I regard it as a national calamity that such an order should have been issued. It can be justified only upon the theory that the coal used in the factories is needed to prevent the poor women and children from freezing. Personally I have great respect for Dr. Garfield, the Fuel Administrator, and I in no way question the loftiness of his motives; but it strikes me that this order is without justification under the circumstances.

Mr. HARDWICK. Mr. President——

Mr. HITCHCOCK. Mr. President, if the Senator from Georgia will permit me to continue, I wish to say the fact is that this thing has come upon the country like a flash of lightning out of a clear sky. It means the closing down of hundreds—and perhaps thousands—of industrial establishments of the country at a time when we have been straining every effort to keep those establishments up to their greatest production. It means the throwing out of work of hundreds of thousands—and perhaps millions—of men whose wages are necessary to their daily existence. It will involve establishments which are manufacturing munitions and other necessary articles for the Government; it will involve establishments that are operating in some cases largely by water power, and which only use a

small amount of fuel, yet they are included within this very drastic order; it will involve the closing down of establishments which have coal in their bins, perhaps sufficient to operate them for another month, and that coal will be absolutely idle for the time being. It is, Mr. President, such a revolutionary order, it involves evils of such tremendous moment to so many millions of people, that I can not think it an unwise thing to pause for five days to give an opportunity for the presentation of arguments. That has not been permitted, Mr. President, up to the present time. There was no foreboding, no warning of this, and those interested and having information, so far as I know, have been given no opportunity to present it.

I have the greatest respect for the Fuel Administrator; I feel that he has been struggling against the most tremendous obstacles endeavoring to perform an almost impossible task, and I would not add to his burden; but I believe that the country ought to be given an opportunity to present facts, information, and protests, if necessary. Possibly the result may be a modification of the order; certainly the interests are so tremendous and the damage will be so enormous that the five days ought to be allowed; and I hope the Senate will make this request of the Fuel Administrator.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. HITCHCOCK. I yield.

Mr. HARDWICK. I have before me the legislation on which this order rests, if it rests anywhere; and while I am in hearty sympathy with the Senator's resolution it seems to me it ought to be directed to the President of the United States, because all the authority under which this act can be predicated is, unless I am mistaken from a cursory examination of the law, conferred on the President and not on the Fuel Administrator, who is a mere agent and servant of the President. So I think we had better change the form of the Senator's resolution.

Mr. HITCHCOCK. Well, Mr. President, the Senate has no official information; all the information it gets is from the newspapers of this morning that the Fuel Administrator has issued this order. I have read that he has issued it as the result of consultation with the President. But, Mr. President, the unfortunate situation of affairs at this time is this: One branch of the Government is doing one thing, while another branch of the Government is doing another thing, and another branch of the Government is doing still another thing, and we have no coordination of the enormous forces which have been placed in the hands of the Executive. I am very firmly of the opinion that many Government agencies will be handicapped by this order, and I doubt very much whether some of them have been consulted or considered before it was issued.

The situation argues strongly for a reform in our Government; and, Mr. President, I am here now to predict that before much time elapses we will be compelled by the very force of circumstances to locate somewhere absolute power to coordinate the various branches and functions of our Government which are now largely running wild.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. I yield.

Mr. POINDEXTER. What possible improvement could the Senator suggest in that connection as to centralizing authority than is provided now by the Constitution of the United States, which centralizes authority over every one of these activities in the President of the United States?

Mr. HITCHCOCK. Well, Mr. President, that is a fair question, and I have no doubt that it is going to be debated on the floor of the Senate at an early date. Without violating any confidence I may say that the Senate Committee on Military Affairs within a very few days, through the chairman of the committee [Mr. CHAMBERLAIN], will present to the Senate in concrete form a recommendation for centralizing the various war forces of our Government, so that we will not only get action, but consistent and harmonious action. That is another question. As it is now, we have the President vested nominally with enormous powers, but he is operating through various branches of Government, through various departments of Government, through various officials, who practically are not in harmony with each other; they are not coordinated as they should be, and it is utterly impossible for the President of the United States, with the vast and varied duties he has to perform now, largely of an international character, to bring this about.

The reform which I think should be brought about is such a reform is will place above the Cabinet now existing and below the President a war cabinet to bring all these forces into a few hands, to harmonize them, coordinate them, and bring order out of chaos. If we had established heretofore such a war cabinet, I do not believe there would have developed a coal shortage, which is partly, at least, due to a confusion of government functions. Nor would such an extraordinary order as this have been issued without being submitted to that war cabinet, and that war cabinet would not have acted without knowing definitely the effect on the various industries of the country which would result from it.

Mr. WEEKS and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I yield.

Mr. WEEKS. I rose because I thought the Senator was about to yield the floor. I do not care to interrupt him.

Mr. HITCHCOCK. I am about to yield the floor; I have said all that I care to say; I have said perhaps more than I should have said. I understand unanimous consent has been granted for the consideration of the resolution, and I hope that it may be adopted. Of course it is only in the nature of a request; it is in the nature of a request from the Senate of the United States simply for a delay to afford an opportunity to present the vast interests that are involved in this revolutionary order, which was apparently issued without giving the country much opportunity for a hearing.

Mr. WEEKS obtained the floor.

Mr. LEWIS. Mr. President, before the Senator from Nebraska takes his seat——

The PRESIDING OFFICER. The Senator from Massachusetts is recognized. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. LEWIS. I merely desired to address an inquiry to the Senator from Nebraska. I do not wish to interrupt the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Nebraska has yielded the floor, and the Senator from Massachusetts has been recognized.

Mr. LEWIS. The Senator from Massachusetts having been recognized, I will not interrupt the Senator from Massachusetts.

Mr. WEEKS. Mr. President, I can not speak too strongly in favor of the resolution which has been introduced by the Senator from Nebraska [Mr. HITCHCOCK] or a resolution which will have the same or a similar effect.

This order of the Fuel Administrator has fallen with crushing force on the section of the country which I in part represent. It is in this part of the country, Mr. President, where the Government's necessities are being provided at this time. I am told that 86 per cent of all the additional business—the $10,000,000,000 of additional business that is being done this year—is concentrated between Massachusetts and Virginia and east of Pittsburgh. Necessarily the Government requires a large amount of products, and requires them at once. We are doing everything we can to "jack up" the service, so that this product will be furnished. Why, one telephone message that I have this morning from a manufacturer states that the closing down of his mills—and two-thirds of their capacity is being used in manufacturing Government products—will result in a loss of $2,000,000 of product. In other words, in the case of the very things which we need, and need most, to prosecute this war, in that one instance there is going to be a falling off in supply on account of this order of more than $1,300,000.

I can not believe that this question has been suitably considered from every viewpoint. It illustrates the injustice that is likely to result from an order which seems to be right from one viewpoint, but which is made without taking into consideration the influences and effects it may have in various other directions.

I sincerely hope that some action will be taken by the Senate which will stay this procedure until the public has an opportunity to be heard. The Senator from Nebraska has well said that this action seems to be an excellent example of the failure to prepare for an emergency which was as apparent six months ago as it is now. Reasonable foresight would have made ample provision for the conditions which now prevail.

Mr. CALDER. Mr. President, it was my privilege last Saturday in New York to confer with the coal administrator of that State and with the representatives of Dr. Garfield temporarily in the city. The proposition first was to apply this order to the State of New York; but when we came to reason out the fact that practically everything going abroad comes through the "neck of the bottle" to the great port of New York we were able to convince the authorities that such a proposition would be the very worst thing that could happen to the country.

In New York City to-day, Mr. President, there are 300,000 children unable to attend school. Throughout our State at

least one-fourth of our industries are closed for lack of coal. This morning, by telephone, a New York shipbuilder—a man who employs upward of 10,000 men, all of whom are engaged in Government work—informed me that he has enough coal to keep his plant going for three weeks, and that under this order, as he interprets it, he will be compelled to shut down to-morrow morning.

I submit, Mr. President, that in April the Senator from Nebraska [Mr. HITCHCOCK] and myself introduced and had passed resolutions requesting information from the Federal Trade Commission relative to the supply of coal. We were informed at that time that it was simply a "state of mind" on the part of the people of the country. We were told that there was sufficient coal if people would not buy so recklessly. To-day a situation confronts us that convinces the country that those in charge of the Nation's business failed to apply ordinary business principles.

Mr. President, it seems to me that what we need in this Nation to-day on many of these commissions is men with business training, men who will plan in advance as men would plan to build a city, and then coordinate all the elements so that really effective work may be done.

Mr. President, this is perhaps one of the most serious orders that ever has been attempted to be put forth in the history of this Nation. I do hope that the resolution introduced may prevail, to the end that some information may be obtained before the order is put into effect.

Mr. POMERENE obtained the floor.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state his inquiry.

Mr. THOMAS. I wish to inquire whether the debate upon this motion is subject to the five-minute rule?

The PRESIDING OFFICER. The Chair knows of no rule that requires such limitation.

Mr. THOMAS. I did not understand the Chair.

The PRESIDING OFFICER. The Chair does not think debate on the resolution is subject to the five-minute rule.

Mr. THOMAS. Of course, I will accept the decision of the Chair; but I think the best thing to do is to pass this resolution and debate it afterwards.

Mr. STONE. That is true, Mr. President. It is best to pass it and debate it afterwards; but I have been sitting here in some wonderment to know who would speak on the other side, if there be another side, and tell the Senate authoritatively why this order was made.

Mr. LEWIS. Mr. President, I may say to the Senator, if he will permit me——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Illinois?

Mr. POMERENE. Mr. President, I thought I had been recognized.

The PRESIDING OFFICER. The Senator was recognized, and the Chair understood that he yielded to the Senator from Missouri.

Mr. POMERENE. I will yield to the Senator from Missouri.

Mr. STONE. I beg pardon; I did not know that the Senator from Ohio had been recognized.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. STONE. Perhaps the Senator from Ohio can answer the question.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri for a question?

Mr. POMERENE. Mr. President, I will make this answer to the Senator from Missouri: I shall speak this morning for myself and for no one else.

Mr. STONE. That is not any answer at all.

Mr. POMERENE. No; I realize it is not. I meant it in a courteous way. I was not referring to the Senator.

Mr. President, I regard this order as a calamity. I feel that at the present time there is no necessity for it. When it is shown to me that there is a necessity for it, I shall apologize for what I have been saying and what I may say.

I think I know something about the coal conditions in Ohio. We have enough coal in that State to last the people of our State until our grandchildren are gray-haired men, and yet our people in Ohio are suffering as perhaps the people in no other State are suffering, and in my judgment it is due to the way in which this subject has been handled.

As early as October of last year we had a severe cold spell in the State. The attorney general sent to me a list of 205 towns, 150 of which were without a pound of coal in the markets, and only a portion of the private consumers had any coal in their cellars. When I took this list with me to the Fuel Administrator's office and saw one of the subordinates, the chief not being there, I presented the list. It gave the names of the towns, the amount of last year's consumption, the amount which would be needed for this year's consumption, and the names of the mayors. I was then told that the conditions there were "exaggerated"; and I was told that by a man who, I think, knows as little about the coal supply in Ohio as I know about the coal supply in the planet Mars.

Later on, when I communicated with the office, giving information sent to me by telegram and telephone, some clerk, perhaps, or perhaps some errand boy would answer the telephone; and I have had little different experience several times when I was able to get in touch with some of those in authority. Later on, when I presented telegrams from chambers of commerce and from local fuel administrators, I was again met with the explanation that the situation was being exaggerated; and just recently I understand the coal administrator said the situation was "purely psychological." And now, with this "psychological" situation before him, he makes an order that is so drastic that even those who have a supply of coal on hand will not be permitted to use it. In the language of Virgil, "Wonderful to relate!"

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. POMERENE. I do.

Mr. HARDWICK. Does the Senator believe that any such order as that is valid in law or can be enforced anywhere?

Mr. POMERENE. I have not examined the statute in the light of this order, but I dare say that it was not in the mind of any Senator or Congressman who voted for it that any such order ever would be made.

Mr. President, I want to point out what I think are a few of the mistakes that have been made in this connection. Before I go to that branch of the subject, allow me to say that within two weeks one of the biggest coal operators in this country, who owns 15,000 acres of the best coal land in this country, said to me in my office that this coal legislation had saved the day for the consumer, and that if it had not been for it he to-day would be paying from $25 to $30 a ton. And yet, after the orders were made fixing the prices—and I recognize the fact that it was necessary to make certain modifications of those orders as applied to certain places—it was not, in my judgment, necessary to raise these prices in certain localities as they have been raised.

Mr. TILLMAN. Mr. President, will the Senator from Ohio permit a remark?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. POMERENE. I yield.

Mr. TILLMAN. I want to tell the Senator that if we paid $100 a ton in South Carolina we could not get a ton of coal, because it is not there, and the railroad from Dante, Va.—the Clinchfield, with many trains loaded with coal—gives as an excuse that it has not locomotives and can not bring it to South Carolina. It is a question of transportation.

Mr. POMERENE. I think that is true, perhaps.

Mr. TILLMAN. It is not "true, perhaps"; it is true. I know it from telegrams I have received from home.

Mr. POMERENE. It ought to be there, though. The remark demonstrates, in my judgment, the fact that it was not high prices that were necessary for increased production.

Later, though in my own city we formerly got coal at 90 cents a ton at the mines for our factories, during the last year they were paying five dollars and five dollars and a half a ton at the mines; and then, when a priority order was issued to the railroads for lake shipments, the coal operators gave as an excuse for not giving coal to the ordinary consumer that an order had been made to them to ship none save that to the lake region. It was not true, and the coal operators who made that statement knew it was not true when they made it.

Later, when we were all concerned about conditions up the Lakes, and there was an attempt to move coal to the Northwest, in order to take care of the good people in that section, nobody made any complaint about that in Ohio, as long as that order was reasonably carried out; but what was the situation? The coal was sent to the Lake ports when there were no vessels there on which to load this coal for the Northwest, and nearly every siding and every switch in the cities of Cleveland and Toledo and Sandusky were filled with cars loaded for the Lakes, and these cars were left there loaded in that way for storage purposes, while the people in my own State were suffering and the cars and the coal were needed elsewhere.

In the little manufacturing city of Alliance, on the Pennsylvania system, in the latter part of November there were 30 or 40 cars loaded for the Lakes right at the doors of one of our big manufacturing plants. Those cars were there for 30 or 40 days, not moved, not emptied, and many of the big manufacturing plants there were obliged to shut down. Those cars could have been unloaded, sent back to the mines, and reloaded three or four times while they were standing on the siding in Alliance. It was not done. Schools were obliged to close down. The great Ohio State University was obliged to close down for several days because there was no coal. On the Chesapeake & Ohio Railroad one-half of their cars were on the tracks, loaded with coal and not moving.

Mr. TILLMAN. Whose fault was that but the railroads'?

Mr. POMERENE. It was the fault of both the operators and the railroads.

Mr. TILLMAN. They were in collusion, then.

Mr. POMERENE. Mr. President, while these cars were thus being loaded for certain places up in the Northwest, our people in Ohio were given to understand that there was not any coal for them.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Indiana?

Mr. POMERENE. I yield to the Senator from Indiana.

Mr. WATSON. Is it not a fact that a portion of that difficulty originated because of priority orders, as well as a law of Congress that permits the purchaser or the seller to designate the route over which the purchase shall travel?

Mr. POMERENE. Mr. President, I think it is true that a part of the difficulty arose from that particular cause; but not all of it. I think I can say that cars would have been moved to any locality that needed the coal if the request had come from the Coal Administrator.

I happen to have before me here an account of a shipment of a car of coal from the southeastern part of the State up to Cleveland and back to the mine again. From the time it was first loaded and sent to Cleveland and back again to another mine 28 days intervened. Twenty days one hour and thirty-two minutes of that time was lost when the car was not moving. It was, in fact, moving eight days one hour and five minutes. This car was traced by a newspaper man, who was sent out specially to note the time that it was moving and the places where it was left on the sidings along the road on its way to Cleveland and return. I do not care to go into the particulars of that.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Virginia?

Mr. POMERENE. I yield.

Mr. SWANSON. I understand the contention of the Senator from Ohio is that the priority order sending all these cars to the Northwest on the 30th of November unloaded so much coal there that they could not distribute it. I understand that so much coal was sent to a city that the wagons could not haul it for distribution, and that it was poured in there and delayed, and the cars were held up, instead of sending to the Northwest the coal that they could handle and distribute. Is that the impression the Senator has?

Mr. POMERENE. There were too many of the cars loaded with coal for the Northwest. I say too many because there were not vessels at the ports in which they could be unloaded, and that coal should have been distributed through the State of Ohio and elsewhere, and people would have been benefited by it.

Mr. SWANSON. I know; but the great difficulty in getting coal in Virginia, where a superabundance of coal is produced—more than the State needs—was because it was furnished elsewhere on account of this order. I thought at the time that the sending of the coal into one section where they did not have boats to carry it across the lake and did not have horses and wagons sufficient to distribute to the consumers in the cities, where it was loaded in freight cars that for days and days were unloaded, was unwise administration. If they had sent to the Northwest the coal that they could handle quickly and promptly, giving them the preference, and let the rest of the country be supplied, they could have handled it. Is that the impression the Senator has or of those who know?

Mr. POMERENE. I do not know that I followed the Senator. My attention was diverted.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. POMERENE. I yield.

Mr. KELLOGG. I should like to say, if the Senator from Ohio will permit me, that if the Senator from Virginia [Mr. SWANSON] refers to the port of Duluth as the Northwest he is entirely mistaken. There was a good deal of coal loaded for the Lakes that was going to Canada when our people could not get coal.

Mr. SWANSON. I do not know where it was going.

Mr. KELLOGG. There was a good deal of coal which was shipped to Canada that was not destined for the Northwest. There is a shortage of coal in Minnesota and north Wisconsin, and but for the heroic efforts of people up there to cut wood and send it out into the country where they have been using coal there would be a shortage now. You can not ship coal into the Northwest by rail; it never has been done; and you can not run a boat in the wintertime.

Mr. POMERENE. I realize the difficulties the State of Minnesota has had. It is true, as the Senator has said, that much of this coal was sent across into Canada. Just five minutes before I took the floor I had a telephone message from a very prominent man in Ohio, who said to me that he, the other day, had talked with a Canadian who had been in one of the large cities of Canada, and that they had coal there to last them until the middle of July, a good part of which came from Ohio.

Mr. GALLINGER. In this connection, has the Senator from Ohio any information that would throw any light on the subject from this point of view: While the shortage has been accumulating in this country, and it now has reached the acute stage, can the Senator tell us what amount of coal has been sent across the ocean and into Canada to supply the wants of people of other countries?

Mr. POMERENE. No; I do not have that information at hand.

Mr. GALLINGER. But undoubtedly it has been a very large quantity, has it not?

Mr. POMERENE. That is undoubtedly true; but it must also be borne in mind that there has been more coal mined in the United States during the last year than ever before in its history, running as much as eight to ten million tons per month in excess of what it has been in any other year.

Mr. GALLINGER. Which would indicate that if the matter had been carefully handled we would have had enough coal for our own use and a surplus besides.

Mr. POMERENE. Mr. President, when I know there is enough coal in our hills to last this country for centuries and enough miners to mine it, I can not be persuaded that there is any just reason why we should have this shortage at this particular time.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. POMERENE. I do.

Mr. McCUMBER. I should like to ask the Senator whether or not there is a sufficient amount of coal now mined to take care of the needs of the people of this country if it could be properly distributed?

Mr. GALLINGER. And kept at home.

Mr. POMERENE. I do not know that I can answer the Senator exactly, save this, and I want to be perfectly frank. There was a time when the operators were not making proper efforts to mine their coal. That situation is different now, after they succeeded in boosting the prices of it. Then the complaint was that there was a car shortage, and I think there is something in that proposition now. If there were cars enough at these mines at the present time to take the supply that can be mined by the miners now at work, there is not any question about there being sufficient coal for everybody.

Mr. McCUMBER. Then it is more a question of transportation than it is a question of shortage of coal; a matter of moving coal rather than the mining of coal to-day.

Mr. POMERENE. At this particular time I think the Senator is correct. In Ohio there has been a very severe cold spell. They are lacking in motive power somewhat. But when I took the floor I did not expect to dwell so much upon the particular branch of the subject upon which I am speaking as to make this suggestion with reference to the particular resolution which has been presented by the Senator from Nebraska. It seems to me that from every point of view this order is an unwise one.

Mr. BORAH. May I ask the Senator a question?

Mr. POMERENE. Yes.

Mr. BORAH. If it is an unwise one, which the consensus of opinion seems to support, has the Senate and the Congress of the United States been reduced to such impotency as that it can do nothing else than merely request a Fuel Administrator to suspend it?

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. POMERENE. I yield.

Mr. KNOX. I was about to ask a question which may perhaps clear this up a bit. The resolution introduced by the Senator from Nebraska speaks of the fuel commissioner, and I notice the Senator from Ohio speaks of the Fuel Administrator. I should like to know whether there is such a legal office as either the fuel commissioner or Fuel Administrator. I know of none. I know of no act of Congress creating a fuel administrator or fuel commissioner. It seems to me it is almost undignified for the Senate of the United States to address a request to some one who was appointed by some other authority. Let us address our request to the authority that is exercising the power conferred by Congress, and the only authority that we have any direct relation to. I hope the Senator from Nebraska will alter his resolution so that it will apply to the proper authority which deals with the subject and preserve the dignity of the Senate.

Mr. POMERENE. Section 25 of the food and fuel act relates to the subject of coal and fuel, and under that the President was authorized to appoint an agent to carry out the provisions of the act; in other words, to administer it, and the name has been given to him of, I think, United States Fuel Administrator, as I now recall it.

Mr. KNOX. Just so, and undoubtedly under the law the various departments may appoint people to carry out the provisions of the law, appoint special counsel, and all that sort of thing, but when the Congress of the United States comes to deal with the subject and inquire why a particular thing is being done, or why a particular thing is not being done, it does not address its resolution to the clerks who are actually performing the work.

Mr. POMERENE. The order was issued by the Fuel Administrator, and it would seem to me with entire propriety he could be named.

Mr. HITCHCOCK. If the Senator will yield I have taken the liberty of modifying my resolution so as to make the title "Fuel Administrator." If the Senator will permit me to say it, it seems to me we are merely quibbling over an unimportant matter when we debate whether this resolution of request shall be addressed to the President or to the administrator. The fact is that when the administrator acts he acts with the full power of the President. He is not a mere clerk. He is vested with the power that Congress has placed in the President, and the thing for us to do is to cut red tape and get the request to him. He is the one who made the order. He is the one to grant the relief by a modification of the order.

Mr. POMERENE. Mr. President, I want to say just a word with respect to the policy of the issuing of this order. I speak particularly with reference to conditions in my own State. I know that a good many of our manufacturing plants have been obliged already to close down temporarily because they could not get the fuel. I know that certain interurban lines have stopped moving their cars and these interurban lines have been furnishing the electric power for many of the smaller towns and the electric lighting along the routes. They are without coal. There has been unusual suffering because of this very severe cold. The situation had begun to improve in Ohio until a few days ago. The cars were moving. The heavy snow interfered somewhat. It does seem to me that if there was just a little delay, and there was not any other human means by which to improve the situation, automatically some of the manufacturing plants would be compelled to close down. Why should an order be made compelling a manufacturing plant to close down that already had in its bins a sufficient supply of coal to continue its operations?

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. POMERENE. I do.

Mr. SMITH of South Carolina. I had a long-distance phone from a manufacturing center in my State a few moments ago asking if this order would affect those manufacturing plants that derive their power from water. Through my office I made inquiry of the Fuel Administration what would be expected of those mills or those manufacturing plants that use water. The reply that was given to me was that, though they might not have any authority over water power, they would expect the plants deriving their power from water to obey this order to the letter.

Mr. REED. Who gave that?

Mr. SMITH of South Carolina. That was reported to me as coming from the office of the Fuel Administrator.

Mr. POMERENE. Mr. President, if plants are to be closed down arbitrarily, as they will be closed under this order if it is permitted to continue, I do not like to think of the psychological effect that it will have on the people in the country.

Mr. HARDING. Mr. President——

Mr. POMERENE. I yield to my colleague.

Mr. HARDING. There is apparently a confusion relating to priority. There is the priority of railroad service on the one hand, but my understanding is that the embarrassment relating to the coal situation is due to the priority order which goes to the operator directing him to supply coal to a certain consumer. I wanted to ask my colleague, who seems to know pretty well concerning the situation, if he has any knowledge as to what has been the determining influence or what reasoning these priority orders are based upon?

Mr. POMERENE. Mr. President, I do not think I can answer my colleague with exactness, except to say that I have gleaned this knowledge from my interviews had with the department: I know there was a desire at the department to supply the schools and the municipal and public utilities, and orders with reference to the movement of cars were made so as to accommodate those utilities and public institutions. Beyond that I have not been advised that there has been any priority order, so far as the furnishing of coal by the operators is concerned.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. POMERENE. I do.

Mr. FLETCHER. I inquire of the Senator if he has a copy of the order, or if he has the matter in such a shape as to be authentic? We might be engaged here in fighting a windmill, and we do not want to do that.

Mr. POMERENE. No. I was very much surprised at this order last night, and I have not had an opportunity to get the order.

Mr. FLETCHER. Some one ought to furnish the order and let us have the order read.

Mr. POMERENE. I am speaking of the effect upon the country at the present time. Now, let us just think of what the effect is going to be when some of these plants are closed down; plants that had a coal supply on hand, and their men are thrown out of work, and they are around on the street corners or elsewhere, not able to earn anything, and some of them not able to get the coal with which to keep their homes warm.

Mr. President, I recognize that we are confronted by a situation here which is very serious, and it does seem to me that if it becomes necessary in the future to issue an order of this kind some notice should be given to the public, so that the public may get its house in order. I hope that one or the other of these resolutions will be adopted.

Mr. LEWIS. Mr. President, when I arose a moment ago it appeared as if I did so in response to the inquiry from the senior Senator from Missouri. When he asked, Who is here to speak for the other side—for the administration? There was an appearance, from the fact that I rose spontaneously with that inquiry, as though I arose to assume with my presence that I was directed to speak on the other side of the resolution, "for the administrator," to use the words of the Senator from Missouri. Mr. President, I rise to speak a word or two, but by no direction of anyone, upon the authority of no one, and with no one other than myself, I trust, to bear the responsibility.

Mr. President, when the bill, and particularly section 25, was before this body for the authority which it conferred I said that we would be brought to the point where we must take charge of the coal mines. I said then, to the dismay of many of the distinguished Members of this body, that we would have to take charge of the coal mines as an agency of Government; that the time had come when we should do so upon the theory that the coal mines by nature were mere repositories of elements necessary to the public welfare and ought not longer to be held in private control.

That which has transpired and which has been alluded to this morning is clearly disclosing that the time has come when, under the circumstances surrounding us, this Government should take charge of all coal mines, proceed to supervise coal mining, to control it, and then supervise the distribution of the coal in such manner that no such conditions could be existing, which evidently is the justification for this order, remarkable as it is.

Mr. President, I think we are hastening with some degree of madness this morning. I can understand how any Senator, receiving, as I have this morning, scores and scores of telegrams in relation to this matter, can be aroused in behalf of the interests of his people and that he can readily appreciate the effect that this order must have upon the industries of the State for which he speaks. But there must be some reason for this order. The eminent Senators, both from Nebraska and Ohio, respectively, Senators HITCHCOCK and POMERENE,

say it came suddenly, without knowledge, without information. Mr. President, my mind addresses itself to this thought: There must have been some singular and unusual exigency suddenly confronting the Fuel Administrator and the President from which such an order could have been issued; there must be some unusual condition somewhere; there must have arisen suddenly some remarkable circumstance. Surely these men, the President and the Fuel Administrator, are sensible men; it can not be said they are unpatriotic men; it will not be charged that they are foolish men. There must be, sir, some reason so persuasive to their sense of patriotism and duty which called for this immediate action.

Is it not the expression of wisdom, instead of suddenly passing a resolution that on its face condemns what they did, that we pause to consider of them a moment from whom we might obtain information as to why it was done and give them some opportunity by which they may explain to these, the representatives of the Government, before we hastily, in a spirit of almost frenzy, pass a resolution that has for its tenor practically a condemnation of the action, without ourselves knowing the thing that brought it forth or the justification or reasons that might be advanced in its behalf? For myself I concede——

Mr. HITCHCOCK rose.

Mr. LEWIS. I yield to the Senator from Nebraska, who indicates a desire to interrupt me.

Mr. HITCHCOCK. The characterization of the resolution as unfriendly or antagonistic is certainly a great mistake. This resolution is in the nature of a mere request from the Senate; something which is very unusual. It might be made directory, but it is a mere request, and the reason it has got to be done suddenly is that the order has been suddenly issued and goes into effect to-morrow morning. So the request has got to be made at once. If the request goes to the fuel administrator, it is for him to decide whether he will grant it or not. If he grants it, then there will be five days in which he will hear from the country.

Mr. LEWIS. Mr. President, this resolution which has been tendered by the Senator from Nebraska, and which is characterized by the Senator from Idaho [Mr. BORAH] as expressing, what seemed to him, to be unanimity of view up to that time, at least, to condemn this order, makes only a request, it is true, that this matter go over for five days, and addresses that request of the Fuel Administrator; but if this resolution is passed to-day it will be read by the public in the light of the criticisms which have been made here in the speeches of Senators, and it should be; it will be read in the light of the condemnation expressed, and it should be; and it will be construed as an expression by the Senate of their approval of these condemnations which have been voiced by the respective Senators in support of the resolution.

If this order is without authority, it should be revoked; if it is without justification, it should be promptly withdrawn and reversed; if there are no reasons for it, then it should be condemned; but before action is taken something ought to be done out of ordinary courtesy, in due discharge of that civility which Members of this body are supposed to exhibit in their everyday conduct with common humanity, before we assume a course of action which, in the most ordinary affairs of life, would not have been undertaken by one man against another if they bore the slightest appearance of ordinary friendship, and, Mr. President, what Senators have termed here need of "coordination." It becomes a farcical observation while they in one breath speak about the necessity of coordination in the departments of the Government, and then give to the world the evidence that the Senate, the highest representative branch of the legislative department, has no coordination with the President of the United States in a patriotic duty called for by some public necessity. It will not do for Senators to stand before the country demanding that there should be cooperation, "somebody with responsibility," in order that there shall be execution without confusion, and yet give evidence constantly that in everything that is attempted one branch finds it always agreeable to dissent, to obstruct, to embarrass, to impede, to reverse, to repudiate, to condemn, and in such an instance as this, as I see it, without even a hearing to those of authority who have ordered the course put in effect.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. LEWIS. Certainly.

Mr. REED. Surely the Senator does not mean to say—and I am calling attention to it because I think he spoke inadvertently—that either branch of Congress has persistently objected and repudiated and refused to concur with the President. The Senator, I do not think, meant to employ language as broad as that. I think there has been a very ready concurrence.

Mr. LEWIS. Mr. President, it is my pleasure to say, in certain general war measures, that there has been a very general concurrence and cooperation by both branches in the general measures up to date. I refer, if the Senator will consider the connection, to the effect before the country. It will go forth that Senators can not consistently stand up here demanding "cooperation" and "coordination" and yet fail to recognize the impression they were leaving upon the country of no cooperation or coordination with the President of the United States or his administrative aids.

Mr. President, I do not know, Senators have not been informed, what were the particular conditions and emergencies which made this order necessary. I must assume that there were some; I must take it for granted that they were of a nature to justify it. I can not assume that so sudden an order, with the consequences which Senators here invariably say impend upon their constituencies and upon business, unless there had been some reason for bringing it forth so sufficient as to justify it. Let us find out what they are and let us ascertain from those having the knowledge before we go further.

Mr. GALLINGER. Mr. President, will the Senator from Illinois permit an inquiry?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. LEWIS. Yes, Mr. President; I yield to the Senator from New Hampshire.

Mr. GALLINGER. In view of the fact that on numerous occasions the President of the United States has called Congress to meet in the Hall of the House of Representatives to listen to his views on public questions—some of them of great moment, as I thought; some of them not of very great consequence—is it not a remarkable circumstance that, if this great exigency exists and this drastic action becomes necessary, the President did not follow his usual course and ask Congress to listen to his views on the subject before the order was issued?

Mr. LEWIS. Mr. President, I will say to the accomplished and learned Senator from New Hampshire that his inquiry is pertinent, and the reply that I shall make I think is one I can offer as a justification for my position. The Senator is correct that in the great exigencies of government, wherever they have arisen, the President has made it a practice to come before the Congress and explain the conditions and seek action from Congress, certainly seek cooperation. I take it for granted that the exception to which the Senator from New Hampshire alludes would not have arisen unless there were some emergency so sudden, some conditions so unusual, some circumstances so unexpected, that they did not give opportunity for such action on the part of the President. If such be true and upon such considerations this order was issued in such emergency, is it not the part of wisdom that we consider that the reasons must have been most effective, most weighty, and, therefore, instead of passing this resolution at this time, coupled with the animadversions which have been made, should we not consider that such circumstances must have existed and let this resolution go over one day, postpone it, as the rules require, for one day, within which time we may ascertain either from the Fuel Administrator or from the President what particular reason exists, and get from them such views as they may have, and give them such hearing as we would accord to the humblest executive official in any department of this Government before we would pass a resolution surrounded with such criticisms as those with which this resolution has been inflamed?

Mr. President, I do not intimate that Senators should not condemn; I hope that the time may never come when this body will feel so stifled by any form of influence that it will withhold condemnation from anything which it esteems as a wrong; but, Mr. President, I see Senators rise, as did the Senator from Nebraska and the Senator from New York, and intimate before the public that what is wrong is the lack of coordination. Lack of it where? I will admit there have been evidences where it has been absent. A war was suddenly precipitated upon us; our people were long accustomed to peace; a conflict without parallel was thrust upon us, and that we could have readily fitted ourselves to such circumstances in a moment, of course, is impossible, and that there would have arisen from time to time evidences of embarrassment is, of course, to be expected; but, Mr. President, I ask the eminent Senators if it would not be well that they allow us to have at the present time that coordination for which they have been asking? They are condemning, unless I misunderstand them, the attitude taken by the Fuel Administrator, who is one of the "responsible heads" of Mr. Hoover, another coordinate

head. In what way can you coordinate if men superior in position overthrow and destroy the work of every other department merely for differences of opinion?

What I feel, sir, is necessary is that we cease to assume that there is neglect on the part of the Government; that we cease proclaiming that we have failed in accomplishment, and turn our attention for a moment to the great things we have really done, contemplate the wondrous accomplishments this administration and which the Government at large have performed before the world.

Mr. President, I ask instead of this resolution being passed at this time that it go over for one day, that it be postponed for one day and then be taken up after Senators have become informed of whatever may be the reason for the issuance of the order.

Mr. SMITH of Georgia. That will be too late; the order becomes operative to-morrow.

Mr. WATSON. Mr. President, is the Senator from Illinois aware of the fact that the order is to go into effect to-morrow morning?

Mr. REED. Mr. President, will the Senator yield to me to make a statement?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Missouri?

Mr. LEWIS. Yes; I yield.

Mr. REED. I think we ought, if possible, before taking action, to know all the facts that can be speedily learned. I am unwilling to pass a resolution on the instant unless that is imperatively necessary, for we might do an injustice; we might make a mistake. I appreciate the gravity of the situation, but I think we can at least wait for the matter of an hour. The Committee on Manufactures have been investigating, through a subcommittee, the question of the coal shortage. Dr. Garfield has been before the committee once and left really with the understanding that he would probably be asked further to testify. He is at the Capitol, and the subcommittee have arranged to have him appear within the next 10 or 15 minutes. We intend to inquire into the reasons of this order, and, if we are so fortunate as to get the Doctor before us and get through, we will try to get through and will report at once to the Senate. Then, the Senate will at least have before it his statement of his reasons. Is not that the better thing to do? I make that statement. We are going ahead with the investigation.

Mr. LEWIS. Mr. President, upon the statement of the Senator from Missouri, I renew—saying that it was not my purpose originally when I rose of being drawn into the discussion to the extent I have taken the time of the Senate—my motion that the consideration of this resolution be postponed at this time, and that it go over for a day. Senators may amend that to meet such time as the Committee on Manufactures feel may serve the purpose and will provide for giving a hearing to the opposite side in some way, a privilege we ordinarily extend to any department of this Government under other circumstances.

Mr. SMITH of Georgia. Mr. President, the adoption of the motion that the resolution go over for a day would largely defeat its purpose.

The PRESIDING OFFICER. If the Senator from Georgia will suspend a moment, the Chair desires to inquire whether the Senator from Illinois has made a motion that the resolution go over or be referred to a committee.

Mr. LEWIS. I do not ask that it be referred, but I ask that it go over until to-morrow morning, so that in the meantime we may obtain information, that we may then be able to take action without doing injustice to those who have not as yet been heard at all and against whom certain Senators threaten speedy judgment without voice or representation. I ask for the postponement.

The PRESIDING OFFICER. The Senator from Georgia is now recognized.

Mr. SMITH of Georgia. Mr. President, we have unanimous consent for the present consideration of this resolution, and it would be utterly unwise, in my judgment, to let it go over until to-morrow. This order goes into effect to-morrow. What we wish is to suspend the immediate operation of the order for further investigation; and, if the order must go into effect eventually, that the industries to be affected may at least have five days in which to prepare for this harsh treatment.

There are some of us who would not object to it going over for an hour, until the Senator from Missouri and his committee can hear Dr. Garfield; but, so far as I am personally concerned, I am ready to vote for it now. I want it passed regardless of what may be said, because I think the order of the Fuel Administrator should at least be suspended for five days, if it is finally to become operative. I think no condition or circumstance justifies such a sudden and complete interference with the industrial world. I can not conceive of an excuse for action without any notice at all, except that which comes from a 24-hour notice. I do not object, if the Senator from Nebraska desires, to having the resolution go over until 3 o'clock or perhaps half past 3, but I hope we will vote upon it and pass it with practical unanimity at a very early hour during to-day's session.

Mr. SIMMONS. Mr. President, I hope the Senate will not be precipitated into immediate action upon this resolution. I am not in favor of postponing it until to-morrow morning, for the very good reason assigned by the Senator from Georgia [Mr. SMITH], who has just taken his seat; but I do think that the suggestion of the Senator from Missouri [Mr. REED], the chairman of the committee which has been engaged in investigating this coal situation, ought to be adopted by the Senate.

Mr. President, I agree with the statement that has been several times made upon the floor of the Senate to-day that this order is a public calamity, that the effect of it may be disastrous to the business of the country and to the men who are working in the industries of the country. That, I think, is true; but that does not mean, Mr. President, that there is neither defense nor justification for this order. To my mind there is one justification for it, at least. If it is necessary that this order shall be issued and shall be executed to protect the people of this country, especially those who are herded into the large cities of the country, from freezing, then I consider that a condition exists which makes this order at least defensible and justifiable. I do not wish to see the industries of this country hurt; I do not wish to see this calamity to the industries of this country come upon them; but, Mr. President, the first and a higher consideration than that is that the people of America shall not freeze.

I do not know that any such condition confronts the country. I can not conceive, however, that the responsible people who have issued this order—for if it comes from the Fuel Administration, it comes with the approval of the President—have acted in this summary manner concerning this portentous measure without at least some reasonable justification for their action.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. SIMMONS. Just a moment. With such a condition as I say may confront this country, namely, the necessity of this order to protect the people in the great cities from having to endure the indescribable sufferings of cold—yea, from freezing, Mr. President—if that condition exists, if there is no other way to relieve against that condition except through this action, then we ought not to delay it or suspend it for five days, because, if such a condition as that exists, if this order is suspended for five days, the dire consequences of delay will have overtaken the people. Strong as are the appeals of business to me, the appeals of humanity are immeasurably stronger.

SEVERAL SENATORS. It is a mere request.

Mr. SIMMONS. I know it is a mere request, but it carries with it the sanction of the judgment of the Senate. I believe that before we take this unprecedented action we ought at least to give some time, some opportunity, that the man who has issued this order, with the sanction of the President, may be heard and may present to the Senate the considerations, reasons, and conditions which induced him to make this extraordinary order. We can then express our judgment upon the sufficiency of his grounds.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina now yield to the Senator from Nebraska?

Mr. SIMMONS. I do.

Mr. HITCHCOCK. I think it will be an easy matter to harmonize the various views here expressed. I obtained the floor largely through the courtesy of the Senator from Virginia [Mr. SWANSON], who had a matter which was coming over from yesterday. I am perfectly willing, if the Senate will grant its consent, to have this matter temporarily laid aside until the question that came over from yesterday, involving the reference of a bill, may be settled, providing the matter shall come before the Senate upon the settlement of this question coming over from yesterady, and in no event later than half past 3.

Mr. SWANSON. Mr. President, I would suggest——

Mr. THOMAS. I object, Mr. President.

Mr. KIRBY. I object to laying aside this resolution at the present time.

Mr. THOMAS. I object to the limitation. We want to be heard upon the motion of the Senator from Virginia.

Mr. SWANSON. Mr. President——

The PRESIDING OFFICER. The Senator from Virginia.

Mr. SWANSON. I would suggest that under the rule——

Mr. SIMMONS. I understood that I had the floor. I yielded to the Senator from Virginia.

Mr. SWANSON. Under the rule, when the hour of 2 o'clock comes, this resolution will go to the calendar, will it not, being undisposed of?

The PRESIDING OFFICER. That would be true if there were any unfinished business before the Senate, but there is no unfinished business, and therefore the resolution will remain before the Senate until disposed of.

Mr. SIMMONS. Mr. President, I want to say that I shall feel constrained to vote for this resolution unless the Fuel Administrator can convince me, in the testimony that he is now probably preparing to give, if not giving, to the committee, that this order is made necessary by a condition which would be more calamitous to the people of this country that even the temporary suspension of business; but, Mr. President, I am not willing that the Senate should act until the Fuel Administrator has had that opportunity. If we can not in any other way secure a postponement until he has had that opportunity, I think probably we can entertain the Senate in discussing this and other matters until he does have the opportunity to make that explanation. At least, I shall try and see that no final action is taken by the Senate on the resolution until that time has been accorded.

Mr. KIRBY. Mr. President, I believe this resolution should be either defeated or withdrawn, and immediately. I think the conditions warrant the action, and it seems to me that the Senate has no right and should not attempt to review an order that was made by authority of law that we agreed to in the first instance.

Senators get up here and talk about this thing as being unprecedented and something that ought not to have occurred. No Senator is charged with the duty of this Fuel Administration, but there is a responsible agency that we have clothed with the power to look after this matter; and here comes an order from it, fully authorized, for this particular thing to be done, and what is asked by the Senate? Not that the order may remain in effect and be enforced; not that the people who are cold may be made warm; not that the 157 ships yonder in the port of New York that can not move without coal may be supplied with coal in order that they may carry the cargoes to our soldiers and allies from that congested port, where millions of tons of freight are already waiting to be carried; but delay only that the Senate may take time to investigate the conditions and ascertain whether the order is necessary. The condition exists. It is not relieved by the fact that in Ohio, as the Senator says, there is enough coal in place to warm the world. The same thing is true in the State of Arkansas. We have wonderful coal deposits down there, too; but the coal is not mined, and it is not in the hands of the consumer, and it is not relieving the condition.

The Fuel Administrator has made this order, and is it to be supposed that he would have made this order for fun? The order has been made with authority, and we are without power to review it.

In the Military Affairs Committee an investigation has been proceeding now for about four or five weeks. I think it has proceeded as long or longer than it is proving beneficial. It probably was beneficial to begin with. It at least has been made and it has been very effective along some lines, but it developed there that the coal condition was bad. It developed there that we had no ships to carry our soldiers and our supplies beyond the sea because we had no coal.

Why could they not shut down the breweries? Why could they not shut down the automobile manufactories and let the coal go where it will promote the winning of the war or promote the interests of the Government in the conduct of the war? That is what several men before our committee have suggested who have been in high position and have made a survey of the resources of this country both in connection with the war and in connection with the fuel supply. That is what some of them suggested ought to be done. They suggested it yesterday and the day before in the Military Affairs Committee—men who are in touch with the conditions and who have made a complete survey of the matter. Do you suppose that the Fuel Administrator, who made this order with the consent and the approval of the President, had not all of this matter in mind, had not all the evidence of this necessity before him when this order was issued?

I am surprised that this sort of a resolution has been introduced in the Senate. The author of it says, "We want a responsible source of centralized power," but when we have a responsible source of centralized power, and that power, after survey made, has acted, then he wants a stay of five days to see whether he was joking about the matter or not, or whether it ought to have been done.

What will a delay of five days amount to? We have been four or five weeks already in the Military Affairs Committee. If it takes five days it will take a month to investigate this thing to the extent that some of them expect it to be done; and afer a while it will be warm weather, and after a while the war will be over and the United States will not have gotten into it. It is about time, when we have granted the power and the agency has acted and expects to do something that we see will be beneficial and will promote the interests of the Government in the conduct of the war, that we let the matter stand as it is, without any review of it and without any delay of it.

I believe this resolution ought to be withdrawn, or if it is not withdrawn it ought to be defeated, and without one minute's delay.

Mr. SHERMAN. Mr. President, I am not insistent that a vote be taken instantly on a matter of this kind; but this resolution is one that must be acted upon very expeditiously if we would delay the effect of the order which has been made.

I very much doubt whether the Fuel Administrator understands the entire reach of this action of his. If some action is not secured by passing this resolution, all the stocks of surplus coal now in the great manufacturing districts of the country can not be burned or converted into any form of useful effort indefinitely. The only sane application of that power, it seems to me, Mr. President, would be by a monitory proclamation that will give the manufacturing and producing interests of this country a chance, by a delay of some reasonable number of days—five days, I believe the resolution provides—to anticipate its enforcement.

Mr. President, I am sure that the Fuel Administrator does not know that thousands of tons of soft coal are piled up in the yards and convenient to the furnaces of the great manufacturing districts of the northern Mississippi Valley. I am sure, too, Mr. President, that the Fuel Administrator does not realize that between now and the 1st day of May 80,000 corn planters and 100,000 reapers must be completed and ready for the corn and small-grain belt of the United States, and that scarcely half of them are made to-day. I repeat what I said here some months ago, that 85 per cent of all the agricultural implements of the world are made within a radius of 200 miles, drawn from Chicago as a center. Of those 80,000 corn planters and 100,000 reapers not more than one-half are made to-day. A majority of all the output of the agricultural implements not only of the United States but of the world are made in the Rock Island, Moline, and adjacent country. They have enough soft coal to run for some time in their factories. They will be instantly paralyzed by this order to-morrow, and at midnight to-night their shifts of hands must cease operation, their furnaces must die, and their unfinished machines must lie idle on the workbench and in their factories.

That is the effect of this order, and by June 1, or earlier in the southern parts of the wheat-producing country, these binders will be needed. Harvesting begins in May in the southern part of the United States. I think they cut about that time in Texas, if I remember rightly, and the harvesting belt moves on northward, and these supplies must be delivered in due season in order to supply the demands of those who require them.

That can not be done; these agricultural implements can not be completed if there is even a five-day delay. If there should be a month's delay, it would be a public disaster. To-day in one area of Illinois more than 10,000,000 bushels of corn are in the field or shock, rotting. It is bad enough as it is, although that is not beyond control. A better season than we have expected might come; cars may be available; the orders issued here may not entirely confiscate grain in the hands of the elevator men, and it is possible that that situation may be relieved; but if, on top of that, you destroy half the output of implements by the agricultural factories, if you destroy the corn planters, the reapers, and the mowers that take care of the grain, the seeding, and the forage in due season, do you think we will raise a record-breaking crop of 3,000,000,000 bushels of corn next year that now is potentially in the soil if you will give the farmers a chance to raise it?

How can it be done if you cut off one-half of the supply of necessary implements? In the four great States that produce corn—Nebraska, Iowa, Illinois, and Indiana—in the great wheat-producing States, the winter wheat of the great west and southwestern area, how will they harvest the grain if you stop the production of binders?

This is no idle jest. This is no mere empty-sounding proclamation of some university professor. This means the crippling of our allies in Europe. It means the shortage of our food. It means the discouragement of the farmer, both for

corn and for the bread-producing grains of the country. It means the blockade of the manufacturer. There never was a more flagrant instance of the lack of knowledge of one to whom great governmental power has been delegated by the Congress than the issuance of this proclamation by the Fuel Administrator. He has never gauged where this will ultimately land and what its evil effects will be upon the manufacturing industries of the country. The Senate would be justified in delegating no more powers to the executive branch of the Government, or to an appointive officer, if this is an illustration of where and how it is to be used.

I know something of the manufacturing needs of the country, at least the part that is supplied by my own locality. I know, Mr. President, that this order, if put into effect, will be an unmitigated calamity. This resolution proposes a very mild remonstrance, a five-day limitation, merely five days in which these surplus stocks of coal may be consumed, and the manufacturing world may adjust itself to their necessities. Possibly by that time something can be worked out, but it at least possesses the elements of sane and constructive wisdom that we give the five-day limitation embodied in this resolution.

Mr. MYERS. Mr. President, I have long heard criticism of Dr. Garfield, the Fuel Administrator, on the ground that he did not do anything. It has come through the press and from the floor of Congress that he did not do anything. It has been claimed that he spent all his time in giving out interviews and issuing proclamations and giving advice to the people and that he accomplished nothing. Now he has done something. It has been claimed that nothing he did amounted to anything. Now he has done something that amounts to something, and what is the result? A storm of criticism and condemnation on the ground that he has exceeded his power and has acted unwisely. He is criticized now because he has done something.

Ever since I have been a Member of this body I have heard a great deal of complaint, constantly growing complaint, about the alleged encroachment of the executive branch of the Government on the legislative branch of the Government. It is a common subject of complaint in Congress. We hear it in this body nearly every day. Yet, it seems to me, there is a constantly manifested disposition of Congress to find fault with all departments of the executive branch of the Government, to criticize them and investigate everything that is done by the executive branch of the Government. To investigate and denounce other branches of the Government seems to be the hobby of Congress. It seems to me that there is a perfect hysteria of investigation of everything that is done these days by the executive branch of the Government and a constant disposition of Congress to criticize what the executive branch of the Government does, to find fault with it, and to claim that Congress knows better how the executive branch of the Government should discharge its duty than does the executive branch itself.

Congress enacted the law under which this order in question is made and conferred the power to do so upon the President of the United States, and he is exercising it. Now the Senate appears dissatisfied because he did what Congress authorized him to do. Reference has been made here to the fact that the powers of the different branches of the Government should be coordinated and exercised by one head. They are coordinated now and executed by one head, by the President of the United States, who is the Commander in Chief of the Army and Navy in time of war. This order of the Fuel Administrator was undoubtedly made with the knowledge and sanction of the President of the United States; in fact and in law, it is the order of the President, and I am not willing to assume that he has acted without thought or ample reason, or that he does not know what he is doing. I believe he knows his business better than we know it.

It has been asked here, if this order is unwise, is Congress so impotent that it can do nothing about it? If this order is unwise and valid, the only thing that Congress could do would be to repeal or amend the law under which the authority was exercised. If the order is invalid, the judicial branch of the Government is the only branch of the Government which has power to remedy or correct the abuse. Congress has no power nor right to usurp the functions of the courts nor to attempt to rectify invalid actions of the executive branch of the Government. Our Government is divided into three branches—the executive, legislative, and judicial—and each is supreme within its own sphere of action. If Congress will attend well to its duties, I believe the executive branch may be trusted to attend to its.

I have no great amount of fault to find with this resolution and none at all with the distinguished author of it, but it seems to me that it is only a part of the general disposition of Congress to find fault with and criticize everything that the executive branch does and to manifest a plain belief that Congress knows better how the executive branch should discharge its duty than does the executive branch of the Government itself; and Congress is not at all slow nor timid about saying so, although I doubt if anybody else agrees with it.

I believe, however, that the best disposition which could be made of this resolution is that suggested by the Senator from Missouri [Mr. REED], that it be postponed for at least a couple of hours, or I would suggest until 5 o'clock this afternoon, for that matter, in order that the subcommittee of which the Senator from Missouri is chairman may have time to investigate the subject and question Dr. Garfield about his reasons for the order, which I am sure the subcommittee will do in a fair way, and report to this body, and then let us act understandingly and know what we are doing. We should have more light before acting. Until then, I reserve my judgment.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. The Chair wishes to state the parliamentary situation, and then he will recognize the Senator from Rhode Island. The question before the Senate is the motion of the Senator from Illinois [Mr. LEWIS] to postpone the further consideration of the resolution until to-morrow. It has been suggested that that be amended so as to postpone its consideration until 5 o'clock. Does the Senator from Illinois accept that amendment?

Mr. LEWIS. After the observations of the Senator from Rhode Island [Mr. GERRY] I will make an announcement to the Senate. In the meantime I will confer with the introducer of the resolution and be able to respond.

Mr. HITCHCOCK. What hour did the Chair suggest?

The PRESIDING OFFICER. The Chair was simply stating the parliamentary situation, that the question before the Senate was the adoption of the motion of the Senator from Illinois.

Mr. HITCHCOCK. If the Senator will modify his motion to 4 o'clock, it will be satisfactory to me.

Mr. SIMMONS. I hope the Senator from Illinois will agree to that.

Mr. LEWIS. I am perfectly willing. My object was to defeat precipitate action. I am only anxious for the length of time necessary.

I am willing to accept the suggestion and to make my motion 4 o'clock and let it be pending at 4 o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois to postpone the further consideration of the resolution until 4 o'clock this afternoon. Is that correct?

Mr. LEWIS. The suggestion I made is the suggestion of the introducer of the resolution.

Mr. HARDING. I do not wish to take the floor, but before the hour is agreed upon, if the resolution is to be effective it ought really to be disposed of by 4 o'clock. I have no desire to hasten consideration, but those who are familiar with industrial methods know that when quitting time comes at night the workmen in the various factories of the land get their instructions or their notification for the morrow. If the resolution is postponed until 5 o'clock——

The PRESIDING OFFICER. Four o'clock.

Mr. HARDING. I understand that 4 o'clock does not mean a vote.

The PRESIDING OFFICER. At 4 o'clock the resolution will be before the Senate.

Mr. HARDING. I understand that that means its disposition at a later hour, and there will be scores of factories throughout the country closed under the order of the Fuel Administrator and workmen sent home, who will not be expected to return to-morrow.

Mr. HITCHCOCK. I think the matter can be adjusted. There is now a motion before the Senate providing for the postponement of the resolution until 4 o'clock. Before that time speeches can be made, and when 4 o'clock arrives in all human probability we will be ready to vote.

The PRESIDING OFFICER. The Senator from Rhode Island will proceed.

Mr. GERRY. Mr. President, when I rose I understood the parliamentary situation to be that a motion had been made to postpone the resolution until 3 o'clock. Unanimous consent was asked and the Senator from Arkansas [Mr. KIRBY] objected. I rose to urge that the Senator would not insist on that objection, because I felt that the situation was such a serious one to the country at large, and also to my own State, that we should have the fullest information before we voted on the resolution. I am very glad that I misunderstood the parliamentary situation, and that now we are to hear from the committee the statement of Mr. Garfield as to why the order was made.

Of course, an order of this sort is bound to have a far-reaching effect, and while I yield to no one in a sincere desire to see everything done for our allies and for the carrying on of this war, I can not help but feel that an order so sweeping as this, which does not hold back the supply of coal for industries perhaps not absolutely necessary, but which touches all industries, is of such a character that at least the Senate of the United States is entitled to further information, and is within its rights when it asks that due consideration be given before the order goes into effect. I know in my own State how serious the coal situation is, how important is the work that it is doing for the armies of the United States and for the carrying on of the war. I appreciate how necessary it is to keep these industries going; and not only that, but also how essential it is to have the people know that the Government of the United States is acting wisely and for their interest and for the benefit of the entire country.

In a time like this, Mr. President, when the cost of living is naturally so high from war conditions, it means a great deal to the man in the factory if he loses his day's work. It means a great deal if many people are thrown out of employment. As the Senator from Ohio [Mr. POMERENE] said, that has a psychological effect on the entire country.

I do not believe that any step should be taken that in any way puts the people of the different great industrial centers out of work unless it is absolutely necessary for carrying on of the war; and if it is absolutely necessary for carrying on the war, then I know the people of my State will gladly and willingly make as great sacrifices as any people in the Union, for I feel that we are doing our share, and that Rhode Island bows to no State in its patriotism and in its desire to win the war.

Mr. McCUMBER. Mr. President, in its general aspect this subject is not a complex one. In the present emergency it appears to me to be quite a simple proposition. We will have two months of weather where it will be necessary to furnish coal to warm the people in the United States. Now, that is our first thought. The question, then, which appeals to most of us is this: Is there coal enough or is there transportation enough to furnish both the people in their homes with the necessary quantity and also to run every character of industry? If there is not, and if there is not a sufficient quantity of coal mined to supply these requirements, or if the railroads under their new management can not distribute what there is in sufficient quantities to meet the demand, then we are brought up simply to this one question: Shall the people be kept warm, or shall unnecessary industries be operated? As between the two I would have no difficulty in deciding that the theater and the moving-picture show and others of a like character could well wait; that even the manufacture and sale of automobiles could wait until the people have sufficient coal to keep their homes warm and fit to live in.

I shall hope that whoever has charge of this matter and who desires to postpone it until 4 o'clock this afternoon will ascertain whether it is possible with the present railroad equipment, even under the management of a dictator, to furnish coal to the people. If there is not enough for both them and the industries, it seems to me that we will have little difficulty in supporting what the Director or Coal Administrator has done so far. It is not a question of criticizing him for what he has done or what he has failed to do in the past. We are up against a situation, as I view it, and it seems to me that we have got to meet it, no matter whether the administration has run this arm of the Government skillfully or whether it has done otherwise. We can not wait to decide that. We must decide to-day, it seems to me, whether or not we will support an order to the effect that certain of the industries must cease operation until the people are assured of sufficient coal to last them during the winter.

Mr. HARDWICK. Mr. President, during the last session the legislation that conferred this power on the Executive was before this body. Certain Members of the Senate, on both sides of it, objected very strenuously, regarding the conferring of these powers as wholly unnecessary. But the Senate in its wisdom determined to grant these powers, and did grant these powers to the Executive of the country. Section 25 of the food-control act provides—

> That the President of the United States shall be, and he is hereby, authorized and empowered, whenever and wherever in his judgment necessary for the efficient prosecution of the war, to fix the price of coal and coke, wherever and whenever sold, either by producer or dealer, to establish rules for the regulation of and to regulate the method of production, sale, shipment, distribution, apportionment, or storage thereof among dealers and consumers, domestic or foreign.

Then provision is made that authority may be exercised through the Federal Trade Commission.

I can not find, on a somewhat cursory examination of the statute, where the President got the authority to appoint Mr. Garfield, although Senators who served on the committee and helped to frame this legislation insist it is somewhere else in the law; and it must be, since Mr. Garfield was appointed and is exercising this power under the President.

The Senate thought it necessary to confer these powers, and, exercising its constitutional function as a part of the law-making power of the Republic, it gave to the Executive this power. Personally I thought it was a mistake. Personally I do not believe it was necessary. Personally I voted against it. I do not believe that any one man, however wise or however strong, could possibly run the great business industries of this Republic with any degree of safety, satisfaction, or success, and I believe we had better rely on the ordinary processes of business and the ordinary methods of business to keep our country strong and adequate and able to successfully prosecute the war.

Congress, however, adopted the other view. It delegated this power—greater power, I think, over business than was ever before delegated in a free land in the history of the world—to the President of the United States. Now, when the President of the United States has exercised this power that we told him to exercise according to his own judgment and to his own discretion and to his own view of the situation, at its very first exercise we go to complaining, like a lot of schoolboys, without knowing the facts, without knowing what the necessity is for this order. It is not a safe thing to do. It is not a wise thing to do, and, if Senators will pardon me, it is not a patriotic thing to do.

If it was necessary to confer this power at all, and you said it was, certainly you ought not to complain at its exercise unless you are certain there has been abuse on the part of the Executive in the exercise of the power that we conferred.

The Senate, if this resolution is to be adopted, puts itself in a remarkable position. It humbly petitions an official it did not confirm, holding an office and not responsible to it, to postpone or revoke an order that he did not pass, except as the mere subordinate of the official whose agent he is.

Where we should legislate, we humbly petition; where we should command, we humbly beg, hat in hand.

There is no useful purpose to be served by adopting this resolution. If we were right when we passed legislation of this sort we must trust to the Executive to do the right thing or face the other alternative frankly and repeal the law. Why should this body petition a subordinate official of the Government, who has no legal existence, who does not hold an office created by law, but who acts as a mere agent of the President, to suspend or revoke an order that he has issued or has procured the President to make?

I say, in the first place, as a matter of correct procedure, if the resolution is to be adopted at all, if it is the judgment of the Senate that it ought to prevail, it should be directed to the President of the United States, to whom we delegated this power; to the President of the United States, upon whom we conferred this authority, and not upon some agent whom he has selected to help him in the exercise of his executive duties.

I say, in the second place, if we are going to pass legislation of this character, giving these people all sorts of power over the business and industry and the lives and the happiness of our people, when they exercise it it is useless as well as undignified in us to complain.

Some Senator has humorously suggested on this side that the proposition in a nut shell amounts to notice to the administration that if it does not quit enforcing some of these fool laws that we have enacted we will repeal them. That is about what it comes to.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The question is on the motion made by the Senator from Illinois [Mr. LEWIS].

Mr. SIMMONS. I understand the Senator from Illinois modified his motion.

Mr. LEWIS. I accepted the suggestion making the hour 4 o'clock, which, I understood, met the approval of the mover of the resolution, the Senator from Nebraska.

Mr. SIMMONS. That is satisfactory to me. I merely inquired if the Senator had modified his motion.

Mr. LEWIS. I am going to accept the suggestion for the purpose stated by the Senator from Nebraska, the Senator from Missouri having announced that there was a hearing proceeding.

Mr. HITCHCOCK. It has been agreed by us that the consideration of this matter shall be postponed until 4 o'clock, if that is agreeable to the Senate.

Mr. THOMAS. I merely wish to inquire whether the motion contemplates that the motion of the Senator from Virginia [Mr. SWANSON] shall be disposed of in the interim.

Mr. LEWIS. For myself I may say to the able Senator from Colorado that I have not comprehended the motion of the Senator from Virginia at all. That was not in the consideration of any motion I made.

Mr. THOMAS. Then I do not object to it. I do not think there will be time to consider the motion of the Senator from Virginia.

The PRESIDING OFFICER. The question is on the motion of the Senator from Illinois [Mr. LEWIS] to postpone the consideration of the resolution until 4 o'clock.

On a division the motion was agreed to.

NAVAL OIL SUPPLY.

Mr. SWANSON. Mr. President, I submitted to the Senate several days ago a motion to refer Senate bill 3521, introduced by me, in reference to the naval reserve oil lands, to the Naval Committee for consideration. I renew that motion.

Mr. THOMAS obtained the floor.

Mr. SMOOT. We had better have a quorum.

Mr. THOMAS. I yield for that purpose.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	New	Smoot
Bankhead	Johnson, S. Dak.	Norris	Sterling
Chamberlain	Jones, Wash.	Overman	Sutherland
Culberson	Kirby	Poindexter	Swanson
Curtis	Knox	Ransdell	Thomas
Fernald	Lewis	Robinson	Tillman
Gerry	McCumber	Saulsbury	Townsend
Gore	McKellar	Shafroth	Trammell
Gronna	McNary	Sheppard	Wadsworth
Harding	Myers	Sherman	Watson
Hardwick	Nelson	Simmons	Wolcott

Mr. LEWIS. I desire to announce that the Senator from New Mexico [Mr. JONES], the Senator from Mississippi [Mr. VARDAMAN], and the Senator from Kentucky [Mr. BECKHAM] are detained on official business.

Mr. SUTHERLAND. Mr. President, I desire to announce that my colleague [Mr. GOFF] is absent from the Senate on account of illness.

Mr. RANSDELL. I desire to announce the absence of my colleague [Mr. BROUSSARD] on account of sickness.

The PRESIDING OFFICER. Only 44 Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. PITTMAN, Mr. POMERENE, Mr. SMITH of Arizona, and Mr. SMITH of Maryland answered to their names when called.

Mr. FLETCHER entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. THOMAS. Mr. President, the motion of the Senator from Virginia [Mr. SWANSON] to refer this bill to the Committee on Naval Affairs, in my judgment, not only disregards all precedents hitherto observed but it also, if adopted, will deprive the Committee on Public Lands of its jurisdiction of one of the most important bills which has been or will be introduced in this Congress. I do not think that such a motion should be adopted by the Senate in the absence of some overpowering reason or necessity, and not then if it can be properly and fairly handled by the committee to which it ought to go.

We are doing a great many things nowadays, Mr. President, under the assumption that they are essential to the common defense and general welfare. No doubt many of these things are so in their nature and operation. On the other hand, human nature, which seldom changes, busies itself now, as ever, in assuming the shelter of a popular purpose for much proposed legislation which, appearing under such a title, only assumes to deceive. Scarcely a bill is now introduced but that a part of its title proclaims it as "an act to provide for the common defense and for the general welfare." Whether it be a bill to increase a pension or to remove the disabilities of some deserter who wants a pension; whether it be a new extension of our river and harbor system or for any other purpose, it is apt to come here disguised as an essential to the general defense and bound to promote the public welfare.

This bill in its essence would seem to be exempt from the criticism which I have just made; but when we consider the circumstances surrounding it and the fact that the immediate purpose is not that expressed in the title of the bill, I think it is subject to the ban. It does not provide for the common defense and the general welfare any more than other bills that have been introduced here affecting the public domain.

Why do I say that? First, Mr. President, because there is and there has been no intention on the part of the Secretary of the Navy and those who advise him to immediately develop these naval reserves, and if I were mistaken about that fact—which I am not—it would be scarcely possible, unless this war lasts much longer than we all hope it may, to carry these reserves, with the possible exception of reserve No. 1, to that degree of development which would make their stores of oil available in the present emergency.

Some time ago an oil man of experience and capacity, and who, notwithstanding that fact, is a patriot, suggested to the Navy Department the propriety of opening the reserve in Wyoming, the oil there being some 1,500 miles from the nearest seaboard, and exchanging it after production upon terms to be stated by the Navy Department for oil at the coast. He was told very vigorously, if I can judge from the way we treat witnesses now, and particularly in committee, by pounding a desk or table while you are propounding the questions, that no such proposal would be considered. This gentleman was informed that these reserves were designed to be kept practically in perpetuam or until the presence of some great emergency made it necessary to use them. They are to be conserved, preserved, and massaged for future generations. It was suggested by this gentleman that there was something of an emergency just at present before the United States, but the officials to whom he was referred, if judged by their actions, did not seem to think so.

I know of no greater emergency, Mr. President, that can confront this Nation than the one which now confronts it, except it be the day of judgment, at which time the oil in these reserves will be needed, if at all, for the cremation of those who in the final division are assigned to that portion of humanity denominated as the goats. [Laughter.]

If I am mistaken, Mr. President, about my assertion that there is no present intention of developing these reserves, I hope I may be corrected, because I do not wish in opposing this motion to base my opposition upon any fact or any situation which does not exist. If it be that these are reserves in perpetuity, how can the present welfare and common defense of the Nation be conserved by any provision or all of the provisions of this bill? If they can not, then what emergency exists which would justify our reversal of precedent and sending the bill to the Committee on Naval Affairs, instead of to the Committee on Public Lands?

The Senator from Virginia the other day, when he offered his motion, gave as an additional reason why the Senate should comply with his request that the bill should go to a committee that is friendly. He said:

> If the Senate is friendly to the protection of the naval reserves and desires them to be used for the benefit of the Navy, and it has the authority to refer bills to suit itself, the proper committee to have jurisdiction of the bill under the rules and precedents of the Senate is the Committee on Naval Affairs.

Mr. President, that is a new reason for departing from our customs and our rules. We must hereafter, if the argument is to prevail with the majority of the Senate, before referring a bill, in order to be consistent, ascertain what particular committee of the Senate is friendly to the measure, and, having so ascertained, then, without regard to the normal jurisdiction of committees, send it there.

I am quite willing, Mr. President, that this argument shall prevail here, providing that it be understood that we thereby set a precedent for the future. I have introduced several bills in this body, and thus far have not been very successful in securing their discussion.

If I might have sent them to a friendly committee, I might have secured an immediate favorable report. For example, for some time I was the chairman of the Committee on Woman Suffrage, and a number of land bills which I introduced could easily have been reported out and placed upon the calendar if they had been referred to that committee; but the idea had never occurred to me, until it was presented by the junior Senator from Virginia, that the mental attitude of a committee was a determining test for the reference of bills introduced here; and the very fact that the distinguished Senator resorted to such an assertion—I will not call it an argument, because the Senator does not do me the honor to be present during my discussion of his motion, possibly because its fate is already determined—involves the admission that the bill should be consigned to friendly hands if it were to be favorably reported. But the suggestion involves a sort of reflection upon the committee to which this bill should go; it carries an inference, at least, that the Committee on Public Lands is unfriendly to the bill. That I deny, Mr. President. Although I am not a member of that committee, I think I know in general the views which a majority of the members of that committee entertain regarding this bill. I agree with the sentiment which inspires many of its members and which is disposed to protect and conserve the interests and ownership of bona fide locations made by citizens of the United States, which are involved and imperiled by this proposed measure.

I might retort and say that there is not only no friendship for this class of men in the minds of a majority of the members of the Committee on Naval Affairs, but that their attitude is one of distinct hostility. If friendship for a bill is to be a controlling influence in the determination of a motion like this, it should not be a one-sided friendship, because otherwise not friendship but partiality would be the controlling factor. It is worse than partiality; it is prejudice as to some of the features of the measure and some of the interests to be affected by it. So that I hope the Senate, notwithstanding the fact that most of its Members are absent from their seats, will hesitate before they act finally upon an important measure of this sort for the reasons assigned by the mover of it and in its behalf.

It has been said, however, that this is not a bill which normally should go to the Committee on Public Lands, because it concerns naval reserves heretofore created by Executive order and for naval purposes. Why, Mr. President, the fact that the bill concerns reserves made and designated for a particular purpose certainly can not affect the broad question involved in the pending motion. Suppose that the President should tomorrow by proclamation set aside all of the spruce-timber lands on the public domain for the use of the aviation division of the War Department, would it be said that because of the purpose designed to be subserved by the reservation the Committee on Military Affairs would therefore be the appropriate one to consider either the question of the reservation itself or the rights based upon or growing out of it?

Once upon a time Congress either seriously considered or actually made—my memory is not clear as to which—a reservation of all public lands growing live-oak trees for the use of the Navy, the idea being to conserve that kind of timber for what was supposed to be an essential element of the public defense and the general welfare. I do not know to what committee that bill was referred, if indeed it was referred at all, but I am very sure that if then a Committee on Public Lands existed no one would have for a moment suggested that the bill should go somewhere else; and I may say in passing, Mr. President, that there was just about as much necessity for such legislation in the early days of the last century as there is at the present time for the creation of these naval reserves.

Neither is in anywise essential—I will not say "desirable"—but neither is in anywise essential for any purpose to be subserved by the Navy now or in the immediate future. If the case were otherwise, Mr. President, I would be the last man to stand here and waste the time of the Senate and of the public in opposing this motion.

However, this is not the time to discuss the merits of the bill, except in so far as that discussion is pertinent to the motion to refer. What does this bill propose to do? The first section declares:

> That the absolute title and right of possession to any oil or gas lands within the exterior boundaries of naval petroleum reserve No. 1 in California, as defined and established by Executive order dated September 2, 1912, naval petroleum reserve No. 2 in California, as defined and established by Executive order dated December 13, 1912, and naval petroleum reserve No. 3 in Wyoming, as defined and established by Executive order dated April 30, 1915, together with any oil and gas wells, machinery, equipment, appliances, and other property on, useful for, and incidental to the production, storage, transportation, refining, use, protection, and conservation of oil and gas on or in connection with said lands shall become vested in the United States upon the issuance from time to time by the President of an Executive order or proclamation to that effect—

And so forth.

I doubt, Mr. President, if a bill containing a clause at all analogous to the one to which I have just referred has ever been introduced in Congress. In one certainly, and in two probably, of these naval reserves are large bodies of land, the title to which belongs to private citizens, either individuals or corporations or both. They are as fully the absolute owners of their premises as, Mr. President [Mr. POINDEXTER in the chair], are you the owner of realty the title to which in the State of Washington stands upon the records in your name. They have acquired this property by an observance of the laws under which such title was derived; they have doubtless paid taxes, State, county, and local, upon it; but this bill, by an edict without precedent in the history of American or Anglo-Saxon legislation, by the proclamation of the President of the United States, proposes to wipe out those titles as absolutely and completely as though they never existed.

I assume from what the Senator from Georgia [Mr. SMITH] said during the discussion of yesterday, that he is rather inclined to favor the reference of this bill to the Committee on Naval Affairs. I want to inquire, now that he is in the Chamber, inasmuch as this bill by legislative edict proposes to destroy private vested titles in fee simple, whether he does not think there is something in the measure which justifies our resistance to the sending of it to a committee professedly so friendly as to justify the impression that it will be reported out at once for passage without amendment. The Senator from Georgia has been Secretary of the Interior in his time, and made one of the ablest and most competent officials who ever adorned that high position. I do not believe that in his wide experience in public or in private affairs he ever encountered a proposed measure containing such a provision.

But it might be said that the Committee on Public Lands has nothing to do with private titles; I concede that, for the sake of the argument; but there are other titles, Mr. President, not ripened yet into titles in fee simple, but titles that are descendable under the statute; titles which are taxable under the laws of California and Wyoming; titles, Mr. President, which have been acquired by citizens of the United States through a careful and religious observance of every requirement of the public law; titles which have been acquired through hardship and suffering and hazard of life and limb, through the expenditure of large sums of money, in the hope of finding treasure; titles recognized in the proclamation of withdrawal by President Taft, and entitled to protection, independent of such recognition, which this bill proposes to wipe out absolutely, without so much as giving the owner a hearing anywhere, except in the future, before the courts where the constitutionality of this measure must necessarily be tested, and which, in turn, involves renewed expense, delay, trouble, anxiety, and possible defeat.

The Senator from Virginia is an eminent lawyer; and I put it to him whether he ever before heard of such a thing as an attempt by a bill to wrest vested property from citizens of the United States, and, by the edict of the Executive, based upon the provisions of the act, to relegate that owner to the remedy of accepting what the Government afterwards sees fit to pay or going into the courts for the establishment of his rights. It is monstrous.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. THOMAS. I yield.

Mr. SWANSON. This bill provides the same procedure that is provided where steel is commandeered, where land is commandeered, or where any other property is taken by the Government. It is precisely the same method of procedure that Congress has authorized repeatedly, without any objection on the Senator's part, as far as I know. It is drawn as far as possible in such a way as to give to the Navy Department and the War Department all the usual powers to take private property for public use.

What does the bill provide? That the President of the United States—as was provided in the naval bill and, as I understand, in the military bill—can offer these people a certain amount of money for their property and their rights. If they see fit to accept it, it is paid to them. If they do not see fit to accept it, 75 per cent of the amount is paid to them in cash, and they have a right to go to the district court where the land is located, according to the law existing to-day, and have their rights litigated by the court.

I should like to ask the Senator why the people of these oil lands have any higher rights, any higher privileges, than people that have other property? We do not take from them anything that has not been taken from other people. We do not increase their rights, and we do not decrease them, under the law. I have always insisted, and I do not see why anybody else should insist further, that these people should be treated precisely like other citizens who own lands and have claims that the Government wants to take for public use. They should be paid, and this method of procedure is precisely the same method that is provided in other cases.

Mr. THOMAS. Mr. President, I must differ from my distinguished friend, much as I respect his legal erudition and his legislative experience. I concede that in times of war the Government may stretch out its hand and, for the existing emergency, seize personal property and occupy real property, and that it is the sole judge of the necessity prompting such action. But I deny that the Government has at any time in all its history. I deny that any State government under it has at any time in all its history, by legislative enactment declared that the absolute title to real estate held in private ownership

shall be vested by proclamation in the Government of the United States or in the State, as the case may be, and I defy contradiction of this assertion. I know that the Government has frequently taken property for its own purposes, but always through processes of condemnation, through a recognition of the right of the citizen to obtain, not the compensation which the President sees fit to offer, but the compensation which a commission or a jury shall determine after a full investigation.

Here, however, for all time, in the absence of any emergency justifying it, we propose in this bill to say by law that the premises of John Smith shall no longer be his premises, but when the proclamation of the President issues he shall cease absolutely to be an owner, and by virtue of the law and the proclamation his title is wiped out as completely as it would have been under the old common law under an act of attainder, the only difference being that the Navy Department, acting for the President, may offer a certain amount of money after it has taken this property without any hearing at all, and then say to the despoiled owner: "Take that or nothing, unless you can get more in the courts. If you deny the justice and equity of the price offered, take 75 per cent of it and litigate the remainder." In other words, he must take 75 per cent and spend it all, it may be, in litigating with the Government over the actual value of the property of which he has been despoiled and in waiting through the weary years that intervene between the institution of the litigation and its final determination in the Supreme Court of the United States.

Mr. SWANSON. Mr. President, if the Senator will permit me, all of this land belongs either to the Government or to private individuals. This bill provides that where there is an uncertainty, and where people have spent money that they might not have had a legal, technical right to spend, the President is authorized under the circumstances, even though the Government may have a right to the property, to pay them what it thinks right and proper under the circumstances. If those people see fit not to take that, then they go to the district court where the matter pends, just as they do when land is condemned for the Navy. We have seized land here and put the Government in possession, and afterwards fixed the price, and let them go to court to get the balance if they were not satisfied.

Mr. THOMAS. May I interrupt there? You were required before doing that to endeavor to come to a private agreement with the owner, failing in which you could take possession by making a deposit and then proceeding in court.

Mr. SWANSON. The Government proposes to do that, not only in this case, but it did it in the case of land in various places where navy yards were needed, where the land had to be taken at once. These wells are being operated frequently to the detriment of the Government. The Government needs the oil. The Government can not wait until the termination of long litigation to seize them and do this. The Government takes the property and leaves it to the courts to determine the title and the amount of value. That is all that is done. It is done in every other case.

Why should these people have any special privileges over anybody else? I can cite cases where it has been done for navy yards. The Government was put in possession and authorized to pay a certain price. If the owners did not accept it, the Government could pay them 75 per cent cash, and they went to the courts, precisely as in this case, and got more if the courts so determined. This is not a special case in that respect.

Mr. THOMAS. Mr. President, the Senator can not lay his finger upon a single act of Congress—if he can, I will vote to refer this bill to the Naval Affairs Committee—where the title to the real estate taken for navy-yard purposes was by legislative enactment and Executive edict declared to be in the Government of the United States. Every lawyer knows the proceedings to be followed in the exercise of the right of eminent domain: First, the public need which requires the condemnation; second, the attempt to arrive amicably and without litigation at an agreement as to value; third, the payment of that value before taking possession; fourth, failing to agree, then the deposit of a sum assumed by the court to be the fair equivalent of the value in the hands of the court itself for the benefit of the owner, followed by possession; fifth, the appointment of a jury or of a commission in an appropriate proceeding for the purpose of determining the question of value.

The Senator asks why these people should be treated better than other people owning other kinds of real estate. My complaint is that they are not treated as well, that they are treated far worse, that they are having their property confiscated in advance without their day in court; and the Senator overlooks the fact that much of this property is owned in fee simple absolutely, not a possessory right, but a right based upon the solemn transfer by the Government of the United States of its title to them because of their observance of all preliminary requirements.

Mr. SWANSON. If the Senator will permit me, when the appropriation bill was pending here at the last session, the Government was very anxious to get a naval base at Norfolk, without waiting for the title to be settled. In that appropriation bill, if I undersand it correctly, and I think I do, the officers of the Government were authorized to go and take possession of the land, which they did immediately, make an offer to the men that owned the land——

Mr. THOMAS. Exactly.

Mr. SWANSON. If they did not accept the offer, pay them 75 per cent of it——

Mr. THOMAS. Exactly.

Mr. SWANSON. And then, if they were not satisfied—the Government meanwhile being put in possession of the property, and the vested title being put in the Government—then if the people were not satisfied with what was offered they were entitled, precisely as in the case of this bill, to go into court and have a jury, as this bill provides, to determine the title as between themselves and other individuals and what was a fair price.

Mr. THOMAS. Mr. President, I am familiar with that particular legislation. It was opposed because there seemed to be no provision for ascertaining values in advance and giving the owner his day in court. I suggested during the discussion that, inasmuch as the bill provided for condemnation proceedings "according to law," and inasmuch as the statutes of the State of Virginia made provision for condemnation proceedings, the course to be followed was as required by those statutes. The senior Senator from Virginia [Mr. MARTIN] rose in his seat and made the statement that such was the fact; that these laws did exist; and that under them the proceedings would be instituted. The Senator's illustration is unfortunate for his argument, because it does not support it. On the contrary, it strengthens mine. I contend that never in the history of this country were titles confiscated by an act of the Congress, supplemented with an Executive edict.

Mr. SWANSON. If the Senator will permit me, this bill provides, if I mistake not, precisely as that bill provided——

Mr. THOMAS. The Senator is mistaken.

Mr. SWANSON (continuing). That it should be determined by the district court of the district where the land is located; but, anyway, that is a question that can be determined when the bill comes up on its merits. If it is thought proper to have the amount limited, or that the delay shall come in this matter after the value has been ascertained, whether that should be prior or later, is a very proper thing to discuss when the bill is considered on its merits.

Mr. THOMAS. I agree to that, Mr. President.

Mr. SWANSON. Whether it is wiser to put the title in the Government now or to wait until these condemnation proceedings have been conducted in the district court, and let the value be fixed, and then let the title be vested afterwards, is a question of policy on the part of the Congress; and, so far as that is concerned, it is a matter that is not very material. The Senator will have an opportunity to offer an amendment in that respect. The question here is, To which committee shall this bill be referred to finally dispose of it, perhaps to change the bill entirely by amendment, and to consider the disposition of the measure?

Mr. THOMAS. Mr. President, unfortunately the Senator from Virginia did not honor me with his presence during the first part of my discussion. During his absence I called attention to the fact that among the reasons assigned by him for disposing of this bill according to his motion was the assertion that it ought to go to a friendly committee, presupposing the Naval Affairs Committee to be friendly at least to the naval reserve side of the bill, and that the Committee on Public Lands was unfriendly to it. I wished to and did point out some of the things to which the committee would be friendly, which in my judgment should never disfigure any bill, whether referring to the public lands or otherwise. In saying that I make no possible reflection upon the good faith of the Senator or his capacity to draw the bill. I think that in his zeal he has overlooked a condition here which, when accompanied and supplemented by the friendship of the committee to which he wishes it to go, may result not only in great hardship, but even in the defeat of the bill itself.

It rather grieved me to hear the distinguished senior Senator from Minnesota [Mr. NELSON] a morning or two ago practically condemn all claimants to the right of possession under locations of any of the premises included within the boundaries of these reserves, forsooth because some scoundrel or scoundrels taking advantage of the letter of the law had defied its spirit

in making spurious locations. Mr. President, you can not possibly exclude the unscrupulous and the adventurer from taking advantage of activities produced by the energies and the expenditures of honest men and seeking to profit by them in the making of spurious locations. You can not exclude scoundrels from any adventure which honest men may have followed and developed to the point of profit. They are bound to use every possible method whereby they can enjoy some of the prosperity and the profits thus ensuing. But it is not right, Mr. President, because such individuals exist and are perniciously active, to condemn everybody connected with the same enterprise or engaged in the same line of business.

I have known professors of the Christian religion occasionally to fall from grace. I pretend to no particular advocacy of Christianity, but I certainly would not condemn an entire denomination because of the scoundrelism of some of its members, however prominent they might be. I have no right to speak for the Committee on Public Lands; but, knowing the men who compose it, I am justified in saying that not one of them wants to do anything to further the fraudulent schemes, the dishonest locations, or the fictitious claims of any man or set of men. But, thank God, they have not reached the point in their opposition where they are willing to include in their general condemnation the men who have honestly and lawfully and conscientiously taken advantage of the opportunities offered by the statutes of their country, and but for whose energies, risks, and expenditures there would be no naval reserves in the West or anywhere else. As the Senator from Utah [Mr. SMOOT] suggests, the Government would forever and ever have remained ignorant of the tremendous values concealed in the bosom of these desert hills, the outpouring of which is entirely due to the men who have incurred not only the displeasure but the suspicion of the officials of the Government of the United States, or many of them. It is absolutely wrong; it is unjust; it is cruel; and I predict here and now that if this policy continues the further development of the vast public domain of the United States will cease and its progress in settlement and in the opening of its resources will be permanently halted.

A little while ago some adventurous gentlemen, good citizens of my State, risked large sums of money in prospecting for oil in a region which had been condemned by the Geological Survey of the United States. They discovered a magnificent treasure of oil, and within less than 30 days the Government of the United States, through the Executive and by the advice and direction of the departments, withdrew this land from public occupation and development. I once heard a story of a woman who, aftering retiring, told her husband she thought she heard a burglar. "Well," he said, "my dear, let him hunt, and if he finds anything we will take it away from him." [Laughter.]

The Government of the United States is not a burglar, but it acts nowadays upon the husband's suggestion. It invites its citizens to explore the public domain, and if they find anything it then proceeds to take it away from them. If that policy had been followed in the good old days when Kentucky was a part of the Old Dominion, and in the days that followed our acquisition of the Louisiana Purchase, this magnificent Republic would still be confined in its population and energies to the Atlantic seaboard.

It was not a crime then, nor a disgrace, nor an act of treason or lack of patriotism, for men with their families to blaze the way through the trackless forests of the Mississippi Valley, to penetrate far beyond the fringe of civilization and of settlement, and redeem from the intolerant forces of nature that magnificent section of the United States upon which the Republic to-day depends for victory in this, the greatest war of the centuries. Thank God, there is one committee of the Senate which is still friendly and tolerant of that spirit which settled the West, and which, if left untrammeled, will furnish all the oil that this country and its allies need, even though this war should last for a century, the supply of which now is limited because of the restrictions placed by the Government upon its own resources. Do you wonder, then, that we feel that this measure should not take a course out of the regular order of references, but that it should go to the committee to which it naturally would be referred in the absence of the Senator's motion?

Mr. President, we of the West are very proud of the American Navy, even though we live in the heart of the continent, and many thousands of feet above the level of the sea. We entertain for it the same affection which inspires the distinguished member of the Naval Affairs Committee. We differ as to details, perhaps; but, nevertheless, our regard for this tremendous arm of the service is quite as extensive and as enthusiastic as that which prevails elsewhere. Within the past two or three years I have undertaken the pleasant task of vindicating the Secretary of the Navy from many of the aspersions cast upon him and at times when but few, if any, voices were heard from the members of the Naval Affairs Committee in his behalf. I mention this now merely to emphasize my assertion that I am prompted by no feeling of prejudice or disregard of the rights or interests of the Navy in asking that this motion be rejected.

I come now to another phase of the discussion.

Mr. President, this last naval reserve, if I remember the phraseology of the order, was created without any reservations whatever. This bill, if it becomes a law, will not only practically destroy by confiscation the possessory and fee-simple titles of individuals, leaving them afterwards to determine by court proceedings what they ought to get, but it will also destroy the interests which the public still have by virtue of express law in these reserves, without making any compensation whatever to them.

Mr. SWANSON. Mr. President, if the Senator will permit me, I think he is mistaken as to the main purposes of this bill.

Mr. THOMAS. I think not.

Mr. SWANSON. As I understand the bill, there might be an amendment to section 1 making an exception so far as claimants are concerned; but section 5 of the bill seems to entirely eliminate the impression that the Senator has in reference to the bill. Section 4 authorizes the President to compromise with all claimants in this naval reserve. Section 5 provides that in case of disagreement as to title or value the Attorney General is directed to start condemnation proceedings in the district court.

Mr. THOMAS. That is a conflict in terms. The bill says that upon proclamation of the President the Government shall become the absolute owner of everything personal and real upon these reserves.

Mr. SWANSON. And it becomes subject to condemnation proceedings; but an amendment could be inserted, and I would not object to it, providing that they shall lose the title except where there are disputed private claims. I have no objection to an amendment of that kind being put in, and letting the condemnation proceed as in other cases, if it is not already in the bill. I have always stated that these people were entitled to the same privileges and the same rights, no more and no less, that belonged to other people.

Mr. THOMAS. I think the Senator's contention is perfectly sincere. Unfortunately there is a vast difference between his contention and his bill.

Mr. SWANSON. There would be no trouble whatever except where there are private claims. An amendment could be made to the first section, and then those people would have the benefit of condemnation proceedings under section 5 precisely as they do in other cases.

Mr. THOMAS. Mr. President, of course an amendment of that kind would put a slight sugar coating upon the pill, but it would be extremely bitter nevertheless. The United States is a great country. We all love it. We love to speak well of it, but as a debtor it is one of the most dishonest institutions in the world. The Government does not pay its honest debts to its citizens, and every man and every woman within the sound of my voice knows that to be true. We can pass pension bills ad libitum, because the beneficiaries vote; we can erect public buildings in every little crossroads in the country, and by that means we can make capital for the next election; but when it comes to paying the claims of honest creditors the Government fights harder and longer than anybody. Even after the Court of Claims gives judgment for the citizen he must still run the gauntlet of the Committee on Claims and then of the Congress. He starts with abundant and rosy hopes, and he generally ends by burial in the paupers' graveyard.

It is all well enough to relegate these poor fellows to the tender mercies of a condemnation court. Of course, we will take that if we can get nothing better; but I protest, Mr. President, that it is not right to compel the citizens of the United States to follow such a course and then be dependent upon the charity of the Government as to what amount may be paid; and, as suggested by the Senator from Utah [Mr. SMOOT], many of these claimants have practically spent all the money that they had and all that they could beg, borrow, or steal in the effort to establish their claims and protect their reputations against the prejudices and charges of wrongdoing which the Government seems to make or to entertain.

Mr. SWANSON. I will state the information I have from the papers is vastly different from that.

Mr. THOMAS. I have no doubt of it.

Mr. SWANSON. The information I have is that they spent in all about $3,000,000, and have about $7,000,000 already of the aggregate claims there.

Mr. THOMAS. You can not judge a general situation by one or two instances. In the Cripple Creek mining district, in my State, there are 19,000 locations of so-called mines, and out of them less than 15 that ever paid a dividend. There are ownerships by a fee-simple title, ownerships by location and the observance of the requirements of the laws of the United States, but the vast majority of these other claims are held in and by virtue of that hope for values which is the constant inspiration of the prospector and of the miner, without which we would have no mining industry in this country. There are two or three owners of claims within the naval reserves who have made some money, most of which is impounded by the Government. But how about the vast army which up to this time have not been successful, many of whom would have secured oil long since but for governmental interference?

Mr. President, this is in some degree a digression, prompted by the Senator's criticism. My purpose, if I can, is to present the reasons why the Committee on Public Lands should have control of this bill and why the motion of the Senator from Virginia should be denied, and in doing that to draw attention to the contents of the bill which actually invoke the jurisdiction of that committee or at least fall under the purposes for which it was organized.

In the first place, let me say that these reservations are permanent, at least the one in Wyoming is permanent, if I remember the phraseology of the President's proclamation; but under the provisions of the only existing law on the subject, the Pickett Act, the President is authorized in his discretion to "temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States."

There is no executive power since the passage of that act to create a permanent reserve upon the public domain for any purpose upon earth. But by section 2—and I am indebted to my colleague for calling my attention to this—it is provided that "the lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same applies to minerals other than coal, oil, gas, and phosphate." In other words, under the law under which the last reserve was created, and I think all of them——

Mr. SMOOT. All of them.

Mr. THOMAS. The Senator from Utah says all of them—any citizen of the United States may go upon them and prospect for gold, silver, lead, cinnabar, zinc, copper, and no man has the legal right to say him nay. Upon these naval reserves that right exists, yet this bill proposes to destroy, without compensation, that right which inheres to-day in every man who claims an allegiance to this Government.

How can it be contended, in the face of such a condition, that the Committee on Public Lands should not have control of this bill? I am glad they are friendly to the prospector. To paraphrase the argument of my distinguished friend from Virginia, let me say the bill should go to a friendly committee, and friendliness to him is more important in this matter than any other consideration, for I must contend that there is no emergent condition confronting the Navy; that these reserves are not designed for immediate consumption; and hence there is no necessity for such drastic legislation.

Mr. President, I have talked longer against this motion than I expected when I took the floor. I believe, however, that its importance fully justifies the length of the discussion. It is a vastly important question, Mr. President, a bill which should not be treated in an extraordinary way in the absence of extraordinary conditions or extraordinary reasons.

The Senator from Virginia, of course, does not mean it, for he is incapable of doing such a thing intentionally, but nevertheless this motion I regard as a practical affront to the Committee on Public Lands. It is aimed directly at their jurisdiction and because of an assumed friendliness in some other committee it is to be taken from them and placed in alien hands; that is to say, in the hands of an alien committee. I do not know what vote the Senate will take upon it, but I believe that if the motion of the Senator from Virginia prevails we will create a precedent that will return again and again to plague us.

Mr. MYERS. Mr. President, yesterday the distinguished Senator from Virginia [Mr. SWANSON] used this language in the debate on his motion. I quote from the RECORD of yesterday's proceedings:

> The navy yard at Puget Sound was once public land subject to entry, and was set aside.

I am informed on the best of authority that the land embraced in the Puget Sound Navy Yard was not public land when that navy yard was established, and never was, except at a remote time, and that it was entered by entrymen, and became in that manner private land—privately owned land—long before that navy yard was established. It was not public land at the time the Puget Sound Navy Yard was instituted. The land for that navy yard was acquired by purchase or condemnation. Some of it had to be condemned. I am informed by the Senator from Washington [Mr. JONES] that these are the facts. So I beg to correct the unintentional mistake that the distinguished Senator from Virginia made.

Mr. SWANSON. The Senator is entirely mistaken about any mistake on my part. Of course it was once public land. The whole of the land in the Northwestern Territory belonged to the United States Government. It was afterwards segregated from the public land and ceased to be subject to public entry, but after it ceased to be subject to public entry it was no longer public land subject to the jurisdiction of the Public Lands Committee. My contention was that if the Senator's position is correct about this, if it had ever been public land what is no longer public land is subject to the Public Lands Committee, that if it has ever been public land the Public Lands Committee ought to take jurisdiction for all future time of anything affecting it.

Mr. MYERS. The mistake of the Senator from Virginia consisted in using this language, "and was set aside." Here is the language:

> The navy yard at Puget Sound was once public land subject to entry, and was set aside.

It never was set aside, I am informed. It passed into private ownership through entry under the land laws of the United States, and at the time the Puget Sound Navy Yard was established the land was privately owned, and it was acquired by the Government of the United States through purchase and condemnation.

Mr. SWANSON. Consequently the Senator thinks that the Naval Committee ought to have jurisdiction of land that was once public land, against private ownership, if it wants it for naval purposes. The Naval Committee ought to have jurisdiction, ought it not?

Mr. MYERS. In the case of a navy yard that has been once established by law and is being devoted to the exclusive purposes of the Navy, I think the Naval Committee ought to have charge.

Mr. SWANSON. That is precisely the case here. This was private land. The claimant entered upon this public domain and got possession of it as private land, and we ask to continue that private land in the naval reserve precisely as was done at Puget Sound.

Mr. MYERS. These possessory interests are not patented. There is no patented land.

Mr. SWANSON. They claim that they ought to be patented. They have no title——

Mr. MYERS. No; they have not.

Mr. SWANSON. If the Senator will permit me, they have no title unless it passes from the Government to themselves. This is private land that we are trying to take. We do not want to condemn public land, and the Senator has admitted that in the case of the Puget Sound Navy Yard, where it got into the possession of private individuals and the Navy wanted it, it ought to go to the Naval Committee. That is this case.

Mr. MYERS. Is any of the land in the oil reserve in California patented land?

Mr. SWANSON. There have been patents issued to some, and some of it is not patented. Some patents have been issued to the Southern Pacific Railroad, and other people have gotten patents.

Mr. MYERS. I do not understand that the Senator's bill intends to take away lands that are patented to the Southern Pacific Railroad.

Mr. SWANSON. We do; we condemn it. We take land for a navy yard or for any purpose. It seems to me the Senator admits that the Naval Committee has jurisdiction of this matter if he takes that position.

Mr. MYERS. No; I do not. I will ask the Senator whether most of the land in this reserve is patented land or unpatented land.

Mr. SWANSON. About 9,000 acres, I understand, are in contest as to whether a patent ought or ought not to issue.

Mr. MYERS. How much of it is patented land which is admitted beyond dispute to be properly patented and properly owned by the patentee?

Mr. SWANSON. I could not state the exact amount.

Mr. MYERS. There is none at all that I know of.

Mr. SWANSON. There are, I understand, thousands and thousands of acres of private land that the Public Lands Committee has nothing whatever to do with, that are not public lands, that are not governmental lands, and it is the desire to have them condemned for naval purposes. What jurisdiction have you of private lands to determine whether the Navy should have them I have never been able to understand.

Mr. THOMAS. May I interrupt the Senator for a moment?

Mr. MYERS. Certainly.

Mr. THOMAS. There are in the naval reserve in California lands which are in private ownership under patent. There are also locations which are claimed to have been made by a strict observance of all of the legal requirements which are not patented, and which are, therefore, subject to entry. There are a few locations unpatented in the Wyoming reserve, but there is no patented land in that reserve.

Mr. SMOOT. Will the Senator yield to me for a moment?

Mr. MYERS. With pleasure.

Mr. SMOOT. The Senator from Virginia wanted to know what right the Public Lands Committee of the Senate had to deal with private lands as provided for in the bill. Section 4 authorizes the President to agree with any claimant or owner of any property taken under this act upon a division of land or the proceeds of operation upon any exchange of land without the naval petroleum reserve for lands within the reserve. In other words, the section provides that the actual owners as well as the actual claimants of lands within this reserve may select lands from the public lands.

Mr. SWANSON. If the Senator will permit me, in the first speech making this motion, I said there is but one thing in this bill which even by a remote construction the Public Lands Committee could get jurisdiction, and it was the provision which permitted an exchange of land inside the naval reserve where the President could satisfy claimants outside of the naval reserve upon lands which were public. In that phase of it I think that the Public Lands Committee and the Naval Committee would have equal jurisdiction. The exchange of lands inside the naval reserve the Naval Committee, I think, has jurisdiction of, but lands outside of the naval reserve the Committee on Public Lands has jurisdiction of. The committee could then probably take jurisdiction if that was all there was in the bill. But ninety-nine one-hundredths of the bill affects entirely the naval reserve. If the Senator takes that part which gives jurisdiction to the Committee on Public Lands I am willing to amend the bill and leave that out, so that you can consider the phase in connection with the exchange. I will offer an amendment to eliminate from the bill the provision that applies to an exchange of public lands. I am very anxious that you shall not have the least excuse for jurisdiction.

Mr. THOMAS. Does the Senator say he will offer it?

Mr. SWANSON. I say I will be very glad to eliminate it, so as not to give any idea that in the slightest way your jurisdiction was infringed upon.

Mr. THOMAS. Then the Senator consents to eliminate everything except the enacting clause?

Mr. SWANSON. No; because that is about what the Senator wants us to do.

Mr. THOMAS. Exactly.

Mr. SWANSON. Certainly that is what he wants done. They have been trying for years to keep the Navy from having this land for the proper use of the American Navy. I do not mean that the Senator is trying to do it; but there was a fight before he came here, and the question has been fought over ever since 1910, when the lands were withdrawn, whether they should be saved for the Navy or used for other purposes. I can understand well that the Senator and those that take his view of the case would be delighted to have all eliminated except the enacting clause.

Mr. THOMAS. If the Senator will permit me, I will say that is true. It is true, because I think I know better than the Senator from Virginia that the Navy does not need this reserve, or any of it.

Mr. SWANSON. So far as that is concerned, the Navy to-day——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Montana further yield?

Mr. MYERS. I yield.

Mr. SMOOT. I thought the Senator from Montana yielded to me.

Mr. SWANSON. No; he yielded to the Senator from Virginia.

Mr. SMOOT. No; the Senator from Montana yielded to me, and the Senator from Virginia interrupted before I concluded.

The PRESIDING OFFICER. To whom did the Senator from Montana yield?

Mr. MYERS. I do not remember, Mr. President; it was so long ago.

Mr. SWANSON. As the Senator from Utah is so impatient that he can not wait for others, I shall be glad to yield to him.

Mr. MYERS. I yield now to the Senator from Utah.

Mr. SMOOT. I simply wanted to conclude the statement I had started to make when the Senator from Virginia interrupted without asking permission through the Chair.

Mr. SWANSON. If the Senator will permit me, the Senator from Montana yielded to me first and he and I were discussing the Puget Sound Navy Yard when the Senator from Utah injected himself into the debate.

Mr. SMOOT. I addressed the Chair, and I assumed that the Senator from Montana had yielded to me.

Mr. MYERS. I am yielding to the Senator from Utah, and when he finishes his remarks I would like to have the floor a little while myself.

Mr. SMOOT. All I was going to add to what I said before was this, that if the position taken by the Senator from Virginia is correct, then the Public Lands Committee had no jurisdiction whatever over the Walsh bill unless lands affected were eliminated from a reserve. That bill was sent to the Public Lands Committee. The Senate acted upon it, the report was made, and not a word was said about the lands that were in reserves that were legislated upon under that bill. That is what I wanted to call the attention of the Senator from Montana to.

Mr. SWANSON. The Senator will take that as a precedent.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Virginia?

Mr. MYERS. I yield.

Mr. SWANSON. When the Naval Committee made objection to disposing of the naval provision in that bill, it was gladly eliminated, showing that they thought the Navy ought to be considered in the disposition of the naval reserve. Now, if the Senator will take that bill as a precedent, the precedent is still stronger for the Naval Committee having jurisdiction of this measure, because that was eliminated from the bill, expecting this bill to follow.

Mr. SMOOT. I want to say to the Senator that there was no objection to the elimination from the Walsh bill, and the question as to where it should be referred never was questioned when referred to the Public Lands Committee.

Another thing I want to call the Senator's attention to is that the Public Lands Committee have reported time and again legislation affecting these very reserves. I want to say also, and I say it without a question of doubt in my mind, that the legislation would have been passed if the Navy Department and the Interior Department had not been at loggerheads over the question of the character of the legislation. The Public Lands Committee have always been friendly to legislation of this character. The statement which was made by the Senator from Virginia that the Public Lands Committee—and he did not say any particular member of it, but the committee—wanted to strike out all after the enacting clause of this bill does not apply to the majority of that committee. I am quite certain, as I said yesterday, if the bill was referred to the Public Lands Committee the committee would report the bill favorably to the Senate.

Mr. SWANSON. If the Senator will permit me, last year—I can not say whether by resolution or how it was done—the Naval Committee was requested for two weeks to make a full investigation of this matter, looking into the right and title of claimants in this naval reserve, and if I mistake not that committee was invoked by western Senators, members of the Committee on Public Lands, to see what action should be taken. Did they say we had no jurisdiction? Why did they ask us to investigate it if we had no jurisdiction?

Mr. SMOOT. I think it will be found that the resolution was introduced by a member of the Naval Committee and referred to that committee. It was never discussed in the Senate, and it referred only to titles of lands within the reserve. The question of the disposition of the land never was referred to the committee. If that had been in the resolution I have no doubt but what there would have been a question raised on the floor of the Senate as to its reference.

Mr. SWANSON. I think it referred to a bill introduced by a member of the Public Lands Committee.

Mr. SMOOT. If I remember it aright it was introduced by the Senator from Nevada [Mr. PITTMAN]. I am only stating now from my memory, but as I remember it it was introduced by the Senator from Nevada, and he, as a member of the Naval Committee, asked that it be referred to that committee, and nobody objected because it had no reference to the disposition of the lands. But this bill is for the disposition of the land, and whenever it comes to the disposition of public lands the measure ought to go to the Public Lands Committee or that com-

mittee ought to be discharged from the further consideration of public-land questions.

Mr. SWANSON. The Senator is entirely mistaken. These lands have been set aside for the exclusive use and benefit of the Navy by proclamation. This is a bill to allow the Navy to do what is its right as to refining oil, as to storing it, and as to what disposition shall be made of it, as the Navy sees proper. Does the Senator think the Committee on Public Lands knows better than the Naval Committee the amount of oil needed by the Navy, the amount for refining and for stores, and for everything that appertains to the Navy? These lands were set aside for the exclusive use and benefit of the Navy in 1912, and all we ask is that the Naval Committee may investigate and report as to the operation, as to the refining, and as to the storing and the disposition to make of it. As I stated, the only thing in which it affects the public lands outside of that is the privilege given the President to exchange lands of claimants in the Naval Reserve for lands outside, and I will ask that that be excluded, so that you can not have the slightest idea of any intrusion on your rights.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. MYERS. I yield to the Senator from Utah, and then I shall decline to yield further.

Mr. SMOOT. I wish to call the Senator's attention to the fact that these lands were withdrawn by a proclamation of the President for a naval reserve based upon what is known as the Pickett Act, and that authorized the President of the United States to only withdraw lands temporarily.

Mr. SWANSON. What did temporarily mean?

Mr. MYERS. Mr. President, I decline to yield further. I demand the floor for myself.

Mr. SWANSON. If it means that the President——

The PRESIDING OFFICER. The Senator from Montana is entitled to the floor and refuses to yield.

Mr. MYERS. Mr. President, I ask not to be interrupted during the remainder of my brief remarks. I am always glad to give a liberal latitude to other Senators for interjecting their speeches into the body of my speech, in order that their speeches may be read by the public, but I do not care to go too far in that direction, and I decline to yield further. I started out to show that the Senator from Virginia was mistaken, and I ask not to be interrupted until I have completed my exposé of his mistake. The Senator on yesterday said:

> The navy yard at Puget Sound was once public land subject to entry and was set aside.

There never was an acre of the Puget Sound Navy Yard set aside. At the time the Puget Sound Navy Yard was established there was not an acre of unpatented land embraced within its boundaries; every acre was patented land, and every acre was acquired by the United States Government by purchase or condemnation. That is my information from the Senator from Washington [Mr. JONES], who is acquainted with the facts.

As to this reserve in the State of Wyoming, embracing the land affected by the Senator's bill, there is not an acre of patented land. In California there is some land patented to the Southern Pacific Railroad, but the greater part by far of the land affected in the State of California is unpatented land. So there is no analogy whatever in the two cases, and the Senator from Virginia was clearly mistaken.

Now, this withdrawal of which so much has been said is based on the Pickett Act, and I will read the Pickett Act.

> *Be it enacted, etc.*, That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

That is the first section of the act. It provides for the temporary withdrawal—only temporary—from settlement, location, sale, or entry of any of the public lands of the United States, and for reserving the same for water-power sites, irrigation, classification of lands, or other public purposes. Does that withdrawal make them cease to be public lands of the United States? There have been thousands and thousands of acres withdrawn from the public domain by executive order for water-power sites. Would any Senator claim that those lands withdrawn for water-power sites cease to be public lands of the United States; that the title is no longer in the United States; that the disposition and the use of the land is no longer under the control of the United States? Thousands of acres were withdrawn for forest reserves and other purposes, but they are still public lands of the United States. If the contention of the Senator from Virginia is correct——

Mr. SWANSON. Will the Senator permit me?

Mr. MYERS. Yes; I will yield for a question.

Mr. SWANSON. Did the Committee on Commerce take possession of the water-power bills?

Mr. MYERS. On navigable streams, but scarcely one of them runs through the public domain. The Senate Committee on Public Lands has taken charge of all bills that proposed legislation pertaining to the development of water power on the public lands of the United States. If the contention of the Senator from Virginia is correct, then that legislation, I suppose, would have gone to the Senate Committee on Irrigation and Reclamation.

Mr. SWANSON. I think the Senator is mistaken about the fact. As I understand it, where all navigable rivers were concerned the bills went to the Committee on Commerce that had jurisdiction of the subject. If the same analysis applies on lands belonging to the Navy, a measure affecting the Navy ought to go to the Committee on Naval Affairs.

Mr. MYERS. There are no navigable streams of any consequence running through public lands. If there be any at all, the proportion is negligible; it is inconsequential. Then, I suppose the Senator would have legislation for the development of water power on nonnavigable streams go to the Committee on Irrigation and Reclamation and leave the Committee on Public Lands without any jurisdiction over legislation for the development of water power on public lands. All the legislation for the development of water power on the public domain of the country has gone to the Senate Committee on Public Lands.

Furthermore, section 2 of the Pickett Act says——

Mr. POINDEXTER. May I ask the Senator just a question?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Washington?

Mr. MYERS. With pleasure.

Mr. POINDEXTER. I ask it to indicate a reason why such bills as he has referred to have been sent to the Public Lands Committee. Is it not a fact that there has been no committee on water power? If there had been a committee on water power, water-power bills would naturally have gone to that committee.

Mr. MYERS. That might be; and if we had other committees not now in existence a great many other bills might go to other committees than the committees to which they go; but bills for development of water power on public lands have all gone to the Committee on Public Lands, because it was clearly the proper committee under the rules of the Senate and according to the committees as they are now organized and exist.

Section 2 of the Pickett Act provides:

> That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates——

Showing that the Congress in enacting that law had in mind the plain and specific intent to retain within the Government of the United States the control of those lands and the granting of any privileges or rights or concessions in them; retained in the Federal Government the right to say what might and what might not be done with them and the right to preserve the interests of the public in them as a part of the public domain of the country.

SUSPENSION OF ORDER OF FUEL ADMINISTRATOR.

The PRESIDING OFFICER. The hour of 4 o'clock having arrived, under the order of the Senate the consideration of the resolution submitted by the Senator from Nebraska [Mr. HITCHCOCK], relative to the suspension for five days of the order of the Fuel Administrator, will now be resumed.

Mr. REED obtained the floor.

Mr. GALLINGER. Will the Senator from Missouri yield to me simply to have a dispatch read?

Mr. REED. Certainly.

Mr. GALLINGER. I submit, and ask to have read, a telegram, which I have just received, touching the question under consideration.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

> Hon. J. H. GALLINGER,
> *United States Senate, Washington, D. C.:*
>
> Our mills in your State have substantial Government orders. Garfield drastic order seriously affects the ability of the company to make deliveries of cloth to the Army. We strenuously oppose the order and appeal to you to remedy this national catastrophe.
>
> WM. M. WOOD,
> *President American Woolen Co.*

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Norris	Smoot
Bankhead	Johnson, Cal.	Overman	Sterling
Beckham	Johnson, S. Dak.	Owen	Stone
Borah	Jones, N. Mex.	Poindexter	Sutherland
Brandegee	Jones, Wash.	Pomerene	Swanson
Calder	Kellogg	Ransdell	Thomas
Culberson	Kirby	Reed	Tillman
Cummins	Knox	Robinson	Townsend
Curtis	La Follette	Shafroth	Trammell
Fernald	Lewis	Sheppard	Underwood
Gallinger	McCumber	Sherman	Vardaman
Gerry	McKellar	Shields	Watson
Gore	McLean	Simmons	Weeks
Gronna	McNary	Smith, Ariz.	Wolcott
Hale	Martin	Smith, Ga.	
Harding	Myers	Smith, Md.	
Hardwick	New	Smith, S. C.	

The PRESIDING OFFICER. Sixty-five Senators having responded to their names, there is a quorum present. The Senator from Missouri will proceed.

Mr. REED. Mr. President, pursuant to the announcement made to the Senate a short while ago, the subcommittee of the Committee on Manufactures procured the attendance of Dr. Garfield for the purpose of learning his reasons for the issuance of the order, now under consideration, touching the closing of factories. It is due to Dr. Garfield that I advise the Senate that he came immediately upon request and in the most courteous manner answered the inquiries of the committee. I shall endeavor, and I hope without interruption, to present a fair epitome of the statement made by Dr. Garfield. I shall not object to interruption as soon as I have presented that digest of his statement. The testimony of Dr. Garfield is being transcribed, but only a small portion has been delivered, and so I am obliged to speak from memory. If in any respect I vary from an accurate statement, my associates upon the committee will correct me. I apologize to the Senate for making an oral report, but time presses, and there has been no opportunity to prepare a written report.

In substance, Dr. Garfield stated that the order as it appeared in the newspapers was substantially correct, but he produced a typewritten document, which he furnished to the Senate as the exact order so far as it has been perfected. The doctor stated that the order which had been given to the newspapers was in the nature of a brief of a more detailed order that is being prepared, but that it contained the substance of the completed order, with the exception that there should be added to the order the further statement that the various classes of consumers who are to be entitled to preference and who are indicated by what we call the initialed paragraphs of the order are all to stand upon the same level; that is, there are to be no priorities among those named in the initialed classes, to wit:

(a) Of railroads.

(b) Of domestic consumers, hospitals, charitable institutions, and Army and Navy cantonments.

(c) Of public utilities, telephone and telegraph plants.

(d) Of ships and vessels for bunker purposes.

(e) Of the United States for strictly governmental purposes, not including orders from or for factories or plants working on contracts for the United States.

(f) Of municipal, county, or State governments for necessary public uses.

(g) Of manufacturers of perishable food or of food for necessary immediate consumption.

The doctor stated that all of those classes stand upon the same level; that there are to be no priorities among them. He further stated that there were to be certain exceptions of industries from the order; that the only one absolutely determined on as yet was that shipbuilding was not to be taken as within the order requiring a shutting down.

Mr. ROBINSON. And airplane construction.

Mr. REED. I thank the Senator from Arkansas—and airplane construction; but that the Secretary of War and the Secretary of the Navy are each preparing an additional list of excepted industries. He further suggested that in a public hearing he had rather not be more specific, but indicated that the industries which were to be excepted were those which, in the opinion of the Secretary of War or the Secretary of the Navy, were immediately connected with the production of war supplies. Otherwise the order is to stand as presented.

Mr. VARDAMAN. He also stated that he reserved the right to enlarge the list.

Mr. REED. Oh, yes; he stated that the right was reserved to enlarge the list. I thank the Senator from Mississippi for the correction.

Dr. Garfield further stated that the order to close down would apply to factories possessing coal as well as to factories which do not possess coal, and that it was the policy of the administration to procure the closing down also of those industries which were operated by water power. He stated that he did not have authority under the terms of the law to compel that, but I think I can say that he said, or practically said, that it was the purpose to procure the closing down of all water-power factories; that that is the policy which is to be pursued.

The reason assigned was that if factory A happened to have a supply of coal on hand sufficient to operate for some time and factory B was dependent upon a supply of coal that was in transit and factory B was prevented from getting its coal by reason of this governmental order, it would be unjust to factory B to allow factory A to continue to operate; and that the same principle, namely, that it is unjust to allow one factory to operate that has the ability to operate while the Government takes an action with reference to coal supplies that stops other factories from operating, ought to apply to factories operated by water power as well as to those operated by steam obtained from coal.

The reasons assigned for the order were: (a)—I am stating them by paragraphs, not meaning that he stated them in the exact numerical order, but simply for the purpose of clarity.

(a) To prevent an increase of congestion at the ports or on the railroads leading to the ports of the country.

(b) To decrease congestion on other railroads in other parts of the country.

(c) To prevent inequalities between those factories which have coal and those factories which have no coal. I have already covered that.

(d) To recover from the coal shortage; that is, to permit——

Mr. BORAH. Mr. President, may I ask the Senator a question there?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. Yes.

Mr. BORAH. I desire to ask the Senator to restate the reason for closing so as to equalize opportunities in business?

Mr. REED. Well, that is my language, not the doctor's; I am trying to express his idea. It was:

(c) To prevent inequalities between those factories which have coal and those factories which have no coal.

(d) To recover from the coal shortage; that is, to permit coal production to go on and to restrict to a large extent coal consumption by stopping the factories. This is to be accomplished by continuing the work of the mines and by diverting the coal procured from the mines and the coal in transit to the preferential consumers in the order which I have already read to the Senate.

4. It is not proposed to take the coal from the factories now possessing coal and to use that coal to supply domestic wants. Neither is it proposed to take the coal from factories not in the preferential list and use it to keep the factories in the preferential classes running, but to allow the coal that is in the closed factories to remain unused; that is to say, the factories are to be stopped and the coal kept on hand.

5. Dr. Garfield bases his authority for this action upon section 1 and section 25 of the so-called Lever bill, which is now a law.

On inquiry, the doctor said he could not tell us how many factories at present were supplied with coal or how much coal was on hand in these factories; the information was lacking.

That, I think, is a fair statement of the testimony, without the argument, which it is impossible for me to reproduce from memory.

I will say now that, if any of my associates on the committee think there is any part of this statement that ought to be corrected or changed, I shall be glad to have their suggestions at this time; I am trying to make the recital as fair as I can.

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. Certainly; I am glad to yield to the Senator.

Mr. JONES of New Mexico. I shall not attempt to say that the Senator has not made a correct statement, and doubtless as full a statement as he contemplated making. I believe that there are some observations made by Dr. Garfield during the investigation which will be of value to the Senate; but, so far as the statement made by the Senator from Missouri is concerned, I think no reasonable objection can be made to it. There were, however, questions discussed to which the Senator has not adverted, which, doubtless, in the Senator's mind are not material, and I do not think it would serve any useful purpose for me to refer to them now; but, with the consent of the Senate, a little later I believe I shall ask the privilege of referring

to some arguments presented by Dr. Garfield, which have not been referred to by the Senator from Missouri.

Mr. REED. I have stated that there was some argument, back and forth, that I did not undertake to reproduce.

I may be permitted now, speaking for myself, to try and bring together the substantive statements of Dr. Garfield, and I want to do it——

Mr. VARDAMAN. Mr. President, if the Senator will permit me, before he begins another phase of the discussion, I think it but just to Dr. Garfield to say that, in response to a question propounded by me, he said that the purpose of this order was—first, to provide coal to prevent the poor men, women, and children of this country from freezing; and, second, to supply with coal our ships which are needed to carry freight to our allies across the water, but which are now lying in port and kept there because of a lack of coal. Those were the two cardinal purposes to be subserved.

Now, as to the argument, of course we indulged in a good deal of suggestion one way and another, but I think the Senator from Missouri has made a very candid and a rather full statement of the substance of what Dr. Garfield said.

Mr. REED. I endeavored to cover the points made by the Senator from Mississippi; he has, however, covered the subject better than I did. The purpose, Dr. Garfield says, is to clear the congestion at the great docks of the country. In substance, he was asked whether that could not be accomplished by merely stopping the shipment of goods to the great docks of the country without stopping the plants manufacturing the goods. I hesitate to try to give his answer to that. Perhaps one of my associates on the committee can do it better than I can; I confess that I did not get a reason that seemed to me to be a convincing one.

We inquired why the factories which had coal could not be permitted to run, and how stopping a factory not in the preferred list from using coal now in its bins increased the coal of those in the preferred list? The doctor, however, insisted that, as I have stated, if factory A had coal and factory B did not have coal and the Government by this order stopped the coal going to factory B, it was unjust to factory B to let factory A run; that all factories ought to shut down because some would be out of coal.

Inquiry was then made whether that was not making the general welfare of the country and the welfare of millions of wage earners subordinate to the financial or trade race between the owners of mills, some of whom happen to have coal while others have not. Dr. Garfield insisted—I think I can say he stoutly insisted—that that inequality ought not to be permitted. So far as I am concerned, and speaking for myself, I think the position most unsound.

There were, according to the census of 1914, 275,791 factories in the United States that were reported. I presume it is safe to say that that number is now considerably over 300,000.

Mr. LEWIS. Mr. President, had the Senator concluded his statement of all the reasons that were given by the Fuel Administrator?

Mr. REED. Yes.

Mr. LEWIS. I did not know the Senator had concluded.

Mr. REED. Yes; I had concluded that.

The total number of employees in factories in 1914 was 8,265,426. I think it perfectly safe to say that the number to-day is not less than 11,000,000. I base that statement upon other figures obtained at other times and from other investigations. If that is so, the total number of people dependent upon these factories, estimating 5 to an employee, is 55,000,000. If the number of factories to be affected by this order is one-half of the total factories—and I am confident the proportion is much greater—then there will be directly affected by this order as to their livelihood or income approximately 30,000,000 people. I am referring now to the wage earners in the factories. If the wage earners who are directly affected are 5,000,000 in number, and if they earn $3 a day each, and if they are put out of work for 15 days, that is a loss of work equal to one day for 75,000,000 people, which, at $3 a day, will make a loss in wages alone of $225,000,000. The value of the product compared with wages in 1914 was approximately 6 to 1; and if we apply that ratio, we have a loss in the value of the product of these factories which would amount to $1,350,000,000.

But this applies only to the wages of the men in the factories for the total period of time—15 days. There is consumed in the manufacture an enormous amount of raw materials. Out of the $24,000,000,000 of manufactured product in 1914 the raw materials were worth $14,000,000,000. The very large number of men employed in producing those raw materials I am unable at this time to estimate; but the wage loss alone by virtue of the stoppage of the industries of this country under this order, according to the best estimate I am able to make on short notice, will be not less than one and a half to one and three-quarter billion dollars.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. In view of that enormous loss to the wage earners of the country, what condition are these people to be in to purchase coal to keep them warm, admitting that there is coal to be bought?

Mr. REED. There are some questions that the Senator can ask me that I am unable to answer, and that is one of them.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do.

Mr. VARDAMAN. In answer to that question, the Fuel Administrator said that as this measure was a war measure and was in the interest of the United States and all of its people, he indulged the hope that the losses would not all fall upon the laboring men who were put out of employment for the five days, and that the factories would bear a part of this loss or give them wages during the time of their enforced idleness.

Mr. REED. Yes; he said more than that—that he thought it was the duty of the factory owner to keep up the wages as part of his sacrifice. I called his attention to the fact that even if the factory owner paid the wages of the men, thus preserving them from direct loss, still the production of the country would be decreased and the economic loss to the country would be equal to the total value of the goods that would have been produced, less the cost of production. Attention was also called to the fact that those products were essential to the economic welfare of this country, and that upon our economic condition depended our ability to carry on the war; that it is a war, as we sometimes have been told of coal, sometimes of steel, sometimes of ships, and more frequently of money; but, as a matter of fact, it is a war of resources; that when we shall have stopped millions of men from working and hundreds of thousands of factories from running we will have inevitably reduced the aggregate of our national resources. Attention was called to the thought the products of these factories are probably worth hundreds of times the value of the coal that may be saved.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to his colleague?

Mr. REED. I do.

Mr. STONE. The Senator from New Hampshire asked how this order would help the working people, if their wages were cut off, in securing coal to warm their homes, if there was any coal to be had. It is the last point in the Senator's interrogatory that struck me as a point that ought to be thought of at this juncture—if there is any coal to be had.

As I understand, the purpose here is to provide coal. One trouble, as we are told daily, is that there is not a sufficient amount of coal to be had. Now, shutting off wages is one very serious interference with procuring coal, undoubtedly; but, on the other hand, if the supply of coal that may be utilized is vastly increased, I think the one at least should be set off against the other.

Mr. REED. Mr. President, there is wisdom in what both of the Senators have said, but here seems to me to be the difficulty: It is not proposed by this order to produce a single pound more coal than is now being produced. It is not proposed to take the coal now on hand in the factories not in the preferential list and use them to run the factories in the preferred list. Neither is it proposed to turn these coals over to heat the homes of the people. It is only proposed to let these coals lie idle and deprive hundreds of thousands of people of work.

I stated in substance to Dr. Garfield that the order could be so limited as to give every preference in the distribution of coal desired, so that the coals would go to the exact places where the fuel administrator proposes to send them, thus giving to the householder all the coal that he will get under this order, giving to the munition factory all the coal it will get under this order, and giving to the railroad all the coal it will get under this order, and yet no single factory burning coal be required to shut down. That such a modification would save the closing of the hundreds of thousands of factories that have coal, and I asked him why these factories should be compelled to shut down. I especially asked why we should shut down the water mills? Why should the whole business of the country be halted, and all the wage earners be turned out of employment, because some factories may be out of coal?

Mr. NORRIS. Mr. President——

Mr. REED. Just a moment. I make for the present no quarrel with the proposition of giving preferences in the distribution of coal, but I can not see why the factory that has coal should not continue to operate, in view of the fact that it is not proposed to take that coal and distribute it to other factories or among freezing people. Above all I can not see why, for the purpose of preserving theoretical equality in the race for profits between manufacturing plants, we should stop the water mill because the coal is exhausted in some particular coal-consuming plant.

The Senator from Nebraska has risen. I yield. I was about through.

Mr. NORRIS. I wanted to ask the Senator whether Dr. Garfield gave any information, or, if he did not, whether the Senator has any information that he can give to the Senate, as to what proportion of the mills and factories affected have coal now, so that they could run?

Mr. REED. The Senator was not here when I made the statement that Dr. Garfield had stated to us that he did not have that information, either as to the number of factories or as to the amount of coal on hand.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I do.

Mr. POMERENE. What reason, if any, was given for having this order go into effect on only 24 hours' notice?

Mr. REED. We did not ask the question.

Mr. VARDAMAN. Mr. President, Dr. Garfield stated that this matter had been under consideration for several days or weeks; that the matter had been carefully worked out by himself in conjunction with other departments, and I presume he thought it was right and proper.

Mr. REED. I can throw a little light on that, Mr. President, because Dr. Garfield said that the reason the excepted factories were not specified in the order, and the reason he did not want to give them out now, was that the Fuel Administrator would be besieged by others seeking to be excepted. I think the fair inference is that they gave out the order on short notice because they wanted to get it into execution very promptly.

Mr. THOMAS. Mr. President, I should like to inquire if Dr. Garfield was interrogated as to the power which he possessed under the provisions of the Lever law, to which he referred, to shut down the operation of factories running by water power?

Mr. REED. In answer to the Senator I would say that he was asked, and he stated that he thought the power was contained in sections 1 and 25 of the Lever bill; but we did not go into any legal argument.

We knew that the Senate was practically waiting, and therefore we simply took his statement as to where he found his power, without further argument.

Mr. VARDAMAN. Mr. President, if the Senator from Missouri will pardon me, he misunderstood the Senator from Colorado. Dr. Garfield was asked about the power to interfere with the operation of a water mill, or a mill operated by water power, and he said he had no authority under that act, but that he was going to appeal to them upon grounds of patriotism.

Mr. REED. Did the Senator from Colorado limit his question to water mills?

Mr. THOMAS. Yes.

Mr. REED. I did not so understand, and am obliged for the correction.

Mr. THOMAS. If the Senator will permit me, I have not read the law for some time; but if my recollection serves me correctly, I do not think there is a word or a phrase in it to justify an order like this in its application to mills run by water power, because such an order can conserve nothing.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. REED. I do.

Mr. SUTHERLAND. I should like to ask the Senator from Missouri whether any statement was made by the Fuel Administrator as to whether plants using natural gas were included in these regulations, and also plants using hydroelectric power?

Mr. REED. The questions were not asked him, but I take it that if it is intended as a matter of policy to, in effect, apply this order to water mills, it probably would include natural gas, hydroelectric power, and everything else.

Mr. KNOX. Mr. President——

Mr. REED. I yield to the Senator from Pennsylvania.

Mr. KNOX. I wish to ask the Senator from Missouri specifically whether or not Dr. Garfield indicated the language in section 1 and the language in section 25 upon which he relied for authority to issue a notice to prevent manufacturers from burning coal that is already within their bins?

Mr. REED. I ought to say, in fairness to Dr. Garfield, that we were approaching the end of our inquiries. We found it necessary to come to the Senate. I therefore asked him to indicate the sections on which he relied. He said that he thought the power was lodged in section 25 and also in section 1, a part of which he read. I think I said to him in substance: "We have not time, Doctor, to go into the legal argument. I want to know the clauses of the bill on which you rely"; and he stood upon that statement.

Mr. VARDAMAN. Mr. President, if the Senator from Missouri will pardon me, we find the authority upon which Dr. Garfield relies in the last three lines of section 1:

> The President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act.

It is a general power.

Mr. KNOX. Mr. President, I only wish now to indicate that so far as I am concerned I have examined this act with a very great deal of care since this resolution was introduced this morning. I find nothing, especially nothing in the lines that have just been read, that indicates that this act ever contemplated that an individual was to be prevented from using his own property for his own purposes. As to section 25, I have read and reread that, and I find that the regulations which the President is authorized to make there and which apply to distributors and salesmen of coal, extend only to the production and the sale and the shipment and the distribution and the apportionment and the storage thereof.

I should like to ask just one further question, and that is, Did the doctor indicate that he had consulted the Attorney General or anyone else in connection with the making of this order?

Mr. REED. We did not ask that question. The Senator will understand that we were hurrying. We did not ask him whom he had consulted. I think I might say that we did not think it best, perhaps, to go outside of an inquiry with reference to what the Fuel Administrator had done in his own name.

Mr. KNOX. For myself, I rather think that a million German soldiers turned loose in this country would not create the havoc that this order will create if enforced.

Mr. McCUMBER. Mr. President, will the Senator permit me to ask him a question before he yields the floor?

Mr. REED. Certainly.

Mr. McCUMBER. I want to know whether it is the Senator's opinion that Mr. Garfield could not be induced to modify that portion of the order which prevents competing industries, we will say, from carrying on their business where they have the coal or the water power to carry on their business?

Mr. REED. Mr. President, the only answer I can make to that is that the principal part of the examination centered around that question. I think the most of the time was consumed in a sort of an argument between the members of the committee and Dr. Garfield upon that question. I think I can say, in all fairness to him, and I think he would desire me to say, that he very stoutly maintained that all ought to close if one was required to close.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Missouri if an analogy to that proposition would not be found if the Food Administrator to-night should issue an order that nobody living east of the Mississippi River should eat anything for the next week? Would not that be about the same method of curing the evil?

Mr. REED. Mr. President, in all matters concerning the Food Administration, I beg to be excused from even the appearance of criticism by indulging in what might be regarded as the odium of comparison. [Laughter.]

Mr. HARDWICK. Mr. President——

Mr. REED. I yield to the Senator from Georgia.

Mr. HARDWICK. Is it the opinion of the Senator from Missouri that if we pass this resolution it will do any good?

Mr. REED. I hope the Senator from Georgia will pardon me for not answering that question. Let me conclude and yield the floor to others.

I was speaking of the extent of an order of this kind. The capital invested in manufacturing industries in 1914 was nearly $23,000,000,000. I think it is safe to say that that has been enormously increased since then. The yearly value of the products was then over $24,000,000,000. I think it safe to say that figure can be now multiplied by three or four. The value of the raw materials then consumed in manufacturing was over $14,000,000,000. That, I think, has been correspondingly increased. These figures have relation to the matter under discussion only in the sense that the greater the industry and the

greater the values, the greater is the disturbance resulting from stopping them for any period of time, however short.

I have this one thing that I want to make plain to the Senate as my personal view. I am speaking and have been speaking, of course, merely for myself and not for other members of the committee. If it were proposed to stop delivering coal to factories generally in order that certain preferential factories might be served, that might be or might not be wise, but let us assume it to be wise; and if it were proposed to stop the delivery of coal to any factory until the people had enough coal to keep them from suffering, that might be wise, and I think if the necessity existed it would be very proper. But it is now proposed to take all the coal that is being produced, all of the coal that is in transit, and devote it to these specially favored industries. For the moment I am assuming them to be the right industries. Thus far I make no quarrel with this order. Let that part of the order go without criticism from me, at this time at least.

But I can find no justification in stopping all the industries of the country in order to catch up with coal production when you are not going to produce a single pound more coal, and when it is not proposed to devote the coal that is on hand to any of the needs or wants that we have spoken of as imperative. I can see no justification for not allowing the factories to go on and use the coal they have on hand and keep their people employed. Some of them happily may run on and never have to stop a day, for the coal supply may be abundant before their stocks are exhausted. All factories ought to be permitted to run and produce; and certainly water mills ought to be allowed to run.

I say that in my judgment—and I am trying to speak with great moderation, as you can observe—there is no justification in turning millions of people out of employment, and in stopping the creation of those things that are necessary not only to the progress of the war but to the happiness of the country simply because some individual manufacturers may under this order find themselves without coal, and hence their competitors may gain a little advantage. That is sacrificing all of the people of the country for the benefit of a few manufacturers. That is sacrificing the interests of millions of laborers in order to preserve the equality in the financial race between factories with coal and factories without coal. I can not find justification for that kind of a proceeding.

Mr. BORAH. May I ask the Senator a question?

Mr. REED. I yield. I am yielding the floor, but I will answer the question.

Mr. BORAH. I do not care to discuss it, but I should like to ask the question, has the Senator any doubt as a lawyer outside of the question of power plants and power mills, that the matter has passed out of our hands and beyond our control, assuming that the Lever law is constitutional?

Mr. REED. I do not find in this bill in a hasty reading any authority to stop a factory running that is employing its own coal. I only read the opening section to which attention was called. It provides—

> That by reason of the existence of a state of war it is essential to the national security and defense, for the successful prosecution of the war, and for the support and maintenance of the Army and Navy to assure an adequate supply and equitable distribution and to facilitate the movement of foods, feeds, fuel, including fuel oil and natural gas, and fertilizer and fertilizer ingredients—

And so forth.

Then follows these lines:

> The President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act.

The Senator, I think, will agree that the last clause, that "the President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act," means no more than that where Congress has granted a specific power or made a specific provision the President can carry that provision out. It does not give him a general roving commission to make such rules and orders and regulations touching the whole subject matter as he may desire.

Mr. BORAH. Mr. President——

Mr. REED. Just let me finish the statement. Therefore, we must find within the act itself the authority to close the factories, and when we have found that authority, if we can find it, the President has authority to issue the necessary orders to carry out that power. Now, when we come to section 25, which is the section Dr. Garfield referred to, it seems to me that it is limited solely to the question of the production and distribution of coal. After the coal——

Mr. THOMAS. Mr. President——

Mr. REED. In just a moment. After the coal has reached the factory, it is the personal property of the proprietor of the factory. True, the Government probably possesses the power to commandeer and take the coal for the public use in the prosecution of the war. But this order does not propose to take the coal. It undertakes to say to the proprietor of the factory in which there may be lodged some coal, "You shall not run your factory." I confess, although my reading has been somewhat hasty of the act, I do not find that authority in it.

Mr. THOMAS. Mr. President——

Mr. REED. I believe the Senator from Idaho [Mr. BORAH] wanted the floor.

Mr. THOMAS. I thought the Senator from Idaho had completed his statement.

Mr. REED. I did not permit him.

Mr. BORAH. I wish to call the Senator's attention to the language. If the Senator will refer back to the debate, he will recall the fact that it was the intention at the time, expressed many times on the floor, to lodge this matter completely and absolutely within the discretion of the President of the United States. When you examine the language you will find it has been lodged there, if language can lodge it.

Mr. REED. I would be glad to have the Senator call my attention to it.

Mr. BORAH. In the first place, "the President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act."

Mr. REED. What are the provisions of the act?

Mr. BORAH. Let us see and find out:

> That the President of the United States shall be, and he is hereby, authorized and empowered, whenever and wherever in his judgment necessary for the efficient prosecution of the war, to fix the price of coal and coke, wherever and whenever sold, either by producer or dealer, to establish rules for the regulation of and to regulate the method of production, sale, shipment, distribution, apportionment, or storage thereof among dealers and consumers, domestic or foreign; said authority and power may be exercised by him in each case through the agency of the Federal Trade Commission during the war, or for such part of said time as in his judgment may be necessary.

Mr. REED. Do you find the words there "to regulate the consumption of coal"?

Mr. BORAH. In the first place, you must read this in connection with the provision in section 1:

> The President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act.

Mr. REED. I know the Senator's view in regard to this legislation; and my own view was that it was very loose legislation. I did not vote for it.

Mr. BORAH. What I contend is——

Mr. REED. But let me call the attention of the Senator, as a lawyer, to the fact that the language that "the President is authorized to make such regulations and to issue such orders as are essential effectively to carry out the provisions of this act" has no vitality except there be found in the law some express provision of a substantial character. When that has been found the President may issue regulations essential to carrying it into effect.

Mr. BORAH. The President is given power to regulate the distribution and apportionment of coal among producers and consumers.

Mr. REED. That is not what they are doing. They are saying to the man who has obtained his coal in the open market and who now has it in his own mill yard, "You can not burn that coal to run your factory."

Mr. BORAH. Precisely; but the President has not gone as far as he might have gone, and we can not complain. I imagine under this law the President may go into a factory which has an amount of coal and compel it to distribute that coal among his fellow factory owners or even among his employees.

Mr. REED. That is not what he is attempting to do. The President I do not think has the power to seize the body of coal in the country and take it over and distribute it as he sees fit. But, however that may be, that is not what is being attempted. The man who has the coal is bluntly told, "You shall not put under your boiler and use to turn the spindles of your factory the coal you own and possess in your own right."

Mr. BORAH. It is in the judgment and the discretion of the President as to the proper use and distribution of the coal.

Mr. REED. The word "use" is not in the law in the sense employed by the Senator.

Mr. BORAH. We have lodged the matter by our own volition, after weeks and weeks of debate, absolutely in the judgment and discretion of the Chief Executive. The time for the Congress to have considered this matter that we are now considering was when we passed the law.

Mr. THOMAS. I wish to ask a question.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield?

Mr. REED. The Senator from Colorado wants to ask me a question. I want to yield the floor.

Mr. THOMAS. I wish to ask the Senator a question, and in doing that I wish to direct the attention of the Senator to the first part of section 25, which the Senator from Idaho did not read. I will read it:

> Said authority and power may be exercised by him in each case through the agency of the Federal Trade Commission during the war or for such part of said time as in his judgment may be necessary.

Now, the question which I wish to ask the Senator is whether in his opinion this tremendous power can be exercised under any provision of the act except through the agency of the Federal Trade Commission, which in the law does not appear at all.

Mr. REED. In normal times, when the law of the land is regarded as worthy of a decent respect and the Constitution is held to be a vital instrument, I would say that a court would be very likely to take the view indicated by the Senator from Colorado.

Mr. LEWIS. Mr. President——

Mr. REED. I hope I will be permitted to yield the floor. I do not want to deprive others of it longer.

Mr. LEWIS. If the Senator from Idaho and the Senator from Missouri will indulge me a moment, it happens to be that upon that particular phase of the bill referred to by the Senator I was conducting the advocacy, and the eminent Senator from Missouri, the junior Senator, for constitutional reasons, as he then saw it, opposed it. I wish to ask both Senators if the power is in the act vesting in the hands of the President complete discretion as to the conduct and control of these industries and he makes the order, what jurisdiction has this body over that order under the law or under any law when the Executive has made the order? Is it not true we are perfectly powerless and the only act we could do that could overturn it would be to repeal the law that vested him with the power?

Mr. BORAH. Precisely.

Mr. REED. I do not care to further discuss the legal questions. At this hour I think it is fruitless. At 5 o'clock tonight factories begin closing and their employees do not know whether they can go to work to-morrow morning or not. I do not care to discuss the question whether we are powerless or not, and I do not care at this time to go further into this matter. I think I have wearied the Senate already. Except I wish to say this, that I hope we have not at least deprived ourself of the right of petition or request, and that, it seems to me, is about as far this resolution goes.

Mr. JONES of New Mexico obtained the floor.

Mr. BORAH. Mr. President——

Mr. JONES of New Mexico. I will yield to the Senator from Idaho if he desires to ask any question of the Senator from Missouri.

Mr. BORAH. No; I prefer to hear from the Senator. I understand the Senator is a member of the subcommittee.

Mr. JONES of New Mexico. Mr. President, I regret exceedingly that not only the members of this committee but the other Senators as well have not had an opportunity to fully consider the course which the Senate is asked to take at this time. I have not had an extended opportunity of judging the course of procedure of this body, but so far as my information goes the action requested to be taken is unprecedented in the history of our country.

Mr. HITCHCOCK. The order is also unprecedented.

Mr. JONES of New Mexico. I agree with the statement injected by the Senator from Nebraska, that not only the action suggested is unprecedented but the thing which suggests the action is also unprecedented and the situation confronting this country is unprecedented. We behold this spectacle: Our country engaged in the greatest war of the ages; so engaged in pursuance of a resolution of this Congress, which pledged the full resources of the country to its prosecution. We have appropriated something like $20,000,000,000, to be used, either directly or indirectly, for the prosecution of the war. We have committed to the Executive of this country not only the expenditure of this vast sum of money but we have committed to him the lives of our sons and brothers. The Chief Executive is endeavoring to prosecute the war. In that prosecution he proposes to issue an order which affects to a very great extent the industries of the country. The order would not be issued unless in the opinion of this Executive, the Commander in Chief of our Army and Navy, it was absolutely vital to the successful conduct of the war. This step has been taken by this Commander in Chief. The proposition now is that the Senate that committed to the hands of its Chief Executive this great power is requesting the Chief Executive not to exercise it.

Mr. HITCHCOCK. That is an erroneous statement. We have asked him to defer it for five days.

Mr. JONES of New Mexico. I, of course, modify the remark which I made to the extent suggested by the Senator from Nebraska. It is a request to suspend the order, it is true, only for five days, but nevertheless it is a request from this body to the Commander in Chief of the Army and Navy to suspend an action which that Commander in Chief feels is necessary for the prosecution of the war.

I ask you, Senators, if ever in the history of this great country of ours such a request has emanated from this body. If it has I have no recollection or information concerning it. Then if this request is an unprecedented thing, does it not behoove us to give thorough consideration to the effect of what we are called upon to do? Can we in a matter of such grave import stay the hands of the Chief Executive? Shall we say to our enemies that the power and the authority to conduct this war is put into hands which are not competent to conduct it?

The Senator from Nebraska [Mr. HITCHCOCK] nods his head as if he considered that was not the issue, but it is the issue in the opinion of those in control of administering this law. The situation is so acute that there is necessity for immediate action, and to defer the order for the five days may, and undoubtedly will, bring suffering and hardship to hundreds of thousands of mothers and children in this country who are suffering for the want of coal.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. JONES of New Mexico. I yield to the Senator.

Mr. HITCHCOCK. The author of this resolution had not the slightest intention to reflect upon the ability or upon the wisdom of those who framed this remarkable order. What he sought in the resolution to do was to give five days 'opportunity for common counsel, something that is recognized by this administration as being highly important in great matters of state.

Mr. JONES of New Mexico. Mr. President, on the question of five days' delay, I should like to appeal to those who want to think over this question for five days, whether proper consideration is being given to the domestic conditions in this country? Not only are the women and children and families in this country suffering for the want of coal, but the ships of this country are tied up in the harbors for the want of coal; ships which should be under steam to-day carrying across the Atlantic sustenance to our boys who are in the trenches.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. JONES of New Mexico. I yield.

Mr. HITCHCOCK. The fuel administrator, or the President who stands back of the fuel administrator, has the power, under the law, to commandeer coal, to take it, and to convey it to the ships that are in the harbors waiting for transfer to Europe, and it ought to have been done, I will say very frankly, weeks ago.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Idaho?

Mr. JONES of New Mexico. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I judge from the argument of the Senator from New Mexico that the Senator is of the opinion that this is such an order as the fuel administrator had the authority to make under the direction of the President, under and by virtue of the Lever law?

Mr. JONES of New Mexico. I intend to reach that point in just a few moments.

Mr. BORAH. I assume that for the reason that the Senator was proceeding upon the theory that this was a valid and legal order. If it is, and the fuel administrator had authority to make it, is there any considerable danger that the mere request upon the part of the Senate will change the program?

Mr. JONES of New Mexico. Mr. President, I intended to reach that point in the course of the discussion of the things proposed to be done by this order. If, however, the Senator from Idaho will permit a short answer, I might reply in this way: If the order is illegal, does the Senator want to establish the custom of the Senate passing upon the legality of things sought to be done by the executive department of this Government, and whenever, in the opinion of the Senate, the executive department of this Government is exceeding its powers, would the Senator request the executive department to cease from such act?

Mr. BORAH. Mr. President, I think the Senator perhaps came to a wrong conclusion as to my attitude in regard to this matter. I never want to belong to this body after it has delegated away its lawmaking capacity and has reduced itself to a mere petitioning body. In my humble judgment, we have delegated this power to the President if the Lever law is constitutional at all; and, having delegated it to the President of the United States, I do not myself care to indulge in a mere petitioning of the President not to exercise the power which we have granted him.

Mr. JONES of New Mexico. I might add, Mr. President, that the Constitution of the United States has put the duty of deciding whether or not the executive department is proceeding in accordance with law upon the courts, or upon another coordinate branch of the Government; and if the Executive is exceeding legal authority, the tribunals of the country, which have been established by our Constitution, ought to be permitted to decide that question in the same way and to the same extent that they have done ever since the adoption of the Constitution.

Mr. President, the thing which the Senate is requested to do is to stay the hand of the Chief Executive. The Chief Executive has issued an order, which has been designated as unprecedented. As I have stated, the times are unprecedented; the situation with which we must deal is different from anything which has heretofore existed in the history of the country; but I appeal to you to consider the conditions which the Chief Executive seeks to alleviate by means of this order.

There are several preferred classes who may get coal. It is admitted by the Senator from Missouri, the chairman of the committee, that it is necessary to furnish coal to these preferred classes; he makes no war upon that effort. It is admitted that these things must be done.

Dr. Garfield stated that the situation was acute; and to my mind that furnishes the reason why this order is promulgated, without calling upon all the country to give their views as to whether or not it should be done. The statement stands uncontradicted upon the record that the situation is acute, and the suggestion has been made by a Senator, who was present at the hearing, that that was the reason for promulgating the order at this time.

The situation is acute with reference to what? With reference to furnishing coal for the railroads; with reference to furnishing coal for the families, to the charitable institutions with human inmates; for carrying on the industries which are necessary to be carried on for the conduct of the war; and to furnish bunker coal to the ships. For these purposes the situation is acute. It being acute, I appeal to Senators whether or not the man who shoulders the responsibility for the conduct of the war is not justified in using any means within his power to relieve this most distressing situation. That is recognized. It is said here that no interference should be made with that purpose, and it comes down to this, that because the President has said that those factories which have coal shall not burn the coal while other factories can not get coal, the Senate should request a suspension of this entire order. That is the only thing presented here by the Senator from Missouri to which he seriously objects.

Now, I desire to analyze the question as to whether, in order to stop that act, the Senate should go to the extreme extent of calling upon the Executive to suspend an Executive order. The reason that provision in the order was presented to the committee in this way—and not one reason alone was to be considered as sufficient, but the whole situation was called before us to justify the act—the docks of the country and the railroads of the country are congested with freight, and in order to relieve that congestion it is necessary to stop the supply at the source.

That is only one thing to be considered. In the next place, there is a shortage of coal in this country to the extent of 35,000,000 tons. The evidence, not given to-day by Dr. Garfield, but heretofore given to the Committee on Manufactures, was that the total production of coal in this country had increased 10 per cent, while the demand for coal had increased 20 per cent, and as a result, according to his last statement, there is to-day an absolute shortage of 35,000,000 tons of coal. The administrator has come to the conclusion that, in order to put the households of the country and the industries of the country in running order, and running upon such a basis that there shall be no suffering, industry must be arrested for five days, and then, subsequently, a holiday be observed in each week for a number of weeks. That is the remedy which he proposes. It is agreed that that remedy applied to the factory which now has no coal is justified. The only thing claimed to be unjust is calling upon the factory which has coal to stop running at this time.

If Senators will consider for a moment the question in its broader aspect, it seems to me that this order can not be seriously criticized. If it is necessary to arrest industry in order to catch up with the supply of coal, is it not also necessary that the burden of doing this thing should be placed as equally as possible upon all of the industries of the country—I mean upon those not immediately essential to the carrying on of the war? If that were done, if they were all shut down at the same time, the burden would be equal.

But it is said some of them have coal and ought to be permitted to continue. The time must come when those who now have coal will not have it, and if you are going to treat them in the same way and make them bear the same burden, no one would suggest that the time would not come when they should be required to shut down for an equal length of time. So, then, the only question presented here is, Shall the factories which have coal shut down now, or shall they be required to shut down, one to-morrow, another next week, and another next month, until the burden has been distributed around?

That is all, Senators, that is involved in this whole discussion—what is the right time to require these factories to be closed? Shall they be required to close all at once or shall they be required to close from day to day as their coal is consumed? That is the only question here about which there is any dispute; and for such a relatively small hardship as that, I appeal to you, is the Senate justified in making a request to the Commander in Chief of the Army to revoke or suspend an order so vitally necessary in its essentials?

Something has been said here about industries carried on by means of waterpower, and it has been suggested that there is no use shutting them down. It is admitted that there is no law governing them, and only a patriotic appeal is made to those concerned to shut down. If they do not want to shut down, they will not do so; but the President has said in this order that they ought to shut down; that they ought to shut down in the interest of fairness; that they ought to shut down to stop at the source of this congestion of the railroads and the docks. If those are not deemed sufficient reasons, let any man running an industry carried on by water power exercise his right not to follow the request of the Chief Executive.

But when the country realizes and when the other manufacturing interests of this country realize that this water-power man has been requested to do a patriotic thing, that it has been necessary to close down the industries of this country in the preservation of the lives of the people of the country and of our boys in the trenches, if that water-power man wants to disregard that request he will be given a place in history not far removed from that of Benedict Arnold. And so with this man who has coal in his bin, who asserts his right to consume that coal against the judgment of our commander, on whom we have imposed the responsibility of action in this crisis. If he chooses to disregard the order, I apprehend that he will find his surroundings decidedly uncomfortable, at least in the community where he has his factory.

Senators, the provisions of the order to which objection is made are so slight compared with the evils that will result from the passage of this resolution that I appeal to you to hesitate and give calm consideration. We are conducting this war; and admitting that upon the question of legality, admitting that upon the question of shutting down these factories that have coal there might be an honest difference of opinion, admitting that honest minds might differ, what should we do? My judgment is that every patriotic citizen of this country—every Senator, at least—should resolve the doubt in favor of those who are charged with the responsibility.

I believe in holding up the hands of those who are trying to do things. They are serving you and they are serving me. They are trying to preserve this Republic, so that we and our children may live under the benign influences of a democracy. I appeal to you to put no obstacles in the way. Be patriotic to-day; trust those in whom you have reposed your power; and do not let this Senate give aid and comfort to the enemy by saying that we have placed the authority to carry on this war in incompetent hands.

Mr. RANSDELL. Mr. President, will the Senator yield for a question?

Mr. JONES of New Mexico. I yield to the Senator from Louisiana.

Mr. RANSDELL. I should like to read a telegram just received from New Orleans which is very pertinent. It is as follows:

JANUARY 17, 1918.

Senator JOSEPH E. RANSDELL,
United States Senate, Washington, D. C.:

The large number of sawmills in Louisiana request that you obtain an immediate ruling from Administrator Garfield as to whether the shut-down order of yesterday is applicable to them. They point out that they do not use coal for fuel in their plants, but use the refuse wood from their own cut, and further point out that they are actual producers of fuel, and that practically the entire population of the various sawmill towns is dependent for its fuel upon the continued operation of the mills. To shut down these mills, instead of increasing the fuel supply, would materially decrease the fuel supply. Moreover, I doubt whether a sawmill is, strictly speaking, a manufacturing plant within the meaning of the order. Besides this, these mills are now producing ship lumbers and other lumber used for the production of ships, and to shut them down will seriously retard the shipbuilding program in this section. I shall appreciate your taking the matter up promptly and using your influence to exempt them from the order.

J. BLANC MONROE.

I will ask the Senator if that matter was discussed with Dr. Garfield; and if so, what he said on the subject; and if it was not discussed, what is the opinion of the Senator on that subject?

Mr. JONES of New Mexico. Mr. President, I confess that I have not had an opportunity——

Mr. SHIELDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Tennessee?

Mr. JONES of New Mexico. If the Senator will permit me first to answer the Senator from Louisiana, I shall be glad then to yield to the Senator from Tennessee.

Mr. SHIELDS. The telegram I have is on the same line, and the Senator can answer both questions at once.

Mr. JONES of New Mexico. Very well; then I yield to the Senator.

Mr. SHIELDS. I have a telegram from one of the largest manufacturing institutions in my State along the line of that presented by the Senator from Louisiana, and I should like, if possible, to have the Senator from New Mexico state whether or not Dr. Garfield gave any explanation of his order as applicable to this plant.

The telegram is as follows:

NASHVILLE, TENN., *January 17, 1918.*

Senator JOHN K. SHIELDS,
Washington, D. C.:

Mr. Garfield's order closing down all manufacturing plants except food-producing plants puts us in an awkward position. We are bag manufacturers, making bags for flour and corn meal—food products. We are under contract with mills in Northeast, Middle, and Southern States. How can flour mills run if bag factories are closed down? Our plant is equipped to run with hydroelectric power and not steam. We use coal for heating purposes only, employing between five and six hundred operatives—many families. These people will consume more fuel in daytime than we use in heating. Won't you use your good offices to have us and all bag factories exempted from the order? Kindly wire us, our expense, result.

MORGAN & HAMILTON CO.

Mr. JONES of New Mexico. Mr. President, I have not studied this order sufficiently to give an opinion as to whether or not the industries referred to by either of the two Senators are included within its provisions, but I want to say this: The fact that these telegrams are read here, and the fact that other Senators are receiving a large number of similar telegrams, would indicate the utter hopelessness of the Food Administration giving a hearing to all of these industries before taking action. The women and children will be suffering still. The food and munitions will remain in the harbors. So, even if they are affected, I want to know if the Senators present believe that that is sufficient ground for withholding action upon the great question? It is simply an argument, to a greater or lesser extent, that the industries of this country shall go on as usual.

I want to say here and now that the industries of this country can not go on as usual if this war is to be successfully prosecuted. The $20,000,000,000 which we are proposing to put into it is equivalent to one-half the total production of the country before the war; and to change that energy and the requisite capital to make it effective will require a shifting such as this country has never fully realized. When an argument is made that business shall go on as usual I am not impressed. I know not how to weigh dollars against humanity.

Mr. SHEPPARD. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from Texas?

Mr. JONES of New Mexico. I do.

Mr. SHEPPARD. If the Senator will pardon me, I think I could suggest a pertinent answer to those telegrams.

Mr. JONES of New Mexico. I shall be very much obliged to the Senator if he will do so.

Mr. SHEPPARD. If I should consult my own safety or my own convenience I would much rather be in Tennessee or Louisiana, or elsewhere in America, with my factory shut down, than in the trenches with my throat cut.

Mr. JONES of New Mexico. I thank the Senator for the observation. I quite agree with him. That is a very patriotic attitude, and one which I hope I share with him.

The PRESIDING OFFICER. The question is upon the passage of the resolution.

Mr. HITCHCOCK. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, just a moment before the roll is called. I wish to ask the Senator having the resolution in charge whether he will not change the wording so as to read "President of the United States" instead of "Fuel Administrator of the United States"? I think it is very much more becoming for the Senate of the United States to ask this from the President than to ask it from an employee of the Government.

Mr. HITCHCOCK. Mr. President, I considered that matter somewhat, and I find a division of counsel; but inasmuch as the Fuel Administrator made the order, I think it would be better to let the resolution stand as it is. The wording is not very important.

Mr. SMOOT. I am not going to take any of the time of the Senate to discuss it now.

The PRESIDING OFFICER. The question is upon the passage of the resolution.

Mr. GALLINGER and Mr. REED called for the yeas and nays.

The PRESIDING OFFICER. On that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the junior Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. WEEKS (when Mr. LODGE's name was called). My colleague [Mr. LODGE] is necessarily absent from the Senate. He has a general pair with the senior Senator from Georgia [Mr. SMITH]. If my colleague were present he would vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. Not knowing how he would vote on this question I withhold my vote.

Mr. REED (when his name was called). I have a pair with the senior Senator from Michigan [Mr. SMITH]. I feel, as a result of a conversation with his colleague, that I am released from that pair on this question. I therefore vote "yea."

Mr. SAULSBURY (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. COLT]. I think I might be permitted to vote under my agreement with him; but out of precaution I transfer the pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. SHERMAN (when his name was called). I am paired with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. SIMMONS (when his name was called). I wish to inquire whether the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The PRESIDING OFFICER. He has voted.

Mr. SIMMONS. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent. He is paired with the junior Senator from Missouri [Mr. REED]. I do not know how the senior Senator from Michigan would vote on this question, but I am quite sure he would permit the Senator from Missouri to vote, and I so informed him.

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the senior Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. WEEKS (when his name was called). I transfer my general pair with the senior Senator from Kentucky [Mr. JAMES] to the junior Senator from Iowa [Mr. KENYON] and vote "yea."

The roll call was concluded.

Mr. LEWIS. I desire to announce the absence of the senior Senator from Kansas [Mr. THOMPSON] on important public business, and to say that he is paired with the Senator from Illinois [Mr. SHERMAN].

Mr. CURTIS. I desire to announce the following pairs:

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 50, nays 19, as follows:

YEAS—50.

Bankhead	Hitchcock	Owen	Sutherland
Beckham	Johnson, Cal.	Poindexter	Swanson
Brandegee	Jones, Wash.	Pomerene	Thomas
Calder	Kellogg	Reed	Tillman
Cummins	Knox	Saulsbury	Townsend
Curtis	McCumber	Sherman	Underwood
Fernald	McKellar	Shields	Vardaman
Freilinghuysen	McLean	Smith, Ga.	Wadsworth
Gallinger	McNary	Smith, Md.	Watson
Gerry	Martin	Smith, S. C.	Weeks
Glass	Nelson	Smoot	Wolcott
Hale	New	Townsend	
Harding	Norris	Stone	

NAYS—19.

Ashurst	Hardwick	Lewis	Robinson
Borah	Johnson, S. Dak.	Myers	Shafroth
Chamberlain	Jones, N. Mex.	Phelan	Sheppard
Fletcher	Kirby	Pittman	Simmons
Gronna	La Follette	Ransdell	

NOT VOTING—23.

Broussard	Hollis	Lodge	Thompson
Colt	Hughes	Overman	Trammell
Culberson	James	Page	Walsh
Fall	Kendrick	Penrose	Warren
Gore	Kenyon	Smith, Ariz.	Williams
Hitchcock	King	Smith, Mich.	
France			

So the resolution was agreed to.

Mr. POMERENE. I have received a number of telegrams during the afternoon bearing on this subject. I send two to the desk. I shall not ask to have them read, but I ask that they be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, the telegrams will be printed in the RECORD.

The telegrams are as follows:

SPRINGFIELD, OHIO, *January 17, 1918.*

Senator POMERENE,
Washington, D. C.:

One-third of our factories are operated by natural gas, of which there is abundance. Nothing could be gained by closing these factories, but great hardship would be suffered by the employees. Can you not secure a ruling from the Fuel Board committing factories operated exclusively by natural gas to continue? Am wiring Mr. Garfield.

SUPERIOR GAS ENGINE CO.,
P. J. SHOUVLIN.

CANTON, OHIO, *January 17, 1918.*

Hon. ATLEE POMERENE,
Senate Chamber, Washington, D. C.:

Our furnaces running almost entirely on very large orders for Army, Navy, and medical supply departments. To draw our fires would cause great ruin to muffles and furnaces by cooling down and heat must be kept up to prevent freezing of sprinkler system and keeping them up. No additional fuel will be consumed in utilizing the heat by producing goods solely for Government. Is it possible to have some modification to fuel order? Wire quick.

THE REPUBLIC STAMPING & ENAMELING CO.

CONSIDERATION OF SHIPPING BILLS.

Mr. BANKHEAD. It is important that we should have a short executive session, as many nominations are to be referred.

Mr. FLETCHER. Will the Senator from Alabama withhold his motion for a moment?

Mr. BANKHEAD. Very well.

Mr. FLETCHER. I simply wish to call the attention of the Senate to three bills on the calendar, the bill (S. 3387) to authorize and empower the President to create military zones around shipyards where vessels are under construction for the United States; the bill (S. 3388) to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 30, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes; and the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation, to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes.

These bills have been reported favorably by the Committee on Commerce and it is quite important, as developments have demonstrated, that action should be taken on these bills. I do not think it will require a great deal of time to dispose of them. I wish to give notice that I shall ask the Senate to take them up at the very first opportunity.

EXECUTIVE SESSION.

Mr. BANKHEAD. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

ARRAIGNMENT OF THE KAISER.

By order of the Senate the following matter was ordered to be printed in the RECORD in brevier:

WILLIAM II, WE INDICT YOU, EVEN IN THE PURPLE.

[An Arraignment, by Siegfried Balder.]

For years you prepared the world war with deliberate premeditation. In the summer of 1914, without the least provocation, you ruthlessly created the pretext. You threw to the winds all warnings, and those who by their counsels wished to hold you back from war you drove from you. In a breach of solemn treaties you burst without excuse into a peaceful country whose neutrality you were bound to observe and protect. After driving your people into the war, you did them desperate injury in a military way, as well as by perverse disciplinary measures, especially by the choice of incompetent generals, who were known to be incompetent. You conduct the war in the most barbarous fashion, infringing upon the obligations and principles of international law. To your people and their representatives who trustfully looked up to you and your Government you have lied and you still lie on and on concerning the actual events before the war and after it began concerning your own intentions as well as the causes, purpose, and goal of the war. You constantly infringe upon the rights, the laws, and the constitutional liberties of your people. You disrupt family ties, destroy business and its interchanges and intercourse, and the best men of your people who know the truth and speak it you put behind the bars. You continue to prevent the making of peace because you are too cowardly to take your guilt upon your own head and to assume the consequences of your deeds.

Never has a more ruthless crime cried to heaven for revenge! Millions of young men in the flush of their youth and millions of men once content with their peaceful occupations lie mutilated beyond recognition upon the battle fields of Europe; thousands lie on the bottom of the sea. You murdered them!

Millions of widows, millions of poor orphans weep for their provider, for husband or father to protect them from danger and want, to bring them up, to comfort them, to counsel them.

Millions of girls pine away in grief and sorrow because their sweethearts have fallen on the battle fields of Flanders and Poland.

Millions of cripples, robbed of an arm, a leg, or even of the blessed light of day, are doomed to lifelong existence in wretchedness, a burden alike to themselves and to their fellows. You robbed them of fortune, strength, health, and happiness!

Whole countrysides cry for expiation, their acres blasted, the fostering earth gaping with wounds from shells beyond reckoning, the toil and energy of generations destroyed. Cities and villages, once the homes of busy, happy people, now lie in smoke-blackened ruins and accuse you before Heaven.

Sanctimonious hypocrite that you are, you have blasphemed the Almighty and have called upon Him to bear witness to your lies and to be the advocate of your misdeeds!

Your hapless people are starving, yet you command that they be hewn down if their complaints reach your ears.

The men of your people are forced to live in gruesome wreckage, in pits and shell craters, to freeze to death in the snows of inhospitable mountains, and to bleed their lives slowly away on barbed-wire obstacles, more pitiable than the most wretched galley slaves of antiquity. Thousands are driven forward into a hell of shrapnel and machine-gun fire in order to occupy a useless stretch of trenches in a country which does not concern us, and which we do not wish to possess. Thousands fall and thousands are shoved in after them.

Germany's civilization you have annihilated; Germany's honor you have trampled in the dust. All the people who once loved and respected us turn from us with abhorrence and decline to have anything to do with men who break treaties, who outrage civilization, who commit murder.

For 28 months this state of gruesome horror has continued, conjured up by you. When will you put an end to it? What have you to reply? Answer.

THE ACCUSED AND HIS ENVIRONMENT.

From your youth you have known no interests except hunting and fighting—murder of beast and murder of man. Millions of your subjects have never seen you—either in person or in likeness—except in the garb of a hunter or of a warrior. Dressed as a hunter you went afield to slaughter en masse the animals which were beaten up for you to kill. Your bloodthirsty recreation was slaying stags and does in herds, shooting down more than a thousand helpless pheasants in one day—in company with your friend Franz Ferdinand of Austria.

When one of the authors of these lines saw you for the first time, in the summer of 1888, a few months after you ascended

the throne, you were inspecting your booty of stags and wild boars. Your sacrifice lay arranged in lines and columns like soldiers, and with dark mien, using the Prussian goose step, you were reviewing them, fixing each object with your eye, as if to say: "Behold, thus will I slay mine enemies."

We saw you often, but whether on festive or on sad occasions it was always in the character of a Roman Cæsar.

The whole of all your mind can note
Is how he coughs or clears his throat.

"Hoc volo, sic jubeo, stat pro ratione voluntas"; "Nemo me impune lacessit"; "Regis voluntas suprema lex." ("This is my wish; thus do I command; my will, not the dictates of reason." "Wha daur meddle wi' me?" "The will of the King is the supreme law.") These were the pronouncements of more sovereign natures; they did not come from your puny brain; but that you should borrow them for your own use speaks volumes for him who can read men's hearts. A strutting turkey cock, stuck full of false feathers to make him look like an imperator.

The swearing in of recruits, the dedication of regimental standards, the launching of war ships, receptions to generals, the celebration of the anniversaries of battles, the unveiling of monuments to your soldier forefathers—on such occasions you made lofty addresses on the duties of soldiers and the rights of commanders, on the destruction of your enemies, battles and flashing swords, and the splendid achievements of your glorious ancestors. The achievements of the Hohenzollern, however, have been won on bloody battle fields, not in the peaceful workshops of the citizen, the scholar, or the artist.

Officers were your tutors, your advisers, your companions in recreation and pleasure.

While all other civilized nations watch jealously to see that the sword never arrogates to itself preponderance in the State, but remains a voiceless tool of the civil government—to be used only in case of direst necessity—with you the sword was always dictator in all branches of the Government. We laughed when in England and France bankers, merchants, and journalists were appointed ministers of war and navy; we ought rather to have wept that our chancellors, secretaries of state, ministers, diplomats, and presidents of Government boards were chosen by you from the ranks of generals and families of generals.

The best of your thought and effort was directed toward increasing the army and navy without regard to national welfare, or to the economic and political situation. It was always Germany which led the way in this respect; our neighbors followed suit only with the greatest reluctance and under compulsion. Their distrust was justified, for against whom could our gigantic preparations by land and sea be directed except themselves?

Besides the generals there grew branches of a still worse kind from the poisonous tree of militarism, who had their say in your Government—the army supply houses. At their head the firm of Krupp, with which for many years you have been associated, not only in personal friendship but even—strange to say—through financial debit and credit. It was because of this connection, and not on account of the quality of their cannon, which others could make as well, that this firm was everywhere given preference. Your purple protected the firm even against the processes of the law. Have you forgotten the lawsuit that attracted so much attention a few years ago, which arose because the Krupps had themselves informed by imperial officials through improper means concerning the bids of other firms in order to be able to underbid them—or as might also be said, in order not to underbid their competitors any more than was necessary in order to get the contract? The civil judges found the officers of the firm guilty and imposed a prison sentence upon them. The military tribunal, however, freed those convicted of the same crime who came under their jurisdiction because of their military rank. Was this "judicial conviction" or "loyalty to the supreme war lord"?

It has probably not escaped you either that the Krupps, the principal support of your military propaganda by land and sea, as they were likewise the leading agency in poisoning and bribing our "well-disposed" press and public opinion, were delivering weapons to our "enemies" cheaper even than to our German fatherland from sheer unselfish and exalted patriotism. Thus, before the war, this firm sold nickel-plated steel for armor plate at 1,920 marks ($480) per ton to foreign countries, and at 2,320 marks ($580), with 400 marks ($100) special profit per ton to the German military and naval authorities.

How charming was the story of the Liege cannon, which the Krupps, even in August, 1914, openly published in the German papers as one of their achievements. In the spring of 1914 the firm had contracted for about 200,000,000 francs' worth ($4,000,000) of Liege artillery to be delivered to Belgium, and already had the purchase price in its hands, although it had not shipped the cannon on account of alleged transport difficulties. It was the German Army that provided for the delivery of these cannon to Belgium. From this story it is evident (1) that Belgium had so little thought of war with Germany that it not only innocently ordered its weapons in Germany but had not even pressed for the delivery of the cannon which had already been paid for; (2) that the private firm of Krupp knew not only of the coming of the war months in advance, but had also learned the secret plan to attack through Belgium. From whom? And who pocketed the 200,000,000 francs for the undelivered goods?

The business of these giant profiteers was the object of your care, out of regard for these profiteers you prepared for war, through them you poisoned the press and public opinion, for these profiteers the noblest and the strongest of our Nation are bled white.

Emperor William, do you, the personified representative of militarism, of the brutal policy of the mailed fist, do you seriously expect us to believe that you are the innocent little lamb which had to defend itself because others wanted to fall upon Germany—upon Germany, the bugbear of them all? Very well, we wait upon you with the further facts.

THE PREPARATIONS FOR THE DEED.

It is untrue that you have kept the peace for Germany since the beginning of your government. This would have been no credit to you, anyway, for no one ever intended to attack us.

You involved us quite unnecessarily in a war with China, and in another of several years' duration with the Hereros in Southwest Africa—unnecessarily, for we should have gained far more with China through a peaceful agreement about railroad and mining concessions, and in Southwest Africa by a sensible native policy, to the operation of which, to be sure, your archaristocratic diplomats and colonial governors, with their military training, are not at all adapted. We will not discuss the lesser campaigns in Kamerun and in East Africa.

But it was not your fault, Swashbuckler, that war was avoided in other cases; credit is due to the peaceful disposition of all our neighbors and to the feeling of personal responsibility on the part of our former imperial chancellor. Indeed, Prince Bülow, in November, 1908, had to admonish you and expose you before the German people in a public session of the Reichstag, because through your insane meddling in the politics of other nations you had from minute to minute threatened the peace of the world incalculably and had tainted the honor of Germany. At the end of the last century a conflict broke out between England and the Boers, and through your Kruger dispatches and your reception of Oom Paul Kruger in Berlin you incited the Boers to resistance against the British demands (questions of economic and domestic policies were the subjects of disagreement between the Boer farmers and the British miners and business men in the Transvaal and Orange Free State), and through their confidence in your assistance you encouraged the war, to say the least. When the war broke out you sent the British general staff a plan of campaign against the Boers worked out by yourself. Like the most tattered vagabond of the Middle Ages who one day offered his services to a robber knight and on the morrow to his opponent, just for the pleasure of getting into a fight, destitute of all shame and sense of honor or propriety, not to mention political insight—even thus does a German Emperor act!

To gain martial laurels, to increase the "fame of the Hohenzollern," to witness a sham battle with loaded weapons, and a cavalry charge against a "real enemy"—these were the goals of your ambition. Yet since your statesmen—until Bethmann-Holweg—were not so brainless as to risk the fortune of the German nation for such a reason, you undertook to carry out your war policies on your own account.

In default of another "enemy," you picked as a victim France, our old so-called "archenemy," whose ghost now haunts only Prussian lieutenants. A crazy notion! Thirty years ago, ever since the fall of Boulanger, the Republic of France ceased to pursue a policy of hostility to Germany and avoided any conflict with her mighty neighbor on the east.

The little faction, which still cried "Revenge," "à la Déroulède," though they were of about as much importance as the old Prussian-eater Sigl in Munich, died out long ago. Germans were welcome guests in Paris; numerous German firms had established themselves there and throughout the country; crowds of German artists and students made this focus of European culture the goal of their pilgrimages. The great leaders in science, art, and literature in France and Germany were in active contact, both personal and through correspondence. The works of the great German composers were performed in

the greatest houses in France, often, indeed, under German directors and by German singers, just as French works were to be found on the programs of the German theater.

A Pégoud was received with enthusiasm on German aviation fields. French music lovers flocked to the celebrations in Bayreuth, Munich, and Oberammergau. Creations from Paris adorned the display windows of the great German fashion shops. Both in France and in Germany everything was tending toward a true, unforced friendship between these two powers—the greatest centers of civilized progress on the continent of Europe—and it was truly one of the most difficult achievements of your court diplomacy and intrigue to break up the peaceful relationship existing between these two nations.

You bent every effort to accomplish this laborious task.

There were absolutely no causes for friction between Germany and France in the whole world, except in Morocco, which borders upon the French North African colonies. This country was disturbing the French colonial territory by the contentions of its various rival sultans to the detriment of important French commercial interests in North Africa. Now, it was impossible for French domination in Morocco to injure us Germans. On the contrary, it would have been an advantage to us, since it gave promise of an orderly government and provided an outlet for France's political interests. We had no more reason to meddle with them than the French had to interfere—which they refrained from doing—in our colonial adventures and conquests in Africa or anywhere else.

Nevertheless you used the mining interests of a single German firm—the Mannesmann Bros.—as your pretext for three times shaking the peace of Europe to its foundations, namely, in the three crises in Morocco of 1905, 1909, and 1911. Of course these German interests could easily have been safeguarded by a treaty with France. They were not worth the blood of a single German day laborer; yet out of them, in default of a better pretext, you thrice tried to kindle war.

In each case peace was preserved against your will by the unvarying resourcefulness and superiority of French and English diplomacy. Bülow fell because he was not willing to follow your war policies through thick and thin. You then took on Bethmann-Holweg as imperial chancellor, with the understanding that he should pull off the war for you and stand ready as a dummy editor to be responsible for it. He went cheerfully at his task, and in 1911 he sprang the third Morocco crisis with the visit of the *Panther* to Agadir. Once again war was prevented, this time through the president of the Reichsbank, Dr. Koch, who was man enough to oppose your lust for war in the name of the Rischsbank and of German political economy. The German people owe it to him and to the patient forbearance of the French Government that war was then prevented even at the eleventh hour, when the German warships were already under full steam, and the freight cars on the German railroads had been emptied and were standing ready for loads of soldiers expected to arrive during the night. Dr. Koch was dismissed, and the Prussian official Havenstein was appointed as "imperial money marshal," in order to prepare the state bank and state monetary affairs for war, much to the detriment of German economic conditions, which since that time have suffered under constant pressure.

But it was all no use. The contemptible policy of insult and persecution in Alsace-Lorraine—the "Col. Reuter" and "Lieut. Forstner" affairs, along with the crown prince's telegram, "Keep at 'em, boys!" and the acquittal of the offenders by military court-martial announced in advance—these attempts quite naturally caused the French people some uneasiness, and their peace-loving souls were put upon the rack, so to speak; but the French Government did not permit itself to depart by a hair's breadth from its carefully considered adherence to a peaceful policy.

Some other artifice, accordingly, had to be contrived to bring about the fulfillment of your fondest desire—grand military maneuvers in France with an imposing entry of the Emperor into Paris as a climax. As side partner in this plan you were to have the Austrian heir apparent, Franz Ferdinand, a butcher of game, with the airs of a Cæsar, and more good for nothing outside the army than you are.

As Austria is a nobody in its standing among the great powers, this tyrant had hitherto been able to terrify with his swashbuckling, not the world, but only his little neighbor, Serbia. The latter country is cut off from the sea, and therefore, since it is compelled to use the Danube route for its entire commerce, particularly in exporting its cattle, grain, and other agricultural products, it is thrown upon the tender mercies of Austria. Although formerly the relations between Austria and Serbia had been the best imaginable—the officers in Semlin and Belgrade, for instance, invited each other to their balls and other festivities—Franz Ferdinand, with his courtiers, kept inventing new methods to show by continually vexing humiliations the "superiority" of Austria over her little neighbor.

In order to put an end to this insufferable oppression Serbia joined the Balkan league and in 1912 entered the Balkan war against Turkey with the purpose of gaining access to the Adriatic Sea through the mountains of Albania. This was a war with a real goal, one which represented a vital problem for the Serbian people, and which could be achieved without any detriment to the civilized world. For even if the sons of the mountains of Albania exchanged Turkish for Serbian rule, and if inconsiderable settlements along the east coast of the Adriatic developed into harbor cities of commercial importance, this at least was no loss to civilization. And after heroic battles the brave Serbs attained their goal by occupying the harbors of Durazzo and San Giovanni di Medua. Although this success caused no one in Austria-Hungary the least inconvenience—on the contrary, prosperous development of a neighboring nation is always a gain for one's own country as well—the Austrian heir apparent—the actual ruler of Austria—now mobilized and kept on rattling his sword until the treaty of London founded the phantom kingdom of Albania, an abortion of European diplomatic art. The sole purpose was again to shut off Serbia from an outlet to the sea, and thus to rob her of the fruits of her victories and the goal of her war. The Austrian mobilization lasted many months and brought Austria, which was not rich anyway, to the verge of bankruptcy, and all for nothing at all except to satisfy a Cæsar's itch for power. The great powers—Russia, England, and France—consented to humor this despot in the London conference simply and solely for the sake of avoiding a war.

After this "triumph" affronts to poor Serbia followed thick and fast. Bulgaria, now allied with Turkey, was encouraged not to acquiesce in the terms of peace arranged at London, and the upshot of the matter was the second Balkan war, in 1913. The outcome, as we all know, was not a triumph for Bulgaria. More sword rattling, therefore, from the Austrian heir apparent because Serbia had received a few more Macedonian villages by the treaty of Bucharest than seemed proper, according to the ideas of this fount of all authority. Austria at that time—midsummer, 1913—made an official inquiry of Giolitti, the president of the Italian ministry, as to whether Italy would consider herself bound by the terms of the triple alliance in case Austria were attacked by Russia in consequence of war with Serbia. Giolitti, who is now known to be discredited among his countrymen on account of his friendly attitude toward the triple alliance, answered quite properly:

> If Austria proceeds against Serbia, it is evident that the terms of the triple alliance do not apply. It would be an independent action on Austria's own account, since it is not a question of self-defense, and no one considers attacking her.

He added also the well-meant wish that Germany, he hoped, might succeed in deterring Austria from this extremely hazardous adventure.

Well, after your Morocco experiment ended in a fiasco, this extremely hazardous adventure was the diplomatic war plan concocted between you and your friend Franz Ferdinand in continual visits to Konopischt and other hunting castles. Sometimes your statesmen and confidential strategists were admitted to these counsels, sometimes not.

Perhaps you will prefer to deny this. Have a caution, the walls have ears, and in Austria there are not only hunting attendants who gossip about State secrets but even officers of the general staff.

Your noble plan ran like this: Serbia, exhausted by the two Balkan wars, to be taken by surprise and easily crushed to earth; Russia to interfere on behalf of her little Slavic sister nation; this (ostensibly) to involve Germany under the terms of her alliance with Austria, and now France has to join the fray on Russia's account, and at last you two can fight battles and win victories to your heart's content!

What do the welfare and happiness of the people amount to after all in comparison with the laurels of victory.

Nineteen hundred and thirteen was too soon for the plan to be put through. First the armament bill, which had just been passed, had to be carried out with the extra billion appropriation for defense. You and your friend accordingly had to wait patiently till 1914.

Your plan certainly seemed most attractive not only from a diplomatic point of view but from a military one also, did it not?

For many years past, at least since 1897, the following plot against France, sprung from the brain of Count Haessler, lay in the secret archives of the general staff:

A German Army, to make a feint attack on the Alsace-Lorraine boundary and withdraw, as if defeated, far enough into the interior to form a great semicircle between the fortresses of Metz and Strassburg.

The French, elevated at the chance of regaining Alsace, to be enticed into this hollow arc. Then German reserves, which have been held in readiness on the flanks to press forward eastward from Metz and westward from Strassburg and cut off the French forces in the field from their base, the chain of fortresses formed by Verdun, Toul, Epinal, and Belfort, and prepare for them a new Sedan.

Meanwhile the main German Army will march through Luxembourg and Belgium and fall upon the hereditary enemy's country along the extended front across the almost unprotected northern boundary of France. With the army on the left wing, it will surround and storm the great fortress of Verdun, which bars the way from Metz to Paris, while in the meantime the other army columns will hasten by forced marches toward Paris. As soon as the main supply line from Metz to Paris is opened through the fall of Verdun—about six weeks after the beginning of the war, according to the plan—the neutrality of Belgium is to be restored. Paris to be bombarded after the fashion of Liege with our superior artillery (Big Berthas!) and taken by storm, and four weeks after the beginning of the war the great Imperator makes his triumphal entry. "On the anniversary of Sedan, I expect to breakfast in the Café de la Paix in Paris," announced Count Haessler in the early days of the war. "When the leaves fall the Landstrum will be coming home," you told us. The rest of the troops, you meant us to understand, would still be needed to occupy the country till the war indemnity was paid.

The plot for the east, hatched out by the Austrian general staff in 1911 or 1912, was just as ingenious. While east and west Prussia and Bukowina are protected solely by the defensive operations of the Landwehr and Landsturm troops, the main Austrian Army stationed along the Galician boundary will march toward the Vistula in a wide curve and occupy Poland until the German and Austrian boundary from east Prussia to east Galicia forms a handsome straight line, such as you are so fond of at parade. Before the stupid Russians are finally mobilized, a matter of about six weeks, the Polish forts will be crumpled up with the help of 42, 30, and 5 centimeter batteries, and Poland, which longs for deliverance from the Russian yoke anyway, conquered. "We only need to add Warsaw to our conquests, and the war will be finished," were your own words in the fall of 1914.

Some prince or other—one of your sons, if possible—is to become King of Poland. France will pay the cost of the war, including, of course, our indemnity to Belgium, which, considering its military helplessness, must permit our passing through without further ceremony. Perhaps there will be a French colony left over for us also. After a war lasting three months at the most you return home in triumph, amid the acclamations of your people. Once more, with the help of your military and Junker caste, you have saved Germany from destruction! You plan new armament for land and sea—now, of course, we have to prepare against two countries which want revenge—and you collect your percentage of profit from the millions the Krupps have made.

That was your plan of war, your war goal.

Who will ask why the widows weep, and the orphans and the cripples? They will stop if you pay them. Who will ask who is to bear the guilt of the war? To be guilty means to be the cause of misfortune. But a victorious war is in your eyes no misfortune for any nation.

FLAWS IN THE PLAN.

An enchanting plan in the east and west! Of course, we can not consider it in its political aspects, from the point of view of national welfare; this point must wait till later. It was intended merely as a military scheme, war for the sake of war. But even from this point of view it contained some flaws which deserve consideration; for instance:

(1) The whole scheme of the war as planned by the general staff rests upon an error; it is impossible to put up a war in hermetically sealed tins like corned beef, or wind it up on a bobbin like a spool in a sewing machine. War is not a thing which can be predetermined and settled in advance. For one thing, the opponent always sets your plans awry, a thing which it is vain to attempt to eliminate by the greatest possible precipitation in beginning the war, extreme haste in mobilization, and utmost vigor in the first offensive. Then, too, the very nature of one's own people, their psychological make-up, their economic situation, the kind of political leaders they follow, and the temperament of the generals who are available for service at the outbreak of the war, all these are factors which influence the military situation from the very beginning, and thus should be taken into consideration in making plans. The Bavarians, ever at the forefront in patriotic sacrifices, and the men of Baden and Wurttemberg, quick as they are to perceive any danger threatening their own country, can not be ordered into Lorraine out of hand when the idea is not to expel the invading French but to entice them in.

(2) The plan of campaign, it should be particularly noted, can not be separated from the generals. One can not bestow their strategic plans upon crown princes like distinctions "pour le mérite." Moreover, field generalship is a more rare and difficult art than is, for instance, bobsleigh coasting.

Not even the fine name of Hellmuth Moltke is an unconditional guaranty of victory.

To be a Moltke is essential; to be called Moltke amounts to nothing. When you conferred the post of chief of the general staff upon Moltke 10 years ago, he himself informed you he was not qualified. You assigned it to him—about as one orders a subaltern to sentry duty—with the words, "Well, you are equal to this bit of a job in peace times; in war I am the supreme source of command, anyway." Have you forgotten that so soon?

You are responsible for the sins of the princes whom you chose as generals, as well as for the shortcomings of your chief of the general staff. Crown princes, in other words, inexperienced, but conceited and influential men, not only make a botch of the business intrusted to them but in so doing they set a bad example to others. Gen. von Kluck declared in the beginning of September, 1914, that he did not worry himself about the commands of the general staff; since the German Crown Prince did not worry about them, he did not see why he should bother!

You are acquainted, I take it, with the state of affairs in the conduct of your armies which led to the retirement of Moltke, Kluck, and Hausen, and to the abdication of the post of quartermaster general by Von Stein, and so forth?

(3) You calculated that easy-going, slovenly Austria, divided as it is into a dozen hostile peoples, would make the same military material as your Prussians. Did you think that the Czechs, Poles, Croatians, and Ruthenians of the Austrian Army would fight with Prussian smartness and discipline against brothers of their own race to the north and to the south, people who had been surprised by an arbitrary and malicious attack? They were entirely justified in deserting to the other side by thousands at every opportunity which offered itself, instead of standing up to be shot down at the whim of a Hohenzollern. Any general ought to be hanged who does not know that his soldiers are flesh and blood, and not so many tin soldiers. Just because you carry on war, not with mercenaries, but with a nation called to arms, it is necessary that the goal of the war be in harmony with the ideas and interests of the nation, not with the ruler's silly lust for power.

(4) What if Belgium had not granted your army right of way through her country?

Belgium was no ordinary neutral State, which can waive or limit its neutrality at any moment it sees fit, and toward which a belligerent is allowed by international law to behave as he likes. Its neutrality was of a wholly different sort—a fact which was always concealed from the German people. Prussia, Austria, England, and France guaranteed the neutrality of Belgium under the sanctions of international law in the treaty of London, 1839, and until the beginning of this war you yourself, through your Government, have always recognized this guaranty as a binding pledge. Besides this, in his speech of August 4, 1914, your chancellor admitted that the entrance upon Belgian territory was a violation of the statutes of international law.

The march of troops through a neutral country on their way to war is one of the most serious breaches of neutrality; if it is allowed, it automatically permits the opposing party to march in, and thus the neutral country is made the theater of war. "The violation of the neutrality of Belgium would be the most shameful crime upon the pages of the world's history," said Gladstone, the English Prime Minister in Parliament, at the outbreak of war in 1870. Bismarck at that time observed Belgian neutrality so punctiliously that he would not even permit German wounded or medical attendants to be transported across Belgian territory after the battle of Sedan. Belgium dared not grant permission to march through, upon the penalty of being guilty of a breach of treaty, and thus of losing for all time its honor and respect among the nations. The rest of the guarantor powers were under no necessity of granting permission to march through Belgium, but were bound to hurry to her aid, if she demanded it. Our treaty with Belgium was as good and as binding as any other State treaty, as, for instance, the triple alliance. By tearing up this treaty, you relieved all other na-

tions of their engagements toward us, as Salandra quite rightly pointed out on the occasion of Italy's declaration of war. By a faithless attack upon a small, weak nation you alienated the sympathies of the entire world from us at the very beginning, and confirmed them to our opponents. But most important of all, by this action you forced England—who has always fulfilled her treaties—to enter the war upon Belgium's demand for protection, and to fight at least until Belgium's independence is again restored, and until the damage which has been done to her is repaired, in so far as this is possible at all. And this alone was England's reason for declaring war upon us.

Your subterfuges, such as that Belgium itself, or France, or England had already violated Belgium's neutrality are gross lies, as you very well know, meant only to deceive your own people. No one except yourself compromised Belgian neutrality. France answered immediately with a simple "Yes" Grey's question of July 31, 1914, as to whether it would respect the neutrality of Belgium in a war with Germany as long as no other power violated it. You sent the rotten answer through your secretary of state, Jagow, that "you could not answer the question, because of the necessity of not disclosing your plan of war." By those words the English query was answered and your plan of war stripped bare. And the English Ambassador Goschen, at the instance of his Government, immediately directed Bethmann-Hollweg's attention most forcibly to the inevitable consequences.

You therefore also have England's war against Germany upon your conscience, and for it you are answerable to your nation.

Likewise you are responsible for our losing the sympathies of foreign countries from the very start and for the breaking of treaties of alliance and friendship with Italy and Roumania.

(5) If one wants to carry on war it is, of course, well to prepare for it. This preparation should not, however, be carried on for so long a time, so strikingly, and so exhaustively that even the stupidest neighbor must have noticed it long since. Ever since 1905—the first Morocco affair—the sharp-eyed English noted not merely that you were looking for war with France, but also that you wanted in that case to make a surprise attack through Belgium, a course which would involve English treaty obligations and interests. Perhaps you think nobody noticed it when the officers of your general staff, even though disguised as tourists, studied the Franco-Belgian boundary. Acting upon this, the British also studied the defenses of Belgium and made the Barnardiston military agreements which you found in Brussels and published in a garbled form. These in all cases contain the proviso, "If another power violates the neutrality of Belgium." These agreements prove nothing against Belgium, nothing against England; they merely show that even at that time you had in mind a war involving the violation of the neutrality of Belgium. Or do you prefer to try to make us believe that you invaded Belgium on account of these military agreements, although their existence was entirely unknown to you? No; the opposite, rather, is the case. You would not have made the invasion if you had suspected how pluckily the little country would defend itself and how stubbornly it would be aided by England in its resistance.

The nearer the war came the more your military preparations increased, as was evident to all acquainted with such matters; increases in the army and navy, including the notorious billion-mark appropriation bill of 1913; added severity in military and espionage laws; continued secret meetings of German and Austrian high officials of state, statesmen, and chiefs of staff; feverish activity in all military industries; simultaneous increase in the burden of commercial credits and foreign exchange; uninterrupted purchases of gold by the Reichsbank; the founding of the German Wehrverein (Defense Union, 1912) and increased agitation in the Navy League; war talk in the yellow journals and a systematic manipulation of the civil press for war purposes; sensational books by the Crown Prince and by various generals (Bernhardi, Frobenius) as propaganda to influence public opinion for war; laws of all kinds preparatory to war; diplomatic machinations for the sake of tricking England into neutrality in case of a war; the establishment of headquarters for German spies, for example, in Alexandria; all sorts of secret indications pointing to war, in military barracks and in the mustering of reserve troops; copious subsidies to owners of automobiles and motor trucks, in order to be able to count on having as many of these vehicles as possible in case of war.

A few gems, by way of illustration: In Bavaria there was no "state-of-war" law. During previous wars in Bavaria no necessity had arisen for any such gag law by which, in case of war, public opinion is completely muzzled, and the entire civil government, business and trade, law, and order are subjected to military dictatorship. In 1912 a law of this kind, carefully patterned after that of Prussia, was introduced in Bavaria with as little fuss as possible. About the same time, Ludwig, the Prince Regent, who was conducting the government for the mentally unbalanced King Otto, was elevated to the kingship, with the assent of the dominant party in Bavaria, the Center, which up to this time had declared this legally impossible. Your influence was responsible for that action, the reason being that the King controls mobilization, according to the Bavarian constitution, and there were considerable doubts on constitutional grounds as to whether the Prince Regent possessed this qualification in place of the King. Ludwig III, the avaricious miser, welcomed with no little delight a great increase in his civil list (from a few hundred thousand marks to more than 5,000,000), and even expressed willingness to have a further increase in it.

In the spring of 1914 the last preparations were made; everywhere collections were taken up in great numbers for the "Red Cross in war times." From May 10 until June 20 the German Crown Prince, with the chief of the general staff, Moltke, and a number of other generals in high command, made a tour of inspection along the entire boundary between France and Belgium, and of course did not fail to tell tales out of school everywhere. In braggadocio he out bombasts even you, and not for nothing has he studied the war plan in the general staff. Walls have ears. At ports, such as Cuxhaven, barbed wire entanglements were laid out and grass sown over them so that by the beginning of the war the wires were concealed by tall grass. In Alsace-Lorraine observation towers for the artillery were built in suitable places for use in the great battle which was to encircle and cut off the enemy, and so forth.

Again, the Russians had been familiar with the Austrian war plan for more than a year, through Col. Redl, of the Austrian general staff. It is therefore little wonder that the statesmen of France and Russia, who are naturally not entirely blind, recognized your purposes, and in the spring of 1914 began certain defensive measures for the protection of their people, such as, for instance, the strengthening of garrisons along the boundaries and of boundary fortifications and the calling out of reservists for training. They knew that you would let loose a war upon them, the date alone they could not foresee.

That England must enter the war, by reason of her treaty obligations, her interests, and her common duty to humanity, was well known to you and to your counselors. But you did not let this thought trouble you. Our coasts are so well protected by land fortifications, outlying fortified islands, and mines that, even apart from our high seas fleet, a luxury as expensive as it is superfluous, an attempt on the part of the British to make a landing is practically impossible. The English field forces, however, were treated as a mere trifle. You arranged with your Turkish friends to promise Egypt as a reward to the Sultan for his declaring a holy war of the Mohammedans after England entered the war. As a result such violent uprisings were to be brought about in India and Egypt that the English would require all their land forces to protect their own colonies.

You fool! Didn't you know, and didn't the advisors you picked out know that England is the most stubborn and persistent nation in the world; that for centuries she has consistently succeeded in getting what she was fighting for and has enlarged her world power, while exactly the opposite can be asserted of our Austrian allies? Do you follow the advice of hectoring montebanks that you treat England as a nobody, to be turned over to the Turks to subdue "en passant" as incidental to a war with Russia, France, Serbia, and Belgium?

THE DECLARATION OF WAR.

Unhappy Serbia in the spring of 1914 saw herself destined to be the inevitable victim of the threatening world war. If her statesmen did not themselves know Austria's plans, then the Russian Ambassador Hartwig, in Belgrade, enlightened them. In the face of this terrible catastrophe Serbian patriots seized upon the last desperate expedient. They killed the Austrian heir apparent, Franz Ferdinand, in Serajevo on the 28th of June, 1914. By so doing they struck at the man who was the source whence all humiliating trickery had come upon their country, and they believed that they had destroyed the mainspring of the war that threatened them. They calculated that the old Emperor Franz Josef, now in his eighty-fourth year, and the heir to the throne, Archduke Karl Franz Josef, 27 years of age and not a warrior, would not let loose a war—a world war whose consequences for Austria would be incalculable.

Murdering princes is as little to be encouraged as murdering other men. Yet, if the Serbian patriots had succeeded in what they purposed they would have rendered humanity an enormous service and deserved a martyr's crown.

But they had reckoned without you, in ignorance of the fact that Austrian foreign diplomacy had degenerated into a passive tool for the accomplishment of your unbridled desires.

Had Franz Ferdinand not been killed, the world would have held him equally guilty with you; now the charge lies at your feet alone. Franz Josef, a dessicated mummy, acting solely at your command, could hardly have been aware of the full significance of his actions when he signed the ultimatum and then the declaration of war against Serbia. You had already relieved him of the necessity of making any other declarations of war.

"A clear course and straight sailing at last!" Now you had the most splendid reason for war: To avenge the murder of your friend! To be sure it was a reason for war only in the eyes of such infatuated fools as unfortunately most of your subjects were.

Suppose, for instance, some members of the Stuttgart Chapter of the Alpine Club had agreed among themselves to murder a high-handed individual who was dealing treacherously with the Alpine Club—because he looked upon the Alps merely as his hunting preserves, not as vacation spots for peaceable tourists—would this have been a reason for waging war against Wurttemberg? Since when has a country or a nation been responsible for the crimes of some of its subjects? Did anyone declare war against Switzerland or against Italy after the Austrian Empress Elizabeth was murdered in Geneva by an Italian? According to what statute in international, state, or private law may whole nations be slaughtered in revenge for the murder of one prince? Not only the people to which the murderer belongs, but also one's own people, for in war, as you probably know, the shooting is not on one side only; they shoot back.

At the beginning of July, shortly after the murder of the heir to the throne, the Austrian ambassador in Belgrade, Baron Giesl, invited the Russian Ambassador Hartwig into conference. At this conference Hartwig "died." According to the code of Austro-German diplomats, whose ideas on such subjects never emerge from the undergraduate stage, the murder of an ambassador is an affront to a State which can be wiped out only by war. You reckoned that Russia would now have to declare war upon Austria; then Germany would be involved by the terms of her alliance with Austria, and by the same token France by her alliance with Russia. Russia spoiled your plans with diplomatic adroitness by certifying through some Serbian doctors that the ambassador had died of apoplexy.

Nevertheless, you were determined not to allow the war to slip through your fingers.

On July 23, 1914, at 6 p. m., Austria's ultimatum was delivered to the Serbian Government, allowing 48 hours for a reply. It contained in its 10 points such a list of humiliations and encroachments upon Serbia's sovereign rights as has never before been presented to an independent state by a foreign Government (including the right to form associations and hold meetings, education, police, the army, the government of the state, judicial authority.) Notwithstanding this the Serbian Government did not reject the ultimatum, but acceded immediately to eight points, under the influence of Russia, England, and France, in order to preserve the peace of Europe. On one point (the participation of Austrian functionaries in suppressing the Pan-Serbian movement) she asked in most polite terms for a further explanation, where the wording of the Austrian note was undeniably obscure. At the same time she declared her readiness "to accept all cooperation which would be compatible with the principles of international law and of criminal procedure, as well as with neighborly relations." Finally on one point—the participation of Austrian functionaries in the judicial investigation of the accomplices living in Serbia (it should be noticed that the principal conspirators in Serajevo, i. e., Austrian territory, were arrested and dealt with)—the Serbian Government replied:

"The Royal Government, of course, considers it its duty to institute an investigation concerning all persons who were concerned in the conspiracy, or who are said to have been concerned in it, and who are within its territory. In regard to the participation of specially delegated functionaries of the Royal and Imperial (Austrian) Government in this investigation, however, it can not accept such a proposal, since such a thing would be a violation of the constitution and of the criminal code. On the other hand, reports concerning the results of the investigation might, in individual cases, be made to the Austro-Hungarian functionaries."

The Serbian Government went so far as to add: "The Royal Serbian Government believes that out of regard for the common interests of both parties, overhasty, precipitious action should be avoided in seeking a settlement of this affair. Therefore, in case the Austrian Government should consider this answer unsatisfactory, the Royal Serbian Government is ready as always to accept a peaceful settlement, either by submitting this question for decision to the International Court of Arbitration at The Hague or to the great powers."

This was Serbia's answer to the Austrian ultimatum, and it was delivered punctually within the appointed time to the Austrian ambassador in Belgrade. Two hours later the Austrian ambassador left Belgrade, but the German people were deceived with the lie that Serbia had brusquely rejected Austria's ultimatum.

In the following days the ministers of foreign affairs in Russia and in England, Sasonoff and Sir Edward Grey, were feverishly trying to keep peace with the world, and to settle the essentially insignificant points of difference between Austria and Serbia, either by negotiations between Austria and Russia or by a conference of the ambassadors of the States not immediately concerned—Germany, Italy, England, and France—or by recourse to The Hague Tribunal. The last proposals of England and Russia went so far as to stipulate that Austria should retain Belgrade (the Serbian capital) as a guarantee until the peaceful settlement of her controversy with Serbia, and Grey declared that he would support every proposal seriously offered by Germany for a peaceful settlement of the controversy. At the same time he made it very plain to the Russian and French Governments that no English interests would be involved in the Serbian question, and that therefore England would not violate her neutrality on account of Serbia.

Germany and Austria either rejected all proposals or refused an answer under all sorts of pretexts. The favorite tactics were to pretend that Bethmann had asserted that he had forwarded the proposals to Vienna, and had as yet received no answer. If you had moved so much as your little finger, presto! "your war" would again have slipped through your fingers. How hard it is to start a war when all the neighbors want peace!

In vain the diplomats of France and Italy asked, "What is Austria really after? Surely outstanding points of difference could be settled in a quarter of an hour." Well, Austria, as your vassal, was forced to begin war according to the terms of her agreement—war at any cost. Austria, as your vassal—every page of the diplomatic documents is proof of that. Your statesmen and diplomats disposed of the affairs of Austria as if she were their ward and they her guardians, and issued statements for Austria without so much as asking her. In the White Book, which was presented to the Reichstag as evidence of the diplomatic activity preceding the war, there is not a single document, telegram, letter, or report of a conversation that was exchanged between you or your Government and the Austrian Emperor or Government!

On July 28 followed the Austrian declaration of war against Serbia and the Austrian mobilization against Serbia as well as against Russia. Thereupon the Czar was forced to mobilize for the protection of his realm.

On with the dance! The rest you took into your own hands; on July 31 the declaration that a state of war was impending and hasty ultimata to Russia and to France, with 12 and 18 hours, respectively, allowed for answer; on August 1 the declaration of war against Russia and general mobilization; on August 2 invasion of Luxemburg and an ultimatum to Belgium; on August 3 declaration of war against France.

Not until August 6 did Austria come hobbling obediently after with her declaration of war against Russia.

Meanwhile, on August 4, England had declared war on Germany, simply and solely because Belgium's neutrality had been violated. On August 4, when the German troops were already in Belgium, the British ambassador, Goschen, inquired of your secretary of state, Von Jagow, whether it would not be possible to give up the idea of invading Belgium and to withdraw the troops. The answer was a negative one, and thereupon he demanded his passports.

THE AIM OF THE WAR.

So you set the world on fire for nothing, over differences which were not worth so much as the telegrams of the diplomats, not to mention the blood of a single human being. Never has a war been trumped up more unscrupulously, never were the efforts of neighboring nations for peace more insultingly scorned and trodden under foot. Never were nations lied to and deceived more despicably than Germany and Austria by you in order to kindle an artificial "war enthusiasm"—an enthusiasm, however, which consisted in the howling of a hundred jingoes, while a thousand sensible men had to swallow their rage in silence. Never was every approach to the truth, every crack and cranny through which it might seep more carefully dammed.

A war without reason, without an aim, simply a gigantic military pageant for your amusement, and for the "renown of

the Hohenzollern," an imperial world-war game. A war of militarism and for militarism, like a revolver that has gone mad, finding life monotonous in its desk drawer and now fires about the streets at random.

Year after year the German people have to go on murdering and letting themselves be murdered, starving and getting deeper and deeper into debt, without finding out what the aims of the war are, without so much as being allowed to discuss them.

Oh, of course, it would not do to tell them that the whole affair was but an imperial war game.

German professors who crawl on their bellies before you, but who before the world outside give themselves all the airs of a Bismarck, are devoting their painstaking efforts to inventing "a posteriori," the missing causes and aims of the war. As Mephisto says:

> Don't worry if ideas amount to nil,
> A word in timely order fills the bill.

So they say, for instance, that German civilization must be protected against Pan-Slavism. By war? No, idiots; German civilization protects itself by its own superiority. Did you ever meet men in Germany who were afraid of being Russianized?

German geologists who explore the mineral wealth of Russia, German engineers who survey the mines, German bankers who finance them, German physicians who are called to the sick beds of princes, German machine works which build up Russian industry and agriculture, German mechanics who set up the machines and direct the Russian laborers as to their use, German merchants who display to the Russians German articles of comfort and utility and teach them their application, German teachers and nurses who teach German to Russian society children and in this way break the ground for German culture, German publishers, German theatrical managers, German actors, German musicians, German painters, who present the products of German art to the Russians—these are the men who have hitherto conquered Russia in the interests of German culture, and not vice versa. But what it took them decades to build you destroyed with one stroke of the pen. They all prospered in Russia. You drove them out of it. Who knows whether they ever will be permitted to return? Pan-Slavism never estranged a German from things German, but with your cannon you drove German spirit and manners from Russia. Is it not one of the most incomparable jests in the history of the nations that this war was necessary to Russianize the good old German name of the Russian capital and make Petrograd out of Petersburg?

Again, we hear that Russia's designs upon Constantinople were a cause of the war. In reality Russia counseled Serbia to the utmost submission, and exhibited not the slightest intention to attack anyone, not even Turkey. Likewise, on former occasions, at the peace negotiations following the Balkan wars, her actions manifested far greater inclination toward peace than Austria did. We could have waited with perfect equanimity to see whether Russia would show signs of warlike intentions against Turkey, and would put these into effect, and whether even then our interests should necessitate armed intervention. In the history of the last hundred years Russia has, as a matter of fact, tried several times to get possession of Constantinople, but France and England have always thwarted her without its costing the life of a single German soldier. What foolish and stupid diplomacy it would be to provoke a war against Russia, France, and England, and to enlist Turkey on our side for the sake of forestalling alleged Russian designs upon Constantinople! That is why those whose political interests were far more opposed than ours to Russia's Dardanelles policies were made Russia's comrades in arms. If Russia conquered Germany she would really begin to be a menace to Constantinople; if she were defeated in the war you trumped up, she would necessarily look upon Turkey as a welcome compensation for the loss of Poland.

We must defend and establish the freedom of the seas against English supremacy. How silly! If the "freedom of the seas" had been threatened, compelling us to have recourse to arms on that account, then we should have had to address an ultimatum on this subject to England, and to declare war upon her. It was you, on the contrary, who begged for English neutrality, and as late as August 4, 1914, Bethmann-Hollweg declared in his speech to the Reichstag:

> We have declared to the British Government that as long as England remains neutral our fleet will not attack the northern coast of France, and we shall respect the territorial integrity and independence of Belgium. This declaration I herewith repeat before the world, and I may add that as long as England agrees in good faith to remain neutral we are also prepared to forego undertaking any hostile operations against the French merchant marine.

Is that the way one speaks in demanding of England the freedom of the seas and in drawing the sword on that account?

No; it is England herself, the classic example of freedom of trade, who hitherto steadfastly maintained the freedom of the seas and water lanes, and defended it vigorously for all the world and against all the world, the most recent occasion being against the United States in the question of the Panama Canal tolls shortly before the outbreak of the war. Never has England threatened the development of our marine or our world commerce by a single word, much less by a deed. If, in the course of the war, England resorts to a blockade in order to starve out our country, an entirely legitimate proceeding in time of war, then the attempt to improve this condition for which you only are entirely to blame can not be represented as "the aim of the war." You might just as well call the dropping of bread cards or the elimination of press censorship our war aim. If I shot at a couple of passers-by from my window, and a third, in endeavoring to aid them, threw a stone at me and broke my window, I certainly could not maintain that I fired the shot in order to defend the freedom of my window.

Why waste so much as a single breath in discussing hollow phrases, such as our "place in the sun"? Who of you has found his "place in the sun" contested by the French, Russians, English, or Serbs? Not one, either in Germany or in the German colonies. Our colonies in Africa alone cover an area more than five times as large as the whole of the German Empire. In 1913 the total German population of all our African colonies amounted to about 27,000 (men, women, and children) less than in the average suburb of Berlin. How many million Germans might still find a "place in the sun" there? We had no use at all for so much territory, and had to spend many millions every year for its upkeep.

There is a tragic logic and justice in history. If you go to war to uphold unreal contentions, you risk having them come true negatively. Pan-Slavism did not threaten Germanism, but by the war the progress and success of Germanism in the east was brought to naught. Before the war Russia was not a source of danger to Constantinople; through the war it has become one. All the seas were open to us before the war; through it we have been barred from them. We had more room under the sun than we needed; now we stand shorn of our gains, and our colonies are in the possession of the entente.

Victory in war implies the attainment of a political end by means of military force. For example, Serbia in the first Balkan War. In war for war's sake there are only victories for victory's sake—the pseudovictories of militarism.

By the battle of the Marne the French stopped your advance toward Paris and forced your army back more than 100 kilometers (62 miles). That was a real victory for the French, for thus they destroyed your military project against Paris, and that was their first purpose in the war.

On the contrary, our occupation of northern France—which was made possible only by the forcible entrance into Belgium in violation of international law—is not a victory, for we do not in the least want northern France. Your Government does not want it, and not a single German soldier wishes to settle there. The only thing they all want is to come out again. And because you are too much ashamed and too cowardly to admit the truth, thousands upon thousands must continue to bleed to death from Verdun to Dixmude and by the Somme and the Yser.

Those are your victories, Imperator!

And what of our victories in Poland?

(I here pass over the fact that the latter were not won at once, as prescribed in the plan of campaign, but only after a year's time, and likewise not by the Austrians, but by the Germans.)

If what you desired was Poland's liberation from the Russian yoke, Poland's independence, consider how often we could have attained it during the past century at the time of various great Polish rebellions, if we had sent to their aid two or three Prussian army corps. But Bismarck very properly did nothing of the sort. The blood of German soldiers is too precious to be spent for the liberation of Poland; the enmity of Russia is too high a price for us to pay for her independence. But tell me, what Pole ever asked you to free him from Russia? What German ever declared himself ready to shed his blood for that cause?

If what you wished was the incorporation of Poland into Germany, drop it. We already have more than too many Poles in Prussia. We have already thrown away hundreds of millions of money in resisting Polish nationalization by our "colonization policy." We already have enough "Polish questions" in Prussia and in the Empire.

If, on the other hand, there was a plan to unite Poland with Austria, consider that Teutonism in Austria is even to-day engaged in a death grapple with the Slavs and Poles. The

incorporation of Poland would mean the political ruin of the Germans in Austria and their suppression by the Czechs and Poles.

Is it for such "victories" that the blood of our young men and the billions of our national wealth must be sacrificed.

Take our victories in the Balkans. Whether Serbs or Bulgars, Roumanians or Greeks or Turks have a rag or tatter of land more or less down there is a matter of absolute indifference to Germany. In so far as we have interests in the Balkans we must protect them by commercial treaties; everything else is hellish madness. The whole of the Balkans are not worth the bones of a Prussian grenadier. This famous saying of Bismarck is just as true to-day as it was 40 years ago.

Anyone is a murderer and a traitor who sacrifices a single German in the cause of Bulgaria or Turkey.

THE WAR PLAN WRECKED.

In August, 1914, your war plan in the east was shattered. Instead of Warsaw being captured by the Austrians, Lemberg was taken and Przmysl besieged by the Russians. In east Prussia Gen. von Prittwitz und Gaffron, whom you had intrusted with the duty of guarding the border, got completely out of his rôle. This junker had already distinguished himself for his incapacity in the Silesian war games against von Strantz. The simultaneous attack of two great Russian armies—the Niemen and the Narew army—had not been anticipated in his program. Posen and Silesia lay open to a Russian invasion after the retreat and rout of the armies of Dankl and Auffenberg. Only the genius of two real generals, who, however, had not been provided for in your war plan—Hindenberg and Mackensen—and the unparalleled devotion of our Landwehr and Landsturm troops saved Germany from a catastrophe in the east, a catastrophe for which you would have been alone to blame.

In the west, after many bloody battles, entire failures from a strategic point of view, the Crown Prince of Bavaria succeeded in completely upsetting the local war plan in the great Battle of Lorraine August 18–21, 1914. The trenches, battery positions, and observation towers which your general staff had prepared so prematurely were left unused. It was all up with the idea of encircling and cutting off the French field force from its base. After we had foolishly given up the Vosges positions (for instance, at Donon), which we took at great cost at the beginning of the war, we finally won them back with great sacrifice of blood. That, of course, did not prevent you from triumphantly parading the battle in Lorraine before your people as a victory. Men in the inner circle assert that you yourself commanded the Bavarian Crown Prince to break off his strategic retreat prematurely, in spite of the urgent requests of Count Haessler. If this is correct—you know best yourself if it is—you are personally responsible for this failure also.

The attack upon Verdun, with the eventual surrounding and siege of the fortress, was the strategic task which you intrusted to your young hopeful, your first born. To-day, 30 months later, he finds himself on the same spot as on the 1st of September, 1914, but the graves of hundreds of thousands of German youths and men mark the theater of his activities as a general.

Large numbers of the Saxons were either captured or slain at Chalons, after failing to join forces at the beginning of September with the advancing armies of Bülow and Kluck. The force of the latter, which was already at the gates of Paris, was thereby threatened on the left wing with the danger of being surrounded by the French Army under Maunoury, and in the rear by the danger of being cut off and covered by an English Army which had landed at Boulogne. Only by a most rapid retreat from the Marne to the Aisne did they save themselves in the middle of September from a Sedan. Thus have your imperial maneuvers, senseless enough from a political standpoint, broken down and failed in every detail since the middle of September, 1914.

Since that time Germany has been a besieged fortress. Since then you have thrown sand in the eyes of the German people in civil and in military matters. Since then, to divert attention, victories have been wrung from weak States such as Serbia, Montenegro, and Roumania, and celebrated with monstrous exaggeration. Since then Germans have been slaughtered in order to protect the Hungarians, Turks, and Bulgars, whom you swept into the vortex of war, from the attacks which you have drawn down upon them. Since then myriads upon myriads of our brothers have poured out their life blood along the Yser, in the Champagne, at Arras, around Verdun, and on the Somme, not for any purpose or aim, but helpless victims of infamy. Every silent form—whether slain by us or by our "enemies"—is a murder at your hands, accusingly crying to Heaven for revenge!

The collapse of your war plan and the inner incoherence and hopelessness of the conflict are, of course, well known to our enemies. It is a secret only from the trustful, confiding German people. In truly tyrannical fashion you try to hide your weakness under a policy of frightfulness at home and abroad which is not only useless strategically but even detrimental, because it spurs the enemy to most savage resistance and evokes measures of reprisal. You plunder occupied territory, inhumanly exact fines on the merest pretexts, drag the inhabitants into slavery, throw bombs upon unprotected cities outside of the war zone, destroy monuments of art and civilization without sufficient reason, sink merchant and passenger ships of belligerent and even of neutral powers, in violation of international law, employ illegal means of warfare (gas attacks); at home you maintain secret spies, you infringe the inviolability of the mails, of the right to move freely from place to place, and of other civil rights; you arbitrarily imprison without legal justification, and unconstitutionally suppress accurately reported speeches in the Reichstag; you are shockingly unreasonable and treacherous in dealing with business, and crown all your misdeeds by the shooting of starving women and children with machine guns. By these and many other acts you have not only graven your mark deep into the brazen tablets of the world's history as the most infamous monster of all mankind, but, what is more to be regretted, you have sullied for all time the honor of Germany, to the rage and shame of all noble and right-thinking German men and women. Through your agents you vainly attempt to bribe public opinion in foreign countries with gold—with the gold of your people. Every thinking neutral, every reasonable person is upon the side of our enemies, not because he has been bribed, nor because he is a manufacturer of munitions, but out of sheer enthusiasm for the great common cause of humanity, the cause which you tread underfoot. Millions flow ceaselessly from their pockets for the amelioration of distress among your most unhappy victims—the Belgians, the Poles, and the Serbs.

THE GUILT.

He who fights for his rights may be defeated with honor. He who fights an unjust cause must win or go under.

As we well know, the voice of conscience speaks ever more insistently to your heart. The furies whiten your hair, and under their pursuit your features grow wild and haggard. There was no pose in your words when you said, as you knelt upon a great common grave of German soldiers in Flanders: "This was not what I wanted." It was the cry of a stupid boy who throws a match into a powder keg on seeing the destruction which he has caused. "The war was not what I wanted." This was the sort of lie your sycophants tried to make out of your words.

But you are too much of a coward to make amends for your guilt—the heaviest blood guilt which a man has ever taken upon himself. With averted eyes you whine out your prayers to the God whom you ask to protect you from the consequence of your iniquity, and while you go on heaping murder on murder through your accomplices you charge others with the guilt which you have brought upon yourself. We already have condemned and despised you—now you make us sick with disgust. "Semper calumnaire audacter." "Always tell lies boldly." That is the only way in which you and your Government show their courage.

For decades France has committed no hostile act toward Germany. She elected no more "revenge howlers" to her ministries, nor to other places of responsibility, and she showed her love of peace in the three Morocco crises. After Austria's declaration of war against Serbia, when the German boundary was already occupied by military outposts and Germany's purposes were well known, France directed her soldiers to keep 10 kilometers (6 miles) within our own territory, in order to avoid any possible conflict with you, and to give you not the least pretext for a declaration of war. Even with your Government's most barefaced lies concerning the alleged presence of French airmen along the Rhine and over Nuremberg, statements which have since been denied by the magistrate of Nuremberg himself, it could not fool the world into believing that France shared any guilt for the war.

Again, it is claimed that Russia by her mobilization interrupted the negotiations for settling the Austro-Serbian dispute, which are alleged to have been under way, and for this reason she is charged with having forced you to declare war. According to Bethmann-Hollweg in his speech before the Reichstag August 4, 1914, the mobilization on our boundary was already in full swing in the night of July 30–31, 1914. As a matter of fact the Russian mobilization of the four southern Provinces of Kiev, Kasan, Odessa, and Moscow was ordered on July 29 and officially reported to the powers. The general mobilization took place at 1 in the morning on July 31. But note that:

(1) Mobilization is not war; mobilization is increased military preparedness. Austria was mobilized for a long time after the first Balkan War without Russia or any other power deriving a reason for war from that fact. The Czar and his minister of foreign affairs, Sasonoff, gave the most solemn assurances that Russia's mobilization was without aggressive intent of any sort, that Russia would not begin hostilities under any circumstances. They not only declared themselves ready to continue negotiations, but for their own part made the most extensive proposals for a peaceful settlement of the Serbian question. (Belgrade pledged for the fulfillment of Austria's desires.) The Czar left it within your discretion to answer the Russian mobilization with a German mobilization.

(2) Austria had mobilized on July 28 against Russia, too. The Russian mobilization was therefore evoked by Austria's and as necessary to self-defense. Moreover, Russia was fully acquainted with your intentions in regard to the war. From the very conduct of the Austrian and German Governments in the Serbian question their intention to make war became perfectly evident. It would have been most conscienceless and remiss in the Czar and his Government had they left their country an unprotected prey to the Austro-German attack.

(3) At the hour of the Russian mobilization you had not yet, to be sure, given the official order for mobilization. In reality, however, so many military preparations had already been made that they amounted to a mobilization. We mention only a few, such as were, for the most part, known to us personally. After July 25 the boundaries, stations, railroad tunnels, and bridges were put under military guard. After July 26, if not earlier, aeroplanes and Zeppelins patroled the boundaries and the islands of the North Sea, and likewise torpedo boats in the North Sea and the Baltic. After July 27 cavalry sabers were sharpened. After July 29 innumerable military transport trains passed over the German railroads; for instance, in the night of July 29–30 alone 35 military trains went through Nuremberg. On July 29 several regiments of heavy artillery landed in Borkum, filled the whole island with heavy cannon, destroyed the quays, beach pavilions, and so forth, and mined the hotels and houses along the shore in order that they might be blown up at any moment. On July 30 the entire population was forced to leave the island with the exception of the men between the ages of 17 and 60, who were compelled to remain. On July 30 telegraph and telephone communication with territory along the boundaries and within such territory was stopped or placed under military control. At least as early as July 30 large numbers of reserve officers and landwehr officers and also reservists had in their hands calls to the colors either by telegraph or by letter. All these measures were taken not ony against Russia but even against England and France, although a war of aggression by Russia would in no way have involved France under the terms of her alliance. Your offensive war against Russia had therefore been resolved upon and settled since the ultimatum to Serbia (in reality for many a year before that).

No; Russia's mobilization was not a cause for war. It was, however, very annoying to you, because you now had to make your attack not against a defenseless enemy but against one who was armed. You behaved like the robber who calls out to his victim when the latter reaches for his revolver, "Drop your gun or I'll shoot!" That was what your ultimatum to Russia amounted to.

In truth, ever since we were comrades in arms with Russia in the war of liberation against Napoleon we have been united with her in friendship for more than a hundred years. That friendship was fostered by Bismarck and all far-sighted German statesmen. It was gratefully acknowledged and returned by the Russians, especially by Czar Nicholas, and the high esteem in which it was held continued until the last instant before your declaration of war. This friendship you senselessly tore to shreds, and in so doing you tore all commercial and intellectual bonds which up to that moment had joined the people of Germany and Russia, with so much profit to us.

But, worst of all, the German people, inexperienced as they are politically, are being scandalously deceived with lies about the English "encircling" policy, which is alleged to be responsible for the war.

Envy of Germany's political success, of her colonies, her merchant marine, her commerce, and her industry is given as the motive for this policy.

If only the German people were not so blinded by their own self-satisfaction, and had a little knowledge of foreign affairs, they would know that England is much nearer contemplating our development with a condescending smile than with envy.

It is with envy that thinking men in Germany look upon the superiority of English statecraft in domestic and foreign policies, and upon the splendid results of these policies, which have made the English tongue and English civilization supreme over whole continents almost without a stroke of the sword.

They see with envy that German emigrants make their way to English colonies prospering under a model government, whereas in our colonies they find only the bureaucracy and caste of the mother country. Our emigrants prefer other spots to a place under the sun of your colonial government, and, sad to say, for entirely justifiable reasons.

They see with envy that peoples subjugated by England—as, for instance, the Boers—grow and prosper under English freedom, justice, and statecraft, and after but a few years become the most enthusiastic partisans of the English Government, while strangers whom we have incorporated within Germany—the Alsatians, the people of Lorraine, the Poles, and the Danes—under the yoke of your military and junker rule remain at all times a thorn in our flesh.

House rents, most articles of food, and taxes were far lower in England before the war than in Germany. Incomes under 3,000 marks ($750) were free from an income tax. In 1913, only 5.18 per cent (approximately a twentieth) of all householders in Prussia had an income of over 3,000 marks; on the other hand, more than half—50.5 per cent—had an income under 900 marks ($225). In other words, more than half of your subjects were living in the most poverty-stricken circumstances.

While in England, even in the large cities, almost every skilled workman and his family have their own house and garden, in Berlin, according to the census of 1905, 820,071 people were living in one-room dwellings; 49,991 of such single rooms were inhabited by 5 or more people—up to 13. Countless Germans have smaller living quarters at their disposal than the inmate of a prison cell.

In spite of its brilliant development, our foreign trade in comparison with our population is not only smaller than England's, but also than that of Holland, Denmark, and Switzerland—and, at that, Switzerland does not possess a single ship. Likewise, our public well-being is comparatively far below that of these small States and of England. Neither the size of a State nor its military power in any way promotes the happiness and welfare of the population. These conditions depend solely upon science, mechanical development, art, commerce, and business activity. By militarism the achievements of civilization can be only destroyed, never brought forth. Even in times of peace militarism continually withdraws from economic pursuits hundreds of thousands of men in their prime and billions of capital, and necessitates financial legislation which, at every turn and corner, makes the business of earning a living more difficult and costly, hinders and obstructs trade and economic progress, and, finally, handicaps industry in its ability to compete with foreign countries.

The English know all this. You may be sure they do not envy us. The free Briton, who finds strength and discipline in his chosen "sport," looks down with scorn, not envy, upon your people in the leading strings of militarism, bureaucracy, junkerism, and clericalism. He sees them governed and impoverished by a few dozen superfluous princes—before the war just as much as now.

The people of England, entirely antimilitary though they are, whom you and the wiseacres of your general staff treated as nobodies from a military point of view and sport for the cartoonist, predicted a war of three years' duration from the very beginning, even at the time when Count Haisaler said he expected to celebrate Sedan Day, 1914, in Paris, and when you were prophesying that the Landsturm would come home in the fall of the year.

If England, with her enormous colonial empire spanning as it does half the globe, had ever pursued a policy of selfishness against Germany or had ever wished to do so, she would have found nothing easier. She could have introduced protective tariffs in order to insure her industry against German competition. She could have granted her ships in her colonial harbors and marine coaling stations as well as in England special privileges, for instance, better docking facilities and cheaper harbor tolls. She could have made German trade in England and in the British colonies difficult and expensive by requiring passports and trade licenses involving payments, etc. She could have pushed Germans from her doorstep as "troublesome foreigners" in the same way you treat foreigners in Prussia. But, no. In no foreign country, not in the German Empire itself, have Germans possessed so much freedom as in England and in England's colonies. Nowhere in Germany have foreigners possessed so much freedom as Germans in England have. England has never pursued a policy of envy against Germany. To wage war because of envy—such an absurdity can only find lodgment in a brain completely inoculated with militarism.

It is a profoundly significant dispensation in world history that the most peaceful Government in the world, the first to inscribe the ideas of pacifism upon her banners and to resolve, with typical British energy, upon translation of these ideas into deeds, has been compelled for this very reason to wage in the interests of humanity the greatest war which England has ever conducted, a war to exterminate wars, at least among civilized nations.

Even as far back as 1890, during a discussion of the Caprivi Zanzibar treaty, in the British Lower House, by which Helgoland was relinquished to Germany, one of the members expressed his fear that Germany might be able to make a fortress out of this island for use against England. Lord Salisbury, the prime minister, remarked that this possibility was not worth considering, as another war among the enlightened nations of Europe was certainly not likely to occur.

That thought was typical of English statesmen who judge others by the same standards of good sense as they apply to themselves. But your uncle, then Prince of Wales and later King Edward VII, knew you better. He had had far too many opportunities to observe you from your youth up and to become acquainted with your purely militaristic range of ideas for him not to recognize what a monstrous danger threatened the peace of the world from this source. This far-seeing man of the world, friend of the arts and sciences, fond of life's pleasures, who was as seldom seen in uniform as you were seen without it, made it his business to travel about among our neighbors, including Austria, because he knew of the impending danger. Solely to imprison your overeager sword within its sheath and to keep the peace of Europe, he assured them: "If Germany should make a sudden attack upon you, call on me!" He did not bind himself but he threatened you: if you break the peace, you will find England on the side of your opponents!

This is the starting point, the purport, and aim of the entire "encirclement" policy. It would have preserved peace to our own advantage—permanently, too—if you had taken England's power and England's word as seriously as they have always deserved to be taken. But in your infatuation you were mad enough to believe that you could unhinge England's world power with the help of the Sultan.

The three shining lights of England's political heaven—Asquith, Grey, and Lloyd-George. They are not only the most important statesmen on earth to-day but also the greatest pacifists who have ever directed a Government. Up to the outbreak of the war their reasoning was as follows: The annual European expenditures for armaments devour billions altogether fruitlessly, to the detriment of all the nations concerned, and of civilization. The latter could be splendidly promoted with a fraction of the sums thus squandered. These expenditures are entirely futile, for every increase in the armament of one country is followed by an increase among her competitors, the ratio therefore always remaining the same; and they do not serve to insure peace but to increase the danger of war, and the longer this is kept up the worse the danger. Just as individual peoples, by means of an organized State administration of law to which they were subject, succeeded in emerging from the medieval epoch of the robber knight when one vassal constantly warred against another, so the enlightened States of to-day must leave behind the whole war system and attain an orderly régime based upon international law and treaties, under which disputes as they arise will be settled by arbitration having universal sanction and conducted by disinterested powers (the Hague Tribunal).

These men, moreover, have always acted in accordance with these principles. Thus they came to mutual agreements with Russia in determining their sphere of influence in Persia, with Japan in the matter of their respective policies in eastern Asia, and, shortly before the outbreak of the world war, with Germany in determining her sphere of interest in Mesopotamia. In this way friction over critical points is out of the question from the very first.

At the instance of Sir Edward Grey in 1906 the question of armament was placed upon the program of the second Hague Peace Conference. Grey explained this in the lower house in the following words:

"At no time has public opinion in Europe been more firmly fixed upon peace than at the present, and yet the burden of appropriations for the army and navy is constantly increasing. The Hague conference could render no more meritorious service than to make the terms upon which peace is maintained less expensive than heretofore. It has been said we should wait for other powers, but as matters now stand all the powers are waiting for one another, and some day one of them must take the first step."

This first step was taken by Sir Edward Grey.

In harmony with its obstructionist policy at the first Hague conference, your Government, with the support of Austria at the second conference, categorically opposed all progress in the direction suggested by Sir Edward Grey, and, in fact, all advance toward world peace in general. On the ground that those were their instructions, your representatives not only declined all discussion of this question for their own part, but even registered a formal protest against debates on this subject by the representatives of other States. Thus most of the States, including England, France, and Russia, had proposed and resolved that the powers should bind themselves to appeal to the Hague court of arbitration at least in all questions which did not involve the vital interests or the independence of the contesting parties. Germany and Austria not only refused this proposal, but also protested against this resolution being considered as binding even upon the States which had agreed to it—i. e., not upon Germany and Austria.

The two Hague peace conferences could therefore make resolutions applicable only in case of a war, but could not frame resolutions to prevent a war, though this had been the earnest desire of all the other civilized powers, England especially.

After the failure of these plans for peace and disarmament, the English statesmen, led by Sir Edward Grey, sought year in and year out to come to an agreement with Germany in order at least to set a limit to naval armaments. Sensible merchants—which the English are, while your professional soldiers and diplomats certainly are not—would scarcely keep 100 fire and theft proof safes if I answered the purpose. Grey kept indefatigably making proposals, for instance, that the present status of the fleets of England and Germany, 16 to 10, should be maintained, with the threat, however, that for every new German warship England would lay down two—two keels for one. In other words, if you were willing to refrain from further naval preparations, England would do the same, the ratio remaining 16 to 10. If, however, you refuse, your sea power will constantly grow less in relation to England's.

As a representative of the Krupp firm, of course you could not agree to this proposal.

After the failure of the Hague peace conference in 1907, the tireless English summoned a world peace congress in London during the summer of 1908. At this Lloyd-George, then minister of finance, pleaded in an impassioned speech for an understanding between Germany and England and declared it a pity "that in the twentieth century it should be necessary to hold a conference in a civilized country to protest against Christian States annually expending about $2,000,000,000 for the purpose of preparing to kill one another."

Asquith declared that "England would joyfully grasp the hand which was offered her in good faith and with a friendly purpose."

England kept on offering you her hand. You always refused to take it, and replied by new navy and army bills.

In a speech in the lower House December 12, 1910, Grey called the continued increase in military preparations a "breaking down of civilization" and a "bleeding to death in times of peace." Grey continually and expressly offered Germany the friendship of England and assured her that "the friendly relations which England had already formed were no obstacle to her making new ones." A single word from you and Germany would have been received into the entente as a highly esteemed and welcome member of the community which stood for enlightenment and peace in Europe.

Since the English Government realized that you were steering more and more steadily toward war it sent Lord Haldane, with whom you had for a long time been on terms of personal friendship, on a special mission to Berlin in February, 1912, in order to influence you toward peace. He was forced to the disappointing conclusion that all his efforts were in vain. While he was negotiating with you for peace, you were treating with him for England's neutrality in case of war. You wanted to make it easier for yourself to carry on war by eliminating England, while England, on the other hand, wished to make it harder for you to carry on war at all.

Grey declined to accede to your demand for neutrality, and on account of his obligations to Belgium he could not have done otherwise if he had wished. At the same time, however, in a document handed to the German ambassador, he made the following official declaration on the basis of a resolution of the cabinet: "England will neither make an unprovoked attack upon Germany nor will she take part in such an attack. An attack upon Germany is not the object nor a constituent part of any treaty, understanding, or alliance to which England is a party. England will never allow herself to be involved in any such agreement."

Can a power more strongly emphasize its peaceable purposes or more safely guarantee them for the future? It must be remembered that England was under no obligation whatsoever to make any such binding declarations, and that it was a pure and unrequited proof of her peaceful and friendly designs toward Germany.

England has not encircled Germany, but, in spite of the offers made by England, Germany and Austria have purposely and with malevolent and hostile intent kept aloof from all peaceable, friendly agreements which the other great powers of Europe have made with one another in order to preserve world peace.

Sir Edward Grey displayed feverish activity in the critical days from July 23 to August 1, 1914. Even the energy with which he labored day and night over countless dispatches and conferences in the interests of a peaceful understanding was astonishing. All the published diplomatic documents, even the much-doctored ones of the German White Book, present an unmistakable record of his activity. He exerted powerful pressure upon Servia, Russia, and France in favor of unlimited compliance and with complete success. Only in the case of Germany and Austria did all his proposals, suggestions, and inquiries fall upon deaf ears. They both discarded—the German Government would submit the proposal to Austria; the Austrian Government made no reply. As in 1912, so now the German Government answered England's peace proposals with the demand that England remain neutral. This was equivalent to an acknowledgment that she wished to carry on war but without England's intervention.

Grey issued the following statement on July 31, 1914, through the British ambassador in Berlin: "England declines the proposal concerning neutrality. Friendly relations between England and Germany can be maintained in only one way; that is, if these two countries unite in a common effort to preserve the peace of Europe. If they make this effort, the relations between these countries will automatically be improved and reinforced. The British Government is prepared to exert itself in this direction with all seriousness and good will. If the peace of Europe can be preserved at this time and the crisis safely passed, England's whole efforts will be directed toward bringing about an arrangement to which Germany could be a party, and in which it would find an absolute assurance that no aggressive or hostile policies of any sort would be pursued against it or its allies by France, Russia, or England. This had been his wish, and he had labored for this end to the full extent of his ability. His idea had hitherto appeared too Utopian to be the definite objective of actual proposals. If, however, the present crisis, which was more dangerous than any which had arisen in Europe for generations, should be safely passed, he hoped that the period of relief and relaxation of tension following it would bring the powers into closer touch with each other than had hitherto been possible."

Bethmann-Hollweg had a copy made of this truly touching appeal from Grey "in order to be able to consider the matter at his leisure," as he said to the British ambassador. Manifestly the result of this consideration was the declaration on the same day that the country was in imminent peril of war, and the ultimata to Russia and France.

Many other proofs of England's desire for peace and positive efforts toward peace could be adduced. Just as you prepared for war so England prepared for peace. In the last years before the war she called one international congress in London after another. After the congress for world peace in London, 1908, which we have already mentioned, there followed congresses of authors, bankers, leaders of Parliament, doctors, physicians, and naturalists, all with the purpose of influencing public opinion in Germany in favor of a peaceful rapprochement between the powers. Love's labor lost, for in Germany public opinion does not decide questions of war and peace as it does in England, but, according to the constitution of the Empire, these matters rest solely with the Emperor.

And for this reason also you alone bear the responsibility! You and the counsellors you yourself chose!

Lest any misunderstanding arise it should be emphasized as self-evident that your responsibility is not removed or diminished by the Reichstag's granting of war credits. You did not consult the Reichstag before the ultimata to Serbia, Russia, France, and Belgium, nor before the declarations of war. It was not until after these, on the 4th of August, 1914, that the Reichstag was consulted, and even then you did not tell it the truth; you lied about the antecedents, the causes, and the aims of the war. The Reichstag of August 4, 1914, found itself, figuratively speaking, in the position of a fire company, which has to get out the fire-fighting apparatus even if the owner or head of the house himself has started the blaze. This is not the place to discuss such questions as, for instance, whether the Reichstag could not have acted to better purpose, with more energy, insight, and appreciation of the demands of the situation, and whether individual members of it were not already acquainted with your intentions and were your accessories and partners in crime. No wholesale murderer is absolved from blame because he had accomplices or because the consequences of his deed could have been obviated by the prudent interference of others.

The indictment of you which we made at the beginning of this writing is therefore proved in every particular.

CONCLUSION.

No web of lies, no matter how intricate, can absolve you from guilt before the world, nor can it cloud the vision of neutral or even hostile nations.

And though you and your henchmen have hitherto succeeded by brute force and with Jesuit wiles in barring the door to truth in Germany, some day the truth will yet come in. And the longer that day is in coming the worse not only for Germany but for you, too, your house, and all your crew!

You and your Government are the ones who not only began the war, but you alone prevent the bloodshed from coming to an end. Nothing else whatever stands in the way of Germany's still making an honorable peace.

Your downfall, the downfall of the monarchic-militaristic-junker Government in Germany and the establishment of a German Republic, marching hand in hand with England and France—this would mean peace, prosperity, and happiness for the whole world; a deep sigh of relief after a universal régime of blood and madness—relief for the whole world, but above all for Germany itself.

When some one asked Bismarck after the battle of Koniggratz what he would have done had the battle turned out unfavorably, he answered: "I should have put myself at the head of a cavalry charge and ridden into the thick of the fight, and never come back alive." Thus spoke a great man, a man of power, but a man—one who knew how to bear the consequences of his deeds, not a scoundrel who snivels sanctimoniously as day after day he heaps corpse upon corpse merely because he is too craven to confess his guilt before God and man and to pay the price with his life.

Woe to you; woe to your brood and to your aids and abettors!

Truth is on the way; the hand of eternal justice even now writes in characters of fire on the walls of your palace:

MENE TEKEL UPHARSIN!

You have plunged humanity into the bloodiest, most senseless, and most frenzied of all wars, and insulted humanity can not and will not rest until the evil which imperils peace, progress, and happiness of mankind is rooted out and destroyed. Other nations, to be sure, but above all the German people themselves, must insist inexorably that the system you and your hangers-on represent, the régime of militarism, endless armaments, and constant sword rattling, shall disappear from the earth. Not regis voluntas suprema lex, but legis voluntas supremus rex—not "Might makes right," but "Right makes might"—is to be the watchword of the world in the future. Only the people themselves shall decide matters affecting their own weal and woe and war and peace, not the moods of tyrants thirsting for power. Then we can go about our peaceful business unconcerned; the nations will no longer butcher each other in order to have victories to celebrate.

If the German people do not wish permanently to become your partners in guilt—if they desire to have a voice in the future reorganization of Europe and above all in the reorganization of Germany—they have got to wake up before it is too late and make common cause with the enlightened powers of the world and draw their sword against him who is truly their only enemy, who is to blame for the misfortunes of humanity and the outrageous disgrace of Germany. If the German people, from stupidity or cowardice, can not arouse themselves to this work of liberation, if they leave it to our "enemies" alone, they will forever have forfeited the right to be heard in the council of the nations and to play a part in world history.

Comrades and brothers of Germany, your "enemies" have neither the wish nor the power to destroy Germany, as your Government would deceive you into believing. But you yourselves destroy Germany, you die of wounds and hunger, and you tread Germany's honor and prestige in the dust so long as you bow your heads to the slavery of the Kaiser.

Wake up and act, but make haste, before it is too late!

ADJOURNMENT.

Mr. MARTIN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 18, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 17, 1918.

APPOINTMENT IN THE ARMY.

CHAPLAIN.

Rev. Melvin Verne Oggel, of New York, to be chaplain with rank from January 10, 1918.

POSTMASTERS.

ALABAMA.

Albert M. Espey to be postmaster at Albertville, Ala., in place of A. M. Espey. Incumbent's commission expired August 27, 1917.

James C. Burns to be postmaster at Bay Minette, Ala., in place of J. C. Burns. Incumbent's commission expired August 27, 1917.

H. O. Sparks to be postmaster at Boaz, Ala., in place of H. O. Sparks. Incumbent's commission expired September 1, 1917.

Jefferson K. Quillin to be postmaster at Clayton, Ala., in place of J. K. Quillin. Incumbent's commission expired July 26, 1917.

Clifford T. Harris to be postmaster at Columbia, Ala., in place of C. T. Harris. Incumbent's commission expired August 2, 1917.

Laura E. Richards to be postmaster at Foley, Ala. Office became presidential October 1, 1917.

Hugh T. Caffey to be postmaster at Leeds, Ala. Office became presidential October 1, 1917.

Tommie P. Lewis to be postmaster at Seale, Ala. Office became presidential October 1, 1917.

William E. Crawford to be postmaster at Decatur, Ala., in place of W. E. Crawford. Incumbent's commission expired May 22, 1917.

D. F. Sugg to be postmaster at Ensley, Ala., in place of D. F. Sugg. Incumbent's commission expired October 4, 1917.

Mollie P. Henderson to be postmaster at Enterprise, Ala., in place of M. P. Henderson. Incumbent's commission expired September 1, 1917.

Charles S. McDowell to be postmaster at Eufaula, Ala., in place of C. S. McDowell. Incumbent's commission expired May 20, 1917.

C. E. Brooks to be postmaster at Fort Deposit, Ala., in place of C. E. Brooks. Incumbent's commission expired August 2, 1917.

Sylvanus W. Riddle to be postmaster at Gadsden, Ala., in place of S. W. Riddle. Incumbent's commission expired June 23, 1917.

William K. Kenan to be postmaster at Geneva, Ala., in place of W. K. Kenan. Incumbent's commission expired November 13, 1917.

Henry I. Goff to be postmaster at Hartford, Ala., in place of H. I. Goff. Incumbent's commission expired July 2, 1917.

William G. Porter to be postmaster at Heflin, Ala., in place of W. G. Porter. Incumbent's commission expired August 2, 1917.

Ed G. Caldwell to be postmaster at Jacksonville, Ala., in place of Ed G. Caldwell. Incumbent's commission expired May 20, 1917.

W. P. Tartt to be postmaster at Livingston, Ala., in place of W. P. Tartt. Incumbent's commission expired August 13, 1917.

S. M. Roberts to be postmaster at Monroeville, Ala., in place of S. M. Roberts. Incumbent's commission expired October 16, 1917.

W. T. Morris to be postmaster at Ragland, Ala., in place of W. T. Morris. Incumbent's commission expired October 4, 1917.

Stephen L. Dorroh to be postmaster at Reform, Ala., in place of S. L. Dorroh. Incumbent's commission expired November 22, 1917.

John E. Delony to be postmaster at Tuscumbia, Ala., in place of J. E. Delony. Incumbent's commission expired November 13, 1917.

B. C. Gibson to be postmaster at Tuskegee, Ala., in place of B. C. Gibson. Incumbent's commission expired October 16, 1917.

James A. Anderson to be postmaster at University, Ala., in place of J. A. Anderson. Incumbent's commission expired October 16, 1917.

ALASKA.

Everett McPhee to be postmaster at Anchorage, Alaska, in place of Fred B. Wood, removed.

Mrs. R. E. Coughlin to be postmaster at Treadwell, Alaska, in place of Mary A. Carroll, resigned.

John C. Allen to be postmaster at Petersburg, Alaska. Office became presidential October 1, 1917.

ARIZONA.

Jesse J. Rascoe, jr., to be postmaster at Morenci, Ariz., in place of J. J. Rascoe, jr. Incumbent's commission expired July 10, 1917.

Paul A. Smith to be postmaster at Tombstone, Ariz., in place of P. A. Smith. Incumbent's commission expired September 29, 1917.

Ange T. Pancrazi to be postmaster at Yuma, Ariz., in place of A. T. Pancrazi. Incumbent's commission expired December 23, 1917.

Lola B. Tomlinson to be postmaster at Bowie, Ariz. Office became presidential July 1, 1917.

Mamie B. Mayer to be postmaster at Mayer, Ariz. Office became presidential October 1, 1917.

ARKANSAS.

William A. Bushmiaer to be postmaster at Alma, Ark., in place of W. A. Bushmiaer. Incumbent's commission expired May 6, 1917.

John L. McCain to be postmaster at Crossett, Ark., in place of J. L. McCain. Incumbent's commission expired September 25, 1917.

James F. Rieves to be postmaster at Marion, Ark. Office became presidential October 1, 1917.

Lee R. See to be postmaster at Swifton, Ark. Office became presidential October 1, 1917.

John T. Chenirs, jr., to be postmaster at Tillar, Ark. Office became presidential July 1, 1917.

James M. Daniel to be postmaster at Wilmar, Ark. Office became presidential October 1, 1917.

James L. Cannon to be postmaster at De Queen, Ark., in place of J. L. Cannon. Incumbent's commission expired October 2, 1917.

James E. Leeper to be postmaster at Dermott, Ark., in place of J. E. Leeper. Incumbent's commission expired November 29, 1917.

Albert D. Agee to be postmaster at Gurdon, Ark., in place of A. D. Agee. Incumbent's commission expired November 29, 1917.

W. O. Bartlett to be postmaster at Hamburg, Ark., in place of W. O. Bartlett. Incumbent's commission expired August 15, 1917.

W. B. Kyle to be postmaster at McCrory, Ark., in place of W. B. Kyle. Incumbent's commission expired August 15, 1917.

George R. Hays to be postmaster at Newport, Ark., in place of G. R. Hays. Incumbent's commission expired October 4, 1917.

Flora A. Hall to be postmaster at Pocahontas, Ark., in place of F. A. Hall. Incumbent's commission expired May 22, 1917.

Louis K. Buerkle to be postmaster at Stuttgart, Ark., in place of L. K. Buerkle. Incumbent's commission expired May 6, 1917.

H. L. Fuller to be postmaster at Waldron, Ark., in place of H. L. Fuller. Incumbent's commission expired July 31, 1917.

A. B. Cone to be postmaster at Wilmot, Ark., in place of A. B. Cone. Incumbent's commission expired October 4, 1917.

CALIFORNIA.

Thomas C. Stoddard to be postmaster at Alameda, Cal., in place of T. C. Stoddard. Incumbent's commission expired July 10, 1917.

Nellie Pellet to be postmaster at Brawley, Cal., in place of N. Pellet. Incumbent's commission expired July 10, 1917

Charles R. Thompson to be postmaster at Burbank, Cal., in place of C. R. Thompson. Incumbent's commission expired November 29, 1917.

W. D. McClellan to be postmaster at La Verne (late Lordsburg), Cal., in place of W. D. McClellan, to change name of office.

Charles Osborne to be postmaster at Lankershim, Cal. Office became presidential October 1, 1917.

S. Willard Coffren to be postmaster at Llano, Cal. Office became presidential October 1, 1917.

Orynthia Copeland to be postmaster at Los Altos, Cal. Office became presidential July 1, 1917.

Mabel Hanford to be postmaster at Lost Hills, Cal. Office became presidential October 1, 1917.

Jesse A. Ivy to be postmaster at Thermal, Cal. Office became presidential October 1, 1917.

Georgia A. Wiard to be postmaster at Chula Vista, Cal., in place of G. A. Wiard. Incumbent's commission expired August 27, 1917.

Anna M. Carson to be postmaster at Compton, Cal., in place of A. M. Carson. Incumbent's commission expired November 29, 1917.

Oliver C. Williams to be postmaster at Dinuba, Cal., in place of O. C. Williams. Incumbent's commission expired July 10, 1917.

Elizabeth M. Steel to be postmaster at Downey, Cal., in place of E. M. Steel. Incumbent's commission expired November 29, 1917.

George P. Dobyns to be postmaster at El Monte, Cal., in place of G. P. Dobyns. Incumbent's commission expired November 29, 1917.

James T. Clayton to be postmaster at Elsinore, Cal., in place of J. T. Clayton. Incumbent's commission expired July 10, 1917.

William J. Simms to be postmaster at Gardena, Cal., in place of W. J. Simms. Incumbent's commission expired November 29, 1917.

Warren A. Bradley to be postmaster at Gustine, Cal., in place of W. A. Bradley. Incumbent's commission expired September 1, 1917.

Milton M. Pilkenton to be postmaster at Hermosa Beach, Cal., in place of M. P. Pilkenton. Incumbent's commission expired November 20, 1917.

Mary F. Stevenson to be postmaster at Imperial, Cal., in place of M. F. Stevenson. Incumbent's commission expired July 10, 1917.

W. K. McFarland to be postmaster at Jackson, Cal., in place of W. K. McFarland. Incumbent's commission expired August 19, 1917.

Sophie J. Rice to be postmaster at King City, Cal., in place of S. J. Rice. Incumbent's commission expired November 29, 1917.

B. Q. R. Canon to be postmaster at La Mesa, Cal., in place of B. Q. R. Canon. Incumbent's commission expired September 1, 1917.

Don C. Saunders to be postmaster at Lompoc, Cal., in place of D. C. Saunders. Incumbent's commission expired November 29, 1917.

Walter J. Desmond to be postmaster at Long Beach, Cal., in place of W. J. Desmond. Incumbent's commission expired November 29, 1917.

F. B. Nichols to be postmaster at McCloud, Cal., in place of F. B. Nichols. Incumbent's commission expired August 19, 1917.

Warren Rodgers to be postmaster at McKittrick, Cal., in place of W. Rodgers. Incumbent's commission expired August 19, 1917.

Thomas F. Fogarty to be postmaster at Marysville, Cal., in place of T. F. Fogarty. Incumbent's commission expired November 29, 1917.

Eugene J. Crane to be postmaster at Menlo Park, Cal., in place of E. J. Crane. Incumbent's commission expired November 29, 1917.

Frank Zimmerman to be postmaster at Monrovia, Cal., in place of F. Zimmerman. Incumbent's commission expired August 27, 1917.

Francis F. Wrenn to be postmaster at Newcastle, Cal., in place of F. F. Wrenn. Incumbent's commission expired August 11, 1917.

John W. Heard to be postmaster at Oilcenter, Cal., in place of J. W. Heard. Incumbent's commission expired December 22, 1917.

Clark McLain to be postmaster at Pasadena, Cal., in place of C. McLain. Incumbent's commission expired November 29, 1917.

F. S. Harrison to be postmaster at Patterson, Cal., in place of F. S. Harrison. Incumbent's commission expired August 19, 1917.

Frank P. Firey to be postmaster at Pomona, Cal., in place of F. P. Firey. Incumbent's commission expired November 29, 1917.

Alexander Ludwig to be postmaster at Redding, Cal., in place of A. Ludwig. Incumbent's commission expired July 10, 1917.

Floyd Godfrey to be postmaster at San Dimas, Cal., in place of F. Godfrey. Incumbent's commission expired November 29, 1917.

Charles W. Fay to be postmaster at San Francisco, Cal., in place of C. W. Fay. Incumbent's commission expired October 22, 1917.

J. M. Qualls to be postmaster at Sanger, Cal., in place of J. M. Qualls. Incumbent's commission expired June 6, 1917.

Byron Millard to be postmaster at San Jose, Cal., in place of B. Millard. Incumbent's commission expired July 10, 1917.

Michael F. Cochrane to be postmaster at San Rafael, Cal., in place of M. F. Cochrane. Incumbent's commission expired November 29, 1917.

J. B. Laufman to be postmaster at Santa Paula, Cal., in place of J. B. Laufman. Incumbent's commission expired August 19, 1917.

George Gribble to be postmaster at Scotia, Cal., in place of George Gribble. Incumbent's commission expired November 29, 1917.

Jesse D. Brite to be postmaster at Tehachapi, Cal., in place of J. D. Brite. Incumbent's commission expired July 10, 1917.

S. Eliza Stitt to be postmaster at Vacaville, Cal., in place of Eliza Stitt. Incumbent's commission expired August 27, 1917.

Norman P. Cormack to be postmaster at Wasco, Cal., in place of N. P. Cormack. Incumbent's commission expired August 19, 1917.

Alfred Belieu to be postmaster at Watts, Cal., in place of A. Belieu. Incumbent's commission expired November 29, 1917.

COLORADO.

Clark Cooper to be postmaster at Canon City, Colo., in place of C. Cooper. Incumbent's commission expired July 14, 1917.

Herbert D. Barnhart to be postmaster at Creede, Colo., in place of H. D. Barnhart. Incumbent's commission expired July 11, 1917.

A. J. Horan to be postmaster at Crested Butte, Colo., in place of A. J. Horan. Incumbent's commission expired August 18, 1917.

Hubert Reynolds to be postmaster at Greeley, Colo., in place of H. Reynolds. Incumbent's commission expired July 25, 1917.

Frederick H. Meyers to be postmaster at Clifton, Colo. Office became presidential July 1, 1917.

Mary E. Holmes to be postmaster at Fleming, Colo. Office became presidential October 1, 1917.

Ralph E. Jordan to be postmaster at Grover, Colo. Office became presidential October 1, 1917.

Ruth N. Frame to be postmaster at Haswell, Colo. Office became presidential October 1, 1917.

Thomas J. Bradshaw to be postmaster at Ignacio, Colo. Office became presidential July 1, 1917.

Charles L. Spilliman to be postmaster at Norwood, Colo. Office became presidential April 1, 1917.

Mary M. Minehouse to be postmaster at Wiley, Colo. Office became presidential October 1, 1917.

William A. White to be postmaster at Holyoke, Colo., in place of W. A. White. Incumbent's commission expired September 3, 1917.

Finley Dye to be postmaster at Julesburg, Colo., in place of F. Dye. Incumbent's commission expired July 11, 1917.

Michael F. O'Day to be postmaster at Lafayette, Colo., in place of M. F. O'Day. Incumbent's commission expired August 18, 1917.

M. J. Brennan to be postmaster at Leadville, Colo., in place of M. J. Brennan. Incumbent's commission expired September 3, 1917.

T. T. Donovan to be postmaster at Longmont, Colo., in place of T. T. Donovan. Incumbent's commission expired June 6, 1917.

Sherman S. Bellesfield to be postmaster at Pueblo, Colo., in place of S. S. Bellesfield. Incumbent's commission expired August 5, 1917.

Judith Nichols to be postmaster at Ridgway, Colo., in place of J. Nichols. Incumbent's commission expired July 11, 1917.

Joseph W. Beery to be postmaster at Saguache, Colo., in place of J. W. Beery. Incumbent's commission expired August 18, 1917.

CONNECTICUT.

Thomas J. Sullivan to be postmaster at Baltic, Conn., in place of T. J. Sullivan. Incumbent's commission expired August 20, 1917.

Patrick C. Cavanaugh to be postmaster at Burnside, Conn., in place of P. C. Cavanaugh. Incumbent's commission expired July 10, 1917.

Merritt E. Tooker to be postmaster at Uncasville, Conn. Office became presidential October 1, 1917.

Jeremiah J. Sullivan to be postmaster at Colchester, Conn., in place of J. J. Sullivan. Incumbent's commission expired July 10, 1917.

William J. Thomas to be postmaster at Moodus, Conn., in place of W. J. Thomas. Incumbent's commission expired October 16, 1917.

William I. Austin to be postmaster at Noroton Heights, Conn., in place of W. I. Austin. Incumbent's commission expired June 5, 1917.

Samuel E. Louden to be postmaster at Riverside, Conn., in place of S. E. Louden. Incumbent's commission expired May 23, 1916.

Thomas J. Quish to be postmaster at South Manchester, Conn., in place of T. J. Quish. Incumbent's commission expired July 10, 1917.

Dennis C. Murphy to be postmaster at Taftville, Conn., in place of Dennis C. Murphy. Incumbent's commission expired December 22, 1917.

James T. Murray to be postmaster at Thompsonville, Conn., in place of James T. Murray. Incumbent's commission expired October 1, 1917.

DELAWARE.

William L. Duff to be postmaster at Newport, Del. Office became presidential July 1, 1917.

FLORIDA.

Samuel M. Wilson to be postmaster at Bartow, Fla., in place of Samuel M. Wilson. Incumbent's commission expired July 15, 1917.

Joseph H. Humphries to be postmaster at Bradentown, Fla., in place of J. H. Humphries. Incumbent's commission expired July 11, 1917.

A. Keathley to be postmaster at Brooksville, Fla., in place of A. Keathley. Incumbent's commission expired September 1, 1917.

Fannie P. Reeves to be postmaster at Avon Park, Fla. Office became presidential January 1, 1917.

Silas E. Yon to be postmaster at Blountstown, Fla. Office became presidential October 1, 1917.

George I. English to be postmaster at Greenville, Fla. Office became presidential October 1, 1917.

Fred S. Kanode to be postmaster at Passagrille, Fla. Office became presidential July 1, 1917.

Cornelia Higgins to be postmaster at Warrington, Fla. Office became presidential October 1, 1917.

William R. Roesch to be postmaster at Eau Gallie, Fla., in place of William R. Roesch. Incumbent's commission expired May 26, 1917.

Arthur B. Brown to be postmaster at Fort Pierce, Fla., in place of Arthur B. Brown. Incumbent's commission expired April 28, 1917.

Samuel Bass to be postmaster at Glen St. Mary, Fla., in place of Samuel Bass. Incumbent's commission expired October 30, 1917.

E. W. Irvine to be postmaster at Lake City, Fla., in place of E. W. Irvine. Incumbent's commission expired August 1, 1917.

William R. Dorman to be postmaster at Liveoak, Fla., in place of William R. Dorman. Incumbent's commission expired July 11, 1917.

J. B. Potter to be postmaster at Mulberry, Fla., in place of J. B. Potter. Incumbent's commission expired August 27, 1917.

L. M. Caswell to be postmaster at Perry, Fla., in place of L. M. Caswell. Incumbent's commission expired November 24, 1917.

M. H. Slone to be postmaster at Plant City, Fla., in place of M. H. Slone. Incumbent's commission expired September 1, 1917.

George D. Rhode to be postmaster at Punta Gorda, Fla., in place of George D. Rhode. Incumbent's commission expired August 27, 1917.

Carrie S. Abbe to be postmaster at Sarasota, Fla., in place of Carrie S. Abbe. Incumbent's commission expired July 10, 1917.

William E. McEwen to be postmaster at Wauchula, Fla., in place of William E. McEwen. Incumbent's commission expired July 26, 1917.

G. N. Denning to be postmaster at Winter Park, Fla., in place of G. N. Denning. Incumbent's commission expired July 11, 1917.

J. L. Geiger to be postmaster at Zephyrhills, Fla., in place of J. L. Geiger. Incumbent's commission expired July 25, 1917.

GEORGIA.

P. D. Wootten to be postmaster at Abbeville, Ga., in place of P. D. Wootten. Incumbent's commission expired October 16, 1917.

D. F. Davenport to be postmaster at Americus, Ga., in place of D. F. Davenport. Incumbent's commission expired August 27, 1917.

Bolling H. Jones to be postmaster at Atlanta, Ga., in place of Bolling H. Jones. Incumbent's commission expired August 27, 1917.

Annie K. Bunn to be postmaster at Cedartown, Ga., in place of Annie K. Bunn. Incumbent's commission expired July 25, 1917.

Henry M. Miller to be postmaster at Colquitt, Ga., in place of Henry M. Miller. Incumbent's commission expired May 6, 1917.

John S. McKenzie to be postmaster at Comer, Ga., in place of John S. McKenzie. Incumbent's commission expired July 2, 1917.

A. L. McArthur to be postmaster at Cordele, Ga., in place of A. L. McArthur. Incumbent's commission expired August 27, 1917.

A. G. Hockenhull to be postmaster at Cumming, Ga., in place of A. G. Hockenhull. Incumbent's commission expired September 11, 1917.

Alice B. Bussey to be postmaster at Cuthbert, Ga., in place of Alice B. Bussey. Incumbent's commission expired July 30, 1917.

Benjamin E. Croker to be postmaster at Dallas, Ga., in place of B. E. Croker. Incumbent's commission expired October 16, 1917.

Vivian L. Stanley to be postmaster at Dublin, Ga., in place of Vivian L. Stanley. Incumbent's commission expired August 15, 1917.

Vivian Humphreys to be postmaster at Stone Mountain, Ga., in place of Vivian McCurdy. Name changed by marriage.

Abbie F. Beacham to be postmaster at Glenwood, Ga. Office became presidential April 1, 1917.

J. A. Stokes to be postmaster at Gordon, Ga. Office became presidential July 1, 1917.

L. W. Stanford to be postmaster at Hamilton, Ga. Office became presidential October 1, 1917.

Flem C. Dame to be postmaster at Homerville, Ga. Office became presidential July 1, 1917.

Jennie S. Lester to be postmaster at Lexington, Ga. Office became presidential July 1, 1917.

L. M. Peacock, jr., to be postmaster at Eastman, Ga., in place of L. M. Peacock, jr. Incumbent's commission expired September 11, 1917.

Teressa G. Williams to be postmaster at Greenville, Ga., in place of Teressa G. Williams. Incumbent's commission expired July 29, 1917.

W. Custis Nottingham to be postmaster at Macon, Ga., in place of Custis Nottingham. Incumbent's commission expired August 5, 1917.

Mamie E. Wright to be postmaster at Metter, Ga., in place of Mamie E. Wright. Incumbent's commission expired October 16, 1917.

George W. Dansby to be postmaster at Rockmart, Ga., in place of George Dansby. Incumbent's commission expired July 25, 1917.

Marion Lucas to be postmaster at Savannah, Ga., in place of Marion Lucas. Incumbent's commission expired September 25, 1917.

H. O. Crittenden to be postmaster at Shellman, Ga., in place of H. O. Crittenden. Incumbent's commission expired July 30, 1917.

Annie P. Harper to be postmaster at Stillmore, Ga., in place of Annie P. Harper. Incumbent's commission expired October 4, 1917.

P. Brooks Ford to be postmaster at Sylvester, Ga., in place of P. Brooks Ford. Incumbent's commission expired July 10, 1917.

Sanford P. Darby to be postmaster at Vidalia, Ga., in place of Sanford P. Darby. Incumbent's commission expired August 15, 1917.

Mary P. Dixon to be postmaster at West Point, Ga., in place of Mary P. Dixon. Incumbent's commission expired May 20, 1917.

Gilbert B. Banks to be postmaster at Waynesboro, Ga., in place of Gilbert B. Banks. Incumbent's commission expired August 6, 1917.

HAWAII.

Millicent M. E. Cumming to be postmaster at Paia, Hawaii, in place of M. K. Keohokalole, removed.

J. S. Medeiros to be postmaster at Puunene, Hawaii. Office became presidential April 1, 1917.

Frank Cox to be postmaster at Waimea, Hawaii, in place of C. B. Hofgaard, resigned.

Elizabeth H. Travis to be postmaster at Waipahu, Hawaii, in place of William Miner, not commissioned.

IDAHO.

Samuel H. Laird to be postmaster at American Falls, Idaho, in place of Samuel H. Laird. Incumbent's commission expired July 11, 1917.

George W. Harris to be postmaster at Burke, Idaho, in place of George W. Harris. Incumbent's commission expired July 11, 1917.

John E. Paul to be postmaster at Dubois, Idaho. Office became presidential October 1, 1917.

Mae Scofield to be postmaster at Vollmer, Idaho. Office became presidential October 1, 1917.

Charles H. Gelbach to be postmaster at Kooskia, Idaho. Office became presidential October 1, 1916.

W. J. Coltman to be postmaster at Idaho Falls, Idaho, in place of W. J. Coltman. Incumbent's commission expired July 11, 1917.

Emil L. Mueller to be postmaster at Kamiah, Idaho, in place of Emil L. Mueller. Incumbent's commission expired July 11, 1917.

Alexander McDermid to be postmaster at Kimberly, Idaho, in place of Alexander McDermid. Incumbent's commission expired July 11, 1917.

Howard E. King to be postmaster at Nampa, Idaho, in place of H. E. King. Incumbent's commission expired July 15, 1917.

Simpson M. Rich to be postmaster at Paris, Idaho, in place of Simpson M. Rich. Incumbent's commission expired July 11, 1917.

John Jay Nickles to be postmaster at Plummer, Idaho, in place of John Jay Nickles. Incumbent's commission expired July 11, 1917.

Frederick H. Bradbury to be postmaster at Rathdrum, Idaho, in place of F. H. Bradbury. Incumbent's commission expired July 11, 1917.

Frank S. Harding to be postmaster at Weiser, Idaho, in place of Frank S. Harding. Incumbent's commission expired July 19, 1917.

ILLINOIS.

J. C. Dorfler to be postmaster at Aren, Ill., in place of J. C. Dorfler. Incumbent's commission expired August 27, 1917.

John W. Troy to be postmaster at Arthur, Ill., in place of John W. Troy. Incumbent's commission expired August 15, 1917.

Mabel Minger to be postmaster at Buckley, Ill. Office became presidential October 1, 1916.

Frances C. Sweeney to be postmaster at Fort Sheridan, Ill. Office became presidential October 1, 1917.

Richard F. Corley to be postmaster at Herrick, Ill. Office became presidential July 1, 1917.

Walter V. Berry to be postmaster at Irving, Ill. Office became presidential October 1, 1916.

James F. Harrison to be postmaster at Leaf River, Ill. Office became presidential January 1, 1917.

David R. Bennett to be postmaster at Panama, Ill. Office became presidential April 1, 1917.

Sanford D. Metcalfe to be postmaster at Brocton, Ill. Office became presidential October 1, 1917.

Edward J. Cushing to be postmaster at Assumption, Ill., in place of Edward J. Cushing. Incumbent's commission expired July 11, 1917.

Edward Johnston to be postmaster at Atkinson, Ill., in place of Edward Johnston. Incumbent's commission expired November 22, 1917.

Dewey T. Queen to be postmaster at Auburn, Ill., in place of Dewey T. Queen. Incumbent's commission expired July 10, 1917.

John Geiss to be postmaster at Batavia, Ill., in place of John Geiss. Incumbent's commission expired July 31, 1917.

Philip H. Sopp to be postmaster at Belleville, Ill., in place of Philip H. Sopp. Incumbent's commission expired August 1, 1917.

William G. Cloyd to be postmaster at Bement, Ill., in place of William G. Cloyd. Incumbent's commission expired August 1, 1917.

Patrick S. McPherson to be postmaster at Benld, Ill., in place of P. S. McPherson. Incumbent's commission expired July 11, 1917.

M. J. Sullivan to be postmaster at Braidwood, Ill., in place of M. J. Sullivan. Incumbent's commission expired October 30, 1917.

Henry Werth to be postmaster at Breese, Ill., in place of Henry Werth. Incumbent's commission expired September 1, 1917.

W. T. Holifield to be postmaster at Brookport, Ill., in place of W. T. Holifield. Incumbent's commission expired July 31, 1917.

M. M. Brown to be postmaster at Bunker Hill, Ill., in place of M. M. Brown. Incumbent's commission expired November 22, 1917.

Clarence H. Hunt to be postmaster at Cambridge, Ill., in place of C. H. Hunt. Incumbent's commission expired July 11, 1917.

Frederic A. Perkins to be postmaster at Canton, Ill., in place of F. A. Perkins. Incumbent's commission expired October 16, 1917.

Ross Lee to be postmaster at Casey, Ill., in place of R. Lee. Incumbent's commission expired July 31, 1917.

Alexander Perkins to be postmaster at Cerro Gordo, Ill., in place of A. Perkins. Incumbent's commission expired September 18, 1917.

John E. Rethorn to be postmaster at Chandlerville, Ill., in place of J. E. Rethorn. Incumbent's commission expired August 27, 1917.

James E. Jontry to be postmaster at Chenoa, Ill., in place of J. E. Jontry. Incumbent's commission expired August 1, 1917.

Clyde W. Schoener to be postmaster at Cicero, Ill., in place of C. W. Schoener. Incumbent's commission expired September 18, 1917.

Wilson M. Bering to be postmaster at Decatur, Ill., in place of W. M. Bering. Incumbent's commission expired June 27, 1917.

David L. Wright to be postmaster at Effingham, Ill., in place of D. L. Wright. Incumbent's commission expired October 22, 1917.

A. A. Dobson to be postmaster at Elburn, Ill., in place of A. A. Dobson. Incumbent's commission expired August 27, 1917.

Peter Petri to be postmaster at Eureka, Ill., in place of P. Petri. Incumbent's commission expired October 30, 1917.

Leslie G. Horrie to be postmaster at Gardner, Ill., in place of L. G. Horrie. Incumbent's commission expired September 18, 1917.

Michael P. Bergen to be postmaster at Gillespie, Ill., in place of M. P. Bergen. Incumbent's commission expired August 15, 1917.

J. M. Rumsey to be postmaster at Golconda, Ill., in place of J. M. Rumsey. Iscumbent's commission expired July 31, 1917.

Robert E. Downing to be postmaster at Golden, Ill., in place of R. E. Downing. Incumbent's commission expired October 30, 1917.

Michael F. O'Connor to be postmaster at Harvard, Ill., in place of M. F. O'Connor. Incumbent's commission expired September 18, 1917.

Matthew Bollan to be postmaster at Havana, Ill., in place of M. Bollan. Incumbent's commission expired July 11, 1917.

William M. Dooley to be postmaster at Highland Park, Ill., in place of W. M. Dooley. Incumbent's commission expired August 15, 1917.

Leo T. L. Neff to be postmaster at Illiopolis, Ill., in place of L. T. Neff. Incumbent's commission expired September 1, 1917.

M. D. Brubaker to be postmaster at Iuka, Ill., in place of M. D. Brubaker. Incumbent's commission expired August 15, 1917.

Clifford W. Brewer to be postmaster at Knoxville, Ill., in place of C. W. Brewer. Incumbent's commission expired August 2, 1917.

Charles F. Buck to be postmaster at Lacon, Ill., in place of C. F. Buck. Incumbent's commission expired July 31, 1917.

Jinks V. Sperry to be postmaster at La Harpe, Ill., in place of J. V. Sperry. Incumbent's commission expired August 1, 1917.

Henry C. Johnson to be postmaster at Lawrenceville, Ill., in place of H. C. Johnson. Incumbent's commission expired September 18, 1917.

Joseph F. Traband to be postmaster at Lebanon, Ill., in place of J. F. Traband. Incumbent's commission expired September 9, 1917.

Harry E. Buckles to be postmaster at Le Roy, Ill., in place of H. E. Buckles. Incumbent's commission expired July 10, 1917.

Harry Holland to be postmaster at Marion, Ill., in place of H. Holland. Incumbent's commission expired June 13, 1917.

Ira W. Metcalf to be postmaster at Momence, Ill., in place of I. W. Metcalf. Incumbent's commission expired September 1, 1917.

Charles E. Moffitt to be postmaster at Monticello, Ill., in place of C. E. Moffitt. Incumbent's commission expired September 18, 1917.

John H. McGrath to be postmaster at Morris, Ill., in place of J. H. McGrath. Incumbent's commission expired September 3, 1917.

William H. Clear to be postmaster at Mount Pulaski, Ill., in place of W. H. Clear. Incumbent's commission expired August 1, 1917.

J. J. Baker to be postmaster at Mount Vernon, Ill., in place of J. J. Baker. Incumbent's commission expired September 25, 1917.

E. M. Dieter to be postmaster at Naperville, Ill., in place of E. M. Dieter. Incumbent's commission expired November 22, 1917.

Joseph S. Grimes to be postmaster at National Stock Yards, Ill., in place of J. S. Grimes. Incumbent's commission expired November 22, 1917.

James T. Hinds to be postmaster at Newman, Ill., in place of J. T. Hinds. Incumbent's commission expired July 10, 1917.

Andrew J. Eckhoff to be postmaster at Nokomis, Ill., in place of A. J. Eckhoff. Incumbent's commission expired December 1, 1917.

Walter R. Lovett to be postmaster at Onarga, Ill., in place of W. R. Lovett. Incumbent's commission expired October 30, 1917.

Thomas Moyer to be postmaster at Paris, Ill., in place of Thomas Moyer. Incumbent's commission expired June 23, 1917.

Katherine M. McClements to be postmaster at Park Ridge, Ill., in place of K. M. McClements. Incumbent's commission expired May 22, 1917.

Wilbur A. Woods to be postmaster at Pawpaw, Ill., in place of W. A. Woods. Incumbent's commission expired August 27, 1917.

Benjamin R. Croxen to be postmaster at Peotone, Ill., in place of B. R. Croxen. Incumbent's commission expired August 15, 1917.

Samuel Shockey to be postmaster at Ramsey, Ill., in place of Samuel Shockey. Incumbent's commission expired July 10, 1917.

Jacob Sand to be postmaster at Roanoke, Ill., in place of Jacob Sand. Incumbent's commission expired October 30, 1917.

John Coleman to be postmaster at Rochelle, Ill., in place of John Coleman. Incumbent's commission expired October 30, 1917.

Melville S. Yoho to be postmaster at Roseville, Ill., in place of M. S. Yoho. Incumbent's commission expired November 22, 1917.

John R. Barclay to be postmaster at Rutland, Ill., in place of J. R. Barclay. Incumbent's commission expired November 22, 1917.

Virgil J. Swarm to be postmaster at St. Elmo, Ill., in place of V. J. Swarm. Incumbent's commission expired August 15, 1917.

Frank Stone to be postmaster at Shelbyville, Ill., in place of Frank Stone. Incumbent's commission expired August 15, 1917.

D. F. Le Roy to be postmaster at Streator, Ill., in place of D. F. Le Roy. Incumbent's commission expired September 1, 1917.

E. Wynette Herlocker to be postmaster at Table Grove, Ill., in place of E. W. Herlocker. Incumbent's commission expired July 11, 1917.

Benjamin F. Neal to be postmaster at Toledo, Ill., in place of B. F. Neal. Incumbent's commission expired July 21, 1917.

B. L. Greeley to be postmaster at Tremont, Ill., in place of B. L. Greeley. Incumbent's commission expired September 1, 1917.

Cleve B. Schroder to be postmaster at Vermont, Ill., in place of C. B. Schroder. Incumbent's commission expired August 1, 1917.

William E. Hess to be postmaster at Wilmette, Ill., in place of W. E. Hess. Incumbent's commission expired December 1, 1917.

B. F. Moberley to be postmaster at Windsor, Ill., in place of B. F. Moberley. Incumbent's commission expired August 15, 1917.

John H. Henson to be postmaster at Xenia, Ill., in place of J. H. Henson. Incumbent's commission expired August 27, 1917.

Harry B. Fasmer to be postmaster at Yorkville, Ill., in place of H. B. Fasmer. Incumbent's commission expired July 31, 1917.

INDIANA.

Michael E. Maloney to be postmaster at Aurora, Ind., in place of M. E. Maloney. Incumbent's commission expired August 1, 1917.

Frank S. Coffin to be postmaster at Bloomingdale, Ind., in place of F. S. Coffin. Incumbent's commission expired November 20, 1917.

William R. Dunn to be postmaster at Dale, Ind. Office became presidential July 1, 1917.

Orris Hooper, sr., to be postmaster at Dillsboro, Ind. Office became presidential July 1, 1917.

John T. Cuskaden to be postmaster at St. Paul, Ind. Office became presidential July 1, 1917.

Benjamin A. Batson to be postmaster at Bluffton, Ind., in place of B. A. Batson. Incumbent's commission expired October 23, 1917.

W. P. Van Arsdall to be postmaster at Fairmount, Ind., in place of W. P. Van Arsdall. Incumbent's commission expired October 23, 1917.

Charles Hatch to be postmaster at Fort Branch, Ind., in place of Charles Hatch. Incumbent's commission expired July 10, 1917.

Marion A. Thomas to be postmaster at Jasonville, Ind., in place of M. A. Thomas. Incumbent's commission expired July 11, 1917.

Charles H. Ball to be postmaster at La Fayette, Ind., in place of C. H. Ball. Incumbent's commission expired August 1, 1917.

Earl Talbott to be postmaster at Linton, Ind., in place of Earl Talbott. Incumbent's commission expired August 27, 1917.

Kinsey B. Clark to be postmaster at Medaryville, Ind., in place of K. B. Clark. Incumbent's commission expired July 10, 1917.

Lloyd W. Dunlap to be postmaster at Mentone, Ind., in place of L. W. Dunlap. Incumbent's commission expired August 20, 1917.

Charles Wright to be postmaster at North Manchester, Ind., in place of Charles Wright. Incumbent's commission expired July 10, 1917.

James N. Culp to be postmaster at North Vernon, Ind., in place of J. N. Culp. Incumbent's commission expired July 2, 1917.

William S. Tindall to be postmaster at Paoli, Ind., in place of W. S. Tindall. Incumbent's commission expired November 24, 1917.

Nehemiah Littlefield to be postmaster at Rensselaer, Ind., in place of N. Littlefield. Incumbent's commission expired October 4, 1917.

E. R. Niccum to be postmaster at Swayzee, Ind., in place of E. R. Niccum. Incumbent's commission expired May 20, 1917.

Walter H. Smith to be postmaster at Versailles, Ind., in place of W. H. Smith. Incumbent's commission expired July 10, 1917.

Ernest E. Forsythe to be postmaster at Washington, Ind., in place of E. E. Forsythe. Incumbent's commission expired July 30, 1917.

IOWA.

I. M. Finnell to be postmaster at Algona, Iowa, in place of I. M. Finnell. Incumbent's commission expired June 6, 1917.

Ed. McConaughey to be postmaster at Allerton, Iowa, in place of Ed. McConaughey. Incumbent's commission expired July 23, 1917.

Orson R. Hutchison to be postmaster at Arlington, Iowa, in place of O. R. Hutchison. Incumbent's commission expired July 15, 1917.

George A. Pruitt to be postmaster at Blanchard, Iowa, in place of G. A. Pruitt. Incumbent's commission expired July 23, 1917.

Jair S. Wildman to be postmaster at Blockton, Iowa, in place of J. S. Wildman. Incumbent's commission expired September 4, 1917.

John H. Schulte to be postmaster at Breda, Iowa, in place of J. H. Schulte. Incumbent's commission expired July 23, 1917.

A. W. Lee to be postmaster at Britt, Iowa, in place of A. W. Lee. Incumbent's commission expired July 23, 1917.

Jacob Meyer to be postmaster at Calmar, Iowa, in place of Jacob Meyer. Incumbent's commission expired July 23, 1917.

Charles D. Huston to be postmaster at Cedar Rapids, Iowa, in place of C. D. Huston. Incumbent's commission expired September 10, 1917.

William F. McCarty to be postmaster at Clarence, Iowa, in place of W. F. McCarty. Incumbent's commission expired July 23, 1917.

Thomas R. McKaig to be postmaster at Corwith, Iowa, in place of T. R. McKaig. Incumbent's commission expired July 23, 1917.

Anna B. Berry to be postmaster at North McGregor, Iowa. Office became presidential July 1, 1917.

George W. Crandell to be postmaster at Rippey, Iowa. Office became presidential July 1, 1917.

Margaret E. Nefzger to be postmaster at Terril, Iowa. Office became presidential October 1, 1917.

Albert H. Procese to be postmaster at Waukee, Iowa. Office became presidential October 1, 1917.

Katie A. Schwarz to be postmaster at West Burlington, Iowa. Office became presidential July 1, 1917.

Frank W. Buxton to be postmaster at Wheatland, Iowa. Office became presidential October 1, 1917.

Frederick B. Sharon to be postmaster at Davenport, Iowa, in place of F. B. Sharon. Incumbent's commission expired July 10, 1917.

Harry A. Cooke to be postmaster at Eagle Grove, Iowa, in place of H. A. Cooke. Incumbent's commission expired July 15, 1917.

W. E. Dudley to be postmaster at Earlham, Iowa, in place of W. H. Dudley. Incumbent's commission expired July 23, 1917.

Frank Kussart to be postmaster at Eddyville, Iowa, in place of Frank Kussart. Incumbent's commission expired July 23, 1917.

John J. Donahoe to be postmaster at Gilmore City, Iowa, in place of J. J. Donahoe. Incumbent's commission expired June 6, 1917.

William H. Fickel to be postmaster at Glenwood, Iowa, in place of W. H. Fickel. Incumbent's commission expired November 29, 1917.

Charles H. Woodard to be postmaster at Gowrie, Iowa, in place of C. H. Woodard. Incumbent's commission expired June 5, 1917.

Sam Robinson to be postmaster at Gravity, Iowa, in place of Sam Robinson. Incumbent's commission expired July 23, 1917.

William H. Frew to be postmaster at Hiteman, Iowa, in place of William Frew. Incumbent's commission expired July 23, 1917.

Peter Jungers to be postmaster at Hospers, Iowa, in place of Peter Jungers. Incumbent's commission expired July 23, 1917.

F. C. Boeke to be postmaster at Hubbard, Iowa, in place of F. C. Boeke. Incumbent's commission expired July 31, 1917.

Andrew T. O'Brien to be postmaster at Independence, Iowa, in place of A. T. O'Brien. Incumbent's commission expired July 23, 1917.

Charles L. Paul to be postmaster at Ireton, Iowa, in place of C. L. Paul. Incumbent's commission expired August 2, 1917.

Wilhelm Hesselschwerdt to be postmaster at Kalona, Iowa, in place of W. Hesselschwerdt. Incumbent's commission expired November 29, 1917.

Henry Africa to be postmaster at Kanawha, Iowa, in place of Henry Africa. Incumbent's commission expired August 2, 1917.

E. R. Ashley to be postmaster at Laporte City, Iowa, in place of E. R. Ashley. Incumbent's commission expired August 28, 1917.

D. P. O'Connor to be postmaster at Lawler, Iowa, in place of D. P. O'Connor. Incumbent's commission expired July 31, 1917.

Milton Funk to be postmaster at Lewis, Iowa, in place of Milton Funk. Incumbent's commission expired July 23, 1917.

D. E. Horton to be postmaster at Lime Spring, Iowa, in place of D. E. Horton. Incumbent's commission expired July 15, 1917.

Michael J. Harty to be postmaster at Lone Tree, Iowa, in place of M. J. Harty. Incumbent's commission expired July 15, 1917.

Reuben M. Gable to be postmaster at Lost Nation, Iowa, in place of R. M. Gable. Incumbent's commission expired July 23, 1917.

Anton Huebsch to be postmaster at McGregor, Iowa, in place of Anton Huebsch. Incumbent's commission expired August 28, 1917.

J. J. McDermott to be postmaster at Manilla, Iowa, in place of J. J. McDermott. Incumbent's commission expired July 31, 1917.

A. G. Johnson to be postmaster at Marshalltown, Iowa, in place of A. G. Johnson. Incumbent's commission expired July 23, 1917.

J. J. Herbster to be postmaster at Millford, Iowa, in place of J. J. Herbster. Incumbent's commission expired July 23, 1917.

Harry C. Fox to be postmaster at Monona, Iowa, in place of H. C. Fox. Incumbent's commission expired July 23, 1917.

Tracy R. Osborne to be postmaster at New Sharon, Iowa, in place of T. R. Osborne. Incumbent's commission expired November 6, 1917.

Alfred B. Callender to be postmaster at Ocheyedan, Iowa, in place of A. B. Callender. Incumbent's commission expired July 31, 1917.

Charles B. Clark to be postmaster at Ogden, Iowa, in place of C. B. Clark. Incumbent's commission expired July 23, 1917.

Frank W. Miller to be postmaster at Olin, Iowa, in place of F. W. Miller. Incumbent's commission expired July 23, 1917.

Ben Jensen to be postmaster at Onawa, Iowa, in place of Ben Jensen. Incumbent's commission expired August 28, 1917.

Charles W. McCarty to be postmaster at Ottumwa, Iowa, in place of C. W. McCarty. Incumbent's commission expired July 23, 1917.

Frank Kenney to be postmaster at Oxford Junction, Iowa, in place of Frank Kenney. Incumbent's commission expired July 23, 1917.

Jasper W. Morris to be postmaster at Panora, Iowa, in place of J. W. Morris. Incumbent's commission expired November 29, 1917.

Edwin Wattonville to be postmaster at Pomeroy, Iowa, in place of Edwin Wattonville. Incumbent's commission expired July 31, 1917.

John E. Dargan to be postmaster at Riceville, Iowa, in place of J. E. Dargan. Incumbent's commission expired August 19, 1917.

P. A. McCray to be postmaster at Rolfe, Iowa, in place of P. A. McCray. Incumbent's commission expired July 23, 1917.

John F. Goos to be postmaster at Sabula, Iowa, in place of J. F. Goos. Incumbent's commission expired July 28, 1917.

Edwin L. Heimer to be postmaster at Sanborn, Iowa, in place of E. L. Heimer. Incumbent's commission expired July 23, 1917.

Warren A. Edington to be postmaster at Sheldon, Iowa, in place of W. A. Edington. Incumbent's commission expired July 31, 1917.

J. G. Winter to be postmaster at Sioux Center, Iowa, in place of J. G. Winter. Incumbent's commission expired August 19, 1917.

Frederick S. Anderson to be postmaster at Stanton, Iowa, in place of F. S. Anderson. Incumbent's commission expired July 23, 1917.

Leo L. Hamblin to be postmaster at Walker, Iowa, in place of L. L. Hamblin. Incumbent's commission expired July 23, 1917.

John McGloin to be postmaster at Wall Lake, Iowa, in place of John McGloin. Incumbent's commission expired July 31, 1917.

M. H. Kelly to be postmaster at Waterloo, Iowa, in place of M. H. Kelly. Incumbent's commission expired September 4, 1917.

Daniel H. Bauman to be postmaster at Webster City, Iowa, in place of D. H. Bauman. Incumbent's commission expired August 5, 1917.

William D. Schulte to be postmaster at West Point, Iowa, in place of W. D. Schulte. Incumbent's commission expired July 23, 1917.

Elmer E. Hopkins to be postmaster at Whiting, Iowa, in place of Elmer Hopkins. Incumbent's commission expired July 23, 1917.

Mortimer D. Sullivan to be postmaster at Wilton Junction, Iowa, in place of M. D. Sullivan. Incumbent's commission expired November 29, 1917.

Joseph H. Riseley to be postmaster at Winthrop, Iowa, in place of J. H. Riseley. Incumbent's commission expired July 23, 1917.

KANSAS

Elliott S. Irvin to be postmaster at Coffeyville, Kans., in place of E. S. Irvin. Incumbent's commission expired November 17, 1917.

Robert A. Watt to be postmaster at Edna, Kans., in place of R. A. Watt. Incumbent's commission expired July 10, 1917.

Harvey C. Peterson to be postmaster at Eskridge, Kans., in place of H. C. Peterson. Incumbent's commission expired August 15, 1917.

Gustave Ziesenis to be postmaster at Eudora, Kans., in place of G. Ziesenis. Incumbent's commission expired July 11, 1917.

Herman L. Haasis to be postmaster at Florence, Kans., in place of H. L. Haasis. Incumbent's commission expired July 11, 1917.

Edward F. Hudson to be postmaster at Fredonia, Kans., in place of E. F. Hudson. Incumbent's commission expired July 11, 1917.

Hugh O'Hara to be postmaster at Frontenac, Kans., in place of Hugh O'Hara. Incumbent's commission expired July 28, 1917.

Raymond E. Stotts to be postmaster at Garden City, Kans., in place of R. E. Stotts. Incumbent's commission expired December 23, 1917.

Sophia M. Dickerson to be postmaster at Gypsum, Kans., in place of S. M. Dickerson. Incumbent's commission expired August 26, 1917.

Charles H. Harvey to be postmaster at Haddam, Kans., in place of C. H. Harvey. Incumbent's commission expired July 22, 1917.

John C. Girk to be postmaster at Halstead, Kans., in place of J. C. Girk. Incumbent's commission expired July 10, 1917.

Marion E. Henderson to be postmaster at Haven, Kans., in place of M. E. Henderson. Incumbent's commission expired June 17, 1917.

W. A. Corrigan to be postmaster at Havland, Kans., in place of W. A. Corrigan. Incumbent's commission expired July 11, 1917.

Baty W. Hamar to be postmaster at Howard, Kans., in place of B. W. Hamar. Incumbent's commission expired August 1, 1917.

Madison D. Gallogly to be postmaster at Hoxie, Kans., in place of M. D. Gallogly. Incumbent's commission expired May 20, 1917.

James K. Stinson to be postmaster at Marquette, Kans., in place of J. K. Stinson. Incumbent's commission expired October 4, 1917.

Mildred K. Johnston to be postmaster at Meade, Kans., in place of M. K. Johnston. Incumbent's commission expired August 5, 1917.

Eugene W. Perkins to be postmaster at Beverly, Kans. Office became presidential July 1, 1917.

Maggie Dowell to be postmaster at Gaylord, Kans. Office became presidential July 1, 1917.

Aubrey J. Roberts to be postmaster at Herndon, Kans. Office became presidential October 1, 1917.

M. V. Dunlap to be postmaster at Osawatomie, Kans., in place of M. V. Dunlap. Incumbent's commission expired May 29, 1917.

L. F. Niece to be postmaster at Natoma, Kans., in place of L. F. Niece. Incumbent's commission expired July 10, 1917.

A. F. Hamm to be postmaster at Nortonville, Kans., in place of A. F. Hamm. Incumbent's commission expired July 15, 1917.

Walter B. Ford to be postmaster at Oskaloosa, Kans., in place of W. B. Ford. Incumbent's commission expired July 10, 1917.

L. A. Walker to be postmaster at Parsons, Kans., in place of L. A. Walker. Incumbent's commission expired July 28, 1917.

Francis W. Boyd to be postmaster at Phillipsburg, Kans., in place of F. W. Boyd. Incumbent's commission expired July 10, 1917.

Elmer H. Epperson to be postmaster at Scott City, Kans., in place of E. P. Epperson. Incumbent's commission expired October 9, 1917.

William McHaley to be postmaster at Toronto, Kans., in place of William McHaley. Incumbent's commission expired May 29, 1917.

Owen F. McLean to be postmaster at West Mineral, Kans., in place of O. F. McLean. Incumbent's commission expired July 10, 1917.

Edwin L. Helper to be postmaster at Winfield, Kans., in place of E. L. Helper. Incumbent's commission expired October 21, 1917.

KENTUCKY.

Orson D. Proctor to be postmaster at Adairville, Ky., in place of O. D. Proctor. Incumbent's commission expired October 9, 1917.

Henry H. Poage to be postmaster at Brooksville, Ky., in place of Henry H. Poage. Incumbent's commission expired August 2, 1917.

Fannie G. Taylor to be postmaster at Campbellsville, Ky., in place of Fannie G. Taylor. Incumbent's commission expired November 29, 1917.

Barbra A. Hogue to be postmaster at Benham, Ky. Office became presidential October 1, 1917.

Lewis P. Martin to be postmaster at Wayland, Ky. Office became presidential July 1, 1917.

Cora Singleton to be postmaster at Waynesburg, Ky. Office became presidential July 1, 1917.

Olive Haddox to be postmaster at Allensville, Ky. Office became presidential October 1, 1917.

C. E. Barnett to be postmaster at Earlington, Ky., in place of C. E. Barnett. Incumbent's commission expired July 25, 1917.

P. C. Mayhugh to be postmaster at Edlyville, Ky., in place of P. C. Mayhugh. Incumbent's commission expired August 19, 1917.

William B. Crabb to be postmaster at Eminence, Ky., in place of W. B. Crabb. Incumbent's commission expired October 9, 1917.

James M. Richardson to be postmaster at Glasgow, Ky., in place of J. M. Richardson. Incumbent's commission expired May 22, 1917.

E. W. McClure to be postmaster at Leitchfield, Ky., in place of E. W. McClure. Incumbent's commission expired May 9, 1917.

E. T. Schmitt to be postmaster at Louisville, Ky., in place of E. T. Schmitt. Incumbent's commission expired August 13, 1917.

Mayme D. Cogar to be postmaster at Midway, Ky., in place of Mayme D. Cogar. Incumbent's commission expired July 10, 1917.

J. B. Cray to be postmaster at Millersburg, Ky., in place of J. B. Cray. Incumbent's commission expired September 2, 1917.

William M. Back to be postmaster at Monticello, Ky., in place of W. M. Back. Incumbent's commission expired November 29, 1917.

Jacob Roll to be postmaster at Newport, Ky., in place of Jacob Roll. Incumbent's commission expired October 4, 1917.

F. A. Casner to be postmaster at Providence, Ky., in place of F. A. Casner. Incumbent's commission expired July 30, 1917.

Robert C. Stockton to be postmaster at Richmond, Ky., in place of Robert C. Stockton. Incumbent's commission expired July 10, 1917.

Jacob Fisher to be postmaster at Russell, Ky., in place of Jacob Fisher. Incumbent's commission expired October 18, 1917.

Sarah W. Simms to be postmaster at Springfield, Ky., in place of S. W. Simms. Incumbent's commission expired July 10, 1917.

P. A. McIntire to be postmaster at Uniontown, Ky., in place of P. A. McIntire. Incumbent's commission expired September 2, 1917.

Samuel F. King to be postmaster at Winchester, Ky., in place of Samuel F. King. Incumbent's commission expired August 1, 1917.

LOUISIANA.

Samuel Y. Watson to be postmaster at Baton Rouge, La., in place of Samuel Y. Watson. Incumbent's commission expired July 11, 1917.

John M. Melton to be postmaster at Bernice, La., in place of John M. Melton. Incumbent's commission expired July 2, 1917.

Overton Gauthier to be postmaster at Jennings, La., in place of Overton Gauthier. Incumbent's commission expired May 1, 1917.

Luda M. Hargroder to be postmaster at Church Point, La. Office became presidential July 1, 1917.

Des Fuqua to be postmaster at Naborton, La. Office became presidential October 1, 1917.

Adele N. Murdoch to be postmaster at Newellton, La. Office became presidential July 1, 1917.

Homer M. Bailey to be postmaster at Oakgrove, La. Office became presidential April 1, 1917.

Dessie H. Ford to be postmaster at Pleasant Hill, La. Office became presidential October 1, 1917.

Fernand J. Bourgeois to be postmaster at St. Patricks, La. Office became presidential October 1, 1917.

H. Ernest Benefiel to be postmaster at Kenner, La. Office became presidential October 1, 1917.

William H. Bennett to be postmaster at Clinton, La., in place of William H. Bennett. Incumbent's commission expired July 31, 1917.

Thomas J. Perkins to be postmaster at De Quincy, La., in place of Thomas J. Perkins. Incumbent's commission expired July 2, 1917.

Pearl Collins to be postmaster at Eros, La., in place of Pearl Collins. Incumbent's commission expired July 10, 1917.

Joseph L. Stagg to be postmaster at Eunice, La., in place of Joseph L. Stagg. Incumbent's commission expired November 20, 1917.

M. C. Wilson to be postmaster at Hammond, La., in place of M. C. Wilson. Incumbent's commission expired October 23, 1917.

Willie K. Harris to be postmaster at Homer, La., in place of Willie Harris. Incumbent's commission expired October 23, 1917.

Edgar L. Chaney to be postmaster at Jeanerette, La., in place of E. L. Chaney. Incumbent's commission expired November 20, 1917.

W. T. Pegues to be postmaster at Mansfield, La., in place of W. T. Pegues. Incumbent's commission expired October 22, 1917.

Charles De Blieux to be postmaster at Natchitoches, La., in place of Charles De Blieux. Incumbent's commission expired April 28, 1917.

MAINE.

Joseph E. Brooks to be postmaster at Biddeford, Me., in place of Joseph E. Brooks. Incumbent's commission expired August 1, 1917.

Arthur L. Newton to be postmaster at Buckfield, Me., in place of A. L. Newton. Incumbent's commission expired August 1, 1917.

William S. Mildon to be postmaster at Eastport, Me., in place of W. S. Mildon. Incumbent's commission expired July 20, 1917.

William R. Frost to be postmaster at Gardiner, Me., in place of W. R. Frost. Incumbent's commission expired July 10, 1917.

Walter H. Newbegin to be postmaster at Kezar Falls, Me., in place of W. H. Newbegin. Incumbent's commission expired July 29, 1917.

Menander Dennett to be postmaster at Lewiston, Me., in place of M. Dennett. Incumbent's commission expired July 10, 1917.

Edward A. Prescott to be postmaster at Monmouth, Me., in place of E. A. Prescott. Incumbent's commission expired July 10, 1917.

Ainer C. Gilbert to be postmaster at Monson, Me., in place of A. C. Gilbert. Incumbent's commission expired July 10, 1917.

George W. McClain to be postmaster at Brownville Junction, Me. Office became presidential October 1, 1916.

Edwin L. Field to be postmaster at Cape Cottage, Me. Office became presidential October 1, 1917.

Ida E. Hatch to be postmaster at Limestone, Me. Office became presidential July 1, 1917.

Lemuel Rich to be postmaster at Sebago Lake, Me. Office became presidential April 1, 1917.

William G. Harmon to be postmaster at Old Orchard, Me., in place of W. G. Harmon. Incumbent's commission expired July 10, 1917.

Stanley L. Westcott to be postmaster at Patten, Me., in place of S. L. Westcott. Incumbent's commission expired July 29, 1917.

Oscar R. Wish to be postmaster at Portland, Me., in place of O. R. Wish. Incumbent's commission expired July 29, 1917.

MARYLAND.

Franklin B. Beall to be postmaster at Cumberland, Md., in place of F. B. Beall. Incumbent's commission expired October 16, 1917.

Agnes C. Klinger to be postmaster at Riverdale, Md. Office became presidential January 1, 1917.

Benjamin Mitchell to be postmaster at Hancock, Md., in place of B. Mitchell. Incumbent's commission expired October 16, 1917.

Mary W. Tise to be postmaster at Hyattsville, Md., in place of M. W. Tise. Incumbent's commission expired November 29, 1917.

J. R. Duke to be postmaster at Leonardtown, Md., in place of J. R. Duke. Incumbent's commission expired November 29, 1917.

F. B. McDermitt to be postmaster at Mount Savage, Md., in place of F. B. McDermitt. Incumbent's commission expired October 16, 1917.

J. F. Peach to be postmaster at North East, Md., in place of J. F. Peach. Incumbent's commission expired November 29, 1917.

Mary W. Stewart to be postmaster at Oxford, Md., in place of M. W. Stewart. Incumbent's commission expired November 10, 1917.

H. L. Brittingham to be postmaster at Princess Anne, Md., in place of H. L. Brittingham. Incumbent's commission expired November 10, 1917.

Joseph C. Gernand to be postmaster at Thurmont, Md., in place of J. C. Gernand. Incumbent's commission expired October 16, 1917.

MASSACHUSETTS.

Edgar E. Sargent to be postmaster at Belchertown, Mass., in place of E. E. Sargent. Incumbent's commission expired November 6, 1917.

Lawrence J. Watson to be postmaster at Beverly Farms, Mass., in place of L. J. Watson. Incumbent's commission expired July 23, 1917.

John J. Haverty to be postmaster at Canton, Mass., in place of J. J. Haverty. Incumbent's commission expired July 19, 1917.

Patrick H. Haley to be postmaster at Chelmsford, Mass., in place of P. H. Haley. Incumbent's commission expired July 25, 1917.

James Nagle to be postmaster at Concord Junction, Mass., in place of J. Nagle. Incumbent's commission expired November 29, 1917.

Joseph E. Barnett to be postmaster at Easthampton, Mass., in place of J. E. Barnett. Incumbents' commission expired August 15 ,1917.

William J. Campbell to be postmaster at East Taunton, Mass., in place of W. J. Campbell. Incumbent's commission expired November 22, 1917.

John H. Flavell to be postmaster at Hanover, Mass., in place of J. H. Flavell. Incumbent's commission expired July 19, 1917.

Henry K. Bearse to be postmaster at Harwich, Mass., in place of H. K. Bearse. Incumbent's commission expired July 23, 1917.

L. F. McNamara to be postmaster at Haverhill, Mass., in place of L. F. McNamara. Incumbent's commission expired July 23, 1917.

William F. Walsh to be postmaster at Hinsdale, Mass., in place of W. F. Walsh. Incumbent's commission expired November 29, 1917.

Michael F. Cronin to be postmaster at Lawrence, Mass., in place of M. F. Cronin. Incumbent's commission expired November 29, 1917.

James J. O'Donnell to be postmaster at Holyoke, Mass., in place of J. J. O'Donnell. Incumbent's commission expired November 13, 1917.

Tolliston F. Phinney to be postmaster at Hyannis Port, Mass. Office became presidential July 1, 1917.

William F. Kelley to be postmaster at South Acton, Mass. Office became presidential October 1, 1917.

Mary S. Tyler to be postmaster at Charlemont, Mass. Office became presidential October 1, 1913.

John H. Kane to be postmaster at Lexington, Mass., in place of J. H. Kane. Incumbent's commission expired July 19, 1917.

Edmund S. Higgins to be postmaster at Lynn, Mass., in place of E. S. Higgins. Incumbent's commission expired August 29, 1917.

Martin B. Crane to be postmaster at Merrimac, Mass., in place of M. B. Crane. Incumbent's commission expired September 9, 1917.

Neil R. Mahoney to be postmaster at North Billerica, Mass., in place of N. R. Mahoney. Incumbent's commission expired July 23, 1917.

Martin H. Ryan to be postmaster at Northboro, Mass., in place of M. H. Ryan. Incumbent's commission expired September 9, 1917.

Dennis J. Dullea to be postmaster at Peabody, Mass., in place of D. J. Dullea. Incumbent's commission expired July 19, 1917.

Osgood L. Small to be postmaster at Sagamore, Mass., in place of O. L. Small. Incumbent's commission expired July 23, 1917.

Patrick Curran to be postmaster at Scituate, Mass., in place of P. Curran. Incumbent's commission expired August 6, 1917.

James G. Cassidy to be postmaster at Sheffield, Mass., in place of J. G. Cassidy. Incumbent's commission expired July 19, 1917.

Thomas H. Hackett to be postmaster at Westboro, Mass., in place of T. H. Hackett. Incumbent's commission expired December 22, 1917.

John D. Leonard to be postmaster at Whitinsville, Mass., in place of J. D. Leonard. Incumbent's commission expired October 16, 1917.

Richard F. Burke to be postmaster at Williamsburg, Mass., in place of R. F. Burke. Incumbent's commission expired November 13, 1917.

Patrick J. Dempsey to be postmaster at Williamstown, Mass., in place of P. J. Dempsey. Incumbent's commission expired August 6, 1917.

MICHIGAN.

Michael L. Gillen to be postmaster at Adrian, Mich., in place of M. L. Gillen. Incumbent's commission expired July 11, 1917.

Arthur Hillman to be postmaster at Arkon, Mich., in place of A. Hillman. Incumbent's commission expired November 29, 1917.

C. A. Standiford to be postmaster at Athens, Mich., in place of C. A. Standiford. Incumbent's commission expired October 7, 1917.

William S. Drew to be postmaster at Augusta, Mich., in place of W. S. Drew. Incumbent's commission expired July 21, 1917.

Joseph Fremont to be postmaster at Bad Axe, Mich., in place of J. Fremont. Incumbent's commission expired August 2, 1917.

Carl L. Farwell to be postmaster at Barryton, Mich., in place of C. L. Farwell. Incumbent's commission expired July 11, 1917.

O. K. Ray Maker to be postmaster at Bear Lake, Mich., in place of R. Maker. Incumbent's commission expired July 25, 1917.

Paul Harrison to be postmaster at Bloomingdale, Mich., in place of P. Harrison. Incumbent's commission expired July 21, 1917.

William J. Lewis to be postmaster at Boyne City, Mich., in place of W. J. Lewis. Incumbent's commission expired July 11, 1917.

John W. O'Leary to be postmaster at Brooklyn, Mich., in place of J. W. O'Leary. Incumbent's commission expired July 21, 1917.

Perry H. Peters to be postmaster at Davison, Mich., in place of P. H. Peters. Incumbent's commission expired July 14, 1917.

William J. Nagel to be postmaster at Detroit, Mich., in place of W. J. Nagel. Incumbent's commission expired August 30, 1917.

Edwin S. Noble to be postmaster at Elk Rapids, Mich., in place of E. S. Noble. Incumbent's commission expired December 22, 1917.

George Arthur to be postmaster at Elkton, Mich., in place of G. Arthur. Incumbent's commission expired October 7, 1917.

George B. McIntyre to be postmaster at Fairgrove, Mich., in place of G. B. McIntyre. Incumbent's commission expired July 14, 1917.

T. H. McGee to be postmaster at Farmington, Mich., in place of T. H. McGee. Incumbent's commission expired November 29, 1917.

Frank D. Baker to be postmaster at Flint, Mich., in place of F. D. Baker. Incumbent's commission expired June 5, 1917.

Frank D. Perkins to be postmaster at Flushing, Mich., in place of F. D. Perkins. Incumbent's commission expired October 7, 1917.

Harry L. Shirley to be postmaster at Galesburg, Mich., in place of H. L. Shirley. Incumbent's commission expired July 14, 1917.

J. W. Ewing to be postmaster at Grant Ledge, Mich., in place of J. W. Ewing. Incumbent's commission expired November 29, 1917.

Daniel A. Holland to be postmaster at Hancock, Mich., in place of Daniel A. Holland. Incumbent's commission expired November 29, 1917.

David E. Storms to be postmaster at Harrisville, Mich., in place of David E. Storms. Incumbent's commission expired October 7, 1917.

Thomas Gilligan to be postmaster at Hopkins, Mich., in place of Thomas Gilligan. Incumbent's commission expired November 29, 1917.

Cornelius Cronin to be postmaster at Kalkaska, Mich., in place of Cornelius Cronin. Incumbent's commission expired October 7, 1917.

George W. Parker to be postmaster at Le Roy, Mich., in place of George W. Parker. Incumbent's commission expired October 7, 1917.

John J. Sleeman to be postmaster at Linden, Mich., in place of John J. Sleeman. Incumbent's commission expired July 14, 1917.

E. T. Belding to be postmaster at Mancelona, Mich., in place of E. T. Belding. Incumbent's commission expired August 22, 1917.

Arthur A. Juttner to be postmaster at Menominee, Mich., in place of Arthur A. Juttner. Incumbent's commission expired November 29, 1917.

Henry A. Bishop to be postmaster at Millington, Mich., in place of Henry A. Bishop. Incumbent's commission expired July 11, 1917.

Henry Kessell to be postmaster at Orion, Mich., in place of Henry Kessell. Incumbent's commission expired July 31, 1917.

Clare E. Rann to be postmaster at Perry, Mich., in place of Clare E. Rann. Incumbent's commission expired October 7, 1917.

Eugene L. Rose to be postmaster at Petoskey, Mich., in place of Eugene L. Rose. Incumbent's commission expired November 29, 1917.

R. D. Watson to be postmaster at Rochester, Mich., in place of R. D. Watson. Incumbent's commission expired October 7, 1917.

Michael W. Gibbons to be postmaster at Roscommon, Mich., in place of Michael W. Gibbons. Incumbent's commission expired October 7, 1917.

John Lutz to be postmaster at Saline, Mich., in place of John Lutz. Incumbent's commission expired October 7, 1917.

M. C. Lefurgey to be postmaster at Mount Morris, Mich. Office became presidential October 1, 1917.

John Jay Cox to be postmaster at Scottville, Mich., in place of John Jay Cox. Incumbent's commission expired July 31, 1917.

Allen E. Stebbins to be postmaster at Sheridan, Mich., in place of Allen E. Stebbins. Incumbent's commission expired October 7, 1917.

Louis J. Braun to be postmaster at South Range, Mich., in place of Louis J. Braun. Incumbent's commission expired November 29, 1917.

Barton R. Osborn to be postmaster at Tekonsha, Mich., in place of Barton R. Osborn. Incumbent's commission expired October 7, 1917.

George F. Carrier to be postmaster at Three Oaks, Mich., in place of George F. Carrier. Incumbent's commission expired October 7, 1917.

William H. Wint to be postmaster at Williamston, Mich., in place of William H. Wint. Incumbent's commission expired October 7, 1917.

MINNESOTA.

Jason Weatherhead to be postmaster at Ada, Minn., in place of Jason Weatherhead. Incumbent's commission expired August 15, 1917.

P. O. Fryklund to be postmaster at Badger, Minn., in place of P. O. Fryklund. Incumbent's commission expired July 21, 1917.

Joseph S. Stearns to be postmaster at Campbell, Minn., in place of C. J. Schendel, never assumed charge of office.

Altie Hill Lund to be postmaster at Dawson, Minn., in place of Altie Hill, name changed by marriage.

Erick L. Slindee to be postmaster at Adams, Minn. Office became presidential October 1, 1916.

Frank W. Zaffke to be postmaster at Backus, Minn. Office became presidential July 1, 1917.

Charles G. Leppla to be postmaster at Fort Snelling, Minn. Office became presidential October 1, 1917.

C. Edward Sarff to be postmaster at Keewatin, Minn. Office became presidential October 1, 1917.

P. Andrew Bromstad to be postmaster at Milan, Minn. Office became presidential October 1, 1916.

Walter L. O'Neill to be postmaster at Remer, Minn. Office became presidential July 1, 1917.

Axel Ringborg to be postmaster at Bagley, Minn., in place of Axel Ringborg. Incumbent's commission expired December 22, 1917.

Axel F. Peterson to be postmaster at Barrett, Minn., in place of Axel F. Peterson. Incumbent's commission expired October 1, 1917.

W. W. Belden to be postmaster at Caledonia, Minn., in place of W. W. Belden. Incumbent's commission expired October 1, 1917.

C. F. Lieberg to be postmaster at Clarkfield, Minn., in place of C. F. Lieberg. Incumbent's commission expired July 21, 1917.

E. S. Scheibe to be postmaster at Cloquet, Minn., in place of E. S. Scheibe. Incumbent's commission expired July 21, 1917.

William H. Franklin to be postmaster at Dodge Center, Minn., in place of W. H. Franklin. Incumbent's commission expired July 21, 1917.

Louis A. Schwantz to be postmaster at Evansville, Minn., in place of Louis A. Schwantz. Incumbent's commission expired July 21, 1917.

Joseph Huelskamp to be postmaster at Gaylord, Minn., in place of Joseph Huelskamp. Incumbent's commission expired December 22, 1917.

George Lien to be postmaster at Granite Falls, Minn., in place of George Lien. Incumbent's commission expired August 29, 1917.

C. H. Phinney to be postmaster at Herman, Minn., in place of C. H. Phinney. Incumbent's commission expired June 17, 1917.

P. J. McCormick to be postmaster at Hopkins, Minn., in place of P. J. McCormick. Incumbent's commission expired October 21, 1917.

William F. Roche to be postmaster at Lakeville, Minn., in place of W. F. Roche. Incumbent's commission expired December 22, 1917.

F. W. Kramer to be postmaster at Lewiston, Minn., in place of F. W. Kramer. Incumbent's commission expired June 23, 1917.

Harvey Hildebrand to be postmaster at Lyle, Minn., in place of H. Hildebrand. Incumbent's commission expired May 22, 1917.

Milton L. Fredine to be postmaster at Maynard, Minn., in place of M. L. Fredine. Incumbent's commission expired September 10, 1917.

Joseph H. Seal to be postmaster at Melrose, Minn., in place of J. H. Seal. Incumbent's commission expired June 17, 1917.

H. E. Hoard to be postmaster at Montevideo, Minn., in place of H. E. Hoard. Incumbent's commission expired August 13, 1917.

M. F. Finnegan to be postmaster at Morris, Minn., in place of M. F. Finnegan. Incumbent's commission expired August 13, 1917.

Erick Erickson to be postmaster at Murdock, Minn., in place of E. Erickson. Incumbent's commission expired July 21, 1917.

A. Wang to be postmaster at Roseau, Minn., in place of A. Wang. Incumbent's commission expired October 21, 1917.

W. L. McGonagle to be postmaster at Royalton, Minn., in place of W. L. McGonagle. Incumbent's commission expired September 10, 1917.

G. O. Bergan to be postmaster at Sacred Heart, Minn., in place of G. O. Bergan. Incumbent's commission expired July 11, 1917.

Emil A. Kurr to be postmaster at Sauk Rapids, Minn., in place of E. A. Kurr. Incumbent's commission expired August 29, 1917.

Alfred W. Johnson to be postmaster at Sebeka, Minn., in place of A. W. Johnson. Incumbent's commission expired July 21, 1917.

A. J. Lovestrom to be postmaster at Stephen, Minn., in place of A. J. Lovestrom. Incumbent's commission expired May 22, 1917.

Charles Spillane to be postmaster at Waseca, Minn., in place of C. Spillane. Incumbent's commission expired October 9, 1917.

Michael Brixius to be postmaster at Watkins, Minn., in place of M. Brixius. Incumbent's commission expired July 21, 1917.

C. H. Dickey to be postmaster at Wayzata, Minn., in place of C. H. Dickey. Incumbent's commission expired July 21, 1917.

MISSISSIPPI.

W. P. Cassedy to be postmaster at Brookhaven, Miss., in place of W. P. Cassedy. Incumbent's commission expired July 10, 1917.

R. L. Broadstreet to be postmaster at Coffeeville, Miss., in place of R. L. Broadstreet. Incumbent's commission expired September 3, 1917.

Bernard M. Martin to be postmaster at Dundee, Miss. Office became presidential October 1, 1917.

Lorie R. Du Bard to be postmaster at Glendora, Miss. Office became presidential October 1, 1917.

Florence Brady to be postmaster at Lulu, Miss. Office became presidential July 1, 1917.

Jeanie W. Fontaine to be postmaster at Lyon, Miss. Office became presidential July 1, 1917.

Foster H. Round to be postmaster at Meadville, Miss. Office became presidential July 1, 1917.

Mary L. Hancock to be postmaster at Potts Camp, Miss. Office became presidential October 1, 1917.

T. L. Wainwright to be postmaster at Stonewell, Miss. Office became presidential October 1, 1917.

Charles W. Allen to be postmaster at Vance, Miss. Office became presidential October 1, 1917.

R. B. O'Reilly to be postmaster at Cruger, Miss. Office became presidential October 1, 1917.

Sedley B. Thomas to be postmaster at Terry, Miss. Office became presidential October 1, 1917.

Benjamin F. Lott to be postmaster at Collins, Miss., in place of B. F. Lott. Incumbent's commission expired August 1, 1917.

J. M. King to be postmaster at Durant, Miss., in place of J. M. King. Incumbent's commission expired October 21, 1917.

Ollie O. Conerly to be postmaster at Gloster, Miss., in place of O. O. Conerly. Incumbent's commission expired May 6, 1917.

J. H. Robb to be postmaster at Greenville, Miss., in place of J. H. Robb. Incumbent's commission expired August 13, 1917.

James C. Jourdan to be postmaster at Iuka, Miss., in place of J. C. Jourdan. Incumbent's commission expired May 1, 1917.

Thomas P. Barr to be postmaster at Jackson, Miss., in place of T. P. Barr. Incumbent's commission expired December 23, 1917.

W. L. Walton to be postmaster at Lexington, Miss., in place of W. L. Walton. Incumbent's commission expired October 18, 1917.

R. Parrish Taylor to be postmaster at Oakland, Miss., in place of R. P. Taylor. Incumbent's commission expired May 6, 1917.

C. A. McCharen to be postmaster at Oxford, Miss., in place of C. A. McCharen. Incumbent's commission expired October 21, 1917.

Jonathan H. McCraw to be postmaster at Sardis, Miss., in place of J. H. McCraw. Incumbent's commission expired July 10, 1917.

Barbour Y. Rhodes to be postmaster at West Point, Miss., in place of B. Y. Rhodes. Incumbent's commission expired August 1, 1917.

MISSOURI.

Emmett A. Cherry to be postmaster at Adrian, Mo., in place of Emmett A. Cherry. Incumbent's commission expired July 10, 1917.

Joseph H. Turk to be postmaster at Ash Grove, Mo., in place of Joseph H. Turk. Incumbent's commission expired July 2, 1917.

James R. Bennett to be postmaster at Branson, Mo., in place of James R. Bennett. Incumbent's commission expired July 25, 1917.

Harvey Morrow to be postmaster at Buffalo, Mo., in place of Harvey Morrow. Incumbent's commission expired May 6, 1917.

John C. Downing to be postmaster at Cameron, Mo., in place of John C. Downing. Incumbent's commission expired October 4, 1917.

Willis Wiley to be postmaster at Crane, Mo., in place of Willis Wiley. Incumbent's commission expired June 6, 1917.

William D. Johnson to be postmaster at Crocker, Mo., in place of William D. Johnson. Incumbent's commission expired June 6, 1917.

Louie C. Mattox to be postmaster at Cuba, Mo., in place of Louie C. Mattox. Incumbent's commission expired June 17, 1917.

William H. Titus to be postmaster at Excelsior Springs, Mo., in place of William H. Titus. Incumbent's commission expired July 11, 1917.

Nelson H. Cook to be postmaster at Forest City, Mo., in place of Nelson H. Cook. Incumbent's commission expired July 25, 1917.

Lee Jones to be postmaster at Hale, Mo., in place of Lee Jones. Incumbent's commission expired November 6, 1917.

S. S. Ball to be postmaster at Kahoka, Mo., in place of S. S. Ball. Incumbent's commission expired November 24, 1917.

Robert H. Williams to be postmaster at Louisiana, Mo., in place of Robert H. Williams. Incumbent's commission expired December 23, 1917.

J. S. Walker to be postmaster at Marceline, Mo., in place of J. S. Walker. Incumbent's commission expired August 19, 1917.

Hiram P. Genslin to be postmaster at Hornersville, Mo. Office became presidential July 1, 1917.

William A. Grant to be postmaster at Lincoln, Mo. Office became presidential July 1, 1917.

Jasper D. Cole to be postmaster at Malta Bend, Mo. Office became presidential October 1, 1917.

Ross Alexander to be postmaster at Mercer, Mo., in place of Ross Alexander. Incumbent's commission expired September 1, 1917.

James M. Settle to be postmaster at New Franklin, Mo., in place of James M. Settle. Incumbent's commission expired November 6, 1917.

James L. Smith to be postmaster at New London, Mo., in place of James L. Smith. Incumbent's commission expired July 2, 1917.

Cora D. Perdue to be postmaster at Orrick, Mo., in place of Cora D. Perdue. Incumbent's commission expired June 6, 1917.

L. R. Dougherty to be postmaster at Pacific, Mo., in place of L. R. Dougherty. Incumbent's commission expired September 1, 1917.

Lant Campbell to be postmaster at Princeton, Mo., in place of Lant Campbell. Incumbent's commission expired May 22, 1917.

S. A. Norrid to be postmaster at Puxico, Mo., in place of S. A. Norrid. Incumbent's commission expired July 25, 1917.

Colin M. Selph to be postmaster at St. Louis, Mo., in place of Colin M. Selph. Incumbent's commission expired September 5, 1917.

W. Douglas Meeks to be postmaster at Thayer, Mo., in place of W. D. Meeks. Incumbent's commission expired November 20, 1917.

Abram Stephens to be postmaster at Troy, Mo., in place of Abram Stephens. Incumbent's commission expired July 25, 1917.

L. M. Hutcherson to be postmaster at Warrenton, Mo., in place of L. M. Hutcherson. Incumbent's commission expired June 17, 1917.

J. P. Bauer to be postmaster at Washington, Mo., in place of J. P. Bauer. Incumbent's commission expired July 10, 1917.

MONTANA.

T. C. Armitage to be postmaster at Billings, Mont., in place of T. C. Armitage. Incumbent's commission expired November 13, 1917.

William Krofft to be postmaster at Choteau, Mont., in place of William Krofft. Incumbent's commission expired June 13, 1917.

Grant Robinson to be postmaster at Lewistown, Mont., in place of Grant Robinson. Incumbent's commission expired May 20, 1917.

John J. Courtney to be postmaster at Antelope, Mont. Office became presidential July 1, 1917.

Elmer C. Sprague to be postmaster at Box Elder, Mont. Office became presidential July 1, 1917.

Lulu C. Woolson to be postmaster at Brady, Mont. Office became presidential October 1, 1917.

Fred T. Tasa to be postmaster at Flaxville, Mont. Office became presidential October 1, 1917.

Robert B. McNeil to be postmaster at Inverness, Mont. Office became presidential October 1, 1917.

Richard T. Sjordal to be postmaster at Kremlin, Mont. Office became presidential October 1, 1917.

Rose M. Sargent to be postmaster at Nashua, Mont. Office became presidential July 1, 1917.

Letta Conser to be postmaster at Plevna, Mont. Office became presidential October 1, 1917.

Lizzie Gorsuch to be postmaster at Winnett, Mont. Office became presidential October 1, 1917.

Israel A. Oakes to be postmaster at Plentywood, Mont., in place of I. A. Oakes. Incumbent's commission expired November 20, 1917.

W. H. B. Carter to be postmaster at Polson, Mont., in place of W. H. B. Carter. Incumbent's commission expired September 1, 1917.

L. H. Adams to be postmaster at Somers, Mont., in place of L. H. Adams. Incumbent's commission expired September 1, 1917.

NEBRASKA.

Isaac T. Merchant to be postmaster at Adams, Nebr., in place of I. T. Merchant. Incumbent's commission expired August 1, 1917.

R. E. Harmon to be postmaster at Auburn, Nebr., in place of R. E. Harmon. Incumbent's commission expired September 29, 1917.

Marie A. Lybolt to be postmaster at Brunswick, Nebr. Office became presidential October 1, 1917.

James C. Frandsen to be postmaster at Dalton, Nebr. Office became presidential July 1, 1917.

Fritz A. Rasmussen to be postmaster at Hershey, Nebr. Office became presidential October 1, 1917.

Clarence R. Tweed to be postmaster at Bassett, Nebr., in place of C. R. Tweed. Incumbent's commission expired August 1, 1917.

George W. Norris to be postmaster at Beaver Crossing, Nebr., in place of G. W. Norris. Incumbent's commission expired August 1, 1917.

Anton J. Ruyicka to be postmaster at Belgrade, Nebr., in place of A. J. Ruyicka. Incumbent's commission expired July 11, 1917.

Charles P. Davis to be postmaster at Bladen, Nebr., in place of C. P. Davis. Incumbent's commission expired August 1, 1917.

D. A. Berkey to be postmaster at Davenport, Nebr., in place of D. A. Berkey. Incumbent's commission expired October 4, 1917.

George Beckler to be postmaster at Deshler, Nebr., in place of G. Beckler. Incumbent's commission expired October 21, 1917.

James W. Carson to be postmaster at Edgar, Nebr., in place of J. W. Carson. Incumbent's commission expired August 1, 1917.

Robert G. Hall to be postmaster at Fairmont, Nebr., in place of R. G. Hall. Incumbent's commission expired October 4, 1917.

Andrew B. Anderson to be postmaster at Florence, Nebr., in place of A. B. Anderson. Incumbent's commission expired August 21, 1917.

Edwin Cutts to be postmaster at Giltner, Nebr., in place of E. Cutts. Incumbent's commission expired October 4, 1917.

James J. McCarthy to be postmaster at Greeley, Nebr., in place of J. J. McCarthy. Incumbent's commission expired December 22, 1917.

C. G. Fritz to be postmaster at Hooper, Nebr., in place of C. G. Fritz. Incumbent's commission expired July 11, 1917.

Orren Slote to be postmaster at Litchfield, Nebr., in place of O. Slote. Incumbent's commission expired August 21, 1917.

Ira Lucy to be postmaster at Long Pine, Nebr., in place of I. Lucy. Incumbent's commission expired October 4, 1917.

C. F. Beushausen to be postmaster at Loup City, Nebr., in place of C. F. Beushausen. Incumbent's commission expired July 21, 1917.

Joseph Fenimore to be postmaster at Merna, Nebr., in place of J. Fenimore. Incumbent's commission expired July 11, 1917.

Joseph J. Heelan to be postmaster at Mullen, Nebr., in place of J. J. Heelan. Incumbent's commission expired August 1, 1917.

John S. Callan to be postmaster at Odell, Nebr., in place of J. S. Callan. Incumbent's commission expired August 1, 1917.

J. E. Scott to be postmaster at Osmond, Nebr., in place of J. E. Scott. Incumbent's commission expired August 21, 1917.

Charles H. Mohr to be postmaster at Plainview, Nebr., in place of C. H. Mohr. Incumbent's commission expired October 21, 1917.

Lizzie Smith to be postmaster at Riverton, Nebr., in place of L. Smith. Incumbent's commission expired July 11, 1917.

William T. Cropper to be postmaster at Sargent, Nebr., in place of W. T. Cropper. Incumbent's commission expired August 1, 1917.

Fred Wolter to be postmaster at Ohiowa, Nebr. Office became presidential October 1, 1917.

Edward H. Hines to be postmaster at Thedford, Nebr. Office became presidential July 1, 1917.

John C. Voline to be postmaster at South Auburn, Nebr., in place of J. C. Voline. Incumbent's commission expired November 20, 1917.

NEVADA.

George A. Myles to be postmaster at Austin, Nev., in place of G. A. Myles. Incumbent's commission expired August 27, 1917.

W. C. Ruddell, jr., to be postmaster at Lovelocks, Nev., in place of W. C. Ruddell, jr. Incumbent's commission expired November 20, 1917.

William J. Bonner to be postmaster at Mason, Nev. Office became presidential October 1, 1917.

John B. S. Fleming to be postmaster at Jarbridge, Nev. Office became presidential October 1, 1917.

Jessie E. Burnett to be postmaster at McGill, Nev., in place of J. E. Burnett. Incumbent's commission expired July 10, 1917.

A. A. Carman to be postmaster at Pioche, Nev., in place of A. A. Carman. Incumbent's commission expired November 29, 1917.

George Foley to be postmaster at Round Mountain, Nev., in place of G. Foley. Incumbent's commission expired July 24, 1917.

NEW HAMPSHIRE.

James H. Willey to be postmaster at Milton, N. H., in place of J. H. Willey. Incumbent's commission expired July 26, 1917.

Webb Little to be postmaster at Campton, N. H. Office became presidential October 1, 1917.

NEW JERSEY.

Lemuel H. Mathews to be postmaster at Barnegat, N. J., in place of L. H. Mathews. Incumbent's commission expired August 15, 1917.

Peter A. Donovan to be postmaster at Bayonne, N. J., in place of Peter A. Donovan. Incumbent's commission expired July 10, 1917.

Henry N. Gillon to be postmaster at Berlin, N. J., in place of Henry N. Gillon. Incumbent's commission expired August 5, 1917.

Edward F. Higgins to be postmaster at Bloomfield, N. J., in place of Edward F. Higgins. Incumbent's commission expired December 22, 1917.

Waters B. Hurff to be postmaster at Bridgeton, N. J., in place of Waters B. Hurff. Incumbent's commission expired July 25, 1917.

J. B. R. Clark to be postmaster at Califon, N. J., in place of J. B. R. Clark. Incumbent's commission expired July 10, 1917.

Ada B. Nafew to be postmaster at Eatontown, N. J., in place of Ada B. Nafew. Incumbent's commission expired July 2, 1917.

Henry Otto to be postmaster at Egg Harbor City, N. J., in place of Henry Otto. Incumbent's commission expired September 1, 1917.

T. C. Birtwhistle to be postmaster at Englewood, N. J., in place of T. C. Birtwhistle. Incumbent's commission expired August 20, 1917.

C. D. Nicholson to be postmaster at Grenloch, N. J., in place of C. D. Nicholson. Incumbent's commission expired October 21, 1917.

John A. Reddan to be postmaster at Hopewell, N. J., in place of John A. Reddan. Incumbent's commission expired July 2, 1917.

Hugh G. Stull to be postmaster at Milford, N. J., in place of Hugh G. Stull. Incumbent's commission expired July 2, 1917.

Walter F. Clayton to be postmaster at Ocean Grove, N. J., in place of Walter F. Clayton. Incumbent's commission expired August 15, 1917.

Ralph A. Sheppard to be postmaster at Bivalve, N. J. Office became presidential July 1, 1917.

Joseph A. Poole to be postmaster at Deal Beach, N. J. Office became presidential October 1, 1916.

John A. Campbell to be postmaster at Highwood, N. J. Office became presidential October 1, 1917.

Lewis A. Shaw to be postmaster at Minotola, N. J. Office became presidential July 1, 1917.

Frances W. Winans to be postmaster at Mountain Lakes, N. J. Office became presidential July 1, 1917.

Samuel Locker to be postmaster at Parlin, N. J. Office became presidential July 1, 1917.

Harry T. Allen to be postmaster at Vincentown, N. J. Office became presidential October 1, 1917.

John B. Hankins to be postmaster at Pemberton, N. J., in place of John B. Hankins. Incumbent's commission expired July 25, 1917.

David C. Brewer to be postmaster at Toms River, N. J., in place of David C. Brewer. Incumbent's commission expired July 2, 1917.

NEW MEXICO.

John A. Haley to be postmaster at Carrizozo, N. Mex., in place of John A. Haley. Incumbent's commission expired October 23, 1917.

L. A. Chandler to be postmaster at Cimarron, N. Mex., in place of L. A. Chandler. Incumbent's commission expired July 31, 1917.

Susan S. Pace to be postmaster at Clayton, N. Mex., in place of Susan S. Pace. Incumbent's commission expired October 23, 1917.

L. Pascual Martinez to be postmaster at Taos, N. Mex., in place of Pascual Martinez. Incumbent's commission expired December 23, 1917.

Frank P. Brown to be postmaster at Hachita, N. Mex. Office became presidential October 1, 1917.

Joseph A. Beal to be postmaster at Mountainair, N. Mex. Office became presidential July 1, 1917.

Susano Ortiz to be postmaster at Las Vegas, N. Mex., in place of Susano Ortiz. Incumbent's commission expired October 23, 1917.

George F. Williams to be postmaster at Mogollon, N. Mex., in place of George F. Williams. Incumbent's commission expired July 31, 1917.

Viola K. Reynolds to be postmaster at Springer, N. Mex., in place of Viola K. Reynolds. Incumbent's commission expired July 31, 1917.

NEW YORK.

Joseph A. Weisbeck to be postmaster at Alden, N. Y., in place of Joseph A. Weisbeck. Incumbent's commission expired July 10, 1917.

Joseph T. Norton to be postmaster at Allegany, N. Y., in place of Joseph T. Norton. Incumbent's commission expired July 10, 1917.

George M. Miller to be postmaster at Andes, N. Y., in place of George M. Miller. Incumbent's commission expired July 10, 1917.

Frank C. Lent to be postmaster at Atlanta, N. Y., in place of Frank C. Lent. Incumbent's commission expired July 28, 1917.

John J. Maloney to be postmaster at Aurora, N. Y., in place of John J. Maloney. Incumbent's commission expired July 10, 1917.

William S. Waterbury to be postmaster at Ballston Spa, N. Y., in place of William S. Waterbury. Incumbent's commission expired June 26, 1917.

John F Ryan to be postmaster at Batavia, N. Y., in place of John F. Ryan. Incumbent's commission expired November 22, 1917.

Peter J. O'Neill to be postmaster at Bay Shore, N. Y., in place of Peter J. O'Neill. Incumbent's commission expired July 10, 1917.

William A. Hosley to be postmaster at Belmont, N. Y., in place of William A. Hosley. Incumbent's commission expired August 25, 1917.

John H. Ten Eyck to be postmaster at Black River, N. Y., in place of John H. Ten Eyck. Incumbent's commission expired July 10, 1917.

Frank E. Ingalls to be postmaster at Brownville, N. Y., in place of Frank E. Ingalls. Incumbent's commission expired August 25, 1917.

B. A. Curtiss to be postmaster at Camden, N. Y., in place of B. A. Curtiss. Incumbent's commission expired July 10, 1917.

Charles H. Beeby to be postmaster at Central Square, N. Y., in place of Charles H. Beeby. Incumbent's commission expired July 10, 1917.

Hiram E. Safford to be postmaster at Cherry Creek, N. Y., in place of Hiram E. Safford. Incumbent's commission expired September 2, 1917.

George L. Krein to be postmaster at Dansville, N. Y., in place of George L. Krein. Incumbent's commission expired July 10, 1917.

George H. Mills to be postmaster at Delevan, N. Y., in place of G. H. Mills. Incumbent's commission expired November 29, 1917.

Edward E. O'Rourke to be postmaster at Ellicottville, N. Y., in place of E. E. O'Rourke. Incumbent's commission expired July 10, 1917.

Alpheus D. Jessup to be postmaster at Florida, N. Y., in place of Alpheus D. Jessup. Incumbent's commission expired July 26, 1917.

William Van Alstyne to be postmaster at Fultonville, N. Y., in place of William Van Alstyne. Incumbent's commission expired July 10, 1917.

Jonas J. Hover to be postmaster at Germantown, N. Y., in place of Jonas J. Hover. Incumbent's commission expired November 10, 1917.

John B. Judson to be postmaster at Gloversville, N. Y., in place of John B. Judson. Incumbent's commission expired November 10, 1917.

James C. Spalding to be postmaster at Great Neck, N. Y., in place of James C. Spalding. Incumbent's commission expired November 22, 1917.

Elizabeth Hollenbeck to be postmaster at Harriman, N. Y., in place of Elizabeth Hollenbeck. Incumbent's commission expired November 22, 1917.

Frederick A. Ray to be postmaster at Herkimer, N. Y., in place of Frederick A. Ray. Incumbent's commission expired July 10, 1917.

John Puvogel to be postmaster at Hicksville, N. Y., in place of John Puvogel. Incumbent's commission expired July 10, 1917.

Richard L. Earl to be postmaster at Honeoye Falls, N. Y., in place of Richard L. Earl. Incumbent's commission expired July 26, 1917.

Arthur Rappleye to be postmaster at Interlaken, N. Y., in place of Arthur Rappleye. Incumbent's commission expired July 10, 1917.

George W. Tracey to be postmaster at Kinderhook, N. Y., in place of George W. Tracey. Incumbent's commission expired November 17, 1917.

Robert S. Ames to be postmaster at Lake Placid, N. Y., in place of Robert S. Ames. Incumbent's commission expired July 26, 1917.

Leon B. Wright to be postmaster at Lyndonville, N. Y., in place of Leon B. Wright. Incumbent's commission expired November 17, 1917.

Edward F. Ryan to be postmaster at Lyons Falls, N. Y., in place of Edward F. Ryan. Incumbent's commission expired July 10, 1917.

John J. Costello to be postmaster at Manlius, N. Y., in place of John J. Costello. Incumbent's commission expired August 27, 1917.

Ira Baker to be postmaster at Amagansett, N. Y. Office became presidential October 1, 1916.

Jenny L. Abel to be postmaster at Cannan, N. Y. Office became presidential July 1, 1917.

Murvin L. Becker to be postmaster at Claverack, N. Y. Office became presidential October 1, 1917.

Norman S. Taylor to be postmaster at Clayville, N. Y. Office became presidential October 1, 1916.

Frederick M. Avery to be postmaster at Cold Water, N. Y. Office became presidential July 1, 1917.

Neil W. Avery to be postmaster at Greenville, N. Y. Office became presidential October 1, 1916.

Eli M. Crawford to be postmaster at Keene Valley, N. Y. Office became presidential July 1, 1917.

Eugene H. Schmeck to be postmaster at La Salle, N. Y. Office became presidential July 1, 1917.

Joseph J. Daley to be postmaster at Lewiston, N. Y. Office became presidential July 1, 1917.

Charles D. Overacre to be postmaster at Manchester, N. Y. Office became presidential January 1, 1917.

Harvey J. Adams to be postmaster at Moira, N. Y. Office became presidential July 1, 1917.

William F. Hadley to be postmaster at North Bangor, N. Y. Office became presidential October 1, 1916.

Chester J. Hinman to be postmaster at Palenville, N. Y. Office became presidential January 1, 1917.

Robert J. De Lap to be postmaster at Roosevelt, N. Y. Office became presidential July 1, 1917.

Annie B. Adams to be postmaster at Silver Bay, N. Y. Office became presidential July 1, 1917.

John H. Stoddard to be postmaster at Stevensville, N. Y. Office became presidential October 1, 1917.

William B. Townsend to be postmaster at West Coxsackie, N. Y. Office became presidential July 1, 1917.

Henry D. Nichols to be postmaster at Mexico, N. Y., in place of Henry D. Nichols. Incumbent's commission expired August 25, 1917.

J. C. Rossman to be postmaster at Mohawk, N. Y., in place of J. C. Rossman. Incumbent's commission expired July 10, 1917.

Hugh Smiley to be postmaster at Mohonk Lake, N. Y., in place of Hugh Smiley. Incumbent's commission expired July 26, 1917.

James V. Crawford to be postmaster at Morristown, N. Y., in place of James V. Crawford. Incumbent's commission expired July 10, 1917.

James P. Doyle to be postmaster at Nunda, N. Y., in place of James P. Doyle. Incumbent's commission expired July 11, 1917.

Edward Crawford to be postmaster at Pine Bush, N. Y., in place of Edward Crawford. Incumbent's commission expired July 10, 1917.

Artemas D. Barton to be postmaster at Pine Plains, N. Y., in place of Artemas D. Barton. Incumbent's commission expired August 25, 1917.

W. Y. McIntosh to be postmaster at Pleasantville, N. Y., in place of W. Y. McIntosh. Incumbent's commission expired September 9, 1917.

Anthony J. Beck to be postmaster at Saint James, N. Y., in place of Anthony J. Beck. Incumbent's commission expired August 18, 1917.

Gilson D. Wart to be postmaster at Sand Creek, N. Y., in place of Gilson D Wart. Incumbent's commission expired July 10, 1917.

Edward J. Hughes to be postmaster at Schuylerville, N. Y., in place of Edward J. Hughes. Incumbent's commission expired July 10, 1917.

Leo R. Grover to be postmaster at Silver Springs, N. Y., in place of Leo R. Grover. Incumbent's commission expired September 2, 1917.

Charles H. Huntting to be postmaster at Smithtown Branch, N. Y., in place of Charles H. Huntting. Incumbent's commission expired August 18, 1917.

Joseph J. Maher to be postmaster at Staatsburg, N. Y., in place of Joseph J. Maher. Incumbent's commission expired July 10, 1917.

John H. Coon to be postmaster at Stanley, N. Y., in place of John H. Coon. Incumbent's commission expired July 10, 1917.

Nellie E. Lempfert to be postmaster at Stony Brook, N. Y., in place of Nellie E. Lempfert. Incumbent's commission expired July 26, 1917.

John J. Kesel to be postmaster at Syracuse, N. Y., in place of John J. Kesel. Incumbent's commission expired August 27, 1917.

John G. More to be postmaster at Walton, N. Y., in place of John G. More. Incumbent's commission expired July 10, 1917.

Frank Tamany to be postmaster at Washingtonville, N. Y., in place of Frank Tamany. Incumbent's commission expired October 4, 1917.

John Scally to be postmaster at Westbury, N. Y., in place of John Scally. Incumbent's commission expired July 10, 1917.

Mabel B. Williams to be postmaster at West Hampton Beach, N. Y., in place of Mabel B. Williams. Incumbent's commission expired August 25, 1917.

John E. Hoffnagle to be postmaster at Westport, N. Y., in place of John E. Hoffnagle. Incumbent's commission expired August 25, 1917.

NORTH CAROLINA.

L. T. Sumner to be postmaster at Ahoskie, N. C., in place of L. T. Sumner. Incumbent's commission expired July 25, 1917.

A. C. Hughes to be postmaster at Apex, N. C., in place of A. C. Hughes. Incumbent's commission expired October 1, 1917.

Daniel L. Windley to be postmaster at Belhaven, N. C., in place of Daniel L. Windley. Incumbent's commission expired July 25, 1917.

E. J. Britt to be postmaster at Chadbourn, N. C., in place of E. J. Britt. Incumbent's commission expired July 10, 1917.

Robert S. McRae to be postmaster at Chapel Hill, N. C., in place of Robert S. McRae. Incumbent's commission expired June 18, 1917.

Andrew L. Pendleton to be postmaster at Elizabeth City, N. C., in place of Andrew L. Pendleton. Incumbent's commission expired June 5, 1917.

H. S. Harrison to be postmaster at Enfield, N. C., in place of H. S. Harrison. Incumbent's commission expired July 11, 1917.

Stephen P. Wilson to be postmaster at Fairmont, N. C., in place of Stephen P. Wilson. Incumbent's commission expired July 2, 1917.

William F. Flowers to be postmaster at Fremont, N. C., in place of William F. Flowers. Incumbent's commission expired July 2, 1917.

Ira T. Hunt to be postmaster at Kittrell, N. C., in place of Ira T. Hunt. Incumbent's commission expired May 29, 1917.

D. D. French to be postmaster at Lumberton, N. C., in place of D. D. French. Incumbent's commission expired June 5, 1917.

John R. Swann to be postmaster at Marshall, N. C., in place of John R. Swann. Incumbent's commission expired December 23, 1917.

J. T. Dick to be postmaster at Mebane, N. C., in place of J. T. Dick. Incumbent's commission expired August 1, 1917.

R. P. Gardner to be postmaster at Mount Holly, N. C., in place of R. P. Gardner. Incumbent's commission expired August 15, 1917.

George W. Waters to be postmaster at Plymouth, N. C., in place of George W. Waters. Incumbent's commission expired August 15, 1917.

Louis G. Daniels to be postmaster at New Bern (late Newbern), N. C., in place of L. G. Daniels, to change name of office.

Sallie V. Banks to be postmaster at Camp Glenn, N. C. Office became presidential January 1, 1917.

Lillie N. Fenner to be postmaster at Halifax, N. C. Office became presidential July 1, 1917.

James A. Hines to be postmaster at Highlands, N. C. Office became presidential October 1, 1916.

John G. Buffaloe to be postmaster at Jackson, N. C. Office became presidential July 1, 1917.

Robert B. Etheridge to be postmaster at Manteo, N. C. Office became presidential October 1, 1917.

W. O. Connor to be postmaster at Mars Hill, N. C. Office became presidential July 1, 1917.

Robert S. Montgomery to be postmaster at Reidsville, N. C., in place of R. S. Montgomery. Incumbent's commission expired December 23, 1917.

William G. Fussell to be postmaster at Rosehill, N. C., in place of William G. Fussell. Incumbent's commission expired July 10, 1917.

Samuel V. Scott to be postmaster at Sanford, N. C., in place of Samuel V. Scott. Incumbent's commission expired July 2, 1917.

Cepha L. Harris to be postmaster at Thomasville, N. C., in place of Cepha L. Harris. Incumbent's commission expired July 2, 1917.

John F. Saunders to be postmaster at Troy, N. C., in place of John F. Saunders. Incumbent's commission expired July 25, 1917.

G. W. Hill to be postmaster at Vineland, N. C., in place of G. W. Hill. Incumbent's commission expired June 18, 1917.

O. K. Holding to be postmaster at Wake Forest, N. C., in place of O. K. Holding. Incumbent's commission expired July 2, 1917.

D. Earl Best to be postmaster at Warsaw, N. C., in place of D. E. Best. Incumbent's commission expired July 25, 1917.

R. S. Galloway to be postmaster at Winston-Salem, N. C., in place of R. S. Galloway. Incumbent's commission expired May 29, 1917.

NORTH DAKOTA.

Nicholas Johnston to be postmaster at Aneta, N. Dak., in place of Nicholas Johnston. Incumbent's commission expired October 2, 1917.

Daniel F. Sweeney to be postmaster at Berthold, N. Dak., in place of D. F. Sweeney. Incumbent's commission expired July 10, 1917.

John W. Schulenberg to be postmaster at Bisbee, N. Dak., in place of J. W. Schulenberg. Incumbent's commission expired July 19, 1917.

Frank Reed to be postmaster at Bismarck, N. Dak., in place of Frank Reed. Incumbent's commission expired September 18, 1917.

Guy A. Kopriva to be postmaster at Bowbells, N. Dak., in place of G. A. Kopriva. Incumbent's commission expired July 10, 1917.

Charles E. Harding to be postmaster at Churchs Ferry, N. Dak., in place of C. E. Harding. Incumbent's commission expired August 21, 1917.

Frank McGraw to be postmaster at Cogswell, N. Dak., in place of Frank McGraw. Incumbent's commission expired July 10, 1917.

V. F. Nelson to be postmaster at Cooperstown, N. Dak., in place of V. F. Nelson. Incumbent's commission expired August 28, 1917.

Sophie Sherman to be postmaster at Donnybrook, N. Dak., in place of Sophie Sherman. Incumbent's commission expired July 15, 1917.

W. W. Anderson to be postmaster at Edgeley, N. Dak., in place of W. W. Anderson. Incumbent's commission expired November 24, 1917.

D. J. Drummond to be postmaster at Esmond, N. Dak., in place of D. J. Drummond. Incumbent's commission expired October 23, 1917.

Annie Minehan to be postmaster at Garrison, N. Dak., in place of Annie Minehan. Incumbent's commission expired October 30, 1917.

William F. Thompson to be postmaster at Sanish, N. Dak. Office became presidential October 1, 1917.

William T. Wakefield to be postmaster at Mott, N. Dak., in place of W. T. Wakefield. Incumbent's commission expired July 10, 1917.

William F. Kempshall to be postmaster at Taylor, N. Dak., in place of W. F. Kempshall. Incumbent's commission expired November 20, 1917.

Hattie M. Leach to be postmaster at Havana, N. Dak. Office became presidential January 1, 1917.

Lemuel C. Larkin to be postmaster at Thompson, N. Dak. Office became presidential July 1, 1917.

E. Ruth Garvin to be postmaster at Dawson, N. Dak. Office became presidential July 1, 1917.

Christian Reite to be postmaster at Hannaford, N. Dak., in place of C. Reite. Incumbent's commission expired November 10, 1917.

J. H. McLean to be postmaster at Hannah, N. Dak., in place of J. H. McLean. Incumbent's commission expired August 21, 1917.

Pearl Miller to be postmaster at La Moure, N. Dak., in place of Pearl Miller. Incumbent's commission expired August 22, 1917.

Frank J. Callahan to be postmaster at McClusky, N. Dak., in place of F. J. Callahan. Incumbent's commission expired August 21, 1917.

P. J. Bott to be postmaster at Marmarth, N. Dak., in place of P. J. Bott. Incumbent's commission expired October 21, 1917.

Peter Karpen to be postmaster at Medina, N. Dak., in place of Peter Karpen. Incumbent's commission expired September 18, 1917.

Anthony Hentges to be postmaster at Michigan, N. Dak., in place of Anthony Hentges. Incumbent's commission expired July 10, 1917.

John G. Boatman to be postmaster at Milnor, N. Dak., in place of J. G. Boatman. Incumbent's commission expired July 10, 1917.

W. T. Reilly to be postmaster at Milton, N. Dak., in place of W. T. Reilly. Incumbent's commission expired August 21, 1917.

Carl Jahnke to be postmaster at New Salem, N. Dak., in place of Carl Jahnke. Incumbent's commission expired August 21, 1917.

James J. Dougherty to be postmaster at Park River, N. Dak., in place of J. J. Dougherty. Incumbent's commission expired August 21, 1917.

Nolle W. Moellring to be postmaster at Ray, N. Dak., in place of N. W. Moellring. Incumbent's commission expired July 10, 1917.

P. J. Filbin to be postmaster at Steele, N. Dak., in place of P. J. Filbin. Incumbent's commission expired August 21, 1917.

Henry A. Holmes to be postmaster at Towner, N. Dak., in place of H. A. Holmes. Incumbent's commission expired July 10, 1917.

Joseph Deschenes to be postmaster at Walhalla, N. Dak., in place of Joseph Deschenes. Incumbent's commission expired July 10, 1917.

Arthur L. Menard to be postmaster at Wilton, N. Dak., in place of A. L. Menard. Incumbent's commission expired May 1, 1917.

Andrew D. Cochrane to be postmaster at York, N. Dak., in place of A. D. Cochrane. Incumbent's commission expired August 21, 1917.

OHIO.

Stewart D. Hazlett to be postmaster at Ada, Ohio, in place of S. D. Hazlett. Incumbent's commission expired August 29, 1917.

A. E. Stiwald to be postmaster at Amherst, Ohio, in place of A. E. Stiwald. Incumbent's commission expired October 21, 1917.

Charles L. Burns to be postmaster at Andover, Ohio, in place of C. L. Burns. Incumbent's commission expired August 1, 1917.

William H. Beam to be postmaster at Ansonia, Ohio, in place of W. H. Beam. Incumbent's commission expired July 15, 1917.

Solomon C. Allison to be postmaster at Ashville, Ohio, in place of S. C. Allison. Incumbent's commission expired July 29, 1917.

Eli R. Lash to be postmaster at Athens, Ohio, in place of E. R. Lash. Incumbent's commission expired October 21, 1917.

Louis J. Golling to be postmaster at Bedford, Ohio, in place of L. J. Golling. Incumbent's commission expired August 6, 1917.

James M. Fitzpatrick to be postmaster at Bethel, Ohio, in place of J. M. Fitzpatrick. Incumbent's commission expired July 10, 1917.

B. S. C. McBride to be postmaster at St. Clairsville, Ohio, in place of B. S. C. McBride. Incumbent's commission expired October 7, 1917.

Daniel W. Rumbaugh to be postmaster at Willard (late Chicago Junction), Ohio, in place of D. W. Rumbaugh, to change name of office.

Gertrude M. Bush to be postmaster at East Liberty, Ohio. Office became presidential July 1, 1917.

Claude R. Kilgore to be postmaster at Fredericksburg, Ohio. Office became presidential October 1, 1916.

Lloyd M. Scott to be postmaster at Jeromesville, Ohio. Office became presidential October 1, 1917.

Ida H. Cline to be postmaster at Kings Mills, Ohio. Office became presidential July 1, 1917.

Daniel McKenzie to be postmaster at Lakeside, Ohio. Office became presidential October 1, 1916.

Edward D. Humphrey to be postmaster at Stockport, Ohio. Office became presidential July 1, 1917.

J. P. Grassbaugh to be postmaster at Bigprairie, Ohio, in place of J. P. Grassbaugh. Incumbent's commission expired October 9, 1917.

C. A. Weidaw to be postmaster at Bloomville, Ohio, in place of C. A. Weidaw. Incumbent's commission expired July 23, 1917.

I. L. McCollough to be postmaster at Butler, Ohio, in place of I. L. McCollough. Incumbent's commission expired July 25, 1917.

John Palsgrove to be postmaster at Canal Winchester, Ohio, in place of John Palsgrove. Incumbent's commission expired September 29, 1917.

Charles C. Fowler to be postmaster at Canfield, Ohio, in place of C. C. Fowler. Incumbent's commission expired August 18, 1917.

A. R. Wolfe to be postmaster at Chillicothe, Ohio, in place of A. R. Wolfe. Incumbent's commission expired October 7, 1917.

John W. Sanford to be postmaster at Clarington, Ohio, in place of J. W. Sanford. Incumbent's commission expired August 1, 1917.

F. M. Carlin to be postmaster at Cleves, Ohio, in place of F. M. Carlin. Incumbent's commission expired July 15, 1917.

Harry B. Mapel to be postmaster at Columbus Grove, Ohio, in place of H. B. Mapel. Incumbent's commission expired October 21, 1917.

Carl C. Hadsell to be postmaster at Cortland, Ohio, in place of C. C. Hadsell. Incumbent's commission expired July 29, 1917.

John E. Taylor to be postmaster at Crooksville, Ohio, in place of J. E. Taylor. Incumbent's commission expired August 19, 1917.

Lewis C. Davison to be postmaster at Dalton, Ohio, in place of L. C. Davison. Incumbent's commission expired July 10, 1917.

Hoyt B. Mahon to be postmaster at Dunkirk, Ohio, in place of H. B. Mahon. Incumbent's commission expired July 15, 1917.

Albert G. Witte to be postmaster at Elmore, Ohio, in place of A. G. Witte. Incumbent's commission expired August 6, 1917.

Charles E. Yost to be postmaster at Fayette, Ohio, in place of C. E. Yost. Incumbent's commission expired June 6, 1917.

Homer Gard to be postmaster at Hamilton, Ohio, in place of Homer Gard. Incumbent's commission expired December 23, 1917.

Henry Holzbach to be postmaster at Hubbard, Ohio, in place of Henry Holzbach. Incumbent's commission expired October 9, 1917.

O. D. Kemper to be postmaster at Jefferson, Ohio, in place of O. D. Kemper. Incumbent's commission expired September 29, 1917.

E. E. France to be postmaster at Kent, Ohio, in place of E. E. France. Incumbent's commission expired August 28, 1917.

Thomas P. Dodd to be postmaster at Larue, Ohio, in place of T. P. Dodd. Incumbent's commission expired July 11, 1917.

W. W. Daniels to be postmaster at Leroy, Ohio, in place of W. W. Daniels. Incumbent's commission expired July 30, 1917.

Charles E. Gain to be postmaster at London, Ohio, in place of C. E. Gain. Incumbent's commission expired August 29, 1917.

Custer Snyder to be postmaster at Lorain, Ohio, in place of Custer Snyder. Incumbent's commission expired July 30, 1917.

George M. Keating to be postmaster at Loveland, Ohio, in place of G. M. Keating. Incumbent's commission expired December 1, 1917.

Charles G. Stroup to be postmaster at Lynchburg, Ohio, in place of C. G. Stroup. Incumbent's commission expired July 30, 1917.

F. C. Thomas to be postmaster at Malta, Ohio, in place of F. C. Thomas. Incumbent's commission expired August 2, 1917.

Frank T. Campbell to be postmaster at Marion, Ohio, in place of F. T. Campbell. Incumbent's commission expired August 18, 1917.

Patrick W. Guilday to be postmaster at Milford, Ohio, in place of P. W. Guilday. Incumbent's commission expired August 2, 1917.

D. C. Brown to be postmaster at Napoleon, Ohio, in place of D. C. Brown. Incumbent's commission expired July 30, 1917.

James Sharp to be postmaster at Nelsonville, Ohio, in place of James Sharp. Incumbent's commission expired August 2, 1917.

L. W. Kunning to be postmaster at New Bremen, Ohio, in place of I. W. Kunning. Incumbent's commission expired October 9, 1917.

D. F. Akers to be postmaster at New Carlisle, Ohio, in place of D. F. Akers. Incumbent's commission expired August 1, 1917.

H. E. Miller to be postmaster at New Concord, Ohio, in place of H. E. Miller. Incumbent's commission expired October 7, 1917.

William Briggs to be postmaster at New Holland, Ohio, in place of William Briggs. Incumbent's commission expired August 6, 1917.

W. T. Alberson to be postmaster at New Philadelphia, Ohio, in place of W. T. Alberson. Incumbent's commission expired August 22, 1917.

Edwin E. Curran to be postmaster at New Stratisville, Ohio, in place of E. E. Curran. Incumbent's commission expired August 18, 1917.

Roy C. Hale to be postmaster at New Vienna, Ohio, in place of R. C. Hale. Incumbent's commission expired July 15, 1917.

James P. Stewart to be postmaster at Niles, Ohio, in place of J. P. Stewart. Incumbent's commission expired August 28, 1917.

Andrew Hiss to be postmaster at Norwalk, Ohio, in place of Andrew Hiss. Incumbent's commission expired July 23, 1917.

Frank J. Wasmer to be postmaster at Oak Hill, Ohio, in place of F. J. Wasmer. Incumbent's commission expired July 24, 1917.

C. L. Barkman to be postmaster at Osborn, Ohio, in place of C. L. Barkman. Incumbent's commission expired October 21, 1917.

William B. Meyer to be postmaster at Oxford, Ohio, in place of W. B. Meyer. Incumbent's commission expired August 18, 1917.

William J. Prince to be postmaster at Piqua, Ohio, in place of W. J. Prince. Incumbent's commission expired August 27, 1917.

Clarence A. Flanagan to be postmaster at Pleasant City, Ohio, in place of C. A. Flanagan. Incumbent's commission expired July 10, 1917.

Fred H. Johnson to be postmaster at Quaker City, Ohio, in place of F. H. Johnson. Incumbent's commission expired July 29, 1917.

Barbara Crosser to be postmaster at Salineville, Ohio, in place of Barbara Crosser. Incumbent's commission expired October 7, 1917.

George J. Windle to be postmaster at Sebring, Ohio, in place of G. J. Windle. Incumbent's commission expired August 22, 1917.

Laura Emma Jones to be postmaster at Shadyside, Ohio, in place of L. E. Jones. Incumbent's commission expired October 21, 1917.

Benjamin G. Trew to be postmaster at Shawnee, Ohio, in place of B. G. Trew. Incumbent's commission expired August 22, 1917.

Jacob Fraker to be postmaster at Sherwood, Ohio, in place of Jacob Fraker. Incumbent's commission expired August 1, 1917.

Wiley K. Miller to be postmaster at Shreve, Ohio, in place of W. K. Miller. Incumbent's commission expired September 1, 1917.

Rufus R. Kurtz to be postmaster at Sycamore, Ohio, in place of R. R. Kurtz. Incumbent's commission expired June 23, 1917.

W. A. Lowry to be postmaster at Urbana, Ohio, in place of W. A. Lowry. Incumbent's commission expired July 15, 1917.

Louis C. Brown to be postmaster at Warren, Ohio, in place of L. C. Brown. Incumbent's commission expired August 12, 1917.

Orange V. Fritz to be postmaster at West Alexandria, Ohio, in place of O. V. Fritz. Incumbent's commission expired August 18, 1917.

Orren E. Curl to be postmaster at West Mansfield, Ohio, in place of O. E. Curl. Incumbent's commission expired August 6, 1917.

Lewis S. Baker to be postmaster at Weston, Ohio, in place of L. S. Baker. Incumbent's commission expired June 18, 1917.

J. H. Connor to be postmaster at West Union, Ohio, in place of J. H. Connor. Incumbent's commission expired July 15, 1917.

Charles H. Hackett to be postmaster at Yellow Springs, Ohio, in place of C. H. Hackett. Incumbent's commission expired July 15, 1917.

George B. Snyder to be postmaster at Youngstown, Ohio, in place of G. B. Snyder. Incumbent's commission expired December 28, 1917.

OKLAHOMA.

Charles W. Amspacher to be postmaster at Apache, Okla., in place of Charles Amspacher. Incumbent's commission expired July 11, 1917.

Peter H. McKeown to be postmaster at Billings, Okla., in place of P. H. McKeown. Incumbent's commission expired July 11, 1917.

J. N. Hopkins to be postmaster at Boswell, Okla., in place of J. N. Hopkins. Incumbent's commission expired August 30, 1917.

Lea M. Nichols to be postmaster at Bristow, Okla., in place of L. M. Nichols. Incumbent's commission expired July 28, 1917.

A. R. Duncan to be postmaster at Carmen, Okla., in place of A. R. Duncan. Incumbent's commission expired July 11, 1917.

James H. Cunningham to be postmaster at Carnegie, Okla., in place of J. H. Cunningham. Incumbent's commission expired July 28, 1917.

W. P. Madden to be postmaster at Cheyenne, Okla., in place of W. P. Madden. Incumbent's commission expired May 20, 1917.

James E. Wallace to be postmaster at Broken Bow, Okla., in place of J. E. Wallace. Incumbent's commission expired June 28, 1917.

Willie E. Hunt to be postmaster at Thomas, Okla., in place of W. E. Hunt. Incumbent's commission expired July 28, 1917.

T. J. Way to be postmaster at Haskell, Okla., in place of T. J. Way. Incumbent's commission expired October 4, 1917.

Bonnie Bacon to be postmaster at Davidson, Okla., in place of Bonnie A. Coley, name changed by marriage.

Blanche Holcomb to be postmaster at Delaware, Okla., in place of Blanch Larkin, named changed by marriage.

John L. Lillibridge to be postmaster at Dover, Okla. Office became presidential July 1, 1917.

James W. Hinson to be postmaster at Fletcher, Okla. Office became presidential July 1, 1917.

Willis W. Christopher to be postmaster at Kusa, Okla. Office became presidential July 1, 1917.

Eva Gill to be postmaster at Milburn, Okla. Office became presidential January 1, 1917.

Guy M. Coffman to be postmaster at Morrison, Okla. Office became presidential October 1, 1917.

Julian B. Boyett to be postmaster at Stuart, Okla. Office became presidential July 1, 1917.

Grover C. Fulton to be postmaster at Tar River, Okla. Office became presidential October 1, 1917.

Albert L. Kates to be postmaster at Claremore, Okla., in place of A. L. Kates. Incumbent's commission expired November 24, 1917.

Samuel R. Hawks, jr., to be postmaster at Clinton, Okla., in place of S. R. Hawks, jr. Incumbent's commission expired September 9, 1917.

M. B. Hickman to be postmaster at Coalgate, Okla., in place of M. B. Hickman. Incumbent's commission expired August 30, 1917.

W. A. Prince to be postmaster at Crescent, Okla., in place of W. A. Prince. Incumbent's commission expired July 11, 1917.

Robert E. Lee Woods to be postmaster at Duncan, Okla., in place of R. E. L. Woods. Incumbent's commission expired June 17, 1917.

L. D. Flint to be postmaster at Fairland, Okla., in place of L. D. Flint. Incumbent's commission expired May 22, 1917.

Joseph B. Wilson to be postmaster at Fairview, Okla., in place of J. B. Wilson. Incumbent's commission expired November 6, 1917.

John Huskey to be postmaster at Fort Towson, Okla., in place of John Huskey. Incumbent's commission expired July 19, 1917.

George E. Baker to be postmaster at Gage, Okla., in place of G. E. Baker. Incumbent's commission expired August 30, 1917.

Marion B. Carley to be postmaster at Geary, Okla., in place of M. B. Carley. Incumbent's commission expired August 22, 1917.

W. T. Kniseley to be postmaster at Glencoe, Okla., in place of W. T. Kniseley. Incumbent's commission expired September 9, 1917.

J. P. Ford to be postmaster at Konawa, Okla., in place of J. P. Ford. Incumbent's commission expired August 30, 1917.

Robert Landers to be postmaster at Lawton, Okla., in place of Robert Landers. Incumbent's commission expired October 21, 1917.

George M. Massingale to be postmaster at Leedey, Okla., in place of G. M. Massingale. Incumbent's commission expired July 11, 1917.

J. L. Avey to be postmaster at Lindsay, Okla., in place of J. L. Avey. Incumbent's commission expired August 29, 1917.

John S. Thompson to be postmaster at Mulhall, Okla., in place of J. S. Thompson. Incumbent's commission expired August 5, 1917.

C. J. Woodson to be postmaster at Okarche, Okla., in place of C. J. Woodson. Incumbent's commission expired August 22, 1917.

W. M. Davis to be postmaster at Okemah, Okla., in place of W. M. Davis. Incumbent's commission expired May 20, 1917.

Joseph E. McCutchan to be postmaster at Pawnee, Okla., in place of J. E. McCutchan. Incumbent's commission expired July 28, 1917.

Willard E. Merry to be postmaster at Perry, Okla., in place of W. E. Merry. Incumbent's commission expired November 6, 1917.

A. C. Smith to be postmaster at Ponca City, Okla., in place of A. C. Smith. Incumbent's commission expired October 23, 1917.

William Barrowman to be postmaster at Purcell, Okla., in place of William Barrowman. Incumbent's commission expired June 23, 1917.

A. S. Foreman to be postmaster at Sallisaw, Okla., in place of A. S. Foreman. Incumbent's commission expired October 4, 1917.

W. S. Livingston to be postmaster at Seminole, Okla., in place of W. S. Livingston. Incumbent's commission expired August 30, 1917.

Edward Learnard to be postmaster at Shattuck, Okla., in place of Edw. Learnard. Incumbent's commission expired October 4, 1917.

J. T. Holley to be postmaster at Stigler, Okla., in place of J. T. Holley. Incumbent's commission expired May 29, 1917.

A. B. Cunningham to be postmaster at Tahlequah, Okla., in place of A. B. Cunningham. Incumbent's commission expired July 2, 1917.

John M. Crutchfield to be postmaster at Tulsa, Okla., in place of J. M. Crutchfield. Incumbent's commission expired September 9, 1917.

Thomas J. Brown to be postmaster at Tuttle, Okla., in place of T. J. Brown. Incumbent's commission expired October 4, 1917.

Harry J. Dray to be postmaster at Weatherford, Okla., in place of H. J. Dray. Incumbent's commission expired July 11, 1917.

J. S. Barham to be postmaster at Wewoka, Okla., in place of J. S. Barham. Incumbent's commission expired July 11, 1917.

OREGON.

Dean S. McWilliams to be postmaster at Halsey, Oreg., in place of D. S. McWilliams. Incumbent's commission expired October 22, 1917.

W. A. Richardson to be postmaster at Heppner, Oreg., in place of W. A. Richardson. Incumbent's commission expired August 12, 1917.

E. E. Bragg to be postmaster at La Grande, Oreg., in place of E. E. Bragg. Incumbent's commission expired May 20, 1917.

Edith B. Ward to be postmaster at Stanfield, Oreg. Office became presidential January 1, 1917.

Brazier C. Small to be postmaster at Turner, Oreg. Office became presidential October 1, 1917.

Esther M. Evers to be postmaster at Huntington, Oreg., in place of Esther Evers. Incumbent's commission expired September 1, 1917.

W. A. Delzell to be postmaster at Klamath Falls, Oreg., in place of W. A. Delzell. Incumbent's commission expired October 1, 1917.

B. L. Hagemann to be postmaster at Milwaukie, Oreg., in place of B. L. Hagemann. Incumbent's commission expired December 1, 1917.

Vaughn D. Crosby to be postmaster at North Portland, Oreg., in place of V. D. Crosby. Incumbent's commission expired January 18, 1916.

J. W. Boone to be postmaster at Prineville, Oreg., in place of J. W. Boone. Incumbent's commission expired July 25, 1917.

L. F. Reizenstein to be postmaster at Roseburg, Oreg., in place of L. F. Reizenstein. Incumbent's commission expired May 1, 1917.

Iva E. Dodd to be postmaster at St. Helens, Oreg., in place of I. E. Dodd. Incumbent's commission expired July 25, 1917.

R. E. Williams to be postmaster at The Dalles, Oreg., in place of R. E. Williams. Incumbent's commission expired May 1, 1917.

PENNSYLVANIA.

Claude W. Freeman to be postmaster at Austin, Pa., in place of C. W. Freeman. Incumbent's commission expired August 5, 1917.

Oscar E. Letterer to be postmaster at Berwick, Pa., in place of O. E. Letterer. Incumbent's commission expired August 20, 1917.

Charles M. Harder to be postmaster at Catawissa, Pa., in place of C. M. Harder. Incumbent's commission expired August 2, 1917.

John J. Ryan to be postmaster at Centralia, Pa., in place of J. J. Ryan. Incumbent's commission expired July 30, 1917.

J. K. Smith to be postmaster at Charlerol, Pa., in place of J. K. Smith. Incumbent's commission expired October 30, 1917.

William A. Shear to be postmaster at Coudersport, Pa., in place of W. A. Shear. Incumbent's commission expired July 10, 1917.

Edward Raker to be postmaster at Shamokin, Pa., in place of Edward Raker. Incumbent's commission expired June 5, 1917.

Winifred H. Rose to be postmaster at Tioga, Pa., in place of Winifred Hughes; name changed by marriage.

Albin P. Yarnall to be postmaster at Ashbourne, Pa. Office became presidential October 1, 1917.

John H. Fahl to be postmaster at Auburn, Pa. Office became presidential July 1, 1917.

Frank F. Sumney to be postmaster at Dravosburg, Pa. Office became presidential January 1, 1917.

J. Blaine Wise to be postmaster at Marianna, Pa. Office became presidential October 1, 1915.

George C. Schrecongost to be postmaster at Sagamore, Pa. Office became presidential October 1, 1917.

John C. Nicholson to be postmaster at Six Mile Run, Pa. Office became presidential October 1, 1917.

Grant Piper to be postmaster at Petersburg, Pa. Office became presidential July 1, 1917.

G. F. Kittelberger to be postmaster at Curwensville, Pa., in place of G. F. Kittelberger. Incumbent's commission expired September 4, 1917.

James W. Taylor to be postmaster at Dallastown, Pa., in place of J. W. Taylor. Incumbent's commission expired November 13, 1917.

Andrew Wahl to be postmaster at Evans City, Pa., in place of Andrew Wahl. Incumbent's commission expired July 10, 1917.

Joseph Nelson to be postmaster at Fayette City, Pa., in place of Joseph Nelson. Incumbent's commission expired July 10, 1917.

O. M. Koller to be postmaster at Fleetwood, Pa., in place of O. M. Koller. Incumbent's commission expired October 30, 1917.

William H. McQuilken to be postmaster at Glen Campbell, Pa., in place of W. H. McQuilken. Incumbent's commission expired September 4, 1917.

E. K. Eichelberger to be postmaster at Hanover, Pa., in place of E. K. Eichelberger. Incumbent's commission expired July 10, 1917.

C. S. Hill to be postmaster at Hughesville, Pa., in place of C. S. Hill. Incumbent's commission expired August 18, 1917.

Harry W. Fee to be postmaster at Indiana, Pa., in place of H. W. Fee. Incumbent's commission expired August 18, 1917.

E. S. Taylor to be postmaster at Kennett Square, Pa., in place of E. S. Taylor. Incumbent's commission expired October 30, 1917.

Louis N. Spencer to be postmaster at Lancaster, Pa., in place of L. N. Spencer. Incumbent's commission expired October 30, 1917.

Charles E. Putnam to be postmaster at Linesville, Pa., in place of C. E. Putnam. Incumbent's commission expired September 4, 1917.

Robert E. Urell to be postmaster at Mansfield, Pa., in place of R. E. Urell. Incumbent's commission expired August 22, 1917.

John Orth to be postmaster at Marietta, Pa., in place of John Orth. Incumbent's commission expired August 18, 1917.

John H. Kensinger to be postmaster at Martinsburg, Pa., in place of J. H. Kensinger. Incumbent's commission expired July 10, 1917.

Matthew C. Fox, jr., to be postmaster at Media, Pa., in place of M. C. Cox, jr. Incumbent's commission expired May 20, 1917.

Frank P. Craig to be postmaster at Mercer, Pa., in place of F. P. Craig. Incumbent's commission expired June 2, 1917.

Harry B. Krebs to be postmaster at Mercersburg, Pa., in place of H. B. Krebs. Incumbent's commission expired September 4, 1917.

Henry W. Rinehart to be postmaster at Millerstown, Pa., in place of H. W. Rinehart. Incumbent's commission expired July 30, 1917.

C. M. Touchstone to be postmaster at Moores, Pa., in place of C. M. Touchstone. Incumbent's commission expired September 4, 1917.

Charles H. Carter to be postmaster at Mount Pocono, Pa., in place of C. H. Carter. Incumbent's commission expired July 30, 1917.

Edward S. Haws to be postmaster at Narberth, Pa., in place of E. S. Haws. Incumbent's commission expired October 30, 1917.

John H. Shields to be postmaster at New Alexandria, Pa., in place of J. H. Shields. Incumbent's commission expired September 4, 1917.

William S. Clegg to be postmaster at New Bloomfield, Pa., in place of W. S. Clegg. Incumbent's commission expired May 22, 1917.

Albert K. Kneule to be postmaster at Norristown, Pa., in place of A. K. Kneule. Incumbent's commission expired September 9, 1917.

James W. Hatch to be postmaster at North Girard, Pa., in place of J. W. Hatch. Incumbent's commission expired October 2, 1917.

William H. Gruber to be postmaster at Palmerton, Pa., in place of W. H. Gruber. Incumbent's commission expired August 18, 1917.

Oscar F. Weiand to be postmaster at Perkasie, Pa., in place of O. F. Weiand. Incumbent's commission expired May 20, 1917.

Thomas McGuire to be postmaster at Pleasantville, Pa., in place of Thomas McGuire. Incumbent's commission expired July 10, 1917.

Edward J. Hutchinson to be postmaster at Polk, Pa., in place of E. J. Hutchinson. Incumbent's commission expired December 1, 1917.

Henry J. J. Lemon to be postmaster at Port Allegany, Pa., in place of H. J. Lemon. Incumbent's commission expired May 20, 1917.

A. C. M. Crozier to be postmaster at Port Royal, Pa., in place of A. C. M. Crozier. Incumbent's commission expired July 30, 1917.

Charles N. Seitzinger to be postmaster at Reading, Pa., in place of C. N. Seitzinger. Incumbent's commission expired October 30, 1917.

John C. Werts to be postmaster at Reedsville, Pa., in place of J. C. Werts. Incumbent's commission expired December 1, 1917.

B. P. McNulty to be postmaster at Ridgway, Pa., in place of B. P. McNulty. Incumbent's commission expired October 30, 1917.

Daniel Clarey to be postmaster at Sayre, Pa., in place of Daniel Clarey. Incumbent's commission expired September 9, 1917.

Finlay H. Failing to be postmaster at Shingletown, Pa., in place of F. H. Failing. Incumbent's commission expired July 10, 1917.

Solomon H. Smith to be postmaster at Smithton, Pa., in place of S. H. Smith. Incumbent's commission expired July 10, 1917.

J. B. Esch to be postmaster at Spangler, Pa., in place of J. B. Esch. Incumbent's commission expired July 30, 1917.

Charles A. Smith to be postmaster at Swarthmore, Pa., in place of C. A. Smith. Incumbent's commission expired October 30, 1917.

John Adams to be postmaster at Vandergrift, Pa., in place of John Adams. Incumbent's commission expired August 11, 1917.

John H. Krumbine to be postmaster at Vintondale, Pa., in place of J. H. Krumbine. Incumbent's commission expired October 30, 1917.

James H. Alcorn to be postmaster at Waterford, Pa., in place of J. H. Alcorn. Incumbent's commission expired August 20, 1917.

J. R. Detwiler to be postmaster at Williamsburg, Pa., in place of J. R. Detwiler. Incumbent's commission expired October 30, 1917.

Hugh Gilmore to be postmaster at Williamsport, Pa., in place of Hugh Gilmore. Incumbent's commission expired May 1, 1917.

Watson B. Reisinger to be postmaster at Wrightsville, Pa., in place of W. B. Reisinger. Incumbent's commission expired August 2, 1917.

C. J. D. Strohecker to be postmaster at Zellenople, Pa., in place of C. J. D. Strohecker. Incumbent's commission expired May 20, 1917.

PORTO RICO.

Ramon Alfonzo Rivera to be postmaster at Arecibo, P. R., in place of R. A. Rivera. Incumbent's commission expired August 1, 1917.

Jose Carrera to be postmaster at Humacao, P. R., in place of Jose Carrera. Incumbent's commission expired July 29, 1917.

RHODE ISLAND.

S. Martin Rose to be postmaster at Block Island, R. I., in place of S. M. Rose. Incumbent's commission expired July 22, 1917.

Charles J. Baron to be postmaster at Centerdale, R. I. Office became presidential July 1, 1917.

George W. Jenckes to be postmaster at Slatersville, R. I. Office became presidential July 1, 1917.

Reuben A. Gibbs to be postmaster at West Barrington, R. I. Office became presidential October 1, 1917.

James S. Scully to be postmaster at Crompton, R. I., in place of J. S. Scully. Incumbent's commission expired July 22, 1917.

Thomas H. Galvin to be postmaster at East Greenwich, R. I., in place of T. H. Galvin. Incumbent's commission expired August 21, 1917.

William R. Congdon to be postmaster at Wickford, R. I., in place of W. R. Congdon. Incumbent's commission expired July 22, 1917.

SOUTH CAROLINA.

Ida A. Calhoun to be postmaster at Clemson College, S. C., in place of I. A. Calhoun. Incumbent's commission expired July 10, 1917.

J. F. Rickenbaker to be postmaster at Lake City, S. C., in place of J. F. Rickenbaker. Incumbent's commission expired November 29, 1917.

Herman H. Bradham to be postmaster at Manning, S. C., in place of H. H. Bradham. Incumbent's commission expired July 10, 1917.

Lulie Giles to be postmaster at Graniteville, S. C. Office became presidential October 1, 1917.

John H. Porter to be postmaster at Ridgeland, S. C. Office became presidential July 1, 1917.

Lewis M. Jones to be postmaster at Alcoln, S. C. Office became presidential July 1, 1917.

James B. Ehrhardt to be postmaster at Ehrhardt, S. C. Office became presidential October 1, 1917.

J. R. Montgomery to be postmaster at Marion, S. C., in place of J. R. Montgomery. Incumbent's commission expired May 6, 1917.

Henry P. Tindal to be postmaster at North, S. C., in place of H. P. Tindal. Incumbent's commission expired September 2, 1917.

Pierce M. Huff to be postmaster at Piedmont, S. C., in place of P. M. Huff. Incumbent's commission expired October 4, 1917.

Pearle H. Padget to be postmaster at Saluda, S. C., in place of P. H. Padget. Incumbent's commission expired June 5, 1917.

Nevitt Fant to be postmaster at Walhalla, S. C., in place of Nevitt Fant. Incumbent's commission expired August 1, 1917.

SOUTH DAKOTA.

F. A. Nutter to be postmaster at Alcester, S. Dak., in place of F. A. Nutter. Incumbent's commission expired August 1, 1917.

John Debilzan to be postmaster at Andover, S. Dak., in place of John Debilzan. Incumbent's commission expired August 19, 1917.

Agnes McCue to be postmaster at Kennebec, S. Dak. Office became presidential July 1, 1917.

Charles H. McCrossen to be postmaster at Ashton, S. Dak. Office became presidential July 1, 1917.

Louisa E. Prouty to be postmaster at Pollock, S. Dak. Office became presidential October 1, 1917.

A. Rae Dendy to be postmaster at White River, S. Dak. Office became presidential October 1, 1917.

William Moore to be postmaster at Armour, S. Dak., in place of William Moore. Incumbent's commission expired November 29, 1917.

George L. Baker to be postmaster at Britton, S. Dak., in place of G. L. Baker. Incumbent's commission expired August 27, 1917.

H. B. Brown to be postmaster at Clark, S. Dak., in place of H. B. Brown. Incumbent's commission expired July 11, 1917.

Alfred E. Paine to be postmaster at Doland, S. Dak., in place of A. E. Paine. Incumbent's commission expired July 26, 1917.

George C. Knickerbocker to be postmaster at Eureka, S. Dak., in place of G. C. Knickerbocker. Incumbent's commission expired May 9, 1917.

A. D. Griffee to be postmaster at Faulkton, S. Dak., in place of A. D. Griffee. Incumbent's commission expired August 27, 1917.

James L. Minahan to be postmaster at Geddes, S. Dak., in place of J. L. Minahan. Incumbent's commission expired July 21, 1917.

W. R. Veitch to be postmaster at Groton, S. Dak., in place of W. R. Veitch. Incumbent's commission expired July 31, 1917.

John F. McGowan to be postmaster at Hartford, S. Dak., in place of J. F. McGowan. Incumbent's commission expired July 26, 1917.

Bert T. Reeve to be postmaster at Howard, S. Dak., in place of E. T. Reeve. Incumbent's commission expired December 1, 1917.

T. J. Sullivan to be postmaster at Iroquois, S. Dak., in place of T. J. Sullivan. Incumbent's commission expired August 19, 1917.

William J. Quirk to be postmaster at Kimball, S. Dak., in place of W. J. Quirk. Incumbent's commission expired July 31, 1917.

Perley G. Williams to be postmaster at Montrose, S. Dak., in place of P. G. Williams. Incumbent's commission expired November 10, 1917.

Michael J. Dougherty to be postmaster at Mount Vernon, S. Dak., in place of M. Dougherty. Incumbent's commission expired July 31, 1917.

E. B. Wilbur to be postmaster at Oacoma, S. Dak., in place of E. B. Wilbur. Incumbent's commission expired August 27, 1917.

Anton Fergen to be postmaster at Parkston, S. Dak., in place of A. Fergen. Incumbent's commission expired November 10, 1917.

Hugh J. McMahon to be postmaster at Philip, S. Dak., in place of H. J. McMahon. Incumbent's commission expired September 1, 1917.

Frank Wall to be postmaster at Selby, S. Dak., in place of F. Wall. Incumbent's commission expired August 1, 1917.

James Gaynor to be postmaster at Springfield, S. Dak., in place of J. Gaynor. Incumbent's commission expired August 27, 1917.

Hiram H. Millard to be postmaster at Summit, S. Dak., in place of H. H. Millard. Incumbent's commission expired November 10, 1917.

Peter Schmitt to be postmaster at Waubay, S. Dak., in place of P. Schmitt. Incumbent's commission expired November 10, 1917.

A. A. Closson to be postmaster at White Lake, S. Dak., in place of A. A. Closson. Incumbent's commission expired July 31, 1917.

TENNESSEE.

J. K. Tate to be postmaster at Bolivar, Tenn., in place of Knox Tate. Incumbent's commission expired July 11, 1917.

William Thomas to be postmaster at Brownsville, Tenn., in place of W. Thomas. Incumbent's commission expired July 25, 1917.

Joel F. Ruffin to be postmaster at Cedar Hill, Tenn., in place of J. F. Ruffin. Incumbent's commission expired July 25, 1917.

Emily T. St. John to be postmaster at Harriman, Tenn., in place of E. T. St. John. Incumbent's commission expired August 13, 1917.

O. L. McCallum to be postmaster at Henderson, Tenn., in place of O. L. McCallum. Incumbent's commission expired July 14, 1917.

Luke C. Peak to be postmaster at Jefferson City, Tenn., in place of L. C. Peak. Incumbent's commission expired July 11, 1917.

William F. Holland to be postmaster at Kingston, Tenn., in place of W. F. Holland. Incumbent's commission expired August 15, 1917.

Sam M. Barnett to be postmaster at Lexington, Tenn., in place of S. M. Barnett. Incumbent's commission expired July 10, 1917.

Victor C. Stafford to be postmaster at Sevierville, Tenn., in place of V. C. Stafford. Incumbent's commission expired October 30, 1917.

Irene M. Cheatrs to be postmaster at Spring Hill, Tenn., in place of I. M. Cheatrs. Incumbent's commission expired July 10, 1917.

Homer L. Browder to be postmaster at Sweetwater, Tenn., in place of H. L. Browder. Incumbent's commission expired July 10, 1917.

Ira LaF. Lemonds to be postmaster at Tiptonville, Tenn., in place of I. LaF. Lemonds. Incumbent's commission expired July 25, 1917.

John E. Pullen to be postmaster at Waverly, Tenn., in place of J. E. Pullen. Incumbent's commission expired November 6, 1917.

Frank P. Singleton to be postmaster at Copperhill, Tenn., in place of F. P. Singleton. Incumbent's commission expired July 10, 1917.

Ras C. Boatman to be postmaster at Algood, Tenn. Office became presidential July 1, 1917.

Robert H. Morley to be postmaster at Arlington, Tenn. Office became presidential October 1, 1917.

Benjamin F. Chambers to be postmaster at Friendship, Tenn. Office became presidential January 1, 1917.

F. L. Tardy to be postmaster at Gainesboro, Tenn. Office became presidential April 1, 1917.

Samuel E. Johnson to be postmaster at Kimberlin Heights, Tenn. Office became presidential July 1, 1917.

Alexander B. Miller to be postmaster at Limestone, Tenn. Office became presidential July 1, 1917.

Ernest D. Sneed to be postmaster at Moscow, Tenn. Office became presidential July 1, 1917.

F. B. Cowan to be postmaster at White Pine, Tenn. Office became presidential July 1, 1917.

Robert L. Long to be postmaster at Church Hill, Tenn. Office became presidential October 1, 1917.

Frank F. Overton to be postmaster at Tazewell, Tenn. Office became presidential October 1, 1917.

Henry Estill to be postmaster at Winchester, Tenn., in place of H. Estill. Incumbent's commission expired July 23, 1917.

TEXAS.

W. L. Coleman to be postmaster at Alpine, Tex., in place of W. L. Coleman. Incumbent's commission expired July 15, 1917.

W. D. Armstrong to be postmaster at Alto, Tex., in place of W. D. Armstrong. Incumbent's commission expired July 25, 1917.

Cora L. Baker to be postmaster at Buffalo, Tex., in place of C. L. Baker. Incumbent's commission expired August 27, 1917.

Minerva E. Hendrickson to be postmaster at Grapevine, Tex., in place of Minerva E. Austin, name changed by marriage.

Royston C. Crane to be postmaster at Sweetwater (late Sweet Water), Tex., in place of R. C. Crane, to change name of office.

Lebrun H. Goforth to be postmaster at Anna, Tex. Office became presidential July 1, 1917.

Preston N. Arnold to be postmaster at Arp, Tex. Office became presidential October 1, 1917.

William P. Gibson to be postmaster at Copperas Cove, Tex. Office became presidential July 1, 1917.

Charles O. Hardy to be postmaster at Francitas, Tex. Office became presidential October 1, 1917.

Johnnie V. Bradley to be postmaster at Gladewater, Tex. Office became presidential July 1, 1917.

Eddie C. Slaughter to be postmaster at Goose Creek, Tex. Office became presidential October 1, 1917.

Joel W. Moore to be postmaster at McDade, Tex. Office became presidential July 1, 1917.

Frosa M. Bailey to be postmaster at Montgomery, Tex. Office became presidential July 1, 1917.

Mamie Milam to be postmaster at Prairie View, Tex. Office became presidential July 1, 1917.

G. P. Tarrant to be postmaster at Aransas Pass, Tex., in place of G. P. Tarrant. Incumbent's commission expired May 20, 1917.

C. Jefferson Johnson to be postmaster at Austin, Tex., in place of C. J. Johnson. Incumbent's commission expired July 2, 1917.

John C. Wood to be postmaster at Big Sandy, Tex., in place of J. C. Wood. Incumbent's commission expired July 25, 1917.

Charles H. Jones to be postmaster at Bishop, Tex., in place of C. H. Jones. Incumbent's commission expired October 16, 1917.

J. H. Logan to be postmaster at Blessing, Tex., in place of J. H. Logan. Incumbent's commission expired October 16, 1917.

E. B. Hopkins to be postmaster at Brazoria, Tex., in place of E. B. Hopkins. Incumbent's commission expired July 10, 1917.

Hugh M. Stevenson to be postmaster at Breckenridge, Tex., in place of H. M. Stevenson. Incumbent's commission expired October 9, 1917.

L. V. Holbert to be postmaster at Bremond, Tex., in place of L. V. Holbert. Incumbent's commission expired August 15, 1917.

C. A. Howard to be postmaster at Bronson, Tex., in place of C. A. Howard. Incumbent's commission expired October 1, 1917.

M. D. Parnell to be postmaster at Chico, Tex., in place of M. D. Parnell. Incumbent's commission expired September 18, 1917.

L. E. Haskett to be postmaster at Childress, Tex., in place of L. E. Haskett. Incumbent's commission expired May 20, 1917.

John W. Robbins to be postmaster at Clyde, Tex., in place of J. W. Robbins. Incumbent's commission expired August 15, 1917.

William B. Junell to be postmaster at Cumby, Tex., in place of W. B. Junell. Incumbent's commission expired August 1, 1917.

Lula E. Willis to be postmaster at Daingerfield, Tex., in place of L. E. Willis. Incumbent's commission expired July 2, 1917.

T. W. Hooks to be postmaster at Donna, Tex., in place of T. W. Hooks. Incumbent's commission expired October 16, 1917.

E. L. Correll to be postmaster at El Campo, Tex., in place of E. L. Correll. Incumbent's commission expired May 22, 1917.

Rufus W. Riddels to be postmaster at Electra, Tex., in place of R. W. Riddels. Incumbent's commission expired August 1, 1917.

R. S. Rike to be postmaster at Farmersville, Tex., in place of R. S. Rike. Incumbent's commission expired May 20, 1917.

A. M. Gosch to be postmaster at Flatonia, Tex., in place of A. M. Gosch. Incumbent's commission expired May 22, 1917.

S. D. Seale to be postmaster at Floresville, Tex., in place of S. D. Seale. Incumbent's commission expired May 1, 1917.

W. F. Sponseller to be postmaster at Fowlerton, Tex., in place of W. F. Sponseller. Incumbent's commission expired July 25, 1917.

August R. Gold to be postmaster at Fredericksburg, Tex., in place of A. R. Gold. Incumbent's commission expired July 25, 1917.

Philip H. Clements to be postmaster at Goldthwaite, Tex., in place of P. H. Clements. Incumbent's commission expired June 5, 1917.

Charles Johnston to be postmaster at Goree, Tex., in place of C. Johnston. Incumbent's commission expired July 25, 1917.

Samuel G. Dean to be postmaster at Haskell, Tex., in place of S. G. Dean. Incumbent's commission expired May 22, 1917.

T. W. House to be postmaster at Houston, Tex., in place of T. W. House. Incumbent's commission expired August 27, 1917.

William E. McKay to be postmaster at Huntsville, Tex., in place of W. E. McKay. Incumbent's commission expired July 2, 1917.

Sam Anderson to be postmaster at Knox City, Tex., in place of S. Anderson. Incumbent's commission expired July 2, 1917.

William T. Hall to be postmaster at La Porte, Tex., in place of W. T. Hall. Incumbent's commission expired August 28, 1917.

J. W. Hardcastle to be postmaster at Lexington, Tex., in place of J. W. Hardcastle. Incumbent's commission expired July 21, 1917.

June Hickman to be postmaster at Livingston, Tex., in place of J. Hickman. Incumbent's commission expired September 18, 1917.

Charles M. Wallace to be postmaster at Llano, Tex., in place of C. M. Wallace. Incumbent's commission expired August 15, 1917.

Cora D. Fowler to be postmaster at Lockney, Tex., in place of C. D. Fowler. Incumbent's commission expired August 1, 1917.

Allie M. Erwin to be postmaster at Loraine, Tex., in place of A. M. Erwin. Incumbent's commission expired August 1, 1917.

Arthur F. Loftis to be postmaster at Manor, Tex., in place of A. Loftis. Incumbent's commission expired October 4, 1917.

Carrie E. Smith to be postmaster at Marble Falls, Tex., in place of C. E. Smith. Incumbent's commission expired August 1, 1917.

Robert Greenwood to be postmaster at Marfa, Tex., in place of R. Greenwood. Incumbent's commission expired July 10, 1917.

John G. Oltorf to be postmaster at Marlin, Tex., in place of J. G. Oltorf. Incumbent's commission expired October 27, 1917.

Newman E. Tucker to be postmaster at Mercedes, Tex., in place of N. E. Tucker. Incumbent's commission expired August 1, 1917.

C. H. Sewell to be postmaster at Overton, Tex., in place of C. H. Sewell. Incumbent's commission expired September 18, 1917.

John A. Shapard to be postmaster at Rockdale, Tex., in place of J. A. Shapard. Incumbent's commission expired May 20, 1917.

B. B. Lanham to be postmaster at Rockwall, Tex., in place of B. B. Lanham. Incumbent's commission expired July 2, 1917.

Maggie Ellis to be postmaster at Rotan, Tex., in place of M. Ellis. Incumbent's commission expired July 10, 1917.

Henry Ellers, jr., to be postmaster at Schulenberg, Tex., in place of H. Ellers, jr. Incumbent's commission expired May 20, 1917.

Lon Davis to be postmaster at Sealy, Tex., in place of L. Davis. Incumbent's commission expired August 28, 1917.

E. B. Barnes to be postmaster at Snyder, Tex., in place of E. B. Barnes. Incumbent's commission expired June 5, 1917.

E. G. Langhammer to be postmaster at Somerville, Tex., in place of E. G. Langhammer. Incumbent's commission expired October 16, 1917.

Peter Tighe to be postmaster at Sourlake, Tex., in place of P. Tighe. Incumbent's commission expired September 18, 1917.

Bettie Jackson to be postmaster at Stratford, Tex., in place of B. Jackson. Incumbent's commission expired October 27, 1917.

Annie S. Watson to be postmaster at Sugar Land, Tex., in place of A. Watson. Incumbent's commission expired August 27, 1917.

Almyra L. Williams to be postmaster at Taft, Tex., in place of A. L. Williams. Incumbent's commission expired October 4, 1917.

W. P. Boyd to be postmaster at Thurber, Tex., in place of W. P. Boyd. Incumbent's commission expired July 25, 1917.

W. W. Trow to be postmaster at Trinity, Tex., in place of W. W. Trow. Incumbent's commission expired May 29, 1917.

Sidney S. McClendon to be postmaster at Tyler, Tex., in place of S. S. McClendon. Incumbent's commission expired June 5, 1917.

J. W. White to be postmaster at Uvalde, Tex., in place of J. W. White. Incumbent's commission expired May 1, 1917.

W. F. Flynt to be postmaster at Winter, Tex., in place of W. F. Flynt. Incumbent's commission expired July 10, 1917.

William R. Sharpe to be postmaster at Wolfe City, Tex., in place of W. R. Sharpe. Incumbent's commission expired October 4, 1917.

UTAH.

Albert A. Savage to be postmaster at Hyrum, Utah, in place of A. A. Savage. Incumbent's commission expired October 18, 1917.

Joseph Anderson to be postmaster at Lehi, Utah, in place of J. Anderson. Incumbent's commission expired July 19, 1917.

W. W. Browning to be postmaster at Ogden, Utah, in place of W. W. Browning. Incumbent's commission expired July 11, 1917.

Scerinda Rasmussen to be postmaster at Fairview, Utah. Office became presidential October 1, 1917.

John M. Anderson to be postmaster at Lewiston, Utah. Office became presidential October 1, 1917.

William L. Adams to be postmaster at Parowan, Utah. Office became presidential January 1, 1917.

VERMONT.

Daniel F. Carmody to be postmaster at Fair Haven, Vt., in place of D. F. Carmody. Incumbent's commission expired November 13, 1917.

C. M. Boright to be postmaster at Richford, Vt., in place of C. M. Boright. Incumbent's commission expired July 11, 1917.

Glen C. Parris to be postmaster at Fairfax, Vt. Office became presidential July 1, 1917.

A. H. Gleason to be postmaster at St. Johnsbury, Vt., in place of A. H. Gleason. Incumbent's commission expired July 10, 1917.

VIRGINIA.

William M. Smith to be postmaster at Alexandria, Va., in place of W. M. Smith. Incumbent's commission expired November 20, 1917.

Claude E. Wiley to be postmaster at Fairfax, Va., in place of C. E. Wiley. Incumbent's commission expired July 10, 1917.

Lucile Prince Duane to be postmaster at Stony Creek, Va., in place of Lucile H. Prince, name changed by marriage.

Louis J. Nottingham to be postmaster at Eastville, Va. Office became presidential October 1, 1917.

Gertrude G. Browder to be postmaster at Jarratt, Va. Office became presidential July 1, 1917.

George E. Cunningham to be postmaster at Buena Vista, Va., in place of G. E. Cunningham. Incumbent's commission expired June 5, 1917.

James S. Halle to be postmaster at Chatham, Va., in place of J. S. Halle. Incumbent's commission expired July 25, 1917.

I. Henry Savage to be postmaster at Chincoteague Island, Va., in place of I. H. Savage. Incumbent's commission expired July 10, 1917.

W. R. Rogers to be postmaster at Crewe, Va., in place of W. R. Rogers. Incumbent's commission expired August 20, 1917.

David W. Berger to be postmaster at Drakes Branch, Va., in place of D. W. Berger. Incumbent's commission expired July 25, 1917.

Samuel C. Cox to be postmaster at Galax, Va., in place of S. C. Cox. Incumbent's commission expired October 9, 1917.

Frank W. Sheild to be postmaster at Hampton, Va., in place of F. W. Sheild. Incumbent's commission expired October 18, 1917.

D. F. Hankins to be postmaster at Houston, Va., in place of D. F. Hankins. Incumbent's commission expired July 25, 1917.

Charles E. Clinedinst to be postmaster at New Market, Va., in place of C. E. Clinedinst. Incumbent's commission expired May 6, 1917.

H. G. Shackelford to be postmaster at Orange, Va., in place of H. G. Shackelford. Incumbent's commission expired August 27, 1917.

John S. Scott to be postmaster at Parksley, Va., in place of J. S. Scott. Incumbent's commission expired November 29, 1917.

Eugene Monroe to be postmaster at Purcellville, Va., in place of Eugene Monroe. Incumbent's commission expired July 10, 1917.

Hoge M. Brown to be postmaster at Radford, Va., in place of H. M. Brown. Incumbent's commission expired July 23, 1917.

H. Lester Hooker to be postmaster at Stuart, Va., in place of H. L. Hooker. Incumbent's commission expired June 5, 1917.

VIRGIN ISLANDS.

Bartholin R. Larsen to be postmaster at Christiansted, Virgin Islands.

August R. Bisserup to be postmaster at Fredericksted, Virgin Islands.

WASHINGTON.

Thomas J. Quirt to be postmaster at Blaine, Wash., in place of T. J. Quirt. Incumbent's commission expired October 27, 1917.

Henry A. Knapp to be postmaster at Camas, Wash., in place of H. A. Knapp. Incumbent's commission expired September 18, 1917.

Archie Manson to be postmaster at Cashmere, Wash., in place of Archie Manson. Incumbent's commission expired July 10, 1917.

Joseph O'Neill to be postmaster at Castlerock, Wash., in place of Joseph O'Neill. Incumbent's commission expired September 29, 1917.

C. G. Thomas to be postmaster at Cle Elum, Wash., in place of C. G. Thomas. Incumbent's commission expired July 10, 1917.

C. M. Durland to be postmaster at Colville, Wash., in place of C. M. Durland. Incumbent's commission expired September 29, 1917.

A. J. Peters to be postmaster at Deer Park, Wash., in place of A. J. Peters. Incumbent's commission expired July 10, 1917.

S. J. Mothershead to be postmaster at Edmunds, Wash., in place of S. J. Mothershead. Incumbent's commission expired July 19, 1917.

P. F. Billingsley to be postmaster at Ephrata, Wash., in place of P. F. Billingsley. Incumbent's commission expired July 15, 1917.

Willard E. Overholt to be postmaster at Farmington, Wash., in place of W. E. Overholt. Incumbent's commission expired August 5, 1917.

Ann E. Sykes to be postmaster at Grandview, Wash., in place of A. E. Sykes. Incumbent's commission expired October 4, 1917.

Martha E. Sprague to be postmaster at Hiwaco, Wash., in place of M. E. Sprague. Incumbent's commission expired July 10, 1917.

Edwin Schauble to be postmaster at Kalama, Wash., in place of Edwin Schauble. Incumbent's commission expired September 29, 1917.

Jefferson P. Buford to be postmaster at Kelso, Wash., in place of J. P. Buford. Incumbent's commission expired July 25, 1917.

Charles E. Guiberson to be postmaster at Kent, Wash., in place of C. E. Guiberson. Incumbent's commission expired July 15, 1917.

Guy A. Hamilton to be postmaster at Leavenworth, Wash., in place of G. A. Hamilton. Incumbent's commission expired July 30, 1917.

Maury C. Hayden to be postmaster at Lind, Wash., in place of M. C. Hayden. Incumbent's commission expired July 29, 1917.

G. R. Patterson to be postmaster at Malden, Wash., in place of G. R. Patterson. Incumbent's commission expired July 15, 1917.

Nellie B. Burke to be postmaster at Mansfield, Wash., in place of N. B. Burke. Incumbent's commission expired July 10, 1917.

Theo Hall to be postmaster at Medical Lake, Wash., in place of T. Hall. Incumbent's commission expired July 15, 1917.

Benjamin L. Smith to be postmaster at Okanogan, Wash., in place of B. L. Smith. Incumbent's commission expired July 19, 1917.

John H. Medill to be postmaster at Yakima (late North Yakima), Wash., in place of J. D. Medill, to change name of office.

Paul L. Paulsen to be postmaster at Addy, Wash. Office became presidential July 1, 1917.

Thomas E. Arnold to be postmaster at Cathlamet, Wash. Office became presidential October 1, 1916.

Carl J. Gunderson to be postmaster at East Stanwood, Wash. Office became presidential January 1, 1917.

Charles A. Bergin to be postmaster at Wilkeson, Wash. Office became presidential October 1, 1917.

James O'Farrell, jr., to be postmaster at Orting, Wash., in place of J. O'Farrell, jr. Incumbent's commission expired July 2, 1917.

Roscoe A. Belvail to be postmaster at Palouse, Wash., in place of R. A. Belvail. Incumbent's commission expired October 27, 1917.

R. B. Smith to be postmaster at Prescott, Wash., in place of R. B. Smith. Incumbent's commission expired October 1, 1917.

John F. May to be postmaster at Republic, Wash., in place of J. F. May. Incumbent's commission expired July 29, 1917.

Dana Child to be postmaster at Spokane, Wash., in place of D. Child. Incumbent's commission expired November 22, 1917.

Robert T. Johnson to be postmaster at Sumas, Wash., in place of R. T. Johnson. Incumbent's commission expired July 19, 1917.

Jacob P. Pyles to be postmaster at Sumner, Wash., in place of J. P. Pyles. Incumbent's commission expired July 10, 1917.

George P. Wall to be postmaster at Winlock, Wash., in place of G. P. Wall. Incumbent's commission expired September 3, 1917.

WEST VIRGINIA.

T. W. Ryan to be postmaster at Hendricks, W. Va., in place of T. W. Ryan. Incumbent's commission expired November 6, 1917.

Okey C. Dawson to be postmaster at Janelaw, W. Va., in place of O. C. Dawson. Incumbent's commission expired August 1, 1917.

C. B. Riggle to be postmaster at Middlebourne, W. Va., in place of C. B. Riggle. Incumbent's commission expired July 26, 1917.

Herbert T. Davis to be postmaster at West Union, W. Va., in place of H. T. Davis. Incumbent's commission expired May 20, 1917.

Warren D. Cline to be postmaster at Williamstown, W. Va., in place of W. D. Cline. Incumbent's commission expired July 2, 1917.

Orrville A. Beerbower to be postmaster at Albright, W. Va. Office became presidential October 1, 1917.

Robert E. Morgan to be postmaster at Davy, W. Va. Office became presidential October 1, 1917.

George B. Henthorn to be postmaster at Paden City, W. Va. Office became presidential July 1, 1917.

William Pence to be postmaster at South Charleston, W. Va. Office became presidential October 1, 1917.

William B. Spurlock to be postmaster at Wayne, W. Va. Office became presidential April 1, 1917.

WISCONSIN.

Elizabeth Croake to be postmaster at Albany, Wis., in place of E. Croake. Incumbent's commission expired July 11, 1917.

Theodore Buehler, jr., to be postmaster at Alma, Wis., in place of T. Buehler, jr. Incumbent's commission expired July 11, 1917.

William A. Roblier to be postmaster at Colona, Wis. Office became presidential October 1, 1917.

Hubert S. Duquaine to be postmaster at Crivitz, Wis. Office became presidential October 1, 1917.

W. E. Sherburne to be postmaster at Fremont, Wis. Office became presidential October 1, 1917.

Gustave Keller to be postmaster at Appleton, Wis., in place of G. Keller. Incumbent's commission expired September 10, 1917.

Albert Hess to be postmaster at Arcadia, Wis., in place of A. Hess. Incumbent's commission expired September 2, 1917.

F. C. O. Muenich to be postmaster at Argyle, Wis., in place of F. C. O. Muenich. Incumbent's commission expired September 2, 1917.

Birt E. Fredrick to be postmaster at Augusta, Wis., in place of B. E. Fredrick. Incumbent's commission expired August 5, 1917.

Henry Wachsmuth to be postmaster at Bayfield, Wis., in place of H. Wachsmuth, sr. Incumbent's commission expired October 21, 1917.

John V. Swift to be postmaster at Benton, Wis., in place of J. V. Swift. Incumbent's commission expired November 29, 1917.

Annie K. Blanchard to be postmaster at Blanchardville, Wis., in place of A. K. Blanchard. Incumbent's commission expired November 29, 1917.

George E. Forward to be postmaster at Brandon, Wis., in place of G. E. Forward. Incumbent's commission expired July 11, 1917.

John H. Moller to be postmaster at Bruce, Wis., in place of H. J. Moller. Incumbent's commission expired October 4, 1917.

Ernest D. Singleton to be postmaster at Camp Douglas, Wis., in place of E. D. Singleton. Incumbent's commission expired November 29, 1917.

F. A. Partlow to be postmaster at Clear Lake, Wis., in place of F. A. Partlow. Incumbent's commission expired July 11, 1917.

William J. Riedner to be postmaster at Columbus, Wis., in place of W. J. Riedner. Incumbent's commission expired July 11, 1917.

Herman H. Fiedler to be postmaster at Cuba, Wis., in place of H. H. Fiedler. Incumbent's commission expired September 2, 1917.

Annie W. Bartholomew to be postmaster at Delafield, Wis., in place of A. W. Bartholomew. Incumbent's commission expired July 11, 1917.

Robert Horneck to be postmaster at Elkhart Lake, Wis., in place of R. Horneck. Incumbent's commission expired July 11, 1917.

James F. Horan to be postmaster at Friendship, Wis., in place of J. F. Horan. Incumbent's commission expired July 11, 1917.

J. M. Melchior to be postmaster at Gillett, Wis., in place of J. M. Melchior. Incumbent's commission expired October 4, 1917.

F. A. Ferriter to be postmaster at Hillsboro, Wis., in place of F. A. Ferriter. Incumbent's commission expired September 2, 1917.

Simon Skroch to be postmaster at Independence, Wis., in place of S. Skroch. Incumbent's commission expired December 22, 1917.

Fred Seifert to be postmaster at Jefferson, Wis., in place of F. Seifert. Incumbent's commission expired September 2, 1917.

Paul E. Stiehm to be postmaster at Johnson Creek, Wis., in place of P. E. Stiehm. Incumbent's commission expired July 11, 1917.

George H. Schmidt to be postmaster at Kewaskum, Wis., in place of G. H. Schmidt. Incumbent's commission expired July 11, 1917.

Adolph H. Dionne to be postmaster at Lena, Wis., in place of A. H. Dionne. Incumbent's commission expired July 30, 1917.

Frank Leuschen to be postmaster at Marathon, Wis., in place of F. Leuschen. Incumbent's commission expired July 11, 1917.

Franz Markus to be postmaster at Medford, Wis., in place of F. Markus. Incumbent's commission expired November 29, 1917.

Henry W. Graser to be postmaster at Menomonee Falls, Wis., in place of H. W. Graser. Incumbent's commission expired October 4, 1917.

John G. Solverson to be postmaster at Nashotah, Wis., in place of J. G. Solverson. Incumbent's commission expired October 4, 1917.

Arthur R. Curtis to be postmaster at National Home, Wis., in place of A. R. Curtis. Incumbent's commission expired July 11, 1917.

Nicolaus Elmer to be postmaster at New Glarus, Wis., in place of N. Elmer. Incumbent's commission expired October 4, 1917.

John F. Flanagan to be postmaster at Oconomowoc, Wis., in place of J. F. Flanagan. Incumbent's commission expired July 11, 1917.

Francis J. Maher to be postmaster at Omro, Wis., in place of F. J. Maher. Incumbent's commission expired July 11, 1917.

Franklin C. Watson to be postmaster at Owen, Wis., in place of F. C. Watson. Incumbent's commission expired October 5, 1917.

Harvey Vincent to be postmaster at Park Falls, Wis., in place of H. Vincent. Incumbent's commission expired September 2, 1917.

Agnes Scholl to be postmaster at Pewaukee, Wis., in place of A. Scholl. Incumbent's commission expired July 11, 1917.

Wigand B. Krause to be postmaster at Port Washington, Wis., in place of W. B. Krause. Incumbent's commission expired July 15, 1917.

T. J. Griffin to be postmaster at Prescott, Wis., in place of T. J. Griffin. Incumbent's commission expired July 30, 1917.

H. G. Bannerman to be postmaster at Redgranite, Wis., in place of H. G. Bannerman. Incumbent's commission expired July 11, 1917.

Charles F. Dillett to be postmaster at Shawano, Wis., in place of C. F. Dillett. Incumbent's commission expired November 29, 1917.

Frank Gottsacker to be postmaster at Sheboygan, Wis., in place of F. Gottsacker. Incumbent's commission expired July 15, 1917.

George Wildermuth to be postmaster at Sheboygan Falls, Wis., in place of G. Wildermuth. Incumbent's commission expired July 15, 1917.

Louis Locke to be postmaster at Shiocton, Wis., in place of L. Locke. Incumbent's commission expired October 4, 1917.

George Paquette to be postmaster at Shullsburg, Wis., in place of G. Paquette. Incumbent's commission expired October 4, 1917.

William M. Ward to be postmaster at Soldiers Grove, Wis., in place of W. M. Ward. Incumbent's commission expired November 29, 1917.

John P. Rice to be postmaster at Sparta, Wis., in place of J. P. Rice. Incumbent's commission expired July 30, 1917.

E. A. Drotning to be postmaster at Stoughton, Wis., in place of E. A. Drotning. Incumbent's commission expired July 11, 1917.

Charles A. Gesell to be postmaster at Tomahawk, Wis., in place of C. A. Gesell. Incumbent's commission expired July 11, 1917.

F. W. Keuper to be postmaster at Union Grove, Wis., in place of F. W. Keuper. Incumbent's commission expired July 15, 1917.

George B. Keith to be postmaster at Milton Junction, Wis., in place of G. B. Keith. Incumbent's commission expired October 4, 1917.

P. F. Melchoir to be postmaster at Wausaukee, Wis., in place of P. F. Melchoir. Incumbent's commission expired October 4, 1917.

John Vander Linden to be postmaster at West De Pere, Wis., in place of J. V. Linden. Incumbent's commission expired July 11, 1917.

Samuel Dewar to be postmaster at Westfield, Wis., in place of Samuel Dewar. Incumbent's commission expired September 2, 1917.

W. H. Weed to be postmaster at Weyauwega, Wis., in place of W. H. Weed. Incumbent's commission expired October 4, 1917.

W. C. Kiernan to be postmaster at Whitewater, Wis., in place of W. C. Kiernan. Incumbent's commission expired July 11, 1917.

George F. Mader to be postmaster at Winneconne, Wis., in place of G. F. Mader. Incumbent's commission expired October 4, 1917.

G. W. Bishop to be postmaster at Wonewoc, Wis., in place of G. W. Bishop. Incumbent's commission expired October 4, 1917.

WYOMING.

Nels J. Simpson to be postmaster at Cambria, Wyo., in place of Nels Simpson. Incumbent's commission expired July 25, 1917.

Charles G. Mudd to be postmaster at Powell, Wyo., in place of C. G. Mudd. Incumbent's commission expired August 5, 1917.

Louis Schalk to be postmaster at Rawlins, Wyo., in place of Louis Schalk. Incumbent's commission expired November 22, 1917.

L. E. Blackwell to be postmaster at Shoshoni, Wyo., in place of L. E. Blackwell. Incumbent's commission expired August 5, 1917.

Juan Jenkins to be postmaster at Upton, Wyo., in place of Juan Jenkins. Incumbent's commission expired August 5, 1917.

John T. Jones to be postmaster at Worland, Wyo., in place of J. T. Jones. Incumbent's commission expired November 13, 1917.

Elizabeth W. Keiffer to be postmaster at Fort Russell, Wyo. Office became presidential October 1, 1917.

Catherine McCabe to be postmaster at Van Tassell, Wyo. Office became presidential October 1, 1917.

Charles O. Lyon to be postmaster at Burns, Wyo. Office became presidential July 1, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 17, 1918.

EXPLOSIVES INSPECTOR.

Daniel F. O'Connell to be explosives inspector for the State of Massachusetts.

PROMOTIONS IN THE COAST GUARD.

Capt. John Cassin Cantwell to be a senior captain.
First Lieut. William Joseph Wheeler to be a captain.
Second Lieut. Thomas Andrew Shanley to be a first lieutenant.
Third Lieut. Frank Joseph Gorman to be a second lieutenant.

POSTMASTERS.

GEORGIA.

Bolling H. Jones, Atlanta.

MISSOURI.

Colin M. Selph, St. Louis.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 17, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God our Heavenly Father, that in spite of the terrible war through which the world is passing, with its widespread desolation, unspeakable horrors, instituted by the brutal methods employed by its projectors, there is more good in the world than evil, as witnessed by the thousands of brave men who have laid down their lives, and the millions who are ready to follow their example, in defense of the God-given rights of men; the holy sacrifices made by the people of all that they hold dear; the Red Cross, which is carrying aid, succor, and comfort to the wounded and dying, desolate homes, widows and orphans.

In a world-wide protest against the brutal methods employed by the enemies of civilization, in their insane desire to subjugate mankind to their fiendish desires, grant, O most merciful Father, that they may be driven back and taught a lesson which they will never forget, and Thy will be done in the spirit of the world's great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

PROHIBITION AMENDMENT.

The SPEAKER. The Chair has here a communication signed by the governor of Virginia and the secretary of the state announcing the ratification of the prohibition amendment, which will be filed among the archives of the House. [Applause.]

LATE MAJ. AUGUSTUS P. GARDNER.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman asks unanimous consent to address the House for seven minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LONGWORTH. Mr. Speaker, at 2 o'clock this afternoon at St. Johns Church, in the city of Washington, and prior to his burial at Arlington, will be held the funeral services of a man who was the well-beloved friend of practically every Member of this House.

Had it been left to Congress to make decision, this ceremony would have been solemnized in the Capitol of the United States and would have been of proportions in a greater degree commensurate with our conception of the magnitude of the services he rendered to the Nation. We have yielded only to the expressed desire of his family for a ceremony more significant of the admirable simplicty of his character, which we his colleagues and companions have understood perhaps better than any other men.

To each one of us, and man after man during the past two days has said it in my hearing, the death of Maj. Augustus Peabody Gardner assumes the proportions of a grave individual loss. To myself, and I hope I may be pardoned the personal touch, it is comparable only to that of a member of my immediate family. For years he and I have been the closest sort of friends and our friendship grew as the years advanced.

It so happened that many important events in our lives were curiously similar. Though he was a few years older than I, we were born upon the same day, and for the last 25 years at least not a 5th of November passed without our exchanging birthday felicitations by telegraph or cable. On the same day we were each elected to our first public office of importance, he to the Massachusetts Senate, I to the Ohio House of Representatives. Four years later on the 5th of November, 1902, we were both elected to Congress. From then on no two men here, I think, were in more intimate, almost daily, association. We used to discuss most fully and frankly the details, from every angle, of conditions existing in our respective districts and our methods of meeting them. As a rule our discussions ended in substantial agreement, not infrequently, however, they resulted in the tacit understanding that if I could not be elected a county sheriff in his district he could not be elected a ward constable in mine.

As events proved, he was right more often than I because his service was continuous while mine, as you know, was interrupted.

He was a sturdy friend, a wonderful companion, and I shall miss him sadly.

To the country Gardner's taking off, particularly at this time, is a loss of monumental proportions, if not one entirely irreparable. Putting aside all question of his proved usefulness in many legislative fields, he had in the last few years so made himself the very cornerstone in Congress of the structure of national military preparedness that we shall search in vain, I fear, for one to fill his place. Where shall we find another with a knowledge of military technique so complete, an energy so vast, a purpose to force home the truth so indomitable?

His voice was the first raised in Congress for preparedness without reserve and without equivocation. Unfortunately, for many months it was as a "vox clamantis in deserto" and fell unheeded upon the ears of men in high places. Where now, though, is the man who will deny that had greater heed been paid to his warnings and action founded upon them this country would be playing a far more active and effective part in the war, that our ultimate cost in blood and treasure would have been infinitely less and the day of victory far advanced?

Whether or not Gardner became discouraged at the failure of his preachments to be translated into action, the fact is that more than a year ago he decided that his best sphere of usefulness lay in active military service. He reached this conclusion against the advice of many of his friends, and I was one of them who believed that he ought to stay in Congress, not only because of his unique knowledge of military and naval subjects and the service he had rendered, and would be able in even greater degree to render to the cause of preparedness, but because also of his physical condition, being aware that though an active and vigorous man his heart was not just what it ought to be. He would not listen to us, though, and a year ago last December he passed the examinations as a reserve officer of the Spanish War, which made him eligible for and subject to active duty. In May, soon after a state of war was declared, he received his summons, resigned his seat in Congress, and joined the colors with the rank of colonel.

Here, again, in a new field of activity Gardner proved a unique figure. He is the first military officer of the United States, so far as my knowledge goes, who was demoted in rank at his own request. His ambition was for active service at the front, not for rank. He wanted to get to France, and felt that his chances for this service were better as a major in the field than as a colonel on staff duty.

Death alone foiled his ambition, but it was a death which will be held, I am satisfied, in the mature judgment of his countrymen, to have been fully as glorious as if it had come upon the battle fields of France and under the guns of the enemy.

When the history of these times is written, when the services of men to the American Nation in this, its time of greatest need, and their contribution to the ultimate victory which we will, must, and shall win are duly weighed and appraised by posterity, I predict with perfect confidence that high upon the roll of honor will be written the name of Augustus Peabody Gardner, statesman, patriot, and gallant gentleman. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed with amendments joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

H. J. Res. 174. Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

The message also announced that the Vice President had appointed Mr. FRANCE and Mr. HOLLIS members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

RECESS.

Mr. KITCHIN. Mr. Speaker, in order to give the Members of the House an opportunity to attend the funeral services of the late Augustus P. Gardner, and as a further mark of respect to his memory, I ask unanimous consent that the House shall stand in recess from 1.45 p. m. to-day until 3 o'clock p. m.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the House stand in recess from 1.45 p. m. until 3 o'clock p. m. in order to enable the Members to attend the funeral of Maj. Gardner. Is there objection?

There was no objection.

INDIAN APPROPRIATIONS.

Mr. CARTER of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R.

8690, the Indian appropriation bill, and pending that motion, Mr. Speaker, I would like to see if we can come to an agreement as to the time necessary for general debate on this matter.

Mr. CAMPBELL of Kansas. Mr. Speaker, I had hoped to be able to conclude the debate that is general—that is, debate outside the bill—to-day, but that will be impossible. I have requests for more than three hours, and they are coming in every few minutes. This is the second appropriation bill that has been considered, and many men have things which they desire to say. I suggest that the general debate run on to-day and we may be able to arrive at some conclusion in respect to it to-morrow.

Mr. CARTER of Oklahoma. In respect to the predicament the gentleman from Kansas finds himself in in reference to demand for general debate, I ask unanimous consent that general debate may continue to-day and for one hour to-morrow, after which the bill shall be taken up under the five-minute rule.

Mr. CAMPBELL of Kansas. Mr. Speaker, one hour to-morrow will not be sufficient. We shall be away from the House for an hour and a quarter to-day.

Mr. CARTER of Oklahoma. I had understood from the gentleman from Kansas that that would be sufficient.

Mr. CAMPBELL of Kansas. We recess during the afternoon from 1.45 until 3.

Mr. CARTER of Oklahoma. That is correct, Mr. Speaker. The statement the gentleman made to me in person was prior to the time that either one of us knew that a recess would be had. I will amend that request, Mr. Speaker, to provide for general debate to-day and for two hours to-morrow, if that will meet the condition.

Mr. CAMPBELL of Kansas. May I sugest to the gentleman from Oklahoma that we have general debate to-day, and then see what the status of the debate is on to-morrow, and conclude it at as early an hour as possible then.

Mr. CARTER of Oklahoma. Mr. Speaker, I have no desire to cut off general debate if any of the Members should want to speak.

Mr. CAMPBELL of Kansas. I have no desire to prolong it beyond what is absolutely necessary.

Mr. CARTER of Oklahoma. I think we ought to have some specific time at which general debate will end. If that does not satisfy the gentleman I would be willing to add 30 minutes more to that time.

Mr. CAMPBELL of Kansas. I think we can agree to-morrow morning on the amount of time to be consumed then.

Mr. CARTER of Oklahoma. Why could we not agree to-day and have that disposed of? If we agree to-day, then all the requests that have come in prior to now will be taken care of, and every man who has presented a request to the gentleman from Kansas will have his time; but if we leave the matter open, it will only perhaps bring more requests to both of us and make additional time necessary.

Mr. CAMPBELL of Kansas. We might just as well get rid of as much general debate on this bill as possible. The Members will have their time, and if it is taken on this bill it will not be taken on the next bill.

Mr. KITCHIN. I would like to ask the chairman and the gentleman from Kansas about how long they think it will take after general debate to conclude the bill?

Mr. CAMPBELL of Kansas. So far as I am concerned, I do not think it will take very long. There is nothing new in the bill, except that it has been pared pretty closely.

Mr. KITCHIN. Do you think we can conclude it easily before 5 o'clock Saturday?

Mr. CAMPBELL of Kansas. I think so.

Mr. CARTER of Oklahoma. We might, but I do not think we will get through with it without a couple of days under the five-minute rule, although we will push it as fast as we can. It usually takes two days to pass the bill, and sometimes three and four.

Mr. KITCHIN. We ought to get through with it by Saturday.

Mr. CAMPBELL of Kansas. I want to expedite the passage of the bill, and have——

Mr. KITCHIN. We hope to have Monday on the Agricultural bill, anyway.

Mr. CAMPBELL of Kansas. I think the reading of the bill will consume less time than has been usual with this bill.

Mr. KITCHIN. Could we not meet at 11 o'clock to-morrow, and then finish it in two or three hours of general debate?

Mr. CARTER of Oklahoma. That might be done.

Mr. KITCHIN. I will ask unanimous consent now to meet at 11 o'clock to-morrow. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MILLER of Minnesota. Reserving the right to object, Mr. Speaker——

Mr. MADDEN. I reserve the right to object.

The SPEAKER. The gentleman will proceed.

Mr. MILLER of Minnesota. Which one? Two have risen.

The SPEAKER. The gentleman from Minnesota got up first.

Mr. MILLER of Minnesota. I will say to the gentleman from North Carolina that I hope he will not urge that request, for this reason, that the important committees and other committees of the House are all meeting every day now in the preparation of their respective bills, and a committee meeting that has to adjourn at 11 o'clock accomplishes nothing. Let us not have sessions of the House beginning at 11 o'clock in the morning until later in the session.

Mr. KITCHIN. I imagine that very few members of the other committees will desire to hear or participate in the general debate. This request is just to give more time for general debate. I am not asking now for time to be devoted to the discussion of the merits of the bill under the five-minute rule, but just to extend the time for general debate.

Mr. GILLETT. Mr. Speaker, may I ask the gentleman from North Carolina what business there is on the calendar that is so pressing as to make it necessary to meet at 11 o'clock?

Mr. KITCHIN. We hope to have in the Agricultural appropriation bill on Monday.

Mr. GILLETT. I suggest Mr. Speaker, that a number of gentlemen have spoken to me recently about asking unanimous consent to address the House, and I have suggested to all of them that they should wait until an appropriation bill came up, when they would have the right to address the House, and not have to ask it as a courtesy. A great many Members have thoughts seething in their brains that they would like to get rid of. [Laughter.]

Mr. KITCHIN. I think it is a good thing to afford opportunity for gentlemen to get rid of the thoughts that are seething in their brains on this bill and other bills, because when we get into the discussion of the Agricultural bill and those that are immediately to follow we will not have so much general debate, and the debate then will be confined more strictly to the bills. Therefore I hope the gentleman will not object to meeting at 11 o'clock to-morrow. We can agree upon any time to-day, I suggest to the chairman, and to-morrow, if we agree upon 11 o'clock, we can close general debate earlier than would be possible otherwise.

Mr. CARTER of Oklahoma. Reserving the right to object, Mr. Speaker, I will say that there will not be any effort on my part and that of other members of the committee on this side to curtail general debate at all. I realize the force of what the gentleman from Massachusetts [Mr. GILLETT] has said, that Members of the House have hitherto been very patient about taking up the time of the House with speeches. I am perfectly content that they shall have every moment they want on this bill for general debate. I am willing that they shall have every opportunity, but if the gentleman from Kansas [Mr. CAMPBELL] insists I will be content to-morrow to make an agreement, but I do not think that should interfere with the House meeting at 11 o'clock.

Mr. GILLETT. I am willing that the House should meet at 11 o'clock for general debate.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MADDEN. Mr. Speaker, I think this is a good time to call attention to the fact that those in control of the House have not been doing anything up to now; have not been meeting at all. Every time we have a bill coming before the House they want us to meet at 11 o'clock and rush it through before 6 o'clock.

If those in control of the House business would get down to a systematic business method of running the House we would get through with the business of the House. Some of the committees of the House have already reported their bills, and after they have been passed we continue to come here day after day without anything to do. There is not any justification for that. If there is not going to be some systematic effort to go on with the business of the House regularly from now on, I shall object to the proposition of meeting at 11 o'clock and rushing through before 6 o'clock without a chance of fully considering the bills.

Mr. KITCHIN. Will the gentleman object now? If the gentleman will, I will not say what I had in mind, because I am afraid that he will object afterwards. [Laughter.]

Mr. MADDEN. I would like to hear the gentleman say what is in his mind.

Mr. KITCHIN. Let me say to the gentleman in all seriousness, Mr. Speaker, that the House and the committees have done more work and passed more legislation, and a larger number of appropriation bills are ready to report now, than at any regular session in 8 or 10 years. I happened to make a note of that.

Mr. MADDEN. We were already organized last spring.

Mr. CARTER of Oklahoma. We have been every year, except 1915; we were organized in the spring, and have been for 10 years, except in 1915.

Mr. MADDEN. I want to call the attention of the House and of the country to the inefficiency of the majority of the House. [Laughter.]

Mr. KITCHIN. I do not think the gentleman should come into the House just to make objections. He ought to stay here and see what we are doing.

Mr. MADDEN. I want to say to the gentleman that I am on the floor of the House 10 hours to his 10 minutes. [Laughter.]

Mr. KITCHIN. I will say to the gentleman that I can not be on the floor all the time.

The SPEAKER. Is there objection?

Mr. NOLAN. Reserving the right to object, Mr. Speaker, I would like to know what the gentleman from North Carolina is going to do about undoing the tangle on Calendar Wednesday?

Mr. KITCHIN. We can take it up later.

Mr. NOLAN. No; you will have to take it up now and do something to untangle it, or I will object. I do object.

The SPEAKER. The gentleman from California objects.

Mr. CARTER of Oklahoma. What is the tangle, may I inquire of the gentleman?

The SPEAKER. Has the gentleman from Oklahoma any further motion or request to make?

Mr. CARTER of Oklahoma. I ask that the time be equally divided between myself and the gentleman from Kansas [Mr. CAMPBELL.]

The SPEAKER. Who controls the time?

Mr. CARTER of Oklahoma. The time to be controlled equally by the gentleman from Kansas and myself.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the time for general debate be equally controlled by himself and the gentleman from Kansas [Mr. CAMPBELL]. Is there objection?

Mr. LONDON. Mr. Speaker, I rise to a point of order, that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty-one Members present, not a quorum.

Mr. CARTER of Oklahoma. I move a call of the House.

Mr. KITCHIN. Had not the gentleman made his motion to go into Committee of the Whole?

Mr. CARTER of Oklahoma. Yes.

Mr. KITCHIN. Then there will be an automatic call.

Mr. GARNER. The House was dividing.

The SPEAKER. The Chair does not think the House was dividing. The Chair had started to put the affirmative proposition, and the gentleman from New York raised the point of no quorum present.

Mr. CARTER of Oklahoma. I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Barnhart	Flood	Kreider	Scott, Pa.
Black	Flynn	LaGuardia	Scully
Bowers	Focht	Lea, Cal.	Sells
Buchanan	Francis	Lufkin	Siegel
Campbell, Pa.	Fuller, Mass.	McCormick	Siemp
Candler, Miss.	Garland	McKeown	Smith, Thomas F.
Cannon	Godwin, N. C.	McLaughlin, Pa.	Snell
Capstick	Gould	Maher	Sterling, Pa.
Carew	Graham, Pa.	Mann	Stevenson
Clark, Fla.	Greene, Vt.	Miller, Wash.	Strong
Copley	Hamilton, N. Y.	Neely	Sullivan
Costello	Haskell	Oliver, N. Y.	Swift
Currie, Mich.	Haugen	O'Shaunessy	Templeton
Curry, Cal.	Hawley	Park	Tilson
Dale, Vt.	Hayes	Parker, N. Y.	Vare
Davis	Heintz	Pou	Voigt
Dill	Hood	Ragsdale	Walker
Dooling	Johnson, S. Dak.	Riordan	Ward
Drane	Johnson, Wash.	Rodenberg	Webb
Drukker	Kahn	Rowland	Whaley
Dunn	Kennedy, R. I.	Sabath	Wingo
Eagle	Kettner	Sanford	Winslow
Evans	Key, Ohio	Saunders, Va.	Zihlman
Fairchild, Geo. W.	Kiess, Pa.	Schall	

The SPEAKER. On this roll call 342 Members, a quorum, have answered to their names.

Mr. CARTER of Oklahoma. I move to suspend further proceedings under the call.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CANDLER of Mississippi for three days, beginning Tuesday and ending Thursday, on account of illness.

INDIAN APPROPRIATIONS.

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] has moved that the House go into the Committee of the Whole House on the state of the Union, and pending that motion he asks that the time be controlled half by himself and half by the gentleman from Kansas [Mr. CAMPBELL]. Is there objection?

There was no objection.

The motion of Mr. CARTER of Oklahoma was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, with Mr. GARNER in the chair.

Mr. CARTER of Oklahoma. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] is recognized for one hour.

Mr. CARTER of Oklahoma. I yield three minutes to the gentleman from Kentucky [Mr. SHERLEY] to make a brief statement.

Mr. SHERLEY. Mr. Chairman and gentlemen of the committee, there has been considerable agitation, both in and out of Congress, touching an increase of compensation of the employees of the Government. This is the first one of the regular appropriation bills to come before the House.

Mr. MADDEN. I beg the gentleman's pardon—the second.

Mr. SHERLEY. That is correct. The Post Office appropriation bill has gone through the House, and when that was under consideration the statement was made that the matters of permanent increases were being considered by a subcommittee of the Committee on the Post Office and Post Roads. It seemed proper, therefore, that something should be said to the House touching this subject matter, in order that there might not be unnecessary confusion in the consideration of appropriation bills, or unnecessary delay or cross purposes in working out this problem.

After considerable consultation with a number of gentlemen on both sides of the aisle, directly interested through their committee assignments in the appropriation bills, it has been generally thought advisable to deal with this entire question either in one appropriation bill or in a separate resolution, and therefore the various appropriating committees have not undertaken and will not undertake to present to the House, with their bills, the question of the increase of salaries of employees here in Washington and elsewhere.

Mr. MADDEN. I will ask the gentleman if he knows whether that applies to the postal employees?

Mr. SHERLEY. The Post Office bill has been completed, and therefore the consideration of that bill as an appropriation bill is ended so far as this House is concerned; but I see no reason why it should not be practicable to deal with the postal employees at the same time that the others are dealt with.

Mr. MADDEN. I want to say to the gentleman for his information that the Post Office Committee are considering a separate bill for that purpose.

Mr. SHERLEY. I know that. The Post Office Committee has legislative jurisdiction, and, of course, has the right to report such legislation if it sees fit to do so.

Mr. CARTER of Oklahoma. May I ask the gentleman if the Post Office appropriation bill carried any increases at all?

Mr. SHERLEY. It did not, as I recall.

Mr. MADDEN. It did in a way—in the way of promotions.

Mr. SHERLEY. Yes; but there was no general increase of salaries, irrespective of promotions.

Mr. KEATING. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. KEATING. I think the legislation suggested by the gentleman from Illinois is in the nature of permanent legislation on behalf of the Post Office employees. The legislation referred to by the gentleman from Kentucky is a temporary proposition.

Mr. SHERLEY. The legislation I have in mind is to deal with the situation now confronting the Government, and the plan does not contemplate permanent legislation.

Mr. KEATING. I am quite confident that the Post Office Committee is not dealing with that kind of legislation.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CARTER of Oklahoma. I yield to the gentleman from Kentucky two minutes more.

Mr. DOWELL. Will the gentleman yield?

Mr. SHERLEY. Yes

Mr. DOWELL. Can the gentleman assure us that a separate bill will be presented to the House?

Mr. SHERLEY. I desire to assure the House that there will be a bill presented, or rather a proposition presented, either as an incident to an appropriation bill or as a separate measure itself dealing with the question of increased salaries for all employees here and elsewhere for the ensuing fiscal year.

Mr. CARTER of Oklahoma. And let me ask the gentleman if we have that added to some appropriation bill will it carry the necessary appropriation for employees throughout the service in other departments of the Government?

Mr. SHERLEY. Unquestionably; we would not undertake to make provision for the increased compensation of employees without providing for the payment of such employees.

Mr. KINCHELOE. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. KINCHELOE. I did not hear the first of the gentleman's statement. I want to say that the Committee on Merchant Marine and Fisheries is to-day considering a proposition to increase the compensation of boiler inspectors and assistant boiler inspectors. Does that come within the province of the gentleman's statement?

Mr. SHERLEY. I have no desire that such committees that can deal only legislatively with the various services of the Government should refrain from considering such matters if in their judgment the facts warrant such consideration, but they do not legislate in the way of appropriating, and all I am dealing with now in my statement to the House is in connection with temporary increases that are being asked and urged on Members of Congress touching Government employees generally on account of the present high cost of living.

Mr. DILL. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. DILL. Do I understand that the proposition will be an increase by percentages?

Mr. SHERLEY. I am not prepared to indicate or state what will be the judgment either of the committee reporting the proposition or of the House.

Mr. DILL. Do they intend to change the basic salaries?

Mr. SHERLEY. As a permanent proposition? No.

Mr. CARTER of Oklahoma. The Indian appropriation bill for the current fiscal year carries an appropriation from the Public Treasury of $11,574,736.67. The estimates furnished Congress by the department in December requested appropriations for this year of $12,255,210, a total of more than $680,000 in excess of the appropriation for the current fiscal year.

Your Committee on Indian Affairs, after several weeks' arduous labor, has succeeded in reducing departmental estimates for the ensuing fiscal year by $1,108,725, and recommends expenditures from the Treasury in the present bill of only $11,146,485.

Furthermore, the bill reported carries less appropriations than the current fiscal year by more than $428,000.

In view of the imperative demand for increase in production of farm products, the committee did not feel justified in making any radical reductions in items concerning irrigation, and of this, the gentleman from Arizona, who is well posted on that matter, expects to speak more at length.

The department had recommended very large increases at most of the nonreservation schools, due to the necessity for increased per capita cost. The committee attempted in these instances to meet the department estimates half way, which it is thought can be done without any serious damage to the schools and at the same time without too greatly increasing the tax upon the Treasury.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. MILLER of Minnesota. How much increase does the committee recommend?

Mr. CARTER of Oklahoma. I can not furnish, offhand, definite information as to each school, but the gentleman from Arizona [Mr. HAYDEN] has made some figures and he expects to give them accurately.

Mr. MILLER of Minnesota. Is it uniform throughout the schools in the United States?

Mr. CARTER of Oklahoma. It is uniform throughout, based on the number appropriated for at each school. In all schools of less than 400 attendance a per capita of $200 was allowed and in schools of over 400 attendance a per capita of $185.

Mr. MILLER of Minnesota. The present amount is $167 per capita.

Mr. CARTER of Oklahoma. Yes; it was increased to $200 in schools of less than 400 and in schools of over 400 to $185.

Mr. MILLER of Minnesota. Thirty-three dollars in one case and $13 in another.

Mr. CARTER of Oklahoma. Yes; the Committee on Indian Affairs attempted to meet the department half way.

In view of the large war appropriations necessary, it was the opinion of the Interior Department and Indian Bureau that no new buildings should be specifically provided for during this session of Congress.

Many of the appropriations carried in this bill regularly every year are not authorized by law. This comes about on account of the fact that the Government supervision of the Indian was not a broad comprehensive plan laid out by any general law to start with; but the system, like Topsy, "just growed" by the adoption of an act here, the negotiation of a treaty, the consummation of an agreement at another place with different tribes, and in many instances simply the placing in this Indian bill of an appropriation for a certain purpose which was not then and is not now authorized by law.

During these many years various treaties and acts of Congress authorized regular annual expenditures by the Indian Bureau of considerable sums of money from tribal funds of different tribes without necessitating annual appropriations by Congress. In other words, the department was given carte blanche authority in the use of the tribal funds of several different tribes and were permitted to use these funds year after year without the necessity of coming to Congress for appropriations. In many instances it was not necessary to even make a report to Congress of the amount spent except in deference to special acts that were passed.

This was true of the funds of the Five Civilized Tribes particularly, until in the Indian appropriation act of 1912 an amendment was adopted which prevented further use of these tribal funds by the department except upon specific appropriation by Congress. An amendment proposed to the act of May 18, 1916, by the gentleman from Washington [Mr. DILL] made a similar charge in this procedure with reference to Indians other than the Five Civilized Tribes, so that from now on it will be necessary for the departments and bureaus expecting to use these funds to make necessary estimates, placing them before Congress and the Indian Committee, giving Congress an opportunity to deal as intelligently with the funds of these wards as it does with its own Treasury funds.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. MILLER of Minnesota. Does the requirement of the Secretary extend to his designating in his estimate how much out of the tribal funds he is about to expend?

Mr. CARTER of Oklahoma. It does.

Mr. MILLER of Minnesota. That is the differentiation between tribal funds and United States Treasury funds?

Mr. CARTER of Oklahoma. Yes. Section 27 of the act of May 18, 1916, requires that after the current fiscal year no expenditures may be made from tribal funds except upon specific appropriation by Congress. This year one of the Indian Bureau officials brought to us a request for an appropriation for two and a half million dollars in a lump sum. The committee was not willing to appropriate the money in that way and told him that that did not comply with the law. Finally, he referred us to a certain House document showing how that money was specifically expended last year. So we recommended the two and a half million authorization to be expended out of the tribal funds, but required it to be expended in accordance with the provisions and the item in the House document, which makes it a specific appropriation.

Mr. MILLER of Minnesota. Referring to a specific case in my own State, the Chippewas, by treaty with the Government, agreed that a certain amount should be expended by the Government for their education and benefit each year. We have heretofore been doing that by appropriating about $185,000 in a lump sum. Does not the gentleman think it might be advisable to go a step further and itemize that lump sum the same as we itemize other things in the bill?

Mr. CARTER of Oklahoma. I certainly think that ought to be done.

Mr. MILLER of Minnesota. With the greatest care the officers in the Indian Office here may exercise certain abuses are bound to creep in. I recall discovering to my amazement and the amazement of the department when it was shown to

them that in one place they had six Indian farmers, where there was not work enough for one good man. The Indians are paying for all of that. Had that item ever appeared before the committee of which the distinguished gentleman is the chairman it never would have appeared in the bill. I might mention others, but that convinced me, with some other things which came to my attention, that it would be advisable, and the Indian Department ought to desire it, that all these expenditures out of tribal funds shall be made through the appropriation coming from the Indian Committee, and itemized so that we as well as the Indians may know what their money is being expended for. I might refer to one other thing. The Indian schools in my State, as the gentleman knows, are not provided for by the Government, but are paid for out of the tribal funds. In addition, we have Indian agents throughout the State. We have superintendents of schools and we have agents and clerks and employees. I spent a year trying to find how the superintendents of those schools were paid, where they drew their salaries, out of what fund it came, and how much the salaries were. I spent an equal length of time trying to find out where the agents received their appointments, out of what funds they are paid, and how much. It seems there is an interchangeability of agents and superintendents of schools. I have no criticism of the system, but we really ought to have a way of knowing just exactly the organization that exists not only in Minnesota but in the gentleman's State and in other States.

Mr. CARTER of Oklahoma. We have it in my State.

Mr. MILLER of Minnesota. It is very proper, and I think the gentleman has been more active in behalf of the interests of the Indians of his State than the Minnesota delegation has been active in behalf of the Indians of their own State, but we ought to have that prevail in every State.

Mr. CARTER of Oklahoma. Mr. Chairman, the situation is just this: Your committee found that the departments of this Government, under standing appropriations, had been right along, each year, expending tribal funds to the extent of two and a half million dollars without any supervision whatever by any branch of the National Congress. Certainly this Government has no more right to expend the trust funds of its wards in such loose, haphazard manner than to expend its own funds in that way. Now, there is not a Member of this House who, with the possible exception of the exigencies of war times, would think for a moment of turning over sums of money like this to any department with carte blanche authority to use them in many instances without even accounting to Congress for the funds after the expenditures have been made. When a man takes the position that because these funds are not appropriated from the Federal Treasury this House or Congress can afford to handle them in this loose manner, he places himself in the untenable and ridiculous position that a man may handle trust funds more carelessly, loosely, and recklessly than his own.

Mr. DILL. Will the gentleman explain how this bill ties up the appropriation with the estimates of the departments?

Mr. CARTER of Oklahoma. I did not catch the gentleman's question.

Mr. DILL. The gentleman stated that the department has asked lump appropriations, and we have insisted upon estimates. Will the gentleman now explain——

Mr. CARTER of Oklahoma. The gentleman from Washington is familiar with that; I yield to the gentleman from Washington.

Mr. DILL. I do not care to make part of the gentleman's speech, but I simply wanted to call attention to the fact that the committee so worded the bill—I do not happen to have a copy in my hand—tying up the appropriations of this two and a half million dollars to the House document prepared by the Indian Department making estimates for expenditures for next year, so that we are meeting the criticism of the gentleman from Minnesota when he suggests that we ought to limit them to the particular amounts for particular purposes. It is not in the bill as written but refers directly to the House document which contains the estimates and which limits the department to the expenditure of not to exceed the amount estimated. I refer to House document 499. I simply wanted to make that clear, that the bill does not leave it purely as a lump-sum appropriation, but in fact it does the very thing which the gentleman from Minnesota was speaking about.

Mr. SNYDER. It also fixes it so that they must bring in next year a clear financial report and statement on each one of the items under which the expenditures are made.

Mr. CARTER of Oklahoma. Furthermore, that in the future they must come before the Committee on Indian Affairs with their estimates, just as they come with estimates for money that is expended from the Treasury of the United States.

Mr. ROSE. Will the gentleman yield?

Mr. CARTER of Oklahoma. I yield to the gentleman.

Mr. ROSE. I notice on page 4 of the committee report, referring to the Indian school at Carlisle, that last year the appropriation was $152,250, and this year it is $147,000, and that the hearings are found on page 310. Was that decrease made with the knowledge of the people who were here in the interest of the Carlisle school?

Mr. CARTER of Oklahoma. No one appeared in the interest of the Carlisle school except the Assistant Commissioner of Indian Affairs. I see from the hearings that we gave exactly what the superintendent estimated.

Mr. ROSE. Then that is all right.

Mr. CARTER of Oklahoma. It has been the policy of the Indian Committee and Congress ever since I have been a Member to supplement the use of Treasury funds by tribal funds wherever it could be fairly done and without a violation of some treaty obligation with the Indians.

Take the State of Oklahoma, for instance, where one-third the Indians of the United States live. This bill authorizes specifically the expenditure in Oklahoma of $1,823,963.31, which is exclusive of per capita payments. Of this amount $818,120 is authorized to be expended from the Federal Treasury, and $1,005,873.31 is authorized to be expended from the tribal funds, which makes the specific appropriations from tribal funds exceed by almost $200,000 the amount appropriated from the Federal Treasury.

Mr. WELLING. Will the gentleman yield?

Mr. CARTER of Oklahoma. I will.

Mr. WELLING. I want to know the difference between the expenditures from tribal funds and what the gentleman calls "Treasury funds."

Mr. CARTER of Oklahoma. Well, a good many tribes have funds deposited in the Treasury to their credit. When an authorization is made to spend money from the tribal funds it authorizes the Secretary to take the money from those funds deposited in the Treasury belonging to the tribe and that when an appropriation is made directly from the Treasury it is taken out of the Treasury funds as a gratuity.

Mr. WELLING. I notice the gentleman from Minnesota said that the Indians in his State paid for their own education from the tribal funds.

Mr. CARTER of Oklahoma. As I recall, Minnesota is the one State in the Union with any considerable number of Indians that cost this Government very little, with the exception of nonreservation schools for nec Indians.

Mr. MILLER of Minnesota. And if the gentleman will permit me to add, this very school at Pipestone is not of so much advantage to the Chippewa Indians of Minnesota as it is to the Indians of other States.

Mr. WELLING. But it is paid from the funds of the Indians from Minnesota?

Mr. MILLER of Minnesota. While that nonreservation school is supported by a gratuity from the Government, it is not an asset to the Chippewas of Minnesota.

Mr. WELLING. I wondered upon what theory the committee, in their bill, charged the Indians of one particular locality for their education from the Indian funds and provided funds from the Treasury of the United States for the education of all other Indians.

Mr. CARTER of Oklahoma. I can just repeat what I have just stated, that for years it has been the policy of the Committee on Indian Affairs and of Congress, as gentlemen who have been here for some time know, to supplement appropriations from the Treasury by appropriations from the tribal funds wherever that could be done without doing an injustice to the Indian tribe or violating a treaty.

That was thought to be a good policy for several reasons: First, from the standpoint of economy for the Federal Treasury; second, there was no good purpose to be served by paying a man's expenses who was able to pay his own way. And some have thought that it might be a good object lesson in self-sustenance and self-reliance to let the Indian know that he was not an object of charity by giving him to understand that he was paying his own way. This, of course, should not be done to the injustice of the Indian nor in violation of a treaty obligation.

Mr. DILL. I might say, further, in answer to the gentleman from Utah [Mr. WELLING], that these tribal funds in practically every instance are funds that come from the sale of timber, or land, or other property formerly belonging to the Indians; and in practically every one of the laws providing for those sales there is a statement to the effect that this money may be used

for the civilization and support—or wording to that effect—of these Indians, at the discretion of the Secretary of the Interior. And, using that as an authorization, for years the Indian Department has dipped into tribal funds for such amounts as it happened to desire, in addition to the money appropriated by Congress for education and civilization purposes.

Mr. WELLING. Then I submit, Mr. Chairman, it would seem to be a wise policy to use all the tribal funds now in the Treasury of the United States for these purposes rather than to take it from the Treasury itself.

Mr. CARTER of Oklahoma. It would; and that is the purpose of the committee, I assert again. Whenever the committee can do so without any violence to the rights of the Indians or their treaties it is being done. I think I just made the statement—perhaps the gentleman did not catch it—that in the State of Oklahoma there are used some $1,800,000, some $800,000 coming out of the Treasury and over a million from the tribal fund.

Mr. WELLING. The records which the committee has furnished the House show what there is in the fund to the credit of the Indians of Oklahoma now. Why not use that instead of taking the money out of the Treasury?

Mr. CARTER of Oklahoma. I am glad the gentleman mentioned that. There is being used $1,000,000 a year, which is every dollar that can be taken out of the tribal funds of the Indians of Oklahoma without violating the treaty, and some of that is done with the consent of Congressmen from Oklahoma and of the Indians themselves.

Mr. GRAHAM of Illinois. There is just one question I was about to ask, which does not refer to the present discussion, perhaps. I understand there are certain funds available for the purpose of purchasing cattle for breeding purposes for the Indians. Is that taken care of in this bill?

Mr. CARTER of Oklahoma. Yes, sir.

Mr. GRAHAM of Illinois. In what clause?

Mr. CARTER of Oklahoma. In two clauses, one on page 14, $100,000, and then under "Oregon," on page 51, the gentleman will find $200,000 for the Klamath Indians.

Mr. GRAHAM of Illinois. Now, here is what I have in mind. I understand that these purchases are made on written specifications, specifying the kind of cattle required. The particular country that I come from is particularly interested in a special breed of cattle called the Angus. I am informed that for many years the purchasing agents, or those who purchase, have been specifying Hereford and Shorthorn cattle exclusively, and that this is to the detriment and injury of stock raisers who are raising the Angus breed of cattle, which they claim will thrive in these semiarid countries. Can the gentleman give me any information about the situation as regards that?

Mr. CARTER of Oklahoma. Mr. Chairman, that, as the gentleman knows, is strictly an administrative proposition. It has never been the policy of the House to direct the Indian Bureau or the Secretary of the Interior as to just the proper kind of cattle he should buy, that being left largely to his judgment. Therefore no information was obtained from the commissioner when he was before the committee with reference to that.

Mr. GRAHAM of Illinois. You do not know whether my information on that subject is correct or not?

Mr. CARTER of Oklahoma. I have no information whatever about it. If what the gentleman says is true, it perhaps does injustice to a certain breed of cattle, and I think if the gentleman will take that up with the Indian Bureau he might get results. If he did not, and he would come back to Congress, the Indian Committee would be glad to give him consideration on it.

Mr. NORTON. I will say to the gentleman from Illinois [Mr. GRAHAM] that he is correct, and that the specifications only call for Shorthorn and Hereford cattle, some registered and some grade. The reason is this, that experience has shown that on the larger ranges the Hereford cattle do much better than any of the other beef breeds, and why the Hereford and Shorthorns are selected rather than the Angus is for this reason, that in cross-breeding the Hereford and Shorthorns are found to be better than the Angus; and if the gentleman is acquainted with the Angus breed of cattle and their qualities, and their advantages and disadvantages for the range, he will perceive it to be true that the Angus breed of cattle will do best when they are kept out of that particular breed and not used for crossing purposes.

Mr. McKENZIE. Is it not a fact that the Indian lands now have been allotted and that each Indian has been allotted 160 or 320 acres of land, as the case might be, and that they do not have the advantage of the large range that the gentleman speaks of, and which I think he is correct about, so far as the Herefords are concerned? But the Indian is required to keep his cattle on his own piece of land, is he not?

Mr. CARTER of Oklahoma. In some cases; yes.

Mr. McKENZIE. And the purchase of these cattle will be for a small tract of land instead of a range?

Mr. NORTON. The cattle are sold for the most part to the individual Indian, and he is required to account for those cattle and reimburse the Government for the cattle. It comes from a reimbursable fund.

That is the reason for the distinction, I will say to the gentleman from Illinois. It is not because the department has any particular prejudice against the Angus breed, but because the Shorthorns and Herefords are found to be better breeds for the purpose than the Angus.

Mr. GRAHAM of Illinois. I have no particular knowledge about the matter, but I am voicing what I have been told by breeders of that particular kind of cattle. I will say that later in this discussion if I think that I have any information available and pertinent to this proposition, I will ask for five minutes in which to discuss the subject.

Mr. NORTON. The gentleman can certainly get that time.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask that the gentleman from North Dakota use some of his time.

Mr. NORTON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADDEN] 10 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. MADDEN. Mr. Chairman, I think the situation with respect to the failure of the people to get coal throughout the United States is of sufficient importance to warrant my calling it to the attention of the Congress. I noticed this morning that the Fuel Commissioner has either issued an order or is about to issue one to close the factories of the United States for a given period or periods in order that fuel may be supplied to the homes.

Well, the people are not getting fuel in the homes now. They have not been getting it, and they are not likely to get it as long as the present incompetent administration of the fuel situation exists.

Some time since the President of the United States fixed the price of coal to the operator, and at the price then fixed by the President most of the operators are making 100 per cent profit. The intention of fixing the price high, I suppose, was to encourage the output of a greater quantity of coal and to give larger compensation to the miners. However that may be, we have not been able to get the coal, and the price fixed by the President of the United States has not been enforced, for coal men are charging as much more than the price fixed as it is possible to obtain. They have no conscience.

Now we are told that it is necessary, in order that the homes may be supplied with coal, that we close the factories. If there ever was a time in the history of America when the factories should be open and speeded up this is the time. If we are going to conclude this war successfully we are not going to be able to do it by closing the factories. The people who are able to get coal at all now are forced to buy it at an exorbitant price, and the order issued by the Fuel Administrator has the effect of closing the opportunity of these people who own homes or rent them and of taking away from them the opportunity of earning money with which to buy the coal that they need. It is an embarrassing situation.

Then, I understand that in the determination of this question it is proposed to refuse to take any more freight on the railroads until the tracks are cleared of what freight is there now. The congestion must be removed. Well, we did not need a Director General of Railroads to do that. Anybody could do it. All you have got to do is to stop taking freight and run the locomotives that are on the tracks, and the cars will soon be moved from one end of the railroad to the other.

They say there is not any coal. They are not able to get supplies. I went a short distance over a railroad the other day and I found 15 miles of loaded cars, on sidetracks, not being moved; and if I could see 15 miles of loaded cars on sidetracks in a distance of less than 100 miles, I presume it could be said safely that there are more than a thousand miles of loaded coal cars on sidetracks that are not being moved to the places where they need the coal. What we need is the speeding up of the management, not the speeding up of the mines so much, for we are producing the coal. To-day we can not get the cars to move the coal because we are not clearing the tracks. That is all there is to it.

Now, if you wanted to run the railroads successfully, it was not necessary for the Government, in my judgment, to take them over. All we needed to do was——

Mr. SNYDER. Mr. Chairman, will the gentleman yield? Will the gentleman let me interpose one thing right there?

Mr. MADDEN. Yes.

Mr. SNYDER. I want to say that last May I called the attention of this House to a trip that I made to St. Louis, wherein my son and I counted a thousand cars, at that time on sidetracks, that were not moving. I called the attention of the department to it at that time, but nothing has been done about it since.

Mr. MADDEN. What we needed to do more than anything else, in my judgment, was to take the "strait-jacket" off of them in the form of the interstate-commerce law, the Sherman Act, and allow them to coordinate their equipment and tracks and terminals under the skill and genius of men who have given their lifetime to the operation of the railroads. No; we could not use the genius and experience of the railroad men, and we could not take the "strait-jacket" off of the railroads to allow them to operate the railroad successfully. We had to put a director general in charge, a man who knows nothing whatever about railroads; and he seems to be qualifying for his job by letting the most important man he had on his staff, Mr. Willard, go yesterday. It seems to me that what they need up here at the other end of the Avenue is some experience. They say we ought to have patriotism to support the administration. Yes; we ought to have patriotism to support the administration, and we have, and we ought to support the administration; but we want the administration to support the people in the effort to do the things that are necessary if we are going to win this war.

We have 1,500,000 men, either in camps or in the field. Thousands of them have died because of lack of clothing; some because of lack of fuel. Now, the time is coming when the people are not going to submit to the death of these men without protest. We ought to have a list of the men who die from pneumonia and other diseases and of the men who die in these camps because of inattention. I know of a case myself where a thousand men were sent to the recruiting barracks after they were enlisted, and held there for four or five days without a place to sleep, and without a stitch of clothes except those they wore when they came there, and were compelled to sleep on the stone floor without any heat. They were then given something to eat on the day they were being shipped to the camp, at 3.25 o'clock in the afternoon.

At 7 o'clock in the evening they were marched to the freight yard of the Baltimore & Ohio Road without anything more to eat, kept there until 10 o'clock before the train was backed in, and they were loaded onto refrigerator cars—I say refrigerator cars because there was no heat on them. They were carried in those cars for 27 hours without a bite to eat. Several of the men were taken off the train at the end of that 27-hour period raving maniacs. I say it is time that somebody was calling the attention of the country to this situation. Patriotic, yes! We need patriotism to call attention to these things, and the coal situation is one of the things about which the people are not going to allow the Government to trifle. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MADDEN] has expired. Under the previous order of the House the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Indian appropriation bill (H. R. 8686) and had come to no resolution thereon.

The SPEAKER. Under the order heretofore adopted the House will stand in recess until 3 o'clock.

Accordingly (at 1 o'clock and 45 minutes p. m.) the House stood in recess until 3 o'clock p. m.

The recess having expired, the House resumed its session.

LEAVE TO WITHDRAW PAPERS.

Mr. ASHBROOK, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, the papers in the following cases, no adverse report having been filed thereon:

Crawford Byers (H. R. 19002), Sixty-fourth Congress;

William T. O'Bannon (H. R. 17511), Sixty-fourth Congress; and

David A. Banks (H. R. 17514), Sixty-fourth Congress.

FUEL.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent for the immediate consideration of a resolution.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

Mr. GILLETT. I doubt if the Clerk can read it. May I read it instead?

The SPEAKER. Yes.

Mr. GILLETT. The resolution is as follows:

Resolved, That the House regrets the summary action of the Fuel Administrator in suddenly closing the industries dependent upon a coal supply, and in view of the disorganization of business certain to follow and the consequent idleness and distress of labor urges a reconsideration of the order by the President, and that final action be taken only after being fully advised of its effect.

Mr. CARTER of Oklahoma. I reserve the right to object. Mr. Speaker, as the House well knows, we have arranged to go on with one of the supply bills of the Government, to conclude the general debate by some time to-morrow if we can; and the gentleman from Massachusetts knows that this resolution will precipitate quite a lot of debate.

Mr. GILLETT. But, on the other hand, it must be passed to-day if at all, because the order goes into effect to-morrow. The Senate is considering it to-day.

Mr. CARTER of Oklahoma. In the absence of the leader on this side I would not like to proceed with the consideration of the resolution.

Mr. GILLETT. Suppose we wait for an hour.

Mr. LENROOT. When the leaders come in, will the gentleman move that the committee rise, so that the request can then be made?

Mr. CARTER of Oklahoma. I will be perfectly willing to do that.

Mr. GARRETT of Tennessee. If they agree upon it among themselves.

Mr. CARTER of Oklahoma. I will agree to this, Mr. Speaker, that when our majority leaders in the House get back I will move that the committee rise in order that this request may be presented.

Mr. COX. Mr. Speaker, I am not going to let this resolution go through by unanimous consent, either now or when the committee rises.

Mr. GILLETT. The gentleman will not even let it be considered?

Mr. COX. No; not by unanimous consent.

INDIAN APPROPRIATIONS.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, and the gentleman from Tennessee [Mr. GARRETT] will take the chair temporarily until the gentleman from Texas [Mr. GARNER] comes in.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill (H. R. 8686), with Mr. GARRETT of Tennessee in the chair.

Mr. CARTER of Oklahoma. Mr. Chairman, let me ask the Chair how much time I consumed this morning?

The CHAIRMAN. The gentleman from Oklahoma has consumed 36 minutes.

Mr. CARTER of Oklahoma. I yield 30 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Chairman, I have been requested to make a statement in regard to the changes made in the bill now under consideration respecting the appropriations for Indian boarding schools. I think it proper that such a statement should be made in view of the fact that almost every appropriation in the bill has been altered in some manner. Last year there was appropriated for the support of 28 Indian boarding schools a total of $1,766,720. The Indian Bureau this year requested that $1,926,250 be appropriated for this purpose. In the present bill we have allowed $1,811,500 for the support of Indian boarding schools, an increase of about 8 per cent over the total appropriation made last year.

The Indian Office in its estimates asks that the expenditures at all Indian schools having an attendance of 500 or less pupils be increased to $200 per capita, and that in the larger schools where the attendance is over 500 an increase be made to $185 per capita. The Committee on Indian Affairs, in considering this matter, decided to reduce the average increase by making it $185 per capita in schools having an enrollment of 400 or over and $200 per capita in schools having an enrollment of less than 400 pupils.

At the following Indian schools no change was made in the number of pupils and the per capita expenditure was increased from $167 to $200. The increase for support and education of the pupils at each school was as follows:

At Truxton Canyon, Ariz.: Increase, $3,300.

At Fort Bidwell, Cal.: Increase, $3,300.

At Greenville, Cal.: Increase, $3,300.

At Carson City, Nev.: Estimate of 300 pupils not allowed; increase, $9,570.

At Bismarck, N. Dak.: Increase, $3,125.

At Pierre, S. Dak.: Increase, $8,250.

At Rapid City, S. Dak.: Increase, $9,075.

At Tomah, Wis.: Increase, $9,075.

At the following Indian schools, accommodating 400 or more pupils, the per capita was increased from $167 to $185. In each case the average enrollment and attendance closely approximated the number of pupils named in the bill. The increase at each school is as follows:

At Phoenix, Ariz.: Increase, $12,600.

At Albuquerque, N. Mex.: Increase, $8,100.

At Santa Fe, N. Mex.: Increase, $7,200.

At Fort Totten, N. Dak.: Increase, $7,200.

At Salem, Oreg.: Increase, $10,800.

At the Haskell Institute, Lawrence, Kans., the Committee on Indian Affairs increased the per capita expenditure to $185 and allowed the number of pupils to remain at 750, although the average enrollment was 711 and the average attendance but 628. The increase for the support and education of the pupils at this school is therefore $13,600. The committee took this action because of its decision to make no further appropriations for the maintenance of the Indian school at Kickapoo, Kans., thus saving the $14,800 which was spent at that school last year. The 80 pupils who are in attendance at the Kickapoo school can be transferred to the Haskell Institute, where there are ample accommodations for them. So, even with the increased appropriation at Haskell, there is an actual saving on the total expenditure for the Indian schools in the State of Kansas.

At the Sherman Institute, Riverside, Cal., the average attendance of pupils was 577, with an enrollment of 680. We therefore reduced the number of pupils from 700 to 680 and increased the per capita from $167 to $185, making a net increase of $8,900.

At the following Indian schools the per capita was increased from $167 to $200, but on examining the justifications submitted by the Indian Bureau your committee discovered that the actual enrollment and attendance of pupils at these schools in no case equaled the number named in the estimates. The committee, therefore, reduced the number of pupils at each of these schools, so that the bill as reported more nearly conforms with the true conditions:

At Mount Pleasant, Mich.: Pupils reduced from 400 to 350; net increase, $3,200.

At Pipestone, Minn.: Pupils reduced from 225 to 200; net increase, $2,475.

At Genoa, Nebr.: Pupils reduced from 400 to 380; net increase, $9,200.

At Wahpeton, N. Dak.: Pupils reduced from 220 to 200; net increase, $3,260.

At Flandreau, S. Dak.: Pupils reduced from 365 to 350; net increase $9,045.

At Hayward, Wis.: Pupils reduced from 250 to 230; net increase, $5,250.

At Shoshone, Wyo.: Pupils reduced from 175 to 150; net increase, $1,025.

By reason of the reduction in the number of pupils at the Indian schools at Ft. Mohave, Ariz., and at Carlisle, Pa., it was possible to actually decrease the appropriations, notwithstanding the increase in the per capita allowance. At Ft. Mohave it was shown at the hearing that there were actually in attendance only 141 pupils, with an average enrollment of 147, so that the number in that school was reduced from 200 to 150, and the per capita increased from $167 to $200, leaving a net decrease of $3,800.

At Carlisle, Pa., the number of pupils was reduced from 800 to 700 and the per capita increased to $185, with the result that there is a net decrease in the appropriation of $4,250. This action was taken in accordance with the estimates submitted by the Indian Bureau.

At the Cushman School, Tacoma, Wash., the number of pupils was reduced from 350 to 325, and the gratuity appropriation was increased by $5,000, from $60,000 to $65,000. Funds of the Puyallup Indians are used to supplement this appropriation so that it was deemed to be unnecessary to allow the increase of $10,000, as requested in the estimates.

At Cherokee, N. C., the number of pupils was increased from 180 to 200, there being 194 actually in attendance, and an enrollment of 233. The superintendent in his estimates asked for $32,958. If we had followed the recommendation of the Indian Bureau and increased the per capita to $200 for 200 pupils, including the superintendent's salary, the total amount appropriated would have been $41,600.

In the estimates submitted by the superintendent was a request for the construction of a bridge across the Oconaluftee River, near the school. Inasmuch as the superintendent of this school has demonstrated his ability and fitness by operating it at a less per capita cost than any other Indian boarding school in the United States, we decided to give him a little more than he asked for, or $33,600, and allow $8,000 toward the construction of the bridge, one-half of its cost to be paid either by the State of North Carolina or by the county in which the bridge and school are located.

This sums up the situation with respect to all of the Indian schools, except that at Chilocco, Okla. We did not increase the per capita expenditure at that school, but allowed it to remain at $167 for the reason that there is attached to that school a large area of land—eight or nine thousand acres—of which over 6,000 acres are cultivated by the pupils of the school. The agricultural products produced on this land last year amounted to $40,656, which helped to support the school. The Assistant Commissioner of Indian Affairs testified that this school could get along very well with the same per capita of $167 as has been allowed heretofore. If the usual per capita of $185 had been allowed at Chilocco, there would have been an increase of $10,000. Instead of doing that we allowed an additional appropriation of $10,000 for the construction of a road across the tract of land which belongs to the school, and which is badly needed.

I have also been asked, Mr. Chairman, to make a statement relative to the appropriations made for the various Indian irrigation projects as provided in this bill. The total appropriations under the current law for Indian irrigation projects is $1,882,700. The amounts contained in the estimates equal $2,807,700. After careful consideration, the committee reduced the estimates by $498,950 and allowed a total of $2,308,750. The following tabulation shows the various appropriations which the committee has recommended to be made in the several States for Indian irrigation works:

Indian irrigation.

	Hearings.	Current law.	Estimates.	Allowed.
	Page.			
Irrigation on Indian reservations	10	$244,700	$274,700	$250,750
Gila River Reservation	110	20,000	15,000	15,000
Colorado River Reservation	113	15,000	120,000	100,000
Papago Indians	116	20,000	20,000	20,000
Navajo and Hopi Indians	118	25,000	30,000	25,000
Ganado Project	121	3,000	23,000	23,000
Gila River Reservation Diversion Dam	123	125,000	50,000	50,000
Salt River allotments	125	15,000	15,000	15,000
Florence Diversion Dam	126	75,000	75,000	50,000
Total in Arizona			298,000	348,000	298,000
Yuma allotments	144	15,000	15,000	15,000
Torres Reservation	150		25,000	25,000
Total in California		15,000	40,000	40,000
Fort Hall Reservation, Idaho	164	25,000	50,000	50,000
Fort Belknap Reservation	189	30,000	30,000	30,000
Flathead Reservation	195	750,000	750,000	750,000
Fort Peck Reservation	196	100,000	100,000	100,000
Blackfeet Reservation	198	25,000	100,000	75,000
Total in Montana		830,000	980,000	905,000
Yakima Reservation, maintenance	346	15,000	15,000	15,000
Yakima Reservation, construction	348	100,000	100,000	100,000
Yakima Reservation, new construction	351	200,000	750,000	500,000
Total in Washington		315,000	865,000	615,000
Shoshone Reservation	381	150,000	50,000	50,000
Wind River Reservation	382	5,000	200,000	100,000
Total in Wyoming		155,000	250,000	150,000
Total reimbursable appropriations for Indian irrigation		1,882,700	2,807,700	2,308,750
Uinta Reservation, payable from tribal funds	541	40,000	150,000	150,000

In order to make these increased appropriations for irrigation works it was necessary to make a reduction somewhere if the total carried in the bill was not to be raised. After consideration the committee decided that the appropriation of $400,000 heretofore made for the purchase of tribal herds, to be placed on Indian reservations, should be reduced to $100,000. The committee concluded that, as a matter of fact, the grass and water on all the Indian reservations are being fully utilized by the Indians themselves or by lessees who have obtained permits to graze cattle or sheep.

By the purchase of tribal herds it has been necessary to reduce the number of live stock grazed by lessees on Indian lands, since there was not room for more cattle or sheep. There has therefore been no actual increase in meat production on the reservations by the purchase of tribal herds.

Neither does the committee agree that it is good policy to establish a tribal herd on Indian reservations, because such herds in no way serve to individualize the efforts of the Indians. To hire a white man to supervise and manage a tribal herd does not in the least assist the Indians to become self-supporting. Wherever there are progressive Indians it is the practice of the Indian Service to issue to them a certain number of cattle or sheep and the Indians agree to repay the cost of such live stock on specified terms of payment, thereby acquiring individual property for which they are responsible. This plan has been demonstrated to be of real benefit to the Indians and the committee heartily approves of it. But we reduced the appropriation for tribal herds and provided that the sum of money thus saved be devoted to the irrigation of the arid land susceptible of cultivation on Indian reservations so as to encourage an increase in crop production.

It is fortunate indeed that construction work on the various Indian irrigation projects has been so far advanced during the past five or six years. There are now available considerable areas which have been and are being placed under crop to produce the food so badly needed by the people of the world at the present time. The report of the Commissioner of Indian Affairs shows that there are under irrigation this year on the various Indian reservations 256,000 acres of land. There are at least another 100,000 acres under constructed works, which I am assured he is making every effort to have placed in cultivation at once, so that the Indians are contributing an increasing share toward the production of foodstuffs. Irrigation is now coming into its own. Those who doubted the possibility of reclaiming the deserts are now convinced of the great benefits of the wise policy we have advocated. The reports of the Reclamation Service show that in the past year 200,000 new acres of land have been placed under cultivation, and greater crops are being grown on existing farms. The irrigated lands in America are doing their full share toward the production of the foodstuffs necessary to win the war. If we had been planning ahead as to how we might best sustain ourselves, as did the Germans when they plotted this war, we would have done the very things that we have done to promote the irrigation of the arid lands in the Western States.

Mr. NORTON. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. NORTON. The gentleman knows that there are millions of acres of uncultivated good farm land in the country to-day where the raising of crops requires no irrigation. Now, if the Government was going to expend a hundred thousand dollars or a million dollars to encourage agriculture, does the gentleman believe that the expenditure would best be made on land that required irrigation or land that required no irrigation?

Mr. HAYDEN. I am more familiar with the irrigated land than any other kind, and I would unhesitatingly recommend an appropriation for the construction of irrigation projects. I want to make it perfectly clear to the gentleman from North Dakota that as far as I am concerned I have done and shall continue to do everything possible to increase the cultivation of the irrigated as well as the unirrigated land. I think Congress has done exceptionally well in that regard by the passage of the Federal farm-loan act and other like measures, all of which, in my opinion, were wise, just, and proper. I am glad that such laws have been passed, in order that the farmers of the whole country may be benefited thereby.

Mr. NORTON. It occurred to me that the Government should first consider the lands that are likely to give the most production with the least expenditure of money, rather than to go out in some waste part of the country, where the country and the soil have to be civilized, and when that is done the land has to irrigated.

Mr. HAYDEN. Taking the gentleman's own statement, I believe that an expenditure, dollar for dollar, in irrigating the arid lands of the West will bring as great a return as upon any other land in the United States. I state that unqualifiedly. Mr. Chairman, I yield back the balance of my time.

Mr. NORTON. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. TINKHAM].

Mr. TINKHAM. Mr. Chairman, it seems to be my duty to address the House upon my return from war-torn Europe and to submit to it some conclusions and impart information which I hope will be of some value.

I have spent most of the last two months there, and during that time visited the American headquarters and some of the American camps in France. I traveled along the English front from Calais nearly to St. Quentin, and along the French front from St. Quentin to Verdun. I traveled along the Italian front from Venice and the mouth of the Piave to the Asiago plateau. I also visited Paris and Rome. Many of the places to which I went I had visited often before this great war.

My information has been gathered from many sources; from personal observations and from conversations with men of various nationalities in military, naval, diplomatic, political, and other employment.

America wants the truth, and it is vital that America have the truth. The picture of the military situation in Europe as reproduced in America is often not true, particularly in relation to America's military efforts there and the conditions in Germany. The truth in Europe, where America is to play her great and victorious part, is that to-day the central powers have achieved all of their greater military objectives, with the exception of the taking of Paris, the attempt to take Verdun being part of that purpose.

Autocracy in Europe has democracy by the throat and is strangling it. The reasons for the success of autocracy are that autocracy is organized, deals more in deeds than rhetoric, and modern autocracies are masculine and not feminine. Democracy to be successful in this, the greatest struggle in arms of all times, must organize better than autocracy, drop rhetoric for deeds, and become masculine. When America, the greatest and most representative of democracies, does these things democracy will be successful.

I found the French soldiers and people courageous and unwavering in their dauntless loyalty. There is no avoiding the truth, however, that France is war worn and has passed her meridian in man power and effort. She has plenty of food, with the exception of wheat and sugar. She has excellent military and political leadership.

I found England's war efforts splendidly organized and her equipment complete. The English Army is cheerful and confident. Large losses, such as 200,000 men in the last two months, I have heard criticized as unnecessary. The truth, however, is that England is at the height of her power, but it is a height which she can maintain, undoubtedly, for one or more years. Under these circumstances, after three and one-half years of war, it seems impossible for France and England to obtain a military decision, and France and England frankly admit the absolute necessity of a colossal effort on the part of America.

Much evidence shows that although Germany is very short of food she is not starving, and that the food situation in Germany is not as bad in some essential particulars as it was a year ago. There is also much evidence that Germany to-day has a larger number of men under arms than at any other time during the war, although their quality is not as good as formerly. The real social and political conditions in Germany are not much known, but it is not thought that there will be a revolution until after the war.

The results in France of American efforts up to the 1st of December in a strictly military way have been practically negligible. The number of men there is much smaller than the American public believes, and, although food and clothing were good in amount and quality, the lack of general supplies has a most demoralizing effect upon all preparations and efforts. I am not speaking of American artillery, aeroplanes, machine guns, and ammunition, about which the American public now knows, but of all other general supplies so necessary for making war—such supplies as auto trucks, machinery, tools, wood, nails, camp kitchens, and many other absolutely essential things. Neither France nor England have these supplies in sufficient quantities to spare them to America, and unless, with any new troops that are sent across, general supplies accompany them in sufficient amount, their presence in France will be a burden rather than a help. France and England have furnished to Italy men, guns, ammunition, and general supplies, so that a further drain upon them will be a source of much weakness.

I saw some of the finest trees in France being cut for lumber. Modern war can not be carried on without lumber in large amounts, yet there was not sufficient lumber to be used by the French and English troops in France. It is my fixed opinion that the sending of more American troops without adequate general supplies will be a disastrous blunder.

The situation in Italy on the economic side is very perilous. All of the people north of Rome live on wheat and corn meal, and on the 1st of December there was only three months' supplies on hand. Unless America is able to supply wheat and corn meal to Italy in sufficient quantities before it is too late, a revolution such as occurred in Russia will not be unlikely. The Italian soldiers are fighting with great valor and skill, but their

supplies, hospital service, and food are not such as a modern army absolutely requires.

The submarine situation is much more acute than the people are allowed to believe. The total allied and neutral tonnage sunk per month, which is not totaled for publication, exceeds the new tonnage launched, and this has been so for many months and will exceed the new tonnage launched until July 1, even if the plans of the allied and neutral governments are all carried through successfully. The Mediterranean is practically controlled by the submarines, and the number of submarines and their efficiency seem to be increasing, although the American and British efforts against the submarines have been crowned with much success.

It is thought by those best informed on military matters that a supreme commander of all military efforts of the allies should be chosen and given full power and authority. From the North Sea to the Adriatic is one front, and the immense advantages of a central command are incontestable.

The best informed men in France and England believe a decisive military decision can not be reached before 1919 or 1920, when America will be able to contribute her real military strength.

The war for America is a war of transportation, and America should concentrate all possible effort on the manufacture of a huge ocean tonnage to make up for the great destruction of ships which has taken place, and the carrying to and maintaining of American efforts in France. Wheat and corn should be immediately sent to Italy to prevent a revolution; America should contribute a large and splendidly equipped air service, and America should at once send to American bases in France a very much increased amount of general supplies.

The winning of the war rests completely in the hands of America; in her forests, her furnaces, her farms, her men, her energy, and her will. This war, cost what it may, in blood or treasure, strength and sacrifice, must be won for America's honor and America's future. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article published in the Boston Transcript.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The article is as follows:

[Reprinted from New York Tribune.]

STARTLING PICTURE OF CONDITIONS AFTER FIVE MONTHS—ILL-SHOD, STILL BORROWING GUNS, FOOD SUPPLIES ONLY DAYS AHEAD, LABOR LACKING, AND MAIN BASE OF SUPPLIES 3,000 MILES AWAY.

[By Casper Whitney.]

I have come back from France so impressed by the gravity of the situation, for us, for our allies, that I do not restrain the patriotic fervor which moves me to plain speaking, in the hope that our people may the more quickly comprehend the conditions on which the timely recommendations of the E. M. House commission are founded and understand the imperative need—

For supporting the President and Congress in the endeavor to eliminate bungling in our war preparations.

For insisting upon the replacement of incompetence and red tape with efficiency and clear vision in the main arteries of our war-making machine.

For trying to realize to the full the depth of their own responsibility for this hour of disquieting revelations.

It is helpful to recall that two years ago Gen. Leonard Wood told a congressional investigating committee quite as frankly as has Col. House of the deficiencies in guns, equipment, and supplies of all kinds—only to fall victim to the politicians, who could not bear the truth, and bring down on his head the wrath of bureau chiefs and the raging criticism of pacifists and pro-Germans.

The people then ignored his ample and repeated warning, his unceasing and urgent advocacy of preparedness. If now the significant and searching House recommendations—implied as well as explicit—shall fall on ears equally deaf; if now the criticism of basic faults of system be viewed merely as "unfriendly," then will America fail in her duty toward her allies and the toll of your sons and brothers and fathers in France, oh, complacent people, will be heavy and distressing.

To take lightly these House recommendations, with all they indicate of past failure, or to judge frank comment as inspired only by "unfriendliness," will be to augur ill for our troops and their chances.

Unless the reorganization now making for the business of war reaches to the very fundamentals, regardless of "age, conditions of mind, or previous servitude" of incumbents and traditions along the way, the price of our experience in France ere the bloody tale compel recognition is destined to be beyond present reckoning.

There is for us now but one consideration, pertinent or tolerable, viz, the care and the effectiveness of our fighting force in France, that we may fulfill our obligations to our allies and to our soldiers.

Half measures will not suffice; the trouble is too deeply seated. Switching incompetents from one office into another will not repair bungling. When the lives of our men and the success of our cause are the issue there can be no doubt of the course we should take.

In such spirit it is that I approach this dutiful, though distasteful piece of writing, trusting its genuineness may lead to an awakened activity of our people, and thus to the efficiency, without which we can not wage the righteous war to a successful conclusion.

THE FACTS OF THE CASE.

It is a jolt to hear American efficiency, as represented by the United States Army supply and transportation service, referred to in France as a "joke," but it is a severer jolt to discover the multiple causes which have given it currency.

For five months, at the date of which I write—December 25—the American troops had been in France, and the showing of its supply and transportation service is as follows:

Five days' advance rations.

Shortage of shirts and ponchos.

No reserves of heavy shoes to replace the lighter ones, which were not adapted to service in France and have not worn well; or of clothing which is not warm enough, and, as to overcoat, ill-suited to trench work.

No rubber boots, and already a few cases of "trench feet," that strangely crippling development of this war, are appearing. Trench feet—and we as yet only playing at war.

No hats. There were really 65.

No woolen socks, except those furnished to the hospitals by the Red Cross.

No machine guns or reserves of rifles.

No artillery save that got from the French and much of the rifle and all of the artillery ammunition drawn from the French and the British.

No labor with which to complete cantonments—French soldier labor having been loaned for those already built—and permanently establish the line of communication between the sea and the American sector.

'Tis not a picture to kindle our pride, but is it not one to lift us out of our complacency, to give us fear for the ineptitude that menaces the health and the military fitness of our soldiers?

THE LUCKY RED CROSS.

And with the Army thus suffering through supply and transportation shortage, I found the warehouses of the Red Cross in France comfortably stocked (although an entire trainload of provisions had just been sent to Italy) with beans, rice, condensed milk, canned beef, and some sugar, for the service of their canteens in the French Army (where they are doing fine and needed work), and motor truckage enough for their requirements. Each buys in the same market; each is 3,000 miles from its base; each dependent on the same trans-Atlantic service. The Government, through its Quartermaster Department, has, of course, advantage in the open market or in the bid for cargo space; but the Red Cross is managed by business men on business principles. That's the answer to the otherwise incomprehensible situation of the Army being without reserves of needed supplies, while the Red Cross had full warehouses, though it is furnishing 25,000 meals a day through its canteens.

Fourth-fifths or, in round numbers, 4,000,000, of the automobiles of the world are in the United States and are made here, the annual output being valued at approximately $1,000,000,000.

The other day a train of 30 motor trucks made a successful run from Detroit to Baltimore—600 miles (a distance considerably more than twice as far as from the sea to American field headquarters in France)—finished on schedule, in evidence of the serviceability of the American-built car.

JOB LOT SECOND-HAND MOTORS.

Three months after the arrival of the first division in France there were substantially no trucks for transport service, or automobiles, except a job lot of second-hand cars, which had been picked up here and there at long prices. Then came a certain number of 1½-ton trucks. These wholly inadequate carriers—of a class long since discarded by all the armies of the world in favor of the more practical and more economical 3 and 5 ton type—are still the main reliance of our Army in France.

Of motor trucks of all kinds the Army had in the first week of last month (December) a carrying capacity of 1,000 tons, whereas its minimum requirement is 5,600 tons—a shortage of 4,600 tons after six months in the Army of the Nation which builds more automobiles than all the rest of the world.

Meanwhile $18,000,000 worth of automobiles have been ordered from Italy.

For this exhibit lack of shipping is made the excuse, yet Government-employed steamers, of 8,000 to 10,000 tons burden, have arrived from America at French ports with half their carrying capacity unfilled, or in some cases occupied by articles not needed at this time, as, for example, hospital beds, of which there are accumulated enough for real war. And all the while the Red Cross has been filling its warehouses from the same source as that of the Army, over the same waterway, in the same bottoms.

RED TAPE, LACK OF METHOD.

If there was any preliminary preparation for the reception of troops during the interval between our declaration of war and their arrival in France, it was negligible. The men were dumped into France, and, to a large extent, upon French hospitality, with no intelligent forethought of the needs in housing, provisioning, transportation, or reserves of supplies which a division or more requires.

When the Rainbow Division arrived "somewhere in France" five months after the First Division the men packed their first supplies into their camp on their backs.

Until the stimulating House recommendations came to bid us hope, we had advanced not a great way in the business of going to war beyond Cuban campaign days, when only a merciful Father held in check the storms that would have driven our supply ships to sea and left the men on shore with not another day's rations.

Then, as now, the causes were the same—red tape, lack of business men and business methods for a business job; the results were the same—all-round inefficiency, delay, confusion, breakdown in the supply service.

Had there been a really strong and determined foe opposing us in Cuba we would have paid heavily, indeed, before we reached Santiago.

The single marked advance in 1917 is in the Red Cross organization, which was almost useless, at least on the front, in 1898, but promises to lead the American expedition of 1917 in forehanded efficiency.

SUPPLIES AHEAD FOR FIVE DAYS ONLY.

Then we gave our volunteers—the Seventy-first New York and Second Massachusetts—black-powder cartridges to reveal their presence to a foe using smokeless cartridges, with a range three times as great; now we give our soldiers no machine guns—the most indispensable weapon of the war.

Then we managed to get one day's supplies ahead; now we have five, and 3,000 miles separating our base and our line.

Then, ammunition first to be needed was loaded into the bottom of the transport cargo while less important articles were placed ready at hand; now, sorely needed wagon bodies arrive in one ship and the wheels three weeks later on another steamer.

Then we left practically all our artillery at Tampa for a campaign in which it would have been a quickly decisive element; now we have none of our own to take.

Then, before San Juan we were short of ammunition, which only a heroic mule pack train managed to bring up in the night to the men who were digging in; now we are relying on France and England to supply our deficiencies.

In 1898 it was individual initiative, spirit, which inspired and enabled the men landed at Daiquiri to find and assemble their outfits from the bewildering confusion of dunnage on the beach, and to scramble forward to the first fight at Las Guasimas—of which the retreating Spanish colonel reported to his commander at Santiago, "They tried to catch us with their hands!"

But 1918 is not 1898, and the Boche is not the Spaniard, and American resourcefulness and initiative and spirit (for rifle marksmanship alone), splendidly abiding as they are, will not secure on the west front the easily won results they attained in Cuba and the Philippines. This is obvious, though apparently hidden from bureau discernment.

SENIORITY FETICH PLUS PREJUDICE.

As in 1898, we have been in the toils of the seniority fetich plus prejudice, and the two most important departments in the Army—Quartermaster and Ordnance—made the dumping ground for inertia, inexperience, and incapacity.

Our success or failure to do our part alongside our allies in the war for human rights, the very lives of our sons and brothers whom we have sent to battle, rest upon the Quartermaster's Department, upon the foresight and energy of its bureau heads, and the swift, unceasing operation of its transportation and supply service. There is no department in any army so important.

The feeding, the transportation, the equipping of a great army is a business job for men of wide vision and large business experience such as no army officer of a nonmilitary nation ever gets or ever could get under normal conditions. With the freedom of the world threatened by a foe who is powerful and ruthless and foul, there is not time "to teach an old dog new tricks." We have the same blundering, the same loss of time and effort as in 1898, but with this great difference, that in 1918 they may cost us opportunity and life. It is, then, but the commonest of common sense that the business end of an army be placed in the hands of business men—as Great Britain finally found it necessary to do—and that the best of the high-grade business brains with which the United States is plentifully supplied—and the choice of which the President may have for the asking—should direct its work. This is a case where reform is needed from the top down rather than from the bottom up, for there is much good, young timber in the Quartermaster's Department drawn from civil business life. The trouble is not in France; it is in America. We have transplanted the Washington circumlocution office to France; we have made the Quartermaster's department in France, which in subordinate places has some capable, energetic, and youngish men of business experience, an annex to Washington, with its crossroads grocery-store methods and its ancient and honorable personnel.

SHAMELESS STORY OF SUPPLY.

The sorry, shameless story of the machine gun is the story of the supply and transportation service in France to-day.

In August, 1916, Congress appropriated $12,000,000 especially and specifically for the purchase of machine guns, and placed the sum at the disposal of the Ordnance Department. But it was not until our first division was already in France, in June, 1917—10 months later—that the first steps were taken by the Chief of the Ordnance Department, Gen. Crozier—according to his own statement—to get the guns which three years of terrible carnage had demonstrated as being the most useful of all the arms for the soldier in the trench. With the world struggling for freedom through the hellfire of such battles and our entrance imminent, it is an amazing story, paralleled only by that of the months' wrangling in the Shipping Board over the respective merits of wood and iron at the cost of irremediable time, while the world's boats were being sunk daily and the world's food endangered.

We are somewhat in the position as to general officers that England was at her beginning, and we must do—and the House recommendations give encouragement that we shall begin to do—what England did, only we must not wait so long to do it, unless we want to subject our soldiers to a Gallipoli with its heroic, ghastly record, or a Neuve-chapelle, where the British lost thousands and the chance for a distinct and much-needed victory.

PUT YOUNG MEN IN COMMAND.

France and England withdraw their officers too old for the new game—which is no criticism of these otherwise excellent men suited for posts where physical fitness and swift executive action are not so essential, if any such posts can be found in these days—and we shall be obliged to do the same if our Army is to have a chance to make good.

At a recent dinner to an American Congressman in a British sector there was not an officer over 45 years of age, and four brigadier generals under 36.

France is no place for officers who are too old to learn or too firmly fixed in their notions to do so. They should be brought home. As Gen. Sibert said in my presence, "It is an entirely new game, and it's up to us to learn it." "And to learn it damn quick!" exclaimed another more outspoken officer in the group. Some older officers scantily conceal disregard, if not contempt, for the opinions and the methods and the language of the French. Surely in the face of the dearly bought and complete experience of our allies the pretensions of comparative military upstarts is indefensible—and absurd.

Officers that have spent 20 to 40 years in a single-track bureau, who have grown old in a small army, with its local and simple antedated service, can not be expected to change suddenly a lifetime's habit and method and expand to the precise and the entirely strange requirements of the new kind of warfare. It is downright unfair to subject them to such a trial, not to say ordeal; to the soldiers dependent upon them it is a hazard they should not be expected to accept.

CUT RED TAPE TO SPARE LIVES.

To learn this war game, exacting and scientific to a degree never dreamed of, demands men young and eager and at the mental and physical top of their capabilities.

"We have had to cut red tape to spare the lives of our polilus," said the war minister of France to me a few days ago. "England has done so, and America will find that she must also." Red tape is the unionism of the Government service; it is standardizing influence "going down," which throttles ability and levels all departmental effort to the lowest instead of the highest standard of efficiency; and for the red tape which stultifies normal intelligence, commend me to the brand which tradition in the army has imposed upon the medical service, where medical reports can reach medical headquarters for action only after making the long, slow passage through the line—that is, from commanding officer of the regiment to commanding officer of the brigade, then to the division, then to headquarters, and thence to medical headquarters. By illustration, I cite one case where it took two and one-half months—not days or weeks, but months—for the report of a medical officer, a colonel and the ranking medical officer in France at the time, to arrive at medical headquarters.

As this urgent report, with its constructive suggestions, dragged its tortuous way toward headquarters the soldiers it concerned were without proper housing and clothing, and a number of suicides from homesickness and depression resulted.

England had the same efficiency-destroying system at the beginning of the war, but soon was forced to change for the good of her men. The Italians in their Labyan campaign suffered under a similar method and promptly saw the wisdom of abolishing it in order to conserve an excellent condition of mind and body in their soldiers. To-day in the British, French, and Italian armies medical reports go through medical officers to medical headquarters, and no line officer can delay or stop them.

We should have profited by their experience, but as in other directions we haven't. Our medical men have all the responsibility and no authority. Shall we wait to cut this strangling bit of red tape until the bodies of our dead mount to scandalous proportions?

TRUTH THAT ACHES.

Secrecy between a people and their government is a mischievous element in national life. Lloyd-George told England in one of his stirring speeches not very long ago that a nation which is not virile enough to bear the truth about itself is not a first-class power.

In America, as in England, the people are entitled to the truth, even though it be ugly and uncomplimentary, even though it fall on devoted theories or heads or prejudices. In America, as in England, we need to look uncolored facts in the face. This is a moment for us to hear such truth. I believe we can hear it, though Germany is banking on our not being big enough and strong enough to tell the truth to ourselves. Germany says we are not a first-rate power; that we are so saturated with greed and materialism that we can not rise to this our great occasion. And none of us can be sure that we shall; none of us can say if, indeed, we have found our national soul. If ours is the national spirit that will pay, and endure and pay again.— We have shown our greatness in material things, but material things alone do not measure a nation's greatness—there is the moral fiber without which the measure is but half reckoned. We are on trial before the world.

FRANCE MUST MUNITION US.

Nine months ago we entered the war. To-day we are giving no land aid to our allies in a military sense, while we are drawing on them for our equipment essentials, of which they have no surplus to spare us easily.

Talking with French officers on this subject, I asked if they could spare the guns and ammunition and gasoline they were giving us. They answered: "What will you? You must have them; your Army has none; we must let you have them so long as we possibly can; we do our best; it is reducing our reserves; we have no ample surplus; we hope you will quickly be able to bring your own supplies."

We have made high promises, there has been large talk of our potentialities, but our actual showing thus far is incompetence in the outfitting and purchasing and forwarding departments of our quartermaster; and wrangling, red tape, and disorganization, which are responsible for our present inability to furnish our soldiers with machine guns, rifles, ammunition, ordnance, and suitable clothing.

It is a lamentable breakdown and the cause of much disquiet in France, not only for its disappointment in our widely heralded efficiency, but for the further sacrifices it suggests as likely to cost her.

It is not too much to say that our failure to equal our allies' natural expectations of this great, wealthy, industrial Nation is answerable for the grave situation which makes the coming six months as critical as the first six months of the war.

VISION! VISION!

It isn't merely that there have been blunders; blunders we would and do expect as the inevitable accompaniment of an unmilitary democracy going to war; but it is the absence of an appreciation of the necessities of the hour by the responsible heads of bureaus; the failure to grasp the demands of this kind of a war game; the narrow vision; the strangling red tape; the fact that a condition could exist where such a delay at such a time as in the matter of the machine guns and rifles would be possible.

Thus far we have taken little profit from British and French experience. With ample warning and time for preparation, with unlimited manufacturing facilities, untold wealth and the models and counsel of Great Britain and France to guide us, we should have put our men afield with the very best possible equipment, instead of which we have sent them to trials of body and spirit, of endurance and patient courage such as men never have met before this war—with an equipment in some respects the least practical, the least comfortable and serviceable.

The efficiency and organization upon which we plumed ourselves and for which the world took us at our word have been conspicuously absent so far as the proper equipment and maintenance of our little Army in France is concerned.

We are in danger of receiving a crushing blow to our material and spiritual well-being unless we come promptly out of all dreams of immunity from a victorious Germany, and awake to a realization of what this war means to us, to you and me, to our business and our homes.

MUST WE BE SHAMED?

Germany says we can't.

We have voted great sums for the war and made huge programs, but not yet as a people have we risen above selfish individualistic ambitions for comfort or power or profit. Democracy, narrowly viewed, makes for individualistic development for individualistic rewards. It is for us now in the face of menace and the call of our allies in our ears to show if we can merge the individual into united effort for the State and for the cause on which hangs the fate of the very democracy by which we live and prosper.

We must prove big enough to rise to this need, else we shall be too late next spring in France, and so justify Germany's estimate of us.

Some of us, through the press, are still patting ourselves on the back over what "we have done," but it behooves us to be modest before the great deeds, under greater handicaps than ours, of England and France and Canada and Australia.

We have not organized ourselves as well as France did at her beginning; we have not shown the thorough workmanship of the British. Unprepared England two and one-half months after the declaration of war stopped the Huns at the Yser at great cost, but stopped them and saved Calais and probably the war. Unprepared America nine months after coming in and six months after reaching the front is still considering the problem of supplies and the line of communication.

"Slow" old England has beaten young America in speed, efficiency, organization!

INSIST ON REMEDIES.

That very shrewd student of human nature, M. Clemenceau, said the other day in response to the question whether he considered it wise that people should be taken into the confidence of Government: "I believe self-governing people fight better when they have full knowledge of the actual situation."

The American people, in full knowledge of the portent of this hour, must demand of their Congress and its appointed committees speedy fulfillment of the tasks intrusted to them by the people and their President.

A democratic government goes no faster and no further than the people can constitute the government insist. It is the temper of the civil population that propels or retards a great effort such as we are now called on to make. We get the kind of legislation, the kind of men in office that we want; they reflect accurately either our desires or our indifference—our neglects of citizen duty. If we have no machine guns and not enough rifles, and our troops are ill equipped, it is because the people have failed to demand them of the War Department. If there has been a breakdown in the supply and transportation service, it is because the people have not insisted that this most important department of an army keep pace in method and personnel with the scope of its duties. We have to confess these plain facts.

WHAT YOU MUST DO.

It is up to the people to recognize their failures and make now their demands:

That the seniority which keeps inefficiency in the Army and disloyalty in the Senate be effaced.

That Senators and Representatives abandon politics for patriotism and get behind the President.

That red tape be cut clear of the medical and all departments concerned in the prosecution of this war.

That top-heavy and ineffective committees be abolished or remodeled.

The people are behind their President, whose present attitude reveals an understanding of the character and the size of the task upon us, and whose well-chosen words breathe the spirit of a stalwart patriotism and a grim determination to fight through to a victorious and a just and lasting peace.

We must get on a war basis; we, the people, individually as well as collectively, must strip for war, else we shall fail.

And if we fail, sooner or later Germany will be in our ports.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. McLEMORE].

Mr. McLEMORE. Mr. Chairman, I will devote the time accorded to me in reading a letter from a former Member of this House to a former Member of the United States Senate on the rights of the States and the relation of the States to the Federal Government. Or, if granted unanimous consent, I will merely extend my remarks in the RECORD and return the unexpired portion of my time to the gentleman from Oklahoma [Mr. CARTER], who has granted it. And in order to save the time, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The following is the letter referred to:

DECEMBER 18, 1917.

Hon. R. M. JOHNSTON,
Houston, Tex.

MY DEAR FRIEND: As you keep yourself informed about what has happened, as well as about what is apt to happen in Congress, I do not suppose you were much surprised when you read in the morning papers that on yesterday the House of Representatives by more than the necessary two-thirds vote approved the prohibition amendment to the Federal Constitution, but I am sure that you were very much surprised when you analyzed that vote and found that 141 Democrats had voted for it, while only 64 Democrats had voted against it. What a radical change that exhibits! Twenty years ago a man who favored national prohibition could not have been elected a delegate to a Democratic county convention from any precinct in the United States, and yet an overwhelming majority of the men now elected to Congress as Democrats voted yesterday for that proposition. But astounding as was the vote itself, it was not more astounding than the debate. Those who supported the amendment discussed it as if it merely presented the question of prohibition, and they spoke exactly as they could have properly spoken in the legislature of a State. I can not at this moment recall any discussion in Congress or outside of it which so thoroughly illustrates the strange confusion of political thought in this day, or which so strongly emphasizes the need of a recurrence to our first principles.

When the fathers were organizing this Republic they sought to create a General Government which would be strong enough to serve the purposes for which it was intended, and yet not so strong as to interfere with any proper function of the several States. According to that plan, they conferred on the General Government full power over our foreign relations, a limited power over our interstate relations, and left to each State the exclusive power to regulate its local affairs. There were some who doubted the wisdom of conferring all power with respect to our foreign relations on the General Government; but it was wisely determined that as all of the States would be held responsible for our conduct toward foreign nations, the Government representing all the States should possess the power to control that conduct. A large number doubted the wisdom of conferring upon the General Government any power over interstate relations; but upon consideration they became convinced that if every State was left to decide for itself a question concerning it and another State, each would decide that question according to its own interest or passions, thus inevitably resulting in unfriendly restrictions, if not in open collisions; and to obviate that, a very large majority agreed to the arrangement as it had been proposed. A still larger number, including all of the extreme Federalists, objected to leaving the States with such vast powers, expressing the fear that they would in time impair the efficiency of the General Government; but the convention, by a very decisive majority, overruled their objection, and the Government was established with that distribution of its powers. It had hardly been inaugurated, however, when the advocates of centralization began a systematic effort to reduce, by construction and administration, the powers of the States and to correspondingly enlarge the powers of the United States. That effort was resisted, and out of the conflict of opinion thus precipitated the Democratic Party was born.

If there has been one article of our creed to which we have adhered more steadfastly than to all others since Thomas Jefferson first founded our party, it has been the doctrine of State rights, and if there was ever a time when a strict adherence to that doctrine was more necessary than at all other times, it is now, when the General Government has already encroached upon the States to an extent which must alarm every thoughtful Democrat. With the Federal Department of Justice prosecuting our citizens for conspiracy against the United States, as in the Nueces County case, when there was not the shadow of an excuse for that prosecution; with the Supreme Court of the United States practically nullifying the power of the States to regulate commerce wholly within them, as it did in the Shreveport rate case; with Congress usurping control over children in the States, as it did in the child-labor law; and remembering that these are but examples of the steady, persistent, and numerous encroachments, it would seem that Democratic Congressmen would understand the necessity of opposing the further extension of Federal power.

The men who have been most potential in forcing this amendment through Congress perfectly understand that Federal prohibition is utterly inconsistent with the democratic theory of State rights, and they have boldly repudiated that theory. Ex-Gov. Patterson, who, though a recent convert to prohibition, is now one of its ablest advocates, has given out within the last three days an interview which goes far beyond anything which Alexander Hamilton ever ventured to say in favor of centralizing all power in the General Government. The ex-governor of Tennessee, unlike some of those who follow his lead, does not hesitate to follow his own logic, and this is, in part, what he said:

"While I am a southern man, I am in favor of greater unity in this country—the building up of a Nation with national spirit and policies. I haven't any patience with those persons who are constantly shouting about State rights. If one wants something, he is for State rights; if he doesn't want anything, he is against State rights. What we want is a more united Nation, with State lines eliminated except for a few purposes."

Doubtless some of those who voted for the prohibition amendment will disclaim all sympathy with that utterance of ex-Gov. Patterson, but we must judge them by their acts rather than by their words. What right has any man to claim that he is opposed to "the elimination of State lines," while he is voting directly to eliminate them? Perhaps many of those who voted for that amendment did so against their own convictions, and really believe in the right of every State to control its purely internal affairs; but very few of them will ever have the moral courage to confess the error of that vote and return to their former advocacy of State rights. There is a law of political gravitation just as certainly as there is a law of physical gravitation, and men who once enter upon a given course are driven irresistibly to continue in that course. The vote for that Federal prohibition amendment may have been their first step, but with many of them it will be an irretraceable step toward the "elimination of State lines."

No Democrat can justify himself in voting to transfer any police power of the States to the General Government, and least of all can he justify a transfer of the power to permit or prohibit the sale of liquor, because the exercise of that power by one State can not possibly affect the people of any other State. If Texas chooses to permit the sale of liquors, Kansas has no right to say we shall not do so, because the sale of liquor in Texas can not disturb the peace or injure the health or corrupt the morals of Kansas. Whether or not a State will permit or prohibit the sale of liquor is a question which each State should be left to decide for itself, because the people of each State alone are affected by that decision; and I would no more agree that New York shall have the right to say we must permit the sale of liquor, if we desire to prohibit it, than I would agree for Kansas to say that we shall prohibit the sale of liquor, if we desire to permit it. For more than a century these have been received as axioms of democracy, and why shall we reject them now?

If the evils of the liquor traffic were increasing, I could understand that good men might conclude that the methods by which we have heretofore dealt with it are insufficient and might insist upon new and more drastic methods. But that is not the case. You know, and every other intelligent man in this country knows, that there has never been an hour in the history of this country when the evils of the liquor traffic were less than they are to-day, and we also know that those evils have been constantly diminishing through many years. When I first became a legal voter there was a saloon on almost every good corner of every city, town, and village in this land, and in the very midst of them we reared a race of the bravest men and the purest women which any age or country has yet produced. I do not, of course, mean to say that those saloons stimulated the courage of our men or cultivated the virtue of our women; nor do I doubt that we would have been better off without them. But I do say, in the light of that experience, that it is worse than folly for these extremists to tell us that we should destroy these States in order to destroy the saloons. If it were necessary to do the one in order to do the other, I would still refuse, because to do that would be as foolish as it would be for a farmer to burn his barn in order to drive away the vermin. I know we can live and prosper; that we can extend the influence of religion and multiply the blessings of education; that we can even advance the cause of temperance and improve the public morals in spite of the saloons, because our fathers did all of that and more; but we can not save this Republic if we abandon the principles on which it was founded.

But, happily, we are not compelled to choose between continuing the saloon and destroying the States. For 30 years the people of the various States, without surrendering any power which belongs to them, have been gradually banishing the saloon, until eight-tenths of them have disappeared. Thirty years ago the drink habit was very common among our people, and it was often indulged to an excess by

men who stood high in business, financial, and political life. But this also has changed, and we now rarely see a reputable man, either rich or poor, intoxicated on the public streets. Different men offer different explanations of this remarkable improvement. Some say that it has been wrought out through prohibition laws, State and local, while others say that it is due to the fact that men have come to realize that intemperance is injurious to them physically and financially as well as morally. But whatever may be the correct explanation, the fact itself is undisputed, and it is impossible for me to understand how any Democrat can deem it necessary to abandon a system under which such a result has been achieved and violate one of the very basic principles of our party in order to deal with a diminishing evil.

Besides the conditions to which I have above referred, and which of themselves should be sufficient to satisfy every reasonable man with the progress we have made, and with the system under which we have made it, recent legislation has removed an argument which was formerly employed with no little effect by the advocates of national prohibition. For years those who have been most active in the Federal prohibition movement have insisted that the commerce power of the United States constantly interfered with the police power of the States and rendered State prohibition laws ineffective. In response to that argument, Congress enacted what is known as the Webb-Kenyon law, by which it abdicated whatever power it possessed in that respect in favor of the States. That law was challenged in the courts and its constitutionality has been sustained. Nor is this all. Less than 10 days ago the Supreme Court of the United States delivered an opinion in a case which came to that tribunal from the State of Idaho, by which the power of the State was made still more plenary. Indeed, taking the Webb-Kenyon law itself, the opinion of the court sustaining its constitutionality, and adding to them the decision in the Idaho case, the power of every State in this Union over the manufacture and sale of liquor is as absolute now as human laws can make it. Why, then, do these people insist upon national prohibition? There is but one answer to that question, and that answer is that they intend to suppress, by Federal agency, the manufacture and sale of liquor in States which do not desire the suppression of it. In other words, and in plain words, these men are stripping these States of a vital police power simply because some of the States will not exercise that power as these misguided reformers desire.

If this prohibition amendment becomes a part of the Federal Constitution we might as well abandon all hope of preserving the rights of these States, for it will be followed by others of its kind. Next will come a national woman suffrage amendment, and after that will come an amendment authorizing Congress to establish uniform laws of marriage and divorce. This last amendment is already being urged by many of the same people who have promoted the prohibition and the woman suffrage amendments, and when it is adopted—as it will be in time, if the prohibition and the suffrage amendments are ratified—there will not be a square foot of territory in the United States where it will be unlawful for negroes and white people to intermarry. Then will come a proposal for a constitutional amendment authorizing Congress to regulate the distribution of estates where decedents leave property in several States. These same people are even now asking why property belonging to the same man should descend differently because it happens to be situated in different States, and why a will, valid in the State where the maker resides, should be insufficient to pass the title to real property in another State. Thus year after year the proponents of uniformity will continue their propaganda, until finally what were once sovereign States will be reduced to a condition where they will hardly enjoy the rights of conquered provinces.

Shall we stand idly by and witness, without an effort to prevent it, the utter subversion of this Republic? I sincerely hope not. The duty of the real Democrats of Texas is a plain one and an imperative one. We must organize to defeat the ratification of this amendment by our State, and we must at the same time make a supreme effort to rescue our party from the control of men who either do not understand or else do not cherish its fundamental principles. To some of the Texans who voted for that amendment I am sincerely attached, and I would divide with them my last dollar or my last crust of bread; but I will not give my vote to any man who gives his vote to deprive these States of the right to control their own domestic concerns.

If the Democratic Party is to survive in anything more than in the name, it must be something more than an organized effort to obtain the offices, and it must firmly insist that those who seek its favor shall maintain its principles. Politics must be something more than a matter of mere personal preference or personal prejudice. Good government is too vital to the freedom and happiness of our people to be sacrificed to personal friendships or personal ambitions. I am willing to accord the fullest measure of respect to a good man; but I am only willing to give my vote to a good Democrat; because I believe—and I believe it as devoutly as any Christian believes in his religion—that the destruction of this Government must inevitably follow an abandonment of democratic principles.

Mistakes of policy, the consequences of which we may measure in dollars and cents, may be tolerated; but a sacrifice of the very basic principles of the Republic is in politics what blasphemy of the Holy Ghost is in religion—an unpardonable sin. We can repair mistakes, even though they be grievous ones, if they relate only to property or to property rights; but a mistake which alters the very form and structure of this Government can never be repaired, and it ought not, therefore, to be forgiven.

Surely those of us who believe that the very existence of this Government as it was organized by our patriotic fathers is imperiled will not be less ready for this contest than those who are proposing a dangerous innovation; and I am eager to enlist under the leadership of any man who has the wisdom to expound and the courage to defend the genuine principles of democracy.

Very truly, your friend, J. W. BAILEY.

Mr. NORTON. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I have introduced bills to establish a department of munitions and a department of war supplies, with secretaries and subordinates, and defining the province and duty of each of such departments.

I contemplated also introducing a bill to establish a department of war transportation, and should have done so but for the President's action in taking over the railroads and appointing a director. However, I am of the opinion a department of transportation should be established at the earliest practicable moment.

There are at present 10 executive departments of the Government, the Secretaries of which constitute the President's Cabinet. In the order of their creation they are State, Treasury, War, Justice, Post Office, Navy, Interior, Agriculture, Commerce, and Labor.

In 1789 the first Congress under the new Government among its earliest acts created three executive departments. July 27 an act was passed entitled "An act for establishing an executive department to be denominated the department of foreign affairs." It also provided for the appointment of a "secretary for the department of foreign affairs." The act committed to the department charge, under the President, of "correspondence, commissions, or instructions to or with ministers and consuls of the United States, and to negotiate with ministers from foreign States respecting foreign affairs."

By a subsequent act of the same year the name of the department was changed to the Department of State.

Thomas Jefferson was appointed by President Washington, and thus became our first Secretary of State.

In September of the same year an act was passed creating a Department of the Treasury and providing for a Secretary. His duties were, in part, to "digest and prepare plans for the improvement and management of the revenue and for the support of the public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the revenue," and so forth.

The first Secretary was Alexander Hamilton, of New York.

In the same year an act was passed creating the Department of War and providing for a Secretary. To this department was committed charge of "all matters relative to military commissions, of land and naval forces, of ships or warlike stores of the United States." It will be seen that at first this Department had superintendence and control of both the Army and the Navy.

President Washington appointed his personal friend and comrade in arms, Gen. Henry Knox, of Massachusetts, as Secretary.

In the judicial act of September 24, 1789, there was contained a provision for the appointment of a "meet person, learned in the law, to act as Attorney General for the United States, whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States may be concerned and to give his advice and opinion upon questions of law when required by the President or where requested by the heads of any of the departments."

The Attorney General was thus made the legal adviser of the President and the heads of departments. This made him almost necessarily a member of the Cabinet, although he had no legal recognition as such until 1878, when he was made head of the Department of Justice.

Edmund Randolph, of Virginia, was appointed our first Attorney General.

In 1798, on the eve of a probable war with France, an act was passed for the creation of a separate executive department to be known as the Department of the Navy. The imminence of war with France, the necessity for the immediate enlargement and strengthening of the Navy which had almost disappeared, and the fact that in war the Secretary of War would have all that could be expected of one man in the superintendence and control of the Army were sufficient reasons for the creation of the new department.

President Adams appointed Benjamin Stoddert, of Maryland, first Secretary of the Navy.

In 1789 Congress passed an act providing for the temporary establishment of a Post Office, and Washington appointed Samuel Osgood as Postmaster General. The Postmaster General was not recognized as a member of the President's Cabinet until during the administration of Andrew Jackson, and the department as such was not created and its province and duties defined until during Grant's administration.

In 1849 the Department of the Interior was created and a Secretary provided. The necessity for the creation of such a department was early recognized. Gov. Morris proposed a "Department of domestic affairs," Charles Pinckney proposed a "Department of home affairs," and other propositions of similar import were submitted from time to time. Clay and Webster among others urged the necessity of such a department. Under the leadership of Robert J. Walker, Secretary of the Treasury under President Polk, the act creating the department was finally passed.

Thomas Ewing, of Ohio, was our first Secretary of the Interior.

In 1889, a century after the first Cabinet officer was appointed, near the close of Mr. Cleveland's first term, the Department of

Agriculture was created. What amounted in fact to a bureau was established and a Commissioner of Agriculture provided for in 1862. It was not made a real department of the Government and its chief was not made a Secretary and a member of the Cabinet until 1889.

Hon. Norman J. Coleman, of Missouri, was made first Secretary of Agriculture.

In 1903, during President Roosevelt's administration, the Department of Commerce and Labor was created. The Secretary of State, the Secretary of the Interior, and particularly the Secretary of the Treasury were relieved of parts of their burdens by the creation of the new department. To it were also committed many new administrative duties.

Mr. George B. Cortelyou, of New York, was appointed to the new secretaryship.

On the last day of President Taft's administration a bill was passed creating the Department of Labor and separating it from the Department of Commerce and Labor. The purpose of the new department, as stated in the act, is "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

President Wilson appointed as first Secretary of this department Hon. William B. Wilson, who is still serving.

The necessity for a Cabinet has never been better stated than by Washington. In 1789, soon after assuming the Presidency, he wrote:

> The impossibility that one man should be able to perform all the great business of the State I take to have been the reason for instituting the great departments and appointing officers therein to assist the Supreme Magistrate in discharging the duties of his trust.

It is an interesting fact that we had a Cabinet before we had a President. During the Revolutionary period, before the adoption of the Constitution, heads of departments were selected and the administrative functions of the Government carried on without a Chief Executive. To two of these, Robert Morris, "Superintendent of Finance," and John Jay, "Secretary of Foreign Affairs," the country owes a lasting debt of gratitude. It seems now as if it would have been impossible to have gone through that critical period without their transcendent ability and consummate tact, as well as their devoted patriotism.

Under our system of government the Cabinet has a peculiar constitutional status. In terms the Cabinet is not provided for and its duties are not defined. Yet it is recognized as an essential part of our form of government and it has at least constitutional sanction. The Constitution makes reference to the "principal officer in each of the executive departments." Again, referring to the "heads of departments," it is provided that the President may require their opinion "in writing" upon any subject relating to the duties of their respective offices. The Constitution also gives Congress power to vest in the "heads of departments" the power to appoint certain officers of the Government.

These references in the Constitution clearly indicate that a Cabinet was contemplated and considered essential. It would also seem that it was understood that these heads of departments were to be created by Congress from time to time as occasion should justify.

Under the American system members of the Cabinet have two lines of duty—the one prescribed by law, the other dependent entirely upon the President's wishes. As the head of a department, the Cabinet officer has certain prescribed administrative duties which are enumerated in the act of Congress which creates the department. As an adviser of the President, he is required to act only when the President so desires.

We have derived our Cabinet from the English Cabinet, but there are vital differences between the two systems. The English Cabinet assumes and exercises supreme direction of both legislation and administration. As representative of the Crown it exercises supreme executive power, and as representative of Parliament it exercises supreme legislative authority.

This is in violation of the American constitutional principle of the separation of the powers. In the United States the Cabinet is purely executive. It has no legislative function and little legislative influence. In Great Britain members of the Cabinet are legislators and have places on the floor of Parliament. In the United States Cabinet officers have no place on the floor of Congress, and even their presence is resented as an unjustifiable encroachment on the independence of the Legislature.

In Great Britain the Cabinet is responsible alone to Parliament. In the United States the Cabinet is alone responsible to the President. In Great Britain the Cabinet goes out with Parliament. In the United States the Cabinet goes out with the President. In Great Britain the Cabinet proposes and controls legislation. In the United States the Cabinet makes estimates for appropriations and requests for legislation through the President. In Great Britain the Cabinet is the dominant power in the State. In the United States it holds no such place. Practical necessity, however, vests in the heads of department a large measure of authority and responsibility. The President and Cabinet together constitute what is known as "the administration." The President is master and is given credit for the success of the administration or is held responsible for its failure.

The duties of Cabinet officers are thus principally and primarily administrative. They are the heads of the working powers of the Government. To an extent not found in any other country in the world are the functions and duties of Cabinet officers in the United States administrative. There is among members of our Cabinet no joint policy, no collective responsibility. Each Cabinet officer is given by law certain prescribed administrative duties, for the faithful performance of which he is responsible to the President. From time to time as the administrative duties of the Nation increase in variety and volume, whether by reason of natural growth and normal development or by sudden exigency, it is the duty of Congress to enlarge the Cabinet to meet the increased demands.

We have found that the duties of Cabinet officers are principally administrative and that the growth of the Nation and the extension of its governmental activities have in the past called into existence new departments of the Government as they were needed. We come now to consider the question whether conditions now exist which justify or require the creation of one or more additional departments to meet the demands of the present hour. It is my contention that the exigency caused by our participation in the present war demands the addition of one or more executive departments of the Government. The immense increase, the unprecedented nature, and the supreme importance of our war activities necessitate such action in order to secure dispatch and efficiency in the preparation and support of our Army and Navy for active service. Never before in the history of the world have been the requirements of speedy and adequate preparation so imperative upon any nation as are upon the United States at this time. The events of the war have so culminated in a crisis that unless we shall be able to render speedy assistance to our allies, and determinative service in the great struggle which now hangs trembling in the balance, victory will almost certainly go to our enemies. Such a calamity as this would be has never befallen the world in all the ages which have passed. In such appalling disaster would fall not only the entire fabric of our constitutional structure, but also the hope of mankind and the civilization of the world. Such is our responsibility, and such the call that comes to us from our own people and from all the liberty-loving people now engaged in the great death struggle across the seas.

There has been a large increase of activities in all of the departments of the Government occasioned by the war, but the principal increases have been in the Department of War and in the Navy Department.

In the Department of War the Army has already been increased from 9,524 officers on April 1, 1917, to 110,856 on January 1, 1918; and from 202,510 to 1,428,650 enlisted men. It is expected to increase the Army within the year to over 2,000,000 men.

For the fiscal year of 1915 Congress appropriated for the War Department $158,000,000. For the present fiscal year the appropriations are $7,527,338,716. Now, the appropriations are fifty times greater than under normal conditions. The appropriations for the War Department alone are more than seven times the total appropriations for the whole Government before the war.

Before the war the Ordnance Bureau consisted of 97 officers and about 2,000 men. It now consists of 3,004 officers and 26,120 men. It will expend $3,200,000,000 this year. All this immense sum must be expended on specified objects, on great and small contracts with producing and manufacturing concerns, on carrying on Government arsenals, producing arms and ammunition; on the increase of existing plants and the construction of new ones; on tests of guns and ammunition; on the inspection of articles delivered on contract; on the transportation of articles to their destination within this country or across the seas, and the hundreds of other activities that can not even be listed.

The Quartermaster's Bureau on April 1, 1917, had 347 officers. It now has 6,431, and will expend this year $3,018,000,000. Its activities embrace accounting in every branch of the service; determination of standards for food, clothing, and all other supplies; fixing prices and amounts and terms and places of delivery; creating new manufacturing facilities and engaging exist-

ing concerns; making contracts, erecting storage warehouses, arranging for transportation, and numerous other duties. Three hundred mills were employed in making clothing; 19,000,000 blankets, 20,000,000 yards of overcoating, 30,000,000 yards of suiting cloth, 52,000,000 pairs stockings have already been purchased. Over 4,650 contracts and at least partial deliveries have been made.

These statements regarding only two of the bureaus of the War Department give some idea of the tremendous increases made. Other increases might be shown. The Aviation Section has increased from 65 officers and 1,120 men to 3,900 officers and 82,120 men. The appropriations for this year were $744,000,000, or five times the amount appropriated for the whole War Department before the war.

In the Navy Department a like growth and expansion of activities has taken place. In his annual report Paymaster General McGowan says, "When the war of 1917 became imminent the pressure on the supply department at first doubled, then trebled, and in some cases increased many times over. Double shifts, treble shifts, and additional officers and employees—all working overtime—have, however, kept the work up to date." Again he says, "Leave has had to be practically abandoned, while for months the entire force worked overtime every day, to say nothing of the overtime work in addition, by everybody in a position of responsibility. Officers, civilians, and reservists worked with an enthusiasm truly admirable and results most gratifying."

Praise is certainly due many of the officers in the departments, and particularly in the Navy Department, for the extreme and able efforts they have made to meet the emergency. Individual instances of self-sacrificing devotion are many, and in some cases the results accomplished have been remarkable. Still success in meeting the demands of the occasion, particularly in the War Department, has been far from satisfactory.

If I am accorded the opportunity I hope soon to call attention specifically to some of the obstacles that prevent a mere enlargement of the present departments from successfully meeting the emergency. At present I desire only to emphasize, if I may, what I consider the advantage of creating new Cabinet positions to meet the tremendous increase of governmental activities and to show that it is perfectly consistent and expedient that we should do so. It is almost certain that action must speedily be taken to separate the purchasing and purely business activities of the Government from the military departments, and to consolidate such power in the hands of one man, either as the head of a new department, with a place in the Cabinet, or as chief of an independent department. This head or chief must be given power to coordinate and unify the purely business part of the immense undertaking of successfully carrying on this war. It is my belief that this can best be done by creating responsible heads of departments, with recognized authority and powers commensurate with the demands.

Early Great Britain learned the lesson that it was necessary to separate the business administration of carrying on the war from the military and naval departments. Early it saw that the immensity of the undertaking called for the united powers of the nation. Within nine months after the commencement of the war it reorganized its entire cabinet and installed a new coalition cabinet made up of the leading men of all the parties.

It did not ask unquestioning support from the membership of all parties without at the same time according fair recognition of such support. The liberal party, then in power, did not assume that it contained all the wisdom and all the patriotism of the country, and so it gave recognition where recognition was due. In this manner the best service from all the parties was drawn to the support of the Government.

Our Cabinet contains at present but 10 places, the present English Cabinet contains 38. Since the war began several new places have been created. Among these are a minister of munitions, minister of blockade, minister of food control, director general of national service, president of the air ministry, shipping controller, and minister of pensions. It would not appear in view of such action that a proposal to add three to our present Cabinet who should be given such places because of the present extraordinary demands, and who should hold such places only during the present emergency, was a very revolutionary proceeding.

The most important of the new places created in the English Cabinet during the war is the minister of munitions. To fill this place Mr. Lloyd-George, the present prime minister, was taken from the position of chancellor of the exchequer. It was to his splendid ability and indefatigable energy that the wonderful success in organizing the industrial activities of Great Britain for the support of the war was due. It was his marvelous success as minister of munitions that elevated him to his present place as head of the nation and the dominant figure among the nations opposing the Germans.

It may be of interest to set out here the act by which the ministry of munitions was created.

By the act of Parliament, dated June 9, 1915, it is enacted:

1. (1) For the purpose of supplying munitions for the present war, it shall be lawful for His Majesty to appoint a minister of munitions, who shall hold office during His Majesty's pleasure.

(2) The minister of munitions may appoint such secretaries, officers, and servants as the minister may determine.

2. (1) The minister of munitions shall have such administrative powers and duties in relation to the supply of munitions for the present war as may be conferred upon him by His Majesty in council, and His Majesty may also, if he considers it expedient that, in connection with the supply of munitions, any powers or duties of a government department or authority, whether conferred by statute or otherwise, should be transferred to, or exercised or performed concurrently by, the minister of munitions, by order in council make the necessary provision for the purpose, and any order made in pursuance of this section may include any supplemental provisions which appear necessary for the purpose of giving full effect to the order.

BRITISH MINISTRY OF MUNITIONS.

Under the defense-of-the-realm act, the minister of munitions has the power:

(a) To require that there shall be placed at their disposal the whole or any part of the output of any factory or workshop of whatever sort or the plant thereof.

(b) To take possession of and use for the purpose of His Majesty's naval or military service any factory or workshop or any plant thereof.

(c) To require any work in any factory or workshop to be done in accordance with the directions of the Admiralty or army council or the minister of munitions, given with the object of making the factory or workshop, or the plant or labor therein, as useful as possible for the production of war material; and

(d) To regulate or restrict the carrying on of any work in any factory, workshop, or other premises, or the engagement or employment of any workmen or all or any class of workmen therein, or to remove the plant therefrom, with a view to maintaining or increasing the production of munitions in other factories, workshops, or premises, or to regulate and control the supply of metals and materials that may be required for any article for use in war; and

(e) To take possession of any unoccupied premises for the purpose of housing workmen employed in the production, storage, or transport of war material; and regulations under this act may be made accordingly.

It is hereby declared that where the fulfillment by any person of any contract is interfered with by the necessity on the part of himself or any other person of complying with any requirement, regulation, or restriction of the Admiralty or army council or the minister of munitions or the food controller under this act, or any regulations made thereunder, that necessity is a good defense to any action or proceedings taken against that person in respect of the nonfulfillment of the contract so far as it is due to that interference.

In this subsection the expression "war material," includes arms, ammunition, warlike stores and equipment, and everything required for or in connection with the production thereof.

Under the various acts which have been passed the minister of munitions has the power to sign contracts and supervise their execution, to operate mines and industrial plants, to regulate the order in which work shall be done, to establish conditions under which labor shall be employed, to regulate hours and wages, to limit the profits on the operation of certain plants, to fix the price of materials and finished products, to limit the use which may be made of materials, and to take possession of stocks of materials in the country. The decisions of the minister are mandatory, and failure to obey his instructions is punishable by fine and imprisonment.

It is not expected that we should give the proposed secretary of munitions for this country such extensive powers. Some of those given the English minister we have already committed to others. But we should give to such place all the power necessary to secure expedition and efficiency. The occupant of such place should be made the dominant figure under the President in our war preparations.

The supreme direction of the military and naval policy of Great Britain is now placed in the hands of the war cabinet, which took the place of the advisory committee of imperial defense. The new war cabinet consists of five persons, the Prime Minister, Mr. Lloyd-George; the Earl of Curzon; Mr. A. Bonar Law; Lord Milner; and Mr. Arthur Henderson. It is interesting to note that the present war cabinet is composed entirely of civilians, while the old advisory committee of imperial defense included the first lord of the Admiralty, the first sea lord of the Admiralty, the chief of imperial general staff, the director of naval intelligence, and the director of military operations. If reluctance is felt in taking from the military and naval departments of our Government purely civil and business activities and placing them in the hands of civilians and business men, the action of Great Britain in taking all military and naval officers from the entire management of the war may be considered with profit.

The war cabinet of Great Britain is almost continuously in session. Sometimes three sessions daily are held. The Prime Minister is in constant consultation with his associates. A distinguished American having an appointment with him was compelled to wait three hours for the adjournment of a session.

It is needless to say that such energy and devotion to the prosecution of the war are what has placed Great Britain at the head of the defensive forces opposing the German Government.

If it should appear best that we should organize a war cabinet to which should be committed the conduct of the war, it should include the President, who is our prime minister, the Secretary of War, the Secretary of the Navy, the secretary of transportation, the secretary of munitions, and the secretary of war supplies. The secretary of transportation should have charge of all transportation both by land and sea. He should be given supervision and control of all the railroads, inland water transportation, and all ocean commerce. To the secretary of war supply should be given the securement of all food, clothing, and equipment for the soldiers other than munitions, and he should also be given the powers now exercised by the Food and Fuel Administrators. This would bring to us better service in all the war activities, and the correlation of all the industrial and productive powers in carrying on of the war. Still more important and necessary, it would give us plan and purpose, unity of effort, and that energy and vigor which at present seems to be sadly lacking.

The effort that has been made to accomplish these results by the creation of independent commissions, carried on by volunteers who serve without pay and are without responsibility or authority was certain of failure. If the ordinary work of the Government should not be carried on in this way, the work upon the success of which the very existence of the Nation depends should not.

Mr. EMERSON. Will the gentleman yield for a question?

Mr. TOWNER. I yield to the gentleman from Ohio.

Mr. EMERSON. Why can not all of this be accomplished by the President himself? If he wants efficiency in the war, why should not he issue orders?

Mr. TOWNER. The President could create new and independent departments for carrying on the war under the war powers committed to him by Congress. This he has done with the railroads, placing them under the control of a director. But Congress has conferred certain powers upon the War and Navy Departments of which they can not be divested without the further action of Congress. Besides, as I have endeavored to show, it is better and safer to confer such great powers upon an officer the dignity of whose place shall be commensurate with the magnitude of the duties assigned to him and whose authority will be clear and unquestioned. For this reason I think the control of munitions should be given to a secretary of munitions rather than to a director of munitions.

Mr. EMERSON. Now, if the gentleman will pardon me, if we create this secretary of munitions the President will appoint him?

Mr. TOWNER. Certainly.

Mr. EMERSON. And he would be some partisan friend of the President, would he not?

Mr. TOWNER. It would be unfair to assume that such would be done. It would be fair to assume that the President would appoint the best man for the place that could be found, whether he was a partisan friend of the President or not. Only thus can this war be successfully carried on. We must in this great emergency bring to the service of the Nation the greatest talent and the most eminent ability that can be found regardless of party affiliation. I would be lacking in candor if I should suggest that the President be given authority which I believe he would use for an unpatriotic purpose. [Applause.]

Mr. HAYDEN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, the whole country is astounded on account of the order issued this morning, or announced this morning, providing for the closing of certain factories and places of amusement on certain days during the next two or three months of time. I am without information as to the necessity for this order. The country is without information up to the present moment. If the investigation now in progress at the other end of this building discloses the necessity for an order of this kind, it ought to be obeyed absolutely and strictly. If the investigation shows the necessity for this order, then here within the boundaries of continental United States we are fighting the first battle of this war, and it is the duty of every loyal American citizen to adjust himself to the changed conditions in which we find ourselves at the present time. There are 7,000 coal mines in the United States, in which 700,000 men work all day long and all night long bringing to the surface the coal, producing in this great basic industry what we must have in order to continue as a great manufacturing Nation in the world. Enough coal lies under the surface within the coal States of this country to last for four or five hundred years, and perhaps longer than that. Those of us who have been observant as to conditions presented in the last month or so know this; we know that we are producing now more coal than we ever produced before in all our history as a Nation. We know we produced in 1917, 675,000,000 tons of coal in the United States, 25 per cent more than we produced in 1915, 10 per cent more than we produced in 1916. This great industry has rallied, as all industries of this country, to the demand placed upon it by war. Increased price of coal? Why, of course, the price of coal has increased. Coal has increased in price the world over. Five dollars a ton and more than that for coal? Why, in the neutral country of Sweden coal, no better than this, is selling to-day for $90 a ton. Every character of production has increased in cost to the consumer, and notwithstanding the increase in the price of coal to the consumer, we are to-day selling coal far cheaper here in this country than it is sold in any other civilized nation, whether they are engaged in this war or not, the world round. I am not ready to criticize, unless I have abundant information and reason for it, any executive official of this Government. It is my duty, as I conceive it, to remain silent upon this question until the evidence shows the official ought to be criticized, and if he ought to be criticized he ought to be criticized mercilessly and without showing any kind of pity.

The railroads of this country have heretofore responded to the demands made upon them. We entered upon the period of this war with the railroads operating on the same gauge that the first railroad ever constructed in the United States was operated upon. We entered the war with the railroad system unchanged as to its competitive methods since the first years of railroad construction. We found that under this competitive system railroads, trying for freight, railroads carrying freight, were carrying the increased amounts all toward one great port, the port at which they expected the ships to land; and back from the wharves in New York City, back even to the mountains and beyond the mountains, extended the greatest freight congestion that we had ever known in this country.

And this Government rose to the emergency. Under legislation passed by a nonpartisan vote in this House the President took charge of the railroads and appointed to manage them a member of his Cabinet who in great executive positions had demonstrated that he was able to discharge those new and complicated duties. At once the skies began to clear, at once the terminals began to discharge their congested freight, until out of the north there came this storm and this biting cold, unparalleled in the history, almost, of the country, extending this freezing weather over every acre of ground in continental United States. Without a parallel in our history, coming just at a time when empty boats were waiting their freight in the great ocean harbors of this country. The railroads had rallied to the demands upon them; every freight car until this congestion came was doing the work of two; our factories across the land were working in three shifts, night and day; and from a hundred thousand factories, responding to the mobilization demands of this country, lighted windows flashed back a greeting to the midnight express as it speeded across this continent, and all this called for more and always more coal.

There has been no lack of organization. There has been no lack of achievement. The demands upon the railroads and upon all our industries have been greater than ever before in our history as a nation, and the demands will be greater as the months pass. To-day, down here at Norfolk, there are long lines of cars——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. May I have five minutes more?

Mr. CARTER of Oklahoma. I yield five minutes more to the gentleman.

Mr. RAINEY. Down here at Norfolk there are scores of cars loaded with coal. Why were they not unloaded? It is apparent to any man who thinks for one moment. They are not unloaded because the rain and the snow have permeated the coal carried in those open cars, and, I am advised, you can not unload them. You can not unload those freight cars to-day with dynamite. What is the situation in this country? Harbors congested? Why, for the first time within the memory of men now living, Chesapeake Bay is frozen up from the mouth to the great harbors reached by the ocean-going craft, and they can not get in and can not get out.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. RAINEY. Yes; I yield.

Mr. CAMPBELL of Kansas. I was just wondering why these cars could not be unloaded. I have noticed in a number of places where they turn steam on the coal in these cars and unload them in an hour.

Mr. RAINEY. I can not yield for a speech.

The harbors are frozen up. Men who have read the papers in the last two or three weeks know that to-day we have great battleships in the port of New York breaking the ice, making it

possible to approach her great system of docks along her magnificent inland harbor. This has brought about this congestion of freight.

Now, if there is a coal shortage it is due to one of two things, namely, either the coal is not being produced or it is congested and does not move along our railroads. To-day the demands of manufacturing industries are greater than they have ever been. Our great cantonments—16 of them—are using enormous amounts of coal. We are using more coal than we ever used before, and this 25 per cent increase in production has not been able to overcome the fact that there is still a shortage in the coal supply of this country.

The way to meet these questions is not to meet them in a spirit of faultfinding. It is not to come here in this House upon insufficient evidence, and knock, and knock, and knock. The knockers are not accomplishing anything in this country in winning this war. It is the millions of men who are doing things; not the insignificant minority who are simply finding fault.

This is a serious proposition, indeed. It requires most careful investigation, and if as a result of the investigation it is found that this order was improperly issued, that it ought not to have been issued, I am willing to join with you gentlemen here or with you gentlemen there in criticism, constructive criticism, that may result in something better from the officials responsible for it. But if it is shown that it is necessary even in part, and I can see how it may be necessary while this zero weather lasts throughout the country, then it ought to be supported, in part, at least, by those gentlemen who now, with insufficient information, are plunging into the thick of this fight. The men who win the battles do not stay in the background and shoot in the back the men who are fighting. It is the men who take their places on the firing line who win battles. We ought all of us, in or outside of this body, to take our position on the firing line, to help, not to retard, and shoot in the direction of the enemy, not to shoot in the direction of the men who are leading us on in this fight we are making here in this country. [Applause.]

Out in Chicago 7,000 men are at work digging out the Chicago Junction railway tracks. Yesterday the great packing houses in Chicago suspended killing operations for want of coal. The great steel mills in the Calumet district are closed. At Gary steel mills and munition plants are closed. There always is a coal shortage at this season. To-day the unprecedented cold and the unprecedented demand contribute to make the situation so bad that even the increased production is evidently not sufficient for the emergency.

This order looks to the humane side of the proposition. It seeks to render possible the warming of the homes of the people of the land—it is introduced to insure the continued operation of our munitions plants and of all factories producing war material. The man who, without information and for a partisan advantage only, attacks it is not rendering the best service to his country.

Mr. NORTON. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, the country certainly is stunned by this fuel order. It may be, as the gentleman from Illinois [Mr. RAINEY] states, that this order is necessary, but we might as well frankly face the fact that if this order is necessary now it is due to absolute incompetency upon the part of somebody during the past three or four months. [Applause.]

The gentleman from Illinois states that it is our duty to keep silent now. Mr. Chairman, if this order is necessary, we have now upon our soil lost the first battle against Germany. It is the business of every patriotic American citizen to-day to give thought to this question, and if any man can suggest or helpfully criticize it is his duty to do so. And if this order is necessary this House owes it to itself and the country to immediately institute an investigation of this entire situation and let us find out where the blame is in order that it may not recur again in the future.

The gentleman from Illinois [Mr. RAINEY] states that they can not unload the cars of coal. He says the coal is frozen and there is snow upon it. I live away up near the Canadian border, where our normal temperature at this time of the year is around zero very often and we supply the entire Northwest with coal. We never use dynamite in unloading coal when it is 25 degrees below zero. Perhaps it is needed here in Washington. But the gentleman can not make anyone believe that.

Now, what we ought to do—and we ought to do it this afternoon, and without the slightest partisanship on the part of anybody—is this: This question is too big to be considered from the partisan standpoint upon either side. [Applause.] We ought by resolution to ask the President to reconsider the action that has been taken. [Applause.] We ought to ask him to take final action only after being fully advised in the premises. He owes it to the country, if the necessity does exist, to put the country in possession of full information of what the necessity is, and why we have come to this situation.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. In just a moment. Then I will yield. We are entitled to know why it is necessary to shut down every essential industry in this country at this time, for this period of time, as well as nonessential industries. We are entitled to know why this order, if the necessity arises, is not confined to nonessential industries for the present instead of shutting down essential industries for five days. There are some things, some lines of industry, using great quantities of fuel that could be shut down indefinitely. We could shut down every saloon east of the Mississippi River, and I do not think the country would suffer very much. [Applause.] We could shut down the breweries; we could shut down the candy factories; we could shut down factories producing things that are not necessary instead of shutting down those industries without the operation of which we can not hope to win this war.

Oh, Mr. Chairman, if we are going to start in to attempt to win this war by such methods as this, the outlook for the future is discouraging indeed. I hope that gentlemen on that side of the aisle will not assume a position of partisanship—will not assume that it is their duty to defend every department of this administration simply because they are Democrats. It is your duty as well as ours to do everything that we can to bring about a remedy for these conditions, and if there is incompetency anywhere in this administration, both sides of this aisle should stand together and demand that that incompetency should be rooted out.

Now I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Will not the gentleman state before he closes that a resolution to ask a reconsideration of the order was offered recently by the gentleman from Massachusetts [Mr. GILLETT], and that the consideration of that resolution was objected to?

Mr. LENROOT. Yes; and all that that resolution did was to recommend to the President that he reconsider that action and take final action only after being fully advised of its effect. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. KELLY of Pennsylvania. Mr. Chairman, I am in hearty accord with the gentleman from Wisconsin [Mr. LENROOT], who has just spoken, as to the imperative necessity of informing the American people of the reasons for the far-reaching, drastic order issued by the Fuel Administrator this morning. It touches deeply the entire realm of industry—manufacturers, wage earners, and the public. It will mean vast hardships to millions of people, and the people have a right to know the reasons for it.

The American people are whole-hearted in their loyalty to the Nation in this time of crisis. They are willing to sacrifice and to pay the full price. But they must not be kept in ignorance. A free people works better and fights better when they know all the facts of the situation. I believe that concealment to-day helps Germany and that full knowledge of the truth will best serve effective prosecution of this war. An informed and aroused public opinion will force governmental efficiency, and for that reason I stand for giving that powerful agency a chance to work. Now is no time for suppression of free speech and free press, rather it is a time for turning on the light as never before so that we may have the healthful, wholesome benefits of clear sunlight.

I am interested, and I am sure every other Member here was interested, in the address delivered a few moments ago by the gentleman from Massachusetts [Mr. TINKHAM]. His account of the battle front in Europe, which he visited personally, is of especial interest. I was struck by his statement that the strength of autocracy lies in its unity and organization and that democracy must organize along the same line or be defeated. I agree with him most heartily that America must be united and organized, but I do not admit and I do not believe he desires that we should have unity and organization after the German pattern in this country.

Never in American history has there been such an imperative need for a unified public mind as at present. Even in time of

peace there is always danger in the tendency toward divided and antagonistic interests among the citizenship, groups forgetting the general welfare in an effort to obtain advantages for themselves. Because the history of democracies of the past show that their downfall came inevitably through the inability of their citizens to remain steadfast to common principles or to cooperate to common ends, many students of history declare that the great modern democracies are still "experiments in government."

But to-day, America, the oldest and the greatest of these modern democracies is engaged in mortal conflict with the mightiest military machine in the world. Conditions which meant dangerous division in time of peace have within them now the elements of absolute destruction. As the failure to answer aright the riddle of the fabled Sphinx meant death, so America must answer this problem of national unity or be destroyed. Unless this Nation can now demonstrate its ability to think and act unitedly and harmoniously and not sectionally and factionally the result will be its doom.

Every resource of America must be mobilized for this stupendous task before us. That means mustering the man power and money power, but it means much more than that. It means mobilizing the mind power, welding the judgment and conscience and will of the American people into a united force. The national mind must be unified, and the common good must be put above all private interest if the Nation is to endure.

Mr. Chairman, that task of unification must be accomplished in liberty. We can not have the nationalism of the "Germany over all" which has welded the German Empire into unity at the expense of freedom.

The German unity, founded in tyranny, is fraudulent and dangerous. In 1861 William I became King of Prussia. The great question was whether he should be Emperor of all the German States. He had declared that he would not accept the title unless all of Germany were united in desiring it. Investigation was made, and it was found that the King did not have a majority in his favor. He sent for Bismarck, whom he had ordered to Russia with the remark that he was putting him "on ice, like champagne" for future use. The King told Bismarck that he was about to abdicate, since he had neither the power of a majority or money.

Bismarck's reply characterized the fundamental theory not only of his own life but of the German Empire from that day to this. He said:

> Not by speeches and resolutions of majorities are the mighty problems of the age solved, but by blood and iron.

Then the Iron Chancellor went to work to unify the Empire. It took 10 years of storm and woe to bind those States into the great nation. It took many more years of discontent and discord, heartache, waste, and suffering to bring success to that policy of "blood and iron." But at last it was accomplished, and its fulfillment meant the gravest danger to civilization in all the history of the world. Such a unified mind, trained to rely upon force as the greatest arbiter, and which puts might above right, has meant menace to America and the world and is responsible for all the horrors of this greatest war in history.

No, Mr. Chairman; America must have a united public mind in order to endure, but it must be secured through the free-will action of the people themselves. We must have discipline and we must have cooperation, but both must come from the people and not be forced upon them by any outside power.

Germany deals with every question through a government that works from the top down. America must accomplish her task through a Government that works from the bottom up. German government does not proceed from the people, is not administered by the people, and may be conducted for an end entirely opposed to the welfare of the people. American government is based on the idea that all just government must be of the people, for the people, and by the people. American unity must be that of coordination, not subordination. It must be unity, not of obedience but of agreement, not of followers but of fellows. Our task is to find the method of making every citizen realize his membership in the Nation, to combine unity with liberty.

There is absolutely no way to secure unity with liberty save by bringing people together for common counsel, so that they may understand each other. There can not be health in the human body unless there is close interrelationship of all the cells of the body. Neither can there be health in a nation without coordination and free intercourse and such a contact between all members as will constitute union. If people come together under orderly procedure for the open presentation and full discussion of their problems, the misunderstandings and divisions and hostilities that mar our unity will disappear. Then the knocker will give way to the booster, and there will be swearing by instead of at the United States of America. Then we will take the periods out of that title and make the U. S. stand for US.

But to bring people together there must be a place of meeting. Americans can not meet for common counsel to-day in the newspapers or on the telephone or over the telegraph. The place of meeting must be one where no divisive influences of caste or creed or income or partisanship hold sway. Therefore Americans can not meet in all-inclusive membership in church or club or lodge or party hall.

There is but one American institution that furnishes the necessary place for every community, where all the citizenship may gather for common counsel and to discover and promote the common interest.

It is the American schoolhouse. This institution was given by America to the world. It belongs to no group, but is the possession of all the people, irrespective of creed or income or partisanship. Its maintenance is met by public taxation, and each citizen shares equally with all others in the community of its ownership.

The public-school building is the logical center of the neighborhood, and the neighborhood is the unit of the Nation. It is being used more and more as the polling place of the precinct, where the voters gather to choose their agents in the conduct of government. On June 5 it was naturally chosen as the rallying place to which the young men of the Nation repaired to enroll in the Nation's service.

This next step is equally logical—to make of every schoolhouse in America the head-and-heart quarters of all the people of the community. Ready to our hand, it makes the ideal meeting place where all the citizenship may gather to receive information and discuss and act upon problems of common interest. It means making much more of the schoolhouse than a place of instruction for the children, used only a few hours in the day and a few days in the year. It makes of it a place of construction for the adults, the assembly place where the folks may meet to become acquainted with each other and to unite for the common good.

Mr. GRAY of New Jersey. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield to the gentleman.

Mr. GRAY of New Jersey. Just one question. How would the gentleman heat the schoolhouses?

Mr. KELLY of Pennsylvania. Oh, you bring the American people together for full discussion and deliberation and action and I will promise a solution of this coal question. There is no scarcity of coal in this country. It lies in nature's reservoirs in vast quantities, awaiting only intelligent action in production and distribution. I come from a great coal district, and I have had many operators begging me to secure cars for them and they would produce the coal. If the cars were at hand, the miners of western Pennsylvania would in the next three months produce increased supply of coal sufficient to offset the entire saving calculated by this order to-day by the Fuel Administrator. This question will be solved when you turn the mind of America upon it, and I believe the conclusion will be that coal and other natural resources are assets of the Nation, to be produced and distributed, not for private profit, but for the public good.

But, Mr. Chairman, let me return to the subject. The use of the schoolhouses as community assemblies has already been given approval by many of the leading thinkers in this country.

In 1911 President Wilson saw and expressed the readiness of these houses of the people for just this service. Pointing to the common schools that stand in every neighborhood waiting to be used, he said:

> They are public buildings. They are conveniently distributed. They belong to the communities. They furnish ideal places in which to assemble and discuss public affairs. They are just what we need. I see in this movement the recovery of the constructive and creative genius of the American people.

Since that time 30 States have taken legislative action to make the schoolhouses available for adult assembly and all the larger services of which this equipment is available. The States are: California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Utah, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington, West Virginia, Wisconsin, Hawaii, and the District of Columbia.

Naturally, however, this action by the separate States has no provision for linking up the community assemblies with the National Government, which must be done if we have to secure national unity through them.

I have introduced a measure, H. R. 5073, which will meet this essential need of connecting the American people directly with their own Federal Government. It is as follows:

> A bill (H. R. 5073) to establish direct contact between the people and the National Government by the creation of the war-information commission.
>
> *Be it enacted, etc.*, That a commission to be known as the United States War Information Commission, consisting of the Secretary of each executive department of the Government, together with a chairman, to be appointed by the President of the United States and to per-

form such duties and receive such compensation out of the appropriation herein made as may be determined by the President, is hereby created and authorized, under such rules and regulations as the President may establish, to assemble the information which the citizens of the United States should receive concerning the problems, policies, and conduct of the National Government, including the activities of the legislative, executive, and judicial branches of the Government and of the services, bureaus, boards, and commissions of the several executive departments of the United States, and the commissions created by Congress.

SEC. 2. That it shall be the duty of the United States war-information commission to collate, organize, and publish this information in a weekly bulletin and such special communications as events may require.

SEC. 3. That wherever the citizens of any public-school district shall have organized a community association to use the public-school building which their children are accustomed to attend for the purpose of assembling to consult for the common good; for efforts to increase and conserve the food supply; for cooperative endeavor to provide hospital and other supplies for the American Red Cross service; for extending the opportunity for popular subscription to Government loans; for activities intended to enhance the vigor and health of the people by means of physical training and wholesome recreation; or for other purposes designed to support and strengthen the Nation in time of war, and shall have designated the principal of said public school or a person associated with said principal to serve as community secretary, and through the said community secretary shall have made application for the bulletins and communications published by the United States war-information commission, it shall be the duty of said commission to transmit to such community association of citizens the bulletins and communications issued by it.

SEC. 4. That the offices of the United States war-information commission shall be located in conjunction with those of the Bureau of Education; and it shall be the duty of the Commissioner of Education to cooperate with said commission in all ways that will facilitate the carrying out of the purposes of this act.

SEC. 5. That the United States war-information commission is authorized to rent and equip offices in accordance with the foregoing section and to employ or retain and fix the compensation for the services of such assistants as it may deem necessary to carry out the purposes of this act. And in order to defray the expenses made necessary by the provisions of this act, there is hereby authorized to be appropriated such sums as Congress may hereafter determine; and the sum of $100,000 is hereby appropriated, available until expended, to be paid out upon warrants drawn upon the Secretary of the Treasury by the chairman of said commission.

This measure provides for the creation of the war information commission, which shall collect and publish all information as to the activities of the National Government which should be known by the people. It covers the work of the executive, legislative, and judicial departments of the Government, besides the executive departments and all bureaus, boards, commissions, and so forth.

When any community now organized or to be organized, in compliance with the provisions of this bill, requests the bulletins and other communications published by the war information commission it shall be furnished with them.

This plan has two essentials for community organization: First, there must be an all-inclusive membership. This Nation is a collection of individuals and not a collection of groups. When different groups use the school buildings for particular purposes we have a kind of hotel development. What we must have in order to secure real unity is development along the line of a home.

Daniel Webster, in a speech advocating the establishment of public schools in this country, laid down the principle which should guide us in the expanding use of these school buildings. He said:

There are two principles connected with general public education which should be kept in view, and they are both consistent, elementary, and important. One of these principles is that the schools should be free, and the other is that they should be common. They should be free; that is, without charge. They should be common; that is, they should know nothing of classes in society. They should be open to all. No question should be asked whether he who comes for admission belongs to wealthy or indigent families. Where all are on an equality, without reference to property or birth or any other distinction, they are common schools, and no consideration of wealth should be necessary to entitle to admission.

These are exactly the requirements for the assemblies of the people in their schoolhouses. They must be free and common. No American can be rightfully shut out of his place in the brotherhood. The Declaration gives as inalienable rights those of life, liberty, and the pursuit of happiness. The right to live includes the right to live the life of a man, which can only be fulfilled in cooperation with fellow men. The right to liberty includes the right to have a part in the Nation's work, to promote the common good, and to become the server of all without becoming the slave of any. The happiness which every man has the fundamental right to pursue is human happiness, and that can only be secured through fellowship and neighborliness.

Therefore it is necessary that there shall be an all-inclusive membership, every American having a right to his place in the community assembly which is to deal with the things of the common welfare. Any exclusion must be only the self-exclusion which carries its own punishment with it.

The second requirement for community organization is the selection of the community secretary to act as the responsible servant of the assembly. Just as this Congress could not perform its duties without its clerks, so the assembly of the citizenship will not be able to perform its duties without a responsible public official. The public-school principal, or some one associated with the principal, is the logical person to act in this capacity. Such an official will link up the entire educational system, acting as the instructor of the children and the servant of the adults, who go to school, to each other, in common assembly.

Think of the stupendous possibilities for unifying the public mind involved in the plan of having the people of 400,000 communities gathering in their schoolhouses, making each citizen realize his interest as a member in the greatest enterprise in the world, this America of ours. It would bring the people into day-by-day working relationship not only with each other but with the constructive operations of the Government. There is not a problem connected with this gigantic war in which we are engaged but could be met harmoniously and solved effectively by such citizenship organization.

Mr. Chairman, to my mind there are three essentials in securing that national unity without which America will fail to secure the fruits of victory in this war, regardless of the side acclaimed victor at its end:

First. The people must fully understand and appreciate the reasons for our entrance into this war. It can not be denied that since the formal declaration by Congress the American mind has been accessible to both wholesome and disensed influences. The hesitation and uncertainties are due more or less to our mixed population, and contradictory sentiments were to be expected. Then, with the battle line 3,000 miles from our shores and no possibility of material gains for America in the conflict, it has been difficult for many Americans to realize that the Nation is in fact engaged in a war which will test its resources to the utmost.

Under such conditions it is all important that this state of mind be understood. The attempt to override misgivings and apathy by force and coercion and the prevention of the full expression of honest opinions simply means that America will be defeated and divided, even though Germany be conquered. But if the facts be placed before the people and means of expression afforded to their better impulses, America will secure from this war a new national organization and a more complete national consciousness.

If the people of America gather into the schoolhouse for common counsel and learn the whole truth of our entrance into this war against Prussianism, doubt and division will disappear in the fire of a common enthusiasm. Let them hear President Wilson's unanswerable indictment of the Imperial German Government in his war message to Congress and his later addresses; let them freely discuss the vital issues involved in this world war and the result will be the unity which comes from knowledge and acknowledged responsibility. Our citizens may not all be enthusiasts on behalf of certain of our allies, but they are all proliberty. Once let the war cry "democracy, the hope of humanity, cries for rescue" reach the heart of Americans and, no matter what their native lands may be, they will rally as one man to the sacred cause.

Second. The people must have a clear understanding of the part that is expected of every American in the conduct of the war.

I have received hundreds of letters from citizens of my district asking the one question, "What can I do?" I presume every public official in this land has met that same inquiry many times. Now, no single official, not even the President of the United States, can point out the best path of service for each and every individual. There is something for everyone to do, but the door is effectively closed unless he knows the way. It is of supreme importance that the Government be able to inform the people directly of the needs of the hour and how they may be most effectively met. That direct contact will not only best secure the concrete results desired, but there is no unifying power in the world like that of united efforts on the part of individuals working for the same cause. Give men a place to work in a movement, put responsibility on their shoulders, and you will find them standing together whole-heartedly.

Once more, this can only be done by bringing all the people together in a common meeting place where, with open presentation and full discussion of the facts, each individual may find the answer to his question, "What can I do?"

A multitude of special fields of effort are opened up, and in every one of them success depends upon the civic mobilization of the people in their various communities.

There is the question of Government loans through which the money necessary to carry on the war must be secured from the people. Billboard and other advertising does not and can not

secure the consideration that should be given a solemn call of the Nation for the cooperation of its membership.

Corporation Counsel Syme, of Washington, D. C., has expressed the need forcibly when he stated, during the recent campaign for the liberty loan, that it is essential for speakers who are advocating the purchase of bonds to have the acquaintance and confidence of their hearers if they are to be successful.

What better method to secure such persons than to take them from their own communities, where they are best known, and allow them to address their neighbors in regularly organized assemblies in the schoolhouses? Other immense loans must be floated in the future, and it is the part of wisdom to arrange to have the appeal for financial support made to all the people through all the people and not to groups and by groups.

There is the vital problem of the conservation of foodstuffs. Letters have been sent to the churches asking for cooperation. But the churches do not reach all the people in common assembly; they can not by the very nature of the case. Efforts have been made to secure registration of all the women of the country, but the work has been duplicated and reduplicated, with a tremendous waste of energy.

How simple the task would be if there were a mobilization center in every community, one where all the people rallied to act and speak and serve together. Then the necessity for conservation could be explained and the registration campaign would be carried direct to all the people instead of only a part of the people.

There is the Red Cross service. A Nation-wide campaign has been carried on in support of this worthy cause, and yet the people have not generally been enlisted in it. The appeal has been made to groups of the people by duplicating and sometimes dividing agencies. Many persons have put this form of service above all others and at the expense of all others, and yet the citizenship as a whole has not been reached. The simple reason is that there is no way to reach all the people save through their common assemblies in the community centers, where this admirable cause may be presented and explained and understood by the people.

There are the problems of training-camp activities. At present a commission under the War Department is endeavoring to do the work of providing recreation for recruits in training camps and cantonments. This work, too, is entirely separated from other lines of endeavor and appeals to still other groups. Some of the field workers are said to be employees and agents of the Rockefeller Foundations. It is hardly necessary to say that any obligations owed these youthful defenders are obligations of the Nation and not of any private agency. Nor can there be found a better means for recreation and improving leisure hours than through community centers in the vicinity of these training camps. Here is wholesome environment and all the advantages of home surroundings. The fellowship of folks will banish the loneliness of recruits far from home quicker than anything else.

There is the problem of seeing that our vast immigration population understand the meaning of this war for liberty. This can never be done except by giving these immigrants the sense of belonging to the Nation. Let the foreigner feel that he is a part of the community and has a stake in it and he will help to enrich and broaden the national life instead of being an element of danger. Here is our great opportunity to weave the bonds of fraternity so that they will never be unwoven. Here is our chance to create Americanism among Americans and immigrants alike. With every community organized for service and none excluded from membership, the universality of the English language could be realized, by common action and unity of feeling create a forceful, victorious citizenship.

There is the problem of mobilizing labor in this country. The Department of Labor has declared that this is a most important question. But all plans for the use of private agencies and group efforts must necessarily be inefficient. In no way can this task of informing workers as to the best fields of service be accomplished thoroughly except by linking up the organization of the communities with the Federal Government.

I have mentioned but a few of the great problems which confront us and which can be met only by organization of all the people. Every other phase of this great world conflict in which we are engaged leads us to the same conclusion. If we are to have efficiency and unity in our efforts, there must be established the interrelationship of Americans in direct contact with their own Government.

Besides the two general essentials for centering the public mind upon the work ahead, complete understanding of our reasons for entering this war and definite directions as to the part each citizen may have in it, there is still another essential.

Third. The people must know the plans and purposes and actions of the Government in the conduct of the war itself.

This is not the President's war, nor the war of Congress. It is the people's war or it ought not to be a war at all. To make it the people's war, the people *must* know the news about the war. Stealth and secrecy at this time, except as to those strictly military facts knowledge of which would aid the enemy, are deadly foes of unity. Suspicion and distrust naturally surround the things which are hidden from public view. Never has the value of the sunlight in public affairs been more aptly stated than by President Wilson. Here is what he says:

I, for one, have the conviction that government ought to be all outside and no inside. The right methods are those of public discussion, the methods of leadership open and aboveboard, not cloaked with "boards or guardians," or anybody else, but brought out under the sky, where honest eyes can look upon them and honest minds judge them. * * * There is not any legitimate privacy about matters of government. Government must, if it is to be pure and correct in its processes, be absolutely public in everything that affects it. I can not imagine a public mind with a conscience having a secret that he would keep from the people about their own affairs. * * * Wherever any public business is transacted, wherever plans affecting the people are laid or enterprise touching the public welfare, comfort, or convenience go forward, wherever political programs are formulated, over that place a voice must speak with the divine prerogative of the people's will the words "Let there be light."

Such must be the attitude of the Government if we are to have a united people in this time of greatest need. Full knowledge of the facts is the very life blood of unity with liberty. Nothing will help to nationalize America so much as the joint interest of 100,000,000 Americans in the conduct of this mighty war task. With the people fully assured that they know the truth, they will be heartened and strengthened both in storm and sunshine. They will meet both good news and bad with the courageous determination to pay the price for the boon of world liberty.

Every transaction of Congress should be within the public view. The CONGRESSIONAL RECORD is presumed to chronicle the actions of this body, through which American public opinion finds its voice. But no man can take the time to read the CONGRESSIONAL RECORD from cover to cover each day and I am frank to say that it would not pay him to do so even if he had the time. Nor can the newspapers give complete reports of all debates, with the roll calls on all measures.

Still, it is possible to summarize the RECORD, avoiding all routine procedure, deadwood of all kinds, and get the gist of all matters and the votes of Representatives of the people on all measures.

These facts, together with accounts of the actions of all other branches of the Government, placed before the community assemblies of America, would furnish each citizen with the knowledge he should possess if he is to intelligently perform his duties as a citizen. The direct messages would come directly from the Government to the people and would be accepted with confidence.

Mr. Chairman, such official and authoritative information would prove an effective antidote for the poisonous rumors that are always spread broadcast under war-time conditions. Cabinet officials have been obliged to issue formal denial of false rumors. Secretary Daniels stated that the stories circulated concerning a great naval disaster have led him to the conclusion that "there is an organized conspiracy on foot to alarm and distress the people of the United States." Secretary Baker has been forced to issue a signed denial of the statement that contractors paid on a cost-plus basis were paying double prices for labor and material in order to increase their own profits. Other officials have been forced to take similar steps to counteract false and baseless statements.

What better method could be devised for meeting and defeating such canards than to have the facts come directly from the Government to the community assemblies? No false stories circulated in print or by word of mouth could stand before an official statement from the Government to the people. Without such connection, however, these rumors and baseless fabrications are sure to have disquieting and divisive influence upon the American people.

It is impossible to even name all the manifold ways in which the linking up of the National Government with the people would unify the public mind. With the people gathered in their community meeting places, organized for deliberate discussion of all problems, the resultant together-acting would assure that unity needed above all other things.

But it can not be done by any private agency. The United States Chamber of Commerce has suggested that it be used as a kind of clearing house of information from Government to

people. In the June issue of the Nation's Business, the official organization of the chamber, is the following statement:

It should be made clear beyond the possibility of misunderstanding what the individual citizen must do in cooperation with the Government. Copies of resolutions setting forth the desirability of such a campaign were mailed on May 24 by the national chamber to all members with the request for an expression of opinion. The flood of replies has been a practically unanimous and whole-hearted approval of the committee's suggestion.

There is a very multitude of such private organizations seeking to do this work. The Patriotic Service League has been organized in New York. The American League for National Unity has been recently organized here in Washington. The National Defense League is in existence in a number of cities. As more of these are organized, the complications and chaotic conditions will increase. However worthy these organizations may be, I submit that they represent and can reach only groups of the people and what we need now is an all-inclusive organization that reaches all the people for all causes and not a part of the people for a part of the war program. There is but one way to accomplish this, and that is through the schoolhouse-center plan of organization, and there should be no delay in getting it in operation.

I have said that this organization of the citizenship in the community will bring unity to America. No one needs to take that statement on faith alone. It is not a theory, but has been demonstrated in actual experience. France has taught us how the schoolhouse can be used by a democracy in making war. We gave France the idea of the public school and she has seen and fulfilled its possibilities better than we have ourselves.

Every week the minister of education sends to every schoolteacher in France the Bulletin Administratif, a summary of the activities of the Government, the progress of the military and naval forces, facts about Government loans, the honor roll of the fighting forces, and anything of national interest. This bulletin is read to all the citizens of each community gathered in the schoolhouses. President Wilson's war message was read in every schoolhouse in France and every man and woman in the Republic heard the reasons for America's entrance into the great war.

There is no attempt to hide facts from the people. If the news be bad, the people know it, and set their jaws in added determination to win. If the news be good, there is quiet rejoicing, but the same firm-lipped determination to press on until the goal set has been attained.

France has the telegraph-flash bulletin and the newspapers as we have. But it is the weekly bulletin, read in the schoolhouses to all the people, that has set the entire nation to thinking together and has welded the entire nation into one mighty force for victory. This is the real unity, not of a mailed fist, crushing people into a shapeless and unprotesting mass of humanity, but the unity of the clasped hand of friendship and fellowship.

Well has Arthur Bullard, in his brilliant little book, Mobilizing America, paid a glowing tribute to this plan of unifying a nation. He says:

Here is a quiet, steady, unobtrusive influence that is vastly significant. When the history of this war is written, the school mistresses of France will deserve great credit. They have done "their bit" by explaining to the people the events of the war, stimulating their patriotism, unifying their thinking, and keeping them from discouragement.

My highest hope for America is that she will show the united front to every foe, the noble unity, that has marked the conduct of France. The very name is a symbol of heroism—France, the gallant, valiant, unconquerable, because of her united purpose and undivided will.

Little wonder is it that when a call was sent out for a fitting poetical expression of American sentiment in this war that the poem adjudged worthiest was entitled the "Road to France." It was written by Daniel M. Henderson, and a few of the lines are as follows:

Thank God our liberating lance
Goes flaming on the way to France.
To France with every race and breed
That hates Oppression's brutal creed.
At last, thank God, at last we see
There is no tribal liberty.
The soul that led our fathers West,
Turns back to free the world's oppress.
See with what hearts we now advance
To France.

Our hearts glow with the thought of being a fellow fighter with this heroic nation of the invincible spirit. Shall we not also attain to her unity of consecration in this war? America may accomplish it just as France has accomplished it—by organizing democracy through the community center, so that the whole people, every man, woman, and child, will come into vital and effective union for the common cause.

But, Mr. Chairman and gentlemen of the House, our task in this momentous era of world history is not only to win the war against the Imperial German Government. We must also make good that victory in the organization of democracy for the sake of America. Pasteur, the great scientist, himself a tanner's son, has given us a splendid definition of democracy.

The true democracy is that which permits each individual to put forth his maximum effort.

In other words, the democracy we seek recognizes the equal worth of every man, his right to an equal voice in government, and to have a fair chance in the race of life. America's greatest test is not the trial by combat with Germany; it is the need to make sure that no internal foes shall destroy government of the people, for the people, and by the people.

Lord Bryce, the famous English statesman and author, makes a pertinent statement in this connection. He says:

The danger of a democracy is that people will lose interest and turn things over to the political boss. When this is done we get the worst form of government possible; that is, we are governed by the worst in the worst possible way.

Now, the political boss is only the agent of special privileged interests that seek to control government for their own selfish ends. We have in this country financial junkers who seek blood profits out of this war, and no plea of patriotism seems to move their stony hearts. They would monopolize food and fuel and steel and munitions, and use the despicable power thus obtained to wrest illegitimate profits from the Nation. These financial pirates form a serious menace to our democracy. They stop at nothing. Their political "bosses" perform the grosser acts of treason, such as manipulation of the ballot and stuffing the ballot box. They corrupt and coerce and bribe; they threaten and promise and cajole; all for the purpose of securing governmental power to satisfy their traitorous lust for gold.

But every success of these evil interests are due to the fact that they are organized. Although those who profit from their black-flag methods constitute but an insignificant minority of the citizenship, they have been bound closely by the "cohesive power of public plunder," and thus are able often to defeat the great mass of the people, helpless because unorganized.

There is a supreme duty resting upon every American citizen who puts patriotism above profits in this time of national stress. It is to fight at the polls every agent of these financial traitors and plunderers. These disloyal profit seekers must be eliminated from government, and it must be done by patriotic Americans. There is only one way to drive these treasonable interests and their agents, the political "bosses," out of the control of government, and that is for the people to take control themselves.

But the people must be organized if they are to control. They must be able to get together to act upon vitally important matters. The lack of interest in political affairs, feared by Lord Bryce, is inevitable unless there can be gatherings of the citizens to discuss them. Mind acts upon mind, and it is only by the interchange of opinions that real interest can be manifested.

We have provided for the meeting and organization of representatives of the people, but have forgotten the people themselves. We have planned to have the agents come together for common counsel and action, but have neglected the coming together of the principals. We have provided buildings for the makers of laws to meet in—the city hall, the statehouse, the National Capitol—but the makers of these lawmakers have been compelled to act in haphazard, disorganized, isolated fashion.

Naturally the ballot and other instruments of democracy can not be used to best advantage without cooperation. An orchestra may have the best instruments obtainable, but unless the members get together for practice and united efforts the combined result of their activities is only horrible discord. It is equally true that the citizenship can not use the instruments of democracy to solve the problems of the common good in America without getting together and practicing democracy.

As Walt Whitman, the old gray poet of democracy, phrased it much better than Lord Bryce, I desire to quote his words:

Of all dangers to a nation, as things exist in our day, there can be no greater one than having certain portions of the people set off from the rest by a line drawn—they not privileged as others, but degraded, humiliated, made of no account—to work in, if we may so term it, and justify God His divine aggregate, the people. This, I say, is what democracy is for, and this is what our America means and is doing. If not, she means nothing more and is doing nothing more than any other land.

The discord in political affairs, the "invisible government," "boss rule," and "machine control" are plague spots on the body politic, due to disunion of the citizenship cells of that body, their sundering into a multitude of conflicting groups, which prevent healthy and wholesome action.

Once the people are organized in their schoolhouses to act as citizens and neighbors, not as partisans and members of a special faction, the last call for grafters and financial highwaymen and political bosses will be sounded and they must go. Then we may have the democracy for which we fight across the seas to-day. It will be a government not of repression and fear and compulsion alone, but of mutual help and cooperation.

The proposal embodied in my measure to bring the people of 400,000 communities into their community centers, the schoolhouses, and to link them up directly with their Government, is the very essence of government by the people, for the people.

It will encourage the formation of deliberate and independent judgment upon the part of the voters, instead of a blind following of disloyal, dissembling, and designing leaders.

It is the sure means of destroying the power of the "boss" and enabling the people to protect themselves against misrule and exploitation.

It will remove the stigma from party machinery because the cogs, wheels, and levels of the mechanism, without which no party can be conducted, will be composed of the people themselves.

It is a guaranty that the public interests will take precedence over private interests, since the great masses of the people have no selfish interests to serve and ask nothing but a square deal and no favors.

I have been speaking of the importance of an organized citizenship from the standpoint of the voters. But let me go further and say that such organization will be a boon to every faithful public official. Too often the official, under present conditions, is either the victim of blind suspicion or blind worship and one honors him as little as the other.

I believe that the public official has a right to demand that if there is a complaint of any kind it should have a definite voice in an assembly where the entire matter can be debated, contradicted, qualified, and reduced to definite feasibility and presented for action. There is all the difference in the world between vague growling and constructive criticism, backed by the community association that has considered the question and gives the facts upon which to base remedial action.

Every newspaper contains letters of protest from those who growl about certain conditions. Very seldom do they give names, dates, or facts upon which anybody anxious to set things right could act. At the same time there may be a law on the statute books for the express purpose of dealing with the abuse complained of, and an official may be ready and willing to act upon it.

The average Member of Congress is anxious to serve his constituents faithfully. He does not want to be above the people but with the people. But often he can not determine the will of his people, since they have no method of conveying to him an authoritative expression of their composite desire. He receives letters and endless resolutions and petitions, but when he comes to analyze them he finds that radically opposing views are about equally balanced in the communications he receives.

There is no way for the formulation and expression of the desire of the people on any question except by an all-inclusive organization. No group or class can assume to speak for all the citizenship. Each looks at the problem from its own angle and with its own particular bias. But when the entire citizenship joins in community consideration of the question, the resultant expression is the popular will, no more and no less.

Such a deliberate decision is not like the form letters and circular petitions which now come to Members of Congress in such numbers, and which are often signed by people who do not stop to read them. In an assembly of the people gathered for serious business and with the common welfare in mind, ideas that are false, statements that are baseless, and plans that are unsound can not stand the test of the scrutiny to which they are subjected. As Carlisle has said:

The brazier that discovered that brass is green cheese, when he acts upon his discovery finds, singular as it may seem, that brass can not be masticated for dinner and that cheese can not be beaten into fireproof dishes. His discovery, therefore, has no legs to stand on and must be let fall.

A mere notion can always be exploded by the demand for definite details, and such a demand is the first to be made in an assembly of the people deliberately considering the common good.

Then, too, the organization of the citizenship would be a boon to the legislator who to-day feels himself under obligations to secure appropriations from the Public Treasury for his own district.

I have seen in a recent magazine a statement that was said to have been made by a Member of Congress. It was printed as follows:

The Federal Government is a grab bag, out of which I am expected to grab my share of the loot for my district, and the more I get the better Congressman I am and the surer of being sent back.

Such an attitude on the part of any district in America does not represent even the best interests of the district concerned, to say nothing of the Nation at large. It is bribery of the people with money out of their own pockets and will be so recognized as soon as there is the organization which will bring to the average citizen a realization of his membership in the Nation and his common interest in it.

When the people see that a wasteful public expenditure for a public building or river improvement in their own district must of necessity be balanced by a similar waste of funds in other districts, they will insist that their representatives stand for the whole people in the expenditure of money, not the people of districts or States or sections.

Every sane American believes in appropriations for public buildings and river and harbor improvements, and, of course, that means improvements in certain districts. But one test should be applied to every such improvement: "Does it mean advancement of the general welfare of the Nation?" With that test applied by an intelligent citizenship watching Congress and discussing its activities in their community assemblies, the intolerable situation that compels many Members to vote for projects which are utterly unworthy in order to secure others they believe meritorious will disappear. Then every demand, whether of district or railroad or pensioner, can be freely and openly considered and decided in the common interest. Then a Member of Congress can act upon the merits of every proposal instead of being obliged to "log roll" projects which are expensive to the Commonwealth and injurious to the common good.

Looked at from any angle, the organization of the citizenship of America into community organizations and connected directly with the National Government will mean a mighty stride forward toward democracy.

It means organization of the citizenship of America for ruling the Nation. It trusts the people, the wise and the ignorant, the good and the bad, with the gravest problems that can confront a nation, believing that thereby the citizenship is educated and justice secured.

No one can oppose such a plan except those who do not trust the people and those who fear people's rule. The believer in democracy wants the power placed in the hands of the people, and when he studies the present situation he knows that the power is not there. Who are the people? They are 60,000,000 adults scattered over America, working at their daily tasks, unorganized, inarticulate, each really unknown to his neighbor. Before the people can really rule they must act together, and to act together there must be common counsel in meeting places, where the common interests may be discovered.

To those who do not believe the people are intelligent enough to rule, I would only say that they have no place in a government, founded as ours is on the sovereignty of the people. They are wrong, for no man, though he have the wisdom of a latter-day Solomon, is as wise as all the people. The term "superior class" was coined by those who belong to it. It has always been a menace, a curse to itself and all other classes in society. The "divine right of kings" was based on the theory that one man had a monopoly of wisdom in government. But the shameful records of countless kaisers and czars and emperors have taught the world that wisdom is not the possession solely of the few in authority. In the light of all the history of the past, our task is clearly cut out before us. It is to find the method by which all the intelligence of the community may be brought to bear on the government of the community.

That method is found in bringing all the people together in their own building, to work out in their own way the problems as they appear. Let no one be concerned about regulations of censorship, as to what the people shall do and say in their schoolhouses. As little need to regulate what shall be said by members of the family around their own hearthstones. The self-restraint of Americans, meeting as members of the community home circle for the promotion of the common good, is the only compulsion necessary and the only one that can be rightfully used. The sense of propriety and justice among the people can be trusted above anything else. As Bancroft said:

The universal conscience is the nearest approach that we have to the voice of God.

To those who fear democracy I would only say: Read the history of the origin of this world war which has set the earth in flames. It was not begun by democracies, but by nations that had repudiated every idea of people's rule. Because the people of Germany and Austria could not control conquest-lustful despots, the entire world groans under this most fearful of all conflicts. Now, the very rulers responsible have brought about

their doom and hung trembling to the thrones they shall certainly lose before the war is over. They brought not only ruin to their peoples but to themselves.

Just so it is with special privileged classes within our own Nation, who tremble lest real democracy should mark their doom. Their own safety depends upon the people being given supreme power in this Nation. If there is continued damming up of the might torrents of the people's will, the flood that is sure as destiny itself will sweep them to destruction.

Mr. Chairman, it is a noteworthy fact that every victory for democracy means betterment for those who mistakenly fought the advance. The British Empire that strove to hold the American colonies in chains would never have built the towering structure of the present had not America taught her that despotism is a foundation perilous and insecure. England is mightier and nobler to-day because the Revolution here proved that self-government is a right of colonies which can not be safely withheld. Canada and Australia are eloquent examples of this fact, for the troops from these colonies have been in the forefront of every battle for the mother country.

The triumph of Lincoln's idea of human freedom freed the Southland just as surely as the black race. There business, society, religion, and politics were poisoned and perverted to maintain the false doctrine that human slavery was right. Always there hung overhead the Damocles sword of a possible slave rebellion. Slaveholders looked into the faces of their chattels and trembled lest in some time of uprising these servile ones might let loose the demons of murder and destruction. America could not be powerful enough to uphold the rights of her bravest and strongest and at the same time scorn the right of the humblest slave on the banks of the Mississippi. The blow that struck the shackles from the slaves of the South freed the white man just as surely and the marvelous development, expressed in the words "The New South" gives eloquent testimony to that fact.

So, too, it will be in the triumph of democracy in America, with full and complete power in the hands of the citizenship, organized and trained in neighborly deliberation and decision.

Let us raise aloft the light of democracy by lighting the lamps of the schoolhouses for the gathering of the people.

What a beacon of liberty that will be. Outlining our land boundaries and watery margins, from the great northern lakes, by Niagara and the St. Lawrence, by the Atlantic beaches, far out to Porto Rico, beyond the Gulf and Carribbean, Uncle Sam's great southern lakes, southward across Panama, up the western coast past the golden shores of California to the Columbia and Puget Sound, along the international boundary eastward again—as the sun goes down and the stars come out over eastern Maine, the lighted windows of schoolhouses twinkle out of the dark; cheery, welcoming lights of schoolhouse community centers.

Westward with the spreading darkness will shine out community-center lights in river valleys of the Penobscot and Kennebec, along the Connecticut, the Hudson, and the Mohawk, by the Delaware and the James, they follow the Santee and the Savannah, and way down on the Suwanee River the inspiring strains of Dixie stir the blood of old folks and young, gathered in neighborly counsel to discuss the problems of America, the great human enterprise of the world.

From where Louisiana spans our mighty spinal river, sparkling points of light from schoolhouse windows trace the course of the Fathers of Waters and all the nation-enmeshing valleys of his 25,000 miles of tributary waterways.

Our harried neighbors south of the Rio Grande hear the friendly voices from lighted doorways, and with the hope of better days send the hail "Amigos" across the northern bank.

There will be lights up Salt River, down by Colorado's canyons, on solitary mesas, and garden spots redeemed from the desert wastes. In farm villages across the prairies, in little mining towns far up the slopes of the Rockies and the Sierra Nevadas, and lonely lumber camps among tall firs and gigantic redwoods in valleys of the Cascades and Coast Range Mountains, look in at the lighted windows and see our folks gathered in their schoolhouses in the splendid, kindly task of making a nation.

There are lights in New York City, metropolis of the world; in Washington, where gather Representatives to speak and act for all the people; in Pittsburgh, with its flaming furnaces that turn night into day; in Chicago, youthful marvel of enterprise and achievement; in San Francisco, that speaks of heroic rising from the ashes of disaster; in all the cities between the kindly lights of community schoolhouses twinkle an invitation which shall break down barriers of loneliness and doubt and distrust and make each and all feel the sense of belonging to America.

There are lights under the Arctic Circle where every native Alaskan school is a community center; and in beautiful Samoa, in Hawaii, little Guam, and the Philippines, there the lights, too, are flashing and the white man's burden grows easier in their radiance.

Where the farthest west becomes the Far East, as the last-lighted window up Lingayen way winks out in "good night" to China, the earliest riser in the United States—maybe a farmer lad in Maine—seems to hear again the words of the President of the United States he heard last night at the schoolhouse community center, feels again the blood tingle at the call to noblest purpose that could come to man or Nation—the challenge of democracy assailed by powerful enemies and needing rescue.

Mr. Chairman, that is a picture of what may be accomplished. It is our part to put reality into the vision, to make the possibility an established fact.

The schoolhouses furnish the way out of the desert of division into the green garden of unity and brotherhood. They stand ready for use as the machinery of nationalization. They are meeting places for the great fraternity of America, whose membership is as wide as the Nation, and requires no qualification except the belief in fellowship and the will to try democracy. Its grip is the handclasp of good will, its motto "Each for all, all for each, and all together for the common cause." Its emblem is the glorious—over-all victorious—banner of the stars which floats over every American schoolhouse as a token of the victory of America over the hates and ignorance and prejudice that divided us, the triumph of that progress which is the onward stride of Almighty God.

The starting point of every good,
Of larger life, is brotherhood;
Its fear-free banners now unfurled
Mean hope of peace to all the world.
If we can meet and join as one
Here from all lands beneath the sun,
Then neighbor nations, too, shall in our time
Forge world-wide union in a bond sublime.

Then in this sacred common place,
Which we have builded that the race
May nobler be in mind and heart,
We join that we may have our part
In neighbor union without bound,
That, spreading all the earth around,
Seeking naught less than mankind's common good,
At last shall make the world one neighborhood.

Mr. NORTON. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I happened not to be here until just as the gentleman from Illinois finished his remarks, but inasmuch as he brought up the subject of the fuel order, I think it proper to explain why I introduced the resolution which I did. It was drawn after hasty consultation with some other gentlemen. It was drawn in no bitter or narrow or partisan spirit. I think the reading of the resolution shows that. It certainly is as mild and devoid of criticism as possible, and it was intentionally so. But I thought that it was proper on a matter of this tremendous importance, where I believe every man in this House this morning was shocked to find that the step had been taken—I thought it was proper that this House should respectfully and courteously express its opinion.

I understand some resolution on the subject has been introduced in the Senate by an administration supporter this afternoon, and as nobody else here introduced it I undertook to give this House an opportunity to express itself. I regret that my request for the consideration of the resolution was not granted.

Now, that resolution simply requests that there should be a reconsideration and reflection on this proposition. I believe that is a feeling that nearly every man in this House has. It is the most stupendous act that has been taken during all this administration. It will cost millions of dollars in the loss of wages; it will cost millions of dollars in the loss of production, much of it indispensable and essential articles. It is a great blow and calamity to this country, a double calamity, because the very news of it in Germany will enable them to say, "Our opponent across the water is obliged to shut down their industries." It is as much as a great victory to the Germans, and is likely to cause distrust and panic here.

It is possible, I suppose, that it is indispensable. I do not wish to go into the question of the trouble with our coal supply. I have very decided views on the subject, but I can not express them without doing what I have avoided in the resolution, and what I have avoided on the floor of the House, making a severe criticism upon the administration, and that I do not wish to indulge in, for I genuinely want to support it and hold up its hands in everything for the prosecution of this war. But it

does not seem to me that this step is going to help the war but to endanger it. The trouble with coal, as the gentleman from Pennsylvania [Mr. KELLY] said, is not a shortage of coal, the trouble is with the transportation, and we supposed when the United States assumed all the transportation facilities of the country that it would use its absolute power to remedy these difficulties and transport the coal, but apparently all of the railroad skill and experience of Secretary McAdoo has been wasted and the coal situation has grown steadily worse.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. GARRETT of Tennessee. Did the gentleman before or in the preparation of the resolution consult with any gentleman upon this side of the Chamber?

Mr. GILLETT. No; I did not; and I will tell the gentleman why, as I did the leader of that side. I should have consulted him upon it, but I came back from the funeral of Maj. Gardner just in time to prepare the resolution and catch the Speaker's eye at 3 o'clock. That was the only opportunity I would have to do it before the House adjourned this afternoon.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman object to having the resolution read in his time? It will take but a minute, and quite a number of gentlemen did not hear it.

Mr. GILLETT. No; if I have the time.

Resolved, That the House regrets the summary action of the Fuel Administrator in suddenly closing the industries dependent upon a coal supply and, in view of the disorganization of business certain to follow, and the consequent idleness and distress of labor, urges a reconsideration of the order by the President, and that final action be taken only after being fully advised of its effect.

Now, that was a proper and pertinent question by the gentleman from Tennessee——

Mr. GARRETT of Tennessee. I asked it in view of the statement made by the gentleman in the beginning. It is not a partisan matter.

Mr. GILLETT. I intended it as a nonpartisan matter. As I say, I did not consult with gentlemen on that side of the House, but I should be very glad if it had been introduced by that side of the House, as it was in the Senate.

Mr. RAINEY. If the gentleman will pardon me, I will state that a resolution almost similar in its nature was introduced in the Senate by Senator HITCHCOCK, a Democratic Senator.

Mr. GILLETT. I am very glad of it. I have not seen the resolution that was introduced in the Senate, but I understood it was substantially a resolution for postponement.

Mr. LENROOT. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. LENROOT. Did not the gentleman from Massachusetts, at the first opportunity, consult with Members on the Democratic side of the House?

Mr. GILLETT. I did immediately afterwards, but it was not until after I had attempted to introduce the resolution. I then consulted the leader on that side of the House.

Mr. NORTON. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. MCFADDEN. Mr. Chairman, it would seem, in view of the discussion that is taking place to-day, not only here but all over the country, and in view of the order that has been issued by the Fuel Administration ordering the closing down of all business enterprises and amusements for a period of days, that if the Kaiser had deliberately planned this coup he could not have done it any better or more effectively to help and aid Germany than Dr. Garfield has done it in issuing this order. I am not going to speak on this subject, but upon one closely allied to it, a subject just as important to the winning of the war as is this coal situation.

Mr. Speaker, the one important business in America to-day is the war. More and more we are beginning to realize the seriousness of the situation. Not since the opening of the Revolutionary War have the people of this country been faced by the necessity of united and instant action as they are faced by it now. The country is back of this war, and we must arise united and wage the war to a successful termination, this war for humanity, or let America, liberty, and justice perish from the earth.

We are mobilizing an Army of 2,000,000 men, this in addition to a Navy comprising a man force of over 300,000 fully equipped, which will be increased to 20,000,000 if necessary. In doing this we have drawn and are drawing the young men from all vocations of life. In order to make up this full quota Congress passed at the suggestion of the administration the selective conscription law. The workings of this law, while in the main successful, have in some instances created hardships and will interfere, I am afraid, somewhat in the production of foodstuffs. I speak particularly of the large percentage of young men taken from the farms or from those pursuits which are engaged in agricultural production, the production of foodstuffs, the importance of which can not be underestimated.

I desire to emphasize the importance of the agricultural industry at this time as one of the strong arms necessary to aid America to win the war, and to repeat what everyone knows, that the battle front is from the farms of the United States to the trenches of Europe, and the line must be kept open and supplied or else we fail.

The American farm is one of the most important elements in this whole line, and it is up to the American farmer to bear the strain of the greatest effort America ever made, and in this connection it is necessary that he be supplied with the instruments necessary to fight his part of this battle.

As I view the situation, there is no need to develop new lands or encourage the transfer of ownership during this time of great stress. If the farmers of this country can get the land now under cultivation properly farmed there will be an abundance of food for everybody. It is not the lack of credit that is taking the men from the farms but the failure of Congress to provide for the dire situation in which we are placed. If Congress does not awaken to this condition that we are under and provide some adequate relief between now and the 1st of March there will be bread lines in every city of the United States next winter and our allies and armies will need food desperately.

This war can be lost in the United States in our mobilizing of this and our industrial situation, and if we are not careful in our planning at this time we may lose the war before we have had a chance to strike a blow at the enemy in Europe with our Army and Navy.

Regarding the selective-conscription law I desire to say that it is a wonderful success, and all credit is due to the men who have had the administration of the law in their hands, and I might say in passing that to my mind—and I believe in saying this I voice the sentiment of the entire Congress and the people generally of the United States—that in his sincere, broad-minded, far-seeing administration of this law Enoch H. Crowder, Provost Marshal General, has proven himself to be one of the biggest men that this crisis has developed. His task has been a big one and tremendously important, and, when you consider the fact that an Army of 2,000,000 men is now almost completely mobilized, and that this has been done within a period of a little over six months, it is a wonderful undertaking and speaks for itself; but the conscription law as affecting the production of foodstuffs is in its administration working a hardship, and the situation, I know, has caused a great deal of anxiety to the Provost Marshal and to the administration and up to this time has not been definitely solved.

What should be done, as I see it, is to provide for a parole of some of the expert farmers already taken into the camps and place them back on the farms, and then keep on conscripting the men and paroling and assigning these men back to the farms from which they were taken, and in that way get a lot of young men who have left the farms and gone into the unnecessary industries back to the farms, where they belong. If Congress leaves these things to be worked out without legislation, I am fearful that the delay may cause much suffering and starvation before the end of another winter. It is true that the cost-plus system adopted by the Government has upset labor and corrupted in a measure our public works, and the only way that I can figure is to get the conscriptive law to tell a lot of these people where to go and what to do or place in the hands of the Secretary of War authority to parole and assign men to the farms.

One thing sure, the farmers of the country are not going to plant on promises during this coming season. They will work early and late themselves, but they will only plant what they can tend and harvest unless the Government gives them the substantial proof of real support which they insist is necessary. Take it in the State of Pennsylvania, that with all the talk about the increase of wheat there is only a 5 per cent increase in acreage, and, with the crop planted at least two weeks late, the normal prospect for next year is for an 80 per cent crop instead of an increase.

In this connection I wish to quote from a letter received by me from the dean of Pennsylvania State College, in which he says:

We are very much interested in the farm-labor problem. The situation is certainly very serious. Much of the wheat in Pennsylvania does not look well because it was sown too late. This, in all probability, will mean a shortage next year. Recently I have heard of potato growers who were unable to harvest their crops, one man having 10 acres not harvested. Farmers need labor with experience, and there are hundreds and thousands of farm-reared boys in the factories of the

State who ought to be working on farms and their places taken in the factories by men who are not now engaged in necessary enterprises above the conscription age.

The price of wheat has been stabilized by price fixing, but the price of bran and middlings that the farmer must buy to feed his live stock is still going higher and higher. There is one thing that so many people fail to realize, and that is that the farmer is one of the most expert workmen in this country, and at this time he is greatly handicapped by the fact that every branch of activity is drawing the farmer boys. The trolley lines give the farmer boys the preference, the banks gladly take them in, the railroads want them, and the factories go after them, and the professions draw, and now the Army and the Navy are finding their best type of men among the farmer boys, and are drawing the lifeblood from the country homes. It presents a serious situation when we expect an increased production of foodstuffs necessary to feed ourselves, our allies, and our Army. The farmers of my State are terribly worried over the situation, and are asking and expecting some relief.

During the past summer the work on our Pennsylvania farms was done under a great handicap because of this labor deficiency. The farmers worked harder and longer hours than they have for years. Skilled labor was never so deficient, so that our bountiful crops were due wholly to the unusual patriotic efforts of our farmers and their families. As I have already stated, the labor shortage was due to a considerable number of our young men enlisting or being drafted for military service, but the main reason for the shortage was the employment in mills, factories, mines, and other large industries which could afford to pay higher wages than the farmer could stand in the production of ordinary farm crops. For example, three sons of a good Pennsylvania farmer to my knowledge left the farm for employment in brickworks where they earn from $6 to $10 a day, and sometimes more.

Again, another boy in the same county who was employed in making bricks earned $196 in two weeks. Coal miners are also able to earn from $5 to $8 or more a day, and this situation has drawn many young men from the farms. This is a hard situation for the farmers. Then, too, the usual amount of fall plowing has not been done in Pennsylvania because of the labor situation and unseasonable weather, and this means that the farmers will be later next spring in getting out their crops. In other words, the accumulative effect of the labor shortage will show more and more if this situation continues.

This whole matter is having a most undesirable psychological effect, and so many cornfields and potato patches and other cultivated areas received very poor attention last year on account of labor shortage that the farmers can not be expected to plant such large areas this year, but if some adequate solution of this supply of labor can be worked out the situation will be radically different. But I want to say to the Members of the House that the farmers are not in the proper frame of mind at this time to be urged into increased production, and this is a most serious phase of the whole problem. The farmers of my State are just as patriotic as any other branch of people and they want to do everything possible to increase production, but you can plainly see and understand that there is absolutely no use of a man putting in more crops than he can care for and harvest. I have conferred with many farmers, as well as extension workers, about this point, so that I feel that this statement of the situation is correct. Taking this all into consideration, it seems to me that the only solution of this problem is to mobilize on our farms the skilled farm labor of the country. This is not a simple proposition and presents many complicated phases, but properly worked out it is, in my judgment, the only solution to the increased food proposition.

It would mean the conscription of labor for farm work, and I believe that our farm boys, even the ones now working in mills and factories at higher wages, would not object to such an arrangement and would patriotically cooperate if such provision were made by the Government. These boys must be made to feel that they are doing the work that Uncle Sam wants them to do, and that their position is an honorable one in the great world struggle, and will be duly recognized by them.

Equally important with the boys who have grown up on the farms, and recognizing that increased food production is equally as important with all other necessary organizations, I believe that I am not prejudiced when I say a word in behalf of the work being done by the extension men, which includes our county agents and extension specialists working through the various State colleges under the Smith-Lever law. These men are especially trained and fitted and are a vital factor in increasing production, and are thus helping to win the war. The farmers of the country are looking up to these men for direction and guidance and have confidence in them and their ability to assist them toward increased production, and look upon them as leaders just as the Army looks up to its officers.

These men are carefully picked for their particular jobs just as the officers of the Army are well trained for the position of leadership which they occupy. Not only have they been well trained, but they are carefully selected, keeping in view qualities of leadership which they possess. To remove these men from their present positions—"and practically all of them are within conscription age"—it seems to me, would be equivalent to removing all the officers from the Army and leaving the Army without anyone to look to for leadership.

These men are patriotic and anxious to serve their country. I am sure that most of them, if not all of them, believe that from the standpoint of service they can do more in their present position than in the Army. These men feel, however, that the farmers and others with whom they are working may not appreciate the fact in a proper way. When a farmer or other people in the county have had their sons drafted into the Army, they may feel that these county agents and extension men should also go, without stopping to realize that their present service is more valuable than Army service to which they would be assigned in the ranks. Again, as these men well know, after this war "is over—and this applies to the farmer boys as well as these extension men"—the men who have stood the brunt in the trenches are quite likely to furnish the leadership of the country, just as was the case following the Civil War. The veterans of the war in a few years from now will turn out to parade, and the farmer boy and these extension men will be asked, Where were you that you are not marching in our ranks? These farmer boys and extension men feel that they are losing something by not going in the Army, although because of the fact they feel a greater service is being rendered they are remaining in their present positions and making what is to them a sacrifice. If I understand it correctly, large numbers of these men drafted into the Army will be trained to do special work with the maintenance of the Army, but not necessarily in the trenches. Is it not a fair proposition that those who occupy vital positions in the feeding of our people—the allies and our Army—should be given military recognition? I believe that proper relief might be afforded through Senate bill 3471, introduced by Senator CHAMBERLAIN on January 15, which bill is as follows:

A bill (S. 3471) to authorize the Secretary of War to grant furloughs without pay and allowances to enlisted men of the Army of the United States.

Be it enacted, etc., That, whenever in the opinion of the Secretary of War the interests of the service or the national security and defense render it necessary or desirable, the Secretary of War be, and he hereby is, authorized to grant furloughs to enlisted men of the Army of the United States with or without pay and allowances, or with partial pay and allowances, and, for such periods as he may designate, to permit said enlisted men to engage in civil occupations and pursuits.

This bill places in the hands of the Secretary of War great latitude and power. I believe if properly administered by him that the necessary relief is afforded in this measure to solve this farm-labor situation and to provide and take care of the question that arises in the minds of the young farmer and these men engaged in this increased agricultural production by placing them in the Army and the granting of furloughs to these enlisted men without pay and permitting them to go back to the farms and their vocations and pursue the occupation of increasing the production of foodstuff and thus avoiding any future criticism after the close of the war as regards the part that these patriotic men have played in winning the war.

In this connection, and in the handling this situation it would seem to me that we should have enlisted the biggest man in the United States that is now available, who should be named as a food-production administrator, one who can and has the ability to work on the imagination of all the people, the consumer as well as the producer, who will devote his entire time to the supreme necessity of increased food production. In this connection, I want to refer to the fact that the Secretary of Labor, with the approval of the President, has just appointed an advisory council on labor, which council will have full power to deal with every phase of the labor problem, including enrollment, distribution, transportation, housing, and the training of workers for the Army, Navy, Shipping Board, and other Government agencies, as well as for private industries engaged on war work. In short, it will have general charge of the mobilization of the industrial army of the country to make it most efficient, and unless the farmers and the farm-labor situation is mobilized in a similar manner and upon a basis where a man who stays on the farm and helps to win the war is placed in the same position as the man who does the organization and other work in the Army and is given the same credit and recognition for faithful service rendered, this situation will drift along and

will continue to embarrass and handicap this country in winning the war. I therefore hope that this Chamberlain bill or some other remedial legislation covering this situation will be enacted immediately by this Congress, as I believe that every arm of the farm-labor force of the United States should be applied at this time, as it will be a determining factor in the winning of this war. [Applause.]

Mr. NORTON. Mr. Chairman, I ask unanimous consent that those gentlemen who have already spoken on the bill have the right to extend and revise their remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. CARTER of Oklahoma. Mr. Chairman, can that be done in Committee of the Whole?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I have no objection providing that carries with it the provision that they do not incorporate outside material such as letters and telegrams.

Mr. CARTER of Oklahoma. Mr. Chairman, I repeat my question, can that be done in Committee of the Whole?

The CHAIRMAN. The Chair thinks not.

Mr. NORTON. Mr. Chairman, I withdraw the request.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. I make the same condition to that request.

Mr. TOWNER. Mr. Chairman, the only thing I desire to include is the short act of the English Parliament creating the department of munitions that I referred to.

Mr. STAFFORD. That would not be offensive to the sensibilities of anyone.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, I have been somewhat surprised at the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Missouri [Mr. MEEKER] talking about nonpartisanship and nonpartisan activity in Congress. Why, the gentlemen have seen proper to attack the Fuel Administrator. Here is this great Democratic President, Mr. Wilson, now at the helm of this Government, doing the best thing for this Nation. He went into the Republican Party to find a fuel administrator, and he did not take a Republican from the simple life, but he took one of the royal blood, a son of an ex-President of the United States, yea, the son of the lamented Garfield, and he put him in the Democratic councils as the Fuel Administrator for the honest people of the United States of America. This same Republican held a high position under the distinguished Republican President Mr. Taft when he occupied the White House, and, forsooth, because he received this position through a Democratic President, in this great crisis the Republicans on this floor see proper to take him to task and hamper him with caustic criticism.

Mr. MEEKER. Mr. Chairman, I hope the gentleman will get his history on straight. This gentleman, Dr. Garfield, never held any position under President Taft, and the gentleman ought not to charge Mr. Taft with that.

Mr. QUIN. My information is that the gentleman was Commissioner of Corporations under Mr. Taft.

Mr. MEEKER. Oh, no; that was another Garfield.

Mr. FESS. This is his brother.

Mr. QUIN. His brother? Well, he is still in good Republican society; but that does not even keep the gentlemen on that side from attacking him or from keeping our partisan friends from talking about nonpartisanship while in the very act of caustic partisan criticism.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. QUIN. I have not the time to yield. I want to say further that President Garfield's son, in this critical hour under President Wilson, is endeavoring to relieve one of the greatest and, I might say, the most severe calamities that has arisen in this country in many a year. Gentlemen object to his having power to stop, perhaps, certain corporations who need not run for one day in the week, forsooth, in order that the poor, shivering children of this country might not be without coal. Do you propose to let that class of corporations continue to burn coal seven days in the week while all classes of people in the cities are freezing because they can not get coal at any price? Do you know that right in this city, when the thermometer was 8 degrees below zero, I saw a line down here at the coal yards, a drove of poor people 300 yards long, waiting to get 1 bushel of coal each, for which they paid an enormous price? I stood there, in company with my wife, and waited for four hours endeavoring to buy some coal, and after getting the coal I had to hire an outside truck to haul the coal to my home, where we had not had a lump of coal, except a basketful a day, for five days. Those poor people were suffering, contracting rheumatism and pneumonia, because of the lack of coal to put in their stoves and furnaces to get the necessary heat to keep death from coming to them, and yet you object to the Fuel Administrator of this Republic protecting the people of this country from freezing to death through lack of coal! Is that all? The gentleman went further and attacked the Food Administrator. It seems that the President of the United States can have no man in authority that pleases you. Is it possible that these gentlemen who are at the head of these great positions can make no mistakes? I wondered, when the gentleman was making his long 40-minute speech about the thousands of cars all over this country, what he would do if he were the President of the United States. Why did he not suggest something for Dr. Garfield to do? Why did he not suggest something for Mr. Hoover to do? Why is it that these faultfinders, these people that want the poor people of the United States to freeze to death with the thermometer away below zero, finding fault with Dr. Garfield because he is blazing out a way to supply coal to the homes of all the people, finding fault with Mr. Hoover because he is trying to keep the price of food down, do not offer any remedy?

Why do you not take your faultfinding to Mr. Hoover and to Dr. Garfield and point out a definite way by which they can run this business so that all of the industries of this country could keep running every day, and at the same time every home would have plenty of coal and nobody suffer; but you do not do that; you stand on this floor and talk so that the newspapers of the country can get it and carry your criticisms to the public and sow the seeds of discontent and dissatisfaction. And another thing. The President appointed these two gentlemen, and they are acting under his orders, under the powers Congress vested by law in the President.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. These ships must have coal to carry the supplies to the soldiers that you are talking about. Do you not think you had better let the President continue to handle this business? [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. I thank you.

Mr. CARTER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8696, the Indian appropriation bill, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 6176. An act extending the time for the construction of a bridge across Monongahela River at or near the city of Fairmont, W. Va.

HOUR OF MEETING TO-MORROW.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

Mr. NOLAN. Mr. Speaker, reserving the right to object, I have not any desire to be an obstructionist. I did object to this unanimous request this morning in order to call attention to a situation which has arisen here on Calendar Wednesday. If it is allowed to continue, it is going to stop consideration of all bills reported after December 12. I do not want to delay public business, but unless some method is devised to cure that situation I do not think any more unanimous-consent motions regarding legislation ought to be agreed to during this session even covering the Unanimous Consent Calendar. I do not intend to object at this time, but I think it is up to the leaders on both sides of the House to cure that situation. For the present I do not intend to object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Speaker, let me make a statement in regard to the matter about which the gentleman from California [Mr. NOLAN] has made a statement. I think myself that the order ought to be vacated. It was not the intention of the gentleman from Arizona [Mr. HAYDEN], the author of the bill, nor myself in preferring the unanimous-consent request——

Mr. LONDON. Will the gentleman yield?

Mr. KITCHIN. In a moment.

Mr. LONDON. Why should not the gentleman make the request now?

Mr. KITCHIN. I am going to make it when I make the statement—that that bill should take precedence over any bill, but the only request made and intended to be made was to this effect: That that bill should be in order on Calendar Wednesday when the bills then on the calendar should be disposed of. It was the intention only to affect that bill and give that bill a status which the order was intended to give, not that the bill should take precedence over any bill that should be put on the calendar thereafter. That was not the intention of the order, although it might have been worked differently so as to effect the real intention. I now ask unanimous consent that that order be vacated.

Mr. GILLETT. Mr. Speaker, reserving the right to object, I agree with the gentleman from North Carolina that that order ought to be vacated, but I do not think it is fair to the House to do so with such a small gathering as there is to-night, as there may be others who are interested, and I think it is only fair it should be taken up at some time when there is a fuller attendance, and I certainly will not object.

Mr. KITCHIN. Then I will make the request to-morrow.

Mr. HAYDEN. I would like to say to the gentleman from Massachusetts that, as the author of the bill, having the matter in charge, I am convinced that the order ought to be vacated, and I am the only one interested——

Mr. GILLETT. No; the other day the question arose as to whether the gentleman was the only one interested. The whole House is interested.

Mr. NOLAN. May I suggest to the gentleman from North Carolina that when he does make the request he include in that request that the Committee on Labor have a time to consider the bill they were deprived of by the point of order yesterday. I think it is only fair that, inasmuch as this is intended to cure a situation, that the Committee on Labor should be given their day in court, of which they were deprived when the point of order was made yesterday.

Mr. KITCHIN. I will say that there is an element of fairness in that, but I think we had better get through vacating the order first.

Mr. NOLAN. I call attention to this fact, that if you do not do that you do an injustice to a committee that had a bill on the calendar about to be considered, and that probably will not be reached for a long time to come. The Committee of Labor is an important committee of this House which gives consideration to measures which come before it, just as every other committee; and one bill they reported out unanimously the enacting clause was stricken out, and another bill, to which we gave a great deal of attention in the last Congress and some attention to in this, we were deprived of an opportunity to put before this House by the point of order; and I think, in all fairness, that the unanimous-consent agreement ought to have coupled with it an agreement to give the Committee on Labor their day in court.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is——

Mr. KITCHIN. Did we get consent, Mr. Speaker?

The SPEAKER. Is there objection?

Mr. KITCHIN. Mr. Speaker, I withdraw that request now for the present, and I move that the House adjourn.

The SPEAKER. Did the gentleman withdraw his request that the House meet to-morrow at 11 o'clock?

Mr. KITCHIN. That has been put, and the House agreed to that.

Mr. STAFFORD. The gentleman from California [Mr. NOLAN] reserved the right to object to that request.

ADJOURNMENT.

The SPEAKER. It is very easily settled. Is there objection? [After a pause.] The Chair hears none. The gentleman from North Carolina moves that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, January 18, 1918, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the United States Fuel Administration submitting a supplemental estimate of appropriation required for the fiscal year 1919 for salaries and expenses, United States Fuel Administration (H. Doc. No. 812); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a proposed paragraph of legislation authorizing and directing the accounting officers of the Treasury to allow and credit the accounts of Col. (now Brig. Gen.) Jesse McL. Carter the sum of $352.23 (H. Doc. No. 813); to the Committee on Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting schedules and lists of papers, documents, etc., on the files of the Treasury Department which are not needed in the transaction of public business and have no permanent value or historical interest (H. Doc. No. 814); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting certain estimates of appropriations for remodeling, construction work, etc., at the marine hospitals (H. Doc. No. 815); to the Committee on Appropriations and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Wilson Kerns, son of Joseph Kerns, deceased, *v.* The United States (H. Doc. No. 816); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William Keiser *v.* The United States (H. Doc. No. 817); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary O. Power, widow of Albert L. Power, deceased, *v.* the United States (H. Doc. No. 818); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of William A. Power *v.* the United States (H. Doc. No. 819); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of James H. Corbin *v.* the United States (H. Doc. No. 820); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Paulina F. Shelt, widow of John Shelt, deceased, *v.* the United States (H. Doc. No. 821); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary B. Taylor, widow of Isaac Taylor, deceased, *v.* the United States (H. Doc. No. 822); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Harriet L. Cantleberry, widow of Emanuel B. Cantleberry, deceased, *v.* the United States (H. Doc. No. 823); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Charles A. Cutler *v.* the United States (H. Doc. No. 824); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of John T. Donahugh *v.* The United States (H. Doc. No. 825); to the Committee on War Claims and ordered to be printed.

15. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Edgar A. Kimmel and Henry T. Kimmel, sons of George Kimmel, deceased, *v.* The United States (H. Doc. No. 826); to the Committee on War Claims and ordered to be printed.

16. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Urban Hornburger *v.* The United States (H. Doc. No. 827); to the Committee on War Claims and ordered to be printed.

17. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mary Blight, daughter of William B. Wright, deceased, *v.* The United States (H. Doc. No. 828); to the Committee on War Claims and ordered to be printed.

18. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Niantic Bay, Conn., with a view of making it a harbor of refuge (H. Doc. No. 829); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

19. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Thunder Bay River, Mich., with a view to improving the mouth and Thunder Bay River, Mich., with a view of clearing the channel and providing suitable breakwater to protect the same (H. Doc. No. 830); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

20. A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation required by the Treasury Department for salaries for additional clerks in the office of the Auditor for the Post Office Department, fiscal year 1919 (H. Doc. No. 831); to the Committee on Appropriations and ordered to be printed.

21. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a proposed clause of legislation authorizing and directing the accounting officers of the Treasury to allow certain credits in the account of Sidney E. Smith, disbursing clerk, War Department (H. Doc. No. 832); to the Committee on Claims and ordered to be printed.

22. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation required by the municipal court of the District of Columbia for the fiscal year 1918 (H. Doc. No. 833); to the Committee on Appropriations and ordered to be printed.

23. A letter from the Secretary of the Treasury, transmitting a revised statement of appropriation for salaries and expenses of the Bureau of War Risk Insurance for the fiscal year 1919 (H. Doc. No. 834); to the Committee on Appropriations and ordered to be printed.

24. A letter from the Secretary of the Treasury, transmitting tentative draft of proposed amendment to the urgent deficiency bill, the unexpended balance of the appropriation, "for miscellaneous repairs to laundry, new roof, etc., damaged by fire, for the fiscal year 1917," made in the deficiency appropriation act approved September 8, 1916, is hereby reappropriated and made available for the fiscal year 1918 (H. Doc. No. 835); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEDMAN, from the Committee on Foreign Affairs, to which was referred the bill (S. 1553) to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August 16, 1916, and for other purposes, reported the same with amendment, accompanied by a report (No. 243), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 8637) to amend the act approved June 25, 1910, establishing postal savings depositories, and acts amendatory thereof, and for other purposes, reported the same with amendment, accompanied by a report (No. 242), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8594) granting a pension to Cornelius J. Ryan, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 8820) to amend section 1570 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. CARY: A bill (H. R. 8821) to regulate the interstate transportation of immature calves; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8822) to prohibit the slaughter, sale, purchase, shipment, and transportation through interstate commerce of calves and cows under certain conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 8823) to provide for the purchase of a site and the erection of a public building thereon at Miami, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8824) to provide for the purchase of a site and the erection of a public building thereon at Vinita, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8825) to provide for the purchase of a site and the erection of a public building thereon at Bartlesville, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. NEELY: A bill (H. R. 8826) to amend an act entitled "An act to establish in the War Department and in the Navy Department, respectively, a roll, designated as the 'Army and Navy medal of honor roll,' and for other purposes," approved April 27, 1916; to the Committee on Military Affairs.

By Mr. MORGAN: A bill (H. R. 8827) to provide short-term credit for the farmers of the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. BENJAMIN L. FAIRCHILD: A bill (H. R. 8828) authorizing the acquisition of a site and the erection thereon of a public building at Yonkers, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 8829) to amend "An act to vest in the Commissioners of the District of Columbia control of street parking in said District"; to the Committee on the District of Columbia.

By Mr. WALDOW: A bill (H. R. 8830) providing a pension rate of $30 a month for certain soldiers and sailors of the Civil War and the Mexican War, and for other purposes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8831) to pension the survivors of the War with Spain, the Philippine Insurrection, and the China Relief Expedition; to the Committee on Pensions.

By Mr. HOWARD: A bill (H. R. 8832) to authorize certain late physicians and surgeons of the United States Volunteer Army in the War with Spain to practice their respective professions in any Territory, District, dependency, or possession of the United States under the constitutional jurisdiction of Congress upon the presentation and proof of certain facts; to the Committee on Interstate and Foreign Commerce.

By Mr. DENTON: A bill (H. R. 8833) to reimburse persons deprived of employment by reason of the order of the Fuel Administrator closing down establishments for the purpose of conserving the coal supply of the Nation, under certain conditions; to the Committee on Agriculture.

By Mr. CARLIN: A bill (H. R. 8834) authorizing the sale of a tract of land lying below the original high-water line of the Potomac River in what is known as Battery Cove, at Alexandria, Va.; to the Committee on Military Affairs.

By Mr. LINTHICUM: A bill (H. R. 8835) to provide for an examination and survey of the harbor of Baltimore and the entrance channel thereto through the Chesapeake Bay and Patapsco River, with a view to deepening the same to a depth of 40 feet; to the Committee on Rivers and Harbors.

By Mr. BRITTEN: A bill (H. R. 8836) to authorize the Secretary of the Navy to name a first-class torpedo-boat destroyer the "Augustus P. Gardner," and to maintain in the American Navy a destroyer by that name as long as such craft form a part thereof; to the Committee on Naval Affairs.

By Mr. McKENZIE: A bill (H. R. 8837) to amend section 5 of the act to regulate commerce, approved February 4, 1887, as amended August 24, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: A bill (H. R. 8838) to amend an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Ways and Means.

By Mr. MOTT: A bill (H. R. 8839) for the establishment of Oswego, in the State of New York, as a port of entry for immediate transportation without appraisement of dutiable merchandise; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: A bill (H. R. 8840) granting cities and incorporated towns coal lands for municipal purposes; to the Committee on the Public Lands.

By Mr. ELLSWORTH: A bill (H. R. 8841) conferring jurisdiction on the Court of Claims to hear, determine, and render final judgment in the matter of claims of the Chippewa Indians and the several bands or tribes thereof in the State of Minne-

sota against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. KELLY of Pennsylvania: Resolution (H. Res. 227) providing for the consideration of H. R. 152; to the Committee on Rules.

By Mr. DUPRÉ: Resolution (H. Res. 228) amending the rules of the House; to the Committee on Rules.

By Mr. CHARLES B. SMITH: Joint resolution (H. J. Res. 215) to prevent the enforcement of the Fuel Administrator's order to close down industries on certain days; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 8842) granting a pension to Silas Clyde Whitcomb; to the Committee on Pensions.

Also, a bill (H. R. 8843) granting a pension to Alonzo J. Mayo; to the Committee on Pensions.

Also, a bill (H. R. 8844) granting a pension to Ella A. Pollard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8845) for the relief of John Harbert; to the Committee on Claims.

By Mr. BRITTEN: A bill (H. R. 8846) for the relief of the heir of Joseph Lawton; to the Committee on Claims.

By Mr. BROWNE: A bill (H. R. 8847) granting a pension to Mary M. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8848) to correct the military record of John P. Chesley; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 8849) granting a pension to Eli A. Trickle; to the Committee on Pensions.

Also, a bill (H. R. 8850) granting an increase of pension to Mary Turner Clements; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8851) granting an increase of pension to James P. Tanner; to the Committee on Invalid Pensions.

By Mr. CLARK of Pennsylvania: A bill (H. R. 8852) granting a pension to Ernest Parker; to the Committee on Pensions.

By Mr. COADY: A bill (H. R. 8853) authorizing and directing the Secretary of the Interior to make, execute, and deliver to the Safe Deposit & Trust Co. of Baltimore, trustee under the will of Florence B. Gelston, deceased, a deed in fee of lot 13, in reservation 11, in the city of Washington, D. C.; to the Committee on the Public Lands.

Also, a bill (H. R. 8854) for the relief of sundry building and loan associations; to the Committee on Claims.

Also, a bill (H. R. 8855) for the relief of sundry building and loan associations; to the Committee on Claims.

Also, a bill (H. R. 8856) for the relief of Mary J. Lacey; to the Committee on Military Affairs.

By Mr. DEWALT: A bill (H. R. 8857) granting a pension to Catherine F. Reinart; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 8858) granting an increase of pension to Mary A. Shaw; to the Committee on Invalid Pensions.

By Mr. ELLSWORTH: A bill (H. R. 8859) for the relief of Ben L. Fairbanks and others; to the Committee on Indian Affairs.

By Mr. FERRIS: A bill (H. R. 8860) granting a pension to Henry H. Lancaster; to the Committee on Pensions.

Also, a bill (H. R. 8861) for the relief of Ivy L. Merrill; to the Committee on Claims.

By Mr. FOSTER: A bill (H. R. 8862) granting an increase of pension to Hamilton Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8863) granting an increase of pension to William C. Tanner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8864) granting a pension to Isabella Shields; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 8865) to give Charles E. Williams, of Saco, Me., a record which will entitle him to a pension; to the Committee on Naval Affairs.

By Mr. GOODWIN of Arkansas: A bill (H. R. 8866) granting an increase of pension to James E. Merrifield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8867) granting an increase of pension to Jacob W. Burge; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8868) granting an increase of pension to John Douglass; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8869) granting an increase of pension to Sidney Merifield; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 8870) granting an increase of pension to Elias Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8871) granting an increase of pension to Stephen Higgins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8872) granting an increase of pension to Jordan C. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8873) granting an increase of pension to James Darrah; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8874) granting an increase of pension to James W. Brumage; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 8875) granting an increase of pension to Mandell Wells; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 8876) granting a pension to Eliza Hess Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8877) granting a pension to Kathrine Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8878) granting a pension to Mary Bursee; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 8879) granting a pension to John Bleiweiss; to the Committee on Pensions.

By Mr. HICKS: A bill (H. R. 8880) granting a pension to Marietta Z. Simonson; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 8881) granting a pension to Benjamin F. Fawbush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8882) granting a pension to William A. Mitchum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8883) granting an increase of pension to Miles Oller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8884) granting an increase of pension to Reuben A. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8885) granting an increase of pension to William V. Tunstall; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 8886) granting an increase of pension to George Evans, alias George W. Sanderson; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 8887) granting a pension to Eliza H. Cooley; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 8888) granting a pension to Fanny Stewart; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 8889) granting a pension to Nellie Hubacher; to the Committee on Pensions.

By Mr. MANSFIELD: A bill (H. R. 8890) granting a pension to George W. Cordray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8891) granting a pension to Crawford Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8892) granting an increase of pension to George M. Burns; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8893) granting an increase of pension to Michael Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8894) granting an increase of pension to Willis Elben; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 8895) granting a pension to Emma L. Parker; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 8896) granting an increase of pension to Henry B. Lake; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 8897) granting an increase of pension to Henry H. Moody; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 8898) granting an increase of pension to James A. Mahaffey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8899) granting an increase of pension to John M. Thorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8900) granting an increase of pension to William H. Sipote; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8901) granting an increase of pension to Jonathan Bondy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8902) granting an increase of pension to Owen Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8903) granting an increase of pension to Calvin Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8904) granting a pension to Horace V. Andrews; to the Committee on Pensions.

Also, a bill (H. R. 8905) granting a pension to William Cain; to the Committee on Pensions.

By Mr. OLDFIELD: A bill (H. R. 8906) granting an increase of pension to Tillman Lilly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8907) granting an increase of pension to Martin Quinn; to the Committee on Pensions.

Also, a bill (H. R. 8908) granting a pension to James W. Smith; to the Committee on Pensions.

By Mr. OSBORNE: A bill (H. R. 8909) granting a pension to Mary A. Brannan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8910) granting a pension to Mary E. Sewright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8911) granting a pension to Deborah A. Pierce; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8912) granting a pension to Rebecca F. Rush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8913) granting a pension to Caroline C. Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8914) granting an increase of pension to Albert William Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8915) granting an increase of pension to Charles D. Monroe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8916) granting an increase of pension to Abel S. Fennell; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 8917) granting a pension to Kate A. Braley; to the Committee on Invalid Pensions.

By Mr. ROWLAND: A bill (H. R. 8918) for the relief of Leonore M. Sorsby; to the Committee on Foreign Affairs.

By Mr. RUCKER: A bill (H. R. 8919) granting an increase of pension to Levi Miles; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 8920) for the relief of certain employees of the Bureau of Lighthouses; to the Committee on Claims.

By Mr. SNYDER: A bill (H. R. 8921) granting an increase of pension to Thomas E. Hart; to the Committee on Invalid Pensions.

By Mr. SULLIVAN: A bill (H. R. 8922) granting an increase of pension to Oliver Brier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8923) granting an increase of pension to John R. Bungard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8924) granting an increase of pension to Perry Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8925) granting an increase of pension to William H. Snowden; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 8926) granting a pension to James D. Winslow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8927) granting a pension to Granville Haselton; to the Committee on Pensions.

By Mr. VOIGT: A bill (H. R. 8928) granting a pension to Wilhelmine C. Waterstradt; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 8929) granting an increase of pension to Charity Ann Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CURRY of California: Petition of the Salmon Packers of Alaska, the Alaska Fisherman's Union, and other affiliated organizations, for the establishment of a Government hospital in the Bristol Bay region of Alaska, in the vicinity of the mouth of the Nushagak River; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the California Cattleman's Association, to conserve cattle suffering through lack of food by throwing open the park lands of the public domain for use as grazing lands; to the Committee on the Public Lands.

By Mr. DALE of New York: Memorial of the National Association of Printing Ink Makers, requesting that sufficient shipping facilities be provided that the ink makers may not have to go out of business, and protesting against official indifference to their requests; to the Committee on Interstate and Foreign Commerce.

Also, petition of Irish Progressive League, favoring full freedom for Ireland; to the Committee on Foreign Affairs.

By Mr. DARROW: Resolution of the Select and Common Councils of Philadelphia, Pa., protesting against the abolition of the pneumatic mail tubes in the city of Philadelphia; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of Tufts College Publishing Association, favoring repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Resolution of Rotary Club, of Providence, R. I., favoring passage of the Chamberlain universal military service bill; to the Committee on Military Affairs.

By Mr. OSBORNE: Memorial of the W. S. Rosecrans Post, No. 182, of the Department of California and Nevada, Grand Army of the Republic, urging increase in pensions of veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. SNYDER: Petition of D. B. Simmons & Co., the D. D. Winston Co., Field & Start, the Williams Co., and E. S. Demsky, all of Utica, N. Y., against forcing the placing of contracts with the American Sugar Refining Co., etc.; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *January 18, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we would be more and more impressed with the tremendous fact that we are the representatives of a Christian civilization. We stand for Thy name founded upon Thy law and our purpose is to execute Thy will. Do Thou look upon us this day and guide us in every thought and purpose and passion of our hearts, that all things may be done to the honor and glory of Thy Name and to the advancement of all the interests of this great Christian Nation. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

ORDER OF FUEL ADMINISTRATOR.

The VICE PRESIDENT. When the resolution of the Senate of yesterday was presented to the Fuel Administrator of the United States by the Secretary of the Senate at 6.35 o'clock the Fuel Administrator requested the Secretary to notify the Presiding Officer of the Senate and the Presiding Officer to notify the Senate that the order had gone into effect at 5.45 o'clock, before the receipt of the resolution, and that no discourtesy was intended to the Senate by such action.

Mr. HITCHCOCK. Mr. President, I feel privileged to say that while the resolution of the Senate was not formally presented in writing to the Fuel Administrator until 6.30 o'clock, it was telephoned to him as early as 6 o'clock, and that he had every opportunity of knowing even before that time that the Senate was about to pass it.

The VICE PRESIDENT. The Chair desires to have placed in the RECORD a letter from Mr. Garfield touching the coal controversy. The letter will not be read, unless some Senator desires it read, but will go in the RECORD.

Mr. NORRIS. I ask that the letter be read.

The VICE PRESIDENT. The Secretary will read the letter.

The Secretary read as follows:

UNITED STATES FUEL ADMINISTRATION,
Washington, D. C., January 18, 1918.

To the VICE PRESIDENT OF THE UNITED STATES,
United States Senate, Washington, D. C.

DEAR MR. VICE PRESIDENT: Permit me to confirm the message which I sent to you yesterday afternoon by Mr. Baker, the Secretary of the Senate.

It is my earnest desire that the Members of the Senate should know that, as an executive officer of the Government, I would not willingly treat a request of the Senate with other than the greatest respect.

The order suspending the operation of industrial plants in portions of the United States was issued only after deliberate consideration, and will, I firmly believe, aid effectively in providing coal for domestic consumers, for the prompt bunkering of ships carrying necessary war material abroad, and for the relief of the serious congestion at the docks and at many points in the section covered by the order. I still believe it should stand. To delay the application of the order would only add to the congestion. It would be but natural that industry, in the interval, would redouble its efforts to increase supplies on hand.

To permit factories with a coal supply to operate during the period of suspension would allow many producing articles least essential to the war to continue, while some producing articles the most essential would be compelled to shut down. Moreover, continued production by those well supplied with coal would delay, if not defeat, the relief contemplated by the order.

I should add that the resolution was presented to me at 6.35 p. m. yesterday afternoon and that the order was signed at 5.45. With high respect, I remain,

Very truly, yours,

H. A. GARFIELD,
United States Fuel Administrator.

NATIONAL PROHIBITION.

The VICE PRESIDENT. The Chair lays before the Senate a certified copy of a joint resolution of the General Assembly of the Commonwealth of Virginia ratifying the proposed amendment to the Constitution of the United States providing for national prohibition, which will be placed on the files of the Senate.

PATRIOTIC CABLEGRAM FROM ST. THOMAS.

The VICE PRESIDENT. The Chair lays before the Senate the following cablegram, which will be read.

The Secretary read as follows:

ST. THOMAS, *January 17, 1918.*

PRESIDENT OF THE SENATE,
Washington:

The executive committee in charge of celebrations commemorating this day on behalf of those accepting citizenship in the United States solemnly pledge their loyalty to the United States, being fully conscious of and duly appreciating the great benefits of American citizenship, and beg to assure the Government of their true and faithful allegiance.

BALDEMAR MILLER, *Chairman.*

VISITORS TO NAVAL ACADEMY.

The VICE PRESIDENT. In accordance with the act of Congress approved August 29, 1916, providing for the appointment of a Board of Visitors at the Naval Academy, which act provided that the presiding officer of the Senate shall appoint four Senators upon the Board of Visitors during the month of January of

each year, the Chair appoints on such Board of Visitors for the year 1918 the Senator from Virginia [Mr. SWANSON], the Senator from Maryland [Mr. SMITH], the Senator from Pennsylvania [Mr. PENROSE], and the Senator from Massachusetts [Mr. LODGE].

PETITIONS AND MEMORIALS.

Mr. LODGE. I present a large number of telegrams, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BOSTON, MASS, *January 17, 1918.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

Undersigned committee was appointed at meeting of New England Transportation Conference, which included representatives of Boston Chamber of Commerce, Associated Industries of Massachusetts, New England Shoe & Leather Association, the National Association of Wool Manufacturers, Paper Manufacturers of New England, and Boston Trade Association; Arkwright Club of New England and Paint and Oil Club of New England, and other manufacturers. The conference recognizes serious shortage of fuel but feels that order of National Fuel Administrator will work unnecessarily great harm to labor and industry. All the submarines in the world could not sink in the same length of time the amount of supplies which will be killed by it if literally carried out. Millions of dollars of unnecessary damage will be caused in interference with production and destruction of goods in progress. Same result could better be obtained by stating percentage of fuel each industry must conserve and allowing industry to make that conservation under regulation of New England fuel administrator in such manner as will do least injury to business and keep the greatest number of employees at work. We object to the five-day shut down as a poor way to accomplish object sought, and we especially object to shortness of the notice which does not give industrial plants opportunity to rearrange their schedules. New England has in its fuel administrator a man who has made very careful and continuous study of the necessities of the occasion. We believe that Mr. Storrow should be given great authority and latitude to determine how coal which must be saved in New England shall be saved. Shortage of fuel in New England is largely due to interference with water transportation. Under ordinary conditions 60 per cent of our coal is brought by water. We do not object to United States taking vessels absolutely required for war purposes, but some of the vessels could be spared at least temporarily to relieve the present situation. The more boats that haul coal to New England the more cars and locomotives there will be free to haul coal to other parts of the country and the more war goods New England and the other parts of the country will produce. We, like good soldiers, will obey the order and live up to its spirit until it is either modified or rescinded. We do, however, protest against peremptory form of order and unnecessary hardship which it entails. Thousands of employees will lose an unnecessary amount in wages at a time when they can least afford it. We urge that Federal Fuel Administrator inform New England administrator amount of coal which must be saved in New England, and that it then be left to New England fuel administrator to order that saving in such way as may seem to him wise.

Committee of New England's Transportation Conference—
Frederic C. McDuffie, chairman; William R. Cordingley, Henry I. Harriman, Frederick C. Hood, Louis K. Liggett, Fred B. Rice.

BROCKTON, MASS., *January 17, 1918.*

Senator HENRY CABOT LODGE,
Washington, D. C.:

Under the auspices of the Brockton Chamber of Commerce; William L. Gleason, mayor of the city of Brockton; members of the Shoe Manufacturers' Association of Brockton; Brockton Central Labor Union; and Brockton Shoe Council, in representative conference assembled, protest against the closing of the Brockton shoe factories and other industries, (1) because the order does not obtain the end desired in the conservation of coal, for the reason that all factories, whether working or not, are obliged to maintain a temperature sufficient to prevent the chilling and destruction of the materials used in the manufacture of shoes, such as blackings, dressing leather, etc.; (2) because the operation of the majority of all the shoe factories in the Brockton district, comprising Brockton and the surrounding towns, is not by coal direct, but by the medium of the central electric station, which is exempted by the order of the local board; (3) because this order is imperative for the closing of the factories, regardless of the possibility that they could be run by other fuel; (4) because the wage earners of Brockton gladly assumed a certain responsibility to pay for liberty bonds by installments from their weekly wage; the loss of the days' work consequent upon the operation of this order will make it impossible, in many cases, for them to meet their obligations; (5) because, while the ultimate end to be obtained by the order is the protection of health and life, the immediate effect is to bring direct suffering to many of the 14,000 operatives in the factories, who are thus forced to find in their homes the heat which they are accustomed to find in the factory, and by losing the days' work are impoverished to the extent, in many cases, of inability to pay the price for fuel, even if they could obtain it.

Wm. L. Gleason, mayor of Brockton; Preston B. Keith Shoe Co.; Churchill & Ald. N. Ma. Co.; Whitman & Keith; E. E. Taylor Co.; T. D. Barry Co.; Brockton Heel Co.; Sterling Motor Car Co.; Brockton Central Labor Union; Brockton Shoe Council; Brockton Chamber of Commerce, E. C. Jewett, ex-secretary.

CLEVELAND, OHIO, *January 17, 1918.*

Hon. HENRY C. LODGE,
Official Building, Washington, D. C.:

As one of your constituents, I respectfully urge you to protest against the policy which has permitted and continued to permit the use of coal for such nonessential purposes as display advertising, manufacture of pianos, talking machines, jewelry, and beer, and for overheating theaters and dance halls and the like, and now forbids its use for five consecutive days immediately, and for one or two days every week for some time to come, for all manufactures, even that of our most essential war needs. Can we not now at least stop entirely all unessential uses of fuel, and, if necessary, limit the amount of heating, even in homes, and require that essential war work be pushed seven days every week?

F. A. RUSSIS.

BOSTON, MASS., *January 17, 1918.*

HENRY CABOT LODGE,
Senate Chamber, Washington, D. C.:

The city of Boston Hotel Association earnestly requests your influence and immediate action to exempt hotels on Garfield order, which unnecessarily curtails our business and practically amounts to persecution.

A. E. HURLBURT, *President.*

BOSTON, MASS., *January 17, 1918.*

Senator HENRY CABOT LODGE,
Washington, D. C.:

Absolutely impossible for manufacturing plants to comply with coal order. Plant heated with exhaust steam. Unless heated, entire sprinkler system will freeze. In country town: inadequate fire forces. To obtain exhaust steam, boilers must be run and engines turned over with limited power. In this plant employees subscribed $15,000 in liberty bonds. This impossible of new loan if employees are cut down in working hours. Would suggest each manufacturer required to save definite amount of coal during next three months and given license to operate after satisfaction that saving will be made.

STANDARD WOVEN FABRIC CO.,
STOUGHTON BELL, *President.*

LYNN, MASS., *January 17, 1918.*

Hon. HENRY CABOT LODGE,
Washington, D. C.:

The Essex County (Mass.) Associated Boards of Trade protest through you against the Garfield fuel order for our people to put in five days working for the Kaiser. We believe the Fuel Administration has been incompetent and visionless from the very first. Garfield evidently thinks he is granting some college boys a week's vacation. He can have no appreciation of what this latest so-called fuel order really means. This action proves him to be totally unfit to take any part in national affairs at any time. His plain duty from the start was to greatly increase the activities of coal mines and railroads when the weather was good instead of permitting conditions that will decrease the activities of an entire nation.

RALPH H. BAUER,
Chairman Legislative Committee.

BOSTON, MASS., *January 17, 1918.*

Hon. HENRY CABOT LODGE,
Washington, D. C.:

With intent of full cooperation with Government and realizing the necessity of Dr. Garfield's drastic closing order, yet we respectfully request that you file protest in our behalf on the suddenness of same and, if possible, have effective date delayed until Monday or Tuesday next to permit preparation to comply with order, to avoid serious loss on the part of our members.

National Building Granite Quarries Association (Inc.); Granite Paving Block Manufacturers' Association of the United States (Inc.); The National Association of the Granite Industries of the United States (Inc.).

NEW YORK, *January 17, 1918.*

Hon. HENRY C. LODGE,
Washington, D. C.:

Our mills in your State have substantial Government orders. Garfield's drastic order seriously affects the ability of the company to make deliveries of cloth to the Army. We strenuously oppose the order and appeal to you to remedy this national catastrophe.

WM. M. WOOD,
President American Woolen Co.

BOSTON, MASS., *January 18, 1918.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

Allow me most respectfully to urge you to do everything in your power to get the closing-down order rescinded. Personally it does not affect me as I am practically out of business, but I regard it as one of the most serious and disastrous things that could be done.

H. W. MONTAGUE.

BOSTON, MASS., *January 17, 1918.*

Hon. HENRY CABOT LODGE,
Washington, D. C.:

To meet this pressing coal-shortage emergency I would suggest that retail stores, office buildings, and other lines of trade, which come into the Monday-holiday class, be allowed to change from an all-day Monday holiday to a five-hour day Tuesdays and Fridays; opening for business at 10 a. m. and closing at 3 p. m. This procedure would accomplish as much in conservation of coal and give all classes of business coming within this rule an opportunity to transact all necessary public business and would accommodate the needs of many lines, which would be better handled this way than by a full holiday once a week for 10 weeks. The five hours a day of business will heat the buildings sufficiently to protect sprinkler systems and other water pipings. Two days of no heat in severe cold weather would freeze up seriously nineteen out of twenty buildings, causing millions of dollars' worth of loss and inconvenience. These hours would apply equally advantageously to manufacturing and other trades.

P. MAGRANE,
President Magrane-Houston Co.

BOSTON, MASS., *January 18, 1918.*

Hon. HENRY CABOT LODGE,
Senate Chamber, Washington, D. C.:

We can not win the war by loafing. We hereby register our protest against the Monday-closing order and request that you use your efforts to have this order rescinded.

H. H. CHANDLER & SON.

WORCESTER, MASS., *January 17, 1918.*

HENRY CABOT LODGE,
Washington, D. C.:

We protest against the action of the Fuel Administration in shutting down our industry. This action will cause serious industrial disturbance and untold suffering among our people. We would suggest that a radical curtailment of all other freight and passenger service and devoting entire transportation facilities to movement of coal for the next five days will accomplish much better results.

WORCESTER MANUFACTURING CO.

NEW YORK, *January 17, 1918.*

Hon. HENRY CABOT LODGE,
Senate, Washington, D. C.:

In behalf of the New England mills of Amory Browne & Co., and also in behalf of our two mills in Alabama, I wish to protest against action of Director Garfield owing to losses on material in process. Impossible to follow orders strictly.

WALTER C. BAYLIES.

LOWELL, MASS., *January 17, 1918.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

Wicked waste to stop portion of mill operated by water. Eighty per cent in poundage of our contracts is for Government. Using water power would not involve use of coal. With mill closed, must use coal to protect sprinklers. With mill running, part of such coal is generally saved, because of heat from machinery being adequate for sprinklers and employees' comfort. Hope administrator will confirm our assumption that we may run by water on Government work, where consumption of coal is not involved.

F. A. FLATHER,
Treasurer Root Mills.

BOSTON, MASS., *January 17, 1918.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

New England shoe manufacturers and tanners, while desiring to do their full duty toward the Government as patriotic citizens, are greatly disturbed over the order of the Fuel Administrator in shutting down all manufacturing establishments for the next five days and our association has been all day receiving strong protests against Mr. Garfield's action. This drastic order comes at a most unfortunate time for our shoe industry and we urge you to have the regulations modified in any way possible in the interests of both manufacturers and their employees.

NEW ENGLAND SHOE AND LEATHER ASSOCIATION,
THOMAS F. ANDERSON, *Secretary.*

BOSTON, MASS., *January 17, 1918.*

Hon. H. C. LODGE,
Senate Office Building, Washington, D. C.:

I wish to enter my protest against the closing order of Dr. Garfield. Textile mills are heated by exhaust steam, which is so helped by the friction of machinery running that the saving of coal will be comparatively small when the mills are closed.

C. MINOT WELD.

NEW YORK, *January 17, 1918.*

Senator HENRY CABOT LODGE,
Washington, D. C.:

I protest against fuel-conservation edict as being extremely injurious to all industries.

FRANCIS U. STEARNS,
Treasurer Renfrew Manufacturing Co., Adams, Mass.

WORCESTER, MASS., *January 17, 1918.*

HENRY CABOT LODGE,
Washington, D. C.:

We protest most emphatically against order issued by Fuel Administration, which we consider a serious blunder. We respectfully urge you to do all possible to have reconsidered and revoked this step with its resulting demoralization to industry. We recommend that closer attention be given to movement of coal now sidetracked and that present movement of freight and passenger service be radically curtailed to accomplish this, and that positions of great responsibility should be filled by men of proven business ability.

GRATON & KNIGHT.

SOMERVILLE, MASS., *January 17, 1918.*

Hon. HENRY CABOT LODGE,
Washington, D. C.:

We vigorously protest against ruling closing business places and factories unless absolutely necessary. It will mean utter ruin to many merchants in this section as well as terrible suffering owing to loss of pay among the people. Can not ruling be modified?

TEELE SQUARE BUSINESS MEN.

EASTHAMPTON, MASS., *January 17, 1918.*

Senator HENRY CABOT LODGE,
Washington, D. C.:

Fuel order appearing in newspapers this morning will, to our mind, work unnecessary hardship on labor and will seriously handicap all business connected with the furnishing to the Government of materials urgently needed for the successful prosecution of the war. Industries having fuel in ample supply should not be handicapped in producing materials urgently needed by the Government. The order we think is unnecessarily drastic and will lead to business disaster in many directions and general unrest throughout the industrial centers.

WEST BOYLSTON MANUFACTURING CO.

BOSTON, MASS., *January 17, 1918.*

Hon. H. C. LODGE,
United States Senate, Washington, D. C.:

The immediate adoption of daylight hours for general manufacturing will effect as much saving as shutting down every Monday, and with no consequent embarrassment to labor or manufacturer. What we need is more production. Our own plant is heated by exhaust steam when running, and consequently takes two-thirds as much coal for heating while shut down as is used when running full. Feel present ruling will have far-reaching effect in causing further labor disturbances.

FORBES LITHO. MFG. CO.,
W. S. FORBES, *Treasurer.*

BOSTON, MASS., *January 17, 1918.*

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

With intent of full cooperation with Government and realizing the necessity of Dr. Garfield's drastic closing order, yet we respectfully request that you file protest on our behalf on the suddenness of same, and, if possible, have effective date delayed until Monday or Tuesday next to permit preparation to comply with order to avoid serious loss on the part of our members.

NATIONAL BLDG. GRANITE QUARRIES ASSN. (INC.)
GRANITE PAVING BLOCK MFRS. ASSN. OF THE U. S. (INC.).
THE NATIONAL ASSN. OF THE GRANITE INDUSTRIES OF THE U. S. (INC.).

Mr. LODGE presented resolutions adopted by the Boston & Maine Minority Stockholders' Protective Association, of Massachusetts, favoring the enactment of legislation to safeguard the interests of the security holders of the Boston & Maine and other railroads, which were referred to the Committee on Interstate Commerce.

He also presented telegrams in the nature of petitions from the New England Newspaper Alliance and from the North Adams Transcript, of Massachusetts, praying for the enactment of legislation fixing the price of print paper, which were referred to the Committee on Printing.

He also presented resolutions adopted at the annual meeting of the American Psychological Association, favoring the enactment of legislation for the establishment and maintenance of model demonstration rural schools and for the elimination of adult illiteracy in the United States, which were referred to the Committee on Immigration.

He also presented petitions of sundry citizens of Boston, Mass., praying for the enactment of legislation for the suppression of the liquor traffic among the Indians, which was referred to the Committee on Indian Affairs.

Mr. McKELLAR. I present two telegrams, which I ask may be printed in the RECORD without reading.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CHATTANOOGA, TENN., *January 17, 1918.*

Senator K. D. McKELLAR,
Washington:

Dr. Garfield's order in connection with fuel situation, in my judgment, will do more harm than good and ought to be immediately suspended.

C. M. PRESTON.

CHATTANOOGA, TENN., *January 17, 1918.*

Senator K. D. McKELLAR,
Washington, D. C.

Dr. Garfield's fuel order ought to be suspended. Will do much more harm than good.

J. J. LYNCH.
M. M. ALLISON.

Mr. TOWNSEND. I send to the desk telegrams both favorable to and opposed to the order issued by the Fuel Administrator, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

DETROIT, MICH., *January 17, 1918.*

Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.:

Strong protest against reported order of Fuel Administrator following at length. Please make every effort to secure delay until business interests can be heard from.

DETROIT BOARD OF COMMERCE,
A. A. TEMPLETON, *President.*

LANSING, MICH., *January 18, 1918.*

Senator CHARLES E. TOWNSEND,
Washington, D. C.:

Manufacturers and jobbers voted unanimously to obey the order of Fuel Administrator Garfield relative to closing of factories for five days.

LANSING CHAMBER OF COMMERCE,
CHARLES H. DAVIS.

PONTIAC, MICH., *January 17, 1918.*

Senator CHARLES E. TOWNSEND,
419 Senate Office Building, Washington, D. C.:

Wire immediately at our expense present status of Garfield order regarding five-day closing of manufacturing plants. Also your personal opinion whether order will stand or be rescinded or to what extent modified.

PONTIAC MANUFACTURERS' ASSOCIATION,
Per PAUL A. LEIDY.

ADRIAN, MICH., *January 17, 1918.*

Hon. CHARLES E. TOWNSEND,
Washington, D. C.:

The Patriotic League of Lenawee County, embracing all patriotic activities in the county, most earnestly protests against any congressional action designed to coerce or interfere with executive measures dealing with fuel and transportation. Such measures are absolutely an executive function, and interference from Congress would create a grave political crisis, which we should view with profound apprehension. For Congress to usurp executive powers in war would bring inevitable disaster. We are at the parting of the ways. Our Constitution and system of government are at stake. This community supports the President absolutely in his constitutional power and considers all resistance to Garfield's order as unpatriotic and extremely dangerous, irrespective of the merit or advisability of the order itself.

ROBERT DARNTON, *President,*
W. H. BURNHAM, *Vice President,*
R. C. ROTHFUS, *Secretary,*
Patriotic League of Lenawee County.

MUSKEGON, MICH., *January 17, 1918.*

Hon. CHARLES E. TOWNSEND,
Senate Building, Washington, D. C.:

Published copy of Garfield order allows schools, theaters, saloons, and many nonessentials to run, but prevents our plant, which is operating on war munitions exclusively, from furnishing necessary war materials according to contract schedule. This partial stoppage of work throws men out of employment, which means great suffering among their families, which could be partially relieved by stopping all nonessentials. Schools could make up time later. Something to eat

and wear for men's families and war material for the Government are of more importance at this time than are all the amusement places, clubs, and saloons in the country. If the question of throwing men out of employment is to be considered, the producers should be given preference. We have been aiding some of our 800 employees to get fuel, but can not continue if the Government takes this course. We feel we can count on your aid to have this order changed to insure necessary production.

LINDERMAN STEEL & MACHINERY CO.

DETROIT, MICH., *January 17, 1918.*

Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.:

Newspaper report of proposed Fuel Administration order to close industries was a distinct shock to Detroit. At a meeting called by the Detroit Board of Commerce, representing the majority of large manufacturers, it was the unanimous opinion that an emphatic protest should be made against the issuance of such an order as is proposed, on the ground that it would be a national calamity and would invite disaster rather than avert it. Approximately $1,000,000 per day will be taken from 225,000 workmen in Detroit. Seventy-five per cent of coal is necessary for heating purposes alone to protect plants even if closed down, and net saving would be very small. The following are concrete examples: Woodworking plants require more coal when idle than when running, because the waste is used for fuel. One printing establishment, illustrative of many others, uses three-quarters of a ton of coal and $4 worth of electricity per day to keep 65 employees at work. The throwing of millions of men on the streets without occupation will present most fertile field for anarchistic and pro-German agitators. Wage earners will not understand why they are thrown out of work and will be disappointed at not receiving the suggested pay, which very few, if any, manufacturers can give. Dissatisfaction will result, followed by objection to continuing the war. The order will do more to bring about a demand for peace without victory than anything which can possibly be done and will bring joy to the Kaiser and his sympathizers here. We are not thinking of Detroit alone, but what we have said applies to all manufacturing sections of the country. We pledge ourselves to do everything possible to conserve coal by eliminating unnecessary lighting and heating in factories, homes, and streets, and solicit definite suggestions from the Fuel Administration toward this end. We protest most vigorously against shutting down the industries in this country, causing a delay in producing, which means a loss of thousands of lives on the firing line.

A. A. TEMPLETON,
President Detroit Board of Commerce.

Mr. GALLINGER. I present a large number of telegrams relative to the order issued by the Fuel Administrator, which I ask to have printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BOSTON, *January 18, 1918.*

Hon. JACOB H. GALLINGER,
Washington, D. C.:

Proposed shut-down of all New England industries would save but small part of coal used. One large manufacturer informs me that two-thirds usual supply will be needed to prevent freezing pipes and untold damage to factories. Your resolution should prevail.

F. W. ESTABROOK.

AKRON, OHIO, *January 17, 1918.*

Senator GALLINGER,
Washington, D. C.:

International Association of Machinists of Akron, Ohio, membership 1,500, enter emphatic protest against action of Harry A. Garfield in suspending industry and creating hardship upon labor and retarding war production. We resent this unpatriotic move and ask his removal.

R. H. PELKEY, *Secretary.*

BOSTON, *January 17, 1918.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

With intent of full cooperation with Government and realizing the necessity of Dr. Garfield's drastic closing order, yet we respectfully request that you file protest on our behalf on the suddenness of same, and, if possible, have effective date delayed until Monday or Tuesday next to permit preparation to comply with order to avoid serious loss on the part of our members.

NATIONAL BUILDING GRANITE QUARRIES ASSOCIATION (INC.).
GRANITE PAVING BLOCK MANUFACTURERS' ASSOCIATION OF THE UNITED STATES, (INC.).
THE NATIONAL ASSOCIATION OF THE GRANITE INDUSTRIES OF THE UNITED STATES (INC.).

NEW YORK, *January 17, 1918.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

This association makes a most emphatic protest against Garfield order closing business. Owing to the criminal neglect of Car Commissioner Judge Lovett and other Washington bureaus to allow necessary raw materials, we have no reserve stock of printing ink in any of our factories. If our plants are arbitrarily closed, it will shut up every newspaper and every other publication and every printer in the Eastern States for weeks. We have begged in vain for relief for an uncalled-for, intolerable, and inexcusable condition. Washington officials have ignored the situation and treated us with discourteous neglect. We must have immediate assurance that our mills can run and that we get raw material, or we will necessarily stop every ounce of ink going into the District of Columbia.

NATIONAL ASSOCIATION OF PRINTING INK MAKERS.

BOSTON, MASS., *January 17, 1918.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

Undersigned committee was appointed at a meeting of the New England Transportation Conference, which included representatives of Boston Chamber of Commerce, Associated Industries of Massachusetts, New England Shoe and Leather Association, the National Association of Wool Manufacturers, paper manufacturers of New England, Boston Wool Trade Association, Arkwright Club of New England, and Paint and Oil Club of New England, and other manufacturers. The conference recognizes serious shortage of fuel, but feels that order of National Fuel Administrator will work unnecessarily great harm to labor and industry. All the submarines in the world could not sink in the same length of time the amount of supplies which will be killed by it if literally carried out. Millions of dollars of unnecessary damage will be caused in interference with production and destruction of goods in process. Same result could be better obtained by stating percentage of fuel each industry must conserve and allowing industry to make that conservation under regulation of New England fuel administrator in such manner as will do least injury to business and keep the greatest number of employees at work. We object to the five-day shutdown as a poor way to accomplishing object sought, and we especially object to shortness of the notice, which does not give industrial plants opportunity to rearrange their schedules. New England has in its fuel administrator a man who has made very careful and continuous study of the necessities of the occasion. We believe that Mr. Storrow should be given great authority and latitude to determine how coal which must be saved in New England shall be saved. Shortage of fuel in New England is largely due to interference with water transportation. Under ordinary conditions 60 per cent of our coal is brought by water. We do not object to United States taking vessels absolutely required for war purposes, but some of the vessels could be spared, at least temporarily, to relieve the present situation. The more boats that haul coal to New England the more cars and locomotives there will be free to haul coal to other parts of the country and the more war goods New England and the other parts of the country will produce. We, like good soldiers, will obey the order and live up to its spirit until it is either modified or rescinded. We do, however, protest against peremptory form of order and unnecessary hardship which it entails. Thousands of employees will lose an unnecessary amount in wages at a time when they can least afford it. We urge that Federal Fuel Administrator inform New England administrator amount of coal which must be saved in New England, and that it then be left to New England fuel administrator to order that saving in such way as may seem to him wise.

FREDERICK C. MCDUFFIE, *Chairman,*
WILLIAM R. CORDINGLEY,
HENRY I. HARRIMAN,
FREDERIC C. HOOD,
LOUIS K. LIGGETT,
FRED B. RICE.
Committee of New England Transportation Conference.

Mr. GALLINGER. I present petitions of B. E. Shubert, of Greenwich, Conn.; of the New York Board of Trade and Transportation; of E. R. True, of Washington, D. C.; of Col. John P. Irish, of Oakland, Cal.; and of the State commissioner of horticulture of California, praying for the importation of Chinese farmers during the war. The resolution which I introduced some time ago on this subject was referred to the Committee on Agriculture and Forestry, and I move that these petitions be referred to that committee.

The motion was agreed to.

Mr. McCUMBER presented a petition of sundry citizens of Grand Forks, N. Dak., praying for the enactment of legislation providing for a division of the internal-revenue district of North and South Dakota and for the establishment of an internal-revenue office in North Dakota, which was referred to the Committee on Finance.

Mr. PHELAN presented a memorial of Local Branch No. 15525, Oil and Gas Well Workers' Union, of Coalinga, Cal., remonstrating against the introduction of Chinese labor into the country during the war, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Central Labor Council of Los Angeles, Cal., and a petition of the Federated Trades Council of Sacramento, Cal., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Half-Century Association of America, Los Angeles, Cal., praying for the removal of any discrimination against applicants for civil service who have passed 50 years of age, which was referred to the Committee on Civil Service and Retrenchment.

Mr. FERNALD. I send to the desk telegrams relative to the order issued by the Fuel Administrator, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BOSTON, MASS., *January 17, 1918.*

Hon. BERT M. FERNALD,
United States Senate, Washington, D. C.:

With intent of full cooperation with Government and realizing the necessity of Dr. Garfield's drastic closing order, yet we respectfully request that you file protest on our behalf on the suddenness of same, and, if possible, have effective date delayed until Monday or Tuesday next to permit preparation to comply with order to avoid serious loss on the part of our members.

NATIONAL BUILDING GRANITE QUARRIES ASSOCIATION (INC.).
GRANITE PAVING BLOCK MANUFACTURERS' ASSOCIATION OF THE UNITED STATES (INC.).
NATIONAL ASSOCIATION OF GRANITE INDUSTRIES OF THE UNITED STATES (INC.).

BOSTON, MASS., *January 17, 1918.*

Hon. BERT M. FERNALD,
United States Senate, Washington, D. C.:

Undersigned committee was appointed at meeting of New England Transportation Conference, which included representatives of Boston Chamber of Commerce, Associated Industries of Massachusetts, New England Shoe & Leather Association, the National Association of Wool

Manufacturers, Paper Manufacturers of New England, and Boston Trade Association, Arkwright Club of New England, and Paint & Oil Club of New England, and other manufacturers. The conference recognizes serious shortage of fuel, but feels that order of National Fuel Administrator will work unnecessarily great harm to labor and industry. All the submarines in the world could not sink in the same length of time the amount of supplies which will be killed by it if literally carried out. Millions of dollars of unnecessary damage will be caused in interference with production and destruction of goods in progress. Same result could better be obtained by stating percentage of fuel each industry must conserve and allowing industry to make that conservation under regulation of New England fuel administrator in such manner as will do least injury to business and keep the greatest number of employees at work. We object to the five-day shutdown as a poor way to accomplishing object sought, and we especially object to shortness of the notice, which does not give industrial plants opportunity to rearrange their schedules. New England has in its fuel administrator a man who has made very careful and continuous study of the necessities of the occasion. We believe that Mr. Storrow should be given great authority and latitude to determine how coal which must be saved in New England shall be saved. Shortage of fuel in New England is largely due to interference with water transportation. Under ordinary conditions 60 per cent of our coal is brought by water. We do not object to United States taking vessels absolutely required for war purposes, but some of the vessels could be spared, at least temporarily, to relieve the present situation. The more boats that haul coal to New England the more cars and locomotives there will be free to haul coal to other parts of the country, and the more war goods New England and the other parts of the country will produce. We, like good soldiers, will obey the order and live up to its spirit until it is either modified or rescinded. We do, however, protest against peremptory form of order and unnecessary hardship which it entails. Thousands of employees will lose an unnecessary amount in wages at a time when they can least afford it. We urge that Federal Fuel Administrator inform New England administrator amount of coal which must be saved in New England and that it then be left to New England fuel administrator to order that saving in such way as may seem to him wise.

FREDERIC C. MCDUFFIE, *Chairman,*
WILLIAM R. CORDINGLEY,
HENRY I. HARRIMAN,
FREDERICK C. HOOD,
LOUIS K. LIGGETT,
FRED B. RICE.
Committee of New England Transportation Conference.

Mr. SMITH of Michigan. Mr. President, I thought my colleague [Mr. TOWNSEND] had presented, among others, a telegram in the nature of a memorial to the Senate from Dodge Bros., at Detroit, but he has just advised me that he has not his copy of the telegram with him, and I desire to read this telegram, which deals with the cause of this trouble as well as the effect. It is very brief:

DETROIT, MICH., *January 17, 1918.*

Senator WILLIAM ALDEN SMITH,
Washington, D. C.

Dodge Bros. and 17,000 of their employees most vigorously protest against the action of the administration in ordering suspension of all industries for 14 days. This order will work untold hardship and suffering, as men without money will not only have to do without coal, but will also have to do without food. In our opinion the lack of coal is entirely due to the advice spread broadcast during the early summer by Fuel Administration that later on there would be ample coal delivered at a low Government price, causing practically everyone to delay the purchasing of their coal until fall, with the result that the railroads were asked to deliver in two months coal that ordinarily required seven months to deliver. In our case it also means a delay of 14 days in the delivery of important ordnance material, which no doubt will very much please our enemies, both home and abroad.

DODGE BROS.

If I may, I desire to trespass a moment longer to read a telegram from the Genesee County fuel administrator at Flint, Mich., who says:

FLINT, MICH., *January 10, 1918.*

Hon. WM. ALDEN SMITH,
Grand Rapids, Mich.:

Susquehanna Coal Co., large anthracite shippers, notify Michigan dealers to-day that the Government has prohibited all their anthracite shipments coming into Michigan for 30 days. Fuel administration of Ohio has had shipments of bituminous coal from Ohio to Michigan embargoed since December 24, and Ohio miners advise by long distance that it is still on. It is up to you and other Michigan Representatives to have these conditions modified at once so this whole State may be relieved.

GENESEE COUNTY FUEL ADMINISTRATOR KELLER.

Mr. President, I have just returned after a rather enforced absence of several days. I know how deplorable and pitiable the fuel situation is in Michigan, and I can not resist the temptation to beg of my colleagues that some remedy should be afforded. When hospitals are unable to be kept warm for the purpose of caring for the sick and the dying and cries of distress can be heard everywhere it is a serious situation in a State where the thermometer is below zero. Promises and good intentions have little effect in a situation so critical.

All this chaos and disorder and lack of coordination and lack of practical cohesion are shameful. The Senate and House of Representatives should rise and if necessary clip the wings of this ominous bird; we should stay the hands of those who seek to exercise unconstitutional authority which could not and was never pretended to be given. The whole country is aghast. Our enemies must be jubilant. May I not with the highest respect for the coordinate departments of the Government beg my colleagues that some united action shall be taken to speed relief and stay this blow so serious and so far-reaching now about to fall upon our countrymen? We must be loyal to our Commander in Chief, but this does not mean that we shall be deaf or speechless, heartless or blind. Is there no cure for this inexcusable disorder?

I also have received a telegram from the president of the Board of Commerce of Detroit, which I ask to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram is as follows:

DETROIT, MICH., *January 17, 1918.*

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

Newspaper report of proposed Fuel Administration order to close industries was a distinct shock to Detroit. At a meeting called by the Detroit Board of Commerce, representing the majority of large manufacturers, it was the unanimous opinion that an emphatic protest should be made against the issuance of such an order as is proposed, on the ground that it would be a national calamity and would invite disaster rather than avert it. Approximately $1,000,000 per day will be taken from 225,000 workmen in Detroit. Seventy-five per cent of coal is necessary for heating purposes alone to protect plants even if closed down, and net savings would be very small. The following are concrete examples: Woodworking plants require more coal when idle than when running, because the waste is used for fuel. One printing establishment, illustrative of many others, uses three-quarters ton of coal and $4 worth of electricity per day to keep 65 employees at work. The throwing of millions of men on the streets without occupation will present most fertile field for anarchistic and pro-German agitators. Wage earners will not understand why they are thrown out of work and will be disappointed at not receiving the suggested pay which very few, if any, manufacturers can give. Dissatisfaction will result, followed by objection to continuing the war. The order will do more to bring about a demand for peace without victory than anything which can possibly be done and will bring joy to the Kaiser and his sympathizers here. We are not thinking of Detroit alone, but what we have said applies to all manufacturing sections of the country. We pledge ourselves to do everything possible to conserve coal by eliminating unnecessary lighting and heating in factories, homes, and streets, and solicit definite suggestions from the Fuel Administration toward this end. We protest most vigorously against shutting down the industries in this country, causing a delay in producing, which means a loss of thousands of lives on the firing line.

A. A. TEMPLETON,
President Detroit Board of Commerce.

Mr. SMITH of Georgia. Mr. President, I send to the desk six telegrams from as many large manufacturing plants that I have received from Columbus, Ga., one of which I ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

COLUMBUS, GA., *January 15, 1918.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

This cotton mill is operated solely by power derived from water power. Fuel is used only for heating purposes. It is necessary to heat the buildings to keep pipes and fire-sprinkler equipment from freezing, and thereby maintain adequate fire protection. Under normal conditions heat is maintained on Sundays. Heat for this purpose will be sufficient to keep operatives warm. Seven hundred operatives are employed in this plant on daily wages. Such operatives would be caused severe suffering if this plant was closed. Operatives would suffer more from cold if plant was closed than if plant operated. Fuel would not be conserved if plant closed, because operatives would burn far more fuel at home than plant would. This plant has a supply of coal on hand for heating purposes. We urge you to take immediate action to secure modification of Garfield's order to permit us to use our own coal to heat the plant, and thereby conserve fuel, keep our operatives warm, prevent great suffering to hundreds of people, and irreparable damage to persons and property. Plant is also operating largely on Government orders. Prompt action is necessary. This entire community is affected. Advise us as soon as possible. Answer collect.

F. B. GORDON,
President Columbus Manufacturing Co.

Mr. SMITH of Georgia. I shall not ask that the other five telegrams be read. They are practically to the same effect. They vary as to the number of employees. The total number of employees of the six plants is something over 5,000. Each telegram points out that a large portion of the product of the mill from which it comes is being manufactured on Government account, and to a considerable extent will go to camps where soldiers are now stationed, and where other soldiers are to be stationed. They are manufacturing clothing and blankets for our soldiers.

These plants are run by electricity from water power. They consume no coal except for heat.

I also send to the desk a letter which I have received from Mr. Garfield, and ask that it be read.

The Secretary read as follows:

UNITED STATES FUEL ADMINISTRATION,
Washington, D. C., January 16, 1918.

Hon. HOKE SMITH,
United States Senate, Washington, D. C.

MY DEAR SENATOR SMITH: Answering the inquiry by your secretary, Mr. Johnson, I take pleasure in advising you that in reply to a telegram from the Macon News, relative to our order of January 16, our ruling does not apply to newspapers or industries operated by the use of hydroelectric power.

The Macon News, therefore, if operated entirely by hydroelectric power, is not affected by the order.

Yours, very truly,
H. A. GARFIELD,
United States Fuel Administrator.

Mr. SMITH of Georgia. Mr. President, I wish to say that I hope the suggestion contained in this letter is to be liberally carried out and that there will be no effort by the Fuel Administrator to cause trouble to hydroelectric plants, where there is simply a little coal used in the plants to prevent the freezing of their various instrumentalities, including the men and women who work in them.

Most of those plants have sprinkler systems all over their building that must be kept from freezing by some heat, or else they would be likely to freeze and burst, to their great damage and to the damage of the property.

In this connection I wish also to express the hope that if the Fuel Administrator does not respond to the resolution passed by the Senate he at least will so modify in its operation his order as to save the great and unnecessary loss which it otherwise is likely to cause.

I send to the desk three additional telegrams which I desire to have read.

The VICE PRESIDENT. Is there objection. The Chair hears none, and the Secretary will read.

The Secretary read as follows:

ATLANTA, GA., *January 17, 1918.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Talking to hundreds of your friends to-day, we feel the President's orders on coal are too drastic and uncalled for, and show weakness of the administration as well as of the country. Will work great hardship upon the poor, and we feel will cause the greatest wave of crime that has ever swept over this country. Should either be rescinded or modified.

ERNEST L. RHODES.

—

ATLANTA, GA., *January 17, 1918.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

The executive committee of the Atlanta Association of Credit Men, while feeling in complete accord with the purposes of the order regarding the closing of manufacturing and business houses issued by the administration, desire to express the hope that some modification of the order will be made which will bring about the necessary conservation of fuel without working the hardship which will necessarily result from the inflexible enforcement of the present order.

H. D. CARTER, *President.*

—

ATLANTA, GA., *January 17, 1918.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Our mill, Millstead Manufacturing Co., Conyers, Ga., running over 50 per cent on direct Government contract. Please wire me here, expense, earliest practicable moment, latest developments shutting-down order Fuel Administration—whether or not such plants will definitely close down beginning to-morrow.

T. T. CALLAWAY, *Manager.*

Mr. SMITH of Georgia. Mr. President, I desire to say that it was impossible satisfactorily to answer these telegrams last night, because the order of the Fuel Administrator was not published until this morning. I find that the Fuel Administrator was largely influenced to issue the order by the desire to put coal in the vessels which were loaded and lacking coal. I only wish to express the hope that he may still find that by moving the cars out of the terminals between his coal cars and the boats he can have the boats loaded with coal and permit them to sail rather than to stop factories which are 700 miles away from the seaports where the congested terminals interfere with coal delivery.

If he will limit interference with industries to those which affect his ship loading, he can greatly modify his order.

Mr. BECKHAM. I present a telegram from the Board of Trade of Louisville, Ky., which I ask to have read.

There being no objection, the telegram was read, as follows:

LOUISVILLE, KY., *January 18, 1918.*

Hon. J. C. W. BECKHAM,
Washington, D. C.:

The members of the Louisville Board of Trade, at a mass meeting held to-day, adopted a resolution heartily indorsing the purpose of the President and the Federal Fuel Administrator in conserving the coal supply of the country and offer our hearty cooperation to the Fuel Administration in its efforts in this direction.

LOUISVILLE BOARD OF TRADE,
W. S. MORROW, *Secretary.*

Mr TILLMAN. I have here a telegram in relation to the subject matter the Senator from Georgia [Mr. SMITH] has just spoken upon, which I should like to have read.

There being no objection, the telegram was read, as follows:

UNION, S. C., *January 17, 1918.*

Senator B. R. TILLMAN,
Washington, D. C.:

Have wired Federal Fuel Administration, Washington, as follows:

"Lockhart Mills is operated exclusively by its own water power and is heated by wood cut principally from its own lands and will not use exceeding 2 tons of coal per day. Nearly 600 operatives dependent on mills for daily bread. The amount of coal used would not alone heat mills from freezing. Are we permitted to run or must we close under your order? Wire quickly."

Please, can you help us secure early instructions? Please wire me quickly.

EMELIE NICHOLSON, *Treasurer.*

Mr. TILLMAN. Mr. President, I have been unable to answer that telegram for the reason that I could not get in touch with Fuel Administrator Garfield this morning. He was in conference with some one and has not been able to answer. I will take the responsibility of wiring the sender of the telegram that the order does not apply to such mills as his, and I hope Mr. Garfield will see that I am not bothered.

Mr. BRANDEGEE. I present, and desire to have inserted in the RECORD without reading, a number of telegrams from important industries in the State of Connecticut protesting against the so-called fuel order.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

STAMFORD, CONN., *January 17, 1918.*

Hon. F. B. BRANDEGEE,
United States Senate, Washington, D. C.:

At a meeting of the Manufacturers' Association of Stamford, Conn., held to-day the following resolution was unanimously adopted:

"*Resolved*, That the members of the Stamford Manufacturers' Association, by unanimous vote, protest most earnestly against the order closing industries from January 18, as published in the press of January 17, issued by the Hon. H. A. Garfield, Fuel Administrator. They consider the proposition as arbitrary, dictatorial, and unconstitutional; and be it further

"*Resolved*, That a copy of this resolution be forwarded by telegraph and mail to the President of the United States, Senators, and Representatives in Congress from Connecticut."

MANUFACTURERS' ASSOCIATION.

—

NORWICH, CONN., *January 17, 1918.*

Senator FRANK B. BRANDEGEE,
Washington, D. C.:

Twenty-five manufacturers, members of the manufacturers' bureau of the Norwich Chamber of Commerce, at a special meeting held to-day, strongly protest against abrupt and indefinite order of National Fuel Administration throwing 9,000 hands out of work.

H. R. BRANCHE, *Secretary.*

—

NEW HAVEN, CONN., *January 18, 1918.*

Hon. FRANK B. BRANDEGEE,
Senate, Washington, D. C.:

We believe automobile industry to be important factor in helping to relieve freight congestion. Closing of our 26 branches prevents them from giving service to hundreds of truck owners whose haulage reduces and prevents freight tie-up.

STERLING TIRE CORPORATION,
New Haven Branch.

—

NEW YORK, N. Y., *January 18, 1918.*

Hon. FRANK B. BRANDEGEE,
Washington, D. C.:

Our mills in your State have substantial Government orders. Garfield's drastic order seriously affects the ability of the company to make deliveries of cloth to the Army. We strenuously oppose the order and appeal to you to remedy this national catastrophe.

WM. M. WOOD,
President American Woolen Co.,
Waldorf Astoria Hotel, New York.

—

MERIDEN, CONN., *January 17, 1918.*

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.:

With full realization of the suffering and loss to follow the enforcement of the order to shut down industries, the leaders in manufacturing and commerce assembled in this city strongly protest measures of Fuel Administration which will result in tremendous loss, hardship, and civic danger. Do all possible to rescind or modify.

MERIDEN WAR BUREAU,
H. T. KING (*Mayor*), *Chairman.*

—

GUILFORD, CONN., *January 18, 1918.*

Senator FRANK B. BRANDEGEE,
Washington, D. C.:

We advocate supplanting present Fuel Administrator with an executive and business man of national standing, eliminating present controlling influence of coal operators. Present shut down is logical consequence of series of piddling blunders, and illustrates the incumbency and lack of vision of the present Fuel Administration.

I. S. SPENCER & SONS.

—

NEW BRITAIN, CONN., *January 16, 1918.*

Senator FRANK B. BRANDEGEE,
Washington, D. C.:

We have begun to-day shutting down our plant for lack of coal. We have 2,500 employees working at least 50 per cent on Government work. Will you not work with Fuel Administration and Secretary of War to help Connecticut?

STANLEY WORKS,
GEO. P. HART, *President.*

—

NORWICH, CONN., *January 17, 1918.*

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.:

Kindly advise; we are a water-power plant; use coal for heating and insurance requirements only; use same amount of coal, stopped or in operation. Are we compelled to shut down?

FALLS CO.

—

BRIDGEPORT, CONN., *January 17, 1918.*

Senator FRANK B. BRANDEGEE,
Washington, D. C.:

Do you realize consequences of drastic order issued by Fuel Administrator? Was this order issued after consultation and approval of experts competent to realize effect of same? Why not conserve fuel by closing down plants nonessential to the production of material

necessary for the carrying on of the war? Can not conceive of greater encouragement to our enemies and greater discouragement to our allies. In my opinion it is time that Congress assumed the responsibility imposed by the Constitution of the United States.

ANDREW L. RIKER.

—

BRIDGEPORT, CONN., *January 17, 1918.*

Senator F. B. BRANDEGEE,
Washington, D. C.:

It is our desire to cooperate with the Government to the fullest extent in connection with recent order by the Fuel Administration as reported by the newspapers. We employ about 2,000 men and 95 per cent of our production is for War Department. It is our opinion that the Senate and Congress should make it their business to know that the present order is constructive and not destructive. We respectfully request that you, in representing us, take the necessary steps to assure yourself that the present Fuel Administration is acting for the best interests of the American people.

J. T. ROCHE,
Vice President and General Manager Locomobile Co. of America.

—

NEW BRITAIN, CONN., *January 17, 1918.*

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.:

Aside from loss to operators of $500,000 in wages the carrying out of Garfield's order would seriously jeopardize placing new loan or sale of thrift stamps in this city. Over 1,000 workmen subscribed for liberty bonds, paying in installments; and factory managers have just established sale of thrift stamps. Judgment of manufacturers here is cutting off one week's pay would permanently stop on both loans and thrift stamps, as no one would know what to expect in the future. If order is carried out, will antagonize manufacturers and workmen alike.

A. J. SLOPER.

—

BOSTON, MASS., *January 17, 1918.*

Hon. FRANK B. BRANDEGEE,
United States Senate, Washington, D. C.:

Undersigned committee was appointed at meeting of New England Transportation Conference, which included representatives of Boston Chamber of Commerce; Associated Industries of Massachusetts; New England Shoe & Leather Association; the National Association of Wool Manufacturers; Paper Manufacturers of New England; Boston Wool Trade Association; Arkwright Club, of New England; and Paint and Oil Club of New England, and other manufacturers. The conference recognizes serious shortage of fuel, but feels that order of National Fuel Administrator will work unnecessarily great harm to labor and industry. All the submarines in the world could not sink in the same length of time the amount of supplies which will be killed by it if literally carried out. Millions of dollars of unnecessary damage will be caused in interference with production and destruction of goods in process. Same result could better be obtained by stating percentage of fuel each industry must conserve, and allowing industry to make that conservation under regulation of New England fuel administrator in such manner as will do least injury to business and keep the greatest number of employees at work. We object to the five-day shutdown as a poor way to accomplishing object sought, and we especially object to shortness of the notice, which does not give industrial plants opportunity to rearrange their schedules. New England has in its fuel administrator a man who has made very careful and continuous study of the necessities of the occasion. We believe that Mr. Storrow should be given great authority and latitude to determine how coal which must be saved in New England shall be saved. Shortage of fuel in New England is largely due to interference with water transportation. Under ordinary conditions 60 per cent of our coal is brought by water. We do not object to United States taking vessels absolutely required for war purposes, but some of the vessels could be spared, at least temporarily, to relieve the present situation. The more boats that haul coal to New England the more cars and locomotives there will be free to haul coal to other parts of the country, and the more war goods New England and the other parts of country will produce. We, like good soldiers, will obey the order and live up to its spirit until it is either modified or rescinded. We do, however, protest against peremptory form of order and unnecessary hardship which it entails. Thousands of employees will lose an unnecessary amount in wages at a time when they can least afford it. We urge that Federal Fuel Administrator inform New England administrator amount of coal which must be saved in New England, and that it then be left to New England fuel administrator to order that saving in such way as may seem to him wise.

FREDERICK C. MCDUFFIE, *Chairman,*
WILLIAM R. CORDINGLEY,
HENRY I. HARRIMAN,
FREDERIC C. HOOD,
LOUIS K. LIGGETT,
FRED R. RICE,
Committee of New England Transportation Conference.

Mr. BRANDEGEE subsequently said: I ask the Secretary to read a telegram which I have received from my State.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

DERBY, CONN., *January 18, 1918.*

Senator FRANK B. BRANDEGEE,
Washington, D. C.:

The Employers Association of the Lower Naugatuck Valley, embracing Ansonia, Seymour, Derby, and Shelton, strongly urges you to have Saturday substituted for Monday on legal holiday to be declared for next 10 weeks. As order now stands our 20,000 employees will suffer immense wage loss they are in no position to meet.

P. L. GERETY, *President.*

Mr. POMERENE. Mr. President, since last night I have received 30 or 40 telegrams from my own State relative to the coal situation. They come from public officials, from leading manufacturers and business men, in whose judgment I have every confidence, and who know something about the coal business. Among these telegrams is one from the Marion Steam Shovel Co., of Marion, Ohio. That company is perhaps the largest steam-shovel manufacturing plant in the world. The telegram is typical of some of the others on the same subject. I ask that it may be read for the information of the Senate.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read the telegram, as follows:

MARION, OHIO, *January 17, 1918.*

Senator ATLEE POMERENE,
Senate Office Building, Washington, D. C.:

If reported fuel administration order becomes effective causing this plant to shut down, we will require within from five to ten tons as much coal per day when shut down as when running, owing to the fact that we use exhaust steam for heating plant when running, but when shut down will necessitate using live steam for heating purposes to prevent serious damages by freezing, consequently can only effect saving of fuel as mentioned, but it will mean the throwing out of employment of approximately 1,600 men. Can there be any relief suggested?

MARION STEAM SHOVEL CO.

Mr. POMERENE. Mr. President, many of these large manufacturing plants in Ohio have a sprinkling system for fire protection, and it is necessary to keep up the fires in order to preserve their plants even if they are not in fact operating. I have presented that telegram because it specifically points out the advantage of operation and the fact that if they are not operating they will consume almost as much coal as they do when they are operating.

I have another telegram here from the city of Springfield, Ohio, a manufacturing town, with a population of probably 40,000. It is in the gas belt of Ohio, and about one-half of the manufacturers in Springfield use gas for fuel purposes. Under the order which has been issued by the Fuel Administrator those plants must close down. I can not conceive what advantage to the coal situation could be derived from closing down these plants even for an hour.

On yesterday a representative of one of the largest rubber plants in Ohio was here. That plant employs about 22,000 people and is manufacturing, in part, war supplies, railroad supplies, and other supplies which enter intimately into the industries of the country. The vast majority of the employees of this concern subscribed to liberty bonds; many of them did so at considerable personal sacrifice, and yet they are to be thrown out of employment whether the plant employing them has coal or not. I have yet to hear anybody point out the wisdom of that course.

Mr. President, I am not going to take the time of the Senate to go into this matter. It is the most drastic order, in my judgment, that was ever issued by any department of any government, and, in my judgment, with less excuse than any other order that was ever issued. I recognize the fact that we need coal for our Navy, but the Government has the power to commandeer that coal at any time it may wish to do so. I do not know that any coal for Navy purposes is taken from the Ohio mines. If they need coal for the Navy, they certainly should have it, and if they need coal from Ohio they ought to have it, but they do not take it from Ohio.

Mr. SMITH of Michigan. Mr. President, will the Senator permit me to interrupt him?

Mr. POMERENE. I yield.

Mr. SMITH of Michigan. I have seen it stated somewhere, and apparently with authority, that 60 per cent of the fuel used by the Navy was in the form of oil.

Mr. POMERENE. I think the Senator is correct, at least in this, that there is a large amount of oil consumed as Navy fuel. But I am quite sure there is not any one Senator who would want to deprive the Navy of a single bushel of coal at any time. The Navy must first be served, but they have failed to show wherein they are going to better serve the Navy by depriving the manufacturers of Ohio, Illinois, Indiana, and Minnesota of their coal supply. It it can be shown that it is necessary to close down every factory in Ohio in order to get fuel for the Navy, so be it, and everyone will say "amen."

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him a question?

Mr. POMERENE. I will.

Mr. SMITH of Georgia. Is it not true that the Navy not only has the coal it needs but that naval officials in the city of Boston loaned to the Fuel Administrator a large amount of coal for distribution to private citizens for private consumption?

Mr. POMERENE. Mr. President, I am not advised as to the facts, but I accept them as the Senator states them.

Mr. SMITH of Georgia. Well, I do not personally know that to be the case, but I have been so informed, and I have no doubt——

Mr. POMERENE. I have no doubt about the situation.

Mr. SMITH of Georgia. And I have no doubt that the Senator from Virginia [Mr. SWANSON], who has carefully watched the subject, can give the Senate assurance that the Navy is fully provided with coal at every point.

Mr. POMERENE. Mr. President, let me call attention to another significant situation. On yesterday a very prominent gentleman—I am not at liberty to name him, but he is a gentleman who is known to all the Senators here—told me about his lumber interests. He has perhaps five or six sawmills. The fuel used by those sawmills is the refuse from the logs. Some of that refuse is used for fuel purposes in the electric lighting plants in the neighborhood, and yet, under this wonderfully wise order, these sawmills are to close down on certain days and not be permitted to burn this refuse.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. POMERENE. I will yield in a moment. Mr. President, I have a telegram here from the Merchants and Manufacturers' Association of Toledo, Ohio, which exemplifies the situation there and speaks of their attitude. I am not going to ask the Senate that it be read, but I ask that it be incorporated in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The telegram referred to is as follows:

TOLEDO, OHIO, *January 17, 1918.*

Hon. ATLEE POMERENE,
Washington, D. C.:

At a meeting of our association to-day the following resolution was adopted:

Resolved, That 90 per cent of the manufacturers of Toledo assembled this morning in convention and agreed to carry out Dr. Garfield's order on fuel conservation to the letter. But while Toledo realizes the necessity of conserving fuel, yet we also realize the importance of wage earners continuing their employment to obtain sufficient money to supply the necessities of life; realizing that a large percentage of the fuel used in the plants at Toledo will be necessarily used to keep the plants heated and their sprinkling and fire-protecting systems going, thereby preventing ruin of the plants, we do earnestly protest against the reported order regarding shutting down of all use of fuel for power, as provided by the order recently promulgated. The manufacturers of Toledo are willing and anxious to cooperate to their fullest extent with the requirements of the Government for those things that are found to be necessary in the present emergency; nevertheless they earnestly insist that they believe the situation will be made worse instead of better by the shutting down of all uses of power, throwing from 50,000 to 60,000 of Toledo employees out of employment and out of receiving their customary wage. The reported suggestion by the newspapers that manufacturers pay employees full wages during the shutdown is a very serious matter, as business conditions and present high labor wages make profits so small that in the ordinary case this would be impossible. Many of the plants of Toledo receive their power from the Toledo railways and light company, and some of them use not to exceed 10 per cent of the fuel used in the plants for power, the balance being necessary to keep up the physical condition of the plant. We believe it is necessary for the wage earners to obtain fuel for their bodies as well as for their houses, and this can not be done unless they are able to get their wages to pay the high prices for food, which are now necessary. We therefore earnestly protest against this wholesale order and urge that a study be made immediately and the order be limited just as far as possible and practical.

MERCHANTS & MANUFACTURERS' ASSOCIATION OF TOLEDO.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. POMERENE. I yield to the Senator from Mississippi, who was about to ask me a question.

Mr. VARDAMAN. I was about to suggest to the Senator from Ohio that, in justice to Dr. Garfield, it ought to be stated that the coal is not to be used, and he does not propose to use it for the Navy. It is the transports that he is so solicitous about serving and providing with coal. Nothing is said, I think, in his order about furnishing coal to the Navy, but it is needed for the transports that are now lying in port for lack of coal, which are needed to carry freight to our allies.

Mr. POMERENE. The transports are part of the Navy, as I understand.

Mr. VARDAMAN. They are not at all a part of the Navy.

Mr. POMERENE. Oh, well, I understand in regard to that. What is the use of being captious about this thing? When it comes to the matter of the transporting of freight and other supplies, it is for Navy purposes.

Mr. VARDAMAN. The Senator ought to be more careful or discriminating in his use of terms. I repeat, the order has nothing whatever to do with the Navy. I would not be understood as in any way condoning the mistake of the Fuel Administrator. As I have stated before, I think the order issued by the Fuel Administrator was an unfortunate, disastrous blunder, and its foolishness is accentuated by the fact that it was so very unnecessary. The end sought to be attained could have been reached by a different course. I endeavored to impress the Fuel Administrator with that fact, and suggested what I thought the proper way when he was before the subcommittee last evening. But this unfortunate step was determined upon, I presume, and it was taken, regardless of the horrible consequences. I think, however, it is fair to Dr. Garfield to say that the coal to be moved and released under this order is not to be used by the Navy.

Mr. POMERENE. Mr. President, if any correction is necessary, I accept it; I do not want to do anybody any injustice or to exaggerate a single fact; but, nevertheless, the fact remains that not a pound of coal will go to the moving of those transports either from the Ohio, Indiana, or Illinois fields.

Mr. VARDAMAN. That may be true; I do not doubt that at all.

Mr. THOMAS. Mr. President, I shall occupy the floor for only a moment.

I want to say to the Senators present who are protesting against the recent order of the Fuel Administration that I sympathize with them, and to the utmost degree. I think those of us from the Western States can perhaps do so more appreciably than those from the States now affected, because we have had several years' experience with this principle of conservation, and we have become indurated to it. I only hope that the lesson which this order will bring to the minds of the Senate will make them a little more tolerant of us when we here protest against a situation which is analogous to the one which is now under consideration and which has been the prolific source of suppressing the development of the resources of the West, which, if they had been left untrammeled, would have made it unnecessary for this order ever to have been issued.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 3311) to increase and expedite the supply of munitions of war (Rept. No. 200); and

A bill (S. 3472) to authorize the Secretary of War to provide and issue distinctive buttons or badges to men drafted or volunteering for enlistment in the military forces who are exempted or rejected and to provide a penalty for unlawfully wearing, procuring, or manufacturing the same (Rept. No. 203).

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3470) to amend section 35 of the Criminal Code of the United States (Rept. No. 201); and

A bill (S. 3526) to amend section 11 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916 (Rept. No. 204).

He also, from the same committee, to which was referred the bill (S. 3471) to authorize the Secretary of War to grant furloughs without pay and allowances to enlisted men of the Army of the United States, reported it with an amendment and submitted a report (No. 202) thereon.

Mr. WILLIAMS, from the Committee on the Library, to which were referred the following joint resolutions, reported them each without amendment and submitted reports thereon:

A joint resolution (S. J. Res. 49) authorized the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States (Rept. No. 205); and

A joint resolution (S. J. Res. 107) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury (Rept. No. 206).

COAL AND ASPHALT LANDS.

Mr. OWEN. From the Committee on Indians Affairs, I report back favorably with amendments the bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla., and I submit a report (No. 207) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment was, on page 2, line 25, after the word "value," to insert "retaining the right to reject any or all bids."

The amendment was agreed to.

The next amendment was, on page 4, line 12, after the word "right," to insert the words "except as herein otherwise provided."

The amendment was agreed to.

The next amendment was, at the end of section 4, page 5, line 2, to insert:

Provided further, That no person or corporation shall be permitted to acquire more than four tracts of 960 acres each, except where such person, firm, or corporation has such tracts under existing valid lease.

The amendment was agreed to.

Mr. BORAH. Mr. President, may I ask from what committee that bill was reported?

Mr. OWEN. From the Committee on Indian Affairs. The bill has passed the House of Representatives, and it was unanimously reported by the Indian Affairs Committee. It has also been favorably reported upon by the Secretary of the Interior and the Commissioner of Indian Affairs.

Mr. BORAH. Would the Senator object to stating, in a word, what the bill purports to do?

Mr. OWEN. Not at all. The bill is simply carrying out the treaty made with the Choctaws and Chickasaws some years ago to dispose of the surplus coal and asphalt lands which the Government has been administering there for them for quite a long period of time. The promise was made in 1902, but the matter has been delayed from time to time and never acted on. The Interior Department desires to have these matters disposed of, so as to wind up the affairs of the Five Tribes.

Mr. SMOOT. Mr. President, I will ask the Senator if the Secretary of the Interior approves of the legislation?

Mr. OWEN. He does. He has made a favorable report on it, which I have incorporated in the report of the committee.

Mr. SMOOT. And the amendments which are offered now are the amendments suggested by the department?

Mr. OWEN. They are amendments that do not interfere at all with the proposed policy of the bill. They are simply verbal changes that were found necessary.

The VICE PRESIDENT. The Secretary will state the next amendment.

The next amendment was, in section 5, page 5, line 10, after the word "reserved," to insert "and existing valid leases thereon."

The amendment was agreed to.

The next amendment was, on page 5, line 16, after the word "Oklahoma," to strike out all of the remainder of section 5, and in lieu thereof to insert "for the grounds of the State penitentiary: *Provided*, That said coal deposit under said land shall not be mined by convict labor for the purpose of sale to any private agencies, individual person, or corporation, or to be sold for private or commercial purposes."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3564) granting an increase of pension to Philip Bixby; and

A bill (S. 3565) granting an increase of pension to Imogen P. Ingersoll; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 3566) authorizing the President to appoint Second Lieut. Ansel G. Wineman as a provisional second lieutenant in the Regular Army (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 3567) granting an increase of pension to John McCracken;

A bill (S. 3568) granting an increase of pension to Wilford Herrick (with accompanying papers); and

A bill (S. 3569) granting a pension to Belle H. Purdon; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3570) granting lands for school purposes in Government town sites on reclamation projects; and

A bill (S. 3571) granting lands for school purposes in lots No. 111 in each of the town sites of Fort Shaw and Simms, Sun River reclamation project, Montana; to the Committee on Public Lands.

By Mr. McNARY:

A bill (S. 3572) authorizing the Coos Bay, Umpqua, and Siuslaw Tribes of Indians in the State of Oregon to submit claims to the Court of Claims; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 3573) granting an increase of pension to George R. Frazier;

A bill (S. 3574) granting an increase of pension to John Brannan (with accompanying papers); and

A bill (S. 3575) granting an increase of pension to William H. Temple (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 3576) to pay a cash reward to civilian employees of the Navy; and

A bill (S. 3577) for the relief of certain pay officers of the United States Navy (with accompanying papers); to the Committee on Naval Affairs.

A bill (S. 3578) for the relief of Susan V. Marsh (with accompanying papers); to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 3579) for the relief of the Maryland Trust Co., of Baltimore; and

A bill (S. 3580) for the relief of sundry building and loan associations; to the Committee on Claims.

By Mr. NORRIS:

A bill (S. 3581) granting an increase of pension to Henry Newell; to the Committee on Pensions.

By Mr. McKELLAR:

A bill (S. 3582) for the relief of National Guard officers; to the Committee on Military Affairs.

AMENDMENT OF INTERSTATE COMMERCE LAW.

Mr. NELSON. I introduce a bill, and inasmuch as it pertains to the root of the difficulty which we are now discussing, I ask that it be read for the information of the Senate.

The bill (S. 3563) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the act entitled "An act to regulate commerce," approved February 4, 1887, be, and the same is hereby, amended by adding thereto a new section to be numbered as section —, as follows:

"SECTION —. That within 10 days after the passage and approval of this act it shall be the duty of every person or company responsible for the unloading of any merchandise or commodity of any kind whatsoever, moving and transported by railroad in interstate commerce, to unload the car or cars containing such merchandise or commodity within such time after their arrival at the point of destination as the Interstate Commerce Commission may prescribe, not, however, to exceed in any case the period of seven days, and in case the merchandise or commodity is not unloaded within the period prescribed the railroad carrier may unload such car or cars and charge the expense of the same to the owner or consignee of the merchandise or commodity so unloaded, and the carrier shall have and be entitled to enforce a lien upon the merchandise or commodity so unloaded for the expense of unloading the same."

Mr. NELSON. Mr. President, I ask the indulgence of the Senate to say one or two words in reference to this matter.

The events of the last year disclosed the fact that a large number of the coal cars of the country have been kept and maintained at sidings for an indefinite time instead of being unloaded or sent to their destinations. The mere matter of paying a little demurrage did not expedite the unloading of the cars. The consignees were quite content to pay the demurrage for the sake of keeping the coal on the cars in order to get a higher price.

Great Britain heretofore has had the principle of charging demurrage for failure to unload at the proper time, but the war exigencies in that country have compelled the Board of Trade of England, under the so-called defense act, to adopt regulations similar to and in line with those contained in this bill. I regard it as very important that we should have a law on the subject. The mere payment of demurrage to the extent of one dollar or two or three dollars a car will never expedite the unloading of cars as it ought to be expedited.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. I do.

Mr. WILLIAMS. I should like to ask the Senator from Minnesota if there is any parliamentary reason why he should not ask for the immediate consideration of this bill?

Mr. NELSON. It ought to go to the Committee on Interstate Commerce, and I think the committee ought to report the bill back immediately to the Senate. It may not be in proper form; it may require modification; but I am satisfied that this is one of the most effective and important measures that can be passed. It reaches right at the root of the difficulty—this matter of using the cars of the country for storage purposes and keeping the coal on the sidetracks for an indefinite time.

Mr. WILLIAMS. I do not want to interfere with any course that the Senator has marked out for his bill, but it seems to me that this is so self-evidently a right thing to do that we might do it without referring the bill to any committee at all. Of course the course which the Senator designates is the regular course, and perhaps he has reasons for thinking that he can expedite the legislation by having it take the regular course, but it seems to me that what he proposes does go to the root of the evil. I know that nearly everywhere things are blocked

at the termini by the fact that men do prefer to pay demurrage rather than to unload their freight. We ought to go right to the bull's-eye of this trouble, and we ought to do it in the most direct and in the speediest possible manner.

Mr. NELSON. Mr. President, I have taken the unusual course of having this bill read and making these brief remarks this morning in order to call the attention of the Committee on Interstate Commerce to this important matter. I think this is a matter that should be acted upon immediately. It reaches to the root of one of the great difficulties under which we are suffering with reference to the coal supply, and I trust that the Committee on Interstate Commerce will take immediate action on the subject.

The VICE PRESIDENT. The bill will be referred to the Committee on Interstate Commerce.

WITHDRAWAL OF PAPERS—MARY M. BEEHRLE.

On motion of Mr. CUMMINS, it was

Ordered, That the papers accompanying Senate bill 1193, Sixty-fourth Congress, first session, granting a pension to Mary M. Beehrle, be withdrawn from the files of the Senate, no adverse report having been made thereon.

FUNERAL EXPENSES OF THE LATE SENATOR BRADY.

Mr. BORAH submitted the following resolution (S. Res. 187), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. JAMES H. BRADY, late a Senator from the State of Idaho, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

NAVAL OIL SUPPLY.

Mr. SWANSON. Mr. President, several days ago I introduced Senate bill 3521 and made a motion to refer it to the Naval Affairs Committee. It has been discussed here for three days. I suppose the discussion has sufficiently enlightened the Senate. I now ask for a vote on it, and demand the yeas and nays on the reference.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is, Shall the bill be referred to the Committee on Naval Affairs?

Mr. MYERS. Mr. President, I just want to say that if the motion is defeated, as I think it should be, I shall then make a motion to refer the bill to the Senate Committee on Public Lands. That is the only way in which we can get at it. Under the rules of the Senate I am not permitted to offer a substitute motion to refer it to the Senate Committee on Public Lands, or else I would do so. As I said, if the motion is defeated, as I think it ought to be, I shall follow it with a motion to refer the bill to the Committee on Public Lands.

Mr. STERLING. Mr. President, just a word with reference to this motion.

It seems to me that if ever there was a bill before the Senate which should be referred to the Committee on Public Lands rather than the Committee on Naval Affairs it is this bill. If the bill is referred to the Committee on Naval Affairs we will simply ignore all precedent in regard to bills of this kind.

The language of the bill characterizes the bill and shows that it relates to a disposition of the public lands and to large areas of such lands. The first section is to the effect that the absolute title and right of possession to any oil or gas lands within the exterior boundaries of naval petroleum reserve No. 1, and so forth, shall become vested in the United States upon the issuance from time to time by the President of an Executive order or proclamation to that effect; and the bill further provides that the Secretary of the Navy shall have the right to take possession of the lands and all the property on the lands, including property put there by individual owners and claimants, and lease, sell, or operate the same in his discretion directly or by contract, lease, or otherwise.

Mr. President, this bill has no further claim for reference to the Committee on Naval Affairs than a bill disposing of the agricultural lands of the United States or of the forest lands of the United States or of any of the mineral lands of the United States. All, as a matter of course and according to all precedent, have been referred without question to the Committee on Public Lands. Why should this bill, then, be an exception to the rule and be referred to the Committee on Naval Affairs?

It was insisted, I understand, by the Senator from Virginia [Mr. SWANSON]—although I did not hear his remarks—that the Committee on Public Lands is not friendly to the bill, and therefore he desires to have it referred to the Committee on Naval Affairs. That can not be the rule for the reference of bills. I think perhaps it is often a good thing and in the interest of whole-some legislation that the committee to which a bill is referred is not friendly to the bill. That is not to say, however, or to admit for a moment that the Committee on Public Lands will be unfriendly to this bill. The claim that it should be referred to the Naval Affairs Committee is as much as to say, it seems to me, that the Committee on Public Lands is not as sensible of the interests and welfare of the Nation as to the Committee on Naval Affairs. I am satisfied that the Committee on Public Lands will give this bill fair and full consideration, and with the highest regard, too, for the interests of the country.

So, Mr. President, I hope this motion to refer the bill to the Committee on Naval Affairs will not prevail, and that we will follow the precedents established in the past and refer it to the Committee on Public Lands.

Mr. LODGE. Mr. President, nothing could be further from my wishes than to trench upon the prerogatives of any committee. It seems to me the distinction is a very plain one. These lands are all segregated. They are separated from public lands and allotted to the Navy for naval uses. The bill itself on its face provides for their management under such regulations as may be made by the Secretary of the Navy. The Secretary of the Interior is the head of the department which deals with public land. The matter of fuel for the Navy is of the very last importance. As these lands have been set aside for the use of the Navy, it seems to me the Naval Committee ought to deal with them just as it deals with the lands set aside for the purposes of navy yards, marine barracks, training grounds, or any other naval purpose. The purpose of these lands is a naval purpose, and that is the sole reason why the bill is before us. It is the sole reason why this was separated from the general bill which passed the other day. I think that lands which touch so immediately the vital need of the Navy ought to be left under naval control.

I have no further argument to make, because it seems to me very obvious that a matter which is so distinctly naval ought to be left in the charge of that committee.

Mr. SHAFROTH. Mr. President, the statement which the Senator from Massachusetts [Mr. LODGE] has made, it seems to me, is not borne out by the facts. He has said this land has been set aside for the Navy. The best way to determine that is to read the law, and when the law is to the contrary it seems to me that argument fails.

Now, what is the provision of the law under which this proclamation was made? It was in the act of June 25, 1910, and it provides "that the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale," and so forth. Then in section 2 there is a limitation, and that limitation shows clearly that these lands have not been set aside. Here is the language:

> That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, and phosphates.

Is that setting aside these lands exclusively for the purpose of the Navy? Can any such construction be made as that? Does not the right to explore those lands for mining purposes, for metalliferous mines, treat these lands as public domain in those respects, and hence confirms in the Committee on Public Lands its jurisdiction over them? It seems to me that that law ought to settle this question, and that the proper reference of the bill is to the Committee on Public Lands, because you are dealing with the title, and you propose to take this public land away from the jurisdiction of the Committee on Public Lands when unquestionably, according to the very authority that you invoke, that committee has the jurisdiction as to these lands and as to everything therein except coal, oil, gas, and phosphates.

Mr. POINDEXTER. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. POINDEXTER. May I ask the Senator from Colorado what is the law that he is reading from?

Mr. SHAFROTH. It is called the Pickett Act, which was approved June 25, 1910, and under this act the proclamation of the President was made setting aside these oil reserves.

Mr. POINDEXTER. If the Senator will permit me, I will show how easy it is for a man to be misled. The fact is that the order of the President setting aside this land was made on the 27th day of September, 1909, nearly a year before that act was passed.

Mr. SHAFROTH. No; not these lands.

Mr. SWANSON. These lands, if the Senator will permit me, were set aside in 1912.

Mr. SHAFROTH. Yes.

Mr. SWANSON. This language was used, "For the exclusive use and benefit of the Navy," and the President was authorized by that act to set them aside.

Mr. SHAFROTH. He had no right to do it, except, perhaps, as to the oils in these lands, and they are mixed up with the mineral lands of all kinds therein. Consequently, you do not get exclusive jurisdiction.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Virginia?

Mr. SHAFROTH. I yield.

Mr. SWANSON. If the Senator will permit me, the act of 1910 authorized what was done regarding this very reserve. This reserve was set aside in 1912 by Executive order. The land was taken for the exclusive use and benefit of the Navy. That language was used. The word "temporary" was put in so that the President in case he saw proper might want to make it smaller or larger, but that has not been changed to-day. Under that authority this land is for the exclusive use and benefit of the Navy. That is what it says.

Mr. SHAFROTH. Mr. President, it seems to me that the authority which the President has must be relegated to the act itself, and he has not the power to set aside anything except the oil contained therein. Yet this bill provides that the absolute title to all these lands, including everything therein, shall be vested in the Navy.

Mr. President, under those circumstances the idea of taking land that the order does not authorize under the act of Congress, which gave the power to issue an order, and to say that you shall convert a title of the United States of a limited nature into a title of an absolute nature without referring it to the committee that has jurisdiction of all these lands is absurd.

Mr. OWEN. Mr. President, this is a question merely of the jurisdiction of a committee. The Committee on Public Lands has always exercised jurisdiction over the disposition of public lands, whatever the purpose may be to which the land may be assigned, and when it comes to the legislative action of the Senate the jurisdiction dealing with the question of public lands, even if the lands had been set apart for the use of the Navy or for any other purpose, would not be taken from the hands of the Committee on Public Lands. It seems to me to be an indignity to that committee to take it out of their hands.

Mr. SWANSON. Mr. President, in reply to the Senator from Oklahoma, I wish to make this statement. The bill proposes to take lands for naval uses which have already been set aside. The Secretary of the Navy is directed, not the Secretary of the Interior. Who knows how to store oil and conserve oil and confiscate—I mean, condemn—lands for oil? What does this bill do? Here is land that has been set aside for the exclusive use and benefit of the Navy, and the bill provides how the Secretary of the Navy shall use it, how he shall operate it, how he shall store oil.

Mr. MYERS. Will the Senator yield to me?

Mr. SWANSON. Not now. It provides how the Secretary of the Navy shall store oil and what he shall do with it. It does not direct the Secretary of the Interior to do anything.

It has been impossible to get Senators here to understand one thing, and that is the difference between public land and governmental land. I understand public lands are lands which are open to the public for entry under the rules and regulations. Governmental lands are lands that are owned by the Government, some belonging to the Army, some belonging to the Navy, some belonging to the various departments. These lands are as much set aside for the Navy, as the Senator from Massachusetts [Mr. LODGE] well said, as land that has been set aside for training camps.

Now, take another view of it. This land is to be condemned. A large portion of this land is private land—no longer public land, but private land. The bill proposes to take the private land under process of condemnation and that the Navy shall use it. I do not see what the Navy has jurisdiction of if it has not jurisdiction of the way it shall obtain, develop, and use oil.

Mr. President, if I mistake not, the gentlemen interested in this bill had the matter referred to the Naval Committee to determine about this naval reserve, and for two weeks we investigated the proposition, heard the Government and heard the private claimants. I can not see any law anywhere under which lands to which patents have been issued and rights established should go to the Committee on Public Lands to determine whether the Navy wants to use them and condemn them for public purposes or not.

Mr. MYERS. Will the Senator now yield to me?

Mr. SWANSON. I yield to the Senator from Montana.

Mr. MYERS. I congratulate the Senator on disclosing the true intent of the Committee on Naval Affairs when he used the word "confiscate."

Mr. SWANSON. As the Senator alludes to the committee, I had no intention to go into the merits of the bill; but since we must determine the merits of it, I will say that reports have been made from the Committee on Public Lands repeatedly regarding the disposition of these lands that belong to the Government, and they have been such that neither the Attorney General nor the Secretary of the Navy would approve because they thought it was an effort to deprive the Government of the honest right it had in the land for the benefit of private individuals. When this question of the naval reserves came up on the leasing bill the patrons of the bill asked that the naval reserves should be eliminated from the bill, and it was done. I want to say that, so far as the merits of this bill are concerned, there has never been an intention on the part of the Government to deprive an individual of a single right he possesses. An effort has been made here to change the conditions and modify the law in most cases for the benefit of a few rich men and a few rich companies. All we ask is that this land that has been set aside for the Navy shall be held as a naval reserve, and if there is any private claimant to this land, and he can not accept the compromise offered by the Government, let him go into the courts and litigate his claim as to his rights and as to the amount. That is all that this bill provides.

Mr. PHELAN. Mr. President, the Senator from Virginia [Mr. SWANSON] has seen fit to discuss the merits of the proposition under a motion to refer. I do not desire to follow him in that, but I deprecate his last remarks, that those who seek benefits under the legislation proposed are rich men. I submit to the Senate that it is immaterial whether they are rich or poor, if their case is based upon justice and equity. As a matter of fact, the claimants have been impoverished by their confidence in the Government, spending hundreds of thousands of dollars in developing property, because the President, by his order of 1909, withdrew the land from entry and occupation; and on top of that, adding injury to insult, a naval reserve is clapped on. Hence, they have been before the courts for years trying to extricate themselves from these various meshes. The courts have for the greater part sided with their contention, and now it is proposed to pass a new law by which their rights may possibly be recognized under condemnation proceedings and their property taken away and they be compensated.

When this matter came up, as one particularly interested on account of my advocacy of section 16 of the leasing bill, which was afterwards temporarily withdrawn, it appeared to me that it was immaterial whether the men were granted their rights or whether they were compensated for their claims; and I do not know but that the men having claims are quite willing, provided the legislation is speedily enacted, to submit to an arbitration as proposed, or, that failing, to proceedings by condemnation; not, as the Senator inadvertently said, by confiscation.

The Navy has shown much zeal in seeking to acquire these lands, with little consideration for the rights of citizens. There is no man on either committee who I believe would stand in the way for a minute of giving the Navy full use of the oils on these reserves, always contingent upon the fundamental thing that the men who have equitable claims be compensated and that their property be not confiscated.

Now, why should not the bill go to the Committee on Public Lands? It is "public lands." The title is not in the Navy; the title is in the United States, where not privately owned. I think out of 30,000 acres in naval reserve No. 2, in California, the Government has an undisputed title to about 7,000 acres; but what the Navy is seeking is not so much what the Government has but what has been by process of law, under the mining laws—the placer-mining law—acquired by others.

The reason why I contend that the bill should go to the Public Lands Committee is, in the first place, that the lands involved are actually or potentially United States public lands, and it would be contrary to all precedents to refer to any other committee than the Committee on Public Lands. Secondly, the whole matter has been discussed for three years in the Public Lands Committee, and there is no member of the Naval Committee, except two—because they happened to be members also of the Public Lands Committee—who has any familiarity with the subject. It will involve new hearings, meaning indefinite delay. The Public Lands Committee is informed; the Committee on Naval Affairs is not informed. I speak impartially, as a member of both committees.

Now, as to what the Senator from Massachusetts [Mr. LODGE] has said—that this is a naval reserve, and therefore the bill should go to the Committee on Naval Affairs—it is wholly illogical. The Committee on the Library of this body has jurisdiction over public monuments. It is proposed to erect a monument to an admiral in the Navy or some lesser dignitary, and on behalf of the Senate the Library Committee determines—not the Naval Affairs Committee—the merits of the proposal, in the first instance—the artistic value of the monu-

ment—and, second, the propriety of erecting a monument at all. It might with just as much reason be urged that when it is proposed to erect a monument to a man of the Navy, and the proposition is made in the Senate, it should be referred to the Committee on Naval Affairs. I think it is the unbroken precedent that such reference is made to the Library Committee.

At this time it looks to me like it would be a reflection on the Public Lands Committee to make any other reference, because it is a marked departure from precedents.

Mr. GRONNA. Mr. President, I want to ask the Senator who has just taken his seat a question merely for my own information in order to enable me to vote aright. The Senator made the statement that these are still public lands. Of course, if that statement is correct, the lands are still under the jurisdiction of the Interior Department, and I presume that the bill has been referred to the Department of the Interior. Is that true?

Mr. PHELAN. That is true; yes.

Mr. GRONNA. I agree with the Senator, and I am not now going to discuss——

Mr. PHELAN. Excuse me, may I interrupt the Senator?

Mr. GRONNA. Yes.

Mr. PHELAN. What bill does the Senator refer to as having been referred to the Department of the Interior—the leasing bill?

Mr. GRONNA. This very bill which we are now discussing.

Mr. PHELAN. This bill has not been before any committee, and therefore it has not been referred to any department.

Mr. GRONNA. But if it is a fact, Mr. President, that these lands have merely been withdrawn for naval purposes, they are simply in the same class with other lands which have been withdrawn for Indian reserves or for forest reserves; they are still under the jurisdiction of the Department of the Interior.

Mr. PHELAN. That is true.

Mr. GRONNA. As to the provisions of this bill, I may be in accord with the Senator from Virginia [Mr. SWANSON], but I do not think the bill should go to a committee which does not possess jurisdiction of it. I believe that the Public Lands Committee has jurisdiction over this bill. I am not going to discuss the merits of the bill at all. I think when it comes to a vote upon the merits of the bill I shall be inclined to vote with the Senator from Virginia.

Mr. SWANSON. I should like to ask the Senator what jurisdiction the Public Lands Committee has over half of this land to which private patents have already been issued?

Mr. GRONNA. It would not have jurisdiction over private lands except in certain cases. But the Interior Department would have jurisdiction over patented lands in the case of fraud.

Mr. SWANSON. Who has jurisdiction to convey private lands for the use of the Navy?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Senators must address the Chair to get permission to interrupt a Senator who is speaking.

Mr. GRONNA. I yield to the Senator from Virginia.

Mr. SWANSON. Who has jurisdiction of the condemnation of lands for the use of the Navy?

Mr. GRONNA. I presume the courts would be the only bodies having such jurisdiction.

Mr. SWANSON. I mean what committee has charge of bills which are to be considered for that purpose?

Mr. GRONNA. I am inclined to believe that all lands which have not been ultimately disposed of and patented come under the jurisdiction of the Department of the Interior.

Mr. SWANSON. But over half of this is private land, or about one-half, I do not know the exact amount, for which patents have been issued. This is a private condemnation proceeding to obtain those lands.

Mr. GRONNA. I am not a lawyer, but I should judge that the courts would have jurisdiction of the matter.

Mr. SWANSON. But I am talking of the committee which should have charge of the bill to determine as to the condemnation of private land for naval uses.

Mr. GRONNA. I can only answer the Senator by saying that it is my understanding that part of these lands are still public lands.

Mr. SWANSON. And a part of them is private land, for which patents have been issued. The Senator from North Dakota admits that the Public Lands Committee has no jurisdiction of the matter. The Naval Committee has jurisdiction of all bills to condemn land for naval uses. The only question that comes up is as to that portion of the reserves for which patents have not been issued. What jurisdiction has the Public Lands Committee ever had for land that is private land, and for which patents have been issued? It is proposed to condemn that land for naval purposes.

Mr. GRONNA. Mr. President——

Mr. STERLING. I should like to ask the Senator from Virginia a question.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. GRONNA. In a moment. May I answer the question propounded to me, and then I will be glad to yield?

Mr. STERLING. Certainly. In answering the Senator from Virginia the Senator from North Dakota may answer the question I intended to ask.

Mr. GRONNA. As I understand the provisions of the bill, it does not provide for a condemnation at all.

Mr. SWANSON. It does that absolutely; that is just what it does.

Mr. GRONNA. Then, of course, I misunderstand the meaning of the bill.

Mr. SWANSON. I think so.

Mr. PHELAN. Mr. President, I should like to answer the question of the Senator from Virginia.

Mr. GRONNA. I yield first to the Senator from South Dakota.

Mr. STERLING. Mr. President, I should merely like to ask the Senator from Virginia if the fact that some of the lands are patented lands deprives the Public Lands Committee of jurisdiction and confers jurisdiction upon the Naval Committee?

Mr. SWANSON. Yes; because none of the lands are public lands, as none of them are open to public entry.

Mr. STERLING. They have been temporarily withdrawn?

Mr. SWANSON. They have been withdrawn for the exclusive use and benefit of the Navy. I do not know the reason for the effort that is being made, but I have never seen in the Senate an effort to deprive a committee that has jurisdiction of all kinds of matters appertaining to the Navy of the control of an important measure of this kind which has to do with securing oil for the Navy. I do not think that such a measure should be controlled, disposed of, and decided by a committee that has never had anything to do with naval matters.

Mr. PHELAN. Mr. President, in answer to the question of the Senator from Virginia, I should like to state——

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. The Chair is really at a loss to know who is entitled to the floor. The Senator from North Dakota [Mr. GRONNA] had the floor

Mr. GRONNA. I think I still have the floor.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from California?

Mr. GRONNA. If the Senator from South Dakota is through, I will yield to the Senator from California; otherwise I will yield again to the Senator from South Dakota.

The PRESIDING OFFICER. The Senator from North Dakota yields to the Senator from South Dakota.

Mr. STERLING. I simply want to make the statement, in connection with a question I asked the Senator from Virginia, that the temporary withdrawal of public lands, whether they are agricultural lands, whether they are forest lands, or whether they are mining lands, does not deprive the Department of the Interior of jurisdiction. Any proposed legislation affecting the sale or disposition of those lands, whatever the character of the lands may be, goes to the Committee on Public Lands. That has been the course always. This bill does affect the title and disposition of the lands, and obviously should be referred to the Committee on Public Lands.

Mr. GRONNA. I now yield to the Senator from California.

The PRESIDING OFFICER. The Senator from North Dakota yields to the Senator from California.

Mr. PHELAN. Mr. President, there are three naval reserves, No. 1 and No. 2 being in California, and No. 3 in Wyoming. In naval reserve No. 2 in California there is some patented land. However, the Government is contesting the patents, and hence it can not be said that so long as there is a contest that those lands are patented lands; they may revert to the United States. In naval reserve No. 1 in California I do not believe there is any patented land, and there is certainly no patented land in naval reserve No. 3 in Wyoming. So when the Senator from Virginia makes the point that because some of these lands are patented lands the Committee on Public Lands would lose jurisdiction he seems to be laboring under a mistaken impression.

Now, in naval reserve No. 2 in California, which is the bone of contention, it has been asked whether the Department of the Interior has jurisdiction. The Navy Department and the Department of Justice have been trying—and that is the history of this case—to take away jurisdiction from the Interior Department because the Commissioner of the General Land Office had passed to patent some of these lands, and violence has been done in this, that under executive pressure, the Department of the Interior has temporarily laid aside its action in order that the courts may determine some of the questions involved; and testimony is now being taken before commissioners of the land office in California. So these lands are still, as they properly should be, under the control of the Department of the Interior, but the two other departments are endeavoring to weaken the jurisdiction of the Secretary of the Interior, who has, under pressure of this kind, yielded; but he still retains jurisdiction. So he is preserving the integrity of his department under the laws of this country, and the Senate should preserve the integrity of its rules.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. GRONNA. Yes.

Mr. THOMAS. I merely wish to state to the Senator from North Dakota that I think the Senator from Virginia is mistaken when he calls this a condemnation bill. It is a bill which proposes in express terms to transfer title from individuals to the Government of the United States, and then provides a fund out of which the owners, if they can agree with the Government, shall receive compensation. If they can not agree, they are relegated to the tender mercies of the courts.

Mr. GRONNA. Mr. President, the Senator from Colorado is quite right in that statement. I have the bill before me, and I find in section 4 the following:

SEC. 4. That the President is hereby authorized, in such manner as he may direct, to agree with any claimant or owner of any property taken under this act upon a division of lands or the proceeds of operation, upon any exchange of lands without the naval petroleum reserves for lands within the reserves.

Now, Mr. President, clearly that is what we call a lieu-land provision that necessarily would come under the jurisdiction of the Department of the Interior in making exchange, and clearly the Committee on Public Lands has jurisdiction, and not the Committee on Naval Affairs.

I am in sympathy with some of the provisions of the bill, but I do not think it is necessary to refer it to any particular committee to get justice in the Senate. I am quite sure that the Committee on Public Lands is just as willing and just as able to act upon this bill as any other committee, and for that reason, Mr. President, I shall have to vote to refer the measure to the Committee on Public Lands.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the Secretary will proceed to call the roll.

The Secretary proceeded to call the roll.

Mr. HARDWICK (when his name was called). I have a general pair with the junior Senator from Kansas [Mr. CURTIS]. In his absence I withhold my vote.

Mr. MYERS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. McLEAN]. In his absence I transfer that pair to the Senator from Arizona [Mr. SMITH] and vote "nay."

Mr. SAULSBURY (when his name was called). I have a pair with the senior Senator from Rhode Island [Mr. COLT], which I transfer to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. OVERMAN (when the name of Mr. SIMMONS was called). My colleague [Mr. SIMMONS] is absent on account of a death in his family.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], which I transfer to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. WATSON (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. In his absence I withhold my vote.

Mr. WEEKS (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a regular pair with the Senator from Pennsylvania [Mr. PENROSE.] Notwithstanding his absence, being informed that if he were present he would vote as I am about to vote, I shall vote. I vote "yea."

The roll call was concluded.

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. In view of the announcement which has been made by the Senator from Mississippi [Mr. WILLIAMS] I transfer that pair to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. KNOX]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. MYERS. My colleague [Mr. WALSH] is still detained from the Senate by illness. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. This announcement may stand for the day.

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. SHERMAN. I have a pair with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the Senator from Michigan [Mr. TOWNSEND] and vote "yea."

Mr. GERRY. I desire to announce that the Senator from Kansas [Mr. THOMPSON] is detained on important public business.

Mr. SMOOT. I have been requested to announce the following pairs:

The Senator from Ohio [Mr. HARDING] with the Senator from Alabama [Mr. UNDERWOOD];

The Senator from Kansas [Mr. CURTIS] with the Senator from Georgia [Mr. HARDWICK];

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK].

The result was announced—yeas 40, nays 15, as follows:

YEAS—40.

Bankhead	Hitchcock	New	Smith, Md.
Beckham	Johnson, S. Dak.	Norris	Smith, Mich.
Brandegee	Kenyon	Overman	Smith, S. C.
Calder	Lewis	Poindexter	Stone
Fletcher	Lodge	Robinson	Swanson
France	McCumber	Saulsbury	Tillman
Frelinghuysen	McKellar	Sheppard	Trammell
Gallinger	McNary	Sherman	Wadsworth
Gerry	Martin	Shields	Weeks
Hale	Nelson	Smith, Ga.	Williams

NAYS—15.

Ashurst	Jones, N. Mex.	Phelan	Sutherland
Borah	Jones, Wash.	Ransdell	Thomas
Gore	King	Smoot	Vardaman
Gronna	Myers	Sterling	

NOT VOTING—33.

Broussard	Harding	La Follette	Smith, Ariz.
Chamberlain	Hardwick	McLean	Thompson
Colt	Hollis	Owen	Townsend
Culberson	Hughes	Page	Underwood
Cummins	James	Penrose	Walsh
Curtis	Johnson, Cal.	Pittman	Warren
Dillingham	Kellogg	Pomerene	Watson
Fall	Kendrick	Reed	Wolcott
Fernald	Kirby	Shafroth	
Goff	Knox	Simmons	

So the bill was referred to the Committee on Naval Affairs.

MEMORIAL TO FRANCIS ASBURY.

Mr. OVERMAN. I have here a joint resolution (S. J. Res. 107) which was reported favorably this morning from the Committee on the Library by the Senator from Mississippi [Mr. WILLIAMS], and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of a joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the Francis Asbury Memorial Association for the erection on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, and the White House, of a memorial to Francis Asbury, a pioneer itinerant, whose continuous journeyings through our cities, towns, villages, and early settlements, from 1771 to 1816, greatly promoted the interests of patriotism, education, morality, and religion and were a distinct aid to the American Republic: *Provided*, That the site chosen and the design of the memorial shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ARMED FORCES OF THE PHILIPPINES.

Mr. CHAMBERLAIN. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 7697) to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes.

The PRESIDING OFFICER. The Senator from Oregon asks unanimous consent for the present consideration of a bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the militia and other locally created armed forces in the Philippine Islands may be called into the service of the United States, and all members thereof may be drafted into said service and organized in such manner as is or may be provided by law for calling or drafting the National Guard into said service, and shall in all respects while therein be upon the same footing with members of the National Guard so called or drafted: *Provided*, That the pay and allowances of officers and men of the Philippine Militia and other locally created armed forces in the Philippine Islands called into the service of the United States under the provisions of this act when serving in the Philippine Islands shall in no case exceed the pay and allowances for corresponding grades of Philippine Scouts.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY ZONES AROUND SHIPYARDS.

Mr. FLETCHER. I move that the Senate proceed to the consideration of Senate bill No. 3387, Order of Business 170. There are three bills on the calendar, reported favorably by the Commerce Committee. In view of the general situation, they are regarded as being very important, and I hope the Senate will dispose of them. Order of Business No. 170 is the first one.

The PRESIDING OFFICER. The Senator from Florida moves that the Senate proceed to the consideration of a bill the title of which will be stated by the Secretary.

The SECRETARY. A bill (S. 3387) to authorize and empower the President to create military zones around shipyards where vessels are under construction for the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, in line 10, page 2, after the word "requisition," to insert "condemnation," so as to make the bill read:

Be it enacted, etc., That the President of the United States of America, as Commander in Chief of the Army and Navy, be, and he is hereby, authorized and empowered from time to time to create and establish, within defined areas surrounding any shipbuilding plant where vessels are under construction for the United States of America a military or war zone; that such designated area shall be directly under the control of the President, with the right and authority to treat such area as if it were a fort, camp, or other military establishment of the United States of America, and that all laws applicable to forts, camps, or other military establishments shall be applicable to the zone or area so designated; and any person, persons, firm, or corporations who shall violate any such law shall be punishable in the manner therein provided. Should it become necessary or desirable to take over or occupy or use any buildings, land, or other property within such area, the United States may acquire such property or the use thereof by purchase, requisition, condemnation, or otherwise, and shall make just compensation therefor, to be determined by the President; and if the amount thereof so determined by the President is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by the President and shall be entitled to sue the United States of America to recover such further sums as added to 75 per cent will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

The President may exercise the power and authority hereby vested in him through the several departments of the Government and through such agency or agencies as he shall determine from time to time.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TRANSPORTATION OF SHIPYARD EMPLOYEES.

Mr. FLETCHER. I also ask unanimous consent for the present consideration of the next Order of Business, being Senate bill 3388.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Florida asks unanimous consent for the present consideration of Order of Business 171. Is there objection? The Chair hears none. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 3388) to amend the emergency shipping fund provisions of the urgent deficiency appropriation act approved June 30, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes.

Mr. CALDER. Mr. President, does the consideration of this measure require unanimous consent?

The PRESIDING OFFICER. Unanimous consent has already been given.

Mr. CALDER. I did not hear the Presiding Officer put the question.

The PRESIDING OFFICER. The Chair asked if there was objection, and the Chair said he heard none, and the Secretary then read the title of the bill.

Mr. CALDER. I did not hear the Chair. If I had heard him, I would have objected to its consideration.

The PRESIDING OFFICER. Does the Senator desire to object to the consideration of the bill?

Mr. CALDER. Yes; I desire the bill to go over.

The PRESIDING OFFICER. The Chair will hold, then, that there is objection.

Mr FLETCHER. Does the Senator imagine that the discussion of the bill would take very much time?

Mr. CALDER. I think it would. I am opposed to the measure.

Mr. FLETCHER. I should like to dispose of the bill. If the objection is sustained, however, I move that the Senate proceed to the consideration of the next bill.

The PRESIDING OFFICER. Objection is made, and the bill goes over.

HOUSING OF SHIPYARD EMPLOYEES.

Mr. FLETCHER. I ask unanimous consent for the present consideration of Senate bill 3389, the next bill on the calendar.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent for the present consideration of Senate bill 3389, to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes. Is there objection?

Mr. KING. Mr. President, I do not want to object to the request of the Senator from Florida. It does seem to me, though, that this bill is a very important one, and that it ought to receive some attention at the hands of Senators. Of course, those of us who are not upon the committee have not had the advantage of hearing the testimony that may have been given, and can not act as intelligently in respect to this matter as the Members of the Senate who are members of the committee to which I have just referred. If it would not inconvenience the Senator, and if the urgency is not too great, it would suit me very much if the Senator would allow the bill to go over for one day.

Mr. FLETCHER. I will say, Mr. President, that both these bills are regarded as very important by the Commerce Committee and by the Shipping Board and the Emergency Fleet Corporation. With reference to this bill, I submit to the Senator a letter I received just this morning, addressed to me, and reading as follows:

Bill S. 3389, which you so kindly introduced to the Senate is so necessary to the housing operations of the Shipping Board that I know you will pardon my request that you hasten its passage as quickly as possible.

Several conditions have arisen in securing property for housing that will delay matters considerably unless we have the power to take the land at once and arrange for details later. These questions refer not only to price but also to cases where the property is tied up in estates, the controlling party of which may be abroad or can not be found quickly. Your bill will give us the power to take the land and make all adjustments later, and it will be an extremely helpful aid if this bill could be disposed of this week.

I hope you will pardon my constant recurrence to this matter, as I appreciate that you are doing everything possible to aid us in our ship building program.

Very truly, yours, EDWARD N. HURLEY,
Chairman.

That indicates the importance of the measure, and I should like very much to dispose of it now. The committee thoroughly considered it. There are a few amendments that the committee made to the bill as it was originally introduced. The situation really is a very critical one with reference to housing the employees who are engaged in work upon the various shipbuilding enterprises in certain portions of the country. This bill is to apply only where provision of this kind must be made in order that the work may proceed. There are a few instances of that kind, where, for instance, two or three thousand men could be added to the force to speed up the completion of these ships, if there were places where the employees could live; and the bill is intended to meet situations of that sort.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Illinois?

Mr. FLETCHER. I do.

Mr. LEWIS. Will the Senator from Utah and the Senator from Florida permit me to suggest that the Senator from Florida, if he can do so without burdening himself unnecessarily, simply state what is the purpose of this bill, what particular thing it is to do, so that the Senator from Utah may understand that this is not the bill that I am sure the Senator from Utah is of the opinion that it is, and that it does not contain certain subject matters of which he has been reading? I

should like to have the Senator know that this bill happens not to contain in its provisions the matter which I am sure is the thing in his mind, and in which he is probably interested.

Mr. KING. Mr. President, I do not think I have any misapprehension as to the character of this bill. As I understand it, it is to authorize the expenditure of $50,000,000, or any sum less than that, for the acquisition of land by condemnation proceedings or otherwise upon which to erect houses, and to provide the necessary fixtures for those houses, incident to supplying homes for those who may be engaged in working upon the ships that may be constructed by the Government.

Mr. FLETCHER. I will say to the Senator that the plan contemplates the Government's getting back the entire expenditure. It is not to be paid out never to be reimbursed. The advance will be made in the first instance by the Government, and then the Government will eventually, by an amortization plan, receive back its entire outlay. The purpose of this bill is mainly to give the right of condemnation.

Mr. KING. May I ask the Senator from Florida in which cities or ports it is expected that this amount of money will be utilized?

Mr. FLETCHER. There are three Government plants being established—one at Hog Island, not a great way from Philadelphia; another at Bristol, Pa.; and the other at Newark, N. J. Houses will be needed for the employees in these three plants that are being built and owned by the Government. Then there is also a situation at Newport News, Va., and one in Newark, N. J., where the New York Shipbuilding Co. is concerned.

Mr. NELSON. Mr. President, I want to suggest to the chairman of the committee that another place of this kind where housing accommodations are urgently needed is at Sparrows Point, Md. That is a point that is so far out from the city of Baltimore that it is hard to get men there without furnishing them houses. I want to say, if the Senator will allow me, that the Committee on Commerce were unanimously in favor of this legislation after a full hearing on the subject.

Mr. KING. Mr. President, I shall not object to the present consideration of the bill, but I want to say at the outset that as a general rule I regard with a good deal of apprehension the appropriation of money to be utilized by the Government in acquiring land and building homes. It is a matter of common knowledge that expenditures made by the Government do not bring the results that expenditures made by individuals do. Whatever the Government does it does at a tremendous and staggering price. I have felt that the patriotism of the people wherever these shipyards are to be found, and the business enterprise of the individuals there, would provide ample homes for the workingmen that will be required for the building of the ships.

Of course, as I said a moment ago, I have not the advantage of the information that the Committee on Commerce had, because men have appeared before them who have given the apparent reasons for this legislation; but I do say that it seems to me that there is no necessity for the Government embarking upon this stupendous enterprise. If we appropriate $50,000,000 now, unquestionably there will be a deficiency appropriation, and further appropriations will be required, and we will be embarking upon a wild scheme of house building and home building and land reclamation and land purchase the end of which no man can foresee.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

Mr. FLETCHER. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read first for action on the committee amendments.

The PRESIDING OFFICER. The Senator from Florida asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendments, the amendments of the committee to be first considered. Is there objection? The Chair hears none, and it is so ordered.

Mr. JONES of Washington. Mr. President, I simply want to say with reference to the suggestion made by the Senator from Utah [Mr. KING] that I sympathize very much with the position he takes. I know that the committee took into account the various matters to which he referred, but the testimony was so strong before the committee showing the imperative need of this legislation and the need of the Government taking action that we felt constrained to lay aside our scruples along the line the Senator from Utah has indicated, feeling that the bill is absolutely necessary to procure the ships necessary to carry on the war.

Mr. KING. Will the Senator yield for a question?

Mr. JONES of Washington. Certainly.

Mr. KING. Does the testimony submitted to the committee indicate the extreme limit that would be required for the purposes indicated in the bill?

Mr. JONES of Washington. That could not be done. The conditions are local in connection with many of the shipbuilding plants throughout the country and the conditions that the committee know to exist at the particular yards referred to by the chairman of the committee could be duplicated. The representatives of the Emergency Fleet Corporation did believe that we could do all that was necessary within the limits that we have proposed in the bill, but of course nobody knows what conditions may develop in different parts of the country. However, the conditions at the yards mentioned by the chairman of the committee and by the Senator from Minnesota imperatively press this legislation upon us now.

Mr. KING. If the Senator will pardon me, I have understood that there was a plan to erect buildings in Seattle and to erect buildings in San Francisco and in Philadelphia, and in some town in Massachusetts where shipyards are found. It seemed to me that if there was any purpose to erect buildings there it must be improper, that the needs of any number of employees who might be brought there for Government purposes would be amply supplied in the towns and cities to which I have just referred.

Mr. JONES of Washington. No plan of that kind has been suggested, but I will say to the Senator that it was brought out that some complaints had been made from Seattle with reference to conditions there. However, those complaints are being very carefully investigated, and unless a situation does develop that makes it imperatively necessary to promote the shipbuilding program that the Government shall take a hand in providing housing facilities, it will not be undertaken either at Seattle or at any other place.

Now, there is this pressing necessity. The pressing necessity does not appear at any of those places now, but it does appear at these other places. It may develop at some of the other places, as the Senator must understand. Take, for instance, Seattle, where the shipbuilding industry is developing possibly more rapidly than at any other single point in the country, and the number of shipbuilding employees has increased from a couple of thousand to over 20,000. With the new ships that are being contemplated and that are being constructed there and the new yards that are being built, it may be necessary to secure, if possible, twenty or thirty thousand more shipbuilding employees. If the housing facilities are not sufficient to provide for the men engaged in the building of those ships without the aid of the Government, according to the testimony before the committee, it will be imperatively necessary that we should provide those facilities.

Mr. FLETCHER. May I make a suggestion to the Senator?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES of Washington. Certainly.

Mr. FLETCHER. I suggest to the Senator, in reply to the thought in the mind of the Senator from Utah about local cooperation, and that situation is being taken care of by local interests, it is the purpose of the Emergency Fleet Corporation to have local interests take care of the situation if it is possible to do so. That is a part of the plan. Their resources will be exhausted before the Emergency Fleet Corporation will undertake to have the Government intervene, and if they can not do otherwise, then they will simply get the cooperation of local interests. But I believe the Senator will agree that the Emergency Fleet Corporation will have this entire fund reimbursed to the Government.

Mr. JONES of Washington. They expect eventually to recover it, and the committee does not contemplate that the Emergency Fleet Corporation will put the Government into the housing business anywhere that it is not imperative for it to go; but of course we can not just prescribe the limit; we must leave a discretion.

Mr. VARDAMAN. May I ask the Senator what is the amount carried for this special work? I am a member of the Committee on Commerce, but was not present at the time this bill was considered.

Mr. JONES of Washington. We authorize housing facilities not to exceed $50,000,000.

Mr. VARDAMAN. Where is it to be used?

Mr. JONES of Washington. That is left to the discretion of the Shipping Board or the Emergency Fleet Corporation. Of course, we have to leave it to their discretion, because we do not know all the points where a necessity may arise.

Mr. WADSWORTH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New York?

Mr. JONES of Washington. I yield the floor.

Mr. WADSWORTH. I was going to ask the chairman in charge of the bill whether the bill would permit the Emergency Fleet Corporation to erect any other buildings than dwelling houses.

Mr. FLETCHER. It authorizes it—

to construct on such land houses and all other necessary or convenient facilities, upon such conditions and at such price as may be determined, and to sell, lease, or exchange such houses, land, and facilities upon such terms and conditions as it may determine.

Mr. WADSWORTH. In the term "facilities," is it the opinion of the Senator that buildings for stores and shops will be included?

Mr. FLETCHER. I think not, but, for instance, there was a suggestion that there were possibly hotels already on the premises, and possibly summer-resort houses in the vicinity, that could be acquired under the bill.

Mr. WADSWORTH. The object of my inquiry is to make sure that the hands of the Emergency Fleet Corporation are not tied in that respect.

Mr. FLETCHER. I think the Senator is right about that, and that they will have a leeway in that regard.

Mr. WADSWORTH. There are several kinds of buildings other than dwelling houses which will, in my judgment, become necessary to be erected, buildings to contain stores and shops or halls for meeting purposes, buildings and facilities to meet all the amenities of life. I am under the impression that this matter of housing will, before this war is many months older, become one of the most important problems confronting the Government, and I want to be absolutely certain that when we approach it we approach it in a broad spirit, so that the Government's hands shall not be tied down to the mere building of dwelling houses.

The experience of England has been that, under their ministry of munitions, whole towns have had to be built, towns containing 20,000 to 30,000 people. It involves a great deal more than the mere building of dwelling houses. It involves the building of many other kinds of buildings in order that the workmen and their families shall lead a contented, comfortable, and happy existence socially. I think we can not direct our view too far in this matter. That is the purpose of my question addressed to the chairman of the committee.

Mr. NELSON rose.

Mr. WADSWORTH. I yield to the Senator from Minnesota.

Mr. NELSON. If the chairman of the committee will permit me, I have not any doubt that all these things can be done under the bill. I think the only limitation is that it can not be used to build shops for the yard proper; that will come under other measures; but everything that pertains to the housing of the working force and to their comfort can be done under the provisions of the bill. I have not any doubt about that. The bill is purposely framed in general terms so that they can lease or acquire by condemnation already existing buildings, remodel them, and put them in shape, and do whatever is necessary to properly house the employees.

Mr. FLETCHER. I think that was the purpose, to supply all the living conditions of a community.

Mr. WADSWORTH. While I am on my feet, I desire to have the attention of the Senate for just a moment on this question in its broad aspect. I am absolutely in favor of what this bill seeks to do, but I call the attention of the Senator from Florida and the Senators here present that once again we are making the error of going at this question piecemeal. This legislation places upon the Emergency Fleet Corporation the building of facilities for the housing of workmen. That is one agency of the Government which is to be clothed with that power. In my humble judgment it will not be the only agency of the Government that will have to have the same power. Before we get through we will have to view this housing problem as it applies to the men and women who work in munition factories. Before we get through I believe we will have to supply housing facilities for a largely increased number of workmen in the neighborhood of the great steel mills engaged in the manufacture of ordnance, cannon, ammunition, rifles, and various kinds of supplies for the Army or the Navy. This bill, of course, applies only to the shipbuilding program.

Mr. HARDING. Will the Senator allow me?

Mr. WADSWORTH. I yield.

Mr. HARDING. I think the Committee on Commerce is impressed with the necessity of which the Senator from New York speaks, but we have felt that this bill would meet the present emergency best because shipping is so vital to all our operations; and, indeed, they already have housing contracts in process of execution.

Mr. WADSWORTH. I am in entire sympathy with the passage of this bill, but I do not want this opportunity to go by without pointing out the essential weakness of our war-making machinery, and this is a perfect example of it; it must be cured sooner or later by the centralizing of these activities under one control as it has been done in England and as it has been done in France. As an example, the Government is about to build an enormous powder manufactory in the State of West Virginia under the auspices, I understand, of the War Department, and another one in the State of Tennessee. They are to be brand-new plants, with a capacity of hundreds of thousands of pounds of powder per day. Without question, the housing problem will have to be met in that connection. Now, are we going to leave that housing problem to the War Department and another housing problem to the Shipbuilding Board?

I call the attention of the Senate to this situation because I believe we have only commenced the solution of this problem, and that sooner or later we must centralize it under one head.

In this connection I want to remind the Senate that to-day the Committee on Military Affairs reported to the Senate a bill creating the office of director of munitions, under whose jurisdiction and control the President may, in his discretion, place all problems of this sort, involving not only the production, procurement, and manufacture of materials used in the war, but also the housing problem, under the language of the bill, and I did not want Senators to let this bill go through without remembering that this does not cure the problem. It is only the first step, and sooner or later we shall have to take away, by direction of the President, the housing problem from the Emergency Fleet Corporation and place it under a central control, because a housing problem in one line of industry is not essentially different from the housing problem in another line of industry.

I want to say further, my support of this bill is conditioned, in a sense, upon the hope that the Senate and the Congress in the very near future will follow the example of Great Britain and France and place these things under a central control. Otherwise we shall continue to have, as we have had in the past, competing agencies of the Government. There are to-day four governmental purchasing bureaus purchasing rubber boots, there are five bureaus of the War Department purchasing trucks, and here we will have, if we do not cure this situation, two or three or four different governmental departments or bureaus engaged at one and the same time in the housing problem.

Mr. JONES of Washington. Mr. President, I agree fully with what the Senator from New York has said. I myself have been looking to the Military Committee, of which he is a member, for a bill providing for organization along the line to which he refers, and I was glad to note the report from that committee to-day of the bill which I trust will do just exactly what is outlined here. But our committee, of course, was faced with this emergency proposition. We are not a military committee, but this seemed to come within our jurisdiction, and we acted as promptly as possible upon the showing made. I should like to see, however, and I think it is necessary, all brought under one head, so that the various activities connected with the war can be directed definitely and clearly.

Mr. WADSWORTH. The Committee on Commerce have done, of course, the very best thing possible, but I did not want this moment to go by without calling attention to it, because our weakness so far in this war is that we have not planned out in advance on a broad scale the effort which America must make. We have scattered our authority and our power to half a dozen governmental agencies, and it is that very failure of ours to concentrate the authority and to plan out things two months, three months, six months in advance that has created the coal situation in the United States to-day.

Mr. THOMAS. Mr. President, in my support of this bill I recognize the justice of the criticisms that have been offered by the Senator from New York [Mr. WADSWORTH]. I wish, however, that the bill went a little further than it does and made provision not only for the housing of the people in the shipyards of the country but some provision whereby people could be protected in the acquirement for consumption of the necessities of life. The housing problem is becoming more and more acute, and so is that of ordinary living. The experience of everybody who is unfortunate enough to live in the District of Columbia now is too constant and acute to require any extended statement to convince him at least of the fact that the war conditions have been taken advantage of by the purveyors to rob not only the residents of the District but everybody who is here either indefinitely or temporarily, and I have no doubt the same conditions apply to other sections of the country, although perhaps not to such an extent. The degree to which rent has risen and to

which the cost of provisions has risen in this District is almost unbelievable. Some of the ships which are being constructed are in yards either within or very close to the boundaries of the District of Columbia. Certainly there the employees are subjected to the same disabilities, the same coercion, and the same oppression which we are all enduring up to this time without much attempt upon the part of the General Legislature to interfere.

I shall in the near future make the effort to secure some legislation by Congress regarding housing and the living conditions in the District of Columbia, with a view, if possible, of imposing some limitation upon the greed, the unscrupulousness, the avarice, and the extortion which seem to be a common practice in this city.

It would seem as though the landlords, the grocers, the merchants generally, with here and there a few honorable exceptions, have entered into a conspiracy to see to it that no man who gets any money from the Treasury of the United States shall cross the Potomac before they can put it in their pockets. People have to come to this city, which is the Capital of the Nation, when the Nation is at war. They have no discretion about it. Certainly in the majority of the instances their interests require their presence in the city, sometimes indefinitely and sometimes for a few days, and they are the common prey of a condition that is disgraceful to the Capital and which should not be tolerated overnight.

I think the sooner this Congress, which has absolute jurisdiction over the District, should recognize that to be one of the emergency conditions requiring legislative consideration the better.

Now, I do not know to what extent it will go. I know one man who was fortunate enough to buy a return ticket when he came here and I think he got out of the city, although whether he had enough left with which to pay for meals en route to his home I have not yet ascertained.

I do not think, Mr. President, we can speak too extremely upon this subject. It is one which would justify, if anything would justify it, a resort to brute force, if there could be no other method of relief from these exactions. I greatly fear it may come to that, Mr. President, if we do not in some way put a check on the conditions which here prevail.

I say this bill is a movement in the right direction. It is both a local and a national problem, and I hope the Committee on Commerce will consider the exigent conditions which may require, and which I think do require, some legislation regarding the cost of the necessities of life to the consumer.

The Food Commission some time ago placed a maximum of prices upon the necessities of life to the producer, and the retailer seems to have taken advantage of it by enhancing his own prices. The consumers up to this time have obtained no benefit whatever from food regulation, yet they have complied and will continue to patriotically comply with every regulation which may be made by the commission.

The general situation is well illustrated by an article in the last Saturday Evening's Post which pictures a landlord and his chef in consultation. The landlord says, "You halve the portions; I will double the price. We must both clamor for another meatless day. We have to do something to win this war." That is the character of patriotism at this juncture in the Nation's affairs which characterizes, I think I may safely say, the majority of retailers of the necessities of life.

The PRESIDING OFFICER. The amendments reported by the Committee on Commerce will be stated.

The amendments were, in section 1, on page 1, line 6, after the word "or," to strike out "otherwise"; in line 7, after the word "acquire," to insert "by condemnation or otherwise"; on page 2, line 4, before the word "such," to strike out "otherwise dispose of" and insert "exchange"; in line 6, after the word "or," to strike out the word "otherwise"; in line 7, before the word "any," to insert "by condemnation or otherwise"; in line 9, after the word "proper," to insert "fixtures and"; in line 10, after the word "or," to strike out "otherwise dispose of" and insert "exchange"; in line 11, after the word "such," to insert "lands"; in the same line, after the word "houses," to strike out "and," and after the word "buildings," in the same line, to insert "fixtures and furnishings," and to strike out lines 13 to 19 in the following words:

(d) To cancel, modify, suspend, or requisition any existing or future contract relating to the purchase, lease, or mortgage of any such land or building. All houses, land, facilities, and furnishings acquired as herein provided shall be leased, sold, or otherwise disposed of only to persons now or hereafter employed in the shipyards constructing ships for the United States.

In line 22, before the word "acquire," to strike out "otherwise"; after the word "acquire," in the same line, to insert "by condemnation or otherwise"; in line 23, after the word "houses," to strike out "or shall cancel, modify, suspend, or requisition any such contract"; on page 3, line 10, after the word "requisitioning," to insert "condemning"; in line 12, after the word "cease," to strike out "six months after" and insert "with"; in line 21, after the word "requisitioning," to insert "condemning"; in line 22, after the word "facilities," to strike out "or" and insert "fixtures and"; and on page 4, line 3, after the word "sum," to strike out the words "and there is hereby appropriated for such purpose $25,000,000," so as to make the section read:

That the United States Shipping Board Emergency Fleet Corporation is hereby authorized and empowered within the limits of the amounts herein authorized.

(a) To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land suitable for the construction thereon of houses for the use of employees of shipyards in which there are now being constructed ships for the United States.

(b) To construct on such land houses and all other necessary or convenient facilities, upon such conditions and at such price as may be determined, and to sell, lease, or exchange such houses, land, and facilities upon such terms and conditions as it may determine.

(c) to purchase, lease, requisition, or acquire by condemnation or otherwise any houses or other buildings, together with the land on which the same are erected, and all necessary and proper fixtures and furnishings therefor; to manage, repair, sell, lease, or exchange such lands, houses, buildings, fixtures, and furnishings upon such terms and conditions as it may determine.

Whenever said United States Shipping Board Emergency Fleet Corporation shall purchase, lease, requisition, or acquire by condemnation or otherwise such land or such houses it shall make just compensation therefor, to be determined by it, and if the amount thereof so determined by it is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined by it, and shall be entitled to sue the United States to recover such further sum as added to such 75 per cent will make up such amount as will be just compensation therefor in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

The power of purchasing, leasing, requisitioning, condemning, or otherwise acquiring such land and houses herein granted shall cease with the termination of the present war with Germany.

The word "person" used herein shall include any person, trustee, firm, or contractor. The word "shipyard" shall include any factory, workshop, warehouse, engine works, buildings used for manufacturing, assembling, construction, or other process in shipyard and dockyards and discharging terminal, and other facilities connected therewith, now or hereafter in connection with shipbuilding.

The cost of purchasing, leasing, requisitioning, condemning, or otherwise acquiring houses, lands, facilities, fixtures, and furnishings shall not exceed the sum of $50,000,000, the expenditure of which is hereby authorized, and in executing the authority granted by this act for such purpose, the said United States Shipping Board Emergency Fleet Corporation shall not expend or obligate the United States to expend more than the said sum.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF FUEL ADMINISTRATOR.

Mr. FLETCHER. I move——

Mr. VARDAMAN. Mr. President, will the Senator from Florida yield to me for a moment?

Mr. FLETCHER. I yield.

Mr. VARDAMAN. I have no desire to prolong this session or to indulge in any post-mortem remarks on the Garfield order. I think, however, Dr. Garfield will have some trouble in convincing the American people that his order was wise and conservative. I ask to have read a telegram from the president of a cotton mill at Water Valley, Miss., and I wish to say that the author of that telegram is one of the most sagacious business men and patriotic citizens in the entire country.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

WATER VALLEY, MISS., *January 18, 1918.*

Senator JAMES K. VARDAMAN,
Washington, D. C.:

Urge Garfield to suspend that order until its necessity is established by investigation. Such drastic measures will cause the southern farmers, merchants, and manufacturers to lose millions of dollars and mills' operatives absolutely suffering.

YOCOMA COTTON MILLS,
Per JOHN V. WAGNER,
Secretary and Treasurer.

ADJOURNMENT TO MONDAY.

Mr. FLETCHER. I move that the Senate adjourn until Monday next at 12 o'clock.

The motion was agreed to; and (at 2 o'clock and 33 minutes p. m.) the Senate adjourned until Monday, January 21, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 18, 1918.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, God our Father, source of every blessing, we thank Thee for the gifts Thou has bestowed upon us.

Strengthen our will, quicken our conscience, guide us in the use of our faculties, that we may be worthy recipients and faithful servants to Thee and to our fellow men. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. LONDON rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. LONDON. To make the point of order that there is no quorum present.

The SPEAKER. The gentleman makes the point of order that there is no quorum present. Evidently there is not.

Mr. CARTER of Oklahoma. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Oklahoma moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Flynn	Lesher	Sabath
Bacharach	Focht	Lever	Sanders, N. Y.
Barnhart	Francis	McAndrews	Sanford
Beakes	Fuller, Mass.	McArthur	Saunders, Va.
Bland	Gallivan	McCormick	Schall
Bowers	Gandy	McCulloch	Scott, Pa.
Campbell, Pa.	Garrett, Tex.	McKenzie	Scully
Cannon	Graham, Pa.	McLaughlin, Pa.	Sells
Cantrill	Greene, Vt.	Mann	Shallenberger
Capstick	Gregg	Mason	Sherley
Caraway	Griest	Meeker	Siegel
Carlin	Hamill	Miller, Wash.	Sisson
Carter, Mass.	Hamilton, N. Y.	Mondell	Slemp
Collier	Harrison, Miss.	Morin	Small
Cooper, Ohio	Haskell	Mott	Smith, Charles B.
Copley	Hawley	Mudd	Smith, Thomas F.
Costello	Hayes	Neely	Snell
Cox	Heaton	Nichols, Mich.	Stephens, Nebr.
Curry, Cal.	Heintz	O'Shaunessy	Sterling, Ill.
Dale, Vt.	Helvering	Park	Sullivan
Davidson	Hood	Parker, N. Y.	Swift
Davis	Houston	Phelan	Templeton
Dent	Hull, Iowa	Polk	Vare
Dooling	Humphreys	Porter	Voigt
Doremus	Ireland	Pou	Ward
Doughton	Johnson, S. Dak.	Powers	Webb
Drukker	Jones, Va.	Price	Whaley
Dunn	Kahn	Purnell	Wilson, Ill.
Eagle	Kennedy, R. I.	Ragsdale	Winslow
Evans	Kiess, Pa.	Rayburn	Wise
Fairchild, Geo. W.	Kraus	Reed	Woods, Iowa
Farr	Kreider	Riordan	
Fields	LaGuardia	Russell	

The SPEAKER. On this call 309 Members have answered to their names, a quorum.

Mr. CARTER of Oklahoma. Mr. Speaker, I move that the House dispense with further proceedings under the call.

The SPEAKER. The gentleman from Oklahoma moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

ORDER OF BUSINESS—THE HAYDEN BILL.

Mr. KITCHIN. Mr. Speaker, yesterday before the House adjourned, I asked unanimous consent to vacate the order with reference to House bill 269, known as the Hayden bill. It was suggested that as a very few Members were then present I would renew the request this morning. So I renew the request.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to vacate an order agreed to December 12, 1917, by which House bill 269 was given precedence over all bills that should be reported after the 12th of December. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object—and I desire to say before I make the request that I intend to object—I would like to have two or three minutes in which to state the reasons on which I propose to object.

The SPEAKER. The gentleman from Texas asks unanimous consent for three minutes. Is there objection?

There was no objection.

Mr. GARNER. Mr. Speaker, I care nothing about the Hayden bill, and I do not make this objection as an opponent of the $3-a-day bill, known as the Nolan bill, although I shall oppose that bill when it comes up for consideration. But the reason why I propose to object to this unanimous consent is that I think this Congress should enact as little legislation as possible except for the conduct of this war. [Applause.] I do not believe that the people of this country are in a frame of mind to enact general legislation other than that absolutely necessary for the successful conduct of the war. This unanimous consent ties up Calendar Wednesday for the balance of this Congress under the ruling of the Speaker. Whatever legislation is necessary to conduct this war can come from the Committee on Rules and can be brought before the House in that way. That is the reason that prompts me in making this objection. So long as this order exists there will be little opportunity to get legislation on Calendar Wednesday, and I anticipate that other days will be used for war legislation and appropriation bills.

Mr. NOLAN. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. GARNER. Yes; I reserve the objection, Mr. Speaker.

Mr. NOLAN. Does the gentleman think that all legislation by unanimous consent should be stopped during the session?

Mr. GARNER. Except legislation that is purely local in its nature.

Mr. NOLAN. I just want to say that if we can not get this thing straightened out so that the Committee on Labor can get a day in court there will be no more unanimous-consent motions agreed to during this Congress, either on legislation or anything else.

Mr. GARNER. Realizing the intense interest of the gentleman in this bill, I suggest there is a way in which it can be done, through the Committee on Rules. If I were a member of the Committee on Rules I would give liberal consideration to the request for a rule on this bill. This bill is not fundamentally the reason for my objection to the vacation of this unanimous-consent order that is now on the calendar. This unanimous-consent order virtually ties up Calendar Wednesday during the remainder of this Congress, and that is what I want to do. I want to prevent, namely, general legislation during the balance of this Congress. I object.

The SPEAKER. The gentleman from Texas objects.

Mr. HAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAYDEN. I want to find out whether the Chair agrees with the gentleman from Texas [Mr. GARNER] that this special order does tie up Calendar Wednesday so that no business can be done on that day for the remainder of this session? I do not understand that to be a fact. If the Chair will read the order as adopted, it states that—

On motion of Mr. KITCHIN, by unanimous consent: *Ordered*, That when bills now on the calendar which are in order on Calendar Wednesday shall have been disposed of, the bill H. R. 269 shall be in order on Calendar Wednesday.

My understanding of the order is that the ordinary procedure on Calendar Wednesday would continue as heretofore, and that bills, such as the minimum-wage measure called up last Wednesday by the Committee on Labor, would be in order. The only change is that when all the bills then on the calendar are considered, then, in the due order of events, my bill will be in order.

The SPEAKER. The gentleman answered his own parliamentary inquiry by reading that. It means this, that all of the bills that can be called up on Calendar Wednesday that were put on the calendar before December 12 have to be cleaned up before the Hayden bill comes up. After that is disposed of or waived out of the way then any other bill that could come up on Calendar Wednesday is in order when the committee is called.

Mr. HAYDEN. Then the special order of December 12 does not entirely tie up Calendar Wednesday for the remainder of the session?

The SPEAKER. It ties up Calendar Wednesday until all the bills that can be called up on Calendar Wednesday that were put on the calendar previous to the 12th day of December are cleared away.

Mr. FOSTER. Mr. Speaker, just a moment. May I say that the Committee on Mines and Mining was ready to report a bill on the 7th of January? The question was asked if this bill would come up when our committee was reached, and the statement was made that there was no hurry in reporting the bill for the reason that this order which the Speaker has interpreted was in existence, and the committee acted accordingly and consumed only a part of the day on account of that rule.

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry. I should like to ask, for information, how many people were present in the House when the unanimous-consent order just referred to by the gentleman from Arizona was made?

Mr. CAMPBELL of Kansas. A quorum.

The SPEAKER. To whom was that question addressed?

Mr. MADDEN. I was asking the Speaker.

The SPEAKER. Well, the Chair does not know.

Mr. CAMPBELL of Kansas. There was a quorum here.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is that the gentleman from Texas [Mr. GARNER] objects to the request of the gentleman from North Carolina.

INDIAN APPROPRIATIONS.

Mr. CARTER of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Indian appropriation bill (H. R. 8696); and, pending that motion, I should like to ask if we can not come to some agreement upon the time for general debate?

Mr. CAMPBELL of Kansas. We have requests for about three hours over here.

Mr. NORTON. Four hours.

Mr. CAMPBELL of Kansas. Nearly four hours.

The SPEAKER. Has the gentleman any suggestion to make?

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent that the general debate on the pending bill close in five and one-half hours.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that general debate close in five and one-half hours.

Mr. GILLETT. Mr. Speaker, does the gentleman mean after five and one-half hours have been consumed in debate, or does he mean five and one-half hours from now? It might make a great difference.

Mr. CARTER of Oklahoma. After five and one-half hours have been consumed in general debate, three hours and a half to be controlled by the gentleman from Kansas [Mr. CAMPBELL] and two hours by myself.

The SPEAKER. The gentleman adds to the request that three and one-half hours be controlled by the gentleman from Kansas [Mr. CAMPBELL] and two hours by himself. Is there objection?

Mr. STAFFORD. Reserving the right to object, may we have an understanding that the bill will not be read to-day, except the first paragraph?

Mr. CARTER of Oklahoma. That was the intention on this side.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The motion of Mr. CARTER of Oklahoma was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, with Mr. GARNER in the chair.

Mr. CARTER of Oklahoma. I yield 20 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, the pending appropriation bill provides for one of the activities of the Interior Department. I notice that recently the head of the Interior Department issued an order, which he has full power to issue, changing the hours of service in the Department of the Interior in Washington. His order is that instead of going to work at 9 o'clock in the morning and quitting at 4.30 in the afternoon, with one-half hour for lunch, making a seven-hour day, the clerks shall go to work at 8.45 and quit at 4.15, with a half hour for lunch, making a seven-hour day. The reason given for that was that it would be a matter of great convenience to the street car companies in Washington and relieve the congestion upon the street car traffic. That is a very laudable object, and consults the convenience of the clerks as well as of other people in Washington.

Of course it has another effect. By letting the clerks out at 4.15 they have that much longer time, if they choose, to spend on the streets and in the department stores and shops, and to patronize the merchants and industries of Washington. It occurs to the ordinary man who is not interested in the real estate ring or the business interests of Washington, to inquire why the Government clerks in Washington should not work a standard day of eight hours? In my judgment, there is no reason why even in time of peace the men who are being paid out of the Federal taxes for performing the people's work in Washington should not give an honest day's work. [Applause.] But it seems to me it is even more important in time of war, when great sacrifices are required of all of the people of the United States, when great burdens and responsibilities are being laid upon all the people of the United States, that the men who are paid out of the Federal Treasury for performing the work of the people in the Nation's Capital should give an honest standard day's work to the taxpayers. I have always believed that there is such a thing as an honest day's work. I believe that there is just as much an honest day's work as there is an honest dollar or an honest pound. I can not agree with those men who say that a day's work is eight hours or less. I would as soon assume that a dollar was 100 cents or less, or that a pound was 16 ounces or less, how much less depending upon the skill of the man who makes the offer and the helplessness or negligence of the man to whom the offer is made.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. BORLAND. Yes.

Mr. DOWELL. Are not these employees all under the heads of the various departments and subject to the orders of the heads of their departments?

Mr. BORLAND. Yes.

Mr. DOWELL. Then should not the gentleman go to the heads of those departments with this question?

Mr. BORLAND. I am discussing that very point. The Secretary of the Interior could have made his order providing for an eight-hour day. He has that power. But Congress, representing the people, and imposing the burdens of taxation upon the people, also has the power to direct the executive officer. So there is no excuse for Congress in the fact that the heads of departments have the power, which they do not exercise.

Mr. DOWELL. Will the gentleman yield for another question?

Mr. BORLAND. If it is a brief one, yes.

Mr. DOWELL. Is it not the duty of the heads of departments to see that the employees furnish a day's work for the compensation they receive?

Mr. BORLAND. I think so.

Mr. DOWELL. Then is not this a department matter?

Mr. BORLAND. Is the gentleman in favor of an honest day's work of eight hours or not?

Mr. DOWELL. Is not this a matter for the heads of the departments?

Mr. BORLAND. Answer that question. Is the gentleman in favor of giving the taxpayers an honest day's work?

Mr. DOWELL. That is up to the heads of the departments.

Mr. BORLAND. Is the gentleman in favor of it? The gentleman does not want to answer.

Mr. DOWELL. I am always in favor of an honest day's labor, but I think the heads of the departments ought to have charge of the direction of employees. It is up to the heads of the departments, and the gentleman's criticism should go to the heads of the departments if there is any criticism.

Mr. BORLAND. According to the gentleman's argument, we should abrogate all functions of the legislative body. We have the same power to direct them in this matter that we have in any other. This is no time for slackers. You can not win the war with slackers; you can not win the war running this great workshop, the Nation's Capital, upon a short-change basis. The people will not submit to have their great workshop, the Nation's Capital, containing now over 50,000 employees, run upon a short-day basis. They have a right to insist upon an honest day's work from the Nation's servants in the Capital. So far as I am concerned, I am free to admit, and I hope I am almost universally right in saying, that the Government clerks themselves would submit cheerfully to an order for an eight-hour day. Many of them resent being put in the position of slackers. I have had expressions to that effect from scores of them in whom I have confidence.

The real objection does not come from the employees. The real objection has always come from the real-estate ring and business interests in Washington. It is plainly to their interest that there should be a large Government pay roll, with an excessive number of employees, working a short number of hours for a high rate of pay. Their interests are directly opposed to the interests of the taxpayers of the country. They are interested in increasing the cost and the burden to the Government and decreasing efficiency.

What is the result? A short-change day does injure the Nation in two ways. First, it adds to the burdens of the Government, which is wrong. We ought not to allow a single unnecessary stroke on the lacerated back of the American taxpayer.

Second, it decreases the efficiency of the Government in a time when the very life of democracy is at stake.

This is not a time to pander to the slackers of the Nation. [Applause.] Criticisms are springing up with mushroom growth all over the United States against the lack of preparedness, the lack of speed, in the departments at Washington. Where is this lack of speed? Why, in some of the bureaus of the War Department and the Navy Department, and in some in the State Department they are working eight hours a day and longer, but here in the Interior Department, in the safe shelter from war, and in the Department of Commerce, and in the Department of Labor and some other departments in Washington, they are still working on a short-change day. Is that efficiency? They are asking now to bring thousands of new clerks to Washington. They are going into the commercial cities and stripping the business interests of employees, offering high wages, and bringing them here.

They have all the clerks here now that they can use [applause] if they use them on a proper working day. They could transfer men from any department where they are overmanned with clerks and put them in other departments. How do I know? I will tell you. Not long ago a young fellow came into my office. He was a reporter on a Washington newspaper and was drumming up propaganda in favor of high wages. I told him I thought they ought to give an honest day's work first as a preliminary to asking an increase of wages. He said, "Personally, I think so, too. I have not been in Washington long enough to get tarred with the Washington stick. I have got a young friend, 16 years old, working in the Congressional Library for $720 a year, and he holds another job for $1,200 in another department." I was amazed, but I looked up the order and found that that was possible. A man can and does hold two jobs in Washington. Then here comes this blanket proposition to increase the compensation by 30 per cent.

Mr. SLAYDEN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SLAYDEN. Does the gentleman happen to know—this is all news to me—whether this young man is working at night in the Congressional Library?

Mr. BORLAND. No; I assume that he puts in the short hours in the Library and works at night in the War Department.

Mr. SLAYDEN. He has to do it one way or the other.

Mr. BORLAND. Yes. One hundred and sixty dollars a month is pretty fair pay for a boy 16 years old, and an increase of 30 per cent would make it $208, which would be pretty fair. I do not think it is warranted.

Mr. NORTON. Will the gentleman yield?

Mr. BORLAND. For a brief question.

Mr. NORTON. Has the gentleman recently visited any department where the clerks are working and has he noticed that a large part of their time is spent in twirling their thumbs and fingers and waiting for something to do?

Mr. BORLAND. I know from the statement of experts on the subject that 60 per cent of the people now employed in Washington, properly arranged, could do more work than the clerks are now doing. I know they are suffering from the worst kind——

Mr. BLANTON. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. BLANTON. The gentleman speaks of an honest day's work being performed by Government employees. I would like to ask the gentleman if he is in favor of an honest day's work being performed by railroad employees?

Mr. BORLAND. I am. No doubt about that. My experience, I may also state, is that the farmers do not confine themselves to eight hours a day.

Mr. LITTLE. Will the gentleman yield?

Mr. BORLAND. For a question.

Mr. LITTLE. Is the gentleman aware of the fact that there are a great many first-class stenographers working for first-class stenographers' wages who are employed to fold papers and do work that could be done by a schoolboy?

Mr. BORLAND. Yes; I came across a case of that kind the other day. I found an expert stenographer brought here from a law office in the West being paid $1,100, and she was sticking cards into an index, which could be done just as well by a $40 a month office boy. I had her transferred. I do not believe in that sort of thing; I do not think we ought to strip the business interests of the country of skilled office employees and bring them down here for any such $40 a month work. If they need $1,100 stenographers they are entitled to have them, but they ought to have people of that kind doing work necessary to be done by an employee worth $1,100 as a stenographer. [Applause.]

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COX. Does the gentleman know how many additional clerks have been taken on since war was declared?

Mr. BORLAND. My information, roughly, is about 12,000.

Mr. COX. I was under the impression it was about one clerk for every soldier that we had in France. [Laughter.]

Mr. BORLAND. Almost.

Mr. NORTON. That is along the line of Democratic efficiency.

Mr. COX. I do not care what line it is along.

Mr. WALSH. What does the gentleman from Missouri propose to do or to have done to remedy these various discrepancies?

Mr. BORLAND. The proposal of the "gentleman from Missouri" has been before the House once or twice, and I hope to have the cooperation of the gentleman from Massachusetts.

Mr. WALSH. The gentleman has it.

Mr. BORLAND. I propose to have an eight-hour day in all of these departments, and release a number of clerks from the Interior and other departments to be used in speeding up the war preparations. [Applause.]

Mr. WALSH. How would that reduce the number? They would still keep these people there folding papers, and keep them an hour longer.

Mr. BORLAND. I do not believe it could fail to reduce the number unless the gentleman assumes that these clerks would not be employed after they were sent to the War Department. I do not think that would be the case. If it is, Congress would again take a hand.

Mr. WALSH. The gentleman thinks they are all employed?

Mr. BORLAND. I think there is a surplus number of clerks in other departments in Washington, and they could be released by a standard eight-hour day being enforced by Congress. I think these clerks ought to be released and sent to the departments where the war speed-up work is necessary.

Mr. AYRES. Does not the gentleman think there is another duty that we could perform by informing all those who write asking to come here to accept these positions not to come? That is what I am doing.

Mr. BORLAND. That might be looked on as unpatriotic. I think the Government ought to have all of the employees it needs, and I have always voted for them, but I think every man who accepts employment under Uncle Sam and touches a dollar of his money has a sacred duty to perform an honest day's work. [Applause.]

Mr. COX. Mr. Chairman, will the gentleman yield again?

Mr. BORLAND. Yes.

Mr. COX. If I recollect rightly, the other day, in discussing this question, the gentleman said if all of the clerks in the city were required to work a full eight hours a day it would save approximately $7,000,000 a year.

Mr. BORLAND. Yes; assuming that this number of clerks was discharged; but in the present circumstances they will be added, as they would be, to the other departments.

Mr. COX. The gentleman says they have taken on an additional 12,000 since war was declared.

Mr. BORLAND. Yes.

Mr. COX. Has the gentleman made any mathematical calculation with a view of determining whether or not, if all of the clerks were required to actually work eight hours a day, there would have been any necessity for taking on any number of the 12,000 clerks?

Mr. BORLAND. There would still have been a necessity for taking on some additional clerks.

Mr. COX. How many?

Mr. BORLAND. Approximately 4,000 clerks will be released by this change from seven to eight hours a day on the pay roll as it existed before the war. On the present pay roll it might reduce those 12,000 clerks to from 6,000 to 8,000—possibly 5,000 clerks. Mr. Chairman, I ask to have read in my time an editorial from the Boston Herald, which I send to the desk.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

UNCLE SAM SHOULD GET HIS MONEY'S WORTH.

Word comes from Washington that a Congressman named BORLAND, representing the Kansas City district of Missouri, has brought down on his head a storm of condemnation. He has taken the unique position that the Government clerks in the National Capital should work harder for the salaries they now receive before Congress grants further increases. Even in the midst of a world war such an expression of opinion breathes revolution.

Congress has before it and expects to take early action on various bills to grant increases in compensation, ranging from 5 to 30 per cent, to every last person on the Government pay roll, an added expenditure conservatively estimated at $50,000,000 per annum. No one greatly objects to any organized attempt by a group of employees to obtain higher salaries, especially at this time. Mr. McAdoo has it in his power by a stroke of the pen to increase the wages of thousands of railroad men. Organized labor in countless industries attains its end by first submitting gracefully to the "compromise" increase which a Federal mediator decides upon. No one can blame the Government clerks for seeking their share of the distribution, even though the great majority of the American people, who do not wield the club of organization, but who eventually pay the bills, are forced to fight rising costs of living at the same old wage standard.

The truth is, however, that the clerks in the National Capital are the pampered darlings of Uncle Sam's service. They work but seven hours a day, and the records fail to disclose many cases of exhaustion. Their benevolent employer is liberal with his favors. Each clerk has 30 days vacation in the summer; he is entitled to 30 days sick leave each year; he has half-holidays on Saturdays for six months of the year; he has eight full legal holidays and a half day preceding each of these. Statisticians have computed that including the 52 Sundays a Washington clerk does not have to work on 137 days out of each 365.

No one knows all this better than Mr. BORLAND, of Missouri, who has been in Congress nine years. He believes that body should first increase the working day from seven hours to eight. There are now more than 70,000 civil-service employees in Washington (of course there are tens of thousands of others whose appointments are purely political), and adding one hour to the working day of these would provide the equivalent of 10,000 new clerks and answer the appeal which the Government is making for just that number.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. Mr. Chairman, I ask the gentleman from Oklahoma to give me three minutes more.

Mr. CARTER of Oklahoma. All of my time has been asked for, but I yield the gentleman two minutes.

Mr. NORTON. I yield the gentleman three minutes.

Mr. CARTER of Oklahoma. Then I will take mine back. [Laughter.]

Mr. DOWELL. Mr. Chairman, will the gentleman from Missouri yield?

Mr. BORLAND. I regret that I can not yield. I have already yielded once or twice to the gentleman. Mr. Chairman, this war is going to involve great sacrifices that will reach down into every American home. It has already done so. Many men are fighting the advancing cost of living with little chance of bettering their wage scale. Many men have voluntarily come forward; thousands of others have been summoned by the mandate of the Nation to defend the flag. Those men have had to sacrifice their time, their business, their opportunities, their health, their career. Many of those men will come back mangled and maimed, with their earning power reduced, as a part of the sacrifice they have laid upon the country's altar. Thousands of those men will pay the last supreme sacrifice that a man can pay upon the altar of democracy. Thousands of parents throughout the land, like Abraham of old, have laid their sons upon the altar of their country. Yet we are told that we must not disturb the convenience of the clerks and the business men of Washington! Ah, they must be the only people who will be sheltered from all harm and given all of the advantages of this war. Their convenience must be consulted as to when they can go back and forth on the street cars. They must be let out at 4.15 o'clock in the afternoon. This city is crowded with business men who are brought here by these remarkable orders that have had to be made to prepare the Nation for this great struggle across the sea. These business men come down to these departments and attempt to transact business, and if they do not get through by the middle of the afternoon they must go to some crowded back room in a boarding house, for which they are paying a high price, and stay there for two or three days longer in order to consult the lordly convenience of some chief clerk in a department in Washington!

At 4 o'clock in the afternoon the clerk slams his desk shut, and the business public can wait for a solution of the great problems of preparedness. I say to you that we, as representatives of the people outside of Washington, not representatives of this overrepresented District of Columbia, but as representatives of the men upon whom the burden is falling in this war, have the first and primary duty, at least, of seeing that an honest day's work is given for every dollar expended by Uncle Sam. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. SNYDER]. [Applause.]

Mr. SNYDER. Mr. Chairman, I am loath to speak about a matter which will be a seeming criticism of the present administration and those who are advising him, but this drastic and uncalled-for order issued by Mr. Garfield yesterday morning is, in my judgment, the most costly error which could possibly have been made at this time, when everyone in the country has been under the strain and making every sacrifice which they have been called upon to make, cheerfully and freely, in the belief that conditions were satisfactory, and they were ready for further sacrifices, and greater effort is called for from day to day.

This action, taken this morning, which will throw out of employment at least three or four million people in the industries which are estopped, and those which are analogous to them which must shut down on account of this order is much to be regretted. But particularly am I interested in those fifty or sixty thousand employees in my own district in the Mohawk Valley in New York, who find themselves this morning without employment and, nothwithstanding Mr. Garfield's ephemeral idea that the manufacturers of the country as a patriotic duty should or would compensate these people during this period of nonemployment, they have no possible chance, in my judgment, to recover this loss. It is idle and foolish and absurd on the part of Mr. Garfield to assume any such proposition as this, for the facts are, Mr. Chairman, not 3 out of 10 manufacturers could pay their employees during this 15 days of idleness without serious financial embarrassment.

Mr. HAMLIN. Will the gentleman yield for a question?

Mr. SNYDER. Yes, sir.

Mr. HAMLIN. Does not the gentleman realize that there are not only a few thousand men who would be inconvenienced by this order on account of the war situation, but there are millions of the best blood of American manhood who have been inconvenienced in their earning power and suffered a great financial loss who are not only required to make that sacrifice one day out of a week for two months but it may be for three or four years yet to come?

Mr. SNYDER. I shall try to cover that a little further in my argument.

Intelligent workmen appreciate and recognize this fact as well as I do. Certainly they do not want to force a condition upon the manufacturers in this country which will not only close them down during the 15-day period covered in this order, but which will eventually put them out of business completely.

As a business man, I believe I understand the situation which prevails this morning throughout the United States, or at least in the manufacturing districts of the country, and having had more than 30 years' experience in connection with labor organizations and labor generally, I believe I understand their feelings this morning with regard to this matter. I want to say right here that it is my judgment that never will the people of the country forget those who have brought this situation upon them. [Applause.]

I have heretofore been proud to stand behind the President in practically every one of his war measures and have been willing to accept his advice, but I must say that never have I encountered a man in whose judgment I have had greater faith than I have in his up to yesterday morning. I can not conceive at this moment how a man who has shown the good judgment that he has on so many important questions could make the fatal error, in my judgment, that he has made in permitting Mr. Garfield to issue this order which will, I believe, bring about utter chaos and want and great suffering in the country.

Mr. ALEXANDER. Will the gentleman yield?

Mr. SNYDER. I will.

Mr. ALEXANDER. Will the gentleman tell us the character of the industries in his district? What do they manufacture?

Mr. SNYDER. They manufacture knit goods that are now being made largely for the Government. They manufacture almost every kind of war material. The Savage Arms Co. are making the Lewis gun; the Remington Arms Co., at Ilion, N. Y.; the Remington Typewriter Co.; and an infinite number of manufacturers which I could go on and enumerate, but those are some of the principal ones. This is the largest center of the knit-goods industry in the whole United States. Every one of those people are out of work this morning.

It may have been necessary—and it probably was necessary—to do something to conserve coal for the suffering people of this country; but, Mr. Chairman, this talk about shutting down manufacturing plants in order to conserve coal for the householders is utter rot. The gentlemen in this House know that there is not 2 per cent of soft coal used in manufacturing plants for the purpose of making steam east of the Mississippi River which is used by the householders; and gentlemen of this House also know that not 2 per cent of the anthracite coal that is mined east of the Mississippi River is used for manufacturing purposes, so that so far as the question of stopping mills that have coal is concerned, it will in no way, from that standpoint, offer relief to domestic users. The only conceivable advantage that might be gained by the domestic user is that by shutting down all businesses in the country, except the railroads, it may be possible to relieve the congestion on the railroads to the extent that hard coal may be brought into the market in such quantities that the domestic users and householders may have adequate relief.

Finally, it is my belief that the whole difficulty under which we are struggling to-day is not a shortage of coal. It does not come from inability to mine coal, but the whole trouble is due

to the fact of the breaking down of the railroad transportation in this country, due to a situation which has been brought in the past six months by differences of opinion between groups of men in the country who believe in Government ownership and groups of men who are opposed to that proposition, and this has led Mr. Garfield, in my judgment, to issue the order to cover up the situation referred to here. In other words, I believe that Mr. Garfield and his force are being made the goats, and by reason of this misunderstanding or disagreement at least thirty-five or forty millions of people in this country are going to be made to suffer, and we are giving our enemies great pleasure by showing them that within the first eight months of the war our transportation facilities have broken down to such an extent that we are unable to carry on our ordinary domestic internal business.

The people of this country, myself included, have been, I think, of the belief that it was right and proper to give the President this drastic power during the period of the war. This order, with its uncalled-for results, is evidence of the error of such action. I do not believe it should be made possible to put more of this sort of legislation in force. I am satisfied that had this matter been brought to the attention of Congress, no such drastic action would have been taken. The protest, which has been general from every part of the country, covering every industry and every walk of life, is to the effect that the action was unnecessary; it was uncalled for, and will bring about great suffering and unnecessary sacrifices on the part of the people.

Mr. FESS. Will the gentleman yield for one question?

Mr. SNYDER. Certainly.

Mr. FESS. I am addressing a business man now. As a business man I would like to have the gentleman's judgment as to the amount of waste of fuel that will be involved in keeping plants in a condition to avoid freezing and for protection against fire. I would like to know the amount of waste that will be involved when we obey this order.

Mr. SNYDER. Well, in answer to that question I will say that in my own plant we use about 12 tons of coal a day to operate our engines, and from that consumption of coal we heat our factories with exhaust steam——

Mr. FESS. That is it.

Mr. SNYDER. The plant being stopped to-day will consume not less than 7 tons of coal to heat the plant with live steam, and it would be to lose in just that amount of coal that could have been used in a production that is badly needed. In other words, I will say that 75 per cent of the coal that is used to-day is lost to the country in productions of value.

Mr. FESS. Without an ounce of product?

Mr. SNYDER. Without an ounce of product to compensate for its loss.

Mr. FESS. I have that information from two factories in my district which use exhaust steam.

Mr. SNYDER. The gentleman is absolutely correct.

Mr. PAIGE. Will the gentleman yield?

Mr. SNYDER. I will.

Mr. PAIGE. Will the gentleman tell me how much conservation of coal will be brought about to close down a mill that runs wholly or in part by water power?

Mr. SNYDER. That is a question that will be impossible for me to answer.

Mr. PAIGE. Will the gentleman state what the saving would be by making mills that burn more coal when they stop than when they are running; that is to say, that burn the by-products, shavings, and so forth, when running, and when stopped have to consume coal. Will the gentleman tell us what the saving is?

Mr. SNYDER. Nobody but with the inefficiency of a college professor will be able to answer that question. [Laughter and applause.]

Mr. MAPES. Will the gentleman yield?

Mr. SNYDER. I will.

Mr. MAPES. The gentleman from Massachusetts has referred to woodworking plants. I saw a telegram yesterday from the superintendent of a woodworking plant in my district, which said that by the use of shavings only one-half a ton of coal a day was consumed to operate, and if the plant shut down, it would take four tons to keep the plant warm enough to keep the sprinkler system from freezing.

Mr. SNYDER. I will answer this question first. It is my judgment that Mr. Garfield knew it would be a great loss to the country when he made this order in the way he did to stop plants such as those to which the gentleman refers, but this whole order is a camouflage of the railroad management, and it is necessary, they believe, to discontinue shipments from every point in the United States during those days in order to clear up the railroad congestion, and that is the principle reason for the order, in my judgment.

Mr. WALSH. I would like to ask the gentleman's opinion as to whether or not this would have a stimulating or depressing effect upon these hundreds of thousands of employees who will be out of work for several days, when the next liberty loan is attempted to be floated and they are besought to purchase those bonds?

Mr. SNYDER. Nothing, in my judgment, could have been done by this administration to put a more deterrent effect upon the sale of liberty bonds or upon the subscriptions to war-relief activities than this particular order that we are discussing here now.

Mr. KNUTSON. Will the gentleman yield?

Mr. SNYDER. My time is pretty near up.

Mr. KNUTSON. The gentleman spoke about this order being used as camouflage to cover up railroad management. Would not "railroad mismanagement" be more correct?

Mr. SNYDER. I accept the correction.

Having criticized the action taken, it seems that I should offer what I believe would have been a solution of the matter. It is my belief that a supreme effort should have been made to operate the railroads of the country and a supreme effort should have been made to speed up the coal production, both of which, in my judgment, would have been successful by the management of these two great essentials, had they been put into the hands of men of known capabilities, who would have surrounded themselves with men capable of bringing about this result [applause], and this would have, in my judgment, made it unnecessary to have brought on the country the present disaster.

Mr. Chairman, I feel constrained to make this statement, and in closing I want to say that I believe every word that I have said, and in the future I shall proceed along the lines suggested here. I am still of the belief that, notwithstanding all the errors that are being made, that wiser councils will prevail and that order will come out of chaos and some one in the country big enough will be found to take hold of these great affairs and lead us to victory. [Applause.]

Mr. Chairman, how much time have I left?

The CHAIRMAN. One minute.

Mr. SNYDER. In the one minute left I want to bring another matter to the attention of the House.

On June 1, 1917, I sent a telegram to our esteemed Democratic leader in which I said:

> A great many notes for the purchase of liberty bonds will have to be given to the banks; many of them will have to be renewed. The banks in this section of the country are offering to loan money at 4 per cent, so that the people may buy these bonds. It seems to me that notes that are given for the purchase of Liberty bonds should be exempt from stamp tax. What do you think about this?

The Democratic leader advised me that he thought that he would take it up in the conference, but nothing came of it. What position do we find ourselves in to-day? The banks in my section of the country, that worked overtime and employed extra help and spent their money in their enthusiasm to distribute their quota of this loan, have taken millions of dollars in loans. In some cases they accepted from their depositors demand notes. They now find themselves in a position every three months of having to put—one bank in particular—$200 worth of 2-cent stamps on the back of a million dollars of notes that go for rediscount. That amount of stamps on a million dollars makes $800 a year, and since the reserve bank has raised the rediscount rate to 4 per cent the banks are not only forced to do all the work for nothing, but they are to pay 2 cents on every hundred dollars' worth of rediscount. And, my friends, I believe that that alone will dampen the ardor of the most enthusiastic Government bond salesman that this country could find in any search it might make. And I desire to ask the Democratic leader if he will not give this matter serious consideration and see if it can not be corrected so that we can have the benefit of the enthusiasm and patriotism of our bankers throughout the country without their actually spending their money and work besides. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. WOOD].

Mr. WOOD of Indiana. Mr. Chairman, I wish to call the attention of this House to a few concrete examples of the utter folly of the order issued by the President of the United States and promulgated through his Fuel Administrator, shutting down the industries of this country, and to show that instead of its being a saving of fuel it is resulting in absolute waste. Illustrating this proposition, I desire to read a telegram I received this morning from Finley P. Mount, president of the Advance Rumely Co., the greatest manufacturing establishment in producing farm tractors in the world, in which he says:

> Trust you will use all efforts to procure immediate revocation order issued National Fuel Administrator. Order will result in waste rather than saving of fuel. It requires 50 tons coal to keep our plant at 35 degrees and protect from freezing when weather is 10 above outside. It only requires 5 to 10 more tons per day to operate. If not permitted to operate this 50 tons is absolutely wasted.

There is a concrete example of where, by reason of this order, 50 tons of coal are wasted in this one institution for the purpose of saving 10 tons, a net loss, if you please, of 40 tons without any results so far as the manufacturer is concerned, and not considering the men thrown out of employment.

There is another concrete example to which I wish to call your attention and it is best illustrated by a telegram I received this morning from William J. Whinery, representing one of the greatest manufacturing plants in the Calumet region, where there are more than 50,000 men to-day idle by reason of this order, suffering, if you please, from cold.

> Order stopping industries for five days has thrown this entire country into business panic. Factories working on munitions under time limits for deliveries are up in the air as to whether to shut down or not. There is a rumor here that Congress is considering the withdrawal of the order. Please advise immediately.

I had to advise them this morning that the order had not been withdrawn or modified.

And right here I wish to call your attention to this fact, that there are thousands and thousands of laboring men in the Calumet region, about Indiana Harbor, Gary, and Hammond, that have no places in which to live except in the factories where they are working, where they have to sleep in congested apartments by reason of the want of housing facilities, these men depending, if you please, for the warmth of their bodies at this time, when the thermometer is 15 degrees below zero out there, on employment in these factories, and suffering, if you please, by reason of this inconsiderate order.

And what is true in reference to the situation at Gary, Indiana Harbor, and Hammond is likewise true in all the great commercial and manufacturing centers of this country. Instead of saving coal for the purpose of producing warmth to the poor, they are absolutely destroying the opportunity for them to have a place where they can keep their bodies warm throughout the day. And, if you please, it is resulting not only in the waste of the man power of this country, every bit of which should be employed immediately, but it is disorganizing business for the future, as in this great Rumely concern, whose business it is to manufacture these tractors that are now so largely used in the great corn belts and grain belts of this country, and in manufactories of such implements as plows and reapers and mowers, that are made by the great harvester concerns of this country, and that are now needed and being demanded in every section of this country to take care of the grain which has to be harvested, and for which so much encouragement has been offered. Listen to this telegram that I have just received from the Blount Plow Works, of Evansville, Ind.:

> To win the war we must have food and cotton and sugar; to have them farmers must have implements. Our trade is in the South. Southern farmers are begging for plows and repairs. We are now over 30 days behind on deliveries. Our plant, equipped with wet sprinkling systems, requires as much coal to shut down as to operate.

So that you see that it ramifies to all extents and to all business employments. I dare say, that if by some magic power the Kaiser could have issued an order by some intrigue closing these factories as quickly as this order has closed them, a mighty pall of disaster would have fallen on this country of ours. But such action of this arch enemy would bring no greater disaster than has befallen our country by reason of the action of the President of the United States; so that I say that it is high time that this body, composed of representatives of the people of the United States, should voice its protest against this order, that can result in no good, and that can only result in indescribable injury. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield three minutes to the gentleman from Nebraska [Mr. REAVIS].

The CHAIRMAN. The gentleman from Nebraska is recognized for three minutes.

Mr. REAVIS. Mr. Chairman, the matter to which I call attention is entirely alien to the bill under consideration, but it is one in which I feel a very deep interest.

Several weeks ago the Surgeon General of the United States, Gen. Gorgas, made a report to the War Department as to the condition of the camps throughout the Nation as well as the condition of the health of the soldiers encamped therein. There were many things in that report that excited a great deal of apprehension throughout the Nation and which caused me personally great concern. I made effort to get this report from the Surgeon General's Office by correspondence. I understand that a number of other Members of this body made similar efforts, but none was successful. Because of such inability, as I understand, some two weeks ago, on the motion of the gentleman from Ohio [Mr. GARD], this report was by unanimous consent made a House document, with instructions that it should be printed and put at the disposition of the Members. Since that time I have called daily at the document room seeking this document, but always to be denied. Yesterday I was rather nonchalantly informed that sometimes it took months for these reports to get to the document room.

Gentlemen of the committee, the people of this Nation and the Representatives in this House are entitled to all information regarding the condition of these camps. [Applause.] I do not charge that this report has been suppressed, but I do charge that no Member of this body has been able to see it. I regret exceedingly to be put in an attitude of criticism, but there is no question in which the Nation is more vitally interested than it is in the health of the soldiers in these encampments. [Applause.]

So far as I am concerned, I shall never hesitate to criticize existing evils when my criticism might suggest a remedy. [Applause.] I would be unworthy of a place in this body if I should do otherwise. I do not know, beyond newspaper reports, just how serious the condition may be; but if we have boys in the encampments who are being sacrificed, they ought to be sacrificed for the country and not by the country. [Applause.]

I believe that some action should be taken with reference to this report. I believe that some process should issue from this House whereby the Members of the House of Representatives will be permitted to see what the Surgeon General says the condition is, especially as his suggestions are made after a personal inspection of these camps. Up to this time we have not been so permitted. I am frank to say that I am unfamiliar with the proper procedure to get that report into the document room, as the House ordered, but it ought to be put there and it ought to be put there without delay. It will be of no service to the soldiers in the encampments to have a report put there some time next summer which ought to be there now. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I understood at the time the report of Gen. Gorgas was made that it was very offensive to the Secretary of War. That may be the explanation of why it has not been published.

I now yield five minutes to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The gentleman from New Jersey is recognized for five minutes.

Mr. PARKER of New Jersey. Mr. Chairman, work must win this war and nothing else. It is our factories that are carrying on the industries of this country, that are the life-blood of this country. There have been attempts to destroy them by explosions by our enemies. To stop the operation of our factories by an enemy is murder of the Nation. To stop those factories by the action of a patriot is suicide. [Applause.] It is those factories that must win this war.

They tell us we need coal. We can save coal for those factories by running them, not by stopping them. We can save coal here in this Chamber if we use less heat, and some of us think it is too hot here sometimes. [Laughter.] Our boys in France have no heat. We can save coal if we choose to live as our grandfathers did, with one room warm in the house during the winter. We can save coal if these lights up there in the ceiling and around in the galleries during daylight, which are being paid for, were not burning. We could save coal to an enormous extent if four out of the five electric lights in the streets and in the houses were cut off. We can save coal by temporarily closing places of amusement and by shutting off the lights in the shops and in the advertisements and by stopping the manufacture of unnecessary articles—musical boxes or what not. We want our men and our skilled labor in necessary factories and on railroads to be at work, and when we close or reduce the force in other factories we can use their skilled mechanics on the repair of locomotives and cars. There are skilled mechanics also in our Army, and we could use them.

What has encouraged our allies and disheartened our enemies was the belief that America is able and willing to do everything in solving the world problem. Now our Nation has confessed an impotence that not one of the nations abroad has confessed after three years of bloodshed and privation—not one.

London and Paris are dark at night. I do not ask that we shall be as dark. Saving will do much. In England not a private automobile is running, because they are being used for war purposes. All that is for saving fuel. We must also collect fuel that is tied up in cars in yards. There are coal cars that can not be unloaded and there are 217 ships waiting in the harbor of New York to be loaded. There are a million soldiers who are ready to turn in and load those ships, to clear those yards, and unload those cars. There are delivery wagons for shops that can be commandeered to distribute coal when neces-

sary. America has the energies and abilities. It is direction and encouragement, not stoppage, that she asks. [Applause.] We can clear the roads, we can repair the engines, we can run our factories. If man labor is deficient, we can do as they have done abroad, where I saw shells larger than those on the table in front of us, shells that no one man could lift, being made on lathes and planing machines that were run by women, and where I saw a cordite powder factory with 20,000 employees, and 13,000 of them were women. Women collect the tickets; are conductors on the omnibuses and on the trains. We, as a Nation, are ready if we are only given the opportunity to work. [Applause.]

Mr. CARTER of Oklahoma. I yield one minute to the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I want to say that I was very much impressed with what the gentleman from Nebraska [Mr. REAVIS] said, and I want to add my indorsement to what he said as to the publicity of the Surgeon General's report. [Applause.] I rose specially, however, to state that the document to which he referred went to the document room last night and is now available for distribution. [Applause.] I can not understand why it has been delayed. I want to express the hope that the Printing Office, or whoever caused the delay, will not hereafter cause any such delay. I do not believe there is any document more important to the House, to the soldiers, and to the people of the country than that document, and I believe it ought to be given publicity. As I said, I wish to indorse what the gentleman from Nebraska [Mr. REAVIS] said. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield 20 minutes to the gentleman from Connecticut [Mr. TILSON]. [Applause.]

Mr. CARTER of Oklahoma. I yield to the gentleman from Connecticut a like amount of time.

Mr. TILSON. Mr. Chairman, I have come to the House this morning from a sick bed to which I have been confined for two days, and I may not find myself physically able to consume the time so generously allotted to me by the gentlemen in charge of time on both sides of the Chamber.

In the interest of a more orderly presentation of what I wish to say, and also in the interest of conserving my strength, I ask that I be not interrupted in the first part of my remarks, until I reach the point of describing some of the exhibits that I have brought on the floor.

In my judgment the United States and our allies could whip Germany and her allies in a fair fight with naked fists if the Germans would agree to fight that way and keep to the agreement. Unfortunately there are no present indications of such an agreement being made or kept. Much as we should like to bask in the perennial smile of Billiken, the god of things as they ought to be, we are compelled for the present to face the grim visage of Mars, the god of war.

We can not be too often reminded that we are pitted against the mightiest military machine the world has ever known and in the greatest war of all recorded time. The question that now absorbs the interest of every one of us is, how can we as a Nation most effectively perform our part in the struggle?

If this war has demonstrated one thing more clearly than another, it is that a preponderance of metal wisely used will win it. It is a machine-made war, designed in Germany. It is a war of metals; and the sooner we realize that fact the better. All previous calculations as to the amount of arms and ammunition required went into the discard as obsolete soon after the war began. Even the general staff of Germany very early in the war multiplied by four its most liberal former estimate of necessary matériel. The allies had much less than Germany to begin with, but amounts far beyond all previous calculations had been produced by France and Great Britain before we entered the struggle. True, they had help, important as to certain things, from the private manufacturers of this country.

It is true as it is commonplace that we entered the war in a sad state of unpreparedness. As to who was to blame for that unfortunate condition it would serve no good purpose to discuss in this connection. While I make no claim of unusual prescience, the CONGRESSIONAL RECORD covering seven years of my service here will fairly acquit me of any delinquency in this connection. [Applause.] Others saw the need of preparation as I did and called attention to it more forcefully than I could, and urged that the things lacking should be supplied. It is only fair to say, however, that if it be a distinction, I think it belongs to me of being the first Member of the American Congress and one of the first men in the country to not only call attention to a general lack of military preparedness but to state in what respect we were lacking and what were the essential first steps necessary to a reasonable state of preparedness. [Applause.]

Through a series of remarks running over two years I have striven by speech and ocular demonstration, in season and out of season, to make plain to the membership of this House what those essentials are, and how best to procure them. Many of you will recall my numerous talks on arms, ammunition, and the gauges, dies, jigs, and fixtures necessary to produce them. My colleagues on the Military Affairs Committee long ago dubbed me "JIGS TILSON," but I kept at it, because I knew I was right. [Applause.] Now, everybody agrees that I was right and that if my advice had been followed earlier we should now all feel a little more comfortable as we look across the seas.

We shall not lack for men to win this war. The spirit in which the selective-draft law has been accepted by the young men of the country upon whom it operates has been both comforting and inspiring. We have the men, the very best on earth, and the cream of them are coming to the colors. The life of each one of them is precious beyond all words, so that we who are in a measure responsible must see to it that not one single precious life is sacrificed unnecessarily. You will ask how we can prevent it. One of the first things to be done is to be sure that our soldier boys over there and here are abundantly supplied with munitions of war, especially weapons, including arms, aeroplanes, tanks, and a superabundance of ammunition. All these they must have and as speedily as possible.

What, then, do our forces need to make their efforts most effective? A great number and variety of things and very large quantities of most of them. First, they need guns, then more guns, and then still more guns, many types, lengths, and calibers of guns. A partial recital of the list of them would sound like the outpouring of the rats in Browning's wonderful child story, "The Pied Piper of Hamelin." Big guns, little guns, long guns, short guns, trench guns, mortars, howitzers, slender seventy-fives, fat old Berthas, pistols, and revolvers—enough of both Colts and Smith & Wessons—rifles and bayonets almost without number of both Springfields and Enfields, machine guns, too many to count, Lewis guns, Benet-Merciers, Colts, Vickers, Marlins, Brownings, Chaucats, and Hotchkiss. We must have all these in order to get enough in time.

Our forces must have cartridges and shells, 30-30s by the billion, 1-pounders, 75s, and so on up to the biggest shell made—shrapnel, high explosives, gas shells, shells that explode by time fuses, shells that explode by impact, shells that explode both ways, shells that explode by delayed detonation.

They must have tanks—caterpillar tanks or armored motor cars, as they are called officially. These they must have in the larger and smaller types, enough and well equipped for their deadly work.

They must have aeroplanes enough to put out the eyes of the enemy and drop bombs upon him in his blindness. They need training planes, scouting planes, fighting planes, bombing planes, different types for different purposes, planes that will do the kinds of work now done by such machines as the Nieuport, the S. P. A. D., the Handley-Page, the Caproni, and the swift-flying German albatross. Yes; and go them one better.

They must have mountains of bombs to hurl upon the enemy from the trenches and rain upon him from the skies—large bombs, small bombs, demolition bombs, incendiary bombs, lachrymatory bombs, lethal bombs, bombs to be used against personnel, bombs that destroy by concussion, and bombs that destroy by fragmentation; bombs to be used over land and bombs to be used over water, bombs to be dropped from aeroplanes, bombs to be hurled from guns and mortars, bombs to be fired from the muzzle of the rifle, and bombs to be thrown by hand; rifle grenades, hand grenades, chemical grenades; and the end is not yet.

All these things are necessary and must be provided if we would win the war speedily and without the futile sacrifice of thousands of our brave soldiers. The lack of many or all of these things caused the collapse of Russia, apparently beyond all hope of recovery. Scarcity of them caused the sad disaster in northern Italy. A fair supply of them has held the enemy in northern France and Belgium, and an abundance of them will defeat him. These things will cost money, a lot of it, but not so much as if we attempt to do without them. Best of all, they will win the war. Next best, they will save human life, and "What shall a man give in exchange for his life?" I hope that everybody in this country, from President Wilson down, will speedily come to realize the supreme importance of this matter. [Applause.]

We read and hear much comment concerning a new department of munitions. At the present time the President seems to oppose it. We may have made mistakes heretofore in creating new departments of the Government without sufficient reason. In our present situation, however, I believe we should have a separate department of munitions, whether we call its head a

secretary, a minister, or a director, provided he is subject to the direction of the President without intervening authority. [Applause.] It would emphasize the transcendent importance of this matter just now, and in my judgment would effect a much needed coordination not otherwise possible under present conditions. It would be better to dispense with the valuable services of half the present Cabinet, if that were necessary in order to save the funds to establish such a department.

In a series of three speeches last session I brought before the House a considerable array of arms, ammunition, and other articles used in the present war. In the first, the major part of my remarks were directed to rifles and machine guns. In the second, I went further and introduced the subject of bombs, submitting one or two samples. The third dealt with the use of weapons in and from the air, with special reference to our great aviation program, and incidentally the defense against poisonous gases by the use of gas masks. To-day I wish to go a little further along the same general line, but with special reference to weapons used in, from, and against trenches, now known as trench warfare.

The universal use of trenches in the present war in a way and to a degree never known before is not an invention or a discovery. It is a natural instinct. Self-preservation is the first law of life. The present inglorious trench warfare, the burrowing in the ground of human underground animals, is the logical, natural, inevitable result of that primal law worked out under present-day conditions. A study of the development of the use of earthworks in war is a most interesting one, but time will not permit even a reference to it here. Suffice it to say that in general it coincides quite accurately with the development of firearms and explosives.

While the use of the trench came instinctively, the development of the trench has called for the highest inventive genius of man, striving to make the trench safe for our own troops and unsafe for the enemy. I have brought before you a rough-draft typical section of a trench, very much foreshortened, as you will see from the position of the supporting trench. I have brought it in order that when I present a weapon to be used in it you will understand to what I refer. In general, the front trench is a deep, narrow ditch, in its general direction parallel to the enemy, with traverses at frequent intervals to prevent enfilading. The communicating trench is a zigzag, like forked lightning, running back to the supporting trench. These traverses and zigzags are not fanciful or arbitrary; they are absolutely necessary, and the only things that would serve the purpose. The communicating trenches, having a general direction perpendicular to the front trench, have to zigzag in order to prevent a raking fire from the front, while the first-line trench has to be traversed in order to prevent enfilading by the enemy from a distant point in his line or by troops gaining a foothold in adjoining parts of our own line.

First I will take the rifle. I hold in my hand a modified Enfield rifle built by the Remington Co. and chambered for British ammunition. It looks almost exactly like our United States model of 1917, as you will see as I place beside it one of the very first improved Enfields chambered for our ammunition. It was made by Winchester and sent to me last summer. Except for sniping, the rifle is used within the trench mostly to carry the bayonet and to fire rifle grenades. Let us assume that our troops have gained a foothold at intervals in the front-line trench of the enemy. It then becomes highly important to find out who the neighbors are across the traverse on both sides. This is done by the aid of a periscope. Then begins what they call "mopping up." Two men with rifles stand at the traverse, one behind the other. They stand with bayonets fixed. The two men with bayonets are backed up by two grenadiers, who come along behind them with hand grenades such as these, and hurl them across both the first and second traverses. There are four men behind them with gunny sacks loaded with bombs. At first they had a fancy carrier, like a knapsack, to carry the bombs in, but they found that when a man was killed, as he frequently was, it was difficult to get the carrier off; so they found that the gunny sacks answered the purpose better and were cheaper.

Mr. REED. Will the gentleman give us an idea of the destructive qualities of those bombs?

Mr. TILSON. Perhaps it would be clearer if I took one article at the beginning and went through with that.

Mr. AUSTIN. And please state the size of them as you go along.

Mr. TILSON. The one I hold in my hand is the well-known Mills or English hand grenade. It is the simplest grenade. It is as large as a big California lemon and about the same shape. It was made at first of cast iron, and, I should say, it weighs about 20 ounces loaded ready for firing.

The idea some people have is that men stand in the trench and throw them forward toward the enemy, but that is a misconception and is impracticable. They are not used in that way. They are used lengthwise of the trench, either in "mopping up" or on the defensive against a counterattack coming down the communicating trenches. If you have taken a front trench of the enemy and are "mopping it up," and the enemy is coming down the communicating trenches in a counterattack against you, these grenades are very useful. You do not have to throw them very far. The average length that they are thrown is from 15 to 25 yards.

Mr. RUCKER. What makes them explode?

Mr. TILSON. A time fuse. Here is a safety device. A man gets ready to throw; he takes hold of the safety device, pulls it out, and then he has to hold it, because if he releases it it immediately fires; but he holds it until he is ready to throw it, and then he hurls it. Five seconds from the time it is released it goes off. That is the Mills grenade in its simplest form.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. COOPER of Wisconsin. Is that what the gentleman meant when he used the term "delayed detonation"?

Mr. TILSON. No; the delayed detonator is used in the larger shell, which is made not to fire instantaneously on impact, but after it has penetrated the ground or a building, especially a building. If you drop a large bomb from an aeroplane, you do not want it to explode when it hits the roof, because the explosion would all be above the building. The delayed detonation would permit it to drop down many feet below and get into the middle of the building; or if used against the trench, it permits the shell to penetrate the earth a distance of 8 or 10 feet, so as to cause terrific destruction and a large crater.

Mr. COOPER of Wisconsin. This bomb which the gentleman has just been describing does not explode on impact?

Mr. TILSON. No; it has a time fuse.

Mr. COOPER of Wisconsin. Explodes five seconds afterwards?

Mr. TILSON. Yes. It is a five-second time fuse.

Mr. KEARNS. When one explodes, what is the radius of death?

Mr. TILSON. I have here in my hand fragments gathered up from the explosion of one of our own type of grenades, which I hold in my hand, which is somewhat similar to the Mills grenade, but which our Ordnance Department thinks is an improvement. We call it the defensive hand grenade, Mark I.

It consists of a malleable-iron body, containing the bursting charge and bouchon assembly, comprising the safety pin, safety cover, actuating lever, striker, primer, time fuse, and detonator. The bouchon assembly screws into the body with the detonator extending into the bursting charge.

To operate it, the grenade is grasped firmly with the thumb across the actuating lever and the safety pin removed by a quick pull, allowing the safety cover to fall free. The arm is drawn back in a vertical plane and then brought forward sharply in a straight arm, overhand throw, keeping in the same plane and using the shoulder and body as much as possible in the motion.

As the grenade leaves the hand the thumb naturally engages the actuating lever, releasing the striker, which fires the primer. The time fuse is ignited, and five seconds later the bursting charge is detonated.

The principal safety feature of our grenade, not found in the "Mills" type, is that the "Mills" is completely armed when the safety pin is withdrawn, and the moment the operator's grip is released, whether through design or accident, the striker operates. In bombing, the operator is under fire and in cramped quarters, so that casualties are quite frequent with the Mills type of grenade, due to the operator's fumbling or dropping the grenade through his being hit or interfered with after withdrawing the safety pin. Our actuating lever, which engages the firing point of the striker, will not release the same unless swung to the side. In tests of dropping or throwing our grenade to the ground it has been found that the striker is released less than once in a hundred times.

The British commission, when it came over here, told us of the astonishing number of men who had been killed through accident in that way on Salisbury Plain, where they train their grenadiers. If I told you the number, it would seem incredible. Our design section of trench warfare in the Ordnance Depart-

ment thought it would remedy that and made one a bit different, as I have already described to you.

Malleable iron gives better fragmentation than cast iron, as it is tougher and does not tend to pulverize. A series of tests have shown that whereas cast-iron grenades weighing approximately 1 pound gave an average of 556 fragments when exploded with the standard charge, malleable-iron grenades gave an average of 198 fragments, which proves that the fragments of the malleable-iron grenade were of larger area and would prove more effective. Malleable iron gives better penetration results than cast iron. Having approximately twice the tensile strength, the bursting pressure is greater, imparting to the fragments a higher initial velocity. The fragments being larger, would possess greater kinetic energy, assuming the same initial velocity; the initial velocity being much higher than in the case of cast iron, the penetration qualities are correspondingly higher. A malleable-iron grenade exploded with a standard charge in an oak barrel with heads removed, having three-quarter-inch staves, gave 73 complete piercings and numerous penetrations of various depths in the wood.

I am not able to answer exactly the gentleman from Ohio as to the radius of death, but from the test last referred to the gentleman can see how forceful it is. After all, as I explained a few moments ago, these are used only against men in the trenches. You throw them over the next traverse, or the next but one, to destroy the defender or the attacker, as the case may be, but you do not use them in an attack in the open. If you do, you are as liable to be killed as you are liable to kill the other fellow. They do not use that particular type of bomb in that way, but use it against men in the trenches.

Mr. GOODWIN of Arkansas. What is the death radius, or the radius of destruction, of our largest bombs?

Mr. TILSON. The largest bomb that we use against personnel has a danger circle of half a mile in diameter.

Mr. GOODWIN of Arkansas. How extensively are those being manufactured and used?

Mr. TILSON. They are manufactured in considerable number. I know that many thousands of them are being produced.

Mr. GOODWIN of Arkansas. A radius of half a mile?

Mr. TILSON. Yes; they are dangerous at half a mile, as you and I would think of danger, though perhaps not in a strictly military sense. I do not mean that they would kill everyone in a half-mile circle, for there would not be enough fragments to do that.

Mr. GOODWIN of Arkansas. What is the weight of the largest bomb?

Mr. TILSON. About a hundred pounds is the largest one to be used against personnel, but they run up to 500 pounds in demolition bombs, and worse may follow.

Mr. GOODWIN of Arkansas. Are they now being employed in Europe?

Mr. TILSON. Oh, yes. There is one thing in which we think we have an advantage. In the Barlow bomb we have a bomb that explodes above the surface of the earth, and, as against personnel, that is a great factor.

Mr. GOODWIN of Arkansas. What is the method of conveying those—by aeroplane?

Mr. TILSON. Yes; those bombs are entirely by aeroplanes. I have some here.

Mr. GOODWIN of Arkansas. I wish the gentleman would elaborate upon that, because I think there is a misapprehension in respect to it throughout the country.

Mr. TILSON. Very well. Here are some additional facts in regard to the Barlow bomb that I am willing to give in response to the gentleman's very courteous request.

The Barlow heavy drop bomb is the fragmentation bomb used, and is designed for use against troops in the field or on the march, particularly when in massed formation; against personnel located in camps, cantonments, or rest billets; and, as the bomb will explode above water, against landing parties or small boats.

The efficiency of the bomb is secured by mechanically causing the detonation when the explosive war head is between 4 and 5 feet above the ground, and none of the energy of the detonation is lost by being buried in the earth. The bomb has a diameter of 6 inches and length of 80 inches when in the normal or safe position and a length of approximately 15 feet when extended in firing position. The weight of the bomb is approximately 95 pounds, of which 12 pounds represents the weight of the explosive and 83 pounds the weight of the container. This bomb also embodies a safety feature in that the detonator is carried out of the high explosive charge until the moment of release. The detonation above the ground is obtained by means of an extrusion rod operated by compressed air at the moment of release. At the extreme forward end of the extrusion rod is carried a rifled barrel, loaded with a .30-30 service cartridge, with a firing pin which discharges the cartridge at the instant of contact. The bullet from the cartridge detonates the fulminate of mercury detonator carried in the opposite end of the extrusion rod, which in turn detonates the high explosive carried in the war head. The war head is a hollow steel cup 14½ inches long, with an outside diameter of 6 inches and walls one-half inch thick, and it is the fragmentation of this shell that gives the bomb its effectiveness.

I have described already the safety device in this small hand grenade, which does not work until after the side motion. I desire to call attention to one other difference between this and the Mills grenade. The Mills grenade originally was made of cast iron, for, as you may know, or may not know, malleable iron is practically an American industry. So England made these grenades of cast iron. If a large force, a heavy detonation, is put into it, it blows the cast iron into powder, so they had to put in a low order of detonation, with a small circle of death as the result. As soon as the Americans took it up they at once used malleable iron. It fragments well, stands the strain, so that you can get a very high order of detonation, and, therefore, we think we have a bomb that is very greatly improved. I am informed that already 30,000,000 of these are under way. Few jigs or dies or gauges are required to make them, because they are of rough manufacture, as you will see, and therefore easily made, and that is the case with a number of these other things. The trench-warfare section of the Ordnance Department has a motto upon which it proceeds—"Anything that is cheap and nasty." The motto is full of meaning: First, it must be nasty; that is, if it does not accomplish the dirty business, if it is not nasty, there is no use fooling with it; if they can not be made reasonably cheap, then we can not make enough of them. So we have been working on this type, and have produced them, I think, for about 10 cents.

Mr. REED. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. REED. Do these corrugations there determine the number and size of the fragments practically absolutely?

Mr. TILSON. No. If you take a piece of chocolate marked with corrugations like that and drop it on the floor it will not break up according to the lines at all. I have often wondered why not, but it does not seem to do so, and it is the same way with these things.

Mr. ROWE. Those are to help the hand in throwing them.

Mr. TILSON. I think it is largely to give a grip to the hand, to give surface friction. The next size grenade that is used is the rifle grenade. This is our service rifle, model 1903, Springfield, so called. You see this muzzle piece here. It is the discharger and is put on to fire the grenade from. This is called the V. B. [Viviénne-Bessiere] rifle grenade, consisting of a malleable-iron body, containing the primer, time fuse, detonator, and bursting charge, and is fired from a discharger affixed to the muzzle of the service rifle.

The "propellant" is the standard service cartridge, the ball of which, passing through a central tube in the grenade body, actuates the striker, functioning in turn the primer and time fuse. The gases following the bullet propel the grenade a maximum distance of 225 to 250 yards. The detonator is fired by the time fuse eight seconds after the grenade leaves the discharger, detonating the bursting charge and shattering the body. A maximum range is secured through an elevation of 45° and shorter ranges by increasing the angle of the elevation. The plunging fire obtained from these elevations has proven very effective.

It can be used from a trench over against the other fellow's trench, if you are that close to it. They are a little more expensive than the others, but they also are made of malleable iron and are reasonably cheap. One of these dischargers is allotted to about 1 soldier in 10, and will last indefinitely. They cost probably about $4.

The next size is the 3-inch Stokes shell, used by the British. They have used a great many of these, and very effectively. At the rear end there is a cartridge like a shotgun shell, which explodes the powder rings which are here on this projection. Powder rings, as needed, according to the distance to be covered, are fired by sparks coming out through these holes after firing the shotgun shell.

The gun in which this is used, known as the Stokes gun, is about as cheap as it is possible to make. It may be likened to a length of sewer pipe with a firing pin at one end and a plate at the back to keep it from ramming into the ground. The way the shells are fired after the gun is set up is just to pick the shell up, drop it in, and, like that old comic song we used to hear, it "walks right in and walks right out again." That is just what happens. As soon as it hits the firing pin at the bottom it is fired, and it comes right out again. It has an effective range of about 1,200 yards and can be fired at the rate of 30 shots per minute.

Mr. PURNELL. Will the gentleman yield?

Mr. TILSON. I will.

Mr. PURNELL. I wish to ask the gentleman a question about the gun of which he was speaking. Is that a permanent attachment, or can it be removed and the gun used without it?

Mr. TILSON. It can be attached to any Springfield rifle. Of course, we had to make two types, one to fit our new model of 1917.

Mr. PURNELL. Is each soldier equipped with that attachment, or just 1 in 10?

Mr. TILSON. About 1 in 10 fires the rifle grenade.

Mr. AUSTIN. What size gun fires the Stokes shell?

Mr. TILSON. Three-inch, but it is a gun only by courtesy. It is not a gun in the same sense that we speak of a real gun.

Mr. ESCH. It is more like a piece of gas pipe.

Mr. TILSON. Yes; or sewer pipe.

Mr. CRISP. Is the propelling force of the Stokes shell in the shell itself?

Mr. TILSON. No; the propelling force is in these powder rings around here. That sends it on its way. It has a fuse that explodes it. The explosive force is inside the shell, and there is a fuse here that fires it when it arrives.

Mr. TAYLOR of Colorado. What is that explosive force?

Mr. TILSON. Well, I do not know that I could tell exactly what they are going to use, T. N. T. perhaps. At any rate, it is a very high explosive they are going to use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, did the gentleman from Oklahoma yield 30 minutes?

Mr. CRISP. The gentleman from Oklahoma asked me to represent him, and stated that I could yield Mr. TILSON five minutes additional if he should wish that time.

Mr. CAMPBELL of Kansas. How much time has the gentleman from Connecticut used?

The CHAIRMAN. He has used 40 minutes.

Mr. CAMPBELL of Kansas. Then I yield him—how much more time does the gentleman wish?

Mr. TILSON. I should like to have 15 minutes, if I could get it and if it will not impede the progress of business too much.

The CHAIRMAN. The gentleman from Oklahoma yields 5 minutes and the gentleman from Kansas 10 minutes, so the gentleman is recognized for 15 minutes.

Mr. TILSON. Let me call attention to the fact that, instead of being made out of steel, as the Stokes shell is in England, we are now making them out of malleable iron. You will note also that instead of having them polished from one end to the other, this being the only part that touches the gun, we are going to polish just the ends, the parts that bear, and save a good deal of cost. The rest of it will be rough, just as it is cast. These samples are of malleable iron and I am assured will explode with just as great effect as steel.

I have brought here some demolition bombs made for the purpose of dropping from the sky. The demolition bombs are used against buildings, railways, depots, bridges, and so forth, and depend for the execution of their purpose upon the detonation of the charge of high explosive and not on the fragmentation of the shell.

The shell or container for the high explosive is made of steel of sufficient tensile strength to insure penetration through roofs of buildings or other objects to be destroyed.

The bombs are detonated by the contact of the nose striking the target. They are made with stream lines and with four stabilizers at the rear end, located parallel with the horizontal axis of the bombs at an angle of 90° from each other, to insure a uniform trajectory. The center of gravity is forward of the center to insure striking on the nose.

Two things have been kept in mind in the design of these bombs, namely: That they be as dangerous and as effective as possible against the enemy and to be as safe as possible for loading, handling, and carrying on airplanes. The fulminate detonator is carried in the extreme rear end of the bomb out of the charge of high explosive, and is held in this position by a safety pin until the moment of release from the plane.

These bombs are being manufactured in five sizes, as follows:

	Weight explosive.	Weight container.	Total weight.	Diameter.	Length.
				Inches.	*Inches.*
Mark I	50	42	92	7½	48
Mark II	10	14	24	4½	26
Mark III	25	22	47	6½	36
Mark IV	130	100	230	11½	54
Mark V	300	200	500	16½	60

This smallest bomb that I have brought here costs when alive and ready to drop about $25.

Mr. AUSTIN. Out of what material is it made?

Mr. TILSON. Out of steel, in order to get the greatest possible destructive force. The same thing not charged, but weighted for experimentation and for practice on our aeroplanes, costs about $11. We need a great number of them to be used by our aeroplanes for practice. One of our very wide-awake young officers in the design section has devised this affair. I think he must have watched his baby make mud pies and have gotten his inspiration from that. At any rate, he has made of concrete an imitation bomb, the same weight exactly, balanced exactly the same, and which, it is believed, will serve every purpose for practice that one of the $11 bombs will serve. I am told it can be made for 94 cents. The difference in cost will soon run into money. In the end of this concrete affair is placed a cartridge like a shotgun shell, loaded with some smoke-producing substance, so that when it drops it will make as much smoke as possible, so as to appear as much like a real shell exploding as possible. This one [indicating] is also a demolition bomb and might be called a companion piece to the Barlow bomb, which I submitted some time last session, except that this is used for demolition work, while the Barlow bomb is used against personnel.

Just a few words about incendiary bombs, of which I have not a sample here to-day. These bombs are to be used for incendiary purposes against factories, depots, camps, or any places it is desired to destroy by fire, and are made in two types—intensive type and scatter type.

The intensive type, our Mark II, is to be used against buildings or in places where an intense compact flame or fire is to be concentrated at a particular point. The exterior form and construction is similar to that of the Mark I demolition bomb, with a steel nose of sufficient tensile strength to insure penetration through roofs, and so forth, without rupture, and an afterbody composed of one-thirty-second inch thick zinc. It is filled with a solidified oil and with a can of thermit to be used for ignition purposes. The bomb is fired by means of a service cartridge carried in the extreme rear of the bomb, and is discharged by means of a striker which fires the cartridge on contact. The bullet of the cartridge ignites the thermit, which in turn ignites the solidified oil. The zinc shell is consumed and the oil forms an intense field of fire.

The scatter type, Mark I, is to be used against grain fields, camps, or buildings of flimsier construction, where it is desired to have a larger distribution of the incendiary material. The body is similar in construction to the intensive type, except that the afterbody is constructed of one-thirty-second inch sheet steel. The bomb is filled with balls of waste soaked in turpentine, with a charge of black powder carried in the nose, which is exploded in the same manner as the intensive type—that is, a service cartridge carried in the tail, which is exploded on contact. The explosion of the black-powder charge ruptures the afterbody of the bomb and ignites and scatters the incendiary material.

There is one more bomb that I have brought here, known as the 9.45 inch trench mortar shell.

This shell, with its propelling charge, is for use in the 9.45-inch trench mortar and is in every way interchangeable with the French ammunition used in the French 240-millimeter trench mortar. The shell itself is interchangeable with the shell the English use in their 240-millimeter trench mortar.

This shell, empty, weighs approximately 85 pounds. When loaded with high explosive and ready for firing, it weighs approximately 180 pounds.

Our Mark VII fuse, "delay type," is used in connection with this shell. This fuse is interchangeable with the French fuse, used for the same purpose. The interior mechanism, it is believed, however, to be more positive and considerably less expensive.

The 9.45-inch trench mortar has a maximum range of fair accuracy under good conditions up to 2,500 yards, but a slight instability of the base or moderate wind greatly affects its accuracy. For a gun of its size it is remarkably easy to transport and can be easily taken apart and put together. The mortar itself can be transported by hand, by mule back, or by the one-horse carts provided. The wooden platform and other matériel attached to the battery can be handled by motorized vehicle equipment.

It is used against the "pill boxes," those places that it is so absolutely necessary to destroy and yet so very difficult to destroy and which can not be destroyed by any of these lighter shells.

Mr. DENISON. Will the gentleman yield for a question?

Mr. TILSON. Yes, sir.

Mr. DENISON. Has the gentleman ever seen what is called the depth bomb that is used in the destruction of submarines? Can he explain that to the House?

Mr. TILSON. Yes; I saw the drawings of one before it was ever made. I have not seen it, of course, in actual operation; but there is such a bomb made, not to fire when it reaches the water, but to go to any depth for which it is set, and then explode.

Mr. DENISON. It does not explode by contact, but by time?

Mr. TILSON. It explodes by depth; but there is a whirligig in the tail that starts to run when the shell reaches the water. As soon as that device reaches the number of times set it releases a pin that works a firing pin and fires the bomb.

Mr. DENISON. What is it that destroys the submarine if it is not contact? Is it the shock?

Mr. TILSON. The contact would destroy the submarine if it happened to hit it, but the concussion is very great. Water is a good conductor.

Mr. MILLER of Minnesota. Can the gentleman state how much high explosives those depth bombs carry? I think that would be interesting to the gentlemen.

Mr. TILSON. I do not know how high they have carried them. They began at about 250 pounds.

Mr. MILLER of Minnesota. I would say that they run 300.

Mr. TILSON. Yes. I was sure they would go on up.

Mr. MILLER of Minnesota. I was going to add a further word to that which the gentleman has said, on destruction by the depth bomb. I made some particular inquiry of our naval officers, and especially those operating destroyers, when I was in Europe, and from them all I received the information that a depth bomb is set to explode about 80 feet beneath the surface. It takes a point below the submarines—that is, it does not explode until it gets below the submarine. The query at once was, how close to a submarine must the bomb be when it explodes, in order to destroy the submarine? Opinion differs. It is agreed by all that if the explosion occurs within 50 feet of the submarine it will destroy it, and most of them are agreed that if it explodes within 100 feet of the submarine the submarine will be destroyed. The reason they set it to explode beneath the submarine is that the explosion moves along the line of least resistance, which is upward.

Mr. SMITH of Michigan. Will the gentleman from Connecticut yield?

Mr. TILSON. I have but a little time.

Mr. SMITH of Michigan. I saw the diagram on your chart there, and I would like if you could tell how wide and deep the trenches are. Can you tell us a little of the character of the trenches?

Mr. TILSON. I have it outlined, so that the gentleman can see them a little later.

One other matter connected with the subject of munitions which might be called a belated correction of the Secretary of War. It is not intended as a criticism, for it has not been my method to criticize anyone in the course of my work in the field of munitions. I have sought for useful facts, and having found them have tried to give the House and the country the benefit of those facts.

No one realizes more clearly than I do the overwhelming magnitude of the task and the perplexing complexity of the problems devolved upon the Secretary of War. I would be the last one to unjustly attack or criticize him. I have helped to the best of my ability to hold up his hands on every matter for the better conduct of the war, and expect to continue to do so to the end of the chapter.

In the interest of accuracy, however, at a time when accuracy is more important than ever before, because so much more may depend upon it, I wish to call attention to two statements, both made in June, 1917. Under date of June 25, Secretary Baker, complying with a resolution passed by the Senate on June 15, wrote to the President of the Senate as follows:

> The French rifles and machine guns are not and have not been manufactured in this country; hence, through lack of manufacturing facilities, the question of the use of French ammunition for rifles and machine guns could not be considered.

On June 1, more than three weeks earlier, I had stood on the floor of the House and said—

> Since I came to the House this morning a gentleman from my State has put into my hands another rifle, which I hold in my hands. It is the French rifle. * * * It is called the Lebel rifle. This rifle is made in Bridgeport under contract with the French Government. I have been informed that they have about 10,000 now on hand and are prepared to make a great many more.

The two statements are before you. Take your choice. The French rifle made in Bridgeport I again hold in my hands, and here are the cartridges to fit it, made in the same city and exhibited by me to the House last June.

Mr. BORLAND. Mr. Chairman, will the gentleman yield for a question?

Mr. TILSON. I yield to the gentleman.

Mr. BORLAND. My understanding was that the reason for changing the Enfield rifle to make it use Springfield ammunition, and the consequent delay caused by that, was that the ammunition in the Springfield rifle would also fit the machine gun. In other words, they wanted the same cartridge to be used interchangeably by the machine guns and the rifle.

Mr. TILSON. Yes; that is highly important.

Mr. BORLAND. It developed that the machine guns were not so numerous as they might have been, and the demand for rifles is very great. What does the gentleman think of the change in the ammunition for the rifle?

Mr. TILSON. If we had not made the change, we should now have three kinds of ammunition—United States for our Springfields, British for our Enfields, and French for our machine guns. Now we have only two—the United States and the French.

Mr. BORLAND. Could the machine guns that we are making be rechambered or fitted to the ammunition of the Enfield rifle? If we had gone ahead making the Enfield rifle on the original British pattern, could we have adapted our machine guns to that?

Mr. TILSON. The new guns made after that could have been made to fire the British ammunition. In fact, they were making them to fire the British ammunition at that time.

Mr. SNYDER. Mr. Chairman, will the gentleman yield right there?

Mr. TILSON. Yes.

Mr. SNYDER. I want to call the gentleman's attention to the fact that at the time this change was considered the Lewis gun was using the same ammunition that would fit the Lee-Enfield gun.

Mr. TILSON. Yes. The Lewis gun was made to fit that ammunition from the beginning.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. HAMILTON of Michigan. What is the name of that gun [indicating]?

Mr. TILSON. That is the Lebel, caliber .315, of the French. It is a very handsome gun. They use these cartridges, a copper bullet. The question is now being raised in this country whether it is not possible to manufacture these bullets out of brass, because we are great experts in manufacturing things out of brass in this country. If they can be used and fired from the machine guns and rifles, we can produce them out of brass in very great quantities. So far the French have chosen to use copper bullets.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman permit one more question?

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield for a question there?

Mr. TILSON. Yes.

Mr. GREEN of Iowa. As I understand it, it was the change in the chambering of the gun that caused the delay in the manufacture of the Enfield, as well as other details?

Mr. TILSON. Some time was required to make the change, although the time was comparatively short. It takes some time to change your dies and gauges. It is always a serious matter and takes time. You can hardly tell the difference from where you sit between these two rifles, but at the same time it is really an important change.

Mr. GREEN of Iowa. The gentleman realizes that there were other changes made besides the changes in the chambering in the new model of the Enfield?

Mr. TILSON. The new model of the Enfield is an entirely different gun from the old Lee-Enfield. I went into that subject fully in one of my speeches here, and showed that the new model of the Enfield is an entirely different gun from the old Lee-Enfield gun; a very different and, in my judgment, a much better gun. [Applause.]

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. CRISP. Mr. Chairman, in behalf of the gentleman from Oklahoma [Mr. CARTER], I yield three minutes to the gentleman from Illinois [Mr. RAINEY].

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes.

Mr. RAINEY. Mr. Chairman, in this brief period of time I want again to call attention to the report of the Surgeon General of the United States as to the sanitary conditions at Army camps and to its history. In reply to the innuendoes of the gentleman from Nebraska [Mr. REAVIS], to the effect that this report was suppressed in some way by the officers of this House or by somebody else, I want to say that this report was printed in the CONGRESSIONAL RECORD by the gentleman from Ohio, Mr. WARREN GARD, on the 7th day of January, the present month. It was

printed by unanimous consent. On the next day, by unanimous consent, at the request of the same gentleman, this report was made a House document. On the 8th day of January, when the CONGRESSIONAL RECORD for January 7 made its appearance, there were available 33,000 copies of this report, of which approximately 50 had been placed to the credit of the gentleman from Nebraska, and I presume used by him in the libraries of his district. I do not know what he did with them. The 33,000 copies of the CONGRESSIONAL RECORD for January 7 were issued on the morning of the 8th day of January, every one of them containing this report, going principally to the libraries of this country where everybody could see it.

Now, so much for that "suppression." On the 8th day of January this report was made a public document at the request of a Democratic Member of this House, and under the rules of this House 1,250 copies only could be printed of this House document, or approximately that number. It was available for printing, then, as a House document on the 9th day of January. No other printing office in the country is so congested at the present time as the Government Printing Office, but if any Member of this House had called up the Public Printer over the telephone and had asked him to make this document special, its printing and the placing of it in the document room could have been expedited. But that could only have affected the insignificant number of 1,250 copies.

As a matter of fact, on yesterday afternoon this document reached the document room of this House, and was available hours before the gentleman made his speech here this morning, 1,250 copies of it reaching the document room in eight days after it was possible for the Public Printer to find out that this order had been made. One Sunday intervened; this left seven working days in which to get out this document. I submit that that is remarkably fast time for any printing office in this country, even if not congested with work, to turn out 1,250 copies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. May I have two minutes more, Mr. Chairman?

Mr. CARTER of Oklahoma. My time is completely filled, but I will yield the gentleman two minutes more.

Mr. RAINEY. I want to call attention to the fact that the statement has been made here repeatedly this morning that this fuel order issued by the Fuel Administrator affects plants operated by water power. It does not affect them in the least, and the Fuel Administrator, under the act passed by Congress, has no right to regulate or to suspend plants unless they are operated by coal. The charge has been made here repeatedly on the floor this morning and a manufacturer of prominence, who is a Member of this House, the gentleman from New York [Mr. SNYDER], stated that fuel must be burned in enormous quantities for the purpose of keeping these plants warm, that otherwise they will be injured by the cold. The order provides for that emergency. I have it as it is printed here in the noon papers. The order provides that plants which necessarily must be operated continuously seven days each week to avoid serious injury to the plant itself or its contents may use only such quantity of fuel as is necessary to prevent such injury to the plant or its contents. Now, there can be but one construction placed upon that part of this order. It authorizes factories which heat their plants with waste steam to use enough coal to create enough waste steam to heat those factories. Of course, that means that, to the extent of the fuel actually consumed for the purpose of producing the necessary waste steam to prevent injury to factories, they can run their machinery. Nothing can be any plainer than that.

Mr. SNYDER. Will the gentleman yield?

Mr. RAINEY. I am sorry I can not. These gentlemen, who, upon these important questions, are becoming such magnificent vehicles of misinformation, and who print this stuff in the CONGRESSIONAL RECORD, ought to find out what the facts are. [Applause.]

Mr. CARTER of Oklahoma. I yield 25 minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, I believe that the people as a rule are loyal and want us to win this war, and yet the question uppermost in the minds of a great many of them is, "Why are we in this war?" I think it is a sufficient answer to say:

First. We are in this war because Germany made it impossible for us to stay out of it.

Second. Because we can not and will not permit any nation to scorn our sovereignty and insult our flag.

Third. Because as the leading democratic nation of the world we are too red blooded to stand idly by and see autocracy murder democracy.

Need I say more to justify our entrance into this war? If there is a human being who invokes the protection of the Stars and Stripes and yet who does not think that we are justified in spending every dollar and spilling every drop of blood, if necessary, in defending the rights of mankind to "Life, liberty, and pursuit of happiness," the highest principle of humanity, let him leave the country and no longer disgrace the Red, White, and Blue. [Applause.]

We have not entered this conflict because we love war more, but because we hate Prussian autocracy worse. Let me give you a sample of it.

The Kaiser, in addressing German recruits at Potsdam, said:

> Only one is master in the Empire, and I am that one; I will tolerate no other.
>
> I represent monarchy by the grace of God.
>
> You must all have one will, and that is my will; there is only one law, and that is my law.
>
> If I order you to shoot down your relatives, brothers—yes, even your parents—you must obey me without murmuring.

In his proclamation of September 13, 1914, the Kaiser declared:

> The spirit of God has descended upon me because I am German Emperor.
>
> I am the instrument of the Most High. I am His sword, His representative on earth.
>
> Woe and death to those who oppose my will! Death to the infidel who denies my mission!
>
> Let all the enemies of the German nation perish! God demands their destruction—God, who by my mouth summons you to carry out His decrees.

Do you want this madman, this blasphemer, to rule the world?

We temporized with Germany until forbearance ceased to be a virtue. Her record became one of broken promises and intolerable wrongs. To have submitted further to her terms, conditions, and conduct would have marked us as a Nation of craven cowards.

We are not in this war for material gain. We want no additional territory. We want to make no subject slaves. We subscribe fully to the sentiment, "Since Christ died to make men holy, we will die to make men free." We want only to crush the arrogant, impudent, and dangerous Prussian autocracy and establish throughout the world the right of mankind to rule themselves. Are not our ideals lofty and our purposes righteous?

What does this war then mean to us? It means that if we will adhere to our lofty purposes, do our part, and "come clean," God will bless our efforts and give us a glorious victory. But first of all we have got to "come clean." I mean by that that all selfishness, such as profiteering, taking advantage of the situation to make money, regardless of the misery and distress that such conduct may bring upon others, must be eliminated. Every one of us must be willing to make the necessary sacrifices. Our soldier boys are willing to make the supreme sacrifice. No man can do more than to lay his life down for another; they are willing to do this if necessary. Now, what are we willing to do? May I not assume that the American people are willing to make any necessary sacrifice to win this war? I am sure that the only thing that most of us need to know is, What is required of us in this great emergency? I regret, however, that there are those—only a few in comparison, I hope—who are mean enough and selfish enough to try to take advantage of the situation and fill their pockets with gold. They have not yet learned the lesson of patriotism without profit. They are nothing less than enemies to their country and deserve the condemnation of every right-thinking, true, loyal citizen, and if that is not sufficient to force them to desist in their nefarious practices, then they should be made to feel the strong arm of the law.

I hope that conditions may not arise whereby our people may not, as in peace times, receive a just compensation for their efforts and energy, yet we must be ready for any sacrifice. Under ordinary conditions everyone is entitled to a just price for whatever he earns or has to sell, but it is nothing less than criminal for a person or a combination of persons to take advantage of the situation and fill their pockets with money stained with the blood of our patriotic American boys. I repeat that if we are to win this war we must all "come clean" and get right down to bedrock and make sacrifices—the rich and the poor alike.

Wars have always been expensive in treasure as well as blood, but the cost of this war is so stupendous that it staggers the imagination. We can speak of its material cost only in terms of billions. Under these conditions, that nation is wisest and strongest that husbands best its resources. This is the first time in the history of our Nation when we have really been put to a test as to our material resources. We have rolled in plenty and never had occasion to think that the time would ever come when we would need to economize. We are there now, and it behooves every one of us to practice the most rigid self-denial.

No one realizes more than I do the stupendous task of transforming our Nation from that of a peace-loving and peace-going Nation to one of war. Everybody understands that this is a feat that can not be performed overnight. When it became necessary for us to undertake this task it did not look possible that it could be done within any reasonable time, but it has only been a few months since war was declared and now, when

we look back on the record of what has been accomplished within so short a period, we are made to marvel at our own progress. With practically no Army when war was declared, we now have more than a million men under arms and in training. These men are being equipped as rapidly as conditions seem to permit. Congress has not withheld the money necessary to care for and equip these splendid, patriotic soldiers, and the executive branches of the Government have proceeded as rapidly to carry out the will of the President and Congress in this regard as circumstances and red tape would permit. Mistakes have been made, you say? Yes; and more will be made. This gigantic task could not be put through by ordinary human beings without some errors creeping in, but as fast as those errors are discovered an attempt will be made and is now being made to correct them. The one thing now most needful is to eliminate all red tape and all petty jealousies. Upon the whole, I think we must admit that considering conditions that the record so far made is one which our people may feel proud. [Applause.]

I confess that there is room for criticism, and proper criticism is valuable, provided, of course, it carries with it some suggestions of improvement in methods employed, but criticism for criticism's sake only is harmful and exceedingly dangerous and may be criminal in that it may have a tendency to delay the ending of this war and therefore mean the sacrificing of additional lives at the front.

I am convinced that the people of this Nation have unbounded confidence in our President and I believe that this confidence is fully justified, yet President Wilson can not win this war unless the people as one man get behind him and subordinate all selfish desire for gain or pleasure and make the winning of this war the one and only object until the glorious victory has been achieved. [Applause.]

I have said that we entered this war with a righteous and pure motive and we must and will prevail, provided we "come clean," but we can not win it if while 10 per cent of our population are fighting in the trenches the other 90 per cent are at home trying, each one, to exploit the other. We can not win this war if we permit those who control the vital necessities of life to put up prices to a point which will bring want, misery, distress, and starvation upon those who are left at home. We may as well face this question like men, and the sooner we do it the better. Let me cite some homely instances. We have recently passed the Christmastide—a time in each year when all the generosity that is in our natures is aroused and when all hearts are most tender, but I am told that right here in the Capitol City of our Nation and in sight of the Federal Food Administration headquarters profiteering has been running riot. For example: Christmas eve night, I am told, the markets and many retail grocery stores at closing time were loaded with dressed turkeys which they would not sell to the people for less than 42 cents per pound and chickens 35 cents per pound, and other things in proportion, evidently preferring to let them rot rather than set the precedent of reducing the price which perhaps and likely was agreed upon in advance by the dealers. Meal, made out of $1.40 corn, I am told, will cost you $2.40 per bushel. There is practically no waste in grinding corn, and everyone knows that it does not cost a dollar to grind a bushel of corn. Who makes this unreasonable profit? Take the item of coal; which is a very vital necessity. I see the almost unbelievable statement in the press that bituminous coal that sells at the mines for about $1.90 a ton costs the consumer here $9 a ton. Who gets that difference of $7 on the ton? Who is responsible for the unreasonable increase of cost to the consumer?

Mr. BLAND. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. BLAND. Has the gentleman considered the cost of the production of shoes in connection with this investigation?

Mr. HAMLIN. I have not shoes specially.

Mr. BLAND. Will the gentleman permit me to suggest that the average cost of the materials in a pair of shoes does not exceed $2.60, and the labor in the same does not exceed $3 more, and yet shoes are selling for $10, $11, and $12 a pair to-day.

Mr. HAMLIN. I am sure the gentleman is correct, because I know absolutely that the price of a certain shoe with which I am familiar has doubled within the last two years, but I have not investigated the increase in the cost of the material used.

The demoralized condition of the transportation facilities which has heretofore existed may have contributed somewhat to this condition, but I am persuaded that it will not entirely account for the wide margin in the difference between the price to the producer and the price to the consumer. I think that I see evidence of profiteering. I could go on almost ad infinitum, but I think it sufficient to say that other necessities of life have doubled and in some cases trebled and quadrupled; in fact, many of them have reached a prohibitive price.

Mr. SNYDER. Will the gentleman yield again?

Mr. HAMLIN. Yes; for a question.

Mr. SNYDER. A moment ago the gentleman said "the demoralized condition heretofore existing on the railroads." By that does he mean to convey the idea that there is no confusion existing now in railroad management?

Mr. HAMLIN. No; I do not mean to convey that idea, but I do mean to state the fact that under private management the whole transportation system seemed to have broken down, and the Government was forced to take over the railroads of the country in the hope, in which I join, that transportation facilities will be improved, and I am inclined to think they will.

Mr. SNYDER. I quite agree with the gentleman on that.

Mr. BLAND. Will the gentleman yield?

Mr. HAMLIN. I will, for a question.

Mr. BLAND. Last August facts were presented to this House showing that instead of increasing our number of freight cars they were decreasing, and a bill was introduced here for the Government to speed up the building of freight cars in the nine factories that were only running 50 per cent of their time. But instead of doing that, Dr. Garfield regulated the price of coal, decreasing the output and not increasing the number of coal cars. Could there be anything else expected except a coal famine and a coal shortage at this time?

Mr. HAMLIN. I would be glad to discuss the transportation question if I had the time. I have some thoughts on that subject myself, and I think we never have gotten to the bottom of that proposition; but my time will not permit me to discuss it now.

Mr. BLAND. Does the gentleman know of any reason why there should not be men of ability called into the Cabinet of the President, men who are Republicans or of some other politics than Democrats?

Mr. HAMLIN. I think the President's Cabinet is now composed of men of ability. [Applause.] I am also prepared to say to the gentleman that many of the men who are responsible for some of the very things he is now complaining about are Republicans. [Applause.] If I understand it, Dr. Garfield, against whom severe criticism has been leveled here to-day, is not a Democrat.

Mr. BLAND. He is a college professor, is he not?

Mr. HAMLIN. I presume he is guilty of being a college professor, but I think that is no crime.

Mr. BLAND. Does the gentleman know of any reason——

The CHAIRMAN. Does the gentleman yield?

Mr. HAMLIN. I yield for one more question.

Mr. BLAND. Does the gentleman know any reason why President Wilson should not call into his Cabinet men of the opposite political faith, as Lincoln did when he called four Democrats into his Cabinet?

Mr. HAMLIN. President Wilson has been able to manage the affairs of this Government in the most magnificent manner, according to the opinion of the late Republican candidate for the Presidency, Mr. Hughes, and in which opinion I heartily coincide, and I do not think he needs any suggestion from me as to the management of his Cabinet affairs. [Applause.] Now, since you have mentioned that, I want to say to the gentleman something more. I have thought until this morning that I saw no evidence of politics entering into the conduct of this war, so far as Congress was concerned. I had thought I had seen no evidence of lack of patriotism on the part of anyone here; but this morning I could not resist the conclusion that politics is being dragged into this discussion.

Mr. BLAND. On which side?

Mr. HAMLIN. On the Republican side, of course. Nobody knows that better than the gentleman; and he must know something else: That whenever this administration or any other administration, for that matter, does anything that will tend to lessen the profits of certain people making money out of this war they begin to howl, and, unfortunately, they find voice on the floor of this House. I was surprised at my friend from New York, Mr. SNYDER, a while ago, virtually pleading guilty for the bankers of his district when he said they had worked loyally, patriotically, and enthusiastically in the sale of liberty bonds in the aid of the prosecution of this war, but when they found out that they would be charged a tax of 2 cents on a hundred dollars on all renewal notes their patriotism vanished like the morning mist before the rising sun.

Mr. SNYDER. Oh, Mr. Chairman, I made no such statement as that.

Mr. HAMLIN. The gentleman did not phrase it in just that language, but that was the tenor and substance of what he said. I am glad that we do not have any 2-cent patriots out in my country.

Now, I shall return to the particular matter that I was discussing.

I grant you there is some excuse for increase in the prices. Inflation of the currency, scarcity of labor, congestion in traffic all contribute to an increase of the price to the ultimate consumer, but the whole level of prices are entirely too high. Just what can be done to lower them is a difficult question to solve, but of this I am sure, that the cost of the necessities of life must be reduced or many people must suffer.

Mr. Chairman, I grant you that the people themselves are not wholly without blame in this connection. The necessity for economizing and practicing the Golden Rule has not yet been sufficiently impressed upon them. I noticed in the papers a few days ago that the merchants of this city gleefully gave out the statement that they had enjoyed the greatest Christmas trade in the history of the city. What occurred here no doubt occurred in all the other cities of the country. That means that millions and millions of dollars were spent within the last few weeks for toys, candies, and things that could well have been left unpurchased, and the money thus foolishly used could have been invested in thrift stamps, war-savings stamps, liberty bonds, Red Cross work, and so forth, all of which would tend to help win this war, the winning of which would be the greatest Christmas present that could be given to mankind.

Mr. Chairman, there is one thing that I do not want to live to see, and that is the shadow of the Kaiser cast athwart our fair land, nor the specter of misery, distress, and want stalking through our beloved country. Yet both of these are possibilities unless each one of us will cast aside all selfishness and dedicate ourselves to the one and only task of winning this war at whatever sacrifice required. In this of course, politics do not enter. Democrats and Republicans work side by side. We are all patriots. Again I say that if we are to win this war we must "come clean." Every mother whose boy has gone to the front is constantly, fervently praying that God will keep him pure and clean and bring him back to her safely, without a blemish upon his character and with the consciousness of duty faithfully performed. Can we as a Nation "come clean" if we permit intoxicating liquors to be "doped" out to these boys? I answer, "No; a thousand times, no!" and I believe that if we attempt to do it that there will be visited upon us, as a Nation, a punishment that will be appalling. In times of war, above all other times, liquor should be eliminated. It not only demoralizes our soldiers but to make the vile stuff robs others of bread.

We read of atrocities committed by our enemies, atrocities that makes the American Indian in his most savage days look like an angel of light in comparison. Whether the picture has been overdrawn, I do not know; I hope that it has; but in any event, I trust that our flag, which not only stands for liberty but for Christianity as well, will not be sullied by our soldiers practicing cruel, inhuman, or barbarous warfare. There is such a thing as war being tempered with mercy. I have an abiding faith that if we as a people will "come clean" and fight the war as a civilized and Christian people, God will give us a speedy and glorious victory. Right must and will prevail.

When Cyrus, King of Persia, was induced to permit a portion of the captive Jews to return to Jerusalem and rebuild the temple which had been destroyed, a decree went forth to those Jews who remained in Babylonia requiring them to contribute of their gold, silver, and goods in aid of those engaged in the rebuilding of the temple.

Our brave boys are going to Europe to build there a temple of liberty and freedom of mankind—dedicated to world democracy. Shall we who remain at home hesitate for a moment to contribute of our gold, silver, and goods in the prosecution of this great and glorious enterprise? [Applause.]

Mr. SNYDER. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I am greatly surprised if not shocked at the statement of the gentleman from Missouri [Mr. HAMLIN] that politics have crept into the war discussion in this House through the Republican side, and I feel that that statement ought not to go without challenge. Because upon the Republican side it has been observed for a long time that though commissions have been created and new officers authorized to conduct this war, in all of which Republicans have readily joined with Democrats, there have been no appointments from the White House or by departments except from the Democratic Party, and that this war except as it is promoted and being paid for in a by-partisan sense is being conducted in a partisan sense, which is very much to be regretted and of which the country is gradually taking notice.

The distinguished gentleman from Missouri [Mr. HAMLIN] suggests that the Fuel Administrator, who has come into more or less notoriety during the last day or two by reason of his drastic order closing up the industries of the country, is a Republican. The gentleman is mistaken.

Mr. HAMLIN. If the gentleman will yield, I did not say he was a Republican; I said that he was not a Democrat.

Mr. MOORE of Pennsylvania. Yes; the gentleman from Missouri did equivocate in that manner.

Mr. HAMLIN. There was no equivocation about it, it is a fact.

Mr. MOORE of Pennsylvania. The gentleman camouflaged. The Fuel Administrator has been an enthusiastic Wilson Democrat for a long time, and when it was suggested that there should be a Republican House to cooperate with the Democratic administration in the White House Dr. Garfield, over his own signature, denounced that suggestion and came out openly for Mr. Wilson.

I challenge the gentleman from Missouri, or any other gentleman upon the other side, to point to any Republicans that have been appointed by the President of the United States to any of the so-called nonpartisan commissions that have been authorized by Republicans as well as Democrats.

Mr. HAMLIN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HAMLIN. There are two great positions in my mind—very important at the present time—the Federal Food Administrator and the Federal Fuel Administrator. The gentleman from Pennsylvania will not state to the House that either Mr. Hoover or Dr. Garfield is a Democrat. They may have voted for Mr. Wilson as thousands of other good sensible Republicans did. [Laughter and applause on the Democratic side.]

Mr. MOORE of Pennsylvania. Yes; and they probably did it upon the pretense put forth by the other side and widely advertised and heralded throughout the country that Mr. Wilson would "keep us out of war." [Applause on the Republican side.]

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. In connection with what the gentleman has just stated I want to say that there have been persons appointed that claim to be Republicans. I would like to know whether any Republican has been appointed that was known to have voted against Mr. Wilson.

Mr. MOORE of Pennsylvania. Wherever the appointing power was able to find some one who had a remote connection with the Republican Party and who had left it for some cause or other, possibly to aid in its disruption, he seems to have selected that man to put on these commissions in the name of the Republican Party.

It was and has been a case of camouflage from the beginning to the end. Why, the advice of men like Roosevelt and Taft and Hughes has been disregarded by this administration down to the present time, and yet in the hour of our direst necessity, with these men willing to cooperate and the Republican side of the House voting for money, and with all good patriotic men willing to do their part to aid the administration in furthering the welfare of the country in promoting the war, we have it even from members of the Cabinet that only Democrats are to be appointed.

Mr. FESS. Will the gentleman submit to another interruption?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. When the Federal reserve act was before the House we offered an amendment to make it bipartisan or nonpartisan, and the chairman of the committee denounced any suggestion, because, he said, it would suggest that there might be a partisan appointment; and it was defeated, and then the gentleman will remember there was a board made up with every single member of the committee a Democrat. Mr. Jones had been appointed, but was refused confirmation in the Senate by Democrats because of good reasons, and then he came back and was appointed on another commission.

Mr. MOORE of Pennsylvania. Yes; it was said that Mr. Jones had contributed largely to the campaign of the Democratic Party, and after he was rejected for a place on the Federal Reserve Board he did come back and received an appointment on another commission.

Mr. FESS. Yes; that is true.

Mr. MOORE of Pennsylvania. Showing the persistence with which a Democratic administration takes care of its own.

Mr. FESS. The same thing was done with Mr. Rublee, of New Hampshire.

Mr. MOORE of Pennsylvania. Yes. The gentleman has an admirable way of stating facts. To show how disinterested in politics our friends on the other side are and how they resent the notion that a man may be patriotic and still resist the encroachments of the Democratic Party upon an unwilling Nation, I read from an article from the Philadelphia Evening Ledger of yesterday, headed "Congressman Casey made aid of Wilson." That refers to Mr. Wilson, the Secretary of Labor.

The dispatch is from the staff correspondent in the city of Washington, and is dated January 16, 1918. It says:

Former Congressman John J. Casey, of Wilkes-Barre, has been appointed a member of the advisory committee named by Secretary of Labor William B. Wilson. Casey is a personal as well as political friend of the Labor Secretary, and the move is considered significant as part of the campaign of the present national administration to cut into Pennsylvania's Republican delegation in Congress.

Of course, there is no intent in making these appointments to fix up fences for ex-Members who desire to come back. [Laughter.] They spurn the notion that in time of crisis, when the Nation's honor and safety are at stake, they should do anything by way of appointments that would strengthen the hands of the Democrats. Of course. It is stated in the article that Mr. Casey is the personal and "political" friend of Secretary Wilson, and receives this appointment on that account. The article continues:

During his term in the House, Casey was considered a leader of the organized labor forces—

Democrats must do everything they can now to cement labor to the Democratic Party, and Casey is coming back to do that. Secretary Wilson, of the nonpartisan Department of Labor, would not think of appointing anybody but a good Democrat as his aide.

During his term in the House Casey was considered a leader of the organized labor forces, and was prominent in the fight for passage of the trainmen's eight-hour law at the close of the last Congress.

Oh, the President never camouflaged the railroad men on the eight-hour law, did he? It was Casey at the bat! It is Casey who gets the appointment now under a nonpartisan, patriotic Secretary of Labor, who desires to see the forces of Democracy reenforced and strengthened in this House.

Every effort is being made to strengthen the party ranks in Pennsylvania where there is an opportunity to gain a Congressman. The Luzerne County district is one which may be won by either the Republican or Democratic Parties

Mr. LANGLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LANGLEY. The gentleman seems to overlook the fact that the President has appointed a great many Republicans at a dollar a year.

Mr. MOORE of Pennsylvania. Yes; they have been rendering patriotic service at that price, and they will be exempt from the income tax to the extent of the interest on that dollar. But I disdain to discuss politics! [Laughter.] I was provoked into making these few references only because of the high esteem in which I hold my nonpolitical friend from Missouri [Mr. HAMLIN].

What I do desire to speak about, briefly, is the question of transportation. It is heralded on the signs in the street cars and elsewhere, largely through the auspices of Mr. Hoover and the funds we have appropriated, that "food will win the war." Very many individuals have indicated that the particular commodities they manufacture will win the war; others, that munitions will win the war; but my humble judgment is that transportation will win this war, and that efficient transportation only will win this war. We are mighty deficient in transportation. We have the men, we have the money, we have all the resources except efficient and sufficient transportation; and now, when the administration has done what seems to be its best to promote the war, it is brought face to face with the fact long neglected, long ignored, long deliberately set aside, that we have been deficient in transportation.

I am the son of a farmer and was raised in the country and had an opportunity to watch the habits of the squirrel. I have never forgotten that the one peculiar trait of the squirrel is not merely to hunt nuts but to provide against the coming of the winter. Gentlemen who go about the public squares of Washington may observe the squirrel when the summer is on, when the fall has come, when the autumnal leaves are falling, going about his business assiduously, gathering his nuts, his fruit, and other resources and putting them away against the time when the snow comes and bars the entrance to his home. A splendid lesson for the human animal, a splendid lesson for the Nation that ought to be prepared against the storm, whether it be the stress of winter or the stress of war. Now, some of us, like the squirrel, perhaps, have been preaching the doctrine of preparedness not only against adversity in time of peace but the storm of war. We have been urging better transportation facilities for just such an emergency as has arisen.

What does this recent Garfield order mean? If I interpret it correctly, drastic as it is, harsh as it will be upon the industries of the great State that I, in part, represent, difficult as it will be for the laboring man and the plain people to exist under it, it means that because we have not adequately provided transportation facilities by means that were within our power and which we ignored, we are forced to close down our industries until transportation catches up.

Look at this map of the United States—we are now cramming all our country produces—foodstuffs, war materials, coal, and the like into this neck of the woods here at the city of New York until we actually block the way. This is the exit for the goods that you are sending to Europe. You are crowding the rails and using the cars for storage. Here is the exit for the troops whom you have been looking after with such care and earnestness—all of them, men, cars, commodities, munitions, jamming themselves up against this one port of New York. Is it any wonder there is congestion?

You have your great trunk lines of railroads extending across this vast domain of ours; you have them running at full tilt with foodstuffs from the South and from those wonderful, productive areas in the Middle West; you have them coming, one train after the other, supplying the great industrial establishments of the East, but if times are abnormal and you want to get across the ocean to meet the enemy upon the other side you are bound to run up against just such a condition as Mr. Garfield is now trying to meet. You must proceed through the neck of the bottle at the city of New York. Coming down here from the New England States the jam continues; commerce packs in at New York like the ice that comes down from the Great Lakes and gorges Niagara. That is the situation with reference to the transportation of the country at the present time.

I have been arguing for a long while, even as my friend [Mr. TILSON] said he has been arguing for preparedness in the matter of armament, for the preparation of this country for commercial purposes, as well as for war purposes, by adding our waterways and canals to our transportation system. Here are serviceable avenues of approach and communication that have been standing idle at our doors. Like the squirrel, I believe in preparing for the winter. These waterways and canals are workable all summer, but, unfortunately, when the crash comes, when the first real war blow is about to be struck, we find the products of 48 States of the Union unable to use them, packed in one solid mass at the port of New York, waiting for the railroads to unload. Are we shipping war materials from the port of Jacksonville? That might relieve congestion at New York. Are the railroads carrying stuff from the West and South to Jacksonville, so that it may go out across the great sea? Are we sending war materials from Savannah? Savannah has deep water and a good harbor. Are we sending them in ample quantities from Baltimore? Are we sending them to the extent of our capacity from Philadelphia, that great industrial center now so helpful in the war? And are we utilizing our forces to the full at the port of Boston? If our waterways were properly encouraged they might now be serving the country at all these ports.

Why is it that Mr. Garfield, right or wrong, has to issue an order that stagnates the business and industries of the country? To a large degree it is because we have never prepared our transportation facilities by water; because we have permitted to go by the opportunity in the season when the squirrel works to do work for ourselves and store up for the winter. Had we had these waterways opened at the trifling cost that has frequently been referred to here, would we have a coal shortage to-day? Had we taken this antiquated Chesapeake & Ohio Canal, which runs hither to Cumberland, a distance of 187 miles, freed it from some infernal domination that held it in check and wished it ill, and used it in July, in August, in September, in October to bring coal to Washington, and in turn to Norfolk and Baltimore, would we have had a coal shortage here in Washington or in this vicinity?

Mr. McKENZIE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. McKENZIE. Is it not a fact that the congestion at New York Harbor and the other harbors of the Atlantic seaboard is due to the lack of ocean shipping?

Mr. MOORE of Pennsylvania. No, sir; not altogether. It is due largely to the fact that you can not get your cars up there to be unloaded. Boats are lying idle in the Delaware River at the present time laden with coal. They should be in New England feeding the mills and firing with at least some degree of comfort the homes of the people now in want of coal. Yet the Government has taken away the propelling power. The Government itself has taken away the ocean-going barges capable of towing coal where it is needed. I have evidence here——

Mr. WALSH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. WALSH. Has the gentleman any information as to what is being done with those steam tugboats that were formerly used in towing coal?

Mr. MOORE of Pennsylvania. Lying idle at the Philadelphia Navy Yard, and the barges now lying idle in the ice a little farther up in the river. When I observed them before the ice came, they were ready and waiting to carry it to the people who needed coal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. I yield the gentleman one minute more in order to enable him to answer this question.

Mr. MOORE of Pennsylvania. Very well.

Mr. CAMPBELL of Kansas. Who is responsible for the tugs lying idle in the Philadelphia Navy Yard?

Mr. MOORE of Pennsylvania. I have stated that the barges were laden with coal in the Delaware River when there was no ice in the river and could have gone to Boston and Providence and returned ten times over with more coal before the ice came.

Mr. CAMPBELL of Kansas. I mean the tugs.

Mr. MOORE of Pennsylvania. The propelling tugs were commandeered by the Government, and they now rest in easy berths at the Philadelphia Navy Yard, unless some change has recently occurred.

Mr. CAMPBELL of Kansas. And they are not being used for any purpose?

Mr. MOORE of Pennsylvania. They may be used for something, but not very much now. The Government, I presume, is holding them in readiness for war purposes. And yet menhaden fishing boats, with ample power to do Government work, were going out to sea, catching and grinding up food fish to obtain oil and profit in it.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent, in order that I may put some material in the RECORD, to extend my remarks.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, in order to add to the variety of topics discussed under this general debate I shall address a few remarks to the subject of workmen's compensation for the benefit of interstate railway employees. At this time it comes under the head of a war proposition.

Section 9 of the so-called administration railway bill introduced by the chairman of the Interstate and Foreign Commerce Committee in the House on January 4, 1918, proposes to give the President authority to extend the Federal workmen's compensation act of September, 1916, so as to apply to the employees of the railways.

With the objects to be secured by the act I am in full sympathy, but to the methods proposed to accomplish such purposes I am opposed.

On the 21st day of January last in the course of my remarks on the floor of this Chamber I called attention to the dereliction of Congress in its failure to enact a workmen's compensation law which would cover the employees of the interstate carriers of the Nation. I at that time pointed out that in the Sixty-second Congress the Senate by a vote of 60 to 15 passed a bill and the House by a vote of 218 for to 81 against passed an amended workmen's compensation bill affecting the employees I have just referred to. But owing to the threat of a filibuster in the closing hours of that Congress its final passage was effectually blocked.

But the vote upon this bill disclosed an overwhelming sentiment in favor of such legislation. The Democratic national platform of 1912 carried a plank favoring such a law, and the Republican national platform of 1916 declared in favor of "a generous and comprehensive workmen's compensation law within the commerce power of Congress." Yet regardless of the overwhelming sentiment of the Sixty-second Congress and the clear, unequivocal expressions of the national platforms of the two great political parties of the country and the support given to the proposition in the Sixty-second Congress by Mr. H. E. Wills, the legislative agent of the railway brotherhoods, and all the heads of these brotherhoods as well as the head of the American Federation of Labor, Mr. Samuel Gompers, and also their representative who appeared before the commission and the Senate committee, now the Senator from the State of Minnesota, FRANK B. KELLOGG, the proposition has lain dormant practically since the close of the Sixty-second Congress until this hour.

Ex-Senator Sutherland, the chairman of the Taft joint commission which made a full and exhaustive report upon this subject, upon which were based the principles of the bill voted on by the Sixty-second Congress, introduced a similar bill in the Senate of the Sixty-third Congress. This bill was the result of many years of hard work and intelligent attention devoted to the subject by Senator Sutherland and others who had become interested in workmen's compensation legislation. With some few changes and modifications I introduced in the House of Representatives on the first day of this Congress practically the same bill, being House bill No. 46. This bill was referred to the Judiciary Committee of the House, but no action has been taken thereon. I commend its consideration to the members of the Interstate and Foreign Commerce Committee as well as to all the Members of this Congress.

My bill proposes to apply to the interstate railways, requiring them to pay compensation to their injured employees and the widows and dependents of deceased employees meeting death as the result of accident in the course of employment. This bill enacted into law would make the expense due to its administration a part of the operating expense of the railway. Each railway or railway system would be charged with this expense the same as it is charged with the expenditures for the employment of labor and other costs incurred in the operation of the road. The substitution of the principles and administrative features of my bill for section 9 of the administration railway bill would not only provide a fair, uniform compensation for injured employees and the dependents of deceased employees during the continuance of the war, but the law and its benefits could be continued in full force and attached to the railways following the war, should the railways be turned back to the control of private interests, by the adoption of a simple congressional resolution.

While the adoption of a scheme extending the present Federal workmen's compensation law would directly charge the Government with the payment of compensation which would continue as a charge in the nature of pensions against the Government for long years following the war and the release of the railways from Government control, some new method providing compensation would have to be enacted into law at the time of the release of the railways by the Government, provided that railway employees of the future are to be paid such compensation.

The administrative features of my bill would place beyond political control, so far as it is possible to do so by legislation, the administration of the law. It provides for the appointment of adjusters, whose duties are prescribed by law, throughout the various States of the Union by the Federal district judges, subject to the approval of the United States Court of Appeals, and in such numbers as may be required to carry out the beneficent provisions of the act. These adjusters would occupy a position in relation to the law similar to that occupied by the referees under the bankruptcy act. They hold office for a term of four years, but may be removed at any time by the court or by the President, on the recommendation of the Attorney General of the United States, if his services are no longer required in the public interest or for good cause shown. The claimant for compensation is given the right to have his claim reviewed similar to the procedure under the bankruptcy act.

The extension of the provisions of the Federal compensation law would create a vast amount of additional work for the existing Federal Compensation Commission, which now consists of three members, located at the Capital, and necessarily require the appointment by the commission of a large number of adjusters throughout the country to dispose of claims, as more than 100,000 railway employees are annually injured, and as a result of such injuries more than 5,000 annually die.

Regardless of the theory that the commission is of a nonpartisan character, consisting of two Democrats and one Republican and possibly covered under the civil service, still its appointees will be absolutely partisan and come from the ranks of the party represented by the majority of the members composing the commission. Claims of this character arising between private individuals have usually been disposed of by the courts of the land, and I believe that it will be better in the future for the employees of the railways as well as the owners and the interests of the public be better conserved that this method continue.

The Federal compensation act was initiated and designed to affect Federal employees only, where private interests were in no wise concerned. Its proposed extension would affect the relationship between employees and private employers and would be a radical departure from the original theory and the objects to be accomplished by the existing law.

Of the pressing necessity for a workmen's compensation law covering the employees of interstate railways there can be no question. Laws of this character have been enacted by the legislatures of three-fourths of the States of the Union. While the constitutionality of such acts was a mooted question and the bone of great contention at the time of the filing of the report of the Taft Joint Commission, this trouble has been entirely eliminated by recent decisions of the United States Supreme Court upholding the constitutionality of the New York compensation statute in the case of the New York Central Railway against White, the case of Hawkins against Bleakley, under the

Iowa statute, and the compensation law of the State of Washington in the case of Mountain Timber Co. against Washington, decided March 6, 1917. The Supreme Court clearly and unequivocally hold that the legislature of a State, so far as the Federal Constitution is concerned, has full power and authority to substitute a system of compensation for injuries received in private employment or damages by reason of death based upon the sole fact that such injuries or death have occurred in the course of employment, for the common law and statutory methods of redress based upon the fault of the employer.

But the United States Supreme Court hold in the cases of the New York Central Railway Co. against Winfield and the Erie Railway Co. against Winfield, decided May 21, 1917, that State workmen's compensation laws do not apply to interstate railways, for the reason that that field is already covered by the Federal employers' liability act theretofore passed by Congress. The Supreme Court hold that Congress, having legislated under the commerce clause of the Federal Constitution, providing that in cases of injury or death as a result of fault or negligence the fellow-servant rule and the assumption-of-risk rule were no longer available, and having modified the old contributory-negligence defense rule, so far as interstate railways were concerned it had provided a method for obtaining redress by the injured party and that such method was a sole one and absolute in its scope and excluded all other methods of procedure or of obtaining redress based on fault or any other ground that may be hereafter proposed.

In the case of New York Central Ry. Co. v. Winfield, supra (244 Sup. Ct. Rep., 147), the court states:

It is settled that under the commerce clause of the Constitution Congress may regulate the obligation of common carriers and the rights of their employees arising out of injuries sustained by the latter where both are engaged in interstate commerce; and it is also settled that when Congress acts upon the subject all State laws covering the same field are necessarily superseded by reason of the supremacy of the national authority.

And later on in the opinion the court further states:

Whether and in what circumstances railroad companies engaging in interstate commerce shall be required to compensate their employees in such commerce for injuries sustained therein are matters in which the Nation as a whole is interested, and there are weighty considerations why the controlling law should be uniform and not change at every State line.

The Supreme Court holds that Congress has full authority under the commerce clause of the Constitution to change or modify existing methods of obtaining redress on the part of employees of interstate carriers where such employees are engaged in interstate commerce, or to substitute for the existing method another method based upon the sole fact that injury has occurred in the course of employment as well as upon the fault of the employer.

The proponent of the so-called administration bill is undoubtedly impressed with the absolute necessity of legislation national in its character providing just and uniform rates of compensation throughout the entire country for the employees of interstate railways. The Supreme Court holds that there should be uniformity in the method of redress, and it is now clear that State workmen's compensation laws can not affect such employees or extend to them the benefits of State provisions. No two of the existing State compensation laws are alike. See page 56 of No. 203, Labor Bulletin.

So that if it is the universal opinion or the judgment of the majority of Congress that compensation should be paid for injury and death resulting in the course of employment by railways, regardless of the question of fault on the employer, and that such a system should supersede the existing method provided by the Federal employers' liability act, there should be no hesitancy in immediate action. State laws of more than three-fourths of the States have substituted the compensation principle for that based on fault and take care of the employees of intrastate railways and employees not engaged in interstate commerce.

Certainly then, if this new and humane principle is to obtain for the benefit of railway employees not engaged in interstate commerce, who will contend that the same broad and humane provision should not be placed in reach of those employees engaged in interstate commerce? This can be obtained by no other way than by an act of Congress. It is up to Congress to either repeal the Federal employers' liability acts and all statutory changes and modifications of the common-law method of obtaining redress for personal injury, and leave the whole field within the domain of the several States, with their varied and conflicting methods, decisions, and results, or by a Federal act substitute a uniform workmen's compensation method for the existing statutory method.

The administration is asking a change. Congress in the past has gone on record as strongly favoring a change of the method of redress on account of injury or death in interstate railway service, and it seems to be the universal judgment among the progressive States of the Union that the old antiquated method should give way to the compensation system. I therefore assume that Congress will at this session enact legislation providing a method of workmen's compensation on account of injury or death for the employees I have referred to.

The existing method for obtaining redress for injury or death on the part of a railway employee engaged in interstate commerce, or his dependents, has proved to be absolutely inadequate. The report of the Taft Joint Commission discloses that not one-half of the 100,000 employees annually injured receive any compensation under the existing method, and that not over 35 per cent of the amount paid out by the railway companies on account of injury or death of their employees ever reaches the pockets of their employees or their dependents. The substitution of the workmen's compensation system would give to all sustaining injuries or loss on account of death certain and fair compensation, unless it is shown that the injury or death was caused by the willful act of the employee or his intoxication.

So likely the only contention that will arise of any importance will be as to the method of administration, and it seems to me that the method of administration to be adopted for meting out compensation to the injured employee should be one that could easily be continued and carried on in the event the railways are released from Government control.

This is a matter of great importance, broad in its scope, and affecting nearly 2,000,000 employees of private employers, whose property under the war clause of the Constitution has been taken over by the President as a war necessity, and we must keep in mind that these railways are the property of private interests and will likely still be managed and operated by the directors, officials, and agents of the existing railway corporations, subject to the general supervision and orders of the Commander in Chief of our armies.

It therefore seems to me that a method of workmen's compensation should be adopted which would apply to the railways, and that could be easily and readily administered under the supervision of the courts of the Nation in times of peace as in time of war. An administrative machinery at all times workable, regardless of the country's condition, and under the jurisdiction and control of those tribunals created and resorted to for obtaining justice by the English-speaking people from time immemorial.

My bill provides for the establishment by law of judicial tribunals easily accessible to employees as well as employers; and in the event of the employee or employer being dissatisfied with the report of the adjuster, he may, on motion in writing, have the same removed from the United States district court to any State court of competent jurisdiction in the county where the cause of action arose or where the employee resides or is doing business at the time of such removal, and providing that if the employer removes said cause such removal shall be to the county where the cause of action arose or where the employee resides.

A right of review is given and a method of transfer of jurisdiction is provided where either party is dissatisfied with the decision of the adjuster, and such right of review and transfer of jurisdiction is to competent and well-tried-out tribunals and not left to the whim and caprice of some Federal compensation board, which could either deny a right of review of the adjuster by it appointed or could constitute itself the sole court of appeal from the adjuster's decision.

The existing Federal workmen's compensation law provides no machinery for the establishment of a judicial tribunal for the review of claims adjudicated by the board and no review of decision or transfer of jurisdiction can be had. Claims are adjudicated similar to the method employed by the Pension Bureau in the disposition of claims for pension. No interest is involved except that of the Government, the employee, and the public, while in the administration and disposition of claims of railway employees, in addition to the interests of the employee, the public and the Government involved, there should be considered the rights of the railway owners.

I will close by again expressing the hope that either my bill may become a law at this session of Congress or that its principles and administrative features may be substituted for section 9 of the administration railway bill, now being considered by the Committee on Interstate and Foreign Commerce. [Applause.]

Mr. CAMPBELL of Kansas. I yield 20 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman and gentlemen of the House, a few afternoons ago the gentleman from New York [Mr. LONDON] addressed the House on the subject of the Russian attempts at peace, and thought to establish a companionship or relationship between the demands of the present Russian Government and the terms as proposed by the President of the United States in his recent address before Congress. In my judgment, the record as it stands after the conclusion of his remarks requires some further word in order that as a people and as representatives of the people we may see the true facts and face them squarely.

The gentleman from Illinois [Mr. RAINEY], in a very able address at the time, replied to the gentleman from New York, but confined his reply to a discussion of the capacity of socialism to remedy existing evils. I desire to address myself to another phase of the subject, the one which to me is fundamental and the one to which we should direct our thought exclusively.

The great war in which we are engaged can never be fought so as to be won by theoretical considerations. It can only be fought and won by guns and powder and men in the right place at the right time. A brief thought as to the inception of this struggle may be of interest as we view the Russian situation to-day. We know that Austria served an ultimatum upon Serbia, no doubt inspired to do so by the Empire of Germany. Russia promptly mobilized her army to defend and help her sister country, Serbia.

The German Kaiser issued an ultimatum to the Czar of Russia stating that unless Russia demobilized immediately war would follow. The Russian Czar, apparently with a marvelous display of courage and strength, said that he pledged the last soldier and the last kopeck of the Russian Empire to the cause for which the Slavic race had determined to fight. This was high-sounding and splendid. It was the rallying cry for the Slavic peoples of that section of Europe. The great Empire of Russia was coming to the aid of the hard-pressed and about-to-be-destroyed little country of Serbia. The world properly applauded. The Russian Government, as we know, during the early years of the war was under the control of a feeble Czar a part of the time. The rest of the time and between times it was under the control of rogues and traitors within the Russian Empire whose deeds paralyzed the industrial life of Russia; paralyzed the military operations of the country. We are not concerned, however, to-day with those early events. We are concerned with the situation as it exists now and its application to the things that confront the United States.

I heartily indorse the splendid words our President used in his message, wherein he offered hope and some confidence and much sympathy for the Russian people in their present predicament.

It was proper that he should use such language, because he was speaking for the great American people the thing that was within the heart of every American—sympathy and the hope that the Russians would yet be able to do something. But at this moment I speak only for myself; I represent only my own thoughts. Therefore I can tell the naked truth.

One of the things that any Member of this Congress or any person in our Government or those of the allies ought to endeavor to learn the truth about is Russia. I made a special effort to learn all I could while I was in Europe. I had such opportunities of information as came to me and to others situated like me from official sources in France and in England, and the truth was plainly and freely told.

In addition thereto I had the good fortune to spend some days in company with a gentleman who was a member of the Root Commission, but who did not return to this country, staying in Russia seven months. His heart was in sympathy with the Russian people, and had been for many years. For many years he had known Russia and the Russian people intimately. In addition I was able to get the thought of all the correspondents of one of the greatest newspapers in the United States, men whose business it is to learn facts and report them accurately. These correspondents gathered from various parts of Russia and reported to their chief while I was there the exact conditions in various parts of the empire. In addition I had the good fortune to meet a citizen of this country from Ohio, whom I had formerly met in Minnesota, who had spent the last 17 months on business in Russia, traveling throughout that country.

I cite these things so that you may know upon what I base my conclusions. My first conclusion, my friends, is that there is absolutely no hope, none whatever, that Russia will ever again take any part in this great struggle in behalf of the allies. That is the unanimous report of every man who has studied conditions at first hand.

The revolution which occurred nearly a year ago was justified if ever one was, but unfortunately those who came into power were not possessed of that tolerance and self-respect and self-control and knowledge of conditions in the world necessary for them to have to enable them to lead their country aright. Their country has been led all wrong. Its face has been turned from the light and they have journeyed helplessly into utter darkness. It is all wrong now. It stands in a false position before humanity and before history, and there is no hope—none whatever—from the present Government of Russia. Yes; we must say, though the saying is with deep regret, Russia to-day stands a nation that began a struggle, summoned nations to her aid, and in the hour of peril forsakes her allies, abandons her cause, false to every principle honest nations and honest men respect.

Why? In the first place, those in whose hands the Russian Government rests correspond exactly to the Industrial Workers of the World in America. Their principles are the same. While government in its essence is control, to them it is license. They are abandoned to all lusts of the flesh. I. W. W. operations and I. W. W. thoughts are in control. We now look back upon the reign of Kerensky—if I may call it a reign, as he was practically a dictator—as one of ultraconservatism. And yet at the time he was extremely radical. From the time when the people representing the soldiers and the workmen came into control of Russia there has been nothing but chaos, murder, starvation, slaughter, with all the attendant evils that the mind can think of.

In the first place, Russia could not participate in this great war now if she wanted to. Why? The truth is, they have murdered practically all the officers in the Russian Army capable of leading a command to battle. To-day there exists hardly a captain or a colonel or a general, outside of a few that are left, qualified to lead their men to battle. We remember reading with much glow in our hearts that Russia had sent 50,000 men to France about two years ago, there to be trained and put into the firing line on the side of the allies. Did you ever wonder what became of them? I will tell you. They are now near a port in France, the name of which I will forego to mention. They murdered all their officers this last summer, and they are now held practically as prisoners, surrounded by French bayonets. Every element of discipline has disappeared. The units are disorganized. The armies have reverted back to a purposeless, unwieldy mob. The Russian people stand with jaws open and eyes staring, drunk with liberty. Army and Government have betrayed their country, betrayed humanity. Russia is a bear no longer, but a blatant, bleating lamb. And the German wolf is making a feast of the Russian lamb; the Russian people are blind to the necessities of existence. They have stopped the production of crops on their farms, and every report indicates that before another fall comes the gaunt specter of starvation will stalk throughout Russia. Never worry about Germany obtaining much food from Russia. Little is there, none soon will be. They have been living for a time by stealing—plainly stealing. They have confiscated the estates and nearly all the important business enterprises in Russia. At first they began to demand shorter hours and greater wages, and they continued those demands until they positively confiscated and closed up the business enterprises. They have taken the money in the banks, not only the savings but the capital of the country, and are using it, no matter to whom the money belongs. They have actually taken up the paving blocks in the city streets and are burning them for fuel. Soon buildings will be torn down and the looting of stores, long ago begun, will soon become universal. Their transportation facilities have been worn out and wrecked, and Russia remains at this time without facilities for transporting food, even if she wanted to. It would be physically impossible for her to mobilize or transport an army.

There was a time, my friends, when we thought—and we had reason for the thought—that the present Russian Government was but the paid agent of the Kaiser.

It seems that thought was not exactly justified by the facts. It now appears, if we can judge from the tidings as we get them from the newspapers and from vague reports of the peace conference that reach us from time to time, that this attempt to find a peace between Russia and Germany is sincere on the part of the present Russian Government. But that makes no difference. Whether paid by the Kaiser or not, the Russian Government's work to-day is perfectly a betrayal of the allies' cause and pro-German in its effect. And what a spectacle it presents! Here this great nation, the one that started this great war—because it rose to bid defiance to Germany—has turned itself against its friends and allies, against those that have bled and are bleeding for her, abandoning them to misery and woe. Little Roumania, that came to her aid, has been treacherously betrayed twice—first, when the invading German horde came, right after Roumania declared war, and Russia promised but failed to give her support.

Now once more, when she fraternizes with Germany and leaves little Roumania to stand there, isolated but defiant, outraged but true, all but conquered, yet valiant, and there she will stand true to the faith, though she perish from the earth. [Applause.]

I have no sympathy whatever with the present condition in Russia, and we can not expect any help from her. The truth is—a truth France, England, and Italy all know to their bitterness and sorrow—that had Russia remained in the war that war would be over now, with a complete victory for the allies. Had

Russia not betrayed the cause, that cause would have been won ere now. The men that must die from now on, the treasure that must be spent, would have been saved to the world had Russia not betrayed the allied cause.

Mr. FESS. Mr. Chairman, will the gentleman yield to an inquiry?

Mr. MILLER of Minnesota. I will gladly do so.

Mr. FESS. In what proportion does the Bolsheviki movement represent the Russian people?

Mr. MILLER of Minnesota. That is something no one seems able to tell, but relatively a small portion of the people.

Mr. FESS. Are they not surprisingly succeeding in winning the people?

Mr. MILLER of Minnesota. It seems there is no national spirit in Russia. By that I mean there is no public consciousness on any of those subjects; there is no cohesion or unity or concert of action, and a small group is able to sway Russia now and then because nobody else has any proposition to suggest. These conditions will flow into endless revolution, insurrection, and bloodshed, and the eventual break-up of Russia.

Mr. FESS. What is the gentleman's explanation of the possibility of leadership of the type of the two men who are now in the leadership? How can they lead the people?

Mr. MILLER of Minnesota. That is something I would not like to answer. I can only say that the people must be very misguided ever to have permitted them to lead them for a moment. The truth is that Russia is perfectly thoughtless and hopeless. We might just as well face that fact. In France and England they have wiped Russia off from the books, and we might just as well do that in this country. The United States must take her place among the allies and fight the battle that Russia began and then traitorously left unfinished.

Ask Italy, against whom the legions formerly on the Russian front have lately been hurled; ask her, staggering beneath these mighty blows, what she thinks of the great Russian betrayal? The present Russian Government has not been recognized and should not be by any decent people in the world.

Mr. PLATT. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. Yes.

Mr. PLATT. Did not the gentleman exaggerate a little in saying that the Russian soldiers in France had murdered all their officers? I understand there are quite a number of these Russian officers in France who have asked to be taken into our Army.

Mr. MILLER of Minnesota. It is perhaps incorrect to say they have murdered all of them, because all of them were not with the troops; but they murdered the great bulk of them, just as they did in Russia, and just as they did a few weeks ago in the navy in Russia. And it might be appropriate to observe in passing that Russia contains some great military geniuses. I am told by many of the best military critics in Europe that the Grand Duke Nicholas is the greatest military genius this war has produced; but men of the character of the grand duke, or Alexis, or Korniloff, or Brusiloff would not be given one moment's chance to do anything to-day. All of those who had brains, all of those who were capable, have either been murdered or displaced, and there is no possibility of their coming back to the scene of action. They will not be allowed to come back.

Mr. MOORE of Pennsylvania. As to the influence of the Bolsheviki, is it not a fact that there are many religions and very many languages throughout the great area of Russia?

Mr. MILLER of Minnesota. There are dozens of them.

Mr. MOORE of Pennsylvania. Are there not as many as 40 or 50 different languages spoken in Russia?

Mr. MILLER of Minnesota. I suppose so.

Mr. MOORE of Pennsylvania. Would not that account in some degree for the present disorganized sentiment there?

Mr. MILLER of Minnesota. I do not think so. We have fully as many different religions in the United States as they have in Russia, but we have a national coherence, a unity of thought and purpose. We have a national consciousness.

Mr. MOORE of Pennsylvania. Would the gentleman suggest a remedy for the present governmental conditions in Russia?

Mr. MILLER of Minnesota. I think I know the only way that a remedy will come.

Mr. MOORE of Pennsylvania. Would it be a monarchy?

Mr. MILLER of Minnesota. I would not want to say; but I think it will be a dictatorship first and that blood will flow.

Mr. MOORE of Pennsylvania. Can it be a republic?

Mr. MILLER of Minnesota. It can not be a republic unless they change their minds very materially, because they have shown themselves absolutely incapable of self-reliance or self-control. Yet every American would rather see a republic there than anything else; but until they develop some of these essential qualifications of citizenship which are necessary in a republic they can not either establish or maintain a republic. The present Government in Russia is not a republic. It has no semblance of a republic. In my judgment, revolutions will continue in Russia; successive groups of men will control for brief periods; in the end, anarchy. Then the country will break up into many, perhaps a dozen, countries, each with its own kind of government.

Mr. REED. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. Yes.

Mr. REED. What relationship exists now between the Russian Embassy in this country and any Government in Russia, and to what extent are we dealing with it?

Mr. MILLER of Minnesota. I wish I could inform the gentleman from West Virginia, but I can not, because I have tried to find out for myself and could not. I have only a very general idea, which I would prefer not to advance. But conditions in Russia are the acme of chaos. The idea was expressed here the other day that as it took many years for chaos to be turned into order in France, we could not expect Russia to change her clothes overnight. That is all true, but I am thinking about the war. I am not thinking about what Russia will be 10 years from now. I am thinking about what part Russia can or will play in this struggle that is now on hand, and of which we are a part. The plain truth is, just forget Russia. Do not spend another dollar in Russia, do not send another thing to Russia. Wipe her off the books and put our thought and attention on the problem of fighting Germany on the western front.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. LONGWORTH. Has the gentleman any information as to what has been done with the money that we have loaned to Russia?

Mr. MILLER of Minnesota. Well, now, I have a suspicion that it never went for any Russian purpose. It very probably did not filter down far through the hands of the gentlemen who received it. I wish I had the information to give. I have a suspicion that the gentleman from Ohio himself knows something about it, and I hope he will enlighten the House some day. I do not know.

Mr. PLATT. As a matter of fact, it was nearly all spent here for materials, rifles, and locomotives to send over there, or perhaps not all sent over there.

Mr. MILLER of Minnesota. That is a better phase of the picture than I had painted for myself. I am afraid some of it got to Russia.

Mr. LENROOT. Is it not true that much of our trouble came from building locomotives for Russia and not building those that we ourselves needed?

Mr. MILLER of Minnesota. The gentleman is absolutely correct. In France for five months they have been begging for 900 locomotives for American transportation, and during that period of time locomotives were being built and sent to Russia, which ought to have been built and sent to France for the Americans; and one of the difficulties in our transportation in France to-day is a lack of rolling stock, chief of which is the lack of locomotives, and within the United States one of our greatest needs, if not the very greatest, is a large number of locomotives for our railroads.

Mr. PLATT. Will the gentleman yield for another question?

Mr. MILLER of Minnesota. Yes.

Mr. PLATT. In Honolulu in the latter part of November—about the 28th or 29th of November—I met a party of 30 American railroad men, all in uniform, sent over by this Government on their way to Vladivostok. That was long after this Bolsheviki crowd came pretty nearly into complete control over there. Whether these American railroad men went on or not I do not know. We evidently have had to stop sending either materials or men.

Mr. MONDELL. Do I understand it to be the gentleman's opinion that in the event of the breaking off of peace negotiations between Germany and Russia, Russia will not be able to put up something of a defense? Is it the gentleman's belief that in that event the Germans will practically overrun Russia?

Mr. MILLER of Minnesota. Germany can mobilize an army and march to Moscow or Petrograd any hour she wants to, and she knows it, and the world knows it. But some advantage will come to the allies if Russia does not make a separate peace. First, 2,000,000 prisoners will not be released. Second, Russian agitators along their front, or uncertain conditions within, would keep on the eastern front a large number of German troops. While Russia can strike no blow for her own freedom, or for the allies, she can so act as to keep German troops along her front, and that would be of great value to the allied cause.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. I thank the committee for its attention. [Applause.]

Mr. HASTINGS. Mr. Chairman, I yield 12 minutes to the gentleman from Oklahoma [Mr. McKEOWN].

Mr. McKEOWN. Mr. Chairman, without discussing the items in this bill affecting the Five Civilized Tribes, I wish to make a few general observations on the Indian question. Having lived for a long time in the Indian Territory and enjoyed a large clientele among the Indian citizens, I feel that I know something of the condition of the Indians in my State and the treatment accorded them by the agents of the Indian Bureau. I lived in the Territory at a time when the Indians in the central and southern part of the Territory owned their lands in common and well remember when many full-blood Indians lived in little huts back in the hill country in the timberlands, with only a little "Tom Fuller" patch in cultivation, while the more enterprising members of the tribe were controlling and had under fence hundreds and thousands of acres of the fertile lands and were exceedingly prosperous. Although these full-blood Indians living in the unsettled part of the country were violently opposed to the scheme of the Government to allot their land to them in severalty, and even at this day many of them, known as Snake Indians, have refused to accept their patents or per capita payments or to have anything to do with the Government or its agents, yet their condition has been very much improved, and so much so that many of them are making a success in business ventures. At the time the allotment of lands was made a great many of these Snake Indians refused to come to the land office to make their selection for themselves or their children, and after waiting quite a long time the United States Government proceeded to arbitrarily allot them upon the remaining lands of the tribe. Their allotments were necessarily taken out of the leavings, as it were, and were not as fertile as those who were more thrifty and who selected the better lands. However, good fortune did not abandon these full bloods, because oil was subsequently discovered and in many instances on these unfertile allotments. This resulted in the accumulation of much wealth to the individual full-blood Indians, especially of the Creek and Choctaw Tribes.

The Indian question has been dealt with many times from a sentimental viewpoint, which has proven very detrimental to the welfare of the Indians. The average citizen, far removed from the abode of the Indian, looks upon him from the viewpoint of the storybooks of his childhood, much of which was fiction emanating from the fertile brain of an imaginative author. Thousands of Americans when you speak to them of an Indian tribe at once think of blanketed Indians in moccasins, living in tepees, hunting and fishing for a living. This type of the American Indian has yielded to the influence of civilization.

In the State of Oklahoma, where over 115,000 enrolled members of Indian tribes live, 100,000 of them are members of the Five Civilized Tribes. These Five Civilized Tribes comprise Cherokees, Creeks, Seminoles, Chickasaws, and Choctaws. Some of these tribes have had written constitutions and a code of laws, with three separate departments of government for over 100 years. Prior to the abolition of their tribal government these several tribes conducted their tribal affairs through their executive, legislative, and judicial departments with marked ability. The chief complaint of the Indians of my section of the country is the unnecessary restraint and red-tape methods of the local representatives of the Indian Bureau. There is but one policy to pursue to intelligently and effectively deal with the Indian question as a whole, and that is clearly stated in the report of the Commissioner of Indian Affairs, to wit:

> Each individual must be considered in the light of his own environments and capacity for larger responsibilities and privileges.

These sentiments state the crux of the whole matter, but unfortunately for the Indian and the people who live in the Indian country the subordinate agents and officers have never been able to grasp this great principle that has been expressed by the present Indian Commissioner.

On the 17th of April, 1917, the present Commissioner of Indian Affairs issued his declaration of policy in the administration of Indian Affairs and published the same throughout the country, which declaration is as follows:

DECLARATION OF POLICY IN THE ADMINISTRATION OF INDIAN AFFAIRS.

> During the past four years the efforts of the administration of Indian affairs have been largely concentrated on the following fundamental activities: The betterment of health conditions of Indians, the suppression of the liquor traffic among them, the improvement of their industrial conditions, the further development of vocational training in their schools, and the protection of the Indians' property. Rapid progress has been made along all these lines, and the work thus reorganized and revitalized will go on with increased energy. With these activities and accomplishments well under way, we are now ready to take the next step in our administrative program.
>
> The time has come for discontinuing guardianship of all competent Indians and giving even closer attention to the incompetent that they may more speedily achieve competency.
>
> Broadly speaking, a policy of greater liberalism will henceforth prevail in Indian administration to the end that every Indian, as soon as he has been determined to be as competent to transact his own business as the average white man, shall be given full control of his property and have all his lands and moneys turned over to him, after which he will no longer be a ward of the Government.
>
> Pursuant to this policy, the following rules shall be observed:
>
> 1. Patents in fee: To all able-bodied adult Indians of less than one-half Indian blood there will be given, as far as may be under the law, full and complete control of all their property. Patents in fee shall be issued to all adult Indians of one-half or more Indian blood who may, after careful investigation, be found competent, provided that where deemed advisable patents in fee shall be withheld for not to exceed 40 acres as a home.
>
> Indian students, when they are 21 years of age or over, who complete the full course of instruction in the Government schools, receive diplomas, and have demonstrated competency, will be so declared.
>
> 2. Sale of lands.—A liberal ruling will be adopted in the matter of passing upon applications for the sale of inherited Indian lands where the applicants retain other lands and the proceeds are to be used to improve the homesteads or for other equally good purpose. A more liberal ruling than has hitherto prevailed will hereafter be followed with regard to the applications of noncompetent Indians for the sale of their lands where they are old and feeble and need the proceeds for their support.
>
> 3. Certificates of competency.—The rules which are made to apply in the granting of patents in fee and the sale of lands will be made equally applicable in the matter of issuing certificates of competency.
>
> 4. Individual Indian moneys.—Indians will be given unrestricted control of all their individual Indian moneys upon issuance of patents in fee or certificates of competency. Strict limitations will not be placed upon the use of funds of the old, the indigent, and the invalid.
>
> 5. Pro rata shares—Trust funds.—As speedily as possible, their pro rata shares in tribal trust or other funds shall be paid to all Indians who have been declared competent, unless the legal status of such funds prevents. Where practicable the pro rata shares of incompetent Indians will be withdrawn from the Treasury and placed in banks to their individual credit.
>
> 6. Elimination of ineligible pupils from the Government Indian schools.—In many of our boarding schools Indian children are being educated at Government expense whose parents are amply able to pay for their education and have public-school facilities at or near their homes. Such children shall not hereafter be enrolled in Government Indian schools supported by gratuity appropriations, except on payment of actual per capita cost and transportation.
>
> These rules are hereby made effective, and all Indian Bureau administrative officers at Washington and in the field will be governed accordingly.
>
> There is a new and far-reaching declaration of policy. It means the dawn of a new era in Indian administration. It means that the competent Indian will no longer be treated as half ward and half citizen. It means reduced appropriations by the Government and more self-respect and independence for the Indian. It means the ultimate absorption of the Indian race into the body politic of the Nation; it means, in short, the beginning of the end of the Indian problem.
>
> In carrying out this policy I cherish the hope that all real friends of the Indian race will lend their aid and hearty cooperation.
>
> CATO SELLS, *Commissioner.*
>
> Approved:
>
> FRANKLIN K. LANE, *Secretary.*

This declaration of the policy of the Government met a hearty response from the Indians and their white neighbors throughout the Five Civilized Tribes, but unfortunately the spirit of that declaration and policy has never permeated the brain of the local Indian agents in the Five Civilized Tribes. There is more red tape and more restriction upon the action and freedom of the members of the Five Civilized Tribes to-day than ever in the history of these nations.

As to the conditions in other parts of the country, the gentleman from Kansas [Mr. CAMPBELL] recently in a very forcible and truthful manner called the attention of the House to some of the red-tape methods in vogue in the Bureau of Indian Affairs.

Misrepresentations as to the ability of Indians to attend to their own affairs have been made by some to impress the necessity of their being retained on the pay roll of the United States Government. Any man who will go and talk with the members of the Five Civilized Tribes and secure a free expression from them, will find a universal complaint against the methods pursued in handling their individual funds. Every citizen, Indian and white alike, in the Five Civilized Tribes felt that the bureau at Washington was sincere in the declaration of April 17, 1917, of a liberal policy, and they still have faith in it, but are unable to understand why the Commissioner of Indian Affairs and the bureau at Washington will permit subordinates, agents, and officers to thwart and suppress this policy advocated and set out by the commissioner. Congress has appropriated per capita payments to the members of the Seminole, Choctaw, and Chickasaw Tribes, containing a provision permitting the Secretary of the Interior to supervise the payment of these funds to the restricted Indians. This is a wise provision, and if administered with the spirit and in conformity with the policy enunciated there would be no complaint, but, as one of the full-blood Indians of the Seminole Tribe said:

> It is harder to get the money from the Indian agent after Congress appropriates it than to get Congress to make the appropriation.

Under the appropriation act approved May 18, 1916, $300 per capita payment was granted to the Seminole Indians, effective July 1, 1916. I have a case of one Indian in mind, a Seminole, with a fair education, who is a better penman than myself, who

made application for his $300 and signed the receipt for same on the 26th day of September, 1916, and on the 20th day of December, 1917, 15 months later, he managed to receive his $300 with $9.46 interest.

In the meantime Congress passed a bill appropriating a per capita payment of $200 to the Seminoles on March 2, 1917, but on account of a construction of the act by the Treasury Department only $33 per capita was available. This one instance discloses the unnecessary delay in the hands of the subordinate agents of the bureau.

In May, 1917, my attention was called to a case of a Choctaw Indian for whom $300 was appropriated in the same act of Congress, effective July 1, 1916, who suffered a loss by fire of 10,000 rails around his farm. He tried to get his per capita payment to buy wire with which to rebuild his fence, and he was informed that his money was loaned to a bank at 3 per cent interest and could not be paid. Similar complaints from members of the Choctaw Tribe, who had not been paid their pro rata payment, or any part thereof, and the condition of the Indians was forcibly set out by Dr. G. W. Hawkins, a very prominent and reliable member of the Choctaw Tribe, from whose letter I quote as follows:

If the Government is not going to pay the Indians, then make some ruling whereby the Indians can get something to eat and a few clothes every month. It is a shame for a person to be cold and hungry and have money and can not get it with which to buy something to eat and a few clothes.

I called the department's attention to this condition, and an investigation was ordered in reference to these particular cases. But there are many of these cases where the delay in payment has been unreasonable and unjustified. The red tape used is ridiculous to the average business man. As an example, the full-blood Indian will be notified to meet the agent at the county site on a given date and receive his per capita payment. He will proceed to the county site on the day mentioned, paying railroad fare and hotel bills, and every man who is familiar with the characteristics of the full-blood Indian knows that when he starts on a trip to receive money he takes with him his wife, children, and even the dogs. When he arrives at the Indian agent's office he is presented with a receipt, which he signs, for a small portion of his per capita payment and is informed that it will be necessary for him to return the next week, as this voucher must go to the office at Muskogee before the check can be returned. The result is that he will make three or four such trips to finally receive a payment of $25, which is entirely insufficient to pay the cost and expenses that he has incurred during the time he was waiting to get his payment.

Some of the Indians with several thousands of dollars of individual funds have suffered great hardship at the hands of these agents. I have in mind an old Indian sixty-odd years old, who has in the Treasury of the United States approximately $84,000. He is afflicted with kidney trouble and is absolutely unable to get the department to buy him a home in which to live, and is furnished a home for himself and family, for which the department allows the munificent sum of $15 per month rent, all because he is not willing to live in the county that the department clerks want him to live, and in order to force him to live where they wish to they refuse to pay him sufficient money to own a home. They seek to justify their action on the ground that there is some conflict in guardianship cases pending, and they are willing to sit by while probably rival banks are fighting over the guardianship of his money and permit him to pass out of this world in poverty while owning a substantial fortune.

Another Indian that I know of has over $200,000 in the Treasury of the United States derived from royalties of the oil taken from his allotment, with $50,000 invested in liberty bonds, and with as much as $100,000 of his money at one time in banks without interest, and yet not permitted to enjoy the interest on his money, but must be satisfied to maintain himself and family of several members on the sum of $300 per month.

Mr. PLATT. Will the gentleman yield?

Mr. McKEOWN. I will.

Mr. PLATT. In case Indians bought liberty bonds, can the commissioner prevent them from collecting the coupons?

Mr. McKEOWN. Yes.

Mr. PLATT. That is very surprising.

Mr. McKEOWN. I am not complaining at the policy of the Commissioner of Indian Affairs or of the bureau at Washington, because I believe they are sincere in the declaration of their policy announced on the 17th day of April, 1917; but I am complaining of the action of the subordinate officers in the bureau in the Five Civilized Tribes in their failure to carry out the policy announced from Washington.

I wish to commend the policy of the department as set out in rule 1, which is as follows:

1. Patents in fee: To all able-bodied adult Indians of less than one-half Indian blood there will be given, as far as may be under the law, full and complete control of all their property. Patents in fee shall be issued to all adult Indians of one-half or more Indian blood who may, after careful investigation, be found competent: *Provided*, That where deemed advisable patents in fee shall be withheld for not to exceed 40 acres as a home.

In this connection I wish to say that no better opportunity is offered the Bureau of Indian Affairs than at the present time to put that rule into force in the Five Civilized Tribes. In the Chickasaw and Choctaw Nations each man, woman, and child whose name was on the approved roll receive an allotment of an average of 320 acres, the Creeks 160 acres, the Seminoles 80 acres. It is not an infrequent occurrence in the Choctaw and Chickasaw country that one family will own an aggregate of 2,500 acres of the average land of that country, much of which is very fertile and productive. The lands in the hands of the members of these tribes are not taxable under the decision of the Supreme Court of the United States, although the same may be alienable. The holding of these large tracts of land, which is far in excess of the amount of land that can be cultivated by the Indian citizen, has created a very bad situation in Oklahoma. The larger portion of lands must of necessity be cultivated by tenants, and the tenant system is detrimental to the welfare of the landlord as well as the tenant. This system retards the growth and development of the country and works a great hardship and burden upon those who bear the burdens of government. The short term of tenancy creates unstable communities, and the housing conditions become fearful. This condition should be remedied by the Indian Bureau, permitting the adult Indians to select not to exceed 80 acres for a home and to sell the remaining portion of the allotment to the farmers who are ever anxious to secure homes, with a provision that no deed shall be approved to any one purchaser to exceed 160 acres of tillable land or 640 acres of grazing land. The money derived from the sale of the lands in excess of the amount selected as a homestead would be sufficient to erect permanent and valuable improvements upon the homestead and to equip it so that the Indian will be able to live decently and produce and make his own way in the world. I am a firm believer in legislation that looks to the protection of the incompetent members of the Indian tribes in their property and rights to property, but I also believe in a liberal policy, dealing with each individual Indian according to his intelligence and ability irrespective of his quantum of blood. This is a propitious time to put in effect the liberal policy of the department in reference to developing the Indian country, and if I can be of any assistance in correcting erroneous methods and bring about a sane and sensible administration of Indian affairs in the Five Civilized Nations I shall feel repaid for the many days spent in studying this problem. If the Government shall permit the ambitious tenant farmers of the Nation to become home owners and to develop the country side by side with his Indian neighbor, then I have no fear of the future welfare of the Indian of these tribes. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CRISP having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 195. An act providing for the sale of the coal and asphalt in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma.

The message also announced that the Senate had passed without amendment the bill (H. R. 7697) to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Chairman, I would not occupy any time of the House in discussing this bill were it not for the fact that I have been deluged with telegrams concerning the order promulgated this morning by the Fuel Director concerning the production of coal and the shutting down of the factories. The district that I represent has coal mines, glass factories, and iron mills of that character, and they are prohibited from using fuel for five days from this date, the factories shall continue closed, and the men employed must remain idle.

Under clause "d," section 3, of this unprecedented order, which has produced such a calamity among the people of Pennsylvania and elsewhere, it is provided that "plants which necessarily must be continuously operated seven days each week to avoid serious injury to the plant itself, or its contents, may use only such quantity of fuel as is necessary to prevent such injury to the plant or its contents."

I was quite amazed a few minutes ago to hear the gentleman from Illinois [Mr. RAINEY] state on the floor of this House that he contended that those who said that this order closed down the factories were talking without knowing what they were talking about. I was puzzled to understand the meaning of that statement. I do not divulge any secret on the floor when I say that I visited the Fuel Administrator's office this morning and asked whether it meant that the factories should be closed. I was told that the purpose of that section and of the order was that every factory should stop for five days; that they should be patriotic and stand still, in order that the transportation of the country might catch up and relieve the ships in the harbor of New York waiting for coal. Therefore I am confronted with telegrams which I have received informing me that the great glass works in my district are to be closed. They do not use coal, but natural gas, and they must stop work, and this product, while it can be kept in a molten condition in the great tanks in which it is melted, will be utterly destroyed, because it can only be renewed by placing raw material in one end of the tank and withdrawing the finished product out at the other end, and when this process can not be continued the glass will be ruined and useless.

I was told that one of the great factories in my district own their own coal, which they haul in their own wagons to their furnaces, must stop also, although they use no part of the transportation of and do not depend upon any public utility.

Mr. REED. Will the gentleman yield for a question?

Mr. ROBBINS. Yes.

Mr. REED. I have in my district industries which have used the "squirrel wisdom" referred to by my colleague from Pennsylvania, Mr. MOON, and bought several acres of coal land. They have no facility for shipping it, and it is used exclusively to run these plants, which are located near the mine opening. There are others having their own gas wells for manufacturing purposes only. Do I understand that these factories having their own fuel supply already provided are to be closed down?

Mr. ROBBINS. Those factories must stop. That is the interpretation placed upon it by one who stands high in the fuel administration, the highest we can get to see when we call, because nobody can see the administrator—he is always in conference or out when a Congressman calls.

More than that, one of the largest factories in western Pennsylvania, engaged in making munitions and Government supplies for the Navy, owns its own coal fields and transports the coal over the Monongahela River in its own boats, and yet under this unjust and oppressive order it must stop.

There is one thing about this order that the Fuel Administrator has never thought of, and that is that when he stops the factories from operating he ought to have a magic power to stop the appetites of these workmen whose wages he cuts off. All over the country thousands of men are working with these high prices confronting them. Day after day they earn the money to purchase the bread and clothing for their family. If they are to stop for five successive days without earning a cent, who is to feed their wives and children and clothe them? I notice some patriotic allusions made to the proposition that the employers ought to pay them, although they are not working. Why, Mr. Chairman, in the face of the great war taxes assessed on these manufacturers and on the employers of labor, it is impossible to ask them to do that thing. If I had time I would like to go over the coal situation briefly. [Applause.]

In June a conference was called of all the coal men of the United States here in Washington. It was presided over by the Secretary of the Interior, Mr. Lane. It was then agreed that $3 a ton would be a fair price to be fixed for bituminous coal. The coal men went home, believing that to be true, and started their mines and made every effort and in good faith endeavored to produce all the coal possible. If this program had been followed there would be no shortage of coal now.

A few days later it was reported in the public press that the Secretary of War and the Secretary of the Navy repudiated this price, said it was too high, and refused to pay it for the Government coal, and on the 23d of August the Fuel Administrator promulgated a price of $2 a ton. The immediate effect of this was to stop a large number of coal mines in my district. In western Pennsylvania 61 found it impossible to produce coal and closed. Practically all the wagon mines in the country were compelled to stop shipments because bituminous coal could not be mined and transported to the railroad by wagons or trucks and pay the high cost of labor and materials prevailing in the mining regions at $2 per ton.

Moreover, in the thin-vein coal seams, where mining conditions were difficult and cost of production higher than in the thick vein, there was a great decrease in production under this drastic order fixing the price at $2 to the consumer f. o. b. mines. It became very apparent that the production of coal was dropping off and that great scarcity of coal would confront the country this winter.

I addressed the House on this subject September 28, and said, among other things, this:

If that policy ($2 coal) is pursued and relief is not given to the bituminous coal interests of western Pennsylvania, there will be this winter a stringency in coal that will be felt not only among the domestic consumers but among the mills and large furnaces as well.

Some time in October an increase of 45 cents per ton was made, with 75 cents for hauling charges, but this was insufficient to stimulate production; and yet, in the face of repeated protests, that price still stands.

All through November and December another policy was inaugurated which bore heavily on this coal situation. A system of preferential orders was inaugurated, whereby the Fuel Administration in Washington and the various fuel administrators throughout the country were given the right to order coal shipped to others than the regular consumer or the consignees of the coal producers. In many instances this caused cross-hauls, tying up of transportation, and caused endless delays. Seven different agencies in Washington alone were issuing these preferential orders. As if this was not enough, during November a certain week was set aside when all the coal was shipped to the Great Lakes, and thousands of cars were tied up at Lake ports without boats to transport it. Then another period was set aside for transporting coal to New England, and there were thousands of cars diverted into that trade, congesting the terminal points in the East, with a lack of water transportation to take the coal from the docks. This so demoralized the railroads that on the 28th of December the President took over the railroads and appointed the Secretary of the Treasury Director General. But apparently matters have grown considerably worse, and now we have this unannounced and drastic order suspending all shipments from all manufactories east of the Mississippi River over the railroads. This situation is certainly deplorable. It points, without a doubt, to the inefficiency of the management of the transportation system of the country.

The working people of this country have shown their patriotism beyond all precedent. During the recess I made many speeches in western Pennsylvania, and at all of them were crowds of all classes of people, and the working people invariably contributed to the Red Cross, Young Men's Christian Association, liberty bonds, and are now purchasing thrift stamps to the full extent of their ability. This order proposes to suspend their income entirely for 15 days, but it has not suspended their living expenses. They must eat and live during this time without any income. As I stated above, the employers can not afford to pay wages with no production, because they have contributed largely to these war activities, and most of these people do piecework. Some of the coal companies in my district have contributed as much as $25,000 to the war funds, and all of them have contributed out of their personal accounts large sums of money for war purposes. Hence they are all in the same position, employer and employee alike. The income of both the employer and employee is affected and is by this arbitrary, drastic, and far-reaching order cut off. It is impossible to estimate the wages that will be lost. It will certainly amount to over $100,000,000. And it is impossible to estimate the amount of the loss of the manufacturers. They must keep their factories warm, which requires a large amount of fuel, and this is lost, because its energy could largely be used in operating the works instead of merely heating the plants.

If Dr. Garfield, the Fuel Administrator, has made this sweeping order, stilling the wheels of industry, and has in some instances stopped the coal mines from operating—because I have a telegram to-day from a coal operator to the effect that the railroad company refuses to move any coal cars during this suspension—then this is a transportation problem and not a manufacturing difficulty. I also have word that factories operated by coal, hauled in their own wagons or transported in their own boats, or whose fuel is natural gas or water, have also been compelled to shut down. This indicates the very unfair character of this order. Its true purpose is, therefore, not to save fuel, but it is to relieve railroad transportation. Hence the Fuel Administrator should not have come to the rescue of the Railroad Director and thereby cause this widespread dissatisfaction and distress. The thousands of workingmen throughout the country will not be appeased by the simple statement that it is necessary in order to coal ships in New York Harbor. If the Director of the Railroads had operated them properly since the 28th of December, when they were taken over, there would not have been this coal shortage at New York. There are thousands of cars of coal on the sidetracks of the railroads that could have been moved to and used by the ships that now require fuel.

It is a poor answer to say that the men in the trenches need commodities that these ships must transport. The men in the trenches may need that, they also need, as the testimony before the Senate committee showed, the clothing, tents, munitions, and supplies that our working people here would so gladly make for them in these 15 days of enforced idleness, and our working people need the bread and clothing and necessaries of life that they could have earned in these 15 days, which they must now do without, because of the hardship and deprivation forced upon them by this order which has taken away their wages.

Mr. Chairman, it is the fashion on the floor of this House that when anyone rises to criticize the faults of anyone connected with this administration, they are charged with being unpatriotic and partisan. I believe that fair criticism of the inefficient officials of this administration, or any of its improper activities, is one of the best ways to call attention of the President and of the country to such faults, troubles, and incompetency as has developed since the war began in the management of the same.

I have since the meeting of Congress last April, stood manfully up for the President and the administration and am doing so to-day. I have supported every measure thought necessary by the administration or put forward by it for the purpose of winning this war and to sustain and support our gallant soldiers in the training camps and in the trenches, and I shall continue to do so during the war; but I must not be unmindful of the people at home, who in this extraordinarily cold and severe winter will be deprived of the necessaries of life by this unusual, hasty, and arbitrary order of the Fuel Administrator, cutting off their wages for 15 days, which I believe to be unjust and unreasonable.

Let us hope that this discussion in Congress will call the attention of the President and the Fuel Administrator to its disastrous effect on our people and our industries, and that they will quickly revoke it. This course alone will save our workmen and their families from great suffering and distress and continue the flow of guns, munitions, and clothing which our brave and patriotic soldiers so greatly need in order to win this war.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, the fuel situation, which is, I presume, about the same in every other large city in the country as in Washington, has brought about the issuance of the recent order suspending certain industries for a limited time. I do not believe those Members of Congress who have inveighed so viciously against this order have come in close enough contact with the real fuel situation in this city to actually realize and understand the necessity for this order. I have had a little personal experience with the coal situation which now confronts this city. I have not been fortunate enough in these times of a perilous fuel situation to live in either a hotel or an apartment house, but rent a little house out in the northwest section, which imposes upon my family and myself the necessity of supplying our own fuel. There has been scarcely a day for the last month that the bottom of my coal bin was not visible to the naked eye. For three days, when the thermometer registered way down below the freezing point, there was not one lump of furnace coal in my residence. We managed to keep ourselves from intense suffering by having a wood fire in one room in the house and bringing the entire family into that room. One afternoon the bottom of the wood bin became visible, and it seemed that the Carter family was due to go to bed and get up without any kind of fuel. This was a comforting situation, with the thermometer hovering around zero, and was only averted by borrowing a few buckets of soft coal from a neighbor. That is but a personal selfish aspect of the situation, which can be averted by moving my family back to Oklahoma, the State of coal, wood, gas, and oil.

There is, however, another more serious situation. My attempts to secure coal for my household made necessary various and sundry trips to the offices of coal dealers, Fuel Administration, and other sources of coal supply. During the most intense cold I witnessed long lines of people standing before these places begging to hand over their money for delivery of a few bushels of coal to keep their families from sickness and freezing. But, in the words of a famous evangelist, there was "nothing doing." Some of them were well to do and some of them poor.

The better half of my family responded to the call of the Washington Post for the delivery of fuel to poor families in this city. Later on she was engaged in Red Cross work, which consumed one day of her time each week in delivery of provisions, fuel, and other supplies to poor people of this city. The harrowing tales she brought to me of the suffering she witnessed with her own eyes from lack of fuel is something I believe would cause some of these gentlemen to stop and consider a moment before giving vent to such bitter denunciations as I have heard upon the floor of this House the past two days.

I heard of a family with a little girl confined to her bed lying at death's very door with no sign of fuel to heat the room and keep the pangs of cold from chilling her body through. Then of a lady taking care of her old invalid mother with no coal, no wood, in fact, no fuel of any kind to warm the premises. Both these poor families had a little money left from their weekly earnings with which to purchase fuel if it could be had at any price, and both were finally furnished some, but not until after some considerable suffering had been experienced. These are just a few examples of many instances.

Now, just a word as to the cause of this situation. It has been stated from that side of the House that these causes run all the way from having Democrats in office to absolute and puerile incompetency. In my opinion, the cause is due more to lack of transportation than to lack of fuel. Lack of transportation, in a large measure, may be charged up to the account of dearth of labor. It is an incontestable fact that no such demand for labor has ever existed in the past as at the present day. Gentlemen must remember that our country is in the throes of war, making excessive demands on our man power. More than 1,000,000 units, the flower of America's productive capacity, have been called to the colors. Furthermore, I think every fair-minded man will admit that the present generation has never witnessed such a wave of cold weather as has visited the eastern section of our country this year. The railroads were taken over by the Federal Government on December 28, and I am advised that shortly after that there was considerable improvement in the fuel situation throughout the country, but the recent cold wave has been so severe, so unprecedented that it has frozen up the water around the docks so that boats could not get up to unload coal. It has frozen coal in the cars so it could not be unloaded without great difficulty. Why, the recent cold wave has been so severe that I understand it has frozen Chesapeake Bay solidly all the way down to Norfolk, Va., something which Virginia people tell us has not occurred before during the lifetime of their oldest inhabitant. Tugboats and other instrumentalities of the Navy have been used to break up the ice, and in one case a battleship was commandeered for ice-breaking service, resulting in releasing 15 ships in one day. These conditions were not brought about by any party, and I know my good friend from Kansas, who I see is on his feet, will not make that claim.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman from Oklahoma be good enough to explain just how closing down the manufacturing establishments of this section of the country will relieve the situation to which he refers?

Mr. CARTER of Oklahoma. They will not consume coal during this heatless period, and the coal can be used for other purposes. That seems to be as plain as can be.

Mr. CAMPBELL of Kansas. But it has been stated here this morning that they must use the coal and are permitted to use 75 per cent of the coal they ordinarily use in order to keep their properties from being destroyed altogether.

Mr. CARTER of Oklahoma. I know nothing of such statement or its authenticity; but, granting its truth, what has that to do with an office building?

Mr. CAMPBELL of Kansas. Nothing.

Mr. CARTER of Oklahoma. Is that true of a theater?

Mr. CAMPBELL of Kansas. It is true of a factory.

Mr. CARTER of Oklahoma. Is it true of a dry-goods store?

Mr. PLATT. It is true of an office building that you have to keep steam in the radiators.

Mr. CARTER of Oklahoma. Oh, my friend shows that he has no experience with this fuel situation or cold weather. Many families in this city have had to drain their radiators half a dozen times in the last three weeks.

Mr. WALSH. Is the gentleman aware of the fact that the Fuel Administrator yesterday stated before a committee of another jurisdiction that it was not his intention to commandeer the coal in these factories or other places, but it was to remain there and be used when they were permitted to reopen. How is that going to relieve the shortage, if the coal in these factories is not going to be taken and distributed?

Mr. CARTER of Oklahoma. I do not know that the Fuel Administrator said any such thing. The gentleman may be correct, and I do not dispute it; but even so, that does not apply to hundreds of other industries where the coal will not be used.

Mr. CAMPBELL of Kansas. Why did not the Fuel Administrator close the theaters and saloons and office buildings and let run the factories that are manufacturing war materials?

Mr. CARTER of Oklahoma. The order does exempt factories necessary to war purposes.

Mr. CAMPBELL of Kansas. Oh, no.

Mr. PLATT. Why do we not begin near home and have a few less lights burning in this Capitol, in the corridors, and elsewhere where they are not needed?

Mr. CARTER of Oklahoma. I would be very glad to support a resolution of that kind, if the gentleman will show his good faith by introducing and pushing it.

Mr. LENROOT. How could the gentleman have it considered?

Mr. BRITTEN. We were informed in the Committee on Naval Affairs this morning that to-day 770 factories manufacturing munitions or ordnance for the Navy alone are closed because of this fuel order.

Mr. CARTER of Oklahoma. Mr. Chairman, a man can get almost any kind of statement he wants before a committee of Congress, from skinning an elephant on down to dehorning a coyote.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. ROBBINS. I have two telegrams, one from the Latrobe Steel Co. and one from the Electric Iron Co., of Latrobe, both engaged in manufacturing munitions, protesting that they are shut down by virtue of this order.

Mr. CARTER of Oklahoma. If the gentleman will take that up with the proper authorities he can get that situation relieved, if it ought to be. Mr. Chairman, since I have been in Congress for 10 years I have made but one partisan speech, and I admit that I have sometimes felt a little ashamed of some of my asseverations at that time. But I have heard some pretty strong partisan remarks in the last few days from gentlemen whom I thought might have been engaged in a little better business at this critical time.

Mr. CAMPBELL of Kansas. Mr. Chairman——

Mr. CARTER of Oklahoma. I did not refer to the gentleman from Kansas. We all know he is never partisan.

Mr. CAMPBELL of Kansas. I am well aware of that, but I wanted to ask the gentleman another question before he leaves the main question.

Mr. CARTER of Oklahoma. Yes, sir.

Mr. CAMPBELL of Kansas. Why was it necessary to close down the factories that are running by water power?

Mr. CARTER of Oklahoma. I do not know that will be done.

Mr. CAMPBELL of Kansas. But the order——

Mr. CARTER of Oklahoma. The order may have included them, but the order is for an entirely different proposition and I have no doubt that the matter will be adjusted before the factories close—now, one minute.

Mr. CAMPBELL of Kansas. The gentleman from Oklahoma gave a pathetic picture of conditions that exist with respect to the use of fuel in families as a reason for this astounding order.

Mr. CARTER of Oklahoma. I did not understand the gentleman.

Mr. CAMPBELL of Kansas. I said the gentleman from Oklahoma gave a pathetic picture of the pitiful conditions that exist in families for the want of fuel as the reason for the astounding order that was issued by the Fuel Administrator or by the President through the Fuel Administrator.

Mr. CARTER of Oklahoma. Well——

Mr. CAMPBELL of Kansas. Now, why should the factories that are run by water power be included within that order?

Mr. CARTER of Oklahoma. I have answered as best I could, telling the gentleman his remedy.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CARTER of Oklahoma. Just let me get through with one at a time. The gentleman calls this an astounding order. Does it astound gentlemen on the other side of the House because somebody has the courage to come out on behalf of the poor people of this country who are suffering from the pangs of cold and hunger? [Applause.] I do not doubt it astounded some, but I never thought it would astound my good friend from Kansas.

Mr. LENROOT. Will the gentleman yield?

Mr. CARTER of Oklahoma. I will.

Mr. LENROOT. The New York World, the organ and mouthpiece of this administration, called it that yesterday in headlines across the front page.

Mr. CARTER of Oklahoma. Mr. Chairman, I am not so close to the administration as my good friend from Wisconsin as to speak with authority and say that this or that organ is the mouthpiece of the administration.

Mr. LENROOT. Well, it is a Democratic paper.

Mr. CARTER of Oklahoma. Oh, the gentleman now modifies his statement. I do know this, that a newspaper is no exception to the rule of humanity. It can "holler" just as loud as any dog in the bunch when it gets hit by a stick or a stone thrown into the flock.

Mr. LONGWORTH. Is the gentleman close enough to the administration to reveal to us whether this order for a workless day came from the Fuel Administrator himself or from some other source?

Mr. CARTER of Oklahoma. Mr. Chairman, if the gentleman must know the brutal fact, I have never gotten close enough to this administration since it has been in power to even get a janitor appointed, but I do not take that for an excuse to embarrass my country at this critical time.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CARTER of Oklahoma. I yield to the gentleman.

Mr. MOORE of Pennsylvania. Is it not a fact that the whole purpose of this order is to stop production?

Mr. CARTER of Oklahoma. Does the gentleman think that that order was issued for the sole and only purpose of stopping production?

Mr. MOORE of Pennsylvania. I do; and I will tell the gentleman why.

Mr. CARTER of Oklahoma. The gentleman does not think, then, that it was issued for the purpose of caring for the people who are suffering for coal and food in cities?

Mr. MOORE of Pennsylvania. I will tell the gentleman why. My belief is this order was issued for the purpose of stopping production in industrial establishments for a period of five days in order not to clog the railroads with any newly manufactured articles.

Mr. CARTER of Oklahoma. That was merely incidental to the main purpose.

Mr. MOORE of Pennsylvania. They did not want the mills to run in any kind of production, whether it resulted from water power or power generated by coal; all is to be stopped.

Mr. CARTER of Oklahoma. I thought the gentleman wanted to ask me a question. I did not yield for him to make a speech.

Mr. MOORE of Pennsylvania. I thought the gentleman wanted to answer the question. I say the proposition means to stop production in industry for five days, that the railroads may catch up with the business by taking no more new business.

Mr. CARTER of Oklahoma. Yes; and in order that coal may be conserved.

Mr. MOORE of Pennsylvania. That there shall be no business for five days.

Mr. WALSH. Will the gentleman yield for a question?

Mr. CARTER of Oklahoma. I would like to use a little of my own time, if possible to do so.

The CHAIRMAN. The gentleman declines to yield.

Mr. CARTER of Oklahoma. I will yield to the gentleman in a few moments. Now, Mr. Chairman, some of our friends on that side of the aisle have railed considerably at the present administration for not turning these matters over to Republicans. It has even been stated that no Republican had anything whatever to do with the matter. Now, let us see about that. As a matter of fact, no President in the past can present a record of nonpartisanship in making appointments equal to that of the present occupant of the White House. Why, the very man who issued this order—Dr. Garfield—is himself the son of a former Republican President of the United States.

Mr. LONGWORTH. Mr. Chairman, as a Representative from the State of Ohio, I can assure the gentleman that Dr. Garfield strenuously supported President Wilson.

Mr. CARTER of Oklahoma. I understand just as many other good Republicans; but always previous to that he voted the Republican ticket.

Mr. LONGWORTH. Not since Mr. Wilson was a candidate.

Mr. CARTER of Oklahoma. Now, let me ask the gentleman from Ohio [Mr. LONGWORTH], since he seems to be well informed as to who are Democrats, about several other gentlemen. When these railroads were taken over it was necessary to take over a general manager of each railroad and place him in the Government service, and they are the gentlemen who are running the railroads at this time.

Mr. LONGWORTH. For a dollar a year.

Mr. CARTER of Oklahoma. Perhaps the gentleman knows something of Mr. A. H. Smith, manager of the New York Central. Will any Member on that side arise and dispute that he is a Republican? That is one of the most important roads in the section of the country affected by this order and I understand one of the most congested.

Then I ask my friend from Ohio about Mr. Daniel Willard, the manager of the Baltimore & Ohio. I understand him to be a Republican, and was just so advised.

Mr. LONGWORTH. An ardent supporter of President Wilson.

Mr. CARTER of Oklahoma. Nevertheless a Republican. Then there is Mr. Samuel Rea, of the Pennsylvania.

Mr. MOORE of Pennsylvania. An excellent Democrat, I will say to the gentleman.

Mr. CARTER of Oklahoma. Oh, the gentleman from Pennsylvania is mistaken.

Mr. MOORE of Pennsylvania. No; I observed his utterances.

Mr. CARTER of Oklahoma. I have just been advised by a gentleman who knows Mr. Rea quite well that he is a Republican.

Mr. MOORE of Pennsylvania. I hope the gentleman will stand corrected, because Mr. Rea supported Mr. Wilson in the campaign. He may regret it now. [Laughter.]

Mr. CARTER of Oklahoma. Mr. Chairman, I am advised that Mr. Samuel Rea is a Republican, and that he did not support Mr. Wilson. I do not know from what source the gentleman gets all his information.

Mr. LONGWORTH. I will ask the gentleman if he knows the politics of Gen. Leonard Wood?

Mr. CARTER of Oklahoma. I never heard of an Army officer having any politics.

Then, there is Mr. Ashton, of the Chicago & North Western, a stanch Republican. Possibly somebody can tell me about him. Nobody seems to respond, so I suppose he is one of the few Republicans who did not support Mr. Wilson.

Mr. MOORE of Pennsylvania. He must be a Democrat. We have not heard from him.

Mr. CARTER of Oklahoma. Yes; and there are some Republicans whose fame does not extend very far beyond the doors of this Chamber.

Then, there is Mr. Markham, the general manager of the Illinois Central.

Mr. MASON. I think he is a neutral. [Laughter.]

Mr. CARTER of Oklahoma. Yes; he is a Republican who supported Mr. Hughes in the last campaign.

Now, Mr. Chairman, if we on this side wanted to reply in kind to the real mean, partisan statements that have emanated from that side of the Chamber, we might be vindictive enough to assert that all these Republican managers of these great railroads are not themselves giving the loyal support to this administration that they should, because they want to discredit it as a Democratic administration. But I do not believe that, and I do not propose to say it.

I do believe, however, Mr. Chairman, that the President of the United States, in approving this order, has done a real courageous thing. I want to congratulate my friends across the aisle for having up to this time given loyal support to this administration during this critical period; but while their support has been appreciated I think it will be admitted by all that the President himself has done very few things on which a Member of Congress or any other person could afford to raise an issue or difference. Therefore, my friends across the aisle have been groping about in the dark, as it were, for an issue, and now they think they have found it. This new order may be unpopular in sections where the fuel situation is not acute. I suspect that it will be more or less unpopular in my own State, for we have few large cities there and abundant coal deposits; but however that may be, whatever else may be said of the President, not one of us who knows anything about him will ever undertake to say he is not possessed of remarkable political acumen. I know my friends over there will agree that he would never issue an important order like this without taking public opinion into consideration. This being true, we can not assume that the President permitted this order to be issued without first placing in the balance the weight of public opinion. If he did this and he issued an order which he believed to be unpopular, then he subordinated politics for that which he knew to be just and right, and in this perilous crisis, with the life of the Nation in the balance, instead of this captious carping and fault-finding we should raise our voices in praise of the man who has the courage to do right in the face of adverse public sentiment and who never falters in his efforts in behalf of his suffering countrymen. [Applause.]

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, sundry messages, in writing, from the President, by Mr. Sharkey, one of his secretaries, were received.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield five minutes to the gentleman from New Hampshire [Mr. BURROUGHS].

Mr. BURROUGHS. Mr. Chairman, on Thursday morning, January 17, 1918, the newspapers published to the country the startling information that, beginning on the following day, all industries east of the Mississippi River, including those also in Minnesota and Louisiana, were to suspend operation for a period of 5 days and 1 day a week thereafter for 10 weeks. This announcement was the first notice which either Congress or the people had that such a drastic step was even contemplated. This action on the part of the Fuel Administrator was so radical and sweeping in its character that Members of the Congress at each end of this Capitol were stunned by the news at its first reading. They could not believe that such unbusinesslike action could possibly be taken, and many said that if any such order had been made it would be revoked by the President before night. But when it was found that this order had already received the approbation of the President, that he had in fact taken a stand in favor of stopping all the industries east of the Mississippi River for two weeks, thereby bringing inevitable distress upon millions of men and women employed in those establishments, vigorous and earnest protest was made in both branches of Congress.

Senator GALLINGER, of New Hampshire, presented a resolution in that body calling for delay until the matter could be investigated, and Senator HITCHCOCK, of Nebraska, secured action in the Senate at an early hour of the day upon a resolution which had been introduced by him, and which requested postponement of action upon this order for five days. Later in the day, after a most spirited debate, in which the action of the Fuel Administrator was most severely criticized by many Senators, the Hitchcock resolution received the approval of the Senate by a vote of 50 to 19.

In this body, in which I have the honor to be a Member, the feeling was intense that a great national injury to business, industry, and the working people of this country had been made by the present Fuel Administration in shutting down for 14 days a large per cent of its vast industries. The gentleman from Massachusetts [Mr. GILLETT] presented a resolution to the House, which voiced my views and which read as follows:

Resolved, That the House regrets the summary action of the Fuel Administrator in suddenly closing the industries dependent upon a coal supply, and in view of the disorganization of business certain to follow and the consequent idleness and distress of labor, urges a reconsideration of the order by the President, and that final action be taken only after being fully advised of its effect.

Unanimous consent was asked for the immediate consideration of this resolution, and after a short debate the gentleman from Indiana [Mr. Cox], a Democrat, getting recognition from the Speaker, said:

Mr. Speaker, I am not going to let this resolution go through by unanimous consent, either now or when the committee arises.

Mr. GILLETT said:

The gentleman even will not let it be considered?

Mr. Cox. No; not by unanimous consent.

I have a personal interest in opposing this unfortunate act of the Fuel Administrator. In the great manufacturing city in which I reside—Manchester, N. H.—there are 30,000 working people who have been put out of employment in cotton and boot and shoe industries, and thousands of them have been working on Government orders. The tremendously high cost of living makes this two weeks of unnecessary shut-down a great burden on these people, many of whom will suffer hardships thrust upon them by this act, and will have to make great sacrifices to make ends meet. I have much apprehension for their welfare, for their comfort, for their sustenance, and for the tremendous shrinkage in the manufacture in many necessaries so greatly needed in the trenches and cantonments by our soldier boys. With plenty of coal, our great Amoskeag Manufacturing Co., which makes 300 miles of cloth each day and employs 18,000 people, is now, I suppose, idle for five days, and the loss involved in the big wage it pays, amounting to about $50,000 daily, and 4,000 miles of cloth that would have been produced, much of it being khaki for the Army, will be a tremendous calamity both to the labor which would have been employed and to the Nation, which to-day so greatly needs its products.

Now, Mr. Chairman, I believe it is my duty as a Member of this House to support the Government in this great crisis. I believe the cause for which we fight is a just cause, and our aims are as unselfish and noble as any that ever enlisted the thought and energy of man. I know that our enemy is strong and resourceful and desperate. The plans and purposes that for 50 years he has been cunningly formulating he will not easily relinquish. The pursuit of a victory that he thought well within his grasp he will not willingly surrender. I know that in order to beat down in defeat this powerful antagonist we must fight, and continue to fight, with all our forces and all our resources of men, money, and material. I know that we who remain at home must be willing to give up many of the

comforts and conveniences of life. We must be willing and glad to sacrifice more and more in order that liberty—the liberty that Washington fought to establish, the liberty that Lincoln died to save—may not perish from the earth.

And, Mr. Chairman, I know, too, that the people of this country are indeed willing and glad to sacrifice in this great cause. They are doing it now; they expect to do it in even greater measure in the days to come. They are sending their boys—the pride of their hearts—into the cold, the mud, and the water of the trenches, there to live or to die, as God shall will, with little but the rats to keep them company. They are giving of their substance to Red Cross funds and liberty loans and making no complaint. They are giving their time, their energy, their money, and their brains without recompense, promise, or hope of reward, in order to bring some sort of order out of the confusion and chaos that fell upon the departments of this Government when a war for which we were utterly unprepared, but which for more than two years had been steadily and surely approaching—as certain, as inevitable as a decree of fate—broke suddenly upon us. All this and more that passes the power of man to tell, the people of this country, all classes of them—rich and poor, the employer of labor and the man who works with his hands for his daily bread—are doing, and expect to do, willingly, gladly, joyfully, in order that a glorious victory may at length be ours.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. I yield to the gentleman three minutes more.

Mr. ROMJUE. Will the gentleman yield?

Mr. BURROUGHS. I will yield at the end, but not now.

God pity the man in position of authority and trust who under such circumstances by any act or omission to act makes any heavier than necessary this burden of toil and sacrifice that the people of America have so willingly assumed. To-day thousands and hundreds of thousands of men and women throughout the whole territory east of the Mississippi River are unable to go to their daily work because of this order of the Fuel Administrator. And this condition is to continue for the next five days, and thereafter one day a week for 10 weeks. It means the loss of more than $200,000,000 in wages to those who in these days of high prices can least afford to bear it. It means the curtailment by $1,350,000,000 in value of material vitally necessary to the Government within the next two weeks. It means a substantial slowing down in our war preparations at a time when the whole world is calling upon us to put on full speed.

Why is it done? We are not told why it is done, except in the most indefinite and general language. Mr. Chairman, I submit the American people are entitled to know the facts upon which such action was thought to be necessary. I go further. I say that our people were entitled to know these facts before the action was taken. They were entitled to reasonable notice of the proposed action by the Fuel Administrator, together with a very definite statement of his reasons for taking it. They got neither the one nor the other. The order came with all the suddenness and force of a thunderbolt. It is a stunning and staggering blow to the great industrial interests and the army of industrial workers of America. Upon any facts thus far disclosed it is, in my judgment, an even greater blow to the whole war program of the Government.

Mr. Chairman, the managers of the great industries of my district, as well as the great body of the people of my district, are enthusiastically patriotic in their support of the Government in the prosecution of this war. All they ask is to be shown that sacrifice is necessary, and it will be made ungrudgingly and without complaint. But they are tired and sick of seeing the great business in which we are now engaged bungled and thrown into confusion by well-meaning men who know nothing about what they are trying to do. [Applause.]

As the Representative on this floor of a great industrial district, in which one-eightieth in value of all the manufactured product of this country is produced, I enter my protest here and now against this arbitrary and, so far as yet appears, futile and therefore unnecessary action. [Applause.] The order should be revoked by the President without further delay.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Will the gentleman from Oklahoma use some of his time?

Mr. CARTER of Oklahoma. There will be possibly only one more speech on this side, and maybe not that.

Mr. CAMPBELL of Kansas. Then I yield five minutes to the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Chairman, I do not propose to make a political speech, but I have a telegram which speaks for itself, and which, I think, will be plain enough for everybody to understand. It says:

BOSTON, MASS., *January 17, 1918.*

Hon. WILLIAM S. GREENE,
House of Representatives, Washington, D. C.:

Undersigned committee was appointed at meeting of New England Transportation Conference, which included representatives of Boston Chamber of Commerce, Associated Industries of Massachusetts, New England Shoe & Leather Association, the National Association of Wool Manufacturers, Paper Manufacturers of New England and Boston Trade Association, Arkwright Club of New England, and Paint and Oil Club of New England, and other manufacturers. The conference recognizes serious shortage of fuel, but feels that order of National Fuel Administrator will work unnecessarily great harm to labor and industry. All the submarines in the world could not sink in the same length of time the amount of supplies which will be killed by it. If literally carried out, millions of dollars of unnecessary damage will be caused in interference with production and destruction of goods in process. Same result could better be obtained by stating percentage of fuel each industry must conserve and allowing that industry to make that conservation under regulation of New England fuel administrator in such manner as will do least injury to business and keep the greatest number of employees at work. We object to the five-day shutdown as a poor way to accomplish the object sought, and we especially object to shortness of the notice, which does not give industrial plants opportunity to rearrange their schedules. New England has in its fuel administrator a man who has made very careful and continuous study of the necessities of the occasion. We believe that Mr. James J. Storrow, of Boston, should be given great authority and latitude to determine how coal which must be saved in New England shall be saved.

Shortage of fuel in New England is largely due to intereference with water transportation. Under ordinary conditions 60 per cent of our coal is brought by water. We do not object to United States taking vessels absolutely required for war purposes, but some of the vessels could be spared, at least temporarily, to relieve the present situation. The more boats that haul coal to New England, the more cars and locomotives there will be free to haul coal to other parts of the country, and the more war goods New England and the other parts of the country will produce. We, like good soldiers, will obey the order and live up to its spirit until it is either modified or rescinded. We do, however, protest against the peremptory form of order and unnecessary hardship which it entails. Thousands of employees will lose an unnecessary amount in wages at a time when they can least afford it. We urge that the Federal Fuel Administrator inform the New England Administrator the amount of coal which must be saved in New England, and that it then be left to the New England Fuel Administrator to order that saving in such way as may seem to him wise.

(Signed) FREDERIC C. MCDUFFIE, *Chairman*,
WILLIAM R. CORDINGLEY,
HENRY I. HARRIMAN,
FREDERICK C. HOOD,
LOUIS K. LIGGETT,
FRED B. RICE,
Committee on New England Transportation Conference.

Now, I live in Fall River, Mass., the largest cotton manufacturing city in the United States, where there are 114 cotton mills. We have about 50,000 employees in the various industries in my city. The district which I have the honor to represent has been short of coal for a long time, although I began early last year and tried to force the sending of coal to New England by water, not encumbering the railroads, but by having the coal transported by water. The transportation facilities were abundant until the Government took possession of them and transferred the steam tugs and barges away. We had ample opportunity to get the coal.

I made a statement in the Boston statehouse in December last when the governor called the New England business men and congressional representatives together, to the effect that if the Government would take its hands off and let the business men of New England take care of themselves, they could furnish all the coal that would be necessary to keep the industrial plants running and the vast number of men and women could enjoy the benefit of permanent employment and war contracts could be completed. But we have been stopped from time to time by reason of the failure under Government regulations and the confusion arising from the inefficiency and lack of business training of those who issued drastic orders. [Applause.] While many of these men had training and experience in many lines of procedure, it was and is plainly apparent that they were not experts in the production of coal and in many respects were unfamiliar with the efficient methods of those who had spent most of their lives in the transportation of coal by water and rail. I do not like to appear critical. But this fuel proposition is a very serious one.

In addition to the city where I reside, the cities of Taunton and Attleboro and the towns of North Attleboro, Mansfield, and Norton are hives of industry, employing a vast number of people. Some of these should have been supplied by railroads, as all are located on railroads. But the needs of Boston and vicinity and the great clamor which this large center raised drew from these smaller communities the fuel for manufacturing and domestic uses which they should have received.

In Fall River, Mass., are 114 cotton mills, using 425,000 bales of cotton, producing 1,095,000,000 yards of cloth annually, having 126,000 horsepower, and using more than 360,000 tons of coal per annum. Add to these 40 other manufacturing establishments of various kinds and then taking into account the

other manufacturing cities and towns in the district who, while they suffer a shortage of fuel and have silently submitted to their misfortunes, feel keenly their unfortunate situation.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield three minutes to the gentleman from Missouri [Mr. ROMJUE].

The CHAIRMAN. The gentleman from Missouri is recognized for three minutes.

Mr. ROMJUE. Mr. Chairman and gentlemen of the committee, it would seem to be popular with the eastern press and some of the Members of this House to criticize the order which has been made by the Fuel Administrator. At this time, when the United States of America is engaged in the greatest war that the world has ever seen, we can not afford to be popular unless we are also right.

As I said, we are engaged in the greatest war that the world has ever seen. Now, so far as I am concerned, I am not in possession of sufficient facts to say whether this order is a righteous and just one or not, and I am quite sure that the membership of this House have had their minds so attracted to so many important questions recently that you perhaps—and I say this with all due respect to you—are not thoroughly in possession of all the facts that are necessary to determine at this time the wisdom of or the unnecessary promulgation of the order.

Now, suppose that the American Army upon the European battle field need a conservation of this coal. What will you gentlemen say if the boys who are doing the fighting for our country need the conservation of this fuel for the purpose of getting supplies to them? What will you say, if that is the fact, in regard to whether or not we could afford to suspend some of the business operations of this country for even a few days?

Why, this is not the first time in the history of our Government when a few days' suspension of business has taken place. In the year 1912 you will recall that many business industries of our country were at a standstill for a time, and some time ago in the last session, when our Government was drafting the boys in this country, you did not hear anything like the protests, in fact, there was not one-half the protest, when you were taking the young men from the homes, and sometimes young men who were really needed in the factory, in the mines, and on the farms, that this order has occasioned.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Mississippi?

Mr. ROMJUE. Yes.

Mr. QUIN. Is it not a fact that these very fellows who are now growling about it wanted to grab the young fellows in the draft, and now they are not willing to allow their business to be closed for a few days in order to get the fuel to those boys? [Applause.]

Mr. ROMJUE. The gentleman is right. After we had conscripted the Army of this country to do the fighting for us, then came the question of raising the revenue to carry on this war. Telegrams poured into Congress from some of these same business concerns asking that they not be taxed so much as it would, so they claimed, injure their business. Now, I hold that the capital and business of the country is and should be marshaled by the President of the United States and wielded as a means of successfully carrying on the war, just as he leads the man power of our Nation in the war.

As I have said before, I am not sure that this order is necessary. But I do say this: That if it has been promulgated and set in motion at the direction of President Wilson, then I say I do not believe he has authorized it without first satisfying himself as to its expediency and necessity.

I regret to hear some Members of this House try to inject politics into this war, and to such let me utter this warning: This is not a time to play politics or even to think of them, and the people of this country are only interested in seeing this war brought to a successful and speedy conclusion, and in that hope and desire they are right; and they are willing, as a rule, to make the necessary sacrifice, and no exception to that rule must be made in favor of a few because perchance it may work a temporary hardship on some particular business. Dollars and business in this war must not be given a higher value than the lives of our men. This order may be necessary and it may not be; I do not undertake to say, because all the facts are not before this body, but they are within the knowledge of the President and his administrative officer.

Some will have us believe that the manufacture of munitions and arms necessary for our soldiers are to be stopped by this order. I am quite sure this will not be done to any appreciable extent, if at all.

One thing we do know, and that is that we need more coal just now to run the ships and transports to carry food and ammunition to our boys in France. And to me it seems more important that our men in France get the munitions and fuel and food and clothing than that some man's business here at home be permitted to run every day. If the man at home or the man who carries the flag of our country in the battles abroad, one or the other, must be discommoded, I stand ready to and do favor giving the loyal support to the soldier. Some Members have with great zeal said that if any business is stopped, some one, for the few days, will be idle. That may be true. This, to my mind, is a veiled insult to the laborer of our country. The workingman in the mine, in the factory, in the shop, and on the farm in my district has been as patriotic and has done his duty in this war as fully as any other citizen anywhere, and he will continue to do it, and he has given evidence thereof which needs no comment.

And if President Wilson decides or determines that the necessities and best interest of our soldiers in foreign fields require the suspension of some business interests in this country in order that these men who are fighting for our country shall have a better supply of food, fuel, and clothing, you will find the average laboring man, whether he be on the farm, in the factory, in the shops, or in the mines, will be able and willing to make the necessary sacrifices to win this war. It is a very difficult matter for some people to yet realize that we are in a war, and the business man, who has preached loyalty and sacrifice up to the present time, may now well be reminded, if he belongs to that class, if he is kicking or knocking on the President as to whether it is necessary for him to make sacrifice in a business way, he should be willing and ready to do it without a murmur.

I predict that the order may, as conditions change, necessarily require some modification and eventually abandonment; but I believe the President has seen further into the present situation than those who have seen fit to criticize him on the floor of this House. Again let me admonish you that the business interests of the country must be willing to meet sacrifices on their part just the same as the man in the humble walks of life, just the same as the man upon the farm and in other ordinary work, and let me remind those of you who are planning and working overtime to get ready for a political campaign and try thereby to embarrass the administration that the people of this country have no time nor desire to think of or discuss politics, for this is a time of all times when there should be but one standard in this country, and that is to be a true and loyal American, working with a zeal to keep a united and harmonious people bent solely to bringing the war to a successful and speedy conclusion.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ROMJUE. I ask permission, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAMLIN. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. STERLING].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. STERLING of Pennsylvania. Mr. Chairman and gentlemen of the House, I am prompted to say a word on this resolution because of a thought advanced by the gentleman from Pennsylvania [Mr. MOORE].

He stated that possibly the Fuel Administrator had in mind, when the recent order closing industry was made, the fact that the railroads would then not be required to carry or transport finished products and materials from the establishments of industry throughout the country but could be utilized transporting other essential commodities. If that be true, then let the railroads of the country proceed to the movement of that great commodity, coal, so much demanded and needed by the people of this Nation for domestic use, by the industries of the country in the preparation for war, and in fact by our allied nations of the world.

There has been marked criticism of the coal producer throughout certain sections of the country, and that criticism is wholly unjustified. I represent a district in southwestern Pennsylvania, a portion of the great bituminous coal region of that section of the Nation. You may know how I feel now and how

I have felt for some time when the people of the city of Washington, and people throughout great sections of our country, were sorely in need of coal for domestic and manufacturing purposes, and yet in southwestern Pennsylvania and the congested railroad district of Pittsburgh there are 18,000 to 20,000 cars of coal and coke on the sidings of the railroads and have been there for some time unable to be moved, because of lack of railroad power and equipment, to different parts of the country where business distress and human suffering could be relieved.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. STERLING of Pennsylvania. I doubt if this condition may be directly charged to the Fuel Administrator.

Mr. MONDELL. Will the gentleman yield?

Mr. STERLING of Pennsylvania. I yield to the gentleman from Wyoming.

Mr. MONDELL. The trouble, then, is not the shortage of fuel, as I understand. Why, then, the order suspending the use of fuel, if there is some in the country? Why is the order not issued to move it?

Mr. STERLING of Pennsylvania. I am not fully advised as to the necessity that prompted the recent order on the part of the Fuel Administrator, and, fully realizing that it will work great hardship, I am not at this time prepared to defend its wisdom. In reply to that part of the gentleman's question as to why an order is not made to move the coal, I will say that it seems impossible to do so with the railroad power and equipment of the country taxed as never before by the tremendous business undertaking of the country.

The railroads of the country four years ago began an unusual, and I believe uncalled for, retrenchment in business affairs, curtailed and neglected power and equipment, and some very well-informed people say for political purpose against the party in power, and not only failed in this purpose but were caught wholly unprepared to meet the business conditions as they have arisen since that period of unnecessary retrenchment.

There has been much talk of politics this afternoon in connection with the affairs of our Government, and unfortunate at this time. I care not about the politics of any man at the head of any of the newly created commissions to deal with the war situation. He is here in Washington and not close to the people. If there is to be a game of political intrigue, the men down in the districts appointed by the heads of departments could better play it.

I submit to the gentlemen from western Pennsylvania on the other side of the House that there was appointed only two weeks ago, under this very department, a committee of five prominent coal and coke men of western Pennsylvania to stimulate and increase the production of coal and coke in that section of the State—three Republicans and two Democrats. And I say to you that they are all fair, honest, competent men, trying to do their duty to their country, trying to produce and supply coal to the people and industries of the Nation without thought of politics. [Applause.] I am not here, my friends, from a normally Democratic district of western Pennsylvania. I have been honored with the compliment of representing a district that disagrees in politics with the party to which I belong. [Applause.] But my best endeavor shall be to represent that district and all of its people. [Applause.]

It has been urged by some people, as noted in some papers, that the coal mines of the country should be taken over because the coal operators and coal and coke workers are not producing for the people and the country at this time.

Unjust assumption, without foundation of fact. Let me say to you and to the people of this Nation I know the coal operators and workers of the bituminous regions and of the country are a patriotic people.

They are ready—yes, willing—to work 16 hours per day, if necessary, to produce coal, if the railroad facilities are provided to transport the coal where needed. Many of the coal workers and coke drawers of many counties of southwestern Pennsylvania have been idle from two to three days per week for the past two months because of the railroad cars. The coke yards stocked with coke and no time to be gained at tipple mines without cars.

Mr. MEEKER. Will the gentleman yield?

Mr. STERLING of Pennsylvania. From the district I represent the sons of coal operators, coal miners, and coke drawers—yes, miners themselves—are in the cantonments of this country. Also many of our boys are in Europe doing faithful service for our cause.

Our people know that coal and coke are necessary not only to relieve the suffering and want of the people but essential also for the successful operation of the mills and industrial establishments engaged in the manufacture of war munitions and equipment to support our men in arms.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. STERLING of Pennsylvania. I will yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MEEKER. Will the gentleman from Kansas yield half a minute? I just want to ask one question.

Mr. CAMPBELL of Kansas. I yield a minute.

Mr. MEEKER. Is it not a fact that the present Fuel Administrator told the people of this country last summer not to buy coal then, that they would get it for less money?

Mr. STERLING of Pennsylvania. I do not know what he told some of the people.

Mr. MEEKER. You do know that?

Mr. STERLING of Pennsylvania. How would I know that if he did not tell me?

Mr. KNUTSON. It was published in the papers.

Mr. STERLING of Pennsylvania. You may depend upon this, however, that the people of the bituminous district will back up their sons, the young manhood of the country, with coal and coke. Give our people the railroad facilities, the coal and coke will then come. [Applause.]

Mr. CAMPBELL of Kansas. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, if any evidence were needed to prove that what the country is suffering from is not a shortage of fuel supply and fuel-producing capacity in the country, but a breakdown of transportation, with the railroads absolutely under Federal control, the evidence was given us by the well-informed gentleman from Pennsylvania [Mr. ROBBINS] who has just spoken. [Applause.] And yet in this condition of affairs, with the man power and the machinery power of the greatest coal-producing nation on the face of God's earth, greater than it ever was before in all its history, with capacity at the mines to produce all the coal that could possibly be consumed, with men anxious to load it, operators anxious to provide it, the Fuel Administration is closing down and paralyzing the industries of the country under the pretense that our coal supply is short and that we can not supply our industries with fuel.

To my mind the most regrettable thing about this order is the aid and comfort it will give to the enemy across the sea; for if a condition existed here which warranted the issuance of such an order, that condition would be extremely gratifying to the Kaiser and all his cohorts. In my humble opinion the issuance of this order will give more comfort to the public enemy than would a great victory on the battle lines of western France.

Mr. KNUTSON. Will the gentleman yield right there?

Mr. MONDELL. In just a moment. I wonder if our friend Mr. Garfield—Dr. Garfield—is in some way being used as the goat, as the field of camouflage, in order to obscure and take from the minds and thought of the people the failures and faults of others? What is the trouble? The difficulty is in transportation and in transportation alone. The sidetracks of the Nation are filled with strings of cars of undelivered coal. A speeding up, a rearrangement of our transportation system so as to send those cars to their destination, compel their unloading, return them to the mines where the miners are waiting idle, anxious to reload them, would keep the industries of the country going and accelerate rather than check their development and progress. I know gentlemen on the other side will say we should not criticize because of loss to industries; we should, like good patriots, grin and bear it—and I think we should if that was all there was to it, if it were necessary. No constituent of mine is affected by this order. No one has appealed to me with regard to it, and therefore I think I am in a position to regard it solely from the standpoint of a citizen anxious to have the essential industries of the country operating helpfully in time of war and stress. The difficulty is that in a condition which is clearly and and confessedly unfortunate and regrettable in many respects, an order has been issued that under no possible circumstances or conditions can cure the situation and that will bring tremendous loss to industries and injury and suffering to millions of people through loss of employment. War industries are to be halted and disarranged, and the whole country paralyzed by the throwing of a monkey wrench into the machinery of the Nation because there is somewhere a valve out of order or a joint that needs a little lubrication. [Applause.]

Mr. HAMLIN. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman.

Mr. HAMLIN. I think the gentleman is largely right in his conclusion as to the real trouble—the question of transportation. But will he not be fair enough to admit that these railroads have for years been controlled and operated by business men undoubtedly as good as there are in the country? And if they have fallen down——

Mr. MONDELL. That is entirely beside the question.

Mr. HAMLIN. No; it is not beside the question.

Mr. MONDELL. Mr. Chairman, I decline to yield.

tion to our boys in France. And to me it seems more important

vania, a portion of the great bituminous coal region of that section of the Nation. You may know how I feel now and how

ment to support our men in arms.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. No; it is not beside the question.

Mr. MONDELL. Mr. Chairman, I decline to yield.

The CHAIRMAN. The gentleman declines to yield further.

Mr. HAMLIN. The gentleman yielded for a question, and I have not completed my question.

Mr. MONDELL. Let the gentleman complete his question and not make a speech.

Mr. HAMLIN. Then ought the Government, which has had control of these railroads only about two weeks, to be criticized for not undoing the very things that the best business men of the country could not prevent from happening after years of experience? [Applause.]

Mr. MONDELL. The order in question is not an order issued by the railway control.

Mr. HAMLIN. No; but the gentleman said that was the trouble.

Mr. MONDELL. It is not an order which on its face is intended to relieve the railway situation. The order is issued on the pretense and excuse that we need to save fuel, and under that pretense and excuse the industries of the country, including those working on war material, are being unnecessarily and mercilessly sacrificed, to the infinite loss and harm and suffering of all the people who are now employed in those industries. We on this side were glad to give to the administration every power, even to the utmost, believed to be necessary to win this war. We have withheld criticism of many things that we felt might properly be criticized. I shall continue that attitude so far as I can properly do so. I am disinclined to charge the President with any responsibility for this most extraordinary order. I can not believe that the President, a man of good judgment as he has so often proven himself to be, could have had the time and the opportunity to have carefully studied or considered the order which was approved by his subordinate. But we would be derelict to our duty as American citizens if we sat idly in our seats while orders so utterly without defense, of such doubtful legality, orders so absolutely revolutionary, harmful, and without promise of beneficial results, were launched upon the country.

It is our duty to protest against reckless, foolish, and harmful orders of governmental administrative bureaus just as much as it is our duty to furnish the power necessary to do things in a proper and in a sensible way. [Applause.] I imagine there are few sane and sensible men in the country uninfluenced by political motives that can find it in their hearts to justify this extraordinary order.

There are innumerable ways, patent to any man of ordinary sense and judgment, whereby the present condition of railway congestion could have been remedied. There could have been a shutdown of entirely unnecessary industries instead of shutting down industries preparing the very powder and shot necessary to protect the honor of the Nation on the other side of the sea. There are innumerable ways in which relief could have been secured; there could have been a temporary checking of fuel consumption in unnecessary industries; a closing of institutions which the people could, for the time being, just as well do without. Drastic action could have been taken to speed up freight movements. But instead of that comes this drastic, far-reaching order closing down even industries run by water power, industries that mine their own coal on their own ground and never send it a mile over a railway line, in discriminate paralyzing of the industries of the Nation, including those on which we depend to win the war, because some hair-brained administrator long on power and short on wisdom deems it proper to do so. [Applause.]

Mr. CARTER of Oklahoma. Mr. Chairman, I yield half a minute to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I ask unanimous consent to insert in the RECORD a few telegrams that I have received from leading manufacturers and citizens of Cleveland, Ohio.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing certain telegrams. Is there objection?

Mr. WALSH. I do not think the RECORD should be cumbered up in that way, but if the gentleman asks for time to read them himself I will not object.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield to the gentleman from Ohio four minutes.

Mr. GORDON. Mr. Chairman, I ask that the Clerk read these telegrams in my time.

A MEMBER. Read them yourself.

Mr. GORDON. I rather the Clerk would read them, as my throat is sore.

The Clerk read as follows:

CLEVELAND, OHIO, *January 17, 1918.*

Hon. WILLIAM GORDON,
Washington, D. C.:

Proposed order of Fuel Administrator as reported in newspapers, if put into effect, would cause us tremendous loss in loss of production and disorganization of our working forces. From what we hear from our men this would cause great dissatisfaction among workingmen, making them susceptible to outside influence and making it very difficult to meet payments on present liberty bonds, and almost impossible to sell them future issues. The successful proceeding of war depends upon industries and their workmen, and they must not be crippled and disorganized.

WHITE MOTOR CO.,
WALTER C. WHITE.

CLEVELAND, OHIO, *January 17, 1918.*

Hon. WILLIAM GORDON,
House of Representatives, Washington, D. C.:

We protest Dr. Garfield's fuel order as unnecessary and inviting more serious trouble.

GREAT WESTERN OIL CO.

CLEVELAND, OHIO, *January 17, 1918.*

Hon. Congressman GORDON,
House of Representatives, Washington, D. C.:

A most depressing influence on the morale of the worker is the Fuel Administrator's action in ordering a shutdown of industrial activities for a period of five days. Only hurts the workingmen who are now, in most instances, only living from hand to mouth. Such an order should be rescinded at once by the Government.

W. J. MCSORLEY,
President Lathers' International Union.

CLEVELAND, OHIO, *January 17, 1918.*

Congressman WILLIAM GORDON,
Washington, D. C.:

Dr. Garfield's fuel order an outrage. Endeavor to have stopped.

THE WINDAU TOOL CO.

Mr. GORDON. Mr. Chairman, I yield back the balance of my time.

Mr. CAMPBELL of Kansas. I can readily understand, Mr. Chairman, by the reading of the telegrams, why the reading of them by the gentleman from Ohio would have been difficult for his sore throat. [Laughter.] I now yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, this drastic order involves a useless waste which must be avoided at a time when the supply of coal is one of the chief objects of the order. All buildings are permitted to use enough coal to prevent destruction of plant by freezing. It is apparent to every man who has had any experience with heating that after the heat is brought to a specific temperature it requires very little additional to run the factory. If that additional fuel is not used, all that is used, from 60 to 25 per cent, will be a total loss, since it is necessary consumption, but just below that required to keep the industry going. In certain cases when the heat is produced by the use of exhaust steam, many of which are found in my own section of the country, the waste is positively indefensible and at this time totally inexcusable. In certain establishments, where shavings from the running of the industry is used, it is a saving to run the industry rather than to shut it down. No man accustomed to this problem would overlook the loss by allowing an establishment to close down. Like the stopping and starting of a heavy train when once it is in motion, it requires much less energy to continue than when it stops and starts.

The great loss to the laboring man at a time when he is least prepared to suffer it is a most serious item. It will not compare either with justice, common sense, or patriotism to say that the employer will or must pay these wages during the idle days as a patriotic duty. Neither confiscation nor governmental bankruptcy is compatible with our conception of duty. While the order attempts to use all industries alike and therefore orders all to close, these who have a supply of coal as well as those who have not, including water-power industries, and, on a parity of reasoning, those operated by gas and electricity. This feature can not be justified, since, if the public weal is the basis of this order, the lessening of the production at such a time when all the world is mobilized for that purpose will defeat our very ambitions to win the war at the least sacrifice. Production may have run beyond transportation, but the remedy is not to reduce production but to speed up transportation. The most pertinent facts brought out by the Senate investigations refer to production as well as distribution. The most startling statement of Dr. Garfield yet made is the decision to stop much-needed production in order that transportation can catch up.

Mr. Chairman, there are certain facts which I think no one can dispute. I want to enumerate two or three of them and then allow the membership of the House to draw conclusions. The first thing I think everybody will admit is that there is a lack of facilities in utilizing the resources of the country we now possess that goes directly to administration. We have the richest coal fields in the world and consequently the greatest supply. We have the greatest ability in business organization in the world. Our industrial capacity has been admitted in every country of the earth with which we have dealings. We have the highest type of labor and the best organization of labor of any country in the world—a fact not only admitted here, but known everywhere, as indicated by the hordes of European emigrants. I think everybody will admit that we have the greatest railway facilities of any country. With all of these

things present, which I think all will admit, justifies our expectation of successful administration if proper authority is given. There is a suffering to come out of this unexpected order to take effect to-day that ought to have strong grounds of justification or else it ought to be bitterly condemned. We have these facilities. It is pertinent to ask what we now lack.

The reason given by the Fuel Administrator for this drastic order, and it is given in plain words, is that New York is so congested that the ships are at the wharves loaded and ready to sail with no coal to put in the bunkers.

Now, the membership of this House must recognize at once that if that statement is true there is but one explanation, and that is a lack of comprehension in the usage of our facilities for which the country will hold this Government responsible. [Applause.] The fault is not want of facilities, but lack of direction of them.

Clogging at the terminals ought to be avoided and would be avoided if there was business skill directing it. Empty bunkers and dead ships are not the result of want of coal but proper direction to see that priority shipments under Government direction will prevent the very situation complained of. The heart of this situation is administrative inefficiency. Empty cars standing on the side tracks throughout this Nation can be seen by anybody that travels on the railroad. Only yesterday I received a letter commenting on this condition of the tracks clogged with cars, both empty and loaded. The writer stated that forty-two 50-ton cars were standing on the side tracks in his little town, which, by the way, is about 35 miles from Columbus, and they had been there for two weeks. This train of empties can be seen in hundreds of places throughout the country. Why does that occur except that there is inefficiency in the management of the railway facilities that now are under the Government management? This same writer said there were five cars loaded with sugar and one with molasses standing on these tracks at the very moment the people could not procure any sugar. This is error in management.

I hold, and I think nobody can doubt it, that if the railway men whose knowledge of transportation comes from a lifetime of training in the world's best school, that of actual experience under great responsibility, could have been free of the incubus, free of the inhibitive legislation of the past quarter of a century, so that they could have used their facilities without limitation to secure the maximum transportation at the minimum loss of energy, this collapse of the roads would not have occurred; but it now has occurred under Government direction. It will serve no man or responsible party to attempt to lay this breakdown entirely upon the weather. Wise direction would have avoided being caught by such congestion. To avoid it was the purpose of our voting control.

I say to the membership of this House that the explanation of Dr. Garfield, estimable and able as he is, does not and can not but increase public condemnation. The country will see written over it in every paragraph, in large letters, the one single word, "Inefficiency." It is a striking example of incompetency to use the facilities as well as ability we have, and I say that it has gone far enough to demonstrate our duty to overlook nothing and to demand the fullest realization of our ability, even if it means to rid the Government of our friends it should be done in the interest of efficiency. This Congress has withheld no power from the Executive to proceed effectively. We must now demand that such palpable and intolerable blunders must be avoided else our country's future is not reassuring. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. GARLAND].

Mr. GARLAND. Mr. Chairman, an order has gone out from the Fuel Administrator appointed by the President of the United States to stop from employment for 14 days the working people of this country. It is because of them that I desire to raise my voice, and especially those whom I know can not be helped by this stoppage in western Pennsylvania, or anywhere at which may be iron and steel rolling mills and furnaces.

Every furnace that is used in the making of iron and steel in this country has to be kept up to a certain heat all the time. If not, it has to be brought up to that heat, which means using more coal than it otherwise would to keep it at the heat where it is in working condition. A furnace working iron and steel must be kept to 3,000 degrees Fahrenheit. If it falls below that it requires an immense amount of coal to bring it back to that heat. That is the reason these furnaces are worked continuously. There can not be any saving there under an order of this kind. Around Pittsburgh there is a daily pay roll of nearly $2,000,000 and at least $1,000,000 of that will be stopped for the space of 14 days—$14,000,000 in that time coming of the wages of the men who have to meet these high prices for living, who have to meet these enormous conditions of rent and generally adverse conditions presented upon all sides, and at the same time they are expected to buy war-savings stamps and liberty bonds and do everything they can to help the war, and they have been doing that. But, Mr. Chairman, I want to say this now—this is but simply a repetition of what always occurs every time the Democratic Party gets into power, somehow or some way.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield four minutes to the gentleman from Pennsylvania [Mr. CLARK].

Mr. CLARK of Pennsylvania. Mr. Chairman and members of this committee, when I came into this House a few moments ago I did not expect to say anything, but I live in a city that has a greater number of diversified industries, barring two other cities, than any other city in the United States. The order closing 326 factories and numerous other places of business in that city is too serious to pass by unnoticed by me.

I live in a city where there has just been completed a contract by the American Brake Shoe Co. for the construction of $800,000 worth of homes to house munition workers; in a city where a contract has been let to a company for $63,000,000 for the erection of buildings and the making of cannon for the United States Government. That company has, in addition thereto, paid over $400,000 for land, and the purpose is to expend one and a half million dollars in the construction of homes for housing workmen. Even if these two munition plants come within some exemption clause, where is the material for the building of these homes to come from?

There are many other plants in my home city engaged in Government work, and these companies have been continuously urged to finish their contract.

I heard of the order with amazement, and I have received telegrams of protest concerning this order that has been issued by the Fuel Administrator.

I think the loss of wages alone for workingmen, who have all they can do to support their families, will not encourage them next February to buy liberty bonds, which the Government is going to ask them to do. I know of no greater tax that can be placed upon these workingmen than the loss of their wages. You may talk about conscription of wealth, but you have conscripted the flour barrel when you make these men idle. They will not have the means with which to show their patriotic ardor in the purchase of these liberty bonds. In my opinion the fault is largely due to the lack of proper administration of the railroads. I talked with a gentleman the other day, and he told me his brother had recently visited the State of Kentucky and saw 1,200 carloads of coal on the switches in that State that had been there for some time, and another gentleman from the same State told me that in his little city there had been 600 carloads of coal remaining there for days. I know that on the shores of Lake Erie there were for 30 or 40 days many carloads of coal standing there that could not be shipped. I know that this congestion of freight in the Pennsylvania terminals in New Jersey opposite New York is not a new matter. It has been in existence for months, and there has been a lack of proper appreciation of what should come first. Munitions and guns and other war material have been concentrated there, but there has been a failure in not putting coal behind them to get them across. The order should be at least modified or there will follow confusion and industrial paralysis. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. ROSE].

Mr. ROSE. Mr. Chairman, I have the honor to represent a district in which one of the largest industrial plants of the United States is located. The order of Fuel Administrator Garfield, as originally given out, will work a serious hardship to the people of the valley of the Conemaugh. It comes with peculiar and significant force at this time, for the reason that the Midvale Steel Co. is largely engaged in the making of munitions, has a great force of men in its employ, and to deprive them of the means of a livelihood for a period of 14 days——

Mr. MADDEN. Fifteen days.

Mr. ROSE. Well, one of them is about gone—will result in serious loss, and might bring some of our people to suffering and want. I have been much disturbed about the order in question, as it comes to us without warning of any kind, is not understood, and its effects are likely to be very far-reaching. Our people have shown their patriotism, our working people especially. They have met their quota with money and men, and it can not be said that they have been lacking in patriotism. Under the terms of the order of the Fuel Administrator, the Midvale Steel Co. will not be permitted to make use of the coal which it mines, the gas which it manufactures, and hence there will be a serious waste which should be avoided. I thoroughly agree with what the gentleman from Pennsylvania [Mr. GARLAND] has to say about furnaces and other appliances in and about the manufacture of steel, and his suggestions are

men this would cause great dissatisfaction among workingmen, making

congrams. I think everybody will admit that we have the greatest railway facilities of any country. With all of these

have to meet these enormous conditions of rent and generally in and about the manufacture of steel, and the suggestion

well worth consideration. There may be good reasons for the issuance of the drastic order, but I very much regret that the appeal made to the Fuel Administrator did not result in having the same withheld until the people of the country could have been made acquainted with the facts, and if it were shown to be a necessity there is no doubt in my mind but that our people would have responded to the call with the same sort of support as has been given the administration in every effort made to win the present war. I sincerely hope that the order may be revoked or be modified in such manner as will bring about the least suffering upon the part of the workingman.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I have been too angry for the last few days to attempt to talk or listen. This House showed on last Wednesday when it refused to consider the bill dealing with unemployment insurance its utter incompetency to deal with this problem. Ignorance and darkness were equally distributed between the two sides. There were just as many reactionaries, standpatters, and unthinking men on the Republican side as on the Democratic side, so honors are even between both of you. When I talked to you about the necessity of now studying unemployment insurance I was met with the argument that we were at war, and therefore we could not get the proper information. Now, the information came to you; now, you have it. The order is here, an order which will deprive millions of men of employment for 15 days, millions of them with nothing to spare, who can not be called upon to make such a sacrifice, millions of them who can hardly stand the high cost of living. When I urged upon you the resolution providing for the study of the problem of unemployment many of you did not dare vote for it because it had been introduced by a Socialist. Forty-seven treacherous Democrats, too cowardly to vote for a Socialist measure when it had a chance to pass, who voted for it last year, refused to vote for it this year [applause on the Republican side], the most contemptible political performance that any party could be guilty of. [Applause on the Republican side.] I mean in the last Congress, when this thing came up. I just studied those 47 names, and I will memorize those names, and I will remember them. [Laughter.] I feel like throwing up my job in Congress and going to the districts of those 47 men and showing them up. Well—— [Cries of "Give it to them!"]

Well, we will some day give it to both of you, gentlemen. I will not be alone all the time.

A MEMBER. Give it to them first.

Now, let me come to the point——

Mr. FORDNEY. Is there a point?

Mr. LONDON. There is a point, although I can imagine what the gentleman as a protectionist will say, "Give us a protective tariff, for that will help us right now." Now, your remedy you learned 120 years ago, and you have not learned anything since. [Laughter on the Democratic side.] But you say you talk about Lincoln. The trouble is that Lincoln is dead and a lot of small politicians are alive. That is the trouble. [Laughter.] That applies with equal force to Democrats who glory in Jefferson. There is no doubt about the greatness of Jefferson. He would have been ready to have recognized the present needs of society, and which will not be recognized by you. If they were living at this hour, they would have taken up the social problem. They would have grasped its meaning for the world. You, you are incapable and incompetent of dealing with this problem. It will take bigger men than you are to tackle it.

Mr. KNUTSON. Will the gentleman yield?

Mr. LONDON. One moment, please. Let me come to the practical suggestion. It is for the Socialist to bring forth a practical suggestion.

Mr. TREADWAY. Sure.

Mr. LONDON. Millions of men will lose 15 days of wages each——

Mr. KNUTSON. One hundred and five million days.

Mr. LONDON. It involves great loss. A study or investigation is not sufficient now. We must do something now, that all the sacrifices of this war should not be thrust upon the shoulders of those who are least capable of bearing the burden, and I ask that an appropriation of $100,000,000 be made, to be given to the Secretary of Labor, who should be directed and authorized to relieve unemployment, to relieve distress which will inevitably be caused by this order.

I do not care to criticize this order.

Mr. MEEKER. Will the gentleman yield for a question?

Mr. LONDON. I have not the time.

Mr. MEEKER. I just wanted to know if it would not save time and money to remove the administrator?

Mr. LONDON. The trouble with you is you would remove the administrator and would not remove yourself. [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. Give me just five minutes more.

Mr. CAMPBELL of Kansas. I yield one minute to the gentleman.

Mr. LONDON. I just wanted to round out my argument.

I have drafted a resolution, which I will introduce, asking for an appropriation to the Department of Labor, with instructions to the Secretary of Labor to take up a study of this emergency and to relieve the distress which will be caused by this order, or which has already been caused by it. This is the only thing that my mind could reach at the present moment. Of course, I can not claim it is the result of any profound thought, but it is an immediate step to meet the emergency. I suggest that this Congress vote the appropriation. [Applause.]

I submit a draft of the resolution which I expect to introduce to-morrow:

Joint resolution authorizing the appropriation of $100,000,000 to relieve distress among wageworkers.

Whereas the order to suspend the operation of factories for 14 days will cause unemployment and distress among the wageworkers and their families: Therefore be it

Resolved, etc., That the Secretary of Labor be, and he hereby is, authorized and directed to immediately adopt suitable measures to relieve such distress; and be it further

Resolved, That the sum of $100,000,000 is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to enable the Secretary of Labor to carry out the purposes above stated.

Mr. CAMPBELL of Kansas. Mr. Chairman, I yield five minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, it probably is fitting that the sole representative of his party on the floor—the gentleman from New York [Mr. LONDON]—after sulking in his tent for two or three days, should have an opportunity to run amuck amongst us and voice his rage against majority rule. The gentleman is interested in a measure which bears his indorsement and his name, providing for an investigation of social insurance and unemployment, and calling for a large appropriation and the appointment of a commission, and which he has not yet said would do one single thing to help win this war. And yet the representative of his party here, who voted against the declaration of war, who has voted against many, if not all, the appropriations to properly conduct that war, who has voted against the bond issues to provide the money for meeting the expenses of conducting that war, comes before this House at this time, and because the measure carries his name would have the Congress pause in its deliberations on war measures and other important appropriation bills and give consideration to a measure that has nothing to do with furthering our interests or with promoting the success of our arms, but will add many thousands of dollars to the vast sums which the people are obliged to raise in this grave period of our history. He is unwilling to wait until we have concluded the greater task and to defer his desire for a solution of this program and of this problem and smother his wish to achieve personal glory, but prefers to put forward a personal measure in the hope of realizing, in the midst of this war, some of the dreams which he dreams and some of the schemes which he schemes [laughter], and because a majority voted not to do it he scolds and rages. He is anxious to substitute that sort of legislation for legislation that more properly should be engaging our attention in the face of a decided majority against considering the matter on a roll call.

I sympathize somewhat with the gentleman in his desire to terminate the careers of some of the majority party on that side of the Chamber, but I doubt if it will be necessary for the Socialist Member of this House to go into Democratic districts and campaign against any of the traitorous 47, as he terms them, in order that Republicans may replace them in the next Congress. But I say to the gentleman that I believe it is time that he awoke to the situation, and that he should cease by his example here in the House to lend encouragement to those who may be half-hearted in their loyalty to our flag, and that he should decide to henceforth stand by and support his Government and my Government and lend his voice and vote in support of the Commander in Chief of our Army and Navy in conducting this war and make due announcement to that effect. This would be more worthy of the gentleman than gnashing his teeth or venting his rage because a majority of the House fails to agree with him. He might soothe his wounded feelings with the thought that peace will come some day and find solace in the reflection that he, or possibly some of his colleagues, or mayhap some who sympathize with his views or who even may be adherents of his political party, may be willing to then undertake this task of investigating social conditions and unemployment in this country, and that it will not then be too late for him to crown himself the champion of the downtrodden or to achieve the glory which

he now seeks, which glory he apparently believes is above the glory and the destiny of his country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Kansas [Mr. CAMPBELL] has consumed all his time.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices and salaries which are provided for herein for the service of the fiscal year ending June 30, 1919, namely:

Mr. CARTER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, and had come to no resolution thereon.

AGRICULTURE IN PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs, and excluding the accompanying documents, ordered to be printed:

To the Senate and House of Representatives:

Section 39 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," contains the following provision:

That the Governor of Porto Rico shall cause to have made and submitted to Congress at the session beginning the first Monday in December, 1917, a report of all the real estate used for the purposes of agriculture and held, either directly or indirectly, by corporations, partnerships, or individuals in holdings in excess of 500 acres.

In accordance with this provision, there is submitted herewith a report prepared under the direction of the Governor of Porto Rico.

As will be noted, this report covers all real estate used for the purposes of agriculture and held, either directly or indirectly, by corporations, partnerships, or individuals in holdings in excess of 500 acres.

Very respectfully,

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

REPORT OF FUEL ADMINISTRATOR FOR 1917.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Agriculture and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 21 of the act of August 10, 1917, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," I transmit herewith the annual report of the Fuel Administrator for the year 1917.

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

REPORT OF FOOD ADMINISTRATOR FOR 1917.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Agriculture and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 21 of the act of August 10, 1917, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," I transmit the report of the United States Food Administration for the year 1917.

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

TRADING WITH THE ENEMY.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 6 of the act of October 6, 1917, entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," I transmit the report of the Alien Property Custodian of all proceedings had under said act during the year 1917 on the part of the Alien Property Custodian.

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

SESSION LAWS OF ALASKA FOR 1917.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Territories and, excluding the accompanying documents, ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 20 of the act of August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," I transmit herewith the Session Laws of Alaska for 1917, containing the acts, resolutions, and memorials passed at the third regular session of the Territorial Legislature of the Territory of Alaska, which convened at Juneau, the capital, on the 5th day of March, 1917, and adjourned the 3d day of May, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

COAL AND ASPHALT DEPOSITS, CHOCTAW AND CHICKASAW NATIONS.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask that there be laid before the House the bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma, with Senate amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Oklahoma.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. CARTER of Oklahoma. Mr. Speaker, I would like very much to have those amendments concurred in this evening, but several Members insist that the matter should go over until the morning as unfinished business.

The SPEAKER. Very well.

"GARABED."

Mr. CHARLES B. SMITH. Mr. Speaker, I ask that House joint resolution 174 be placed before the House, with the Senate amendments.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. CHARLES B. SMITH. Mr. Speaker, I ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent that the House disagree to the Senate amendments and ask for a conference. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. CHARLES B. SMITH, Mr. CROSSER, and Mr. NOLAN.

UNANIMOUS-CONSENT DAY.

Mr. KITCHIN. Mr. Speaker, it is evident to me, after talking over the matter with members of the Committee on Indian Affairs, that it will be impossible to dispose of that bill (H. R. 8696) to-morrow. It will take at least to-morrow and Monday, Monday being unanimous-consent day. I ask unanimous consent that the business in order on next Monday be dispensed with and that the consideration of the Indian appropriation bill be in order on that day.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the business in order next Monday be dispensed with and that the consideration of the Indian appropriation bill be continued then. Is there objection?

Mr. FESS. Reserving the right to object, does that dispense entirely with suspension motions on Monday?

Mr. KITCHIN. For that day, yes; but they would be in order on the next suspension day.

The SPEAKER. It undoubtedly would, unless we get through with the Indian bill at some time during the day.

Mr. FESS. Suppose we get through with the Indian bill before the end of the day?

Mr. KITCHIN. Then they would be in order.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO PRINT.

Mr. CARTER of Oklahoma. I ask unanimous consent that all Members who have spoken in general debate may have the right to extend their remarks in the RECORD for five days.

The SPEAKER. The gentleman from Oklahoma asks that all Members who have spoken on the Indian appropriation bill be permitted to extend their remarks within five days. Is there objection?

Mr. WALSH. Reserving the right to object, has the gentleman any objection to incorporating as a part of his request that this shall not include telegrams, letters, and documents?

Mr. CARTER of Oklahoma. I agree to that.

The SPEAKER. Adding to his request that it shall not include telegrams, letters, editorials, written communications, and so forth. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, do I understand that the extended remarks are to be confined to the bill?

Mr. CARTER of Oklahoma. No.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7697. An act to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes.

ADJOURNMENT.

Mr. KITCHIN. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 57 minutes p. m.) the House adjourned until to-morrow, Saturday, January 19, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting report of inspection of the National Home for Disabled Volunteer Soldiers, its records, disbursements, management, and condition during the year 1917 (H. Doc. No. 836), was taken from the Speaker's table, referred to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 7223) to increase the limit of cost for the purchase of a site and the erection thereon of a public building at Moultrie, in the State of Georgia, reported the same without amendment, accompanied by a report (No. 244), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 7235) to provide for the uniform selection and purchase of fuel to be used in the United States, reported the same with amendment, accompanied by a report (No. 246), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GODWIN of North Carolina, from the Committee on Reform in the Civil Service, to which was referred the joint resolution (S. J. Res. 117) amending the act of July 2, 1909, governing the holding of civil-service examinations, reported the same with amendment, accompanied by a report (No. 245), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (S. 979) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, reported the same without amendment, accompanied by a report (No. 247), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7097) granting a pension to George Archambault; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8242) granting an increase of pension to Andrea Coda; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8688) granting a pension to Anna M. Bremigam; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 8930) to prevent the sale or transportation in interstate or foreign commerce of articles of food held in cold storage for more than the time herein specified and for regulating traffic therein, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 8931) regulating the compensation of stationary firemen employed in Federal Government buildings in the United States; to the Committee on Expenditures on Public Buildings.

By Mr. FRENCH: A bill (H. R. 8932) to make appropriation for survey and work on the Salmon River in Idaho; to the Committee on Rivers and Harbors.

By Mr. PRATT: A bill (H. R. 8933) to amend an act to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 8934) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. GLASS: A bill (H. R. 8935) to amend section 5219 of the Revised Statutes; to the Committee on Banking and Currency.

By Mr. POU: A bill (H. R. 8936) requiring the Government to furnish uniforms to officers of the Army, and for other purposes; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 8937) to amend sections 10 and 37 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. SHERLEY: A bill (H. R. 8938) to equip the United States Penitentiary, Atlanta, Ga., for the manufacture of supplies for the use of the Government, for the compensation of prisoners for their labor, and for other purposes; to the Committee on the Judiciary.

By Mr. WARD: A bill (H. R. 8939) authorizing the construction of post-office building at Catskill, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. MONDELL: Resolution (H. Res. 229) recommending rescinding or repeal of the order of the Fuel Administrator in regard to closing industries; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8940) granting an increase of pension to James H. Baker; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 8941) granting an increase of pension to Frank W. Tuttle; to the Committee on Pensions.

By Mr. BURROUGHS: A bill (H. R. 8942) granting an increase of pension to George W. Weeks; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 8943) granting a pension to George A. Springet; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 8944) granting an increase of pension to Jacob McKnight; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 8945) granting a pension to William Thompson; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 8946) granting a pension to Moses E. McClintock; to the Committee on Pensions.

By Mr. FARR: A bill (H. R. 8947) granting a pension to Mary D. Holgate; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 8948) granting a pension to Frank Mitchell; to the Committee on Pensions.

By Mr. FOSS: A bill (H. R. 8949) granting a pension to Lena Derl; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 8950) granting an increase of pension to Arthur R. Pratt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8951) granting a pension to Henry R. Riner; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 8952) granting a pension to James Manning; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 8953) granting a pension to Myrtie I. Arnold; to the Committee on Invalid Pensions.

By Mr. MEEKER: A bill (H. R. 8954) granting a pension to Annie F. Winkler; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 8955) granting an increase of pension to Philip Kissel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8956) granting an increase of pension to Olive J. Boylan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8957) granting a pension to Mamie K. Miller; to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 8958) granting an increase of pension to Ephraim J. Stroud; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 8959) granting an increase of pension to Janet K. Glennon; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 8960) for the relief of George T. Hamilton; to the Committee on Claims.

By Mr. PRATT: A bill (H. R. 8961) granting an increase of pension to Edward B. Lanning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8962) granting a pension to Ella Drake; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 8963) granting a pension to Carl C. Dunham; to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 8964) granting a pension to Elizabeth Tillman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8965) granting a pension to Mary Sorter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8966) granting a pension to Harriett A. Boles; to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 8967) granting an increase of pension to Mary E. Borsekoeske; to the Committe on Pensions.

By Mr. SNOOK: A bill (H. R. 8968) granting an increase of pension to Abraham D. Stauffer; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 8969) for the relief of Catherine Grace; to the Committee on Claims.

By Mr. STRONG: A bill (H. R. 8970) granting an increase of pension to George Adams; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 8971) granting a pension to John J. Coughlin; to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 8972) granting a pension to Charles B. McConn; to the Committee on Invalid Pensions.

By Mr. TEMPLETON: A bill (H. R. 8973) granting a pension to Van Buren B. Howard; to the Committee on Pensions.

By Mr. VENABLE: A bill (H. R. 8974) granting an increase of pension to Edward M. Riley; to the Committee on Pensions.

By Mr. WHITE of Ohio: A bill (H. R. 8975) granting an increase of pension to William F. Slack; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8976) granting a pension to Margaret Dunbar; to the Committee on Invalid Pensions.

By Mr. WINGO: A bill (H. R. 8977) to correct the military record of Jesse L. Meeks; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Resolution of the Bronx Board of Trade, urging the passage of Senator CALDER's bill to equalize the postage within Greater New York; to the Committee on the Post Office and Post Roads.

Also, petition of C. H. Ebbets, asking a favorable vote on Senator CALDER's daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of W. J. Gladish, sr., of Chattanooga, Tenn., asking appropriation for the manufacture of flying torpedoes; to the Committee on Military Affairs.

Also, petition of the Crockery Board of Trade of New York, against repeal of increase of second-class mailing rates; to the Committee on Ways and Means.

By Mr. DALE of Vermont: Petition of E. Moore and other citizens of Ludlow, Vt., favoring the passage of the so-called alien-slackers' bill; to the Committee on Military Affairs.

By Mr. ESCH: Papers in support of House bill 8797, granting a pension to Hans Fulson; to the Committee on Pensions.

Also, papers in support of House bill 8795, granting an increase of pension to James H. Handy; to the Committee on Invalid Pensions.

Also, papers in support of House bill 8796, granting an increase of pension to Amos C. Carter; to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of the Board of Commissioners of Cook County, Ill., favoring increase in pay of letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. HILLIARD: Memorial of the Estes Park Business Men's Association, urging the creation of a game preserve near the Rocky Mountain National Park; to the Committee on the Public Lands.

By Mr. HUTCHINSON: Resolution adopted by the Board of Commissioners of Jersey City, N. J., favoring legislation providing for increasing salaries of all civilian employees of the United States and the District of Columbia; to the Committee on Appropriations.

By Mr. KENNEDY of Rhode Island: Protest of New England Transportation Conference, against order of the Fuel Administrator closing factories; to the Committee on Agriculture.

Also, resolution of Pawtucket (R. I.) Chamber of Commerce, protesting against order of the Fuel Administrator in closing factories; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: Memorial of the New England Transportation Conference, representing Boston Chamber of Commerce, Associated Industries of Massachusetts, New England Shoe-Leather Association, the National Association of Wool Manufacturers, Paper Manufacturers of New England, Boston Wool-Trade Association, Arkwright Club of New England, Paint and Oil Club of New England, and other manufacturers, protesting against Fuel Administrator Garfield's peremptory order in shutting down industrial plants, and asking that the New England fuel administrator be instructed what percentage of fuel New England should save, and allowing him to select the means to effect this saving; to the Committee on Agriculture.

Also, a memorial of the Pawtucket Board of Trade, protesting against the fuel order; to the Committee on Agriculture.

Also, a telegram from the Bourne & Rubber Co., of Providence, R. I., protesting against the order of the coal director; to the Committee on Agriculture.

Also, a telegram from C. B. Rockwell, jr., objecting to Mr. Garfield or any other coal man as fuel administrator, and suggesting the appointment of a manufacturer or railroad man; to the Committee on Agriculture.

By Mr. PRATT: Memorial of reformatory officials of Elmira, N. Y., favoring S. 3063, to save the naval brig *Niagara*; to the Committee on Naval Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 19, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, we bless Thee for the Sabbath day, with its quietude and rest, its religious reflections and spiritual uplift, which holds us close to Thee and enlarges our spiritual vision; for the everyday business activities of life, which bring us in contact with our fellow men, and test the nobility of our souls.

Grant, O most merciful Father, that we may love mercy, do justly, and walk humbly with Thee this day and all the days of our life, in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

INCOME TAX PRIMER (H. DOC. NO. 841).

Mr. GARNER. Mr. Speaker, I ask unanimous consent that 38,900 copies of a document prepared by the Treasury Depart-

ment, in connection with the clerk of the Ways and Means Committee, be printed as a public document. It is a kind of primer in reference to the income and excess-profits tax. It will come within the $500 provision, and will give each Member 90 copies. I ask that they be distributed through the folding room.

The SPEAKER. The gentleman from Texas asks unanimous consent to print as a House document 38,900 copies of a document explaining the income and excess-profits tax, prepared by the Ways and Means Committee, and that it be distributed through the folding room. Is there objection?

Mr. ROBBINS. Reserving the right to object, what does it explain?

Mr. GARNER. It is in the form of questions and answers that are likely to be asked by people throughout the United States who will have to render a report of their incomes.

Mr. DOWELL. Reserving the right to object, how many does the gentleman wish printed?

Mr. GARNER. Under this arrangement it must be done by the House order, and it will give about 90 copies to each Member of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE RED CROSS.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Red Cross activities.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD upon the subject of Red Cross activities. Is there objection?

Mr. WALSH. Reserving the right to object, are these the gentleman's own remarks?

Mr. HICKS. The most of them, but I want to include some reports.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

Mr. LONDON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point that no quorum is present, and evidently there is not.

Mr. CARTER of Oklahoma. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Oklahoma moves a call of the House.

A call of the House was ordered. The Doorkeeper was directed to lock the doors and the Sergeant at Arms to bring in absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Anderson	Drukker	Kiess, Pa.	Saunders, Va.
Anthony	Eagle	Kreider	Scott, Pa.
Aswell	Edmonds	LaGuardia	Scully
Bacharach	Esch	Lenroot	Sells
Barkley	Estopinal	Lever	Sherley
Beakes	Evans	Linthicum	Siegel
Beshlin	Fairchild, G. W.	Lufkin	Sims
Booher	Fairfield	Lundeen	Small
Britten	Farr	Lunn	Smith, Mich.
Brodbeck	Ferris	McCormick	Smith, T. F.
Browning	Flynn	McFadden	Snell
Candler, Miss.	Francis	McLaughlin, Pa.	Snook
Cannon	Fuller, Mass.	Maher	Stephens, Nebr.
Capstick	Godwin, N. C.	Mann	Stevenson
Carew	Goodall	Miller, Wash.	Stiness
Chandler, N. Y.	Graham, Pa.	Montague	Sullivan
Church	Gray, N. J.	Morin	Sumners
Clark, Fla.	Greene, Vt.	Neely	Swift
Collier	Griest	Nelson	Tague
Copley	Hamill	Nichols, Mich.	Talbott
Costello	Hamilton, N. Y.	O'Shaunessy	Templeton
Currie, Mich.	Haskell	Parker, N. J.	Vare
Curry, Cal.	Hawley	Parker, N. Y.	Ward
Dale, Vt.	Heintz	Price	Webb
Darrow	Holland	Ragsdale	Wheeler
Davidson	Hood	Ramsey	Williams
Decker	Igoe	Reavis	Wilson, La.
Dempsey	Johnson, S. Dak.	Riordan	Winslow
Dewalt	Jones, Va.	Rowe	Woodyard
Dooling	Kahn	Rowland	
Doremus	Kennedy, R. I.	Sanders, La.	

The SPEAKER. On this vote 305 Members have answered to their names, a quorum.

Mr. CARTER of Oklahoma. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. HOWARD rose.

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. HOWARD. To submit a request for unanimous consent. I ask unanimous consent to address the House for not to exceed five minutes for the purpose of reading a telegram and putting it into the RECORD and submitting some observations upon it.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for not to exceed five minutes. Is there objection?

Mr. CAMPBELL of Kansas. Reserving the right to object, Mr. Speaker, on what subject does the gentleman desire to address the House?

Mr. HOWARD. On this fuel situation, which is very critical in my section of the country.

Mr. CAMPBELL of Kansas. Mr. Speaker, I sympathize with the gentleman from Georgia, and I would like to be able to grant his request, but I fear that if the gentleman from Georgia is given permission many others will ask for the same privilege. We have already had two days devoted to discussion of this matter. There is a demand over here for more time——

Mr. HOWARD. Mr. Speaker, I will say to the gentleman that there were so many gentlemen who found they were literally ruined and who were anxious to speak about it that, in deference to them, I allowed them to prove to the world that they were ruined, and I want now to submit a few observations on a telegram which I think the gentleman will be very glad to have go into the RECORD.

Mr. CAMPBELL of Kansas. I am very sure that I would, but——

The SPEAKER. Is there objection?

Mr. CAMPBELL of Kansas. If there are no other requests, I have no objection.

Mr. GREEN of Iowa. Mr. Speaker, I would like the opportunity of addressing the House for five minutes, if the gentleman from Georgia is granted that privilege.

The SPEAKER. Is there objection?

Mr. CAMPBELL of Kansas. I have no objection.

Mr. MOORES of Indiana. Mr. Speaker, I object to going into a further discussion of this matter.

The SPEAKER. The gentleman from Indiana objects. The question is on the motion of the gentleman from Oklahoma that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The Clerk reported the bill by title.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SURVEYING AND ALLOTTING INDIAN RESERVATIONS (REIMBURSABLE).

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (24 Stat. L., 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, $100,000, to be repaid proportionally out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes and to remain available until expended: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

Mr. GREEN of Iowa. Mr. Chairman, I move to amend by striking out the paragraph.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. GREEN of Iowa moves to strike out the paragraph beginning on line 1, page 2, and ending with line 19.

Mr. GREEN of Iowa. Mr. Chairman, the discussion of this paragraph or even of this bill itself at this time is like fiddling when Rome is burning. The item contained in this paragraph may have been ordinarily of some importance, but compared with what is occurring now and which ought to engage the attention of the House at this time, it is puerile and trifling in the extreme. We are undertaking to appropriate $100,000 for some survey or other, which a few Members of the House know something about, when there are millions of men being thrown out of employment and when thousands are actually suffering

for the want of the wages which they ought to receive at this time, all by reason of an order which is arbitrary in the extreme and wholly unnecessary——

Mr. HOWARD. Mr. Chairman, I make the point of order that the gentleman from Iowa is not addressing himself to his amendment. I desire to say, Mr. Chairman, if the Chair will permit me, in making this point of order, that these gentlemen might as well understand now that they will have to confine themselves to a discussion of their amendments all during this day upon this Indian appropriation bill.

The CHAIRMAN. The gentleman from Georgia makes the point of order that the gentleman from Iowa is not discussing his amendment. The Chair suggests to the gentleman from Iowa that he proceed in order.

Mr. HOWARD. Mr. Chairman, the gentleman from Iowa was not referring to this paragraph, but was talking about the order of the Fuel Administrator——

The CHAIRMAN. The attention of the Chair was diverted for a moment, and he did not exactly hear the gentleman from Iowa. The gentleman will proceed in order.

Mr. HOWARD. Mr. Chairman, I hope the Chair will pay strict attention to him, because I am going to interpose another point of order in a moment.

Mr. GREEN of Iowa. Mr. Chairman, when the gentlemen who are so apprehensive and fearful that this subject may be further discussed interrupted me I was endeavoring to state how extremely unimportant this item of $100,000 for the survey and allotment of Indian lands is at a time like this. It ought not to be taking our time when the whole country is suffering under the blight of an order made by the Fuel Administrator——

Mr. HOWARD. Mr. Chairman, I make the point of order that the gentleman is not in order.

The CHAIRMAN. The point of order is overruled. The gentleman from Iowa is making an argument against this appropriation, if the Chair understands him, on the ground that this money should be used for some other purpose. It occurs to the Chair that the gentleman has a right under the rules governing the committee and the House to argue why any appropriation should not be made. The point of order is overruled.

Mr. GREEN of Iowa. Mr. Chairman, this money ought to be used for the relief of those who are suffering by reason of the order which inflicts greater calamities than all the great fires of the last half century combined. I have examined the reasons which have recently been given by the Fuel Administrator for the issuance of this order.

I find that instead of being reasons why it should be made they are reasons which show why it ought not to be made under the circumstances. They demonstrate beyond question that the order is entirely unnecessary, and that instead of saving coal it will cause it to be wasted.

Mr. LANGLEY. Will the gentleman yield for a question?

Mr. GREEN of Iowa. I can not now. I fear the gentlemen on the other side will not give me additional time. [Laughter.]

Mr. HOWARD. I will give the gentleman time.

Mr. GREEN of Iowa. Mr. Chairman, the reasons given by the Controller of Fuel for the issuance of this order are that the terminals are clogged with cars; that fuel is needed to supply ships and for the people. Is there anyone who expects that fuel will be taken out of the bins of the factories and put in the bunkers of the ships or hauled to houses? Will anyone say that, in order to keep factory goods off the railway tracks, that it is necessary to close the factories? There are thousands upon thousands of loaded cars of coal now on the tracks because stopped by Government priority orders.

Mr. GLASS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GLASS. That the gentleman is not discussing the appropriation of this $100,000, but he is discussing the wisdom or the unwisdom of an order issued by the Fuel Administrator, and it is a subterfuge to discuss that sort of thing.

The CHAIRMAN. The Chair thinks the gentleman from Iowa, up to the point where the gentleman from Georgia made the point of order, was discussing the advisability of making this appropriation. Since that time he has been discussing the wisdom of issuing the order. The gentleman——

Mr. GREEN of Iowa. If the Chair will pardon me, I was comparing the reasons that might be given for the consideration of this particular paragraph with the reasons given for the issuance of the fuel order as showing that one was as futile as the other.

The CHAIRMAN. Fortunately at this instant, the time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. I withdraw the motion.

The CHAIRMAN. The gentleman withdraws his motion.

The Clerk read as follows:

IRRIGATION ON INDIAN RESERVATIONS (REIMBURSABLE).

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto, when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below:

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The gentleman from Georgia and others need not be alarmed that I will transgress the rules in trying to discuss other matters than that relating to the paragraph under consideration. There has been considerable change of phraseology in the item under consideration from that which has been carried in prior bills. I have not been able to determine whether it is of any substantial import or whether it is just merely of a minor character.

Mr. CARTER of Oklahoma. The difference between this paragraph and the general irrigation paragraph usually carried in the Indian appropriation bill is that the paragraph carried in the past was a lump-sum allowance and this makes a specific appropriation for each irrigation district and project. This we thought a very good thing to do and which gives Members of Congress more information upon which they can legislate intelligently.

Mr. STAFFORD. Has not the phraseology of the authorization been changed in some particulars? Not only do you segregate the amounts that may be utilized for respective projects, but you have changed the phraseology in the authorization clause. I rise to inquire whether that broadens the authority in the bill heretofore existing or whether it limits it?

Mr. HAYDEN. I will say to the gentleman there is no material change in the phraseology and this item does not broaden the authority heretofore granted. But if the gentleman will look carefully at the entire matter, beginning with line 22, page 2, and extending to line 16, page 5, he will find that everything which was contained in the former authorization is properly cared for. The sole purpose of this change was to make specific appropriation for various Indian irrigation projects as estimated for by the Indian Bureau rather than to make a lump-sum appropriation to be expended anywhere, for which no report need be made to Congress.

Mr. STAFFORD. For instance, I find in last year's act the language was, "For lands necessary for canals, pipe lines, and reservoirs." I do not find that language in the new paragraph. The language now is rather broadened, "lands necessary for irrigation purposes."

Mr. HAYDEN. That change was made at the request of the Indian Service and was thought advisable, because there is no use itemizing the various things to be done on an Indian irrigation system.

Mr. STAFFORD. May I ask whether this phraseology is as recommended by the Indian Service?

Mr. HAYDEN. Specifically recommended by them.

Mr. STAFFORD. I would like to ask the chairman of the committee the general question, in view of the fact he has not explained the bill and it might save us some time in considering other portions of the bill, whether there have been any items included in this bill for appropriations greater or appropriations not recommended by the department?

Mr. CARTER of Oklahoma. Any appropriation?

Mr. STAFFORD. Whether there are any items——

Mr. CARTER of Oklahoma. There are——

Mr. STAFFORD. The report of the gentleman on this bill does not indicate what those items are.

Mr. CARTER of Oklahoma. I had thought that one of the Wyoming projects had not been recommended, but I find from the hearings it was.

Mr. STAFFORD. I am not asking now as to the irrigation projects, but whether throughout the bill there is anything included that was not recommended by the department?

Mr. CARTER of Oklahoma. There might have been some small item, like a bridge, included which was not in the estimate, but there is nothing in the bill that was not recommended either in the estimates or thereafter.

Mr. STAFFORD. As to the amount of the appropriations, are there any instances where the appropriation carried in the bill exceeds the recommendation of the department?

Mr. CARTER of Oklahoma. The bill is cut by something over $1,000,000, as stated in the report.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CARTER of Oklahoma. As the reports indicate, I am pretty sure the committee did not exceed the department's estimates in any item.

Mr. SINNOTT. Will the gentleman yield for one question?

Mr. STAFFORD. I yield to the gentleman from Oregon to ask the gentleman a question.

Mr. SINNOTT. I would like to ask from which fund these moneys are spent. Are any of them spent from the reclamation fund?

Mr. HAYDEN. There is no expenditure in the bill from the reclamation fund.

Mr. CARTER of Oklahoma. No. There is no expenditure in the bill from the reclamation fund. And in every case, I will say to the gentleman from Wisconsin, where a change from the estimate was made, there was a reduction.

Mr. STAFFORD. Most of these appropriations that have been segregated here, I assume, will be paid out of the trust funds of the Indians?

Mr. CARTER of Oklahoma. To what does the gentleman refer—the irrigation item?

Mr. STAFFORD. Yes.

Mr. CARTER of Oklahoma. Yes; they are reimbursed out of the trust funds of the Indians. And I understand that in a very few cases the money is refunded by the Indian himself by production from his allotment.

Mr. MILLER of Minnesota. Will the gentleman permit an inquiry?

Mr. STAFFORD. I will be glad to yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. In looking over these items as arranged in the bill—and I wish to congratulate the gentleman and his committee for having adopted this method of enumeration—I find that most of the amounts designated are very small. Is it the purpose of the committee to have the maintenance of these many projects worked on?

Mr. CARTER of Oklahoma. Most of them are for maintenance.

Mr. MILLER of Minnesota. To keep them in order and to keep them going? It is not intended that there will be a large period of construction?

Mr. CARTER of Oklahoma. As the gentleman from Minnesota knows, most of the irrigation projects, the construction of them, is provided for separately in different items of the bill.

Mr. LONGWORTH. Mr. Chairman, I desire to oppose the pro forma amendment.

Mr. Chairman, yesterday afternoon the distinguished chairman of the Committee on Indian Affairs undertook to make a good-natured, but it seemed to me a rather half-hearted, defense of this recent coal order, incidentally praising the nonpartisan attitude of the administration. I did not at that time have an opportunity——

Mr. CARTER of Oklahoma. Mr. Chairman, I make the point that the gentleman is not discussing the amendment.

Mr. LONGWORTH. I would like to be heard on the point of order.

The CHAIRMAN. The motion is to strike out the last word.

Mr. LONGWORTH. I maintain, Mr. Chairman, that in the discussion of Indian questions partisanship may well be considered. This bill relates to Indians, and it is a well-known fact that Indian chiefs are intensely partisan, always surrounding themselves with members of their own party, and that they never appoint to office others than those who have supported them for the office of chief. [Laughter.] Furthermore it is conceded that in war time Indian chiefs crown themselves with feathers, and it is competent, I submit, to show that some of those surrounding the present chief are as light as feathers.

Mr. CARTER of Oklahoma. I make the point of order, Mr. Chairman, the gentleman is discussing neither the amendment nor the point of order.

The CHAIRMAN. The Chair submits to the gentleman from Ohio in good faith that he is not discussing the amendment before the House to strike out the last word.

Mr. LONGWORTH. Does the Chair sustain the point of order?

The CHAIRMAN. The Chair must do so. The gentleman must admit that he is not discussing the amendment before the House to strike out the last word.

Mr. LONGWORTH. Mr. Chairman, I still think, with great respect to the Chair, that I am in order in discussing a bill dealing with Indian affairs; but I submit, of course, to the ruling of the Chair, he being one of our most expert parliamentarians.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Irrigation district 5: Southern Ute, Pine River project, $9,000; San Juan Reservation, $22,000; New Mexico Pueblos, $12,000; Zuni Reservation, $5,000; Navajo, miscellaneous projects, including Tes-nos-pos, Moencopi Wash, Capt. Tom Wash, and Red Lake, $20,000; total, $68,000.

Mr. HAYDEN. Mr. Chairman, I move to amend the paragraph, on line 19, by inserting the word "Reservation" after the words "Southern Ute."

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 3, line 19, after the word "Ute" insert the word "Reservation."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

One assistant chief irrigation engineer, $2,500.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment just read.

The CHAIRMAN. Does the gentleman from Wisconsin reserve the point of order or make the point of order?

Mr. STAFFORD. I reserve the point of order on the item just read. I wish to inquire of the committee what, in fact, has been done as to the salaries of these officials that are now described under new terms, and whether there has been any increase in salaries or whether there is going to be any increase of officials. I notice in the reading of last year's act we did provide for "one assistant inspector of irrigation who shall be a skilled irrigation engineer, $2,500." And in addition thereto the following:

For traveling and incidental expenses of two inspectors of irrigation, including sleeping car fare and a per diem of $3 in lieu of subsistence when actually employed on duty in the field and away from designated headquarters, $3,200.

This item here of $2,500, I assume, refers to the official who was carried in last year's bill under a different designation?

Mr. HAYDEN. We changed the designation at the request of the Indian Service.

Mr. STAFFORD. While I am on the floor I would like to have an explanation of the creation, if they are new places, of the two officials provided in the next two items, namely:

One supervising engineer competent to pass upon water rights, $2,500;
One field cost accountant, $2,250.

Mr. HAYDEN. Those positions were provided for at the same salaries in last year's bill.

Mr. STAFFORD. Where were they provided for in the last year's bill? I do not find them anywhere in last year's bill.

Mr. HAYDEN. In the last proviso of the section, which reads:

That not to exceed seven superintendents of irrigation, six of whom shall be skilled irrigation engineers and competent to pass upon water rights, and one field-cost accountant, may be employed.

Mr. STAFFORD. Where is that which the gentleman has just read?

Mr. HAYDEN. That is at the end of this same section in last year's bill. The last proviso in the section.

Mr. STAFFORD. There is no limitation as to the salary to be paid them.

Mr. HAYDEN. As a matter of fact, we ascertained that one supervising engineer was paid $2,500, and the field-cost accountant $2,250, and we allowed them the same salary that they were heretofore receiving. Instead of providing at this place in the bill for six superintendents of irrigation, you will notice that on page 3, lines 25, 26, and 27, we have included the salaries of the five supervising engineers of the five irrigation districts in the amounts appropriated for irrigation districts Nos. 1, 2, 3, 4, and 5, at the top of page 4.

Mr. STAFFORD. Does that contemplate the employment of an unlimited number of supervising engineers?

Mr. HAYDEN. No, sir. As a matter of fact, we have made a reduction of one engineer heretofore authorized. We learned that he had not been employed, and so the committee authorized but five supervising engineers, one in each of the districts.

Mr. STAFFORD. There is no such limitation in the bill as to the number. Under this phraseology the department could authorize the employment of as many as it saw fit, to the extent of the appropriation, whereas in last year's bill there was a distinct limitation on the number, but not on the salary.

Mr. HAYDEN. We made no limitation upon the salaries, because we appropriated such small amounts in each one of the irrigation districts that we knew they could not increase the salaries.

Mr. STAFFORD. You have not made any limitation on the salaries; neither have you made any limitation on the number.

Does not the gentleman believe that there should be some limitation on the number?

Mr. HAYDEN. If the gentleman has an amendment to that effect, I would favor its adoption.

Mr. CAMPBELL of Kansas. I notice that, on page 4, beginning on line 18, there is a provision for pay of one chief irrigation engineer at $4,000, and one assistant chief irrigation engineer at $2,500, and one supervising engineer competent to pass upon water rights at $2,500, and one field-cost accountant at $2,250.

Mr. STAFFORD. I am now directing the attention of the gentleman to the general language as found in the last paragraph on page 3, which provides for the skilled irrigation engineers which were provided for in last year's bill.

Mr. HAYDEN. I think we can cure that by moving to insert the word "five," after the word "of," in line 27, page 3.

Mr. STAFFORD. It should be "not to exceed five."

Mr. HAYDEN. Insert the words "not to exceed five."

The CHAIRMAN. Does the gentleman from Arizona ask unanimous consent to return to page 3 for the purpose of offering an amendment?

Mr. HAYDEN. I do.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to return to page 3 for the purpose of offering an amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

Mr. HAYDEN. I move to amend, in line 27, page 3, after the word "of," by inserting the words "not to exceed five."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 27, page 3, after the word "of," by inserting the words "not to exceed five."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the reservation of the point of order. The Clerk will read.

The Clerk read as follows:

And for traveling and incidental expenses of officials and employees of the Indian irrigation service, including sleeping-car fare, and a per diem not exceeding $3.50 in lieu of subsistence when actually employed in the field and away from designated headquarters, $6,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. I notice throughout the bill that the committee has recommended an increase of the per diem from $3 to $3.50.

Mr. HAYDEN. We have done that in certain cases; but in one case, where Indian Office inspectors are now allowed a per diem allowance of $4 a day, we have reduced it to $3.50, so as to make the amounts uniform throughout the bill.

Mr. STAFFORD. I presume it is to be the policy, if this is allowed to go through, that this amount will be insisted upon in case it should be raised by another body?

Mr. HAYDEN. There should be at least an increase of 50 cents a day.

Mr. STAFFORD. This is the first instance, according to my recollection, of a change in the per diem allowance. Has an allowance of $4 been made to inspectors in the Post Office Service who have been receiving $3?

Mr. CARTER of Oklahoma. I can give you no precise information on that, but I think they get only $3.

Mr. STAFFORD. I know they have carried that amount in prior bills. I ask the gentleman or any member of the Committee on the Post Office and Post Roads who is present whether that amount was changed in the Post Office bill that recently passed the House?

Mr. CARTER of Oklahoma. I can not give the gentleman that information.

Mr. RANDALL. Mr. Chairman, if the gentleman will permit, I will say the amount was not changed. The allowance is still $3 a day.

Mr. HAYDEN. We found that in the Department of Justice $4 was allowed and in all the branches of the Interior Department, except the Indian Office, inspectors were allowed a per diem of $4, and that six Indian inspectors were allowed $4. In considering the estimates throughout the bill where $3 was formerly fixed we have allowed $3.50, an increase of 50 cents where the per diem has been $3, and we reduced the six inspectors from $4 to $3.50.

Mr. STAFFORD. Is it to be the policy of the committee that that shall be the amount when this bill goes into conference?

Mr. CARTER of Oklahoma. The committee tried to fix this amount so that it would be equitable and uniform, and the committee has committed itself in favor of $3.50. As has been stated by the gentleman from Arizona [Mr. HAYDEN], in some of the departments inspectors drew $3 and in some $4, and in this very bureau some drew $3 and some $4, so that we thought we had hit upon a happy compromise when we made it $3.50. Speaking for one member of the committee, if I should be on the conference I would say that I would be quite obstinate against changing that amount.

Mr. STAFFORD. May I inquire, in that particular, whether these employees and officials receive a per diem allowance for every day of the year or every workday or only when they are in the field performing service?

Mr. CARTER of Oklahoma. They receive it when they are in the field performing service.

Mr. STAFFORD. Attention was called to the fact some years ago that the Post Office Department granted that allowance for virtually every workday of the year; and as it was then considered, before living expenses mounted so high, as a real increase of compensation, the committee reduced the allowance from $4 a day to $3 a day.

I am making this inquiry at some length also because the Subcommittee on Appropriations, in framing the legislative, executive, and judicial appropriation bill, has this very question before it for determination. For instance, pension agents in the field examining claims arising from pensions, with salaries averaging from $1,200 to $1,400, receive under the appropriation bill an allowance of but $3 a day. We have before us a recommendation of the Commissioner of Pensions to increase that to $4. I wanted to ascertain before it was too late just what was the policy of the Committee on Indian Affairs and what it was going to be if this amount of $3.50 was agreed upon?

Mr. CARTER of Oklahoma. Mr. Chairman, I have already stated what my position would be, and I think that is the position of the committee. I call the attention of the gentleman to the fact that, so far as this particular item is concerned, the language of it specifies a per diem not exceeding $3.50 in lieu of subsistence when actually employed in the field and away from designated headquarters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that the time be extended two minutes. Is there objection?

There was no objection.

Mr. STAFFORD. That same objection presented itself in connection with the Postal Service. We found that inspectors would have designated headquarters, and that they would find it to their financial advantage to take a little side trip every day of an hour or two, or maybe a little bit more, in order to be away from their designated headquarters, so as to get their per diem allowance, and then return to their office to perform office work. It was an abuse, and, of course, in some instances you could not criticize them, but in many instances the practice was censurable.

Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order. The Clerk will read.

The Clerk read as follows:

In all, for irrigation on Indian reservations, $250,750, reimbursable as provided in the act of August 1, 1914, and to remain available until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available under any other act of Congress: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of the Interior for the necessary expenditures for damage by floods and other unforeseen exigencies: *Provided, however*, That the amounts so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated.

Mr. BORLAND. Mr. Chairman, I desire to offer an amendment.

Mr. STAFFORD. I reserve a point of order.

Mr. HAYDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point or order.

Mr. STAFFORD. Mr. Chairman, I believe this is new language that has not heretofore been carried in the Indian appropriation act, as to the interchangeability of these amounts for flood purposes and the like. Under the old phraseology the full amount that was appropriated was utilizable for flood purposes?

Mr. HAYDEN. Anywhere, at any time.

Mr. STAFFORD. Now, as I understand it, you seek to allow any of these items to be used interchangeably in the discretion of the Secretary of the Interior for expenditures occasioned by damage by flood or other unforeseen exigencies, but that can not exceed 10 per cent of the amount so appropriated?

Mr. HAYDEN. That language is copied directly from the Agricultural appropriation bill with respect to the appropriations for the national forests, where emergency expenditures may be necessary because of forest fires.

Mr. STAFFORD. Will the gentleman, who is very well acquainted with the expenditures under these various irrigation projects, give us the benefit of his knowledge as to how much money is expended on the average for flood purposes or other exigent emergencies?

Mr. HAYDEN. To tell the gentleman the truth, heretofore we have been making this lump-sum appropriation, which was used on the various irrigation projects as the Indian Bureau saw fit, without making any report to Congress. In past years there was no way of telling how much was expended for flood protection or for any other purpose. The object in making these itemized appropriations in this bill was to compel the Indian Bureau to report to Congress just how much was spent on each project and the amount used interchangeably in case of damage by flood or otherwise. Of course it is utterly impossible to foresee what the damage to Indian irrigation projects throughout the United States by floods will be, because floods occur when they occur. That can not be foretold. It would be impossible to give the gentleman that information.

Mr. STAFFORD. I wish to compliment the committee on their action in segregating these various amounts. Some committees have been rather averse to taking away from the department the control of lump-sum appropriations; but the gentleman from Arizona cites how impossible it is for any appropriating committee to follow the expenditures unless the items are segregated, as the committee has done in this instance. It should be done more generally by other appropriating committees if the Congress is going to keep control of the appropriations, as is its province.

The CHAIRMAN. Does the gentleman withdraw the point of order?

Mr. STAFFORD. I withdraw the point of order.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] and the gentleman from Arizona [Mr. HAYDEN] have both indicated their desire to offer amendments. Of course it is the custom to recognize a member of the committee first to offer amendments to perfect the text. The gentleman from Arizona [Mr. HAYDEN] did not happen to be on his feet and the gentleman from Missouri [Mr. BORLAND] was on his feet. If the gentleman from Missouri will permit, the Chair will first recognize the gentleman from Arizona.

Mr. BORLAND. Certainly.

Mr. HAYDEN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HAYDEN: Page 5, lines 8 and 9, after the word "available," strike out the words "under any other act of Congress."

Mr. HAYDEN. We considered those words to be mere surplusage, because if any part of this appropriation can be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available it is unnecessary to say "under any other act of Congress."

The amendment was agreed to.

Mr. BORLAND. I offer an amendment to follow line 15.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BORLAND: After line 15, on page 5, insert: "No part of any amount herein appropriated shall be used to pay salaries or for personal services in any department, bureau, or office in the District of Columbia which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act, approved March 15, 1898, require eight hours of labor each day."

Mr. HAYDEN. I reserve a point of order on that amendment.

Mr. CARTER of Oklahoma. I reserve a point of order.

Mr. BORLAND. We might as well dispose of the point of order, if the gentleman will make it. The amendment is not subject to a point of order.

Mr. CARTER of Oklahoma. It is evidently an attempt to change the present law with reference to the hours of employees.

The CHAIRMAN. This is a limitation on the appropriation.

Mr. CARTER of Oklahoma. The Chair has a right to rule that way, of course.

The CHAIRMAN. The Chair is perfectly willing to hear the gentleman from Oklahoma.

Mr. MONDELL. Mr. Chairman, no amendment can be offered, even in the form of a limitation, which changes existing law.

The CHAIRMAN. The gentleman from Oklahoma has not pointed out where it changes existing law, but if it does change existing law the Chair will hear him. It occurs to the Chair—and the parliamentary clerk so advises me—that this precise question has been ruled upon several times and held that it comes within the Holman rule, that it is retrenchment of expenditures. Therefore, the Chair overrules the point of order.

Mr. BORLAND. Mr. Chairman, this bill is not intended to carry any employees in the executive offices in the District of Columbia, but it seems by accident that it does carry a few, and I think one exception is the Irrigation Service. But this principle of requiring the departments to conduct their business upon an honest eight-hour day basis must, of course, be appended to each one of these appropriation bills, and therefore, although it may affect this bill to a limited extent, it is proper to offer it here.

Gentlemen of the House are familiar with the fact that in the Department of the Interior a seven-hour day prevails. It has prevailed for some time. It is an old abuse. It is one of those old abuses which seems impossible to eradicate in this District. It prevails in the Department of the Interior very generally. At this particular time the business men, taxpayers, farmers, and producers of the country are asking themselves the question, What is being done with all the money that is being raised from the people by taxation? Are we really getting efficient results out of it? That is the one paramount thought in the minds of the people to-day. Are we really pushing this war; are we really speeding up the preparations for the defense of democracy? If we are not, we are subject to great censure. We have agents out all over the country attempting to find clerical employees for the departments in Washington. In their efforts to find clerical employees by the thousands they have gone into the great commercial centers of the country and offered inducements to skilled employees now engaged in the work of the country who are rendering very essential, valuable, and important service in producing the wealth of the country that must pay taxes to support the Government.

I have no objection to taking away a certain number of these men for the service of the Government in Washington any more than I have to the taking away of a certain number for the service in the Army or in the field; if the Government needs the service, that claim is paramount. But I have serious objections to taking a large number out of the productive life of the Nation and bringing them to Washington to work a short seven-hour day. That kind of a day does not prevail in the commercial and industrial life of the Nation. There is an honest standard day of eight hours that organized labor and all other right-thinking people have agreed upon, except in exceptional cases, and that eight-hour day ought to prevail, and does prevail, in most of the Government activities outside of the city of Washington.

Now, here is a department still running but seven hours a day. It is manifest that under the circumstances that department is underworked and overmanned. By the very showing that it makes itself it is underworked and overmanned. If it can do the work in seven hours in 237 working days out of 365, it is manifest that it is not working at its full capacity.

Mr. JUUL. Will the gentleman yield?

Mr. BORLAND. For a question.

Mr. JUUL. Does the Indian Department work its employees only seven hours in field work?

Mr. BORLAND. No; I think the Indian Department in its field work does not confine itself to seven hours, but I am not advised about that. I know that in the Postal Department they work eight hours and sometimes longer, and so in most of the great departments outside of the District of Columbia they work on an eight-hour basis. I know that the mechanics at the navy yard work eight hours, and I think pretty nearly all the mechanic employees under the Government work eight hours and are willing to do so.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CAMPBELL of Kansas. Could not the gentleman from Missouri accomplish his purpose by directing his thrusts at the Cabinet officers under whose direction these employees work seven hours instead of eight?

Mr. BORLAND. The gentleman is wrong in two points. "The gentleman from Missouri" is not directing any thrust.

Mr. CAMPBELL of Kansas. It seems to me the matter could be accomplished by reaching the men under whose supervision these employees work.

Mr. BORLAND. Let me ask the gentleman who is suggesting a method to sidestep this proposition, is he in favor of the

taxpayers getting eight hours a day from Government employees?

Mr. CAMPBELL of Kansas. Will the gentleman answer my question?

Mr. BORLAND. The gentleman from Kansas can answer or refuse to answer.

Mr. CAMPBELL of Kansas. I am not demagoging on any question on this floor.

Mr. BORLAND. No; but the gentleman is demagoging if he fails to answer the question whether he is on the side of the taxpayer or the special interests of Washington.

Mr. CAMPBELL of Kansas. I am not willing to waste the time of the taxpayers on the floor of this House.

Mr. BORLAND. I never have heard the gentleman waste any time on the taxpayers' side in any proposition, but I have seen him waste time on the side of the business interests of Washington. This is a matter between the business interests of Washington and the taxpayers of the Nation. The gentleman could line up on one side or the other of that proposition. The clerks, many of them, would be glad, of course, for a short day. That is human nature. But the clerks are honest and self-respecting enough to obey the law if Congress makes it. If Congress says that eight hours is a fair day, the clerks will obey the law. Who is making the trouble? It is the merchants and landlords of Washington. They are the ones who want an excessive number of employees, and they want them to be paid high wages for short-time work.

That is what this propaganda is backed by. I now send to the Clerk's desk to have read in my time an editorial from the Kansas City Star, which shows where the gentleman from Kansas [Mr. CAMPBELL] and others stand on this subject.

The CHAIRMAN. Without objection the Clerk will read.

The Clerk read as follows:

WASHINGTON'S STRANGLE HOLD.

With becoming diffidence may it be suggested from the safe distance of Kansas City that it is hardly becoming in war time for the Government to permit its clerks to work only seven hours a day with a 30-day vacation?

This mild protest is put forth with diffidence because the Star recalls the tremendous wrath which Representative BORLAND called down on his head last year when he proposed in Congress that the clerks might work eight hours a day. To an outsider it would seem a mere commonsense proposal and not one to get excited about. But Washington could not have been more stirred if the cruel Mr. BORLAND had proposed to deprive it of life, liberty, and the pursuit of happiness.

His mail was flooded with indignant letters. The local newspapers denounced him. Ministers preached sermons against him and his monstrous proposals. At receptions Washington women would reproach him for trying to ruin the city.

The clerks were not the chief source of the agitation. They would have changed to the eight-hour day with some grumbling, but still without violence. The real trouble arose from the real estate men, merchants, and bankers. For it is self-evident that the shorter time the clerks work the more clerks there must be to do the work, and the more clerks the more families to house, the more grocery bills to be paid, and the better business for banks.

Washington business men did not propose to permit the Nation to save money through efficiency when they had a financial interest in waste. They were able to control Congress and Mr. BORLAND's hated scheme for economy was at once sat on.

It is with due respect for the power of the Washington merchants over this Government that the Star modestly ventures to ask whether they won't release their strangle hold on Uncle Sam in war time and permit the Nation to work its employees in Washington as many hours as they work in Kansas City.

Mr. BORLAND. Mr. Chairman, we are trying to get Government clerks to carry on the business of this Nation. They are said to be necessary in all of these departments. Here is the Interior Department, the Department of Commerce, and the Department of Labor, all of them working seven hours a day. Those clerks working in those departments have not been asked to make any sacrifice for the Nation at war. Every other man in the land has been asked to make a sacrifice, even up to his own life or the life of his son. Those men have not been asked to sacrifice a single hour of extra work that we may win this war for democracy. If we need more employees to speed up preparation for war, let Congress have the courage to say that the Department of the Interior shall be put upon an honest eight-hour basis, and the surplus clerks now there be used for the purpose of speeding up preparation for the war.

Mr. CAMPBELL of Kansas. Mr. Chairman, the law now provides for an eight-hour day for Government employees. If that law is not enforced, the blame rests with the Executive. Congress is not the Executive. The law that already has been enacted should be enforced. It is up to the Secretary of the Interior to enforce the law against the employees who work seven hours a day instead of eight, upon whose service this amendment is hung by the gentleman from Missouri [Mr. BORLAND]. The gentleman from Missouri could get his campaign stuff as well circulated throughout the United States by attacks on the administration as he does by making cheap speeches on the floor of the House, and the work here would progress more rapidly, and we would get eight hours a day out of employees under existing law. If the gentleman from Missouri is interested in having the employees work eight hours a day, he will attack the Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Postmaster General, and all of the other executive heads of departments. They are the men under whom these employees render their services, and if these employees work less than eight hours a day, the blame lies with the heads of departments and not with the Congress, and it is a waste of treasure and of the time of this Congress to stand here and talk about repeating a law in every appropriation bill that already exists upon the statute books. Let the Kansas City Star and all of the other papers attack the President for keeping Members in his Cabinet who retain men and women who work less than seven hours a day, when the law requires that they shall work eight hours a day. There is also the remedy of the gentleman from Missouri [Mr. BORLAND]. If he had the courage to attack the administration or the Cabinet retained by the President, he would reach the matter that he has so long sought to impress upon the country. His devotion to the taxpayers reaches only far enough to make a few harmless speeches on the floor of the House of Representatives, but when it comes to the courage of attacking where attack will bring results, he is as silent as the tomb.

Mr. AUSTIN. Mr. Chairman, I am a partisan Republican, and it distresses me as a representative of my party to see the able and distinguished Member from Missouri [Mr. BORLAND], in season and out of season, taking a position upon these appropriation bills which, to say the least, is a reflection upon the national administration, which was elected upon a platform pledged to economy.

Mr. BORLAND. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. BORLAND. Does not the gentleman know that these abuses existed for 16 years under Republican administration?

Mr. AUSTIN. Therefore the gentleman from Missouri, being a member of a great national party committed to a reform of all of the so-called abuses under Republican administrations, is not excusable, and neither is his party or the administration he supports, when they fail to carry out those pledges and promises upon which they obtained the reins of government.

Mr. BORLAND. Mr. Chairman, I take it the gentleman is really in favor of an eight-hour day?

Mr. AUSTIN. The gentleman's speeches are cumulative evidence of the fact that his party has been derelict in carrying out in good faith its pledges to the American people made upon the election of President Wilson five years ago. Mr. Chairman, I can not join the gentleman from Missouri in his repeated attempts to discredit the work or the record of the splendid efficiency of the Government clerks in Washington City. My humble beginning in the Government service was 40 years ago in the Post Office Department in this city, and in the nine years I have served in this House I have never failed to be interested in legislation which affected their interests. Mr. Chairman, in all fairness, the American Congress is not fair with the District of Columbia. We ought to give the people of the District a Representative in this House. We have given the Philippine Islands two Representatives, Porto Rico a Representative, and many of the American States, with a population less than that of the District of Columbia, have two Senators and a Member of this House. The Capital City ought to be treated fairly and justly, especially so when we keep its inhabitants disfranchised. They have no representative to appear before the respective committees of this House or upon the floor to plead their cause, to urge needed legislation which would promote and advance the interest of the District of Columbia, in which the whole country is interested.

I know many clerks personally. I think they are doing their share in promoting the interests of the Government during this war. Thousands are working night and day. They are making sacrifices of health, comfort, and pleasure to do their full share in aiding a weak and vacillating administration in running the Government. I hope the gentleman from Missouri will observe his loyalty to Woodrow Wilson and the party to which he owes allegiance by ceasing in this public manner in throwing discredit upon our Government and the Democratic national administration by calling indirectly attention to their lack of good faith in redeeming their pledges in reference to economy and the abolishment of useless offices, and so forth. [Applause.]

Mr. CARTER of Oklahoma. Mr. Chairman, I do not know just how many times the gentleman from Missouri [Mr. BORLAND] has presented this amendment. I have been somewhat in sympathy with his effort to get eight hours of work each day out of every employee of the Government, especially during this crisis. I am also in sympathy with the adjustment of salaries

of Government employees that will make them conform to the wages that other people draw doing work of a similar character and amount. I am willing to go into both of those matters at the proper time. The difficulty with my friend from Missouri is that he does not seem to know when he is licked. I do not know just how many times, I repeat, this amendment has been turned down by the House. I do not know how many times I have voted with him to sustain it in its proper place, but this is not the proper place in this bill because there are no employees in the Indian Service who do not work eight hours a day now in the District of Columbia. Now, this bill carries an appropriation for three inspectors who work a part of the time in the District of Columbia, and for about 10 or 12 clerks who work in determining the heirship of the papers after they come to the city of Washington. About 10 or 25 men, perhaps, are employed under this bill in the District of Columbia, and these are the only persons to whom the amendment of my friend of Missouri could, by any possible application of the law, reach; so that I object to bringing it in this bill, asking us to bury it down here in a bill where the public would never look for it, camouflage the amendment when it is put in a bill, fix it so that a lawyer or anyone else hunting it up would have to look every place under the sun to find it. There is a place where the gentleman can present it, but it is not in this bill. I hope the membership of the House will not decide with him to include the amendment in this bill.

Mr. BORLAND. Will the gentleman yield?

Mr. CARTER of Oklahoma. I will.

Mr. BORLAND. The gentleman will recognize that this amendment was offered as a limitation to the appropriations made in this bill?

Mr. CARTER of Oklahoma. I so understand.

Mr. BORLAND. And, therefore, in that form it must be offered as a limitation to each bill carrying an appropriation for any employees in the District of Columbia, no matter how many or how few?

Mr. CARTER of Oklahoma. The gentleman from Missouri is a member of the Committee on Appropriations of this House. Let the gentleman bring in from his own committee an item providing for this matter and then it can be considered in an orderly way, the way in which we ought to consider a matter before putting it into the law.

Mr. SISSON. Mr. Chairman, I had not intended to make any statement at this time in reference to this eight-hour proposition during the war, nor am I impressed with the idea that it is of such enormous importance upon this particular bill, but at this particular time we ought to stop and give some little consideration to the conditions that confront us. Now, we have had before the Committee on Appropriations many chiefs of bureaus and scarcely with an exception—there are one or two exceptions—the clerks are working seven hours. Now, I want to submit, especially while the war is going on, about this proposition——

Mr. CAMPBELL of Kansas. May I ask why the department heads do not require them to work eight hours instead of seven, under the law as it exists?

Mr. SISSON. In the first place, the gentleman ought to ask why for 16 years the bureau chiefs, when his party controlled the Government, did not require eight hours and not now criticize us because some of us try to correct the evil we inherited from you.

Mr. CAMPBELL of Kansas. Oh!

Mr. SISSON. I decline to be drawn now into a partisan discussion. The gentleman tries to play politics. Not one of us who want to serve patriotically even refer to politics in this discussion.

Mr. CAMPBELL of Kansas. This is not a partisan discussion at all.

Mr. SISSON. Well, do not make it one, then. I decline to yield further. I am not going to be drawn into any partisan discussion, because I am going to presume that this is no time in which to play politics. This is a time when every American in this House worthy of the name should be willing to do that which is necessary to present as united a front as possible and make every patriotic effort to win this war. [Applause.] When a man plays petty, peanut politics on an occasion of this kind it is evident he has little regard for the outcome of the war. I do not care what district he represents or what position he holds in the Government. But here is a proposition that ought to appeal to every man. We are calling upon the people throughout the country to make sacrifices. In every neighborhood we are asking people to buy liberty bonds; we are asking people to make sacrifices and economize and buy thrift stamps. Now, of all the people in the United States the Government clerks ought to be patriotic, and if they are not patriotic they ought to be gotten out of their places and good patriotic men put in their places. Now, they are working only seven hours. They are asking in every bureau great increases in the number of clerks—three or four times as many clerks in many departments, and in some departments many more times than that, than they have in peace times. Now one-seventh of a working day added will be 14 per cent, and if we get eight hours of patriotic service out of these patriotic clerks during the war and have them do that which they ought to do, then, indeed, gentlemen, if every man were working up to the full standard of efficiency you could save 14 per cent in the items of appropriation, and you could save thousands of clerks for other work in civil life and millions of dollars.

Now, these clerks ought to be willing to work eight hours. It is going to depend largely upon the mental attitude of every clerk as to whether or not he will do eight hours of good service. If his mental attitude is such that he is willing that the Government shall require of him through the war eight hours, he will work eight hours and give good work. Here in the seat of government, under the very noses of Cabinet officers, under the very nose of the President, under the very nose of Congress, we allow clerks to do no more than in peace times and at the same time we are going out over the country and asking and demanding that all the people make sacrifices; buy liberty bonds and thrift stamps, use less food and less coal, and deny themselves many things, even necessaries of life. Why, then, could not the Government begin here at home and make these people show some patriotic sacrifice and demonstrate to the country that there is some real patriotism here in the Government? We are piling taxation upon every form of industry. We are asking the great business men to make great sacrifices. We are asking the poor people throughout the country even to take the little thrift stamps. We are asking them to economize in every form. Do we mean it? Are we in earnest? And are we honest with ourselves? Your vote on this amendment will determine. If we are, as Members of Congress we can not shift the responsibility and say it is due to the executive department or bureau chiefs. We make the law for Government clerks and vote money to pay them, and it is our duty as honest legislators to see to it that they do work or get no money. We hold the purse strings in our hands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Gentlemen endeavor to evade their responsibility. You have the purse strings in your hands. You have the right under the rules of this House to put limitations on these bills and say the money shall not be expended, especially during these war times, until in each department the clerks are required to work eight hours; and I sincerely trust that the Members will lay aside for the time being any feeling they may have for individual clerks and deal with the clerks as they do in private business concerns. How many of them will put patriotic buttons not only on their coats but some patriotic buttons on their hearts and have some respect for the Treasury, because the greatest amount of money that is spent now is spent for personal services in order to conduct this Government during the war? Let us, if we can do so, get the 14 per cent additional service out of the clerks during the war.

It is the time to test the patriotism of every clerk. It is time to call upon them to volunteer and for them to say, "I will do that extra hour of work and help save the Government and the taxpayers of this country, whose servant I am."

Many Members of Congress work 10, or 12, or 15 hours a day. You take the Appropriations Committee, and they begin in the morning at 10 o'clock, running until 6, and then the Members have to look after their correspondence in the morning, have to look after their department work at the odd times they can get. Many Members of Congress, all in fact who is performing his duty here, is doing infinitely more than eight hours of service. While the war is on I do not believe in Congress being longer controlled by the contention of merchants and citizens of the District of Columbia, who want the hours such that the clerks can trade at the stores, as was demanded when this matter was up before. The local papers drove Congress before into voting against requiring the clerks from working eight hours. Will not Congress now, under present conditions for the time being, stand up against this influence and get eight hours service from every clerk? You will, unless you are afraid to do right.

Mr. CAMPBELL of Kansas. Mr. Chairman, the gentleman from Mississippi [Mr. SISSON] has intimated that somebody is talking politics.

Mr. SISSON. I did not intimate it; I stated it.

Mr. CAMPBELL of Kansas. I do not know to whom he refers.

Mr. SISSON. The gentleman ought to be able to recognize his own photograph.

Mr. CAMPBELL of Kansas. That is what I wanted the gentleman to say.

Mr. SISSON. That is all. I have said it now.

Mr. CAMPBELL of Kansas. If the gentleman refers to what I said I repeat, that the duty of enforcing the law is not upon the House of Representatives. The duty of enforcing the law is upon the Executive. We have passed an eight-hour law. It is not the duty of Congress to see that that law is enforced. It is the duty of the Executive. Why, I can not say anything that would be so cruel to this administration as the gentleman from Mississippi has said or that the gentleman from Missouri has said. They both say that we have the purse strings; that we should say to this administration, "You can not use a dollar of the amount of money that we appropriate here if you do not observe the law." I have not said anything so cruel as that, and I shall not. I go upon the assumption that if the attention of the administration is called to the fact that the law now requires an eight-hour day from these clerks, those under whose direction the clerks perform their service will see that they give eight hours instead of seven. We will then get our 14 per cent additional time of service. We ought to have eight hours a day instead of seven. The gentleman from Missouri [Mr. BORLAND] is not the only man in this House, nor is the gentleman from Mississippi [Mr. SISSON], who believes that the department clerks should work 8 hours a day or 10 hours a day during this time in order to perform the duties this public service now requires.

Mr. STEVENSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. STEVENSON. Is it not the law that they shall not work over eight hours? The law does not say that they shall work eight hours a day, does it?

Mr. CAMPBELL of Kansas. That is a quibble.

Mr. STEVENSON. One moment, please——

Mr. CAMPBELL of Kansas. Oh, no; that is a merely a quibble.

Mr. STEVENSON. Is it not a limitation, not a provision requiring it?

Mr. CAMPBELL of Kansas. No; that is merely a quibble.

Mr. STEVENSON. Let the gentleman state the law as it is.

Mr. CAMPBELL of Kansas. The fact is that the heads of the departments do not get to their offices until half-past 9 to 10 o'clock. They take two hours for lunch. If you are fortunate, you can get an appointment between 2 and 4 o'clock with the head of a department or with a bureau chief. Why does not this patriot from Missouri and his copatriot from Mississippi attack the Secretaries for not working eight hours a day instead of six or less?

Mr. SISSON. The gentleman from Kansas is doing that?

Mr. CAMPBELL of Kansas. Why attack these clerks, who are working under the direction of the bureau chiefs or the Secretaries of the departments in which they are employed? The gentleman from Mississippi and the gentleman from Missouri are making attacks upon the administration. I am not. I say that the work of the Government ought now to be done by a less number of employees than we have to-day.

You go through the halls in the War Department and you will find they are cluttered up with employees, many of them doing nothing. I have gone through there and found four or five clerks visiting, hovering over the same typewriter's desk. You will find in every hall in the War Department clerks so thick that they are in each other's way, reading newspapers, gossiping, manicuring their nails, wasting their time even during the seven hours. Whose fault is it—that of the clerks? No. The fault is that of those under whose direction they are employed.

In the first place, one-fourth of them could better be employed in their homes than here. The other three-fourths could perform the public service if they were required to do so, if every one of them was required to work not only eight hours a day but to work while they are on the job.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. BORLAND].

Mr. RUCKER. Mr. Chairman——

Mr. CARTER of Oklahoma. Mr. Chairman, if the gentleman from Missouri will withhold a moment, I want to present a unanimous-consent request.

Mr. RUCKER. Very well.

Mr. CARTER of Oklahoma. I ask unanimous consent that all debate be closed on this amendment in five minutes.

Mr. MONDELL. Will the gentleman make that seven minutes.

Mr. CARTER of Oklahoma. Yes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this amendment be closed in seven minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] is now recognized.

Mr. RUCKER. Mr. Chairman, I am not specially commissioned to defend my colleague from Missouri [Mr. BORLAND] from the attacks made upon him here by gentlemen because he offers this amendment many times to many bills. It occurs to me, however, that in offering it he is representing about 100,000,000 of taxpayers in the United States. Gentlemen who oppose it may be representing those who are the beneficiaries of the taxes paid by the people. They gratuitously, no doubt, offer their services.

I am not prepared to believe that the great army of clerks in the various departments in Washington are so unpatriotic as to appeal to any gentleman on the floor of this House to sustain them in the abominable practice, the unpatriotic practice, of performing only seven hours' service a day. If the wages paid are not sufficient, they ought to be paid higher wages, but every clerk ought to be required to perform a reasonable day's work, and eight hours a day is reasonable. If any clerk does not want to perform such service, there ought to be some way to kick that clerk out of the service entirely, and I would not be nice or tender in the method of getting rid of him or her.

The gentleman from Kansas [Mr. CAMPBELL] speaks knowingly, because he speaks from personal observation, of conditions in the War Department, and he tells us that he frequently goes there and finds five or six clerks hovering over the desk of a stenographer or a typewriter—presumably a typewriter of the female persuasion [laughter]—and the gentleman from Kansas, it seems, places himself around that same typewriter when he goes to the department. [Laughter.]

If the gentleman is appealing in behalf of that typewriter, who perhaps puts in several hours of the time daily in entertaining Members of the House, then, so far as that one whose time and patience is so severely taxed is concerned, I would ask for an amendment to the amendment excluding that one. [Laughter.]

Mr. CAMPBELL of Kansas. It is not one, but the desks clutter the hallways of the entire department.

Mr. RUCKER. Well, the gentleman ought to confine himself to one—if she is good-looking, at least. [Laughter.]

Mr. CAMPBELL of Kansas. Oh, I have long since ceased to be interested in any typewriter, be she blond or brunette. [Laughter.]

Mr. RUCKER. Mr. Chairman, I can not submit to these impertinent and irrelevant remarks. But if the gentleman is interested in a number of the occupants of these typewriter desks that he visits and will indicate the number I will try to have them all excepted from the operation of this amendment. [Laughter.]

Then the amendment ought to be adopted. It is at least in bad taste—if gentlemen will pardon me—for any Member of this House or of this committee, when people are being burdened to death with taxation, to stand here and insist that those who perform service in a steam-heated room in winter and in an ice-cooled room in summer shall work only 7 hours a day when men who work in the frigid blasts of winter and the torrid heat of summer are required to work 10 or 12 hours a day to pay the taxes we impose upon them.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield for a question?

Mr. RUCKER. I will if the gentleman desires to ask about anything except the typewriter desk. [Laughter.]

Mr. CAMPBELL of Kansas. Yes. The gentleman has passed the typewriter's desk.

Mr. RUCKER. Oh, no; I could not get to it. [Laughter.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask that the gentleman be allowed two minutes more. I want to ask him a question.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman from Missouri may proceed for two minutes more. Is there objection?

There was no objection.

Mr. RUCKER. I will try to answer the gentleman.

Mr. CAMPBELL of Kansas. Does the gentleman from Missouri have any good reason to believe that the Secretary of the Interior—and this bill is under his department—would observe a limitation upon the appropriation made in this bill any more than he would observe the eight-hour law now on the statute? Why is it necessary to accumulate law on this subject?

Mr. RUCKER. Mr. Chairman, in answer to the gentleman I want to say that if I am correctly informed, he is misinformed as to the law. The law with reference to clerkships in Washington, as I understand, provides that the clerks shall perform

not less than seven hours' work per day, and that law is evidently construed by the departments as fixing seven hours as a day's work. This amendment proposes to fix it definitely at eight hours a day, and it ought to have the vote of every gentleman here.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. BORLAND].

The question was taken; and on a division (demanded by Mr. CARTER of Oklahoma) there were—ayes 20, noes 26.

Accordingly the amendment was rejected.

The Clerk read as follows:

For the suppression of the traffic in intoxicating liquors among Indians, $150,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. This morning I happened to run across an account of the work during the past year of the agent of the Indian Rights Association, as applied directly to the suppression of the liquor traffic. I am interested in this question because the account to which I refer deals with the remnant of a tribe who have gone to Wisconsin from my native town of Stockbridge, in Massachusetts. Stockbridge was originally an Indian settlement, and the first white people went there as missionaries to the Indians. To-day we revere their memory and are interested in the welfare of their descendants. There are 560 of these men and women in a town called Red Springs, in Wisconsin, and the account of this agent of the Indian Rights Association is that these Indians there are very fast becoming depraved through the use of intoxicating liquors, which they are able to obtain because they also have secured citizenship. Nevertheless they are a tribal community and on a tribal basis, and receive certain annuities from the Government. They should therefore receive the protection of the Government under this appropriation for the suppression of the liquor traffic.

Mr. GALLAGHER. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. GALLAGHER. Are not these Indian reservations all in prohibition territory?

Mr. TREADWAY. Mr. Chairman, I am not informed whether Red Springs, Wis., is in prohibition territory or not, but the item under discussion is one for the suppression of the liquor traffic among Indians, and I am interested to know whether any effort is being made in this direction. Nothing on this subject appears in the very brief report of the committee, and I am interested to know what care is being taken of these descendants of the Stockbridge Indians. This report concludes by saying—

One feels that the good old Massachusetts town's name in Wisconsin ought to be cleaned up in some way if possible, at least prevented from becoming a synonym for down-and-out drunkards and nuisances.

Mr. JUUL. I would like to ask the gentleman if he knows how this $150,000 is to be expended?

Mr. TREADWAY. I looked in the brief committee report for some reference as to how it was expended, but could find no reference to it, and that is one reason for my making these remarks; to see if any information can be secured on this very point that the gentleman from Illinois [Mr. JUUL] asks about.

Mr. CARTER of Oklahoma. I could not hear the question of the gentleman from Illinois [Mr. JUUL]. His back was turned to me.

Mr. JUUL. I should like to ask how this $150,000 for the suppression of the traffic in intoxicating liquors among Indians is to be expended. Are we to have no itemized statement of the expenditure?

Mr. CARTER of Oklahoma. That is to be expended for deputies for the prosecution of whisky cases and for the seizure of liquor, and in any way necessary for the prevention of the liquor traffic in Indian countries.

Mr. JUUL. Will the gentleman yield for a further question?

Mr. CARTER of Oklahoma. The gentleman from Massachusetts has the time.

Mr. TREADWAY. I will ask an extension of my time.

Mr. JUUL. Does not the gentleman think we should be advised in some way as to where this money is going?

Mr. CARTER of Oklahoma. If the gentleman will look on page 21 of the hearings, he will find there just as full an explanation as can be had. We could not put all these matters into our report, because that would make such a voluminous document that nobody in the House would read it to find out what he wanted to know. There is full information on page 21 of the hearings.

Mr. TREADWAY. May I ask the chairman of the committee whether there is any information as to whether liquor is allowed among Indians maintaining their tribal relations who have also become citizens?

Mr. CARTER of Oklahoma. A great amount of money is spent for the prevention of the liquor traffic in Oklahoma. Every Indian in the State of Oklahoma is a citizen and has the full rights of citizens and can vote just as any other man under our constitution. Yet the larger part of this money is spent in the State of Oklahoma for the suppression of the liquor traffic among Indians who are citizens of the United States.

Mr. TREADWAY. I should like to read a few sentences from the newspaper extract which I have.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the time of the gentleman from Massachusetts be extended five minutes. Is there objection?

There was no objection.

Mr. TREADWAY. This clipping says:

The Stockbridge Indians, whose existence has been recalled to us only now and then by dry, small mentions of them in legislative proceedings or items in the State's blue book, turn up in piteous and pathetic guise in the report lately published of the year's work of the Indian Rights Association, the society maintained principally through the indefatigable and broadly varigated altruism of Mr. Herbert Welsh, of Philadelphia. It appears from the narrative of the western rounds of his traveling agent, Mr. Matthew Sniffen, that what are left of the Indian folk long lingering among us at Stockbridge, in this State, are now in Wisconsin and are technically known as "the Wisconsin Stockbridges." There are 560 of them, all now potentially landowners, citizens, and taxpayers. Six years ago, in order that they might secure more of the benefit of the local taxes they paid in roadmaking and town improvements, schools, etc., their half of the township where they are was incorporated as Red Springs. Some of the Indians were elected county officers, but most of the positions were filled by whites who had bought their lots from the Indians. Soon thereafter Red Springs granted liquor licenses, and there are now two saloons (formerly three), both of which are kept by Stockbridges. Because the Stockbridges are citizens they can buy liquor without question at these saloons. But as the Stockbridges are still on a tribal basis and receive certain annuities from the Government, it is the hope of Mr. Sniffen that he can save the small group that has not succumbed to the liquor habit and kindred vices through the operation of the Federal statutes if the State authorities will back up his action.

And then follows the sentence which I read before:

One feels that the good old Massachusetts town's name in Wisconsin ought to be cleaned up in some way if possible, at least prevented from becoming a synonym for down-and-out drunkards and nuisances.

I share that feeling as a native of the town from which this tribe took its name, afterwards going to Wisconsin. The old Housatonic and Stockbridge Indians were first sent to western New York, and as shown by this account are now located in the town of Red Springs, Wis. Taking pride in the name they bear, which is the name of the town from which their ancestors come, of which town I am also a native-born citizen, I do hope that something can be done in connection with the appropriation for the suppression of the liquor traffic among the Indians, the item now before us for consideration, to protect these descendants of that tribe. We all know the difficulty with the Indian with respect to liquor. The Indian blood is perhaps susceptible to the influence of fire water; but I shall be glad, indeed, if this newspaper clipping which I have read to the committee can receive the attention of the department. As a result I hope some special effort will be made for the protection of these few Indians who have gone from Massachusetts to Wisconsin.

Mr. CARTER of Oklahoma. The department has the right under this item to render them such protection in accordance with the decisions of the court.

Mr. GALLAGHER. Mr. Chairman, this must certainly be interesting to our prohibition friends. Here is an item of $150,000 to be appropriated for the suppression of the sale of liquor among the Indian tribes. The chairman of the committee informs us that the greater part of it is to be expended in Oklahoma.

Mr. CARTER of Oklahoma. No; not the greater part, but a large part.

Mr. GALLAGHER. Well, in Oklahoma and other territory. Oklahoma, we are informed, is a bone-dry State. It seems strange and peculiar that we are called upon to expend $150,000 for the suppression of the sale of liquor in a bone-dry State.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. GALLAGHER. Yes.

Mr. CARTER of Oklahoma. If the State of Illinois and other States would adopt a prohibition amendment, this whisky could not be sent into Oklahoma from Chicago and other parts of the country, and therefore I hope that we may have national prohibition adopted.

Mr. GALLAGHER. That is not the point at all. The question is this: Congress passed a law to prohibit the transportation of liquor into bone-dry territory. Illinois does not cut any figure in this argument. The fact is that we are now called upon to expend an additional $150,000 to protect the Indians in their reservations from the sale of liquor in bone-dry prohibition territory. Does prohibition prohibit?

Mr. FRENCH. Mr. Chairman, I want to offer a word, in view of the statement of the gentleman from Illinois [Mr. GALLAGHER]. It was discussed very fully a month ago, when the prohibition amendment was pending here, that if the States that are wet around States that are dry could be made dry, the question of enforcing the prohibition laws in dry States in large measure would be solved.

But, upon the suggestion that has been made, I want to point out a concrete case. Idaho became dry by statute a little over two years ago. During the first year Idaho was dry the Coeur d'Alene Indian Tribe increased in population, and its birth rate exceeded its death rate for the first time in many years. As was said to me by one of the most responsible Indians in the tribe and later confirmed by the Indian agent, the immediate cause for the increase in population—for the death rate falling below the birth rate—was because of the suppression of the liquor traffic in Idaho and the wiping out of drunkenness among the Coeur d'Alene Indians. [Applause.] This case stands forth as a concrete one. Undoubtedly the law is violated in different places, and so are other laws. But we must look to general results, and the appropriation of $150,000 for the purpose of enforcing the law among Indians will go far toward bringing about better conditions in States that are dry, and especially in States not under the prohibition system.

Mr. Chairman, I regret the time limit compels me to ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. STAFFORD. Reserving the right to object, on what subject?

Mr. FRENCH. On this subject of prohibition.

Mr. STAFFORD. I object.

Mr. FRENCH. I might have supposed that the gentleman from Wisconsin would object.

Mr. STAFFORD. We have adopted a policy not to allow Members to extend remarks in the RECORD on prohibition.

Mr. FOCHT. Who adopted such a policy?

Mr. CARTER of Oklahoma. Mr. Chairman, I call for the regular order.

The CHAIRMAN. The gentleman from Oklahoma demands the regular order.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. CARTER of Oklahoma. If the gentleman will pardon me for a moment, I ask, Mr. Chairman, that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the amendment and paragraph close in five minutes. Is there objection?

Mr. FOCHT. Reserving the right to object, I would like to have five minutes on this subject of prohibition.

Mr. CARTER of Oklahoma. Mr. Chairman, I will make it 10 minutes.

Mr. JUUL. Mr. Chairman, I hope the gentleman from Wisconsin will not insist on his objection and deprive the gentleman from Idaho of the right to extend his remarks. The gentleman from Wisconsin has had the floor for eighty or ninety times during the last four or five days while the gentleman from Idaho for the first time, as I remember, has asked for a few minutes time.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this paragraph and amendments thereto be closed in 10 minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I do not wish to interpose any objection to the request of the gentleman from Idaho to extend his remarks. He had his time on the prohibition amendment. I waived my time so that the gentleman from California could read a letter that was written by Mr. Gompers. I wish to withdraw my objection, although he had an opportunity then to express himself on that occasion and I did not.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I hope that the gentleman from Idaho, who is a student of sociology, or any other rabid prohibitionist, whether he comes from Maine or Georgia or any other State where prohibition has been enforced for many years—I will except Maine, because the distinguished gentleman from that State admitted that notwithstanding prohibition had been on the statute books for years it was absolutely impossible to enforce it—can show that in their States the birth rate had so peculiarly and in such a short time found expression in birth development as was instanced by that student of birth control, the gentleman from Idaho. [Laughter.]

Mr. RANDALL. Mr. Chairman, I make the point of order that the gentleman from Wisconsin is not discussing the question. The question of prohibition was settled by this Congress the other day by a two-thirds majority.

Mr. STAFFORD. Of course I should expect the gentleman from California would rise to interpose some objection, even when we are attempting in a serious way to control the liquor traffic among the Indians, which everybody admits is a necessity.

This appropriation was increased some years ago, and it had my strong support. Every person who believes in a liberal policy, so far as the drink question is concerned, recognizes the necessity of keeping liquor away from the Indians. We all know that it is their destruction and their downfall. I am too far separated from the Indian reservations of Wisconsin to give to the gentleman from Massachusetts any information whatsoever as to the conditions prevailing among the Stockbridge Indians, but, Mr. Chairman, I rose primarily, because I am such a firm believer in keeping liquor away from the Indians, to ask why the committee struck out from the bill the provision carried in the act of last year that sought, in a drastic manner, to keep the liquor away from the Indians? I direct the attention of the committee to that provision carried in last year's bill immediately following this appropriation which provided that automobiles or any other vehicles used in introducing or attempting to introduce intoxicants into the Indian country, or where the introduction is prohibited by treaty or Federal statute, whether used by the owner thereof or other persons, shall be subject to seizure or liable to forfeiture, and so forth. Was that regarded as permanent law and is that the reason it is left out of this bill?

Mr. HAYDEN. That is undoubtedly permanent law and it is not necessary to reenact it from year to year.

Mr. STAFFORD. It seems to me it may be questioned whether it is permanent law.

Mr. HAYDEN. The Indian Bureau so regards it.

Mr. STAFFORD. If the Interior Department has given that construction to it, it is sufficient for my purpose.

Mr. FOCHT. Mr. Chairman, I rose a few moments ago to protest against the objection raised by the gentleman from Wisconsin [Mr. STAFFORD] to the gentleman from Idaho [Mr. FRENCH] extending his remarks in the RECORD. Are not some gentlemen carrying too far this matter of objecting to Members of the House incorporating certain letters and documents in connection with their speeches in the RECORD? Several days ago my good and benevolent friend, Judge KINKAID, of Nebraska, offered a letter as part of his remarks, and to my surprise I heard an objection raised. Later on our distinguished friend from New York, Mr. HICKS, or a gentleman for him, asked that he be permitted to publish in the CONGRESSIONAL RECORD a speech which he delivered upon observations he made while on the battle line in Europe. Here was a patriotic and esteemed Member of this House, who went so far as to travel up and down the front line of trenches, thus coldly snubbed. Think how valuable his impartial and dispassionate observations might be to the country, yet objection was raised. Then, within a few seconds, another gentleman rose and asked that there might be incorporated in the RECORD the speech of Lloyd-George, of England. Thus, while denying the right of an American citizen and a Member of this House to have published in the RECORD a speech upon his observations in Europe, there was permitted the incorporation of a speech by Lloyd-George. Of course, one has a right to object, but I am afraid that it is going too far when gentlemen exercise the right of objection every time a Member of this House rises to obtain permission to extend his remarks in the RECORD. While personally I have not been refused any permission, in common justice to other Members I am constrained to protest against this chronic and indiscriminate refusal, which, to say the least, is not in good taste and accomplishes nothing.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RELIEVING DISTRESS, ETC.

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, $350,000; *Provided*, That not to exceed $90,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding $15,000: *Provided further*, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose: *And provided further*, That out of the appropriation herein authorized there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts: Blackfeet hospital, Montana, $10,000; Carson hospital, Nevada, $10,000; Cheyenne and Arapahoe hospital, Oklahoma, $10,000; Choctaw and Chickasaw hospital, Oklahoma, $25,000; Fort Lapwai sanatorium, Idaho, $40,000; Laguna sanatorium, New Mexico, $17,000; Mescalero hospital, New

Mexico, $10,000; Navajo sanatorium, New Mexico, $10,000; Pima hospital, Arizona, $10,000; Phoenix sanatorium, Arizona, $40,000; Spokane hospital, Washington, $10,000; Sac and Fox sanatorium, Iowa, $25,000; Turtle Mountain hospital, North Dakota, $10,000; Winnebago hospital, Nebraska, $15,000; Crow Creek hospital, South Dakota, $8,000; Hoopa Valley hospital, California, $8,000; Jicarilla hospital, New Mexico, $8,000; Truxton Canyon camp hospital, Arizona, $8,000; Indian Oasis hospital, Arizona, $8,000.

Mr. JUUL. Mr. Chairman, I move to amend by striking out the language, beginning on line 21, page 5, "and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, amend by striking out, in lines 21, 22, and 23, the language "and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases."

Mr. JUUL. Mr. Chairman, if the language be left in the bill as it is now, you would not be able to expend a dollar for a broken leg or for the treatment of any disease other than those enumerated. A broken leg would not be a contagious or infectious disease. I hope the gentleman having the bill in charge will accept the amendment and strike out that language.

I think the gentleman can well afford to accept the amendment; it will make a better bill out of it.

Mr. CARTER of Oklahoma. Mr. Chairman, I will say for the gentleman's benefit that it is not the intention of this item at all to take care of broken legs or anything else, except what is set forth in the item. It has never been carried in the item in the past, and the Indian Bureau has never suggested that it should be done. The purpose of this item is just as stated in the item itself, for the care of destitute Indians and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases. Now, that was established for that purpose and nothing else. There are cases in which broken legs of Indians are taken care of—in some instances out of tribal funds and in some instances out of the individual funds of the members of a tribe. Now, if the gentleman's amendment is adopted, it is a revolutionary amendment; the Department of the Interior will probably rule, as the inclination usually has been in the past, to take the fund from the Treasury rather than from the tribal fund, and therefore place an additional tax upon the Federal Treasury that should not be placed there. This has already been authorized with the consent of the Indians and all others concerned.

Mr. JUUL. If the gentleman will permit me a moment, I think if the gentleman will read the bill carefully again he will see that he enumerates certain diseases—tuberculosis, trachoma, smallpox—and then you put in the words "and other contagious and infectious diseases."

Mr. CARTER of Oklahoma. Does the gentleman want to ask a question?

Mr. JUUL. Just a moment and I will ask the question. Now, I want to ask if it is not a fact that every time you expend a dollar outside of the diseases named that somebody will have to pass upon whether the disease for which you expend that dollar is an infectious or contagious disease?

Mr. CARTER of Oklahoma. Well, that is the intent of the item.

Mr. JUUL. Who is to pass upon that?

Mr. CARTER of Oklahoma. The men at the different agencies pass on it. There is a doctor at every reservation. The purpose of this—now, if the gentleman will let me use a little of my own time—is to prevent the spread of contagious diseases not only among the Indians but among the white people, and to care for destitute Indians.

Mr. JUUL. I understand.

Mr. CARTER of Oklahoma. This appropriation does not contemplate taking care of every Indian that is found with a sore finger or something else of that kind, or even if he is injured seriously. That is taken care of in other ways, and is not contemplated by this item in the bill.

Mr. NORTON. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois has the floor, but his time has expired.

Mr. NORTON. Mr. Chairman, I desire to speak in opposition to the amendment.

Mr. CARTER of Oklahoma. Mr. Chairman, I understood the gentleman had stopped talking, and I had begun to speak——

The CHAIRMAN. The Chair has never recognized anybody but the gentleman from Illinois, who offered an amendment.

Mr. CARTER of Oklahoma. The Chair knows more about it than I do, but I ask for recognition now.

The CHAIRMAN. The colloquy between the chairman of the committee and the gentleman who offered the amendment was very enlightening and the gentleman——

Mr. JUUL. I would like to know how the chairman of the committee obtained the floor.

Mr. CARTER of Oklahoma. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is the gentleman from North Dakota [Mr. NORTON].

Mr. FOSTER. Mr. Chairman, I ask that my colleague have five minutes, as his time was all taken up.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JUUL. Mr. Chairman, I was trying to make the chairman of the committee understand that somewhere, somehow, you would have to have men appointed at all these Indian reservations to pass on the diseases, as I take it for granted the Indian agents are not competent to do so.

Mr. CARTER of Oklahoma. They have a doctor on every reservation, I will say to the gentleman.

Mr. JUUL. That is good. Now, you enumerate four or five diseases, and I maintain if you are to expend the money rigidly for certain diseases and not for certain other diseases you ought to be made to enumerate the diseases for which you want to expend the money.

Mr. CARTER of Oklahoma. Any contagious disease.

Mr. JUUL. I maintain the classification of contagious and infectious is so you could not pass on it nor can the average man on the average Indian reservation, and if a man is entitled to relief from this $450,000 expenditure he would be entitled to that relief long before somebody could examine him and pass on whether his disease is contagious or infectious, and I hope you gentlemen——

Mr. NORTON. Will the gentleman yield?

Mr. JUUL. I yield to the gentleman for a question.

Mr. NORTON. Has not the gentleman illustrated the fact that a little knowledge is sometimes a very dangerous thing? May I inquire, has the gentleman read the entire provision for this appropriation?

Mr. JUUL. I just listened to it read and I hold the bill in my hand——

Mr. NORTON. If so, I call the attention of the gentleman to this part of the paragraph:

Provided, That this appropriation may be used also for general medical and physical treatment of Indians——

Mr. JUUL. Is that the question?

Mr. NORTON. That is the question.

Mr. JUUL. All right.

Mr. NORTON. "Including the maintenance and operation of general hospitals."

Mr. JUUL. The gentleman is using up my time. Now, I want to say to the gentleman that if Members on this floor were permitted occasionally by certain gentlemen to participate in the debates you would have good, trained debaters, but as long as there are two or three men here who are going to consume all the time, jumping up every minute and saying to the Chairman, "Mr. Chairman, reserving the right to object" [laughter], it is very disheartening and discouraging to men who would like to come from the Office Building over here and help to transact the business of the country.

When you can find in two or three days the names of certain gentlemen, fifty or sixty or seventy times in the RECORD, and then see these same gentlemen get up and object when another gentlemen for the first time in a week or 10 days asks for leave to print a few pages you have my answer to the wherefore and why some of the people on this floor are not as bright as you are.

Mr. NORTON. I do not believe——

Mr. JUUL. And I yield the balance of my time, Mr. Chairman.

Mr. NORTON. Mr. Chairman, I do not think the gentleman in his statement could have had any reference to me. I have had no objection to granting time to the gentleman to speak or to any other gentleman of the House. Personally, I should be delighted to see the gentleman attend the sessions every moment of the time.

Mr. JUUL. I will say to the gentleman that there is mighty little encouragement for anyone to do it.

Mr. NORTON. I am sure that since I have been a Member of the House my efforts have been to encourage Members to attend the sessions of the House and of the Committee of the Whole. I have thought the gentleman in this case had not read the whole paragraph, because there is a provision in the paragraph which carries out the very idea that the gentleman seems to desire to have carried out. On page 6, beginning in line 3, the paragraph provides—

That this appropriation may be used——

Mr. JUUL. What is the line?

Mr. NORTON. Beginning on line 3, page 6:

Provided further, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose.

Mr. JUUL. Now, will the gentleman yield?

Mr. NORTON. So under this provision an Indian with a broken leg or other injury, unless there was some other provision made for his care, could be cared for. Further in the same paragraph it provides that part of this appropriation shall be used for the maintenance or operation of a number of hospitals, which are specifically named in the paragraph. Now, I thought perhaps the gentleman had not read all of the paragraph.

Mr. JUUL. Will the gentleman yield?

Mr. NORTON. I will be delighted to yield to the gentleman from Illinois.

Mr. JUUL. Now, then, if the statement you have made is correct, and I have not the slightest doubt——

Mr. NORTON. The gentleman will know it is correct if he will read the paragraph.

Mr. JUUL. Just a moment. Then, if that is correct, why enumerate any of the diseases, when, on page 6, as you say, the bill reads:

Provided further, That this appropriation may be used also for general medical and surgical treatment of Indians.

Mr. NORTON. I will tell the gentleman why. It is simply because the main purpose of this appropriation of $350,000 is for the treatment of tuberculosis, trachoma, smallpox, and other contagious diseases. That is why.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. JUUL].

Mr. CRAMTON. Mr. Chairman, I move to strike out the last half of the amendment.

The CHAIRMAN. Has the gentleman from Oklahoma [Mr. CARTER] any request to make?

Mr. CARTER of Oklahoma. Does the gentleman from Michigan want to discuss this item?

Mr. CRAMTON. For a minute, unless there is a sudden emergency here and you want to adjourn.

Mr. CARTER of Oklahoma. How much time does the gentleman want?

Mr. CRAMTON. One minute or two minutes.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Chairman, I think there is some force in the remarks of the gentleman from Illinois [Mr. JUUL]. This is the first time that I have tried to say a word in three days on this bill. I think it is time, while, perhaps, I am not the best one to do it, for some one to call attention to the language in the bill. The first few words, so far as authority goes, are sufficient to enable to be done under this appropriation just the thing the chairman of the committee has told us it was not intended should be done. That is to say, the language is:

For the relief and care of destitute Indians not otherwise provided for.

Now, anything "for the relief or care of destitute Indians not otherwise provided for" can be done under this section, provided the committee has appropriated enough money. But in that connection the gentleman from North Dakota [Mr. NORTON] has just said that the main purpose of this section was to relieve from smallpox and tuberculosis and other diseases mentioned. If he will read on down through the section, he will find $282,000 is expressly appropriated for existing hospitals and a limit of $90,000 provided for new hospitals, so that if they use that $90,000 and the $282,000 we have a total of $372,000 for hospitals alone out of an appropriation of $350,000. That deficit of $22,000, I suppose, may be devoted to the prevention of tuberculosis or smallpox.

Mr. NORTON. Will the gentleman yield?

Mr. CRAMTON. All of the three minutes I have remaining.

Mr. NORTON. I will ask the gentleman whether he would expect these diseases to be treated in a hospital or blacksmith's shop?

Mr. CRAMTON. I will answer the gentleman by saying that a great deal of the most important work for the prevention of the spread of tuberculosis is done entirely outside of any hospital whatever.

The CHAIRMAN. All time has expired.

Mr. FRENCH. Mr. Chairman, let me ask unanimous consent for about two minutes, that I may speak right on this amendment.

Mr. FOSTER. Mr. Chairman, I object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. JUUL].

The amendment was rejected.

Mr. FRENCH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All debate on this paragraph and all amendments thereto is closed by unanimous consent. The Clerk will read.

The Clerk read as follows:

SUPPORT OF INDIAN SCHOOLS.

For the support of Indian day and industrial schools not otherwise provided for, for other educational and industrial purposes in connection therewith, $1,600,000: *Provided*, That not to exceed $40,000 of this amount may be used for the support and education of deaf and dumb or blind Indian children: *Provided further*, That not more than $200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools: *Provided further*, That hereafter no appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided: *And provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

Mr. FRENCH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Idaho moves to strike out the last word.

Mr. FRENCH. Mr. Chairman, I do not care to proceed unless I can speak just a moment on what we have passed, and that must, of course, be by unanimous consent.

I think there is some misapprehension as to the moneys used for the care of the health of the Indians. The gentleman from Michigan [Mr. CRAMTON] referred to the moneys appropriated here as though this included everything appropriated for health purposes. Going through the bill you will find that doctors are provided for. Their compensation is provided for in the separate items. There are other separate items providing for the purchase of medical supplies.

The hospitals provided for in the last paragraph are maintained for the special purpose of caring for Indians gathered in from the different reservations afflicted with one of the dread diseases. Indian communities as well as white communities are interested in maintaining health conditions among the Indians, and here are diseases that can be handled best by large agencies. Now, a great many of the Indians are capable of employing their own doctors. They have their own private incomes, and they spend their money, as do white people, for the health of their families.

Again, there are Indians who are not permitted to handle their own money altogether, but yet in case of sickness their money is expended for them. There is provision also in the paragraph we have just approved for taking care of Indians who may be unable in any way to receive care other than as provided in the paragraph. But, as has been stated by the gentleman from North Dakota [Mr. NORTON], the item in question is to provide for definite sanitariums throughout the country for the care of Indians in whose care and in whose health whole communities of Indians, as well as whites, are vitally interested.

Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

INDIAN SCHOOL AND AGENCY BUILDINGS.

For construction, lease, purchase, repair, and improvement of school and agency buildings, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, $400,000: *Provided*, That this appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of construction work on school and agency buildings in the Indian Service: *Provided further*, That the Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *And provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. Mr. Chairman, I notice that the first proviso is new language.

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. Has this appropriation heretofore been available for the payment of the salaries of the supervisory force engaged on construction work?

Mr. CARTER of Oklahoma. My recollection is that the assistant commissioner told us that it was, and that he wanted this proviso put in the bill simply to avoid any difficulty with the comptroller in case there should be any probability of his making a different ruling. This is new language and subject to a point of order.

Mr. STAFFORD. This appropriation of $400,000 is the same as that in last year's bill?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. Is it virtually a permanent appropriation, or is there any policy on the part of the bureau whereby they have called the attention of the committee to the need of new buildings? I have noticed that the appropriations in many items are virtually the same as in prior years.

Mr. CARTER of Oklahoma. They are.

Mr. STAFFORD. It occurs to me that some of the activities would be less. There would not be need of the same amount of appropriation. Here is a considerable amount, $400,000. The gentleman from Idaho has given an instance of the very extensive and rapid increase in the birth rate in one Indian reservation. Of course, it is generally known that for nearly a quarter of a century or half a century past the death rate among the Indians has been far in excess of the birth rate. What is the need of having new buildings provided for these Indians? I assume that there has been adequate provision in the past, so far as schoolhouse accommodations are concerned. Will the gentleman indicate what the policy is of providing $400,000 here for new buildings and the repair of existing buildings?

Mr. CARTER of Oklahoma. A large part of this appropriation of course is used for repairs. The gentleman knows that whenever a new school is established for Indian pupils it is necessary to have school buildings at some place. We have instances where schools which Indian children have been able to attend have been moved, as in the case of mission schools, for instance. It is necessary to inaugurate a school if no public school or other institution is available for the education of the children there. Then, the natural decay of the buildings sometimes necessitates the construction of new buildings. A great many of these buildings are frame, and quite a few of them are small day-school buildings out on the reservations, and they go to wrack very fast.

The assumption that our Indian population has been rapidly on the decline is more or less fallacious. I doubt if there were ever as many Indians in this country as was at one time supposed. The census of 1910 I understand to have shown an increase over 1900, and I am sure the next census will show a very material increase over 1910. Now, as reservations have been opened up; as Indian children are persuaded to attend schools, just in that proportion must educational facilities, including buildings, be provided. That accounts for the expenditures necessary for new buildings.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. STAFFORD. Can the gentleman give the committee the amount last year and preceding years that has been used for new construction work and the amount expended in repairs?

Mr. CARTER of Oklahoma. I do not think a statement as to that has been given by the Commissioner of Indian Affairs.

Mr. STAFFORD. Can the gentleman give us an idea of how much of this $400,000, on the average, has been used for new construction and how much for repairs?

Mr. HAYDEN. I will say to the gentleman that it was developed at the hearings before our committee that a little over $134,000 had been expended last year for the construction of buildings, and for repairs and rent $128,000. The hearings go on to show further that the present value of the buildings in the Indian Service constructed out of this item is $7,500,000, and that this appropriation of $400,000 is about 5⅓ per cent of that amount, which is a reasonable amount to carry on that work with buildings of that character.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

INDIAN SCHOOL TRANSPORTATION.

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, $72,000: *Provided*, That not exceeding $5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment: *Provided further*, That where practicable the transportation and expenses so paid shall be refunded and provisions of this section shall also apply to native Indian pupils of school age under 21 years of age brought from Alaska.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. An incident came to my notice some weeks ago indicating that there must be some misunderstanding somewhere in the matter of letting contracts for teachers in the Indian schools. I refer to the case of a lady who went from Ohio upon invitation, to take a position as teacher in what was called a boarding school, and when she reached the place the conditions were entirely different from the description sent to her. The salary was the same, but when she reached the school she found there was no provision whatever for lodging there, and she was compelled to take lodging a mile and a half away from the school, and there was no facility for transportation from where she lived to the school where she taught. She spoke to the superintendent, and he said that there was no authority given to him to provide for her transportation, although he realized that it was a great hardship. She wrote to me about it, I presume because she is from my section of the State, and she knows that I am interested in school matters. I wrote her and expressed the fear that she had not fully acquainted herself with conditions there before she went, and had gone West blindly. She writes me a second letter and says that she did make inquiry. She says—

I never questioned the school, because I know quite a little about the Indian boarding schools. My superintendent has written to Washington, telling them that the school is a mile and a half away, and that he can not furnish transportation. Yet the school authorities wrote me, "Would you accept a position at Round Valley boarding school?"

Now, this lady is a splendid college woman, whom I happen to know, and she is really suffering under I would not say a misrepresentation, for I think that language is too strong, but she suffers from a lack of information, and I think there ought to be some relief somewhere.

Mr. NORTON. Where is this school located?

Mr. FESS. At Cobelo, Cal.

Mr. NORTON. I am not personally acquainted with that school. There may be some one on the committee who is acquainted with it. At the boarding schools, as a rule, places are provided for the housing of the teachers.

Mr. FESS. So she understood.

Mr. NORTON. If boarding and sleeping quarters are not provided at this school, and if it is held out as a boarding school, it is an unusual condition.

Mr. FESS. I would state that that is precisely the situation. She went there thinking that it was a boarding school. It is named as a boarding school.

Mr. NORTON. If there are no dormitories, and if there is no provision for the housing of the pupils and teachers, it properly should be called a day school. Is the gentleman from California [Mr. LEA of California] acquainted with that school?

Mr. LEA of California. I am not acquainted with the details of the school. In fact, I have never been at the school building, and have not been in that valley for several years.

Mr. FESS. Acting upon the suggestion of the chairman of the committee, I have referred the matter to the Commissioner of Indian Affairs, hoping that a correction of the conditions may be made.

The Clerk read as follows:

PER CAPITA COST.

That hereafter, except for pay of superintendents and for transportation of goods and supplies and transportation of pupils, not more than $200 shall be expended from appropriations made in this act, or any other act, for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less than 100 pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed $225: *Provided*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average attendance for the entire fiscal year and not any fractional part thereof: *Provided further*, That the foregoing shall also apply to expenditures for the fiscal year ending June 30, 1918.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on this paragraph. There has been quite a radical departure in the policy of the committee as to the amount to be allowed to these various Indian schools for the per capita cost of each pupil attending a school. I believe heretofore the rate has been $165 per annum.

Mr. CARTER of Oklahoma. Heretofore there has been no limitation, in fact.

Mr. STAFFORD. While there may not have been any statutory rate, there has been a rate agreed upon by the committee, which has been the basis of the computations for the various appropriations for the support of these schools.

Mr. CARTER of Oklahoma. Heretofore there has been a law which restricted expenditures at each school to $167 per capita, but each year since I have been in Congress every Indian appropriation bill passed by this House has carried an exemption of that provision until last session.

Mr. STAFFORD. Will the gentleman inform the committee what the average amount has been in the past year or two that could be utilized for the education of pupils at these Indian schools?

Mr. CARTER of Oklahoma. That could be utilized for the last year?

Mr. STAFFORD. The last several years.

Mr. CARTER of Oklahoma. Prior to the last year there was an exemption from the act restricting expenditures to $167. Last year we made no exemption, so that it was necessary, before the session closed, to bring in a joint resolution permitting expenditures for the current fiscal year of not to exceed $200 per capita. Since that resolution has been passed a great many of the Indian schools have had to close, or are about to close, because the per capita of $200 was not sufficient. This condition applies mostly to the small schools, where the attendance is 100 or less.

Mr. STAFFORD. Then in this suggested law you ask $225 as the maximum in these small schools?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. But in the larger schools, where the attendance is over 100, you make the limit $200?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. Can the gentleman give any information to the committee as to what has been the average rate of expenditure in the past year, for instance, at those schools where the attendance is over 100?

Mr. CARTER of Oklahoma. It has been from about $148, as I recall, up to as high as the limit would permit. In some instances they tell us that the schools will have to stop, and the Appropriation Committee has now before it a deficiency request of $250,000 for the continuation of these schools.

Mr. STAFFORD. Who has determined in former years what amount should be allowed for the per capita cost, aside from the maximum amount of the appropriation?

Mr. CARTER of Oklahoma. The office of the Secretary of the Interior.

Mr. STAFFORD. So all that is being attempted here is to place a limitation on his authority?

Mr. CARTER of Oklahoma. All that is being attempted here is to place an actual limitation on his authority, rather than the theoretical one that we have had in the past.

Mr. STAFFORD. Does the gentleman think these amounts are liberal enough, in view of the present high costs, to keep the schools running?

Mr. CARTER of Oklahoma. I will say to the gentleman that I am sure these amounts are not excessive.

Mr. STAFFORD. I suppose that there are instances where the amount could be less, provided the numbers were greater.

Mr. CARTER of Oklahoma. In the school at Chilocco, Okla., the expenditure rarely exceeds $167 per capita, but that is a very large school, with a good superintendent, and has several acres of land which are used to assist in its support.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent for three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks that his time be extended three minutes. Is there objection?

There was no objection.

Mr. STAFFORD. The limit of appropriation will not necessarily increase the allowance to these schools where the expenditures have been less?

Mr. CARTER of Oklahoma. I do not think so. Of course when you put on a limitation as to the amount that can be used in the Government service there is a tendency to reach that amount.

Mr. STAFFORD. I recognize that.

Mr. CARTER of Oklahoma. Without some kind of a limitation they might exceed these expenditures; some schools have been reaching almost $300 per capita, and in one instance over that.

Mr. STAFFORD. Where are those schools located?

Mr. CARTER of Oklahoma. Two small schools in California.

Mr. STAFFORD. What will be the result of the limitation on those two schools?

Mr. CARTER of Oklahoma. When the facts about these two schools came before the committee, the Indian Committee got the Commissioner of Indian Affairs before them and they insisted very strongly that these two schools must be brought within a reasonable amount or the Indian Committee would expect to take radical action with reference to them. The result was that these two schools have been brought down until they come within the limit of $225.

Mr. BRUMBAUGH. Mr. Chairman, I want to ask the gentleman a question. Do these provisions in regard to the per capita expenditure apply only to indigent children?

Mr. CARTER of Oklahoma. They apply to all.

Mr. BRUMBAUGH. I understand that some of these Indians are wealthy and would be abundantly able to educate their children the same as any other person in the United States. These provisions apply to the children of Indians that own oil lands worth hundreds of thousands of dollars and who are being paid thousands of dollars monthly in royalties for oil. It applies to them the same as to indigent children.

Mr. CARTER of Oklahoma. Mr. Chairman, the only Indians that I know of which have a large interest in oil lands are in Oklahoma. This bill provides under the Oklahoma section for the use of $40,000 for the education of the Osage Indians. As I understand, not one dollar of any of this money appropriated in the general amount is used on the Osage Reservation. Then, there is authorized to be used from the tribal funds of the Five Civilized Tribes $450,000 for the support of their schools. Last year something less than $300,000 was used. That is the tribe contribution to the school fund from which they are educated. Moreover, every one of these children, or many of them, and their parents have taxable property in the State of Oklahoma. They are taxed for the support of State schools, and all of them are permitted free entry into any State, county, or district school in the State of Oklahoma.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. Mr. Chairman, this provision purposes to limit the amount to be expended in any school for supplies and transportation of pupils to $200 per capita where the schools have an attendance or an enrollment of more than 100 pupils, and to $225 per capita where the schools have an enrollment of less than 100.

In my experience on the Indian appropriation bill during the past six years I have found it very difficult to tell just what money was being expended by the Government in any one place for the support and civilization of the Indians. I have found it apparently to be a long-standing practice of the Indian Bureau, intentionally or otherwise, to cover up in a multiplicity of separate reports the total amount of money that is expended at the different Indian schools and at the different Indian agencies.

About four years ago I called for a statement from the Indian Bureau giving the total amount in detail that was expended at each of the Indian agencies and Indian schools of the country including the amount regularly appropriated for the agency or school in the Indian appropriation bill. I found a tremendous difference in the actual amounts expended and the amount appropriated each year in this bill. I found cases where in this bill $5,000 was appropriated for an agency, and there was expended by the Indian Bureau as much as $60,000 or $80,000 out of trust and other funds for the same agency. Of where this additional money comes from that is expended by the Indian Bureau the ordinary Member of Congress is not advised. In 1916 a law was passed requiring that all appropriations used for the support and civilization of Indians be made in the Indian appropriation bill. You will find in section 25 of this bill that $2,500,000 is to be expended for the care, education, and civilization of the Indians. That $2,500,000 comes out of the interest and trust fund held by the United States for the use and benefit of the Indians. You could only know how that vast sum was to be expended by the bureau by referring to House Document 490 of this session. I expressed the opinion in the committee, and still believe, that it would be much better for the interest of good administration if the items of the expenditure of this $2,500,000 were incorporated in the bill so that every Member of Congress would be able to see and pass on them.

In the paragraph before this there is one of those items that have been so common in the administration of Indian affairs. It appears on page 7, beginning at line 25:

Provided, That this appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of construction work on school and agency buildings in the Indian Service.

That provision in there is for the purpose of paying a number of men who are for the most part of the time in the Indian Bureau here in Washington, when it is supposed and generally understood that the appropriation for the maintenance of the Indian Bureau is carried in the sundry civil bill.

I want to say further that the conduct of Indian affairs in this country right now is no credit to any good administration of Government.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NORTON. Mr. Chairman, the reason why there is not a better and more efficient conduct of Indian affairs in the country is because the Indian Department is honeycombed with a large number of men and women who are in that frame of mind where they believe that a position in the Indian Service provides for them a quiet, easy place, a permanent home where nothing much need be done, a place where they can rest and have easy days and enjoyment for the remainder of their lives. I have visited different Indian agencies, and, for the most part,

I have found men in charge who have nothing in mind toward doing anything for the Indians, who render little service to the Indians or to the Government other than to draw the salaries paid to them. These salaries, it is true, are not very large, but they are too large for many of those who are now receiving them.

I believe the salaries paid in the administration of Indian affairs should be increased so that they will attract better service than is now being given the Government. In my own State, in Oklahoma, in Florida, in Montana, in every State that I have visited, I have found in charge of Indian agencies, in charge of Indian schools men and women who are most incompetent and inefficient to perform the work that should be done by them. These men and women would not be kept for any length of time in any up-to-date educational system. The Indian Bureau has, during the past three or four years, been very active in advertising what it has done. It has been active and spent much valuable time in advertising in the press of the country its claims of accomplishment. I think it has done some good things and made some progress, but its claim of accomplishment would come with more good grace if the bureau would place in the Indian Service more competent men and women who will do some actual, earnest, intelligent work to help and assist the Indians under their care. It is depressing, it is discouraging, to anyone who has at heart the real interest of the Indians, who has at heart the success of Government supervision of the Indians to see the way much of the $11,000,000 we appropriate here is worse than wasted in its expenditure. I trust, if this per capita cost is allowed, that the men and women in the Indian Service will, during the next year at least, cultivate a different frame of mind from what they have shown in the past toward rendering any real, genuine, helpful service to the Indians, and that they will bear in mind that they are in the Government employ to do something for the Indians and not simply to serve themselves by drawing salaries from the Government.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

The Clerk read as follows:

INDUSTRIAL WORK AND CARE OF TIMBER.

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, $475,000, of which sum not less than $75,000 shall be used for the employment of field matrons: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin: *Provided further*, That hereafter no money shall be expended for the employment of any farmer or expert farmer at a salary of or in excess of $50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency showing that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture, such certificate to be certified and issued to him by the president or dean of the State agricultural college of the State in which his services are to be rendered, or by the president or dean of the State agricultural college of an adjoining State: *Provided*, That this provision shall not apply to persons employed in the Indian Service as farmer or expert farmer prior to January 1, 1917: *And provided further*, That this shall not apply to Indians employed or to be employed as assistant farmer: *And provided further*, That not to exceed $25,000 of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, cotton, grain, vegetables, and fruits: *Provided, also*, That the amounts paid to matrons, foresters, farmers, physicians, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of August 24, 1912.

Mr. FERRIS. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the committee. I desire to know if they have done anything about raising the salaries of the Indian farmers? The information that I have is that the Indian farmers are resigning everywhere, and they can not keep them going at all. Of course, there has always been some doubt as to how much good these Indian farmers actually accomplish, but they are paid only from $720 to $900 a year.

Mr. HAYDEN. The committee has not increased this appropiation in any particular; it carries the same amount and for the same purpose as last year.

Mr. FERRIS. The amount ought to be increased and the standard of service ought to be raised. I have not given it much attention, but I rose to direct the attention of the committee to the fact that to try and hire a man who knows enough about agriculture to teach Indians agriculture and propose to pay him $720 a year for doing it in these times is absolutely a joke. I do not know that the committee has had time to go into it, or that this is the proper way to do that, but I do know that there are three or four vacancies in the Indian farmer office down in my own State and district, and they can not get anyone to take the place; the salary is so small that you can not get anyone to work for it. Either the commissioner or the Secretary ought to appreciate the movement to get a class of men who would know enough to teach the Indians farming. You can not get a man to stand in front of a building to open the door for $60 a month now, and those Indian farmers have a good deal to do other than to teach agriculture. They really have to do with the approval of leases, they have to do with the distribution of the Indian money, and have to do with the approval of the contracts, and the salary is so inadequate for that particular branch of the service that they can not retain anybody in the service who is worth anything.

Mr. ROBBINS. Mr. Chairman, on page 10, lines 12, 13, and 14, there is the provision—

And for superintending and directing farming and stock raising among Indians, $475,000.

I want to ask the gentleman in charge of the bill, and also the gentleman from North Dakota [Mr. NORTON], who is on the Indian Affairs Committee, why it is necessary to have a separate corps of instructors for the Indians? Why do they not apply for these expert farmers and expert stockmen to instruct the Indians to the Department of Agriculture? We have a large corps of instructors and specialists in the Department of Agriculture, who are traveling all over the country and who are doubtless going into the same districts where these Indian agents go, who are paid large sums of money. Why do you not allow all of this to go to the Department of Agriculture, instead of building up in the Indian Service a corps of alleged experts, whom the gentleman from Oklahoma [Mr. FERRIS] says are not paid sufficiently to produce efficiency? Why is it not economy in a business point of view to use the department devoted to agriculture exclusively for the benefit of the Indians as well as for the benefit of the white farmer?

Mr. HAYDEN. The gentleman will understand that the area of Indian reservations in the United States is enormous. In my own State there are 23,000,000 acres of Indian lands. In the various counties of Arizona we have agricultural agents, half of whose salary is paid by the Federal Government, and they are always busy giving instruction to white farmers. They have neither the time nor the opportunity to go on the Indian reservations to undertake such additional work. Out of the $475,000 provided for in this item $240,000 has been allotted to this work, and the hearings show that 247 men have been employed as expert farmers to instruct the Indians in agriculture. It is not practical to take the county agents away from their work of instructing the white farmers when they are so few in number and have them do this Indian work also.

Mr. ROBBINS. In addition to the inquiry, which the gentleman has clearly and fully answered, it struck me that to increase the number of exports in the Agricultural Department would be a better plan, and abolish altogether these specialists, and that would procure for the Indians better results.

Mr. HAYDEN. It would be very difficult from an administrative point of view to have a man from the Department of Agriculture working under the superintendent on an Indian reservation. There ought to be one centralized authority directing work which is to be done on each reservation. It seems to me that better work will be done in instructing the Indians in farming by relying on the Indian Service than to depend upon the Department of Agriculture here in Washington, two or three thousand miles away from the reservations.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. I will say that I thoroughly agree with the gentleman from Oklahoma [Mr. FERRIS] that these expert farmers, whom by this appropriation it is intended to have employed for the benefit of the Indians, should receive a fair salary. This provision as it stands will permit the Commissioner of Indian Affairs to give that to those worthy of it. This paragraph does not permit the payment of more than $50 a month to any farmer or expert farmer unless he shall have first procured and filed with the Commissioner of Indian Affairs a certificate of competency, showing that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture; then he may be paid more. I will say to the gentleman from Oklahoma that I believe real expert farmers should be paid more. They should be paid $100, $125, or even $150 a month. The trouble I find on Indian reservations is this, that these so-called expert farmers, as the gentleman from Pennsylvania [Mr. ROBBINS] designated them, are men usually who have made a complete failure of farming. They are a run-down-at-the-heel sort of a class of farmers, who for one reason or another have been taken on by the Indian Bureau to instruct the Indians in the best methods of farming. Time and again as I have visited Indian reservations I have had successful Indian farmers, Indian farmers who have made a real success of farming, com-

plain of these expert farmers, saying that they absolutely knew nothing about good farming and, further, they did nothing toward helping the Indians increase production on the reservations.

Mr. FERRIS. Does not the gentleman agree with me it is almost absolutely impossible to get men for $60 a month and take this responsibility which they have to take? The gentleman knows they have to approve leases, they have to distribute money, they have to approve sales and purchases of horses and harness and construction of houses, and it seems to me in these sort of times, when the purchasing power of a dollar is almost nil, that you can not get these men for this price.

Mr. NORTON. I quite agree with the gentleman. My complaint is this, that the Indian Bureau seems to lack energy, seems to lack common business sense in not itself strenuously protesting against conditions that exist on the Indian reservations of the country. It lacks initiative to go ahead and put into effect a policy that will do away with the incompetents that we now have in the administration of Indian affairs. There would be infinitely more progress made if we had one good, competent man in the place of ten incompetents that we now have in the service. Much of this money is being paid out for these so-called expert farmers, where no benefit at all is being received by the Indians.

Mr. CARTER of Oklahoma. Does not the gentleman think that the manner in which we employ these experts has something to do with it, to wit, the civil service?

Mr. NORTON. Yes; I think the manner and I think the whole administration of Indian affairs has something to do with it—has all to do with it.

Mr. ROBBINS. Does not the gentleman think that the criticism is leveled and ought to be leveled at the head of the department, the responsible authority, the Secretary of the Interior?

Mr. NORTON. I want to level it at the Secretary of the Interior, to be specific, and at the Commissioner of Indian Affairs, who ought to see that a different policy is pursued. I do not want to camouflage my criticism at all. [Applause.]

Mr. ROBBINS. That is where it ought to be, too.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, and in hearings set by the United States local land officers to determine the rights of Indians to public lands, $1,000: *Provided*, That no part of this appropriation shall be used in the payment of attorneys' fees.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word in order to put a question to the gentleman in charge of this bill. What does the committee mean, page 12, line 9, where it says:

For witness fees and other legal expenses in behalf of or against Indians involving the question of title to lands allotted to them—

And so forth.

What expenses were to be paid out for suits either in behalf or against Indians? Are not the Indians the wards of the Government?

Mr. CARTER of Oklahoma. I presume this is in case where a suit is brought to quiet title on behalf of an Indian, or where a suit is sometimes necessary to be brought by one Indian against another. Sometimes there are friendly suits brought and I presume these are friendly suits.

Mr. ROBBINS. The item is not large; I do not wish to raise any further question, but it rather puzzled me——

Mr. CARTER of Oklahoma. I admit the language might be a little confusing.

Mr. ROBBINS. Why we should pay costs of that kind.

Mr. GALLAGHER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

GENERAL EXPENSES OF INDIAN SERVICE.

For pay of special agents, at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed $3.50 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $135,000: *Provided*, That not to exceed $15,000 of this amount shall be used for continuing the work of the Competency Commission to the Five Civilized Tribes in Oklahoma.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I rise for the purpose of obtaining some information as to what is the progress of the work of this competency commission, for which the appropriation is increased threefold over that carried in last year's bill. Last year the appropriation was $5,000 for the work of this competency commission among the Five Civilized Tribes and the bill carries a threefold larger appropriation of $15,000.

Mr. CARTER of Oklahoma. Well, this appropriation simply provides that not to exceed $15,000 of this amount shall be used for the competency commission in Oklahoma. There was no limitation on the amount that could be used for that commission in any State last year.

Mr. HASTINGS. Five thousand dollars was made immediately available.

Mr. CARTER of Oklahoma. Last year $5,000 was made immediately available.

But this proviso here limits the amount that can be used in this State. I will say to the gentleman that one thing that brought this amendment about, as the gentleman from Oklahoma [Mr. HASTINGS] has informed me, was that he found two competency commissions in his home town at one time. The two had met there by accident or in some way. Now, we are very anxious to have a competency commission in Oklahoma that will look to the relieving of the Indian of restrictions on his land when he is competent, and relieving the Government from further supervision of it; but we would not like to have two in the same town, and we thought this might direct the attention of the administrative officers to it, so that we would have one perhaps all the time, and only one, in the State. One is I think amply sufficient for the State of Oklahoma.

Mr. STAFFORD. Can the gentleman inform the committee how many comaissions have been appointed by the Bureau of Indian Affairs under this former authorization?

Mr. CARTER of Oklahoma. There are three.

Mr. STAFFORD. What work are they doing?

Mr. CARTER of Oklahoma. They go around to the different Indian communities, and in some instances visit the Indian homes to find out the living conditions in order to get at the Indian's real competency to transact his own business. This is done for the purpose of removing the restrictions and putting competent Indians on their own responsibility as soon as they are capable.

Mr. STAFFORD. What has been the expenditure out of this item in the years past for this work?

Mr. CARTER of Oklahoma. I can not give the gentleman that information. This is a step at getting it. Next year I want to bring before the House an itemized statement of money that has been spent for competency commissions.

Mr. STAFFORD. Undoubtedly there was more than $5,000, as provided last year, without any limitation.

Mr. CARTER of Oklahoma. There were three working all the time, at about $2,000 to the man, and three men to the commission. And that outside of their traveling expenses when they were away from home.

Mr. STAFFORD. And that would amount to more than $18,000 just for salaries.

Mr. CARTER of Oklahoma. Surely. There is more than that being spent now.

Mr. STAFFORD. What was the per diem? Three dollars a day?

Mr. CARTER of Oklahoma. Three dollars a day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the time be extended five minutes.

Mr. JUUL. I object.

The CHAIRMAN. The Clerk will read.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin [Mr. STAFFORD] may proceed for five minutes. He is pursuing a very interesting and valuable investigation.

Mr. JUUL. I object.

The CHAIRMAN. The gentleman from Illinois [Mr. JUUL] objects, and the question is not debatable.

The Clerk will read.

Mr. CAMPBELL of Kansas. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. CAMPBELL of Kansas. I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas may oppose the motion, but the gentleman from Wisconsin [Mr. STAFFORD] made the motion to strike out the last word. However, that motion has just been made, and if he desires to oppose it, the Chair will recognize him for that purpose.

Mr. CAMPBELL of Kansas. Then I oppose the motion.

Mr. JUUL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JUUL. A point of order.

The CHAIRMAN. The gentleman will state it.

Mr. JUUL. I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] There are 41 Members present; not a quorum; and the Clerk will call the roll.

Mr. CARTER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Mr. CARTER of Oklahoma. Mr. Chairman, I call for tellers. I have the right to do so.

The CHAIRMAN. The gentleman's motion was carried.

Mr. JUUL. Mr. Chairman, I ask unanimous consent to withdraw my point.

The CHAIRMAN. It is too late.

Mr. CARTER of Oklahoma. The gentleman can do it by unanimous consent.

The CHAIRMAN. You can not do anything without a quorum.

Mr. CARTER of Oklahoma. Mr. Chairman, I was on my feet and asked for tellers.

The CHAIRMAN. Well, but the gentleman's motion was carried and the Chair announced the result of it.

Mr. CARTER of Oklahoma. Let me make a parliamentary inquiry. When is the time that a man can call for tellers?

The CHAIRMAN. But the Chair had already announced the result of the vote and had instructed the Clerk to begin to call the roll. Then the gentleman asked for tellers. The Chair will give the gentleman the benefit of the doubt and give him tellers.

The gentleman from Kansas [Mr. CAMPBELL] and the gentleman from Oklahoma [Mr. CARTER] will take their places as tellers. Those who desire to object will first pass through the tellers.

Mr. WALSH. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WALSH. I rise to make a parliamentary inquiry. I desire to ask if the Chair has ascertained whether tellers have been ordered or not?

The CHAIRMAN. The Chair has not. The question is on taking this vote by tellers.

Tellers were ordered, and the gentleman from Oklahoma [Mr. CARTER] and the gentleman from Kansas [Mr. CAMPBELL] took their places as tellers.

The committee divided; and the tellers reported—ayes 6, noes 46.

The CHAIRMAN. The committee refuses to rise, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Francis	LaGuardia	Rucker
Bacharach	Frear	Langley	Sabath
Barnhart	Fuller, Mass.	Lehlbach	Sanders, La.
Bell	Gallivan	Lesher	Sanford
Bowers	Gard	Linthicum	Saunders, Va.
Britten	Garland	Lundeen	Scott, Pa.
Brodbeck	Godwin, N. C.	Lunn	Scully
Browning	Gould	McFadden	Sells
Burnett	Graham, Pa.	McKinley	Sherley
Candler, Miss.	Gray, Ala.	McLaughlin, Pa.	Siegel
Cannon	Gray, N. J.	Madden	Sims
Capstick	Greene, Mass.	Magee	Sisson
Carew	Greene, Vt.	Maher	Small
Chandler, N. Y.	Gregg	Mann	Smith, Mich.
Church	Griest	Mason	Smith, T. F.
Clark, Fla.	Hamill	Miller, Wash.	Snell
Copley	Hamilton, N. Y.	Montague	Snyder
Costello	Hardy	Morin	Steagall
Crago	Harrison, Va.	Neely	Stephens, Nebr.
Crisp	Haskell	Nichols, Mich.	Stiness
Currie, Mich.	Haugen	Oliver, Ala.	Sullivan
Curry, Cal.	Hawley	Olney	Sumners
Dale, Vt.	Hayes	O'Shaunessy	Swift
Darrow	Heintz	Paige	Tague
Davidson	Holland	Parker, N. J.	Talbott
Decker	Hood	Parker, N. Y.	Taylor, Colo.
Dewalt	Hull, Iowa	Phelan	Templeton
Dooling	Husted	Polk	Vare
Doremus	Hutchinson	Porter	Vestal
Doughton	Igoe	Pou	Ward
Drukker	Johnson, Wash.	Price	Watson, Va.
Dunn	Jones, Va.	Ragsdale	Webb
Edmonds	Kahn	Rainey	Whaley
Esch	Kelley, Mich.	Ramsey	Williams
Estopinal	Kennedy, Iowa	Rayburn	Winslow
Evans	Kennedy, R. I.	Reavis	Wise
Fairchild, B. L.	Key, Ohio	Riordan	Young, Tex.
Fairchild, G. W.	Kiess, Pa.	Rodenberg	
Farr	Kitchin	Rowe	
Flynn	Kreider	Rowland	

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having found itself without a quorum, he had directed the roll to be called, whereupon 271 Members, a quorum, answered to their names, and he directed that their names be entered on the Journal.

The SPEAKER. The committee will resume its sitting.

The committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INDIAN SERVICE INSPECTORS.

For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed $2,500 per annum and actual traveling and incidental expenses, and not to exceed $3.50 per diem in lieu of subsistence when actually employed on duty in the field, $30,000.

Mr. NORTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Dakota moves to strike out the last word.

Mr. NORTON. Mr. Chairman, if one were trying to discover where the most valuable man employed as a special agent or as an inspector in the Indian Service receives his compensation, he would naturally expect that it was either out of the appropriation for the general expenses of the Indian Service, in the paragraph preceding this one, or from the item of $30,000 under this paragraph; but such is not the case. The most valuable man in the Indian Service in inspection work to-day is, in my judgment, unquestionably Maj. James McLaughlin, a man who has been in the Indian Service for nearly 40 years; a man who has made more treaties for the Government with Indians than any other living man; a man who has done more for the Indians of the United States and who is better acquainted with Indian affairs than any other man living in this country to-day.

Maj. McLaughlin receives at this time the modest salary of $2,500 a year, but it is not, I say, as might reasonably be expected, paid out of the appropriation provided for in this paragraph or out of the appropriation provided for in the preceding paragraph.

I like to commend good service in the Government much better than I like to criticize and condemn poor service. It pleases me greatly to recall the efficient and faithful services Maj. McLaughlin has rendered to the administration of Indian affairs during his long period of service with the Government. A man like Maj. McLaughlin, a man who has rendered the real valuable service to the Interior Department that he has rendered for the last 40 years, should justly receive much better compensation than he is now receiving. If we had paid, out of the funds provided for in this and the preceding paragraph, to a few more men of his faithfulness, character, standing, and ability, of his real heart interest in Indians and in Indian affairs, we would have much better service given to the Indians in the different States. We would then have more real development among the Indians, more real improvement in their education and civilization, more real stable and lasting improvement in their ability toward self-support.

Maj. McLaughlin has been employed by the Government in dealing with Indians in almost every State in the Union for the last 40 years. His home and the homes of his children for many years has been on the Standing Rock Indian Reservation, in the section of the country near where I live. For many years he was the Indian agent on that reservation. To-day he is the most beloved and the most respected man among the Indians in North and South Dakota. His record in the service of the Government is one of which any man could feel justly proud. It is one the emulation of which by others in the Indian Service will bring about much-needed improvement in the administration of Indian affairs. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. CARTER of Oklahoma. Mr. Chairman, I rise to oppose the amendment.

I heartily concur in every word that has been said by the gentleman from North Dakota [Mr. NORTON].

A Member just asked me how long Maj. McLaughlin had been on the pay roll. He was on the pay roll perhaps before some Members here now were born, and during all the time I doubt not he was drawing less salary than he might have been able to draw had he been employed in a different capacity. He is one of the men in the Government service with a capacity of from $6,000 to $10,000 a year who has continued working, year after year, for $2,500, and prior to a few years ago for even less than that. There has never been a man in the Indian Service, so far as I am advised, who has rendered more beneficial service, both for the Federal Government and for the Indians, than has Maj. McLaughlin.

Many years ago, when the last Sioux uprising took place, it was Maj. McLaughlin who took charge of that situation with a firm hand and settled the matter and perhaps relieved the Government from having to kill a great number of Indians. It was necessary to kill Sitting Bull, but if the recommendations of Maj. McLaughlin had been acted upon promptly when the ghost dances first started the life of Sitting Bull might have been saved to a ripe old age, for Maj. McLaughlin notified the Government at the very beginning of the uprising, at the very beginning of the dances, of the dangers to which they might lead. But this Government did not at first take serious enough account of Maj. McLaughlin's report. The result was the death of Sitting Bull, and also the death of one of the brightest, most intelligent, and loyal of our young Indians—loyal to this Government under adverse circumstances. In attempting to arrest Sitting Bull he was also killed.

Maj. McLaughlin has ever been the friend of the Indians, he has ever had the confidence of the Indians. It is worth while for any Member of this House to spend a few evenings reading that very valuable book written by Maj. McLaughlin entitled, "My Friend the Indian."

All praise to Maj. McLaughlin, all honor to this noble, courageous, intelligent, diligent Government inspector, against whose long and valuable public service the tongue of slander has never wagged and who never faltered in the performance of a duty. [Applause.]

Mr. CAMPBELL of Kansas. Mr. Chairman, I count among my best friends in the public service Maj. McLaughlin, the friend of the Indian. [Applause.] I got my liking for the Indian and my interest in his behalf through association with Maj. McLaughlin. I have read his book, "My Friend the Indian." It is one of the most illuminating works upon the American Indian that has ever been published. It was written by a man who loves the Indians, who has lived with them, and who has worked with and for them. For more than 40 years Maj. McLaughlin's life has been interlocked with the life of the American Indian. Years ago, when uprisings were imminent in any Indian tribe, Maj. McLaughlin, with that courage that his name would indicate, would go to the tribe, would sit with them in their councils, talk with them in their own language, and he has secured many treaties from unfriendly Indians who were about to go upon the warpath which have resulted in the maintenance of peace. He has rendered great service to the Indian and to the United States in the years of his connection with the Indians and with the Interior Department. Maj. McLaughlin is about 76 years young. I do not know where he is now. Perhaps he is out in the Dakotas or in Wyoming. He is somewhere rendering service to the United States and to the Indians. He works like a steam engine. I have known few men who have his capacity for work. At his age he seems never to tire, and he has the faculty of going right to the gist of a question. A few years ago, when a most intricate and important matter was under consideration, Maj. McLaughlin was selected by the Secretary of the Interior and commissioned especially to make an investigation of the entire subject, and the report made by him in that matter is the last word upon the subject. He has always rendered that kind of service to the Government and to the Indians, and I would like to join with my colleagues on both sides of this Chamber in doing something besides merely giving him words of praise. I do not know how he lives on $2,500 a year.

Mr. ROBBINS. Where does he live?

Mr. CAMPBELL of Kansas. He lives in North Dakota. He knows the Indian, knows his language. This House can well afford to spend a few moments in giving recognition to the splendid services that Maj. McLaughlin has rendered. [Applause.]

The Clerk read as follows:

VEHICLES FOR INDIAN SERVICE.

That not to exceed $200,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation and other employees in the Indian field service: *Provided*, That not to exceed $15,000 may be used in the purchase of horse-drawn passenger-carrying vehicles, and not to exceed $30,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. For several years we have been carrying this appropriation and authorization of $30,000, made available for the purchase of motor-propelled passenger-carrying vehicles. I do not recall how many years that amount has been carried, but I do remember that it has been carried for a number of years. The Indian Service in the field must have at their disposal a number of motor-propelled passenger-carrying vehicles. When this authorization was placed in the bill some years back it was expected that in a short time the amount would be reduced. I wish to inquire of the chairman of the committee whether he can furnish any information as to the number of automobiles that have been purchased out of this item in years past, and what is the average number purchased, and the price of the automobiles.

Mr. CARTER of Oklahoma. I can not give the gentleman the information for any year except the last fiscal year. For the last fiscal year the only information I can give him is that $40,381.98 is the total from all funds for motor-propelled vehicles.

Mr. STAFFORD. Here is a limitation of $30,000 for that purpose.

Mr. CARTER of Oklahoma. I get that information from the hearings on page 96. It is there stated that the total for motor-propelled vehicles, 1917, all funds, was $40,381.98. Paid from tribal and other funds not covered by 1917 act, $22,324.55. Paid from funds and appropriations named in 1917 act, $18,057.43.

Mr. JUUL. Will the gentleman yield?

Mr. STAFFORD. I always yield to my colleague from Illinois when he asks a question or takes the floor.

Mr. JUUL. On what page of the hearings is that information found?

Mr. CARTER of Oklahoma. On page 96.

Mr. STAFFORD. Can the gentleman inform the committee what is the average price of these automobiles that have been purchased, whether they are the ordinary inexpensive machine, or whether there are instances where some of the higher-priced machines have been purchased?

Mr. FRENCH. Is the gentleman trying to advertise the Ford?

Mr. STAFFORD. It is not necessary to advertise the Ford. Mr. Ford himself attends to that.

Mr. CARTER of Oklahoma. The Commissioner of Indian Affairs said to us in the hearings a year ago that they always purchased the cheapest durable machine, and purchased no high-priced machines at all. Upon being pressed about it, he said he did not want to advertise any certain line of automobiles, but that the automobiles that were purchased were so well advertised as not to need advertisement, either from the administrative or congressional branch of the Government.

Mr. STAFFORD. Can the gentleman give the number of automobiles that are in use as compared with the number of horse-drawn vehicles? Of course, everyone realizes that the automobile is a time saver and a money saver, that it makes the time of these Indian agents treble in value what it would be without the use of automobiles. Can the gentleman inform us whether all the branches of the service have been equipped with automobiles, or whether this $30,000 is necessary to extend the automobile service still further?

Mr. CARTER of Oklahoma. It is needed, as stated in the hearings, for an extension of the service to some places where the automobile is not now used. The Assistant Commissioner of Indian Affairs made this statement:

It is now really an economy for the Government to buy a cheap automobile in price rather than to purchase a team, because the machine can be maintained as cheaply as a team, in view of the high cost of feed, and the automobile will not cost any more than a good team.

Mr. STAFFORD. I have obtained as much information as I could from the hearings. I wish I could obtain information as to just how many are in use in the service.

Mr. CARTER of Oklahoma. I will be very glad to have that included in the hearings next time. I am sorry it was not included this year.

Mr. STAFFORD. I withdraw the pro forma amendment.

The Clerk read as follows:

ISSUING PATENTS IN CERTAIN CASES.

That the Secretary of the Interior is authorized and directed to issue a patent in fee simple to the duly authorized missionary board or other proper authority of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore or may hereafter be set apart to and are being used and occupied by such organization for mission or school purposes.

Mr. STAFFORD. I reserve the point of order on the paragraph. I will ask the chairman of the committee what has been the policy of the committee in the past in the matter of granting patents to sectarian or religious organizations for the land on which they have erected schools or other buildings?

Mr. HAYDEN. I can state to the gentleman that twice before Congress has passed legislation similar to this, saying that where the school grounds were theretofore occupied and used for that purpose patents might be issued. This legislation simply brings it down to date.

Mr. STAFFORD. Does the gentleman think it is a good policy to pursue, as far as the Indians are concerned? Here are religious organizations doing a highly commendable and humanitarian work erecting schools on Government land. A time may come when these schools will no longer be needed, when the land of the Indians will be sold, and yet the Government might, under this authorization, have given title to some portions of the land on which schools are constructed that would interfere with the sale of these lands.

Mr. HAYDEN. On the other hand, missionary societies object to spending money in the construction of buildings unless they have title to the ground, and I think properly so. It is the usual custom to make some reservation in the patent to the effect that if the land is not used for school purposes it reverts to the Indians.

Mr. STAFFORD. Heretofore the Government in its policy has always retained absolute control over the reservation. Here some religious society wishes to establish a school or other educational building on the premises, and the time may come when it might be the wish of the department to exclude those persons from the utilization of this building. It might be that some of the teachers had become obnoxious in their work, and yet under this authorization they would have no right to exclude them from the reservation. I question whether the Government should grant title to land to a religious organization under these conditions, when it might become the means of preventing the department from exercising a free hand late on.

Mr. HAYDEN. I will say to the gentleman that I have never heard of any such difficulty having occurred. We encourage missionary organizations to erect schools on the reservations because of the good they are doing. It is not as though a man were engaged in a gainful occupation, like conducting a store for profit, where his presence might become undesirable.

Mr. STAFFORD. Has the gentleman any data as to the number of instances where we have granted title to lands under special acts, or the number of instances where schools have been erected on reservations without title?

Mr. HAYDEN. If the gentleman will look through the statute books he will find numerous instances where legislation has been passed granting title to lands for this purpose. In 1916, and I believe once before, general legislation of this kind was passed providing that where schools had been theretofore established it was within the discretion of the Secretary of the Interior to grant title to the land. It all lies within the discretion of the Secretary of the Interior.

Mr. JUUL. Will the gentleman yield?

Mr. STAFFORD. Yes; I am always disposed to yield any time at my disposal to the gentleman from Illinois.

Mr. JUUL. Is it not a fact that the lands granted to missions and schools to be used for school purposes when not so used revert to the United States?

Mr. HAYDEN. That is the usual reservation in the patent.

Mr. JUUL. Then the country would be perfectly safe in this case.

Mr. HAYDEN. I think so.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. The gentleman from Arizona stated, in reply to a query, that there is discretion lodged in the Secretary of the Interior. This provision reads:

That the Secretary of the Interior is authorized and directed to issue a patent in fee simple to the duly authorized missionary board or other proper authority of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore or may hereafter be set apart to and are being used and occupied by such organization for mission or school purposes.

Mr. HAYDEN. Would it satisfy the gentleman if we struck out the words "and directed" and inserted "in his discretion"?

Mr. STAFFORD. I would not favor allowing this provision to be passed, which would be mandatory. I think there should be some discretion lodged in the Secretary of the Interior.

Mr. HAYDEN. I think the gentleman's criticism is proper, and he is at liberty to offer such an amendment.

Mr. STAFFORD. I will retain the reservation of the point of order and yield to the gentleman form Minnesota.

Mr. MILLER of Minnesota. Mr. Chairman, I wish to call the attention of the gentleman from Wisconsin and the gentleman from Arizona to the fact that not only is this mandatory but if enacted into law the title is conveyed without another act being performed by anybody. It has been held by the court that when Congress uses such language as this, in this paragraph, the title is actually vested by the legislation in the person or institution to whom or to which the land is to be conveyed. Consequently, if this should be passed, whether the Secretary of the Interior did or did not issue a patent, the actual title to the land would immediately be vested in the institution. I think the point is very well taken.

Now, I would like to ask something further. It has been the policy of the committee in cases like this to specify the reservation, the quality of the land, and the institution to receive it. It may be that in years past there have been instances other than that, but I am not familiar with it. This is blanket legislation. It covers cases not only now existing but in the future. This will remain as a law, and hereafter it will be wholly unnecessary for any religious organization to come to Congress and ask that title be granted to it for the establishment of a church or school. All it will need to do will be to go directly to the Secretary of the Interior, and he is authorized to set aside a quantity of land and issue a patent.

Mr. HAYDEN. In 1916 just such a blanket act was passed, except it provided where the lands had theretofore been occupied for this purpose, and it did not continue hereafter. We thought we might as well make it permanent law at that time. We can do as we did then, take care of the cases intervening in the last two years, by passing this kind of an act.

Mr. MILLER of Minnesota. It is unquestioned that wonderful good has been done by these religious organizations, but there are many instances where, unfortunately, there has been some conflict.

For instance, take a spot having 500 Indians and no more, where there may be a Roman Catholic Church established, and which may have been doing splendid work for 30 or 40 or even 50 years. A Protestant Church concludes that it ought to have a mission there, and then they come and get a piece of land, and the result is that the two of them fight for the 500 Indians. That is not right. The Indian is bewildered, and he does not know which church to go to, and the result is that he does not go to either. I know of an instance that occurred recently where there were not more than 250 Indians, where one institution was being conducted with great success. Another one came in, and the result is that neither is now a success. I think some limitation ought to be placed on this. In the case such as I have described, where there is one good church—I do not care what it is, if it is doing good work among a small band of Indians—I never in the world would vote to give the land to another church just because that other church wanted to get in there and proselyte. You can not safely leave that to the Secretary, because the Indian Office did exactly what I complain of. For instance, an agent goes to one of these places and he happens to be a member of a certain church, for illustration, we will say the Baptist Church. He finds there a Methodist mission. He says that the Indians there will go to hell sure if they do not have a Baptist Church and full immersion when baptized. So he goes to work to get a Baptist mission there, with the consequence that both are poorly paid and neither is doing good work. I think this ought to be left as it has been heretofore, and when the committee, knowing the facts, comes to the conclusion that it is a good place to give a deed to a church or a school, let Congress do it.

Mr. STAFFORD. Mr. Chairman, in view of the statement made by the gentleman from Minnesota [Mr. MILLER], who has had considerable personal acquaintance with conditions on Indian reservations, and because of the fact that the committee also acknowledges that the language ought to be changed, I shall make the point of order that it is new legislation on an appropriation bill.

Mr. HAYDEN. Mr. Chairman, the committee will not resist the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

ISSUING PATENTS IN CERTAIN CASES.

That the Secretary of the Interior is authorized and directed to issue a patent in fee simple to the duly authorized missionary board or other proper authority of any religious organization engaged in mission or school work on any Indian reservation for such lands thereon as have been heretofore or may hereafter be set apart to and are being used and occupied by such organization for mission or school purposes.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. I desire to call the attention of the committee to a situation which I think will perhaps be a means of clearing up a point of interest to a good many Members. I have in my hand a letter from a soldier at Camp Green, who has been in the service for four months, who has not secured as yet one cent of pay, and part of his pay has been assigned to his mother.

Mr. CARTER of Oklahoma. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment. I dislike very much to object to my good friend discussing the matter he has in mind, and I suggest that he discuss it in the House in a few moments after the committee rises.

Mr. TREADWAY. I did not know what the plan of the committee was, but it strikes me that this is such an important matter that the Indian Committee should not object to having attention called to it. I gladly comply with the gentleman's suggestion and will bring the matter up after the committee rises.

Mr. CARTER of Oklahoma. We expect to rise just as soon as we finish Arizona and New Mexico.

Mr. STAFFORD. Oh, that will require our sitting possibly until 6 o'clock. This is Saturday afternoon.

Mr. CARTER of Oklahoma. I think we shall quit at 5 o'clock, no matter where we are; but I thought, perhaps, we might finish with Arizona and New Mexico.

The Clerk read as follows:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $132,000; for general repairs and improvements, $12,500; in all, $144,500.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish some information from the committee. What is the reason for all these appropriations for the support of schools being increased over those of prior years? The gentleman stated, in response to a question I addressed to him about the per capita cost being increased to $200 and $225, respectively, that in most instances, if not in all, the per capita cost had been increased and that it was not the primary intention to increase the allowance for per capita cost of these respective institutions, but I find running through the bill that the total appropriations for these different schools have been considerably increased over those of last year. Are those appropriations caused by increased attendance, or is it due entirely to the increase allowed per capita?

Mr. CARTER of Oklahoma. Oh, Mr. Chairman, the gentleman thoroughly misunderstands me. The query the gentleman propounded to me was this. Had we in any case increased the amount in this bill over the estimates of the department?

Mr. STAFFORD. The gentleman misunderstood my query. I am asking now the question, and my query is——

Mr. CARTER of Oklahoma. I think I understood the gentleman's question. But earlier in the day the gentleman says I made the statement in answer to him that there had been no increase in the per capita cost. On the contrary, the per capita cost was provided to be not exceeding $200 and $225, and in each school as we went along we found it necessary to increase also the per capita allowance, based upon the attendance there last year; not only the number of pupils appropriated for in the former bill, nor upon the number estimated for by the department, but based upon the actual attendance, the enrollment, and upon the capacity of the school.

Mr. STAFFORD. And at what rate per capita?

Mr. CARTER of Oklahoma. For all schools under 400, $200, and for all schools 400 and over, $185.

Mr. STAFFORD. So the gentleman did raise the allowance of those schools above that they were receiving before?

Mr. CARTER of Oklahoma. We raised the allowance, that is true; that is to say, we raised the amount allowed at a great many schools. We did that in order that the school might be conducted to meet the requirements of the high cost of living. There is no increase in attendance, but practically all increases in school-support appropriations are increases in per capita cost.

Mr. STAFFORD. Were those increases recommended by the department?

Mr. CARTER of Oklahoma. Oh, the department recommended a great deal more than we allowed. In each instance we cut down the department's estimate.

Mr. STAFFORD. Even as to the total amount allowed for the schools?

Mr. CARTER of Oklahoma. Yes; even as to the total amount allowed.

Mr. FRENCH. Is it not true that the department had to ask for a deficiency appropriation to take care of the schools last year?

Mr. CARTER of Oklahoma. I explained that to the gentleman from Wisconsin—over $250,000.

Mr. STAFFORD. So the committee has proceeded in the amounts of these respective items to allow them a certain amount, as stated, based upon the attendance they estimated in these various schools?

Mr. CARTER of Oklahoma. We did this: Where we found their capacity was less than the amount the department asked for in some instances we cut to the capacity of the school. If we found the actual attendance was less, we cut to what was almost the actual attendance last year, providing the capacity would warrant it.

Mr. STAFFORD. In the administration of these various appropriations has the department always utilized the full amount in every case, or are there some instances where money has been turned back in the trust funds or the Treasury?

Mr. CARTER of Oklahoma. In most of the cases the allowance has been utilized fully. As the gentleman knows, when the department estimates are made, they are as of date of December 1, but are really made some time before that. Then when the commissioner or bureau chief comes before an appropriating committee, he comes with his justification for each item in the estimate, and in presenting that justification he usually has a balance unexpended in nearly every item. But his statement with reference to a great many of those balances is that they have been contracted for but have not yet been expended.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For the construction of necessary channels and laterals for the utilization of water in connection with the pumping plant for irrigation purposes and for the installation of additional pumping machinery on the Colorado River Indian Reservation, Ariz., as provided in the act of April 4, 1910 (36 Stat. L., p. 273), for the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land, and for the conduct of surveys, preparation of plans and estimates for a complete irrigation system to supply the aforesaid area, which plans and estimates shall be embodied in a report with recommendations as to the most feasible and desirable irrigation system, and submitted to Congress prior to December 1, 1918, $80,000, to be immediately available, and for maintaining and operating the pumping plant, canals, and structures, $20,000; in all, $100,000, reimbursable as provided in said act, and to remain available until expended.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read.

I notice there is an authorization here for survey, preparation of plans, and estimates for a complete irrigation system to supply this entire area. A preliminary appropriation of $80,000 is provided for that purpose. I think some explanation should be given us to the total amount that may be required if this is authorized and what is the need for such an authorization at the present time.

Mr. HAYDEN. I can state to the gentleman the facts of the case. There are on the Colorado River Indian Reservation about 150,000 acres of irrigable land. It is the most fertile land on this continent. It will grow enormous crops because of the long growing season. The climate is very similar to that at Yuma in Arizona and the Imperial Valley in California. These lands were withdrawn nearly 50 years ago to form a reservation for the Indians. Unless some effort is made by the Government to divert water from the Colorado River to irrigate the reservation, the total flow of that stream will soon be appropriated at other places, and these Indian lands can not be reclaimed because there will not be enough water in the Colorado River to irrigate all the land that lies along the banks of that stream.

Mr. STAFFORD. Will the gentleman yield right there?

Mr. HAYDEN. Yes.

Mr. STAFFORD. How many acres on this reservation are now irrigated and have been utilized by the Indians?

Mr. HAYDEN. The hearings show that at the present time there are actually irrigated 2,432 acres. There is a pumping plant near Parker at present which has a capacity to supply water to about 3,500 acres. That plant has been in operation for sometime, but the Indians themselves took but slight interest in cultivating their lands until of late, when the war prices for cotton and other products induced an increase in the area of the land cultivated by the Indians and the lessees on the reservation.

Mr. STAFFORD. How much of these 2,432 acres are being used by the Indians themselves?

Mr. HAYDEN. Fourteen hundred and twenty-seven acres by the Indians and 1,005 acres are cultivated by lessees.

Mr. STAFFORD. Have the greater portion of the Indians allotments of this irrigated land?

Mr. HAYDEN. There have been allotted to the Indians on the Colorado River Reservation 10 acres to each man, woman, and child.

Mr. STAFFORD. Is this new project for the purpose of irrigating additional land, not for the benefit of the Indians primarily, but for the benefit of that part of the public that may go on there and locate?

Mr. HAYDEN. If the entire project is completed a part of it will be reserved for the Indians and the remainder of the land sold to white people to pay the cost of constructing the irrigation works. In other words, the Indians have a very valuable resource which can be utilized provided only that they can connect the water with their land. As matters stand now the land is valueless. If the development of this project is carried out it will make these Indians among the richest in the United States.

Mr. STAFFORD. Will the gentleman advise the committee what the total cost will amount to in case we launch upon this enlarged project?

Mr. HAYDEN. I can not give the gentleman any accurate information in that regard, because I do not know. I have endeavored during the last four or five years to induce the Indian Office to submit some preliminary estimates, but the commissioner said he desired to look at the reservation himself before doing that. He went out there last summer and came

back very enthusiastic, with the result that he has asked for this appropriation. The estimate submitted was for $100,000 for this purpose, but the committee reduced the amount to $80,000, which I think will be sufficient.

Mr. STAFFORD. Of course this is merely preliminary, involving only the appropriation for surveys and preparation of plan?

Mr. HAYDEN. Yes, sir.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Will the cost of this project run into millions of dollars?

Mr. HAYDEN. I imagine that the total cost will not be less than three or four million dollars.

Mr. STAFFORD. Out of whose funds will that appropriation be paid?

Mr. HAYDEN. The only feasible way to pay for the project is to charge the construction cost to the lands that are to be irrigated. Because the highest prices are paid for farm products, now is the time to carry out this work. Whether the money should be advanced from the Treasury or whether an irrigation district should be organized and the funds obtained by a bond issue is a matter for consideration when the department submits its report.

Mr. STAFFORD. Mr. Chairman, I question seriously whether this is the time, considering the condition of the Public Treasury, to launch into Indian irrigation projects for the development of arid lands, no matter where located, and particularly if those funds are to be paid out of the Treasury of the United States during the present war. Accordingly, Mr. Chairman, I make a point of order on the paragraph.

Mr. HAYDEN. By doing that the gentleman from Wisconsin will prevent the operation of the existing pumping plant.

Mr. STAFFORD. I have no objection, if it is agreeable to the committee, and no other amendment is offered to use as a handle this authorization for extensive new work, to have the language that has heretofore been incorporated in the bill down to line 17 retained.

Mr. HAYDEN. I would like to ask the gentleman that if there were funds belonging to these Indians in the Treasury—and there happen to be such funds to the extent of about $55,000—would the gentleman object to the appropriation of these Indian funds for the purpose of carrying on such an investigation as is contemplated?

Mr. STAFFORD. Well, that proposal may permit of the utilization of a mere bagatelle, $55,000, for survey purposes, but the ultimate cost, perhaps amounting to millions of dollars, will fall upon the National Treasury. This is no time for the launching of projects of that kind.

Mr. HAYDEN. Above all others, now is the time when a worthy project of this kind should be launched.

Mr. STAFFORD. Well, Mr. Chairman, I will suggest to the committee, as 5 o'clock is approaching, to have the committee rise. I do not want to do anybody any injustice. I have not examined the hearings on this proposal, and I want between now and Monday to look over the hearings and see whether I would be doing a rash act or not by insisting on the point of order.

Mr. CARTER of Oklahoma. I have no objection to moving that the committee rise now. Would the gentleman reserve his point of order until Monday?

Mr. STAFFORD. Yes.

Mr. CARTER of Oklahoma. That will be satisfactory.

Mr. STAFFORD. I reserve the point of order instead of making it.

Mr. CARTER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. HILLIARD, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Martin O. Larsen, H. R. 15333, Sixty-fourth Congress, no adverse report having been made thereon.

BOARD OF VISITORS, NAVAL ACADEMY.

The SPEAKER. By the act of August 29, 1916, the Speaker is required in the month of January to appoint a visiting committee to the Naval Academy at Annapolis, and it is further provided that in addition to the five Members, the chairman of the Committee on Naval Affairs shall be an ex officio member. Consequently the Chair announces the following as members of the committee: Mr. PADGETT (ex officio chairman), Mr. TALBOTT, Mr. ESTOPINAL, Mr. RIORDAN, Mr. BUTLER, and Mr. BROWNING.

HOUR OF MEETING ON MONDAY.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday morning.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday morning. Is there objection?

Mr. GILLETT. Reserving the right to object, Mr. Speaker, may I ask the gentleman from Oklahoma the reason for that request?

Mr. CARTER of Oklahoma. If we meet at 11 o'clock, I think we can finish this bill by Monday night, and the Agricultural bill will be ready to take up on Tuesday at noon.

Mr. GILLETT. We are very busy, most of us, in the mornings, and I think I shall have to object.

The SPEAKER. The gentleman from Massachusetts objects.

CONSERVATION OF FUEL.

Mr. STEDMAN. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. STEDMAN. Mr. Speaker, my object is to read a telegram from a gentleman at Durham, N. C., who was a Confederate soldier, who is one of the great men of our State and a model citizen of our Republic. I do not read the telegram for any political purpose whatever, but to commend the spirit manifested by it to the entire American people. The telegram is as follows:

DURHAM, N. C., *January 19, 1918.*

Hon. C. M. STEDMAN,
Washington, D. C.:

The Durham Hosiery Mills, a corporation constituting a chain of 10 mills, 3 operated by steam and 7 by hydroelectric power, employing 3,500 hands, have shut down all of our plants, paying our employees in full while the mills are standing, patriotically complying with the request of the Fuel Administrator.

JULIAN S. CARR.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

PAY OF SOLDIERS.

Mr. TREADWAY. Mr. Speaker, I hold in my hand a letter from a soldier who entered the service just four months ago to-morrow. In that length of time he has been unable to receive one cent of pay, and the assignment that he made to his mother has not been paid to her. It seems that such a condition as this is deserving of the attention of the department. I took the matter up with the War Department last Monday, but as yet have received no reply to my communication.

The circumstances are these: The young man entered the service by joining a company in my section. He was transferred to another camp. Later the company which he first joined was sent overseas, and the records of his enlistment are with that company. It seems to me strange that in some way duplicates of such important papers as those should not have been left with the department. I have a letter from the young man this morning saying that the roll has been signed for another month's pay, and that his name is not on that roll. Consequently, it will be at least five months before he receives any pay or before his mother receives the benefit of the assignment which he has made to her. I wish to call this matter to public attention to see if some action can not be secured looking to prompter pay of our men in the service. There are laws regulating time of payment of private corporations, but the Government itself can tie up a soldier's pay for at least four months, and, as this circumstance proves, it will be at least another month before he can get any pay, unless something can be done to cut this red tape. If these records are across the ocean, they ought to have been returned before this. Wherever they are, the men in the service ought not to be held up four months or their families be allowed to suffer because of some kind of department red tape.

Mr. GORDON. Will the gentleman yield for a question?

Mr. TREADWAY. Yes.

Mr. GORDON. Do you know whether this soldier was transferred at his own request?

Mr. TREADWAY. I have no information about that, and I do not think it makes a particle of difference. He is a full-fledged member of a military organization in the service of the Government and entitled to receive his pay monthly.

Mr. GORDON. Was he in a National Guard company or was he drafted?

Mr. TREADWAY. He says:

I have not been paid for about four months. I was with the One hundred and fourth Regiment, which is now overseas, but was transferred into Company H, Sixth Massachusetts Infantry, which company I am now in.

How he got there I do not know, and it does not make any difference.

Mr. GILLETT. That was a National Guard regiment.

Mr. TREADWAY. It was a National Guard regiment.

Mr. GORDON. Maybe he refused to volunteer and was transferred.

Mr. TREADWAY. Oh, not at all. He is in the service and is entitled to full credit for it as well as prompt pay.

Mr. GORDON. What reason was given for his transfer?

Mr. TREADWAY. I have no particulars as to that. He is a soldier in the service of the United States to-day.

Mr. LONGWORTH. If he was in the National Guard, he must have volunteered.

Mr. TREADWAY. Certainly; and it does not make any difference anyway.

Mr. GORDON. Not a bit. He is entitled to his pay, of course; but the gentleman has presented this at the wrong place. He ought to have presented it at the War Department.

Mr. TREADWAY. I did present it at the War Department and have received no satisfaction.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6176. An act extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va.

ADJOURNMENT.

Mr. CARTER of Oklahoma. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until Monday, January 21, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Quartermaster Corps for "Army quarters, storehouses, etc., Canal Zone, Panama Canal," for the fiscal year 1919 (H. Doc. No. 842), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RANDALL, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 7230) to amend the postal laws, reported the same with amendment, accompanied by a report (No. 248), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3522) for the relief of the estate of Loyeau Berhel, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8652) for the relief of John P. Chesley; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3940) granting an increase of pension to Charles W. Bryant; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7524) granting a pension to Robert Dinsmore; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 8978) forbidding judges to charge juries with regard to matters of fact, but requiring judges to declare the law, and in jury trials to reduce their charge or instructions to writing on the request of either party; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 8979) to increase the pensions of the blind who served in the War with Mexico, the Civil War, and the War with Spain; to the Committee on Invalid Pensions.

By Mr. McLEMORE: A bill (H. R. 8980) to provide temporary promotion for retired officers performing active duty during the period of the present war; to the Committee on Naval Affairs.

By Mr. SULZER: A bill (H. R. 8981) to provide the full territorial form of government for Alaska; to the Committee on the Territories.

Also, a bill (H. R. 8982) to authorize the leasing of public lands in Alaska for grazing purposes; to the Committee on the Public Lands.

By Mr. PADGETT: A bill (H. R. 8983) to amend an act approved May 27, 1908 (35 Stats., pp. 417–418), and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 8984) for the relief of certain ex-paymasters' clerks; to the Committee on Naval Affairs.

Also, a bill (H. R. 8985) to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 8986) to pay a cash reward to civilian employees of the United States Navy; to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 8987) to preserve the purity of our flag; to the Committee on the Judiciary.

By Mr. LOBECK: A bill (H. R. 8988) creating a bureau of farm colonization to make a national survey of all public lands suitable for farming, to develop, establish, and maintain in a practical manner rural colonies and farm homes for qualified families; to the Committee on Agriculture.

By Mr. GARRETT of Texas: A bill (H. R. 8989) providing for the survey of Turtle Bayou, in the State of Texas; to the Committee on Rivers and Harbors.

By Mr. FESS: Concurrent resolution (H. Con. Res. 33) authorizing the printing of 500,000 extra copies of the income-tax primer; to the Committee on Printing.

By Mr. CARY: Joint resolution (H. J. Res. 216) to direct and empower the Commissioners of the District of Columbia to revoke licenses under certain conditions; to the Committee on the District of Columbia.

By Mr. LONDON: Joint resolution (H. J. Res. 217) authorizing the appropriation of $100,000,000 to relieve distress among wageworkers; to the Committee on Labor.

By Mr. SLEMP: Joint resolution (H. J. Res. 218) relating to the publishing of presidential utterances; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 219) relating to the admittance of newspapers as second-class mail matter containing certain statements; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 8990) granting an increase of pension to William Johnson; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 8991) granting a pension to Benjamin F. Todd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8992) granting an increase of pension to Charles Fish; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 8993) granting an increase of pension to Anson Church Harding; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 8994) granting an increase of pension to Cornelius J. Leport; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 8995) granting a pension to George W. Dille; to the Committee on Invalid Pensions.

By Mr. DALE of Vermont: A bill (H. R. 8996) granting a pension to Ellen E. Williams; to the Committee on Invalid Pensions.

By Mr. DENTON: A bill (H. R. 8997) granting an increase of pension to Thomas R. Turnham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8998) granting an increase of pension to John J. Criswell; to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 8999) granting an increase of pension to Mary Woodson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9000) granting an increase of pension to Richard C. Newsom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9001) granting an increase of pension to Mathew Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9002) granting an increase of pension to August H. Knippenberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9003) granting a pension to Evaline Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9004) granting a pension to Marintha Hartwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9005) granting a pension to Sarah Agnes Griffith; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 9006) granting an increase of pension to Jerome B. Summers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9007) granting an increase of pension to Samuel T. Dowdle; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 9008) granting an increase of pension to William Conde; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 9009) granting a pension to Ella Thatcher; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 9010) granting an increase of pension to Elijah W. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9011) granting an increase of pension to John Gillion; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9012) granting an increase of pension to William R. Murphy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9013) granting an increase of pension to Hostin Litteral; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9014) granting an increase of pension to James E. Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9015) granting an increase of pension to James H. Reeder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9016) granting an increase of pension to John Whittington; to the Committee on Pensions.

Also, a bill (H. R. 9017) granting a pension to Claud L. Salmons; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 9018) for the relief of Yachausti & Co.; to the Committee on Claims.

By Mr. GLYNN: A bill (H. R. 9019) granting a pension to Charles L. Hewitt; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 9020) granting an increase of pension to Ambrose J. Knapp; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 9021) granting an increase of pension to John Dewire; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9022) granting an increase of pension to John W. Hanon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9023) granting an increase of pension to Washington Blankenship; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9024) granting a pension to Rebecca Hoskins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9025) granting a pension to John F. Haselrigg; to the Committee on Pensions.

Also, a bill (H. R. 9026) granting an increase of pension to J. R. Evans; to the Committee on Pensions.

Also, a bill (H. R. 9027) for the relief of E. W. Lemaster; to the Committee on Claims.

Also, a bill (H. R. 9028) for the allowance of certain claims for difference in pay growing out of service in the Navy, as reported by the Court of Claims; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 9029) granting a pension to Annie L. Marksbury; to the Committee on Invalid Pensions.

By Mr. PAIGE: A bill (H. R. 9030) granting a pension to Martin Salmon; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 9031) granting a pension to Adam Wooten; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 9032) granting a pension to William Purcell; to the Committee on Pensions.

Also, a bill (H. R. 9033) granting a pension to William E. Galvin; to the Committee on Pensions.

Also, a bill (H. R. 9034) granting a pension to Julia O'Leary; to the Committee on Pensions.

Also, a bill (H. R. 9035) granting a pension to Thomas F. Dolan; to the Committee on Pensions.

By Mr. ROWLAND: A bill (H. R. 9036) for the relief of John R. Campbell; to the Committee on Claims.

By Mr. RUBEY: A bill (H. R. 9037) granting a pension to William S. Beachum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9038) granting a pension to Rosalie Noel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9039) granting a pension to George W. Burk; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 9040) granting a pension to Andrew J. Briggs; to the Committee on Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 9041) granting a pension to Erastus A. Buck; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 9042) granting an increase of pension to Christopher Scheets; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 9043) for the relief of Sydney E. Smith; to the Committee on Claims.

Also, a bill (H. R. 9044) for the relief of Brig. Gen. (formerly Col.) Jesse McI. Carter, National Army; to the Committee on Claims.

Also, a bill (H. R. 9045) for the relief of certain pay officers of the United States Navy; to the Committee on Claims.

By Mr. VAN DYKE: A bill (H. R. 9046) granting a pension to Albert Burger (incompetent); to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLARK of Pennsylvania: Petition of Jean A. Hard, Charlotte E. Evans, Mabel R. Hudson, Anna C. Gregory, Eleanor M. O'Connor, Eva M. Chapin, Josephine Douglass, Mary B. Harper, and Pauline R. Thomas, praying for the passage of H. R. 7995, for the care and maintenance and preservation of the historical naval brig, Commodore Hazard Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. CRAGO: Petition of the Brotherhood of American Yeomen of Erie, Pa., asking passage of H. R. 7995, a bill for the repair, etc., of the *Niagara*, flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DIXON: Petition of Gordon Farmer, Grand Army of the Republic, of Brownstown, Ind., in favor of passage of House bill 6973; to the Committee on Invalid Pensions.

By Mr. FOSS: Petition of Paul Megelin and 25 others, of Chicago, Ill., urging the reorganization of the Ordnance and Quartermaster Departments so as to get the best officers possible and to eliminate red tape; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Memorial of the National Council, Sons and Daughter of Liberty, for the Burnett bill (H. R. 4832); to the Committee on Immigration and Naturalization.

By Mr. HILLIARD: Petition of Lorena Geer, Mary E. Todd, Mary Anderson, Sunset H. Schoepflin, Gussie Oak, John Oak, Emmett E. Gotchey, Katie Brown, May B. Kruse, M. D., Mary Montgomery, Mary E. Dougherty, V. C. Shields, Sadie L. Flint, Bessie Henderson Tewksbury, Ann Ferris, Charlotte A. Harris, Josephine Kimball, Elizabeth Williams, Helen Schoepflin, Mary A. Schoepflin, Kansas Goodenaugh, Nora H. Cummings, Robert S. Brown, H. Schoepflin, and W. R. Abbott, all of Denver, Colo., urging the adoption of the national suffrage amendment; to the Committee on Woman Suffrage.

By Mr. LEA of California: Memorial of Halleck Post, No. 19, Grand Army of the Republic, of Chico, Cal., and Corinth Post, No. 80, Grand Army of the Republic, of Marysville, Cal., urging increased pensions for soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. PAIGE: Evidence in support of bill granting pension to Martin Salmon; to the Committee on Pensions.

By Mr. RANDALL: Memorial of Long Beach Chamber of Commerce, Long Beach, Cal., urging extreme punishment of crimes by enemies of Government who attempt to destroy property and in many instances cause loss of life; to the Committee on the Judiciary.

Also, memorial of Half Century Association of America, Los Angeles, Cal., favoring the creation of a Federal interest commission, whose duty it shall be to ascertain what are just rates of interest; to the Committee on Banking and Currency.

By Mr. REED: Evidence to support House bill 4637, granting an increase of pension to William B. B. Knight; to the Committee on Invalid Pensions.

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THE PROCEEDINGS AND DEBATES

OF THE

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OF THE

SIXTY-FIFTH CONGRESS

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SENATE.

MONDAY, *January 21, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek by prayer and supplication to fit ourselves for the solemn responsibilities and duties of this day. As we draw from Thee the inspiration and strength we shall measure up to the duties that are now upon us. Give us the Divine guidance that we may have gentleness and grace of spirit, understanding of the great issues of the day, and an appreciation of the responsibilities of this hour, that we may do all things according to Thy will for the peace and happiness of a great Nation. For Christ's sake. Amen.

The Journal of the proceedings of Friday last was read and approved.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	James	Norris	Smith, Mich.
Calder	Johnson, Cal.	Overman	Smoot
Chamberlain	Johnson, S. D.	Owen	Sterling
Colt	Kellogg	Pearose	Stone
Culberson	King	Phelan	Swanson
Curtis	Kirby	Poindexter	Thomas
Dillingham	Knox	Robinson	Tillman
Fernald	Lewis	Shafroth	Trammell
Fletcher	McCumber	Sheppard	Wadsworth
France	McKellar	Sherman	Warren
Frelinghuysen	McLean	Shields	Watson
Gallinger	McNary	Simmons	Williams
Gronna	Martin	Smith, Ariz.	Wolcott
Hale	Nelson	Smith, Ga.	
Hitchcock	New	Smith, Md.	

Mr. WOLCOTT. I wish to announce that my colleague [Mr. SAULSBURY] is detained at home by illness. I wish that this announcement may stand for the day.

Mr. LEWIS. I announce the absence of the Senator from Missouri [Mr. REED], the Senator from Mississippi [Mr. VARDAMAN], the Senator from New Mexico [Mr. JONES], and the Senator from Massachusetts [Mr. LODGE], detained on official business in the Committee on Manufactures. I also announce that the Senator from Kansas [Mr. THOMPSON] is detained on important public business.

The PRESIDING OFFICER (Mr. SWANSON in the chair). Fifty-eight Senators have answered to their names. There is a quorum present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla.

The message also announced that the House disagrees to the amendments of the Senate to the joint resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CHARLES B. SMITH, Mr. CROSSER, and Mr. NOLAN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 7697. An act to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes; and

H. R. 6176. An act extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va.

PETITIONS AND MEMORIALS.

Mr. STERLING. I send to the desk a resolution adopted by the Farmers' Equity Union of South Dakota, relative to a survey of the power possibilities of the Missouri River, which I ask may be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD as follows:

Resolved, That we urgently request the South Dakota delegation in Congress to use its best efforts to secure provision from the present Congress for the comprehensive survey of the power possibilities of the Missouri River between the forty-third and forty-seventh degrees of north latitude.

Mr. KNOX presented a memorial of the Select and Common Councils of Philadelphia, Pa., remonstrating against the abolishment of the pneumatic mail tubes in that city, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Rotary Club, of Chester, Pa., praying for the enactment of legislation providing for universal military training, which was referred to the Committee on Military Affairs.

He also presented a petition of Erie Chapter, No. 258, American Insurance Union, of Erie, Pa., praying for the enactment of legislation for the repair, preservation, care, and future maintenance of the restored naval brig *Niagara*, Commodore Oliver Hazard Perry's flagship in the Battle of Lake Erie, which was referred to the Committee on Naval Affairs.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Oregon praying for the enactment of legislation authorizing the return to this country and burial here of the bodies of our soldier dead, which was referred to the Committee on Military Affairs.

Mr. CURTIS presented a petition of the Commercial Club of Hutchinson, Kans., praying for the enactment of legislation providing for universal military training, which was referred to the Committee on Military Affairs.

Mr. WARREN presented a memorial of the Upper Green River Valley Cattle Growers' Association, of Cora, Wyo., remonstrating against the proposed extension of the Yellowstone National Park, which was referred to the Committee on Public Lands.

He also presented a petition of the Garrison Army and Navy Union, of Cheyenne, Wyo., praying for the repair, preservation, and care of the naval brig *Niagara*, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Wyoming State Council of National Defense, praying for the enactment of legislation granting the franking privilege to State councils of defense, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented resolutions adopted by the Board of Supervisors of Orange County, Cal., favoring the formulation of a plan for flood control and the conservation of water upon the Santa Ana River and its tributaries, which were referred to the Committee on Commerce.

He also presented a petition of the Santa Barbara County Chamber of Commerce, of California, praying for the construction of the proposed military highway from Blaine, Wash., to San Diego, Cal., which was referred to the Committee on Military Affairs.

Mr. JONES of Washington presented a petition of the Pacific County Council of Defense of the State of Washington, praying for the enactment of legislation relative to the drafting of alien foreigners, etc., which was referred to the Committee on Foreign Relations.

LOCAL HOUSING SITUATION.

Mr. THOMAS. Mr. President, on Friday last I took occasion, when the bill in charge of the Senator from Florida [Mr. FLETCHER] was under consideration, to say something about the local conditions in the city of Washington and to suggest that appropriate legislation seemed to me to be very desirable regarding those subjects. Since then I have received some interesting and vigorous correspondence. I send to the desk and ask that the Secretary may read the following letter.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

CITY RENTAL BUREAU,
Washington, D. C., January 19, 1918.

Senator CHARLES SPALDING THOMAS,
United States Senate, Washington, D. C.

DEAR SIR: This afternoon's Star quotes you as saying that "great unscrupulousness, avarice, and extortion seem to be a common practice in this city, with here and there a few honorable exceptions," etc., etc.

As a citizen of the District of Columbia of 30 years' standing, I regret to say to you that you seem to belong to the plain, ordinary garden variety of damn fools. The charges that you have made in the Senate against the people of Washington are grossly false, grossly libelous, and I am unable to find in the English language sufficient adjectives to express my opinion of a United States Senator who would deliberately and willfully make such charges.

You evidently know no more about what you are talking than your party knows about the handling of the coal situation or shipping situation, or any situation which has become confusion worse confounded by the stupid muddling imbecility of the Democratic Party.

When you say that the people of the city of Washington are unscrupulous, you lie. When you say that avarice and extortion are a common practice in this city, you lie again.

I notice by the Congressional Directory that your term of office does not expire until March 3, 1921, and by that time, thank God, you and your party will be relegated to the obscurity of which you and they belong.

If you know of any cases of extortion and avarice, why don't you act like a man and mention the cases, and not indict the people of an entire city as you, in your ignorance, have done.

I have the honor to be, sir,

Very truly, yours, E. W. PIERCE, *Manager.*

Mr. THOMAS. Mr. President, the letter just read is dispassionate, impersonal, and nonpartisan, but it is not convincing.

Mr. GALLINGER. Will the Senator first let us know what this man manages?

Mr. THOMAS. He manages, I think, what is called the City Rental Bureau. I am disposed to conclude from the somewhat perverted character of this gentleman's English that he is one of the hit birds that flutters, and if so, my remarks were not entirely devoid of results. He very properly, however, inquires if I know of any specific instances of extortion why they are not furnished. There are so many of them which have come to my attention that it is impossible to do so at this time.

It may be that I have subjected myself to a part, at least, of this gentleman's rather vigorous criticism in that I confined what I had to say very largely to the people of the District of Columbia. My personal information is that wherever there is an undue congestion of people caused by this war in any part of the United States the resultant conditions are practically what they are here, and consequently the indictment, if I may so term it, which, in a general way, I made the other day was greatly circumscribed by applying it merely to the city of Washington.

I have, on the other hand, Mr. President, received a large number of letters commendatory of the information or the remarks in which I indulged the other day, and with the permission of the Senate I will read two of the shorter ones. One is from a young officer in the United States Army. He says:

DEAR SENATOR: I wish to take the liberty of expressing an appreciation of the stand you are taking in the local housing situation. Young Army officers on the lowest salaried commissions are being compelled to spend $20 to $40 per month for a room in which to live. The writer has come here at some personal sacrifice, of course, to help. Efforts to find a respectable room are without result at any price, except at the hotels, where usual rates prevail.

I am afraid he has not been to some of the hotels—

The Government is making a great mistake in taking over apartment houses for office purposes. They are needed for housing the very men working in these offices. Certainly some rough, temporary buildings, like the Ordnance Building, should be constructed at once, with rooms at not over $12 per month. This is perfectly practical. While it is now perhaps too late to change the system—like much that has been done—it would be better to build temporary offices and use, so far as possible, the apartments for what they were designed to be used for.

Very respectfully, yours,

V. A. MATTERSON.

The other is dated January 19, and is from one of the Government employees living in the city:

MY DEAR SIR: I am pleased to note from this morning's paper that it is your intention to secure some legislation regarding the housing and living problem in the District. It seems to me there is more reason for a rise in the price of foods than in living quarters, and the real estate people and residents have become the worst of leeches.

I again say, Mr. President, that there are some honorable exceptions—

For instance, last evening one woman was telling of another woman, friend of hers, who had rented an apartment for $65. She was subletting it for $250 without furnishing any linens. A cousin of hers was renting all her rooms and then letting the first or basement floor for $45 to some Army officers, and they were furnishing their own cots. Another instance I know of personally: Four girls who had come here to work for the Government and were receiving salaries ranging from $900 to $1,200 had rented a furnished four-room apartment and were getting their own meals in order to cut expenses; they were paying $70 for the apartment. The person they were renting from came to them and said her friends had told her she was crazy to rent her apartment so cheap, and she would have to have $100 for it; they pleaded with her to allow them to keep it, and she finally agreed to let tuem remain for $80 per month, but three days after told them she would have to have the apartment, as she was going to rent it for $150.

The District people are not doing their patriotic duty in trying to help the war workers, but it seems they all feel they are entitled to live off the Government because they live in the District, and if all the family haven't Government jobs they feel entitled to take it away from the Government clerks. Only last week two girls told me they had had their rent raised $10 per month, and the owner told them that Congress was going to raise their salary. They begin taking "their share" before we even get ours. We were given a 5 per cent increase this year, and I am now paying $10 per month more for board than I paid last year, which is twice as much as the increase I received.

The real estate men—one company I know of—raised the price of all the two-room apartments a lady had who is making her living keeping boarders, while the families living in the same apartment they rented one with a four-room apartment $2.50 per month, while the woman I refer to he raised $7.50 on the same size apartment; on the two-room apartment he raised her $5, and a man and his wife who had one two-room apartment they did not raise at all. He told the woman who was keeping boarders to "take her alice while everyone else was," and expected her to raise her boarders accordingly, and, of course, he knew most of her people were working for the Government.

It seems to me that if a law was passed allowing people to charge no more than 15 per cent to 25 per cent on the amount they had invested in a house, in addition to the rent they pay would be fair compensation. No one expects to replace their furniture every four years, and at 25 per cent the cost of the furniture would be paid for in four years. As it is, some of them are making from 150 to 600 or 700 per cent. What other business could they do it in? One thing that has made it so hard for Government clerks is the fact that so many people of means have come here, some from necessity, others "just to be here," and are willing to pay any kind of price for things they want, and other people hearing of the exorbitant prices "their friends" are getting, immediately begin to boost their prices. I think when a number of the present Government clerks return home it will be with the idea that Washington has made enough out of them to pay their own taxes for some time to come.

Please pardon this long letter, but I only wanted to add a few facts to those you already have and wish for you success in a just cause.

(Miss) ELLA UNDERWOOD.

I shall not take up the time of the Senate any further this morning, Mr. President, in regard to this subject except to say that the insistent needs of the average wage earner here and those of the officers and soldiers of the United States Army—the officers particularly—make it impossible for them to meet existing conditions of living in the District. As a consequence, it behooves the Congress of the United States, in self-defense, as it were, to enact, if possible, some legislation which will cover this difficulty without at the same time inflicting undue injustice.

Mr. PHELAN. Mr. President, I am disposed to move to expunge that very offensive letter from the RECORD because it is an unwarranted reflection upon the Senator from Colorado [Mr. THOMAS] and on the Senate itself. At this time, if the Chair will permit me, while the country is at war and there has been such a magnificent spirit shown by the men of the country in volunteering their services, it is well to comment not only upon those who are engaged in profiteering, but also upon those who are volunteering their services gratuitously. I have in my hand a letter dated San Francisco and addressed to the Secretary of the Navy, which I shall read in order that it may be spread upon the RECORD. It is as follows:

SAN FRANCISCO BAR PILOTS,
San Francisco, Cal., November 28, 1917.

Hon. JOSEPHUS DANIELS,
Secretary of the Navy, Washington, D. C.

SIR: The undersigned San Francisco bar pilots have since the commencement of the war with the Imperial German Government furnished their services to vessels of the United States Navy free of charge. At the beginning of the war we verbally volunteered to render such services during its continuance. It is our impression that there is no formal record in your department of this volunteering of our services, and we take this occasion to renew in writing the tender previously made. Whatever skill and experience and service we can give you are freely subject to your direction.

We are attaching a copy of the letter from the State board of pilot commissioners ratifying our action in the above connection.

Very faithfully submitted,

SAN FRANCISCO BAR PILOTS.

STATE BOARD OF PILOT COMMISSIONERS,
San Francisco, Cal., December 3, 1917.

Capt. JOHN W. WALLACE,
Port Agent, Bar Pilots, San Francisco, Cal.

DEAR SIR: At a regular meeting of the State board of pilot commissioners, Monday, November 5, 1917, it was resolved that the action of the San Francisco bar pilots since the war between the United States and central powers in giving free pilotage to vessels of the United States Navy Department meets with our approval. It is noted with pleasure

that the bar pilots inform the board that it is their intention to give free pilotage to the vessels of the United States Navy so long as the war continues.

Very truly, yours,

HUGH M. BURKE, *Secretary.*

In contrast, therefore, to what has been done in the city of Washington, I think it is timely that a record of this kind be made.

The PRESIDING OFFICER. Does the Senator make a motion to expunge from the RECORD the letter which has been submitted by the Senator from Colorado?

Mr. PHELAN. I make that motion.

Mr. THOMAS. I offered the letter, and I have no desire to have it expunged from the RECORD.

Mr. PHELAN. If the Senator has no desire to have the letter expunged, but simply does not accept the sentiments uttered by the writer—for he has already answered them—I withdraw the motion.

Mr. THOMAS. I am not in the situation of offering this letter for the RECORD and then asking to have it expunged.

Mr. PHELAN. I thought I would save the Senator, on account of any delicacy which he might feel, from asking that the letter be expunged after he had informed the Senate of its contents. If there be no disposition to press it, I withdraw the motion.

Mr. PENROSE. Mr. President——

Mr. THOMAS. I appreciate the motive which actuates my friend the Senator from California [Mr. PHELAN], but I do not want the letter expunged.

Mr. PENROSE. Mr. President, I only want to observe that in the reading of the elegant epistle which was read at the request of the Senator from Colorado [Mr. THOMAS] I did not notice any reflection on the Senate, but the criticism seems to be devoted to the Democratic majority in the Senate.

Mr. THOMAS. Exactly so, Mr. President; and I am the only sinner.

ORDER OF FUEL ADMINISTRATOR.

Mr. MCKELLAR. I present certain telegrams, which I ask to have printed in the RECORD without reading.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *January 17, 1918.*

Senator K. D. MCKELLAR,
Washington, D. C.:

Fuel Administrator Garfield is certainly making a serious blunder in shutting down all industry on such short notice. It will bring intense demoralization and wide protest. By cutting off fuel supplies from all places of amusement and others not necessary to heat, shutting off half of the passenger-train service, and perhaps closing department stores at noon, great majority of industries can keep going. In all events, industries ought to be allowed to run as long as their present supply of coal lasts, and, if necessary, all fuel supplies consigned to factories can be diverted by Fuel Administrator for one week. I hope the Senate will insist upon deferring operation of the order for more mature consideration.

A. H. WOOD.

MEMPHIS, TENN., *January 17, 1918.*

Hon. K. D. MCKELLAR,
United States Senate, Washington, D. C.:

If the order of Fuel Administrator for closing of industrial plants applies to laundries and becomes effective to-morrow will work a severe hardship not only to all concerns engaged in the laundry business but also to their thousands of employees. Laundries could not afford to pay their employees for practically a week's enforced idleness, and these thousands of men and women are necessarily dependent upon their week's wages for support. The hardship would also extend to the public in general whose bed and table linen and wearing apparel are now in the laundries in an unfinished state and which is impossible to assemble and return until completed. If the laundries are compelled to cease operation to-morrow, they will be unable to complete and return what they now have on hand and which, as you can well understand, is necessarily needed by their respective owners who could neither acquire new goods under the order nor could they afford to do so. This applies to individual families, soldiers encamped at aviation fields and cantonments, eleemosynary institutions such as the Y. M. C. A., asylums and hospitals, hotels and restaurants, and institutions in general dependent upon the public laundries. If the laundries are to be included in the order of Fuel Administrator, a modified order applying to them, beginning on next Monday and continuing in force on every Monday of each week thereafter for 10 weeks would help the situation. Is it possible for you to advise us definitely as to how this order applies to laundry industries?

LORD'S LAUNDRY.

LOUISVILLE, KY., *January 18, 1918.*

Senator KENNETH MCKELLAR,
Washington, D. C.:

Garfield's order, like taking over railroads, was sudden and drastic and will work some hardships, but production is now largely in excess of transportation and this order, in addition to conserving coal, will aid transportation both rail and ocean, and, in my opinion, should be loyally supported and observed by everyone; furthermore the President was given this authority by law and should be supported in his use of it while this law is in existence.

R. L. MCKELLAR.

CHATTANOOGA, TENN., *January 19, 1918.*

Hon. K. D. MCKELLAR,
United States Senate, Washington, D. C.:

Suggest change fuel order to allow six days business seven hours each for five days except Saturday.

W. F. FISHER & BROS. CO.

To the Hon. K. D. MCKELLAR:

In order that the hands and the hearts of America's women may be freed from the fight against political inequality and devoted without reserve to war service, we respectfully and earnestly ask that you support the Federal suffrage amendment by your vote and your influence, and thus bring a speedy end to the more than 70 years of struggle.

H. C. TOLMAN AND OTHERS.

Mr. OVERMAN. I rarely ever ask for the publication of a telegram in the RECORD, but prompted by the nature of the telegrams that I hold in my hand, showing the spirit of my people with regard to the order issued by the Fuel Administrator, I send them to the desk and ask that they be read and printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Secretary read the telegrams, as follows:

DURHAM, N. C., *January 19, 1918.*

Hon. LEE S. OVERMAN,
Washington, D. C.:

The Durham Hosiery Mills Corporation, constituting a chain of 10 mills, 3 operated by steam and 7 by hydroelectric power, employing 3,500 hands, have shut down all of our plants, and paying our employees in full while the mills are standing patriotically complying with the request of the Fuel Administrator.

GEN. JULIAN S. CARR.

SCOTLAND NECK, N. C., *January 19, 1918.*

Hon. LEE S. OVERMAN,
Washington, D. C.:

We stand squarely behind administration and favor heartily Garfield's order; no sacrifice too great now.

CHARLES J. SHIELDS.

Mr. GALLINGER. I present two very important telegrams relating to the fuel order and its disastrous effects upon the workingmen of New Hampshire. I will not ask to have them read, but simply ask that they be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MANCHESTER, N. H., *January 18, 1918.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: We all appreciate your efforts to have the drastic order of the Fuel Administration modified. This morning's papers announce that the General Electric Co. at Lynn are to be allowed to run because they have large war orders to fill and have an abundant supply of fuel. The Amoskeag Co. is in exactly the same position, with the additional fact that our fuel consists largely of fine culm and screenings, which can only be burned in specially fitted furnaces, and is, so far as I know, of no use to anyone else in New Hampshire. We have 16,000 horsepower of water running to waste while we are shut down. We can no more utilize this with the steam plant stopped than we could run an automobile on two wheels. Consequently we are practically running 80 tons of coal a day down the river during this enforced stopping. I suppose many other concerns are similarly situated. Can not something be done to check this enormous useless loss and waste caused by this order at a time when all our resources should be conserved if possible?

Respectfully, yours,

H. F. STRAW,
Agent Amoskeag Manufacturing Co.

NASHUA, N. H., *January 18, 1918.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

Resolved by the New Hampshire Manufacturers' Association, at a special meeting held this day at Nashua, at which all the leading industries were represented by executive officers, that the drastic order of the Federal Fuel Administrator is a most serious injury to the State and should be immediately rescinded or modified, unless national conditions forbid, so that all industries should be permitted to resume regular operations next Monday morning.

NEW HAMPSHIRE MANUFACTURERS' ASSOCIATION,
W. L. CARTER, *Chairman.*

Mr. SHERMAN. I have received a very large number of telegrams, four of which I have selected, and which I ask to have printed in the RECORD without reading.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *January 17, 1918.*

Hon. L. Y. SHERMAN,
Senate Chamber, Washington, D. C.:

In our opinion order of Fuel Administrator Garfield is a national calamity. It stops wages of hundreds of thousands of workmen, wastes millions of capital, and stops and disarranges production. Production only can win this war. Chicago dealers expressed opinion that majority of Chicago industries could have been kept running if left free hand.

R. R. DONELLEY & SONS CO.

SPRINGFIELD, ILL., *January 17, 1918.*

Senator LAWRENCE Y. SHERMAN,
Washington, D. C.:

Hundreds of miners in Illinois coal fields are either working short time or not at all on account of lack of coal cars. Authorities estimate capacity of Springfield mines has been curtailed average of 1,000 tons a day account of shortage of cars. In face of this deplorable situation Garfield's order inflicts further industrial chaos. Operation of every

industry in Illinois coal fields to limit of their capacity would not delay shipment of a single car of coal. If the theory is that everyone is to be made to suffer alike, why exempt everything west of Mississippi River and those using water power. Our suggestion is that railroad transportation be limited to coal and necessary commodities and that passenger traffic be limited to necessary purposes. Release of a few million box and flat cars and many locomotives for coal carrying purposes ought to furnish immediate fuel relief. We respectfully urge your support of any movement, first, to abrogate Garfield's order unless demonstrated clearly necessary; second, to permit use of fuel where supplied exclusively by wagon delivery from the mines; third, for postponement of Garfield order until business can adjust itself to the prospect.

THOMAS REES,
The Illinois State Register.
J. DAVID STERN,
Springfield News-Record.
LEWIS R. MINER,
Illinois State Journal.

SPRINGFIELD, ILL., *January 17, 1918.*

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

At a meeting held this morning of members of the Commercial Association, representing the leading coal mines, manufacturers, and other industrial interests of the city, it was unanimously agreed that all present would endeavor to carry out in the fullest possible measure the fuel order issued to-day by the National Fuel Administration, and a resolution was passed and will be published in the daily papers urging all citizens of the county to do likewise. The commercial association desires, however, to go on record as protesting most emphatically against the discrimination shown of limiting this fuel conservation order to that part of the United States east of the Mississippi River. It seems to us only fair that the order should be extended to the entire continental United States. Your support in this position is earnestly requested.

THE SPRINGFIELD COMMERCIAL ASSOCIATION.
J. H. MCCREERY, *President.*

Attest:

W. H. CONKLING, *Secretary.*

CHICAGO, ILL., *January 17, 1918.*

Hon. LAWRENCE Y. SHERMAN,
Washington, D. C.:

The subjoined telegram was sent to President Wilson to-day:

To the PRESIDENT:

The directors of the Illinois Manufacturers' Association in meeting assembled respectfully urge that you so modify the order of the Fuel Administrator, effective January 18, 1918, as to permit the operation of all industries affected to 50 per cent of their normal capacity during the five days named in the order. Such a modification will enable the plant owner to maintain his organization and will reduce by one-half the pecuniary loss of the wage earners. We urge also immediate action to increase production at the mines and the clearing of the transportation lines by an embargo on all shipments except food and fuel for a week, if necessary. Suppression of energy, curtailment of all manufacturing industry, and prevention of opportunity arbitrarily will work incalculable injury.

Illinois Manufacturers' Association; D. E. Felt, first vice president; Wm. Nelson Pelouze, second vice president; Paul Schulz; Geo. R. Meyercord; S. M. Hastings, director; Herman H. Hettler, director; P. S. Theurer, treasurer; Colin C. H. Fyffe, general counsel; John M. Glenn, secretary.

Mr. SMITH of Georgia. I send to the desk certain telegrams that I desire to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

JACKSONVILLE, FLA., *January 17, 1918.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Referring to Fuel Administrator's order that industries will not be allowed to use fuel January 18 to 22, inclusive, and each Monday thereafter until March 25, Florida Fuel Administrator construes this order applies to sawmills and wood-working plants that use waste material for fuel, and unless modified they will not be allowed to continue to operate during that period. This ruling will undoubtedly be made by Fuel Administrator in Georgia as well and manufacturers in your State, who are members of this association, will be seriously inconvenienced. We submit that there will be not only no conservation of fuel by forcing sawmills and woodworking plants that use their own waste for fuel to shut down, but fuel supply will be reduced by closing these plants if order is to apply to sawmills and woodworking plants. Please have modified. Will appreciate immediate reply at our expense.

GEORGIA-FLORIDA SAWMILL ASSOCIATION,
By R. C. HARRELL, *Secretary.*

Mr. SMITH of Georgia. Mr. President, before the other telegrams are read, I desire to state that I was compelled to advise this association that Fuel Administrator Garfield only excepted from his order those sawmill plants, the list of which was given by the Shipping Board, as being mills furnishing lumber for ship manufacturing.

The PRESIDING OFFICER. The three other telegrams presented by the Senator from Georgia will be read.

The Secretary read the telegrams, as follows:

WAYCROSS, GA., *January 18, 1918.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Does Fuel Administrator's ruling apply to our plant? We use sawdust and waste accumulated at our plant for fuel to make power. In fact, we give away and sell wood to the public. We use no coal at all. Answer.

ENTERPRISE LUMBER CO.

BAINBRIDGE, GA., *January 18, 1918.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Get ruling and wire, our expense, if will have to close mill. Manufacturing fruit and vegetable packages, also Government quartermaster boxes. Using refuse waste, sawdust, shavings, and bark from manufactured product. We do not buy, use, or burn any coal. Foodstuff will be lost if we close mill.

ELBERTA CRATE CO.

MARIETTA, GA., *January 18, 1918.*

Hon. HOKE SMITH,
Washington, D. C.:

Is there no way by which we can get exempted from Fuel Administrator's instruction? Reason for exemption is we produce more fuel when running than we consume. Closing down increases coal consumption 6 or 8 tons per day. Can get no satisfaction from parties here. Please wire.

BRUMBY CHAIR CO.,
Per T. M. BRUMBY, JR.

Mr. SMITH of Georgia. Mr. President, I wish to express the hope that even yet enterprises such as are described in the telegrams I have had read may not be interfered with by the fuel order where they produce more fuel than they consume or where they use no coal, and where their by-product in many instances furnishes the fuel for the community. We know we need lumber; we know we have been short of lumber; we know that in providing for our troops we have been forced to use duck and tents, instead of lumber and houses. While I sympathize thoroughly with the desire to furnish coal where it is needed, it is the universality of the order, its failure to discriminate, that causes me to hope that further exceptions will be made.

Mr. FLETCHER. Mr. President, I have a number of telegrams practically to the same effect as those submitted by the Senator from Georgia [Mr. SMITH]. I will not ask to have them read into the RECORD, as they present the same or similar questions.

I think perhaps one reason why the order has been made to apply to such plants is not because they consume coal or coke—and undoubtedly beyond that the order is rather advisory than mandatory—but the main question is the question of transportation.

The suggestion is further made by a number of people in that portion of the country that this order arises by reason of congestion principally in the Northeast and in north Atlantic ports, and that that difficulty might have been avoided and might still be relieved very extensively if the deep-water ports of the south Atlantic and Gulf were made use of. The terminals in that portion of the country are not congested; they are not overcrowded; they are not used to the extent to which they might be used, and if those facilities were made use of it would undoubtedly have a tendency to relieve the congestion in the Northeast and in the north Atlantic ports. There are ample terminals and facilities at deep-water ports on the south Atlantic and no congestion. If they were availed of and traffic routed in that direction, it would undoubtedly tend to a solution of the transportation problem.

I will say further in regard to the telegrams from the Georgia and Florida Saw Mill Association and other telegrams of like nature that there is scarcely a sawmill, practically, that is not cutting material for shipbuilding purposes. It has been estimated, for instance, that the entire output of the mills is more than contracted for by the Emergency Fleet Corporation up to this time or is about to be contracted for, so that very likely that situation will relieve itself to a considerable extent. These mills undoubtedly are engaged in supplying material for the building of ships, and for that reason they will not likely be interfered with.

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him a question?

Mr. FLETCHER. Certainly.

Mr. SMITH of Georgia. Has the Senator been able to get a list of those establishments that have been notified they are relieved from the order? I am getting telegrams from mills which have been sawing lumber for the Government, but have been able to obtain no notice that they were relieved. A list has been made up of those sawmills which were to be relieved, but I have found none who have had notice their mills were on the list, some have probably been omitted inadventently. I feel almost authorized to telegraph them, "Go ahead, if you are doing Government work; for, if they have not relieved you, they mean to do so"; and yet I have hesitated, because I feel that whether we like or do not like an order issued at this time from an administrative agency, whether we approve or do not approve, as loyal soldiers we should obey the command while the command stands.

Mr. FLETCHER. I think the Senator's reply indicated in his statement regarding the first telegram presented by him perhaps fully covered the situation; that is to say, where the

mills are cutting material for the building of ships they would be exempt. I have not the list. The plan was to have what is known as the Yellow Pine Emergency Bureau enter into agreement with the Emergency Fleet Corporation to supply this lumber. The members of that bureau include the Southern Pine Lumber Association and the Georgia-Florida Sawmill Association; and the members of these associations, I take it, are all included in the list of mills that are furnishing material for shipbuilding purposes. The detailed list, I take it, can be furnished by the Emergency Fleet Corporation; but I believe that those two associations and others known as independents are centered in what is called the Yellow Pine Emergency Bureau, and the contracts are made with the Emergency Fleet Corporation by that bureau. There are mills not members of any association which have contracts for shipbuilding material and they would be exempted on application to the Emergency Fleet Corporation.

I agree with the Senator that the disposition, I think, will be found there, as it ought to be, in my judgment, throughout the country, to obey the orders that are issued. We are all soldiers, everyone of us, individually and collectively, and the first duty of a soldier is to obey orders. That spirit must prevail if we are to win this war; and that is our chief business now.

Mr. TILLMAN. Mr. President——

The VICE PRESIDENT. The Senator from South Carolina.

Mr. TILLMAN. I merely want to suggest to the Senator from Florida and the Senator from Georgia that it would be wise for Mr. Garfield, or somebody in authority, instead of picking this, that, and the other sawmill or plant and allowing it to run by special permit to issue a general order covering individual cases, and we would not then have the trouble of trying to telegraph to our constituents that they might run their plants. Let him establish a general rule covering classes, and then each owner of a plant could determine for himself whether to shut down or run.

Mr. SMITH of Georgia. Mr. President, just a word. Really none of these sawmills ought to be interfered with; there is no justification for it. They create fuel; they consume no fuel. We know that our country needs their product to conduct the war properly; we need more lumber, much more than is within reach, and it is a hindrance rather than a help to our preparedness to stop sawmills from operating.

I wish to say further that surely the fact that so many exceptions have been made and so many more ought to be made to the Garfield order is sufficient proof of the wisdom of the Senate in requesting that this order should be postponed for five days, so that the exceptions might be carefully studied and many of the plants that have been interfered with eliminated from its operation before the order went into effect.

Mr. TILLMAN. By a general rule.

Mr. SMITH of Georgia. I do not think we have any reason to feel that our advice was not wise advice.

COST OF OFFICERS' UNIFORMS.

Mr. JONES of Washington. Mr. President, I have received several letters in the nature of petitions with reference to the bill that I introduced a few days ago relating to officers' uniforms. I see that the chairman of the Military Affairs Committee is present, and I want to call to his attention and have inserted in the RECORD a few statements with reference to this matter.

I read just a brief extract from one letter from an officer who says:

When I went to Plattsburg I had a modest bank account, which I now have not. I have already spent about $500, and after about one month in camp and repeated embarrassment, account of short equipment, I find that an expenditure of about $300 more is necessary. The officer who succeeded in keeping the figure at $500 was a very shrewd buyer, or bought poor stuff. My salary as a second lieutenant for the next three months is spent in advance.

Then I have a letter from the father of two sons who are officers in the Army, and he says this:

I have two sons who are officers in the Army, one a captain and the other a lieutenant, and their salaries will not meet their requirements on this account.

Then he gives some facts which I ask to put in the RECORD without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Clothing that officers have had to buy here and at Camp Bowie, near Fort Worth, must have been at two or three times its worth or cost price from the manufacturer. Overcoats, I am told, that are furnished by the Government to privates at a cost of $9 have been sold by merchants at $49; and a first-class officer's overcoat, I am told, costs $90, when it should not cost over $35 or $40, if that much, even if made by a local tailor.

Mr. JONES of Washington. I have here a letter from an officer in charge of one of the quartermaster depots of the Army, a man high in rank, and of splendid character, and I want to read what he says. Of course I can not give his name, but this is what he says:

Overcoats which the Government makes for enlisted men can be purchased for $12.50. They are in every way satisfactory for most officers, yet dealers would charge from $55 to $60 for an overcoat no more suitable. Other articles are proportionately higher.

This has been a great hardship on many young officers. Under instructions from the War Department, quartermasters were forbidden to sell them these overcoats.

I would not be at all surprised, if the matter was investigated, it would be found that dealers handling these goods have a lobby in Washington.

At the present time overcoats are plentiful in the Army.

This morning I received another letter from this same official, in which he says:

I am sending you herewith list of clothing, showing prices fixed by the Government and those for which the same articles can be purchased from retailers.

I will say, in justice to the retailers of Washington City, that this does not refer to them. It relates to another place where these headquarters are located.

Several retailers were visited by a man I sent out for the purpose. The prices at each place were practically the same, showing collusion amongst them. There is undoubtedly an association of retailers of military goods. Some of these prices have come down in the last two or three weeks. Overcoats were as high as $60, but as nearly all of the new officers have been obliged to buy one from them instead of being allowed to purchase from the Government, the demand being less, the price also is less. An order was received in this office yesterday which authorizes the sale of the articles shown on the list herewith to officers under orders for over-seas duties, except woolen uniforms. This relieves the situation somewhat, but the harm has already been done to a great extent. However, there will be a large number of new officers coming in in about two months. They should be supplied if possible.

Mr. President, this officer attaches to his letter a list showing the prices at which the different articles will be furnished by the Quartermaster Department and the prices asked by these retailers, which I ask may be inserted in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

List prices of clothing.

	Government.	Retailers
Belts, waist	$0.17	$0.50
Gloves, horsehide, yellow	1.25	3.50
Gloves, riding	1.75	5.00
Gloves, woolen, olive drab	.41	1.50
Cotton olive-drab uniforms:		
Breeches	1.19	4.00-5.00
Coats	1.65	10.00
Cotton and woolen underwear:		
Drawers, jean, summer	.30	1.50
Drawers, canton flannel, winter	.37	2.00
Drawers, wool, knit	1.03	2.50
Undershirts, cotton, summer	.35	.50
Undershirts, woolen, winter	1.00	2.50
Undershirts, woolen, light-weight	.56	2.00
Stockings, cotton	.10	.25
Stockings, woolen, heavy	.35	.50
Stockings, woolen, light	.25	.50
Shoes, russet	4.50	7.00-12.50
Shoes, field	5.00	7.50-12.50
Shirts, flannel, olive drab	3.00	5.00
Slickers	3.85	7.50
Overcoats, long	12.50	45.00
Olive-drab woolen uniforms:		
Breeches } Coats }	7.69	35.00

Mr. JONES of Washington. Then I have a letter from another man who says:

Am glad some one is looking after the officers' end of the uniform business, as we are certainly robbed. Why do they give a naval officer an allowance and not any other?—

I do not know whether that is correct or not. I understand that in the Navy they are given an allowance for uniforms—

Here is the way I stand after three months out:
Three months' pay, $425.
Three months' mess, $97.
Uniforms and equipment, $325.
Payments on liberty bonds, $60.
One month's insurance, $6.50 per month.
Incidental expenses, $25.

As I figure that up it totals $513.50, or he is out over $100 more than he is receiving.

Then I have another extract from a letter from a captain in the Army. I ask that I may insert the part that I have indicated here without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

I have just read of your proposed bill regarding the uniforms of Army officers, with the contemplated control of such in respect to quality, value, and supply. Let me please say that the passage of any

such bill would be a godsend to the officers of our Army of to-day, who it seems are made a mark for increased prices everywhere.

Immediately after the War Department ordered the Quartermaster Department to stop selling clothing and equipment to all officers this act of the War Department became a signal for all private concerns to increase, and in many cases double, their prices on articles needed by such officers.

With the cessation of all opportunity to purchase from the Quartermaster there was no accompanying lowering of the requirements regarding such necessities as an officer must continually have, thus making it a necessity for the officer to buy wherever and whatever price at which he can.

There never has been any such injustice done to the officers of our Army as resulted from depriving them of the privilege of purchasing from the Quartermaster and using the Quartermaster's prices as competition against private dealers' prices.

Is there any reason why the cost of uniforms has hardly increased at all in England and Canada after nearly four years of war, while in this country the cost has nearly doubled and the quality of the cloth is only half what it was formerly?

Again, is there any reason why the Government can not acquire clothing and equipment in such quantities as will allow officers to have the privilege once more of purchasing from the Quartermaster and thus prevent this highway robbery by private dealers? Private dealers seem to have neither trouble nor delay in acquiring such articles and stocks of military goods as they desire, and then sell them for whatever prices they wish to put on. Can not the Government either take over the supply and thus see that officers have a fair show, or so regulate the sale as to assure a fair price being asked?

Mr. JONES of Washington. Then I have here an article by Russell Fox, of Detroit, Mich. I ask to have the marked parts inserted in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

The list of stuff which these men have to buy is appalling. The War Department makes no provision for an economical purchase, has nothing to do with it whatsoever, furnishes nothing, even to a revolver or a binocular. They are forced in the open market to buy their entire outfits, a great variety and duplication, wherever they can find them. They have such a limited time to do it they are obviously a prey of all the stores within reaching distance.

I know of 10 cases where it has cost them from $600 to $1,200, an average of $800, for equipments inferior to those in the English Army, due to the fact that they can not even get the high quality of cloth into their uniforms that the service demands. One of my men has used up a uniform in 10 days on some artillery work at which he was set, as the cloth was a dress serge, and no other was obtainable.

Mr. JONES of Washington. I want to read one section of this article, to get your special attention to it.

It seems that some of these retail dealers, after having gotten the accounts of these officers, in order to enforce collection threaten these officers with calling their delinquency, if it may be called delinquency, to the attention of the department. Here is an extract that Mr. Fox gives from a letter that one of these merchants had written to a young officer to enforce one of these claims:

There are, as you know, several courses which we may pursue—

This relates to the unpaid account—

one of them, according to Army Regulations, that we may notify the War Department. We are not certain what effect this would have on a man's chances for a commission but have been assured by officers long in the service that it would operate against him.

We do not wish to notify your superiors of our account with you and shall not do so if you show any disposition to make arrangements for its payment. However, if you do not make such arrangements at once, we shall be forced to the conclusion that it would be better for the War Department to know that, so far as paying his bills is concerned, the reputation of one of their prospective officers is not of the best. We would ask you to spare us the necessity for taking such steps.

Mr. President, I hope that the Military Affairs Committee will give this matter consideration at as early a date as possible. I know that that committee is very busy; I know that it has had a great many important measures and that it has others of great importance before it; but I conceive this to be a very important matter not only to the officers who are to be commissioned but to the esprit de corps among these officers. As some men have expressed it, "Our experience in the Army has dampened our patriotism very much." Experiences like this are bound to do it, and I hope that the committee will find it possible to act upon this matter in the very near future.

LANDS IN MONTANA.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 935) for the relief of settlers on certain railroad lands in Montana, reported it with an amendment and submitted a report (No. 208) thereon.

UNITED STATES DISTRICT ATTORNEY FOR RHODE ISLAND.

Mr. OVERMAN. From the Committee on the Judiciary I report back favorably a bill (S. 2116) for which, in the absence of the junior Senator from Rhode Island [Mr. GERRY], who is very anxious to have it passed, I ask present consideration. The bill has once passed the Senate and has been unanimously reported by the committee.

Mr. GALLINGER. Let the bill be read for the information of the Senate.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Be it enacted, etc., That from and after the passage of this act the salary of the United States district attorney for the district of Rhode Island shall be at the rate of $5,000 a year.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill? The Chair hears none. The amendment proposed by the committee will be reported.

Mr. SMOOT. What is the amendment, Mr. President?

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On line 5 it is proposed to strike out "$5,000" where it appears and to insert in lieu thereof "$3,500."

Mr. OVERMAN. Mr. President, I want to say that the district attorney for Rhode Island now gets only $2,500, which, I believe, is less than is paid any of the other district attorneys of the United States. The salaries range from $3,500 to $5,000. I think in this case it would be an act of justice.

Mr. GALLINGER. Mr. President, I will ask the Senator if he has compared this salary with the salaries paid to the district attorneys in any of the other New England States?

Mr. OVERMAN. Yes. I think there may be one other State where it is $2,500, but as a rule $3,500 is the smallest salary. They go up to $5,000 and $6,000. This man is getting only $2,500, and we concluded that we would put him on a par with similar positions in other States.

Mr. GALLINGER. Mr. President, until I can ascertain whether $3,500 is the minimum salary paid in New England, particularly, I will ask that the bill go over.

Mr. OVERMAN. I want to state that we have a bill before our committee fixing the salaries of all the district attorneys of the United States, which we will endeavor to report in the near future. I will ask the Senator from New Hampshire if he has any objection to this bill?

Mr. GALLINGER. If the Senator from North Carolina can assure me that $3,500 is the minimum salary paid in the other New England States, I will not object.

Mr. OVERMAN. The junior Senator from Rhode Island is not in his seat, and therefore I ask unanimous consent that the bill go over.

The VICE PRESIDENT. The bill will go to the calendar.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from North Carolina whether his measure proposing to equalize the salaries of district attorneys applies also to marshals?

Mr. OVERMAN. It applies to deputy marshals of the United States, and there is also a measure pending to fix the salaries of clerks. It has been recommended by the President and others; but as to the district attorneys and marshals there is a bill pending, too.

Mr. SMITH of Michigan. May I ask the Senator whether there is a prospect of the bill being reported to the Senate before very long?

Mr. OVERMAN. I think so; at this session, probably.

Mr. SMITH of Michigan. "Probably"—the Senator qualifies his statement.

Mr. OVERMAN. I want to say that we have tried time and time again to get up this question. It is contained in a judicial code that we have before us containing about 3,000 pages, but it has not been so that we could get it up. It will all come in together.

Mr. SMITH of Michigan. Is this a part of that measure?

Mr. OVERMAN. No; this is a separate bill.

Mr. SMITH of Michigan. I know, but is the equalization of salaries part of the code?

Mr. OVERMAN. Yes; it is part of a new code that we are preparing, and that will be reported to the Senate.

Mr. SMITH of Michigan. I hope the Senator will get it before the Senate.

Mr. OVERMAN. I hope we will be able to do so.

Mr. SMITH of Michigan. There are a great many inequalities in the present system.

Mr. OVERMAN. There is no question about that, and the salaries ought to be equalized all over the United States. Some are getting larger salaries than they ought to have, and some are below what they ought to get.

The VICE PRESIDENT. The bill will be placed on the calendar.

ADDRESS BY HON. JULIUS A. COLLER (S. DOC. NO. 164).

Mr. SMITH of Arizona. From the Committee on Printing I submit a resolution and ask unanimous consent for its present consideration. The Senator from Minnesota [Mr. NELSON]

requested the printing of a speech delivered by State Senator Julius A. Coller, of Minnesota, inasmuch as it is his desire to have it given some circulation in certain parts of the country. I therefore submit the resolution and ask for its present consideration.

The resolution (S. Res. 188) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscripts submitted by the Senator from Minnesota [Mr. NELSON] on January 4, 1918, entitled "An address by Hon. Julius A. Coller," delivered at Jordan, Minn., November 10, 1917, be printed as a Senate document.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3584) granting an increase of pension to Franz Nibler (with accompanying papers); and

A bill (S. 3585) granting a pension to James Phillips (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 3587) to establish the Denver National Park in the State of Colorado, and for other purposes; to the Committee on Public Lands.

By Mr. TOWNSEND:

A bill (S. 3588) to amend an act entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians, in the State of Michigan, and for other purposes," approved June 25, 1910; to the Committee on Indian Affairs.

By Mr. STERLING:

A bill (S. 3589) to reinstate Clarence W. Alger as a second lieutenant in the United States Marine Corps (with accompanying papers); to the Committee on Naval Affairs.

By Mr. McKELLAR:

A bill (S. 3590) granting an increase of pension to William H. Hart; to the Committee on Pensions.

By Mr. JAMES (for Mr. HUGHES):

A bill (S. 3591) granting an increase of pension to Laura C. Slack (with accompanying paper);

A bill (S. 3592) granting an increase of pension to George Crawford (with accompanying papers); and

A bill (S. 3593) granting an increase of pension to Lulu M. Joseph (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 3594) to provide for the purchase of land to increase facilities at naval ammunition depot, Fort Mifflin, Pa. (with accompanying papers);

A bill (S. 3595) to provide for the purchase of land to increase facilities at naval ammunition depot, Lake Denmark, N. J. (with accompanying papers); and

A bill (S. 3596) to authorize the Secretary of the Navy to increase the facilities for the proof and test of ordnance material, and for other purposes (with accompanying papers); to the Committee on Naval Affairs.

By Mr. MARTIN:

A bill (S. 3597) authorizing the sale of a tract of land lying below the original high-water line of the Potomac River in what is known as Battery Cove, at Alexandria, Va.; to the Committee on Military Affairs.

A bill (S. 3598) granting a pension to Lottie J. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3599) granting a pension to Bernard Reuben (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3600) for the relief of William Thomas Winstanley;

A bill (S. 3601) for the relief of Christian M. Otto; and

A bill (S. 3602) for the relief of John L. O'Mara; to the Committee on Military Affairs.

A bill (S. 3603) granting a pension to Elizabeth Cole;

A bill (S. 3604) granting an increase of pension to Joseph Langenberger; and

A bill (S. 3605) granting an increase of pension to Joseph Keener; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 3606) for the relief of the Parksley Lumber Co. (with accompanying papers); and

A bill (S. 3607) for the relief of J. W. Hogg (with accompanying papers); to the Committee on Claims.

A bill (S. 3608) granting a pension to James W. Weaver (with accompanying papers);

A bill (S. 3609) granting a pension to David Malley (with accompanying papers);

A bill (S. 3610) granting a pension to Mrs. Arthur M. Whitton;

A bill (S. 3611) for the relief of the estate of Antonia Sousa, deceased;

A bill (S. 3612) granting an increase of pension to Ella Brooke Perry;

A bill (S. 3613) granting an increase of pension to Murray Pierce;

A bill (S. 3614) granting an increase of pension to Thomas Cheek; and

A bill (S. 3615) granting a pension to A. M. Mead; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3616) granting an increase of pension to William C. Campbell;

A bill (S. 3617) granting a pension to Charlotte Ann Ury;

A bill (S. 3618) granting a pension to Melvina Roberson (with accompanying papers);

A bill (S. 3619) granting an increase of pension to Miner N. King (with accompanying papers);

A bill (S. 3620) granting an increase of pension to Lorenzo H. Green (with accompanying papers);

A bill (S. 3621) granting an increase of pension to Elmer Y. Morris (with accompanying papers);

A bill (S. 3622) granting an increase of pension to William L. Kessler (with accompanying papers);

A bill (S. 3623) granting an increase of pension to Alexander D. Tanyer (with accompanying papers);

A bill (S. 3624) granting an increase of pension to Alfred Helm (with accompanying papers);

A bill (S. 3625) granting an increase of pension to Arthur W. Brittingham (with accompanying papers);

A bill (S. 3626) granting a pension to Martha J. Thomas (with accompanying papers);

A bill (S. 3627) granting an increase of pension to Samuel M. Huey (with accompanying papers); and

A bill (S. 3628) granting an increase of pension to W. Lafayette League (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A joint resolution (S. J. Res. 126) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; to the Committee on Interstate Commerce.

WAR CABINET.

Mr. CHAMBERLAIN. I introduce a bill and ask that it may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The bill (S. 3583) to establish a war cabinet and to define the jurisdiction and authority thereof was read, as follows:

Be it enacted, etc., That there is hereby created a war cabinet, to be composed of three distinguished citizens of demonstrated executive ability, to be appointed by the President, by and with the advice and consent of the Senate, through the agency of which war cabinet the President may exercise such of the powers conferred on him by the Constitution and the laws of the United States as are hereinafter mentioned and described.

SEC. 2. That said war cabinet shall have jurisdiction and authority as follows:

(a) To consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the existing war, and, in the manner hereinafter prescribed, to direct and procure the execution of the same.

(b) To supervise, coordinate, direct, and control the functions and activities of all executive departments, officials, and agencies of the Government in so far as, in the judgment of the war cabinet, it may be necessary or advisable so to do for the effectual conduct and vigorous prosecution of the existing war.

(c) To consider and determine, upon its own motion or upon submission to it, subject to review by the President, all differences and questions relating to the conduct and prosecution of the war that may arise between any such departments, officials, and agencies of the Government.

(d) To require information from, and utilize the services of, any or all executive departments and executive officers or agents of the United States and of the several States and Territories and the District of Columbia necessary or helpful in the proper performance of the duties of said war cabinet.

(e) In the exercise of the jurisdiction and authority hereby conferred to make, subject to review by the President, the necessary orders to any such department, bureau, official, or agency of the Government, and such decisions as the matters under consideration may require or warrant.

(f) To make rules and regulations governing its own procedure; and said war cabinet shall, upon completion of its membership, immediately organize and thereupon and thereafter proceed to an expeditious disposition of all matters coming before it.

SEC. 3. That the Secretary of War and the Secretary of the Navy, respectively, shall assign to duty with the war cabinet such commissioned officers as said war cabinet may request; and said war cabinet shall employ all clerical and other employees required for service with it; and in addition to the officers assigned thereto as herein provided the President may appoint for duty with said war cabinet such officers

as the war cabinet may determine to be necessary, who shall receive, until otherwise prescribed by law, such compensation as the war cabinet shall deem just and reasonable.

Sec. 4. That the salary of each member of the war cabinet shall be $12,000 per annum, payable monthly; and for all salaries, compensations, and other expenses, including necessary offices, incurred in the maintenance and administration of the war cabinet and authorized under the provisions of this act, there is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, the sum of $540,000 for the fiscal year ending June 30, 1918.

Sec. 5. That at the end of six months after the termination of the present war, or at such earlier date after the termination of the war as the President may designate, the war cabinet hereby created shall cease to exist, and the funds, records, and other public property pertaining thereto or under its control shall be transferred to such executive departments as the President may designate.

Sec. 6. That all laws and parts of laws and all regulations, orders, rules, and decisions of any executive department, bureau, official, or agency of the Government are hereby repealed in so far as the same may be inconsistent with the provisions of this act; and on all questions of construction of the provisions of this act and of any act making appropriations to carry out any of the provisions thereof the decision of the war cabinet shall, subject to the revision of the President, be final.

Mr. LEWIS. Mr. President, a parliamentary inquiry.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. The Senator from Illinois will state his inquiry.

Mr. LEWIS. Is there a request that there be immediate consideration of this bill?

Mr. CHAMBERLAIN. Oh, no.

Mr. LEWIS. I desire to object to it if there is.

Mr. CHAMBERLAIN. Oh, no, Mr. President.

The VICE PRESIDENT. This is the first reading of the bill, as the Chair understands.

Mr. SWANSON. Mr. President, I should like to ask the Senator from Oregon a question. This bill and another bill, introduced by the Military Affairs Committee, propose to reorganize entirely the Navy Department. The measure is applicable alike to the War Department and to the Navy Department. We of the Naval Affairs Committee are very well satisfied with the efficiency of the Navy Department and with what it has accomplished. It is efficient in food, in clothing, in munitions, and in guns, and we do not think the Navy should be reorganized by a bill reported from the Military Affairs Committee. We think this bill should be considered by both committees before it comes to the Senate for final disposition.

I should like to ask if the Senator from Oregon does not think it would be well for both the Naval Affairs Committee and the Military Affairs Committee to examine this measure and make a joint report that is applicable to both?

Mr. CHAMBERLAIN. In reply to the Senator, permit me to say that I have not asked either to take up this bill or the one to increase and expedite the supply of munitions of war, which is on the calendar. I suppose it will be in order to take them up, if the Senate sees fit, after they have been placed on the calendar. The present bill is one which was prepared by the Military Affairs Committee in committee; it is really a committee bill and is not a bill of first impression introduced by me. I was instructed by the committee to present the bill and at the same time to report it back and ask that it go to the calendar, which I now do.

The VICE PRESIDENT. That can not be done if there is any objection. The bill has had its first reading.

Mr. SWANSON. I was asking about the reference because it is a bill to reorganize both the Army and the Navy. The Naval Committee is not willing nor should it be expected to give up its right regarding the reorganization of the Navy to the Military Committee.

Mr. CHAMBERLAIN. This bill does not reorganize anything. It creates a war cabinet.

Mr. SWANSON. It creates an entirely different system for the Navy and puts a whole lot of red tape around the Navy. It puts in the hands of a cabinet of three the munitions regarding the Navy, and disorganizes it, and uses a lot of red tape to obtrude itself into the Navy. We are satisfied with the efficiency of the Navy; it has measured up in this war. We see no occasion for the Navy or the Navy Department to be reorganized. The Naval Committee should have an opportunity to see to what extent it needs reorganization to be made more efficient.

The VICE PRESIDENT. This is just the first reading of the bill. If there is objection to the second reading, it can not go to the committee, but must lie on the table. That is all there is to it. Is there any objection to the second reading of the bill?

Mr. SWANSON. I would prefer to have it go over. I object.

The VICE PRESIDENT. Then it lies on the table until tomorrow for a second reading.

Mr. CHAMBERLAIN. All right.

WAR WITH GERMANY.

Mr. McCUMBER. I introduce a bill, and I call the attention of the senior Senator from Colorado [Mr. THOMAS] to it, as it deals partially with the subject he has been discussing this morning. As to the first portion of the bill, it may be those gentlemen think it is not necessary to-day, but I am certain it will be necessary before we get through with the war. I ask that the bill may be read by title and referred to the Committee on Military Affairs.

The bill (S. 3586) to draft into the military service of the United States all male citizens over 18 and under 62 years of age as a reserve army, to call into service any unit or division of such reserve army for service in transportation, shipbuilding, production of munitions of war and other war supplies as may be necessary, and to commandeer and take possession of in any city or village in the United States any room or rooms used for rooming purposes and other rooms in private homes for quarters of soldiers and other employees, if necessary, and to pay for the use thereof just and reasonable compensation, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment authorizing the Postmaster General to expend $100,000 for the installation of experimental mail-distributing machines, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. CURTIS submitted an amendment proposing that hereafter it shall be the duty of the Commissioner of Indian Affairs to segregate the funds of any tribe of Indians susceptible of segregation, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

FEDERAL CONTROL OF RAILROADS.

Mr. GORE submitted an amendment intended to be proposed by him to the bill (S. 3385) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—ELIZA J. MOSHER.

On motion of Mr. CUMMINS, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers accompanying S. 1628, Sixty-fifth Congress, first session, a bill granting a pension to Eliza J. Mosher, no adverse report having been made thereon.

VALUE AND RELATIVE VALUE.

Mr. SHAFROTH submitted the following concurrent resolution (S. Con. Res. 16), which was referred to the Committee on Standards, Weights, and Measures:

Senate concurrent resolution 16.

Whereas the lack of uniformity in determining value or relative value results at once in general confusion and inequality in taxation burdens; and

Whereas a scientific study of the subject by some recognized bureau of the General Government would be helpful; and

Whereas the Bureau of Standards, already established, would seem to be best fitted for such research and service: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Bureau of Standards be, and it hereby is, empowered and directed to assign to the special study and investigation of the subject of value and relative value men of scientific and practical attainments, with the view of making early and comprehensive report on the subject to the Congress.

Resolved further, That in addition to suggesting and recommending a plan whereby value and relative value of all things shall be determined the bureau shall recommend the manner in which it is believed the standard determined upon may be made of uniform application in the several States and the lesser political subdivisions, all that inequalities in valuations made for revenue, as well as for all other purposes, may be reduced to the minimum or altogether eliminated.

Resolved further, That the Bureau of Standards and the men assigned to the investigation of the subject of this resolution shall give to Dr. Napoleon Wagner, of Denver, Colo., and other students of relative value as they shall offer to submit the result of their studies, reasonable opportunity in the premises, and, moreover, may ask men of the bureau's selection to appear and present orally or submit in writing that which they believe would be helpful in the solution of the world-wide important question of relative value.

Resolved further, That the expenditure of the sum of $25,000 in furtherance of the investigation contemplated herein is hereby authorized, to be paid from funds not otherwise appropriated.

AMENDMENT OF THE RULES.

Mr. JONES of Washington. I desire to give notice that in accordance with the rules I intend to propose an amendment to Rule XXV in regard to the committees of the Senate. I ask that it be printed in the RECORD.

The notice was ordered to be printed in the RECORD, as follows:

NOTICE OF AMENDMENT TO THE RULES.

I hereby give notice that on a following legislative day I shall propose the following resolution providing for an amendment of Rule XXV of the standing rules of the Senate, to wit:

Resolved, That beginning with the Sixty-sixth Congress, Rule XXV of the standing rules of the Senate be amended to read as follows:

"Rule XXV. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"A Committee on Appropriations.
"A Committee on Commerce.
"A Committee on Finance.
"A Committee on Foreign Relations.
"A Committee on Interstate Commerce.
"A Committee on the Judiciary.
"A Committee on Banking and Currency.
"A Committee on Public Lands.
"A Committee on Agriculture and Forestry.
"A Committee on the District of Columbia.
"A Committee on Rules.
"A Committee on the Census.
"A Committee on Civil Service and Retrenchment.
"A Committee on Claims.
"A Committee on Education and Labor.
"A Committee on Insular Affairs.
"A Committee on Indian Affairs.
"A Committee on Immigration.
"A Committee on Military Affairs.
"A Committee on Naval Affairs.
"A Committee on Pensions.
"A Committee on Post Offices and Post Roads.
"A Committee on Printing, which shall have power to act jointly with the same committee of the House of Representatives.
"A Committee on Enrolled Bills, which shall have power to act jointly with a similar committee of the House of Representatives, and which, or some member of which, shall examine all bills or joint resolutions which shall have passed the Senate or both Houses to see that the same are correctly engrossed or enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall present the same forthwith, when they shall have originated in the Senate, to the President of the United States in person and report the fact and date of such presentation to the Senate.
"A Committee on Public Buildings and Grounds, which shall have power to act jointly with a similar committee of the House of Representatives.
"A Committee to Audit and Control the Contingent Expenses of the Senate, to which shall be referred all resolutions directly the payment of money out of the contingent fund of the Senate or creating a charge upon the same."

The foregoing committees shall consist of not to exceed 15 members.

"Sec. 2. That the aforesaid committees shall continue and have the power to act until their successors are appointed."

ADDRESS BY SENATOR THOMPSON.

Mr. SHEPPARD. Mr. President, I ask that an address by the senior Senator from Kansas [Mr. THOMPSON] at the dedication exercises of the Kansas recreation building at Camp Funston, Kans., January 15, 1918, may be published in the RECORD in brevier type.

The VICE PRESIDENT. Without objection, it is so ordered.

The address referred to is as follows:

ADDRESS OF SENATOR WILLIAM H. THOMPSON AT DEDICATION EXERCISES OF KANSAS RECREATION BUILDING AT CAMP FUNSTON, KANS., JANUARY 15, 1918.

AMERICA IN THE WAR.

"It is a high honor to be invited to speak on this occasion, and I thank your distinguished commanding officers for the opportunity they have given me to come from Washington to participate in these dedication ceremonies. I have contributed to many worthy things incident to carrying on the war, but there is no contribution I am prouder of than the one for the construction of the building you are dedicating to-day. It is a fitting tribute to the brave, courageous, and patriotic Kansas soldier boys, and I know that with their characteristic hospitality the benefits they will receive from it will be shared with their worthy comrades.

"I am glad that this building is located at Camp Funston. It will serve not only as a place of comfort and pleasure for yourselves but also as a monument to that greatest of all Kansas soldiers, Gen. Funston, whose untimely death resulted in such great loss to Kansas, our Nation, and the world. May each of you young men emulate his illustrious example and bring as much fame and honor to your names as the military history of our State records for him.

"We are passing through the greatest epoch in the history of the world. Never before was there such military opportunity offered the young men of our country. It is indeed a high honor to actively participate in this greatest of all wars, and I congratulate you upon being chosen for this great work. Each of you will receive your just reward. It may not come in military honors, but it will surely come in a better and more lasting way when the war is over through the appreciation of a grateful people and in the enjoyment of peace, liberty, and happiness for ourselves and all posterity.

"In times past some question has arisen as to the causes of the war, and without discussing them in detail you can put it down as a settled fact that if there ever were just causes for war they existed in more aggravated form for this war than in any other recorded in history. Let us not permit ourselves to be deceived or misled concerning the original and present purpose of the Imperial German Government. The time for mincing words has passed. It is President Wilson against the Kaiser. It is patriot against traitor. We have got to be either for America or for Germany. There is no middle ground, and we can not straddle. There is no excuse for the conduct of the German Government. They have no defense before God or man for their willful, wicked, contemptible, and most damnable crimes committed against this country not only but against all of the law-abiding and liberty-loving people of the world. They have violated every law—divine, moral, national, and international—and every sacred obligation they owe to God or man, and have broken every solemn pledge and promise made to this country and every other country on the globe. The primary object of the Kaiser and his leaders is simply destruction and death for all those who refuse to submit to his will. The Kaiser professes faith in God, but is so blasphemous as to claim His guiding hand in all his oppressions, murders, and atrocious crimes, and for that sacrilegious profession and criminal conduct God will strike him dead some day, and perhaps by the aid of the American Army. With all his pretended faith in Divine Providence, yet it is not sufficient for him to permit himself to be exposed to gun fire. Instead of being a Christian he has proven himself to be the most sacrilegious fiend and scoundrel who ever lived. He has Nero out-Neroed. It is clearly proven beyond all question of doubt that the Kaiser and his followers are responsible for the present world disaster. He has not been a figurehead, as is sometimes contended, but a prime mover in the events of this horrible upheaval of murder and destruction, as is clearly indicated by his acts, as well as in his own words in speeches delivered to his army, when he said:

"When you meet your foe give him no quarter and take no prisoners. Let none be at your mercy. Make yourselves more frightful than the Huns under Attila. See that for a thousand years no enemy mentions the name of Germany without a shudder.

"The German Army has attempted literally to carry out his barbaric and criminal instructions, as is clearly shown by the awful inhuman atrocities of which it has been guilty. There was never before committed by any people, savage or civilized, such pillage and wanton destruction of towns, cities, and sacred places and such low-down, fiendish massacres of people and crimes against the aged and helpless women and children.

"After the German retreat there were in some cities so many amputated hands of little children in the streets as to make it impossible to walk along without stepping on them. Many little boys and girls were nailed by the hands and feet to the doors and sides of buildings, some being left alive when the crimes were committed. No girl or woman, no matter how old or how young, is safe in the hands of an unrestrained German soldier. The military forces of the Kaiser have destroyed religious edifices, crucified priests and nuns, ravished women, blinded innocent infant babies, butchered children, bombarded hospitals, sunk hospital ships and ships bearing wounded soldiers and carrying supplies for starving noncombatants and inmates of hospitals, murdered prisoners of war, deported populations, and subjected millions of helpless men, women, and children to low, degrading, and most cruel servitude at the point of the bayonet.

"I have talked personally with members of Congress and others who have been to the front, as well as the representatives of various missions coming to this country, and I can positively say that all these accusations and many more too horrible to mention and too foul to print are true beyond a question of a doubt.

"With such a record of crimes and atrocities against the Kaiser and his army, the time has passed for parleying over the causes of the terrible cataclysm. The Kaiser's situation is reflected in the picture and little poem by Paul Hayden appearing in the Christmas number of Leslie's Weekly. There is a double-page picture of the ocean washing ashore the dead bodies of men, women, and children, and the Kaiser stands with a drawn sword striking at a beautiful young woman with waving hair and arms outstretched pleading for mercy, and whose left hand has caught the blow from the Kaiser's sword, which is sending the blood trickling down her arm and body. With this awful picture in mind the author wrote:

"'I saw the Kaiser standing
In the tides of human dead.
I asked:
'Do these not daunt you?
In the nighttime do they haunt you?'
And I thought the Kaiser said:
'It's not the rise of the tide
Nor the surge of the sea
But the undertow I dread.'

"I saw the Kaiser battling
In the world-wide sea of red.
I asked:
'Does this not fright you?
Nor the endless carnage blight you?'
And I thought the Kaiser said:
'It's not the surge of the sea
Nor the rise of the tide
But the undertow I dread.'"

"All these crimes shall be avenged by Uncle Sam in our fight for humanity and liberty, and you boys will have the honor and glory of helping to administer the deserved punishment.

"The Bible says, 'If your enemy smites you on the right cheek, turn your left cheek also,' but it nowhere says what you shall do after you have been struck on your left cheek. The Kaiser struck Uncle Sam on his right cheek and he turned his left cheek, which the Kaiser struck with his nailed fist, and for that crime we will lick the life out of him and his followers. In the language of Billy Sunday, 'We will bury the Kaiser and his hot-dog gang so deep that they will not hear the toot of Gabriel's horn on resurrection morn.'

"The Kaiser's whole aim is and has been for more than a quarter of a century to conquer, oppress, and rule the world. He had it all systematically planned and carefully figured out, but his foot slipped in the very outset when he jumped onto little Belgium. He has never recovered, and never will recover, from the blows administered by that brave and unconquerable little nation of heroes. It was his purpose to conquer Europe first, and then, with the combined navies of Germany, England, France, and Russia, to bombard the coast cities of the United States and to land armies on our shores and bring his unholy and inhuman warfare to our beloved land. But he will find that he has jumped onto the wrong fellow this time. He has taken in too much territory. It is like the story of the drunken fellow who first said that he could lick anybody in the town, and nobody took him up; and then he said he could lick anybody in the State, and nobody took him up; and finally he said he could lick anybody in the United States; and then a little bantum-weight, sawed-off fellow jumped onto him and knocked him down and kicked him into the street. The drunken man got up and, brushing himself off, said, 'Stranger, I don't know who you are or where you come from, but I do know the trouble with me is I took in too much territory.' That is exactly what the Kaiser has done.

"This is a war that we do not have to offer any apologies for our part in it, and living up to our high standards and ideals we never will have to, for our cause is just and right, and victory alone will be the inevitable result. Then the world will be safe for democracy, and a safe place for peaceable people to live. It is argued that we have no right to tell Germany what kind of a government she shall have; but we do have the right to tell her what kind of a government she shall not have, not only for the good of her own people but for the good of the rest of the world. When her Government has become a menace to the people of the world, the United States has the right to say, and shall insist to the end upon that right, that that form of government shall not exist anywhere on earth. Kaiserism and militarism must and will be destroyed.

"About 300 years ago the oppressed people of Europe threw off the yoke of autocracy, left their homes, their relatives, and friends, braved the dangers of the sea and the savages of the land, and crossed the pathless ocean to the shores of a new world. Here they set up a government of their own, founded upon a new principle—that all men are created equal and endowed by their Creator with certain inalienable rights, which are life, liberty, and the pursuit of happiness. They recognized the principle that all governments derive their just powers from the consent of the governed, and that no power exists anywhere for any man to set himself up as the ruler of men and guide their destinies according to his own sweet will. They breathed the breath of liberty and it was good—liberty, the richest blessing that can come to a people. The atmosphere of freedom was so pure, so sweet, and so exhilarating that they were willing to fight and die for it; and they did fight for it. Their feeling culminated in the sentiment expressed by that great patriot, the immortal Patrick Henry, in his famous liberty address, when he us life gave us liberty at the same time.'

"They were forced then to fight for liberty for themselves. We are forced now to fight not only to perpetuate that liberty for ourselves but for all the liberty-loving people of the world. Oh, is it not a just cause? Jefferson said, 'The God who gave us life gave us liberty at the same time.'

"In the language of the poet:

"'Tis liberty alone that gives the flower
Of fleeting life its luster and perfume;
And we are weeds without it.
* * * * * * *
A day, an hour of virtuous liberty
Is worth a whole eternity in bondage.

"The entrance of the United States into the war was the most important factor in favor of the allies since its beginning. It insures ultimate success, and beyond everything else an earnest participation by the United States in the terms of peace, which will mean so much for the entire world. When peace does come America will do more than any other country in framing that treaty, and it will not be signed until victory is complete and the dethronement of the Hohenzollerns and the destruction of autocracy and militarism is an accomplished fact; and what is more important, exact justice will be done every nation, no matter how small or how great, and no pains will be spared to make it an everlasting peace. The President on January 8 last, in one of his greatest papers, one which will perhaps live the longest and the effects of which reach the farthest, told the Congress and the world in unmistakable language what the terms of peace should be. The participation of the United States in this war has raised our country to the highest pinnacle ever attained by any nation since the foundation of the world, and it is your good fortune to help carry the Stars and Stripes and extend the high American ideals for which they stand to the remotest corners of the earth. Bear in mind at all times that the people and the Congress of the United States are behind you. Congress at the last session created the foundation for an Army of millions of men and appropriated $21,000,000,000 toward carrying on this conflict, and it will unhesitatingly give you everything necessary in the way of money, comrades, supplies, munitions, and anything else within its power to accomplish the desired end.

"The United States in this great crisis appears to the people of the world as that bright and shining star of the west which appeared in the heavens at the most critical time in all history, shining forth in radiant light the words of the Savior of the world in such brilliancy that they may be seen the world over by all future generations, 'Peace on earth, good will toward men.'

"May God speed you on your way. Remember always you take with you the best wishes of 100,000,000 American people, whose constant prayer will be for your safety, comfort, and success, and who hope for your early safe return to receive the crown of victory from the hands of millions of grateful people of the world."

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 18th instant approved and signed the act (S. 3235) amending section 32, Federal farm-loan act, approved July 17, 1916.

REPORT OF FUEL ADMINISTRATOR (H. DOC. NO. 837).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 21 of the act of August 10, 1917, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, I transmit herewith the annual report of the Fuel Administrator for the year 1917.

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

REPORT OF UNITED STATES FOOD ADMINISTRATION (H. DOC. NO. 837).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to lie on the table and be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 21 of the act of August 10, 1917, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," I transmit herewith the report of the United States Food Administration for the year 1917.

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

AGRICULTURAL LANDS IN PORTO RICO (S. DOC. NO. 165).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Section 39 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," contains the following provision:

That the Governor of Porto Rico shall cause to have made and submitted to Congress at the session beginning the first Monday in December 1917, a report of all the real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals in holdings in excess of 500 acres.

In accordance with this provision, there is submitted herewith a report prepared under the direction of the Governor of Porto Rico.

As will be noted, this report covers all real estate used for the purposes of agriculture and held either directly or indirectly by corporations, partnerships, or individuals in holdings in excess of 500 acres.

Very respectfully,

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

LAWS OF ALASKA (H. DOC. 838).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Territories, and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 20 of the act of August 24, 1912, entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," I transmit herewith the Session Laws of Alaska for 1917, containing the acts, resolutions, and memorials passed at the third regular session of the Territorial Legislature of the Territory of Alaska, which convened at Juneau, the capital, on the 5th day of March, 1917, and adjourned the 3d day of May, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

REPORT OF ALIEN PROPERTY CUSTODIAN (H. DOC. 840).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to lie on the table, and be printed:

To the Senate and House of Representatives:

In compliance with the provisions of section 6 of the act of October 6, 1917, entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," I transmit herewith the report of the alien-property custodian of all proceedings had under said act during the year 1917 on the part of the alien-property custodian.

WOODROW WILSON.

THE WHITE HOUSE, *18 January, 1918.*

STANDARDIZATION OF WAGES.

The VICE PRESIDENT. Is there further morning business?

Mr. KING. I move that the Senate proceed to the consideration of Senate resolution 174, which is lying on the table. When the resolution is taken up I desire to yield to the Senator from Missouri [Mr. STONE].

The VICE PRESIDENT. The question is on the motion of the Senator from Utah that the Senate proceed to the consideration of Senate resolution 174, heretofore submitted by him.

The motion was agreed to.

The VICE PRESIDENT. The Chair lays the resolution before the Senate.

Mr. KING. I do not ask that it be read. I shall not ask for action upon it to-day.

Mr. STONE. Mr. President, it is not my purpose to discuss with particularity the exact question or questions presented in the pending resolution of the Senator from Utah. Later on I may refer more directly to this resolution, but for the present my purpose is to discuss especially some regrettable things more or less intimately associated with the various congressional investigations into our war activities which have been authorized and are now in progress. I wish to speak in general terms especially of the current congressional investigations as a whole, and of other things related thereto.

Mr. President, the course of at least many of our colleagues on the other side of this Chamber, although quite adroitly directed, has developed a situation about which, as a member of the party in power, I feel constrained to speak in protest. The recent tendency of many, not all, but of many Republican Senators, acting here in this body in manifest concert with dominant Republican leaders throughout the country, to make politics out of the war has become too evident to be longer passed in silence. I am genuinely sorry that constantly recurring events make the necessity for speaking of these things mandatory. But I think the time has come, right now, to strike a final blow, if that be possible, against partisan activity in the conduct of the war. It is evident that the spirit of partisanship is thrusting itself upon the conduct of our national part in this great and bloody international drama overshadowing the world, and I think this spirit of partisanship *should be struck dead at once.*

I have observed, as all of you must have observed, the significant fact that following the adjournment in October of the extraordinary session of this Congress and immediately following the reassembling in December a lot of resolutions were offered in the Senate directing investigations into practically all of our war activities. All these resolutions, suddenly showered upon us, were offered by Republican Senators, save only the resolution now under consideration offered by the Senator from Utah, and which is really of a character that does not open it to my criticism. The significant fact that these resolutions originated with Republican Senators, standing alone, stamps these proceedings with a suspicion of partisan purpose.

Mr. President, there is no need for us to be overfastidious about this or to try to fool each other or to fool the country. Republican leaders in and out of Congress are undoubtedly seeking to make politics out of the war. This may not be true of all, I am disposed to exempt some from this charge, but it is true of at least many of the most powerful men of that party.

Mr. President, there is to be an election next fall. A new House of Representatives and one-third of the Senate are to be chosen. Two years later a new President, a new House, and again one-third of the Senate are to be elected. Here is presented a chance to the dominating Republican politicians of the country—some of them, perhaps not more than one of them, seeking to promote his immediate personal glorification, and others, acting on a larger scale, let it be said, to promote a party advantage—to strike hard to turn down this administration and take the Government over into their own hands. That fight is on. Let no man deceive himself about that. That movement is on right now, and it is being played out before our very eyes. I see this partisan movement as an ever-thickening cloud on the horizon, spreading more and more every day over the sky. If there be one who does not see this, he is blind. Rising out of this cloud is the abhorrent figure of a political hag, stirring the cauldron of domestic partisanship to disturb even in this hour of national peril the sympathetic unity of the American people. That presents a grave question of national moment at this time. The fact that political partisanship is thus thrusting itself upon the country is too plain to be ignored or denied, and it is a menace to national unity. We are even now in something more than the initial stage of a partisan attack on the administration. I can not suppress the conviction that these various resolutions of investigation, coming in substantial effect wholly from the Republican side, are partisan in purpose and intended to promote a partisan advantage. It is a shrewd movement—to plant the mine and get some simple-hearted—I will not say simple-minded—Democrat to fire it off.

In what way might they promote a partisan advantage. Let us see. We all know there are various elements of discontent in the country, each more or less potential. Some of these elemental influences you may denounce and some of you do denounce them, but you know they exist and their potentiality as political equations is recognized by all. It may be well surmised that the natural disposition of these discontented elements will be to strike blindly, although unwisely, at the party in power. Therefore, in a way, working for the accomplishment of a common end, to wit, the defeat of the Democratic Party, Republicans ally themselves with these discordant elements of unrest and discontent. But beyond and on top of all that, the thing I especially protest against and denounce is the effort put forward in the name and under the guise of patriotism to disparage this Congress and the present administration, and to excite a wider feeling of discontent and lack of confidence, and to spread the poison of this impression broadcast among the really patriotic masses of the people. Plainly this sort of movement is afoot. The plan, the purpose, the propaganda are all evident. The veil thrown over the movement is too thin to obscure or deceive; the mask does not hide the face under it. If you can persuade or convince the people that this Congress and the Wilson administration have been incompetent, weak, inefficient in supplying the Army and Navy with things necessary for their support and for the proper and vigorous prosecution of the war, as well also to convince them that even with respect to the broader financial and constructive policies we have undertaken, we have been lacking in sagacity and sound judgment, you will have laid the basis for a popular attack to undermine the administration. Upon this questionable pro-

gram the shrewdest politicians on the other side of this Chamber and shrewd Republican politicians throughout the country have set their hearts. So I believe and declare.

THE PROOF.

Mr. President, I have not said these things without deliberation. Rather am I speaking, after deliberation, regretfully. It is plain that powerful men of the Republican Party are for political reasons bent on exploiting what they denounce as administrative blunders committed in the prosecution of the war. That is what they chiefly harp upon. Seemingly they are staking their political fortunes upon that. And here I feel constrained to express the fear that we have on this side been misled into doing unwise things, or permitting them to be done, which are being exploited now not only to our party detriment but, what is a thousandfold worse, are being exploited out of partisan zeal by Republicans, even to the serious detriment of the national cause itself. The mighty ambitious men of the Republican Party—at least, the reputed mighty men of that party—are up in arms to fight this Congress and the Wilson administration and to discredit both. Do you ask what proof I have for this charge, which it would be almost criminal to make without definite proof? In proof I present two or three witnesses—the foremost men of the Republican Party—and out of the mouths of these witnesses I accuse. The number of witnesses I might offer to prove what I say could be multiplied, but when I submit the testimony of these two or three it is enough.

PENROSE.

First, I present the Hon. BOIES PENROSE, long the head of the Republican Party of the great State of Pennsylvania, which State is confessedly the keystone in the arch of Republican Party strength, and who as the great party leader of this foremost Republican State in all the Union very properly occupies a front seat in the Republican national Sanhedrin. Where would I go to find one bearing a higher commission to authoritatively voice the sentiment, thought, and policy of the Republican Party? There is but one other over him, and a little later I will make him my chief witness. But first I deal with the Senator from Pennsylvania.

I quote from the New York Times of December 21, 1917, as follows:

Reorganization of the Republican national and congressional committees in preparation for the congressional election next November is now being seriously discussed by Republican leaders, *who see in the present developments before the congressional committees issues that can be effectively used against the Democrats.*

In the last 10 days groups of Republican national committeemen have come here (to Washington) to discuss the advisability of beginning without delay the plan of campaign which will be used to capture the next House. These leaders did not receive much encouragement for an early campaign until last week, when the exposes followed one after another. As the result of the delays in the War Department and other alleged deficiencies in the conduct of the war, these Republicans decided that prompt preparation and an educational campaign should be started. Accordingly a meeting of the Republican National Committee has been called to assemble in St. Louis the middle of February.

WHAT PENROSE SAYS.

"The issues are here in great numbers," said Senator PENROSE, Republican national committeeman from Pennsylvania, after a talk with other national committeemen. "The conditions of the War Department, the neglect of the camps and cantonments, and the failure to supply sufficient arms are matters which the American public will charge to the majority party.

"Politics of the worst sort has appeared in the conduct of the war. Politicians were named by Democratic Senators and committeemen for one of the most important places, that of explosive inspectors. I know of three instances where political debts were paid and men appointed who will never be able to enforce the explosive law. The Democratic State chairman from Indiana appointed the superintendent of his farm. In my State a groceryman was selected.

"I wrote to the Chief of the Bureau of Mines and informed him that the State of Pennsylvania wanted a first-class man for this job, one experienced in such matters, and suggested that he confer with the State bureau of mines. He wrote me, saying that the Secretary of the Interior was taking his recommendations from Democratic Senators and committeemen.

"And while these political appointees draw their salaries, explosions and destruction continue."

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE (continuing):

"The Republicans have not been partisan in this war, but the time has come when they must be consulted and men of experience and ability placed in places of responsibility. Another evidence of politics which I complain of is the sending of Col. House to represent this Government. It was an insult to other Governments, who sent their premiers. If President Wilson did not wish to send his Secretary of State I think some other man versed in big problems and international usages should have been sent.

"As a party the Republicans have loyally supported the Government, but we are now going to ask for an accounting and propose to carry our fight to the people in the next congressional elections."

Now I yield to the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I do not want to interrupt the Senator by an inquiry at this juncture. All of his references to me are literally true, and I am astounded at my own moderation. [Laughter.] What I want to ask the Senator particularly, however, is, Does he state that any person other than a partisan dyed-in-the-wool Democrat was appointed inspector of explosives in any one of the 48 States in the Union? Does the Senator claim that any but notorious Democrats were appointed to those 48 places?

Mr. STONE. Mr. President, I do not know the exact fact, but I will take the Senator's word for it. I hope the Senator is not wholly mistaken. [Laughter.]

Mr. PENROSE. And yet the Senator claims the administration is not partisan.

Mr. STONE. Oh, well, I am not going to go into that at this moment, but later.

Mr. President, this convincing testimony of the Pennsylvania Senator might well be left without comment. It proves what I have said about partisanship. But there are one or two things in this bold partisan proclamation to which I feel obliged to refer especially. As a justification of this partisan outburst—the Senator complains that a Democratic groceryman in Pennsylvania and a Democratic farmer in Indiana have been appointed by the Government as explosive inspectors. I am puzzled to know how to adjust the scales so as to determine where the heavier weight of the Senator's objection lies as between the politics and the businesses of these two men. Of course, I have long known the Senator's political distaste of Democrats, but I was not previously aware of his prejudice against farmers and grocerymen. I did not previously know that my distinguished friend and his party had thrown these two classes into the discard.

The Senator says "politics of the worst sort has appeared in the conduct of the war," and in proof he cites the appointment of these explosive inspectors. Mr. President, I affirm that never in our history has a national administration shown a less spirit of partisanship—never has one reached out and drawn to its support officially a greater number of men opposed to it—than this administration since our entrance into the war. Personally I am not bragging about that, but I state it as a fact.

By way of contrast let me impress upon the memory of the Senator what he seems to have forgotten, some facts about the action of his own well-beloved governor with respect to appointments made under authority of law of the war agencies of Pennsylvania to work in conjunction with the war agencies of the National Government. Here I present a table revealing the impartial, nonpartisan spirit in which war appointments have been made by or directly on the recommendation of the governor of Pennsylvania, an official of the Senator's own creation:

	Republicans.	Democrats.
Committee on public safety	265	5
Exemption appeal boards	36	9
Federal food administrator	1	
Federal fuel administrator	1	
Federal director of employment	1	
State war board	5	
Total	309	14

Mr. PENROSE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. I do.

Mr. PENROSE. I ought to state to the Senator, by way of explanation to the Senate, that nearly all the Democrats in Pennsylvania are holding Federal office. [Laughter.]

Mr. STONE. That may be; but these are in a large sense Federal offices.

Mr. PENROSE. Not remunerative, however.

Mr. STONE. They all are remunerative; and if it be true that there are some Democrats in Pennsylvania holding Federal appointments, after the long period of absolute deprivation to which they have been subjected, I can not see why the Senator from Pennsylvania should seriously object. But I am not talking politics; I am talking against politics. [Laughter.]

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. I do.

Mr. GALLINGER. It must be the first time in the Senator's life that he has done an act of that kind. [Laughter.]

Mr. STONE. No; not by any manner of means. The Senator is too prone to judge others by his own standards.

To this table there is nothing to be added. It is beyond comment. But, Mr. President, I have other data of like kind from other States which show in striking contrast the difference in action between Republican and Democratic governors, and I shall ask leave to print at least some of these at the close of my remarks for the information of the Senate and for the especial delectation of the Senator from Pennsylvania.

I ask that leave.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

CHAIRMAN WILCOX.

Mr. STONE. Mr. President, before I introduce my star witness I conclude, on reflection, that it would not be amiss to support the testimony of the Senator from Pennsylvania, himself a member of the Republican national committee—not that it needs support, but only to emphasize it—by quoting a statement made to the press by the chairman of that committee on January 9 of the present year, and published broadcast. From that statement I quote the following:

The importance of the economic questions that will come up for solution at the close of the war or even before can not be overstated. The history of the Nation in the last 60 years shows that the Democratic Party has never shown competence, particularly in a crisis, in dealing with the great economic questions of the country. The importance, therefore, of the coming congressional election can not be overestimated.

Accordingly, Chairman Wilcox has issued a call for his committee to meet at St. Louis on February 12, to inaugurate a winter campaign to be continued with increasing ferocity up to November, for the election of Republican Senators and Representatives; and St. Louis newspapers report that Col. Roosevelt has engaged a hall in St. Louis to make a war speech the day before the committee meeting. The kind of campaign this is to be thus opened is sufficiently forecast in the statements I have quoted from the two leading members of the national committee.

WASHINGTON POST.

At this juncture I will also further break away from my direct line of thought to call attention to a clipping taken from Sunday's Washington Post of this week, which I refer to merely as further showing the direction in which the wind blows. I quote:

Republicans in Congress are beginning the perfection of their organization for the coming congressional elections. House Republicans will hold a caucus this week, at which time it is understood that they will make an issue out of the refusal of President Wilson and Secretary Baker to agree to the creation of a new department of munitions.

They also expect to make political capital out of the opposition by President Wilson to the creation of a joint committee of Congress on war expenditures.

WILL REORGANIZE COMMITTEE.

Extravagance, waste, and inefficiency in the administration of the war program will be important features of the political warfare they are to make.

THEODORE ROOSEVELT.

Mr. President, I now introduce my star witness, Theodore Roosevelt himself, whom I characterize as the most seditious man of consequence in America. The heart of this man is aflame with ambition, and he runs amuck. On my responsibility as a Senator I charge that since our entrance into the war Roosevelt has been a menace and obstruction to the successful prosecution of the war. His chief thought has not been to help the Government solve the mighty problems they have had to solve but always his chief thought has been of Roosevelt. Almost every day this man speaks in bitter and contemptuous disparagement of the President and of the majority Members of this Congress. Every week for a long time he has been and still is publishing under contract for a money consideration—think of it, for money—villainous screeds in the Kansas City Star, which paper has a wide circulation in several States, attacking the President and the Government. By some syndicated arrangement these Roosevelt contributions to the editorial columns of the Star are reproduced in numerous important newspapers published throughout the country.

Whatever may be said of the papers reproducing these disloyal utterances, the Kansas City Star, in whose editorial offices these emanations originate, is chiefly responsible.

What shall I say of the Kansas City Star? I will let the Kansas City Post, a local contemporary of the Star, speaking through one of the most fluent editorial writers of the Middle West, answer that question. I quote two editorials from the Post of December 27, 1917, and December 30, 1917, in the order of their publication.

1. The editorial of December 27:

At last Col. Theodore Roosevelt is out in the open, all his camouflage torn away, all his fervid protests of patriotism swept away by his desire to implant in the hearts of the people of the United States a distrust of President Wilson.

In to-day's issue of the Kansas City Star, which he chose months ago as the instrument through which he would begin his campaign for the Presidency, he, for the first time, accuses President Wilson of being responsible for a condition in Army and training camps which, if true, were well calculated to plant fear in the heart of every mother and father who has a son in khaki and to arouse in every cantonment a spirit of unrest and rebellion.

By suggestion he would have the people believe that every camp is a pestilential spot, every youth stricken with the seeds of disease, every soldier unclothed, every soldier unarmed.

That Col. Roosevelt chooses for the organ of distribution of his propaganda of distrust of the President, of disruption of national spirit, of disorganization of the Nation's loyalty, *a paper whose general manager was so lately a subject of the Kaiser that the ink is scarcely dry upon his naturalization papers may or may not be significant.*

The cold fact remains. Col. Roosevelt can not forgive President Wilson for being President. He can not forgive the people for electing Wilson. He can not refrain in this hour of crisis from attempting to divide the people in their loyalty and their war purpose in order that he may again become the President. That this daily diatribe is circulated from this city is a matter of shame to a city that has stood foremost in every patriotic movement, first in its undivided support to the war, to liberty loans, to the Red Cross, to the volunteer forces.

For certain it is that were the Kaiser himself given free editorial rein in this country, were Bernstorff back with his plottings and his subsidy of newspapers, they would pen to-day the very articles which Col. Theodore Roosevelt sends broadcast through the Kansas City Star.

2. The editorial of December 30:

"A pro-German is a man who, by private or public utterance, stands in the way of a whole-hearted prosecution of this war and the defeat of the German will to conquer. He may do it by finding fault with the conduct of the war."

This is the definition of Herbert Quick, a publicist whose patriotism is preeminent, at present farm-loan commissioner, chosen because of the fact that he is trusted and known by more farmers in this Nation than any other citizen.

He might well have pointed the finger of accusation at Col. Theodore Roosevelt and the Kansas City Star, for whatever may be the excuse for Roosevelt's friends for his attitude, the most kindly of which is that he is possessed of an overwhelming egotism and desire to again be President, the facts point to a different conclusion as to the motive of those who exploit his daily carping at the President.

Read the record and reflect:

Shortly before April 6, the date on which war was declared, August Seested, the general manager of the Star, made affidavit that he was then a subject of Kaiser Wilhelm.

Shortly after April 6, in a semiprivate hearing, when the law regarding the internment of alien enemies threatened to enmesh all those who favored or helped the Kaiser, Seested was made a citizen of the United States.

Almost the first act of the former subject of the Kaiser, who is legally responsible for every line printed in the Star, and who is held forth as the director of its policies and acts, was to engage Theodore Roosevelt as a writer.

Every article which has appeared under his name has been a covert or open attack upon the President.

Every article has been cunningly devised to disrupt the morale of the people, to divide them into quarreling camps, to frighten the mothers and fathers of the Nation for the safety of their sons, to inspire discontent and rebellion in the ranks of the boys in the cantonments.

Seested, who as early as the date of war swore that he was a subject of the Kaiser, prints them.

That Roosevelt, as President, did nothing to cure the "red-tape" evil of which he writes; that he threw his influence against the shipping bill at a time when that measure, asked by the President, would have enabled this country to buy and build a great fleet of merchant ships in preparation for any crisis, military or commercial; that he was so urgent in this that in March he telegraphed his protest to the Senate and held in line his old friend LODGE. These things are history and may be remembered or not, as you choose.

The big fact stands out boldly and should be known and understood: Roosevelt, whatever his purpose, is doing more to help the Kaiser by his propaganda of disruption and distrust than have all the pacifists and I. W. W. and Bernstorff's spies.

And the man who prints them says that he was from birth a subject of the Kaiser, who would crush a world that he may rule.

The people must know. Then they will perhaps not be misled by the poison that is poured out for them to read, may still have faith in our Government, may retain that splendid enthusiasm for liberty and democracy which has led this city to give generously of its youth, its money, and its labor for the great cause.

Mr. President, supplementing this excoriation by the Post, I quote confirmatory editorial expressions from the Toledo (Ohio) News-Bee, written under the name of its editor, as follows:

Mr. Roosevelt's general attitude seems patriotic, but he can not conceal his bitterness toward President Wilson. There is always the discordant note. It seems that he can not forgive Wilson for being elected President, or the people for having elected him. The moment a congressional investigation showed that this Nation had not fully equipped itself for war within much less than a year Col. Roosevelt cut loose with the attack on the administration he had been holding back until opportunity offered.

And the attack was just what he had been preparing for in his public speeches and published editorials. It was tuned to that one discordant note. He attempts to stir up a bitter feeling toward President Wilson and his administration, and puts more pep into that than he does in any effort to stir up feeling against Prussian autocracy.

I charge that Theodore Roosevelt is playing politics with the war, and that he is starting now the congressional campaign of 1918 and his own presidential campaign of 1920.

STRANGE CONTRASTS.

Mr. President, strange things happen nowadays. For example, Roosevelt denounces the President and the Government in terms that should, as I believe they do, excite wide indignation—denounces in terms that would subject almost any other citizen to arrest—yet his utterances, which I say would be denounced

as treasonable if made by others—are widely published without even official protest.

Mr. PENROSE. Will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. Yes; I yield.

Mr. PENROSE. Does the Senator deliberately advance the extraordinary doctrine here that every American citizen has not the right to say what he thinks of Mr. Wilson without going to jail?

Mr. STONE. Is that the question?

Mr. PENROSE. Yes; that is the question.

Mr. STONE. I answer no.

Mr. PENROSE. Does the Senator mean to say that an American citizen has not the right freely to express his views regarding Mr. Wilson if he be difficult to see, hidden away, and in his opinion surrounded by an incompetent personnel which has delayed preparedness for this war almost to a point of scandal? Does the Senator mean to say there is any statute or any principle of law that forbids such a citizen to express his views?

Mr. STONE. No.

Mr. PENROSE. That is the most extraordinary doctrine I have ever heard advanced.

Mr. STONE. I have not advanced it.

Mr. PENROSE. No; but the Senator came pretty near advancing it.

Mr. STONE. No; I did not, and I disclaim it.

Mr. PENROSE. The Senator practically stated that anyone who criticized Mr. Wilson ought to go to jail.

Mr. STONE. No; I did not say anything of that kind.

Mr. PENROSE. I should be glad if the Senator would explain it, because it is a rather important point.

Mr. STONE. I shall not explain something I did not say. I am now, for the edification of the Senator from Pennsylvania, drawing a contrast between Roosevelt and the plain citizen. I will give a specific instance or two to emphasize the contrast.

Let me quote some things Roosevelt has said under his own name:

> Moreover, and this is the vital point, we now have the time to prepare only because the English and French fleets and armies protect us.

Again—

> Our troops in France have received thousands of coffins, but an insufficient number of shoes. * * * Not more than one-tenth of our soldiers, taken altogether, are fit to go to battle, nine-tenths of our gallant and fine-spirited men are still without training, arms, and equipment that would permit them to meet any trained foe.

Again—

> The administration now officially and complacently announces that the policy which at this very moment has proved disastrous is to be persevered in for the future. It therefore assumes complete responsibility for every blunder and delay and for all the misconduct, and announces that these blunders and delays and all this misconduct have taught us nothing and that we are to amble onward in the same futile path until disaster overtakes. Mr. Wilson's administration officially declares that we shall persist in our own folly until we are brayed in the mortar of dreadful calamity.

Again, published under the headline of "A Betrayal of Democracy," Mr. Roosevelt says:

> When President Wilson says "We do not wish in any way to rearrange the Austria-Hungarian Empire; it is no affair of ours what they do," he is engaged in the betrayal of democracy, and if his present words are to be taken seriously, then his declaration about making the world safe for democracy was false and empty rhetoric. Either one statement or the other must be unsparingly condemned by all honest men. * * *
>
> The President's proposal represents three separate betrayals. It is the betrayal of the Slavs of Austria, to whose cause our allies have pledged themselves and who form a democratic population oppressed by a militaristic autocracy.
>
> It is the betrayal of democracy, because we abandon the majority, who are our friends, into the hands of a minority, who despise and hate us. It is the betrayal of free people everywhere to Germany, for Germany is now a world menace, chiefly because Austria and Turkey are her subject allies, and President Wilson's proposal is to leave them undisturbed.

Again—

> It will be quite impossible to get at all the facts of our unpreparedness. Most officers will be very reluctant to testify to the whole truth. They know they will suffer if they do so, because they have seen the punishment inflicted by the administration on Maj. Gen. Wood for the sole reason that he dared to tell the truth about our shortcomings and dared to advocate preparedness in advance. * * *
>
> For this reason I am not at liberty to quote the generals, colonels, captains, and lieutenants of the Artillery, Infantry, Medical Corps, and Quartermaster Corps who have told me of their troubles with unheated hospitals, insufficient drugs, summer underclothes in winter weather, lack of overcoats, of shoes, of rifles, of ammunition, of cannon. But in the camps I visited I saw some things so evident that no harm can come to any officer from my speaking of them.

I might go on quoting this sort of stuff ad nauseum, and all these things were written deliberately—not spoken on impulse, but written deliberately—by Mr. Roosevelt. These words, and others of like import—which I charge to be in substance and effect false words—have been spread broadcast throughout this Nation and throughout the world. The only possible effect of these widely published utterances of this man has been, as they were designed to be, to discredit and bring the present Government into public disfavor and weaken its hold on popular confidence. That seems to be the Rooseveltian standard of patriotism.

Mr. President, can we forget, should we forget, that the present Government is charged with the mighty responsibility of managing the tremendous affairs connected with the conduct of this war? This Government has been charged by the people with this responsibility. Does not patriotism require—aye, absolutely demand—that in this time of war every man should stand behind this Government and support it?

Mr. President, I have quoted these utterances of Roosevelt for a double purpose. First, to show that his vaunted claim, self-advertised, of a superior brand of patriotism is empty; and, secondly, to inquire—now I come to the contrast I promised the Senator from Pennsylvania—why Roosevelt may say things with impunity which a citizen of lesser consequence dare not even repeat without danger of indictment for disloyalty.

I bring to you the case of a plain citizen without special note or influence. I give you this particular case as one selected out of many for the sake of comparison. On December 21 last John D. Shanks, a traveling salesman, was coming into St. Louis on the Frisco Railroad. In a conversation on the train he was reported as making a certain statement to several gentlemen with whom he was conversing. I quote the exact words of that statement as reported in all—not in one, but in all—the St. Louis papers, and which I have had officially verified. The statement is as follows:

> Wilson kept us out of war; like hell he did. It's a shame the way our soldiers are being treated in the concentration camps. They are not properly clothed, and the sanitary conditions are poor. Hoover's sugar plan is a big joke, too.

For saying this Mr. Shanks was taken from the train while in transit by policemen summoned by wire before he reached his destination, and, I am informed by the United States district attorney at St. Louis answering my personal inquiry, that Mr. Shanks is now under bond awaiting the action of a Federal grand jury for the crime charged against him for saying what I have quoted.

Mr. PENROSE. Will the Senator permit me to interrupt him for a moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. I do.

Mr. PENROSE. The Senator said the man was taken from the train by policemen. Do I understand that he was taken from the train by the municipal police of St. Louis or by Federal agents of the Department of Justice?

Mr. STONE. That is a mere detail.

Mr. PENROSE. It is important.

Mr. STONE. If the Senator thinks so——

Mr. PENROSE. I assume the man was arrested by Federal agents of the Department of Justice appointed by Mr. Wilson or his Attorney General, and in my opinion his arrest was illegal, unjustifiable, and he can not be convicted.

Mr. STONE. As to that I express no opinion.

Mr. PENROSE. The Senator is giving a most impressive illustration of the high-handed methods of the present administration.

Mr. STONE. Mr. President, this commercial traveler—I do not even know him—merely repeated in conversation and in a minor degree what Theodore Roosevelt had said editorially in the Kansas City Star, and which editorial utterances had been reproduced in many of the important papers of America. This commercial traveler, coming into St. Louis on the Frisco Railroad, traveled through a section which is within the shining radius of the Kansas City Star. Therefore it follows that he must have read and pondered the antiadministration propaganda emitted by Roosevelt—the Star's special guide, philosopher, and friend.

What I wish to know is why Shanks should have been arrested for repeating what Roosevelt said, while Roosevelt goes free? Why should we make fish of one and fowl of the other?

Mr. PENROSE. Mr. President, I do not want to interrupt the Senator if it is disagreeable to him.

Mr. STONE. It is not.

Mr. PENROSE. I only thought that I could help to elucidate the Senator's argument. I consider that the instance the Senator has recited is outrageous, and I should like him to permit me——

Mr. STONE. The average man would think so.

Mr. PENROSE. I should like, if the Senator will permit me—it will give him an opportunity to rest for a minute—to

call the attention of the Senator to another equally outrageous case, if the Senator has no objection.

Mr. STONE. I have no objection.

Mr. PENROSE. It is a case that occurred in Louisville, Ky. One Ernest L. Schneider, a private at Camp Zachary Taylor, the new National Army cantonment near there, has been sentenced to 10 years at hard labor in the Federal prison at Atlanta, forfeiture of all Army pay, and to be dishonorably discharged. Stripped of its technicalities, Schneider was charged with villifying the President of the United States and voicing objections to the draft law.

Announcement that the War Department had approved the findings of the general court-martial which tried Schneider was made to-day, says the dispatch from Louisville, published in the press.

I want to say, Mr. President, that there is nothing occurring in Russia or any other country in Europe that presents a case of greater outrage than the conviction of this young man and a sentence for a period of 10 years.

Mr. STONE. But what I wish to know, Mr. President, is why Shanks and Schneider should have been arrested for repeating what Roosevelt said, and why Roosevelt goes free? I am speaking of the leader of your party.

Here is presented a contrast that might make men doubt the impartial and discriminating justice of our Government. Nevertheless, I have confidence in the high purpose of the Government to do justice to all men, although now and then cases do arise like this that would seem to challenge confidence in this behalf. But what is to be said of Roosevelt, who thus leads or misleads his fellow citizens?

Of all men, Roosevelt is himself most responsible for many of the things he denounces. He does his work artfully. In the front of his propaganda he throws a deceptive glamour—a sort of political-patriotic camouflage. I charge that Theodore Roosevelt, whether willingly or out of sheer madness is unimportant, is in effect the most potent agent the Kaiser has in America. I can not escape the belief that this exceptional colonel, who has played so many games of questionable politics, is now playing another game of his peculiar brand for a very great stake.

Mr. President, on this proof alone showing Republican partisanship, and without further extending it as I might, I am willing to rest the case and submit it to the country.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. I do.

Mr. BORAH. Is the Senator going to present any proof that Col. Roosevelt is a Republican? [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries must be in order.

Mr. STONE. He says he is. He worked with you. I do not know that he works with the Senator from Idaho just now. He used to, but now I think he works with the Senator from Pennsylvania. [Laughter.]

Mr. PENROSE. If it would not be treason for me to say it, Mr. President, if the Senator will permit me, perhaps Mr. Wilson at his first election was under great obligation to Mr. Roosevelt.

Mr. STONE. If that be treason, we shall all of us have to make the most of it.

A PRENATAL DEFENSE.

In the Washington Post of Friday last a gentleman who writes for that publication under the name of George Rothwell Brown—one of the daily dope dispensers of the Post—in criticizing in advance the speech I am making to-day, undertook, in anticipation, to make a passionate defense of the Republican political attitude. He criticized the speech before it was born. I quote from his article:

> The facts are that Republicans believe that if anything is to be said touching on and appertaining to politics in the war they have a prior right in the premises.
>
> The Republican attitude is that the ablest members of the Republican Party are being deprived of an opportunity to serve the country as a result of political prejudice and for political reasons. * * *
>
> If Senator STONE forces the issue of politics in the war in the Senate he will be answered by the charge that for political reasons Roosevelt and Wood, as well as Taft, Hughes, and Root, are not being used by the Government.

I assume Mr. Brown speaks with some degree of authority after discussing the subject with his friends about the Senate.

Mr. Brown, presumably speaking for the Post, complains that the President has not brought into intimate relationship with his administrative work certain noted Republicans—namely, Roosevelt, Wood, Taft, Hughes, and Root.

Just a word or two about this to make the facts clear. Gen. Wood, for whom I have a high personal regard, has from the beginning of the war been in positions of high responsibility. His services and usefulness have not been ignored. It only so happened that the President and the War Department did not see proper to put Gen. Wood in supreme command of our forces in the field. That is the substance of the criticism. I believe Gen. Wood to be a strong man, but also I believe there are others just as strong as he in the Army. I believe Gen. Pershing is his equal—and here I may add that Gen. Pershing ought by education and experience to be a better-trained soldier than Gen. Wood. I do not disparage Gen. Wood, I could only praise him, but I have full faith in Pershing, and Pershing is a Republican as well as Wood. My faith in Pershing is not due to his politics, although I do not in such a case consider that of the slightest importance and refer to it only to show that Gen. Wood was not discriminated against on political grounds by the appointment of Gen. Pershing, if by the furthest stretch it could be said he was discriminated against at all, which I deny.

Mr. Brown complains that the services of Mr. Elihu Root have not been utilized. Mr. Brown, like others I know of, evidently regards Mr. Root as a sort of Jove sitting on Mount Olympus. I do not estimate him so highly as that, although I do esteem him as a man of most excellent and superior ability. He is a lawyer of renown and has behind him a most creditable official record. Mr. Brown is mistaken in his supposition that the President has ignored Mr. Root. My understanding is that Mr. Root has been frequently consulted by both the President and Secretary of State. Moreover, the President sent Mr. Root at the head, at least practically so, of a great mission to Russia. While he was at Petrograd and Moscow we read cabled columns of glowing description of the mighty work he was doing there. We were led to believe that he had settled for the good of this country and the allies the whole Russian situation, so as to leave little doubt as to the sympathetic attitude of the great Republic new born in northern Europe. I would not say anything to discount this patriotic service undertaken in the face of great difficulties, but evidently these descriptions were overdrawn. However, the fact remains that in this instance of incalculable public concern Mr. Root was called by the President into a service of the highest moment and which put his capacity for great achievement to the test. The result speaks for itself. Plainly, Mr. Root has not been neglected.

As to Mr. Roosevelt I have already spoken. Mr. Taft and Mr. Hughes I pass by with respectful silence, without comment on Mr. Brown's suggestion as to them. Mr. Brown, speaking through the Post, supposedly with its approval, seems to favor a bipartisan management of the war and a bipartisan organization of the executive department. Mr. President, the executive department is at least nonpartisan now, and so far I do not see that any particular good has come of that. Here it is apropos to refer to the fact that on Friday last Mr. William R. Willcox, up to that date chairman of the Republican National Committee, was appointed on an important commission by Mr. McAdoo, the Director General of Railroads. This appointment was made notwithstanding the very recent political utterances and activities of Mr. Willcox to which I have referred. Mr. Willcox was made chairman of the Republican National Committee by Mr. Hughes. He is the bosom friend and a political adviser of Mr. Hughes. It might well be said that in a political sense he represents Mr. Hughes. This appointment does not look as if the administration was discriminating against Republicans in general or Mr. Hughes in particular on account of politics.

CONGRESSIONAL INVESTIGATIONS.

Mr. President, passing now to the consideration of a somewhat different line of thought, I wish to say a few words on the subject of congressional investigations. Investigation has apparently become a passion with the Congress. I desire to say a word or two on general lines about this business.

Mr. President, I hope no sane man is so squeamish as to deny to the Congress their constitutional right of inquiry into any question of grave public importance, or who would clothe the head of a bureau with a power above the Congress of the United States. Nowhere else has any effort been made to thus suppress parliamentary power. It has not been attempted in England, France, Italy, or even in Germany. Let it not be said that parliamentary power in the United States is to be regarded as of less moment than in Europe.

But, Mr. President, there are investigations and investigations ad libitum, if not ad nauseum. I disclaim any desire to be hypercritical, but I beg to express the opinion modestly that investigations which concern especially our Military and Naval Establishments, and which concern the development of our shipping facilities, and other actual war activities—activities which directly concern the conduct of those war affairs in which the whole world is interested—should be guarded against undue pub-

licity. I do not mean to say that even matters of world-wide consequence should not be made the subject of inquiry by the authorized agencies of the Senate and House of Representatives. I have no such thought. But as to matters of the kind I especially refer to—essentially war matters—I can not but feel that it is unwise to make them the subject of public or even semipublic exploitation. I can not believe that a world-wide advertisement of alleged deficiencies in our war activities, even if ultimately found to be true in whole or part, whatever the facts may be, is necessary to bring about such administrative reforms, as the circumstances demand. Therefore I can not but doubt the wisdom of the program we have adopted of wide-open investigations into almost everything that might be made the subject of criticism of the administration since our entrance into the war nine months ago. Do not understand me as meaning—for I do not mean that—that administrative errors, whether of omission or commission, should be concealed from our people; far from that. I have in mind only the proper occasion and the proper method of doing things of this sort. Of course mistakes have been made by the Government—doubtless many and grave mistakes. In the circumstances that was inevitable. But is it necessary for us to stand on the housetops or hilltops and proclaim these mistakes with a loud voice to the whole world? Considering the stupendous and almost unsolvable problems suddenly confronting the administration when the Congress declared for war in April last, and in view of all the difficult circumstances of the environment into which we thrust ourselves when we plunged into this world war, I take the liberty of declaring it as my matured belief that the achievements of this Congress and of the administration, accomplished amid unprecedented conditions, signalize a degree of marked success without parallel in the world's history. Of course mistakes have been made. The Congress have made mistakes; may I not venture to say that even the Senate has not been infallible; and almost inevitably the various military, naval, and civil executive departments, including even the President himself, upon whom, altogether, the chief burden of preparation has fallen, have made mistakes in the gigantic preparatory work so suddenly thrust upon them.

THE SPANISH WAR.

Why, Mr. President, even during the Spanish War, when the Republican Party was supreme, mistakes were made by our high Government officials, no doubt for the most part inevitable mistakes. We plunged as suddenly into that war as into this one, and with the same general lack of preparation. A Volunteer Army was raised and gathered together in various concentration camps, ready to be sent to Cuba or the front as the need therefor should arise. In a way we had then the same difficulty in supplying our soldiers with adequate equipment as we are now experiencing on a larger scale; even in a more pronounced degree we then encountered the same difficulty we are now encountering about sanitation and sickness in the concentration camps, some of the camps at that time becoming so bad that they were abandoned; then, also, the Government was showered with complaints of public corruption, inefficiency, and waste far beyond anything of that kind we have so far had to deal with in this war of incalculably vaster proportions; and we then had complaints, which, fortunately, we have so far escaped in this war, not only of insufficient food but of unsound food furnished our soldiers. It is too early yet to forget the scandals about embalmed beef. I am not indicting or censuring the officials of that day; they did their best, and did well, and I believe that the scandalous stories circulated at that time were grossly exaggerated. What I seek to impress by this reference to the Spanish War is that mistakes were made, inevitably made, even during the short period of that skirmish we had with Spain. I say "the skirmish we had with Spain," but I do not say that in disparagement of the brave and splendid men engaged in that memorable war, but that is all it amounted to as compared with the tremendous task upon which we are now engaged. Of course, mistakes have been made during the last nine months, but I reaffirm what I stated a moment since, that, all things considered, the achievements of the administration have been characterized by an extraordinary degree of success, and the marvel is that so few mistakes of particular importance have occurred.

But why should we flaunt our mistakes, whatever they are, great or small, before the world? Should we not rather deal with them as our exclusive business, without undue present publicity? There are times for doing things and ways of doing things, but, as I see it, the right way of doing these things of which I speak was to do them so as at least not to unduly advertise our weaknesses to the enemy. The value of a bold front is a mighty factor in the equation of war. And hence I have thought that if there be faults and weaknesses in the administration, let them be flaunted to the world hereafter—hereafter, when the time for harm in flaunting them has passed—but not now. We are now in the depths of a desperate war, and this is the time, above all times, for universal national sympathy, cohesion, and solidarity.

Mr. President, I merely give voice to the vision of things as they appear to me. My appeal now is first and especially to my colleagues on this side of the Chamber to stand firmly against influences calculated to mislead us, and then, secondly, I appeal to my colleagues on the other side of the Chamber to thrust back the evident rising tide of partisanship which threatens to sweep them off their feet. I have so spoken of the rising tide of partisanship on the other side with reluctance and without bad feeling, and have spoken of it only because I feel I should speak of it in the public interest. I wonder if Senators seriously reflect upon what it is they are starting in to do. What indeed is it they are trying to do? If we are to judge by what we see going on and by what Republican leaders are saying in disparagement of the President and the majority in Congress there should be little trouble in the public mind to determine what they are up to. Their purpose is to elect a Congress which would be out of harmony and unsympathetic with the President. What would happen to the Wilson administration if the Republican Party should have control of the next Congress? If I were adept in the use of Billy Sunday classics I should say the President would have "a hell of a time." [Laughter.]

Mr. President, partisanship and politics must be kept out of the war. There are most vital questions now demanding grave consideration and discussion, and other questions of far-reaching moment to our national life will arise in the immediate future, and I hold, Mr. President, that the highest considerations of patriotism demand that all these questions should be met, considered, and determined with an eye single to the national honor and welfare, divorced from all thought of partisan advantage. Any other course would be intolerable. Let us wait until the war is over and the world sane again before we renew too fiercely our old-time conflict for party supremacy. During this period of national stress and world horror through which we are passing we must place country above party.

Mr. President, I asked and think I obtained leave to print in the RECORD certain data showing the appointments made by different governors of their war agencies. If I have not obtained leave to print these in the RECORD, I now ask permission to print them.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, the request of the Senator from Missouri is granted.

The matter referred to is as follows:

1. BY REPUBLICAN GOVERNORS.

CALIFORNIA.

Republican governor. State council of defense: Republicans, 29; Democrats, 4. Executive committee of State council of defense: Republicans, 11; Democrats, none. Women's committee, State council of defense: Republicans, 19; politics unknown, 4. Federal food administrator: Republican. Federal fuel administrator: Democrat. Special agent, War-Trade Board: Republican. Chairman of the committee of four-minute men: Republican. Total Republicans, 63; Democrats, 4; politics unknown, 4.

CONNECTICUT.

Republican governor. State council of defense: Republicans, 8; Democrats, 2; Progressive, 1. Chairman county organizations: Republicans, 8. Chairmen of subcommittees of State council: Republicans, 9; Progressive, 1. The personnel of subcommittees of State council and county committees overwhelmingly Republican. Federal food administrator: Republican. Federal fuel administrator: Republican.

DELAWARE.

Republican governor. State council of defense: Republicans, 6; Democrats, 4. Federal food administrator: Vacant. Federal fuel administrator: Republican. Federal fuel administration, vice chairman: Republican. Federal fuel administration, member for Sussex County: Republican. District draft board: Republicans, 3; Democrats, 2. War savings stamp committee: Republicans, 3; Democrats, none. State food council: Republicans, 6; Democrats, none.

ILLINOIS.

Republican governor. State council of defense: Republicans, 12; Democrats, 3. Federal food administrator: Republican. Federal fuel administrator: Republican. All other war-service positions, except a few members of exemption boards, held by Republicans.

INDIANA.

Republican governor. State council of defense: Republicans, 11; Democrats, 8 (chairman of State council is Will H. Hayes, chairman of Republican State committee, who continues political activity through his committee). Supervisory officials, under State council: All Republicans. State conscription agent: Republican. State food administrator: Republican. State fuel administrator: Democrat (not appointed upon recommendation of State council, which recommended a Republican; see Cincinnati Enquirer report).

IOWA.

Republican governor. State council of defense: Republicans, 17; Democrats, 4. Federal food administrator: Republican. Federal fuel administrator: Republican. State fuel administration: Republicans, 6; Democrats, 2. War-savings-stamp committee representatives, Republican.

KANSAS.

Republican governor. State council of defense: Republicans, 39; Democrats, none. Independents, 2. State food administrator: Republican. State fuel administrator: Republican. Red Cross work: Republican. State conscription agent: Republican.

MAINE.

Republican governor. Committee on public safety: Republicans, 10; Democrats, none. Associate members: Republicans, 70; Democrats, none. Federal food administrator: Republican. State committee on food production and conservation: Republicans, 8; Democrats, none. Seed-saving committee: Republicans, 5; Democrats, none. Head of food-conservation campaign: Republican. Live-stock committee: Republicans, 4; Democrats, 1. Marketing committee: Republicans, 8; Democrats, 2. Exemption boards, first district: Republicans, 3; Democrats, 2; second district, Republicans, 4; Democrats, 1. Maine representative, Red Cross: Republican. Liberty-loan commissioners: Republicans, 3; Democrats, none.

MINNESOTA.

Republican governor. Public-safety commission: Republicans, 6; Democrats, 1. Federal food administrator: Republican. Director of milling division: Republican. Northwestern representative United States Wheat Corporation: Republican. National head, United States Wheat Corporation: Republican. Federal fuel administrator: Republican. War-savings-certificate committee headed by a Republican.

NEW HAMPSHIRE.

Republican governor. State council of defense (committee on public safety, executive committee): Republicans, 9; Democrats, 4. Seventy-five per cent of the chairmen of subcommittees appointed by State committee are Republicans. Officers, State Defense League: President, Republican; honorary president, Republican; secretary, Republican; treasurer, Republican. Chairman, Red Cross work: Republican. Federal food administrator: Republican. Federal fuel administrator: Republican.

NEW JERSEY.

Republican governor. State council of defense, executive committee: Republicans, 6; Democrats, 1.

NEW YORK.

Republican governor. State council of defense: Republicans, 5; vacancies, 2. (These vacancies represent places authorized by the act but which have never been filled by the governor.) State food supply commission: Republicans, 4. State food control commissioners: Republicans, 2; Independent, 1. State council of farms and markets: Republicans, 11. Exemption boards (up-State): Northern district, division 1, Republicans 5; division 2, Republicans 5; division 3, Republicans 5; western district; division 1, Republicans 4, Democrats 1; divi- 2, Republicans 5; division 3, Republicans 5; southern district, Republicans 5; eastern district, Republicans 5. New York City boards: Republicans, 28 (headed by Charles E. Hughes); Democrats, 2. Total, Republicans 82, Democrats 3, Independent 1.

OREGON.

Republican governor. State council of defense: Republicans, 8. Federal food administrator: Republican. Northwest manager, grain division: Republican. Pacific coast manager, milling division: Republican. Four-minute men committee: Republicans. Pacific coast agent, War Department training-camp activities: Republican. Oregon manager, Fleet Corporation: Republican. Director of work, spruce-production manager, etc.: Republican. Liberty-loan-sale board: Republicans, 6. Federal fuel administrator: Democrat.

One Democrat out of the bunch.

RHODE ISLAND.

Republican governor. State council of defense: Republicans, 11; Independent, 1. Federal food administrator: Republican. Federal fuel administrator: Republican.

SOUTH DAKOTA.

Republican governor. State council of defense: Republicans, 13; Democrats, 0. Federal food administrator: Republican. Federal fuel administrator: Republican. Director, war-savings-stamp sales: Republican.

Another clean sweep.

VERMONT.

Republican governor. Public-safety committee: Republicans, 43; Democrats, 11. Federal food administrator: Republican. Federal fuel administrator: Republican. Head of war-savings-stamps committee: Republican. District exemption board: Republicans, 5; Democrat, 1. Appointed judge advocate: Republicans, 2.

WISCONSIN.

Republican governor. State council of defense: Republicans, 13; Democrats, none; Socialist, 1. Federal food administrator: Republican. Federal fuel administrator: Republican. No Democrat has been appointed to the office of county food or fuel administrator in any of the counties of Wisconsin. Examination boards and district appeal boards will average 90 per cent Republicans and Socialists.

2. BY DEMOCRATIC GOVERNORS.

COLORADO.

Democratic governor. State council of defense: Republicans, 14; Democrats, 7. Food administrator: Republican. Fuel administrator: Democrat. Chairman Red Cross work, mountain division: Republican. Chairman liberty-loan campaign: Republican. Liberty loan, women's committee, chairman: Republican; members, 35 Republicans. Liberty loan, committee on finance, chairman: Republican; members, 6 Republicans. War-savings committee headed by a Republican.

IDAHO.

Democratic governor. State council of defense: Republicans, 15; Democrats, 10. Federal food administrator: Republican. Federal fuel administrator: Republican. Chairman Red Cross work: Republican. Chairman State liberty loan committee: Republican.

MISSOURI.

Democratic governor. State council of defense: Democrats, 12; Republicans, 9; Independent, 1. Federal food administrator: Democrat. Federal fuel administrator: Democrat.

MONTANA.

Democratic governor. State council of defense: At large—Republicans 3, Democrats 4, Independent 1, Farmers' Equity Society 1; county representatives—Republicans 75, Democrats 54; chairmen county councils of defense—Republicans 27, Democrats 16. Federal food administrator: Republican. Food campaign manager: Progressive Republican. Federal fuel administrator: Democrat. Executive secretary, fuel administration: Republican. County fuel committees: Republicans, 64; Democrats, 65. Chairmen county fuel committees: Republicans, 28; Democrats, 17.

NEVADA.

Democratic governor. State council of defense: Republicans, 4; Democrats, 7. State food administrator: Republican. Assistants to food administrator: Republicans, 11. State fuel administrator: Democrat.

OHIO.

Democratic governor. State council of defense: Republicans, 18; Democrats, 10. District exemption boards of appeal: Sixty per cent Republicans. Every major appointment of war positions in Ohio made by the Federal Government, Republican. Ninety per cent of commissions issued to civilians in noncombatant arms and three-quarters of commissions in fighting arms of military service were issued to Republicans. Federal food administrator: Democrat. Federal fuel administrator: Republican.

UTAH.

Democratic governor. State council of defense: Republicans, 20; Democrats, 17. Federal food administrator: Democrat. Executive secretary, food administration: Republican. Federal fuel administrator: Democrat. Executive secretary, fuel administration: Republican. Director war-savings-stamps sales: Republican. Chairman executive committee, liberty-loan campaign: Republican.

WASHINGTON.

Democratic governor. State council of defense: Republicans, 11; Democrats, 3. Federal food administrator: Republican. Federal fuel administrator: Republican. District manager Shipping Board: Republican. Representatives War Trade Board: Republican.

It is hard to believe that this governor is a Democrat.

WEST VIRGINIA.

Democratic governor. State council of defense: Republicans, 6; Democrats, 8; secretary of council and assistant, Republicans. Federal food administrator: Republican. Federal fuel administrator: Democrat. Director war-savings-stamps sales: Republican. Exemption-appeal boards, northern district: Republicans, 4; Democrats, 1; southern district, Republicans, 2; Democrats, 3.

WYOMING.

Democratic governor. State council of defense: Republicans, 4; Democrats, 5. Federal food administrator: Democrat. Federal fuel administrator: Republican. Director war-savings committee: Republican.

Mr. LODGE. Mr. President, nothing during this war has been so profoundly gratifying to me as the fact that since last April there have been no political lines drawn in the Congress of the United States. There have been until to-day no political speeches which I have heard; there has been no political voting; both branches have labored together with the common desire to prosecute the war to the quickest possible conclusion. To-day the Senator from Missouri, greatly to my regret, has made a distinctly political speech. I do not propose to imitate his example by assailing Senators or Representatives of an opposite political faith from mine, but I must say a few words to repel his misrepresentations as to the Republican Party.

I can quite understand, Mr. President, that the Senator from Missouri finds it personally desirable to make such a speech as that to which the Senate has listened, but it is also a time when our personal desires should be made subordinate to the public interest and when we should not deliberately strive to revive party feeling. I can only hope that the speech will be as grateful in the quarters where he desires it to be grateful, as he expects.

Mr. President, the Republicans of the House and of the Senate have voted for all the great measures necessary for the war. They have voted for all the money asked, for all the loans authorized, for all the great powers to be given. There have been measures, Mr. President, desired by the administration which might have failed, which would have failed in one House, at least, without the Republican vote. The Republicans have, to my knowledge, cast no party vote since the 2d of last April, and they will continue to avoid casting party votes while the war is in progress.

Mr. President, if there has been partisanship anywhere since the war began it has not been in the Congress of the United States. Party politics have been pretty obvious, however, to everybody, to the most casual looker-on, elsewhere. While we were organizing all the industries and all the resources of the United States, as we needed to do in order to win this war, it has seemed to me at times as if it might be well to organize and use all the ability of the country. The parties of this country are pretty evenly divided, and to confine one party to the right to give their lives, their sons, their brothers, their husbands, to the armies and navies seemed to me not altogether best. I think it would have been better if they had been more largely called upon for work, and that we needed all our ability, not half of it, in the general service of the United States. I have found no fault, however, with this attitude. The only fault I

have ever found is that the administration has failed to take the best from its own party.

There has been a marked admiration shown for what have been called the dwellers in the twilight zone; a keen desire to appoint men, few in number, who have wandered from one party to another until some irreverent people have referred to them as "the mavericks of politics." These "mavericks," some pro-German before last April, usually pacifists, have been taken wherever possible, without regard, so far as one can see, to anything except their somewhat varied political record, and have been put in places of great importance. I have observed also that these wanderers generally permit themselves to be branded easily by some one who is able to admit them to green pastures and to comfortable stalls. The fault I find is in the administration's failure to call out the best ability in the Democratic Party, if Government service outside the Army must be confined to one-half of the people of the country. There are too many men exercising large powers at this moment, vested with great authority, who seem to the observer to have nothing to commend them except an insignificance which makes them solely dependent on the Executive pleasure. My criticism has never run on party lines and does not now.

Mr. President, the Senator has referred to investigations. I introduced one of the resolutions of investigation. The portion of the country from which I come was suffering very grievously from a shortage of sugar, amounting almost to a famine, and from a shortage of coal, and it seemed to me that it was an obvious duty for Congress to try to discover whether there was anything wrong in the policy which had been adopted and whether there was not some remedy that could be furnished. The resolution I offered was adopted by the Senate. The investigation has been carried out without one thought of partisanship or party lines, so far as I could see, in the subcommittee charged with the investigation, and headed by the colleague of the Senator from Missouri [Mr. REED]. In that subcommittee, as it has been throughout the Senate, there have been divisions of opinion, but they have not run along the party boundary.

As to the investigation being carried on by the Committee on Military Affairs, in my humble opinion no greater service has ever been rendered to the country by any committee of Congress than that committee has rendered in the last six weeks. Investigations censured! Is this Congress to stand by in silence while blunders and delays and needless losses go pouring past, and to be accused of treason if it tries to tell the truth and to make conditions better?

The Senator has referred to the Spanish War, which lasted three months. We were unprepared then, as we were unprepared last April, and mistakes were made then, even in that short time; but it will be remembered that at that time without congressional investigation the President changed his Secretary of War.

Mr. President, the Senator has spoken about these investigations being of assistance to the enemy in what they reveal. Certainly in the Committee on Military Affairs they reveal to the people of the United States many things which cry for remedy. They reveal very little, in my opinion, that the enemy does not know. But when you speak of the effect of these investigations, what do you think was the effect on our allies and our enemies alike when this Government, not yet fully immersed in war, deliberately closed down for five days all the industries of the country? What impression do you think will be given by that act? What will be the impression upon the German mind when they read of that order of the Fuel Administration?

I am not going into this point in detail. I have been passing a great many hours in considering it, and I shall have something to say about it later. But it is not well to speak of these investigations as having a bad effect and being hostile to the country when such an exhibition of impotence and failure has been made as is shown in that fuel order.

The Senator devoted a good deal of attention to Col. Roosevelt. I do not think it is necessary for me to enter upon any defense of Col. Roosevelt. He has been President of the United States. His life is an open book. Whatever mistakes may be charged against him, there is one thing that is certainly true. He never has had any secrets from the American people. They are capable of judging him, and they will judge him. He offered himself for service in the war. He was anxious to go into the Army in any capacity, and he was refused.

The Senator has attacked Col. Roosevelt for criticizing the President. He supported the President, at least, in trying to have the merchantmen armed and in the declaration of war. He is supporting the war in every way he can. His four sons are all in the war. Three are on the Flanders front at this moment. A disloyal man does not make such sacrifices as that.

I think Col. Roosevelt was against the Shipping Board. I was. I did all I could to beat it in the protracted filibuster that ended in its defeat; and the main reason why it was defeated, in fact the dominant reason, was that at that time one great purpose of the act was to buy the German ships and give to Germany thirty or forty million dollars, perhaps more. Amendments to exclude them were voted down. That is why the bill failed, and it is well that it did fail.

The Senator says that Col. Roosevelt has been guilty of treason, because he has written certain articles which the Senator has read here. Is it treason to say that our lack of preparation has cost thousands and thousands of lives of our allies, hundreds of lives already of our own men, and uncounted millions of money? That is the hard, naked truth. Is it treason to say that? Is it treason to point to those camps? Then, Gen. Gorgas, the Surgeon General of the Army, ought to be court-martialed, for he was the first to call attention to the insanitary condition of those hapless camps.

Mr. President, it may be difficult for the Senator from Missouri to understand, but it is quite true, that there are men all over this country—and Col. Roosevelt is one of them—whose one dominant idea is to win this war, who are ready to make every sacrifice to do it, who are making every sacrifice in their power to do it, who forget their party in their effort to reach victory, who forget everything but their great, mastering purpose. But there is one thing those men will not do: They will not sit silent and accept mistakes and delays which they think may cause us to lose the war.

If it is their duty to support the administration as they have done, they will do it. If they think it is their duty to endeavor to improve conditions so as to help win the war, even at the expense of criticizing those in power in the administration, that criticism they will make. The Senator need not worry about the rising tide of partisanship. It will never rise as high here, on this side as it has risen in his own breast. We shall stand by the war and the administration, as we have always stood; but because somebody chooses to call us partisans we shall not withhold the truth, as we see it, from the American people.

The Senator says the utterances of Col. Roosevelt are treasonable; and he brings up——

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. STONE. I beg the Senator's pardon. I did not say they were treasonable.

Mr. LODGE. I understood the Senator to say that in substance. He said men had been arrested and prosecuted for less; and he read the case of a man who made a remark in the cars, I believe, for which certainly he ought not to have been prosecuted, and yet he is being prosecuted by the officials of this administration. If they think Col. Roosevelt deserves prosecution as much as that man, why do they not prosecute him? He is visible; he can be found. He is also audible, and—this is what makes his crime—he is also readable. [Laughter.]

Ah, Mr. President, the Senator undertakes to put criticism and disloyalty on the same basis. We all owe to the President of the United States, who is charged with these terrible responsibilities, all the support we can give him, and we have given it ever since the 2d of April. But our highest allegiance is not to the President. Our highest allegiance is to greater things than presidents or governments. Our highest allegiance is to the country and the cause; and if we see things going wrong we shall call the attention of the country to them if we can. We shall vote the President all powers, all money, as we have in the past; but if the money is wasted and the war delayed, if the powers are ineffective in the hands to which they are entrusted, we should be traitors, indeed, if we sat silent and allowed the country to drift to disaster because we were afraid that somebody filled with the exuberant patriotism of recently acquired appointed office would call us treasonable.

Mr. PENROSE. Mr. President, I do not intend to detain the Senate by any lengthy address.

I listened carefully to the remarks of the Senator from Missouri, and was greatly surprised to find that they were not more formidable than they were. When I read in the newspapers during my absence from Washington last week that in some way I was to be challenged by the Senator from Missouri, I wondered what offense I had committed that the statute of limitations did not fully cover. [Laughter.] My relations with him were so pleasant and agreeable during the framing of the revenue law, when we sat together for six or seven months looking at each other across the table, that I was greatly concerned.

The article in the paper which I read said that "Senator Stone, a prominent politician from Missouri"—I have the

article here in my desk—" has assailed the Senator from Pennsylvania in connection with a speech that he is about to make, entitled 'Politics in the War'"; and I was somewhat concerned. But after hearing what the Senator has said, and realizing what a disinterested political character he always has been during his long career, I am surprised at my own moderation, and I plead guilty to everything he has said.

I say candidly that I do not think political parties ought to be abolished or submerged simply because the country is at war. So far as I can ascertain it is the general consensus of opinion that a bipartisan administration of the war, such as we witness in England, has not been a success. I am entirely willing to see the Democratic Party go on with the conduct of the war, and I am still more earnestly willing that the Republican Party shall maintain its organization and its integrity, to support the administration in every patriotic and laudable way, and at the same time to act as a party of just criticism.

Mr. President, I consider criticism by the minority party a patriotic duty; for how else are we to remedy inefficiency and abuses such as we all know to have prevailed unless we call attention to them? It is not likely that the Cabinet officers and the heads of the bureaus and departments who are guilty of these inefficiencies will themselves call attention to them; and if there have been notorious instances of delay in our preparedness due to inefficiency, I, for one, consider that I am performing a patriotic duty in calling the attention of Congress and the country to them and urging the removal of those officials who do not seem to be able to administer the trying duties of their positions. That, Mr. President, I say I consider my individual patriotic duty, under my oath of office as a Senator, and primarily the patriotic duty of the minority Senators in this body.

Of course I favor the restoration of the Republican Party to power in the Nation. I have been sufficiently impressed with the inefficiency in administration which has existed during the past year to be fully persuaded. So far as I am concerned, that a better administration, possessing to a greater degree the confidence of the business people of the country and of the great mass of the citizens of the country, would be given under a Republican régime; and I certainly have the right, without being open to a charge of disloyalty, to do all I can not only to carry Pennsylvania—as it will be carried next November by an overwhelming majority—for the Republican candidates, but any other State where a Republican Senator can be gained; and I consider that in so doing I am promoting the cause of efficient government and of legitimate party government, which is the only kind of government that can prevail in a free democracy.

I do not see, Mr. President, that there is any divine anointment upon the head of Mr. Wilson. The Senator from Missouri talks as if he were the Government; as if, in some way or other, notwithstanding all the blunders that are committed in his name and under his auspices, it were treason and disloyalty to criticize him. I am greatly in doubt as to how long the Senator thinks this policy of silence should prevail. Is Mr. Wilson to remain in power forever? Is there never to be another person in the presidential chair to succeed him, in the interminable years that are ahead of us during the war and during the complicated processes of peace settlement after the war? Why, Mr. President, the life of the Republic is to criticize Mr. Wilson or any other official along legitimate lines; and if this administration is inefficient or has not the confidence of the people—and I do not think it has the confidence of the American people—let us have legitimate party discussion between the two parties.

There are many things that could be mentioned by way of criticism of the present administration that, in my opinion, would bring vastly beneficial results to the country during the present war crisis; but I have kept scrupulously silent in this body, not wanting to embarrass the administration in any way, and, with one or two exceptions, voting for every measure that was submitted by the various departments, in most cases against my judgment and my private opinion, simply to give them every opportunity to succeed, and fully realizing that sooner or later the hour of reaction would come and the door of criticism would be wide open and the country would know what it has for some time been entitled to know.

Were I disposed to take a malicious advantage of the opportunity afforded by the speech of the Senator from Missouri, I might proceed now—for he has invited it—to make indictment of the present administration in many aspects of its inefficiency, and present startling facts which I have known for a long time; but at this late hour in the day, not having had any advance notice of the contents of the Senator's speech, I shall not go into this phase of the matter at any length. It is sufficient to say, however, Mr. President, that the Senator's action here to-day has deliberately invited the minority to proceed with this criticism; and the ill-advised and radical action of Mr. Garfield, the Fuel Administrator, operating under an act of Congress, which I am glad to say I voted against, has afforded the occasion and the opportunity for criticism and investigation which from this time on I hope will proceed with unabated vigor.

I have often admired the statesmen in England during this war, Mr. President. They have never hesitated to speak bluntly and plainly on the floor of Parliament. If there has been mismanagement in a military maneuver or an expeditionary force in any theater of the war, they have not hesitated to take the public into their confidence, to remove the general or the executive who was at fault, to reorganize, and go ahead.

The Senator has referred to my criticism of Col. House. I am glad of this opportunity, Mr. President, to state that I was shocked at the time to hear of the make-up of the American delegation to the allied war council in Paris. I will not go into the details of who Col. House is. I will confine myself simply to stating how he is described in a newspaper. This article is entitled:

First Full Roster of Delegates to Allied Paris War Council—Col. E. M. House, Personal Representative of President Wilson.

Then the rest of the names are given, including such notable international statesmen as Oscar T. Crosby and Thomas Nelson Perkins. Then a list is given of the delegates from other nations.

Great Britain: David Lloyd-George, premier; Arthur James Balfour, secretary of foreign affairs; Sir Francis Bertie, ambassador to France; Sir Eric Campbell Geddes, first lord of the admiralty; Gen. Sir William Robertson, chief of the imperial staff at army headquarters; Admiral Sir John Jellicoe, chief of the naval staff; Sir Maurice Hankey, secretary to the committee on imperial defense.

France: Her foremost statesman, George Clemenceau, premier and minister of war; Stephen Pinchon, minister of foreign affairs; Louis Klotz, minister of finance; George Leygues, minister of marine; Etienne Clementel, minister of commerce; Louis Loucher, minister of munitions; Victor Boret, minister of provisions; M. Lebrun, minister of blockade and invaded region; Andre Tardieu, high commissioner to the United States; Jules Cambon, general secretary to the foreign office; M. de Margarie, director of the ministry of foreign affairs.

Italy sent her foremost statesman, Prof. Vittorio Orlando, premier and minister of interior; Baron Sonnino, foreign minister; Francesco S. Nitti, minister of the treasury; Count Bonin-Longare, ambassador; Signor Bianchi, minister of transports; Gen. Alfredo Dallolio, minister of munitions.

Japan: Viscount Chinda, ambassador to Great Britain.

Belgium: Baron Charles de Broqueville, foreign minister; Baron de Gaiffier d'Hestroy, minister to France; Gen. Rucquoy, chief of the general staff.

Serbia: Nikola P. Pachitch, premier and minister of foreign affairs; Dr. M. R. Vesnitch.

Roumania: V. Antonesco, minister; Gen. Iliesou, chief of the general staff.

Greece; Eliptherios Constantine Venizelos, premier and minister of war; Athos Romanos, minister to France; Alexandre Diomede, former minister of finance; M. Agyropoulos, governor of Macedonia; Col. Frantzis; M. Rottassis, naval attaché.

Portugal: Dr. Affonso Costa, premier and minister of finance; Augusto Soares, minister of foreign affairs.

Montenegro: Eugene Popovitch, premier and minister of foreign affairs.

Brazil: Antonio Clynthe de Magalhaes, minister at Paris.

Cuba: Gen. Carlos Garcin y Velez, minister at London.

Russia: Mathieu Sevastopoulo, councilor of the embassy at Paris; M. Maklakoff, ambassador to France (by special invitation and not officially, as he has not yet presented his letters).

Siam: M. Charoon, minister at Paris.

China does not appear in the list as given out officially.

All were represented by their prime ministers and America by Col. House, the personal representative of President Wilson.

Mr. President, it is strange doctrine that we have personal government in the United States, that Mr. Wilson is represented personally and not the American Nation or the American people. That certainly does put a most novel phase upon the diplomatic amenities and methods of the present war, which, I think, are most profitable for discussion. Under ordinary conditions, had it not been for the earnest desire of the foreign nations in their great agony to secure the help of this enormously rich and resourceful Nation, it is likely that they would have refused to admit Col. House and the distinguished statesmen I referred to, Oscar T. Crosby and his associates. They would hardly have sat down to confer with men who were not officially their peers. What must these foreign nations think with their trained statesmen when we conduct negotiations in

such a cheap manner through personal representatives of President Wilson? Wilson is not the American Government. This Senate is a part of the American Government. The House of Representatives is a part of the American Government. Mr. Wilson simply represents the executive branch of the American Government, and very frequently by no means the most important branch of it.

Mr. STONE. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. PENROSE. Certainly.

Mr. STONE. The Senator is seemingly very much disturbed by the fact that the President selected Col. House as the head of the mission appointed.

Mr. PENROSE. I complain about the violation of all the amenities of diplomacy in sending a Texas politician as the personal representative of President Wilson to a conference of high officials. He should have sent the Secretary of State. I would not expect him to send a Republican.

Mr. STONE. I understood the Senator's attitude; but if the President was called upon, as he was, to select a man who would go to this great meeting in Paris to lay before that meeting the view of this Government as the President understood it, who should select that man—the President or some one else? Of course, if the Senator from Pennsylvania had selected him it would have been some one else; but the President selected Col. House, and according to the reports in the papers that have been cabled over here, and from what we have heard since Col. House returned, his service was a valuable one and a capable one and an exceptional one.

Mr. PENROSE. The humblest consular officer has to be confirmed by the Senate. He goes forth to foreign lands representing the great American Republic. I have never heard in the history of America of a President of the United States sending a personal representative. I have heard of czars and kaisers and kings doing it, but we are supposed to be in a world-wide contest for democracy, and these are not good democratic methods.

Mr. STONE. But the Senator——

Mr. PENROSE. Will the Senator let me finish, and then I will let the Senator take all the time he wants?

The PRESIDING OFFICER. The Senator from Pennsylvania declines to yield.

Mr. PENROSE. I maintain that the Secretary of State should have been sent to that important conference. I maintain that Col. House, so far as I know, is under no obligation of office. He holds no office. He is some kind of a mysterious traveler, with his expenses paid from a contingent fund, and has no official relation to the American people, and it was a violation of every propriety to have him thus unofficially sent to this conference and was calculated to make us lose standing and character before the peoples of civilized Europe.

Mr. STONE. May I interrupt the Senator now?

Mr. PENROSE. I will yield for an inquiry, but not for any long statement.

Mr. STONE. Well, as far as the Senator will indulge me. He complains that Col. House was a personal representative of the President. I ask the Senator if he is not catching on some newspaper story——

Mr. PENROSE. Every paper in the United States discussed his status.

Mr. STONE. The Senator is giving newspaper representations or characterizations of Col. House as the personal representative of the President. I venture to say his commission did not read in that way. I venture to say it read just like that of Mr. Crosby and Gen. Bliss and Admiral Benson.

Mr. PENROSE. They were not at the head of the commission; they were side lights.

Mr. STONE. No; he was named as the head of the commission, I assume, but not as the personal representative of the President. However, it is common talk around that Col. House is the personal representative of the President.

Mr. PENROSE. Can the Senator inform me who he is and what he does represent?

Mr. STONE. Yes; I can tell you.

Mr. PENROSE. If the Senator knows him very well, I would like to have a little sidelight on the colonel. [Laughter on the floor and in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries must preserve order.

Mr. STONE. Col. House is a prosperous and successful——

The PRESIDING OFFICER. The Senator from Missouri will suspend for a moment. The occupants of the galleries must preserve order or the Sergeant at Arms will be instructed to remove visitors from the galleries.

Mr. LEWIS. Mr. President, I rise to request that the Presiding Officer shall inform the occupants of the galleries that the rule of the Senate is contrary to that of the House, that where the House allows displays we have no such rule in this body.

The PRESIDING OFFICER. I think the occupants of the galleries have been so advised.

The PENROSE. They have been advised for the last 130 years, Mr. President.

Mr. STONE. And without result.

Mr. PENROSE. Without effect, and they will be advised for another 130 years to the same effect.

The PRESIDING OFFICER. The Senator from Missouri is recognized for an interruption.

Mr. STONE. The Senator from Pennsylvania asked me to give him a little side light on Col. House. If I thought it necessary, I should indulge him with that performance, but I do not think it is necessary to say more than a word or two.

Col. House was a very successful business man in Texas, and it is to his credit to say that he wrought out a great career in the great State of Texas. He was a success as a business man. He accumulated sufficient of the world's goods to live in leisure if he desired to do so. He is a friend of the President. The President knows him. The President esteems him as a man of exceptional ability. He has sent him on various missions. They are intimate friends. The President thinks that here and there on important occasions he is the best man he can designate to perform an important public service.

Mr. PENROSE. Where did he get his military title?

Mr. STONE. I do not know.

Mr. PENROSE. I am curious to know. I want to get his full pedigree.

Mr. STONE. I do not know. In Missouri and elsewhere I meet so many men who are called colonel——

Mr. PENROSE. They are numerous in some of the Southern States.

Mr. STONE. They are very numerous.

Mr. LEWIS. If the Senator will allow me, if the Senator is serious in his inquiry and the information is at all important, the Senator may be advised that the title of "colonel" is that which was granted him by the governor of Texas, serving on the staff of the governor of Texas in the office of colonel. And, Mr. President, if the Senator will still allow, I beg to suggest at this time that that title as applied to many eminent gentlemen in every State of the Union is never used with disdain nor contempt when it has been obtained in that honorable manner.

Mr. PENROSE. I thank the Senator from Illinois for his interesting contribution to the discussion.

Mr. LEWIS. Let it be added, and also an informing contribution.

Mr. PENROSE. Yes, informing. I have no doubt if Col. House had an opportunity to display his military genius he would equal Napoleon or Cæsar, but doing a peculiar line of inquiry in Europe as the personal representative of the President and keeping under cover seems to be more in his line instead of going over the top. But I do not criticize the colonel's private life, his ancestral pedigree, or his business career. I object to the method of the transaction. I would not care who it is. I think the person sent by this great Republic in the hour of the agony of those nations to join in that conference should, at least, have been a man who had taken the oath of office to support the Constitution of the United States, and who had had some public career that inspired confidence on the part of the American public——

Mr. STONE. May I again——

Mr. PENROSE. And not a lobbyist from Texas, as I am informed the colonel was.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield?

Mr. LEWIS. That statement of the Senator, Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. PENROSE. I am always glad to yield to the Senator from Missouri.

Mr. STONE. The Senator thinks that there ought to have been appointed to the head of this mission some one who had at least taken an oath of allegiance to the United States?

Mr. PENROSE. Yes, sir.

Mr. STONE. Mr. Root was appointed at the head of another mission of equal importance, and he did not take any oath, and I did not hear any complaint of that, nor did any member of the commission accompanying him take any oath.

Mr. PENROSE. Mr. President, Mr. Root was appointed on a mission to Russia and went over there to investigate. Here is an official sent to meet 10 or 15 delegations from nations, all of whom were represented by their prime ministers and our great Republic by a Texas colonel who made a liberal contribution to the Wilson campaign committee. He may be a

very fine man, but we are under the observation of the civilized world to-day and are subject to a considerable amount of criticism, and I have no doubt of the secret contempt on the part of some foreign diplomats. When a cheap thing like this is done, I think it is a patriotic duty to call attention to it, so that our diplomacy shall not still retain the brand of the chautauqua lecturer or a Texas colonel.

Mr. President, I was the author of one of the resolutions last summer to which the Senator from Missouri has referred. The so-called public information bureau gave out ridiculous and bombastical accounts of some terrible battle in mid-ocean with a submarine which turned out to be largely a figment of the imagination of the head of the bureau, and at the request of nearly all the members of the press gallery of this Chamber I took my life in my hands and offered a resolution to ascertain the names of the employees of the Creel Public Information Bureau. That resolution still is on the calendar, and I can not get it up. It seems that the enemy might get valuable information if some of the high salaries paid in the Creel Publication Bureau should be disclosed, and whenever the resolution is reached on the calendar some Senator on the Democratic side gets up and objects. I fail to persuade myself that the list of the names and salaries of the high-class literary artists and dope distributors, as the Senator from Missouri would describe them, sent to the Senate would give any valuable information to the enemy, and I hope I will be discharged from the suspicion of treason by reason of having offered that humble little resolution.

The Senator has invited this discussion, and I could make myself very disagreeable if I wanted to. It is currently reported in the public prints that he made his speech contrary to the urgent request of many of his colleagues, and so far does that opinion prevail on his side that one of his Democratic associates actually charged me this afternoon with having instigated the Senator from Missouri to make the speech, as being in some kind of collusion with him, all of which I want emphatically to deny.

But the Senator took me to task for criticizing the character of men appointed as inspectors of explosives. That might seem like a minor matter, Mr. President, when we have just been discussing Paris conferences and international matters, yet often we can learn a lesson from a little thing.

The law requires the appointment of an inspector of explosives, one in each State of the Union, at a salary of $2,400 and expenses, to be confirmed by the Senate. It is a place of some importance else why was it created? It was not necessary to have Col. House confirmed, yet it seemed important to have the explosive inspectors confirmed, and their duties, as I ascertained from reading the law, seem very important in States where there are any explosives. Of course there are some States, like North Dakota, where there are no explosives in the State, but in Pennsylvania, which is a mass of explosives from the head of the Ohio to the Delaware, it looked like a proposition where the office was of some importance, particularly as it is not unusual to have an alien enemy engaged in the attempt to blow up some plant. One of the duties after an explosion is for the inspector to visit the works and ascertain the cause and travel around the State generally at the expense of the Government.

I have refrained from making any recommendations to the present administration, realizing that as a member of the Republican minority I have no status, but I did undertake a civil inquiry for information, not with any desire to get an inspector of explosives appointed, but merely to ascertain the situation so that I might be able to advise a very large number of manufacturers who kept writing to me as to what was going to be done. I called up the Bureau of Mines and asked them how these appointments were to be made, whether by a civil-service examination or from graduates of a technical college or from men experienced in the manufacture of these articles. I was told in cold-blood by some gentleman at the other end of the telephone, and I have two witnesses to the conversation who were there, my secretary was one of them, that these men were to be appointed in States where there were two Democratic Senators, upon the recommendation of those two Senators; in States where there was one Democrat and one Republican Senator, on the recommendation of the Democratic Senator; and in States where both Senators were Republicans, upon the recommendation of the chairman of the Democratic State committee. That does not seem exactly to chime in with the views of the Senator from Missouri about a nonpartisan war.

Still I did not make any objection to the information; I let it go at that; but my curiosity led me still further, and I hope I was not guilty of treason nor disloyal to the Wilson Government in being curious. I believe that ought to be the proper name to term it now, the Wilson Government, not the American. I had curiosity to find out who had been appointed, and I discovered in Pennsylvania that a gentleman who had been engaged in the honorable occupation of selling Hire's root beer at retail was the inspector of explosives, and admitted that he did not know a thing about it, but if there was any hard work connected with it he would not take it. The Senator from Arizona was extremely solicitous to have his inspector acted upon immediately, and I discovered from several hundred letters from the State of Arizona that he was a cigar maker. My colleague from Connecticut will bear me out, I expect, in the statement that the inspector of explosives in Connecticut, which is full of ammunition plants, is an ex-saloon keeper, showing that while temperance rules in Pennsylvania rum is not an objection in Connecticut. In Indiana the chairman of the Democratic Party appointed the superintendent of his farm as an explosives inspector.

Can the Senator from Missouri blame me for introducing politics into the war when I express my opinion about the scandalous character of appointments made to these important offices, 48 altogether, all Democrats, all cheap and small Democratic workers in their various villages and towns without one vestige of qualification, and not on the recommendation of the duly elected and accredited people in the legislative branch of the Government, all of us supporting the war patriotically and disinterestedly, but upon the recommendation of Democratic politicians in Republican States. The Senator has queer ideas about politics in the war if he can overlook things like that.

I intend later on, Mr. President, for I have had it in my mind for a long while to address the Senate on the mistakes and inefficiency in the conduct of war, but I have not wanted to do it before it was necessary. I shall do it at a comparatively early date. I can not do it this afternoon; the subject is too vast, but there is no question about it. Why disguise anything from the country? It is known to the enemy that the inefficiency has been deplorable. While 25,000 or more men were killed every day and $50,000,000 or $100,000,000 have been spent in shrapnel and the expenditure of other munitions of war, the Secretary of the Navy, it is well known, would take papers home every night for three months at a time, delaying the decision of questions with his pettifogging economies. While this enormous expenditure of life and money was going on, I venture the assertion, without fear of contradiction, that his ignorance of business conditions and infirmity of purpose led him thus to procrastinate about what could have been settled in three days by any half dozen business men in the United States, whether Democratic or Republican business men.

That is one of the causes of this unpreparedness, and why disguise it? I hope to show this situation in detail later on in the winter, with a view to correction.

The Secretary of the Navy has been educated at the expense of the Government for six years, at a cost of many hundred million dollars. It may be that the Navy is getting along a little better now than the War Department, but the inefficiencies in the Navy Department are equally notable. When conditions in the cantonments are shown to the Senate and House it will not be a commendation of efficiency of the War Department. I am told on good information, upon which I entirely rely, that the outbreak of pneumonia is wholly due to the inability of the volunteer surgeons here in Washington to persuade the Government officials to use the ordinary modern methods of preventing pneumonia.

Now, we have this final disastrous outbreak—this fuel order. Who is the fuel controller, Mr. President? A college president who never saw a coal mine, probably, in his life and knows no more about coal than when he sees it burn in the stove. His appointment was not calculated to inspire confidence among the business men of America, particularly the coal operators. Certainly technical knowledge is of some importance to the Government. Mr. Garfield may be an admirable scholar, conversant with the classics in Latin and Greek and ancient history, but he is decidedly short on his knowledge of coal. He makes an order overnight. Without taking the public into his confidence, without giving them any notice, without discussing the matter, contrary to the advice of the Senate, he addresses an order which is more radical and unsparing than any edict of the most despotic government in the world.

In the great State which I represent the greatest confusion and resentment prevail on every side, and men wonder to what deplorable depths of inefficiency the American Government has got and what effect this radical action will have when it is known in Germany and in other nations. Certainly criticism of this order is not going to give the enemy any more information than he has.

I am not going into the coal situation at this time, but, in my opinion, there has been no necessity at any period for a shortage of coal in the United States. Last summer the coal operators met here in Washington from some 33 States producing bitumi-

nous coal, and they met the Secretary of the Interior, Mr. Lane. After three days' conference Mr. Lane suggested a rate of $3 a ton. The operators agreed to it, and never in the history of the Government were a body of men addressed in terms of greater eulogy in commendation of their patriotism and of their liberal spirit than were these men by Mr. Lane.

But hardly was the ink dry on the agreement when Mr. Daniels and Mr. Baker came in and upset the whole arrangement. The situation was reduced to hopeless confusion. The operators went home disgusted and demoralized and hopeless; profiteering and high prices again prevailed on every side, and the situation seemed to be incapable of correction. Congress passed the control bill, and the Government fixed prices for coal which, in many of the States, reduced the maximum of production. Coal became scarcer and scarcer, because the price was such that it could not be produced. Later on, of course, the railroad system of the country became broken down completely, and the transportation complications followed.

Mr. President, I want to say here that I do not think, in the few months we have been in this war, we have ever reached the point where it was necessary to interrupt the ordinary normal currents of commerce, trade, and industry; but somehow or other we have become obsessed with fads, and everything we read of having occurred in some much smaller country abroad is copied and brought to the Capitol by some bureau clerk, and we pass it without question. I think the time has come when that should stop; and there will be no politics injected in the war when I, as I have no doubt others will, challenge any further such legislation.

We fought the Civil War, which certainly tore the Nation to the very vitals, without all these things, and we are in no such situation to-day We are not invaded; our people are not plunged into the agony and the peril of France and Belgium up to the present time. Perhaps in many respects the war has been of benefit in a strictly selfish financial way from the point of view of enormous orders from foreign Governments to our industrial establishments, and from the fact that we perhaps will get a merchant marine, a Navy, and a National Army, such as we never would have got if we had not had the prompting and the necessity of the war. When the Civil War began the North had no navy; but within one year we had flotillas covering the Atlantic seaboard, the Mississippi River, and the Great Lakes.

If we had resorted to all the complicated shipping boards and diverse authorities and complicated crossing of wires that exist to-day, making "confusion worse confounded," we would not have had that Navy at the end of a year. I believe we could have got along very well up to the present time by letting things proceed in the normal way; to have invited bids for steel products and coal and other commodities; to have awarded them at prices which would have kept up the maximum of production and which would have insured promptness of delivery; and then, if the profits had been too great, to have reached out with the strong arm of the taxgatherer and taken them back. When your house is on fire promptness of action and maximum of production in the way of water or anything necessary to put out the fire is what you want. A saving of a few hundred million dollars, if, forsooth, for the sake of argument, that amount were saved, would be no economy when it meant delay and reduction in maximum production while these enormous expenditures in treasure and in life were going on every day.

I certainly think that it is to the benefit of the American Government and a patriotic duty to call attention to these things. So far as I am concerned, I am making a careful study of them and getting ready to call attention to them very fully. If, later on, the exposure of some of these things will lead to their correction, I shall feel that the task has not been in vain, and if at a later period it means a change of administration I shall not, perhaps, shed a tear.

I am at a loss to know what the Senator from Missouri has had in his mind in inviting this discussion. It would seem to indicate that the Senate really has no important legislative business before it just now, owing to the condition of business in the other House, and that perhaps we might as well adjourn over until the end of the week.

Mr. LEWIS. Mr. President, I beg to impose upon the Senate but for a moment, that I may correct impressions that have been left by the Senator from Pennsylvania [Mr. PENROSE] in the speech he has just concluded.

Mr. President, I have no purpose to enter into anything that may be called a partisan discussion. There is no one on this floor more than myself who has sought to avoid anything that could be colored with the charge of partisan prejudice. As I shall not enter upon it, I shall not invite it; but if it is put upon us, I will not shrink meeting it with such humble capacity as I might offer to oppose it; or if, sir, it shall be injected into the form of unjust indictment, and what I must term partisan and malicious impeachment, unjustified by facts, I shall denounce it and to the extent of my capacity vanquish it. If I am unable to serve with success in that respect, I can at least expose to the public such facts as from which the public itself can at least learn the truth and be just—that to others it may do justice.

At first, Mr. President, I desire to invite the attention of the Senator from Pennsylvania to his professions of cooperation in the Government service and to ask him, while he boasts, with a literary satire envied by the less gifted of nonpartisanship in the discussion he presents upon the officials of the Government, and while he acclaims a desire to aid the Government in upholding its officials, to consider of the reflections he has cast upon the Government envoy, Col. E. M. House. Will the able Senator not recognize that nothing can so much frustrate the real object for which Col. House went abroad or make unprofitable the service he rendered as the criticism from a United States Senator—from an honorable Senator from so eminent a State as Pennsylvania—holding him up as a man unworthy of the respect of this body, unentitled to the confidence of his country, and unfitted in mental stature to the dignity which the President has given him? What is more calculated to destroy the very object which he went to serve, to take from it the dignity which the Senator claims it should possess, and wrest from it completely all results, than the attitude of the eminent Senator from Pennsylvania in his voluntary assault upon a man who is so situated that he can not speak for himself in this Chamber, and who, I dare say, has in no wise ever inflicted the slightest affront or even discourtesy upon the eminent Senator from Pennsylvania.

Mr. PENROSE rose.

Mr. LEWIS. The Senator rises assumably to interrupt me. I now yield to him.

Mr. PENROSE. The Senator from Illinois was not stating my position correctly as I have stated it. If he prefers, however, I shall wait until he has concluded. Otherwise I shall try to correct him in a few words.

Mr. LEWIS. I shall be pleased to have the Senator interject anything at this time which he thinks essential or that might correct me if I am in error. I will say to him it may be now that I have betrayed to him the way that his attitude really appears, and that if he did not intend to present it in that way, and will gather from my presentation the way his arraignment will address itself to the country; if he has a new construction of his conduct, let him impart it to the country. I do not need correction to understand him.

Mr. PENROSE. The Senator does not quite yet understand me. I want to say, Mr. President, that I can hardly think Col. House is such a delicate piece of bric-a-brac that he must be kept under a glass case, protected from the contamination of criticism. All strong characters thrive on criticism, and it is not going to jeopardize his standing in the circles in Europe because I have called attention to what I consider a diplomatic irregularity in sending over as the head of a mission to meet the prime ministers of every other country, not the representative of the American Government but Mr. Wilson's emissary, his personal representative, without his even being under an oath of office or holding any office that I know of except to have his traveling expenses paid out of some contingent fund. I said nothing against Col. House personally.

Mr. LEWIS. Mr. President, I can readily appreciate how the distinguished Senator must, upon second thought, realize that his attitude calls for defense, and out of a charity of friendship long existing between us, if it were in my power, I would erase from his record that which he has performed to-day, knowing that he will at some time confront it with an honest character quailing as before a guilty thing.

Mr. President, I invite the Senator to recall what he did say. If this man House had been before the Senate on confirmation for some position before he had entered upon his task, the Senator would have been justified in expressing rumor or gossip, but when Col. House had served the Nation abroad—had finished his mission—then, to have the eminent Senator refer to him as a "Texas lobbyist" and say that he has been given information that such was his character, stamps him before the world in that category ever reprehensible, indeed contemptible, before the mind of modern statesmanship. It addresses statesmen of an exalted altitude, and informs them, as from the Senator, that it was such an obnoxious character that the President of the United States chose as his personal representative in matters of gravest world concern.

Mr. President, I now demand of the Senator, sir, what proof has he to justify himself on his honor in this place to have

justified that impeachment against an honorable citizen and upon which he asserts that accusation against a public representative of this Government?

Mr. PENROSE. Mr. President, the Senator from Illinois takes the matter entirely too seriously. It seems to me I touched lightly on a few phases of Col. House, more with a view of endeavoring to discover his training in diplomacy through his life than for any other reason. I thought perhaps his service on the staff of the governor of Texas might have given him a diplomatic training, and hence those inquiries. It may be that contact with the Texas Legislature developed his powers of discernment and ability to influence other men for purposes of his own. It was more in a light vein that I touched on that. The main thought I had in mind must be obvious to every Senator, that when we send a man over to meet the prime ministers of other countries they should meet their peer officially, and he should be a man not representing Mr. Wilson or any other individual member of the American Government but the whole American Government.

Mr. LEWIS. Mr. President, I have listened to the Senator from Pennsylvania in his deliberate delivery with patience—partly with admiration for adroitness, some amusement at the ridiculous, and a great deal of regret upon his conclusion, but I have not heard him say that he could offer any evidence to justify the charge that Col. House, who had been commissioned by this Government, was a "Texas lobbyist." If the Senator meant that casually, and if it is the habit of the Senator to insinuate insults upon any gentleman merely because he might serve a Democratic administration, he should confess that slandering a man was to him but playfulness, he owes it to the man or he owes it to this body to withdraw the charge and apologize for uttering it. If the Senator does not withdraw it, then he stands still asserting it without proof, without information, without justification, and in contempt of the honor that he owes a gentleman.

Mr. PENROSE. Mr. President, the term "lobbyist" is not necessarily one of opprobium. In many of the States now they license lobbyists. Doubtless in Texas they recognize lobbying as a regular profession, like lawyers who come here to appear before committees; they are not exactly lobbyists, they are lawyers. I am not very familiar with the technical definition of the word "lobbyist," but I have been told frequently by a number of gentlemen in whom I have great confidence that Col. House had a mysterious, hypnotic influence over the Texas Legislature.

Mr. LEWIS. Mr. President, when the distinguished Senator from Pennsylvania, the Hon. BOIES PENROSE, makes the confession that he is not advised as to the meaning of the word "lobbyist," he indulges in more humor than has heretofore characterized what has generally been regarded a most humorous performance, to wit, a PENROSE speech on the floor of the Senate. [Laughter.] The eminent Senator can not hope to have me accept that modest confession. It is because I know that there is no man in public life who is so well informed as to the meaning of the word "lobbyist" and who understands better the opprobrium it conveys than the Senator that I draw him to account and ask him if he will not withdraw the impeachment, knowing, as he must know, from all forms of experience, personal and political, the criminal character that that word invariably gives to any man to whom it is appended? I now, therefore, say that the eminent Senator should not have made such accusation. When he now admits, by his silence, that he has no proof of it, and then tells the Senate that from common, current rumor somewhere, some place, or from some man, whose name he does not give, he was willing to make such a characterization, he but impresses us of how true is the sentiment expressed by the great bard:

> No might nor greatness in mortality
> Can censure 'scape; back-wounding calumny
> The whitest virtue strikes. What king so strong
> Can tie the gall up in the slanderous tongue?

Mr. President, the Senator asserts upon a statement which he said he read in the newspapers that this gentleman, Mr. House, was sent as a "personal representative" of the President. I do not know in what particular capacity Col. House was commissioned. I, sir, have not been advised as to the wording of the commission of the delegation which he headed. I take it, as the Senator from Missouri has said, that possibly they were all commissioned to the same extent of authority. But, Mr. President, it does appear that from time to time Col. House was designated to certain, I might say confidential, undertakings, and that before the matter to which the Senator from Pennsylvania now refers had arisen, this gentleman had gone abroad upon errands in behalf of the Government of important nature. This was at the behest of President Wilson.

Now, I say to the Senator from Pennsylvania—and I ask of him most considerate attention—when he announces to the world from this great place and from his splendid elevation that this act on the part of the President was without precedent and in violation of the rules of Government, so much so that he would impeach it as unworthy the credit of his country, I invite him to the history of his land, and I recite for his information a few appropriate details: First, when Abraham Lincoln, the President of the United States, a Republican, had occasion to confer and consult with a set of gentlemen coming from abroad, who emboldened themselves to enter into the affairs of this Government to suggest matters of peace, did he name a member of his Cabinet, did he name an official of the Government? On the contrary, he chose as his personal representative his personal friend, a distinguished lawyer of the American bar, who had up to that time never held official position or station in America. President Lincoln not only did this in that instance, but afterwards, when that distinguished President was called upon to deal with a foreign affair of great and vital concern to America, he chose another private individual, by the name of Judd, of the city of Chicago, whose only entrance into politics previous to that was as Lincoln's personal friend and sponsor. Subsequently that gentleman was made minister to Prussia, as the Senator may recall in history.

I now invite the Senator's attention to the fact that when Grover Cleveland called a man named Blount, from the State of Georgia, and gave him what was called "paramount" authority and sent him to Hawaii to adjust the concerns of that island, an assault was made upon the appointment upon the floor of the Senate upon the ground that no such power to so do was in the President. Then partisan prejudice charged that Cleveland had committed an offense to Government in not sending the name to the Senate for confirmation. A committee of the Senate investigated the subject. At the head of that committee was no less a person than the eminent dead statesman and eminent lawyer, Senator Hoar, of Massachusetts. To the Senate a report was made. That report is extant and accessible to the distinguished Senator. That report sets out the justification for the act of Mr. Cleveland, citing the act of Mr. Lincoln, and referring, I may say to the distinguished Senator, to 11 consecutive instances in the history of this Government where just such an agency had been availed of as that employed by President Wilson in the matter of Mr. House. The reason for this course is to allow the President of the United States to choose a person in whom he has such confidence and of whom he has such knowledge that he can convey to him in a confidential way difficulties and matters of public concern which it might not be wise, or at least profitable, to betray at the time to the public mind. When the eminent Senator from Pennsylvania seeks to leave the impression upon the European world, hearkening to his utterance, at this critical hour that we had done something which to the American public was without precedent—an insult to diplomacy, an affront to the history of our Government—I appeal to him that he study the history of the diplomacy of America, that he again recur to the pages of the records of legislation, and inform himself on these things before he feels emboldened to make indictments without evidence and without information.

Mr. President, so far as I am concerned, I am not defending Col. House, the man. He needs no defense as citizen and man. I have but a kindly acquaintance with the gentleman, in no wise a confidential relation. I am speaking of Col. House, the appointee of the President, that it may not be held up again by any one nor by the Senator from Pennsylvania—charged again that the President of the United States did that which historically was not justified or that he honored a gentleman who in himself was not wholly worthy.

Mr. PENROSE. Mr. President, will the Senator permit a further correction?

Mr. LEWIS. I yield to the Senator from Pennsylvania. I wish to do him no injustice, and, if it appears that I have misquoted him, I prefer a correction.

Mr. PENROSE. There is a great difference, Mr. President, between sending a commissioner to some island to perform a certain mission—although I share the opinion with others that in the case referred to the proceeding was irregular and should not be repeated often—and sending a man or a delegation headed by that man to meet 10 or 15 distinguished representatives of foreign governments. If, for instance, the French Parliament should send some of the employees of that body to meet the Committee on Foreign Relations of the Senate, they would doubtless exclaim that they were entitled to meet the members of the French Parliament who were on a similar committee. I do not say this in any way to the detriment of the employees of the legislative body; they are often more useful

than some of the actual legislators, but they are not legislators. I claim that the dignity of the American Government and the decency of diplomacy required that a duly constituted commission, not these other gentlemen, should have represented America.

Mr. LEWIS. Mr. President, of course each time the Senator makes explanation it is in the form of an apology for his previous utterances, which, apparently, he will not admit as an apology, but is willing to have the country understand that he wishes to withdraw his previous assertion by correcting it with a second. His apology in this respect I do not interfere with nor would I prevent, but this much I will have him understand, that the able Senator seems to misapprehend the mission of which Col. House was the head. It was a mission to aid in concentrating the different agencies having to do with the expenditures of the allied countries in Europe and those of the United States. I advise the learned Senator that Mr. House, having previously been abroad serving the Government, was the one man in all America who had the personal acquaintance of these eminent foreigners to whom the Senator has referred and whose names he has read. By these men Col. House had been received upon two separate occasions. He had been a guest at their homes; by these he had been received in official station. He knows them intimately; they knew the trend of his mind; they knew the course of his thought; they knew the habit of his silence; they knew the security of conversation with him; they knew more—that he carried with him the mark of approval of the President of the United States. What man more appropriate than one who had been so trained, as he had in previous undertakings, and so tried, and so personally known to them, could the President have named? It was because of these claims of superior fitness on the part of Col. House that he was named. What Senator now will impeach the selection?

Now as to Mr. Crosby. I do not know Mr. Crosby personally. I think he is a Virginian of very high standing. I understand he is a gentleman of learning; that he has been long an officer of the Army, has been stationed abroad. He is a linguist. He has held several offices abroad and at home, and at present in the Government is Assistant Secretary of the Treasury. Surely the eminent Senator will recognize that in that particular position he was most fit to make an expression as to expenditures of the Treasury, which was the object of that gathering.

But I shall not enter at this time, sir, upon any defense of the gentlemen who made up the commission. My only purpose was to give the able Senator to understand that he had fallen into a very grievous error in his wrongful misrepresentation of the President, as well as of his envoy, Mr. House.

Mr. President, I will not trespass upon the time of the Senate longer, except to say that the Senator from Pennsylvania promises the Senate that at a future early day he will enter generally upon an indictment as to all the matters which he feels are the shortcomings of the administration, particularly as to the conduct of the war. When that time arrives I take it there will be Senators on both sides of this Chamber who will see that justice is done to those to whom an injustice may be done, if such shall be, by the Senator from Pennsylvania. But, Mr. President——

Mr. PENROSE. Mr. President, will the Senator, as a part of that program, help me to get through a little resolution I have offered requesting the names of the gentlemen and lady employees of the Creel Literary Bureau?

Mr. LEWIS. Mr. President, I can understand from the Senator's——

Mr. PENROSE. Will the Senator help me get that resolution through?

Mr. LEWIS. I can understand from the Senator's general social habit that his desire to get the names of the lady members might be personal. [Laughter.]

Mr. PENROSE. If I were capable of exciting the admiration of the fair sex like the Senator from Illinois, I would be rejoiced; but the day would not be long enough nor would I be skillful enough or have the artistic temperament to adorn myself like the Senator from Illinois so as to attract the fair sex. [Laughter.]

The VICE PRESIDENT. The galleries must remember that there is a rule of the Senate to the effect that neither approval nor disapproval can be manifested in the galleries, and that it is the duty of the Chair to clear the galleries if it does not cease. That order will be enforced on repetition of any manifestation in the galleries.

Mr. LEWIS. Mr. President, amidst the uproarious acclaim of the Senator from Pennsylvania in the galleries—a source to which he usually appeals by his speech, and seldom to the reason or wisdom of the lower floor—I lost much of his animadversion; but I take it that the last part of his remark was that he could not compete with me touching progress toward the lady members of the Creel cabinet for lack of ability of self-adornment, or adornment of himself by himself, or something of the kind. Let the Senator understand that if it is a matter of adornment that is attractive, I, poor me, would have to apply that to myself. He can lay the unction to his soul that nature has been so generous to him as to give him those courtly proportions that need only present themselves to the sight of a lady to have her succumb to immediate surrender. [Laughter.]

The VICE PRESIDENT. The Sergeant at Arms will clear the galleries if the outbreak of laughter and applause is repeated. The Senator from Illinois will proceed.

Mr. LEWIS. Now, Mr. President, I come to the Senator's observation of some moments ago. I will say to him, touching his resolution, that I really am not on the committee that has charge of it. I do not know what committee has jurisdiction of his resolution. I would aid him in any way to get out any resolution or any undertaking that he felt was important.

Mr. PENROSE. It is on the calendar.

Mr. LEWIS. And I trust that any resolution he may have hereafter will be one to be exactly fair, made personally to himself, and just to mankind.

Mr. President, I heard the Senator from Massachusetts [Mr. LODGE], who preceded the Senator from Pennsylvania, advert to the claim—and the charge will go out to the country through the enterprise of the American press—that the President of the United States had made appointments of persons whom the Senator from Massachusetts designated as incompetents, and referred to them as lacking the character of any form of capacity, and as being distinctively partisan. I fear, Mr. President, the eminent Senator from Massachusetts did not recall the roll of appointees. It is most unfair to leave upon the country the impression that President Wilson has made partisan appointments connected with the control of the Army or the execution of the law. Surely, sir, the Senator from Massachusetts might recall with satisfaction to himself that the very first officer named that the President had the right to designate was Gen. Pershing, in supreme charge of the Army in France, an eminent Republican, who made very free his opposition to the policy of this administration on the Mexican question, where he had a right to do so. That immediately afterwards the President named Gen. Bliss, of whom it must be said, from his frank statement, aside from voting for Grover Cleveland, that there has been no exhibition that he was a Democrat in any way whatever. And in this connection, sir, it will not be overlooked that Gen. Goethals has received two different appointments—an eminent Republican, a distinguished soldier, who in no wise is a Democrat. When we sent the commission to Russia we put at the head of it ex-Senator Root, former Republican Secretary of State, former Republican Senator, a gentleman eminent in letters and in the law. We sent Col. John F. Stevens, the appointee of President Taft in connection with the Panama Canal Commission, and who also held his honors under President Roosevelt. These were not Democrats.

Mr. President, it will not be forgotten also that in naming Mr. Hoover at the head of the Food Commission the President appointed a man who was not a Democrat, who was not a member of the Democratic Party, and who can not be said to be such.

Dr. Garfield was a Republican. He is the head of the Fuel Administration. He ran for Congress, was his party's candidate, and was from time to time presented by that honorable party.

The eminent Senator surely, as to these gentlemen, can not turn upon us and say: "These eminent gentlemen represent the Democratic Party." They can not be said to be Democrats nor partisans, nor can it be said that the President named them as incompetents or "nomads of politics," as the eminent Senator from Massachusetts would have us understand.

Then, sir, on the financial board there is Mr. Julius Rosenwald, of Chicago, who was the head of the finance committee of Mr. Taft's campaign. With him, sir, is Mr. Shaw, of the Economy Commission, the chairman of the Taft business men's finance campaign. Then, sir, comes Mr. Davison, of Morgan & Co., of New York, a Republican; and Mr. Vanderlip, who was the treasurer and practically the head of the financial resources of the Republican campaign in three different campaigns, apart from being an officer of what I may term the Republican machinery of the State of New York. Surely those gentlemen can not be said to be Democratic appointees.

Mr. PENROSE. Mr. President, will the Senator permit an observation on that point for the purpose of elucidating his statement?

Mr. LEWIS. Certainly. I yield to the Senator.

Mr. PENROSE. Those gentlemen are the salvation of the situation. They are here as volunteers—what are known as dollar-a-year men. They are devoting their time, at the sacrifice

of their business, to the welfare of the country. If they were not here, and the officeholders alone were here, a very different story would be told.

Mr. LEWIS. Mr. President, as far as I am concerned, I would not detract from any glory of these gentlemen if I could. I am delighted that they enjoy it justly. I am pleased that my Government can obtain the benefit of their services, of whatever nature they may be. But I can not permit in one breath the Senator from Massachusetts to make the charge that we have named no man of consequence or fitness from among Republicans and that nothing has been shown but incompetency, while on the other hand the Senator from Pennsylvania takes credit to his party because of the creditable character of the men we have named to the public service who are Republicans. The inconsistency is too glaring.

Mr. PENROSE. Mr. President, if the Senator will permit a further observation——

Mr. LEWIS. I yield to the Senator.

Mr. PENROSE. What the Senator from Massachusetts meant, I take it, was that during this war the administration has appointed to office—using the word "office" in the technical sense—no one who was not a Democrat or a so-called Republican who voted for Wilson, and that the situation has been saved from utter breakdown and demoralization by these so-called volunteer boards, through which some of the greatest men in America have come here to try to help the administration out of the holes in which it found itself.

Mr. LEWIS. Mr. President, as an indication that he is in error, the Senator probably has overlooked the fact that the chairman of the campaign committee seeking to elect Judge Hughes, his candidate, for President, was lately named to a very responsible place on the railroad board with the direction of the President of the United States. I refer to Chairman Willcox.

Mr. President, the Senator would draw a distinction between men who draw salaries and men who are named to office for great responsibilities and receive no pay. Before the Senator departs, as I see him moving as to the door, may I——

Mr. PENROSE. I am going to stay here.

Mr. LEWIS. The Senator's back is attractive, but his face is sometimes alluring. [Laughter.] He was retreating face forward.

Mr. PENROSE. I did not hear the Senator.

Mr. LEWIS. I see the Senator went over to confer with his colleague. I do not wish to disturb the counsel the senior Senator from Pennsylvania expects to obtain from his colleague, the junior Senator from Pennsylvania [Mr. KNOX], knowing how capable the junior Senator from Pennsylvania is to impart to any man refuge from a severe situation.

Mr. PENROSE. I was conferring with the Senator from California [Mr. JOHNSON].

Mr. LEWIS. But I will ask the Senator from Pennsylvania, when he says that the positions to which he refers were not offices in the technical sense; that the statement of the eminent Senator from Massachusetts did not comprehend these voluntary appointments; but referred to an absence of offices that paid. Do I understand that the Senator's test of an office is that it shall pay?

Mr. PENROSE. My definition of an office, Mr. President, is that it is sanctioned by law, created by law, is accompanied by the taking of an oath of office, and that its great attraction is the emoluments to most people who aspire to it, particularly under a Democratic administration. I do not know whether Mr. Willcox gets any salary or not; but surely membership in a commission of arbitration composed of civilians, taking no oath of loyalty to the Government, having no office created by law, is not an office in the strict nature of the term, but it is part of the grand scheme of cooperation of every American patriot to help the Government.

Mr. LEWIS. Mr. President, the Senator says that his standard of an office is one that is recognized by law and pays emoluments. I should greatly regret to feel that a Republican measured his devotion at this time only by the emoluments he might get from the office. I deplore to confess that there have been some of that name, called Republicans, who have developed in these investigations to which the Senator refers as having been the only ones who obtained the emoluments at this time of war, confessing their willingness to fatten upon the misery of their country. But for myself I exempt that great body of Republicans, patriotic citizens who are here in service, in high office, from the charge that the emoluments of the office are the only inducement and the only inviting thing to them to occupy a place of honor—service in the Government. I must differ from the Senator, and point out that among these very eminent Republicans who are holding high office in this city and in the administration of this Government there is a denial of the partisanship charged by the eminent Senator from Massachusetts and the able Senator from Pennsylvania.

Now, sir, lest I take up too much time in a catalogue, one other word.

What do the Senator from Pennsylvania and the Senator from Massachusetts imply when they refer to what they say is the "inefficiency" and "incompetency" of the War Department? What does the Senator mean when he speaks of these Democratic appointees of the War Department? Surely the Senators will be just. Both Senators, I am sure, will be truthful. Every war official of the War Department, who appeared before the committee holding an office under the Army regulations was appointed by a Republican President. They were named by Republican administrations. They are officeholders by virtue of Republican commissions. They are serving in the very same form of action that was transmitted to us, the Democratic administration. Not one of them was ever named by President Wilson. There is not one but that was named by a Republican President, and not one, sir, but that is executing his duties according to the laws and customs we found here in process and in administration when we took control of this Government. Will the Senator deny that?

Mr. PENROSE. Mr. President, I will not only admit it, but I will state without fear of contradiction, and every gentleman knows it, that many of these military and naval officers are most bitter in their denunciation in private conversation of the inefficiency of the heads that Mr. Wilson has put over them.

Mr. LEWIS. Mr. President, the Senator gives us the information that in private conversation these officials of the War Department are bitter in their denunciation of the officials put over them.

Mr. PENROSE. The inefficiency of the officials put over them.

Mr. LEWIS. The inefficiency of the officials put over them. Mr. President, I would gather from that, then, that this is the kind of men who are holding these offices, who seek out the Republican Senator from Pennsylvania, a distinctive partisan, the leader of a partisan conflict, and pour out to him their ingratitude for being kept in office by President Wilson by condemning their superior officers instead of taking the course that their manly nature should adopt, and their military discipline should have suggested, of going to their superior officers, making known the deficiencies in order that they may be remedied. Then, all the more proof, sir, of what we endure in our desire to keep men in their position lest we be charged with removing them on the ground of partisanship, as has ever been the charge every time we had to make a change.

But, sir, I can not believe that all of them have done this thing. Those who have gone before the Military Affairs Committee and upon whose heads criticism has been so leveled, surely, sir, are men seeking to perform their duty; and if, sir, they are so circumscribed that they can not perform their duty it is because of the laws that have been passed. Those laws were passed by a Senate which was Republican and by a House which was Republican; and, while it may be that they should be remedied now—as I admit, sir, they should be—and, if found to be deficient, should be repealed, and, if inefficient, should be overthrown, what I wish to speak to the country upon is that it is an unfair thing, little less than slander, to have go out from the Senate the assertion that these men were partisan appointees of President Wilson. This statement on the part of the distinguished Senator is error, and such an error ought not to be inflicted at this time upon the country or upon the administration.

Mr. President, we want only what is just. We ask no favor. We not only ask no favor, but we ask no unusual consideration.

I have but one other observation to make. I regret that I am impelled to make it out of the necessities of the situation.

The eminent Senator from Massachusetts and the able Senator from Pennsylvania, following the charge that from time to time has echoed throughout this country, charge us with having no preparation. Mr. President, we were precipitated into this war unexpectedly and, God knows, against the prayers of all of those in control of this administration. When necessity forced it we were compelled to adopt it, and if, Mr. President, this Government found itself unprepared to defend, if anyone should be held responsible, whom should it be? For 16 long years, under the leadership of the eminent Senators who have just addressed this body, the great Republican Party was in power. It voted $3,000,000,000 of the American money to put the country in a state of preparation; and yet when this administration came into power, by the confessions of Republican Senators, the Government was not in a condition even to defend itself against an invasion of the American border by Mexican peons.

We Democrats have never before the American public, in any rostrum or any place of power, charged this upon the Republicans. We have withheld the fact. We have sought no partisan favor from it. But if now we are to be held up before the world as those who should suffer the penalty of this lack of preparation, let the Nation know the truth—that it was brought upon us by the administrations preceding us, which had expended this vast sum of money without results to the Nation—and without account for the expenditure—and leaving us weak and naked to the enemy, forcing us in the little while we had to gather ourselves together the best we might, hoping to veil from the world the indefensible position in which we had been left by these our honorable predecessors.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. LEWIS. I gladly yield to the courteous Senator from New Hampshire; yes.

Mr. GALLINGER. If I understood the Senator correctly, he said that the Republican Party had expended $3,000,000,000 for the War and Navy Establishments. Can the Senator tell how long a period that covered?

Mr. LEWIS. I said, Mr. President, that during the 16 years previous to the coming in of the present administration these billions of dollars were expended, and that when we came into power, notwithstanding the expenditure, we found ourselves confessedly, by the admission of the Republican leaders, without Army and without Navy.

Mr. GALLINGER. Yes; and did not the President on several occasions tell us that there was no danger of war?

Mr. LEWIS. Yes; the President of the United States from time to time—if the Senator means the Democratic President—sought to avoid war. He did all he could to avoid war, and told the Congress from time to time that in his judgment this Nation would be able to avoid war; and with that in his mind and in his heart, of course he would take no steps to burden this country with heavy military expenditures that were not apparently necessary. But the fact remains that when we are impeached on the floor by these eminent Senators for unpreparedness, the country must know that it should not be borne only by the present administration, which believed in peace, prayed against war, and did everything to avoid it, but it should likewise understand the condition of preceding administrations, which for 16 years, with all the facts in the world before them, had left us in the same state of unpreparedness. Shall the Senators forget that which now the country must know, that President Roosevelt submitted his message to this body in which he asked as to the Navy only ship for ship, and in his latest message, in 1906, with the heavy shadows of the difficulties of the Orient upon us, he was content with this program, knowing that the feeling of the country was against heavy armaments and expenditures? He, too, but yielded to the conviction of his Nation—opposed to war and opposed to preparation for any war. And then, sir, will it be forgotten that Secretary of War Root, under the administration of President Roosevelt, withdrew the Army from out of the Philippines, reduced and dismembered and disbanded it, lessening our fighting force, because of his honest belief that a military armament and military establishment ought not to be kept up in America beyond the real needs of the situation, and because the country was crying against it.

This was the honest conviction on the part of all America. It was an error. I had in many places opposed it. Yet, if it was an honest error under Republican administrations, what right have any gentlemen to say that under ours it is dishonest to have indulged the same hope of peace and friendship with nations which left us unprepared for war's conflict of arms?

Mr. GALLINGER. Mr. President——

Mr. LEWIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I will venture to ask the distinguished Senator from Illinois if it is not historically a fact that while the Republican Party was contending for a large increase of the Navy from year to year the Democratic Party in the other House particularly, and to some extent in the Senate of the United States, was combatting that idea and voting for a smaller number of ships than the Republican Party wanted? Roosevelt asked for four, and how many did he get?

Mr. LEWIS. Mr. President, I answer the Senator that at the time President Roosevelt asked for four and got two the House was Republican; it was a Republican House; the Committee on Naval Affairs was Republican; it had a Republican chairman. These gentlemen who failed to comply with that request were Republicans, and they failed to comply, not because they were Republicans but because, inheriting the sentiment of the communities which they represented, they sincerely believed that it was not necessary to put upon the country that expenditure at that time, when the very skies were clear of a cloud of threat or alarm.

Mr. GALLINGER. Mr. President, will my friend kindly inform me how many Democrats in the House of Representatives were in favor of more than two ships at that time? In other words, were they not a solid, compact body, opposed to the program, and needing only a few Republican votes to defeat it?

Mr. LEWIS. Mr. President, I am unable to reply to the able Senator from New Hampshire as to the exact number of Democrats on the committee of the House at that time who supported the Republican measure; but I do know, sir, that when the time comes when we shall be before the people in the coming elections, when the Republican minority, or a certain set of them, will be out indicting this administration, they will not be found saying that because Republicans voted for a measure therefore it is exempt from their criticism. They will say that the Government was in our hands; it was our Government; and we were responsible for its accomplishments, its achievements, its faults, and its failures. So, too, the eminent Senator from New Hampshire can not escape the clear conclusion that these failures of a Republican Congress, with a Republican Naval Committee, under a Republican President can not be charged to a mere minority of Democrats who might have agreed with the Republican majority.

Mr. CALDER. Mr. President, will the Senator yield?

Mr. LEWIS. I yield to the Senator from New York.

Mr. CALDER. Does not the Senator know that under the leadership of the Democratic Committee on Military Affairs of the House of Representatives in 1912 the military appropriation bill was put through the Congress with an actual reduction of five cavalry regiments, and that the Army would have been reduced to that extent but for the veto of President Taft?

Mr. LEWIS. Mr. President, it may be that in the House the Military Affairs Committee may have recommended and that the House may have passed a bill providing for the number to which the Senator alludes. I have no knowledge on the subject. I did not come into this body until 1913. But this much may be said, sir: If it did, it merely followed the direction given by the Republican Secretary of War, Secretary Root, and was merely carrying out the program of retrenchment, that for the purpose of saving expenditures on the part of the Government there was no necessity of a big Military Establishment, and because the very heart and spirit of our people seemed averse to it—they were merely obedient to public opinion.

Mr. JAMES. Mr. President——

Mr. LEWIS. I yield to the Senator from Kentucky.

Mr. JAMES. I should like to suggest to the Senator that it would be interesting to inquire how that bill got through a Republican Senate, so that it had to be vetoed by President Taft. The Senator says that a Democratic House passed it. The Republicans were in control of the Senate; so that it must have passed here before it got to the President, who was a Republican. The Senator might study that out.

Mr. CALDER. If the Senator makes the inquiry from me, I will say that while I was not a Member of this body then, either, as I recall the matter, the Republican conferees on that military bill were compelled to yield in order to pass the military bill.

Mr. JAMES. Yes; I have often noticed how the poor Republican conferees in the Senate are intimidated by the Democratic conferees in the House and forced to yield. That frequently occurs.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. LEWIS. Certainly.

Mr. GALLINGER. If the Senator will pardon me, they frequently yield upon the threat that unless they do yield no bill will be passed.

Mr. JAMES. They ought to send some people here that are not afraid, then, and put them on the Republican side.

Mr. LEWIS. Mr. President, of course to past history, before I was honored with a seat here, I can not refer; but I may be permitted to pause to express my sympathy for a nature so supine, so gentle, so weak, and so withering that it has been compelled to surrender to the mere suggestion that it was wrong and that a Democratic minority, or any other minority, could have so dragooned a majority, to surrender national defense—taking the statement of the Senator from New York, with their country in danger, if they so saw that the land needed defense; if they so saw it that they were yet willing to surrender it rather than to contest against a minority—I join with the Senator from Kentucky, and suggest that some little more strength of

character, some little more firmness of nature contributed to Republican legislators, would probably long since have remedied that unhappy end.

Mr. GALLINGER. Mr. President, I apprehend that the Senator from Illinois has not served on many conference committees of Congress, or he would know that during the closing days of the session no minority party or majority party will take the responsibility of defeating a measure that is absolutely demanded by the welfare of the country in the matter of a conference report, and that very frequently both the Democratic and Republican members of a conference committee have yielded their convictions for the sake of permitting a bill to pass that was essential to the welfare of the country. That is exactly what happened on that occasion.

Mr. LEWIS. Mr. President, I must say, having no knowledge of those matters, I could not offer my word against the Senator.

Mr. President, I rose to reply merely that I might set the record fairly and justly before the American people.

Mr. President, I ask for no judgment against the Republican Party. I ask, sir, that our failure of unpreparedness, wherever it did exist, should not be charged to them. I demand, sir, that it equally should not be charged to the Democratic Party. I ask that our distinguished colleagues here, as I appeal to the country, recognize that these conditions were the result of the sentiment of our Nation, filtering through their representatives, and expressed by them in their official course. Sir, subsequent events have made necessary a change in this course. We must admit that both parties, all people, failed to appreciate or prepare for the necessity. But it will not justify any one party to attempt to put upon the other the whole responsibility under a misrepresentation of truth.

Mr. President, I have concluded, in bringing to the attention of the Senate, as I assume to do, wherein it had done an injustice first, sir, to the President's representative, then to the President, and then to the Senate, then to the Democratic Party, and to the country. It is true, sir, and I delight to admit it, that as to legislation on the principal war measures there has been no dissension; there has been no political issue; there has been on both sides complete harmony to the patriotic object. I know it will continue. All will now reunite in the support of the President of the United States and in his noble undertaking to win this great war of liberty and justice. I assert to the country that we will have the cooperation of our noble opponents because of the patriotism they truly possess and readily extend. But at this particular time, when they were willing to give evidence to the country of holding up the officers who execute these powers as being wholly unworthy, how in heaven's name do they expect to invite the common citizen to cooperation and enthusiasm when they themselves from their high station impugn the officials as unworthy of the approval of the Senate or the confidence of the country? I beg them, sir, to reconsider the influence on the land of such a course, as it is true that they even joined with us and in every provision of national defense at the outset, when our Nation was first put in peril by murderous Prussia. So may they continue, all as one, and we all as a Nation's noble sons responding to the call of our mother, "To the breach, dear sons; not for self, but country; not for the political profit of the hour, but for the liberty of the Republic for all time." I thank the Senate.

Mr. NEW. Mr. President, the Senator from Missouri sought and obtained, as I understand it, permission to print in the RECORD certain tables which he did not read to the Senate. I have on my desk one of those tables as it has been given to the press, and which I therefore assume will appear in the newspapers of to-morrow as a part of the Senator's remarks.

In the course of this printed article I find reference to Indiana and to the State council of defense in that State. It is not my purpose, Mr. President, to detain the Senate by prolonging this discussion, but I can not forego the impulse to say a word or two concerning Indiana and the part that has been played there by a Republican State administration in carrying on this war in view of the reference made by the Senator from Missouri, which is clearly intended to show to its disadvantage.

Mr. President, it is true that a wisely discriminating and highly intelligent electorate returned a Republican State administration in Indiana in the election of 1916. It sent to this body two Republican Senators and it sent to the House of Representatives 9 of 13 Members of Congress, all of whom have at every stage voted for every single war measure that has been presented by this administration or in the name of the administration.

Upon the Republican governor of Indiana reflection is rather cast, as I take it, for the appointment of Will H. Hayes, chairman of the Republican State committee of Indiana, and the statement is made in this printed article that Mr. Hayes is carrying on his political activities through this committee.

Mr. President, I utterly deny that charge. It is entirely without foundation. Mr. Hayes was appointed chairman of the State council of national defense because of all the many good men the State contained who were competent and willing to assume the duties of that position he was clearly and confessedly the most capable, a fact which is attested first by a letter written and published publicly acknowledging it by Hon. Thomas Taggart.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Missouri?

Mr. NEW. I do.

Mr. STONE. The Senator from Indiana made a statement with reference to Mr. Hayes, from which it will appear in the RECORD that he utterly denied the charge. I will not undertake to repeat the statement in detail. The Senator does not deny the charge that Mr. Hayes at the time of his appointment was the chairman of the Republican State central committee.

Mr. NEW. No, sir; I do not. It is true, I am happy to say. No more do I deny the fact that Mr. Charles A. Greathouse, the chairman of the Democratic State central committee of Indiana, is at this moment a member of the national committee for vocational education by appointment of President Wilson. Of that the Senator has nothing to say, but he speaks of Mr. Hayes as having been nominated by the governor for the position he occupies.

Just a word, Mr. President, as to the character of that committee and its competency. Besides Mr. Hayes, we find the name of Hon. Thomas Taggart, late chairman of the Democratic national committee, for many years the chairman of the Democratic State committee, a very capable man, my personal friend, but certainly a very ardent Democrat. We find the names of Mr. Evans Woollen and Mr. Meredith Nicholson, who were the two electors from the State at large on the Democratic ticket in Indiana in 1916.

Mr. STONE. Will the Senator allow me?

Mr. NEW. Certainly.

Mr. STONE. What position did the Senator says that Mr. Thomas Taggart occupied?

Mr. NEW. On the State council of defense.

Mr. STONE. The State council?

Mr. NEW. Yes, sir; of which Mr. Will H. Hayes, referred to in this article, is chairman.

Mr. STONE. The Senator is right. I was looking at the wrong list.

Mr. NEW. These gentlemen were not referred to in the Senator's remarks.

Mr. STONE. The Senator is correct. As furnished to me, Mr. Thomas Taggart is named, but he was unable to serve because of ill health.

Mr. NEW. He is a member of the committee. So are Mr. Evans Woollen, as I have said, and Mr. Meredith Nicholson, who are the two Democratic electors on the ticket from that State. So is Mr. Frank C. Daily, who was appointed by President Wilson as district attorney for Indiana. So is Mr. George Harney, a member of the Democratic Editorial Association, who is also the publicity man, giving out all the news that emanates from that committee.

The statement is made here that there are 13 Republicans and 9 Democrats. That is the statement made by the Senator from Missouri. That is somewhat incorrect, because, as a matter of fact, the committee is made up of 10 Republicans and 9 Democrats appointed by the Republican governor.

Now, Mr. President, a word as to what that State council of national defense has aided in doing. Under the work of that council, and under the work of the Republican administration, Indiana has furnished by voluntary enlistment 16,581 soldiers for this war, independent of the Navy or the Marine Corps, its quota being 5,400. It looks as though there had been some effective work done by the State administration and by the council, and that the State may be looked upon as a fairly patriotic one.

It is true, Mr. President, that when the governor of Iowa was here a short time ago and went to the National Council for advice as to where to go for observation of the most competent and capable State council of defense, Mr. Winterbottom, one of its members and secretaries, directed him to go to Indiana, because he said that the council there is preeminently the best and in a class all by itself, and they went to Indiana to pattern by that State council of defense.

Mr. President, if politics has played any part in Indiana with reference to the war activities it has not been brought in by the

Republican Party. When it became the duty of the Republican governor to appoint a State fuel administrator, the man to whom he went was a Democrat, Mr. Evans Woollen, one of the gentlemen on this Council of National Defense. Mr. Woollen declined the offer. He then went to another, a very eminent Republican business man of the State and tendered it to him. This gentleman said that he would accept, but for five weeks the nomination of a fuel commissioner in Indiana was held up, notwithstanding the active demand for hasty and active operation of the coal mines. The confirmation was held up while the Democratic member of the national committee and the State Democratic chairman combed the State of Indiana to find a Democrat who would serve in that place rather than confirm that Republican. The Democrat was not found until finally the governor was again appealed to and the gentleman to whom he had originally offered it, Mr. Woollen, a Democrat and a most capable man and gentleman, was prevailed upon to take the place. But five weeks of time were lost there while an effort was made to find a Democrat who would fill the place. So it is not becoming of anyone to reflect upon Indiana or its council of defense for anything that it has or has not done during the progress of this war.

Mr. President, the Republicans of Indiana demand and will not be denied their right to participate actively in all the preparations for and the vigorous prosecution of this war.

Mr. KIRBY. Mr. President, I rise with some diffidence at this point in the discussion. I think some matters that have been charged here this afternoon should be answered. I think they ought to have been answered by the chairman of the Military Affairs Committee, or by some ranking member of that committee.

I do not believe the American people are interested at this time in the success of the Democratic Party or in a Republican success but in military success upon the field of battle. That is the question that ought to move the Senate here, it seems to me, and I believe that the discussion we have had to-day is not conducive to military success anywhere. On that account I do not approve of most of the things that have been said. I do not think it makes any difference about existing conditions whether the Republicans have been derelict heretofore or not. I do not believe that is an answer if one is needed. I do not believe it exists, the conditions charged by the Senator from Pennsylvania, and the testimony before our Military Affairs Committee has tended to show that it does not.

Senators speak of incompetence and inefficiency, charging it has characterized our war preparations. I am no apologist for incompetence and inefficiency anywhere in government under any conditions, but I say to you I have sat with the Committee on Military Affairs, I have listened to the investigation for four or five weeks, and in the examination and in carrying on and conducting that investigation I have not seen manifested this partisan spirit that has been said to exist. I have seen there pictures of the development of the war activities. It has been brought out before the committee, and I tell you to-day that I believe the condition of the Army is as good as it could have been made under the circumstances but for one or two things that have not been done that ought to have been done, and there is no use to alarm the country unduly about the existing conditions unless the facts justify it, and I do not believe they do, and the investigation has not shown that they do.

I mention one committee or board that has been active, acting as a voluntary board, if you please, and there was no other way that this service might be done under the law. This board, with the assistance of the Army officers, just to illustrate, they have contracted for and expended in the purchase of goods, supplies, ordnance, and munitions $800,000,000 in eight months. They have had 4,500 transactions. They have given out on an average 200 orders daily, requiring an expenditure of $4,000,000. They have sent 80,000 letters and communications and 10,000 telegrams. The result has been that every soldier is now in uniform, every soldier is properly clothed be he upon the field of battle in France or in cantonments in the United States. That is the condition that exists relative to the clothing of the soldiers, and all who have need of and who are expected to use rifles have rifles in their hands to-day. That part of the Army that has gone abroad is fully equipped, as I understand it, and as the testimony has shown before the investigation committee down here. Certain training equipment for the camps in this country has not yet been fully supplied, but it is being done rapidly, and as fast as the soldiers can be sent on to Europe they are fully equipped.

Under those conditions why should we have this other discussion? It seems to me that what we want to do is to win the war, and we can not do it by discussions that divide us and by a crimination and recrimination policy here and there. It may be that I am giving some gratuitious advice, but this is the way the thing appeals to me.

Mr. PENROSE. Will the Senator permit a suggestion at that point?

Mr. KIRBY. Yes, sir.

Mr. PENROSE. One of the leading lights in his own party in this Chamber invited this discussion.

Mr. KIRBY. I am not justifying any man's position here. I am merely stating what it appears to me ought to be done in the United States Senate and in Congress.

Mr. PENROSE. So far as this splendid equipment is concerned, it is a notorious fact that the allies in Europe have had to furnish a large amount of it.

Mr. KIRBY. That is true; we could not manufacture the equipment in time, and could purchase it from our allies, who could supply it. We purchased it with good American money that was put at the disposal of the Government, and we acquired the needed equipment that it was possible to acquire most speedily.

I have heard the testimony of those great men who have been successful in business affairs. I have heard their criticism, especially invited by different members of the Military Committee, as to the condition existing; how it might be improved; and I have heard some of these men state that the organization as it has now been developed could carry on the war successfully with the machinery and agencies we already have. What are the conditions that had to be met? We have expanded our Military Establishment from 50,000 to a million and a half men in eight months, and we have supplied and equipped them. Not only that, but great men who have been successful in business affairs have said this about the organization that has been built up, and they have said it under oath in the Military Affairs Committee: They stated also that twice as much had been accomplished with the agencies we used as could have been accomplished without them, and at one-half the cost to the Government that would otherwise have been required.

Mr. PENROSE. I should like to address an inquiry to the Senator, who is a member of that committee. How does he explain it that the chairman of the committee, the Senator from Oregon [Mr. CHAMBERLAIN], has felt compelled to introduce a bill providing for a board of three distinguished citizens, whatever that term may mean, and expressly excluding the Secretary of War and the Secretary of the Navy?

Mr. KIRBY. Mr. President, I do not propose to be responsible for any views that may be held by the chairman of the Military Affairs Committee. We have in that committee recommended the passage of a bill to create a director of munitions. All the men who are supposed to have made a survey of conditions, who have been in contact with the actual development of conditions in the War and Navy Departments as they are now constituted, have said the greatest objection that they have found to present conditions and to obtaining speedy action was in a case of this kind: The Navy, say, wants a certain sort of supplies, the Army must have a certain amount of the same kind of supplies, and there must be given to some of the other activities the same kind of supplies. Suppose our manufacturing capacity is short, for instance, suppose the country has a manufacturing capacity of duck of 3,000,000 yards a year; that that was the manufacturing capacity of the country, and we needed 89,000,000 yards under existing conditions, which has been supplied. The sources of supply in the manufacturing have to be developed. It was said, if the Navy goes out and competes in the market with these other agencies of the Army, shipping, and aircraft boards, you will have five buying agencies, and nobody to see which department is in the most urgent need and where the material should be first supplied. There is a lack of authority in the last resort in one center to determine which of the branches of our war machine shall have certain supplies and equipment when there is not enough for all. It was thought by the Secretary of War and by some others of the war council, since each member of the council had authority in his particular department, that by adjustment, by agreement, and by conference the council might supply the needed authority. Others said, "No; create a director of munitions, who can say which is the more urgent demand and where the supplies shall go."

I agree that that might be well, and I recommended, so far as I was concerned, that that sort of a position be created. I do not believe that any other cabinet is needed, nor that conditions as developed indicate that there should be another one. I do not know what has been done about recommending a new war cabinet. I understand the bill has been introduced, but it has not been brought before any meeting of the committee when I have been present for any approval by the members of the committee.

I have referred briefly to the conditions. I think we ought to devote our attention to the things that are before us right now, with a view to improving them, and I do not believe that some of the discussion here will ever tend to improve anything. I do not care to say anything else about it, but I did think that somebody ought to say this much, and I believe it ought to have come from some member of the Military Affairs Committee who was conversant with conditions as developed by the sworn testimony.

EXECUTIVE SESSION.

Mr. BANKHEAD. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were reopened.

ADJOURNMENT TO THURSDAY.

Mr. MARTIN. I move that when the Senate adjourns to-day it be to meet on Thursday next at 12 o'clock noon.

The motion was agreed to.

ADJOURNMENT.

Mr. KING. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until Thursday, January 24, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 21, 1918.

ASSISTANT TREASURER OF THE UNITED STATES.

Martin Vogel, of New York, N. Y., to be Assistant Treasurer of the United States at New York, N. Y. (Reappointment.)

COLLECTORS OF CUSTOMS.

Edmund Billings, of Boston, Mass., to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass. (Reappointment.)

William H. Berry, of Philadelphia, Pa., to be collector of customs for customs collection district No. 11, with headquarters at Philadelphia, Pa. (Reappointment.)

NAVAL OFFICERS OF CUSTOMS.

H. Otto Wittpenn, of Jersey City, N. J., to be naval officer of customs in customs collection district No. 10, with headquarters at New York, N. Y. (Reappointment.)

William M. Croll, of Philadelphia, Pa., to be naval officer of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa. (Reappointment.)

SURVEYOR OF CUSTOMS.

Joseph A. Maynard, of Boston, Mass., to be surveyor of customs in customs collection district No. 4, with headquarters at Boston, Mass. (Reappointment.)

Charles R. Kurtz, of Philadelphia, Pa., to be surveyor of customs in customs collection district No. 11, with headquarters at Philadelphia, Pa. (Reappointment.)

CONSULS.

CLASS 8.

Austin C. Brady, of Santa Fe, N. Mex., to be a consul of class 8 of the United States of America.

Parker W. Buhrman, of Gala, Va., to be a consul of class 8 of the United States of America.

Lloyd Burlingham, of Olean, N. Y., to be a consul of class 8 of the United States of America.

Leonard G. Dawson, of Staunton, Va., to be a consul of class 8 of the United States of America.

Shelby F. Strother, of Louisville, Ky., to be a consul of class 8 of the United States of America.

Harry L. Walsh, of Baltimore, Md., to be a consul of class 8 of the United States of America.

Romeyn Wormuth, of Syracuse, N. Y., to be a consul of class 8 of the United States of America.

PROMOTION IN THE COAST GUARD.

Third Lieut. of Engineers Paul Revere Smith to be second lieutenant of Engineers in the Coast Guard of the United States, to rank as such from March 27, 1917, in place of Second Lieut. of Engineers Albert F. Patterson, promoted.

RECEIVERS OF PUBLIC MONEYS.

Joseph Allen, of California, to be receiver of public moneys at Visalia, Cal., his present term expiring January 26, 1918. (Reappointment.)

Ashley G. Dawley, of Nevada, to be receiver of public moneys at Elko, Nev., his term having expired. (Reappointment.)

REGISTERS OF THE LAND OFFICE.

Frank T. Woods, of Billings, Mont., to be register of the land office at Billings, Mont., vice Fred H. Foster, deceased.

John E. Robbins, of Nevada, to be register of the land office at Elko, Nev., his term having expired. (Reappointment.)

MEDICAL CORPS.

To be first lieutenants.

First Lieut. Charles August Stammel, jr., Medical Reserve Corps, from January 2, 1918.

First Lieut. Albert Gordon Bower, Medical Reserve Corps, from January 3, 1918.

First Lieut. Arthur Russell Porter, jr., Medical Reserve Corps, from January 4, 1918.

First Lieut. Virgil Heath Cornell, Medical Reserve Corps, from January 5, 1918.

First Lieut. Everett Le Compte Cook, Medical Reserve Corps, from January 6, 1918.

First Lieut. Ralph Leslie Cudlipp, Medical Reserve Corps, from January 7, 1918.

First Lieut. James Brent Anderson, Medical Reserve Corps, from January 8, 1918.

First Lieut. George Perry Ross, Medical Reserve Corps, from January 9, 1918.

First Lieut. Ebner Holmes Inmon, Medical Reserve Corps, from January 10, 1918.

First Lieut. William Alger Shaw, Medical Reserve Corps, from January 11, 1918.

First Lieut. Theo. Wallace O'Brien, Medical Reserve Corps, from January 12, 1918.

DENTAL CORPS.

To be first lieutenants.

First Lieut. John Godfrey Urban, Dental Reserve Corps, from December 15, 1917.

Carl Stevenson Emmert, of Indiana, from December 16, 1917.

First Lieut. William Henry Siefert, Dental Reserve Corps, from December 17, 1917.

Samuel J. Lewis, of Michigan, from December 18, 1917.

First Lieut. James Henry O'Reilly, Dental Reserve Corps, from December 19, 1917.

Frederick Werner Miller, of Missouri, from December 20, 1917.

James Alfred Curtis, jr., of Georgia, from December 21, 1917.

First Lieut. James Jay Weeks, Dental Reserve Corps, from December 22, 1917.

John Nelson White, of Kentucky, from December 23, 1917.

First Lieut. Homer Lash Sams, Dental Reserve Corps, from December 24, 1917.

George Magnor Krough, of Minnesota, from December 25, 1917.

First Lieut. Wayne W. Woolley, Dental Reserve Corps, from December 26, 1917.

First Lieut. Edward Wallace Barr, Dental Reserve Corps, from December 27, 1917.

First Lieut. Fernando Emilio Rodriguez, Dental Reserve Corps, from December 28, 1917.

First Lieut. John Leigh Davis, Dental Reserve Corps, from December 29, 1917.

First Lieut. Joseph Henry Jaffer, Dental Reserve Corps, from December 30, 1917.

Adolph August Meyer, of California, from December 31, 1917.

First Lieut. Howard Clayton Feyler, Dental Reserve Corps, from January 1, 1918.

William Ferdinand Scheumann, of Indiana, from January 2, 1918.

First Lieut. Alonzo Gooch McCue, jr., Dental Reserve Corps, from January 3, 1918.

Campbell Hopson Glascock, of Missouri, from January 4, 1918.

First Lieut. Austin Freeman Roberts, Dental Reserve Corps, from January 5, 1918.

William Frederic Wieck, of Texas, from January 6, 1918.

Thomas Herbert Venle, of Massachusetts, from January 7, 1918.

First Lieut. Lawrence Joseph Dunn, Dental Reserve Corps, from January 8, 1918.

Carl Reuben Oman, of Washington, from January 9, 1918.

First Lieut. Leslie Albert Gould, Dental Reserve Corps, from January 10, 1918.

Harold Avery Curtis, of New York, from January 11, 1918.

PROVISIONAL APPOINTMENTS IN THE ARMY.

FIELD ARTILLERY ARM.

Second Lieut. Leon C. Swager, Field Artillery, Officers' Reserve Corps, to be second lieutenant of Field Artillery, with rank from October 26, 1917.

CAVALRY ARM.

Second Lieut. Ralston Dean Livingston, Infantry, National Guard, to be a second lieutenant from October 24, 1917, to fill an existing vacancy.

COAST ARTILLERY CORPS.

Band Sergt. Leon J. Walrath, Headquarters Company, One hundred and sixth Field Artillery, National Guard, to be second lieutenant in the Coast Artillery Corps, with rank from date of appointment.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

To be second lieutenants with rank from October 26, 1917.

Second Lieut. Leonard Over, Coast Artillery Corps.
Second Lieut. Carlton B. Rettig, Field Artillery.
Second Lieut. Samuel O. Taylor, Field Artillery.
Second Lieut. John S. McCloy, Infantry.
Second Lieut. Robert Driscoll, Field Artillery.
Second Lieut. George S. Warren, Infantry.

FIELD ARTILLERY ARM.

To be second lieutenants with rank from October 26, 1917.

Second Lieut. Edward Reese Roberts, Infantry.
Second Lieut. George Wesley Norrick, Coast Artillery Corps.
Second Lieut. Lynn Helm, jr., Infantry.
Second Lieut. Fred P. Clark, Cavalry.
Second Lieut. Frank Starr Pope, Cavalry.
Second Lieut. Alfred G. Ford, Cavalry.

COAST ARTILLERY CORPS.

To be second lieutenants with rank from October 26, 1917.

Second Lieut. Harry Lee Campbell, Field Artillery.
Second Lieut. Lawrence W. Fox, jr., Cavalry.

INFANTRY ARM.

To be second lieutenants with rank from October 26, 1917.

Second Lieut. Walter A. Stover, Cavalry.
Second Lieut. James R. Lowry, jr., Cavalry.

PROMOTION IN THE ARMY.

MEDICAL CORPS.

Maj. William H. Tefft, Medical Corps, to be lieutenant colonel from December 21, 1917, subject to examination required by law, vice Lieut. Col. Samuel M. De Loffre, retired from active service December 20, 1917.

TEMPORARY PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be colonels with rank from August 5, 1917.

Lieut. Col. Charles Keller, Corps of Engineers, vice Col. Edward Burr, appointed brigadier general in the National Army.

Lieut. Col. Spencer Cosby, Corps of Engineers, vice Col. Henry Jervey, appointed brigadier general in the National Army.

Lieut. Col. James F. McIndoe, Corps of Engineers, vice Col. William C. Langfitt, appointed brigadier general in the National Army.

Lieut. Col. Jay J. Morrow, Corps of Engineers, vice Col. Harry Taylor, appointed brigadier general in the National Army.

Lieut. Col. George P. Howell, Corps of Engineers, vice Col. Mason M. Patrick, appointed brigadier general in the National Army.

Lieut. Col. Frederick W. Altstaetter, Corps of Engineers, vice Col. Charles H. McKinstry, appointed brigadier general in the National Army.

Lieut. Col. Lewis H. Rand, Corps of Engineers, vice Col. William V. Judson, appointed brigadier general in the National Army.

Lieut. Col. Thomas H. Jackson, Corps of Engineers, vice Col. E. Eveleth Winslow, appointed brigadier general in the National Army.

Lieut. Col. Gustave R. Lukesh, Corps of Engineers, vice Col. Frederic V. Abbott, appointed brigadier general in the National Army.

To be lieutenant colonel with rank from July 9, 1917.

Maj. Lewis H. Rand, Corps of Engineers, vice Lieut Col. Edgar Jadwin, appointed colonel in the National Army.

To be lieutenant colonels with rank from July 13, 1917.

Maj. Edward M. Markham, Corps of Engineers, vice Lieut. Col. Herbert Deakyne, appointed colonel in the National Army.

Maj. Thomas H. Jackson, Corps of Engineers, vice Lieut. Col. William P. Wooten, appointed colonel in the National Army.

To be lieutenant colonel with rank from July 14, 1917.

Maj. George B. Pillsbury, Corps of Engineers, vice Lieut. Col. Harry Burgess, appointed colonel in the National Army.

To be lieutenant colonel with rank from July 18, 1917.

Maj. Gustave R. Lukesh, Corps of Engineers, vice Lieut. Col. James B. Cavanaugh, appointed colonel in the National Army.

To be lieutenant colonels with rank from August 5, 1917.

Maj. John R. Slattery, Corps of Engineers, vice Lieut. Col. William Kelly, appointed colonel in the National Army.

Maj. Albert E. Waldron, Corps of Engineers, vice Lieut. Col. Edward H. Schulz, appointed colonel in the National Army.

Maj. Francis A. Pope, Corps of Engineers, vice Lieut. Col. John C. Oakes, appointed colonel in the National Army.

Maj. Gilbert A. Youngberg, Corps of Engineers, vice Lieut. Col. Sherwood A. Cheney, appointed colonel in the National Army.

Maj. Edward N. Johnston, Corps of Engineers, vice Lieut Col. Frank C. Boggs, appointed colonel in the National Army.

Maj. Clarence O. Sherrill, Corps of Engineers, vice Lieut. Col. George B. Pillsbury, appointed colonel in the National Army.

Maj. Ernest D. Peek, Corps of Engineers, vice Lieut. Col. Lytle Brown, appointed colonel in the National Army.

Maj. George R. Spalding, Corps of Engineers, vice Lieut. Col. Harley B. Ferguson, appointed colonel in the National Army.

Maj. Elliott J. Dent, Corps of Engineers, vice Lieut. Col. James A. Woodruff, appointed colonel in the National Army.

Maj. William P. Stokey, Corps of Engineers, vice Lieut. Col. John R. Slattery, appointed colonel in the National Army.

Maj. Wildurr Willing, Corps of Engineers, vice Lieut. Col. Clarence O. Sherrill, appointed colonel in the National Army.

Maj. William A. Mitchell, Corps of Engineers, vice Lieut. Col. George R. Spalding, appointed colonel in the National Army.

Maj. Mark Brooke, Corps of Engineers, vice Lieut. Col. William J. Barden, appointed colonel in the National Army.

Maj. Laurence V. Frazier, Corps of Engineers, vice Lieut. Col. Edward M. Markham, appointed colonel in the National Army.

Maj. James F. Bell, Corps of Engineers, vice Lieut. Col. Francis A. Pope, appointed colonel in the National Army.

Maj. Harold C. Fiske, Corps of Engineers, vice Lieut. Col. Robert R. Raymond, appointed colonel in the National Army.

Maj. Max C. Tyler, Corps of Engineers, vice Lieut. Col. Earl I. Brown, appointed colonel in the National Army.

Maj. Ulysses S. Grant, 3d, Corps of Engineers (General Staff Corps), vice Lieut. Col. James P. Jervey, appointed colonel in the National Army.

Maj. Julian L. Schley, Corps of Engineers, vice Lieut. Col. Ulysses S. Grant, 3d, retained in the General Staff Corps.

Maj. William H. Rose, Corps of Engineers, vice Lieut. Col. Charles Keller, promoted.

Maj. Richard C. Moore, Corps of Engineers, vice Lieut. Col. Meriwether L. Walker, appointed colonel in the National Army.

Maj. Lewis M. Adams, Corps of Engineers, vice Lieut. Col. William B. Ladue, appointed colonel in the National Army.

Maj. Charles R. Pettis, Corps of Engineers, vice Lieut. Col. Clarke S. Smith, appointed colonel in the National Army.

Maj. William D'A. Anderson, Corps of Engineers, vice Lieut. Col. Spencer Cosby, promoted.

Maj. Ralph T. Ward, Corps of Engineers, vice Lieut. Col. William D. Connor, appointed colonel in the National Army.

Maj. Robert P. Howell, Corps of Engineers, vice Lieut. Col. George M. Hoffman, appointed colonel in the National Army.

Maj. Joseph H. Earle, Corps of Engineers, vice Lieut. Col. James F. McIndoe, promoted.

Maj. Thomas M. Robins, Corps of Engineers, vice Lieut. Col. Jay J. Morrow, promoted.

Maj. Roger D. Black, Corps of Engineers, vice Lieut. Col. George P. Howell, promoted.

Maj. Theodore H. Dillon, Corps of Engineers, vice Lieut. Col. Frederick W. Altstaetter, promoted.

Maj. De Witt C. Jones, Corps of Engineers, vice Lieut. Col. Lewis H. Rand, promoted.

Maj. Ernest Graves, Corps of Engineers, vice Lieut. Col. Ernest D. Peek, appointed colonel in the National Army.

Maj. Francis B. Wilby, Corps of Engineers, vice Lieut. Col. Elliott J. Dent, appointed colonel in the National Army.

Maj. Clarence S. Ridley, Corps of Engineers, vice Lieut. Col. Wildurr Willing, appointed colonel in the National Army.

Maj. Alvin B. Barber, Corps of Engineers, vice Lieut. Col. William A. Mitchell, appointed colonel in the National Army.

Maj. Jarvis J. Bain, Corps of Engineers, vice Lieut. Col. Edward N. Johnston, appointed colonel in the National Army.

Maj. Thomas H. Emerson, Corps of Engineers, vice Lieut. Col. Amos W. Fries, appointed colonel in the National Army.

Maj. Roger G. Powell, Corps of Engineers, vice Lieut. Col. Charles W. Kutz, appointed colonel in the National Army.

Maj. John N. Hodges, Corps of Engineers, vice Lieut. Col. Albert E. Waldron, appointed colonel in the National Army.

Maj. James J. Loving, Corps of Engineers, vice Lieut. Col. Thomas H. Jackson, promoted.

Maj. Edward D. Ardery, Corps of Engineers, vice Lieut. Col. Gustave R. Lukesh, promoted.

To be major with rank from July 9, 1917.

Capt. Clarence L. Sturdevant, Corps of Engineers, vice Maj. Lewis H. Rand, promoted.

To be majors with rank from July 13, 1917.

Capt. Earl J. Atkisson, Corps of Engineers, vice Maj. Edward M. Markham, promoted.

Capt. Richard T. Colner, Corps of Engineers, vice Maj. Thomas H. Jackson, promoted.

To be major with rank from July 14, 1917.

Capt. Robert S. A. Dougherty, Corps of Engineers, vice Maj. George B. Pillsbury, promoted.

To be major with rank from July 18, 1917.

Capt. Stuart C. Godfrey, Corps of Engineers, vice Maj. Gustave R. Lukesh, promoted.

To be majors with rank from August 5, 1917.

Capt. Francis C. Harrington, Corps of Engineers, vice Maj. John R. Slattery, promoted.

Capt. Cleveland C. Gee, Corps of Engineers, vice Maj. Elbert E. Waldron, promoted.

Capt. John M. Wright, Corps of Engineers, vice Maj. Francis A. Pope, promoted.

Capt. John R. D. Matheson, Corps of Engineers, vice Maj. Gilbert A. Youngberg, promoted.

Capt. William H. Sage, jr., Corps of Engineers, vice Maj. Edward N. Johnston, promoted.

Capt. Charles J. Taylor, Corps of Engineers, vice Maj. Clarence O. Sherrill, promoted.

Capt. Edwin H. Marks, Corps of Engineers, vice Maj. Michael J. McDonough, appointed colonel in the National Army.

Capt. Earl North, Corps of Engineers, vice Maj. Curtis W. Otwell, appointed colonel in the National Army.

Capt. Albert H. Acher, Corps of Engineers, vice Maj. Ernest D. Peek, promoted.

Capt. Gilbert Van B. Wilkes, Corps of Engineers, vice Maj. George R. Spalding, promoted.

Capt. John C. H. Lee, Corps of Engineers, vice Maj. Paul S. Bond, appointed colonel in the National Army.

Capt. Frank S. Besson, Corps of Engineers, vice Maj. Elliott J. Dent, promoted.

Capt. Lindsay C. Herkness, Corps of Engineers, vice Maj. William L. Guthrie, appointed colonel in the National Army.

Capt. Albert K. B. Lyman, Corps of Engineers, vice Maj. William P. Stokey, promoted.

Capt. Frederick S. Strong, jr., Corps of Engineers, vice Maj. Wildurr Willing, promoted.

Capt. Daniel D. Pullen, Corps of Engineers, vice Maj. William A. Mitchell, promoted.

Capt. Carey H. Brown, Corps of Engineers, vice Maj. Mark Brooke, promoted.

Capt. Oscar N. Solbert, Corps of Engineers, vice Maj. Laurence V. Frazier, promoted.

Capt. Beverly C. Dunn, Corps of Engineers, vice Maj. James F. Bell, promoted.

Capt. Donald H. Connolly, Corps of Engineers, vice Maj. Warren T. Hannum, appointed colonel in the National Army.

Capt. Raymond F. Fowler, Corps of Engineers, vice Maj. Robert R. Ralston, appointed colonel in the National Army.

Capt. David McCoach, jr., Corps of Engineers (General Staff Corps), vice Maj. Harold C. Fiske, promoted.

Capt. James G. B. Lampert, Corps of Engineers, vice Maj. David McCoach, jr., retained in the General Staff Corps.

Capt. Philip B. Fleming, Corps of Engineers, vice Maj. Max C. Tyler, promoted.

Capt. John W. Stewart, Corps of Engineers, vice Maj. Julian L. Schley, promoted.

Capt. Joseph C. Mehaffey, Corps of Engineers, vice Maj. William H. Rose, promoted.

Capt. Paul S. Reinecke, Corps of Engineers, vice Maj. Richard C. Moore, promoted.

Capt. Raymond A. Wheeler, Corps of Engineers, vice Maj. Lewis M. Adams, promoted.

Capt. W. Morris Chubb, Corps of Engineers, vice Maj. Charles R. Pettis, promoted.

Capt. Howard S. Bennion, Corps of Engineers, vice Maj. W. Goff Caples, appointed colonel in the National Army.

Capt. William C. Sherman, Corps of Engineers, vice Maj. William D'A. Anderson, promoted.

Capt. Rudolph C. Kuldell, Corps of Engineers, vice Maj. Ralph T. Ward, promoted.

Capt. Roscoe C. Crawford, Corps of Engineers, vice Maj. Henry C. Jewett, appointed colonel in the National Army.

Capt. Earl G. Paules, Corps of Engineers, vice Maj. Robert P. Howell, promoted.

Capt. Bradford G. Chynoweth, Corps of Engineers, vice Maj. Arthur R. Ehrnbeck, appointed lieutenant colonel in the National Army.

Capt. Milo P. Fox, Corps of Engineers, vice Maj. Joseph H. Earle, promoted.

Capt. John C. Gotwals, Corps of Engineers, vice Maj. Thomas M. Robins, promoted.

Capt. Francis K. Newcomer, Corps of Engineers, vice Maj. Roger D. Black, promoted.

Capt. Charles F. Williams, Corps of Engineers, vice Maj. Theodore H. Dillon, promoted.

Capt. Gordon R. Young, Corps of Engineers, vice Maj. De Witt C. Jones, promoted.

Capt. Richard U. Nicholas, Corps of Engineers, vice Maj. Ernest Graves, promoted.

Capt. James A. Dorst, Corps of Engineers, vice Maj. Francis B. Wilby, promoted.

Capt. Rufus W. Putnam, Corps of Engineers, vice Maj. Clarence S. Ridley, promoted.

Capt. Lunsford E. Oliver, Corps of Engineers, vice Maj. Alvin B. Barber, promoted.

Capt. William H. Holcombe, Corps of Engineers, vice Maj. Jarvis J. Bain, promoted.

Capt. James B. Cress, Corps of Engineers, vice Maj. Thomas H. Emerson, promoted.

Capt. Charles P. Gross, Corps of Engineers, vice Maj. Roger G. Powell, promoted.

Capt. Bernard A. Miller, Corps of Engineers, vice Maj. Robert S. Thomas, appointed lieutenant colonel in the National Army.

Capt. Peter C. Bullard, Corps of Engineers, vice Maj. Harold S. Hetrick, appointed lieutenant colonel in the National Army.

Capt. Brehon B. Somervell, Corps of Engineers, vice Maj. William A. Johnson, appointed lieutenant colonel in the National Army.

Capt. Xenophon H. Price, Corps of Engineers, vice Maj. Frederick B. Downing, appointed lieutenant colonel in the National Army.

Capt. Robert W. Crawford, Corps of Engineers, vice Maj. Edmund L. Daley, appointed lieutenant colonel in the National Army.

Capt. Frederick S. Skinner, Corps of Engineers, vice Maj. Henry A. Finch, appointed lieutenant colonel in the National Army.

Capt. Dabney O. Elliott, Corps of Engineers, vice Maj. John N. Hodges, promoted.

Capt. Allen P. Cowgill, Corps of Engineers, vice Maj. James J. Loving, promoted.

Capt. George F. Lewis, Corps of Engineers, vice Maj. Edward D. Ardery, promoted.

To be captains from August 30, 1917.

First Lieut. Edmond H. Levy, Corps of Engineers, vice Capt. George R. Goethals, promoted.

First Lieut. Thomas D. Stamps, Corps of Engineers, vice Capt. John W. N. Schulz, promoted.

First Lieut. Bartley M. Harloe, Corps of Engineers, vice Capt. Clarence L. Sturdevant, promoted.

First Lieut. Starr C. Wardrop, Corps of Engineers, vice Capt. Earl J. Atkisson, promoted.

First Lieut. Girard B. Troland, Corps of Engineers, vice Capt. Richard T. Colner, promoted.

First Lieut. Llewellyn M. Griffith, Corps of Engineers, vice Capt. Robert S. A. Dougherty, promoted.

COAST ARTILLERY CORPS.

To be colonels with rank from August 5, 1917.

Lieut. Col. Louis R. Burgess, Coast Artillery Corps, vice Col. Charles L. Phillips, appointed brigadier general, National Army.

Lieut. Col. James A. Shipton, Coast Artillery Corps, vice Col. Clint C. Hearn, appointed brigadier general, National Army.

Lieut. Col. William Chamberlaine, Coast Artillery Corps, vice Col. Ira A. Haynes, appointed brigadier general, National Army.

Lieut. Col. George H. McManus, Coast Artillery Corps, vice Col. William G. Haan, appointed brigadier general, National Army.

Lieut. Col. Edward J. Timberlake, Coast Artillery Corps (Quartermaster Corps), vice Col. Henry D. Todd, jr., appointed brigadier general, National Army.

Lieut. Col. James M. Williams, Coast Artillery Corps, vice Col. Edward J. Timberlake, retained in the Quartermaster Corps.

Lieut. Col. Alston Hamilton, Coast Artillery Corps, vice Col. Frank G. Mauldin, appointed brigadier general, National Army.

Lieut. Col. John C. Gilmore, jr., Coast Artillery Corps, vice Col. Andrew Hero, jr., appointed brigadier general, National Army.

Lieut. Col. Joseph L. Knowlton, Coast Artillery Corps (Quartermaster Corps), vice Col. Stephen M. Foote, appointed brigadier general, National Army.

Lieut. Col. Joseph Wheeler, jr., Coast Artillery Corps, vice Col. Joseph L. Knowlton, retained in the Quartermaster Corps.

Lieut. Col. Robert E. Callan, Coast Artillery Corps (General Staff), vice Col. Richard P. Davis, appointed brigadier general, National Army.

Lieut. Col. Edwin Landon, Coast Artillery Corps (Adjutant General's Department), vice Col. Robert E. Callan, retained in the General Staff.

Lieut. Col. Clarence H. McNeil, Coast Artillery Corps (Quartermaster Corps), vice Col. Edwin Landon, retained in the Adjutant General's Department.

Lieut. Col. Joseph P. Tracy, Coast Artillery Corps (Adjutant General's Department), vice Col. Clarence H. McNeil, retained in the Quartermaster Corps.

Lieut. Col. Percy M. Kessler, Coast Artillery Corps (Ammunition Train), vice Col. Joseph P. Tracy, retained in the Adjutant General's Department.

Lieut. Col. Johnson Hagood, Coast Artillery Corps, vice Col. John L. Hayden, appointed brigadier general, National Army.

Lieut. Col. George T. Patterson, Coast Artillery Corps, vice Col. William R. Smith, appointed brigadier general, National Army.

Lieut. Col. Frank K. Fergusson, Coast Artillery Corps, vice Col. Frank W. Coe, appointed brigadier general, National Army.

Lieut. Col. William E. Cole, Coast Artillery Corps (Adjutant General's Department), vice Col. James A. Shipton, appointed brigadier general, National Army.

Lieut. Col. Marcellus G. Spinks, Coast Artillery Corps (Inspector General's Department), vice Col. William E. Cole, retained in The Adjutant General's Department.

Lieut. Col. Jacob C. Johnson, Coast Artillery Corps (Inspector General's Department), vice Col. Marcellus G. Spinks, retained in the Inspector General's Department.

Lieut. Col. Robert E. Wyllie, Coast Artillery Corps (General's Staff), vice Col. Jacob C. Johnson, retained in the Inspector General's Department.

Lieut. Col. William Forse, Coast Artillery Corps (Adjutant General's Department), vice Col. Robert E. Wyllie, retained in the General Staff.

Lieut. Col. Malcolm Young, Coast Artillery Corps (National Army), vice Col. William Forse, retained in the Adjutant General's Department.

Lieut. Col. Laurence C. Brown, Coast Artillery Corps (Signal Corps), vice Col. Frank E. Harris, detailed in the Adjutant General's Department.

Lieut. Col. Harry L. Steele, Coast Artillery Corps (Quartermaster Corps), vice Col. Laurence C. Brown, retained in the Signal Corps.

Lieut. Col. Thomas F. Dwyer, Coast Artillery Corps (Quartermaster Corps), vice Col. Harry L. Steele, retained in the Quartermaster Corps.

Lieut. Col. James B. Mitchell, Coast Artillery Corps (Inspector General's Department), vice Col. Thomas F. Dwyer, retained in the Quartermaster Corps.

Lieut. Col. Alfred S. Morgan, Coast Artillery Corps (Adjutant General's Department), vice Col. James B. Mitchell, retained in the Inspector General's Department.

Lieut. Col. Charles H. Hilton, Coast Artillery Corps (General Staff), vice Col. Alfred S. Morgan, retained in the Adjutant General's Department.

Lieut. Col. Edward L. Glasgow, Coast Artillery Corps (Adjutant General's Department), vice Charles H. Hilton, retained in the General Staff.

Lieut. Col. Percy Willis, Coast Artillery Corps (Ammunition Train), vice Col. Edward L. Glasgow, retained in the Adjutant General's Department.

To be colonels with rank from December 29, 1917.

Lieut. Col. Joseph B. Douglas, Coast Artillery Corps (Signal Corps), vice Col. Percy Willis, retained in Ammunition Train.

Lieut. Col. John R. Procter, Coast Artillery Corps (Adjutant General's Department), vice Joseph B. Douglas, retained in the Signal Corps.

Lieut. Col. John B. Christian, Coast Artillery Corps (Signal Corps), vice Col. John R. Proctor, retained in the Adjutant General's Department.

Lieut. Col. Frederick W. Phisterer, Coast Artillery Corps, vice Col. John B. Christian, retained in the Signal Corps.

COAST ARTILLERY ARM.

To be lieutenant colonels with rank from August 5, 1917.

Maj. Malcolm Young, Coast Artillery Corps, vice Lieut. Col. Lawrence S. Miller, appointed colonel in the National Army.

Maj. Laurence C. Brown, Coast Artillery Corps (Signal Corps), vice Lieut. Col. Earle D'A. Pearce, appointed colonel in the National Army.

Maj. Harry L. Steele, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. Laurence C. Brown, retained in the Signal Corps.

Maj. Thomas F. Dwyer, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. Harry L. Steele, retained in the Quartermaster Corps.

Maj. James B. Mitchell, Coast Artillery Corps (Inspector General's Department), vice Lieut. Col. Thomas F. Dwyer, retained in the Quartermaster Corps.

Maj. Alfred S. Morgan, Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. James B. Mitchell, retained in the Inspector General's Department.

Maj. Charles H. Hilton, Coast Artillery Corps (General Staff Corps), vice Lieut. Col. Alfred S. Morgan, retained in The Adjutant General's Department.

Maj. Edward L. Glasgow, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. Charles H. Hilton, retained in the General Staff Corps.

Maj. Percy Willis, Coast Artillery Corps, vice Lieut. Col. Edward L. Glasgow, retained in the Quartermaster Corps.

Maj. William F. Stewart, jr., Coast Artillery Corps, vice Lieut. Col. Sam F. Bottoms, appointed colonel in the National Army.

Maj. Joseph B. Douglas, Coast Artillery Corps (Signal Corps), vice Lieut. Col. Edwin O. Sarratt, appointed colonel in the National Army.

Maj. Hudson T. Patten, Coast Artillery Corps, vice Lieut. Col. Joseph B. Douglas, retained in the Signal Corps.

Maj. Edward Kimmell, Coast Artillery Corps, vice Lieut. Col. Frederick E. Johnston, appointed colonel in the National Army.

Maj. John R. Procter, Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. Arthur S. Conklin, appointed colonel in the National Army.

Maj. John B. Christian, Coast Artillery Corps (Signal Corps), vice Lieut. Col. John R. Procter, retained in the Adjutant General's Department.

Maj. Frederick W. Phisterer, Coast Artillery Corps, vice Lieut. Col. John B. Christian, retained in the Signal Corps.

Maj. Robert H. C. Keiton, Coast Artillery Corps, vice Lieut. Col. James F. Brady, appointed colonel in the National Army.

Maj. Percy P. Bishop, Coast Artillery Corps (General Staff Corps), vice Lieut. Col. Thomas Q. Ashburn, appointed colonel in the National Army.

Maj. Henry J. Hatch, Coast Artillery Corps, vice Lieut. Col. Robert S. Abernethy, appointed colonel in the National Army.

Maj. William F. Hase, Coast Artillery Corps, vice Lieut. Col. Harold E. Cloke, appointed colonel in the National Army.

Maj. William R. Doores, Coast Artillery Corps, vice Lieut. Col. Philip R. Ward, appointed colonel in the National Army.

Maj. James F. Howell, Coast Artillery Corps, vice Lieut. Col. Samuel A. Kephart, promoted.

Maj. Jesse C. Nicholls, Coast Artillery Corps (Ordnance Department), vice Lieut. Col. William Forse, promoted.

Maj. Henry W. Schull, Coast Artillery Corps (Ordnance Department), vice Lieut. Col. Jesse C. Nicholls, retained in the Ordnance Department.

Maj. Clifton C. Carter, Coast Artillery Corps, vice Lieut. Col. Henry W. Schull, retained in the Ordnance Department.

Maj. Stanley D. Embick, Coast Artillery Corps (General Staff Corps), vice Lieut. Col. Louis R. Burgess, promoted.

Maj. William H. Monroe, Coast Artillery Corps (Ammunition Train), vice Lieut. Col. Stanley D. Embick, retained in the General Staff Corps.

Maj. Leonard T. Waldron, Coast Artillery Corps, vice Lieut. Col. William H. Monroe, retained in Ammunition Train.

Maj. Ernest A. Greenough, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. James A. Shipton, promoted.

Maj. Alexander Greig, jr., Coast Artillery Corps, vice Lieut. Col. Ernest A. Greenough, retained in the Quartermaster Corps.

Maj. James A. Ruggles, Coast Artillery Corps, vice Lieut. Col. William Chamberlaine, promoted.

Maj. Terence E. Murphy, Coast Artillery Corps, vice Lieut. Col. Gordon G. Heiner, appointed brigadier general in the National Army.

Maj. Harry W. Newton, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. George H. McManus, promoted.

Maj. Allen D. Raymond, Coast Artillery Corps, vice Lieut. Col. Harry W. Newton, retained in the Quartermaster Corps.

Maj. James R. Pourie, Coast Artillery Corps, vice Lieut. Col. James M. Williams, promoted.

Maj. John L. Hughes, Coast Artillery Corps, vice Lieut. Col. Alston Hamilton, promoted.

Maj. John W. C. Abbott, Coast Artillery Corps, vice Lieut. Col. John C. Gilmore, jr., promoted.

Maj. Harry T. Matthews, Coast Artillery Corps (Inspector General's Department), vice Lieut. Col. Mervyn C. Buckey, appointed colonel in the National Army.

Maj. Harry C. Barnes, Coast Artillery Corps, vice Lieut. Col. Harry T. Matthews, retained in the Inspector General's Department.

Maj. Stephen H. Mould, Coast Artillery Corps, vice Lieut. Col. Joseph Wheeler, jr., promoted.

Maj. Louis S. Chappelear, Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. Johnson Hagood, promoted.

Maj. Granville Sevier, Coast Artillery Corps, vice Lieut. Col. Louis S. Chappelear, retained in the Adjutant General's Department.

Maj. Robert F. Woods, Coast Artillery Corps, vice Lieut. Col. George T. Patterson, promoted.

Maj. Albert C. Thompson, Coast Artillery Corps, vice Lieut. Col. Percy M. Kessler, promoted.

Maj. Ellison L. Gilmer, Coast Artillery Corps, vice Lieut. Col. Frank K. Fergusson, promoted.

Maj. John McBride, jr., Coast Artillery Corps, vice Lieut. Col. Malcolm Young, promoted.

Maj. Richard K. Cravens, Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. Clifton C. Carter, appointed professor in the United States Military Academy.

Maj. George O. Hubbard, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. Richard K. Cravens, retained in the Adjutant General's Department.

Maj. James M. Wheeler, Coast Artillery Corps, vice Lieut. Col. George O. Hubbard, retained in the Quartermaster Corps.

Maj. Harrison S. Kerrick, Coast Artillery Corps, vice Lieut. Col. Stanley D. Embick, appointed colonel in the Signal Corps.

Maj. Frank J. Miller, Coast Artillery Corps, vice Lieut. Col. Marcellus G. Spinks, detailed in the Inspector General's Department.

Maj. Philip S. Golderman, Coast Artillery Corps, vice Lieut. Col. Percy Willis, promoted.

Maj. Charles L. Lanham, Coast Artillery Corps, vice Lieut. Col. Percy P. Bishop, detailed in the General Staff Corps.

Maj. George F. Connolly, Coast Artillery Corps, vice Lieut. Col. William E. Cole, appointed colonel in the National Army.

To be lieutenant colonels with rank from December 26, 1917.

Maj. John S. Johnston, Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. William F. Stewart, jr., appointed colonel in the National Army.

Maj. Joseph S. Hardin, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. John S. Johnston, retained in The Adjutant General's Department.

Maj. Louis E. Bennett, Coast Artillery Corps, vice Lieut. Col. Joseph S. Hardin, retained in the Quartermaster Corps.

To be lieutenant colonels with rank from December 29, 1917.

Maj. George L. Hicks, jr., Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. Frederick W. Phisterer, promoted.

Maj. Lynn S. Edwards, Coast Artillery Corps, vice Lieut. Col. George L. Hicks, jr., retained in The Adjutant General's Department.

FIELD ARTILLERY ARM.

To be colonels with rank from August 5, 1917.

Lieut. Col. John E. Stephens, Field Artillery (General Staff Corps), vice Col. William J. Snow, appointed brigadier general in the National Army.

Lieut. Col. Thomas E. Merrill, Field Artillery, vice Col. John E. Stephens, retained in the General Staff Corps.

Lieut. Col. Fox Conner, Field Artillery (Inspector General's Department), vice Col. LeRoy S. Lyon, appointed brigadier general in the National Army.

Lieut. Col. Henry W. Butner, Field Artillery, vice Col. Fox Conner, retained in the Inspector General's Department.

Lieut. Col. Henry L. Newbold, Field Artillery, vice Col. George G. Gatley, appointed brigadier general in the National Army.

Lieut. Col. Ernest D. Scott, Field Artillery, vice Col. Charles P. Summerall, appointed brigadier general in the National Army.

Lieut. Col. Lucius R. Holbrook, Field Artillery, vice Col. John E. McMahon, appointed brigadier general in the National Army.

Lieut. Col. Harrison Hall, Field Artillery, vice Col. Edward F. McGlachlin, jr., appointed brigadier general in the National Army.

Lieut. Col. Wright Smith, Field Artillery, vice Col. George Le R. Irwin, appointed brigadier general in the National Army.

Lieut. Col. Alfred A. Starbird, Field Artillery (Inspector General's Department), vice Col. Charles T. Menoher, appointed brigadier general in the National Army.

Lieut. Col. Charles R. Lloyd, Field Artillery, vice Col. Alfred A. Starbird, retained in the Inspector General's Department.

Lieut. Col. Oliver L. Spaulding, jr., Field Artillery, vice Col. William L. Kenly, appointed brigadier general in the National Army.

Lieut. Col. Conrad H. Lanza, Field Artillery, vice Col. William Lassiter, appointed brigadier general in the National Army.

Lieut. Col. Lewis S. Ryan, Field Artillery, vice Col. William S. McNair, appointed brigadier general in the National Army.

Lieut. Col. Howard L. Landers, Field Artillery, vice Col. Lucien G. Berry, appointed brigadier general in the National Army.

To be colonel with rank from January 2, 1918.

Lieut. Col. William H. Burt, Field Artillery, vice Col. Harrison Hall, detailed in ammunition train.

To be lieutenant colonels with rank from August 5, 1917.

Maj. Lewis S. Ryan, Field Artillery, vice Lieut. Col. Robert C. Foy, appointed colonel in the National Army.

Maj. Howard L. Landers, Field Artillery, vice Lieut. Col. Henry B. Farrar, appointed colonel in the National Army.

Maj. William H. Burt, Field Artillery, vice Lieut. Col. Charles M. Bundel, appointed colonel in the National Army.

Maj. Clarence N. Jones, Field Artillery, vice Lieut. Col. Charles D. Herron, appointed colonel in the National Army.

Maj. Frederick B. Hennessy, Field Artillery, vice Lieut. Col. William McK. Lambdin, appointed colonel in the National Army.

Maj. Laurin L. Lawson, Field Artillery, vice Lieut. Col. Frank E. Hopkins, appointed colonel in the National Army.

Maj. Morris E. Locke, Field Artillery (General Staff Corps), vice Lieut. Col. Fred T. Austin, appointed colonel in the National Army.

Maj. John W. Kilbreth, Field Artillery, vice Lieut. Col. Morris E. Locke, retained in the General Staff Corps.

Maj. James H. Bryson, Field Artillery, vice Lieut. Col. John E. Stephens, promoted.

Maj. Roger O. Mason, Field Artillery, vice Lieut. Col. Thomas E. Merrill, promoted.

Maj. William S. Browning, Field Artillery (General Staff Corps), vice Lieut. Col. Henry W. Butner, promoted.

Maj. Joseph F. Barnes, Field Artillery, vice Lieut. Col. Charles C. Pulis, appointed colonel in the National Army.

Maj. William P. Ennis, Field Artillery, vice Lieut. Col. George V. H. Moseley, appointed colonel in the National Army.

Maj. Dennis H. Currie, Field Artillery (General Staff Corps), vice Lieut. Col. Louis T. Boiseau, appointed colonel in the National Army.

Maj. Beverly F. Browne, Field Artillery, vice Lieut. Col. Henry L. Newbold, promoted.

Maj. Raymond S. Pratt, Field Artillery, vice Lieut. Col. Ernest D. Scott, promoted.

Maj. Alden F. Brewster, Field Artillery, vice Lieut. Col. Lucius R. Holbrook, promoted.

Maj. Norton E. Wood, Field Artillery, vice Lieut. Col. Harrison Hall, promoted.

Maj. Albert S. Euger, Field Artillery, vice Lieut. Col. Wright Smith, promoted.

Maj. William N. Michel, Field Artillery, vice Lieut. Col. Charles R. Lloyd, promoted.

Maj. Ernest S. Wheeler, Field Artillery, vice Lieut. Col. Oliver L. Spaulding, jr., promoted.

Maj. Lesley J. McNair, Field Artillery (General Staff Corps), vice Lieut. Col. Conrad H. Lanza, promoted.

Maj. Walter D. Smith, Field Artillery, vice Lieut. Col. Lesley J. McNair, retained in the General Staff Corps.

Maj. Creed F. Cox, Field Artillery, vice Lieut. Col. Lewis S. Ryan, promoted.

Maj. Leo P. Quinn, Field Artillery, vice Lieut. Col. Howard L. Landers, promoted.

Maj. Walter H. Smith, Field Artillery (Quartermaster Corps), vice Lieut. Col. William S. Browning, detailed in the General Staff Corps.

Maj. Albert T. Bishop, Field Artillery, vice Lieut. Col. Walter H. Smith, retained in the Quartermaster Corps.

Maj. Harold W. Huntley, Field Artillery, vice Lieut. Col. Dennis H. Currie, detailed in the General Staff Corps.

To be lieutenant colonel with rank from January 2, 1918.

Maj. Edwin De L. Smith, Field Artillery, vice Lieut. Col. William H. Burt, promoted.

To be majors with rank from August 5, 1917.

Capt. Charles J. Ferris, Field Artillery, vice Maj. Marion W. Howze, appointed lieutenant colonel, National Army.

Capt. Walter D. Smith, Field Artillery, vice Maj. Lewis S. Ryan, promoted.

Capt. Creed F. Cox, Field Artillery, vice Maj. Clarence Deems, jr., appointed colonel, National Army.

Capt. Leo P. Quinn, Field Artillery, vice Maj. Francis W. Griffin, appointed colonel, National Army.

Capt. Walter H. Smith, Field Artillery, vice Maj. Robert S. Welsh, appointed colonel, National Army.

Capt. John S. Hammond, Field Artillery, vice Maj. Howard L. Landers, promoted.

Capt. Albert T. Bishop, Field Artillery, vice Maj. William H. Burt, promoted.

Capt. Harold W. Huntley, Field Artillery, vice Maj. Clarence N. Jones, promoted.

Capt. Edwin De L. Smith, Field Artillery, vice Maj. Frederick B. Hennessy, promoted.

Capt. Ralph McT. Pennell, Field Artillery, vice Maj. George M. Brooke, appointed colonel, National Army.

Capt. Walter S. Sturgill, Field Artillery, vice Maj. Harry C. Williams, appointed colonel, National Army.

Capt. Sherman Miles, Field Artillery (General Staff), vice Maj. Edgar H. Yule, appointed colonel, National Army.

Capt. Cortlandt Parker, Field Artillery, vice Maj. Sherman Miles, retained in the General Staff Corps.

Capt. Richard C. Burleson, Field Artillery, vice Maj. George R. Greene, appointed colonel, National Army.

Capt. Joseph R. Davis, Field Artillery, vice Maj. Charles M. Bunker, appointed colonel, National Army.

Capt. John R. Starkey, Field Artillery, vice Maj. Laurin L. Lawson, promoted.

Capt. Rene E. De R. Hoyle, Field Artillery, vice Maj. William F. Jones, appointed lieutenant colonel, National Army.

Capt. Dawson Olmstead, Field Artillery, vice Maj. Charles G. Mortimer, appointed lieutenant colonel, National Army.

Capt. John C. Maul, Field Artillery, vice Maj. William I. Westervelt, appointed colonel, National Army.

Capt. Albert L. Hall, Field Artillery, vice Maj. John B. W. Corey, appointed lieutenant colonel, National Army.

Capt. George H. Paine, Field Artillery, vice Maj. Joseph E. Myers, appointed lieutenant colonel, National Army.

Capt. Leroy P. Collins, Field Artillery, vice Maj. William S. Wood, appointed lieutenant colonel, National Army.

Capt. Ballard Lyerly, Field Artillery, vice Maj. Samuel Frankenberger, appointed lieutenant colonel, National Army.

Capt. Robert H. Lewis, Field Artillery, vice Maj. Henry S. Kilbourne, jr., appointed lieutenant colonel, National Army.

Capt. Phillip W. Booker, Field Artillery, vice Maj. Charles J. Ferris, appointed lieutenant colonel, National Army.

Capt. Fred T. Cruse, Field Artillery (General Staff), vice Maj. George M. Apple, appointed colonel, National Army.

Capt. James P. Marley, Field Artillery (Inspector General's Department), vice Maj. Fred T. Cruse, retained in the General Staff Corps.

Capt. Waldo C. Potter, Field Artillery, vice Maj. John W. Kilbreth, promoted.

Capt. John W. Downer, Field Artillery, vice Maj. James H. Bryson, promoted.

Capt. Benj. M. Bailey, Field Artillery, vice Maj. Roger O. Mason, promoted.

Capt. William F. Sharp, Field Artillery, vice Maj. Ned B. Rehkopf, appointed lieutenant colonel, National Army.

Capt. Frank Thorp, jr., Field Artillery, vice Maj. William S. Browning, promoted.

Capt. E. R. Warner McCabe, Field Artillery, vice Maj. Joseph F. Barnes, promoted.

Capt. Donald C. McDonald, Field Artillery, vice Maj. James P. Robinson, appointed colonel, National Army.

Capt. John G. Tyndall, Field Artillery, vice Maj. William P. Ennis, promoted.

Capt. Otto L. Brunzell, Field Artillery, vice Maj. Dennis H. Currie, promoted.

Capt. Clifford L. Corbin, Field Artillery, vice Maj. Beverly F. Browne, promoted.

Capt. Pierre V. Kieffer, Field Artillery, vice Maj. Marlborough Churchill, appointed lieutenant colonel, National Army.

Capt. Charles T. Harris, jr., Field Artillery (Ordnance Department), vice Maj. Albert U. Faulkner, appointed colonel, National Army.

Capt. Maxwell Murray, Field Artillery, vice Maj. Charles T. Harris, jr., retained in the Odnance Depatment.

Capt. Alfed L. P. Sands, Field Artillery, vice Maj. Raymond S. Pratt, promoted.

Capt. Henry H. Pfeil, Field Artillery, vice Maj. Robert Davis, appointed lieutenant colonel, National Army.

Capt. Charles P. George, Field Artillery, vice Maj. Pelham D. Glassford, appointed lieutenant colonel, National Army.

Capt. Charles W. Harlow, Field Artillery, vice Maj. Alden F. Brewster, promoted.

Capt. William H. Rucker, Field Artillery, vice Maj. Norton E. Wood, promoted.

Capt. William H. Shepherd, Field Artillery, vice Maj. Albert S. Fuger, promoted.

Capt. Marshall G. Randol, Field Artillery, vice Maj. William F. Morrison, appointed lieutenant colonel, National Army.

Capt. John N. Greely, Field Artillery, vice Maj. John R. Kelly, appointed lieutenant colonel, National Army.

Capt. Webster A. Capron, Field Artillery, vice Maj. William N. Michel, promoted.

Capt. John E. Mort, Field Artillery, vice Maj. Ernest S. Wheeler, promoted.

Capt. James H. Burns, Field Artillery (Ordnance Department), vice Maj. Walter D. Smith, promoted.

Capt. Everett S. Hughes, Field Artillery (Ordnance Department), vice Maj. James H. Burns, retained in the Ordnance Department.

Capt. Thomas J. Smith, Field Artillery (Ordnance Department), vice Maj. Everett S. Hughes, retained in the Ordnance Department.

Capt. Roger S. Parrott, Field Artillery (General Staff), vice Maj. Thomas J. Smith, retained in the Ordnance Department.

Capt. Thurman H. Bane, Field Artillery (Signal Corps), vice Maj. Creed F. Cox, promoted.

Capt. Thomas D. Sloan, Field Artillery, vice Maj. Thurman H. Bane, retained in the Signal Corps.

Capt. Harold Geiger, Field Artillery (Signal Corps), vice Maj. Augustine McIntyre, appointed colonel, National Army.

Capt. Claude B. Thummell, Field Artillery (Ordnance Department), vice Maj. George R. Allin, appointed lieutenant colonel, National Army.

Capt. Edwin M. Watson, Field Artillery, vice Maj. Claude B. Thummell, retained in the Ordnance Department.

Capt. Harold E. Miner, Field Artillery, vice Maj. Thomas W. Hollyday, appointed lieutenant colonel, National Army.

Capt. Joseph A. Rogers, Field Artillery, vice Maj. Leo P. Quinn, promoted.

Capt. Charles T. Griffith, Field Artillery, vice Major John S. Hammond, appointed lieutenant colonel, National Army.

Capt. Ronald D. Johnson, Field Artillery, vice Maj. Harold Geiger, appointed major in the Signal Corps.

Capt. Jacob E. Devers, Field Artillery, vice Maj. Albert T. Bishop, promoted.

Capt. Lucien H. Taliaferro, Field Artillery, vice Maj. Harold W. Huntley, promoted.

To be major with rank from November 5, 1917.

Capt. Harold H. Bateman, Field Artillery, vice Maj. Ralph McT. Pennell, appointed lieutenant colonel, National Army.

To be majors with rank from November 13, 1917.

Capt. Frank A. Turner, Field Artillery, vice Maj. Dawson Olmstead, detailed in the Inspector General's Department.

Capt. George G. Seaman, Field Artillery, vice Maj. Roger S. Parrott, detailed in the General Staff.

To be majors with rank from December 5, 1917.

Capt. Franz A. Doniat, Field Artillery (General Staff), vice Maj. James P. Marley, detailed in the Inspector General's Department.

Capt. Carl A. Baehr, Field Artillery, vice Maj. Franz A. Doniat, retained in the General Staff.

To be major with rank from January 2, 1918.

Capt. Robert S. Donaldson, Field Artillery, vice Maj. Edwin De L. Smith, promoted.

CAVALRY ARM.

To be colonels with rank from August 5, 1917.

Lieut. Col. Frank M. Caldwell, Cavalry (Inspector General's Department), vice Col. Robert A. Brown, appointed brigadier general in the National Army.

Lieut. Col. James J. Hornbrook, Cavalry, vice Col. Frank M. Caldwell, retained in the Inspector General's Department.

Lieut. Col. William F. Clark, Cavalry (Quartermaster Corps), vice Col. Grote Hutcheson, appointed brigadier general in the National Army.

Lieut. Col. Samuel G. Jones, Cavalry, vice Col. William F. Clark, retained in the Quartermaster Corps.

Lieut. Col. Melvin W. Rowell, Cavalry, vice Col. Wilber E. Wilder, appointed brigadier general in the National Army.

Lieut. Col. Lawrence J. Fleming, Cavalry, vice Col. Lloyd M. Brett, appointed brigadier general in the National Army.

Lieut. Col. Oren B. Meyer, Cavalry, vice Col. James B. Erwin, appointed brigadier general in the National Army.

Lieut. Col. Charles J. Symmonds, Cavalry, vice Col. Joseph A. Gaston, appointed brigadier general in the National Army.

Lieut. Col. Alexander M. Miller, Cavalry, vice Col. John M. Jenkins, detailed in ammunition train.

Lieut. Col. Charles B. Drake, Cavalry (Quartermaster Corps), vice Col. Alexander L. Dade, appointed brigadier general in the Signal Corps.

Lieut. Col. Harry O. Williard, Cavalry, vice Col. Charles B. Drake, retained in the Quartermaster Corps.

Lieut. Col. John P. Wade, Cavalry (Adjutant General's Department), vice Col. William H. Hay, appointed brigadier general in the National Army.

Lieut. Col. Ola W. Bell, Cavalry (Adjutant General's Department), vice Col. John P. Wade, retained in The Adjutant General's Department.

Lieut. Col. Abraham G. Lott, Cavalry (Adjutant General's Department), vice Col. Ola W. Bell, retained in The Adjutant General's Department.

Lieut. Col. Samuel F. Dallam, Cavalry (Quartermaster Corps), vice Col. Abraham G. Lott, retained in The Adjutant General's Department.

Lieut. Col. William Kelly, jr., Cavalry (Adjutant General's Department), vice Col. Samuel F. Dallam, retained in the Quartermaster Corps.

Lieut. Col. Alfred E. Kennington, Cavalry, vice Col. William Kelly, Jr., retained in The Adjutant General's Department.

Lieut. Col. Edward P. Orton, Cavalry (Quartermaster Corps), vice Col. Jesse McI. Carter, appointed brigadier general in the National Army.

Lieut. Col. Robert B. Powers, Cavalry (Quartermaster Corps), vice Col. Edward P. Orton, retained in the Quartermaster Corps.

Lieut. Col. Francis H. Pope, Cavalry (Quartermaster Corps), vice Col. Robert B. Powers, retained in the Quartermaster Corps.

Lieut. Col. Herman A. Sievert, Cavalry (ammunition train), vice Col. Francis H. Pope, retained in the Quartermaster Corps.

Lieut. Col. Pierce A. Murphy, Cavalry (ammunition train), vice Col. Herman A. Sievert, retained in ammunition train.

Lieut. Col. Frederick T. Arnold, Cavalry, vice Col. Pierce A. Murphy, retained in ammunition train.

Lieut. Col. Charles W. Fenton, Cavalry, since deceased, vice Col. George H. Cameron, appointed brigadier general in the National Army.

Lieut. Col. Edward D. Anderson, Cavalry (General Staff Corps), vice Col. Willard A. Holbrook, appointed brigadier general in the National Army.

Lieut. Col. George P. White, Cavalry, vice Col. Edward D. Anderson, retained in the General Staff Corps.

Lieut. Col. Louis C. Scherer, Cavalry (Quartermaster Corps), vice Col. William D. Beach, appointed brigadier general in the National Army.

Lieut. Col. Robert J. Fleming, Cavalry, vice Col. Louis C. Scherer, retained in the Quartermaster Corps.

Lieut. Col. Edwin B. Winans, Cavalry, vice Col. Robert D. Walsh, appointed brigadier general in the National Army.

Lieut. Col. William T. Johnston, Cavalry (Adjutant General's Department), vice Col. Peter E. Traub, appointed brigadier general in the National Army.

Lieut. Col. Harold P. Howard, Cavalry (Quartermaster Corps), vice Col. William T. Johnston, retained in The Adjutant General's Department.

Lieut. Col. Elmer Lindsley, Cavalry (Quartermaster Corps), vice Col. Harold P. Howard, retained in the Quartermaster Corps.

Lieut. Col. William J. Glasgow, Cavalry, vice Col. Elmer Lindsley, retained in the Quartermaster Corps.

Lieut. Col. Frank S. Armstrong, Cavalry, vice Col. Guy Carleton, appointed brigadier general in the National Army.

Lieut. Col. James G. Harbord, Cavalry, vice Col. Thomas B. Dugan, appointed brigadier general in the National Army.

Lieut. Col. Samuel D. Rockenbach, Cavalry (Quartermaster Corps), vice Col. James G. Harbord, appointed brigadier general in the National Army.

Lieut. Col. Kirby Walker, Cavalry, vice Col. Samuel D. Rockenbach, retained in the Quartermaster Corps.

To be lieutenant colonels with rank from August 5, 1917.

Maj. Alexander M. Miller, Cavalry, vice Lieut. Col. John O'Shea, appointed in the National Army.

Maj. Charles B. Drake (Quartermaster Corps), vice Lieut. Col. Frank Tompkins, appointed in the National Army.

Maj. Harry O. Williard, Cavalry, vice Lieut. Col. Charles B. Drake, retained in the Quartermaster Corps.

Maj. John P. Wade, Cavalry (Adjutant General's Department), vice Lieut. Col. Robert C. Williams, appointed in the National Army.

Maj. Ola W. Bell, Cavalry (Adjutant General's Department), vice Lieut. Col. James H. Reeves, appointed in the National Army.

Maj. Abraham G. Lott, Cavalry (Adjutant General's Department), vice Lieut. Col. Claude B. Sweezey, appointed in the National Army.

Maj. Samuel F. Dallam, Cavalry (Quartermaster Corps), vice Lieut. Col. Julian R. Lindsey, appointed in the National Army.

Maj. William Kelly, jr., Cavalry (Adjutant General's Department), vice Lieut. Col. Samuel F. Dallam, retained in the Quartermaster Corps.

Maj. Henry C. Whitehead, Cavalry (Signal Corps), vice Lieut. Col. Samuel B. Arnold, appointed in the National Army.

Maj. William D. Chitty, Cavalry (Signal Corps), vice Lieut. Col. Joseph E. Cusack, appointed in the National Army.

Maj. Alfred E. Kennington, Cavalry, vice Lieut. Col. Herbert B. Crosby, appointed in the National Army.

Maj. Edward P. Orton, Cavalry (Quartermaster Corps), vice Lieut. Col. Harry H. Pattison, appointed in the National Army.

Maj. Robert B. Powers, Cavalry (Quartermaster Corps), vice Lieut. Col. Edward P. Orton, retained in the Quartermaster Corps.

Maj. Francis H. Pope, Cavalry (Quartermaster Corps), vice Lieut. Col. Robert B. Powers, retained in the Quartermaster Corps.

Maj. Herman H. Sievert, Cavalry (ammunition train), vice Lieut. Col. Francis H. Pope, retained in the Quartermaster Corps.

Maj. George E. Mitchell, Cavalry (Signal Corps), vice Lieut. Col. George F. Hamilton, appointed in the National Army.

Maj. Pierce A. Murphy, Cavalry (ammunition train), vice Lieut. Col. George E. Mitchell, retained in the Signal Corps.

Maj. Frederick T. Arnold, Cavalry, vice Lieut. Col. John W. Craig, appointed in the National Army.

Maj. James N. Munro, Cavalry (Quartermaster Corps), vice Lieut. Col. Casper H. Conrad, jr., appointed in the National Army.

Maj. William S. Valentine, Cavalry (Quartermaster Corps), vice Lieut. Col. James N. Munro, retained in the Quartermaster Corps.

Maj. Henry C. Smither, Cavalry (Signal Corps), vice Lieut. Col. William S. Valentine, retained in the Quartermaster Corps.

Maj. Roy B. Harper, Cavalry (Adjutant General's Department), vice Lieut. Col. Nathan K. Averill, appointed in the National Army.

Maj. Thomas A. Roberts, Cavalry, vice Lieut. Col. Harry LaT. Cavenaugh, appointed in the National Army.

Maj. Edgar A. Sirmyer, Cavalry, vice Lieut. Col. Walter C. Short, appointed in the National Army.

Maj. Frank R. McCoy, Cavalry, vice Lieut. Col. Sterling P. Adams, appointed colonel in the National Army.

Maj. Clarence R. Day, Cavalry (Signal Corps), vice Lieut. Col. Edmund R. Leary, appointed colonel in the National Army.

Maj. Willard H. McCornack, Cavalry (Signal Corps), vice Lieut. Col. Cornelius C. Smith, appointed colonel in the National Army.

Maj. Guy V. Henry, Cavalry, vice Lieut. Col. Hugh D. Berkeley, appointed colonel in the National Army.

Maj. Wallace B. Scales, Cavalry, vice Lieut. Col. Andrew E. Williams, appointed colonel in the National Army.

Maj. Conrad S. Babcock, Cavalry, vice Lieut. Col. Benjamin B. Hyer, appointed colonel in the National Army.

Maj. Charles C. Farmer, jr., Cavalry, vice Lieut. Col. William H. Paine, appointed colonel in the National Army.

Maj. Grayson V. Heidt, Cavalry (Quartermaster Corps), vice Lieut. Col. Abraham G. Lott, detailed in The Adjutant General's Department.

Maj. Albert N. McClure, Cavalry, vice Lieut. Col. Grayson Heidt, retained in the Quartermaster Corps.

Maj. Holland Rubottom, Cavalry (Signal Corps), vice Lieut. Col. Mathew C. Smith, appointed colonel in the National Army.

Maj. Aubrey Lippincott, Cavalry (Signal Corps), vice Lieut. Col. Frank Parker, appointed colonel in the National Army.

Maj. Henry W. Parker, Cavalry, vice Lieut. Col. Aubrey Lippincott, retained in the Signal Corps.

Maj. William H. Winters, Cavalry (Quartermaster Corps), vice Lieut. Col. James J. Hornbrook, promoted.

Maj. Douglas McCaskey, Cavalry (General Staff Corps), vice Lieut. Col. William H. Winters, retained in the Quartermaster Corps.

Maj. Samuel B. Pearson, Cavalry (Quartermaster Corps), vice Lieut. Col. George W. Kirkpatrick, appointed colonel in the National Army.

Maj. Freeborn P. Holcomb, Cavalry (Quartermaster Corps), vice Lieut. Col. Samuel B. Pearson, retained in the Quartermaster Corps.

Maj. Albert A. King, Cavalry, vice Lieut. Col. Freeborn P. Holcomb, retained in the Quartermaster Corps.

Maj. Daniel Van Voorhis, Cavalry (General Staff Corps), vice Lieut. Col. Samuel G. Jones, promoted.

Maj. Julien E. Gaujot, Cavalry, vice Lieut. Col. Julius T. Conrad, appointed colonel in the National Army.

Maj. Delphey T. E. Casteel, Cavalry, vice Lieut. Col. Howard R. Hickok, appointed colonel in the National Army.

Maj. Joseph R. McAndrews, Cavalry (General Staff), vice Lieut. Col. Lincoln C. Andrews, appointed colonel in the National Army.

Maj. George E. Lovell, Cavalry, vice Lieut. Col. Melvin W. Rowell, promoted.

Maj. Frank L. Case, Cavalry (Quartermaster Corps), vice Lieut. Col. Laurence J. Fleming, promoted.

Maj. John H. Lewis, Cavalry, vice Lieut. Col. Frank L. Case, retained in the Quartermaster Corps.

Maj. Harry N. Cootes, Cavalry (General Staff Corps), vice Lieut. Col. Oren B. Meyer, promoted.

Maj. Charles W. Van Way, Cavalry (Signal Corps), vice Lieut. Col. Harry N. Cootes, retained in the General Staff Corps.

Maj. Wilson G. Heaton, Cavalry, vice Lieut. Col. Charles J. Symmonds, promoted.

Maj. Edward Davis, Cavalry, vice Lieut. Col. Charles W. Fenton, promoted.

Maj. James M. Burroughs, Cavalry (Quartermaster Corps), vice Lieut. Col. George P. White, promoted.

Maj. Dorsey Cullen, Cavalry, vice Lieut. Col. James M. Burroughs, retained in the Quartermaster Corps.

Maj. Charles H. Boice, Cavalry, vice Lieut. Col. Robert J. Fleming, promoted.

Maj. Daniel H. Glenty, Cavalry (Quartermaster Corps), vice Lieut. Col. Edwin B. Winans, promoted.

Maj. William J. Kendrick, Cavalry (Signal Corps), vice Lieut. Col. Daniel H. Glenty, retained in the Quartermaster Corps.

Maj. George T. Bowman, Cavalry (General Staff Corps), vice Lieut. Col. William J. Glasgow, promoted.

Maj. John S. Fair, Cavalry (Quartermaster Corps), vice Lieut. Col. George T. Bowman, retained in the General Staff Corps

Maj. Robert J. Reaney, Cavalry (Quartermaster Corps), vice Lieut. Col. John S. Fair, retained in the Quartermaster Corps.

Maj. Sherrard Coleman, Cavalry (Quartermaster Corps), vice Lieut. Col. Robert J. Reaney, retained in the Quartermaster Corps.

Maj. William F. Herringshaw, Cavalry (ammunition train), vice Lieut. Col. Sherrad Coleman, retained in the Quartermaster Corps.

Maj. Joseph A. Baer, Cavalry (Inspector General's Department), vice Lieut. Col. William R. Smedberg, appointed colonel in the National Army.

Maj. Charles F. Martin, Cavalry, vice Lieut. Col. Frank S. Armstrong, promoted.

Maj. Willis V. Morris, Cavalry, vice Lieut. Col. James G. Harbord, promoted.

Maj. Walter S. Grant, Cavalry (General Staff Corps, vice Lieut. Col. John P. Wade, detailed in The Adjutant General's Department.

Maj. Charles M. Wesson, Cavalry (Ordnance Department), vice Lieut. Col. Walter S. Grant, retained in the General Staff Corps.

Maj. Morton C. Mumma, Cavalry (General Staff Corps), vice Lieut. Col. Charles M. Wesson, retained in the Ordnance Department.

Maj. Frank P. Amos, Cavalry, vice Lieut. Col. Henry C. Whitehead, appointed colonel in the Signal Corps.

Maj. Julian A. Benjamin, Cavalry (Quartermaster Corps), vice Lieut. Col. William D. Chitty, appointed colonel in the Signal Corps.

Maj. James Goethe, Cavalry, vice Lieut. Col. Julian A. Benjamin, retained in the Quartermaster Corps.

Maj. Varien D. Dixon, Cavalry, vice Lieut. Col. Clarence R. Day, appointed colonel in the Signal Corps.

Maj. Verne La S. Rockwell, Cavalry (Signal Corps), vice Lieut. Col. Charles W. Van Way, appointed colonel in the Signal Corps.

Maj. George B. Comly, Cavalry (Adjutant General's Department), vice Lieut. Col. Verne La S. Rockwell, retained in the Signal Corps.

Maj. Charles G. Harvey, Cavalry, vice Lieut. Col. Ervin L. Phillips, appointed colonel in the National Army.

Maj. Richard M. Thomas, Cavalry, vice Lieut. Col. Willard H. McCornack, appointed lieutenant colonel in the Signal Corps.

Maj. George B. Rodney, Cavalry, vice Lieut. Col. Pierce A. Murphy, detailed in Ammunition Train.

Maj. Alexander H. Davidson, Cavalry (Quartermaster Corps), vice Lieut. Col. Ola W. Bell, detailed in The Adjutant General's Department.

Maj. Christian A. Bach, Cavalry, vice Lieut. Col. Alexander H. Davidson, retain in Quartermaster Corps.

Maj. David H. Biddle, Cavalry, vice Lieut. Col. Roy B. Harper, detailed in The Adjutant General's Department.

Maj. William F. H. Godson, Cavalry, vice Lieut. Col. Kirby Walker, promoted.

Maj. George W. Winterburn, Cavalry (Quartermaster Corps), vice Lieut. Col. Herman A. Sievert, detailed in Ammunition Train.

Maj. Lewis Foerster, Cavalry, vice Lieut. Col. George W. Winterburn, retained in Quartermaster Corps.

Maj. William P. Moffet, vice Lieut. Col. Alexander M. Miller, promoted.

Maj. Archibald F. Commiskey, Cavalry, vice Lieut. Col. Henry C. Smither, appointed colonel in the Singal Corps.

Maj. William A. Cornell, Cavalry, vice Lieut. Col. Douglas McCaskey, detailed in the General Staff Corps.

Maj. George J. Oden, Cavalry, vice Lieut. Col. Joseph R. McAndrews, detailed in the General Staff Corps.

Maj. James E. Shelley, Cavalry (General Staff Corps), vice Lieut. Col. Joseph A. Baer, detailed in the Inspector General's Department.

Maj. Edward Calvert, Cavalry, vice Lieut. Col. James E. Shelley, retained in the General Staff Corps.

Maj. Edmund S. Sayer, Cavalry, vice Lieut. Col. Daniel Van Voorhis, detailed in the General Staff Corps.

Maj. Bruce Palmer, Cavalry (Signal Corps), vice Lieut. Col. Morton O. Mumma, detailed in the General Staff Corps.

Maj. James E. Fechet, Cavalry (Signal Corps), vice Lieut. Col. Bruce Palmer, retained in the Signal Corps.

Maj. Philip W. Corbusier, Cavalry (Quartermaster Corps), vice Lieut. Col. James E. Fechet, retained in the Signal Corps.

Maj. Frederick M. Jones, Cavalry (Signal Corps), vice Lieut. Col. Philip W. Corbusier, retained in the Quartermaster Corps.

Maj. John A. Wagner, Cavalry, vice Lieut. Col. Frederick M. Jones, retained in the Signal Corps.

Maj. Archie Miller, Cavalry (Signal Corps), vice Lieut. Col. Harry O. Williard, promoted.

Maj. William S. Wells, Cavalry, vice Lieut. Col. Archie Miller, retained in the Signal Corps.

To be lieutenant colonels with rank from November 5, 1917.

Maj. William H. Clopton, jr., Cavalry (Quartermaster Corps), vice Lieut. Col. Alfred E. Kennington, promoted.

Maj. Robert M. Nolan, Cavalry, vice Lieut. Col. William H. Clopton, jr., retained in the Quartermaster Corps.

To be lieutenant colonels with rank from November 7, 1917.

Maj. William O. Reed, Cavalry (General Staff Corps), vice Lieut. Col. Holland Rubottom, detailed in the Signal Corps.

Maj. Henry Gibbins, Cavalry, vice Lieut. Col. William O. Reed, retained in the General Staff Corps.

To be lieutenant colonels with rank from November 13, 1917.

Maj. Charles O. Thomas, jr., Cavalry (Quartermaster Corps), vice Lieut. Col. William J. Kendrick, detailed in the Signal Corps.

Maj. Edmond R. Tompkins, Cavalry (Quartermaster Corps), vice Lieut. Col. Charles O. Thomas, jr., retained in the Quartermaster Corps.

Maj. Arthur Poillon, Cavalry, vice Lieut. Col. Edmond R. Tompkins, retained in the Quartermaster Corps.

To be lieutenant colonels with rank from November 23, 1917.

Maj. George A. Purington, Cavalry (ammunition train), vice Lieut. Col. Frederick T. Arnold, promoted.

Maj. George W. Biegler, Cavalry, vice Lieut. Col. William Kelly, jr., detailed in The Adjutant General's Department.

To be lieutenant colonel with rank from December 11, 1917.

Maj. Francis W. Glover, Cavalry, vice Lieut. Col. George B. Comly, detailed in The Adjutant General's Department.

To be lieutenant colonels with rank from December 22, 1917.

Maj. Laurence S. Carson, Cavalry (Quartermaster Corps), vice Lieut. Col. George A. Purington, detailed in ammunition train.

Maj. Alexander B. Coxe, Cavalry (General Staff Corps), vice Lieut. Col. Laurence S. Carson, retained in the Quartermaster Corps.

Maj. Timothy M. Coughlan, Cavalry, vice Lieut. Col. Alexander B. Coxe, retained in the General Staff Corps.

To be lieutenant colonel with rank from December 29, 1917.

Maj. James Huston, Cavalry, vice Lieut. Col. William J. Herringshaw, detailed in ammunition train.

To be majors with rank from August 5, 1917.

Capt. Charles F. Martin, Cavalry, vice Maj. William G. Sills, detailed in the Inspector General's Department.

Capt. Willis V. Morris, Cavalry, vice Maj. Alexander M. Miller, promoted.

Capt. Walter S. Grant, Cavalry (Signal Corps), vice Maj. Harry O. Williard, promoted.

Capt. Charles M. Wesson, Cavalry (Ordnance Department), vice Maj. Walter S. Grant, retained in the Signal Corps.

Capt. Morton C. Mumma, Cavalry (General Staff Corps), vice Maj. Charles M. Wesson, retained in the Ordnance Department.

Capt. Frank P. Amos, Cavalry, vice Maj. Morton C. Mumma, retained in the General Staff Corps.

Capt. Julian A. Benjamin, Cavalry (Quartermaster Corps), vice Maj. John P. Wade, promoted.

Capt. James Goethe, Cavalry, vice Maj. Julian A. Benjamin, retained in the Quartermaster Corps.

Capt. Varien D. Dixon, Cavalry, vice Maj. Ola W. Bell, promoted.

Capt. Verne La S. Rockwell, Cavalry (Signal Corps), vice Maj. Abraham G. Lott, promoted.

Capt. George B. Comly, Cavalry, vice Maj. William Kelly, jr., promoted.

Capt. Charles G. Harvey, Cavalry, vice Maj. Henry C. Whitehead, promoted.

Capt. Richard M. Thomas, Cavalry, vice Maj. William D. Chitty, promoted.

Capt. George B. Rodney, Cavalry, vice Maj. Alfred E. Kennington, promoted.

Capt. Alexander H. Davidson, Cavalry (Quartermaster Corps), vice Maj. Herman H. Sievert, promoted.

Capt. Christian A. Bach, Cavalry, vice Maj. Alexander H. Davidson, retained in the Quartermaster Corps.

Capt. David H. Biddle, Cavalry, vice Maj. Pierce A. Murphy, promoted.

Capt. William F. H. Godson, Cavalry, vice Maj. Frederick T. Arnold, promoted.

Capt. George W. Winterburn, Cavalry, vice Maj. Henry C. Smither, promoted.

Capt. Lewis Foerster, Cavalry, vice Maj. Roy B. Harper, promoted.

Capt. William P. Moffet, Cavalry, vice Maj. Thomas A. Roberts, promoted.

Capt. Archibald F. Commiskey, Cavalry, vice Maj. August P. Nissen, appointed colonel in the National Army.

Capt. William A. Cornell, Cavalry, vice Maj. James S. Parker, appointed colonel in the National Army.

Capt. George J. Oden, Cavalry, vice Maj. Joseph S. Herron, appointed colonel in the National Army.

Capt. James E. Shelley, Cavalry (General Staff Corps), vice Maj. Alvord Van P. Anderson, appointed colonel in the National Army.

Capt. Edward Calvert, Cavalry, vice Maj. James E. Shelley, retained in the General Staff Corps.

Capt. Edmund S. Sayer, Cavalry, vice Maj. George W. Moses, appointed colonel in the National Army.

Capt. Bruce Palmer, Cavalry (Signal Corps), vice Maj. Charles E. Stodter, appointed colonel in the National Army.

Capt. James E. Fechet, Cavalry (Signal Corps), vice Maj. Edgar A. Sirmyer, promoted.

Capt. Philip W. Corbusier, Cavalry (Quartermaster Corps), vice Maj. Frank R. McCoy, promoted.

Capt. Frederick N. Jones, Cavalry (Signal Corps), vice Maj. Philip W. Corbusier, retained in the Quartermaster Corps.

Capt. John A. Wagner, Cavalry, vice Maj. Clarence R. Day, promoted.

Capt. Archie Miller, Cavalry (Signal Corps), vice Maj. Guy V. Henry, promoted.

Capt. William S. Wells, Cavalry, vice Maj. Roger S. Fitch, appointed lieutenant colonel in the National Army.

Capt. William H. Clopton, jr., Cavalry (Quartermaster Corps), vice Maj. Mortimer O. Bigelow, appointed colonel in the National Army.

Capt. Robert M. Nolan, Cavalry, vice Maj. William H. Clopton, jr., retained in the Quartermaster Corps.

Capt. William O. Reed, Cavalry (General Staff Corps), vice Maj. George B. Pritchard, appointed colonel in the National Army.

Capt. Henry Gibbins, Cavalry, vice Maj. William O. Reed, retained in the General Staff Corps.

Capt. Charles O. Thomas, jr., Cavalry (Quartermaster Corps), vice Maj. Wallace B. Scales, promoted.

Capt. Edmond R. Tompkins, Cavalry (Quartermaster Corps), vice Maj. Charles O. Thomas, jr., retained in the Quartermaster Corps.

Capt. Arthur Poillon, Cavalry, vice Maj. Edmond R. Tompkins, retained in the Quartermaster Corps.

Capt. George A. Purington, Cavalry, vice Maj. Conrad S. Babcock, promoted.

Capt. George W. Biegler, Cavalry, vice Maj. Charles C. Farmer, jr., promoted.

Capt. Francis W. Glover, Cavalry, vice Maj. Albert N. McClure, promoted.

Capt. Lawrence S. Carson, Cavalry (Quartermaster Corps), vice Maj. Holland Rubottom, promoted.

Capt. Alexander B. Coxe, Cavalry (General Staff Corps), vice Maj. Lawrence S. Carson, retained in the Quartermaster Corps.

Capt. Timothy M. Coughlan, Cavalry, vice Maj. Alexander B. Coxe, retained in the General Staff Corps.

Capt. James Huston, Cavalry, vice Maj. Le Roy Eltinge, appointed colonel in the National Army.

Capt. Leonard L. Deitrick, Cavalry (Quartermaster Corps), vice Maj. Percy W. Arnold, appointed lieutenant colonel in the National Army.

Capt. Richard B. Going, Cavalry, vice Maj. Leonard L. Deitrick, retained in the Quartermaster Corps.

Capt. Hamilton Bowie, Cavalry, vice Maj. Rush S. Wells, appointed lieutenant colonel in the National Army.

Capt. Frederick J. Herman, Cavalry (Quartermaster Corps), vice Maj. Robert R. Wallach, appointed lieutenant colonel in the National Army.

Capt. Ben Lear, jr., Cavalry (General Staff Corps), vice Maj. Frederick J. Herman, retained in the Quartermaster Corps.

Capt. George P. Tyner, Cavalry (General Staff Corps), vice Maj. Ben Lear, jr., retained in the General Staff Corps.

Capt. William A. Austin, Cavalry (Quartermaster Corps), vice Maj. George P. Tyner, retained in the General Staff Corps.

Capt. Consuelo A. Seoane, Cavalry (Signal Corps), vice Maj. William A. Austin, retained in the Quartermaster Corps.

Capt. Emory S. West, vice Consuelo A. Seoane, retained in the Signal Corps.

Capt. Eben Swift, jr., Cavalry (Quartermaster Corps), vice Maj. George Williams, appointed lieutenant colonel in the National Army.

Capt. Albert E. Phillips, Cavalry, vice Maj. Eben Swift, jr., retained in the Quartermaster Corps.

Capt. John Alden Degen, Cavalry (Quartermaster Corps), vice Maj. John J. Boniface, appointed lieutenant colonel in the National Army.

Capt. George F. Bailey, Cavalry (Quartermaster Corps), vice Maj. John Alden Degen, retained in the Quartermaster Corps.

Capt. Clarence C. Culver, Cavalry (Aviation Section, Signal Corps), vice Maj. George F. Bailey, retained in the Quartermaster Corps.

Capt. Benjamin O. Davis, Cavalry, vice Maj. Clarence C. Culver, retained in the Aviation Section, Signal Corps.

Capt. Edward C. Wells, Cavalry, vice Maj. Fitzhugh Lee, appointed lieutenant colonel in the National Army.

Capt. Harry B. Jordan, Cavalry (Ordnance Department), vice Maj. James J. McKinley, appointed lieutenant colonel in the National Army.

Capt. Frank P. Lahm, Cavalry (Aviation Section, Signal Corps), vice Maj. Harry B. Jordan, retained in the Ordnance Department.

Capt. Kerr T. Riggs, Cavalry, vice Maj. Frank P. Lahm, retained in the Aviation Section, Signal Corps.

Capt. John A. Pearson, Cavalry, vice Maj. Evan H. Humphrey, appointed lieutenant colonel in the National Army.

Capt. William G. Meade, Cavalry, vice Maj. Charles S. Haight, appointed lieutenant colonel in the National Army.

Capt. Guy Kent, Cavalry, vice Maj. Reginald E. McNally, appointed lieutenant colonel in the National Army.

Capt. Frederick Mears, Cavalry, vice Maj. Frederick C. Johnson, appointed lieutenant colonel in the National Army.

Capt. Alden M. Graham, Cavalry (Quartermaster Corps), vice Maj. James D. Tilford, appointed lieutenant colonel in the National Army.

Capt. Eugene J. Ely, Cavalry, vice Maj. Alden M. Graham, retained in the Quartermaster Corps.

Capt. C. Emery Hathaway, Cavalry (Quartermaster Corps), vice Maj. Hu B. Myers, appointed lieutenant colonel in the National Army.

Capt. Arthur G. Fisher, Cavalry, vice Maj. C. Emery Hathaway, retained in the Quartermaster Corps.

Capt. Matt C. Bristol, Cavalry (Signal Corps), vice Maj. Henry R. Richmond, appointed lieutenant colonel in the National Army.

Capt. Horace N. Munro, Cavalry, vice Maj. John J. Ryan, appointed lieutenant colonel in the National Army.

Capt. Seth W. Cook, Cavalry (Aviation Section, Signal Corps), vice Maj. Osmun Latrobe, jr., appointed lieutenant colonel in the National Army.

Capt. David L. Roscoe, Cavalry (Aviation Section, Signal Corps), vice Maj. Seth W. Cook, retained in the Aviation Section, Signal Corps.

Capt. Herbert E. Mann, Cavalry (Quartermaster Corps), vice Maj. David L. Roscoe, retained in the Aviation Section, Signal Corps.

Capt. Henry T. Bull, Cavalry (Signal Corps), vice Maj. Herbert E. Mann, retained in the Quartermaster Corps.

Capt. Frank E. Davis, Cavalry (Quartermaster Corps), vice Maj. Theodore B. Taylor, appointed lieutenant colonel in the National Army.

Capt. John C. Pegram, Cavalry (Quartermaster Corps), vice Maj. Frank E. Davis, retained in the Quartermaster Corps.

Capt. Henry E. Mitchell, Cavalry (Quartermaster Corps), vice Maj. John C. Pegram, retained in the Quartermaster Corps.

Capt. William H. Cowles, Cavalry (Inspector General's Department), vice Maj. Henry E. Mitchell, retained in the Quartermaster Corps.

Capt. John K. Herr, Cavalry, vice Maj. Theodore Schultz, appointed lieutenant colonel in the National Army.

Capt. Philip H. Sheridan, Cavalry (General Staff Corps), vice Maj. Alvan C. Gillem, appointed lieutenant colonel in the National Army.

Capt. Joseph F. Taulbee, Cavalry, vice Maj. Philip H. Sheridan, retained in the General Staff Corps.

Capt. Andrew W. Smith, Cavalry, vice Maj. William B. Cowin, appointed lieutenant colonel in the National Army.

Capt. William W. Edwards, Cavalry, vice Maj. Henry W. Parker, promoted.

Capt. John A. Barry, Cavalry, vice Maj. Douglas McCaskey, promoted.

Capt. William W. Gordon, Cavalry, vice Maj. William M. Connell, appointed lieutenant colonel in the National Army.

Capt. Harold B. Johnson, Cavalry, vice Maj. Albert A. King, promoted.

Capt. James P. Castleman, Cavalry (Quartermaster Corps), vice Maj. John D. Long, appointed lieutenant colonel in the National Army.

Capt. Albert H. Mueller, Cavalry, vice Maj. James P. Castleman, retained in the Quartermaster Corps.

Capt. Allan F. McLean, Cavalry, vice Maj. James Longstreet, appointed lieutenant colonel in the National Army.

Capt. Herman S. Dilworth, Cavalry, vice Maj. Stuart Heintzelman, appointed lieutenant colonel in the National Army.

Capt. Frank B. Kobes, Cavalry, vice Maj. Warren Dean, appointed lieutenant colonel in the National Army.

Capt. John V. Spring, jr., Cavalry, vice Maj. Daniel Van Voorhis, promoted.

Capt. Norman H. Davis, Cavalry, vice Maj. Julien E. Gaujot, promoted.

Capt. Charles Telford, Cavalry, vice Maj. Delphey T. E. Casteel, promoted.

Capt. Olan C. Aleshire, Cavalry (Signal Corps), vice Maj. Joseph R. McAndrews, promoted.

Capt. Emil P. Laurson, Cavalry (Signal Corps), vice Maj. William D. Forsyth, appointed lieutenant colonel in the National Army.

Capt. Frederick E. Snyder, Cavalry, vice Maj. George E. Lovell, promoted.

Capt. Thomas F. Van Natta, jr., Cavalry, vice Maj. John H. Lewis, promoted.

Capt. James A. Mars, Cavalry, vice Maj. Charles W. Van Way, promoted.

Capt. John C. Montgomery, Cavalry (ammunition train), vice Maj. Wilson G. Heaton, promoted.

Capt. Dorsey R. Rodney, Cavalry (Quartermaster Corps), vice Maj. Edward Davis, promoted.

Capt. Alexander M. Milton, Cavalry (Quartermaster Corps), vice Maj. Dorsey R. Rodney, retained in the Quartermaster Corps.

Capt. Carl Boyd, Cavalry, vice Maj. Alexander M. Milton, retained in the Quartermaster Corps.

Capt. Stephen W. Winfree, Cavalry, vice Maj. Dorsey Cullen, promoted.

Capt. George E. Nelson, Cavalry (Signal Corps), vice Maj. William L. Luhn, appointed lieutenant colonel in the National Army.

Capt. Thomas L. Sherburne, Cavalry (Signal Corps), vice Maj. Charles H. Boice, promoted.

Capt. Emil Engel, Cavalry (Signal Corps), vice Maj. William J. Kendrick, promoted.

Capt. Emmet Addis, Cavalry, vice Maj. William F. Herringshaw, promoted.

Capt. Harry L. King, Cavalry, vice Maj. Joseph A. Baer, promoted.

Capt. Arthur G. Hixson, Cavalry (ammunition train), vice Maj. Charles F. Martin, promoted.

Capt. Walton Goodwin, jr., Cavalry, vice Maj. Arthur G. Hixson, retained in ammunition train.

Capt. David H. Scott, Cavalry, vice Maj. Willis V. Morris, promoted.

Capt. Robert C. Richardson, Cavalry, vice Maj. Morton C. Mumma, promoted.

Capt. Robert M. Campbell, Cavalry, vice Maj. Leslie A. I. Chapman, appointed lieutenant colonel in the National Army.

Capt. George B. Hunter, Cavalry (Signal Corps), vice Maj. Guy Cushman, appointed lieutenant colonel in the National Army.

Capt. Stanley Koch, Cavalry (Quartermaster Corps), vice Maj. George B. Hunter, retained in the Signal Corps.

Capt. Stephen C. Reynolds, Cavalry, vice Maj. Stanley Koch, retained in the Quartermaster Corps.

Capt. William V. Carter, Cavalry, vice Maj. Guy S. Norvell, appointed lieutenant colonel in the National Army.

Capt. Henry C. Pratt, Cavalry (Signal Corps), vice Maj. Edwin A. Hickman, appointed lieutenant colonel in the National Army.

Capt. Charles B. Amory, jr., Cavalry, vice Maj. Henry C. Pratt, retained in the Signal Corps.

Capt. Kinzie B. Edmunds, Cavalry, vice Maj. Verne La S. Rockwell, appointed lieutenant colonel in the Signal Corps.

Capt. Charles S. Hoyt, Cavalry, vice Maj. Frank P. Amos, promoted.

Capt. James J. O'Hara, Cavalry, vice Maj. James Goethe, promoted.

Capt. Roy W. Holderness, Cavalry, vice Maj. Henry T. Bull, appointed major in the Signal Corps.

Capt. James S. Greene, Cavalry, vice Maj. Varien D. Dixon, promoted.

Capt. Gerald C. Brant, Cavalry (Signal Corps), vice Maj. George E. Nelson, appointed major in the Signal Corps.

Capt. George C. Lawrason, Cavalry, vice Maj. Matt C. Bristol, appointed lieutenant colonel in the Signal Corps.

Capt. Arthur H. Wilson, Cavalry, vice Maj. Frederick N. Jones, appointed lieutenant colonel in the Signal Corps.

Capt. William C. F. Nicholson, Cavalry, vice Maj. James E. Feeber, appointed lieutenant colonel in the Signal Corps.

Capt. George Dillman, Cavalry, vice Maj. Llewellyn W. Oliver, appointed lieutenant colonel in the National Army.

Capt. Philip J. R. Kiehl, Cavalry, vice Maj. George B. Comly, promoted.

Capt. Charles L. Scott, Cavalry (Quartermaster Corps), vice Maj. Charles G. Harvey, promoted.

Capt. James H. Dickey, Cavalry (Quartermaster Corps), vice Maj. Charles L. Scott, retained in the Quartermaster Corps.

Capt. Ralph Talbot, jr., Cavalry (Quartermaster Corps), vice Maj. James H. Dickey, retained in the Quartermaster Corps.

Capt. William N. Hensley, jr., Cavalry (Signal Corps), vice Maj. Ralph Talbot, jr., retained in the Quartermaster Corps.

Capt. Berkeley T. Merchant, Cavalry (Signal Corps), vice Maj. William N. Hensley, jr., retained in the Signal Corps.

Capt. Hugh H. Broadhurst, Cavalry, vice Maj. Richard M. Thomas, promoted.

Capt. Arthur W. Holderness, Cavalry, vice Maj. George B. Rodney, promoted.

Capt. Louis A. O'Donnell, Cavalry, vice Maj. Archie Miller, appointed lieutenant colonel in the Signal Corps.

Capt. William W. West, jr., Cavalry (Quartermaster Corps), vice Maj. Christian A. Bach, promoted.

Capt. Reynold F. Migdalski, Cavalry (Quartermaster Corps), vice Maj. William W. West, jr., retained in the Quartermaster Corps.

Capt. Henry R. Smalley, Cavalry, vice Maj. Reynold F. Migdalski, retained in the Quartermaster Corps.

Capt. Robert Blaine, Cavalry (Quartermaster Corps), vice Maj. David H. Biddle, promoted.

Capt. Frederick T. Dickman, Cavalry (Signal Corps), vice Maj. Robert Blaine, retained in the Quartermaster Corps.

Capt. George W. De Armond, Cavalry (Signal Corps), vice Maj. Frederick T. Dickman, retained in the Signal Corps.

Capt. John G. Quekemeyer, Cavalry, vice Maj. George W. De Armond, retained in the Signal Corps.

Capt. Frank M. Andrews, Cavalry (Signal Corps), vice Maj. William F. H. Godson, promoted.

Capt. Joseph C. King, Cavalry, vice Maj. Frank M. Andrews, retained in the Signal Corps.

Capt. George L. Converse, jr., Cavalry, vice Maj. Lewis Foerster, promoted.

Capt. Donald A. Robinson, Cavalry, vice Maj. Bruce Palmer, appointed lieutenant colonel in the Signal Corps.

Capt. Bruce L. Burch, Cavalry, vice Maj. William P. Moffet, promoted.

Capt. Edgar M. Whiting, Cavalry, vice Maj. Archibald F. Commiskey, promoted.

Capt. Edward G. Elliott, Cavalry, vice Maj. William A. Cornell, promoted.

Capt. Guy H. Wyman, Cavalry (Quartermaster Corps), vice Maj. George J. Oden, promoted.

Capt. Verne R. Bell, Cavalry, vice Maj. Guy H. Wyman, retained in the Quartermaster Corps.

Capt. Henry W. Baird, Cavalry, vice Maj. Edward Calvert, promoted.

Capt. Alexander H. Jones, Cavalry (Quartermaster Corps), vice Maj. Edmund S. Sayer, promoted.

Capt. Charles L. Stevenson, Cavalry (Quartermaster Corps), vice Maj. Alexander H. Jones, retained in the Quartermaster Corps.

Capt. Frank K. Chapin, Cavalry (Signal Corps), vice Maj. Charles L. Stevenson, retained in the Quartermaster Corps.

Capt. Henry L. Watson, Cavalry (Signal Corps), vice Maj. Frank K. Chapin, retained in the Signal Corps.

Capt. Murray B. Rush, Cavalry, vice Maj. Henry L. Watson, retained in the Signal Corps.

Capt. Augustine M. Robins, Cavalry (Signal Corps), vice Maj. John A. Wagner, promoted.

Capt. William D. Geary, Cavalry, vice Maj. Augustine M. Robins, retained in the Signal Corps.

Capt. Clark P. Chandler, Cavalry (Quartermaster Corps), vice Maj. William H. Cowles, detailed in the Inspector General's Department.

Capt. Richard H. Kimball, Cavalry, vice Maj. Clark P. Chandler, retained in the Quartermaster Corps.

Capt. Abbott Boone, Cavalry (Signal Corps), vice Maj. William S. Wells, promoted.

Capt. William L. Moose, Cavalry (Signal Corps), vice Maj. Abbott Boone, retained in the Signal Corps.

Capt. Frederick S. Snyder, Cavalry, vice Maj. William L. Moose, retained in the Signal Corps.

Capt. William C. Christy, Cavalry (Quartermaster Corps), vice Maj. Emil P. Laurson, appointed major in the Signal Corps.

Capt. Sloan Doak, Cavalry, vice Maj. William C. Christy, retained in the Quartermaster Corps.

To be majors with rank from November 7, 1917.

Capt. Leland Wadsworth, jr., Cavalry, vice Maj. Henry Gibbins, promoted.

Capt. Seth W. Scofield, Cavalry (Quartermaster Corps), vice Maj. Robert M. Nolan, promoted.

Capt. William C. McChord, Cavalry (Signal Corps), vice Maj. Seth W. Scofield, retained in the Quartermaster Corps.

Capt. William R. Henry, Cavalry, vice Maj. William C. McChord, retained in the Signal Corps.

Capt. George F. Patten, Cavalry, vice Maj. Olan C. Aleshire, appointed major in the Signal Corps.

To be major with rank from November 13, 1917.

Capt. Robert M. Cheney, Cavalry, vice Maj. Arthur Pollion, promoted.

To be majors with rank from November 17, 1917.

Capt. Lawrence W. McIntosh, Cavalry (Signal Corps), vice Maj. Gerald C. Brant, appointed major in the Signal Corps.

Capt. Richard E. Cummins, Cavalry, vice Maj. Lawrence W. McIntosh, retained in the Signal Corps.

To be majors with rank from November 23, 1917.

Capt. Alexander L. James, jr., Cavalry, vice Maj. George A. Purington, promoted.

Capt. Robert C. Rodgers, Cavalry (Quartermaster Corps), vice Maj. George W. Biegler, promoted.

Capt. Philip Gordon, Cavalry, vice Maj. Robert C. Rodgers, retained in the Quartermaster Corps.

To be majors with rank from November 29, 1917.

Capt. Horace M. Hickam, Cavalry (Signal Corps), vice Maj. Berkeley T. Merchant, appointed major in the Signal Corps.

Capt. Homer M. Groninger, Cavalry, vice Maj. Horace M. Hickam, retained in the Signal Corps.

To be majors with rank from December 11, 1917.

Capt. Stewart O. Elting, Cavalry (Quartermaster Corps), vice Maj. Francis W. Glover, promoted.

Capt. John K. Brown, Cavalry, vice Maj. Stewart O. Elting, retained in the Quartermaster Corps.

To be major with rank from December 22, 1917.

Capt. Richard D. Newman, Cavalry, vice Maj. Timothy M. Coughlan, promoted.

To be majors with rank from December 28, 1917.

Capt. William H. Garrison, jr. (Signal Corps), vice Maj. Emil Engel, appointed major in the Signal Corps.

Capt. Sumner M. Williams, Cavalry, vice Maj. William H. Garrison, jr., retained in the Signal Corps.

To be majors with rank from December 29, 1917.

Capt. Henry W. Hall, Cavalry (Signal Corps), vice Maj. James Huston, promoted.

Capt. Edwin V. Sumner, jr., Cavalry (Signal Corps), vice Maj. Henry W. Hall, retained in the Signal Corps.

Capt. Arthur E. Wilbourn, Cavalry (Signal Corps), vice Maj. Edwin V. Sumner, jr., retained in the Signal Corps.

Capt. Ernest G. Culium, Cavalry, vice Maj. Arthur E. Wilbourn, retained in the Signal Corps.

Capt. William W. Erwin, Cavalry, vice Maj. John C. Montgomery, detailed in ammunition train.

INFANTRY ARM.

To be colonel with rank from August 5, 1917.

Lieut. Col. Robert C. Williams, Infantry, additional officer, the date on which he would have been promoted to fill a vacancy had he not been retired from active service.

To be colonels with rank from August 5, 1917.

Lieut. Col. Robert Alexander, Infantry (detached officers' list), vice Col. George W. McIver, appointed brigadier general in the National Army.

Lieut. Col. William O. Johnson, Infantry, vice Col. Charles H. Barth, appointed brigadier general in the National Army.

Lieut. Col. James R. Lindsay, Infantry, vice Col. James A. Irons, appointed brigadier general in the National Army.

Lieut. Col. Fred W. Sladen, Infantry, vice Col. Edward M. Lewis, appointed brigadier general in the National Army.

Lieut. Col. Henry T. Ferguson, Infantry, vice Col. Charles S. Farnsworth, appointed brigadier general in the National Army.

Lieut. Col. Henry G. Learnard, Infantry (Adjutant General's Department), vice Col. John S. Mallory, appointed brigadier general in the National Army.

Lieut. Col. Peter Murray, Infantry, vice Col. Henry G. Learned, retained in The Adjutant General's Department on promotion.

Lieut. Col. Paul A. Wolf, Infantry (detached officers' list), vice Col. Charles H. Muir, appointed brigadier general in the National Army.

Lieut. Col. George D. Moore, Infantry (Inspector General's Department), vice Col. Evan M. Johnson, appointed brigadier general in the National Army.

Lieut. Col. Willis Uline, Infantry, vice Col. George D. Moore, retained in the Inspector General's Department.

Lieut. Col. Charles C. Clark, Infantry (Quartermaster Corps), vice Col. Frank L. Winn, appointed brigadier general in the National Army.

Lieut. Col. Vernon A. Caldwell, Infantry, vice Col. Charles C. Clark, retained in the Quartermaster Corps.

Lieut. Col. Edmund L. Butts, Infantry (detached officers' list), vice Col. Edmund Wittenmyer, appointed brigadier general in the National Army.

Lieut. Col. Henry J. Hunt, Infantry, vice Col. Herman Hall, appointed brigadier general in the National Army.

Lieut. Col. Charles Miller, Infantry, vice Col. Mark L. Hersey, appointed brigadier general in the National Army.

Lieut. Col. Truman O. Murphy, Infantry (Adjutant General's Department), vice Col. Samuel W. Miller, appointed brigadier general in the National Army.

Lieut. Col. William H. Bertsch, Infantry (Quartermaster Corps), vice Col. Truman O. Murphy, retained in The Adjutant General's Department.

Lieut. Col. Ross L. Bush, Infantry, vice William H. Bertsch, retained in the Quartermaster Corps.

Lieut. Col. John B. Bennet, Infantry (detached officers' list), vice Col. Wilds P. Richardson, appointed brigadier general in the National Army.

Lieut. Col. Melville S. Jarvis, Infantry, vice Col. Everard E. Hatch, appointed brigadier general in the National Army.

Lieut. Col. John W. Heavey, Infantry, vice Col. Frederick Perkins, appointed brigadier general in the National Army.

Lieut. Col. Harry J. Hirsch, Infantry (Quartermaster Corps), vice Col. Joseph P. O'Neil, appointed brigadier general in the National Army.

Lieut. Col. La Roy S. Upton, Infantry, vice Col. Harry J. Hirsch, retained in the Quartermaster Corps.

Lieut. Col. Harry A. Smith, Infantry (General Staff), vice Col. Benjamin C. Morse, appointed brigadier general in the National Army.

Lieut. Col. George C. Saffarrans, Infantry, vice Col. Harry A. Smith, retained in the General Staff.

Lieut. Col. Palmer E. Pierce, Infantry (General Staff), vice Col. Daniel B. Devore, appointed brigadier general in the National Army.

Lieut. Col. Charles G. French, Infantry, vice Col. Palmer E. Pierce, retained in the General Staff.

Lieut. Col. Lutz Wahl, Infantry, vice Col. Michael J. Lenihan, appointed brigadier general in the National Army.

Lieut. Col. William P. Jackson, Infantry, vice Col. Robert N. Getty, appointed brigadier general in the National Army.

Lieut. Col. John L. Hines, Infantry (Adjutant General's Department), vice Col. Samson L. Faison, appointed brigadier general in the National Army.

Lieut. Col. Matthias Crowley, Infantry, vice Col. John L. Hines, retained in The Adjutant General's Department.

Lieut. Col. John J. Bradley, Infantry, vice Col. Henry D. Styer, appointed brigadier general in the National Army.

Lieut. Col. Douglas Settle, Infantry (detached officers' list), vice Col. Julius A. Penn, appointed brigadier general in the National Army.

Lieut. Col. John S. Switzer, Infantry (Adjutant General's Department), vice Col. Marcus D. Cronin, appointed brigadier general in the National Army.

Lieut. Col. Herbert O. Williams, Infantry (Inspector General's Department), vice Col. John S. Switzer, retained in The Adjutant General's Department.

Lieut. Col. George Guyer, Infantry (Quartermaster Corps), vice Col. Herbert O. Williams, retained in the Inspector General's Department.

Lieut. Col. William F. Grote, Infantry (Quartermaster Corps), vice Col. George D. Guyer, retained in the Quartermaster Corps.

Lieut. Col. Isaac C. Jenks, Infantry, vice Col. William F. Grote, retained in the Quartermaster Corps.

Lieut. Col. Hanson E. Ely, Infantry (General Staff), vice Col. Frank H. Albright, appointed brigadier general in the National Army.

Lieut. Col. Lewis S. Sorley, Infantry, vice Col. Hanson E. Ely, retained in the General Staff.

Lieut. Col. William M. Morrow, Infantry, vice Col. William H. Allaire, appointed brigadier general in the National Army.

Lieut. Col. Benjamin F. Hardaway, Infantry, vice Col. Walter H. Gordon, appointed brigadier general in the National Army.

Lieut. Col. Albert C. Dalton, Infantry (Quartermaster Corps), vice Col. Charles H. Martin, appointed brigadier general in the National Army.

Lieut. Col. Joseph C. Castner, Infantry, vice Col. Albert C. Dalton, retained in the Quartermaster Corps.

Lieut. Col. Edward Sigerfoos, Infantry, vice Col. Charles C. Ballou, appointed brigadier general in the National Army.

Lieut. Col. Ralph H. Van Deman, Infantry (General Staff), vice Col. Lyman W. V. Kennon, appointed brigadier general in the National Army.

Lieut. Col. John F. Madden, Infantry (General Staff), vice Col. Ralph H. Van Deman, retained in the General Staff.

Lieut. Col. John McA. Palmer, Infantry (General Staff), vice Col. John F. Madden, retained in the General Staff.

Lieut. Col. Paul B. Malone, Infantry, vice Col. John McA. Palmer, retained in the General Staff.

Lieut. Col. Oliver Edwards, Infantry (General Staff), vice Col. George B. Duncan, appointed brigadier general in the National Army.

Lieut. Col. Hugh D. Wise, Infantry (Quartermaster Corps), vice Col. Oliver Edwards, retained in the General Staff.

Lieut. Col. William F. Creary, Infantry, vice Col. Hugh D. Wise, retained in the Quartermaster Corps.

Lieut. Col. Harry F. Rethers, Infantry (Quartermaster Corps), vice Col. William P. Burnham, appointed brigadier general in the National Army.

Lieut. Col. Herschel Tupes, Infantry, vice Col. Harry F. Rethers, retained in the Quartermaster Corps.

Lieut. Col. George H. Shelton, Infantry (General Staff), vice Col. Beaumont B. Buck, appointed brigadier general in the National Army.

Lieut. Col. Isaac Newell, Infantry, vice Col. George H. Shelton, retained in the General Staff.

Lieut. Col. Lawrence B. Simonds, Infantry, vice Col. Benjamin A. Poore, appointed brigadier general in the National Army.

Lieut. Col. Frederick W. Lewis, Infantry, vice Col. William Weigel, appointed brigadier general in the National Army.

Lieut. Col. Dennis E. Nolan, Infantry (General Staff), vice Col. Frederick W. Lewis, detailed in The Adjutant General's Department.

Lieut. Col. James N. Pickering, Infantry, vice Col. Dennis E. Nolan, retained in the General Staff.

Lieut. Col. William A. Burnside, Infantry, vice Col. Fred W. Sladen, detailed in the General Staff.

Lieut. Col. Reynolds J. Burt, Infantry (Quartermaster Corps), vice Col. Vernon A. Caldwell, resigned commission as temporary colonel.

Lieut. Col. Russell C. Langdon, Infantry, vice Col. Reynolds J. Burt, retained in the Quartermaster Corps.

Lieut. Col. Harry H. Tebbetts, Infantry (General Staff), vice Col. William P. Jackson, resigned commission as temporary colonel.

Lieut. Col. Frank C. Bolles, Infantry, vice Col. Harry H. Tebbetts, retained in the General Staff.

Lieut. Col. James W. Clinton, Infantry, vice Col. Isaac C. Jenks, resigned commission as temporary colonel.

To be colonels with rank from November 5, 1917.

Lieut. Col. Alexander T. Ovenshine, Infantry (Inspector General's Department), vice Col. Ross L. Bush, resigned commission as temporary colonel.

Lieut. Col. Henry E. Eames, Infantry, vice Col. Alexander T. Ovenshine, retained in the Inspector General's Department.

To be colonel with rank from November 16, 1917.

Lieut. Col. Carroll F. Armistead, Infantry, vice Col. John J. Bradley, detailed in the General Staff.

To be lieutenant colonels with rank from August 5, 1917.

Maj. Oliver Edwards, Infantry (General Staff), vice Lieut. Col. Edward A. Shuttleworth, appointed colonel in the National Army.

Maj. Hugh D. Wise, Infantry (Quartermaster Corps), vice Lieut. Col. Oliver Edwards, retained in the General Staff.

Maj. James A. Moss, Infantry (Adjutant General's Department), vice Lieut. Col. Hugh D. Wise, retained in the Quartermaster Corps.

Maj. Benjamin T. Simmons, Infantry (Inspector General's Department), vice Lieut. Col. James A. Moss, retained in The Adjutant General's Department.

Maj. Thomas A. Pearce, Infantry (Inspector General's Department), vice Lieut. Col. Benjamin T. Simmons, retained in the Inspector General's Department.

Maj. William F. Creary, Infantry, vice Lieut. Col. Thomas A. Pearce, retained in the Inspector General's Department.

Maj. Harry F. Rethers, Infantry (Quartermaster Corps), vice Lieut. Col. John Howard, appointed colonel in the National Army.

Maj. Herschel Tupes, Infantry, vice Lieut. Col. Harry F. Rethers, retained in the Quartermaster Corps.

Maj. George H. Shelton, Infantry (General Staff), vice Lieut. Col. William Brook, appointed colonel in the National Army.

Maj. Isaac Newell, Infantry, detached officers' list, vice Lieut. Col. George H. Shelton, retained in the General Staff.

Maj. Lawrence B. Simonds, Infantry, vice Lieut. Col. Hansford L. Threlkeld, appointed colonel in the National Army.

Maj. Frederick W. Lewis, Infantry, vice Lieut. Col. Marcus B. Stokes, appointed colonel in the National Army.

Maj. Dennis E. Nolan, Infantry (General Staff), vice Lieut. Col. William D. Davis, appointed colonel in the National Army.

Maj. James N. Pickering, Infantry, vice Lieut. Col. Dennis E. Nolan, retained in the General Staff.

Maj. William A. Burnside, Infantry, vice Lieut. Col. George H. McMaster, appointed colonel in the National Army.

Maj. Reynolds J. Burt, Infantry (Quartermaster Corps), vice Lieut. Col. Robert W. Mearns, appointed colonel in the National Army.

Maj. Russell C. Langdon, Infantry, detached officers' list, vice Lieut. Col. Reynolds J. Burt, retained in the Quartermaster Corps.

Maj. Harry H. Tebbetts, Infantry, vice Lieut. Col. Howard L. Laubach, appointed colonel in the National Army.

Maj. Frank C. Bolles, Infantry, detached officers' list, vice Lieut. Col. Howard R. Perry, appointed colonel in the National Army.

Maj. James W. Clinton, Infantry, vice Lieut. Col. Edward C. Carey, appointed colonel in the National Army.

Maj. Alexander T. Ovenshine, Infantry, vice Lieut. Col. Fredrik L. Knudsen, appointed colonel in the National Army.

Maj. Henry E. Eames, Infantry, detached officers' list, vice Lieut. Col. Charles W. Castle, appointed colonel in the National Army.

Maj. Carroll F. Armistead, Infantry, detached officers' list, vice Lieut. Col. S. J. Bayard Schindel, appointed colonel in the National Army.

Maj. Paul Giddings, Infantry, vice Lieut. Col. John F. Preston, appointed colonel in the National Army.

Maj. Edward S. Walton, Infantry (Quartermaster Corps), vice Lieut. Col. Charles F. Crain, appointed colonel in the National Army.

Maj. Alfred T. Smith, Infantry, detached officers' list, vice Lieut. Col. Edward S. Walton, retained in the Quartermaster Corps.

Maj. Fred L. Munson, Infantry (Quartermaster Corps), vice Lieut. Col. Harry H. Bandholtz, appointed colonel in the National Army.

Maj. Thomas M. Anderson, jr., Infantry, detached officers' list, vice Lieut. Col. Fred L. Munson, retained in the Quartermaster Corps.

Maj. John E. Hunt, Infantry, vice Lieut. Col. Harrison J. Price, appointed colonel in the National Army.

Maj. Claude H. Miller, Infantry, vice Lieut. Col. William Wallace, appointed colonel in the National Army.

Maj. Harold B. Fiske, Infantry (Adjutant General's Department), vice Lieut. Col. William Newman, appointed colonel in the National Army.

Maj. John H. Hughes, Infantry, vice Lieut. Col. Harold B. Fiske, retained in The Adjutant General's Department.

Maj. George W. Helms, Infantry (Signal Corps), vice Lieut. Col. Isaac Erwin, appointed colonel in the National Army.

Maj. Rufus E. Longan, Infantry, vice Lieut. Col. George W. Helms, retained in the Signal Corps.

Maj. Edward A. Roche, Infantry, vice Lieut. Col. George E. Houle, appointed colonel in the National Army.

Maj. Henry M. Dichmann, Infantry, detached officers' list, vice Lieut. Col. Mathew A. Saville, appointed colonel in the National Army.

Maj. Halstead Dorey, Infantry, detached officers' list, vice Lieut. Col. Guy G. Palmer, appointed colonel in the National Army.

Maj. Edgar T. Conley, Infantry, vice Lieut. Col. Hunter B. Nelson, appointed colonel in the National Army.

Maj. Charles H. Bridges, Infantry (Inspector General's Department), vice Lieut. Col. Frank A. Wilcox, appointed colonel in the National Army.

Maj. John Robertson, Infantry, vice Lieut. Col. Charles H. Bridges, retained in the Inspector General's Department.

Maj. James V. Heidt, Infantry, detached officers' list, vice Lieut. Col. John H. Parker, appointed colonel in the National Army.

Maj. Patrick H. Mullay, Infantry, vice Lieut. Col. Edgar T. Conley, detailed in The Adjutant General's Department.

Maj. Monroe C. Kerth, Infantry (General Staff) vice Lieut. Col. William C. Rogers, appointed colonel in the National Army.

Maj. Lambert W. Jordan, jr., Infantry, vice Lieut. Col. Monroe C. Kerth, retained in the General Staff.

Maj. Harvey W. Miller, Infantry, vice Lieut. Col. Robert Alexander, promoted colonel.

Maj. Daniel G. Berry, Infantry, vice Lieut. Col. William O. Johnson, promoted colonel.

Maj. Ralph E. Ingram, Infantry, detached officers' list, vice Lieut. Col. Samuel V. Ham, appointed colonel in the National Army.

Maj. Robert C. Davis, Infantry (Adjutant General's Department), vice Lieut. Col. Lincoln F. Kilbourne, appointed colonel in the National Army.

Maj. Joseph F. Janda, Infantry (Adjutant General's Department), vice Lieut. Col. Robert C. Davis, retained in The Adjutant General's Department.

Maj. Alvan C. Read, Infantry, vice Lieut. Col. Joseph F. Janda, retained in The Adjutant General's Department.

Maj. William A. Phillips, Infantry (Ordnance Department), vice Lieut. Col. James R. Lindsay, promoted colonel.

Maj. Ira C. Welborn, Infantry, vice Lieut. Col. William A. Phillips, retained in the Ordnance Department.

Maj. Alexander E. Williams, Infantry (Quartermaster Corps), vice Lieut. Col. Fred W. Sladen, promoted colonel.

Maj. Charles W. Exton, Infantry, vice Lieut. Col. Alexander E. Williams, retained in the Quartermaster Corps.

Maj. Edgar Ridenour, Infantry, vice Lieut. Col. Henry T. Ferguson, promoted colonel.

Maj. Chauncey B. Humphrey, Infantry, vice Lieut. Col. Ferdinand W. Kobbe, appointed colonel in the National Army.

Maj. G. Maury Cralle, Infantry (Quartermaster Corps), vice Lieut. Col. Frank E. Bamford, appointed colonel in the National Army.

Maj. Joseph F. Gohn, Infantry, vice Lieut. Col. G. Maury Cralle, retained in the Quartermaster Corps.

Maj. James H. Bradford, jr., Infantry, vice Lieut. Col. Sydney A. Cloman, appointed colonel in the National Army.

Maj. David L. Stone, Infantry (Quartermaster Corps), vice Lieut. Col. Peter Murray, promoted colonel.

Maj. Patrick A. Connolly, Infantry, detached officers' list, vice Lieut. Col. David L. Stone, retained in the Quartermaster Corps.

Maj. John B. Schoeffel, Infantry, detached officers' list, vice Lieut. Col. Paul A. Wolf, promoted colonel.

Maj. Walter T. Bates, Infantry (Adjutant General's Department), vice Lieut. Col. Willis Uline, promoted colonel.

Maj. Englebert G. Ovenshine, Infantry, detached officers' list, vice Lieut. Col. Walter T. Bates, retained in The Adjutant General's Department.

Maj. Robert J. Maxey, Infantry, detached officers' list, vice Lieut. Col. Vernon A. Caldwell, promoted colonel.

Maj. George N. Bomford, Infantry, vice Lieut. Col. Edmund L. Butts, promoted colonel.

Maj. Benjamin P. Nicklin, Infantry, detached officers' list, vice Lieut. Col. Henry J. Hunt, promoted colonel.

Maj. John W. French, Infantry, detached officers' list, vice Lieut. Col. Charles Miller, promoted colonel.

Maj. Cromwell Stacey, Infantry, detached officers' list, vice Lieut. Col. John K. Miller, appointed colonel in the National Army.

Maj. Campbell King, Infantry (Adjutant General's Department), vice Lieut. Col. Ross L. Bush, promoted colonel.

Maj. Robert O. Van Horn, Infantry, vice Lieut. Col. Campbell King, retained in The Adjutant General's Department.

Maj. Hanson B. Black, Infantry (Signal Corps), vice Lieut. Col. John B. Bennet, promoted colonel.

Maj. Joseph L. Gilbreth, Infantry (Quartermaster Corps), vice Lieut. Col. Hanson B. Black, retained in the Signal Corps.

Maj. Irving J. Carr, Infantry (Signal Corps), vice Lieut. Col. Joseph L. Gilbreth, retained in the Quartermaster Corps.

Maj. Theodore A. Baldwin, Infantry (Signal Corps), vice Lieut. Col. Irving J. Carr, retained in the Signal Corps.

Maj. Eleutheros H. Cooke, Infantry, detached officers' list, vice Lieut. Col. Theodore A. Baldwin, retained in the Signal Corps.

Maj. Arthur L. Conger, Infantry (General Staff), vice Lieut. Col. Melville S. Jarvis, promoted colonel.

Maj. Hugh A. Drum, Infantry (General Staff), vice Lieut. Col. Arthur L. Conger, retained in the General Staff.

Maj. James B. Allison, Infantry (Signal Corps), vice Lieut. Col. Hugh A. Drum, retained in the General Staff.

Maj. Halsey E. Yates, Infantry, vice Lieut. Col. James B. Allison, retained in the Signal Corps.

Maj. Wilson B. Burtt, Infantry, vice Lieut. Col. John W. Heavey, promoted colonel.

Maj. Oliver S. Eskridge, Infantry, vice Lieut. Col. La Ray S. Upton, promoted colonel.

Maj. James W. Furlow, Infantry (Quartermaster Corps), vice Lieut. Col. George C. Saffarrans, promoted colonel.

Maj. George D. Freeman, jr., vice Lieut. Col. James W. Furlow, retained in the Quartermaster Corps.

Maj. Harry A. Hegeman, Infantry (Quartermaster Corps), vice Lieut. Col. Charles G. French, promoted colonel.

Maj. William B. Gracie, Infantry (Quartermaster Corps), vice Lieut. Col. Harry A. Hegeman, retained in the Quartermaster Corps.

Maj. John L. Jordan, Infantry, vice Lieut. Col. William B. Gracie, retained in the Quartermaster Corps.

Maj. Lindsey P. Rucker, Infantry (Quartermaster Corps), vice Lieut. Col. Lutz Wahl, promoted colonel.

Maj. William G. Fleischhauer, Infantry (Quartermaster Corps), vice Lieut. Col. Lindsey P. Rucker, retained in the Quartermaster Corps.

Maj. Samuel A. Price, Infantry, vice Lieut. Col. William G. Fleischhauer, retained in the Quartermaster Corps.

Maj. Perrin L. Smith, Infantry (Quartermaster Corps), vice Lieut. Col. Amos H. Martin, appointed colonel in the National Army.

Maj. Charles L. Willard, Infantry (Quartermaster Corps), vice Lieut. Col. Perrin L. Smith, retained in the Quartermaster Corps.

Maj. Rufus B. Clark, Infantry (Quartermaster Corps), vice Lieut. Col. Charles L. Willard, retained in the Quartermaster Corps.

Maj. William A. Carleton, Infantry (Quartermaster Corps), vice Lieut. Col. Rufus B. Clark, retained in the Quartermaster Corps.

Maj. Lochlin W. Caffey, Infantry, vice Lieut. Col. William A. Carleton, retained in the Quartermaster Corps.

Maj. William S. Faulkner, Infantry, vice Lieut. Col. William P. Jackson, promoted colonel.

Maj. Ernest H. Agnew, Infantry, vice Lieut. Col. Matthias Crowley, promoted colonel.

Maj. Robert O. Ragsdale, Infantry, vice Lieut. Col. John J. Bradley, promoted colonel.

Maj. Austin A. Parker, Infantry, vice Lieut. Col. Douglas Settle, promoted colonel

Maj. Charles M. Gordon, jr., Infantry, vice Lieut. Col. Isaac C. Jenks, promoted colonel.

Maj. Fred Van S. Chamberlain, Infantry, vice Lieut. Col. Hanson E. Ely, promoted colonel.

Maj. William N. Hughes, jr., Infantry (General Staff), vice Lieut. Col. Lewis S. Sorley, promoted colonel.

Maj. Sylvester Bonnaffon, 3d, Infantry, vice Lieut. Col. William N. Hughes, jr., retained in the General Staff.

Maj. Robert C. Humber, Infantry (Quartermaster Corps), vice Lieut. Col. William M. Morrow, promoted colonel.

Maj. Joseph C. Brady, Infantry, vice Lieut. Col. Robert C. Humber, retained in the Quartermaster Corps.

Maj. John H. Page, jr., Infantry, vice Lieut. Col. Benjamin F. Hardaway, promoted colonel.

Maj. Parker Hitt, Infantry, vice Lieut. Col. Joseph C. Castner, promoted colonel.

Maj. Paul W. Beck, Infantry, vice Lieut. Col. Edward Sigerfoos, promoted colonel.

Maj. Robert I. Rees, Infantry (General Staff), vice Lieut. Col. Henry L. Kinnison, appointed colonel in the National Army.

Maj. John J. Miller, Infantry, vice Lieut. Col. Robert I. Rees, retained in the General Staff.

Maj. Jesse M. Cullison, Infantry, vice Lieut. Col. Paul B. Malone, promoted to colonel.

Maj. William H. Noble, Infantry (Quartermaster Corps), vice Lieut. Col. William F. Creary, promoted to colonel.

Maj. Wilbur A. McDaniel, Infantry, vice Lieut. Col. William H. Noble, retained in the Quartermaster Corps.

Maj. Evert R. Wilson, Infantry, vice Lieut. Col. Herschel Tupes, promoted to colonel.

Maj. Philip Powers, Infantry, vice Lieut. Col. Isaac Newell, promoted to colonel.

Maj. Clenard McLaughlin, Infantry, vice Lieut. Col. Robert O. Van Horn, detailed in the Signal Corps.

Maj. Edward B. Mitchell, Infantry, vice Lieut. Col. James B. Allison, detailed in Signal Corps.

Maj. James H. Como, Infantry (Quartermaster Corps), vice Lieut. Col. John L. Jordan, retired.

Maj. Harol D. Coburn, Infantry, vice Lieut. Col. James H. Como, retained in the Quartermaster Corps.

Maj. Allen J. Greer, Infantry (General Staff), vice Lieut. Col. Lawrence B. Simonds, promoted to colonel.

Maj. Robert Whitfield, Infantry, vice Lieut. Col. Allen J. Greer, retained in the General Staff.

Maj. Abraham U. Loeb, Infantry, vice Lieut. Col. Frederick W. Lewis, promoted to colonel.

Maj. Constant Cordier, Infantry (General Staff), vice Lieut. Col. Frederick G. Lawton, appointed colonel in the National Army.

Maj. James M. Loud, Infantry, vice Lieut. Col. Constant Cordier, retained in the General Staff.

Maj. J. DeCamp Hall, Infantry, vice Lieut. Col. Parker Hitt, detailed in the Signal Corps.

Maj. Davis C. Anderson, Infantry, vice Lieut. Col. Wilson B. Burtt, detailed in the Signal Corps.

Maj. Robert D. Carter, Infantry, vice Lieut. Col. Claude H. Miller, detailed in the Inspector General's Department.

Maj. Douglas Potts, Infantry, vice Lieut. Col. John H. Hughes, detailed in the Inspector General's Department.

Maj. Vincent M. Elmore, Infantry, vice Lieut. Col. Alexander T. Ovenshine, detailed in the Inspector General's Department.

Maj. Benjamin R. Wade, Infantry, vice Lieut. Col. George N. Bomford, detailed in the Signal Corps.

Maj. George E. Goodrich, Infantry, vice Lieut. Col. Oliver S. Eskridge, detailed in the Signal Corps.

Maj. Edwin S. Hartshorn, Infantry, vice Lieut. Col. Paul Giddings, detailed in The Adjutant General's Department.

Maj. Clark R. Elliott, Infantry, vice Lieut. Col. James N. Pickering, promoted to colonel.

Maj. Ralph B. Lister, Infantry, vice Lieut. Col. Eleutheros H. Cooke, retired.

Maj. Harry E. Comstock, Infantry, vice Lieut. Col. Harvey W. Miller, detailed in the General Staff.

Maj. William R. Standiford, Infantry (General Staff), vice Lieut. Col. Harry H. Tebbetts, detailed in The Adjutant General's Department.

Maj. Frederick S. Young, Infantry (General Staff), vice Lieut. Col. William R. Standiford, retained in the General Staff.

Maj. Thomas S. Moorman, Infantry (Quartermaster Corps), vice Lieut. Col. Frederick S. Young, retained in the General Staff.

Maj. Charles H. Morrow, Infantry, vice Lieut. Col. Thomas S. Moorman, retained in the Quartermaster Corps.

Maj. Brady G. Ruttencutter, Infantry, vice Lieut. Col. Edwin S. Hartshorn, detailed in the General Staff.

Maj. Jennings B. Wilson, Infantry, vice Lieut. Col. William A. Burnside, promoted colonel.

Maj. William O. Smith, Infantry (Quartermaster Corps), vice Lieut. Col. Russell C. Langdon, promoted colonel.

Maj. Clarence K. La Motte, Infantry, vice Lieut. Col. William O. Smith, retained in the Quartermaster Corps.

Maj. George M. Holley, Infantry, vice Lieut. Col. Frank C. Bolles, promoted colonel.

Maj. Edgar S. Stayer, Infantry (Quartermaster Corps), vice Lieut. Col. James W. Clinton, promoted colonel.

Maj. Charles H. Errington, Infantry (Quartermaster Corps), vice Lieut. Col. Edgar S. Stayer, retained in the Quartermaster Corps.

Maj. George C. Shaw, Infantry (Inspector General's Department), vice Lieut. Col. Charles H. Errington, retained in the Quartermaster Corps.

Maj. Charles E. Reese, Infantry, vice Lieut. Col. George C. Shaw, retained in the Inspector General's Department.

Maj. Robert S. Knox, Infantry, vice Lieut. Col. Vincent M. Elmore, detailed in the Inspector General's Department.

To be lieutenant colonels with rank from November 5, 1917.

Maj. William A. Castle, Infantry (General Staff), vice Lieut. Col. Henry E. Eames, promoted colonel.

Maj. Harry D. Blasland, Infantry, vice Lieut. Col. William A. Castle, retained in the General Staff.

To be lieutenant colonels with rank from November 16, 1917.

Maj. Edward H. Andres, Infantry (Quartermaster Corps), vice Lieut. Col. Carroll F. Armistead, promoted colonel.

Maj. Thomas J. Rogers, Infantry, vice Lieut. Col. Edward H. Andres, retained in the Quartermaster Corps.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

The following-named medical inspectors to be medical directors in the Navy, for temporary service, from the 15th day of October, 1917:

Charles E. Riggs,
Ammen Farenholt, and
Charles P. Kindleberger.

Surg. Joseph C. Thompson to be a medical inspector in the Navy, for temporary service, from the 23d day of May, 1917.

The following-named surgeons to be medical inspectors in the Navy, for temporary service, from the 15th day of October, 1917:

Karl Ohnesorg,
William Seaman,

Archibald M. Fauntleroy,
Robert E. Hoyt,
Joseph P. Traynor,
John F. Murphy,
Jesse W. Backus, and
John L. Neilson.

Pay Inspector Joseph J. Cheatham to be a pay director in the Navy, for temporary service, from the 1st day of July, 1917.

Paymaster George P. Dyer to be a pay inspector in the Navy, for temporary service, from the 23d day of May, 1917.

The following-named paymasters to be pay inspectors in the Navy, for temporary service, from the 1st day of July, 1917:

William A. Merritt,
Frederick K. Perkins,
Grey Skipwith,
McGill R. Goldsborough, and
Eugene C. Tobey.

The following-named officers to be ensigns in the Navy, for temporary service, from the 1st day of January, 1918:

Jesse E. Walter,
Harry Waterhouse,
Oscar E. Harris,
Percy S. Hogarth,
Dolle Greenwell,
Earl H. Knee,
Thomas F. Cullen,
Thomas S. Beard,
Henry A. Beaman,
Arthur L. Karns,
George J. Wolf,
Frank W. Crilley,
Jesse M. Acuff, and
Lincoln B. Walker.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 1st day of January, 1918:

George Hurst,
William Smith,
Caleb A. Holbrook,
John M. Morrison,
George M. Donovan,
James F. Mullin,
Edward Van Pelt,
George T. Rolfes,
Ernest A. Broms,
Edward G. Evans,
John H. Rider,
Carlisle J. Christman,
William T. Murray,
Christian Bauer,
Charles A. Pilant,
John W. Cunningham,
Michael T. Minihan,
Charles Keenan,
James T. Brien,
Robert J. Denny,
Thomas A. Patterson,
Walter E. Holden, and
Howard Keane.

The following-named officers of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 1st day of January, 1918:

John Black, jr.,
Thomas H. Laine, and
Ludwig G. Hoefling.

The following-named pay inspectors to be pay directors in the Navy, for temporary service, from the 31st day of August, 1917:

George G. Seibels, and
Edmund W. Bonnaffon.

Pay Inspector Joseph Fyffe to be a pay director in the Navy, for temporary service, from the 15th day of October, 1917.

The following-named paymasters to be pay inspectors in the Navy, for temporary service, from the 31st day of August, 1917:

Franklin P. Sackett,
David M. Addison,
Victor S. Jackson,
John R. Sanford,
Herbert E. Stevens,
Charles R. O'Leary, and
Charles W. Eliason.

The following-named paymasters to be pay inspectors in the Navy, for temporary service, from the 15th day of October, 1917:

Cuthbert J. Cleborne, and
John D. Robnett.

Paymaster George W. Pigman, jr., to be a pay inspector in the Navy, for temporary service, from the 11th day of December, 1917.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21, 1918.

COMMISSIONER FOR THE DISTRICT OF COLUMBIA.

Louis Brownlow to be a Commissioner for the District of Columbia.

RECEIVER OF PUBLIC MONEYS.

Fred A. King to be receiver of public moneys at Cass Lake, Minn.

REGISTERS OF THE LAND OFFICE.

Alvah G. Swindlehurst to be register of the land office at Cass Lake, Minn.

John T. Cogan to be register of the land office at Pierre, S. Dak.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 21, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in Heaven, we thank Thee for the simple yet sublime truths expressed in the familiar hymn, the basis upon which all true religions have their foundation:

How gentle God's commands!
How kind His precepts are!
Come, cast your burdens on the Lord,
And trust his constant care.

His goodness stands approved,
Unchanged from day to day;
I'll drop my burden at His feet
And bear a song away.

Hasten the day, we beseech Thee, when all mankind shall accept and live these truths in the common daily activities of life; that the demons which so easily beset us—greed, avarice, hate, revenge, unholy ambitions, and selfishness—may be cast out, and the world become a better and saner place to dwell in, after the manner of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

Mr. LAZARO. Mr. Speaker, I ask unanimous consent for the leave of absence of my colleague, Mr. WILSON, indefinitely, on account of sickness.

The SPEAKER. The gentleman from Louisiana asks unanimous consent for indefinite leave of absence for his colleague, Mr. WILSON, on account of sickness. Is there objection?

There was no objection.

The SPEAKER. The Chair wishes to announce once more that the easiest and best way to obtain leave of absence is to make out a slip and present it to the Clerk.

Mr. LONDON. Mr. Speaker, I make the point of order that no quorum is present.

The SPEAKER. The gentleman from New York makes the point of order that no quorum is present, and evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, and the Sergeant at Arms was ordered to notify the absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

Bacharach	Dewalt	Greene, Mass.	Miller, Wash.
Bowers	Dooling	Griest	Montague
Brodbeck	Doremus	Hamill	Mudd
Buchanan	Drukker	Hamilton, N. Y.	Neely
Byrns, Tenn.	Eagan	Harrison, Miss.	Nichols, Mich.
Caldwell	Eagle	Harrison, Va.	Nolan
Campbell, Pa.	Edmonds	Haskell	O'Shaunessy
Cannon	Esch	Helm	Paige
Capstick	Estopinal	Helvering	Parker, N. J.
Carew	Evans	Hood	Parker, N. Y.
Carlin	Fairchild, G. W.	Husted	Porter
Church	Flynn	Johnson, S. Dak.	Price
Clark, Fla.	Focht	Kahn	Ragsdale
Costello	Francis	Kennedy, R. I.	Ramsey
Crago	Fuller, Mass.	LaGuardia	Reed
Currie, Mich.	Garland	Lesher	Riordan
Curry, Cal.	Godwin, N. C.	Loleck	Rowe
Dale, N. Y.	Good	McClintic	Rowland
Dale, Vt.	Goodall	McCulloch	Sanders, La.
Darrow	Gould	McLaughlin, Pa.	Scott, Pa.
Davidson	Graham, Ill.	Maher	Scully
Decker	Graham, Pa.	Mann	Sherley
Dempsey	Gray, N. J.	Mansfield	Siegel

Sims	Stephens, Nebr.	Templeton	Wilson, La.
Slemp	Sullivan	Van Dyke	Winslow
Small	Swift	Vare	Wood, Ind.
Snook	Tague	Venable	Woodyard

The SPEAKER. On this roll call 319 Members, a quorum, have answered to their names.

Mr. CARTER of Oklahoma. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 107. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3387. An act to authorize and empower the President to create military zones around shipyards where vessels are under construction for the United States; and

S. 3389. An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation, to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes.

The message also announced that the Vice President, in accordance with the act of August 29, 1916, had appointed as members of the Board of Visitors to the Naval Academy, at Annapolis, on the part of the Senate, Mr. SWANSON (ex officio chairman), Mr. SMITH of Maryland, Mr. PENROSE, and Mr. LODGE.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3389. An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation, to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 3387. An act to authorize and empower the President to create military zones around shipyards where vessels are under construction for the United States; to the Committe on the Merchant Marine and Fisheries.

S. J. Res. 107. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury; to the Committee on the Library.

COMMITTEE ON EXPENDITURES IN THE NAVY DEPARTMENT.

Mr. HARDY. Mr. Speaker, I ask unanimous consent to present a resolution authorizing the Committee on Expenditures in the Navy to send for persons and papers.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the resolution authorizing the Committee on Expenditures in the Navy Department to send for persons and papers.

Mr. HARDY. We want to get to work is the reason, and if it will take any time I will withdraw it.

The SPEAKER. Is there objection?

Mr. GILLETT. Let us have it reported.

The Clerk read as follows:

House resolution 202.

Resolved, That the Committee on Expenditures in the Navy Department, in making the investigation required by the rules of the House, be authorized to send for persons and papers.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, this seems to be a novel resolution for any expenditure committee, even for a standing committee of the House, to be authorized to send for persons and papers. Usually in the administration of committee affairs a mere request to officials of the department—if they are the persons the gentleman has in mind—brings them voluntarily, and it is not necessary to have any special authorization.

Mr. HARDY. What the gentleman says is exactly true, but it has been held that these committees have no authority to compel the attendance of witnesses without special resolutions.

I do not apprehend that any member of the administration or that any member of any department will need any subpœna, but we might have a necessity to summon others.

Mr. STAFFORD. Has the gentleman attempted to obtain the department officials, and have they declined to respond to the invitation?

Mr. HARDY. Not at all. We do not intend to use it for any department.

Mr. STAFFORD. It is anticipating a condition that may never happen?

Mr. HARDY. It is anticipating sending for other witnesses, not departmental.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask the gentleman from Texas to withdraw this resolution for the present. The gentleman does not seem to have met any conditions which warrant action on this resolution up to this time. If he had I would not object to it.

Mr. STAFFORD. Is the purpose of the resolution to send for persons outside of the departments?

Mr. HARDY. That is the purpose of it.

Mr. STAFFORD. Of course, that is a different condition. If that is so, I shall not object.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, is it the intention to bring witnesses in from all over the country?

Mr. HARDY. We say.

Mr. FOSTER. That would require an expenditure.

Mr. HARDY. We may want to send for some witnesses. We promised the Committee on Accounts that we would make investigations, and if we need to have the witnesses we ought to have the authority to get them.

Mr. FOSTER. This would give the gentleman no authority to pay their expenses. I wish the gentleman would withdraw it for this morning, until we can see further about it.

Mr. HARDY. Mr. Speaker, rather than take up further time, I withdraw the resolution.

COAL AND ASPHALT DEPOSITS, CHOCTAW AND CHICKASAW NATIONS.

The SPEAKER laid before the House the bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral lands in the Choctaw and Chickasaw Nations, Okla., with Senate amendments thereto.

The Senate amendments were read.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. I wish to inquire whether the amendment in the Senate striking out the description of the property that could be used by the State of Oklahoma and substituting therefor the phraseology limiting it only to that which has been purchased by the State penitentiary purposes is identic in purpose?

Mr. CARTER of Oklahoma. The item which carried the preferential right for the State to purchase these lands carried a description in full, which was furnished me by the governor of the State of Oklahoma. I afterwards found from the warden of the State penitentiary that that description was an error and contains land outside the penitentiary grounds which the State did not desire to purchase, and the warden of the penitentiary said it was not the purpose of himself nor the governor nor any other State official to purchase land other than that under the State penitentiary lands, and when this was explained at the Senate end of the Capitol the amendment was made to conform to what was actually sought to be done.

Mr. STAFFORD. So the Senate amendment restricts the quantity of land?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. And carries out the original purpose of the House bill?

Mr. CARTER of Oklahoma. Yes. I had no way of knowing whether or not the description carried in the original bill was correct, for the reason that I did not have by me any detailed description of the lands embraced in the surface grant to the penitentiary.

Mr. STAFFORD. I have directed the gentleman's attention to an error in the amendment that was offered by myself, a mere formal amendment, when the bill was under consideration, striking out the word "apply" and substituting therefor the words "as applied," and I find in the bill as it is before us the amendment carries the past tense "applied." I believe the gentleman agrees that should be "apply," and he intended later to offer a concurrent resolution directing the engrossing clerk in the engrossed copy to change the word "applied" to the word "apply."

Mr. CARTER of Oklahoma. That is a typographical error. In the original bill the word was "applied," and when our attention was called to that by the gentleman from Wisconsin the change was made on the floor of the House.

Mr. STAFFORD. The other amendments of the Senate are minor.

Mr. CARTER of Oklahoma. Except in one particular.

Mr. STAFFORD. What is the amendment that the gentleman says is of more than minor importance?

Mr. CARTER of Oklahoma. It is the one at the end of line 2 on page 5, after the word "twelve" to insert:

Provided further, That no person or corporation shall be permitted to acquire more than four tracts of 960 acres each, except where such person, firm, or corporation has such tracts under existing valid lease.

Mr. STAFFORD. And that is for the best interest of the people of Oklahoma, the gentleman thinks?

Mr. CARTER of Oklahoma. Yes.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. WINGO. I gathered from the reading of the Senate amendments that there is an amendment in there covering the question of convict labor.

Mr. CARTER of Oklahoma. Yes.

Mr. WINGO. That amendment was arrived at by consulting with the interested parties and the Senators from Oklahoma and the governor of that State?

Mr. CARTER of Oklahoma. I will read the amendment for the gentleman's benefit:

Page 5, line 16, strike out all after "Oklahoma," down to and including "east," line 5, page 6, and insert "for the grounds of the State penitentiary: *Provided*, That said coal deposit under said land shall not be mined by convict labor for the purpose of sale to any private agencies, individual person, or corporation, or to be sold for private or commercial purposes."

I will state, further, that this amendment was suggested by the governor of Oklahoma himself. This complied with the governor's statement to me in transmitting the item to be introduced, which was to the effect that he had no purpose of attempting to mine coal from the deposits purchased in competition with free labor.

Mr. WINGO. The object of that amendment is to restrict the use of the mines and the convict-mined coal to the penitentiary where the convicts are?

Mr. CARTER of Oklahoma. Yes.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8696, the Indian appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the purpose of the consideration of the bill, the title of which the clerk will report.

The Clerk read as follows:

A bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The CHAIRMAN. The Chair's information is that when the committee arose on Saturday the question pending before the committee was a point of order made by the gentleman from Wisconsin [Mr. STAFFORD]. Does the gentleman insist upon his point of order?

Mr. STAFFORD. May we have an understanding that this item be passed over temporarily? The gentleman from Arizona this morning met me on my way to the committee room of the Committee on Appropriations where I had an important hearing and could not present the matter that he wished. Yesterday I took occasion to look over everything that referred to this project in the hearing but he had some further data to present.

Mr. CARTER of Oklahoma. Does the gentleman just want to pass this item over without prejudice?

Mr. STAFFORD. Yes.

Mr. CARTER of Oklahoma. I will be glad to do so.

The CHAIRMAN. Without objection, the paragraph on page 17, down to line 10, page 18, will be passed for the present. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

To enable the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 1, 1868, between the United States and the Navajo Nation or tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo tribe of Indians, $100,000: *Provided*, That the said Secretary may expend said funds, in his discretion, in establishing or enlarging day or industrial schools.

Mr. CAMPBELL of Kansas. Mr. Chairman, I would like to know what is being done with this $100,000. I think the committee should know just what is being done with it.

Mr. HAYDEN. Mr. Chairman, I can say to the gentleman from Kansas that excellent use is made of this money in the operation of day and boarding schools on the Navajo Indian Reservation.

Mr. CAMPBELL of Kansas. Do we establish day schools by annual appropriations every year? How many schools have been established and how many are maintained, and how many pupils attend them?

Mr. HAYDEN. The hearings show that last year a dormitory was completed at the Leupp Indian School on this reservation; also a dairy barn at Navajo. The equipment made necessary by the enlargement of Pueblo Bonito and Western Navajo schools was supplied and a new schoolhouse with a capacity of 300 pupils has been constructed at Tohatchi. The hearings show that at present there are school buildings on the Navajo Reservation with a capacity for 2,072 children and there are 6,642 Navajo Indian children without school facilities at this time.

Mr. CAMPBELL of Kansas. How much money was used last year in the construction of these schools for the benefit of these children?

Mr. HAYDEN. The hearings show an expenditure of $47,777.

Mr. CAMPBELL of Kansas. Does that include the construction of buildings?

Mr. HAYDEN. Yes.

Mr. CAMPBELL of Kansas. Why is it necessary to have $100,000 this year, the buildings having been constructed?

Mr. HAYDEN. I know that the Indian Service expects to complete the construction of several additional buildings at Keams Canyon and other places. Until we provide school facilities, schoolhouses on the reservation where the Indian children can attend, we should not stop appropriating money. There are over 6,000 children on the Navajo Reservation for whom there are no school facilities at the present time. There are over 24,000 Navajo Indians in Arizona, comprising one of the largest Indian tribes in the United States.

Mr. CAMPBELL of Kansas. I am aware of that, and they are good Indians. They have been getting along splendidly without any sort of aid or supervision from the Government. They are among the best self-sustaining Indians we have, and I am fearful that they, having been among the good Indians who have been taking care of themselves, will begin to rely largely on the Government and finally the Government will be called upon to send a lot of white men out there, spend a lot of money on them with more benefit to the white men who are employed than to the Indians in whose behalf it is alleged the money is spent.

Mr. HAYDEN. Notwithstanding, the gentleman will admit that it is the policy of this Government to furnish educational opportunities for Indian children?

Mr. CAMPBELL of Kansas. What has been the method of providing for the Navajos in the past in respect to education?

Mr. HAYDEN. They have not been educated.

Mr. CAMPBELL of Kansas. Have they grown up without any schools at all?

Mr. HAYDEN. Yes, sir; the great majority of the Navajos are illiterate and very few of them can even speak the English language.

Mr. CAMPBELL of Kansas. Notwithstanding, they are mighty good Indians.

Mr. HAYDEN. There is no question about the Navajo being a good Indian.

Mr. CARTER of Oklahoma. May I call the attention of the gentleman from Kansas to the fact that this is a treaty item, anyway.

Mr. CAMPBELL of Kansas. Even so, the money should not be wasted——

Mr. CARTER of Oklahoma. That is right.

Mr. CAMPBELL of Kansas. Even where a treaty of years and years ago provided for it. We will come later on to some treaty items that provide for an annual waste of money. Conditions that existed in Indian tribes 30 years ago which made a treaty item necessary do not necessarily exist to-day, and I think we should bring the Indian Service down to date.

Mr. CARTER of Oklahoma. Well, the gentleman from Kansas well knows that there is only one way by which the treaty item can be disposed of fairly and in good morals to the Indians, and that is the capitalization of the amount.

And that has always been the policy of the Government. In order to comply with treaties, all treaty items must be pro-

vided for the Indians, and the only legitimate way to dispense with them is by capitalization of such treaty item at the ratio of 10 to 1.

Mr. CAMPBELL of Kansas. This is alleged to be under the sixth article of the treaty of June 1, 1868. Well, when did we begin to take notice that that treaty existed?

Mr. CARTER of Oklahoma. I am not prepared to give the gentleman information about that. I have not kept up with this item. I agree with the gentleman fully that these matters ought to be looked into very carefully to see that the money is expended properly.

Mr. CAMPBELL of Kansas. Does not the gentleman from Oklahoma think they ought to be looked into carefully before the money is spent rather than afterwards?

Mr. CARTER of Oklahoma. Decidedly so. That has always been my position.

Mr. CAMPBELL of Kansas. There is $100,000 under the old treaty item that was dug up from 1868, when for all these years we have been running along without doing anything for these Indians.

Mr. HAYDEN. This appropriation originated in the Senate about five years ago as the result of an investigation which disclosed that the Government had not kept the agreement made with these Indians in 1868 and provided educational facilities for their children. I think the appropriation should be continued until we have school facilities for every Indian in the Navajo country. As it stands to-day there are 7,844 children of school age on the reservation. There are 6,642 Indian children that could not go to school if they wanted to do so.

Mr. CAMPBELL of Kansas. Is it not true that everybody who knows anything about Indians knows the Navajo Indians are the best Indians per individual that are to be found anywhere out in the mountain countries and that they have been taking care of themselves? They are self-supporting Indians.

Mr. HAYDEN. But would it be any detriment to the Indian, in the gentleman's judgment, if he learned to speak the English language and to read and write it?

Mr. CAMPBELL of Kansas. It will be a detriment to the Navajo Indian to come under the control of the Indian Office or an Indian control that has devitalized other Indian tribes while this tribe, without control, is a vital, manly, and womanly set of people.

Mr. HAYDEN. I agree with the gentleman in all that he says in praise of the Navajo Indians.

Mr. CAMPBELL of Kansas. They are self-supporting and self-respecting and composed of a high-grade type of men and women, as everybody knows who knows anything about Indians.

Mr. HAYDEN. I am in thorough accord with the gentleman that, so far as the property of these Indians is concerned, the Government should keep its hands off and let them attend to their flocks and herds and sell their blankets, as they do now; but I can not see for the life of me how it would injure an Indian child any more than a white child to send it to school.

Mr. CAMPBELL of Kansas. Is it not true that the Navajo Indians attend our Indian schools? Can not a Navajo come to Haskell or to Chilocco or any other of the Indian schools and be educated at the expense of the Government?

Mr. HAYDEN. We all agree that sending the children away to boarding schools is not the best system of educating the Indians.

Mr. CAMPBELL of Kansas. It has not proved so for the Navajos.

Mr. HAYDEN. The kind of education that we shall provide is by establishing day schools and boarding schools in proximity to the reservations. Day schools shall be encouraged in preference to boarding schools, so that the Indian children may go home to their parents at night, as white children do. It was by that system that the American people became educated. The hot-housing system that is pursued in some of the boarding schools results in but little permanent benefit to the Indians.

Mr. CAMPBELL of Kansas. I think it is an unwise policy to take up Indians that are self-respecting and self-supporting, that have produced high-grade men and women, such as the Navajos have produced, without any sort of aid or assistance from the Government, or supervision from the Indian Office, and then pick up an old treaty somewhere, at this late day, a treaty agreed to in 1868, in order to foist a supervision or control over those Indians. I think it is very unwise to do it, and I do not think that this appropriation of $100,000 ought to be made in this lump sum. If anything is to be done, a school ought to be provided at a certain place for so many dollars and at a certain other place for so many dollars, rather than to give a lump sum here to be used as is provided in this bill.

Mr. HAYDEN. I am in accord with the gentleman's last suggestion, and so far as I am concerned this appropriation will not again be made without specifying the schools where the funds are to be expended.

Mr. CAMPBELL of Kansas. It ought not to occur now. Let us pass this item and get it in shape. It ought not to go in in this way. It is simply against the policy of the Committee on Indian Affairs, a policy that has been adopted with respect to other matters. I do not see why we should put it in this item in this way.

Mr. HAYDEN. Will the gentleman consent to pass the item, so that we may ask the Indian Office to submit an itemized estimate?

Mr. CAMPBELL of Kansas. I will ask that the item be passed and ask the gentleman from Arizona [Mr. HAYDEN], in whose section of the country this money is to be spent, to take the matter up with the Indian Office.

Mr. HAYDEN. I will be glad to do that. I ask unanimous consent that the paragraph be passed over.

The CHAIRMAN. The gentleman from Arizona [Mr. HAYDEN] asks unanimous consent to pass the paragraph on page 18, beginning with line 10 and ending with line 19, inclusive. Is there objection? [After a pause.] The Chair hears none; and the Clerk will read.

The Clerk read as follows:

For continuing the development of a water supply for the Navajo and Hopi Indians on the Navajo, Moqui, Pueblo, San Juan, and Western Navajo Reservation, $25,000, to be immediately available, reimbursable out of any funds of said Indians now or hereafter available.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HAYDEN. Mr. Chairman, I move to amend the paragraph, on line 22, by making the word "Reservation" plural, so that it will read "Reservations."

The CHAIRMAN. Does the gentleman from Wisconsin withdraw his point of order?

Mr. STAFFORD. I wish to make an inquiry about this change of phraseology before withdrawing the point of order. Is it the purpose to extend this project in any way except to extend the privileges to different Indians on the same reservation?

Mr. HAYDEN. When this appropriation was made last year and in prior years it said, "the Navajo Indians on the Navajo Indian Reservation." As a matter of fact, the Navajo jurisdiction has been divided into these various reservations, and the Indian Office advised the committee that a strict interpretation of the law would compel this appropriation to be expended on one small part of the Navajo country rather than on the various reservations, as it ought to be. As I happened to know that the Hopi Indians also lived in that Territory, I had the word "Hopi" inserted so that the Hopi Indians would also have the benefit of the development of an additional water supply.

Mr. STAFFORD. Do they live on the Navajo Reservation?

Mr. HAYDEN. They live on the Moqui Reservation, together with the Navajos. The Moqui Reservation is surrounded by the Navajo Reservation.

Mr. STAFFORD. Together with the Pueblos, Moquis, and others?

Mr. HAYDEN. Yes; they occupy a part of the Navajo country. These reservations were created by Executive order at different dates.

Mr. STAFFORD. The amendment does not propose to create a new project to carry out more specifically what was intended by the general language in last year's bill?

Mr. HAYDEN. That is it exactly.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman withdraws the point of order. The Clerk will report the amendment offered by the gentleman from Arizona.

The Clerk read as follows:

Amend, page 18, line 22, by striking out the word "Reservation" and inserting in lieu thereof the word "Reservations."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For completing the construction by the Indian Service of a dam with a bridge superstructure and the necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and Indian allotment on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), $50,000, to be immediately available and to remain available until expended, reimbursable as provided in section 2 of the act of August 24, 1912 (37 Stat. L., 522): *Provided*, That the limit of cost of the said dam and bridge fixed by the act of May 18, 1916 (39 Stat. L., 130), is hereby changed from $200,000 to $250,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. What is the occasion of increasing the limit of cost on this project from $200,000 to $250,000?

Mr. HAYDEN. The occasion for this increase is the great flood that came down Gila River, which widened the channel at the place where this dam is to be constructed so that it can not be built for the money appropriated. That and the increased cost of labor and material necessary for its construction occasioned this increase.

Mr. STAFFORD. This dam also is to be utilized for bridge purposes, is it?

Mr. HAYDEN. Yes, sir.

Mr. STAFFORD. And the river has been widened considerably at this point by reason of the flood that the gentleman refers to?

Mr. HAYDEN. Yes, sir.

Mr. STAFFORD. I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the reservation of a point of order; and the Clerk will read.

The Clerk read as follows:

For the construction of a fence along the international boundary line between Mexico and the Papago Indian Reservation, in Arizona, created by Executive order of January 14, 1916, under such rules and regulations as the Secretary of the Interior may prescribe, $10,000, to be immediately available and to remain available until expended.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. I wish to inquire whether this item was included by the department in their estimates?

Mr. HAYDEN. Yes, sir. You will find the item and the justification on page 133 of the hearings. The department very strongly urges this appropriation by reason of the fact that owing to the unsettled conditions in Mexico a considerable number of cattle belonging to the Papago Indians have drifted across the international boundary, where they have been killed and consumed by the Mexicans. It is therefore necessary to keep the stock of the Indians on this side of the line. If the conditions in Mexico were more settled, there would be less urgency for the construction of this fence.

Mr. STAFFORD. Is this an ordinary range fence to surround the cattle ranch to keep them in the corral?

Mr. HAYDEN. No. It is what is called a "drift fence," which will cross a valley along the international boundary line between this reservation and old Mexico.

Mr. STAFFORD. The gentleman uses a term in connection with the fence that I am not familiar with. What does he mean by a "drift fence"?

Mr. HAYDEN. A "drift fence" is a fence to prevent cattle from drifting or wandering across the country. Drift fences are constructed all along the international boundary line to prevent the cattle from drifting over into Mexico. The Mexicans are hungry these days and do not hesitate to eat any meat animal that they can catch.

Mr. STAFFORD. Do these fences have any effect in preventing the Mexicans from coming over into this country in their raids?

Mr. HAYDEN. The boundary fence near Columbus, N. Mex., did not stop Villa when he made his raid. The raiders cut the fence about 2 miles from a gate where the picket of American soldiers was stationed that night.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the reservation. The Clerk will read.

The Clerk read as follows:

That the unexpended balance of $6,715 appropriated by the Indian appropriation act approved May 18, 1916, for the proportionate share of the amount required to construct a wagon road or highway through the Kaibab Reservation in Utah is hereby made available upon the same terms, except that any labor may be used upon the construction of such road or highway, giving preference to Indian labor.

Mr. HAYDEN. Mr. Chairman, I move to amend, on line 5, by striking out the words "in Utah" and inserting the word "Indian" after the word "Kaibab."

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 22, line 5, after the word "Kaibab," insert the word "Indian," and after the word "Reservation," strike out the words "in Utah."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CALIFORNIA.

SEC. 3. For support and civilization of Indians in California, including pay of employees, $42,000.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the last word for the purpose of finding out what this $42,000 is used for. The hearings show that for last year about $30,000 was expended in order to get about $9,000 worth of goods to the Indians. The money was expended last year as follows: Seventeen thousand dollars for regular employees. Now, can you imagine how it would be necessary to employ $17,000 worth of employees to spend $40,000 in any service on earth except the Indian Service? Those are the regular employees. Now, here are irregular employees, $746. Then, traveling expenses, $2,459; transportation of supplies, $673; stationery and printing, school supplies, $29.50. An enormous amount of this $42,000 for school supplies! Twenty-nine dollars and fifty cents. Telegraphing and telephoning, $426; light, heat, and power, including fuel, $3,375. I assume that that was to keep the employees warm. So far we have not done a thing for the Indian except to get him $29 worth of school supplies. Now, here are $9,713 worth of dry goods, subsistence, forage, medical supplies, and so forth. I do not know just how these supplies were distributed, but I want to know if it takes $3,000 to get $1,000 worth of goods distributed to a few Indians.

Mr. CARTER of Oklahoma. Mr. Chairman, this is the regular——

Mr. CAMPBELL of Kansas. That does not make it right, even if it is regular. It is just that much worse.

Mr. CARTER of Oklahoma. I should be glad to finish my sentence, or I will wait until the gentleman finishes. I did not say anything was right. I undertook to say that this is the regular agency appropriation. Agency appropriations as a rule are used for employees, as the gentleman well knows, to administer the affairs of the Indians. Certainly if we are going to continue to administer the affairs of the Indians we will have to make appropriations, and the money will have to be spent for employees. If we are going to stop administering the affairs of the Indians, then all these expenses can be stopped. I do not know how they can be stopped otherwise. It might be that if we had an investigation of the matter, and had time to go out through the reservations, we could dispense with a great number of employees; but until that is done the Committee on Indian Affairs, of which the gentleman is a member, has no way of getting that information except through the Indian Bureau. As the gentleman well knows, the only source of information we have is through the Commissioner of Indian Affairs himself. Just what good for the Indians has been done by this appropriation it is impossible for me to say. Whether a man working for a salary of $1,000 and expenses $500 renders a $1,500 service to the Indians I am unable to say, and I do not think any man could undertake to say, unless an investigation were made and he went on the reservation to look in a thorough manner into the work that these employees were doing. The gentleman may be right in his statement that there are a great many useless employees in the Indian Service. I do not know any way to intelligently dispense with them, unless we can have some kind of an investigation to show which ones are unnecessary and which are necessary.

Mr. CAMPBELL of Kansas. Does not the gentleman from Oklahoma also agree that we have a number of useless agencies?

Mr. CARTER of Oklahoma. The gentleman may be right about that.

Mr. CAMPBELL of Kansas. And that this is probably one of them, as the analysis of the expenditures shows.

Mr. CARTER of Oklahoma. As the gentleman knows, these appropriations are not used to give money or supplies to the Indians as a rule, but usually are used for the purpose of paying farmers, matrons, and different employees of the service to go among the Indians.

Mr. CAMPBELL of Kansas. I went to one of those agencies at Mayetta, Kans., last spring and found just such an organization as that, and the only thing that agency did was to acknowledge leases for farm purposes made by Indian farmers who had the ability and the energy to run farms and occasionally leased their lands to a neighboring farmer. This agency cost the Government $21,000, and the only service it rendered could have been performed by a notary public in a near-by village for about $18.

Mr. CARTER of Oklahoma. Was that the Kickapoo Agency in Kansas?

Mr. CAMPBELL of Kansas. Yes; on the reservation.

Mr. CARTER of Oklahoma. There was also a school in connection with that, was there not?

Mr. CAMPBELL of Kansas. They say so. I did not locate it near the agency.

Mr. CARTER of Oklahoma. A camouflage school!

Mr. CAMPBELL of Kansas. That item that the gentleman refers to will go back into the bill. I am now talking about these items as they come up here to impress this House with the fact that the time has come to get a pruning knife and go after these agencies and cut them out. It can not be done in one instance alone. It does not start the matter to take out one agency.

Mr. CARTER of Oklahoma. I shall be very glad to join the gentleman in cutting down the expenses to the lowest possible amount, and in taking away from the Indian any supervision that he does not need; but the gentleman will agree that we must undertake that in an intelligent manner. We can not just arbitrarily wipe out an agency here and there without knowing what we are doing.

Mr. CAMPBELL of Kansas. How do these Indians in California live—in teepees, wearing blankets, in an Indian village?

Mr. CARTER of Oklahoma. Some of them live in villages and some scattered over the reservation. I have been over one reservation in California. These Indians are taken care of by this agency.

Mr. CAMPBELL of Kansas. How do they make a living?

Mr. CARTER of Oklahoma. Some of them farm and do different things. I think some of them have a few sheep. Some of them do very little, if anything.

Mr. CAMPBELL of Kansas. What on earth does the agent do for them?

Mr. CARTER of Oklahoma. Just about what he does at any other place.

Mr. CAMPBELL of Kansas. What does the farmer do?

Mr. CARTER of Oklahoma. I did not get into communication with the farmer, but the gentleman knows what the duties of an agency farmer are. I do not know how well he performs his duties.

Mr. CAMPBELL of Kansas. I know the kind of farmer he is, and I know about the value of the service he renders for them. It is as valueless as the service that the agent renders.

Mr. CARTER of Oklahoma. Perhaps the gentleman is right about that. I know there are 9,329 Indians on the reservation to be taken care of by this agency.

Mr. CAMPBELL of Kansas. About $1 apiece——

Mr. CARTER of Oklahoma. More than that.

Mr. CAMPBELL of Kansas. Out of this appropriation of $40,000 about a dollar apiece would reach the Indians, and the rest of it goes to maintain the households of the employees.

Mr. CARTER of Oklahoma. Mr. Chairman, the purpose of this appropriation, as the gentleman knows, is not to deliver money to the Indians, but it is to supervise and teach the Indian, to bring him up until he can get up to self-sustaining citizenship. Whether that is being done the gentleman is better informed with reference to this particular agency than I am. I do not think it is being done to such an extent as it should be in some of these agencies of which I am advised.

Mr. CAMPBELL of Kansas. May I ask the gentleman if it is his observation and experience that these Indian agents really advance the civilization of the Indians, if they really render a beneficial service to the Indians?

Mr. CARTER of Oklahoma. Yes; I will say to the gentleman that the superintendent at Muskogee renders very valuable service, and there is a class of local agents in Oklahoma who are now rendering beneficial service to the Indians. There the probate attorneys render valuable service to the Indians.

Mr. CAMPBELL of Kansas. I do not mean that class. I am referring to the agents such as are provided for in this bill for agencies in California, Kansas, Minnesota, and other States where the Indian agent surrounds himself with a doctor and a few employees, while the Government furnishes fuel and somebody to start the fires, where the agent sits around, and when a few Indians come in once in a while the agent is very much bored if he has to go out and see the Indians.

Mr. CARTER of Oklahoma. I think some agencies in Oklahoma have really done some good. It may be, I think, in some instances they have not. I am willing to go with the gentleman and cut out the unnecessary ones. I am willing to make any cut that I know will not injure the service.

Mr. CAMPBELL of Kansas. I want to compare the Navajo Indians in Arizona with other Indians in that section of the country. These Navajos have been largely free from agencies and the influence of agents, and they are high-grade Indians; I venture to say much higher grade than these in California that have been under the supervision of this agency. I withdraw the pro forma motion.

The CHAIRMAN. The pro forma motion is withdrawn, and the Clerk will read.

The Clerk read as follows:

For beginning the enlargement and improvement of the irrigation project upon the Torres Indian Reservation, California, for the irrigation of approximately 3,000 acres of Indian land in accordance with the plans and estimates submitted by the Chief Engineer in the Indian Service and approved by the Secretary of the Interior, $25,000, to remain available until expended and to be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That the total cost of said irrigation project shall not exceed $150,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. An examination of the hearings on this item discloses that this appropriation is for the purpose of sinking some large wells on a sparsely settled Indian reservation in the southern part of California for the ostensible purpose of helping the Indians. The estimated cost, if this is successfully undertaken, is $55 per acre, a rather large price for irrigation work on arid lands.

There have been some wells sunk on this reservation in the past, wells not of the same diameter as those contemplated in this new project. It is something new in a way to us from the East to cultivate lands by sinking various pipe wells and then establishing pumping stations in connection with those wells to get the water from below to the surface.

For the benefit of whom? In this case primarily for the benefit of the Indians. The Indians are not pressingly seeking this relief. There are only a few of them, and those few to-day have sufficient accommodations for tilling the land. This irrigation project is located where alternate sections have been heretofore granted to the railroads under the land-grant concessions, and these alternate sections are owned in private ownership. The major argument on the part of the department in favor of this project is that the private owners are sinking wells and tapping the water supply, and it is necessary to come to the rescue and relief of the Indians by establishing a large system.

Mr. MONDELL. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. MONDELL. On the point of cost—I know nothing about this project—but the gentleman referred to the cost of this project, $55 an acre, as rather high. I will say to the gentleman that irrigated lands in that section would easily stand a much larger construction charge than that. Some of the irrigation projects under the national irrigation law are costing considerably more than that per acre in regions where the acre production is much smaller than it would be in this section of California. I know nothing about the merits of this project, but I do know that the cost of $55 is not at all excessive. I should say it was quite reasonable.

Mr. STAFFORD. There are cases where under irrigation projects the cost of large tracts is as low as $20 or $25 an acre. Since the gentleman arose I have refreshed my memory and find that the value of the acreage will be $200 per acre. But even if there was just reason, as a business proposition, to go ahead with this well-sinking project, nevertheless when there are only 266 Indians on this reservation with a total area of 25,870 acres, you can not, particularly if we are going to protect the Treasury, have even a scintilla of regard for the Treasury or the taxpayers when we launch this project at an expense, according to the estimates, of about $23,000,000.

Mr. HAYDEN. Oh, no.

Mr. STAFFORD. I can not read it on account of the fine print. Is it $23,000,000?

Mr. HAYDEN. Twenty three thousand two hundred and three dollars and nine cents.

Mr. STAFFORD. Oh, yes; that is the cost of the present plant. Then that argument falls, because my eyes were seeing double what is printed in the hearings. As suggested by the gentleman, it is not unusual in these times to read billions or millions for thousands. As a matter of fact, in the Committee on Appropriations I have heard nothing but billions and millions, so I must be excused if I read millions for thousands. [Laughter.]

I certainly believe that if this project is adopted the cost will be more than the estimated amount, $150,000. I regret that my eyes will not permit me to read this fine print which I scanned last evening, but the idea that I obtained from reading the report of the department was that at this time, so far as the welfare of the Indian is concerned, you could not justify this new project of digging large wells for the accommodation of 266 Indians. I suppose that estimate of 266 Indians includes minors, women, and all other kinds of Indians, full blood and half blood, and all other relationships of blood.

Mr. HAYDEN. It is the practice of the Indian Service to provide 10 acres of irrigated land for each man, woman, and child; and if this project is carried out to the usual extent, they would have to provide 2,660 acres of land to take care of the entire tribe. As a matter of fact, they really propose to irri-

gate under this project, when it is completed, a much less area than that, due to the limited water supply available there. If the gentleman remembers the last time he traveled to California, if he went on the southern route, he passed through the Imperial Valley and then up the Coachella Valley and over the mountains into California.

Mr. STAFFORD. I am afraid I passed over that particular portion in the nighttime, and I was sound asleep in my berth. I remember traveling over the Mohave Desert.

Mr. HAYDEN. It is a fertile country, in which irrigated crops can be grown 365 days in a year. In this valley they produce the earliest cantaloupes raised anywhere in the United States. Irrigation is being extended all over the Coachella Valley. Unless a water supply is developed for the Indian lands all the underground water will be appropriated and the Indians never can irrigate their lands. Furthermore, if this work is undertaken it will bring immediate returns in the way of crops.

Mr. STAFFORD. The argument the gentleman advances was suggested in the hearing, and it is printed in large type in the copy of the hearings, which I was able to read last evening. As I recall, the gentleman raised the question then as to whether prior rights did not give the Indian the right to a certain supply of water, just as in the case of oil, when abstracted from the ground; whether prior usage would not permit the Indians or the representative of the Indians to go into court and restrain any other person from draining the water supply underneath the ground, so that their supply would not be impaired. As they have wells at present, if that is the case, what is the need of launching upon this new project?

Mr. ROBBINS. Mr. Chairman, the doctrine of the common law is that they can use water for commercial and domestic purposes that flows on the surface, even to exhaustion. The proposition the gentleman puts forth is that if an Indian has 26 acres of land and puts down a well and establishes a water right that an adjoining owner could not acquire title and put down a well and establish a use of water underground from this substrata and bring it to the surface and use it because the Indian on the adjoining portiton has a prior right to it. That is not the common-law doctrine at all.

Mr. STAFFORD. That was the proposal advanced by the gentleman from Arizona in the committee, and I am relying upon his assertion of that rule of law.

Mr. HAYDEN. There have been cases in the courts of California involving an appropriation of underground water made prior to the establishment of another well in the vicinity which lowered the water supply in the first well, and the courts have enjoined the pumping of water from the second well.

Mr. ROBBINS. That is contrary to the common-law doctrine.

Mr. HAYDEN. The common-law doctrine in regard to appropriations of water does not apply in the West.

Mr. ROBBINS. You must have statutory enactment to establish any such law as that.

Mr. HAYDEN. Therefore, it is necessary, particularly where a reservation is divided up into alternate sections as this one is, that the Indians proceed with due diligence to establish their pumping plant and get the water on their ground. If they do not do it, all of the underground flow in the Conchella Valley will be appropriated and the Indians never can irrigate their lands.

Mr. ROBBINS. Is this substrata in which they find water so limited that a few wells will exhaust it?

Mr. HAYDEN. Yes. Water-bearing area is at the bottom of the valley and is limited in quantity.

Mr. ROBBINS. How about the railroads and the public utilities established in that vicinity? Would they not have the right to exhaust the water entirely, and hence your project would fail?

Mr. HAYDEN. The railroads obtain their supply from over the mountains in other parts of California where water is more plentiful.

Mr. STAFFORD. Is this near Death Valley?

Mr. KETTNER. No; Death Valley adjoins the State of Nevada.

Mr. STAFFORD. Is this a dry country or a wet country?

Mr. KETTNER. It is very dry. Mr. Chairman, I will state that southern California is what may be called a man-made land. All water there must be developed. All of southern California is practically a desert, and water must be developed; and this land in the Coachella Valley is similar to the land in the Imperial Valley. A year ago I had the pleasure of passing over this land with the gentleman from Missouri, Mr. RUBEY, and several other Members of the House. We stopped at a ranch where they were very much surprised to learn that 47 carloads of lettuce had been shipped from that ranch to the eastern market. This was in March. At another place they had shipped something like 43 carloads of asparagus. That was on the 17th day of March, and, as the gentleman from Arizona has well stated, this land can be cultivated every day in the year, and it brings food to the market when they need it. The gentleman from Pennsylvania, Mr. BUTLER, was also in the party, and I think he will tell the Members what he saw in the Imperial Valley, and this is similar land to that——

Mr. BUTLER. If the gentleman will permit me——

Mr. KETTNER. I will.

Mr. BUTLER. How much produce was shipped from the Imperial Valley last year?

Mr. KETTNER. Thirty million dollars' worth.

Mr. BUTLER. How much was shipped 17 years ago?

Mr. KETTNER. Seventeen years ago? Not a dollar's worth.

Mr. BUTLER. Not a dollar's worth; it all comes from irrigation?

Mr. KETTNER. All from irrigation.

Mr. BUTLER. There is nothing more beautiful in the wide world, and I suppose there is no place in the United States that produces as much material as is produced in the Imperial Valley with irrigation. Is that still developing?

Mr. KETTNER. It is still developing.

Mr. STAFFORD. Are these lands in the Imperial Valley developed by means of wells with the aid of pumps?

Mr. KETTNER. Mostly from the Colorado River.

Mr. STAFFORD. That is a different project entirely. We all recognize that lands that are irrigated by means of water supply furnish large returns, but here is a pumping——

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to speak for 5 minutes, so as to allow the gentleman from Oklahoma [Mr. FERRIS] to ask me a question.

The CHAIRMAN. Is there objection? [After a pause]. The Chair hears none.

Mr. STAFFORD. I first yield to the gentleman from California.

Mr. KETTNER. Mr. Chairman, I will state, for the benefit of the gentleman from Wisconsin, that these lands can be very readily irrigated by pumping. The water there is very close to the surface, something like 6 or 8 feet, and, as has been stated, every other section of the land is railroad land, and by developing this water at the present time, in my opinion, it will make these Indians self-supporting.

Mr. STAFFORD. Will the gentleman yield?

Mr. KETTNER. I will.

Mr. STAFFORD. Why will not the present wells bring forth sufficient water so as to irrigate the land? What is the need of these enlarged wells and new pumping facilities?

Mr. KETTNER. All that part of the desert is practically new; it has only come under cultivation in the last 17 years.

Mr. STAFFORD. The report says that the present wells are inadequate by reason of the white settlers on alternate sections having tapped the water supply beneath. Now, it seems, from the argument here, there is a race on between the white settlers and the Indian Office as to which shall bore the largest well, so as to appropriate the water which is only 6 feet, the gentleman says, beneath the surface.

Mr. KETTNER. At some places. I will state that it was the white settler that has reclaimed some of this territory, and the Indian Department, I think, after seeing what the white settler can do, are now trying to make the Indians take care of themselves.

Mr. STAFFORD. That is very difficult, it seems to me, as has been illustrated in many instances throughout the country.

Mr. KETTNER. They have the land, and they surely can raise everything if we give them the water.

Mr. FERRIS. Mr. Chairman, I want to appeal to the gentleman from Wisconsin that whatever should be said should be said according to its adaptability to these Indians, and it is necessary that everybody should do that. There are 266 Indians. They are now cultivating 200 acres of land, which is less than an acre apiece.

Mr. STAFFORD. Will the gentleman permit me there? These 266 Indians are not 266 of majority?

Mr. FERRIS. I understand that.

Mr. STAFFORD. I assume only 40 or less.

Mr. FERRIS. Probably that is true; but that would only be 5 acres per capita, which is wholly inadequate. This is on a desert, and if it is not watered it is as bald and useless for crop purposes as the top of that table. Now, by giving them this project it will make about 10 acres apiece for these Indians, and it is reimbursable. You get the money back from the land, and you have relieved them and the Government from their support. They become self-supporting. The Treas-

ury will get its money back, and a barren waste will be converted into a habitable settlement there.

Mr. STAFFORD. I do not understand these Indians have any money to their credit.

Mr. FERRIS. It is reimbursable, because the Interior Department holds their land, and when this land is sold it can not be sold until the irrigation item has been reimbursed to the Government; so whatever is expended will come back to the Treasury. The gentleman knows that with water on the land they can raise anything on earth, and without water it is bald and without a blade of grass, and I think it is common sense to do this.

Mr. STAFFORD. I understand there is a competition between the white and the red man here.

The white men are there. There is a limited quantity of water supply that is being exhausted by the sinking of those wells. They are going to utilize that water supply. The hearings show that there is only a limited amount.

Now, there is a race on. I do not have that faith in the Indians, perhaps, that the gentleman has, although perhaps the Oklahoma Indian is different from the northern Wisconsin and Michigan Indian with whom I am acquainted. You can not make those Indians up north work except in rare instances.

Mr. FERRIS. That is a bad Indian.

Mr. STAFFORD. They are not bad Indians. They are shiftless Indians. Out on the Menominee Indian Reservation we used $3,000,000 of trust funds of the Indians and sunk it in a lumber mill up there, and it has been of no direct value to the Indians because they will not work. They have to get white men in there. Take it out on these arid lands and the Indians are nowise different. They have 1 acre for every person, including babies, minors, sisters, and their aunts, and their other relatives, and they themselves say that 4 acres of land is sufficient to support an Indian family.

Mr. FERRIS. I am not a member of the Indian Committee, but I remember this project when I was on that committee and was giving more attention to it than I do now. They were struggling for this 8 or 10 years ago before the Indian Committee.

Mr. STAFFORD. Why did they not have it?

Mr. FERRIS. I assume some one probably handled it as the gentleman contemplates now, and knocked it out. They have been bandied around from pillar to post, and it ought not to be so any longer, because they have a right in that fertile land. It has been demonstrated precisely what the water will do on land that is located right next to this. And it is not a case of some logging scheme that will not pan out, but it is a case of putting water on land that they know will be productive.

I hope the gentleman will not raise the point of order on it.

Mr. BUTLER. Mr. Chairman——

Mr. STAFFORD. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. Mr. Chairman, I hope the gentleman from Wisconsin [Mr. STAFFORD] will not insist upon his point of order. I understand the purpose of this proposed appropriation is to enable these Indians and those interested in them to develop this country, to find some place in which to grow something.

The gentleman from California [Mr. KETTNER], who knows what he is talking about, says that this land is similar to the land that we find in the Imperial Valley, and that water run upon this land will have the same result that they have had by irrigation in the Imperial Valley. I understand the gentleman from Wisconsin [Mr. STAFFORD] makes his point of order against this item on the ground that it is not in order on this bill. I assume he is right—he usually is—and if he insists upon the point of order the item will go out of the bill and these Indians will not have advantage of this small amount of money for the purpose of improving their property.

I have never seen anywhere, I have not been able to see anything, that would size up to the productiveness found in the Imperial Valley, the pride of our good friend WILLIAM KETTNER. I went over into this land of promise as his guest about a year ago, and it is almost impossible to speak of its possibilities without exaggeration. The temptation is to be untruthful when one speaks of what will grow in the Imperial Valley if given the proper attention. There is no water there. I would not give the end of nothing for the whole of Imperial Valley if water had not been brought to it—by the enterprise of the people there—from the Colorado River. I will restrain myself and endeavor to be accurate when I tell you that I saw cattle pasturing upon alfalfa fields from which 5 to 7 tons of alfalfa per year are taken. If the production from this valley, properly watered, could be brought into this section of the country, it would feed us all.

Mr. FERRIS. And that land is similar in character to the land we are asking this appropriation for.

Mr. BUTLER. Because it is similar to the land that I saw, I venture to ask the gentleman from Wisconsin not to press his point of order, but let the trial be made here. They are the most fertile fields, the greenest that I ever saw, and everything that man or beast can eat will grow upon these barren plains when watered.

I had heard of the improvements and developments made in the Imperial Valley, and I thought that they were not truthfully spoken of but idle talk not worthy of storage in man's memory, but when I made the visit with Mr. KETTNER I found that the statement had been underdrawn, that more will grow there than I had ever seen or heard of. Hay, alfalfa, beans, cotton—yes, everything, that soil will send forth to sustain life—can be grown without one bit of expense or attention except that given to the irrigation ditches.

I have had but one concern since I left those people, and that is that we are leaving them way behind and seemingly alone. This Government should help them in some way to bring water to their land other than as they are now getting it, which is, as I understand, through Mexico. If those great channels should be interrupted and the water was taken from them the people might starve to death. If water will improve this great valley, why will it not improve the country we are talking about? I do hope that my friend will not press his point of order against this item. [Applause.]

Mr. FRENCH. Mr. Chairman, just a word further on this.

As it has been suggested here that there seemed to be something of a race between the white settlers and the Indians, let us suppose it to be the case. The Government stands in the relation of trustee to the Indians and it surely would be the duty of the Government to protect their rights. However, that particular point is not now before us, because it was brought out before the committee that it is believed these lands for the Indians can be irrigated at this time through wells without in any way interfering with the rights of white settlers who now are taking water and putting it upon their land. At a later date there may not be. I submit, then, that it is the part of wisdom, before the time shall come when there may be a possibility of sharp competition, with possible injustice, we ought to settle this question as trustees of the Indians so that their rights will be protected.

Mr. STAFFORD. Mr. Chairman, I appreciate all the arguments that have been advanced in favor of this project, and yet here we are launching on a new one, amounting to $150,000. If I thought that the Indians were in that condition, that they were without means of support, necessarily I would have to surrender my position. But here they have at present on these lands wells where, by means of pumping, they are able to supply themselves, as I take it, with water to irrigate the lands now being cultivated. At least, the hearings so disclose. I feel compelled, Mr. Chairman, to make the point of order.

The CHAIRMAN (Mr. FOSTER). The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For beginning the construction of a road from Hoopa to Weitchpec, on the Hoopa Valley Reservation, in Humboldt County, Cal., in conformity with plans approved by the Secretary of the Interior, $10,000, to be immediately available and to remain available until expended, and to be reimbursed out of any funds of the Indians of said reservation now or hereafter placed to their credit in the Treasury of the United States: *Provided*, That the proper authorities of the county of Humboldt, Cal., agree to furnish, at their own expense, a competent engineer satisfactory to the Secretary of the Interior to supervise the construction of said road; to provide the use of such tools and implements as the said Secretary may deem to be justly required of them; and to maintain said road in good condition: *Provided further*, That the total cost of said road shall not exceed $30,500.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

I wish to inquire of some member of the committee or of the gentleman from California whether this item was recommended by the department, and if so, on what page of the hearings it is to be found? I have not been able to locate the item in the hearings.

Mr. LEA of California. It was recommended by the department, but it is not in the hearings, as I understand. This matter was presented to the committee toward the conclusion of their hearings, and I believe it is not embodied in their regular report.

Mr. STAFFORD. Is it included in the hearings at all?

Mr. LEA of California. I think it is not published in the hearings. The hearings with reference to this particular item were not published, as I understand.

Mr. CARTER of Oklahoma. I think the hearings on this particular item were had after we had sent the main hearings

to the Public Printer, and the hearings on these items were not inserted in the manuscript.

Mr. STAFFORD. That is the occasion of my rising—the fact that there were no hearings published which would give information on this item. I yield to the gentleman from California to give the necessary information which he probably gave to the committee, and which probably induced them to make this recommendation.

Mr. LEA of California. The reservation here in question is about 30 miles long, extending up the Klamath River to the Trinity River, and then up the Trinity River to Hoopa. The Indians number 1,299, and 464 of those Indians are in that part of the reservation where Hoopa is located, Hoopa being the administrative center of the Hoopa Valley Reservation, where there is an Indian school. Twenty-five thousand dollars of the funds of the Indians down the Klamath River are being used to construct a road and trail up the Klamath River to Weitchpec, and the road proposed here is to connect Weitchpec with the center of the reservation at Hoopa. In other words, this road is necessary to connect the two ends of the reservation. The pupils are required to go over this road; otherwise they would have to travel a distance of 75 or 100 miles to go by a road. It also gives an outlet for the products of the Hoopa Valley, where there are about 1,750 acres of arable land.

Mr. STAFFORD. Is there any road there at present?

Mr. LEA of California. No; there is not.

Mr. STAFFORD. It is a new project, then?

Mr. LEA of California. The only road now is a trail over the mountains such as the cattle could follow.

Mr. STAFFORD. One of the conditions of the paragraph is that the county of Humboldt should maintain the road after it is established?

Mr. LEA of California. Yes.

Mr. STAFFORD. What assurance can the gentleman give that the county will do that if the appropriation is made?

Mr. LEA of California. According to the language of the section, as I understand it, the road will not be built unless the county gives that assurance. That assurance would be required to be given by the supervisors of Humboldt County.

Mr. STAFFORD. Has the matter been taken up with the authorities of Humboldt County?

Mr. LEA of California. Yes; it has.

Mr. MONDELL. The road is on the reservation, is it?

Mr. LEA of California. Yes; the reservation is in Humboldt County. Humboldt County has already expended about $50,000 to connect that road with the other road. Through some mistake Humboldt County was given to understand that the Government would construct this road, and for that reason Humboldt County has expended $50,000 to construct a road to connect with this road and a bridge across the Klamath River. Several thousand dollars was spent to construct that bridge, which has been standing unused for two years past, and it will remain unused unless this road is connected with it.

Mr. STAFFORD. Has a declaration been made by the supervisors of Humboldt County that they would maintain the road if it is established?

Mr. LEA of California. There has not been an authoritative declaration to that effect, but there is no doubt, in my judgment, but that the county will do so.

Mr. STAFFORD. Mr. Chairman, the gentleman has made out a good case, and I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For the repair and extension of a bridge across the San Jacinto River, near the Sobobs Indian Reservation, Cal., $4,000, to be expended under the direction of the Secretary of the Interior, and to be reimbursable from any funds now or hereafter placed in the Treasury to the credit of said Indians: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of California, or the county of Riverside, satisfactory guaranties of the payment by the said State of California, or by the county of Riverside, of at least one-half of the cost of repair and extension of said bridge, and that the proper authorities of the said State of California, or the said county of Riverside, shall assume full responsibility for, and will at all times maintain and repair, said bridge and the approaches thereto: *And provided further*, That any and all expenses above the amount herein named in connection with the repair and extension of said bridge shall be borne either by the said State of California or the said county of Riverside.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. I believe that this item and that for the construction of a bridge in North Carolina, later on provided, make provision for bridges off the reservations. It has not been the policy of the Government heretofore to carry appropriations for the construction of bridges when they are off the reservations, even though the bridges might be of some service to the reservations near by.

Mr. HAYDEN. I do not believe that any such rule has been adopted. I happen to know of a number of bridges constructed partly out of Indian funds, as in this case, that were not on reservations.

Mr. STAFFORD. It is not to be constructed out of Indian funds, but out of Government funds belonging to the United States.

Mr. HAYDEN. It would be reimbursable from any funds that the Indians may have.

Mr. STAFFORD. The gentleman should take the facts as they are. The Indians have no funds in this case and the money is to be appropriated out of the Treasury of the United States for the benefit of the locality. Am I in error as to that?

Mr. HAYDEN. The gentleman is mistaken about that. Whenever the trust period expires and the lands are sold, the money derived therefrom must be used to reimburse the United States.

Mr. STAFFORD. We will be a long time dead when that condition occurs, so that the burden is falling upon the United States for a local improvement.

Mr. CARTER of Oklahoma. Mr. Chairman, may I ask the gentleman, Has he read the evidence that has been presented to the committee in this case?

Mr. STAFFORD. Yes. I read the evidence as presented, including the very strong presentation of the case from the local standpoint made by the distinguished Representative from California, who is now on the floor; but it seems that this bridge for which this appropriation is sought should be erected by the local county authorities. It is true that the Indians on this reservation may get some benefit, but there are also some white people living nearby who would be benefited. As far as I recall the testimony, this river is as dry as the Imperial Valley for a good portion of the year. Now, I am not so much in sympathy with this idea of establishing bridges across dry streams in order to make it easier for Indians to get into a wet country. [Laughter.] Really, in all seriousness, I think this burden should be borne by the local authorities, and you are attempting by this means to place that charge upon the National Government. I call upon the members of the committee to cite any instance where we have done this heretofore. If we adopt this precedent we will have innumerable instances, perhaps stronger than this, perhaps not as strong, where the National Government will be called upon to erect bridges off reservations for some incidental benefit to the Indians on the reservation nearby, but principally for the benefit of the white people.

Mr. KETTNER. Mr. Chairman, I think the gentleman is in error in regard to this case. While there are a few white people living at the foot of the mountain, more than 90 per cent of the Indians live on that side of the river. In wintertime it is impossible for them to get to San Jacinto or to attend school. It is almost impossible in summer, when it is dry, for them to cross the river with any load or with a wagon. An automobile can not cross it. This is in the interest of the Sobaba Indian Reservation, and I feel certain that the gentleman has not read the evidence, because the Commissioner of Indian Affairs strongly recommends it. The Indian superintendent stationed there strongly recommends it, and has appealed to the Indian Department for the last two years to build this bridge. It is impossible for the Indians to bring to market at San Jacinto what they raise on their farms. It is a dry community. The county of Riverside is dry, so I hope the gentleman will not insinuate that the Indians are going into wet territory. I do know that this bridge is needed by the Indians, and I hope the gentleman will read the hearings again, because I know his idea of fairness——

Mr. NORTON. Does the gentleman think that his dry argument will appeal to the gentleman from Wisconsin?

Mr. STAFFORD. If there was any wet territory near by, I do not imagine you could keep the Indians on this arid place very long.

Mr. KETTNER. There is no wet territory near by, and I hope the gentleman will read the evidence again before he makes the point of order, because this appropriation is surely in the interest of the Indians.

Mr. STAFFORD. The hearings disclose the fact that there was a bridge constructed there in 1890.

Mr. KETTNER. Yes.

Mr. STAFFORD. That bridge was washed away by a flood.

Mr. KETTNER. Yes.

Mr. STAFFORD. That bridge was originally constructed by the county authorities.

Mr. KETTNER. Yes.

Mr. STAFFORD. The Indian reservation was there at that time. No more Indians have come onto that reservation since that time. More white people have come into that territory since that time.

Mr. KETTNER. Not on that side of the river.

Mr. STAFFORD. There are no less white people on that side of the river than there were when that bridge was first established, and we find the chairman of the committee addressing himself to the distinguished gentleman at the hearing as follows:

The CHAIRMAN. Mr. KETTNER, of course I have explained to you in the past the policy of the committee and of the House about building bridges on Indian reservations. It has always been the policy of the committee, since I have been here, not to build any bridges except out of Indian funds. Have any of these Indians any funds?

Mr. KETTNER. I can not say, Mr. Chairman.

The CHAIRMAN. Have they any lands?

Mr. KETTNER. I do not believe so. The Indians of California are very poor.

Mr. CARTER of Oklahoma. Will the gentleman permit me right there? Evidently there is a misprint there. It has been the policy of the committee to build bridges out of tribal funds only or to make them reimbursable where we could see tribal funds available in the future.

Mr. STAFFORD. But the gentleman could not see any tribal funds whatever out of which this expenditure could be paid, even with his fine inspection and far sight.

Mr. KETTNER. I hope the gentleman from Wisconsin will not make a point of order on this item.

Mr. STAFFORD. Mr. Chairman, it is not the amount, but a question of principle is involved. The sum of $4,000 is a mere bagatelle in these days when we are voting billions, but if we are going to launch on to this policy there will be no limit to it. I think there is good ground for maintaining the policy as in the past, not to provide funds out of the National Treasury for the building of bridges outside of reservations.

Mr. KETTNER. Will the gentleman yield?

Mr. STAFFORD. I am always glad to yield to the gentleman.

Mr. KETTNER. The evidence shows that they have tried for the last two years to get the supervisors to build this bridge, and they will not build it, as they claim the bridge would be used almost exclusively by the Sobaba Indians, and the Government should build the bridge.

Mr. STAFFORD. Of course there is no question that the supervisors are trying to have this money furnished by the National Government. That is natural. The supervisors in every county in the country would throw the burden on the National Government if they thought the National Government would sustain it.

Mr. KETTNER. I hope the gentleman will not make that assertion, because the supervisors would build this bridge if there were white people over there or if they thought it was their duty to build it. It is needed by the Indians.

Mr. STAFFORD. They thought it was their duty in 1890. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The clerk read as follows:

FLORIDA.

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, $10,000.

IDAHO.

SEC. 5. For support and civilization of Indians on the Fort Hall Reservation in Idaho, including pay of employees, $30,000.

Mr. MILLER of Minnesota. Mr. Chairman, I want to make an inquiry respecting Florida, if I may be allowed to revert to that. I ask unanimous consent that we may return to the item for Florida.

Mr. HARRISON of Mississippi. I want to reserve a point of order on the paragraph just read touching Idaho.

Mr. MILLER of Minnesota. We have not finished reading that.

Mr. HARRISON of Mississippi. I do not want to lose the right.

Mr. MONDELL. The gentleman's reservation of the point of order comes too late if it relates to the Florida item.

Mr. HARRISON of Mississippi. The Idaho item.

The CHAIRMAN. The Chair begs to state that the Clerk read the item relating to Florida and started to read Idaho, and read the first three lines, but the gentleman from Minnesota addressed the Chair, and asked to return to section 4, Florida.

Mr. MILLER of Minnesota. That is correct.

The CHAIRMAN. And the gentleman from Mississippi, as the Chair understands, desires to reserve a point of order on the Idaho item, section 5.

Mr. HARRISON of Mississippi. I do not want to lose my right to reserve a point of order on the Idaho item.

The CHAIRMAN. The gentleman has that right. Is there objection to returning to section 4?

There was no objection.

Mr. MILLER of Minnesota. This item of $10,000 for the relief of the Seminole Indians in Florida is an old friend of the House. It has been a matter of extreme interest to me to know the progress made by the Indian Office in relieving distress among the Seminole Indians, and consequently in expending this $10,000 which they yearly get. I think this makes nine successive years that this $10,000 has been appropriated. The total amount contributed would be $90,000. I imagine that is about a thousand dollars apiece to all the Seminole Indians yet rounded up. There are a lot in the Everglades that have not come in and will not come in. There was a time, three or four years ago, when it was thought advisable to have a committee go and make an investigation and see what progress was made in relieving the distress of the Seminole Indians. I understand that some agents of the department, fearing that Congress might discontinue the appropriation, have at various times gone down there and held dangling from the trees, under the mosses and the mistletoe, some of those beautiful American bank notes elegantly engraved, and said, "Brother Seminoles, please come to your white brothers and take the fruit that you see before you"; and the Seminole says, "We have tasted the white man's fruit too often, and so have our ancestors"; and they will not come in. I do not know but that some better work has taken place lately, and therefore I make this extended inquiry that I may get the latest information. Tell us how the brother Seminoles are getting on and how much they have been allowed to enjoy the wonderful blessings of civilization that comes from the annual expenditure of $10,000. [Laughter.]

Mr. SEARS. Is the gentleman through.

Mr. MILLER of Minnesota. Temporarily.

Mr. SEARS. Mr. Chairman, the distinguished and learned gentleman, my colleague from Minnesota, having been raised in that cold, frozen, bleak, and barren north, evidently does not understand Florida, that sun-kissed garden spot and heaven on earth. [Laughter.] We do not have to dangle anything down there from the limbs of the trees to have people come to our land and enjoy our climate. I am surprised that he should undertake to misquote what has been done by Congress for the Seminoles. I am sure it is because he is uninformed.

The first appropriation was only $5,000, if I recollect correctly, and there has only been two of $8,000, and now for the first time it is raised to $10,000.

Mr. Chairman, I do not care at this time to go into the defense of the Seminoles. I will only say that if there is a band of Indians that needs assistance, and to whom assistance is owed by the Government, it is the Seminole Indians. This great country of ours took from them that beautiful State, where I now live, without giving to them one dollar in compensation. This is the only tribe of Indians that I know of who for all their lives have lived in Florida or any State, and still are full-blooded Seminoles. They have not mixed or mingled with the whites. They feel that they have simply been robbed of what really belongs to them, and that the white men have taken it from them. This is a small pittance given to them for the purpose of educating them and repairing in a small degree the injury we did to them in violation of the treaty that we made with them years ago.

Mr. LOBECK. How many Seminoles are there?

Mr. SEARS. There are 635 Seminoles. Let me say that Florida, while she feels that the National Government should do more for the Seminoles, and while we feel it will do more if you study the question, I am assured by the Commissioner of Indian Affairs that he is thoroughly investigating conditions, and for the first time will make a personal visit to Florida for further investigation, and he assures me something will be done for them. I have been getting appropriations for the Seminole Indians and, as I stated to the Commissioner of Indian Affairs over the phone, there was no need of my securing appropriations unless the appropriations were spent to help the Seminoles.

At the last session of the Legislature of Florida a bill was passed giving to the Seminoles 100,000 acres of land. I ask unanimous consent to insert that bill in the RECORD in order to show the good things that Florida has done for them. For my part, as I said to the Indian Committee, if they would assist in educating the Seminoles, Florida could be depended upon to do her part.

Mr. MILLER of Minnesota. About how many feet of water is the 100,000 acres of land under?

Mr. SEARS. If it was under 10 feet of water, it would be more pleasant to live on than under 10 feet of snow. [Laughter.] But be that as it may, these Indians, rather than move to Oklahoma from Florida, which was their first home in the

United States and of which they are all proud, resisted our troops and we were never able to take the Seminoles to that State.

Mr. MILLER of Minnesota. Any Indian in the Everglades of Florida who will not go to sun and moon kissed land of Oklahoma manifests such a low degree of intelligence that he ought to be an object of our solicitude and paternal care. [Laughter.]

Mr. SEARS. Perhaps the gentleman would say that is one reason why so many of his constituents are moving to my State; but I doubt it, as they show the highest degree of intelligence, and I am glad to count them among my closest friends. [Laughter.]

Mr. MILLER of Minnesota. We have so many of the good that we are willing to spare a few to help the State of Florida.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, most of my time has been taken up by the gentleman from Florida, and I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Now, Mr. Chairman, I would like some information about this matter, and I ask the chairman of the committee, the gentleman from Oklahoma, if he will tell me how much of this $10,000 was expended last year?

Mr. CAMPBELL of Kansas. If the gentleman from Oklahoma has not the data, I think I can give the information. I was the father, originally, of this item. The last year there was expended $1,725.26.

Mr. MILLER of Minnesota. For what purpose?

Mr. CAMPBELL of Kansas. For this purpose: Regular employees—I do not understand why gentlemen all over this crowded Chamber should grin and smile and laugh when I say "regular employees." Regular employees, $889.33; traveling expenses, $455.25; stationery, printing, and schoolroom supplies, $6.45 [laughter]; equipment, $3; miscellaneous, $143.65.

Mr. SEARS. Mr. Chairman, the citizens of Fort Lauderdale have permitted five Indians to go to a white school without charge, and notwithstanding the appropriations I have secured through the generosity of the Members of this House, the good ladies of Fort Lauderdale have made provision for the Indian girls to go to school, and have also made their clothing without any charge.

We could not get the money appropriated spent. I have been doing my level best. I am still working away, and I hope some day to get the department interested, so it will not be necessary for the good, charitable people of Fort Lauderdale to longer carry the burden. With this sentiment I know my colleagues are in hearty accord.

Mr. CAMPBELL of Kansas. What were those, regular employees?

Mr. SEARS. They only have one, and for six months out of last year he did not draw any salary, I presume. I understand he did not. He was in Texas with the Florida troops. He was the chaplain of the Florida regiment. Therefore, they had no supervision during about six months.

Mr. CAMPBELL of Kansas. What is the name of this employee?

Mr. SEARS. Dean Spencer.

Mr. CAMPBELL of Kansas. Had he not gone as chaplain, I presume the expenditure instead of being $800 would have been one thousand five hundred and odd dollars?

Mr. SEARS. I presume so.

Mr. MILLER of Minnesota. Mr. Chairman, I think the State of Florida is to be congratulated in having done something for these five Seminole children. The American Congress has appropriated $90,000, and has not yet had a child in school or a dress on a child's back.

Mr. SEARS. Oh, Mr. Chairman, the gentleman does not want to make an erroneous statement.

Mr. MILLER of Minnesota. Oh, the gentleman can have more time later of his own. I understand when a subcommittee of the Committee on Indian Affairs went down to see these Indians runners were sent out through the Everglades; they went out in canoes into the bayous, among the crocodiles and alligators, and now and then did catch sight of an Indian, but before they could bring him in he had escaped into the fastnesses of the Everglades of Florida. Four or five, however, they found asleep, and those they captured and brought before the committee, led by a distinguished member of the tribe, who passes under the beautiful sobriquet of "Shirt Tail Charlie." He has acquired this distinction because he is the only member of the tribe who has ever yet had the satisfaction of wearing a shirt. Manifestly he is the object of our solicitude and concern, and fills us with great pride. After 10 years and an expenditure of $90,000 we have one shirt on the back of one Seminole Indian. This should fill us with great pride. Let us not be weary in well-doing; let us keep up the good work. In another 10 years we may have another Seminole with a shirt on his back, and 10 years later still another. Pause, my friends, and contemplate the result of our 30 years' effort in behalf of the Seminoles. Three of them with shirts on their backs! At this rate of progress, just how much can we expect will be accomplished in the next hundred years? Oh, I think it is a matter that should concern us deeply, and upon which we should lavish our fondest thoughts and dreams, and a century from now it may be that we will see not only one man with a shirt on his back, but possibly a dozen children clothed and in school. Wonderful progress among the Seminoles! I am glad to see that we have spent $1,700 another year in going through the motion of aiding the Seminoles in Florida. A few years ago we expended $2,400 or $2,500 a year in going through the motions of aiding the Seminoles in Florida.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, when I was a member of the Committee on Indian Affairs it was with much hesitancy that we included this item year after year, and I remember four years ago it was decided that if the department did not make a better showing, did not really do something, we would cut it out. I am not going to make any motion to strike this out, but if something is not done next year I trust the committee itself will strike it out. What is the use of spending hundreds of dollars out of the Treasury of the United States in salary and traveling expenses and equipment, in doing nothing—absolutely nothing? I do not want to cast any slight upon the good State of Florida. I think it is splendid that it has appropriated 100,000 acres of land. It would be still better if the State could have appropriated an additional amount to drain the water off the land so that the Indians could have a place to put their feet; but if any of these 100,000 acres is good land, it ought to take care of a few hundred Indians. I think the gentleman from Florida, active as he always is, interesting as he could not help but be, zealous for his State right up to the border line of that which is exactly right, has stated the number of Indians a little high. Nobody knows how many there are. The probabilities are there are somewhere around two or three hundred, and it may be there are five or six hundred down there, lying among the crocodiles. But nobody has seen them.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. KNUTSON. About how many gallons would these 100,000 acres make?

Mr. MILLER of Minnesota. I do not know; but it is a pertinent subject of inquiry, and I am glad that the gentleman has put it into the RECORD. Very likely this gentleman who is drawing a salary as an employee will turn his distinguished attention to that subject as soon as he is no longer a chaplain in the Army. It is a great loss to these Seminoles, especially to "Shirt Tail Charlie," that their friend and benefactor has left them in the swamps of Florida and gone to war. It is a serious moment in his life and that of his colleagues and friends down there, and I really hope that we will try our best to alleviate their suffering and sorrow by not sending anybody else down there who will try any more of this work.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. JUUL. I want to ask the gentleman if when he gets over on page 27, where the State of Minnesota is concerned, he will speak with equal humor of the $185,000 that Minnesota wants? If we can get, proportionately, as much humor out of that as we have now gotten out of $10,000, we ought to get considerable. [Laughter.]

Mr. MILLER of Minnesota. If my friend from Illinois, Mr. JUUL, who has just propounded this query, remains here on the floor, which he usually does, one man who is almost always here, when we arrive at the point he may be delighted by some remarks of the gentleman from Minnesota who is now speaking, but I will say for his information now that this $10,000 in this item comes out of the Treasury of the United States. The $185,000 in the Minnesota item comes out of the money of the Indians, and the State of Minnesota is the only State in this Union the Indians of which do not now receive one penny out of the Treasury of the United States for their education, support, or maintenance.

Mr. JUUL. One more question.

Mr. VENABLE. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes; I know what the gentleman is going to ask, and I want him to ask it.

Mr. VENABLE. Have not the Indians of Minnesota received gratuities in various Indian bills introduced from time to time?

Mr. MILLER of Minnesota. They have not, except in the fulfillment of a few treaty agreements——

Mr. VENABLE. They have received no gratuity?

Mr. MILLER of Minnesota. None whatever.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. JOHNSON of Washington. Do not the Indians of northern Minnesota receive a bonus for giving some sort of war dance once a year?

Mr. MILLER of Minnesota. Now, I am surprised that the gentleman from the State of Washington, as quick and ready with his questions as he is handsome of countenance, should stand up here after having been in this House so many years and ask that question. Why, these Indians take a thousand dollars of their own money, not out of the Treasury of the United States but out of their own pockets and have a little affair of their own.

Mr. JOHNSON of Washington. Do not they ask the Treasury to add another thousand dollars to it?

Mr. MILLER of Minnesota. No, sir; they never have, and they never will. [Applause.]

Mr. JUUL. I want to ask the gentleman now——

Mr. MILLER of Minnesota. They are not children, or babes in the woods. Out in Minnesota there is a healthy atmosphere, and whether these Indians are walking in the summer time through the trees or standing on their feet in snow drifts——

Mr. HARRISON of Mississippi. Or dancing.

Mr. MILLER of Minnesota (continuing). They are standing upright, and they are battling their way to civilization and success. If they were down in the Everglades of Florida I suppose they would be lying down with the crocodiles and praying the Indian Committee to send a man at $1,700 a year to give one of the bunch a shirt once in a while.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. Mr. Chairman, I desire——

Mr. SEARS. Mr. Chairman——

Mr. NORTON. I will yield to the gentleman.

Mr. SEARS. Mr. Chairman, I ask unanimous consent to proceed not exceeding five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SEARS. Mr. Chairman, I thought the distinguished and learned gentleman from Minnesota was proceeding in a jocular way. I assure you when I referred to Minnesota I was speaking in that vein, because it is a great State and ably represented; but from the energy and vehemence he puts in his voice when he refers to crocodiles and "the Everglades of Florida," evidently the gentleman's ignorance as to conditions in my State is more dense even than I would dare presume. [Laughter and applause.] I want to say to the gentleman that the State of Florida has spent $4,000,000 draining the Everglades, and we will spend an additional $4,000,000 if necessary to make good our promise. We have drained thousands and thousands of acres of it, and when we shall have finished draining it it will be the garden spot of this country. There is no richer section in the country than the Everglades, but it takes time, and we are going to complete the task. You can not keep Florida down by referring to a small strip which is the Everglades and call the whole State the Everglades. As a matter of fact there is not a single crocodile in Florida, and the gentleman should study his zoology again, because we have but a few alligators existing down there, and those will not bite anybody from the State of Minnesota, not even a man who happens to be in Congress. So he can come down and visit or live with us with perfect safety. The gentleman has repeatedly stated that $90,000 has been spent on the Seminoles——

Mr. MILLER of Minnesota. Appropriated, not spent.

Mr. SEARS. No such sum has been appropriated and no such sum has been spent. He said that sometimes perhaps in my enthusiasm fighting for my State I might go too far. If he will read the hearings before the Indian Affairs Committee, he will find I stated emphatically that if the Indian Commissioner would not spend some money on these poor Indians there was no need of any more appropriations; that it is useless to go on and let the money lie there and let those people suffer. It may be unfortunate that this Shirt Tail Charlie he refers to lives very close to nature, but it might be more fortunate if more Members of Congress would get nearer back to nature so that they could see and understand what the Everglades are. Now, I am speaking——

Mr. MILLER of Minnesota. Will the gentleman permit me to put a serious inquiry?

Mr. SEARS. Both having been evidently so jocular, I would like to have a serious question from the gentleman.

Mr. MILLER of Minnesota. That is what I desire to propound. Can not the gentleman suggest something practical?

Mr. SEARS. I have suggested something practical, and I think it ought to be worked out——

Mr. MILLER of Minnesota. Certainly the gentleman does not approve of what has been going on year after year, spending $1,700 or $2,700 for nothing whatever except for clerk hire and traveling expenses?

Mr. SEARS. They do not expend all——

Mr. MILLER of Minnesota. They expend that much.

Mr. SEARS. My suggestion was that a Seminole Indian, if possible one who had been educated in some college, should be sent down to deal with these Indians——

Mr. MILLER of Minnesota. The truth is, they will have nothing to do with the whites?

Mr. SEARS. They will not. And the reason the Indian Committee could not find these Indians, as long as it has been since that war, was because a Miami daily paper published an article in which it was stated the Indian Committee was coming down there for the purpose of investigating whether or not it was advisable to take the Seminoles to Oklahoma. And the Indians went back into the Everglades, out into the interior, where the committee could not find them. This was solely because they did not wish to go to Oklahoma even yet.

I think a school should be established and that these young Indians should be taught how to farm and make a modern living, because the white people have encroached on them until they can not make a living in the usual way, to wit, by hunting and fishing. The Everglades are being drained and the water supply is therefore limited, so that it lessens the opportunity for their hunting and fishing. They must be educated and taught and reformed, or soon they will be wards of the Government. I do not want this Government to make of them the same kind of Indians that it has made of some, I am afraid, out in the West; that is, looking entirely to the Government for maintenance and support. We want them to rely on their own efforts. The following is a copy of the bill passed by the legislature of my State and which permission was granted to have incorporated as a part of my remarks:

Chapter 7310 (No. 52).

An act providing for and setting aside certain lands to the Seminole Indians as a reservation, providing for trustees, in whom the title to said lands shall be vested for the use and benefit of said Indians.

Be it enacted by the Legislature of the State of Florida:

SECTION 1. The following-described lands in the county of Monroe, State of Florida be, and the same are hereby, set aside and given to the Seminole Indians of Florida as a reservation, to wit:

All of the lands now belonging to the State of Florida in township 56 south of range 32 east, being all of sections 7 to 15, inclusive, and 17 to 36, inclusive, containing 18,560 acres, more or less.

Also all of sections 1 to 4, inclusive, 10 to 15, inclusive; 22 to 24, inclusive; and sections 35 and 36, in township 57 south of range 32 east, containing 9,600 acres, more or less.

Also all of sections 1 to 3, inclusive; 10 to 14, inclusive; 24, 25, 35, and 36, of township 58 south of range 32 east, containing 7,680 acres, more or less.

Also all of sections 7 to 15, inclusive, and 17 to 36, inclusive, of township 56 south of range 33 east, containing 18,560 acres, more or less.

Also all of sections 1 to 15, inclusive, and 17 to 36, inclusive, of township 57 south of range 33 east, containing 22,400 acres, more or less.

Also all of sections 1 to 15, inclusive, and 17 to 36, inclusive, of township 58 south of range 33 east, containing 22,400 acres, more or less.

SEC. 2. The trustees of the internal improvement fund are hereby directed to convey to the board of commissioners of State institutions the title to said described lands, in trust, however, for the perpetual use and benefit of the Indians aforesaid and as a reservation for them.

SEC. 3. This act shall become effective upon its approval by the governor.

Approved May 9, 1917.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

Mr. NORTON. Mr. Chairman, I move to strike out the last word.

I desire to say that several members of the Committee on Indian Affairs visited Florida last spring and endeavored to see what is being done and what ought to be done for the education and civilization of the Seminole Indians. We found a surprising condition among these Indians in Florida. I think we had rather expected to find, in that sun-kissed southern land, the Seminole Indians, who are so closely connected with the earlier history of this country, among the most civilized and most enlightened and progressive Indians in the United States. But what we found there was just the opposite of that. Nowhere in this wide land of ours are there Indians so uncivilized, so lacking in education, so lacking in progress, so lacking in all the

elements of modern civilization and advancement as these Indians that we were able to see or hear of in Florida.

We went to Fort Lauderdale, and we saw there a Seminole Indian camp probably a quarter or a half a mile from the town. We were told that that was one of the best camps of the Seminole Indians in Florida. As I recall it now, it comprised three little thatched huts. The Indians there lived in huts not inclosed but merely consisting of four poles holding up a roof made of palm leaves woven together so as to keep out the rain.

The one Seminole Indian of whom all Florida seemed to be most proud was at this particular camp. He is spoken of in the hearings and is known by the name of Tony Tommy. In that camp was the distinguished Seminole to whom the gentleman from Minnesota [Mr. MILLER] referred. The boy Tony Tommy is a lad of about 16 years old. He knew how to read and write and had been to school. He had been encouraged to go to school through the work of a Mr. and Mrs. Stranahan. Mr. Stranahan is engaged in the mercantile business in Fort Lauderdale and seemed to take a great deal of interest in the Seminole Indians. He has lived in Fort Lauderdale for many years and has been engaged in trading with the Indians, and is, as we were told, better acquainted with the Seminole Indians in Florida than probably any other man in the State. He told me, personally, that the condition of the Seminole Indians in Florida was growing worse from year to year. From my own observation I do not think that conditions could possibly be worse than we saw them in this camp. These Indians made their living by fishing, trapping, and by doing odd jobs for white and colored citizens. They lived mostly upon fruits, bulbs, fish, turtles, and alligators. Some of their time was spent in working for white people in and around Fort Lauderdale at truck gardening. They showed no particular desire for education. They did not seem to have any desire or willingness to mingle much with the white people.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to continue for five minutes more.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in eight minutes, and that I have three minutes after the gentleman from North Dakota has concluded.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that debate on this paragraph and all amendments thereto close in eight minutes. Is there objection?

There was no objection.

Mr. NORTON. The only place this camp had for getting water was a little hole a few feet deep that had been scraped out of the ground. It was filthy. It was such a watering place that in no other place in which I had ever been would a respectable farmer want to have his hogs take water from it. We were told that camp was one of the oldest Seminole camps in that section of the country; that for many, many years the Seminoles had camped there; but that now they were soon to be driven away from there, for the title to the land had been acquired by some white men, and they were to be obliged to go farther into the interior. It occurred to me, as a member of the committee, if anything could be done of real value for the education and civilization of the Seminole Indians it could best be done by the people of Florida. It amazed me to find that the people of Florida had so neglected those Indians for the last 100 years.

Mr. LITTLE. Will the gentleman yield for a question?

Mr. NORTON. Certainly.

Mr. LITTLE. What is the condition of those people as to their health and strength?

Mr. NORTON. They seem to be healthy and seem to be vigorous and active. They are given to taking up the ways of the white man. It was not surprising that the Bureau of Indian Affairs had not accomplished anything for these Indians, because I had seen elsewhere like failure on the part of the bureau. The money that has been expended by the department in Florida during the past 10 years, and considerable has been expended, I could not find had been used to any real good down there excepting whatever good it may have been to the man or men who receive it in salaries from the Government.

We met a Government inspector at Fort Lauderdale who was sent there, it appeared, by the Bureau of Indian Affairs to meet the committee. He had a great many theories that he put forward in regard to the Seminole Indians and what he was planning to do for them. He told what had been planned to be done for them by the Bureau of Indian Affairs; but it was all talk and theory. There was no substance or no real action, no real work, that would warrant the glib statements that he made.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. FAIRFIELD. I would like to know how many Seminoles are yet living. What is the number of the Seminoles?

Mr. NORTON. There are supposed to be 600 in Florida. I can tell the gentleman that the members of the committee did not see to exceed eight or nine Seminole Indians during the week we spent in Florida.

Mr. FAIRFIELD. I understand that 50 years ago a special commissioner was sent to look up this whole question and make a report to the department.

Mr. NORTON. Yes. Gen. H. M. Creel, of Devils Lake, N. Dak., a graduate of West Point, and for many years connected with the United States Army, made that investigation and made a report to the Indian Bureau. Gen. Creel really did try to have something done for the Indians down there. However, owing to his activity in the Indian Service, and owing to his endeavor to really do something for the Indians, he was apparently let out of the service and relegated to private life during this administration.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. NORTON. Mr. Chairman, I ask unanimous consent that I may continue for five minutes more.

The CHAIRMAN. The gentleman from North Dakota asks unanimous consent to continue for five minutes more. The time has already been limited, the Chair will inform the gentleman.

Mr. CARTER of Oklahoma. Mr. Chairman, I do not object to my friend from North Dakota having five minutes more, but I do want to make progress with the consideration of the bill. I do not want to run on indefinitely on this item. I understand the gentleman from Kansas [Mr. CAMPBELL] also desires to address the House. How much time does the gentleman want?

Mr. CAMPBELL of Kansas. I would like five minutes. I managed only to interject a question.

Mr. CARTER of Oklahoma. I ask unanimous consent, Mr. Chairman, that the debate on this item close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. NORTON. Mr. Chairman, as I was saying relative to the Seminole Indians, I want to state to the committee that I believe from the observations I made in Florida last spring that the main reason why the Indian Bureau has not been able to do anything for the Indians in Florida is the same reason for the failure of the Indian Bureau in other sections of the country to do something beneficial for the Indians, and that is they have not had men in the employ of the Indian Bureau down there who had at heart the interest of the Indians and who really attempted to do something for them. I tried to make inquiry of the representatives of the Government in Florida concerning this agent, Dean Spencer, as to what he actually knew about the Seminole Indians. I could not find that he knew much about the Seminole Indians. He was a fine, intelligent appearing gentleman, but so far as I could learn from him he had not spent much time among the Indians or in trying to learn the condition of the Seminole Indians. He had not been out to mingle with them or to actually help them. That was true likewise with the Indian inspector or special agent the committee met and talked with at Fort Lauderdale.

The Seminole Indians of Florida were supposed to have a large tract of land reserved for them in Florida by the Government, but no representative of the Government, so far as we could find down there, knew anything definite about it or where this land was located. The Indians knew nothing definitely about it.

Since the House committee was down there last spring the Legislative Assembly of Florida has given 100,000 acres of land to the Seminole Indians of Florida. This 100,000 acres that has been given to the Indians was part of the Indian land that was ceded by the Government to the State of Florida some years ago. It occurred to me that a real, live man who wanted to do something for the Indians could go down there and use a part of that 100,000-acre tract, or a part of the tract that the Government has down there already—something more than 20,000 acres—and really help these Indians to provide for themselves. But if, as in the past, the representatives of the Indian Bureau are going down to Florida to help these Indians by living at Miami or Palm Beach or Fort Lauderdale or St. Augustine, instead of going out among the Indians, we can not expect anything else but the same condition that has existed down there for many years.

The condition of those Indians is pitiful. Something should be done for them, and it seems to me it is no credit—and I say that in all kindness of spirit and with no desire to condemn the people of Florida or to impugn their motives or their methods—it is no credit to the people of Florida or the State of Florida that these Seminole Indians are in the condition that they are found to be in to-day.

Mr. TILLMAN. Mr. Chairman, will the gentleman yield for a short question?

Mr. NORTON. Certainly.

Mr. TILLMAN. I am very much interested in what the gentleman says. Is it not true, as evidence of the fact, that these people are capable of learning rapidly; that this boy, Tony Tommy, a direct descendant of Osceola, to whom the gentleman refers, was the brightest boy in his grade at the public school?

Mr. NORTON. That is true; and that is evidence that something can be done for them, if they are approached properly. I think the suggestion of the gentleman from Florida [Mr. SEARS], that some educated Seminole Indian from Oklahoma or some other State that really has a heart interest be sent down to work for them, should be followed. [Applause.]

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, some years ago I happened to visit Miami and saw some of the Seminole Indians. I made inquiry about them. They are a very interesting type of Indian. They are the handsomest Indians I have seen. The men and women dress alike in the gayest kind of colors. They wear a sort of long shirt made of red and blue and yellow and all the brighter and more beautiful colors. They are as wild as partridges.

I inquired how many there were of them. Nobody knew. I wanted to know how they made a living. Nobody helped them; that is, the State of Florida did nothing for them, and the Government did nothing for them. They did chores or gardening or hunting or fishing or something of that sort. Nobody seemed to think that they are unhealthy. When the next Indian appropriation bill was under consideration I asked that an appropriation be made to take a census of those Indians and to make a report to Congress as to what could be done toward maintaining them where they could make a living. I was told that the Everglades were being drained, and that ultimately the Seminoles would be without a place where they could pitch a tent or set up a tepee. The report called for in that appropriation has never yet been made. There is an estimate that there are some 600 Indians.

But a report as to what ought to be done or what can be done for their creature necessities has never been made. I was not interested in starting a school for them. They will not go to school. But the encroachments of the white men upon them seemed to be crowding right in upon them until they were getting into such a small space that they must evidently starve if some provision was not made. I was told then that probably the State of Florida would cede them some land. I am glad that has been done. I think that solves the Seminole problem. I do not think the Indian Department can ever render them 15 cents' worth of good from now on. If you can send a good missionary interested in them to start a school among them and get a few of them interested in it, and have a few of them educated and let them go out among their own people, and let the Indians teach themselves, it seems to me that is the better thing to do. A man does not need to know very much about arithmetic or grammar in order to kill an alligator or catch a string of fish or raise a head of lettuce. That is what they are doing, that is what they want to do, that is what they can do. I was interested in them sufficiently to get this item for a report as to how many there were and what could be done. We have had as yet no suggestion from the department as to what can be done for them, but the State of Florida has solved the problem by giving them land.

Mr. CARTER of Oklahoma. Mr. Chairman, the Committee on Indian Affairs, which was authorized by the last Indian appropriation act to visit different Indian tribes and reservations, spent two days in the State of Florida, beginning at Fort Lauderdale, and then on down to Miami and back up to St. Augustine and then to Jacksonville, at all of which places hearings were had which have been printed. By the time the committee reached Jacksonville on its return, I found that the usual had happened in the State of Florida, to wit, the people of the State had begun to think, as soon as a committee of investigation came to their State, that a big lot of money was to be turned loose by the Federal Government for the Florida Indians; or, to be more specific, that the investigating committee had come preparatory to having land purchased and supplies furnished to the Seminole Indians of Florida. That sentiment was so strong, or that notion seemed to be so prevalent, that I thought something ought to be done to counteract it. So before I left Jacksonville I gave to the newspapers the following statement:

I do not want the people of Florida to misunderstand the purpose of the visit of our committee to this State. We came here under a general provision carried in the Indian appropriation bill authorizing investigation of Indian affairs in any community or State. We were not directed by Congress to come to your State, but came only at the earnest and importunate solicitation of Congressman W. J. SEARS, who is a member of the committee.

He had introduced a bill for relief of the Florida Seminoles and urged its passage to such an extent that we felt the need of at least looking into conditions of the tribesmen.

I am not sure that the Congress will take any further interest in the matter and I doubt seriously if in these days of pressure for economy in administration of the Nation's affairs the Government can be induced to look seriously upon the proposition to purchase a reservation for the Seminoles.

I am inclined to the view that since the Seminoles once owned the entire peninsula of Florida and the public lands within the State have been given to them by the Federal Government, the Washington authorities will look upon the proposition more as a question of State problem than as one for the Federal Government.

I have no authority to speak for other members of the committee, much less the entire Congress. I am not even attempting to express my own feelings in the matter, but simply trying to give my idea of the way I think the Washington authorities will look upon the problem.

From what I have seen of the Seminoles of Florida they are a people of inherent strength of character, and under proper opportunity should make as valuable citizens of your State as their fellow tribesmen in the Seminoles of Oklahoma. If, however, they are not given some opportunity they will gradually become paupers and a burden for the citizenship of your State to take care of. I sincerely hope something may be done to save them from pauperism and extinction.

Mr. Chairman, that expresses my views about as fully as I could place them before the committee with reference to the Florida Seminoles. They are a people of inherent strength of character. They have lived right up against the white man for generations and generations, and yet have taken on not one iota of his civilization. Their strength of character has been sufficient so that although surrounded and outnumbered by large numbers of white people they have steadfastly hurled back and refused to accept his civilization. It takes strength of character to perform such an act as that, and I believe if the Seminoles are given an opportunity they will make as good citizens as exist in Florida or any other State of the Union. After our trip to Florida I had a letter from a Mrs. Wilson, of Kissimee, who asked me if I would not write a letter over my own signature verifying the interview that had been published, in order that she might use it with the Florida Legislature in order to persuade them that the Federal Government would not do anything in the way of purchasing land for the Florida Seminole Indians, and that if they were taken care of it was necessary for the State to do it. I sent the letter, and she stated afterwards that lands had been ceded to these Indians to the amount of 100,000 acres. Now, a word as to the character of the lands. These lands are in the Everglades.

The Clerk read as follows:

SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $141,350; for general repairs and improvements, $15,000; in all, $156,350.

Mr. ANTHONY. I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANTHONY: Page 26, line 15, insert as a new paragraph the following:

"For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., including pay of superintendent, $17,400; for general repairs and improvements, $4,000; in all, $21,400."

Mr. CARTER of Oklahoma. Let me ask the gentleman before reserving a point of order if this is the same school that was carried in the bill originally? If so, I do not think it is subject to a point of order.

Mr. ANTHONY. Yes; it is the same item that was in the bill last year.

Mr. CARTER of Oklahoma. And was recommended by the estimates for this year?

Mr. ANTHONY. Yes.

Mr. CARTER of Oklahoma. I do not think it is subject to a point of order.

Mr. ANTHONY. Mr. Chairman, as the chairman of the committee has indicated, this is the same item that was in the bill for a number of years. It was in the bill last year, but for some reason was left out of the bill this year. It is for the school on the Kickapoo Reservation, Kans., where there are 80 Indian pupils. I understand that the Commissioner of Indian Affairs desires the school continued. The school is doing a good work; and while in the near future there might be some ground for the discontinuance of the school, as the pupils are gradually absorbed by other schools, yet the information I get

is that that time has not yet arrived; and I ask that the item be restored to the bill, as the department desires.

Mr. MILLER of Minnesota. Mr. Chairman——

Mr. CARTER of Oklahoma. Mr. Chairman, does the gentleman from Minnesota desire to take the floor?

Mr. MILLER of Minnesota. I was going to ask a question. I would rather have the gentleman from Oklahoma discuss the question of the advisability of incorporating this paragraph.

Mr. CARTER of Oklahoma. I was under the impression that the gentleman from Kansas [Mr. ANTHONY] had yielded.

Mr. ANTHONY. I will yield the floor now.

Mr. CARTER of Oklahoma. Then I will take the floor in my own right. Mr. Chairman, this school was estimated for by the department and a justification presented at the hearing, but when the subcommittee came to take action in the premises the committee were advised by a member of the subcommittee that he had visited this school, that the pupils could all be taken care of in another Indian school, that there was no necessity whatever for this school, and, there being no dispute of that fact before our subcommittee, we felt that the school should be eliminated, and it was eliminated.

I now yield to the gentleman from Kansas [Mr. CAMPBELL]

Mr. CAMPBELL of Kansas. Mr. Chairman, last spring I went out among others to the Kickapoo Agency, at Mayetta, Kans., and looked over the matter there. I decided that as far as the work being done was concerned that they had altogether too much of an organization. However, that applies in California, in Idaho, Montana, Oklahoma, and every State in the Union where there are Indians, and I think the matter of eliminating these agencies from the Indian Service should be taken up as a whole program rather than one at a time. This is the only one that has been stricken out. It was done on my motion, because I thought it was absolutely unnecessary; but it is in a class with many others, and I think the subject should be taken up and a general elimination made.

Mr. MILLER of Minnesota. Is this school on a reservation or on no reservation?

Mr. CAMPBELL of Kansas. It is on a reservation. You would not know that there was a school there.

Mr. MILLER of Minnesota. How many Kickapoo Indians are there in Kansas? I thought the most of them were in Mexico.

Mr. CAMPBELL of Kansas. There are not many of them there. The fact is that there are no tepees and no blanket Indians. The Indians live in severalty. They are as good farmers as their white neighbors. They are bringing up their children in their own homes. They have five, seven, and nine room houses, and some of them have steam heat. They have as fine farms as lay out of doors.

Mr. MILLER of Minnesota. Are the white schools maintained in their locality where they live?

Mr. CAMPBELL of Kansas. Yes.

Mr. MILLER of Minnesota. And the Indian children allowed to attend the white schools?

Mr. CAMPBELL of Kansas. Yes; if they wish. These Indians ought to be taxed, however, and made to pay their share of the expenses of sending their children to school as other people do.

Mr. MILLER of Minnesota. Can the gentleman state how much per capita it costs?

Mr. CAMPBELL of Kansas. I think this one probably cost $175.

Mr. MILLER of Minnesota. As a matter of fact, it cost $212. I mean, what is the average cost in the State of Kansas of sending white children to school?

Mr. CAMPBELL of Kansas. I do not know.

Mr. ANTHONY. The gentleman from Minnesota is talking about public schools, while this is a boarding school, and you can not compare the cost of a boarding school with that of a public school.

Mr. MILLER of Minnesota. This is a boarding school where they give soup for dinner and they go home at night? It is a sort of soup kitchen maintained for children, is it?

Mr. CAMPBELL of Kansas. I do not object to this item being put back in the bill, but I now give notice to every man interested in these agencies that they had better get ready to defend their agencies next year. Unless the agency does something more than spend the money for salaries, for telegrams, and traveling expenses it ought not to be longer maintained. [Applause.]

Mr. MILLER of Minnesota. Mr. Chairman, I would like to come to the aid, relief, and support of the Committee on Indian Affairs and to the aid and support of the Treasury of the United States and to the aid and support of the people of the United States. The statement just made by the gentleman from Kansas [Mr. CAMPBELL] is sufficient to compel every man in this House to vote against the amendment offered by his colleague from Kansas. Apparently here is a group of Indians in Kansas who have breathed the air and imbibed the industry prevalent in that great State. They are not Indians any more except by name. They are living an industrious life in comfortable homes, in the midst of their white brethren. The proper place for their children is the public schools. There is not an atom of sense in having them go to this Indian school.

Mr. JOHNSON of Washington. Do these Kickapoo Indians have to pay taxes for the support of the school?

Mr. MILLER of Minnesota. I do not know and I do not care whether they do or not. If the parents do not pay taxes and these children go to white schools, the gentleman from Kansas should offer an amendment that there shall be taken out of the Treasury of the United States a sufficient sum to pay their pro rata share in the white schools, and if the gentleman will do that I will support it.

Mr. CAMPBELL of Kansas. Mr. Chairman, may I suggest this to my friend from Minnesota: Some provision ought to be made in all these cases, and I confess now that I left the item out of the bill in order to call the attention of the House and the Indian Office to the abuse that there is in maintaining many of these agencies and schools. Let this item be restored and provisions made to dispose of all Indian property of this character. There is about $50,000 worth of Indian agency property at Mayette, Kans., and some disposition ought to be made of that at the time that the agency is disposed of.

Mr. MILLER of Minnesota. How many Indian children are there?

Mr. CAMPBELL of Kansas. It is claimed about 82.

Mr. MILLER of Minnesota. What is the average attendance?

Mr. CAMPBELL of Kansas. Eighty, I understand; a very large percentage.

Mr. HAYDEN. Mr. Chairman, last year we passed a general authorization which permitted school buildings, where they were no longer used, to be sold, so that there is no necessity of any special legislation in order to sell these buildings.

Mr. CAMPBELL of Kansas. The Indian Office should know that Congress contemplates the abolition of these agencies, so that it can be prepared to defend them.

Mr. MILLER of Minnesota. I trust that the gentleman from Kansas [Mr. ANTHONY] will rewrite his amendment, if he urges it, to provide that a sufficient sum may be taken out of the Treasury of the United States to pay for the schooling of these children in white schools. If he will do that, I think he will find that it will cost about one-fifth of the sum asked for.

Mr. ANTHONY. Mr. Chairman, I have no objection to a policy of economy being inaugurated by the Committee on Indian Affairs, and I believe, with my colleague from Kansas [Mr. CAMPBELL] and the gentleman from Minnesota [Mr. MILLER], that useless Indian schools should be abolished; but I do object to the committee, and especially to my colleague from Kansas, coming into my district and picking out at random some one Indian school out of the whole number of schools in the United States and holding it up as a horrible object lesson to Congress of the extravagant maintenance of these Indian schools, and especially because of the fact that if we wipe out this school you leave 80 young Indians not without means of obtaining an education, because, while it would be a great inconvenience to many, they could perhaps go to the public schools located near by the reservation.

Mr. MILLER of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MILLER of Minnesota. We have usually carried in this bill a lump-sum appropriation of $1,000,000, or something like that, for the education of Indians generally. It is out of that sum that the department now, without any further legislation, can pay for the tuition of these Indians in the white public schools.

Mr. ANTHONY. The Committee on Indian Affairs proposes to take these 80 pupils at the Kickapoo school and transfer them to the Haskell Institute, 75 miles away. The per capita cost of maintaining the 80 at the Kickapoo school is $47 less than at Haskell, so if the recommendations of the gentleman from Minnesota and of the Indian Committee are adopted you will stick the Government for eighty times $47.

I think the best thing to do is to follow the recommendations of Mr. Meritt, whom I called up on the telephone yesterday. He said that the department desires that this school shall be maintained, that it will interfere with the present plans of the department if the Kickapoo Indians are deprived of this school. He says perhaps the time will come when it should be abolished, and perhaps next year they may be able to do that, but he suggested that the appropriation be continued this year with a

proviso that the department bring in a special report as to the advisability of closing the school.

Mr. HARRISON of Mississippi. How many teachers are employed at this school.

Mr. ANTHONY. Four or five.

Mr. HARRISON of Mississippi. How many students attend?

Mr. ANTHONY. Eighty.

Mr. HARRISON of Mississippi. And the school has been continued for a long while?

Mr. ANTHONY. It has been continued for a long time. It is not a school for ordinary instruction, but there is a farm there for instruction in agriculture, and they are instructed in farming and in trades.

Mr. HARRISON of Mississippi. Is this the only school in the United States carried in this bill that has been abolished?

Mr. ANTHONY. It is the only one that has been abolished, so my colleague from Kansas tells me.

Mr. HARRISON of Mississippi. And the Indian Office did not recommend its abolishment at all?

Mr. ANTHONY. It did not.

Mr. CARTER of Oklahoma. Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] and myself have always been the very best of friends since I have been a Member of Congress. I think I have been able always to call on him for anything that is reasonable, and I am the last man in the House who would undertake to do his district an injustice. I knew nothing whatever of the conditions at this school or the necessity or the lack of necessity for it until our attention was called to it by his colleague, the gentleman from Kansas [Mr. CAMPBELL]. I may have been mistaken, but I got the understanding that this school was in the district represented by the gentleman from Kansas [Mr. CAMPBELL]; and when a Member of Congress comes to me and tells me of an institution in his own district that is unnecessary and ought not to be carried I certainly feel I ought to assist him in relieving the Government of the expense.

Mr. CAMPBELL of Kansas. I hope I did not leave the impression on the gentleman that this agency was in my district.

Mr. CARTER of Oklahoma. I could not say positively that the gentleman told me that, but that was the impression I received.

Mr. CAMPBELL of Kansas. It is in my State, but not in my district.

Mr. CARTER of Oklahoma. If I had know the school was in the district of the gentleman from Kansas [Mr. ANTHONY], I would have consulted the gentleman before my approval was given to knocking the school out; but, Mr. Chairman, I still believe the report of your committee should be sustained. The gentleman from Kansas [Mr. CAMPBELL] told us on the floor of the House again earlier in the day that this institution was unnecessary and that this item should not be carried in the bill. The report of a committee should have some standing on the floor of the House, but that can not be possible so long as committee members request that things be done in committee and reverse their attitude when the bill reaches this Chamber. No reason has as yet been given why this school should be continued. The pupils have been provided for at Haskell school, a short distance away. No damage can be done the service by the discontinuance of the school and considerable expense might be saved.

Having supported the provision in the bill and reported it to the House, I feel that I ought to vote against the amendment offered by the gentleman from Kansas unless some good reason is given for contrary action.

Mr. ANTHONY. Mr. Chairman, I call attention to the fact that if he does not make provision for this school, he not only abolishes the school but wipes out the superintendent for the Kickapoos, whose salary is also provided for in the appropriation for this school, so that when the committee drops out the appropriation for the school it drops out the appropriation for the superintendent.

Mr. CARTER of Oklahoma. That is what the gentleman from Kansas [Mr. CAMPBELL] told us ought to be done.

Mr. CAMPBELL of Kansas. I want to provide for the school, but the agent ought to be abolished.

Mr. MILLER of Minnesota. What does the agent do?

Mr. CAMPBELL of Kansas. Nothing.

Mr. ANTHONY. He does do something. I will state to the gentleman that while he has called attention to the great progress that those Indians have made in civilization, speaking about their steam-heated houses, that but a very small minority of the Indians have made any progress. They do not farm their own farms. Two-third of the land on the reservation is rented to white men. The superintendent performs very valuable service to the Indians in preparing these farm leases and seeing that the Indians do not get swindled, and if you wipe out that superintendent there you turn the Indians over absolutely to the mercy of the white men who speculate on the lands; so if you want to leave them helpless and powerless, wipe out the agency and the school.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, I am highly in favor of this amendment. I think the Indians all over the country ought to be looked after. I can not understand why the committee should disregard the conditions that gentlemen say exist out there in Kansas. The department does not recommend it; the conditions certainly require the maintenance of the school, and I think the conditions in other parts of the United States are quite like those in Kansas. Now, in the State of Mississippi there is a condition also existing. I got a letter the other day from a good woman down there who is taking on herself the burden of attempting to educate these poor, unfortunate children without getting a cent of salary. She is teaching school there five days in a week, and I hope this amendment will prevail. In the course of a little while we will offer an amendment touching the unfortunates of Mississippi, which I hope also will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was agreed to.

Mr. HAYDEN. Mr. Chairman, before we leave the Kansas items, permit me to suggest to the gentleman from Kansas that we allowed the number of pupils at the Haskell Institute to remain at 750 upon the theory that 80 students were to be transferred from the Kickapoo school to Haskell.

Mr. CAMPBELL of Kansas. Oh, no. That was not the intention.

Mr. HAYDEN. At the Haskell Institute the average attendance was 628, enrollment 711, and we are now appropriating for 750 pupils.

Mr. CAMPBELL of Kansas. I am sure the gentleman from Arizona is in error when he assumes these children were to go there. What I said to the committee with respect to this was that the children would be provided for in the neighborhood schools.

Mr. HAYDEN. I understood that the pupils at Kickapoo were to be transferred to the Haskell Institute.

Mr. CAMPBELL of Kansas. Oh, no; the increase at the Haskell school was from other sources rather than from this agency.

Mr. HAYDEN. We are increasing the per capita at the Haskell Institute from $167 to $185 and allowing the number of pupils to remain at 750, which makes the total increase at that school $13,600 over the amount allowed last year. We allowed no such increase in any other school where the average enrollment or attendance was so far below the number specified in the current law.

Mr. CAMPBELL of Kansas. I am sure the estimate of the Indian Office was not made with a view to the abolishment of the Kickapoo Indians.

Mr. CARTER of Oklahoma. We did not give the Indian Bureau's estimate in any of these, I will say to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. I think the Haskell estimate should remain as it is in the bill.

Mr. HAYDEN. It would not have remained undisturbed if we had known the Kickapoo school was to be appropriated for in this bill.

Mr. MILLER of Minnesota. If the committee had absolutely stood up to their bill, the amendment just adopted would hardly have been adopted. There was just one vote against it, and that was my own.

Mr. CARTER of Oklahoma. I will state to the gentleman that here is one gentleman who stood by the bill——

Mr. MILLER of Minnesota. But the gentleman spoke so feebly that I did not hear——

Mr. CARTER of Oklahoma. I am surprised at the gentleman from Minnesota——

The CHAIRMAN. Both gentlemen are out of order, and the Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $185,000 or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

Mr. KNUTSON. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: Page 27, strike out all of lines 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

Mr. CARTER of Oklahoma. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman merely makes a motion to strike out, but does not insert anything.

Mr. CARTER of Oklahoma. I thought the gentleman had something to insert.

The CHAIRMAN. No; the gentleman merely moves to strike out.

Mr. KNUTSON. Mr. Chairman, I understand this item has been in each Indian appropriation bill for the last 15 or 20 years. The Chippewa Indians have, through their attorney, Mr. Ballinger, introduced a suit in the District Supreme Court to prohibit the Government from spending this money, which is taken from the principal now held in trust for the Chippewas of Minnesota. The District Supreme Court overruled the contention of the Chippewas and the case was appealed to the Court of Appeals of the District, and this court decided that the Government did not have the right under the statute to make this appropriation. The Indian Department thereupon appealed the case to the United States Supreme Court, and I understand it will be several years before it can be reached. Now, it would seem to me, Mr. Chairman, in the face of the decision made by the court of appeals, that Congress should not make this appropriation; hence the amendment.

The CHAIRMAN. The question is on the amendment.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to hear from the committee on this.

Mr. CARTER of Oklahoma. What does the gentleman want to hear? The committee is opposed to the gentleman's amendment to strike out.

Mr. MILLER of Minnesota. I would like to hear upon what ground. I am looking for information.

Mr. CARTER of Oklahoma. Of course the gentleman from Minnesota is very familiar with this item, and he knows it was precipitated——

Mr. HAUGEN. Mr. Chairman, may we have the amendment again reported?

Mr. CARTER of Oklahoma. The amendment is simply to strike out the item.

The CHAIRMAN. The Chair will state to the gentleman from Minnesota that the amendment strikes out the paragraph on page 27, lines 4 to 14, inclusive.

Mr. CARTER of Oklahoma. Mr. Chairman, the gentleman from Minnesota [Mr. MILLER] well knows that this item has always been the subject of considerable discussion, and I had hoped that it might be straightened out at this session of Congress for the satisfaction of the interested parties. But we found, when we went into the item, that there was a case now pending in court with reference to this matter which goes to the point whether the Federal Government had a right to expend these funds in this manner. The case being in court, our committee thought that the regular rule that we had always followed in the past had better be followed now; that we should not attempt to interfere with a matter that was in process of settlement by the court, but consider the appropriation we were carrying until the case was settled. Now, when that case is settled, I am sure the Committee on Indian Affairs will be glad to go into the matter in full and find out just what ought to be done with the Chippewas in Minnesota. It is a very complicated question. I do not understand myself, I admit, whether the Government has the right to take these funds or not, but the court will decide that question, and when that is decided we can then make some proper adjustment of the matter. And I do not believe we can do it until the court renders a decision.

Mr. SHERWOOD. In what court is it now?

Mr. CARTER of Oklahoma. In the Supreme Court of the United States.

Mr. SHERWOOD. I thought it had already been decided.

Mr. CARTER of Oklahoma. By the district court of appeals, but it has been appealed to the Supreme Court of the United States.

Mr. JOHNSON of Washington. Was this same sum, or approximate sum, withdrawn from the Chippewa funds last year?

Mr. CARTER of Oklahoma. Yes.

Mr. KNUTSON. For about 20 years.

Mr. JOHNSON of Washington. There is also an appropriation of $4,000 mentioned in lines 1, 2, and 3.

Mr. MILLER of Minnesota. Those items are for the fulfillment of treaty obligations.

Mr. CARTER of Oklahoma. That is a treaty item.

Mr. KNUTSON. If I may say to the chairman of the committee, for whom I have the highest regard, I dislike very much to disagree with any committee, but I was requested to make this objection by the committee representing the Chippewas who appeared before the gentleman's committee. I have an amendment here that I would like to offer to the second item, which will specifically restrict the Indian Department in the spending of the $4,000.

Mr. CARTER of Oklahoma. Let me ask the gentleman if this matter is not in the process of settlement by the court? There is a case now pending——

Mr. KNUTSON. The last decision was rendered by the district court of appeals, which said that the Government had not the right to spend this money, which was being taken from the principal sum. And I might add that had the Chippewa funds been administered as they should have been they would have $18,000,000 or $20,000,000, whereas now they have only between $5,000,000 and $6,000,000.

Mr. CARTER of Oklahoma. The gentleman may be correct about that, but so long as the matter is in process of settlement by the courts I do not think that Congress should attempt to make any change in this item.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. CARTER of Oklahoma. I yield.

Mr. STAFFORD. I understand that the higher court, the district court of appeals, has reversed the decision of the lower court, the supreme court of the district, and has decided in favor of the contention of the Indians that this——

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. STAFFORD. The court has decided in favor of the contention of the Indians, that the Government has no right to use these funds, which were regulated by treaty arrangement, for the purposes as stated in this bill. If that is the fact, why should not the committee take the last decision of the court, which is in favor of the Indians, as the expression of the law until that is reversed by a higher court?

Mr. CARTER of Oklahoma. Because the gentleman knows as well as I know that it has never been the policy of Congress to interfere in any matter that is in process of settlement in the court. We have a matter here which has been appealed to the Supreme Court of the United States. We might put some provision in here that would conflict with that decision. Now, then, why not let it go? It has run on all these years. Why could it not go on for this short time, until the Supreme Court of the United States could decide it and give Congress some definite basis on which to stand in the future?

Mr. STAFFORD. The committees of Congress have always acted on the decision of the court as last stated. These are trust funds of the Indians, and the Indians say they are not being properly used. The highest court to which this question has been appealed has confirmed that contention; and, in spite of the decision of the appellate court, you go contrary to that, and say the funds shall continue to be misappropriated, against the contention of the highest court to which this has been submitted.

Mr. CARTER of Oklahoma. Just a moment. The gentleman from Wisconsin [Mr. STAFFORD] has been here longer than I and ought to know procedure. I do not understand that the position of Congress in the past has been that Congress would legislate in reference to any matter that was pending in the court and on which there had not been a final decision. If I am wrong in that I am wrong in this. Take, for instance, the 30,000 land-suit cases from Oklahoma. We sought relief in some cases before the Committee on Appropriations, and they refused to consider our matter because they said "these matters that have been decided in your favor are in process of settlement by the court, and as long as they are on appeal we will not legislate on them." Then we brought the matter to the floor of the House, and the RECORD shows that exactly the same statement was made on the floor.

Now, I am simply following out what I thought the will of Congress has been in the past. I have no feeling in the premises. I would just as lief do it in one way as another, except that I think that Congress ought to be consistent about these matters and follow out the rule it has always followed in the past, and that has been not to permit interference with any proposition which the courts had in hand until a final decision had been rendered by a court of last resort, or at least until evident that no further appeal would be pursued.

Mr. STAFFORD. I will remind the gentleman that this was a decision of an appellate court on an appeal.

Mr. CARTER of Oklahoma. So was our case, and it was then pending in the Supreme Court of the United States.

Mr. FERRIS. Mr. Chairman, will my colleague yield?

Mr. CARTER of Oklahoma. Yes.

Mr. FERRIS. Is it admitted that practically all of this $180,000 is expended for salaries and none of it gets to the Indians at all? That has been charged, I know.

Mr. CARTER of Oklahoma. From the hearings, that appears to be largely so. The gentleman from Minnesota [Mr. KNUTSON] can give you more information about that than I can. I think that there is little doubt but that most of this money is expended for the administration of the affairs of the Chippewas.

Mr. KNUTSON. That is true.

Mr. JOHNSON of Washington. It is for salaries in schools with as low as six pupils in daily attendance.

Mr. FERRIS. I was just wondering if it would not be a good idea to choke off some of those employees up there. [Laughter.]

Mr. KNUTSON. Yes; you are right. [Laughter.]

Mr. MILLER of Minnesota. It is a good State, and it is a very important State, and it is very well worth the attention of such a distinguished statesman as the gentleman from Oklahoma, although I understand he has not been up there.

Mr. FERRIS. I regret I have not been up there. I know I would be delighted to go there. But I want to say, Mr. Chairman, that a committee of these Indians came to my office representing the Indian tribes, and they told me, with a great deal of emphasis, that $185,000 purporting to be for the support of education was really all paid out in salaries. It is a fact that there is a case pending in court to shut this thing off.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. CARTER] has again expired.

Mr. FERRIS. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The motion pending now is to strike out the paragraph.

Mr. FERRIS. I want to speak in favor of it. If that will not get me time, I will speak against it. What I want to do is to find out what is going on up there.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. FERRIS. Mr. Chairman, perhaps the committee in charge of this bill is doing what is right about this matter, but a committee from the White Earth Reservation came to my office and stated to me very positively that practically all of this $185,000 was being paid out in salaries, and none of it is actually distributed among the Indians.

I want to say that we have had too much of that going on everywhere, having items carried on here as education and support items, but when you come to figure it out it is simply paying out money in salaries. The Indians who came from the White Earth Reservation seemed to be well informed on their affairs. They were well informed. They are very intelligent people.

I simply wanted to make that statement. I do not know enough about it to urge any particular action in the matter. I simply think it ought to be given careful attention.

Mr. MILLER of Minnesota. Mr. Chairman, it seems to me the opinion of the distinguished chairman of the committee, the gentleman from Oklahoma [Mr. CARTER], is that this item should remain in the bill, pending the decision of the court. That decision of the court simply goes to the question of whether or not Congress has the legal right to make the appropriation.

But there is another question that to me is deeper and more important than that. It is this: That if Congress has the power, ought it to make the appropriation? My judgment—and you can take it for what it is worth—is that Congress has the power to make the appropriation. Why? Because in the Treasury of the United States are the funds belonging to those Indians. Whether it is good law or bad law, it is the law, as decided by our Supreme Court many, many times, that Congress has plenary power to do almost anything it pleases with the wealth and property of the Indians in the United States under the control of the United States Government.

But let us just forget that for a moment, and direct our attention to the question whether or not Congress ought to exercise the authority if it possesses it. Two years ago, when this item was before the committee, I took occasion, as the result of some investigation, extending over two or three years, to direct the attention of the committee to the question of whether or not this item should not be excluded from the bill. I did not make any definite recommendation, nor did I make a motion, but did presume to address myself to the propriety of retaining in the bill an item of this character.

Some of these Indians are in my district. Some of them are in the district of the gentleman who made the motion [Mr. KNUTSON]. Most of them are in the district represented so ably in this House by my colleague [Mr. STEENERSON]. We are all interested. The opinions of all are worth considering in the case, and I shall be glad to hear from every one of them. I am telling you now the result of my own experience. I think the appropriation a few years ago was $145,000, was it not?

Mr. KNUTSON. I think so.

Mr. MILLER of Minnesota. I ask my colleague, Mr. STEENERSON. Then it became desirable to build a hospital or something, and we increased the amount so as to take care of that. Then the next year it was found desirable to do something more, and we increased the amount then, and it was finally got up to $185,000.

This is an illustration of that principle that prevails here so often, that when you increase an appropriation for any purpose it seems you can never cut it down again; you can never reduce it when once it is raised. And this appropriation, starting at $145,000 some years ago, has gradually crept up until it is now $185,000.

Mr. KNUTSON. Mr. Chairman, will my colleague yield?

Mr. MILLER of Minnesota. Certainly.

Mr. KNUTSON. There is no assurance that this will not creep up to $225,000 before we get through with it?

Mr. MILLER of Minnesota. None whatever.

Mr. GANDY. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. I yield to the gentleman.

Mr. GANDY. What will be the effect if this item is stricken out of the bill?

Mr. MILLER of Minnesota. I will get to that in a moment. What is this item expended for? The answer is quick and immediate. It is expended for everything in connection with the management of Indian affairs in that State. It is expended for employees—employees whose duties are exclusively those of administration, representing the Government of the United States. The biggest part of it goes for that purpose. Some of it is expended in the maintenance of schools and school-teachers. Some of it is probably expended for essential purposes, while quite a lot of it—or at least some of it—is perhaps improperly expended. I called attention once before on the floor of this House to the fact that at one Indian school they had six farmers as instructors, and there was not enough work for one man. At least one good man would have done all that the six did, and a lot more. The Indian Office thereupon, having had that brought to their attention, discontinued all but one.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield for a question?

Mr. MILLER of Minnesota. Certainly.

Mr. JOHNSON of Washington. I wanted to ask the gentleman if an opportunity is offered in Minnesota for these Chippewas to attend the public schools?

Mr. MILLER of Minnesota. Yes.

Mr. JOHNSON of Washington. Do these Chippewas pay anything toward the taxes for the support and maintenance of the public schools?

Mr. MILLER of Minnesota. They do not, because their property is in the same situation as that of the Indians in other States.

Mr. VENABLE. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. VENABLE. I understand from what the gentleman says that a good portion of this $185,000 is properly expended for schools, is it not?

Mr. MILLER of Minnesota. Yes.

Mr. VENABLE. What is the purpose of knocking it out completely? Is it to discontinue these schools? And, if so, where do these people expect to get the funds to continue the enterprises?

Mr. MILLER of Minnesota. It is not intended to knock out the schools by knocking out this paragraph, although the inquiry is a most pertinent one. I will come to that in just a moment, if the gentleman will permit.

The $185,000 is being expended for the purpose which I have indicated and for some additional purposes. There are a great many employees up there in the State of Minnesota who are not doing anything of any value to the Indians. There has

grown up a complex system of administration, and there is no way to check it up. I tried for two years to find out how this $185,000 was expended, and when I got through at the end of two years I gave it up. I could not find out—that is, in any detailed way.

Mr. MADDEN. Will the gentleman from Minnesota yield?

Mr. MILLER of Minnesota. Certainly.

Mr. MADDEN. Does the gentleman from Minnesota mean to insinuate that the executive branch of the Government has refused to give the detailed information as to the expenditure?

Mr. MILLER of Minnesota. No; they did not refuse. They kept giving it repeatedly in a way satisfactory to them, but in a way that I could not understand. I wanted to find out just who was getting the money and what kind of service the man was performing, and I could not find out. They told me they did not have a clerical force and a bookkeeping system that would enable them to furnish me with this information.

Mr. MADDEN. So it was rather a system of camouflage which the gentleman got instead of real information?

Mr. MILLER of Minnesota. I did not know it by that name at that time, but I know now that that is exactly what it was.

Mr. MADDEN. In other words, it was a system of deceit.

Mr. MILLER of Minnesota. Well, I would not quite use that language.

Now, of course, not all the work that the Indian Office is doing in Minnesota could be described as improper, but the Chippewa Indians of Minnesota are not like the Seminole Indians of whom we have heard so much this afternoon. There are practically no full-blood Chippewas in the State. They are nearly all of mixed blood. Of the 11,000 Indians accredited to the State, I presume 9,000 of them at least are capable of handling their own affairs to a greater or less extent. There may be some who are not. But the great majority of these Indians are of mixed blood, and are performing their daily duties and handling their business enterprises just like their white neighbors. Personally I am in favor of the Indian children and the white children going to the same school, being taught by the same teachers, with the same flag over the building, and the same instruction for them both.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. JOHNSON of Washington. The figures here seem to show that out of a total of 1,576 Chippewa children, 954, or practically two-thirds do go to the public schools, and that 205 attend these mission and private schools and 411 nonreservation boarding schools, and with this money there are maintained 9 day schools and 6 boarding schools for that limited number of children.

Mr. MILLER of Minnesota. That is correct.

Mr. JOHNSON of Washington. Only two places here showing more pupils than the place in Kansas that had 80 pupils, that the gentleman himself voted to abolish.

Mr. MILLER of Minnesota. Certainly; and I will vote to abolish any of the character the gentleman describes, and I am going to vote for it in just one minute, and I hope the gentleman will vote with me.

Mr. JOHNSON of Washington. And such schools ought to be abolished.

Mr. VENABLE. Will the gentleman yield again?

Mr. MILLER of Minnesota. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VENABLE. I ask unanimous consent that the gentleman may have one minute more.

Mr. MILLER of Minnesota. I want three minutes, because there is another item I want to speak about.

Mr. CARTER of Oklahoma. Reserving the right to object, I ask unanimous consent that all debate on this item be closed in 10 minutes.

Mr. STEENERSON. Mr. Chairman, I desire 10 minutes. Can not the gentleman make it 15? Most of these Indians are in my district.

Mr. CARTER of Oklahoma. Does the gentleman from Minnesota want three minutes?

Mr. MILLER of Minnesota. Yes.

Mr. CARTER of Oklahoma. Then, make it 15 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this paragraph and amendments thereto close in 15 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] is recognized for three minutes.

Mr. MILLER of Minnesota. What should be done is exactly this——

Mr. VENABLE. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. I hope the gentleman will make his question short.

Mr. VENABLE. This $185,000 provided for in this appropriation is money that belongs to the Indians, taken out of the Indian fund?

Mr. MILLER of Minnesota. Yes.

Mr. VENABLE. If this is stricken out, is it the purpose to have these schools that the gentleman has mentioned maintained by general appropriation out of the Treasury of the United States?

Mr. MILLER of Minnesota. I will say "no" emphatically. What should be done is this: Some money should unquestionably be appropriated for the administration and maintenance of schools, but I would have specific items enumerated definitely with the purpose stated, and the amount; and there is just one way to get at that, and that is to wipe out this entire lump sum, to strike it out of the law and compel the Indian Office to make an estimate in detail, and the appropriate committee of Congress can then go over this itemized list. The Indians of the State who are paying the bill, and who have sufficient intelligence to form an accurate judgment thereon, can then know that for which it is proposed to expend their money. They can criticize it, they can give suggestions, and cooperating with the committees of Congress you can get a legitimate expenditure for legitimate purposes, and the amount will probably be greatly less than this; and very likely before the bill becomes a law a sufficient appropriation for specific purposes will be made to take care of the needful part of the administration and the schools.

Mr. HASTINGS. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly, if I have the time.

Mr. HASTINGS. I want to ask the gentleman if he himself has read the decision of the court of appeals, to which reference has been made both by himself and his colleagues?

Mr. MILLER of Minnesota. I have not.

Mr. HASTINGS. I want to say that a committee came before the subcommittee that had the preparation of this bill in charge, and a brief was filed, and an excerpt given, taken from this opinion, but the full opinion was not filed. Now, as the gentleman has made reference to it, and as his colleague [Mr. KNUTSON] from Minnesota has also referred to it, I was wondering if either of them had read the opinion, and if they were prepared to say that the court had decided against the contention of the Government?

Mr. MILLER of Minnesota. I do not know.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEENERSON. I ask unanimous consent to proceed for 10 minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to proceed for 10 minutes out of the 15 minutes which have been allowed. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I can not entirely agree with my colleague, Mr. KNUTSON, to strike out this item, although I admit that on the face of the bill there seems to be some merit in the proposition. I have not read the whole decision referred to, but I think I understand what the purport of it is. This $185,000 is a part of the permanent fund to the credit of the Indians, upon which they are drawing 5 per cent interest. The treaty with the Indians authorizing the sale of their lands with the timber thereon had a provision that authorized Congress to set apart such an amount of the principal as it might deem proper for the "relief, civilization, and self-support of the Indians." Now, the contention is that "civilization and self-support" of the Indians did not have for its object the paying of the ordinary expenses of the agents, the superintendent, and the civil-service employees, and such use of this money, which was their patrimony placed to their credit, is a diversion of the funds from the purposes specified in the treaty. The representatives of the Chippewa Indians make this claim against the Interior Department.

The treaty provided that at the end of 50 years the whole fund might be distributed to them per capita. If you will look at the language of this appropriation, you will see that it reads "to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act." That is the act of January 14, 1889, which is a part of the treaty.

The claim of the department is that by paying and maintaining the superintendent and all of these employees of the service to the number of 127 in the whole State they are carrying out the objects of the treaty; that they are thereby promoting civilization and self-support among the Indians.

The question raised by this lawsuit was whether that was a diversion of the fund, and the Court of Appeals decided that it was. If that decision is sustained by the Supreme Court of the United States the Indians would have a good cause of action against the United States for the recovery of two or three million dollars appropriated in a similar way heretofore.

Of course, the result would be that the Government would have to pay it out of the Treasury. The Supreme Court has already decided that under that treaty the United States is the trustee of an express trust and is bound to use the money derived from the lands for the purpose therein mentioned. If the maintenance of the Indian Service, the superintendents, teachers, doctors, farmers, and nurses and hospitals is a diversion, if it is not for the relief, civilization, and self-support, as contemplated by the treaty, the United States would be liable to refund and restore the amount diverted to the principal sum in the Treasury.

The alternative would be that if we strike out the appropriation at this time the Indian Bureau would have no other appropriation with which to pay for the Indian service in Minnesota. There are a large number of incompetent full bloods unable to take care of themselves, and there are many sick, especially old people, many of whom are blind from the ravages of trachoma, and many consumptives, who are in hospitals. It would be unjust and wrong to deprive them of the Indian service, which now administers to their wants.

Mr. KNUTSON. Does the gentleman mean to contend that money heretofore appropriated has been for the purpose provided for in the treaty?

Mr. STEENERSON. I was trying to make it plain that that question was before the court—whether it was a violation of the trust. The result would be, as I say, that if the Supreme Court of the United States sustains the contention of the Indians, then the Indian tribes could recover from the United States the whole amount, not only what has been diverted in the past but this appropriation.

On the other hand, if we strike it out and the Supreme Court decides the other way, then the Indian Bureau would be deprived of funds with which to pay for the Indian Service. It is a very sudden proposition to spring upon us at this time, because it might be disastrous to take away the Indian Service in Minnesota without notice. It does seem to me that to leave it in will not be a great injury to the Indians. If they are right in their contention, they are bound to get it back. When this was brought before the committee the chairman of the Indian Committee indicated that it would recommend authority be given to bring the question up in an appropriate action in the court. If the use of this money as proposed is a violation of the treaty, it is a diversion, and therefore by taking the money out wrongfully we would be obligated to put it back again. On the other hand, if it is a proper use of the fund, as indicated by the treaty, then the taking away of this appropriation—striking it out—would leave the Indian Service without any employees. There are many full bloods and incompetents on the reservation in my district—probably a thousand that need the care of an Indian agent. It seems to me that the safe thing to do at this session would be to let the appropriation go as the committee recommended, and if the Supreme Court decides as the lower court has, then, of course, we would have to appropriate the money out of the Treasury of the United States. In that case the Indians would not suffer, for they would get the care and assistance they need, and the money also.

Mr. KNUTSON. Is it the gentleman's opinion that the item should be stricken out?

Mr. STEENERSON. I doubt the wisdom of striking it out. I do not think I shall vote to strike it out now. If by striking it out you destroy the Indian Service in Minnesota it would be a great calamity.

Mr. KNUTSON. I think it better for the Indians that it be left out of the bill.

Mr. CARTER of Oklahoma. Mr. Chairman, I have looked through the hearings for the court decision but do not find any statement of it. I find what some gentleman said about it, but no quotation in the hearings except a short one which does not touch upon the point at issue.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes; for a short question.

Mr. KNUTSON. Does not Mr. Meritt, the Assistant Commissioner, admit in the hearings that the court of appeals——

Mr. CARTER of Oklahoma. I understand that, but what I say is no quoting has been made of any court decision. What the Commissioner of Indian Affairs or anyone else says is nothing more nor less than hearsay testimony. All this is hearsay testimony. I agree with my friend that perhaps these Indians may be mistreated, but the court is the remedy. The matter is in the court and when the court decides it Congress can legislate intelligently, but until then I think it is better for Congress to pursue the course it has pursued in the past and let this item go in the bill just as it was in the last year and the year before.

Mr. VENABLE. If this item is stricken out has the gentleman's committee any specific information as to what will be substituted for it?

Mr. CARTER of Oklahoma. The agency will have to be taken care of and that means an appropriation from the funds of the Treasury.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. CARTER of Oklahoma. I only have two minutes left.

Mr. MILLER of Minnesota. The gentleman can get more time.

Mr. CARTER of Oklahoma. We have had the time closed.

Mr. MILLER of Minnesota. My idea is that the Indian Office will be compelled to bring in an itemized statement of the necessities, which the Senate committee can go over and allow as much as they see fit, and it will come back to the House and we will then have an opportunity to vote upon it.

Mr. CARTER of Oklahoma. The gentleman knows that that would not give the House proper consideration of it.

Mr. MILLER of Minnesota. I confess that it is a weakness.

Mr. CARTER of Oklahoma. We do not have itemized consideration of a conference report. I think the item ought to go into the bill as it is.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. KNUTSON) there were—ayes 23, noes 29.

Mr. JOHNSON of Washington. Mr. Chairman, I demand a division.

Mr. KNUTSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. KNUTSON——

Mr. JOHNSON of Washington. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Is not the gentleman a little late? An amendment has already been sent up to the desk. Did the gentleman mean to ask for tellers when he demanded a division?

Mr. JOHNSON of Washington. Yes.

Mr. KNUTSON. Mr. Chairman, I am not very conversant with parliamentary usage; I intended to use every expedient to protect my interests.

The CHAIRMAN. The gentleman from Washington demands tellers. All in favor of taking the vote by tellers will rise and stand until counted. [After counting.] A sufficient number and tellers are ordered.

Mr. CARTER and Mr. KNUTSON were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 33, noes 28.

So the amendment was agreed to.

The CHAIRMAN. Does the gentleman from Minnesota desire to offer the amendment which he has sent to the desk.

Mr. KNUTSON. Mr. Chairman, I now desire to withdraw that amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth Band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1918, out of the funds belonging to said band.

Mr. KNUTSON. Mr. Chairman, I offer the following amendment as a new paragraph, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 27, at the end of line 21, insert as a new paragraph the following:

"That of the unexpended appropriation of $5,000 authorized to be taken out of the tribal funds of the Chippewa Indians of Minnesota for the construction of a bridge across the Mississippi River on the Cass Lake Reservation by the act entitled 'An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes,' for the fiscal year ending June 30, 1918, $4,000 be, and the same is hereby, authorized to be expended for improving the road between the Cass Lake Indian school and village, a distance of 6 miles, upon the condition that the counties of Cass and Beltrami, in the State of Minnesota, shall file with the Secretary of the Interior a written agreement to reimburse the Government within five years to the extent of one-half of the amount expended upon said road."

Mr. CARTER of Oklahoma. Mr. Chairman, on that I reserve the point of order.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order? It is evidently subject to the point of order.

Mr. KNUTSON. Mr. Chairman, I ask the chairman of the committee to withhold his point of order for a moment.

Mr. CARTER of Oklahoma. Very well; I reserve it.

Mr. KNUTSON. Mr. Chairman, the road between the Indian school at Cass Lake and the village of Cass Lake, a distance of about 7 miles, has been repaired by Cass County up to the reservation line. This proposed amendment has for its purpose appropriating $4,000 for the improvement of the road on the reservation which passes over a section of the country that in the summer time is practically impassable by reason of sloughs and bogs, and we would like to get it into shape so that the Indians who travel over that road will not have so much difficulty in getting to town. Horses frequently mire on this piece of road and vehicles break down.

Mr. STEENERSON. This item, I believe, is recommended by the Secretary of the Interior.

Mr. KNUTSON. Yes.

Mr. STEENERSON. It is not a new appropriation; it is a reappropriation of an old appropriation, an unexpended balance.

Mr. KNUTSON. The item is recommended by the Indian Department, but we did not get around to it in time to get it into the original bill. I have a letter here from the Indian Department, under date of January 10, indorsing this appropriation.

Mr. CARTER of Oklahoma. The item has not had any consideration by the committee, and on behalf of the committee, who have not had an opportunity to consider it, I should feel obliged to make the point of order.

Mr. MILLER of Minnesota. I trust the gentleman will withhold that for a moment, as I would like to develop this matter somewhat.

Mr. STEENERSON. The money has already been appropriated.

Mr. MILLER of Minnesota. This is a reappropriation of $5,000.

Mr. KNUTSON. $4,000.

Mr. MILLER of Minnesota. Appropriating $4,000 of $5,000. As I recall, we appropriated $5,000 a year or so ago to build a bridge across the river.

Mr. KNUTSON. Yes.

Mr. MILLER of Minnesota. Why was not the bridge constructed?

Mr. KNUTSON. For the reason that the place stated in the bill for the site of the bridge was afterwards found to be off the reservation.

Mr. MILLER of Minnesota. May I inquire what arrangements are being made to construct a bridge over that river?

Mr. KNUTSON. I will state to my colleague the bridge is being built by, I think, the counties of Cass, Itasca, Beltrami, and the State of Minnesota.

Mr. MILLER of Minnesota. I think the three counties of Cass, Beltrami, and Itasca. Is my colleague sure of that?

Mr. KNUTSON. That is my impression.

Mr. MILLER of Minnesota. They have received authority recently from Congress to construct two bridges across the Mississippi River in that region, and is one of these bridges to take the place of this one?

Mr. KNUTSON. Yes; I believe so.

Mr. MILLER of Minnesota. Is my colleague sure of that?

Mr. KNUTSON. The money appropriated by the Sixty-fourth Congress for that bridge can not be used.

Mr. CARTER of Oklahoma. I think bridges, I am not sure, come under the same rule as buildings and other construction work. In the construction of buildings the amount appropriated is available for three years, and after that time the contract expires therefor.

Mr. MILLER of Minnesota. It is of the utmost importance that a bridge be constructed across the Mississippi River in this region. Now, if it be taken care of by the three counties, all right; I heartily indorse the amendment which my colleague offers.

Mr. STEENERSON. Let me suggest, while the gentleman withholds the point of order, that the letter from the Interior Department be read recommending this.

Mr. KNUTSON. If the gentleman has no objection, I send the letter to the Clerk's desk and ask that it be read.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 10, 1918.

Hon. HAROLD KNUTSON,
House of Representatives.

DEAR MR. KNUTSON: I have your letter of December 21, 1917, in regard to the $5,000 made available by the Indian act for the fiscal year 1918, from the tribal funds of the Chippewa Indians of Minnesota, as a contribution toward the construction of a bridge across the Mississippi River near Cass Lake. None of this money has been expended, and the suggestion has been made that $4,000 thereof be made available for improving the road between the Cass Lake School and village, a distance of 6 miles, and $1,000 for improving the school grounds and building roads thereon.

In this connection I may say that the greater portion of this road is on the opened part of the reservation in Cass and Beltrami Counties, which, it is understood, have already spent some money on the road, but from lack of funds are unable to do anything further at present. While it is true that the road is used by several hundred Indians living north of Cass Lake in going to and from the village, and also for the freighting of supplies to the school, at the same time, as that part of the reservation has been opened and is interspersed with white settlers who also use the road, I feel that the two counties should be willing to defray at least half the expense of repairing it. However, as they have not the necessary funds at this time, I would have no objection to the utilization of $4,000, or as much thereof as may be necessary, of tribal funds for this purpose, on condition that the counties agree to reimburse the Government to the extent of one-half the amount expended on the road, in proportion to that part of the road in each county, when those funds become available, but in any event within five years. Should an amendment to the Indian bill to this effect be referred to the department for report I will give it friendly consideration.

So far as concerns the expenditure of $1,000 for improving the Cass Lake School grounds and building roads thereon, I do not think it advisable to recommend this in view of the war situation, the heavy demand upon the Treasury for funds, and the fact that the improvement of the school grounds can be deferred without serious harm to the interests of the service.

Sincerely, yours,

CATO SELLS, *Commissioner.*

Mr. STEENERSON. As I understand the amendment sent up it complies exactly with this recommendation and leaves out $1,000.

Mr. KNUTSON. Yes.

The CHAIRMAN. Does the gentleman from Oklahoma make the point of order?

Mr. CARTER of Oklahoma. Mr. Chairman, I dislike very much to disoblige the gentleman from Minnesota, but this amendment has not had any consideration by the committee, there is not a member of the committee who knows anything about it, and I feel obliged to insist on the point of order.

The CHAIRMAN. The gentleman insists upon the point of order, and the point of order is sustained.

Mr. MILLER of Minnesota. Mr. Chairman, I desire recognition before we leave the subject of Minnesota, just to make a unanimous-consent request, and that is to file some remarks in the RECORD.

The CHAIRMAN. The gentleman will state his request.

Mr. MILLER of Minnesota. The Indian committee representing all the Indians of our State have compiled a somewhat elaborate statement setting forth their views relative to their needs and the expenditures of their funds, and as the subject is one of interest I would like for the membership of the House to have an opportunity of reading it, and, therefore, I ask unanimous consent to extend my remarks in the RECORD for the purpose of printing this.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

The matter referred to is as follows:

WASHINGTON, D. C., *January 2, 1917.*

The COMMISSIONER BUREAU OF INDIAN AFFAIRS,
Department of the Interior, Washington, D. C.

DEAR SIR: In response to the request of the commissioner that the legislative committee of the general council of the Chippewa Indians of Minnesota, submit to the bureau a detailed statement of the particular matters pertaining to their tribal affairs that necessitate its members coming to Washington and remaining during the present session of Congress, we present the following statement:

Prior to 1889 the United States dealt with the various bands of the great Chippewa Tribe of Indians by treaty or otherwise as separate and distinct tribes. Many of the promises made by the United States in its previous treaties with the separate bands had been ignored, disregarded, or broken, and in 1889 remained unfulfilled. In that year the Congress of the United States passed a law commonly known as the Nelson Act, approved January 14, 1889 (25 Stat., 642).

The object and purpose of the act of 1889 was to bring all the various bands or tribes located in Minnesota together and deal with them as one tribe; to compose the differences existing between said bands over the ownership of the lands to be ceded and to be allotted, and the differences existing between the various bands and the United States relating thereto, and to dismember the consolidated tribe and distribute the tribal property among the individual members and their issue share and share alike. To effectuate this purpose Congress dealt with the Indians by agreement and not in the exercise of its plenary power over their property, in contradistinction to the manner in which it dealt with the Kiowas, Comanches, and Apaches (Lone Wolf *v.* Hitchcock, 187 U. S., 553, 564, 568) and with the Cherokees (Cherokee Nation *v.* Hitchcock, 187 U. S., 294, 307, 445, 448), as held by the Supreme Court of the United States in United States *v.* Mille Lac Chippewas (229 U. S., 458, 509–510).

Section 1 of the act of 1889 authorized the President of the United States, through a commission to be appointed by him "to negotiate with all the different bands or tribes of Chippewa Indians in the State of Minnesota for the complete cession and relinquishment in writing of all their title and interest in and to all the reservations of said Indians in the State of Minnesota except the White Earth and Red Lake Reservations, and to all and so much of these two reservations as in the judgment of said commission is not required to make and fill the allotments required by this and existing acts, and shall not have been reserved by the commissioners for said purposes, for the purposes and upon the terms hereinafter stated."

The same section then prescribed the manner in which the assent of the Indians to the taking of allotments and the cession of the residue of their lands to the Government should be ascertained and determined. Sections 1 and 3 made provision for allotments of land in severalty to each and every member of the consolidated tribe. Sections 4, 5, and 6 made provision for the survey of the lands and the disposition of the timber on, as well as the lands ceded, which latter amounted in the aggregate to nearly 7,000,000,000 acres. Section 7 provided that all money accruing from the disposal of the ceded lands and timber should, after deducting all the expenses of making the census, of obtaining the cession and relinquishment, of making the removal and allotments, and of completing the surveys and appraisals, "be placed in the Treasury of the United States to the credit of the Chippewa Indians in the State of Minnesota as a permanent fund, which shall draw interest at the rate of 5 per cent per annum, payable annually for the period of 50 years, after the allotments provided for in said act have been made, and which interest and permanent fund should be expended for the benefit of the Indians in manner following." Then followed express provisions for the distribution of the interest money and the final disposition of the principal fund, which we will hereinafter deal with in detail.

The members of the separate bands residing in Minnesota at first refused to negotiate with the commissioners appointed by the President under the act of January 14, 1889, for the stated reason that the United States had not lived up to its treaty agreements, and while those agreements remained unfulfilled the Indians declined to have further dealings with the United States. Upon the solemn assurance of the commissioners representing the United States that if the Chippewa Indians would enter into an agreement with the United States in accordance with the terms and provisions of the act of January 14, 1889, the United States would faithfully and honestly discharge its duties and obligations thereunder and would make restitution for its failure to carry out its previous treaty agreements, the Chippewa Indians reluctantly ratified the act of 1889, consented to the allotments to be made thereunder, and ceded to the United States in trust their excess lands and timber thereon. This is referred to in the message of President Harrison to the Senate of the United States, dated March 4, 1890 (H. R. Ex. Doc. 247, 51st Cong., 1st sess.), accompanying which message the President transmitted the record of the negotiations and cessions, and in which message (p. 1) President Harrison says:

"The commissioners did not escape the embarrassment which unfortunately too often attends our negotiations with the Indians, viz, an indisposition to treat with the Government for further concessions while its obligations incurred under former agreements are unkept. I am sure it will be the disposition of Congress to consider promptly, and in a just and friendly spirit, the claims presented by these Indians through our commissioners, which have been formulated in the draft of a bill prepared by the Secretary of the Interior and submitted herewith."

The draft of the bill transmitted by President Harrison, appearing on pages 12 and 13 of the same document, was never enacted into law, and the broken treaty promises then recognized by the United States to-day remain unfulfilled, notwithstanding 28 years have come and gone.

Placing reliance and confidence in the representations of the commissioners, the Chippewa Indians ratified said act and consented to the allotment of a part of the land in severalty and the cession of the remaining, about 7,000,000 acres, to the United States in trust, to be sold and disposed of as provided by section 7 of said act. Not a single provision of that act, affecting the property of the Indians, has been carried into effect by the administrative officers of the United States as the agreement directed. In order that there may be no misunderstanding as to our position we herewith set out in detail the violations by the administrative officers of the Government of our property and civil rights secured to us by the agreement of 1889:

1. The illegal diversion of our school funds.

Section 7 of the act of 1889 provided: "And the remaining one-fourth of said interest shall, during the said period of 50 years, under the direction of the Secretary of the Interior, be devoted exclusively to the establishment and maintenance of a system of free schools among said Indians, in their midst, and for their benefit."

About 25 per cent of this money is now and has been for years used in paying the salaries of the Indian superintendents who perform no work in connection with our school service, and whose entire time is consumed in the administration of the general laws of Congress relating to the Indians. This is not using our school fund "exclusively for the establishment and maintenance of a system of free schools" as the law requires, and is an illegal diversion of our fund. The greater portion of the remaining school fund is now and has for years been wasted in the payment of salaries of useless employees. According to the annual report of the Commissioner of Indian Affairs for the year ending June 30, 1916, there were 113 employees at 9 day and 6 boarding schools who received in salaries that year $71,870. The average attendance at the 9 day schools was 141.6 and at the 6 boarding schools 324.5. After paying these salaries there was about $2,000 of our school funds left and the deficiency was in part made up by illegally taking a part of our principal trust fund and using it for the support of "the school system." The system of boarding schools maintained is in violation of the agreement of 1889. That agreement contemplated an equal division of the property and equal school facilities and opportunities to all children of our tribe. Under the boarding school system maintained only a small percentage of the Chippewa children can be accommodated. Those admitted are clothed, fed, educated and cared for while in school wholly at the expense of the tribe, while the parents of a great majority of our children must educate their children at their own expense, which is a gross inequality. The children of these Indians who are subservient to the Government agents are freely admitted to these boarding schools and brought within the favored class, while the children of many of those members of our tribe who are men and women, unwilling to "bend the pregnant hinges of the knee, that thrift may follow fawning," are excluded. A "free-school system" as used in the agreement of 1889 never contemplated a system of "boarding schools" for the exclusive benefit of a few of our children, but contemplated the establishment and maintenance of a system of free schools among our people holding forth equal opportunities and benefits to all without fear or favor. Fifty per cent of our people are compelled to educate their children at their own personal expense in public schools, bearing their share with the white citizens of the State in taxation and the share of the tribal school funds to which their children are entitled is arbitrarily taken and used for the education of the children within the favored class. A complete change in the school system as at present conducted is imperatively demanded, and we insist that our trust funds shall, first, be used exclusively for the support of our schools as the law directs, and, second, that they shall be economically and wisely expended so that all our Indian children will receive full benefits and equal rights.

2. The illegal diversion of our principal trust fund.

Section 7 of the act of 1889 contained this provision:

"*Provided*, That Congress may, in its discretion, from time to time during the said period of 50 years appropriate for the purpose of promoting civilization and self-support among the said Indians, a portion of said principal sum, not exceeding 5 per cent thereof."

The commissioners, when negotiating with our people for the cessions of lands under the act of 1889, construed, interpreted, and explained this provision to mean that Congress would only encroach upon our principal trust fund in the event of "failure of crops or any other unforeseen misfortune" (H. R. Ex. Doc. 247, 51st Cong., 1st sess., pp. 88, 164). The agreements of cession (id. 38) recite that—

"After such explanation and understanding" the Indians consent to the cession—

"For the purpose and upon the terms stated in said act." In Minnesota v. Hitchcock (185 U. S. at p. 402) the court construing the agreement of 1889 held:

"In construing provisions designed for their education and civilization as fully, if not more than in construing provisions for their material wants, it is a duty to secure to the Indians all that by any fair construction of treaty or statute can be held to have been understood by them or intended by Congress."

Upon the pretext that funds were needed for the support and civilization of our people, the department has for years applied to Congress for annual appropriations ranging from $150,000 to $205,000 out of our principal trust funds, and notwithstanding Congress has in every authorization limited the expenditure of the money appropriated to "the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act" of January 14, 1889, the department has withdrawn the money from the principal fund and illegally expended it in the payment of the salaries and expenses of the Indian Service of the United States. True probably the entire amount thus has been expended in paying the salaries and expenses of the United States employees in the Indian Service stationed in Minnesota, but by using our trust funds for this purpose it enabled the department to expend the entire lump-sum appropriations carried in the Indian appropriation bills for the entire service exclusively on the service among the other Indian tribes, and thus the entire Indian Service—not the Chippewas of Minnesota—was the beneficiary of the unlawful diversion of our trust funds. In some instances in years past Congress made specific appropriations out of the public funds for the support of the Indian Service at the White Earth and Leech Lake Agencies, and the money thus appropriated was diverted and expended at agencies not located in the State of Minnesota and our trust funds used to pay the governmental expenses at the White Earth and Leech Lake Agencies, for which Congress had made specific appropriations out of public funds.

In this way more than $5,000,000 of our principal trust fund has been illegally diverted and expended, notwithstanding the prohibition contained in section 2097, United States Revised Statutes.

3. Trust funds appropriated and used for other illegal purposes.

Large amounts of our principal trust funds have been appropriated from time to time for drainage, building roads, construction of buildings, dams, etc., without our consent or approval, contrary to the express provisions of section 7 of the agreement of 1889.

4. The illegal taking of more than 400,000 acres of our land.

Section 3 of the agreement of 1889 provided that allotments of land should be made to all the Indians "in conformity with the act of February 8, 1887," commonly known as the general allotment act. The general allotment act provided for the allotment of lands, as follows:

"To each head of a family, one-quarter of a section; to each single person over 18 years of age, one-eighth of a section; to each orphan child under 18 years of age, one-eighth of a section; and to each other single person under 18 years * * * one-sixteenth of a section."

No allotments were made in conformity with the agreement of 1889, except to a limited number of our people on the Fond du Lac Reservation. By the act of February 23, 1891 (26 Stat., 794), the general allotment act of 1887 was amended to read as follows:

"That in all cases where any tribe or band of Indians has been or shall hereafter be located upon any reservation created for their use, either by treaty stipulation or by virtue of an act of Congress or Executive order setting apart the same for their use, the President of the United States be hereby authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon one-eighth of a section of land."

The commission erroneously held that the allotments should be made in conformity with the act of 1887 as amended by the act of 1891 and proceeded to allot to all Chippewa Indians not theretofore allotted on the Fond du Lac Reservation 80 acres of land. Upon the recommendation of the department, and without consulting the Chippewa Indians other than possibly a few of those on the White Earth Reservation, Congress passed the act of April 28, 1904 (33 Stat., 538), by which the President was authorized to allot to each Chippewa Indian then legally residing on the White Earth Reservation and to those Indians who might thereafter remove to said reservation additional allotments of 80 acres. Under this act of Congress, which was in disregard of the agreement of 1889, about 5,000 allotments of 80 acres each were made to those Indians residing on the White Earth Reservation. By the agreement of 1889 all lands not necessary to make and fill the allotments provided for therein were ceded to the United States in trust, to be sold by the United States and the proceeds placed in the principal fund, and in which principal fund all the members of the tribe had an interest. Thus, instead of selling the land not necessary to make and fill the allotments authorized by the agreement of 1889, Congress arbitrarily took about 400,000 acres of our trust estate and gave the land thus illegally taken to certain members of our tribe. This was done upon the recommendation of the department, was in violation of the terms of our agreement of 1889, and we insist the United States is liable therefor in money damages to the tribe.

5. The losses sustained by failure to dispose of timber as agreed.

The failure of the United States to dispose of the timber on the ceded lands in conformity with the agreement of 1889 has resulted in great loss to our people. The selection and appointment of incompetent or corrupt men to survey, cruise, cut, and sell our timber and the thefts and corruption practiced upon us under their administration became so notorious that in 1898 a part of our people rose in rebellion against the Government authorities. The congressional and departmental investigations that followed disclosed a loss to our people of large quantities of timber and waste of our funds. Practically all the work theretofore done at our expense in the scaling, appraising, and surveying of the timber and timberlands was discarded, and under the act of June 27,

1902, the work that should have been done in the first instance was done again at our expense. There was no substantial restitution for the timber stolen or given away and no restitution for our funds expended by the previous corrupt and incompetent officials who were in charge of the work. We insist that this matter should be adjusted.

6. The illegal patenting of our lands to the State of Minnesota.

The United States, contrary to the agreement of 1889, has patented to the State of Minnesota large quantities of our lands upon the erroneous theory that the State acquired title thereto under the swamp-land act. For these lands thus erroneously taken by the United States and patented to the State of Minnesota our people have received no consideration.

7. Lands illegally taken and given away or used for purposes not authorized by the agreement of 1889.

Large tracts of our lands have been arbitrarily taken by the United States and either given away or used for purposes not authorized by the agreement of 1889. As an illustration, by the act of June 21, 1906 (34 Stat., at p. 352), large tracts of our lands ceded under the agreement of 1889 were arbitrarily taken by the United States and given to the State of Minnesota to "be used as a State forest reserve or public park." Other large tracts of our lands have been taken. For these lands we have never received a dollar of compensation. All the lands thus arbitrarily taken since 1889 were within the terms of the agreement of that year. We insist that the United States should compensate us for the losses we have sustained as the result of these illegal acts.

8. Large tracts of our lands improperly classified and disposed of to our loss.

Large tracts of our lands ceded under the agreement of 1889 covered with heavy stands of white pine and other valuable timber, were erroneously classified as "agricultural lands" and were entered by homesteaders under the homestead laws and the timber sold to timber companies. For these lands and the great quantities of timber thereon we have received nothing, contrary to the agreement of 1889. This matter was, in about 1897, investigated and reported upon by J. George Wright, and his official report thereon is one file in the department, to which we refer for greater particularity.

9. No allotments made to the Red Lakes.

Notwithstanding the plain provisions of the act of 1889, no allotments have been made to about 1,100 Indians residing on the Red Lake Reservation. This will be further referred to in a subsequent paragraph.

10. The illegal conversion of the lands on the Red Lake Reservation.

In 1902 the department, contrary to the agreement of 1889, sent a representative to the Red Lake Reservation to negotiate with the Red Lake Indians for the cession of a part of the lands on that reservation which were embraced within the agreement of 1889. On March 17, 1902 (33 Stat., 48), a pretended inchoate agreement was finally signed with the Red Lake Indians by which it was attempted to confer the absolute ownership of all the lands on the Red Lake Reservation on the Red Lake Indians. In disregard of the agreement of 1889 and the cessions thereunder. In order to induce the Red Lake Indians to sign the agreement the United States agreed to pay the Red Lake Indians for the 256,152 acres of lands ceded $1,000,000, to be paid to them in per capita payments in cash. The Red Lakes—notwithstanding they did not own the lands to be ceded, but merely had an interest therein, the same as all other Chippewa Indians who were parties to the agreement of 1889—accepted the terms offered by the Government and signed the agreement. This inchoate agreement was never ratified by Congress, but in lieu thereof Congress passed the act of February 20, 1904 (33 Stat., 48), in which it was attempted to effectuate the purpose for which the alleged agreement was negotiated. Practically the entire amount received from the sale of said 256,152 acres of lands, which belonged to all the Chippewas of Minnesota, was paid to about 1,100 Red Lake Indians exclusively and all the remaining Chippewas denied any participation therein. There were then less than 1,100 Indians on the Red Lake Reservation entitled to allotments of 80 acres each. Less than 88,000 of the 256,152 acres taken would have made allotments to all of them equal to those received by the remainder of our people under the agreement of 1889. Thus by that transaction alone the United States took from all our people nearly three times enough land to allot all the Indians on the Red Lake Reservation and gave the entire proceeds to the Red Lakes, and those proceeds have been spent and the Red Lake Indians are without allotments to-day. The United States, we insist, is liable for this illegal diversion.

11. The illegal inclusion of the ceded lands in forest reserves.

The illegal cutting and theft of our timber upon the lands ceded by the agreement of 1889 resulted in 1898 in a part of our people rising in rebellion against the United States authorities. This was followed by investigations by both the department and Congress, and to prevent recurrences of the violations found to exist the act of June 27, 1902 (32 Stat., 400), was passed. In that act, at the instance of the department, and without the consent of our people and contrary to the terms of the agreement of 1889, the following provision was inserted at page 402:

"*Provided further*, That in cutting the timber on 200,000 acres of the pine lands, to be selected as soon as practicable by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, on the following reservations, to wit, Chippewas of the Mississippi, Leech Lake, Cass Lake, and Winnebigoshish, which said lands so selected shall be known and hereinafter described as 'forestry lands,' the purchaser shall be required to leave standing 5 per cent of the pine timber thereon for the purpose of reforestation, as hereinafter provided, said 5 per cent to be selected and reserved in such manner and under such rules and regulations as may be prescribed by the Forester of the Department of Agriculture and approved by the Secretary of the Interior: *Provided further*, That there shall be reserved from sale or settlement the timber and land on the islands in Cass Lake and in Leech Lake, and not less than 160 acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located, which peninsula approximates 7,000 acres, and in addition thereto 10 sections in area on said reservations last aforesaid, to be selected by the Forester of the Department of Agriculture, with the approval of the Secretary of the Interior, in lots not less than 320 acres each in contiguous areas, and nothing herein contained shall interfere with the allotments to the Indians heretofore and hereafter made. The islands in Cass and Leech Lakes and the land reserved at Sugar Point and Pine Point Peninsula shall remain as Indian land under the control of the Department of the Interior."

The department thereupon established a forest reserve embracing therein great tracts of our lands ceded under the act of 1889 and which were to have been sold and the proceeds placed in our trust fund. By the act of May 18, 1916, another forest reserve was created on the Red Lake Reservation, to be administered under the direction of the Secretary of the Interior, the net proceeds derived from the sale of the timber to be placed in the Treasury of the United States to the credit of the Red Lake Indians. The act also authorized the sale of the timber on the lands not included in the forest reserve, the funds derived therefrom to be placed in the Treasury of the United States to the credit of the Red Lake Indians. The act also authorized the allotment of agricultural lands not covered with standing merchantable timber to individual Red Lake Indians. All of the things provided for in the act of May 18, 1916, were in disregard of the plain terms and provisions of the agreement of 1889 and we insist are illegal. The evil effect of this legislation is threefold: (a) It is a gross injustice to the Chippewas of Minnesota not members of the Red Lake band, who are deprived of lawful property rights in and to the property on the Red Lake Reservation secured under the agreement of 1889; (b) it deprived the Red Lake Indians of allotments of timber lands to which they were entitled under the agreement of 1889, and which allotments and timber thereon were to be owned by them in severalty, and compels the Red Lake Indians to take 80 acres of land, denuded of the timber, which is worth only a fractional part of what the land with the timber thereon would be worth; and (c) both acts attempted to confer rights which the United States could not legally confer. Under the agreement of 1889 all these lands were to have been sold and the proceeds placed in the Treasury of the United States to the credit of all the Chippewa Indians. The fund was to bear interest at the rate of 5 per cent per annum. Every 20 years the accrued interest aggregated the amount of the principal fund. Twenty-eight years have passed since the agreement of 1889 was entered into and neither the allotments provided for in that act have been made to the Red Lakes or the ceded property sold, but, on the contrary, the proceeds derived from the 256,152 acres sold have been illegally diverted; the proceeds derived from the sale of the timber under the latter act illegally diverted, and the remainder of the land locked up in forest reserves, contrary to the agreement of 1889 and to our loss and detriment. If this property now locked up in forest reserves contrary to our agreement had been sold, as the act of 1889 provided, the interest derived from the fund would have aggregated more than the principal. Under the plan provided for in the act of May 18, 1916, the Red Lake Indians will be left virtually paupers, as the allotment that will be made to them will have practically no value. The proceeds derived from the 256,152 acres illegally taken by the Government under the act of February 20, 1904, have been spent, and unless the funds belonging to all the Chippewas of Minnesota are used for the support of the Indians on the Red Lake Reservation, contrary to the agreement of 1889, those Indians will be left practically penniless. All the timber on the forest reserve should be cut and sold, but the proceeds should go into the Chippewa principal fund and not to the credit of the Red Lakes alone.

12. New-born children being denied lawful rights.

Section 7 of the act of January 14, 1889, provided that "at the expiration of the said 50 years the said permanent fund shall be divided and paid to all of said Chippewa Indians and their issue then living in cash in equal shares." The words "said Chippewa Indians" relate and refer to those persons whose names appear on the census rolls prepared by the commission and who have been allotted or who are entitled to allotments. The words "their issue" relate and refer to the "descendants" of those persons who were enrolled by the commission, and was used advisedly to denote an indefinite succession of lineal descendants who are to take by inheritance. The agents of the department have for years maintained rolls of new-born children as a basis for interest payments and the distribution of the principal fund, but have refused to inscribe thereon the names of the children of enrolled and allotted Indians who have been born or who reside outside of the territory within which allotments were taken, and by refusing to enroll these children have denied them any participation in the annual interest, other and final payments. These children are as much entitled to share in the interest and other payments as the new-born children born to parents residing on their allotments, as the act of 1889 made no distinction. The very object and purpose of the act of 1889 was to dismember the tribe, divide, or make provision for the division of all the tribal property in severalty, to make men and women endowed with all the rights, privileges, and immunities of other citizens of the United States out of our people, who had previously been held in a state of dependency and tutelage. The policy adopted by the department, through its agents, of refusing to enroll the new-born children of Indians who leave the country formerly within the reservation is the greatest impediment to the progress of our people, as it is a deceptive notice to them by the administrative officers that if they leave their allotments or the territory formerly included within the several reservations their children and their children's children will be denied any participation in either the interest payments or the final distribution of the principal fund. It is a deceptive notice to them that if they continue the habits of the former tribal Indian and remain in the Indian country they will be rewarded therefor. This is detrimental to our people, impedes their development and progress, and is in open violation of rights secured to them by the agreement of 1889.

13. Indians who have been denied allotments.

A limited number of our people, some of whom are on the rolls prepared by the commission, and some of whom are clearly entitled to be on said rolls, have not been allotted lands. Some of these people are full-bloods, and their right to allotments and participation in the disposition of the tribal property is conceded and acknowledged by all our people. We insist that they should be protected.

14. There is no necessity for the elaborate administrative machinery maintained among the Chippewas.

The allotments to our people commenced in the early nineties, and by 1900 had been practically completed. Indians born after about April, 1900, as we understand it, were not allotted. Therefore the great majority of our people who received allotments are adults, there being a comparatively small percentage of minors. Practically all the allottees, being adults, are fully capable of managing their property. This has been recognized by Congress in removing the restrictions upon all allotments made to mixed-blood adults on the White Earth Reservation and upon the allotments to all mixed-blood minors as they thereafter become of age. This embraces a large majority of the allottees on the White Earth Reservation, numbering between five and six thousand, and the Indians allotted off the White Earth Reservation are possessed of an equal degree of intelligence and business capacity to those allotted on the White Earth Reservation. These people do not need governmental supervision and control. Surely if they are capable of managing and controlling their lands they are certainly capable of handling the few dollars paid to them annually in interest money and the shares they will receive when the principal fund is divided. Under the agreement of 1889 the department has no control over the annual interest payments other than to make the same to the "heads of families" and "guardians of minor orphan children" and to all others entitled to receive the same, and said payments under the law must be made to them in cash. The principal fund is to be dis-

tributed in cash in equal shares. Therefore there is no necessity for governmental supervision over the money and no authority of law for such supervision. The 25-year restrictive period upon all allotments will shortly expire. The only necessity, if necessity at all exists, for the continuation of governmental agencies among the Chippewas of Minnesota is to look after the allotments made to old and indigent Indians, the allotments of those full bloods who are not capable of looking after their property, the allotments to the few persons who are minors, and then only during the period of their minority, and to make the payments to all Indians which the law directs. All funds belonging to other classes should be immediately paid out and the accounts with more than 10,000 of our people closed. Many of the full bloods are capable of handling their property, and they should be given it without further delay. As stated by the Supreme Court in Johnson v. Gearlds (234 U. S., 443), the tribal organization has been continued among the Chippewa Indians of Minnesota since 1889 for the purposes "of disposing of annuities under the Nelson Act"—the agreement of 1889. Notwithstanding such is our condition, according to the report of the Secretary of the Interior dated December 5, 1917 (H. Doc. No. 399, 65th Cong., 2d sess.), the cost of administration among the Chippewa Indians of Minnesota during the fiscal year ending June 30, 1917, amounted to $504,475.70, more than $475,000 of which was taken from our trust funds, from which we derived only incidental benefits, and the great majority of which was spent for purposes prohibited by law and which were an actual detriment to our people.

When the agreement of 1889 was entered into Congress recognized the fact that we were no longer uncivilized tribal Indians, but were, in fact, ready to assume the duties and obligations of citizenship. When we took our allotments pursuant to the agreement of 1889, under the general allotment act of 1887, we became, by the express provisions of the latter act, "entitled to all the rights, privileges, and immunities" of all other citizens of the United States. But the administrative officers of the United States, instead of relaxing their rigid and arbitrary control over our personal and property rights as tribal Indians, have used every effort to make more rigid and arbitrary their control over the person and property of our people since Congress made us citizens of the United States. Our people are held as "incompetents" and thus placed at a disadvantage in all business pursuits. Although fully capable of competing with the whites, the business public looks upon our men and women as "incompetents" because of their designation and treatment as such by the administrative officers of the United States, and they are thereby deprived of equal opportunities in the struggle for life. They can obtain employment only in the more menial positions and are refused employment in positions requiring ability solely because of the arbitrary action of the administrative officers in holding them as "incompetents." While they are held as "incompetents" by the Interior Department, they are held to be "competents" by the War Department, and when the life of this Nation is at stake they are compelled to serve, the same as the competent white citizen, in the military service. The "incompetent" whites are exempt from military service; the "incompetent" Indian is compelled to serve. We have been despoiled of our property and civil rights, contrary to our agreements and treaties, by the administrative officers who have, in order to hold us in a state of subjugation as "savages" and to thereby build up a great army of officers and employees among us, ostensibly for our civilization and protection, denied us the right to use a dollar of our funds for the employment of an attorney to protect our interests, notwithstanding Congress has expressly given us that right. When we have sought to employ an attorney to protect us the administrative officers have so restricted and limited the compensation to be paid that we could not obtain the service of a man of ability and standing in his profession to represent us. We have reluctantly been forced to the conclusion that the administrative officers do not intend that we shall have an attorney capable of protecting our interests, but that if we are allowed an attorney he shall be a man of departmental selection and one who will not protect our interest if in so doing it becomes necessary to disclose the shortcomings of the administrative officers whose illegal acts are responsible for the condition against which we complain.

This condition became so intolerable that in 1913 our people, for their protection, organized our general council, which has been since repeatedly recognized by Congress. Our people, at great individual sacrifice, have taken the preliminary steps to put an end to the despoliation of their property and civil rights, and to bring to an end the insults and indignities heretofore heaped upon our people by administrative officers of the United States. We are determined that this condition shall end; that our treaties and agreements shall no longer be treated as "mere scraps of paper" by the United States and its officers; that our tribal property shall be administered as the Government of the United States agreed that it would be, and that restitution shall be made for the previous wrongs to our property and civil rights heretofore inflicted upon our people by the administrative officers of the United States.

We insist that our people should be appointed to all positions of trust and confidence in the Indian Service among the Chippewas of Minnesota. The bad condition existing with reference to our tribal affairs is directly attributable to the incompetent white officers and agents who have been sent among our people and clothed with official position and power. Most of these officials have been strangers to us. They do not know our people and make no attempt to acquaint themselves with our rights under the law. In many instances they are brutal and insulting to our people and are a serious detriment to the progress and development of the Chippewa Indians of Minnesota. We ask the privilege of having our own people appointed to all positions of trust and confidence in the service among the Chippewas of Minnesota, in order that we may secure to our own race that degree of assistance and protection which the law contemplates, and relieve them from further vexatious annoyance, insults, and denial of lawful rights to which they have been subjected in the past.

As the time is rapidly approaching when our tribal status will become extinct it is necessary that we should secure an adjustment of our tribal affairs with the United States Government without further delay. The above are some of the matters we insist should be adjusted at an early day, and are the principal matters which necessitate our coming to Washington and remaining here during the present and future sessions of Congress until they are adjusted. In our effort to adjust our affairs with the Government in accordance with its agreements and in order that justice may be done our people we ask the cooperation of your office.

Approved by the entire legislative committee.

Very respectfully,

JOHN W. CARL, *Chairman.*
B. L. FAIRBANK.
HENRY W. WARREN.
J. G. MORRISON, Jr.

Mr. VENABLE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VENABLE: Page 27, line 22, after the word "band," insert a new paragraph as follows:

"Mississippi: For the relief of distress among the Choctaw Indians of Mississippi and for the purpose of their civilization and education, including the purchase of land, to be expended under such rules, regulations, and conditions as the Secretary of the Interior may decide, $150,000, to be immediately available."

Mr. CARTER of Oklahoma. Mr. Chairman, I reserve the point of order against it, and pending that I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8696, the Indian appropriation bill, and had come to no resolution thereon.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, by direction of the Committee on Agriculture I present the Agricultural appropriation bill with the report (H. Rept. 249) of the committee thereon.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

Mr. MONDELL and Mr. MADDEN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. Two or three of the gentlemen reserve all points of order on the bill, and the bill is referred to the Committee of the Whole House on the state of the Union and ordered printed.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8696.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8696, the Indian appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8696, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The CHAIRMAN. The gentleman from Oklahoma reserves the point of order on the amendment offered by the gentleman from Mississippi. The gentleman from Mississippi [Mr. VENABLE] is recognized.

Mr. VENABLE. Mr. Chairman, about a year ago, pursuant to an item in the Indian appropriation bill, $1,000 was appropriated to investigate the conditions of the Choctaw Indians in Mississippi. And, pursuant to that appropriation, a commissioner of the Indian Office did make an investigation and filed his recommendation. This amendment that I have offered incorporates the recommendation of the Indian Office, based on facts and conditions as found by that special commissioner. As I understand it, the chief objection to giving any relief to the Mississippi Choctaw full-blood Indian has been based upon the suggestion that it was wrong to take over the supervision of any more Indians or Indian tribes in the United States, on the ground—a hardly logical one, I think—that it was erroneous to extend the activities of the Indian Bureau any further. No objection is made, as I understand it, on the ground that the condition of these Indians is not as depicted or that they are not worthy objects of aid. But the objection that I have mentioned seems to be the only one that has been seriously presented, at least on the floor of this House.

Mr. BORLAND. Will the gentleman yield?

Mr. VENABLE. I will.

Mr. BORLAND. As I recollect the history of these Mississippi Choctaws, the Government made a treaty with the Choctaw Tribe by which a large percentage of them should be removed to the Indian Territory.

Mr. VENABLE. That is true.

Mr. BORLAND. And given a grant of land in exchange for their land east of the river.

Mr. VENABLE. That is true.

Mr. BORLAND. And a certain small fragment of them declined to enter into that treaty, but preferred to take their chances of becoming citizens of Mississippi, and those who remained in Mississippi did so with the idea of becoming citizens of Mississippi. Is not that the situation?

Mr. VENABLE. Yes, sir. Coupled with this further fact, that every commissioner that has been sent to Mississippi to acquaint the Indian with his legal rights under the treaties has been a scoundrel and blackleg, and, as a matter of fact, has deprived the Indians of Mississippi of all opportunity, as far as the facts are concerned, of availing themselves of their rights under the various treaties.

Mr. BORLAND. The gentleman is not seeking to put the Indian under that kind of management, is he—of scoundrels and blacklegs?

Mr. VENABLE. I said these commissioners who had been sent down there, if the gentleman is familiar with the history of the Mississippi Choctaws.

Mr. BORLAND. The gentleman means back to 1830?

Mr. VENABLE. Yes, sir.

Mr. BORLAND. The Dancing Rabbit treaty——

Mr. VENABLE. I have only five minutes, and I wish to make one point, and that is all; otherwise I would be very glad to yield to the gentleman.

Mr. BORLAND. I wanted to get some light on the subject.

Mr. VENABLE. Now, then, it is argued that because the Federal Government has done certain things for the Indians in the past, or given them opportunities, it should preclude them. Now, if there be any logic in that position, it precludes 99 per cent of all the Indians of the United States from receiving any gratuity from the Government at all, and this Indian bill, as every Indian bill reported out by the committee for years past, consists principally of gratuities, pure gifts by the Government to the Indians, not based on any legal demand, not based on any legal equity, and, as a matter of fact, not based on anything except the idea that these people, having once owned this country and having been badly treated and defrauded in many instances by the white people of this country, there is a moral obligation to take care of them, as it were, as wards of the Nation. For that reason and on that principle, the fact that every Indian in the United States has received something from the Government under treaty and has been paid what the treaty called for, a complete discharge of governmental treaty obligation does not preclude him from receiving other things at the hands of the Government in further discharge of the moral obligation that lies upon the people of the United States. And within that category and on that basis, the full-blooded Indian of Mississippi—I am not talking about the so-called Indian claimants; that is another matter—on that theory and on that principle the Indian of Mississippi, the Choctaw Indian of Mississippi, or the Indian of Kansas, if he needs it, the Indian of Florida, and the Indian of Louisiana, is entitled to such aid on the part of the Government of the United States as will make him self-supporting.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman from Mississippi may proceed for five minutes more. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. How many full-blooded Choctaws are in Mississippi, if the gentleman knows?

Mr. VENABLE. About a thousand, according to this report. Their condition, according to this report, is pitiable. The subcommittee which went there to investigate the condition of these Indians, I think, had sufficient testimony, and the hearings are printed, I understand, to show that their condition is pitiable.

Mr. LITTLE. Will the gentleman yield?

Mr. VENABLE. Yes.

Mr. LITTLE. I would like to ask whether they live in one body or in scattered bodies?

Mr. VENABLE. They are all scattered in a radius of about 50 miles from the little town of Union, Miss.

Mr. LITTLE. May I ask just what they do? How are they occupied?

Mr. VENABLE. Well, they are engaged as farm hands—some of them. They do little odd jobs around.

Mr. LITTLE. Do they speak Indian or English?

Mr. VENABLE. Indian. A great many of them can not speak English at all.

Mr. BRUMBAUGH. Mr. Chairman, will the gentleman yield for a question?

Mr. VENABLE. Yes, sir.

Mr. BRUMBAUGH. Do they own any property, or does the law of the State of Mississippi prevent them from acquiring title to property?

Mr. VENABLE. Oh, no. A few of them, as shown by this report, own property, or have owned property in the past—poor land, piney-woods land, the soil being very thin.

Mr. BRUMBAUGH. Do any of them own their own homes?

Mr. VENABLE. I should say a few of them; but they are ignorant and improvident, and do not understand the English language very well. They have mortgaged their lands. Some of them now hold equities in certain lands, but as a matter of fact they will lose them. The value has been used up in advances from merchants and others.

Mr. BRUMBAUGH. One further question.

Mr. VENABLE. Yes.

Mr. BRUMBAUGH. Does the gentleman think they will have an equal opportunity to earn a living or acquire property as the foreigner unable to speak English would have in that locality?

Mr. VENABLE. No, sir; so far as rules or laws are concerned, they would; but they would never have the same opportunity, because the Indian is an Indian and the foreigner is a white man.

Mr. BRUMBAUGH. Is there race prejudice against these Indians?

Mr. VENABLE. Oh, no. There is the greatest sympathy for these Indians there. As a matter of fact, I think a great many of them would have starved to death if the white people had not taken care of them.

Mr. BRUMBAUGH. No one refuses to employ them because of the fact that they are Indians?

Mr. VENABLE. No. There is no prejudice against them at all.

I am in hearty accord with any movement that looks to devising some scheme by which the Indian in America can be given an opportunity within a reasonable time to become competent, and then to turn all his property over to him and bid him Godspeed, thus getting rid of the problem. I do also think that, regardless of where the Indian lives and regardless of whether he has received anything under treaties from the Government or not, provision should be made that the young Indian—because the old Indian can not be reached very well—be given an opportunity to acquire enough practical knowledge of farming and things of that character to enable him, if he takes advantage of his opportunities, to become self-supporting. If he does not, the Government has discharged its obligation to him and is under no further obligation to play nurse to him through the next hundreds of years. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MADDEN. One minute. Has the gentleman ever taken this matter before the Committee on Indian Affairs?

Mr. VENABLE. Yes. They recommended last year that I offer it as a separate bill.

Mr. MADDEN. They did not give it consideration in committee at all?

Mr. VENABLE. I think the question has been considered by members of the committee. In fact, several members of the committee went down there and investigated the conditions at first hand.

Mr. CARTER of Oklahoma. The status of the matter, I will say, is this——

Mr. VENABLE. And report was made by the committee to the Indian Office and to the Indian Commissioner, and all the facts are before the committee.

Mr. CARTER of Oklahoma. Mr. Chairman, I would state this, if the gentleman will permit: The gentleman spoke about this while we were considering the Indian appropriation bill last year, he then being a member of the Committee on Indian Affairs.

Mr. VENABLE. Yes.

Mr. CARTER of Oklahoma. And the suggestion we made was that he prepare a separate bill and refer it to the committee and we would endeavor to dispose of the matter.

Mr. MADDEN. Has that been done?

Mr. CARTER of Oklahoma. No; it has not been done.

The CHAIRMAN. The time of the gentleman from Mississippi has expired. Does the gentleman from Oklahoma reserve a point of order?

Mr. CARTER of Oklahoma. Yes.

Mr. HARRISON of Mississippi. Mr. Chairman, of course we have had the Choctaw——

Mr. CARTER of Oklahoma. One moment. How much time has the gentleman?

The CHAIRMAN. The gentleman can cut off debate at any time he desires, because this is on a point of order.

Mr. CARTER of Oklahoma. I wanted to fix the time so that everybody could be heard.

The CHAIRMAN. The gentleman from Mississippi will proceed.

Mr. HARRISON of Mississippi. Mr. Chairman, this Choctaw question has been before the committee for quite a long time. There is an item carried further on for a per capita payment to the Oklahoma Choctaws that precludes the Mississippi Choctaws from taking any part of it. I think that is wrong. I think the action of the committee in that regard should be condemned. I do not think that this House every year ought to appropriate this money for those Oklahoma Indians without caring for those in Mississippi. I have stated on the floor that I would not ask for money to come to Mississippi Choctaws out of the Treasury of the United States. I have never thought it ought to come out of the Treasury of the United States. I have thought that relief should come to those unfortunate people out of the tribal funds. But this House has passed on the question of whether or not the Mississippi Choctaws shall participate in the fund of those tribes three or four times. I have made myself probably obnoxious to Members of this House by trying to convince the House of the justice of the claims of the Mississippi Choctaws.

Item after item is carried in this appropriation bill for the support, civilization, and education of Indians in the various States of the United States. Every one of these paragraphs is subject to a point of order. Now we are placed in the attitude that a report comes in, made by some gentleman in the commissioner's office who has investigated the condition of the Mississippi Choctaws, made at the instance of this Congress by express appropriation and provision. It can not be doubted as to what the condition of the Mississippi Choctaw is. A subcommittee of the House Committee on Indian Affairs visited Mississippi last year. They saw the plight that these Indians were in. I want to read to you this report that was filed in the Interior Department by Mr. W. H. Ketcham on December 1.

Mr. MADDEN. Who is he?

Mr. HARRISON of Mississippi. Mr. Ketcham is a man appointed by the Indian Office to go there and make this investigation. His report is as follows:

DECEMBER 1, 1917.

Hon. GEORGE VAUX,
Chairman Board of Indian Commissioners.

SIR: I have the honor to report that I visited the Choctaw Indians of Tucker, Neshoba County, Miss., September 30 to October 9 and two settlements in Leake County October 10 and 11, 1917.

The bulk of the Mississippi Choctaws live adjacent to the towns of Tucker, Stratton, and Union, in Neshoba and Newton Counties; in fact, practically one-half live in Neshoba County. A number live in Leake, Scott, Kemper, and Attala Counties, and there are families scattered over various other portions of the State. It is claimed by some that there are to-day in the States of Mississippi and Louisiana about 1,700 full-blood Choctaw Indians. This claim may be very nearly correct. There can scarcely be less and there may be more than 1,000 full-blood Choctaws in Mississippi. Mr. John R. S. Reeves, special supervisor of the Indian Office, Washington, D. C., has made a valuable report on the Choctaws in Mississippi, particularly as regards their numbers and their land holdings. (See H. R. Doc. No. 1404.)

During my stay at Tucker I met a great many Indians, three to four hundred, most of them from the immediate neighborhood and from Stratton and Union and some from Scott and Leake and other counties. I had an opportunity to observe them closely and to make careful inquiry into their condition. I visited a number of homes in the vicinity of Tucker, which, despite extreme poverty, did not appear to be uncomfortable. They were clean and the occupants seemed to have the bare necessaries of life, such as one might find in the cabins of very poor white people. The grounds around the houses were well kept, and in some instances flowers were growing in profusion and there were evidences of gardening and farming on a small scale.

In Leake County I visited a number of families, some in the cotton patches, where they were at work, and others in the homes. The few houses visited were clean and well kept, and would correspond to the homes of cleanly white people in very poor circumstances. Wherever I went I found Indians suffering from tuberculosis. I am convinced that these Indians, generally speaking, do not have sufficient food and that their meals are very irregular and by no means frequent.

GENERAL CONDITIONS.

I had visited Tucker the year before, and since that visit it seemed to me I could see an improvement in the dress of the men, particularly the young men. The majority were neat and made a good appearance; as for the women, they, generally speaking, were neatly but poorly clad. It is evident, however, that in many instances they do not have sufficient clothing to keep them comfortable during the cold weather.

The number of those who own land is so small that the question of land holding may be omitted from any survey made of these people.

They are in urgent need of medical attention and medicines. Very often the physician will not visit a sick Indian until an exorbitant fee has been paid or made secure in advance. The result is that those who are ill rarely have more than one visit of a physician and many can have no attention whatever. This condition applies to the druggist and medicines required by the sick. The sick usually have to depend on the uncertain charity of white people for proper food, medicines, and medical attention.

The Choctaws of Mississippi have a very good name as regards honesty, truthfulness, cleanliness and general morality. They are, in a sense, industrious, yet inconstant and unthrifty.

In many instances they still marry according to Indian custom, and the old ideas concerning marriage are much in evidence. Man and wife frequently separate and contract new relations. The fee for the marriage license required by the State of Mississippi is partially responsible for marriages in Indian fashion, but there are a number of Indians who have not accepted Christianity and who still prefer the old customs. Although the Christian Indians are well informed on Christian ideas concerning marriage, they now and then fall into the habits of their non-Christian relatives and friends. Apart from this, probably, as regards morals, the Mississippi Choctaws are superior to many Indian tribes and to many white people.

INDIANS ENGAGED IN FARMING.

The Mississippi Choctaws realize that they must earn their bread by the sweat of the brow. They seem willing to work, and there are certain things they can do particularly well. They are adepts with the shovel and ax and understand the growing of cotton; the women appear to be capable of doing well the work that women are accustomed to do. The chief fault of the men is that they too easily take a day off and permit trifles to interrupt them in their work. For this reason they are not successful as day laborers for concerns that require their employees to begin work at a certain hour and to put in a fixed number of hours a day and a fixed number of days per week.

For the work they are accustomed to do they receive very small compensation, and they are practically helpless in the event that their employer chooses to cheat them or to impose on them. This holds true in the growing of crops on shares; in fact, in everything they do. It is the white man who keeps the accounts and who dictates the settlements; and some white men are honest and some are not; and because of his nature and the conditions of society in which he lives, the Indian is practically without any redress and has no one to whom to appeal when he is browbeaten and cheated; hence he is practically a peon in the make-up of Mississippi society.

Whatever the Indian needs for farming must be supplied by the landlord and on the landlord's terms. If he could remain on his farm and work it properly; if he could be assured a square deal on the part of the landlord; and, finally, if he could break away from Indian custom so far as to refuse to divide with the improvident what he lays up over and above his needs of the moment, he could make a living and take care of himself. Usually, however, he has to neglect his farm, now and then, to get a day's labor somewhere in order to earn the necessary cash for a few days' actual living expenses, and such interruptions account largely for his failure to reap a normal harvest. Hence (a) he needs some one to stand between him and the unscrupulous employer; (b) he should receive aid from the Government for one or two years; and (c) means must be devised to educate him up to the point of ignoring such Indian customs as result in the indolent living off the thrift of the industrious.

LACK OF EDUCATIONAL FACILITIES.

As to education, most Mississippi Choctaws do not appear to have even the rudiments of an English education and yet, remarkable as it may seem, a great many can read and write the Choctaw language. All, without exception, speak the Choctaw language, and while a number of the older people speak English after a fashion and understand it for ordinary purposes, the majority, particularly the women, seem loath to make use of it—the result, no doubt, of bashfulness and a certain indolence, it being easier to use the language that comes to them naturally than to exert themselves to master the white man's speech.

As for schools, while it is true that they have not many opportunities in this regard, it is just as true that they fail to make use of the opportunities they have. The Mississippi Choctaws would not wish to send their children away from home to boarding schools and they do not send them regularly to the day schools. In the day school conducted by the Catholic Church at Tucker there is an enrollment of 40 and an average attendance of 10. It is a matter of note that in Oklahoma the removed Mississippi Choctaws are loath to send their children to boarding schools and are irregular in sending them to the day schools.

In fact, it is a question as to whether it would be advisable for these children to be educated in a boarding school. In the boarding school they would learn more and be better cared for, but they would become accustomed to conditions and to comforts they can never enjoy when they return home, and this would tend to make them dissatisfied and unfit them for life amid conditions they must necessarily face. Mississippi offers few or no opportunities for an educated Indian. Such an Indian probably could find no suitable employment of any kind. In Mississippi, if the Indian does not wish to associate with the negro (and experience proves that he does not) he must live exclusively with his own people. There are certain kinds of manual work open to him, but, generally speaking, it is on the farm that he must earn his daily bread.

BOARDING SCHOOL UNDESIRABLE.

Having talked this matter over very carefully with well-meaning people and with the older Indians, I advise strongly against the establishing of a boarding school for these people. If there are certain individuals found here and there who desire a higher education they can be sent to Carlisle or other similar schools and later they may be able to make use of their education somewhere in the North or West, or they might go back to their people as teachers. I am not prepared, however, to advocate a measure which, if it prove a success, must necessarily mean that the Indian will have to leave his native country (and the Choctaw is religiously attached to his native Mississippi) and become an exile among strangers.

As for attendance at day school, this should be compulsory if it be possible to make it so, but it should not be compulsory so long as the child and the parent are underfed and not comfortably clothed, and so long as parents at times really have need of the services of their children at home; so long, in fact, as the problem of supplying a half-starved people with sufficient food remains unsolved and adequate means for the conservation of their health are unprovided.

Everyone with whom I talked on the subject at once said that it would be folly to distribute cash payments among these Indians; that in two days every cent would be in the hands of the whites.

If the Indian were given land probably he would not be able to maintain his ownership of it unless trained to this by some sort of supervision. The question of taxpaying seems to have been the bane of the Mississippi Choctaw. An old Indian said to me that formerly he owned a number of horses, but that the white authorities took all his horses away from him and he found out afterwards this was done because the State had placed a tax on horses. I asked another Indian if he would like for the Government to give him a team of mules, and he said no, he would have to pay tax on the mules and he would lose

them, and, also, that the mules would have to be fed and this would be an additional expense to him. He thought he could make out better by farming with a hoe, because the hoe did not eat and would not be taxed.

RECOMMENDATIONS.

I am not prepared to advocate a reservation for these people, because the day of the reservation would seem to have passed. The reservation, in the course of time, would be broken up and allotted, and 25 or 30 years from now the Indians would be in the same condition they are at present. Under the circumstances, I think the best that can be done for them is to help them get on their feet and guide their steps until they can walk alone.

I therefore recommend—

1. A special agent for the Indians living within the boundaries of the State of Mississippi, with headquarters at Tucker or Stratton or Union, whose duty it will be to visit the Indians throughout the State, inquire into their needs, advise them, and stand between them and the rapacity of the white man. The agent should supervise their agreements with individual whites, procure employment for them, and see that they receive their wages.

2. A doctor, located at one of the above-mentioned places, who could be relied on to visit the Indians gratis in case of need. Medicines should be supplied gratis.

3. A field matron, located at one of the above-mentioned villages, to look after the sick, to visit the homes, and give advice to the women in all matters pertaining to cleanliness and health. The agent, doctor, and matron should be supplied with facilities for transportation.

4. Under the supervision of the agent the Indians should lease farming lands and the Government should supply them with implements, necessary stock, and means of subsistence for one or two years. The Indians should not be allowed to give away, sell, or mortgage anything that has been furnished them by the Government. They will need subsistence so that they can devote their entire attention to the growing of their crops. Probably at the beginning of the second or third year they may be able to sustain themselves and provide their own seed. Whenever it is feasible and advisable to do so, the agent should make arrangements for individuals to purchase, on easy yearly payments, the lands they occupy. Under his careful supervision the Indians might be able, in the course of time, to acquire title to the lands they occupy, and if they thus succeed in purchasing their lands it is possible that in the future they will understand how to meet the obligation of taxpaying.

5. As for schools, for the present the Government should assist the day schools that are now in operation and provide new ones in localities where a sufficient number of families is located. The agent and the field matron may devise some plan whereby the Indians will be induced to send their children to school regularly.

6. It would be good policy for the Government to establish an experimental farm near the center of Indian population.

7. It would be advisable, as a matter of economy, that a physician be appointed as the first special agent and the office of agent and physician united. It is not at all unlikely that, within a couple of years, an active, conscientious agent will be able to induce the majority of the scattered Indians to remove nearer the center of the Indian population. This would simplify the work and reduce expenses.

In conclusion, while the treatment the Indians of Mississippi have received at the hands of certain unscrupulous persons can not be too severely condemned, it is only just to say that many citizens of the State take a very kindly interest in the Choctaws, and but for the assistance that has been rendered them year after year by many white people the race long since would have perished entirely.

Respectfully submitted.

(Signed) W. H. KETCHAM,
Member Board of Indian Commissioners.

Approved for transmission December 15, 1917.
GEORGE VAUX, Jr., *Chairman.*

I may say that the only school for these Indians was established by a woman who has taken great interest in them. She has a number of them now at school. She has given her time and this whole work out of the goodness of her heart, and they are getting along well.

Mr. MADDEN. How much money would it take to do what the gentleman thinks ought to be done?

Mr. HARRISON of Mississippi. I discussed that question informally with the Indian Office, and we thought it best to put this item at $150,000.

Mr. MADDEN. Will it take that much each year?

Mr. HARRISON of Mississippi. I should not think it would take that much after awhile. To begin with, to lease some lands for them and start them out—it will take more than it will afterwards.

Mr. MADDEN. It seems to me that the Government can do no more charitable work than this, and it ought to be done.

Mr. HARRISON of Mississippi. I thank the gentleman.

Mr. MONDELL. These so-called Indians are citizens of the State of Mississippi?

Mr. HARRISON of Mississippi. Yes; they are citizens.

Mr. MONDELL. They always have been, and their fathers before them for many generations?

Mr. HARRISON of Mississippi. Oh, yes; the Choctaws of Oklahoma went from Mississippi to Oklahoma.

Mr. MONDELL. Are there any more poor folks down in Mississippi?

Mr. HARRISON of Mississippi. Yes.

Mr. MONDELL. Any who you think ought to be provided for by the National Treasury?

Mr. HARRISON of Mississippi. I am sure that the gentleman would not want to discriminate against the Indians of Mississippi in favor of the Indians of some other State?

Mr. MONDELL. No; but I think we had better make up our minds that at some time or other the Federal Government be relieved from the care of the citizens of the States, even though there may be a dilution of Indian blood in their veins.

Mr. VENABLE. Will the gentleman yield?

Mr. HARRISON of Mississippi. I yield to the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. NORTON. Mr. Chairman, during the past five years I have heard a great deal on the floor of this House about the Indians in Mississippi. The very able, brilliant, and admirable gentleman from Mississippi [Mr. HARRISON], who has just spoken, has time and again elucidated the question to the House and has presented it in the most forceful, attractive, and convincing way that anyone could possibly present it.

Last spring I had the pleasure of visiting Mississippi and meeting a large number of the Indians in Mississippi, and comparing their condition with conditions of white and colored citizens in that State.

Mr. Chairman, there is a very great difference between giving a gratuity to the Indians in Mississippi, who have dwelt among civilized people for the last hundred years or more, and giving a gratuity to Indians in the Northwestern States, in Montana, in the Dakotas, and in Wyoming, who have but ceased to use the scalping knife and to travel the warpath within the last 30 years; who have held to all their tribal relations and customs up to within a very few years; and many of whom, up to within the last two decades, had not been touched by the influences of modern civilization or education.

I believe that the time is long past when the Government should extend a gratuity to the Indians in Mississippi. When I saw the Indians in Mississippi last spring they were in not much poorer condition than the average white man in that particular section of the State around Union, where they live. For the most part they were a great deal more prosperous and more successful than the average colored man in that section of the State.

I went to Mississippi without any prejudice against the Indians there, and, after hearing their case from themselves, I was forced to the conclusion that a great harm had been done to the Indians there by holding out to them the hope that some day the Great White Father at Washington would come down with a cornucopia filled to overflowing with food, clothing, silver, and gold, and all of the good things desired by the most vivid Indian imagination, and empty it into their hands; and by holding out to them the hope that there is no particular need for them to be frugal, saving, and building up permanent homes for themselves. I came to the conclusion that there had been a great harm done to the Indians there by those who have for years preached to them and encouraged them to believe that the Federal Government owes them some large amount of money, and that it is certain that this great amount of money will some day come to them from the Government, and that they can then recoup their fortunes and for the remainder of their lives live in contentment, happiness, luxury, and ease.

Mr. QUIN. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. QUIN. Does not the gentleman think that the Government does owe something to the Mississippi Choctaws?

Mr. NORTON. No; I do not think the Federal Government owes them a single nickel or a single cent.

Mr. VENABLE. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. VENABLE. What is the difference, if the gentleman will be kind enough to state, between giving gratuities out of the Treasury of the United States to the Indians all over the country because we have given them gratuities in the past and giving a different set of Indians a gratuity for the first time.

Mr. NORTON. I have just tried to make clear the difference. These Indians have lived among white people for more than a hundred years. They have been surrounded by and have been in touch with white people and with the influence of civilization for many generations. They have been independent and self-supporting for nearly a hundred years. I consider it a mighty poor policy for the Government to now take such a backward step as to begin to hand out gratuities through large or small appropriations to Indians such as these.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. NORTON. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NORTON. On the other hand, I consider it a proper policy for the Government to take supervision of Indians who are in an uncivilized state and who have been within a very short time on the warpath, and to help them to understand the benefits of civilization and the white man's ways.

honesty, truthfulness, cleanliness, and general morality. They are, in a sense, industrious, yet inconstant and unthrifty.

If he would like for the Government to give him a team of mules, and he said no, he would have to pay tax on the mules and he would lose

Mr. MONDELL. No; but I think we had better make up our minds that at some time or other the Federal Government be

short time on the warpath, and to keep them from the benefits of civilization and the white man's ways.

Mr. VENABLE. Does the gentleman mean to say that the Indians we are giving gratuities to every year are in an uncivilized state and have not been in contact with the white man and civilization for years and years?

Mr. NORTON. Most of them have not. I would say to the gentleman that as far as I know those to whom gratuities are now being given, except the sun-kissed, everglades-dwelling Indians of Florida, have not been in contact with white people and the influence of white civilization for but a very few years.

Mr. BRUMBAUGH. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Has the gentleman from Mississippi [Mr. VENABLE] a further question?

Mr. VENABLE. That is a pure question of fact.

Mr. NORTON. Does the gentleman contradict it?

Mr. VENABLE. Yes; I do not think that is an accurate statement.

Mr. NORTON. Will the gentleman specify any Indians who are receiving gratuities and who are in any condition comparable with the Indians in Mississippi?

Mr. VENABLE. Are the Oklahoma Indians receiving gratuities?

Mr. NORTON. Some of them are; yes.

Mr. VENABLE. Have they not been in contact with civilization as long as the Mississippi Choctaws?

Mr. NORTON. No; I would not say they had been.

Mr. VENABLE. A great many of them came from there.

Mr. HARRISON of Mississippi. Let me ask the gentleman about the Turtle Mountain Band of Indians.

Mr. NORTON. They were on the warpath within the last 30 years. Outbreaks occurred among these Indians on the Turtle Mountain Indian Reservation within the last 30 years.

Mr. HARRISON of Mississippi. Are we not spending some money in educating those Indians?

Mr. NORTON. At the present time?

Mr. HARRISON of Mississippi. Yes.

Mr. NORTON. I think about $13,000 is appropriated for the agency there.

Mr. HARRISON of Mississippi. You have $32,600 here for the Indian school at Bismarck, N. Dak. Are not those Turtle Mountain Indians?

Mr. NORTON. No. They belong, for the most part, to the Standing Rock Indian Reservation. They belong to the Sioux Tribe of Indians.

Mr. HARRISON of Mississippi. How about the Fort Berthold Reservation?

Mr. NORTON. The Indians on that reservation belong to the Arikaro, Gros Ventre, and Mandon Tribes.

Mr. HARRISON of Mississippi. Are they on the warpath?

Mr. NORTON. They are a very intelligent class of Indians, although they have not been under the influence of white civilization but for about 30 years.

Mr. VENABLE. Does the gentleman suggest that our Indians go on the warpath in order to qualify for relief?

Mr. NORTON. I would say if they had not been under the influence of white civilization but for a short time and were only semicivilized, to give them Federal Government assistance.

Mr. HARRISON of Mississippi. I admire the gentleman's candor, but does he not think that something ought to be done for those Indians in Mississippi?

Mr. NORTON. Yes; I think so.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. NORTON. Mr. Chairman, I ask unanimous consent for two minutes more. Answering the question of the gentleman from Mississippi [Mr. HARRISON], I would say I believe that the Government and others should give these Indians to clearly understand that there is nothing due or coming to them from the Government, and that it is up to them to maintain and provide fully for themselves for all time in the future.

The CHAIRMAN. The time of the gentleman from North Dakota has again expired.

Mr. NORTON. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BRUMBAUGH. Mr. Chairman, will the gentleman yield for a question?

Mr. NORTON. Certainly.

Mr. BRUMBAUGH. Does the gentleman not think it would be a splendid thing to give the Indians all over the United States to understand the very thing he says these Indians ought to be be given to understand, that in about 10 years from now this Government would withdraw gratuities and put it on them to enter the race of life and make their own living?

Mr. NORTON. I believe that the Government should withdraw gratuities just as rapidly as practicable. The sooner the Indians are placed on their own resources and required to depend upon themselves for their own support the better it will be for them, in the East, in the West, in the North, and in the South.

Mr. DUPRÉ. Are not the gentleman's remarks an incitement to the Indians to continue these uprisings, so that they may hereafter have the aid of the Government?

Mr. NORTON. The gentleman's deep sense of humor and his facetiousness may cause him to believe that.

Mr. DUPRÉ. I invite the attention of the House to the gentleman's argument.

Mr. FERRIS. Mr. Chairman, the gentleman from Mississippi [Mr. VENABLE] has just offered an amendment providing for the creation and establishment of a small Government agency to preside over and serve as a protectorate over some 1,100 Choctaw Indians living in Mississippi. This presents a new phase of it; it deserves attention.

The Choctaw question is not a new one in this House. It has been debated and voted upon many times. In a word, the contention of the Mississippi delegation has always been in the past that they were entitled to share in the funds of the Oklahoma Indians, although they refused to move west and take up residence with them, and still so refuse.

I have always opposed the adoption of the latter course and oppose it to-day. No one, either in law, equity, or good morals, I think, can justly advocate such a course.

More than 90 years ago the Choctaw Tribe of Indians resided in the State of Mississippi. They then owned approximately 15,000,000 acres of land in Mississippi.

By the treaty of 1820 they traded 4,000,000 acres of that land for what now comprises the Choctaw and Chickasaw Nation in the State of Oklahoma, an area in the treaty described by metes and bounds which originally comprised what was then the Indian Territory, now a part of Oklahoma. The treaty contained a provision which provided for the removal of the Choctaws from the State of Mississippi west, leaving 10,000,000 acres of their land behind in Mississippi.

Ten years later, in 1830, an additional treaty was entered into between the Choctaw Indians and the Federal Government, which treaty intended to more effectually carry out the provisions of the treaty of 1820, and which contains the fourteenth article, which has always been the bone of contention, and is and can be the only basis of the pretended claims of these Mississippi Indians to share in the estate of the Indians that moved west.

The total number of Choctaws in 1830 was 18,200. Of these, 15,000 removed as per the terms of the treaty, and approximately 4,000 of them remained behind in Mississippi, refusing to abide by the treaty. These 4,000 Indians that remained in Mississippi from 1830 to 1842 had the right to take up residence and be allotted land on the 10,000,000 acres in Mississippi, and, as fast as they could be identified, were allotted and given allotments from this land.

Only 143 families were induced to take lands from the 10,000,000 acres in Mississippi, while 3,885 for some cause refused to take allotments during the 12-year period. These 3,885 Indians who had refused to accept allotments were by the Federal Government later given land scrip to the amount of 640 acres for each and every head of the family, 320 acres for every child from 10 years of age, and 160 acres for every child under 10 years of age, one half to be delivered to them in Mississippi by the Federal Government and the other half after they removed from Mississippi to the then Indian Territory.

The records of the Indian Office show conclusively, without any question of doubt, that this scrip was actually delivered to them and that they actually received the benefits under it.

It can be had by consulting House Document 898, Sixty-second Congress, second session.

The last half, or remainder, of the scrip was capitalized at $1.25 per acre and paid to these Choctaw Indians in person by the Indian agent for the Federal Government. (See muster rolls of the Indian Office and vouchers, which show precisely that the Indians first received the land and, second, the money.) The total amount of money paid to the Indians was $872,000, which was in lieu of the last half of the scrip, which they had up to that time been unwilling to accept.

Thus it will be observed that these Indians have received more land and more money than the Indians who obeyed the treaties, removed west, and suffered the hardships and outrages committed by the wild western tribes of Indians who then lived upon the prairies.

In addition to this, four Secretaries of the Interior have held that they had no rights to the Indian estate in Oklahoma and that they had had their patrimony, had disposed of it, and were without any claim whatever upon the Oklahoma Indians. Four Secretaries of the Interior shared this view. The Dawes Com-

mission shared this view. The Federal courts in the Jack Amos case adopted this view. This House has four times passed on the matter by an affirmative vote, and each time denied that they had any rights. Both House and Senate Indian Committees have repeatedly passed on it, and always held they had no rights.

If there ever was a case of res adjudicata, this is one of them, and I assume that the Mississippi delegation have at last adopted the correct theory. However, in the face of all this, it is true that there are some 1,100 dependent Indians in the State of Mississippi without homes, without education, without employment, and without proper attention. To me there can be no great wrong in having the Federal Government, not as a matter of right but as a matter of charity, establish this agency, adopt the gentleman's amendment, and do for these dependent, helpless Indians what we are doing for other tribes in a similar condition in other States.

There will be good men who will disagree with me about this proposition, both in and out of the Congress of the United States, both on and off the Indian Committee, but for me and mine I have always felt that the Federal Government should not allow the original occupant of the land—I mean the American soil—to go in want, his own improvidence notwithstanding.

Mr. QUIN. Mr. Chairman, I appreciate very much what the gentleman from Oklahoma [Mr. FERRIS] had to say. His heart is in the right place and he has spoken to the point. He stated that the Government owes it to itself to protect these Indians down in Mississippi and Louisiana. In answer to the gentleman from North Dakota who said that the Government did not owe it to the Indians, I say the Government owes it to its self-respect, to the white citizenship who compose the great majority of the population of this Republic, at least, to grant this little request in the shape of this amendment relating to the penniless Indians of Mississippi.

The gentlemen have argued that because some Indians were on the warpath in the last 10, 15, 20, or 30 years it is justification for certain funds being contributed out of the Federal Treasury to them, and that the reason why the Mississippi Choctaws should not have any money out of the Treasury is because they have been surrounded by white people and civilization, and have been peaceful and dutiful citizens for all of these years. What process of ratiocination causes them to reach such a conclusion as that, because the Mississippi Choctaws have been good and peaceful citizens and peaceful Indians, they should not have anything out of the Treasury to compensate them for their patrimony which was taken from them many years ago?

I can not understand why the gentleman from Wyoming [Mr. MONDELL] or why the gentleman from North Dakota [Mr. NORTON] should have all these years had funds out of the Treasury to protect, and properly so, the Indians of that territory, and then, forsooth, when these Indians down in Mississippi call for a little bit of the rights which have been long deprived them, should object and set up these fabrications and excuses here why they should not have it.

The gentleman from Oklahoma [Mr. FERRIS], in a magnanimous spirit, having seen these Indians, and knowing what they have gone through, having in a measure observed the penniless-ness and absolute poverty of them, their needs, and the ignorant condition in which they are, confesses the righteousness of this amendment.

Mr. MONDELL. Will the gentleman yield?

Mr. QUIN. I have not time to yield.

The gentleman knows that this relief is just, honest, and right. The chairman of this committee, the gentleman from Oklahoma [Mr. CARTER] even went down there on this commission and talked Choctaw with these Indians, and in response to my friend from Wyoming, who said they might have a fragment of Indian blood in their veins, I ask no better witness than the chairman of this committee, who has the honor of having some Indian blood in his veins, and who talked with these people down there in the Choctaw language. So that ought to be sufficient to relieve the gentleman from Wyoming——

Mr. MONDELL. Will the gentleman yield?

Mr. QUIN. I have not time right now. It seems to me the gentleman from Wyoming ought to appreciate the fact that the chairman of this committee would not have made the report back, and that that commission would not have made the report that they did make under the laws of this Congress unless the conditions warranted it.

Mr. MONDELL. Will the gentleman yield at that point?

Mr. QUIN. I will yield. [After a pause.] I will not proceed to yield to the gentleman any further when he requires so much of my time to ask me a question. It strikes me that out of their munificent hearts the gentleman from Wyoming and the other gentlemen on that side ought to support this measure. They ought to do the right thing by the poverty-stricken people that have been denied their rights all of these long years.

Mr. BORLAND. Mr. Chairman, the other day, after considerable debate here, the chairman of the Appropriations Committee defeated a measure providing for $50,000 appropriation for investigating into the subject of old-age pensions and other disabilities of poor white people among the 100,000,000 people of this country. Now, here is a proposition for $150,000, three times as much money, to be expended on about 1,000 Indians, or about $150 an Indian.

Now, when this matter has been fought over three or four times before in this House the gentleman from Mississippi, with his wonderful burning eloquence, almost convinced some of us that this money ought to be paid out of the tribal funds of the Oklahoma Indians, and the gentleman from Oklahoma, with his overpowering eloquence, has completely upset that opinion and convinced us that these Mississippi Choctaws did not have any claim, legal or equitable, on anybody; that they had long since severed their tribal relations, receiving their money under the Dancing Rabbit treaty, and became citizens of Mississippi 90 years ago, and that there was not a man left among them who had not been born a citizen of Mississippi. Now, the gentleman from Oklahoma completely convinced me of those facts. He also convinced me of the fact that there was not anybody back of this thing except a firm of grafting lawyers that had gotten a lot of powers of attorney from these Indians to prosecute some kind of a claim somewhere against somebody for some money. He even read the contracts and told the plot in detail.

Mr. FERRIS. Will the gentleman yield?

Mr. BORLAND. I can not yield, I am sorry to say. He even got up here and told in detail about the operations of this grafting firm of lawyers that he described in such burning language.

Now, the trouble with these gentlemen is that they protest too much. They protested both sides out of any possible case for these Choctaws.

Mr. VENABLE. Will the gentleman yield?

Mr. BORLAND. I can not yield to my eloquent friend. We find to-day that both of these gentlemen are here together demanding this appropriation. Why? They fought vigorously once, but the fight at that time was to take this money out of the Choctaw tribal funds; to-day both are banded together on the proposition of taking it out of the Federal Treasury—$150,000 they propose to saddle on the Government this year.

Mr. VENABLE. Mr. Chairman, will the gentleman permit a short question?

Mr. BORLAND. How much more that is going to lead to in the future nobody has discovered.

Mr. VENABLE. Will the gentleman yield?

Mr. BORLAND. No; I can not yield to my friend.

The CHAIRMAN. The gentleman declines to yield.

Mr. BORLAND. It is assumed that this money is going to be spent to civilize these Indians. They lived in Mississippi prior to 1830, because in 1830, under the Dancing Rabbit treaty, the large majority of the Choctaw Tribe were settled in Oklahoma, and those who did not go to Oklahoma received a gratuity in money. There is not a man among them living in Mississippi to-day who claimed to be a member of the Choctaw Tribe in 1830. Every one of these men was born a citizen of Mississippi, and for 90 years these Indians have lived as citizens of Mississippi. If they are not civilized now, what can the State of Mississippi do for people who live for 90 years in that vicinity? [Laughter.] Why, if they can not be civilized among the splendid influences of the State represented by my friend HARRISON and my friend VENABLE, how can they be civilized by a few agents sent down there from the department in Washington? [Laughter.] They have had the most magnificent opportunities for education that any of us have enjoyed, and yet they are coming in here and asking for an appropriation of $150,000 to civilize and educate them. The thing is absurd. The chairman of the Committee on Indian Affairs ought to make the point of order. I think the thing ought to be quickly killed. If he does not do it, it falls to the duty of some member of the Committee on Appropriations to make it, and I make it for that purpose.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. CARTER of Oklahoma rose.

The CHAIRMAN. Does the gentleman from Oklahoma desire to speak on the point of order?

Mr. CARTER of Oklahoma. Yes.

Mr. Chairman, I have no objection whatever to the gentlemen from Mississippi coming before the Committee on Indian Affairs with a bill and giving the bill proper consideration.

It was my privilege to make a visit to the State of Mississippi last year with our committee, and upon that visit we found several hundred Choctaws in Mississippi. They seemed to be getting along somewhat like the poorer class of white people do in most of the States. Perhaps some of them were in a little bit worse condition. They were intelligent and seemed to be a trustworthy class of people.

The Government has taken the position repeatedly in the past that it should not take any of the funds of the Choctaws and Chickasaws in Oklahoma and divide it among the Choctaws of Mississippi. The courts on two occasions have held the same thing. Two commissions have decided the matter, and three Secretaries of the Interior, and two Presidents of the United States, and Congress has on four different occasions settled that proposition.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes; I yield.

Mr. MONDELL. What did your committee find to be the condition of those Indians compared with the colored people of that section?

Mr. CARTER of Oklahoma. We saw little of the colored people in the State of Mississippi.

Mr. MONDELL. You were in Mississippi and saw no colored people?

Mr. CARTER of Oklahoma. Not at the town of Union. I do not think we saw a dozen colored people at the town of Union while we were there, and that is the only place where we held an investigation.

Mr. SISSON. There are very few negroes where the Indians are down there.

Mr. CARTER of Oklahoma. I do not know what the condition of the negroes was. Perhaps the gentleman from Mississippi can tell you that. But the condition of these Indians was not in some instances just what a man would hope his condition to be. But be that as it may, Mr. Chairman, any measure contemplating the appropriation of $150,000 out of the Treasury ought to come before some committee of this House and have careful consideration.

I had hoped at first that I might withdraw this point of order and submit this matter to a vote, but upon consultation with some members of the Committee and some Members of the House it was thought better that the point of order should be made.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. SISSON. Will the gentleman withhold his point of order? I would like to make a statement about the matter. I do not know that I differ from the gentleman from Oklahoma at all.

Mr. CARTER of Oklahoma. I will yield to the gentleman to make a statement.

Mr. SISSON. Mr. Chairman, with the permission of the gentleman from Oklahoma [Mr. CARTER], I want to take the time to make just this statement: I am in entire sympathy with the proposition to pay the Mississippi Choctaws any fair sum of money. They occupy an entirely different relation to the Government from that of any other people. They are the wards of the Government, and while the Government on several occasions made an effort, as the gentleman in charge of this bill knows, to get the Mississippi Choctaws properly enrolled, so as to be carried to Oklahoma and given their lands in Oklahoma, yet here are the facts: The more intelligent of the Indians are the ones who would keep up with the course of events and know what was going on, and they were enrolled; but the unfortunate Indians who needed the guardianship of the Government the most in every case have been almost abandoned by the Government in Mississippi.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. MONDELL. I do not know what the gentleman meant when he referred to these Indians as being "wards of the Government." I have understood that for generations they have been citizens of the State of Mississippi. Surely no citizen of the State of Mississippi could be a ward of the United States Government.

Mr. SISSON. As a matter of fact they are wards of the Government; and the fact that the State of Mississippi, or any State, has given citizenship in the State to an individual who is a ward of the Government does not relieve the Government of the pledge it is under or of its treaty obligations to the individual. Now, I made an effort here on two occasions to get these 1,100 full-blooded Choctaws enrolled so that they might get their pro rata share of the funds arising from the lands of the Choctaws in Oklahoma, but the Representatives from the State of Oklahoma were unwilling that the rolls should be opened. I am not blaming the Representatives of the State of Oklahoma at all. But the result has been that between the opposition of the Oklahoma delegation and the condition in which the Choctaws find themselves, it is utterly impossible without legislation for the Government to do justice to these people. I want to appeal to the justice of every man here, and I believe that you men want to be just. I believe every Member of Congress desires to be just.

Practically none of these Indians are in my district—only a very few in the southern portion. Most of the Indians are in the district represented by my colleague [Mr. VENABLE], formerly represented by Mr. Bird. Now, if the Government is going to be just and fair to the Indians it must do one of two things. Either it must give to the Indians that to which they are entitled in the Choctaw Nation in Oklahoma, or, failing to do its duty to these unfortunate Indians, then, in order to carry out the contract that it made when it assumed control of the Indians, the Government should see to it that they at least get some land.

What I rose to say was this: I agree with the chairman of the committee that this money should be properly safeguarded, so that the head of each family may get 40 or 80 acres of land, and that the land should then be turned over to the Indians and held by them near enough together so that they can have their schools maintained by State taxation, but that the land should be inalienable for a certain number of years or generations, until these Indians can be properly educated to take care of themselves. For that reason I have no serious objection to the understanding that I feel we have with the Oklahoma delegation and with the chairman of the committee that the matter will be given consideration by the Committee on Indian Affairs, and that they will bring in a well-considered bill taking care of these Indians, to see that this money is properly invested, so that the Indians may be dealt with justly and fairly, and that is all we ask. [Applause.]

Mr. GANDY. Mr. Chairman, there is one statement in this discussion of the Mississippi Choctaw situation that I can not permit to go unchallenged. That is the linking of the dependency of the Choctaws of Mississippi with that of the Indians of North and South Dakota and other Northwestern States.

I was a member of the committee that visited Union, Miss., about 10 months ago. We did find Indians in real dependency, Indians in squalor and poverty, but Indians whose claim on the United States was long ago extinguished, except that obligation that this Government generally owes to its citizenship. It is true that this bill appropriates money for the civilization and support and care of the Indians of the Northwest, but I would remind you that those appropriations are made pursuant to certain agreements between this Government and those Indians of the Northwest when land was ceded by the Indians to the Government. If you will read the agreements and treaties that were made, you will be convinced that even yet, with all of the appropriations that have been made and the schools that have been provided, this Government has not carried out its agreements with the Indians of the Northwest in return for the great areas of land which were ceded by those Indians to the Government; so that the matter of dependency is not the same at all.

I agree with the gentleman from Mississippi [Mr. SISSON] that some provision at some time ought to be made as a general governmental proposition to take care of the conditions of distress that exist among the Choctaw Indians of Mississippi; but they are not on a par in any way with the Indians of the Northwest, who have given in lands, time and time over again, a return for every particle of support that has been meted out to them. [Applause.]

Mr. MONDELL. Mr. Chairman, I rise as a defender and champion of the original American, the real native American, the only man in the world who can beyond question call himself a true American—the man of Indian blood; and I would protect him and his children against those who would make him, to the end and limit of time, a professional and official pauper. [Applause.] Great heavens, is the time ever going to come when the red man, becoming a citizen, caring for himself, with independent thought and feeling, is to be safe from these misguided friends of his who would drag him from a splendid station of independent, self-supporting citizenship to chain him to the miserable condition of a ward and dependent of the Federal Government? A century ago, nearly, certain red men in Mississippi made their choice, decided their status, and for generations they have been citizens of that great State. If I were a citizen of Mississippi I should resent the thought or suggestion that men who had thus been citizens of my State with all of its magnificent opportunities and advantages for nigh a century were in such a condition that it was necessary to unload them on the doubtful charity of the Federal Government.

Is the time ever going to come when a red man, having separated himself from the public crib and become an independent, self-respecting citizen, is to be safe from those who would hunt

him out from the Everglades of Florida, the mountains of California, and the fertile lands of Mississippi, and drag him back to a state of dependency and perpetual pauperism? Those who propose these things are not the friends of the Indian; they are not the friends of their country.

We have Indians in our country. We bought great estates from them, and they are being paid for those estates and assisted to become self-supporting; but I hope the time will never come when I shall be tempted to advocate that any of these men after they have separated themselves from the Government tutelage, ceased to be wards, shall again become the objects of Federal appropriations.

The great State of Mississippi, if she has men of white blood or black or red who are not progressing as they should, citizens of her communities for a century, it is the duty of that great State to make such provision for such citizens as may be necessary or for their good, and if the goodly influence of Christian enlightenment and intelligence in Mississippi, the association and example of their fellow citizens, can not bring these men to a self-supporting, self-respecting, and self-sustaining condition, the charity of the Federal Government and the doubtful benefactions of Federal agents will never accomplish it, never so long as time runs. [Applause.]

Mr. HARRISON of Mississippi. Mr. Chairman, I ask for five minutes.

Mr. STAFFORD. I would like to ask the chairman of the committee if he has any intention as to when the committee will rise?

Mr. CARTER of Oklahoma. I have had no understanding, but I expect to make a point of order on this matter as soon as the gentleman from Mississippi consumes his five minutes.

Mr. HARRISON of Mississippi. Mr. Chairman, I did not think of speaking again upon this matter, but I am surprised at the gentleman from Wyoming [Mr. MONDELL]. When I look through this bill I see that Wyoming has more appropriations given to the Indians in that State out of the Federal Treasury than any other State except Oklahoma. I see appropriations for the support and civilization of this tribe and that tribe, and not only that, but for the education of tribe after tribe in that State, and then they appropriate money to irrigate the lands of that State. Now, the people of my State have been good to these Indians. They have taken care of them when the Federal Government refused to do it.

Mr. VENABLE. Will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. VENABLE. Is it the gentleman's understanding that the position of the gentleman from Wyoming [Mr. MONDELL] is that he wants all the appropriations for Indians in his State withdrawn in order that the Indians in his State may enjoy full, free citizenship?

Mr. HARRISON of Mississippi. That would seem to be the result of his argument. Now, in 1830 a solemn agreement was entered into between the Mississippi Choctaws and the Government that if these Indians wanted to remain in Mississippi they could do so and not lose any rights as Mississippi Choctaws, but it was the commissioners that went from this Government there and perpetrated fraud after fraud on the Indians which prevented them from a proper enrollment and securing their rights under the treaty.

Mr. MONDELL. Will the gentleman yield?

Mr. HARRISON of Mississippi. Yes.

Mr. MONDELL. If the Government owes the Mississippi Choctaws or any other Indians or white men or black men anything, the Government ought to pay. What I protest against is the pauperizing of men by bringing them under Federal control.

Mr. HARRISON of Mississippi. I understand the gentleman; the gentleman objects to pauperizing the Indians in other States after the Government has pauperized the Indians in his State time after time.

Mr. MONDELL. Let me correct the gentleman. No Indian in my State has ever secured anything from the Federal Government for many years except as he has received it out of his fund, except we are carrying items for his education in this general western country.

Mr. HARRISON of Mississippi. Mr. Chairman, in 1898 this Congress passed a law at the instance of the Dawes Commission that went to Oklahoma in respect to the rights of these Mississippi Choctaws, in which it was provided that a commission should be appointed to go to Mississippi and identify every Mississippi Choctaw. They identified about 2,500 of them, full blood Mississippi Choctaw Indians, and 1,100 of those men who thought they had every right under the law are to-day kept from those rolls and denied their legal and just rights. They have rights under law and equity, and I submit that they should be permitted to share in the funds of the Choctaw Tribe. I have never thought that the Treasury of the United States ought to pay the money to them, that it ought to come out of the tribe; but this House has voted me down time after time. I tried to impress that on the House. I remember that the leader of the minority in the last discussion of this proposition told the committee that if they voted down my amendment, the time would come when the Treasury of the United States would have to respond to the Mississippi Choctaws.

Mr. MONDELL. Does the gentleman know why the leader on this side said that? He realized the persistence and the persuasive powers of the gentleman from Mississippi. He did not believe it was proper.

Mr. HARRISON of Mississippi. I will be glad now to see the House appropriate the money out of the tribal funds rather than out of the Treasury, and I dare say the gentlemen will vote a little later on for $200 per capita payment to these Indians in Oklahoma, when our Indians will not get one cent. Let me refer to the fact that a case was tried in 1872, the Choctaw Nation versus The United States, wherein the Indians of Oklahoma sued the United States for rights that the Indians in Mississippi had for injuries and outrages committed on them and obtained judgment in the Supreme Court of the United States for $8,000,000, and that went to the Oklahoma Choctaws. Not one cent to the Mississippi Choctaws for injuries committed, but to the Choctaws in Oklahoma. I submit that they have rights that should be given them by the Congress, that the people of Mississippi have treated them fairly, and that they should not be discriminated against.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I insist upon the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

MONTANA.

SEC. 9. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $20,000.

Mr. HARRISON of Mississippi. Mr. Chairman, I want to say that I realize that this item for the support and civilization of the Indians at Fort Belknap Agency, Mont., is subject to a point of order. The next item is subject to the point of order, and there are at least a hundred items in the bill that are subject to the point of order, but we are going to deal with our friends and their friends a little more justly than they have been dealing with us and are not going to make the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing construction of the irrigation systems on the Flathead Indian Reservation in Montana, $750,000 (reimbursable), which shall be immediately available and remain available until expended.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. CARTER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8696, the Indian appropriation bill, and had come to no resolution thereon.

COAL AND ASPHALT DEPOSITS, CHOCTAW AND CHICKASAW NATIONS.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House concurrent resolution 34.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 195) entitled "An act providing for the sale of coal and asphalt deposits in the segregated mineral lands in the Choctaw and Chickasaw Nations, Okla.," the Clerk be, and he is hereby, authorized and directed to strike out the word "applied," on page 5, line 13, and insert in lieu thereof the word "apply."

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The resolution was agreed to.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 22, 1918, at 12 o'clock noon.

ops-ned. I am not blaming the Representatives of the State of Oklahoma at all. But the result has been that between the

arated himself from the public crib and become an independent, self-respecting citizen, is to be safe from those who would hunt

I have never thought that the Treasury of the United States

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation required by the Navy Department to complete the purchase of land for the naval operating base, Hampton Roads, Va., for the fiscal year 1918 (H. Doc. No. 843); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Agriculture submitting a supplemental estimate of appropriation required for the Department of Agriculture for the fiscal year 1919 (H. Doc. No. 844); to the Committee on Agriculture and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a proposed clause of legislation for inclusion in the urgent deficiency bill (H. Doc. No. 845); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Public Printer submitting supplemental estimates of appropriation required by the Public Printer for the fiscal year 1918 (H. Doc. No. 846); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Navy, transmitting tentative draft of a bill to increase temporarily the enlisted strength of the Navy, and for other purposes (H. Doc. No. 847); to the Committee on Naval Affairs and ordered to be printed.

6. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Red River, and its tributaries in Texas, Arkansas, Oklahoma, and Louisiana with a view to devising plans for flood protection and determining the extent to which the United States should cooperate with the States (H. Doc. No. 848); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

7. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Petaluma Creek, Cal. (H. Doc. No. 849); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 9047) authorizing the Coos Bay, Umpqua, and Siuslaw Tribes of Indians, in the State of Oregon, to submit claims to the Court of Claims; to the Committee on Claims.

Also, a bill (H. R. 9048) authorizing and directing the Postmaster General to prepare cancellation stamps for certain post offices; to the Committee on the Post Office and Post Roads.

By Mr. GILLETT: A bill (H. R. 9049) to regulate the sale of gasoline; to the Committee on the Judiciary.

By Mr. STEPHENS of Mississippi: A bill (H. R. 9050) to authorize the Secretary of War to grant furloughs without pay and allowance to enlisted men of the Army of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. HAWLEY: A bill (H. R. 9051) authorizing the Secretary of the Interior to pay and to distribute the balance now in the Treasury to the credit of the Alsea and other Indians on the Siletz Reservation; to the Committee on Indian Affairs.

By Mr. GANDY: A bill (H. R. 9052) to provide that service in the Mexican border service, in the precautionary-measures service, and in the present war prior to the date of the proclamation of the President drafting National Guard into the Federal service by officers of the National Guard shall be counted in determining relative rank as between commissioned officers in the Army of the United States; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 9053) to survey, acquire, construct, and maintain a system of national defense and military highways and post roads in the States of Washington, Oregon, and California, to protect the Pacific coast of the United States from invasion by any alien enemy with laterals, and for other purposes; to the Committee on Military Affairs.

By Mr. LEVER: A bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

By Mr. MORGAN: A bill (H. R. 9055) authorizing the Ponca Tribe of Indians, residing in Oklahoma and Nebraska, to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. CARY: A joint resolution (H. J. Res. 220) for the purpose of promoting efficiency, for the utilization of the resources and the water power of the United States, for lessening the expenses of the war, for the saving of fuel and providing for the employment of the power of the Great Falls of the Potomac River above Washington, D. C., and to make possible the utilization thereof; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9056) granting an increase of pension to Lewis C. Crowl; to the Committee on Invalid Pensions.

By Mr. VENABLE: A bill (H. R. 9057) granting an increase of pension to James E. Upham; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 9058) granting an increase of pension to Austin A. Bierce; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9059) granting an increase of pension to George Tanner; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 9060) granting a pension to John Iverson; to the Committee on Pensions.

By Mr. CLASSON: A bill (H. R. 9061) for the relief of Jonas Archiquette; to the Committee on Claims.

By Mr. CURRY of California: A bill (H. R. 9062) granting a pension to James Gould; to the Committee on Pensions.

By Mr. DILLON: A bill (H. R. 9063) granting an increase of pension to Thomas McAndrews; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9064) granting an increase of pension to Melville C. Sullivan; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 9065) granting an increase of pension to Sarah J. Creighton; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 9066) for the relief of Marion H. Henderson; to the Committee on Claims.

By Mr. KRAUS: A bill (H. R. 9067) granting an increase of pension to Paul L. Bahr; to the Committee on Pensions.

Also, a bill (H. R. 9068) granting a pension to Guido Geiser; to the Committee on Pensions.

Also, a bill (H. R. 9069) granting authority, on certain conditions, to the Secretary of the Navy to reinstate Armour Simpson Heffley in the Marine Corps; to the Committee on Naval Affairs.

By Mr. LITTLEPAGE: A bill (H. R. 9070) granting an increase of pension to Charles A. Young; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 9071) to correct the military record of Adam B. Ackerman; to the Committee on Military Affairs.

Also, a bill (H. R. 9072) to correct the military record of William Mullally, and for an honorable discharge, and to remove the charge of desertion; to the Committee on Military Affairs.

By Mr. NICHOLS of Michigan: A bill (H. R. 9073) granting an increase of pension to E. Anna McGrath; to the Committee on Pensions.

Also, a bill (H. R. 9074) granting a pension to John A. Falvey; to the Committee on Pensions.

By Mr. REED: A bill (H. R. 9075) granting a pension to Arzanna Nesbitt; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 9076) granting an increase of pension to John M. Pearson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9077) for the relief of Rufus J. Hoke; to the Committee on Military Affairs.

By Mr. SHOUSE: A bill (H. R. 9078) granting a pension to Maggie A. Skinner; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 9079) for the relief of Jabez Lumbert; to the Committee on Military Affairs.

By Mr. STEPHENS of Nebraska: A bill (H. R. 9080) granting an increase of pension to George D. Mayes; to the Committee on Pensions.

Also, a bill (H. R. 9081) granting an increase of pension to Eugene B. Justice; to the Committee on Pensions.

Also, a bill (H. R. 9082) granting a pension to Mary Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 9083) granting a pension to William Wilson; to the Committee on Pensions.

Also, a bill (H. R. 9084) granting a pension to Harry N. Gates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9085) to grant a gold medal to Burlington Cunningham for conspicuous bravery; to the Committee on Military Affairs.

By Mr. VENABLE: A bill (H. R. 9086) granting an increase of pension to Peter L. Chapman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9087) granting an increase of pension to W. R. Tingley; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9088) granting an increase of pension to John P. Belt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9089) granting an increase of pension to John W. Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9090) granting an increase of pension to Jesse M. Reed; to the Committee on Pensions.

Also, a bill (H. R. 9091) granting a pension to Thomas J. Krutsinger; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Resolution of the Federal Employees' Union, No. 2, protesting against the proposed repeal of the act of August 24, 1912, giving employees of the Postal Department the right to organize unions in affiliation with other like organizations; to the Committee on the Post Office and Post Roads.

Also, petition of I. T. Cross, Seattle, Wash., asking for an increase of pensions to those veterans of the Civil War not in Soldiers' Homes to $50 per month; to the Committee on Invalid Pensions.

Also, petition of G. T. Vermillion and Bruce Whitney, of Milwaukee, Wis., objecting to the wording of the section of the war-revenue bill relating to insurance, and suggesting an amendment; to the Committee on Ways and Means.

Also, petition of R. N. Hickman desiring a bill passed allowing him the right to operate motor omnibuses over certain streets and highways in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLARK of Pennsylvania: Petition of John Walsh, James Bennett, Lester Shannon, and 19 other citizens of Erie, Pa., praying for the passage of H. R. 7995, for the preservation of the *Niagara*, Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. CURRY of California: Resolution of the consolidated Chamber of Commerce of Sacramento, Cal., denouncing disloyalty to the United States and sabotage; to the Committee on the Judiciary.

Also, resolution of the Napa County (Cal.) Farm Bureau, regarding the importation of and protesting against Chinese coolie farm labor in the United States; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Resolution of the National Council of the Sons and Daughters of Liberty, favoring House bill 5667, to provide for the deportation of certain aliens, and for other purposes; to the Committee on Immigration and Naturalization.

Also, resolution of the Farmers' Education and Cooperative Union of America, adopted at its annual meeting at Jonesboro, Ark., protesting against any form of universal military training; to the Committee on Military Affairs.

Also, resolution of the board of representatives of Federal Employees' Union No. 2, protesting against the repeal of the law giving postal employees the right to organize; to the Committee on the Post Office and Post Roads.

Also, resolution of the faculty of the University of Wisconsin, pledging unswerving and enthusiastic support to President Wilson's program for securing world peace and for establishing the rights of nations, great and small; to the Committee on Foreign Affairs.

By Mr. HILLIARD: Petitions of Louis A. Zeitlin and nine others, all of Denver, Colo., urging the passage of the Keating bill granting increases of pay to Government employees; to the Committee on Appropriations.

Also, memorial of the Denver Trades and Labor Assembly, of Denver, Colo., opposing legislation removing restrictions from the employment of child labor; to the Committee on Labor.

By Mr. STINESS: Petition of the Rotary Club of Providence, R. I., favoring the Chamberlain universal military service bill; to the Committee on Military Affairs.

By Mr. TIMBERLAKE: Resolution adopted by the United Presbyterian Church at Fort Morgan, Colo., protesting against the increase of postal rates on periodicals; to the Committee on Ways and Means.

By Mr. VARE: Petition of members of Federal Employees Union in Bureau of Animal Industry, Philadelphia, Pa., supporting the Keating bill for increase of salaries; to the Committee on Appropriations.

By Mr. YOUNG of North Dakota: Resolution of the campaign and financial appeals committee of Minot, N. Dak., recommending that the recreation of the men in camps and cantonments be placed under military control and that the mental and moral needs of the men be as carefully looked after as the physical; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 22, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father of life and light and love; Dispenser of every good gift; let Thy blessing descend upon us, to clarify our minds, mellow our hearts and make us strong for the duties before us.

That we may control our passions, especially that unruly member, the tongue; that we give no offense to our brethren, striving to do unto others, as we would be done by; that we may possess our souls in patience and in peace. In the Spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. STEVENSON was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of House bill 11188, Sixty-fourth Congress, for the relief of heirs of J. H. and Angie Taylor, no adverse report having been made thereon.

CHANGE OF REFERENCE.

Mr. SULZER. Mr. Speaker, House bill 8419, introduced January 7, providing for the extension of the provisions and benefits of the Federal farm-loan act to the Territory of Alaska, was referred to the Committee on Territories. Agreeable to the chairman of that committee, I ask unanimous consent that this bill be rereferred to the Committee on Banking and Currency.

The SPEAKER. What is it about?

Mr. SULZER. It provides for the extension of the Federal farm-loan act to the Territory of Alaska.

The SPEAKER. Without objection, it will be so rereferred. There was no objection.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8296, the Indian appropriation bill.

Mr. LONDON. Mr. Speaker, I make the point of order—I was on my feet to make the point of order——

The SPEAKER. There is no earthly objection to the gentleman making the point of order. What has the gentleman to say?

Mr. LONDON. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present, and there is none. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the House going into the Committee of the Whole House on the state of the Union.

The question was taken; and there were—yeas 344, nays 0, not voting 83, as follows:

YEAS—344.

Alexander	Blanton	Candler, Miss.	Cooper, W. Va.
Almon	Booher	Cantrill	Cooper, Wis.
Anderson	Borland	Caraway	Copley
Ashbrook	Bowers	Carew	Cox
Aswell	Brand	Carter, Mass.	Cramton
Austin	Britten	Carter, Okla.	Crisp
Ayres	Brodbeck	Cary	Crosser
Bacharach	Browne	Chandler, N. Y.	Dallinger
Baer	Browning	Chandler, Okla.	Darrow
Bankhead	Brumbaugh	Clark, Fla.	Davis
Barkley	Burnett	Clark, Pa.	Decker
Barnhart	Burroughs	Classon	Denison
Benkes	Butler	Claypool	Dent
Bell	Byrnes, S. C.	Coady	Denton
Beshlin	Byrns, Tenn.	Collier	Dewalt
Black	Caldwell	Connally, Tex.	Dickinson
Blackmon	Campbell, Kans.	Connelly, Kans.	Dies
Bland	Campbell, Pa.	Cooper, Ohio	Dill

Dillon	Hollingsworth	Miller, Minn.	Sisson
Dixon	Houston	Mondell	Slayden
Dominick	Huddleston	Montague	Slemp
Doolittle	Hull, Iowa	Moon	Sloan
Doughton	Hull, Tenn.	Moore, Pa.	Small
Dowell	Husted	Moores, Ind.	Smith, Idaho
Drane	Hutchinson	Morgan	Smith, Mich.
Dunn	Igoe	Morin	Smith, C. B.
Dupré	Ireland	Mott	Snell
Dyer	Jacoway	Nelson	Snook
Eagle	James	Nicholls, S. C.	Snyder
Edmonds	Johnson, Ky.	Nolan	Stafford
Elliott	Johnson, Wash.	Norton	Steagall
Ellsworth	Jones, Tex.	Oldfield	Stedman
Elston	Jones, Va.	Oliver, Ala.	Steele
Emerson	Juul	Oliver, N. Y.	Steenerson
Esch	Kahn	Osborne	Stephens, Miss.
Fairchild, B. L.	Kearns	Overmyer	Stephens, Nebr.
Fairchild, G. W.	Keating	Overstreet	Sterling, Ill.
Fairfield	Kehoe	Padgett	Sterling, Pa.
Farr	Kelley, Mich.	Park	Stevenson
Ferris	Kelly, Pa.	Parker, N. J.	Stiness
Fess	Kennedy, Iowa	Peters	Strong
Fields	Kennedy, R. I.	Phelan	Sumners
Fisher	Kettner	Platt	Sweet
Flood	Kincheloe	Polk	Switzer
Focht	King	Porter	Talbott
Fordney	Kinkaid	Pou	Taylor, Ark.
Foss	Kitchin	Powers	Taylor, Colo.
Foster	Knutson	Pratt	Temple
Frear	Kraus	Purnell	Thomas
Freeman	Kreider	Quin	Thompson
French	La Follette	Rainey	Tillman
Fuller, Ill.	Langley	Raker	Tilson
Gallagher	Larsen	Ramseyer	Timberlake
Gard	Lazaro	Randall	Tinkham
Garner	Lea, Cal.	Rankin	Towner
Garrett, Tenn	Lee, Ga.	Rayburn	Treadway
Gillett	Lehlbach	Reavis	Venable
Glass	Lenroot	Reed	Vestal
Good	Lesher	Robbins	Vinson
Goodall	Linthicum	Roberts	Voigt
Goodwin, Ark.	Little	Robinson	Volstead
Gordon	Littlepage	Rodenberg	Waldow
Graham, Ill.	Lobeck	Rogers	Walker
Gray, Ala.	London	Romjue	Walsh
Green, Iowa	Lonergan	Rose	Walton
Greene, Mass.	Lufkin	Rouse	Ward
Greene, Vt.	Lundeen	Rowe	Wason
Hadley	Lunn	Rubey	Watkins
Hamilton, Mich.	McAndrews	Rucker	Watson, Pa.
Hamlin	McArthur	Russell	Watson, Va.
Hardy	McClintic	Sanders, Ind.	Weaver
Harrison, Miss.	McCulloch	Sanford	Webb
Harrison, Va.	McFadden	Saunders, Va.	Welling
Hastings	McKenzie	Schall	Welty
Haugen	McKeown	Scott, Iowa	Whaley
Hawley	McKinley	Scott, Mich.	Wheeler
Hayden	McLaughlin, Mich.	Sears	White, Me.
Hayes	McLemore	Sells	White, Ohio
Heaton	Madden	Shackleford	Williams
Heflin	Magee	Shallenberger	Wilson, Ill.
Helm	Mansfield	Sherley	Wilson, Tex.
Helvering	Mapes	Sherwood	Wingo
Hensley	Martin	Shouse	Wise
Hersey	Mason	Siegel	Woods, Iowa
Hicks	Mays	Sims	Young, N. Dak.
Hilliard	Merritt	Sinnott	Young, Tex.

NOT VOTING—83.

Anthony	Francis	Johnson, S. Dak.	Ramsey
Buchanan	Fuller, Mass.	Key, Ohio	Riordan
Cannon	Gallivan	Kless, Pa.	Rowland
Capstick	Gandy	LaGuardia	Sabath
Carlin	Garland	Lever	Sanders, La.
Church	Garrett, Tex.	Longworth	Sanders, N. Y.
Costello	Glynn	McCormick	Scott, Pa.
Crago	Godwin, N. C.	McLaughlin, Pa.	Scully
Currie, Mich.	Gould	Maher	Smith, T. F.
Curry, Cal.	Graham, Pa.	Mann	Sullivan
Dale, N. Y.	Gray, N. J.	Meeker	Swift
Dale, Vt.	Gregg	Miller, Wash.	Tague
Davidson	Griest	Mudd	Templeton
Dempsey	Hamill	Neely	Van Dyke
Dooling	Hamilton, N. Y.	Nichols, Mich.	Vare
Doremus	Haskell	Olney	Wilson, La.
Drukker	Heintz	O'Shaunessy	Winslow
Egan	Holland	Paige	Wood, Ind.
Estopinal	Hood	Parker, N. Y.	Woodyard
Evans	Howard	Price	Zihlman
Flynn	Humphreys	Ragsdale	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. DOREMUS with Mr. CANNON.

Mr. DALE of New York with Mr. GLYNN.

Mr. SCULLY with Mr. ZIHLMAN.

Mr. GARRETT of Texas with Mr. CRAGO.

Mr. EGAN with Mr. GRAY of New Jersey.

Mr. MAHER with Mr. CURRIE of Michigan.

Mr. HUMPHREYS with Mr. LONGWORTH.

Mr. BUCHANAN with Mr. WOODYARD.

Mr. GALLIVAN with Mr. PARKER of New York.

Mr. PRICE with Mr. WOOD of Indiana.

Mr. DOOLING with Mr. MCCORMICK.

Mr. RAGSDALE with Mr. HASKELL.

Mr. EVANS with Mr. DALE of Vermont.

Mr. HAMILL with Mr. RAMSEY.

Mr. RIORDAN with Mr. COSTELLO.

Mr. HOLLAND with Mr. GARLAND.

Mr. GANDY with Mr. ROWLAND.

Mr. THOMAS F. SMITH with Mr. DAVIDSON.

Mr. SABATH with Mr. VARE.

Mr. CHURCH with Mr. GOULD.

Mr. SANDERS of Louisiana with Mr. SANDERS of New York.

Mr. GREGG with Mr. SWIFT.

Mr. SULLIVAN with Mr. ANTHONY.

Mr. CARLIN with Mr. GRIEST.

Mr. O'SHAUNESSY with Mr. PAIGE.

Mr. HOWARD with Mr. GRAHAM of Pennsylvania.

Mr. KEY of Ohio with Mr. MUDD.

Mr. TAGUE with Mr. CURRY of California.

Mr. ESTOPINAL with Mr. KLESS of Pennsylvania.

Mr. NEELY with Mr. FRANCIS.

Mr. GODWIN of North Carolina with Mr. MILLER of Washington.

Mr. LEVER with Mr. DEMPSEY.

Mr. HOOD with Mr. MEEKER.

Mr. OLNEY with Mr. TEMPLETON.

Mr. FLYNN with Mr. DRUKKER.

Mr. VAN DYKE with Mr. NICHOLS of Michigan.

Mr. WILSON of Louisiana with Mr. WINSLOW.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

So the motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8696, the Indian appropriation bill, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8696, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919.

The CHAIRMAN. The recollection of the Chair is that at the time the committee rose yesterday a point of order had been reserved against the paragraph from lines 7 to 10, on page 29.

Mr. CARTER of Oklahoma. That is correct.

The CHAIRMAN. The gentleman from Wisconsin reserved the point of order.

Mr. STAFFORD. Mr. Chairman, this, I believe, is the largest appropriation that is carried in this bill to provide for construction work on an irrigation system. Seven hundred and fifty thousand dollars is appropriated to provide for the continuation of the construction work there. The hearings disclose that up to the present time, I believe, $2,500,000 has been expended on this project, and that from the estimates $3,500,000 will be required before it will be completed. I wish to inquire what is the status as to the condition of this project other than that which may be arrived at by comparing the amount that has heretofore been expended with the amount that is estimated will be required in the future, and how much of the land is under cultivation as a result of the $2,500,000 that has been appropriated in the past, and how much additional land will be cultivated when this $750,000, which we are now appropriating, will be exhausted?

Mr. HAYDEN. The area of irrigable land under the completed project will be 152,000 acres. The area of land under constructed works at the present time is 63,000 acres. The area actually irrigated is 5,000 acres.

Mr. STAFFORD. Why is there such a small portion of the land that is capable of irrigation that is actually being cultivated?

Mr. HAYDEN. The Indians who live on this project were not originally engaged in agriculture. They were hunters and stockmen and not accustomed to irrigation. For that reason it has taken more time to induce them to become farmers than in the case of the Indians who reside in the Southwestern part of the United States.

Mr. STAFFORD. Is this rather such an experiment as we had illustrated in Wisconsin, which I referred to yesterday, where the Government spent $2,000,000 of the trust fund of the Menominee Indians in the endeavor to get the Indians to work.

Mr. HAYDEN. The Indian Office is now adopting a policy that where allotments are made and the Indians are not ready or willing to go upon the lands thus given to them that such allotments are leased to anyone who cares to rent the land. I

am informed by the Indian Office that there is now a great demand for land under the Montana projects. The commissioner states that he is very confident that all the land under constructed works capable of irrigation will be put in cultivation in the near future. This is due to the great increase in the price of grain and other foodstuffs that can be grown in Montana. I am satisfied that under the improved conditions a very much larger area will be placed in cultivation under this and the other Montana projects than has ever been irrigated heretofore.

Miss RANKIN. Will the gentleman from Wisconsin yield?

Mr. STAFFORD. Certainly; I will yield to the lady from Montana.

Miss RANKIN. I wish to state that one of the reasons why such a large amount is appropriated and such a small amount of water has been used on the land is because a great amount of money was required for initial construction, and the money appropriated in this bill is for laterals which will irrigate more land. The farmers in that district have been under the impression that they could raise crops without irrigation. Last year proved it would be better to have irrigation if they raised such crops as sugar beets, fruits, and so forth. And another reason is that they have not had the capital to pay for the water. Every year more water is being used, and undoubtedly very much more will be used next year than has been used in the past.

Mr. STAFFORD. Will the lady yield? As I understand, there is some irrigated land available for cultivation that has not been utilized?

Miss RANKIN. It has been utilized, but without irrigation. They have used dry-land methods in farming these lands.

Mr. STAFFORD. If there are large acreages available at the present time without the expenditure of this $750,000 additional, which, as the lady states, is for the construction of laterals, what is the present need for this appropriation, when we should not expend such large amounts unless absolutely necessary?

Miss RANKIN. Because the crops were an entire failure last year by reason of the fact that they did not use irrigation, and it is proven that they can not raise certain crops every year unless they have irrigation.

Mr. STAFFORD. The lady does not grasp the direct point I am trying to seek information upon, and that is whether there is sufficient land now capable of irrigation——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. STAFFORD. Capable of irrigation, that could be utilized next year without the expenditure of this $750,000?

Miss RANKIN. The $750,000 is merely a part of the amount which will have to be appropriated before the entire project is completed, unless the initial investment is wasted. This project was planned on a large scale, and in order to complete it we will have to appropriate each year the necessary amount to continue the work or the entire expenditure will be wasted.

Mr. STAFFORD. Will the lady kindly elaborate on the idea as to the reason why the prior appropriations will be wasted if this $750,000 is not appropriated this year?

Miss RANKIN. The project, of course, will have to be completed. Otherwise you will have such a large part of the project under construction that is not finished and, therefore, can not be used.

Mr. STAFFORD. I presume that the lady from Montana is personally acquainted with this project. I wish to inquire whether there are many Indians working this land at the present time?

Miss RANKIN. There are a great many more white people than Indians, but the Indians are working these lands. The Indian funds will be reimbursed when the farmers pay for the water, and the sooner the water is put on the land and used the quicker the Government will be reimbursed for this expenditure.

Mr. STAFFORD. Then I assume from the statement of the lady from Montana that this is virtually an appropriation for the benefit of the whites of Montana and of other States coming there rather than for the benefit of the Indians?

Miss RANKIN. There are 2,400 Indians there. About 800 have been allotted and the others are probably minors. The allotted Indians are working their land or leasing it. All that the white men do on the land will help the Indians, for improvements on one farm tend to increase the value of all the farms in the community. By using the water from this project the white men will hasten the time when this money will be returned to the Indian funds.

Mr. STAFFORD. How much of the $2,500,000 that has heretofore been appropriated and expended on this project has been returned to the Indian fund up to the present time?

Miss RANKIN. Practically none up to this time.

Mr. STAFFORD. We have been appropriating annually on an average for several years past $750,000. The lady says that the prior $2,500,000 will be wasted unless we continue to appropriate this $750,000, yet none of the funds is being returned to the Indian fund, even though we keep on appropriating yearly this large amount of $750,000.

Mr. HAYDEN. Mr. Chairman, the lady from Montana is correct in her statement that this project should be promptly completed. There is no use wasting time and money by dawdling along in the construction of these projects. We tried that for a couple of years, and cut the appropriation down to $200,000 or $300,000, and the funds were largely consumed by overhead charges. We made an appropriation last year of $750,000, and agreed that we would make that sum continuous until the entire project was completed. It will take three or four years more to complete it.

Mr. STAFFORD. Notwithstanding the fact that there is sufficient irrigated land on the project to-day that has not been utilized?

Mr. HAYDEN. Reservoirs, diversion dams, and main canals must first be built, but the construction must proceed until the water is actually brought to the land before any kind of a crop can be grown.

Now, Mr. Chairman, I want to read a letter written by Mr. EVANS, the Congressman from Montana, on this very subject. It is very brief:

MY DEAR COLLEAGUE: For the past 8 or 10 years the Government has been engaged in the construction of irrigation projects on three Indian reservation in the State of Montana, namely, the Flathead, the Blackfeet, and Fort Peck Reservations. The appropriations for this work have annually been carried in the Indian appropriation bill made on the recommendations of the Secretary of the Interior.

I am interested in all these items, but especially for the Flathead project. There is no more meritorious project in America.

I hope the gentleman from Wisconsin will give me his attention. I am reading this letter for his benefit.

Mr. STAFFORD. I am giving the gentleman as close attention as I gave to the lady from Montana.

Mr. NORTON. The gentleman from Montana states that there is not a more meritorious project than the Flathead project. Let me interpolate right here this fact, so far as the Indians are concerned: If it is intended to be for the benefit——

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Arizona asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. NORTON. Now, will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. NORTON. Last year on this reservation 27 Indians were employed in irrigation. That was the amount of farming done by the Indians. And you will observe that that report has not been made in our hearings by the department or by the Bureau of Indian Affairs on this project as it has been made on other irrigation projects in Arizona and Wyoming and other States. That has been left out. That is the acreage used by the Indians. You will find in the commissioner's report that it states 969 acres were used last year.

Mr. HAYDEN. I gave the gentleman the reason for that a moment ago.

Mr. NORTON. It is also stated that the value of the crops raised by the Indians is $15,223. Now, this project clearly is not so much an Indian project as it is a white man's project.

Mr. HAYDEN. It is conceded that the lands to be irrigated under the project belong to both the white men and the Indians.

Mr. NORTON. Fifty thousand acres do not belong to the Indians at all.

Mr. HAYDEN. Let me go on with this letter from the gentleman from Montana [Mr. EVANS], who is confined to his home to-day by illness:

There is not a more meritorious project in America. The Government has expended approximately $3,000,000 on this project, and it will take about $3,000,000 to complete it. The Secretary of the Interior last year recommended the appropriation of $750,000, which was agreed to by both the House and Senate.

Ten thousand people are now on this land awaiting the completion of the project. The moneys are reimbursable, and the people on the land are willing to pay the price for the water. So in the end the Government will be at no expense in connection with the same.

The project is now about one-half constructed and should be entirely completed without unreasonable delay. So, under the circumstances, I ask when this matter comes before the House that you give it your support.

Very sincerely, (Signed) J. M. EVANS.

Mr. STAFFORD. Will the gentleman explain when the Indian funds or the Government funds are going to be replenished as the result of these large appropriations yearly for this project, from which up to the present time nothing has been returned, when there are thousands of acres available for irrigation?

Mr. HAYDEN. The cost of the irrigation works chargeable to the Indians, under the terms of the general law, becomes a lien upon their lands. Whenever the trust period expires and the Indians sell the land, the money due to the United States must be repaid. With respect to the lands of the white men, the construction charge must be paid upon the same terms as under the ordinary reclamation project elsewhere, which is in 20 annual payments.

Mr. STAFFORD. As I understand from the explanation of the gentleman from Arizona, supplemented by that of the lady from Montana, this $750,000 is to be employed in building laterals to make utilizable additional land on the reservation?

Mr. HAYDEN. Yes; and the Commissioner of Indian Affairs says it is his purpose and confident expectation that in the coming season a large area of this land will be placed in crop. Much new planting is to be done this next spring.

Mr. STAFFORD. If there is no better showing next year of the land being utilized than is shown by the report this year, will the committee ask us to appropriate $750,000 every year, especially in these pinching times, for a project that is not being utilized?

Mr. HAYDEN. I am so confident that substantial progress will be made that that consideration does not worry me. The Government already having invested $2,500,000 on this work, which has brought the project halfway to completion, we should go on and finish the project. That is the only way to get results, but we can not hope for an extraordinary showing before the irrigation works are entirely completed.

Mr. STAFFORD. I agree that this will be a dead loss if it is stopped now, and this additional amount is necessary to avail themselves of the amount heretofore expended; but I do not think that it is advisable to continue to appropriate nearly a million dollars a year in the future, up to four millions, without the lands being utilized.

If the gentleman states that this land is going to be more utilized, or utilized at all—which it has not been in the past—of course I am willing to allow the $750,000 to continue to be appropriated for this year, but a better showing ought to be made in these hard, pinched times.

Mr. HAYDEN. Mr. Chairman, it has been demonstrated on every irrigation project in the United States that more land is being placed under cultivation this year than ever before.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order on the showing made by the lady from Montana [Miss RANKIN], supplemented by the additional information furnished by the gentleman from Arizona [Mr. HAYDEN].

Mr. MONDELL. Mr. Chairman, if I may have the attention of the gentleman from Wisconsin, who desires information with regard to this project, I would say I am one of the very few Members of Congress who are familiar with the project, who have been over the land and who know the conditions. It is a very excellent project——

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. MONDELL. Yes.

Mr. STAFFORD. The gentleman does not mean to say that he is better acquainted with this project than the lady from Montana, who has visited it?

Mr. MONDELL. By no means. I said I was one of the few. Perhaps I should have stated it more accurately by saying that outside of those who so ably represent Montana, perhaps I have more knowledge of the facts than most other Members. It is a very excellent irrigation project. There have been conditions, not at all related to the merits of the project, which have prevented actual irrigation as rapidly as the lands were brought under water; but this is true, that of the acreage that the report of the department indicates as irrigable there is, I understand, a considerable acreage that is not actually irrigable by reason of the fact that the laterals have not all been extended to these lands. The development there has been regrettably slow, but eventually the project will, I believe, come out splendidly, and it will add a very large area of very good land to the productive acreage of Montana.

Mr. STAFFORD. I have heard the word "eventually" used with reference to some other projects coming from the Northwest. Can the gentleman define that more definitely?

Mr. MONDELL. Well, in the near future.

Mr. MILLER of Minnesota. Is this a project that requires the construction of wells to irrigate table-lands higher up?

Mr. MONDELL. It is not that sort of a project, if such project there be anywhere. The water for irrigation is derived from running streams and carried to the land by gravity.

Mr. MILLER of Minnesota. I did not use the exact language I had in mind. I did not mean wells. I meant pumps. Is it necessary in the completion of this project to pump water to higher levels than nature would permit the water to reach?

Mr. MONDELL. I believe it is entirely a gravity system.

Mr. MILLER of Minnesota. Now, is the gentleman quite sure about that?

Mr. MONDELL. I am reasonably sure about that. If there is any pumping contemplated there it must be to a minor extent compared to the project as a whole. There may be such, but in the main it is a gravity project.

Mr. MILLER of Minnesota. Is this also a project which is one-tenth Indian and nine-tenths white man?

Mr. MONDELL. No; that is not exactly true; but even if that were true——

Mr. MILLER of Minnesota. It was true five years ago, when I was on the committee.

Mr. MONDELL. Even if that were true, if these lands can be irrigated at a reasonable cost and brought under cultivation it is proper that it should be done, even though in some instances a white man rather than an Indian may hold the plow.

Mr. MILLER of Minnesota. I am going to vote for it if it comes to a vote, but I think we ought to know what we are voting on.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTER of Oklahoma. I ask unanimous consent that all debate on this paragraph and all amendments thereto close in one minute.

Mr. MILLER of Minnesota. Make it three minutes.

Mr. CARTER of Oklahoma. Three minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this paragraph and amendments thereto close in three minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, I am glad that the gentleman from Wyoming [Mr. MONDELL] has enlightened the House on the exact merits of this proposition. This is one of the items that is silver haired and hoary, coming up each year when this bill comes up. It is a project that I hope will be completed some day. I really believe it is meritorious, and I really believe this appropriation ought to be made. But as a matter of fact, we have wasted an awful lot of money on the project. One thing that induces me to vote for it is that some few Indians will be benefited, and without this appropriation I doubt if the whites could carry through a large project of this character. And one further——

Mr. MONDELL. Will the gentleman yield right there?

Mr. MILLER of Minnesota. In just a second. One further reason that induces me to favor it—and I always have favored the project, although at first somewhat doubtfully—is that it will develop a very large water power, as I am informed.

Mr. MONDELL. The gentleman, of course, is aware of the fact that where the lands of white settlers are irrigated, they pay the cost.

Mr. MILLER of Minnesota. It will be reimbursable. It is going to be paid for by them. I understand that, of course, and on the whole it is a very meritorious project, and one that I hope will be completed some day.

Mr. TILSON. "In the near future."

Mr. MILLER of Minnesota. Oh, no; I have no such hope.

The Clerk read as follows:

For continuing construction of the irrigation systems on the Blackfeet Indian Reservation, in Montana, $75,000 (reimbursable), which shall be immediately available, and remain available until expended: *Provided*, That not to exceed $25,000 of applicable appropriations made for the Flathead, Blackfeet, and Fort Peck irrigation projects shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for official use upon the aforesaid irrigation projects: *Provided further*, That not to exceed $3,500 may be used for the purchase of horse-drawn passenger-carrying vehicles, and that not to exceed $4,000 may be used for the purchase of motor-propelled passenger-carrying vehicles.

Mr. STAFFORD. I reserve a point of order on the paragraph ending in line 3, page 30. This seems to be an unusual appropriation, certainly in one particular. Here we have a total appropriation authorized by the committee of $75,000.

Last year the appropriation carried under this item was $25,000. Of that appropriation last year, $15,000 was available for the maintenance, repair, and operation of motor-propelled and horse-drawn vehicles. Ten thousand dollars only of a $25,000 appropriation was for construction work on this Blackfeet Indian Reservation.

Mr. HAYDEN. If the gentleman will pardon me——

Mr. STAFFORD. This year, in time of stress and storm, we find them increasing the principal amount of appropriation to $75,000 and keeping up a corresponding pace of extravagant appropriation of $25,000 for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles.

Mr. HAYDEN. If the gentleman will pardon me——

Mr. STAFFORD. I think some explanation should be given to the committee, especially in these times, outside of what appears in the hearings, as to the need of one-third of an appropriation for carrying on irrigation work being used in conveyance by automobiles or horse-drawn vehicles on this Blackfeet Indian Reservation.

Mr. HAYDEN. If the gentleman will turn to the bill itself and read the proviso, he will note that the amount made available for the purchase of automobiles and horse-drawn vehicles—$25,000—may be taken, not from the $75,000 appropriated for the Blackfeet Indian Reservation alone, but also from the appropriations made for the Flathead and Fort Peck irrigation projects. So the appropriation for motor-propelled and horse-drawn vehicles is made available from the funds of all three of the projects.

Mr. STAFFORD. Can the gentleman inform the committee how much of this appropriation will be used for maintaining horse-drawn and motor-propelled vehicles on this reservation?

Mr. HAYDEN. I can not; all that I know is that it was said at the hearings that this increase was necessary.

Mr. STAFFORD. Here we have an instance of authorizing $25,000—$15,000 last year and $10,000 additional this year—and nothing on the manner of the expenditure.

Mr. HAYDEN. We inquired of the Assistant Commissioner of Indian Affairs, and he advised the committee that the Reclamation Service had asked for this change, and it was placed in the estimates at the request of that service. He had no information except that the reclamation officials reported that they needed more motor vehicles in order to properly care for the work on the three projects in Montana.

Mr. STAFFORD. Did the committee call the reclamation officials concerning the matter?

Mr. HAYDEN. The committee did not.

Mr. STAFFORD. Well, leaving that subject on which the committee has so much information and going to a subject on which I know the committee will furnish still more information, I wish to inquire what the status of the work is on this irrigation project for which last year $25,000 was appropriated and this year $75,000?

Mr. HAYDEN. During the last year 2,500 acres were actually irrigated.

Mr. STAFFORD. How much of these 2,500 acres are being cultivated by the Indians?

Mr. HAYDEN. I will refer the gentleman from Wisconsin to the gentleman from North Dakota [Mr. NORTON], who has the report of the Commissioner of Indian Affairs in his hand.

Mr. NORTON. The report states that 1,976 acres were cultivated by the Indians. The value of the crops raised last year was $24,563.

Mr. STAFFORD. Can the gentleman inform the committee how much up to the present time has been expended on this project? I notice that it is estimated that the additional cost of completing the project will be $2,540,000.

Mr. NORTON. The additional cost of completing the Blackfeet Reservation is $2,473,000. There has been expended $1,002,391.37. The estimated cost of construction is $39 an acre, and it is estimated that the average value of the land when irrigated will be $50 an acre.

Mr. STAFFORD. In that particular the gentleman has called attention to what the estimated cost per acre will be when it is completed as $39 and that the value of the land will be $50. Compared with other projects that difference is very small, indeed. We had instances of other projects where the difference between the cost and the value of the land was something like fourfold and some as much as fivefold. This seems to be rather a questionable project.

Mr. NORTON. I will say to the gentleman that the project is of this character. The Blackfeet Indian Reservation is a great grazing territory, particularly valuable for grazing. In the winter time it is necessary on that reservation to have feed to carry the cattle over, and it has been purposed by the Government to provide winter feed from alfalfa raised on irrigated land. The land on this project is now under the ditch, under water, and is being used mainly for raising grasses, alfalfa chiefly. This appropriation is largely for maintenance. It is not contemplated at the present time to expend additional moneys in the construction work that will ultimately cost $2,473,000.

Mr. HAYDEN. The assistant commissioner at the hearings said that the principal effort next year would be to construct laterals so as to deliver the water to the lands of the project, thus providing for an immediate production of crops.

Mr. STAFFORD. But you can not get very much in the construction of laterals for $75,000.

Mr. HAYDEN. The ordinary lateral ditch is not very wide, and will not cost a great deal. A good many laterals can be built for that amount.

Mr. STAFFORD. What has been the product of the irrigated land up to the present time as the result of the expenditure of the $1,200,000?

Mr. HAYDEN. The difficulty about obtaining detailed information upon all these matters is that the work of construction is being done by the Reclamation Service. The Indian Service merely comes before our committee and asks for the appropriation of whatever sums the Reclamation Service requests as necessary. When we had the hearings on these projects a few years ago we had the reclamation officials before the committee and they said that it was necessary to appropriate the money to carry on this work. In the rush of events this year we did not call upon the reclamation officials for direct information as we probably should and so we can not give the information desired by the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, this is an infinitely small amount compared to the $750,000 which was appropriated for the Flathead Indian Reservation. I am sorry that the committee has not more information to show the real results of the enormous amount that we have appropriated in the past. In this instance we have expended already a million and more dollars, and from the hearings very little has developed as to the results of that expenditure. In the Flathead the same way. We have no definite information as to what has been the result of the large appropriations that have been sunk in irrigation projects in these western reservations. I withdraw the point of order with the expectation that next year some definite information may be obtained.

The Clerk reads as follows:

SEC. 10. For support and education of 380 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $78,000; for general repairs and improvements, $7,500; for purchase and erection of water tank (in addition to the amount of $2,400 appropriated for this purpose in the act of March 2, 1917, Public, No. 369, 64th Cong., p. 14), $3,000, to be immediately available; in all, $88,500.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 30, line 19, strike out the words "Public, Numbered 369, 64th Congress, page 14," and insert in lieu thereof the words "39th Statutes at Large, page 980."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, $2,000, or so much thereof as the Secretary of the Interior may deem necessary.

Mr. MILLER of Minnesota. Mr. Chairman, reserving the point of order on the paragraph just read, I would like to ask the chairman of the committee what the special facts are that require that the Pueblo Indians shall have an attorney?

Mr. WALTON. For consultation and advice in the matters in which they are interested.

Mr. MILLER of Minnesota. Can the gentleman from New Mexico inform us more specifically the kind of things these people need?

Mr. WALTON. With particular reference to Spanish land grant matters. He maintains an office in Albuquerque, in close proximity to the Pueblos, and they go there and consult with him, and he furnishes them advice in all legal matters in which they may be concerned.

Mr. MILLER of Minnesota. Under the general law it has been the custom for a tribe desiring the services of an attorney to make a contract with an attorney, and that contract would be supervised and approved by the Secretary of the Interior or it would not be effective. Here is a specific law saying that an attorney shall be secured by the Secretary of the Interior, a special attorney, who shall act for the Pueblo Indians of New Mexico. That is changing existing law. Can the gentleman inform the committee of the circumstances that justify that?

Mr. CARTER of Oklahoma. That has been carried in the bill, as the gentleman knows, for several years.

Mr. MILLER of Minnesota. But it is changing the general law.

Mr. CARTER of Oklahoma. That is true.

Mr. MILLER of Minnesota. And the policy with respect to attorneys.

Mr. CARTER of Oklahoma. That is true; but it has been carried in the bill for several years.

Mr. MILLER of Minnesota. Not several years, has it?

Mr. CARTER of Oklahoma. Yes.

Mr. MILLER of Minnesota. By "several" does the gentleman mean two?

Mr. CARTER of Oklahoma. I would say ever since I have been in Congress.

Mr. HAYDEN. If the gentleman will look on the hearings at pages 217 to 220, he will find a very elaborate justification for this item as submitted by the Indian Office.

Mr. MILLER of Minnesota. If there is need for an attorney there, why has not the Commissioner of Indian Affairs or the Secretary of the Interior had the foresight and the sense of responsibility that would have caused him to secure the services of an attorney without actually compelling him to?

Mr. CARTER of Oklahoma. This happened some 10 or 12 years ago. I do not know which Secretary of the Interior or which Commissioner of Indian Affairs it was that began the appointment of this attorney in this way.

Mr. MILLER of Minnesota. Does he have $2,000 worth of work to do every year?

Mr. HAYDEN. Mr. Chairman, the Commissioner of Indian Affairs sates in the hearings that there are constantly matters arising peculiar to that country, and they have had an attorney for the Pueblo Indians for a great many years. He says:

> I suppose if the appropriation were not made that the Indians would continue to exist, and we probably would be able to get this legal work done through the office of the United States attorney. However, not long since we wrote a letter to the present Pueblo attorney, whose name is Edward D. Tittman, of Albuquerque, N. Mex., and he wrote to the office, giving a record of the work that he had been doing.

We inquired further as to why the United States attorney for New Mexico could not do this work for the Indians. We were advised that owing to the fact that New Mexico is on the Mexican border, where the Federal authorities are having trouble with smugglers and raiders, and because of the great amount of work in that very large State, he could not devote his time to the affairs of the Indians. The lands of the Pueblos are located in small tracts along the Rio Grande River and there are continuous disputes about boundaries due to conflicts with certain old Spanish land grants.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Is not the additional reason for this item appearing in the bill the fact that the salary is paid out of the Treasury of the United States?

Mr. HAYDEN. The Pueblo Indians have no tribal funds.

Mr. MILLER of Minnesota. They have no property?

Mr. HAYDEN. They have their little farms, which they irrigate from the Rio Grande.

Mr. MILLER of Minnesota. And the department O. K.'s this item?

Mr. HAYDEN. Yes; and strongly advocates its adoption.

Mr. MILLER of Minnesota. And at the same time it has a policy which prohibits Indians numbering many thousands, with property in the hands of the Government amounting to many, many millions of dollars, from paying out their own money under a contract approved by the Secretary, and having an attorney look after their affairs, when their interests are diametrically opposed to the interests of the United States. Here is an instance where they are willing that the United States Government shall pay $2,000 for an attorney for some Indians who have no property in the hands of the United States. This would look as though we were afraid to let Indian tribes have the benefit of counsel if we are managing their property and handling their affairs, lest may be our conduct has not been that of the good steward, and that the services of an attorney on their part might disclose some things that would not be nice for us to have known.

Mr. HAYDEN. I would like to suggest that perhaps the Indians of New Mexico are not so contentious as they are in the gentleman's State.

Mr. MILLER of Minnesota. Well, I have no objection to this, but I want to call attention to this extremely anomalous situation of many, many Indian tribes in the United States with millions of dollars in the Treasury, with claims against the Government by reason of the way their funds have been handled, not being allowed to have an attorney of their own to protect them as against the Government, and here is an instance, and the only of its kind, where the Government is willing to hire an attorney for some people who have no property in the hands of the Government.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

> For continuing work on the Indian highway extending from the Mesa Verde National Park to Gallup, N. Mex., on the Navajo and San Juan Reservations, $25,000; said sum to be reimbursed from any funds which are now or may hereafter be placed in the Treasury to the credit of said Indians: *Provided*, That such sums shall be expended under the direction of the Secretary of the Interior in such manner and at such times and places as he may deem proper, and in the employment of Indian labor as far as possible for the construction of said highway.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I notice that this bill extends the language for the utilization of this fund to the San Juan Reservation, in addition to the Navajo. The amount also is increased over that carried in last year's bill from $15,000 to $25,000. As I recall, it was estimated when this project was originated that $55,000 would be required to construct this road from Mesa Verde National Park to Gallup, N. Mex. I rose to inquire whether this additional language will provide for any different road than that which was originally contemplated or whether it is merely the same identical project as originally provided for?

Mr. WALTON. It is the original project estimated at a construction cost of $55,000, of which $30,000 has been expended, and the additional $25,000 will complete the project. The insertion of the words "San Juan" was made for the reason that there are two divisions of what is commonly known as the Navajo Reservation, the Navajo and the San Juan, and the road traverses both; and in order to clear up any uncertainty on that point and so it might be available for the purpose of the original project, if the gentleman——

Mr. STAFFORD. So it is not purposed to extend the road in any way?

Mr. WALTON. Not at all.

Mr. STAFFORD. It is kept within the original confines, as originally planned?

Mr. WALTON. If the gentleman will notice the statement of Mr. Wells on page 22 of the hearings——

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. TAYLOR of Colorado. Mr. Chairman, let me say just a few words further in relation to this Navajo Indian highway. When this Indian appropriation bill was before the House on December 11, 1916, I inserted in the RECORD, at pages 189 to 192, part 1, volume 54, quite an elaborate statement or a series of statements by the Secretary of the Interior and the Commissioner of Indian Affairs in reference to this highway. Both the Department of the Interior and the Bureau of Indian Affairs originally recommended the construction of this highway as expeditiously as possible, to furnish an outlet to the Navajo Indians in New Mexico, as well as to a certain extent for the white people of southwestern Colorado to the Santa Fe Railroad at the town of Gallup. This highway is of tremendous importance to the development of southwestern Colorado as well as for the development of the Navajo Reservation, and the reason that the Commissioner of Indian Affairs recommended the increase from $15,000, last year's appropriation, to $25,000 is in order that the road may be completed systematically and as soon as possible for the convenience of both the Indians and the white people and in order that they may have the benefit of it as well as convenience rather than for them to drag along for several years. The hearings before the committee is quite complete on this subject, and shows the manner in which the money has been heretofore expended and the necessities for finishing it at the earliest practicable date. The hearings, in part, is as follows:

Highway from Mesa Verde National Park to Gallup, N. Mex. (reimbursable).

Fiscal year ending June 30, 1918:	
Amount appropriated	$15,000.00
Fiscal year ended June 30, 1917:	
Amount appropriated	15,000.00
Amount expended	14,049.11
Unexpended balance	950.89

Analysis of expenditures:

Regular employees	$1,335.00
Irregular employees	6,612.70
Traveling expenses	383.40
Transportation of supplies	2,311.84
Telegraphing and telephoning	.60
Heat, light, and power, including fuel	127.55
Equipment	2,057.18
Miscellaneous	1,220.64
Total	14,049.11

This is an appropriation for continuing the work on the Mesa Verde National Park-Gallup Highway across the Navajo Reservation, begun under the provision in the Indian appropriation act for the fiscal year 1917, making an appropriation of $15,000 to start the project. At that time it was estimated that approximately $55,000 would be needed to establish a first-class road over the reservation.

A road engineer was placed in charge of the work and a good showing made in actual construction work. On account of the lack of equipment, however, it was necessary to expend a good part of the initial appropriation in the purchase of such equipment. A second appropriation of $15,000 was made in the Indian appropriation act for the fiscal year 1918. On October 1, 1917, there remained approximately $7,000 available of the 1918 appropriation. The balance will be expended by the end of the fiscal year.

The grading and filling and the construction of the culverts and bridges have been completed with the exception of about 3 miles between the southern reservation line and Tohatchi, a distance of about 15 miles, and for a distance of about 8 miles beyond that, leaving about 17 miles still to be completed on the portion of the road estimated for; that is, on the Navajo Reservation under the supervision of Supt. Paquette, designated as the "Navajo Reservation." It was considered that $30,000 of the estimated cost of $55,000 for the first 40 miles of the road would be sufficient for the preparation of the roadbed, the remaining $25,000 for finishing the surface. This has been accomplished in so far as could be with the equipment available. No heavy road-working machinery has been purchased. All of the work of grading has been done with light Indian teams and labor. It is considered that a remarkable amount of work has been accomplished, considering the handicap under which it was performed, and a very large portion of it is being used even in its unfinished condition. It is estimated that $25,000 will complete this highway within the "Navajo" jurisdiction, and, in view of the importance of finishing the project at the earliest practicable date, it is urgently desired that this sum be allowed in order that work on the project may proceed to an early completion and continued use of all available facilities.

Mr. STAFFORD. I recall the gentleman from Colorado was sponsor for this proposition.

Mr. TAYLOR of Colorado. Yes. I introduced the original bill for this highway, and I guess I am entitled to the distinction of being the author of the proposition, and it will afford me a great deal of personal gratification when the highway is completed because the railroad facilities for the white people in the extreme southwestern part of Colorado are very limited, the freight rates high, and the accommodations unsatisfactory, and the people from that portion of our State have for many years been looking forward to the time when they could have a good auto-truck highway from that country down to Gallup, N. Mex., where they could connect with the main line of the Santa Fe Railroad. And at the same time, it will be directly and primarily a benefit to the Navajo Indians and open up and furnish them an outlet to their reservation, which is, I guess, the largest in the United States, being about 9,000,000 acres, and most of it valuable land and a considerable portion of it containing large and valuable deposits of coal. Incidentally, it will also help the Ute Indians somewhat in Colorado, and I am very glad to see this sum of $25,000 appropriated to complete the highway.

Mr. STAFFORD. My query was directed to ascertain whether the change of phraseology meant an extension of the project or whether it was confined to the original idea.

Mr. TAYLOR of Colorado. It is the same project exactly.

Mr. STAFFORD. I withdraw the reservation.

The Clerk read as follows:

> The proviso of section 1 of the act of March 4, 1907 (34th Stat. L., 1413), relating to the expenditure of proceeds derived from the sale of timber on the Jicarilla Reservation, is hereby amended so as to authorize the Secretary of the Interior to expend said proceeds with the consent of the allottee, to be obtained in such manner as he may prescribe, in the purchase of live stock, seeds, agricultural equipment, and for other community or individual purposes beneficial to the Indians belonging to and having rights as members of said tribe of Indians.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. Here is an item where we are changing existing law, not only changing existing law but perhaps invading vested rights of Indians who have already received their allotment. As I understand this proposal, it is to appropriate some property of these Indians under their individual allotment without their consent and to utilize the fund that may arise from the sale of the timber on their allotted land for the benefit, perhaps, of these individual allottees, and also possibly for the benefit not of the individual allottees but for the benefit of the tribe of Indians living on this reservation. I think some explanation should be given as to the power of Congress, if my statement of facts is correct, to invade the vested right of an individual Indian who has already received his allotment by appropriating the timber on his individual land for the benefit of the community of Indians.

Mr. HAYDEN rose.

Mr. STAFFORD. If I am in error as to my position I wish the gentleman from Arizona would correct me.

Mr. HAYDEN. A very close legal question is raised by this legislation. The facts are that the timber from the allotted lands on this reservation was sold and placed in a fund, which is now in the Treasury to the credit of the Jicarilla Indians. No record was kept of the amount of timber cut on any individual Indian's allotment, so that there is no method whereby the money could be paid out to particular Indians.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. HAYDEN. Yes.

Mr. STAFFORD. These Indians could have an accounting of the timber that was taken off their respective allotments?

Mr. HAYDEN. But no accurate record was kept, so we were informed.

Mr. STAFFORD. Even if no record was kept there is still something that could be ascertained as to what were the individual rights of these respective allotments?

Mr. HAYDEN. We were advised by the Indian Office that this was not done for the reason that the act providing for the sale of the timber contained a provision that the money might be spent, under certain conditions, for the benefit of the tribe as a whole, and therefore it was not deemed necessary to keep a separate account with each Indian.

Now, all that this law seeks to do is to change the purpose for which the money may be spent for the benefit of the tribe as a whole.

Mr. CARTER of Oklahoma. And it provides to expend the proceeds "with the consent of the allottees." Therefore no vested right would be invaded if you had the allottees' consent.

Mr. STAFFORD. As I recall the hearings, the commissioner had some idea that perhaps he would have authority to bind the individual allottee as far as the fruitage of his own allotment was concerned without his consent, provided he had a majority of the Indians on this reservation approve of this proposal. Am I in error as to that?

Mr. HAYDEN. The commissioner suggested that that might be done. We did not enact that proposition into law. We merely stated that the consent of the allottee should be obtained in such manner as the Secretary of the Interior might prescribe.

Mr. STAFFORD. Is not the language as incorporated in the bill the very language that was recommended by the department?

Mr. HAYDEN. That is true; but whether that language is subject to the construction placed upon it by the Assistant Commissioner of Indian Affairs or not remains to be seen. I have no doubt but that the lawyers of the Department of the Interior will advise the Secretary as to whether he can lawfully obtain the consent of the allottee in that manner. If not, it will have to be secured in some other way.

Mr. STAFFORD. I am rising to foreclose any possibility in the future—in 5, 10 or in later years—of some claim agent—and there are a great many infesting Washington even to-day—going and getting some old claim of these Indians and using that as the basis of a claim on the ground that their individual rights were invaded without their consent.

Mr. CARTER of Oklahoma. It says "with their consent."

Mr. STAFFORD. As I understand the gentleman, there is no place where the rights of the individual allottees are invaded without his consent. To carry out the idea of the committee, would the gentleman have any objection to inserting before the word "the," preceding the word "allottees," in line 10, the words "all of the," so that it would read "to expend said proceeds with the consent of all of the allottees"?

Mr. CARTER of Oklahoma. I do not think that is necessary, for the reason that he would use the proceeds of only those who gave their consent.

Mr. STAFFORD. I do not wish to put such a strict provision here that in case he does not appropriate the lumber taken off one individual Indian's allotment, and he refuses to give his consent, the whole proposition will be held up. And yet I realize the necessity, as I view it, of safeguarding the rights of the individual Indian from having his property appropriated without his consent.

Mr. CARTER of Oklahoma. The difficulty with that, Mr. Chairman, would be that you would have a lot of proceeds held away from other Indians for two or three years that could now be used in improving their property, and for other purposes.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. And you would have these funds held away from these Indians at the very time when they needed them most, at the very time when the country needs the funds to be distributed most, because this is a time when we are urged to put forth all the production we can as a war necessity.

Mr. CAMPBELL of Kansas. Oh, I hope the gentleman from Oklahoma will recall that statement. We just shut down the industries of the country for five days in order to suspend production.

Mr. CARTER of Oklahoma. They have not shut down any farms, have they? This is a farm proposition.

Mr. STAFFORD. They are not invading the agricultural industries of this country, because they recognize the potency of the farmer as a political factor.

Mr. CARTER of Oklahoma. We should be thankful for that, for the farmer certainly deserves any protection that may come his way. But getting back to this item, this would necessitate getting the consent of every Indian before any person's money could be paid to him. The gentleman from Wisconsin [Mr. STAFFORD] can see what an unpractical, even impracticable, proposition that would be. You would always find some one who would object, and that would block the whole procedure. If the gentleman wants to incite claim attorneys to stir up trouble and to get Indians to bring claims in the future, I can imagine no better way to proceed than to award as he suggests, because some fellow could be found to object to this proposition and hold it up; then all the others would be back here employing attorneys to get this money for them. It would then take affirmative legislation to get the funds jarred loose, and when finally paid every one of them would be claiming interest, and would probably get it.

Mr. STAFFORD. I recognize the potency of the objection which is raised by the gentleman from Oklahoma. Would the gentleman object to an amendment reading "with the consent of those allottees whose property is appropriated"?

Mr. CARTER of Oklahoma: I do not think there will be anything wrong about that. That would be all right.

Mr. STAFFORD. My only purpose is to prevent the Treasury being robbed in years to come, and I also fully agree as to the advisability of this change of the law.

Mr. Chairman, I withdraw the reservation of the point of order and offer the following amendment, namely, to strike out the word "the" before "allottees," in line 10, page 33, and insert the word "such," and after the word "allottees" insert the words "whose property is appropriated."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 33, line 10, strike out the word "the" after the word "of," and insert in lieu thereof the word "such." And after the word "allottees" insert the following: "whose property is appropriated."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For amount necessary for construction of a steel bridge across the San Juan River in San Juan County, State of New Mexico, at the best and most available location west or southwest and near to the town of Farmington, in said county, in addition to the $25,000 appropriated for the purpose by the act approved February 20, 1917 (39 Stat. L., p. 926), $4,000, or so much thereof as may be required, to be immediately available: *Provided*, That said additional sum shall be reimbursed from tribal funds as required by the said act.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on this item. Is this the item in which a deficiency appropriation has been asked by the department?

Mr. WALTON. I think so; yes, sir. If this is passed in this bill it should be stricken out of the deficiency bill.

Mr. STAFFORD. I may inform the gentleman and the chairman of the committee that the deficiency appropriation bill will very likely pass the House and the Congress sooner than this bill will become a law. There is no purpose on my part to prevent the additional appropriation being made available, so that this bridge can be built, because of increased cost. It rests entirely with the gentleman from New Mexico and the chairman of the committee as to whether they wish to incorporate it here or to rely upon the deficiency subcommittee making the recommendation.

Mr. WALTON. I have no knowledge as to whether or not this has been included in the deficiency bill. The gentleman is better advised than I as to that.

Mr. STAFFORD. Nothing has been included in the deficiency bill up to the present time, because the subcommittee is still engaged upon hearings; but the deficiency bill will be reported to the House in the next 10 days, as I am reliably informed. This item is incorporated in the estimates that have been submitted to the Committee on Appropriations.

Mr. WALTON. I would prefer to have it in this bill now under consideration.

Mr. STAFFORD. In that case I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (art. 6, treaty of Nov. 11, 1794), $4,500.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. CAMPBELL of Kansas. I want to call attention to the Seneca Indians of New York. They are an example of our conduct of Indian affairs. They are a rich band of Indians, probably the richest Indians in the country, barring the Osages, taking the whole band. They live in a community in New York on land that is worth anywhere from $100 to $300 an acre. It is well improved. They have splendid homes and pastures and fences and orchards, windmills, waterworks, and steam-heated houses, but they pay no taxes, and we are making a donation of some $11,000 a year to them.

Mr. CARTER of Oklahoma. This is not a donation, Mr. Chairman.

Mr. CAMPBELL of Kansas. It is a treaty item.

Mr. CARTER of Oklahoma. Certainly; it is an obligation. It is a debt we owe in consequence of a treaty we made with these Indians.

Mr. CAMPBELL of Kansas. How long is this to run?

Mr. CARTER of Oklahoma. It is to run until it is capitalized.

Mr. CAMPBELL of Kansas. While water runs and grass grows?

Mr. CARTER of Oklahoma. It can be capitalized at any time that the Federal Government desires.

Mr. CAMPBELL of Kansas. That is what I was coming to. There has not been a recommendation from the Indian Office that this be capitalized and that this injustice to the neighbors surrounding those people in New York be done away with. It ought to be capitalized. The land ought to be given to these Indians in severalty, and they should be given their place among the citizens of New York and be made to live as other citizens do. I see no reason why the Seneca Indians of New York should be exempt from taxation. The Indians in and around the Tammany Wigwam in New York City, it is said, are not exempt from taxation. Some of them may be; I am not sure. [Laughter.] But there is no more reason why, upon the statutes, they should be exempt in the one place than in the other. The Senecas are highly civilized people, and there is no reason, except that the Indian Office is always holding on to something to give them something to do, as a reason for their existence, a reason for the employment of clerks, bureau chiefs, and inspectors. Giving employment to white men has been the business of the Indian Office, of the Indian Bureau, not during this administration alone but for the past quarter of a century. There is no reason why these treaty items should not be capitalized and the matter closed up, so far as the Seneca Indians are concerned, so that they may be catalogued among the other citizens and taxpayers of New York.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The Clerk will read.

The Clerk read as follows:

For the construction of a bridge across the Oconalufty River, at or near the Indian school at Cherokee, N. C., $8,000, to be expended under the direction of the Secretary of the Interior: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of North Carolina, or the county of Swain, satisfactory guaranties of the payment by the said State of North Carolina, or by the county of Swain, or at least one-half of the cost of the construction of said bridge, and that the proper authorities of the said State of North Carolina, or the said county of Swain, shall assume full responsibility for, and will at all times maintain and repair, said bridge and the approaches thereto: *And provided further*, That any and all expenses above the amount herein named in connection with the construction of said bridge shall be borne either by the said State of North Carolina or the said county of Swain.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the item.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the item.

Mr. STAFFORD. I wish to inquire whether this was recommended by the department, and whether any reference to this proposed bridge is included in the hearings?

Mr. CARTER of Oklahoma. I yield to the gentleman from North Carolina [Mr. WEAVER] to answer.

Mr. WEAVER. Mr. Chairman, I do not think that the Commissioner of Indian Affairs made any recommendation in regard to this item. The superintendent of the Indian school at Cherokee, in the recommendation that he made in regard to this school, said that the following were absolutely necessary.

Mr. STAFFORD. What page of the hearings is the gentleman going to read from?

Mr. WEAVER. Page 231 of the hearings. He asked for the support of the school, $32,958; for repairs and improvements, $10,000; for new buildings, $75,000; special appropriation for road and bridge building, $35,000.

Now, Mr. Chairman, the committee, after hearing the facts in regard to this matter, made a report that was unanimous, in so far as the members present were concerned. They recommended the amount of $8,000 to build this bridge across the Oconalufty River, at the Cherokee school, in Swain County, N. C.

Mr. Chairman, I call the attention of the gentleman from Wisconsin to the further fact that the Commissioner of Indian Affairs did recommend a total appropriation of $57,600 for this school. Now, giving the appropriation of $8,000 for this bridge, the committee still has allowed only $47,600 of the amount recommended by the Commissioner of Indian Affairs.

Mr. STAFFORD. Of course, I have no objection to the gentleman elaborating and going ahead as to the other items, but I am directing my inquiry particularly as to the bridge item.

Mr. WEAVER. I am coming to that now. The Indian school at Cherokee is situated on land now owned by the Government of the United States and within the Indian reservation. This Indian reservation lies at the head of the Oconalufty River. The Indians have but one way to get out. On three sides they are hemmed in by the high walls of the Great Smoky Mountains. Some of those mountains are almost as high as Mount Mitchell, which is the highest land east of the Rocky Mountains. To the north and east of them is a wilderness of woods. They get out to the Southern Railroad, that runs down the Tuckasegee, by a little railroad going down the Oconalufty River. I think this bridge would be an improvement to the Indian school, which heretofore has been carried in this bill.

I want to call to the attention of the House, and particularly to the attention of the gentleman from Wisconsin, the language of a letter which I have received from Mr. Henderson, the superintendent of the school, since this item was put in the bill. And I would like to say to the gentleman from Wisconsin that if he will examine the reports made by the Commissioner of Indian Affairs, he will find that this school is doing a most magnificent work for these Indians. Mr. Henderson says:

The matter of getting better roads and bridges on this reservation is one of vital importance, even much more so than it is on most of the reservations of the West. The exceeding high mountains which wall this reservation in form natural barriers that have served for the last hundred years to keep progress and civilization out and are the cause of the Cherokees not having done more in advancement. We educate the young Indians and turn them out several miles from the railroad, with no roads over which they can haul their farm products. A few thousand dollars well spent on roads on the Cherokee Reservation for a few years would be one of the greatest civilizers that we could possibly get.

As to the bridge across the Oconalufty River at Cherokee, I see no reason why the appropriation could not be made with all good conscience, for the reason that one end of it would rest upon not Indian land but land actually owned by the United States Government and upon which the Cherokee Boarding School is now located.

And I wish to say to the Members of the House and to the gentleman from Wisconsin that there is no graft in this matter. These Indians have been asking for this year in and year out. I think it went out of this bill once before after having passed the Senate. I hope the gentleman from Wisconsin will not make the point of order. Mr. Henderson further says:

All freight, including several hundred tons of coal each year, must be hauled over this river, which frequently can not be forded on account of floods. Just at the present time and for several weeks past few teams have been able to cross on account of the ice. This works a great hardship upon the Cherokee school.

And I can say to the Members of this House that that country is now frozen in the icy hand of winter, so that they can not cross that river as it is, and they have no other way of getting their supplies in from the railroad.

Now, one other thing is this: The little mountain county of Swain went to its limit in voting a bond issue upon itself of $350,000 for constructing roads in that little county. It means something to try to build roads there. It is not as it is on the prairies of the West. You have got to cut through hills and bridge chasms, and that costs money.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent for five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. I yield to the gentleman from North Caroline [Mr. WEAVER] to continue.

Mr. WEAVER. I thank the gentleman very much. Of the $350,000 voted by the county of Swain, over $60,000 has been used in constructing the road upon the Indian lands.

Mr. STAFFORD. If the gentleman has finished his statement, will he permit an inquiry, so that I may obtain the facts that I am seeking?

Mr. WEAVER. I shall be glad to answer anything I can.

Mr. STAFFORD. What does the gentleman estimate will be the total cost of this bridge?

Mr. WEAVER. The estimate is that it will cost about $16,000.

Mr. STAFFORD. I am specially desirous of ascertaining whether this bridge is on the reservation or off the reservation.

Mr. WEAVER. The Government owns the land on which the school is actually situated. These lands are embraced within a big reservation belonging to the Indians. All of the lands surrounding the school are Indian lands, but one end of the bridge will rest on the Government land and the other, across the river, on the Indian reservation land.

Mr. STAFFORD. Then, the bridge proper, as I understand it, is entirely on the Indian reservation?

Mr. WEAVER. Absolutely.

Mr. STAFFORD. The case is not parallel to that which was considered yesterday, in California, where the bridge was entirely off the reservation?

Mr. WEAVER. Oh, no; it is entirely on the reservation.

Mr. STAFFORD. Will any persons be benefited by this bridge other than the Indians?

Mr. WEAVER. No; as I explained the situation there, the Indian lands comprise the head of the river. Now, there are no or few whites living up there, unless somebody comes in to do some lumbering or something of that kind. All the whites live below on the lower reaches of the Oconalufty and Tuckaseigee Rivers.

Mr. STAFFORD. Can the gentleman give any assurance that if this item is allowed to stand the Congress will not be called upon for any additional appropriations other than that which is herein carried?

Mr. WEAVER. I do not know how I could give that assurance, but I do not think so. I think they want to go ahead, and I will say that I have a letter——

Mr. STAFFORD. This item is conditioned upon the State or county authorities contributing one-half.

Mr. WEAVER. One-half.

Mr. STAFFORD. I want to have some assurance that the whole burden is not going to be cast upon the National Government.

Mr. WEAVER. It will not be, because the other half will be paid by the State and county.

Mr. STAFFORD. The gentleman can give that assurance?

Mr. WEAVER. I am sure of that; yes. They want to build it.

Mr. STAFFORD. And there will not be any additional appropriation hereafter, above this $8,000?

Mr. WEAVER. I think not. I have in my hand a letter from the chairman of the Highway Commission, and he says in regard to this that while they would like to have more—and I have been hoping the gentleman from Wisconsin would offer to increase it up to $16,000—still, that they will try to get along with that.

Mr. STAFFORD. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I was under the apprehension that this bridge was off the Indian reservation. Of course this money comes out of the National Treasury and not out of Indian funds. There is that exception that is going to be made in this instance.

Mr. HAYDEN. If the gentleman will pardon me, he will note that if we had allowed the amount of $200 per capita normally allowed to schools of this kind, there would have been appropriated $41,000; but the superintendent of this Indian school, by his careful management, conducts it at a less cost per

capita than any other Indian school in the United States—$132 per capita.

Mr. STAFFORD. Will this bridge be under the supervision of this superintendent in its construction?

Mr. WEAVER. Yes.

Mr. STAFFORD. Mr. Chairman, on the statement made by the gentleman from North Carolina [Mr. WEAVER] and the gentleman from Arizona [Mr. HAYDEN], I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $15,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. WALSH. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. Does the gentleman from Wyoming desire to discuss this very important amendment which he has offered in the absence of the gentleman from New York [Mr. LONDON]?

Mr. MONDELL. I think it might enlighten the gentleman from New York if he were here, but in his regrettable absence I will have to go on without him. Mr. Chairman, we have passed quite a number of bridge items, and because they have been passed I feel perfectly free and safe in saying what I am about to say, because I would not want to prejudice any item in the bill. I am of the opinion that every item in this bill relating to bridges is justified. I have given some little attention to this subject, because I have some views and opinions in regard to it.

There is an Indian reservation, the only one in my State, of a wedge shape, of something over a million and a half acres, lying right across the highways of travel, every boundary of which is a water boundary except the base of the triangle, which is formed by a very high and impassable mountain range. Every approach to the reservation, therefore, is across a bridge, one end of which is on the Indian reservation and the other end on a public highway of the county. The lands of that reservation are not taxed.

Mr. MADDEN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MADDEN. Who has paid for the construction of the bridges?

Mr. MONDELL. That is what I am coming to; that is what I am going to talk about. It would seem proper and reasonable, I think, that the Indians on that reservation should pay half of the construction of these bridges. I have tried to be reasonable, and more than reasonable, in the things I have asked in connection with the Indian reservation in my State. We have never asked for the contribution of a dollar for the construction of these bridges. The county has constructed a number of steel bridges of considerable length—for these streams are good-sized streams—costing from $5,000 to $15,000 each, and the county has paid for them.

I have never asked a penny on the Indian bill for these bridges. I am not saying this in a spirit of criticism either of those who do ask for appropriations for the construction of bridges nor in a spirit of criticism of the committee for the action it has taken in regard to a number of these projects. But I do think it is entirely proper that it should be understood here that we try to be reasonable in these things that we ask for in connection with the Indians and the Indian reservations.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. I make no promises that I may not in the future ask for some contribution in behalf of other bridges that may be built spanning the streams that bound the reservation, but I want to impress on the committee and the country the fact of our reasonableness in this matter in the past, and the fact that we have refrained from making requests that we might have made with very good reason.

Mr. CARTER of Oklahoma. Will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. CARTER of Oklahoma. Mr. Chairman, the policy of the House, as the gentleman knows, and of the Indian Committee in the past has always been not to appropriate for bridges out of the Federal Treasury on Indian reservations. The only exceptions that have been made are in the case of schools where the property belongs to the Government rather than to the Indians. Here we have a school and the property belongs to the Government and does not belong to the Indians, so that when the Government constructs the bridge it constructs it on its own property. We have a similar case suggested by the gentleman from Kansas [Mr. CAMPBELL] at the Chilocco school.

Mr. MONDELL. Of the steel bridges that we have constructed, one end rests on Government property and one on the highway.

Mr. CARTER of Oklahoma. Not on Government property, but on Indian property.

Mr. MONDELL. One end is on Government property. What is the difference, it is carried in the Indian bill? In some cases the title is in the Government rather than in the Indians.

Mr. CARTER of Oklahoma. Here is a case where the property belongs to the Government.

Mr. MONDELL. That is the difference between tweedledum and tweedledee. I am not criticizing that item; there are other items in this bill, that the gentleman knows as well as I do, where one end only of the bridge is on a reservation, and while they provide for reimbursement they are not all certain to be reimbursed because the conditions are such that the provision for reimbursement is certain to lead to reimbursement.

Mr. CARTER of Oklahoma. I do not know that.

Mr. MONDELL. The gentleman has a fair notion of them. I am not criticizing anything in the bill.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MONDELL. I ask for two minutes more.

Mr. CARTER of Oklahoma. Reserving the right to object, the gentleman has consumed eight minutes with nothing before the House, and we ought to make some progress on the bill.

Mr. MONDELL. I agree with the gentleman that we should make progress, but I have taken up but very little time.

Mr. CARTER of Oklahoma. I want to expedite the bill.

Mr. MONDELL. I am delighted that my friend has at last reached the point where he wants to expedite the bill, because I agree with him in that. I simply want to emphasize the fact that while the action of the committee in these cases in the bill and those provided for in other bills have, in my opinion, been justified, there are many other cases where a similar request might have been made with an equal basis of reason and reasonableness.

The Clerk read as follows:

That the act of May 29, 1908 (35 Stat. L., p. 460), and the act of February 14, 1913 (37 Stat. L., p. 675), are hereby amended so as to authorize the Secretary of the Interior, in his discretion, and in such manner and under such rules and regulations as he may prescribe, to make per capita distributions to the Standing Rock Indians from the funds, principal and interest, accruing under said acts.

Mr. MADDEN. Mr. Chairman, I make a point of order against the paragraph, and I wish to ask the gentleman in charge of the bill why it is thought necessary to insert this new legislation at this time?

Mr. CARTER of Oklahoma. Mr. Chairman, that was done at the suggestion of the commissioner, which he tells us was in deference to a request made by the Indians of the Standing Rock Indian Reservation.

Mr. MADDEN. What special reason did he give for granting authority to the Secretary of the Interior, "in his discretion, and in such manner and under such rules and regulations as he may prescribe, to make per capita distributions to the Standing Rock Indians from the funds, principal and interest, accruing under said act," which are enumerated in this section of the bill? It seems to me, Mr. Chairman, that we ought to have specific information as to why the Secretary of the Interior should be authorized to make such distributions as he proposes in this section of the bill, and without such specific information we ought to go slow in acting. I would like very much to hear the chairman of the committee, or some member of the committee who is familiar with the details of this important section, elucidate the necessity and the importance of such sweeping legislation. This is certainly new legislation and ought not to be on the bill. The authority is broad and sweeping and indefinite and ought not to be granted to any executive officer of the Government without full information in possession of the Members of the House who are asked to grant the authority. How do we know what he is going to do? It is proposed here to authorize him to make regulations which in effect will be laws, and we simply grant blanket authority to do something about which we know nothing, merely upon the recommendation of the Secretary of the Interior, who does not condescend to place at our disposal the information upon which he bases his request. I rather incline to the belief that before we are called upon to act in an important matter of this sort the fullest information should be in our possession. There can be no good reason why we should not authorize

specific distribution rather than to permit some individual, though the Secretary of the Interior he may be, to make regulations to satisfy himself under which he can make distributions to these Indians. I do not know how much the particular Indians referred to have to their credit in the Treasury of the United States; neither does anybody else, I assume, unless it be the chairman of the committee and the members of the committee.

The CHAIRMAN. Does the gentleman make the point of order against the paragraph?

Mr. MADDEN. I reserve the point of order for the purpose of trying to elicit information from the members of the Indian Affairs Committee, who have doubtless given this matter careful and elaborate consideration. I reserve the point of order.

Mr. CARTER of Oklahoma. That is the longest question I ever heard, and I would be glad to reply to the gentleman if he is through.

Mr. MADDEN. I was not asking a question, I was offering a criticism.

Mr. CARTER of Oklahoma. If the gentleman will refer to the hearings, on page 252 he will find that the amount of money these Indians have to their credit is $812,646, and the Commissioner of Indian Affairs offers in justification of this the following:

The Indians on this reservation have shown a marked increase in their industrial activities during the past year, and it is believed that this is the most opportune time to assist them in their endeavors along this line. There is no authority of law at this time for making per capita payments to these Indians from their tribal funds. The proposed legislation will permit payments to be made from time to time under proper regulations.

Mr. MADDEN. It does not seem to me that that is any information at all.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. Mr. Chairman, I feel constrained to make the point of order against the item.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

OKLAHOMA.

SEC. 16. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, including pay of employees, $5,000.

Mr. CAMPBELL of Kansas. Mr. Chairman, I wish some gentleman from Oklahoma would tell us just what is done with $5,000, whether or not it is for the support and civilization of the Wichitas and affiliated bands or the benefit of some white employee down there? I am serious about this.

Mr. CARTER of Oklahoma rose.

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Oklahoma?

Mr. CAMPBELL of Kansas. Yes; to any gentleman.

Mr. CARTER of Oklahoma. I do not want to take up any of the gentleman's time. When he gets through with his question I will be glad to answer it.

Mr. CAMPBELL of Kansas. I just want some explanation of this, if anybody can explain it.

The CHAIRMAN. To hasten the consideration of the bill the Chair suggests that some gentleman from Oklahoma give the gentleman the information.

Mr. CARTER of Oklahoma. If the gentleman is asking me for information, I will tell him that it is expended as these moneys are usually expended at the different agencies throughout the country, mostly, I assume; for employees. It will be expended as the money has always been expended in the past, for employees at the agencies.

Mr. CAMPBELL of Kansas. Does the gentleman from Oklahoma contend that that makes it right?

Mr. CARTER of Oklahoma. Let me answer the gentleman's question. It is appropriated for the purpose of being spent for employees, and not to be given to the Indians or distributed among them. It is for the purpose of paying agency employees who are presumed to look after the welfare of Uncle Sam's wards and not for annuities.

Mr. CAMPBELL of Kansas. Let me ask the gentleman from Oklahoma in what way it supports the Wichita and affiliated tribes?

Mr. CARTER of Oklahoma. In the way it does at every other agency.

Mr. CAMPBELL of Kansas. I wish the gentleman would give the House some idea as to the way in which it supports Indians in other agencies.

Mr. CARTER of Oklahoma. The gentleman has been a Member of the House and of the Indian Committee longer than I have and he knows full well how it is done.

Mr. CAMPBELL of Kansas. I wish the gentleman would tell us.

Mr. CARTER of Oklahoma. I would prefer to have the gentleman from Kansas do it.

Mr. FERRIS. Mr. Chairman, of course, the gentleman from Kansas knows that this item has not been changed since I have been in Congress.

Mr. CAMPBELL of Kansas. That is what I am complaining about. It has long whiskers on it.

Mr. FERRIS. Mr. Chairman, let me explain to the gentleman what I know about it, which may or may not satisfy him. There are about 1,100 Indians—and, by the way, there is a delegation here in town now, two Caddo and two Wichita—for whom this appropriation is made. This item provides for an Indian farmer, an Indian doctor, and some Indian matrons to help them with the leasing of their land. They have allotments, but little or no money—that is, the Wichita and Caddo Indians—and they are here now with a claim contending the Government took from them a portion of their land, all but the allotments, and gave it to the Kiowa and Comanches. The gentleman from Kansas knows about that——

Mr. CAMPBELL of Kansas. Yes.

Mr. FERRIS. So there is no claim, I understand, that any of this money is paid to them, but it is given to the clerks who give their service to them. The service seems perfectly necessary for these full-blood Indians. I am not in favor of any supervision for Indians that are practically white.

Mr. CAMPBELL of Kansas. It is put down there in cold type as being appropriated for the "support and civilization" of these Indians.

Mr. FERRIS. Well, I think all that is true, but the gentleman knows we carry that old language clear through the bill, and I really hope some time the gentleman from Kansas and the gentleman from Oklahoma [Mr. CARTER] will write this language so it will tell exactly what occurs.

Mr. CAMPBELL of Kansas. Let me ask this: Does the gentleman from Oklahoma [Mr. FERRIS], in whose district I think these Indians are——

Mr. FERRIS. Yes.

Mr. CAMPBELL of Kansas. And where the agency is located, think these people earn the $5,000 that is given to them?

Mr. FERRIS. Let me tell the gentleman what I know about that. Of course, this agency does not cost anything except the $5,000.

Mr. CAMPBELL of Kansas. Do they earn the $5,000?

Mr. FERRIS. I suppose they earn it as other employees do. This is a large agency. I think the officers there are faithful and honest. I think they work hard and earn their money. Some of them are underpaid.

Mr. CAMPBELL of Kansas. Is it worth the $5,000 to the Indians?

Mr. FERRIS. These are full-blooded Indians, as the gentleman from Kansas knows, and there is scarcely any mixed blood at all among them. Now, it takes $30,000 to run this entire Kiowa Agency, which is not a large sum, because this is one of the largest agencies in the United States from the standpoint of the Indians. There are 4,100 Indians under this agency, and this $5,000 comes out of the Treasury, and the other $25,000 comes from the Kiowas' and Comanches' funds. There is not an agency in the United States where as much administration is carried on, possibly, as here. Now, the gentleman from Kansas and myself are not in disagreement on this general theory of too much administration generally for Indians, but these are mostly full bloods. The gentleman knows my views about it, for I have always thought, as a general proposition, there was too much administration rather than too little. It makes weaklings and dependents out of them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, I wish to take a few minutes on this matter.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I will.

Mr. FESS. I notice in the bill wording that would suggest a difference in meaning, and I am anxious to know what the meaning is. It says "for support and civilization." That runs through many paragraphs. Then, in line 24, it says "for support and education." I notice that differentiation all through the bill. Will the gentleman kindly explain?

Mr. CAMPBELL of Kansas. Where there is a school they use the word "education." Where there is no school they use the word "civilization."

Mr. FESS. Well, that would explain it if that is really what it is.

Mr. CAMPBELL of Kansas. I think that is the explanation. Now, as a matter of fact, the difficulty in abolishing these agencies, that are as useless as the fifth wheel to a wagon at this day and age, in ninety-nine cases out of a hundred—and I make that statement on the responsibility of a man who has studied the Indian question, visited these Indian agencies, and knows something about Indian matters—is that the people of Kansas are perfectly willing to have them abolished in Oklahoma and the people in Oklahoma are perfectly willing to have them abolished in Kansas. The trouble about it is when it comes to the abolishing of an agency in Oklahoma, where a friend of some Member of the Oklahoma delegation is the agent, there is a sort of easing over. The same is true when the agency is located in Kansas, in New Mexico, or anywhere else. I will say to my colleagues that the time has arrived to sacrifice our friends in these agencies, eliminate them from the public service in the interest of the Indians, and in the interest of good conscience and the Public Treasury.

Mr. FERRIS. Mr. Chairman, just a word or two and I will not take up over a minute. The gentleman from Kansas [Mr. CAMPBELL] tells the truth in his statement, as he always does, but I am perfectly frank in having the RECORD show the facts; there is not in my district to-day a single man, woman, or child in the Indian Service who owes his appointment to me. There is not a man in my district who has been appointed by Cato Sells on my recommendation—not one. That may be a very anomalous record, but it is the truth. Nevertheless, these people who are holding these offices are the same people who have been holding them ever since I have been in Congress and long before. We transfer them in the spring from Dakota to Oklahoma and in the fall from Oklahoma back to Dakota, and they are civil-service appointees and to my credit or discredit, as the case may be, there has not been any appointment made for me on my recommendation or very few that I was even in agreement with.

So far as any political consideration is concerned, I hope the gentleman from Kansas [Mr. CAMPBELL] will relieve me from that.

Mr. CAMPBELL of Kansas. I did not intend to make any impression on the House that these are political appointees. They are not. And I will say this, that they are absolutely useless to any man in public life as political friends. If others have been favored, they are certainly holding out on me, for I have none.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

I want to discuss a matter relating to this bill, although it is not in this paragraph any more than in any other paragraph. I notice there is a lump-sum appropriation carried in this bill of $150,000 to suppress the alcoholic liquor traffic among the Indians. I assume also that a part of the money that is spent in the civilization and education of Indians is for the purpose, as far as possible, of keeping them away from demoralizing influences of that kind. But at any rate we are spending $150,000 flat, paying some Government employees for suppressing the liquor traffic among the Indians.

Now, the fact of the matter is, I believe, that the liquor traffic among the Indians is largely carried on by bootleggers and other persons who are selling liquor illegally; that is, they are selling it in violation of the law of the State or community in which they are operating. That certainly must be true in the State of Oklahoma. And yet the United States itself is collecting a tax or revenue from those very bootleggers and illegal sellers of liquor.

That matter has been presented to the Commissioner of Internal Revenue under various administrations. I have presented it under two different administrations myself. The attitude taken by the Commissioner of Internal Revenue is that the Federal liquor tax is not a license, that the Government just simply collects revenue from a man who admits he is in the business or wants to engage in it, and it does not authorize him to violate any State law. Now, technically that is true, and yet the Federal Government license is looked upon as a protection against prosecution in the Federal court. A Federal court prosecution is the only prosecution that a bootlegger is much in fear of. Now, the Federal Government through its Commissioner of Internal Revenue has agents out locating these bootleggers all the time, and whenever they locate one he simply pays $25 and gets off. He takes his chances until he is caught, and then he pays a tax of $25 and escapes prosecution. Thus the traffic continues among the Indians. In the cities now where soldiers are beginning to congregate, and where they pass through frequently, there are a large number of bootleggers, disreputable hotels, rooming houses, whisky drug stores, and other establishments of that kind where they sell whisky to the man in uniform; or, at least, they make no distinction.

Mr. FERRIS. Will the gentleman yield?

Mr. BORLAND. In just a minute. I want to develop this idea. The police authorities of the cities are supposed to keep the cities safe for the soldiers.

A man who pays $500 to the city of Kansas City and another $500 to the county and State of Missouri, making $1,000 for his liquor license, is not going to put himself in jeopardy by disobeying the police regulations of Kansas City. But here is a multitude of blind tigers and rooming houses and druggists engaged in selling liquor. I have a statement here that shows that the Government has issued 1,225 Government liquor licenses in Kansas City. The authorized number of places to sell liquor in Kansas City is 469, but the Government is collecting revenue from 1,225. Yet we are spending $150,000 a year to try to suppress the illegal traffic among the Indians. We are also maintaining an expensive bureau to keep liquor away from the soldiers. The way to suppress it is to have the Government quit being a partner in that iniquitous business. That is the only way to suppress it and the only way in which it will ever be suppressed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

That the third paragraph of section 4 of the act of June 28, 1906 (34 Stat. L., p. 539), is hereby amended to provide that the moneys therein provided for support for Osage schools may be used for the purposes as provided in said paragraph for a further period ending June 30, 1922: *Provided*, That after June 30, 1918, said moneys may be expended solely for the payment of the superintendent, teachers, and for maintenance of the grounds and buildings; and that the support of each pupil attending said school shall be paid by the Secretary of the Interior out of any annuities, interest, lease rentals, royalties, or any trust funds due said pupil, not exceeding the sum of $300 annually: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $20,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma, for the support and education of 75 pupils at the St. Louis Mission Boarding School, near Pawhuska, Okla., and 100 pupils at the Osage Indian School at Pawhuska, Okla., including pay of superintendent, to be immediately available.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I rise largely to inquire as to the reason for limiting this appropriation as provided in the last paragraph of the proviso to certain schools, as indicated therein. What is the necessity for that authorization?

Mr. CARTER of Oklahoma. I will yield to the gentleman from Oklahoma [Mr. CHANDLER].

Mr. CHANDLER of Oklahoma. I will state for the gentleman's benefit that there has been a contract in regard to the St. Louis Mission Boarding School to take care of 75 pupils, and that was limited to that school on account of said contract. Now, as to the Osage Indian School at Pawhuska, that is a school that has been maintained heretofore by the Osage Tribe of Indians. It was maintained for years before statehood by that tribe of Indians, and in order to thoroughly understand it it will be necessary to go back to the time of the Osage allotment act, in which the Osage Indians agreed to divide up their land and money; and as that was before statehood, the Indians desired their school to continue for a period until after statehood, and they provided that this Osage Indian School should continue for 10 years, or until 1916. In 1916, by act of Congress, you extended it for two years longer, or until January 1, 1918.

Now, for some reason the Interior Department desires it continued for 13 years longer. The Indians do not want it, except a few of the full-blood Indians, or a few of the Indians that desire that the remainder of the tribe take care of their children. And after a conference with a number of the members of the tribe we reached an agreement or understanding with them that if the tribe as a whole would take care of this school and pay the superintendent and teachers and maintain the grounds and buildings—and provision was made that each child should pay for its own support—that they had no objections to its being continued for a short time longer; and, based upon that, we put this paragraph in the bill.

Mr. STAFFORD. As I understand from the gentleman's statement, authority to utilize the Osage Indian trust funds expired on January 1 of this year?

Mr. CHANDLER of Oklahoma. Yes, sir.

Mr. STAFFORD. Does this authorization in language provide for the utilization of this fund for the period between January 1, 1918, and the time that this bill is approved?

Mr. CHANDLER of Oklahoma. Yes, sir.

Mr. STAFFORD. Wherein is there any language that authorizes the utilization of that fund? The language says—and it may be ambiguous—

is hereby amended to provide that the moneys therein provided for the support of Osage schools may be used for the purposes as provided in said paragraph for a further period ending June 30, 1922.

Of course this law will be construed to take effect from the date of its approval. Where is there an authorization to pay for the schooling out of this appropriation——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. Where is the authorization to provide for the payment of these pupils out of this trust fund from January 1, 1918, when the prior authorization terminated, until the time this bill will take effect?

Mr. CHANDLER of Oklahoma. I will state for the gentleman's benefit that the last proviso in the paragraph appropriates $20,000, to be immediately available, and that was placed in there for the purpose of taking care of the school from the 1st of January, this year.

Mr. STAFFORD. As I understand it, that merely provides for two schools. This authorization that the gentleman seeks to have extended until June 30, 1922, applies to the utilization of this fund for other schools.

Mr. CHANDLER of Oklahoma. No; it does not. It applies only to the Osage Indian school. That is the only school that the old law provided for.

Mr. HASTINGS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HASTINGS. I suggest the insertion of these words: After the word "period," in line 4, page 39, the words "from January 1, 1918, and ending June 30, 1922." That would lead back to January 1 of this year.

Mr. STAFFORD. That is the amendment I was going to offer in case my position was confirmed by the gentleman from Oklahoma.

Mr. CHANDLER of Oklahoma. I have no objection.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order and offer the following amendment: After the word "period," in line 4, page 39, insert the words "beginning January 1, 1918, and."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 39, line 4, after the word "period," insert "beginning January 1, 1918, and."

Mr. STAFFORD. So that it will read——

The Clerk read as follows:

So that it will read: "as provided in said paragraph for a further period beginning January 1, 1918, and ending June 30, 1922."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

That paragraph 4, section 4, of the Osage act approved June 28, 1906 (34 Stat. L., p. 539), and the act of Congress approved April 18, 1912 (37 Stat. L., p. 88), authorizing expenditures from Osage tribal funds of not exceeding $40,000 for agency and emergency purposes, is hereby amended to read as follows:

"Fourth. That such sums as may be annually appropriated by Congress shall be set aside and reserved from the royalties received from oil, gas, or other tribal mineral rights or other tribal funds, however arising, for agency purposes, which money when appropriated shall be paid out from time to time upon the requisition of the Osage tribal council with the approval of the Secretary of the Interior: *Provided*, That the provision in the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1898, and for other purposes,' approved June 7, 1897 (30 Stat L., p. 90), limiting the amount of money to be expended for salaries of regular employees at any one agency shall not hereafter apply to the Osage Agency."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I think this deserves some explanation on the part of the committee, as it changes existing law and may involve a very important provision of the law.

Mr. CHANDLER of Oklahoma. Mr. Chairman, for the benefit of the gentleman I will state——

Mr. STAFFORD. Before the gentleman proceeds, will he inform the committee whether this was recommended by the department?

Mr. CHANDLER of Oklahoma. It was not.

Mr. STAFFORD. Then there is nothing in the hearings relative to it?

Mr. CHANDLER of Oklahoma. No.

Mr. STAFFORD. Then it certainly deserves an explanation.

Mr. CHANDLER of Oklahoma. This is a case where the department has been transferring funds from one fund to another, paying employees and others out of funds belonging to the Osage Tribe of Indians. The Osages are opposed to the procedure and ask that the amounts be separated and that the department be required to furnish statements covering all their expenditures.

Now, heretofore there has been a continuous appropriation of $40,000 to run the agency. They have used that $40,000 and at times used sums from other funds belonging to the Osage Tribe of Indians. We have changed this law so that they can not expend any funds whatever until they are appropriated by Congress. We provide that they shall be appropriated annually and that they can not be expended until they are appropriated. The new law is practically the same as the old law, with the exception of these words that are added to the old law: "That such sums as may be annually appropriated by Congress," and then, on line 11, "when appropriated." These words are not included in the old law.

Now, the old law has, I say, a continuous appropriation of $40,000. We have left that out and kept the law exactly as the old law is with that exception. It simply cuts out the continuous appropriation and provides that the Congress shall supervise all appropriations made heretofore in regard to running the Osage Agency.

Mr. STAFFORD. If the gentleman will permit an inquiry, as I understand it, under existing law, the amount that is limited for use for such purposes is $40,000?

Mr. CHANDLER of Oklahoma. Yes, sir.

Mr. STAFFORD. Now, you seek by this amendment to lift that restricted amount and allow this fund to be utilized to any extent that Congress may appropriate?

Mr. CHANDLER of Oklahoma. Yes.

Mr. STAFFORD. What is the justification for that?

Mr. HASTINGS. You mean to say that it allows any amount that Congress appropriates?

Mr. CHANDLER of Oklahoma. That is what I intended to state.

Mr. HASTINGS. It means the amount annually appropriated by Congress?

Mr. CHANDLER of Oklahoma. Yes.

Mr. HASTINGS. And it brings the amount back to Congress each year—the amount that is appropriated and the amount that is necessary to be appropriated?

Mr. CHANDLER of Oklahoma. Yes.

Mr. STAFFORD. In other words, under existing law any amount can be used in addition to the amount named in the annual appropriation?

Mr. CHANDLER of Oklahoma. Yes.

Mr. HASTINGS. As I understand it, there was used for administrative purpose $48,000, including $8,000 out of the school fund. Is that right?

Mr. CHANDLER of Oklahoma. Yes; $48,000, including $8,000 out of the school fund.

Mr. HASTINGS. The purpose of this amendment is to limit the amount of these funds to the annual appropriation made by Congress?

Mr. CHANDLER of Oklahoma. Yes.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. STAFFORD. I ask unanimous consent, Mr. Chairman, to proceed for five minutes more.

Mr. WILLIAMS. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. STAFFORD. Therefore, Mr. Chairman, I am compelled on this important item to make the point of order.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. STAFFORD. Yes; I insist. There is nothing in the hearings about this matter, and there is nothing recommended by the department. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read:

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, not to exceed the sum of $60,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Osage Tribe of Indians in Oklahoma, for the support of the Osage Agency and pay of employees of said agency.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. CARTER of Oklahoma. What was the paragraph against which the last point of order was made?

The CHAIRMAN. Beginning at line 24, on page 39, and ending at line 23, on page 40.

Mr. CARTER of Oklahoma. I ask unanimous consent that we may return to that item and discuss it for five minutes, in order to dispose of the matter and perhaps satisfy the gentleman from Wisconsin.

The CHAIRMAN. Does the gentleman from Oklahoma ask unanimous consent that the point of order be withdrawn?

Mr. STAFFORD. Oh, no; with the point of order still pending.

The CHAIRMAN. The Chair sustained the point of order, as far as that is concerned.

Mr. CARTER of Oklahoma. The gentleman has knocked it out on his point of order. Now, I ask unanimous consent that we may return to the paragraph which has been stricken out, for five minutes' discussion, to see if we can satisfy the gentleman from Wisconsin [Mr. STAFFORD] and get him to withdraw his point of order.

Mr. WALSH. Reserving the right to object——

Mr. CAMPBELL of Kansas. And, coupled with that, that the Chair withdraw his decision and that the point of order be pending.

The CHAIRMAN. That request was not made before. The Chair was going to call attention to that. The gentleman from Oklahoma asks unanimous consent that the proceedings sustaining the point of order made by the gentleman from Wisconsin be vacated and that we return to the paragraph beginning on line 24, page 39, and ending in line 23, page 40, for the purpose of five minutes' discussion. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. Here is a paragraph that has not been recommended by the department. There is nothing in the hearings relating to it. I am seeking information as to the need for this amendment—whether it protects the Indians or whether it will not protect them.

Mr. CARTER of Oklahoma. I yield to the gentleman from Oklahoma [Mr. CHANDLER] to reply to the question.

Mr. CHANDLER of Oklahoma. The purpose of this clause is to protect the Indians, so that the Interior Department shall make a report to them each year as to how these funds are spent and what becomes of them. Heretofore it has been unnecessary for the department to make a report of any kind, and they have gone ahead and spent not only these funds but school funds for agency purposes. The members of the Osage Tribe are not incompetent Indians by any means, and they would like to know what becomes of their money. This places a check upon the Interior Department and compels them to furnish a statement of these expenditures each year.

Mr. STAFFORD. How much money has been expended in former years out of this fund in excess of $40,000?

Mr. CHANDLER of Oklahoma. Practically every year there has been an expenditure of anywhere from $5,000 to $15,000 above the $40,000.

Mr. McKENZIE. Will the gentleman yield right there?

Mr. STAFFORD. Yes.

Mr. McKENZIE. Is not one of the purposes of this proposed amendment to prevent the diverting of money from one fund belonging to the Indians to another fund——

Mr. CHANDLER of Oklahoma. Exactly.

Mr. McKENZIE. Without the authorization of Congress permitting that diversion?

Mr. CHANDLER of Oklahoma. Exactly.

Mr. McKENZIE. And in that way it is a protection to the Indians; and the fact that the Interior Department did not recommend it is perhaps due to the fact that it was not called to their attention.

Mr. STAFFORD. I am not casting any reflection on it because the department did not recommend it, but the fact remains that there is nothing in the hearings on this item to justify it or that refers to it, and it devolves upon some one to make an inquiry to see whether it is warranted under existing facts.

Mr. CARTER of Oklahoma. The fact is that here is an amount of money that was to have been used for schools, and part of it has been diverted for agency purposes. The principal purpose which this item will serve will be to make a division of those matters and present information to Congress, so that it can a little more intelligently appropriate the money in the future.

Mr. HASTINGS. Each year.

Mr. STAFFORD. On the explanation made I withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order, and the Clerk will read.

Mr. STAFFORD. I also withdraw the reservation of the point of order on the paragraph at the top of page 41, because, as I understand, that is allied to the matter that has been agreed to.

The CHAIRMAN. The gentleman also withdraws the point of order reserved against the paragraph beginning with line 1 and ending with line 6, on page 41, and the Clerk will read.

The Clerk read as follows:

FIVE CIVILIZED TRIBES.

SEC. 17. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $185,000: *Provided*, That a report shall be made to Congress by the Superintendent for the Five Civilized Tribes, Oklahoma, showing in detail the expenditure of all moneys appropriated by this provision.

Mr. KNUTSON. Mr. Chairman, I should like to ask the chairman of the committee a question, if I may.

Mr. CARTER of Oklahoma. Certainly.

Mr. KNUTSON. In line 10 it is provided—

That a report shall be made to Congress by the Superintendent for the Five Civilized Tribes, Oklahoma, showing in detail the expenditure of all moneys appropriated by this provision

Why is not that same safeguard thrown around other appropriations made for other States? I want to say to the gentleman that we have been trying for years to get a detailed statement from the Indian Department of moneys expended belonging to the Chippewa Indians, and we have not been able to do it. Now, why has not this provision been inserted in other appropriations?

Mr. CARTER of Oklahoma. Perhaps the gentleman who preceded the gentleman from Minnesota was not as zealous as the gentleman has been. That is the only explanation I can give of that.

Mr. HASTINGS. That provision ought to be inserted.

Mr. CARTER of Oklahoma. I think the gentleman has a provision in the bill now which will get the result he wants.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury, or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $200 per capita, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs, as provided herein, shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed $8,000 out of the Choctaw and Chickasaw tribal funds for the expenses and the compensation of all necessary employees for the distribution of the said per capita payments.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, for the purpose of obtaining a little information. My memory is pretty good, but I wish to inquire whether this item is the one that in years immediately gone has been provocative of serious attacks from certain Representatives from Mississippi?

Mr. CARTER of Oklahoma. This is the one.

Mr. STAFFORD. Has there been some entente cordiale entered into between the gentlemen from Oklahoma and the gentleman from Mississippi whereby this item will no longer be contested?

Mr. CARTER of Oklahoma. The gentleman's suspicions are entirely unfounded, so far as I am concerned. The gentleman from Mississippi [Mr. HARRISON] last year announced that he knew when he was licked and that his fight was over. He made an attempt yesterday to get an appropriation out of the Federal Treasury of $150,000 in the bill, to which I made a point of order, as the gentleman from Wisconsin knows, and that ought to show pretty clearly my position on the matter. If there had been any such agreement as the gentleman speaks of the point of order would not have been made by me yesterday.

Mr. STAFFORD. I am glad to have the open statement of the gentleman that he will resist the claim for further aid for the Choctaws of Mississippi, either out of the trust funds of the Indians in Oklahoma or the larger trust funds in the Treasury of the United States.

Mr. CARTER of Oklahoma. I think my position on that question is pretty well known.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Creek Tribe of Indians of Oklahoma entitled under existing law to share in the funds of said tribe, or to their lawful heirs, all moneys except $50,000 belonging to said tribe in the hands of the United States Treasurer, or deposited in any bank, or held by an official under the jurisdiction of the Secretary of the Interior on June 30, 1918, the payment to be made in such a way as to equalize the pro rata share received by each member of said tribe, either in land or money of the tribe, taking into consideration the value of the land heretofore allotted and the money received by each member: *Provided*, That said payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That in cases where such enrolled members or their heirs are Indians belonging to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs, as provided herein, shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act: *Provided further*, That the Secretary of the Interior is hereby authorized to use not to exceed $5,000 out of said moneys for the payment of salaries of all necessary employees and other expenses for the disbursement of said moneys, as herein provided.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. Is this the item where it purposes to distribute all the funds remaining in the Treasury to the credit of the Creek Tribe?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. Why is the $50,000 reserved?

Mr. CARTER of Oklahoma. To pay the tribal chiefs and the tribal attorney and such officials as are necessary to continue the Creek Tribe of government until the matters are wound up. The gentleman from Oklahoma [Mr. HASTINGS] is familiar with that.

Mr. HASTINGS. Mr. Chairman, the Creek Tribe has a chief and certain officials that are continued, and it also has a national attorney. This amendment was submitted to the Commissioner of Indian Affairs, who approved it, as the hearings will show, and it was submitted to the national attorney of the Creek Tribe, who approved it. So it has been approved by the Creek Tribe and by the Commissioner of Indian Affairs, both as to the amount and the language. I consulted the national attorney for the Creek Tribe, as well as the Commissioner of Indian Affairs, as to the amount necessary to be reserved, and the amount of $50,000 was reserved on the suggestion made by the Creek national attorney.

Mr. STAFFORD. How much is there involved here?

Mr. HASTINGS. About $2,145,000.

Mr. STAFFORD. That is to be divided up among how many?

Mr. HASTINGS. There are 18,774 enrolled Creeks. It is not divided equally; it equalizes their allotment. It is to be divided, for equalizing purposes, according to existing law, and it is owing to how much an allottee heretofore received. Some were allotted more land than others, and it is according to the amount of land that the allottee in the Creek Tribe received. For instance, the maximum amount, or the basis of the allotment, was $1,040. The maximum amount that anyone could receive in land or money would be $1,040. If he received in land $1,040, he would not receive any money at all until the other members of the tribe had received that amount, either in land or money or both. Suppose an allottee received $760 in money or land; he would receive the difference between that and the amount he is entitled to receive. In other words, this money is to be used to equalize the allotments of the Creeks to an amount so that, as far as it can, it will equalize them and treat them all alike. If the Creek funds are insufficient to equalize all to $1,040, they are to be used to equalize them to an equal amount.

Mr. STAFFORD. Some will receive larger payments than others?

Mr. HASTINGS. Yes.

Mr. STAFFORD. But no one in excess of $1,040, the original allotment?

Mr. HASTINGS. No.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. How long does the gentleman estimate will be necessary to wind up the affairs of the Creek Nation under this provision?

Mr. HASTINGS. I am trying to do everything I can to get them wound up as quickly as possible. The land is all sold except a few town lots, and some of them occupied by squatters, and these are in litigation. They ought to be wound up in two years.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

The sum of $275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations and the Quapaw Agency in Oklahoma, during the fiscal year ending June 30, 1919: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. NORTON. Mr. Chairman, I would like to inquire of the gentleman from Oklahoma when it may be expected that the time will be reached when it will not be necessary for the Government to make this appropriation of $275,000 to aid the public schools of Oklahoma.

Mr. CARTER of Oklahoma. Mr. Chairman, that appropriation was put in the Indian appropriation act in 1904, before I came to Congress.

Mr. NORTON. It has been paid, then, for the last 14 years.

Mr. CARTER of Oklahoma. No; it has not. If the gentleman will permit me to proceed, I will give him the information I have. It was placed in the bill in 1904, as I recollect, the amount being $300,000. It was placed in the bill when the east side of our State was a Territory. We had no taxable land and no method by which to operate the schools for white persons. When the statehood act passed, all lands on the east side of the State were nontaxable. There was not one dollar of taxable property outside of some little towns, and they were small because they were Indian lands. So the appropriation was continued for one year after statehood, and then there was passed an act on May 27, 1908, making certain lands taxable. After that it was thought that enough lands would be taxable to furnish a fund to operate the schools, but the Indians brought suit on the constitutionality of the act, and in the case of Choate against Trapp in the Supreme Court of the United States it was decided that none of these lands were taxable so long as the title remained in the original allottee. So that makes practically the entire east side of the State, where my friend has been, embraced by nontaxable land. Land, as the gentleman knows, is the principal asset for taxation in any country. These lands are becoming taxable, and if they do become taxable this appropriation can be dispensed with.

Mr. NORTON. What is the assessed value of the State of Oklahoma?

Mr. CARTER of Oklahoma. I can not give the gentleman the information. In some parts of the country it is very great and in some very small.

Mr. NORTON. With its present population, as I recall it, it has about the same per capita assessed valuation as the average Western State. It occurs to me that the time has about been reached when there is no real justice in making this appropriation. There are vast properties in the eastern part of Oklahoma to-day that are subject to taxation, including enormous oil and gas interests. Some of these lands of which the gentleman from Oklahoma [Mr. CARTER] speaks are now owned by others than the original allottees and are taxable and constitute the most valuable properties in the State.

Mr. CARTER of Oklahoma. None of this money is used in that part of the State where taxation will support public schools. In the counties of Carter, Le Flore, McCurtain, and Bryan, and some counties up in the district of my friend from Oklahoma [Mr. HASTINGS], you will find that some of them have very little taxable property. Where the oil properties exist there is considerable taxable value, not the oil land itself, because in some cases they themselves are nontaxable, the title still being in the original allottee. But in other counties there is very little taxable property. If the gentleman had gone with me, as did the gentleman from California [Mr. ELSTON], and the gentleman from South Dakota [Mr. GANDY], he would have seen the difference in that part of the State, but the gentleman from North Dakota was called to another section, which is the wealthy part of the State.

Mr. NORTON. Yes; I did not observe any great poverty or distress in the sections of the State where I visited last spring. I did not observe any need for any appropriation of this kind. It seemed strange to me that the Representatives from Oklahoma should be so opposed to any legislation providing for the use of Indian funds for the education of Indian children, when they are so willing to accept a gratuity of this large sum of $275,000 from the Federal Government for the same purpose. I observed on page 40 of the bill that, under the item for the school at Pawhuska, in the Osage Nation, where the Indians have vast sums of money to their credit, where their incomes run up to about $4,000 per capita each year, the gentlemen from Oklahoma had incorporated legislation greatly limiting the expenditure of that money for school purposes. Perhaps a part of this $275,000 will be used in educating some of the children of the Osage Nation instead of using the funds of the tribe to educate them.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I will state for the benefit of the gentleman that the entire amount appropriated, on pages 39 and 40, is paid out of the Osage trust funds, and no portion of the $275,000 goes up to that part of the country. In fact, that portion of the country does not want any of it.

Mr. NORTON. I am glad to hear from the gentleman that no part of this is used in that section of the State. It had occurred to me that it would be well to maintain that school up

at Pawhuska, as it has been maintained in the past out of Indian funds. I shall not be greatly surprised if in future years the delegation from Oklahoma are found requesting from Congress appropriations out of the Public Treasury to maintain that school.

Mr. CHANDLER of Oklahoma. I will state for the benefit of the gentleman, that as long as I am in Congress we will not ask for any funds to maintain the Osage Indian school or any other Indian school up in that part of the country, and so far as the Osage Indians are concerned, they would like to see the school discontinued, as they are paying taxes now on 497 acres of land, each man, woman, and child, and in addition to that they are paying taxes on a lot of inherited lands and they have a fine public-school system that they are maintaining by taxation in that county.

Mr. NORTON. In view of the promise the gentleman has made, I sincerely trust he remains in Congress for many, many years. I heard the Osage Indians testify in this matter at Pawhuska last spring, and from that testimony I was impressed by the fact that practically every one of the full-blood Osage Indians desired to have this school continued. There were a few renegade whites and some mixed-blood Osage Indians who desired to have the school discontinued. These were the only class of people at all interested in the school that I found who wanted the school discontinued.

The CHAIRMAN. The time of the gentleman from North Dakota has expired, and the Clerk will read.

The Clerk read as follows:

For the salaries and expenses of not to exceed three oil and gas inspectors and necessary clerks and field assistants, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted and tribal lands in the State of Oklahoma from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $15,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I have examined the hearings to try to find some testimony as to the reason why the committee reduced the department's estimate of six oil and gas inspectors to three, and I find no examination in the hearings by the members of the committee. The only thing that is included is the formal report of the department justifying the continuance of these six oil inspectors. What was the reason the committee took this drastic action in reducing the force by half without the recommendation of the department?

Mr. CARTER of Oklahoma. Mr. Chairman, the gentleman from Oklahoma [Mr. CHANDLER] furnished the committee some information on which the committee thought it was justified in making this reduction. He furnished the committee the information as to what these gentlemen did, and after taking that into consideration we thought that a less number of men might be able to do with less money. If the gentleman from Oklahoma [Mr. CHANDLER] desires to make a statement, I gladly yield to him.

Mr. SNYDER. Mr. Chairman, if the gentleman from Wisconsin will permit, I will say there was an investigation made about this matter, but we did not have the commissioner before us at the time. We were unable to find that any of these men were doing any actual service and upon further talk in the committee it was determined that we ought to leave them a certain number; that there must be some work for some of them to do, although no committeeman had any real knowledge that any one of these inspectors was doing any actual work.

Mr. STAFFORD. Then, as I understand the gentleman's position, it is that there was sufficient testimony presented by the members upon which you could safely eliminate three?

Mr. SNYDER. My own wish was to strike them all out, because I could not find that any of them was doing anything for the benefit of the service.

Mr. STAFFORD. I want to compliment the committee on eliminating some Indian force that they thought was needless, and I hope next year they will be able to eliminate all of this supplementary force that apparently does nothing in addition to the work of the State officers except to draw their salaries.

Mr. CARTER of Oklahoma. We eliminated a school which the gentleman helped to put back in the bill.

Mr. STAFFORD. The gentleman is mistaken as to my having assisted to restore any such item. I withdraw the pro forma amendment.

Mr. CARTER of Oklahoma. Mr. Chairman, I ask unanimous consent that we may turn now to page 59 of the bill, to the paragraph beginning at line 7, in order that the gentleman from Washington [Mr. JOHNSON] may make a short statement in respect to it, as he is compelled to leave town on account of important business.

The CHAIRMAN (Mr. LEVER). The gentleman from Oklahoma asks unanimous consent to turn to the portion indicated on page 59 of the bill and to read that section. Is there objection?

There was no objection.

The Clerk read as follows:

For the construction of a road across Point Grenville on the Quinault Indian Reservation, Wash., $22,500, to be immediately available and to be reimbursed from any funds now or hereafter placed in the Treasury to the credit of the Quinlault Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid.

Mr. JOHNSON of Washington. Mr. Chairman and gentlemen of the committee, I desire to thank the chairman and others for giving me permission to make this statement at this time. This item which would authorize the Indians to commence the construction of a road with money with which they expect to repay the Government in a short time is of most supreme importance. The Government is calling on the people of western Washington for many times as much spruce as can be furnished. Spruce timber has now reached the price in the forest, in the tree, of about $7.50 a thousand feet, board measure. Not all of these spruce trees in this great Indian forest can be utilized for aeroplane stock. About one large tree in every six is available. These trees are to be cut out by hand. The road is then necessary to find some way to get it to tidewater or to transcontinental railroad terminals. This is to provide money for a portion of such road. The War Department has offered to go in at once and commence the construction of a road with this money. Rived spruce, hand hewn, of the right kind is selling right now at $90 a thousand feet, no piece measuring smaller than 6 by 8 inches, with the heart cut out, and in addition to the price of $90 a thousand feet a bonus of $40 a thousand feet is being paid up to the 31st day of January. After that time the bonus is $30 a thousand feet, so there is now the greatest incentive for small cruiser men, including new crews, to go into this great forest and find these large spruce trees and get them out to assist the Government in its great necessity for spruce that will make aeroplane stock. I have many indorsements here of this item not only from the War Department but from the Indian Office and the Interior Department, and I hope the point of order will not be raised.

Mr. STAFFORD. Will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. STAFFORD. Is it purposed to build this railroad from a definite point to another part of the reservation?

Mr. JOHNSON of Washington. The paragraph says "for the construction of a road across Point Grenville," and I should like right there to amend that by striking out, in line 7, after the word "road," the words "across Point Grenville."

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 59, line 7, after the word "road," strike out the words "across Point Grenville."

Mr. STAFFORD. Mr. Chairman, will the gentleman yield in that particular?

Mr. JOHNSON of Washington. I will.

Mr. STAFFORD. It is not the purpose at all to increase the appropriation to be required for building this road. As I understand, it is only to give the department a larger leeway, so that they may build a road to the military road——

Mr. JOHNSON of Washington. Yes; and I have a letter here from the Indian Department suggesting that those words might be too tight a limitation when the engineers have found where was the best place to locate the road.

The question was taken, and the amendment was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to sell at a price to be fixed by him, which shall not be less than the appraised value, to the State of Oklahoma for a game preserve lands of the Choctaw and Chickasaw Tribes of Indians in Oklahoma described as sections 1, 2, 11, 12, 13, 14, 23, 24, 25, and 26, township 3 south, range 25 east, and sections 5, 6, 7, 8, 17, 18, 19, 20, 29, and 30, township 3 south, range 26 east, containing in all 12,800 acres, more or less: *Provided*, That any lands heretofore allotted and conveyed to allottees of the Choctaw and Chickasaw Tribes of Indians, or sold at sales heretofore held to purchasers of tracts of land within said area thus described shall be excepted from such sale.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, is it the intention to establish a game preserve similar to that established more or less on paper in the State of Kansas?

Mr. CARTER of Oklahoma. I do not know anything about the game preserve in Kansas, but this is for the purpose of buying some mountain land there from the Choctaw Nation at not less than its appraised value, the price to be fixed by the

Secretary, the State to purchase it and administer it as a State game preserve.

Mr. STAFFORD. Has any action been taken by the State?

Mr. CARTER of Oklahoma. Yes; the State has appropriated a fund for the purpose.

Mr. STAFFORD. And it is going to be an established institution?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. To be maintained hereafter without expense to the Federal Government?

Mr. CARTER of Oklahoma. The State has already appropriated the fund for the purchase of this game preserve.

Mr. STAFFORD. And there will be no further charge upon the National Treasury if this preserve is established?

Mr. CARTER of Oklahoma. The only tax we will make on the Federal Government is to ask the gentleman to come down and take a look at a deer occasionally.

Mr. STAFFORD. We have plenty of deer in northern Wisconsin, which I had the pleasure of seeing last October and November; quite an attraction.

The Clerk read as follows:

That all claims against the Cherokee Nation, including claims to unpaid per capita and equalization money, which may now be paid under existing law out of the funds of the Cherokee Nation in the Treasury of the United States or otherwise in the hands of the Government, shall be filed, not later than one year from the date of the approval of this act, with the superintendent for the Five Civilized Tribes or such other person as the Secretary of the Interior may designate, and under such rules and regulations as said Secretary of the Interior may prescribe to govern the filing, determining and settlement of said claims, and the claims so submitted and filed shall be considered and adjudicated under said rules and regulations not later than six months after the expiration of the time above limited for the filing of the claims, and shall, if approved by the Secretary of the Interior, be paid out of the tribal funds of the Cherokee Nation. Upon the expiration of the time limited in this act claims against the Cherokee Nation shall be forever barred, and all of said tribal funds then remaining to the credit of the Cherokee Nation shall be expended under the direction of the Secretary of the Interior for building and furnishing an additional dormitory for the Cherokee Orphan Training School, near Tahlequah, Okla.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. What is the purpose of placing a limitation upon the presentation of claims upon the funds of the Cherokee Nation as provided in this paragraph?

Mr. HASTINGS. Let me say to the gentleman that the affairs of the Cherokee Tribe of Indians are completely wound up. There were 41,824 on the roll. Certain equalization payments have been made and certain small per capita payments have been made to the enrolled members of the tribe. The last three payments were fifteen, twelve, and three-thirty, respectively. The rolls were made as of date of September 1, 1902, some 15 or 16 years ago. About one-third of the enrolled members of the tribe are dead, so a great many of them did not apply in person for the small equalization balances. The allotments were made upon the basis of $325.60 each. A great many of them, for instance, took $325 in land, which left 60 cents due them.

It left 60 cents due the allottee. Later, it was provided by act of Congress that double the value of the land an allottee was deficient should be paid him in money, so that there might be only a few dollars due an allottee.

Now, as I said a few moments ago, some 10,000 or 15,000 of these allottees are dead. The heirs of a great many of them can not be found. They have removed from the State; others do not apply; so that there are those little driblets of money that are left to the credit of the tribe that are now authorized to be paid under existing law out of these funds. I will say that there is left about $71,000 of this money out of which these claims are to be paid.

Here is a letter from the Secretary of the Interior referring to this amendment, indorsing its language, and recommending that it be incorporated as an amendment to this bill. The idea of it is to have these claims presented and have them passed upon. They are all small; none of them of any consequence. It is just a question of determining who are the heirs. The books will show whether any small amount is due any allottee. There is no proof necessary upon that proposition at all. It is only a question, then, of determining the identity of the allottee or the heirs of that allottee. The last sentence of the proposed amendment is for the purpose of disposing of whatever little amount of money may remain. I will say that there is about $71,000 now, but, of course, a much smaller amount will remain when all claims are presented and paid. Perhaps $15,000 or $18,000 may be left. As I said, there are 41,824 of these Indians. So there would not be perhaps half a dollar to distribute to each member of the tribe—an amount insufficient to pay the cost of distribution.

Mr. STAFFORD. There can not be a question that there will be insufficient funds to meet all the claims?

Mr. HASTINGS. This amount is held for that purpose, and limitation within which all claims must be presented.

Mr. STAFFORD. It is virtually a residuum for prior allotment?

Mr. HASTINGS. Yes; and it completely winds up the affairs of this tribe of Indians, the largest in the United States.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman answer this question? Will there be any hardship, or can any possible hardship be done to any of these claims by a limitation of one year?

Mr. HASTINGS. None whatever. There is given a year after this bill passes within which to present any claim, and then a certain time is provided for the Secretary of the Interior to determine—I think six months thereafter.

Mr. STAFFORD. I assume there is not a claim, judging from the gentleman's statement, approximating $100?

Mr. HASTINGS. No. They are small claims. I think none will exceed that amount.

Mr. STAFFORD. I withdraw the point of order.

Mr. HASTINGS. Mr. Chairman, I would like permission to extend my remarks in the RECORD by inserting this letter from the Secretary of the Interior. It explains the amendment.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the letter referred to:

DEPARTMENT OF THE INTERIOR,
Washington, January 9, 1918.

Hon. W. W. HASTINGS,
House of Representatives.

DEAR MR. HASTINGS: I am in receipt of your letter of December 27, 1917, with which you submit an amendment which you state you intend to propose to the Committee on Indian Affairs of the House of Representatives to be added to the Indian appropriation bill, said intended amendment being one providing a limitation of time for the filing of claims against the Cherokee Nation, which may now be paid under existing law out of the tribal funds, and providing that the tribal funds remaining to the credit of the Cherokee Nation at the expiration of the time limited should be used for the benefit of the Cherokee Orphan Training School.

I have written Hon. C. D. CARTER, chairman of the Committee on Indian Affairs of the House of Representatives, recommending the enactment of legislation as set forth in your intended amendment. A copy of my letter of even date to Mr. CARTER concerning the matter is inclosed for your information.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

JANUARY 9, 1918.

Hon. C. D. CARTER,
Chairman Committee on Indian Affairs,
House of Representatives.

DEAR MR. CARTER: Reference is herein made to a letter of December 27, 1917, from Hon. W. W. HASTINGS to the Commissioner of Indian Affairs, concerning an amendment that he intends to propose to the Committee on Indian Affairs of the House of Representatives, to be added to the Indian appropriation bill, said intended amendment being one providing a limitation of time for the filing of claims against the Cherokee Nation which may now be paid under existing law out of the tribal funds, and providing that the tribal funds remaining to the credit of the Cherokee Nation at the expiration of the time limited shall be expended for building and furnishing an additional dormitory for the Cherokee Orphan Training School near Tahlequah, Okla. Copies of Mr. HASTINGS'S letter and intended amendment are inclosed.

I am advised that the books of the Indian Office show that on October 1, 1917, there were in the Treasury of the United States to the credit of the Cherokee Nation tribal funds aggregating $71,258.73. Paid funds have been held for the purpose of settlement of outstanding back per capita, equalization, and other payments heretofore authorized by law, and which remain due and unpaid to members of the Cherokee tribe or their heirs. A large number of said undistributed shares of the tribal fund remain unpaid because of the fact that the enrolled Cherokee citizens who were entitled to the distributive shares of said funds are dead and their heirs have not been or can not be ascertained or found. In connection with this matter, your attention is invited to my letter of May 7, 1917, to you concerning H. R. 351. The amendment intended to be proposed by Mr. HASTINGS to the Indian appropriation bill is along the line of the legislation suggested in my above-mentioned letter, but with the additional provision making an appropriation for the benefit of the Cherokee Orphan Training School of such funds as may remain to the credit of the tribe at the expiration of the time limited for the filing and settlement of outstanding claims.

In order that the tribal affairs of the Cherokee Nation may be finally closed, I believe that legislation as set forth in the intended amendment of Mr. HASTINGS should be had. I therefore recommend that such legislation be enacted.

Cordially, yours,

(Signed) FRANKLIN K. LANE, *Secretary.*

WASHINGTON, D. C., *December 27, 1917.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

MY DEAR COMMISSIONER: I am inclosing herewith an amendment that it is my purpose to propose to the Committee on Indian Affairs, to be added to the Indian appropriation bill. It provides for a limitation within which all claims shall be presented and paid from funds of the Cherokee Tribe.

It is in almost verbatim language with H. R. 351, upon which a favorable report was made, except that the tribal funds remaining to the credit of the nation, when all claims are adjudicated, shall be expended under the direction of the Secretary of the Interior for building and furnishing an additional dormitory for the Cherokee Orphan Training School, near Tahlequah, Okla.

This provision contemplates the adjudication and payment of all claims within 18 months after the enactment of this bill and the disposition of all moneys which may remain to the credit of the tribe.

I can think of no better purpose for which the money could be expended than the building of another dormitory. It is now badly needed at the school.

Sincerely, yours, (Signed) W. W. HASTINGS.

That all claims against the Cherokee Nation, including claims to unpaid per capita and equalization money, which may now be paid under existing law out of the funds of the Cherokee Nation in the Treasury of the United States, or otherwise in the hands of the Government, shall be filed not later than one year from the date of the approval of this act with the Superintendent for the Five Civilized Tribes, or such other person as the Secretary of the Interior may designate, and under such rules and regulations as said Secretary of the Interior may prescribe to govern the filing, determining, and settlement of said claims, and the claims so submitted and filed shall be considered and adjudicated under said rules and regulations not later than six months after the expiration of the time above limited for the filing of the claims, and shall, if approved by the Secretary of the Interior, be paid out of the tribal funds of the Cherokee Nation. Upon the expiration of the time limited in this act claims against the Cherokee Nation shall be forever barred, and all of said tribal funds then remaining to the credit of the Cherokee Nation shall be expended under the direction of the Secretary of the Interior for building and furnishing an additional dormitory for the Cherokee Orphan Training School, near Tahlequah, Okla.

The Clerk read as follows:

For the purpose of encouraging industry and self-support among the Klamath Tribe of Indians in Oregon, and to aid them in building homes, the culture of fruits, grain, and other crops, $200,000, or so much thereof as may be necessary, which sum may be used for the purchase of such animals, machinery, tools, implements, and other equipment necessary in the discretion of the Secretary of the Interior to enable the Klamath Indians to become self-supporting, to be reimbursed from the funds accruing to the credit of said tribes in the Treasury of the United States from the sale of timber and unallotted lands on the Klamath Reservation, under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I believe this is a new item in the bill that has not been heretofore carried.

Mr. CARTER of Oklahoma. If the gentleman will turn back to the industrial item in the bill, on page 14, he will see that that item was reduced from $400,000 to $100,000; and $200,000 of that was transferred to this reservation and made specific.

Mr. STAFFORD. Can the gentleman inform the committee about how much of that appropriation has been utilized in the past for this specific purpose on this Klamath Indian Reservation?

Mr. CARTER of Oklahoma. For the fiscal year ending June 30, 1917, there seems to have been——

Mr. STAFFORD. Can the gentleman from Oregon [Mr. SINNOTT] give me the information?

Mr. CARTER of Oklahoma. The gentleman from Oregon [Mr. SINNOTT] is not familiar with this general item.

Mr. STAFFORD. I meant no discourtesy to the chairman of the committee, but I thought the gentleman from Oregon could give information about the item.

Mr. CARTER of Oklahoma. The gentleman asked me about the general item.

Mr. STAFFORD. My question was as to how much of the $200,000 of the general item had been expended on the Klamath Reservation?

Mr. CARTER of Oklahoma. A small tribal herd has been purchased from the general fund.

Mr. SINNOTT. Mr. Chairman, I am unable to give the gentleman from Wisconsin [Mr. STAFFORD] perhaps the precise information he desires, although I have received information by letter from some of the Klamath Indians and some of the Indians who are here representing the tribe. They inform me that at the present time the Indians have about 4,000 head of stock running on the reservation. Now, I was at the Indian Department last week—I think on Monday or Tuesday—and I endeavored to secure information as to how much money has been heretofore expended on the Klamath Reservation for stock purposes and what becomes of the stock. I dictated my request to the secretary of the Assistant Commissioner, Mr. Meritt. The next day Mr. Meritt called me up on the phone and we talked over the matter, but they have failed for some reason to give me that information. I was very anxious to secure it. I had not the information as to the amount of stock on the reservation at the present time, and what they have done in the past toward advancing money for the Indians for live-stock purposes, and I have been unable to secure it, although I requested this information several days ago. But I hope the gentleman will not insist upon his point of order. The Klamath Reservation is situated in one of the very best stock sections in the State of Oregon.

Mr. STAFFORD. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. STAFFORD. Will the gentleman inform the committee as to the extent of the funds belonging to this Indian tribe?

Mr. SINNOTT. Well, their assets in timber are valued at something like $23,000,000. Recently the Indian Department made a sale of timber amounting to something over $1,000,000. The payments are to be made in 13 years, $50,000 next year, $75,000 the year after, and $75,000 the year after that. And there is no question about their ability to reimburse the Government for this advance.

Mr. STAFFORD. Now, as I understand, the representative of these Indians at the time the bill was under consideration in the committee wished an appropriation for this purpose, involving $2,000,000.

Mr. SINNOTT. They wish an appropriation of $1,000,000.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. If this appropriation was granted, or any additional appropriation was granted, it would mean that the funds would be furnished from the Treasury?

Mr. SINNOTT. The funds, in the first place, for a year or so, would come from the Treasury and it would be reimbursed from the sale of this timber. They have timber worth something like $23,000,000 on the reservation. I think much of the timber should have been sold long ago and applied to the purchase of teams and cattle for the Indians.

Mr. STAFFORD. What assurance can we have that if this appropriation is allowed to go through, the appropriation will not be increased for the coming fiscal year? Here this money is going to be drawn from the Treasury. The Indians want $2,000,000 to be appropriated out of the Treasury. True, they have assets in the way of standing timber, but that will not be sold for years to come.

Mr. CARTER of Oklahoma. The best guarantee for that that I can give is the continued presence of the gentleman from Wisconsin in Congress.

Mr. STAFFORD. I thank the gentleman. I think we can get further assurance that the sum will not be increased in the fact that the gentleman from Oklahoma will probably be a member of the conference that will confer with representatives of another body.

Mr. CARTER of Oklahoma. When the Assistant Commissioner of Indian Affairs, Mr. Meritt, was before our committee the following examination took place:

The CHAIRMAN. How much do you estimate is going to be necessary in this entire appropriation before we are through with it?

Mr. MERITT. In the entire appropriation bill?

The CHAIRMAN. No; I mean the entire amount running over a period of years. How long will it run?

Mr. MERITT. This is the only advance we will ask for these Indians.

The CHAIRMAN. For how many years will you ask an appropriation for them?

Mr. MERITT. For the Klamath Indians?

The CHAIRMAN. Yes.

Mr. MERITT. We will not ask for a further reimbursable appropriation. We will for a number of years require an agency appropriation——

The CHAIRMAN (interposing). I mean under this item here. Will this $200,000 end it, or will we be expected to appropriate $200,000 next year?

Mr. MERITT. No, sir; this will end it.

The CHAIRMAN. You will not want any more appropriations after getting this $200,000?

Mr. MERITT. No, sir.

The CHAIRMAN. With that you can make the farms self-sustaining?

Mr. MERITT. Yes, sir; including the proceeds from the sale of their timber.

That was the assurance that we received.

Mr. STAFFORD. Mr. Chairman, with the assurance that has just been read by the chairman of the committee, I will withdraw the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order.

Mr. SINNOTT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Oregon moves to strike out the last word.

Mr. SINNOTT. Mr. Chairman and gentlemen of the committee, in my opinion this sum of $200,000 is a wholly inadequate sum and it is far below the desires of these Indians. I realize that we are in war times now. I realize that there are a great many demands upon the Treasury of the United States. But here is a reservation in the very heart of the richest stock country in the West, containing over 1,000,000 acres, much of it arable land, and all good grazing land.

Not far from this reservation in Harney County there is a cattle ranch, a stock ranch of 150,000 acres. This reservation contains over a million acres of much better grazing land. The cattle ranch is called the "P ranch" from the cattle brand. On this ranch there are running from 18,000 to 30,000 head of cattle. Yet this reservation of over 1,000,000 acres has only 8,000 head of stock, 4,000 head belonging to the Indians and 4,000 head belonging to the white lessees.

This $23,000,000 worth of timber belongs to these Indians. The Government is the trustee or guardian of those Indians. It owes them some duty. There are a number of sawmills in that vicinity. There is a demand and ready market for this timber. Some of it should have been sold years ago. I have been through it. It is ripe timber and should be on the market to-day. The timber is full of spread tops and spike tops, showing that it has reached its perfection and is now on the decline. Think of it—only 4,000 head of stock belonging to the Indians on a million acres; 30,000 head of cattle upon a ranch of only 150,000 acres not many miles from there. That is a serious comment, showing that the management of this reservation is a travesty; not on the part of the present administration alone, because I do not blame the present administration any more than I blame the past administration. This reservation is capable of supporting at least 50,000 head of cattle. That is a very moderate estimate.

Many of these Indians on this reservation to-day are living from hand to mouth. They are digging the very roots in the ground; the bulbs and water lilies they dig in the swamps and grind into a flour and paste to make their bread. Individually and potentially they are worth $25,000 apiece—their assets amount to that sum—and yet many of them are in want. We had a representative of the tribe before the committee, an Indian named Harrison Brown, a prosperous Indian, a good stock raiser, who runs about 400 head of stock, and he told the committee that he had frequently to go down into his own pocket to assist the other members of the tribe, to furnish them with groceries and furnish them with food and clothing, so that they would have something to eat and be comfortable in the winter months.

And yet they have $23,000,000 worth of timber and a million acres in this reservation. Why, Mr. Chairman, it would pay this Government to go over to the P Ranch and hire Tom Allen, the manager, or to go to the Bell A Ranch and hire Bill Hanley or some of those men who have made a success in the stock business.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. SINNOTT. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. SINNOTT. It would pay the Government to go over to those stock ranches and employ these managers and pay them $25,000 a year and give them authority to conduct a reservation like this as their own ranches are conducted. If that were done, in 10 years every one of these Indians would be absolutely independent. They would be rolling in wealth in 20 years.

I know what that country is. It is one of the best stock countries in the United States, and any good manager, familiar with the stock business and given some authority, would soon have those Indians on their feet and make them absolutely independent, and not objects of charity, as some of them are to-day. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SOUTH DAKOTA.

SEC. 20. For support and education of 350 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $72,000; for general repairs and improvements, $8,000; in all, $80,000.

Mr. DILLON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DILLON: Page 52, line 5, after the semicolon, insert "for repairing damages caused by fire in industrial building, $4,500; for replacing and repairing equipment contained in industrial building, $2,000; the last two sums to be immediately available."

Mr. HAYDEN. I reserve a point of order on the amendment.

Mr. DILLON. Mr. Chairman, on November 24, 1917, a fire occurred in the industrial building at Flandreau. The building was destroyed and its contents were very much damaged. The damage to the industrial building is estimated at $4,500. The southwest corner of the building will have to be taken down and rebuilt. The balance of it can be repaired. It is estimated that the equipment that was in this industrial building can be replaced and repaired for $2,000. The industrial building contains 6 rooms—the blacksmith's department, the carpenter's department, the shoe and harness department, the tailoring department, the printing department, and the industrial-training department. The superintendent of this school presented a report to the Commissioner of Indian Affairs upon the day following the destruction of this building, but nothing was done with it by the commissioner at that time, and I recently obtained information that it was not included in this bill. Thereupon I went to the chairman of this committee. He suggested that it ought to be a deficiency item in the deficiency bill. I then went to the assistant commissioner and presented the matter to him. He conceded that it was a necessity; that the school would be put out of business unless it was included. I said to him that it had been suggested to me that it ought to be a deficiency item, and that it ought to come through the Treasury Department; but the commissioner said that was a long road to reach results, and that he was sure the chairman of this committee under the circumstances would make no point of order against this amendment. I secured from him a statement of these losses, which I now read, and in this statement he commends this amendment, as follows:

The industrial building at the Flandreau Indian School, S. Dak., was destroyed by fire on November 24, 1917. As far as known the fire was caused by the crossing of electric wires in the building.

The walls of the building are not seriously damaged except for about 40 feet on the southwest corner. This damaged place will have to be taken out and rebuilt and the building otherwise repaired.

The industrial departments of the school are badly handicapped and it is impossible to carry on the course of study along industrial lines under present conditions. Considerable personal property and equipment was destroyed, and it is estimated that $4,500 will be required to replace this building and $2,000 for replacing the equipment.

The usual repair and improvement fund will not be sufficient to replace the building and equip it. Therefore, in order to do this, it will be necessary to have a separate item for this particular purpose.

This school has about 365 students and is doing a great work under its efficient and capable superintendent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYDEN. Mr. Chairman, I reserved a point of order on the amendment, acting for the chairman of the committee; but after conferring with him and hearing the justification offered by the gentleman from South Dakota, I withdraw the point of order.

Mr. CARTER of Oklahoma. I should like to say that this school has been burned since the estimates were sent to Congress by the department, making it an emergency proposition. I shall be willing to withdraw the point of order, but I want to admonish the gentleman again, as I have told him before, that he would get his building much more quickly by presenting this matter to the Committee on Appropriations and letting them bring it in on a deficiency bill, because the chances are the usual thing will happen and this bill will not pass until July or August, perhaps too late to do the gentleman any good.

Mr. STAFFORD. Will the gentleman yield?

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. This morning we had a similar proposal in connection with the building of a bridge in New Mexico, to increase the authorized amount so they could go ahead with the construction. It was pointed out that the gentleman could get quicker action by having a deficiency appropriation on the deficiency appropriation bill.

Mr. CARTER of Oklahoma. Mr. Chairman, the necessity for a bridge and the necessity for a school building are two entirely different things. Here we have a case where the gentleman wants his school building at once, for the continuation of the school, and my only intention was to help the gentleman. Now, if a bridge proposition came up and I had the bill before me to protect all my rights I would try to put it in the bill then under consideration, just as the gentleman from New Mexico did, although he did not consult me with reference to his action. But if I had such an urgent, necessary proposition as the gentleman from North Dakota [Mr. DILLON] has I think I would prefer to have it in the deficiency bill, although I leave that entirely to the gentleman himself. It is a meritorious case.

Mr. DILLON. I will say to the gentleman that I went to the commissioner upon that very point, and he said to me that this was the best route. What would the gentleman do under those circumstances?

Mr. CARTER of Oklahoma. I would follow my own judgment about it. Administrative officers do not always know the best form of legislative procedure.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment offered by the gentleman from North Dakota [Mr. DILLON].

The amendment was agreed to.

Mr. DILLON. I ask unanimous consent to extend my remarks by inserting the letter of Mr. Peirce, the superintendent of this school.

The CHAIRMAN. The gentleman asks unanimous consent to insert in the RECORD the letter indicated. Is there objection?

There was no objection.

The letter is as follows:

FLANDREAU, S. DAK., *December 3, 1917.*

Honorable COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

DEAR SIR: Replying to your telegram of November 26, I have the honor to transmit the following report concerning the destruction of the shop building and contents thereof by fire on Saturday the 24 ultimo. I would say, first, that I was on my way home from Bismarck school with a party of pupils who were being transferred from that place, consequently the report is based upon the testimony of employees who were on the grounds at the time.

The building was a one-story brick structure, 170 by 30 feet, with a 36-foot ell at the south end, and was divided into six rooms, used by the blacksmith, carpenter, shoe and harness, tailor, printer, and manual-training departments. The blacksmith shop had nine forges, together with necessary anvils, tools, etc. The carpenter or woodworking shop had a swing cut-off saw, cross-cut saw, planer, band saw, and a combination woodworking machine, together with several workbenches and kits of tools.

The manual-training room was used more particularly for a classroom and bench work, and had no machinery except a small turning lathe. The harness shop was equipped with a sewing machine, nailer, and a 12-foot combination sewing and finishing machine, together with a full assortment of working tools. The tailor shop had eight sewing machines, seven of which were saved. In the printing department all equipment was saved.

In the blacksmithing department none of the forges or other equipment was damaged beyond some slight repair. In the carpenter shop the band-saw frame, planer, and cross-cut saw can be repaired with an expenditure of about $200. Other machinery there is a total loss. In the harness and shoe department the finishing machine and nailer can be repaired for approximately the same amount, as frames and shafts are not injured. As stated, other equipment except stoves in tailor and print shop were saved. There was, however, a large amount of minor equipment such as hand tools in all departments that are a total loss.

It appears that the fire was discovered about quarter past 12, while all employees and pupils were at dinner, and that it had doubtless been burning for some time, at least 15 or 20 minutes, as it was bursting through the roof when the first employees reached the building.

The shops were closed at 11.30, although Mr. Carr, manual-training teacher, was in his department as late as 11.45 and saw no evidence of fire. From the evidence of employees, as well as from the photographs inclosed, it is plainly evident that the fire must have started in the attic above the manual-training room.

In the attic was stored several dozen new chairs and several hundred feet of kiln-dried cedar, pine, basswood, gum, and oak lumber. The chairs were all wrapped with paper and cotton sacking, so that all of the contents of the attic was highly inflammable.

From the testimony of employees, I do not think that the fire started in either of the shops below the ceiling, but am inclined to believe that it originated in the attic over the manual training room, either from crossed electric wires or spontaneous combustion.

Carpenter boys had within a few days previous been storing some lumber there, and I am inclined to believe that some of the wiring became disarranged and crossed and finally started a blaze near some of the paper and cloth wrappings on the furniture. That the damage could have been confined to the south end of the building had there been the sufficient water pressure is the opinion of all who witnessed the fire. Lines of hose were promptly laid, but there was not enough water pressure to throw a stream of water to the eaves of the building.

The Flandreau fire department also responded and connection was made with the city system, but with little better result. Our water system is provided with a mechanical filter, located in the filter house at the base of the water tank. Ordinarily water is run through the filter into the distributing system. There is, however, a valve which when opened allows the full tank pressure to go into the distributing system, cutting out the filter. In case of fire it is the first duty of the engineer to open the pass valve. In this case Mr. Heckendorn, engineer, claims to have opened this valve as soon as the alarm of fire was given. To this statement I can hardly agree. Mr. Heckendorn may think that he opened this valve, but I can not believe that this was done.

On Monday afternoon following the fire I had a line of hose attached to the barn hydrant, the farthest away from the tank, and found no difficulty in throwing water high enough to cover the shop building. I also had the hose attached to a hydrant near the girls building and put water onto the roof of that building, the brick walls of which are about 28 feet from the ground. This was with about 12 feet of water in the tank and with the pass-by valve open.

I also made a similar demonstration a day later in the presence of Mr. W. H. Davis, the chief of the city fire department, who stated that had like pressure been available on the day of the fire when he arrived with his men and apparatus that at least half of the building might have been saved.

Various employees say that only the usual pressure was noticeable in the buildings on that afternoon, which would not have been the case had the filter been cut out of use and direct pressure put on the system.

Taking the statement of Mr. Davis and our own employees into consideration, I can not believe that the by-pass valve at the filter house was open; rather that it was closed, or at least partly so, and that the water from both our own tank and the one in town was going through the filter, giving no fire-pressure service, and on account of this condition all efforts to control the fire were a failure.

As to the loss, I have gone over the walls carefully with Mr. Carr and an expert brick builder and find that three-fourths of the walls can be used with slight repairs. In order to protect these broken places, I am now having them repaired, and will also put on new plates so that that part of the building now standing will not suffer deterioration this winter.

A close estimate of the cost for rebuilding the building as it stood is placed at about $4,500. The cost of repairing or replacing destroyed equipment will reach approximately $2,000, making a total loss of $6,500. The building was heated by stoves, but if it is to be rebuilt I would like to install steam heat. I have a boiler on hand that could be used, have considerable pipe, and as all labor would be performed by our own force, the cost would not exceed $1,200. This matter, however, will be the subject of future correspondence.

Trusting that the foregoing report will be the information desired, I am,

Respectfully, yours, CHARLES F. PEIRCE,
Superintendent.

The Clerk read as follows:

For support and education of 275 Indian pupils at the Indian school, Rapid City, S. Dak., including pay of superintendent, $57,000; for general repairs and improvements, $5,000; for irrigation, drainage, and improving school farm, to remain available until expended, $3,000; in all, $65,000.

Mr. GANDY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GANDY: Page 52, line 16, before the word "in," insert:

"Additional appropriation for new school building, $15,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment, for the purpose of allowing the gentleman to give information as to the need of this appropriation.

Mr. GANDY. Mr. Chairman, two years ago there was appropriated for a new school building at the Rapid City Indian School the sum of $30,000. At that time I had very grave doubts as to the ability of the Commissioner of Indian Affairs to have a building suitable for the needs of the school constructed for $30,000, and the records of the hearings before the Committee on Indian Affairs will bear me out in that statement. However, that amount was agreed upon. Plans for a suitable building were drawn, but the commissioner was never able to award the contract because of the fact that no bid was within the appropriation. In a letter under date of yesterday from the commissioner he states that the lowest bid at any time was $33,900, and my information on the subject is to the effect that the lowest acceptable bid was almost $37,000. Since that time materials having increased in value, it will be necessary to provide more money than the amount of the lowest acceptable bid received.

Mr. CAMPBELL of Kansas. I understand the amount that was appropriated on request of the gentleman from South Dakota was not enough under present prices for material and labor to enable a contractor to take a contract for the construction of the building?

Mr. GANDY. That is true; that is the situation exactly.

Mr. CAMPBELL of Kansas. And it will take some $10,000 or $15,000 more than is appropriated to construct the building?

Mr. GANDY. I want to say further that because of the crowded condition of the school building at this school it has been necessary to take out the seventh and eighth grades, because they were not able to handle them with the room they have there.

Mr. GANDY. Further, I want to call attention to the fact that there are 4,784 Indian children in school in South Dakota, while 5,668 are eligible for school, and the Government schools and mission schools combined have only a total capacity of 3,920, so that it is very necessary and very essential that the school facilities be increased.

Mr. STAFFORD. Will the gentleman yield?

Mr. GANDY. I will.

Mr. STAFFORD. I understand the purpose is to enlarge the original school building and to enlarge the plans of the original school building so as to provide for accommodations of the higher grades—seventh and eighth—now not accommodated in the building.

Mr. GANDY. The gentleman's idea is all right in one particular and erroneous in another. The present school building is a small four-room building. It is proposed to erect an eight-room building. The present kitchen and dining room at this school is in the boys' dormitory. The removal of that kitchen and dining room has been recommended by Indian Office inspectors and by health authorities for a long time. An appropriation was made a year ago for that work and for the remodeling of the present schoolhouse into a kitchen and dining room. But neither the remodeling of the boys' dormitory or the remodeling of the present inadequate school building can go ahead until the new school building is erected, and they have been tied up on that because the appropriation was insufficient.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. GANDY].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 21. That the Secretary of the Interior is hereby authorized, in his discretion, to withdraw from the Treasury of the United States the sum of $53,740, or so much thereof as may be necessary, of the tribal funds on deposit in the Treasury to the credit of the Confederated Bands of Ute Indians and to expend the same for the support and civilization of said Indians.

Mr. WELLING. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. WELLING: Page 54, strike out lines 11 to 17, inclusive, and insert the following:

"SEC. 21. For support and civilization of Confederated Bands of Utes: For pay of two carpenters, two millers, two farmers, and two blacksmiths (art. 15, treaty of Mar. 2, 1868), $6,720; for pay of two teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (art. 9, same treaty), $220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food and clothing, and farming equipment (art. 12, same treaty), $30,000; for pay of employees at the several Ute agencies, $15,000; in all, $53,740."

Mr. WELLING. Mr. Chairman, I very sincerely trust that the committee will accept the amendment I have offered. It restores to the bill the exact reading of the Indian appropriation bill of last year and contains the items that were furnished to the committee by the Commissioner of Indian Affairs. The hearings on this item will be found on page 334, and it will be shown there why the paragraph was changed by the committee. The amount of the item is in no way changed. I want to call the attention of the House to the fact that this paragraph—the entire amount—is now covered by a treaty with the confederated bands of the Indians. As a matter of fact, the Indian Committee itself in their report to the House, on page 5, refers to it as a treaty item. Since the committee recognize it as a treaty item, I can see no reason why this fund should be considered differently from every other treaty provision in the appropriation bill.

There is not a treaty provision in the bill, from the beginning to the end, considered as a treaty item heretofore, that has been changed from existing law until this item is reached in the bill. I think the gentlemen of the committee have made the change under a misapprehension, and I sincerely trust that they will be willing to accept the old reading of the law.

Mr. CARTER of Oklahoma. Mr. Chairman, the reason the committee made the change is that it is one of the treaty items that the committee thought could be dispensed with. Later on in the treaty you will find a provision that any time after 10 years from the making of the treaty the United States shall have the privilege of withholding the appropriation for the farmer, blacksmith, carpenter, millers, and so forth. On finding that we had that right to withdraw the farmers, and so forth, by this treaty at any time after 10 years, the Government thought it was better to place these Indians on their own responsibility with reference to their agency and let them pay their own way, as they do in several States of the Union.

Mr. WELLING. Mr. Chairman, in reply to what has been said by the gentleman, I want the House to refer specifically to the hearings on page 334. The gentleman from Oklahoma has read just exactly what he wanted to read from the treaty and omitted to read everything else. What the gentleman has read from the treaty in the first place only refers to one-seventh of the item of $53,000. In other words, the amount sought to be appropriated for blacksmiths, farmers, millers, and other help only amounts to about $8,500. In connection with the contention of the chairman of the committee, I am going to read the item:

At any time after 10 years from the making of this treaty the United States shall have the privilege of withdrawing the farmers, blacksmiths, carpenters, and millers herein.

This provision now costs the Government about $8,500. The treaty goes on to say:

But in case of such withdrawal an additional sum thereafter of $10,000 per annum shall be devoted to the education of said Indians.

Now, if the gentleman from Oklahoma is anxious to withdraw the item of $8,500 and leave it out of the bill, I am perfectly willing for him to do so, but I insist if that change is made that he conforms to this latter provision of the treaty and provide $10,000 for their education, as outlined in the treaty itself.

Mr. Chairman, much has been said during the progress of this debate about the present state of civilization in different Indian tribes, with special reference to the aid now being extended by the Government for the education of its wards. The Confederated Bands of Ute Indians are being greatly benefited by the work the Government is doing on this reservation. One of the largest irrigation projects in my State is rapidly nearing completion among these Indians, but the total cost of that project is being paid for by the Ute Indians themselves from funds now placed to their credit in the Treasury of the United States. The Government has not contributed a cent to this project, and it will never be asked to assist it in the future. There is hardly an Indian tribe in the Nation to-day that is drawing so little support from the Government as this Confederated Band of Ute Indians. It is a pleasure also in this connection to speak in the very highest terms of the intelligent work being now performed by the present Indian agent, Mr. Albert Kneal, in charge of this project, for the Government. As stated before, I think the committee was misled in this matter by reason of an erroneous interpretation of the plain terms of the treaty itself. I have no disposition to press the matter further if the committee will accept my amendment, and I ask my distinguished friend from Oklahoma to reconsider the action which the committee has taken.

Mr. CARTER of Oklahoma. Mr. Chairman, there may be some doubt as to the right of Congress to change the entire appropriation. I had hoped that placing this item in the bill as reported might bring us sufficient information to finally determine the matter, but that is evidently impossible. If I felt sure the committee would sustain our report, I might insist on the payment from tribal funds, but after our experience on similar items yesterday I hardly believe it good judgment to invite another encounter with the steam roller. So, with the permission of the gentleman from Arizona, I will withdraw the point of order, with the understanding that we look carefully into the item next session and, if we find it justified, make the items payable from tribal funds, report it to the House, and try to get its membership to stand by us.

Mr. HAYDEN. Mr. Chairman, I am in large measure responsible for this change in the bill. We took this action in the committee for the reason that it appears from the hearings that there is on deposit in the Treasury of the United States to the credit of the confederated bands of Ute Indians at the present time $3,617,763, being the balance of an appropriation made in satisfaction of a judgment against the Government obtained in the United States Court of Claims by these Indians. That money being in the Treasury to their credit, there appeared to be no good reason why they should not pay their own way out of their own funds, rather than to continue to receive assistance from the Treasury of the United States. The paragraph which the gentleman from Utah now seeks to reinsert in the bill refers to certain treaty obligations made long before the judgment to which I have referred was rendered by the Court of Claims. I have looked up that judgment, and I find that in calculating the amount due the Indians were charged with all gratuities of every kind made to them prior to 1908, but that all payments made to them under these treaties, the same items that the gentleman is now seeking to restore, were not counted against the Utes in the settlement at all. The court held:

We do not think, therefore, that the plaintiffs are properly chargeable with any payments made to them under and by reason of the treaties of 1863 and 1868.

So there may be some merit in the contention of the gentleman from Utah, enough at least to raise a reasonable doubt in my mind, and for that reason I am now going to support his amendment. Between now and next winter, when this same appropriation will again be requested, I am going to ascertain whether Congress has general authority to abrogate a treaty of this kind after due and proper notice. If it can be lawfully done, I propose to see that an end is made of these old treaties. There is no reason why Congress should continue to make appropriations, under treaty or otherwise, for the benefit of Indians who have large sums of money to their credit in the Treasury.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Utah.

The amendment was agreed to.

The Clerk read as follows:

For continuing construction and enlargement of the Wapato irrigation and drainage system, to make possible the utilization of the water supply provided by the act of August 1, 1914 (38th Stat. L., p. 604), for 40 acres of each Indian allotment under the Wapato irrigation project on the Yakima Indian Reservation, Washington, and such other water supply as may be available or obtainable for the irrigation of a total of 120,000 acres of allotted Indian lands on said reservation, $500,000 to be immediately available, and to remain available until expended: *Provided*, That the entire cost of said irrigation and drainage system shall be reimbursed to the United States under the conditions and terms of the act of May 18, 1916: *Provided further*, That out of the sum herein appropriated the Secretary of the Interior is hereby authorized to pay to Violetta Stone and W. D. Stone, husband and wife, the sum of $629.48 for lands purchased of them for use in connection with the construction of the diversion dam across the Yakima River, as provided for in the act of May 18, 1916 (39 Stat. L., p. 154), and the sum herein appropriated shall be available for the purchase of such other lands as may be required in connection with the construction of the aforesaid irrigation project.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order. I notice that last year there was $200,000 appropriated for this project, and at the time of the hearings the major portion of that was still unexpended, and yet the committee has increased the appropriation to $500,000.

Mr. HAYDEN. Mr. Chairman, there was some mistake in the data furnished to the committee at the time of the hearings. We later ascertained that as a matter of fact there was practically no unexpended balance. The chief irrigation engineer from the Indian Office appeared before us after the hearings were closed and explained the situation. In my opinion better use is being made of the money expended for irrigation under this project than any other Indian project in the Northwest. The Yakima Valley is very fertile, is being rapidly settled, and the lands are producing immense crops. There was a demand made upon the committee for a larger appropriation than we allowed, but we thought, to be conservative, and that it would be entirely proper at this time to increase the appropriation to $500,000, which sum will bring immediate results. The diversion dam has been completed, the main canals are partly done, and by continuing that work much land can be placed in crops this coming summer.

Mr. STAFFORD. How much land is now under cultivation on this project and how many additional acres will be made available as the result of this appropriation?

Mr. HAYDEN. Approximately 54,000 acres are now under cultivation, and there is an insistent demand by lessees for every acre that can possibly be put under irrigation. The demand is so great that within recent months a local committee of business men endeavored to procure an appropriation of $2,000,000 for the purpose of bringing the whole project under ditch at the earliest practicable moment. This tract probably offers the greatest possibilities by way of meeting the requirements of the present emergency for increased food production of any in the United States, when the factor of time is considered. The entire area of the project is 120,000 acres, with 54,000 acres under the ditch and in cultivation, which shows that the area of irrigable land is keeping close progress with the construction of the laterals to bring the water to the land.

Mr. STAFFORD. Another inquiry I desire to make is in respect to the payment of $620 to persons named Stone. What is the occasion for that claim being included in this appropriation bill?

Mr. HAYDEN. The justification for that is as follows:

The proviso covering the purchase of land of Violetta Stone and husband has been inserted in order to enable the office to pay these persons for land which it was necessary to procure in connection with the construction of the Wapato diversion dam, but for which no funds under our control were available to make payment.

The Reclamation Service used the land belonging to these people. It was necessary to take it. The diversion dam was constructed over their property, and we thought this small appropriation might be included in the bill to settle the account.

Mr. STAFFORD. Is there any danger that the inclusion of this item will be used as a warrant by another body for loading this bill with claims. If there is, I shall try to come to the relief of the committee now by making the point of order against the inclusion of this claim item.

Mr. HAYDEN. The rule of this committee is that we will not allow any claim to appear on the Indian bill either here or elsewhere unless it is for a less amount than $1,000 and in payment of a liability of the Government within a year or a year and a half. In other words, we do not consider the Indian appropriation bill a proper vehicle to secure the payment of old, stale claims.

Mr. STAFFORD. This is recommended in the estimates by the department?

Mr. HAYDEN. Yes.

Mr. STAFFORD. I notice here, in the last two lines of the paragraph, an authorization to purchase other land. Is it necessary to have specific authorization in an irrigation project to allow the department officials to purchase lands?

Mr. HAYDEN. That change in the law was requested by the Indian Office. The assistant commissioner stated that the reason why they could not pay Violetta Stone was because there was no authority of law to make the payment, the auditor having held up payment on that account. If the lands are needed for a project, they should be purchased and paid for as current expenses.

Mr. STAFFORD. In these other projects there has been no such authorization. I assume as to these other projects there is no necessity for acquiring additional land, and therefore they did not need the authorization?

Mr. HAYDEN. Under the reclamation law the Reclamation Service has authority to purchase or condemn land, but no such general authority has been given in connection with Indian irrigation projects. It is therefore necessary to grant such authority in this particular case.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order on the statement made.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to sell the lands and buildings comprising the former Wittenberg Indian School, Wittenberg, Wis., at not less than their appraised value, the money received from said sale to be deposited in the Treasury as miscellaneous receipts.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order. I wish to inquire as to the reason for this authorization to permit the sale of certain lands and buildings formerly used by the Wittenberg Indian School.

Mr. HAYDEN. Undoubtedly the gentleman has read in the hearings the justification for this item. The assistant commissioner said:

On account of the improved condition of the Indians in Wisconsin, from among whom the Wittenberg School draws its enrollment, and the increasing number of public schools, it was decided that the Wittenberg School was no longer required. Moreover, the plant has run down, and extensive repairs and improvements would be needed if it were continued. These were not considered justified in view of the conditions, and the school has been closed. Any pupils who are in need of Government aid in order to obtain an education will be cared for in one of the other Government schools in the State.

This item contemplates the sale of the school property which is no longer required for Government purposes. Reports on file made by the former superintendent place a value of $53,365 on the school lands and buildings, including water and sewer systems.

Mr. STAFFORD. Is there any other instance in this bill or in the administration of Indian affairs where an Indian school, no longer needed for the education of Indians, has been recommended for discontinuance?

Mr. HAYDEN. This is the only Indian school recommended for discontinuance by the Indian Service this year.

Mr. STAFFORD. I assume there are many other schools that could likewise be recommended which are no more needed than this school?

Mr. HAYDEN. The Assistant Commissioner of Indian Affairs stated there were two or three other Indian boarding schools in the United States which are now closed, and that in all probability next year the Indian Bureau would ask that the property be sold.

Mr. STAFFORD. I certainly hope that wish will be carried out. Mr. Chairman, I do not intend to raise the point of order on this item, even though it applies to a school in my own State.

The Clerk read as follows:

SEC. 25. That the Secretary of the Interior be, and he is hereby, authorized in his discretion to expend for the benefit of Indians, from their tribal funds held in trust or otherwise, not exceeding $2,500,000 during the fiscal year ending June 30, 1919, as provided by section 27 of the act of May 18, 1916 (39 Stat. L., p. 158), in addition to such sums as may be required for equalization of allotments, education of Indian children, per capita and other payments to Indians and expenditures for the Five Civilized Tribes in accordance with existing law: *Provided*, That expenditures shall not be made from any one fund for purposes other than those above specified in excess of the estimates submitted by the Secretary of the Interior and appearing in House of Representatives Document No. 499, Sixty-fifth Congress, second session: *And provided further*, That no expenditures shall be made from tribal or treaty funds which are not authorized by existing laws governing their disposition and use.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order. This, I believe, is a new item providing for the payment of two and a half million dollars out of the funds belonging to the Five Civilized Tribes to equalize allotments in the education of Indian children and the like. What is the warrant?

Mr. CARTER of Oklahoma. The gentleman refers to the two and a half million dollar appropriation?

Mr. STAFFORD. Yes.

Mr. CARTER of Oklahoma. The practice in the past with reference to the use of tribal funds has been to permit the department the use of them without very much supervision by Congress. As I stated a few days ago, a treaty would be made here and an agreement there and an act of Congress yonder, which authorized certain expenditures from tribal funds continuing year after year under the direction of the Secretary of the Interior without the necessity of appropriations by Congress, and without necessity in a great many instances of even reporting to Congress on the expenditures after they were made. This was the condition I found the funds of the Five Civilized Tribes in when I came to Congress, but in 1911 we proposed and had adopted an amendment to the Indian appropriation bill which prevented the expenditure of tribal funds without specific appropriation by Congress. That plan has worked so well in the conservation of these funds that the Indian Committee in 1916 incorporated a somewhat similar paragraph with reference to all other tribal funds. This provision permitted continuation of the practice then in vogue until the end of the present fiscal year, after which time the departments were prohibited from expending any tribal funds without specific appropriation by Congress, which would require bringing in of estimates just the same as with Treasury funds. This is the first bill reported under these requirements and the Commissioner of Indian Affairs instead of bringing an itemized statement simply asked

for a lump-sum appropriation of $2,500,000. This the Indian Committee refused to report, and finally the commissioner presented as his estimate of expenditures House Document No. 499, which sets out specifically the amounts that have been expended in the last fiscal year. You will note that this paragraph requires the expenditure of these funds in conformity with the estimates made in that document. The only purpose of this item is to require the same accounting, the same careful scrutinizing by Congress of tribal funds as is now required of the funds of the Federal Government.

Mr. STAFFORD. Then, as I understand the position of the committee, the expenditures as listed in the House document that were made last year meet with the full approval of the committee that they should be continued another year?

Mr. CARTER of Oklahoma. The committee decided that next year we would require the Indian Bureau to bring before the Indian Committee a detailed estimate for every dollar asked to be expended from tribal funds, just as they do now with Federal funds.

Mr. STAFFORD. How explicit are the expenditures as referred to in that House document?

Mr. CARTER of Oklahoma. The House document is included in the hearings beginning on page 394, and the gentleman will see it covers several pages and is quite in detail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. The committee, I assume, has examined those respective items of expenditures and have used those as a basis for making this authorization of $2,500,000?

Mr. CARTER of Oklahoma. Yes.

Mr. NORTON. Will the gentleman let me call his attention to this: The gentleman and the other Members of Congress desire to know what is expended by the Indian Bureau, and I stated at the beginning of the debate on the bill that I find it very difficult to ascertain that information myself.

Now, the gentleman has for a number of years, I know, watched very carefully the appropriations in this bill—the expenditures made by the Indian Bureau for the civilization and support of the Indians. I ask the gentleman to turn to the item under North Carolina, on page 34, and tell me what amount he has in mind under that item that has been expended for the Indians in North Carolina? Answering the question for the gentleman, he would naturally expect it was the items included in the bill. In addition to those items there was expended for support and civilization of the Indians in North Carolina $54,000.56, which is not contained in the Indian appropriation law for 1917, or it would not be contained under the items in the bill under North Carolina this year, but the $54,000 is included in this item of $2,500,000. And in years gone by no specific appropriation has been made, and there has been no specific account of it except in some obscure reports that the department has made.

Now, under North Dakota, take the appropriation made in the last Indian appropriation bill for the support of the Turtle Mountain Band of Chippewa Indians in North Dakota, and the appropriation provided in this bill is $13,000, and I think in the last Indian appropriation bill it was $10,000. I will tell the gentleman the exact amount.

Mr. STAFFORD. Eleven thousand dollars.

Mr. NORTON. Eleven thousand dollars. Now, there was expended for the fiscal year ending June 30, 1917, for the Turtle Mountain Band of Chippewa Indians, in addition to that appropriation, $18,406.52 for salaries of employees, including the irregular labor, and for their support $22,235.52. Those amounts having been secured by the Bureau of Indian Affairs from trust funds that they have under their charge.

Mr. STAFFORD. I recognize the value and the need of having these itemized and for detailed information, and I wish to commend the gentlemen of the committee for insisting upon the department giving detailed information to the committee of the expenditures of these large amounts, which no committee could scrutinize or ascertain without a formal presentation in the Book of Estimates.

Mr. SNYDER. I desire to inform the gentleman that in going over this particular $2,500,000 and the details of the same, the Assistant Commissioner agreed, upon our urgent request, that he would analyze and itemize every one of these items in this expenditure of $2,500,000 for us next year.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. STAFFORD. I withdraw the reservation.

The CHAIRMAN. The gentleman from Wisconsin withdraws the reservation, and the Clerk will read.

The Clerk read as follows:

SEC. 26. That the members of the Committee on Indian Affairs of the House of Representatives of the Sixty-fifth Congress, not less than five in number, are authorized to conduct hearings and investigate the conduct of the Indian Service at Washington, D. C., and elsewhere, and the sum of $15,000, or so much thereof as may be necessary, to be immediately available and remain available until expended, is hereby appropriated for expenses incident thereto. The said committee is hereby authorized and empowered to examine into the conduct and management of the Bureau of Indian Affairs and all its branches and agencies, their organization and administration, to examine all books, documents, and papers in the said Bureau of Indian Affairs, its branches or agencies, relating to the administration of the business of said bureau, and shall have, and is hereby granted, authority to subpœna witnesses, compel their attendance, administer oaths, and to demand any and all books, documents, and papers of whatever nature relating to the affairs of Indians as conducted by said bureau, its branches and agencies. Said committee is hereby authorized to employ such clerical and other assistance, including stenographers, as said committee may deem necessary in the proper prosecution of its work: *Provided*, That stenographers so employed shall not receive for their services exceeding $1 per printed page.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

I wish to inquire as to the need of that language which makes this appropriation immediately available and permits it to remain available until expended.

I assume the committee does not contemplate making any tour of inspection while Congress is in session, and I can not see any necessity for having this fund immediately available before the beginning of the next fiscal year.

Mr. CARTER of Oklahoma. The best investigation of Indian affairs that has been made for the past 10 years was during a session of Congress in 1913. After the House had finished its business and the business was largely in the hands of the Senate, about a two months' trip was made by a joint investigating committee, which in all probability saved this Government several millions of dollars.

Mr. STAFFORD. That was a peculiar condition that will not occur during the remainder of this fiscal year.

Mr. CARTER of Oklahoma. The gentleman asked a question, but will not let me finish.

Mr. STAFFORD. I will permit the gentleman not only to finish, but more than finish.

Mr. CARTER of Oklahoma. That was saved on one proposition alone. The committee investigated some 10 or 15 different reservations, as I recall. In two different places they had very unworthy officials of the Indian Bureau removed who would probably have cost the Government many thousands additional had they remained on the job. We have heard much during the discussion of this bill of other incompetent Indian officials. The gentleman from Kansas [Mr. CAMPBELL] has been giving us, day after day, statements of necessity for abolishing all Indian agencies, Indian schools, and many other activities of the Indian Bureau.

Now, I agree with the gentleman that all useless agencies should be abolished, but the only way that we can dispense with these things intelligently would be after obtaining information through a thorough investigation, and this would necessitate visits to the different reservations, which can not be done without enacting this item. If we have the time during the session of Congress, I can see no reason why the committee should not be permitted to make the investigation then as well as at any other time.

Mr. STAFFORD. The gentleman realizes the necessity of every Member being here and remaining here until adjournment?

Mr. CARTER of Oklahoma. I admit that.

Mr. STAFFORD. And there is no chance of our getting away before nearly the end, at least, of the present fiscal year?

Mr. CARTER of Oklahoma. There was a time last year when nearly all the Members of Congress left the city.

Mr. STAFFORD. There is no doubt but that we shall be in session during the remainder of the present fiscal year.

Mr. CARTER of Oklahoma. If it takes as long to pass the other appropriation bills as it has taken to pass this one, we shall probably be here long after the dog days.

Mr. STAFFORD. I think we have made as good progress with respect to this bill as is usually made.

Mr. CARTER of Oklahoma. No. In the case of prior bills we usually passed them in two days.

Mr. SNYDER. Mr. Chairman, I want to say as a member of the committee that I have spent a good deal of time in the subcommittee, and I do not think there is an item in this bill that can be expended to better effect and with better results to the Congress and to the Indians that this pending item, to have this money spent by the committee in investigating this question.

Mr. STAFFORD. I remember that when this matter was brought up heretofore, in prior bills, no point of order was made against it. I fully agree in the advisability of having a fund available for the committee to go around and inspect Indian affairs in the field, but I am only questioning the need of

having this money made available and remaining available until expended.

Mr. SNYDER. I will say to the gentleman that if the committee can not go on this tour the money can not be expended. Very little of the money was expended last year.

Mr. STAFFORD. I am not in favor of authorizing a lump-sum appropriation that will hang in the air all the time and permit Members of Congress to go away during the sessions of Congress. I am perfectly willing that they shall go away during the recess.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. Certainly.

Mr. ROBBINS. I would like to know whether this $15,000 is the maximum amount that will be expended under this authorization, or whether it is just a starter, allowing this committee to start and employ stenographers and journey around through the States?

Mr. CARTER of Oklahoma. The best evidence that I can give to the gentleman is the evidence afforded by the history of the past. Last year we appropriated $15,000 and expended a total of about $2,758.

Mr. ROBBINS. Was there much of an investigation made?

Mr. CARTER of Oklahoma. Not much of an investigation was made. As I recall, we were gone about two weeks on the trip.

Mr. STAFFORD. As I said, I am in favor of giving the committee a fund to go about when Congress is not in session, but I am not in favor of having the fund always available. I hope the gentleman will agree to strike out the words "to be immediately available and remain available until expended."

Mr. COX. Mr. Chairman, I make a point of order against the whole paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. WELLING. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Utah asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAYDEN. Mr. Chairman, the other day we passed over the paragraph on page 17, line 9, running over to and including line 3 on page 18. A point of order was reserved upon it.

The CHAIRMAN. What does the gentleman from Arizona say with reference to the point of order?

Mr. HAYDEN. I wish to say that I have conferred with the gentleman from Wisconsin [Mr. STAFFORD], who reserved the point of order, and we have agreed upon an amendment that I would like to offer as a substitute.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN as a substitute: Insert in lieu of the paragraph beginning on line 9, page 17:

"For continuing the construction of the pumping plant for irrigation purposes on the Colorado River Indian Reservation, Ariz., by the installation of additional pumping machinery, and for continuing the construction of necessary canals and laterals for the utilization of water in connection therewith, as provided in the act of April 4, 1910 (36 Stat. L., p. 273), and for maintaining and operating the pumping plant, canals, and structures, $20,000, reimbursable, as provided in said act; and for continuing the purpose of securing an appropriation of water for the irrigation of approximately 150,000 acres of land on said reservation by the conduct of surveys and the preparation of plans and estimates for a complete irrigation system to supply water to said land, $50,000, reimbursable from funds in the Treasury of the United States to the credit of the Indians of said reservation arising from the proceeds from the sale of town lots authorized by act of April 13, 1908 (35 Stat. L., p. 77); in all, $70,000."

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order to the item as it was included in the bill.

Moving to strike out the last word, I wish to inquire of the gentleman from Arizona [Mr. HAYDEN], from his knowledge of this project, how long it will take before the plans and surveys can be made?

Mr. HAYDEN. I doubt very much the possibility of making a satisfactory report under a year. Considerable work must be done to carry out this investigation in the proper way, and the Indian Service should not come back to Congress for more money without submitting carefully prepared plans and estimates. I do not think it possible to do anything further for a year in connection with this project.

Mr. STAFFORD. And the language as submitted in the amendment provides for the money to be taken out of trust funds of these Indians?

Mr. HAYDEN. Yes.

Mr. MADDEN. No; it does not. It provides for reimbursement out of the sale of town lots.

Mr. HAYDEN. The amendment provides for reimbursing the Government out of funds in the Treasury derived from the sale of town lots. The sum of $55,013.92 arising from the sale of town lots in the town of Parker, on this Indian reservation, is now on deposit in the Treasury. Lots in that town site were offered for sale in 1911, and many people purchased them with the understanding that the Colorado River Reservation was to be opened to settlement and development. As high as $1,000, $1,200, and $1,500 was paid for the more desirable lots. The town at one time had a population of about 1,000 people, but nothing has been done looking to the opening of the reservation, the town site has been almost abandoned, and the people who invested their money have lost it. If some private real estate company had advertised and sold lots in this manner, its officers would have been convicted of obtaining money under false pretenses in violation of the "blue-sky" law of Arizona.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona [Mr. HAYDEN].

The amendment was agreed to.

Mr. BROWNE. Mr. Chairman, I ask unanimous consent to extend by remarks in the RECORD.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Chairman, I want to offer a substitute for the paragraph beginning with line 10 and ending with line 19, on page 18.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report. Does the gentleman from Wisconsin withdraw his point of order?

Mr. STAFFORD. Let us hear the proposed amendment read.

Mr. HAYDEN. There was no point of order.

Mr. HASTINGS. No; the gentleman simply agreed to itemize the paragraph.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Strike out lines 10 to 19, inclusive, on page 18, and insert in lieu thereof the following:

"To enable the Secretary of the Interior to carry into effect the provisions of the sixth article of the treaty of June 1, 1868, between the United States and the Navajo Nation or Tribe of Indians, proclaimed August 12, 1868, whereby the United States agrees to provide school facilities for the children of the Navajo Tribe of Indians, $100,000; in enlarging the capacity of the San Juan boarding school and constructing a new day school at Tesuospos, in New Mexico; in converting the Lukachukai day school into a boarding school and increasing the capacity of the Tohatchi boarding school, in Arizona, or for any of the projects mentioned, in whole or in part, in case the sum appropriated should not be sufficient to complete them all."

Mr. MADDEN. I make a point of order against that amendment.

Mr. CARTER of Oklahoma. The item is not subject to a point of order.

The CHAIRMAN. The Chair has not seen the amendment. What is the point of order?

Mr. MADDEN. The point of order is that the gentleman is proposing to change the law.

The CHAIRMAN. That it is new legislation?

Mr. MADDEN. Yes; that it is legislation on an appropriation bill.

Mr. HAYDEN. If the gentleman will yield to me, I can explain the situation. The gentleman from Kansas [Mr. CAMPBELL] asked that specific mention be made of the schools in the Navajo country where the money contained in this item was to be expended during the next fiscal year. With a view of obtaining that information and placing it in the bill, I sent to the Indian Office and had the language prepared which specifically mentions four schools, although it still leaves a lump sum of $100,000 to be divided among them. The total amount appropriated is not changed and it still carries out the treaty with the Navajo Indians.

Mr. NORTON. The gentleman does not specify how much is to be used for each school.

Mr. HAYDEN. No; I received this explanation in regard to that from Mr. Meritt:

JANUARY 21, 1918.

Memorandum for Mr. HAYDEN:

Complying with our telephone conversation, there is being sent you herewith an item providing for education facilities for the Navajo Indian children. We have made this item as specific as possible with the information available. Because of the present unprecedented conditions it is impossible for us to give specific information in regard to the cost of construction, and if we should make the amount specific we could not expend it at any other place in the Navajo country, although, owing to local conditions, it might be found that it could be spent to better advantage and more economically at some other point.

E. B. M.

Now, we gain this much by the amendment that I have offered: We have four schools specifically named, and next year we will know what was expended at each school, instead of receiving

a general report. With that information we can then appropriate understandingly.

The CHAIRMAN. The point of order is sustained. Although the Chair has not been able to fully investigate it very closely, he is advised by the Parliamentary Clerk who has examined it. It leaves the bill exactly as it is now.

Mr. HAYDEN. If that is the case I have no objection. I was simply trying to improve the bill.

Mr. CARTER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

Mr. MADDEN. But, Mr. Chairman, we have not passed upon the paragraph. I make a point of order against the paragraph.

The CHAIRMAN. The point of order is overruled.

Mr. MADDEN. Mr. Chairman, I submit that the paragraph has not been acted upon even though the point of order is overruled.

The CHAIRMAN. The gentleman from Illinois was not here when the paragraph was read and passed without prejudice.

Mr. NORTON. Mr. Chairman, may I be heard on the paragraph? I move to strike out the last word. This paragraph provides an appropriation under certain treaty items. It further provides that the Secretary may expend said fund in his discretion in establishing or enlarging day or industrial schools. I wanted to call that to the attention of the chairman. It seems to me that it is clearly subject to a point of order, with all due deference to the ruling of the Chair. I think the Chair had not observed that provision.

The CHAIRMAN. The Chair will say that when this matter was passed over he had the Parliamentary Clerk investigate the question whether it was subject to a point of order. Without careful investigation on the part of the Chair he has followed the advice of the Parliamentary Clerk that it is not subject to a point of order and he so holds. The Chair makes that statement in view of the remarks of the gentleman from North Dakota. The question is on the motion of the gentleman from Oklahoma that the committee do now rise.

The motion was agreed to; accordingly, the committee rose, and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8696, the Indian appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment; if not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. CARTER of Oklahoma, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent that all those who have addressed the House on this bill may have the right to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that all who have spoken on the bill may have leave to extend their remarks in the RECORD. Is there objection?

Mr. WALSH. Reserving the right to object, did not the gentleman get that at the beginning of the general debate on this bill?

Mr. CARTER of Oklahoma. I believe the gentleman from Massachusetts is correct.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 6176. An act extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va.; and

H. R. 7697. An act to authorize the calling into the service of the United States the militia and other locally created armed forces in the Philippine Islands, and for other purposes.

HARRY GRAHAM.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1418) to authorize the President of the United States to appoint Harry Graham captain of Infantry.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for the present consideration of the bill S. 1418, which the Clerk will report.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I ask the gentleman from Kentucky to withdraw his request, as I wish to make some observations on the bill when it is presented.

Mr. FIELDS. Very well, Mr. Speaker; I withdraw the request.

LEAVE TO ADDRESS THE HOUSE.

Mr. FESS. Mr. Speaker, I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, I be permitted to address the House for 10 minutes on the dual monarchy, with special reference to the possibility of revolution.

The SPEAKER. To-morrow is Calendar Wednesday.

Mr. FESS. If that would shut out a request for unanimous consent, I make it for Thursday.

The SPEAKER. The gentleman from Ohio asks unanimous consent that on Thursday, after the reading of the Journal and the disposition of the business on the Speaker's table, he be allowed to address the House for 10 minutes. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 23, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a draft of proposed bill to define more clearly the authority of the Navy Department in the matter of ordering into active service retired officers of the Navy (H. Doc. No. 850); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Port Gamble Harbor, Wash. (H. Doc. No. 851); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Governor of the Federal Reserve Board, transmitting fourth annual report of the Federal Reserve Board, covering operations for the year 1917 (H. Doc. No. 852); to the Committee on Banking and Currency.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 3081) to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri, reported the same without amendment, accompanied by a report (No. 251), which said bill and report were referred to the House Calendar.

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, reported the same with amendment, accompanied by a report (No. 250), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SULZER: A bill (H. R. 9092) for the regulation and protection of the fisheries of the Territory of Alaska, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ASHBROOK: A bill (H. R. 9093) to amend the act approved September 8, 1916, chapter 470, Statutes at Large, Sixty-fourth Congress, relating to pensions; to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 9094) to amend section 1 of Title VIII of the act entitled "An act to punish acts of inter-

ference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917; to the Committee on the Judiciary.

By Mr. HAYES: A bill (H. R. 9095) to provide for the retirement of employees in the classified civil service, and for other benefits and purposes in connection therewith; to the Committee on Reform in the Civil Service.

By Mr. DENT (by request): A bill (H. R. 9096) to authorize the extension of a spur track or siding from the existing lines of railroad in the District of Columbia across First Street NE., between L and M Streets, to the buildings occupied by the field medical supply depot of the Army; to the Committee on the District of Columbia.

Also, a bill (H. R. 9097) to prescribe the personnel of the Army Nurse Corps, the qualifications for appointment and the method of appointment therein, the pay, allowances, and leave of absence of members of said corps, and the conditions under which they may be retired; to the Committee on Military Affairs.

Also, a bill (H. R. 9098) to suspend for the period of the present emergency sections 45, 46, and 56 of "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 9099) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885; to the Committee on Military Affairs.

Also, a bill (H. R. 9100) to authorize the Secretary of War to grant furloughs without pay and allowances to enlisted men of the Army of the United States, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 9101) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct; to the Committee on Military Affairs.

By Mr. TINKHAM: Resolution (H. Res. 230) providing for the making of the port of Boston a port of embarkation; to the Committee on Military Affairs.

By Mr. MASON: Resolution (H. Res. 231) providing for an investigation by the Committee on Agriculture of certain cereals, mineral oils, etc.; to the Committee on Rules.

By Mr. ROGERS: Resolution (H. Res. 232) calling upon the Postmaster General for certain information concerning the postal service between the United States and the American Expeditionary Force; to the Committee on the Post Office and Post Roads.

By Mr. VAN DYKE: Joint resolution (H. J. Res. 221) creating a national war slogan; to the Committee on the Judiciary.

By Mr. DENT (by request): Joint resolution (H. J. Res. 222) providing for the calling into immediate military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

By Mr. ROGERS: Joint resolution (H. J. Res. 223) providing for the calling into immediate military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

By Mr. DENT (by request): Joint resolution (H. J. Res. 224) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9102) granting an increase of pension to Charles Fish; to the Committee on Pensions.

By Mr. BARNHART: A bill (H. R. 9103) granting an increase of pension to Daniel W. Nye; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 9104) granting an increase of pension to Charles M. Cheyney; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 9105) granting an increase of pension to Francis E. Robb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9106) granting a pension to Lottie Baughman; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9107) granting an increase of pension to Mary Turner Clements; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 9108) for the relief of Michael Philbin; to the Committee on Naval Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 9109) granting an increase of pension to John W. Hunter; to the Committee on Invalid Pensions.

By Mr. COADY: A bill (H. R. 9110) for the relief of the Patterson Park Permanent Loan and Building Association, of Baltimore, Md.; to the Committee on Claims.

By Mr. COOPER of Ohio: A bill (H. R. 9111) to correct the military record of the late Irvin M. Kyle; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 9112) for the relief of W. J. Laffoon; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 9113) granting an increase of pension to Milton T. Monroe; to the Committee on Invalid Pensions.

By Mr. GEORGE W. FAIRCHILD: A bill (H. R. 9114) granting a pension to William F. Clapham; to the Committee on Pensions.

By Mr. FAIRFIELD: A bill (H. R. 9115) granting an increase of pension to Horace E. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9116) granting an increase of pension to Peter V. Gruesbeck; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 9117) granting an increase of pension to James Longmire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9118) granting a pension to Henry Minnett; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 9119) granting an increase of pension to Elijah W. Morgan; to the Committee on Pensions.

Also, a bill (H. R. 9120) for the relief of Lizzie Wilson; to the Committee on Claims.

By Mr. GREENE of Vermont: A bill (H. R. 9121) granting a pension to Harriet M. Green; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 9122) for the relief of Nathan L. Seamon; to the Committee on Public Lands.

By Mr. JACOWAY: A bill (H. R. 9123) for the relief of J. C. Hendricks, administrator of the estate of Samuel Houston, deceased; to the Committee on War Claims.

By Mr. JUUL: A bill (H. R. 9124) for the relief of Samuel Sandles; to the Committee on Claims.

By Mr. KEARNS: A bill (H. R. 9125) granting an increase of pension to William A. Aultman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9126) granting a pension to Elmer F. Malone; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9127) granting a pension to James Manning; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 9128) granting an increase of pension to Henry Price; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9129) granting a pension to Luella Harrah; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 9130) granting a pension to Mary C. Landress; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9131) granting an increase of pension to William W. Carson; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 9132) granting a pension to Ezra M. Sellers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9133) granting a pension to Benjamin H. Sellers; to the Committee on Invalid Pensions.

By Mr. PRATT: A bill (H. R. 9134) granting an increase of pension to Elias B. Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9135) granting an increase of pension to Albert B. Cornell; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 9136) granting a pension to Marie Schneider; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 9137) granting an increase of pension to James C. Lewis; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 9138) granting an increase of pension to Daniel Lawlor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9139) granting an increase of pension to Charles H. Trimble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9140) granting an increase of pension to Richard Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9141) granting a pension to Rosella MaGee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9142) granting a pension to William E. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9143) granting a pension to Henrietta De Groat; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9144) granting a pension to Elizabeth Hogan; to the Committee on Pensions.

Also, a bill (H. R. 9145) for the relief of John J. Dooley; to the Committee on Military Affairs.

Also, a bill (H. R. 9146) for the relief of Tennis W. Wade; to the Committee on Military Affairs.

Also, a bill (H. R. 9147) for the relief of Henry C. Romaine; to the Committee on Military Affairs.

Also, a bill (H. R. 9148) for the relief of Martin W. Joralemon, alias Martin Whitbeck; to the Committee on Military Affairs.

Also, a bill (H. R. 9149) for the relief of Michael H. Feeley; to the Committee on Claims.

Also, a bill (H. R. 9150) for the relief of John McNeil; to the Committee on Military Affairs.

By Mr. SCHALL: A bill (H. R. 9151) to remove the charge of desertion against George W. Posey; to the Committee on Military Affairs.

Also, a bill (H. R. 9152) for the relief of Sim Milttlie; to the Committee on Claims.

By Mr. SHACKLEFORD: A bill (H. R. 9153) granting a pension to Johanna McGee; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9154) granting an increase of pension to William P. Damon; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9155) granting a pension to John T. Burris; to the Committee on Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 9156) for the relief of J. P. Littell; to the Committee on Claims.

Also, a bill (H. R. 9157) for the relief of John M. Stewart; to the Committee on Military Affairs.

By Mr. MAPES: A bill (H. R. 9158) granting a pension to Hortense Andrews; to the Committee on Inval'd Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petition of Ben Michell, Washington, D. C., favoring increased salaries for lighthouse workers; to the Committee on Appropriations.

Also, memorial of New York Typographical Union, No. 6, protesting against the order of the Fuel Administrator; to the Committee on Agriculture.

Also, petition of A. K. Shattuck, New York City, favoring the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Food Trade Publishing Co., New York City, protesting against zonal arrangement for postal rates for periodicals; to the Committee on Ways and Means.

Also, resolution of the National Council of the Sons and Daughters of Liberty, favoring House bill 5667; to the Committee on Military Affairs.

Also, resolution of the National Council of the Sons and Daughters of Liberty, favoring House bill 4892; to the Committee on Immigration and Naturalization.

Also, petition of C. E. Knoeppel, of New York City, urging legislation placing manufacturing activities of the country for war under one organization; to the Committee on Military Affairs.

By Mr. DICKINSON: Petition of 16 citizens of Calhoun, Henry County, Mo., in support of H. R. 5410 and S. 2692, bills to render possible the return of the bodies of our soldier dead to their home burial grounds in a sanitary and recognizable condition; to the Committee on Military Affairs.

By Mr. HAYES: Resolution from Starr King Post No. 52, Grand Army of the Republic, Santa Barbara, Cal., favoring an increase of pensions to Civil War veterans; to the Committee on Invalid Pensions.

By Mr. RAKER: Resolution adopted at a conference attended by representatives of various communities around San Francisco Bay, in re Pacific coast defense; to the Committee on Military Affairs.

Also, memorial of Charles L. Mitchell, president chamber of commerce, Topeka, Kans, in re periodical postage amendment; to the Committee on Ways and Means.

Also, petition of I. N. Hylen, secretary Alaska Fishermen's Union, San Francisco, Cal., in re Government hospital in the Bristol Bay region; to the Committee on the Merchant Marine and Fisheries.

Also, memorial of Consolidated Chamber of Commerce of Sacramento, Cal., in re attempt to take life of Gov. Stevens of California and the treatment of alien enemies; to the Committee on the Judiciary.

Also, petition of O. J. Rice, president Panama Metal Producers' Council, in re wages and living conditions affecting Americans employed in the Canal Zone; to the Committee on Interstate and Foreign Commerce.

Also, resolution by American Society of Equity, Wausau, Wis., in re Government ownership of railroads; also a resolution of Atlantic Deep Waterways Association, favoring various deep-waterway projects; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHALL: Resolution from Mrs. Bradley Phillips, as president of the Elective Study Club, protesting against increased postal rates on periodicals; to the Committee on Ways and Means.

By Mr. TAGUE: Memorial of Chamber of Commerce, Dover, N. J.; the Enoch Pratt Free Library, Baltimore, Md.; the Haverhill Chamber of Commerce, Haverhill, Mass.; and National Society of the Sons and Daughters of the Pilgrims, all protesting against increasing postal rates on periodicals; to the Committee on Ways and Means.

Also, resolution of a mass meeting of the Lithuanian people of Massachusetts, asking that the United States demand the restoration of the political independence of Lithuania and support the rights of all nations, large and small, as presented by the representatives of those nations; to the Committee on Foreign Affairs.

Also, resolution of the Brotherhood of Railroad Trainmen, Boston & Maine system, urging that all aliens except enemy aliens be made subject to the selective-draft law; also, a resolution of the Massachusetts State Board of Trade, urging that Boston be made a shipping port for munitions and soldiers; also, a resolution of the National Council of the Sons and Daughters of Liberty, urging the passage of House bill 5667; to the Committee on Military Affairs.

Also, resolution of the National Council of the Sons and Daughters of Liberty, urging the passage of House bill 4892; to the Committee on Immigration and Naturalization.

By Mr. TINKHAM: Resolution of a mass meeting of the Lithuanian people, asking that the United States demand the restoration of the political independence of Lithuania; to the Committee on Foreign Affairs.

By Mr. VARE: Memorial of Manufacturers' Association of Pennsylvania, protesting against the order of the Fuel Administrator; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 23, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, Father Soul, for the faith that calms all fears, the hope that cheers the heart, the truth that illumines the way and brings us to Thee in the sacred attitude of prayer; which solves the mystery of life and brings peace to the weary soul.

Who fathoms the Eternal Thought?
Who talks of scheme and plan?
The Lord is God! He needeth not
The poor device of man.

I walk with bare, hushed feet the ground
Men tread with boldness shod;
I dare not fix with mete and bound
The love and power of God.

May we receive these messengers sent by love from the throne of grace, and rest our souls in Thee, through Him, who taught us the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, at the request of Mr. BYRNS of Tennessee, leave of absence was granted to Mr. EVANS for one week, on account of illness.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to have some corrections made in the totals of the Indian appropriation bill which was passed yesterday, which I have just found to be necessary.

Mr. CAMPBELL of Kansas. Does the gentleman mean in the total of the amounts appropriated?

Mr. CARTER of Oklahoma. The gentleman will recall that in the case of the Pierre school, in South Dakota, and the school at Rapid City additional amounts were appropriated and they were not carried in the total at the end of the column. The total on page 52, line 10, of $80,000 should be changed to $86,500.

Mr. CAMPBELL of Kansas. Mr. Speaker, I suggest that the gentleman ask unanimous consent that the Clerk be authorized to ascertain the totals in each instance and to correct them.

Mr. FOSTER. I do not know that can be done. The bill has already been engrossed. I suggest that the gentleman from Oklahoma ask unanimous consent to vacate the proceedings by which the bill was passed on yesterday and take it back to the stage of amendment.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to vacate the proceedings by which the Indian appropriation bill (H. R. 8696) was passed yesterday back to the amendment stage.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to vacate the proceedings by which the Indian appropriation bill was passed on yesterday. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Speaker, I now ask unanimous consent that the Clerk be authorized to correct the totals.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the Clerk be authorized to correct the totals. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARTER of Oklahoma, a motion to reconsider the vote by which the bill was passed was laid on the table.

CALL OF THE HOUSE.

Mr. LONDON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Edmonds	Kahn	Rowland
Barkley	Esch	Kreider	Sanders, Ind.
Campbell, Pa.	Estopinal	LaGuardia	Sanders, La.
Cannon	Evans	McCulloch	Saunders, Va.
Capstick	Fairchild, G. W.	McFadden	Schall
Carlin	Fields	McKenzie	Scott, Pa.
Chandler, N. Y.	Flynn	Maher	Scully
Clark, Fla.	Focht	Mann	Sherley
Coady	Fuller, Mass.	Miller, Wash.	Sims
Costello	Godwin, N. C.	Mondell	Smith, Mich.
Crosser	Gould	Montague	Stephens, Nebr.
Currie, Mich.	Graham, Pa.	Morin	Stiness
Curry, Cal.	Gray, N. J.	Mott	Sullivan
Dale, N. Y.	Griest	Mudd	Sweet
Dale, Vt.	Hamill	Nicholls, S. C.	Swift
Davidson	Hamilton, N. Y.	O'Shaunessy	Templeton
Decker	Haskell	Paige	Tinkham
Dempsey	Heintz	Parker, N. J.	Van Dyke
Dent	Hood	Porter	Vare
Dewalt	Howard	Price	Ward
Dooling	Hull, Iowa	Rayburn	Wilson, La.
Doremus	Johnson, S. Dak.	Riordan	Winslow
Drukker	Juul	Rodenberg	Wood, Ind.

The SPEAKER. On this roll call 335 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request.

The Clerk read as follows:

Mr. MOORES of Indiana requests unanimous consent for leave of absence for his colleague, Mr. BLAND, to be absent until February 1, that he may make public speeches in Indiana under the direction of the Council of National Defense.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday and the Clerk will call the committees.

When the Committee on Patents was called,

Mr. SMITH of New York. Mr. Speaker, the Committee on Patents reported the bill to give additional force to the United States Patent Office. It is H. R. 5287. This bill has been included in other legislation, and I ask unanimous consent that it lie on the table.

The SPEAKER. Without objection, the bill will lie on the table.

There was no objection.

The SPEAKER. Has the Committee on Patents any more business?

Mr. SMITH of New York. No more business.

When the Committee on Irrigation of Arid Lands was called,

Mr. TAYLOR of Colorado. Mr. Speaker, on behalf of the Irrigation Committee I call up the bill H. R. 4954, No. 22 on the House Calendar.

Mr. STAFFORD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. STAFFORD. Mr. Speaker, I wish to make a point of order as to this bill. Mr. Speaker, this bill is on the House Calendar. As I construe the provisions of the bill it waives the lien that the Government now has to the extent of $100,000,000 on irrigated land, and waives that lien in favor of irrigation districts provided under State enactment.

The SPEAKER. What is the gentleman's point of order?

Mr. STAFFORD. The point of order is that the bill should be on the Union Calendar instead of on the House Calendar.

Mr. KINKAID. Mr. Speaker, will the gentleman withhold the point of order until an explanation can be made? I would yield to the gentleman from Colorado [Mr. TAYLOR] to make an explanation.

The SPEAKER. The gentleman makes a point of order that this bill ought to be on the Union Calendar instead of the House Calendar. Now, if there is any gentleman who wants to be heard——

Mr. TAYLOR of Colorado. Mr. Speaker, I was unable to hear the gentleman's statement as to why it should be on the Union Calendar rather than on the House Calendar. I did not exactly catch the point of order.

The SPEAKER. What reason does the gentleman give for his point of order?

Mr. STAFFORD. Mr. Speaker, under the act of 1910, whereby authorization was granted to the Reclamation Service to use $20,000,000 of Government money for the continuation of reclamation projects, it was provided that 50 per cent of all the funds arising from returns on reclamation projects should be paid into the United States Treasury to reimburse the amount of the advancement of $20,000,000. Subsequently that act was amended by the sundry civil appropriation act of June 30, 1917, which required that there should be paid annually $1,000,000 from the reclamation fund to the general fund of the Treasury.

Mr. KINKAID. Mr. Speaker, I rise to the point of order that the discussion is not directed to the point of order raised by the gentleman from Wisconsin.

The SPEAKER. Well, the Chair always allows a good deal of latitude on points of order.

Mr. STAFFORD. If the gentleman from Nebraska will possess himself in patience, I will show the argument I am making has direct reference to the point of order. I am not seeking to discuss the merits except as it is necessary to show that this bill seeks to lift the lien the National Government to-day has of $100,000,000 on all the lands of the reclamation projects and transfer that absolutely and allow State organizations to go ahead without any obligation under this law to repay that money, except a mere promise.

The SPEAKER. Now, why is it on the wrong calendar?

Mr. STAFFORD. I am now directing attention, and would have reached it by this time, had it not been for the hurried interruption of the gentleman from Nebraska. Section 2 of the bill, Mr. Speaker, provides—

That patent and water-right certificates which shall hereafter be issued under the terms of the act entitled "An act providing for patents on reclamation entries, and for other purposes," by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States—

I am now reading lines 8 and 9, page 3—

a lien for the payment of such charges.

To-day, under existing law, as it has been since the first reclamation act that was passed in 1902, the Government has a lien on these lands for the payment of these charges for construction work and water-right privileges. Going on further:

And where such a lien shall have been reserved in any patent or water-right certificate issued under the said act of Congress——

The SPEAKER. Now, where is the gentleman reading?

Mr. STAFFORD. I am now continuing, following line 9, page 3. I first read lines 8 and 9, on page 3, and then continuing:

And where such a lien shall have been reserved in any patent or water-right certificate issued under the said act of Congress, the Secretary of the Interior is hereby empowered to release such lien in such manner and form as may be deemed effective.

Under that provision the Secretary of the Interior is authorized to waive the lien of the Government of the United States on the lands that have been improved by the funds of the Government for reclamation projects, and that lien necessarily creates a liability that the Government has a right to to-day, an asset, rather, that the Government has a right to to-day in seeking a reimbursement to the extent of nearly a hundred millions of dollars that have been invested for the improvement of these lands.

Now, further reading, on line 14:

And the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right applications running in favor of the water users' association and contained in stock-subscription contracts to such association, when the land covered by such lien shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States.

Now, Mr. Speaker, permit me to refresh the memory of the Speaker on the rule which requires such bills as this to be on the Union Calendar. I read paragraph 3 of Rule XXIII, as follows:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Mr. Speaker, the very purpose of this bill is to release the lien of the Government on all the lands in the reclamation projects, which is first and supreme to-day, and subordinate its rights to the claims of other persons. The report shows that this bill is for the purpose of allowing these entrymen and users of water rights on these reclamation projects to obtain a loan from the Farm Loan Board, so that their lien will be prior to that of the lien of the Government.

But more than that, the report on its face shows the very purpose is to lift the lien and to surrender it absolutely, so that the Government will not have the right to reimbursement to the extent, as under the provision of the sundry civil act, of $1,000,000, to be paid into the Treasury every year.

I wish to refresh the memory of the Speaker further to that condition which confronted the Reclamation Service back in 1909 and 1910, when that service was under the direction of Director Newell. He will remember distinctly that they were without funds, that the funds that had accrued as the result of the sale of public lands, and that could be utilized in reclamation projects, had been exhausted, and it was necessary for President Taft to urge upon Congress the loan of $20,000,000 for the continued construction of these reclamation projects. The condition of that loan was that one-half of all the funds resulting from the operation of reclamation projects should be turned into the Treasury. That provision was amended by the sundry civil act for the year 1918, which absolutely requires $1,000,000 to be returned annually until that $20,000,000 has been returned to the Treasury.

The SPEAKER. Now, the Chair would like to ask the gentleman a question. Does this bill prevent the Government getting its money back or not?

Mr. STAFFORD. It does.

The SPEAKER. How?

Mr. STAFFORD. Why, Mr. Speaker, this bill provides that the Government shall waive its lien to this land.

The SPEAKER. I know; but does that necessarily mean the Government is going to lose the money?

Mr. STAFFORD. Why, under the actual operation of affairs, yes; absolutely yes. And why? In the first place, it enables any private party to loan money to the individual entryman or to the homesteader who is enjoying water rights on these reclamation projects. That immediately releases a liability under the provisions of this rule to which I have called attention. That mortgagee, whether it be the Federal Farm Loan Board or whether it be a private individual, would take prior rights and would necessarily bar the right of the National Government to its lien.

Furthermore, Mr. Speaker——

Mr. GARNER. Will the gentleman yield?

Mr. STAFFORD. In just one minute.

Furthermore, under existing law the lien of the Government is prior to the right of the State to collect its taxes. Pass this bill in its present form and you waive that right; you waive absolutely the lien of the Government in favor of the State for its taxes, in favor of the private person who may loan money. It lifts the lien entirely. The express language says that. I directed the Speaker's attention to the authorization——

The SPEAKER. What the Chair asked the gentleman was, Does that language take away from the Government its right to recover this money?

Mr. STAFFORD. It does, indeed.

Mr. GARNER. Will the gentleman yield for a question?

Mr. STAFFORD. I will.

Mr. GARNER. Is not the main purpose of this bill to find a different method by which the Government can collect this money than the present method? Whether that is a wise method or not I will not undertake to say, but is not that the crux of this bill?

Mr. STAFFORD. Under existing law, Mr. Speaker, the Government has a fixed security on this land. It releases that security; it waives it. It releases it absolutely. It gives the right to the State to have priority in the way of taxation, in the first place, which it has not to-day. The lien of the Government to-day is supreme, so far as every dollar of money that has been advanced in this construction work on these reclamation projects is concerned. This bill subordinates that lien; it changes the security it now has from the land to a promise of a person to perform.

Mr. KINKAID. Mr. Speaker, we have not reached the merits of the measure——

The SPEAKER. The gentleman will wait a minute. Is the gentleman from Wisconsin [Mr. STAFFORD] through?

Mr. STAFFORD. I have made my argument.

The SPEAKER. Then the gentleman from Nebraska is recognized.

Mr. KINKAID. We have not reached the measure upon its merits. We are discussing the technical question raised by the point of order, which involves the rules of this body.

I differ with the learned parliamentarian from Wisconsin [Mr. STAFFORD]. I think he is incorrect. If he had correctly answered the question propounded by the Speaker, which goes to the essence of the parliamentary question, he would thereby have admitted that he has no case. If he had answered correctly the question propounded by the gentleman from Texas [Mr. GARNER], he would have thereby admitted that there is nothing in the point of order which he has raised. The bill does provide for a change of the mode whereby the Government is paid back the money it has invested. It changes it to a different form whereby the money is to be raised. Instead of the lien being continued on each individual entry or unit, it is changed so that it is en masse on the whole district which State laws authorize to be formed, and the State authorities under the general assessment laws of the State collect the taxes whereby the Government is to be paid back the money invested in the construction of projects. It facilitates the business of the Government. Nearly all the irrigation States have district laws.

Mr. RAKER. Mr. Speaker, speaking on the point of order, it seems to me the whole thing devolves on the construction of the following language of subdivision 3 of Rule XXIII, Rules of the House:

Or releasing any liability to the United States for money or property. * * *

Now, I want to call the Speaker's attention to the provision of this bill and what its purpose, as referred to by the gentleman [Mr. STAFFORD] on the other side. With all due respect to what the gentleman says, he evidently does not fully understand the provisions of this bill. This does not release the liability. It does not release one cent. It holds a lien upon the same land. In addition to that it covers all the land in the district wherein the land is located, so that, it being on a particular tract, the district enters into a contract and levies an assessment, and all the land in the district is covered by those assessments.

The SPEAKER. Does this bill in any way release the Government lien?

Mr. RAKER. Absolutely not. It gives it an additional security to collect its money.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. LENROOT. If this passes the Government can not foreclose the lien upon this particular tract because its lien is gone.

Mr. GARNER. Mr. Speaker, will the gentleman permit an interruption?

Mr. LENROOT. Yes.

Mr. GARNER. Has the gentleman read subdivision 3 of Rule XXIII as to liability? It does not release the liability. It releases the lien, but it does not release the liability.

Mr. LENROOT. It releases the liability to this particular land and substitutes a greater one.

Mr. GARNER. Will the gentleman yield further?

Mr. LENROOT. Certainly.

Mr. GARNER. Is the releasing of the lien the releasing of a liability? To illustrate, if I may, in a legal phrase, if the gentleman from Wisconsin owed a debt and had given a mortgage on the piece of land to secure the debt a release of that land would not release the liability. That is the language of this rule. It does not say it releases the security, but releases the liability.

Mr. BORLAND. The liability is not on the individual. It is on the land, and the lien is the liability when released on that particular land. It does not make any difference whether other assets are exchanged for it. Under the law the liability is gone. The gentleman from Wisconsin is right.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. FOSTER. Suppose these parties that are on this land fail to pay the taxes to the State. What becomes of it? Does not the Government lose its lien?

Mr. RAKER. No.

Mr. FOSTER. I do not see why.

Mr. RAKER. If gentlemen will allow me to proceed, the change of the form of the lien, the adding of additional security upon which the liability depends, is not a relensing of the liability referred to in the rule. And I want to say to the Speaker about this bill that it does not release the liability. It does not affect the liability of the Government, but instead of that it adds additional security to the Government in the method of collecting the money due.

The SPEAKER. Well, now, where is there anything in the bill that shows that?

Mr. RAKER. I will read it—the very first section:

That in carrying out the purposes of the act of June 17, 1902 (32 Stats., p. 388), and acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any legally organized irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen, in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed.

In the first instance, Mr. Speaker, by a voluntary act on the part of the irrigation district formed under the laws of the State it becomes a municipality and levies its tax for the purpose of paying its obligations, and through that authority, by virtue of the board of directors, they contract with the Secretary of the Interior that they will pay all of the obligations due the United States; and upon that not only the land in the particular instance is bound, but all the land in the district, privately owned and otherwise, becomes subject to the tax under the State law and under that district. In addition to one tract of land, it includes all the other land that is owned by the United States that is under the reclamation law; and, in addition to that, it includes all of the privately owned land that never has taken up and assumed the responsibilities under the irrigation law, so as to make all responsible to pay the taxes due the Government.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. LITTLE. Is this the bill that is intended to cover the work of the Farm Loan Board?

Mr. RAKER. Yes.

Mr. LITTLE. I reserved the right to differ with the gentleman regarding its effect. I want to ask this question. I understand you have made a statement to the Speaker to this effect, that the liability for this particular land, for this particular debt, is gone?

Mr. RAKER. I did not hear the gentleman.

Mr. LITTLE. As I understand it, the gentleman states that the liability of this particular land is released, which makes it susceptible to the rule. Now, the gentleman says there is substituted the liability of the irrigation district. Is it not a fact that that irrigation district has other liabilities, such as taxes, which would take precedence of this claim?

Mr. RAKER. No.

Mr. LITTLE. Could they not sell all this irrigation district for the taxes before the Government gets paid for this land?

Mr. RAKER. No.

Mr. STAFFORD. Why not?

Mr. RAKER. Because in all these districts involved in this legislation there is not 10 per cent of the land which has a Government lien upon it. Ninety per cent of the lands are privately owned, and this provision that the gentleman refers to was placed in it only three years ago for the purpose of covering the particular cases where the parties wanted to obtain patents. In addition to that, I again call the attention of the Speaker to the wording of this rule. It says the relensing of a liability——

The SPEAKER. The Chair wants to ask the gentleman this question: Does this bill weaken the Government's lien?

Mr. RAKER. If the Speaker will permit me to answer that, it trebles and quadruples the Government's interest in the land, compared to what it has to-day.

The SPEAKER. How does it do it?

Mr. RAKER. By giving a lien upon all the property in the district.

Mr. BORLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BORLAND. That question answers itself. The Government now has a lien on all land embraced in the irrigation district. That is to be exchanged for a lien upon the irrigation district as a corporate body; but that irrigation district will be subject to other claims. The Government can not possibly increase the extent of its security, because the security is there anyhow.

The SPEAKER. The gentleman from Missouri can not take the gentleman from California off the floor——

Mr. BORLAND. I want to suggest that this irrigation district can have jurisdiction over no more land than the Government now has——

The SPEAKER. The gentleman from California [Mr. RAKER] has the floor. To whom does the gentleman yield?

Mr. RAKER. I yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. I want to propound a parliamentary inquiry to the Speaker. If the Speaker should hold that this bill ought to be on the Union Calendar, can he order it placed on the Union Calendar as of to-day, and can the bill be called up immediately?

The SPEAKER. That is exactly what the Chair will do.

Mr. GARNER. Then it does not make any difference. It is just a question of tweedledum or tweedledee.

Mr LITTLE. Will the gentleman yield again to a member of the committee?

Mr. RAKER. I yield again; but, under the Speaker's statement, what is the use of taking up time? I am convinced that I am right, and I want to call the attention of the gentleman from Missouri [Mr. BORLAND] to the fact that he does not appear to understand the provisions of this bill, because, he says, all of the lands are under the reclamation project. Now, one of the curses of these irrigation projects is that not all of the land is under the lien——

The SPEAKER. The Chair is ready to rule. This is a very close question, and in the end it does not make a particle of difference which one of these methods you pursue, or whether the bill is on the House Calendar or on the other calendar; and to be absolutely on the safe side, and to guard the rights of the Government in the premises, the Chair decides that this particular bill ought to be on the Union Calendar; and he further decides that the House automatically resolves itself into the Committee of the Whole House on the state of the Union to consider the bill, with the gentleman from Indiana [Mr. COX] in the chair. [Applause.]

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4954) to provide for the application of the reclamation law to irrigation districts, with Mr. COX in the chair.

Mr. RAKER. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. STAFFORD. Very few Members are acquainted with the provisions of the bill. It is a short bill, and a most important one, and I object.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in carrying out the purposes of the act of June 17, 1902 (32 Stats., 388), and acts amendatory thereof and supplementary thereto, and known as and called the reclamation law, the Secretary of the Interior may enter into contract with any irrigation district whereby such irrigation district shall agree to pay the moneys required to be paid to the United States, and in such event water-right applications on the part of landowners and entrymen in the discretion of the Secretary of the Interior, may be dispensed with. In the event of such contract being made with an irrigation district, the Secretary of the Interior, in his discretion, may contract that the payments, both for the construction of irrigation works and for operation and maintenance, on the part of the district shall be made upon such dates as will best conform to the district and taxation laws of the respective States under which such irrigation districts shall be formed, and if he deem it advisable, he may contract for such penalties or interest charges in case of delinquency in payments and for such discounts for prompt payment as he may deem proper and consistent with such State laws, notwithstanding the provisions of sections 1, 2, 3, 5, and 6 of the reclamation-extension act approved August 18, 1914 (38 Stats., 686). The agents of the United States may accept a partial payment of the amount due from any district to the United States, providing such acceptance shall not constitute a waiver of the balance remaining due, nor the interest or penalties, if any, accruing upon said balance.

SEC. 2. That patents and water-right certificates which shall hereafter be issued under the terms of the act entitled "An act providing for patents on reclamation entries, and for other purposes," approved August 9, 1912 (37 Stat. L., 265), for lands lying within any irrigation district with which the United States shall have contracted, by which the irrigation district agrees to make the payment of all charges for the building of irrigation works and for operation and maintenance, shall not reserve to the United States a lien for the payment of such charges; and where such a lien shall have been reserved in any patent or water-right certificate issued under the said act of Congress, the Secretary of the Interior is hereby empowered to release such lien in such manner and form as may be deemed effective; and the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States pursuant to water-right application running in favor of the water-users' association and contained in stock subscription contracts to such associations, when the lands covered by such liens shall be subject to assessment and levy for the collection of all moneys due and to become due to the United States by irrigation districts formed pursuant to State law and with which the United States shall have entered into contract therefor.

SEC. 3. That upon the execution of any contract between the United States and any irrigation district pursuant to this act the public lands included within such irrigation district, when subject to entry, and entered lands within such irrigation district, for which no final certificates shall have been issued, and which may be designated by the Secretary of the Interior in said contract, shall be subject to all the provisions of the act entitled "An act to promote the reclamation of arid lands," approved August 11, 1916: *Provided*, That no map or plan as required by section 3 of the act of August 11, 1916, need be filed by the irrigation district for approval by the Secretary of the Interior.

With the following committee amendments:

Page 1, line 8, after the word "any" insert the words "legally organized."

Page 2, line 12, after the word "payments" strike out the words "and for such discounts for prompt payment."

Page 2, line 16, after the word "August" strike out the word "eighteenth" and insert the word "thirteenth."

Page 2, line 18, after the word "the" strike out the words "agents of the United States" and insert the words "Secretary of the Interior."

Page 3, line 18, after the word "water right" strike out the word "application" and insert the word "applications."

Page 4, line 6, after the word "issued" strike out the comma and insert the word "and."

Page 4, line 13, after the word "the" insert the word "said."

Page 4, line 11, after the word "act" strike out the words "of August 11, 1916."

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized for one hour.

Mr. LITTLE. What is the arrangement as to the division of time?

The CHAIRMAN. An hour on a side.

Mr. LITTLE. Who is to control the time?

Mr. TAYLOR of Colorado. The gentleman from Nebraska [Mr. KINKAID] would naturally have control of the time on that side.

Mr. STAFFORD. He would have control of the time if he is against the bill. This is a bill involving a $100,000,000 lien. It is of enough importance so that the person in control of the time in opposition should be opposed to the bill.

Mr. LITTLE. Those of us on the committee who are opposed to the bill desire to have the time in the hands of some one who is opposed to it.

Mr. TAYLOR of Colorado. If the gentleman from Kansas is opposed to the bill, I think he would be the proper one to control the time in opposition.

Mr. KINKAID. That is satisfactory to me.

Mr. LITTLE. Very well, then, it is understood that I will control the time in opposition.

The CHAIRMAN. Is the gentleman from Kansas opposed to the bill?

Mr. LITTLE. I am.

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] is recognized for an hour.

Mr. TAYLOR of Colorado. I yield to the gentleman from California [Mr. RAKER] 20 minutes.

Mr. RAKER. Mr. Chairman, there seems to have arisen some misunderstanding as to the objects and purposes of this bill. I think a few statements covering the matter might be well put by myself at this time. I call the committee's attention to the fact that the first section gives the express sanction of Congress to cooperation between the United States and the irrigation districts, adapting the reclamation law as to the necessities of irrigation districts as quasi-municipal corporations under the laws of the respective reclamation States. I stop there to call the attention of the committee to the fact that, in the first place, the bill is optional; it is for the district to determine whether or not under the State law it will form an irrigation district. I want to call attention to the fact that in all the States where there are reclamation projects, except one, laws creating irrigation districts have already been enacted.

Mr. MORGAN. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MORGAN. In lines 7 and 8, on page 1, the bill provides that the Secretary of the Interior may enter into contracts with any legally organized irrigation district. It seems to me that is a very indefinite expression.

Mr. RAKER. We have an amendment that we are going to offer to that.

Mr. MORGAN. In what way?

Mr. RAKER. Just simply those legally organized and constituted.

Mr. MORGAN. And districts that have the power of taxation?

Mr. RAKER. Oh, if the gentleman will appreciate the situation, there can not be an irrigation district without its having the power to tax.

Mr. MORGAN. What is the definition of an irrigation district?

Mr. RAKER. I could not stop to take the time to give a definition now.

Mr. LITTLE. But this House is entitled to know.

Mr. RAKER. I call attention to the fact that in all those States that have a reclamation district law——

Mr. LITTLE. But most of the Members of the House are not from irrigation States.

Mr. RAKER. I can not yield. That is the same as a county, in effect. It has its State officers, it is under the law, there must be certain land, and a certain percentage of the landowners must have voted to organize, and that organization must go before the proper county supervisors or commissioners and must be visèed and gone into and then determine whether or not it will organize.

Mr. LITTLE. Just a moment.

Mr. RAKER. I do not yield. Then it comes up to the people of the irrigation district that own the land to vote, and if two-thirds of the landowners in the district vote to organize, then it is organized under the law, and the vote is canvassed by the county commissioners or the board of supervisors, and then it is declared an irrigation district under the law, with all the powers of taxation, the right to sue and be sued, the right to obtain land and dispose of land, and do all other things that an up-to-date municipal corporation is entitled to do.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. FERRIS. Mr. Chairman, I have just been reading Secretary Lane's letter. Is it true that this bill enables the reclamation claimants to go into the farm-loan associations and borrow money and execute mortgages which will be a lien ahead of the Government's lien?

Mr. RAKER. No.

Mr. FERRIS. This letter says it is, and I think the gentleman ought to be careful about that. The letter of Secretary Lane of July 2, 1917, says it will do that thing, and if it does that it is not fair to the Government, it is not fair to the other States or to anybody, and the legislation ought not to be passed, and the gentleman will not be able to pass it without a quorum, if it does that. I will not stand for it myself, because my State has been wheedled out of six and a half million dollars——

Mr. RAKER. I can not yield for an argument.

Mr. FERRIS. I shall take time in my own right and argue this thing. We are not going to be beaten out of $70,000,000 here without knowing it, if I am right about this.

Mr. RAKER. But the gentleman is not right, I am glad to say.

Mr. FERRIS. I am afraid I am.

Mr. RAKER. The gentleman is not, and I shall explain to him in just a moment. In a general way that is the substance, with all of the power of the reclamation districts. It is optional whether or not that reclamation district will enter into a contract with the Secretary of the Interior to come under the provisions of this law. Now, coming back to the question raised by the gentleman from Oklahoma, I think it is but fair to the Members of the House to state that the act that the gentleman referred to—passed on August 9, 1912—contains a provision in section 2 which it took me two weeks in the Committee on Irrigation of Arid Lands to have incorporated. I am the one who drew it, just for the purpose of avoiding any possibility, after the Government having issued a patent, if there was anything due for construction of the project or maintenance or upkeep, of preventing the Government from losing a dollar. We went over it in the committee and before the department, and I finally drew the draft that the committee adopted and which is now in the law, for the sole purpose, if there was anything due, of having it provided for. That act, in full, is as follows:

An act providing for patents on reclamation entries, and for other purposes.

Be it enacted, etc., That any homestead entryman under the act of June 17, 1902, known as the reclamation act, including entrymen on ceded Indian lands, may, at any time after having complied with the provisions of law applicable to such lands as to residence, reclamation, and cultivation submit proof of such residence, reclamation, and cultivation, which proof, if found regular and satisfactory, shall entitle the entryman to a patent, and all purchasers of water-right certificates on reclamation projects shall be entitled to a final water-right certificate upon proof of the cultivation and reclamation of the land to which the certificate applies, to the extent required by the reclamation act for homestead entrymen: *Provided*, That no such patent or certificate shall issue until all sums due the United States on account of such land or water right at the time of issuance of patent or certificate have been paid.

SEC. 2. That every patent and water-right certificate issued under this act shall expressly reserve to the United States a prior lien on the land patented or for which water right is certified, together with all water rights appurtenant or belonging thereto, superior to all other liens, claims, or demands whatsoever for the payment of all sums due or to become due to the United States or its successors in control of the irrigation project in connection with such lands and water rights.

Upon default of payment of any amount so due title to the land shall pass to the United States free of all encumbrance, subject to the right of the defaulting debtor or any mortgagee, lien holder, judgment debtor, or subsequent purchaser to redeem the land within one year after the notice of such default shall have been given by payment of all moneys due, with 8 per cent interest and cost. And the United States, at its option, acting through the Secretary of the Interior, may cause land to be sold at any time after such failure to redeem, and from the proceeds of the sale there shall be paid into the reclamation fund all moneys due, with interest as herein provided, and costs. The balance of the proceeds, if any, shall be the property of the defaulting debtor or his assignee: *Provided*, That in case of sale after failure to redeem under this section the United States shall be authorized to bid in such land at not more than the amount in default, including interest and costs.

There is not 5 per cent of the land in any reclamation district wherein a patent has been issued and the lien is provided for. Ninety per cent of all the district was privately owned land when the district was organized. I may not have the exact percentage, but it is somewhere near correct. In the other 5 per cent—and I may have my percentage rather high, but I think not—the men had a patent for it before the law was passed, and this was to cover only the remaining tracts or new lands coming under the provisions of the act subsequent, so that those who say that we are now trying to break down the reclamation law and not get back the money that the Government had advanced in these reclamation projects are mistaken. The provisions of this bill make it optional. It permits these districts to organize and enter into a contract with the Secretary of the Interior for the purpose of carrying out the real object and purposes of the reclamation law to the end that every dollar the Government advanced might be returned, and no man can say on the floor of this House that there has been any effort on the part of any from the public-land States, or any States in which these reclamation projects are situated, to cause the Government to lose a dollar.

Every law, every act, every effort has been made and will be continued to be made to strengthen the law, to make it clear, to make it definite that all this money the Government has advanced in the construction of these projects, maintenance, and upkeep, might be returned to the Government, dollar for dollar, and these people——

Mr. LITTLE. Will the gentleman yield?

Mr. RAKER. For a question only.

Mr. LITTLE. Is not the principal purpose of this bill to make it possible for the Farm Loan Board to loan money upon these irrigated lands? Is not that the real and principal purpose of the bill?

Mr. RAKER. I will answer that in just a moment.

Mr. GORDON. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Ohio for a question only.

Mr. GORDON. The gentleman says the Government will get back the $70,000,000 in the irrigated arid lands; it will not get it back unless——

Mr. RAKER. It will get it back, every dollar, and if the gentleman would go upon those projects and be certain of his remarks I am certain he would not make that statement. These people do not take this money not to repay it. They simply want the money advanced to the end that they may improve this country and turn this desert waste into gardens and help produce the products in order to win this war, and if the gentleman says this money will not be returned he evidently has not made an investigation of the subject.

Mr. GORDON. Oh, yes, I have; if the gentleman will yield to me just——

Mr. RAKER. For a question. A gentleman just said that $4,000,000 has been paid back.

Mr. GORDON. Then, why are they always asking every year to get an extension of the time?

Mr. RAKER. No.

Mr. GORDON. They never will get a cent back unless the land is worth something.

Mr. RAKER. That, I say, demonstrates the fact that our able and constitutional lawyer from Ohio has not investigated the provisions of the reclamation act nor the conditions under which these people have worked in trying to build up this country. Men talk about the reclamation act not being a success. These people have spent their time and their money to build up this country and all they ask is for a reasonable amount of money to be expended for the purpose of getting on their feet and then, in turn, they will return every dollar to the Government. Now, in answer to the question of the gentleman from Kansas, I wish to call his attention to this fact: This is one of the provisions of the bill for this reason——

Mr. LITTLE. What is the major provision?

Mr. RAKER. If the gentleman asking the question will give me an opportunity, I will answer it. There are irrigation districts now not under Government control that have been formed under the various State laws that are borrowing money from the Farm Loan Board—that is, their members have—and it is a legitimate transaction and an ample security. The Farm Loan Board have held that it is not a prohibitory provision, and they can loan to members of these irrigation districts upon the land that is in the district the same that they can loan to the man who owns a piece of land on which there is a county, municipal, or school tax laid. Now, in those districts part of the individuals not having contracted with the Government, in addition to this prior loan I spoke of on about 5 per cent of the land, and I want particularly to call this to the attention of the gentleman from Kansas, there is a large amount due under the reclamation project by each individual in the construction charges, upon which, so far as I know, a written contract or recordation of it is concerned is only with the various departments. The same with regard to maintenance and upkeep. Now, for the purpose absolutely of securing the Government, they form the irrigation district, and it is then accepted by the Secretary of the Interior, gives them a claim for the amount due on all the land in the district, backed by the 100,000 acres that may be in it instead of the 1,000 acres of the individual, and it then permits the Federal Farm Loan Board to take up the individual owner of the land and loan him money upon it as they do with other people, to which there is no objection, and he can use that money to pay off the assessment and to pay back assessments upon the construction charges, maintenance, and upkeep, and he gets machinery and builds a home and improves his place and he is in a position to produce crops of which this country is so sore in need.

Mr. LITTLE. The money to be collected by taxation assessed upon the district?

Mr. RAKER. Yes; just like the State collects its taxes, just like the county collects its taxes, just like the municipality collects its taxes. Now, can there be any objection to the district collecting its taxes and paying its debts, as it has occurred in every other municipality subdivision in every State in the Union?

Mr. MORGAN. Will the gentleman yield?

Mr. RAKER. For a question only.

Mr. MORGAN. I am inclined to be in favor of this bill, and I should hate very much to oppose it. I am trying to understand it. Now, what would be the principal difference between the Government allowing these districts the taxing power to pay off Reclamation Service contracts, mortgages, or whatever it is, the amount the Government owes, and in allowing those districts to be taxed for the purpose of paying off the loan made by the Federal Farm Loan Board? Why do not you just as well allow these districts to be authorized to pay off the loan to the Federal Farm Loan Board as for this, in effect, to

be taken out of the Reclamation Service and advanced by the Government as a loan to these people?

Mr. RAKER. Not individually, though.

Mr. MORGAN. Individual leases.

Mr. RAKER. Not individual.

Mr. MORGAN. Well, you take these lands individually for security for them.

Mr. RAKER. That is not the fact. That is the trouble. The only provision in the law is the one I had written in, and only includes 5 per cent or thereabouts of all the land in the districts. And, now, why is it at this late date, when we are trying to secure the Government, that there should be any objection to protecting the Government?

Mr. MORGAN. You say only 5 per cent of the land under reclamation has been taken by private individuals?

Mr. RAKER. No, sir. I said only 5 per cent of the land under the reclamation projects that come under the provision of the law, so that they have a prior lien after they have submitted proof and patent has issued under the act of August 9, 1912.

One of the great troubles with these reclamation districts has been that there have been large tracts of land in the confines of the district that the owner would not subdivide into 160-acre tracts. They have been selling them out to the poor farmer at exorbitant prices, and, in addition to paying that first exorbitant price, he had to pay his proportion of the construction charge and maintenance and upkeep. But under the district reclamation law that has been approved by the department, and the bills were drawn and, assisted by them, enacted by all these State legislatures. And I want to call my friend's attention to the fact that under those laws and when the district is constituted it takes any of the land in private ownership, whether it exceeds 160 acres or not, and he must pay his proportion of the taxes.

Now, I want to call his attention to another fact. Under the bill that this committee got through last year we did another thing, and it comes under this act. We put under that bill the publicly owned land in the district, so that when anybody comes and files upon the publicly owned land in that district he must pay the back charges and his proportion of the cost of construction of the project. That is but as it should be and right. Can anyone say that the committee is trying to defeat the Government when, as a matter of fact, we take all the privately owned land, we take all the land that the man has a patent to, free of the lien; we take the land on which the lease has been created, which is about 5 per cent of all the lands of the district, and then we take all the Government land in the district and make it subject to this bill, so that the Government may be amply and fully protected at all times?

Mr. DENISON. Will the gentleman yield?

Mr. RAKER. I will.

Mr. DENISON. What I wanted to ask the gentleman is this: Is the lien of the Government, on which it will collect back the money that it has put into those irrigation projects, confined to the 5 per cent of the land of which you have been speaking?

Mr. RAKER. To answer that clearly I will say that I may have the estimate a little large as to privately owned land when the project was organized. Then, there are in some of the districts now 25 or 30 per cent of public lands.

Mr. MONDELL. Will my friend yield? There are some projects where all the lands are public lands.

Mr. RAKER. There is not any of them where it is all public land.

Mr. MONDELL. I happen to be very well informed on the subject and I know there are projects where all the land is public land.

Mr. RAKER. There may be one; but I think my statement is still correct that there were still some privately owned lands in the boundaries of the districts.

Mr. MONDELL. I do not think that weakens the gentleman's argument, but I thought the gentleman wanted to be clear in his statement.

Mr. RAKER. So the record may show what action has been taken I call the committee's attention to part of the report of the committee on the bill so as to show clearly its objects and purposes.

Hon. Franklin K. Lane, Secretary of the Interior, made report on House bill 4954 to the Committee on Irrigation of Arid Lands, which report reads as follows:

"DEPARTMENT OF THE INTERIOR,
"*Washington, July 2, 1917.*

"Hon. EDWARD T. TAYLOR,
"*House of Representatives.*

"MY DEAR MR. TAYLOR: I have your letter of June 12 requesting the consideration and report of the Interior Department upon H. R. 4954, 'A bill to provide for the application of the reclamation law to irrigation districts.'

"While this bill does not mention farm loans, it will provide a plan whereby the farm-loan act will become applicable to the Federal projects.

"The first section gives the express sanction of Congress to cooperation between the United States and irrigation districts adapting the reclamation law to the necessities of irrigation districts as quasi-municipal corporations under the laws of the respective reclamation States. Statutes amendatory of previous irrigation district laws so as to provide expressly for cooperation with the United States have been passed this year in the reclamation States.

"This department has already contracted with numerous irrigation districts, and I find that cooperation with these public corporations enhances the security of the United States, gives facility in the collection of moneys due to the United States, and at the same time is popular with the water users themselves, since they have the powers and privileges of a public corporation.

"Moreover, organization as irrigation districts binds to the project, irrespective of individual consent, once the statutory majority has been obtained for the formation of and making of contract, all of the lands of the project, and thereby promotes early cultivation of the land and eliminates speculation.

"In section 2 of the bill provision is made for the releasing of the liens of the Government which have been reserved, as required by the present law, in patents to homestead entries taken up subject to the reclamation law, and for the discharge of liens contained in stock subscription contracts to water-users' associations and in water-right applications direct to the United States, in cases where proper contract shall be made by irrigation districts with the United States.

"This section would, therefore, if enacted remove two classes of impediment to the application of the farm-loan act to Federal projects. The first is the existence of the prior reserved lien on all homestead lands, and the second is the existence of a contractual lien by virtue of stock subscription and water-right applications. Thus both the public and private lands taken by the settlers under these projects would become free from prior liens, so that there would be no legal impediment to the loaning of money by way of rural credits.

"The irrigation district liens attach only upon the making of annual assessment and levy, and are no more a bar to the obtaining of a 'first mortgage' under the farm-loan act than are the taxes of any other public corporations, such as counties and school districts, for the discharge of their debts.

"Some of our projects have reorganized as irrigation districts and others are in process of reorganization in order to obtain the benefits to accrue under the district plan, the securing of farm loans being but one. It will, therefore, work no hardship if projects reorganize as irrigation districts to obtain the benefit of farm loans.

"House bill 4954 paves the way for farm loans on the projects without subordinating the security for the reimbursement of the reclamation fund or interfering with the Government's present security contained in the guaranty contract with individual water-users' associations.

"I regard this measure as an emergency bill for the reason that the successful application of farm loans to reclamation projects is of urgent public necessity, since it will result in a great increase in the productivity of lands on these projects in 1918 and subsequent years. I am, therefore, in favor of the bill.

"Cordially, yours,

"FRANKLIN K. LANE, *Secretary.*"

The bill having been referred to the Federal Farm Loan Bureau, report was made thereon by the Hon. George Norris, Farm Loan Commissioner, of date June 23, 1917, which report is as follows:

"TREASURY DEPARTMENT,
"FEDERAL FARM LOAN BUREAU,
"*Washington, June 23, 1917.*

"MY DEAR MR. CONGRESSMAN: A trip to St. Louis from which I have just returned delayed a reply to your favor of the 12th instant, inclosing copy of House bill 4954, providing for the application of the reclamation law to irrigation districts. This is a matter with which my associates, Judge Lobdell and Mr. Quick, are more familiar than I am. They have gone over the bill carefully, and are of opinion that it would be likely to prove of benefit in many districts. I am,

"Very truly, yours,

"GEO. W. NORRIS,
"*Farm Loan Commissioner.*

"Hon. EDWARD T. TAYLOR,
"*House of Representatives.*"

The bill being referred to the Council of National Defense, report thereon was made to Hon. E. T. Taylor, chairman Committee on Irrigation of Arid Lands, on July 7, 1917, which report is as follows:

"COUNCIL OF NATIONAL DEFENSE,
"OFFICE OF DIRECTOR,
"*Washington, July 7, 1917.*

"Hon. E. T. TAYLOR,
"*House of Representatives, Washington, D. C.*

"MY DEAR MR. TAYLOR: Replying to your letter of July 3, inclosing a copy of H. R. 4954: As this bill covers matters of a general character with which the Council of National Defense is not primarily concerned, the council does not feel that it falls within its scope to comment thereon.

"Very truly, yours, "W. S. GIFFORD, *Director.*"

The primary object of bill H. R. 4954 is to pave the way for farm loans on irrigation projects without subordinating security for the reimbursement of the reclamation fund or interfering with the Government's present security contained in the guaranty contract with individual water-users' associations.

Secretary Lane, in his report to the committee, states that this bill fully and completely carries out the objects and purposes above referred to. The committee in considering this bill and reporting it to the House does so with the idea in view that it is an emergency bill under the present war conditions and one that will give much relief and greatly increase the productivity of lands on reclamation projects, and in this connection we refer specifically to Secretary Lane's report, wherein he uses the following language:

"I regard this measure as an emergency bill for the reason that the successful application of farm loans to reclamation projects is of urgent necessity, since it will result in a great increase in the productivity of lands on these projects in 1918 and subsequent years."

The Secretary of the Interior has entered into contract with about 20 irrigation districts under the reclamation act in various lines of cooperation, including the sale of stored water from Federal reservoirs not needed by the projects of the United States. Besides, several project extensions have been constructed by the United States under contract with irrigation districts in lieu of water-users' associations.

As to the experience with irrigation districts, Secretary of the Interior Lane, in his report recommending this bill, says:

"This department has already contracted with numerous irrigation districts, and I find that cooperation with these public corporations enhances the security of the United States, gives facility in the collection of moneys due to the United States, and at the same time is popular with the water users themselves, since they have the powers and privileges of a public corporation.

"Moreover, organization as irrigation districts binds to the project, irrespective of individual consent, once the statutory majority has been obtained for the formation of and making of contract, all of the lands of the project, and thereby promotes early cultivation of the land and eliminates speculation."

The formation of irrigation districts is entirely voluntary with the water users. These corporations are uniformly held to be public corporations and are susceptible of being formed under the State laws only upon a vote of such majority of landowners as may be prescribed by the statute. There is nothing in the bill which enjoins upon the water users reorganization as districts, but the bill is in effect an enabling act whereby cooperation can be carried on by the United States in a more perfect manner than heretofore.

The formation of an irrigation district, while it is a step of great importance being from a private corporation to a municipality, yet in several respects is not so radical a change as might be supposed. There is nothing in the formation of the irrigation district which necessitates the transfer from the Government of the operation and management of the project. There is no implied repeal of the provisions of the present reclamation law—

"That when the payments required by this act are made for the major portion of the lands irrigated from the waters of any of the works herein provided for, then the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby * * *." (Reclamation act, sec. 6, 38 Stat., 388.)

nor of the amendatory provision—

"That whenever any legally organized water users' association or irrigation district shall so request, the Secretary of the Interior is hereby authorized, in his discretion, to transfer to such water users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe." (Reclamation extension act, Aug. 13, 1914, sec. 4, 38 Stat., 686.)

The passage of this act followed by organization as an irrigation district does not involve the turning over to the water users of management and control unless the Secretary of the Interior approves such step and the water users vote favorably upon the plan, at least prior to the payment for the major part of the land irrigated under the project as provided by the original reclamation act. It would, however, facilitate the transfer if both the water users and the Government deemed the change advisable, since municipal powers would greatly aid in the solution of the problems of management and control.

The formation of the irrigation district would not involve the issuance of bonds in favor of the United States nor the payment of interest. The projects would still have the advantages of the reimbursement plan prescribed by sections 1 and 2 of the reclamation extension act above quoted in mutual cooperation with the United States.

This cooperation can best be conducted so as to make as little change as possible in the ordinary machinery of these corporations under the State statutes. The funds of the district are secured by levy and assessment in common with the methods of other municipal corporations formed for the purpose of public improvement. Hence it is highly desirable that the Federal law be in such shape that the machinery for the collection of assessments to carry out the contracts with the United States shall be identical with that employed to secure other funds or irrigation districts.

Express authority of Congress, therefore, is conferred by section 1 of the bill to contract with irrigation districts for the payment of moneys required to reimburse the reclamation fund, with provision that in such case water-right applications need not be filed and that the dates of annual payment of penalties and interest charges named in the contract shall be discretionary with the Secretary of the Interior.

This will enable several projects which either have reorganized as irrigation districts, or are now in process of such reorganization, to contract in harmony at once with the State and the Federal statutes. The Minidoka project of Idaho, the Sunnyside and Tieton of Washington, the Sun River of Montana, the Williston of North Dakota, the Strawberry Valley of Utah, the Truckee-Carson of Nevada, the El Paso Valley of Texas, and the Elephant Butte of New Mexico are among those where irrigation districts are already made or are now forming.

In case irrigation district contract is made with the United States, the security furnished for the reimbursement of the reclamation fund is preferable, both in value and in workability, to the security through the water users' association, and where such contract is made water-right application liens are no longer necessary to the United States, and section 1 expressly provides for their release. The water users' association, of course, is replaced by the irrigation district, and accordingly may properly be dissolved through the Secretary's consent and the stock-subscription liens released of record.

This step will pave the way for affording the farm loans to reclamation projects which elect thus to reorganize as districts, since there will be no first mortgage on project lands for the reimbursement to the United States. The moneys due from irrigation districts are not first mortgages any more than the assessments to be made for road or school purposes by similar public corporations. They become liens only annually as assessment and levy is made. Under the farm-loan act the money payable to the district for the United States must, of course, be considered and have its bearing upon the amount which may properly be loaned, but the legal barrier as regards the existence of first mortgages will be removed by the formation of an irrigation district, the execution of contract with the United States by such district, and the release of the liens on private lands now existing to secure the Government.

The act of August 9, 1912, requires that patents to lands entered subject to the reclamation law shall reserve a lien in favor of the United States for any sums remaining unpaid. Similar liens are reserved where final water-right certificate is issued. Where irrigation districts are formed this type of security is no longer necessary, since the irrigation district as a whole can be required to pay, and all lands therein are subject to sale for nonpayment of charges.

The Farm Loan Board has already rendered an opinion, and Judge Lobdell, of the board, appeared before this committee in recognition of the distinction between the lien reserved under the act of 1912, the lien created by water-right application and by stock subscription, on the one hand, as constituting first mortgages and the assessments of districts annually becoming a lien, on the other hand, as not constituting first mortgages, but rather to be classed with the taxes and improvement assessments of public corporations. In the first class the farm loans are held barred, while in the other they are permissible.

The result of the act, therefore, would be to encourage the formation of irrigation districts and provide cooperation therewith, to release the liens now constituting present or prospective encumbrances on both private land and the entered lands within all projects reorganized as irrigation districts when the district itself made contract for the repayment of the charges, thus facilitating farm loans.

The irrigation district is by no means an experiment, but the principles applicable have been thoroughly thrashed out in the State courts of the West and in the Supreme Court of the United States.

The irrigation district statutes apply to the public work of reclaiming arid lands the principles applicable to public corporations. These laws have been upheld by the courts of last resort in practically all reclamation States. The Supreme Court of the United States has upheld the constitutionality of the California law, which is entirely typical, in the case of Fallbrook Irrigation District v. Bradley (164 U. S., 112). The courts have upheld the power of these districts to assess and levy for construction purposes with entire immunity. After an irrigation district is once organized as a de facto corporation it has been held that no one but the State can question its organization. (Tulare Irrigation District v. Shepard, 185 U. S., 1.)

The various irrigation district laws contain confirmation provisions whereby an obligation before being incurred by the issuance of bonds or by contract to reimburse the reclamation fund of the United States can be judicially passed upon and approved. Upon the successful determination of such proceedings the decree is binding upon the world under the decisions of all State courts. It has been held in California that even the State is bound by the confirmation decree. (People v. Linda Vista Irrigation District, 128 Cal., 477, 61 Pac. 86.)

A fuller discussion of the legal status and of the practical phases of irrigation districts as applied to Federal projects will be found in several articles which are presented below.

The advantages of the irrigation district type of organization have been set forth in an article by Hon. Will R. King, chief counsel of the Reclamation Service, published in the Reclamation Record of September, 1916, which follows:

"The subject of irrigation districts, under State laws enacted for that purpose, is becoming one of more than usual interest to the water users on the various projects. This is illustrated by the many inquiries concerning what the advantages may be of the irrigation district system over that commonly in use in the service. It is accordingly important that a brief statement of the practical features of the irrigation district system and management thereunder be presented to the readers of the Reclamation Record.

"The irrigation district system with reference to United States reclamation projects is in use on reclamation projects in Washington, Idaho, and Nebraska. Its advantages over what is known as the water users' association system are by experience clearly demonstrated not only from the standpoint of efficiency but of economy as well.

"The advisability of adopting the irrigation district plan in place of the water users' system has been materially increased by passage of House bill No. 12365 (39 Stat., 506), approved by the President on August 11, 1916, and published in full on page 402. This bill brings the Reclamation Service of the Government in full harmony with the irrigation district plan. It subjects the land, the title to which may still remain in the United States, to liens for irrigation district purposes, requiring thereby that all lands, whether entered or unentered public lands, bear their share of the burdens of the construction, operation, and maintenance charges of the project included within the district, and extending the taxing power of the district not only to the entered lands for which no title has been procured but to the unentered lands as well. The lien created by the organization of a district for construction and operation purposes will follow the lands, and when entry is made, or when patent is secured for the entered lands, the entryman will thus be required to share the burdens with all others in the project included within the district.

"Furthermore, all private land holdings within the district, whether subscribed to the payment of water-right charges or not, will, with all other lands, entered or unentered, become subject to taxation for the payment of their share of construction and other expenses.

"It will thus be seen that the irrigation district system will necessarily reduce the pro rata cost of construction and operation and maintenance charges to all who have subscribed to water rights under the project included in the district.

"It requires but a casual observation of the situation to realize that on practically all Government projects there are various, and in many instances large, areas of private lands which do not share any of the burdens of the project and which remain out of the project with a view of not only escaping such financial burdens but eventually of receiving a larger price for their lands without contributing anything toward such rise, enhancing thereby the values and profits of their lands at the expense of the pioneer water users who may have subscribed for water rights.

"All of the readers of this article who may be interested in the subject are recommended to write to their Congressman or Senators for a copy of the hearings before the House Committee on Irrigation of Arid Lands, held February 26, 1916, on the bill then known as 'H. R. 262,' in which the advantages to accrue by this act were discussed by various persons familiar with the subject. The details of how an irrigation district is organized are therein fully presented by prominent persons in whose States the irrigation district plan is fully developed by legislation and experience.

"To give all of the discussions would, by reason of their length, preclude the publishing of this article. The object of the present discussion is to give, in a general way only, the purpose and general effect of such organization, together with the advantages to accrue by adoption of the irrigation district plan.

"In brief, an irrigation district has the same advantages over individual organizations, such as the ordinary corporations (including water users' associations), as a city or town, when organized into a municipal corporation, may have over a school district not duly organized. The advantages of a municipal corporation, under which

cities and towns are organized, over the system existing prior to such organization are so manifest that further discussion on that point is unnecessary.

"In many respects the irrigation district system is similar in its purpose and effect to school districts, county organizations, and city municipalities, differing only in details, the character of the details depending on the purpose for which organized. Irrigation districts have their officers the same as county and school districts, and they are possessed with the same taxing power, manner of collecting the taxes, etc., with which taxes thus assessed the construction, operation, and maintenance charges of Government projects are paid.

"Under the water users' association contracts are made with each individual water user; under the irrigation district plan the contracts are made by the United States with the irrigation district as a quasi municipality. Some courts have held such a district a public corporation and not strictly a municipality. The effect of this holding, however, so far as it may bear upon the general purposes and practical workings of the plan, is what may be termed a 'distinction without a difference,' for it has practically the same purposes in view. A public corporation as thus defined carries with it practically the same powers as a municipality. At the same time it escapes burdens which might otherwise go with a municipality as such.

"Under the individual contract system each water user has placed upon his land a mortgage lien, which, being of record, frequently proves an embarrassment to such individual whenever he desires to procure a further loan (upon land subject to the water-right lien) under the Federal banking act, money-loaning companies, or under the recent rural-credit act. But under the irrigation district plan these obstacles are removed.

"When a district is fully organized under the law, individual liens upon the land are released and the district, as a whole, is held for the contracted indebtedness, in the same manner in which a school district, county, city, or other municipality may be held upon an issue of bonds for school, county, city, or other municipal purposes, leaving the liens to accrue only in case of a default in payment of taxes levied for the payment of such indebtedness, or what may be termed a 'tax lien' for default in payment of such tax, not a lien of record for the entire indebtedness. In other words, in an abstract of title for the purpose of procuring a loan, no lien will be disclosed, unless it be for one or more unpaid installments of taxes levied.

"It will thus be observed that, if those on reclamation projects are to receive the benefits of the Federal banking act, rural-credit loans, or even loans by the State, or loans by large loaning companies, the 'projects' will have to substitute the irrigation district plan for the present system.

"Two or three States have adopted the irrigation district plan (in lieu of the water-users' plan), under existing laws. As a result the laws pertaining thereto were amended at the last sessions of the various legislatures in such manner as to permit the bringing of the reclamation projects thereunder. It is still important that these laws be further amended in some particulars.

"All districts should therefore be organized prior to the convening of the next legislature, for by so doing any defect now undiscovered may speedily be met by procuring from the legislatures soon to convene the required amendment or amendments, without waiting two years more for these benefits.

"In the past some prejudice has existed against irrigation districts, principally due to 'wildcat' organizations by incompetents and speculators who had in view the sale of bonds on certain projects where neither a sufficient water supply nor proper surroundings were found available, which in some instances was due to lack of investigation along these lines prior to the organization of the district.

"These defects would not exist should any of the reclamation projects now in operation substitute for the water users' association the irrigation district plan.

"The district plan of organization, of course, will not provide a water supply where none exists or make good land out of bad, nor will it convert into a success a reservoir which by reason of natural formations of its surroundings may be fatally defective.

"In arid sections where irrigation is relied upon there is impliedly included in the irrigation district plan the right to make all necessary contracts looking toward the drainage of such parts of the district as might be found necessary. This position has been upheld by the Supreme Court of Idaho, where the plan has been fully tried out and properly presented to the courts for determination. The irrigation district plan can therefore be used to solve the drainage problem.

"In the case of drainage, the lands within the district like lands for irrigation, are only taxed in proportion to their share of the cost. If there are lands in the district which can not be irrigated or lands for which drainage is of no benefit, then these lands can be excluded from taxation for either purpose, but all lands in the district, whether in cultivation or otherwise, must pay the taxes for either purpose. As before indicated, under the new law the same liability follows the lands, whether private lands where drainage, and drainage only, is necessary, such as part of a State (western Oregon, for example) where ditches and canals are necessary to keep water off the land and not with a view of running water onto it. Drainage districts will not solve the irrigation problem, but irrigation districts include and solve the drainage problem. Hence, when irrigation is necessary, irrigation and not drainage districts should be organized. This is the settled policy of the reclamation commission.

"For the perfection of an organization under the irrigation district system and the placing thereof in proper condition for dealing with the United States the time required under the different statutes varies from three to six months. As above stated, therefore, it is important that steps should be taken in this direction without delay with a view to receiving legislative aid, if required, prior to the coming session of your legislature.

"The reclamation commission has unanimously decided in favor of recommending the irrigation district plan, and the law section has placed in the general field service one of the district counsel (E. W. Burr, of North Yakima, Wash.) for the purpose of assisting district counsel on the projects in the organization of irrigation districts. In addition thereto, any special or general information desired will be furnished direct from the legal division of either the Denver or Washington offices.

"A more extensive and detailed discussion of the benefits of irrigation district plans will be found in the Reclamation Records, dated October, 1914, page 361; November, 1914, page 408; and January, 1916, page 26, consisting of discussions of the subject by District Counsel R. E. Stoutemyer, of Boise, Idaho, and District Counsel E. W. Burr, of North Yakima, Wash. In each of the States represented by these district council irrigation districts have long since been substituted for water users' associations with excellent results, none of which localities would, for a moment, consider the returning to the commonly known water users' association plan in force in most jurisdictions."

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that I may revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I am not sure that I am right about this, but I think I am; and if I am right about this bill, it ought not to have a single vote in this House. The Federal Government has under the act of 1902 authorized about $70,000,000 out of the Treasury of the United States to be expended for irrigation. It is a little more than that——

Mr. FRENCH. That is not correct. It did not come out of the Treasury of the United States.

Mr. FERRIS. Yes; it comes out of the Treasury.

Mr. FRENCH. It never was in the Treasury.

Mr. FERRIS. It is the same thing. It is the proceeds from the sale of public land. I am a friend of irrigation, too, and have supported it many times in this House, but I think the only way to support a law is to support it on the square, and I do not believe this bill is on the square. They have $70,000,000 expended on irrigation in the West, and we have withheld the issuance of the title to these lands until——

Mr. MOORE of Pennsylvania. Mr. Chairman, this is an important statement, and I wish that we could have order while the gentleman is speaking.

Mr. TAYLOR of Colorado. Mr. Chairman, the gentleman is talking against the bill, and I suggest the opposition will probably charge up his time to us. I will give him five minutes out of my time, anyhow.

Mr. LITTLE. I will give the gentleman 5 minutes out of mine, making 10 minutes altogether.

Mr. FERRIS. Who controls the time?

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] has an hour for and the gentleman from Kansas [Mr. LITTLE] an hour in opposition.

Mr. FERRIS. That is probably more than I will need.

The CHAIRMAN. Let the Chair understand it. The gentleman from Colorado has yielded the gentleman from Oklahoma 5 minutes and the gentleman from Kansas is likewise yielding him 5 minutes, so that the gentleman from Oklahoma is recognized for 10 minutes.

Mr. FERRIS. I think the five minutes of the gentleman from Kansas will probably be all that I will need.

Mr. LITTLE. Possibly I can give you some more, but several gentlemen have asked me for time.

Mr. FERRIS. I wanted to know what the arrangement was.

The reclamation act, which passed in 1902, authorizes that the proceeds from the sale of the public lands shall go into a fund for irrigating the West. I thought that was a good law. I think it is a good law now. I think it has done lots of good, and I think that it will do lots more of good. Under the terms of that law the title to the land irrigated has been withheld until these moneys have been repaid to the Government, as they should be. Now, here comes a bill, if I understand it aright, which changes that process, and Secretary Lane's letter tells the truth about it, surely. Here comes a bill that allows these people, who in the first place got the land for nothing and who in the second place got the money for nothing, and now ask to go in and mortgage the property to the Farm Loan Board, or to anyone else on first mortgages, and thereby the Government will lose its first lien. This ought not to be done. It ought not to have been proposed.

We now hold a first lien on these lands for a little more than $70,000,000. This bill authorizes those people to go in and mortgage this land to the farm-loan companies, taking as security therefor a first lien ahead of the Government's lien. If a man wants to defeat the Government to the extent of $70,000,000, it is only necessary for him under this bill—if we can imagine for the purpose of illustration that all of this irrigated land could be taken up by one man—first, to get possession of the land for nothing, and, second, to borrow the money to pay for it for nothing, and then give a first mortgage to it to a farm-loan company, and the Government will have lost its money.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Massachusetts?

Mr. FERRIS. I do.

Mr. WALSH. Assuming a case of this sort, that where the Government now has a lien upon an individual project there is a claim there on behalf of the State or an individual, and

that suit has been brought, and that this act passes, and the lien is waived or released, and the lien of the district is then put into effect, does not the attachment which has been put on in behalf of the State or the individual then become the preferred claim and comes in ahead of the Government lien?

Mr. FERRIS. Undoubtedly. I am told by the chairman of the committee, the gentleman from Colorado [Mr. TAYLOR], that by reason of the fact that the Government holds the whole association for it, that makes the Government safe. Not at all. I can follow no such logic. Suppose every man within the association mortgages his property for all it can stand, and the mortgage loan company comes along and takes the property. I would like to know what becomes of the Government lien of $70,000,000. There can be but one answer: They will simply lose it.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. SMITH of Idaho. How do they get the title when the title is in the Government?

Mr. FERRIS. That is what I would like to know. I have not seen this bill before and have not looked into it carefully; but let me read from Secretary Lane's letter, the second paragraph:

> While this bill does not mention farm loans, it will provide a plan whereby the farm-loan act will become applicable to the Federal projects.

Is it possible that the Federal Farm Loan Board is going to make second mortgages? Of course not. The Federal Farm Loan Board will make nothing but first mortgages, and these people in the reclamation projects will execute loans for the full value of their property, and the farm-loan people will come along and take the land, and then the settlers will march away, and the Government will be bilked out of its $70,000,000. If not, I ask, why not?

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. PLATT. It seems to me this is a matter that concerns somewhat the Farm Loan Board.

Mr. FERRIS. I hardly think it does. I think this bill gives the Federal Farm Loan Board the right to take first mortgages, which would leave the Government and the reclamation fund entirely holding the sack.

Mr. PLATT. It seems the indorsement of the Farm Loan Board appears to be rather qualified and not very strong here.

Mr. FERRIS. Well, I am not a member of this committee, and, of course, I have not given this matter the attention that the gentleman from Colorado [Mr. TAYLOR] or the gentleman from California [Mr. RAKER] or the gentleman from Nebraska [Mr. KINKAID] or the gentleman from Idaho [Mr. SMITH] have given to it. Maybe these gentlemen are right about it. Maybe I am wrong about it. But it seems to me it is as plain as primer print that the Federal Government ought not to do this thing.

Then, there are other people who enter into this besides the Federal Government.

Mr. PLATT. I do not want to vote for this bill without a more direct indorsement than it has got from the Federal Farm Loan Board.

Mr. FERRIS. I presume they are all right. They are not going to go into the second-mortgage business.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. LITTLE. The gentleman is talking about lands the title to which is still in the Government. Is it possible that the title would still be in the Government under this bill?

Mr. FERRIS. I read from this bill, on page 3, beginning with line 14, this language. I do not know what it means, but I urge you to read it for yourselves:

> And the Secretary of the Interior is further empowered to release liens in favor of the United States contained in water-right applications and to assent to the release of liens to secure reimbursement of moneys due to the United States—

And so forth. This authorizes the Secretary of the Interior to release any lien that the Government has. What for? So that they can put first mortgages on the land to some farm-loan company. The anomalous condition here is to first give the settler the land; second, it is to give him the money to irrigate it; and third, it is to waive these two rights and make a first mortgage to a third party. Even as a friend to irrigation I can not stand for anything like that.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. GOOD. Will the sponsors of this bill consent to an amendment of the provision that the gentleman has just read whereby that feature would be eliminated?

Mr. FERRIS. No. That would absolutely overturn the purpose of this bill, as I understand.

Mr. GOOD. Then they must admit that the contention that you are now making is not doubtful, but sound.

Mr. RAKER. Not at all. The gentleman is mistaken.

Mr. FERRIS. I confess frankly that if I am wrong I have done these gentlemen in charge of it an injustice, but I think I am right. Plain language tells the truth. It is easy to understand.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MADDEN. The farm-loan law requires that nothing but first mortgages shall be taken as security. The Government will have the first lien in cases of this sort, and if this bill were enacted we would jeopardize thereby the investment made by individuals and by the Government?

Mr. FERRIS. Of course. I want to call attention to one other reason why these western Members ought not to force this. The sum of $70,000,000 irrigates but a comparatively small area of land, compared to the 700,000,000 acres of public land lying in the West. Therefore these favored few who have had the use of this money for 20 years ought not to clinch it in their fists and keep it forever. They ought to pay it back so it can be used here to irrigate additional lands. It ought to be paid back so that other dry lands in the West can be brought under irrigation. It was intended to be a revolving fund so that the fund can be used to irrigate the West, not a small part of it.

Mr. SMITH of Idaho. This bill is proposed for the purpose of insuring payment of the moneys, some of which are not being paid.

Mr. RAKER. Does the gentleman know what percentage of all the acreage is involved in the prior lien referred to in the bill here?

Mr. FERRIS. I know that we have let the irrigation people have more than $70,000,000. I know we have not gotten any of it back. I know there is not a cent of it now available.

Mr. SMITH of Idaho. Over $4,000,000 has been paid back, and the records show it.

Mr. FERRIS. The irrigation service have none of it on hand now, and anybody who goes to get any of it to further irrigation is told that they have already made contracts for more than they can ever meet. I am not an enemy of irrigation. I have defended it here more than once. I have helped to provide for it more than once; I will do it again; but we ought to be fair about the irrigation fund and not keep it all for the few people who have already availed themselves of it.

Mr. MORGAN. I know what the gentleman says about being a friend of irrigation is true; but I should like to have him tell how much of this fund came from Oklahoma and how much has been expended in Oklahoma.

Mr. FERRIS. Something over $6,500,000 has been given to the fund, and not as much as a garden spot has ever been irrigated.

Mr. SMITH of Idaho. They have no water down there to irrigate and no place to build dams.

Mr. FERRIS. That is not true and the gentleman knows it. They have a number of approved projects, and not a cent to build them with, and the gentleman knows that.

Mr. RAKER. Section 2 of the act of August 9, 1912, creates this lien for the construction charges and the maintenance and upkeep until they are paid.

Mr. FERRIS. Yes.

Mr. RAKER. Does the gentleman know about what percentage of all the land in all the projects is thus involved?

Mr. FERRIS. I suppose a very small part. But I am not criticizing as to that. It is a comparatively new undertaking, and naturally there would be some mistakes of that kind.

Mr. RAKER. I want to put this question: Does the gentleman think that a man who had spent all the time that I have spent to secure these provisions would do anything to injure reclamation projects?

Mr. FERRIS. No.

Mr. RAKER. Or fail to protect the Government?

Mr. FERRIS. I do not know so much about that. These settlers who want to get this land patented and then have the right to mortgage it are not worrying very much about the Government, I rather suspect.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. TAYLOR of Colorado. I yield five minutes to the gentleman from South Dakota [Mr. GANDY].

Mr. GANDY. Mr. Chairman, in the first place, those who assume that the security that will be taken by the Secretary of the Interior from a reclamation district in lieu of security now held by the Government will not be as safe as the security

now is, can not do so except upon the assumption that the Secretary of the Interior of this Government will violate his oath of office, that he will take something of less value than this Government now has, for this bill puts it entirely within his discretion; and that is unbelievable, so far as I am concerned. Gentlemen from more favored sections of this country where there are drainage districts are familiar with the provisions for taking the water off of the land, but they are not familiar with reclamation districts for putting water onto the land. You are familiar with the fact that the charges of a drainage district become a tax upon the land—a first lien—just the same as any other tax that is levied by a municipality; but this irrigation proposition is something new to you, and you are not familiar with the fact that the putting of water onto the land occupies exactly the same position in law as the taking of water off from the land.

For some years the Reclamation Service, a part of the Department of the Interior, has been interested in securing uniform reclamation district laws in the reclamation States of the West. Those laws have had the approval of the Department of the Interior before being passed by the States. If the reclamation district law of a State does not safeguard every interest of this Government, do you think for a moment that the Secretary of the Interior is going to approve a transfer from an individual liability to a district liability in that State? Not a bit of it. To think that, you must assume, as I said, that the Secretary of the Interior would violate his oath of office.

I hold in my hand one of these uniform reclamation district laws, that of the State of South Dakota, one of whose districts I have the honor to represent in this House. Let me read you what the provision as to the lien is:

> All assessments on real property and to the extent provided by the said act of Congress of August 11, 1916, on entered and unentered public lands are a lien against the property assessed, from and after the day the real estate taxes become a lien, and shall draw interest at the same rate and from the same date as unpaid real estate taxes, and such lien is not removed until the assessments are paid or the property sold for the payment thereof.

Now let us see how they collect the lien for construction and operation and maintenance charges:

> And it shall be the duty of the county treasurer to collect such assessment in the same manner as other taxes against real estate are collected, and the revenue laws of the State for the collection of taxes and sale of land for such taxes are hereby made applicable in the collection of assessments under this act.

Now let us go a step further and see as to priorities:

> The lien for the bonds of any series shall be a preferred lien to that of any subsequent series and the lien for the payments due to the United States under any contract between the district and the United States, accompanying which bonds have not been deposited with the United States shall be a preferred lien to that of any issue of bonds or any series of any issue subsequent to the date of such contract.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. How much time have I left?

The CHAIRMAN. The gentleman has 30 minutes remaining.

Mr. TAYLOR of Colorado. I will give the gentleman five minutes more.

Mr. GANDY. Let us see as to the government of these districts:

> Any irrigation district organized under the laws of South Dakota is hereby authorized to accept of the provisions of any act of Congress of the United States applicable to such district and to obligate itself to comply with such laws, rules, and regulations as may be promulgated by any department of the United States in pursuance of such acts, and irrigation districts contracting with the United States under the provisions of this act shall be governed in all matters by the laws of the State relating to irrigation or drainage districts, as the case may be, except in such things as may be otherwise provided for such districts. This section shall not limit the rights which any irrigation district has under existing laws to purchase a water supply or otherwise contract and shall be cumulative thereto.

Mr. GRAHAM of Illinois. The gentleman is reading from the statute of South Dakota?

Mr. GANDY. I am, sir.

Mr. GRAHAM of Illinois. Under that statute are these districts private corporations or municipal corporations?

Mr. GANDY. Municipal.

Mr. GRAHAM of Illinois. So stated in the act?

Mr. GANDY. Yes.

Mr. MORGAN. How could the Government enforce payment against these irrigation districts in case they refused to assess the taxes?

Mr. GANDY. I am not a lawyer, but my opinion is that it could be enforced by writ of mandamus against the proper public official to compel him to do his duty.

Mr. KINKAID. That is correct.

Mr. MORGAN. It seems to me important that there should be some way by which the Government can enforce that, and that it should be in the law.

Mr. GANDY. It is in the law. There is no question about that.

Mr. SINNOTT. These acts which the Reclamation Service have had passed in the various States provide that in case of default the Government may take over these projects and run them. That is in section 22 of the reclamation act.

Mr. GANDY. It is my understanding that is correct.

Mr. REED. Will the gentleman yield?

Mr. GANDY. Yes.

Mr. REED. Does the gentleman interpret that to mean that the Government would lose its priority over the claim taken by the Federal Farm Loan Board?

Mr. GANDY. The Government claim for construction charges would be on the same basis as the claim for any other tax for any other purpose by any other municipality in the State. That is the provision of the law.

Mr. REED. The farm-loan claim would be a second mortgage?

Mr. GANDY. A mortgage taken by any person or individual is second and subsequent to any taxes that may be levied by any municipality.

Mr. LITTLE. Does the gentleman from South Dakota understand that the lien is waived under this bill?

Mr. GANDY. It is not waived; it authorizes the Secretary of the Interior to substitute one lien for another.

Mr. LITTLE. You can not substitute one lien without waiving the other.

Mr. GANDY. We are all familiar with the building of waterworks system, and the fact that the obligation is general does not mean that it does not attach to the individual. The fact that it is spread over the town does not mean that the individual does not have to pay his just proportion of that debt, for he does, and you know that he does. This is to put the water on the land while you are familiar with taking water off the land.

In addition, as was said by the gentleman from California, this law will permit, through reclamation districts, the bringing in of private lands not now covered by water-right applications. There is now no way to compel them to come in. Under the reclamation district laws all the land in the district will be brought in the same as all the land benefited is brought into a drainage district or a paving proposition.

Mr. MORGAN. Will the gentleman yield?

Mr. GANDY. Yes.

Mr. MORGAN. Will the gentleman consent to an amendment which would require the State to guarantee the payment due the Government? Let the State in which the irrigation project is located guarantee the payment of the amount.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. LITTLE. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, if I understand this bill correctly, it seems to me there is a good deal of confusion about what it really does provide for. It seems to me that this is the situation: When the Government makes its arrangement with a reclamation district the bill clearly contemplates that the title to lands in the district shall pass at once to those who are now holding them. That appears from what the Secretary of the Interior says in arguing that this bill will enable these parties to secure a first mortgage on the lands. The statement of the gentleman from California [Mr. RAKER] to the effect that irrigation charges are to be levied generally over lands inside the irrigation districts and not on any specific tracts shows also that the intention is to release the liens now on these lands. In other words, the Government is to give up entirely its lien.

Now, in what position will the Government be left? Simply in this position: The Government's claim instead of being against a particular tract of land will be against a municipal corporation, the irrigation districts. It will be the same as a claim against a city or a town where you obtain a bond against that city or town. How do you enforce that? You enforce it, as has been suggested, by levying a tax against the district. Who levies that tax? Why, the officers of that district. The United States Government has no control over them at all, except so far as they may compel a levy by a writ of mandamus. That is the only way in which this money can then be collected. It seems to me that the Government will lose a very substantial advantage. It has the power now to cancel the contracts under which entrymen now hold the lands and for failure to make payments. When this arrangement is made the Government loses that power and surrenders all claim upon the individual tracts of land that is benefited by the money advanced and has only an unsecured claim against the district under a simple contract. It is relegated to exactly the same position as any ordinary creditor and has to sue the irrigation district for the purpose of collecting.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. VOLSTEAD. No; I do not have the time. It is urged that there are State laws that will aid collection. It is true that you have State laws that may aid in the collection of this money if the Government does surrender its lien and agree to take the promise of the irrigation districts for its payment, but what guarantee is there that the States will not pass laws that may hamper the Government in this collection? [Applause.] There is none under the sun. We have had some experience that may be instructive and that justifies us in being cautious.

Mr. RAKER. Will the gentleman yield?

Mr. VOLSTEAD. No; I do not have the time to yield. There is nothing to guarantee that the laws are going to remain the same. On the other hand, if a State sees fit to assist people in defeating the Government's claim it may take years and years to collect any of this money. The government of several States have in the past assisted people in defeating claims where they thought the claims were without merit, and this may be an opening wedge for repudiation. Put these lands in this condition and you will invite an agitation in favor of repudiation. If not repudiation, at least repeated applications for postponement of payment until the accumulations of interest and taxes will make it necessary to compromise the Government's claim. Gentlemen will remember that many States at one time received loans of money from the Treasury of the United States that never has been repaid. You are aware that persons have appeared from time to time urging that the Government should forego a part if not all of its claims for money expended on these irrigation projects, and if as is now proposed parties who have not profited by the irrigation works are to pay a part of this money the demand for relief will naturally become much more insistant. Whether these parties who have not benefited can be made to pay a part of the Government's claim is more than doubtful; if they can not, then the contract offered the Government may be void and the Government may lose its entire claim.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, those who have spoken in favor of this measure have predicated their statements upon the claim that the Federal farm-loan act would permit the taking of second mortgages. I have sent for a copy of the act and find in section 12 the following provision:

> First. Said loans shall be secured by duly recorded first mortgages on farm lands in the land-bank district in which the bank is situated.

If we wish to find any reason for voting against this bill it seems to me it is found in the letter of Secretary Lane of July 2, 1917, in which he states:

> While this bill does not mention farm loans, it will provide a plan whereby the farm-loan act will become applicable to the Federal projects.

Further, in the same letter, he says:

> In section 2 of the bill provision is made for the releasing of the liens of the Government which have been reserved, as required by the present law, in patents to homestead entries taken up subject to the reclamation law, and for the discharge of liens contained in stock subscription contracts to water users' associations and in water-right applications direct to the United States, in cases where proper contract shall be made by irrigation districts with the United States.
>
> This section would, therefore, if enacted remove two classes of impediment to the application of the farm-loan act to Federal projects. The first is the existence of the prior reserved lien on all homestead lands, and the second is the existence of a contractual lien by virtue of stock subscription and water-right applications. Thus both the public and private lands taken by the settlers under these projects would become free from prior liens, so that there would be no legal impediment to the loaning of money by way of rural credits.

It is unquestionably true that many of these irrigation projects are working out splendidly. Many of them have proven the wisdom of the legislation. It has been a splendid investment. It is also true that some of them have not worked out so well, and the public money has been thrown away in some of these projects. While that is true, and while the scheme on the whole has been a success, this bill if enacted into law gives the public two chances to be soaked. One is in the public money that originally goes into a poor project may be lost, and the second is to release the first lien of the Government long enough to permit the Federal Farm Loan Board or some financial institution to make a first mortgage and then after the first mortgage is recorded for the district to turn around and make its assessment to secure the balance to the Government of the United States.

It seems to me that in the crisis that confronts us to-day we ought not to think of passing a law of this kind. We need all of the credit of the Government to carry on this war and we should not think of releasing these liens, which are first liens to the Government, and then have the Government take a second mortgage to secure its investment. No private bank, no person having a first mortgage, would think of such a thing. It is so unreasonable that no one would think of making a request for such a thing. Then, why should the Government do it?

Mr. LITTLE. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, to understand the real iniquity of this bill it is necessary to understand the scheme of the reclamation law. The reclamation law which was passed 14 years ago segregated the receipts from public lands in public-land States into a revolving fund. That fund was to be used to build reclamation projects, and a lien was to be reserved upon the land to which water was furnished until the construction and operation and maintenance charges were repaid. The fund which was thus replenished by repayment of these charges was then to be used in the construction of further projects in other States or in other portions of the same State. Whatever tends to delay or hinder that program is, of course, undermining and destroying the whole plan of the reclamation law. The reclamation law provided that the Government should retain a lien on the Government land within the irrigation project sufficient to cover the cost of construction and that private landowners within the district should come in or could come in by agreement and submit to a contractual lien on their land as a condition for the construction of the project and the use of the water. This bill proposes, and its whole object is, to release both of those liens. The lien is against the individual tract of land in every case. Some tracts of land are of value and some are not. The Government undoubtedly will lose some of its liens, but this proposes to release all of the liens on the individual tracts and substitute for them a liability by a legally organized irrigation district to be created under the laws of the State. It may be argued that the laws of the State will give or have given to these quasi-municipal corporations the right to levy assessments upon the land, but there is no possible guarantee that that condition will continue and that the protection to the Federal lien will be preserved under the continuing laws of the State.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. No; I can not. The very purpose is to release the lien on the individual tract of land. We must recollect that these liens on the individual tracts of land run from $60 an acre to $110 an acre. That is the lien which the Government now has to collect back for construction charges.

Mr. MONDELL. Mr. Chairman, is not the gentleman getting a little high?

Mr. BORLAND. No; I think not. There may be some projects where the charges run as low as $40, but I doubt whether there are any lower.

Mr. MONDELL. There is none that runs to $110, except one or two small ones.

Mr. BORLAND. Oh, yes; there are some of them. There is a good deal of that land that is not worth $60 to $110 an acre. In order to be worth a lien of that amount the land ought to be worth double the value of the lien. Very little of it is worth that. In fact, the Government practically advanced to these people the money to make their land of any value at all. It would not be worth $1.25 an acre if it were not for the money that the Government had expended. The very purpose of this law is to release the Government's lien and put it into the form of assessments by quasi-municipal corporations. The proponents say in all their arguments that the purpose is to permit the individual landowner to pledge the land for further advancement. That was said in the letter of the Secretary of the Interior read by the gentleman from Iowa [Mr. GOOD], and here is another statement by the district counsel of the Reclamation Service:

> The fifth advantage of the district to which I have referred is that the irrigation district plan keeps the title of the individual landowner free from incumbrances of record, and therefore makes it easier for him to secure credit and borrow money at reasonable rates. Most of the insurance companies and mortgage-loan companies have provisions in their by-laws or the regulations or laws under which they operate, which prohibits them from loaning on second mortgages and require them to loan only on first mortgages.

Therefore the purpose of this law is to so fix it that the individual landowner can give a first-mortgage lien to the mortgage company he chooses to borrow the money from. Not only are we to have this mortgage lien of some mortgage company injected ahead of Uncle Sam's lien but in the case of private land the tax is levied by the State and the county.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. BORLAND. For a brief question, not a statement.

Mr. SMITH of Idaho. The title is still in the Government. Does the gentleman assume that any loan company will loan money on a second mortgage, or that even the Federal Loan Board will loan money on a second mortgage?

Mr. BORLAND. The statement is very plain to a business man, and the gentleman from Idaho is a business man, and it says that the very purpose of the district plan is to release the individual tract from a first lien in order to borrow money from a mortgage company. Why, not only that, but the statement is here made that the law passed to control the Farm Loan Board prevents them from taking anything but a first mortgage and that the passage of this law will permit that board to take loans from these owners of land. Now, they are to take a first lien, and after that we are to have a lien of $40 to $110 to care for construction charges. The investment of Uncle Sam in the reclamation project made the land of value as security to anybody.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. BORLAND. I can not yield right now. I have one more thought which I desire to present. Now, what becomes of the revolving feature of this fund? What becomes of the right of other localities that are waiting to have an irrigation project built in their vicinity? Why, there are scores of applications now before the Secretary of the Interor from meritorious projects in the West where they would like to have irrigation projects taken under the provisions of the reclamation law, but can not do so until the fund is built up to a point where there is money available for that purpose. Uncle Sam advanced $20,000,000 more than the public land sales produced and that $20,000,000 has been used and has not been repaid. Now, there is not any way to accommodate all these people who want reclamation projects in their neighborhood and who are entitled to have them, if we absorb the money as provided in this law. Why, it absolutely stops all of the beneficial operations of the reclamation law. It just simply says to those gentlemen who were fortunate enough to get in on one of these existing projects, that they only are to have advantage of all the proceeds of the sale of public lands. That is exactly what it means. It not only means that, but, as the gentleman from Iowa [Mr. GOOD] pointed out, they are also to come to the Treasury and ask to have a further bonus out of the rural credit land bank proposition; and then, when Uncle Sam has got both liens in there and gets the land, it is a question whether he will ever get either one of them out.

Mr. GLASS. Will the gentleman yield for a question?

Mr. BORLAND. For a very brief one.

Mr. GLASS. As I understand the proposition, it is to release all Government claims to this land before the Federal Loan Board makes loans on it?

Mr. BORLAND. That is it, precisely.

Mr. GRAHAM of Illinois. Now, will the gentleman yield?

Mr. BORLAND. In lieu of that, I will say to the gentleman from Virginia, it is proposed to allow these irrigation districts to collect, by some means of assessment under State law, enough money to pay the original lien to Uncle Sam. That is what it is expected to do, but when we consider the size of Uncle Sam's present lien we find——

Mr. RAKER. Will the gentleman yield?

Mr. BORLAND. I will yield for a question.

Mr. RAKER. The gentleman does not pretend to say that if a contract were entered into by the Secretary of the Interior and a reclamation district you waive the Government's right to collect that money and have a lien upon the land in the district, do you?

Mr. BORLAND. I did not understand the gentleman's question.

Mr. RAKER. The gentleman answered the gentleman from Virginia that the Government waived all claim.

Mr. BORLAND. Yes.

Mr. RAKER. This bill triples its security and puts it two or three times greater than it is to-day?

Mr. BORLAND. I heard the gentleman make that statement before, but I think he was in error.

Mr. GLASS. As a matter of fact, the Farm Loan Board could not make a loan on any land unless all claims were cleared.

Mr. BORLAND. Yes; so it is perfectly plain, and the law itself says that when we have entered into this contract the United States shall not reserve a lien for the payment of such charges. It expressly says that, and this bill ought to be defeated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Mr. Chairman, in view of the courtesy the gentleman from Colorado [Mr. TAYLOR] extended to the gentleman from Oklahoma, I am going to give five minutes to the gentleman from North Dakota [Mr. NORTON], who is on his side; and I will say in doing this that I do it with more pleasure because this is the first time since this Congress has been in session that I have known the gentleman from North Dakota to be wrong. [Laughter and applause.]

The CHAIRMAN. How much time does the gentleman yield?

Mr. LITTLE. Five minutes.

Mr. NORTON. Will the gentleman from Colorado yield me five minutes?

Mr. TAYLOR of Colorado. How much time have I left?

The CHAIRMAN. The gentleman has 25 minutes yet remaining.

Mr. TAYLOR of Colorado. Yes.

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. LITTLE. And I understand that I have used 23 minutes.

Mr. NORTON. Mr. Chairman, the purpose of this bill is to authorize releasing the liens that the Government now has upon the individual lands on the different irrigation projects of the country and for the Government to accept in place of these liens the obligations of municipal organizations known as irrigation districts. The advances made by the Federal Government for constructing and maintaining irrigation projects which take advantage of this proposed law will be repaid to the Government by the municipal organizations or irrigation districts instead of by the individual landowners under the project. There has already been passed by most, if not all, of the Western States legislation providing for the organization of irrigation districts, with practically the same powers as given to civil townships to contract obligations, to levy and collect taxes, and to enforce payments of taxes and assessments. Under this plan of organization it is proposed—and it is provided in the State laws—that bonds may be issued by the irrigation districts, to be given to the Government in payment of the expenses that the Government has been to in constructing the irrigation projects and maintaining them. It is provided that these bonds may run for such a period of years as it may be agreed upon to repay the Government for the cost of constructing, operating, and maintaining the project. These bonds are to be paid——

Mr. DENISON. Will the gentleman yield?

Mr. NORTON (continuing). By those who belong to the irrigation district, through assessments regularly levied every year on the lands in the district. These assessments for the payment of the obligations of the irrigation district are levied and collected the same as county, city, or State taxes are levied and collected. In most, if not all, of the Western States these assessments of the irrigation districts would be collected by the county treasurers.

Mr. ANDERSON. Are these bonds a lien on the land?

Mr. NORTON. These bonds are an obligation against every foot of land and against all property in the irrigation district, just as the bonds issued by any municipal organization, such as a civil township or city or village are an obligation against all the property of the civil township, city, or village.

Mr. DENISON. I was going to ask this: Now, then, if the irrigation district has an outstanding issue of these bonds, which, as you say, is a lien upon all the land in that district, can the Federal Farm Loan Board loan any money on any of the land in that district when there is a bond issue?

Mr. NORTON. I will say that any Federal farm-land bank in loaning on these lands would necessarily in the course of its business have to recognize and take into consideration the outstanding obligations that the irrigation district might have; because, forsooth, if the farm-land bank should loan, let us say, $2,000 on a quarter section of land, and in any following year during the life of the mortgage the irrigation district should levy an assessment on all the land in that district of $5 an acre—or, to make a stronger hypothetical case, say, $10 an acre—on 160 acres, that would be an assessment of $1,600; then, if the owner of that 160 acres of land neglected to pay that assessment or levy, the land would be sold for that assessment or levy, just the same as it would be sold for county taxes or township taxes or State taxes, and if it were not redeemed in time by the mortgagee a tax title would issue that would wipe out the mortgage for $2,000 of the farm-land bank.

In taking a mortgage upon these lands, the land bank, or any other mortgagor, would necessarily be obliged, as a matter of business, to take into consideration the outstanding bonds or the outstanding indebtedness of the irrigation district.

Mr. DENISON. Then, as a matter of law, is it not true that a farm-land bank can not under the law make a loan on any of those lands if there is an outstanding bond issue?

Mr. NORTON. No, sir; it is not. I will point out to the gentleman why. At the present time in a civil township a farm-land bank has a right to make, as any mortgagee has, a first mortgage on land that has no prior lien on it. However, the

township may have at the time outstanding obligations in excess of the total value of all the property in the township. If so, any mortgage lien placed on land in such a township may be worthless as far as security is concerned. Such conditions have happened in the West before either you or I were born. Boomers and exploiters went out into Nebraska and Kansas and the Dakotas in the early days, and organized civil townships and issued large amounts of bonds, and sold them in the East. These bonds exceeded in amount the entire value of the property of the civil township.

Mr. DENISON. Now, one more question. The statute of South Dakota, read a while ago by the gentleman from South Dakota [Mr. GANDY], stated that any contract made by the irrigation district with the Government was subject to prior bond issues made by the irrigation district. That is true, too, is it not?

Mr. NORTON. Yes; that would probably be true, unless it were provided otherwise by law.

Mr. DENISON. Any contract made by the irrigation district with the Federal Government in regard to repayment of amounts due the Government is subject to prior bond issues made by the irrigation district?

Mr. NORTON. Prior bond issues?

Mr. DENISON. Any contract is subordinated to them.

Mr. NORTON. Certainly, if the irrigation district made two issues of bonds, the first issue of bonds would be a prior obligation. I take it that when the Government accepts these bonds the bonds accepted will be the first obligation of indebtedness of the district.

Mr. DENISON. Then, if the Government under this bill releases its lease on the individual tracts of land and accepts a contract from the irrigation district, that contract is subordinated to all prior bond issues made by the irrigation district?

Mr. NORTON. Naturally, that would be true.

Mr. DENISON. Then the Government is releasing the first lien for what may be a second or third lien?

Mr. NORTON. The Government would not be obliged to do that and should not be obliged to do it under any law. I believe this law should be passed, because it would be to the best interest of the Government, as well as to the landowner under the irrigation project. If the Government took the blanket obligation of the irrigation district on all the property in the district, it would be in better position to collect the money that has been expended on the irrigation project than it is now through its first lien on the separate tracts of land.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. GRAHAM of Illinois. In verification of the statement you made a moment ago about loans by the Federal farm-land banks, in Illinois we have an organization of drainage districts for the lowlands along the Mississippi River. These are municipal corporations. Recently I ascertained in one particular case where there was a lien placed by the drainage association upon the lands to the extent of about $40 an acre, and the Federal land bank is making loans upon that land.

Mr. NORTON. There you have exactly the same case as you would have under an irrigation district.

Mr. GRAHAM of Illinois. The lien of the drainage district was on the land, but it did not prevent the loan by the Federal farm-land bank.

Mr. GLASS. It would.

Mr. NORTON. They are making the loan just the same.

Mr. GLASS. I think the gentleman must be mistaken, because the mandate of the law is as clear as the noonday sun that the farm-loan bank must have a first mortgage on the land upon which it makes a loan.

Mr. GRAHAM of Illinois. I have some knowledge of the loan. In this case 2,000 acres of land were involved, upon which there was a lien of $40 an acre, and the loan is being placed at $35,000 on that tract, under the auspices of the Federal Farm Loan Board.

Mr. GLASS. It is a violation of the law as plain as can be.

Mr. NORTON. Take the case of a civil township. If any civil township to-day in the country has outstanding bonds, say to the amount of a million dollars, covering the value of land at $20 an acre, has not the Farm Loan Board the right to make loans on that land in the civil township?

Mr. GLASS. It has not the right to make farm loans on anything but first mortgages.

Mr. NORTON. The gentleman is not answering the question directly. Let us take the case of a congressional township, and say there is an outstanding bond issue of $20,000,000 against that township, or $100,000,000. Has not a farm-land bank the right to go in there under existing law and make a loan on separate tracts of farm land in that township?

Mr. GLASS. Not unless it has a first lien on that land. If it has not a first lien upon the land, the Farm Loan Board has no right to make a loan upon it.

Mr. NORTON. Nevertheless, a farm-land bank has such right, and the gentleman will so find it to be true if he gives further examination to the Federal farm-loan act, which he took such a splendid part in framing and having placed upon the statutes.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Wyoming.

The CHAIRMAN. The gentleman from Wyoming is recognized for 10 minutes.

Mr. MONDELL. Mr. Chairman, the time I have is brief, and I would like to have the attention of the committee for that brief period. As matters now stand, the individual landowner under a reclamation project is obligated to the Federal Government for the return of the cost of the irrigation of his land, as fixed by the Secretary of the Interior, and for the annual cost of maintenance. The charges against the land are first liens. If the land be taken under the homestead law, that lien can be enforced by shutting off the water and the cancellation of the homestead entry. If the land be privately owned land—that is, land that was privately owned at the time it was taken under the project—the lien is enforceable by shutting off the water and in some cases—in most cases, perhaps—by action upon the contract entered into with the owner of the land. However, it has been claimed that some of those contracts are of doubtful validity.

The Government is absolutely secure, so far as the land of the homestead entryman is concerned. Assuming that the property be worth the cost of its irrigation, the Government is likewise protected and secured, in the great majority of cases at least, for the cost of irrigation of privately owned land by the power to shut off the water supply and authority to cancel the contract, providing that the land is worth the cost of its reclamation.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I regret I can not. I have only 10 minutes, all told. Practically all the lands are worth that cost and more.

It is now proposed to relieve the individual landowner or entryman from the direct obligation relative to the building charge, and to lay that obligation upon a municipal corporation. It is urged by some that it is unwise to do so; that it is dangerous to do so; that by so doing we would jeopardize the Government's investment.

My opinion is that in some cases, at least, this change of the form of the obligation would strengthen the Government's security, and that particularly in cases where a large proportion of the land is in private ownership; possibly not to the same extent where most of the lands were homestended. It is urged and argued, and with a good deal of force, by the gentleman from Minnesota [Mr. VOLSTEAD] that while the municipal corporation would have the power to enforce the lien and collect the sums due the Government, there might come a time when public sentiment was favorable to repudiation and to an extent that would greatly hamper and possibly defeat the Federal Government in the collection of the sums due. I doubt if such a condition is likely to arise anywhere. It is difficult to conceive such a situation as that. The cases in which it would arise would, in my opinion, be very rare.

Now, as to the application of this law to the two national irrigation projects in my State of Wyoming. In one of those projects almost every acre of the land was public land and was entered by homesteaders. In the other project something like 50 per cent was public land. The settlers under those projects have made their payments as they have become due, practically all of them. There is no considerable obligation due the Federal Government on those projects now unpaid. The people have kept the faith. On one of those projects a very considerable portion of the construction charge has been paid. The projects are doing well. The people are honest and intend to meet their obligations, and will meet them; and upon those projects this law would certainly work well, and the Public Treasury would be protected. [Applause.] One of the objects sought to be attained through the passage of the act is that of allowing the people to secure Federal farm loans. I am not altogether certain that this result would necessarily follow. In some cases, at least, it would be doubtful. However this may be, the enactment of the legislation would afford such relief. I believe, in the case of patented lands, where any considerable portion of the building charges had been paid, I therefore give my support to the bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, how much time have we on this side?

The CHAIRMAN. The gentleman from Colorado [Mr. TAYLOR] has 10 minutes, and the gentleman from Kansas [Mr. LITTLE] has 32.

Mr. TAYLOR of Colorado. I suggest to the gentleman from Kansas that he use some of his time.

Mr. LITTLE. The gentleman from Oregon [Mr. SINNOTT] wishes to speak on your side now. I yield him five minutes.

The CHAIRMAN. The gentleman from Oregon is recognized for five minutes.

Mr. SINNOTT. Mr. Chairman, my object in speaking at this time is to allay the misapprehensions expressed by some members of the committee lest the Government might lose some of the rights and securities which it has at the present time. One thing is sure, and one thing to my mind is uncertain which formerly was certain. After listening to the discussion I am uncertain as to whether or not many of these reclamation projects will indeed secure the benefits of the farm-loan act that they thought they were going to secure by virtue of the bill before the House. That is uncertain in my mind. But this is surely made certain, that the Government will have better security under this act than it has under the present reclamation law. Under the present law a farmer owning a unit of 100 acres may owe the Government $1,000. The sole security that the Government has under the present law is the land owned by this one farmer, but under this contemplated change if there are 50,000 acres in the irrigation district, the Government has as security for the debt of this one farmer the entire 50,000 acres in the irrigation district.

Mr. DENISON. That is, provided there is no prior lien on that 50,000 acres.

Mr. SINNOTT. Provided there is no prior lien.

Mr. DENISON. There may be a prior lien.

Mr. SINNOTT. But if this act is passed and the Secretary of the Interior does his duty, as we have a right to assume he will, there will be no prior lien. He will make no contract with any irrigation district organized under the new law unless the Government has a first lien or charge upon all the land in that irrigation district.

Mr. DENISON. That is, assuming that he will not use bad judgment.

Mr. SINNOTT. That is, assuming that he will be honest with the Government.

Mr. DENISON. He might be honest and yet use bad judgment; and does not the gentleman think it ought to be provided in the law that the Secretary of the Interior shall not make a contract unless the Government has a first lien?

Mr. SINNOTT. I certainly would have no objection to that. In fact, the laws of the State of Oregon, which I propose to read, contemplate that. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. One minute.

Mr. SINNOTT. It is impossible to go through these laws in that time, but I will say that the laws of Oregon contemplate the organization of an irrigation district which will guarantee the indebtedness of these reclamation works to the Federal Government. Further than that they provide that—

Any water, the right to use of which is acquired by the district under any contract with the United States, shall be distributed and apportioned by the district in accordance with the acts of Congress and rules and regulations of the Secretary of the Interior and the provisions of said contract in relation thereto.

As a condition precedent to entering into a contract with these new irrigation districts formed under this law the Secretary of the Interior may exact from them any agreement he sees fit, requiring the district to comply with the rules and regulations of the Secretary of the Interior.

Mr. DENISON rose.

Mr. SINNOTT. I beg the gentleman's pardon. I have so little time that I can not yield.

Mr. LITTLE. I will give the gentleman two minutes more.

Mr. SINNOTT. The board of any irrigation district—

may enter into any obligation or contract with the United States for the construction, operation, and maintenance of the necessary works for the delivery and distribution of water therefrom under the provisions of the Federal reclamation act and under the acts amendatory thereof.

Section 22 of the Oregon Irrigation Code, which is really a copy of these other acts that have been passed in the various States, provides that—

The holder of the bonds, or the United States, in case contract has been executed by the United States, may, in case of default in the payment of interest or principal on the bonds, or the amount due on the contract, upon the order of the circuit court, take possession of the irrigation and other works of the district and operate the same until the amount in default shall have been fully paid.

Any assessment upon land shall be a lien against the property assessed, and such lien for all payments due or to become due under any contract with the United States or for the payment of principal or interest of bonds deposited with the United States shall be a preferred lien to any assessments for bonds issued subsequent to the date of such contract or the issuance of said bonds deposited with the United States, and no district assessment lien shall be removed until the assessments are paid with interest and penalties or the property sold for the payment thereof.

Section 23 provides that—

The Treasurer shall keep a "Bond Fund" account, or a "United States Contract Fund" account, or a "Bond and United States Contract Fund" account, as the case may be, into which shall be covered all moneys arising from the sale of refunded bonds and assessment and levy until there is sufficient money in such fund to meet the next installment of principal and interest upon bonds of the district and to meet all payments for construction and all other purposes to the United States.

Section 24 provides that—

Where contract has been made with the United States in addition to the amount hereinbefore determined and apportioned, the board of directors shall also fix the amount payable by each tract within such district, and the amount so fixed shall be in accordance with the Federal reclamation laws and the public notices, orders, and regulations issued thereunder, and shall be in compliance with any contract made by the United States with the owners of said lands and in compliance further with the contracts between the district and the United States.

Mr. TAYLOR of Colorado. I yield to the gentleman two minutes more.

Mr. SINNOTT. Section 35 provides that—

No change in the boundaries of the district can be made unless the Secretary of the Interior shall assent to the change.

Every section of the Code of Oregon has some provision for the protection of the interest of the United States. Then, there is a provision against the dissolution of the district without the consent of the Secretary of the Interior.

Some one has asked this question: Suppose the directors of the district refuse to act, what will be the result? We have a statute anticipating and protecting that, so that in case of neglect or refusal of the board of directors to cause such assessment and levy to be made, then the assessment and levy shall be made by the county court of the county in which the office of the board of directors is situated in the same manner that the court levies county taxes. And all those expenses are to be borne by the district.

Most every contingency or hazard one can think of has been anticipated in the various irrigation codes passed in the States of the West. I have no misgiving that the Government is going to lose anything by the passage of this act. The only misgiving I have is that we may not secure what we think we are going to secure, the benefit of the farm-loan act.

Mr. LITTLE. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I do not think this bill would be a bad law if the first section had a proviso that would prohibit the Secretary of the Interior from making a contract with any irrigation district upon which there were prior bond issues outstanding. If that proviso is inserted in the first section of the bill, then any contract made by the Secretary of the Interior would give the Government of the United States a first lien, or prior lien, on all the lands in the district. Then the arguments presented by gentlemen in favor of the bill would have some force. It ought to be there for another reason, and that is if the proviso were in the bill there would be no legal objection to the Federal Farm Loan Board making loans on the lands in the district.

Mr. BORLAND. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. BORLAND. I think the gentleman from North Dakota perhaps misled the gentleman from Illinois. This does not contemplate any bond issue.

Mr. DENISON. But there are outstanding bond issues.

Mr. NORTON. If the gentleman will pardon me, it does contemplate a bond issue.

Mr. BORLAND. The law read by the gentleman from Oregon [Mr. SINNOTT] provides for the levy of taxes.

Mr. GANDY. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. GANDY. Does not the gentleman know that this will affect only Government projects, and that there are no outstanding bond issues against any Government project, and that any bond issue subsequent to the transfer would be a subsequent lien?

Mr. DENISON. Is it not true that there are irrigation districts organized under State law, and they may issue bonds?

Mr. GANDY. It has nothing to do with them; this is for the transfer of the Government projects.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LITTLE. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, this bill seeks to lift the lien absolutely of the National Government for work of construction and maintenance charges which it has to-day on various reclamation projects erected in Western States. It seeks to substitute for its first lien not only a second mortgage lien but a second mortgage lien of very doubtful character.

The advocates of this bill say that this water-rights association will make assessments to pay the obligation owing to the Government of the United States, and that thereby the individual owner, homestead or otherwise, on these reclamation projects will be enabled to obtain a loan.

I wish to put this question to those advocates: How could a loan be obtained any more advantageously by the individual which would be subject under the laws of the State to the lien of the water-rights association to pay the assessment owing to the National Government?

We have gone ahead and expended seventy millions and more dollars in construction work to make tillable these arid lands of the West. I agree with the proposition stated by the gentleman from Wyoming that in some instances where the money has been wisely invested there would not be much risk undertaken in subordinating and subrogating the rights of the water-rights association for the rights of the Government to-day.

But the gentleman from Colorado knows, and the gentleman from Wyoming ought to know, that there are projects in some of the States where we have spent millions of dollars and not one cent of the construction charges has been paid by the individual users of the water on these lands. That money has been ill spent, and now you are going to provide the means, under the guise of water-rights association, whereby these persons on these doubtful projects who to-day have not paid one cent of the construction charges may form water-rights associations, allow the water-rights association to default in payment of taxes, permit the association to be put into the hands of a receiver, the rights of the water-users' association sold at a receiver's sale, and the obligation of the Government wiped out entirely. By such proceedings they get full title to all the millions that have been invested by the National Government in making these lands valuable.

Mr. GANDY. Will the gentleman yield?

Mr. STAFFORD. I will yield to the gentleman later on, after I conclude my argument. We have been most generous toward the owners who dwell on the reclamation projects. Under an act passed August 13, 1914, we authorized every entryman and every user of water rights to have the amount owing for construction and maintenance charges deferred in payment in 20 annual installments. The first installment of 5 per cent was not to be paid for five years after the water had become usable.

It provided further that in these reclamation projects where they had gone out and made their entries and exercised their rights that even there they could have their payments deferred in 20 annual installments. What more could the National Government have done toward the consideration of these entrymen and water users on the reclamation projects than in deferring payment of these charges—and, mind you, without any cost in interest charges—for 20 years. In case of these projects that are to be developed in the future the first 5 per cent installment is to be only 2 per cent of the amount. And yet they come in after the Government has gone into debt $20,000,000, advanced to them under the law of 1910, when the reclamation project was virtually bankrupt as far as additional work was concerned, in addition to the $70,000,000 the Government had expended prior to that time, and want the Government to wipe out all of that payment and hand it over to them as a gift.

More than that, this is unfair to the people of the States in which these reclamation projects are located, because when once the reclamation project gets on a paying basis, and the money begins to come into the Treasury of the United States, that revolving fund must some day be paid back into the State treasuries for utilization in the way of school funds and the building of roads; and under this proposal, which is a raid on the National Treasury for the benefit of some bankrupt, poor projects, that money will never revert to the treasuries of the individual States, because it will be gone once and for all.

Again, under this law I have cited, this general relief act of 1914, providing for deferred payments for 20 years, there is a special provision made, and it takes the argument away from the proponents of this measure when they say that the water rights associations are necessary as an advantage to the users of water on these reclamation projects. The Secretary of the Interior, in section 7, is authorized to appoint these water right users' associations as agents for the collection of these charges.

Mr. GANDY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Under existing law the water rights associations have the power to-day to be authorized to collect these charges. I yield to the gentleman.

Mr. GANDY. Does the gentleman understand that there is a difference between the voluntary water users' associations referred to in that act and the municipality of an irrigation district that is contemplated in this act? One is voluntary and the other is a municipality.

Mr. STAFFORD. If the people of the reclamation project wish to unify their forces so that this water-users' association shall act as the fiscal agent for the collection of the charges, there is the authority. After obtaining all these concessions from the National Government, after having all of these payments deferred, not only as to future projects but the payments deferred in installments for 20 years as to projects already in existence, as to the amounts still owing, and without interest, you are asking us to waive the claim entirely and to allow the State to come in by taxes, foreclosure proceeding, and receiver's proceeding, and wipe out entirely the obligation of the Government—just simply say, "Here, we have expended all of this money for you, and here it is as a free gift." It is not fair to the rest of the country, which has been so generous in allowing these Western States to utilize the funds arising from the sale of public lands for the development of reclamation projects in these respective States, and it is not fair to the rest of the country where we have given them preferential consideration. Public lands have been sold in Wisconsin and Minnesota of late years——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LITTLE. Mr. Chairman, I yield the gentleman two minutes more.

Mr. STAFFORD. And in many other parts of the country, and yet those public-land funds have been turned into the Treasury of the United States for the benefit of the taxpayers, and yet after we have advanced these millions and millions of dollars for the benefit of the West on the deferred-payment plan, they come in now at this time, when the Treasury needs it most, and ask us to make a pure gift of that amount to them. That, in substance, is what it amounts to.

Mr. GANDY. Does the gentleman understand that the charges of the reclamation district are made a matter of taxes the same as any other taxes?

Mr. STAFFORD. I fully appreciate that, but the gentleman also realizes that to-day taxes on these lands in these reclamation projects under State laws are subordinate to the claim of the Government of the United States for the payment of its charges, and while you may say in your State laws that would not be the case, still, as has been pointed out by the gentleman from Minnesota [Mr. VOLSTEAD], there is nothing to prevent the State legislatures from changing those laws subordinating the right of the National Government still further.

Mr. NORTON. Does the gentleman think, as a matter of fact and as a practical proposition, it would be as easy for the Government on an irrigation project to recover through foreclosure or enforcement of its obligation from an individual tract of land as it would be from an irrigation district?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LITTLE. Mr. Chairman, I yield the gentleman one minute more.

Mr. STAFFORD. I will say that, as far as one of the projects in the gentleman's own district is concerned, the Williston project, where the users have not paid any percentage of the construction charges, it would be directly to the benefit of the people up there to have this right so that they could have the rights of the Government lost, the lien of the Government waived, and allow those people to get full advantage of the amount of money the National Government has sunk in that project.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that the gentleman from Idaho [Mr. SMITH] be allowed to address the committee for five minutes, not to be taken out of the time either of the gentleman from Kansas or myself.

Mr. LITTLE. Mr. Chairman, I join in that request.

The CHAIRMAN. The gentleman asks unanimous consent that the gentleman from Idaho [Mr. SMITH] be allowed to proceed for five minutes, not to be charged up to the time for general debate. Is there objection?

There was no objection.

Mr. SMITH of Idaho. Mr. Chairman, there are two things that we undertake to accomplish by this bill. One of them is to save a great deal of expense and trouble in collecting the charges from the settlers. Under existing law the Government has a contract with each individual settler, while under this proposed law, if it is accepted by the settlers and the districts formed, the Government would deal entirely with the secretary or other officers of the district association.

Another object sought to be accomplished is to force into cultivation a large proportion of the lands on certain projects which are in private title, by assessing them for their pro rata share of the expense incident to constructing and maintaining the reclamation works. In many projects much of the land was held by owners when the project was undertaken. Those owning this private land may or may not enter into a contract to take the water to irrigate their land. If they do not enter into such contract, they do not have to contribute to construction or maintenance charges. They can allow their lands to lie idle while those on the public land, or those owning private land who do enter into a contract for water, improve their holdings by putting in crops and making the land more valuable, and in this way increase the value of the land of those who have not entered into contracts to use water for the reclamation of their land and who thus reap the benefit of their enhanced value.

The bill before the House, if enacted and put into use upon the reclamation projects, means an earlier reimbursement of the reclamation fund than will otherwise be possible.

The water users are at present organized as "water-users' associations," which are private corporations. They do not have the taxing power, nor do they have the power to compel private lands whose owners have not made stock-subscription contracts to pay the charges which should be payable to the United States. The United States has no power to compel contributions by persons who have not subscribed their lands to the association, and who, pursuant to stock subscription, have not made water-right application direct to the Government.

The irrigation district differs from the water-users' association in that it is a public corporation in every sense that school districts are public corporations, and it is vested by the State legislatures with the power to tax all lands within the boundaries of the project for both construction and operation and maintenance charges.

The reclamation projects include some 3,000,000 acres of land eventually to be irrigated. Of this area 1,760,000 acres were irrigable in 1917, and of the irrigable area there were actually producing crops an aggregate of 1,160,000 acres.

The difference of approximately 600,000 acres is to a large extent land for which a water right has been secured by the owners, and which will be put into cultivation as rapidly as the necessary leveling can be done by the owner, payments meanwhile being made for the entire tract.

Another large portion of the 600,000 acres irrigable but not yet cultivated is in the ownership of private landowners who have not as yet made water-right application to the United States, but are simply holding their lands from cultivation for one reason or another, and in many cases, at least, they are hoping that the cultivation of neighboring tracts will so enhance their values that it will be possible for them to sell at a profit.

The operation costs for these lands are being borne by the people who have actually made application for water and are farming their homesteads or private lands, so that the actual users of water are interested to compel those who are not cultivating to "sign up" for a water right. The collection of operation cost is required to be borne by the project, irrespective of the land actually under cultivation, by section 5 of the reclamation extension act.

As to the construction charges, however, for the lands held by people who have not made subscription, the Government is simply waiting, and under the present relations between the United States and the water users the attitude must continue to be one of waiting.

By the formation of an irrigation district, however, the relations between the water users and the people would be vastly improved, for then necessity for individual consent is absolutely abrogated. The district, if organized as a result of a two-thirds vote of the resident landowners (or whatever majority is required by the local State statute), secures jurisdiction and the power to levy and collect taxes from every grade of irrigable land within its confines.

During the 1917 session of the State legislatures the work of harmonizing the irrigation district lands of these various States, so far as the State legislatures can do so, was completed, except in the State of Wyoming.

These enactments provide that in addition to the other grounds for organization, irrigation districts may be formed for the purpose of "cooperation with the Federal Government and for the assumption, as principal or guarantor, of indebtedness to the United States on account of district lands."

The districts have also been authorized, through their boards, to make contract with the United States for the construction, operation, and maintenance of projects, and for the assumption by the district of the project debt, pursuant to the reclamation act and its amendments.

The contracts can not be entered into, however, until an election is had, at which the question is voted upon: "Contract with the United States, yes; contract with the United States, no."

The statutes all expressly provide for confirmation in the courts of the proceedings for formation of the district and for the proceedings leading up to the execution of contract with the United States. The supreme courts of all the Western States which have passed upon the question—and that constitutes the majority—have held that the decree secured after service by publication in these irrigation-district confirmation proceedings is binding upon the entire world (including the sovereign State in which the district is located). The constitutionality of the irrigation district law has been passed upon by the Western States and by the Supreme Court of the United States in the case of Failbrook Irrigation District against Bradley (164 U. S., 112).

The taxing machinery in some of the States is carried on by an irrigation district receiver and collector and a district treasurer, but in the majority of the States by the regular county officials of such county or counties as the district lands may be located in; and these officials are subject to mandamus and are under bond. The law provides for increasing the bonds at the discretion of the Secretary, where the district cooperates with the United States.

As to the machinery for collection, the public officials are required in common with ordinary taxes to make the assessments, the levies, and the foreclosures on statutory days, in the case of irrigation-district reclamation charges.

The result is threefold:

(a) The people have impressed upon them the obvious fact that both operation and construction charges must be met. Their whole attitude toward the payment program is that their payments are in the familiar class, as regards certainty of "death and taxes." Every landowner expects to meet his taxes, and if this bill is placed in operation will definitely anticipate making his payments for these amounts.

(b) The cost of operation by the United States in the maintenance of fiscal collection agencies on each project would be accordingly reduced, the landowners, through their district organization or the counties, as the case may be, handling the collections.

(c) The personal relationship between the United States and the individual by contract would no longer be an important relationship, and for all new units of the project and for all projects individual contracts would be omitted entirely.

The reclamation-extension act of August 13, 1914, by extending the repayment period to 20 years and graduating the repayments, laid down a plan whereby unquestionably all men of average ability and with average capital can make good upon reclamation projects. With the abrogation of the personal relation between the individual water users and the Government, and the formation of public corporations for carrying on the fiscal responsibilities, the drafts upon the department for leniency will be minimized along lines essential to business administration of reclamation projects, for the reason that the irrigation district will form a statutory intermediary between the United States and the soil.

The adaptation of legislation from the Federal side toward cooperation between the United States and irrigation districts was greatly advanced by the passage of the so-called Smith Act, of August 11, 1916. This provided for the taxation of entered public lands of the United States by irrigation districts, whether cooperating with the United States under the reclamation act or not. It also provided for the notation by the register and receiver of the land offices of assessments against unentered public lands, these steps to be lawful only as regards irrigation districts approved by the Department of the Interior.

The present bill permits the department to contract in harmony with State laws, and particularly with regard to the taxing features, so that the provisions of State law with regard to assessment and levy need not be thrown into confusion by the necessity to conform to the Federal dates of payment and the like.

The bill also provides for the clearing of the titles of entrymen and of the private landowners from the private mortgages in favor of the United States contained in the water-right applications and in favor of the water-users' association and the stock subscriptions to these associations in cases only where a

tax lien is substituted. These tax liens are preferable for several reasons:

(a) They take precedence of all private mortgages.

(b) They are more readily enforceable.

(c) They are enforceable by public corporation, without placing the United States in the position of a hard creditor or subjecting the United States to frantic appeal, the change of status being in recognition of the fact that the reclamation work must be conducted on a businesslike basis, just as public improvement would be conducted by a municipality or a State government.

The irrigation district security is preferable to anything heretofore secured for another important reason. The irrigation district stands sponsor and assumes liability for the entire debt of the project, whereas under the water-right application plan the individual was responsible for his own land only. The irrigation district law makes each tract of land primarily responsible, but each tract is secondarily responsible for any delinquencies throughout the project. Moreover, in unincorporated villages vested water-right lands paying operation charges only and railway rights of way included within irrigation districts are ultimately liable and furnish added security for the payment of project debts.

Repayments are going forward successfully upon our Federal projects. The construction repayments to the reclamation fund to June, 1916, are $4,146,630. New units are being placed upon a repayment basis, and as regards other units, the percentage of annual repayment will soon increase from 2 per cent to 4 per cent, so that it is estimated that over $1,000,000 annually will be returned to the reclamation fund for several years, and thereafter still more.

Some comment has been made by those opposed to this bill that it was an unwise thing to take Government money and expend it in improving these lands. In my State we have a district project, known as the Minnetoka project, where this year crops have been harvested to the amount of over $5,000,000, which was the original cost of building the dams, and the laterals and completing the project. From a business standpoint it has certainly been to the advantage, not only of the settlers upon the project but to the country at large, in increasing the food supply.

A few months ago there was sent to this House by the Secretary of the Interior and introduced by the chairman of the Committee on the Irrigation of Arid Lands and favorably reported, but failed of consideration, a bill appropriating $5,000,000 to be expended in the reclamation of uncultivated lands within these various irrigation projects. We contend, Mr. Chairman, that the enactment of this bill will result practically in accomplishing that very thing, because these private lands, when they are taxed for their pro rata share of construction, maintenance, and operation, will be forced into cultivation, because the owners can not afford to have them lie idle while these taxes are accumulating.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Mr. Chairman, I wish to say a few words myself as a member of the committee, but I was waiting for the gentleman from Colorado [Mr. TAYLOR] to speak. This bill comes out of this Irrigation Committee under somewhat interesting circumstances. We had ascertained that a good many men who have settled on Government land under the irrigation law found it difficult to maintain themselves without borrowing money upon the land. Under the present law the Government, as the bill indicates—and you may have read it—has the first lien upon this land for this investment. They could not borrow any money while that was maintained. I suggested a bill to give the Farm Loan Board authority to loan on these lands and to assign the loans for collection, if necessary, to the Irrigation Bureau, which could foreclose and prorate the amounts received. This would make the liens one lien and make it possible to assist these people.

The Farm Loan Board thought if that United States lien could be waived they could have the first lien and could loan money upon this land, and other people could; but we found that the Farm Loan Board, as suggested by the gentleman from Virginia [Mr. GLASS], could not make a second loan. The irrigation department dealing with that matter could not take a second lien. Now, either one or the other of them will have a first lien. If the irrigation department has the first lien, then the Farm Loan Board can not loan any money on these lands, because it would be against the law, and nobody with any business judgment would loan any money on the land because of the Government first lien. So if the irrigation department retains the first lien, as is claimed, then no borrower will have any advantage by this bill, because nobody will loan any money on this land. Now, this is an attempt to give both of them a first lien, an effort of somebody to pull himself up by his boot straps. Let us look at it for a moment. When these lands were allowed by the Government to be taken possession of by the settler, the Government spent money to build ditches and irrigate the land, and the Government still owns that land. While the Government owns that land the State can not tax that land. Bear that point in mind. Then, the people upon that territory, living entirely upon nontaxable land, organized an irrigation district for taxing purposes. Well, they have nothing to tax, except personal property and improvements.

Mr. GANDY. Will the gentleman yield?

Mr. LITTLE. I can not now; I will when I finish my statement. They have a few improvements, any of which they can carry off any time they want to, which, of course, would not amount to much, or they would not be wanting to borrow money to make improvements. Then the district levies this tax not upon a single acre of land. Some fellow avoids payment. He lives there two or three years and gets the advantage of the irrigating canals, and so forth, and he gathers his crops and his personal improvements, and he goes off the land and says to the district, "You pay for it." The Government has a contract with the district, if this bill becomes a law, which says the district will pay for it—a municipal organization, like a county. The district organization begins to levy taxes to pay it, and where does it go for the taxes?

Mr. GANDY. Will the gentleman yield?

Mr. LITTLE. I will not yield now. When I finish my statement I will.

The district can not tax a foot of this land to pay the Government, and this man goes off after he has paid the Government nothing on the investment they have assisted him in, nothing for several years, perhaps, of water, and he carries off whatever crops he has grown. That is a boot-strap effort to help somebody.

Mr. SMITH of Idaho. The Government still owns the land.

Mr. LITTLE. That is the reason it will lose what it has invested to help that man irrigate the land. It will lose all the investment it has made for him and he goes on some other, maybe. The Government will not lose the land when it comes to that, but loses the money due for water, and so forth.

It is suggested that some of these people will own their own land and get it paid out. They will go into this district. Suppose it is a district composed half of fellows who have paid out and own their land and half who have not—have just started. Then the district agrees to pay the taxes to pay the mortgage, or lien, the Government holds on this man's land who goes off and leaves it. Let us suppose the gentleman from California takes a Government claim and pays nothing on it. Let us suppose the gentleman from Colorado takes a Government claim and pays as he goes along, but has not paid out. Let us suppose I have paid out. There are three of us in that district. The proposition is that they shall tax me, who has paid for my land, and the gentleman from Colorado who is paying for his, to pay the debt the gentleman from California made, who goes off and deserts his land and pays the Government nothing. Meantime the Californian gets the same benefit that we do, we who pay for the water and land. He gets irrigation for a term of years, as long as he can soldier on them and put them off, and makes money by growing crops. I have paid for my land, the gentleman from Colorado is working to pay for his, and then the taxgatherer comes around and says to him and to me, "Cough up here; put up the cash for the man from California who has taken the crop and all the improvements, and has lit out." What would anybody with sense do? He would hire a lawyer and would bring a mandamus directing the tax collector to desist or enjoin him. And there is not a lawyer in this House, I undertake to say, that can show to this House that any court on earth would allow such a tax to be collected. How can my county agree to pay off a mortgage on my land and then tax you to pay it.

Let us suppose that it is a private and not a public matter. Let us suppose of these three gentlemen here one has paid for his land, one is paying, and one did not pay and goes away. Suppose there are mortgages on their land held by some loan company. Suppose the township agrees with the loan company that it will pay the mortgage of this man if he does not pay it. Why, does not every lawyer here that ever read a constitution know that no municipal organization could make such a contract, and if it did it would not amount to the paper it was written on?

Mr. RAKER. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. RAKER. Suppose that these various reclamation projects, that understand the law and the constitution of their State, form a reclamation district under the law and become a municipality, and agree to carry that out and pay the Government of the United States, would every Tom, Dick, and Harry object to their doing their duty and paying the Government back?

Mr. LITTLE. It is no part of my duty to sell my land to pay your debt, and there is not a constitution in the United States that will allow any court to sell one thing you have got to pay another man's debt, and a man must be out of his head to think that there is. Now, that is the fatal defect in this business.

Mr. GANDY. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. GANDY. Will the gentleman explain the difference, as he understands it, in the enforcing of collection on Government land under this bill as against the present procedure?

Mr. LITTLE. The gentleman ought to be familiar with that. I understand there is a suit in his district, or somewhere in Dakota, to enjoin the Government from collecting these claims.

Mr. GANDY. I would like to advise the gentleman that he is mistaken.

Mr. LITTLE. It is one of the districts in the Dakotas, so one of the gentlemen here from the irrigation country told me.

Mr. RAKER. Will the gentleman yield for a question?

Mr. LITTLE. Yes.

Mr. RAKER. Was the gentleman here in the House, or a Member of the first session of the Sixty-fifth Congress?

Mr. LITTLE. Why, yes.

Mr. RAKER. Then, I will ask the gentleman this question: The distinguished gentleman from Missouri [Mr. BORLAND] is on the Committee on Appropriations, and the gentleman is a Member of the House and knows that for four years the Committee on Irrigation prevented an injustice to this Government from Kansas, and how does it come that the Committee on Appropriations for the first time repudiated the contract in this case, but gave those people in Kansas relief on that project of about $400,000? It does not come from the West.

Mr. LITTLE. The State line runs between the district of the gentleman from Missouri and our district, and I plead an alibi. They have committed so many crimes over in Missouri that I have just lost track of that, and decline to be responsible for the Missourian's doings. But do you dispute my statement of what the law is?

Mr. RAKER. In regard to California and all these Western States, yes. The gentleman has never looked into the irrigation laws, and the gentleman's statement does not generally apply, because when a majority of the landowners vote to form a district and it is formed, under the laws of the State a man's property is sold if the taxes are not paid.

Mr. LITTLE. Anybody's property is sold when his taxes are not paid, but nobody can be made to sell his property to pay another man's taxes or debts, either to the Government or to anybody else, and no municipality can contract to pay your debt and make me pay taxes for that purpose. Therefore, under this bill, the Government would have no security at all. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. TAYLOR of Colorado rose.

The CHAIRMAN. The gentleman from Colorado has eight minutes.

Mr. TAYLOR of Colorado. Mr. Chairman, when the Federal farm-loan law was passed we Members from the West were in hopes that it would apply or that it might be made to apply in some way to the lands under the Government reclamation projects. There are some 32 of them throughout the Western States, covering, as you know, several million acres of land. If the settlers on those irrigation projects could obtain money at a reasonable rate of interest with which to improve their lands and stock them, it would do more than anything else in the world toward developing that country and vastly increasing the food supply of this country, and also enabling those people to very much sooner repay the Government for its outlay on each of those projects. I went before the Federal Farm Loan Board and presented the situation to them very fully. They decided that under the provision in the act which says that loans must be confined to a first-mortgage lien, they could not loan any money on any of the lands under any of the Government reclamation projects, and the Reclamation Service coincided with that decision, and I think they are technically correct as the law now stands in so far as it applies to the projects that have not organized themselves into irrigation districts. But the project is organized into a regular irrigation district under the State law and with the approval of the Reclamation Service, which is similar to a drainage district or a sewage district, or other similar district organized under State laws, notwithstanding they have indebtedness and are obligated to pay in a regular way certain assessments, yet if and when a district is organized in that way the Federal Farm Loan Board held it would have authority to make loans on the lands under such a project. In other words, the individual loans would still be considered as a first mortgage on the individual lands obtaining the loan, because the entire district would have assumed the obligations of paying off all the money advanced by the Federal Government. Frankly that is what we wanted to do—fully protect the Government's claim and lien, and at the same time enable the settler to get some farm-loan money. We felt that if a district was organized by a vote of all the people, and if the Interior Department and the Reclamation Service economically constructed these projects and limited, as they should, the amount of money they put into each project to what it could readily pay, it would be a safe investment, and the Federal Farm Loan Board could naturally look into the amount of indebtedness on each before making any loans on any lands in each project. A settler can not get a clear title until he has fully paid up all of the Government's lien. But suppose the Government's claim is $75 an acre and suppose the settler has paid off half of it, he certainly would have an equity in his land upon which the Federal Farm Loan Board could safely loan him something, and that loan would be a first mortgage in all cases where the land was in a regularly organized irrigation district, as I understand the construction of the law by the Federal Farm Loan Board.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; for a question only.

Mr. BORLAND. I just want to state this proposition.

Mr. TAYLOR of Colorado. I do not yield for a speech.

Mr. BORLAND. A drainage district or a district organized to impose special taxes upon the land is engaged to do a particular work—as, for example, to build a drainage ditch or a sewer, or something of that kind—which is presumably of benefit to each tract of land in the district, and therefore it obtains the power to levy an assessment against this tract of land. But here is a proposition by which you are going to pay off a prior lien, which is unequal on the different tracts. Do you think a district can be organized to pay off my loan, for example, which may be subject to the lien, and assess the cost against the land of another which was not subject to the lien?

Mr. TAYLOR of Colorado. Is that your question?

Mr. BORLAND. Yes.

Mr. TAYLOR of Colorado. I will endeavor to answer it. This bill arose out of the fact of the Agricultural Department and the Interior Department and all of the Government officials very greatly desiring to increase the acreage and increase the development of the food products of this country. Now, when the Government charge upon the people who settle upon these reclamation projects is, say, $60 or $75 an acre, and they have no title to the land, they can not borrow any money. And even if they could borrow it, the rate of interest in the West is very high. Often it is 10 or 12 per cent. If there is a farmer in the United States that does need money at a low rate of interest, it certainly is the man who is trying to reclaim Government land in the West. We are very earnestly and honestly trying to aid in the development of these reclamation projects by helping the poor settlers to get on their feet, to improve their claims, and build up the country. The report of the Interior Department on this bill is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 2, 1917.

Hon. EDWARD T. TAYLOR,
House of Representatives.

MY DEAR MR. TAYLOR: I have your letter of June 12 requesting the consideration and report of the Interior Department upon H. R. 4954, "A bill to provide for the application of the reclamation law to irrigation districts."

While this bill does not mention farm loans, it will provide a plan whereby the farm-loan act will become applicable to the Federal projects.

The first section gives the express sanction of Congress to cooperation between the United States and irrigation districts adapting the reclamation law to the necessities of irrigation districts as quasi-municipal corporations under the laws of the respective reclamation States. Statutes amendatory of previous irrigation district laws so as to provide expressly for cooperation with the United States have been passed this year in the reclamation States.

This department has already contracted with numerous irrigation districts, and I find that cooperation with these public corporations enhances the security of the United States, gives facility in the collection of moneys due to the United States, and at the same time is popular with the water users themselves, since they have the powers and privileges of a public corporation.

Moreover, organization as irrigation districts binds to the project, irrespective of individual consent, once the statutory majority has been obtained for the formation of and making of contract, all of the lands of the project, and thereby promotes early cultivation of the land and eliminates speculation.

In section 2 of the bill provision is made for the releasing of the liens of the Government which have been reserved, as required by the present law, in patents to homestead entries taken up subject to the

reclamation law, and for the discharge of liens contained in stock-subscription contracts to water users' associations and in water-right applications direct to the United States, in cases where proper contract shall be made by irrigation districts with the United States.

This section would, therefore, if enacted remove two classes of impediment to the application of the farm-loan act to Federal projects. The first is the existence of the prior reserved lien on all homestead lands, and the second is the existence of a contractual lien by virtue of stock subscription and water-right applications. Thus both the public and private lands taken by the settlers under these projects would become free from prior liens, so that there would be no legal impediment to the loaning of money by way of rural credits.

The irrigation district liens attach only upon the making of annual assessment and levy, and are no more a bar to the obtaining of a "first mortgage" under the farm-loan act than are the taxes of any other public corporations, such as counties and school districts, for the discharge of their debts.

Some of our projects have reorganized as irrigation districts and others are in process of reorganization in order to obtain the benefits to accrue under the district plan, the securing of farm loans being but one. It will, therefore, work no hardship if projects reorganize as irrigation districts to obtain the benefit of farm loans.

House bill 4954 paves the way for farm loans on the projects without subordinating the security for the reimbursement of the reclamation fund or interfering with the Government's present security contained in the guaranty contract with individual water users' associations.

I regard this measure as an emergency bill for the reason that the successful application of farm loans to reclamation projects is of urgent public necessity, since it will result in a great increase in the productivity of lands on these projects in 1918 and subsequent years. I am, therefore, in favor of the bill.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Of course, there is no obligation upon any project to organize itself into an irrigation district. This bill is merely permissive. If they do not desire to put themselves in position to borrow money from the Federal farm loan or anyone else, there is no compulsion about it.

Mr. BLANTON. Mr. Chairman, will the gentleman yield to me for just one moment?

Mr. TAYLOR of Colorado. I regret I can not yield just now, because my time is so short.

The CHAIRMAN. The gentleman declines to yield.

Mr. TAYLOR of Colorado. The reclamation officials came before the Irrigation Committee and told us that in every project where there is now an organized district—and there are several of them organized already—the Federal Farm Loan Board is willing to loan money in reasonable amounts on good farms. The objects and purposes of this bill are perfectly good, and it would be of immense benefit to thousands of poor and deserving settlers upon the reclamation projects without impairing the Government security a particle. But I regret exceedingly that we seemingly can not prevail upon the House to understand it the way the Members representing the projects look upon it. The report on this bill is very full and complete, and I wish we had time to read it to the House.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes; for a brief question only.

Mr. LITTLE. I just want to ask the gentleman if he does not know that a Federal court has been trying for 40 years to compel St. Clair County, Mo., to collect taxes to pay a judgment, and it can not do it?

Mr. TAYLOR of Colorado. Oh, yes; I have often heard of that. But that was, as I recollect it, a fraud such as never could occur in the organization of an irrigation district.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BUTLER. I do not care what other gentlemen have done. I am concerned about doing the right thing myself. Will this postpone the Government lien against this land?

Mr. TAYLOR of Colorado. No.

Mr. BUTLER. The Government will have the same right of collection and have the same security that it has had heretofore?

Mr. TAYLOR of Colorado. Yes.

Mr. LITTLE. How can a man loan money on it, then?

Mr. TAYLOR of Colorado. The Secretary of the Interior himself says that the security is better where they organize a district than it is now, and the Farm Loan Board say, "If you do regularly organize an irrigation district, we can then safely loan some money to these farmers."

Mr. LITTLE. But he does not say that the second lien is better than the first.

Mr. BUTLER. The Government has a first lien on this land.

Mr. TAYLOR of Colorado. Yes, sir; until every dollar is repaid.

Mr. BUTLER. If this bill passes and becomes a law, will the Government have a first lien on this land?

Mr. TAYLOR of Colorado. It will not only have a lien on the land but upon all the district. The entire district will assume the payment to the Government of the entire cost of the project.

Mr. BUTLER. That increases the security of the Government?

Mr. TAYLOR of Colorado. It absolutely does. That is what Secretary Lane says in his report.

Mr. LITTLE. Why will not the Farm Loan Board loan money on the land?

Mr. STAFFORD. The Government will have no better security, for it has a first lien already.

The CHAIRMAN. The time for general debate has expired.

Mr. BUTLER. Mr. Chairman, I ask that the gentleman from Colorado may have another minute. I want to know the right thing to do. Is the gentleman absolutely sure that this in no way disturbs the Government's first lien on the land?

Mr. TAYLOR of Colorado. I am as confident as I can be of that. The Government of the United States reserves the right to shut off the water from anybody who does not pay his taxes, and that is the highest security and greatest penalty that can be imposed. The land is not worth anything without water, and the Government of the United States reserves the right always to cut off the water when a man does not pay.

Mr. LITTLE. That does not help the Government to get its money from the man who moves away.

Mr. TAYLOR of Colorado. The man who moves away can not take the land or any water right with him.

Mr. LITTLE. He takes all his personal property.

Mr. BUTLER. I guess I had better take to the woods. I do not seem to be able to get the information I desire.

The CHAIRMAN. The time for general debate has expired. The Clerk will read the bill for amendment.

The Clerk read the first section of the bill.

The CHAIRMAN. The Clerk will report the first committee amendment.

Mr. STAFFORD. The gentleman from Kansas [Mr. LITTLE] has a preferential motion.

The CHAIRMAN. The gentleman will state his motion.

Mr. LITTLE. I move to amend by striking out the enacting clause.

The question being taken, on a division (demanded by Mr. RAKER) there were—ayes 56, noes 17.

Accordingly, the motion was agreed to.

On motion of Mr. TAYLOR of Colorado, the committee rose; and the Speaker having resumed the chair, Mr. COX, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 4954) to provide for the application of the reclamation law to irrigation districts, and had directed him to report the same back to the House with an amendment providing that the enacting clause be stricken out and with the recommendation that the amendment be agreed to.

The SPEAKER. The question is on agreeing to the amendment striking out the enacting clause.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. RAKER. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from California makes the point that there is no quorum present. Evidently there is no quorum. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. In voting upon this proposition, to vote "yea" means a vote to defeat the bill and to vote "nay" means to vote in favor of the bill?

The SPEAKER. A "yea" vote means to strike out the enacting clause, which disposes of the bill.

The question was taken, and there were—yeas 276, nays 52, answered "present" 1, not voting 98, as follows:

YEAS—276.

Alexander	Browning	Collier	Doughton
Almon	Buchanan	Connelly, Kans.	Dowell
Anderson	Burnett	Cooper, Ohio	Dunn
Anthony	Burroughs	Cooper, W. Va.	Dupré
Ashbrook	Butler	Cooper, Wis.	Dyer
Aswell	Byrnes, S. C.	Copley	Eagan
Bacharach	Byrns, Tenn.	Cox	Eagle
Baer	Caldwell	Crago	Elliott
Bankhead	Campbell, Kans.	Cramton	Ellsworth
Barnhart	Campbell, Pa.	Crisp	Emerson
Benkes	Candler, Miss.	Crosser	Farr
Bell	Cannon	Dallinger	Ferris
Beshlin	Caraway	Darrow	Fess
Black	Carew	Davis	Fields
Blackmon	Carlin	Denison	Fisher
Bland	Carter, Mass.	Dent	Flood
Boehne	Carter, Okla.	Denton	Focht
Borland	Cary	Dickinson	Forlney
Bowers	Clark, Pa.	Dies	Foss
Brand	Classon	Dixon	Foster
Browne	Claypool	Dominick	Francis

Frear	Jones, Va.	Nelson	Stafford
Freeman	Juul	Nichols, Mich.	Steagall
Fuller, Ill.	Kearns	Oliver, Ala.	Stedman
Gallivan	Kehoe	Oliver, N. Y.	Steele
Gard	Kelly, Pa.	Olney	Stephens, Miss.
Garland	Kennedy, Iowa	Overstreet	Sterling, Ill.
Garner	Kennedy, R. I.	Padgett	Sterling, Pa.
Garrett, Tenn.	Key, Ohio	Park	Stiness
Garrett, Tex.	Kiess, Pa.	Parker, N. J.	Strong
Gillett	Kincheloe	Parker, N. Y.	Sumners
Glass	King	Peters	Sweet
Glynn	Kitchin	Phelan	Switzer
Godwin, N. C.	Knutson	Platt	Tague
Good	Kraus	Polk	Taylor, Ark.
Goodwin, Ark.	Kreider	Pou	Temple
Gordon	Langley	Pratt	Thomas
Graham, Ill.	Larsen	Price	Thompson
Gray, Ala.	Lazaro	Quin	Tillman
Green, Iowa	Lee, Ga.	Rainey	Tilson
Greene, Mass.	Lehlbach	Ramsey	Tinkham
Greene, Vt.	Lesher	Ramseyer	Towner
Gregg	Lever	Reavis	Treadway
Hamilton, Mich.	Linthicum	Robbins	Venable
Hamlin	Little	Rodenberg	Vestal
Hardy	London	Rogers	Vinson
Harrison, Miss.	Lonergan	Romjue	Voigt
Harrison, Va.	Lufkin	Rose	Volstead
Hastings	Lunn	Rouse	Waldow
Haugen	McAndrews	Rowe	Walker
Heaton	McCulloch	Russell	Walsh
Helm	McFadden	Sanders, La.	Ward
Helvering	McKenzie	Sanford	Wason
Hensley	McKeown	Saunders, Va.	Watson, Va.
Hersey	McLaughlin, Mich.	Schall	Weaver
Hicks	McLaughlin, Pa.	Scott, Iowa	Webb
Holland	Madden	Scott, Mich.	Welty
Hollingsworth	Magee	Sears	Whaley
Houston	Mansfield	Sells	Wheeler
Huddleston	Mapes	Shackleford	White, Me.
Hull, Tenn.	Martin	Shallenberger	White, Ohio
Hunsed	Mason	Shelley	Williams
Hutchinson	Mecker	Sisson	Wilson, Tex.
Igoe	Merritt	Slayden	Wise
Ireland	Moon	Slemp	Woods, Iowa
Jacoway	Moore, Pa.	Smith, Mich.	Woodyard
James	Morin	Smith, T. F.	Young, N. Dak.
Johnson, Ky.	Mott	Snell	Young, Tex.
Jones, Tex.	Neely	Snyder	Zihlman

NAYS—52.

Austin	Hayden	Mondell	Sabath
Barkley	Heflin	Moores, Ind.	Sherwood
Blanton	Hilliard	Morgan	Shouse
Cantrill	Hull, Iowa	Nolan	Sinnott
Church	Humphreys	Norton	Sloan
Dill	Kettner	Oldfield	Smith, Idaho
Dillon	Kinkaid	Osborne	Stephens, Nebr.
Doolittle	La Follette	Raker	Taylor, Colo.
Elston	Lea, Cal.	Randall	Timberlake
French	McArthur	Rankin	Walton
Gandy	McClintic	Reed	Watkins
Hadley	McLemore	Roberts	Welling
Hawley	Mays	Rubey	Wingo

ANSWERED "PRESENT"—1.

Johnson, Wash.

NOT VOTING—98.

Ayres	Estopinal	Lenroot	Rucker
Britten	Evans	Littlepage	Sanders, Ind.
Brodbeck	Fairchild, B. L.	Lobeck	Sanders, N. Y.
Brumbaugh	Fairchild, G. W.	Longworth	Scott, Pa.
Capstick	Fairfield	Lundeen	Scully
Chandler, N. Y.	Flynn	McCormick	Siegel
Chandler, Okla.	Fuller, Mass.	McKinley	Sims
Clark, Fla.	Gallagher	Maher	Small
Coady	Goodall	Mann	Smith, C. B.
Connally, Tex.	Gould	Miller, Minn.	Snook
Costello	Graham, Pa.	Miller, Wash.	Steenerson
Currie, Mich.	Gray, N. J.	Montague	Stevenson
Curry, Cal.	Griest	Mudd	Sullivan
Dale, N. Y.	Hamill	Nicholls, S. C.	Swift
Dale, Vt.	Hamilton, N. Y.	O'Shaunessy	Talbott
Davidson	Haskell	Overmyer	Templeton
Decker	Hayes	Paige	Van Dyke
Dempsey	Heintz	Porter	Vare
Dewalt	Hood	Powers	Watson, Pa.
Dooling	Howard	Purnell	Wilson, Ill.
Doremus	Johnson, S. Dak.	Ragsdale	Wilson, La.
Drane	Kahn	Rayburn	Winslow
Drukker	Keating	Riordan	Wood, Ind.
Edmonds	Kelley, Mich.	Robinson	
Esch	LaGuardia	Rowland	

So the motion to strike out the enacting clause was agreed to.

The following pairs were announced:

Until further notice:

Mr. GALLAGHER with Mr. JOHNSON of Washington.

Mr. AYRES with Mr. DALE of Vermont.

Mr. KEATING with Mr. GEORGE W. FAIRCHILD.

Mr. DEWALT with Mr. SCOTT of Pennsylvania.

Mr. LITTLEPAGE with Mr. KELLEY of Michigan.

Mr. HAMILL with Mr. EDMONDS.

Mr. OVERMYER with Mr. POWERS.

Mr. CLARK of Florida with Mr. GOODALL.

Mr. FLYNN with Mr. BRITTEN.

Mr. ROBINSON with Mr. SANDERS of New York.

Mr. DALE of New York with Mr. DAVIDSON.

Mr. RIORDAN with Mr. SWIFT.

Mr. ESTOPINAL with Mr. CHANDLER of Oklahoma.

Mr. RAGSDALE with Mr. FULLER of Massachusetts.

Mr. BRODBECK with Mr. HAMILTON of New York.

Mr. HOWARD with Mr. FAIRFIELD.

Mr. COADY with Mr. PURNELL.

Mr. LOBECK with Mr. HAYES.

Mr. DECKER with Mr. GOULD.

Mr. HOOD with Mr. TEMPLETON.

Mr. RAYBURN with Mr. LUNDEEN.

Mr. BRUMBAUGH with Mr. COSTELLO.

Mr. MAHER with Mr. MCCORMICK.

Mr. CONNALLY of Texas with Mr GRAHAM of Pennsylvania.

Mr. O'SHAUNESSY with Mr. DEMPSEY.

Mr. SIMS with Mr. WATSON of Pennsylvania.

Mr. DRANE with Mr. GRAY of New Jersey.

Mr. MONTAGUE with Mr. BENJAMIN L. FAIRCHILD.

Mr. EVANS with Mr. KAHN.

Mr. DOOLING with Mr. WILSON of Illinois.

Mr. RUCKER with Mr. MCKINLEY.

Mr. SCULLY with Mr. DRUKKER.

Mr. NICHOLLS of South Carolina with Mr. MILLER of Minnesota.

Mr. DOREMUS with Mr. GRIEST.

Mr. SMALL with Mr. MUDD.

Mr. STEVENSON with Mr. PAIGE.

Mr. SULLIVAN with Mr. SANDERS of Indiana.

Mr. TALBOTT with Mr. ROWLAND.

Mr. VAN DYKE with Mr. SIEGEL.

Mr. SNOOK with Mr. PORTER.

Mr. WILSON of Louisiana with Mr. STEENERSON.

Mr. CHARLES B. SMITH with Mr. WOOD of Indiana.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

LEAVE OF ABSENCE.

The following leaves of absence were granted by unanimous consent:

To Mr. ESTOPINAL, indefinitely, on account of illness; and

To Mr. HOWARD, for two days, on account of illness.

WITHDRAWAL OF PAPERS.

Mr. WOODYARD, by unanimous consent, was given leave to withdraw from the files of the House, without leaving copies, papers in the case of Oma Harshbarger (H. R. 4134, 62d Cong.), no adverse report having been made thereon.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Thursday, January 24, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Engineer Department of the Army for supplying uniforms for park, monument, and bridge watchmen for the fiscal year 1918 (H. Doc. No. 853); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriations required by the War Department for seacoast batteries, Canal Zone, Panama Canal, fiscal year 1919 (H. Doc. No. 854); to the Committee on Appropriations and ordered to be printed.

3. A letter from the chairman of the Eight-Hour Commission, transmitting the report of the Eight-Hour Commission to observe the operation and effects of the institution of the eight-hour standard workday for railroad employees (H. Doc. No. 690); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting supplemental estimate of appropriation required by the National Home for Disabled Volunteer Soldiers for subsistence, fuel, etc., at the several branches for the fiscal year, 1918, and prior years (H. Doc. No. 855); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 181) providing that Bohemians, Moravians, Slovaks, Roumanians, Poles, Ruthenians, Serbs, Croatians, Slovens, and Italians be, and are, specifically excluded from the classification of alien enemies as subjects of Austria-Hungary, reported in lieu thereof the bill H. R. 9159, accompanied by a report (No. 252), which said bill and report were referred to the House Calendar.

Mr. ASHBROOK, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 9093) to amend the act approved September 8, 1916 (chap. 470, Stat. L., 64th Cong.), relating to pensions, reported the same without amendment, accompanied by a report (No. 254), which said bill and report were referred to the House Calendar.

Mr. SAUNDERS of Virginia, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 253), which said bill and report were referred to the Private Calendar.

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 329) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims, reported the same with amendment, accompanied by a report (No. 255), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RUSSELL, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 3547) to extend the provisions of the pension act of May 11, 1912, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, reported the same without amendment, accompanied by a report (No. 257), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HARRISON of Virginia, from the Committee on Military Affairs, to which was referred the bill (H. R. 7715) for the relief of Mary Neaf, reported the same without amendment, accompanied by a report (No. 256), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

The bill (H. R. 8431) granting a pension to Frances Brady; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 8111) granting an increase of pension to James N. Beasley; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FLOOD: A bill (H. R. 9159) to authorize the President of the United States to exclude certain subjects of Austria-Hungary and Germany from the classification of alien enemies and to naturalize certain members of the Army, Navy, and Marine Corps; referred to the House Calendar and ordered to be printed.

By Mr. TREADWAY: A bill (H. R. 9161) to amend an act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 9162) to amend section 3221 of the Revised Statutes of the United States, as amended by section 6 of the act of March 1, 1879; to the Committee on Ways and Means.

By Mr. DENT: A bill (H. R. 9163) to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders; to the Committee on Military Affairs.

Also, a bill (H. R. 9164) to amend section 1199 of the Revised Statutes, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 9165) to amend an act to establish a uniform system of bankruptcy throughout the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 9166) authorizing either party to a civil suit in the courts of the United States to take the testimony of the adverse party by filing interrogatories, prescribing the method of procedure and its effect, and for other purposes; to the Committee on the Judiciary.

Also, a bill (H. R. 9167) to extend to certain publications the privileges of second-class mail matter; to the Committee on Post Office and Post Roads.

Also, a bill (H. R. 9168) to amend an act to establish a uniform system of bankruptcy; to the Committee on the Judiciary.

Also, a bill (H. R. 9169) to require the production of books, documents, and writings in court before the trial of all civil causes in the courts of the United States upon motion of either party to produce the same, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS F. SMITH: A bill (H. R. 9170) to provide an ice-breaking vessel for use in New York Harbor; to the Committee on Rivers and Harbors.

By Mr. DENT: A bill (H. R. 9171) to provide for the erection of a public building in the city of Greenville, Ala.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9172) to provide for the acquisition of a new site and the erection of a public building thereon in the city of Montgomery, Ala.; to the Committee on Public Buildings and Grounds.

By Mr. FULLER of Illinois: A bill (H. R. 9190) to increase pensions of Army nurses; to the Committee on Pensions.

By Mr. HASTINGS: Resolution (H. Res. 233) authorizing the Committee on Expenditures in the Interior Department to send for persons and papers; to the Committee on Rules.

By Mr. SNELL: Resolution (H. Res. 234) to direct the Committee on Agriculture to investigate into the advisability of recommending legislation permitting importation of Chinese farmers into the United States during the continuance of the war; to the Committee on Rules.

By Mr. KEATING: Joint Resolution (H. J. Res. 225) providing for printing the report of the Chief of the Children's Bureau, Department of Labor; to the Committee on Printing.

By Mr. LONDON: Joint resolution (H. J. Res. 226) authorizing and directing the Secretary of Labor to make an investigation and report regarding insurance against unemployment, invalidity, and old age; to the Committee on Labor.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SAUNDERS of Virginia: A bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. BOWERS: A bill (H. R. 9173) to reimburse Benson Jacobs, postmaster of Little Falls, Monongalia County, W. Va., for certain postage stamps stolen; to the Committee on Claims.

By Mr. CAPSTICK: A bill (H. R. 9174) granting an increase of pension to Thomas H. Primrose; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 9175) granting an increase of pension to Anderson Baudy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9176) granting an increase of pension to Josephus H. Spann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9177) granting a pension to Annie Brannigan; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 9178) for the relief of Eugene K. Stoudenmire; to the Committee on Claims.

Also, a bill (H. R. 9179) for the relief of Bertram T. Clayton, jr.; to the Committee on Military Affairs.

Also, a bill (H. R. 9180) for the relief of the personal representatives of Charles W. Hammond, deceased; to the Committee on Claims.

Also, a bill (H. R. 9181) for the relief of J. H. Cravey; to the Committee on Claims.

Also, a bill (H. R. 9182) for the relief of the heirs of William Davis; to the Committee on Claims.

Also, a bill (H. R. 9183) for the relief of Susan A. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 9184) granting an increase of pension to Morgan C. Story; to the Committee on Pensions.

Also, a bill (H. R. 9185) granting an increase of pension to Mary E. Johnson; to the Committee on Pensions.

Also, a bill (H. R. 9186) granting a pension to Alada Thurston Paddock Mills; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 9187) granting an increase of pension to Robert S. McCreary; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 9188) granting a pension to John Zanger; to the Committee on Pensions.

By Mr. GEORGE W. FAIRCHILD: A bill (H. R. 9189) granting an increase of pension to John Bush; to the Committee on Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 9191) granting an increase of pension to Henry D. Moulton; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 9192) granting an increase of pension to Martin Brennaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9193) granting a pension to Charles McFry; to the Committee on Pensions.

By Mr. KETTNER: A bill (H. R. 9194) granting an increase of pension to Joseph Monk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9195) granting an increase of pension to James Garnett; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 9196) granting a pension to Polly Fields; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9197) granting an increase of pension to John W. Walker; to the Committee on Invalid Pensions.

By Mr. LARSEN: A bill (H. R. 9198) granting a pension to Elizabeth C. Thompson; to the Committee on Pensions.

By Mr. LESHER: A bill (H. R. 9199) granting an increase of pension to Jacob R. Shotwell; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 9200) granting a pension to Melissa C. Lewis; to the Committee on Invalid Pensions.

By Mr. LUNN: A bill (H. R. 9201) granting an increase of pension to Alfred Ashton; to the Committee on Pensions.

By Mr. McARTHUR: A bill (H. R. 9202) granting a pension to George Bales; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 9203) granting an increase of pension to Eli Ingraham; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9204) for the relief of the American Fire Insurance Co. of Philadelphia, Pa., and others; to the Committee on Claims.

By Mr. OSBORNE: A bill (H. R. 9205) granting a pension to Mary A. Brannan; to the Committee on Pensions.

Also, a bill (H. R. 9206) granting a pension to Mary E. Sewright; to the Committee on Pensions.

By Mr. OVERMYER: A bill (H. R. 9207) granting an increase of pension to Joshua W. Reed; to the Committee on Pensions.

Also, a bill (H. R. 9208) granting a pension to Nettie Wise; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 9209) granting an increase of pension to Martin S. Bortz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9210) granting a pension to Leah A. Beltz, daughter of Adam Beltz; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9211) granting a pension to Mary E. Hartsell; to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 9212) granting a pension to Charles B. McConn; to the Committee on Pensions.

By Mr. WALSH: A bill (H. R. 9213) granting an increase of pension to Peter Black; to the Committee on Pensions.

By Mr. ZIHLMAN: A bill (H. R. 9214) granting an increase of pension to John Fesler; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Memorial of the faculty of the University of Wisconsin, relative to support for the program of the President in securing world peace; to the Committee on Military Affairs.

Also, petition of Farmers' Educational and Cooperative Union of America, against universal military training; to the Committee on Military Affairs.

Also, petitions of Massachusetts Dairymen's Association; National Society, Sons and Daughters of the Pilgrims; Haverhill Chamber of Commerce, Haverhill, Mass.; and Enoch Pratt Free Library of Baltimore, Md., against increase of rates on second-class mail; to the Committee on Ways and Means.

Also, petition of railway postal clerks of Sacramento, Cal., favoring increase of salary; to the Committee on the Post Office and Post Roads.

By Mr. DARROW: Petition of Manufacturers' Association of West Philadelphia, Pa., protesting against Fuel Administrator's order; to the Committee on Agriculture.

By Mr. FULLER of Illinois: Petition of the Tuthill Spring Co., of Chicago, opposing repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of council of the Massachusetts State Board of Trade, urging Government to make port of Boston a port of embarkation of troops, etc.; to the Committee on Military Affairs.

Also, memorial of Lithuanians of the State of Massachusetts, favoring independence for Lithuania; to the Committee on Foreign Affairs.

By Mr. LUFKIN: Petition of members of Post 114, Grand Army of the Republic, of Merrimac, Mass., asking increase of pension for veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petitions of Pennsylvania Manufacturers' Association and Knit Goods War Service Committee of the National Association of Hosiery and Underwear Manufacturers, protesting against action of Fuel Administrator in closing industrial plants; to the Committee on Agriculture.

By Mr. NOLAN: Petition of Mutual Aid Association, San Francisco Fire Department, favoring Madden bill, H. R. 1654; to the Committee on the Post Office and Post Roads.

Also, petition of John A. O'Connell, secretary San Francisco Labor Council, favoring Madden bill, H. R. 1654; to the Committee on the Post Office and Post Roads.

By Mr. OSBORNE: Petition of California Loyal Legion, Veterans of the Civil War, protesting against newspapers being published in the language of alien enemies, etc.; to the Committee on Military Affairs.

Also, petitions of sundry business people of the State of California, protesting against recent order of the Fuel Administrator relative to suspending industrial concerns; to the Committee on Agriculture.

Also, memorial of Half Century Association, of Los Angeles, Cal., favoring creation of a Federal interest commission; to the Committee on Banking and Currency.

By Mr. TIMBERLAKE: Petition of Francis Bailey, president Entrenour Club, against increase in postage on certain periodicals; to the Committee on Ways and Means.

By Mr. TREADWAY: Memorial of executive council of the Massachusetts State Board of Trade relative to use of the Port of Boston by the Government; to the Committee on Military Affairs.

SENATE.

THURSDAY, *January 24, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in these trying days that test the fiber of our national life we are thinking most of all of our national spirit. We thank Thee for the boundless wealth of all that means force and power, but we pray that these may be transmuted into instruments of divine efficiency through the spirit of a great Nation. As the ark of the national life moves forward may no one lay unclean hands upon it, but give to us such a national spirit as that its working out to victory may be the accomplishment of the divine plan in us and through us for the establishment once more of freedom and order in the world and the crention of a great democracy of nations. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. KING and by unanimous consent, the further reading was dispensed with and the Journal was approved.

WARNING TO OCCUPANTS OF THE GALLERIES.

The VICE PRESIDENT. The Chair desires to call the attention of the occupants of the galleries to the rule of the Senate that there must be no manifestations of approval or disapproval upon the part of the galleries. This is a rule which the Presiding Officer is compelled to enforce. It has frequently been broken lately. The only way to enforce it is to clear the gal-

leries if there is a violation. Before the proceedings of this day start the Chair wants to warn you that if you do not observe the rule, being the guests of the Senate, you will be excluded from the galleries.

SENATOR FROM NEVADA.

Mr. KING. Mr. President, Hon. CHARLES B. HENDERSON, appointed a Senator from the State of Nevada, is in the Chamber and ready to take the oath of office. I present to the Senate his credentials and ask that they may be read.

The VICE PRESIDENT. The Secretary will read the credentials.

The Secretary read as follows:

STATE OF NEVADA,
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Nevada, I, Emmet D. Boyle, the governor of said State, do hereby appoint CHARLES B. HENDERSON a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of FRANCIS G. NEWLANDS is filled by election, as provided by law.

Witness: His excellency our governor, Emmet D. Boyle, and our seal hereto affixed at Carson City this 12th day of January, in the year of our Lord 1918.

EMMET D. BOYLE, *Governor.*

By the governor:

GEORGE BRODIGAN,
Secretary of State.
By J. W. LEGATE, *Deputy.*

The VICE PRESIDENT. The credentials will be placed on file. If there be no objection, the Senator appointed will present himself at the desk.

Mr. HENDERSON was escorted to the Vice President's desk by Mr. KING; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

COMMITTEE SERVICE.

Mr. MARTIN. Mr. President, I send to the desk an order filling committee vacancies and ask for its present consideration.

The order was read and agreed to, as follows:

Ordered. That Senator HENDERSON be appointed to the following committees: Industrial Expositions (chairman), Banking and Currency, Claims, Conservation of National Resources, Irrigation and Reclamation of Arid Lands, and Library.

That Senator TRAMMELL be appointed a member of the Committee on Public Buildings and Grounds.

PERSONAL EXPLANATION—WAR CABINET.

Mr. CHAMBERLAIN. Mr. President, I rise to a question of personal privilege.

Mr. President, for 24 years of my life I have served the people of my State in one capacity or another to the best of an ability with which Providence saw fit to endow me, and in all that time I have never had my veracity called in question nor my integrity impeached, and I am frank to say that I have passed through some campaigns as bitter as have fallen to the lot of any man. It is therefore with some feeling of humiliation, and I may say of sadness, that I rise before this distinguished body to a question of personal privilege when my veracity has for the first time been called in question—not by an ordinary citizen in the ordinary walks of life—not by one of my colleagues, who stands upon the same level as myself socially and politically, but by a very distinguished gentleman who has the love and admiration of the people of this country, and who through their suffrage now occupies the highest place in the gift of our people, and I may say the highest place of any man on the face of the earth.

It is, therefore, with a peculiar feeling that I rise to address myself to the attack which has been made upon me, Mr. President, and I do it not with any feeling of unkindness, because the personal differences between the distinguished President and myself amount to nothing to the American people, but there are great policies at issue between us and between other people of this country, a proper settlement of which may, Mr. President, involve the very life of the Republic, and possibly the civilization of the world.

Some days ago a distinguished body of citizens invited me to deliver an address before the National Security League in New York. I accepted that invitation. On the dais with me were some of the best known men and women in America. The presiding officer of that meeting was a gentleman whom our distinguished President has seen fit to honor, and who has been highly honored by other Executives in the days gone by. I refer to Hon. Elihu Root.

On my right sat Judge Alton B. Parker, who was once a candidate of our party for the Presidency. On the left of the presiding officer was a very distinguished Republican friend of mine and a friend of his country, though born in a country that is now at war with America, Hon. JULIUS KAHN, of California. To his left was a distinguished ex-President of the United States in the person of Col. Roosevelt. The widow of ex-President Cleveland was there, and, Mr. President, I say without fear of contradicition that the 2,000 people there represented every walk of life and a spirit of patriotism that can not be excelled in a like number of people anywhere in the United States.

In the multitude of work that has fallen to my lot it was impossible for me to prepare an address, and I did not even have time to correct the proof or revise it after it was delivered. It was reported in the New York Times in what appeared to be a verbatim report, and I assume the responsibility of the speech as printed in that paper. If there are any inaccuracies of diction or grammar I trust that under the circumstances the Senate will overlook them. Inasmuch as it forms the text of the charge against me of having distorted the truth I am going to ask that the Secretary may be permitted to read it. It is not very long. I dislike to burden the Senate with it, but I want the Senate to have the context of what I said in connection with what the distinguished President of the United States complains of in his public statement.

The VICE PRESIDENT. Is there objection? The Chair hears none and the Secretary will read.

The Secretary read as follows:

"I assure you it is a very great pleasure and privilege to be permitted to be with you to-day, because I feel that we are all engaged in the same great work—the work of the preservation not only of our country, but the preservation and perpetuation of civilization itself. Let me disclaim, my friends, any credit for what has been accomplished and for what we hope to accomplish in the great task that confronts us in this emergency. Let me say to you that I have had the cooperation and effort of the great mass of the Members of Congress without regard to party; and in addition to that, and above and over everything else, we have had the support of such distinguished men as the ex-President and ex-Commander in Chief of the Armies and Navies of the United States, and such men as my friend, Mr. Elihu Root, all of whom are here with us to-day.

"In season and out of season these distinguished gentlemen have gone out among the people and have tried to impress upon them, and they have begun to realize, that America, for the first time in its history, is involved in a war which may, my friends, mean its life and its dissolution unless America and her allies happen to be successful in it.

"Because of the limitation upon my time, and I know you are all glad of it [cries of 'No! No!'] it is absolutely impossible to go into this subject as I would love to go into it with you, and to discuss the military policy of the United States, or its lack of a military policy, since the earliest Revolutionary time. It has not been the fact that we have had a faulty military policy during all of those years; it has been, my friends, that we have had no military policy that has led us into these troublous times and conditions. We are wont to talk of the magnificent courage of our forefathers, but it has often seemed to me that the most unfortunate thing that ever happened in this country was the fact that an unorganized militia at Bunker Hill was able to defeat an organized army of Great Britain, because there was then established what was later to be called the traditional policy of the United States against the organization of a standing army, or, rather, of a trained army to be called into service whenever the emergency required.

"BANE OF 'TRADITIONAL POLICY.'

"From that day to this the histories of our country have talked about the traditional policies of the United States, and have commended the valor of the Revolutionary troops. I have no disposition to criticize that statement or to question the valor—the individual valor—of the splendid men who fought the battles of the Revolutionary days, but the lack of organization which was decried by the commanding officers then and which has been decried by them since, and has been criticized, are the troubles which confront us to-day; and if their recommendations had been followed we not only would have had a splendid Army now, but that Army would have been organized and raised under a system of universal military training that would have made us absolutely unconquerable.

"Washington called attention to it, and I have sometimes wondered how that distinguished commander of the American forces, with his splendid aid, Alexander Hamilton, ever had time to organize an Army because they devoted much of their time to appeals to a Continental Congress and to the States to assist them in organizing an Army that might be successful in accomplishment of victory. I wish I could go into these matters and discuss the various battles that were fought; but, incidentally, let me tell you that America did not owe the accomplishment of victory in 1783 to her untrained Army, but she owed it to France and the splendid efforts that France made.

"With all the pacifists that are abroad in the land denouncing America for sending a few hundred thousand men or a million men to France in this day of rapid transit, it is well to remember

that when America, on account of Washington's efforts, appealed to France for assistance, she sent to us under Rochambeau five or six thousand troops across the water, and instead of taking them five or ten days or two weeks to reach America, they were seventy-seven days from the time they left a French port until they landed at Newport, R. I., afflicted with disease, and chased every foot of the way by a British fleet. My friends, if America had nothing else to fight for in this war than to preserve the magnificent French Republic, every drop of blood shed and every dollar of treasure spent would be well spent for this splendid people.

"I am going to skip through it all, because my time is almost up now. We have got to get out of here at 3 o'clock, mind you.

"Traditional policy? It seems to me that a war policy called for by Washington and advocated by him would sustain a policy now of training young men to do battle for their country. We have departed from traditional policy, thank God, and in the last two years we have enacted a law that, as your chairman has said, compels Americans to know that the benefits of citizenship carry with them the responsibility for service whenever that service happens to be needed.

"VICIOUS VOLUNTEER SYSTEM.

"The selective-draft law which has been mentioned here put into service every man between 21 and 30; and it may be said to the credit of these young men who have been drafted that they are rendering just as effective and just as patriotic service as those who have volunteered. I sometimes regret that volunteering has ever been permitted, for the reason that in the loss that we sustain in the battles where there is a volunteer system, as there was in Great Britain, we have a horizontal loss, taking the young, red-blooded people that volunteer for service and leaving those who ought to have shared the fate of their colleagues at the first sound of war. On the other hand, under this system we take from the walks of industrial and commercial and everyday life young men of all classes, so that there is not this horizontal loss that I speak of, but rather a perpendicular loss, where the high and the low, the rich and the poor, the professional man and the artisan, stand shoulder to shoulder, and when losses come, the loss falls on all, every social stratum of life.

"Let me tell you that we are going to extend that. We are going to commence to train the young men from 18 to 21, so that when they become 21 we will have an army of young men to draw from from every walk of life.

"But, say the pacifists, it is unnecessary in the United States to train the young men or to have an army. My friends, there were those in Great Britain who said it was unnecessary; and yet, but for the fact that republican France trained her young men, what would have become of France when the German forces went down and attacked her on her western front? Nothing saved her but the universal military training which that splendid Republic had in vogue. Ah, my friends, let us get away from our prejudices. When those who now advocate universal military training began to advocate it nobody was with them; now the country, thank God, is with them, and the country will see to it that Congress gets with them, too.

"Now, in conclusion, and I have only touched a few of the high spots, let me say that the Military Establishment of America has fallen down. There is no use to be optimistic about a thing that does not exist.

"EVERY DEPARTMENT INEFFICIENT.

"It has almost stopped functioning, my friends. Why? Because of inefficiency in every bureau and in every department of the Government of the United States. [Applause.] We are trying to work it out. I speak not as a Democrat, but as an American citizen.

"A VOICE. You are telling the truth, Senator.

"We are trying [Senator CHAMBERLAIN continued], and I have burned the midnight oil in an effort to do it—we are trying to centralize the power of supplying the Army in one man who can say 'No' and has the nerve to say 'No' when the time comes to say it. We have reported a bill, following the experience of Great Britain and France, creating a director of munitions for this purpose. We have gone one step further, and we have provided a bill for the creation of a cabinet of war, whose duty it shall be to lay out what we never have had, and have not now—a program to carry on this war to a successful conclusion. My friends, this is not an Administration measure; it is an American measure, and comes from Republicans and Democrats alike.

"I want this splendid audience, I want the citizenry of New York, I want you, Mr. Chairman, and all of you, to get behind these proposed laws and see to it that they grace the statute books of America, so that America may play her part in the war. Let us, my friends, rally to the flag of our country without regard to party. Let us see to it that the Stars and Stripes are planted upon the plains of France and be there, as it is here, the emblem of freedom, liberty, and the rights of man,

"Your flag and my flag, and how it flies to-day.
In your land and my land, and half the world away,
Rose-red and blood-red, the stripes forever gleam,
Snow-white and soul-white, the good forefathers' dream,
Sky-blue and true-blue with stars that gleam aright
A glorious guidon of the day, a shelter through the night.

"And so, my friends, whether our flag be planted here or in France, or wherever it may be, let us see that it is the emblem of a better civilization and a better form of government. I thank you."

Mr. CHAMBERLAIN. Mr. President, that address was delivered on the 19th of this month. I returned to Washington the next day, and in the evening of that day I received from the President of the United States a letter, which I send to the desk and ask the Secretary to read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

THE WHITE HOUSE,
Washington, 20 January, 1918.

MY DEAR SIR: You are reported in the New York World of this morning as having said at a luncheon in New York yesterday:

"The Military Establishment of America has fallen down; there is no use to be optimistic about a thing that does not exist; it has almost stopped functioning. Why? Because of inefficiency in every bureau and in every department of the Government of the United States. I speak not as a Democrat, but as an American citizen."

I would be very much obliged if you would tell me whether you were correctly quoted. I do not like to comment upon the statements made before learning from you yourself whether you actually made them.

Very truly, yours,

WOODROW WILSON.

Hon. GEORGE E. CHAMBERLAIN,
United States Senator.

Mr. CHAMBERLAIN. Mr. President, I received that letter too late to attempt to answer it last Sunday evening, but the first thing the next morning, and as soon as my office force came down, I dictated a letter to the President, and I ask to have that letter read into the RECORD.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

JANUARY 21, 1918.

MY DEAR MR. PRESIDENT: I received last evening your favor of the 20th instant, in which you advise me that I was quoted in the New York World of same date with your letter as follows:

"The Military Establishment of American has fallen down; there is no use to be optimistic about a thing that does not exist; it has almost stopped functioning. Why? Because of inefficiency in every bureau and in every department of the Government of the United States. I speak not as a Democrat, but as an American citizen."

You desire to know if I am correctly quoted, inasmuch as you do not like to comment upon the statements made before learning from me whether I actually made them.

In reply permit me to say that the words quoted are substantially those used by me. My address on the occasion referred to was extemporaneous and without notes, but the New York Times of yesterday morning purports to give a verbatim report of all the addresses made, and I believe the report made is substantially correct. In that I am quoted as saying, in part:

"Now, in conclusion, and I have only touched a few of the high spots, let me say that the Military Establishment of America has fallen down. There is no use to be optimistic about a thing that does not exist. It has almost stopped functioning, my friends. Why? Because of inefficiency in every department of the Government of the United States. We are trying to work it out. I speak not as a Democrat, but as an American citizen."

You will note that there is very little difference between the two reports, and, in view of the fuller report in the Times, I am inclined to believe it correctly quotes me.

But, Mr. President, may I beg that you will do me the honor to read the whole of what I said in order that the part quoted may have its proper setting? I only had 20 minutes allotted me, and in that brief time undertook to show that since the Battle of Bunker Hill we had never had a proper military organization or policy and that our troubles now are largely due to that fact. I was only discussing the military policy, or lack of such policy, from the earliest days of the Republic, and immediately following the language last quoted I said:

"We are trying, my friends, and I have burned the midnight oil in an effort to do it—we have tried to centralize the power of supplying the Army in one man who can say 'no,' and has the nerve to say 'no' when the time comes to say it. We have reported a bill, following the experience of Great Britain and France, creating a director of munitions for thi purpose. We have gone one step further, and we have provided a bill for the creation of a cabinet of war, whose duty it shall be to lay out what we never have had—and have not now—a program to carry on this war to a successful conclusion. My friends, this is not an administration measure; it is an American measure and comes from Republicans and Democrats both."

All present understood the criticism, and you will note that ex-President Roosevelt in his speech shortly following mine made substantially the same criticism of conditions during the Spanish-American War, although, as he said, "It was waged by an administration of which I was a part and in which I afterwards became even more closely connected."

I have been connected with the Committee on Military Affairs of the Senate ever since I have been a Member of the Senate, and have

taken a very deep interest in military legislation, and I believe I know something about the deficiencies in the Military Establishment. Since Congress convened the committee have been diligently at work endeavoring to find out actual conditions and to find some remedy for recognized or proven deficiencies in our military system. The testimony of witnesses in and out of the establishment clearly establishes the fact, Mr. President, that there are inefficiencies in the system that ought to be remedied for a proper prosecution of the war, and, further, that there are and have been inefficients connected with the administration of a disjointed and uncoordinated establishment. So feeling and so believing, I have felt it my duty to speak out, in the hope that defects in the military code may be cured and inefficients later weeded out. I will be glad to join with other members of the committee and go over the situation with you at any time, if you desire it, and review the testimony which, taken in connection with an inherited deficient system, led me to the conclusion expressed in my short extemporaneous address to which you call my attention.

I have the honor to remain, yours, very sincerely,

GEO. E. CHAMBERLAIN.

President WOODROW WILSON,
The White House.

Mr. CHAMBERLAIN. Mr. President, to that letter I received no reply; I do not know that any reply was necessary; but on the afternoon of that day—last Monday—there was printed in the evening papers, and generally printed throughout the United States, a statement by our distinguished President, and I assume that that is the answer to the letter. The press was kind enough, small as I am compared with our distinguished President, to print with his statement a very brief statement which I made to them upon reading the President's statement. I ask that both be read, Mr. President.

The VICE PRESIDENT. Without objection, it is so ordered. The Secretary read as follows:

DOCUMENTS IN CLASH ON POLICY.

[Washington Herald, Jan. 22.]

By WOODROW WILSON.

Senator CHAMBERLAIN'S statement as to the present inaction and ineffectiveness of the Government is an astonishing and absolutely unjustifiable distortion of the truth.

As a matter of fact, the War Department has performed a task of unparalleled magnitude and difficulty with extraordinary promptness and efficiency.

There have been delays and disappointments and partial miscarriages of plans, all of which have been drawn into the foreground and exaggerated by the investigations which have been in progress since the Congress assembled—investigations which drew indispensable officials of the department constantly away from their work and officers from their commands and contributed a great deal to such delay and confusion as has inevitably arisen. But by comparison with what has been accomplished, these things, much as they are to be regretted, were insignificant, and no mistake has been made which has been repeated.

Nothing helpful or likely to speed or facilitate the war tasks of the Government has come out of such criticism and investigation—I have not been consulted about them and have learned of them only at second hand—but their proposal came after effective measures of reorganization had been thoughtfully and maturely perfected, and inasmuch as these measures have been the result of experience, they are much more likely than any others to be effective, if the Congress will but remove a few statutory obstacles of rigid departmental organization which stand in their way.

The legislative proposals I have heard of would involve long additional delays and turn our experience into mere ice motion.

My association and constant conference with the Secretary of War have taught me to regard him as one of the ablest public officials I have ever known. The country will soon learn whether he or his critics understand the business in hand.

To add, as Senator CHAMBERLAIN did, that there is inefficiency in every department and bureau of the Government is to show such ignorance of actual conditions as to make it impossible to attach any importance to his statement.

I am bound to infer that that statement sprang out of opposition to the administration's whole policy rather than out of any serious intention to reform its practice.

By GEORGE E. CHAMBERLAIN.

My argument was directed to the Military Establishment and not to the General Government. Those who heard me know that.

I had no prepared speech and did not speak from notes. I delivered an extemporaneous address to the people there, explaining that since Bunker Hill we had had practically no military organization or policy. I discussed the subject from that viewpoint for 20 minutes.

I said the Senate Military Committee had tried to correct the evils by the introduction of the two new bills. One, written by me, is the director-of-munitions bill. The other, written by a subcommittee, is the war-cabinet bill.

I still stand for both.

Mr. Baker's efforts to better his organization within the Military Establishment itself have been commendable. He has tried to do something. Some improvements have been made in the system in vogue.

But in his plan the inherent weakness, in the last analysis, is that there is no one between the President and the Army able to act. The new system of Mr. Baker comprises the clearance board of the War Industries Board and the various purchasing departments. There is the inherent weakness. They can not act.

The war cabinet and the director of munitions have distinct and positive power. One maps the progress for the future, the other furnishes supplies for the Army. They constitute a strong link in a chain, which is never stronger than its weakest link.

We substitute for voluntary bodies a strong organization.

I regret that the administration is against the plan. But I will proceed with the bills. I feel it my duty as a Senator. The people of the country are entitled to be let into the confidence of the Senate Military Committee and the committee considers that the bills are necessary in order that the war preparations may be coordinated.

Mr. CHAMBERLAIN. Mr. President, the statement of the President challenges me, of course, to the proof of my statement as printed in the New York Times, to which I adhere, and which I now repeat. Whether my colleagues or the country will take the evidence by its four corners and reach the same conclusion that I have reached is an entirely different proposition. They may not see it from the same angle that I see it. Two men may read the same article and draw different conclusions from it. Two men may hear one witness testify and draw different inferences from what he said. Those are the inherent differences in human nature. But occupying the position that I do, Mr. President, as chairman of this great committee, associated as I have been with Democrats and Republicans whose single aim and effort has been to develop conditions as they exist without fear or favor or the hope of reward, I felt as an American citizen, and I feel as a Member of this distinguished body, that it was my duty to say the thing that was in me. If I succeeded, Mr. President, in making a rift in the clouds and letting the sunlight into the dark places where the American people are entitled to go and see, I feel that my efforts and the efforts of my colleagues, for whom I entertain the highest regard and respect, have not been in vain in an endeavor to save our country in the pending crisis.

The evidence has not yet been printed. That has not been due to any fault on the part of the committee, but, because of its importance, the testimony of each witness has been sent to him in order that he might revise it, and that the country might get the evidence as it came from the lips of the witnesses. I hope it will be finished to-day, so that the Senate may have it. But now, Mr. President, in view of the fact that my truthfulness has been called in question, I feel it my duty, not to go into detail—because it would take me days to do that—but to say some things here in all kindness, and to tell the country some things that possibly I might not have told under ordinary circumstances until the investigation now in progress had been completed. I shall do it as a man who loves his country first of all, a man who would sacrifice not only his own life but the life of every member of his family to save it. I shall do it fearlessly, and as an American citizen who wants to help and not hinder the President in this emergency.

I rather think, Mr. President, that it is not that I have distorted the truth, for I have sometimes feared that in the multitude of cares and responsibilities that have devolved upon the President of the United States he has not been able to ascertain the truth. If he has relied upon some of those who have come before our committee, Mr. President and my fellow Senators, he does not know the truth, and from the lips of some of those who have testified and who are closest to him he can not find the truth; not because there has been a disposition to deceive or mislead our distinguished Executive possibly, but simply because they, too, are so situated, in the multitudinous affairs of this great crisis, that they can not ascertain the truth; and even if they could ascertain the truth through the labyrinth of things that pass over their desks and through their offices each day, it would be impossible for them to remember it for any purpose. So this investigation was started, Mr. President, with a purpose to be critical where criticism was necessary and with the purpose to be constructive as well; and this committee would not have discharged its duty to the Senate and to the country if it had gone about the work with any other purpose in view than to criticize where criticism was just, and to offer suggestions of a constructive nature where that was proper.

Mr. President, the Secretary of War, in his general statement to the country—which was carefully written and prepared—tells us that $8,200,000,000 have been appropriated for the Ordnance Department and contracts have been let for $1,677,000,000; all of which is true. But the Secretary fails to tell us, Mr. President, in his statement to the country, and it only comes out in the course of a cross-examination, that America stands to-day unprepared so far as ordnance is concerned. I challenge anybody to read the testimony and come to any other conclusion. Poor, bleeding France, my friends—bled white, not only for her own life and for the liberty of her own citizens but for America as well—is to-day furnishing our troops as they arrive in France the necessary heavy ordnance and machine guns for aircraft and for ground service. Why, Mr. President, if we relied upon the Ordnance Department in this emergency to furnish our troops with the heavy ordnance—and this is largely a war of artillery to-day—the war would be over before we ever got to the front.

Why, there is testimony, if I correctly remember it, before the Military Affairs Committee that along some of these fronts the cannon—and heavy cannon, if you please—are located 5 yards apart for a distance of 6 miles; and yet America, this great and magnificent country, is dependent upon poor France to deliver

the ordnance! Did France agree to deliver it in order to win over reluctant America? Did she agree to furnish it in order to encourage and hearten America? What would happen to France with the debacle in Italy, Senators, where her own troops are and where the troops of her allies are if she is to furnish ordnance to America? What is France to do for them in case of an emergency and a desperate battle for the life of one of her allies?

I will not go into details. I do not think it would be proper to go into details, but I call to the attention of the Senate the confidential evidence of Gen. Crozier himself as to the amount of contracts which the Secretary speaks of as having been let, and as to the progress of the work. If the administration wanted to be fair with the American people—and they are entitled to fair treatment, and to know these things—why did not the distinguished Secretary, whom I hold in the very highest regard as an able and intellectual gentleman, tell the American people how long it would take to make deliveries under these contracts and let them assist in getting ready for this terrible cataclysm that not only confronts America but confronts the world?

What has the Ordnance Department been doing since 1914? Was there even a half-witted American citizen who at the very outset did not know and realize that there was a chance that America might become involved? There were omens in the sky, my colleagues, that indicated that America would become involved, notwithstanding her desire to keep out. She could not keep out. What was the Ordnance Department doing? Nothing. Here we were from August, 1914, until the declaration of war in April, 1917, with the Ordnance Department lying supinely upon its back, making no plans, constructing no gauges, manufacturing no dies, doing absolutely nothing to ascertain what were the possibilities in raw material and the possibilities of manufacture. It would not have taken any time, it would not have cost much, if anything, to have done that. Congress appropriated quite a large sum in two or three appropriation bills for the purpose of manufacturing dies, jigs, and gauges to be used in the construction of all of these implements of artillery warfare. That money has not been expended; and yet every business man and every sensible man in this country knows that for quantity production it is absolutely necessary to have the gauges and the jigs and the dies, so that when you are ready to manufacture all you have to do is to send them out, so that guns may be manufactured along those lines. What was the Ordnance Department doing? Nothing.

I am not blaming anybody in particular, Mr. President, but I am calling attention to facts and blaming an inefficient system. I have a very high regard for Gen. Crozier. He has made his reputation in the Army, and his life has been spent in the service of his country. We have not been able to do what Great Britain has done and what France has done and what Italy has done and what every one of our allies has been able to do, and that is to retire these gentlemen who have not proved themselves up to the mark when it comes to getting ready for war. We ought not to dismiss them in disgrace, but certainly they ought not to be continued in places where they have failed, or be promoted to higher rank. France has not hesitated to retire them to the shades of private life, or to the shades of inactive military life, if you please, into positions of innocuous desuetude. Great Britain has not hesitated to do it at any time. Why should America hesitate?

Senators, it is not a question of the individual or of individuals. This is not a question between the distinguished President of the United States and myself. It is a question of America; and every man in America ought to forget party, forget individuals, and forget everything, so that his whole thought and his whole life and his whole purpose may be devoted not only to the protection of the Republic but also to the perpetuation of our own institutions and the institutions of the civilized world, all of which are involved.

Oh, my colleagues and friends, I want you to read this testimony, and I want you to read it prayerfully and carefully and tearfully, if need be.

Take the question of machine guns. I am not going into the merits of any particular gun. That has been an old controversy here for years. There are things that can be said on both sides of it. Here was the Lewis gun, that was being manufactured in America for Great Britain. She had 70,000 of them on the battle front, and the testimony of every British soldier that I have seen is as to the excellent character of the gun. There are several kinds of machine guns. America was manufacturing in large numbers and on large contract the Lewis gun for export to the allies and was prepared to turn them out in large quantities. And yet, while we stood along the edge of a seething volcano, we were trifling along through the Ordnance Department, trying to find a machine gun. With this war on, and America in it, we did not even adopt a machine gun until along in May sometime, and it was not finally adopted, I believe, until sometime in June. Then they adopted another gun—not the Lewis gun, that was being used on the battle front in Europe, but a gun that was still a gun on paper, and it is a gun on paper to-day—I do not care what anybody says about it—because it has never been given a field test. It has been developed, Mr. President, that all of these guns have to be experimented with and developed and changed and modified in one form or another before they can finally become an implement of warfare in the proper sense of the word.

It may be that the Browning gun, the one adopted, is the best gun. It is an automatic rifle. There are two classes of the Lewis gun, one light and one heavy. We are manufacturing the Lewis gun, and manufacturing it for aircraft. If they are good for that, why could we not have adopted the plans then in vogue, and have manufactured the Lewis gun, even if it was not the best gun, until final tests had discovered the best? They are the modern implements of war with heavy artillery, Mr. President, and without them America could not get anywhere. We are going to use them on the aircraft. The reply to the criticism of the tardiness in adopting a machine gun is: "Well, we have thirty or forty thousand of them for aircraft, the lighter kind." But, Mr. President, what I complain of is that they were not manufactured in large quantities in factories that were then manufacturing them for the British Government and for other countries.

I think the Secretary testified in regard to the contracts for the Browning gun. Contracts are out, and the guns are to be delivered some time at varying dates in the future. I ask you to read Gen. Crozier's testimony. I do not want to go into that. I do not think it would be proper to go into it; but we are advised that we have got some manufactured. The Secretary testified some time during the middle of January that we had nine guns at that time—nine Browning guns—nine guns to go up against the thousands of the machine guns of Germany. It may be that having nine shows that there is now an opportunity for quantity production, because the gauges may be ready; but we have been in the war 10 months, and nothing has been accomplished in the way of securing these guns.

I noticed in reading the proceedings of the British Parliament not long ago—and I think he was right—a member said, "You need not be afraid about giving Germany any information." Germany knows more about America to-day than many men connected with the department; and so far as I am concerned, my colleagues, I feel that America would be better off if her representatives would come out in the spot light and let the plain people of this land know what is being done, and then you could rely upon them to rally to the support of the President for the successful prosecution of this war. There is not any question about that.

Let us now consider the question of rifles.

We were furnishing Lee-Enfield rifles to the British Government in large numbers. The factories were prepared for them. It is true that Great Britain was trying to make an improvement upon the rifles used by her when she became involved in the war, but when the war came on Great Britain said we will not waste any time improving our rifles, but will get them out just as fast as we can, and they have been manufacturing them ever since. What did America do? With 700,000 rifles in America and in our colonial possessions, a motley group of different kinds of guns, America was seeking, through the Ordnance Department, to improve the rifle that Great Britain was manufacturing here and which we could have put out without any trouble in the factories. We went to work through the Ordnance Department to improve the Enfield rifle. I am frank to say it is a great improvement. I believe it is a better gun than the English gun, but here while the house was burning America was determining through its Ordnance Department what instrumentalities ought to be adopted to put out the fire. It took weeks and months before they finally got the Lee-Enfield rifle into condition where the Ordnance Department thought it was all right. And after this was agreed upon there were further delays caused by indecision. Here were the engineers of these great arms companies, who got together and finally agreed upon a program for the manufacture of these guns, and concluded that they would manufacture them with seven interchangeable parts, and they started to manufacture the gauges, the jigs, and dies, and everything necessary for the manufacture of guns with seven interchangeable parts. After the Ordnance Department had practically accepted the suggestion it went to work through a distinguished ordnance officer and changed the plan from 7 to 40 interchangeable parts, and finally raised it to over 50 interchangeable parts, with the result that everything had to be stopped for awhile that additional gauges

to the administration's whole policy rather than out of any serious intention to reform its practice.

apart for a distance of 6 miles; and yet America, this great and magnificent country, is dependent upon poor France to deliver

were trifling along through the Ordnance Department, trying to

everything had to be stopped for awhile that additional gauges

might be made. This may have resulted in improvement, but why the delay in the midst of the smoke of battle?

Mr. President, these things were only brought out by this investigation. You do not find them elsewhere. Why should not the American people be informed of them? Senators, there are a lot of people out in the wild and wooly West where I come from who, lying back in their cabins and in their homes, perfectly content that America has everything she wants, and they are not worrying themselves, and they are fathers of boys at the front. If they only knew, these mothers and these fathers, patriotic citizens of the West, the actual conditions, every one of them—every woman and man—would be up and doing and ready to give their lives and their all for the purpose of protecting America.

The casual reader of the Secretary's statement would conclude that we had everything in the way of ordnance and yet, take the testimony of men on the ground like Gen. Greble—we only called two or three, we did not want to take them away from their duties—and we find the conclusion would not be justified. Take Gen. Greble, commanding general at Camp Bowie. He testified that they have not a single trench mortar. They have not machine guns to any appreciable number, not enough to train machine-gun men. The testimony of all is that the machine-gun man is not worth anything unless he has had some practice with a machine gun. They have not any howitzers; they have not any of the larger caliber guns. Senators, that is true of Camp Bowie, and it is true of nearly every cantonment and regular division in the United States. I am not saying it by way of complaining, Mr. President, but I am trying to show, and I want the American people to realize, that as to military program and policy America has none and that her military establishment as recently constituted has fallen down. If it had not been for the civilian people of this country, if it had not been for the men who have come here and given their time and their services, we would not have been anywhere.

I have in what I have said only briefly touched upon the Ordnance Department. Now I come to the Quartermaster's Department. You would conclude from the statements that are printed in the press of the country, that "everything is lovely and the goose hangs high," so far as clothing was concerned, but get on the ground and talk with men who are in command of these boys and you will find the conclusion is wrong; that is all there is about it. On a per capita basis it may be. My friend from Utah [Mr. SMOOT] and I on a per capita basis may be worth $100,000. He may have the $100,000, but per capita I am worth just as much as he is, and yet I do not have anything. On the same test of a per capita basis America may have uniforms, but when you come to the proper distribution of uniforms they have not had them and they have not got them yet.

I realize the great difficulties that have confronted the Quartermaster General. I am not complaining of him as an individual. He has done the best he could under a faulty system, and the President is not responsible for the system. He inherited the system. He has done the best he could. But we are without the clothing just the same.

Now, I am going to show by Mr. Baker's testimony that he did not know it, and that is the reason why I am saying that the President, the premier of all the great statesmen of the world, if you please, recognized as the leader of thought in this great international cataclysm, and I say amen to it, did not know the truth, and I did. I had it from the lips of living witnesses. He must have gotten his facts from his distinguished Secretary of War and he in turn got them from somebody else, and if those who furnished the evidence knew the facts, they did not tell the whole truth. If the Secretary represented conditions to the President on their statement he could not have given the President the whole truth, for he did not know it.

My statement is challenged, my integrity is in question. I am going to pass around to the Senate some of the pictures taken in one of these cantonments, of young men drilling in the cold, in the snow, and working in the trenches and using wooden guns and other ordnance that they manufactured in the camps. That is all right; I am not complaining of it, but I am showing the facts. If I had a boy going to France to join a machine-gun company or an artillery company, I would want him to have had some practice with something else than a wooden cannon or a telephone pole used for a cannon before he went over. I want Senators to see these pictures. I do this, Mr. President, because I feel it a duty that I owe first to my country and second to my conscience, and no man and no set of men on God's green footstool can keep me from telling the truth and carrying out the dictates of my own conscience. I have no fear of God, man, or devil. My only fear, my colleagues, was that in this discussion in some way or other it might have a psychologically bad effect upon my country and its cause, and yet I do not see how it can do otherwise than help. If these conditions exist, they ought to be corrected and corrected quickly. Great Britain found the same conditions and she corrected them pretty quickly as a result of fearless criticism. France found the same conditions and corrected them. America can not get her Army to manufacture these things. I do not care what they say, the graduates of military institutions stand at the top of their classes it may be, but when it comes to a young man trained along a particular line of duty undertaking to handle great commercial and manufacturing enterprises it is not in him to do it. You must go to the men who have done these things in order to secure results. Great Britain did that and France did it, and why should we not take this matter up and if Congress feels that there are inefficiencies it ought to correct them, though the heavens fall. Congress ought to do it without any fear of anybody, giving due weight and consideration always to the distinguished Commander in Chief of the Army and Navy.

Now, what has been the result? I want you to read the Secretary's statement printed in the hearings about having substantially all these things in the way of equipment. While he was on the stand a few days ago, reiterating again the statement that our soldier boys were equipped, I said to him, in substance, as I took my seat at the head of the table with my distinguished colleagues, "Why, Mr. Secretary, I have just talked within the last five minutes with a commanding officer at one of these cantonments, and he tells me that he is short 7,000 coats." In his usual placid way he said, substantially, "That is not true." I said, "He just came from there and is it not true?" He turned around to the Assistant Secretary of War, and said to him, "Telegraph to the Quartermaster General and get his report." On the next day, the 14th of January, I got this letter from the Secretary:

WAR DEPARTMENT,
Washington, January 14, 1918.

MY DEAR SENATOR CHAMBERLAIN: On Saturday morning one of the members of the committee said that he had just talked with the commanding officer of Camp Sherman, and that there were, as I recall it, 3,000 men there without uniforms. You will recall that I asked the Assistant Secretary to direct at once that a telegram be sent to the camp to find out the facts.

I inclose a telegram which came on Saturday, the same day upon which the statement was made, and which states that the 31,024 men now at Camp Sherman were at that time all in uniform, and that a previous shortage of approximately 7,000 coats was at that time provided for.

I send this information because, as you will recall, I ventured at the time the statement was made quite definitely to express a disbelief in its accuracy.

I will say this for the Secretary, when he did not know he was very positive.

This telegram I think should be called to the attention of the members of the committee, as it is of the highest importance to have them know both that this provision has been made and that the information upon which I have been relying in my testimony to the committee is not inaccurate.

Cordially, yours, NEWTON D. BAKER,
Secretary of War.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate.

The telegram is as follows. It came from the quartermaster addressed to Gen. Goethals.

CAMP SHERMAN, OHIO, *January 12, 1918.*

GOETHALS,
Quartermaster General of the Army, Washington, D. C.

Re tel. date, 31,024 men now at this camp all in uniform. Previous shortage of approximately 7,000 coats provided for.

CARR,
Camp Quartermaster.

That convinced me that the Secretary of War knew what he was talking about, and I was glad to have it confirmed, because there were some things I thought he was misinformed about. On the very next day, January 15, he sent me this letter:

WAR DEPARTMENT,
Washington, January 15, 1918.

MY DEAR SENATOR CHAMBERLAIN: I send you a telegram which has just been received from Camp Sherman. The information in it differs from that contained in the earlier telegram, which I sent you yesterday and which arrived on Saturday. Apparently the information given to you by Gen. Glenn as to the blouses was accurate. This telegram, however, shows that an adequate supply is in shipment, though not received by the time the telegram was sent.

Cordially, yours, NEWTON D. BAKER,
Secretary of War.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate.

That is the way it has been ever since the war commenced. It is on the way, but does not get there. Now, what does the telegram say?

CAMP SHERMAN, OHIO, *January 15, 1918.*

GOETHALS, PER HARDEMAN,
Office Quartermaster General, Washington, D. C.:

Thirty-one thousand one hundred and four men now in camp. All have overcoats and woolen breeches. Twenty-four thousand two hundred and four have complete uniforms. Sixty-nine hundred not yet supplied with coats, supply of which is now in shipment.

CARR,
Camp Quartermaster.

So the distinguished Gen. Glenn, commanding at Camp Sherman, a man whom I have always found willing to tell the truth, was nearly right. He comes from North Carolina, as whispered to me by the Senator from that State [Mr. OVERMAN], God bless him; I wish we had more like him. Speaking from memory only, he missed it by 100, and I think I shall show by Mr. Baker's own testimony that when he made the statement that all these places were equipped he was mistaken. But that is not all I am going to show you. With all these statements, time and again iterated and reiterated, that our boys are substantially provided for, this committee asked The Adjutant General of the Army—this was a little after the 1st of January—to wire the cantonments and other commanding officers to furnish us with information as to the actual conditions in the cantonments and the conditions as to equipment C. Equipment C is the clothing outfit of a private soldier. In due course that information came to us. In the face of this statement that had been repeatedly made, that that equipment was all furnished or was substantially furnished, made upon the part of the Secretary of War and probably by the Quartermaster General, too, on the 12th of January the Secretary sends up to the committee the following:

WAR DEPARTMENT,
Washington, January 12, 1918.

Hon. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs,
United States Senate.

MY DEAR SENATOR: Pursuant to telephonic request of your committee to The Adjutant General of the Army that a report be obtained showing in percentages the shortages of articles of equipment C quartermaster supplies at the different divisional camps as of January 1, or as near that date as possible, a telegram was sent all division commanders, and I now have the honor to submit to your committee, attached herewith, a tabulated sheet showing the state of equipment as disclosed by these replies.

Figures represent shortages in percentages. Where blank spaces exist, no shortages were reported.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

That information comes to us through the Secretary of War himself, contradicting over his own signature and in his own letter his previous statement that the equipment was all there.

I am not going to take time to read the statement of shortages, but I am going to ask that it may go into the RECORD because I want people to see. I want them to see whether or not I am distorting the truth when I say that the Military Establishment of America has fallen down. I propose to relieve myself of responsibility if the worst ever comes, so that I may go home to my family and to my friends and to my constituents and say, "I tried to invite the attention of the country to it, but they listened rather to those higher in authority, and my voice was as of one calling in the wilderness."

This statement contains the list of articles that go to make up the equipment and it shows the shortages. I ask that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

	Bags, barracks.	Clothing.	Belts, waist.	Breeches, cotton, O. D.	Breeches, woolen, O. D.	Coats, denim.	Coats, cotton, O. D.	Coats, woolen, O. D.	Cords, flat.	Drawers, cotton.	Drawers, woolen.	Gloves horseide.	Gloves, riding.	Gloves, woolen, O. D.	Hats, service.	Hats, denim.	Laces, legging.	Laces, shoe.	Leggins.	Ornaments.	Shirts, flannel, O. D.	Shoes, marching.	Shoes, field.	Stockings, cotton.	Stockings, L. W.	Stockings, H. W.	Undershirts, cotton.	Undershirts, woolen.	Slickers.	Overcoats.	Ponchos.	Trousers, denim.	Flap, shelter-tent.	Shelter halves.	Brassards, red.	Brassards, blue.	Wristlets and chains.	Chevrons, mounted.	Leggins, mounted.	Bars, m. and uniq.	Helmets.	Cots.	Blankets.
Third Regular Division	10		10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Fourth Regular Division	54		54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54	54
Sixth Regular Division					83			90			68					46			44		44	48	100		53			64		44													50	16
NATIONAL GUARD DIVISIONS.																																												
Twenty-seventh, Camp Wadsworth, S. C.	2		2	13	20	18	18		11	4	77	21	16		3			13		15	1	11	76	19	79	14	4	15	1	60														
Twenty-eighth, Camp Hancock, Ga.	50				50	55	40	47			90	75	66			90	50		95			15	27		95	8		35			90	6						80	40					
Twenty-ninth, Camp McClellan, Ala.																																												
Thirtieth, Camp Sevier, S. C.					65			60											100			40						65					30											
Thirty-first, Camp Wheeler, Ga.					10			39				4	7/10									1											6											
Thirty-second, Camp MacArthur, Tex.	4				9			21	1	5		11	10	1		20	20	1	100	3		10		8			5	4	3	4		1	1											
Thirty-third, Camp Logan, Tex.					30			50	25		20					50	25	75																								4		
Thirty-fourth, Camp Cody, N. Mex.	5				50			50										100									54								5	75	15	50						
Thirty-fifth, Camp Doniphan, Okla.					40			53			20					32		90						13																				
Thirty-sixth, Camp Bowie, Tex.					50			50			100	100																										10	34					
Thirty-seventh, Camp Sheridan, Ala.					38			59							92							92		16		10	31			91			5											
Thirty-eighth, Camp Shelby, Miss.	29				50			61		23		45												50		34			2			27												
Thirty-ninth, Camp Beauregard, La.	50				38			50		25		78								10				18		16	6					50												
Fortieth, Camp Kearney, Cal.	66			20	35			78		81	6											78		39		45		7	14	57	72													
NATIONAL ARMY DIVISIONS.																																												
Seventy-sixth, Camp Devens, Mass.					17			40			50			17		58		50				48		19	91							24												
Seventy-seventh, Camp Upton, N. Y.								25	2							90								30			10				10	80						58		11			
Seventy-eighth, Camp Dix, N. J.																	5					1						5																
Seventy-ninth, Camp Meade, Md.		19			16			52			60		20			90			4										6															
Eightieth, Camp Lee, Va.					49			50								100		46					48								21	50											100	
Eighty-first, Camp Jackson, S. C.			7	48	9	73	30		5			35						100					40			7	5			90	70												
Eighty-second, Camp Gordon, Ga.					17			25		10							8						20		10			5	18		26	26												
Eighty-third, Camp Sherman, Ohio								23								90		100								59		58				65												
Eighty-fourth, Camp Taylor, Ky.					35				10		98		50			100	25	100								70		20		50	70						50							
Eighty-fifth, Camp Custer, Mich.					23			73					20			100	50		75																									
Eighty-sixth, Camp Grant, Ill.		5			30			20	5	24	24		30			8	25	12	37	25		10		21		19					23	25												
Eighty-seventh, Camp Pike, Ark.					5			6											100										1															
Eighty-eighth, Camp Dodge, Iowa								90																																				
Eighty-ninth, Camp Funston, Kans.					90			17			50							100	15	7	7																	60	10					50
Ninetieth, Camp Travis, Tex.								57																									82											
Ninety-first, Camp Lewis, Wash.				29	30			43		2						90			1					3		1				28														
Ninety-second, Camp Funston, Kans.	10				4			23	20										8					24		25			14		100													

Mr. CHAMBERLAIN. Let me take one item for instance. I will take one of the important items—woolen coats—olive-drab woolen coats. In the Third Regular Division it is 10 per cent short; in the Fourth Regular Division, 54 per cent short; in the Sixth Regular Division, 90 per cent short—woolen coats—while we are in the midst of winter, and this is about the 1 . of January. Take Camp Wadsworth, S. C., 18 per cent short. Take the Thirtieth at Camp Sevier, S. C., and there is a shortage of 60 per cent of woolen coats.

Mr. SMITH of Michigan. Where was it that there was a shortage of 90 per cent?

Mr. CHAMBERLAIN. That was at a Regular Army division; I am not sure about where it is situated.

Take Camp Wheeler, Ga., and I am going to call attention to some of the things in connection with these shortages, Mr. President, unpleasant though it may be, in an effort to show the Senate and the country as to the hundreds and thousands of young men who are dying in all of these encampments, that it is due to the inefficiency of the War Department itself; at least that is my conclusion from the testimony. I am not an expert; I do not know; but I charge that I conclude from the testimony that that inefficiency is responsible for it. I am not going to make that statement on my own authority; I am going to read into the RECORD the reports of the Surgeon General. I am not making these statements, Mr. President, without having sat with the committee constantly, never missing a

single minute, except a part of one afternoon when I was called to a department. I know what every witness stated. If I had time to go into details, I could open the eyes even of the Senate.

Take Camp Doniphan, in Oklahoma, where there was a 53 per cent shortage of woolen coats.

Mr. GALLINGER. What was the shortage at Camp Wheeler, I will ask the Senator?

Mr. CHAMBERLAIN. At Camp Wheeler the shortage was 39 per cent of woolen coats.

Camp MacArthur had a shortage of 21 per cent; Camp Logan, Tex., had a shortage of 50 per cent; Camp Cody, N. Mex., 50 per cent; Camp Doniphan, Okla., 53 per cent; Camp Bowie, Tex., 40 per cent; Camp Sheridan, Ala., 59 per cent; and so on down the list. I think the highest shortage in woolen coats was 78 per cent.

Mr. SMITH of Michigan. Did the Senator state the shortage of such coats at Camp Custer?

Mr. CHAMBERLAIN. They are all here. The shortage at Camp Custer was 75 per cent.

Mr. President, I will not read the whole list of these shortages, but Senators may take each item, and it will be found that these camps are short all the way, as I say, from 1 per cent to 100 per cent. This information comes right from the men on the ground. They know what they are talking about; they do not have to make their estimates on a per capita basis. They make their estimates on the ground, just as Gen. Glenn did when I asked him what the conditions were.

Mr. President, right in this connection I feel it my duty to the country to let them know, and I am going to call attention to the reports of Gen. Gorgas himself, that nearly all of the deaths and the epidemics at the cantonments could have been avoided if the War Department had been efficient and effective.

In addition to the testimony of Gen. Gorgas, we have the testimony of men on the ground. We had Gen. Greble come up here. He is a splendid soldier. Whenever you get a soldier who has not any other ambition than an ambition to serve his country, you will invariably get the truth. It is not always so with one of these swivel-chair artists who wants to go higher, and from whom you can not ascertain what the truth is.

Gen. Greble came up here at our request; he is one of the men we took away from his post. Gen. Greble is stationed at Camp Bowie. I want you to read his testimony, because he shows the shortage in everything. In September last Gen. Greble began to see what was coming to his body of fine young fellows, and he began to reach out to try to get the things that were necessary to protect them from disease and to try to have those things done that would save them if disease came. He did not appeal to one man only; he did not appeal through the regular channels only; but he appealed through all channels. They had this body of splendid young men in tents, 12 in a tent, packed together like sardines, when they ought not to have had at any time more than five or six, or, at the outside, not over eight. Gen. Greble telegraphed to the Quartermaster General and stated in substance, "If you do not give us more space for these soldiers we shall have measles and pneumonia and other diseases in camp." He also appealed to Gen. Gorgas, and kept on appealing. Then he was sent to Europe on a mission. When he came back he found the same conditions practically existing. Not until some time in December did he get that for which he asked. Then the epidemic had broken out. As many as 8,000 young men went through the base hospitals and hospitals down there at Camp Bowie. Think of that!

Mr. TOWNSEND. How many?

Mr. CHAMBERLAIN. Eight thousand.

Mr. LA FOLLETTE. And how many deaths were there?

Mr. CHAMBERLAIN. I will give that to the Senator in a minute; I shall be glad to do so.

So, here was an old officer, who was accustomed to handle soldiers and who knew what was going to happen, as any sensible man knew what would happen. The Surgeon General has always advised the War Department that there ought to be 50 square feet of floor space to every man, and in those little tents they had placed 12 men. He did not get his request complied with until the worst had happened, until 8,000 men had passed through the hospitals and many of them had died; and absolutely had died without proper nursing because of the inefficiencies of the same system!

I challenge the Senators to read this testimony; do not take my word for it. You may single out a few witnesses who testify in opposition to what I am now stating, but when you get down to the men who know from actual contact and experience you get the truth as it appears on the ground.

If there is one man in America who knows what he is talking about when he talks about disease and epidemics, and knows how to handle them, it is Gen. Gorgas. He has not only achieved a national reputation, but he has achieved a world-wide reputation for his splendid work at Panama, and he has made that formerly pestilential region a garden spot in which to live because of the efforts of himself and of his subordinates.

I am going to ask that all these reports of Gen. Gorgas be printed in the RECORD. All of these cantonments are radiating centers from which there goes out to the American people everything that is taking place there; and I hope that every young man will write to his mother and his father and tell of the conditions, not in order to stay the patriotism of America but to stimulate those in authority to do their duty to protect their lives, if they are to fight the battles of the country.

Secretary Baker says in his printed statement that—

> The deaths in our forces in the United States from September to the end of December average 7.5 per thousand a year, slightly less than would have been the death rate of men of the same age at home.

Well, maybe that is true, but Gen. Gorgas says that amongst all the troops there has been a death rate of 8.2 per cent covering a little longer time. It is probable that Secretary Baker's statement is correct for the time he gives, and that Gen. Gorgas's data are correct for the time he covers; but what does a little thing like 2 per thousand of a million and a half men amount to? It does not mean anything, of course; let them die; it is only 2 per thousand; they have saved the balance of them. However, if proper precautions upon the part of the Government, if an efficient system had saved one young man who was risking his life for America, the American people would have been glad to have seen the money expended to save that one life. Particularly is that true in the light of the reports of the Surgeon General of the Army, which show that this condition was due to the fact that in most cases the troops were overcrowded and in some improperly clothed.

But that is not all. With that distinguished man at the head of the medical service of the Army and an able corps of assistants here, he was not even advised with as to the selection of the cantonment sites. Mind you, the men who go to these camps are selected men.

Mr. LA FOLLETTE. How many contonments are there?

Mr. CHAMBERLAIN. There are 30. Now, think of that! The man at the head of the medical department here in Washington, with a reputation in his line second to none amongst the professional men in the world, not even consulted with reference to the selection of these sites.

It may be said that, with the officer of the line who selected these camp sites, there went a young doctor. Whether he was from the Medical Corps, or whether he was some post or contract surgeon, does not make any difference to me; what I am getting at is that Surg. Gen. Gorgas was not consulted, and all this time he has insisted morning, noon, and night, in season and out of season, that in order to safeguard the health of these young men there must be at least 50 square feet of floor space to the man; and yet I venture to state, Mr. President, that there is not a single cantonment in the United States that has been built with that idea in view for protecting the young men.

But it may be said that these young men had to be called out quickly. What was the use of calling them out until the cantonments were ready or at least had hospital facilities? They might have been drafted into the service, and might have been assigned for duty at home or allowed to remain somewhere where they would not have been compelled to give up their lives because of a lack of care.

I will take these camps at random, and, inasmuch as I have referred to Camp Bowie, I will call attention to that. I will say to my southern friends and colleagues that the same conditions prevail down there, as you will know if you will take the trouble to go on the ground. First, I will take Camp Sevier, S. C., as a random case. Here is Gen. Gorgas's report:

> Sanitary conditions here are serious. Sixty men have died of pneumonia in the past month. The camp has been exposed to a general epidemic of measles, about 2,000 cases having occurred within the last month. During this same period, they have had 175 cases of pneumonia and 15 cases of meningitis. The new conscripts of this command are men who are nonimmune to measles. They come from the neighboring Southern States where population is scarce, and, therefore, have not had measles in childhood. Always, with measles, a certain number of cases of pneumonia occur. The mortality of pneumonia from any cause is always high.

Now, note:

> 2. The basic unsanitary condition, however, in my opinion, is overcrowding. In the past, in this camp, the division commander has had to put 11 and 12 men in a tent, due to the shortage of tentage. This would give about 20 square feet of space to each man. At present, he has to put nine men in a tent, which gives about 28 square feet to the man. I urge that the division commander be directed to furnish at least 50 square feet of floor space to the man, which would give about five men to the tent.

Now, note another item. I am not going to read the whole report, but I will say these statements are given in the face of the inference to be drawn from the statement of the distinguished Secretary of War that everything is all right in these camps.

> 5. There has been a good deal of discomfort and exposure on account of the men having nothing but their summer clothing.

Mark you, this report was made on the 20th of November—

> This has been in great part corrected in the last 10 days by the arrival of woolen clothing and overcoats. The O. D. (olive drab) wool has not yet been issued, but the authorities are informed that it is on the way. The whole command is still in khaki.

That statement is along the line of many other statements where it is shown that the men not only do not have olive drab woolen clothing but that they are still in their summer clothing, the Secretary of War to the contrary notwithstanding, because we have this testimony, or some of it, from men on the ground and from such distinguished men as Surg. Gen. Gorgas.

I will now take as another illustration Camp Bowie——

Mr. TOWNSEND. Where is Camp Bowie?

Mr. CHAMBERLAIN. At Fort Worth, Tex. Now, note, I quote again from Gen. Gorgas:

> We have had in this camp during the past month 41 deaths from pneumonia, with 409 cases admitted. About 2,900 cases of measles in the same length of time. The causes of this condition are much the same as in the other camps reported upon. The great number of cases of measles is due to this fact.

The general then states about the same reason as given in the reports from which I have already quoted, as to men coming from sparsely settled States, who have not had measles in childhood. I will not read that, but the general goes on to say in his report:

> 1. I recommend that the division commander be directed to furnish sufficient accommodations so that each man will be allowed 50 feet of floor space. This would give not more than five men to a tent.
>
> 2. Measles and other epidemic diseases are introduced into these camps by cases being brought by the incoming troops. To provide against this an observation camp should be established, where all newcomers could be kept under observation for at least 14 days, and no new men should be placed in general camp until it is free from infection. I recommend that the division commander be directed to establish such observation camp, and that no fresh men be sent in until he is ready to receive them under the above instructions.
>
> 3. The command, until recently, has had nothing but their summer clothing.

That report was made on the third day of December last.

Mr. SMITH of Michigan. Have no observation camps been established?

Mr. CHAMBERLAIN. None at all that I know of; the men go right into the camps; that is the system. Let me say that all these things could not be done at once; it has been a herculean task for the War Department to do these things, but they could have kept these men back—there is not any question about that—until the hospitals were built as well as the cantonments; they could have established observation camps; that would have been a very easy matter. Now note:

> The command, until recently, has had nothing but their summer clothing. This has caused a great deal of discomfort and probably increased the tendency to pneumonia. Most of the command has recently been issued woolen underclothing, and I am informed that the thick clothing for the whole command is now in camp, with the exception of overcoats—

With the exception of overcoats—

and are in process of being issued.

They have been "in process," Mr. President, since this war began.

> I urge expediting the forwarding of overcoats as rapidly as possible. The base hospital is in an unfinished condition; no water in the hospital, no plumbing, or sewer connection. With the large number of patients in this institution this lack of water, plumbing, and sewer connection causes serious inconvenience to the sick, and increases greatly the burden of caring for them.

Mr. TILLMAN. Mr. President, I will ask the Senator what is the date of that report?

Mr. CHAMBERLAIN. That report is dated December 3. They come down even later, however, and there is practically no difference in these reports.

I am going to ask that these reports be inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Chair hears no objection.

The matter referred to is as follows:

NOVEMBER 26, 1917.

From: The Surgeon General, United States Army.
To: The Chief of Staff (through The Adjutant General of the Army).
Subject: Report of inspection of Camp Wheeler, Macon, Ga.

> 1. In my recent inspection of Camp Wheeler, at Macon, Ga., I found conditions as had been indicated by reports. There had been a sharp epidemic of measles, some 3,000 cases, and as always occurs with measles, a certain number of cases of pneumonia. At the time of my visit, there were some 300 cases of pneumonia in the hospital. While the hospital was crowded, the right of way was given the pneumonia cases and they were being well cared for.
>
> 2. In the past month there have been about 60 deaths from pneumonia. The height of the measles epidemic was passed some ten days ago and at the time of my visit the epidemic was markedly on the decline, but the pneumonia was still on the increase. Generally pneumonia does not develop in a patient until a week or ten days after the incidence of the measles.
>
> 3. We can, therefore, expect a considerable number of deaths from pneumonia.
>
> 4. The camp is well situated and was in generally good condition. I think the reason for the measles affecting so severely this particular camp is the fact that men came from the surrounding Southern States which are sparsely settled and therefore the inhabitants do not, as a rule, have measles in childhood.
>
> 5. A large proportion of the cases of pneumonia were evidently contact cases and I am anxious on this score, fearing that we may be beginning here an epidemic of septic pneumonia. We have had a few cases of meningitis, a few cases of scarlet fever and some cases of mumps.
>
> 6. Whatever the original cause of the epidemic and the present conditions, all these evils are accentuated by the crowded condition of the camp. The tendency to pneumonia has no doubt been increased by the fact that the men have generally been exposed to the cold weather of the past month with no other protection than their summer clothing. Clothing is now rapidly coming into camp and about two-thirds of the men are supplied with woolen garments.
>
> 7. I recommend that it be insisted upon that all men in the camp have 50 feet of floor space each, and to accomplish this such additional shelter be supplied as may be necessary; that no fresh men be brought into the camp until the epidemic has subsided; that an observation camp be established and that all new men be kept under observation until the main camp is free from infection.
>
> W. C. GORGAS,
> *Surgeon General, United States Army.*

CAMP SEVIER, GREENVILLE, S. C.,
November 29, 1917.

From: Surgeon General, United States Army.
To: Chief of Staff, United States Army.
Subject: Camp sanitation.

> 1. Sanitary conditions here are serious. Sixty men have died of pneumonia in the past month. The camp has been exposed to a general epidemic of measles, about 2,000 cases having occurred within the last month. During this same period they have had 175 cases of pneumonia and 15 cases of meningitis. The new conscripts of this command are men who are nonimmune to measles. They come from the neighboring southern States, where population is scarce, and therefore have not had measles in childhood. Always with measles a certain number of cases of pneumonia occur. The mortality of pneumonia from any cause is always high.
>
> 2. The basic insanitary condition, however, in my opinion, is overcrowding. In the past in this camp the division commander has had to put 11 and 12 men in a tent, due to the shortage of tentage. This would give about 20 square feet of space to each man. At present he has to put 9 men in a tent, which gives about 28 square feet to the man. I urge that the division commander be directed to furnish at least 50 square feet of floor space to the man, which would give about 5 men to the tent.
>
> 3. I also recommend that an observation camp be established where fresh men can be isolated and kept under observation for at least two weeks, or until the camp itself shows evidence of being free from infection.
>
> 4. The division commander tells me that he expects a large increase in the force at an early date. I urge that no fresh men be sent to this camp until the division commander says that he is able to care for them along the lines of this recommendation.
>
> 5. There has been a good deal of discomfort and exposure on account of the men having nothing but their summer clothing. This has been in great part corrected in the last 10 days by the arrival of woolen clothing and overcoats. The O. D. wool has not yet been issued, but the authorities are informed that it is on the way. The whole command is still in khaki.
>
> 6. Heat and plumbing are badly needed in the hospital. Both were authorized two weeks ago. I recommend that the matter be pressed and the hospital be equipped in this respect at just as early a date as is possible. The hospital needs badly more transportation. I recommend that they be furnished one motor car, one 3-ton truck, one 1½-ton truck, and one ¾-ton truck. The hospital at present has 750 patients.
>
> W. C. GORGAS.

CAMP BEAUREGARD, LA., *December 1, 1917.*

From: The Surgeon General, United States Army.
To: Chief of Staff, War Department, Washington.
Subject: Sanitary conditions, Camp Beauregard, Iowa.

> 1. During the past month this camp has had 38 deaths from pneumonia and 6 from spinal meningitis. During the same length of time they have had 2,500 cases of measles, 177 cases of pneumonia, and 11 cases of spinal meningitis. The immediate cause of the pneumonia from which the mortality comes is the epidemic of measles. Both the measles and pneumonia are on the decline. The sanitary conditions, however, I consider very serious, and steps should be taken at once, as far as possible, to remedy them.
>
> The command is at present quartered at the rate of nine men to a tent. This gives about 28 feet of floor space to the man, and, in my estimation, is excessive overcrowding.
>
> I recommend that the division commander be directed to put up sufficient tentage to give each man at least 50 feet of floor space, which would furnish about 5 men to a tent.
>
> 2. The camp has become infected with measles and meningitis by the transfer of infected troops from other camps. To avoid continued infection in this way an observation camp should be erected where new arrivals could be kept under observation for at least two weeks, and for such longer period of time as necessary while the main camp shows evidence of infection. This same precaution should be taken with regard to men being transferred to other camps.
>
> 3. The base hospital is located 4 miles from town. I recommend that the hospital be furnished at once with one 2-ton truck, one 1½-ton truck, and one ¾-ton truck, and one motor car, urgently needed for its transportation.
>
> 4. The base hospital is located about 2 miles from camp and connected with camp by a very poor road. The road is in such poor condition that the transfer of sick from camp to hospital is hard on the patients. I recommend that the road between the hospital and camp be at once macadamized.
>
> 5. The men in general came to this camp in their summer clothing, and have suffered a good deal of discomfort on account of cold. The tendency to pneumonia has been increased by their exposure to the

cold in this badly clothed condition. Within the last two weeks the whole command has been furnished with winter underclothing. About half the men of the command have overcoats, but so far no olive-drab uniforms. The completion of the equipping of the command with winter clothing should be expedited as much as possible.

6. The division commander informs me that the placing of nine men to a tent was due to orders from Washington.

W. C. GORGAS.

DECEMBER 1.

Colonel, Medical Corps.

CHIEF OF STAFF,
War Department, Washington, D. C.

During the past month this camp has had 38 deaths from pneumonia and six deaths from spinal meningitis. During the same period 177 cases of pneumonia have been admitted to the hospital and 11 cases of spinal meningitis. An epidemic of measles exists, of which disease 2,300 cases have come on sick report during the past month. I consider sanitary conditions serious, though measles and pneumonia are now on the decline. The camp is much overcrowded, with nine men to the tent. I recommend that the division commander be directed to furnish not less than 50 square feet of floor space for each man, and that an observation section be established for the camp. I recommend that no more men be sent to this camp until the division commander is prepared to care for them along the lines of the above recommendations. Letter follows.

GORGAS.

MAJOR GENERAL,
CAMP BOWIE, FORT WORTH, TEX., *December 3, 1917.*

CHIEF OF STAFF, *War Department, Washington:*

Sanitary conditions here more serious than at other camps visited. In the last month 41 deaths from pneumonia with 409 admissions. Cause same as at other camps recently reported, primary causes overcrowding. Recommend that the division commander be directed to allow only five men to a tent and that no more men be sent to this camp until division commander says he is ready to receive them. Most urgent need in hospital of water, plumbing, and sewers. Urge this be ordered at once. Letter follows.

GORGAS.

CAMP BOWIE, FORT WORTH, TEX., *December 3, 1917.*

From: The Surgeon General of the Army.
To: The Chief of Staff, War Department, Washington.
Subject: Condition Thirty-sixth Division, Camp Bowie, Tex.

1. We have had in this camp during the past month 41 deaths from pneumonia, with 409 cases admitted. About 2,900 cases of measles in the same length of time. The causes of this condition are much the same as in the other camps reported upon. The great number of cases of measles is due to the fact that the men come from the sparsely settled States of Texas and Oklahoma and have not had measles in childhood, but the basic cause is due to the overcrowding of the camp. We have at present nine men to a tent. I recommend that the division commander be directed to furnish sufficient accommodations so that each man will be allowed fifty feet of floor space. This would give not more than five men to a tent.

2. Measles and other epidemic diseases are introduced into these camps by cases being brought by the incoming troops. To provide against this an observation camp should be established, where all newcomers could be kept under observation for at least fourteen days, and no new men should be placed in general camp until it is free from infection. I recommend that the division commander be directed to establish such observation camp, and that no fresh men be sent in until he is ready to receive them under the above instructions.

3. The command, until recently, has had nothing but their summer clothing. This has caused a great deal of discomfort, and probably increased the tendency to pneumonia. Most of the command has recently been issued woolen underclothing, and I am informed that the thick clothing for the whole command is now in camp, with the exception of overcoats, and are in process of being issued. I urge expediting the forwarding of overcoats as rapidly as possible.

4. The base hospital is in an unfinished condition; no water in the hospital, no plumbing or sewer connection. With the large number of patients in this institution this lack of water, plumbing and sewer connection causes serious inconvenience to the sick and increases greatly the burden of caring for them. I recommend that telegraphic instructions be sent to the division commander at once to put in plumbing, water and sewer connections. I also recommend that telegraphic instructions be sent to put in electric cookers in the diet kitchens in all of the wards.

5. I met by appointment last night the governor of Texas and the health officer of the State. They made several criticisms of conditions, which I thought were justified, but they were satisfied, I think, when I pointed out the impossibility of meeting in all respects the conditions that have been suddenly forced upon us, and that we were trying in every way to correct these conditions. A copy of the recommendations of Gov. Hobby, addressed to the division commander, was furnished me at our interview, which is inclosed herewith.

6. There is a great deal of uneasiness and criticism among the people with regard to conditions here, which are worse from a sanitary point of view than in any of the camps I have visited.

7. I think the recommendations I have made will tend to correct the existing sanitary errors, but I can not urge too strongly that they be put into effect at once. The camp site and surroundings are all that can be desired. The troops and general conditions are good, with the exception of such conditions as relate to the epidemic diseases at present prevailing.

MAJOR GENERAL, U. S. ARMY.

THE BASE HOSPITAL,
Camp Pike, Ark., December 5, 1917.

From: The Surgeon General.
To: The Chief of Staff.
Subject: Report on conditions at Camp Pike, Ark.

1. During the last month we have had at this post 57 deaths from pneumonia, with 241 admissions; 4 deaths from spinal meningitis, with 16 admissions; 2,100 cases of measles admitted; 128 cases of scarlet fever, with 11 deaths—the immediate cause of death in these cases being pneumonia, they are included under that heading; 124 cases of mumps. These figures indicate a serious condition of affairs at this camp. The principal cause of measles, as has been pointed out in other camps, is that a large number of the troops came from the sparsely settled States and had not had measles before. The 16 cases of meningitis occurring within the month, 10 came from Fort Riley. This is an illustration of the way one camp can infect another by means of cases brought by incoming troops. All these infections have evidently been introduced into the camp by troops coming from other infected camps or by men who had been infected at their homes. An important means of preventing this for the future will be the building of observation camps, where the men can be kept under observation for at least two weeks before they are admitted to the general camp. As this camp shows such evidence of severe infection, I think the same observation camp could be established for those going out.

2. Crowding in this camp, I do not think exists to any appreciable extent. When the division shall have been filled, we will have about 40 square feet per man. As this camp shows such marked evidence of infection, I recommend that this be increased by means of additional buildings to 50 square feet per man.

3. The number of cases of measles admitted has been declining rapidly for the past 10 days, and I believe the present epidemic is over. The number of cases of pneumonia from measles, as would be expected, is on the increase and we should naturally expect a greater number of deaths from this disease during the next week or 10 days. Within the last 15 days 8,000 new men have been introduced into the camp. It is possible that when these 8,000 men begin to show infection, we will go through an epidemic similar to that through which we have just passed. However, as most of these men come from the thickly populated State of Iowa, I do not think it probable that they will have measles as severely as the men who have just been through the epidemic, but certainly until this matter is determined and the camp is free from infection, no additional men should be sent here. I recommend that the division commander be directed not to receive more men until he is able to comply with the recommendations above made concerning space and observation camps, and until this camp shows evidence of being free from infection.

4. One great difficulty here is lack of segregation. In Camp Bowie, for instance, if we get a case of meningitis in a tent of nine men it is a very easy matter to segregate these nine men and determine whether or no they have been infected. Here, with a squad room containing 120 men, this is much more difficult. I urge, therefore, that in extending this camp, as above recommended, that the quarters to be erected for this purpose and for the purpose of isolation contain not more than eight men.

5. The command has been in its summer clothing until recently. During the last month the winter clothing has begun to come in and the men are now pretty well supplied with thick clothing, though there are several commands in the camp that have not yet been fully supplied. This lack of clothing with the exposure to the cold has no doubt been an element causing large pneumonia rate.

6. The camp is well located and the camp site good. Cleanliness and order and general sanitary conditions, with the exception of the epidemics, seem to be excellent.

7. The hospital is nearly completed and is as well supplied as could be expected under the circumstances. At present they have in the hospital 1,251 patients. This somewhat crowds the hospital, as it was built for a thousand patients. The overflow is at present being cared for, and I think well cared for, by the use of the galleries. Additional nurses' quarters are needed, additional officers' quarters at the hospital, and additional barrack buildings for hospital attendants are needed. A small kitchen in the rear of the wards for contagious diseases and some addition to the administration building are needed. The hospital is very short of transportation. I recommend that one touring car and one ¾-ton truck and one 1½-ton truck be permanently assigned to this hospital.

SURGEON GENERAL.

CAMP FUNSTON, KANS., *December 7, 1917.*

Colonel, Medical Corps.

CHIEF OF STAFF, *Washington, D. C.*

Strongly recommend that sites for detention, quarantine, observation camps, as selected on this reservation by the commanding general, Camp Funston, be approved. Action now being delayed by post commander on technical grounds of local command. Urgent that action be taken at once.

GORGAS.

CAMP FUNSTON, KANS., *December 8, 1917.*

From: The Surgeon General.
To: The Chief of Staff.
Subject: Sanitary report, Camp Funston.

1. During the past month, this command has had 84 deaths. Of these 84 deaths, 54 were from pneumonia, with 189 cases; 34 deaths from meningitis, with 70 cases; 131 cases mumps. This indicates a most serious condition of the cantonment, as far as infection from the two serious diseases, meningitis and pneumonia, are concerned. As emphasized in the draft situation, I call attention to the fact that they had 84 deaths from all causes, when the normal death rate of such a command should be about 12.

2. The reason for this condition, as we look back, is very evident. When the drafted troops were brought in, they came in large numbers, all at once. The cantonment was excessively crowded. Between October 4 and October 26, 36,000 drafted men were injected into the cantonment. Among these there were many meningitis carriers.

3. This part of the country is well known to all health officers as having been, for the last few years, the principal endemic center in its civil population for meningitis. Granting the conditions above mentioned, no further explanation is needed to explain the present conditions as to meningitis. I would attribute the form of pneumonia existing here principally to the past crowding of the cantonment. It is the same form that occasionally becomes epidemic when large numbers of men are brought together in a crowded space. The excessive dust, which blows about in blinding storms, has no doubt accentuated the condition, and as it occurred at the other cantonments, the lack of woolen clothing has also been a contributory cause. The cold weather in October, to which the men were exposed in summer clothing and without any heat in their barracks, tended in the same direction.

4. In discussing this matter, I will first treat it as if the conditions were new and nothing had been done, and will point out what should be done under such circumstances. As a matter of fact the

epidemic has been excellently handled, and all measures I have to recommend have been put into effect as far as possible for the division commander to do so.

5. Meningitis and other infectious diseases were originally introduced from the outside. To meet this condition, observation camp should be established, where all men coming into the camp could be observed for at least two weeks, or such longer period as may be considered necessary. In this way, the men who had been infected could be picked out as they developed those diseases, and the incoming troops finally gotten out in an uninfected condition. The same process should be observed with troops leaving the camp as long as the camp showed evidence of infection. Orders should at once be given that no more troops be sent to this cantonment until the division commander states that he is ready to receive them.

6. The internal arrangement, as regards the isolation and caring for infectious diseases, should conform with those measures that are generally recognized as applying to these conditions, and that are at present being carried out most satisfactorily and successfully in the camp. As a matter of fact, all the above recommendations are being carried out at present, as far as lies in the power of the division commander. To cover the question of overcrowding, I recommend that at least fifty (50) square feet of floor space be allowed to every man.

7. I think, however, it would be wise for orders to be issued to Washington, directing that in the future the measures above recommended be carried out. My desire to have this done is with the object of giving the divisional commander the opportunity of asking for such material as he needs for putting up the observation camps he is at present constructing, and also with the idea that it may be an order that will govern all future commanders of this cantonment. I wish to particularly call attention to the telegram sent out regarding this matter, relative to ground for a detention camp in the post of Fort Riley. This is very much to be desired.

8. The camp has been located in the river bottom and is excessively dusty. In my experience, the use of oil on the roads and grounds has been very successful in lessening the dust. The division surgeon tells me that their experience here has shown that the use of oil for this purpose is very effective. I recommend that they be supplied with such amount of oil as they find necessary to meet this very unsanitary condition.

9. In their observation camp, as at present being erected here, they are using a tent, floored and framed with side walls, that holds five men each. I think this is an ideal condition. It gives complete segregation and no overcrowding. I recommend that as these tents wear out they be converted into permanent buildings by putting on a roof. I recommend that all future construction conform to the plan so wisely adopted in the observation camps, of allowing only five men to the building, which gives 50 square feet of floor space to the man, and segregates in bodies of five.

10. It is a very important element to get patients from various parts of the camp to the hospital promptly. For this purpose here the three motorized ambulance companies are used. Great difficulty is found in getting the motor ambulances started during the cold weather on account of the freezing of the water in the radiators. I recommend to obviate this the ambulance sheds be inclosed and heated.

MAJOR GENERAL, U. S. ARMY.

DECEMBER 27, 1917.

From: The Surgeon General.
To: The Chief of Staff.
Subject: Sanitary conditions at Camp Doniphan, Okla.

1. During the past month Camp Doniphan has had 74 admissions from pneumonia with 11 deaths, 316 cases of measles with 1 death, 104 admissions from diphtheria with 1 death, and 6 cases of meningitis with 4 deaths. While the number of cases and the number of deaths from the above-mentioned diseases are somewhat less than in other camps visited, the conditions in respect of those diseases is considered serious. The basic cause I consider to be overcrowding of the camp. At present there are nine men quartered in each tent, which gives a totally inadequate floor space for each man. I recommend that the division commander be directed to furnish sufficient tentage or other accommodations so that each man will be allowed 50 feet of floor space. This would give no more than five men to a tent.

2. Measles and meningitis were introduced into these camps by cases being brought by incoming troops. To provide against this in the future, it is recommended that an observation camp be established for all newcomers where they may be kept under observation for at least 14 days, or as much longer as may be considered necessary by the division surgeon, and no new men from observation camps should be placed in the general camp until it is free from infection. I recommend that the division commander be directed to establish such observation camp and that no fresh men be sent in until he is ready to receive them under the above instructions.

3. To properly control the spread of measles, meningitis, and pneumonia now confronting Camp Doniphan, it is necessary that tent contacts be immediately removed from the general camp upon the appearance of the first case of communicable diseases and placed in a separate detention camp for daily observation and treatment during the incubation period of the disease. It is recommended that such a detention camp be established for such contacts in addition to the observation camp previously recommended for incoming men.

4. The command until recently has had nothing but summer clothing. A great deal of discomfort has resulted and undoubtedly the tendency to pneumonia has been increased. I am informed that shipments are now coming in rapidly and that as fast as received are being issued to the men. From personal observation, however, I find that many men are still wearing their cotton khaki clothing.

5. The base hospital is in an unfinished condition. Many wards which are required for patients are not yet finished, and this has caused great embarrassment to the hospital authorities. The installation of a sewerage system and necessary plumbing in all buildings was authorized several weeks ago, and while work has been begun, it is now at a standstill, and the difficulties in caring for patients is greatly increased thereby. It is urgently recommended that the work of installation of sewers and plumbing be expedited.

W. C. GORGAS,
Surgeon General, United States Army.

Mr. CHAMBERLAIN. In order to get this thing before the Senate in a concrete form, I asked Gen. Gorgas to make me a detailed statement of the annual death rate per thousand from all causes. It is very short, and I will read it.

DEATH RATES ALL CAUSES.

Troops in United States September 21, 1917, to January 18, 1918. Annual rate per 1,000.

All troops.	Regulars.	National Guard.	National Army.
8.2	4.71	10.04	8.51

The history of this country will show that wherever there has been a record of it kept, the men in the Regular Army suffer less from disease than any other body of soldiers, because they have learned to take care of themselves. They have been in the service long enough to know how. These young fellows that come from civil life have not learned that, and that is one of the reasons why it is necessary to take them into these camps for training.

Number of deaths among Regular troops in United States, Sept. 21, 1917, to Jan. 18, 1918	350
Average strength of Regulars for same period	214,428
Number of deaths among National Army troops in United States, Sept. 21, 1917, to Jan. 18, 1918	1,263
Average strength of National Army for same period	427,088
Number of deaths among National Guard troops in United States, Sept. 21, 1917, to Jan. 18, 1918	1,305
Average strength of National Guard for same period	275,354
Number of deaths all troops in United States, Sept. 21, 1917, to Jan. 18, 1918	2,918
Average total strength for this period	1,016,870

That gives in concrete form the number of deaths that have occurred.

Mr. President, what I contend is that if the authorities had complied with the recommendation that Gen. Gorgas has made all the time, of giving each of these men 50 square feet of floor space, and if in addition to that they had put in these observation camps within the cantonments, the percentage of deaths would have been very much diminished, and I doubt if there would have been one-half of the deaths that there have been.

Mr. GALLINGER. Mr. President, will it disturb the Senator if I ask him a question?

Mr. CHAMBERLAIN. I will yield to the Senator this time, but I do hope I may be permitted to proceed without being further interrupted.

Mr. GALLINGER. I thank the Senator. Mr. President, I am particularly interested in this phase of the discussion relating to the health of our soldiers; and I will ask the Senator if he has inquired as to whether or not the recommendation of Gen. Gorgas that the floor space per soldier should be increased has been attended to, or whether any attempt has been made to remedy the evil?

Mr. CHAMBERLAIN. They are attempting it in some places, but it has not been carried out. Right in this connection I want to suggest that there is no law requiring it to be done; I do not know whether any is necessary or not; but the Medical Department, which has been making an effort right along to save the lives of these young men, can not get the things that they want.

Mr. OWEN. Of course not. They have no standing.

Mr. CHAMBERLAIN. They have not the standing with the line that they ought to have. Why, here we had four training schools for the commissioned and enlisted personnel of the Medical Corps and for doctors of the Medical Corps, where they could go and be trained. Two of them were cut out, and two left, and the Surgeon General is trying now to get the two enlarged so that they can train these men.

Mr. President, I am going to illustrate by two or three cases that the neglect of these young men is shameful. I am not going into it fully. I get many letters, but I am going to take the liberty of reading one or two, because I want the country to know that I know what I am talking about. I do not want to shock the conscience of America. I want America to know some of the facts, and, if need be, have them know all of the facts, in order that the mothers and fathers of these lads may write to those in authority, to the President and to the Senators as well as to the Representatives, and appeal to them, in the name of humanity and in the name of America, to see to it that these boys who are offering up their lives on the altar of their country may be protected wherever it is humanly possible to do it.

ST. LOUIS, MO., *December 31, 1917.*

Mr. GEO. CHAMBERLAIN,
Chairman Investigating Committee, Washington, D. C.

DEAR SIR: In behalf of a heart-broken family (a father, mother, two sisters and myself) I wish to register a complaint for the manner in which the case of my brother ——— ———, was handled at the base hospital, ———.

From the meager information my folks received, it appears that brother was stricken with a slight illness on Monday, December 10, and on Wednesday, the 12th, he was taken to base hospital at ——— with cerebro spinal meningitis, and on Tuesday, December 18, 10.20 a. m., he passed away.

First information my folks received was Friday, December 14. A neighbor lady received a letter from her son, a comrade of my brother,

advising he had seen brother fall out of ranks at drill and was carried on a stretcher to hospital.

My sister wired an officer (a friend of our family) in Company ——, Infantry, at noon Friday, December 14, to spare no expense and to wire collect details. Saturday morning, December 15, received a reply from the officer to the effect brother sent to base hospital with spinal meningitis, but condition favorable for recovery.

Upon receipt of latter telegram, sister wired a doctor in Company —— Infantry, to wire details collect and to spare no expense. Sister also on December 15 Saturday, wrote three special-delivery letters to the officer, doctor, and a comrade, respectively, for particulars, but received no more information until Tuesday evening, 6 o'clock, a wire from the company officer that brother passed away 10.20 a. m., December 18. This wire was sent from Fort —— at 3.15 p. m., December 18.

It doesn't seem that the Company —— officers should have been required to furnish information in this case and that they only did so as a matter of respect for a lifetime friend and an appreciative family. Can it be possible that the Government hospital of this proud Nation of ours is not equipped to advise a father or mother of their son's misfortune in an authentic way, as not any of the information received came from the hospital direct? I notice daily in the papers that cablegrams are received clear across the ocean, advising condition of troops serving under our flag in France, but right at our doorstep our gallant soldiers might die and be buried without the knowledge of the father and mother, who supplied them, if it were not for the affection and thoughtfulness of their comrades.

My God, my colleagues and friends, if they are suffering here in America, with the blessings and comforts of home, surrounded by neighbors and friends, what must be the fate of these poor boys if they are sent abroad to meet the dangers and the treacherous and inhuman warfare and conditions that exist abroad?

For very palpable reasons I am not going to give the names of these people, but I want to show you that the letters breathe the spirit of patriotism. Having given up their sons to their country, they make no complaint, except in the hope that the example in their own family may set a precedent for better conditions and better service.

Now, note the spirit of patriotism that breathes through every line of this letter.

Brother's body was shipped with our instructions to his home, ——, Kans., for burial. I had the casket opened for identification purposes and was mortified beyond expression to find that, although brother died for his country, he was not placed in a uniform. He was nor even clothed, being wrapped only in cotton and tied up in a sheet.

Also, discovered that a post-mortem had been held, which I understand is permissible only with consent of parents or relatives. The traces of embalming were very scarce and the features were gone entirely, making it impossible for a local undertaker to put the body in shape for my father and mother and sisters to view.

My brother is dead and in his grave and I can not expect to heal the wound in my broken heart by filing this complaint, but I am doing it all in a true American spirit and trust it will result in some good to those who may be so unfortunate as to lose their dear ones under similar circumstances. Would you be satisfied if this case applied to your brother?

Address all correspondence to me, as I do not care for my heart-broken father and mother to know all of the facts.

Mr. President, if I were to print in the CONGRESSIONAL RECORD all the letters that I get along this line, it would shock not only Congress itself, but the American conscience as well. I put this in the RECORD, in order that the country may know that there is inefficiency; and, God help me, if I can assist in creating efficiency I am going to do it, if it costs me my political and my own life. Somebody, somewhere in this great Republic of ours, must look after these splendid young men who are doing their duty by and for their country. If I can be instrumental in saving one life, or in arousing my country to the necessity of trying to save thousands of lives, I shall feel that my life has not been illy spent. I, for one, believe in letting the sunlight in. Let but the American mothers and fathers realize that their sons might be better treated than they are, and while, like the parents of this young boy here, they will not ask for their discharge from the service, they will insist that the public servant whose duty it is to see to it will either do his duty or retire in disgrace from public life and public service.

I am tempted to read one more letter into the RECORD, Mr. President. I have tried to keep on an even keel in the discussion of this subject. I have great respect for the President, notwithstanding what he has done to injure me and my reputation in this country; and in order that I may try to convince him and others that the charge of inefficiency is well founded I am going to put in the RECORD one more of the numerous letters that have come to Senators on the Military Affairs Committee. I just want you to see that what I said awhile ago about the Medical Department is absolutely true. They do not give them competent assistants; they do not assign to them men to be trained, with the result that a blacksmith, or a carpenter, or a lawyer, or anybody else goes into these base hospitals to take care of and nurse these young men.

It does not make any difference that my own party is in power. If any other party were in power, and I occupied this position, I would show the truth just the same. If these conditions can be corrected and these agencies of the Government made more efficient, the men of the Senate and the men of the House who neglect to do it are responsible to a higher tribunal, if you please, for the deaths of young men whose lives might have been saved if the proper authorities had but given this subject the attention that it is receiving at the hands of most of the members of the Military Affairs Committee at this time.

Why, my colleagues, this is not a new thing. Great Britain went through it. Pick up the paper this morning, and you will find the Secretary of the Admiralty, Dr. McNamara, being interrogated by a Member of Parliament to ascertain the truth with reference to the destruction of ships. They are keeping it away now from the British public as far as they can, but they are compelling them either to remain silent or tell the truth with reference to the destruction of human life by submarines. Let us turn the sunlight in on this thing, and we need never fear but that the American people will rally to the standard and follow President Wilson into the thick of the fray wherever their services may be needed.

I am going to read one more letter. I hope you do not think I am doing this for sensational purposes. I am doing it to illustrate a condition that exists and a condition that can be remedied if they will only try to do it. There is not any reason why these things can not be remedied or have not been done.

One of the members of the committee hands me this letter. I might have gone over to my private files and gotten more of them; but this was handed to me, and I thought I would just call your attention to it.

DEAR SIR AND FRIEND: As you know, I have recently lost a son——

Mr. STONE. Who was that?

Mr. CHAMBERLAIN. One of the members of the Military Affairs Committee. I can show the Senator a great many more, addressed to me, if he wants them.

Mr. STONE. The Senator did not name the member.

Mr. CHAMBERLAIN. Oh, I have no objection to naming him. He is one of the most active and best-informed men on the committee, and he is a Republican, too. I refer to the Senator from New York [Mr. WADSWORTH]. It does not make any difference to me in this fight what a man's politics are.

Having told the Senator's name, I do not know whether I ought to read the letter.

Mr. WADSWORTH. I have no objection.

Mr. CHAMBERLAIN. The Senator has no objection? All right. I believe I said that I would not mention the name in connection with the letter, but it was delivered to me, at my request, because it accompanied other letters of the same character that were being read to show the horrors of this situation.

The HON. ——, ——, ——.

DEAR SIR AND FRIEND: As you know I have recently lost a son with spinal meningitis at ——. I am writing to you as one that I know to be greatly interested in the welfare of our soldier boys, and ready to do anything in your power for their well being, and because you know me and will know whether to give credit to what I say.

Please know in the very beginning that I do not write to criticise the Government in any sense, nor to lay complaint against any one in authority. I realize that in the stupendous task before us as a Government, and with the great diversity of interests involved, that it is impossible that there should not occur some things that should be corrected. It is with the hope that I may help somewhat with the task before us that I lay bare the facts as I found them in connection with my son's sickness at ——.

Through friends entirely independent of the Army officers, and the medical staff, I learned of my son's sickness after he had been in the hospital for six days. With my wife I went immediately to the camp, arriving there the morning of ——. I found my son in the meningitis ward of the base hospital. It was the eighth day of his sickness, as I was informed by the attending physician. His mother and I and ——, were permitted to see him through a window at the head of his bed. The small room in which he was lying contained one other bed on which was a patient; a stove in which there appeared to be no fire. The room was not simply unsanitary, it was filthy, beggaring description. The bed on which my son was lying was even more filthy than the room. I can not describe to you the condition of my son's body. Except to say that neither his hands nor face had been washed in eight days. (The attendant admitted this to me.) The reason given for his being in this condition was that he, the attendant, had but one helper in the ward and there was 18 cases there at that time. I asked if I might put a nurse in there to take care of him and the physician said that could not be allowed. I offered to put in a trained nurse and pay all expenses.

I then asked if I myself might be allowed to go in and clean him up and take care of him. The physician, very kindly in manner all of the time, said that it could not be. I then asked if I would bring clean clothes for him if they would clean him up and put them on him so that his mother might see him again and not have to remember him in the plight she had just seen him. They said they would gladly do so. I went to —— and got clean clothes, and when I returned they had made some effort to wash his face and hands, although they were still grimy and black. His clothes were changed, his bed straightened out, and his mother was called to see him again. There was no change made in the condition of the room. Before leaving I again made a plea to be permitted to care for him, gladly taking all risk, but the rules were inflexible. I could not be admitted in any way. The attending physician was kind to us and I do not wish to imply that he was in any way to blame. He told us, however, as we were about to leave that we should not return for three or four days. To this order I had no intention of

giving heed, neither did I. His mother did not see him again. The next morning early his father-in-law ——, of ——, went to the ward, while the mercury was done about zero there was no fire in the room, the bedding was on the floor, the boy lay on the bed naked with the exception of a thin night shirt that was up around his neck.

About 3 o'clock that afternoon I found him in the same condition and the room without fire. The next morning at about 8 o'clock we found him in practically the same condition. No one knew of our visits to the hospital except two workmen, who were working on the sewer ditch in front of the hospital. To them I made myself known and the purpose of my going to the hospital. I refer now, of course, to the visits we made after we were instructed not to visit the hospital. On neither of these visits was there an attendant in the room or fire in the stove. A perfectly well man would have become sick in that room. The mercury was around zero all of the time.

At this time I went direct to the chief of the medical staff and told him the situation and asked to be permitted to go and attend my boy. He immediately gave orders that I be admitted and be given every facility for caring for my son. I went at once, but I was too late, as he died about 15 minutes after I got into the ward and before I was permitted to do anything for him.

That you may know something of the fearful handicap that the Government works under in the matter of competent help, I give you this one instance.

Now, I want you to note this:

I requested the attendant to give my son a drink of water. He went out and brought in a small bowl of water, and tried to get son to drink from it, but he could not. He said I guess that I had better get a funnel. (The boy was lying on his back with his mouth open.) He came back in a moment with a funnel made of a piece of newspaper, and, putting it in my son's mouth, was in the act of pouring the bowl of water into my son's throat when I stopped him. He said what shall I do? I said get a spoon. The poor fellow had not thought of that. My son died in a few moments.

I at once hastened to the office of the adjutant, and asked for the body, and was very courteously treated and assured that I could have the body that evening. I then hastened back to the ward where my son died to see how the body was prepared for burial, and, as I had my pass into the building, I did not stop and knock but opened the door to enter when it struck something that would not let it open further. I looked and saw that it was my son's body lying on the floor of the hall, and it was his head that I struck with the door.

I received every possible courtesy from the officers and medical attendants at the base hospital. I am not now filing any complaint against any man. I have no other purpose in giving you these facts than to get you to do your utmost to see that these boys of ours who are yet to die at these camps may have the care that every true man wishes that they might have. There are at least four witnesses to most all of the facts that I have written here who will be willing to testify to the truth of them if it would be the means of helping the authorities to bring about better conditions

I trust, ——, that you will believe me when I say that I am not in any sense seeking revenge for the death of my son. If in his dying he is the means of securing better attention for the many boys that are yet to suffer and die in these camps, I shall feel that his death was not in vain. Wishing for you success in your endeavors for humanity, I am,

Sincerely, your friend,

——

I read this because I want you to see the patriotic spirit in the hearts of this people, notwithstanding these things exist, which should be remedied.

Mr. TILLMAN. Who wrote that?

Mr. CHAMBERLAIN. I will show it to the Senator confidentially.

Mr. TILLMAN. It ought to be given to the country.

Mr. CHAMBERLAIN. Mr. President, I want everyone to know that I am speaking from the record of things and not indulging in any camouflage when my country's fate is at stake. I have put these letters in the RECORD, horrible as they are, simply because I want to arouse the people of this country so that every mother and every father who has sent a son to this Army, whether as a volunteer or as a drafted man, will write to the President of the United States and to Members of Congress from their respective districts in the same patriotic spirit in which these two letters are written, when those sons have died of neglect, not for revenge, not to punish anybody connected with this great Military Establishment in this crisis that confronts us, but in order that the fate of a beloved son or brother or husband, if you please, may arouse the attention of the country to the necessities of the occasion and save the lives of young men who are valuable units for the salvation and protection of America.

Mr. President, I have talked longer than I intended. I could not in one day strike bottom with the evidence we have showing inefficiency, and I am saying this without any unkind feeling toward Secretary Baker. When these measures come up for consideration, if the Senate wants to go into it more fully, the testimony will be printed, and I think if Senators want to act on their own judgment rather than because the Commander in Chief of the Army and Navy wants a thing to be done, I can convince them these laws ought to be passed.

I realize that we ought not to cripple the hand of the President. There is not anybody who wants to do that, but no man's judgment is as good as the concrete judgment of America. I do not care who he may be and how great he may be, he can not know as much as the world knows. I know how busy the President is, and I want to help him. God knows I would do anything to help him, notwithstanding the opinion he has of me as expressed in his public statement, and I believe I can say without egotism that no man has tried harder to help him in everything that he has desired for the proper conduct of this war than I. I have not done it because it was his or any man's policy. I have done it because America was at war and these things appealed to me as being right, and because I thought the country needed them. I voted to sustain the coal order the other day, although I thought it was a foolish order made by Mr. Garfield. I voted for it on the theory that I wanted to help save the young lives of America and our allies in France. The evidence before the committee shows that at the time the order was made there were over 127 vessels in the harbor of New York loaded with supplies for the allies, and they could not get coal to send them out. That is the reason why I voted to sustain that order.

My friends, if there had been any program in this war; if there had been any plan laid out for the conduct of this war the coal situation never would have happened, and that is what I am complaining of. That is why our committee proposes in one of its bills to have a war cabinet that can map out a program or policy under the sole direction and authority of the President for six months, or any length of time, as any business man would do. In this great business establishment of ours, because war is a great business proposition now, why has not some plan been worked out, and I challenge the production of a plan or a program. There is not anybody connected with the establishment who has time to do it. The distinguished President of the United States could not do it if he tried, because he has more to do now than he can possibly attend to. The war cabinet of Great Britain do not do anything else than is indicated in the bill which the committee has prepared.

I think there was one thing in the statement I made in New York to the effect that the Military Establishment had almost ceased functioning. That is a pretty broad charge. I repeat the charge, and as evidence of it I call your attention to this fact: There was a Quartermaster General's Department that had $800,000,000 to expend for supplies for the Government. It, practically under the instruction of the distinguished Secretary of War, turned the whole thing over to a distinguished retired merchant or manufacturer of worsted goods—I think his business was at Cleveland, Ohio—and the Quartermaster General's Department has simply been a rubber-stamp proposition since war was declared. If turning over the functions of this great office to a civilian merchant was not a cessation of functioning on the part of the Government, what in Heaven's name would you call it? This agent made the contracts to be signed by the Quartermaster General, he prepared for the manufacture of the commodities, bought the goods, and presented them to the Quartermaster General for distribution, and that is all. I felt sorry for the Quartermaster General. Not only did they do that, but they took the soldiers' overcoats that were 100 per cent wool, even then lighter than the British and the French, and reduced the woolen content to 65 per cent wool and 35 per cent of shoddy or reworked wool, and then they got along so nicely with that they reduced the wool content of soldiers' overcoats to 50 per cent of wool and 50 per cent of shoddy or reworked goods.

Mr. THOMAS. What is the name of the man?

Mr. CHAMBERLAIN. Mr. Eisenman. I have no criticism of Mr. Eisenman. No matter what people may say about him he has done or tried to do a patriotic work. He may be criticized about very many things, but I think he has done fairly well. What I am getting at just now is not what he has done, but the surrender of this function by the Quartermaster Department to an individual.

The answer to that was that it was to conserve wool. There may be a woolen shortage, but France has not found it necessary to conserve wool in that way. If anybody has got to wear shoddy it ought to be the civilian who stays at home, and we should give the soldier the best uniform it is possible to make in America. If there must be a shortage of provisions let the civilian who stays at home go short and hungry, but feed the soldier who is to carry the gun. That may be a wrong conception of duty, but that is the way it appeals to me.

Mr. President, I wish to give another indication of inefficiency, and I want you to understand I am not doing this in any spirit of unfriendliness to the Secretary of War. He has been my personal friend. I am only doing it because I feel it is my duty. As another evidence of inefficiency the woolgrowers of the West came here last April, I think, shortly after the war broke out, and offered to furnish the Government with the clip of that year. The Government did not take it because they thought the price charged was too high, and possibly the growers were charging a pretty good price. It was a little below or about the current market price, but the authorities would not take it. Later on they came here again and offered it and the authorities

would not take it. Later on we made contracts for large quantities of wool, but wool had then gone up to a very high figure.

Now, Mr. President, anybody would have known, it seems to me, any efficient business man must have known, that to clothe a million and a half men or possibly two million men we would have to buy every pound of wool possible and manufacture it into clothing. Yet it went into the hands of speculators and dealers, and when the Government got ready to buy, it had to buy at a high price. I think all will agree with me that while there has been great work performed there has been much left undone that might have been done if efficient methods had been in vogue in the War Department.

Now, we have only investigated two great departments, but we are going to investigate others. Notwithstanding some may object to our making these investigations, we feel that it ought to be done. The President says in his statement——

Mr. VARDAMAN. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. CHAMBERLAIN. I would very much rather not yield.

Mr. VARDAMAN. I merely wish to ask the Senator who fixes the weight of the textiles worn?

Mr. CHAMBERLAIN. It has been determined in these cases by Mr. Eisenman in consultation with other members of the Council of National Defense, and the Quartermaster General, and other officers, but his judgment has generally been followed.

Mr. VARDAMAN. Is it lighter than it was?

Mr. CHAMBERLAIN. It is not lighter, but the texture now used is not as warm as wool.

Mr. VARDAMAN. What was the purpose?

Mr. CHAMBERLAIN. The conservation of wool. I would rather have more attention paid to the conservation of life, as is done in France and Great Britain.

A young British officer the other day appeared before our committee dressed in a splendid uniform, a good deal heavier in ounces than our uniforms.

Mr. HITCHCOCK. Possibly the answer of the Senator to the question may be misunderstood. I hope he will make it clear that the uniforms for our soldiers are made of material which is 4 ounces per yard lighter than those worn by the British or French soldier.

Mr. CHAMBERLAIN. That is correct. I stated it in general terms, but I did not show the exact difference. I am glad the Senator gave it.

Now, Mr. President, let me call attention to what the President says in his public statement:

> There have been delays and disappointments and partial miscarriages of plans, all of which have been drawn into the foreground and exaggerated by the investigations which have been in progress since the Congress assembled—investigations which drew indispensable officials of the department constantly away from their work and officers from their commands and contributed a great deal to such delay and confusion as had inevitably arisen. But, by comparison with what has been accomplished, these things, much as they were to be regretted, were insignificant, and no mistake has been made which has been repeated.
>
> Nothing helpful or likely to speed or facilitate the war tasks of the Government has come out of such criticism and investigation. I understand that reorganizations by legislation are to be proposed—I have not been consulted about them and have learned of them only at second hand—but their proposal came after effective measures of reorganization had been thoughtfully and maturely perfected, and inasmuch as these measures have been the result of experience, they are much more likely than any others to be effective, if the Congress will but remove the few statutory obstacles of rigid departmental organization which stand in their way.

Now, with all due respect for the President of the United States, he serves notice on Congress that they had no business meddling with this affair either by investigation or legislation. If the Senate of the United States feels it to be its duty to go into an investigation, it must not do so unless its course meets the smile of Executive favor. Now, I differ radically and essentially from that view. We are a great coordinate part of this Government; and I am going to take the liberty of calling the attention of my Democratic friends to a Democrat of days gone by, a leader who dared to protest against Executive interference with congressional action. When I become a rubber stamp in the discharge of my duty I shall get out of the Senate and out of public life and let some one more subservient take my place. You will remember, Senators, that there was on one occasion another Democrat in the Senate, who was appointed the leader of his party, when there was a Democrat in the White House. You remember when the famous Wilson bill was up for consideration it did not meet with Executive favor as it passed this body, and the President wrote a pretty stiff letter while the bill was in conference between the two bodies upbraiding Congress for what it had done.

That letter was read into the CONGRESSIONAL RECORD by Mr. Wilson, who was chairman of the Ways and Means Committee of the House, and although he had been in conference according to the RECORD with his comembers, the first time any of them saw it was when it was printed in the RECORD or possibly printed in a paper. Now, here is what Senator Arthur Pue Gorman, of Maryland, said about that letter. I have not indulged in any such hostile criticism as this, both because I have too much respect for the great office he holds, and further because I am in perfect sympathy with all the President wants to do in prosecuting this war. I want to help him. There is no anger in my heart and no malice. I want my friends to distinctly understand that. I would go to the White House at any hour of the day or night to help the President win this war and discuss any proposition that might come up, no matter what he thinks of me. I place my country above all other considerations.

Here is what Mr. Gorman said on the occasion referred to:

> As I have said, sir, this is a most extraordinary proceeding for a Democrat, elected to the highest place in the Government, and fellow Democrat in another high place, where they have the right to speak and legislate generally, to join with the commune in traducing the Senate of the United States, to blacken the characters of Senators who are as honorable as they are, who are as patriotic as they ever can be, who have done as much to serve their party as the men who are now the beneficiaries of your labor and mine, to taunt and jeer at us before the country as the advocates of trusts and as guilty of dishonor and perfidy.
>
> Mr. President, it is time to speak. The limit of endurance has been reached. The Senate owes it to itself. Every Senator here who is a part of this Democratic majority owes it to himself. There is no power, no matter how great, in this country, even the President with his patronage, that would keep me silent longer under the charges, under the imputations so freely made from such distinguished quarters. I hurl back the accusation—

Says Senator Gorman—

> and say that this treatment of their fellows is discreditable. It is destructive to the Government that men in high position should attempt to lower this body, a conservative body, consisting, when full, of 88 worthy representatives of States.
>
> No man can reach here by devious ways and remain long. The Senate is composed of men who represent the best thought of the country, men who have stood and battled for tariff reform when those in higher places dared not show their heads; men who, when another place was overrun and those in it had not the courage to stand and fight a tyrant, stood here at the risk of health, at the risk of fortune, of all that is dear, and saved the liberties of the country. Then these traducers of the Senate could not be seen. We will not be traduced longer, Mr. President, the facts must come.

I glory in the spirit that was shown by Senator Gorman. I occupy a little different position. This charge by our distinguished President has not been hurled at the Senate; it is hurled at my devoted head. I am only one of 96; I am only a unit in this body; but above and over it all is a great principle that the Senate, Democrats and Republicans, and the country at large ought to stand for. It may be me to-day; it may be the Senate to-morrow, or any or some individual Member; it may come in five years when somebody else is in the Senate; it does not make any difference who that person may be; I insist upon the principle, not because I have been assailed; that this body as a coordinate branch of the Government has a right to speak as it pleases as to conditions. The Senate can investigate any man or any set of men that it sees fit to investigate, and do it at its own sweet will without suggestion and without let or hindrance. If the Senate will only assert that right once, then we will not be troubled with th's condition very often in the future. The Senate ought to assert its dignity and its part and parcel in this great governmental machine.

Now, let us go back a little longer and see what other great men in this country thought about Executive interference with legislative business, because, with all due respect to the President, that is what the statement quoted means, that we are interfering by these investigations and hindering the proper conduct of the war.

Here is what Senator Blackburn read into the RECORD while this discussion was on, and, by the way, let me say that two distinguished Senators from the South, Senator Vest, of Missouri, and Senator Jones, of Arkansas, took the same position. God bless them! May sweet memories of them long linger around these sacred halls and may their spirits animate the Senate in the discharge of its duty during the whole conduct of this war.

Senator Blackburn read this into the RECORD from an old fogy of the days gone by, but he had some part to play and played it gallantly in the early days of the Republic. Mr. Blackburn read this from Washington's Farewell Address:

> It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it, which predominate in the human heart, is sufficient to satisfy us of the truth of this position.
>
> The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the other, has been evinced by experiments, ancient and modern—some of them in our country, and under our own eyes. To preserve them must be as

> necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Senators, I am not resenting the intimation contained in the President's statement about these investigations, constituting an interference with the prosecution of the war, but I am simply calling the attention of the Senate to the condition that may confront them at almost any time. However, is it entirely true that this investigation has done no good? Why, Mr. President, there has been an attempted reorganization of the military system since we started into it. Of course, it is claimed that the reorganization was commenced before we got busy. For instance, with all due deference to my good friend, Gen. Sharpe, who is a splendid man and a patriotic citizen, he was wholly unfitted for that job, and he has gone out of it, and they have put Gen. Goethals in. That is a part of the reorganization. With all due deference to my friend, Gen. Crozier, who has been a gallant soldier and a brilliant man, I think that in these days that move so fast, perhaps, he was not quite the man for the place, and he was practically taken out of the active control of the Ordnance Department, and Gen. Wheeler was put in.

What else have they done? They have put Mr. Eisenman just where he was with the old régime but under Gen. Goethals. They have put into the Ordnance Department another distinguished gentleman, Mr. Samuel McRoberts, who is a very able man, and I think will possibly help bring order out of chaos.

Mr. TILLMAN. Will the Senator answer an inquiry?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from South Carolina?

Mr. CHAMBERLAIN. Yes.

Mr. TILLMAN. I want to know what the Military Affairs Committee was doing while all this mismanagement was going on?

Mr. CHAMBERLAIN. In time of peace?

Mr. TILLMAN. Oh, no. The War Department has been reorganized.

Mr. CHAMBERLAIN. We are trying now, I will say to the Senator from South Carolina, to help out things. I do not want to mention any names, but I could mention the names of distinguished Members of the Senate and House who have always stood in opposition to a reorganization that was a reorganization in fact, and they are doing it now.

Mr. TILLMAN. I have never opposed a reorganization in the War Department, but I do oppose any reorganization of the Navy Department.

Mr. CHAMBERLAIN. Well, we have not proposed any such reorganization. If the Senator will only take the trouble to read the bill which we have here, he will find that it does not take an iota of power away from the President. It gives him more. There is no effort being made to create a single organization that the President could not control.

But, getting back to the point I was making, I desire to say that this investigation has done good; it has removed some inefficients, and is bringing about some changes in a defective organization. But the Secretary still retains the Council of National Defense and its subcommittees as a purchasing or some sort of an agency between the President and the Army. It has no power, but is simply an advisory body. It can not nor can its committees enforce its orders.

Mr. OWEN. With no statutory power?

Mr. CHAMBERLAIN. With absolutely none. The Council of National Defense is simply an advisory body, that is all; it has no executive power. Those are the boards that are to take charge of and handle this new organization.

I say, instead of having this voluntary organization between the President and the Army, they ought to have one strong man between the President and the Army completely under the President's direction and control to handle this whole situation, and to utilize whatever organizations are now or may be created by order of the President. I merely call your attention to the fact that we have done some good.

Senators, the President says that we have not consulted him about this legislation. I am very sorry the President said that. Now, speaking as a Democrat, and not as an American for a few moments—[laughter in the galleries]——

The PRESIDENT pro tempore. The Chair wishes to admonish the occupants of the galleries that any signs of approval or disapproval will result in a clearing of the galleries. This is positive, and will be done.

Mr. CHAMBERLAIN. The Senator from Nebraska [Mr. HITCHCOCK] and I, while these hearings were going on, went to the White House and told the President the way things had been developing before the committee and that we thought he ought to know it. We went into it pretty fully. We stayed there an hour. I think the President was surprised at some of the things we told him; in fact, he expressed surprise. The remedy was the thing that was in our minds. I said that the proposition for a director of munitions had been under consideration by me for a long while; that I had been studying the British system, and that something like that as a strong intermediary between the President and the Army ought to be a remedy for the situation. The conversation was not confidential, as I understood. We were simply talking about conditions. I would not even refer to it but for the fact that it is charged as to our committee—a splendid body of men—that none of them had discussed this legislation with the President. The President did not approve or disapprove, but he had the information just the same.

Several days afterwards—I do not know how long—the President wrote a letter to me in reference to that bill. I would not give that letter to the public but for the fact that I am charged by the President with a distortion of the truth. Now, I am compelled, in defense of my own reputation, as well as in order that the position of this committee may be understood, to put the letter in the RECORD, and I am going to do so. The letter is as follows:

(Personal.)

THE WHITE HOUSE,
Washington, January 11, 1918.

MY DEAR SENATOR: When you and Senator HITCHCOCK were at the White House the other evening we were discussing various suggestions of coordination and means of speeding up the military programme and among other things you told me that you had in mind a bill for the creation of a munitions ministry.

That, of course, set my mind to work on that particular suggestion, and I feel that I ought to say to you, now that the matter is clear in my mind, that I hope sincerely no such reconstruction will be attempted. For one thing, it would naturally include the Navy as well as the Army and would, so far as the Navy is concerned, bring about, I fear, a dislocation of activities which would cause delay where there is none that is avoidable; and in regard to the Army, I think that nothing substantial would be accomplished. Indeed, I believe that delay would inevitably be produced by such a measure.

I have had in the last few months a great deal of experience in trying to coordinate things, and upon every fresh coordination delay inevitably results and not only delay, but all sorts of cross currents of demoralization which are very serious impediments to the effective conduct of business.

Rather intimate information from the other side of the water convinces me that the munitions ministries which have been set up there have not fulfilled the expectations of those who advocated them, and the structure of those governments is so utterly different from our own that we could not, if we would, create any such parity of power and influence between the head of such a bureau and the heads of the permanent departments as can be created under such political arrangements as the French and English.

In short, my dear Senator, my judgment is decidedly that we would not only be disappointed in the results, but that to attempt such a thing would greatly embarrass the processes of coordination and of action upon which I have spent a great deal of thought and pains, and which I believe are more and more rapidly yielding us the results we desire.

I felt that I ought not to keep you in ignorance of what had been going on in my mind with regard to this important matter.

Cordially and sincerely yours,

WOODROW WILSON.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate.

Was it quite fair for him to charge that he had not been consulted?

Mr. JAMES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Kentucky?

Mr. CHAMBERLAIN. I yield.

Mr. JAMES. Is it not true that the President when he stated that he had not been consulted referred to the "superior war cabinet" bill and not to the "munitions ministry" bill?

Mr. CHAMBERLAIN. That may be so; I think it is susceptible of that construction.

Mr. JAMES. I will say to the Senator that, hearing on yesterday that he was construing the letter of the President, which referred merely to the proposed munitions ministry bill, as a reference to the "superior war cabinet" and therefore that he intended to urge that position as rather questioning the President's statement, I called up the White House and told the President of my information. He sent me a letter which I am sure the Senator will not have the slightest objection to being read by the Secretary.

Mr. CHAMBERLAIN. I will be glad to have it go into the RECORD.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

THE WHITE HOUSE,
Washington, January 23, 1918.

MY DEAR SENATOR: You have been kind enough to tell me that you had heard that I had written a letter to the chairman of the Senate Military Affairs Committee concerning the idea of a munitions minister, and you asked me whether I did write such a letter. I did, and am glad to send you herewith a copy of it.

The consultation referred to with Senator CHAMBERLAIN, to whom the letter is addressed, was upon the subject of the various difficulties and delays that had been encountered by the War Department, as shown by the testimony before the Senate committee, and the Senator merely mentioned to me that he had a bill in mind to create a munitions ministry. He gave me no detail of the bill he had in mind, and it was only when I learned afterwards from others of the real character of the proposals that I felt it my duty to write to the Senator and apprise him of my attitude. I assumed from what I heard later that that particular proposal had been abandoned, and I was referring in my statement of the other day to the very surprising proposal to create a superior war cabinet of a type unknown to our practice or institutions.

I give you these details merely to reply to your kind inquiry and let you know all the facts of the case as you desire.

Cordially and sincerely, yours,

WOODROW WILSON.

Hon. OLLIE M. JAMES,
United States Senate.

Mr. CHAMBERLAIN. I am very glad, indeed, to have that go into the RECORD. The letter practically states the facts. The letter to me states them just as clearly, because it mentions the same proposal for the creation of a director of munitions.

Mr. JAMES. But it is true, I believe the Senator in perfect fairness to the President would like to say, that the President's statement that he was not consulted about the "superior war cabinet" bill was true. He was not consulted about that, was he?

Mr. CHAMBERLAIN. Well, that is subject to some qualifications. Without questioning the statement of the President, let me tell you what happened. The Military Affairs Committee on Friday appointed the Senator from Nebraska [Mr. HITCHCOCK] as a committee of one to go down and confer with the Secretary of War, which he did. Whether the President was informed about it or not, I do not know.

Mr. JAMES. Is it quite fair, does the Senator think, to charge the President with having information that was given by a Senator to a member of his Cabinet? Probably the Cabinet had not met and the matter had never been discussed.

Mr. CHAMBERLAIN. I did not intend to be understood as questioning the veracity of the President in any way; I am only stating what did happen.

Mr. JAMES. I feel sure the Senator did not; but I believe that, upon second thought, the Senator will realize when he reads the letter the President directed to him, together with the letter directed to me, they make it perfectly clear that the President is absolutely right in his statement that he was not consulted.

Mr. WILLIAMS. Mr. President, will the Senator yield to me for a moment?

Mr. CHAMBERLAIN. I really should like to go on.

Mr. WILLIAMS. The President said that he had information about the war-cabinet bill, but that he got it secondhand.

Mr. CHAMBERLAIN. Let us not be misunderstood about it. Here is the President's language in his published statement:

I understand that reorganizations by legislation are to be proposed. I have not been consulted about them and have learned of them only at secondhand.

I do not know whether that is broad enough to include the munitions bill or not; but that is the language used. I am just stating my version of it. It goes to the country just the same that I was trying to "put over" something on the President without letting him know anything about it; that is all. I do not want that impression to go out. I am not questioning the veracity of the President, even if mine has been questioned.

There is much that I might say, but only one thing I want to say in conclusion. The President in his statement says that:

To add, as Senator CHAMBERLAIN did, that there is inefficiency in every department and bureau of the Government is to show such ignorance of actual conditions as to make it impossible to attach any importance to his statement.

As I undertook to show the President in my letter, I was referring to the Military Establishment only in my impeachment, and my audience understood that I was referring to the Military Establishment. I did not want it understood that I impeached the efficiency of every department of the Government. The statement was really a little broader in that regard than I would have made it if I had sat down and had written the speech. I would have confined it to the War Department. It was a sweeping statement, impulsively and impetuously made, and intended by me to include only the Military Establishment. I think I tried to explain that it was too sweeping, and now in this public manner I state that I did not intend to impeach the efficiency of all the departments of the Government. I was in no position to do that. I had not investigated as to all, but I intended to impeach, and I do impeach, the efficiency of the Military Establishment, and I think I have shown enough to sustain my charge of inefficiency.

Now, it is said we have not done any good. Let me tell you that that very statement of inefficiency has done some good, not only as regards the War Department, as stated by me a while ago, but it has speeded up at least one other department. My good friend Secretary Redfield, very courteously inclosed me this letter. I will not have it read but I will put it in the RECORD, to show that my statement induced the Secretary to appeal to his whole office force to try to speed up and do better, so that the charge of inefficiency might not rest on them. I admire the spirit in which Secretary Redfield took my suggestion. It was a suggestion made to help and not to hurt. I ask that Secretary Redfield's letter be inserted in the RECORD at this point.

The PRESIDENT pro tempore. In the absence of objection, it is so ordered.

The letter referred to is as follows:

"THRIVE BY THRIFT, BUY WAR SAVINGS STAMPS."

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 23, 1918.

MY DEAR SENATOR: The letter of which the inclosed is a copy has been handed each member of the department's force in Washington and placed by publication before its force throughout the country.

Yours, very truly,

WILLIAM C. REDFIELD,
Secretary.

Hon. GEORGE E. CHAMBERLAIN,
United States Senate, Washington, D. C.

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, January 21, 1918.

To the officers and workers in the Department of Commerce:

United States Senator GEORGE E. CHAMBERLAIN, chairman of the Senate Committee on Military Affairs, is reported through the press to have said on the 19th instant, in an address before the National Security League:

"The military establishment of America has fallen down * * * it has almost stopped functioning * * * because of inefficiency IN EVERY BUREAU and IN EVERY DEPARTMENT of the Government of the United States."

The emphasis is mine.

We in this department form no part of the military establishment, though in every branch we are in full cooperation with it. We are included, however, under the charge that inefficiency "in EVERY bureau" and "in EVERY department" has led to the result said to exist. If it exists it is said to be at least in part our fault. All departments, all bureaus, are sentenced together. Such a statement from such a source must (if we may assume it to be correctly reported), be given weight. It is either true or false as regards ourselves. What lesson can we learn from it?

Candidly I had not believed any such sweeping condemnation could be justly made of our mutual service. The words of cordial praise that comes often unsolicited from many sides about every one of our services, the commendation of the business and industrial world, the noble spirit of self-sacrifice so freely shown by you in many forms, the known and definite results of our common efforts, the constant touch with all our work that you know it is my pleasure and privilege to try to maintain, these and what I had permitted myself to think 30 years of industrial and executive experience had taught me had led to the belief that in this department, so far as the law and the funds at our disposal permit, we have on the whole a highly effective organization even when judged by severe standards of industrial practice. Nor, let me say in justice to you, am I aware that any external inquiry into the work of the department has been made upon which to base a charge to the contrary effect. We are, as you know, constantly studying our work in all its forms with a view to its improvement.

But this is beside the mark. Our work, if good, will speak for itself. We have neither duty nor right of self-praise. What I ask you, every one of you, to consider for yourself is whether this charge is true of you, of your division or bureau, of your part, whatever it be, in our common work. For now more than ever must we do our work well. The slacker in work, if such there be, plays Germany's game. Inefficiency is a sin against your country. Red tape, unless required by law, is an offense against patriotism. Let us speak plainly. If inefficiency exists it must cease or the ineffective ones must go. This is no hour for hesitancy about persons.

But having thus in all seriousness said, let me add in conclusion that I fully believe the firm confidence I hold in you is for sufficient cause and will be more than justified by the high effectiveness of your service.

Yours, very truly,

WILLIAM C. REDFIELD,
Secretary.

Mr. CHAMBERLAIN. God knows I have tried my very best to do things here to help speed the work of preparation for this war, not as a Democrat, but because my heart was in it and because I believe it was right to do so. I have frequently done things in opposition to members of my own party and in opposition to many distinguished men on the Republican side, but together we have tried to improve the Military Establishment.

The last suggestion of the President in his charge against me is:

I am bound to infer that that statement sprang out of opposition to the administration's whole policy rather than out of any serious intention to reform its practice.

Et tu, Brute! That is "the unkindest cut of all." My colleagues, I have stood here in season and out of season to get through nearly every piece of military legislation that has been put on the statute books in the past three years and that my friend Baker now boasts of and that the President is proud of, with what success I leave to the Senate and to the country to judge. I have taken charge of other measures here. I do not claim any credit for that; I give my colleagues equal credit for

these things; but I happened to represent the committees on the floor, and I worked most assiduously all the time. I will say this, however, that I have not stood for any measure because it was any man's measure; I have stood for it because it was for America, to assist her in this crisis that now confronts her. That is why I have done it.

I am not opposed to the President's policies. I was born in a country where Democrats were indigenous to the soil. I took my politics west with me 42 years ago, to a State which was Republican when I first went there and has been ever since. I have been a Democrat all the time, and I am a Democrat now; but I have some convictions about these matters and other public questions. When I have supported all these measures I have done it because I thought they were right and not because I got orders from anywhere.

I have differed from the President on a number of occasions, and I have not hesitated to do so. I differed from the President when the Panama tolls question was under consideration; I differed very radically from him and did all in the world I could to keep the measure for the repeal of the Panama free-tolls act of 1912, advocated by him, off the statute books not only because it was contrary to our platform of 1912 but because I did not consider it right. I have differed with our distinguished Executive on a number of nominations which he has sent here; but nearly all of the policies he advocates are Democratic, and nearly all the policies that he has proposed I have stood for. I think you will find that in very few instances have I separated from Democratic colleagues; and when I have done so it has been because I felt I was right. I will say that frequently I have followed my colleagues and followed the President on matters of policy when I thought they were all wrong; but I did it just the same. However, whenever it comes to a question where a principle is involved and my conscience is enlisted, I follow no man; I follow my conscience. I am doing that to-day, my colleagues, when I am undertaking to call the attention of the country to the dangers that confront America.

In God's name, are we going to get over to France? Within 10 months after the war broke out Canada had her gallant sons in the trenches assisting in some of the most desperate battles of the war. With her sparse settlements, with her lack of wealth as compared to that of the United States, she got her brave boys—and they are practically Americans, my friends—over there; but America can not get there. Where is the trouble? Mr. President, if we do not get there, and get there quickly, it may be too late to go, and, as my good friend the Senator from Iowa [Mr. KENYON] said here the other day, it would be better for a man to lose his life and to see his family die than to see the Teuton invade America.

You Senators know that there are soldiers along the Atlantic seaboard who ought to have gone to France six weeks or two months ago. They do not go. Why is it? At Mineola there were a lot of Oregon and other brave boys who went from a southern encampment to that bleak and barren place, and where some of them were kept for over a month in extremely cold weather, not sufficiently clad, and without the comforts that camp life ought to have furnished them, waiting to get over. There must be something wrong somewhere.

If America is going to play any part in this war, she will have to get at it pretty soon. France is expecting us and the other allies are expecting us, and it seems to me, Mr. President, that the only way to speed up our preparations, the only way to get "over there," is to arouse America to the necessity of the time and the danger of the crisis. When once aroused I have no fear but that America will rise in her might and furnish an example of sacrifice, of courage, and of patriotism that will make the brightest pages of our history pale into insignificance as compared with the fighting of our boys on foreign soil.

Mr. President and Senators, I apologize for having taken up so much of your time. You can realize that my reputation is all I have, and the love that my family and my friends have for me at home. With that reputation destroyed and that love gone, life would have no attraction for me; with my reputation assailed, with my country in danger, I know that you will excuse me for having trespassed so long on your time and patience; and believe me when I tell you that there is no man here to-day and there is no man in America who would go to the relief of President Wilson more quickly than I in our country's crisis, although I feel I have been so grossly maligned by him. I thank the Senate.

Mr. KIRBY. Mr. President, no man who is a Member of this body will accuse me of trying to curry favor with anybody in or out of office; but I have listened to the speech of my distinguished colleague, the chairman of the Military Affairs Committee of the Senate [Mr. CHAMBERLAIN], and I do not believe it ought to go unchallenged or unanswered. I do not question his patriotism, his integrity, or his ability, but I believe the spectacle we have witnessed here to-day is a condemnation of the soundness of his judgment.

What is the condition as we find it? We find the distinguished chairman of the Military Affairs Committee yonder in New York saying that the Military Establishment of the Nation has fallen down; that it is inefficient and incompetent. Has the distinguished chairman of the Military Affairs Committee taken the judgment of that committee upon that question, and have they declared that to be their view as the result of the investigation? That has not been done. Has the distinguished chairman of the Committee on Military Affairs, who certainly is responsible as chairman to this great body, and who ought to be and is supposed to be in touch with the administration, with the war-waging power—has he reported the condition as he now sees it, that the Military Establishment is inefficient and broken down, to the Commander in Chief of the Army? Did he do so before making the disclosure in New York? It has not been done. Instead, the chairman of the Military Affairs Committee has gone to New York, and, acting on his own judgment, has made a statement, as a result, he says, of his opinion made up from the investigation that has been going on, and has challenged the Military Establishment, and charged that it has broken down, that it is inefficient, and that it can not cope with conditions. I challenge the statement of it all.

The investigation that has been developed before our committee does not warrant much of the stuff that has been said here to-day; and it does not warrant at all, anywhere, the statement that the Military Establishment has broken down or has been inefficient, when you come to dealing with the great matters that have to be dealt with, and have been dealt with successfully, as I allege here and now.

Now, let us get down to some of the specific charges that have been made.

The Senator says we have had reports from the commanders of the different divisions at the different camps. That is true. He has said that these reports have shown that as late as December 3 there were shortages in woolen overcoats, in woolen blouses, and in woolen breeches; that the men were not all properly clothed throughout the cantonments and on the fields yonder in France. That is true as to the 3d day of December. All had not been supplied in the cantonments then; but all have since been supplied, and all would have been supplied then but for some negligence, probably, or inefficiency on the part of some particular man.

Let us see what was done. This supplies committee has been criticized here. Here is a man who was called in from civil life. Why? Because the Military Establishment had broken down? No; but because it wanted expert advice and assistance, it called in a man or men who could do these things. The committee was created, the committee came together, the committee acted, and what was the result? They have increased the supply of manufactured products where it was possible; and not only that, but they have clothed the Army, both in the cantonments and in the field in France. That has been done in eight months. Does that show inefficiency?

The Senator says one Quartermaster General might not have been able to do it. Perhaps he was not able to do it, but this agency was called in to assist the department. It was effective, and with this agency performed the service, and the statement can not be successfully contradicted.

They talk about the soldiers down at Houston not having as much tent space as ought to be provided for each particular man. I am a hunter, Mr. President. I go out hunting sometimes down in Arkansas, and as late as the middle of December, 8 or 10 of us sometimes sleep in an 8-by-10 tent, and we have never found any injurious effects from it; and usually down in that country around Houston and Waco, and even down in my country, as late as the middle of December a man could ordinarily sleep outside without any tent, and with only an Army blanket, and be entirely comfortable. The weather conditions have been unusual. They have made it necessary that we should supply more of this clothing, and it probably ought to have been supplied a little earlier, but it could not be done. It was humanly impossible under the conditions existing with the manufactories and the supply of raw material. Now, if a thing can not be done, would you say on that account that the Military Establishment had fallen down? No. That sort of an impression ought not to go out to this country when the facts do not warrant it.

They say, "Why does not the committee come in with a report?" The committee, in my opinion, ought to have made a report. The committee ought to have said: "Here is our deliberate judgment. A majority of us think that so-and-so and so-and-so is the condition, and that this investigation reveals and establishes that fact." But the committee has not done that,

and I challenge the right of the chairman to say what the evidence shows or does not show, and to make the broad assertion that he has made up yonder, and I say the facts do not warrant it.

There is another proposition: The Senator says that in 1914 it was apparent that war was going to come on, and that the Ordnance Department was absolutely quiescent, and that no move was made to manufacture heavy ordnance. He cites that as an instance of why the Military Establishment is inefficient. In 1914 the United States had not gone into the war, and since 1914 we fought out a presidential campaign on the proposition that we should not go into the war. Then why, in 1914, should the military organization have insisted that we ought to manufacture heavy ordnance? Why should they be regarded as inefficient when, later than that time, we fought out a presidential campaign on that issue alone? Is there any indication of inefficiency there? I think not.

Some member of the Military Affairs Committee, insisting with a witness that the manufacture of ordnance should have been begun in 1914, asked him if he did not know that our ambassador, Mr. Gerard, over in Germany, had said then that the German people were unfriendly, and that some day we were going to have trouble? Do you suppose that the Ordnance Department or the Secretary of War is going on what the ambassador to Germany might have reported here in a secret way in 1914? Would we have expected anything of that kind? No. No man would have expected it, no man would have justified it, and no man would have excused it then if money had been expended along that line.

Another thing that is said about the Ordnance Department is that we have no heavy guns. The Senator said we are not able now to put our men yonder in the trenches in France and supply them with heavy guns. Why? Because we did not in 1914 go to manufacturing them? No; he said we have not been able to manufacture guns. He did not say we did not have the guns. We have them. They are there. They are in the hands of our soldiers to-day, and can be used effectively when we put our men in the fighting front.

"Yes; but," the Senator said, "we had to buy them from France." That is true; we had to buy them from France, but that is an evidence of military efficiency. We bought them where we could get them, where we needed them, instead of trying to manufacture them, which would have taken a longer time. They had ample guns to supply our troops; we had ample money with which to purchase them, and time was of the essence of the condition. We bought the guns that we needed, because we could get them supplied there. We did not need to transport them from here across the ocean and take any chance on that. It might have been well, even had we had guns already manufactured, to have bought them instead yonder, where they already were in touch or could easily be put in the hands of our soldiers who are expected to use them. There is no evidence of inefficiency there.

It seems to me that that is conclusive evidence of high efficiency—to get the thing that you need when you need it, and it makes no difference where, so you can supply it. That was done. I do not see any inefficiency there.

The Senator says there is not a single trench mortar for training soldiers in our home camps. It may be true that they have not got as many trench mortars as they ought to have down there in the cantonments. They have not got as many of some of these machine guns as they ought to have for training; but they are prepared to deliver them in quantity, even the Browning gun, next month. It is not exactly accurate to say we have no machine guns, because we have bought the Shoshon gun, we have bought the Maxim-Vickers gun, we have bought the Colt gun, even the Lewis gun; we have bought them in all the quantity in which they could be produced, except the Lewis gun, and in the quantity in which it was determined they would be needed. That has already been done, and yet the intimation is made that nothing at all has been done.

If I am making a statement here to-day that is not warranted by the record as shown down there, let some man challenge it. I have attended the investigation. That has been developed, and that has been done.

I am not going to talk at any great length here; but as to the question of tentage, we had to increase our manufacturing capacity of tentage from 3,000,000 yards a year to supply a demand for 80,000,000 yards, and it has been done. Is there any inefficiency about that?

Now, as to the uniforms. Of course, Mr. President, my remarks on this occasion will be disjointed. The uniforms have been criticized. They say there ought to be more virgin wool in the uniform, that it would last longer, it would be warmer. The testimony I heard before the committee does not warrant that criticism. The uniform to-day is not any lighter than the uniform we have always had. It is of exactly the same weight that it always has been in the Army of the United States—that is, the coat and breeches, the uniform—and it is made now of 65 per cent virgin wool and 35 per cent reworked wool, which some call shoddy. That is the condition to-day, whereas it used to be 75 per cent wool and 25 per cent cotton; and experts doubted and differed about which was the more valuable cloth, which was the warmer, and which lasted longer. Even this reworked stuff must come up to certain specifications and have a certain tensile strength. That prevents its being rotten, or prevents its being worthless.

I want to make this statement here and let anyone challenge it who will: I say that no man, no officer, and no soldier from anywhere in the United States or from the battle front in France said that his uniform was insufficient, said that it was defective in wearing qualities or in warmth, or that it had not proven entirely satisfactory. No man, officer or soldier, said so to the committee—no man at all—and I asked several. I said: "What is your judgment, and what are the facts as reported to you, about the goodness of this uniform?" No man has said anything like that it was unsatisfactory. Some experts did say it should be heavier in weight.

As to the overcoats, this reworked wool, and the supply committee: The intimation has been made that the supply committee were to blame about that, but that is not warranted. The specifications were agreed upon, and the supply committee produced the stuff that they said was desirable and must be had. It is a 50-50 overcoat, about 50 per cent reworked wool and 50 per cent virgin wool.

The reworked wool, or what they call shoddy, is new cloth that has never been used, wool cloth that is torn to pieces and is put in with this other amount of wool. That has not extended to the blankets, and not 35 per cent of the overcoats have gotten down to those constituent elements.

That is the condition along that line. I am not going to talk extensively about that.

The rifle manufacture has been criticized. Maybe it would have been better if we had had Springfield rifles in the hands of every soldier in the United States the very minute that he was drafted; but, if so, they could not have been used. No man is expected to use his rifle, except to become efficient in target shooting, until he goes across the sea. Every man on the other side has been supplied with clothing, with ammunition, with rifles, with machine guns, and everything else to best equip him for effective fighting. No man will dispute that. It can not be disputed.

There have not been, until recently, enough rifles for the men in these home encampments, because we have not been able to make them in sufficient quantities. We might have bought the Enfield rifles, but the Springfield rifle is the best rifle in the world, so far as our experts state and so far as experience has shown. We thought it would be better to give them the best rifle if we had time to do it, and, under the conditions existing, I say that the military department has done well. It has done this thing and the rifles are in the hands of the soldiers now. There has never come to this committee, in the three or four weeks that I have been there, any complaint whatever of any soldier going hungry, or being supplied with any but the best food that could be bought in the country, or as good food as might be had by any man anywhere. That is another condition.

Now, as to the clothing: They did not get this clothing, as I say, in some places because the cold weather was not anticipated and the time was short. The cloth had been manufactured, the contracts had been made for the delivery, it had already gone from the manufactory, but not in time, I am informed by the Quartermaster Department, to reach them all. Sometimes the clothing had been manufactured, the uniforms were made, and some of them were too small. Our men have grown larger than they were in the old Army, back yonder in 1860. A greater percentage of them require large uniforms. Some of them had to be made over again, rather other uniforms had to be made, and time was lost in that way.

Then there is another thing that was inefficient in some ways, but we thought that might be corrected. Some one department of the Quartermaster Corps down here got more of the supplies than it ought to have had, and they were not taken from that department and sent to some other department that was in greater need of them. That was a condition that ought to have been remedied perhaps, but it was remedied as soon as the condition developed sufficiently to be known.

Now, as to the hospital proposition: It is true that soldiers have died in camp. It is true that soldiers must die upon the field of battle. It is unfortunate that if a man must die he can not die with arms in his hand, on the field of battle, fighting for his country's cause; but it never has been that all could do so. It is unfortunate that a few of these soldiers have died; but the hospital facilities have been supplied. There might have been neglect in some particular instance. It may be so; but would that be apt to get back to the Secretary of War? It was shown in this instance that the medical department were disposed to remedy all the conditions that it possibly could. They seemed to be kindly disposed; they seemed to know their business; and they agreed to do everything that could be done to alleviate the condition.

Is it possible that people think that measles will develop because a man wears a cotton shirt or a woolen shirt; or is it possible that it is still believed that a man might have spinal meningitis because he did not have on a particular kind of shoe, or that a man might have pneumonia for that reason? No. Those are germ diseases, and when the man gets the germs he might be weakened, of course, in his condition to a point where he could not resist the ravages of the disease; but generally it is produced by the germ and is not affected by these other circumstances.

The hospital condition, so far as I understand, is not very unsatisfactory. Of course many people have been sick. There have been many deaths from pneumonia and measles. There always have been in armies, and there always will be. Pneumonia and measles are necessarily fatal diseases to a large extent. We have not been able to overcome that condition yet, and we never will be, I fear.

I am not an apologist for anybody in this administration. The President has always been able to take care of himself, and the Secretary of War, so far as I know, has been able to look after his own interests. I simply thought I ought to say this much to the people who might be disturbed by the speech of the Senator and the disclosures that have been made, only partially, of certain instances that do not affect the great general result that has been accomplished.

What difference does it make out yonder in the cabin or the home in Oregon if Mr. and Mrs. John Smith know that Sam did not have his overcoat within a week of the time he ought to have had it, or that he ought to have had it two weeks earlier? What difference would it make about supplying the overcoat? None. I might, however, reduce those people to a condition where they distrusted the Government and the administration, and doubted its power to accomplish the end that we have gone into the war to accomplish.

There may be other members of the Military Affairs Committee who are going to speak here to-day. I want to assume entire responsibility, however, for what I have said; and I say to you, as a man who has heard this investigation, as a man who is accustomed to weighing testimony, as a man who is accustomed to rendering judgment, that my opinion of the condition as it exists to-day is that the military department has not fallen down. The military department, where it has been deficient, has remedied the condition by volunteer boards of the best talent in the United States, and that is all that could be done if you had the law that is proposed by the Senator from Oregon.

Now, that has been done. I am not saying anything about the law. I am referring to the condition. This voluntary advisory agency was added to the military department because it recognized the need for it, and it accomplished the result through this means. That has been done. That is already done.

I am not going to talk to you further. It may be that I ought not to have talked at all, but my judgment led me to believe that somebody ought to say this much for the benefit of the country under these conditions, and I have said it.

Mr. HITCHCOCK. I ask that the bill introduced by the Senator from Oregon [Mr. CHAMBERLAIN] be now referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. Without objection, the bill will be read the second time by its title and referred to the Committee on Military Affairs.

The bill (S. 3583) to establish a war cabinet and to define the jurisdiction and authority thereof was read the second time by its title and referred to the Committee on Military Affairs.

HEADS OF EXECUTIVE DEPARTMENTS.

Mr. HARDWICK. Mr. President, I wish to make a short statement to the Senate.

On the 4th day of January, 1918, I submitted this resolution in the Senate:

Senate resolution 175.

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public interest, by what warrant or authority of law the several heads of the executive departments hold their offices.

Mr. President, for many years and under many administrations every President of the United States who was reelected has at the beginning of his second term sent to the Senate his Cabinet nominations, and the Senate has always, except in one or two rare instances, promptly confirmed those nominations without question. The Constitution requires that these officers shall be confirmed by the Senate; and it has seemed to me that in times like these, when we were granting all sorts of unusual, large, extraordinary, and in some cases autocratic powers to the present Chief Executive, it was especially incumbent upon the Executive to comply with the spirit of the Constitution, even if the statutes in relation to these Cabinet officers in most cases did authorize the incumbents of these particular offices to hold them until their successors were appointed and confirmed, as is the case with respect to most of them.

But it happens, Mr. President, that by express provisions of statute law the Postmaster General of the United States does not hold his office over from one term to another, the statute providing in express terms that the Postmaster General shall hold office only during the term of the President by whom he was appointed, and for one month longer, and no longer. So that, as a matter of fact, the country ever since April 4, 1917, has been legally without a Postmaster General, and the position of head of one of the greatest executive departments of the Government has been unfilled, so far as law goes.

The object of the resolution I offered was to direct attention to that situation. I understand, however, that that is about to be met by a renomination of the Postmaster General, and that when I yield the floor the Senator from Virginia [Mr. MARTIN] is about to move an executive session to consider that nomination. I merely want to congratulate the country on the fact that the President has at last found out what the law is, and has at last complied with it; and I would still further congratulate both the country and the President if the President would comply with the spirit of the Constitution about all these things, as well as the letter of the law, and would follow the custom of his predecessors as well as obey the Constitution of the United States by sending to the Senate nominations for the other Cabinet places, as well as that of Postmaster General.

THE GARBED INVENTION.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the joint resolution, H. J. Res. 174, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JAMES. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. JAMES, Mr. GORE, and Mr. BRANDEGEE conferees on the part of the Senate.

HIDE AND LEATHER SITUATION (H. DOC. NO. 857).

The PRESIDENT pro tempore laid before the Senate a communication from the Federal Trade Commission, transmitting a preliminary report on the hide and leather situation, stating certain facts ascertained in an investigation of hide, leather, and leather products undertaken by the commission under resolution of December 31, 1917, and in connection with the investigation of animal food products and by-products, which the commission is making pursuant to the President's direction, which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

REPORT OF THE EIGHT-HOUR COMMISSION (H. DOC. NO. 690).

The PRESIDENT pro tempore laid before the Senate a communication from the Eight Hour Commission, transmitting a report of the commission appointed in accordance with the act of September 3 and 5, 1916, to observe the operation and effects of the institution of the eight-hour standard workday for railroad employees, which, with the accompanying paper, was referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution authorizing the Clerk, in the enrollment of the bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw

and Chickasaw Nations, Oklahoma, to strike out the word "applied," on page 5, line 13, and to insert in lieu thereof the word "apply," in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. FRELINGHUYSEN presented resolutions adopted by the Board of City Commissioners of Jersey City, N. J., favoring an increase in the salaries of all civilian employees, which were referred to the Committee on Appropriations.

Mr. JONES of Washington presented resolutions adopted by the Metal Trades Council of Seattle, Wash., favoring the erection by the United States Shipping Board of a sufficient number of houses for workers in the shipyards in that city, which were referred to the Committee on Commerce.

Mr. PHELAN presented a petition of the Chamber of Commerce of San Luis Obispo, Cal., favoring the construction of the proposed military highway from Blaine, Wash., to San Diego, Cal., which was referred to the Committee on Military Affairs.

He also presented a petition of the Napa Farm Bureau, of Napa, Cal., remonstrating against the importation of Chinese coolie labor, which was referred to the Committee on Education and Labor.

Mr. McLEAN presented a petition of the Chamber of Commerce of Stamford, Conn., praying for the enactment of legislation providing for the formation of a war council, which was ordered to lie on the table.

He also presented a petition of the Connecticut Pedic Society, praying for the enactment of legislation providing for the establishment of a chiropody unit in the United States Army, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. TILLMAN, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3404) to authorize the President to drop from the rolls any naval or Marine Corps officer absent without leave for three months or who has been convicted of any offense by the civil authorities, and prohibiting such officer's reappointment (Rept. No. 209);

A bill (S. 302) authorizing the Secretary of the Navy to make donation of condemned naval guns and cannon balls to the John Wannebo Camp, No. 9, United Spanish War Veterans, Everett, Wash., to be placed in public parks (Rept. No. 210);

A bill (S. 3008) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes (Rept. No. 211);

A bill (S. 3126) to provide temporary promotion for retired officers of the Navy and Marine Corps performing active duty during the period of the present war (Rept. No. 212);

A bill (S. 3129) to provide for the disposition of the effects of deceased persons in the naval service (Rept. No. 213);

A bill (S. 3130) to amend section 1570 of the Revised Statutes of the United States (Rept. No. 214);

A bill (S. 3181) for the relief of Col. Littleton W. T. Waller, United States Marine Corps (Rept. No. 215);

A bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty (Rept. No. 216);

A bill (S. 3406) to authorize the Secretary of the Navy to determine where and when there are no public quarters available for officers of the Navy and Marine Corps (Rept. No. 217);

A bill (S. 3427) for the relief of certain ex-paymasters' clerks (Rept. No. 218);

A bill (S. 3445) to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes (Rept. No. 219); and

A bill (S. 3446) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes," approved March 4, 1917 (Rept. No. 220).

He also, from the same committee, to which was referred the bill (S. 3402) to fix the age limits for candidates for admission to the United States Naval Academy, reported it with an amendment and submitted a report (No. 221) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 179) to correct the naval record of Fred C. Konrad (Rept. No. 222); and

A bill (S. 3401) to authorize the President to temporarily reduce the course of instruction at the United States Naval Academy (Rept. No. 223).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 3629) for the relief of Charles Haythorpe; to the Committee on Patents.

By Mr. WATSON:

A bill (S. 3630) granting an increase of pension to James Showers (with accompanying papers); to the Committee on Pensions.

LANDS IN OKLAHOMA.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 34) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 195) entitled "An act providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla.," the Clerk be, and he is hereby, authorized and directed to strike out the word "applied," on page 5, line 13, and to insert in lieu thereof the word "apply."

Mr. OWEN. I move that the Senate concur in the resolution of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 8696. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, was read twice by its title and referred to the Committee on Indian Affairs.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. MARTIN. I move that the Senate adjourn until Monday at 12 o'clock.

The motion was agreed to; and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, January 28, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 24, 1918.

POSTMASTER GENERAL.

Albert Sidney Burleson, of Texas, to be Postmaster General.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Capt. Richard H. Williams, Coast Artillery Corps, to be major from December 29, 1917, vice Maj. Alden Trotter, detailed in Ammunition Train.

Capt. Alfred M. Mason, Coast Artillery Corps, to be major from December 29, 1917, vice Capt. Michael H. Barry, detailed in Ammunition Train.

Capt. Kenneth C. Masteller, Coast Artillery Corps (General Staff), to be major from December 29, 1917, vice Maj. Theodore H. Koch, detailed in Ammunition Train.

Capt. Joseph Matson, Coast Artillery Corps, to be major from December 29, 1917, vice Maj. Kenneth C. Masteller, retained in the General Staff.

CORPS OF ENGINEERS.

To be first lieutenant with rank from October 4, 1917, to fill an original vacancy.

Second Lieut. Simon Medine, Corps of Engineers.

To be first lieutenants with rank from October 16, 1917, to fill original vacancies.

Second Lieut. Samuel L. Kuhn, Corps of Engineers.
Second Lieut. Louis Graham, Corps of Engineers.
Second Lieut. Roy M. McCutchen, Corps of Engineers.
Second Lieut. William Lohmeyer, jr., Corps of Engineers.
Second Lieut. William A. Clark, Corps of Engineers.
Second Lieut. Aubrey H. Bond, Corps of Engineers.
Second Lieut. Hubert W. Collins, Corps of Engineers.
Second Lieut. Harold J. McDonald, Corps of Engineers.
Second Lieut. Maurice P. Van Buren, Corps of Engineers.
Second Lieut. Frederick S. H. Smith, Corps of Engineers.
Second Lieut. Frank B. Hastie, Corps of Engineers.
Second Lieut. Harold Van V. Fay, Corps of Engineers.
Second Lieut. Oscar R. Peterson, Corps of Engineers.

Second Lieut. Thomas K. Meloy, Corps of Engineers.
Second Lieut. Robert A. Love, Corps of Engineers.
Second Lieut. Bennet H. Bowley, jr., Corps of Engineers.
Second Lieut. Robert D. Ingalls, Corps of Engineers.
Second Lieut. William L. G. Mackenzie, Corps of Engineers.
Second Lieut. Walter L. Medding, Corps of Engineers.
Second Lieut. Warren A. Lyon, Corps of Engineers.
Second Lieut. Roger W. Parkhurst, Corps of Engineers.
Second Lieut. Albert C. Lieber, jr., Corps of Engineers.
Second Lieut. Robert K. Munroe, Corps of Engineers.
Second Lieut. James A. Bjerregaard, Corps of Engineers.
Second Lieut. Eugene F. Gaebler, Corps of Engineers.
Second Lieut. William C. Atwater, Corps of Engineers.
Second Lieut. Henry E. Strout, jr., Corps of Engineers.
Second Lieut. John A. Strang, Corps of Engineers.
Second Lieut. George E. Robinson, Corps of Engineers.
Second Lieut. Frank C. Rogers, Corps of Engineers.
Second Lieut. Philip N. Cristal, Corps of Engineers.
Second Lieut. Clifford H. Springer, Corps of Engineers.
Second Lieut. Edward P. Morton, Corps of Engineers.
Second Lieut. Langley S. Homer, Corps of Engineers.
Second Lieut. George J. Nold, Corps of Engineers.

TEMPORARY PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be majors with rank from August 5, 1917.

Capt. Paul W. Beck, Infantry, vice Maj. Edwin Bell, appointed colonel in the National Army.

Capt. Robert I. Rees, Infantry (General Staff), vice Maj. John S. Battle, appointed colonel in the National Army.

Capt. John J. Miller, Infantry, vice Maj. Robert I. Rees, retained in the General Staff.

Capt. Jesse M. Cullison, Infantry, vice Maj. William E. Welch, appointed colonel in the National Army.

Capt. William H. Noble, Infantry (Quartermaster Corps), vice Maj. Frank L. Wells, appointed colonel in the National Army.

Capt. Wilbur A. McDaniel, Infantry, vice Maj. William H. Noble, retained in the Quartermaster Corps.

Capt. Evert R. Wilson, Infantry, vice Maj. James E. Harbeson, appointed colonel in the National Army.

Capt. Philip Powers, Infantry, vice Maj. Pegram Whitworth, appointed colonel in the National Army.

Capt. Clenard McLaughlin, Infantry, detached officers' list, vice Maj. Thomas W. Darrah, appointed colonel in the National Army.

Capt. Edward B. Mitchell, Infantry, vice Maj. Lorrain T. Richardson, appointed colonel in the National Army.

Capt. James H. Como, Infantry (Quartermaster Corps), vice Maj. Charles R. Howland, appointed colonel in the National Army.

Capt. Harol D. Coburn, Infantry, detached officers' list, vice Maj. James H. Como, retained in the Quartermaster Corps.

Capt. Allen J. Greer, Infantry (General Staff), vice Maj. Louis M. Nuttman, appointed colonel in the National Army.

Capt. Robert Whitfield, Infantry, detached officers' list, vice Maj. Allen J. Greer, retained in the General Staff.

Capt. Abraham U. Loeb, Infantry, vice Maj. Glenn Davis, appointed colonel in the National Army.

Capt. Constant Cordier, Infantry (General Staff), vice Maj. Franklin S. Hutton, appointed colonel in the National Army.

Capt. James M. Loud, Infantry, vice Maj. Constant Cordier, retained in the General Staff.

Capt. J. De Camp Hall, Infantry, vice Maj. Fine W. Smith, appointed colonel in the National Army.

Capt. Davis C. Anderson, Infantry, detached officers' list, vice Maj. Walter S. McBroom, appointed colonel in the National Army.

Capt. Robert D. Carter, Infantry, vice Maj. Robert H. Allen, appointed colonel in the National Army.

Capt. Douglas Potts, Infantry, detached officers' list, vice Maj. Dwight W. Ryther, appointed colonel in the National Army.

Capt. Vincent M. Elmore, Infantry, vice Maj. Frederick B. Shaw, appointed colonel in the National Army.

Capt. Benjamin R. Wade, Infantry, vice Maj. William F. Creary, promoted lieutenant colonel.

Capt. George E. Goodrich, Infantry, vice Maj. Herschel Tupes, promoted lieutenant colonel.

Capt. Edwin S. Hartshorn, Infantry, vice Maj. Isaac Newell, promoted lieutenant colonel.

Capt. Clark R. Elliott, Infantry, vice Maj. Lawrence B. Simonds, promoted lieutenant colonel.

Capt. Ralph B. Lister, Infantry, vice Maj. Frederick W. Lewis, promoted lieutenant colonel.

Capt. Harry E. Comstock, Infantry, vice Maj. James N. Pickering, promoted lieutenant colonel.

Capt. William R. Standiford, Infantry (General Staff), vice Maj. William A. Burnside, promoted lieutenant colonel.

Capt. Frederick S. Young, Infantry (General Staff), vice Maj. William R. Standiford, retained in the General Staff.

Capt. Thomas S. Moorman, Infantry (Quartermaster Corps), vice Maj. Frederick S. Young, retained in the General Staff.

Capt. Charles H. Morrow, Infantry, vice Maj. Thomas S. Moorman, retained in the Quartermaster Corps.

Capt. Brady G. Ruttencutter, vice Maj. Russell C. Langdon, promoted lieutenant colonel.

Capt. Jennings B. Wilson, Infantry, vice Maj. Harry H. Tebbetts, promoted lieutenant colonel.

Capt. William O. Smith, Infantry (Quartermaster Corps), vice Maj. Frank C. Bolles, promoted lieutenant colonel.

Capt. Clarence K. La Motte, Infantry, vice Maj. William O. Smith, retained in the Quartermaster Corps.

Capt. George M. Holley, Infantry, vice Maj. James W. Clinton, promoted lieutenant colonel.

Capt. Edgar S. Stayer, Infantry (Quartermaster Corps), vice Maj. Alexander T. Ovenshine, promoted lieutenant colonel.

Capt. Charles H. Errington, Infantry (Quartermaster Corps), vice Maj. Edgar S. Stayer, retained in the Quartermaster Corps.

Capt. George C. Shaw, Infantry, vice Maj. Charles H. Errington, retained in the Quartermaster Corps.

Capt. Charles E. Reese, Infantry, detached officers' list, vice Maj. Henry E. Eames, promoted lieutenant colonel.

Capt. Robert S. Knox, Infantry, detached officers list, vice Maj. Carroll F. Armistead, promoted lieutenant colonel.

Capt. William A. Castle, Infantry (General Staff), vice Maj. Paul Giddings, promoted lieutenant colonel.

Capt. Harry D. Blasland, Infantry, vice Maj. William A. Castle, retained in the General Staff.

Capt. Edward H. Andres, Infantry (Quartermaster Corps), vice Maj. Alfred T. Smith, promoted lieutenant colonel.

Capt. Thomas J. Rogers, Infantry, vice Maj. Edward H. Andres, retained in the Quartermaster Corps.

Capt. Edwin J. Bracken, Infantry, vice Maj. Charles D. Roberts, appointed lieutenant colonel in the National Army.

Capt. George W. England, Infantry, vice Maj. Preston Brown, appointed lieutenant colonel in the National Army.

Capt. Clyde B. Parker, Infantry, vice Maj. Robert McCleave, appointed lieutenant colonel in the National Army.

Capt. Alvin C. Voris, Infantry (Signal Corps), vice Maj. John L. De Witt, appointed lieutenant in the National Army.

Capt. Frank R. Curtis, Infantry (Signal Corps), vice Maj. Alvin C. Voris, retained in the Signal Corps.

Capt. Fred L. Davidson, Infantry, vice Maj. Frank R. Curtis, retained in the Signal Corps.

Capt. George E. Kumpe, Infantry, vice Maj. William H. Waldron, appointed lieutenant colonel in the National Army.

Capt. Milo C. Corey, Infantry, vice Maj. Thomas M. Anderson, jr., promoted lieutenant colonel.

Capt. Arthur M. Ferguson, Infantry, detached officers' list, vice Maj. John B. Hunt, promoted lieutenant colonel.

Capt. De Witt W. Chamberlin, Infantry (Quartermaster Corps), vice Maj. Claude H. Miller, promoted lieutenant colonel.

Capt. Walter H. Johnson, Infantry, vice Maj. De Witt W. Chamberlin, retained in the Quartermaster Corps.

Capt. Robert G. Rutherford, jr., Infantry, vice Maj. John H. Hughes, promoted lieutenant colonel.

Capt. Robert E. Grinstead, Infantry (Quartermaster Corps), vice Maj. Rufus E. Longan, promoted lieutenant colonel.

Capt. Albert S. Williams, Infantry, vice Maj. Robert E. Grinstead, retained in the Quartermaster Corps.

Capt. William B. Graham, Infantry (Quartermaster Corps), vice Maj. Edward E. Roche, promoted lieutenant colonel.

Capt. Charles J. Nelson, Infantry (Quartermaster Corps), vice Maj. William B. Graham, retained in the Quartermaster Corps.

Capt. E. Alexis Jeunet, Infantry, vice Maj. Charles J. Nelson, retained in the Quartermaster Corps.

Capt. Charles H. Danforth, Infantry, vice Maj. Henry M. Dichmann, promoted lieutenant colonel.

Capt. Gideon H. Williams, Infantry, detached officers' list, vice Maj. Charles S. Lincoln, appointed lieutenant colonel in the National Army.

Capt. Fred W. Bugbee, Infantry, vice Maj. Halstead Dorey, promoted lieutenant colonel.

Capt. Leonard T. Baker, Infantry, vice Maj. Edgar T. Conley, promoted lieutenant colonel.

Capt. Charles S. Frank, Infantry (Quartermaster Corps), vice Maj. George J. Holden, appointed lieutenant colonel in the National Army.

Capt. Franklin S. Leisenring, Infantry (Quartermaster Corps), vice Maj. Charles S. Frank, retained in the Quartermaster Corps.

Capt. Charles F. Andrews, Infantry, vice Maj. Franklin S. Leisenring, retained in the Quartermaster Corps.

Capt. Allan L. Briggs, Infantry, vice Maj. Easton R. Gibson, appointed lieutenant colonel in the National Army.

Capt. James M. Petty, Infantry, vice Maj. Walter C. Sweeney, appointed lieutenant colonel in the National Army.

Capt. John B. Shuman, Infantry, vice Maj. John Robertson, promoted lieutenant colonel.

Capt. Charles G. Lawrence, Infantry (Quartermaster Corps), vice Maj. James V. Heidt, promoted lieutenant colonel.

Capt. Frederic G. Kellond, Infantry, vice Maj. Charles G. Lawrence, retained in the Quartermaster Corps.

Capt. William P. Kitts, Infantry, vice Maj. Patrick H. Mullay, promoted lieutenant colonel.

Capt. Walter Harvey, Infantry, vice Maj. Frank D. Wickham, appointed lieutenant colonel in the National Army.

Capt. Frank B. Davis, Infantry, vice Maj. John J. Toffey, appointed lieutenant colonel in the National Army.

Capt. Harry D. Mitchell, Infantry, detached officers' list, vice Maj. Mark Wheeler, appointed lieutenant colonel in the National Army.

Capt. Ode C. Nichols' Infantry, vice Maj. Ivers W. Leonard, appointed lieutenant colonel in the National Army.

Capt. Kirwin T. Smith, Infantry, vice Maj. Pearl M. Shaffer, appointed lieutenant colonel in the National Army.

Capt. William W. Bessell, Infantry, vice Maj. Laurence A. Curtis, appointed lieutenant colonel in the National Army.

Capt. Frank C. Burnett, Infantry, vice Maj. Raymond Sheldon, appointed lieutenant colonel in the National Army.

Capt. Collin H. Ball, Infantry, vice Maj. James D. Taylor, appointed lieutenant colonel in the National Army.

Capt. A. Owen Seaman, Infantry (General Staff), vice Maj. Frank Halstead, appointed lieutenant colonel in the National Army.

Capt. Clifford U. Leonori, Infantry, vice Maj. A. Owen Seaman, retained in the General Staff.

Capt. Benjamin H. Pope, Infantry, vice Maj. Archie J. Harris, appointed lieutenant colonel in the National Army.

Capt. Julian L. Dodge, Infantry (Quartermaster Corps), vice Maj. Alexander J. Macnab, appointed lieutenant colonel in the National Army.

Capt. Herman Glade, Infantry, vice Maj. Julian L. Dodge, retained in the Quartermaster Corps.

Capt. Frank S. Bowen, Infantry, vice Maj. Robert M. Brambila, appointed lieutenant colonel in the National Army.

Capt. Robert H. Peck, Infantry, vice Maj. C. de Grasse Catlin, appointed lieutenant colonel in the National Army.

Capt. Ward Dabney, Infantry (Quartermaster Corps), vice Maj. Henry S. Wagner, appointed lieutenant colonel in the National Army.

Capt. William W. Taylor, jr., Infantry, vice Maj. Ward Dabney, retained in the Quartermaster Corps.

Capt. Russell C. Hand, Infantry, detached officers' list, vice Maj. Frederick G. Knabenshue, appointed lieutenant colonel in the National Army.

Capt. George A. Herbst, Infantry, vice Maj. James E. Bell, appointed lieutenant colonel in the National Army.

Capt. Philip J. Lauber, Infantry, vice Maj. James M. Love, jr., appointed lieutenant colonel in the National Army.

Capt. Thomas M. Hunter, Infantry, vice Maj. Paul H. McCook, appointed lieutenant colonel in the National Army.

Capt. Elverton E. Fuller, Infantry, vice Maj. George B. Pond, appointed lieutenant colonel in the National Army.

Capt. William S. Neely, Infantry, vice Maj. James B. Kemper, appointed lieutenant colonel in the National Army.

Capt. Frank H. Adams, Infantry, vice Maj. John W. Barnes, appointed lieutenant colonel in the National Army.

Capt. George C. Lewis, Infantry, detached officers' list, vice Maj. Frank W. Rowell, appointed lieutenant colonel in the National Army.

Capt. William H. Patterson, Infantry, detached officers' list, vice Maj. Charles E. Morton, appointed lieutenant colonel in the National Army.

Capt. Leonard J. Mygatt, Infantry, vice Maj. Garrison McCaskey, appointed lieutenant colonel in the National Army.

Capt. Elliott M. Norton, Infantry, vice Maj. Woodson Hocker, appointed lieutenant colonel in the National Army.

Capt. Roscoe H. Hearn, Infantry, vice Maj. Charles B. Clark, appointed lieutenant colonel in the National Army.

Capt. Morris M. Keck, Infantry, vice Maj. James Hanson, appointed lieutenant colonel in the National Army.

Capt. Auswell E. Veitsch, Infantry, vice Maj. William F. Merry, appointed lieutenant colonel in the National Army.

Capt. Joseph C. Kay, Infantry (Quartermaster Corps), vice Maj. George W. Stuart, appointed lieutenant colonel in the National Army.

Capt. Walter C. Jones, Infantry (Quartermaster Corps), vice Maj. Joseph C. Kay, retained in the Quartermaster Corps.

Capt. La Vergne L. Gregg, Infantry, vice Maj. Walter C. Jones, retained in the Quartermaster Corps.

Capt. Bertram P. Johnson, Infantry, vice Maj. Ephraim G. Peyton, appointed lieutenant colonel in the National Army.

Capt. Bruno T. Scher, Infantry, vice Maj. William L. Reed, appointed lieutenant colonel in the National Army.

Capt. Gustav A. Wieser, Infantry, vice Maj. Charles L. McKain, appointed lieutenant colonel in the National Army.

Capt. Charles R. W. Morison, Infantry, vice Maj. George E. Stewart, appointed lieutenant colonel in the National Army.

Capt. Walter L. Reed, Infantry, detached officers' list, vice Maj. Alden C. Knowles, appointed lieutenant colonel in the National Army.

Capt. Ira F. Fravel, Infantry, vice Maj. Henry A. Hanigan, appointed lieutenant colonel in the National Army.

Capt. Ned M. Green, Infantry, vice Maj. John W. Wright, appointed lieutenant colonel in the National Army.

Capt. J. Alfred Moss, Infantry, vice Maj. Grosvenor L. Townsend, appointed lieutenant colonel in the National Army.

Capt. Charles F. Leonard, Infantry, vice Maj. James K. Parsons, appointed lieutenant colonel in the National Army.

Capt. Franklin P. Jackson, Infantry (Quartermaster Corps), vice Maj. Reuben Smith, appointed lieutenant colonel in the National Army.

Capt. John S. Chambers, Infantry (Quartermaster Corps), vice Maj. Franklin P. Jackson, retained in the Quartermaster Corps.

Capt. James Regan, Infantry (Quartermaster Corps), vice Maj. John S. Chambers, retained in the Quartermaster Corps.

Capt. Gilbert M. Allen, Infantry, vice Maj. James Regan, retained in the Quartermaster Corps.

Capt. John Randolph, Infantry, detached officers' list, vice Maj. Howard C. Price, appointed lieutenant colonel in the National Army.

Capt. Clyde B. Crusan, Infantry (Quartermaster Corps), vice Maj. William E. Hunt, appointed lieutenant colonel in the National Army.

Capt. Sherman A. White, Infantry, detached officers' list, vice Maj. Clyde B. Crusan, retained in the Quartermaster Corps.

Capt. William H. Clendenin, Infantry, vice Maj. Leon L. Roach, appointed lieutenant colonel in the National Army.

Capt. John M. Craig, Infantry, vice Maj. Horace P. Hobbs, appointed lieutenant colonel in the National Army.

Capt. William G. Ball, Infantry (Quartermaster Corps), vice Maj. Louis J. Van Schaick, appointed lieutenant colonel in the National Army.

Capt. Charles Abel, Infantry (Quartermaster Corps), vice Maj. William G. Ball, retained in the Quartermaster Corps.

Capt. Walter E. Gunster, Infantry (Quartermaster Corps), vice Maj. Charles Abel, retained in the Quartermaster Corps.

Capt. William R. Kendrick, Infantry, vice Maj. Walter E. Gunster, retained in the Quartermaster Corps.

Capt. Horace F. Sykes, Infantry, vice Maj. George S. Tiffany, appointed lieutenant colonel in the National Army.

Capt. Oliver P. Robinson, Infantry, vice Maj. Arthur Shipp, appointed lieutenant colonel in the National Army.

Capt. George K. Wilson, Infantry, vice Maj. Paul Hurst, appointed lieutenant colonel in the National Army.

Capt. Gerrit Van S. Quackenbush, Infantry, detached officers' list, vice Maj. Allen Smith, jr., appointed lieutenant colonel in the National Army.

Capt. Sydney H. Hopson, Infantry (Quartermaster Corps), vice Maj. Frank B. Hawkins, appointed lieutenant colonel in the National Army.

Capt. William E. Gillmore, Infantry, vice Maj. Sydney H. Hopson, retained in the Quartermaster Corps.

Capt. William E. Persons, Infantry (Quartermaster Corps), vice Maj. Walt C. Johnson, appointed lieutenant colonel in the National Army.

Capt. James G. Taylor, Infantry, vice Maj. William E. Persons, retained in the Quartermaster Corps.

Capt. H. Clay M. Supplee, Infantry, vice Maj. Josephus S. Cecil, appointed lieutenant colonel in the National Army.

Capt. Alex M. Hall, Infantry, vice Maj. Albert R. Dillingham, appointed lieutenant colonel in the National Army.

Capt. Elliot M. Caziarc, Infantry, vice Maj. Henry A. Ripley, appointed lieutenant colonel in the National Army.

Capt. Carl C. Jones, Infantry, vice Maj. William A. Kent, appointed lieutenant colonel in the National Army.

Capt. Alfred J. Booth, Infantry, vice Maj. Samuel W. Noyes, appointed lieutenant colonel in the National Army.

Capt. Joseph A. Marmon, Infantry, vice Maj. James T. Watson, appointed lieutenant colonel in the National Army.

Capt. Rinaldo R. Wood, Infantry (Quartermaster Corps), vice Maj. William W. McCammon, appointed lieutenant colonel in the National Army.

Capt. Leonard H. Cook, Infantry, vice Maj. Rinaldo R. Wood, retained in the Quartermaster Corps.

Capt. Horatio I. Lawrence, Infantry, vice Maj. Albert B. Sloan, appointed lieutenant colonel in the National Army.

Capt. William B. Wallace, Infantry (Quartermaster Corps), vice Maj. Lawrence P. Butler, appointed lieutenant colonel in the National Army.

Capt. Shepard L. Pike, Infantry, vice Maj. William B. Wallace, retained in the Quartermaster Corps.

Capt. Henry G. Stahl, Infantry, detached officers' list, vice Maj. William G. Doane, appointed lieutenant colonel in the National Army.

Capt. Roy C. Kirtland, Infantry, vice Maj. James M. Kimbrough, jr., appointed lieutenant colonel in the National Army.

Capt. Alfred C. Arnold, Infantry, vice Maj. Ernest Van D. Murphy, appointed lieutenant colonel in the National Army.

Capt. Vernon W. Boller, Infantry (Quartermaster Corps), vice Maj. William A. Cavenaugh, appointed lieutenant colonel in the National Army.

Capt. Wallace McNamara, Infantry, vice Maj. Vernon W. Boller, retained in the Quartermaster Corps.

Capt. David A. Henkes, Infantry, vice Maj. Benjamin D. Tillman, appointed lieutenant colonel in the National Army.

Capt. Guy A. Bucker, Infantry, vice Maj. Charles F. Bates, appointed lieutenant colonel in the National Army.

Capt. Robert G. Peck, Infantry, vice Maj. William H. Jordan, jr., appointed lieutenant colonel in the National Army.

Capt. Robert J. Binford, Infantry, vice Maj. Adolphe H. Huguet, appointed lieutenant colonel in the National Army.

Capt. Sheldon W. Anding, Infantry, vice Maj. John N. Straat, appointed lieutenant colonel in the National Army.

Capt. William G. Murchison, Infantry, detached officers' list, vice Maj. James Justice, appointed lieutenant colonel in the National Army.

Capt. Elvin H. Wagner, Infantry, vice Maj. Eldred D. Warfield, appointed lieutenant colonel in the National Army.

Capt. Thomas W. Brown, Infantry (General Staff), vice Maj. Joseph K. Partello, appointed lieutenant colonel in the National Army.

Capt. Otis R. Cole, Infantry, detached officers' list, vice Maj. Thomas W. Brown, retained in the General Staff.

Capt. Shelby C. Leasure, Infantry, detached officers' list, vice Maj. Edgar A. Myer, appointed lieutenant colonel in the National Army.

Capt. Charles F. Herr, Infantry, vice Maj. Joseph W. Beacham, jr., appointed lieutenant colonel in the National Army.

Capt. Fred H. Turner, Infantry, vice Maj. Robert H. Wescott, appointed lieutenant colonel in the National Army.

Capt. Edwin O. Saunders, Infantry, vice Maj. John L. Bond, appointed lieutenant colonel in the National Army.

Capt. Arthur L. Bump, Infantry, vice Maj. Charles W. Weeks, appointed lieutenant colonel in the National Army.

Capt. Willis E. Mills, Infantry, vice Maj. Lucius C. Bennett, appointed lieutenant colonel in the National Army.

Capt. Harry W. Gregg, Infantry, vice Maj. Paul C. Galleher, appointed lieutenant colonel in the National Army.

Capt. Staley A. Campbell, Infantry, detached officers' list, vice Maj. Howard G. Davis, appointed lieutenant colonel in the National Army.

Capt. John R. Brewer, Infantry, vice Maj. Lambert W. Jordan, jr., promoted lieutenant colonel.

Capt. Leo A. Dewey, Infantry, vice Maj. Edgar A. Fry, appointed lieutenant colonel in the National Army.

Capt. John P. McAdams, Infantry, vice Maj. George F. Baltzell, appointed lieutenant colonel in the National Army.

Capt. Thomas T. Duke, Infantry, vice Maj. Martin L. Crimmins, appointed lieutenant colonel in the National Army.

Capt. Edward G. McCleave, Infantry, vice Maj. Alfred Aloe, appointed lieutenant colonel in the National Army.

Capt. Hugh A. Parker, Infantry, vice Maj. George S. Simonds, appointed lieutenant colonel in the National Army.

Capt. James E. Ware, Infantry (Quartermaster Corps), vice Maj. Samuel M. McIntyre, appointed lieutenant colonel in the National Army.

Capt. Kenneth P. Williams, Infantry (Quartermaster Corps), vice Maj. James E. Ware, retained in the Quartermaster Corps.

Capt. William A. Alfonte, Infantry, vice Maj. Kenneth P. Williams, retained in the Quartermaster Corps.

Capt. Charles E. Swartz, Infantry (Signal Corps), vice Maj. Harvey W. Miller, promoted lieutenant colonel.

Capt. Benjamin D. Foulois, Infantry (Signal Corps), vice Maj. Charles E. Swartz, retained in the Signal Corps.

Capt. Goodwin Compton, Infantry, vice Maj. Benjamin D. Foulois, retained in the Signal Corps.

Capt. Launcelot M. Purcell, Infantry (Quartermaster Corps), vice Maj. Daniel G. Berry, promoted lieutenant colonel.

Capt. Charles T. Smart, Infantry, vice Maj. Launcelot M. Purcell, retained in the Quartermaster Corps.

Capt. Girard L. McEntee, Infantry (Signal Corps), vice Maj. Ralph E. Ingram, promoted lieutenant colonel.

Capt. John Scott, Infantry (Signal Corps), vice Maj. Girard L. McEntee, retained in the Signal Corps.

Capt. George C. Marshall, jr., Infantry (General Staff), vice Maj. John Scott, retained in the Signal Corps.

Capt. John C. Waterman, Infantry, detached officers' list, vice Maj. George C. Marshall, retained in the General Staff.

Capt. Alfred A. Hickox, Infantry, detached officers' list, vice Maj. Alvan C. Rend, promoted lieutenant colonel.

Capt. John E. Green, Infantry, detached officers' list, vice Maj. Bryan Conrad, appointed lieutenant colonel in the National Army.

Capt. Jason M. Walling, Infantry (Quartermaster Corps), vice Maj. Harry E. Knight, appointed lieutenant colonel in the National Army.

Capt. Robert L. Weeks, Infantry, vice Maj. Jason M. Walling, retained in the Quartermaster Corps.

Capt. Charles A. Hunt, Infantry, vice Maj. Earle W. Tanner, appointed lieutenant colonel in the National Army.

Capt. Harry S. Adams, Infantry, vice Maj. Milton A. Elliott, jr., appointed lieutenant colonel in the National Army.

Capt. Gilbert H. Stewart, Infantry (Ordnance Department), vice Maj. Ernest E. Haskell, appointed lieutenant colonel in the National Army.

Capt. Frederick F. Black, Infantry, vice Maj. Gilbert H. Stewart, retained in the Ordnance Department.

Capt. David H. Bower, Infantry (Signal Corps), vice Maj. John B. Sanford, appointed lieutenant colonel in the National Army.

Capt. Hiram M. Cooper, Infantry, vice Maj. David H. Bower, retained in the Signal Corps.

Capt. Benjamin F. Miller, Infantry (Quartermaster Corps), vice Maj. G. Arthur Hadsell, appointed lieutenant colonel in the National Army.

Capt. Charles M. Blackford, Infantry, vice Maj. Benjamin F. Miller, retained in the Quartermaster Corps.

Capt. Walter O. Boswell, Infantry, detached officers' list, vice Maj. J. Millard Little, appointed lieutenant colonel in the National Army.

Capt. Deshler Whiting, Infantry, vice Maj. Edward R. Stone, appointed lieutenant colonel in the National Army.

Capt. Gulielmus V. Heidt, Infantry, detached officers' list, vice Maj. Willis P. Coleman, appointed lieutenant colonel in the National Army.

Capt. Emory S. Adams, Infantry, detached officers' list, vice Maj. Hilden Olin, appointed lieutenant colonel in the National Army.

Capt. Ralph W. Drury, Infantry, vice Maj. Ira C. Welborn, promoted lieutenant colonel.

Capt. John C. Fairfax, Infantry, detached officers' list, vice Maj. Charles W. Exton, promoted lieutenant colonel.

Capt. Fred C. Miller, Infantry, vice Maj. Edgar Ridenour, promoted lieutenant colonel.

Capt. Charles L. Mitchell, Infantry, detached officers' list, vice Maj. Chauncey B. Humphrey, promoted lieutenant colonel.

Capt. Robert J. West, Infantry, vice Maj. Joseph F. Gohn, promoted lieutenant colonel.

Capt. Odiorne H. Sampson, Infantry (Quartermaster Corps), vice Maj. James H. Bradford, jr., promoted lieutenant colonel.

Capt. Albert Hardman, Infantry, vice Maj. Odiorne H. Sampson, retained in the Quartermaster Corps.

Capt. William E. Holliday, Infantry, vice Maj. Clifton C. Kinney, appointed lieutenant colonel in the National Army.

Capt. Jesse M. Holmes, Infantry, vice Maj. Frederick R. De Funiak, jr., appointed lieutenant colonel in the National Army.

Capt. Maynard A. Wells, Infantry, vice Maj. A. La Rue Christie, appointed lieutenant colonel in the National Army.

Capt. Hans O. Olson, Infantry, detached officers' list, vice Maj. Patrick A. Connolly, promoted lieutenant colonel.

Capt. Charles A. Thuis, Infantry (Quartermaster Corps), vice Maj. John V. Schoeffel, promoted lieutenant colonel.

Capt. Claremont A. Donaldson, Infantry, vice Maj. Charles A. Thuis, retained in the Quartermaster Corps.

Capt. Franklin T. Burt, Infantry (Quartermaster Corps), vice Maj. Englebert G. Ovenshine, promoted lieutenant colonel.

Capt. Rutherford S. Hartz, Infantry, vice Maj. Franklin T. Burt, retained in the Quartermaster Corps.

Capt. Charles S. Hamilton, Infantry, vice Maj. Moor N. Falls, appointed lieutenant colonel in the National Army.

Capt. Oscar K. Tolley, Infantry, vice Maj. Edward Croft, appointed lieutenant colonel in the National Army.

Capt. Joseph F. Ware, Infantry, vice Maj. Stanley H. Ford, appointed lieutenant colonel in the National Army.

Capt. Harry L. Jordan, Infantry, vice Maj. Clement Trott, appointed lieutenant colonel in the National Army.

Capt. Dean Halford, Infantry (Quartermaster Corps), vice Maj. Duncan K. Major, jr., appointed lieutenant colonel in the National Army.

Capt. Ralph W. Kingman, Infantry, detached officers' list, vice Maj. Dean Halford, retained in the Quartermaster Corps.

Capt. Donald D. Hay, Infantry, vice Maj. Chase Doster, appointed lieutenant colonel in the National Army.

Capt. Philip G. Wrightson, Infantry, vice Maj. George H. White, appointed lieutenant colonel in the National Army.

Capt. George W. Ewell, Infantry, vice Maj. Robert J. Maxey, promoted lieutenant colonel.

Capt. Claire R. Bennett, Infantry, vice Maj. George N. Bomford, promoted lieutenant colonel.

Capt. Bowers Davis, Infantry (Quartermaster Corps), vice Maj. Austin F. Prescott, appointed lieutenant colonel in the National Army.

Capt. John McE. Pruyn, Infantry, vice Maj. Bowers Davis, retained in the Quartermaster Corps.

Capt. Henry W. Fleet, Infantry, detached officers' list, vice Maj. Cyrus A. Dolph, appointed lieutenant colonel in the National Army.

Capt. Charles G. Sturtevant, Infantry, vice Maj. John E. Morris, appointed lieutenant colonel in the National Army.

Capt. Francis H. Burr, Infantry, vice Maj. Richmond Smith, appointed lieutenant colonel in the National Army.

Capt. John C. Ashburn, Infantry, detached officers' list, vice Maj. Arthur P. Watts, appointed lieutenant colonel in the National Army.

Capt. Charles H. Mason, Infantry (General Staff), vice Maj. Benjamin P. Nicklin, promoted lieutenant colonel.

Capt. Nicholas W. Campanoli, Infantry, vice Maj. Charles H. Mason, retained in the General Staff.

Capt. John G. Macomb, Infantry, vice Maj. John W. French, promoted lieutenant colonel.

Capt. L. Worthington Moseley, Infantry (Quartermaster Corps), vice Maj. Cromwell Stacey, promoted lieutenant colonel.

Capt. Joseph O. Mauborgne, Infantry (Signal Corps), vice Maj. L. Worthington Moseley, retained in the Quartermaster Corps.

Capt. Joseph M. Cummins, Infantry, vice Maj. Joseph O. Mauborgne, retained in the Signal Corps.

Capt. Thomas C. Musgrave, Infantry, vice Maj. Robert O. Van Horn, promoted lieutenant colonel.

Capt. Converse R. Lewis, Infantry, detached officers' list, vice Maj. Frederick S. L. Price, appointed lieutenant colonel in the National Army.

Capt. Robert M. Lyon, Infantry, vice Maj. Alexander M. Wetherill, appointed lieutenant colonel in the National Army.

Capt. Benjamin E. Grey, Infantry, detached officers' list, vice Maj. Eleutheros Cooke, promoted lieutenant colonel.

Capt. Elvid Hunt, Infantry, vice Maj. John R. Thomas, jr., appointed lieutenant colonel in the National Army.

Capt. Jacob W. S. Wuest, Infantry, detached officers' list, vice Maj. Henry M. Bankhead, appointed lieutenant colonel in the National Army.

Capt. Max B. Garber, Infantry, detached officers' list, vice Maj. James G. Hannah, appointed lieutenant colonel in the National Army.

Capt. Corbit S. Hoffman, Infantry, vice Maj. Fred E. Smith, appointed lieutenant colonel in the National Army.

Capt. E. Llewellyn Bull, Infantry, detached officers' list, vice Maj. Harry L. Cooper, appointed lieutenant colonel in the National Army.

Capt. Truman W. Carrithers, Infantry, vice Maj. Robert H. Sillman, appointed lieutenant colonel in the National Army.

Capt. George F. Roselle, Infantry, vice Maj. Halsey E. Yates, promoted lieutenant colonel.

Capt. Charles F. Severson, Infantry, detached officers' list, vice Maj. Wilson B. Burtt, promoted lieutenant colonel.

Capt. Reuben C. Taylor, Infantry, vice Maj. Oliver S. Eskridge, promoted lieutenant colonel.

Capt. C. Stockmar Bendel, Infantry, vice Maj. George D. Freeman, jr., promoted lieutenant colonel.

Capt. Robert E. Boyers, Infantry, vice Maj. John L. Jordon, promoted lieutenant colonel.

Capt. Burt W. Phillips, Infantry, vice Maj. Samuel L. Price, promoted lieutenant colonel.

Capt. Ben F. Ristine, Infantry, detached officers' list, vice Maj. Lochlin W. Caffey, promoted lieutenant colonel.

Capt. William C. Russell, Infantry, detached officers' list, vice Maj. Thomas L. Brewer, appointed lieutenant colonel in the National Army.

Capt. Roland W. Boughton, Infantry (Quartermaster Corps), vice Maj. George E. Ball, appointed lieutenant colonel in the National Army.

Capt. Keith S. Gregory, Infantry, vice Maj. Roland W. Boughton, retained in the Quartermaster Corps.

Capt. Homer N. Preston, Infantry, vice Maj. Francis J. McConnell, appointed lieutenant colonel in the National Army.

Capt. Jesse Gaston, Infantry, detached officers' list, vice Maj. Claude S. Fries, appointed lieutenant colonel in the National Army.

Capt. William F. Harrell, Infantry, detached officers' list, vice Maj. Charles B. Stone, jr., appointed lieutenant colonel in the National Army.

Capt. Jesse D. Elliott, Infantry, detached officers' list, vice Maj. Thaddeus B. Seigle, appointed lieutenant colonel in the National Army.

Capt. Edward H. Tarbutton, Infantry, vice Maj. William S. Faulkner, promoted lieutenant colonel.

Capt. Carroll B. Hodges, Infantry, detached officers' list, vice Maj. Ernest H. Agnew, promoted lieutenant colonel.

Capt. Fitzhugh B. Alderdice, Infantry, detached officers' list, vice Maj. Robert O. Ragsdale, promoted lieutenant colonel.

Capt. James M. Churchill, Infantry (Quartermaster Corps), vice Maj. Austin A. Parker, promoted lieutenant colonel.

Capt. Philip H. Bagby, Infantry, vice Maj. James M. Churchill, retained in the Quartermaster Corps.

Capt. Luther R. James, Infantry, detached officers' list, vice Maj. Charles M. Gordon, jr., promoted lieutenant colonel.

Capt. Andrew D. Chaffin, Infantry, vice Maj. Fred Van S. Chamberlain, promoted lieutenant colonel.

Capt. Ernest B. Smalley, Infantry, detached officers' list, vice Maj. Sylvester Bonnaffon, 3d, promoted lieutenant colonel.

Capt. Frederick W. Boschen, Infantry, vice Maj. Joseph C. Brady, promoted lieutenant colonel.

Capt. Manfred Lanza, Infantry, vice Maj. John H. Page, jr., promoted lieutenant colonel.

Capt. Louis Farrell, Infantry, detached officers' list, vice Maj. Parker Hitt, promoted lieutenant colonel.

Capt. James B. Nalle, Infantry, detached officers' list, vice Maj. Paul W. Beck, promoted lieutenant colonel.

Capt. John J. Burleigh, Infantry, detached officers' list, vice Maj. John J. Miller, promoted lieutenant colonel.

Capt. Manuel M. Garrett, Infantry (Quartermaster Corps), vice Maj. Jesse M. Cullison, promoted lieutenant colonel.

Capt. Augustine A. Hofmann, Infantry (Quartermaster Corps), vice Maj. Manuel M. Garrett, retained in the Quartermaster Corps.

Capt. James Blyth, Infantry, vice Maj. Augustine A. Hofmann, retained in the Quartermaster Corps.

Capt. Edwin Gunner, Infantry (Quartermaster Corps), vice Maj. Wilbur A. McDaniel, promoted lieutenant colonel.

Capt. Resolve P. Palmer, Infantry, detached officers' list, vice Maj. Edwin Gunner, retained in the Quartermaster Corps.

Capt. Edward E. McCammon, Infantry, vice Maj. Evert R. Wilson, promoted lieutenant colonel.

Capt. Philip Remington, Infantry, detached officers' list, vice Maj. Philip Powers, promoted lieutenant colonel.

Capt. Charles H. Rich, Infantry, vice Maj. Clenard McLaughlin, promoted lieutenant colonel.

Capt. Paul C. Potter, Infantry, vice Maj. Edward B. Mitchell, promoted lieutenant colonel.

Capt. Albert T. Rich, Infantry, detached officers' list, vice Maj. Harol D. Coburn, promoted lieutenant colonel.

Capt. David P. Wood, Infantry, vice Maj. Robert Whitfield, promoted lieutenant colonel.

Capt. Edgar Z. Steever, 3d, Infantry, detached officers' list, vice Maj. Abraham U. Loeb, promoted lieutenant colonel.

Capt. Philip B. Peyton, Infantry, detached officers' list, vice Maj. James M. Loud, promoted lieutenant colonel.

Capt. Frederick B. Terrell, Infantry, vice Maj. J. DeCamp Hall, promoted lieutenant colonel.

Capt. Charles A. Dravo, Infantry, vice Maj. Davis C. Anderson, promoted lieutenant colonel.

Capt. James G. McIlroy, Infantry, detached officers' list, vice Maj. Robert D. Carter, promoted lieutenant colonel.

Capt. Richard J. Herman, Infantry (Quartermaster Corps), vice Maj. Douglas Potts, promoted lieutenant colonel.

Capt. Edwin L. Hooper, Infantry, vice Maj. Richard J. Herman, retained in the Quartermaster Corps.

Capt. Irving J. Phillipson, Infantry, detached officers' list, vice Maj. Vincent M. Elmore, promoted lieutenant colonel.

Capt. Edmund B. Gregory, Infantry (Quartermaster Corps), vice Maj. Benjamin R. Wade, promoted lieutenant colonel.

Capt. Gordon R. Catts, Infantry, vice Maj. Edmund B. Gregory, retained in the Quartermaster Corps.

Capt. Ursa M. Diller, Infantry, detached officers' list, vice Maj. George E. Goodrich, promoted lieutenant colonel.

Capt. Edwin Butcher, Infantry, vice Maj. Roy C. Kirtland, detailed in the Signal Corps.

Capt. Russel V. Venable, Infantry, vice Maj. Edward E. McCammon, detailed in the Signal Corps.

Capt. Arthur J. Davis, Infantry, detached officers' list, vice Maj. Harry W. Gregg, detailed in the Signal Corps.

Capt. Martin C. Wise, Infantry, detached officers' list, vice Maj. Ira F. Fravel, detailed in the Signal Corps.

Capt. Walter S. Drysdale, Infantry, vice Maj. Leonard J. Myzatt, detailed in the Signal Corps.

Capt. Charles A. Meals, Infantry, vice Maj. Gerrit Van S. Quackenbush, detailed in the Signal Corps.

Capt. Matthew H. Thomlinson, Infantry, detached officers' list, vice Maj. Arthur L. Bump, detailed in the Quartermaster Corps.

Capt. Joseph A. Atkins, Infantry, vice Maj. C. Stockmar Bendel, detailed in the Quartermaster Corps.

Capt. Augustus B. Van Wormer, Infantry, detached officers' list, vice Maj. Keith S. Gregory, detailed in the Quartermaster Corps.

Capt. Thomas L. Crystal, Infantry (Signal Corps), vice Maj. Homer N. Preston, detailed in the Quartermaster Corps.

Capt. Arthur C. Budd, Infantry, vice Maj. Thomas L. Crystal, retained in the Signal Corps.

Capt. Ralph R. Glass, Infantry (Quartermaster Corps), vice Maj. Edward H. Tarbutton, detailed in the Quartermaster Corps.

Capt. Erle M. Wilson, Infantry, vice Maj. Ralph R. Glass, retained in the Quartermaster Corps.

Capt. Merrill E. Spalding, Infantry, vice Maj. Manfred Lanza, detailed in the Quartermaster Corps.

Capt. John D. Burnett, Infantry, vice Maj. Charles H. Rich, detailed in the Quartermaster Corps.

Capt. John S. Davis, Infantry, detached officers' list, vice Maj. Paul C. Potter, detailed in the Quartermaster Corps.

Capt. Robert B. Hewitt, Infantry (Quartermaster Corps), vice Maj. Ursa M. Diller, detailed in the Quartermaster Corps.

Capt. William F. D. Simpson, Infantry, vice Maj. Robert B. Hewitt, retained in the Quartermaster Corps.

Capt. Richard R. Pickering, Infantry, detached officers' list, vice Maj. Edwin S. Hartshorn, promoted lieutenant colonel.

Capt. Lowe A. McClure, Infantry, detached officers' list, vice Maj. Clark R. Elliott, promoted lieutenant colonel.

Capt. William R. Scott, Infantry, detached officers' list, vice Maj. Philip G. Wrightson, retired.

Capt. William W. Harris, jr., Infantry (General Staff), vice Maj. Edgar Z. Steever, 3d, detailed in the Signal Corps.

Capt. Napoleon W. Riley, Infantry (General Staff), vice Maj. William W. Harris, jr., retained in the General Staff.

Capt. James B. Woolnough, Infantry, detached officers' list, vice Maj. Napoleon W. Riley, retained in the General Staff.

Capt. Walter S. Fulton, Infantry, detached officers' list, vice Maj. Ralph B. Lister, promoted lieutenant colonel.

Capt. Sherburne Whipple, Infantry, detached officers' list, vice Maj. Andrew D. Chaffin, detailed in the General Staff.

Capt. Harry Hawley, Infantry, vice Maj. Merrill E. Spalding, detailed in the General Staff.

Capt. Thomas N. Gimperling, Infantry, vice Maj. Harry E. Comstock, promoted lieutenant colonel.

Capt. Hugh L. Walthall, Infantry, detached officers' list, vice Maj. Charles H. Morrow, promoted lieutenant colonel.

Capt. John B. Richardson, Infantry, vice Maj. Brady G. Rutteneutter, promoted lieutenant colonel.

Capt. Anton C. Cron, Infantry, vice Maj. Jennings B. Wilson, promoted lieutenant colonel.

Capt. George W. Edgerly, Infantry, detached officers' list, vice Maj. William W. Taylor, detailed in the General Staff.

Capt. Oscar W. Hoop, Infantry, vice Maj. Elvid Hunt, detailed in the General Staff.

Capt. John C. Moore, Infantry (Signal Corps), vice Maj. Elverton E. Fuller, detailed in the General Staff.

Capt. William F. Pearson, Infantry (Signal Corps), vice Maj. John C. Moore, retained in the Signal Corps.

Capt. Harry H. Bissell, Infantry, vice Maj. William F. Pearson, retained in the Signal Corps.

Capt. Charles B. Elliott, Infantry, detached officers' list, vice Maj. Walter H. Johnson, detailed in the General Staff.

Capt. John B. Corbly, Infantry, vice Maj. Roscoe H. Hearn, detailed in the General Staff.

Capt. Fitzhugh L. Minnigerode, Infantry, detached officers' list, vice Maj. Frederic G. Kellond, detailed in the General Staff.

Capt. Charles L. Sampson, Infantry, detached officers' list, vice Maj. Leo. A. Dewey, detailed in The Adjutant General's Department.

Capt. John M. True, Infantry, vice Maj. John B. Shuman, detailed in The Adjutant General's Department.

Capt. Bruce R. Campbell, Infantry, vice Maj. Clarence K. La Motte, promoted.

Capt. John C. French, Infantry, vice Maj. George M. Holley, promoted.

Capt. Benjamin B. McCroskey, Infantry, vice Maj. Charles E. Reese, promoted.

Capt. Cassius M. Dowell, Infantry, detached officers' list, vice Maj. Robert S. Knox, promoted.

Capt. Albert R. Knempfer, Infantry (Quartermaster Corps), vice Maj. Philip J. Lauber, detailed in the Inspector General's Department.

Capt. Charles W. Mason, Infantry, vice Maj. Albert R. Kaempfer, retained in the Quartermaster Corps.

Capt. Allan R. Williams, Infantry, vice Maj. George C. Shaw, detailed in the Inspector General's Department.

Capt. Aristides Moreno, Infantry, vice Maj. Walter L. Reed, detailed in the Inspector General's Department.

Capt. William L. Patterson, Infantry (Signal Corps), vice Maj. William P. Kitts, detailed in the Inspector General's Department.

Capt. Charles W. McClure, Infantry, vice Maj. William L. Patterson, retained in the Signal Corps.

Capt. Ambrose R. Emery, Infantry (Quartermaster Corps), vice Maj. Robert G. Peck, detailed in the Inspector General's Department.

Capt. Edmund C. Waddill, Infantry, detached officers' list, vice Maj. Ambrose R. Emery, retained in the Quartermaster Corps.

Capt. Rolland W. Case, Infantry, vice Maj. Horace F. Sykes, resigned commission as temporary major.

Capt. Norman F. Ramsey, Infantry (Ordnance Department), vice Maj. Oscar K. Tolley, detailed in the Quartermaster Corps.

Capt. De Witt C. T. Grubbs, Infantry (Quartermaster Corps), vice Maj. Norman F. Ramsey, retained in the Ordnance Department.

Capt. Thomas W. Hammond, Infantry (General Staff), vice Maj. De Witt C. T. Grubbs, retained in the Quartermaster Corps.

Capt. Calvin P. Titus, Infantry, vice Maj. Thomas W. Hammond, retained in the General Staff.

Capt. William C. Miller, Infantry, vice Maj. Charles L. Mitchell, resigned commission as temporary major.

Capt. Arthur W. Lane, Infantry (General Staff), vice Maj. Albert S. Williams, detailed in The Adjutant General's Department.

Capt. Bernard Lentz, Infantry, detached officers' list, vice Maj. Arthur W. Lane, retained in the General Staff.

Capt. Frederick C. Test, Infantry, detached officers' list, vice Maj. Frank C. Burnett, detailed in The Adjutant General's Department.

Capt. Owen S. Albright, Infantry (Signal Corps), vice Maj. Fred W. Bugbee, resigned commission as temporary major.

Capt. Fred H. Baird, Infantry, vice Maj. Owen S. Albright, retained in the Signal Corps.

Capt. Clifford C. Early, Infantry, detached officers' list, vice Maj. Oliver P. Robinson, detailed in the General Staff.

Capt. George F. Waugh, Infantry, vice Maj. Charles S. Hamilton, detailed in the Signal Corps.

To be major with rank from November 3, 1917.

Capt. Allan Rutherford, Infantry, vice Maj. George W. Edgerly, resigned commission as temporary major.

To be majors with rank from November 5, 1917.

Capt. William S. Weeks, Infantry, detached officers' list, vice Maj. Fred C. Miller, detailed in the Quartermaster Corps.

Capt. Charles S. Caffery, Infantry, detached officers' list, vice Maj. Arthur J. Davis, detailed in the Quartermaster Corps.

Capt. Louis A. Kunzig, Infantry, vice Maj. Charles A. Meals, detailed in the Quartermaster Corps.

Capt. John P. Bubb, Infantry, vice Maj. Harry D. Blasland, promoted.

To be majors with rank from November 7, 1917.

Capt. Joseph E. Barzynski, Infantry (Quartermaster Corps), vice Maj. George F. Waugh, detailed in the Signal Corps.

Capt. Ben W. Field, Infantry, vice Maj. Joseph E. Barzynski, retained in the Quartermaster Corps.

To be major with rank from November 12, 1917.

Capt. Bloxham Ward, Infantry, detached officers' list, vice Maj. Anton C. Cron, resigned commission as temporary major.

To be majors with rank from November 13, 1917.

Capt. Paul H. Clark, Infantry (Quartermaster Corps), vice Maj. Thomas C. Musgrave, detailed in the Signal Corps.

Capt. Thomas H. Lowe, Infantry, vice Maj. Paul H. Clark, retained in the Quartermaster Corps.

To be major with rank from November 15, 1917.

Capt. James W. H. Reisinger, jr., Infantry, vice Maj. Benjamin B. McCroskey, resigned commission as temporary major.

To be majors with rank from November 16, 1917.

Capt. Rupert A. Dunford, Infantry, vice Maj. Thomas J. Rogers, promoted.

Capt. Charles C. Bankhead, Infantry, vice Maj. Charles A. Bravo, detailed in the Signal Corps.

To be majors with rank from November 17, 1917.

Capt. John P. Adams, Infantry, detached officers' list, vice Maj. John M. True, resigned commission as temporary major.

Capt. Ira Longanecker, Infantry, detached officers' list, vice Maj. Charles L. Sampson, resigned commission as temporary major.

To be majors with rank from November 18, 1917.

Capt. William C. Whitener, Infantry, vice Maj. Thomas N. Gimperling, resigned commission as temporary major.

Capt. Frederick J. Ostermann, Infantry (Signal Corps), vice Maj. John C. French, resigned commission as temporary major.

Capt. William J. Connolly, Infantry (Quartermaster Corps), vice Maj. Frederick C. Ostermann, retained in the Signal Corps.

Capt. Everett D. Barlow, jr., Infantry, vice Maj. William J. Connolly, retained in the Quartermaster Corps.

Capt. Lawrence E. Hohl, Infantry, vice Maj. Rutherford S. Hartz, detailed in the Signal Corps.

Capt. James G. Boswell, Infantry, vice Maj. William W. Harris, jr., resigned commission as temporary major.

To be majors with rank from November 19, 1917.

Capt. Arthur D. Minick, Infantry (Ordnance Department), vice Maj. Harry Bissell, resigned commission as temporary major.

Capt. Paul R. Manchester, Infantry, vice Maj. Arthur D. Minick, retained in the Ordnance Department.

Capt. Byard Sneed, Infantry, vice Maj. Fitzhugh L. Minnigerode, resigned commission as temporary major.

Capt. Oscar Westover, Infantry (Signal Corps), vice Maj. Bruce R. Campbell, resigned commission as temporary major.

Capt. Martyn H. Shute, Infantry (Signal Corps), vice Maj. Oscar Westover, retained in the Signal Corps.

Capt. Fred A. Cook, Infantry, vice Maj. Martyn H. Shute, retained in the Signal Corps.

To be majors with rank from November 20, 1917.

Capt. George G. Bartlett, Infantry, vice Maj. Sherburne Whipple, resigned commission as temporary major.

To be majors with rank from November 21, 1917.

Capt. Henry B. Clagett, Infantry (Signal Corps), vice Maj. James B. Woolnough, resigned commission as temporary major.

Capt. Richard H. Jacob, Infantry, vice Maj. Henry B. Clagett, retained in the Signal Corps.

To be major with rank from November 22, 1917.

Capt. Ralph A. Jones, Infantry, detached officers' list, vice Maj. Allan R. Williams, resigned commission as temporary major.

To be majors with rank from November 23, 1917.

Capt. Hugo D. Schultz, Infantry, vice Maj. William R. Scott, resigned commission as temporary major.

Capt. Jacob E. Fickel, Infantry (Signal Corps), vice Maj. Charles W. Mason, resigned commission as temporary major.

Capt. Jesse W. Boyd, Infantry (Quartermaster Corps), vice Maj. Jacob E. Fickel, retained in the Signal Corps.

Capt. Ebenezer G. Beuret, Infantry, vice Maj. Jesse W. Boyd, retained in the Quartermaster Corps.

Capt. Rush B. Lincoln, Infantry (Signal Corps), vice Maj. John B. Corbly, resigned commission as temporary major.

Capt. Walter F. L. Hartigan, Infantry, vice Maj. Rush B. Lincoln, retained in the Signal Corps.

Capt. Bruce Magruder, Infantry, vice Maj. John B. Richardson, resigned commission as temporary major.

To be majors with rank from November 28, 1917.

Capt. George H. Huddleson, Infantry, detached officers' list, vice Maj. William E. Gillmore, detailed in the Signal Corps.

Capt. George C. Keleher, Infantry, vice Maj. Ira Longanecker, detailed in the Signal Corps.

To be major with rank from November 30, 1917.

Capt. Harry H. Pritchett, Infantry, vice Maj. James W. H. Reisinger, detailed in the Quartermaster Corps.

To be majors with rank from December 1, 1917.

Capt. Edgar L. Field, Infantry, vice Maj. Charles B. Elliott, resigned commission as temporary major.

Capt. Earl C. Buck, Infantry, vice Maj. Edmund C. Waddill, resigned commission as temporary major.

Capt. Jere Baxter, Infantry, detached officers' list, vice Maj. Arthur M. Ferguson, detailed in The Adjutant General's Department.

Capt. A. Ellicott Brown, Infantry, vice Maj. Harry Hawley, resigned commission as temporary major.

To be majors with rank from December 4, 1917.

Capt. James M. Lockett, Infantry, vice Maj. Jacob W. S. Wuest, detailed in the Signal Corps.

Capt. Eugene Robinson, Infantry, vice Maj. William W. Bessell, detailed in The Adjutant General's Department.

To be major with rank from December 10, 1917.

Capt. Jesse C. Drain, Infantry, detached officers' list, vice Maj. Joseph F. Ware, detailed in the Signal Corps.

To be major with rank from December 14, 1917.

Capt. Alexander W. Chilton, Infantry, detached officers' list, vice Maj. Alfred W. Bjornstad, promoted lieutenant colonel.

To be majors with rank from December 19, 1917.

Capt. William E. Morrison, Infantry, detached officers' list, vice Maj. Resolve P. Palmer, detailed in the Signal Corps.

Capt. Donald J. MacLachlan, Infantry, vice Maj. James G. Boswell, detailed in the Signal Corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 24, 1918.

POSTMASTER GENERAL.

Albert Sidney Burleson to be Postmaster General.

REGISTER OF THE LAND OFFICE.

Frank T. Woods, to be register of the land office at Billings, Mont.

APPOINTMENTS IN THE NAVY.

Rear Admiral Robert S. Griffin to be engineer in chief and Chief of the Bureau of Steam Engineering.

Paymaster Christian J. Peoples to be a pay director with the rank of rear admiral.

The following-named medical inspectors to be medical directors for temporary service:

Charles E. Riggs,
Ammen Farenholt, and
Charles P. Kindleberger.

Surg. Joseph C. Thompson to be a medical inspector for temporary service.

The following-named surgeons to be medical inspectors for temporary service:

Karl Ohnesorg,
William Seaman,
Archibald M. Fauntleroy,
Robert E. Hoyt,
Joseph P. Traynor,
John F. Murphy,
Jesse W. Backus, and
John L. Neilson.

Pay Inspector Joseph J. Cheatham to be a pay director for temporary service.

Paymaster George P. Dyer to be a pay inspector for temporary service.

The following-named paymasters to be pay inspectors for temporary service:

William A. Merritt,
Frederick K. Perkins,
Grey Skipwith,
McGill R. Goldsborough, and
Eugene C. Tobey.

The following-named officers to be ensigns for temporary service:

Jesse E. Walter,
Harry Waterhouse,
Oscar E. Harris,

Percy S. Hogarth,
Dolie Greenwell,
Earl H. Knee,
Thomas F. Cullen,
Thomas S. Beard,
Henry A. Beaman,
Arthur L. Karns,
George J. Wolf,
Frank W. Crilley,
Jesse M. Acuff, and
Lincoln B. Walker.

The following-named enlisted men to be ensigns for temporary service:

George Hurst,
William Smith,
Caleb A. Holbrook,
John M. Morrison,
George M. Donovan,
James F. Mullin,
Edward Van Pelt,
George T. Rolfes,
Ernest A. Broms,
Edward G. Evans,
John H. Rider,
Carlisle J. Christman,
William T. Murray,
Christian Bauer,
Charles A. Pilant,
John W. Cunningham,
Michael T. Minihan,
Charles Keenan,
James T. Brien,
Robert J. Denny,
Thomas A. Patterson,
Walter E. Holden, and
Howard Keane.

The following-named officers of the United States Naval Reserve Force to be ensigns for temporary service:

John Black, jr.,
Thomas H. Laine, and
Ludwig G. Hoefling.

The following-named pay inspectors to be pay directors for temporary srevice:

George G. Seibels and
Edmund W. Bonnaffon.

Pay Inspector Joseph Fyffe to be a pay director for temporary service.

The following-named paymasters to be pay inspectors for temporary service:

Franklin P. Sackett,
David M. Addison,
Victor S. Jackson,
John R. Sanford,
Herbert E. Stevens,
Charles R. O'Leary, and
Charles W. Eliason.

The following-named paymasters to be pay inspectors for temporary service:

Cuthbert J. Cleborne and
John D. Robnett.

Paymaster George W. Pigman, jr., to be a pay inspector for temporary service.

POSTMASTERS.

ALABAMA.

Albert M. Espey, Albertville.
James C. Burns, Bay Minette.
H. O. Sparks, Boaz.
Jefferson K. Quillin, Clayton.
Clifford T. Harris, Columbia.
William E. Crawford, Decatur.
D. F. Sugg, Ensley.
Mollie P. Henderson, Enterprise,
Charles S. McDowell, Eufaula.
Laura E. Richards, Foley.
C. E. Brooks, Fort Deposit.
Sylvanus W. Riddle, Gadsden.
William K. Kenan, Geneva.
Henry I. Goff, Hartford.
William G. Porter, Heflin.
Ed G. Caldwell, Jacksonville.
Hugh T. Caffey, Leeds.
W. P. Tartt, Livingston.
S. M. Roberts, Monroeville.
W. T. Morris, Ragland.
Stephen L. Dorroh, Reform.
Tommie P. Lewis, Scale.
John E. Delony, Tuscumbia.
B. C. Gibson, Tuskegee.
James A. Anderson, University.

ALASKA.

Everett McPhee, Anchorage.
John C. Allen, Petersburg.
Mrs. R. E. Coughlin, Treadwell.

ARIZONA.

Lola B. Tomlinson, Bowie.
Mamie B. Mayer, Mayer.
Jesse J. Rascoe, jr., Morenci.
Paul A. Smith, Tombstone.
Ange T. Pancrazi, Yuma.

ARKANSAS.

William A. Bushmiaer, Alma.
John L. McCain, Crossett.
James L. Cannon, De Queen.
James E. Leeper, Dermott.
Albert D. Agee, Gurdon, Ark.
W. O. Bartlett, Hamburg.
James F. Rieves, Marion.
W. B. Kyle, McCrory.
George R. Hays, Newport.
Flora A. Hall, Pocahontas.
Louis K. Buerkle, Stuttgart.
Lee R. See, Swifton.
John T. Chenirs, jr., Tillar.
H. L. Fuller, Waldron.
James M. Daniel, Wilmar.
A. B. Cone, Wilmot.

CALIFORNIA.

Thomas C. Stoddard, Alameda.
Nellie Pellet, Brawley.
Charles R. Thompson, Burbank.
Georgia A. Wiard, Chula Vista.
Anna M. Carson, Compton.
Oliver C. Williams, Dinuba.
Elizabeth M. Steel, Downey.
George P. Dobyns, El Monte.
William J. Simms, Gardena.
Warren A. Bradley, Gustine.
Milton M. Pilkenton, Hermosa Beach.
Mary F. Stevenson, Imperial.
W. K. McFarland, Jackson.
Sophie J. Rice, King City.
B. Q. R. Canon, La Mesa.
Charles Osborne, Lankershim.
W. D. McClellan, La Verne (late Lordsburg).
S. Willard Coffren, Llano.
Don C. Saunders, Lompoc.
Walter J. Desmond, Long Beach.
Orynthia Copeland, Los Altos.
Mabel Hanford, Lost Hills.
Thomas F. Fogarty, Marysville.
F. B. Nichols, McCloud.
Warren Rodgers, McKittrick.
Eugene J. Crane, Menlo Park.
Frank Zimmerman, Monrovia.
Francis F. Wrenn, Newcastle.
John W. Heard, Olicenter.
Clark McLain, Pasadena.
F. S. Harrison, Patterson.
Frank P. Firey, Pomona.
Alexander Ludwig, Redding.
Floyd Godfrey, San Dimas.
Charles W. Fay, San Francisco.
J. M. Qualls, Sanger.
Byron Millard, San Jose.
Michael F. Cochrane, San Rafael.
J. B. Laufman, Santa Paula.
George Gribble, Scotia.
Jesse D. Brite, Tehachapi.
Jesse A. Ivy, Thermal.
S. Eliza Stitt, Vacaville.
Norman P. Cormack, Wasco.
Alfred Bellen, Watts.

COLORADO.

Clark Cooper, Canon City.
Frederick H. Meyers, Clifton.
Herbert D. Barnhart, Creede.
A. J. Horan, Crested Butte.
Mary E. Holmes, Fleming.

Hubert Reynolds, Greeley.
Ralph E. Jordan, Grover.
Ruth N. Frame, Haswell.
William A. White, Holyoke.
Thomas J. Bradshaw, Ignacio.
Finley Dye, Julesburg.
Michael F. O'Day, Lafayette.
M. J. Brennan, Leadville.
T. T. Donovan, Longmont.
Charles L. Spillman, Norwood.
Sherman S. Bellesfield, Pueblo.
Judith Nichols, Ridgway.
Joseph W. Beery, Saguache.
Mary M. Minehouse, Wiley.

CONNECTICUT.

Thomas J. Sullivan, Baltic.
Patrick C. Cavanaugh, Burnside.
Jeremiah J. Sullivan, Colchester.
William J. Thomas, Moodus.
William I. Austin, Noroton Heights.
Samuel E. Louden, Riverside.
Thomas J. Quish, South Manchester.
Dennis C. Murphy, Taftville.
James T. Murray, Thompsonville.
Merritt E. Tooker, Uncasville.

DELAWARE.

William L. Duff, Newport.

IDAHO.

Samuel H. Laird, American Falls.
George W. Harris, Burke.
John E. Paul, Dubois.
W. J. Coltman, Idaho Falls.
Emil L. Mueller, Kamiah.
Alexander McDermid, Kimberly.
Charles H. Gelbach, Kooskia.
Howard E. King, Nampa.
Simpson M. Rich, Paris.
John Jay Nickles, Plummer.
Frederick H. Bradbury, Rathdrum.
Mac Scofield, Vollmer.
Frank S. Harding, Weiser.

INDIANA.

Michael E. Maloney, Aurora.
Frank S. Coffin, Bloomingdale.
Benjamin A. Batson, Bluffton.
William R. Dunn, Dale.
Orris Hooper, sr., Dillsboro.
W. P. Van Arsdall, Fairmount.
Charles Hatch, Fort Branch.
Marion A. Thomas, Jasonville.
Charles H. Ball, La Fayette.
Earl Talbott, Linton.
Kinsey B. Clark, Medaryville.
Lloyd W. Dunlap, Mentone.
Charles Wright, North Manchester.
James N. Culp, North Vernon.
William S. Tindall, Paoli.
Nehemiah Littlefield, Rensselaer.
John T. Cuskaden, St. Paul.
E. R. Niccum, Swayzee.
Walter H. Smith, Versailles.
Ernest E. Forsythe, Washington.

IOWA.

I. M. Finnell, Algona.
Ed. McConaughey, Allerton.
Orson R. Hutchison, Arlington.
George A. Pruitt, Blanchard.
Jair S. Wildman, Blockton.
John H. Schulte, Breda.
A. W. Lee, Britt.
Jacob Meyer, Calmar.
Charles D. Huston, Cedar Rapids.
William F. McCarty, Clarence.
Thomas R. McKaig, Corwith.
Frederick B. Sharon, Davenport.
Harry A. Cooke, Eagle Grove.
W. H. Dudley, Earlham.
Frank Kussart, Eddyville.
John J. Donahoe, Gilmore City.
William H. Fickel, Glenwood.
Charles H. Woodard, Gowrie.
Sam Robinson, Gravity.
William H. Frew, Hitemann.
Peter Jungers, Hospers.
F. C. Boeke, Hubbard.
Andrew T. O'Brien, Independence.
Charles L. Paul, Ireton.
Wilhelm Hesselschwerdt, Kalona.
Henry Africa, Kanawha.
E. R. Ashley, Laporte City.
D. P. O'Connor, Lawler.
Milton Funk, Lewis.
D. E. Horton, Lime Spring.
Michael J. Harty, Lone Tree.
Reuben M. Gable, Lost Nation.
J. J. McDermott, Manilla.
A. G. Johnson, Marshalltown.
Anton Huebsch, McGregor.
J. J. Herbster, Milford.
Harry C. Fox, Monona.
Tracy R. Osborne, New Sharon.
Anna B. Berry, North McGregor.
Alfred B. Callender, Ocheyedan.
Charles B. Clark, Ogden.
Frank W. Miller, Olin.
Ben Jensen, Onawa.
Charles W. McCarty, Ottumwa.
Frank Kenney, Oxford Junction.
Jasper W. Morris, Panora.
Edwin Wattonville, Pomeroy.
John E. Dargan, Riceville.
George W. Crandell, Rippey.
P. A. McGray, Rolfe.
John F. Goos, Sabula.
Edwin L. Helmer, Sanborn.
Warren A. Edington, Sheldon.
J. G. Winter, Sioux Center.
Frederick S. Anderson, Stanton.
Margaret E. Nefzger, Terril.
Leo. L. Hamblin, Walker.
John McGloin, Wall Lake.
M. H. Kelly, Waterloo.
Albert H. Procese, Waukee.
Daniel H. Bauman, Webster City.
Katie A. Schwarz, West Burlington.
William D. Schulte, West Point.
Frank W. Buxton, Wheatland.
Elmer E. Hopkins, Whiting.
Mortimer D. Sullivan, Wilton Junction.
Joseph H. Riseley, Winthrop.

HAWAII.

Millicent M. E. Cumming, Paia.
J. S. Medeiros, Puunene.
Frank Cox, Waimea.
Elizabeth H. Travis, Waipahu.

MAINE.

Joseph E. Brooks, Biddeford.
George W. McClain, Brownsville Junction.
Arthur L. Newton, Buckfield.
Edwin L. Field, Cape Cottage.
William S. Mildon, Eastport.
William R. Frost, Gardiner.
Walter H. Newbegin, Kezar Falls.
Menander Dennett, Lewiston.
Ida E. Hatch, Limestone.
Edward A. Prescott, Monmouth.
Alner C. Gilbert, Monson.
William G. Harmon, Old Orchard.
Stanley L. Westcott, Patten.
Oscar R. Wish, Portland.
Lemuel Rich, Sebago Lake.

MARYLAND.

Franklin B. Beall, Cumberland.
Benjamin Mitchell, Hancock.
Mary W. Tise, Hyattsville.
J. R. Duke, Leonardtown.
F. B. McDemitt, Mount Savage.
J. F. Peach, North East.
Mary W. Stewart, Oxford.
H. L. Brittingham, Princess Anne.
Agnes C. Klinger, Riverdale.
Joseph C. Gernand, Thurmont.

MASSACHUSETTS.

Edgar E. Sargent, Belchertown.
Lawrence J. Watson, Beverly Farms.
John J. Haverty, Canton.

Mary S. Tyler, Charlemont.
Patrick H. Haley, Chelmsford.
James Nagle, Concord Junction.
Joseph E. Barnett, Easthampton.
William J. Campbell, East Taunton.
John H. Flavell, Hanover.
Henry K. Bearse, Harwich.
L. F. McNamara, Haverhill.
William F. Walsh, Hinsdale.
James J. O'Donnell, Holyoke.
Tollston F. Phinney, Hyannis Port.
Michael F. Cronin, Lawrence.
John H. Kane, Lexington.
Edmund S. Higgins, Lynn.
Martin B. Crane, Merrimac.
Neil R. Mahoney, North Billerica.
Martin H. Ryan, Northboro.
Dennis J. Dullea, Peabody.
Osgood L. Small, Saganiore.
Patrick Curran, Scituate.
James G. Cassidy, Sheffield.
William F. Kelley, South Acton.
Thomas H. Hackett, Westboro.
John D. Leonard, Whitinsville.
Richard F. Burke, Williamsburg.
Patrick J. Dempsey, Williamstown.

MICHIGAN.

Michael L. Gillen, Adrian.
Arthur Hillman, Akron.
C. A. Standiford, Athens.
William S. Drew, Augusta.
Joseph Fremont, Bad Axe.
Carl L. Farwell, Barryton.
O. K. Ray Maker, Bear Lake.
Paul Harrison, Bloomingdale.
William J. Lewis, Boyne City.
John W. O'Leary, Brooklyn.
Perry H. Peters, Davison.
William J. Nagel, Detroit.
Edwin S. Noble, Elk Rapids.
George Arthur, Elkton.
George B. McIntyre, Fairgrove.
T. H. McGee, Farmington.
Frank D. Baker, Flint.
Frank D. Perkins, Flushing.
Harry L. Shirley, Galesburg.
J. W. Ewing, Grand Ledge.
Daniel A. Holland, Hancock.
David E. Storms, Harrisville.
Thomas Gilligan, Hopkins.
Cornelius Cronin, Kalkaska.
George W. Parker, Le Roy.
John J. Sleeman, Linden.
E. T. Belding, Mancelona.
Arthur A. Juttner, Menominee.
Henry A. Bishop, Millington.
M. C. Lefurgey, Mount Morris.
Henry Kessell, Orion.
Clare E. Rann, Perry.
Eugene L. Rose, Petoskey.
R. D. Watson, Rochester.
Michael W. Gibbons, Roscommon.
John Lutz, Saline.
John Jay Cox, Scottville.
Allen E. Stebbins, Sheridan.
Louis J. Braun, South Range.
Barton R. Osborn, Tekonsha.
George F. Carrier, Three Oaks.
William H. Wint, Williamston.

MINNESOTA.

Jason Weatherhead, Ada.
P. O. Fryklund, Badger.
Axel Ringborg, Bagley.
Axel F. Peterson, Barrett.
W. W. Belden, Caledonia.
C. F. Lieberg, Clarkfield.
E. S. Scheibe, Cloquet.
Altie Hill Lund, Dawson.
William H. Franklin, Dodge Center.
Louis A. Schwantz, Evansville.
Joseph Huelskamp, Gaylord.
George Lien, Granite Falls.
C. H. Phinney, Herman.
P. J. McCormick, Hopkins.
William F. Roche, Lakeville.
F. W. Kramer, Lewiston.
Harvey Hildebrand, Lyle.
Milton L. Fredine, Maynard.
Joseph H. Seal, Melrose.
H. E. Hoard, Montevideo.
M. F. Finnegan, Morris.
Erick Erickson, Murdock.
A. Wang, Roseau.
W. L. McGonagle, Royalton.
G. O. Bergan, Sacred Heart.
Emil A. Kurr, Sauk Rapids.
Alfred W. Johnson, Sebeka.
A. J. Lovestrom, Stephen.
Charles Spillane, Waseca.
Michael Brixius, Watkins.
C. H. Dickey, Wayzata.

MISSISSIPPI.

W. P. Cassedy, Brookhaven.
R. L. Broadstreet, Coffeeville.
Benjamin F. Lott, Collins.
R. B. O'Reilly, Cruger.
Bernard M. Martin, Dundee.
J. M. King, Durant.
Lorie R. Du Bard, Glendora.
Ollie O. Conerly, Gloster.
J. H. Robb, Greenville.
James C. Jourdan, Iuka.
Thomas P. Barr, Jackson.
W. L. Walton, Lexington.
Florence Brady, Lulu.
Jeanie W. Fontaine, Lyon.
Foster H. Round, Meadville.
R. Parrish Taylor, Oakland.
C. A. McCharen, Oxford.
Mary L. Hancock, Potts Camp.
Jonathan H. McCraw, Sardis.
T. L. Wainwright, Stonewall.
Sedley B. Thomas, Terry.
Charles W. Allen, Vance.
Barbour Y. Rhodes, West Point.

MISSOURI.

Emmett A. Cherry, Adrian.
Joseph H. Turk, Ash Grove.
James R. Bennett, Branson.
Harvey Morrow, Buffalo.
John C. Downing, Cameron.
Willis Wiley, Crane.
William D. Johnson, Crocker.
Louie C. Mattox, Cuba.
William H. Titus, Excelsior Springs.
Nelson H. Cook, Forest City.
Lee Jones, Hale.
Hiram P. Geaslin, Hornersville.
S. S. Ball, Kahoka.
William A. Grant, Lincoln.
Robert H. Williams, Louisiana.
Jasper D. Cole, Malta Bend.
J. S. Walker, Marceline.
Ross Alexander, Mercer.
James M. Settle, New Franklin.
James L. Smith, New London.
Cora D. Perdue, Orrick.
L. R. Dougherty, Pacific.
Lant Campbell, Princeton.
S. A. Norrid, Puxico.
W. Douglas Meeks, Thayer.
Abram Stephens, Troy.
L. M. Hutcherson, Warrenton
J. P. Bauer, Washington.

NEW HAMPSHIRE.

Webb Little, Campton.
James H. Willey, Milton.

NEW JERSEY.

Lemuel H. Mathews, Barnegat.
Peter A. Donovan, Bayonne.
Henry N. Gillon, Berlin.
Ralph A. Sheppard, Bivalve.
Edward F. Higgins, Bloomfield.
Waters B. Hurff, Bridgeton.
J. B. R. Clark, Califon.
Joseph A. Poole, Deal Beach.
Ada B. Nafew, Eatontown.

Henry Otto, Egg Harbor City.
T. C. Birtwhistle, Englewood.
C. D. Nicholson, Grenloch.
John A. Campbell, Highwood.
John A. Reddan, Hopewell.
Hugh G. Stull, Milford.
Lewis A. Shaw, Minotola.
Frances W. Winans, Mountain Lakes.
Walter F. Clayton, Ocean Grove.
Samuel Locker, Parlin.
John B. Hankins, Pemberton.
David C. Brewer, Toms River.
Harry T. Allen, Vincentown.

NEW MEXICO.

John A. Haley, Carrizozo.
L. A. Chandler, Cimarron.
Susan S. Pace, Clayton.
Frank P. Brown, Hachita.
Susano Ortiz, Las Vegas.
George F. Williams, Mogollon.
Joseph A. Beal, Mountainair.
Viola K. Reynolds, Springer.
L. Pascual Martinez, Taos.

NEW YORK.

Joseph A. Weisbeck, Alden.
Joseph T. Norton, Allegany.
George M. Miller, Andes.
Frank C. Lent, Atlanta.
John J. Maloney, Aurora.
William S. Waterbury, Ballston Spa.
John F. Ryan, Batavia.
Peter J. O'Neill, Bay Shore.
William A. Hosley, Belmont.
John H. Ten Eyck, Black River.
Frank E. Ingalls, Brownville.
B. A. Curtiss, Camden.
Jenny L. Abel, Canaan.
Charles H. Beeby, Central Square.
Hiram E. Safford, Cherry Creek.
Murvin L. Becker, Claverack.
Norman S. Taylor, Clayville.
Frederick M. Avery, Cold Water.
George L. Krein, Dansville.
George H. Mills, Delevan.
Edward E. O'Rourke, Ellicottville.
Alpheus D. Jessup, Floridc.
William Van Alstyne, Fultonville.
Jonas J. Hover, Germantown.
John B. Judson, Gloversville.
James C. Spalding, Great Neck.
Nell W. Avery, Greenville.
Elizabeth Hollenbeck, Harriman.
Frederick A. Ray, Herkimer.
John Puvogel, Hicksville.
Richard L. Earl, Honeoye Falls.
Arthur Rappleye, Interlaken.
Eli M. Crawford, Keene Valley.
George W. Tracey, Kinderhook.
Robert S. Ames, Lake Placid.
Eugene H. Schmeck, La Salle.
Joseph J. Daley, Lewiston.
Leon B. Wright, Lyndonville.
Edward F. Ryan, Lyons Falls.
Charles D. Overacre, Manchester.
John J. Costello, Manlius.
Henry D. Nichols, Mexico.
J. C. Rossman, Mohawk.
Hugh Smiley, Mohonk Lake.
Harvey J. Adams, Moira.
James V. Crawford, Morristown.
William F. Hadley, North Bangor.
James P. Doyle, Nunda.
Chester J. Hinman, Paienville.
Edward Crawford, Pine Bush.
Artemas D. Barton, Pine Plains.
W. Y. McIntosh, Pleasantville.
Robert J. De Lap, Roosevelt.
Anthony J. Beck, St. James.
Gilson D. Wart, Sandy Creek.
Edward J. Hughes, Schuylerville.
Annie B. Adams, Silver Bay.
Leo R. Grover, Silver Springs.
Charles H. Huntting, Smithtown Branch.
Joseph J. Maher, Staatsburg.
John H. Coon, Stanley.
John H. Stoddard, Stevensville.
Nellie E. Lempfert, Stony Brook.
John J. Kesel, Syracuse.
John G. More, Walton.
Frank Tamany, Washingtonville.
John Scally, Westbury.
William B. Townsend, West Coxsackie.
Mabel B. Williams, West Hampton Beach.
John E. Hoffnagle, Westport.

NORTH CAROLINA.

L. T. Sumner, Ahoskie.
A. C. Hughes, Apex.
Daniel L. Windley, Belhaven.
Sallie V. Banks, Camp Glenn.
E. J. Britt, Chadbourn.
Robert S. McRae, Chapel Hill.
Andrew L. Pendleton, Elizabeth City.
H. S. Harrison, Enfield.
Stephen P. Wilson, Fairmont.
William F. Flowers, Fremont.
Lillie N. Fenner, Halifax.
James A. Hines, Highlands.
John G. Buffaloe, Jackson.
Ira T. Hunt, Kittrell.
D. D. French, Lumberton.
Robert B. Etheridge, Manteo.
John R. Swann, Marshall.
W. O. Connor, Mars Hill.
J. T. Dick, Mebane.
R. P. Gardner, Mount Holly.
Louis G. Daniels, New Bern (late Newbern)
George W. Waters, Plymouth.
Robert S. Montgomery, Reidsville.
William G. Fussell, Rosehill.
Samuel V. Scott, Sanford.
Cepha L. Harris, Thomasville.
John F. Saunders, Troy.
G. W. Hill, Vineland.
O. K. Holding, Wake Forest.
D. Earl Best, Warsaw.
R. S. Galloway, Winston-Salem.

NORTH DAKOTA.

Nicholas Johnston, Aneta.
Daniel F. Sweeney, Berthold.
John W. Schulenberg, Bisbee.
Frank Reed, Bismarck.
Guy A. Kopriva, Bowbells.
Charles E. Harding, Churchs Ferry.
Frank McGraw, Cogswell.
V. F. Nelson, Cooperstown.
E. Ruth Garvin, Dawson.
Sophie Sherman, Donnybrook.
W. W. Anderson, Edgeley.
D. J. Drummond, Esmond.
Annie Minehan, Garrison.
Christian Reite, Hannaford.
J. H. McLean, Hannah.
Hattie M. Leach, Havana.
Pearl Miller, La Moure.
P. J. Bott, Marmarth.
Frank J. Callahan, McClusky.
Peter Karpen, Medina.
Anthony Hentges, Michigan.
John G. Bateman, Milnor.
W. T. Reilly, Milton.
William T. Wakefield, Mott.
Carl Jahnke, New Salem.
James J. Dougherty, Park River.
Nelle W. Moellring, Ray.
William F. Thompson, Sanish.
P. J. Filbin, Steele.
William F. Kempshall, Taylor.
Lemuel C. Larkin, Thompson.
Henry A. Holmes, Towner.
Joseph Deschenes, Walhalla.
Arthur L. Menard, Wilton.
Andrew D. Cochrane, York.

OREGON.

Dean S. McWilliams, Halsey.
W. A. Richardson, Heppner.
Esther M. Evers, Huntington.
W. A. Delzell, Klamath Falls.
E. E. Bragg, La Grande.

B. L. Hagemann, Milwaukie.
Vaughn D. Crosby, North Portland.
J. W. Boone, Prineville.
L. F. Reizenstein, Roseburg.
Iva E. Dodd, St. Helens.
Edith B. Ward, Stanfield.
R. E. Williams, The Dalles.
Brazier C. Small, Turner.

PORTO RICO.

Ramon Alfonzo Rivera, Arecibo.
Jose Carrera, Humacao.

SOUTH CAROLINA.

Lewis M. Jones, Alcoin.
Ida A. Calhoun, Clemson College.
James B. Ehrhardt, Ehrhardt.
Lulie Giles, Graniteville.
J. F. Rickenbaker, Lake City.
Herman H. Bradham, Manning.
J. R. Montgomery, Marion.
Henry P. Tindal, North.
Pierce M. Huff, Piedmont.
John H. Porter, Ridgeland.
Pearle H. Padget, Saluda.
Nevitt Fant, Walhalla.

SOUTH DAKOTA.

F. A. Nutter, Alcester.
John Debilzan, Andover.
George L. Baker, Britton.
Alfred E. Paine, Doland.
George C. Knickerbocker, Eureka.
A. D. Griffee, Faulkton.
James L. Minahan, Geddes.
W. R. Veitch, Groton.

TEXAS.

W. L. Coleman, Alpine.
W. D. Armstrong, Alto.
Lebrun H. Goforth, Anna.
G. P. Tarrant, Aransas Pass.
Preston N. Arnold, Arp.
C. Jefferson Johnson, Austin.
John C. Wood, Big Sandy.
Charles H. Jones, Bishop.
J. H. Logan, Blessing.
E. B. Hopkins, Brazoria.
Hugh M. Stevenson, Breckenridge.
L. V. Holbert, Bremond.
C. A. Howard, Bronson.
Cora L. Baker, Buffalo.
M. D. Parnell, Chico.
L. E. Haskett, Childress.
John W. Robbins, Clyde.
William P. Gibson, Copperas Cove.
William B. Junell, Cumby.
Lula E. Willis, Daingerfield.
T. W. Hooks, Donna.
E. L. Correll, El Campo.
Rufus W. Riddels, Electra.
R. S. Rike, Farmersville.
A. M. Gosch, Flatonia.
S. D. Seale, Floresville.
W. F. Sponseller, Fowlerton.
Charles O. Hardy, Francitas.
August R. Gold, Fredericksburg.
Johnnie V. Bradley, Gladewater.
Philip H. Clements, Goldthwaite.
Eddie C. Slaughter, Goose Creek.
Charles Johnston, Goree.
Minerva E. Hendrickson, Grapevine.
Samuel G. Dean, Haskell.
T. W. House, Houston.
William E. McKay, Huntsville.
Sam Anderson, Knox City.
William T. Hall, La Porte.
J. W. Hardcastle, Lexington.
June Hickman, Livingston.
Charles M. Wallace, Llano.
Cora D. Fowler, Lockney.
Allie M. Erwin, Loraine.
Arthur F. Loftis, Manor.
Carrie E. Smith, Marble Falls.
Robert Greenwood, Marfa.
John G. Oltorf, Marlin.
Joel W. Moore, McDade.
Newman E. Tucker, Mercedes.
Frosa M. Bailey, Montgomery.
C. H. Sewell, Overton.
Mamie Milam, Prairie View.
John A. Shapard, Rockdale.
B. B. Lanham, Rockwall.
Maggie Ellis, Rotan.
Henry Eilers, jr., Schulenburg.
Lon Davis, Sealy.
E. B. Barne, Snyder.
E. G. Langhammer, Somerville.
Peter Tighe, Sourlake.
Bettie Jackson, Stratford.
Annie S. Watson, Sugar Land.
Royston C. Crane, Sweetwater (late Sweet Water).
Almyra L. Williams, Taft.
W. P. Boyd, Thurber.
W. W. Trow, Trinity.
Sidney S. McClendon, Tyler.
J. W. White, Uvalde.
W. F. Flynt, Winter.
William R. Sharpe, Wolfe City.

UTAH.

Albert A. Savage, Hyrum.
Joseph Anderson, Lehi.
W. W. Browning, Ogden.
William L. Adams, Parowan.

VERMONT.

Glen C. Parris, Fairfax.
Daniel F. Carmody, Fair Haven.
C. M. Boright, Richford.
A. H. Gleason, Johnsbury.

VIRGINIA.

William M. Smith, Alexandria.
George E. Cunningham, Buena Vista.
James S. Haile, Chatham.
I. Henry Savage, Chincoteague.
W. R. Rogers, Crewe.
David W. Berger, Drakes Branch.
Louis J. Nottingham, Eastville.
Claude E. Wiley, Fairfax.
Samuel C. Cox, Galax.
Frank W. Sheild, Hampton.
D. F. Hankins, Houston.
Gertrude G. Browder, Jarratt.
Charles E. Clinedinst, New Market.
H. G. Shackelford, Orange.
John S. Scott, Parksley.
Eugene Monroe, Purcellville.
Hoge M. Brown, Radford.
Lucile Prince Duane, Stony Creek.
H. Lester Hooker, Stuart.

VIRGIN ISLANDS.

Bartholin R. Larsen, Christiansted.
August R. Bisserup, Fredericksted.

WASHINGTON.

Paul L. Paulsen, Addy.
Thomas J. Quirt, Blaine.
Henry A. Knapp, Camas.
Archie Manson, Cashmere.
Joseph O'Neill, Castlerock.
Thomas R. Arnold, Cathlamet.
C. G. Thomas, Cle Elum.
C. M. Durland, Colville.
A. J. Peters, Deer Park.
Carl J. Gunderson, East Stanwood.
S. J. Mothershead, Edmunds.
P. F. Billingsley, Ephrata.
Willard E. Overholt, Farmington.
Ann E. Sykes, Grandview.
Martha E. Sprague, Ilwaco.
Edwin Schauble, Kalama.
Jefferson P. Buford, Kelso.
Charles E. Gulberson, Kent.
Guy A. Hamilton, Leavenworth.
Maury C. Hayden, Lind.
G. R. Patterson, Malden.
Nellie B. Burke, Mansfield.
Theo Hall, Medical Lake.
Benjamin L. Smith, Okanogan.
James O'Farrell, jr., Orting.
Roscoe A. Belvail, Palouse.
R. B. Smith, Prescott.

John F. May, Republic.
Dana Child, Spokane.
Robert T. Johnson, Sunnas.
Jacob P. Pyles, Sumner.
Charles A. Bergin, Wilkeson.
George P. Wall, Winlock.
John D. Medill, Yakima (late North Yakima).

WEST VIRGINIA.

Orrville A. Beerbower, Albright.
Robert E. Morgan, Davy.
T. W. Ryan, Hendricks.
Okey C. Dawson, Janelew.
C. B. Riggle, Middlebourne.
George B. Henthorn, Paden City.
William Pence, South Charleston.
William B. Spurlock, Wayne.
Herbert T. Davis, West Union.
Warren D. Cline, Williamstown.

WISCONSIN.

Elizabeth Cronke, Albany.
Theodore Buehler, Jr., Alma
Gustave Keller, Appleton.
Albert Hess, Arcadia.
F. C. O. Muenich, Argyle.
Birt E. Fredrick, Augusta.
Henry Wachsmuth, Bayfield.
John V. Swift, Benton.
Annie K. Blanchard, Blanchardville.
George E. Forward, Brandon.
John H. Moller, Bruce.
Ernest D. Singleton, Camp Douglas.
F. A. Partlow, Clear Lake.
William A. Rohler, Colona.
William J. Riedner, Columbus.
Hubert S. Duquaine, Crivitz.
Herman H. Fiedler, Cuba.
Annie W. Bartholomew, Delafield.
Robert Horneck, Elkhart Lake.
W. E. Sherburne, Fremont.
James F. Horan, Friendship.
J. M. Melchior, Gillett.
F. A. Ferriter, Hillsboro.
Simon Skroch, Independence.
Fred Seifert, Jefferson.
Paul E. Stiehm, Johnson Creek.
George H. Schmidt, Kewaskum.
Adolph H. Dionne, Lena.
Frank Leuschen, Marathon.
Franz Markus, Medford.
Henry W. Graser, Menomonee Falls.
George B. Keith, Milton Junction.
John G. Solverson, Nashotah.
Arthur R. Curtis, National Home.
Nicolaus Elmer, New Glarus.
John F. Flanagan, Oconomowoc.
Francis J. Maher, Omro.
Franklin C. Watson, Owen.
Harvey Vincent, Park Falls.
Agnes Scholl, Pewaukee.
Wigand B. Krause, Port Washington.
T. J. Griffin, Prescott.
H. G. Bannerman, Redgranite.
Charles F. Dillett, Shawano.
Frank Gottsacker, Sheboygan.
George Wildermuth, Sheboygan Falls.
Louis Locke, Shiocton.
George Paquette, Shullsburg.
William M. Ward, Soldiers Grove.
John P. Rice, Sparta.
E. A. Drotning, Stoughton.
Charles A. Gesell, Tomahawk.
F. W. Keuper, Union Grove.
P. F. Melchoir, Wausaukee.
John Vander Linden, West De Pere.
Samuel Dewar, Westfield.
W. H. Weed, Weyauwega.
W. C. Kiernan, Whitewater.
George F. Mader, Winneconne.
G. W. Bishop, Wonewoc.

WYOMING.

Charles O. Lyon, Burns.
Nels J. Simpson, Cambria.
Elizabeth W. Keiffer, Fort Russell.
Charles G. Mudd, Powell.
Louis Schalk, Rawlins.
L. E. Blackwell, Shoshoni.
Juan Jenkins, Upton.
Catherine McCabe, Van Tassell.
John T. Jones, Worland.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 24, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who art from everlasting to everlasting, our God and our Father, infinite in wisdom, power, and love, we come to Thee in prayer, believing that Thou art able to strengthen us to resist the evils from within and from without.

Impart unto us, we beseech Thee, grace sufficient unto this day, that we may register ourselves on the side of right and truth and justice, and at its close lie down to peaceful slumbers, assured that Thou art our refuge and our strength; and Thine be the praise through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. LEE of Georgia. Mr. Speaker, my colleague, Mr. WILLIAM C. WRIGHT, of the fourth district of Georgia, is present and is ready to take the oath of office.

The SPEAKER. The Chair has the credentials of Mr. WRIGHT, properly signed by the governor and the secretary of state, and Mr. WRIGHT will come forward and be sworn.

Mr. WRIGHT appeared at the bar of the House and took the oath of office.

CALL OF THE HOUSE.

The SPEAKER. The gentleman from Ohio [Mr. FESS], under a special order of the House, is recognized for 10 minutes.

Mr. LONDON. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. KITCHIN. I suggest to the gentleman from New York that he withhold that until the gentleman from Ohio has concluded.

Mr. LONDON. Oh, the gentleman from Ohio deserves a proper audience, and I insist upon the point.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Bland	Fairchild, B. L.	Lenroot	Sanders, N. Y.
Brumbaugh	Fairchild, G. W.	Lobeck	Saunders, Va.
Caldwell	Flynn	McCulloch	Scott, Pa.
Cantrill	Fuller, Mass.	Maher	Scully
Capstick	Garland	Mann	Sherley
Carter, Mass.	Godwin, N. C.	Miller, Wash.	Sims
Carter, Okla.	Goodall	Montelf	Slemp
Chandler, N. Y.	Gould	Mott	Smith, T. F.
Church	Graham, Pa.	Nelson	Snyder
Cooper, Ohio	Gray, N. J.	Nichols, Mich.	Stiness
Costello	Griest	Olney	Sullivan
Currie, Mich.	Hamill	O'Shaunessy	Swift
Curry, Cal.	Hamilton, N. Y.	Overmyer	Templeton
Dale, N. Y.	Heintz	Paige	Treadway
Dale, Vt.	Hollingsworth	Porter	Vare
Davidson	Hood	Pratt	Wilson, Ill.
Dempsey	Hutchinson	Price	Wilson, La.
Dill	Johnson, S. Dak.	Ragsdale	Winslow
Dooling	Johnson, Wash.	Riordan	Wood, Ind.
Drukker	Jones, Va.	Roberts	Woodyard
Estopinal	Kiess, Pa.	Rodenberg	Zihlman
Evans	LaGuardia	Rowland	

The SPEAKER. On this roll 340 Members have answered to their names, a quorum.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The gentleman from Ohio is recognized for 10 minutes.

AUSTRIA-HUNGARY.

Mr. FESS. Mr. Speaker and Members of the House, I would like to have the attention of the House a little while on the significance of the dispatches that have been carried in the newspapers for the last four days in relation to the situation in Austria and Hungary. While it is always a doubtful thing to take at full value what is said in these foreign dispatches, since you can not tell how much is in the interest of publicity, this particular situation is very ominous and full of suggestion,

and if I may be permitted to say it, I think there is great promise, if one dare use such an expression in reference to what Austria would call a misfortune, in a revolution, the end of which no one can now undertake to tell. Austria-Hungary, quite unlike Germany, has never been free from the danger of revolution. The Austrian Government, with its dual monarchy, is an organization which is a combination of one empire and one sovereign kingdom with a common head. Each of these units has a separate and independent legislative department, as well as executive department. They do, however, have a common king, who gets his position by virtue of belonging to the House of Hapsburg, which has been the ruling house of both Austria and Hungary since the close of the sixteenth century. In 1867 there was an agreement reached by which there should be a uniform or single government, although each legislature sits separately to legislate on all matters except that of finance, foreign affairs, and military affairs. Those matters are under the common rule of the two, and are the main departments of the ministry. When the legislatures can not get together on matters of legislation they reach a uniform conclusion through their houses of delegates, which are in reality a committee of estimates selected from the legislative houses, 20 from the upper house and 40 from the lower house, making 60 members in each part of the dual monarchy. These men sit separately and make their recommendations in writing, and after three efforts to agree, in case they fail they then sit together and vote it out as one body. There has also been for years a combination for commercial purposes called the Commercial Customs Union, that lasts during a 10-year period. That has been going on for a good while, with very much dissatisfaction in recent years. So, Mr. Speaker, it was a common thought throughout much of the world that with the death of the late Emperor, Francis Joseph, the dual monarchy would break up into its separate units, as before 1867, but the heat of war prevented that, and the monarchy still stands in its dual character.

But there is a very serious condition that arises out of dissatisfaction which must be increasingly widespread and ominous. First, because of economic or industrial conditions there. You might say that it is grounded on social unrest that you find in Russia and in a lesser degree in Germany. However, while the papers state that the social or economic condition is the most prominent source of disaffection, just now, I believe, as a student of history, that the unrest is below the economic and industrial depression partly due to the war, because that would be temporary. But, fellow Members of the House, if you take either one of these units you find a condition unlike any other place in Europe, which must make for an increasing and permanent unrest until relief is provided. For example, the ruling people of Austria are the Germans, speaking the German language, but they are not in uniform sympathy with the Germans in the German Empire, and must not, therefore, be regarded wholly subservient to the wishes of the Hohenzollern régime. They are widely different, because, while the German Empire is made up of 75 per cent Protestant in religion, the Austrian Empire, speaking not of Hungary but of Austria, is made up of 88 per cent Catholic. They have not been together except in military alliances. The Kaiser has never been able to win the Catholic element in Germany. In this field we see the greatest diplomacy undertaken by him when he appointed Von Hertling, the Bavarian, to be chancellor of the Empire, who, by the way, is a Catholic, in order to win the clerical element in the Reichstag. The difference between Austria and Germany on the religious question is now and has always been acute. However, that is not the chief item of unrest between these two German groups. There is a much more serious condition. Austria must see that she is a loser in this war in any case. If the central powers succeed, Austria loses. If the entente powers succeed, she does not lose any worse. Germany not only furnishes the brains of all the military organizations of Austria to-day, but she also furnishes munitions and the money, in the form of scrip, with which to buy the munitions that are supplied by Germany. Germany is now and has been from the beginning taking munitions out of Belgium and the ore out of the mines of France and of Serbia, taking the material out of which to make the munitions and selling them to Austria, as well as Bulgaria and Turkey, and loaning the scrip to these countries, especially to Austria, with which to pay for it. I wish to emphasize the business aspect of this country in relation to Austria. In other words, Germany is fighting this war with profit to herself, save the loss of men, and that is a frightful loss to her. But she is taking what does not belong to her, save by might, and in her ability to market it to her allies she puts them under abject slavery to her, from which Austria alone can never recover. That is generally conceded. As long as Germany's printing presses will run she will loan this scrip to Austria with which to pay for the supplies that she buys from Germany, and in that way she has become inextricably a subservient, servile slave to the German Empire, and she must see it. I think that it is recognized now among a large proportion of her people that if the central powers win she loses. Germany's pan-Germanism, which sees German domination from Hamburg to Bagdad, is well known to Austria. Politically Austria is made up of 23,000,000 people. Out of that 28,000,000 not quite 10,000,000 speak the German language and are the ruling element in Austria. Ten millions out of 28,000,000—slightly over 33⅓ per cent. This one-third rules the other two-thirds of her people.

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the gentleman may proceed—for how many minutes?

Mr. FESS. For 10 minutes.

Mr. STAFFORD. For 10 minutes.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the gentleman from Ohio may proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, this Austro-Hungarian territory is an interesting State, from the standpoint of nationality. Here are the Slavs, the people who became the ruling element in this section of the world in quite an early period. I will, if the House will permit me, insert in the RECORD a hasty sketch of the changes of this section under rulership since the seventh century. I do not want to do it now, because I have not the time. Here came a peculiar people in the history of the world, called the Magyar. They are a warlike people, and they drove themselves westward into the very heart of the Slav section and divided the Slav people into the northern and the southern Slav. The Magyars are the ruling people in Hungary. They could not go beyond what now is the German border. They did overrun great portions of Austria, and later on were driven back. This people is a unique people. They do not readily coalesce with other people. Their autonomy in government, as well as their language and their customs, has been retained. But Austria began to expand—or rather the House of Hapsburg—until it covers a great portion of this Slavic people, who have been overrun both to the north and to the south by the Magyar. To the north you have the famous Bohemian country, one of the oldest in Europe. This is a famous people, who have maintained their independence in their language and customs and very largely in law, but they are a subject people. A little to the east are the Poles, under the Province of Silesia. Farther east are the Ruthenians, in the Province of Galicia, under the control of Austria. In this section is a large aggregation of Slav people, still insistent upon their rights, but totally subject to a people who are foreign to them. Then, down in the southern country are the southern Slav, the Serbo-Croats. You therefore have the Croatians and also an Italian element in Dalmatia. In other words, in the country of Austria alone you have 16,000,000 of Slavic people denied their privilege in government by only 10,000,000, who are the ruling element in the country and who are German.

Over in here [indicating on the map] are the Roumanians, who are Roman in nationality, and speak the modern Latin. You also have the Slovenes, many of whom are under this dual Government. They are Slavish. You also have Bosnia, another Slavic people; Bulgaria, settled by the Bulgars, also Slavic. In other words, here is a foreign country ruling through a minority, with a hand of iron, a vast population that vastly outnumbers them.

Going to their Government, we find the Government of Austria made up of two houses. The Reichsrath is made up of the upper and lower house. In the upper house there are 14 princes from the royal family, 81 nobles—landlords—10 archbishops, and 7 bishops, who bear their title by inheritance, and from 150 to 170 of selectives chosen by the Emperor at his will. And that is the real legislative body now in Austria, responsible to nobody except the Emperor.

If I would be permitted to give you the make-up of the lower house, there are 17 Provinces in Austria—I am not now talking about Hungary but Austria alone. You understand they maintain their separate entities. There are 17 Provinces here, represented in the Reichsrath. The lower house has 516 members, as follows: Lower Austria has 64 members; upper Austria, 22; Saltzburg, 7; Styria, 30; Corinthia, 10; Carniola, 12; Trieste, 5; and Gorz, 6—101. In these eight Provinces the German element is strong but not exclusive. There are many of them out of sympathy with the régime governed by the German element. On the other hand, note the other Provinces: Bohemia has 130; Moravia, which is the Slovak, has 40; Silesia, the Polish, has 15; Galicia, the Ruthenian, 106; Bukowina, 14; Dalmatia, the Italian, 11. We here have 325 members representing the

subject people in the lower house, all of whom are dissatisfied with Austrian domination, while in the former group we have 191, many of whom are out of sympathy with the ruling house in Germany. Quite naturally the question arises, "Why could not these subject people, therefore, overrule anything that would be brought up in the lower house?" Yes; they could. But do not forget that the lower house of Austria, so far as I can ascertain, has not been in session since March of 1914. The house of delegates supersede the law-making body.

Mr. MOORE of Pennsylvania. May I ask why?

Mr. FESS. In time of war in a country so governed it might not do to let them come together. It must appear to us all that the representatives in that legislative body must not interfere with the monarch. With a situation like that constitutionally, where these people have a semblance or show of right, all of which is denied them, there is unrest, and inevitably so. I should like to take the time to indicate the political phase of this situation as indicated by party division.

The German Nationalists in the lower house number 100, the Christian Socialists 73, the German Socialists 49. The three groups which I have given are all Germans. Of these 222 German representatives, 122 of them are Socialists in politics, and as such are opposed to the German régime as carried on by Kaiser William in the German Empire. They have been, historically speaking, entirely out of sympathy with pan-Germanism on the Kaiser's platform. And yet that is the German element in Austria.

The real significance is more marked when we note the political complexion in the balance of this house. The Bohemian Club has 84 members, the Bohemia Social Democrats 25, the Poles 70, and the Polish Social Democrats 9, and 111 others variously divided.

Mr. GARD. Mr. Speaker, at this time I ask unanimous consent that the gentleman's time may be extended 10 additional minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the time of his colleague be extended for 10 minutes. Is there objection?

There was no objection.

Mr. FESS. I am very much obliged to my colleague.

These elements that are non-German, in Austria, expressed by the political differentiation to which I was calling the attention of the House when my time expired, will make up 299 of the membership, while the German element is 222; and, mark you, that element is divided, because they are the Nationalists, in which are found those members who hold to and support the Crown, and, on the other hand, the Socialists, which constitute the greater number, who insist upon being given more rights. And this group are all the German or ruling element. So that when we enter into the inner condition of Austria—and what I say about Austria in a lesser sense could be said about Hungary—you see every element of revolution is present, awaiting the chance for an outlet.

The Hungarian Government is organized on a similar basis to the Austrian Government, so that what I have said about Austria can in a lesser way be said about Hungary. When we examine the provincial or local legislatures you find the famous Landtag in Austria and Hungary, as you have it in Germany, where are found their election districts. There is but one house in the provincial legislature. What is singular in both of these countries is that the electorate is so classified that the elected people are not popularly representative. For example: They are divided into six classes: (1) Bishops and archbishops of Catholic and Greek Churches; (2) rectors of universities; (3) owners of great estates elected by taxpaying landowners; (4) representatives of towns, elected by citizens possessed of specified municipal rights; (5) representatives of boards of commerce, selected by members; (6) representatives of the rural communities elected by all those who pay direct tax. The electoral system is so constituted that when you eliminate, or rather when you consider all of the limitations that are written in the law, you have eliminated the popular right of participating in the legislation in the Landtag by the majority, as we here understand democracy, by this peculiar method of election. In other words, one element represents a certain class, religious in character; another element a less-favored class, but nevertheless favored in education facilities; and still another class distinguished by business, and so on. It is not a representation of people but of groups, which is never possible in a democracy. All this shows fertile soil for deep-seated unrest.

So, Members of the House, when you take up the dispatches that are coming out of Vienna the past few days, I think that there is rational ground for our belief that a break-up is promised in the dual monarchy.

Mr. SUMNERS. Will the gentleman yield for a question?

Mr. FESS. I will.

Mr. SUMNERS. To what extent does this division in the representative party indicate the division in the body of the citizenship? I understand the gentleman stated that the citizenship was not properly represented in the legislative body.

Mr. FESS. If I understand the question, it is, How many people would be represented by this particular circle or that particular class?

Mr. SUMNERS. Yes. What conclusion is the Government to draw as to the division of the people with reference to this war?

Mr. FESS. The conclusion I wanted to leave with the House is that the vast mass of the people have very little voice in legislation, while the selected few have a great voice. That is what I wanted to leave with the House.

The reason why I wanted to present this phase of it at this time is that the Committee on Foreign Affairs has reported a bill to exempt from the operation of the alien-enemy act these several subject peoples now resident in the United States that are, when considered under international law, conceded subjects of Austria-Hungary, but who are perforce very much opposed to Austria-Hungary. They are the Czechs from Bohemia, the Slovaks from Moravia, the Poles from Silesia, the Ruthenians from Galicia, and a great number of Roumanians from the eastern section of Hungary, a great number of Serbians from the south country, and many Italians from the Adriatic country, and also very many Croatians and Slovenes. I looked up our immigration tables. It is stated therein that we have about 3,000,000 of them in this country, many of them not citizens; why I do not know. But just the moment the opportunity came, by our declaration of war, for them to show their opposition to their ancient enemy and their favor for our country they sprang to the colors and went into the Army. But we were not at war with Austria-Hungary for many months, and when we declared war against the dual monarchy internationally we made them alien enemies, which embarrassed both them and us. We can not enlist alien enemies, and those in the service if taken prisoner would, of course, be executed at once as traitors. We have reported a bill in order to remove so far as our country can that international inability. It does not assure them, however, exemption from execution if they are taken prisoner. But, gentlemen, I meant to say that their conduct shows the spirit of unrest in that country. They are volunteering, and they have gone at once to fight the battles of our country as well as to fight against their ancient enemy.

Our subcommittee had before it, on its own solicitation, the famous pianist, Paderewski. I shall never forget the plea that he made when for two hours he pleaded for the right of the Poles in this country to form a separate unit, not to be coalesced and lost by absorption in the American Army, but to be a unit of Poles from America, by the side of the American soldier, the French soldier, the British soldier, and the Italian soldier, to fight his enemy; and when we raised the question as to whether or not we could do it, he said the psychology of the situation was most significant and easily explained. Those people in that country are restless; they have suffered for centuries; they have suffered lack of freedom. They are not naturally rebellious, except that they want the right to use their own language, and they wish to observe their own customs, and they desire the right of freedom of worship according to their own conscience, and they do not want to be oppressed; and if they could know that there upon the west front there was to be a unit of soldiers made up solely of this class, and another of that class, the influence on their kin in those oppressed countries could not be easily overestimated. The spirit of revolt against oppression is ever present and will be wonderfully stimulated by such action.

The SPEAKER. The time of the gentleman from Ohio has again expired.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman may be permitted to proceed until he finishes his remarks.

Mr. FOSTER. Mr. Speaker, I will not agree to that at all.

Mr. HAMILTON of Michigan. Say, 10 minutes.

Mr. FESS. One minute, Mr. Speaker, is all that I will take.

Mr. HAMILTON of Michigan. Make it five minutes.

Mr. FESS. Very well. I thank my friend from Michigan.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from Ohio may proceed for five minutes. Is there objection?

There was no objection.

Mr. FESS. There is a dispute among authorities as to the classification of this population in Hungary. One of the leading Hungarian scholars in America claims that at least 60 per cent of that population are a subject people and in a state of unrest, but the figures that I have taken that are usually regarded as authentic—taken from the census—made this classification: The Magyars in Hungary, who are the ruling class and not German, understand, really not friendly to the Germans, are 10,000,000 in round numbers, while the Germans are only 2,000,000 in Hungary; the Slovaks 2,000,000—I am giving in round numbers—the Roumanians 3,000,000, the Lithuanians half a million, the Croatians 2,000,000, the Serbians a little over 1,000,000, and then others, including the Jews, would be half a million. In this list of figures you see the same thing. The ruling class, the Magyars, with no sympathy with the Germans and the German people, are still in a minority, so that this whole empire is a mere polyglot of Europe and becoming this minute a whirlpool; and if there should be an overturning, which is not at all impossible but most probable, it would be not only economic and social but political as well, and I should not be at all surprised to see within the next few days some powerful uprisings. Of course it must be understood the German Army, or rather German officers of the Austrian Army, has control, and will stop short of nothing to suppress it. It will then be a case of the loyalty of the soldier, for without that this country would overturn the house of Hapsburg overnight.

Mr. MEEKER. Mr. Speaker, will the gentleman yield for a question there?

Mr. FESS. Yes.

Mr. MEEKER. Is it the opinion of the gentleman that if such an arrangement should be made, as was suggested by the famous Pole in this country, it would aid in that movement?

Mr. FESS. I think without a doubt it would aid; and not only that, but I think we are thoroughly justified in taking any step that is honorable to lead to that consummation. We would not do it—we would not stir up any unrest—in a country with which we are not at war, but we are justified in stirring up any sort of unrest in our enemy's country. There is no diplomatic delicacy in that, and if we can do this and get the word to them—and Paderewski says it will trickle through and they will get it—it is one of the ways to weaken our enemy, and we ought to do it.

Mr. HAMILTON of Michigan. Has the gentleman anything to say as to what has been done to carry out Paderewski's suggestion?

Mr. FESS. I understand steps have been taken and such units are now being formed and training for such officering has already been undertaken. The gentleman from Pennsylvania [Mr. FARR] so informs me.

I am not speaking of what is being done by other countries of our allies. It is known there are such units on the front already.

Mr. Speaker, I now wish, at the risk of some duplication, to devote some time to a brief statement of the historical development of the situation in the dual monarchy, with special reference to facts which give a basis for a break; also a brief statement of the Balkan problem.

THE CHANGING MAP OF EUROPE.

Austria-Hungary is a dual monarchy made up of the addition of two sovereignties, with all the attributes of control in government—equal save that the common Emperor, either by choice or obligation, resides in the capital of one of them. Each monarchy exercises supreme control over its own affairs, attempts agreement over matters common to both, and is composed of various and diverse peoples subject to the ruling house, but unwilling subjects because of the refusal of either to consult them in matters of the highest interest to them. Austria is composed of three kingdoms, two margraviates, two archduchies, six duchies, two principalities, and two Crown lands. The Emperor, who holds his sovereign position at will and with the consent of none but himself, is head of each of these Provinces, and therefore bears the title "His Imperial and Apostolic Royal Majesty, Emperor of Austria, King of Bohemia, and so forth, and Apostolic King of Hungary." He is the head of a hereditary house, the oldest in Europe. By virtue of this headship all Austria consists of family lands, whose titles date back to the Duke of Alsace in the seventh century. This Empire evolved through conquest and inheritance, through blood and marriage, from a house whose Hapsburg identity began in the ninth century. In those days of Charlemagne, when the Hapsburg family began to receive recognition, there was neither Austria nor Hungary, but all the country now known as the dual monarchy was occupied by Slavs, the original peoples to claim the Danubian country, save a very small portion, which was under Charlemagne, the Teuton. Even that was Slav country, but overrun by the empire builder. By the close of the twelfth century the country now occupied by the dual monarchy was still occupied by Slav peoples with specific territorial boundaries mapped out for the Bulgars, Serbians, Slavonians, Croatians, and Bosnians. Bohemia and Silesia were parts of the Empire of Frederick Barbarossa, as was a mere strip of country then called Austria. At this time the Kingdom of Hungary was between the Kingdom of Poland on the north and the Slav Provinces on the south. The famous fighting tribe known as Magyar, arising out of the east, came pouring in through the Slav countries, until, like a wedge, it drove into the very heart of this early Danubian people, splitting them into two quite distinct peoples from a territorial standpoint, but not racial. Henceforth the Magyar invasion, which established the Hungarian nation in the very heart of this ancient Slav people, permanently divided them into the northern Slav and the southern Slav nations.

A map of this period will show Hungary stretching from Bulgaria to Bavaria and from Bosnia to Moravia. Austria is insignificant, but the Hapsburg House included with Austria the Provinces of Styria, Corinthia, and Carniola. The great Hungarian wedge did not obliterate the independent Slav kingdoms such as Poland, Bohemia, Silesia, Galicia, and Lithuania. However, the Czechs and Slovaks were under the Empire at this time, but did not lose their autonomy. It will be noted the Hapsburg house in the fourteenth century was quite insignificant in its dominions as compared to a later period.

Near the close of the fourteenth century the Servian principalities occupied most of the archipelago between Bulgaria on the east and Dalmatia and Albania along the Adriatic. Turkey in Europe had not yet become a serious reality. The chief country outside of Serbia was Hungary, which stretched from Bulgaria and Serbia on the south to Poland and Bohemia on the north and the Holy Roman Empire on the west, including both Bosnia and Dalmatia. As was said, Austria was a mere spot on the map.

In the time of Charles the Fifth, in the sixteenth century, the Ottoman Empire overran all of the southern Slav countries, which is the beginning of the troublesome Balkan problem never more sensitive than now, and the real cause of the present war. Bohemia joined with Hungary for independence, but the House of Hapsburg, by conquest and heredity, secured a foothold in most of western Europe. This is the one significant fact of this century. It is the beginning of the Bohemian and Moravian persecutions. In the middle of the seventeenth century the Turk extended the Ottoman Empire beyond and including all the southern Slav country, also Hungary and Transylvania, while the Hapsburg House added within its boundaries the kingdom of Bohemia. The Slav, both north and south, became subject, the former to the Austrian control, the latter to the Ottoman or Turkish control. In the eighteenth century the Ottoman Empire was driven back by the Hapsburg power, which then included northern Italy, the southern Slav countries of Croatia, Slavonica, the northern Slav countries of Bohemia, Silesia, and Moravia, as well as Transylvania. Austria and Hungary were at this time as distinct as were the north and south Slav countries. Thus these Slav countries supplied two autocratic nationalities with spoils of warfare as they contended with each other for territory that belonged to neither, except by right of the sword. At the opening of the nineteenth century Napoleon remapped Europe. The Turkish Empire still included the southern Slav countries; the House of Hapsburg was confined to Austria, Hungary, and Bohemia; the confederation of the Rhine occupied what is now Germany, while the empire of Napoleon occupied most of what was left of Europe.

In all these years the various Slav countries, though subject, were ever contending for independence as a right. One hundred years later, at the opening of the present century, the dual monarchy, Austria-Hungary, which assumed this dual character after all Europe had rocked in the revolutions of 1848, was a mere conglomeration of diverse peoples. Neither half possessed the character of national spirit, much less did the Empire realize such character. Austria was made up of Slavs, Germans, Italians, Roumanians, and Magyars. The Germans, less numerous, were nevertheless the ruling element, while the others were unwilling subjects. The Slavs were divided geographically but not otherwise into northern and southern. Among the former, as was stated before, were the Czechs or Bohemians, Slovaks or Moravians, the Poles of Silesia, and the Ruthenians of Galicia, together the larger portion of the population. The southern or Yugoslavs were those in Croatia and Slavonia.

WHY THE SPIRIT OF REVOLUTION?

There never has been a time when the Austrian Government, the most reactionary in modern times, did not face a spirit of revolution surging through the mass consciousness of a subjected people which at all times outnumbered the ruling population. This country at the opening of the war was the overlord of nationalities like the Czechs of Bohemia, the Slovaks

of Moravia, the Poles of Silesia, the Ruthenians of Galicia, the Serbo-Croats of Croatia, all of which as historical entities are vastly older than anything Austrian, save the House of Hapsburg, which originally was foreign to this Empire. To-day Austria is but a vassal of Germany, which may delay the inevitable outbreak of an oppressed people.

These subject people have a passion for nationality that has persisted with a tenacity throughout centuries of torture and oppression that is an abiding wonder. Take Bohemia as one example, a kingdom so powerful as to wage a contest with Charlemagne; a country of which it was said, "The nation that rules Bohemia will rule Europe." This country has been under the heel of almost every autocratic ruling house in Europe; a country which has been the battle ground of religion of all sects, of rival houses in government, of contending nationalities. Over her boundaries have surged back and forth hordes of warlike peoples. The country of the famous John Huss saw a religious war whose severity is not known in civilized history. In 1621 Bohemian leaders were executed, and her constitution was suppressed; her property in lands was handed over to despoilers. All she possessed as a country, save her indomitable spirit, was taken from her. Every effort, ranging from attempted bribery to wholesale murder, was used in efforts running through a period of 200 years to stifle the passion for national independence. But all in vain. How different in the ruling nation. There is not now, neither can there be, what might properly be called a national spirit in Austria. The ruling house is by the power of the sword maintaining the hereditary throne, not by the consent of the people. This house for 12 centuries has been in existence and has maintained its rule by the sword. The system of the electorate, in name popular but in reality a mere farce, is so divided that the landowners absolutely control the nation. The system of education, which saw in 1908 an illiteracy of 40 per cent of her people, was conducted in the interest of Germans, the ruling class. In the dual monarchy there is no such thing as the fatherland or the motherland. The people in Bohemia, Silesia, Moravia, Galicia, Croatia, Slavonia, and Dalmatia have always looked upon Austria as an oppressor which denies to peoples of strict national entities older than the Empire the most sacred and inalienable rights, such as the use of their own language, their style of worship, their peculiar habits of thought as expressed in dress and various customs, and their independence in government. These Provinces possess national passions all at variance with autocratic government, while the Empire exercises power usurped by the sword against the will of these oppressed people—a condition which compels a chasm impossible to bridge.

This situation explains the recent reference of the premier of England when he said:

> Although we agree with President Wilson that the breaking up of Austria-Hungary is no part of our war aims, we feel that unless genuine self-government on true democratic principles is granted those Austro-Hungarian nationalities who have long desired it, it is impossible to hope for removal of those causes of unrest in that part of Europe which so long have threatened its genuine peace. The right of self-government should apply to enemy as well as friend. On the same ground we regard with vital satisfaction the legitimate claims of the Italians for union with those of their own race and tongue. We also mean to press that justice be done to the men of Roumanian blood and speech to their legitimate aspirations. If these conditions were fulfilled Austria-Hungary would become a power whose strength would conduce to the permanent peace and freedom of Europe instead of being an instrument of the pernicious Prussian military autocracy.

It is to this situation the President referred when in his war aims he said:

> The peoples of Austria-Hungary, whose place among the nations we wish to see safeguarded and assured, should be accorded the freest opportunity of autonomous development.

One year ago when Lloyd-George spoke of the aims of the allies he used specific language touching these peoples, in which he declared these aims include "the liberation of Slavs, Italians, Roumanians, and Czechoslovaks from foreign domination." This is the oft-repeated demand of the allies, of self-determination in matters of the government of a people.

DEMAND OF THE OPPRESSED PEOPLES IN AUSTRIA.

These subject people, who far outnumber the ruling people, and by race, religion, and language are differentiated from them, constantly persist in certain well-defined demands. They ask for their liberty and political independence, that they may form their ideal federation, in which the genius of each people might develop along its own national trait and passion. Among these peoples are to be found various differences in religion. They demand the right to worship according to their light. They demand the right to the adoption and free use of their own tongue, which would enhance their intellectual as well as commercial intercourse. They have an ambition for a native literature couched in the language of their fathers. They naturally wish to be free to announce and espouse such political philosophy as their forward-looking men might wish to develop. Their views of democracy, which would naturally be averse to monarchy, should not be suppressed, they claim, simply because it may not be acceptable to a ruling class whose position is attained by birth and by the consent of no one. These people for centuries have been more or less communistic, which principle tenaciously adheres to them.

They demand this custom, which has become law to them, shall not be denied by a ruling power entirely foreign in sympathy with these national traits. These foregoing demands have grown into a passion with most of the population of the monarchy, while, on the other hand, Austria-Hungary as a ruling power has no sympathy whatever with the various claims of these subject people who make up at least 60 per cent of the Empire, and most of whom are Slavs. Even in Hungary the half of the Empire generally regarded more modern has followed the lead of the Austrian half. The Magyar, the ruling element in Hungary, is less autocratic than the German, the ruling element in Austria. Yet in the former oppression is evident.

As will be recalled, all this territory was once occupied by the Slavs. When the Magyars drove a wedge into the heart of the Slav territory and thus definitely separated it into the northern and southern Slav countries, they succeeded for the time in preventing a great Slav kingdom in the Danubian country by weakening national defense. In the northern the oldest inhabitants, independent politically, were overrun by Teutons and Magyars, and thus became subject, but they never lost their identity. The southern or Yugo-Slavs were partially overrun. However, the Serbian, Montenegrin, and Bulgarian—the Roumanian were not Slavs—successfully resisted both Teuton and Magyar control, but all except Montenegro suffered Turkish conquest.

THE BALKAN SITUATION.

This at once opens up the Balkan situation, which is by far the most complicated, as well as the most sensitive, issue in European politics. A careful examination will explain why any disturbance in this quarter of the world compels all Europe to hold its breath until quiet is restored. Here is the real whirlpool of Europe. It is the receptacle which became a veritable vortex into which was poured, in ages past, an assortment of almost every people of the world. The Romans and Greeks from the west; the Slav, the Bulgar, and the Hun from north and east; the Goths, the Visigoths, the Vandals, the Lombards from the north and west; and the Turks from the southwest. Here were traces of the Semitic tribes from the Levant. In this peninsula were found Romans, the Goths and Huns, the Tartars and Slavs, the Serbs and Bulgars, the Saracens, the Turks, and the Normans. This peninsula was the meeting place of streams of population from every quarter. Through it have poured streams of national force, representing every phase of religion, every form of government, every system of trade, and many cults of a complicated civilization. It was the track of the invader from north, east, and west and the scene of many a racial conflict. It has been the battle ground of ideas as well as armed forces. Among its people to-day can be noted a unity in a great variety. There have survived here a people of common characteristics yet widely different. The Greek in Greece, the Slav in Serbia, Montenegro, and Bulgaria, and the Roman in Roumania. Yet in some ways Bulgaria is closely related to Turkey, while Montenegro and Serbia, somewhat influenced, never had sympathy with either Turkey, Rome, or the Teuton, but always Slav. Dalmatia, Italian in sympathy, but subject to Austria, has ever been, and will continue to be, a bone of contention until allowed to select its allegiance. These are the scenes where have been fought the age-long battles for autonomy against Turkish conquest on the one hand and Teuton-Magyar invasions on the other. Being Slav, Russia has kept a watchful eye over them, urging a union or at least a Balkan federation in spirit if not in form. To Russia more than to any other country is due the spirit of a Balkan union. The purpose is apparent to all students of nation building. There must not be an unfriendly power between the Russian Empire and the Mediterranean waters.

It has been apparent for years that Germany and Austria have looked to an outlet to the Mediterranean. It is but a part of the famous Mittel-Europia ambition of the Teuton, so prominently stressed just now. Turkey has long held the Dardanelles, which closes out Russia. The Slav Provinces lie in the way of the Teuton's march on Macedonia and bar him from the Mediterranean except via Dalmatia, nominally a kingdom of Austria but Italian in character, which lies west of Bosnia, a Slavic people, but in governmental control belonged to Turkey. In the seventies Austria was allowed, without the consent of Bosnia, to occupy it by a military force. This Teuton aggression by agreement with Turkey, but against the wishes of both Bosnia and the Slav interests, pointed to the Teuton movement and future trouble with Russia. Later, when Turkey had her troubles with the Balkan States, which was almost perennial if not unceasing, Austria took advantage of the situation and annexed both Bosnia and Herzegovina to her domains. This was regarded as wholly without right or justice to the people of these Slav areas, and conclusive of the purpose of enlarging her dominion and a step nearer to the Teuton goal—the Mediterranean. Had the spirit of union in the Balkans been strong enough to overcome the state of jealousy among them this Austrian conquest would not have occurred. In 1914, when Austria, because of the assassination of her heir in the capital of Bosnia, demanded of Serbia to permit an army to cooperate in the suppression of alleged rebellious juntas within Serbian territory, the real purpose to place an Austrian army in Serbia could not be misunderstood, in the light of her aggression two years before. It was obvious; hence Germany's interest on the one hand and Russia's on the other in Austria's ultimatum to Serbia. This unfortunate peninsula, which has been watered by the best blood of the various peoples of the Old World as the early hordes marched to and fro, now as conquerors, then as conquered, is still holding the attention of the world. For ages Turkey yearned to cover it with Moslem authority. She enjoyed a success for years, only to lose out for all time to come.

Russia in her laudable ambition to reach the sea has maintained a consistent purpose to insure a Balkan federation of Slav nationalities strong enough to resist aggression from whatever quarter, and thereby insure a friendly connection with Mediterranean people.

England, ever watchful over her interests on all seas, and especially the Mediterranean, desired a Balkan group strong enough to stay the southern wave of Teuton ambition, on the one hand, and to maintain a balance between them and Turkey, that the latter may remain the keeper of the gateway from Asia to Europe. Her control of Constantinople was preferable, since it was safer in the hands of a second-rate power than in control of a first-class power, as either Russia or a Teutonic nation.

This accounts for England's attitude of friendship for Turkey in Europe throughout the past 100 years.

Hence, when Austria announced her indefensible ultimatum, which in effect was a declaration of subjection of Serbia to Austria, Germany was interested in the success of her ally, while Russia was alarmed for the same reason. Hence the rapid succession of military events and the world-wide confusion over war's alarms.

Mr. Speaker, I did not mean to discuss at this time the Balkan situation, although it is the heart of world war at its inception. I desire to do no more here than to throw light upon the unhappy subject people of the dual monarchy, that we may do justice to that portion of them who reside within our borders, and who at the earliest opportunity entered the Army to fight against their oppressor from whom they fled to seek shelter in America. They are not only fighting for America but against their oppressor, for the liberty of their people still under the yoke of bondage. This situation indicates Austrian disintegration. There is an ominous unrest among the subject people of the dual monarchy, because they are without freedom in an empire that now has become doubly oppressive since its population is totally under the Germans, whether in Austria or Hungary. Hundreds of thousands of these dissatisfied people have in years past left their homes to find a haven in America. The census of 1910 gives 2,702,000 people in our country from Austria alone. They represent more than half the population of the empire, charged with the same national instincts. Many of those who came here entered the ranks of the allies to fight the enemy of their people. To-day there is a Bohemian army of not less than 120,000 somewhere in line. Whatever significance can be attached to the general uprisings now in the dual monarchy it is not too much to say that Austria must break. She is ruled by one family instead of by 10 nations, of which she is to-day composed. Who can tell the effect upon these subject people of the knowledge if it can be gotten to them of an army of their countrymen in ranks fighting for their liberation?

Mr. Speaker, anyone conversant with the history of this reactionary nation and the treatment of the majority of the people within her domains, all of whom are denied their liberties, must conclude that one result of the war must be a complete emancipation of these peoples from the yoke of the Hapsburg oppressor. We may see this accomplished yet by those of the oppressed.

AGRICULTURAL APPROPRIATIONS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919; and, pending that, I would like to see if we can not come to some agreement about the time for general debate. What suggestion has the gentleman from Iowa to make?

Mr. HAUGEN. I have enough requests here to take about six hours to accommodate. They are very urgent requests, and if it is possible to accommodate them I hope it will be done. It would require six hours.

Mr. LEVER. On that basis it would take 12 hours' debate. I do not think we should have that much debate.

Mr. HAUGEN. I appreciate that that will require a great deal of time, but I was stating the fact.

Mr. LEVER. I will say to the gentleman from Iowa that I myself have many requests for time, but I have been informing those who have made the requests and those to whom I have promised time that we ought to reduce it somewhat. I wonder if the gentleman could not get along with two and one-half hours?

Mr. HAUGEN. That would be more than cutting the time in two. I may say that much of the discussion on this side is going to be devoted to the bill by members of the committee and other Members who have given a good deal of study to certain of its provisions. For that reason I think they should be accommodated, because there will really be no time lost. The time will be consumed in the five-minute debate, if not given in general debate.

Mr. LEVER. If we are willing to be a little more liberal in the matter of time, would the gentleman be willing to agree that the general debate shall be confined to the bill?

Mr. HAUGEN. I do not think so. That would be to change the rule entirely. I do not think we ought to change the rule. We ought to adhere to the rule and expedite matters as far as possible. I am perfectly in sympathy with the gentleman in his desire to expedite the passage of this bill. I am perfectly willing, as far as I am concerned, to meet at 11 o'clock and run these debates along in the evening, or do anything to expedite the passage of the bill; but I believe we can do it by accommodating the gentlemen who have requested the time.

Mr. GILLETT. I suggest that we meet at 11 o'clock to-morrow morning for general debate. I do not think there will be any opposition on this side. I would not like to have the House meet at 11 o'clock under the five-minute rule, but for general debate I do not think there would be any objection.

Mr. LEVER. Let me make this suggestion to the gentleman from Iowa: It is now 10 minutes after 1. If the House stays in session until 6 o'clock this afternoon and meets at 11 o'clock to-morrow morning, will the gentleman agree that the general debate shall continue during the day and for two hours to-morrow? That would give about seven hours' general debate.

Mr. HAUGEN. Much of that time might be consumed in roll calls and one thing and another; and if so, Members would be deprived of the privilege.

Mr. LEVER. I take it that the roll calls would not be taken out of that time. I meant two solid hours to-morrow for debate.

Mr. HAUGEN. I think the best way and the proper way would be to fix the time.

Mr. LEVER. I would much prefer to do that, myself.

Mr. HAUGEN. Is it possible to arrange for 10 hours, to cut the time down to five hours on each side?

Mr. LEVER. I think we can get along with seven hours on this proposition, the gentleman taking three and a half and I the same.

Mr. HAUGEN. As I have stated, I have requests for six hours, which would require 12 hours, 6 hours on a side. Cutting it to three and a half hours on a side, of course, is cutting the time nearly in half, and the requests which I have for time are urgent.

Mr. LEVER. Would the gentleman be willing to begin the general debate now, run it until 6 o'clock, and commencing at 11 to-morrow, run the debate until 3 o'clock in the afternoon?

Mr. HAUGEN. I think the proper and usual way is to agree on a certain number of hours.

Mr. GILLETT. That would be practically 10 hours. I think we would agree to that, and begin at 11 o'clock to-morrow.

Mr. HAUGEN. I think I can arrange with some of these gentlemen to cut down their time somewhat and probably can get along with five hours; but I really believe we will make time by agreeing to five hours on a side.

Mr. LEVER. I agree it is always much better to fix the time for general debate.

Mr. GILLETT. I do not think we ought to set an hour to-morrow for the closing of general debate, because then roll calls or conference reports or any unexpected thing which might come up would be taken out of the time.

Mr. LEVER. That is the point I am making. I prefer to fix so many hours for general debate.

Mr. GILLETT. Yes.

Mr. LEVER. And I suggest to the gentleman eight hours for general debate.

Mr. KITCHIN. That is practically two days.

Mr. LEVER. That is practically two days.

Mr. HAUGEN. After conferring with my colleagues, I will compromise on nine hours.

Mr. LEVER. I have compromised myself, from five hours to eight.

Mr. WALSH. Will the gentleman yield?

Mr. LEVER. I yield to the gentleman from Massachusetts for a question.

Mr. WALSH. What is the reason for this apparent desire for haste on this measure? Are there any other important appropriation bills waiting for action?

Mr. KITCHIN. The diplomatic and consular appropriation bill.

Mr. LEVER. I understand the diplomatic bill is ready, and that the legislative bill is practically ready.

Mr. STAFFORD. If the gentleman will permit me, the subcommittee framing the legislative, executive, and judicial appropriation bill will not conclude their hearings for several days to come.

Mr. LEVER. Of course, the gentleman understands that it will take several days to pass this bill after we get into the consideration of it under the five-minute rule. I understand the legislative bill will be ready for consideration after the diplomatic bill.

Mr. KITCHIN. And the diplomatic bill will be ready immediately after this bill.

Mr. LEVER. I hope the gentleman will agree to the eight-hour proposition.

Mr. HAUGEN. It really can not be done. I do not think we can expedite the passage of the bill by agreeing to that.

Mr. KITCHIN. I suggest to the gentleman that it does look like we ought to get through with the general debate certainly by to-morrow night. Let us agree to conclude it to-morrow.

Mr. HAUGEN. That is all right.

Mr. WALSH. The time to be divided equally.

Mr. GILLETT. And meet at 11 o'clock to-morrow.

The SPEAKER. What is the request? Has the gentleman from South Carolina any request to make?

Mr. LEVER. Mr. Speaker, I am trying to confer with the numerous gentlemen around me here, to see what is the best request to submit. I suggest to the gentleman from Iowa that we agree to conclude the debate before the House adjourns to-morrow.

Mr. GILLETT. And meet at 11 o'clock to-morrow morning.

The SPEAKER. We have not got any unanimous consent to meet at 11 o'clock.

Mr. LEVER. I am going to make that request now.

Mr. ALEXANDER. Mr. Speaker, our Committee on the Merchant Marine and Fisheries are having some very important hearings, and they meet at 10.30. If they come here at 11 o'clock they will have to discontinue the committee meeting. We have a very important hearing set for to-morrow morning. If you are going to consume two days in general debate, I do not think that you ought to interfere with the other business of the committees of the House.

Mr. GILLETT. I agree with the gentleman from Missouri that I would not agree to come in at 11 o'clock except for general debate.

Mr. ALEXANDER. If the general debate is illuminating, the Members of the House ought to hear it, and if it is simply bunk, you might as well cut it out. [Laughter and applause.]

Mr. LEVER. Mr. Speaker, I ask unanimous consent that general debate shall continue until the House adjourns to-morrow; that the time be equally divided between the gentleman from Iowa, Mr. HAUGEN, and myself, and that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from South Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union, and pending that he asks unanimous consent that general debate end when the House adjourns to-morrow; that the House shall meet at 11 o'clock to-morrow, and the time shall be equally divided between himself and the gentleman from Iowa [Mr. HAUGEN.] Is there objection?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CRISP in the chair.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The CHAIRMAN. Under the order of the House, the time is to be equally divided between the gentleman from South Carolina, Mr. LEVER, and the gentleman from Iowa, Mr. HAUGEN.

Mr. LEVER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio, Mr. SHERWOOD.

Mr. SHERWOOD. Mr. Chairman, after listening to such a powerful, such a lucid, and such a valuable address as we heard from my distinguished colleague from Ohio, Dr. FESS, I thought that perhaps your minds might be relieved by something in a lighter vein.

At the very outset of this great world war we find ourselves short of both cavalry, artillery, and general-utility horses. And all our so-called military experts concede the absolute necessity for cavalry on the flanks of an army or to cover a retreat. In the Boer war, in South Africa, the most expensive aggressive war of conquest Great Britain ever made in a century, the lack of cavalry to fight the Boers, who were all mounted on fleet-footed ponies, cost Great Britain more lives of soldiers and more money than all the 42 wars waged during the entire eventful reign of Queen Victoria.

To-day we are seriously hampered in our war preparations for lack of horses, and that demand can not be supplied. It was claimed by most of our so-called military experts, at the time the United States entered the war, that the aeroplane would take the place of the mounted soldier; but now the demand for cavalry is universal. In a recent number of the Breeders' Gazette, one of the oldest and ablest stock-farm journals published in the United States, I find an editorial voicing the immediate demand for cavalry in order to win the war. From time immemorial it has been the swift mobilizing cavalry that has won battles in the critical crises of wavering battle lines. This was a vital lesson we learned early in the first battle of the Civil War, when a charge of the Black Horse Cavalry of Virginia put to rout a superior force of Infantry in the first Battle of Bull Run.

And in the two-years war in South Africa, England learned a severe lesson of humiliation when 7,000 Boer farmers, mounted on Boer ponies—and neither Boers nor ponies ever saw the inside of a military academy—caused the retreat across the Tegula River of 42,000 trained veterans of England, commanded by the widely renowned Gen. Buller.

And in the present world war it was the Italian Cavalry, covering the retreat of the Italian Army from the Austro-Hungarian border to the Piave River, that saved the bulk of that army and the most valuable of artillery and stores and munitions. Not only are we short of artillery but of men trained to take care of horses.

An up-to-date high-rank Army officer recently said:

> The man who knows how to take care of animals in this country has become very scarce. We must provide thousands of men capable of taking care of animals and who can shoe a horse, drive a team, and adjust a pack saddle. You can not train a horseshoer in less than four months; you can teach a man to pack or drive a team in about two months. Without horseshoers, packers, and teamsters we can not have an army. The men who handle machine guns will be of little service unless they are taught to take care of mules. Without teamsters we can not have an army.

We know how all the high authority—machine-motor experts—have been indulging in big display-line prophesies of a horseless age. We remember vividly of the many predictions of the machine and chemical laboratory war prophets of a horseless war; that the experts in the bird-flying aeroplanes, dropping the awe-provoking bombs, would do the terrible work on the flanks and in the rear of a hostile army, with no further use for the cavalry horse, whose swiftness in battle is conceded to be five times the velocity of a foot soldier.

This is my excuse to-day for exploiting the horse. Our shortage of the speed horse, the saddle horse, and the general utility horse is largely due to hostile legislation against horse racing, the most alluring, recrentive, and wholesome of all the outdoor sports and pastimes. Legislation that has financially ruined and driven thousands of expert breeders out of business; legislation aimed at so-called gambling on the pastime, with the inevitable result that we have inaugurated prize fighting, the most brutal and degrading of all the pastimes of the people, with the nose smashers and rib crackers of the prize ring masquerading as our theatrical stars, and gambling on ring contests and football and baseball and election contests increased tenfold. [Applause.] This is my excuse for exploiting man's best animal friend in all the avenues of life, in history, in chivalry, in the holy crusades, and on the red fields of war.

WHY GOD CREATED THE HORSE.

In the domain of the utilities, in the more esthetic field of the recreations, in poetry and song and sculpture, and on the red fields of war the horse, since creation's dawn, has been the omnipresent companion and helpmate of his master—man. Let us now scan the law of the inevitable—the natural loves and instincts of man as illustrated by all history. From the ancient Pharaoh of the Exodus to Gen. Phil Sheridan, the horse has shared the honors of war, the glamors of love, the wild witchery of chivalric tournament, and the gloom and glory of all the crusades, Christian and Mohammedan. [Applause.]

THE HORSE IN THE EARLY CRUSADES.

A thousand years before Christianity began the horse was one of the most potent deities of the weird and fascinating religion of the pagan world. The history of his achievements covers three continents and runs through 10 portentious centuries of triumphs, wars, and conquests.

As a potent missionary of the Christian religion, the horse was first conspicuous at the close of the eleventh century. At the Council of Clermont in 1095 Pope Urban II, in the spirit of religious fanaticism, called upon the church to rescue Jerusalem and recover the Holy Land. This great appeal started the holy crusades that continued over 200 years and at one time involved all western Europe.

The first crusade (1069-1099), organized by that great plebeian, Peter the Hermit, failed because they had no horses. Nearly all his soldiers were slain by the Mohammedan Turks in Asia Minor. The second crusade, organized in 1097, was led by Knights of the Holy Cross; and no soldier could be a knight who was not mounted, and he must also be a horseman, strong enough to wear steel armor and to wield a broadsword. On June 7, 1099, 20,000 of these crusaders reached the Holy City, Jerusalem. After a five weeks' siege the city was captured by a cavalry charge of the most reckless daring. Godfrey, the leader, wrote home as follows:

> In Solomon's Porch and in his Temple our knights rode in the blood of the Saracens up to the knees of their horses.

The seventh and last crusade did not end until 1272, and while I am not here to say that the mounted cavalier with sword and spear was the true follower of the lowly Nazarene, the mailed knights of the Middle Ages were the avant couriers of that kind of Christian civilization that dominates all Europe to-day, and it is getting a firm grip on the United States.

In discussing the moral influence of the crusades, that eminent scholar and poetist, Daniel Coit Gilman, president of Johns Hopkins University, says:

> The constant contact for two centuries with the more advanced Byzantine and Arabic culture taught the crusaders many lessons in civilization.

So much for the horse of chivalry in advancing Christian civilization in Europe.

THE HORSE IN NEW WORLD HISTORY.

In the New World the horse has been a much more potent and pervading force than in the old in the evangelization of the idol worshipers of the western continent. Hernando Cortez, the conqueror of Mexico, as an anointed Knight of the Cross, could never have subdued the fierce and warlike Aztec nation without the Spanish war horse of the sixteenth century. It may not be known that the entire force of Cortez when he successfully captured the strongly fortified City of Mexico was less than 1,000 Spanish foot soldiers and only 87 splendidly mounted knights riding powerful Spanish horses, incased in steel armor. The Aztec warriors had never before seen a horse, and they regarded him as a supernatural terror—death dealing and irresistible.

The history of the conquest of Mexico reads like an Arabian Nights' tale. Though Hernando Cortez had only a few hundred men, in two weeks after entering the capital of the warlike and powerful Aztec empire he captured the holy sovereign, Montezuma, and took possession of the Aztec treasury, valued at six and a half million dollars, and all of Montezuma's ministers.

And what Hernando Cortez and his cavaliers did to the Aztecs of Mexico a still more daring knight and horseman, Francisco Pizarro, did to the prehistoric Incas of Peru in 1535; and he did it with his knights on horseback in armor of steel.

THE HORSE IN SACRED HISTORY.

In all religions the horse has ever been an omnipresent factor. The fascinating mythology of the Greeks, a race, in their prime, foremost in art and civilization, is full of the horse.

The Mohammedan religion is also toned by the horse. Borak was the milk-white horse that had the wings of an eagle and a human face. He carried the prophet Mohammed from earth to the seventh Heaven. And the seventh Heaven, in the Mohammedan religion, is the dizziest parlor in the top mansion of the blissful skies. The name is Arabic, meaning the lightning.

Haizum was one of the horses of the archangel Gabriel. Read the Koran and you will see. Hrimfaxi is the horse of night, from whose bit fall the "rime drops," which every night bedew the earth. This is found in Scandinavian mythology.

If you will look to Revelation you will see that it is the pale horse upon which death rides, and as death ends all in this world I will here end my story of the horse as a Christian missionary, with a cheerful remembrance from the Old Testament prophet, Elijah—second book of Kings:

> And it came to pass, as they still went on and talked, that, behold, there appeared a chariot of fire and horses of fire and parted them both asunder, and Elijah went up by a whirlwind into Heaven.

It is evident without the horses Elijah would never have reached that lofty altitude. [Laughter and applause.]

THE FORSE IN CHIVALRY.

Chivalry derives its name from the French word "cheval," a horse, and the word "knight," which originally meant boy, was subsequently applied to the boy when he was able to mount and successfully manage a horse. In the so-called age of chivalry the mounted knight was in war at the service of his sovereign or chief, and in peace he graced the court as the gallant of the ladies in the castle, where he shared the banquets and participated in the jousts and tournaments with which the bravest of the brave cheered their leisure.

TOURNAMENTS ORIGINATED IN FRANCE.

The tournaments of the knights on horseback, in steel-clad armor, originated in France. They were organized to kill time in times of peace, and against the protest of the clergy. Afterwards and during the so-called holy crusades—in the battles of the centuries—of the cavaliers of the Cross, against the legions of Mohammed, the clergy indorsed and encouraged the crusaders.

HOW CHIVALRY HUMANIZED WAR.

The age of chivalry was an age of fierce adventures and long and bloody wars, in which the horse was the chief factor; but it humanized war, inaugurated knightly honor, and did much to eliminate the brutal instincts which before had found vent in the butchery or slavery of soldiers captured in battle. Knightly honor, the growth of chivalry, forbade a knight to kill another knight when he was unhorsed or had dropped his lance or called for mercy. Chivalry also did much to elevate woman to her true place as the equal companion of man. And it was distinctly forbidden in all the jousts and tournaments where knights fought on horseback to even wound a horse. In fact, the horse was the true badge of a knight. No villain or serf was ever allowed to ride on horseback or carry a lance. The horse in the chivalric age did for knightly conduct what the horse of pagan civilization did toward humanizing the Romans. When Nero sat above Rome Christian martyrs were taken to the arena to be devoured by wild beasts, caught in the German forests, in the applauding presence of the Roman populace. Later, under the Emperor Augustus, under a gentler and more benign civilization, the chariot races, in which the horse was the main factor, supplanted the brutal bouts in the bloody arena. And in the age of chivalry the horse did for Christian civilization what the chariot races did in Rome for pagan civilization. He made mankind better and more humane.

WHAT CHIVALRY HAS DONE FOR LITERATURE.

The history and traditions of the age of chivalry have enriched all modern poetry and literature. The history of chivalry is a rich storehouse of poetic material that all our modern poets have used generously to glamour and allure both fiction and poesy. Spencer, Sir Walter Scott, Longfellow, and Tennyson have drawn plots, romances, and poems liberally from chivalry, but none so successfully as Lord Byron and Washington Irving. Next to Waterloo, Byron's most thrilling dramatic poem is "Mazeppa," in which the wild horse of the Ukraine is the leading factor of the poem. Few students of English literature know that Mazeppa, lashed naked to the back of a wild horse, was a real historical character and not a fictitious hero born in the brain of the great poet. "Mazeppa," the poem, was drawn almost literally from history. Mazeppa was a knight of chivalry.

He was born in 1645 and had a knightly pedigree, standard through both sire and dam.

THE MODERN POETS EXPLOITED HORSE HEROICS.

All the poets of modern times put horses under their heroes. King Richard III, according to Shakespeare, offered his whole kingdom for a horse after his game steed fell dead on the bloody battle field of Bosworth. He could not get another horse on his offer, and thereby lost the battle and the crown, and the blood of Plantagenet was dried up forever, and the blood of Tudor came in to rule England, all for lack of a horse.

All the standard English poets were horse fanciers. Sir Walter Scott, in immortal Marmion, puts into Lady Heron's sweet mouth the story of "Young Lochinvar," one of the most thrilling musical gems in the English language. And young Lochinvar's horse is the supreme factor of the escapade. You remember when young Lochinvar stole away the bride that was about to wed "a laggard in love and a dastard in war" he caught her on the home stretch, and throwing her willing form behind his own, astride his prancing steed, while two pair of chivalric legs were thrilling the throbbing ribs of his game flier, the lads and lassies of the laggard bridegroom had no steeds fleet enough to follow, and young Lochinvar got away with everything. [Laughter.]

Even Tennyson, late poet laureate of England, with all his finical, fine ladyisms of versification, occasionally braces up into the robust heroic when he mounts the English thoroughbred. He does this in "Locksley Hall," but his best effort by far is "The Charge of the Light Brigade." But Tennyson is hardly in the same class with Sir Walter Scott. In all the minstrelsy of Scott life horse always comes in to gild the heroics, whether he sings of love or war.

And the finest dramatic poem of our great Civil War is "Sheridan's Ride," written by our Ohio poet, T. Buchanan Read, in which the horse is the hero, because without that game flier Sheridan could never have turned defeat into victory in that immortal 20-mile ride from Winchester to Cedar Creek. Have you ever stopped to think what would have become of our Army that critical day had Sheridan attempted that perilous ride in an automobile with a busted tire. [Laughter.] Could he have inspired the boys with courage anew sitting in a pulseless machine, even without a busted tire, instead of the black charger, that with foam on his flanks and nostrils red as blood and eyes flashing fire carried the courage of his great master into the hearts of the musketeers.

THE TROUBADOURS AND THE HORSE.

In the songs of the troubadours the horse is everywhere sung. Many of these songs were written by women. The troubadours were the offspring of chivalry. They first appeared in France in the eleventh century and sung their last lyric poetry in Spain in the fourteenth. The troubadours composed and sang songs, and one of the accomplishments was to play the harp or make melody of the feline intestines over the bridge of a guitar. They were the inventors of lyric poetry, devoted entirely to sentimentalism. They were often mounted when attached to courts of princes and nobles, and they sang praises to the gallantry of knights, and often indulged in rustic rhymes on the degeneracy of the clergy. Our own Washington Irving won his greatest fame in fiction imbibing the lyric songs and romances and wild witching tales of the Moslem Moors. Lyrics once sung in the subtle moonlight to the black-eyed daughters of Andalusia, who danced in the orange groves of the Gaudalquiver in the heroic age of Moorish chivalry. [Applause.]

None of the historians are able to tell when the domesticated horse was first ridden by barbarous man, as he is now ridden to death by the soldiers of Europe in the pending war.

The ancient Egyptians, the Assyrians, and the Hittites all used the horse to war chariots, and later the Etruscans and Greeks in chariot races and triumphal processions. Neither did the ancient Egyptians ride horses. We first meet with a notice that the horse was ridden among the Greeks of the Homeric period. Just when Homer lived and loved and sung no one knows, but Herodotus, the oldest of the Greek historians, places Homer's fitful days on earth as 400 years preceding his own, and we read that Herodotus was cavorting around the ancient cities of Memphis, Heliopolis, Athens, and Babylon about 430 years before Christ. There were no metropolitan daily papers or horse papers in those desperately wicked old times in Babylon, and it is nowhere recorded how Herodotus was mounted, or whether he was mounted at all.

THE HORSE IN MYTHOLOGY.

Scandinavian history is full of the horse and so is Scandinavian mythology. Abakur, the favorite war horse of King Sunna, was so called because the word Abakur means in the Scandinavian language "A hot one." Hence the term "hot stuff," as applied to-day to an extreme speed trotter, may be a term of Scandinavian origin.

Arion, which is the Greek for war horse, was also a flyer. He was the horse of the giant Hercules, given to Adrastos. He ran with incredible swiftness, and this is why the Greeks deified him.

And the fascinating and picturesque and mysterious religion of ancient Hindustan is full of reference to the horse. The marvelous prophet Buddha was the greatest horseman of his time. His favorite horse was Kantaka, a pure white stallion, that is thus described in the "Sacred Books of the East." "A gallant steed, white as the foam of the sea, full maned and flowing tail. Head like the king of parrots, belly like the deer, breath like the dragons, wide forehead, claw-shaped nostrils, and eyes like the gazelle."

After the lapse of over 25 centuries Buddhism still stands first among the four great religions in the number of its devotees.

Our Aryan ancestors on the plains of India sang the Vedic hymns even before the epics of Homer, celebrating the horsemanship of the Greeks and Trojans, before they were voiced by human speech. The Vedic gods are thus sung: "Riding in chariots, charged with lightning, resounding with beautiful songs, and winged with horses."

Ancient Rome was also aglow with the war horse, even back to the dimmest of her early days. Incitatus was the favorite war horse of the cruel Roman Emperor Caligula. He made him both priest and consul, and he had an ivory manger and drank wine (as did priest and consul) out of a golden pail. The word Incitatus, in stately Latin, stands for "Spurred on." Evidently he had speed.

Celer, the favorite horse of the Roman Emperor Verus, was fed on almonds and raisins and covered with royal purple and given a marble box stall in the imperial palace. Bucephalus, the favorite horse of Alexander the Great, would allow no one to mount him but his royal master, and to him he would always kneel. Alexander built a city for his mausoleum, which he named Bucephala in his honor.

Flying Pegasus was one of the most brilliant of the Greek gods. Pegasus is represented as a winged horse that was always fed and watered by nymphs at springs and fountains. He was the genius of poetic song and always appeared to the Greek poets as the inspiration of the dizziest poetic effort. It was the beautiful goddess Eos or Aurora, the personification of the morning dawn, "who shot the Orient through with gold," called by Milton the "rosy-fingered morn," that rode the winged horse Pegasus. She rode him in the rosy blush of morn from the earth to high Olympus, the home of all the gods.

We learn that the god Neptune controlled all the waters of the great ocean (the Mediterranean sea being the only ocean the Greeks knew) and that he created the horse. Homer in his Iliad sings of Neptune thus: "He yokes the chariot his swift steeds, with feet of brass and manes of gold, and himself (Neptune), clad in gold, drives over the waves."

Prof. Murray's Manual of Mythology, speaking of Neptune and his sea horses, says: "The sea rejoices and makes way for him. His horses speed lightly over the waves and never a drop of water touches the brazen axle."

This seems like an improbable horse story, but no more improbable than "Billy" Sunday's statement that he has driven the devil out of Washington. [Laughter and applause.]

THE HORSE IN THE RECREATIONS.

For nearly half a century nearly all our preachers with a few notable exceptions, Rev. Henry Ward Beecher and Rev. T. Dewitt Talmage, have been denouncing horse racing as immoral and have been largely instrumental in putting this wholesome and recreative pastime under the ban of hostile legislation.

A very eloquent Chicago preacher, good intentioned and on the right track in denouncing an extravagant champagne supper of the "400" after the horse show, charges the horse show with the dissolute innovation. Here is where the learned divine is unlearned. The banquet after the horse show is not new, neither is there anything particularly new in the horse show. The modern horse show is a very old love that has come back in different guise and environment. And the afterfeast of the so-called swell set, with the effervescent spirit in the champagne, is not new. Over 20 centuries ago in Rome, after the victorious charioteers had put away their billhooks, the Roman senators and consuls and captains of the Pretorian guards, who had won coin on the races, stamped with the phiz of Caesar, adjourned to the room Apollo, where feasts were spread more lavishly than any dilettant midnight supper of our "400" after the horse show. Lucullus, a Roman consul, not half as well fixed as either the Morgans or Armours, or even Thomas W. Lawson, gave a wine supper to the conquering soldier Caesar

and the more pompous Pompey, in which the brains of 100 peacocks and 500 nightingales were served as a delicacy in the room Apollo, and his wine bill alone was $6,500. If our Chicago preacher has said that human nature has changed but little since the pagan world of 2,000 years ago, so far as the habits and tastes of notable men are concerned, he would have come nearer to the bull's-eye. [Laughter.]

MOST FAMOUS WAR HORSES.

The Assyrian sculptures are the most ancient and are estimated to date some 4,200 years before Christ. And these sculptures contain more representatives of horses, caparisoned and equipped to ride than of men.

THE FIRST VERIFIED WAR HORSE.

The first real horse that is fully verified as a war horse, or a horse of the heroics, is Bucephalus, the favorite war horse of Alexander the Great, who was born 325 years before Christ. Evidently the Macedonians were breeding horses for quality, as Plutarch, one of the earliest of reliable historians, says that Bucephalus was offered to King Philip, the father of Alexander the Great for 13 talents, or $12,590. It is not my purpose to mention any of the famous war horses of the pagan world, except to note the fact that Bucephalus was the first war horse of heroic quality to get into current history.

THE HERO HORSES OF MODERN WARS.

Let us now skip 2,000 years of man's constant warring, including the so-called age of chivalry, and start our brief story of the horse heroics with the dying years of the eighteenth century.

If I should name six of the most famous hero horses of the nineteenth century, I would mention Marengo, the favorite war horse of Napoleon; Copenhagen, the favorite of the Duke of Wellington; Cincinnati, the famous war horse of Gen. Grant; Traveller, the noted war horse of Gen. Robert E. Lee; Lexington, the horse Gen. Sherman rode on the Atlanta campaign; and Winchester, the game and fleet black stallion that carried Gen. Phil Sheridan from Winchester to Cedar Creek 20 miles, that gray October morning in 1864. Winchester has the unique distinction of a continental commemoration in a dramatic war poem, and the further distinction of having his master for a biographer.

George Washington was a tried and capable soldier in the old French war, so-called, of 1755, fighting on the side of England. When Washington, then a young colonel, accompanied the English commanding general, Braddock, in the old French war, he took with him three magnificent horses—English-bred hunters—from his Virginia estate. One of these horses, a dark-gray stallion, named Greenway. In a fierce battle fought July 9, 1755, Gen. Braddock was killed and his army defeated. Col. Washington was his aid-de-camp. Braddock lost five horses shot under him, a world's record, as I believe, and Col. Washington had two shot under him. Writing of the battle nine days later, at Fort Cumberland, to his brother John, Washington says:

> I have been protected by Providence beyond all expectation. I had four bullets through my coat and two horses shot under me, and yet escaped unhurt.

When Gen. Washington left Virginia, June 30, 1775, to take command of the Continental Armies, then at Cambridge, Mass., he took with him five horses of his own breeding. His favorite was a magnificent bay stallion, 16 hands high. When Gen. Washington made his first appearance at Cambridge mounted on this magnificent horse, he enthused and charmed not only the Army but the motley throng of revolutionary patriots gathered there to greet for the first time the hero of the epoch.

Before the close of the war Washington acquired by gift and purchase seven other war horses. Fairfax was the name of the horse that Washington rode the day he took command of the Army. At the Battle of Trenton Fairfax was so badly wounded that Washington had to abandon him. At the Battle of Monmouth, June 28, 1778, Washington rode a white horse—Blue Skin—presented him by Gov. Livingston, of New Jersey. The day was excessively hot, and the heat and terrors of the fight killed Blue Skin. Washington then rode to the end of the fight that day a magnificent chestnut mare with flaxen mane and tail, called Dolly—rather a tame name for a battle hero. Another of Washington's favorite war horses was a light-colored sorrel, 16 hands, with a white face and four white legs. This stallion was a gift from Gov. Nelson, of Virginia, and Washington named him Nelson in honor of the donor. This horse lived to the end of the war, and Gen. Washington rode him on the day of the final surrender of Lord Cornwallis, October 19, 1781. [Applause.]

After the war Nelson led a life of ease at Mount Vernon. He survived his immortal master and died at the remarkable age of 36 years. Thomas Jefferson often said that Washington was the greatest horseman of his time. [Applause.]

THE WAR HORSES OF NAPOLEON.

Probably the most famous war horse of the nineteenth century was Napoleon's Marengo. And horse lovers will wonder why it is that in all the many hundred biographies that have been written—in six languages—of the greatest empire builder of modern times so little has been said of the famous horses that carried him to victory in so many great battles.

We have the authority of Louis Napoleon, who said at Chiselhurst in 1872 that Marengo was the favorite horse of this great captain of the French. He was an Arab stallion captured from a Mameluke chief during Napoleon's Egyptian campaign. Marengo was about 15½ hands high, of very high style, and almost white. He was seven times wounded in battle. Napoleon rode him last at Waterloo, where Marengo was shot in the left hip. He, too, like Nelson, survived his royal master and died at the age of 36 years. Napoleon rode Marengo in the following great battles: Marengo, Austerlitz, Jena, Wagram, in the disastrous Russian campaign, and at Waterloo. Another war horse of Napoleon was an Arab stallion named Ali. On the downfall of Napoleon a French gentleman purchased Marengo and another well-tried war horse of Napoleon, named Juffa, and transferred them to his estate in England.

On the 16th of May, 1797, Napoleon rode his famous war horse Marengo to the top of the bell tower of St. Mark's Cathedral, Venice, that he might signal to his fleet in the bay that the proud Queen of the Adriatic Sea had surrendered. This bell tower is 333 feet high, 45 feet higher than the lantern above the great central dome of our National Capitol. With the exception of the fiery chariot horse that Elijah rode up to heaven, this is the most remarkable feat of dizzy-headed horsemanship ever recorded in either sacred or profane history. [Laughter.] Napoleon had 19 horses shot under him—the world's record.

Another famous horse that has been preserved true to life form is the war horse Stonewall Jackson rode the day of his tragic death. This horse is now the central attraction of the relic room of the Confederate Soldiers' Home in Richmond, Va.

THE FAMOUS WAR HORSE OF THE IRON DUKE.

Copenhagen won his fame as the horse the Duke of Wellington rode at the decisive battle of Waterloo—a battle that ended the conquering career of Napoleon and gave enduring fame to the Duke of Wellington. Copenhagen has inspired more animal hero worship than any horse in all history, ancient or modern. Copenhagen was a powerful chestnut stallion, 16 hands high, an English thoroughbred, a grandson of the famous English race horse Eclipse. The Duke of Wellington bought him in 1813, paying 400 guineas for him, or $2,000. His magnificent form, style, and high quality is indicated by this price.

At 4 o'clock June 18, 1815, the day the great duke and Copenhagen won immortal fame, Wellington mounted Copenhagen and was in the saddle continuously for 18 hours. And when the day was done and the duke had held his historic interview with the Prussian Field Marshal Blucher, the duke dismounted and turned Copenhagen over to his orderly.

It will be remembered that the English Government presented the Iron Duke with a splendid estate for his good day's work at Waterloo.

The Iron Duke's last act before leaving Strathfield, a few days before Copenhagen's death, was to walk out to his paddock and pet the great war horse who carried him to immortality at Waterloo. The Iron Duke's eldest son, known as the second Duke of Wellington, erected two monuments, one to the duke and the other to Copenhagen, both of Italian marble. The monument to Copenhagen stands under the shadow of a large Turkish oak on the estate presented the duke, where the famous horse was buried, with this inscription:

> Here lies Copenhagen, the charger ridden by the Duke of Wellington the entire day at the Battle of Waterloo. Born 1808, died 1835.

During the Civil War I saw nearly all the commanding generals of the Army of Ohio, the Army of the Cumberland, the Army of the Tennessee under fire. I saw Gen. Hooker several times under fire, once at Resaca. I saw him in the full uniform of a major general, yellow sash and all the plumes, riding at the extreme front, almost abreast of our advance skirmish line. He was mounted on a powerful high-headed bay stallion, red nostrilled and furious, the most daring and inspiring figure I ever saw on a battle field.

GEN. JOHN A. LOGAN

Was the incarnation of vital energy and reckless courage. I saw him ride to the front at Atlanta and rally the staggering battalions, after the death of Gen. McPherson, in that fierce conflict of the 22d of July. Logan rode that day his famous war horse, Black Jack, a coal-black horse that he rode in many battles. Black Jack was poisoned by the political enemies of Gen.

Logan, in southern Illinois, after the war, during a heated campaign. They fed Black Jack a pound of ground glass.

I saw Gen. McPherson as he rode to his death at Atlanta. Next to Gen. Joe Hooker, he was considered the finest mounted officer of our Army. I saw him often under fire during the Atlanta campaign, always splendidly mounted.

I saw Gen. Sherman under fire at Atlanta and at Kenesaw Mountain. His favorite horse was Lexington, presented to him by admiring friends when he commanded the Department of Kentucky. Gen. Sherman was never an impressive figure on horseback. As he rode through our lines on the march in the Atlanta campaign, sometimes at midday and sometimes in the midnight march, he always rode with bowed head in fatigue uniform.

GEN. JAMES B. STEEDMAN.

The first distinguished soldier I ever saw under fire was Gen. James B. Steedman, then colonel of the Fourteenth Ohio Volunteer Infantry, in the battle of Philippi, the first battle of the Civil War. He won his twin stars in the fiercest part of the Chickamauga battle field and at the most critical period of the conflict. It was here that Gen. Steedman snatched the flag of the One hundred and fifteenth Illinois from the hands of the color sergeant, when the regiment was in retreat, ordered the "About, face," and "Follow your general." The regiment obeyed, and Steedman spurred his war horse up the death-swept slope, carrying the flag. A few leaps into the hell of fire and the horse was shot dead and Gen. Steedman was thrown violently far over his head and severely stunned. But he was too game to leave the field. The horse he rode at Chickamauga was a magnificent bay gelding of commanding style, over 16 hands high. He was captured at Mill Springs in the battle in which Confederate Gen. Zollicoffer was killed. Hence this horse that died the hero's death at Chickamauga fought on both sides of the conflict.

GEN. PHIL SHERIDAN.

Gen. Sheridan's ride and rally of the retreating army at Cedar Creek does not rank in importance with Gen. Steedman's forced march and saving service to the Army of the Cumberland at Chickamauga, but Steedman had no poet and Sheridan had one inspired. The greatest dramatic poem of the war, written by that Ohio poet, T. Buchanan Read, could never have been inspired except for the fleet stallion that carried Gen. Phil Sheridan from Winchester to Cedar Creek that gray October morning in 1864. He rode a coal black stallion, over 16 hands high, three-quarters thoroughbred. After the battle he was named "Winchester." Before the battle he was called "Rienzi."

GEN. GEORGE A. CUSTER.

Gen. Custer, mounted, was an inspiration. He was a devotee of the horse and was always talking about his war horses. From the time he left West Point to join the Army, in the Civil War, until the close of his eventful life in June, 1876, in the Little Big Horn Valley, his daily life was largely on horseback. Probably the man never lived whose endurance in the saddle was greater than his. The favorite war horse of Gen. Custer was a brown horse called "Dandy." He was 15½ hands, a compact, muscular horse, fine head and neck. He marched in the ranks of Custer's little army of daring troopers on June 25, 1876, against the confederated Sioux Tribes, that terrible day of the massacre of Custer and his men, in the valley of the Little Big Horn, and was shot through the shoulder. The only horse that survived this savage carnival of death was Comanche, and he was seven times wounded and left to die by the Indians. He was found afterwards by our soldiers seven miles from the battle field and was removed to Fort Reilly, Kans., where he recovered and was adopted by the United States Government. No one was ever permitted to mount him.

GEN. U. S. GRANT.

I first saw Gen. Grant mounted near Raleigh, N. C., at the grand review of Sherman's army, after the final surrender of all the armies of the Confederacy. Gen. Grant was never a showy soldier on horseback, like Hooker, McPherson, or Custer. He was too short bodied, square shouldered, and short necked to make a picturesque figure on horseback. His most famous war horse was Cincinnati, presented to him by some of his admiring Ohio friends at Cincinnati previous to his taking command of the Army of the Potomac. Neither was Grant a theme for the song poets of the war, like Sheridan and the yellow-haired Custer, or Gen. Lee, Stonewall Jackson, or Albert Sidney Johnson, of the Confederates.

GEN. PAT CLEBURNE.

The two Confederate generals that I saw nearest in both life and in death I saw in that desperate charge at Franklin, November 30, 1864. These two were Gen. Pat Cleburne and Gen. John Adams. Gen. Cleburne was the most dashing division commander of Hood's army. Gen. Adams and his horse fell at the left front of my command and Gen. Cleburne a few yards to the left. My mount, a crow-black mare of high mettle—Firefly—that I had ridden in 20 battles, was shot about the time that Cleburne fell. She reared high in the air and fell with a stunning thud. But I was young and spry then and was up again in time to be at the culmination of the charge—the awful clash of hostile bayonets in that ghastly carnival of blood.

I have corresponded with a number of ex-Confederate soldiers, including Capt. Sykes, of Aberdeen, Miss., who served on Gen. Cleburne's staff at Franklin, but can get no information of his war horses.

I have also some lurid and enduring battle memories of Gens. "Pap" Thomas, Burnside, Stanley, Schofield, O. O. Howard, A. J. Smith, Rosecrans, Slocum, McCook, Butterfield, Stoneman, Couch, Opdyke, Hobson, Cox, and many others.

It is worthy of mention that the city of San Antonio, Tex., presented Gen. Pershing with a magnificent saddle horse when he left to take command of all our armies. Gen. Pershing, mounted on this horse in Paris, created the wildest enthusiasm, and the city of Paris presented Gen. Pershing with the finest war horse (French bred) that money could buy. It was largely due to these two magnificent thoroughbreds that Gen. Pershing was made the popular idol of the French Republic.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BRUMBAUGH. Mr. Chairman, this is one of the most interesting addresses I ever listened to, and I ask that the gentleman be permitted to conclude his remarks.

The CHAIRMAN. By direction of the House, the time is in the control of the gentleman from South Carolina and the gentleman from Iowa.

Mr. LEVER. I regret, Mr. Chairman, that the pressure for time is such that I can yield the gentleman but five minutes more.

THE HORSE IN THE HEROICS.

Mr. SHERWOOD. From time immemorial the horse has been immortalized with his immortal master. He has been perpetuated in stone and iron and bronze with the poets, philosophers, and soldiers of the world.

In Berlin it is Frederick the Great and his horse.

In Trafalgar Square, London, it is Lord Wellington and his horse.

In Paris it is Napoleon and his horse.

In our National Capital it is Grant and his horse, Jackson and his horse, Sherman and his horse, Gen. Logan and his horse, and glorious old "Pap" Thomas and his horse. In Richmond it is Washington and his horse, Robert E. Lee and his horse, and Stonewall Jackson and his horse.

On the obelisks of dead old Egypt, on the Arch of Trajan at Rome, and the arch of triumph that Napoleon built in Paris to celebrate his victories, the horse and his hero rider are multiplied on every ascending circle.

The Old Testament prophetess Miriam, taking her timbrels to swell the song of triumph which Moses gave to the poetry of the ages, in celebrating the drowning of Pharaoh and his cavalry in the Red Sea, says:

Sing ye to the Lord, for He hath triumphed gloriously. The horse and his rider He hath thrown into the sea.

You will notice that the inspired prophetess gives the horse first mention over the soldier, doubtless on his merits, as the more humane of the two.

Darwin does not tell us in his great work on the evolution of the human race the number of years which elapsed between the development of the man-like ape and the ape-like man, but since history was born in the womb of the dead centuries, we know that the horse with hoofs has been coexistent with the devil with hoofs. Prof. Leidy, very high authority, says, "The prehistoric man had a prehistoric horse for a companion." We have the same high authority for the statement that the horse in a wild state existed on this continent long before Columbus discovered America. Probably the prehistoric man and the prehistoric horse were cavorting over the hills and through the valleys of the American Continent long before Adam and Eve were browsing the apple blossoms in the Garden of Eden. [Laughter and applause.]

The trend of all Christian civilization from the Pharaoh of the Exodus to Gen. Phil Sheridan is to paint the horse in the heroics. In the glamors of war, in the wild witchery of chivalric missions to Jerusalem, amid the gloom and glory of the holy crusades, in the conquests of Mexico and Peru, and in all our modern wars the horse is everywhere a potent and puissant factor. And in the peopling and advancement of the United States, before the advent of steam and electric motors, the horse has ever been recognized as man's greatest helpmate.

Nowhere is the horse of the heroics more conspicuous than in sculpture. Sculpture beats history and is more potent than books, which only speak language. Some 20 languages have passed into the grave along with dead nations, while the monuments and statues and tombs built by these dead nations still stand. The Roman Empire is dead and the Roman race has died out of Italy, but the heroic statue of Cæsar mounted on his war horse crossing the Rubicon still stands. The Latin language is dead, but the arch of Trajan and his horse still stands. Napoleon is dead and his empire is dead, but the arch of triumph that the great Corsican built in Paris to celebrate his victories, with the horse and his hero rider multiplied on every ascending circle, still stands. The ancient city of Moscow, once the templed capital of the Russian Empire, has its most forceful reminder of its past in the heroic statue of Peter the Great and his horse.

Old Egypt, when in the golden age of her best civilization, was devoted to the horse. Her pyramids, which are still standing, ages after her civilization has perished, are silent witnesses that the early Egyptians were patrons of man's best animal friend.

And China, whose history, both heroic and mythologic, outdates all the civilization around the world, once held the horse sacred above all the other animals. The Chinese account of the creation of the world beats all the world's records. The sacred books of Confucius claim that 2,267,000 years elapsed between the time when the powers of heaven and earth united to produce a man, and, of course, that man was a Chinaman.

Prof. Starr, of the Chicago University, in his valuable book entitled "First Steps in Human Progress," discusses in a cursory way early Arabic civilization. He says in his book that as far back as Egyptian records go we find the horse in use, and in China are records of his presence and use as a tamed animal for thousands of years.

The biological student of the real human essence calls health the full and free manifestation of life. The life that is worth living is the life that is full of vigorous, healthy enjoyment. Of all the games to amuse and entertain, the horse furnishes the most recreative and the most morally wholesome. Our mental and physical lives are indissolubly linked together.

Some men imagine themselves moral reformers when they are only solemn and morose from a torpid liver. A torpid liver may promote indigestion, but never a high moral inspiration. [Laughter.]

We shall always have machine motors, as we have wax flowers and crockery dolls and paste diamonds. But wax flowers will never shed fragrance on the bosom of a divine woman like the God-blown blossoms, and crockery dolls will never take the place of real babies; neither will the counterfeit blaze of paste diamonds ever mock successfully the brilliant rainbow tints of the real gems. And the live horse, the horse of history and poetry and sculpture and the heroics, will ever remain man's best and most wholesome animal friend. The horse stands for good health, for life that is full of life, for pure air and sunshine; and let no lean-headed, crimpled-mouth claequer masquerading as a teacher of grim gloom stand between us and the sun. In all countries and in all ages the horse is inseparably associated with human history and development. No other animal has such omniprescence and no other animal has ever exerted such a potent force in the evolution of the human race. Sculpture is radiant and glowing with monuments and arches and frescoes commemorating heroes, poets, prophets, and great generals who were devotees of this most alluring and beneficent of all God's best gifts to mankind.

The best and widest field for reformers to-day is to aid in the repeal of all restrictive laws that are dead and have never been enforced and to help us learn the lesson that all history teaches—that you can not legislate virtue in the hearts of men. The only way to inculcate virtue is to have the teachers practice it. A boy is like a calf. When he gets full of the milk of human kindness he wants to kick up and play and give vent to the life that is in him; and the man is only the developed boy. Some men are never developed. [Laughter.]

The bicycle, that was a crazy-headed fad 25 years ago as a recreative motor, left us a heritage of some six distinct nervous and spinal diseases, with no counter benefits; and the auto, more useful, more recreative, more alluring, killed more human beings last year than the horse in a century.

I am not here to exploit the war horse exclusively, but the horse of the recreations, the horse of peace, the horse that carries his master in the exhilaration of the wind, along pleasant valleys, by running brooks, and meadows green with verdure, by woods vocal with the song of birds, to make him forget his nervous worry over business cares and catch an appetite and the serene joy that awaits good digestion and a conscience devoid of guile. I still hope that the live horse will ever be the most wholesome recreative factor for the live man; and he is only good when alive, not, like the miser or the pig—no good to the world until after death. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUBEY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 34.

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H. R. 195) entitled "An act providing for the sale of coal and asphalt deposits in the segregated mineral lands in the Choctaw and Chickasaw Nations, Okla.," the Clerk be, and he is hereby, authorized and directed to strike out the word "applied," on page 5, line 13, and insert in lieu thereof the word "apply."

The message also announced that the Senate had insisted upon its amendments to the joint resolution (H. J. Res. 174) for the purpose of promoting efficiency for the utilization of the resources and industries of the United States for lessening the expenses of war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES, Mr. GORE, and Mr. BRANDEGEE as the conferees on the part of the Senate.

The message also announced that the President had approved and signed bill and joint resolution of the following titles:

On January 18, 1918:

S. 3235. An act amending section 32, Federal farm-loan act, approved July 17, 1916.

On January 12, 1918:

S. J. Res. 106. Joint resolution extending until January 1, 1919, the effective date of section 10 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from New York [Mr. SIEGEL] three minutes.

Mr. SIEGEL. Mr. Chairman, in my time I ask to have the Clerk read the following newspaper article.

The Clerk read as follows:

REASSURE ITALIANS—REPRESENTATIVE LAGUARDIA SAYS WILSON'S PEACE AIMS ARE THEIRS.

ROME, *January 13* (delayed).

The latest Wilson message is still a topic of discussion in the press as well as in political circles. Representative LaGuardia, of New York, who is in Europe on military service, and was present at the recent capitol demonstration in honor of America, said to the New York Times correspondent:

"I consider the President's message a great document. It is clear, concise, and to the point. It must be read in connection with his war message of April 2, 1917. From these two documents the purpose of our entering the war, our unselfish motives, our determination to bring about justice to all concerned while asking nothing for ourselves, is established forever. It was favorably received in France, and had the effect of reassuring and inspiring confidence in the French people.

"Yes; I have read the editorials in the Italian papers. I was greatly surprised that doubt should be expressed as to its true meaning in reference to Italian aspirations and interests. It is true that some papers even expressed dissatisfaction. I am certain, however, that this was the result of a hasty reading of the message, without due consideration of the past utterances of the President, on which he based his peace terms.

"There can be no doubt in the mind of anyone who is aware of the President's accurate knowledge of local conditions in the Adriatic and the general understanding in the United States of the lot of the nationalities in the unredeemed Provinces, that when the President refers to lines of clearly recognizable nationality he means that the unredeemed Provinces of Trent, Trieste, and Istra must be restored to Italy just as much as Alsace-Lorraine to France. If Italians are doubtful as to the meaning of this point, or if there is doubt as to the nationality of the territories which they covet, then they are seeking aggrandizement to which they are not entitled and which will not be in the interest of their future welfare. But every American knows just what the unredeemed Provinces are by tradition, language, and history, and that we in the United States will not consider our mission fulfilled unless they are restored.

"That I take to be the intent of the President's words, and that I shall endeavor to make clear to the Italian people."

Mr. HAUGEN. Mr. Chairman, I yield 20 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, this day will go down into history, probably, as very important. It is perhaps a little too early to determine whether its importance will rest upon the speech just made by the gentleman from Alabama [Mr. HEFLIN] or the speech that has been made at the other end of this Capitol. It is rather unfortunate for the gentleman from Alabama that during his speech the press gallery was entirely empty. If it had not been for that fact probably the gentleman at the other end of the Capitol would have received a line and the gentleman from Alabama's speech would have covered the front page of all the papers in the country.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. CAMPBELL of Kansas. Did the gentleman look to see whether the press gallery was full when the gentleman from Alabama began?

Mr. LENROOT. I was not here when the gentleman from Alabama began his speech. The gentleman from Alabama made a patriotic speech, although there was nothing new or important in it. He did make one statement that we can all indorse, irrespective of party. He said that when we sent our boys to the trenches they were not asked whether they were Republicans or Democrats. That is true. The only place that that question is asked in the carrying on of this war is in the civil appointments made by the executive branch of this Government. [Applause on the Republican side.] But, Mr. Chairman, it was not my purpose in asking for this time to discuss any of these questions, but I want to take the time that is allotted to me in the discussion of a very nonpartisan question and to a very large extent a local question pertaining to the bill that is now before us, making appropriations for the Department of Agriculture.

Mr. Chairman, one of the most important problems before the country to-day is the increase of food production and of wool. A very large proportion of the appropriations made in this bill is for that purpose, but most of the millions we are spending through the Department of Agriculture are for increasing production upon farms already developed. We have done very little toward assisting in developing fertile lands now lying idle. In fact, outside of the money we are spending in reclamation of public lands and surveying and classifying public lands open to homestead entry we are doing practically nothing. It ought to be a matter of national concern that every acre of arable land should be utilized for production. It is my purpose to-day to speak of the undeveloped lands of northern Wisconsin and the upper peninsula of Michigan, the opportunities there for the settler, the sheepmen, and the stockmen, discuss the character of these lands, the reason why they are undeveloped, and what is needed to bring them into the class of productive lands.

Northern Wisconsin and upper Michigan were for the most part originally covered with dense forests. Lumbering was the chief occupation. Little thought was given to the agricultural possibilities of the land. Roads that were passable in the summer were few, schools and churches were far between. The result was that for many years after the timber was removed this territory was known chiefly to the sportsman, who found a paradise of hunting and fishing. But as older sections were developed this "grassland of America," as it has been well named, is being developed, although the process is much slower than it should be. We have now about 16,000,000 acres of undeveloped, fertile land in the northern part of these two States, and development is going on at the rate of less than 150,000 acres per year. Why is it so slow? It is not because of the character of the land, for no better land exists in America for intensive farming, and especially for dairying and the raising of live stock and sheep. No section of America offers surer rewards to the farmer than this. To the man with good health and willing to work and with a thousand dollars it says come, to the man with a hundred thousand dollars it says come, for every dollar put in here will return manyfold. There is but one class of people who are not welcome, and that is the speculator. We want only men who are willing to seek rewards from what the development of the lands will bring them. Speculation is the enemy of development, and we want none of it. I was born in this section. There I have always lived and I speak from personal knowledge of what this country is. Draw a line through central Wisconsin from the Mississippi River to Lake Michigan and all of Wisconsin north of that line and the upper peninsula of Michigan comprises the territory I am discussing. Here we have thousands of lakes and many rivers of the purest water. We have soil which will produce more than forty times as much as the soil of the 320-acre homesteads of the West. Some of us to-day will live to see this the richest dairying section of America. While general diversified farming will be found profitable, it is the dairying, live-stock, and sheep industry which is the most attractive.

SOIL.

This section has a variety of soils nearly all exceedingly fertile. The United States Department of Agriculture has made soil surveys of a portion of the area, and the conclusions arrived at are very favorable. In its report on the survey of the Bayfield area, bordering upon Lake Superior, it is stated, "it was not until after the timber had been removed and a few scattered acres brought under cultivation that the great fertility of these lands was recognized. Wherever the land was cleared grain, grass, and garden crops flourished, the luxuriance of their growth being limited only by their adaptation to the soil types upon which they grew."

In its report upon the soil survey of the north part of north central Wisconsin it is stated, "Dairying and general farming are the chief lines along which agriculture is developing. The most important crops are hay, oats, potatoes, barley, and corn, with rye and wheat as crops of less importance. Potato growing offers excellent opportunities especially on the sandy loam soil. The region, as a whole, is well adapted to dairying and general farming."

CLIMATE AND RAINFALL.

The average annual rainfall in this region is from 28 to 34 inches, which is about the same as northern Iowa and northwestern New York. The temperature is about the same as northern New York. It is the climatic conditions together with the purest water and fertile soil that will make northern Wisconsin and northern Michigan the greatest dairy region of the world.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MORGAN. I am very much interested because the question he is discussing applies more or less all over the United States. I wonder if, before he gets through, he would suggest some means of aiding in the development of this country, in the way of short-term credit facilities by the Federal Government?

Mr. LENROOT. I have not gone into that.

Mr. PLATT. Mr. Chairman, will the gentleman yield? A few days ago I had the pleasure of meeting the president of the Federal land bank in St. Paul, and having lived in the gentleman's city of Superior for one year, I am interested in the question he is discussing. I had a very interesting talk with this gentleman about the development of this very land, land that had once been forests. He told me it was progressing favorably, and that they made some very satisfactory loans on that land.

Mr. LENROOT. That is true.

ROADS.

One of the greatest drawbacks to the development of this region has been the lack of good roads. This is speedily being remedied, and during the past five years wonderful progress has been made. Every county in northern Wisconsin now has trunk-line roads built with State aid, and branch or town roads are rapidly being built.

MARKETS.

It is in the matter of markets that this region is peculiarly favored. To the north we have the cities of Ashland, Superior, and Duluth with a combined population of more than 150,000; to the west St. Paul and Minneapolis with more than 500,000; and to the south Chicago and Milwaukee. Any part of the territory can be reached in one night's ride from Chicago. All of the great railway systems of the Northwest enter it. Nine lines of railway traverse it north and south and four east and west, each with a large number of feeders and branch lines. In addition there is water transportation on Lake Superior from Superior, Ashland, Washburn, Bayfield, Marquette, and a large number of smaller cities.

CHURCHES AND SCHOOLS.

Notwithstanding the fact that this section is sparsely settled, it is well supplied with churches and schools, and there is plenty of opportunities to locate near in the vicinity of schools and churches already established.

LIVE STOCK AND SHEEP.

From a national standpoint the opportunities here for increasing our live stock and sheep are of the first importance. While our milk cows are increasing in about the same ratio as the increase of our population, this is not true of beef cattle. The problem of meat supply is yearly becoming greater. The wool situation is even more serious. We have 4,000,000 less sheep than we had seven years ago. In the 1900 census there were found 61,503,718 sheep; in the 1910 census, 52,447,861, and the Agricultural Department estimates that in 1916 we had 48,483,000. Our total production of wool in 1916 was 288,490,000 pounds. That year we imported 534,828,022 pounds. Increase of our own meat and wool production as one of our means of national defense is just as necessary as maintaining a Navy. Therefore, to omit anything that may be done to increase this production is most unwise. The lands of which I am speaking can do much to improve this situation.

Frank J. Hagenbarth, of Salt Lake City, Utah, president of the National Wool Growers' Association, a few weks ago made an investigation of these lands, and in a speech at Menomonie, Mich., on October 10, before the Wisconsin Advancement Association and the Upper Peninsula Development Association, said: "You have the best country on earth for live stock and grazing. You can easily take care of 8,000,000 sheep and 1,000,000 cattle."

Speaking of the conditions in the far West he said, "The trouble now existing in the cattle and sheep countries of the great West is not that the homestead law has brought in settlers to drive away the cattlemen, but it has permitted valuable holdings to come under the control of land sharks and speculators who are driving the cattlemen to seek new fields for their flocks and herds. It is this fault which has decreased the stock raising 35 per cent and made for you the greatest opportunity which has ever come to any section of the United States."

Mr. B. O. Parker, of the Wisconsin State Department of Agriculture, in a recent article upon this section quoted a stockman as stating that he had made a gain of 200 pounds per head on heifers and cows grazing upon these lands from July 17 to October 10, and further quoted him as follows: "That is the greatest natural pasture land I have ever seen, and raises the finest blue grass and clover outside of Kentucky, and it excels Kentucky in that is doesn't dry out in July and August."

John Fletcher, vice president of the Fort Dearborn National Bank, Chicago, in a speech before the Wisconsin Advancement Association at Milwaukee, on November 22 last, said: "The shrinkage from Montana, Wyoming, and Idaho in shipping sheep to Chicago is estimated at 10 pounds per head. From Wisconsin to Chicago the shrinkage is only 4 pounds per head. The freight from Wyoming, Montana, or Idaho to Chicago is $250 per car. From Wisconsin to Chicago it is less than $50 per car. The capacity of a double-deck carload is 250 sheep. The shrinkage on one car, 250 head, 10 pounds per head, is 2,500 pounds. Twenty-five hundred pounds means 25 sheep. Twenty-five sheep, at $10 cash, means $250. Two hundred and fifty dollars is the freight on five cars of sheep from Wisconsin to Chicago."

Mr. DOUGHTON. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. DOUGHTON. I am very interested in the gentleman's discussion. I want to ask if the lands he describes as being so valuable for stock raising are Government lands or privately owned lands?

Mr. LENROOT. They are practically all private lands.

I quote from a bulletin on sheep raising issued by the University of Wisconsin:

> Favorable climatic conditions for sheep raising are to be found in upper Wisconsin. In the summer time the weather does not get as hot as farther south, and during the winter the air, though cold, is dry and the cold is not felt as much as when the air is damp. Sheep are used in many parts of upper Wisconsin for clearing brush land. Many men who keep a flock of from 300 to 400 head for land clearing find investment very profitable.

Quoting further from the bulletin:

> Clover hay, which is a splendid feed for wintering sheep, is very plentiful in upper Wisconsin. Other small grains are raised, and the straw can be used for winter feed. All kind of root crops can be grown more successfully and with less expense in the upper than in the southern part of the State. One sheep raiser in Bayfield County harvested more than 1,043 bushels of rutabagas from an acre. Roots furnish very good succulent feed for sheep.

It further states:

> Thirty acres of cut-over land in the red-clay districts will on the average provide pasture for approximately 100 head, 50 ewes and 50 lambs. On densely wooded mixed hardwood lands where grass has not gotten much of a foothold half that number of sheep will be sufficient. What is true of sheep is true of live stock generally. Every settler will do well to raise sheep, even if only a small number. By so doing he profits in two ways—the cash income from wool and mutton and the clearing of the brush. The man who will go into this section and engage in dairying, raising sheep and cattle, if he will use intelligent effort, is sure to be successful.

THE COST OF THE LAND.

There are no lands in this section that can be secured for nothing. There are no lands anywhere in the United States of the character of these that can be secured for nothing; but, considering their fertility, the climate, and the nearness to markets, there is no cheaper land anywhere. Prices of the best undeveloped lands range from $10 to $25 per acre, lands which when cleared and put under cultivation will soon be worth more than $100 per acre. There are opportunities to fit every pocketbook, from the man with a few hundred dollars to the man with a hundred thousand dollars, provided, always, that the purchaser will utilize and develop the land.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. CAMPBELL of Kansas. What is the nature of the soil?

Mr. LENROOT. The soil ranges all the way from heavy clay to light sandy loam. There is only a very small percentage of this land that is not arable in the fullest extent of the term.

Mr. CAMPBELL of Kansas. What is the timber?

Mr. LENROOT. Hardwood and pine originally. This was one of the greatest white-pine forests of America. It is pine cut-over lands that offer the greatest opportunities for live stock and sheep raising.

Mr. CAMPBELL of Kansas. And the amount per acre that the gentleman gave carries with it such timber as is on the land?

Mr. LENROOT. Oh, yes. The pine timber has been cut over. These are practically what are known as cut-over lands; but there is a great deal of hardwood land, containing birch and spruce and timber of that kind, and very often the settler is able to secure enough from the timber to pay for the land.

Mr. YOUNG of Texas. In the cut-over land in our section of the country one of the troublesome problems is removing the stumpage. What is the relief the gentleman has for that?

Mr. LENROOT. The only difficulty we have with reference to removing the stumps is where the land has been covered by large pine trees. That, then, takes time and dynamite. That is not true of the hardwood land at all. There is no difficulty there.

Mr. PLATT. The president of the St. Paul bank told me the other day that they had a special machine for pulling out those stumps and that the settlers were cooperating with each other in putting this machine in and clearing the land quite rapidly.

Mr. LENROOT. Yes; our State has done wonders in the line of assisting in that way, and we have organizations going through all of northern Wisconsin with these new machines, demonstrating them, and we are making very rapid progress. Our difficulty—and that is why I am making this speech to-day—is not with the men who are there trying to develop, but bringing the lands to the attention of men who will be glad to go upon them if they knew of them and develop them as they are now being developed by those who are there.

This is no get-rich-without-effort country. The man who would seek rewards here must work for them, must earn them with labor of hand or brain, but for such the rewards are certain. I quote from an advertisement of a land company offering lands at from $10 to $20 per acre—"$10 cash and $10 per month, or payments extended as long as $10 in improvements are put on the property." "We will also start you with a house, barn, and garden, and grubstake you while you develop your farm." Of course, no one should purchase lands without a personal examination. This is true of land wherever located. The prospective settler should first communicate with some reliable organization and secure detailed information. If he will write the commissioner of immigration, Wisconsin department of agriculture, Madison, Wis., the Wisconsin Advancement Association, Milwaukee, concerning Wisconsin lands, and the Upper Peninsula Development Bureau, Marquette, Mich., concerning Michigan lands, he can be certain of securing helpful and reliable information.

The two latter organizations are prepared to offer special inducements to large sheep and cattle men who require large tracts for grazing purposes.

I can not in this brief time give more than an outline of the splendid opportunities awaiting those who, with either labor or money or both, will develop these lands. My chief purpose in discussing this matter to-day is to endeavor to secure a greater cooperation upon the part of the National Government in bringing these opportunities before those who would avail themselves of them. In this connection I quote from a recent article in the American Sheep Breeder, published in Chicago:

> Hagenbarth advised the Wisconsin and Michigan people to bombard Washington and get the Government interested in pushing cut-over lands for sheep. O. K. suggestion, but why in thunder don't the Government investigate without urging? This Government of ours has seen the sheep bis slipping down the toboggan, and what has the Government done to stop it? For 15 years the American Sheep Breeder has preached the cut-over land gospel for sheep. We have published the strongest kind of testimony, proving that these lands were admirably adapted for sheep raising. But the West was blind. The Government occasionally called attention to this country, along with other sections, that might be sheeped. It takes a heck of a while to interest the Government in anything but politics. Now that a wool crisis is on sheep will come before politics. Of course, it takes a national crisis to wake up the American people, and Congress is the last institution to open its optics. In Wisconsin and Michigan agricultural colleges have told the story of successful sheep experiments on the cut-over land, but Washington has paid little attention.

I hope that now, with the pressing necessity of increasing our food and wool production, these conditions will not much longer exist, and that the National Government will do what it can to secure the development not only of these lands but fertile undeveloped lands wherever they exist in the United States. Large appropriations are not required, but systematic methods should be employed to bring such lands to the attention of men who are in a position to develop them.

In conclusion I wish to quote what Dr. H. L. Russell, dean of the College of Agriculture of the University of Wisconsin, has said of these lands:

> Blessed with an abundant rainfall and a pure and unlimited water supply, possessing a soil of virgin fertility, and splendidly suited to diversified farming, and located within a night's ride of markets for several million people, three-fourths of whom are consumers and not

producers, this vast and largely unoccupied area is equivalent to a newly discovered State. The route from the Wisconsin producer to a great body of consumers is comparatively short and the consequent toll much reduced.

The agricultural resources of these sections have long remained hidden under the stumps and the second growth of the forest cover, but their real value is being appreciated more and more each year. These lands await the redeeming hands of the pioneer who will put them into active service for mankind in helping to support and develop human life. To him who reclaims and transforms a waste into a productive farm and home the State owes much.

[Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 45 minutes to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, the winter wheat crop of this country is in very bad condition. The last report shows that the crop is worse than at any time since crop records were kept. That means that we ought to be thinking about the spring crop—the crop that is to be planted next spring. The greatest menace to the spring crop is black rust, and the scientists are now generally agreed that the cause of epidemics of black rust is the barberry bush. Until recently there was much disagreement as to what was the effect of the barberry bush.

Mr. WASON. Mr. Chairman, the gentleman speaks of the barberry bush. Does it grow in the gentleman's section of the country?

Mr. YOUNG of North Dakota. Certainly.

Mr. WASON. Can the gentleman give the House something of its characteristics and growth and effect upon the wheat?

Mr. YOUNG of North Dakota. I will say to the gentleman that the barberry not only grows in North Dakota but throughout all the States. It grows right here in Washington, and I have here a bush, a clipping from a hedge at the north side of the Library of Congress. It is a small ornamental shrub, used usually for a hedge. It has bright yellow flowers and brilliant autumnal tints in varying shades of orange and red.

I believe in some places they take the little red berries and make jams or jellies out of them, but in the United States, so far as I know, they are not used commercially at all. They also make an acid, malic acid, but as far as I know that is not produced in the United States. It is purely an ornamental shrub. In colonial days the people were satisfied that the barberry bush was the cause of rust and most of the Colonies passed laws for the eradication of the barberry bush. The Colony of Massachusetts passed such a law in 1755, and a statement issued at that time read like this: "It has been found by experience that the blasting of wheat and other English grains is occasioned by barberry bushes to the great loss of the people of this Province." Massachusetts reached that conclusion again about 30 years ago and passed a similar law. Back just 101 years ago experiments were made in Denmark and they reached the conclusion that the barberry bush was the cause of black rust. Then, like Massachusetts, they had a relapse and not until 1903 did they come to the same conclusion again. In 1903 they passed a law in Denmark for the eradication of the barberry bush and there has not been an epidemic of black rust there since that time.

Mr. PLATT. Will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. PLATT. Is the gentleman going to tell just how the barberry bush has an influence in producing black rust? Is it bacteria growing on the barberry bush that gets into the wheat?

Mr. YOUNG of North Dakota. Yes; the barberry bush is what the scientists call the host for a parasite that develops there during the winter and during the summer it transfers to the wheat fields. Curiously enough the wheat field acts as a host to a parasite that goes back to the barberry bush, and so it makes a complete life cycle. The barberry bush is the nursing ground in the cold winter, particularly in our country, where the black-rust parasites or germs will not live unless they get on a barberry bush. They will not live out in the wheat field.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. YOUNG of North Dakota. I will.

Mr. SMITH of Michigan. Is it not true they can treat the seed wheat with formaldehyde and other substances and prevent any rust, and is not that being used and is it not effective as a preventative of rust?

Mr. YOUNG of North Dakota. That is a preventative of smut, but not of black rust. The only thing that we have tried seriously in the past is to discover a rust-resistant seed and we have not succeeded in that direction, at least only partially. Now, as I have already stated, the scientists have come to an agreement that the barberry bush is the thing to destroy in order to get rid of black rust and stop epidemics of that rust. Dr. William A. Taylor, when before our committee last June, made this statement. He is the Chief of the Bureau of Plant Industry.

We are now prosecuting a survey study of the wheat-rust situation from the South northward, in order to get at what the wise course would be with reference to attempting systematic barberry eradication, particularly in the northern spring-wheat territory. We have there a case, as you know of a disease which is to a large extent dependent on this other plant, the barberry, for its perpetuation and spread. Denmark has apparently, with very complete success, accomplished control of rust by complete eradication of the barberry.

A few days ago Dr. Kellerman, of the Department of Agriculture, was also before our committee, and he made this statement:

The black rust, or stem rust, is especially serious from time to time. That disease sweeps over the spring-wheat area as an epidemic, in some cases almost the total crop being destroyed. In 1915 it was very bad, and many of the fields that were affected did not produce enough wheat to pay for harvesting. The investigations during the past few years indicate clearly that the native barberry plant is responsible to a very considerable degree for these epidemics. The disease will overwinter on the barberry and will start from the barberry back to the wheat with greatly increased vigor. Although it is not possible to completely eradicate black rust by the eradication of barberry, it appears certain that the severity of the black-rust epidemic can be greatly reduced by systematic and thorough eradication of the native barberry. This is not likely to be particularly difficult, since the Japanese barberry is in most cases preferred as an ornamental plant, and the Japanese barberry is not susceptible to this disease. So in this case the Japanese barberry will be a substitute for the native barberry and the disadvantage of completely eradicating the ornamental plantings will be very largely met in this way.

Now, as to the question of the amount of damage, and that is the most important consideration now with the Government, when the entire people of the country are looking to the farmers for a record crop of wheat in 1918. I want to call your attention to the fact that in 1916 there were 180,000,000 bushels of wheat destroyed in the hard spring wheat belt alone from black rust. Here is a telegram from the commissioner of agriculture of North Dakota, Hon. John N. Hagan. He says:

North Dakota has destroyed nearly all barberry bushes.

In this respect I want to say, so far as our own State, North Dakota, is concerned, that we have got this problem pretty well under control. As I have just quoted from the commissioner of agriculture, we destroyed practically all barberry bushes in North Dakota last year and we will get the rest this year. The trouble is we have not got any control beyond our State boundaries. We are still exposed to the winds from Minnesota, South Dakota, and Manitoba carrying the parasite in the form of a very fine dust which can be carried hundreds of miles by the wind. It is a national problem. If we could settle this question of black rust in North Dakota we would not be down here asking for a larger appropriation to fight black rust. It is because we can not go beyond the State line, we can not invade Minnesota, South Dakota, and other States. Here is the place to tackle this big proposition.

Mr. HAUGEN. Will the gentleman yield?

Mr. YOUNG of North Dakota. I will.

Mr. HAUGEN. The black rust is a fungus on the plant?

Mr. YOUNG of North Dakota. Yes.

Mr. HAUGEN. And it has for its host the various grains in the second stage? In its first stage it has for its host the barberry bush?

Mr. YOUNG of North Dakota. Yes.

Mr. HAUGEN. It develops under certain conditions of air, moisture, and temperature, and with hot winds and heavy dew and rains it develops the black rust, and the spores being lighter than air are carried perhaps many hundred miles by the wind.

Mr. YOUNG of North Dakota. That is true.

Mr. HAUGEN. Like the dandelion, for instance. It is carried a great distance, therefore it is not in the power of one State to control it.

Mr. YOUNG of North Dakota. It is distinctly a national problem. I will go further than that. It is an international problem. We must get Canada interested in this proposition. A little later I will read a telegram showing that the people up there are alive to the needs of cooperation with us.

Now, to continue reading this telegram from Commissioner Hagan, who has been very active in the fight against the barberry bush—in fact, the first public official outside of agricultural colleges to take it up. He says:

In 1916 State lost many million bushels of wheat on account of rust. For best results other States must destroy. Nineteen hundred and three Denmark destroyed barberry bushes, and have had no rust since. Use influence to get national appropriation. It will increase food supply in wheat States.

The president of our agricultural college, E. F. Ladd, wired me as follows:

The estimated loss in spring wheat belt in 1916 was 180,000,000 bushels.

Now, if we should happen to have any such calamity as that this year it would be a very severe blow to this war. I have already called attention to the fact that the winter crop is poorer now than it has been at any time in the history of the country since we have kept records of the crop, and it is up to us now to put the best foot forward. We know that in 1916, in the hard-wheat belt alone, we lost 180,000,000 bushels of wheat from black rust, and we know how that can be prevented. If we dig all the barberry bushes before May 15, 1918, we are not going to have any black rust in the United States. And some of these people in the towns who want to help out the war by plowing up their tennis courts and putting in potatoes can help it a mighty sight more by digging up the barberry bushes.

Mr. SMITH of Michigan. Will the gentleman yield there?

Mr. YOUNG of North Dakota. Certainly.

Mr. SMITH of Michigan. Is it not true that the climatic conditions, the rains and other storms, have something to do with creating the condition of rust on wheat?

Mr. YOUNG of North Dakota. Certainly. So far as the spores from the barberry bushes are concerned, they are present every year. If we had just a certain kind of climatic conditions each year, we would have black rust every year and it would destroy the crop.

Now, the fact that it misses in some years does not mean that we can gamble in 1918 that it is going to. If we get a certain kind of climatic conditions this year, and if we do not take care of the barberry bush, we are going to witness perhaps 200,000,000 bushels of wheat destroyed by rust. If the climate happened to be all right, and we could gamble on that, we might let these barberry bushes grow and still have our crop.

Mr. PLATT. Is the barberry bush, or has it been, of pretty general distribution in North Dakota? Does it grow in fields or along the fences or around houses as an ornament?

Mr. YOUNG of North Dakota. In most cases it has been set out as an ornamental shrub, and it is found mostly in towns and villages.

Mr. PLATT. It does not spread and become wild?

Mr. YOUNG of North Dakota. No. Over in Michigan, on our farm, there was some growing out in the pasture field. I do not know how it got there. But it is not a bush that spreads easily. It is an ornamental shrub that is set out.

Mr. PLATT. The task of destroying it, then, would not be a very tremendous one?

Mr. YOUNG of North Dakota. I do not think it would.

Mr. MORGAN. It is a well-established fact that with the hot winds and humidity and heavy dew the calamity the gentleman mentions is sure to follow?

Mr. YOUNG of North Dakota. Certainly; when the barberry is present.

Mr. HAUGEN. And one barberry bush would be sufficient to infect the whole county? Has the demonstration been carried on satisfactorily in Denmark?

Mr. YOUNG of North Dakota. Yes. It is a most serious menace even in small quantities.

Now, to continue President Ladd's telegram, he says:

North Dakota estimated wheat in 1916 was not less than 160,000,000 bushels. Rust in one week cut yield to 39,000,000 bushels.

I am talking about our own State. In 1916 the United States Government crop estimate was 160,000,000 bushels and it was cut down by black rust to 39,000,000 bushels. He says:

All important that barberry bush be eradicated in wheat belt. North Dakota has enacted and put in force an eradication law. Tristate Grain Growers' Convention passed resolution calling for destruction of all barberry bushes and appointed a committee on Friday to go to Washington to urge measure for protection of country. Similar committee appointed from conference at Crookston. Fifty thousand dollars not too much for eradication of bush in spring-wheat belt alone, and bill should carry authorization for eradication of all barberry.

The convention that passed the resolution to which he refers was made up of farmers from Minnesota, South Dakota, and North Dakota, representing the biggest portion of the hard-wheat belt in the United States, which, as you know, extends on up into Canada.

Prof. H. L. Bolley, who has made a very careful study of grain diseases and plant diseases for a number of years, and especially in respect to black rust, is confident that the black rust can be destroyed, can be eliminated, by the destruction of the barberry bushes.

He wires me as follows:

FARGO, N. DAK., *January 20, 1918.*

Hon. GEORGE M. YOUNG,
House of Representatives, Washington, D. C.:

Have the bill for rust control authorize and order the immediate eradication of all rust-bearing strains of the common barberry bush throughout the Nation as an emergency measure likely to prove of direct value in increasing the yield of present and future cereal crops, and particularly of wheat.

H. L. BOLLEY.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Dakota yield to the gentleman from New York?

Mr. YOUNG of North Dakota. Certainly.

Mr. PLATT. Does the black rust affect winter wheat, too?

Mr. YOUNG of North Dakota. It will affect any wheat, but so far as our section of the country is concerned, it is more apt to get the spring wheat. We do not raise winter wheat in North Dakota.

Mr. HAUGEN. The fact is that the winter wheat matures usually before the hot wind comes?

Mr. YOUNG of North Dakota. Yes. You will notice that Prof. Bolley urges that this be put upon a national basis. Of course, a number of the States do not raise any wheat at all, and there are some others that do not raise very much, and I think some of this appropriation, if we make it, ought to be used to educate the people of those States where they do not raise much wheat to the importance of destroying the barberry bushes. Now, it is not going to be a very big task to destroy all the barberry bushes in the United States if the people themselves understand that it is a war measure, that it is necessary to do this in order to win the war. That is going to be one of the things that the department will have to do; that is, carry on a campaign of education.

A telegram has been received from the Canadian department of agriculture at Ottawa saying that they thoroughly appreciate the danger this year to the wheat crop in the Canadian Provinces and that they will cooperate to the fullest extent with our country in fighting the barberry bush.

Such a telegram as that was sent to Prof. Bolley at Fargo last week, and this morning I was talking to some of our officials here at Washington on the subject, and they told me they have had assurances from the Agricultural Department at Ottawa, and that they are apparently even more eager to enter a campaign against the barberry bush than we are here in this country. He says they appreciate in Canada, just as we do here, that it will not do much good to destroy it in Manitoba and Saskatchewan if we keep it in North Dakota and Minnesota, and that it will not do much good to destroy it in North Dakota and Minnesota if they allow it to grow in Saskatchewan and Manitoba.

We are asking a total appropriation of $50,000, $30,000 larger than that of last year, which was $20,000. I am pleased to say that an amendment to that effect offered by me on the last day of the consideration of the bill in committee was acted on favorably, and the item is carried in the committee report.

Mr. Chairman, the campaign that ought to be carried on throughout the country by the department, and which will undoubtedly be followed, will be along the line of arousing the people to action through the county agents, through the schools and the colleges and the farm journals and the milling and trade journals, and by a still more comprehensive appeal made through all the newspapers of the country, designed to reach all the people, especially those who live in the towns and villages, because there is where most of the barberry bushes happen to be. Then it will be necessary, I think, too, to have a quarantine established between the different States. The department already has the power under the quarantine laws to regulate and even prohibit all shipments of barberry bushes between the different States.

There is another point that ought not to be overlooked, and I want to call the attention of the chairman of the committee particularly to it, and that is that this appropriation ought to be made available immediately. I am assured by Dr. Kellerman and by Dr. Humphrey and others in the Department of Agriculture that it will not do any good to kill or pull this plant after May 15.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. LEVER. I will say to my colleague on the committee that so far as I am concerned, if he can get by a point of order against making it immediately available, I will have no objection to it.

Mr. YOUNG of North Dakota. Well, I submit that no Member of this House is likely to make a point of order against money proposed to be spent to save the wheat crop this year, and I do not believe that anyone will make a point of order on this item for that reason.

Mr. LEVER. I am satisfied if all the membership of the House could hear the gentleman's discussion on the necessity for it they would not make the point of order. I will try to get the language changed in view of his statement and his quotation of Dr. Kellerman and Dr. Humphrey.

Mr. YOUNG of North Dakota. I appreciate very much the assurance given by the chairman of the committee, and I also appreciate the fact that he was glad to consent to an increase of the appropriation carried last year of $20,000 up to $50,000, as proposed by me, doubtless appreciating the tremendous importance of not taking any chance this year of letting our wheat be destroyed or largely reduced by the rust.

Dr. Humphrey made this statement to me in respect to the work that has been done in Denmark. He said:

Prior to 1903, when the barberry-eradication law was passed in Denmark, epidemics occurred with considerable frequency, and often with very great severity, causing in some years an almost total loss of crops in some sections. After the passage of the eradication law in 1903 the eradication of barberry was systematically pursued, and since that time the shrub has been practically eliminated from the country, with the result that there has been a corresponding diminution in the occurrence of rust outbreaks and in the severity of the same, until at the present time there is practically no loss from rust in Denmark. When all of the shrubs are destroyed in that country, there may be no loss from black rust whatsoever.

I hope you will note that last sentence. Dr. Humphrey says that when they are all destroyed, every single one of them in Denmark, there may be absolutely no loss in that country.

Mr. LEVER. Mr. Chairman, will the gentleman yield for a question?

Mr. YOUNG of North Dakota. Certainly.

Mr. LEVER. I assume that the gentleman has discussed this matter very thoroughly with Dr. Humphrey, and I would like to inquire if Dr. Humphrey has made up his mind as a scientist as to whether or not the eradication of the barberry bush will result in getting rid of this black-rust trouble or is the proposition still in the debatable stage?

Mr. YOUNG of North Dakota. I will say to the gentleman that Dr. Humphrey, who talked with me to-day in the presence of Dr. Kellerman, says that very recently all doubt upon this subject has been removed.

Mr. LEVER. I am very glad to hear that, because it makes the problem very much simpler.

Mr. YOUNG of North Dakota. Now, this is the thing that bothered the scientists in the past. It was like a herring drawn across the trail that confused them. They found that farther to the south the black-rust spores would live in the wheat fields throughout the winter, and the thought was that as in most of the wheat sections now on account of the cold the barberry bush is the only thing through which the rust parasite can live through the winter, their proposition was that if you killed the barberry, what good would it do, because in the warmer States the spores live through the winter and would be blown across the States. They have found now that where the spores do live through the winter, where it is more mild, they will not propagate when they are blown into the hard-wheat belt. So they have now reached the firm conclusion that the barberry bush is the host which perpetuates the black rust, and that the extermination of the barberry bush will practically rid us of any trouble from black rust.

Mr. WELLING. Will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. WELLING. I have not had the advantage of hearing all of the gentleman's interesting speech, and I would like to find out, if I can, how wide an area in the United States is affected by the black rust, or by the particular plant that seems to propagate it.

Mr. YOUNG of North Dakota. It affects every place where wheat is grown, more or less, but more particularly North and South Dakota, Minnesota, Montana, Illinois, and away on through as far as Ohio, and also in Texas. It is a national problem without any question.

Mr. LEVER. I am interested in the gentleman's statement that in certain sections of the country, under certain climatic conditions, the spores of this rust would live through the winter, notwithstanding the fact that it might not have as a host plant the barberry bush, but that it would not propagate itself in North Dakota. I was wondering if it would propagate itself under the climatic conditions in which it lived during the winter. Do I make myself clear?

Mr. YOUNG of North Dakota. The gentleman makes himself perfectly clear on that point, but I am not able to give him the information that he ought to rely on. I prefer that he would talk that over with the experts down at the department. I asked them that question this morning, and I am not absolutely sure what their answer was; but I gathered generally from what they said that by eradicating the barberry bush from the United States we would never have very serious trouble again from black rust anywhere in the country; and that is in keeping with all the old records they have had in the past. For instance, in Massachusetts and in Connecticut and in the old Colonies they discovered that the barberry bush was the fruitful cause of black rust, and no doubt it is a nurse or host for it everywhere East and West, North and South, and it either increases the amount of it or is the total cause of it—either one or the other. In the hard-wheat belt it is the entire cause.

Mr. HAUGEN. The gentleman has spoken of wheat. Other crops, such as the oat crop, are damaged equally. It does not affect the wheat crop alone, but it affects the oat crop as much as the wheat crop.

Mr. YOUNG of North Dakota. Also rye.

Mr. HAUGEN. In my State we are more especially interested in the oat crop. Until black rust came along our wheat yield was generally high; but black rust came along in 1878, and since that time we have not been able to produce much wheat. Occasionally we do grow a fairly good crop of wheat, but seldom as good as before we had the black rust. The black rust follows the hot winds, heavy dew, and the rain.

Mr. YOUNG of North Dakota. I will say also that it attacks rye and some of the other small grains, as well as oats.

Mr. HAUGEN. All of them.

Mr. WELLING. Is the gentleman able to say whether or not the black rust that he refers to is the same as the red rust that affects us sometimes out in the arid region, in my State and elsewhere?

Mr. YOUNG of North Dakota. No; not at all.

Mr. WELLING. It is a different proposition?

Mr. YOUNG of North Dakota. A different proposition; very much more serious.

Mr. HAUGEN. Entirely different.

Mr. YOUNG of North Dakota. It attacks the stem, and if it attacks it at the right time there is very little wheat. As I mentioned a little while ago, before the gentleman came in, in 1916 the official crop estimate for North Dakota was 160,000,000 bushels, and it was cut down by black rust to 39,000,000 bushels. And I want to say also that that 39,000,000 bushels, on account of the shrunken condition of the wheat, brought a very low price, and there was quite a lot of dockage in it. The wheat made excellent flour, but the grain dealers took an unfair advantage of the farmers because of the appearance of the grain. That, however, is a subject which I can not go into with my limited time.

Mr. WELLING. How much is being carried in the bill for the eradication of this plant?

Mr. YOUNG of North Dakota. Fifty thousand dollars.

Mr. WELLING. Does the gentleman feel that that is in any way adequate to eradicate this host plant that the gentleman is speaking about?

Mr. YOUNG of North Dakota. I wish the gentleman had made that statement in the committee room. I tried to get as much money as I could, and I thought the committee were fairly liberal with me when they let me have $50,000, although a very much greater sum could be used. It does seem to me that this is a proposition upon which the people of the United States ought not to gamble for a second. We ought to make dead sure that every barberry bush in the United States is destroyed before May 15 of this year, no matter how much money it takes.

Mr. WELLING. Fifty thousand dollars represents only about 25,000 bushels of wheat nowadays.

Mr. YOUNG of North Dakota. Yes.

Mr. WELLING. The experience you have had in your own State, which you have just quoted, would seem to justify a much larger expenditure if the thing is susceptible of successful combating.

Mr. YOUNG of North Dakota. As far as North Dakota is concerned, we have already appropriated money in that State to eradicate this plant; but it will not do any good for us to destroy it if other States do not destroy it also. I am not putting it on the ground of saving some money for the farmers who put in grain this year, although that is very important. I am putting it upon the ground that we must raise a big crop of spring wheat this year, and upon the further fact that the winter crop of wheat is poorer than it has been at any time in the crop history of this country. We must face this condition as it is. Since crop records have been kept in the United States we have never had an average condition so poor for winter wheat as at this time; and I am urging you now to stand by this appropriation, as I say, not because of its effect upon the individual farmer, but because of its possible effect on this war. If there is an item anywhere before any committee of this Congress that is distinctly a war item, this is the one. There is not anything more important in connection with bracing ourselves to fight this war through, and fight it through right, than to make sure of a big wheat crop this year. I will not object at all if the gentleman from Utah, when this item comes before the committee, moves to increase it.

Mr. HAUGEN. Will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. HAUGEN. I think it is but fair to the committee to state that the department's estimate was $20,000, and the committee increased it to $50,000. We feel that we have dealt liberally in this matter. If they think that more than $50,000 can be used, they can move to increase it; but the department has to carry on the work, and it is a question as to how much the department can use in the coming spring. I think that $50,000 is all that can be used to good advantage. It has to be done largely through the States Relations Service.

Mr. YOUNG of North Dakota. It depends upon how extensive a campaign of education shall be carried on. If we attempt to carry on a campaign such as the Food Administration is carrying on in respect to food, it would run up into the hundreds of thousands of dollars. If we undertake to educate all the people in the States where they do not raise wheat, as well as those where they do, to the idea that it is going to help to shorten this war to destroy the barberry bushes growing on the lawns in front of their houses—if we undertake to convince every man that that is the thing to do, it might reach a very large sum. I do not know how much free advertising the department can get, but I presume it can get a lot out of the agricultural journals and the milling-trade journals and all the newspapers of the country. They have all been very generous in giving space to everything that would help in the prosecution of the war. I presume that a large amount of publicity may be given without pay.

Mr. WELLING. Will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. WELLING. I do not want in any way to criticize the committee for the appropriation. I know something about the significance of pests in this western country, although this particular one has not invaded my State. I know how necessary it is that they should be adequately met when they first arrive.

Mr. YOUNG of North Dakota. There is another item that I desire to call attention to, which is this: A very serious seed-grain problem presents itself in many of the States. Congressman JOHN M. BAER has introduced a bill to help farmers to obtain seed wheat upon credit. I regret that the time yielded to me has about expired. Otherwise, I would present facts showing the necessity of passing the Baer bill if we are to expect a big crop this year. Upon a later date I shall address the House upon the subject of seed grain. The danger from a lack of seed wheat is one of the strongest reasons why we should make no mistake on the question of black rust. I do not think there is any doubt at all that quite a large number of farmers in the United States will not put in wheat this year simply because they have not the seed and have no money to buy it and not sufficient credit. If that is true, and if Congress does not provide some method by which farmers can buy seed wheat on time, it is one more reason, one added reason, why we should see to it that the wheat crop this year is not destroyed by black rust.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I yield the gentleman five minutes more.

Mr. YOUNG of North Dakota. Gov. Frasier, of North Dakota, being alive to the vital importance of the seed problem, has called the legislature together in extra session for the purpose of dealing with it. I do not know how many States will take similar action. It is expected in North Dakota that the legislature will authorize counties to bond themselves for the purpose of buying seed wheat which they can sell on time to those who have no money to buy it. Yet, even after that authorization is made, there will still be the problem of selling the bonds. They will be short-time bonds. There is a regular commercial market for long-time county bonds, but no regular market, no established place, where short-time bonds—six months, seven or eight months' paper in the shape of bonds of counties—may be sold. Even if there should be a ready market for their bonds there is a limit to what each county can do in the way of voting bonds to buy grain.

Even if the farmers are helped in that respect I think there will be in our State a good many fields that will not be seeded to wheat this year, simply because they can not raise money to buy the seed. In Montana I think the situation is worse than in the western half of our State, and there will doubtless be quite a large acreage that will not be seeded to wheat, because they have not the seed. Some of you gentlemen here know the conditions in Texas and some of the other States. This all argues, I think, the importance of making provision to take care of the one preventable thing, the destruction of the wheat crop, by destroying the barberry bushes. When this item is reached in the bill I, of course, do not expect that anybody here now—and I am glad so many have remained to hear me—I do not expect anyone will make a point of order against having this item made immediately available, because I am sure that everyone here appreciates the fact that if we do not destroy the barberry bushes before May 15 it will not do any good to destroy them afterwards. This appropriation will be useless to us unless it is made immediately available. If anyone proposes to make that point of order, I hope all of you who are here now will help to persuade him to withdraw it. The Food Administration is making a great and, to my mind, a very commendable campaign to save food, particularly breadstuffs. But with their wheatless days, their expenditure of hundreds of thousands of dollars in publicity and otherwise, at most they can not hope to save more than 180,000,000 bushels of wheat. In 1916 180,000,000 bushels of wheat were destroyed by black rust in the hard-wheat belt alone. I appeal to you, gentlemen, to join us of the Committee on Agriculture in passing this appropriation item to make the recurrence of such a calamity impossible. [Applause.]

Mr. HAUGEN. Will the gentleman from South Carolina use some of his time?

Mr. LEVER. I have been overwhelmingly besieged for time, but the besiegers do not happen to be here at present.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that no quorum is present.

Mr. LEVER. I hope the gentleman will not do that.

Mr. HAUGEN. The gentleman from Idaho, to whom I next yield, will be here in a minute.

Mr. GARRETT of Tennessee. Mr. Chairman, I will withdraw the point of order.

Mr. LEVER. Mr. Chairman, in the meantime I would like to ask the members of the committee, in order that we may expedite the consideration of the bill when it reaches discussion under the five-minute rule, to read carefully the report that accompanies the bill. The report has been carefully prepared with a good deal of trouble, and undertakes to give in some detail the lines of work that are to be undertaken under each item and with each appropriation. If gentlemen who are not on the Agricultural Committee will familiarize themselves in a degree with the report, I am satisfied that it will save all of us on the committee having to go through the necessity of explaining these various and sundry items as they come up in the bill. I may say further that in reporting the bill the committee has made it after very careful inquiry into the needs of the Department of Agriculture.

In most of the items there has been little, if any, change. The committee on its own initiative in some cases has increased or decreased these appropriations, as in the judgment of the committee was thought wise. One of the larger increases is most important. A considerable increase in the appropriation was made for the control of tuberculosis in food animals—in cattle and in hogs. The expenditures of the Department of Agriculture for that purpose during the current fiscal year will amount, as I recall it, to about $117,000. The department in its estimates requested an increase over that amount of $66,000. The committee of its own accord added to this until the appropriation, as carried in the bill for that purpose, amounts to $250,000. I took this matter up myself, after a discussion in the committee with representatives of the Secretary's office, and I was informed by them that the Secretary felt that the department could very wisely use $250,000 during the next fiscal year in work attempting to control and prevent the spread of tuberculosis in food animals. The estimates of losses from this disease of cattle and hogs vary anywhere from $25,000,000 to $30,000,000 a year, and yet all of us know that there is an absolute world shortage in meat-producing animals, due, of course, to the heavy drains of the war. The committee therefore felt that it was justified in providing additional funds for stimulating, encouraging, and promoting this line of work, and therefore upon its motion increased the appropriation.

Mr. GOODWIN of Arkansas. To what extent have the activities of the Government been extended in endeavoring to control tuberculosis in live stock?

Mr. LEVER. I would say that the only extensive effort to control and eradicate tuberculosis, aside from the study of the disease itself, was taken up this fiscal year under an appropriation which is now carried in the Agricultural appropriation act for this year.

Mr. GOODWIN of Arkansas. Does the gentleman know what success, if any, the Government has made in that direction?

Mr. LEVER. Of course, the work has been largely experimental, and it has been going on for not more than six or eight months, but the reports are encouraging to the effect that with proper handling, proper appropriations, and patience and a long pull, we ought to ultimately control this disease.

Mr. GOODWIN of Arkansas. I think it is an important work and ought to be liberally provided for.

expect anyone will make a point of order against having this | and ought to be liberally provided for.

Mr. HAUGEN. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. FRANCIS].

Mr. FRANCIS. Mr. Chairman, it is most timely at this point in our session to bring to the attention of Congress all accurate testimony available concerning conditions in our great National Army camps. We have all had reports from our young constituents concerning the treatment they have received, and the revelations in the testimony before the Senate Military Committee have brought home to us a realization that all has not been going well. With a desire to inform myself as to conditions on the ground, I took time during the past few days to visit five of our camps, and wish to submit my observations and conclusions for the information of this body.

CAMP DEVENS.

Camp Devens is our most northerly camp. As you approach it, your worst fears, based upon frequent rumors of the extraordinary cold weather prevailing at that spot, seem about to be entirely fulfilled. It is a complete snow scene. The fields are white; the roads and drill grounds are white; the roofs, and everything but the four walls of the buildings. Everything is covered with a foot of snow. The mistake of putting a permanent training camp so far north is manifest. But great as was the mistake, the rigors of the situation have to a considerable degree been overcome by the extraordinary industry of those assigned to the place.

There are several commendable features about this camp. Though it was placed on a rough and hilly site, months of work have overcome the handicap and there are now many excellent level drill grounds. Though it is complexly arranged, a host of intelligent signs make traveling about easy. It is particularly characteristic of this camp that signs and directions everywhere, indoors and out, make duties clear and identification simple. Other camps might imitate this feature with profit. There is also a large and fully equipped motor truck, full of all conceivable shoemaking and repairing machinery, which operates under its own power, and can take care of the footwear of an entire division. This is an important feature, and is worth the serious attention of the War Department. But what stands out preeminent at this camp is the general air of interest and activity. Everyone is doing something.

Numerous construction and repair tasks are under way. The vast blanket of snow is not permitted to be an obstacle. The men are well clothed and fed and their quarters are warm and comfortable.

Much, however, remains to be done. Owing to the faulty location many more inequalities of ground must be removed in the spring. The garrison shoes, which have been issued to the men have not been successful, and have broken down after brief usage. Even after long urging the War Department has not yet sent a sufficient supply of large-sized overcoats. There is, however, an over supply of small coats. One is lead to believe that there must be a chart of sizes of overcoats for a division in Washington, and that the failure of the boys at camp to respond to the sizes printed on the chart is considered such a violation of regulations that the boys must be made to suffer. In particular, there is an inexcusable scarcity of school buildings. Many special schools of instruction in gunnery, range finding, bombing, and similar work are in operation, but there is no place to hold them except out of doors on the snow, or in the barracks among the beds. Under either environment this highly necessary military instruction is handicapped. At the hospital, where there are also several large classes, there are neither sufficient rooms for teaching or adequate quarters to house those who are temporarily there or the nurses.

In the field of ordnance there is a painful scarcity of equipment. There are enough horses but not enough saddles or bridles or halters. The horses were rescued from a stable which upon the first thaw left them standing in a foot of water. As for artillery, I saw at least 50 wooden guns mounted on carriage wheels and many more similar makeshift limbers. There was one wooden model of a 3-inch field piece, a clever imitation and typical of the Yankee ingenuity displayed at the camp. But what a commentary on the efficiency of our War Department to have to construct a wooden gun after we have been at war nearly a year. There should be 72 field guns and howitzers at the camp, but there are less than a dozen old-fashioned pieces. There should have been at least one modern gun for instruction. The camp has no modern machine guns. From a huge dugout of snow a large howitzer protruded, but unfortunately it was only of wood. In one regiment two naval guns have somehow been obtained, and at the side of them are two ingenious but sad-looking creations, a 1-pounder and a trench gun, made from lengths of gas and water pipe.

In spite of all this the spirit of the camp is excellent. There is a wonderful depot brigade exchange which has paid a $200 dividend to 35 companies and has $10,000 in the bank. The spirit of the officers is one of creative energy, a spirit that might be imitated with profit in Washington. It is refreshing to spend a few days with these practical men who are creating an army on the ground and not behind a barricade of desks.

CAMP UPTON.

Camp Upton is one of the best known of the National Army Camps because of its proximity to the great city of New York. Thousands have visited it weekly and know its bare and frozen vistas by heart. Because of this location it has had the benefit of much special attention.

The hospital is well equipped and has never been overcrowded. The health of the camp compares favorably with that of any other. The food here has always been of superior quality, and it is obvious that there is an excellent spirit both at work and play among the men. Many forms of recreation have been successfully instituted.

There are, however, several features that are not at all satisfactory. The Field Artillery regiments have virtually no guns to drill with—not even wooden guns—so far as I could see. For four months the men have been going through the motions with this chief article of attack represented by an area marked on the ground. Consider how much invaluable time for technical instruction has been lost.

The shoes at the camp have been a failure. The camp's newspaper published prominently in its columns the fact that several shoes were found to contain paper and glue fillings in the heels and soles. All of the men who can afford it purchase durable shoes outside.

In laying out the camp the conventional design was strictly followed, with unfortunate consequences. The country at Yaphank is rolling, and the rigid adherence to the plan resulted in some quarters being placed in hollows of the ground. Naturally during the recent snowfalls and thaws the floors of some were flooded. Many barracks, though not flooded, are to-day totally surrounded by frozen ponds. Extensive drainage must be provided in the future if the camp is to be kept open. At the present time all roads of approach to the camp are of soft dirt frozen into prodigous ruts. Something must be done before the spring thaw, or Upton will be isolated except by railroad. This is a serious situation, of which no cognizance seems to have been taken at Washington. Carloads of cinders should be on the way there now.

There are several minor matters worthy of comment. The military police, which should have 300 horses, has only 30, and is without saddles, save 10 which it borrowed. There are 4,000 horses in camp, but through the complete lack of halters none can be used. There is an ample supply of horseshoes but no nails, and the standing joke of the police is which is the best way to tie the shoes onto hoofs. There are not even yet sufficient woolen gloves for the men, and, in spite of the fact that the wet weather of spring is soon to be here, there are only a few hundred of overshoes in camp. There should be 30,000, in view of the quality of the shoes and of the soil, or we will have an outbreak of grip and pneumonia.

It is doubtful if the camp was wisely placed. The surrounding country is somewhat marshy and has a reputation of excessive heat and mosquitoes in summer. An effort must be made to drain these marshes. In spite of all, however, substantial progress has been made in Infantry work, and it was my pleasure to see an admirable drill of a regiment of Engineers.

CAMP MILLS.

My first impression as I approached Camp Mills, the abandoned National Guard camp on Long Island, was that it had been hit by a hurricane. Tent poles stuck up in the air at rakish angles, some with swaying guy ropes, some with strips of tattered canvas, while near by other tents of various sizes and shapes swayed and flapped unsteadily in the icy wind. My advent upon the ground only magnified the scene of desolation. For a mile in either direction was a field with a sorrowful outfit of torn and abandoned tents in all stages of destruction. From long rows of mess kitchens ragged burlap coverings fluttered in the gale.

It seems that the Rainbow Division had left in a hurry, as the approach of winter brought on pneumonia, and had left so hastily that it had no time to strike camp. For some weeks the outfit was left standing in the face of oncoming winter, and by the time the War Department had acted the damage was done. About 250 tents were still standing. These were, for the most part, frozen to the ground; that is, they had been ditched and the earth thrown against the sides, leaving a solid mass of ice and frozen earth. These tents were gradually being lashed to pieces in the wind. About 300 tents were down on the ground and frozen in solid. Pools of water had formed in the folds of the canvas and were now ice.

Through this wreckage protruded tent poles and angular stove pipes. All this outfit was a total loss.

In some fields I could see that the equipment had been taken down, the poles and pins removed, and the ground cleared. A soldier informed me that the destruction was not complete, but that over a thousand tents had been packed away. I went to look over the method of storage. There are at the camp about 6 or 7 rows of mess kitchens of about 20 kitchens to a row. These buildings have roofs covered with tar paper, but the sides are only protected with screening or burlap. As I entered the first one, I found how the tents were stored. They were stacked in piles. Through the ragged burlap the winter gale, with its fine snow, blew in. On two sides the burlap was entirely down. The floor was of dirt. In this shack I counted, roughly, 100 tents folded and roped, but with the bottom layer frozen in pools of water. The kitchen also contained some 500 camp cots, collapsed and stacked, but with the bottom row likewise frozen in. After tramping a mile and looking into many of these abandoned kitchens, I found it was the same everywhere. They all contained stacks of equipment virtually unprotected from the weather. They must have held between one and two thousand one-time valuable canvas homes, but now hopelessly on the way to destruction in the falling snow.

A further survey of the field revealed in one spot a huge heap of tents, more than 200, utterly unprotected in the open air. In another spot was a pile of stoves and stovepipes fast rusting. Near the railroad was a pile of baled hay, a hundred or more feet in length, entirely unprotected. A few soldiers of the camp guard were wandering about picking up an occasional stove or shovel by way of salvage.

The first natural question is, What is the amount of the loss? The Army and Navy Register of January 5, 1918, puts it at $300,000. Roughly speaking, it can be said that the entire camp equipment of a division was abandoned, not abandoned on the field of battle, but within 30 miles of New York. Some can be saved if it is taken away now before it is destroyed by the weather to come, but the part that is frozen in can never be recovered. The loss at this camp has a double significance, because, while these tents were going to ruin, severe epidemics racked Camp Sevier and Camp Funston and Camp Bowie from overcrowding.

CAMP DIX.

Camp Dix, like Camp Devens, was on the day of my visit blanketed with snow. It was not as deep, perhaps, but it was accompanied by a temperature below freezing. Companies of our soldier boys were going through their setting-up exercises in overcoats in the snowy fields. The air was bracing, for the camp is located in the famous central healthy zone of New Jersey. The whole setting was an ideal one for winter sports but hardly for military training. Here, as elsewhere, there was an enthusiastic spirit among the men. They were eager for work and military lessons by day, and during evenings kept all the pianos in camp in action. Their barracks were warm and their bath houses comfortably heated.

It was not difficult, however, to detect certain serious faults. The construction of the camp buildings must have been unusually faulty, as already parts of the walls are drawing apart, leaving large cracks. In particular the hospital has suffered. The hospital is not even yet done, although it is fully occupied, and a recital of its shortcomings reflects seriously upon those responsible for its condition. Its sterilizers are incomplete. It is short of all kinds of surgical instruments. The walls of the operating rooms are not only drawing apart but were not sanitary or air-tight when constructed, and are not so built that they may be washed down or sterilized. In some of the wings the ventilators in the roofs have been defectively built, allowing rain to beat in and leak down. The dark room is still light, as there is no black paint in the camp. In the head department the construction is the worst. The operating rooms not only have insanitary walls but wooden floors. The hospital only has a partial fire equipment, and the fire house connected with it has never been built. It has not sufficient auto trucks for its business, and it has inadequate telephone facilities. Unless these defects are remedied promptly they may well be the cause of serious consequences.

The situation in respect of ordnance is deplorable as elsewhere. Men are training with disused Colt automatics. They have never seen the type of machine gun that they are to use, and, indeed, do not know what it is to be, so that they may study the designs. There is no modern artillery in the camp whatsoever, though there is some old material for drills. There are no automatic revolvers.

In equipment for the men there is a shortage of large-size overcoats, and of the new and necessary winter caps. Companies of men were still marching about in the freezing weather with the old-style campaign hat. The military police alone were adequately clothed. The situation with respect to shoes is obscure, but many who had had two pairs issued to them have been ordered to return one pair for reasons unknown. Many men have bought their own shoes as those issued were uncomfortable. Other minor matters are open to comment. There are not enough schoolhouses. No provision has been made to meet the spring thaw, and the natives prophesy weeks of impassable country roads. There is a lack of equipment for the horses. The men, however, are working on looking forward with hope to the day when they will go across, but no matter how much spirit they show they will never be a well-trained army until we put in their hands the implements that they are going to use at the front.

CAMP MEADE.

The greeting at Camp Meade was a heavy snowstorm, entitling this camp to be classified with those farther north as not suitable for winter training. It is far enough north to be subject to heavy snowfalls and yet not sufficiently far to have the offsetting benefit of continued cold weather, which is not unhealthy for warmly clad people. At Camp Meade there are freezing spells and thaws, making it a fertile field for colds and grippe. The southern negroes who have been transferred to this camp for training have felt this particularly. In this connection, it is to be said that the policy which sent the southern negro north to a snowy country for his training can be justified only on exceedingly narrow grounds. It has resulted in unnecessary sickness among their numbers, and the time is going to come on the battle front when the social question involved will have to be met.

The chief distinctive attraction at this camp is the schools. There are several for machine gunnery, bomb work, liaison work, and artillery, and all housed in commodious buildings and busy all day with classes. The eagerness and intelligence of the soldier students is subject of comment by all the instructors. There are also two extensive sets of works in the field for training men in open attack, with trenches, obstacles, and dummies to be encountered. As at Camp Devens, there is a general air of diligent preparation about the camp.

The base hospital, however, is by no means in a satisfactory condition. There are not yet sufficient officers' quarters nor sufficient hot water for such that exist. The walls of the operating rooms are not sanitary. The operating room in the head department not only has defective walls, but it is planned to cover the floor with linoleum, which will not last under acids and from which blood stains can not be eradicated. The plumbing in many parts of the hospital is defective. There is such a bad selection and shortage of instruments that many of the doctors have been forced to supply the deficiency out of their own pockets.

It may be mentioned here that the heating system at all the hospitals is defective. There is no return system and thousands of gallons of hot water are thrown away, involving a wastage of tons of coal.

The soldiers are not yet completely equipped for winter, though it is nearly February. There is only a partial supply of winter caps and rubber overshoes. There is still a shortage of woolen gloves and leggings, and while the stock of woolen uniform coats is numerically sufficient, there is a shortage in several sizes. The boys complain that they should be required to pay full fare on the near-by railroad, in view of the fact that there is a special reduced rate on the road to Camp Upton. They complain also that the allotment money which should go to their parents is two and three months overdue, which works great hardships at home.

The ordnance situation is substantially the same as elsewhere. There are only a few old field guns for drilling. There are not sufficient machine guns, but those that the camp has are being put to best advantage in the schools. Though there are plenty of horses, there are not enough saddles or saddle blankets. In fact, this matter of horses is an example of the lack of coordination in Army plans. All over the country are thousands of horses eating their heads off week after week which can not be used because there is no ordnance to be drawn and no harness to draw it with if it existed.

CONCLUSION.

This brief review of conditions on the ground is suggestive in itself, but the general situation must be considered before attempting a full interpretation.

Two outstanding features came to my notice at every point—first, the unsatisfactory relations between the camps and Washington; second, the gunfire situation.

In respect of the first, it was the constant complaint that everything involving routine through Washington was accompanied with interminable delay. As one of the officers put it, it took him three months to get out of Washington what he could go to town and get in three days if he wanted to pay for it himself. True there were occasional exceptions in matters of soldiers' clothing, but repeated requisitions have been sent from some camps for supplies and equipment without result, and even without acknowledgment. There were numerous complaints from the men that allotments to their families were several months behind, and they felt justly incensed that the Government should withhold the money that they had earned. Also at one camp three men who were disabled and who had been recommended for discharge have been idling around for over three weeks awaiting word from Washington. Moreover, orders emanating from Washington are too rigid in character. Not even commanding generals at camps have authority to modify the regulations of the Quartermaster Department in details of construction. The Regular Army officers are dissatisfied because promotion has been confined to within the division, and their juniors in rank are constantly going over their heads in new commands. The active and alert men at the camp accept the situation as one of the necessary evils of life. They have no envy for the bullet-proof, swivel-chaired jobs in the War Building.

The second observation is concerning the artillery and the machine guns. It is humiliating to go to camp after camp and be faced with ingenious wooden dummies. The breakdown of the Ordnance Department is brought home as it never could be before a committee. Let us consider the situation of modern warfare broadly. The one great thing that has been brought home to us over and over again is that the way to win the war is by gunfire. We know that we must train thousands in the intricacies of modern artillery practice. So important is this work that scores of expert French and British officers have been taken from the front to teach the necessary technique. How do you think a foreign officer feels who has now for four months, in our tenth month of war, been teaching machine-gun fire from blue prints and blackboard drawings? Many of them feel that they should go back to the trenches on the western front, where there is man's work to be done. They are tired waiting for machine guns. It is inexcusable that from our supply at Springfield half a dozen of the modern types should not have been sent to each camp long ago. As one foreign officer put it, with three Vickers guns he could turn out 75 machine-gun instructors a month, and could have been doing this for four months. England has been making 2,000 Lewis guns a month, and could have readily sent us 100. Our Army will never be more than an army of paraders until we have taught it gunfire. In the matter of field artillery the situation is equally bad. We have been teaching men how to place guns that they have never seen; how to range them with instruments they have only read about in books, and how to charge them with shells that exist only in photographs. In this, the chief and greatest factor of modern warfare, we are now 10 months at war with no proficiency in the field.

This leads me to consider the final question, that interests us all, of what is the matter with the War Department. Before I attempt to answer this I want to say that no one can visit our camps without a realization that a great and impressive work has been done and that the fullest recognition should be given to those who have done it.

But I have asked this question because a still greater task is ahead of us than we have accomplished. Many of us, Members of Congress, have spent nine weary months being shunted from door to door and from officer to officer, and we know well what is the most obvious fault. We know it is filled with incompetents and deadwood. It is so, because we know the men. We can point out specifically men now sitting at desks who would not last a month in civil employment. We have found generals doing the work of clerks and captains doing the work of errand boys. What our War Department needs first and foremost is a Kitchener to clear the deadwood out. No theory of administration can make deadwood animate. It has got to go.

In the second place, we know that the work of the War Department is faulty, because the organization of the War Department is defective. No amount of minor organization can remedy it. The trouble is that it is philosophically wrong at the head. I can best illustrate this in this manner: The most successful modern form of business organization is the American corporation. This corporation has two heads; one is the chairman of the executive committee, whose duty it is to create policies; and the other is the president, whose duty it is to carry out the policies. He is the administrative head. We frequently pay chairmen of our executive committees $100,000 a year to do nothing but think. We do not permit them to undertake administrative tasks. We know they can not think if they have to constantly act. It is the president of the corporation who is expected to provide the driving power. Now, the trouble with the organization of the War Department is that the double duty of creating policies and furnishing administrative power is vested in one man. He is the Secretary of War. Neither he nor any one man in the United States can carry these two burdens in this war. This war is the greatest business ever undertaken in America. We must treat it as the practical business man of America would. These two functions now vested in the Secretary must be distributed if we are going to get both plan and action in the War Department.

I have offered these suggestions by way of constructive criticism and not in a spirit of attack or hostility. Furthermore, what we must do with the War Department we must do with the entire administrative branch of the United States Government. The Nation needs an industrial plan. We must select men of brains and give them the time to create this plan. We must let others carry it out. This war is essentially a war of industrial production, and if we do not place in positions of authority the great industrial leaders of the country we will meet with disaster. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield 25 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Chairman, we are considering the agricultural appropriation bill, a measure of vital interest not merely to farmers but to the whole country. We are in a great war. It is conceded that there is nothing more important than the increase in our food production. Therefore Congress should promptly enact all legislation that will contribute to this end. In the national platforms of the two great political parties of this Nation in 1912 there was a distinct pledge to the farmers of the United States that the National Government would give them credit facilities equal to those possessed by trade, commerce, and manufacturing. By the act approved July 17, 1916, we enacted a law to provide the farmers of the United States with long-time farm-mortgage credit. That applies only to farm-mortgage credit. It is a long-time credit system. Under it loans can not be secured for less than five years. There is another kind of credit the farmer must have. It is known as short-term or personal credit. Fully one-half of the $6,000,000,000 indebtedness of the farmer is short-term loans from individuals, merchants, and banks. Our system of farm credit is not complete, and we will not have redeemed our pledge to the farmers until we shall have established a system of short-term farm credit. Fully one-third of our farmers are tenants, who can not utilize the long-term farm-mortgage system, because they have no farms to mortgage. A large percentage of men who have farms do not need or desire five-year loans. They do need and can utilize short-term loans. There is another point. It is on short-term personal loans that farmers pay the highest rate of interest. It is on such loans that extortionate rates of interest are usually charged. Until the short-term farm-credit system shall have been established we will not have lifted the burden of high interest rates from the farmer or given agriculture the credit facilities essential to its prosperity. So I appeal to my colleagues in this House, Republicans and Democrats, to join with me in the preparation and passage of a short-term farm-credit bill.

With a view to doing my part in this great undertaking, I have prepared and introduced a bill (H. R. 8827) for this purpose. It is entitled "A bill to provide short-term credit for the farmers of the United States, and for other purposes."

By permission granted me to extend my remarks, I will print the bill in full as "Appendix A."

OUTLINE OF PLAN.

The bill H. R. 8827, introduced by me, proposes—

1. To authorize farmers to incorporate local credit organizations, under the name of "Federal farm credit societies."

2. To establish 12 regional banks, to be known as national farm-credit banks.

3. To require the Federal reserve banks to rediscount, under proper restrictions, the notes of farmers when indorsed by a local credit society and a regional bank, and to authorize all other banks to discount or rediscount such paper.

4. To make the regional banks Government depositaries and to authorize special deposits therein by the Secretary of the Treasury, and to permit the regional banks, through the local credit societies, to utilize these deposits in extending credit to the farmers of the United States upon the same terms that commercial banks use such deposits in extending credit to trade, commerce, and manufacturing.

5. To authorize regional banks to issue and sell farm-credit debentures, based upon the notes of farmers, when indorsed by a local Federal farm-credit society and a regional bank.

NATIONAL FARM-CREDIT BANKS.

Under the provisions of my bill, the 12 regional banks are designated as "national farm-credit banks." The following summary describes their chief characteristics:

1. One of these banks will be located in each of the 12 Federal land-bank districts, and the national farm-credit bank and the Federal land bank, in each of said districts, will be twin institutions, located in the same city, doing business in the same building, having the same men for directors and officers, assistants and employees, and yet be entirely separate and independent corporations, promoting a different line of agricultural credit, and in no way responsible for each other's contracts or debts.

2. Exclusive of the capital subscribed by Federal farm-credit societies, which must be equal to one-tenth of the amount of credit extended to such societies, every national farm-credit bank, before beginning business, must have a minimum capital of $1,000,000, which if not otherwise subscribed, will be taken by the Federal Government.

3. They may receive deposits, pay interest thereon, borrow money, use their funds in making loans to Federal farm-credit societies, and by discounting notes with the Federal reserve banks and other financial institutions, they are to become the avenues through which credit will flow from its sources to the farms.

4. National farm-credit banks, in furnishing credit for the local society, will rely (1) upon their capital, (2) upon deposits from individuals or the Federal Government, (3) upon the sale of debentures, and (4) upon rediscounting the notes of the farmers, when indorsed by local societies, with the Federal reserve banks and other banking and financial institutions.

5. Each national farm-credit bank will be primarily liable for its own debts and debentures, but in case of a failure of any one of such banks, all other such banks will be required to contribute to prevent loss to its creditors.

Mr. LOBECK. Will the gentleman yield?

Mr. MORGAN. I am glad to yield to the able and distinguished gentleman from Nebraska.

Mr. LOBECK. May I ask if the bill the gentleman introduced covers the idea of loaning money to these tenant farmers on short time, or does it tend to assist them in buying farms, implements, grain, seed, and so forth?

Mr. MORGAN. The plan provides for furnishing them with short-term credit for any productive purpose, to extend for one year. The tenant farmer must develop his business. As a tenant he must make sufficient money—say, half the price of the farm—before he can use the long-term, farm-mortgage banks to aid him in buying a farm.

Increased personal credit at a low rate of interest, used to purchase additional live stock, better farm implements, machinery, tools, and other equipment, seeds and fertilizers, and to employ labor, will enable the tenant to enlarge his business operations, increase his production, and augment his annual savings. The short-term personal credit will lead him up to the point where he will have sufficient means to enable him to utilize the Federal land banks in securing a long-time loan, through the assistance of which he rises from the tenant class to the position of proprietor and owner.

Mr. LOBECK. Now, is this money in addition to the money that is loaned by the Government under the land-bank theory?

Mr. MORGAN. I did not understand the gentleman.

Mr. LOBECK. Is this money the gentleman provides a short loan by the Government in addition to the money loaned on the land owned by the borrower?

Mr. MORGAN. Certainly. It is from entirely different institutions.

Mr. LOBECK. The Government is not intending to loan to other people, who do not have farming property or own land?

Mr. MORGAN. It loans to anybody who can furnish the required security for a personal loan, just as commercial banks now make loans upon personal security or chattel mortgage. Many men who have little property have credit and, if necessary, can furnish indorsers for any reasonable amount.

Mr. LOBECK. I understand the Canadian Government is loaning to men to whom they sell land or grant land in certain cases to develop their farms and——

Mr. MORGAN. Yes; the Canadian Government, as well as many other governments, has been much more liberal in loaning money to farmers and in aiding them to become landowners than has the United States.

FEDERAL FARM-CREDIT SOCIETIES.

The chief features of the local Federal farm-credit societies may be outlined as follows:

First. They will be corporations, operating in restricted areas, serving a limited farm population, controlled by borrowers, and managed by a board of five directors, with a president, vice president, and secretary-treasurer, who will be the only paid official.

Second. They will not be banks, receiving deposits or doing a general banking business, but will be credit societies, utilizing the local commercial banks for depositories.

Third. Exclusive of the capital subscribed by borrowers, each society will have a minimum working capital of $2,500, which, if not otherwise subscribed, will be furnished by the Federal Government.

Fourth. Each borrower will be required to subscribe to the capital of the local society in an amount equal to one-tenth of the loan granted, which may be paid for out of the proceeds of the loan, and on the payment of the note such stock may be canceled and the face value thereof credited on the note.

Fifth. Local societies are authorized to charge one-half of 1 per cent per annum interest in excess of the interest rate which the regional bank charges the local society, and from this margin will be expected to meet administrative expenses and be able to pay dividends on stock held by borrowers sufficient to offset the interest paid by them on money invested in the stock held in the local society, but no dividends will be paid on stock held by the Government.

Sixth. Local societies will make loans on their own account entirely independent of the regional bank, and will thus be in a position to transact business promptly and to close loans without delay.

Seventh. Local societies, in borrowing money from regional banks or in having their notes discounted thereby, will subscribe to the capital stock of the regional bank in an amount equal to one-tenth of the credit extended by the regional bank.

Eighth. Shareholders in local societies are liable for the debts of such societies only to the amount of stock held; but the principle of the unlimited liability, practiced by many of the European short-term farm credit societies, will apply as between societies, so that in case of the bankruptcy of a local society all other societies will be required to contribute to prevent losses to creditors.

Ninth. Local societies are made exempt from local or Federal taxation, are prohibited from charging an interest rate in excess of 6 per cent per annum, can not make loans for less than $10 or for more than $1,000, and all loans must be secured by the signature of two responsible indorsers, or by chattel mortgage, or by bonds or other adequate collateral security.

IMPORTANT DIFFERENCE.

Under the provisions of my bill, H. R. 8827, the local credit societies differ radically from the ordinary local credit society under European short-term credit systems. In Europe generally local credit societies receive deposits and do a general banking business. Under my bill local credit societies are not authorized to receive deposits or to conduct a general banking business. There should be some good reason for this proposed change. Some of these reasons are as follows:

1. To permit local societies to receive deposits and conduct a general banking business means a duplication of banking institutions in almost every community in the land. This country already has an abundance, if not a superabundance, of banking institutions. The increase in the number of banks in the community does not, as is generally supposed, greatly enlarge the credit resources of the community. Their chief credit power comes from deposits. The banks render a service to the public, but the public pays for it. When banks are too numerous it simply means increased charges on the public in some form. Banks compete for deposits, but their interest rates in a given community are quite uniform. Clearly, therefore, the National Government should not bring into existence an entirely new set of banking institutions, located in every communiay, and covering the entire country, unless such a course is necessary to accomplish the purpose in view, namely, to provide the farmers with adequate credit facilities at a low rate of interest.

2. The receiving of deposits and the conducting of a general banking business will require local societies to invest much larger capital. The people in this country, including the farmers, are accustomed to make their deposits and do business at the local commercial banks. To compete with these banks in securing deposits the local societies must do business upon a scale which compares favorably with the facilities, opportunities, and advantages offered by the local banks. To do this, the farmers must furnish large additional capital. This would hinder rather than help the success of the local institutions.

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ing money to farmers and in aiding them to become landowners than has the United States.

credit societies, to utilize these deposits in extending credit to the farmers of the United States upon the same terms that com-

farmers must furnish large additional capital. This would hinder rather than help the success of the local institutions.

3. To receive deposits and conduct a general banking business, in competition with local commercial banks, will largely increase the expenses of operating, managing, and maintaining such societies. The farmers who borrow must, of course, pay this expense. This means higher interest rates. Economy in administration is one of the chief principles upon which European societies depend to insure low rates of interest.

4. To receive deposits and conduct a general banking business by local societies means a much greater cost to the Federal Government in their supervision, regulation, and control. We should not, of course, overlook the expense which the National Government will be to in the supervision of these institutions, because the expense thereof must be raised by general taxation, and the farmers, constituting more than one-third of the population of the United States, must pay their share.

5. To receive deposits and conduct a general banking business adds very greatly to the complexity of the business operations thereof. Other things being equal, simplicity in business is always desirable. Farmers who manage local societies are not expected to be experts in commercial or banking business, as bankers are not experts in farming. Unless it is absolutely essential, the local credit societies which the farmers are to manage should not be authorized to conduct a business which from its very nature is difficult, complex, and intricate and in which they have had no training.

6. To receive deposits and conduct a general banking business by the local societies will require far greater skill and efficiency in the managers thereof, and this will mean higher-priced salaries and greater expenses.

7. The more complicated a business is the greater danger there will be of financial failure. "Too many irons in the fire" is applicable to all kinds of corporations, including farm-credit institutions, as it is to individuals. There is danger in complexity of business. A short-term farm-mortgage credit system, when fully established in the United States, will be by far the largest institution of the kind in the world. In founding it every precaution should be taken to secure its safety and permanency. It should be built upon a solid and enduring foundation. No practice, principle, or feature should be utilized in its construction that will endanger its safety.

8. To permit local credit societies to receive deposits and to conduct a general banking business would place them in direct competition with the local commercial banks in every community. This might develop antagonism which might result disastrously or injuriously to either or both. The law gives private parties the right to organize commercial banks, and it is an eminently useful and respectable business. There are, of course, unconscionable bankers. So there are bad men in all occupations. The object of short-term farm-mortgage credit is not to injure bankers or to destroy their business. But this is a free country and equality of opportunity should be conceded and guaranteed to all. The farmers, therefore, should be given ungrudgingly the opportunity to organize with a view to increasing their credit facilities, to reduce the cost thereof, and to utilize these credit facilities to expand and extend and enlarge the great industry of agriculture and to promote their own material interests. To do this will not mean loss to commercial banks or to other legitimate business institutions. It will mean greater prosperity and happiness for all. I do not, therefore, advocate better credit facilities and lower interest rates to farmers in the spirit of antagonism to banks or other business interests. I do it in a spirit of broad patriotism, knowing in my heart that it will promote not only the material prosperity of farmers, but that it will contribute to the social, educational, and religious advancement of our farm population, increase the wealth of the Nation, and promote the general welfare of the American people.

Mr. COX. Will the gentleman yield for a question?

Mr. MORGAN. I will be glad to yield to my distinguished friend from Indiana.

Mr. COX. The gentleman has kept up with this question more closely than I have and knows more about it than I do. Can he tell me what is being done in the way of joint-stock company banks that are provided for under the farm-loan banks?

Mr. MORGAN. I talked with one of the officers of the Federal Farm Loan Board, and my memory is that he said that there had been two organized and those were in the gentleman's own State—Indiana.

Mr. COX. I did not think any had been organized in my State.

Mr. MORGAN. I think he said two.

Mr. CANDLER of Mississippi. I think I heard the chairman of the Farm Loan Board state that there were four in the United States, and that they were all in the eastern part of the country and confined entirely to that section.

Mr. COX. I was called out and did not hear all the gentleman said. I quite agree with the gentleman, but I can not make up my mind, very correctly at any rate, where the farm-loan mortgage system is going to benefit the fellow that did not have a piece of land. I never was able to figure out in my own mind a satisfactory solution of the problem, that that system would enable me to buy land unless I had land or some other tangible substance to start with on which I could borrow money. Now, the gentleman's plan, I take it, is a substitute for that to benefit that class of people?

Mr. MORGAN. Yes, sir; and also the farm laborer, and the owner of a farm who can use short-term credit more profitably than a loan extending five years or more.

Mr. COX. How do you propose to do it—to loan directly from the Government to the borrower? If so, on what security?

Mr. MORGAN. No; not directly from the Government. Here is the plan: There will be local societies, the Government furnishing the working capital of $2,500 or whatever amount may be fixed.

Mr. COX. Do not forget your thought: Would that local corporation correspond to the national farm-loan associations under the Federal Farm Loan System?

Mr. MORGAN. It would, except that the local society in my proposed system of short-term credits would do business independently of the regional bank, so far as making loans is concerned, while in the land-credit system the local associations do not close loans. They send their application up to the regional bank will have no control whatever in making loans, venlencing farmers. I opposed this plan, and we must find some way to change it. In the short-term credit system the regional bank will have no control whatever in making loans. The local society alone will be responsible for the loan and act on it promptly.

Mr. COX. Where would the local society get the money to loan in the first place?

Mr. MORGAN. In the first instance, the bill provides that the local society must have at least a minimum cash capital of $2,500, exclusive of capital subscribed by borrowers.

Mr. COX. Paid up?

Mr. MORGAN. Paid up before it can do business. And I provide that if the public, exclusive of the borrowers, does not subscribe this capital, it will be subscribed by the Government, through the Secretary of the Treasury. The local society, so long as it has funds, will make loans to borrowers. Then it indorses these notes to the regional banks, which loans to the local society money to be relocaned to the farmers. So the process goes on indefinitely. The farmer's note is good when indorsed by two persons, but when the same paper is indorsed by the local society it is still better, and when finally it is indorsed by a regional bank, it becomes as good as old.

Mr. COX. Because it has behind it the local institution?

Mr. MORGAN. Yes. It will have behind it the local institution, and finally the regional and the entire system.

Mr. COX. What is the minimum number now required under the gentleman's bill to start a local society?

Mr. MORGAN. Ten persons.

Mr. COX. The minimum capitalization is what?

Mr. MORGAN. Two thousand five hundred dollars, and the minimum capitalization of the regional bank is $1,000,000.

Mr. COX. The minimum capitalization is $2,500, and that must be paid-in cash?

Mr. MORGAN. Yes; that must be paid-in cash, and that is exclusive of any capital subscribed by borrowers.

Mr. COX. Then the local organization could loan that $2,500 on real estate, I take it, or——

Mr. MORGAN. No; on personal security.

Mr. COX. And accept notes on the loan, and the regional bank could rediscount those notes again?

Mr. MORGAN. Yes.

Mr. COX. And through that process the gentleman proposes to raise that money?

Mr. MORGAN. Yes.

GOVERNMENTAL AID.

In the preparation of this bill I intended to authorize the National Government to render all the aid, either by funds or through supervision and control, that was essential to the success of the system. Thus far I think the Government should go and no farther. The aid extended consists—

First. In the enactment of national legislation, authorizing these institutions, which in a manner vouches for their safety and usefulness.

Second. The local societies and regional banks are not only placed under the supervision of the Federal Government, but extensive control in their management is given through the authority of the Federal Farm Loan Board and the three public

directors of the regional banks appointed by the Federal Government.

Third. Under the provisions of the bill the Federal Government will furnish the working capital of $2,500 for each local society and $1,000,000 capital for each of the regional banks, unless said capital shall be otherwise subscribed.

Fourth. The Federal reserve banks are authorized to rediscount the notes of the farmers when indorsed by a local society and a regional bank, and such notes thus become the basis upon which a part of our national currency is issued.

Fifth. National banks are authorized to loan money to or discount the paper of local societies.

Sixth. Regional banks are made Government depositaries and the Secretary of the Treasury is authorized to make a special deposit therewith in an amount not exceeding $12,000,000 in one year, and any of such deposits may be loaned to local farm-credit societies, to the same extent and upon the same terms commercial banks may loan such deposits.

Seventh. Local societies and regional banks are exempted from all national, State, and local taxation.

Mr. LOBECK. Mr. Chairman, will the gentleman yield?

Mr. MORGAN. Certainly.

Mr. LOBECK. Finally, after all, the Government is the backer?

Mr. MORGAN. No more than in the land-credit system.

Mr. LOBECK. But as to the really great amount of capital that is needed, the Government through its millions of dollars in the Treasury is the backer of the institution?

Mr. MORGAN. I say it is on the same plan as the land-credit system. We have already adopted that system in the land-credit system, so that it would not be a matter for much argument now.

Mr. LOBECK. What position did the gentleman take when it was a matter of asking the Treasury to take $100,000,000 worth of bonds for the years 1918 and 1919, when we had it before the House the other day?

Mr. MORGAN. I supported that amendment to the law.

Mr. LOBECK. I am glad to hear it.

SAFE AND SOUND.

Mr. MORGAN. The plan proposed is designed to be a perfectly safe and an absolutely sound system of short-term farm credit. Safety, security, and stability are essential to success in any system of finance. Without these characteristics investors will not have confidence in the institutions without which they are doomed to failure. I have endeavored, therefore, to create a system that would be safe, sound, and stable. The local credit societies will be comparatively small institutions. The shareholders will be intimately associated. They will reside in the same community. Each man's reputation for industry, sobriety, and honesty will be known. Every borrower will be required to secure his note with the signatures of two responsible persons, or by chattel mortgage, or by the delivery of bonds or other adequate collateral security. These local societies are not designed to be charitable institutions. All who borrow will be expected to pay, and every precaution will be taken to insure same. Every shareholder will be personally interested in the payment of any loan made. If a borrower fails to pay, every other shareholder will suffer loss thereby. These local credit societies will be expected to exercise fully as much care in extending credit as an ordinary commercial bank. Every borrower is required to subscribe to the capital stock of the local society an amount equal to one-tenth of his loan. The main object in requiring this subscription is to make the local society financially responsible. This stock stands as a guaranty fund. That is the chief purpose of it. The borrower pays for his stock out of the proceeds of his loan; he is allowed to cancel his stock on the payment of the loan and have the amount credited on the face of his note. Dividends are paid on his stock, but the amount stands as collateral security not only for the payment of the borrower's note but also for the debts of the society. Societies are prohibited from going in debt in an amount in excess of ten times their capital stock. Automatically the capital of the society increases with the loans at a fixed ratio and will stand as a guaranty fund equal to one-tenth of the debts of the society.

The business of the local societies and of the regional banks will be restricted to credit transactions. Simplicity in business is an element of safety. Complexity in business is an element of danger. European experience has demonstrated this fact. "Too many irons in the fire" is liable to be disastrous to banking institutions, as it is to an individual in business. Confinement of business to a single line will be a source of strength and safety to the local societies and the regional banks.

The regional banks will furnish credit only to local credit societies. In Europe regional and central farm-credit banks furnish credit not only to local credit societies but to all kinds of cooperative societies which are conducting extensive business transactions. For numerous reasons these corporations are more liable to suffer financial losses than pure credit societies making comparatively small loans to farmers with every loan secured.

There is another proposition still more important in this connection. The only credit extended by the regional banks will be to local credit societies. The local credit societies are indorsers for each other. The principle of unlimited liability is applied as between local societies. If a local society meets with financial reverses, all other such societies are legally bound to come to its rescue. If it fails and its assets are insufficient to meet its liabilities, all other societies are required to contribute an amount sufficient to save creditors from loss. There can be no loss through extending credit to a local society, unless the entire system goes down. The regional banks are simply the local societies in concentration. The regional banks suffer no loss except through failure of a local society, and this loss can not occur, unless all such societies fail.

Of course, the local societies and regional banks are not only under Government supervision but, in part, under control of the Federal Government, and thus surrounded by every safeguard to insure their honest, efficient, and conservative management.

Mr. LEVER. I have read the gentleman's very interesting book on Rural Credit. It has been some time since I read it, and I do not recall whether the gentleman discusses this proposition or not.

Mr. MORGAN. In that book, which the gentleman sees fit to compliment—for which I thank him very much—I discussed only the land-credit proposition.

Mr. COX. Will the gentleman yield right there?

Mr. MORGAN. Yes.

Mr. COX. Has the gentleman's plan been tried out in any other country? If so, in what country?

Mr. MORGAN. I was just coming to that. I was going to speak of the system which France has adopted. I have adopted in large measure the system which France established some 20 years ago, and which the authorities I read have complimented very highly. Now, what is the plan of France? It has local credit societies. It has regional banks—98 of them—one in each State and Province. Perhaps we ought to have more than 12, or we ought to let these regional banks have branches in each State. France has local societies and 98 regional banks, and the Bank of France is required to rediscount the farmers' paper, when indorsed by the local societies and these regional banks, the same as it discounts the paper of the great commercial interests of the Nation. It has always been the policy of France that the Bank of France should aid agriculture upon equal terms with trade, commerce, and manufacturing. We have never done that. Later on I will discuss further the French system and show what aid the Bank of France renders agriculture.

Mr. LOBECK. As far as the gentleman knows, has this been conducive to larger agricultural production in France?

Mr. MORGAN. Unquestionably it has. It has been in operation only perhaps about 20 years, but Hon. Myron T. Herrick in his book on rural credits, says that under its national system in 15 years France gave its farmers the most symmetrical short-term credit system possessed by any nation in the world.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORGAN. I should like 10 minutes more.

Mr. HAUGEN. I yield to the gentleman 10 minutes more.

Mr. LOBECK. Then the object of the gentleman's bill is that by providing these short-time loans the small farmer, or any farmer for that matter, will be helped to produce larger crops for the benefit of humanity in this country?

Mr. MORGAN. Yes.

Mr. LOBECK. And the gentleman thinks it would be helpful in every way?

Mr. MORGAN. Yes; and it is a fact that we do not realize the power of credit. Our great industrial interests, our great manufacturing interests, are depending upon credit, and we never could have built up the great industrial interests we have in this country except through the extension of credit. Credit as a power, as an instrument, as a force, as a factor in production can be utilized in agriculture the same as in commerce and trade and manufacturing.

Mr. CANDLER of Mississippi. Will the gentleman yield?

Mr. MORGAN. Yes.

Mr. CANDLER of Mississippi. I do not know that I caught exactly how the gentleman is going to supply the funds to make these loans. As I understand, the local organization has a capital of $2,500.

Mr. MORGAN. Exclusive of the capital subscribed by the borrowers.

try and confined entirely to that section.

thority of the Federal Farm Loan Board and the three public

Mr. CANDLER of Mississippi. When that source of supply is exhausted, where does the money come from to supply the additional funds?

Mr. MORGAN. The local society sends notes to the amount of $2,500 to the regional bank. That bank discounts those notes and sends the society $2,500, which is reloaned to farmers.

Mr. CANDLER of Mississippi. I am deeply interested in the subject. I am in favor of a complete credit system, including long-time and short-term credit. Is there any provision for the sale of bonds?

Mr. MORGAN. Yes; I have provided another way in which to raise money. The regional banks are authorized to issue debentures. I call them debentures to distinguish them from the bonds of the Federal banks. They are supposed to be issued on short terms, one to five years, secured by the notes of the farmers, and they will become standard securities, because these debentures rest on the credit of the local societies and the regional banks. All the regional banks are bound together. So these debentures issued by the regional banks would be gilt-edged securities and could be disposed of on the money market.

Mr. CANDLER of Mississippi. The security given by the farmer is his personal note?

Mr. MORGAN. The farmer has to give two indorsers or a chattel mortgage or deposit collateral security. In other words, it is not supposed to be a charitable institution. The credit will not be extended on any other idea than that it shall be paid.

Mr. CANDLER of Mississippi. Is there any limitation as to the valuation of the property?

Mr. MORGAN. I do not think my bill requires a limitation, but simply provides that it shall be adequate security.

Mr. LOBECK. Will the gentleman yield?

Mr. MORGAN. I will yield to the gentleman.

Mr. LOBECK. Suppose I want to borrow $250 for summer work and I have not got the 10 per cent, $25, to put up?

Mr. MORGAN. You would make application for a loan sufficient so that after taking out the 10 per cent you would still have sufficient funds left.

Mr. LOBECK. Then I get $225. But really, after all, would not the local organization furnish the money for the stock which I take?

Mr. MORGAN. No; because you give the local society $25 to invest in stock in the regional bank. It is credit and not cash we are dealing with. The local organization has $250 of your paper and it has only paid you $225. It is $25 to the good, so to speak. It discounts your note at the regional bank, gets $250 in cash, but invests $25 in stock in the regional bank. The account is squared. When you pay your note your stock is canceled, the amount thereof, $25, is credited on your note, and you pay back only the $225 you actually received. This is an arrangement or invention by which the local societies and the regional banks will be provided with capital. The borrowers furnish their own capital. They must either do this or continue as they do now to pay private capital high interest rates. The 10 per cent which my bill requires borrowers to invest in stock of the local society is probably more than is necessary. But if a local society manages its affairs economically, the stock in these societies will pay high dividends, higher than the interest rate. But the investment of each borrower in stock in the society is what makes the whole system safe, and that is the thing which insures low rates of interest and an abundance of credit.

Mr. LOBECK. The real idea is to get cheap money at low interest for the man that needs it for producing crops?

Mr. MORGAN. The chief idea is this: If you were a farmer and wanted to borrow $250, you would apply for membership in a local society. With the indorsement of two of your neighbors, the local society makes you a loan, indorses your note, becomes liable thereon, and then the whole system, comprising thousands of societies and 12 regional banks, with their tens of millions of dollars capital, become your indorser, and your note, however humble a man you may be, becomes as good as our national currency.

Mr. LOBECK. I thank the gentleman for giving me more credit than I have had for a long time. [Laughter.]

Mr. MORGAN. For his great interest in their behalf I am sure the American farmers will give the gentleman more "credit" than even I have given him.

Mr. CANDLER of Mississippi. Are all of the local organizations responsible for the debts of each other?

Mr. MORGAN. Yes; in case their own assets will not pay it.

I wish before I close to discuss what I regard as a very important provision. It is the proposal to require, under reasonable limitations and all proper safeguards, Federal reserve banks to rediscount the farmers' notes.

REDISCOUNTING BY FEDERAL RESERVE BANKS.

One of the provisions which may develop controversy is that contained in section 9 of the bill which authorizes any Federal reserve bank to rediscount the notes of farmers when indorsed by the local society and the regional bank. This provision, I believe, is sound in principle and eminently just to the farmers and to our greatest industry, agriculture. Its adoption, in my judgment, would not introduce any element of danger in our national currency system. At present agriculture does not receive the aid from our national banking and currency system that such system extends to the great industrial and commercial interests of the Nation. This not only restricts the growth of agriculture, but it discriminates against the farmers who constitute more than one-third of our population.

Section 11 of the Federal reserve act provides:

Upon indorsement of any of its member banks, * * * any Federal reserve bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions; that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds of which have been used, or are to be used for such purposes, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount within the meaning of this act. Nothing in this act contained shall be construed to prohibit such notes, drafts, and bills of exchange, secured by staple agricultural products, or other goods, wares, or merchandise, from being eligible for such discount.

There is a proviso in the paragraph which reads as follows:

Provided, That notes, drafts, and bills drawn or issued for agricultural purposes or based on live stock and having a maturity not exceeding six months, exclusive of days of grace, may be discounted in an amount to be limited to a percentage of the assets of the Federal reserve bank, to be ascertained and fixed by the Federal Reserve Board.

The meaning of the foregoing provisions is not very clear. The first clause of the first paragraph quoted seems to restrict the notes, drafts, and bills of exchange, which may be discounted by Federal reserve banks, to those "arising out of actual commercial transactions." The average loan made by a bank to the average farmer in the United States does not arise "out of actual commercial transactions," as that term is understood and construed. The second clause apparently enlarges on the first, but still gives the Federal Reserve Board the right to define "the character of the paper thus eligible for discount." I do not know to what extent the various provisions of this section have been construed, but evidently the entire matter is left to the judgment of the Federal Reserve Board.

The above provisions do, however, on their face, recognize the propriety, as well as the importance, of extending to the great industry of agriculture the assistance of the Federal reserve banks. As Congress has already recognized the propriety of requiring the Federal reserve banks to discount agricultural paper, it would seem there could be no valid objection to authorizing such banks to rediscount the notes of the farmer when indorsed by a local credit society and a regional bank.

The plan to have the Federal reserve bank rediscount the notes of farmers, when indorsed by a local credit society and a regional bank, is supported by very high authority in Europe. France has a system of short-term credit institutions corresponding almost identically with the plan of H. R. 8827, introduced by me. The local credit societies in the French system are known as the Credit Agricole Mutuel. Above the local credit societies there were, in 1912, 98 regional banks, at least one in each State or Province. The local societies secure funds by indorsing their paper and having the same discounted at the regional banks, which in turn rediscount the same with the Bank of France. Referring to the short-term farm credit system in France and the workings of the institutions created to promote such credit, Hon. Myron T. Herrick, in his book entitled "Rural Credits," on pages 335 and 336, says:

The regional banks are authorized to discount the negotiable instruments made by members of the local societies and indorsed by such societies and also to make loans to such societies for working funds. The paper having thus three signatures, those of the borrowing farmer, the local society, and the regional bank, is "bankable according to the commercial and banking code, and the regional bank may rediscount it at the Bank of France or at any other of the big credit institutions in France, provided the time is not over nine months."

In Senate Document No. 214, Sixty-third Congress, entitled "Agricultural Cooperation and Rural Credit in Europe," pages 651 and 653, inclusive, there is a statement made by M. Aupetit, chief of the department of economic studies to the Bank of France, relative to the Bank of France and the aid it renders the farmers. He says:

The Bank of France assists agriculture in three ways, which should be distinguished. First, it facilitates the individual agriculturists in securing loans and discounts. Second, it makes possible the success of agricultural credit banks and facilitates the rediscount which they offer the commercial banks. Third, it provided the government with funds in the form of an advance and an annual grant with which to supply the needs of the agricultural credit banks.

Again he says:

The Bank of France also makes every effort to assist the local banks, and has given pioneer assistance to the local credit banks. These local credit banks, as has been explained, have two functions. In the first place, they act as independent banks so far as their capital and deposits are concerned. The advance made by the State enables them to act as independent banks. As soon as the credit demands of their clients exceed their own resources, they render assistance to their members by rediscounting their bills at the Bank of France through the medium of the regional bank. While these banks usually rediscount with the Bank of France, it should be understood that they are free to rediscount them with any other bank they may select. * * * At the present time the Bank of France conducts regular discounting business with all of the 100 regional banks, and through them with more than 3,000 of the local cooperative credit banks. The third way in which the Bank of France assists agricultural credit in France is by granting large sums to the Government to be used to finance the local and regional credit banks.

SHORT-TERM FARM CREDIT IN GERMANY.

In Germany there are two chief systems of short-term cooperative credit institutions. One is the Shulze-Delitzsch system and the other is the Raiffeisen system. The latter is the largest factor in furnishing short-term credit to the farmers of Germany. In each of these there are local credit societies, State, provincial, or regional institutions, and a large central bank. In the Raiffeisen system the central institution is the Central Agricultural Loan Bank, which has 13 branches, which serve as regional banks and through which the local societies do business. The central institution, which serves the local credit societies, which do not belong to the Raiffeisen system, is the Prussian Central Cooperative Bank of Berlin, which Prussia founded and endowed with a capital of $18,000,000.

Taking the short-term farm credit systems of the two great nations, France and Germany, as the best models from which to copy our system of short-term farm credit, we must have, first, local credit societies; second, regional banks of some kind, with which the local societies will do business; and, third, some kind of a central institution of large capital and resources, which will bring the individual farmer, through the local societies and the regional banks, in touch with the great reservoirs of credit of the nation. We must follow France, which utilizes the Bank of France for this purpose, or we must follow Germany, which has created and endowed a great central institution for this purpose. I believe the French policy is the better one. Our Federal reserve banks, in their position in our banking and currency and credit system, occupy the same position that the Bank of France occupies in the banking, currency, and credit system of France. I am, therefore, in favor of making our Federal reserve banks an important factor in providing suitable short-term credit to the farmers of the United States, and thus giving the 6,500,000 farmers of the United States a front seat in our great national banking, currency, and credit system.

APPENDIX A.

A bill (H. R. 8827) to provide short-term credit for the farmers of the United States, and for other purposes.

Be it enacted, etc., That the short title of this act shall be "The national farm-credit act." Its administration shall be under the direction of the Federal Farm Loan Board, which shall have the same power of supervision and control over national farm-credit banks and Federal farm-credit societies, created under this act, that it has over Federal land banks and national farm-loan associations created under the "Federal farm-loan act." That the provisions of said last-named act, in so far as they may be applicable and not in conflict with the provisions of this act, are hereby reenacted and made applicable to national farm-credit banks, Federal farm-credit societies, their directors, officers, assistants, clerks, other employees, persons, and corporations, and the provisions of sections 29, 31, 33, and 34 are hereby specifically reenacted and made applicable as aforesaid.

The Federal Farm Loan Board shall fix what proportion of the expense of operating the Federal land bank and the national farm-credit bank of each Federal land-bank district shall be paid by each of said banks.

DEFINITIONS.

SEC. 2. That the term "farm-credit debenture" shall be held to include all debentures secured by collateral deposited with the farm-loan registrar under the terms of this act; the terms "national bank" and "national banking association," used in this act, shall be held to be synonymous and interchangeable; and the term "member bank" shall be held to mean any national bank, State bank, or bank or trust company which has become a member of one of the reserve banks created by the Federal reserve act, approved December 23, 1913.

FARM-LOAN REGISTRAR.

SEC. 3. That the farm-loan registrar of each Federal land-bank district shall bear the same relation with reference to the national farm-credit bank of said district, and the issue of farm-credit debentures, that he now bears with reference to the Federal land bank of said district, and the issue of farm-loan bonds, and said registrar shall exercise similar powers and perform similar duties relative thereto in addition to duties specifically prescribed herein.

NATIONAL FARM-CREDIT BANKS.

SEC. 4. That there is hereby created in each Federal land-bank district a national farm-credit bank, with its principal office located in the same city and in the same building wherein the Federal land bank of said district is located.

The directors of each Federal land bank, at the time of the passage of this act, shall be the temporary directors of the national farm-credit bank in the Federal land-bank district wherein such national farm-credit bank is located. They shall give such bonds, receive such compensation as the Federal Farm Loan Board shall prescribe, and from their number the Federal Farm Loan Board shall choose a president, vice president, secretary, and treasurer of said board. Thereafter each national farm-credit bank and each Federal land bank located in the same Federal land bank district shall be under the management of the same directors, who shall utilize, so far as practical, the same officers, attorneys, experts, assistants, clerks, laborers, and other employees in the management of the business of said banks.

The said temporary directors shall make an organization certificate, containing in substance that which is required in the organization of Federal land banks as provided in section 4 of the Federal farm-loan act, and upon duly making and filing of said organization certificate the bank shall become as from the date of the execution thereof a body corporate, and as such and in the name designated in said certificate shall have the same powers as are conferred upon Federal land banks in the aforesaid section 4 of said "Federal farm-loan act," and such additional powers as may be herein granted.

Thereafter the board of directors of every Federal land bank and of every national farm-credit bank shall be selected as hereinafter specified and shall consist of nine members, each holding office for three years. Six of said directors shall be known as local directors, three of whom shall be chosen by and be representative of national farm-loan associations, and three of whom shall be chosen by and be representative of Federal farm-credit societies. The remaining three directors shall be known as district directors and shall be appointed by the Federal Farm Loan Board and shall represent the public interest. Any provision in section 4 of the Federal farm-loan act in conflict with the provisions of this paragraph is hereby repealed. No director, officer, or employee of any kind or character shall have any increase in his salary or pay by reason of being in the service of both the said banks, unless authorized by the Federal Farm Loan Board.

CAPITAL OF NATIONAL FARM-CREDIT BANKS.

SEC. 5. That every national farm-credit bank shall have, before beginning business, a subscribed capital stock of not less than $1,000,000, divided into shares of $5 each. That the provisions of section 3 of the Federal farm-loan act relative to subscriptions to the capital stock of Federal land banks, in so far as the same may be applicable, are hereby made applicable to subscriptions to the capital stock of national farm-credit banks.

If within 30 days after the opening of subscription books therefor any part of the minimum capital stock of $1,000,000 shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, and the Secretary of the Treasury is hereby authorized and directed to take out shares corresponding to the unsubscribed balance and pay for the same out of any moneys in the Treasury not otherwise appropriated.

RESERVES AND DIVIDENDS.

SEC. 6. That the Federal Farm Loan Board shall prescribe what proportion of the net earnings of national farm-credit banks shall semi-annually be carried to the reserve account, what amount of reserve shall be maintained before dividends shall be paid, and prescribe at what time notes upon which payment of either interest or principal is in default shall be deducted from the assets thereof, and how the reserves of such banks shall be invested and safeguarded.

REPORTS.

SEC. 7. That the Federal Farm Loan Board shall annually make a full report of its operations and of the business, financial condition, assets, expenditures, number of employees, their salaries and other appropriate information of each of the national farm-credit banks. Said report shall be made to the Speaker of the House of Representatives, who shall cause the same to be printed for the information of Congress.

National farm-credit banks shall make quarterly and annual reports to the Federal Farm Loan Board, including such information as shall be required by said board.

DEPOSITS, LOANS, AND INDORSEMENTS.

SEC. 8. That every national farm-credit bank may receive deposits, pay interest thereon, borrow money, loan its funds to Federal farm-credit societies, issue and sell debentures as provided in this act, indorse notes received from Federal farm-credit societies to any individual, bank or corporation, including any Federal reserve bank, for the purpose of having said notes discounted or rediscounted: *Provided*, That no Federal farm-credit society shall at any time borrow money or be indebted in a sum in excess of ten times the amount of its paid-up capital stock.

DISCOUNT BY FEDERAL RESERVE BANKS.

SEC. 9. That upon the indorsement of any member bank of the Federal Reserve System, or of any national farm-credit bank, any Federal reserve bank may rediscount notes taken by any Federal farm-credit society in the usual course of business, or the notes of such society which have a maturity, at the time of discount, of not more than one year.

GOVERNMENT DEPOSITARIES.

SEC. 10. That all national farm-credit banks organized under this act, when designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs; they may also be employed as financial agents of the Government, and as such depositaries and agents shall perform all such reasonable duties as the Government may require.

Said banks may loan to Federal farm-credit societies such percentage of Government deposits as may be prescribed by the Secretary of the Treasury, and under such conditions and regulations, with reference to the security therefor, as said Secretary may prescribe to insure the payments thereof.

SPECIAL DEPOSIT FOR LOAN PURPOSES.

SEC. 11. That the Secretary of the Treasury is hereby authorized to deposit with national farm-credit banks a sum of money not to exceed in the aggregate $12,000,000 in any one calendar year to be loaned by said banks to Federal farm-credit societies in such amounts, at such rates of interest not to exceed 5 per cent per annum, with such security, and under such rules and regulations as shall be prescribed by the Federal Farm Loan Board with the approval of the Secretary of the Treasury.

FARM-CREDIT DEBENTURES.

SEC. 12. That any national farm-credit bank may issue farm-credit debentures under the terms of this act, with the approval of the Federal Farm Loan Board, when application therefor is made through the farm-loan registrar. With said application said bank shall tender the said registrar, as collateral security, the notes of Federal farm-credit societies duly indorsed or assigned to said bank or United States Gov-

ernment or Federal farm-loan bonds, not less in aggregate amount than the sum of the debentures proposed to be issued.

On approval for an issue of farm-credit debentures, the said registrar shall proceed as soon as practicable thereafter to secure the execution of said debentures and the delivery thereof to said bank. The notes accepted as collateral security for the issue of farm-credit debentures shall be assigned to said registrar in trust and shall be held by him as collateral security for the payment thereof.

The Federal Farm Loan Board shall prescribe rules regulating the redemption of said notes or bonds, allowing the substitution of other notes and bonds for any portion thereof, and for the safeguarding of such securities in the hands of the registrar.

Debentures issued by any national farm-credit bank shall not exceed the amount of collateral security pledged therefor, or be more than ten times the amount of the capital stock of said bank.

The debentures shall be issued in denominations of $10, $25, $50, $100, $500, and $1,000, shall run for such time as may be prescribed by the Federal Farm Loan Board, shall bear a rate of interest not to exceed 5 per cent per annum, shall be in such form and in series of such amounts as the Federal Farm Loan Board shall prescribe, and may be issued as coupon bonds with coupons for interest payments attached or as registered bonds, and the same shall be interchangeable.

That the provisions of the Federal farm-loan act relative to the preparation, engraving, and delivery of farm-loan bonds are hereby made applicable to farm-credit debentures.

LIABILITY OF NATIONAL FARM-CREDIT BANKS.

SEC. 13. That every national farm-credit bank issuing farm-credit debentures shall be primarily liable therefor, and shall also be liable, upon presentation of farm-credit debenture coupons, for interest payments due upon any farm-credit debenture issued by other national farm-credit banks, and remaining unpaid in consequence of the default of such other national farm-credit bank; and every such bank shall likewise be liable for such portion of the principal of farm-credit debentures so issued, as shall not be paid, after the assets of any such other national farm-credit bank shall have been liquidated and distributed: *Provided*, That such loss, if any, either of interest or of principal, shall be assessed by the Federal Farm Loan Board against solvent national farm-credit banks liable therefor in proportion to the amount of farm-credit debentures which each may have outstanding at the time of such assessment.

Every national farm-credit bank shall be primarily liable for all its contracts, debts, liabilities, and financial obligations of every kind and character; and every such bank shall likewise be liable for such portion of the debts, liabilities, and financial obligations of any other such bank which shall not be paid after the assets thereof shall have been liquidated and distributed: *Provided*, That such losses, if any, shall be assessed by the Federal Farm Loan Board against solvent banks liable therefor in proportion to the amount of their capital stock at the time of such assessment: *Provided further*, That the Federal Farm Loan Board may, by order duly made, create and establish a guaranty fund to which all such banks shall be required to contribute an equitable amount annually and from which shall be paid any of the debts, liabilities, and financial obligations of any such society after the assets thereof shall have been liquidated and distributed; but the creation of such guaranty fund shall in no way relieve any such bank from its liability to make further contribution under any assessment which shall be made by the Federal Farm Loan Board under the provisions of this section.

Every national farm-credit bank shall, by specific provision in its organization certificate, and by appropriate action of its board of directors, duly recorded in its minutes, obligate itself to become liable as provided in this section.

Farm-credit debentures shall be signed by the president of the bank issuing the same and attested by its secretary, and contain such other matter as may be prescribed by the Federal Farm Loan Board.

Coupon or interest payments upon debentures shall be payable at the national farm-credit bank by which they were issued, in gold or lawful money, and on payment shall be duly canceled by said bank. The Federal Farm Loan Board may authorize such payment at any national farm-credit bank or at any other bank.

The Federal Farm Loan Board may, by rule and regulation not inconsistent with the provisions of this act, further regulate the control of the issue and payment of farm-credit debentures and the application of payments thereon.

FEDERAL FARM-CREDIT SOCIETIES.

SEC. 14. That corporations, to be known as Federal farm-credit societies, may be organized by 10 or more natural persons under the provisions of this act and under such rules, regulations, and organization certificate as shall be prescribed by the Federal Farm Loan Board. Such application for incorporation shall be made in duplicate and transmitted to the national farm-credit bank of the Federal land-bank district in which said society is proposed to be incorporated. Said bank, after obtaining such information as desired, shall divide the county wherein the proposed society is located into districts. Thereafter but one of such societies shall be organized in each of the said districts so formed, except by special order of the Federal Farm Loan Board: *Provided*, That the said board may thereafter, upon proper showing and by order duly made, change the boundaries of said districts and either increase or decrease the number thereof. Any national farm-credit bank receiving an application for incorporation of a Federal farm-credit society, after dividing the county in which said society is to be located into districts as aforesaid, shall transmit one copy of the organization certificate to the Federal Farm Loan Board and retain the other copy thereof.

Upon duly making and filing its organization certificate with the Federal Farm Loan Board, the society shall become, as from the date of the execution of its organization certificate, a body corporate, and as such, and in the name designated in its organization certificate, it shall have power—

First. To adopt and use a corporate seal.

Second. To have succession until it is dissolved by act of Congress or under the provisions of this act.

Third. To make contracts.

Fourth. To sue and be sued, complain, interplead, and defend, in any court of law or equity, as fully as natural persons.

Fifth. To elect and appoint directors, and by its board of directors to elect a president and vice president, and appoint a secretary-treasurer and such other officers and employees as may be prescribed by the Federal Farm Loan Board.

Sixth. To prescribe by its board of directors, subject to the regulation of the Federal Farm Loan Board, by-laws not inconsistent with law.

Seventh. To exercise by its board of directors, or duly authorized officers or agents, all such incidental powers as shall be necessary to carry on the business of such society as herein authorized.

Eighth. To acquire and dispose of such property, real or personal, as may be necessary or convenient for the transaction of its business.

Ninth. To indorse, and thereby become liable for the payment of notes taken from its shareholders, to loan its funds to shareholders who are actively engaged in agriculture, for productive purposes only; to borrow money; and to transact such other business and perform such other acts as shall be provided in this act.

DIRECTORS AND OFFICERS.

SEC. 15. That Federal farm-credit societies shall be managed by a board of five directors, who shall be named in the organization certificate, and who shall serve until their successors shall be elected and qualified.

By a majority vote, such directors shall elect a president, vice president, and secretary-treasurer of said board. After the organization of such society, directors shall be elected by a majority vote of the stockholders of said corporation. In such election, and in all other business before the shareholders, each shareholder shall have but one vote. The secretary-treasurer may not be a director or shareholder in said society. Directors shall be citizens of the United States, residents of the State and county in which such corporation is located, and shall be persons actively engaged in the business of farming. They shall give such bonds as shall be prescribed by the Federal Farm Loan Board.

The duties of directors and officers of Federal farm-credit societies shall be such as are prescribed herein and such as usually pertain to directors and officers of national-banking associations, and they shall serve without salary.

It shall be the duty of the secretary-treasurer of every Federal farm-credit society to act as custodian of its funds, notes, securities, papers, records, and other property. The board of directors shall designate some State or National bank as the depository of the society. The secretary-treasurer shall deposit all the funds of the society in such depository and provide, either in such depository or elsewhere, some safe and secure place in which he shall keep the notes, securities, records, and papers of such society. He shall receive such compensation as shall be fixed by the directors, subject to the approval of the Federal Farm Loan Board.

DEPOSITORIES, LOANS BY NATIONAL BANKS.

SEC. 16. That every member bank of the Federal Reserve System, when designated as the depository of any Federal farm-credit society, is hereby required to act as such, and every State bank, when so designated, may act as such.

Any bank acting as the depository of a Federal farm-credit society shall pay such interest on the deposits of such society as shall be agreed upon. Every national or other bank is authorized to make loans to any Federal farm-credit society on such terms and security as may be agreed upon, and any State bank may make loans to the society when the same is not in violation of the laws of the State in which it is located.

Every national or other bank is authorized to act as secretary-treasurer of any Federal farm-credit society, and any State bank may so act when not in conflict with the laws of the State in which it is incorporated, and any officer of said banks may so act.

SUPERVISION.

SEC. 17. That the Federal Farm Loan Board shall provide for careful supervision and examination of Federal farm-credit societies and is authorized to make special rules and regulations to insure economical administration thereof.

REPORTS.

SEC. 18. That Federal farm-credit societies shall make monthly, quarterly, and annual reports to the national farm-credit bank of the district in which they are located, in such form and covering such information as shall be prescribed by the Federal Farm Loan Board.

CAPITAL STOCK OF FEDERAL FARM-CREDIT SOCIETIES.

SEC. 19. That every Federal farm-credit society shall have, before beginning business, a subscribed cash capital of not less than $2,500, exclusive of capital subscribed by prospective borrowers.

The Federal Farm Loan Board is authorized to prescribe the times and conditions of the payment of subscriptions to the capital stock, to reject any subscription in its discretion, and to require subscribers to furnish adequate security for the payment thereof.

The capital stock of each Federal farm-credit society shall be divided into shares of $1 each, and may be subscribed for and held by any individual, firm, or corporation, or by the Government of any county, municipality, State, or of the United States.

Stock held by borrowers of Federal farm-credit societies shall not be transferred or hypothecated, and the certificates therefor shall so state.

Stock owned by the Government of the United States in Federal farm-credit societies shall receive no dividends, but all other stock shall share in dividend distributions without preference.

It shall be the duty of the directors of every Federal farm-credit society, as soon as practicable after the charter for such society has been issued, to open books of subscription to the capital stock of said society. Every person subscribing to the capital stock thereof shall indicate whether or not he intends to become a borrower from said society. If within 30 days after the opening of said books any part of the minimum capitalization of $2,500 herein prescribed for Federal farm-credit societies, exclusive of subscriptions made by prospective borrowers, shall remain unsubscribed, it shall be the duty of the Secretary of the Treasury to subscribe the balance thereof on behalf of the United States, said subscription to be subject to call, in whole or in part, by the board of directors of said national farm-credit society upon 30 days' notice, with the approval of the Federal Farm Loan Board; and the Secretary of the Treasury is hereby authorized and directed to take out shares corresponding to the unsubscribed balance so called, and to pay for the same out of any moneys in the Treasury not otherwise appropriated.

It shall be the duty of the Federal Farm Loan Board to prescribe rules, regulations, and conditions upon which the Secretary of the Treasury shall pay for said stock, and may require the directors and officers of said society to give bond or other security for safeguarding said funds.

The Government of the United States shall have no vote for the shares of stock held by it at meetings of shareholders, but the Federal Farm Loan Board shall prescribe rules and regulations for the protection of the interests of the Government on account of stock held by it.

After the subscriptions to the capital stock of any Federal farm-credit society, exclusive of the amount subscribed by the Government of the United States shall amount to $25,000, the stock held by the Government of the United States shall be canceled and retired, and the said Government shall be paid the par value thereof. The retirement of said stock and the payment thereof to the Government shall be made semi-annually and shall cover such a period of years as shall be prescribed by the Federal Farm Loan Board.

Every Federal farm-credit society shall keep a certain amount of its capital stock in quick assets, the character of such assets and the amount thereof to be prescribed by the Federal Farm Loan Board, and said board shall further prescribe for any additional reserve fund to be kept and maintained by said society.

LOANS.

SEC. 20. That Federal farm-credit societies shall make loans only to shareholders who are farmers. No loan shall be made for less than $10 nor for more than $1,000 or for a longer time than one year. No loan shall be made to a shareholder in an amount greater than 10 times the paid-up capital stock he holds in said society. The stock held in such societies by any borrower therefrom shall not be transferable and shall be held as collateral security for the payment of any loan made to such borrower, but such shareholder shall be paid any dividends accruing on said capital stock while it is outstanding. Any shareholder who has been a borrower may on his request, on payment of his note in full, have his stock canceled, and he shall thereupon be paid an amount in cash equal to the par value of his stock, or have the same applied in final payment of his note, subject to any reduction that may be necessary to pay the proportionate share of said stock to meet any impairment of the capital of any society at the time payment may be made.

That before the organization certificate shall be issued to any Federal farm-credit society the national farm-credit bank under which said society is to operate may investigate the solvency and character of the applicants thereof, and then determine whether in their judgment a charter should be granted to it, and make report thereof for the action and approval of the Federal Farm Loan Board.

Any person desiring to borrow money from a Federal farm-loan society shall make written application to purchase stock in said society equal to one-tenth of the amount of the loan desired, and may reserve the right to pay for said stock out of the proceeds of said loan. No loan shall be made except on the written approval of at least three of the directors.

The directors of any Federal farm-credit society may appoint among its shareholders such committees as may be necessary to aid it in transacting its business.

Federal farm-credit societies are prohibited from incurring indebtedness for administration expenses which in any way impairs the minimum capital required in the organization of such societies.

Federal farm-credit societies in borrowing money, except when borrowing money from a national farm-credit bank, shall secure said loans by the notes of its members or by other collateral security, and in no case shall any sum be borrowed in excess of 90 per cent of the face value of the notes or other collateral securing said loan.

Every Federal farm-credit society, when it shall sell any of the notes of its members, or shall discount the same, shall set aside 10 per cent of the proceeds thereof to the reserve fund of the society, and the same shall be used thereafter only for such purpose or purposes as shall be provided for said reserve fund.

DEBTS AND OBLIGATIONS OF FEDERAL FARM-CREDIT SOCIETIES.

SEC. 21. That every Federal farm-credit society shall be primarily liable for all its contracts, debts, liabilities, and financial obligations of every kind and character; and every such society shall likewise be liable for such portion of the debts, liabilities, and financial obligations which shall not be paid after the assets of any other such society shall have been liquidated and distributed: *Provided*, That such losses, if any, shall be assessed by the Federal Farm Loan Board against solvent societies liable therefor in proportion to the amount of their capital stock at the time of such assessment: *Provided further*, That the Federal Farm Loan Board by order duly made may create and establish a guaranty fund to which all Federal farm-credit societies shall be required to contribute an equitable amount annually and from which shall be paid any of the debts, liabilities, and financial obligations of any such society after the assets thereof shall have been liquidated and distributed, but the creation of such guaranty fund shall in no way relieve any Federal farm-credit society from its liability to make further contribution under any assessment which may be made by the Federal Farm Loan Board under the provisions of this section.

Every Federal farm-credit society shall in its application for incorporation assume the financial liability provided in this section and its organization certificate shall so specify.

RESPONSIBILITY OF SHAREHOLDERS.

SEC. 22. That shareholders of every Federal farm-credit society shall be held individually responsible, equally and ratably and not one for another, for all contracts, debts, and engagements of such society to the extent of the amount of stock owned by them at the par value thereof. Stock held in Federal farm-credit societies shall not be transferable.

The stock held by any shareholder in any Federal farm-credit society shall be held in trust by such society to meet the obligations of any shareholder as a member of said society, and shall be exempt from any debt, judgment lien, execution, attachment, or other process issued out of any State court, or out of any court of the United States.

EXEMPTION FROM TAXATION.

SEC. 23. That every national farm-credit bank and every Federal farm-credit society, including the capital and reserve or surplus thereof, and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation, except taxes upon real estate held, purchased, or taken by said bank or society, under the provisions of this act.

Notes and other legal obligations executed to Federal farm-credit societies, or to national farm-credit banks, and farm-credit debentures issued under the provisions of this act shall be deemed and held to be instrumentalities of the Government of the United States, and as such they, and the income derived therefrom, shall be exempt from Federal, State, municipal, and local taxation.

LOANS BY FEDERAL FARM-CREDIT SOCIETIES.

SEC. 24. That any Federal farm-credit society desiring to borrow money of a national farm-credit bank shall execute its note, duly signed by the president of the board of directors and the secretary-treasurer of said society, and shall transmit as collateral security therefor the duly indorsed notes of its shareholders, in amount not less than the face of the loan applied for, and shall subscribe for stock in said national farm-credit bank in an amount equal to one-tenth of the face of said loan, which stock shall be held in trust as collateral security for the payment of said loan.

That when payments of interest or principal shall be made on any such note, the same shall be held as a trust fund for the payment of such notes and the note of the Federal farm-credit society secured thereby. All such payments shall be forthwith credited on the note of the society and the note of the shareholder paying the same.

RATE OF INTEREST.

SEC. 25. That Federal farm-credit societies shall not charge a rate of interest in excess of 6 per cent per annum.

National farm-credit banks shall not charge any Federal farm-credit society a rate of interest in excess of 5½ per cent per annum, and in no case shall any national farm-credit bank charge a Federal farm-credit society a rate of interest which exceeds by more than one-half of 1 per cent annually the rate of discount paid by said bank, or the rate of interest it pays on borrowed money.

LOAN COMMITTEE.

SEC. 26. That the president, vice president, and one other director, to be elected by the board of directors, shall constitute the loan committee of each Federal farm-credit society. Said committee shall investigate and report upon the character of each applicant for a loan, and as to the security offered therefor. No loan shall be made except upon the approval of a majority of the board of directors.

SECURITY FOR LOANS.

SEC. 27. That Federal farm-credit societies shall make loans only when secured as follows:

(a) By the signature of two responsible indorsers.

(b) By a chattel mortgage upon personal property worth at least double the amount of the loan.

(c) By a chattel mortgage upon growing crops when secured also by at least one responsible indorser.

(d) By the delivery of bonds, notes, or other securities in such amount and of such a character as shall afford ample security for the loan.

(e) By such other security as may be prescribed by the Federal Farm Loan Board.

REPEALING CLAUSE.

SEC. 28. That all acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The right to amend, alter, or repeal this act is hereby expressly reserved.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. JUUL].

Mr. JUUL. Mr. Chairman, some years ago as a member of a senatorial committee in my State, I visited the State University at Champaign and Urbana. Among the interesting things shown to the senators were certain machines for testing the resisting powers of wood and metals.

I remember certain machines for testing timber; an upright piece of wood several feet long and probably 6 inches by 6 inches was placed in this machine and pressure was applied. Over the machine was an indicator, like a steam gauge, that recorded hundreds and thousands of pounds of pressure applied to the wood by the machine. I believe that finally, under ever so many thousand pounds of pressure, the fiber in the wood gave way and, technically speaking, it "failed." The test had shown the number of thousands of pounds that that particular kind of wood could stand. Under the Constitution and laws of the United States it was contemplated that the enormous pressure that this world war is forcing upon the Congress was to be divided in approximately 434 parts, each part or unit of the House to stand at least a share of it, so that no single man should go to pieces or fail, either physically or mentally, trying to stand up under the strain all alone or by himself. [Laughter.]

But by virtue of some system probably in vogue for many years, before I and many of the gentlemen came here, it seems that the burden of the Government unjustly rests upon a very few gentlemen. I am now judging the situation by reading the CONGRESSIONAL RECORD, where I find that one gentleman addressed the House and had his name printed in the RECORD 118 times in one single day. [Laughter.]

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. JUUL. Oh, I will be through in half a minute.

Mr. GARRETT of Tennessee. Does the gentleman think it is entirely fair to make these remarks in the absence of the gentleman from Wisconsin [Mr. STAFFORD]?

Mr. JUUL. I have mentioned no names. I want to say to the gentleman that once we had a police official out in Chicago who called the policemen together one morning in the squad room and said, "I am not going to mention any names, but if Schultz don't stop drinking, some policeman is going to lose his star." [Laughter.]

The question that is naturally agitating my mind is whether the one man or the few men having to stand the enormous strain have failed under it, or whether the four hundred and thirty-odd gentlemen have failed under the strain of watching the few gentlemen fail under the system of placing this enormous burden upon the shoulders of half a dozen men. As a failure it is best illustrated by the fact that the great number of men in the House have become so tender-hearted that the moment the grind starts and the few gentlemen start in addressing the House, thereby assuming all the burdens, all the rest of the Members desert the Hall and walk out of the building. [Laughter.] Did I say walk? No; I was mistaken; they do not walk out, they run out; and it is necessary to ring a bell

three times to bring them back, and when they do come back and find that the same four or five gentlemen are still under the pressure, trying to carry the burden that 433 men should divide and carry, these four hundred-odd men immediately, when they have responded to their names, feel so badly that as soon as they have answered "Here" to the call of their names, they again run out, feeling that things are being attended to so much better than they could possibly attend to them. [Laughter.]

If one of the gentlemen who has come over to respond to his name should for a moment forget himself and ask for permission to help carry the burden and watch the indicator, helping the few gentlemen to stand the strain, he is immediately jumped on, sat on, and squelched, and in unmistakable manner informed that the proper place for the four hundred-odd gentlemen is over in the House Office Building addressing envelopes and mailing seeds to their constituents in the rural districts. [Laughter.]

It is the hopeless situation created which compels the four hundred-odd gentlemen to come over and watch the indicator over the machine that is squeezing both the physical and mental life out of the half dozen gentlemen that have succeeded in emptying the Hall of Congress so that the average business is being transacted with about 30 gentlemen present. Count them now!

And to my mind the indicator is pointing out that 100 times a day for one gentleman, no matter what his attainments, is too much of a physical and mental strain, both for the gentleman who is to be under the terrific pressure and also for the four hundred-odd gentlemen who have to watch him to the point of breaking or failure. And let us be fair with one another. What would happen to a manager if he was running the biggest and best show on earth if he would send his star performer out to address the audience 118 times in a single evening? His show would "bust"; that is all. [Laughter.]

When all other means have failed to drive the Members away from the debates and back to the House Office Building the following may be tried successfully, and was tried the other day: A gentleman not of the select few has the audacity to attempt to participate in the debate and he is squelched by one of the select gentlemen in this manner: "Has not the gentleman illustrated the fact that a little learning is sometimes a very dangerous thing?"

In other words, a colleague on the floor is willing to hold up a brother Member as ignorant in order to take the "pep" and grit out of him and thus prevent him from ever coming back; and the gentleman who has used the floor over a hundred times in a single day rises and objects to another Member having a few minutes of the time of the House.

Verily, advertising is a good thing; and verily, verily, I say unto you that he who bloweth not his own horn, his horn it shall not be blowed. But is there not such a thing as blowing a horn a little too often? [Laughter.]

Gentlemen, I want to say this: I have come over on this floor and I have meant to participate. I have meant to work. I never was a shirker. I was the chairman of the committee on the judiciary in the senate of my State for a number of years, and I worked night and day; but I tell you it is mighty humiliating and awfully hard for all the new people to come in and be sat on and made to feel that they are not wanted. I do not mean to say that it is the intention of anybody to make any gentleman walk out of this Hall with that feeling in his heart; but I want to tell you that I have done it time and again when I have seen the younger Members stand up here only to have somebody sit on them because they knew the ins and outs of this business and the younger ones did not. I want to conclude by saying that you gentlemen who sit here and transact business every day are putting an entirely wrong gauge on the other fellows by thinking they are ignorant because they are silent. [Applause.]

Mr. LEVER. Mr. Chairman, I regret very much that the gentlemen to whom this speech might seem to appeal are not present, but I hope they will read it in the RECORD to-morrow.

Mr. JUUL. I want to say to the gentleman that I have not mentioned any names. I wanted particularly to refrain from doing so.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CARAWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9054, the agricultural appropriation bill, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 195. An act providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 22 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Friday, January 25, 1918, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 3 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chairman of the Federal Trade Commission, transmitting a preliminary report on the hide and leather situation, stating certain facts ascertained in an investigation of hides, leather, and leather products undertaken by the commission's resolution of December 31, 1917 (H. Doc. No. 857); to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustration.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation required for the repair of the fire boat of the fire department for the fiscal year 1918 (H. Doc. No. 858); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GREEN of Iowa (by request): A bill (H. R. 9215) imposing and levying a direct tax upon the real and personal property in the United States for the amount of each liberty loan during the present war; to the Committee on Ways and Means.

By Mr. DUPRÉ: A bill (H. R. 9216) to construct and equip a lighthouse depot for the eighth lighthouse district at New Orleans, La., or vicinity; to the Committee on Interstate and Foreign Commerce.

By Mr. PADGETT: A bill (H. R. 9217) to increase temporarily the enlisted strength of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. BROWNE: A bill (H. R. 9218) to repeal an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and all amendments thereto; to the Committee on the Judiciary.

By Mr. DIES: A bill (H. R. 9219) to authorize the construction of a dam or dams, a lock or locks, and other works and constructions in and across Sabine Lake, at or near its mouth where it enters Sabine Pass, or at or near the mouth of the Neches and Sabine Rivers and between the said rivers, or at or near the mouth of either the Neches and Sabine Rivers, to conserve the freshness of the waters of the Neches and Sabine Rivers, or either of them, and to prevent the inflow of salt water into said rivers, or either of them; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIARD: A bill (H. R. 9220) to establish the Denver National Park, in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. ZIHLMAN: A bill (H. R. 9221) to increase the limit of cost and provide for the reconstruction of the Federal building at Hagerstown, Md.; to the Committee on Public Buildings and Grounds.

By Mr. COX: A bill (H. R. 9222) granting increases of pensions to soldiers of the Civil War under certain conditions; to the Committee on Invalid Pensions.

By Mr. RAINEY (by request): A bill (H. R. 9223) to amend the war-revenue act in relation to taxation of legacies and inheritances, and for other purposes; to the Committee on Ways and Means.

By Mr. EMERSON: Joint resolution (H. J. Res. 227) to pay the Garland Realty Co. rent for use of building for armory; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 9224) for the relief of Lieut. Richard Philip McCullough, United States Navy; to the Committee on Naval Affairs.

By Mr. CRAMTON: A bill (H. R. 9225) granting an increase of pension to Quail Erity; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 9226) granting a pension to George W. Conrad; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9227) granting a pension to Hamilton T. Farris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9228) granting a pension to Henry T. Henson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9229) granting a pension to Louis Lady; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 9230) granting an increase of pension to Henry C. Snyder; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 9231) granting a pension to John M. Culver; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9232) for the relief of Francis M. Myers or Francis Meyer; to the Committee on Military Affairs.

By Mr. HERSEY: A bill (H. R. 9233) granting an increase of pension to George B. McKechnie; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 9234) to correct the military record of Frederick M. Phelps; to the Committee on Military Affairs.

By Mr. LOBECK: A bill (H. R. 9235) granting an increase of pension to John H. Travis; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 9236) granting a pension to Dorcas A. Wilcox; to the Committee on Invalid Pensions.

By Miss RANKIN: A bill (H. R. 9237) granting a pension to Nick Hoffman; to the Committee on Pensions.

Also, a bill (H. R. 9238) granting a pension to Claude Wallace; to the Committee on Pensions.

Also, a bill (H. R. 9239) to authorize the Secretary of the Interior to issue patent to G. H. Beckwith for certain land within the Flathead Indian Reservation, Mont.; to the Committee on the Public Lands.

By Mr. ROMJUE: A bill (H. R. 9240) granting an increase of pension to Dwight Simpson; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9241) granting a pension to Joseph H. Waters; to the Committee on Pensions.

By Mr. SNOOK: A bill (H. R. 9242) granting an increase of pension to David Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9243) granting a pension to Elizabeth Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9244) granting a pension to Robert S. Peterson; to the Committee on Pensions.

Also, a bill (H. R. 9245) for the relief of William L. Wiles; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: A bill (H. R. 9246) granting an increase of pension to Pearl Gertrude George; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Hawaiian Protective Association, relative to prohibition in Hawaii; to the Committee on Insular Affairs.

By Mr. CARY: Memorial of Milwaukee (Wis.) Pharmaceutical Association, favoring the Edmonds bill relative to Government recognizing pharmacy in the Army and Navy; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of the West Disinfecting Co., New York City, favoring Senator CALDER's daylight-saving law; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the chamber of commerce, Dover, N. J., protesting against increase of postage rates to periodicals; to the Committee on Ways and Means.

Also, petition of R. J. Caldwell & Co., urging the passage of the Chamberlain bill for universal military training; to the Committee on Military Affairs.

Also, memorial of Massachusetts Dairyman's Association, demanding the repeal of the postal-rates law with respect to periodicals; to the Committee on Ways and Means.

Also, resolution of the Farmers' Educational and Cooperative Union of America, adopted at its annual meeting at Jonesboro, Ark., earnestly protesting against any form of universal military training; to the Committee on Military Affairs.

Also, memorial of Buffalo Chamber of Commerce, Buffalo, N. Y., suggesting a treaty to provide for the diversion of additional power at Niagara Falls; to the Committee on Foreign Affairs.

Also, petition of the American Defense League of New York City, urging the passage within two weeks of an adequate food-conservation bill as a military necessity; to the Committee on Agriculture.

Also, resolution of the board of representatives of the Federal Employees' Union No. 2, Washington, D. C., protesting against the recommendation of the Postmaster General that the right of postal employees to organize be withdrawn; to the Committee on the Post Office and Post Roads.

Also, petition of I. T. Cross, Seattle, Wash., urging an increase of pensions to those veterans of the Civil War not in soldiers' homes; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of L. H. Schafer & Co., of Chicago, Ill., opposing repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, petition of Bernard C. Steiner, librarian of the Enoch Pratt Free Library, of Baltimore, opposing the zone system for second-class postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of I. T. Cross, of Seattle, Wash., favoring increase of Civil War pensions; to the Committee on Invalid Pensions.

Also, memorial of Sons and Daughters of Liberty, favoring the Burnett bill (H. R. 5667), relative to deportation of certain aliens, etc.; to the Committee on Immigration and Naturalization.

By Mr. HAMILTON of New York: Affidavits to accompany H. R. 8878, granting a pension to Mary Burseo; to the Committee on Invalid Pensions.

Also, affidavits to accompany H. R. 8876, granting a pension to Eliza Hess Smith; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Petition of G. D. Crawford; C. S. Dell, president of John J. Greer & Co.; J. A. Bokel Co.; Maurice M. Osing; and the Melvale Distillery Co., all of Baltimore, Md., protesting against any reduction in postage rates for second-class matter; to the Committee on Ways and Means.

Also, a letter from the librarian of the Enoch Pratt Free Library and resolutions adopted by the Maryland State Federation of Women's Clubs, asking that the zonal postal rates for periodicals be repealed; to the Committee on Ways and Means.

Also, petition of M. Bates Stephens, secretary Maryland State Board of Education, favoring Senate bill 18, providing for a department of education with a secretary of education in the President's Cabinet; to the Committee on Education.

Also, petition of the Henry S. Wampole Co., protesting against the repeal of the present bankruptcy law; to the Committee on the Judiciary.

Also, petition of Maryland Council of Defense, asking that the franking privilege of the Government be extended to members of the National Council of Defense and to the chairman of every State council of defense; to the Committee on the Post Office and Post Roads.

Also, a memorial from the Garrison Boulevard Improvement Association, Baltimore, Md., favoring the Madden bill, House bill 1654; to the Committee on the Post Office and Post Roads.

Also, memorial of Federal Employees' Union No. 21 and the Baltimore Federation of Labor, urging the early passage of House bill 7356; to the Committee on Appropriations.

By Mr. MOORE of Pennsylvania: Resolutions adopted by the Lauderdale Board of Trade, urging Government improvement of the Florida Coast Line Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Memorial of J. B. Snyder, of Los Angeles, Cal., urging action to secure a greater supply of coal; to the Committee on Agriculture.

Also, memorial of Chamber of Commerce of Los Angeles, Cal., relative to punishment of disturbers of peace of our Government; to the Committee on Military Affairs.

Also, memorial of Half Century Club of America, Los Angeles, Cal., relative to appointment of Federal Interest Commission; to the Committee on Banking and Currency.

Also, petitions of Federal Employees Union, No. 2, American Federation of Labor, Washington, D. C., and Federal Trades Council, Eureka, Cal., against rulings of Postmaster General relative to privileges of post-office employees; to the Committee on the Post Office and Post Roads.

Also, memorial of San Francisco Labor Council, relative to higher compensation for postal employees; to the Committee on the Post Office and Post Roads.

Also, memorial of board of directors of the California State Automobile Association, relative to regulation of interstate use of automobiles; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Mr. Frank H. Newhall, advocating the passage of House bill 5010, relative to salaries of the United States Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAGUE: Memorial of board of representatives of Federal Employees Union No. 2, protesting against the withdrawal of the right of postal employees to organize in affiliation with other workers; to the Committee on the Post Office and Post Roads.

By Mr. VARE: Memorial of Federal Employees Union No. 2, against Postmaster General relative to organization by Government employees; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 25, 1918.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O God our Father, who searchest the inmost recesses of the heart, turn on the Divine light, we beseech Thee, and help us to realize our deficiencies as individuals and as a Nation; that we may measure up to the larger life, revealed in the Lord Jesus Christ; and conscientiously and efficiently do the work Thou hast given us to do, leaving the results to Thee, who doeth all things well; that we may have the approbation of our own conscience and at last receive the heavenly benediction, "Well done, good and faithful servant, enter thou into the joy of thy Lord." For thine is the Kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9054, the Agricultural appropriation bill.

The SPEAKER. The question is on going into the Committee of the Whole House on the state of the Union.

Mr. LONDON. Mr. Speaker, I make a point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present, and evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 299, not voting 129, as follows:

YEAS—299.

Alexander	Cary	Elliott	Hadley
Alsob	Chandler, N. Y.	Ellsworth	Hamilton, Mich.
Anderson	Church	Elston	Hamlin
Ashbrook	Clark, Pa.	Emerson	Hardy
Aswell	Classon	Esch	Harrison, Miss.
Ayres	Claypool	Fairfield	Hastings
Bacharach	Collier	Fess	Haugen
Bankhead	Connally, Tex.	Fisher	Hawley
Barkley	Connelly, Kans.	Flood	Hayden
Barnhart	Cooper, W. Va.	Fordney	Hayes
Beakes	Cooper, Wis.	Foss	Heaton
Bell	Copley	Foster	Heflin
Beshlin	Cox	Francis	Helm
Black	Cramton	Freeman	Helvering
Blackmon	Crisp	French	Hensley
Blanton	Crosser	Fuller, Ill.	Hersey
Borland	Darrow	Fuller, Mass.	Hicks
Brand	Decker	Gallagher	Hilliard
Britten	Denison	Gallivan	Houston
Brodbeck	Denton	Gandy	Huddleston
Browne	Dewalt	Gard	Hull, Tenn.
Browning	Dickinson	Garner	Igoe
Brumbaugh	Dies	Garrett, Tenn.	James
Buchanan	Dill	Garrett, Tex.	Johnson, Ky.
Burnett	Dillon	Gillett	Johnson, Wash.
Burroughs	Dixon	Glass	Jones, Tex.
Butler	Dominick	Glynn	Juul
Byrnes, S. C.	Doolittle	Goodall	Kearns
Byrns, Tenn.	Doremus	Goodwin, Ark.	Keating
Campbell, Kans.	Doughton	Gordon	Kehoe
Campbell, Pa.	Dowell	Gould	Kelley, Mich.
Candler, Miss.	Drane	Graham, Ill.	Kelly, Pa.
Caraway	Dupré	Gray, Ala.	Kennedy, Iowa
Carew	Dyer	Green, Iowa	Kennedy, R. I.
Carter, Mass.	Eagle	Greene, Mass.	Key, Ohio
Carter, Okla.	Edmonds	Gregg	Kincheloe
King	Mays	Rogers	Stevenson
Kitchin	Merritt	Romjue	Stiness
Knutson	Miller, Minn.	Rose	Strong
Kraus	Montague	Rouse	Sumners
La Follette	Moon	Rowe	Sweet
Langley	Moore, Pa.	Ruhey	Swift
Larsen	Moores, Ind.	Russell	Tague
Lazaro	Morgan	Sabath	Taylor, Ark.
Lea, Cal.	Neely	Sanders, Ind.	Taylor, Colo.
Lee, Ga.	Nelson	Sanders, La.	Temple
Lehlbach	Norton	Sanders, N. Y.	Thomas
Lenroot	Oldfield	Saunders, Va.	Thompson
Lesher	Oliver, Ala.	Schall	Tillman
Lever	Oliver, N. Y.	Scott, Iowa	Timberlake
Linthicum	Osborne	Scott, Mich.	Tinkham
Little	Overmyer	Sears	Towner
Littlepage	Overstreet	Sells	Treadway
Lobeck	Padgett	Sherwood	Van Dyke
London	Paige	Shouse	Vestal
Longcope	Park	Siegel	Vinson
Lufkin	Peters	Sims	Voigt
Lundeen	Phelan	Sinnott	Volstead
Lunn	Platt	Sisson	Waldow
McAndrews	Polk	Slayden	Walsh
McArthur	Powers	Slemp	Walton
McClintic	Pratt	Sloan	Wason
McCormick	Purnell	Smith, Idaho	Watson, Pa.
McFadden	Quin	Smith, Mich.	Watson, Va.
McKeown	Rainey	Smith, C. B.	Webb
McKinley	Raker	Snell	Welling
McLaughlin, Mich.	Ramseyer	Snook	Welty
McLaughlin, Pa.	Randall	Snyder	White, Me
McLemore	Rankin	Stafford	White, Ohio
Madden	Reavis	Stengall	Williams
Magee	Reed	Stedman	Wilson, Tex.
Mansfield	Robbins	Steele	Wingo
Mapes	Roberts	Steenerson	Young, N. Dak.
Martin	Robinson	Stephens, Miss.	Zihlman
Mason	Rodenberg	Sterling, Ill.	

NOT VOTING—129.

Anthony	Fairchild, G. W.	Kiess, Pa.	Scully
Austin	Farr	Kinkaid	Shackleford
Barr	Ferris	Kreider	Shallenberger
Bland	Fields	LaGuardia	Sherley
Booher	Flynn	Longworth	Small
Bowers	Focht	McCulloch	Smith, T. F.
Caldwell	Frear	McKenzie	Stephens, Nebr.
Cannon	Garland	Maher	Sterling, Pa.
Cantrill	Godwin, N. C.	Mann	Sullivan
Capstick	Good	Meeker	Switzer
Carlin	Graham, Pa.	Miller, Wash.	Talbott
Chandler, Okla.	Gray, N. J.	Mondell	Templeton
Clark, Fla.	Greene, Vt.	Morin	Tilson
Coady	Griest	Mott	Vare
Cooper, Ohio	Hamill	Mudd	Venable
Costello	Hamilton, N. Y.	Nicholls, S. C.	Walker
Crago	Harrison, Va.	Nichols, Mich.	Ward
Currie, Mich.	Haskell	Nolan	Watkins
Curry, Cal.	Heintz	Olney	Weaver
Dale, N. Y.	Holland	O'Shaunessy	Whaley
Dale, Vt.	Hollingsworth	Parker, N. J.	Wheeler
Dallinger	Hood	Parker, N. Y.	Wilson, Ill.
Davidson	Howard	Porter	Wilson, La.
Davis	Hull, Iowa	Pou	Winslow
Dempsey	Humphreys	Price	Wise
Dent	Husted	Ragsdale	Wood, Ind.
Dooling	Hutchinson	Ramsey	Woods, Iowa
Drukker	Ireland	Rayburn	Woodyard
Dunn	Jacoway	Riordan	Wright
Eagan	Johnson, S. Dak.	Rowland	Young, Tex.
Estopinal	Jones, Va.	Rucker	
Evans	Kahn	Sanford	
Fairchild, B. L.	Kettner	Scott, Pa.	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. YOUNG of Texas with Mr. GARLAND.
Mr. DALE of New York with Mr. DALE of Vermont.
Mr. VENABLE with Mr. DAVIDSON.
Mr. CALDWELL with Mr. WILSON of Illinois.
Mr. THOMAS F. SMITH with Mr. WARD.
Mr. CARLIN with Mr. AUSTIN.
Mr. WRIGHT with Mr. DAVIS.
Mr. STEPHENS of Nebraska with Mr. BLAND.
Mr. WHALEY with Mr. WHEELER.
Mr. SHERLEY with Mr. CANNON.
Mr. WATKINS with Mr. WOOD of Indiana.
Mr. BOOHER with Mr. TILSON.
Mr. SMALL with Mr. DEMPSEY.
Mr. TALBOTT with Mr. TEMPLETON.
Mr. CLARK of Florida with Mr. BOWERS.
Mr. WILSON of Louisiana with Mr. RAMSEY.
Mr. CANTRILL with Mr. WOODS of Iowa.
Mr. SULLIVAN with Mr. DUNN.
Mr. WISE with Mr. CHANDLER of Oklahoma.
Mr. WALKER with Mr. PARKER of New York.
Mr. COADY with Mr. WINSLOW.
Mr. STERLING of Pennsylvania with Mr. GEORGE W. FAIRCHILD.
Mr. WEAVER with Mr. GOOD.
Mr. HARRISON of Virginia with Mr. ANTHONY.
Mr. SHALLENBERGER with Mr. BENJAMIN L. FAIRCHILD.
Mr. GODWIN of North Carolina with Mr. MORIN.

Mr. O'SHAUNESSY with Mr. MOTT.
Mr. JACOWAY with Mr. CURRIE of Michigan.
Mr. SHACKLEFORD with Mr. KAHN.
Mr. JONES of Virginia with Mr. MUDD.
Mr. OLNEY with Mr. SCOTT of Pennsylvania.
Mr. SCULLY with Mr. MEEKER.
Mr. MAHER with Mr. SANFORD.
Mr. RUCKER with Mr. MONDELL.
Mr. HAMILL with Mr. FARR.
Mr. KETTNER with Mr. NOLAN.
Mr. RIORDAN with Mr. MCKENZIE.
Mr. HOOD with Mr. NICHOLS of Michigan.
Mr. RAYBURN with Mr. MILLER of Washington.
Mr. FLYNN with Mr. LONGWORTH.
Mr. NICHOLLS of South Carolina with Mr. KREIDER.
Mr. PRICE with Mr. KINKAID.
Mr. POU with Mr. KIESS of Pennsylvania.
Mr. HUMPHREYS with Mr. IRELAND.
Mr. HOWARD with Mr. HUTCHINSON.
Mr. HOLLAND with Mr. HUSTED.
Mr. FERRIS with Mr. HOLLINGSWORTH.

On this roll call:

Mr. FIELDS with Mr. COOPER of Ohio.
Mr. EVANS with Mr. FOCHT.
Mr. ESTOPINAL with Mr. HASKELL.
Mr. EAGAN with Mr. FREAR.
Mr. DOOLING with Mr. GRIEST.
Mr. DENT with Mr. GREENE of Vermont.
Mr. DALE of New York with Mr. GRAY of New Jersey.

Mr. BROWNING. Mr. Speaker, I shall vote "aye," although I have a pair with my colleague from Maryland, Mr. TALBOTT. If he were present, he would vote "aye" also.

The name of Mr. BROWNING was called, and he answered "Yea."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will unlock the doors.

PENSIONS.

Mr. SAUNDERS of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS of Virginia. I want to submit a request for unanimous consent. I have conferred with the gentleman from South Carolina, the chairman of the Committee on Agriculture, that has charge of the bill now under consideration, and I wish to make a unanimous-consent request that as the first legislative business to-morrow we take up the bill H. R. 9160, which is a bill from the Invalid Pensions Committee, providing pensions and increase of pensions.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent that the first legislative bill to be considered to-morrow shall be the bill from the Invalid Pensions Committee. Is it an appropriation bill?

Mr. SAUNDERS of Virginia. It is an appropriation bill.

Mr. GILLETT. I suppose that is because we give up to-day, which is regular pension day.

Mr. SAUNDERS of Virginia. Yes. I will say in that connection that the bill is only a short one, and will take but 15 or 20 minutes.

Mr. LEVER. Mr. Speaker, in view of the statement of the gentleman from Virginia that this bill will only take a few minutes in the morning, so far as I am concerned I have no objection.

The SPEAKER. These bills never take any considerable length of time. Is there objection to the request of the gentleman from Virginia?

There was no objection.

WIDOWS' PENSIONS.

Mr. ASHBROOK. Mr. Speaker, I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ASHBROOK. The bill H. R. 9093, a bill to amend the widows' pension bill, appears on the House Calendar. I wish to inquire if it should not appear on the Union Calendar?

The SPEAKER. What is it?

Mr. ASHBROOK. It is a bill to amend the widows' pension bill. Of course it calls for an appropriation.

The SPEAKER. Is it a general bill?

Mr. ASHBROOK. It is a general bill.

The SPEAKER. Then, of course, it ought to be on the Union Calendar.

Mr. ASHBROOK. Mr. Speaker, I then ask unanimous consent that the bill H. R. 9093 be transferred to the Union Calendar, and also that it appear on the calendar before the bill H. R. 3547, which is a bill from the Committee on Invalid Pensions, as it was the understanding of the committee that the bill H. R. 9093 should first be reported.

The SPEAKER. You do not have to have any consent. The Chair puts it on the calendar as an original date.

Mr. ASHBROOK. A further inquiry. I wish to know, in view of the fact that the bill H. R. 3547 now appears on the Union Calendar as No. 93, whether or not this bill, now having been transferred to the Union Calendar, will follow H. R. 3547?

The SPEAKER. It is transferred as of the original date.

Mr. ASHBROOK. Both bills were filed the same day, but H. R. 9093 was filed first, with the understanding that it should so appear on the calendar.

The SPEAKER. Understanding with whom?

Mr. ASHBROOK. In the committee; and it was filed first by the clerk of the committee.

The SPEAKER. Well, the Clerk will put them on the calendar that way.

AGRICULTURE.

The motion that the committee resolve itself into the Committee of the Whole House on the state of the Union was agreed to.

Accordingly the committee resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9054, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

Mr. LEVER. Mr. Chairman, I yield 30 minutes to the gentleman from Mississippi [Mr. CANDLER]. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman and gentlemen of the House, I am very much gratified to be received, as I have been this morning, with the cheers of my fellow Members. [Applause.] It must be this splendid bill under consideration, however, you applaud, rather than me.

This bill presented by the Committee on Agriculture for your consideration deals only with the activities of the department itself. It was thought best that the appropriation bill be confined to the activities of the department and not enter upon any other field, but to reserve the other matters which may come up subsequently for further consideration, to be presented in another bill at the proper time.

If the membership will take occasion to read and to examine the very splendid report made by the distinguished chairman of the Committee on Agriculture [Mr. LEVER], on behalf of the committee, they will find a full and complete explanation of practically every provision in the bill, rendering it unnecessary to enter into a detailed discussion. Suffice it, therefore, to say this bill carries a total amount of $26,943,773. This is an apparent increase of $1,014,600 over the appropriation for the year 1918.

In the consideration of the bill the committee had before it representatives of the department, explaining its various provisions and the necessity for the appropriation. In some instances, as shown by the decrease in special items in the appropriation, it was thought by the committee necessary to make these reductions. In some instances increases were made in some of the provisions recommended by the department for justifiable reasons presented to us at the time. This shows that the bill received in all of its details full and careful consideration by the committee, and that it is a bill presenting in substance the best judgment of the whole committee in reference to the matters with which it deals. Therefore I trust when we come to the consideration of the bill for amendment under the five-minute rule, that there will be no captious objections or any unnecessary delay in the consideration of its various provisions, but that the Membership will cooperate with us who compose the committee as far as possible to expedite its passage in order that we may pass it here and send it to the Senate as soon as possible so that other important measures may as rapidly as possible receive consideration at the hands of the House.

While this bill is not in a strict and technical sense a war measure, still I do want to impress upon the House that every bureau and division of the great Agricultural Department is engaged in work to help us in winning the war; and the appropriations in this bill are for the basic groundwork and fundamental activities of the department, which stand under and uphold all the extensive and emergency work being done in

the real war work; and therefore these appropriations are necessary to keep all the work going as a harmonious system.

In this connection, therefore, I desire to call attention to the situation that existed in this country at the beginning of the war, and to the response which has been made by the people throughout the country in meeting the necessities which were then shown to exist in the condition which prevailed at that time. The Secretary says in his report:

When, on April 6, 1917, the existence of a state of war with Germany was declared by Congress, this country was facing an unsatisfactory situation in respect to its supply of foods and feedstuffs. The production in 1916 of the leading cereals, corn, wheat, oats, barley, rye, buckwheat, rice, and kafirs, was comparatively low, aggregating 4,806,000,000 bushels, as against 6,010,000,000 for 1915, 4,983,000,000 for 1914, and 4,884,000,000 the annual average for 1910–1914. The wheat crop of 1916 especially was strikingly small. It was only 639,886,000 bushels, as compared with the record production for 1915 of 1,026,000,000, with 891,000,000 for 1914, and with the average for the five years 1910–1914 of 728,000,000. It was certain, too, that on account of adverse weather conditions, the output of winter wheat for 1917 would be greatly curtailed. The world production of wheat for 1916 also was unsatisfactory, and the prospects for the ensuing year were not good. The situation was no better in respect to another conspicuously important food commodity, the Irish potato. The yield of this crop for 1916 in the United States was only 285,437,000 bushels, while for 1915 and 1914, respectively, it was 359,721,000 and 409,921,000. For the period 1910–1914 it averaged 360,772,000.

Now, then, with those conditions surrounding the country at that time, strenuous efforts were made by this department in order to bring those facts to the attention of the country and to appeal to the people to put forth every patriotic effort to remedy them by increasing the production of food and feedstuffs. The response made by the farmers of the country is shown in the report of the Secretary of Agriculture. The Secretary says:

Imbued with patriotic motives, influenced by favorable market prices, and falling in with the suggestions of the Department of Agriculture and of State agricultural agencies, the farmers of the Nation manifested much interest in the campaign for increased production and displayed efficient activity in reference both to plant and animal foodstuffs and feedstuffs. The weather conditions during the spring were generally favorable, and according to the unrevised estimates the Nation will have as the result of the work of the farmers and of all the agricultural agencies approximately 3,191,000,000 bushels of corn, 659,797,000 of wheat, 1,580,000,000 of oats, 201,659,000 of barley, 56,000,000 of rye, 16,813,000 of buckwheat, 33,256,000 of rice, 73,380,000 of kafir, 439,686,000 of Irish potatoes, 84,727,000 of sweet potatoes, 15,957,000 of commercial beans, 42,606,000 of peaches, 11,419,000 of pears, 177,733,000 of apples, and 7,621,000 tons of sugar beets. These figures represent increases of cereals in the aggregate over 1916 of 1,006,000,000 bushels and over the average for 1910–1914 of approximately 1,000,000,000 bushels, but a decrease of production in comparison with 1915 of about 199,000,000 bushels. It should be borne in mind, however, that the carry over of cereals from last year was much below the normal, and that the percentage of soft corn of the 1917 crop was unusually high. The figures also reveal the record crop of Irish potatoes of 439,000,000 bushels, 154,000,000 more than in 1916, and 70,000,000 more than the average for 1910–1914; an increased production of sweet potatoes over 1916 of 14,000,000 and of 24,000,000 over the five-year average; and of sugar beets of 950,000 tons over 1916 and of 2,230,000 over the five-year average. There was also the largest production of perishables on record. While authentic figures for meat, poultry, dairy products, and vegetable oils are not available for 1917, it appears, from rough estimates, that the quantity of these commodities for this year is slightly greater than for either 1916 or 1915 and exceeds the five-year average by two or three billion pounds.

The number of milch cows and other cattle has shown an increase during the last four or five years, the estimate for the former for the present year being 23,906,000 as against 22,768,000 a year ago and 20,497,000 in 1913, before the European war began, while that for the cattle is 43,291,000 as against 40,849,000 a year ago and 38,030,000 in 1913. Unfortunately, the number of sheep continues to decline; the estimate for 1917 is only 46,059,000 as against 48,483,000 a year ago and 51,482,000 in 1913. It is estimated that the number of hogs, which during recent years has shown an upward tendency, decreased over 4,000,000, or from 67,543,000 to 62,747,000. However, it is greater than it was at the beginning of the European war.

These patriotic activities of the farmers have largely contributed to swell to enormous proportions our foreign trade, which is shown in this statement:

COUNTRY'S FOREIGN TRADE EXCEEDS $9,000,000,000: TOTAL FOR 1917 A GAIN OF $1,300,000,000 OVER 1916.

The country's foreign trade amounted to over $9,000,000,000 in 1917, exports reaching a total of $6,228,000,000, while imports amounted to $2,952,000,000, according to a statement just issued by the Bureau of Foreign and Domestic Commerce, Department of Commerce. This is a gain of nearly $1,300,000,000 over 1916, when the total trade amounted to $7,874,000,000.

DECEMBER EXPORTS AND IMPORTS.

December exports amounted to $589,000,000, an increase of no less than $100,000,000 over November. The imports for December amounted to $228,000,000, an increase of $7,000,000 over November.

Free imports formed 76 per cent of the total in December and 72 per cent of the total for the calendar year.

The excess of exports over imports has nearly doubled in the last two years, amounting to $3,274,000,000 in 1917, against $3,091,000,000 in 1916, and $1,776,000,000 in 1915.

IMPORTS AND EXPORTS OF GOLD.

The imports of gold during December amounted to $2,500,000, as compared with $159,000,000 in December, 1916. For the year the gold imports amounted to $538,000,000, against $686,000,000 in 1916. The exports of gold amounted to $4,500,000 in December, 1917, against $28,000,000 in December, 1916. For the year the gold exports amounted to $372,000,000, as compared with $156,000,000 in 1916.

Silver imports amounted to $6,000,000 in December, as compared with $3,500,000 for the corresponding month in 1916, and to $53,000,000 for the year, against $32,000,000 in 1916. Exports of silver were valued at $10,000,000 in December, 1917, and $9,000,000 in December, 1916. For the year the silver exports amounted to $84,000,000, against $71,000,000 for 1916.

The foregoing facts show that there was a ready response by the farmers throughout the country when they knew the condition that existed and the necessity for increased production. They thus always show their love of country and evince the spirit which has ever been among them from the days of the Revolutionary fathers, who were farmers in this land, then almost a wilderness, who, led by that matchless farmer, military genius, and statesman, George Washington, secured for us American rights and liberties and the blessings of this Republic. [Applause.]

Whenever the farmers of the United States have realized that there was any just demand made upon them of any character to come to the rescue of the country they have always shown the greatest patriotism and responded to every reasonable request made of them. [Applause.] They not only always responded in time of peace but always as well in time of war.

There are three things absolutely necessary in order to bring about a successful conclusion of the world contest in which we are now engaged: First, we must have men; second, we must have the money; and third, we must have the food. Without men it is impossible to carry on war. Without money it is impossible to pay the expenses, and without food it is impossible to feed the soldiers. Men who are not fed, and well fed, are unable to fight. The farmers throughout the United States are responding along all of these lines. They are patriotically inspiring the young men of the land and furnishing their sons to go to the front in defense of the colors and the flag which we love. [Applause.]

They are subscribing to liberty loans and helping with their money to furnish the necessary sinews of war to enable the boys to do their full duty at the front, and then they are patriotically responding by an increased production of foodstuffs and feedstuffs to maintain our Army and feed our allies. All honor to the farmers of America and all patriotic citizens who are faithfully and loyally upholding their country's cause. [Applause.] This is our record in all the history of the past from the very commencement of this great Republic in which we live, through all the vicissitudes and changes that we have undergone, to this present hour.

I read a short time ago a statement by Richard T. Edmonds, the editor of the Manufacturer's Record, published in Baltimore, in which he defines the meaning of this great war in which we are engaged, in which statement I believe our patriotic and liberty-loving people agree. He says:

Germany's war is a definite war of atheism against Christianity, of barbarism against civilization. If we would—because Germany hates us more than it hated either Belgium or France—save this country from even greater horrors than Belgium and France have suffered, it is absolutely incumbent upon us to uphold the Nation to the utmost extent of our moral, physical, and financial power in this life and death grapple. There is no middle ground. Victory or defeat are the two issues at stake.

To win, every effort of the Nation to the last ounce of its strength—in the building of ships, in food production and food conservation, in increased output of iron and steel, in bettering our transportation facilities by rail and highway and water—must be put forth in enthusiastic, unending work by the men and women of this country.

It is incumbent upon everyone who realizes this situation to do his very utmost to awaken the latent patriotism of others and to quicken the knowledge of all, that they may understand the magnitude of the task and the stupendous issues involved—and these issues are the life or death of our Nation and of all civilization.

Carry into every home, preach from every pulpit, teach in every school the meaning of the war and the individual responsibility of every man, woman, and child in the country. Not until as a Nation we do this will the women and the children and the very life of our country be made safe from the danger of the awful destruction wrought in Belgium and France and wherever the armies of Germany have marched.

This defines and gives the meaning of this great war in which we are engaged. Germany forced this war upon the world. One man, the Kaiser, by his own edict, involved all the civilized nations of mankind in a world conflict that has literally set the world on fire, and he to-day is responsible for the situation that exists; and he to-day is the one man in all the universe who could by a word or edict, as he began it, end it and bring peace to the nations of mankind.

For more than 40 years he prepared. Not satisfied and not content with the fact that the other nations were willing that the tocsin of war be not sounded and that the dove of peace should hover over the peoples of the earth, he began to shake his mailed fist, rattle his shining sword, express his dissatisfaction at the conditions existing, and to declare "Me und Gott" supreme, and served notice upon the world that he would declare war unless certain demands that he made were complied with, and complied with within the short limit of 24 hours. When those demands were not complied with, then in accordance with

his previous announced purpose he did declare war, and, calling out his armies, which were ready for the conflict, within 12 days, as we well remember, he had 5,000,000 men armed to the teeth and at the front to engage in the awful and horrible tragedy which has continued during the terrible years now passed. He announced his purpose at the very beginning, and that was that he would subjugate the nations of the Old World first, and when he had subjugated them and become the supreme ruler beyond the seas he would cross the ocean to this beautiful land of ours and take down the emblem of liberty—the Stars and Stripes—and substitute in their place the flag of the German Empire, which represents autocracy and despotism.

Not only did he announce this to be his purpose and desire, but his minister of war announced it at the same time, showing that they had previously discussed it and had arrived at a conclusion in respect to it, and that it was the fixed purpose in their minds and hearts not only to engage in war with the nations across the sea but to cross over to this side and subjugate this free Republic and force it to become a dependent Province of the German Empire. Having announced that to be his purpose, he proceeded across the little country of Belgium. When his attention was called to the fact that he had entered into a solemn treaty, not only that he would not invade Belgium but that, on the contrary, he would protect its sovereignty and the security and the safety of its people, he admitted that he had entered into this solemn treaty and compact, but with a fiendish smile on his face declared he was to be supreme in all the universe, and said it was but a "scrap of paper" and he had torn it up.

His purpose was to reach France and reach the city of Paris as soon as it was possible to do so, subjugate that country first, because it was believed to be the best prepared country on side of the German Empire itself. Therefore, if he could subjugate it and convert to his own purpose and use the resources it contained, combine them together, he could overrun the other nations on the other side, and when they were subjugated combine the powers of all the nations beyond the seas under one great head, he to be that supreme head and directing force, and then cross the ocean and subjugate this country of ours and make it subservient to him. "Me und Gott," he declared, would do this.

Following this purpose and this design, he absolutely destroyed the little country of Belgium. Not being satisfied with that, he turned to poor little Serbia, that had in humiliation and in the dust agreed to every demand made on her, and absolutely destroyed it. His armed forces killed Red Cross nurses, sunk hospital ships, made breastworks out of defenseless men, women, and children, and sacked the towns, killing the unarmed inhabitants and treating the women and girls in a manner which can not be described in a public audience.

A short time ago a gentleman was delivering an address before the Red Cross Society in the city of Washington, and he said he had traveled through that little country of Serbia since this awful destruction. He said there was nothing to indicate that people had lived there except the smokeless chimneys that lifted their heads toward the skies, silent and solemn witnesses of the horrible tragedy that had been committed in that beautiful little land; that there was no evidence of thrift, no evidence of production, or anything of that kind, but devastation and destruction everywhere; and as he traveled along he noticed by the roadside bundles of clothing, which attracted his attention. Upon investigation, he found there was nothing within them. When he inquired what these smokeless chimneys meant, what the bundles of clothing meant, the reply was made, "Do you not know the German Army has been here? These smokeless chimneys are the silent witnesses to bear testimony to the awful devastation and destruction of this little country; these bundles of clothes at some time surrounded the body of an unarmed man or a helpless woman or innocent child who was ruthlessly slain without justification or cause." Not only were their bodies slain and hurled by the roadside to return to the dust from which they came, but they took their bones—bones of men, women, and little innocent children—and ground them into fertilizer to scatter over their soil to enrich it in order to increase production to maintain their army at the front. An army fighting for autocracy, fighting for despotism, fighting for the iron heel of oppression, against the army fighting for liberty, fighting for truth, fighting for righteousness and Christianity. They took the bones of innocent little children, converted them into fertilizer, which shows by its conversion the terrible and horrible contempt which they not only had for a defenseless people themselves but for their bones when their flesh had returned to the dust from which it came. [Applause.] Mother, you are in the gallery kindly listening to me to-day, and, father, you are here. How would you feel toward a people who would thus treat your little innocent, helpless child? God grant that we may all be saved from such awful sorrow and indescribable suffering by keeping Germany away from our shores, and to this end may the God of Justice and the right nerve the arms of our brave soldier boys and give us through them triumphant victory. [Applause.]

So, by a violation of treaties, by the violation of all international law, agreements at The Hague, and the law of God they involved all the nations beyond the seas in this awful and this horrible conflict. The question is sometimes asked—I have it asked of me—Why is it that we, the United States of America, are involved in this awful and horrible conflict? Germany took possession, or attempted to take possession, of a part of the sea and notified us and all the nations of the world that if we attempted to come within what they called the war zone our ships would be sunk, our commerce would be destroyed, and our citizens would be killed. Not only did they make this threat, but they proceeded at once to put it into execution. As fast as vessels reached the war zone they were sunk. They created this war zone not in accordance with international law because it is unknown in international law. There was no agreement for it made at The Hague. There is no law for it written in any statute book. It was simply established by edict and by their serving notice upon all nations of the world that they must not go beyond a certain limit—500 or 1 000 miles out in the ocean and 1,000 or 1,100 miles long. They notified not only other nations, but the United States of America that we must not cross the barred zone. If they had the right to order us off a part of the seas, they had a right to order us off every single drop of water in the seas. [Applause.]

They forgot that we fought the War of 1812 for the freedom of the seas. That was the substance of everything involved in that contest. Our ships were being searched by England, our sailors were being taken off our ships, and England denied our right to the freedom of the seas—our right to engage in commerce unmolested. We served notice on them that if that continued there would be trouble between us. It did continue, and the War of 1812 between England and the United States was fought and victory came to the American arms, and our right to unmolested commerce and to the freedom of the seas was settled. It had never been denied previous to that time and never has been denied since that time until it was denied by Germany in the instance to which I have referred.

Not only that, but they fired upon our flag itself 24 different times. To fire upon the flag of the United States is an act of war, but to fire upon that flag 24 times is 24 acts of war. Not only did they fire on the American flag 24 times, but they sunk 20 ships flying the American flag. I want you this morning to look at that picture just a moment. See a ship flying the Stars and Stripes, magnificently floating upon the ocean waves, on a peaceful voyage, sailing from a port where she has a right to sail and going to a port where she has a right to land, crossing the ocean upon which she had a right to travel, when all at once one of these assassins of the sea, a submarine, that travels beneath the surface of the water, rises to the surface and bang goes a torpedo, and the American ship begins to sink beneath the ocean waves. I want you to see that flag, beautiful as it is and love it as we do, sinking gradually until it disappears beneath the surface of the ocean and then see the German flag floating triumphantly above the surface. Do you like that picture? I do not, and I am sure you do not. Not only did they sink our ships, but in addition to that they killed our citizens, more than 500 of them, unarmed and defenseless—men, women, and children, whom they sent to the bottom of the seas without justification and without excuse—in violation of international law, in violation of agreements entered into at The Hague, in violation of the laws of God, and in violation of the laws of humanity. Then, people say sometimes that the United States of America has no cause to be in this terrible war, which has been thus brought upon us and which we have been forced to engage in contrary to our desire, contrary to our purposes, and contrary to our wishes. We did everything to avoid it. God knows I did not want any war. Our great President did not want war.

He was as patient as Job himself and endured time after time the awful criticism not only on this side of the water but beyond the seas, until finally the time came when patience ceased to be a virtue, and there was nothing else left for us to do except to participate in the war in defense of our country, for the protection of our flag, and the perpetuity of this Republic. When that time came he did not hesitate, and when that time came we did not hesitate, and I do not believe that the people of the United States at the present time are hesitating as to what our duty is or what course we shall pursue. Not only did they do this, but as we well remember they attempted to stir up insurrection in our own country by telling the negroes that they

had not had their rights fully accorded to them in this country, and that if they would join with them in a conspiracy to overthrow the beautiful land in which we live that they then would be fully accorded the rights to which they were entitled and they should control and rule this land and the white people should be subservient to them instead of their being subservient to the white people. Think of that! Not only that, but they held out the inducement to Mexico that if she would join with them—and also to Japan, if she would join and help them overthrow this country—that they should be paid in our land; that Mexico should have the States of Texas, New Mexico, and Arizona, and that Japan should have California, Oregon, and Washington. In other words, they proposed to administer upon our estate and divide it up before we were dead. They proposed to take six beautiful stars from the flag which we love, which shine in their brilliancy and glory in that emblem of liberty, representing six sovereign States, and confer them upon a foreign power, upon an alien thus opposed to us and to our institutions; but, thank God, no nation in all the universe has ever been able to take a single star from that flag, and by the help and grace of the God of righteousness and of truth and of justice they never will. [Applause.]

They filled our country with spies, of whom old Bernstorff seems to have been chief, and interfered with our internal and domestic affairs. Therefore, not only have they interfered with our international commercial rights and killed our people, but they have attempted to stir up neutral nations against us and within our borders insurrection among our own people, inviting them to join with them in a conspiracy to overthrow and destroy us, and holding out to them promises of reward in the future, to be accorded to them from the resources which we possess.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LEVER. I yield to the gentleman such further time as he desires to use. I am greatly interested in his speech and see others are. [Applause.]

Mr. CANDLER of Mississippi. I thank the distinguished chairman of the committee for his kindness.

Another very serious reason for our being in this war was caused when the Kaiser, agreeing with the President of the United States that he would desist from the horrible submarine warfare in which he had engaged for so long, and that no more would be resume it in the future, then, without consultation of any kind, simply served notice upon us during the latter days of last January that upon the 1st of February he would again resume the unrestricted submarine warfare and thus begin again to sink our ships, destroy our commerce, and kill and slaughter our people. He did not consult with us. He had entered into a solemn agreement, in one sense of the word a treaty, between his country and our country, agreed to by him and by the President of this great Republic, that he would never again engage in unrestricted submarine warfare, which he agreed at that time was contrary to international law, contrary to any agreement of any kind entered into by any nations of the world, because wherever a ship, even of a belligerent, which is carrying unarmed passengers is captured, according to international law the passengers must be protected and taken to a place of safety before the ship itself can be sunk; and it was brought to the attention of the Kaiser that these submarines were unable to take from the ships noncombatants and unarmed passengers that might be upon them and protect them and carry them to a place of safety before the ship was sunk.

They could not carry lifeboats or life rafts or anything by which they might be taken to a place of safety, and therefore for that reason, because international law required that to be done, they were not such implements of warfare as could be used anywhere in war between the civilized nations of the world. Having consented to that, he agreed he would no longer engage in such warfare. But without consultation, without interchange of any communications, without even writing a letter, he simply served notice on this Republic that at a certain time he himself, by virtue of his supreme power and divine commission to rule the world, would resume this unrestricted submarine warfare, which he had agreed was contrary to international and all other law.

Not only did he announce that, but he resumed it, and the ships began to go down, one after another, until the number went up into the hundreds; 839 ships were sunk, of which 20 were flying the American flag. Again he was in reality and demon-like cruelty not only destroying our property, but murdering our citizens. He had announced that the treaty which he had made to protect Belgium was simply a scrap of paper which he had torn up. He did not believe that the Belgian people would fight, but brave and chivalrous as they were, they did resist the invasion of their country and they fought to the death. Those of the membership of this House who have been there recently and had an opportunity to come in personal contact with those brave people, say that they are standing there upon the little piece of land that is yet left to them, proclaiming with fire in their eyes that they will fight to absolute extermination before they will permit the giving up of their land forever. [Applause.] He thought that he could tear up a scrap of paper, thought those people would not fight and were unable to fight. He presumed, I believe, that he could tear up an agreement made with the United States of America and say it was "a scrap of paper."

But, my friends, when he assumed to tear up as "a scrap of paper" an agreement between the President of the United States and himself not again to engage in this submarine warfare he called us one time too many, and the answer will be given by the boys who are now crossing the seas and who will carry Old Glory in their hands and wear the uniform of a soldier of the United States of America. [Applause.] When that answer is given to him it will be in no uncertain tones. It will be in the same spirit of 1776 and with the same aggressiveness that has been shown by our people in all the days that are past. It will be with bravery; it will be with chivalry; it will be with pure purpose and patriotic desire to uphold the right and overcome the wrong, and thereby add new luster and glory to our flag. So these are the reasons, my friends, which involved us in this war. They are the conditions that surrounded us, from which there was no escape. We had to do one of two things. We either had to fight or we had to run. Our flag has never trailed in the dust or gone down in defeat. We never have run in the days past and we never will run in the days to come. [Applause.] Some people say we declared war upon Germany. We never have declared war upon Germany up to this present moment when I stand before you here on the floor of this House. We simply passed a resolution declaring that a state of war existed between the United States and Germany. We declared that Germany was making war upon us, and, that being true, there was nothing for us to do except to defend ourselves. [Applause.] I want to ask you if they were not making war upon us when they were proposing to divide up our territory and to confer it upon other powers; if they were not making war upon us when they sent our flag beneath the ocean, to the bottom of the sea; when they were violating agreements entered into with us; and when they were killing our men, women, and children, shedding innocent blood, and sending them to the bar of eternity? If that was not war, what would be war?

We either had to fight or we had to take the other alternative. What was that? We either had to fight or to take down that flag that flies from this Capitol to-day, that flag that flies upon this Capitol, near the Goddess of Liberty that stands upon the dome of this majestic building, and take down the flag that flies from the flagstaff above the Executive Mansion, where lives to-day our great President of these United States, and put in their places two white rags as an emblem of our degredation and of our shame [applause] and send a peace commission across upon the other side and say to the Kaiser, "Mr. Kaiser, we have come to turn over to you the United States of America. It is true our forefathers fought for it and shed their precious blood upon its sacred soil in order to secure to us the great Republic in which we live, and in which we enjoy American rights and American liberty [applause]; but we, as unworthy sons of worthy sires, propose to surrender it to you without a contest. We want you to come over there and take our country, kill our old men as you have killed them in other countries you have subjugated, and you had better kill the young men, too, because some of them might be ashamed of their daddies and shoot at some of your folks and might hit you. Kill our little innocent children like you have slain them in other countries. Sprinkle over the fair land their innocent blood. Then take our beautiful women, the best, the purest, the most beautiful women in all the universe of God [applause], the women from whose eyes flash the sunshine of God's Heaven, upon whose cheeks is the glow as beautiful as the softest and sweetest tinge of the rose that bloomed in Paradise itself, from the fountain of whose heart flows the most innocent and purest blood that ever coursed the veins of God's best creation; yes, come and take mother, daughter, and sister; yes, come and take them all and treat them as you treated the good women and pure girls in the other nations across on the other side which you have subjugated and brought beneath the iron heel of your oppression and of your destruction. Treat them in such a manner as can not be described in a public audience anywhere under any circumstances." My friends, that was all there was left for us to do. We had no other alternative, and I want to say to you, before I would have taken that course and thus surrendered our country and our people to the Kaiser, I would have turned my back upon this historic hall and walked barefooted a thousand miles home and gone into oblivion the balance of my days. [Great applause.]

The question is frequently asked why we are fighting across the seas. I will tell you. Listen to this: Rev. Newell Dwight Hillis, pastor of Plymouth Church, Brooklyn, N. Y., went across the ocean and made a personal investigation, and here is an extract from what he told his congregation upon his return in an address in that church:

> Here upon this pulpit rests a reproduction of an iron coin given as a token to each German soldier. At the top is a German portrait of Deity, and underneath are these words: "The good old German God." To encourage the German soldier to cruelty and atrocity against Belgians and French the Deity holds a weapon in his right hand, and to dull his conscience and steel his heart to murder the token holds these words: "Smite your enemy dead. The day of judgment will not ask you for your reasons." The German atrocities of the last three years illustrate that German efficiency reached its highest point in the discovery of new and horrible devices for torturing old men, helpless women, and little children.
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> For three years German-Americans have protested that the stories of German atrocities were to be disbelieved as English inventions, Belgian lies, and French hypocrisies, but that day has gone by forever. When the representatives of the nations assemble for the final settlement there will be laid before the representatives of Germany affidavits, photographs, with other legal proofs that make the German atrocities to be far better established than the scalpings of the Sioux Indians on the western frontiers, the murders in the Black Hole of Calcutta, or the crimes of the Spanish Inquisition. On a battle line 300 miles in length, in whatsoever village the retreating Germans passed, the following morning accredited men hurried to the scene to make the record against the day of judgment. The photographs of dead and mutilated girls, children, and old men tell no lies. Jurists rank high two forms of testimony—the testimony of what mature men have seen and heard and the testimony of children too innocent to invent their statements, but old enough to tell what they saw.
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> For the first time in history the German has reduced savagery to a science; therefore, this great war for peace must go on until the German cancer is cut clean out of the body.
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> The cold catalogue of German atrocities now documented and in the government archives of the different nations makes up the most sickening page in history. Days spent upon the records preserved in southern Belgium, northern France, or in and about Paris, days spent in the ruined villages of Alsace and Lorraine, leave one nauseated, physically and mentally. It is one long, black series of legally-documented atrocities. Every solemn pledge that Germany signed a year and a half before at The Hague Convention as to safeguarding the Red Cross, hospitals, cathedrals, libraries, women and children, and unarmed citizens are scoffed at as a "scrap of paper." These atrocities also were committed not in a mood of drunkenness nor an hour of anger, but were organized by a so-called German efficiency and perpetrated on a deliberate, cold, precise, scientific policy of German frightfulness. It is not simply that they looted factories, carried away machinery, robbed houses, bombed every farm house and granary, left no plow nor reaper, chopped down every pear tree and plum tree and every grapevine, and poisoned all wells! The Germans slaughtered old men and matrons, mutilated captives in ways that can only be spoken of by men in whispers; violated little girls until they were dead; they thrust women and children between themselves and soldiers coming up to defend their native land; bombed and looted hospitals, Red Cross buildings; violated the white flag—while the worst atrocities can not even be named in this mixed audience.
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> The war general gave each German soldier his token, large as a silver dollar, bidding the soldier "Strike him dead. The day of judgment will ask you no questions." Jesus said, "Take heed that ye offend not one of My little ones." The Kaiser says, "I have done away with Jesus' teachings." The Master, who loved the little children, said, "I was an hungered and ye gave me no meat. I was athirst and ye gave me no drink. Therefore, depart from me into everlasting fire, prepared for the devil and his fellows." The war staff answers, "Don't be afraid. Look at your token. The Kaiser will take care of you in the day of judgment. Kill old men and little children, loot merchants' houses, violate women; the Kaiser will see that the God of justice asks you no questions." The result was logical and inevitable. These horrible atrocities!

Now, here is what Capt. A. P. Simmons, a United States military observer in Germany during the mobilization, having been attached to the American Embassy at Berlin, says:

> Don't let any one tell you that German atrocities are merely fiction. One of the most grewsome sights I ever saw was the impaling of babies on the ends of German bayonets and their return to frantic mothers. If you knew the horrors that patient, suffering little Belgium has been through your blood would freeze in your veins.

With knowledge of these awful atrocities do you further ask why we are fighting across the seas? We have joined our allies and are fighting over there because, first, it is best, safer, and wiser to join with them and with our combined strength, resources, and power resist Germany all together, than to wait and fight single handed and alone ourselves against Germany after she had overcome all the other Nations and combined them against us, as we certainly would have to do; and second, because we want to keep Germany out of America. God forbid they should ever invade our country and destroy our cities, devastate our farms, kill our old men and innocent children, and treat our women as they have treated those across the seas. May we, by fighting over there, save our people from the awful atrocities and fiendish and brutal treatment described by Rev. Dr. Hillis and Capt. Simmons. [Applause.]

I have been asked when I thought peace would come. I fully agree with the President of the United States in what he announced not long ago as he stood at that desk on that subject. No greater address was ever delivered to Congress, if, indeed, it has ever been equaled. But I will tell you when peace will come, and it will not come before. It will come when our allies and our boys, wearing the uniform of the United States and carrying Old Glory, shall march through the German Empire to the city of Berlin and absolutely hurl the Kaiser and those in power with him from their present places of position and imaginary supremacy to the bottomless pit of the infernal regions, where they belong, and where they ought to have been long ago. When they shall destroy autocracy and despotism, the iron heel of oppression, and substitute in its place democracy, righteousness, truth, and Christianity, and send liberty, shining like the sunshine of God's heaven, all around this world in which we live, and raise the flag of the United States of America to the topmost pinnacle, where all the nations of the earth can pay tribute to it and recognize it as the flag of equity, of justice, of righteousness, of truth, and of Christianity, and the flag that came to the rescue and saved the civilization of the world for all future time, then shall peace come, and not before, for there can be no abiding or permanent peace until these results are accomplished. [Loud applause.]

I thank you from the bottom of my heart, gentlemen of the House, for your close attention and generous evidences of approval of what I have had to say for your consideration. The issue is made up, and it is whether we shall stand by our great President, for our flag, and for our country. Let us all do so and our people will sustain us, and the God of our fathers will bless us and give to our country victory and permanent peace. [Great applause.]

Mr. HAUGEN. Mr. Chairman, I yield 40 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, on page 13 of this bill appears an item as follows:

> For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State or county authorities, $250,000.

There was no similar item in the act making appropriations for the Department of Agriculture approved March 4, 1917.

I do not know of any item in this bill that is more important than this, and in the hopes that this item may be hereafter amended, I am calling attention to it at this time.

Tuberculosis, as affecting our live-stock industry, has not, in my judgment, received proper attention on the part of our Government, neither in Congress by adequate appropriations, nor by the Agricultural Department of the Government. I dare say this is because of the fact that it is not a malignant disease, quick in its effect, but a disease the spread and growth of which is so almost imperceptible that we do not observe it. However, no one thing is so threatening to the live-stock industry to-day as this disease.

Tuberculosis in live stock is essentially a disense of the stock-feeding, breeding, and dairy farms, where the cattle and swine are stabled and housed. In the ranges of the West and Southwest it is comparatively unknown. Wherever cattle and hogs are kept housed and confined, there tuberculosis breeds and spreads. Its growth is so rapid as to threaten to-day the dairy and breeding and cattle-feeding industry of the country.

By using abbattoir statistics and the results of tuberculin tests made at various places we can, with reasonable accuracy, tell how widespread this disease is. Dr. Davis S. White, in his Principles and Practice of Veterinary Science, states:

> In the United States 1 per cent of the cattle are found tuberculous on slaughter, and 2.5 per cent of the hogs. Results of tuberculin tests on 400,000 head of cattle gave 10 per cent reacting. It is very probable that 1 per cent of the beef cattle and 10 per cent of the dairy and stud herds of this country are tuberculous.

I am inclined to think Dr. White is below the real facts in his estimate. An inspection of the condemnations of animals at slaughter, as given in the Yearbook of the Department of Agriculture of 1916, shows the percentage of animals condemned has risen from 1.58 per cent in 1907 to 3.35 per cent in 1916. I insert the table here:

Condemnations of animals at slaughter, 1907–1916.

Fiscal year.	Cattle.		
	Whole.	Part.	Per cent.
1907	27,933	93,174	1.58
1908	33,216	67,482	1.41
1909	35,103	99,739	1.84
1910	42,426	122,107	2.07
1911	39,402	123,969	2.10
1912	50,363	134,783	2.46
1913	50,775	130,139	2.53
1914	48,356	138,085	2.77
1915	52,496	178,409	3.52
1916	57,579	188,915	3.35

This, I believe, is largely due to the growth of tuberculosis. The Secretary of Agriculture reports (Annual Report 1916, p. 15) that tuberculosis in live stock causes annually losses of $25,000,000.

In older countries, where the disease has been unchecked, it is destroying the live-stock industry. In Germany, before the war, nearly 21 per cent of the cattle and 3 per cent of the swine killed for food have been found tuberculous, while the tuberculin test showed over 50 per cent of all cattle tested reacting. Fully 25 per cent of the cattle in Germany before the war were affected, and in France 10 per cent.

War is a degenerative process, and in times of war the enforcement of our laws of sanitation and health becomes somewhat slack. For this reason we ought now to make ample provision to see that this white scourge does not gain on us during this war. Not only must we do this to conserve our meat supply, but to protect the health of our people. Tuberculosis in cattle is transmissible to human beings, and we can not afford to temporize with the health of our babies, the hope of the Nation for the next generation.

Milk drawn from tuberculous animals, as well as cheese, butter, and other raw products manufactured from it, are a source of danger to consumers. (Yearbook, Department of Agriculture, 1910, p. 235.)

That the scourge can be checked there is no question. In 1909, in the District of Columbia, a system of tuberculin tests and killing of diseased animals was initiated. In eight years the percentage of animals affected in the District has fallen from 18.87 per cent to 1.1 per cent.

The Department of Agriculture has as yet made no effort to systematically attack this disease. Such efforts as have been made are spasmodic and local. If there are not laws adequate to authorize the department to act, Congress should pass such acts, and I respectfully urge upon this committee that they give attention to this matter. The strictest kind of interstate regulations as to the shipment of tuberculous live stock should be made and enforced. Where tuberculosis is present let it be stamped out by effective quarantine and slaughter, if necessary. Let some concerted plan be adopted and then followed. It is idle for us to stand by and merely contemplate the situation, saying, as the Secretary of Agriculture does in his report of 1916:

Its very magnitude discourages the undertaking of any general plan of eradication.

If there are not sufficient laws, let the Secretary of Agriculture suggest proper ones to Congress; if the laws are adequate, then he ought to be given ample funds and requested to act. This appropriation is, in my judgment, just one-half of what it ought to be; it should be $500,000.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield for a question?

Mr. GRAHAM of Illinois. Yes.

Mr. McKENZIE. Has it not been demonstrated that in many instances animals suffering from tuberculosis have gotten well, and that the post-mortem examinations have demonstrated that fact?

Mr. GRAHAM of Illinois. Yes.

Mr. McKENZIE. And that that same animal, if given the tuberculin test, would show the curve of infection; and is it not a fact that the great difficulty in handling this proposition is what to do with these animals, and if we undertake to slaughter them, will we not slaughter hundreds of thousands of animals in the country that might otherwise recover?

Mr. GRAHAM of Illinois. I agree with my colleague. I think the best method of handling this proposition is not by indiscriminate slaughter, as was undertaken in the foot-and-mouth disease, but by quarantine wherever it is necessary and segregating these animals in the hope that they will recover. Frequently animals that are tuberculous will recover and are found on slaughtering not to be tuberculous, and frequently tuberculous animals if kept together and segregated will produce offspring not tuberculous. For that reason indiscriminate slaughter would not be desirable.

While the stock raisers of the Eastern, Northern, and Central States are seeing this plague decimating their herds and reducing their agricultural wealth and are restricted as to their expenditures to $250,000, the farmers of the South and Southwest are, by this bill, carefully protected by adequate appropriations. For instance, I observe that for the eradication of the cattle tick of the South there is appropriated $620,420; for methods of meeting the cotton boll weevil, $650,410; for the eradication of the pink bollworm, $500,000. It is extremely evident that the cotton-producing States intend to look after their own. Here is a total of $1,150,140 expended to control diseases of cotton, while $250,000 is expended to control tuberculosis; and this is true, although the total value of the cotton crop of this country last year was $1,517,558,000, and the total value of the cattle and swine on the farms of the country was $2,257,028,000.

The great live-stock industry of the North and East and Central States is not being properly guarded in this bill in comparison with the care which is used to protect the interests of the farmers of the cotton-growing States. It is high time this should be done.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield 40 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, since history's dawn tuberculosis has been the scourge of man and the affliction of the brute. Dr. Flick, medical director of the Henry Phipps Institute for Prevention and Study of Tuberculosis, answering his own question "Where did the first case of consumption come from?" said "Where did the first man come from?"

Moses, in Leviticus, twenty-sixth chapter, thirteenth to sixteenth verses, and twenty-eighth chapter, twentieth to twenty-second verses, flaunts it as a penalty before his people, and places a ban upon the afflicted brutes' flesh as an offering. Isaiah, the orator, chapter 10, verses 16 to 23, and Daniel, the judge, chapter 10, verse 17, both tell of its ravages and terror. To the chosen people tuberculosis, next to leprosy, had the greatest terror of all diseases. It is a remarkable fact that this people are to this day the most nearly immune of all the civilized nations to tubercular attack. It was, however, their great affliction while in Babylonish captivity. That was a time when Hippocrates, the great Greek physician, lived and administered to the sick and wrote of their ills. It was probably more prevalent then than now.

Seven centuries later Galen, the Greek stoic physician who acquired the title of Paradoxologus as well as Paradoxopoues, who was physician to two Roman emperors and medical guardian of Commordus, son of Marcus Aurelius, told of its prevalence in Rome, whose people took it, with their other evidences of civilization and weakness, from the Greeks, who obtained it from Egypt, the home of medicine and disease. Egypt in the distant ages probably obtained it from the Far East, the home of wisdom, art, wickedness, and weakness.

Dr. Moore, of Cornell University, says, "The Talmud, especially the Mishnah, codified at the close of the second century, and the Gemara in the fifth century contained numerous enactments against the eating of such flesh." He goes on further to say that in the ninth century the Franks enacted laws against eating tubercular flesh; later the various German States, running down from century to century, and other countries, in addition to forbidding the eating, denounced the sale and gradually took control in various forms of inspection to protect the public. Dr. Moore observes, "The United States stands foremost in the efficiency of this service."

When animal tuberculosis came to America can not be precisely stated. Cattle, the leading food-producing animals, were brought to this country by the various European navigators and colonizers. Probably bovine tuberculosis came with them. Hogs, the second food-producing animal, and second only to cattle in loss from tuberculosis, were brought here about the same time, but hog cholera did not appear until much later. Tuberculosis probably came with these animals or soon thereafter.

While in every decade we have been endeavoring to improve our breeds by infusing new and stronger blood, we have also been propagating disease. In this, like in all else, we progress, but always with some penalty as the price.

As I have said, the United States has the best system of meat inspection. It is more expensive than that of any other nation. For the year 1918 we appropriated for that purpose the sum of $501,620. The large purpose of this expenditure is to detect and dispose of at the slaughter end of our food animals the individuals and parts of individuals unfit for human consumption. It occurs to me that if we would have pure water for our use, while it is well to filter at the point of consumption, would it not be well to purify the source. So if we are to spend largely at the point of inspection after slaughter, would it not be wise to purify at the source of life and growth.

Tuberculosis affects a large, though varying, percentage of cattle acording to the locality, but greatest, of course, in the North, and amounting to 63,000,000 head of cattle, and all the hogs in the United States, about 67,000,000, or a total of 130,000,000, while the total cattle possible to be affected by the tick number only 20,000,000 head.

As has been well said from this floor, $620,000 is appropriated in this bill for the eradication of the cattle tick, affecting only comparatively few animals—20,000,000—as compared with $250,000 provided for a disease that affects 130,000,000. I do not quarrel with the $620,000 appropriation for cattle tick, because I am in favor of this Government exercising all of its

energies and using largely of its means to make good its own appeal for increased food production, but in the light of the number of animals affected by these two diseases, $620,000 is absolutely indefensible if $250,000 for the eradication of tuberculosis is allowed to stand.

Tuberculosis in live stock is an older disease than hog cholera and cattle tick. Among scientific men it is understood as well as either one. The methods of dealing with the problem are also well understood and practically agreed upon. The serious problem for solution lies among interested parties. First, the owner of the animal, in which lies perhaps the means of his livelihood, and who can not for purely altruistic purposes test and slaughter upon either suspicion or proof of the disease. Second, the State or community interested in the nonspread of the disease, both from the standpoint of profitable industry and the public health. Third, the Government, whose present concern is for the saving of what food we have and the production of a large increase in meats, as well as the general public health. Moreover, since more than half the inspected meat and meat animals move in interstate commerce under the supervision and control of the General Government, the Government has a manifestly large interest in the control and the eradication of this source of loss and danger.

The bases for this enterprise are, first, economic; second, sanitary. These are, of course, not stated in the order of their ultimate importance to the Nation.

Dr. Moore states the economic features of loss to owners of live stock as follows:

1. By destroying cattle outright, as when tuberculosis is allowed to reach its full development and kill its victim.
2. By reducing the market value of the animal, as in those cases in which the beast is sold before the disease has reached such a stage as to render it entirely unmarketable.
3. By reducing the breeding value of a herd and its general productivity.
4. By causing a waste of cattle food by animals that can not give an adequate return.
5. By infecting other animals, such as calves, swine, and other cattle through the milk and through direct contact.
6. By injuring the reputation of the herd, thereby rendering it difficult to dispose of the animals or their products.
7. By destroying the enthusiasm or interest of the breeder in the maintenance of his herd at a high standard.

These are important at this time, when the Nation is making special appeals to the live-stock owner to speed up production of beef and pork. Moreover, regular days are set aside when we are enjoined not to eat meat, that the supply for our armies may not fail.

It is a hollow mockery for appeals to go out from Washington to every man who owns a beef or pork brute to feed them until they can have the maximum amount of food product upon the basis of that brute life, and then not respond to a fair appeal to reduce the loss incident to this great ravage which the producer must meet. Thousands of men in my own State, and I am one of them, feed cattle now against an almost certain loss. For two reasons we continue it. First, we hope, perhaps, that the price may change so that we may be adequately recompensed, and, secondly, and more important, it is in response to patriotism on account of the demand of the Government to produce as many pounds of beef or pork as possible.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. SLOAN. With pleasure.

Mr. LINTHICUM. Does not the gentleman think a larger appropriation ought to be given and some law giving greater activity to this work ought to be enacted?

Mr. SLOAN. I quite agree with the gentleman from Maryland, who I know for more than two years has been deeply interested in this proposition, interested more particularly from the sanitary angle than the economic. I know the interest he has taken, and I know the large amount of information he has gathered, and I quite agree with him that what we should do is to do just what Dr. Mohler, head of the Bureau of Animal Industry, would be willing to do and will do if this Congress will permit him, and that is to make this appropriation a million of dollars, so that he can inaugurate a man-sized campaign against tuberculosis to bring about a reduction the very first year and the final eradication of this great scourge which I am discussing from an economic standpoint, of which ultimately from the sanitary phase, which in the mind of the gentleman from Maryland, is the more important.

We should move in this matter with haste and care combined. We are in better condition than European countries, which have not met this problem as they should, and in partial consequence thereof are now, in the stress of war, feeling the effects of their partial neglect.

In the matter of this appropriation I do not know precisely what is in the mind of the Secretary of Agriculture, an official for whom I have the utmost regard for his patriotism and ability. When I say that I am not giving him mere lip service I mean it. I think that perhaps he does not desire to shoulder the responsibility of a large appropriation—I am not quoting him—he may properly want to leave it where it belongs, with the Congress. If the Congress wants this campaign, I have no doubt the Department of Agriculture will see to it that it is vigorously carried on. The man in the Department of Agriculture at the head of the Bureau of Animal Industry believes in this campaign and believes that $1,000,000 can be effectively used with satisfactory results.

Renneberger estimated the loss of the cattle industry in Germany, due to tuberculosis before the war, to have been more than 90,000,000 marks annually, which would be $18,000,000. Dr. Moore, quoting Renneberger further, says:

The slaughterhouse statistics of Prussia show 14.6 per cent of the cattle and 2.14 per cent of the hogs to be tuberculous. In Saxony the percentage is 29.13 for cattle and 3.10 for hogs. In the city of Leipsig the figures are 36.4 per cent for cattle and 2.17 per cent for hogs (Siedamgrotzky). Of 20,850 animals in Belgium tested with tuberculin in 1896, 48.88 per cent reacted (Stubbe). Of 25,459 tested in Denmark from 1893 to 1895, 49.3 per cent reacted (Bang). An examination of 20,930 cattle in Great Britain, either slaughtered and examined post-mortem or tested with tuberculin, showed 5,441, or 26 per cent, affected with tuberculosis. McFadyean estimates that 30 per cent of the cows in Great Britain are tuberculous.

Why do I mention this? I mention it to show what America's opportunity is if it will rise to it.

Dr. A. D. Melvin, late head of the Bureau of Animal Industry, himself a victim of tuberculosis, in the American Veterinary Review of 1908, said:

While the saving of human life affords the highest motive for combating tuberculosis, the prevention of financial loss is alone a sufficient reason for undertaking the eradication of the disease from farm animals. Statistics of the United States Federal meat inspection for the fiscal year ending June 30, 1908, covering 53,973,337 animals, or more than one-half of all those slaughtered for food in the country, show the following percentages of tuberculosis: Adult cattle, 0.961; calves, 0.026; sheep and goats, 0. The proportion of tuberculosis is probably higher in animals slaughtered without inspection. Reports of tuberculin tests made in the 15 years from 1893 to 1908 by Federal, State, and other officers with tuberculin prepared by the Bureau of Animal Industry have been carefully analyzed and tabulated. Out of 400,000 cattle tested, mostly dairy cattle, there were 37,000 reactions, or 9.25 per cent. From these two classes of statistics it is concluded that on an average about 10 per cent of the milch cows, 1 per cent of all other cattle, and 2 per cent of the hogs in the United States are affected with tuberculosis, the average percentage of all the cattle being estimated at 3.5.

I am going to give you some more figures. Then you will see that instead of being 2 per cent for hogs it is 10 per cent for hogs, as will be stated by another authority. This statement was made in 1908 by Dr. Melvin. Now, I proceed:

The accuracy of the tuberculin test has been confirmed in a remarkable way by post-mortem examinations. Out of 23,809 reacting cattle slaughtered, lesions of tuberculosis were found in 23,585, a percentage of 98.81.

So we have a test that is almost infallible, and it is as certain and accurate as any disease test of which I know.

Properly prepared tuberculin applied by a competent person is, therefore, shown to be a wonderfully reliable agent for diagnosing tuberculosis. In cases where the test appears to give unsatisfactory results, this is usually due to the use of a poor quality of tuberculin or to ignorance or carelessness in applying it.

The economic loss on account of tuberculosis in food-producing animals is heavy. The loss of animals in which tuberculosis is found in the Federal meat inspection is estimated at $2,382,433 annually, and if the same conditions were applied to animals slaughtered without Federal inspection the annual loss for all animals slaughtered for food in the United States would increase to $3,102,433. The stock of animals on hand is also depreciated in value because of tuberculosis. Assuming that living tuberculous milch cows are annually depreciated to the extent of one-tenth of what the loss would be if they were slaughtered, other cattle one-third, and hogs one-half, the total animal depreciation amounts to $8,046,219. The annual loss from decrease in milk production is estimated at $1,150,000, and there is also some loss from impairment of breeding qualities. Taking all these items into account, the aggregate animal loss of tuberculosis in the United States is estimated at not less than $14,000,000.

Such heavy financial losses make the eradication of tuberculosis from farm animals desirable purely as an economic matter.

That was in 1908; increased value of cattle, increase of disease. Nobody fixes the estimate at over $30,000,000 to $35,000,000 and none place it at less than $25,000,000.

Dr. John R. Mohler, now head of the Bureau of Animal Industry, and perhaps the best authority on this subject in America, in response to an inquiry which I submitted to him relative to tuberculosis, its spread, and the methods and prospect of eradication, stated as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ANIMAL INDUSTRY,
Washington, D. C., July 26, 1917.

Hon. CHARLES H. SLOAN,
House of Representatives.

DEAR MR. SLOAN: I take pleasure in transmitting herewith an article on tuberculosis eradication work prepared in accordance with your telephone request, together with bulletins and other papers relating to that disease.

Very truly, yours,

J. R. MOHLER,
Acting Chief of Bureau.

THE ERADICATION OF TUBERCULOSIS FROM LIVE STOCK.

Tuberculosis can be eradicated from all the cattle and all the swine in this Union; otherwise the Department of Agriculture would not have embarked upon such a tempestuous campaign.

To support such a broad assertion, there is an abundance of evidence obtained through the school of experience, covering a period of several years.

Tuberculosis has been eradicated from hundreds of herds in the District of Columbia, Virginia, Maryland, and other States. It has been practically exterminated from comparatively large circumscribed areas. Furthermore, wherever and whenever an effort was made to eradicate the plague and the earnest cooperation of the live-stock owners and officials has been obtained, success has never failed to crown the enterprise.

Herds of cattle, which have at the inception of the campaign contained 75 per cent of diseased animals, have been freed of the malady and have remained as free herds.

Herds which on the first test were found free of disease have, by the prudent care of their owners, been kept free of tuberculosis.

The experience the department has had, as outlined here, has been enjoyed by the veterinary officials of some States. The preponderance of successful experiments, if we may call them such, is convincing proof that when conditions are favorable tuberculosis may be eradicated.

What constitutes favorable conditions? The same state of mind of the people that obtained in the early nineties when pleuropneumonia was eradicated; in 1902, 1908, 1914, and 1915 when outbreaks of foot-and-mouth disease were eradicated; the spirit that pervaded the Western States during the cattle and sheep scabies eradication campaign; the spirit that is stifling in the eradication of hog cholera; the same state of mind, the same earnest, hearty, wholesome, and substantial cooperation that has made Texas fever eradication the marvel of live stock sanitary achievements.

Now, that is not an estimate by some expert outside of the Department of Agriculture, but by the Bureau of Animal Industry. It is the statement of the responsible head of that bureau under whose charge this campaign would be placed if given opportunity by Congress to attempt it in man fashion.

The American people can eradicate tuberculosis, or prevent its eradication, or increase its presence.

In 1907, the bureau first undertook systematic investigations in regard to the eradication of bovine tuberculosis and the results which have been obtained through 10 years of study indicate that the eradication of tuberculosis of cattle and swine is probably the largest and most difficult problem which the bureau has undertaken to solve for the benefit of the live-stock industry and the general public, which benefits from the advancement of that industry.

It has been clearly demonstrated that tuberculosis can be eradicated from herds which are heavily infected with the disease and that tuberculosis herds can be freed from tuberculosis and maintained in a healthy condition through a period of years. In the demonstration work which has been conducted in the State of Virginia the past fiscal year showed 127 herds of cattle to be without the infection of tuberculosis at the time bureau cooperation was established. In the same State 138 infected herds have been made free from tuberculosis and in accordance with the knowledge of the bureau this was accomplished in 126 cases without reinfections occurring. A large proportion of the herds were made free as the result of a single carefully applied tuberculosis test followed by the removal of reactors and the disinfection of the buildings. A second retest showed the eradication to have been completed in about 25 per cent of the herds.

The eradication of tuberculosis from cattle within a restricted area is a reasonable proposition as demonstrated in the District of Columbia, where in 1909 a compulsory tuberculin test became effective, and it was found that 18.87 per cent of the District cattle were tuberculous. This percentage was reduced as shown by the first retest to 3.2 per cent and during the fiscal year terminating June 30, 1917, only 0.84 per cent of the District cattle reacted to the tuberculin test.

It may also be of interest to note that reactions to tuberculin tests applied by inspectors of this bureau are confirmed by post-mortem examinations, exhibiting lesions of tuberculosis in between 98 and 99 per cent of the reactors which are slaughtered under Federal supervision.

The years during which these investigations have been in progress have seen the live-stock owners and the live-stock sanitary authorities awaken to a realization of the necessity and importance of combating the spread of tuberculosis which has already made inroads in practically every section of the United States. This is especially true of the sections where intensive live-stock breeding and dairying have been practiced. In the South where this industry has been maintained in its infancy largely on account of the prevalence of the Texas fever, cattle ticks, and the lack of diversified farming interests, the rapid eradication of these ticks, and the progress of the propaganda for diversified farming is making a new and large field for the development of both the beef and dairy cattle industries. The cattle in these sections are now but slightly infected with tuberculosis, and it would seem to be of special importance that these sections be given protection from the introduction of tuberculous cattle from the infected localities.

Forty-seven of the States require the tuberculin test as a qualification for the entry of dairy or breeding cattle, but the owners of valuable herds have realized that a greater health insurance is obtained in the purchase of cattle from herds which are officially known to be free from tuberculosis.

This has led to the establishment by this bureau and by some of the States of what are known as accredited tuberculin tested herds. This plan is meeting with great favor, especially among the breeders of pure-bred and registered cattle who recognize in it a medium for increasing the volume of their business and for protecting their own valuable herds when pure-bred cattle of other blood lines are introduced for improving the strains.

On July 2, 1917, bureau offices were established at Richmond, Va.; Springfield, Mass.; Indianapolis, Ind.; South St. Paul, Minn.; Salt Lake City, Utah; and Portland, Oreg.

The Richmond office will have supervision over tuberculosis eradication in Virginia, North Carolina, South Carolina, and adjacent States in cooperation with the officials of those States. In the State of Virginia the pure food and dairy commissioner has detailed one veterinary inspector to cooperate with the bureau veterinarians. It is expected that in the near future the commissioner will have sufficient funds which will permit of the employment of several more inspectors to cooperate with the Federal force.

The work in North Carolina will be conducted in cooperation with the director of extension work. The State has assigned Dr. G. W. Roberts, professor of veterinary science at the Agricultural and Mechanical College, to work for the summer months. He will be succeeded by another qualified veterinarian in the fall. The Department of Agriculture has furnished one inspector to aid in the campaign. It is expected that immediate plans will be made for active work in South Carolina, as numerous owners of pure-bred cattle have signed up agreements to have their herds tuberculin tested.

The Springfield office will direct the work in the New England States. The campaign has already been opened in Vermont. The commissioner of agriculture for that State has employed a veterinarian and the department has detailed an employee.

There are a number of owners of pure-bred cattle in Connecticut with whom the department has been cooperating and which form a nucleus for eradication work in that State.

In the other New England States it is expected that cooperative forces will be engaged in the eradication campaign in the near future.

The Indianapolis office will supervise the cooperative campaign which will be conducted in Kentucky, Ohio, Indiana, Michigan, and Wisconsin.

The South St. Paul office will do similar work in Minnesota, Montana, North and South Dakota.

The two other offices will engage in cooperative work in Idaho, Utah, Washington, and Oregon.

The department's policy in tuberculosis eradication is a cooperative one. For every Federal employee furnished the State is expected to provide at least one veterinarian.

Just one other excerpt which I shall read from Dr. Mohler:

That there will be mistakes made and failures encountered is a foregone conclusion. It will not be uncommon to encounter the individuals and officials who will have grave forebodings of the success of the campaign, and some will prophesy abject failure. We should not be cheered too much by the forecasts of the enthusiasts or depressed inordinately by the predictions of the glooms.

Tuberculosis can not be wished away; neither can it be talked out of existence. The State must pay to exterminate it, since it has tolerated its existence these many years. The United States Congress and the legislatures of the various States will appropriate funds for the maintenance of fighting forces to cope with the situation. The live-stock owners have duties no less important than the aforementioned forces. Teamwork among all the forces will produce results which will be worth striving for and which will mean another glory for live-stock sanitation.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield right there?

Mr. SLOAN. I will be glad to do so.

Mr. HENSLEY. In order to corroborate what the gentleman is saying along that line, I would speak of just one instance I have in mind. There are a number of herds of cattle in Missouri where tuberculosis prevailed and has been eradicated. In one instance there was a milch cow, a Jersey, as pretty as a picture. I have forgotten how much milk she gave, but quite a quantity of milk. The owner of that cow refused to believe she had any tubercular trouble. He went over to the slaughter pen and saw her slaughtered. After he saw her slaughtered he said that her udders were absolutely rotten. He said, "I will never disbelieve it again." There is not any sort of question about it, and he never buys milk for his family now without first knowing that the herd from which the milk comes has been tested.

Mr. SLOAN. I thank the gentleman for his statement. It is quite true. One of the most serious propositions about this is the insidious way in which it works, and from the physical appearance how deceptive it is to know the truth about the presence or absence of tuberculosis.

There is just one reliable way of discovering it in life, and that is by the tuberculin test. Of course, the other means is the post-mortem.

Is it not a mighty good thing now and then to read a statement like that from a red-blooded man like Dr. Mohler, at the head of a great bureau of this Government, who tells the American people what should be done, how to proceed, and what can be accomplished? So it is up to this Congress to say we have faith in the man who has accomplished so much. He believes with that amount of money he can accomplish much toward eradication of tuberculosis. It is up to us to give him the opportunity, and let the Congress of the United States assume the responsibility.

Commissioner of live stock for the Chicago Live Stock Exchange, H. R. Smith, formerly for 10 years at the head of the department of animal husbandry at the State University of Nebraska, afterwards in a similar position in the State University of Minnesota, has submitted at the hearings before the Committee on Agriculture some very interesting and valuable information touching a number of phases of this tuberculosis problem. I recommend their reading.

Commissioner Smith presented among other things the following statement as to losses and prevalence of disease in the United States:

LOSSES CAUSED BY THIS DISEASE.

According to the records of the Meat Inspection Division of the United States Bureau of Animal Industry there were 25,975 beef carcasses and 44,492 pork carcasses condemned as inedible for tuberculosis alone at the seven leading Middle West markets—Chicago, Kansas City, Omaha, East St. Louis, St. Paul, Sioux City, and St. Joseph—during the fiscal year 1916. This is the equivalent of 50 trainloads of cattle and hogs of 40 cars each that were consigned to the rendering tanks at these

markets during one year because of having tuberculosis in so generalized a condition as to make the entire carcasses fit only for grease and fertilizer. There were a still greater number of carcasses passed for sterilization and sold as second-class canned beef and pork, upon which the loss was approximately 50 per cent.

PREVALENCE OF THE DISEASE IN THE UNITED STATES.

Tuberculosis is found among cattle and hogs from the Atlantic to the Pacific coast. It is not as prevalent in the Southern States as in the Northern States. Cattle are much less numerous in the South, are not so closely confined, making the conditions less favorable for the spreading of the infection and because of the prevalence of the cattle "tick" causing Texas fever fewer well-bred imported cattle have gone into the South up to this time. The following table shows the number of cattle and hogs slaughtered at the seven leading Middle West markets during the fiscal year 1916, and the number retained for tuberculosis (affected with the disease), and the number sterilized and condemned for tuberculosis.

Station.	Slaughter.	Retained for tuberculosis.	Per cent of total kill retained.	Sterilized for tuberculosis.	Per cent of total kill sterilized.	Condemned for tuberculosis.	Per cent of total kill condemned.
CATTLE.							
Omaha	707,365	14,157	2.00	832	0.12	2,207	0.31
South St. Joseph	289,888	2,286	.01	74	.03	661	.26
Kansas City	984,141	7,415	.79	421	.05	1,876	.20
National Stock Yards	540,429	3,202	.59	301	.06	996	.18
Sioux City	217,022	8,626	3.90	333	.15	1,198	.55
Chicago	1,984,862	87,102	4.50	4,742	.25	16,498	.85
St. Paul	228,172	10,829	4.57	95	.04	2,483	1.05
SWINE.							
Omaha	2,176,215	176,312	8.10	8,006	.37	4,733	.22
South St. Joseph	1,836,207	66,742	3.60	957	.05	3,269	.18
Kansas City	2,730,977	89,841	3.29	3,224	.12	4,042	.15
National Stock Yards	1,552,136	119,291	7.68	2,987	.20	2,931	.19
Sioux City	1,165,240	177,935	15.27	7,094	.66	2,515	.33
Chicago	7,343,746	1,161,339	15.81	36,273	.50	24,526	.33
St. Paul	1,503,074	81,254	5.4	1,453	.09	3,056	.20

The above table from the Bureau of Animal Industry shows that the disease is more prevalent at the northern markets. A total of 40,000,000 hogs were slaughtered during the year 1916 at all packing plants in the United States where Federal inspection is maintained. Approximately 10 per cent of these were found on post-mortem to be affected with tuberculosis.

Dairy cattle are more tuberculous than beef cattle, and the percentage of infected cattle is usually higher in the States where more dairy cattle are owned. The disease is found to be quite prevalent in beef cattle even in the so-called range States.

PRESENT BASIS FOR COOPERATION.

The scientists and authorities of the Nation and States understand the methods for control and eradication of tuberculosis as well as they do of the cattle tick or hog cholera.

1. There is needed the spread of information by the usual methods of literature, lecture, and demonstration.

2. The coordination of the National, State, and community forces.

3. A wisely managed system of compensation wherein the owner will stand one portion of the net loss, the State or community a second portion, and the Government the third portion.

The success of the United States authorities in cleaning up tuberculosis in the District of Columbia area is an evidence of what can be readily done in other areas, which can soon be made State wide and ultimately nation wide in scope.

As an evidence of the desirability for national action, I will say that while every State has some activity in this work there are 48 different systems, which should rapidly be made approximately uniform. A number of the States have not thus far kept the Bureau of Animal Industry fully supplied with their legislation or regulations concerning this work. Neither have they been supplied to the Congressional Library. I found some difficulty in obtaining full and complete data of the laws and regulations of the 48 States. I was given, however, free access to all documents and data which the Bureau of Animal Industry had, and was rendered liberal assistance in gathering information relative to the States' work. Using this, and by correspondence with the authorities of all the States, many of whom gave me considerable information while some few were limited in the scope of their replies, I was enabled to prepare, and now present as a part of my remarks, an abstract of the laws and regulations and workings thereunder in each of the 48 States:

STATE SANITARY REQUIREMENTS GOVERNING ADMISSION OF LIVE STOCK IN REFERENCE TO TUBERCULOSIS AND LAWS AND REGULATIONS WITH REFERENCE TO THE CONTROL AND ERADICATION OF TUBERCULOSIS IN LIVE STOCK.

ALABAMA.

Health certificate, including tuberculin test, for breeding and dairy cattle over 6 months of age, and feeding and grazing cattle over 2 years of age. Cattle for feeding under 2 years old require affidavit of owner that they will be kept separate from other cattle. Calves from tuberculous cows not admitted. Tuberculous cattle must be reported to State veterinarian, and such cattle can not be sold unless the seller notifies the buyer of the tuberculous infection. Tuberculous cattle must be kept in strict quarantine or isolation. Infected cattle must be slaughtered in city slaughterhouse, under supervision of city inspector; if at other place must notify State veterinarian at least five days in advance, so that he or his representative may be present. Use of tuberculous cows in dairies is strictly forbidden. All cattle reacting to tuberculin test shall be marked permanently for identification by branding with large "T" on left jaw.

ARIZONA.

State veterinarian has power to control contagious and infectious diseases under the general laws. All cattle imported shall be accompanied by health certificate, including tuberculin test for dairy and breeding cattle.

ARKANSAS.

Live-stock sanitary work under control of the board of control, State University. Health certificate for dairy and breeding cattle imported, including tuberculin test by official veterinarians.

Note from Dr. Mohler: State veterinarian expressed desire to have bureau employees cooperate with his force.

CALIFORNIA.

Law creates State veterinarian and gives him power to control and eradicate all infectious and contagious diseases. Dairy cattle and breeding bulls over 6 months of age when imported must be accompanied by health certificate, including tuberculin test. In lieu of health certificate and tuberculin-test record dairy and breeding cattle may be brought into the State when accompanied by signed statement of State veterinarian showing animals originated in herds free from tuberculosis and other communicable diseases.

COLORADO.

For importation of any bull over 6 months or any female cattle over 6 months old intended for dairy purposes animals must be accompanied with health certificate and a tuberulin-test chart, and copy must be filed with veterinary surgeon of State before cattle are shipped.

CONNECTICUT.

For importation of meat cattle over 6 months of age, permit from commissioner of domestic animals, health certificate, including tuberculin-test chart. Certificate must contain description of each animal, including age, breed, sex, and color, or numbered ear tags. When certificate is not provided meat cattle may be taken into the State under a permit from the commissioner of domestic animals and held in quarantine until examined and released by the commissioner. Commissioner to make tuberculin test of cattle within the State upon written application and at the expense of the owner, and issue a certificate and quarantine and brand the reactors, or he may appraise and kill the reactors.

DELAWARE.

Law creates live-stock sanitary board, with broad powers. Regulations provide that any cows or other cattle for dairy or breeding purposes coming into the State shall be accompanied by a certificate from an inspector in the State whence the cattle came, certifying that they have been examined and subjected to the tuberculin test and are free from disease. Cattle remain in the possession of the person who shipped them until live-stock sanitary board approves the certificate. Dairy cows and such other cattle as are for breeding purposes may be brought into the State under special permit for each shipment from the live-stock sanitary board. Such cattle shall remain in strict quarantine until examined by inspector of the board and tuberculin tested. They shall be kept apart from other cattle and the milk shall not be used or sold without previous sterilization by boiling.

FLORIDA.

Law creates live-stock sanitary board, with general powers for the prevention, suppression, and control of contagious and infectious diseases of cattle, hogs, and domestic animals, and grants them power to condemn and destroy any live stock so affected.

GEORGIA.

Law creates State veterinarian, with authority to formulate regulations necessary to check and suppress the spread of infectious and contagious diseases in live stock. Regulations provide that all cows, heifers, or bulls shipped or driven into the State must be accompanied by a health certificate, including a tuberculin test, which must be the thermal test and conform to certain other requirements. At option of State veterinarian all such cattle may be subject to a retest from 30 to 60 days after their arrival, and pending the results of the retest such cattle shall remain in strict quarantine. Regulations prohibit the use of tuberculous cows in dairies. Cattle reacting to the tuberculin test must be reported to the State veterinarian and branded "T. R." Sale of tuberculous cattle prohibited and must be slaughtered under the supervision of the State veterinarian.

IDAHO.

Health certificate, including tuberculin test, for cattle required for shipment into the State.

Note from Dr. Mohler: Tuberculosis-eradication work now being conducted in Idaho in cooperation with State veterinarian.

ILLINOIS.

Law relating to importation of cattle requires that all bulls, cows, or heifers exceeding 9 months old shall be covered by a certificate of health, including the tuberculin test made not more than 30 days prior to date of shipment, or by a permit for their consignment in quarantine for feeding purposes only. Bulls, cows, and heifers less than 9 months of age and steer or spayed heifers must be covered by an affidavit certifying to their classification. Cattle from herds which are officially registered by the authorities of the State of origin as "accredited herds" are not required to have tuberculin-test chart. Tuberculin test made for cattle within the State on application of owner, and all cattle reacting branded "T." No cattle forming part of the domestic herds of the State shall be subjected to the tuberculin test without the consent of the owner.

INDIANA.

Cattle imported into the State must have health certificate, including tuberculin test, if they are for dairy or breeding purposes. Calves under 6 months of age must have health certificate showing that they are from tuberculin-tested and free-from-tuberculous mothers. Cattle for feeding purposes covered by affidavit. No law which forces test on domestic cattle, but "accredited herds" are being established through organization and raising the requirements on milk and sale animals.

IOWA.

Cattle imported for dairy and breeding purposes must have health certificate, including tuberculin test. Cattle other than dairy and breeding cattle, except steers and cattle for immediate slaughter, shall be accompanied by a certificate of health and an affidavit certifying that the title of such cattle will not be transferred and that they will not be used for purposes other than feeding and slaughter without first notifying the State veterinarian and having them subjected to the tuberculin test. At last session of legislature the health commission undertook to have a bill passed authorizing the testing of dairy and breeding herds of cattle with appraisal of condemned animals and destruction of the same and providing for a special tax of 2 cents per head on cattle and 1 cent a head on hogs, which amount was to be used for the eradication of tuberculosis in live stock. This bill, if it had passed, would have provided about $170,000.

KANSAS.

Law creates live-stock sanitary commissioner. Regulations provided that cattle imported for dairy or breeding purposes must be accompanied by a certificate of satisfactory tuberculin test, showing them free from tuberculosis, applied within 90 days prior to date of shipment. Not required for calves under 6 months of age. Test to be made by Federal inspectors or veterinarians certified by authorities of the State of origin, but from New York State only on the test of Federal inspector. All cattle originating at public stock yards to be used for dairy purposes, registered cattle or native cattle for breeding purposes, must be tuberculin tested before they enter the State by inspector of the Federal Bureau of Animal Industry or by inspector of State of Kansas. Cattle for stocker or feeding purposes admitted on permit by complying with Bureau of Animal Industry's requirements to move interstate. Cities and towns allowed to pass ordinances compelling tuberculin test of all dairy cows. All reactors slaughtered under Federal inspection. Owners of tested herds listed in "Kansas Blue Book." Kansas had an appropriation of $10,000 for 1916, but that was exhausted. They paid one-half value of condemned animals while the fund lasted.

KENTUCKY.

Law creates live-stock sanitary board, and regulations provide that all cattle intended for dairy or breeding purposes imported shall be accompanied by certificate, including tuberculin test, showing that they are free from tuberculosis. Stockers and feeders need not necessarily be tested for tuberculosis before being brought in, but must be accompanied by certificate showing such cattle to be apparently free from tuberculosis. Calves under 6 months need not be tested to be imported, but if from tuberculous dams, can not be brought into the State. Duty of any person suspecting tuberculosis in cattle to report the same to the State veterinarian. Any animal found to be tubercular shall be quarantined, isolated, or destroyed. May be killed either under inspection of State inspectors or at market under inspection of Federal inspectors. Any cow that reacts and is isloated or quarantined must be retested in not less than two or more than six months by a different veterinarian, and if again reacts shall be branded in the forehead by the letter "T," and sale for other than immediate slaughter is prohibited. Services of inspector shall be free to any farmer or owner of milk cow in testing for tuberculosis.

LOUISIANA.

All cattle brought into the State for the use of dairy or breeding purposes shall be free from tuberculosis, and the health certificate that accompanies them shall show that they have been tested with tuberculin. No test required for calves under 6 months, but calves from tuberculous cows shall be rejected. Shipment for grazing and feeding purposes permitted without test on affidavits showing cattle are intended for that purpose. All cattle sold at public stock yards for dairy or breeding purposes shall be officially tested with tuberculin and they shall be ear tagged. All veterinarians must report to live-stock sanitary board all cattle tested and whether they pass the test or react. Tuberculin is furnished free to veterinarians, and they shall apply ear tags to the reacting animals.

MAINE.

Law creates live-stock sanitary commissioner. Law provides that all persons selling pure-blood cattle or cattle represented as pure blood for breeding purposes shall before delivery make a report to the live-stock sanitary commissioner stating number of cattle sold, age, and sex and to whom sold, and such cattle shall be tested with tuberculin under direction of the live-stock sanitary commissioner, and the certificate given to the purchaser, calves under one year excepted. Law provides that no neat stock (calves, cows, steer, oxen, or bulls) or stags of any age shall be allowed to enter State of Maine, neither for dairying or breeding purposes nor for slaughter without a permit duly authorized by the live-stock sanitary commissioner. Such animals shall be tested within 20 days with tuberculin, regardless of any other test made, and shall be held in quarantine upon premises of owner until released by the live-stock sanitary commissioner. Cattle used for dairy and breeding purposes shown in competition for prizes at State agricultural shows shall be tested within 12 months. Maximum appraisal value for pure-breed cattle $100 and $75 for grade cattle.

MARYLAND.

Bulls, cows, and heifers 6 months old and over imported into the State must be accompanied by satisfactory certificate of health and tuberculin test chart showing cattle to have been in good health within 10 days of shipment, and that they have not been exposed to other contagious or infectious diseases; not to tuberculous animals since the date of the tuberculin test. Test must have been applied within three months of date of shipment, except where animal is from a "State accredited herd," then any time within 12 months. Apparently healthy calves under 6 months, certified not to have been exposed to tuberculous animals are not required to have the tuberculin test. Apparently healthy cattle may be shipped to the Union Stock Yards, Baltimore, without previous examination and test. All bulls, cows, and heifers above the age of 6 months will be examined and tuberculin tested at this point. Admitted under permit and quarantine where satisfactory test can not be given before shipment, and then must be tested before being released from quarantine. Regulations do not apply to cattle for immediate slaughter where such animals are to be slaughtered within five days of their arrival within the State. Some progress has been made by the bureau in cooperation with Maryland authorities in eradication of tuberculosis.

MASSACHUSETTS.

Neat cattle for dairy or breeding purposes, unless consigned to quarantine station, must be accompanied by a permit of the Massachusetts department of animal industry. Tuberculin test required if over 6 months of age, either by veterinarian where shipment originates or by agent of Massachusetts on arrival at destination. Quarantined until released by the department. Tuberculin test made of animals within the State made at owner's request. Where one animal in herd is found reactor, all of the herd must be tested. Provision for compensation to cattle owners for animals condemned as tuberculous.

MICHIGAN.

Law prohibits importation into the State of cattle for breeding or dairy purposes except when such cattle are accompanied by a certificate of inspection showing that at the time of inspection and within 60 days prior to shipment said cattle had been subject to tuberculin test and were free from tuberculosis. Commission has power to test herds where tuberculosis is suspected, and either place in quarantine the reactors or else have them slaughtered. Law provides the amount that shall be paid the owners where cattle are killed.

MINNESOTA.

Law provides that it is unlawful for any transportation company to bring into the State cattle for feeding, breeding, or dairy purposes unless such animals have been examined and found free from tuberculosis, and provides that in case of cattle over 6 months of age to be used for breeding or dairy purpose the nonexistence of tuberculosis shall have been determined by the tuberculin test within 30 days preceding such importation. Test shall not be demanded of cattle intended for exhibition at town, county, district, or State fairs. Law provides that every person who suspects contagious or infectious disease must report the same to board of health. Can condemn cattle found to react to tuberculin test and law provides method and amount of appraisal.

MISSISSIPPI.

Law creates the live stock sanitary board and provides that cattle imported for dairy and breeding purposes must be accompanied with a health certificate, including the tuberculin test.

Dr. Mohler note.—No arrangements have been made for tuberculosis cooperation work, but opinion of bureau that if additional funds were available State would cooperate.

MISSOURI.

Health certificate for dairy and breeding cattle, including tuberculin test required. If any animal in lot inspected is found tuberculous, the words "Exposed to tuberculosis on day of inspection" shall be written on the certificate of health of such animals as pass. Cattle for pasturing, feeding, or immediate slaughter admitted on permit from State veterinarian. Nearly all cities in State are passing and enforcing ordinances requiring annual tuberculin test on all dairy cattle. On the authority of Congressman HENSLEY, Missouri compensates for condemned animals up to $40 for grades and $200 for pure breds.

MONTANA.

Cattle imported into the State for dairying, strictly pasture breeding, all pure breds, and all bulls over 6 months of age must be accompanied by a tuberculin test chart. Cattle for feeding purpose or for slaughter where no inspection is maintained must be accompanied by a clinical health certificate. Where for slaughter the waybill must be marked "For immediate slaughter." If cattle originate in either New York or Wisconsin health certificate must be issued by inspector of United States Bureau of Animal Industry.

Dr. Mohler note.—Cooperation work inaugurated here July 1, 1917. State has several inspectors. Bureau can only furnish one.

NEBRASKA.

All pure-bred cattle imported into the State must be moved to destination in quarantine and held under the direction of the live-stock sanitary board for an official tuberculin test, to be applied at owner's expense, under the direction of the State live-stock sanitary board, not less than 60 days after their arrival. All health certificates accompanying shipments of pure-bred cattle must be immediately forwarded to the State live-stock sanitary board upon arrival at destination. Cattle for dairy and breeding purposes over 6 months old must be accompanied with health certificates, including tuberculin test. For feeding, grazing, and range purposes permit from deputy State veterinarian without tuberculin test. If not accompanied by health certificate, cattle will be inspected at destination at owner's expense. For exhibition purposes cattle admitted on permit from deputy State veterinarian without tuberculin test, but must be accompanied with proper health certificate, and if they remain three months or more in State must submit to tuberculin test. Cattle for immediate slaughter admitted without inspection. Cattle from New York or Illinois must have health certificate, including tuberculin test, issued by inspector of United States Bureau of Animal Industry. At annual meeting of organization at Lincoln declared in favor of State appropriation to cooperate with United States where tuberculosis is suspected in excess, as shown on inspection for shipment or at packing house; balance of herd tested and owner advised to send reactors to slaughter within 15 days. If not complied with, herd quarantined. Many towns have ordinances compelling tuberculin test of dairy cows.

NEVADA.

Cattle imported for dairy or breeding purposes must be accompanied by health certificate, including tuberculin-test certificate, except range cattle transferred from the ranges of other States to the ranges of Nevada. In lieu of certificate of inspection owner must mail a statement giving the origin and destination of shipment and number of bulls, cows, steers, and calves included in the same.

MOHLER NOTE.—Little done here, but authorities indicated a willingness to cooperate as to accredited herds and otherwise.

NEW HAMPSHIRE.

All cattle over 6 months of age shall be tuberculin tested prior to entering the State. All tests must be approved by live-stock sanitary official in State where cattle are tested and permit issues upon receipt of the test charts. Destroy immediately, without remuneration for the owner, all reacting cattle that may be detected by retest or otherwise from irregular interstate shipments. Domestic herds tested upon suspicion of tuberculosis at expense of State at owner's request and promise to improve sanitary conditions. Owners of cattle killed after test upon order of commissioner, and which have been in State three months, receive 50 per cent of value, but not to exceed $100. Cattle also killed without payment from the State by allowing owner all money received from the products. Any cattle not for slaughter must be marked by ear tag or button with capital letter "T" on the same.

NEW JERSEY.

Law vests powers in control of tuberculosis among animals in department of agriculture. Health certificate required for dairy and breeding cattle, including tuberculin test. Law authorizes importation of cattle into State without requiring tuberculin test if accredited by State from which imported. State has recently organized a bureau of animal industry, which will have supervision over the eradication and control of contagious and infectious diseases.

DR. MOHLER NOTE.—Recently organized bureau of animal industry under Dr. McNult, former employee of United States bureau. Believed that cooperative eradication work can be arranged for.

NEW MEXICO.

Dairy cattle or cattle intended for the breeding of dairy cattle imported into State must be accompanied by health certificate, including tuberculin test.

NEW YORK.

Neat cattle for dairy or breeding purposes must be accompanied by certificate of health showing satisfactory tuberculin-test record. If not so accompanied, must be held in quarantine at destination within State until duly examined by representative of State department of agriculture and released. Law authorizes quarantine of infected animals and commercial use of milk or use for breeding under regulation of commissioner of agriculture, and requires segregation of young immediately after birth.

NORTH CAROLINA.

Health certificate, including certificate of tuberculin test, required for imported cattle when intended for breeding or dairy purposes.

NORTH DAKOTA.

Health certificate for all cattle imported. Cattle over 6 months of age that can be used for dairy or breeding purposes must be accompanied by tuberculin-test chart health certificate. Test and inspection must be made within 30 days of shipment. Shipments from New York, Wisconsin, and South St. Paul, Minn., must have certificate signed by inspector of the United States Bureau of Animal Industry. The live stock sanitary board authorized to test domestic herds for tuberculosis at the request of owners where owner agrees to requirements in regard to reacting cattle and sanitary conditions of rest of herd. Law provides method of appraisal, and maximum amount paid owner when cattle are ordered killed. All persons selling pure-bred cattle or cattle represented to be pure bred, for any purpose except slaughter, within the State shall report the same before delivery to the State live stock sanitary board and such cattle shall be tested with tuberculin, and if found free from disease a certificate shall be issued to the owner to be delivered to the purchaser. This shall not be required of animals under 6 months of age.

OHIO.

Health certificate, including tuberculin test, required for dairy and breeding cattle 6 months of age and over. Tuberculin test must be made within six weeks prior to the importation of cattle into the State.

OKLAHOMA.

Health certificate, including tuberculin test, required to import cattle for dairy or breeding purposes.

OREGON.

Dairy and breeding cattle, except for immediate slaughter, must be accompanied with health certificate, including tuberculin test. All cattle, excepting settlers' and homesteaders' effects, imported from east of Minnesota, Illinois, and north of Tennessee and North Carolina, must first receive written permit from State veterinarian. Cattle originating in New York, Wisconsin, or South Dakota must be tuberculin tested by Federal veterinarian.

Dr. MOHLER NOTE.—Oregon well organized for carrying on eradication work. Only one United States inspector in that State.

PENNSYLVANIA.

The law provides that each bovine animal over 6 months old imported into the State shall have health certificate and tuberculin-test chart showing that the examination and tuberculin test has been carried out in manner approved by the State veterinarian of Pennsylvania. Does not apply to animals for immediate slaughter, and animals for exhibition purposes are admitted on permit from State veterinarian. Importation of cattle permitted without health certificate or chart under supervision of State veterinarian and under quarantine until examined and tested by representative of live stock sanitary board and released. Examination and test at the expense of State. Unlawful for any person to sell for dairy or breeding purposes any domestic animals brought into the State for immediate slaughter or to use or permit to be used any such animals for dairy or breeding purposes. State live stock sanitary board given power to suppress, control, and eradicate dangerous, contagious, and infectious diseases among domestic animals, and they have the right to examine and test suspected animals, and it is the duty of local veterinarian to report such diseases. Have the right to order diseased cattle killed, and maximum amount to be paid owner fixed by law. Without express permission of board, it is unlawful for any person to sell, give away, or allow to stray any animal that has reacted to tuberculin test. Tuberculous animals may be branded by board. Milk as food for animals from reacting cows must be sterilized. Skimmed milk or separator slop must be pasteurized by creamery before returning for feeding purposes for animals.

RHODE ISLAND.

For importation of cattle, a physical examination required. If cattle suspicious, tuberculin test ordered by cattle commissioner.

SOUTH CAROLINA.

Health certificate required for all cattle imported, except for immediate slaughter. Tuberculin test for dairy and breeding cattle over 6 months old. Under a State law, all cattle that react under a test by the State veterinarian are paid for in part by the State. The amount is 40 per cent of the value.

DR. MOHLER NOTE.—Bureau's understanding that trustees Clemson College will indorse bill at next legislature asking appropriation for cooperative tuberculosis eradication work.

SOUTH DAKOTA.

For importation of all cattle health certificate is required. Bulls and female cattle over 6 months old must be accompanied by a certificate showing that they have passed the tuberculin test within 30 days of date of shipment. If evidence furnished that cows and heifers are strictly range cattle and will not be used for dairy or domestic purposes, and that they originate in Arizona, New Mexico, Texas, Utah, Colorado, Montana, Wyoming, or Nevada or in Kansas or Nebraska west of the one hundredth meridian permit may be issued to admit without tuberculin test. May be brought in under quarantine and kept in quarantine until tested and released. From New York State certificate must be issued by Federal inspector. Cattle from officially accredited herds admitted without tuberculin-test chart. Western South Dakota and Nebraska considered free range and no test required for cows and heifers for feeding. Duty of live-stock sanitary board to cause to be tested for tuberculosis any cow or cows in a dairy herd from which milk is sold for human consumption when requested to do so by three or more patrons and when it believes such test advisable and necessary. When cattle are adjudged affected with tuberculosis and ordered killed they are appraised and paid for by State at one-half appraised value not to exceed $50; payment does not apply where animals react within one year after being brought into the State.

TENNESSEE.

Importation of dairy cows and meat cattle for breeding purposes is prohibited by law except in cases where they are accompanied by certificate from competent inspector and certificate shall show that cattle have been examined and subjected to the tuberculin test and are free from disease. May come in under quarantine and remain in quarantine until examined and tested by State inspectors and released. Within the State no person shall deliver for transportation or receive for transportation or remove from premises where they are located any cattle or swine affected with tuberculosis as disclosed by physical examination or by tuberculin test. Control within the State largely under the provision to control and eradicate contagious and infectious diseases under which tuberculosis cattle may be quarantined or ordered killed. Subcutaneous test the only test recognized and the requirements of the test given in the regulations. Veterinarians making test shall brand reactors with letter "T" on right jaw and report to county health officer who shall isolate and place in quarantine all branded reacting animals until they are disposed of according to law by appraisement and slaughter. Maximum valuation for grade cow, $25; pure bred, $100.

TEXAS.

All cattle imported must be accompanied by health certificate and all cattle for dairy and breeding purposes over 6 months old and cattle for exhibition must have tuberculin-test chart showing test within at least 60 days prior to time cattle enter the State. Can use either subcutaneous or intradermal test. Live stock for exhibition or show purposes must be tuberculin tested within 60 days of entry at show or exhibition unless they belong to a State accredited herd. Where tuberculosis or exposure thereto is suspected by live-stock sanitary commission they have the power to quarantine the premises and all live stock thereon and subject the same to the tuberculin test. All cattle that show positive reaction shall be removed from herd and quarantined. Cattle exposed subject to second test at end of six months but not kept in strict quarantine. All cattle quarantined on account of tuberculosis may be removed for immediate slaughter on permit of live-stock sanitary commission. Have established State accredited herds where owner lists all of his cattle and guarantees to have all tuberculin tested annually.

UTAH.

No cattle or swine affected with tuberculosis, as disclosed by a physical examination, tuberculin test, or by any other means shall be imported into the State. Bulls, work oxen, or female cattle over 6 months old intended for breeding or dairy purposes other than branded range stock must have health certificate and tuberculin-test chart showing that cattle have been examined and subjected to the tuberculin test within 40 days prior to date of shipment. Cattle for dairy or breeding purposes may be shipped into the State without tuberculosis-test chart if from accredited tuberculosis-free herd which has been tested not longer than nine months of date of shipment. Tuberculin-test chart not required of branded range bulls for breeding purposes or range. Branded range cattle shall be accompanied by health certificate. Every person who sells milk to a dairy and every person engaged in dairy business in the State shall cause every cow milked by him to be examined and subjected to the tuberculin test. Done under direction of State inspector or inspectors of United States Bureau of Animal Industry without charge. Owner, when notified, shall have cattle in barn and temperature taken at 3, 5, and 8 p. m., and injection at 9 p. m., and on following day temperatures at 7, 8, 11 a. m. and 1 and 3 p. m. Chart mailed at once to State board. Healthy cattle passing tuberculin test shall be tagged in lower right ear with metal ear label bearing a consecutive number and "Utah passed." When cattle found suspicious they shall be held for a retest after a period of not less than 40 days and shall be tagged in lower left ear with a metal ear label bearing a consecutive number and "Utah reacted." Cattle reacting to the tuberculin test shall be tagged in lower left ear with metal label bearing consecutive number and "Utah reacted," with a bangle or pendant attached bearing "Condemned." When cattle are condemned they shall be immediately appraised and slaughtered in establishment having Government meat inspection or under supervision of State inspector and result of post mortem recorded on back of tuberculin-test chart. State to pay not more than $1,000 on any claim.

VERMONT.

Cattle must be accompanied by a permit from Vermont live-stock commissioner specifying number in shipment and stating origin of shipment and destination within Vermont.

VIRGINIA.

Health certificate for dairy and breeding cattle including tuberculin test made within the preceding four months. There has very recently been some progress in cooperative work between bureau and Virginia. See statement of Dr. Kinman, hearings January 10, Committee on Agriculture.

WASHINGTON.

Tuberculin test for dairy and breeding cattle and special permit from commissioner of agriculture.

Dr. Mohler note—Work now in progress receiving excellent support of people. Opinion good results will follow if funds are provided.

WEST VIRGINIA.

All domestic animals brought into State must have health certificate showing free from contagious diseases at examination within 30 days prior, or can be brought in under quarantine. There shall be provided for each bovine animal over 6 months old that has been used or is to be used for dairy or breeding purposes a health certificate and tuberculin test chart, except animals from officially accredited herds may be admitted without tuberculin test chart. Does not apply to animals brought in for immediate slaughter or for temporary exhibition purposes. No apparently healthy bull or heifer under 6 months shall be subjected to tuberculin test. May be brought in under quarantine and remain so until tested and released. Unlawful to sell for dairy or breeding pur-

poses any domestic animal brought into the State for immediate slaughter or to use or to permit to be used any such animal for dairy or breeding purposes. The law provides that commissioner of agriculture or agents shall possess authority to test with tuberculin any bovine animal kept within the State. Shall be applied at such times as may be designated by commissioner as necessary in the control and eradication of bovine tuberculosis, and all cows whose milk is sold for human consumption or manufacture and all uncastrated beef animals shall be tested as far as may be possible. Reactors shall be branded on right side of neck with letter "T" unless owner elects to keep animal in quarantine for eight weeks, when animal shall be tested again at owner's expense, and if reacts again it shall be branded. All bovine animals in State deemed tuberculous either by physical examination or tuberculin test shall be slaughtered within a time and at a place designated by the commissioner with appraisal five days previous to date of slaughter. If owner desires to receive indemnity, required to execute agreement that he will thoroughly clean and disinfect all premises, have entire herd tested with tuberculin at such times as commissioner may designate nor to admit to his herd untested cattle and agreement to run two years. Maximum amount of appraisal $75 for pure bred and $50 for grade or nonregistered. Owner shall be furnished with copy of tuberculin test chart and report of postmortem examination.

WISCONSIN.

Importation of cattle into the State for other purposes than to be slaughtered within 10 days subsequent to such importation is prohibited, except when such cattle are accompanied by a certificate of inspection showing tuberculin test within 6 months prior to shipment, or cattle may be shipped in quarantine and be tested at first point of destination at expense of owner. Have plans within State for accredited herds and carry on tuberculin tests to a large extent. Condemned animals to be appraised and one-half paid by State, but in no event shall amount paid exceed $100.

WYOMING.

Neat cattle, health certificate. All dairy cattle, bulls, and female cattle, registered or pure bred, over 6 months old, health certificate including tuberculin test. No action as to establishing accredited herds. No work by the bureau.

And I would ask the gentlemen who are here to look over this abstract, because I have endeavored to give a fair statement of what the activities and legislation of the various States have been in this line. Now, inaccuracies may arise, but do not be too critical, although I spent a good deal of time in securing this and in compiling it.

Inaccuracies arising from changes recently made, if any have been so made, or from lack of complete statement on the part of corresponding State officer may be found in this abstract. All that I expect is that it will be a general basis for understanding the present situation as it is through the several States and the country at large.

A number of generalized facts can be deduced from the foregoing abstract.

The tuberculin test is used in 47 out of the 48 States as a prerequisite for admission of dairy or breeding animals.

Twenty States provide for the public slaughter of animals where tuberculosis has become generalized in the system. The States are as follows: Alabama, Connecticut, Florida, Georgia, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, North Dakota, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, West Virginia, and Wisconsin.

All of these except Alabama, Florida, Georgia, and Kentucky provide for compensation, the measure, of course, differing in the different States. The four States last named, I assume, possibly not warrantably, that the county or State which authorizes the forced slaughter would recognize or be compelled to recognize a claim for actual damage suffered by the owner.

Mr. HENSLEY. Missouri can be included, I will say to the gentleman from Nebraska.

Mr. SLOAN. In the matter of payment?

Mr. HENSLEY. In the matter of payment, unless that law was repealed by the last legislature.

Mr. SLOAN. The information coming from your State did not include that, because I looked for it carefully. I am glad the gentleman has made the statement. I will put it in my abstract. I will say that the Congressman states it. My information from the State of Missouri did not include it; neither did it exclude it in terms.

The following States recognize what is known as accredited herds: Illinois, Indiana, Kansas, Maryland, Texas, and West Virginia.

An accredited herd means a herd containing one or more pure-bred animals, the remainder being either pure bred or grades which have been properly tested, found free of tuberculosis, and also kept under such conditions as to not probably contract the disease.

It is quite possible that within the last few months other States, under direction of their live-stock authorities, have adopted the accredited herd system. I suggest this because there has been a great activity among the live stock.

I mention the following facts not directly toward the two items of appropriation but as a matter of importance for our consideration, a lesson that we can draw from the present war.

I took occasion recently to examine the statistics of cattle in the South at two important epochs:

First, 1860 to 1870.

Second, 1900 to 1910.

In 1860 the total number of cattle in the United States was 28,967,028. Of these, 12,019,156 were in the 11 Southern States. In the rest of the country there were 16,857,872.

War had its inevitable effect. Five years after its close, notwithstanding the energies of reconstruction North and South, there were only 28,074,582 head of cattle in the United States. There were in the 11 States only 9,255,956, a decrease of 2,763,200. The cattle and losses were distributed as appear in the following table:

Total cattle in United States for 1860 28,967,028
Total cattle for 1870 28,074,582

	1870	1860	Loss.
Alabama	500,296	813,604	313,518
Arkansas	379,021	570,530	191,507
Florida	466,896	453,451	13,445
Georgia	801,667	1,208,952	400,285
Louisiana	503,138	503,138	209,774
Mississippi	581,247	736,790	155,543
North Carolina	618,263	693,810	75,547
South Carolina	289,207	505,776	217,569
Tennessee	682,218	823,244	141,026
Texas	3,990,158	4,397,414	407,256
Virginia	573,152	1,188,002	614,850
Total	9,255,956	12,019,156	2,763,200

1910. All cattle (United States) 61,803,866
1900. All cattle (United States) 67,719,418

	1910	1900
Alabama	932,428	799,734
Arkansas	1,028,071	894,535
Florida	845,188	751,261
Georgia	1,080,316	899,491
Louisiana	804,795	670,295
Mississippi	1,012,632	853,356
North Carolina	700,861	624,518
South Carolina	388,862	342,898
Tennessee	996,529	912,183
Texas	6,534,586	9,428,196
Virginia	899,067	825,512
Total	15,584,355	17,021,979

Gain in all except Texas. Loss in Texas due to sale of range for agricultural purposes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. How much time does the gentleman wish?

Mr. SLOAN. I can finish in 20 minutes.

Mr. HAUGEN. I will yield to the gentleman 10 minutes.

Mr. SLOAN. It took more than 12 years after the war before the number of cattle before the war was equaled in the country at large. At the close of the war the number of cattle in the Northern States was less than at its beginning. Authorities throughout the country on this problem state that the accredited herd enterprise is coming into general favor. Dr. Kiernan, having charge of the tuberculosis section of the Bureau of Animal Industry, at the hearings stated:

Mr. MCLAUGHLIN. What do you mean by accrediting the herd?

Dr. KIERNAN. Herds that are found free. The way it developed that this plan was adopted, it requires that when herds of cattle have been subjected to two annual or three semiannual tuberculin tests and found free from the disease, that they would be placed upon either the State accredited herd list or the United States accredited herd list. That means that whenever an owner of any of those herds of cattle desired to ship an animal interstate it would be unnecessary for him to send out and get a veterinarian to come in and test an individual animal that he might desire to ship interstate. A certificate could then be issued for any animal in that herd to be shipped interstate, without a further tuberculin test, good for a period of one year.

Mr. MCLAUGHLIN. Did this relate only to pure-bred cattle that you speak of?

Dr. KIERNAN. Well, here is the definition of the pure-bred herd of cattle, to be classed under the accredited herd list, any herd containing one or more pure-bred animals. That plan was adopted and has been sent out to officials of the various States for their indorsement, and we have already received favorable replies from 12 or 15 States.

Mr. RUBEY. Do you mean then, when you say one or more pure-bred animals, that if a herd composed of 20 animals contains one or two pure-bred animals that that whole herd will receive a certificate?

Dr. KIERNAN. Yes, sir.

Mr. SLOAN. As to being clear of tuberculosis.

While the Live-Stock Sanitary Association of the United States, as well as the various national breeding associations, were in convention at Chicago early in December of 1917, the Breeders' Gazette, one of the greatest publications of its class in the world, published an editorial, a part of which is as follows:

A CAMPAIGN AGAINST TUBERCULOSIS.

A tied-up trade is undoubtedly bound to follow neglect on the part of the breeders to set seriously to work to clean their herds of tuberculosis. Some years ago the plan of State accredited herds was presented to them and a considerable number in some States, especially those which encourage a clean-up by means of compensation, are acquiring lists of disease-free herds. In some States the movement has been slow, as breeders fear the possible loss. At the meeting of the United States Live Stock Association in Chicago this week the Bureau of Animal Industry submitted a tentative plan for accredited herds and a committee of that association studied it. At a dinner given by the Chicago Live Stock Exchange at the Saddle and Sirloin Club on Monday night of this week a large number of sanitary officials and veterinarians met representatives of a half dozen cattle registry associations in conference on this subject. A committee of breeders was named to consider the proposed plan, together with the committee of sanitary authorities.

Three factors are essential to a successful campaign against tuberculosis: First, the problem must be admitted to be a cow question, not a baby question. It is fundamentally an economic question. Second, reasonable compensation must be granted for reacters which are slaughtered or segregated. Third, Federal and State aid and cooperation must be liberally extended. It is not a local or a State problem. It is interstate, it is Nation-wide.

Mr. LINTHICUM. Whose statement is that?

Mr. SLOAN. It is the statement of the Breeders' Gazette, an editorial.

Mr. LINTHICUM. He said that it must not be considered a baby question but an economic question?

Mr. SLOAN. He says it must be confined to that. I do not agree with the proposition.

Mr. LINTHICUM. Neither do I.

Mr. SLOAN. Because they are both important, but the economic feature is the one I am arguing. I do not detract in any way from the large question, to wit, the sanitary, of which I know the gentleman from Maryland is champion.

On December 4, 1917, I received a telegram, a copy of which is as follows:

UNION STOCK YARDS, ILL., *December 4, 1917.*

Hon. CHARLES H. SLOAN,
House of Representatives, Washington, D. C.:

At a joint conference of live-stock breeders, State veterinarians, and members of this exchange House bill No. 6188, making an appropriation of $1,000,000 for the control of tuberculosis in live stock, was unanimously approved and its passage recommended.

THE CHICAGO LIVE STOCK EXCHANGE,
By E. C. BROWN, *President.*

To indicate what the live-stock sanitary authorities, as well as the various live-stock associations, are doing in Nebraska, I submit the following telegram recently received:

LINCOLN, NEBR., *January 18, 1918.*

Hon. CHARLES H. SLOAN,
House of Representatives, Washington, D. C.:

Resolutions passed by the Nebraska Improved Live Stock Breeders' Association, Lincoln, Nebr., January 17, 1918:

"Whereas the disease, bovine tuberculosis, is causing a loss of approximately $30,000,000 annually in the United States and is continually becoming a greater menace to the live-stock industry; and

"Whereas if allowed to continue its ravages the production of meat and milk products will be seriously hindered, to the detriment of all classes and to the cause for which we are fighting: Now, therefore, be it

"*Resolved by the Nebraska Improved Live Stock Breeders' Association in convention assembled at Lincoln, Nebr., January 17, 1918,* That we recommend aggressive measures be taken by the Federal Government and various States to eradicate this disease, and that liberal appropriation be made for the purpose. We heartily indorse the provisions of the bill now pending in Congress, introduced by Congressman SLOAN, which provides for an appropriation of $1,000,000 annually for the eradication of tuberculosis, and we urge the Legislature of Nebraska at the next general session to appropriate a liberal fund with which to cooperate with the Federal Government on an equal basis in the payment of indemnities and expenses incidental to making of tuberculin tests in this State; and be it further

"*Resolved,* That a copy of these resolutions be forwarded to Secretary Houston of the United States Department of Agriculture, to the Nebraska Members of the United States Senate and House of Representatives, and to the governor of the State of Nebraska, with request that the substances of these resolutions be incorporated in his message to the next legislature."

CHAS. GRAFF, *President.*
H. J. GRAMLICH, *Secretary.*

The following resolution was passed by the Nebraska Dairymen's Association January 18, 1918:

Whereas the disease, bovine tuberculosis, is causing heavy annual losses in the dairy industry of the United States, and is seriously interfering with the proper development of our dairy herds and the production of milk products: Therefore be it

Resolved by the Nebraska State Dairymen's Association in convention assembled at Lincoln, Nebr., January 18, 1918, That we heartily indorse the Sloan bill now pending in Congress, which provides for an appropriation of $1,000,000 for the eradication of this disease by the Bureau of Animal Industry in cooperation with the various States.

D. H. FRANDSEN,
A. M. TEMPLIN,
H. C. YOUNG.

There were in the United States in 1900, 67,719,410 head of cattle. In 1910, according to the census, there were only 61,803,866. According to present estimate we have now about 65,500,000. All of these are subject to tuberculosis. Of course it is more generally prevalent in the North than in the South, where the climate is more equable and the cattle uniformly live in the open.

This problem should appeal especially to Members who live in the cattle-tick region as well as to those who live above that latitude. That section has been making important strides in rebuilding their live-stock industries. In every State there are many who note the ravages of the boll weevil and at the same time have noticed how the Orient is beginning to cultivate and produce American cotton. They see that the one great crop, cotton, will not maintain their present station nor aid them in that progress for which their climate, soil, and other natural resources equip them. The South can become a successful competitor of the North in the production of meat foods. If proper progress is to be made, the herds which are being built up must be kept clear of tuberculosis. It can only be kept out by a nation-wide cleansing of the herds, especially those from whose ranks must come the breeding factors. Figuring in ultimate results, the people of the Southland have as much at stake in this enterprise as we of the North.

The work proposed is one of man size and is for the hour. It is not a problem for to-morrow. Since the Spanish-American War the Spanish word "manana" has in too many important considerations been Americanized. Let not the Department of Agriculture or the American Congress adopt it. I would like to have you read the statement of Dr. Mohler. It is hopeful, militant, and confident that this problem, if attacked in the way it should be, tuberculosis can be eradicated.

Mr. TILSON. Mr. Chairman, will the gentleman yield for a question right there?

Mr. SLOAN. Certainly.

Mr. TILSON. In a word, what does the gentleman say shall be the plan of campaign? Shall it be intensive in one State, so as to remove it entirely from that State, and then move on to another State, or is it to be a general campaign everywhere all at once?

Mr. SLOAN. It can not all be done at once. It must be taken up by separate areas. I shall try to explain here. Wherever a State will cooperate with the Federal Government, then the State and the owners will proceed to clear up a selected area, just as they are proceeding to do now with hog cholera so effectively. As they clear up an area, other areas will be taken hold of, multiplied, and expanded, and finally the campaign will become State wide and afterwards Nation wide. Dr. Mohler has well stated the plan.

Mr. TILSON. Meanwhile not permitting other cattle from the outside to come in—other cattle that might be diseased?

Mr. SLOAN. Yes.

Mr. LINTHICUM. If the gentleman will permit, if we can not get more than $250,000, it must necessarily be taken up piecemeal?

Mr. SLOAN. Yes. Dr. Mohler believes that if the solution of this problem is properly gone about it will take $1,000,000 for 1919. I have talked with him at least twice upon this subject and once quite recently.

I have made his statement a part of my remarks. He believes that if this problem is gone about it will take $1,000,000 for 1919. His statement fits well with the demand that is being made for increased production of meat. Appeals are being made by our food controller that on certain days we not eat meat. I approve it. Our boys will need it in the trenches. Meat and white bread constitute the battle food of our Army, whom we believe when properly equipped and maintained, man for man, are the best fighters in the world. [Applause.] Let us stint to save. Let us also strain to produce.

Beef production at the present moment is a losing venture. I hope it may improve. The Department of Agriculture appeals to the patriotism of feeders to buy and feed long, that every beef and swine life may produce a maximum of meat.

I received through the mail a few days ago the following figures from an experienced and extensive cattle feeder who had had his ups and downs in that precarious business.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Certainly.

Mr. JUUL. Why do you say that meat or beef production is a losing venture?

Mr. SLOAN. Because it is at this particular time. I shall submit the figures here.

Mr. FESS. Mr. Chairman, will the gentleman permit a question?

Mr. SLOAN. Yes.

Mr. FESS. Is the falling off in the production of live stock due, in a great degree, to these elements that destroy, or are we not producing as much as heretofore?

Mr. SLOAN. Destruction by diseases is a large factor. We are, since 1910, slightly increasing our cattle, and the hog census

showed last April an increase of hogs. Beef production, however, is not right now, as the markets go, a money-making proposition. I can state that because I am fighting the proposition personally now, feeding high-priced corn to what is, comparatively speaking, low-priced beef. Of course there has been, on account of the war, a great demand, with rather fancy prices, for animals of much less than a maximum growth.

Mr. JUUL. I do not want to take up the gentleman's time, but I suppose the gentleman means it is not as paying a venture as farming in other lines might be. The gentleman does not mean to say that a man who is producing meat to-day is losing money in producing it?

Mr. SLOAN. The man who is doing what the Government asks—putting the maximum amount of beef on the bovine life—is losing money now.

Mr. FESS. Would the gentleman care to say what proportion of our energy is going into conserving what we have, rather than increasing the number? Or is the gentleman ready to make a statement in that regard?

Mr. SLOAN. I could not make a good answer to that very pertinent question within my time.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SLOAN. Mr. Chairman, I would like to have 10 minutes.

Mr. JUUL. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 10 minutes.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Nebraska is recognized for 10 minutes more.

Mr. SLOAN. I would like to say in response to the question propounded by the gentleman from Ohio [Mr. FESS] that we are devoting a great deal of energy to conserving meat. This measure is for that purpose. We are saving meat. That has an effect on the price of the matured beef animal. Immature animals are relatively higher than they used to be; the matured animals are cheaper. Yet that is just what the Government is appealing for, so that in the end the maximum number of pounds may be produced from the number of cattle we have. Feeders were purchased by the cattlemen at an extraordinarily high price. The figures you will find here given by an old feeder. They illustrate the case fairly well. The figures are presented by Hon. C. E. Adams, of Omaha. I read:

	Total cost.
20 feeders, average weight 1,000 pounds, at 9 cents per hundredweight	$1,800.00
75 bushels corn per head for 6 months' feed, 1,500 bushels, at $1.50 per bushel	2,250.00
25 tons of hay, at $15 per ton	375.00
Labor and care per day, $1.33⅓, for 180 days	240.00
Losses from accident or natural causes	90.00
Interest on the investment, 6 months at 7 per cent	162.00
Total cost	4,917.00
Maximum gain on 20 head, at 400 per head, 6 months, is 5,000 pounds, added to the original weight, 28,000; market value of prime beef, to-day's market, $12 per hundredweight	3,360.00
Gain on hogs following cattle, 6 months, 5,000 pounds, at $16 per hundredweight	800.00
Total receipts from sale	4,160.00
Loss to balance account	757.00
Total	4,917.00

It is somewhat different with pork and hogs. Our hog business has been going along all right. But if this Government had not done what it did do in regard to hog cholera we would have had 25 per cent less pork than we have at this time, and the price would be higher to those who have to consume it.

He makes some very appropriate remarks calling attention to the Government having provided in many cases for increase of wages, practically guaranteed transportation earnings, guaranteed good prices for fuel and wheat, that it would be proper to do something of the kind for the beef producer, whom he now figures is working at a loss. Here is an opportunity to aid him to reduce his hazard.

Men who go into hazardous business, where loss appears as frequent as gain, desire to eliminate every possible factor of hazard or loss. One of the large reasons why 8 and 10 years ago many farmers refused to produce swine was because the cholera would come along and destroy their herds. The Government and States took hold of this problem some five or six years ago, and now it is within the power of every swine owner to immune his hogs, or at least reduce their loss to an inconsiderable minimum. Talk about preparedness!

One of the best pieces of preparedness that this Government has accomplished was in attacking hog cholera, the result of which finds us undoubtedly with 25 per cent more pork in the United States than we would have had had the Government not taken hold of the problem.

If the Government would have the cattle owner breed to his capacity and keep his animals till maturity in order that the largest results may follow, every energy of the Government should be exercised to prevent his loss.

There is perhaps a still larger consideration affecting the economic side of this question than any I have detailed, and that is what America will have opportunity to do and which it can do for the world. A hurried reference to conditions following our own Civil War applies not only to the colossal war now being fought but to every war that has ever been waged between organized governments.

The keeper of herds from early times have been looked upon with more favor than the tillers of the soil. It was so between Abel and Cain. For this there are some religious reasons. There are reasons based upon turning the fruits of the soil into concentrated form for the sustenance of man. This form does not terminate growth when summer's burning sun gives way to winter's duller orb. There is the more important reason that while fruits of the soil must be carried wherever man would wander, the flocks and herds carry their own weights and the other burdens of man. But more particularly and to the point are the flocks and herds the source and support of soil fertility.

A searching glance of a map covering southeastern Europe, southwestern Asia, and northeastern Africa, coupled with a brief historical survey of that region centered around the cradle of the race, must lead one to consider why no vigorous civilization of the ancient days survive. Why are the peoples all subservient to other powers? Why the decrease of forestry? Why do the rivers carry less waters to the seas? Why is commerce decadent? Why the diminished plains and valleys of plenty? Why the multiplication in number and the extensive increases of desert areas? Why so much sand and so little loam? Many causes familiar to students of history there are but I shall emphasize but one. The history of that section is largely a recital of its wars. Canaan and Moab, Assyria and Babylon, Syria and Persia, Turkey and Egypt, each have sent over some of the others their battling and destructive hosts. The flocks and herds of the defeated have been despoiled while those of the victorious were not augmented. With the alternating tide of battle there was reduction and often destruction of sheep and cattle.

Without the herds and flocks the deserts charging with sand-laden winds invaded fertile valleys and subdued productive plains. In this day travelers passing through that section of the earth eagerly inquire how far to the next oasis or river. In that ancient day the wayfarer or the fugitive inquired what distance to the desert.

Over in Europe they are destroying millions of human beings in battle and elsewhere. But great as is the human waste I am convinced that, relatively speaking, there is a much greater reduction of food animals.

The lesson of the destroyed herds of the Orient is patent to all European countries. When peace arrives their representatives will be coming to this country to obtain factors for rebuilding their herds. They will view the animals as they appear and will study their pedigrees for desirable strains of blood. But while investigating these they will also consult with care the health of the animals considered for shipment to Europe. Then will appear large profits to the American producer and saving to the consumer, combined with advantage to a hungering world seeking to provide for itself that food for which the human system throughout all the ages has craved—namely, beef. [Applause.]

Mr. LEE of Georgia. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. YOUNG].

The CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. YOUNG of Texas. Mr. Chairman and gentlemen, in dealing with this, the annual appropriation bill for the Department of Agriculture, we are dealing with items that touch agriculture in all of its phases, and every phase of agriculture has its peculiar troubles. One section of the country, by reason of climatic conditions, is confronted with its peculiar troubles. Another section of the country, by reason of its peculiar climatic conditions, has its particular troubles. In the forests in some sections of the country we have one trouble; in the prairies of another section we have another trouble, and so far as the Committee on Agriculture is concerned, a committee in which politics does not enter, we, representing the different sections of the country and knowing the troubles confronting agriculture in the different sections of the country from which we come, undertake as best we can, with the expert information given us by our department and with the knowledge peculiar to each of us, to deal fairly with every trouble, from

whatever section that trouble may come, and to legislate in order that the great whole may be taken care of.

Now, the distinguished gentleman [Mr. SLOAN] who has just discussed at some length one of the great troubles, tuberculosis, that confront the live-stock industry of this country will not find any quarrel with me in his effort to eradicate that trouble. It is a trouble not peculiar to live stock. It reaches into the human family and it has been combated all these ages as best it can be combated, and personally I am not averse to doing anything that can be done that would help to eliminate tuberculosis from cattle in any section of the country.

Gentlemen who discuss the great appropriations that they want for this one item can not raise any quarrel with me, coming as I do from a State that has 8,000,000 head of cattle to contribute to the food supply of the world. Our people are intensely interested in that industry. In the year just passed and in the year before that 144 counties of that great State did not have rainfall, and magnificent herds of cattle that men had devoted a lifetime to building up, great thoroughbred herds, had to be sacrificed, and 2,000,000 head of cattle have been swept away. That country is barren. It has had these troubles.

But while I am intensely interested in this great proposition, as a member of the Committee on Agriculture with a duty to perform, with other interests involved, and not one alone, where the whole subject of agriculture must be taken care of, personally interested as I am for my State with its millions of head of cattle, when there comes before the Committee on Agriculture expert information that that committee must rely upon in appropriating the people's money, I am bound to follow the advice and recommendation of those experts. And what do we do with reference to this item? We appropriate every dollar that these experts tell us they can legitimately expend in the next fiscal year, and we give them $50,000 more than they estimated for in the original estimates as they came to our committee. When the direct question was asked of those experts, "How much can you spend on this item in the next fiscal year?" and they told us that $250,000 was the outside amount that they could legitimately use, that committee with one voice gave them $250,000.

Mr. SLOAN. Does the gentleman say that Dr. Mohler did not think that they could use effectively a great deal more than $250,000?

Mr. YOUNG of Texas. I do not think Dr. Mohler's testimony can dispute the statement of the expert that we had before the subcommittee and before the committee, when the direct question was put to him, and he had to answer it. We asked him, "How much can you legitimately use and expend?" and he said $250,000, and we gave it to him.

Mr. SLOAN. That was Dr. Kiernan, was it not?

Mr. YOUNG of Texas. I think that was the gentleman's name.

Mr. SLOAN. And that was what he thought could be used on the basis of the work that had been laid out.

Mr. YOUNG of Texas. Oh, the gentleman is not going to raise any quarrel with me on the amount, when we get the machinery to spend this amount properly. But there rests upon us the duty of taking care of the Treasury at the same time that we take care of these great interests. We have got to have organization, we have got to have system, we have got to have the machinery, and as a Committee on Agriculture we are dependent on the department down here to give us the information as to the machinery they have, and as to what they can legitimately spend. And when they tell us that they can use only so much money, I am not going to vote to appropriate a great sum that will be wasted, however great the end which we desire to accomplish. Now, I have had a little experience in these matters. In the South we have the tubercular trouble. It is not a sectional trouble confined to one section of the country alone. It is all over, and we are all interested in the meat supply of the Nation. But take the Texas fever, that comes by reason of the cattle tick. We have had a great fight on that in Texas, which is an empire within itself. We have spent a lot of money locally, and we had the help of the Federal Government trying to eradicate the pest which brought about this disease. Here would be one bunch of men spending money trying to eradicate it within a certain area, but here was a neighbor over on another great pasture who had not seen the importance of this proposition, and he did not clean up his pasture, and the result was that he overran his neighbor, and we had much lost motion and lost energy, and we wasted a great deal of money. Yet we knew the concrete proposition that we were after, which was to destroy the pest that cost us many millions of dollars each year. But after spending this money gradually from year to year, both locally and by the national authorities, the time finally came around when the whole State was awakened to the proposition, and we did the sensible thing. Millions of dollars had been wasted, but when the proper time came, after a campaign of education had aroused everybody to the necessity of it, we did the sensible thing. Public sentiment being aroused, the legislature of that great State took up the matter of eliminating this pest, and by legislative enactment they said, "The Government has discovered for us a method by which the cattle tick can be eradicated, and we will no longer fool with this pest, but we will say by statutory enactment that Texas must be free of the cattle tick by 1921." So they made compulsory the dipping of the cattle, and by 1921 we will be free from that terrific trouble, and we will have won the fight and struggle that we have had for all these years. But we had to do it gradually. We spent this money, and we built up public sentiment. If the Government had given us millions from the Federal Treasury, and that had been supplemented by millions from our State and our localities, it is likely that it would not have been wisely spent at the time and most of it would have been wasted; but when we attack these great problems we must do it gradually. I believe in attacking them. You will not find me trying to throw anything in the way of the attack you are going to make on tuberculosis. But we have got to handle it as we do other great questions—appropriate the money as it can be legitimately used, make the fight consistently, and when you have organized your machinery and when you are getting it in motion, as they need more money, I am free to say to you, representing the great State of Texas with so many cattle as we have, my voice and my vote will be cast for every dollar that can be righteously expended on this one great subject. [Applause.]

Mr. ROBBINS. Mr. Chairman, will the gentleman permit an interruption?

Mr. YOUNG of Texas. Sure.

Mr. ROBBINS. Before the gentleman leaves that subject, how much does he say can be advantageously expended in this tuberculosis campaign? The gentleman is on the committee.

Mr. YOUNG of Texas. My judgment is the judgment based on the expert on whom we relied, who stated that he could use only $250,000 in the next fiscal year.

Mr. ROBBINS. Is that the amount fixed in the bill?

Mr. YOUNG of Texas. Yes. We gave him every dollar he asked for, and $50,000 more than was in the original estimate.

We have got other problems to deal with. Agriculture never was confronted with such serious conditions as it is to-day. I am sure that you gentlemen from the other States know your own local conditions. I know the conditions in my own great State.

It so happens that Texas is a great cotton and cattle State. It takes a great deal of labor in that State to produce cotton. We are short of labor. Our farmer boys, being patriotic when Old Glory called, went to the colors, leaving the farm, leaving the store. They have gone from us; they are not there to till the soil. That is true of other States in the Union. Not only are we confronted with the fact that the boys who have worked on the farm all these years have gone from us; other classes of labor, listening to the siren song of high wages in manufacturing centers of the country, have left agriculture by the thousands and the farm is stripped of that labor.

I do not know how it is in other States, but in Texas, a State 800 miles north and south and 800 miles east and west, we will be able to plow and be able to seed the crop, but where the labor is to come from to preserve the crop no man can undertake to say.

Mr. DENISON. Will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. DENISON. Did I understand the gentleman to say that the present war has taken the boys from the farms in Texas?

Mr. YOUNG of Texas. Yes.

Mr. DENISON. Does the gentleman mean the draft law?

Mr. YOUNG of Texas. Both draft and volunteer.

Mr. DENISON. The draft law gave to the President the authority to exempt labor on the farm.

Mr. YOUNG of Texas. Speaking for my State alone, I would like to see the color of the eyes of any President who could exempt a boy in Texas when Old Glory calls. [Applause.]

Mr. DENISON. I asked if the gentleman had reference to the draft law and he said he did.

Mr. McKENZIE. Will the gentleman yield?

Mr. YOUNG of Texas. I will.

Mr. McKENZIE. The fact is, is it not, that a large number of the boys refused to ask for exemption?

Mr. YOUNG of Texas. That is true all over the Nation; I do not speak of any particular section. I am speaking of the facts. I am not going to be drawn off into a discussion of the draft law. I voted for it and I would vote for it again, but

these are facts confronting the Nation, and not only the Nation but the world at large. I know, as every gentleman here must know, that in this war in Europe the trouble at this moment is the food supply, something to keep not only the soldiers supplied but the civil population as well. Our allies are looking to us to furnish that food supply.

Mr. SNELL. Will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. SNELL. Has the Committee on Agriculture anything in view to relieve the shortage of farm labor at the present time?

Mr. YOUNG of Texas. It has not been discussed by the committee as a committee, so far as I am advised. So far as I am personally concerned, using my wits as best I may, I do not know and I can not suggest where we are going to get the labor to save the crops of my State.

Mr. SNELL. I notice in a bulletin this morning that Mr. Post, Assistant Secretary of the Department of Labor, says that there is no necessity of importing common labor, that there is plenty in this country. I would like to know where that information comes from. In my district there is a shortage of labor on the farms, and farmers are complaining at the present time and want to know what Congress is going to do about it.

Mr. YOUNG of Texas. I wish I could give the gentleman the information. I am speaking of my section because I know the facts. You gentlemen who have not seen cotton grow do not realize the great labor necessary in the production of cotton. In the saving of cotton after the crop is made you have to pick four or five locks of cotton from one boll, and it all has to be done by hand. In that way one has to gather 1,500 pounds of seed cotton to make a bale of 500 pounds of lint. Last year our crop fell down from 4,500,000 bales to 3,000,000 bales by reason of 144 counties having been swept by drought. Last year had it not been for the failure of the west and southwest Texas, northeast Texas that made a cotton crop could not have preserved it even in the first year of the war. While I am on that item I want to say that this is one item that affects every man in this country as well as in Europe. We are on a starvation basis for cotton supply of the world. For three years, instead of making 16,000,000 bales of cotton in this country, we have made 11,000,000 bales, and 11,500,000 bales, and the present year 10,500,000 bales. There have been three short cotton years, with a war which is demanding this great product.

Now, we must make it to clothe our people. We must save it to clothe our boys in the camp, and this labor question is one which confronts us and we have to deal with it.

Mr. SNELL. Will the gentleman yield?

Mr. YOUNG of Texas. I will.

Mr. SNELL. Does the gentleman agree with the statement of Mr. Post in regard to the importation of labor?

Mr. YOUNG of Texas. I will say that I do not know anything about where those figures or statements came from. I am stating what is true in my section of the country.

Mr. SNELL. I read that from the Official Bulletin issued to-day.

Mr. YOUNG of Texas. The gentlemen from other States know what the conditions are in their sections of the country.

Mr. ROBBINS. Will the gentleman yield?

Mr. YOUNG of Texas. For a question.

Mr. ROBBINS. I notice in this morning's paper a suggestion that we import from Porto Rico 110,000 laborers for use on the farms of the United States. What does the gentleman think of that proposition?

Mr. YOUNG of Texas. I would not like to express an opinion on that proposition, because I have got to think about what is involved in it. I have heard suggestions made here and there of taking the boys out of this place and that place and putting them on the farms. I know as a man raised on the farm that if you go and get people who have never had any experience in farming and put them on the farm, you will not get the best kind of labor. Say what you may about it, in order to be a good farmer mal render effective work, a man has got to have experience on the farm and know how to do that work.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. McKENZIE. As a matter of hope, does the gentleman not think that the good wages paid by the Texas farmers to the Mexican laborers this past season will be an inducement to bring these same men back this year to harvest this year's crop? Is there not some hope in that?

Mr. YOUNG of Texas. The question of good wages is an inducing cause which carries labor from one section of the country to another all of the time. It was the high price of labor in the factory sections of the country that induced these men first to leave the farm to get better wages. They are all human beings, and they are all selfish, just as we are. They want the best wages they can get. We will get them back if wages will get them back. What did we do this year? All my life I have had cotton picked at the rate of 50 to 75 cents a hundred pounds—seed cotton. This year the high wages drove us to pay all the way from $1 to $1.50 a hundred for that crop.

Mr. HUSTED. To what extent would the gentleman say farm labor in Texas had been depleted on account of the war?

Mr. YOUNG of Texas. It would be very difficult to arrange it on a percentage basis. I have not figured it out in that way. The only thing I know is of my own immediate community. There is scarcely a farm in the whole community, from a one-horse farm up, where one to two of the farmer's sons have not gone from the farm into the Army. I have not figured it out on a percentage basis, but you let that run through all the farms all over the United States and it will make a tremendous total. Who is going to say to the boy "No" when he says he is going to the colors? I can not tell a boy in my county not to leave the farm, and I am not going to do so. That is a matter that must address itself to him—what his duty is—but I do know that when he performs his duty as he sees it, and he leaves the farm and enters the service, there is a vacant spot on the farm that some one must be found to fill in order to cultivate and garner the crops in order that the armies at the front may be fed and our civil population may be cared for. It is a great problem that some one has got to work out. Some plan must be devised by which agriculture can be cared for. Of course, great prices for crops help in a way; but however great those prices may be, if you have not the labor to produce them, the crops can not be purchased and can not be conserved.

In this bill we have dealt in a practical way with the different problems that confront the different sections of the country. Where insects appear and the Government say they want to attack the problem, we have given such money as they have said they need, and it is proper to do so. Some gentlemen seem to criticize the appropriation for the eradication of the pink bollworm. It so happens that this insect has struck my State first. It came from Mexico, where many of our troubles come from.

The boll weevil came from there. I had overlooked the fact that along Trinity Bay and three or four counties in the Beaumont section have been ravaged by this insect. I did see that it was discovered up toward the central part of the State, where one field was thought to be infested. I hoped as a cotton grower that the Government specialists were mistaken as to the insects they have found, because I know the history of that pest in other countries. When it enters a cotton field it destroys the field and drives out the industry. That is not a Texas problem any more than it is a problem for the people in Massachusetts, where they manufacture the cotton that grows in that State. It is not a Texas problem any more than the foot-and-mouth disease was a problem of Illinois and for Central and Western States, because the meat problem was a problem for every State in the Union. It is not a Texas problem any more than the gipsy moth is a New England States problem, because that insect threatens the timber all over the country. It is a world-wide problem. Where are you going to get your clothing if the cotton industry is destroyed? This insect has made its appearance in my State. I hope that it may be wiped out. We have combated the boll weevil, and we have been able from year to year to make advancing gains on its destruction. It has been a great fight, too. When that insect first appeared there in my own district honorable men who had spent a lifetime buying their farms and rearing their children had their crops destroyed, and it was on the crop that they expected to survive, and those men made great sacrifices and sold their farms, believing that the insect could never be controlled. They practically gave their land away. But we have got control, and those same lands today are higher in value than they ever were in the history of the State. And I want to say to the gentlemen from the other cotton States of the South, as the boll weevil enters your territory advise your farmers to stay with their real estate and not to sacrifice it as so many Texas farmers did, as we have conquered the proposition and our land values are better than ever. Many of those people who sacrificed their lands are now tenants, and they never have been able to buy a farm again. I hope and pray that the pink bollworm, which is said to be more destructive than the boll weevil has ever proven to be, may be gotten under control, that the Government in cooperation with the States will be able to handle it. Only last year it appeared, and the Legislature of Texas made an appropriation. It is small, it is true, because at that time we did not know the seriousness of the menace, but they did better than that appropriation. They provided that sections of the country where this insect had appeared should be segregated and no cotton should be planted, in order to wipe out the insect, in order that it might not scatter from there to other parts of the State.

You remember this insect is over the southeastern part of the State. That is 400 miles from where I live, in the great cotton belt of Texas, and now by these quarantine regulations on the part of the State, with the aid the Federal Government will give them through their experts' advice and cooperation, it is hoped that at one fell swoop this insect may be destroyed and not live among us as the cotton-boll weevil has all these years. The endeavors of the Government will reach across the Mexican border. There is a certain limited section of cotton territory from where this insects comes, and it is hoped by the aid of the Mexican Government and its people, through cooperation which has been promised, this whole thing can be wiped out in a year's time. Now, the truth is, while some gentlemen have criticized a $500,000 appropriation, $100,000 of it will be actually expended on this educational work—demonstration, and such methods as they use in a question of this kind, quarantine, and so forth—and the other $400,000 is simply an emergency fund that will be used only in the event this insect shows up and it is necessary to use it in the infected section. It is not to be used otherwise, but to be turned back to the Treasury. So much for that item.

Now, on the other hand, as to our boys who go to the front from the farm and our factories and other avenues in life, I want to say, as far as my personal observation goes, I have seen very little evidence of slacking since the country's call, so far as my immediate section of the country is concerned, and so far as I know generally, there is very little evidence of it in any section. But they are gone. They are dependent on those of us left behind here, whether we are in Congress or out of Congress, to see to it that they are properly armed, that they are properly clothed, that they are properly fed, and that they have the proper medical supplies; and I, for one, want to do whatever I can do to see that those boys are gratified in their desires and their demands, because they are risking their lives for me and mine, and it is as little as I can do as an American citizen, as a Member of this body, to contribute my mite wherever I can and however I can in helping our boys at the front, that they may be properly cared for.

Mr. DENISON. Will the gentleman yield?

Mr YOUNG of Texas. I will.

Mr. DENISON. The gentleman has spoken about slacking in connection with the boys in Texas in this war.

Mr. YOUNG of Texas. I did not limit it to Texas.

Mr. DENISON. I want to ask the gentleman from Texas, would he consider it slacking for a young man whose services were needed on the farm to claim exemption on that ground?

Mr. YOUNG of Texas. If a man would figure it out as he would a mathematical proposition, a boy might be of more service on a farm than he is at the front. I feel that. Here is Bill on one farm and Sam on the other, constant companions for a lifetime and great friends, true boys. Bill feels it his duty to respond to the colors. That is where the Government calls and he goes, but Sam may feel he is called to remain on the farm and at once there arises in the community a proposition, why did Bill go and Sam remain? Call it what you may, that is a condition that arises immediately, and when you find one fine fellow volunteering the boy on the next farm to him is going, too. It is then up to us, knowing that it is true from one end of the Nation to the other, it is up to us, how are you going to fill the vacant place to make Mother Earth produce the sustenance that these boys must have at the front? I do not know; I have been thinking a good deal in my office lately where I can be of practical service. I try in every letter that I write to make some suggestion that will help in the community where that letter is written and I have mailed out something in the nature of a circular letter to numbers of people, calling attention to a need here and there, and I think some good has been accomplished from it. I believe that every Member of this Congress representing the various districts of the Nation——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEE of Georgia. I yield the gentleman five additional minutes.

Mr. YOUNG of Texas. If we could feed out from here where we know the demands made on the Government in fighting this war and can get that information into the various sections of the country and wake people up as to the immediate need we can all do some good in a personal way in response to the correspondence that comes to us from every section of our districts. We have got it to do. Whether our service is on this floor or outside of this floor we have that great burden on us and with the conflicting problems that arise it behooves every Member of this body to bestir himself to know just what he can do in a practical way to wake men to take some step or some action that will help to produce the food supply and conserve that food supply.

Great prices will not do it, as I said before. Great prices will not do it, and yet this price problem is a serious problem. Take gentlemen from the corn-growing States. That is their great industry. That is where they get their great resources from, and when they get good prices their people are usually prosperous if they can make a good crop; but prices now can not be compared with prices before the war, because—take one item in my State, where we used to get labor for 50 cents to pick cotton, and they got good wages picking three, four, and five hundred pounds a day, they now have to pay as high as $1.50. The farmers who have got to buy cultivators to grow your corn have to pay 50 to 100 per cent increase on many of those items. Clothing the same way. Your harness is the same way. Besides, you do not grow everything you use. We grow one great crop, you grow another great crop, and as a united country a commodity that helps to make our respective communities great helps to make a great rich Nation, from which our wants are supplied; but when the corn crop fails in the State of my friend from Iowa, why Texas feels that failure.

And when the cotton crop fails in the great State of Texas the State of Iowa, my friends, feels that failure. And so it is true of the crops through all the farming industries. And the diversified interests that we have render us great problems in this bill from year to year in order that we may see to it that all of these industries along the agricultural lines may be properly cared for, and more abundantly cared for just now, because the world is at war. The war will be lost or won in the ability of the United States to furnish the food supply. God grant and give us the wisdom and the power as an American people that we may answer the cry of our own people and our allies, so that when this war ends we may be conscious of the fact that we have met the demands. The war won, and liberty, justice, virtue, and democracy may live forever. [Applause.]

Mr. LEE of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from Missouri [Mr. SHACKLEFORD].

Mr. SHACKLEFORD. Mr. Chairman, just now there is much criticism of our management of the war. Most of these complaints are unjust and very unfortunate.

The President, his Cabinet, and Congress are honestly and earnestly laboring for the common good. Murmuring and grumbling tend to dishearten and discourage them. Moreover, it is calculated not only to injure us in the estimation of our allies abroad, but to create distrust and lack of confidence among the people at home.

Taken altogether the progress made and the efficiency shown by the United States since the declaration of war have been marvelous. The world has been astonished at our success.

Undoubtedly many mistakes have been made in the performance of our gigantic task. It could not be otherwise. Did gentlemen think when we entered the war that it was to be a holiday; that it would cost us nothing; that we should achieve a succession of brilliant performances and make no blunders; that we should score a series of glorious victories and suffer no reverses? These were matters to be considered when we were determining whether we would go to war. It is too late now. We are in war, a terrible war, and the time has come when we must fight, not moan.

A bill has been introduced in the Senate to create a war cabinet clothed with powers to map out and direct war policies and have charge of war supplies. A bill somewhat similar has been introduced in this House. The adoption of this measure would be to take the conduct of the war out of the hands of the President and turn it over to the proposed war cabinet. To do this would, in my judgment, be to invite disaster. We should leave the management of the war with the President. I think it is to be regretted that such a proposition has been brought before Congress. Nothing can come from it except to stir up dissensions and strife at a time when our greatest need is a united people.

This war cabinet scheme has the support of able and patriotic men in both Houses of Congress, but it has received its momentum chiefly from strong influences outside of Congress.

Powerful manufacturers have contributed largely to this propaganda. Secretary of the Navy Daniels and Secretary of War Baker have both been very careful of the taxpayers' interests in purchasing war supplies. This has aroused the antagonism of some who desired greater profits and feel that they might have fared better with a war cabinet.

Another group which has been very active in its advocacy of the proposed war cabinet is composed of politicians who are seeking political advantage. Not only do they criticize the

present policies of President Wilson and Congress, but they rake the realms of the past for dead issues out of which to make political capital. They are still carping about the failure of the President and Congress to plunge the country into the European war at its outbreak to avenge the wrongs of Belgium. Much criticism is still being made against President Wilson and Congress because we did not go into the war upon the sinking of the *Lusitania*. Newspaper columns teem with abuse of Congressmen who, whether mistaken or not, voted against the declaration of war. All of these questions have gone into the past and can have no bearing upon the vital issues of to-day. This carping criticism and abuse is indulged in in the name of loyalty, but is in fact the efforts of ambitious politicians to gain favor by prejudicing the public mind against those who now enjoy the confidence of the people.

A characteristic example of this class is Col. Roosevelt. For several months he has been engaged in bitter denunciation of the President's management of the war. He has not confined himself to a discussion of Mr. Wilson's present policies, but has gone into the issues of the past to find something upon which he could arouse opposition. He claims this all is done to help win the war, but we can not escape the conviction that he is moved by an irrepressible yearning to strengthen himself in popular favor. The following is from an editorial in the Kansas City Star, written by Col. Roosevelt:

> Our economic unpreparedness is just as complete as our military unpreparedness and is one of the chief factors therein. We are now paying bitterly for the fact that two or three years ago it was deemed politically wise to shape our Government policies along the lines of "watchful waiting" and "he kept us out of war." If three years ago we had begun in good faith and earnestly to prepare, and if when the *Lusitania* was sunk we had acted precisely as we did act, with no more provocation, in February last this war would now be over.

Mr. Chairman, I believe the President's policy of "watchful waiting" was sound. The most grievous affliction of our allies has been food shortage. The one thing that has made the ultimate defeat of Germany certain was the great crop of this country in 1917. Had our farmer boys been called to training camps two or three years sooner an insufficient food supply might have compelled England, France, and Italy to have quit the fight.

It is true that our slogan in the last campaign was "He kept us out of war." To that battle cry a majority of the American people rallied and elected Mr. Wilson President against the vehement advice of Col. Roosevelt. Was our position in that campaign correct? I think it was.

But suppose that "he kept us out of war" and "watchful waiting" were unsound policies. Suppose Mr. Wilson and Congress were in error in their failure to enter the European war at its beginning. Suppose Mr. Wilson and Congress blundered in not going into the war immediately upon the sinking of the *Lusitania*. Suppose Congressmen were mistaken in voting against the declaration of war in April. Nobody will contend that the President and Congressmen were not controlled by their conscientious judgment. These questions have all been swallowed up in the voracious yesterday and have no connection with the living, burning problems of to-day. Then why would Col. Roosevelt and scheming politicians of smaller caliber dig up and discuss those dead issues of the past? There can be but one reason for it, and that is a desire to secure political advantage.

Some light may be shed upon the motive of Col. Roosevelt for resurrecting these dead issues and trying to inflame the public mind over them by the news items appearing in the papers for the last few days since he came to Washington. Here is one from the Enquirer:

> WASHINGTON, *June 23.*
>
> Col. Roosevelt brought up the heavy artillery for a tremendous drive for speeding up the war. He rallied the congressional critics of the administration's conduct of military affairs and gave new heart to the movement for the creation of a war cabinet. The breach between the President and Congress widened to the breaking point. On every hand it is admitted that a crisis is on hand that perhaps will determine the future military policy of the United States against the central powers.
>
> Col. Roosevelt's arrival in Washington this morning gave the congressional critics of the administration a leader who intends to make the best of his opportunity.

I will read an item from the Post of the same date:

> Col. Roosevelt's candidacy for the Republican nomination in 1920 was given an impetus at the meeting of the subcommittee of the Republican national committee's executive committee yesterday. Among the Republicans the lines are being drawn between the Progressives, headed by Col. Roosevelt, and the old guards who are generally regarded as unalterably opposed to the consideration of Col. Roosevelt as a candidate.

Nobody doubts the loyalty of Col. Roosevelt, but all Americans must sorely regret to find this great man playing the patriotism of the country as a trump card in a political game. How inspiring it would have been to have found this wonderful genius of organization here not to lead a fight against the President but to promote harmony with the President and a united effort to achieve victory for our country.

Mr. Chairman, our country faces an awful crisis. Before the war broke upon us there were many opinions amongst us as to the policy it were best for us to pursue. Some thought we should go into the war at the beginning to avenge the wrongs of Belgium. When the *Lusitania* went down the number who believed we should enter the war was greatly increased. When we met in extra session last April the President had reached the conclusion that the time had come to abandon the policy of "watchful waiting" and take aggressive action. Some of us believed we should still keep out of the conflict and demand redress of our wrongs when peace should be restored. Each was honest in his own view and would have been unmanly had he not contended for it, but when Congress declared war personal opinions were laid aside and all stood together for our common country. Those who advocated the war and those who opposed it—Democrat, Republican, and Socialist—all lined up together to bring victory to our arms.

Mr. Chairman, all of us—President, Cabinet officer, and Congressman—feel the weight of the appalling responsibilities resting upon us. We all desire to do that which is best for our country. In the performance of our solemn tasks we need the confidence and sympathy of the people and the guiding hand of God.

But, sir, notwithstanding the false notes sounded by the self-seeking few, it is encouraging to know that in this dark hour of war there is harmony and unity of purpose among our people. They hold themselves ready to sacrifice their all upon the altar of their country. They deny themselves fuel. They observe wheatless and meatless days. They stand with purse in hand to subscribe to Y. M. C. A. and Red Cross; to buy thrift stamps and liberty bonds. They submit to the most burdensome taxation to provide revenues for the support of our Army and Navy. Fathers and mothers restrain their sighs and their tears as they send their sons away to fill up the ranks of war. When our young men are called they solemnly, but promptly, go with unfaltering steps to carry their country's flag to victory.

Our souls are filled with gratitude that God has put it into the hearts of the people to so heroically and loyally consecrate themselves to their blessed country.

Mr. LEE of Georgia. Mr. Chairman, I yield 15 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I am particularly interested in the subject which is under discussion to-day, that of the eradication of tuberculosis from the cattle of this country. As the Members present know, some two years ago I introduced a resolution to investigate this subject, and, through the assistance of the federation of labor of my State, cooperating with the Federation of Labor throughout the country, we were able to bring this subject before the various labor organizations, the women's clubs, and other organizations of the country, as to the importance of the eradication of tuberculosis. I told them at that time that there were some 2,000,000 cattle in this country suffering from this dread disease; that there were some 93,000 deaths each year from tuberculosis, and that 6,000 of these deaths could be traced in children who had contracted the disease from tuberculous cattle through the drinking of the milk.

I treated the subject upon the line of sanitation and health more than upon economic lines, because while I believed and while I realized the great importance of the economic question as to the eradication of tuberculosis, and while I admire the magnificent argument made by the gentleman from Nebraska [Mr. SLOAN] along that line, I believe the great and paramount question involved in the eradication of tuberculosis among cattle is to stop the spread of bovine tuberculosis among the people, and especially among the children of this Nation.

We hear a great deal about the conservation of the food supply, conservation of the fuel supply, conservation of this, that, and the other, but I tell you, gentlemen, the great question for our country and for every other white country on the face of the globe in these days is the conservation of humanity and the continuation of the white race with its power and might on this earth, and yet we sit idly by and appropriate the meager sum of $250,000 for the eradication of tuberculosis among cattle, when we know we can trace the death of 6,000 children to that very cause. We appropriate some $800,000 for the eradication of the cattle tick. We appropriate other hundreds of thousands of dollars toward eradicating the boll weevil. We appropriate hundreds of thousands of dollars for the eradication of hog cholera. All these large sums, as the gentleman from Texas says, are not matters for the State of Texas, not for the State of Iowa, or for the State of Massachusetts, but they involve the welfare and the prosperity of all the country from Maine to Florida, and from the Atlantic to the Pacific. We can not touch

upon any of these questions in any one State or in any one section of the country that we do not affect these other sections of the land. And so, as the gentleman said in reference to the boll weevil in Texas, in reference to the hog cholera in the South, in reference to these various other things, they are subjects in which the whole Nation is interested. And likewise is the whole Nation interested in the question of the eradication of tuberculosis from cattle.

I talked to Dr. Mohler. He said, "Yes: $250,000 was all that they had asked for." "But," I said, "Doctor, what can you do with $250,000?" He replied, "Not much. We can proceed along the line on which we have been proceeding, but we can not make much headway." "Suppose you had the $1,000,000 which Mr. SLOAN has asked for in this bill?" He said, "If we had the $1,000,000 we could pursue the subject with greater energy; we could go into the various States and campaign. We could show the people the great necessity for getting rid of tuberculosis; and we could use it with great advantage by adding to our present system of operation. But with $250,000 we can merely proceed along the lines on which we are now proceeding, and which are extremely slow."

Do you know the lines along which they are now proceeding as recorded by Dr. Mohler? I quote from the hearing:

> Before commencing the eradication work in a given area the subject will be presented in its true light, and they would decide by election their will in the matter. Every qualified voter should have the privilege of casting the ballot to decide whether or not tuberculosis should be removed.

Now, just imagine proceeding along lines where you leave the people to vote whether tuberculosis shall be eradicated or not. Did you leave it to the people to vote whether or not the boll weevil should be eradicated? Did you leave it to the people to vote whether or not the hog cholera should be eradicated?

Have you left it to the people to vote whether or not the white plague shall be eradicated from the human race? And yet here you are proposing under this method the using of $250,000 to let the people of any given section say whether tuberculosis in cattle, which spreads disease among all the children of the country, shall be eradicated. And that is the system under the $250,000 appropriation.

As Dr. Mohler said, "If you give me the money to eradicate tuberculosis from cattle, I can get rid of it, and I can get rid of it without these vast sums of money that the people imagine will be necessary." I said, "Doctor, what do you propose to do about these fine herds of cattle, where men have built them up for years, where they are proud of them and are interested in them? Do you propose to kill the cattle?" He said, "No. We propose to separate the diseased cattle from the perfect cattle, and then we propose to take the calves from the diseased cattle and put them with well mothers or feed them on pasteurized milk, and in that way we can save the diseased cattle, we can breed from them, and we can build up the herds to just as large an extent as at the present time and gradually get rid of the diseased cattle without any great loss." So there is no necessity for any great loss. Why, gentlemen, right here, as the gentleman from Nebraska [Mr. SLOAN] has told you, tuberculosis in the District of Columbia has been reduced from 18 per cent to less than 1 per cent. In Maryland it has been reduced in vast herds from 12½ per cent to about 2 per cent, and throughout the whole section where they have worked and where they have had the money with which to work they have gradually eradicated or greatly diminished tuberculosis. I would like to see a million dollars appropriated for this work.

Mr. SLOAN. Mr Chairman, will the gentleman from Maryland yield?

Mr. LINTHICUM. Certainly.

Mr. SLOAN. Dr. Mohler is the head of the Bureau of Animal Industry, is he not?

Mr. LINTHICUM. He is; and he is a man who has given a great deal of study to this work.

Mr. SLOAN. He is the best authority in the world, as I understand, on that subject. If he were given sufficient funds to carry out his plans, as outlined in his letter or statement to me, he would require, as you understand, about a million dollars?

Mr. LINTHICUM. Yes. He told me that if he had a million dollars he could make rapid progress in the eradication of tuberculosis, but that with $250,000 the process would be extremely slow.

Mr. SLOAN. Then the bureau is ready to undertake that campaign if Congress assumes the responsibility and says, "Go ahead"?

Mr. LINTHICUM. Absolutely. But, as the gentleman knows, the heads of these departments are loath to ask for large sums of money. They have difficulty in getting them. It is not like a war proposition. If somebody came in here and said he wanted $5,000,000 as a war proposition you would appropriate it and leave it to him to expend to the best advantage; but if a man comes in here and tells you he wants the money to improve the food conditions and save the lives of children, you say to him, "Let us look into it and see how we can get along." I want to assure you that we ought to look after the interests of the women and children of this country, not only now but after the war is over.

Dr. Schroeder, an expert bacteriologist in the Department of Agriculture, stated before the Committee on Rules that 300 children die annually in New York City of bovine tuberculosis. On this basis the annual death rate throughout the United States from tuberculosis is 6,000.

I ask you, gentlemen, is $1,000,000 too much with which to save the lives of 6,000 children in this country? Look at your own child in your own home, and say to yourself what would $1,000,000 be to you if needed to save the life of that child. Yet you have 2,000,000 cattle in this country yielding diseased milk, from which children die of tuberculosis, and we stand here talking about giving $250,000 for the eradication of this disease.

Dr. Mohler formerly was assistant chief of the Bureau of Animal Industry; now he is chief. Here is what he says: He told the committee that he had personally examined the bodies of a number of children who had died of tuberculosis, and he had found that over 42 per cent of them had died of bovine tuberculosis. Now, we have 93,000 deaths from tuberculosis in this country every year, and about 6,000 of those are from bovine tuberculosis.

I do not want, Mr. Chairman, to take up too much of the time of the committee to-day, but I do want to bring it to your attention that in addition to the economic question that arises as to the saving of cattle and the saving of hogs, which the gentleman from Nebraska [Mr. SLOAN] has gone into so fully and brought to your attention, I want you to take under consideration just what it means to have this tuberculous milk going into the homes of the people of this country.

You know things have radically changed in the last 20 or 25 years. It used to be that the woman milked the cows in the morning and made the butter during the day, and then that butter was sold in the community or was fed to the members of the family. After awhile that condition ceased, and the little dairies and creameries sprang up in the neighborhood and the neighbors would carry the sweet milk to the creamery and there it would be turned into butter and the farmer would take the skimmed milk back home with him.

But that condition changed, and then it became possible, by refrigeration and otherwise, to ship this milk long distances and to turn it into butter and cheese and distribute it through all sections of the country. Nowadays, when tuberculosis in a herd of cattle exists in any one section of the country, you can not tell how far the ramifications of that disease may spread by transportation and refrigeration and by sale in the markets of the country. The milk that a farmer takes to the creamery is not, perhaps, drawn from any cattle affected by tuberculosis; but the skimmed milk he takes home may not be from his own cattle but from some other cattle, which may be affected with tuberculosis, and when he takes that milk home from the creamery and feeds it to the hogs it is possible for him through that milk to impart the disease to them. Over a million hogs slaughtered in Chicago were retained because they were affected with tuberculosis. Two thousand carloads of cattle packed together would constitute the amount of cattle that are rendered valueless on this account.

It is not only a question of economics but a question of sanitation, a question concerning the lives of the children and grown people of this country, and a question which certainly $250,000 will not go very far toward solving. That sum of money will not go very far toward eradicating the disease.

Mr. WASON. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. WASON. Did I understand the gentleman to say that every creature that is affected with tuberculosis and is giving milk will carry the germs of that tuberculosis?

Mr. LINTHICUM. I did not quite catch the gentleman's question.

Mr. WASON. My question was, Will every creature that is affected with tuberculosis and is giving milk transmit the tubercular germs?

Mr. LINTHICUM. I say this, that if you had a child which had a tuberculous mother and that child were nursed by that tuberculous mother, it is more than likely, unless the constitution of the child was very strong, that the child would contract tuberculosis from its mother. But if you took that child when

it was young and fed it on milk not affected by tuberculosis it would not contract tuberculosis.

Mr. WASON. I understood the gentleman's illustration was that if Mr. A's herd was tubercular and the milk from that herd were transported to the creamery, Mr. B might take the milk home and feed it to his hogs and thus infect the hogs?

Mr. LINTHICUM. Perhaps I talked too fast for the gentleman to understand me. What I said was this, that if Mr. A had tuberculosis in his cattle, he would probably take that milk to the creamery, and he would probably not wait until his own milk was turned into butter, but would take the milk that had been furnished by some other farmer to the creamery and take it home; that if he fed the tubercular milk to his hogs, they were apt to contract tuberculosis. Some cows may have tuberculosis in those parts which does not affect the milk, but usually it does.

Mr. WASON. That was what I understood the gentleman to say. But my inquiry now, which was my first inquiry, is this: Does every milch animal infected with tuberculosis transmit it?

Mr. LINTHICUM. Oh, I think not. I think tuberculosis is transmitted very largely because of a weak constitution. Some children are born of tuberculous mothers who nurse them and the children do not contract tuberculosis because their constitutions are strong enough to throw it off, while others have weak constitutions and contract it. Cows may, as I have said, have tuberculosis not affecting the milk.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. I thank the committee for their attention. [Applause.]

Mr. HAUGEN. I yield to the gentleman from West Virginia [Mr. WOODYARD] two minutes.

Mr. WOODYARD. Mr. Chairman, I ask that the following telegram be read in my time.

The Clerk read as follows:

CHARLESTON, W. VA., *January 24, 1918.*

Hon. HARRY C. WOODYARD, M. C.,
Washington, D. C.:

Coal-car situation in Kanawha district shows absolutely no improvement in past two weeks. Worst supply to-day ever experienced, with 131 idle mines and 11,000 idle mine workers, account of no cars. Only 4,800 tons of coal equipment supplied to-day; order for 69,000 tons. Can you secure information indicating immediate improvement? Please answer.

KANAWHA COAL SHIPPERS' ASSOCIATION,
MAX T. PRICE, *Secretary.*

Mr. WOODYARD. Mr. Chairman, this telegram indicates a deplorable, and I might say an intolerable, condition, so far as the transportation system of this country is concerned. The people of this country are making and have been making many sacrifices. They are doing it patriotically and cheerfully, but it seems to me that the time has come when Congress can not sit passively here and allow conditions like this to prevail without at least taking some step to assist the executive branch of this Government in relieving it, as well as many other similar situations in the country. I am sure that every Member on the floor of this House wants to do only that which will help us to successfully prosecute the war; but I want to say, as emphatically as I can, that the time has come when the people of this country are going to demand, and are demanding, that the legislative branch of the Government step in and take some measures to relieve these conditions. [Applause.]

Mr. HAUGEN. I yield 30 minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I am in favor of this bill, but I do not intend to discuss it. I listened with some interest, as I always do, to the gentleman from Texas [Mr. YOUNG], but I do not entirely agree with him on the question of farm labor. I do not think that the young men whose services are necessary to cultivate the crops are in any sense of the word slackers when they claim exemption when drafted into the military service.

Mr. YOUNG of Texas. I beg the gentleman's pardon. I did not say anything from which the gentleman can draw that conclusion. I said I personally might know that the boy who remained at home was doing greater service than he could do in the trenches. Yet his neighbor's boy, who had gone to the trenches might feel otherwise, and as a result, the two boys having been together, would follow the same course.

Mr. DENISON. I may have misunderstood the effect of the gentleman's answer to the question I propounded to him when he was speaking. I think this question of labor on the farm is one that is going to become very serious, and I think it is the duty of men to claim exemption when drafted under the draft law if their services are necessary on the farm. This suggests the question that I want to present to the committee, rather than the agricultural bill under consideration, namely, the question of the administration of the draft law.

Mr. Chairman, the provost marshal general has filed his report to the Secretary of War on the first draft under the selective-service law, which presents some valuable information and some quite interesting conclusions. One of these conclusions is stated by Gen. Crowder in the following words:

ERECTING THE REGISTRATION SYSTEM.

From the moment American participation in the world war became apparently inevitable the enactment of the selective-service law was also inevitable. The trend of continental military organizations since the battle of Jena, and the inception of the junker idea of "the nation in arms" (not to mention the unprecedented military effectiveness of the German Empire in the present conflict), left no doubt that no intelligently directed nation could afford to enter the conflict with less than its entire strength systematized, organized, and controlled for war. Such systematization is impossible under any other than the selective plan for raising armies. The thinking element of the Nation was perfectly aware of the truth of this proposition, and Germany has given such a demonstration of its effectiveness that little argument was necessary to support it in May of this year, and none is necessary to-day. If farms, factories, railroads, and industries were not to be left crippled, if not ruined, by the indiscriminate volunteering of key and pivotal men, then, in the face of such an enemy as Germany, the total military effectiveness of the Nation would have been lessened, rather than strengthened, by the assembly of 1,000,000 volunteers.

With this conclusion I think the mature judgment of almost every loyal American will now agree, especially so in view of the events that have transpired and the military and industrial demands upon us that have become apparent since the enactment of the law on May 18 last.

When the draft law was under consideration in the House I was one of those who at first favored the old volunteer method of raising our Army. Many of my constituents, I thought, were opposed to the idea of compulsory military service. I represent a district where the volunteer spirit and belief in the volunteer system has always been deeply embedded in the minds of the people since the days when Gen. John A. Logan, then the Member of Congress from that district and afterwards the greatest of all volunteer soldiers, resigned his seat in this body and returning home organized his regiment of volunteers to fight for the preservation of the Union. My sentiments and my inclinations were at first favorable to the committee bill, which would have authorized the President to call for volunteers for a period of six months before the draft provisions should become effective.

But after more serious consideration of the question I became convinced that in a matter of such grave importance, where the adequacy and effectiveness of our fighting forces and possibly the very safety of the Nation was involved, I could not afford to follow my personal sentiments against the better judgment and experience of military men and others who were in a position to know better than I what military measures we should adopt.

With the President, the Commander in Chief of the Army and Navy, insistently urging Congress to eliminate the volunteer provision of the bill and proceed at once to raise an Army on the principle of selective compulsory service for all who were of military age; with the Secretary of War and the General Staff of the Army recommending it; with all the great metropolitan newspapers demanding it; with every Republican governor and our two ex-Presidents advising it, I did not feel that I as a Member of the minority party here should vote against the draft law with the volunteer provision eliminated simply because my personal sentiments were in favor of calling for volunteers. Moreover, my judgment told me that this world war into which we had entered was so different from all former wars in methods of warfare and in demands of man power and industrial resources, we could not afford to follow the old method of raising armies if another method more speedy and more effective could be found. And in that connection the disastrous experience of England, which delayed her preparation for effective participation in the war more than a year by depending on the volunteer plan of raising troops, was staring us in the face. We were urged not to make a similar mistake. I became convinced then, although I did not believe it then as firmly as I do now, that in order to win this war we would have to raise an Army of several million men in the shortest time possible, and that to do so without involving the Nation in industrial paralysis some sort of selective system of raising an Army, based on the principle of compulsory or universal obligation to service, would be necessary. I concluded that under the circumstances we could not wisely depend upon the volunteer system, and, since we could not, we had best begin right by at once putting into effect the draft law instead of waiting six months to do so, as was provided in the committee bill then under consideration.

For these reasons, Mr. Chairman, and for others which I stated here at that time, I voted for the selective-service law. Since

then great events have passed swiftly on the world stage and the realization that we are deeply in the war has more fully dawned on the people. If I do not misjudge the stupendous task and the magnitude of the sacrifice that yet awaits this country before we are again at peace with the world, the people everywhere will soon know, if they do not now realize it, that Congress acted wisely in passing promptly the selective compulsory-service law and that any other method of raising the vast armies that we will need would have been nothing less than disastrous. I believe the Provost Marshal General is right when he says in his report, "No intelligently directed nation could afford to enter this conflict with less than its entire strength systematized, organized, and controlled for war. And such systematization is impossible under any other than the selective plan for raising armies. The thinking element of the Nation is perfectly aware of the truth of this proposition."

After the draft law was passed and the machinery provided for immediately raising an adequate military force for training and service, I, with the other Republicans of the House, voted for the proposition to authorize the President to at once send a division of volunteers to France under Col. Roosevelt. This, I think, the President might well have done. It would have had a fine moral effect on the men and the issues in Europe and would have given an opportunity for many men in this country who had had military training to volunteer for immediate service in France.

But, Mr. Chairman, I found on returning to my district this fall that there was some opposition to the draft law among the people and some disposition to complain at the Members of Congress for voting for it. I am led to believe that this condition in my own district was not unlike the condition in many other parts of the country. I tried to ascertain the cause for some of the criticism I heard, and I think the information I obtained is worth calling to the attention of the committee.

In the first place. I think by far the greater part of the complaint and opposition to the draft law has been due not to the principles or provisions of the law itself but to the unhappy methods of the War Department in the administration and execution of the law.

There were a few—but a very few in my district, I am proud to say—who were opposed to the law and who complained at Congress for passing it, whose real opposition, as a matter of fact, was to the war. They were pro-Germans or pacifists who were opposed to our entering the war at all. They were unwilling, for reasons which are quite obvious, to publicly proclaim their opposition to the war. Public sentiment would not tolerate that; but they did mask their opposition to the war under a criticism of the draft law. And I wish to say now, Mr. Chairman, that these objections were not, with few exceptions, among the men of German nationality. I have a great many Germans in my district, particularly in two counties. They are among the most valuable, most industrious, and most successful farmers of my district. And I have never yet received a single letter from any of my German constituents objecting to our declaring war or criticizing me for voting either for war or for the draft law. So far as my own information goes they have, with very few exceptions, been loyal to the United States in this world struggle, and for such as have been loyal I have the highest respect and admiration.

Then I found some who disapproved the draft law because they sincerely favored the volunteer method of raising an army. In talking with some of these I found they were conscientious in their attitude, but they did not fully realize the magnitude of the problems before Congress and the country. They did not understand that Congress had to provide for obtaining quickly an army that might and probably would require several million men; that no one connected with the Government, the War Department, or with Congress believed we could raise the necessary men by calling for volunteers; they did not know that there were but two propositions considered by Congress for providing an army; that both of these provided for compulsory military service in identically the same language; one, however, putting the draft into immediate effect, and the other postponing the draft six months, during which time the President could try to raise the necessary troops by calling for volunteers; and that Congress approved the former plan upon the urgent recommendation of the President, the War Department, the General Staff of the Army, and all of the military men of the country. When they come to realize, as they surely will, that the entire strength of this Nation will be needed in this war, and that our entire strength can not possibly be systematized, organized, and controlled under the volunteer system alone I am sure they will in the end approve the action of Congress in passing the draft law.

Mr. Chairman, when the first quotas of men were assembled to entrain for the cantonments there was, of course, a feeling of distress among the friends and families of the drafted boys. This was only natural and has always been the case when men leave their homes in large bodies to fight for their country. But mingled with this feeling of distress there was also with many a feeling of resentment at the law which took the boys from their homes. This resentment not infrequently was manifested by criticism of Congress for enacting the draft law.

Mr. Chairman, the generally accepted idea of exalted patriotism is for a man to willingly offer his own life for his country. But I have sometimes thought that the fathers and mothers or the wives and children who are left at home are just as patriotic, when, with a smile on their faces and a blessing on their lips, they send their sons or husbands away to the front without complaint. It is one of the most bitter cups of life's journey, and I could not blame those who at first even felt resentful when their sons or husbands were taken away to fight the country's battles in this war. The fact is the events which brought the United States into this war transpired so rapidly the people could not for a time realize we were really at war. They knew, of course, there had been a declaration of war, but to them the war seemed far off. It was only when the law reached right down into almost every home in the land and took the sons and husbands and fathers that the people realized with an awful shock that we were really in the war. And there was at first a rebound in the public mind which found expression in resentment at the law.

I am proud to say, Mr. Chairman, that this resentment has been rapidly disappearing from among the people of my district. My people are loyal and patriotic. As they come to better understand the great peril in which our country finds itself—the great peril to our rights, our liberty, our democratic ideals, and our very existence as an independent Nation; as they come to better understand the stupendous military and industrial problems that confronted the country and had to be solved without delay—they will then realize, I believe, that Congress did the very wisest thing it could have done when it passed the selective-service law.

Mr. Chairman, I have found that a great deal of the adverse feeling of the people toward the draft law has been due to the administration of the law rather than to the law itself. And I desire to say that I believe there has been some justification for this criticism. In raising the first quota of troops the Provost Marshal General's office acted with a haste that was not only unnecessary but unwise; followed a policy that was not in harmony with the intention of the law; and issued rulings that were confusing to the local exemption boards and so contradictory as to be almost unintelligible. The people of the country should know that Congress has had nothing to do with the administration of the law. Responsibility for the manner of administering the law rests with the President and the War Department, and if any criticism is justified on account of the way the law has been administered it must fall upon the War Department and not upon Congress.

Section 3 of the draft law authorized the President to "exclude or discharge from service, or to draft for partial service only, those in a status with respect to persons dependent upon them for support which renders their exclusion or discharge advisable."

In this language Congress gave the President full authority to exclude or exempt from the draft all persons having wives, children, or other persons dependent upon them for support where such dependence rendered their exclusion advisable.

I was present while the draft law was under discussion in the House, and have reread the proceedings in both the House and the Senate. And I think I am safe in saying that it was the purpose and the desire of Congress that married men and those with children or others dependent upon them should be exempted, at least until such time as they were imperatively needed in the military service. Indeed, one of the strongest arguments made in favor of the draft law, as against the volunteer plan, was that under the selective plan men having wives or other dependents could be kept out of the service and the burden of supporting their dependents could be thereby saved to the Government. Congress authorized the President to exempt men with dependent families in the interest of the Government rather than of the individual. The Provost Marshal General says in his report:

The principle was deduced that no exemption authorized in the selective-service law was intended for the direct benefit of an individual, but that every such exemption was for the sole benefit of the Government.

Without doubt this is the true spirit of the law, but the War Department failed to regard this principle, and the best inter-

ests of the Government in the different rulings and instructions given to local exemption boards respecting exemption on the ground of dependency. In the first place, the War Department made a serious mistake in making local exemption boards judges of the law as well as the fact in passing on claims for exemption on the ground of dependency. This, I think, was contrary to the spirit and intention of the law.

Congress authorized the President to determine the status with respect to persons dependent upon them for support which would render the exemption of individuals desirable. Under this authority the President, acting through the Provost Marshal General, should, by proper regulations, have declared clearly and unequivocally the classes of persons whose exclusion from the draft be considered advisable on account of dependency.

Instead of fixing by Executive order or by definite departmental regulation or ruling the class or classes of persons that should be exempted on account of dependency, local exemption boards were left to determine for themselves, in each individual case, the advisability of granting the exemption, and no adequate or clear definition of the statutory terms "dependent for support" was ever given to local boards by the War Department. I know of at least one governor who right in the beginning appealed to the Provost Marshal General to clearly define the rule of dependency that should govern local boards in passing on claims for exemption. But it was not done, at least not until most of the men had been inducted into the military service. The obvious result was that local exemption boards often made their own rules of guidance in passing on claims for exemption. Congress did not intend for local exemption boards to determine the advisability of exempting individual citizens from liability for service. Congress intended, and so provided in the law, that the President should determine that question, and, having determined the class of persons whose status with reference to dependency rendered their exclusion from the draft desirable, the Provost Marshal General, with the approval of the President, should have instructed all local boards to exempt all persons coming within that class. Then the local boards would have been under the duty only of determining the simple question of fact whether claimants come within that class.

This has been done now, after the law has been in operation eight months, and will be followed hereafter in calling men into the service. But it was not done when it should have been done—before over half a million were called into the military service, many of whom should, under the law, have been excluded from the draft. There are thousands of young men in the different military camps to-day who have dependent families at home and whose families the Government will have to support, because of the failure of the War Department to properly administer the law that Congress passed. And this has resulted not only in added burdens on the Government but in unwilling soldiers, and discontented people at home as well.

Now, what has been the result of following a different policy?

In the first place, different exemption boards followed different rules in granting exemptions; there was an entire lack of uniformity in granting or refusing claims for exemptions all over the country. In southern Illinois I know of exemption boards that exempted almost every man who had a wife or children; I know of others that practically exempted none. One board followed a rule of its own, so I heard, of exempting a man if he had a wife and two children, but not so if he had only a wife and one child; another board had a rule to exempt men having a wife and child, but not so if the claimant had a wife but no child.

Mr. COLLIER. Will the gentleman yield right there?

Mr. DENISON. I will.

Mr. COLLIER. I want to ask the gentleman for information if he has investigated and found that this nonuniformity among the different boards is general among the States, or if it is confined to one or two? I myself think there was a great deal of nonuniformity among the different boards.

Mr. DENISON. So far as I have heard, it extended generally everywhere.

Mr. COLLIER. There was no uniformity of action by the local boards, except in very few States.

Mr. DENISON. In very few States. Some boards would exempt men having wives and children whom they supported, while other boards refused exemption in such cases, where the husband or wife had relatives who were able and willing to support them. Some local boards would not exempt any man whose wife was physically able to get out and work for her own support.

In fact, the Provost Marshal General in his report says his office at one time made a ruling that if the parents of the registrant or of his wife were ready, able, and willing to undertake the support of the wife during the husband's absence, local boards would be justified in refusing to exempt in such cases.

This ruling soon proved to be a mistake. Of it the Provost Marshal General says:

This ruling did not work well. The few boards that had been prone to hold married men for service in the absence of the most unequivocal circumstances of dependency took the rulings as authority to look into the material wealth of the parents of the husband or of the wife. Regardless of readiness and willingness, regardless of whether or not the wife had in the past been actually dependent on the labor of the husband for support, these boards held some married men for service wherever it appeared to them that, rather than let the wife suffer, the parents would undertake her support during the absence of the husband.

And then he says further in his report that all local boards were instructed to correct their errors in following this ruling by reopening all claims for exemption that had been denied under it, and that all such errors were happily corrected.

As a matter of fact, I know that there were a great number of such errors that were not corrected. Often local boards would not reopen cases, and commanding generals at the different cantonments would not release the men in many such cases after they had been inducted into the military service. And there are many men in these camps to-day who should have been exempted, and who would have been exempted but for these confusing rulings or lack of clear rulings by the Provost Marshal General, which in many cases misled local boards in the performance of their duties.

Mr. Chairman, one of the most fundamental virtues of any law is the absolute uniformity of its application and administration. A good law may be rendered obnoxious by a lack of uniformity in its application to persons similarly situated. And the people will, under the stimulus of patriotism, bear without complaint a law that is harsh and even burdensome if it falls upon all citizens alike. But where it is enforced in one way upon a citizen or number of citizens or the people of one community and in an entirely different way upon other citizens living in the same community or in adjoining communities, there is a just and legitimate ground for complaint.

Many people in my district have complained to me because some young men were denied exemption while other young men in other parts of their county or adjoining counties, who were similarly situated, were exempted.

In most cases the complaint was not that the registrant had to serve, but that men similarly situated had been excused from service.

I happen to know of one county in southern Illinois where there were two local exemption boards. One board had to raise a net quota of 188 men and the other a net quota of 283. The board with the net quota of 188 men called 256 registrants; the other board, to raise a net quota of 283, called 1,076 registrants. One board allowed but 53 claims for exemption, while the other board allowed 410 claims. One board exempted almost every married man who claimed exemption, while the other exempted very few. I assume that the conditions I have described prevailed in other parts of the country.

And the point I want to make clear is, that this condition was not due to any fault of the exemption boards themselves. In Illinois at least the most honorable, capable, patriotic, and valuable men in the different counties served on local exemption boards, and they served at a sacrifice of their own personal interests. These men, with the very highest self-sacrificing devotion to duty, performed their difficult duties the best they could as they understood them.

The blame must rest upon the War Department for failing in the beginning to assume the responsibility of classifying the men whose exclusion from the draft was advisable, instead of leaving that duty to the different local boards without sufficient instructions to enable them to administer the law uniformly over the country. And, Mr. Chairman, this action on the part of the War Department has resulted not only in a chaotic lack of uniformity in the administration of the law but placed a burden of responsibility upon the members of the local boards that I do not think was within the intention of the draft law; it subjected members of local exemption boards and even Congress itself to criticism, which, if justified at all, should fall upon the War Department.

The Provost Marshal General in his report admits that mistakes were made, and that rulings were made on the question of dependency that did not work, resulted in mischief, and had to be recalled. But he dismisses the matter by saying such mistakes were inevitable under the circumstances. I do not see why this should necessarily have been so.

Mr. Chairman, the selective-service law provides also for the appointment of district boards, with original jurisdiction, to dispose of claims for exemption on industrial grounds, and appellate jurisdiction in claims for exemption on other grounds. One of the principal purposes of providing a tribunal to review appeals from the decisions of local boards granting or denying exemption claims was to more effectively insure uniformity in the administration of the draft law.

And yet I venture the assertion that as a general rule district boards treated their appellate work as a mere perfunctory matter. I venture the further assertion that the regulations and the ruling issued by the Provost Marshal General's office were such as to lead district boards to treat appeals from local boards in exemption claims as mere perfunctory or routine matters. For instance, on August 1, 1917, the Provost Marshal General issued a printed compiled ruling, from which I quote the following instruction to district boards:

It is not expected that district boards will reopen each dependency case in these automatic appeals, but it is intended that each case be scanned with a view to determining whether its result is in consonance with the expression of the principles of the regulations that is found in the rulings of this office and the decisions of local boards in similar cases throughout the country.

And on August 11, 1917, there was issued another pamphlet of compiled rulings by the same office containing this instruction:

It is true that all cases of discharge on the ground of dependency are appealed by the Government to the district board, but this clause is only inserted to secure uniformity in action. District boards are to examine these cases to discover departures from the law, regulations, and rulings; they will not and can not open every case on its merits. It is in the local boards alone, therefore, that the solution of the difficulty and the protection of deserving claimants lies.

I charge that these rulings of the Provost Marshal General gave authority to district boards to practically ignore claims for exemption on grounds of dependency appealed from local boards.

While I was in my district I heard what was a common report there, that the district board had never reversed a single decision of a local board in refusing an exemption claim, and that the board handled such appeals in a mere clerical or perfunctory manner, never looking into the merits of any claim. I do not know that this report was entirely accurate, but I do know it was the general belief among the people.

And when I read these instructions of the Provost Marshal General I was not at all surprised that district boards should have taken that view of their duties.

Mr. Chairman, I am not criticizing the members of district boards personally. They, too, had a difficult duty to perform, and they were men of the highest integrity and patriotism. But I do criticize the War Department for issuing such instructions to district boards as would cause them to ignore one of the very important duties imposed upon them by the act of Congress, and for which they were created. If the War Department had instructed district boards to actually reopen and consider all appeals that came to them from local boards in exemption claims, the unfortunate lack of uniformity in the decisions of different local boards in claims for exemption, particularly on the ground of dependency, would have been discovered and probably corrected.

Mr. Chairman, the draft law also authorized the President to exclude or discharge from the draft persons engaged in industries, including agriculture, found to be necessary to the maintenance of the Military Establishment.

One of the strongest arguments urged in support of the draft law by those favoring it, including President Wilson, was that in this war it would be absolutely necessary to leave undisturbed, as far as possible, those industries, including agriculture, that would be necessary to maintain the Military Establishment. To maintain the Military Establishment in this war it is necessary to feed and fuel our people, our allies, and our Army and Navy. It was urged that if we should undertake to raise armies by the old indiscriminate volunteer system, men in all industries under impulse of patriotism would enlist; key and pivotal men in important industries would go into the Army; and agriculture, so necessary to feed the Nation and its armies, as well as the mines and other industries necessary to the prosecution of the war, would be crippled. And it was urged that by the selective-draft system men necessary in these industries would be excluded from the draft in order to pursue their industrial duties which were just as essential as military duties. Yet, Mr. Chairman, this purpose of the law has been almost entirely ignored by the War Department in drafting into the military service the first 687,000 men. Why, the Provost Marshal General admits in his report that his office considered military necessity first and paid little attention to industrial necessities.

In this connection, I wish to quote the following strange admission in the report of the Provost Marshal General. On page 24 he says:

At the time of the formulation of these regulations the very grave industrial and agricultural problem before the Nation was recognized in this office; but, as shall be developed later in this report, the theory accepted here was that the responsibility for the determination of the question whether this Nation was to contribute militarily, industrially, or both, to the allied aims in this cosmic struggle had been decided before this office was created; that the decision was for military cooperation; that this decision imposed upon this office the necessity of producing the first draft of men synchronously with the military preparation to receive them; and, therefore, that the paramount military necessity was to be adjusted to the agricultural and industrial necessity with the least possible disarrangement of the latter, but with the absolute military necessity always in the foreground.

With this thought in mind the first regulations were promulgated. No apology is needed for them. It is believed that they produced a result with such accuracy in respect to the plan that no substantial criticism can be made of them. Formally it is frankly admitted that they were full of faults.

In other words, Mr. Chairman, the decision that this Nation should cooperate militarily in the world war rather than industrially was made in the inner councils of the War Department before the Provost Marshal General's office was created and before the draft law was passed by Congress. Is there any wonder then that, in administering the law, regulations and rulings were issued by the Provost Marshal General's office that did not carry out some of the provisions or the purposes of the law?

According to the report there were called out and examined 3,082,949 men to raise the first 687,000 men. From this number there were exempted only 20,315 men on industrial grounds in the 4,557 counties or districts of the country, or a little more than an average of 4 men from each county or district.

And 33,528 men were exempted on agricultural claims, or a little over 7 men from each county or district. There were only 851 coal miners exempted from military service in the entire United States. Yet this country, as well as our allies, need nothing worse to-day than they need coal.

Mr. BLACK. Can the gentleman give us any figures as to how many coal miners were taken into the service? He says something over 700 were exempted. Does he have any figures as to how many were taken into the military service?

Mr. DENISON. No; I have not. I know there are about 15,000 coal miners in my district, and if any one of them was exempted on industrial grounds I have not heard of it. Yet we need fuel pretty badly. And we are going to need it worse, and so are our allies, before this war is over. The coal miners are patriotic in my part of the country, and there may not have been very many who claimed exemption on industrial grounds, but if the war continues very long we will have to protect the supply of labor in coal mines whether the men claim exemption or not.

Mr. SHALLENBERGER. Will the gentleman allow me to interrupt him?

Mr. DENISON. Yes.

Mr. SHALLENBERGER. Is it the gentleman's opinion that the administration of this first draft interfered unnecessarily with agriculture, from the fact that not as many were exempted as should have been?

Mr. DENISON. I think so. I heard the remarks of the gentleman from Texas [Mr. YOUNG] a while ago, when I believe the gentleman from Nebraska was not present, and he said that was one of the great problems now before the country, that the men had been taken off the farms to go to war, producing a greater scarcity of farm labor.

Mr. SHALLENBERGER. Then, if it should be established that these men were called into the service before their camps were ready for them, before the War Department were able to clothe and house them properly, in addition to the lack of preparation in that respect, the fact that they were not allowed to give their services to agriculture when labor is so essential to agriculture during the fall, it interfered to that extent also, that they were called out at a time when they were essential to agriculture and when agriculture could have used them to the advantage of the country, as well as at a time when the War Department had not prepared to receive them in the training camps.

Mr. DENISON. Exactly. I can show, if I have time, that according to the Provost Marshal's report itself there was practically a race being run between his office and other branches of the War Department, and that he was trying to get the men into the service by the time the cantonments were ready; and he admits that this was unfortunate, because he got the men ready and sent them into the service before the War Department had prepared for them. This haste was unnecessary and was unfortunate, because it was at a time when the men should not have been taken from the farms unless that was absolutely necessary.

Mr. SHALLENBERGER. September, October, and November are the months when we plant the wheat and harvest the corn, are they not?

Mr. DENISON. Yes.

Mr. TILSON. Will the gentleman yield?

Mr. DENISON. I will.

Mr. TILSON. Speaking of the coal miners, will the gentleman say whether many of them applied or asked for exemption?

Mr. DENISON. Yes; a great many of them did. A great many claimed exemption on industrial grounds, and some of these men that were claiming it were what is termed by the Provost Marshal General "pivotal men," men who had charge of important work essential to the operation of the mines, and they could not get a single exemption. In fact, the first regulations issued by the Provost Marshal General's office seemed to look solely to the question of military preparation and omitted industrial preparation.

Mr. TILSON. Does the gentleman think that if there was some sort of an arrangement made by which a man exempted for real reasons—a munition worker or a farmer or a coal miner—could have some recognition of the fact that although he was willing to go and serve his country, nevertheless it was more important for the service that he stay at home—does the gentleman think that something of that kind would encourage men to stay at home or cause more men to apply for exemption?

Mr. DENISON. I do not think it would cause more men to apply for exemption.

Mr. TILSON. There are munition men working in my district who refused to apply for exemption, saying that it will be said that "I showed the white feather or a yellow streak," and they did not apply for exemption when they were absolutely essential to the manufacturers.

Mr. DENISON. One of the strongest arguments made here in favor of the selective-service law was that by passing it we could protect these industries. I think the time will come when the Government itself will have to protect the industries even if the men do not claim exemption.

Mr. TILSON. I think the gentleman is correct; and in doing so it will be helped by making some recognition of the fact that these men are not showing the white feather, are not showing a yellow streak, but doing that work which is best and most advantageous to winning the war.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HAUGEN. I yield to the gentleman five minutes more.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. SHALLENBERGER. I see that the gentleman has gone exhaustively into the subject, and I would like to ask him if he was able to learn who in the Provost Marshal General's Office was responsible for these men being sent out under draft before the Quartermaster General or the Surgeon General was prepared to take care of them?

Mr. DENISON. I can not answer the question. The Provost Marshal General says that he did it because he was ordered by other departments in the War Department to do it.

Mr. SHALLENBERGER. He does not take the responsibility?

Mr. DENISON. No; he avoids the responsibility.

Mr. STEVENSON. Will the gentleman yield?

Mr. DENISON. I will.

Mr. STEVENSON. Does the gentleman know how many appeals from the district boards to the President on industrial ground have been sustained?

Mr. DENISON. I can not give the figures, but I think the gentleman can find them in the report of the Provost Marshal General.

Mr. STEVENSON. I have been unable to hear of one single instance.

Mr. DENISON. I have never heard of one in my section of the country.

In my own district, Mr. Chairman, I heard of a few cases where farmers were allowed a short time to gather crops before being taken to the military camps. But I did not learn of a single case where a farmer was exempted on agricultural grounds, or where a coal miner or railroad man was exempted on industrial grounds. I represent a district, Mr. Chairman, that is not only a great farming community, but is also one of the largest bituminous coal-mining districts in the United States. I know of cases where the most necessary employees of coal mines and railroad shops were drafted, and not one was exempted on industrial grounds. I know of many cases where boys were taken from farms when absolutely no one was left to gather crops or plant new ones, and not one was exempted on agricultural grounds.

I think, Mr. Chairman, that the country should know that one of the very important purposes of the selective-service law, namely, the protection of industries, including agriculture, from disturbance by reducing the supply of labor, has been almost entirely ignored by the War Department. And I think that the country ought to know that the blame or criticism for this must rest not on the Congress for enacting the law, but on the War Department for failing to administer the law in accordance with its plain purpose and provisions.

And let me call the attention of the committee to the following very illuminating statement in the Provost Marshal General's report:

> Admittedly, also, and for the reasons hereinbefore stated, these early regulations were not addressed to the complete solution of what must now be recognized as the high functions of this office—the striking of the ultimate balance between the industrial, including the agricultural, needs of the Nation and its military needs. With a full realization of its ultimate problem, the first regulations were, nevertheless, intended to serve solely as an expedient which should produce the military result required, with far greater expedition, as it afterwards proved, than was demanded, but in a way such as would never permit this office to fall behind the supply departments in the military preparation of the Nation, and at the same time would protect other national activities against indiscriminate drafts on labor supply. That they have been effective in their result and to this end can never be questioned.

Well, Mr. Chairman, I think they can very properly be questioned; and this admission by Gen. Crowder of the blunders of his office in the regulations under which the first half million or more men were drafted into the military service, and the announcement that a different policy will obtain in drafting men hereafter, may be reassuring to the young men of the country who will hereafter be called into the service. But it is poor consolation to the thousands of young men and to the families of those men who are already in the service, and properly would not have been if the War Department had more carefully carried out the plain purposes of the law.

In conclusion, Mr. Chairman, let me add that I observe that the Provost Marshal General in his report speaks with great emphasis and with apparent pride of the achievement of his office in preparing the regulations and organizing the complicated machinery for putting the selective-service law into execution and having the drafted men ready for delivery to the different military camps by the time originally fixed by the War Department.

We must give credit to whom credit is due. To select over half a million men from civil life and be ready to deliver them by the first or middle of last September was a most remarkable achievement. The war came to this country with a sudden and terrible crash. Men, munitions, supplies, and ordnance had to be furnished by the Government quickly and in great quantities. It fell to the Provost Marshal General to produce the men, to the Quartermaster General to produce the cantonments to receive them and the supplies to equip them, and to the Ordnance Bureau to produce the guns and munitions with which they are to fight.

It is a fact worth calling to the attention of the country, I think, that with all our great wealth and resources we have been able to produce men far faster than we could produce either the camps to receive them, the clothes to clothe them, or the guns and munitions with which to equip them.

And it must be said with humiliation, if not with shame, that the men were produced and sent to the military camps before the camps were completed to receive them, before clothing was provided to clothe them, before equipment was ready to protect them from the weather, and before guns were ready to supply them.

Yes, the Provost Marshal General produced the men with remarkable speed. He himself says the regulations and plans for executing the draft law were prepared in his office six weeks before the draft law was passed by Congress. Of course, they did not fit the law exactly as it was afterwards passed, but they were sufficient to produce the men. Gen. Crowder says, on page 13 of his report:

> The responsibility was upon the office of the Provost Marshal General to produce men as rapidly as they could be accommodated and absorbed into the Army, and the information then furnished by the War Department was to the effect that the Army would be prepared to receive a first call of over half a million men during the month of September, 1917.

Again, he says on August 8, the War Department directed him to furnish 30 per cent of the first draft on September 1, 30 per cent on September 15, 30 per cent on September 30, and 10 per cent as soon after September 30 as practicable.

He further says "unexpected delays in the erection of camps and the accumulation of supplies caused deferments of the original call, and that his office produced the military requirements with far greater expedition than was demanded."

Mr. Chairman, we can not blame the Provost Marshal General for drafting the men into the service before the War Department was ready and equipped to receive them. He was ordered by the War Department to do so. But the War Department, or the system under which it operates, must be blamed for this unfortunate blunder. Many of the drafted boys from Illinois were told to leave their own overcoats at home. They went into camps that were not ready to receive them, and, though the weather was cold, for weeks they did not have blankets or overcoats. And the unfortunate conditions in the different camps disclosed by Senator CHAMBERLAIN, the chairman of

the Military Affairs Committee in the Senate, this week suggest that it would have been better for the country if the War Department had not acted with quite so much speed in sending the drafted men into the military camps.

Mr. Chairman, I am glad that entirely new and different regulations have been prepared and put into effect by the Provost Marshal General, under which the young men of the Nation will hereafter be drafted and sent into the military service in accordance with true purpose and provisions of the law. We must protect the industries and the farms of the country that are necessary to the maintenance of our Military Establishment from too great depletion of labor. Especially must the supply of labor for the farms and coal mines and munition plants be conserved as far as possible. Mr. Chairman, I would not criticize any branch of the War Department if to do so would embarrass anyone in authority in the prosecution of the war. I will hereafter, as I have heretofore, support the President in everything the Government needs to conduct the war to a successful conclusion. I have called attention to these matters, because there has been some just complaint among the people over the administration of the selective-service law, and they are entitled to know on whom, if anyone, the blame should fall. [Applause.]

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. CLARK].

Mr. CLARK of Pennsylvania. Mr. Chairman and members of the committee, I am not going to make any lengthy address. I do not desire to consume the time of this committee but very briefly. The subject matter about which I wish to make some remarks, while not perhaps germane to every provision of the bill before us for discussion, is nevertheless germane to the subject of the bill, namely, agriculture.

It so happened that I was appointed a member of the Pennsylvania public safety committee, and in connection with the discharge of my duties I became chairman of the food supply of the local committee in my State. In discharging those duties I came in contact with the producer, with the person who handles the output, and also with the consumer, not only in one portion of the State but, to a considerable extent, in the entire State. I have attended meetings that have been called by the committee of my State. I attended the meeting held under the auspices of the Pennsylvania committee in Philadelphia not long since; informative addresses were made by prominent State and national officers.

That to which I wish to call the attention of the House is the very grave condition that confronts this country at the time respecting the scarcity of farm labor. Early in the spring of this last year I was called to the western portion of the State and engaged in the perfecting of an organization which adopted plans and set men at work, and the results were very gratifying, and reports of that work were made to two departments of this Government—the Agricultural Department and the Department of Labor. These reports were considered by the officials of those departments as of considerable value. All I wish to do now is to ask unanimous consent to revise and extend my remarks in the RECORD along these lines.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. RAMSEYER].

Mr. RAMSEYER. Mr. Chairman, we are just beginning to learn that this war is not alone a contest between contending armies on the field of battle. The work of the people back of the line will have more to do with bringing triumph to our cause than the embattled hosts. The American farmer must grow more foodstuffs than the German farmer, the American miner must mine more fuel than the German miner, and the American factory must produce more than the German factory. Every man must take a hold and do his level best. Victory on the battle field will be impossible unless we first have victory on the farm, in the factory, and in the mine.

This war is more a contest of economic resources than it is of men under arms. To sustain our armies we must have the cooperation of every useful industry, trade, business, and profession of the country. These must be at the highest degree of productivity and efficiency. Close cooperation of all the activities of the Nation are necessary to win the war. As Kipling puts it:

> It ain't the guns nor armament
> Nor funds that they can pay,
> But the close cooperation
> That makes them win the day.
>
> It ain't the individuals
> Nor the army as a whole,
> But the everlastin' teamwork
> Of every bloomin' soul.

These lines of Kipling apply with even greater force to the people back of the line than they do to the men who constitute the Army.

We have heard a great deal since our entrance in the war about the shortage of labor in certain factories, in the shipyards, and on the farm. That is undoubtedly true. I am more familiar with the farm situation, and I believe it is true as it applies to the farms of the country. Now, the question arises, Are we short the man power to obtain maximum agricultural and industrial production from the farms and factories of the Nation and at the same time maintain intact an army of two or three million soldiers? I am sure we are not—especially is this true if every able-bodied man works or is made to work. In this conclusion I am in accord with Secretary of Labor Wilson. He said January 9 of this year, "There is an ample supply of labor both for the Army and for industry, the problem is one of proper adjustment." Again, he said, "Of course the draft will interfere with industry to some extent, but we have 35,000,000 workers, of whom approximately 1,500,000 will be taken the first year of the war, less than the normal number of unemployed. Our problem, then, is one of readjustment to supply the demand for workers."

I am inclined to think that the Secretary of Labor is right, and that there is an ample supply of labor if it is properly readjusted. On January 3, six days before this statement of the Secretary of Labor was made public, I introduced a bill intended to aid in the readjustment of labor in this country. The bill is H. R. 8001, and the title states its purpose, as follows:

> Providing for the registration of all male persons of the United States between the ages of 16 and 60 years, both inclusive, for industrial and military service during the present war and for one year thereafter; to prevent idleness; for the assignment of all able-bodied male persons between the ages of 18 and 60 years, both inclusive, to labor in some industry, business, trade, or profession essential to the maintenance of the Military Establishment and necessary to the protection and welfare of the people of the United States, and for other purposes.

Sections 1 and 2 of this bill provide for the registration of all male persons between the ages of 16 and 60 years, both inclusive. These sections are copied almost verbatim from the draft law of May 18, 1917. The object of the registration provided for in these sections is to ascertain where the man power of the Nation is located and how it is employed. Information absolutely necessary before an intelligent readjustment of the labor of the country is possible. The information thus obtained is also necessary to enforce other sections of the bill. The records of this registration can also be used from which to draft men into the Army in event Congress changes the age limits for compulsory military service or in event Congress by law provides for universal military training.

Section 4 makes it the duty of every able-bodied male person between the ages of 18 and 60 years, both inclusive, to be regularly and continuously engaged or employed during the present war and for one year thereafter in some lawful and useful industry, trade, business, or profession, or in some public service. Idleness during this period is punishable as a crime.

Sections 5, 6, and 7 make provisions for listing essential industries in the order of their importance to the Military Establishment and also for listing nonessential industries, and empowers the President, in case of labor shortage in the essential industries, to draft laborers from the able-bodied male persons between the ages of 18 and 60, both inclusive, who are either idle or engaged or employed in the nonessential industries and to assign them to labor in the essential industries.

This, in brief, is the bill. Those of you who are interested can get a copy of the bill and study it in detail. The object and purpose of my bill is to give the Government the power to mobilize the man power of the Nation for industrial service necessary for the maintenance of the Military Establishment as well as for military service. It is simply the principle of compulsory military service applied to industrial service during the war. And why not? One service is just as essential as the other. The one is of no avail without the other. The bill proposes to require or compel every able-bodied man within the age limits to serve where his services shall be most effective in bringing about a successful termination of the war. Idlers and slackers at home are no better than are idlers and slackers in the Army, and should receive the same treatment. It is high time that the weary loafers and the well-to-do idlers go to work. If they do not, the wrath of the Nation will surely fall upon their heads. The principles of this bill will make us truly democratic and this democratic war will be carried to a successful conclusion in a truly democratic way. If the war is carried on in a broad democratic way, as this bill contemplates, we will not only conquer the enemy but we will conquer ourselves.

Criminal or regulatory laws are never enacted for the majority but for the minority, who do not appreciate or understand the

obligations and duties they owe to their fellows. So this bill, if enacted into law, will not affect or disturb in any way the vast majority of the people of this country, who are already regularly and continuously engaged or employed in useful and productive industries, such as the farmers, the miners, and others engaged in the many essential industries. The fundamental purpose of the bill is to make all the man power of the Nation useful in the prosecution of the war, and to induce—and if necessary to compel—every able-bodied man to contribute his might to the country's welfare. [Applause.]

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield for a question?

Mr. RAMSEYER. Yes.

Mr. SHALLENBERGER. To whom does the gentleman propose to have the profits of the man's labor go—to the private individual?

Mr. RAMSEYER. The bill in detail provides that drafted laborers shall be paid the same compensation as other persons in the same industry doing similar work. I have not time to go into the details of the bill.

Mr. SHALLENBERGER. The gentleman made a comparison between drafting a man for military service for the Government and for industrial service. In the military service the man serves the Nation; in the industrial service he would serve the individual. Would the gentleman have the profit from the labor go to the Nation or to the individual?

Mr. RAMSEYER. In modern war the farmer is just as essential to victory as is the man in the line, and men should be required to serve wherever the Nation needs them.

Mr. SHALLENBERGER. If he is serving the Nation, but when he serves me as a farmer it is a different situation, is it not?

Mr. RAMSEYER. There is some difference, I admit.

Mr. SHALLENBERGER. Did not we fight a war in this country for four years over the question of denying to a man the profits of his own labor?

Mr. RAMSEYER. The bill designates the services to which men shall be assigned, and among the first are the industries of the Government. The bill contemplates that the idle and those in nonessential industries shall be assigned wherever needed.

Mr. SHALLENBERGER. If we should take these industries over, then I think the gentleman's bill would apply; but if we leave them in private hands, I would have to differ with him.

Mr. RAMSEYER. I am glad to know we agree in part.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. LEVER. Mr. Chairman, the gentleman has made a very interesting statement. Has the gentleman considered the proposition of calling men into the Army, men engaged in the industries, agricultural, and other essential industries, and then furloughing them back to the industries, the continuance of their furloughs being conditioned upon their remaining in the industries, on the farm, for instance?

Mr. RAMSEYER. There is nothing in the bill that covers that. Of course, the question of furloughing a man from the Army, for instance, next spring, taking the farmer boys and sending them back to the farm to help in planting and in the harvest, if they are not needed overseas, I think is a matter for the Executive to handle. After a man once gets into the Army, then he is wholly under the control of the Commander in Chief.

Mr. LEVER. The thought I had in mind is this: Let us take a young man 25 years old, in good physical condition, except, perhaps, that he has lost a finger, which might give him exemption on account of physical disability. That man may be a very good farm hand. Is it quite right that he should be exempted from all services, or is it worth while to think of lowering the physical requirements, drafting them into the Army and then furloughing that type of man back to the industries?

Mr. RAMSEYER. It is not right to exempt any able-bodied man from rendering service to the country during the war? I am not undertaking to discuss the bill in detail, but I think the bill covers that situation.

Mr. LEVER. The point I am getting at is what kind of machinery are you going to develop that is going to do that thing. I agree with the gentleman's principle absolutely, and I have thought a good deal about it.

Mr. RAMSEYER. Sections 5 to 7 of the bill provide for the machinery, and in fact places it in the hands of and authorizes the President by order to use the same organization that he has for conscripting the Army, and such other agencies as may be available and appropriate to aid him in carrying out the provisions of the bill.

Mr. LEVER. If the gentleman will permit me one moment further, the gentleman understands, of course, that the disruption of labor has not come so much from the operation of the selective-draft law, because that has made comparatively small drains upon the labor supply, as it has come, as he knows, from other causes, one of the chief causes being that men have gone from the farm into industrial pursuits, which pay higher wages. For example, in my own immediate country many farmers left the products on the farm to waste while they went to the cantonment near by to work as carpenters. A good many of them left the State to go into the munition factory down here on the Potomac River. And that is true, I take it, all over the country.

Now, the gentleman's proposition is properly to adjust that situation by some method or other which the gentleman has worked out in the bill. I shall certainly read the bill with a great deal of pleasure.

Mr. LITTLE. The gentleman from Nebraska [Mr. SHALLENBERGER] suggested that the bill is well framed to meet the conditions industrially that the Government should take over. Does not the gentleman think perhaps, in view of the way the Government is stepping along in that direction it is about time to make some arrangement to meet that situation?

Mr. RAMSEYER. It not only applies to the industries the Government shall take over, but to other industries which are designated in section 6 of the bill.

Mr. DENISON. Will the gentleman yield?

Mr. RAMSEYER. Yes.

Mr. DENISON. I will ask the gentleman his opinion on this question, as to whether or not there is any right under the Constitution for the Government to make men work unless they are taken into the military service and be made part of the military force?

Mr. RAMSEYER. Oh, I have not thought so much of that. I think there is as much right there, inasmuch as this service is necessary for the maintenance of the Military Establishment, to make the men work to support that establishment as to make them serve in the Army.

Mr. DENISON. I will grant that is true, if taken into the military organization, but if he is still a private citizen has the Government the constitutional right under any circumstances to make him work, unless, of course, he was a prisoner?

Mr. RAMSEYER. That does not worry me. An able-bodied man has no more right to be idle than he has to steal.

Mr. SHALLENBERGER. What is the meaning of the words "involuntary servitude," unless it means a man working for another person against his will?

Mr. RAMSEYER. That very point was raised in the selective-draft law and decided by the Supreme Court in favor of the constitutionality of the law.

Mr. SHALLENBERGER. That is military service; I am speaking of industrial service.

Mr. RAMSEYER. I admit there is a difference, but not that such industrial service would be unconstitutional.

Mr. HULL of Iowa. Has the gentleman any idea of the number of idle men in this country?

Mr. RAMSEYER. Yes; an idea but no statistics except what is contained in the statement of the Secretary of Labor referred to. I will now take up the discussion of the food production.

FOOD PRODUCTION.

In this connection, I desire to make some observations with reference to the farming situation and outlook. We spend most of our time talking about the Army and Navy. These subjects are important, very important; but there is another subject more fundamental; that is, the production of an adequate amount of food. Without food, which is growing scarcer daily, our cause is lost. It is about time that Members of Congress and the people wake up to that fact, for it is the man behind the plow who keeps the man behind the gun. Listen to the authorities that I present to show you the seriousness of the food situation:

ROME, *January 21, 1918.*

"Food is the most important matter now before the allies," David Lubin, American representative in the International Institute of Agriculture, said to-day. He added: "It is useless to deceive ourselves. In view of the increasing consumption of food and decreasing production we shall be unable to feed our armies unless exceptional weather prevails this spring and unless extraordinary measures are applied. Europe's crops may be worse than last year's. The mobilization of women of the United States for farm work may be necessary."

This morning I received through the mail a memorial presented to the President by the Federal Board of Farm Organizations, which represents 2,000,000 farmers. Here are a few paragraphs of the memorial:

We know that the world is short of food. The crops now available are barely sufficient to meet the urgent need, and next year the world shortage is certain to be worse. Insufficient food supplies involve a most serious threat to the early and victorious conclusion of the war, for a starving people can not fight. Unless the farmers of the United States can fill the mouths of our own people and our allies, they will not be filled. Just how great the demand for American food will be we can not yet foretell, but we know already that a larger crop is absolutely necessary.

If food is to win the war, as we are assured on every side, the farmers of America must produce more food in 1918 than they did in 1917. But unless present conditions are radically changed, increased crops next year are impossible. Under existing conditions we can not equal the production of 1917, much less surpass it, and this for reasons over which the farmers have no control.

The American farmer does not ask to be relieved of any task or any burden which belongs to him. He asks for no class exemption, nor special consideration of any sort. The duty which the Nation and the times have laid upon him he desires to fulfill. But he can not make bricks without straw. The conditions which prevent increased production are national conditions, and only the National Government can remove them. It is the duty of the Nation to give the farmer a fair chance to succeed in raising the food the Nation needs, just as it is the duty of the farmer on his part to leave no furrow unturned.

A dispatch appearing recently in one of the great dailies of Iowa states:

Interviews with farmers in various parts of Iowa have revealed the fact that 10 per cent less corn will be raised this year in the Hawkeye State than in 1917, principally because of a lack of farm labor.

I do not wish to be understood as expressing my judgment that there will be less raised in Iowa this year than last. On this subject I have had some correspondence with county farm agents, chairmen of county councils of defense, and others. These gentlemen differ in their views as to the outlook for increased food production in Iowa, but most of them agree that the shortage of farm labor presents a serious situation.

Iowa is the leading corn-producing State in the Union. If less foodstuffs will be raised in Iowa this year, what can we expect from the rest of the country? Along this same line a certain publicity bureau on January 3 had this statement:

In the East the matter is being taken up, and the press of New York City is giving it prominent notice. Word has come from Connecticut that that State has been "positively combed clean" of laborers of every description, and thousands of valuable farms in that section of the country are lying idle as a consequence.

I could cite you further proofs along this line, but these are enough. It presents a situation that is appalling. There is no use to talk about winning this war if we do not produce more foodstuffs this year than we did last, and more next year than we do this year. If we do not increase our food production, we are going to be licked. We ought to quit wrangling about the creation of a war council and go to farming. We must dig a hole and bury politics until after the war and go to work. [Applause.] What the war needs right now more than a secretary of munitions is 1,000,000 and more additional farm hands. The farm hands will keep this country and the allied nations from starving, while the President already has more secretaries and councils than he can handle to advantage. The people are demanding that this Congress differentiate between essentials and nonessentials, and that we get busier in actions than in words.

What do we propose to do to increase the production of the farms? We can not pass it by. We must face and solve that problem or face defeat. Last spring the Department of Agriculture seriously proposed a plan to conscript the idlers and high-school boys of the cities to relieve the shortage of farm labor. Why the combination of idlers and high-school boys I never quite understood. But the plan is so utterly impractical that it never received serious consideration from anyone who ever saw or knows anything about a farm.

There is a certain group of college presidents and certain boards of financiers who are urging a change in our laws to permit the importation of Chinese coolies for farm labor. To me such a plan, even though it might be practical, is unthinkable. The American farmers are patriotic and are willing to offer up their sons to die for their country's cause. But the American farmer is hardly in a frame of mind to receive into his home a Chinaman to take the place of a son who has gone to serve his country in the trenches. With that I pass up this plan as not worthy of further consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I yield the gentleman five additional minutes.

Mr. RAMSEYER. An examination of the 1910 census figures shows that the total farming population between the ages of 18 and 60 at the time was 9,304,700, of which there were farm owners 3,372,500, farm managers 55,600, farm tenants 2,051,400, and farm laborers 3,825,200. The Department of Agriculture estimates that at this time the number of retired farmers not engaged in any gainful occupation is 1,400,000, of which about one-half, or 700,000, probably are under 60 years of age. I think it is fair to presume that most of the 700,000 retired farmers under 60 years of age are physically able to render valuable farm service. There ought to be some way to induce or to compel them to render such service during the war.

Mr. LONDON. Will the gentleman yield?

Mr. RAMSEYER. I will.

Mr. LONDON. Now, is that the very fact which the gentleman has to establish—that the retired farmers are of an age which would permit them to do physical work? Are not these retired farmers of an age which would make it impossible for them to do hard physical work?

Mr RAMSEYER. No; I have just gotten through saying that half of the 1,400,000 are under 60 years of age, and the bill only applies to able-bodied male persons.

Mr. LONDON. Where does the gentleman get that figure?

Mr. RAMSEYER. From Secretary Houston.

Mr. LONDON. How does he get it?

Mr. RAMSEYER. I do not know. I have a letter in my pocket to that effect. Many of these men are around 40 and 50 years of age and physically as able as you or I.

It is also estimated that there are several million boys and young men not now engaged in farm work but who have had more or less farm experience. There is absolutely no use to attempt to place boys or men on the farms who have had no farm experience and who can not or do not want to adjust themselves to the social conditions of farm life. To get more farm production we must have men and boys of farm experience. Others would be a detriment rather than a benefit to farming operations. Only by liberal exemption of farm labor from military service, by enlisting the retired farmers, and by utilizing the men and boys of farm experience but who are now engaged in something else, can the shortage of farm labor be relieved and an increase of food production brought about.

I fully appreciate the difficulties of placing into effect a draft law for industrial service. However, whatever else we do, the male population within certain ages ought to be registered to give the Government needed information for the readjustment of labor. It would also have a good psychological effect, as it would tend to impress each person required to register of his duty to render useful service during the war. I am abidingly convinced that a law should be enacted at once making idleness a crime, which should apply with equal rigor against the well-to-do and the improvident alike. This country has before it a herculean task, which will require the united efforts of the manhood of the entire country. [Applause.]

I append herewith the following letter:

DEPARTMENT OF AGRICULTURE,
Washington, January 22, 1918.

Hon. C. W. RAMSEYER,
House of Representatives.

DEAR MR. RAMSEYER: I have your letter of January 14 inclosing a copy of H. R. 6001 and requesting information regarding the number of farm owners, tenants, farm laborers, and retired farmers.

So far as I am aware, there is no information available on these points later than the census of 1910. An examination of the 1910 census figures show that the total farming population between the ages of 18 and 60 at that time was 9,304,700, of which 3,372,500 were farm owners, 55,600 were managers, 2,051,400 were tenants, and 3,825,200 were farm laborers. The census reports do not give any information regarding the number of retired farmers. On the basis of farm surveys made in different parts of the country, it has been estimated that the number of retired farmers not engaged in any gainful occupation is approximately 1,400,000, of which about one-half, or 700,000, probably are under 60 years of age. The department has no information as to the number of male persons previously engaged in agriculture who are now employed in some other vocation not necessary to the maintenance of the Military Establishment.

The Department of Agriculture has been giving very active attention to the farm-labor problem. It recognizes that the situation is serious and has been doing, and is doing, everything in its power to furnish relief. The inclosed statement indicates some of our activities in this direction and suggests what seems to me to be the most promising lines of effort. As indicated in the statement, a farm-labor specialist has been stationed in nearly every State of the Union to cooperate with State and Federal agencies in dealing with the matter. The department also is working in very close harmony with the Department of Labor and especially with the various employment offices of that department located in different sections of the country. In order to ascertain the possible needs of farmers and to determine ways of meeting them, a systematic survey of the farm-labor situation will be made by the department before the beginning of the next crop season through its agents stationed in the various States and in cooperation with the Department of Labor and the State councils of defense.

Arrangements already have been made with 37 States to undertake such a survey. Farm-help specialists of the department, with the cooperation of the extension departments of the agricultural colleges and the field agents of the Bureau of Crop Estimates, will promptly tabulate the results, and the department will then have reliable information regarding the prospective labor needs on farms throughout the country.

It should be borne in mind that many of the disturbing factors of last year in the farm-labor situation have been eliminated, and therefore in some respects the problem may not be quite so acute another year. Naturally the disturbances are much more violent immediately after a great shock has been given the industrial system. This Nation had been organized on a peace basis. When it entered the war it was necessary not only to create vast additional facilities and machinery, but also to provide on an enormous scale for the operation of the new establishments and of those previously existing. Many shipyards had to be expanded and others had to be created. Large cantonments had to be built, and built quickly. In every direction there were urgent demands for great expansions. Furthermore, it was necessary to have an Army, and this necessarily caused additional labor drains and dislocations. In the haste of the first draft it was impossible to work out a satisfactory classification of labor with reference to the national needs.

The Army cantonments and many of the aviation fields and camps have now been completed and will not have to be duplicated. A part of the great industrial expansion has been accomplished. The new regulations promulgated by the War Department provide a system of classification of the men subject to the draft which contemplates the placing of skilled farm labor engaged in necessary agricultural enterprises in class 2, assistant or associate managers of necessary agricultural enterprises in class 3, and heads of necessary agricultural enter-

prises in class 4. The Secretary of War has asked Congress for authority to furlough soldiers of the National Army whenever the interests of the service or the national security and defense render it necessary or desirable during harvest and planting time, to enable them to assist in the agricultural production of the country. It is reasonable to suppose that, in view of these facts, many of the difficulties previously encountered will be removed or minimized. However, it is well to recognize that the situation will continue to be difficult and that a satisfactory solution will require the best thought of the Nation and the fullest and most complete cooperation of all agencies. The matter will continue to receive the earnest consideration not only of the Department of Agriculture but also of other branches of the Government, including especially the Department of Labor and the Council of National Defense.

Very truly, yours, D. F. HOUSTON, *Secretary.*

Mr. LEE of Georgia. I yield 15 minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I trust I will not be deemed either censorious or presumptious by taking this opportunity to present some observations upon one phase of the state of the war which, in my judgment, is entirely worthy of the earnest consideration of the entire membership of the House, and which challenges the real patriotism of America. I bespeak the indulgence of both sides of the Chamber. What I shall say will not offend any, but I trust may make some impression for fruitful thought upon both my Republican and Democratic colleagues.

The main thought is this: In the midst of and throughout this war, until it shall end in triumph for our arms, we owe it to the country and ourselves and to our cause to give to our Commander in Chief the full measure of sympathetic and helpful aid, comfort, and assistance, and, in addition thereto, to stand behind and back to the limit his policies, and to grant the adequate powers he asks us to grant. We are engaged in a life-and-death struggle with the most malignant form of centralized temporal power, and it might appear illogical and inconsistent to advocate the lodgment of such powers during the period of the war in our own Commander in Chief, but a correct and dispassionate analysis of both the psychology and logic of our necessities will refute and dispel such probable criticism. Because, by the fickle fortuity of the ballot the present Commander in Chief happens to be a member of my own political faith does not alter or modify in the least the inherent soundness of the philosophy sought to be impressed, nor should the natural inclination of the partisan in ordinary times to make capital out of the vulnerable mistakes or blunders of the opposition prevent that partisan in an hour like this from approaching the subject with a very high order of intellectual candor, and should not estop him from asking himself this question: "When the citadel of my country's security and life is assailed, within and without, by most formidable and dangerous adversaries, what can I do to help save it from destruction?" And I submit this proposition with the full knowledge that the present Executive has able and honorable opponents, both in the ranks of the opposition and within his own party.

But to revert to the main proposition. Ask any Member of this House to-day, "What, in the present posture of affairs, do you consider your paramount duty to your home people and the National Government?" and his instantaneous reply will be: "To do everything in my power, by vote, act, counsel, and effort, to bring this terrible war to a speedy and triumphant conclusion." If he does not make that answer, he has no adequate or commendable conception of his moral, political, or representative duty. Mark the matter of his answer—not a tithe or fragment of his possibilities, but everything that he can do. And surely one of the things we all can do is to remember that under our Constitution the President is, whether he ought to be or not, the one person clothed with the power and authority and directly charged with the responsibility of conducting our naval and military operations. The presumption is that for the time being he is the ablest and best equipped man in the country for such a trust; otherwise he would not have been commissioned by the Nation to assume it. The people of this country have said: "We call Woodrow Wilson up out of the multitude of his fellow citizens for this task," and the Constitution says: "Woodrow Wilson, I lay upon you as the elect of your people the great burden of leading and directing the operations and policies of this war, and therein fail not, for by my mandate you alone must answer for this terrible responsibility to your people and to posterity." It would have been the same edict had Charles E. Hughes been the present occupant of the White House. It will be the same in the future if—may Almighty God forbid it—we engage in war. It is our system, and it is a good system. It is so excellent in its conception and ideal administration that I invoke the adherence of Congress and the country to its profound desirability now and hereafter.

No measure of that responsibility is lodged upon the shoulders of Congress in its true significance. We have the exclusive power of declaring war, and we have the duty of raising moneys to carry it on, and the legislative function of furnishing the agencies and instrumentalities for its prosecution, but there our perogative ends, and when we attempt to go further we usurp a function not bestowed by warrant of the Constitution and occupy untenable and precarious ground.

The facts of history show how indispensable to military success is the bestowal or assumption of full and unquestioned authority, plenary and absolute, in one head and hand. What would have been the careers of Cæsar, Cromwell, Napoleon, or Alexander without it? And what dreary and dismal results where not reposed! I cite as an instance the lamentable debacle in Russia, where every newly liberated citizen held himself entitled to vote or act through a committee on questions of military movements and administrative policy. God save this Nation from accomplishments such as the Bolsheviki have achieved.

I do not mean to intimate that we should blindly close our eyes to the deficiencies and remediable mistakes or even blunders that may have been made by subalterns of the President to whom specific duties of equipment and preparation have been intrusted. To do so would be supine and stupid. But I submit to every thoughtful Member, that instead of using such examples as a pretext for intemperately arraigning our whole scheme and system, they can and should be used as things hereafter to be sedulously avoided, and thereby to perfect and strengthen our program of ultimate preparation.

Mr. DENISON. Will the gentleman yield?

Mr. BANKHEAD. My friend, I have only a very limited time, and I fear I can not yield.

I beg no man to withhold helpful, friendly, constructive criticism, but I beseech men high and low alike to refrain, for their country's sake, to stay the tongue of slander, intrigue, and mendacity.

But it will not aid us to say that all our war preparations have fallen down, or our initiative or organization are inherently faulty, for in addition to being untrue, such statements not only hearten the disloyal and seditious among us but terribly discourage our own patriotic citizens. We should rededicate ourselves to the cause of American solidarity and freedom; we should remember that every father and mother who has a son in the Army are not looking on their sacrifice as one of section or cult or party, but are sitting these winter nights in desolate homes, but with resolute hearts and heroic patience, awaiting the news of their boy's supreme sacrifice, if need be, in order that our Republic may live. Do not double their boy's jeopardy by divided and halting counsel and authority. And those men in the ranks—they care not for party quibble or personal spleen between those in authority, and it is nothing less than they should expect that all of us here in Washington should set them the inspiring example of national cohesion and an identical purpose. [Applause.]

Let me repeat, the great thing is to win this war at the earliest day. That happy day can only be delayed by discord and recrimination. It is of small concern to those who are making the master sacrifices of this tragic period as to who shall be Speaker of the next House of Representatives or what aspiring politician may have the bestowal of some sordid patronage. Speaking for myself alone, I would gladly surrender the political control of the House and the Senate, too, in the next election if I could thereby insure the saving of the lives of only a few of those gallant boys who are cheerfully offering their all to make men free and to save forever the peace and security of this Republic. [Applause.]

I fear that the end of this heart-sickening business of war may be a long way off. If so, our people must inevitably make sacrifices enough. Let them be not augmented by internal discord and malignant censure. Let us subordinate the whimsical and unprofitable and set our whole hearts upon the very desirable business of thrashing the eternal daylights out of the German Kaiser.

Remember, you northern men, what infinite anxiety and trouble the so-called copperheads gave Abraham Lincoln when he was dedicating his very soul to the task of saving the Union. Remember, all you men, from every State, that to-day the breed of the political copperhead is not extinct, and they are covertly seeking now to hamstring and hamper Woodrow Wilson, who is dedicating his very soul to the sublime task of saving civilization. [Applause.]

Mr. LEE of Georgia. Mr. Chairman, how much time has been consumed in general debate?

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] has consumed 4 hours and 27 minutes, and the gentleman from Iowa [Mr. HAUGEN] 4 hours and 50 minutes.

Mr. LEE of Georgia. I yield to the gentleman from Mississippi [Mr. QUIN] 20 minutes.

Mr. QUIN. Mr. Chairman, what the gentleman from Alabama [Mr. BANKHEAD] said touching the loyalty we should show to our Commander in Chief, President Wilson, is indeed true, and I trust that the heart of every patriotic American will imbibe that same spirit.

This bill that is before the Congress now is not a war measure, and yet it constitutes the mudsills for the successful prosecution of this war. The agriculture of this country, the production of the fields, comes ahead of all, because no people can carry on a war unless they have full stomachs. Soldiers may have all the ordnance that the combined resources of the world may produce, they may have the finest cannon and musketry, cavalry, aeroplanes, and navy, but they would be bound to fail if they are not properly fed. They must have food.

The Agricultural Committee has brought forth a good bill for this coming fiscal year. The people of the United States of America are called upon not only to feed the people of this Republic and the soldiers of the United States but to provide food and provender for our allies in this great world conflict.

Labor has been taken from every field of activity in the United States. In all the industrial plants labor has been called to arms. From the fields devoted to the production of agricultural products young men have been called from the hoe and the plow to take up arms in defense of their country. Naturally there will be bound to be a smaller crop in 1918 than there was in 1917. The reason is apparent to all. Our land is no more productive this year than it was last and our labor is less. Where will the labor come from to produce the great corn crops that will be required? Where will that labor come from to produce the great wheat crops, all the food crops, and the cotton crops? Some people have an imaginary idea that you are going to get socialists and anarchists out of the cities to go to work out on the farms. You will never get one of those fellows from the cities to go to the farms and call in the hogs, take up the hoe, to get the mule out at daylight, and go to the field and plow. You are not going to get that type of men out in the country to split rails, build up fences, dig ditches, carry on farm operations. These city fellows do not know anything about farming. They can not even put gears on a horse or a mule, much less farm. It requires time, practical experience, and brains to be a farmer. The natural consequence is, my friends, that the farmers of this country, who work all day and part of the night, will not be able to get the great and abundant crops that the management of this war expects.

Then, it is incumbent on the Government to pursue the same activities in the same manner and in the same way, so far as money is concerned, to produce and conserve these farm products as the Departments of War and Navy have pursued in providing ordnance, equipment, and supplies to the soldiers and seamen who prosecute the war.

The Military Committee, of which I have the honor to be a member, does not talk in millions, like some of these other committees. Here sits Gov. SHALLENBERGER, of our committee, who knows that we are now talking about seven billions and eight billions, and the probability of going on up to $10,000,000,000 to provide the United States with clothing and armament for our soldiers in the field. I happen to be chairman of the subsistence committee, a subcommittee of the Military Committee. Do you know what subsistence means? It means that these soldiers must have provided for them clothing to wear and food to put in their stomachs. Naturally I consider where this food is to come from, knowing in my own congressional district, as I do, the scarcity of labor; that thousands of men have been called from the farm to go into the Army. I know this same condition exists in every congressional district in the United States.

It must give us all concern as to whether or not we will be able to produce the necessary food to feed our 104,000,000 people and feed our soldiers in the camps and on the battle fields and on the battleships, and our allies in Europe, who have their man power on the battle field and in the industrial factories producing armament to prosecute the war. Every man in the United States must recognize the fact that not only what we produce must be conserved but that every ounce of energy of the men, women, and children on the farm must be exerted to produce to the utmost capacity in every line of productivity the food and clothing for the people of this country, our soldiers, and our allies.

As it now stands we are almost on the verge of breaking ground to begin planting our crops in the South. Whether or not the Government activity will provide the dehydrating plants discussed here in order that all the vegetables may be conserved and the water extracted from Irish and sweet potatoes and all kinds of vegetables, so that these food crops can be carried through the fall and winter to take the place of the scarce substantials, I do not know, but I do know tin has become very scarce and there may not be a sufficient quantity of tin cans to can all the vegetables raised in the South and in the eastern portion of this Republic. It strikes me that it ought to be called to the attention of the Agricultural Department to ask them in this crisis to grant whatever amount of money is needed to conserve all the vegetables in this country so that in their dry state all food elements are intact, and in the winter months they may be put in the stomachs of the people. It occurs to me that the Agricultural Department, through its Bureau of Markets, would be able to see to it, now that the Government has control of the railroads of this country, that there is proper distribution of all perishable articles that come from the farms of this country, so that nothing could rot in transit, so that nothing would be on the road too long for lack of ice or because of overheating, which would destroy and make it useless for the human stomach. And that the Government could go further than that and lend its activities in getting the necessary fertilizers to the farmers to produce these vegetables, the corn and the wheat and the other food products, in order that we may not have that scarcity which seems to me impending in the food production of this country.

No doubt if this war continues another year there will be a rationing of our people. That time is going to come, and our people had just as well get prepared to put their stomachs on lighter rations morning, noon, and night. The patriotism is here. The people will be willing to do that, but can we call on our soldiers in the field to do on less in their stomachs? Then, the American Government should exert its whole influence in getting the necessary quantity of food produced from the fields of this country, and I believe our Government should look a long time before it takes too many of the young men from the farms and places them under the draft law into the Army. If there is a man that is essential, if there is a man indispensable to industry, it seems to me from what we see before us now, the farm worker, the farm manager, the producer of meat, the producer of corn, of vegetables, and of wheat is the most essential man in this Government to the successful prosecution of the war and the continuance of the different industries of our Republic.

Mr. SMITH of Michigan. Is it not true that the local draft boards can exempt these young men for agricultural purposes?

Mr. QUIN. I would say to the gentleman that under the orders of the Provost Marshal General the local boards are afraid that they would get in the penitentiary if they did that. Do you not know that all of the local boards in all of the rural communities of this country would love to do that very thing if they were not afraid of violating the law. I stated on the floor of this House when they had the draft bill up that the War Department did not intend to exempt the farmers. When some of you people were killing our voluntary bill and putting the conscript law on the books, I quoted what the Secretary of War said before our committee. I knew they were not going to exempt the farmers of the country. I endeavored to get that done in the committee. I saw it was necessary to leave the farmers on the farms to produce food. The War Department said they could not do it and be fair under all the principles of the law.

Apparently inspired editorial articles were sent out all over the country that the farmers were going to be exempted, and for that reason many farmers urged the passage of the bill, because it was going to exempt the farmers. Well, however that may be, it is water that has passed the wheel. We have the law on the books, in many respects a fine law, and all must obey it and live up to it, and the people are going to do that unhesitatingly everywhere; but now is the time for the War Department to realize that the farms must not have their labor taken away from them. What is the use of our committee putting up $8,000,000,000 to carry on this war, with all of these things belching forth fire and lead and brimstone and hell and damnation on the Germans, unless you are going to have the farmers of the country with the necessary labor and ability produce the food to feed those soldiers and keep up our people and our allies?

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. QUIN. Yes.

Mr. SHALLENBERGER. I think the gentleman is borne out by the facts of experience that every nation that goes into war finds it is impossible to fight a war and at the same time increase their food and agricultural production. So to look the matter fairly in the face, I agree with the gentleman that we must prepare to save and ration and come to a lower consumption, rather than hope to meet this thing by an increased production as we go on. No nation has ever achieved that.

Mr. JACOWAY. Mr. Chairman, will the gentleman from Mississippi yield until I ask the gentleman from Nebraska a question?

Mr. QUIN. Yes.

Mr. JACOWAY. I would like to ask the gentleman if he thinks it would materially lessen our chance of winning this war if furloughs could be extended to men who are now in the Army who have been taken from the farms, to go back and raise the crop for this year?

Mr. SHALLENBERGER. I think it would be the proper thing to furlough them back to the farms.

Mr. QUIN. I desire to say that every man who realizes the necessity of the production of food thinks the same thing. Surely the Government would be served best if the farmers now doing soldier duty were furloughed back to their farms to make a crop of foodstuffs this year and that no more farmers be drafted during the year at least. But you can not get that notion into the War Department, and I can see why the War Department hesitates to do it, because they say, "We will demoralize the Army, and we can not afford to have the Army disrupted right here when they are crying for us to get trained soldiers into France." But we can keep them from taking any more men from the fields at this time if the War Department can ever see this matter as I do. We must have food just as much as we must have guns and ammunition.

Mr. SLOAN. Will the gentleman yield?

Mr. QUIN. I will.

Mr. SLOAN. Is it more difficult to get an impression of that kind into the War Department than some others? The gentlemen say it is difficult to get that into the War Department.

Mr. QUIN. They are the ones who have the drafting of these men. Do you know we have on the statute books the draft law that allows them to exempt every man from any essential or indispensable place? As I see, the exigencies of the occasion are arising where it is necessary under the very terms of that bill to keep this indispensable and essential labor on the farm. What foolishness it looks to me to take a man from a farm who can produce thousands of bushels of corn and great droves of hogs and cattle, to take him from the farm and put him in the Army to serve as a private which you could get from any class that produces nothing of material aid for the Government in this war. The Government is taking from the farm able-bodied young white men who are producing food, the very thing we must have to properly carry on this war. It seems to me that the War Department ought to realize the necessity of what I suggest as to leaving these powers on the farms; and how can it realize it unless the question is agitated on the floor of Congress? Some people say it is not fair to leave these farmers back home and take somebody else. It is not altogether a question of fairness; it is a question of absolute necessity and what is best for the Government in this crisis, and so it looks to me that farmers should not be taken into the Army now.

Mr. MORGAN rose.

The CHAIRMAN. Does the gentleman yield to the gentleman from Oklahoma?

Mr. QUIN. I can not yield now. Consider the men producing the ammunition in these factories, and you know it will not do to take all of those factory workers who are producing our cartridges, our artillery, our rifles, and our powder. Is the rifle, is the cannon, is the artillery of any more importance than food? If we were to have a food famine in this country, like the coal famine in the eastern portion of this Republic here in the last five weeks, what do you think our people would do? They would, when they get hungry, when they get into desperate straits, act like wild people. Hunger will drive the best people to desperation, as when they broke in all those show windows and breadbasket places in New York City. That desperation would run rampant from one end of this Republic to the other. It would be the case, because people grow desperate when they get hungry for a long time, and if you have a famine, how could the war continue? How could you prosecute it if people at home and abroad are crying for meat and bread? If God sends plenty of rain and good snows on our farms, and the farmers and their wives and children work with all of their energy, we can not expect to have as much food produced as we will need. Too many farmers are in the Army, and too many have gone into the factories.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. I thank you, gentlemen. [Applause.]

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CONNELLY of Kansas. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GRAY of Alabama. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Chairman, I shall not devote the time given to me to a strict discussion of this bill, because it has already been analyzed and discussed very extensively and very ably by the members of the committee and others.

There is, however, passing over the United States at the present time a wave of dissatisfaction with the management of the war by the administration. The immediate cause of this outburst of public opinion was the speech made by Senator CHAMBERLAIN, chairman of the Military Committee of the Senate, and he by reason of his position is supposed to know more about the conditions of the Army and Navy and the deficiencies in the management of the war, if any exist, than any other man in Congress.

At a public dinner given in his honor last week in New York he made this declaration:

> The Military Establishment of America has fallen down. There is no use to be optimistic about a thing that does not exist. It has almost stopped functioning because of inefficiency in every bureau and department.

This statement from a Democratic Senator who occupies the most prominent position in the Senate, so far as the management of the war is concerned, is startling, and it has shocked the American people. It was of sufficient importance to draw from the President a prepared statement in answer and denial, in which he states:

> Senator CHAMBERLAIN's statement as to the present inaction and ineffectiveness of the Government is an astonishing and absolutely unjustifiable distortion of the truth.

Thus we have the issue between the Executive and a leading Democratic Senator as to the management of this war.

There has been no opposition in Congress from the Republican Party, or any considerable number of it, as to the management of the war by the President.

Personally I have voted for every measure the administration asked or desired in the prosecution of the war against Germany and have unhesitatingly supported the administration and the President in every effort looking toward that end, and it is my plan and purpose to continue to support the administration most earnestly in all war legislation until the war is ended and American arms victorious. [Applause.]

But the Senate Committee on Military Affairs has recently investigated the conditions in the cantonments, of the troops in France; and of the various inactivities of the War Department; and, while this testimony has not been printed and, I am informed, will not be published in full, but only in part, yet the press reports have shown that the troops in the field are without sufficient clothing; that the large death list from pneumonia, measles, and mumps is largely the result of undue exposure in overcrowded tents and incomplete hospitals; that hospitals are in some cases without heat or water or toilet facilities; that the troops are without sufficient guns; and that our Army in France is entirely without ordnance of our own make or providing. This testimony, so far as it has been printed in the public press, has been supplemented by the speeches and statements of the 10 Members of this Congress who have visited the battle front in France and Italy; and they have stated with unanimity and fierce emphasis that our troops in France are not properly protected by cannon, and to send them into the trenches now is to simply send them into a slaughter pen. We were compelled to buy clothing from England and guns and ordnance from France. With these facts before us, the question that confronts every Member of Congress is, Is it right to sit still and remain quiet and simply say that the responsibility of fighting this war is on the President? While that is true, that therefore Congress may remain silent and allow these conditions to continue, or are we not rather duty bound as a part of the Government and responsible to the people, at least for all legislation affecting the war, now, by constructive suggestion, by high patriotic advice, to aid in every way we can the administration in bettering these conditions and in overcoming these and other difficulties and inefficiencies that are now hindering and delaying our war preparations?

No man ought to be characterized as lacking in patriotism or ought to be charged with playing politics or be accused of unfair criticism of the administration when he seeks in good faith to make suggestions that will, he believes, overcome existing failures or give advice that will lead to ultimate success and bring about the complete overthrow of German militarism. No one appreciates, I think, more than I do the magnitude of this war and the rapid expansion of our Military Establishment. Fifteen years' service in the National Guard of Pennsylvania, part of which time as a private soldier,

and finally in the capacity of commissary general of the State, together with my service in the United States Army, covering the entire period of duration of the Spanish-American War, has given me some knowledge of military affairs.

Mr. SLOAN. Mr. Chairman, will the gentleman yield right there?

Mr. ROBBINS. Yes.

Mr. SLOAN. Just touching the question of criticism. Is it not a fact, recognized in education, literature, and politics that criticism is more wholesome and contributes more to good and betterment than praise?

Mr. ROBBINS. I think fair criticism, given in good faith, does. That is as far as I am going to go. Yet I believe the present management of the war lacks coordination; lacks unity of purpose; lacks harmony of action; and above all there is inefficiency in the execution of plans that has produced startling failures in the War Department. Not every plan has failed by any means, not every officer is incompetent, but there are too many failures.

It is true, under our form of government, the President of the United States is the constitutional head of the Nation and the Commander in Chief of our Army and Navy. Congress can not legally interfere with the management or conduct of the war. No Congressman or body of Congressmen, and certainly no party, in Congress wishes to interfere, but there is a widespread feeling in Congress and throughout the country that having voted ungrudgingly and quickly unprecedented large sums of money to the administration to be used in preparing this Nation for war, that Congress ought to at least be permitted to know and be allowed to act with the administration in a broad, high-minded, nonpartisan, patriotic way, for the purpose of obtaining results from the expenditure of this money.

Personally I believe the President, when war was thrust upon us, should have adopted the plan for the war which has proven successful in France, England, and Italy, by organizing a nonpartisan Cabinet.

When Mr. Lincoln became President of the United States, with rebellion threatening the Nation, he wisely selected a nonpartisan Cabinet. The Secretary of State was William H. Seward, of New York, a Whig; Secretary of the Treasury Salmon P. Chase, of Ohio, was a Democrat; Secretary of War Simon Cameron, of Pennsylvania, was a Democrat, succeeded by Edward M. Stanton, of Ohio, a Democrat; Secretary of the Interior Caleb B. Smith, of Indiana, was a Democrat; Secretary of Navy Gideon Welles, Connecticut, was a Democrat; Postmaster General Montgomery Blair, of Maryland, was a Republican, formerly a Whig; Attorney General Edward Bates, of Missouri, was a Whig. Judge Davis said of this Cabinet:

> Lincoln's original design was to appoint Democrats and Republicans alike to office. He carried this theory so far that the radical Republicans regarded the make-up as a "disgraceful surrender to the South," while men of less extreme views saw with some alarm that he called to his advisory council four ex-Democrats and only three ex-Whigs, a criticism which he met by saying that he himself was an "Old-Line Whig" and would be there to make the parties even.

This plan of Mr. Lincoln worked out admirably; it drew to the support of the war all political parties. It became a national war, not a war in which one party is entirely excluded from the active management, and the Cabinet then actually took a part in executive action, with all parties represented in the Cabinet. All our people felt that they were represented, and the war soon became a great national war.

During the recess of Congress I made many speeches in my district and adjacent parts of Pennsylvania upholding vigorously the administration, and advocating most strenuously the prosecution of this just and righteous war to a successful termination.

The situation now demands of every citizen the highest patriotic service that he can render, whether in official life or out of it. We must all be Americans, we must all rise to the highest plane of patriotic devotion and unselfish and unhesitating, vigorous service, and do everything we can to assist the administration in the crisis that confronts us.

It does seem that the organization of the War Department is not working smoothly. The charges made appear to be undeniable, that there is lack of coordination between the purchasing departments of the Army, that they have been bidding against each other until prices have been advanced and industries disorganized. The first shipbuilding organization has gone to pieces. There has been an attempt to reorganize it, with what success is not yet known. It is admitted on all hands that it is away behind with its work and its accomplishments are practically very little up to this time. This can easily be explained by the confusion that seems to prevail in that department of the Government. Let me give a concrete case in point. A large industry in my district that manufactures valves, brass stopcocks, and fittings for the engines of these ships which the Shipping Board are to build has by the Fuel Director been directed to stop all operations to save fuel. How are these ships to be built and completed when the Fuel Director will not permit the manufacture of the necessary fittings required to finish them? This company is, moreover, subject to a penalty if they do not complete the work in a given time. Yet the Fuel Director, disregarding this, prevents them from working. This concern, it seems, is going to get it both coming and going. If it does not make the engine fittings, the ships can not be built and it will be compelled to pay a penalty; if it works it will be fined by the Fuel Administration.

There are seven or more such purchasing departments for the Army, hence there necessarily is overlapping of jurisdiction, competitive bidding in the market, confusion, and delay. No private corporation of much less magnitude than the United States Government for one moment would tolerate such confusion and inefficiency. To point this out is not treason against the Government nor disloyalty to the President, but it is merely a suggestion seeking to draw attention to an existing glaring evil with the hope that it may be remedied. I might present and analyze other bureaus of the War Department and show that this inefficiency seems to prevail to an alarming extent throughout some of its other branches.

Under the act of Congress providing for the national defense there has been organized in connection with the War Department about 150 committees. These are known as the $1 a year men, and these include some of the most efficient men in the country, but they find themselves without any power, and they have in a great many instances quit, and the usefulness of most of the others seems to be at a standstill.

The Republican Members of Congress in conference in the face of this crisis passed a resolution, not condemning the President, not proposing to interfere with the President, but, profiting by the experience of Great Britain and France, as we have a right to profit from their experience, which has been sad and expensive to them, respectfully suggesting to the President the propriety of establishing a bureau of munitions.

This suggestion is made from the highest patriotic impulse and motive. It springs from the hope that the President may turn to the example of Mr. Lincoln, and under this new authority, if given to him by Congress, organize a bipartisan war bureau of the biggest men in the Nation regardless of politics, who shall act under him and aid and help him in more definitely organizing and preparing this Nation to fight Germany and bring quickly to the relief of our hard-pressed allies a completely equipped and efficiently organized military force.

This proposition is constructive. It is in aid of the President; it takes away none of his powers, but it enlarges his authority and enables him to call in the greatest talent in the country in any special line that he may deem proper and use it. This bureau, appointed and selected by the President, will be under his direct control and supervision and responsible to him alone. By means of it he can lift from his own shoulders some of the burdens that doubtless oppress him. By constantly advising with such board that unity of purpose, that effectiveness of action and completeness of accomplishment will be brought about that is not now possible in the preparation for and management of this great war.

Indeed, this course of fair public discussion and suggestion is in complete accord with the principles laid down for our guidance by the President in such cases. The Boston Transcript recently published the following extract from Woodrow Wilson's (now President) work on "Congressional Government":

> Unless Congress have and use every means of acquainting itself with the acts and disposition of the administrative agents of the Government the country must be helpless to learn how it is being served, and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing and crippling ignorance of every force which it is most important that it should understand and direct.
>
> The informing function of Congress should be specially preferred even to its legislative function. The argument is not only that the discussed and interrogated administration is the only pure and efficient administration, but more than that that the only well self-governing people is that people which discusses and interrogates its administration. * * *
>
> It is the principle upon which I shall act and upon which I hope every upright and faithful servant of the people in Congress will act.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ROBBINS. I ask for two minutes more.

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman two minutes more.

Mr. ROBBINS. If this was good doctrine when the President was a professor at Princeton University teaching the science of government, it ought to be good now in practice.

Let us rise to the occasion. Let it not be said that this is a political move or partisan action. It is entirely American, it is wholly patriotic, and it is purely loyal. Mr. Chairman, when the casualties begin to come back from the front the mothers and widows of Americans will accept no excuse if it should appear that these men have been sacrificed unduly by reason of lack of preparation, even in the minutest detail.

The undertaking before us is of such tremendous magnitude that we must throw aside all our personal feelings, our personal affiliations, our personal comfort, and our personal fortunes and make one grand united effort to quickly win this war for freedom and for America. The course above advocated will certainly. I firmly believe, bring about such result, and I submit it for the respectful consideration of the President and of Congress. [Applause.]

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Missouri [Mr. DICKINSON].

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. DICKINSON. Mr. Chairman, I desire to discuss some features of this Agricultural bill, and for that purpose I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I yield to my friend from Texas, Mr. BLANTON.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. Mr. Chairman, I likewise want to discuss some of the features of the bill, and I ask unanimous consent to extend my remarks generally.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I yield to the gentleman from Georgia [Mr. LARSEN].

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. LARSEN. Mr. Chairman, I do not intend to make a speech at this time, but I rise to state that I desire to express my views on this bill, and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] has consumed 4 hours and 55 minutes. The gentleman from Iowa [Mr. HAUGEN] has consumed four hours and seven minutes.

Mr. LEVER. I will say to the gentleman from Iowa that I have only one more request for time on this side. How many has the gentleman?

Mr. HAUGEN. I have three more that I have promised and would like to accommodate.

Mr. LEVER. Very well. I will ask the gentleman from Iowa to use some of his time now. I will use mine later.

Mr. HAUGEN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WALDOW].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. WALDOW. Mr. Chairman, for a Member of Congress to launch an attack upon the executive or administrative branch of this Government in the midst of the greatest war the world has ever known is assuming an enormous responsibility, and on the other hand to accept without question conditions entailing tremendous consequences is to accept an equally grave responsibility.

I will not attempt to criticize to any great extent any of the executives or their departments, but I confess to a belief that there is the gravest necessity for immediate reorganization in many of our present executive and administrative departments. The decision taken by the Fuel Administrator proclaiming a compulsory suspension of business was a drastic decision and can only be justified by the urgent necessity of relieving railroad congestion—the securing of coal for ships in our ports, and the individual need for coal throughout the northeastern section of this country. That the conditions which have led to the present state of things should never have been permitted to occur may be admitted without question. I believe such an order would have been unnecessary if better judgment and foresight had been used three or four months ago when transportation upon our railroads and rivers was not handicapped by ice and snow. If that order and the more recent one of an embargo upon freight will relieve the present situation and prevent a food and fuel famine in this country this winter, I believe that their autocratic demands upon the industrial institutions and the people of this country will be a justification for their issuance. The cost in dollars and individual sacrifice of that order and that embargo I know will be tremendous, but if we prevent a coal and food famine and are able by virtue of this experience to prevent a repetition in the future of this present critical condition I believe the experience will be worth the price the American people have had to pay.

There can be no question that moments will arrive during this great war when heroic remedies become conservative policy by reason of the very fact that they are necessary to prevent more radical or perhaps disastrous consequences.

Mr. Chairman, this bill carries an appropriation of about $26,000,000. This sum fades into insignificance in comparison with the billions that will be necessary to be raised by bonds and taxation and appropriated for war purposes. I hope the Members of this House will in the near future present a new revenue bill to the country that will distribute the burden of taxation in a more just and equitable manner than the one now in operation. I am very candid in stating that unless this course is pursued many of the large industrial concerns in my State and city will be forced into bankruptcy.

I am interested not so much with the past as I am with the future. I am gravely disturbed with the business conditions and their present outlook in this country, and when the business of this country is violently disturbed and demoralized every man, woman, and child's personal welfare is at stake.

I refer particularly to the assumption and statement of some Government officials that in order to win this war we will be compelled to abandon all business known as nonessential. I sincerely hope that the executive department of this Government will not be in haste to act, and that they will investigate from every possible angle and point of view before issuing a proclamation upon essential and nonessential business undertakings—and if nonessential is going to be interpreted to exclude everything except that which is really a part of our war machine, then I predict the greatest financial panic and disaster and the greatest suffering for our citizens that this country has ever known.

The business interest and the people of this country are in favor of a curtailment of the use and the restricting of the manufacturing of the real luxuries of life. Most of us are practicing economy, which I hope will become a habit, for that will enable us to meet after the war industrial conditions without experiencing deprivations and financial distress, and this saving habit will assist materially in the floating of new bond issues and future Red Cross contributions that are really essential for the winning of this war.

Mr. Chairman, American business and American business men realize that the present predicament of commerce and industry is a concrete demonstration of the fact that business as usual is impossible when our Nation is at war. The fact that our industrial organization is one long series of interlocking gears must be taken into consideration when the breaking of a single cog is apt to be the means of stopping industrial cooperation of our entire industrial machine. This, I believe, will be vital not only to a successful prosecution of our war but to the future self-preservation of our business, our citizens, and our Nation. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. HAUGEN. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. McFADDEN].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 10 minutes.

Mr. McFADDEN. Mr. Chairman, I am not going to speak on this bill, but on another subject that is equally as important as this bill at the present time.

This is an industrial war. The greatest financial and industrial organization and the biggest brains that the country possesses are what is needed, and needed now, for to-morrow may be too late. I am wondering whether in the administering of the legislation already enacted recently—legislation said to be necessary to win the war—we have not, in the machinery created, provided a theoretical system which is proving a failure. In other words, are we not now in this the country's greatest crisis living in a theorist's paradise?

In support of that argument I may say that I am receiving constantly letters respecting the situation referred to. I quote from one the following:

The President's statement contained in to-day's papers can be construed as nothing less than a demand for autocratic powers.

His demand that he be allowed to conduct the war without regard to the wishes of Congress, or the people as expressed by Congress, is a contradiction to the public rights as guaranteed by the Constitution.

As between the President and the Constitution, I stand by the Constitution.

It is intolerable that this country be under the rule of the President under the terms which he indicates.

The Garfield lockout edict is but the beginning of many such measures which would follow.

It is distressing to oppose the President. It is distressing to cause any additional delay of anything tending to further prosecution of the war, but in this instance our rights are at stake, and I call upon you as the Representative in Congress from this district to fight for our rights.

I want to quote from another letter from a constituent. I read:

I am one of your constituents from whom you do not hear very frequently, the last occasion being at the time war was declared on Germany, when I asked for your vote in favor of the declaration. The events of the last few weeks, culminating in Dr. Garfield's order closing all the factories and the President's defense of his program and of Secretary Baker, have convinced me that we are now confronted by a crisis no less real than that of last April; that if affairs are allowed to drift on in the direction they have taken we shall become so hopelessly entangled that we shall be in a fair way to lose the war we are righteously waging, not for want of courageous men or material resources but because the Nation's most effective weapon—the executive and administrative ability of her most capable business men and engineers in private industries—is not being directly utilized in cutting away the antiquated and needless complications of established institutions so as to put them on an effective war basis and in building up new organizations when they are necessary. It is true that business men are called upon to advise and suggest, but they are not appointed to the places of power and authority, and their best efforts are thus nullified.

It is needless to recount the results of the administration's past policy in the matter of appointments to anyone who has been in touch with national affairs as you have. The pitiable inability to understand the relation of government to business, the woeful lack of comprehension of their own jobs, displayed by Secretary Baker and Fuel Administrator Dr. Garfield before the Senate committees are too evident to need pointing out. We do not expect that every man appointed will prove to be ideal for his place, but we have a right to expect that the selection shall be made with some regard for previous experience and probable fitness for his duties, and that when incompetence has been clearly shown, the man who has failed shall be speedily replaced.

The people of this country, no less than those of France and England, are ready and glad to make any sacrifice that will contribute to the success of our cause, but our temper is fast changing, because we feel that much is being required that is nothing less than camouflage for some one's failure to handle his job, and in view of this unmistakable change, I believe that there should be a corresponding change in the attitude of Congress from one of unquestioning, almost blind acquiescence in every request made by the administration, to one of insistence upon a businesslike use of the unprecedented powers already conferred.

This serious situation as regards coal is caused primarily by the failure of the administration to fix, in the first instance, a fair and equitable price for the coal at the mines, and then by not having a competent business man with knowledge of the subject to administer the department. The railroad situation was caused by interference on the part of the Government with the technical business of running a railroad, and, in the second place, by a combination between the two departments—fuel and railroad—and the fact that the industries were speeded up and exceeded the ability of the railroads to handle the increased business under the restrictions imposed and the insistence on the part of department heads in the War Department upon issuing priority orders for goods not immediately needed, together with not sufficient coordination of these heads. That is responsible for this serious breakdown.

I want to protest against a policy that would close industries, whether it be by embargo, proclamations from the Railroad Administrator, or the Fuel Administrator, or by the manipulation of the Federal reserve banks or other banks refusing loans to industry, or in any other way restricting the full operation of the industries of the country, first, to furnish the materials necessary for the Government to win the war, and, second, to furnish employment affording a livelihood to the great mass of people who depend on their favorable employment for their existence.

We need the full cooperation of all of the industries of this country, and if we do not get that our system is going to break down.

To my mind it is a most serious situation that confronts us. Some people say, "Shut down the manufacture of nonessentials." I do not know what nonessentials are. I wish somebody would explain to me what are nonessentials. We certainly must keep industry going to the extent of supplying the things that are necessary for the Government to win this war; and, secondly, we must keep the network of industries going to supply employment to men who are engaged in other production, who must live and by their work support their families, or else we will have a more serious condition internally than might be brought about by the war. [Applause.]

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. RANDALL].

Mr. RANDALL. Mr. Chairman, the consideration of this great bill, the Agricultural appropriation bill, may well consume four or five days of time. In times of peace agriculture is the most important question of mankind. In time of war agriculture rises higher than the military, naval, or diplomatic affairs of a nation. Agriculture spells life or death for the people of a nation and of the world.

Just now we are encouraging increased production, and in many ways we are urging conservation of our products—of food and fuel.

Some months ago the distinguished chairman of the Committee on Agriculture brought before this House a measure designed to conserve food supplies by giving the Food Administration power to save the grains, sugar, and fruits wasted in the manufacture of beer and wine. That act has now been on the statute books for months.

In spite of that fact, Mr. Chairman, I hold here in my hand a letter signed by Mr. Hoover, the Food Administrator, in which he admits that he is permitting the destruction of 42,000,000 bushels of barley annually in the manufacture of beer. He says nothing about the 2,000,000 bushels of rice, the 10,000,000 bushels of corn, and the millions of pounds of sugar which go into the manufacture of beer, not whisky. All of this after the 30 per cent reduction recently ordered in production.

I ask the distinguished chairman of this committee, when this barley alone will make four million 1-pound loaves of bread daily, why his committee does not bring in an amendment to his bill making it compulsory upon the Food Administration to save this food?

And while we are speaking of the food wasted by brewers, let me remind you that the brewers are adding to the problems of the Fuel Administrator also. It takes a pound of coal to make a pint of beer.

Why, Mr. Chairman, the brewers of the United States use three and one-half times as much coal as all the bakeries do, nearly six times as much coal as all the printers and publishers, nine times as much as the manufacturers of boots and shoes, and twenty times as much as the manufacturers of men's clothing.

And, Mr. Chairman, the Director General of Railroads finds on his tracks blocking the way of the food trains the fuel trains for homes and manufacturers, the munition trains, and the troop trains bearing our boys toward the battle front—literally thousands of cars of coal tagged to breweries and other thousands of cars of beer tagged back again.

Mr. Chairman, "What fools we mortals be!"

I ask unanimous consent to insert in the RECORD a statement from the census report of 1910 showing the amount of fuel used by brewers in the United States, and so forth.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

"BREWERS IN THE UNITED STATES USE OVER 3,000,000 TONS OF COAL.

"The latest authentic figures for the amount of coal used by the brewers in the production of malt liquor in the United States are given in the Government census reports for 1910, Volume VIII, page 363, as follows:

	Tons.
Anthracite	554,029
Bituminous	2,424,798
Coke	11,530
Total	2,990,357

"This equals 128,000 carloads of 25 tons each.

"In the year ending June 30, 1909, the production of malt liquors in the United States was 56,364,390 barrels. In 1917 the production was 60,729,509 barrels, an increase of 7.7 per cent over 1909. Assuming that there would be a proportionate increase in the amount of coal used, an addition of 7.7 per cent to the 2,990,357 tons used in 1909 gives 3,220,000 tons as the approximate amount used in 1917.

"BREWERS IN MASSACHUSETTS USE OVER 90,000 TONS OF COAL A YEAR.

"According to the same census report, the brewers of Massachusetts used, in the year 1909, 76,231 tons of coal. That year they produced 2,043,013 barrels of beer. In 1916 they produced 2,450,411 barrels, an increase of 19.9 per cent. Assuming a proportionate increase in coal used, gives the amount of coal used by the brewers in 1916 as approximately 91,409 tons.

"BREWERS USE MUCH MORE COAL THAN THE BAKERS.

"The real significance of the amount of coal used by the brewers, however, is better understood when taken in connection with the amount used by other leading industries in the United

States. On page 373 of Volume VIII of the census report for 1910 are given the following statistics:

Industry.	Cost of fuel and rent of power.	Total coal used.
		Tons.
Boots and shoes	$1,847,885	332,758
Bread and baked goods	7,357,847	829,526
Clothing, men's	2,240,019	146,126
Printing and publishing	7,601,152	506,525
Liquors, malt	8,570,892	2,990,357
Liquors, distilled	1,500,049	841,410

"The above figures from the census reports reveal the fact that the brewers use three and one-half times as much coal as the bakers, nearly six times as much as the printers and publishers, nine times as much as the manufacturers of boots and shoes, and twenty times as much as the manufacturers of men's clothing.

"As the total cost of power and fuel for the various industries does not show the same ratio as the amounts of coal used, it is clear that some industries use more electric power or water power than others. It is significant, however, that the total cost of the power and fuel for the production of malt liquors is more than for the production of bread and baked goods, and over four and one-half times that for the manufacture of boots and shoes.

"Shall we be more tender with the profits of the brewers than with the lives of our sons?

"BREWERS OF MASSACHUSETTS USE THOUSANDS OF TONS OF COAL BUT EMPLOY FEW MEN.

"The following statistics, taken from the Massachusetts Supplement of the last United States census report (1910, p. 680, and Vol. VIII, p. 349), are very significant during these days of coal shortage:

Statistics of Massachusetts manufactures.

Industry.	Number establishments.	Capital.	Persons employed.	Total horsepower.	Total coal used in tons.
Boots and shoes	762	$90,243,000	90,048	35,051	102,193
Bread and bakes products	282	12,752,000	9,755	4,316	61,242
Clothing, (men's)	198	8,242,000	8,208	1,733	8,144
Liquors, malt	31	20,288,000	2,091	9,917	76,231

"The above figures reveal the fact that the manufacturers of boots and shoes employ forty-three times as many people but use only one and one-fourth times as much coal as the brewers. Capital invested four and one-half times as much. A specific example:

Industry	Number establishments.	Persons employed.	Wages paid.	Cost of fuel.	Capital invested.
Lynn: Boots and shoes	207	17,942	$9,532,137	$53,036	$17,433,136
Boston:					
Malt liquor	20	1,338	1,019,213	161,565	13,435,765
Boots and shoes	43	6,790	3,046,000	91,990	11,257,336

"The above figures taken from the Massachusetts Supplement of the last United States census report (1910, p. 684) reveal the facts that the boot and shoe manufacturers of Lynn employ thirteen and one-half times as many people, pay over nine times as much in wages, but use only one-third as much fuel as the manufacturers of malt liquors in Boston.

"The boot and shoe manufacturers in Boston employ five times as many people, pay three times as much in wages, and use fuel costing only a little over one-half as much as that used by the manufacturers of malt liquors in Boston.

"Which shall we close—the shoe factories making shoes for soldiers or the breweries turning food into alcohol?"

Mr. HAUGEN. Mr. Chairman, I yield to the gentleman from Indiana [Mr. FAIRFIELD] five minutes.

Mr. FAIRFIELD. Mr. Chairman, the attitude of the people of this country has been the right attitude of a great people toward an executive, burdened as the Chief Executive of the United States is with the most momentous problems that ever have confronted any country in any age. The spirit of this House has been the right spirit. I am glad to say that even in the conference the other night not one discordant note was uttered, so far as a desire to prosecute the war effectually was concerned. True, there has recently been a little criticism. We are fighting the idea that the king can do no wrong, and in a free country it certainly is proper that the legislative department should become an informing body in its answer to the people. And as bearing immediate fruit of this criticism I call your attention to a statement in the Washington Star of this evening:

BUYER FOR ARMY APPOINTED BY U. S.—SECRETARY BAKER PICKS E. R. STETTINIUS TO SUPERVISE U. S. PURCHASES—BEGINS WORK AT ONCE.

Edward R. Stettinius, of New York, was appointed to-day as surveyor general for all Army purchases.

Secretary Baker in making the announcement said:

"Mr. Edward R. Stettinius, of New York, has been appointed surveyor general of all Army purchases. He will be in charge of the procurement and production of all supplies by the five Army bureaus, viz, Ordnance, Quartermaster, Signal, Engineer, and Medical. It will be his duty to coordinate such purchases and properly relate the same to industry, to the end that the Army program be developed under a comprehensive plan which will best utilize the resources of the country.

"From the outbreak of the war Mr. Stettinius has been in sole charge of the allied purchases in this country and has been responsible for the development of the production of war materials. His intimate knowledge of war conditions in Europe and in the United States, as related to industry, and the practical means he has used to accomplish his plans, preeminently qualify him for his position.

"Mr. Stettinius will assume his new duties at once and establish his office in Washington."

Gentlemen of the committee, it seems strange that not until the criticism had been voiced in another body, not until there had been suggestion of possible criticism on the floor of this House, was such action taken; but it is a source of gratification that promptly the effort is made to answer the constructive criticism that has been suggested, by following out the lines that have been indicated. I did not call attention to this any earlier, for the gentleman who spoke a few moments ago [Mr. ROBBINS] was urging, and properly urging, the very thing that the Secretary of War has undertaken to do.

I am concerned, gentlemen, more with the spirit of the country than I am with discussions that may arise here now and then. Above all else we ought to keep the spirit of the country united behind the Government for efficiency in the prosecution of the war. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9054, the Agricultural appropriation bill, and had come to no resolution thereon.

CHOCTAWS AND CHICKASAWS.

The SPEAKER. There is a bill, H. R. 329, which is clearly a private bill and ought to be on the Private Calendar. By accident it went to the Union Calendar. Without objection, it will be changed to the Private Calendar.

There was no objection.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Saturday, January 26, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a proposed clause of legislation for inclusion in the urgent deficiency bill (H. Doc. No. 859); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of State submitting supplemental estimates of appropriation required for the expenses of foreign intercourse for the fiscal years 1918 and 1919 (H. Doc. No. 860); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of San Francisco Bay, Cal. (H. Doc. No. 861); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TIMBERLAKE, from the Committee on the Public Lands, to which was referred the bill (H. R. 175) to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915, and for prior years, and for other purposes, reported the same without amendment, accompanied by a report (No. 258), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 5559) to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes, reported the same with amendment, accompanied by a report (No. 259), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

The bill (H. R. 7558) granting an increase of pension to William A. Strong; Committee on Pensions discharged, and referred to Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 9247) granting certain lands to Boise, Idaho, for park purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 9249) providing for the conservation of certain foodstuffs in the District of Columbia; to the Committee on the District of Columbia.

By Mr. PADGETT: A bill (H. R. 9250) to provide promotion for retired officers performing active duty in time of war; to the Committee on Naval Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 9251) to relieve Congress from the adjudication of private claims against the Government; to the Committee on the Judiciary.

By Mr. DENT: A bill (H. R. 9252) to authorize the appointment of two colonels and four lieutenant colonels in the Veterinary Corps of the Army; to the Committee on Military Affairs.

By Mr. CARTER of Oklahoma: A bill (H. R. 9253) for the purpose of conferring citizenship upon all Indians and segregating the competent Indians from the supervision of the Indian Bureau; to the Committee on Indian Affairs.

By Mr. McLEMORE: Resolution (H. Res. 235) authorizing the District of Columbia Committee to investigate reports of an alleged scheme or conspiracy by certain real estate dealers or agents to get possession of the National Guard Armory Building and to rerent it to the United States; to the Committee on Rules.

By Mr. REAVIS: Joint resolution (H. J. Res. 228) to provide notification of illness of soldiers; to the Committee on Military Affairs.

By Mr. CARY: Joint resolution (H. J. Res. 229) to permit the naturalization of certain aliens whose parents neglected to take out naturalization papers prior to their death, to relieve a large number of persons from unmerited hardships, and to strengthen the military resources of the United States; to the Committee on Immigration and Naturalization.

By Mr. MOORES of Indiana: Joint resolution (H. J. Res. 230) authorizing and requiring the Secretary of War to prescribe all rules and needful regulations for the government of the various internment camps; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9254) granting a pension to George F. Bostwick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9255) granting an increase of pension to Jacob Moses; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9256) granting an increase of pension to William Amspacker; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 9257) granting an increase of pension to Michael McCormick; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 9258) for the relief of Andrew Ohler; to the Committee on Military Affairs.

By Mr. DEWALT: A bill (H. R. 9259) granting a pension to John A. Ferree; to the Committee on Pensions.

By Mr. DICKINSON: A bill (H. R. 9260) granting a pension to Sarah Weaver; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 9261) granting an increase of pension to Elenm Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9262) granting an increase of pension to James Finnagan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9263) granting an increase of pension to George Rush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9264) granting an increase of pension to Josiah Vauscyre; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9265) granting an increase of pension to Joshua Markley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9266) granting an increase of pension to Jerry A. Fitzgerald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9267) granting an increase of pension to George Bowery; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9268) granting an increase of pension to Michael P. Wells; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 9269) for the relief of Capt. Fred S. Johnston; to the Committee on War Claims.

By Mr. LEA of California: A bill (H. R. 9270) granting an increase of pension to Hiram E. Turner; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 9271) granting a pension to Ja Dee Strouman; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 9272) granting a pension to Louisa M. Robinson; to the Committee on Invalid Pensions.

By Mr. MILLER of Minnesota: A bill (H. R. 9273) for the relief of Alfred B. Andrews; to the Committee on Claims.

By Mr. MOORES of Indiana: A bill (H. R. 9274) granting a pension to Charlotte Lewis; to the Committee on Invalid Pensions.

By Mr. PAIGE: A bill (H. R. 9275) granting a pension to Edwin D. Goodell; to the Committee on Pensions.

By Mr. ROSE: A bill (H. R. 9276) granting an increase of pension to Robert Dignan; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 9277) granting an increase of pension to Silas C. Robbins; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9278) granting an increase of pension to Jahue H. Greenway; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 9279) granting an increase of pension to Adam A. Worthington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9280) granting a pension to Elmer Kinder; to the Committee on Pensions.

By Mr. WARD: A bill (H. R. 9281) for the relief of Lieut. Col. Henry C. Davis; to the Committee on Naval Affairs.

By Mr. WEBB: A bill (H. R. 9282) granting a pension to the minor children of Ephraim G. Gray; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FULLER of Illinois: Memorial of Illinois Audubon Society, favoring the migratory-bird-treaty bill; to the Committee on Agriculture.

By Mr. GRAHAM of Pennsylvania: Resolutions of the Pennsylvania Manufacturers' Association and the Knitting Manufacturers of Philadelphia, protesting against the fuel order; to the Committee on Agriculture.

Also, resolution of the physicians' group of the Chamber of Commerce, Philadelphia, Pa., objecting to that part of the war-revenue act dealing with the income of physicians; to the Committee on Ways and Means.

Also, resolutions of the Veterans' Home, Napa County, Cal., for the relief of volunteer officers of the Civil War, placing them on the same footing as officers of the Regular Army; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: Petition of war council of the Providence (R. I.) Chamber of Commerce, favoring passage of daylight-saving legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petitions of R. C. Sutton, Joseph Antenson, William Evans, and others, favoring passage of the Keating and Nolan wage bills; to the Committee on Appropriations.

Also, resolution of the board of representatives of Federal Employees' Union, No. 2, protesting against recommendation of the Postmaster General for the repeal of the act permitting postal employees to organize for their mutual welfare; to the Committee on the Post Office and Post Roads.

Also, resolutions adopted by the Miami Chamber of Commerce, urging Government improvement of the Florida Coast Line Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. MORIN: Petition of the Pittsburgh (Pa.) Preachers' Meeting of the Methodist Episcopal Church, for immediate and complete war prohibition; to the Committee on the Judiciary.

By Mr. PARK: Resolutions adopted by the student body of the Atlanta Law School, Atlanta, Ga., opposing the creation of a war cabinet, expressing confidence in and loyalty to the President, and deploring recent criticism; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 26, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We wait upon Thee, Almighty God, our Heavenly Father, before entering upon the duties of the hour, that the Members of this deliberative body may be better prepared to take up the problems which confront them and discharge with patience, insight, and clear vision every duty devolving upon them, in consonance with Thy Holy Will; that truth may have its sway, to the honor and glory of Thy Holy Name. Amen.

The Journal of the proceedings of yesterday was read and approved.

DIGEST AND MANUAL.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 236.

Resolved, That there be printed 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Sixty-fifth Congress, the same to be bound and distributed under the direction of the Clerk and Doorkeeper of the House.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, this is the usual resolution that is passed each year.

Mr. GILLETT. There has been no change, has there, since the printing of the last one?

Mr. FOSTER. I do not know what change there has been.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire the method of the distribution of these copies of the rules?

Mr. FOSTER. I think there are so many copies placed in the folding room that go to the Members; then I think there are a certain number that go into the document room unbound.

Mr. STAFFORD. Under prior practice I do not recall any copies ever having been placed to the credit of Members of the House. I think they should be.

Mr. FOSTER. I think the gentleman is mistaken; I am sure he is; and if he will go to the proper officer he will find that he can get so many from that officer always.

Mr. STAFFORD. I do not think they are placed to the credit of Members in the folding room, but one has to make an application with the Clerk of the House or some other official for four copies, I believe it is.

Mr. FOSTER. I think that is the number.

Mr. STAFFORD. I would like to know why it is that we can not have these copies placed to the credit of the Members direct in the folding room, so that every Member may have them. I venture the prediction that one-half, perhaps, of the Members of the House do not know that there are copies of the rules available to them under these authorizations.

Mr. FOSTER. I do not know about that, but they are always there, and they are available.

Mr. ESCH. They are secured through the House stationery room, and every Member is credited with four copies. Sometimes they do not know it or do not draw them, but they are credited with them.

Mr. STAFFORD. I think some provision should be incorporated in the resolution providing that the copies be placed to the credit of Members in the folding room.

Mr. FOSTER. That is all right, so far as I am concerned.

Mr. STAFFORD. Until that amendment is proposed, I shall object. I have no objection to the authorization.

Mr. FOSTER. They go to the folding room.

Mr. STAFFORD. I have no objection to the resolution, but I think there should be some such provision incorporated as to their distribution.

Mr. FOSTER. The resolution provides that they are to be distributed through the Clerk and the Doorkeeper of the House.

Mr. HARRISON of Mississippi. May I say that for seven or eight years they have been placed in the folding room to the credit of each Member?

Mr. STAFFORD. I wish to take issue with the gentleman. We have not had them to our credit in the folding room. As my colleague, Mr. ESCH, has stated, they are distributed through the stationery room of the House. Members ought to know that these rules are available.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

EXTENSION OF REMARKS.

Mr. OVERMYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein an address delivered by my colleague from Ohio, Mr. JOHN S. SNOOK, on the subject of the news-print situation, before the Ohio City Editors' Association on the 19th and 20th of the present month.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing therein a speech delivered by his colleague, Mr. SNOOK. Is there objection?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a letter from an old soldier, Mr. Isaac T. Cross, of Seattle, Wash.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

WASHINGTON'S BIRTHDAY.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that on the 22d of February next, Washington's Birthday, the gentleman from Ohio [Mr. FESS] be permitted to address the House, after the approval of the Journal, for 30 minutes on the subject of the influence of Washington on modern government.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that on the 22d of February next, after the reading of the Journal and the disposition of business on the Speaker's table, not to interfere with privileged matters, the gentleman from Ohio [Mr. FESS] be permitted to address the House for not to exceed 30 minutes on the subject of the influence of Washington on modern government. Is there objection?

There was no objection.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I call up the bill H. R. 9160, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Ohio calls up a pension bill, which the Clerk will report.

The Clerk reported the bill by title.

The SPEAKER. This bill is on the Private Calendar.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk read as follows:

A bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of George W. Thomas, late of Company I, Twenty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Baynes, late of Company L, Fourth Regiment Provisional Enrolled Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Harris, late of Company L, Fourth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lizzie Yorker, helpless and dependent child of Paul Yorker, late of Company G, Tenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas B. Whaley, late of Company F, Eleventh Regiment Pennsylvania Reserve Infantry, and Company I, Thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Kelly, late of Company G, First Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Grow, late of Company I, Sixty-fourth Regiment Ohio Volunteer Infantry, and Company E, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Gibson, late of Company [illegible], One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac Blackburn, late of Company G, Fifteenth Regiment, and Company A, One hundred and forty-fourth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Billetter, late of Company D, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henry L. Adams, late of Company I, Sixth Regiment Pennsylvania Volunteer Reserve Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Haslett, late of Battery H, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jeremiah Bogard, late of Company F, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Cunningham, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Maydlen, late of Company F, Eighth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James C. Sims, late of Company C, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Quinn, late of Company F, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Silas G. Thomas, late of Company H, Ninth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Eaton, late of Company E, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Clark, late of Company E, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin H. Miner, late of Company F, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mathew Atkinson, late of Company K, Fifteenth Regiment, and Company F, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Monroe, late of Company E, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram M. Brown, late of Company C, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John P. Williams, late of Company F, One hundred and twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of David A. Banks, late of Twelfth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Hogue, late of Company G, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward F. Harter, late of Company A, Nineteenth Regiment Ohio Volunteer Infantry, and Company H, Fifteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Esau Hartsel, late of Company A, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James S. Garrett, late of Companies A and B, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Bruen, late of Company C, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abbie P. Haskell, widow of Joshua Haskell, late of Company B, Twenty-fifth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Edward H. Ridenour, late of Company H, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Bandy, late of the Eighth Independent Ohio Sharpshooters, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George Van Norwick, late of Company L, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Leithiser, late of Company F, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank Sayre, late of Company C, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Rimert, late of Company B, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William N. Oliver, late of Company D, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jackson Hammer, late of Company H, Ninety-fifth and Forty-seventh Regiments Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Grosinger, late of Company G, First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Chester T. Goodenough, helpless and dependent child of Truman R. Goodenough, late of Company K, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $12 per month.

The name of Samuel Mickey, late of Company K, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Silas J. Pickerill, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis L. Mullins, late of Company M, Fourth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Pierce, late of Company G, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William M. Wright, late of Company I, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Zimmerman, late of Company B, Seventy-ninth Regiment, and Company I, Seventieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John W. Barnes, late of Company A, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph W. Santee, late of Company H, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Bannar, late of Company A, First Battalion, Eighth Regiment Delaware Volunteer Infantry, and Company G, Fourth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Gunnell, late of Company M, Seventh Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Gottfried Czerny, late of Company B, Twenty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Robert Osborn, late of Company I, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph R. Moore, late of Company A, One hundred and fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John W. Gee, late of Company C, One hundred and eleventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anderson York, late of Company H, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James H. Brown, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Levi Bronson, late of Company A, One hundred and thirty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of August Isermann, late of Company B, Third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Smith, late of Company K, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James F. Peters, late of Company C, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Barnett, late of Company F, One hundred and fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Osborn Allen, late of Company I, Sixteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nicoll F. Jones, late of Company I, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Smith, late of Company H, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George C. Gardner, late of Company D, Sixty-fifth Regiment, and Company I, One hundred and eightieth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James T. McMillen, late of Company K, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Arthur J. Fry, late of Company H, Sixtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James D. Dunn, late of Company D, Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Henderson, late of Company K, One hundred and seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dixon M. Hepburn, late of Company E, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Vanfossen, late of Company B, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martha E. Gibbins, alleged widow of Edward J. Gibbins, late of Company G, Thirtieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month: *Provided*, That upon reappearance of the husband and proof thereof, this pension shall cease and determine.

The name of Lindsey Clark, helpless and dependent child of Albert S. Clark, late of Company E, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of George Cole, late of Company D, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias Johnson, late of Company F, Third Regiment New York Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Hattie M. Dunsmoor, widow of James F. Dunsmoor, late of Company D, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Stephen Young, late of Company B, Thirty-fourth and Thirty-sixth Regiments Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Levi Covey, late of Companies H and B, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mathew Kerwin, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adelia Hamilton, former widow of Henry Mathews, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, and Thirty-third Company, Second Battalion, Veteran Reserve Corps, and pay her a pension at the rate of $25 per month.

The name of Wellsley Crane, late of Company I, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ruel Rounds, late of Company K, Twelfth Regiment Vermont Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Large, late of Company E, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elijah W. Prater, late of Company D, Forty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert M. Rice, late of Ninth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ellen M. Smith, widow of Emory B. Smith, late of Company I, Tenth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Francis M. Kittrell, late of Company A, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Peter Cruikshank, late of Company G, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sargent Clark, late of Company A, Fifth Regiment, and Company I, Twelfth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William W. Brothers, late of Company K, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William S. Trader, late of Company F, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jackson H. Atkinson, late of Company F, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard R. V. Nipper, late of Company C, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Steele, widow of Edward T. Steele, late of Company I, Twelfth Regiment, Connecticut Volunteer Infantry, and Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month.

The name of Mary Edna Pierce, helpless and dependent child of Edgar Pierce, late of Company I, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the of $12 per month.

The name of James K. P. Simpson, late of Company I, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ezekiel P. Clayton, late of Company F, Fifty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Chauncey W. Young, late of Company K, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Obadiah Stines, late of Company K, Thirty-fourth and Thirty-sixth Regiments Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Beverly M. Stanton, late of Company F, Thirty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Butler, late of Company E, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles Saunders, late of Company G, One hundred and fifty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Canada D. Hicks, late of Company K, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Percival C. Bishop, late of Company I, One hundred and seventy-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis Marion Davis, late of Company E, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William A. Woods, late of Company E, Second Regiment Nebraska Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joseph E. Braman, late of Capt. Magee's company, Massachusetts Volunteer Cavalry, and Twenty-fifth unattached company, Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph R. Sullivan, late of Company B, One hundred and fourth Regiment, and Company K, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Adaline Ballard, widow of Hiram Ballard, late of Company C, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $25 per month.

The name of Eugene B. Dwight, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert A. Root, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester Smart, late of Company K, Ninetieth Regiment Maine Volunteer Infantry, and First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frank A. Moses, late of Company B, One hundred and thirtieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cora E. Goodrich, helpless and dependent child of Lawrence Goodrich, late of Company L, Twentieth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Dennis Clark, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mattie K. Adams, helpless and dependent child of John D. Adams, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Timothy Hixson, late of Company C, Fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Ochs, late of Company C, Sixteenth Regiment New York Volunteer Cavalry, and Company I, Third Regiment New York Volunteer Provisional Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Wilson, late of Company A, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John C. Morgan, late of Company A, Fifty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Katherine W. Hauns, widow of Valerian Hauns, late of Company C, Sixteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Emerie Varney, former widow of Henry H. Varney, late of Company I, One hundred and fifty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Levi H. Brown, late of Company B, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John P. Dunham, late of band, Thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Conner, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John R. Perrine, late of Company I, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Brooks, late of Company E, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James C. Weller, late of Company I, One hundred and thirty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Byers, late of Company F, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Gray, late of the Fourth Battery, Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Dora Hewey widow of George Hewey, late of Company A, Forty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John R. Ogden, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Hicks, late of Company G, One hundred and forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Dietrick, late of Company B, One hundred and fifty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Addis E. Underwood, late of Company K, Sixth Regiment Pennsylvania Volunteer Reserve Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles W. Stigers, late of Company A, Eighth Regiment Delaware Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jane Hammond, widow of Henry Hammond, late of Company E, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John R. Bryan, late of Company F, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Oscar N. Cowell, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah D. Bowman, widow of Henry Bowman, late of Company I, One hundred and thirtieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of John C. James, late of Company A, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles McCarty, late of the United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Lantz, late of Company I, Sixteenth Regiment, and Company A, One hundred and seventy-eighth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel P. Wolven, late of Company C, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Herman F. W. Fisher, late of Company E, Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Ellis, late of Company B, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry T. Brayman, late of Company G, Third Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Wiley, late of Company F, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen Russell, former widow of Samuel Myers, late of Company H, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Angel Hauaker, late of Company K, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry M. Gray, late of Company I, Forty-eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Harrier, late of Company A, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Hubby, late of Company G, Twenty-fourth Regiment, and Company C, Forty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John M. G. Maver, late of Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Cooper, late of Company L, First Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Turnham, late of Company C, Twenty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John L. C. Cline, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William V. Yeager, late of Company H, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Ezra Cleveland, late of Company C, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John S. Thorp, late of Company C, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Q. Wiggins, late of Company H, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph C. Hammond, late of Company K, Twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Valentine Fish, late of Company H, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ellen Hawkes, late of the Medical Department, United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Henry B. Hall, late of Company D, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary A. Luther, former widow of Edwin Otis Evans, alias Edward Jones, late of Company A, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Ellen M. Cornell, widow of Joseph P. Cornell, late of the Signal Corps, United States Volunteers, and pay her a pension at the rate of $25 per month.

The name of Charles L. Shriver, late of Company I, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Anna M. Moak, widow of John W. Moak, late of Company B, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Herbert W. Moak, helpless and dependent child of said John W. Moak, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Anna M. Moak the name of said Herbert W. Moak shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Anna M. Moak.

The name of James Beyea, late of Company H, Fifteenth Regiment New York Volunteer Engineers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alexander H. McQueen, late of Companies K and G, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Carpenter, late of Company H, Eighth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McDowell, late of Company C, Dale's Battalion, Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of George W. Cordray, late of Company F, Ninety-seventh Regiment, and Company E, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Crawford Byers, late of Company C, One hundred and twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Willis Elben, late of Company E, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary D. Holgate, widow of William Holgate, late of Company G, Ninth Regiment United States Infantry, and pay her a pension at the rate of $25 per month.

The name of John W. Hamon, late of Company I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Washington Blankenship, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 457. George W. Thomas.
H. R. 467. William Baynes.
H. R. 554. William Harris.
H. R. 641. Lizzie Yorker.
H. R. 661. Thomas B. Whaley.
H. R. 710. Daniel Kelly.
H. R. 832. Samuel Grow.
H. R. 1096. William Gibson.
H. R. 1101. Isaac Blackburn.
H. R. 1162. William Billetter.
H. R. 1210. Henry L. Adams.
H. R. 1304. John Haslett.
H. R. 1333. Jeremiah Bogard.
H. R. 1404. Daniel Cunningham.
H. R. 1470. George W. Mayden.
H. R. 1490. James C. Sims.
H. R. 1524. Silas G. Thomas.
H. R. 1526. Joseph Quinn.
H. R. 1588. Michael Eaton.
H. R. 1589. George W. Clark.
H. R. 1940. Edwin H. Miner.
H. R. 1984. Mathew Atkinson.
H. R. 2076. John G. Monroe.
H. R. 2254. Hiram M. Brown.
H. R. 2274. John P. Williams.
H. R. 2371. David A. Banks.
H. R. 2372. William R. Hogue.
H. R. 2388. Edward F. Harter.
H. R. 2407. Esau Hartsel.
H. R. 2513. James S. Garrett.
H. R. 2515. James Bruen.
H. R. 2532. Abbie P. Haskell.
H. R. 2544. Edward H. Ridenour.
H. R. 2550. John Bandy.
H. R. 2683. George Van Nortwick.
H. R. 2959. George W. Leithiser.
H. R. 3074. Frank Sayre.
H. R. 3086. William Rimert.
H. R. 3158. William N. Oliver.
H. R. 3212. Jackson Hammer.
H. R. 3241. John Grosinger.
H. R. 3243. Chester T. Goodenough.
H. R. 3267. Samuel Mickey.
H. R. 3324. Silas J. Pickerill.
H. R. 3485. Lewis L. Mullins.
H. R. 3507. William R. Pierce.
H. R. 3541. William M. Wright.
H. R. 3590. Joseph Zimmerman.
H. R. 3624. John W. Barnes.
H. R. 3683. Joseph W. Santee.
H. R. 3696. George W. Bannar.
H. R. 3721. George Gunnell.
H. R. 3726. Gottfried Czerny.
H. R. 3766. Robert Osborn.
H. R. 3787. Joseph R. Moore.
H. R. 3861. John W. Gee.
H. R. 3896. Anderson York.
H. R. 3982. James H. Brown.
H. R. 3998. Levi Bronson.
H. R. 4131. August Isermann.
H. R. 4318. Charles Smith.
H. R. 4342. James F. Peters.
H. R. 4368. John W. Barnett.
H. R. 4410. Osborn Allen.
H. R. 4446. Nicoll F. Jones.
H. R. 4575. George Smith.
H. R. 4648. George C. Gardner.
H. R. 4676. James T. McMillen.
H. R. 4725. Arthur J. Fry.
H. R. 4755. James D. Dunn.
H. R. 4778. William Henderson.
H. R. 4779. Dixon M. Hepburn.
H. R. 4795. John W. Vanfossen.
H. R. 4803. Martha E. Gibbins.
H. R. 4879. Lindsey Clark.
H. R. 4918. George Cole.
H. R. 4949. Elias Johnson.
H. R. 4971. Hattie M. Dunsmoor.
H. R. 5048. Stephen Young.
H. R. 5074. Levi Covey.
H. R. 5086. Mathew Kerwin.
H. R. 5138. Adelia Hamilton.
H. R. 5140. Wellsley Crane.
H. R. 5160. Ruel Rounds.
H. R. 5176. Samuel Large.
H. R. 5218. Elijah W. Prater.
H. R. 5362. Robert M. Rice.
H. R. 5382. Ellen M. Smith.
H. R. 5436. Francis M. Kittrell.
H. R. 5440. Peter Cruikshank.
H. R. 5449. Sargent Clark.
H. R. 5515. William B. Brothers.
H. R. 5699. William S. Trader.
H. R. 5744. Jackson H. Atkinson.
H. R. 5756. Richard R. V. Nipper.
H. R. 5846. Margaret Steele.
H. R. 5920. Mary Edna Peirce.
H. R. 6041. James K. P. Simpson.
H. R. 6070. Ezekiel P. Clayton.
H. R. 6147. Chauncey W. Young.
H. R. 6149. Obadiah Stines.
H. R. 6344. Beverly M. Stanton.
H. R. 6419. Charles Butler.
H. R. 6487. Charles Saunders.
H. R. 6508. Canada D. Hicks.
H. R. 6509. Percival C. Bishop.
H. R. 6510. Francis Marion Davis.
H. R. 6556. William A. Woods.
H. R. 6569. Joseph B. Braman.
H. R. 6698. Joseph R. Sullivan.
H. R. 6724. Adaline Ballard.
H. R. 6809. Eugene B. Dwight.
H. R. 6818. Albert A. Root.
H. R. 6827. Sylvester Smart.
H. R. 6850. Frank A. Moses.
H. R. 6859. Cora E. Goodrich.
H. R. 6860. Dennis Clark.
H. R. 6915. Mattie K. Adams.
H. R. 6919. Timothy Hixson.
H. R. 6933. Joseph Ochs.
H. R. 6986. Isaac Wilson.
H. R. 6988. John C. Morgan.
H. R. 7037. Katherine W. Hauns.
H. R. 7038. Emelie Varney.
H. R. 7046. Levi H. Brown.
H. R. 7067. John P. Dunham.
H. R. 7070. Henry C. Conner.
H. R. 7075. John R. Perrine.
H. R. 7196. James Brooks.
H. R. 7318. James C. Weller.
H. R. 7389. David Byers.
H. R. 7419. Thomas Gray.
H. R. 7421. Dora Hewey.
H. R. 7426. John R. Ogden.
H. R. 7460. George W. Hicks.
H. R. 7474. Daniel Dietrick.
H. R. 7480. Addis E. Underwood.
H. R. 7527. Charles W. Stigers.
H. R. 7608. Jane Hammond.
H. R. 7623. John R. Bryan.
H. R. 7657. Oscar N. Cowell.
H. R. 7709. Sarah D. Bowman.
H. R. 7714. John C. James.
H. R. 7777. Charles McCarty.
H. R. 7806. Benjamin F. Lantz.
H. R. 7827. Samuel P. Wolven.
H. R. 7828. Herman F. W. Fisher.
H. R. 7829. John W. Ellis.
H. R. 7840. Henry T. Brayman.
H. R. 7855. John Wiley.
H. R. 7861. Ellen Russell.
H. R. 7896. Angel Hauaker.
H. R. 7907. Hery M. Gray.
H. R. 7958. William Harrier.
H. R. 8070. John Hubby.
H. R. 8134. John M. G. Maver.
H. R. 8215. James Cooper.
H. R. 8218. William Turnham.
H. R. 8233. John L. C. Cline.
H. R. 8239. Pleasant H. Ripley.
H. R. 8247. Oliver P. Krutz.
H. R. 8252. William V. Yeager.
H. R. 8253. Ezra Cleveland.
H. R. 8268. John S. Thorp.

H. R. 8270. Isaac Q. Wiggins.
H. R. 8304. Joseph C. Hammond.
H. R. 8310. Valentine Fish.
H. R. 8378. Ellen Hawkes.
H. R. 8390. Henry B. Hall.
H. R. 8394. Mary A. Luther.
H. R. 8395. Ellen M. Cornell.
H. R. 8435. Charles L. Striver.
H. R. 8446. Anna M. Moak.
H. R. 8448. James Beyea.
H. R. 8479. Alexander H. McQueen.
H. R. 8480. William Carpenter.
H. R. 8485. John McDowell.
H. R. 8890. George W. Cordray.
H. R. 8891. Crawford Byers.
H. R. 8894. Willis Elben.
H. R. 8947. Mary D. Holgate.
H. R. 9022. John W. Hamon.
H. R. 9023. Washington Blankinship.

During the reading of the bill,

AMENDMENTS.

The Clerk read as follows:

The name of William Baynes, late of Company L, Fourth Regiment Provisional Enrolled Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SHERWOOD. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SHERWOOD: Page 2, line 3, strike out the word "Infantry" and insert in lieu thereof the word "Militia."

The amendment was agreed to.

The Clerk read as follows:

The name of John Hazlett, late of Battery H, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. SHERWOOD. Mr. Speaker, I offer the following amendment: Page 3, line 21, strike out the word "Regiment."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 21, strike out the word "Regiment."

The amendment was agreed to.

The Clerk read as follows:

The name of Mary Edna Peirce, helpless and dependent child of Edgar Pierce, late of Company I, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

Mr. SHERWOOD. On page 17, line 21, the word is spelled "Pierce" when it should be "Peirce."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 17, line 21, strike out the word "Pierce" and insert in lieu thereof the word "Peirce."

The amendment was agreed to.

The Clerk read as follows:

The name of Beverly M. Stanton, late of Company F, Thirty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. ANTHONY. Mr. Speaker, I would like to ask the chairman of the committee a question. Would it not be good practice to furnish the names of the Members who introduced these special pension bills?

Mr. SHERWOOD. There will be no objection as far as the chairman is concerned, but we have a list of every Member here——

Mr. ANTHONY. Yes; but that is for the committee's private information.

Mr. SHERWOOD. It is for the information of the House.

Mr. ANTHONY. I want to offer this suggestion, Mr. Speaker: I believe it would be in the interest of public business if, when each of these private bills is mentioned in these omnibus bills here, the name of the Member who introduced the bill could be printed at the same time, and I want to ask the chairman if he has any objection to such procedure?

Mr. SHERWOOD. I should not have any objection to it.

Mr. ANTHONY. Or if there is any objection on the part of the committee?

Mr. SHERWOOD. That would be a matter for the committee to decide when they had a meeting, and I would suggest to the gentleman to appear before the committee——

Mr. ANTHONY. I do not care to appear before the committee. I am appearing before the committee now—before the House—and I want simply to get information and find out if there is any objection to it.

Mr. SHERWOOD. There is no objection.

Mr. ANTHONY. The reason I ask that is I am convinced these bills are being reported out in such a manner that it is not exactly fair and just to the soldier population of the entire country. In other words, I think some Members are getting more than their share of these bills, and I want to arrive at some method by which the entire soldier population of the country can receive equitable consideration at the hands of Congress. [Applause.]

Mr. ASHBROOK. If the gentleman will permit me, I should like to say to the gentleman from Kansas that the Calendar Index shows, of course, the author of the bill, and it is an easy matter to find by the calendar who introduces bills and how many.

Mr. ANTHONY. That would be after the bill was passed.

Mr. ASHBROOK. Yes; and also the clerk of the committee keeps a record of the number of bills that each Member has, and it is open to the gentleman or anyone else who may wish to inquire. I want also to say to my friend that I am inclined to think as he does that the districts should be treated with reference to these special bills according to the soldier population and not by districts, as some have very few soldiers, and yet they receive the same number of bills as a district does that may have two or three thousand soldiers. I think that it is unfair, and yet that is the policy of the committee to give the same number to each Representative, providing they have cases entitled to favorable action under the rules of the committee.

Mr. ANTHONY. Then the gentleman is aware of the fact that——

The SPEAKER. The Chair will remark that all of this talk is out of order.

Mr. ANTHONY. I would like to ask the Chair if there is any opportunity for the discussion of these bills? I make a motion to strike out the last word.

The SPEAKER. There are five minutes on a side, but there is no amendment pending.

Mr. ANTHONY. Is this bill being considered in the House as in Committee of the Whole?

The SPEAKER. Of course it is.

Mr. ANTHONY. Then I make a motion to strike out the last word. Will I then be entitled to five minutes?

The SPEAKER. Yes.

Mr. ANTHONY. I make that motion. I am impressed with the fact, Mr. Speaker, that we have some Members of the House who are perhaps more indefatigable in their efforts to obtain these private bills than others, and they are getting a little more than their fair share; in fact, that the committee does listen to the importunities of certain Members of the House to such an extent that they are successful in getting more of such bills than they should have in these omnibus measures, and I want to see these bills considered upon the merits or work of the Member of the House who presents them to the committee; and I think if my suggestion were adopted and the name of the Member of the House who introduces the bill be printed along with this report, or in the bill that is presented to the House, that in the future, when Members' names are connected directly with the bills it might serve to smite their consciences or impress them with the idea that probably they were appearing a little oftener than they should.

Mr. ASHBROOK. If the gentleman will permit me to interrupt him, I would like to suggest to him that that would not relieve the condition, but the thing to do is to get the committee to see the importance of passing on these special bills not by districts but in proportion to the soldiers in that particular district. It is up to the committee to determine whether one Member is entitled to more bills than another. As a member of the committee I can say to the gentleman that these cases are treated absolutely fairly, and that all Members are being treated on an equality. And if you have the evidence in for bills introduced from your district, I am sure you have had just as many special bills allowed so far as any other Member of this House.

Mr. FULLER of Illinois. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is the reading of the amendment pending.

Mr. ANTHONY. Is the five-minute debate exhausted?

The SPEAKER. Yes.

Mr. ANTHONY. I want to simply serve notice on the committee, Mr. Speaker, that I hope they will adopt some reform or some change in their method of procedure.

Mr. CRAMTON. Mr. Speaker, I want to call this to the attention of the membership. I am no longer a member of the Committee on Invalid Pensions, but I was at one time, and I was then impressed by this fact: That there are a great many Members who introduce pension bills and think that ends their duty and their obligation to their constituents, with the result that the Committee on Invalid Pensions will have before them nothing whatever but the bill. A bill of that kind never gets any consideration, and the committee can not give it consideration. Other Members will complete the evidence in support of their bills, and naturally those Members will get more consideration, as their cases are in shape for consideration. And oftentimes Members who will blame the committee for lack of action on their bills will find, if they go to the committee, that their bills are not in shape for consideration.

The SPEAKER. The gentleman from Kansas [Mr. ANTHONY] withdraws his point of order.

Mr. SHERWOOD. Mr. Speaker, I desire to state, for the information of the House, that I do not know when a bill comes before the committee who introduced the bill. Every bill is referred to the examiner appointed by the Pension Office, and those bills are examined and reported to the subcommittee, and the subcommittee refers them to the full committee. So far as I know everything has been strictly impartial, so far as the action of the committee is concerned.

The SPEAKER. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

The name of Washington Blankinship, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. DYER. Mr. Speaker, I move to strike out the last word. I would like to have the attention of the chairman, and also of my colleague, the gentleman from Missouri [Mr. RUSSELL], with reference to the provision here for the pensioning of William Baynes, at the top of page 2. It says here:

The name of William Baynes, late of Company L, Fourth Regiment Provisional Enrolled Missouri Volunteer Infantry, and pay him a pension at the rate of $30 a month in lieu of that he is now receiving.

I would like to know from my colleague whether or not this is one of the cases known as the Missouri Enrolled Militia cases?

Mr. RUSSELL. No; that is entirely different. The Missouri Provisional Militia has long ago been made pensionable upon the efforts of Senator Cockrell while he was in the Senate. But the Enrolled Missouri Militia is not pensionable, while the Provisional Militia is.

Mr. DYER. I would like to ask the gentleman if the bill and report which he has presented to this House, and which I am heartily in favor of, is to pension those who served in the Missouri Militia and the militia in other States?

Mr. RUSSELL. I am glad to say that the Invalid Pension Committee has made a unanimous report recommending that the Enrolled Missouri Militia and the militia of all the States that were in the same position, and that served 90 days or more under the command of Federal officers, shall be given a pensionable status.

Mr. DYER. Will my colleague say whether or not he hopes and expects to get this bill up for consideration at an early date? It is a very deserving bill and a very worthy one.

Mr. RUSSELL. That bill, as I understand it, under the rules of the House is privileged, and I have no doubt we will be able to call the bill up some time during this session and have it considered by the House.

Mr. DYER. Will the gentleman state something as regards the service in a general way of the men that the bill proposes to pension? Some of these men served as much as a year, did they not?

Mr. RUSSELL. I have men in my district who served more than a year.

Mr. DYER. And none of them are now receiving pensions except by some special act?

Mr. RUSSELL. The Missouri Enrolled Militia is not receiving any pension at this time, although they served in the Federal Army and fought in the same battles with regular soldiers. None of them are receiving a pension now, unless it has been by special bill, and I do not think a dozen of them have ever been passed.

Mr. FARR. Will that include the militia of the other States?

Mr. RUSSELL. It will if they served under Federal officers. There are some such soldiers in Pennsylvania.

Mr. FARR. I will be glad to support the measure.

The SPEAKER. The gentleman from Missouri [Mr. DYER] withdraws the pro forma amendment.

Mr. DYER. If my time is not up, I yield to the gentleman from Kansas [Mr. CAMPBELL].

The SPEAKER. The gentleman's time has expired. If the gentleman from Kansas desires to speak, he can secure time.

Mr. CAMPBELL of Kansas. I simply rose in the time of the gentleman from Missouri to ascertain from Judge RUSSELL, of Missouri, whether he expected to call the bill up; but Col. DYER having called that matter out, I have no desire to take up the time of the House.

Mr. RUSSELL. I can state that my purpose is to try to do it whenever it can be done without interfering with an appropriation bill.

Mr. CAMPBELL of Kansas. I hope it can be done.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERWOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ASSISTANT CLERK TO COMMITTEE ON RULES.

Mr. PARK. Mr. Speaker, I submit a privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 180 (H. Rept. No. 262).

Resolved, That the Committee on Rules be allowed an assistant clerk, at the rate of $100 per month, during the second session of the Sixty-fifth Congress, beginning the 3d day of December, 1917, to be paid out of the contingent fund of the House.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. PARK. Yes.

Mr. STAFFORD. Is this resolution, in effect, that which was voted down on a roll call by the House some time ago?

Mr. PARK. Yes.

Mr. STAFFORD. When it was attacked by my colleague from Wisconsin [Mr. LENROOT], a member of the Committee on Rules?

Mr. PARK. For answer to that, I will yield to the chairman of the Committee on Rules, Mr. POU.

Mr. STAFFORD. I wish to inquire whether my colleague [Mr. LENROOT] has receded from his position in opposition to this assistant clerk?

Mr. POU. I could not answer that.

Mr. GILLETT. Mr. LENROOT is ill. I do not think he will be here to-day.

Mr. POU. The ranking Republican Member of the Committee on Rules is here, and I think, gentlemen of the House, he agrees that this bill ought to pass.

Mr. CAMPBELL of Kansas. I wish the chairman of the committee would state to the House, as was not stated before, just what is being done, as he has stated it to me, showing the necessity for this clerk.

Mr. POU. Mr. Speaker, this assistant clerk, as he is called, has been allowed to the Committee on Rules, according to my best recollection, for the last seven or eight years. There is work for two clerks to that committee, as any gentleman of the House can ascertain if he will take the trouble to make an investigation. The clerk to the committee is busy answering inquiries much of the time and has little time to attend to correspondence. No man can take the position of chief clerk to the Committee on Rules and attend satisfactorily to the duties he ought to attend to and do the necessary correspondence incident to the committee.

Mr. GILLETT. Mr. Speaker, will the gentleman yield?

Mr. POU. I do.

Mr. GILLETT. When the gentleman speaks of "correspondence" does he mean the congressional correspondence or the correspondence of the committee?

Mr. POU. I mean the correspondence incident to the work of the committee.

Mr. GILLETT. I would like to inquire what is that? What correspondence is that?

Mr. POU. I will say to the gentleman that we have or have had 82 resolutions before the Committee on Rules. People all over the United States write to the chairman of the Committee on Rules not only about matters that are before the Committee on Rules but about matters that are before other committees. They seem to have the idea that the Committee on Rules has something to do with every matter that is before Congress. That necessarily involves a large amount of correspondence.

Now, I will say this to the House: The best evidence that I think we need this clerk is the fact that I have kept him in the service of the committee and propose to continue him there for several months, whether this resolution goes through or not. I have undertaken to direct that certain work be done which, in my judgment, will be of benefit to the House, for which we may or may not be entitled to credit. Anyway I thought it ought to be done. There is no volume of precedents or forms available for anyone wishing to draw a resolution, or special rule, as they are called. It is not an easy matter to draw a rule that will run the gauntlet of this House. Let any man who thinks it is start in and try. There ought to be some compilation that Members can refer to—a compilation of resolutions adopted by this House and by the House of former Congresses as well.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. POU. Let me finish this statement, and then I will yield. I have had bound three volumes of resolutions that have been referred to the Committee on Rules, and I propose to leave them as a legacy to the committee when I pass on. We are now having the fourth volume bound. These volumes, I think, will be of very great value for this reason: If a gentleman wants to draw a rule about a certain matter he can take that volume and find a resolution which has been reported favorably, introduced

by such-and-such a gentleman. I could name half a dozen gentlemen of the House here whose handiwork any Member of the House would be glad to adopt as a model for any resolution he might wish to introduce. I have heard Members say they have already been using those compilations up to this time and have found them very helpful.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. POU. Yes.

Mr. DOWELL. Does this volume contain the rule, with the ruling of the Chair on the question of order?

Mr. POU. No; it does not. But I will say to the gentleman this: We have taken the resolutions and the reports and have bound them. We are now compiling a volume of the debates that were had upon the floor of the House on the resolutions that have been adopted by the House, so that that can be available also.

Mr. DOWELL. Would not the committee get a better digest by inserting the rule and also inserting the ruling of the Chair or the ruling of the House on the rule as it actually came before the House?

Mr. POU. Oh, yes; certainly. This was just a little voluntary service that we undertook to perform. These resolutions were not being preserved. Many of them had stood the test of criticism. I thought they should be preserved for speedy and convenient reference.

Mr. DOWELL. My only question was that if the committee was presenting a digest, it should be a complete one.

Mr. POU. It is not intended to be a complete digest at all. We are simply preserving resolutions that have been referred to the committee during the last three or four Congresses, together with the favorable reports thereon, and we are now trying to compile the debates that were had upon the resolutions that were favorably reported during the last three or four Congresses. These volumes I have found quite useful. I believe others will find them useful also.

Mr. CAMPBELL of Kansas. Mr. Speaker, a few days ago the chairman of the Committee on Rules spoke to me about the work that is being done and the necessity for this additional clerk. He went over the matter in more detail than he has just done to the House. I was not surprised when he called attention to the increased correspondence arising from committee business before that committe. As a member of the committee I receive almost daily letters or telegrams urging that a rule be given or denied on some bill. This morning I have five telegrams from different parts of the country urging a rule on a bill that I never heard of.

Mr. GILLETT. Does the gentleman think he ought to have an extra clerk to answer those telegrams?

Mr. CAMPBELL of Kansas. Oh, no; and, besides, I am not the chairman of the committee. But what I wish to point out is how the business before the Committee on Rules has grown. There is a vastly greater amount of business done by that committee now than there was a few years ago. So many bills are to be made in order or given a privileged status now that it does involve more work; and there is more work to be done in keeping track of the bills and resolutions that are before that committee, and to keep a record of the work that has been done. I am very sure that there are committees in this House that have two clerks, or a clerk and an assistant clerk, that do not do as much work as the Committee on Rules is now doing.

Mr. SLOAN. Does the gentleman mean to intimate that we are governed in our legislation by more rules, or more by rule, than we were in the Sixty-first Congress?

Mr. CAMPBELL of Kansas. Very much.

Mr. SLOAN. I am surprised at that, considering the discussion that went out over the country during the Sixty-first Congress as to the alleged necessity of reforming the procedure in this regard and preventing legislation by the Rules Committee.

Mr. CAMPBELL of Kansas. If I did not know the gentleman from Nebraska to be somewhat facetious at times I would take what he says seriously. But the fact is that the great power that once rested in the Speaker with regard to much of the business of the House has been transferred to the Committee on Rules, and that Committee has now to do work that was formerly done by the Speaker. The fact that eighty-odd resolutions have been introduced in this session of Congress and referred to that committee will give the House some idea of the volume of work that there is to be done and the number of bills and resolutions to be taken care of there. All this is aside from the many preliminary hearings held by the committee.

Mr. GILLETT. Mr. Speaker——

The SPEAKER. The gentleman from Georgia [Mr. PARK] has the time.

Mr. GILLETT. Will the gentleman yield me three or four minutes?

Mr. PARK. I yield to the gentleman five minutes.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. GILLETT. I merely wish to say that when the chairman of the Committee on Rules [Mr. POU], for whom I have great regard, and the ranking Republican member [Mr. CAMPBELL of Kansas] state after investigation that they need an extra clerk, and the Committee on Accounts have reported accordingly, I personally shall not set up my judgment against theirs. But I do wish to emphasize what the gentleman from Nebraska [Mr. SLOAN] suggested—I do not think facetiously—that we were told long ago by that side of the House that when they obtained power legislation by rule and by the Rules Committee was to be done away with, and that the individual Member was to have more power and be able to assert himself, and that the House was not to be governed by rules, but that the business was to run along by the ordinary course of the control of the regular committees. But instead of that, as we know by our personal experience, the Rules Committee has been bringing in legislation quite as frequently and, we sometimes think, quite as drastically as ever before, and the gentleman from Kansas says the jurisdiction and influence of that committee is so constantly increasing that it is indispensable that the committee have more clerical assistance than they ever used to need. I merely wish to point out the difference between the promises and the conduct of that side of the House as to the Committee on Rules and also to remind them of the economical program which they told us when they assumed power was to be enforced—that the clerkships and employees of the House were to be very much diminished. I suspect now that we have reached a higher level than ever before. And here is another illustration of the constant increase which certainly contradicts their professions of economical reform.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. GILLETT. I yield to the gentleman from Michigan for a question.

Mr. McLAUGHLIN of Michigan. I ask the gentleman from Massachusetts if he thinks it proper that the salary of this assistant clerk should begin on the 3d day of December, nearly two months ago, in face of the fact that this House only a few days ago determined that that clerk should not be appointed?

Mr. GILLETT. I had not observed that fact. I certainly do not think it ought to date back, in face of the previous vote of this House.

Mr. POU. The clerk has been there all the time, ever since the 3d of December.

Mr. McLAUGHLIN of Michigan. But the House determined that he should not be employed.

Mr. POU. As far as I am personally concerned, I am not going to say another word about this clerk. The House can either give him to the Committee on Rules or not, as it sees fit. I have said I think we need him. The House can amend the resolution in any way that it sees fit; but I am going to keep the young man now in the office whether the House authorizes his employment or not, because I know he is necessary.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I move to amend the resolution by striking out "December 3, 1917," and inserting "January 26, 1918."

Mr. FOSTER. Mr. Speaker, has the gentleman from Michigan the floor to offer such an amendment?

The SPEAKER. He has not.

Mr. McLAUGHLIN of Michigan. The Chair recognized me.

Mr. FOSTER. The gentleman from Georgia yielded to him.

Mr. McLAUGHLIN of Michigan. Will the gentleman from Georgia [Mr. PARK] yield to me to allow me to offer an amendment?

Mr. PARK. Yes; I did yield to the gentleman awhile ago.

The SPEAKER. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. McLAUGHLIN of Michigan moves to amend by striking out the words "3d day of December, 1817," in line 4 of the resolution, and inserting in lieu thereof "January 26, 1918."

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. McLAUGHLIN of Michigan) there were—ayes 29, noes 69.

Mr. GILLETT. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of no quorum present. Evidently there is no quorum. The Sergeant at Arms will notify absentees, the Doorkeeper will

close the doors, and the Clerk will call the roll. Those in favor of the amendment will say "aye"; those opposed, "no."

The question was taken; and there were—yeas 134, nays 186, not voting 108, as follows:

YEAS—134.

Anderson	Fuller, Ill.	McArthur	Scott, Mich.
Anthony	Fuller, Mass.	McCormick	Sells
Baer	Garland	McFadden	Shallenberger
Black	Gillett	McKenzie	Sherwood
Blanton	Glass	McKinley	Sloan
Browne	Glynn	McLaughlin, Mich.	Smith, Idaho
Burroughs	Good	Madden	Snook
Butler	Gould	Mapes	Snyder
Byrns, Tenn.	Gray, N. J.	Meeker	Stafford
Campbell, Kans.	Green, Iowa	Merritt	Sterling, Ill.
Carlin	Greene, Vt.	Miller, Minn.	Stiness
Carter, Mass.	Hadley	Moudell	Strong
Cary	Hamilton, Mich.	Moore, Pa.	Sweet
Chandler, N. Y.	Hawley	Moores, Ind.	Switzer
Clark, Pa.	Hayes	Morgan	Temple
Cox	Heaton	Mott	Tilson
Cramton	Helm	Mudd	Timberlake
Dallinger	Hersey	Nichols, Mich.	Tinkham
Denison	Hicks	Nolan	Towner
Dillon	Huddleston	Norton	Treadway
Dowell	Ireland	Osborne	Vestal
Dyer	James	Paige	Volstead
Edmonds	Jones, Va.	Platt	Waldow
Elliott	Kinkaid	Purnell	Walsh
Ellsworth	Knutson	Ramsey	Wason
Elston	Kraus	Rankin	Wheeler
Emerson	La Follette	Reavis	White, Me.
Esch	Langley	Reed	Williams
Fairfield	Lehlbach	Robbins	Winslow
Farr	Lenroot	Roberts	Woods, Iowa
Fess	Little	Rogers	Young, N. Dak.
Fordney	Longworth	Rowe	Zihlman
Francis	Loffin	Saunders, Ind.	
Freeman	Lundeen	Sanders, N. Y.	

NAYS—186.

Alexander	Dupré	Larsen	Sabath
Almon	Evans	Lazaro	Sanford
Aswell	Fairchild, B. L.	Lea, Cal.	Saunders, Va.
Austin	Ferris	Lee, Ga.	Schall
Ayres	Fisher	Lesher	Sears
Bankhead	Flood	Lever	Shackleford
Barkley	Foss	Littlepage	Sherwood
Beakes	Foster	Lobeck	Siegel
Bell	French	London	Sims
Beshlin	Gallagher	Lonergan	Slemp
Blackmon	Gallivan	Lunn	Smith, C. B.
Booher	Gandy	McAndrews	Snell
Borland	Gard	McClintic	Steagall
Brand	Garner	McKeown	Stedman
Brumbaugh	Garrett, Tenn.	McLemore	Steele
Buchanan	Garrett, Tex.	Magee	Stephens, Miss.
Burnett	Godwin, N. C.	Mansfield	Stephens, Nebr.
Byrnes, S. C.	Goodwin, Ark.	Martin	Sterling, Pa.
Caldwell	Gordon	Mason	Stevenson
Campbell, Pa.	Graham, Ill.	Mays	Sumners
Candler, Miss.	Gray, Ala.	Neely	Tague
Cantrill	Hamlin	Nelson	Taylor, Ark.
Caraway	Hardy	Nicholls, S. C.	Taylor, Colo.
Carew	Harrison, Miss.	Oldfield	Thomas
Carter, Okla.	Harrison, Va.	Oliver, Ala.	Thompson
Church	Haskell	Oliver, N. Y.	Tillman
Clark, Fla.	Hastings	Olney	Van Dyke
Claypool	Hayden	Overmyer	Venable
Coady	Helgesen	Overstreet	Vinson
Collier	Hensley	Park	Voigt
Connally, Tex.	Hilliard	Peters	Walker
Connelly, Kans.	Howard	Phelan	Walton
Cooper, Wis.	Hull, Tenn.	Polk	Watkins
Copley	Igoe	Pou	Weaver
Crisp	Jacoway	Pratt	Webb
Crosser	Johnson, Ky.	Quin	Welling
Decker	Johnson, Wash.	Rainey	Welty
Dent	Jones, Tex.	Raker	Whaley
Dewalt	Juul	Randall	White, Ohio
Dickinson	Kearns	Rayburn	Wilson, Ill.
Dies	Keating	Robinson	Wilson, Tex.
Dill	Kelly, Pa.	Rodenberg	Wingo
Dixon	Kennedy, R. I.	Romjue	Wise
Dominick	Kettner	Rouse	Wright
Doolittle	Kincheloe	Ruby	Young, Tex.
Doughton	King	Rucker	
Drane	Kitchin	Russell	

NOT VOTING—108.

Ashbrook	Davis	Haugen	McLaughlin, Pa.
Bacharach	Dempsey	Heintz	Maher
Barnhart	Denton	Helvering	Mann
Bland	Dooling	Holland	Miller, Wash.
Bowers	Doremus	Hollingsworth	Montague
Britten	Drukker	Hood	Moon
Brodbeck	Dunn	Houston	Morin
Browning	Eagan	Hull, Iowa	O'Shaunessy
Cannon	Eagle	Humphreys	Padgett
Capstick	Estopinal	Husted	Parker, N. J.
Chandler, Okla.	Fairchild, G. W.	Hutchinson	Parker, N. Y.
Classon	Fields	Johnson, S. Dak.	Porter
Cooper, Ohio	Flynn	Kahn	Powers
Cooper, W. Va.	Focht	Kehoe	Price
Costello	Frear	Kelley, Mich.	Ragsdale
Crago	Goodall	Kennedy, Iowa	Ramseyer
Currie, Mich.	Graham, Pa.	Key, Ohio	Riordan
Curry, Cal.	Greene, Mass.	Kiess, Pa.	Rose
Dale, N. Y.	Gregg	Kreider	Rowland
Dale, Vt.	Griest	LaGuardia	Sanders, La.
Darrow	Hamill	Linthicum	Scott, Iowa
Davidson	Hamilton, N. Y.	McCulloch	Scott, Pa.
Scully	Small	Swift	Watson, Pa.
Sherley	Smith, Mich.	Talbott	Watson, Va.
Sinnott	Smith, T. F.	Templeton	Wilson, La.
Sisson	Steenerson	Vare	Wood, Ind.
Slayden	Sullivan	Ward	Woodyard

So the amendment was rejected.

The following pairs were announced:

Until further notice:

Mr. ASHBROOK with Mr. BACHARACH.
Mr. BARNHART with Mr. BLAND.
Mr. BRODBECK with Mr. BOWERS.
Mr. DALE of New York with Mr. BRITTEN.
Mr. TALBOTT with Mr. BROWNING.
Mr. DENTON with Mr. CANNON.
Mr. DOOLING with Mr. CHANDLER of Oklahoma.
Mr. DOREMUS with Mr. CLASSON.
Mr. EAGAN with Mr. COOPER of Ohio.
Mr. EAGLE with Mr. COOPER of West Virginia.
Mr. ESTOPINAL with Mr. COSTELLO.
Mr. FIELDS with Mr. CRAGO.
Mr. FLYNN with Mr. CURRY of California.
Mr. GREGG with Mr. CURRIE of Michigan.
Mr. HAMILL with Mr. DALE of Vermont.
Mr. HELVERING with Mr. DARROW.
Mr. HOLLAND with Mr. DAVIDSON.
Mr. HOOD with Mr. DAVIS.
Mr. HOUSTON with Mr. DEMPSEY.
Mr. HUMPHREYS with Mr. DRUKKER.
Mr. KEHOE with Mr. DUNN.
Mr. KEY of Ohio with Mr. GEORGE W. FAIRCHILD.
Mr. LINTHICUM with Mr. FOCHT.
Mr. MAHER with Mr. FREAR.
Mr. MONTAGUE with Mr. GOODALL.
Mr. MOON with Mr. GRAHAM of Pennsylvania.
Mr. O'SHAUNESSY with Mr. GREENE of Massachusetts.
Mr. PADGETT with Mr. GRIEST.
Mr. PRICE with Mr. HAMILTON of New York.
Mr. RAGSDALE with Mr. HAUGEN.
Mr. RIORDAN with Mr. HOLLINGSWORTH.
Mr. SANDERS of Louisiana with Mr. WOODYARD.
Mr. SCULLY with Mr. HUSTED.
Mr. SISSON with Mr. HUTCHINSON.
Mr. SHERLEY with Mr. KAHN.
Mr. SLAYDEN with Mr. KELLEY of Michigan.
Mr. SMALL with Mr. KENNEDY of Iowa.
Mr. THOMAS F. SMITH with Mr. KIESS of Pennsylvania.
Mr. SULLIVAN with Mr. WARD.
Mr. WILSON of Louisiana with Mr. McCULLOCH.
Mr. WATSON of Virginia with Mr. McLAUGHLIN of Pennsylvania.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

Mr. OLDFIELD. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. SAUNDERS of Virginia). The question now is on the passage of the resolution.

Mr. COOPER of Wisconsin. Mr Speaker, upon that I demand the yeas and nays.

The question was taken.

The SPEAKER pro tempore. Twenty-five Members have risen, not a sufficient number.

Mr. NORTON. I ask for the other side.

The other side was taken.

The SPEAKER pro tempore. Ninety-two Members have risen, a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 176, nays 113, not voting 139, as follows:

YEAS—176.

Alexander	Caraway	Dill	Goodwin, Ark.
Almon	Carlin	Dominick	Gordon
Anthony	Carter, Okla.	Doolittle	Greene, Mass.
Ashbrook	Cary	Doremus	Gregg
Aswell	Church	Doughton	Hamlin
Austin	Clark, Fla.	Dupré	Hardy
Ayres	Clark, Pa.	Edmonds	Harrison, Miss.
Bankhead	Classon	Evans	Harrison, Va.
Barkley	Claypool	Farr	Haskell
Beakes	Coady	Flood	Hastings
Bell	Collier	Foss	Hayden
Black	Connally, Tex.	Foster	Helgesen
Blackmon	Connelly, Kans.	Gallagher	Helm
Blanton	Cox	Gallivan	Hensley
Booher	Crisp	Gandy	Hilliard
Brand	Crosser	Gard	Houston
Brumbaugh	Decker	Garland	Howard
Buchanan	Dent	Garner	Hull, Tenn.
Burnett	Denton	Garrett, Tenn.	Igoe
Byrnes, S. C.	Dewalt	Garrett, Tex.	Ireland
Caldwell	Dickinson	Glass	Jacoway
Candler, Miss.	Dies	Godwin, N. C.	Johnson, Ky.

Jones, Tex.	Mays	Robinson	Stephens, Miss.
Keating	Montague	Rodenberg	Stephens, Nebr.
Kelly, Pa.	Moon	Romjue	Stevenson
Kettner	Morgan	Rouse	Sumners
Kincheloe	Nicholls, S. C.	Rubey	Tague
King	Oldfield	Rucker	Taylor, Ark.
Kitchin	Oliver, Ala.	Russell	Thompson
Lazaro	Oliver, N. Y.	Sabath	Tillman
Lee, Ga.	Olney	Sanders, La.	Van Dyke
Lesher	Overmyer	Sanford	Vinson
Lever	Overstreet	Saunders, Va.	Walker
Lobeck	Park	Schall	Watkins
Loudon	Phelan	Scott, Iowa	Weaver
Lonergan	Polk	Sears	Webb
Lunn	Pou	Shackleford	Welling
McAndrews	Pratt	Shallenberger	Welty
McClintic	Quin	Shouse	White, Ohio
McKown	Rainey	Siegel	Wilson, Tex.
McLemore	Raker	Snell	Wingo
Page	Randall	Snyder	Wise
Mansfield	Rankin	Steagall	Wright
Martin	Rayburn	Steele	Young, Tex.

NAYS—113.

Anderson	Gray, Ala.	McLaughlin, Mich.	Smith, Idaho
Baer	Green, Iowa	Mapes	Snook
Browne	Greene, Vt.	Mesker	Stafford
Burroughs	Hadley	Merritt	Sterling, Ill.
Carter, Mass.	Hamilton, Mich.	Mondell	Stiness
Cooper, Wis.	Hawley	Moore, Pa.	Strong
Cramton	Hayes	Moores, Ind.	Sweet
Dallinger	Heaton	Mott	Switzer
Denison	Hicks	Mudd	Temple
Dillon	James	Nichols, Mich.	Thomas
Dowell	Johnson, Wash.	Nolan	Tilson
Dunn	Jones, Va.	Norton	Timberlake
Dyer	Juul	Osborne	Tinkham
Elliott	Kearns	Paige	Towner
Ellsworth	Kennedy, Iowa	Platt	Treadway
Elston	Kincaid	Powers	Voigt
Emerson	Knutson	Purnell	Volstead
Esch	Kraus	Ramsey	Waldow
Fairchild, B. L.	La Follette	Reavis	Walsh
Fairfield	Langley	Reed	Wason
Fess	Lehlbach	Robbins	Wheeler
Francis	Lenroot	Roberts	White, Me.
Frear	Lufkin	Rogers	Williams
Fuller, Ill.	Lundeen	Sanders, Ind.	Winslow
Fuller, Mass.	McArthur	Sanders, N. Y.	Woods, Iowa
Gillett	McCormick	Scott, Mich.	Young, N. Dak.
Glynn	McFadden	Sells	
Good	McKenzie	Sinnott	
Graham, Ill.	McKinley	Sloan	

NOT VOTING—139.

Bacharach	Drukker	Kelley, Mich.	Rowland
Barnhart	Eagan	Kennedy, R. I.	Scott, Pa.
Beshlin	Eagle	Key, Ohio	Scully
Bland	Estopinal	Kiess, Pa.	Shelley
Borland	Fairchild, G. W.	Kreider	Sherwood
Bowers	Ferris	LaGuardia	Sims
Britten	Fields	Larsen	Sisson
Brodbeck	Fisher	Lea, Cal.	Slayden
Browning	Flynn	Linthicum	Slemp
Butler	Focht	Little	Small
Byrns, Tenn.	Fordney	Littlepage	Smith, Mich.
Campbell, Kans.	Freeman	Longworth	Smith, C. B.
Campbell, Pa.	French	McCulloch	Smith, T. F.
Cannon	Goodall	McLaughlin, Pa.	Stedman
Cantrill	Gould	Madden	Steenerson
Capstick	Graham, Pa.	Maher	Sterling, Pa.
Carew	Gray, N. J.	Mann	Sullivan
Chandler, N. Y.	Griest	Mason	Swift
Chandler, Okla.	Hamill	Miller, Minn.	Talbott
Cooper, Ohio	Hamilton, N. Y.	Miller, Wash.	Taylor, Colo.
Cooper, W. Va.	Haugen	Morin	Templeton
Copley	Heintz	Neely	Vare
Costello	Helvering	Nelson	Venable
Crago	Hersey	O'Shaunessy	Vestal
Currie, Mich.	Holland	Padgett	Walton
Curry, Cal.	Hollingsworth	Parker, N. J.	Ward
Dale, N. Y.	Hood	Parker, N. Y.	Watson, Pa.
Dale, Vt.	Huddleston	Peters	Watson, Va.
Darrow	Hull, Iowa	Porter	Whaley
Davidson	Humphreys	Price	Wilson, Ill.
Davis	Husted	Ragsdale	Wilson, La.
Dempsey	Hutchinson	Ramseyer	Wood, Ind.
Dixon	Johnson, S. Dak.	Riordan	Woodyard
Dooling	Kahn	Rose	Zihlman
Drane	Kehoe	Rowe	

The Clerk announced the following additional pairs:

Until further notice:

Mr. KEHOE with Mr. BACHARACH.
Mr. MAHER with Mr. CAMPBELL of Kansas.
Mr. O'SHAUNESSY with Mr. CANNON.
Mr. SMALL with Mr. CURRIE of Michigan.
Mr. BESHLIN with Mr. DEMPSEY.
Mr. BORLAND with Mr. GOODALL.
Mr. BYRNS of Tennessee with Mr. GRAHAM of Pennsylvania.
Mr. CAMPBELL of Pennsylvania with Mr. WOODYARD.
Mr. CANTRILL with Mr. CHANDLER of New York.
Mr. CAREW with Mr. COPLEY.
Mr. DIXON with Mr. FORDNEY.
Mr. DRANE with Mr. FREEMAN.
Mr. FERRIS with Mr. GOULD.
Mr. FISHER with Mr. GRAY of New Jersey.
Mr. HUDDLESTON with Mr. KENNEDY of Rhode Island.
Mr. LARSEN with Mr. LONGWORTH.
Mr. LEA of California with Mr. MADDEN.
Mr. LITTLEPAGE with Mr. MASON.
Mr. NEELY with Mr. PARKER of New York.
Mr. SHERWOOD with Mr. MILLER of Minnesota.
Mr. SIMS with Mr. ROWE.
Mr. CHARLE B. SMITH with Mr. SLEMP.
Mr. STEDMAN with Mr. TEMPLETON.
Mr. STERLING of Pennsylvania with Mr. HERSEY.
Mr. TAYLOR of Colorado with Mr. SWIFT.
Mr. VENABLE with Mr. WILSON of Illinois.
Mr. WALTON with Mr. VESTAL.
Mr. WHALEY with Mr. ZIHLMAN.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was passed was laid on the table.

COMMITTEE ON MILITARY AFFAIRS.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may be permitted to sit during the sessions of the House while it is holding hearings and considering the Army appropriation bill.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent that the Committee on Military Affairs may sit during the sessions of the House while it is holding hearings on the Army appropriation bill. Is there objection?

There was no objection.

MARY E. COOK.

Mr. PARK. Mr. Speaker, I present the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 209 (H. Rept. No. 263).

Resolved, That the Clerk of the House be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Mary E. Cook, daughter of Leonard B. Cook late an employee on the roll of the House, a sum equal to six months of his compensation as conductor of elevator, and an additional amount, not exceeding $250, to defray funeral expenses of said Leonard B. Cook.

Mr. PARK. Mr. Speaker, I wish to state that this is the customary resolution. This man was on the rolls for something like 20 years.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was passed was laid on the table.

ADDITIONAL PAGE.

Mr. PARK. Mr. Speaker, I also offer another privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 210 (H. Rept. No. 264).

Resolved, That the Doorkeeper be, and he is hereby, authorized and directed to appoint an additional page for the remainder of the present Congress, to be paid compensation out of the contingent fund of the House, at the rate of $82.50 per month.

Mr. GILLETT. Will the gentleman yield for a question?

Mr. PARK. Certainly.

Mr. GILLETT. Will the gentleman explain what this page is for?

Mr. PARK. That is the page for Mr. SCHALL, of Minnesota, who, unfortunately, is blind.

Mr. GILLETT. I recognize, of course, that has to be done, but are not there enough pages without an extra one?

Mr. PARK. The Doorkeeper says not and that he needs this page.

Mr. GILLETT. I have no objection.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. PARK. Yes.

Mr. DOWELL. How many pages have we at present?

Mr. PARK. I think something like 30.

The question was taken, and the resolution was agreed to.

On motion of Mr. PARK, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

ADDITIONAL CLERK, HOUSE POST OFFICE.

Mr. PARK. Mr. Speaker, I offer another privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 200.

Resolved, That the Postmaster of the House be, and he is hereby, authorized to employ an additional registry, stamp, and money-order clerk, who shall be paid out of the contingent fund of the House at the rate of $125 per month on and after the 1st day of January, 1918, during the remainder of the second session of the Sixty-fifth Congress.

The committee amendment was read, as follows:

Strike out the words, "On and after the 1st day of January, 1918," so that the resolution, as amended, will read:

"*Resolved*, That the Postmaster of the House be, and he is hereby, authorized to employ an additional registry, stamp, and money-order clerk, who shall be paid out of the contingent fund of the House at the rate of $125 per month during the remainder of the second session of the Sixty-fifth Congress."

Mr. STAFFORD. Will the gentleman yield?

Mr. PARK. I do.

Mr. STAFFORD. Does the gentleman have any objection to withdrawing this resolution? I do not believe that I violate any confidence when I say that the chairman of the subcommittee framing the legislative, executive, and judicial appropriation bill requested me to advise him when this resolution was presented. He is busy at the present time in the hearings on that bill, and he would like to be present when this bill is considered, and therefore I will ask the gentleman if he will withdraw it.

Mr. PARK. I ask to withdraw the resolution.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

PENSIONS FOR MILITARY ORGANIZATIONS OF THE SEVERAL STATES.

Mr. RUSSELL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. RUSSELL. I rise to a privileged report——

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUSSELL. On House bill 3547. This is a privileged bill providing for pensions to be paid to State troops who served 90 days or more in the States during the Civil War under command of Federal officers. I find that is a privileged bill, and the bill should be reported on as being privileged. Having heretofore filed the report in the basket, and finding that was not in compliance with the rule, I ask now to make the report on the floor of the House.

The SPEAKER pro tempore. The gentleman will send the bill and report to the desk. The Clerk will report it by title.

The Clerk read as follows:

The Committee on Invalid Pensions submits the following report to accompany the bill (H. R. 3547) to give pensions to officers and enlisted men of all State militia, etc.

Mr. STAFFORD. Mr. Speaker, a question of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. Do I understand that this bill, which I am not advised as to its purport, is a general pension bill?

Mr. RUSSELL. A general pension bill as the committee construes it, as it applies to all State troops who served 90 days or more under Federal officers.

Mr. STAFFORD. If it is a special pension bill, of course, it is a privileged bill. I shall not present the question of order at the present time. I withdraw it, but reserve the right to present it when the bill is presented for consideration.

CHANGE OF REFERENCE.

Mr. GREEN of Iowa. Mr. Speaker, I desire to ask unanimous consent that the bill H. R. 8584, a private pension bill, which by mistake was referred to the Committee on Pensions, be referred instead to the proper committee, the Committee on Invalid Pensions.

The SPEAKER pro tempore. Without objection, the reference will be made as requested. [After a pause.] The Chair hears no objection.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to have the bill (H. R. 2863), a private pension bill, referred to the Pension Committee. It was erroneously referred to the Committee on Invalid Pensions.

The SPEAKER pro tempore. Without objection, that request will be conformed to. [After a pause.] The Chair hears no objection.

AGRICULTURE.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9054, the Agricultural appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

The CHAIRMAN. Under the order of the House general debate is now closed on the bill, and the same will be read for amendment under the five-minute rule.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

OFFICE OF THE SECRETARY.

Salaries, Office of the Secretary of Agriculture: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; Solicitor, $5,000; chief clerk, $3,000, and $500 additional as custodian of buildings; private secretary to the Secretary of Agriculture, $2,500; executive clerk, $2,250; executive clerk, $2,100; stenographer and executive clerk to the Secretary of Agriculture, $2,250; private secretary to the Assistant Secretary of Agriculture, $2,250; one appointment clerk, $2,000; 1 assistant in charge of information, $3,000; 1 officer in charge of supplies, $2,000; 1 assistant, $2,000; 1 inspector, $2,750; 1 inspector, $2,250; 1 law clerk, $3,250; 2 law clerks, at $3,000 each; 2 law clerks, at $2,750 each; 4 law clerks, at $2,500 each; 8 law clerks, at $2,250 each; 1 law clerk, $2,200; 5 law clerks, at $2,000 each; 3 law clerks, at $1,800 each; 4 law clerks, at $1,600 each; 1 assistant editor, $2,000; 4 assistant editors, at $1,800 each; 1 assistant editor, $1,600; 1 expert on exhibits, $3,000; 1 assistant in exhibits, $2,000; 1 telegraph and telephone operator, $1,600; 1 assistant chief clerk and captain of the watch, $1,800; 5 clerks, class 4; 13 clerks, class 3; 21 clerks, class 2; 26 clerks, class 1; 1 auditor, $2,000; 1 accountant and bookkeeper, $2,000; 1 clerk, $1,440; 1 clerk, $1,020; 7 clerks, at $1,000 each; 13 clerks, at $900 each; 2 clerks, at $840 each; 14 messengers or laborers, at $840 each; 12 assistant messengers, laborers, or messenger boys, at $720 each; 1 messenger or laborer, $660; 1 mechanical superintendent, $2,500; 1 mechanical assistant, $1,800; 1 engineer, $1,400; 1 electrical engineer and draftsman, $1,200; 1 assistant engineer, $1,200; 2 assistant engineers, at $1,000 each; 1 fireman, $840; 8 firemen, at $720 each; 1 chief elevator conductor, $840; 16 elevator conductors, at $720 each; 3 elevator conductors, at $660 each; 1 superintendent of shops, $1,400; 1 cabinet shop foreman, $1,200; 5 cabinetmakers or carpenters, at $1,200 each; 3 cabinetmakers or carpenters, at $1,100 each; 9 cabinetmakers or carpenters, at $1,020 each; 3 cabinetmakers or carpenters, at $900 each; 1 electrician, $1,100; 1 electrical wireman, $1,100; 1 electrician or wireman, $1,000; 1 electrical wireman, $900; 1 electrician's helper, $840; 3 electrician's helpers, at $720 each; one painter, $1,020; 1 painter, $1,000; 5 painters, at $900 each; 5 plumbers or steamfitters, at $1,020 each; 2 plumber's helpers, at $840 each; 2 plumber's helpers, at $720 each; 1 blacksmith, $900; 1 elevator mechanist, $900; 1 tinner or sheet-metal worker, $1,100; one tinner's helper, $720; 1 lieutenant of the watch, $1,000; 2 lieutenants of the watch, at $960 each; 60 watchmen, at $720 each; 4 mechanics, at $1,200 each; 1 mechanic, $1,000; 1 skilled laborer, $1,000; 2 skilled laborers, at $960 each; 2 skilled laborers, at $840 each; 1 skilled laborer, $720; 1 janitor, $900; 21 assistant messengers, messenger boys, or laborers, at $660 each; 1 carriage driver, $600; 23 laborers or messenger boys, at $480 each; 1 messenger or messenger boy, $360; 1 charwoman, $540; 3 charwomen, at $480 each; 15 charwomen, at $240 each; for extra labor and emergency employment, $12,000; in all, $462,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I take this occasion to secure some information, which is not given in the report, as to the policy of the committee as to increases of salaries. I notice as I have gone through the bill that the committee has not made any decided, if any, increases of salaries over those carried last year, but there are in some instances additional places with stated salaries. This is the first appropriation bill since the Post Office appropriation bill that has carried to any extent salaries for those employed by the Government, and is the only bill that provides for salaries in the departmental service other than those that are included in the legislative, executive, and judicial appropriation bill.

Last year, as I recall, the committee did make some percentage increases in some of the lower grades, and I believe this year has retained those increases, notwithstanding that we granted the 5 and 10 per cent increase of salary to all in the departmental service and in the field service.

Mr. LEVER. Mr. Chairman, the policy of the committee in reference to the matter of salaries in the Department of Agriculture, those appearing on the statutory roll, is this: The chairman of this committee and the ranking Republican member, the gentleman from Iowa [Mr. HAUGEN], conferred with the chairman of the Committee on Appropriations [Mr. SHERLEY], as a result of which the Committee on Agriculture adopted the policy of refusing every increase that had been asked in the estimates, and the new places that are seen on the statutory roll are transfers from the lump fund and at the same salary.

The committee concluded, inasmuch as the probability is that a joint resolution will be offered from the Appropriation Committee taking care of these clerks, we should not increase any salaries whatever in this bill, and we have not done so.

Mr. STAFFORD. Then, as to this bill, wherever there is any new office provided it is the case of a person being taken from the lump-sum roll and transferred to the statutory roll at the existing salary the employee is now receiving?

Mr. LEVER. Except where a new place is actually created, and that fact will be set out in the report.

Mr. STAFFORD. Has the gentleman any information as to the percentage of employees in the departmental service that are paid out of the lump-sum appropriation as to those carried on the statutory roll?

Mr. HUDDLESTON with Mr. KENNEDY of Rhode Island.

during the remainder of the second session of the Sixty-fifth Congress.

Mr. LEVER. My answer to that would be a guess. I really can not tell the gentleman.

Mr. STAFFORD. Can the gentleman advance any reason given by the department or the bureau heads why officials permanently employed here at the department and paid out of the lump-sum appropriations should be continued to be paid out of those appropriations, and should not be designated and transferred to the statutory roll?

Mr. LEVER. I will say to the gentleman, so far as I know that does not exist in the Department of Agriculture except in the case of the scientific force. And if it does exist it ought not to exist, certainly, because it is the policy of Congress to transfer the permanent clerical positions to the statutory roll.

Mr. STAFFORD. I assume from the reply of the gentleman that the committee did not go into the examination of that question at this session of Congress?

Mr. LEVER. We concluded your committee would handle that perhaps——

Mr. STAFFORD. I mean as to the transfer of clerks paid out of lump-sum appropriations to the statutory roll.

Mr. LEVER (continuing). So we did not go into that very thoroughly.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the Federal Trade Commission, under order of the President of the United States and by virtue of an appropriation made by this House, is now engaged in investigating the beef industry, something which is of very grave importance to the agricultural population and to the people of this country generally at this present time. It happened that I was the father of that resolution to investigate the beef industry.

Mr. LEVER. Will the gentleman yield just for a moment?

Mr. BORLAND. Yes.

Mr. LEVER. Possibly I should have made this statement before the gentleman took the floor. I desire to say now, Mr. Chairman, that I propose in the discussion of this Agricultural appropriation bill, that gentlemen who are addressing the committee under the five-minute rule shall confine themselves to the item under consideration. And I make the statement in view of the fact that the committee had two solid days of general debate. Of course, in this case I shall say nothing, because the gentleman did not know.

Mr. MADDEN. Well, I did not know about that. I think all discussions should be had upon the item under consideration.

Mr. LEVER. Undoubtedly.

Mr. BORLAND. I will say to the chairman of the committee that possibly this might come better under some other item, but it is clearly a discussion of the bill.

Mr. LEVER. I wonder, if the gentleman, in order that we may proceed in order, would not defer this matter until he can get time under the item of this bill that will be pertinent or to some other item in the bill?

Mr. BORLAND. I will say to the gentleman that I will take only five minutes at this time.

Mr. MADDEN. I am going to object to any discussion on the bill unless it pertains to the item under consideration.

Mr. LEVER. I hope the gentleman will not insist on it at this time.

Mr. BORLAND. These remarks that I will make apply to this particular paragraph. They will apply to the expenses of the Secretary's office.

Mr. MADDEN. The Secretary of Agriculture?

Mr. BORLAND. Yes.

Mr. MADDEN. What has the Federal Trade Commission got to do with the Secretary of Agriculture?

Mr. BORLAND. If the gentleman will be patient a minute we will see.

Mr. MADDEN. Then we will wait.

Mr. BORLAND. Now, Mr. Chairman, I would not like this taken out of my time.

When this resolution was before the House and this last Agricultural bill was before the House, a very strenuous attempt was made to increase the appropriations in the Agricultural bill with the idea of doing away with the necessity for an investigation of the beef industry by the Federal Trade Commission. I made a very determined opposition to that proposal. I pointed out that the Agricultural Department did not want the work put upon them and had not the facilities for commanding the compulsory production of books and papers that this kind of an investigation would need. Now, if there is any justification necessary for that opposition, it appears in this hearing, because it is the compulsory production of books and papers that has revealed this astonishing, amazing, and corrupt situation to the American people.

Mr. MADDEN. What is the corrupt situation?

Mr. BORLAND. I can not yield to the gentleman.

Mr. MADDEN. I object to the gentleman proceeding, then.

Mr. BORLAND. The gentleman can object.

Mr. MADDEN. Then I object.

The CHAIRMAN. The rule is clear that under general debate in the Committee of the Whole House on the state of the Union, a gentleman having the floor can discuss any subject, but under the five-minute rule he is confined to the amendment. The Chair will ask the gentleman from Missouri to proceed in accordance with the rule.

Mr. BORLAND. The gentleman from Missouri is endeavoring to proceed in accordance with the rule by discussing the Secretary's office. Unquestionably the question was made by the packers——

Mr. MADDEN. Mr. Chairman, I object. The packers have nothing to do with this.

Mr. BORLAND. I hope the gentleman will not continue to interrupt.

The CHAIRMAN. The Chair holds that on an amendment to strike out the last word it is not germane to discuss this proposition.

Mr. BORLAND. I was proceeding to discuss the office of the Secretary of Agriculture.

The CHAIRMAN. That is not germane, under the rule.

Mr. BORLAND. If it is not germane, then the rules are being violated all the time.

The CHAIRMAN. That is done if the point of order is not made, but in this case a point of order has been made, and the Chair must enforce the rule.

Mr. BORLAND. I will endeavor to confine myself to the Secretary's office. An attempt was made to make it appear—in fact, it was an effort by the packers, and there is no question about that, but it had not the sanction of the Secretary of Agriculture. The Secretary of Agriculture was then on record, and is still on record, as opposing that attempt of the packers to throw the work into his department on the ground that his office force, provided for in this section of the bill, was inadequate to the task.

Mr. MADDEN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Missouri is not proceeding in order.

Mr. BORLAND. I will have to yield to the Chair, although not to the Representative from Chicago, although I can easily see why he should object to the discussion of this matter.

The CHAIRMAN. This is the House of Representatives, and the Representatives have adopted rules for its guidance. The Chair is obliged to enforce the rule when it is made, and the Chair asks Members to adhere to the rule.

Mr. BORLAND. If the Chair will hear me on that for a moment, this paragraph provides for the Secretary of Agriculture and his force. The question I was discussing was the powers and duties of that particular force—a very proper question, it seems to me, to discuss under this paragraph of the bill.

The CHAIRMAN. The amendment of the gentleman from Missouri was to strike out the last word, which was "$462,000." The gentleman has not been discussing that amendment.

Mr. BORLAND. If the Chair please, I will withdraw that amendment and move to strike out the paragraph.

Mr. MADDEN. Mr. Chairman, I ask whether the gentleman is to be permitted to proceed under that amendment for five minutes more?

The CHAIRMAN. The Chair will not rule on that.

Mr. MADDEN. Then, I will make the point of order that the gentleman can not withdraw an amendment and move another amendment and then proceed to speak on it for five minutes.

The CHAIRMAN. Under the rules an amendment can only be withdrawn by unanimous consent.

Mr. MADDEN. Then I object.

Mr. BORLAND. The Chair ruled that I was out of order in discussing the amendment. I was proceeding to move another amendment.

The CHAIRMAN. The Chair ruled the amendment in order, and then the point of order was made that the gentleman was not discussing the amendment, and the Chair ruled that the discussion was not germane.

Mr. BORLAND. Then I call for a vote.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Missouri.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last two words.

Mr. STAFFORD. Mr. Chairman, since I interrogated the gentleman, a member of the Committee on Appropriations has directed my attention to a matter that was under consideration in the committee this morning, referring to the pay of telephone operators. It was stated that they are paying higher salaries in the Department of Agriculture than in the other departments which are carried by the legislative, executive, and judicial appropriation bill. I wish to inquire of the gentleman, as there is no designation of telephone operators, what salary the telephone operators in the Department of Agriculture receive?

Mr. LEVER. The ordinary telephone operator receives $1,600.

Mr. STAFFORD. This is the employee, I apprehend, who receives the telegraphic dispatches, and he is a high-grade man. I am referring to the ordinary telephone operator.

Mr. LEVER. I will give the gentleman that information later on.

Mr. STAFFORD. I do not find it in this list.

Mr. McLAUGHLIN of Michigan. It is on page 2, line 22.

Mr. STAFFORD. That is not the ordinary telephone operator. That is the employee that has charge of all the telegrams coming into and going out of the department.

Mr. LEVER. I will give the gentleman that information later on.

Mr. STAFFORD. Mr. Chairman, I will withdraw the pro forma amendment.

Mr. BRUMBAUGH. Mr. Chairman, would it be in order for me to ask the Chairman a question at this point?

The CHAIRMAN. It would not be in order unless there is some proposition before the House.

Mr. BRUMBAUGH. I move to strike out the last three words.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last three words.

Mr. BRUMBAUGH. I notice in this paragraph that, all told, about 26 law clerks are provided for. Has the committee satisfied itself that these are all necessary, these 26 law clerks?

Mr. LEVER. I will say to the gentleman that some years ago the solicitor's office was under very severe fire in this House. The Committee on Agriculture at that time made a very careful investigation into the need for the number of law clerks that are in that office. Since that time the work of the solicitor's office has very greatly increased, and I am sure that these law clerks are absolutely necessary. The solicitor's office is enforcing, if my recollection is correct, some 40 different statutes. They are also helping in the preparation of much of the legislation that is being considered by this House, and it is a very busy office. I am satisfied that these clerks are needed.

The CHAIRMAN. The Clerk will read.

Mr. BORLAND. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Missouri moves to strike out the paragraph. The gentleman will proceed.

Mr. BORLAND. Mr. Chairman, this paragraph provides for the office of the Secretary of Agriculture and his force. That brings up the question of the duties of that particular office, how far they extend, and whether this force is sufficient for the performance of those duties. When this bill was last under consideration the question arose as to whether that force in the Agricultural Department has sufficient powers and clerical help, and so on, to conduct this Beef Trust investigation.

Mr. MADDEN. I make the point of order that this has nothing to do with the beef investigation.

Mr. BORLAND. I hope the gentleman from Illinois will not be so peeved about my referring to the Beef Trust.

Mr. MADDEN. I am not peeved. I am exercising my rights as a Member of the House. It is not necessary for a man to be peeved in order to exercise his rights, and I hope the gentleman will not misstate the case.

Mr. BORLAND. I have heard the gentleman discuss matters that I thought had very little relevancy——

Mr. MADDEN. I maintain that this has no relevancy whatever to the paragraph.

The CHAIRMAN. The Chair appeals to the gentleman from Missouri to continue his discussion under the rules of the House as he knows them to be. The gentleman from Missouri understands perfectly that where the point of order is made under the five-minute discussion, the discussion must be germane and confined to the amendment before the House. The Chair asks the gentleman from Missouri to proceed in accordance with that rule.

Mr. BORLAND. If the Chair please, I hope and believe that I shall proceed, as I expect to proceed, under the rules laid down by the Chair. For that purpose I want to read a letter from the Secretary of Agriculture, directed to me under date of July 6, 1916, in regard to the powers and duties of his office:

Hon. W. P. BORLAND,
House of Representatives——

Mr. MADDEN. I object to the reading of the letter, because it has nothing to do with the sufficiency of the force

Mr. BORLAND. The gentleman does not know what the letter is yet.

The CHAIRMAN. The Chair can not rule on that proposition. The Chair does not know what the letter is. The amendment is to strike out the whole paragraph providing salaries for the force in the office of the Secretary of Agriculture.

Mr. MADDEN. I maintain that under my point of order there is not anything to be discussed on this question except the sufficiency of the force, the adequacy of the force provided in this paragraph of the bill.

The CHAIRMAN. The Chair will overrule that point of order.

Mr. BORLAND. I will read this letter:

DEPARTMENT OF AGRICULTURE,
Washington, July 6, 1916.

Hon. W. P. BORLAND,
House of Representatives.

DEAR MR. BORLAND: You asked me yesterday whether I thought that the inquiry proposed in your resolution should be conducted by the Federal Trade Commission or the Department of Agriculture. I am very definitely of the opinion that it should be conducted by the Federal Trade Commission. I understand that the commission is created to make just such inquiries.

Mr. MADDEN. Mr. Chairman, I make the point of order that the Federal Trade Commission is not being considered, nor is anything pertaining to the Federal Trade Commission being considered, and that the letter of the Secretary of Agriculture deals with a subject that is not contained in this paragraph.

The CHAIRMAN. The Chair will overrule the point of order.

Mr. BORLAND. The letter continues:

It has the requisite powers and, I imagine, a personnel selected with reference to work of this kind. The Department of Agriculture has not all the powers required for this work or a staff selected with reference to such tasks. If it were to undertake work of this kind, it would necessarily duplicate the machinery and activities of the Federal Trade Commission. The department can and is increasing the investigation of the marketing and other economic problems involved in the production and distribution of all farm products, including live stock. Its data can be well placed at the disposal of the Federal Trade Commission, and perhaps we could extend our inquiry along other lines the commission might suggest.

Very truly, Yours, D. F. HOUSTON, *Secretary.*

Mr. Chairman, that shows conclusively that the Department of Agriculture did not want this investigation, and that it was given to them without their consent——

Mr. MADDEN. I make the point of order that the gentleman is not discussing the amendment.

Mr. BORLAND. And therefore I withdraw the amendment to strike out the paragraph.

The CHAIRMAN. The amendment is withdrawn, without objection. So the Chair will not rule, as the gentleman has yielded the floor, and the Clerk will read.

The Clerk read as follows:

Salaries, Office of Farm Management: One chief of office, $4,000; 1 assistant to the chief, $2,520; 1 executive assistant, $2,250; 2 clerks, class 4; 2 clerks, class 3; 3 clerks, class 2; 8 clerks, class 1; 3 clerks, at $1,100 each; 4 clerks, at $1,080 each; 1 clerk or draftsman, $1,020; 10 clerks, at $1,000 each; 18 clerks, at $900 each; 6 clerks or map tracers, at $840 each; 1 messenger or laborer, $720; 1 messenger, messenger boy, or laborer, $660; 4 messengers, messenger boys, or laborers, at $480 each; 5 charwomen, at $240 each; 1 library assistant, $1,440; 1 library assistant, $900; 1 photographer, $1,400; 1 cartographer, $1,500; 1 draftsman, $1,440; 1 draftsman, $1,200; 2 draftsmen, at $900 each; in all, $83,430.

Mr. MADDEN. Mr. Chairman, I move to strike out the last three words, including the figures.

I wish to ask the chairman of the committee what the Office of Farm Management does toward the betterment of agricultural conditions? What is its specific function?

Mr. LEVER. Mr. Chairman, that question has frequently been asked on the floor of the House, and I have tried more or less to give some answer to it. I may say this, in a general way, that the Office of Farm Management, instead of dealing with any specific problems of the farm, deals with the farm as a unit and undertakes to investigate those farm methods that are proving to be most profitable to those engaged in agriculture and to disseminate to other localities and to other farmers the information thus gathered. In every community, as the gentleman knows, there is some farmer who is more progressive than his neighbor. He has adopted the best methods of agriculture, whatever they may be, and that type of farmer is studied. His methods are studied, and the data collated from this study are disseminated to others engaged in agriculture.

Mr. MADDEN. Upon application by individuals, or without application?

Mr. LEVER. Largely in the way of bulletins.

Mr. MADDEN. And it costs about $300,000 a year to operate the Bureau of Farm Management. Does that include the publication of the bulletins and their mailing?

Mr. LEVER. No; the bulletins that are issued as farmers' bulletins, of course, come out of another fund.

Mr. MADDEN. I know; but are these bulletins that are sent out by Members of Congress prepared by this Farm Management Bureau?

Mr. LEVER. Some of them are; not all of them.

Mr. MADDEN. What kind of bulletins does this bureau prepare?

Mr. LEVER. I have here in my hand a list of some of these bulletins. I notice here Farming in the Bluegrass Region; Economic Study of Farming in the Cotton Belt; The Business of Ten Dairy Farms in the Bluegrass Region of Kentucky; Validity of the Survey Methods of Research; The Cost of Producing Apples in Western Colorado; The Theory of Correlation as Applied to Farm-Survey Data on Fattening Baby Beef; A Study in the Cost of Producing Milk on Four Dairy Farms Located in Wisconsin, Michigan, Pennsylvania, and North Carolina; Cost of Keeping Farm Horses and Cost of Horse Labor; The Economic Winter Feeding of Beef Cows in the Corn Belt; The Cost of Producing Apples in Hood River Valley; The Cost of Producing Apples in Wenatchee Valley, Wash.; How Live Stock is Handled in the Bluegrass Region of Kentucky; The Use of a Diary for Farm Accounts; Saving Labor with the Sweep-Rake; Minor Articles of Farm Equipment; Human Food from an Acre of Staple Farm Products.

Then they have issued a number of circulars. There is a Yearbook contribution on farm tenantry in the United States. Then they have in press more than a dozen bulletins: A Study of Share-Rented Dairy Farms in King County, Ill., and Green County, Wis.; A Brief History of the Sheep Industry in the United States; Farm Management and Farm Profits in Provo Area, Utah Lake Valley; Geography of the World's Agriculture; Cropping Systems for the Moisture Portion of Eastern Washington and Oregon and Northern Idaho; Value of a Small Plot of Ground to the Laboring Man; Pasture Land in the United States; A Farm-Management Survey in Brooks County, Ga.; A Study of Haymaking Crews and Labor Costs; Cost of Producing Hay in Steuben County, N. Y., and Washington County, Pa.; Cost of Producing Apples in Yakima Valley, Wash.; A Simple Way to Increase Crop Yields; Economy in the Selection of Feeds; A Farm-Management Study in Anderson County, S. C.; Factors of Successful Farming in the Vicinity of Monett, Mo.; Cost of Producing Apples in the Payette Valley, Idaho; Fire Prevention and Fire Extinction on the Farm; Cost of Harvesting Wheat by Different Methods.

Mr. MADDEN. Are not such bureaus as this operated in each State of the Nation?

Mr. LEVER. Each State in the Nation has an agricultural experiment station operated under the Hatch Act. The Federal Government deals in a more extensive way with the matter.

Mr. MADDEN. Does not the gentleman think that $300,000 for the work that this bureau does is a large amount of money?

Mr. LEVER. No; the committee has considered that from time to time. There is no increase in the item. It looks as if there was a decrease, but that is due to transfers from the lump-sum appropriation to the statutory rolls. The committee thinks that the office is doing good fundamental work.

Mr. MADDEN. The gentleman thinks that the results are such as to justify the appropriation?

Mr. LEVER. Yes.

Mr. MADDEN. Does the gentleman know of any specific instance where the information as furnished by the bureau has added a dollar of value to the crop in any State or upon any farm?

Mr. LEVER. I will answer that by saying that it is almost impossible to measure the dollar value of education or of scientific or economic research. The Office of Farm Management is dealing more largely with economic problems on the farm than any other office in the Department of Agriculture. It would be impossible to put a finger on the value of scientific research, although all agree that it has been of immense benefit to mankind, as education has been.

Mr. MADDEN. We all realize that.

Mr. LEVER. If the gentleman should ask me to give him the dollar value of the work of the eradication of the cattle tick or hog cholera, I think I could give it to him, but this is an educational and scientific proposition, and it is almost impossible to do it.

Mr. MADDEN. At the same time the investigation of educational, scientific, and economic propositions must be based on the worth of the research and information furnished as the result of the research. There ought to be somewhere and somehow some one who can tell definitely what the outcome is of the information gathered at this enormous expense.

Mr. LEVER. I will say frankly to the gentleman that I do not believe there is anyone who can measure the results of these interesting and valuable bulletins, what effect they have on the farmer as to changing his methods. That is something that no man knows, except we know that agricultural methods are being improved each day under some kind of influence.

Mr. MADDEN. My suggestion may not have any value to the Agricultural Department, and may not meet with the approval of the gentleman from South Carolina, who is always ready to consider problems that will benefit agriculture, but it seems to me that a bureau like this, charged with the responsibility of making economical as well as scientific studies, spending $300,000 a year, disseminating information which is intended to advance the system adopted by the Department of Agriculture, should also investigate the result of their work and have some concrete information as to whether their suggestions have been adopted and with what results. It should be a very easy matter to do it.

Mr. LEVER. I am afraid that the gentleman from Illinois would be asking the department to pass upon the merits of its own work.

Mr. MADDEN. I do not think so. If the department should issue a bulletin advocating a certain method of raising blue grass, they ought to be able to ascertain what the result and outcome of the adoption of that method or suggestion was.

Mr. LEVER. I am sure they do know that. I did not quite understand the gentleman.

Mr. MADDEN. I thought I was talking Anglo-Saxon.

Mr. LEVER. For example, the department has recommended in the South, where we have little dairy industry, the organization of creamery routes. I think the department is in a position to give specific figures on work of that kind.

Mr. MADDEN. The purpose of my suggestion was that the committee, in the consideration of the next Agricultural appropriation bill, might require the department to disclose the results, if any, of the expenditure of this money.

Mr. LEVER. If the gentleman will recall, about four years ago this committee went thoroughly into every line of activity of the Department of Agriculture. Our hearings extended over six weeks. The report discussed in detail every activity in the department, and we did do just what the gentleman suggests we ought to do again. I think the suggestion is a good one. We did go into the matter of seeing what results were obtained by the expenditure of this money.

Mr. MADDEN. I think it ought to be done every year and not quadrennially.

Mr. LEVER. We have done it more or less in this bill. The hearings extended over three weeks.

Mr. MADDEN. I hope in the future they will require the department in all scientific and economic work to give some evidence of the results and outcome of the expenditure.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I think the suggestion of the gentleman from Illinois could hardly be carried out. In the matter of this particular appropriation, for example, the department studies farm methods with the idea of learning those which are profitable and those which are not profitable. It is difficult to tell how many of the suggestions as to proper methods are followed and what the financial results of following the suggestions have been.

This department investigates an area in a State and learns the results reached and the methods employed by those who are engaged, we will say, in general agriculture; that is, farmers who are raising a variety of crops. The one who makes the investigation learns the different methods that are employed, how much of one crop and how much of another is grown, what acreage is devoted to one crop and what acreage to another. He finds out and determines the crops that are profitable in that area and the crops that have proven to be unprofitable and the acreage or the relative portions of a farm devoted to the various crops, pointing out that one farmer, considering the size of his farm and other conditions, is raising too much hay; another is not raising enough corn, that another is trying to raise wheat when perhaps conditions do not justify him in doing so. To a farmer who wishes to engage in dairying more extensively it is pointed out that that section of the country, perhaps, is not suitable to it, or if it is thought that he can engage in dairying profitably, how many cows he should keep and what kind of cows. A farmer is advised also to keep books, which will show him at the end of the year, or when the crops have

been disposed of, how much money, approximately at least, each of his crops or each of his lines of production has cost.

The department official helps the farmer to start his bookkeeping and later helps him to interpret his accounts and offers advice as to how proper use may be made of results as they appear by the books of account. Farmers quite generally accept advice offered along these lines, and the reports we receive as to results of keeping accounts, changed methods, and so forth, are very gratifying.

Reports are made as to the results of the investigation in that section, and statements are made or advice is given to those who are interested; those who are intelligent enough; those who are moved by suggestions made to them to adopt the suggestions. What the financial results are that follow in the case of those who take the suggestions have been difficult to ascertain. It is the statement of the financial results that the gentleman from Illinois [Mr. MADDEN] wishes. In my opinion, it is impossible to learn what results, in dollars and cents, have been.

Mr. MADDEN. Mr. Chairman, the suggestion I made, carried to its logical conclusion, would mean this: That where they make suggestions we may ascertain if those suggestions have been adopted, and if they have been adopted, with what result, compared with previous results before the suggestions were made. That is an easy matter. They could make typical cases. They would not have to take every case.

Mr. McLAUGHLIN of Michigan. The reports show sometimes in detail the number of farmers that have adopted the suggestions and in a general way the results following to those farmers who have followed the suggestions, and from these reports we, the committee, believe the money has been well spent and that the work should be continued, hence this appropriation.

Mr. McFADDEN. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. McFADDEN. I want to inquire if this is not perhaps a duplication, whether this work is not being done by the county agents through the extension departments of the colleges?

Mr. McLAUGHLIN of Michigan. This is a different kind of work from that done by county agents. In the first instance, the surveys, as they are called, are made over quite an area, each survey taking in a large number of farmers engaged in one kind of agriculture. The results may be communicated to the county agents and they undertake to make proper use of them by advising and assisting farmers in their respective counties, but the county agents themselves can not devote time enough to make these surveys, which, to be successful, are usually made over an area larger than that superintended by any one county agent.

Mr. McFADDEN. Can the gentleman tell me how much of this appropriation goes to the extension departments, to be utilized by them to bring this to the attention of the farmers through the county agents?

Mr. McLAUGHLIN of Michigan. This is all extension work, but how much is expended to bring the results to the attention of the county agents I can not tell.

Mr. McFADDEN. The point I am making is whether that fund is consumed entirely by the department here, or does a portion of it go to the State?

Mr. McLAUGHLIN of Michigan. This is all used by the Department of Agriculture.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for one minute, in order to make an inquiry.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McKENZIE. Mr. Chairman, take, for instance, 10,000 bulletins that may be printed on a certain subject. They are sent out by the department broadcast over the country. Ten thousand farmers may read that bulletin. No man and no department has any way to find out, and it is not possible to find out, what farmers have taken advantage of that, what improvements they have made, or in what way they have added to the wealth of the country, and yet a good deal of good may have been done.

Mr. McLAUGHLIN of Michigan. The gentleman from Illinois is entirely right, and what he says supplements admirably my feeble effort to answer the inquiry of the gentleman from Illinois [Mr. MADDEN]. No one can tell, certainly not in dollars and cents, the results of disseminating information among the farmers of this country. Some will take advantage of it, and some will fail to take advantage of it.

Mr. NORTON. Mr. Chairman, I move to strike out the last two words. I am anxious to know what part, if any, of the $221,000 is used for printing these bulletins. Can the chairman tell me?

Mr. LEVER. Only a small portion, if any.

Mr. NORTON. From the statement made by the chairman I was led to believe that most of this amount of $221,000 is used for the payment of those who make agricultural surveys throughout the country and in preparing bulletins. Before that statement was made by the chairman I was under the impression, from some experience I have had and from some observations I have made, that a large number—at least a considerable portion—of the bulletins referred to are prepared by persons who receive nothing out of this appropriation; that many of the bulletins are prepared and written by men employed in the departments of agriculture of the different States, and that the articles contained in many of these bulletins are turned over gratuitously to the Department of Agriculture and then published by the Department of Agriculture. What I would like to know and what I trust the Committee on Agriculture has investigated and does know, is whether or not a considerable part of this large appropriation is paid out to men who go around the country looking over the country in a sight-seeing way, doing little helpful work for the farmer, either by personal encouragement or by example or through the preparation of any of these bulletins.

Mr. LEVER. Mr. Chairman, I would state to the gentleman from North Dakota that the men who are being paid from this lump-sum appropriation here are regarded as experts in their line of work, and are carried on a lump-fund roll and paid out of this appropriation.

Mr. NORTON. Does the gentleman say now that a large number of these bulletins are not prepared by men who are not paid for doing it?

Mr. LEVER. I could not tell the gentleman that. I never heard the statement made before.

Mr. NORTON. What do these men who are paid out of the lump-sum appropriation actually do?

Mr. LEVER. They go into communities and study farm conditions. They select an area and make a study in that way. They may select a whole county and make a study of that county.

Mr. NORTON. How many of them are employed at the present time?

Mr. LEVER. That can be shown. We have an exact list here in the Book of Estimates showing the exact number. Then when they come to their conclusions, after gathering the data, they are put in the form of a circular, or farmer's bulletin, or they may be put in the form of a departmental bulletin, which is not generally distributed. The farm bulletins are, of course, distributed in the ordinary way, as the gentleman knows.

Mr. NORTON. Do these men lecture throughout the country?

Mr. LEVER. Very rarely, as far as I know.

Mr. NORTON. But the Department of Agriculture does send lecturers to farmers' gatherings and meetings. They are not paid out of this sum?

Mr. LEVER. I take it occasionally one of these more distinguished men might be called upon to address some great farmers' meeting, such as the Farmers' Union or the Grange or the Nonpartisan League, or something of that sort.

Mr. NORTON. Their expenses would then be paid out of this lump-sum appropriation?

Mr. LEVER. And the time he would lose in going and coming from that point would not be taken out of his salary; but this appropriation is not used generally for such work of the Department of Agriculture.

Mr. NORTON. Will the gentleman have placed in the Record the number of men who are paid out of this lump-sum appropriation, the number who were paid out of this appropriation during the last fiscal year, and who are in the regular employ of the Government?

Mr. LEVER. Yes; I have that here and I will try to summarize it. It is all here in this book.

Mr. SHALLENBERGER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee how long this particular provision has been included in the bill. Has it been in force and effect since 1911?

Mr. LEVER. Well, I think it has. This provision has been in the bill, I should say, six or eight years.

Mr. SHALLENBERGER. The gentleman from Illinois asked a very pertinent question as to the effect of business management upon this great industry in America. I have a statement here, given out by the Department of Agriculture and published in the press this morning, that the average of agricultural production in America for the five years since 1911 was $6,298,220,000, whereas for 1917 the amount has risen to the vast sum of

$13,683,768,000, which practically equals the entire production of every other line of business endeavor in the country, and I submit that the modest sum of $300,000 is a very modest amount, indeed, to ask for improving the business management of American agriculture.

Mr. MADDEN. If the gentleman will yield——

Mr. SHALLENBERGER. I will.

Mr. MADDEN. That is true, I agree to that; but the gentleman does not assume that the large increase in the output of agriculture is on account of the expenditure of this money?

Mr. SHALLENBERGER. I will leave it to the gentleman to separate the amount to be credited to improved business management from that accountable to the industry of the farmer. Each one has had its effect.

Mr. MADDEN. The number of farms have been, of course, increased in the number of years the gentleman quotes; but surely the expenditure of this money has had nothing to do in the opening up of those farms.

Mr. SHALLENBERGER. I think it is generally understood, I will say, that improved business methods have been somewhat neglected upon our farms, and that the application of economic business ideas to agriculture produces results as in every other line of human effort.

Mr. MADDEN. I agree with the gentleman.

The Clerk read as follows:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $221,660.

Total for Office of the Secretary of Agriculture, $767,090.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from South Carolina, in charge of the bill, what rate of compensation is paid to the men who are paid out of this lump-sum appropriation of $221,660? How many men are employed under it and what do they do?

Mr. LEVER. I promised the gentleman from North Dakota [Mr. NORTON] to put in the RECORD that information, but I will read some of it. The chief of this bureau gets $4,000.

Mr. MADDEN. That is already in the bill.

Mr. LEVER. The assistant chief gets $3,250.

Mr. MADDEN. That is another one in the bill.

Mr. McLAUGHLIN of Michigan. They are on the statutory roll, and he asked about the lump-sum appropriation.

Mr. MADDEN. It is the lump sum I am talking about.

Mr. LEVER. The next is an agriculturist who gets $3,250, another agriculturist who gets $3,000, another who gets $3,000, another who gets $2,700, another at $2,520, several more at $2,340, two here at $2,400, three or four here at $2,250, and on down to a scientific assistant and assistant agriculturist, and so forth——

Mr. MADDEN. That will do, all right.

Mr. LEVER. At $1,600.

Mr. MADDEN. Will the gentleman yield for another question?

Mr. LEVER. I will.

Mr. MADDEN. Inasmuch as the gentleman is already able to enumerate the number of men employed and the compensation they are receiving, I would like to ask why it is the committee thought it inadvisable to report these places specifically in the appropriation bill, so that we may not give to the Secretary of Agriculture plenary power to pay any compensation that he pleases?

Mr. LEVER. I would say, Mr. Chairman, in answer to the suggestion of the gentleman, that the Committee on Agriculture has followed the method of every other appropriation committee in Congress, and the Department of Agriculture also follows the same method pursued by other departments of the Government, namely, that the scientific force of these departments is carried on the lump-fund roll and paid from the lump-fund appropriation. The permanent clerical positions are carried on the statutory roll.

Mr. MADDEN. I understood there was a chief of a bureau there, at $4,000, paid out of this?

Mr. LEVER. No; that is a statutory salary.

Mr. MADDEN. An agriculturist.

Mr. LEVER. He is a scientist, and would come out of the lump sum.

Mr. MADDEN. That is what I was going to ask. Now, are all the positions enumerated by the gentleman occupied by scientists?

Mr. LEVER. They are all regarded as scientific people.

Mr. MADDEN. And their work is——

Mr. LEVER. Of a scientific nature.

Mr. MADDEN. And they are educated in the scientific work?

Mr. LEVER. Exactly.

Mr. MADDEN. So that the reason why they are not enumerated in the law and their compensation fixed by law instead of permitting the Secretary of Agriculture to employ them indiscriminately and pay them what he pleases is due to their scientific knowledge?

Mr. LEVER. Exactly. And the limit of their salary is fixed by law at $4,500 per annum.

Mr. McFADDEN. I would like to inquire of the chairman of the committee, in speaking of these scientific men who are to investigate and encourage the adoption of improved methods, and the assignment to this work, the gentleman said a few minutes ago that these experts were assigned sometimes to counties. Will the gentleman explain how these assignments are made?

Mr. LEVER. I conveyed a wrong impression to the gentleman if he has any idea that the assignment to a county is a permanent proposition. What I wanted to say was that one of these agricultrists might be sent into a county in Pennsylvania to make an investigation that would cover a month or two months. The same man, after that, might be sent to the State of Texas. They are not permanently assigned to any place.

Mr. McFADDEN. What I wanted to find out was whether the demand came from the States or counties, or originates in the department.

Mr. LEVER. It originates in the department.

Mr. HAUGEN. Mr. Chairman, I believe a wrong impression can be gathered from the statement of the chairman. I do not believe he wants it understood that the fixing of the salaries under the lump sum is confined entirely to the scientists. We appropriate money in lump sum and the department fixes the salaries all along the line, and in that way Congress has surrendered its power and jurisdiction over fixing salaries. We appropriate lump sums and the departments make the appointments and fix the salaries to suit its own will all along the line. The chairman will remember in the appropriation that we made a year ago we appropriated for a number of places at $720 and $900. Clerks could not be had—or, rather, their services could not be obtained—at the salary fixed, and it was found necessary to increase their salaries; and the only way salaries could be increased was through the appointment of clerks and paying them under the lump-fund roll; and as a result we have hundreds of clerks now drawing $1,200 where it was the intention of Congress that their salary should not exceed $900. The excuse given by the department is that, inasmuch as the services of the clerk could not be had at $900, it was necessary to increase the salary to $1,200.

Mr. LEVER. In order that I may make myself entirely clear, as I do not want to mislead the committee——

Mr. HAUGEN. I understand.

Mr. LEVER (continuing). I will say that this matter of the lump-sum roll has been discussed frequently upon the floor of the House and has disturbed every committee that has handled it to know how to handle it and limit the authority of the executive in employing people on this roll. But the theory is that only scientific persons or people employed temporarily in clerical positions are carried upon this roll. Now, the law requires that where a person is occupying a clerical position to which he is appointed temporarily the executive head of a department shall estimate for his transfer to the statutory roll of that department. In the case of the Department of Agriculture, as my friend from Iowa [Mr. HAUGEN] said—and I am glad he said it—they informed us that many of their lower grade positions—$720, $840, $900 statutory places—are unfilled for the reason that they could not get people at those salaries to serve. The Department of Agriculture and the other departments of the Government here until a few months ago were in competition with each other in bidding for clerks. The enormous increase in the work in Washington has made it almost impossible for the old-established institutions to hold their clerks. But the rule is that the scientific people are carried on the lump-fund roll. The temporary clerk positions are carried on the lump-fund roll, but they must be transferred under the law in the next estimates. I think I state that fairly accurately.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words.

There has been presented to the committee a question that has long been agitating Members, as to the way Congress could control the departments in the expenditures of their lump-sum appropriations. We have before us a glaring instance of the abuse that follows by vesting in the Department of Agriculture the lump-sum appropriation, amounting to hundreds of thousands of dollars, which they can utilize at their own will to increase salaries and also in bidding against the same character of employees in other departments of the Government.

The mere fact that they are employed in a scientific position, according to my way of viewing it, is no warrant for not specifying them in this appropriation bill. There is one bureau connected with this Government that is doing more work to advance the welfare of the Government toward winning the war than any other department in the Government service, and yet that bureau has its scientific force restricted by number and salary. I need not mention to this Committee that it is the Bureau of Standards. The Committee on Appropriations requires that every scientific officer, every employee connected with the departments of the Government here at Washington other than the Department of Agriculture, which is the one exception, of which the Committee on Appropriations has not jurisdiction, must in their estimates detail the officials and employees, clerical, scientific, and otherwise, as to their number and salary, and the committee designates them specifically in the legislative, executive, and judicial appropriation bill. Yet here the chairman of the committee in his opening statement has called attention to this anomalous condition, that here in the bill, on the statutory roll in the Office of Farm Management, the chief of the office receives $4,000 and the assistant to the chief $2,520 on the statutory roll, but out of a lump-sum appropriation, of which the Congress knows nothing, and which the committee never examines except, may be, when there is some agitation in the House or in the country demanding a specific investigation of the respective salaries, the salary of the assistant to the chief is $3,250. Is that correct, I will ask the gentleman from South Carolina [Mr. LEVER]? We have no knowledge of it except as it is included in the Book of Estimates, scanned only on occasion by the chairman of the committee or by the committee itself.

I wish to emphasize this fact to the gentleman, and I do it in the best of faith and not in a spirit of criticism. I think it is well, especially in these times when the Department of Agriculture is competing with the other departments for their employees and abstracting them from other departmental services, because they have at their command lump-sum appropriations, whereas the other departments are limited to the statutory salaries carried in the legislative bill, that they should put in their appropriation bill not only the clerical force but the scientific force.

Mr. LEVER. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. I will be glad to.

Mr. LEVER. Do I understand the gentleman to say that the Committee on Appropriations, in appropriating for these scientific people in other departments of the Government, specify so many at such and such rates of compensation in the bill?

Mr. STAFFORD. The Bureau of Standards, the most scientific department of the Government, where immense military services have been thrown upon them, is required to specify the salaries and rates of compensation.

Mr. LEVER. How about the Geological Survey? I am asking for information.

Mr. STAFFORD. They are limited strictly to the statutory force in the Bureau of Standards. As to the Geological Survey, that is a field service, not carried in the legislative, executive, and judicial appropriation bill, and that bill is limited to departmental services. The Geological Survey is carried in the sundry civil bill. I can not speak of that bill as I can of the legislative bill, framed by the subcommittee of which I am a member.

Mr. LEVER. The gentleman is on the Committee on Appropriations and is a very diligent Member of this House. Is there and other scientific bureau of the Government whose force is carried exclusively on the statutory roll except the Bureau of Standards? I am asking for information.

Mr. STAFFORD. I do not recall any other scientific bureau carried in the legislative, executive, and judicial appropriation bill. Yes; I do recall, for instance, that the professional force in connection with the Naval Academy is provided specifically by places and salaries in the naval appropriation act. That is an instance.

Mr. LEVER. I think I can differentiate that from these.

Mr. STAFFORD. Of course you can differentiate. But I want to emphasize the fact that it is the system I am criticizing. I am not criticizing the committee.

Mr. LEVER. I know that.

Mr. STAFFORD. We all know—those of us who have charge of appropriations for any department—that the department heads always want to be freed as much as possible from restrictions, and yet it is necessary, for the protection of the purse strings of the Government, for Congress to be always on the alert and place limitations upon them. We have been at war for nine months now, and it has been necessary to increase the appropriations for the War Department and the Navy Department extraordinarily. There have been placed at the control of the War and Navy Departments large deficiency appropriations, and yet we find that as soon as those appropriations are placed at the disposal of the War and Navy Departments each bureau immediately resorts to the device of raising the salary of men on the statutory roll and placing them on a roll paid from a lump-sum appropriation, with an increase of $200 or $300 in advance of the appropriation made by Congress.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

Mr. ANDERSON. Mr. Chairman, does the gentleman intend to offer any amendment to correct this defect that he is talking about?

Mr. STAFFORD. No. I merely want to make some observations. Does the gentleman want to object to my continuing for two minutes?

Mr. ANDERSON. I was making an inquiry of the gentleman. I know what my rights are.

The CHAIRMAN. Without objection, the gentleman will proceed.

Mr. STAFFORD. I wish to emphasize to the committee the fact that the committee should look into and ascertain if it is not feasible in making up the bill to include all the clerical force and all the scientific force by classes and grades, so that the heads of bureaus and departments will not have a free hand to increase salaries as they may be inclined to without the approval of Congress.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. McFADDEN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. McFADDEN. In regard to these investigations, I want to ask the chairman of the committee to put into the RECORD the list of States that have been benefited by these investigations; that is to say, in what States the investigations have taken place.

Mr. LEVER. I do not know, this being Saturday afternoon, whether we could get the information in time for to-morrow morning's RECORD or not; but if we can, I will be glad to put it in the RECORD.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

WEATHER BUREAU.

Salaries, Weather Bureau: One chief of bureau, $5,000; 1 assistant chief of bureau, $3,250; 1 chief clerk, $2,500; 1 chief of division of stations and accounts, $2,750; 1 chief of printing division, $2,500; 3 chiefs of division, at $2,000 each; 8 clerks, class 4; 11 clerks, class 3; 23 clerks, class 2; 31 clerks, class 1; 22 clerks, at $1,000 each; 10 clerks, at $900 each; 1 foreman of printing, $1,600; 1 lithographer, $1,500; 3 lithographers, at $1,200 each; 1 pressman, $1,200; 1 printer or compositor, $1,440; 5 printers or compositors, at $1,250 each; 14 printers or compositors, at $1,300 each; 1 printer or compositor, $1,200; 6 printers or compositors, at $1,080 each; 5 printers or compositors, at $1,000 each; 4 folders and feeders, at $720 each; 1 instrument maker, $1,440; 3 instrument makers, at $1,300 each; 1 instrument maker, $1,250; 3 skilled mechanics, at $1,200 each; 5 skilled mechanics, at $1,000 each; 1 skilled mechanic, $840; 1 skilled mechanic, $720; 6 skilled artisans, at $840 each; 1 engineer, $1,300; 1 fireman and steam fitter, $840; 4 firemen, at $720 each; 1 captain of the watch, $1,000; 1 electrician, $1,260; 1 gardener, $1,000; 4 repairmen, at $840 each; 6 repairmen, at $720 each; four watchmen, at $720 each; 18 messengers, messenger boys, or laborers, at $720 each; 6 messengers, messenger boys, or laborers, at $660 each; 31 messengers, messenger boys, or laborers, at $600 each; 99 messengers, messenger boys, or laborers, at $480 each; one charwoman, $360; 3 charwomen, at $240 each; in all, $328,950.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MADDEN. Is this the bureau, the chief of which publishes a statement every afternoon or evening or morning, as the case may be, in which he sets forth that the wind may be in the north, veer to the south, and turn to the west, and that it will be cloudy, and that the sun will shine a few minutes later, and that it may possibly rain or it may possibly be dry? [Laughter.]

Mr. LEVER. This is the regular Weather Bureau service.

Mr. MADDEN. So this is the bureau from which the statement such as I have made is published is it?

Mr. LEVER. I am not willing to admit that. [Laughter.]

Mr. MADDEN. A great many people always after reading the report are in doubt as to what the meaning of the report is. When I read it I always conclude that no matter what happens,

the chief of the bureau has tried to hit it with some word or other that he has put into the statement.

Mr. LEVER. That is a wise thing.

Mr. MADDEN. But he never makes a statement with any intention of getting at the facts. He has certainly become adroit in the use of words, and sometimes it is said by a great many people that the reports of the Weather Bureau are not of much value in the way they are made. I think there are some private institutions in the United States that make weather reports, and these are relied on to a much greater extent than the reports made by the Agricultural Department.

Mr. BORLAND. The gentleman doubtless refers to Prof. Hicks. [Laughter.]

Mr. MADDEN. I think perhaps there is a man of that name who makes reports.

Mr. LEVER. I have a constituent myself who is a great forecaster.

Mr. MADDEN. I think the private reports are much more reliable than the reports we are getting from the Department of Agriculture, that cost $1,900,000 a year. Of course, I suppose it is not possible for any man, no matter who he is or how scientific he may be, or how much knowledge he has concerning the movements of the stars and the heavens, and the moon, and faith, and all that, to tell exactly what is going to happen; but it seems to me he ought to come as near telling the truth as it is possible for him to tell it; and it very frequently happens that just the reverse of his predictions comes to pass. What does the gentleman in charge of this bill have to say about the inaccuracy of these reports?

Mr. LEVER. The information that has come to the committee is to the effect that the forecasts of the Weather Bureau show a percentage of accuracy of 80. In other words, they hit it 80 times out of 100. That is pretty good forecasting.

Mr. MADDEN. The gentleman means that some word in the statement will be found to fit the situation.

Mr. LEVER. No; if they make a positive declaration, they hit it 80 times out of 100, and I think that is pretty good work.

Mr. MADDEN. That would be very good if that should turn out to be the case.

Mr. LEVER. I think their records will show that.

Mr. MADDEN. In reading these reports I have found myself wondering who the necromancer was who found the words that were put into the prediction, because they turn double somersaults and loop the loop five or six times, and then come back and make a straightforward movement, and then put on the reverse lever and move backward, and then veer to the northeast, and sometimes back to the southwest, and finally reach a conclusion that is very much in doubt.

Mr. LEVER. Well, they are dealing with the wind.

Mr. MADDEN. I thought they were dealing in science.

Mr. McFADDEN. I should like to ask the chairman of the committee, in view of the kind of weather we have been having for the last two months, whether he thinks we should continue this appropriation?

Mr. LEVER. I think we ought to increase it. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For necessary expenses in the city of Washington incident to collecting and disseminating meteorological, climatological, and marine information, and for investigations in meteorology, climatology, seismology, volcanology, evaporation, and aerology, $109,250.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Mr. STAFFORD. I wish to inquire what is the purpose of the new language in line 15, page 8, "seismology and volcanology"?

Mr. LEVER. I will ask the gentleman from Michigan [Mr. McLAUGHLIN] to give the information which the gentleman from Wisconsin desires.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the gentleman from Wisconsin asks in regard to the new work that is to be carried on under these words "seismology and volcanology." "Seismology" is a word that has been carried in the paragraph before. "Volcanology" is a new word here.

Mr. STAFFORD. Wherein does volcanology differ from seismology?

Mr. McLAUGHLIN of Michigan. Volcanology is so similar to seismology that the Secretary of Agriculture, the Chief of the Weather Bureau, and the most illustrious gentlemen in the world in relation to these two subjects are unable to distinguish between them. They say they are one and the same thing, so the gentleman from Wisconsin can not expect me to distinguish between them.

Mr. STAFFORD. If they are one and the same thing, what is the purpose of including the word "volcanology" in this paragraph, as a new phrase?

Mr. McLAUGHLIN of Michigan. It is suggested that some new work be done, and it relates to volcanology, in connection with the volcanoes in the Hawaiian Islands. The chairman of the committee thought it advisable to inform Congress of the new work that is to be undertaken, and the use that is to be made of the increased appropriation of $10,000. The chairman made the suggestion simply to advise Congress, not because the Secretary of Agriculture or the Chief of the Weather Bureau thought that the use of the word "volcanology" was necessary.

Mr. STAFFORD. Can the gentleman inform the committee what additional work is contemplated so far as volcanology or seismology is concerned, for which an additional appropriation of $10,000 is desired?

Mr. McLAUGHLIN of Michigan. It is intended to assist in continuing the work that Prof. Jaggar has for several years been carrying on in the island of Hawaii, investigating and collecting data and keeping records in regard to the earthquakes and volcanoes there.

Mr. STAFFORD. Is it contemplated to employ him as a Government official to compile the data that he has been collecting there as the representative of the Massachusetts Institute of Technology?

Mr. McLAUGHLIN of Michigan. I hope that a part of this money will be used properly to compensate Dr. Jaggar for his very important work. Up to this time he has been paid out of private funds supplied by the Massachusetts Institute of Technology, and by private subscription by people of the Hawaiian Islands. He has been engaged in that work for several years, making observations and keeping records, and it is proposed that he shall continue that work, and that the United States Government shall furnish a little money to help pay his salary and expenses. How much of that money will be devoted to that purpose I do not know, but it is only a small part of the sum of money asked for two years ago, and very strongly recommended by the Secretary of Agriculture and the chief of the bureau. About compiling the records, I do not know what will be done in that respect; but the observations Prof. Jaggar is making, and the records he is keeping, have their chief value, or one of their great values, in being continuous and unbroken over a series of years. They ought to be continued without break or interruption. What will be done by way of collating or publishing them I do not know. That will have to be left to the scientific men of the Weather Bureau, acting under the direction of the Secretary of Agriculture.

Mr. STAFFORD. If the gentleman will permit, will he differentiate between work done by individuals connected with universities doing research work in scientific lines for the benefit of the world and of science generally, not paid out of Government funds, and this gentleman, who is engaged in this work there on the Island of Hawaii?

Mr. McLAUGHLIN of Michigan. I know very little of strictly scientific work being done by gentlemen in connection with governmental actitivities in cooperation with private interests or activities in which the Government might engage. I do not know that I can give the gentleman any information of work being done by scientific men connected with private institutions or paid by private funds. But the work Dr. Jaggar is doing is of public interest. It is connected, the Secretary of Agriculture says, with agriculture. He is pursuing a very important and a very interesting scientific investigation.

Mr. STAFFORD. How is it connected with agriculture?

Mr. McLAUGHLIN of Michigan. The Secretary points out that it is related to meteorological investigation, weather conditions, temperature, sun radiation, and so on. There is agricultural meteorology, or the relation of climate and weather to vegetable growth.

Mr. STAFFORD. Mr. Chairman, I question the policy of the Government in taking under its fold every research student that may be employed anywhere throughout the world investigating something of value to humanity and science, but the bureau has been engaged to some extent in the investigation of seismology, and volcanology is rather similar, and I am not going to press a point of order. I hope that this appropriation will not increase abnormally and that the Federal Government will not take under its wing every person that happens to be engaged on research work. I withdraw the reservation of the point of order.

The Clerk read as follows:

For the establishment and maintenance by the Weather Bureau of additional aerological stations, for observing, measuring, and investigating atmospheric phenomena in the aid of aeronautics, including salaries, travel, and other expenses in the city of Washington and elsewhere, $98,740.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order to the paragraph in order to inquire whether there was any item which was carried in last year's appropriation bill providing for the establishment of aerological stations connected with the Weather Bureau?

Mr. LEVER. There were none.

Mr. STAFFORD. What is the increase of $98,000 for?

Mr. LEVER. The Army appropriation bill for the fiscal year carries an appropriation of $100,000 for the establishment of these aerological stations. The Department of Agriculture has one already in the State of Nebraska. The Secretary of War, the Secretary of Agriculture, the Chief of the Signal Corps, and others interested in aeronautics concluded that this work properly belonged to the Weather Bureau and could better be handled by the Weather Bureau since they have made investigations and have experimented along these lines, and this comes into the bill at the suggestion of the parties I have named.

Mr. STAFFORD. There is no intention of having the various departments overlap each other?

Mr. LEVER. No.

Mr. STAFFORD. And, by agreement with all interested, the Department of Agriculture is to have the sole investigation of the work?

Mr. LEVER. Yes; and they propose to establish, in addition to the one in Nebraska, five additional stations.

Mr. STAFFORD. And in the establishment of these stations the Secretary of Agriculture is to cooperate with the War Department and the Signal Corps?

Mr. LEVER. Yes.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. LEVER. I will.

Mr. SHALLENBERGER. I want to ask if in this appropriation the language "and other expenses in the city of Washington and elsewhere" would in any way authorize operations in Europe? I think the Signal Corps has indicated to the Military Committee that they will require meteorological stations in Europe.

Mr. LEVER. It was not so intended. It was intended to establish five additional stations in this country.

Mr. STAFFORD. This, as I understand it, is a war emergency measure?

Mr. LEVER. Yes.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of a point of order.

The Clerk read as follows:

For inspection and quarantine work, including all necessary expenses for the eradication of scabies in sheep and cattle, the inspection of southern cattle, the supervision of the transportation of live stock and the inspection of vessels, the execution of the 28-hour law, the inspection and quarantine of imported animals, including the establishment and maintenance of quarantine stations and repairs, alterations, improvements, or additions to buildings thereon, the inspection work relative to the existence of contagious diseases, and the mallein testing of animals, $503,662.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. In this connection Mr. Chairman, I desire to ask unanimous consent to insert in the RECORD certain resolutions adopted at a recent meeting of the Wyoming Wool Growers' Association.

Mr. MADDEN. I reserve the right to object.

Mr. MONDELL. The resolutions refer to matters treated of in this paragraph and generally to live stock.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

Mr. MADDEN. I object.

Mr. MONDELL. Mr. Chairman, at this time the world is suffering from something of a shortage of wool. For the first time in the history of our country we are placing in the uniforms of our soldiers a large amount of shoddy. Before the outbreak of this war our soldiers wore the best uniforms of any soldiers in the world. The grade of uniform has been reduced by using shoddy, increasing the proportion of cotton, until we have reached a condition in which, in the words of an officer in the United States Army before the investigating committee of the Senate a few days ago, "We have the poorest uniform of any army in the world"—that is, any army of any considerable power.

Mr. LEVER. Will the gentleman yield for a moment?

Mr. MONDELL. Yes.

Mr. LEVER. When the gentleman from Wyoming was necessarily absent attending to duties of his committee I made the statement that I was going to try to enforce the rule on this bill by having the remarks of Members confined to the item under considerartion.

Mr. MONDELL. I am in harmony with the gentleman on that and have no desire to discuss anything except the bill and the provisions of the bill.

Mr. LEVER. I am sure of that, and there is an item in the bill a little further on to which the gentleman might appropriately address his remarks.

Mr. MONDELL. I am going to keep within the rule, I assure the gentleman.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SHALLENBERGER. I know the gentleman wants to be correct. The hearings before the Military Committee in the Senate and in the House show that there is absolutely no cotton in the uniforms and that the so-called shoddy is reworked wool. The uniform is composed entirely of wool. The question of putting in cotton was considered but was abandoned.

Mr. MONDELL. My friend ought to be better informed. He does not mean to say that there is no cotton in the warp of the overcoats?

Mr. SHALLENBERGER. There is cotton in the warp of the overcoat, but not in the uniform proper.

Mr. MONDELL. There is cotton in the warp of the cloth used for the Army at this time.

Mr. SHALLENBERGER. Only in the overcoats.

Mr. MONDELL. And in addition to the use of cotton warp there is a considerable increase of shoddy and a decrease in the weight of the cloth. No doubt those who decided that matter believed there was such a shortage of wool as to necessitate the change. I do not think so. I believe it was a great mistake. There was plenty of wool available, and I know that it was offered to the Council of National Defense at a very low price compared with the present price at the outbreak of the war, because I was one of those who went before the Council of National Defense with the representatives of the wool growers of the West, who made the offer of sufficient wool for all uses of the Government at a very low price.

Mr. MOORE of Pennsylvania. What was the substance of the resolutions of the Wyoming Wool Growers' Association?

Mr. MONDELL. They related to the use of wool in the making of clothing, the diseases of sheep, the marketing of wool and mutton—matters likely to be treated of in the resolutions of a live-stock association.

Mr. MOORE of Pennsylvania. Did they indicate a shortage of wool?

Mr. MONDELL. They did not. The particular resolution I desire to emphasize at this time is as follows:

We demand that no shoddy or other adulterants shall be mixed with wool that is to be made into soldier garments, and that our soldiers shall be as well or better dressed than the soldiers of any other country.

There is wool enough to be had to do this, and it was offered at a comparatively low price. In fact, the price now is not high compared with that of other articles. It is low compared with the price of cotton. Let us have no more shoddy in our soldiers' clothes.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

The Clerk read as follows:

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State or county authorities, $250,000.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I desire to offer an amendment, but it would perhaps be well first to dispose of the point of order.

Mr. LEVER. I think so.

Mr. STAFFORD. Would the gentleman be willing to have his amendment read for information? I ask unanimous consent that the amendment be read for information.

The CHAIRMAN. Without objection, it will be read for information. The Clerk read as follows:

Amendment proposed by Mr. McLAUGHLIN of Michigan: Page 13, line 19, strike out the figures "$250,000" and insert in lieu thereof the figures "$500,000."

Mr. STAFFORD. Mr. Chairman, I reserve the point of order in order to obtain some information about this paragraph in respect to its new phraseology. I notice that in last year's act there was a provision as follows:

The inspection work relative to the existence of contagious diseases and the tuberculin and mallein testing of animals.

Does the new phraseology differ in its authorization or purpose from that which is covered in last year's act under the general phraseology just read?

Mr. LEVER. The only difference is that the work in the testing of tuberculin itself is not included in the language to which the gentleman is referring. The new language in the bill, in

my judgment, does not confer upon the Secretary of Agriculture any authority which he does not now have, nor is it the purpose of this language to authorize the department to do any character of work under this language and with this appropriation which is not being done during this fiscal year.

Mr. STAFFORD. It is not contemplated that this appropriation shall be utilized for the payment to owners of tubercular cattle which have been condemned?

Mr. LEVER. Not at all; and there would be no authority in this language to do that.

Mr. STAFFORD. Does the gentleman anticipate that that might be true in the future as the result of authorization along the lines carried in this bill?

Mr. LEVER. I will say frankly to the gentleman that there are those in the House—and I think some members of the committee—who feel that probably one of the best methods of eradicating tuberculosis in cattle and in hogs would be through some system of compensation, either in whole or in part, one-quarter or one-third; but the committee itself has not reached any definite conclusion upon it. In my own mind I will say that I do not feel that Congress would be warranted in going into the matter of compensating for destroyed tubercular cattle at this time. Of course, what may develop from this I can not forecast. It is a very big problem.

Mr. STAFFORD. Another inquiry which may be of interest to the Members of the House is this: How far has this investigation work been performed by the States individually? I know the State of Wisconsin has done considerable work along this line. I am not advised as to what other States have done. I know gentlemen in general debate discussed this question, but I was not privileged to be here, by reason of committee work.

Mr. LEVER. The gentleman from Nebraska [Mr. SLOAN], who has been greatly interested in this matter, yesterday put into the RECORD a statement that 47 out of 48 States of the Union had laws looking to some kind of control of tuberculosis. The testimony before the committee, which I again read last night, informs me that only two or three—I think at most three—States have taken any aggressive action looking to the eradication of tuberculosis. I think Wisconsin and Minnesota, and probably one other State, have done that.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. SLOAN. I would like to answer, in part, the gentleman, because what is in the hearings does not reflect the legislative activities of the country.

Mr. LEVER. If the gentleman will permit me, I thought the gentleman from Wisconsin was driving at the fact of whether or not the States were taking any aggressive action in the way of control.

Mr. STAFFORD. That was my purpose; and I knew that in the State of Wisconsin they had made considerable headway along those lines, and I was wondering how much similar work had been undertaken by other States.

Mr. SLOAN. Twenty States in this Union have appropriated money and have used it for the purpose of eradicating tuberculosis, not only to the extent of using the tuberculin test, which is used and required in 47 out of 48 States of the Union, but for the compulsory slaughtering of the generalized reactors. Fifteen of them compensate to the extent of a portion of the value of the slaughtered brute.

Every other State in the Union has some activity in this line. You will find in the RECORD a compilation which I made at a good deal of expense of time and energy of what each State is doing and has done, and the country, for more than 20 years in some States, other States a less number of years, other States but a short time, has been going into such activities and making expenditures for the purpose of eradicating tuberculosis, so that the country is just ripe for just this kind of a campaign.

Mr. STAFFORD. Will the gentleman inform the committee what is the real purpose of the authorization, as to whether it is supplementary to State efforts or whether it is just merely to go into those States that have manifested little or no activity and do the work of the States for them?

Mr. SLOAN. The chairman can better give the gentleman the purposes of the bill.

Mr. LEVER. Let me inquire of the gentleman from Wisconsin if he proposes to press the point of order.

Mr. STAFFORD. I am not inclined, from the information I have received so far, to press the point of order.

Mr. LEVER. I make that inquiry for the reason I happen to know there will be considerable debate on this proposition and an effort to increase this appropriation, and I thought if the gentleman was not going to press the point of order we might fix some time for debate.

Mr. STAFFORD. I am rising in all good faith to get information.

The CHAIRMAN. Does the gentleman from Wisconsin withdraw the point of order?

Mr. STAFFORD. I do not withdraw it at present. I wish this additional information.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. I wish to inquire whether this work is to be supplemental of the States' activities or whether it is just to lift the burden from the States and perform it in States where they have been negligent in their functioning?

Mr. LEVER. No; the purpose is to expend this money in some States with the cooperation of the States, in other States where the State itself may not have funds and the community is ripe for this kind of work or the breeder is ripe for this kind of work, that money will be expended with that community and with that breeder. They have three lines of work that they are proposing to undertake. The first is the control of hog tuberculosis. The gentleman, of course, knows hogs have tuberculosis. The second is in establishing tuberculosis-free herds of pure-bred cattle. That is applying to the pure-bred herd the tuberculosis test, get rid of the reactors, and then permit shipments of those pure bred for breeding purposes. That is probably the line along which they will devote most of this money at the present time, probably for a year or so to come. Their other line is absolutely educational, teaching the people to segregate their diseased animals from the well animals and adopt better methods of sanitation and the like of that. These are the lines of work the department has in mind according to the testimony before our committee.

Mr. STAFFORD. Mr. Chairman, there has been some work along this line, and I realize perhaps there should be more investigational work, so as to save the cattle of the country and the health and lives of the people of the country, and I withdraw the reservation of the point of order.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read the amendment offered by the gentleman from Michigan [Mr. MCLAUGHLIN].

The Clerk read as follows:

Page 15, line 19, strike out the figures "$250,000" and insert in lieu thereof "$500,000."

Mr. LEVER. Mr. Chairman, before the gentleman from Michigan begins I would like to sound out the committee as to the time that will be required on this amendment.

Mr. MCLAUGHLIN of Michigan. Does the chairman think it is best now to try and limit the time? We have been getting along without unnecessary delay, and it is a very important matter, and it is hard to tell how much debate will be wished.

Mr. LEVER. I was going to suggest to the gentleman from Michigan that I would probably ask the committee to rise in the course of 25 or 30 minutes, and I was thinking perhaps we could complete the discussion of this item before we took an adjournment.

Mr. MCLAUGHLIN of Michigan. Really I do not see how we can do that. I would like to speak a little while. Mr. SLOAN wants some time, and Mr. ANDERSON wishes to speak; also Mr. MCKENLEY and Mr. GRAHAM of Illinois.

Mr. HAUGEN. And I would like some time.

Mr. MCLAUGHLIN of Michigan. Also Mr. MCFADDEN, Mr. LITTLE, Mr. WASON, and I do not see how we can do that.

Mr. MOORE of Pennsylvania. I would like to suggest to the gentleman from South Carolina that this is Saturday afternoon, and it has been a pretty long day, and this matter is unquestionably going to cause some debate.

Mr. STAFFORD. May I make this suggestion: That we arrive at the time to-day and then have the committee rise?

Mr. LEVER. I appreciate the suggestion of the gentleman from Wisconsin and think it is a good idea. I recognize, of course, that this is a very important item and many gentlemen will desire to speak on both sides of the aisle and on both sides of the question. Of course it is not a political proposition. I wonder if the gentleman from Michigan would think that three-quarters of an hour on each side would be sufficient? That would be 45 minutes on each side.

Mr. MCLAUGHLIN of Michigan. I think I named 10 gentlemen on this side who wished to speak. Why not make it an hour on a side?

Mr. LEVER. Then, Mr. Chairman, I ask unanimous consent that the debate on this item and all amendments thereto may close in two hours, the Chair to control it, as nearly as he can, on the two sides.

Mr. MOORE of Pennsylvania. It would be simpler the other way.

Mr. LEVER. Then, one half of the time to be controlled by the gentleman from Michigan [Mr. MCLAUGHLIN] and myself, or does the gentleman from Iowa [Mr. HAUGEN] wish to control the time?

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent——

Mr. HAUGEN. Let the gentleman from Michigan control the time.

Mr. LEVER. Then, the gentleman from Michigan [Mr. MCLAUGHLIN] and myself.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto be closed in two hours, one half of the time to be controlled by himself and the remaining half by the gentleman from Michigan [Mr. MCLAUGHLIN]. Is there objection? [After a pause.] The Chair hears none.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9054, the Agricultural appropriation bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. MANN, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Thomas K. Thorp, H. R. 4362, Sixty-fourth Congress, no adverse report having been made thereon.

MANUAL AND DIGEST.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 236.

Resolved, That there be printed as a House document 2,000 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Sixty-fifth Congress, the same to be bound and distributed through the folding room.

Mr. FOSTER. I will state, Mr. Speaker, that this is in conformity with the conversation that I have had with the gentleman who objected this morning.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 44 minutes p. m.) the House adjourned until Monday, January 28, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation required by the office of the Register of the Treasury for additional clerical force during the fiscal year 1919 (H. Doc. No. 862); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Quartermaster Corps of the Army for expenses of the War Port Board, port of New York, fiscal year 1919 (H. Doc. No. 863, pt. 1); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting supplemental estimates of appropriations required by the Department of Commerce for the fiscal year 1918 (H. Doc. No. 864); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting a supplemental estimate of appropriation required by the Department of Commerce for additional computers and draftsmen in the office of the Const and Geodetic Survey for the fiscal year 1919 (H. Doc. No. 865); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Quartermaster Corps of the Army for expenses of the War Port Board, port of New York, fiscal year 1918 (H. Doc. No. 863, pt. 2); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Secretary of War, submitting a change in the wording of an estimate of appropriation for the Military Academy for the fiscal year ending June 30, 1918 (H. Doc. No. 866); to the Committee on Military Affairs and ordered to be printed.

7. A letter from the Chief, Bureau of Efficiency, transmitting report of the United States Bureau of Efficiency covering the work performed by the subtreasuries (H. Doc. No. 867); to the Committee on Appropriations and ordered to be printed.

8. A letter from the Chief, Bureau of Efficiency, transmitting statement showing typewriters purchased by the United States Bureau of Efficiency during the fiscal year ended June 30, 1917 (H. Doc. No. 868); to the Committee on Appropriations and ordered to be printed.

9. A letter from the Chief, Bureau of Efficiency, transmitting statement showing in detail what officers and employees of the United States Bureau of Efficiency have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1917 (H. Doc. No. 869); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Chief, Bureau of Efficiency, transmitting statement showing in detail the number of employees of the Bureau of Efficiency whose compensation was increased by section 7, appropriation act approved March 3, 1917 (H. Doc. No. 870); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HASTINGS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 4699) providing for the payment of certain interest on items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation, reported the same without amendment, accompanied by a report (No. 265), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FRENCH, from the Committee on Indian Affairs, to which was referred the bill (H. R. 4910) to authorize the establishment of town sites on the Fort Hall Reservation, Idaho, reported the same with amendment, accompanied by a report (No. 260), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HARRISON of Virginia, from the Committee on Military Affairs, to which was referred the bill (H. R. 8834) authorizing the sale of a tract of land lying below the original high-water line of the Potomac River in what is known as Battery Cove, at Alexandria, Va., reported the same without amendment, accompanied by a report (No. 261), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BANKHEAD: A bill (H. R. 9283) to amend section 25 of the act of December 23, 1913, known as the Federal reserve act, as amended by the act of September 7, 1916; to the Committee on Banking and Currency.

By Mr. RANDALL: A bill (H. R. 9284) to exclude intoxicating liquors from national parks and national forest reserves; to the Committee on the Public Lands.

By Mr. CARTER of Oklahoma: A bill (H. R. 9285) to create an Indian code commission to codify the laws relating to Indians taxed and not taxed and to define more exactly the privileges and disabilities of the several classes of Indians in the United States; to the Committee on Indian Affairs.

By Mr. LUFKIN, a bill (H. R. 9286) to provide quarters or commutation therefor to commissioned officers of the Army

who have dependents to support; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 9287) to save daylight and to provide standard time for the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. WISE: Joint resolution (H. J. Res. 231) authorizing the Secretary of Agriculture to certify to the Secretary of the Treasury for payment, and the Secretary of the Treasury to pay, the appropriation for the Georgia Experiment Station of the State of Georgia under act of March 4, 1917, for the fiscal year ending June 30, 1918, to the board of trustees of the Agricultural and Mechanical College of the State of Georgia, and for other purposes; to the Committee on Agriculture.

By Mr. ROBBINS: Joint resolution (H. J. Res. 232) suspending penalty in Government contracts when compliance was prevented by Fuel Administrator suspending operation of plants; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 9288) granting a pension to Oscar Walker; to the Committee on Pensions.

By Mr. ASHBROOK.: A bill (H. R. 9289) granting an increase of pension to Jacob Moser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9290) granting an increase of pension to Charles I ish; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 9291) granting a pension to Frank W. Tuttle; to the Committee on Pensions.

By Mr. BURROUGHS: A bill (H. R. 9292) granting an increase of pension to George D. Totman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9293) granting an increase of pension to James O. Harriman; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 9294) for the relief of the heirs of John Kensler; to the Committee on Claims.

By Mr. FULLER of Massachusetts: A bill (H. R. 9295) for the relief of Francis M. Roberts; to the Committee on Claims.

By Mr. GARLAND: A bill (H. R. 9296) for the relief of David Steers, alias William Johnson, alias John Hartman; to the Committee on Military Affairs.

By Mr. HAMLIN: A bill (H. R. 9297) granting an increase of pension to Hezekiah Bradd; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 9298) granting a pension to Kate C. Kralg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9299) for the relief of Henry H. Staub; to the Committee on Military Affairs

By Mr. McKINLEY: A bill (H. R. 9300) granting an increase of pension to John Stockwell; to the Committee on Invalid Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 9301) granting a pension to Nancy E. Tennant; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9302) granting an increase of pension to James Reppeto; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 9303) granting an increase of pension to Joseph Crites; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 9304) granting a pension to Ambrose M. Barrett; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 9305) granting an increase of pension to Samuel Smith; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 9306) granting an increase of pension to John Ham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9307) granting an increase of pension to Jasper N. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9308) granting an increase of pension to John W. McKinley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9309) granting an increase of pension to Jacob W. Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9310) granting an increase of pension to Jonas Bratton; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: Joint resolution (H. J. Res. 233) for the relief of James L. Cardwell; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the City Council of Chicago, Ill., protesting against the discontinuance of the pneumatic-tube mail service in that city; to the Committee on the Post Office and Post Roads.

Also, memorial of Division No. 8 of the Railway Employees, pledging loyalty and support to the administration; to the Committee on Military Affairs.

By Mr. CLARK of Pennsylvania: Petition of John W. Haskins, H. D. Pratt, William J. Cunningham, J. Greenwalt, and 18 others, of Pennsylvania, relative to the preservation of the *Niagara* used in the Battle of Lake Erie; to the Committee on Military Affairs.

By Mr. CURRY of California: Petition of patrons of mail route No. 1, Rural Free Delivery, Orangeville, Sacramento County, Cal., praying that rural carriers be given an increase in salary; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Petition of John S. Sills & Sons, of New York, against repeal of advance in second-class mailing rates; to the Committee on Ways and Means.

By Mr. FULLER of Massachusetts: Petition of Francis M. Roberts, of Malden, Mass., relative to compensation for land grant canceled by the Government; to the Committee on Claims.

By Mr. FULLER of Illinois: Petition of John A. Hynes and others, favoring the volunteer officers' retirement bill; to the Committee on Military Affairs.

By Mr. MERRITT: Memorial of Chamber of Commerce of Stamford, Conn., favoring passage of a bill providing for a war council; to the Committee on Military Affairs.

By Mr. PAIGE: Papers to accompany House bill 9275, granting a pension to Edwin S. Goodell; to the Committee on Invalid Pensions.

By Mr. SNYDER: Petition of home defense committee of Utica, N. Y., relative to conserving and putting to public use the water power of the country; to the Committee on Rivers and Harbors.

By Mr. TAGUE: Memorial of Westchester County (N. Y.) commission, favoring the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *January 28, 1918.*

Rev. G. I. Humphreys, of the city of Washington, offered the following prayer:

Almighty and most merciful God, Father of all our mercies, Giver of every good and spiritual gift, the Author of everlasting life, we bow in acknowledgment of Thy sovereignty over us and confess Thy right to us and ours. We thank Thee, our heavenly Father, for Thy blessings, seen and unseen, for the wonders of Thy kindnesses, for the marvels of Thy patience, and for the infinite tenderness of Thy love that moves and wins and ties our hearts unto Thee and unto Thy ways.

We pray Thy favor, our heavenly Father, upon this day's session of the Senate. Bless, we beseech Thee, the presiding officer, the Members, and the officials thereof; and we humbly pray Thee to look with favor upon this our beloved land in these days of stress and strain, of tension and of testing.

Bless, we pray Thee, our heavenly Father, the President of the United States and those associated with him in authority, and grant, we beseech Thee, to let Thy blessing rest upon all the citizens of our land. Give unto each and every one of us, we humbly ask Thee, the intense desire of heart, the purpose of mind and of will that we may prove ourselves worthy, O God of Hosts, in Thy sight, worthy for victory on land and on sea, that we may insure for ourselves and for the generations that are yet to come the principles of liberty, and of justice, and of mercy, and of righteousness.

Bless, we pray Thee, all the peoples and mankind, and grant, we pray Thee, that more and more the hearts of men everywhere may turn to Thee as our Father, to Jesus Christ as our Savior and the Leader of mankind; and unto this end we humbly ask Thee for the Holy Spirit, His presence and His power, that He may guide us through to-day and to-morrow and all the tomorrows of life into the way that leadeth unto the perfect day. We ask in Christ's name. Amen.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. GRONNA. I send to the Secretary's desk a letter from the Tri-State Grain and Stock Growers' Convention and a resolution adopted by that convention favoring woman suffrage. I ask that they may be printed in the RECORD without reading.

There being no objection, the letter and resolution were ordered to be printed in the RECORD, as follows:

TRI-STATE GRAIN AND STOCK GROWERS' CONVENTION,
Fargo, N. Dak., January 22, 1918.

Senator A. J. GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: I am sending for your consideration a resolution passed by the Tri-State Grain and Stock Growers' Convention at their recent meeting on January 18.

This resolution met with the unanimous approval of the convention, and, as the body was a large and representative one, we respectfully ask that you give it your indorsement.

Very truly, yours, W. C. PALMER.

Be it resolved, That, recognizing in this great crisis as never before the important service women have rendered the Government, we earnestly request and recommend the passage of the Federal amendment for woman suffrage.

Mr. JONES of Washington. I have a resolution here from Meridian Grange, No. 265, of Kent, Wash., petitioning Congress to pass a law making it treasonable to purchase or offer to purchase, contract, or bargain for securities of the United States below par. I ask that it may be printed in the RECORD and referred to the Judiciary Committee, I suppose.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

MERIDIAN GRANGE, No. 265,
KENT, WASH.

Resolution.

Whereas an attack on the Nation's credit is, in our opinion, equal to an attack on any of our other defenses; and

Whereas such an attack is apparently being made on our liberty bonds, now quoted in financial circles below par: Now, therefore, be it

Resolved, That we request all liberty-loving organizations to join with us in petitioning Congress to enact legislation making it a treasonable offense—punishable as such—for any person, company, corporation, firm, or any association of persons of any nature whatsoever, to purchase, offer to purchase, contract for, or bargain for, in any way any class of United States bonds, securities, or moneys at a price below the face value thereof anywhere within the boundaries of the said United States or her Territories.

Adopted by the patrons of Meridian Grange, No. 265, in regular meeting assembled, January 5, 1918, and a copy ordered mailed President Wilson, our Senators, and Congressmen.

PETER T. NELSON, *Master.*
C. R. COTTRELL, *Secretary.*

Mr. SHAFROTH. I send to the Secretary's desk a telegram which I ask may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

DENVER, COLO., *January 21, 1918.*

Hon. JOHN F. SHAFROTH,
United States Senate, Washington, D. C.:

If there is in the minds of any Senators a doubt as to the feeling in Colorado on woman suffrage, we urge that you inform them that the people of Colorado, after 24 years' experience, are more strongly in favor of it than ever before. We ask that you have this telegram read into the CONGRESSIONAL RECORD.

WILLIAM A. HILL.
JAMES H. TELLER.
S. R. WHITE.
TULLY SCOTT.
JAMES E. GARRIGUES.
MORTON S. BAILEY.
GEORGE W. ALLEN.

Mr. SHAFROTH. Mr. President, I wish to say with relation to this telegram that the senders are the members of the Supreme Court of the State of Colorado, and they have lived in that State during the full period of the operation of the woman suffrage law. In addition, I wish to say in support of their statement that there never has been even a bill introduced in the general assembly of that State for the resubmission of the question of woman suffrage; that there never has been even a petition presented to either the senate or the house of representatives of that State to resubmit the question. These are the best indications that the people of Colorado are thoroughly satisfied with the operation and effect of equal suffrage.

Mr. SMITH of Georgia. Mr. President, we are seeking to relieve a number of industries in which coal is not used from the unfortunate constructions that have been placed upon the order of Dr. Garfield. In this connection, out of many letters and telegrams I have received pointing out instances where the order is operating not to save coal but to interfere uselessly and, I think, unwisely with industries, I send three short telegrams to the desk and ask that they may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

COLUMBUS, GA., *January 26, 1918.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Local mills on Government contracts operated by hydroelectricity ordered to close Monday by local fuel board.

H. H. SWIFT.

Mr. SMITH of Georgia. Mr. President, in connection with the telegram just read I desire to state that there are nearly a dozen of those mills operating at Columbus, Ga., employing over 7,000 hands, and that they have largely been engaged in Government contracts, among others, contracts for the manufacture of blankets, and blankets are still needed in our camps.

The Secretary read the remaining telegrams, as follows:

SAVANNAH, GA., *January 27, 1918.*

Hon. HOKE SMITH,
United States Senate, Washington, D. C.:

Could you not prevail on Fuel Administrator to modify orders for fuelless Mondays, so that business houses may remain open, not using fuel. On account of climatic advantages in the South, on many of these fuelless days no heat is required and business could go on as usual. As it is business is suspended and nothing is gained, while there is serious loss of money to all classes and no saving of fuel. Of course, where fuel would be needed and temperatures are low stores would not open.

MORNING NEWS.

ABBEVILLE, GA., *January 24, 1918.*

Hon. HOKE SMITH,
Senate, Washington, D. C.:

DEAR SENATOR: I am writing you to know if you think that Dr. Garfield's order applies to a small merchant in a small town who is burning small lightwood knots. Abbeville has not been able to get any coal this winter. We are just as loyal as we can be and believe strong in the President and are willing to do anything that will help to win the war.

It could not possibly help anything for the sawmills in Georgia to shut down, as none of them burn coal. We want to win the war, but we do not want any red tape or foolishness about it.

With best regards, I am,
Yours, very truly,

L. C. GOODIN.

Mr. OVERMAN. Mr. President, I send to the desk a resolution adopted at a meeting of merchants in one of the largest cotton-mill centers in the United States, and I ask that it may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

GASTONIA, N. C., *January 21, 1918.*

Hon. LEE S. OVERMAN,
United States Senator, Washington, D. C.

DEAR MR. OVERMAN: In order that you may let it be known whenever there is opportunity that there is nothing lacking in North Carolina's patriotism I am writing to tell you that the following resolution was adopted by the textile millmen of Gaston County at a meeting held Saturday:

"We have read the order of the National Fuel Administrator, Dr. Garfield, and have secured all information thereon that it has been possible to secure, and while we, individually and collectively, think that the legal and moral right exists under which factories using as motive power hydroelectric current may continue to operate under said order, nevertheless, out of the abundance of our willingness to cooperate to the fullest with the spirit of said order, we frankly and freely pledge ourselves to complete compliance with said order to the effect that we, the mills of Gaston County, remain closed throughout Monday, January 21, and Tuesday, January 22, and during each of the following Mondays—that is, from Monday, January 28, to and including Monday, March 25.

"(Signed) R. R. RAY, *Chairman.*
"J. H. SEPARK, *Secretary.*"

At a meeting of Gastonia merchants, held Saturday morning, the following resolution was adopted:

"Whereas it is the sense of this meeting that the Fuel Administration's order means that grocery stores shall close at noon and that all other stores shall absolutely close their doors for the entire day each Monday for the next 10 weeks: Be it

"*Resolved*, That the merchants of Gastonia pledge their cooperation and support to the government of the ruling and pledge themselves to strictly abide by it to the letter."

Many of our mills will pay their employees for their lost time.

Very truly, yours,

GASTONIA CHAMBER OF COMMERCE,
FRED M. ALLEN, *Executive Secretary.*

Mr. HARDWICK. Mr. President, I desire to present to the Senate for appropriate reference a number of telegrams relating to short-line railroads in the United States. I ask that the first telegram be read to the Senate for its information, and that it and the remainder of them be referred without reading to the Committee on Interstate Commerce, but that all be printed in the RECORD.

The VICE PRESIDENT. The Secretary will read as requested.

The first telegram was read; and all were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

MOULTRIE, GA., *January 25, 1918.*

Senator T. W. HARDWICK,
Washington, D. C.:

Board of directors Moultrie Chamber of Commerce last night passed resolution in protest of proposed policy by Director General McAdoo with reference to short-line railroads. Copy of this resolution going forward to Georgia Senators and Representatives to-day.

CHAS. B. CALDWELL,
Secretary Chamber of Commerce.

MOULTRIE, GA., *January 25, 1918.*

Hon. T. W. HARDWICK,
United States Senate, Washington, D. C.:

Majority of food crops of nation are produced in communities dependent upon short lines for transportation. Unless short lines are given same Government protection as trunk lines, food crops will necessarily be reduced. We urge your support of Government operation of short lines in behalf of food supply of Nation.

W. J. MATTHEWS,
President Moultrie Mill & Elevator Co.
G. F. TAYLOR,
President Moultrie Oil & Fertilizer Co.

—

MOULTRIE, GA., *January 26, 1918.*

Hon. T. W. HARDWICK,
United States Senate, Washington, D. C.:

Of the four lines entering Moultrie, at least two of them will cease to operate within six months and territory served by them will suffer seriously unless Government operates them. I urge you to use all your influence to have all short lines taken over.

J. H. HALL.

—

MOULTRIE, GA., *January 25, 1918.*

Hon. T. W. HARDWICK,
United States Senate, Washington, D. C.:

We are greatly alarmed over the project pending in the House and Senate committees concerning the attitude of Director General of Railroads regarding short lines. This community is wholly served by short lines, and a discontinuance of their successful operation would be disastrous to the farming interests of our county. We urge your influence be used accordingly.

G. W. NEWTON,
President Colquitt County Live Stock Association.

—

MOULTRIE, GA., *January 25, 1918.*

Hon. T. W. HARDWICK,
United States Senate, Washington, D. C.:

Many of our mills are served by short-line railroads, and unless these lines are taken over on same basis as trunk lines a great number of mills will suffer. We think it only fair that territory adjacent to and served by short lines should be maintained on same basis as that served by trunk lines, and short-line territory not discriminated against. We urge you to use your influence to have the proper legislation passed.

COTTON MANUFACTURERS' ASSOCIATION OF GEORGIA,
W. J. VEREEN, *Chairman.*

—

MOULTRIE, GA., *January 25, 1918.*

Hon. T. W. HARDWICK,
United States Senate, Washington, D. C.:

We heartily indorse and urge your support in behalf of Government operation of short lines as outlined in telegram of this date from our chamber of commerce to you. This not only applies to our section but to all sections of the Union served wholly or in part by short lines.

M. L. LEE.
H. I. ASHBURN.
J. BENSON.
A. R. ROGERS.
C. G. WATSON.
C. B. ALLEN.
I. A. HEARD.
J. J. ROONEY.
C. L. STEVENSON.
M. N. MAJORS.
S. P. TURNBULL.

—

MOULTRIE, GA., *January 25, 1918.*

Hon. T. W. HARDWICK,
United States Senate, Washington, D. C.:

Sawmills located on short lines of the Nation can not continue cutting lumber if operation of short lines is handicapped by Government's failure to give them equal protection with trunk lines. We urge your influence be used to have short lines operated by Government.

JOHNSON BATTLE LUMBER CO.
LADSON LUMBER CO.
CORBETT LUMBER CO.

—

MOULTRIE, GA., *January 25, 1918.*

Hon. T. W. HARDWICK,
United States Senate, Washington, D. C.:

The short lines have been the developers and are now important lines on which a large portion of food crops are originated, and any discrimination against their operation will greatly reduce average planted to food crops, and the result will prove serious. I urge you to support legislation to have them operated on same basis as trunk lines.

V. L. COLLIER,
County Agent in Agriculture.

—

MOULTRIE, GA., *January 25, 1918.*

Hon. T. W. HARDWICK,
United States Senate, Washington, D. C.:

The welfare of our city and community is seriously menaced by the announcement of Director General of Railways that short lines will not be taken over. I urge that you use your influence to have the short lines included and operated the same as the trunk lines, in order that serious embarrassment to this town and county, which was developed by and is now wholly dependent upon short lines, may be avoided.

W. A. COVINGTON,
Mayor City of Moultrie.

—

MOULTRIE, GA., *January 25, 1918.*

Hon. T. W. HARDWICK,
United States Senate, Washington, D. C.:

The announcement of Director General of Railways probability of not taking over short lines is halting plans of our farmings planting food crops for fear of transportation facilities being hampered on account of this section being entirely served by short lines. The situation is serious. We request and urge that you do all in your power to have the short lines put under the same control that trunk or through lines are.

MOULTRIE BANKING CO.,
By W. C. VEREEN, *President Citizens' Bank.*
W. S. STORKS, *Cashier First National Bank.*
C. L. WEST, *Cashier.*

Mr. STERLING. Mr. President, I send to the desk a copy of a resolution and memorial of the Farmers' Equity Union of the United States, adopted at a meeting of the union held at Aberdeen, S. Dak., on January 6. I ask that the resolution and memorial may be printed in the RECORD.

There being no objection, the resolution and memorial were ordered to be printed in the RECORD, as follows:

[Resolution and memorial, Farmers' Equity Union.]

Whereas the successful prosecution of the war is to an important extent dependent upon the American farmer for the increased production of food required, and the supply of farmers and farm laborers has been greatly diminished by enlistment under the colors, thereby still further increasing the burden which the American farmer has cheerfully assumed; and

Whereas in the intensive and increased cultivation being and about to be undertaken the farmer is and will be required to incur an unprecedented increase in both expense and labor, thereby rendering necessary a more extensive and flexible system of temporary farm credits; and

Whereas the Government of the United States has necessarily assumed the control of the railways and many great industries of the Nation and has justly undertaken to guarantee to the owners the payment of prewar dividends; and

Whereas all such industries from their nature will invariably earn dividends at least approximating those guaranteed, while owing to the almost inevitable crop failures in some sections of the country the production of crops is an uncertainty, despite all efforts of man; and

Whereas it is but just and equitable that the farmers of the Nation should have some assurance or guaranty from the Government that they will be enabled to secure at least the actual expenses necessarily attendant upon their present and future efforts to maintain and increase the production of crops in the event of a failure of crops in some or all sections of the country: Therefore be it

Resolved, That a copy of these resolutions and appended memorial be presented to the President and to the Congress of the United States assembled.

[Memorial.]

To the PRESIDENT AND THE CONGRESS OF THE UNITED STATES OF AMERICA:

The Farmers' Equity Union of the United States, as representative of all branches of the farming industry in America, and with conscious pride in the manner in which the American farmers have discharged and are discharging their patriotic duty in maintaining and increasing the production of foodstuffs under the existing circumstances, would respectfully present the following memorial.

It is undebatable that the present emergency has greatly increased the burden of the American farmer. By voluntary enlistment and the operation of the selective-service law great numbers of farmers and farm laborers have been withdrawn from the fields and more will eventually be called. Necessity demands an enormously increased production. New lands must be broken and every acre previously cultivated must be farmed, and the whole farmed most intensively. The conversion of implement factories to the military needs has made new farm machinery scarce in many places and exceedingly expensive everywhere. To farm the increased acreage intensively, with experienced farm laborers both scarce and high priced, makes the use of farm machinery imperative and to an extent hitherto unnecessary.

In magnitude and importance farming as an industry is second to none in the land. From the nature of things farming can not be undertaken by the Government. Transportation and many great industries have already been taken over by the Government, with the sole view of increasing production. In justice to the owners the Government has guaranteed these industries not only operating expenses but maintenance and prewar dividends. The farmers are asked to and must increase their own production. Toward this end the farmers must and are willing to work longer hours, but they must also pay extraordinary wages and purchase machinery at prices to an extent justified only by the present emergency.

It is not in the power of the Government to guarantee them a crop.

The present minimum price for grain was fixed after the 1917 crop had been produced. The possibility of crop failure had been eliminated. These prices are not such that the farmer should be asked to invest either increased labor, laborers' wages, and overhead expenses, which are justified only by the emergency, and at the same time carry the entire risk of crop failure.

We respectfully submit that the Government should take immediate steps to remedy the situation, and would suggest that there be considered as possible remedies:

1. The immediate fixing of a definite minimum price for 1918 crops at a sufficient increase over present prices to justify the farmers in assuming the risk of crop failure; or

2. That the Government guarantee the payment of actual farm expenses and an allowance for emergency investment in increased machinery in event of and to the extent of a crop failure wherever the same may develop.

In any event, we pledge ourselves to support the Government and perform our duty to the utmost.

II.

Whereas the United States Government has taken over and now has control of the operation of the railways of the United States for the duration of the present emergency; and

Whereas we believe such action to be to the advantage of the Nation and the producers therein, from both a military and economic standpoint: Therefore be it

Resolved, That we do heartily commend and approve the action of the President in taking over the operation of the railways; and be it further

Resolved, That we do hereby urge and recommend to the President and the Congress of the United States that the Federal Government permanently assume the actual ownership and operation of the railways of the Nation for all time to come, after the termination of the existing emergency; and be it further

Resolved, That we do hereby urge and recommend to the President and the Congress of the United States that the Federal Government, upon the termination of the present emergency, assume the ownership and operation of all public utilities whatsoever.

III.

Whereas the drain upon the capital of the Nation by the necessary expenses of the present war has brought about a financial stringency, which has, to a considerable extent, impeded and hindered the operation of the Federal farm-loan associations by the limiting of the market for the sale of farm securities; and

Whereas the successful operation of the farm industries of the Nation necessitate that the farmers be enabled to borrow necessary capital at a reasonable rate of interest, afforded only through the Federal farm-loan associations; and

Whereas there is now before Congress a bill to appropriate $200,000,000 for the stabilizing of the market for such securities by the purchase thereof by the Federal Government: Now, therefore, be it

Resolved, That we do hereby recommend and approve such measure, and do hereby petition and urge the Congress and the President of the United States to exert all efforts to the immediate passage and approval of such measures as will assist in the furthering of the flexible continuation and extension of the Federal farm-loan associations by the purchasing of such securities, where necessary, by the Federal Government.

IV.

Whereas the successful promotion of the war is to a large extent dependent upon the increased production of foodstuffs by American farmers; and

Whereas in many sections of the Northwest there were total or partial failures of crops for the season of 1917; and

Whereas the extensive purchase of liberty bonds throughout the Northwest and the Nation has withdrawn much money from circulation which has heretofore been available to the farmers to tide them over similar crop failures in the past; and

Whereas Congressman J. N. HAGE, of North Dakota, has introduced in the House of Representatives a bill to render Federal aid to the farmers of the Northwest in purchasing seed and feed to enable them to continue and increase the production of foodstuffs and thereby support the Government and our armies: Now, therefore, be it

Resolved, That we recommend and approve such measure and do urge and petition the Congress and the President that such measure be passed and approved without delay.

V.

Whereas the Missouri River contains unlimited possibilities for the development of hydroelectric power, navigation, and water power, and at the same time present the unusual devastation from floods: Now, therefore, be it

Resolved, That we approve and favor a survey to determine the feasibility of the development of the Missouri River, and in the event such development appears feasible the development thereof by joint action of the Federal Government and the several States through which the Missouri River passes.

Respectfully submitted.

M. A. MELGARD,
J. S. JOHNSON,
H. O. KJAR,
C. C. TALBOTT,
F. B. DEWEY,
Committee on Resolutions.

Mr. CUMMINS. I present a resolution in favor of the proposed constitutional amendment for woman suffrage. I ask that it be printed in the RECORD without reading.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Hon. ALBERT CUMMINS,
Senate Office Building, Washington, D. C.:

Whereas The next step toward securing the passage of the Susan B. Anthony amendment enfranchising women will be a favorable majority vote in the Senate: Therefore be it

Resolved, That we, the women of Des Moines, Iowa, assembled at Hotel Chamberlain, January 17, 1918, urge you to use your influence with friends and members of your party to the effect of securing a favorable vote in the upper House of Congress.

Senator CUMMINS, you have been very helpful. We thank you and count on your active support, and I ask to have this resolution read into the CONGRESSIONAL RECORD.

GERTRUDE BURFORD HILMES,
Chairman Seventh Congressional District,
Iowa Branch National Woman's Party.

Mr. PHELAN presented a petition of sundry citizens of Modesto, Cal., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. HARDING presented a petition of sundry citizens of Mount Vernon, Ohio, praying for an increase of the salaries and equipment allowance of rural mail carriers, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a petition of the Amoskeag Textile Club, of Manchester, N. H., praying for the passage of the so-called "daylight-saving" bill, which was ordered to lie on the table.

He also presented the petition of Denis Ryan, of Farmington, N. H., praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented the petition of H. W. Lippincott, of Pennsylvania, praying for the enactment of legislation providing for the importation of Chinese farmers into this country during the war, which was referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented a petition of sundry citizens of Wallingford, Conn., praying for the repair, preservation, care, and future maintenance of the restored historical naval brig *Niagara*, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Sharon, Conn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. THOMPSON presented petition of the Chamber of Commerce of Pittsburg; Chamber of Commerce of Kansas City; of sundry citizens of Summer County; of the United Trades and Labor Council and Labor Temple, of Pittsburg; of sundry citizens of Ottawa County; and of the Chamber of Commerce of Topeka, all in the State of Kansas, praying for the enactment of legislation to provide increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Cooperative Club of Topeka, Kans., remonstrating against the repeal of present postage-rate legislation, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pratt, Geary, Logan, Morris, Miami, Sheridan, Englewood, Clark, Trego, Hodgeman, Sherman, Hamilton, Barber, Meade, Brown, Republic, Chase, Kiowa, Decatur, Doniphan, Graham, Coffey, Lyon, Johnson, Osage, and various other counties, all in the State of Kansas, praying for the enactment of legislation to provide for the creation of a pharmaceutical corps in the Army, which were referred to the Committee on Military Affairs.

He also presented petitions of the Commercial Club of Hutchinson, the Rotary Club of Hutchinson, and the Rotary Club of Topeka, all in the State of Kansas, praying for the enactment of legislation to provide for universal military training, which were referred to the Committee on Military Affairs.

WATER-POWER DEVELOPMENT—SHIELDS BILL.

Mr. SHIELDS. Mr. President, the United States Senate, during the present session—December 14, 1917—passed a bill providing for the improvement of navigation and developing water power in the navigable rivers of the United States with private capital—Senate bill No. 1419, commonly called the Shields bill—by a vote of 46 to 18, as follows:

YEAS—46.

Bankhead	Kendrick	Overman	Smith, Ariz.
Beckham	Knox	Page	Smith, Ga.
Calder	Lewis	Phelan	Smith, Md.
Colt	Lodge	Pittman	Smoot
Dillingham	McCumber	Pomerene	Stone
Fernald	McKellar	Ransdell	Thompson
Fletcher	McLean	Robinson	Underwood
Frelinghuysen	McNary	Saulsbury	Vardaman
Gallinger	Martin	Shafroth	Wadsworth
Hale	Myers	Sheppard	Weeks
Jones, N. Mex.	Nelson	Shields	
Jones, Wash.	New	Simmons	

NAYS—18.

Ashurst	Hitchcock	La Follette	Sutherland
Borah	Hollis	Norris	Townsend
France	James	Poindexter	Trammell
Gore	Johnson, Cal.	Sherman	
Gronna	King	Smith, Mich.	

The provisions of this bill are substantially the same as Senate bill No. 3331, which passed the Senate at the last session of the Congress by a vote of 46 to 22, as follows:

YEAS—46.

Bankhead	Fall	Oliver	Smith, Mich.
Beckham	Gallinger	Overman	Smoot
Brandegee	Harding	Page	Sterling
Broussard	Hardwick	Pittman	Stone
Catron	Johnson, Me.	Pomerene	Swanson
Clapp	Jones	Ransdell	Tillman
Clark, Wyo	Kern	Robinson	Vardaman
Clarke, Ark.	McLean	Shafroth	Wadsworth
Colt	Martin, Va.	Shields	Walsh
Culberson	Myers	Simmons	Williams
Curtis	Nelson	Smith, Ariz.	
du Pont	O'Gorman	Smith, Ga.	

NAYS—22.

Ashurst	Hollis	Lee, Tenn.	Poindexter
Borah	Husting	Lee, Md.	Reed
Chamberlain	James	Lewis	Sheppard
Chilton	Kenyon	Martine, N. J.	Works
Cummins	La Follette	Newlands	
Gronna	Lane	Norris	

While the newspapers of the United States have not been unanimous in their comments upon this bill, the majority of those whose utterances have come to my knowledge have approved it. These editorials approving the bills passed by the Senate demonstrate the demand of the people of the United States that the present laws upon our statute books, which have prohibited water-power development for more than 15 years, should be repealed and proper legislation enacted that will allow this great natural resource to be speedily developed and utilized.

They are able expositions of the subject of water-power development and the necessity of the same, and I believe that a collation of them will be of use to the Congress while considering this legislation. The editorials I have are from newspapers published in all parts of the United States, as follows:

Knoxville Sentinel, Knoxville, Tenn.
Journal and Tribune, Knoxville, Tenn.
Nashville Banner, Nashville, Tenn.
The Merchant and Manufacturer, Nashville, Tenn.
Commercial-Appeal, Memphis, Tenn.
News-Scimitar, Memphis, Tenn.
Memphis Business Men's Club, Memphis, Tenn.
Chattanooga News, Chattanooga, Tenn.
Chattanooga Times, Chattanooga, Tenn.
McMinnville Standard, McMinnville, Tenn.
Morristown Journal, Morristown, Tenn.
News-Banner, Murfreesboro, Tenn.
Jackson Sun, Jackson, Tenn.
Johnson City Staff, Johnson City, Tenn.
Daily Eagle, Brooklyn, N. Y.
State-Register, Springfield, Ill.
Post-Express, Rochester, N. Y.
Post-Intelligencer, Seattle, Wash.
Union-Advertiser, Rochester, N. Y.
News-Tribune, Detroit, Mich.
Chicago News, Chicago, Ill.
Leslie's Weekly, New York, N. Y.
Daily Record, Wausau, Wis.
Washington Post, Washington, D. C.
Evening Post, New York, N. Y.
Electrical World, New York, N. Y.
Scranton Republican, Scranton, Pa.
Editor and Publisher, New York, N. Y.
Anaconda Standard, Anaconda, Mont.
Electrical Review, Chicago, Ill.
Atlanta Constitution, Atlanta, Ga.
Manufacturers' Record, Baltimore, Md.
Pittsburgh Leader, Pittsburgh, Pa.
Decatur Review, Decatur, Ill.
Hannibal Post, Hannibal, Mo.
Evansville Courier, Evansville, Ind.
San Francisco Journal of Commerce, San Francisco, Cal.
Kennebec Journal, Kennebec, Me.
Springfield Union, Springfield, Mass.
New York Journal of Commerce and Finance, New York, N. Y.
New Bedford Mercury, New Bedford, Mass.
Little Rock Gazette, Little Rock, Ark.
Herald, New York, N. Y.
St. Louis Globe-Democrat, St. Louis, Mo.

Resolution on the development of water powers by the American Newspaper Publishers' Association.

I ask that the editorials from these papers be printed in the RECORD.

There being no objection, it was so ordered.

The editorials presented are as follows:

[From the Merchant and Manufacturer, Nashville, Tenn.]

TO UTILIZE NAVIGABLE WATERWAYS.

The Shields bill to regulate the construction of dams across navigable waterways, which passed the Senate recently, now goes to the House. Much interest had been manifested in this measure, which authorized the construction, maintenance, and operation of dams after obtaining the permit of the Secretary of War. Diversion structures and accessory works are permitted for the development and improvement of the navigation and for water power or other purposes in and along any of the navigable waters of the United States. The primary object of the bill is to allow of the development of water power. Where the power to be developed is used or to be used for a public utility the grantee must be a municipal corporation or a political subdivision or other agency of the State, a public-service agent of a State, or a public-utility corporation created and organized under the laws of a State or of the United States, authorized to furnish water, heat, or electrical energy for public or private use, and whose rates or charges and service shall be subject to regulation by the laws of the State or a duly constituted commission or other agency. Where the State has not made provision for such corporations the qualifications of the grantee thus prescribed shall not apply, and no transfer of any permit or the rights granted shall be made without the approval of the Secretary of War.

The bill requires plans and specifications of construction and maps of proposed location to be approved by the Secretary of War and the Chief of Engineers, and no change in such plans or specifications shall be made without the approval of these officials. The navigation facilities are required to be preserved at least equivalent to those existing prior to construction of the dam, etc., without expense to the United States, in accordance with plans and specifications approved by the Secretary of War, and in case such navigation facilities are not a part of the original construction, and the United States shall deem them necessary, the grantee shall convey to the United States such land and right of way as may be required for such facilities. The grantee shall also reimburse the United States for the cost of any investigation necessary for the approval of plans and for supervision or construction, and shall pay to the United States reasonable charges in consideration of the benefits accruing and to accrue to grantees. The right to use the public lands is granted by certification of the Secretary of War. In case of contesting applicants the permit shall be granted to the contestant judged best fitted for expediting and realizing the maximum useful development. The Secretary of War shall have, before granting the permit, the report and advice of the Chief Engineer. Control of the level above and below the dam is subject to the rules and regulations of the Secretary of War, and such lights and other signals and such fishways as may be prescribed shall be established under penalty for noncompliance.

The grantee is liable for all damages resulting from construction and operation, and when the grantee is a public-service agent of the State, a municipal corporation, or a political subdivision of the State it may acquire the right to use or damage lands or property of others necessary for construction, maintenance, and operation by the exercise of the right of eminent domain in the district courts of the United States. The permit shall continue for 50 years, and after the expiration of that time until revoked or until compensation shall be made to grantee for its property. After expiration the United States may take over all the property of the grantee dependent in whole or in part upon the rights hereunder granted upon paying the fair value of the property. In the determination of this value no value shall be claimed or allowed for the rights hereunder granted. All charges, rates, and service shall be subject to the laws of the State within which the service is rendered. Where any part of said power shall enter into interstate or foreign commerce, jurisdiction is conferred upon the Interstate Commerce Commission.

Any grantee failing or refusing to comply with any of the provisions of the act or any conditions under it is to be deemed guilty of a misdemeanor and fined not exceeding $1,000 for each offense, in addition to other penalties fixed by law. Work must be begun within two years after the permit is granted, and the grantee shall have in commercial operation such part of it as the Secretary of War shall determine from time to time. If any dam or other part of the work be not completed within the time fixed by the Secretary of War, or if construction shall not be begun in the appointed time, proper proceedings shall be instituted for the revocation of the grant. The Secretary of War may lease to any applicant having the capacity of grantee surplus water from any dam or structure built by the United States on such terms as deemed for the best interest of the United States and reasonable and fair to both parties, preference being given to a municipal corporation, a political division of the State or a public-service agency, provided the plans of the same are deemed by the Secretary of War adapted to conserve and utilize in the public interest the navigation and water resources of the region.

The act does not affect the rights of any person, company, or corporation as to the construction, maintenance, or operation of any structures heretofore constructed or begun under permit of the Secretary of War and Chief of Engineers or other authority lawfully granted, but any conflicting provisions concerning these must be governed by the provisions of this act. Any person, company, or corporation having the capacity of grantee now constructing or operating any structures herein specified under authority heretofore granted, may obtain from the Secretary of War upon application a permit in accordance with the provisions of this act. The act does not apply to irrigation or power dams or grants for municipal corporations affecting those approved or erected under the jurisdiction of the Secretary of War of the United States.

It is specified that works constructed and maintained under this act shall not be owned, leased, controlled, or operated by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful trust or monopoly, or any conspiracy to limit the output of electric energy, or in restraint of trade with foreign nations or between two or more States or Territories, or within any one State or Territory, in the generation, sale, or distribution of electric energy.

The right to alter, amend, or repeal this act is reserved, but no grantee under this act who shall have exercised rights under it shall be deprived of any of his rights by such repeal, amendment, or alteration, all rights and the property used under it being considered the property of the grantee, until after the expiration of the 50 years.

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[From the Nashville Banner, Dec. 1, 1917.]

HYDROELECTRIC POWER.

The scarcity of coal caused by the war demands has given impetus to the development of hydroelectric power, and it is believed the President in his coming message to Congress will recommend legislation to promote it.

It would have been well if the Shields bill, introduced two years ago for this purpose, had been passed. It was opposed by some of the ultra-conservationists of the Gifford Pinchot kind and by others for reasons of a purely political nature.

Whether or not such a measure is urged by the Executive, the present condition makes it imperative that Congress should take some action of the kind.

It will require time for the full development of the water power that may be made available for this purpose. That is why it is to be regretted that there has been unnecessary delay in this legislation. The present exigency in the coal situation has come when it might have been largely averted if the manufacture of electricity by water power had been begun some years ago, as it might have been but for the restrictions placed on the use of navigable rivers for the purpose. It was claimed by the ultraconservationists that this valuable privilege should not be let to private enterprise, to "greedy corporations" was the phrase employed, but reserved for governmental experimentation. It was a sort of Bolshevikl idea that, as usual, resulted in public injury.

It is estimated that there is now developed from coal about 20,000,000 horsepower, used in propelling machinery, by railroads, and by street car systems. Engineers have figured that it is possible to develop 65,000,000 primary horsepower from streams, and with storage reservoirs that this might be increased to 200,000,000.

There has been considerable development of hydroelectric power from rapids and cataracts in mountain streams in the far West and in other sections, including Tennessee. It is, as is well known, used to a limited extent in Nashville. But the present total horsepower from hydroelectric plants in operation throughout the country is only 6,000,000, a bare fraction of the estimated possibilities.

The European nations, where the war exigencies have been sometimes acute, have developed their water powers. A syndicate article by Norman Hapgood, now in France, recently widely published in this country, told how the fuel shortage there had led to the production of "white coal," the popular name given to water-made electric power.

Mr. Hapgood predicted that the progress made by the French under this compulsion to turn to the use of water power and electricity would more than compensate the nation for the financial losses through the war. That is a very liberal estimate, but the saving will no doubt be great, and it will be of lasting benefit to the country when its commercial and industrial life is resumed.

And France is not the only country that has made this important advance. The Germans early resorted to hydroelectric power for the manufacture of atmospheric nitrogen, the imported supply being shut off. The Italians, also, have been using it in their munition plants.

Hydroelectric power, it has been demonstrated, can be easily transmitted a distance of 250 miles, sometimes farther. The United States abounds in streams that may be utilized for its use, but legislation will be required before private capital can be employed for the purpose. The public welfare now urgently demands that such legislation be passed.

It will be proper, of course, to guard it with restrictions. There should be no perpetuity and no monopoly established by any grant or franchise for the purpose. The public right should be protected against extortion, but at the same time there should be ample encouragement for the investment of capital in such enterprise. The power will do no one any good while it remains latent. It will do immense good when fully developed. The public is suffering for the need of it now, and the Nation needs it in its preparations for war.

[From the Nashville Banner, Dec. 6, 1917.]

WATER-POWER BILL.

The President in his message to Congress strongly urges the enactment of a water-power bill, and what he says is in effect an indorsement of the Shields bill for that purpose that failed in the last Congress because of a disagreement in the conference committee of the House and Senate. The Shields bill had passed the Senate by a large majority, but certain changes made in the House, in which the Senate failed to concur, obstructed its enactment into a law.

It has become quite imperative that some such bill shall be passed, and in accordance with what the President urges, Senator SHIELDS, it is understood, will reintroduce his bill at an early date, or another of the same purport.

The purpose of the bill is to permit the use of rivers for the manufacture of electricity by water power. The scarcity and high price of coal render necessary the utilization of water power. Electricity manufactured by this process could supply the power for many manufacturing and traction plants that now depend exclusively on coal, and release the coal they consume for other purposes. It will not take much argument or elucidation to impress the public with the great need for the development of such enterprise at the present.

All rivers of any consequence are controlled by the United States Government and a Government franchise will have to be granted for their use. It is to regulate this granting of franchises that Congress is asked to act.

No opportunities should be given to the proverbial "greedy corporation" to obtain a "grinding monopoly" or to establish a perpetuity in anything so nearly affecting the public interest, and likely to affect it still more with the passing of time. Still, if there is to be the development of this latent power that the public interest so much demands, there must be some inducement to capital. It can be taken as assured that money will not be invested in such enterprises if there is no prospect of profit, or if the Government regulations are of such an exacting character as to allow the developers little control of the property. All that is needed is guarantee of public rights and safeguards against extortion. This was all amply provided for in the Shields bill.

Hydroelectric power is one of the greatest discoveries of the age and is expected to largely revolutionize the industry of the future. Its use just now is especially appealing, in that it can be made to save coal.

Legislation for this purpose has been regarded with some jealousy and disfavor by the coal interests, but since the point has been reached where the mines are not able to meet the demands made on them, the prospect of this manner of competition should not create alarm. With all possible development of hydroelectric power there will still be abundant use for coal.

The conservation of the coal supplies that the demands of the age are so rapidly diminishing in itself requires the fullest possible use of hydroelectric power.

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[From the Nashville Banner, Dec. 17, 1917.]

SHIELDS POWER BILL.

The Shields water-power bill passed the Senate Saturday in practically the same form that it passed that body in the previous Congress. It failed at that time because of a disagreement on details in the House and Senate conference committee.

The bill provides, as is generally known, for use of rivers for producing electric power. This power would be a substitute for coal in factories and by traction companies and for electric lighting. A plentiful supply of such power would be worth millions to the country in the present crisis and a great boon to the people in releasing large supplies of coal now used in producing power for heating purposes.

The purposes to which this electricity, produced by water power, can be put are not yet fully developed. Possibly some day it may be made to serve a purpose in heating houses, but it will certainly afford an abundance of power. Heavy railroad trains are run by that power on a railroad for more than a hundred miles in the Northwest.

The power is dormant now in all of the rivers of the country. With the Government's permission to use the rivers for the purpose, it may be developed, and will be immediately, on many rivers.

There should be no delay about the matter. It is a public necessity. The scarcity of coal would alone make the demand imperative if it were not needed to keep pace with an advancing civilization.

It is sincerely to be hoped that the House will act favorably on this measure, and that when it is a law there may be speedy application of its provisions.

The South has abundant water power, and this section should profit greatly by the water-power development that should follow the enactment of the proper legislation by Congress.

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[From the Knoxville Sentinel, Sept. 4, 1917.]

WASTE OF WATER POWER.

There is no more urgently needed piece of constructive legislation that is hanging fire in Congress now than the enactment of one of the measures before that body intended to make it possible to finance the development of the invaluable water powers of the Nation that are now running to waste because of the lack of inducement to private enterprise to harness these powers and make them do the work of millions, while supplying sustenance and employment to many millions of prosperous and happy people.

There are now three measures before Congress of this nature—the Walsh and the Shields bills in the Senate and the Small bill in the House. The character and merits of the Shields bill are fairly well known to the readers of the Sentinel. While it provides for the unlocking of power opportunities in the navigable streams, the bill fully protects the public interests and at the same time safeguards the investment sufficiently to attract private capital for development purposes. This bill has been unanimously and favorably reported by the Senate Committee on Commerce and is at present on the Senate calendar awaiting the action of the Senate.

It is certain that under the existing Federal laws relating to water powers, as interpreted by the United States Supreme Court, private capital can not be interested in further development of these powers. The practical effect of these laws would seem to be a misapplication of the principle of conservation, the aim of which is to open up and utilize our natural resources for humanity, not to lock them up or to keep them locked up in idleness. It is authoritatively estimated that more than 50,000,000 of horsepower is running to waste in American streams. Four-fifths of the possible electric energy that could be developed from water power in this country, according to the New York Annalist, must be developed on lands belonging to the Federal Government, which are under the jurisdiction of the Secretary of the Interior, or on navigable streams which are controlled by the Secretary of War. The agitation in favor of conservation of natural resources resulted in restrictions so severe that resources were not only conserved but reserved. Present laws permitting the utilization of these sites for hydroelectric plants provide that any permit is revocable at the pleasure of the Federal department concerned, and the possibility of this summary action has tended to scare capital away.

The provisions of the legislation sought from the present Congress are briefly stated by the Annalist as follows:

Permits for the erection of hydroelectric plants may be issued to individuals, corporations, States, or municipalities for 50 years.

These contracts are irrevocable, but may be canceled by legal proceedings if the permittee fails to comply with the provisions of the act or the conditions of the permit.

At the expiration of the term the United States may take over the entire plants or any severable and complete unit at a value determined, which shall not include the value of public lands, rights of way, franchises, good will, or prospective revenues; or it may renew the permit to the original holder; or, in the event that such an arrangement can not be made, may issue the permit to some one else, who shall buy the plant under the same conditions.

Rental shall be paid which may in the discretion of the Secretary be based on the net horsepower, and of this rental one-half shall be paid to the State in which the energy is developed.

Permits must provide for the "diligent, orderly, and reasonable development of the water power, subject to market conditions."

Rates are determined by the public service commission of the State in which the power is generated and used, and, when more than one State is involved, by the Interstate Commerce Commission.

These provisions, it seems to us, should amply protect the property rights of the public in these powers, while offering sufficient inducements and safeguards for the investment of capital in them. Especially at this time should these powers be made available to economize our man power and our coal resources in the interest of the general preparedness and national defense. Why Congress does not act upon the matter passes our comprehension. The general principles and policy of the measures before the lawmakers have been studied and indorsed by competent and representative bodies among the people of the country, and we believe it to be an imperative obligation on Congress to act on the subject matter at the present session.

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[From the Knoxville Sentinel, Dec. 17, 1917.]

SHIELDS POWER BILL.

It is to be hoped that the Shields water-power bill, which has passed the Senate by a generous majority this early in the session, will receive the sanction of the House at an early date and soon become the law of the land. Conservation of natural resources that keeps them hermetically locked up and sealed against practical utility and from giving service to humanity more than defeats itself. It nullifies the very efforts of heaven itself to bestow its blessings on mankind. Some inducement is necessary to encourage enterprise and capital to venture upon the task of harnessing the unbroken waters that run riotously to waste on a hundred hills and in a thousand streams and to cause them, through the generation of the mystic and potent electric fluid, to take the place of human labor in the rougher spheres—to warm, to illuminate, to comfort, and elevate the millions. But the people's natural and riparian rights in the water powers can be and have been safeguarded, as gauged by all contractual and legal standards, in the Shields bill, and it can not too quickly become the law, as it will do if it reaches President Wilson's hands, for the President is understood to approve the Shields bill, and that alone is a sure guaranty that there is nothing hostile to the people's interests in it that can be guarded against by human care and integrity of purpose.

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[From the Knoxville Journal and Tribune, Dec. 17, 1917.]

THE SHIELDS WATER BILL.

Senator JOHN K. SHIELDS, senior Senator from Tennessee, some time ago introduced a bill the object of which is to utilize the water power of the country, so much of which has been going to waste. Senator SHIELDS has studied the whole matter deeply, and was able to tell about the immense advantage to come from harnessing and putting to work the streams of the country for running machinery and for purposes that have not before been considered seriously.

The bill was opposed by some men who were unable to understand what it meant and by some men in Congress whose constituencies had less to derive from it than some others. It was also opposed by some wiseacres, who vainly imagine themselves to be an Atlas with the world on their shoulders.

The bill was passed in the Senate last Friday by the decisive majority of 46 to 18, more than a two-thirds majority. In securing the passage of the bill, which it is hoped may soon pass in the House and become a law, Senator SHIELDS has done good service for Tennessee, the South, and the whole country. With such a law, the waterways in the country, many of them, will be producing electricity that will reduce the demand for coal, and that will serve the Nation in many

respects. The hope is expressed that the bill may be taken up in the House and passed this week. If so, the President will give it his approval and it will be a law in a few days.

[From the Knoxville Journal and Tribune, Dec. 21, 1917.]

THE SHIELDS POWER BILL.

The Shields water-power bill passed the Senate Saturday in practically the same form that it passed that body in the previous Congress. It failed at that time because of a disagreement on details in the House and Senate conference committee.

The bill provides, as he generally known, for use of rivers for producing electric power. This power would be a substitute for coal in factories and by traction companies and for electric lighting. A sleadtful supply of such power would be worth millions to the country in the present crisis and a great boon to the people in releasing large supplies of coal now used in producing power for heating purposes.

The purposes to which this electricity, produced by water power, can be put are not yet fully developed. Possibly some day it may be made to serve a purpose in heating houses, but it will certainly afford an abundance of power. Heavy railroad trains are run by that power on a railroad for more than a hundred miles in the Northwest.

The power is dormant now in all the rivers of the country. With the Government's permission to use the rivers for the purpose, it may be developed, and will be, immediately on many rivers.

There should be no delay about the matter. It is a public necessity. The scarcity of coal would alone make the demand imperative if it were not needed to keep pace with an advancing civilization.

It is sincerely to be hoped that the House will act favorably on this measure, and that when it is a law there may be speedy application of its provisions.

The South has abundant water power and this section should profit greatly by the water-power development that should follow the enactment of the proper legislation by Congress.

[From the Nashville Banner, July 17, 1917.]

SOUTHERN WATER POWER.

There were some rather odd conclusions in the report made to the War Department concerning water power available for a Government plant to obtain nitrogen from the atmosphere, but aside from that phase of the matter the report made one important revelation: it showed that there is much water power in the South running to waste that could and should be made available for various industrial purposes.

Besides atmospheric nitrogen for the manufacture of munitions, there is a vast need for such a substance for making fertilizers. The water power should be utilized for that purpose and it should also be utilized for the probably more immediate necessity of furnishing hydroelectric power for all manner of manufacturing purposes, for street railways, and electric lighting.

The operation of trolley-car systems over various sections of the South would be a much simpler proposition if plenty of water power could be developed for supplying the necessary electric current.

All of this suggests the necessity for some measure like the Shields bill, that failed in the last Congress, that would make possible the development of water power on southern streams.

There is no way in which the South can better develop its natural resources and forge to the front in manufacturing and industrial enterprise than by water-power development.

[From the Memphis Commercial-Appeal, Jan. 18.]

THE FUEL ORDER.

We can not now tell what will be the result of Mr. Garfield's order. We do not know what another day will bring forth. We are certain about nothing in this world except as to the duration of time and the rising and the setting of the sun.

Never in the history of the United States has such a winter swept the face of the earth. Never was cold weather so generally widespread.

In a time of profound peace the resources of the country would have been taxed to furnish coal to the people.

About one-half of the residences and one-fifth of the steam plants of the country might have used other than coal for fuel.

But coal was cheap and easily handled.

Congress rolled mightily at the order of Garfield yesterday.

Our people in this country for 50 years have been eating wheat bread and expecting to keep on eating wheat bread, but the order of Mr. Garfield yesterday brought us to the bottom of the flour bin and the coal bin.

Congress got excited yesterday. Congress ought to have been excited four years ago, and should have passed Senator SHIELDS's bill for the utilization of water power.

There is enough water power in Alabama going to waste to run every furnace, every steam plant and every railroad in Alabama, Mississippi, Tennessee, and Georgia.

There is enough escaping water power in Arkansas, if converted into electricity, to run every steam plant in the State and every railroad in the State and supply a surplus to the industries of Missouri.

There is enough escaping water power in the United States to furnish electricity to move more than one-third of the power units in the United States.

Before the Government took over the railroads it should have taken over the coal mines. Then there should have been a tremendous effort to increase the output along lines that would have secured results.

The Government sought to increase the output by advancing wages. The opposite result was secured. One-third of the men, when by working four days earned as much as they formerly had in six days, only worked four.

This paper contains all the information as to Mr. Garfield's order that was available yesterday. We give it to the public for what it is worth. Our readers must analyze it and act according to their best interpretation of it.

[From the Memphis Commercial-Appeal, Dec. 5, 1917.]

SHIELDS BILL GETS HELP FROM MESSAGE—RECOMMENDATION FOR WATER POWER MAKES PASSAGE SURE—BELIEVE THAT COMMENDATION GIVEN BY PRESIDENT WILL RELIEVE MEASURE OF OBSTRUCTIONS WHICH HAVE PREVENTED ITS ENACTMENT.

(By R. M. Gates.)

WASHINGTON, December 4.

PRESIDENT WILSON'S recommendation of legislation for the development and use of the water power of the country as an imperative necessity under the present conditions makes the enactment of the Shields bill applicable to water powers in the navigable rivers of the United States, and the Walsh bill, applicable to nonnavigable streams upon the public domain, also an absolute certainty during the present session of Congress. This is practically the only recommendation of economic legislation not connected with the war contained in the message, which emphasizes the importance of legislation which will permit this great natural resource to be developed and utilized as is being so successfully done in all other civilized countries of the world, but which present restrictive laws, passed some years ago by the ultra-conservationists, now absolutely prohibit. The Members of the Congress who have been interested in these measures are elated over the prominent commendation given them by the President and feel now that their labors, long blocked by obstructionists, will be successful.

These bills are among the greatest constructive measures that have been before Congress for several years and when written into law will be far-reaching in their effect upon transportation by improving navigable rivers with private capital where Congress has been unable to do so on account of immense appropriations required, and in conserving our coal resources for domestic and manufacturing purposes by the use of hydroelectric power.

The wisdom of this legislation is demonstrated by the present congested condition of transportation and the scarcity of fuel now causing so much distress in the homes of thousands of people and embarrassing our mills and factories in every part of the country. Senator SHIELDS is to be congratulated upon this indorsement by the President of the work he has devoted so much time to since he has been in the Senate, for it is seldom that a Senator during his first term has accomplished so much in constructive legislation of national character.

[From the Memphis News-Scimitar, October, 1917.]

A VITAL QUESTION.

One of the most important matters of legislation to be considered during the next session of Congress, which convenes in December, is that providing for the utilization of water power.

President Wilson will, no doubt, urge upon the Congress, as he has in the past, the necessity for the enactment of just and adequate laws looking to the redemption of this vast and invaluable resource, which for so many years has gone to waste.

The Water Power Trust, which practically controls all of the water-power resources in the West, opposes any further legislation. For one thing, no proposed legislation contemplates any such liberal terms as those at present enjoyed by the western power companies, and in order to equalize the terms those concerns now in operation would be compelled to adjust themselves to the new conditions. Some very ingenious gentlemen, who have been subsidized by the water-power interests, have rendered very effective service in preventing legislation on that subject for several years by claiming that whatever bill is introduced is in the interest of the Power Trust. And many ignorant people have actually been persuaded to believe that this is true.

In a recent speech Senator BANKHEAD, of Alabama, said that when the Government nitrate plant at Muscle Shoals in Alabama is completed the product derived from the use of water power will represent a daily saving of 200 carloads of coal.

It is amazing that the Government has postponed so long the construction of this plant. For a number of years the location of a nitrate plant on the Muscle Shoals has been advocated, not alone for the production of nitrates for Government use, but for the production of fertilizer to be used on the farm lands of the South.

The fertilizer question was never so serious as it is at present. It is so closely allied with food production that the two are identical, but if we are to continue to ignore that feature, certainly we can not evade the fuel issue, which has reached almost the proportions of a crisis.

[From the Memphis News-Scimitar.]

THE COUNTRY DEMANDS WATER-POWER LEGISLATION.

The Government of the United States has assumed an obligation unparalleled in the history of the world.

It must furnish foodstuffs to support the peoples of the allied nations at home.

It must furnish foodstuffs and munitions to the allied armies in the field.

It must finance the allied nations in this titanic struggle to make not only the world safe for democracy, but civilization secure on earth.

The President of the United States made no careless assertion when he said the United States has no special grievance against Germany. He meant that this war is in behalf of humanity against inhumanity, civilization against uncivilization. In this cause the allied countries of Europe are sacrificing every earthly possession—for the preservation of the eternal principles of truth and honor they are laying down their lives.

The full import of the part the United States is to have in this world war is coming gradually to the people of this country. The selective draft brought it very near; the casualty lists, when they begin to come back from Europe will bring it home. There is no need to delude ourselves.

To meet these responsibilities the Government is endeavoring to awaken the people to the necessity for conserving potatoes, meat, and bread.

What the country most needs is an awakening to the necessity for greater production. The country needs to find the means of doubling its output of foodstuffs and at the same time reconciling itself to the loss of a million of its producers, and more should they be required.

A situation of this kind should convince the gentlemen of the Congress that the passage of water-power legislation at this session is important and essential. It should be considered distinctively a war measure.

The Shields water-power bill is the best measure ever devised on this subject. It was passed by the Senate at the last session by a vote of 46 to 22, and held up in the House by small politicians without capacity to appreciate its significance and value. The same measure is pending now on the Senate calendar, having been reported unanimously by the Committee on Commerce with a membership of 19 distinguished gentlemen.

There ought to be some means of overcoming the opposition to water-power development, or if the opposition is simply confined to the Shields bill, and the House, in its superior wisdom, can frame a better bill then some other measure for the development of water power should be introduced and passed.

The development of water power is more closely related to the conservation of the resources of this country than any other project that has been proposed. Other countries, Germany, Italy, France, Norway among them, with lands in a high state of cultivation, years ago adopted their water power to the production of fertilizer from atmospheric nitrogen.

The United States, up to the beginning of the war, was dependent largely upon the Chilean nitrate fields for its supply of fertilizer. Since the beginning of the war the price of Chilean nitrate has advanced in price from $40 to $85 a ton, and even at that price the lack of transports and the hazard make it practically impossible to reach those fields.

There is no place else to turn for this product, and while we are in distress because we are cut off from our former source of supply, above our heads, over every square mile of land are 20,000,000 tons of atmospheric nitrogen, enough to supply the world with fertilizer for 50 years, which can not be fixated because there is no law permitting the use of the 55,000,000 horsepower of water power annually going to waste in the United States.

Only by the utilization of our great water power in the fixation of atmospheric nitrogen can we ever meet European competition in war and commerce. The countries of Europe, on lands that have been in cultivation for a thousand years, use double the amount of fertilizer per acre that is used in this country, where the virgin fertility should not be exhausted. And for double the amount of fertilizer the European farmer pays no more than the American farmer pays for half the amount, and in addition, the yield in Europe is double that of the United States per acre.

Fertilizer in this country will not be cheaper while the war lasts, under present methods, even if it can be obtained at all, and not cheap enough after the war is over for generous use unless it is made by the water power at Muscle Shoals where the cost of transportation is saved.

The discussion, like the possibility of water power development, has no limitations. Its greatest obstacle is its immensity—the inability of little minds to grasp its possibilities and its import. One other matter, however, should be called to the attention of the country and to Congress, and that is the coal situation.

The latest available statistics show that each individual in the United States consumes 1,100 pounds of coal annually; that the primary power equipment for commercial purposes in the United States is 30,448,246 horsepower, of which 80 per cent is produced by steam. In this connection it should be observed that the minimum horsepower afforded by the streams of the United States is 32,082,000, or more than the power produced by steam, with a maximum horsepower of 61,678,000, exclusive of 200,000,000 more which may be made available by storage.

There are water-power projects in the United States at this time, representing 2,122,000 horsepower, actually delayed and defeated because of lack of water-power legislation. The development of 1,160 miles of waterways for navigation, without cost to the Government, is delayed for the same reason. Two million one hundred and twenty-two thousand horsepower is equivalent to the energy contained in 8,427,000 tons of coal, and 230,000 thirty-five-ton cars are required to move 8,427,000 tons of coal, and the labor of 7,000 men for one year would be required to mine this coal.

The value of the coal consumed in the United States is fixed normally at $1,000,000,000. Last year its value increased $1,000,000. The most accessible and cheapest coal is being mined first. In a year the price has doubled.

The cost of coal, the labor involved in its production, and the expense of transportation and the corresponding waste of water power equivalent to all these are not all.

Urged to their utmost capacity, the railroads can not handle the Nation's traffic. Up to March 1, 1917, there was a shortage of 125,000 cars. The lumbermen alone asked for 50,000 more cars than they could secure.

With the United States at war and its every energy exerted, and with our ships in foreign service commandeered by the Government to act as carriers for troops, war materials, and supplies, there will be an ever-increasing volume of commerce. This emergency must be met, and met at once by proper legislation. It can largely be solved by the development of water power under proper safeguards, and the people ought to demand this legislation.

[From the Memphis News-Scimitar, Oct. 9, 1917.]

WATER POWER.

One of the Government's big nitrate plants, to cost approximately $4,000,000, is to be constructed near Sheffield, Ala., and the Government at last is to utilize the enormous waste of water power that has been the curse of this country for years.

It is well that the country is awakening to the value of water power. It is lamentable that it did not awaken earlier. The United States is the only civilized nation that has not already bridled its water power and made it to serve some useful purpose.

We have been willing to dig from the mines the cheap and easily available coal. We have had the cars on which to ship it, and the price has been such that the people could burn as much as they liked and waste as much as they chose.

Now coal has mounted sky-high. It is out of reach of many people, and actual suffering may result this winter on account of the price. The coal miners in various sections of the country are on a strike because the operators shot up the price of their product without increasing their wages. The cars and equipment of the railroads are in the service of the Government and every available piece of rolling stock is being utilized.

A serious coal shortage exists already. In some places the authorities have confiscated the coal passing through en route to other places where it was needed just as badly.

Chilean nitrate for fertilizer is no longer obtainable. At the beginning of the war it was worth something more than $30 a ton. Now it costs $100, when it can be obtained. The crop production will be cut down materially if something is not done to relieve the situation.

A few far-sighted men who have given this subject serious consideration have learned that coal is always going to be relatively high hereafter because of the system of mining; they have learned that fertilizers can not always be secured from Chile, even when there is no war, for the Chilean mines are not inexhaustible.

Their idea is that the vast water power of the United States should be utilized as much as possible, instead of robbing the coal mines of their rapidly diminishing supply. They know that heat, light, and power can be obtained from water power cheaper than from steam power, and that nitrogenous fertilizer can be obtained at the same time by the process of fixation of the atmosphere.

The people need to awaken to this subject and insist upon some legislation during the next session of Congress that will give an opportunity for the development of the water-power resources of this country.

[From the Memphis News-Scimitar, Dec. 6, 1917.]

WATER POWER.

In an editorial discussing the need for immediate development of the water-power resources of this country, the News-Scimitar of November 24 made this prediction:

"President Wilson will no doubt urge upon the Congress, as he has in the past, the necessity for the enactment of just and adequate laws looking to the redemption of this vast resource which for so many years has gone to waste."

Touching upon this subject in the course of his address before the Congress, the President said:

"It is imperatively necessary that the consideration of the full use of the water power of the country, and also the consideration of the systematic and yet economical development of such of the natural resources of the country as are still under the control of the Federal Government, should be immediately resumed and affirmatively and constructively dealt with at the earliest possible moment. The pressing need for such legislation is daily becoming more obvious."

The vital importance of such legislation is made more apparent by the fact that the development of water power was the only recommendation made outside of the measures necessary for the aggressive prosecution of the war.

The President had in mind, of course, the Shields bill, which he has already approved, and which passed the Senate during the last Congress by an overwhelming majority and is now on the House Calendar, recommended by unanimous vote of the committee for passage, and the Myers bill, which has to do with the development of water power on the public domain.

It is the judgment of the country that there is nothing before the Congress, aside from the war measures, calculated to bring greater relief from fuel prices, which will continue to be a vexing problem so long as we neglect the development of our water power.

[From the Memphis News-Scimitar, Dec. 15, 1917.]

SHIELDS BILL PASSES.

The passage of the Shields water-power bill by the United States Senate yesterday was a notable achievement, for the reason that it demonstrates how closely and quickly the Congress is following the recommendations of President Wilson. The water-power legislation contemplated in the Shields bill was the only recommendation made by President Wilson outside of measures for the active conduct of the war.

The fact that the President included it in his address delivered before the joint assemblage of both Houses the second day after the Congress convened indicates that he has recognized the bill as closely aligned with measures necessary for the prosecution of the war.

The fuel question is one of vital concern to this country even now, and unless there is some relief there will be more concern within the next few months. The transportation question is another that is claiming the attention of the best experts on railway matters in the United States. The Government will probably require all of the transportation facilities that the railroads can assemble for the handling of its traffic, and the movement of coal for private concerns and for individual consumers may be handicapped to a large extent.

It is surprising that the people of this country have been so long in recognizing the importance of water-power legislation. If a measure such as the Shields bill is can be passed by the House, it will receive the approval of the President. Then private enterprises, State or municipal authorities may begin to arrange for water power with which to furnish lights and power for the conduct of street railways and for the operation of factories and every kind of enterprise in which power is required and which at present are obliged to use coal. The coal problem for home consumption and for smaller businesses would be solved and there would then be no difficulty in securing all of the coal that is needed and at a reasonable price.

It need hardly be set down here, so well is it known throughout the country, that the Pinchot interests, backed by their millions, have met a signal defeat by the passage of the Shields bill in the Senate. Likewise, there is no comfort for the little coterie of newspaper men in Washington who have been paid liberally, it is said, for their distribution of scurrilous matter against Senator SHIELDS and his bill.

The effort to make it appear that the President opposes the Shields bill is ridiculous in the light of its passage in the Senate. It is an established fact that no measure can pass that body except with the hearty approval of the President, notwithstanding an effort that some newspapers are making, on the eve of a political campaign, to make it appear otherwise.

Those newspapers that endeavor to convince the public that the President is opposed to the Shields bill make the Senator out a stronger man that he is when they claim that he was able to secure the passage of his measure in the Senate over the opposition of the President.

BUSINESS MEN'S CLUB, MEMPHIS.

Resolution adopted by the Business Men's Club Chamber of Commerce, Memphis, Tenn., at a regular meeting of the board of directors, May 19, 1916.

Resolved, That the Business Men's Club Chamber of Commerce of Memphis, an association representing the commercial and agricultural interests of Memphis and the prosperity and comfort of a population of 200,000, hereby indorses the Shields bill as passed by the Senate, free from impractical provisions that so disastrously have prevented water-power development in recent years, and hereby respectfully urges upon the House of Representatives the immediate passage of this bill; and be it further

Resolved, That a copy of this resolution be mailed by the secretary of this association to every Senator and Congressman from the State of Tennessee, and to every commercial and agricultural association with whom this association is in correspondence or affiliation.

[From the Chattanooga News, May 9, 1916.]

The National Conservation Congress indorsed the Shields water-power bill by a vote of 110 to 29. The bill has been much maligned. It is by no means a "grab" measure, and the rights of the public are fully protected. It will develop the waterways. At a time when measures having to do with waterways are classed by the thoughtless as "pork," it is a welcome sign when the Conservation Congress realizes that true conservation means making the best uses of the forests and waterways for the public and not, as many believe, keeping hands off of waterways and forests.

[From the Chattanooga News, Mar. 10, 1916.]

SHIELDS BILL IN THE HOUSE.

The Shields bill, which has passed the Senate and which Senator SHIELDS declares will be followed, if enacted, by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year, and meaning the saving of $700,000 a day in coal bills, will have a hard fight in the House.

Under the Shields bill the Government will have strict supervision of development of water power. While capital is encouraged to help develop the water power and the rivers, the Government does not relinquish supervision. The rentals are to be converted into funds for improving the waterways. The development of the water powers will center interest of the people on the waterways and will force the Government to give the waterways at least halfway adequate treatment.

Some of the strong points of the Shields bill show the manner in which its enactment might bring about the development of waterways throughout the country. Under its terms the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public utility corporations. Interstate business and rates of companies operating under the act are to be regulated by the States, and interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department as being the most adaptable plans for improvement of navigation and fullest development of water-power possibilities. The grantee is to pay a rental for public lands used and a charge for rights and privileges in use of water, these rights and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury to be used for further improvement of waterways. Actual construction work on any project is to be begun within two years of the granting of the permit, and the works are to be completed within such reasonable time as the Secretary may prescribe. For failure to complete the works as directed, or for violation of the provisions of the act, or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government. The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

Leading Chattanoogans, through the News, expressed themselves as gratified at the passage of the measure in the Senate. It is believed that the Shields bill will open the way for the full realization of the great Muscle Shoals plan.

[From the Chattanooga News, Mar. 9, 1916.]

BILL MEANS MUCH TO CHATTANOOGA—SENATOR SHIELDS CONGRATULATED ON ACHIEVEMENT—LOCAL MANUFACTURERS AND BUSINESS MEN ELATED—$50,000,000 WILL BE SPENDED IN BACK YARD OF CHATTANOOGA.

Telegrams of congratulations were sent Senator JOHN K. SHIELDS Thursday by President Fred Ayres, of the manufacturers' association; President Hussey, of the chamber of commerce; Vice President E. C. Patten, jr., of the same organization, and other citizens, expressing gratification at the passage of his river bill through the Senate Wednesday.

According to local manufacturers and capitalists, there will be $50,000,000 spent in the "back yard of Chattanooga," meaning at Muscle Shoals, as a result of the passage of the bill. They think there is no doubt of its passage through the House, and are regarding the Muscle Shoals development as already a certainty.

Twenty millions will be spent by the Federal Government at the shoals as a result of the bill's passage. Thirty millions of private capital will be added to that. There will be a nitrate plant, and much surplus power delivered in Chattanooga, being an inducement of great pulling power for more great manufacturing plants to locate themselves in Chattanooga, and the consummation of one of Chattanooga's most fervent hopes will be realized—year-around navigation on the Tennessee River.

The expenditure of the Government's $20,000,000 will come about as a result of the adoption of the General Army Staff plans for the building of a nitrate plant. Muscle Shoals is the only available inland site for such a plant, and with the building of the dam and power plant there the Government will have power already furnished ready for use.

Regarding the building of the dam, financiers have been ready for several years to erect it at any time the Government would allow them to do so. They have not only been ready, but anxious, and it is expected that very little time will elapse before tangible developments will be under way.

[From the Chattanooga News, Dec. 20, 1917.]

HASTE IS IMPORTANT.

There seems to be a genuine enthusiasm manifesting itself all over the country upon the apparent purpose of Congress to push the water-power bill to early passage. The fuel famine and the shortage of needed power for the operation of the country's industries has brought home to the people the imminent importance of this great conservation measure as nothing else could have done. They are now realizing that action upon it has been too long delayed already. We had hoped that it might be put through before the holidays, but it seems that the House was not quite ready.

As illustrating the magnitude of the possibilities involved in the water-power scheme, the Geological Survey has been compiling some estimates. It is computed that a maximum development of 6,666,000 horsepower could be produced from navigable streams under the provisions of the bill, and this without utilizing the storage, which, it is claimed, would augment the potential horsepower to 200,000,000. Even on the basis of not include the smaller streams not ordinarily considered navigable. Here, it is estimated, 10,000,000 more horsepower could be made available, and long stretches of streams rendered navigable at the same time. The awakening of the people to the immensity of this great natural asset which is going to waste while the country suffers is doubtless responsible for the observable quickening in Congress.

There is an inadequacy of fuel, of operating power, and of man power now prevailing to discharge the responsibilities with which the country is confronted. The situation daily grows more acute and every hour is important. It will necessarily require time for the assembling and installation of plants and processes for the harnessing of the rivers which are now idly and placidly flowing to the sea. Meanwhile the country suffers and waits. In this connection, however, it is a matter for local congratulation to observe that much relief will be brought to the Chattanooga district through the development of power consequent upon the erection of the nitrate plant at Muscle Shoals. This work has already been decided upon and undertaken.

A disposition to play politics with the water-power bill has been observed in Tennessee, but this should wait until the measure has been enacted. The people are not only much interested in the speedy enactment of the bill into law but they are concerned over its terms. They want it so drawn, if possible, as to make it practicable to utilize the wasting water power and to protect them at the same time from the exactions of merciless combinations practically out of reach of the law.

[From the Chattanooga News, Sept. 26, 1917.]

UTILIZE WAR-TIME WATER POWERS—SENATOR SHIELDS URGES SECRETARY OF WAR TO ISSUE PERMITS TO DEVELOP RESOURCES.

Senator WEEKS, of Massachusetts, has had read into the RECORD a statement made by Senator JONES, of Washington, regarding the Shields water-power bill. It had previously been published in the Brooklyn Eagle. The article urges that Congress no longer delay action of laws under which our wasting water powers may be developed.

"The statement shows the importance of the immediate passage of such legislation to the State which I have the privilege of representing in part in the United States Senate.

"Of the 9,700,000 water horsepower in the State of Washington requiring Federal consent before it can be utilized, but 96,000 horsepower, or 1 per cent, has been developed, and the remaining 99 per cent, or 9,600,000 horsepower, is going to waste. Meanwhile we are importing coal from Canada; vast areas of silent desert lands, which, given water, would yield great harvests in these days of food shortage, are held back from reclamation through lack of cheap electric energy for operation of pumping plants; three transcontinental railroads are unable to electrify their systems across the State; and industrial plants, the establishment of which would give us the diversity of industry so badly needed to further our progress and prosperity, are prevented from building.

"By provisions in the river and harbor act of 1890 and 1899 Congress has prohibited the placing of dams in navigable streams without the consent of Congress in each case. No executive authority, unless the stream lies wholly within a single State, in which case the State legislature may grant the authority, subject to approval of plans by the Secretary of War.

"The statute passed by Congress in 1910, known as the general dam act, prescribed the terms under which dams may be placed in navigable streams. During the first two years after the passage of this statute Congress granted its consent to the development of 12 water-power projects in navigable streams, of which but two have been developed, and their financing was only made possible because they were adjuncts to existing systems.

"The other 10 could not be financed under the restrictive terms of the permits granted. Not a single water-power project has been developed in a navigable stream during the past five years. During these years water-power projects actually formulated and ready for development, located in 17 Southern and Western States, aggregating 2,122,000 horsepower, have been prevented from development, as no responsible banker, trustee, or business man would invest a dollar upon the security afforded by such permits.

"A bill drawn and introduced by Senator JOHN K. SHIELDS, of Tennessee, was passed by the Senate at the last session. The bill was amended by the House and sent to conference, was not reported, and died with the close of the last Congress.

"Senator SHIELDS reintroduced the bill (No. 1419) at the present session, and it has been reported without amendment to the calendar by the Commerce Committee, and will undoubtedly again be passed by the Senate.

[From the Chattanooga News, Oct. 23, 1917.]

WATER POWER AGAIN.

The News has on several occasions stressed the importance of the early enactment of the general water-power bill. This bill while not necessarily an immediately available war measure, is distinctly a vital conservation proposition. And since the war has brought the importance—the necessity even—of conservation into such strong relief, the passage of this bill takes on much of the urgency of a war factor. Just at a time when the manufacturing capacities of the country are being strained to an extreme limit, the coal production is falling short of absolutely needful requirements. A universal famine is imminent. The people are without a necessary supply of fuel. Winter is coming on and, according to the present outlook, it will be a marvel of good fortune if widespread suffering is avoided. And at the very best the factories will be more or less hampered. And still Congress has dawdled over the water-power bill.

As heretofore insisted upon in these columns, the possibilities to be opened by the enactment of the water-power bill are many and great. It is a conservation proposal of far-reaching importance. While the coal supply in the earth may be ample for many generations, its production is not meeting the demands upon it. The output is needed for fuel in the homes of the people without any of it being diverted to the production of power. Unless relief is attained somebody will be in want.

The harnessing of the streams will afford a dependable source of water for our industries at a comparatively stable and uniform cost of production. This last feature is very desirable indeed. And as heretofore pointed out, it will contribute to the solution of the smoke problem in the cities. But it will take time to organize and install the necessary plants to furnish adequate water power; hence the pressing need of prompt legislation. It is to be earnestly hoped that during the coming session Congress will pass this very desirable measure.

An examination of the following extract from a recent article by Dr. Charles P. Steinmetz, an electrical expert, will convince our readers that our vision of the possibilities of water-produced electric power was not at all extravagant:

"When we use nothing but electrical power for heating as well as for other purposes, the supply will come through transmission lines from big central stations of many millions horsepower. These stations will be located wherever power is available, such at at waterfalls, coal mines, and oil and gas wells. This will do away with the wasteful process of hauling coal from the mines to the relatively small power houses scattered all over the country. It may be that at the coal mines, instead of taking out the coal and burning it the way we do now, power will be generated in the mine itself by setting the coal in the veins on fire. No; this is not beyond the dream of possibility. It has already been seriously proposed by an eminent English scientist. Startling will be the changes effected by such a supply of electricity. Electrical power will be used so generally that it is very likely the cost will be on the basis of a tax, like our water tax. For example, so much a plug, as we are now charged so much a faucet. It will be very cheap and it will not pay to install meters and have them read and keep the accounts in the offices of the electric companies. To-day water is used universally, and no one would think of making a charge to a friend or even a stranger for any amount of it. If you make a call in your electric vehicle, the vehicle will be run into your friend's basement and the batteries will be charged while you are making your call. It won't make any difference whether you get your electric current from your friend's plug or from the plug in your own home—the tax will remain the same.

After contemplating this picture it does not require a very big stretch of the imagination to see electric power sold at the corner grocery to those who may not have home connection with the plant. A container may be carried along and filled with the amount desired, be carried home much like a basket of spuds. Why not supply stations for electric power as well as gasoline?

[From the Chattanooga Times, Chattanooga, Tenn., Mar. 16, 1916.]

THIS CITY TO GET BENEFIT—RIVER MAY BE IMPROVED AS AN INCIDENT TO PREPAREDNESS—MANY COMPLIMENTS PAID SHIELDS FOR HIS VICTORY—COMMERCIAL AS WELL AS MILITARY IMPORTANCE CONNECTED WITH PROJECT FOR ESTABLISHING NITROGEN PLANT AT MUSCLE SHOALS.

Having just returned from Washington, a local business man and manufacturer gives the following impressions gathered at the National Capital:

One of the members of the brigade post committee made a very interesting report, giving some information gathered at Washington which is welcome news to those interested in the development of this section.

Among other things he commented on the fact that while in Washington last August he found very few Members of Congress who happened to be there and very few citizens throughout the North and East who had much interest in the question of the fixation of nitrates from the air. Only a few who had made a study of this condition abroad and who were familiar with what it had meant to Germany in the past 32 months were talking, only in a general way, about the nitrate needs of this country. Since that time a tremendous volume of literature has been compiled and distributed throughout every State in the Union and placed in the hands of every Member of Congress, until now the entire country is alive to the fact that something must be done to free this country from its dependence on Chile.

Certainly anyone who spends time in Washington will not fail to hear from almost every quarter compliments paid to the fine manner in which Senator SHIELDS conducted the fight for his general dam act. And certainly one less skilled in a parliamentary way than Judge SHIELDS would have been far less successful. This act, having met all the so-called "conservation opposition" that was possible, and coming through with such a tremendous majority, practically insures its passage through the House; but much more difficulty would have been experienced had not the general feeling been so strong for power development to meet the requirements of the Government, which made everyone feel kindly to any measure that looked to the utilization of this waste energy and the applying of it in some practical way.

URGENT FEATURE OF THE PREPAREDNESS MOVEMENT.

Two significant things happened last week which have been noted in the press, but their significance was especially realized by those who have been in direct touch with the affairs in Washington. One was the meeting in New York of the Naval Advisory Board and the report of Dr. W. R. Whitney, of Schenectady, N. Y., who had been delegated to make a report on the production of nitrogen from the air. His report was unanimously approved, and, among other things, were these significant statements: That the Naval Advisory Board should urge President Wilson to take such steps immediately as might be necessary to create a commission, preferably from the Departments of Agriculture, Interior, War, and Navy, to make effective immediately such plans as might be necessary for the Government production of nitrogen from the air further stressing the fact that it is not only immediately vital from the standpoint of "preparedness," but equally important from an economic standpoint in making adequate fertilizer for the farmers at a reasonable price. The commission was urged to plan immediately for the utilization of water powers in working out the proposed plant or plants. The next day there appeared from the Government press, Report No. 297, from Mr. Hay, as chairman of the Committee on Military Affairs, together with a report on the hearing before that committee, on ways and means for increasing the efficiency of the Military Establishment of the United States. This report is one of 24 pages, and while it deals with all phases of "preparedness" the following paragraph stands out paramount in the entire report:

"The bill also provides for the authorization of the plan for the manufacture of nitrogen in order to supply the country with powder to make it independent in time of war of every foreign source of nitrogen. This committee considers this question of the first importance in the consideration of preparedness for national security."

Following this, in small type, six pages are devoted to the arguments and data in favor of such a proposed measure. With this report coming from the Military Affairs Committee, backed by the sentiment in the Senate, as evidenced by the Shields bill, also coupled with the report of the Committee on Agriculture, emphasizing the nitrogen interest as of first importance from the agricultural standpoint, it almost seems that the bill authorizing the appropriation for an air-nitrogen plant would be passed quickly and by an overwhelming majority.

BETTER WATERWAY AT CHATTANOOGA IS PROSPECT.

While the proposed measure will not designate Muscle Shoals as the location for this plant, it is a fact that the Government engineers have not made a report on any other adequate location and almost all of the prominent dailies throughout the country have published the statement that when this bill was passed it would mean the immediate designation of Muscle Shoals and immediate work on the large dam at that point. This would then leave but two smaller dams, which would be entirely incidental, and of course they would be provided for at an early date through the Rivers and Harbors Committee of the House and the Commerce Committee of the Senate; in fact, one of the most influential United States Senators made the statement that the very importance of the Tennessee River would not even require another visit from a delegation, as they would be put through as soon as work could begin without any fight.

When it is considered that only a small proportion of the power will be necessary for Government use and a large proportion will be utilized for industrial purposes, all of which or a great part of which can be economically utilized here in Chattanooga, the passage of this measure will mean the biggest development for the South that has ever come our way; and coupled with all, it gives us at least 6 feet in the Tennessee River from Chattanooga to Paducah 12 months in the year.

[From the Chattanooga Times.]

THE SHIELDS WATER-POWER BILL.

The Shields water-power bill pending in Congress has been attacked by Mr. Gifford Pinchot and others on the ground that it opens up the way for selfish personal interests to absorb all the water power of the country, thus putting the people in the grip of a merciless trust. In brief, the bill, which gets its name from the author, Senator JOHN K. SHIELDS, of this State, repeals the Federal statute providing that in order to build dams for water power or other structures across or in navigable streams an act of Congress granting the right must be passed. The Shields bill restores the right to grant the privilege to the State wherein the water power sought to be developed is situated and to the riparian owners, a right that prevailed until a few years ago. The provision of the present law can be well illustrated by a reference to the procedure necessary to the building of the Hale Bar Lock and Dam and the Market Street Bridge. The purpose of the Shields bill is to make such enterprises possible without a congressional enactment.

It is stated that the War Department has indorsed the measure and that the public welfare requires it, since under existing laws the development of the water-power resources of the country is practically impossible. The Shields bill authorizes companies and corporations, with preference to municipalities and public-utility companies, to build dams in navigable streams for power-development purposes without resort to Congress, after having first submitted their plans and obtained the approval and permit of the Secretary of War, upon certain conditions that he may impose, including the construction of locks in the dams and other facilities for navigation at the expense of the developing company. The permit will continue for a term of 50 years, unless sooner forfeited for violation of its terms, at which time the property may be taken over by the United States and re-leased under then existing laws.

Other safeguard, are included in the measure which, it would seem, ought to satisfy the most sensitive reservationist, since it is made practically impossible for any company or trust to exploit the people or deprive them of their rights, either by combination or consolidation in restraint of the free use of navigable streams for purposes of transportation. It is pointed out by Senator SHIELDS that the passage of this act is necessary to the full development of the wonderful resources of the Tennessee River, and it is suggested that on its passage may depend the erection of an enormous plant near Muscle Shoals for the generation of hydroelectricity for the fixation of atmospheric nitrogen used in the manufacture of fertilizer and high explosives, all of which is now almost exclusively imported from Chile at an annual expenditure of $21,000,000.

If, as seems to be the case from the documents accompanying the copies of the bill sent to this office, the public rights are securely safeguarded and the avenues for the development of the country's resources are thereby opened up without harm to the welfare of the people or the abridgment of the Government's authority over navigable streams, the passage of this measure would at once stimulate development of water-power resources all over the country, and especially along the Tennessee River, the waters of which, it is stated, are susceptible of developing more than a million horsepower of electrical energy. We have not noticed that under the present law anything more than trouble and delay have been occasioned, for Congress has generally granted such rights as have been asked; the Shields bill will, therefore, only facilitate the developments necessary to make the Tennessee potential in the building up of the sections through which it runs.

[From the McMinnville (Tenn.) Standard, Feb. 24, 1917.]

THE SHIELDS WATER-POWER BILL.

When the water power at Muscle Shoals is utilized electricity can be furnished near-by cities at a nominal cost, providing the Lighting Trust does not take over the water power at that place. Senator SHIELDS's bill, which passed the Senate, is hung up in the House, and its passage is problematic, for the reason that it is said to open the door for the powerful Lighting Trust to come in and absorb this enormously valuable popular assets. (Memphis News-Scimitar.)

One of the greatest obstacles public men who undertake enterprises for the public welfare encounter in accomplishing their purposes is the inexplicable negligence of the public, and especially the newspapers, supposedly the purveyors of information and the disseminators of truth, to properly acquaint themselves with the facts relating to such enterprises. The News-Scimitar ought to know, for it is very plainly stated in the Shields bill, that the "Lighting Trust" can not, neither can any other combination, get control of the water power of Muscle Shoals when the Shields bill shall become law. On the contrary, it is expressly forbidden, and is so provided that if anything of the sort shall be attempted the Government may interfere and prevent it. It is also provided in this bill that all concessions shall expire at the end of 50 years, if at that time the Government shall decide to operate the plant, or it may be renewed under such terms as the Congress may prescribe. In fact, every precaution is taken in the bill to safeguard the public, so that to say its purpose is to monopolize power against the interests of the people is so grossly unfair as to discredit the intelligence of those charging it. A provision is made likewise limiting the charges at which the product may be sold, so that there can be no such thing as public exploitations under its provisions.

We do not know that even the most radical opponents of the bill make the charge that the "Lighting Trust" may be able under it to exploit the people, their chief objection being that it turns over to private enterprise the energies that ought to be reserved for the uses of the whole people at some future time, their contention being that the 50-year limitation of the law will not be binding as against powerful private or corporate influences.

The real question involved is, Shall this great power remain undeveloped and of no earthly use to the present generation because there is a suspicion that private concerns are trying to get such control that coming generations will be deprived of their natural patrimony? The Government will not develop it for the uses of the people; private enterprises will. Must we, therefore, submit to the policy that means the restraint of immediate development in the idea that to do otherwise might endanger the peace or happiness of future generations? In other words, are we to permit this great power to go to waste until such time as the Government may decide to go into the business of furnishing light and power to the people? If developments of the present will aid and help future generations—and who shall say that past activities in the development of the wealth nature has provided for the races of men have not benefited the present generations—then we should insist either upon the passage of the Shields bill or the decision of the Government to give us the benefits the Shields bill will provide. (Chattanooga Times.)

[From the Morristown (Tenn.) Republican, Nov. 29, 1917.]

It is time to mobilize the 50,000,000 undeveloped water horsepower owned by the people of the United States. Resources yet untouched would furnish enough power to operate every train, trolley, factory, mine, and electric plant in the country. This development has been delayed by a little group of water-power magnates and their representatives in Congress. The safety and success of the Nation in the gigantic struggle in which we are engaged demand immediate relief from water-power obstruction.

[From the Montgomery (Ala.) Advertiser, Jan. 14, 1918.]

ON GIVING US A PAIN.

Mr. Gilson Gardner, who has been writing progressive politics for several years and saying a great many things which caused us to wonder why he said them, can sit down at his typewriter and jot down offhand the names of the United States Senators the people of the different States ought to reelect, and likewise the names of those the people should leave at home. Mr. Gardner has just begun his latest campaign of proscription and merciful approval.

In his declaration Mr. Gardner is at some pains to inform us that Miss JEANNETTE RANKIN, of Montana, contemplates asking for a United States Senatorship, in succession to THOMAS JEFFERSON WALSH, who is not in good health. Reviewing the Montana lady's record of achievement as a legislator, Mr. Gardner concludes that "altogether Miss RANKIN has qualified for promotion."

We infer also from the article in question that it would please Mr. Gardner if the people of Minnesota would kindly leave Senator KNUTE NELSON at home. But when the writer comes upon the name of Senator JOHN K. SHIELDS, of Tennessee, then it is that his Bolshevikl ire is stirred to a pitch comparable to his enthusiasm for the Hon. JEANNETTE RANKIN, of Montana.

"JOHN K. SHIELDS, of Tennessee, author of the Shields water-power grab," we read, "will have a chance to submit his candidacy to the people of Tennessee next summer, and if they do not like having a Senator who is primarily a representative of the predatory interests they may choose somebody else in his place."

Mr. Gardner is a Gifford Pinchot progressive; that is to say, he is a survivor of a diminishing breed.

If the Shields bill had no better indorsement than the denunciation of a Bolshevikl journalist who seriously believes, or pretends to believe, that a woman—particularly a woman of the quaint point of view of Miss RANKIN—should be sent to the United States Senate by a responsible people, the measure would still be worthy the respect of thoughtful people. But, fortunately, the Shields bill has other merits to commend it and few, if any, defects to discredit it before a commonsense public. The Shields bill permits private capital to develop, under stable governmental conditions, our waterpowers which for a million years and more have washed merrily over the rocks onward to the yawning seas. Pinchot and Gardiner would have private capital invest in these power projects, but under conditions which would necessarily frighten away responsible capital.

Pinchot and Gardiner as capital baiters are of a piece with the small boy who won't go to bed himself because he's afraid the old "booger" man will catch him.

[From the Morristown (Tenn.) Gazette, December, 1917.]

THE SHIELDS POWER BILL.

It is to be hoped that the Shields water-power bill, which has passed the Senate by a generous majority this early in the session, will receive the sanction of the House at an early date and become the law of the land. Conservation of natural resources that keeps them hermetically locked up and sealed against practical utility and from giving service to humanity more than defeats itself. It nullifies the very efforts of heaven itself to bestow its blessings upon mankind. Some inducement is necessary to encourage enterprise and capital to venture upon the task of harnessing the unbroken waters that run riotously on to waste on a hundred hills and in a thousand streams and to cause them, through the generation of the mystic and potent electric fluid, to take the place of human labor in the rougher of the spheres—to warm, to illuminate, to comfort, and elevate the millions. But the people's natural and riparian rights in the water powers can be and have been safeguarded, as gauged by all contractual and legal standards, in the Shields bill, and it can not too quickly become the law, as it will do if it reaches President Wilson's own hands, for the President is understood to appreciate and approve the Shields bill, and that alone is a sure guaranty that there is nothing hostile in the bill to the people's interests that can be guarded against by human care and integrity of purpose.

[From the News Banner, Murfreesboro, Tenn., Dec. 21, 1917.]

SHIELDS WATER-POWER BILL PASSES SENATE—IT IS OF VITAL INTEREST TO THE COUNTRY IN THE PROSECUTION OF THE WAR.

Two measures of transcendent interest to the West and vital interest to the whole country in the prosecution of the war by unlocking national resources were started on the road to achievement in Congress last Friday.

The Shields water-power bill for leasing of power sites in navigable streams was passed by the Senate and sent to the House on that day.

This is the bill our distinguished senior Senator fought nobly for, but was lost in a hopeless deadlock in the last session of Congress.

To hasten passage of the bill for leasing oil lands, which is expected to open the way for development of wells to meet the fuel shortage, Senate leaders agreed to abandon all attempts to make the bill apply to the naval reserve lands in California and Wyoming and to preserve these lands intact for naval fuel, having the Government take over existing claims by condemnation proceedings.

This latter decision removes an obstacle which has precipitated a great fight in Congress and held up oil-land development in the West.

Water-power legislation is now being considered by the House Committee on the Public Lands, which is understood to be negotiating an agreement to harmonize differences which caused failure of the legislation a year ago.

Passage of the Shields bill by the Senate—46 to 18—was the first step in disposing of natural-resources-development legislation before the holidays, as recommended by the President in his recent address. Under the measure water-power development on navigable streams would be under control of the War Department.

A system of 50-year permits is provided to encourage private concerns to make expenditures for dams on navigable streams for development purposes.

In announcing that all provisions for the opening of naval-reserve land in California and Wyoming will be excluded from the bill for leasing oil lands, Senator PITTMAN, in charge of the measure, said this decision resulted from opposition to the section by the Navy Department and a number of Senators.

The demands for oil are increasing so rapidly, Senator PITTMAN said, that estimates of the possible shortage, unless additional fields are opened, are beyond imagination. Because of this condition, he added, many Senators have set aside their personal views regarding lands in order to permit enactment of some legislation to relieve the situation.

[From the Jackson Sun, Dec. 16, 1917.]

WATER-POWER ACT WILL BE GREAT HELP—SENATOR SHIELDS OF TENNESSEE AUTHOR OF THE MEASURE.

WASHINGTON, *December 15.*

By a vote of 46 to 18 the Senate Friday passed the Shields water-power bill entitled "An act to regulate the construction of dams across navigable waters and to provide for the improvement and development of waterways for the uses of interstate and foreign commerce."

The bill in substantially the same form was adopted by the Senate at the session of the Sixty-fourth Congress by a slightly reduced majority. Senator SHEPPARD of Texas was one of the Senators voting for the bill to-day who opposed it a year ago. Senator SHIELDS of Tennessee, author of the bill, made the leading affirmative argument, which several Senators who desired "additional enlightening information" on the subject admitted afterward removed the lingering vestiges of doubt that had held their decision in abeyance. Senator UNDERWOOD of Alabama also spoke at length in support of the measure. The principle of the Shields bill parallels the cleavage of legislation for water-power development urged by President Wilson, both in messages to Congress and in private interviews.

PROVISIONS OF BILL.

The bill provides primarily for the improvement of navigation in rivers, under the jurisdiction of Congress, with private capital, as distinguished from appropriations by Congress for that purpose, and, secondarily, for the development and utilization of water power of those rivers resulting from such improvement, as well as that created by dams constructed and to be constructed under the authority of Congress. The secondary purpose of the bill is the inducement for the investment of private capital in the improvement of navigable streams and without which it would not be so invested or improvements made.

The provisions for the development of navigation, present and future, of navigable rivers are carefully prepared to accomplish that object, the improvement to be made in all cases in accordance with plans submitted to and approved by the Secretary of War and Chief of Engineers, and constructed under their supervision, all with a view primarily of promoting and protecting navigation facilities. In fact, the improvements are required to be made and maintained according to such plans and in such manner as if they were solely for navigation purposes and to be paid for out of the Treasury of the United States.

The Commerce Committee of the Senate, which reported the bill for passage, said among other things:

"It is believed that the bill provides a way by which many of the navigable rivers of the country can be opened to commercial navigation, which, for the want of available means, can not for years be improved in the ordinary way by appropriations from the Treasury of the United States, provided the provisions covering the secondary object of the bill are broad enough and liberal enough to attract private capital desiring to invest in water-power development, for it is obvious, without great inducement of individual interest and advantage, private capital will not be invested in an improvement for the sole benefit of the general public.

"The committee is also of the opinion that the secondary object of the bill—that is, the development and utilization of the water power of navigable streams—is of equal importance to the primary object, although it is in a sense incidental to it, and it is believed that the provisions of the bill concerning this are ample to accomplish that purpose.

"It is estimated that there is in the navigable rivers of the United States, exclusive of Alaska, and also of what may be developed by feasible storage projects, over 61,000,000 horsepower of water-power energy, not more than one-tenth of which is now improved and utilized. This great natural resource is in all other civilized countries developed practically to its fullest extent, and has, and is now, by furnishing cheap power, contributing greatly to the wealth of those countries and the convenience and happiness of their people.

PRODUCTION OF HYDROELECTRIC ENERGY.

"The economical and industrial advantages to the people of the United States that will result from the development of hydroelectric energy produced by utilization of water power is difficult to overestimate. There are many things which can be accomplished by steam power produced in the consumption of fuel. The value of cheap power for manufacturing, lighting, and transportation purposes is, of course, recognized by everyone. Perhaps the greatest necessity and use for it at this time is in the fixation of atmospheric nitrogen for the manufacture of fertilizers and explosives.

"The committee is of the opinion that the bill is so framed as to protect and maintain the constitutional power and control of the Federal Government over navigable streams, as well as the sovereignty of the States and the rights of riparian proprietors over and in the beds and waters of those streams, and allow the full exercise and enjoyment of the latter, subject to the paramount authority of Congress to regulate the same for navigable purposes.

"It is believed that under the provisions of this bill the water-power resources of the country will be develop d and utilized and future waste prevented, which is conservation in its highest and truest sense."

The bill goes to the House, where its passage is predicted. Unquestionably it will take rank with any piece of constructive legislation this Congress will consider, and Senator SHIELDS was congratulated to-day upon the initial success of his bill.

[From the Johnson City Staff, Mar. 3, 1916.]

THE SHIELDS BILL.

United States Senator JOHN K. SHIELDS is to be congratulated on putting through the Senate one of the most important pieces of constructive legislation that has come to a vote in many sessions—the bill which enables the Secretary of War to grant 50-year permits for the building of dams and water-power plants on navigable streams.

This is the first vote taken by the Senate on a general water-power development measure in the eight years that the subject of conservation of natural resources has been under consideration in Congress. Two water-power bills passed the House last year and died in the Senate.

Senate leaders and military authorities urged the Shields bill as a vital feature of the preparedness program. It is estimated that there is 60,000,000 horsepower of natural energy in the navigable streams of the United States, of which nine-tenths is flowing to waste. These great water powers have been locked out from us up to now, as a special act of Congress has been necessary for each power plant, and it has been impossible to pass workable acts for the development of large water powers.

Senator SHIELDS announced in the Senate that the passage of this bill would be followed by early development of water powers aggregating 15,000,000 horsepower, or a volume of electricity equal to that produced by a coal consumption of 100,000,000 tons a year. Engineers estimate that development of this amount of water power equals a saving of $700,000 a day in coal bills.

It is known that a number of big electrochemical plants for making saltpeter and nitric acid from the air have been planned by private enterprises, and will be built as soon as the Shields bill becomes a law and makes it possible to finance these undertakings. These chemicals are essential to the manufacture of explosives and agricultural fertilizers, and at present the United States is wholly dependent for its supply upon the nitrate deposits of Chile. The Chilean Government collects a high tax upon every ton of nitrate exported. There is at present not a single atmospheric nitrogen plant in this country, although Europe has 1,200,000 horsepower of hydroelectricity devoted to this use, and Germany is making 600,000 tons of saltpeter a year in such establishments for military and agricultural uses.

A few years ago Congressman SELLS told the Staff that it was his ambition to have located in the first district several of these plants, and it begins to look now like he will realize his ambition, for the passage of the Shields bill opens the door of opportunity.

Under the terms of the Shields bill the Secretary of War is authorized to grant permits for dams and power plants where he believes the building of such dams will improve navigability of streams. Dams are to be built without cost to the Government, and the grantees are to provide and operate locks, gates, sluiceways, etc., all without cost to the Government. Permits may be granted to individuals, political subdivisions of States, cities, or other municipal corporations, or to public-utility corporations. Intrastate business and rates of companies operating under the act are to be regulated by the States, the interstate service and rates by the Interstate Commerce Commission.

All plans for dams and works are to be approved by the War Department, as being the most adaptable plans for improvement of navigation and fullest development of water-power possibilities. The grantee is to pay a rental for public lands used and a charge for rights and privileges in use of water, these rentals and charges to be fixed at the discretion of the Secretary of War, and the money received from same to go into a special fund in the United States Treasury, to be used for further improvement of waterways. Actual construction work on any project is to be begun within two years of the granting of the permit, and the works are to be completed within such reasonable time as the Secretary may prescribe. For failure to complete the works as directed, or for violation of the provisions of the act, or noncompliance with regulations or orders of the War Department, the grantee is subject to heavy cash penalties or to revocation of the grant.

Permits are to be granted for 50 years, after which time the Government may either extend the original lease, make a new grant, or upon one year's notice take over the property upon payment of its fair value, this value to be determined by mutual agreement or by the Federal courts, and not to include any allowance for any rights granted by the Government. The bill also provides that no value of rights granted by the Government shall be allowed in fixing rates to consumers. Dams, locks, and other structures used primarily for improving navigation are to be exempt from taxation.

Municipally owned dams and power plants for irrigation or for supplying power for municipal purposes are to be given preference in making leases for surplus water powers in the streams. The bill does not apply to water power on small streams and creeks used for grist mills, sawmills, etc.

The measure contains a drastic antimonopoly clause, providing that no dam or works constructed under its provisions shall be owned, leased, controlled, or operated "by any device or in any manner so that they form part of or in any way effect any combination in the form of an unlawful monopoly, or form the subject of an unlawful constraint or conspiracy to limit the output of electrical energy or in restraint of trade."

Although the war talk has prevented it from attracting any considerable public attention, the Shields bill has for several weeks been the subject of one of the most interesting debates on conservation of natural resources that has ever been held in the Senate.

Senator SHIELDS has served in the Senate only a brief time, but during that period he has displayed qualities of leadership and constructive statesmanship which have delighted his friends and confounded his enemies. That he should have sponsored such an important piece of legislation so early in his senatorial career, his admirers believe, presages a large career of service in the State and to the Nation.

[From the Brooklyn Daily Eagle, Sept. 15, 1917.]

PASSAGE OF THE SHIELDS BILL URGED TO DEVELOP NATION'S WATER POWER.

(By WESLEY L. JONES, United States Senator from Washington.)

It is vitally important to the economic and commercial welfare of this Nation that Congress no longer delay the enactment of laws under which our wasting water powers may be developed. The following brief statement shows the importance of the immediate passage of such legislation to the State which I have the privilege of representing in part in the United States Senate.

Of the 9,700,000 water horsepower in the State of Washington requiring Federal consent before it can be utilized, but 80,000 horsepower, or 1 per cent, has been developed, and the remaining 99 per cent, or 9,600,000 horsepower, is going to waste. Meanwhile, we are importing coal from Canada; vast areas of efficit desert lands, which given water would yield great harvests in these days of food shortage, are held back from reclamation through lack of cheap electric energy for operation of pumping plants; three transcontinental railroads are unable to electrify their systems across the State, and industrial plants, the establishment of which would give us the diversity of industry so badly needed to further our progress and prosperity, are prevented from building.

By the provisions in the river and harbor act of 1890 and 1899 Congress has prohibited the placing of dams in navigable streams without the consent of Congress in each case. No executive authority, unless the stream lies wholly within a single State, in which case the state legislature may grant the authority, subject to approval of plans by the Secretary of War. As navigable streams almost invariably touch or traverse more than one State, the exception is unimportant.

An existing statute, passed by Congress in 1910, known as the general dam act, prescribes the terms under which dams may be placed in navigable streams when Congress grants specific consent. This statute, even if made operative by an enabling act, makes requirements which render investment unsafe and effectually prevents development. During the first two years after the passage of this statute Congress granted its consent to the development of 12 water-power projects in navigable streams, of which but two have been developed, and their financing was only made possible because they were adjuncts to existing systems.

The other 10 could not be financed under the restrictive terms of the permits granted. Not a single water-power project has been developed in a navigable stream during the past five years. During these years water-power projects actually formulated and ready for construction, located in 17 Southern and Western States, aggregating 2,122,000 horsepower, have been prevented from development, as no responsible banker, trustee, or business man would invest a dollar upon the security afforded by such permits. The production of this energy through utilization of water horsepower now wasting would save annually 8,427,000 tons of coal, would allow the labor of 7,000 men to be used for other much needed purposes, and would permit the use of thousands of cars for carrying merchandise in lieu of coal. Furthermore, by these river improvements 1,160 miles of inland waterways would be opened to navigation without the appropriation of Government money.

The importance of action is realized by Congress, which has had the enactment of a new navigable-stream water-power law under consideration for the past four years. A bill drawn and introduced by Senator JOHN K. SHIELDS, of Tennessee, was passed by the Senate at the last session by a vote of 46 to 22 after a discussion covering a period of five weeks, during which time every phase of the question was carefully considered. The bill was amended by the House and sent to conference, was not reported out, and died with the close of the last Congress.

Senator SHIELDS reintroduced the bill (No. 1439) at the present session, and it has been reported without amendment to the calendar by the Commerce Committee, of which I am a member, and will undoubtedly again be passed by the Senate when its consideration is reached. The bill has been criticised by so-called conservationists for reasons which I shall not attempt to controvert, because, to my mind, they are manifestly impracticable and, if adopted, would effectually prevent development.

The bill appeals to me as an orderly, masterly product of high-class statesmanship. It safeguards every public interest, and yet its terms are fair toward those who would engage in the naturally hazardous business of development of water powers. Senator JOHN K. SHIELDS, the author of the bill, is one of the most respected Members of the United States Senate. He was formerly chief justice of the Supreme Court of Tennessee, and the development of the water powers is of greatest importance to his State. I am glad to be able to say that this important national question was not made a party issue in its consideration by the Senate, and I am glad, as a Republican Senator, to be able to line up alongside the great Democratic Senator from Tennessee in approval of his views upon this subject.

The Shields bill authorizes the Secretary of War to issue permits to develop water powers in navigable streams to properly qualified applicants who, in his judgment, are best fitted in the public interest to develop the water resources. The bill sets forth at length general terms and stipulations, and the Secretary of War is made the administrative authority to carry them into effect. The bill provides for a permit period of 50 years, at any time after which the Government may, on 2 years' notice, take over the property for itself or for a subsequent grantee by paying the fair value of the property, not including the rights granted by the Government. The bill provides for protection of the public interests as follows:

(a) Water-power projects for which permits are issued must be such as in the judgment of the Secretary of War shall be best adapted to a comprehensive plan for the improvement of waterways for all uses and produce the highest practicable power development.

(b) The public service commissions of the States in which the water powers are located are given control of rates and service when the business is intrastate, and the same regulatory authority is conferred upon the Interstate Commerce Commission when the business is interstate.

(c) The Secretary of War is given authority to examine the books of the grantee and to require them to submit sworn statements of every detail of their business transactions.

(d) Provision is made for cancellation of the grant in case the grantee fails to comply with the terms.

(e) Unlawful trust or monopoly or restraint of trade is forbidden.

(f) The grantee is required to install, at his own expense, locks, booms, sluices, lights, signals, or other structures in aid of navigation purposes, and furnish, free of cost, power for operation of same.

(g) The grantee must reimburse the United States for the cost of investigation and supervision incidental to the transaction.

(h) The grantee is required to pay reasonable charges to the United States for benefits accruing from headwater improvements established and maintained by the United States and for the use of any Government land used in power development.

The bill provides that work must be begun within two years from the date of the permit and completed within such time as may be specified by the Secretary of War, and provides for diligent, orderly, and reasonable development and continuous operation of the water power, subject to market conditions. The bill provides that contracts extending be-

yond the life of the permit for sale of energy may not be made without permission of the public service commission of the State in which the water power is located.

The Shields bill is distinctly a compromise measure. It is the product of the long conflict of views and of the efforts of the Senate to deal intelligently with the subject. Like all compromise measures, it is probably not completely satisfactory to anyone, but as a whole it concededly does safeguard the public interests and concededly is fair enough to capital to secure investment in water powers. In my judgment, it is not at all subject to the objections which have been most vehemently urged against such proposed legislation in the past. Consequently it can and should be supported both by those who have been chiefly interested in insisting upon public safeguards and also by those whose chief interest has been to secure development of the great resources. It is to be hoped that, in the public interest, this bill may be accepted by both Houses of Congress, be signed by the President, and speedily become a law.

[From the Springfield (Ill.) State-Register, Aug. 14, 1917.]

THE SHIELDS WATER-POWER BILL.

Senator JOHN K. SHIELDS has introduced a bill in the United States Senate providing for the financing of water-power development. There has been an almost inexcusable indifference on the part of the Government in making effective the great water-power resources of this country. Water power is a cheap and highly efficient power. If there was ever a time in the history of the Nation when water power should be developed, that time is now.

The great unused stands of pulp-wood timber that are now controlled by the present paper makers are almost without exception in sections of the country where the available water powers lie, either in the public domain or on navigable streams. Power is absolutely essential to the conversion of wood into pulp, and water power is the most logical power.

The Senate of the United States can strike effectively at the heart of the Paper Trust if it passes effective water-power legislation. The people of the country should get actively behind the Shields bill and urge its passage.

The paper combine that has so arrogantly defied the Government in its price manipulation will naturally oppose the Shields bill. This fact should make the people rally to its support.

[From the Rochester (N. Y.) Post-Express, Sept. 20, 1917.]

We are earnestly warned of the necessity of conserving our coal supply. One way to save coal would be substituting some other agent to create power for manufactures. We have water power in the country totaling in excess of 60,000,000 horsepower and we are utilizing little more than 5,000,000 horsepower. There are before Congress a number of bills which would make possible at once the development of water powers by private capital. Of three of these—the Shields bill, the Walsh bill, and the Small bill—Secretary Houston is an advocate. He declares that in the print-paper situation alone the release of water powers to utilization would make available to the manufacture of paper waste timber enough to provide wood pulp for many years. There are other manufacturers which would be facilitated in the same way by these and by other bills. Of the bills themselves it is impossible to write until their provisions are known. There may be reasons why they should not be passed; there may be injustices involved which a complete discussion would reveal. The point is that Congress has not considered them at all, and it would seem that they should be given attention even in the crowded legislative program, since fuel, power, and cheapened products are of paramount war importance.

[From the Seattle Post-Intelligencer, Sept. 24, 1917.]

WASTED WATER POWER.

Senator WESLEY JONES is performing a service for his State, as well as for the Nation, by calling attention in the Eastern press to the need for the enactment of Federal laws under which the potential water power of the country may be developed. Two such proposed laws have practically deadlocked development for several years. The House has passed the Ferris bill, which meets the approval of many of the students of conservation and is opposed by some of the water-power developers as tending to make leasing so unattractive that capital is not likely to respond to it. The Shields bill, which has passed the Senate, gives more consideration to the lessees of power sites, and offers what is presumed to be sufficient attraction to capital to induce investments.

Senator JONES, in a two-column letter to the Brooklyn Eagle, suggests that the Shields bill will safeguard the interests of both the public and investors and urges its early enactment into law. Washington, possessing more potential and unused water power than any other State in the Union, is vitally interested in the enactment of a reasonable law and will hope that its Senator may succeed in interesting Eastern statesmen in the matter.

There are 1,700,000 water horsepower in this State requiring Federal consent before it can be utilized. Of the total, but 96,000 horsepower has been developed, and about 9,600,000 horsepower is thus going to waste. Coal is scarce and increasing in value, gas promises to be higher, power is needed for irrigation, for industries, and for transportation, and yet millions of horsepower are permitted to go to waste because statesmen can not agree as to the conditions under which it may be used.

The Shields bill is now before the Senate. It has been reported without amendment, and Senator JONES states that it will be again approved by his colleagues.

"The bill appeals to me as an orderly, masterly product of high-class statesmanship," writes Senator JONES. "It safeguards every public interest and yet its terms are fair toward those who would engage in the naturally hazardous business of water-power development."

The bill authorizes the Secretary of War to issue permits to develop water powers in navigable streams to properly qualified applicants who are, in his judgment, best qualified, in the public interest, to develop the resources; the bill provides for a permit period of 50 years, at any time after which the Government may, on two years' notice, take over the property by paying a fair value for the improvements. The bill gives the Government simple authority to conserve its interests and those of the public, and should be enacted into law.

[From the Rochester (N. Y.) Union-Advertiser, Sept. 20, 1917.]

DEVELOPMENT OF OUR WATER POWER NEEDED.

Three measures now before Congress that should be passed at the present session in the interest of the country are the Walsh and Shields bills, in the Senate, and the Small bill in the House, all looking toward are not like the Ferris bill, to which great objection was made because it was a proposal to give over to grabbers the great wealth of water power now under the control of the Federal Government, without proper compensation to the people. These measures give the Government control over the water powers thus leased, not given, and allow the Government to regain control at the expiration of the lease. With the interests of the people in the ownership of this water power thus safeguarded, the passage of these measures is almost imperative, in view of the great need of the country.

As to the benefit of the development of the 50,000,000 of horsepower the development of the idle water power of the country. These bills now lying idle in these water rights there is no doubt. We are threatened with a serious shortage of coal, because of the great increase in our own needs and because of the needs of our allies. Our railways are struggling under the greatest load they have ever been called upon to bear. Our crops are insufficient to feed well, unless great economy be used in the distribution and consumption of them, ourselves and the rest of the world, principally our allies. If these powers be developed, the railways will be able to use them for large portions of their systems. In the first place the water-power dam would make many streams navigable for strings of barges, in this way relieving the roads of a part of their loads. In the second place, the electrification of long stretches of railways would be possible, thus doing away with the consumption of coal for hauling and releasing for other service thousands of cars, thus, in turn relieving car shortage. The power developed could be used for many industrial purposes, releasing more cars that are now used for carrying coal for these industries. Cities and towns that now have no municipal utilities or water service would be able to have them at a reasonable rate. Ten million acres of land that can not now be irrigated because they lie above the reach of gravity water can be watered and made to grow all the crops commonly raised in this country, thus increasing our food supply. We could produce all the nitrogen we need for our crops by utilizing about 12,000,000 horsepower generated by this water power, at a cost of $580,000,000, with an increase of $2,000,000,000 in crop production, making ourselves the food growers of the world. The saving of oil by use of these water powers in the industries would be almost as great as the saving of coal.

There are but outlines of the uses to which this water power can be put and of the advantages to the country of the development of them. The Walsh bill proposes that water powers upon nonnavigable streams within the public domain be leased by the Secretary of the Interior, while the Shields bill deals with navigable streams, the rights upon which shall be leased by the Secretary of War. The latter bill is a practically new bill, being the former Shields bill shorn of objectionable features. Provision is made in both measures for the taking over of the lease by the Government at the termination of the leasing period, with compensation for the lessee, or the extension of the lease for a second 50-year period. The Shields measure also provides for the construction of locks, booms, sluices, and other adjuncts to navigation, either at the expense of the lessees or the Government, with reciprocal compensation in either case. The States are safeguarded in their rights as to regulation of rates and taxation. The Small bill is an amendment to an existing statute and empowers the Secretary of War to enter into contracts with persons or corporations, by which the latter shall construct navigation improvements on any river or harbor in return for rights and privileges in developing, producing, and disposing of power on the streams in conformity with State laws. These contracts also run for 50 years, and provision for taking the leases over is made in the amendment. In both the Shields and Small bills the Secretary of War is empowered to sell surplus water or power to municipalities and other public corporations.

It will seem to most of us that these measures should pass at this session because of their great importance to the welfare of the people. Experts say that they will not bring us help in the war, but they will be of immense value in the commercial struggle to come after the war, and we should begin the development of these great powers at the earliest possible moment.

[From the Nassau Daily Record, Aug. 25, 1917.]

WATER-POWER LEGISLATION.

A bill is now pending in Congress, introduced a good while back by Senator SHIELDS, which would authorize the development of water powers throughout the West. Its terms appear to be fair. Its effect would be to utilize the vast volume of power which is going to waste every day in many parts of the country's public domain and on navigable streams.

The scarcity of paper at this time emphasizes the need of this development. Most of the unused wood-pulp supplies are close to the available water supplies. The passage of the Shields bill would therefore be a great stimulus to the paper industry and bring down the price of paper products.

That is only one of the many desirable results that would follow. With the price of fuel the highest in the history of manufacturing, the use of water power is becoming imperative; and since we have it in measureless quantities why not use it? The principles of conservation applied to timber do not apply to water powers. When timber is used it is gone. Ages are required for its renewal. But the water that passes to-day is lost forever if it is not utilized, while the use of to-day's supply does not diminish the supply of to-morrow. The only way to conserve water power is to use it.

[From Leslie's Weekly, Sept. 29, 1917.]

HARNESS THE STREAMS.

Of the 60,700,000 horsepower of water power in the United States all but 5,300,000 horsepower is running to waste. The water is at present locked up against utilization by the laws governing the forest reserves, the general public domain, and the navigable streams. Congressmen have not hesitated to advocate higher rates on mail matter of the second class, but have not found time to open up these water powers, so that print paper can be made cheaper for the publishers. It has been estimated by Secretary of Agriculture Houston that there is enough timber going to waste in the forest reserves and on cut-over lands to supply wood pulp indefinitely if the question of its manufacture by water power could be solved. Three bills now pending in Congress—the Shields bill, the Walsh bill, and the Small bill—are designed to release the water power to private development in the three fields mentioned. Apparently, however, it is easier to pass billion-dollar appropriations, issue bonds, and impose direct taxes on "war profits" than to harness the waters to useful purpose.

[From the Detroit (Mich.) News-Tribune, Sept. 26, 1917.]

WASTING WATER POWERS.

At a time when conservation has been promoted to such an important place in the public mind that it has become the prime necessity for victory in the war, it is logical that the thoughts of many men should turn to the power that is going to waste every day in hundreds of streams in various parts of the country. The great obstacle in the way of harnessing these streams and forcing them to generate electricity is the fact that so many of them are under Government control, and no way has been found for permitting the Government to release them to private parties.

Coal is our chief dependence for power, and coal is now hard to get. Moreover, it is uneconomical. Water powers are permanent and need only to be controlled to furnish a great quantity of cheap electricity. It is estimated that 50,000,000 horsepower is going to waste because the law does not permit of its development. Meanwhile we worry about coal.

The Walsh bill in the Senate providing for the use of water powers included within the public domain, and the Shields bill in the Senate and the Small bill in the House relating to power development on navigable streams, have been neglected because other matters have been more pressing. Yet these bills, if too late for the war, at least relate to important steps that must be taken after the war. Without indorsing them in their entirety, the News believes that they ought to be taken up by Congress at the earliest possible moment and that the waste of potential power should be ended.

[From the Chicago News, Oct. 3, 1917.]

HARNESS THE STREAMS—MUCH POWER IS LOST BY FAILURE TO UTILIZE RUNNING WATERS.

Of the 60,700,000 horsepower of water power in the United States, all but 5,300,000 horsepower is running to waste, Thomas F. Logan writes in Leslie's. The water is at present locked up against utilization by the laws governing the forest reserves, the general public domain, and the navigable streams. Congressmen have not hesitated to advocate higher rates on mail matter of the second class, but have not found time to open up these water powers, so that print paper can be made cheaper for the publishers. It has been estimated by Secretary of Agriculture Houston that there is enough timber going to waste in the forest reserves and on cut-over lands to supply wood pulp indefinitely if the question of its manufacture by water power could be solved. Three bills now pending in Congress, the Shields bill, the Walsh bill, and the Small bill, are designed to release the water power to private development in the three fields mentioned.

[From the San Francisco Chronicle, Aug. 2, 1917.]

WATER-POWER DEVELOPMENT—CONGRESS STOPPED IT AND THUS FAR REFUSES TO LET IT GO ON.

A year ago, more or less, the Director of the Geological Survey estimated the potential available power which can be developed from the streams of the country at 55,000,000 horsepower. Of this but about 5,000,000 horsepower has been developed. The greater part of this power would be developed either on navigable, or alleged navigable, streams on the public domain and require the sanction of national law.

There is a law for such development, but on such terms that money can not be got for the work. The Forest Service sometimes points with pride to the number of "permits" issued, but can not point with any pride whatever to the work actually done under those permits. Such permits are usually obtained by promoters, but when they try to interest capital they fail.

There has for a long time been before Congress a bill whose provisions seem harsh enough, but which are mild compared with existing law. It is said by its promoters that under its provisions private capital can be got to develop at least the most promising projects. In what position this bill is in the present Congress we are not informed. We assume that it has been reintroduced and is somewhere on its journey to the President. Some law of this kind has been urged upon Congress by the President and the heads of the departments concerned, but Congress does nothing.

The crazy faction of those who call themselves conservationists insists that the enact any law which will make private development possible is to give away "millions" to presumably wicked and designing men.

The truth is that it is merely giving them a chance to risk their money in enterprises whose entire risks they must assume, but whose charges will be fixed by public authority.

To build the dams and install the plants is easy if you have the money. To market the current at remunerative prices is by far the greater work.

And great conserving plants will not be erected where there is danger of interruption of the power. The capital to build can not be got, or the plants to consume be erected, except upon definite legal requirements for adequate terms, and not subject to modification during their tenures, for the sources of the developed power.

When legal requirements are definite they can be accepted or rejected. But if they are indefinite, investors will not even consider them.

And meanwhile potential power in huge volumes is running to waste, and we are howling because we can not get fuel.

[From the Evansville Courier, Dec. 4, 1917.]

PASS THE SHIELDS BILL.

While coal can not be secured to run factories, nature is supplying an enormous water power that is going to waste.

As a war measure Congress should promptly take up the Shields bill and pass it. This bill safeguards the public interest, while at the same time it makes available the unused forces of nature.

Opposition comes to it from two sources, neither of them large but both exceedingly tenacious.

On the one side are those who would exploit for their own purposes the common heritage of all. On the other are the I. W. W. conservationists of the Gifford Pinchot brand, whose radical ideas amount to practical disuse of the national resources.

The Shields bill is a conservative measure. It neither gives away the national ownership in the streams nor locks them up away from public use. In this need of utilizing all our resources, certainly the forces of nature should be put to work. The Shields bill will do this if it can be enacted into law.

[From the Pittsburgh Leader, Oct. 8, 1917.]

SHIELDS WATER-POWER BILL.

Senator John K. Shields has introduced a bill in the United States Senate providing for the financing of water-power development. There has been an almost inexcusable indifference on the part of the Government in making effective the great water-power resources of this country. Water power is a cheap and highly efficient power. If there was ever a time in the history of the Nation when water power should be developed, that time is now.

The great unused stands of pulp-wood timber that are now controlled by the present paper makers are almost without exception in sections of the country where the available water powers lie, either in the public domain or on navigable streams. Power is absolutely essential to the conversion of wood into pulp and water power is the most logical power.

The Senate of the United States can strike effectively at the heart of the Paper Trust if it passes effective water-power legislation. The people of the country should get actively behind the Shields bill and urge its passage.

The paper combine that has so arrogantly defied the Government in its price manipulation will naturally oppose the Shields bill. This fact should make the people rally to its support.

WATER-POWER LEGISLATION.

There are two classes of water powers requiring Federal authority for development. One class is located in the public domain, and only temporary or revocable authority for development can be granted by the Departments of the Interior and of Agriculture; the other class is located in the navigable streams, and no statutory authority exists for granting permits for development, Congress thus far having reserved to itself alone the right to grant such permits.

PUBLIC-DOMAIN LEGISLATION.

Federal control of water-power development and its electrical transmission where public lands are involved is based upon the constitutional right of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States. The Federal Government holds its lands both as sovereign and proprietor. As proprietor the United States has all the privileges of the private owner, all the benefits arising from State laws, all the appurtenances which the lands of any other owner may have, and yet as sovereign its lands are not subject to State taxation or condemnation. Federal control of water-power development on nonnavigable streams rests solely on its ownership of such public lands as are required for emplacement of power houses, flumes, conduits, and transmission lines, or which would be overflowed as a result of construction of dams. Thus Congress may prevent the development of water powers in the public domain either by withdrawing the dam sites from entry or withholding the right to use them altogether, or by enactment of restrictive laws under which capital can not safely invest. The Supreme Court has recently held that the act of February 15, 1901, relating to the use of public lands for electrical and other purposes, is exclusively controlling in respect to hydroelectric development in the public domain. Capital can not be obtained for important developments under this act, which authorizes a revocable permit only, and all units in the opinion that it should be amended or replaced by a new act dealing with the subject.

The Public Lands Committees of the Senate and of the House of Representatives have been considering the question for the past four years, and have had hearings at which the subject has been exhaustively considered from every standpoint. Bills have been introduced, one of which passed the House but failed to pass the Senate. A skeleton basis has been arrived at satisfactory to a majority of Congress, and it only remains to agree upon some of the details.

Senate bill 2399, introduced by Senator WALSH June 5, 1917, provides a workable measure, fair alike to the public interest and to the investor, and which, if passed in its present form, would immediately result in the development of many of the water powers contained in the public domain.

SUMMARY OF THE WALSH BILL.

This bill is now before the Senate Public Lands Committee. It authorizes the Secretary of the Interior to issue 50-year permits to States, municipalities, corporations, or individuals, for the use of public lands necessary to power development. It requires "the diligent, orderly, and reasonable development and continuous operation of the water power, subject to market conditions." It provides for the regulation of rates and service by State authorities where the business is intrastate and by the Interstate Commerce Commission where the business is interstate. It gives the United States the right to take over the property, including contracts entered into with the approval of public authorities, for itself or for a new permittee, at any time after 50 years upon three years' notice upon paying the amount fixed by the public authorities as the value of the property for rate-making purposes and upon assuming the contracts, the amount to be paid not to include "any public lands, rights of way, franchises, or other property occupied or granted under this act by the United States, or by the good will or prospective revenues." It provides for forfeiture of the permit for noncompliance with its terms and authorizes the Secretary of the Interior "to make such general rules and regulations as may be necessary for the purpose of carrying the provisions of the act into full force and effect." The Secretary is authorized to examine the books and accounts of permittees and to require them to submit statements regarding every detail of their business. The Secretary is also authorized to "specify in the permit and to collect charges for all land occupied," and of the proceeds one-half is to be paid to the State within which the power plant is located and the remaining one-half into the national reclamation fund. The bill provides that no charge shall be made for the use of public lands for power purposes to States or municipalities, or where the power is to be used in connection with the utilization of the timber resources of the national forests, or where the power development does not exceed 25 horsepower.

NAVIGABLE-STREAM LEGISLATION.

By provisions in the river and harbor acts of 1890 and 1899 Congress has prohibited the placing of dams in navigable streams without the consent of Congress in each case. No executive officer or department has power to grant the necessary authority, unless the stream lies wholly within a single State, in which case the State legislature may grant the authority, subject to approval of plans by the Secretary of War. As navigable streams almost invariably touch or traverse more than one State the exception is unimportant.

For more than 10 years Congress has refused to grant authority for hydroelectric development in navigable streams except in compliance with a general statute, known as the general dam act, enacted

in 1906 and amended in 1910. This act provides such restrictive terms and conditions that with but two small exceptions no power developments and river improvements have been made by private capital upon navigable streams since 1912, and developments are prevented and held back aggregating 2,000,000 horsepower, and which would open 1,100 miles of additional inland waterways to navigation through investment of private capital and without taxation or appropriation of public money.

Among the conditions imposed by this general act with which it is unsafe and impossible for capital to comply is the requirement that the Secretary of War may "at any time" during the life of the permit require the installation of locks, which would make the amount to be invested always uncertain.

It also provides that the permit shall "fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing same"; thus the permittee would have to pay charges impossible of determination in advance, and perhaps even would be compelled to furnish the money necessary to destroy his own plant. The act also specifically provides that "the United States shall incur no liability for the alteration, amendment or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions." Of course the United States should incur no liability in connection with the possible amendment or repeal of this act, but property created under the act should be protected from impairment through such amendment or repeal, and this the present law fails to do. The act also provides "that the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided." This would leave the permittee with the property on his hands at the end of 50 years, with no authority to operate it, and his status would be that of a trespasser.

No responsible banker, trustee, or business man would invest a dollar upon the security afforded by such a permit.

During the last Congress the Senate, after five weeks of careful consideration, by a vote of 46 to 22, passed what was known as "the Shields general dam bill," which corrected the defects of the general law and authorized the Secretary of War to issue permits when river improvements could be secured thereby. This bill was referred to the House Committee on Interstate and Foreign Commerce, which amended it, and with still further amendments by the House it was passed and sent to conference in June, 1916. It remained in conference eight months and died there when the Sixty-fourth Congress adjourned March 4, 1917.

The Shields general dam bill has been reintroduced in the Senate by Senator SHIELDS as S. 14 - and is before the Commerce Committee. A bill (H. R. 4504) providing for the extension of inland waterways and the incidental development of water power by private capital has been introduced in the House by Mr. SMALL and is now pending before the Committee on Interstate and Foreign Commerce.

It should not be difficult for Congress to agree upon a workable general dam act of a nature under which permits could be issued by proper executive authority and under which development capital could be obtained. A bill which would provide, as does the Walsh public-domain water-power bill, above referred to, for a permit tenure of 50 years with the right to the Government to purchase the property at the end of the permit period, or at any time thereafter, upon paying just compensation therefor, based upon the value of the property as fixed by the public authorities for rate-making purposes, would be fair and workable. Service and rates should be under the supervision of the public authorities. The permits should also provide for the installation of locks by the permittee if required by the Secretary of War in the original permit at a specified time; for reimbursement to the United States for expense of investigation and supervision; fishways and signals to be installed by the permittee, and power for operation of locks to be furnished by him free of cost. The permit should also contain a cancellation clause in case of noncompliance with its terms and such other reasonable rules and regulations as might be necessary to safeguard the public interests.

In case facilities are not adequately utilized by the permittee other persons may be allowed to develop them, with due regard to his interests.

State laws regarding distribution of water are to be observed in all permits, and there is provision for the determining by Federal courts of what particular rights, if any, the States of Colorado and New Mexico have in the Rio Grande.

The Shields and Myers bills, which sought to bring about this result last year, were vigorously opposed by Gifford Pinchot and his school of conservationists. Perhaps the one of their many arguments which attracted most attention was that the grant would in practice be perpetual. Advocates of the bill, however, maintained that there was nothing in it which forbade the Government to condemn a plant and take it over, paying just compensation in case there were valid reasons for doing so; and contended that the fear that it would never be possible to get the case out of the courts involved fundamental distrust of the Federal judicial system.

The bills were not brought to fruition last year for many reasons, chief of which, apparently, was the pressure of other legislation necessitated by the preparedness program and the military operations on the Mexican border. And the detail in which the development of water power most acutely touched the question of preparedness was settled by the passage of the law appropriating $20,000,000 for a Federal nitrate plant.

The development of the industry of extracting nitrogen from the air by powerful electric motors has gone furthest in Germany, where the serious results of dependence on foreign nitrates for essential components of high explosives was realized long before the war. The world's greatest and in fact almost sole supply of natural nitrates have come from the great deposits in the Chilean Provinces conquered from Bolivia and Peru in the war of 1879. To the Germans, faced with the possibility of war with a superior naval power, it became evident that this supply probably would be cut off at once, and that it would be necessary to provide a substitute for the nitrogen which was essential in the manufacture of munitions.

Scandinavian processes providing for the fixing of the loose nitrogen in the air had been developed, but had not been found of great commercial value in competition with the Chilean product. The Germans set up huge electric generators run by water power and used these processes to lay in a supply of nitrates which averaged a commercial value of 60 per cent, as against 12 per cent of valuable matter in the Chilean mineral.

Meanwhile the shortage of shipping, the possibility of the exhaustion of the Chilean fields, and the necessity in any case of a long voyage up the western coast of the American continent made American officials realize the necessity of providing in this country some substitute for the Chilean mineral, and the discussion of this brought out the great value of water power in establishing suitable plants for the fixing of nitrogen. But this is only one of the many ways in which the enormous waste of water power is reducing the efficiency of the United States.

Nitrates are essential in fertilizer no less than in ammunition making. The low acreage of American crops in most districts is attributed very largely by agricultural experts to the lack of fertilizer, or rather to the American habit of using insufficient fertilizer. In 1911 this country, according to a bulletin issued recently by the American Newspaper Publishers' Association, used 28 pounds of fertilizer per acre of improved land; Great Britain used 152; Germany, 214; and Belgium, 448.

The report of the German department of agriculture for 1913, according to the same authority, showed that 2,000,000 tons of fertilizer had resulted in increasing crops by 63,000,000 tons. "The German farmer," says the pamphlet, "practically used his land as an agent for transforming fertilizer into product, while the American farmer tries to get products out of his starving land without feeding it sufficient plant food."

Phosphates are numerous enough in America, and with the cutting off of the German supplies of potash chemical invention has made large potash deposits in America and Canada workable for the first time. But nitrogen must come either from Chile or the air, and with extensive water-power electric plants many people believe it can be obtained more cheaply, as well as more certainly, from the air.

The Chicago, Milwaukee & St. Paul is driving its transcontinental trains across the Rockies under electric power obtained from hydroelectric plants. For 450 miles, from Harlowton, Mont., to Avery, Idaho, the main line has been electrified, and the process is being extended to Seattle, 500 miles farther west. John D. Ryan, president of the Montana Power Co., has said that the price of electric power is less than one-third of the cost of the coal for operation over the same line, and that, in addition, one-third of the road's freight cars, used in hauling coal from its own mines for its own uses, had been freed. The Butte, Anaconda & Pacific has also electrified 80 miles of its line, again at a saving of two-thirds of the cost of coal.

The States where most of the water power of the country can be developed are also the ones where there is most lumber available for the manufacture of wood pulp. If the water power is unlocked, electric plants for the manufacture of paper can be built close to the lumber supply and paper provided far more cheaply than is now possible. At present great quantities of pulp are being imported from Canada, and were imported from Norway and Sweden until recently, these being countries which allow more development, both of forests and of water power, than the United States. Indeed, one of the most ominous results of the present policy of forbidding the development of water power in this country has been the building of plants in Norway and Canada by American power companies, which were unable to extend their facilities at home.

A valuable by-product of the development of water power on streams now classed, in the somewhat optimistic terminology of the Government, as "navigable," but which require constant appropriations for a long time before much effect is visible, is expected to be the rendering of stretches of them actually navigable by the construction of dams for the gathering of water. It has been estimated that long stretches of inland waterways which would otherwise need much expenditure of Government money before they would float vessels of any importance can be opened up by this incidental effect of private enterprise.

And this touches upon perhaps the most important phase of water-power development—the conservation of fuel.

Since the Shields and Myers bills were discussed in Congress the United States has entered upon a great war, a war which will probably be won or lost by the success of America and her allies in solving the problem of transportation. Ships are the first essential, but adequate handling of commerce in the United States is of very great importance. Many of the supplies which we are shipping to Europe have to be carried a great distance across the country. This causes a high strain on the railroads, an almost constant shortage of freight cars, and resultant difficulty in handling shipments of goods which disarranges internal trade and leads to prolonged delays and difficulties.

The development of interior waterways suggested above would take at least some of the burden of freight transportation off the railroads. The utilization of water power in the production of energy would save enormous quantities of coal which could be used to meet the needs of France and Italy and to supply the new ships which all the allied countries are building. And the electrification of railroads would not only save coal but would release the large numbers of coal cars now required to carry fuel not only for the roads themselves but for industries which could be operated by water power as well. In a struggle which necessitates intensive development of the Nation which is to win, this country can not afford to let an enormous source of energy go to waste.

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RESOLUTIONS ON DEVELOPMENT OF WATER POWERS.

AMERICAN NEWSPAPER PUBLISHERS' ASSOCIATION.

At the convention of the American Newspaper Publishers' Association, held in Washington, D. C., June 21, 1917, the following resolutions urging the passage of water-power bills were adopted, and copies thereof have been delivered to the President and other officials of the Government:

"Whereas the paper committee, in its efforts to secure relief from the constantly increasing tension of the news-print situation, has ascertained from Government and other reliable sources that there are no undeveloped water powers of satisfactory size and location remaining in the United States which do not lie partially or wholly within the public domain or upon navigable streams; and

"Whereas under the existing laws relating to the development and use of water powers in the public domain, as interpreted by the United States Supreme Court in its decision rendered in the Utah Power case, it has been found impossible to interest capital in further water-power developments, and as a result no new developments are being made; and

"Whereas under existing conditions the paper committee has not found it possible to develop sufficient new tonnage within the United States adequately to increase the supply of news-print paper until these water powers can be developed; and

"Whereas it is imperative that action be taken in this matter at this session of Congress if the present and increasingly acute situation is to be relieved; and

"Whereas it appears to be in the interest of general preparedness and the national defense that the water powers of the United States should be made available in order that they may be utilized, thus conserving man power and coal resources and making possible the quicker and more complete development of our natural resources; and

"Whereas Senate bill No. 2399 has been introduced in the United States Senate by Senator WALSH, and House bill No. 4504 has been introduced in the House by Representative SMALL, and these bills as introduced provide the remedies necessary to afford the desired relief and give adequate protection to the public: Now, therefore, be it

"*Resolved*, That it is the sense of the members of the American Newspaper Publishers' Association in convention assembled, at Washington, D. C., June 21, 1917, that this legislation be, and hereby is, indorsed, and its prompt passage is strongly advocated as emergency measures, and, further, that all members of the association and other publishers be urged to support and indorse the aforesaid bills and urge their passage at the present session of Congress; And be it further

"*Resolved*, That copies of this resolution be sent to the President of the United States and other officials of the Government and to all members of this association."

SOUTHERN NEWSPAPER PUBLISHERS' ASSOCIATION.

The necessity of immediate development of water powers was discussed at the fifteenth annual convention of the Southern Newspaper Publishers' Association, held at Asheville, N. C., July 9, 10, and 11, 1917, and the following resolutions passed:

"*Resolved*, That the Southern Newspaper Publishers' Association, representing 105 leading daily newspapers of the South, in convention assembled, unanimously indorses and urges the adoption of the plans for the release and development of the water power of our country as proposed in the Walsh bill in the Senate and the Small bill in the House. We believe that the adoption of such measures insures the development of our country along industrial lines, and especially do they promise relief to the newspapers of the country from the oppressive condition brought about by the news-print manufacturers' trust."

SHIELDS BILL UNANIMOUSLY REPORTED.

Since the above resolutions were adopted Senator SHIELDS, of Tennessee, has introduced Senate bill 1419, which provides for the unlocking of water-power opportunities in navigable streams. The bill fully protects the public interests and at the same time safeguards the investment sufficiently to attract private capital for development purposes. The bill has been unanimously and favorably reported by the Senate Committee on Commerce and is at present on the Senate Calendar awaiting the action of the Senate.

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[From the San Francisco Journal of Commerce, Aug. 16, 1917.]

50,000,000 OF HORSEPOWER RUNNING TO WASTE.

Once again a movement is gathering force to utilize the more than 50,000,000 of horsepower that is running to waste in American streams. Four-fifths of the possible electric energy that could be developed from water power in this country must be developed on lands belonging to the Federal Government, which are under the jurisdiction of the Secretary of the Interior, or on navigable streams, which are controlled by the Secretary of War. The agitation in favor of conservation of natural resources resulted in restrictions so severe that resources were not only conserved but reserved. Present laws permitting the utilization of these sites for hydroelectric plants provide that any permit is revocable at the pleasure of the Federal department concerned, and the possibility of this summary action has tended to scare capital away.

Last year a determined movement was made to pass laws which should offer opportunities to capital to develop this water power under Federal control. The Shields bill, which passed the Senate, and the Myers bill, which passed the House, established practically identical regulations respectively for navigable streams and for public lands, but neither was enacted into law. Last month Senator THOMAS F. WALSH, of Montana, introduced a bill into the Senate which embodies most of last year's Myers bill, and legislation to cover the navigable streams is to be introduced into the House.

The Shields and Myers bills were vigorously opposed by Gifford Pinchot and his school of conservationists. Perhaps the one of their many arguments which attracted most attention was that the grant would in practice be perpetual. Advocates of the bill, however, maintained that there was nothing in it which forbade the Government to condemn a plant and take it over, paying just compensation in case there was valid reason for doing so, and contended that the fear that it would never be possible to get the case out of the courts involved fundamental distrust of the Federal judicial system.

The bills were not brought to fruition last year for many reasons, chief of which, apparently, was the pressure of other legislation necessitated by the preparedness program and the military operations on the Mexican border.

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[From the Kennebec Journal, Augusta, Me., Dec. 7, 1917.]

WATER-POWER DEVELOPMENT.

In his address to Congress on Tuesday President Wilson said: "It is imperatively necessary that the consideration of the full use of the water power of the country and also the consideration of the systematic and yet economical development of such of the national resources of the country as are still under control of the Federal Government should be resumed and affirmatively and constructively dealt with at the earliest possible moment. The pressing need of such legislation is daily becoming more obvious."

It is clear that if the water powers of the country are to be developed legislation must be passed under which financing will be possible. There are now pending in the United States Senate the so-called Shields bill, and favorably reported by the Committee on Commerce to the Senate, and also the Walsh bill before the Public Lands Committee in the Senate. Similar bills have also been introduced in the Senate by MYERS and in the House by Congressman SMALL. The Shields bill authorizes the Secretary of War, under certain conditions, to grant permits for water-power development in navigable streams; while the Walsh bill authorizes the issuance of Government permits for water-power development at sites on the public domain. Both these bills have many friends among legislators and among investors, who stand ready to develop the water power if given such permits.

The thing that has held up water-power development for a long time, as we understand it, is the more or less imaginary difference between the ultraconservationists and more practical men of affairs, who believe that the first thing to do in developing water powers is to go ahead and develop them. The party of the first part, standing as the high defender of the people's rights, fears any movement toward development will result in somebody making a profit out of the venture. On the other hand, the party of the second part insists with good logic, and thus far have the passing of events to prove, that unless investment is made profitable under Government control it will not invest, and that if the people themselves are waited for to develop the vast water powers now lying undeveloped by planning and authorizing a system of public expenditure and development the thing will be a long time coming.

The American Newspaper Publishers' Association has been dealing largely with this subject for months, and has distributed volumes of information bearing upon all branches of the subject. In a recent special bulletin a chapter is devoted to showing that Mr. Gifford Pinchot's claimed differences with the bills now pending in Congress are all reconcilable with the bills themselves, and that actually no difference exists, except in the wording between the demands for development "of public water powers on terms fair to the public" and the Shields bill, which retains Federal control over the dam sites, which are to be "held in public hands," their use only being permitted for a limited term of years by private parties.

Perhaps the President's recommendation, with the knowledge that has been attained by Congress in recent months, will start the ball to rolling toward actual development of the country's immense, wonderously valuable and available water powers. Perhaps the Shields or the Walsh bill may be so amended as to meet all the requirements insisted upon by Mr. Pinchot or others who constitute themselves as knights in armor for the public welfare.

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[From the Washington Post, Dec. 16, 1917.]

UTILIZING WATER POWER.

Within the short time that it has been in session the Senate already has enacted one very important piece of legislation. This is the water-power development bill, which authorizes the construction of dams in navigable streams by private parties for the development of power. It is estimated by the United States Geological Survey that under this bill, if developed to the practicable maximum without resorting to storage, nearly 62,000,000 potential horsepower can be generated. If the storage system is used, it is believed that this amount can be increased to 200,000,000 horsepower.

Experienced Senators frankly admit that Congress is very tardy in making this reasonable provision for the development of natural resources, but they are ready now to go ahead in an endeavor to make amends for the delay. Not only can this immense horsepower be produced, but it is stated that if this bill is enacted into law over 10,000,000 horsepower could be produced from dams installed in connection with the improvement of inland waterways. By the installation of locks in the power dams, over 4,000 miles of the upper reaches of these rivers would be opened to navigation.

Under the provisions of the bill the Secretary of War is authorized to issue grants to private parties for the construction of dams in navigable rivers under terms and regulations which will safeguard the public interests and the capital invested. Rates and service are to be regulated by State authorities, or by Federal authorities if the grantee does an interstate business.

During the debate on the measure it was pointed out that not only would the power thus produced be of great benefit to the manufacturing interests of the country, but it would result in the conservation of coal and oil, and that other advantages would accrue. That the legislation is beneficent, if belated, can not be doubted. It is not strange that the public should wonder why this great source of power should have been neglected all these years. But the important thing is that Congress has awakened to the situation, no doubt because of the trouble and hardship the country is experiencing with a shortage of fuel. It is to be hoped that within a brief time the rivers will be put to work for the good of the people.

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[From the Electrical World, Sept. 29, 1917.]

THE PENALTY OF SLOTH.

Over and over again we have dinned into the ears of the public the almost criminal negligence of permitting the water powers of the country to remain unutilized in face of the crying needs of industry and the certainty that the Nation's supply of fuel must be conserved. And yet, despite the absolute certainty that unused water represents an irremediable loss of energy, in spite of steadily rising costs of fuel and of everything in which fuel prices figure, the legislative authorities have dawdled along, pulled one way and another by contrary currents of politics, beset by the pleadings of general interests, of special interests, and no interests at all until the time has come when the penalty of delay is enforced by fate against the unready. It is difficult to speak with patience of the many attempts which have been made to obtain opportunity to develop water powers on a fair and permanent basis; and now the country needs the power, the mines are short of labor, the railroads are gorged with traffic, the coastwise shipping has been drafted into trans-Atlantic service, and industrial plants already are beginning to shut down for lack of fuel.

The full development of the country's hydraulic resources can not supersede in any full sense the use of fuel, but it can prevent the shortage of fuel being disastrously felt even in time of stress like this. The long and short of the matter is that war conditions have forced upon us a fuel situation which normally might not have been reached for a couple of centuries, and absolutely nothing is being done as yet to put an end to the water-power deadlock. This deadlock is largely due to timid Congressmen, whose socialistically inclined constituents are terrified by the bogy man of monopoly shaken in their faces by demagogues. There is no such thing possible as monopoly of water power under the powers of regulation possessed by our Government. There has been plenty of capital all along ready to go into any transmission enterprise that promised reasonable profit, asking only that some tenure of life should be granted to its efforts, and that it should not at the end of a few years be robbed of the results of its endeavor. All these things ought to be sufficiently self-evident to those who have watched the progress of the attempts at water-power legislation. Everything has been held up by unreasonable and indefensible projects of regulation so drastic in their nature as to frighten off any sane investor. Millions upon millions of horsepower therefore stay unutilized. The time has come when the country wants them.

The next year will probably see these United States transformed into a prodigious munitions plant, and every branch of industry which can tend to successful carrying on of the war now in hand must be pushed to its utmost capacity. At such a crisis it is not pleasant to find the Niagara power tied up, largely for sentimental reasons, by needless restrictions and to realize that at any time Canada, also busy with war industries, may stop the exportation of its Niagara power. If inaction continues much longer, the natural result will be to drive the large power-consuming industries, particularly the electrochemical ones, into Canadian territory, where they may by chance find a kinder welcome than has been extended to them on the American side of the falls. The grimmest thing about the whole situation is that it has developed so swiftly as to give no time even for the most willing efforts to furnish prompt relief. It is no quick or easy job to bring a hydroelectric plant of 100,000 horsepower or so into productive activity, and time is the one thing which money can not buy. There is chatter in newspapers about the conservation of coal and oil. No single stroke would have gone so far toward bringing this about as a proper hydroelectric law enacted two years or more ago. It is already far too late to reap in time for the exigencies of war industries the full advantage which the country has in its water powers. The most that can be hoped for now is that if Congress gives relief swiftly some substantial portion of the work may be accomplished let us say within the next year, in time for the succeeding campaigns. Of the other millions of available horsepower, some are beyond hope of quick redemption and others can be brought into action in two or three years. Rapid and complete development of everything capable of it is the first and immediate step to be taken, leaving the fuller working up of the situation for later efforts. Another six months will show with terrible force the foolishness of delays in the past. Let us have no more of them.

[From the Electrical Review, Sept. 1, 1917.]

WATER-POWER BILLS AND THEIR RELATION TO EACH OTHER.

Relative to pending water-power legislation there is constant need of keeping before the public certain basic facts in clear outline. If the way is to be opened for developing the Nation's water-power resources it must be through the enactment of laws such as are proposed in bills now before Congress or others of similar import. The provisions in the bills referred to and their relations to each other should be clearly understood. If they have any serious defects or are fundamentally wrong in any respect from the standpoint of either the investor or the public, necessary changes should be made. If no such defects or unfair provisions exist, an effort should be made to concentrate all proper influences in their support.

The provisions of the Walsh bill have been previously explained in these columns. This is a Senate measure, now before Congress, which provides for the leasing of water-power sites on streams within the public domain under authority of the Secretary of the Interior. The control of proposed projects under such leases is applicable only to nonnavigable streams. Senate bill No. 1419, changed as to certain features and reintroduced last April by Senator SHIELDS, provides in a quite similar manner for power development on navigable waters, but under authority of the Secretary of War, because the control of navigation channels comes within the scope of his department. The Shields bill proposes amendments to an act approved June 23, 1910, which relates to the construction of dams across navigable waters. A fact which should be kept clearly in mind is that the Walsh bill and Shields bill pertain to different departments of the Government, and that both are essential to the inauguration of a broad national policy of water-power development. Each measure would be workable independently of the other, but viewed in the light of nation-wide demands they may be considered supplementary to each other. The need of the hour is for a policy that will remove the obstructions and restrictions, so that our water-power resources may be available as soon as possible. Both bills seem to safeguard public interest and should be enacted into laws primarily as industrial measures, incidentally as war measures.

The Shields bill provisions with respect to terms of lease and regulations concerning the disposition of the project at the end of the 50-year period are nearly similar to those in the Walsh bill. In either case the Federal Government may take over the project, after properly remunerating the lessee, or may grant him a permit for a second term, or may recognize the transfer of the project to a third party. But under the terms of the Shields bill the Secretary of War may stipulate a number of other conditions in the 50-year permit. One of these is to require the permittee to construct locks, booms, sluices, and other structures for navigation purposes, without cost to the Government, and to supply power free of charge for operating locks and accessory equipment. Another stipulation may be that if navigation improvements are not made a part of the lease the Government may construct locks and other facilities, and grantee shall furnish free power and right of way required, and shall pay the Government reasonable charges for benefits accruing on account of headwater and storage-reservoir improvements. Throughout, the Shields bill recognizes the rights and authority of the State government to regulate rates of service for power produced and distributed by the party to whom the permit is granted; but in the case of an interstate service, in which State authorities do not agree, the Interstate Commerce Commission may assume jurisdiction, and all property embraced in the project of permittee is made subject to taxation by the State in which the service is rendered. In case of any dam built or taken over by the Federal Government, the Secretary of War may lease surplus water to municipalities or other public corporations for power purposes or water service.

House bill No. 4504, introduced in May, 1917, by Representative SMALL, is in the hands of the Committee on Interstate and Foreign Commerce. This bill is amendatory of a section of the rivers and harbors act approved March 3, 1899. The Small amendment simply extends the scope of an existing statute by authorizing the Secretary of War to enter into a contract with any person or corporation who shall undertake to construct navigation improvements on any river or harbor in return for rights and privileges in developing, producing, and disposing of power on said streams in conformity with the laws of the State in which the project is situated. The terms of such proposed contracts are to run 50 years, at the termination of which the Government may elect to take over the improvement and projects, on the repayment to the contractor the amount of his investment. This bill further amends the act as to authorize the Secretary of War to lease surplus water at dams constructed by the Government in the interest of navigation to parties who propose to generate power, preference being given to municipalities or other public corporations.

[From the Hannibal (Mo.) Post, Apr. 3, 1917.]

FOOD AND WATER POWER.

The close association between food supply and water power was carefully defined by Herbert Myrick before the Southern Commercial Congress, which met in 1916 at Norfolk. The fact, apparent to-day, that the coming winter is going to see a scarcity of food such as has not been known in recent history makes Mr. Myrick's conclusions all the more important. He said:

"The food problem will not be wholly solved and the fullest agricultural and industrial development will not come to the American people until the Mississippi River is harnessed so that the millions of acres in that valley now overflowed or subject to inundation are made safe to the plow and profitable to the farmer.

"This can be done only by means of the spillway project supplementing the levee system. This will transform the Mississippi into a series of lakes, each with uniform height of water the year around. The river then may be straightened by canalizing across its bends. Navigation will be unimpeded.

"The dams by which the water is stepped down the total fall of 350 feet from above Cairo to below New Orleans may generate 5,000,000 horsepower at mean low water. Transformed into hydroelectricity, it will furnish cheap heat, light, and power for 800 miles either side of the river. A deep waterway from St. Louis to Chicago, with the improvement of the river from St. Louis to St. Paul, will open the interior States to the cheapest transportation. The spillway carries off the flood waters, provides drainage, and furnishes irrigation where and as needed. The project as a whole is the grandest of engineering conceptions, yet can be carried out in such a way as to more than pay for itself.

"Cheaper money and cheaper fertilizers must accompany more knowledge of agricultural science, more economy in agricultural practice, more energy among farmers, more patriotic devotion to ideals of service to State and Nation."

[From the Springfield (Ill.) State-Register, Aug. 24, 1917.]

THE SHIELDS WATER-POWER BILL.

Senator JOHN K. SHIELDS has introduced a bill in the United States Senate providing for the financing of water-power development. There has been an almost inexcusable indifference on the part of the Government in making effective the great water-power resources of this country. Water power is a cheap and highly efficient power. If there was ever a time in the history of the Nation when water power should be developed that time is now.

The great unused stands of pulp-wood timber that are now controlled by the present paper makers are almost without exception in sections of the country where the available water powers lie, either in the public domain or on navigable streams. Power is absolutely essential to the conversion of wood into pulp and water power is the most logical power.

The Senate of the United States can strike effectively at the heart of the Paper Trust if it passes effective water-power legislation. The people of the country should get actively behind the Shields bill and urge its passage.

The paper combine that has so arrogantly defied the Government in its price manipulation will naturally oppose the Shields bill. This fact should make the people rally to its support.

[From the Seattle (Wash.) Post-Intelligencer, Aug. 24, 1917.]

WATER-POWER BILLS INDORSED BY CHAMBER.

Support of pending legislation for the development of water-power sites was urged in telegrams forwarded yesterday to the members of the Washington delegation in Congress by President Albert J. Rhodes, of the Seattle Chamber of Commerce and Commercial Club.

The telegram of President Rhodes, who recently called a special meeting of the trustees to urge immediate development of water-power sites as a war necessity, follows:

"The Seattle Chamber of Commerce and Commercial Club indorses Shields Senate bill, No. 1419; Small House bill, No. 4504, providing for development of water power on navigable streams; and Walsh Senate bill, No. 2393, providing for development of water power in public domains, and earnestly urges you to give your active support to each of these measures, as they are vitally important to the prosecution of war legislation and equally important to the people of this State, and should, in the opinion of this chamber, be passed at this session of Congress without fail."

[From the Decatur (Ill.) Review, Aug. 18, 1917.]

A MUCH-NEEDED LAW.

Senator JOHN K. SHIELDS, of Tennessee, has recently introduced a bill in the United States Senate relating to water power on navigable streams, which is one of the wisest, most needed, and valuable pieces of legislation which has been brought before that body for consideration at the present session. It is a bill which is not only in the interest of the general public, but also interests specially every newspaper publisher and user of paper made from wood pulp in the United States.

There are few well-informed persons who do not know of the extortions put upon newspapers and paper users during the last two years by paper manufacturers through illegal combinations, for which seven of their prominent officials are now under indictment. They have been able to do this through their control of pulp-wood timber, which they have obtained wherever they could make it available. The great unused stands of pulp-wood timber that are not controlled by the present paper makers are almost without exception in sections of the country where the available water power lies either in the public domain or in navigable streams. As power is absolutely essential in the conversion of wood into pulp, it is obvious that laws should be passed which will permit financing water-power developments and making them available for the manufacture of paper.

It is this which the bill of Senator SHIELDS seeks to do, and its provisions are amply justified by the necessities of the Nation. There is urgent need that this measure should be passed at the present session of Congress and there appears to be no good reason why its passage should not be hastened and it should not receive the unanimous support of both branches of Congress. The measure is not sectional or partisan, is in no way objectionable and is in the public interest.

Unless this measure and others looking in the same direction are now passed no one can predict the limit to which the extortion of paper manufacturers may not go.

[From the New York Evening Post, Sept. 15, 1917.]

LAWS ARE USED TO OPEN UP WATER POWER—HYDROELECTRIC DEVELOPMENT MIGHT RELEASE 740,000 MEN—35,000,000 WATER HORSEPOWER WASTED ANNUALLY IN THE UNITED STATES—LEGISLATION BEFORE CONGRESS.

Legislation to open water-power development to private capital and investment is being urged at this session of Congress. What amounts to a Nation-wide protest is being made by industrial enterprises on behalf of the 35,000,000 water horsepower estimated by the Secretary of the Interior, Franklin K. Lane, as annually wasted in the United States. It is believed by many that the laws governing public domain and navigable rivers are responsible for this condition.

Reform measures have already been drafted. There is a bill before the Senate Public Lands Committee, introduced by Senator WALSH on June 5 of this year, designed to offer to enterprise on Government land a secure and definite tenure of lease such as is required in any line of business development. Another bill introduced by Mr. SMALL and pending before the Committee on Interstate and Foreign Commerce, provides for the development of water power in navigable rivers by private capital. In view of the demands made upon this country by the war it is felt that measures aiming to release the vast productive power latent in hydroelectric power should be promptly adopted.

Under existing statutes capital has not interested itself in development of water power on Government domain for the reason that the only permit issued for the location of power plants is revocable at the will of the Secretary of State, and no sure provision is made for just compensation in case the permit is revoked. As for the 2,000,000 horsepower represented by the navigable rivers of the country, the general dam act of 1906 is so uncertain in the clause reserving the right to demand restoration of "navigability" that business men, according to the report of a prominent bond-selling house in this city, have considered it as an insurmountable security for the investment of funds.

Figures taken from the Geological Survey show that 77 per cent of the total potential water horsepower of the United States is so located as to require Federal permits. The significance of this fact is seen from the following statistics: Of the 40,913,200 water horsepower in the country requiring Federal permits, 3 per cent is developed, while of the 13,800,000 not requiring Federal permits, 25.2 per cent is developed.

Business men familiar with European affairs say that the policy of our Government toward the development of its water horsepower resources is far behind the attitude of Norway, Sweden, Germany, and Canada. American power companies, unable to extend their facilities at home, have been driven abroad. Products which exist in greater quantities here than in European countries, but which depend upon the extension of hydroelectric power for their manufacture—wood pulp, for instance—have been imported from across the ocean. In particular, the manufacture of nitrogen for fertilizer, obtainable by a recent process from the atmosphere by means of the electric arc, is claiming a million hydroelectric horsepower abroad and not many in the United States.

The war has called public attention to many needs. Since America became the supply market for world consumption the demand upon her productive power has been enormously increased. In addition, she is planning to put many soldiers in the field, and the impairment of her industrial man power is regarded as being serious and a menace to future development.

Figures for the last four years show that the total immigration for 1915, 1916, and 1917 has been only 820,929, or 282,552 less than for the single year ending June 30, 1914. For the past 25 years there has been an annual addition to our population of nearly 1,000,000 foreigners. It has been predicted that the warring nations, whose manhood has been decimated, will keep their labor at home after the war by the passing of stringent legislation. In view of this condition, it is felt that if America is to remain a manufacturing and exporting Nation, her man power must be put on an efficient basis.

In an article in the Electrical World for June 23, 1917, entitled "Why hydroelectric development lags," Hugh L. Cooper has treated statistically the release in man power, coal tonnage, railway facilities, and capital that would result from the utilization of the water horsepower wasted in the United States. He estimates that 740,000 men would be released for other industries or for agriculture if 35,000,000 horsepower for one year were developed hydroelectrically instead of by the equivalent process of coal combustion. Every 50 horsepower developed hydroelectrically releases one man. The change would further effect a saving of 280,000,000 tons of coal and 600,000 freight cars necessary to haul the coal—or four times the number needed to supply the freight-car shortage of March, 1917. It is as roundabout, he declares, to haul millions of tons of coal unnecessarily as it would be to evaporate salt water shipped to the interior instead of using the inland salt deposits.

Summing up the financial equivalent of the saving in labor, railway stock, and coal, Mr. Cooper arrives at the following conclusion: "We are following a program that is absolutely wrong, relating to $1,241,600,000 annually of our business life." He adds that the increase of our food supply through the furnishing to our farmers of fertilizers made in this country would represent a further vast saving by the reduction of the cost of food. In a paper read in Seattle, Wash., in May, 1917, H. J. Pierce declared that the doubling of our crops would result from an increase of fertilizer per acre from 28 pounds (America's average for improved lands) to 100 pounds. (England averages 152 pounds and Germany 214.) The additional 18,000,000 tons, he estimated, would entail a production of hydrogen requiring 12,000,000 hydroelectric horsepower. The present water-power development in the country aggregates 5,321,700 horsepower.

Hydroelectric energy, Mr. Pierce pointed out, conditions the manufacture of many electrochemicals, explosives, and metals. It is used in the production of calcium carbide, caustic soda, abrasives, electrodes, acetone, and atmospheric nitric acid, used in making powder and explosives.

Among those who see in hydroelectric development an advance in America's industrial preparedness and a remedy for the strain of her resources caused by the war are to be counted the publishers throughout the country. In seeking relief for the situation regarding newsprint prices the American Newspaper Publishers' Association made an investigation of the potential wood-pulp resources of the country. The committee on paper found that the tapping of fresh timber stands and the development of new mills was possible in a large way only in those western and Pacific regions where the use of hydroelectric power was essential in the enterprise. It was further learned that almost all the available water power was located on the public domain or in navigable streams.

With a view to increasing the paper tonnage produced in the United States the American Newspaper Publishers' Association voted at its convention in Washington, D. C., on June 21, 1917, a resolution favoring the passage of legislation by Congress which would remove the obstacles placed by obsolete laws in the way of water-power development. Copies of the resolution were sent to President Wilson, to other officials of the Government, and to all members of the association.

The growth of water-power restriction has been a gradual process, the result of which was made plain in April of this year when the United States Supreme Court handed down a decision in the Utah power case. It was decided that no official of the Government could bind the Government by contract in issuing permits for the development of water power on public domain, and that any permit issued or to be issued was revocable at any time without compensation.

The provisions of the legislation sought from the present Congress are summed up as follows in an article in the New York Annalist for August 8, 1917:

"Permits for the erection of hydroelectric plants may be issued to individuals, corporations, States, or municipalities for 50 years.

"These contracts are irrevocable, but may be canceled by legal proceedings if the permittee fails to comply with the provisions of the act or the conditions of the permit.

"At the expiration of the term the United States may take over the entire plant or any severable and complete unit at a value determined, which shall not include the value of public lands, rights of way, franchises, good will, or prospective revenues; or it may renew the permit to the original holder; or, in the event that such an arrangement can not be made, may issue the permit to some one else, who shall buy the plant under the same conditions.

"Rental shall be paid which may, in the discretion of the Secretary, be based on the net horsepower, and of this rental one-half shall be paid to the State in which the energy is developed.

"Permits must provide for 'the diligent, orderly, and reasonable development of the water power, subject to market conditions.'

"Rates are determined by the public-service commission of the State in which the power is generated and used; and, when more than one State is involved, by the Interstate Commerce Commission."

The Walsh bill, the Small bill, and the Shields general dam bill—a correction of the provisions of the general dam act of 1906—provide these conditions.

[From the Anaconda (Mont.) Standard, Nov. 22.]

NEGLECTED WATER-POWER QUESTION LOOMS UP AGAIN.

After contributing much to the defeat of water-power legislation during the past 10 years, Gifford Pinchot has awakened to the fact that war's demands require the immediate and extensive development of water power within the United States. He is out with an early appeal to Congress, and confesses that we need to use our natural resources, "coal, oil, and water power to win the war." But with this announcement Mr. Pinchot clings to his old contention that Congress must legislate along lines which he long ago laid down, and he goes to the extent of again telling Congress the kind of water-power legislation it must enact.

While Mr. Pinchot is the first to come forward this fall with a demand for water-power legislation, others have been giving the question serious thought. They recall the announcement of the War Department, made only a few months ago, that the United States then had in reserve enough Chilean nitrate to carry it along for a year—nitrates for the manufacture of explosives. Since that announcement was made, the price of Chilean nitrate has risen to fabulous heights; shipping between the United States and Chile has been greatly reduced by the withdrawal of vessels for trans-Atlantic service, and now comes press dispatches from Valparaiso announcing the formation of a nitrate trust in Chile, under Government sanction.

The United States to-day is manufacturing no atmospheric nitrogen; its nitrates, both for fertilizer and for explosives, comes mainly from Chile. Yet the United States under proper laws could become independent of Chile, and produce within its own borders not alone the nitrates needed for home consumption but a surplus for export, and in the process would deplete no natural resource but would draw upon the circumambient atmosphere for the all-essential nitrogen. But atmospheric nitrogen can only be produced commercially where water power is developed in large volume and where it can be developed cheaply. All the ideal sites for power plants adapted to this particular industry are now locked up in Federal withdrawals or are on navigable rivers controlled by the Federal Government.

Where is the Government going to get its nitrate supply of the future when the Chilean stocks run low and can not be replenished as fast as needed or at prices at all reasonable? That question is going to loom big in Congress this winter for it is a basic question. With the exhaustion of the American ammunition supply, the American Army in Europe and much of the allied forces will become powerless longer to combat the Huns. Nitrates, quite as much as food and men and ships, are necessary to the winning of the war.

Well established as this fact is, the Government itself has done nothing constructive toward solving the nitrate problem. Congress appropriated $20,000,000 for the establishment of a Government nitrate factory. Instead of spending that money for the purpose for which it was appropriated, a nitrate commission, headed by the Secretary of War, set aside $4,000,000 "for investigations into processes of manufacturing nitrates," in face of the fact that several successful processes already have been developed and are being used in Germany, Norway, France, and Italy, and, on this continent, in Canada. The remaining $16,000,000 lies idle in the Treasury at a time when the American stock of nitrates is being gradually exhausted and the need for commercial nitrates is growing hourly.

Mr. Pinchot is as well aware of the nitrate crisis as any man in the United States; he knows in great detail how and where water power can be developed and applied to the production of this all-essential commodity; he is awake to the crying need for extensive water-power development in order that we may have nitrate before it is too late. "We need it," he frankly says, "to win the war." Yet, admitting that, he lays down the same old demands of the conservationists and seeks to place upon the shoulders of the mythical "Water Power Trust" responsibility for defeating water-power legislation in the past.

In the last Congress water-power bills passed Senate and House, but differences arose on both the Ferris and the Shields bills, and the two Houses deadlocked. In consequence, all water-power legislation failed. That being true, Mr. Pinchot can not consistently charge that the "Water Power Trust" killed the legislation, for the deadlock was between the faction representing the Pinchot ideas and the faction demanding water-power legislation. And the fact that the deadlock persisted was evidence enough that the factions were about evenly divided, otherwise the weaker side would have given in. It would seem

from this that the Pinchot conservationists were just as much responsible as the other faction for the defeat of the water-power bills last considered in Congress.

Moreover, Mr. Pinchot now asserts that the United States to-day owns "some 50,000,000 undeveloped horsepower, enough to run every train, trolley, factory, mill, mine, and electrical plant that we have." That the United States holds, or, rather, withholds, this vast quantity of potential power from development is not an indictment of any power trust; it is an indictment of the Government, for Mr. Pinchot is correct in his estimate, and only emphasizes the fact that the Government, with all this power in its possession, not only declines to allow private capital to develop it, but fails to develop this power itself. As against the Government holding, Mr. Pinchot charges that private interests "own and are holding millions of water horsepower undeveloped and out of use," but he gives no figures, and he neglects to state that the larger power sites, the ones best adapted to the production of atmospheric nitrogen, are all under Government control.

As to whether Mr. Pinchot or more practical men should dictate the terms of Federal water-power legislation, it may be cited that the law now on the statute books, the "revocable-permit law," which has proven utterly unworkable, was the product of Mr. Pinchot's brain; it brought on an era of stagnation. And it was such men as Mr. Pinchot who "conserved" the Government coal fields of the West and of Alaska, until to-day, when the United States finds itself short 50,000,000 tons of coal to meet immediate needs, this Government coal is contributing nothing; American industries dependent on coal are hampered; American homes are cold and going to be colder, and the allies, calling vainly for American coal, are unable to have their wants filled. This coal was "conserved" because Mr. Pinchot thought some Americans might make money out of it if allowed to get title to the coal lands. Now the American capitalists are without their profit, but the American public and American industry find themselves without fuel, and without prospect to getting enough to meet their needs.

WATER-POWER FIGHT BEGINS.

[From the Editor and Publisher, New York City, Dec. 1, 1917.]

Legislation beneficial to publishers, such as development of water power and the amending or repeal of the recently enacted law increasing second class mail rates, is likely of early consideration at the coming session of Congress, which opens Monday.

A great drive for water-power legislation will be made by various interests for laws under which the unused water powers of the country can be developed. An effort will be made to pass the Shields bill, or one similar to it.

Capital is insisting that the Government allow 50-year leases for water power. This conservationists of the Pinchot type oppose strenuously. They will do their utmost to block the plans of the men who are trying to force through laws permitting development of water power on a great scale on terms which do not fully conform to their own ideas.

The American Newspaper Publishers' Association is one of the organizations favoring the developing of water power through liberal legislation. The association wishes to see paper made from pulp wood on the public domain and does not regard this practical without adequate water power.

The Shields water-power bill is now on the Senate Calendar, having been reported at the last session. Its early passage is probable.

[From the Atlanta Constitution, Dec. 6.]

USE WATER; SAVE COAL.

As soon as Congress gets settled down to its tasks, let us hope it will delay no longer than necessary favorable action upon pending legislation that is intended to harness the streams of the country and free the American people, at least partially, from the bondage of coal.

It is gratifying that the President himself shares in this hope so fervently that in his message to Congress he recommends action of this sort "at the earliest possible moment"; and his singularly great document contains no more timely nor wiser advice.

Necessarily the bulk of the legislation to come out of this session of Congress will be of an emergency character, directed to the "stern business" of winning the war, and therefore in effectiveness limited to the duration of the war. But anything that is done to promote the conversion of our failing water into electric energy for heat, lighting, and power uses will serve a dual purpose of helping to win the war and adding to the country's wealth and happiness throughout the long period of peace to follow. It will help to meet an immediate martial necessity and at the same time promote the country's economic welfare and enjoyment of peace.

President Wilson well said that—

"It is imperatively necessary that the consideration of the full use of the water power of the country * * * should be immediately resumed and affirmatively and constructively dealt with at the earliest possible moment. The pressing need of such legislation is daily becoming more obvious."

Indeed, it becomes more obvious with every unanswered cry for fuel; with every boost in the price of coal. It becomes more obvious every time a locomotive passes, straining at its drawbars and pouring out upon the air black clouds of unused potential energy in its wasteful work that could be done a thousandfold more easily and cheaper and expeditiously by a modicum of our wasted gravity power—power that our profligate economic system permits to run wild through our mountain gorges and on to the sea and to waste.

The steam engines of the country, stationary as well as locomotive, consume something like 10 tons of coal in the application of the energy that is contained in one. But even if this were different, and we had engines that would make full use of the power that coal contains, it would be an economic extravagance to use fuel for purposes that gravity can fill, because, once harnessed, gravity is as inexpensive a source of energy as is the wind.

The manner in which the United States has neglected—in fact, made almost prohibitory—the development of its tremendous resources in water power constitutes an economic crime.

It is a crime for which the public to-day is paying dear tribute—paying in suffering from the cold; in exorbitant and increasing prices of commodities in the manufacture or production of which coal plays a part.

And Congress at this time, late as is the day, can do no greater service to America and the world than in making speedy reparation, so far as is possible, for its past omission in this regard.

[From the Baltimore Manufacturers' Record.]

WATER-POWER DEVELOPMENT A NECESSITY.

The announcement made last week that after wasting priceless time the Government proposes to spend $20,000,000 upon the construction of nitrate-producing activities at Muscle Shoals, Ala., may be taken as one of the hopeful signs that this Government is coming to a realization of the seriousness of this war. It can be truthfully said, without unfair criticism, that in many of the tremendous issues of this momentous hour our Government has halted, hesitated, back stepped, side stepped, and done most everything else except to step straight forward and march on without a backward movement.

A country boy living 2 miles from school was very late one sleety day, and when called to task by the teacher claimed that the ground was so slippery that every time he made one step forward he slipped back two. The teacher, thinking that he had caught him at last, said: "How did you ever get here?" And the quick reply was: "I turned around and tried to walk home and slipped to school."

Our program has been by slipping backward instead of by straight moving forward. Harsh as the statement may seem to some, it is nevertheless true. In some respects we have made superb progress, due to the tremendous energy and power of the American people as they awaken to the task; but through nearly three years of the greatest of all human tragedies we constantly failed to move forward because we were unwilling to step straight. We saw the inadequate development of our coal industry to meet what all well-informed men knew was an inevitable call of the noncoal-producing countries for all of the coal which they needed. We saw that England's supply of coal to the world must of necessity be shut off, and yet the Government took no broad steps to study the situation or to prepare to meet it. All that was done was by the individual activities of coal people.

We saw railroad transportation breaking down and the inevitable collapse of the railroads; but the Government piled still further burdens upon the railroads, and after practically enchaining them and dooming them to destruction called upon them to go forward. They steadily slipped backward and could not turn around and go forward by moving the other way.

We saw, or we should have seen if our eyes had been open to the careful study of the matter, that for years our food supply was gradually decreasing in proportion to population, and this of absolute necessity, because of the heavy increase in city population as compared with country population. It was as plain as the noonday sun, that with the rapid growth of the consuming population in the cities and the relative decrease of producing population in the country there was inevitably only one end. But we refused to meet the issue, and therefore made no broad plans looking to the increase of our food supply to meet the conditions developed by Europe's war.

We saw that we were wholly dependent upon Chile for nitrates and that this supply was liable to be cut off at any moment, and yet we made no serious move for the development of the water powers necessary for the production of nitrates from the atmosphere. Only to-day are we beginning to do the work looking to the production of nitrates which we should have done years ago. The Nation saw its magnificent water-power potentialities unutilized except to a limited extent. It saw millions and millions of water-power potentialities going to waste as the rivers ran their course idly to the sea, when if harnessed for electricity vast enrichment would have followed and conservation of coal would have been a reality instead of a visionary dream of the visionary theorists of a few years ago. We tied up water-power development. We listened to visionary cranks, to whom we should have given just about as much attention as we should now give to the talk of the pacifists. But the Nation was determined, or the Government was, that nothing should be done in water-power development. Taft blundered, and the present administration has not yet changed these conditions.

A few years ago hundreds of millions of dollars could have been found for the utilization of almost every available power, and to-day millions of horsepower, in addition to what we have, might be operating our factories, our electric lines, and perchance some of our railroads to the great saving of coal. But nothing was done.

It is to be hoped that the movement toward developing the great power possibilities of Muscle Shoals, where more than 600,000 horsepower can be created, and building at that point a nitrate plant, indicates that the theorists and the cranks are to be set aside and the Nation is to go forward in real, substantial work, doing the things which are necessary to the winning of the war and making possible the conservation of energies now wasted, and the fullest possible production of all resources in food and manufactures, in transportation by rail and by motor truck and by water of which the country is capable.

[From the Scranton (Pa.) Republican, Dec. 6, 1917.]

UTILIZE THE NATION'S WATER POWER.

At a time when the liberation of the country's dormant energies is one of the prime requisites of the Nation in putting forth its strength to meet the tremendous responsibilities of the world war it should need no special argument to convince Congress of the great importance of developing the water power of the United States.

In his message to Congress this week President Wilson said:

"It is imperatively necessary that the consideration of the full use of the water power of the country and the consideration of the systematic and yet economical development of such of the natural resources of the country as are still under the control of the Federal Government should be resumed and affirmatively and constructively dealt with at the earliest possible moment."

The vast importance of the Nation's undeveloped water power has been frequently urged by Gifford Pinchot, who has made a special study of the subject and who is probably better informed regarding its potential possibilities than any other man in the United States. In a recently published statement Mr. Pinchot earnestly advocates congressional action on this question and points out the great value of adding the Nation's water power to its wealth-producing activities.

In numerous ways the gigantic forces that are going to waste along the country's great water courses might be profitably employed to serve the interests of the American people in actuating mills and factories and the multitudinous activities to which power could be furnished economically from this source.

Power is one of the great elements of the Nation's strength. Never has its value or its need been more apparent than at present. The United States has been bountifully enriched by nature with an illimitable supply of undeveloped power, and in no form is it cheaper or more easily accessible than in water power, which can be speedily transformed into electrical energy.

This is a question which calls for early attention on the part of Congress. The Walsh bill and the Shields bill, now pending in the Senate, should receive prompt consideration. This is right in line with one of the subjects now uppermost, namely, the quickening of fuel production for power, and can properly supplement that enterprise without interfering with its industrial aspects.

It is a patriotic duty to add to the country's strength wherever possible in this strenuous period, and such a mighty factor for service as the Nation's water power should not be permitted to remain undeveloped when it can and should be utilized for the public good.

[From the New York Evening Post, Dec. 6, 1917.]

NEW CONGRESS DRIVE FOR WATER-POWER LEGISLATION—SIGNS THAT WAR NEEDS WILL HASTEN ACTION.

There is a strong prospect that Congress will at last meet the need for a safe and sane development of water power, which has been delayed through the failure of session after session to enact the necessary legislation. Coupled with the need of water-power development for mere domestic purposes comes the overwhelming demand for it in connection with war industries. There can be no doubt but that, as a result of President Wilson's demand for such legislation in his message to Congress, this session will see a determined effort to get bills through both Houses for the development of water power on the public lands and on the navigable streams.

Noteworthy in connection with the determination to bring about legislation, if possible, is the spirit of conciliation developing between the radical conservationists, headed by Gifford Pinchot, and the radical anticonservationists, who have tried to keep Federal hands off water-power development in the far West. While it would be too much to expect Mr. Pinchot to violate the conservation principles for which he stands, and equally too much to expect the opponents of his program to surrender to him, the fact remains that the "get-together" spirit with which the country is doing business nowadays as a result of the war has helped convince both sides that the present stalemate on legislation in Congress is not the patriotic situation which either can afford to sponsor in the future.

On the whole, there has not been the same objection in the past on the part of the radical conservationists to the water-power bill for the public domain as there has been to the water-power bill covering navigable streams. In fact, it has been the opinion of those who have watched the progress of both measures that if the proponents of the anticonservation navigable streams bill would compromise their differences with the opposition on that measure both could be passed without much trouble. It has hardly been a secret that one measure has been played against the other to the extent that there has been no action possible on either. The time has now come, in the opinion of high officials and Members of Congress, to make a mighty drive for both bills, and once that drive is made the truth will come out, if it has to come out.

For some time past the American Newspaper Publishers' Association has been trying to weigh the relative merits of the opposing sides in the water-power controversy understandingly. It has taken a recent letter written by Mr. Pinchot, which he concluded with a quotation from the President, to the effect that "the summer time of the Nation has come; we must all speak, act, and serve together"—as a hopeful sign that implacable warfare over water-power legislation is at an end and the spirit of conciliation and coordination and cooperation is at hand. In his letter Mr. Pinchot makes the following seven points in his platform for water-power legislation:

(1) The thing to do with water power is to develop it. Whatever retards or restricts the development of public water powers on terms fair to the public is against public policy and hostile to the general welfare.

(2) Water power belongs to the people. The sites where it is produced should always be held in public hands, for only so can effective control in the general interest be secured.

(3) Where public development is not desired the right to use water-power sites should be leased for periods long enough to permit sound, attractive, and profitable investment, but never longer than 50 years. At the end of each lease all rights should return to the people who gave them.

(4) In order to protect the consumer against extortion, rates and service should be regulated by Federal authority when State or local authorities fail to do so.

(5) Reasonably prompt and complete development and continuous operation, subject to market conditions, should be required. Already millions of water horsepower are held out of use to further monopoly by private corporations.

(6) Corporations or individuals who make money out of rights granted by the people should share their profits with the people.

(7) The public has a right to complete information about every business based on the use of public property.

Taking the Shields bill, covering water-power development on navigable streams, now pending in the Senate, and the Walsh bill, covering water power on navigable streams, now pending in the Senate Committee on Public Lands, as a basis of argument, the American Newspaper Publishers' Association finds that, in its opinion, the contentions of Mr. Pinchot are contained in these bills in substance as to every point except the third. Even in that case the association states that "unless Mr. Pinchot's statement means more than appears on the surface, it is an exact description of the leasing system proposed in the Walsh and Shields bills."

Continuing, however, the association goes directly to the hub of the argument between Pinchot and the proponents of these bills when it says:

"Both bills limit the term of the lease to 50 years by providing that at the end of that time the Government may retake the rights and either use them itself or grant them to other parties. That is not, however, all there is to the matter. Mr. Pinchot declares that at the end of each lease 'all rights should return to the people who gave them,' but Mr. Pinchot would not claim that at the end of the lease the situation existing at the beginning could be actually reconstructed.

"It is impossible to ignore the fact that development has taken place in the interim; that a dam has been constructed; a power house erected, power equipment installed, transmission lines set up, and a power supply offered and taken by consumers, including cities, industries, and a vast number of individuals who have become dependent upon it. If the right to utilize the dam site were returned at the end of the lease, without any provision being made for the power business developed, vast injustice would be done, not only chiefly to the inventor but to the general public itself.

"Obviously this is a situation which is to be dealt with, and, except for dealing with it in a manner which at the same time aims to safeguard in the highest degree the principle of recapture, which Mr. Pinchot speaks for, there is no conflict between the Walsh and Shields bills and the ideas expressed in the third point made by Mr. Pinchot."

Obviously, the association is not quite clear in its own mind whether Mr. Pinchot will subscribe to its entire judgment as to the meaning of his letter and the actual contents of the Walsh and Shields bills, but it invites and it would welcome his assistance, which, it admits, would be "of great importance." The association rejects the idea that Federal development of water power will solve the situation on the ground that State regulations would interfere, that the properties could not be taxed, and that neither rates nor the nature of the service could then be determined by local authorities. The prediction is made that to switch the issue to one of Federal development at this time would be certain to revive the old controversy in all its glory. Congress would be sure to approach such a new angle gingerly, while legislation is now necessary from every point of view. The President said on this point:

"It is imperatively necessary that the consideration of the full use of the water power of the country and also the consideration of the systematic and yet economical development of such of the natural resources of the country as are yet under the control of the Federal Government should be immediately resumed and affirmatively and constructively dealt with at the earliest possible moment. The pressing need of such legislation is daily becoming more obvious."

After this clarion call to action the country will be interested in watching developments to see which side to the old water-power controversy, if any, interposes the first insurmountable objection to early legislation. The reason for such objection will have to be definite and understandable, in view of the need of the country for laws under which to move forward in water-power development.

[From the Springfield (Mass.) Union, July 30, 1917.]

HARNESS THE WATER POWERS AND SAVE COAL.

In this time of industrial difficulties, when the supply of coal is far behind the requirements and the railroads are choked with freight, the interest of commercial leaders turn as never before to the project of progressive waterways development. Secretary Redfield recently issued a statement on this subject, in which he called attention to the views of prominent railway officials that our existing transportation lines, even when operated at 100 per cent of their capacity, can not handle the full volume of traffic thrown upon them. What will the conditions be in the near future, he asks, when, in addition to the present flow of munitions and other manufactures and supplies, the concentration of troops is undertaken and the new crops begin to move toward the ports and market centers? Railroads are canceling passenger trains and ordering additional cars and locomotives to relieve the difficulty, but other means of relief must be invoked. Steps should be taken, he says, to encourage water transit and to extemporize, if need be, means for bringing it quickly into service.

While the Secretary's appeal looks primarily to the adoption of emergency measures to bridge existing difficulties, the effect of the situation is to direct attention as never before to the broad bearings of our waterway problems. At this juncture the Shields bill, providing for Federal regulation of the construction of dams and the operation of power plants on navigable waterways, comes to the front as a measure calculated to augment the means of transportation, expand our industrial facilities, and conserve our stores of coal. This measure, which failed of passage in the last Congress, has recently been reported anew by the Senate Committee on Commerce. On its own merits and in its bearing on the national-defense situation it is worthy of being made a subject for prompt legislation.

By the terms of this bill Congress would give its outright consent to the erection of dams, diversion structures, and accessory features for water-power plants whenever the Secretary of War, with the approval of the Chief of Engineers, issues a permit to that effect. Such a permit may be given in case it is found that the plans submitted are best adapted for the comprehensive development of a waterway for navigation, full development of its water power and utilization of the water resources of the region, with the understanding, that the recipient of such permit shall pay the Government reasonable charges for benefits accruing from the institution of headwater improvements. The revenue thus derived would be set aside as a headwater improvement fund. Among contesting applicants the one is to be chosen who has first secured the diversion rights and otherwise qualified under the laws of the State, or where there are no State laws to be considered preference is to be given to the first applicant. The duration of such permits would be 50 years, and thereafter until termination by 2 years' notice in writing and the taking over at a fair value by the United States of all property dependent for its usefulness upon the rights given in the bill. Rates charged for service by the holders of such permits would have to be reasonable according to the laws of the State, or, if there be no State authority, the Interstate Commerce Commission.

It is highly desirable that this subject should be taken up for consideration by Congress at the earliest practicable moment, with a view to definite action. A difference of opinion exists as to what conditions it is desirable to impose in the interest and protection of the public relative to the length of terms covered by permits, the condition of their revocation, and so on. But it is not well that our vast water-power facilities should remain locked because different schools of legislature are unable to agree as to what is feasible and advisable.

[From the Scranton (Pa.) Republican, Aug. 10, 1917.]

THE NATION'S WATER POWER.

If civilization were as prompt in voting great sums of money for peaceful development as it is in appropriating colossal amounts for the destructive purposes of war, the advance of modern progress would be much more rapid than it is. The world would then behold a condition in which many of the forces that are now slumbering in unproductive idleness, or going to waste, would be ministering to the needs of mankind.

We have particularly in mind the vast possibilities of water power in the United States, and its potentialities for actuating industry in many directions, as well as the scientific uses it would serve in stimulating the agricultural, manufacturing, and transportation facilities of this country.

Senator JOHN K. SHIELDS, of Tennessee, speaking on this subject recently in the Senate, cited some interesting facts and figures in support of his illuminated argument favoring the development of water power in the navigable rivers of the United States. He said: "There is no country in the world that has greater natural waterways than

this, and with proper improvement they can be made to contribute as much to its commercial and industrial wealth as any of its other great natural resources."

Quoting from the report of the Bureau of Statistics, Senator SHIELDS said it shows that the primary power equipment in the United States in commercial and municipal central stations, street and railway stations, and manufacturing plants in 1912 was 30,448,246 horsepower, of which 80 per cent was steam power, and more than one-half of this was found in the States of Pennsylvania, New York, Massachusetts, California, and Michigan. He pointed out that the annual consumption of coal in this country is 480,000,000 tons, valued at about $1,000,000,000, and claimed that while the coal fields will supply the country's needs for a century or more, they are not inexhaustible; neither is the supply of oil or gas.

The future of water power, converted into hydroelectrical energy is, therefore, of proximate interest. It has been well said that "water power is unlike most natural resources in that it is not diminished by use, nor is it conserved by nonuse." In this respect it differs from coal, which, if not used to-day, remains to be used later. A strong argument for water power is that its utilization results in the saving of coal for future use.

Among the many uses to be served by the development of the country's great wealth of dormant water power, Senator SHIELDS pointed out that of producing atmospheric nitrogen at low cost to enable the farmers to fertilize their fields and increase their crops.

The immediate results of liberating, for industrial purposes, the Nation's wealth of unused water power is the effect it would have in lessening the cost of production in many ways, and distributing its advantages to every city in the land. The undeveloped water power of the United States is one of its greatest assets, and its early utilization should receive the attention of Congress.

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[From the New York Journal of Commerce and Finance, Jan. 2, 1918.]

PROBLEM OF WATER-POWER DEVELOPMENT—PROPOSED GOVERNMENT REGULATIONS DETER CAPITAL.

(By G. H. Walbridge, vice president of Bonbright & Co.)

The existing acute shortage of coal, the use of a large number of cars for coal transportation when cars are urgently needed for other purposes, and the fact that the Shields bill has again been passed by the Senate, bring prominently to the front once more the question of development of water powers on land controlled by the Government.

It is proposed in the Shields bill, as in other bills relating to the same subject, that the Government, in granting rights for development of water powers located partly or wholly on Government land, shall restrict the grant in three ways: First, the grant shall not be permanent, but the Government shall have the right of recapture; that is, it may purchase the entire hydro development on payment of a price after the lapse of a certain number of years; second, that the Government shall tax the development; third, that the Government shall retain the right to supervise accounts and regulate rates. It is not generally understood that, except for navigation purposes on navigable streams, the Government has no title to nor interest in the water. The right to regulate is based solely on the Government's control of such lands as may be needed for dams, power houses, or similar structures.

No one seems to question the desirability of immediate development of water powers, although it should be borne in mind that they can not be constructed overnight, since the work is necessarily dependent on the seasons of the year and machinery and other requisites are subject to the same delays as are materials for other kinds of work. The probabilities are that any water-power developments begun as a result of favorable congressional action can not be completed before the end of the war, unless the war lasts more than two years longer.

The whole question of regulation of water powers on Federal-controlled lands has been the subject of much emotional, not to say hysterical, oratory. The so-called conservationists appear to feel that a water power is equivalent to a gold mine and therefore must be controlled for the benefit of the people. The fact that drouth and flood, overruns in cost, and disappointments in markets put hydroelectrics on the same plane as the average business enterprise is obvious to anyone who will spend a few hours studying the troubled financial history of many of the existing hydroelectric companies. Hence, to bolster up their case the conservationists invented a fantastic myth about a menacing "water-power trust," which as a matter of easily established fact never existed and never will. All this has resulted in much discussion in Congress and elsewhere and a consequent delay of years which might have been occupied in building plants.

As a matter of common sense, the Government should take its hands off, since no regulation or restriction by the Government is necessary or desirable, with this exception, which applies to everything that follows, namely, that the Government should throw such restrictions around the grant of rights as will prevent any individual or group from securing rights and holding them indefinitely without development.

Every State in the Union has the inherent right, and most of them exercise, through commissions, the right to regulate rates charged by all public utilities, including hydroelectrics. These commissions have generally ruled that utilities are entitled to earn a "fair return" on the fair value of property used and useful in serving the public. This "fair return" is frequently fixed as 8 per cent annually upon such value and seldom, if ever, is fixed as high as 10 per cent. Let us assume the usual figure of 8 per cent and see what it means. It is that part of the total earnings remaining after deducting actual operating expenses plus a reasonable allowance for depreciation, and is what is left to pay interest on the invested money, provide a contingent fund against calamities, physical or industrial, and pay a "profit" to the organizers and managers of the enterprise. It will be noted the usual argument about "overcapitalization," "paying dividends on watered stock," etc., falls of its own weight, since the percentage of return is based on a value established principally by physical inventory and the amount of securities issued is disregarded. Incidentally the prospect of being able to earn 8 per cent is not sufficient to tempt a shrewd investor to undertake the manifold risks of hydroelectric construction, especially in view of the fact that seasoned securities can be purchased in the open market to yield nearly as much. Assuming, however, for argument that this is a fair rate, we have this condition: If the State exercises its power of regulation—and most of them do—the hydroelectric plant can not earn more than 8 per cent on its investment. If the hydroelectric can earn only 8 per cent, what further regulation is needed? The public does not need it. The public pays only the cost of operation plus 8 per cent on the value of the output.

Further, why should the Federal Government tax the hydroelectric, since under equitable regulation the taxes must be passed along to the consumer, who is thus taxed for the benefit of the country at large? Why should the Government reserve the right to take the plant away at the end of 50 years on the payment of a price, presumably equitable, but subject to all the uncertainties of such a procedure? The customer does not require this protection and the prospect discourages capital. The Government can condemn any plant needed for governmental purposes at any time, but unless the country wishes to embark in Federal ownership of local utilities there is no reason why the Government should take over hydro plants now or 50 years hence.

To recapitulate, if under existing laws and procedure the utility can earn only 8 per cent, what need is there for any regulation or recapture by the Federal Government, and what is in the minds of the people who advocate such regulation and recapture? Most of them are too sensible and too honest to desire it merely for the purposes of building up a special Federal bureau. They must, therefore, be actuated by a mistaken idea of their duty to the people, who are, however, fully protected under existing conditions, and who are, through this exercise of undue care on the part of the Federal Government, being deprived of the benefits from water powers that would otherwise have been in operation long ago. The proposed regulations deter capital, discourage development, and are unnecessary for the protection of the public. What useful function will they perform?

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[From the New Bedford (Mass.) Mercury, Dec. 27, 1917.]

A most important piece of legislation is being rushed through Congress which deserves more attention than it is receiving. The reference is to the bill providing for the development of water power, which passed the Senate shortly before the holidays, and which will come up for consideration in the House, where it is said it will pass with ease. The President referred to the need for such legislation in his address to the joint Houses this month, and the Senate has been prompt to respond. The legislation has heretofore been hotly contested, being fought over every inch of the way by those seeking to effect legislation to encourage capital to interest itself in water-power development and by the conservationists, with Gifford Pinchot at the head, who have been of the opinion that water-power development should be so bound in chains that the people may ever be in control of these water rights, getting a good deal for nothing. With this dog-in-the-manger policy the conservation movement has been able to obstruct all attempts to develop water power. Capital was not going to risk millions for the sake of a paltry dividend and the likelihood of endless trouble through Government regulation and the probability that at the termination of the leasing proposed the value of their equities would be reduced to nothing.

In consequence of the conflict of opinion nothing has been done at all in this direction. The country possesses enormous water powers which could be used to high advantage in many of the industrial communities of the land and at the saving of many tons of coal, for which there is now the greatest need imaginable. This very fact has sufficed to knock the props from under the conservationists, who have come to their senses and have withdrawn obstructive tactics, so that when the bill mentioned came up for consideration in the Senate, instead of fighting it desperately they simply stated in brief why they would vote against it. The last-ditch fighting hardly lasted more than an hour and only 18 votes were cast against the bill, whereas 46 votes were cast for it. It remains to be seen how loudly Mr. Roosevelt will shriek. He has been one of the archconservationists. With much ado, self-righteous, indeed, he vetoed the earlier bills to permit water-power development, in particular the Snake River Dam bill, a veto for which Gifford Pinchot was credited. The bill passed by the Senate recently in effect provides for the improvement of rivers by dams for hydroelectric purposes without cost to the Government. Grants will be issued by the Secretary of War to private parties for the construction and maintenance of them, the grants being leases to extend 50 years at least, or until the property necessary for the development is taken over and just payment made either by the Government or a duly authorized new grantee. Regulation of rates and service will be made by the public authorities, either the Interstate Commerce Commission, if the business is interstate, or by the State authorities if the business is wholly intrastate.

Other features in the bill protect the people to be served fully, and yet the terms are not made onerous and prohibitive to capital. Seemingly there can be no monopoly, in so far as the phraseology of the bill is concerned, but this has been the cry of the Pinchot people, although it has seemed to sane people that there never could be a monopoly in water power in the country, since water-power sites were virtually innumerable. The only water-power monopoly that has been in existence has been the group of conservationists, who have exerted a power heretofore absolutely preventing anybody from making use of a great natural resource. It has been a monopoly of the worst type. At last it seems to have been put out of business.

It is claimed by the Geological Survey of the Government that the available potential horsepower of the country is 61,678,000, of which 4,910,000 is in the North Atlantic States. It is also estimated that with practical maximum storage the total available water horsepower that could be produced in the United States would be 200,000,000. The present actual water power used in the country is about 6,000,000, showing how little the land has made use of a source of vast power in its domains. It is said that the 61,000,000 horsepower mentioned is the equivalent of the annual use of 340,000,000 tons of coal—60 per cent of the total amount used in the United States a year, which at $3 a ton means an annual value of $680,000,000. Delay in the water-power legislation has thus meant this much enormous loss annually to the people and they suffering to-day as a consequence. Where the conservationists have sought to save, they have really wasted in immense figures.

The enterprises so far have not, of course, attained the high figures quoted, but through the delay in water-power legislation the development of 2,122,000 horsepower, covering the improvement of 1,160 miles of waterway, has been stalled—30,000 horsepower in the Connecticut River. It is said that these figures represent the equivalent in energy of 7,214,000 tons of coal, which would require the labor of 7,000 men at the mines to produce and 200,000 35-ton cars to move. In these days when the shortage of coal pinches and when there is so much distress and incommoding, these figures burn. It is astonishing that the people should have allowed themselves to be so long obstructed by theorists and visionaries.

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[From the Little Rock (Ark.) Gazette, Dec. 17, 1917.]

TO HARNESS THE WATER POWERS.

The bill of Senator SHIELDS, of Tennessee, for development of water powers on navigable streams, which failed in a conference deadlock in the last Congress, has been again passed by the Senate and now goes to the House.

Under this measure water power development on navigable streams would be under the control of the War Department, which would have authority to grant 50-year permits for development projects.

Present circumstances have made more urgent the need for utilizing the country's water power. There is now a nation-wide fuel shortage, and for lack of sufficient supplies of coal many electric plants are having difficulty in continuing in operation. Yet, if streams that could be harnessed were harnessed many communities could be supplied with light and power from hydroelectric plants. The cutting off of German chemical supplies has started America to manufacturing dyes and other articles that were formerly imported. But nothing would put forward our chemical industry more than hydroelectric power. The bauxite of Arkansas is taken to Niagara Falls and to a plant in east Tennessee to be made into aluminum with electric current generated by water power. And there are in Arkansas and other States many resources that with the aid of electric power could be converted into useful commodities.

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[From the New York Herald, Jan. 7, 1918.]

OUR WASTED WATER POWER.

"Better late than never." After wasting in discussion and wranglings many years that could have been devoted to building water-power plants on lands controlled by the Government, it seems that at last Congress will do something practical.

President Wilson has submitted a report signed by the heads of the War, Interior, and Agricultural Departments and the draft of a bill designed to reconcile divergent views and obtain legislation to save the 35,000,000 horsepower that now is wasted every year.

It is the pressure of war that is bringing this matter to a head. As Mr. Wilson stated at a conference with the leaders of the House, the early development of a considerable portion of our water-power resources would not only save fuel but lessen the present demand on transportation facilities caused by the moving of coal and other heavy fuels.

As a result of the conference, a special committee of the House is projected to take jurisdiction of all water-power problems that are in the hands of the various committees, pass the President's bill, and send it to the Senate with the support of the administration. This is a businesslike suggestion and promises results. That there will be much discussion, in which the alleged "Water Power Trust" will again figure, goes without saying, and this means further delay.

After the needed legislation is obtained, it is going to take a year or two to construct plants sufficient to afford perceptible relief. We repeat, "Better late than never"; but, in view of all the time that has been lost, there is call at this tardy date for immediate action. The Shields bill, which has again passed the Senate, has many provisions designed to protect the interest of the people—retention by Government of the right to buy back the plants after a fixed period, to tax developments, supervise accounts, and regulate rates.

Every State has the right—which most of them exercise through commissions—to regulate the rates of all public-utility companies, including hydroelectric plants. In the opinion of some thoroughly informed persons, the Government should confine itself to preventing rights from being obtained and held without development and leave all other restrictions and regulations to the several States.

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[From St. Louis Globe Democrat, Mar. 10, 1916.]

SHIELDS WATER-POWER BILL.

The decisive vote of the Senate in favor of the Shields water-power bill was a victory for the school of conservation which believes that the water should be used for power as soon as possible, so as to conserve coal and petroleum. The resolutions committee of the Fifth National Conservation Congress estimated that the country could save $200,000,000 a year on fuel by prompt development of hydroelectric power. There is another and smaller school of conservation, of which Mr. Pinchot is the most prominent personality, which is chiefly interested in keeping the water-power sites out of private hands. This school has gloried in the defeat of previous bills, but has done nothing toward utilizing water power. It has saved waterfalls from use, but has let the country pay its excessive annual toll for steam power.

The long debate in the Senate revealed that the principal question is whether the Government or State shall be permitted to take over a plant at the end of 50 years at the actual value of them, determined by agreement or condemnation proceedings, or whether it shall pay only what the plant has actually cost. There is no agreement to take it over at all. The investor is asked to make the venture. If he loses money, it is hopelessly lost. If he builds up a valuable property he must sell out, if the Government wishes to buy, for what the site costs now, with his actual expenditures added. It is a "heads I win and tails you lose" proposition. Nobody favors Government or State ownership now. The Government merely asks an option, which can be exercised if the experiment is successful.

The bill provides for control of charges by State and Federal authorities. Every reasonable safeguard is provided to prevent abuse. The sites must be acquired at actual value, under the various State laws. There is no bonus or grant, such as Congress voted the railways for the development of the great West. A slight monopolistic feature is almost unavoidable, but the bill prohibits improper practices as well as discriminatory charges. The critics of the bill offer no constructive alternative. They would merely load the bill down with such amendments that capital would not take the risk. If they have their way, they should entitle their act "An academic theory as to how water power might be developed if capital could be induced to invest in the experiment."

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[Editorial from the Evening Post, New York, Friday, May 5, 1916.]

That the National Conservation Congress should have indorsed the Shields bill by a vote of 116 to 39 is a severe blow to Pinchot, Garfield, and other extreme conservationists. There was no division upon principles, but merely upon the interpretation of the Shields measure. The majority of the Conservation Congress plainly thought that its provisions could be accepted literally and in good faith. It meant what it said in giving the Government the right to take over private water-power plants on navigable streams at the end of 50 years at actual valuation. But ex-Secretary of the Interior Garfield was certain that the bill "turns over to private monopoly public power in perpetuity. The 50-years' limitation as proposed is nothing more than a mere fiction." The minority resolutions held that power sites should not be disposed of in perpetuity, but retained in Federal control. The majority made much of the fact that the Senate, after careful debate, had not seen in the bill the "mere fiction" of which Garfield spoke, and an even weightier consideration is that Secretary Lane has not done so. Upon details of the measure there may be disagreement, but its guaranty of a 50-years' tenure seems necessary to invite capital into a risky field.

REPORTS OF COMMITTEES.

Mr. McNARY, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 2784) to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916 (Rept. No. 228); and

A bill (S. 3225) to reserve as a part of the Oregon National Forest certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co. against the United States (Rept. No. 229).

Mr. SHAFROTH, from the Committee on Public Lands, to which was referred the bill (S. 2315) to extend the time within which final proof is required to be submitted upon any lawful pending desert-land entry made prior to July 1, 1915, such extension not to exceed three years from the date of allowance thereof, reported it with an amendment and submitted a report (No. 225) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 101) to authorize the consolidation of Government lands and of privately owned lands, and for other purposes (Rept. No. 226); and

A bill (S. 972) to authorize an exchange of lands with Henry Blackburn (Rept. No. 227).

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2931) for the relief of Thomas Sevy (Rept. No. 230);

A bill (S. 100) to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to Cyrena E. Young (Rept. No. 231);

A bill (S. 97) authorizing the exchange of certain lands in the State of Utah for the protection of the water supply of Salt Lake City (Rept. No. 232);

A bill (S. 94) to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133) (Rept. No. 233); and

A bill (S. 92) to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to E. D. Partridge (Rept. No. 234).

Mr. TILLMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 3128) to authorize additional pay for enlisted men of the Navy and Marine Corps detained beyond the expiration of their terms of enlistment, reported it with amendments and submitted a report (No. 224) thereon.

FOX RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably without amendment the bill (S. 3448) granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River, and I submit a report (No. 235) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRIEZE IN THE ROTUNDA OF THE CAPITOL.

Mr. GALLINGER. I report from the Committee on the Library favorably without amendment the joint resolution (S. J. Res. 125) authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol, and I submit a report (No. 236) thereon. I think there can be no objection to the joint resolution and I ask for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. OVERMAN. Let it be read.

The VICE PRESIDENT. It will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Joint Committee on the Library be, and it is hereby, authorized to provide for the restoration and completion of the historical frieze in the Rotunda of the Capitol. For that purpose the

said joint committee is empowered to select an appropriate design for the completion of the frieze and to employ such artists in the work of completion and restoration as may demonstrate to the satisfaction of said joint committee their ability to perform the work in a proper manner.

Sec. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary, for the purposes of this resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS AGAINST THE GOVERNMENT.

Mr. SMITH of Georgia. I report from the Committee on the Judiciary favorably, with amendments, the bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SMITH of Georgia. I wish to add that Senate bill 832, to amend an act approved March 4, 1915, abolishing the jurisdiction of the Court of Claims in certain cases involving claims against the United States for property destroyed or appropriated by the Federal Army during the Civil War, and Senate bill 2488, to relieve Congress from the adjudication of private claims against the Government, have reference to the same subject. The bill which I have reported, with amendments, is intended as a substitute for these two bills, and I report them adversely and ask that they be postponed indefinitely.

The VICE PRESIDENT. The Chair understands that the Senator from Georgia desires the indefinite postponement of Senate bill 2488 and Senate bill 832?

Mr. SMITH of Georgia. I move that the bills be indefinitely postponed.

The motion was agreed to.

FUNERAL EXPENSES OF THE LATE SENATOR NEWLANDS.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred S. Res. 177, submitted by Mr. Pittman on the 9th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. Francis G. Newlands, late a Senator from the State of Nevada, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. THOMPSON. From the Committee to Audit and Control the Contingent Expenses of the Senate, I report back favorably with an amendment Senate resolution 158, authorizing the Committee on Privileges and Elections to employ an additional clerk, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendment was in line 5, after the word "Senate," to strike out "from December 3, 1917," and insert "for a period lasting until."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That the Committee on Privileges and Elections of the United States Senate be, and it is hereby, authorized to employ an additional clerk at the rate of $100 per month, to be paid out of the miscellaneous items of the contingent fund of the Senate, for a period lasting until the end of the present session of the Congress.

YUMA PROJECT, ARIZONA.

Mr. SMITH of Arizona. I ask unanimous consent to make a report from the Committee on Irrigation and Reclamation of Arid Lands on a bill designed to carry out the purposes of the act providing for what is known as the Yuma project, in my State, and which provides merely for the transfer of certain funds. It has been recommended by the Secretary of the Interior; it has passed the House without a dissenting vote; and it is in the nature of a local matter designed to extend the Yuma project under the original act. I report the bill (H. R. 3135) to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona, and I submit a report (No. 257) thereon.

In order to meet an exigency that exists in connection with that project, I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. The bill will first be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the first sentence of section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona," approved January 25, 1917, be amended so as to read as follows:

"That the money in said auxiliary reclamation fund of the Yuma project, Arizona, shall be available for the construction or completion of irrigation works of the said auxiliary project or unit."

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Mr. President, as I caught the reading of the bill, there is no further appropriation asked for.

Mr. SMITH of Arizona. None in the world; it merely provides for a transfer of the fund so as to carry out the project.

Mr. GALLINGER. That is all?

Mr. SMITH of Arizona. Yes; there is not appropriated from the Public Treasury an additional dollar.

Mr. JONES of Washington. Mr. President, I understood the Senator to say that the bill was reported from the Committee on Irrigation and Reclamation of Arid Lands?

Mr. SMITH of Arizona. Yes; it has been reported from that committee. I have taken it up with several members of the committee, and regret that I was not also able to see the Senator from Washington and ask his views in regard to the measure.

Mr. JONES of Washington. The Senator polled the committee?

Mr. SMITH of Arizona. The committee was polled—the Senator knows the difficulty of having the committee meet—and the measure was explained to each member who was seen, and no one of them objected to it. I would have seen the Senator from Washington if I had had an opportunity.

Mr. JONES of Washington. That is all right.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 3631) to convey certain lands to the city of Boise, State of Idaho, for a municipal park (with accompanying papers); to the Committee on Public Lands.

By Mr. SMITH of South Carolina:

A bill (S. 3632) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes; to the Committee on Interstate Commerce.

By Mr. SHEPPARD:

A bill (S. 3633) to authorize the construction of a dam or dams, a lock or locks, and other works in and across Sabine Lake in order to protect certain rice lands from salt water; to the Committee on Commerce.

By Mr. THOMPSON:

A bill (S. 3634) granting an increase of pension to Frederick H. Barker (with accompanying papers); and

A bill (S. 3635) granting an increase of pension to John W. Keffer (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 3636) granting to the States in which national forests are situate lands to aid in the construction of public roads in such national forests; to the Committee on Public Lands.

A bill (S. 3637) granting a pension to Charles S. Abbott;

A bill (S. 3638) granting an increase of pension to John Cook, jr.;

A bill (S. 3639) granting an increase of pension to George W. Hamilton;

A bill (S. 3640) granting an increase of pension to Jacob Jewell;

A bill (S. 3641) granting an increase of pension to Lawrence O. Loughlin;

A bill (S. 3642) granting an increase of pension to Albert N. Raymond;

A bill (S. 3643) granting an increase of pension to Logan Russell;

A bill (S. 3644) granting a pension to Elizabeth Webster; and

A bill (S. 3645) to amend an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3646) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities (with accompanying papers); to the Committee on Public Lands.

By Mr. HOLLIS:

A bill (S. 3647) granting a pension to Joseph H. Chapman (with accompanying papers); to the Committee on Pensions.

A bill (S. 3648) for the retirement of public-school teachers in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. BANKHEAD:

A bill (S. 3649) to amend the act approved June 25, 1910, establishing postal-savings depositories, and acts amendatory thereof, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. LA FOLLETTE:

A bill (S. 3650) granting a pension to Mary Herman (with accompanying paper); and

A bill (S. 3651) granting a pension to Clara Stillman (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3652) authorizing the leasing of the lands embraced within the Hoh Indian Reservation in the State of Washington; to the Committee on Indian Affairs.

By Mr. KELLOGG:

A bill (S. 3653) for the relief of Ben. L. Fairbanks and others; and

A bill (S. 3654) conferring jurisdiction on the Court of Claims to hear, determine, and render final judgment in the matter of claims of the Chippewa Indians and the several bands or tribes thereof in the State of Minnesota against the United States, and for other purposes (with accompanying paper); to the Committee on Indian Affairs.

By Mr. GALLINGER:

A bill (S. 3655) granting an increase of pension to Charles Dwight Hanscom (with accompanying papers); and

A bill (S. 3656) granting an increase of pension to Daniel L. Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 3657) to provide promotion for retired officers performing active duty in time of war;

A bill (S. 3658) to authorize the Secretary of the Navy to increase facilities of naval torpedo station, Newport, R. I.; and

A bill (S. 3659) to increase temporarily the enlisted strength of the Navy, and for other purposes (with accompanying papers); to the Committee on Naval Affairs.

By Mr. McLEAN:

A bill (S. 3660) granting a pension to Walter J. Hawthorne (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. SMOOT submitted an amendment proposing to appropriate $12,690 for payment to the Uinta and Duchesne County school districts to assist said districts in educating children of white lessees of Indian lands, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

WHEAT SUPPLY.

Mr. FRANCE. I offer a resolution and ask that it be read and referred to the Committee on Agriculture and Forestry. In this connection I wish to say that when the proper opportunity presents itself I desire to address the Senate very briefly for about 12 minutes upon this most important subject.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 190) was read and referred to the Committee on Agriculture and Forestry, as follows:

Resolved, That in view of the serious shortage in the Nation's supply of wheat, the necessity for large exports of wheat, and the alarming report of the Department of Agriculture on December 19, 1917, upon the condition of the winter-wheat crop, that the Secretary of Agriculture and the Food Administrator be, and they are hereby, requested and directed to assemble and transmit to the Senate information as to the methods which are being employed for the conservation of an adequate supply of seed wheat for the sowing of the spring-wheat acreage and what methods are being used or are in contemplation to insure the sowing of such an extraordinarily increased acreage as is imperatively needed to meet the present grave emergency.

CRIPPLED SOLDIERS AND SAILORS.

Mr. SMITH of Georgia. I submit a resolution and ask for its present consideration.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 189) was read, as follows:

Resolved, That the Federal Board for Vocational Education be directed to furnish to the Senate such information as it may have or can readily obtain on the rehabilitation and vocational reeducation of crippled soldiers and sailors.

Mr. SMITH of Georgia. Mr. President, we are quite anxious to have the information as speedily as possible for the use and study of the Committee on Education and Labor. I therefore ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the resolution was considered by unanimous consent and agreed to.

AMENDMENT OF THE RULES.

Mr. JONES of Washington. On the 21st instant I gave notice of an amendment to the standing rules of the Senate relative to the appointment of the committees. I now offer the following resolution, and ask that it be referred to the Committee on Rules.

The resolution (S. Res. 191) was referred to the Committee on Rules, as follows:

Resolved, That beginning with the Sixty-sixth Congress, Rule XXV of the standing rules of the Senate be amended to read as follows:

"Rule XXV. The following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

"A Committee on Appropriations.
"A Committee on Commerce.
"A Committee on Finance.
"A Committee on Foreign Relations.
"A Committee on Interstate Commerce.
"A Committee on the Judiciary.
"A Committee on Banking and Currency.
"A Committee on Public Lands.
"A Committee on Agriculture and Forestry.
"A Committee on the District of Columbia.
"A Committee on Rules.
"A Committee on the Census.
"A Committee on Civil Service and Retrenchment.
"A Committee on Claims.
"A Committee on Education and Labor.
"A Committee on Insular Affairs.
"A Committee on Indian Affairs.
"A Committee on Immigration.
"A Committee on Military Affairs.
"A Committee on Naval Affairs.
"A Committee on Pensions.
"A Committee on Post Offices and Post Roads.
"A Committee on Printing, which shall have power to act jointly with the same committee of the House of Representatives.

"A Committee on Enrolled Bills, which shall have power to act jointly with a similar committee of the House of Representatives, and which, or some member of which, shall examine all bills or joint resolutions which shall have passed the Senate or both Houses to see that the same are correctly engrossed or enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall present the same forthwith, when they shall have originated in the Senate, to the President of the United States in person and report the fact and date of such presentation to the Senate.

"A Committee on Public Buildings and Grounds, which shall have power to act jointly with a similar committee of the House of Representatives.

"A Committee to Audit and Control the Contingent Expenses of the Senate, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same."

The foregoing committees shall consist of not to exceed 15 members.

"SEC. 2. That the aforesaid committees shall continue and have the power to act until their successors are appointed."

AMENDMENT OF THE FEDERAL RESERVE ACT.

Mr. OWEN. I ask that the bill (S. 1796) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, and September 7, 1916, being Order of Business No. 12, be taken from the calendar and indefinitely postponed. The legislation therein contained has been enacted in another form.

The VICE PRESIDENT. The bill will be postponed indefinitely.

COL. E. M. HOUSE.

Mr. SHEPPARD. Mr. President, I desire to read to the Senate a letter from my colleague, the senior Senator from Texas [Mr. CULBERSON]:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D. C., January 28, 1918.

Hon. MORRIS SHEPPARD,
United States Senate.

DEAR SENATOR: As you are aware, in the debate in the Senate last Monday Senator PENROSE, of Pennsylvania, referred to Col. E. M. House, of Texas, as a lobbyist. Whatever may have been the purpose of such characterization, I am sure you will agree with me that it does Col. House a great injustice, which ought to be corrected by us, for it carries with it more or less opprobrium. As I do not yet feel justified in taking part in debates, I send you this letter to be used by you in such statement as you may see proper to make to the Senate on the subject.

I first became acquainted with Col. House in 1891, when James S. Hogg, to whom he was devotedly attached, was governor of Texas, and have known him intimately since then. During all this time, while he has taken an active part in the public affairs of our State, his conduct has been that of a patriotic citizen, and nothing has occurred to justify in the slightest degree the thought that he has ever been privately interested in legislation, which the term "lobbyist" would imply.

Very sincerely, yours,

C. A. CULBERSON.

Mr. President, the Senator from Pennsylvania [Mr. PENROSE] referred to Col. House on the occasion mentioned by my colleague as a politician. If to take a deep and intelligent interest in men and measures from the standpoint of the people's welfare, without a thought of self-advancement, makes one a politician, then Col. House is a politician, and may his kind increase. He has never sought office and has never held office.

The Senator from Pennsylvania referred to Col. House as a "lobbyist." This is an error of the most unqualified sort. Nothing in Col. House's life affords the slightest foundation for such a charge. He represents the highest type of the thoughtful, unobtrusive, patriotic, and public-spirited private citizen, a type that constitutes one of the glories of this Republic.

It is to the honor and the credit of Woodrow Wilson that he selected a plain, untitled, private citizen to represent this citizen-controlled Republic at the council table of world democracy.

REPORT OF THE EIGHT-HOUR COMMISSION (H. DOC. NO. 690).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Interstate Commerce:

To the Senate and House of Representatives:

In compliance with the provision of section 2 of the act of Congress approved September 3 and September 5, 1916, to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, I transmit herewith the report of the commission appointed to observe the operation and effects of the institution of the eight-hour standard workday for railroad employees.

WOODROW WILSON.

THE WHITE HOUSE, *23 January, 1918.*

THE CALENDAR.

The VICE PRESIDENT. Morning business is closed. The calendar, under Rule VIII, is in order. The Secretary will state the first bill on the calendar.

The SECRETARY. A bill (S. 1786) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes.

Mr. OVERMAN and Mr. GALLINGER. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 39) to appropriate $3,000,000 to enable the Secretary of Agriculture to prosecute the work of eradicating the southern cattle tick was announced as next in order.

Mr. OVERMAN and Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The joint resolution (S. J. Res. 53) authorizing the President to appoint two additional Assistant Secretaries of Agriculture, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2180) to approve mutual cessions of territory by the States of Wisconsin and Minnesota and the consequent changes in the boundary line between said States was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2116) to increase the salary of the United States district attorney for the district of Rhode Island, was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The concurrent resolution (H. Con. Res. 9) authorizing the printing in one document the act to increase temporarily the Military Establishment, the registration regulations, and the proclamations of the President fixing June 5, 1917, as date of registration, was announced as next in order.

Mr. JAMES. Let that resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

ADJOURNMENT TO WEDNESDAY.

Mr. MARTIN. I move that the Senate adjourn until 12 o'clock meridian on Wednesday.

The motion was agreed to; and (at 12 o'clock and 40 minutes p. m.) the Senate adjourned until Wednesday, January 30, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 28, 1918.*

The House met at 12 o'clock noon.

The chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We approach Thee, Almighty God, our Heavenly Father, with bowed heads and heavy hearts.

The responsibility thrust upon us is more than we can bear without divine aid, strength, courage to uphold and sustain us. The magnitude of the war which confronts us, the difficulties which must be overcome, are appalling; hence we pray most earnestly that a basis of peace may be reached upon which all the leading nations of the world can agree. Yet we realize that permanent peace can never come without a victory of principles which shall secure liberty and justice for all the peoples of all the world. Hear us, O Lord, and help us in this hour of distress, in the name of the Prince of Peace. Amen.

The Journal of the proceedings of Saturday, January 26, 1918, was read and approved.

RESIGNATIONS FROM COMMITTEES.

The SPEAKER. The Chair lays before the House the following resignations from committees, which the Clerk will read.

The Clerk read as follows:

WASHINGTON, *January 16, 1918.*

Hon. CHAMP CLARK, Speaker,
House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the following committees: Claims, Education, Expenditures in the Department of Commerce, and Pensions.

Sincerely, yours,

DANIEL C. OLIVER.

WASHINGTON, *January 15, 1918.*

Hon. CHAMP CLARK, Speaker,
House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the following committees: Accounts; Expenditures in the Department of Labor; Election of President, Vice President, and Representatives in Congress; and the Merchant Marine and Fisheries.

Sincerely, yours,

CLARENCE F. LEA.

The SPEAKER. Without objection, the resignations are accepted.

There was no objection.

FILLING VACANCIES ON COMMITTEES.

Mr. KITCHIN. Mr. Speaker, I move the election of the following members of committees.

The SPEAKER. The gentleman from North Carolina moves the following nominations to committees. The Clerk will report them.

The Clerk read as follows:

COMMITTEE NOMINATIONS.

BENJAMIN G. HUMPHREYS, of Mississippi, to be a member of the Committee on the Merchant Marine and Fisheries.

CLARENCE F. LEA, of California, to be a member of the Committee on Rivers and Harbors.

DANIEL C. OLIVER, of New York, to be a member of the Committee on the Post Office and Post Roads.

WILLIAM C. WRIGHT, of Georgia, to be a member of the Committee on Election of President, Vice President, and Representatives in Congress, the Committee on Irrigation of Arid Lands, and the Committee on the Merchant Marine and Fisheries.

The SPEAKER. Are there any other nominations? If not, the names appended to the paper just read will be appointed to the committees to which they are assigned.

The nominations were agreed to.

EXTENSION OF REMARKS.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article from a Baltimore paper announcing the death of the Hon. John Gill, jr., my predecessor, from the fourth congressional district of Maryland.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

CARE OF BLIND SOLDIERS.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement made by Francis V. Brady, of Cleveland, Ohio, on how to care for the blind soldier.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Following is the statement referred to:

WHAT THE Y. M. C. A. CAN DO FOR THE BLIND SOLDIER AFTER THE WAR.

(By Francis V. Brady.)

To rehabilitate the blind soldier is a problem which should receive the careful consideration of every thinking man. His habits are already formed, his sphere in life has been attained, and his status is fixed, and then suddenly there comes a great change. From a world where he depends upon vision for what he wears, for what he eats, for the things of pleasure, for his livelihood, for everything, in fact, he is plunged into a world of darkness. His whole life must undergo a change to meet this new condition. His spirit is gone; his ambition has left him. He is utterly hopeless, and one asks the question: "What can be done for such a man?"

To outline briefly some phases of work which the association might profitably follow is the purpose of these notes.

I. WHAT CAN BE DONE IN THE HOSPITALS.

(a) To interview a man either at the hospital overseas, or at the hospital to which he has returned here in this country, just as soon as it is practical in order that his mind may be taken from the loss of his eyes and that he may be encouraged to think of the future not as a world of darkness and impleasantness but as a world of sunshine where there is plenty of opportunity still waiting for the blind man who has the will and ambition to forge ahead.

(b) As quickly as possible teach him the fundamentals of raised print, especially the dot system used to mark playing cards and other games, so that he may learn to play games and thus occupy his time by touch.

(c) To provide readers who will read the best light literature.

(d) To see that friends who visit him do not discourage him; that they talk of the future only as a bright future; that, instead of sympathizing with the man, they cheer him up.

(e) To attempt to secure business men and others to discuss business problems and life problems, with the men always taking care to emphasize the ways in which a man who does not see can be useful.

II. WHAT CAN BE DONE IN THE HOME.

(a) If possible to visit the home before the arrival of the sightless soldier and prepare his parents or others for his coming, to try to leave the impression with them that he can be of much use in the world in spite of the fact that he is blind if they will do their share in maintaining his spirit and his grit.

(b) When the soldier has arrived, or before, if possible, to go to his associates and his neighbors and ask them to try, as far as possible, to treat him just as they did before he lost his sight, to associate with him just as freely, and to make him feel that he is just the same even though he has met a tremendous loss.

(c) To have his parents teach him to be as useful as possible in doing things about the home—for example, in the matter of eating, to teach him to cut his meat and wait on himself largely. When a man is a farmer or from a rural community, to teach him to care for the chickens, the pigs, or the cows, or to do the ordinary chores around the house.

(d) It is the duty of those at home to see that the man goes out as much as possible to lectures, theaters, church socials, clubs, and, in fact, everything which will keep him in touch with the outside world. It is because of the fact that many blind people are kept in the house and lose their contact with the outside world that much of the help that otherwise might be given them is lost.

III. WHAT THE CHURCH CAN DO.

(a) The minister or priest, as the case may be, should make it a point to visit the man and invite him to come to church, and in case he has no one to take him to provide a guide.

(b) To interest the members of the church in the man in order that they may make him feel that he is still one of them.

(c) To secure the active cooperation of the man in the Epworth League, the Christian Endeavor, the Young Men's Club, or whatever organization may be affiliated with the church.

IV. PHYSICAL EDUCATION.

(a) One of the things most needed by the blind soldiers is physical education. When one loses his sight, the tendency is to relax his muscles and allow many of them to become entirely useless. This can be avoided by proper physical training. Some of the institutions already have gymnasiums where instruction in calisthenics is given. But the Young Men's Christian Association can do much by opening its association buildings and establishing special classes where the blind may be taught gymnastics, swimming, skating, and various other athletic sports which will tend to give them much needed exercise and bring their unused muscles into play.

V. WHAT OCCUPATIONS CAN BLIND MEN FOLLOW SUCCESSFULLY?

This is one of the largest problems confronting those who are interested in the work for the blind soldiers. So far very little progress has been made in the last 30 or 40 years in getting new occupations which blind people can follow successfully by those connected with institutions, but in individual cases blind men have demonstrated that there are few things they can not do if they have the will and the ambition to tackle the job. As near as possible, the blind soldier should be trained to do the things he did before going into the Army. This may seem like a broad statement to ask a man to do the thing without his eyes that he did when he had full vision, but examination of psychological principles will demonstrate that a man who is proficient in one thing with the use of his eyes will readily acquire methods of doing the same thing by touch. This fact is illustrated by the man who lost his eyesight but continued to do a great deal of writing. He is able to write after some practice, probably not as well, but yet with some precision, simply by the use of his memory and his touch, so that it seems to me that if a blind soldier were a shoe clerk, for example, when he could see, he could easily adapt himself to conditions and become a successful shoe clerk even though he had lost his eyesight. If he were a machine operator when he could see, he could be taught to operate perhaps a simpler machine under present conditions.

With the idea in mind of having a blinded soldier follow as nearly as possible the occupation he followed when he had normal vision, we are passing to some of the occupations taught in blind institutions, and to some in which individual blind men have made a very marked success.

For your information I am giving, first, the occupations taught in institutions; and, second, those in which blind men, individually, have made a marked success.

(a) The following are the chief occupations taught in institutions: Broom making, weaving, chair caning, basket making, knitting and crocheting for women, mattress making, some manual training, and piano tuning.

With the exception of the last named, these occupations are done by hand, and must compete with similar products made by machinery, so that it is impossible for a blind man to make more than $6 or $8 a week, which in these days of high prices means a mere existence. For this reason a number of the States have enacted laws providing for commissions and pensions for the blind. Piano tuning is a different sphere. For the man who can do good work it provides an excellent opportunity for making a good living. The successful piano tuner can make from $25 to $40 a week if he works for a store or factory. With the advent of the player piano, however, the piano-repair work becomes more difficult, and it is only those blind men who have a mechanical bent who are able to master the intricacies of the various player pianos. These few men are very successful.

Many blind women and a few men become successful music teachers and musicians, but it is only after years of training, and in my mind it is hardly practical for those who become blind in adult years, for the reasons that their habits are formed, their fingers are stiff, and they do not acquire music as readily as younger boys and girls would. Typewriting and telephone operating have also been taught some in institutions, but practically no effort has been made to produce successful blind typists and telephone operators. For this reason I mention them in the second group of occupations rather than in the first.

2. (a) Occupations in which individual blind men have made a marked success:

A number of very successful lawyers have been blind. Some of these men have lost their sight in later life and have turned to the profession of law after losing their sight. In order to do this several qualities are necessary—first, a good education; second, an excellent memory; third, a clear, logical mind.

There have been a number of instances where blind men have made successful physicians. One of the most successful tuberculosis sanitariums in the country is conducted by a blind man at Monrovia, Cal. And still others have made a success as chiropractitioners and osteopaths. These two branches of the medical profession are especially adapted to blind men because they rely almost wholly upon touch for their results.

Another fruitful field of endeavor for blind people is that of insurance. If a man has known the insurance business before losing his sight, or if he has a pleasing personality and the ability to remember figures and forms of policies, there is no legitimate reason why the loss of one's eyes should be an insurmountable handicap to becoming a very successful writer of insurance. Many of the large companies already have employed blind people, and they have shown that they are very capable of producing results, which are what all commercial concerns are after.

Salesmanship: This is a field in which adult blind men have taken hold and have made wonderful success. I have in mind two men of my acquaintance who lost their eyesight by accident when they were up in years, one of whom operates a large furniture house, and the other is the most successful salesman for a large paint and varnish concern in the city of Cleveland. These men were both blinded in middle life and had to readapt themselves to their new conditions. This is a very productive field for blind men.

Typewriting: I have known of several cases where both blind men and women have made a marked success in the operation of the typewriter. With the use of the dictaphone so common, I see no reason why this should not be done more.

Telephone operating: I have known of a number of men and women who have successfully mastered a switchboard, and with the use of the buzzer system this should be very easily taught.

Telegraphy: I have known of two telegraph operators, but they did nothing but receive. It would be difficult for blind men to send and receive, because of the reading involved; but I see no reason why they should not be taught the Morse code and the wireless code and become successful receiving operators with the aid of a typewriter.

Machine operators: I know of five blind men in various parts of the country who are working in factories operating lathes, drilling presses, milling machines, armature winders, and other machines. With the modern safety appliances now in use in factories and with the introduction of almost fool-proof automatic machines I see no reason why blind men should not operate successfully many machines in factories, especially where they were used to such work before entering the Army.

Executives: I know of many large business institutions which are managed by blind men. One of the largest factories in Chicago has for its owner a blind man who lost his sight when he was 30 years old. A large undertaking concern in Cleveland has for its manager a blind man who lost his sight when he was about 22. A bank and a department store of which I know have for their owners and managers blind men. Senator GORE and Congressmen SCHALL and Fitzpatrick have demonstrated what blind men who lose their sight in their youth can do as executives and leaders.

This is but a partial list of occupations, but it is sufficient to illustrate the variety of callings in which blind men have made a marked success. There is no valid reason why any or all of these occupations should not be made use of in training the boys who come home without their sight from the battle field of Europe.

VI. WHAT CAN THE PUBLIC DO?

(a) The big thing is to treat the blind soldier with the same consideration you treated him before he went to war. I have known of many men and women who are in social work who are very courteous and very nice to blind men and women when they are in that work, but when they are outside of their work they seem to shun them. They seem to feel that there is somehow a difference because of the fact that the man or woman has lost his or her eyesight. The big thing to try to impress upon the public is that when a man loses his sight it does not change his ways of life; he should not change his attitude of mind, and it should not change the attitude of the public toward him. The blind man has the same passions, the same ideas, the same ambition, and the same aspirations as the people who see him, and the public should recognize this fact and accord him the same courtesy, the same consideration, and the same respect as they would a seeing brother. Fraternal organizations and clubs who have blind soldiers among their membership should see to it that these men are on committees; that they are called upon to talk; that they are given offices, and given the same things that they received before they went to France.

The attitude of the public to-day is one of pity. This is so because of long years of education along that line. The Bible refers to blind men as beggars. Shakespeare treats the blind man as a hopeless being, incapable of doing a man's work in a community. Modern literature likewise sympathizes and pities the blind. It is for this reason that it is so hard for one who has lost his sight, who can really do things, to get an opportunity to show just what he can do. It is for this reason that blind men and women are looked upon as beings from another world, and it is this attitude of the public which the Young Men's Christian Association can do much to change in its dealings with blind soldiers.

LINCOLN'S BIRTHDAY, FEBRUARY 12.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that on Lincoln's birthday, the 12th of February, the gentleman from Illinois [Mr. GRAHAM] be allowed to address the House for 30 minutes on the life of President Lincoln.

Mr. RUSSELL. Mr. Speaker, reserving the right to object—I am not going to object, of course—for four or five years past I have on that day, with the permission of the House, read Lincoln's Gettysburg address, and I ask that I be permitted to read that address first and then let the gentleman from Illinois follow.

Mr. GILLETT. I am quite willing to accept that as an amendment.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that on Lincoln's birthday, February 12, after the reading of the Journal and the clearing up of business on the Speaker's table, the gentleman from Missouri [Mr. RUSSELL] read Lincoln's Gettysburg speech, and that the gentleman from Illinois [Mr. GRAHAM] be then permitted to address the House not to exceed 30 minutes; of course, not to interfere with conference reports and privileged business. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATIONS.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The SPEAKER. The gentleman from South Carolina moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. CRISP] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, with Mr. CRISP in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9054. When the committee rose at its last sitting there was pending an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MCLAUGHLIN of Michigan: Page 13, line 19, strike out the figures "$250,000" and insert in lieu thereof "$500,000."

The CHAIRMAN. Under agreement of the committee, debate on this paragraph and all amendments thereto was limited to two hours, the gentleman from Michigan [Mr. MCLAUGHLIN] to control one hour of that time and the gentleman from South Carolina [Mr. LEVER] the other hour. The Chair recognizes the gentleman from Michigan.

Mr. MCLAUGHLIN of Michigan. Mr. Chairman, I expect now to occupy only five minutes. The amendment I have offered, if adopted, would increase the amount of money available to the Bureau of Animal Industry for the work of eradicating tuberculosis in live stock. Several speeches, all good, were delivered a few days ago in general debate, showing the general prevalence of tuberculosis in live stock, how it is growing and spreading, the extent of the loss and damage, and the danger also to human life.

I think, Mr. Chairman, that as my time is so limited I should confine myself to a statement as to how this matter arose and the status of it as it comes before the House. Some gentlemen, particularly interested in the subject, had interviewed the Chief of the Bureau of Animal Industry, Dr. Mohler, as to whether or not the disease of tuberculosis in live stock could be eradicated. He replied, stating without qualification, that it could be eradicated. He was asked further how much money his bureau could properly and economically expend during the coming year in carrying on that work, and he said he could use $1,000,000.

The fact was called to his attention that many veterinarians would be required and that many of them are now being employed by the Government of the United States, enlisted in the military service, and he was asked if, in view of that situation, he would be able to obtain the veterinarians needed. He said: "Yes; I can obtain the veterinarians. I can get the men if the money suggested is appropriated for the purpose."

Later the Secretary of Agriculture recommended the appropriation of only $250,000, and stated that that is all the money that can be profitably and properly used during the coming year. I have great respect for the Secretary of Agriculture. I esteem him as one of the great men in this administration, and I hesitate to differ from him.

In fact, I think I do not differ from him, believing that he has made this statement having in view the necessity of other large appropriations and the need of economy, and believing, too, that he would prefer that this matter should be put up to, considered, and settled by Congress, rather than that he alone should determine the amount of money that should be appropriated. And if I may be permitted to choose between the eminent Secretary of Agriculture and the chief of his bureau as to the amount of money that can be properly used, I may be pardoned if I choose to follow the chief of the bureau, who knows the work, has been engaged in it, and knows the kind of work that he will carry on. Under him will be the employment of the men and the use of the entire sum. He says, without qualification, that $1,000,000 can be used. Mr. Chairman, he made that statement to two of the Members of this House before the matter was taken up by the Secretary of Agriculture, and in justice to him it should be said that he holds to his original statement in spite of the statement made by the Secretary.

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. MCLAUGHLIN of Michigan. I prefer not to yield now. My time is so limited. In that condition the matter came up before the Committee on Agriculture, and a recommendation was made that only $250,000 should be appropriated for this work. I believe, Mr. Chairman, that my amendment, which would carry $500,000, ought to be adopted. Tuberculosis in cattle has increased in the last 10 years from 0.58 per cent to 3.35 per cent, and in the slaughterhouses where swine are slaughtered the percentage of animals found to be affected with tuberculosis during the year 1916 runs from 3 per cent to 24 per cent. A large part of the cattle slaughtered in these houses come from the ranges, and the large areas of the country, where the disease has not been so prevalent as in other parts and where conditions are not such as to encourage and permit its spread. Think, then, of the condition that must exist among the dairy herds that are largely confined and kept under conditions which encourage the development of tuberculosis.

The chief of the bureau says:

Tuberculosis can be eradicated from all the cattle and all the swine in this Union; otherwise the Department of Agriculture would not have embarked upon such a tempestuous campaign. To support such a broad assertion there is abundant evidence obtained from the school of experience covering a period of several years.

He goes on to give the names of the States in which the work has been successfully carried on and in which tuberculosis has been practically, if not altogether, eradicated. He says—

Furthermore, wherever and whenever an effort was made to eradicate the plague and the earnest cooperation of the live-stock owners and officials has thus been obtained, success has never failed to crown the enterprise.

Herds of cattle which have at the inception of the campaign contained 75 per cent of diseased animals have been freed of the malady and have remained as free herds.

Herds which on the first test were found free of disease have, by the prudent care of their owners, been kept free of tuberculosis.

The experience the department has had, as outlined here, has been enjoyed by the veterinary officials of some States. The preponderance of successful experiments, if we may call them such, is convincing proof that when conditions are favorable tuberculosis may be eradicated.

He says also:

The American people can eradicate tuberculosis, or prevent its eradication, or increase its presence.

In 1907, the bureau first undertook systematic investigations in regard to the eradication of bovine tuberculosis, and the results which have been obtained through 10 years of study indicate that the eradication of tuberculosis of cattle and swine is probably the largest and most difficult problem which the bureau has undertaken to solve for the benefit of the live-stock industry and the general public, which benefits from the advancement of that industry.

And he goes on to say that it is a demonstration and not a theory, not an experiment, that the disease can be eradicated, and under proper care when once eradicated it does not again appear.

Mr. Chairman, the interest of the membership of the House in this subject of tuberculosis in live stock has been revived

and greatly aroused by facts brought to their attention by the gentleman from Nebraska [Mr. SLOAN], who has, in his usual intelligent and thorough manner, elicited facts and figures showing the prevalence and rapid spread of that plague, and that it can be eradicated. He seems to have been able also to attract the attention and arouse the interest of the Bureau of Animal Industry, and the chief of that bureau, adopting the suggestion made to him by Mr. SLOAN that an appropriation of $1,000,000 ought to be made, promises, and I am sure will inaugurate and carry on a vigorous campaign for the eradication of tuberculosis. Everyone who knows existing conditions will welcome that campaign, and State authorities will give prompt and effective assistance in carrying it on.

Let the work begin at once and let there be abundance of money available to enable officials of the department to carry it on properly and to a successful end. I trust my amendment increasing the appropriation by $250,000 will be agreed to.

I reserve the remainder of my time.

The CHAIRMAN. The gentleman consumed nine minutes.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Chairman, this item in the bill is a new item. It carries an appropriation of $250,000. The committee gave to this matter full and thorough investigation, had a hearing upon this specific proposition, and gave full consideration to everything that was suggested in reference to it.

Nobody denies that this condition exists throughout the country, and that it ought to be remedied. We are anxious to do what can be done in that direction; but we all recognize the fact, or at least ought to recognize the fact, that you can not accomplish everything in a day; that it takes some time to accomplish anything, no matter what you may undertake and to make proper preparation to begin the work. We sought the very best information that could possibly be obtained in reference to the facts as to conditions throughout the country, and what could be done to reach an effective remedy in the most efficient manner in the shortest possible time. Wanting information upon this subject, and desiring it from the source which we believed could give us the best information to be obtained, we went to the Secretary of Agriculture himself, and he recommended the sum carried in this bill, $250,000. The Secretary of Agriculture advised the committee that in his opinion the department could effectively use $250,000 during the next fiscal year. Now, the gentleman from Michigan [Mr. MCLAUGHLIN] says that the chief of the bureau says that he can use $1,000,000. Well, we all know that the chiefs of these bureaus are anxious at all times to enlarge their activities, and that they advise us sometimes that they can use a great deal more than the Secretaries of these executive departments oftentimes believe they can use advantageously or ought to be permitted to use. The gentleman from Michigan [Mr. MCLAUGHLIN] says that as between the Secretary of Agriculture and the chief of this bureau in this instance he would take the advice of the chief of the bureau. I prefer, and I believe it is wise, to take the advice of the Secretary of Agriculture, the head of this department, as to what can be done and as to the most effective way in which it can be done.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. CANDLER of Mississippi. I have only a very little time remaining.

Mr. MOORE of Pennsylvania. Will the gentleman tell us to what extent the States cover this question of tuberculous cattle? What do the States themselves do?

Mr. CANDLER of Mississippi. The States themselves at present are doing practically nothing along this line of work. They depend upon the Government, like they often do in reference to other matters, to do the whole work.

Mr. MOORE of Pennsylvania. My information is that many of the States are exercising a great deal of care and spending a great deal of money for this purpose.

Mr. CANDLER of Mississippi. Yes; in quarantine work. They are supposed to exercise all the activities they can along that line, but when it comes to expending money outside for the purpose of eradicating the disease and going to the root of it, they are not doing anything along that line.

Mr. SLOAN. Will the gentleman yield?

Mr. CANDLER of Mississippi. I regret I can not. I have but five minutes. Now, as I understand the amendment, it seems to me that we ought to take the advice of the Secretary himself, and while the work is a good work and I want it distinctly understood I favor it, and it ought to be done and will be done, nevertheless, we should go about it in a businesslike way of utilizing what the Secretary of Agriculture says can be utilized effectively in order to bring about the best results. If we attempt to go beyond that we stand a chance of not utilizing the money effectively and of wasting the money in an effort which can not be directed in the proper course because the machinery to secure best results is not available at present. Therefore I believe that the amendment of the gentleman from Michigan increasing the appropriation ought not to be adopted, and that you should stand by the best judgment of the committee which brought in this report unanimously, and by the judgment of the Secretary of Agriculture, and that you should stand by the amount specified in the bill. [Applause.]

Mr. MCLAUGHLIN of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MCKINLEY].

Mr. MCKINLEY. Mr. Chairman, I come from an agricultural district. The farmers of my district have the highest appreciation of the work of the Department of Agriculture. I find the department always willing to help for the benefit of the people of central Illinois. Therefore, I want to uphold their hands in every way. It is hard when we juggle the great figures of to-day, the immense appropriations, to appreciate the vast amount of funds going to different departments of the Government, and it is only by comparison that we can judge of the proportion that each department gets. For instance, the Department of Agriculture this year will receive in this bill about $27,000,000. We appropriate for one battle cruiser upward of $30,000,000, more than the Department of Agriculture will get for agriculture in all the United States. We know that one battle cruiser can not go across the ocean unless food is furnished. All over the United States we have appropriated hundreds of millions of dollars to be expended for temporary cantonments on rented lands. We pay eight or ten million dollars for one camp, while we are only appropriating $27,000,000 for the whole Department of Agriculture.

Mr. Chairman, I was very much impressed when the statement was made before our committee that 15 per cent of all the hogs slaughtered in Chicago were affected by tuberculosis; that 24 per cent of all the hogs slaughtered at Milwaukee were affected by tuberculosis. The information was given to us that tuberculosis originates in cattle and then spreads to the hogs in the country. We were informed that if it was eliminated from the cattle it would be eliminated from the hogs.

Again, comparisons are what we must judge by. We are told that there are 20,000,000 head of cattle in the United States subject to the cattle tick. The department will receive this year in this appropriation bill some $600,000 for the elimination of the cattle tick. I know that they will use it properly, and it has been of great benefit to the country. There are 20,000,000 cattle subject to the cattle tick and 130,000,000 cattle and hogs subject to tuberculosis. If the same proportion of appropriation was made there would be provided in the bill some $4,000,000 in the elimination of tuberculosis from the cattle and hogs instead of the $250,000 provided in the bill, or the $500,000 asked for in the amendment offered by the gentleman from Michigan.

Taking into consideration, gentlemen, the fact, which I will repeat again, that 15 per cent of the hogs slaughtered in Chicago, the greatest packing district in the United States, and 24 per cent of those slaughtered in Milwaukee are affected with tuberculosis, it certainly seems to me very important indeed that we should give to the Department of Agriculture a liberal sum for the elimination of tuberculosis, and I hope that this committee will support the amendment offered by the gentleman from Michigan increasing the appropriation—not to $4,000,000, which would be the proportion that they ought to have, but to $500,000. [Applause.]

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. YOUNG].

Mr. YOUNG of Texas. Mr. Chairman and gentlemen of the committee, I heartily agree with the gentleman from Illinois, who has spoken with reference to the importance of this Government undertaking to deal with the disease of tuberculosis among cattle. The gentleman from Illinois and the gentleman from Nebraska and the gentleman from Michigan will find no quarrel with me as to the great importance of the subject matter involved, because I have the honor to represent in part a State which produces eight times as many cattle as any other State in the Union, and when this question is broached it touches my State, with its 8,000,000 head of cattle. While I recognize the importance of the item, I also recognize the fundamental principle that ought to underlie every appropriation that this Congress makes, and that is the business principle, "Don't give any money unless you know that you have the appropriate machinery to spend that money effectively." [Applause.] We have not got that machinery, and we must depend upon the Department of Agriculture to furnish that machinery in due time. They tell us now that they can not get veterinarians, because

the war has made a great demand upon these professional people, and that they are not to be had. When the question is asked them for their best judgment on every dollar that they can legitimately use in the next fiscal year, they respond that $250,000 is every single cent that can be used.

Mr. MONDELL rose.

Mr. YOUNG of Texas. Not now; I have not the time. They are the people who are going to spend the money. That question has been asked more than once. It is said in an indirect way that the chief of the bureau tells us that they can use $1,000,000. He made no such statement before the Committee on Agriculture, on which committee action must be had, and that statement was never made in that committee. If you enter the field of destroying cattle and hogs that are afflicted with this disease, and undertake to pay for destroying the cattle, $10,000,000 can easily be expended. But what are we, as the Committee on Agriculture, called on to do? Here is a great problem which is now being attacked. The gentleman from Illinois [Mr. MCKINLEY] refers to the cattle-tick item. I believe it was in 1906 that less than $100,000 was the first appropriation on that item. If you had then made an appropriation of a million dollars to attack that problem, which was a serious one, that million dollars would have been wasted, and we would not have been advanced any further than we are at this time. It takes time to educate people and to organize and to get these matters before the country, and you have got to have the cooperation of the people and of the legislatures of the respective States.

We did not make any headway in the cattle-tick item until an educational campaign was carried on, and when that campaign was had and we woke the people up to the problem that confronted them, the legislatures of the several States enacted laws compelling the dipping of their cattle, and by 1921 we hope the entire South will be free from this evil. But we went about it in a systematic way. We used a small appropriation at first. We enlarged this as demands and organization came, and we have obtained results by that enlargement. It was just the same with this tuberculosis item. I am ready to enlarge it when we get the organization; I am ready to spend every dollar that can be legitimately expended just as fast as the subject matter can be brought to the attention of the people of the country; and I am as intensely interested in stamping out this disease from among our cattle and hogs as any gentleman on the floor of this House. But we must do it in a businesslike, systematic way.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. SLAYDEN. May I ask my colleague if any other method for the treatment of tuberculosis in cattle has been discovered or is resorted to than the slaughtering of the afflicted herds?

Mr. YOUNG of Texas. That is the only way that has been found by which you can destroy it, and I have but to call the attention of the gentlemen of the House to this fact: This same disease is in the human family, and millions of dollars have been expended all over the country endeavoring to eradicate it, but we have not been able to do it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield seven minutes to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. Mr. Chairman, I want to direct what I have to say to the proposition that the States are doing something toward the eradication of tuberculosis, and that it is possible, by the use of proper administrative measures and by proper legislation, to eradicate the disease. But the States can not do it by themselves. This is not a State problem; it is a national problem. No State can keep itself clean from tuberculosis, no matter how efficiently its laws may be enforced, unless similar legislation, similar administration, is enforced in the States which surround it.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I have only a minute, but I yield for a question.

Mr. SLAYDEN. I could not do it in a minute.

Mr. ANDERSON. I can not give the gentleman more time.

Mr. SLAYDEN. I only wanted to ask a question.

Mr. ANDERSON. Oh, I yield to the gentleman for a question.

Mr. SLAYDEN. The gentleman says that by proper legislation tuberculosis in cattle can be eliminated.

Mr. ANDERSON. And by enforcement of the law.

Mr. SLAYDEN. I would like to know how. Have the scientists discovered any method of treating it effectively except to destroy the herds?

Mr. ANDERSON. And by segregation.

Mr. SLAYDEN. The gentleman means letting the climate cure them?

Mr. ANDERSON. No. Minnesota was one of the first States to undertake the eradication of tuberculosis. I think more efficient work has been done there than in any other State. We have been in this work since 1904, and I desire to present some figures as to what has been accomplished in that State with a view of demonstrating that it is possible to eradicate tuberculosis. In 1911 in the State of Minnesota 4,405 cattle were tested. Three thousand five hundred and three of these cattle had been previously tested and the reactors segregated or destroyed, and of the number previously tested only nine-tenths of 1 per cent were found to be affected. As to those upon whom the first test was applied, 16 per cent were found to be affected. In 1916, of 4,700 cattle previously tested, only eight one-hundredths of 1 per cent of the cattle were found to be affected. Of those upon whom the first test was made, 9.5 per cent were found to be affected. In 1917, of 7,279 cattle previously tested, there was not found a single reactor. Of 2,193, which were then tested for the first time, 10 per cent were found to be affected with tuberculosis. But the singular thing and the impressive thing in connection with this test is this, that as to the 2,193 cattle that were tested for the first time, of which 10 per cent were found to be reactors, it was found that of this 10 per cent 60 per cent were imported into the State.

In three months of 1917–18, 3,225 cattle were retested. Of this number four one-hundredths of 1 per cent were found to be reactors, while of 329 tested the first time 15 per cent reacted, and of those 50 per cent came from other States. From 1902 to 1910, 122,978 cattle were tested, of which 7.8 per cent reacted. From 1910 to 1917, 248,586 cattle were tested, and of this number 3.7 per cent reacted. In other words, these figures show a progressive decrease in the number of cattle affected with tuberculosis in the State of Minnesota, and they show that the cattle that reacted from the test were very largely imported from other States. The logical conclusion of these statistics is that no State can effectively cope with this problem unless it is made a national problem and unless every State undertakes to eradicate tuberculosis. It is not a State problem. Just now it is more peculiarly a northern problem, but the South is about going into the cattle business. Much of its pure-bred stock will have to come from the North, and the South is therefore just as much interested in seeing that tuberculosis is eradicated in the northern herds as the northern people themselves, because their problem will be greatly increased in difficulty if infected cattle from the North are imported into the South for breeding purposes. Now, the gentleman from Texas [Mr. YOUNG] suggests no difficulty in finding men to carry on the work of eradicating the pink bollworm, for which we propose to spend $500,000. He found no difficulty last year in finding men to accept the pay under the item for the eradication of the southern cattle tick, and many of those men are veterinarians. Why should he insist that men can not be found to carry on this work? Twenty States, to-day, by law, require tests of cattle and the destruction of those which are found to be absolute reactors. In 15 of these States compensation is paid by the State up as high as, I think, to three-fourths of the value. In other States, while it does not specifically provide for compensation, of course compensation could be obtained. No effective work can be done anywhere unless provision is made for compensation for cattle slaughtered.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. FOSTER having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, informed the House of Representatives that the President had on January 26, 1918, approved and signed bills of the following titles:

H. R. 6176. An act extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va.; and

H. R. 7697. An act to authorize the calling into the service of the United States militia and other locally created armed forces in the Philippine Islands, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LEVER. Let me inquire of the gentleman from Michigan how many speeches he has?

Mr. McLAUGHLIN of Michigan. I have several more applications than I can accommodate.

Mr. LEVER. I suggest that the gentleman take one more speech now.

Mr. McLAUGHLIN of Michigan. I yield five minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, it is not my intention to take very much time of the committee this morning, but I want to call particular attention to the subject of tuberculosis in cattle as strong as it is possible for me in language to do. You know I have been studying this question for the past two years, and I am thoroughly convinced that if there is one thing that Congress ought to do and do quickly it is to eradicate tuberculosis in cattle in this great country of ours. Why should we be appropriating to eliminate all kinds of pests and diseases, worthy as those appropriations are, and neglecting to appropriate for the eradication of tuberculosis, when scientists all tell us that a large part of the tuberculosis in the human race is caused by impure milk from tubercular cattle? Why should we stand idly by and see 6,000 children a year die of bovine tuberculosis while we appropriate some $600,000 for the boll weevil and hundreds of thousands of dollars for hog cholera and thousands of dollars for the eradication of cattle tick and all these other things, though, as I say, they each and every one are worthy and are necessary? Yet we stand by talking and parleying over the appropriation of a little more money which means life for the children of this country, more largely perhaps than for grown people, although it means the life of grown people as well. We all know that milk and milk products go to the stomachs of the children of this Nation in their raw state. There is no cooked process about them. We have granted a meat inspection—a very wise and worthy law—but you know that the meat that goes into the human stomach goes in there in a cooked state, and yet here is milk, butter, and cheese, carrying tuberculosis germs from 2,000,000 cattle, going into the stomachs of children and grown people of this country in a raw state; and we stand here and talk as if we could not appropriate more than $250,000 because some one says that some man in the Agricultural Department says——

Mr. COX. Will the gentleman yield?

Mr. LINTHICUM. I have only five minutes. If you will give me additional time, I will.

Mr. COX. I want to know how many cattle have tuberculosis?

Mr. LINTHICUM. Two million cattle of this country have tuberculosis.

Mr. COX. Does that mean milch cows?

Mr. LINTHICUM. The milch cows of this country. We have 22,000,000 of cattle in this country, and that means about 1 to every 10 of the cows of this country are spreading the disease germs of tuberculosis. We stand here and say we can not give $500,000 to carry on this work. I had a talk with Dr. Mohler, and he said if you will give $1,000,000 he can put men at work eradicating this disease in the next few years, but if you only give $250,000 he can only go about it in the present slow process; that if he had $1,000,000 he could send men to stir up the States, that he could employ persons to go before the people and let them know that this thing ought to be eradicated, and that he could use $1,000,000 with great efficiency. In the long run it will not cost the United States any more, because you merely hold it down with $250,000, whereas you can proceed to eliminate it with $1,000,000.

Now, I do not wish to go into the vast details of this matter, as I have not the time; but you have read my remarks, and you know that there are some hundreds of labor clubs of this country, some hundred women's organizations in this country, and numerous other clubs, aggregating several hundred, which have indorsed this proposition, and those indorsements have been filed in Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. I ask for two minutes more.

Mr. McLAUGHLIN of Michigan. I yield to the gentleman two minutes more.

Mr. LINTHICUM. There are some hundreds of clubs which have passed resolutions asking Congress to eradicate tuberculosis. Now, gentlemen, I sincerely hope this committee will vote to give us certainly the $500,000; but we ought to have $1,000,000 in order that we may get to work to eradicate the trouble. What is the use of being compelled to pasteurize milk and to cure the disease germs when you can go to the root of the evil and eradicate tuberculosis and have the milk pure? Instead of that, we go along with impure milk and go to work pasteurizing it, just as in cities that had impure and muddy water—we would boil the water. What did we do then? We put in great plants to purify the water before it went into the homes. Let us appropriate enough money to purify this milk and eradicate tuberculosis and save 6,000 babies in this country every year. I tell you, as I told you on Friday, that we talk about conservation of food and fuel, and this, that, and the other; but one thing above all others ought to be conserved, and that is the human white race on this earth—with this great war going on and killing off thousands of white people every day and every month, while the other races are propagating. Instead of conserving our race we allow bovine tuberculosis to kill 6,000 babies each year. What I want to say is that you should eradicate tuberculosis, and thereby conserve the human race, so that these children will not be killed off by bovine tuberculosis. Now is the time to do it by voting for this amendment and telling the Bureau of Animal Industry to get busy and eradicate the evil.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, there is nobody of the mind to disagree about what the gentleman has said as to the eradication of tuberculosis in live stock. The question is, How are we to get at that eradication? The Committee on Agriculture is as anxious to eradicate tuberculosis in milk and in live stock as any other group of men on the globe, but we must be guided by what the Department of Agriculture, which has to spend this money, has to say about what they can do with the money that we give them. We have already provided in this bill $50,000 more for the eradication of tuberculosis than the department estimated for. We have provided in the bill, in giving $250,000 for eradication of tuberculosis, the maximum amount that any witness appearing before our committee testified they could reasonably spend during the next fiscal year. An effort was made by leading questions to get witnesses from the department who know how the money is going to be spent to say that they could use $500,000 or $1,000,000, and not one would say that they could use over $250,000. Therefore the committee can not take the people's money and throw it to the winds. If the department can not spend this money in a legitimate way and in an effective way, why should we give them money which they do not want and which they can not use? The Committee on Agriculture is liberal. It wants the department to have every cent it can use, but when they can not use it why appropriate it?

Mr. LOBECK. Does not the gentleman think that they were very moderate in their demands, considering the largeness of the proposition?

Mr. DOOLITTLE. I think they were moderate; yes. I hoped they would say they could use $1,000,000.

Mr. LOBECK. Do not the departments usually ask for more than they want?

Mr. DOOLITTLE. Sometimes they do. And the estimates in this case seem to be moderate. But witnesses appeared before our committee, and the maximum that any man would state was that they could use but $250,000.

Now, there were reasons for that. One of the reasons is that there is a great shortage of veterinarians, as my friend from Nebraska knows.

Mr. LOBECK. That is true.

Mr. DOOLITTLE. The Government at this minute wants 2,000 veterinarians and is unable to get them.

Mr. LOBECK. If they were willing to pay them a fair salary, they could get them, could they not?

Mr. DOOLITTLE. I think not, because you can not make a veterinarian overnight. They have to go through several years in training.

The department is not opposed to the proposition. It wants to make the eradication of tuberculosis complete, but it can not do it with money alone. The department can not turn the money loose unless they have some way to spend it, and they do not want to spend it in a useless procedure by giving it to some men or giving it to clerks down here in the department. They might bring in a bunch of clerks and let them warm the seats and pay them good salaries, but that would not be an eradication of tuberculosis.

Mr. LOBECK. The reason they do not get the good men to-day in the Bureau of Animal Industry is because those men get more pay in other lines.

Mr. DOOLITTLE. That is not the question here.

Mr. LOBECK. You are in favor of a large appropriation?

Mr. DOOLITTLE. I am in favor of as large an appropriation as the department can spend to good advantage.

Mr. LINTHICUM. Was not Dr. Mohler absent on that day the gentleman refers to? Was he not absent in the West?

Mr. LEVER. Dr. Mohler made a statement on the subject. But on the day referred to he was not there.

Mr. LINTHICUM. So far as the veterinarians are concerned, I had a veterinarian of 10 years' practice, and asked them to take him, but they said they had more applications than they needed and could not take him on.

Mr. DOOLITTLE. Appointments are made under the civil-service regulations.

The gentleman is mistaken about the scarcity of veterinarians in the department.

Mr. LINTHICUM. I do not know. That is what they told me. That is all I know.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The gentleman from Michigan is recognized.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. LITTLE].

The CHAIRMAN. The gentleman from Kansas is recognized for five minutes.

Mr. LITTLE. Mr. Chairman, the gentleman from Texas [Mr. YOUNG] a few moments ago, I notice, conceded the magnitude of the evil of tuberculosis and the necessity for the remedy, but, as I gathered from what he said and from what has just been said by the gentleman from Kansas [Mr. DOOLITTLE], the trouble is they have not the people who would go ahead and do this work. Well, if the evil is so acknowledged and the necessity so great, when we have appropriated the money we shall have done our duty, and then it is up to them. If half a million dollars is not enough, then let us make it $2,000,000. If they can not hire veterinarians to do this work with what they have now, let us give them some more. Here is one of the greatest evils that threatens this country, one of the greatest dangers that has menaced it, and 20 States are working at it now.

I have seen this House spend $600,000,000 in two hours' time without batting an eye and without ever getting an answer to a question as to what it was for, except the general proposition; and yet when a man comes in here and wants you to grant $500,000 to fight tuberculosis you say you can not get the men necessary to do the work. Why, this $500,000 would only employ 300 men. By giving the money you can have them go out and get the men. You can not find 300 veterinarians!

This bill appropriates $620,000 for the eradication of the southern cattle tick; for promoting standards and investigating the ginning, baling, compressing, and tare of cotton, $45,000; for farmers' cooperative demonstration and for the demonstration of the best methods of meeting the ravages of the cotton boll weevil, $650,000; to keep the Mexican pink bollworm of cotton in Mexico out of the United States and survey him on his native heath in Mexico, $100,000; to make the aforesaid pink Mexican bollworm an outlaw on all lands and seas, to be killed at sight, $400,000. Here is $1,815,000 to be expended in the cotton belt, including the area of the Texas cattle tick. Evidently there is ample supply of men for this business. Then I find that you have appropriated $250,000 to stamp out tuberculosis in cattle; and when the gentleman from Michigan modestly asks you for $500,000 we are gravely told that there are not men enough in the United States to be had on whom could be expended half a million dollars to fight against the ravages of a disease which not only assails dumb brutes and cotton patches, but is a standing menace to every home in the United States. If everybody in the cotton belt in civil life is going to put in his time running down the Mexican bollworm and the Mexican cattle tick, we will have no gentlemen from that territory to fight the tuberculosis.

But will this not open the way for the employment in civil life of somebody north of the Ohio River? Have not the gentlemen so confined their employment of civilians to the cotton belt that they wholly overlook the fact that in the cow country and the wheat country and the corn country there are many good men of both political parties who could be persuaded for a consideration to enlist under the Government flag in helping the Agricultural Department? The terrific menace which tuberculosis is has of itself forced a demand for and a supply of veterinarians such as was never before known, and every man in Congress knows that the statement we can not secure enough veterinarians to draw salaries amounting to $500,000 for investigating the dairy cattle of this country is absolutely without any foundation whatever. I can state without fear of successful challenge that if every dollar of the $1,815,000 appropriated for the cotton-belt ticks and worms were turned over to the fight against tuberculosis it would improve this bill 100 per cent. The people of South Carolina do not milk enough cows to have any serious appreciation of what it means to a dairy country to fight tuberculosis.

Last year Swift & Co. sold $875,000,000 worth of meat products. The Armours sold in this country $575,000,000 worth of meat products. Last year Swifts cleared $32,000,000 and Armours in the United States $21,000,000 selling meats. Armour made 2.21 per cent, Swift 3.7 per cent on every dollar of sales. The Armours cleared 21 per cent on their capital stock and, they state, 14½ per cent on their net capital. Besides their foreign holdings Armours had at the close of last year a capital stock of $100,000,000 and a surplus of $56,000,000. Their bills and accounts payable had risen from $41,000,000 to $101,000,000 in that year. Their balance sheet showed as resources $314,000,000 in the meat-packing business. From those figures you can begin to get an idea of the immensity of the cattle trade and its evils that attack us and the broad spread it makes among the people. Those facts in themselves should be enough to induce the House to be liberal in such a thing as this.

Within the last half century I have myself seen this great industry spring from nothing under my eyes. When I went to the district which I now have the honor to represent here, Kansas was a cattle country, a buffalo-cattle country. The frontier village in which I resided, far from a railroad, had in every other home a buffalo robe and every season buffalo meat for sale in the butcher shops. A neighbor kept a buffalo calf in his yard. In a spirit of scientific research once, at the mature age of 12, I hurried along a bunch of buffalo with a stick, just to see what could be done, and older men have hurried them all away as carelessly. That such a change could come in a lifetime seems almost incredible. What will it be hereafter?

As they disappeared the longhorns came across the Indian Territory from Texas. Infested with the Spanish fever and the Mexican tick, they were not allowed to be driven into Arkansas and Missouri. Accumulating in vast numbers at the close of the Civil War, after the Confederate Army market terminated, one year, in the late seventies, Capt. King and the other big cattlemen started hundreds of thousands of them across the prairie headed for the Kansas Pacific Railroad, just built toward Denver. A shrewd man, Joe McCoy, secured a contract with the Kansas Pacific, built stockyards at Abilene, where I long lived, staked out a line of travel from the Arkansas River crossings toward his stockyards, erected signs, and the whole Texas trade landed at Abilene as seamen find a safe harbor. For several years that little village was the greatest cattle mart in the world, while Wild Bill reigned as marshal and monarch. Then the longhorn passed away in the wake of the buffalo, and they brought in the little round cows from the East and England, and tuberculosis and dairy farms and creameries, and established where I now reside a packing house whose firm this year put out almost a billion dollars of packed meats to go into millions of homes. Do not quibble about getting a few men. This is a big proposition, gentlemen, and I hope you can think of it in a big way. Will you permit the great future of this trade to be undermined by this dread enemy unchallenged while you run down the pink bollworm and the boll weevil that are only injurious to crops, not life?

The second Kansas district supplies more foodstuffs to the world than any other district in the United States. We are second in packing-house industries, and second in flour milling industries, and we have eight large agricultural counties besides. You have just shown your thoughtfulness for the wheat farmers out there by cutting off 20 per cent or so of the price of the farmer's wheat. But he does not grumble. You did not cut it off of cotton. You did not reduce the price of arms or ammunition, nor of any great product but wheat. When you have attempted to remedy the evils that attack cotton we did not quibble. I hope you will stop a moment and think about the people from whom you have taken 20 per cent from the price of wheat. You did not do that in the case of the cotton farmer, but you might just as well have done it with the one as with the other. The price of cotton was comparatively higher than that of wheat. You hear very little in the way of complaint from the wheat farmers.

These men settled on raw prairie and after years of mortgages and droughts finally reached to a place where the world was coming their way and they were getting the best end of the market. This Congress, that does not "cotton" to wheat, found it necessary to take 20 or 25 per cent from the value of the wheat that the farmers were holding for the advantages of the market, that have come to every factory and wholesale house in the Republic, and have covered every cotton field deep with yellow gold. Why should you take 20 per cent from the wheat farmer? If you had said to every man with over a million dollars, "turn into the Government, sacrifice to the war measures, 20 per cent of your accumulated holdings, it would have caused not one-fourth of the distress, but a thousand times the outcry that the wheat farmers made. Oh, the wheat farmer can place his savings by the side of his son as he goes into battle, but nobody dreamed of saying that to the millionaire and his capital. Now, when you are spending a million and a half on the cotton fields, when you put $600,000 to running down the cattle tick, half extinguished now, you rise in astonishment that we ask a paltry half million to give the country sanitary milk, butter, and meat, sound stock in the pasture by the wheat field. It ought to be $10,000,000!

The western agriculturalist is a diversified industrialist. He scarcely said a thing when he was told that it was for the interests of his country that he sacrifice. Is there no balm in Gilead? Now, comes the farmer and leads the old cow up to the rack, and says, "Here, she has got tuberculosis; take a crack at that while you spend $600,000 on the cattle tick."

All you need to do is to take Mohler's word. The gentleman from Michigan [Mr. McLAUGHLIN] and the gentleman from Maryland [Mr. LINTHICUM] both have had the same experience with Dr. Mohler. He tells us through them that he can eventually cut out tuberculosis in live stock for a million dollars if given now to begin a system. If a man asks for a billion here, he is trusted at sight. If he only asks for a million, you view him with suspicion. You have taken the word of everybody that came here without any hesitation when they were asking for hundreds of millions of dollars, and when Dr. Mohler comes up and says, by the mouths of the gentleman from Maryland and the gentleman from Michigan, that if you give him a million dollars he will begin a policy that will eradicate tuberculosis, why quibble about a matter like that? He is either right or wrong. You could not spend your money to better purpose. Why not try it?

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. LEVER. If either the gentleman from Michigan or the gentleman from Maryland says that Dr. Mohler stated to them positively that he would agree to eradicate tuberculosis in live stock for a million dollars, I will agree to it.

Mr. LINTHICUM. I do not think he said he would agree to eradicate it for a million dollars, but he said he could begin to eradicate it for a million dollars.

Mr. LITTLE. Well, I will stand on the record of what the gentleman from Maryland says. If he can begin to eradicate it, that is sufficient for me. Your bill, this bill, provides $620,000 for the "eradication of the southern cattle tick." You mean to work toward the eradication, and will want more money next year. Mohler, of course, meant to inaugurate a policy that will finally drive out tuberculosis. You might as well trifle with cholera. You have been spending hundreds of millions of dollars on less of a promise than that. [Applause.]

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. HAUGEN].

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. HAUGEN. Mr. Chairman, I have no quarrel with the gentleman from Kansas [Mr. LITTLE] or anyone else as to the importance of this appropriation. I agree that the eradication of tuberculosis is one of the most important problems that Congress has to deal with. But, gentlemen, the Department of Agriculture and the Committee on Agriculture have a number of important measures and problems to deal with. It has been the policy and the endeavor of the committee to deal with every problem that is called to its attention and to give to each problem due consideration. And, gentlemen, if you will compare the liberal appropriations made for this purpose with those made for other lines of work you will all agree, I believe, that the committee has been most liberal.

I have been interested in this work for more than a quarter of a century. Ten years ago we succeeded in making a small appropriation. This work has been conducted by the department. Last year $132,000 was expended. The department this year estimates an increase of $66,000, bringing the total up to $198,000. The committee held special hearings, and the committee increased the appropriation to $250,000, an increase of nearly 100 per cent over the appropriation made last year. When Dr. Kiernan was asked about the amount of money that might be expended to advantage we were told that $250,000, not a dollar more, could be used.

He was asked this question several times. He appeared before the committee as the representative of the department. He represented Dr. Mohler. He spoke for Dr. Mohler, and Dr. Mohler says through Mr. Kiernan that $250,000 is every dollar that can be spent to advantage in the department for this purpose.

Now, as I have said, we have other problems to deal with. We are trying to be practical. Gentlemen, are we going to take care of the small problems and overlook the larger problems? Take the appropriation made, for instance, for the study and control of the black rust. We are told that the loss resulting from tuberculosis amounts to $25,000,000 per annum. Let us look into the wheat problem. Anybody who knows anything about the destruction by the black rust will, I am sure, admit that the yield of wheat can be increased 50 per cent by eradication of the black rust. The wheat estimate for this year is 668,000,000 bushels. The average for five years was 802,000,000 bushels. Increase that 50 per cent—no, increase it only 25 per cent—and you have an increase of 200,000,000 bushels, which at the present price, about $2 a bushel, would make $400,000,000. That, my friends, is sixteen times $25,000,000. Are you as business men, are you as Representatives of these wheat-growing States going to say to the people, "We propose to give $500,000 for the investigation of tuberculosis," when you can increase the production of wheat by 200,000,000 bushels, or $400,000,000, by making more liberal appropriation for the eradication of black rust?

Mr. McLAUGHLIN of Michigan. Will the gentleman yield to me?

Mr. HAUGEN. Yes, indeed.

Mr. McLAUGHLIN of Michigan. Does the gentleman think it is a good argument, because he was not able to get the amount of money available for wheat diseases increased, to refuse to permit the increase of this appropriation for tuberculosis?

Mr. HAUGEN. The gentleman is a member of the committee, and he knows that we did increase that appropriation.

Mr. McLAUGHLIN of Michigan. How much?

Mr. HAUGEN. Thirty thousand dollars. We expended $20,000 last year for the investigation of the black rust, and at the suggestion of the gentleman from North Dakota [Mr. YOUNG] and myself the appropriation was increased to $50,000.

Mr. McLAUGHLIN of Michigan. Was it increased by as much as you asked?

Mr. HAUGEN. Yes; every dollar, which is more than double the amount estimated for by the department.

Mr. McLAUGHLIN of Michigan. Did not the gentleman from Iowa make practically the same speech before the committee that he is making now, complaining of the small amount of money appropriated for wheat diseases and of the large amount of money appropriated for the pink boll weevil? The department asked $800,000 for the new disease.

Mr. HAUGEN. We got an increase of 150 per cent and cut the $800,000 appropriation down to $500,000. The appropriation for the study of the black rust last year was $20,000, and we increased it 150 per cent, or up to $50,000. Now, gentlemen, here we have an appropriation of $50,000 for the investigation of black rust, which, if successful, may increase the production of wheat to the extent of at least 200,000,000 bushels, or $400,000,000. As the gentleman will remember, the distinguished gentleman from Illinois [Mr. McKINLEY] asked for an increase in the appropriation for the investigation of the production of corn. An increase of $25,000 was granted, making an appropriation, all told, of $65,000. So we have one appropriation of $50,000 and another of $65,000, or $115,000, for the investigation and study of the black rust and diseases affecting the production of corn and wheat.

Mr. SLOAN. Did Mr. McKINLEY and yourself get all that was asked for for these two purposes?

Mr. HAUGEN. Yes; the gentleman from Illinois got all the increase he asked for—an increase of about 60 per cent. We have increased these two appropriations about 100 per cent and a decrease of nearly one-half of the $800,000, so there is no discrimination in that respect.

Mr. LOBECK. Will the gentleman yield?

Mr. HAUGEN. I should like to yield, but my time is limited.

Mr. SLOAN. One other question——

Mr. LOBECK. I simply wish to ask if anybody is complaining because they got this extra? We were all in favor of it.

Mr. HAUGEN. I am pointing out the injustice of increasing this appropriation when we are appropriating only $115,000 for the eradication of black rust and for the improvement and increase of our corn crop. I am pointing out the discrimination against wheat and corn, the injustice of asking for $500,000 for the eradication of tuberculosis. We have in this country about 63,600,000 head of cattle, valued at $2,824,221,000. Our wheat crop alone is estimated at 668,000,000 bushels, worth at present prices about $1,250,000,000. Our corn crop is estimated at three and a quarter billion bushels; it is worth $1.50 a bushel; if so, we have about $4,500,000,000 for corn. The value of the wheat crop and the corn crop is more than double the value of all our live stock. Here we appropriate $250,000 for the study and eradication of tuberculosis. This bill carries $26,943,000. Much of that amount is available for the eradication of tuberculosis. We appropriate large amounts of money for the eradication of hog cholera. We have an appropriation for the foot-and-mouth disease, and various appropriations; and if you will go through the bill you will find that we have dollars available for the eradication of diseases in animals where there are cents available for the more important work of the eradication of diseases of wheat, corn, and other cereals. My friends, as I

started out to say, the committee tries to give due consideration to every problem, to every item, that is submitted to it. We want to do the practical thing. We want to deal with the larger things and not overlook the smaller ones. We all agree as to the importance of this item. As I have said, I have been interested in this work for 25 years. When I served in our State legislature I tried to secure legislation and appropriations for this purpose. I think I had as much to do as anybody with having this item put in the bill here 10 years ago. It has been in the bill all these years, and during all that time the department has given it consideration. As I said, $182,000 was expended last year. Some 8,000 or 9,000 cattle are being tested every month.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the gentleman will yield, I want to get at the real facts in the matter. The gentleman states that the department does not want this extra appropriation of $250,000.

Mr. HAUGEN. The subcommittee had before them Dr. Kiernan and other representatives of the department. Dr. Kiernan was asked as to the amount of money that should be appropriated, and he said $250,000. He was asked two or three times if it would not be possible for him to use more money; the answer was "No." The gentleman has spoken about veterinarians. He says if you pay the price you can get them. As the gentleman knows, thousands of veterinarians have joined the Army.

Not only from the Department of Agriculture, but they come from every community in this land. The question is this: Are you going to draw on the department for that service? The department says it requires skilled and trained veterinarians to conduct the work. Are you going to draw on the department force to do this work at the risk of neglecting other work, such as meat inspection, and take veterinarians from other communities who are now needed to do veterinary work there; are you going to say to the community, "Let us take the services of these men away from you and deprive you of their services, much needed"?

Mr. MOORE of Pennsylvania. Has any plan been submitted at all for the expenditure of this additional $250,000?

Mr. HAUGEN. No definite plan. When the gentleman from Nebraska and others asked me what I thought of increasing the appropriation I answered, "If you are going to increase the appropriation, you ought to submit some definite plan of operation." I said, "If large appropriations of money are to be made, the dumping of it by the millions will do no good unless you have a definite plan to work by."

Mr. Chairman, just one word as to the suggestion of reimbursing the owner of the stock. According to the estimates furnished by the department, the value of our live stock is $2,824,000,000. The statement has been made on this floor that 1½ per cent of the cattle are infected with tuberculosis.

If so, it would require about $282,000,000 to pay the losses resulting from tuberculosis. As usual, many tears have been shed for the poor farmer. Oh, it is always the dear farmer that we are legislating for. Now, anyone who knows anything about this proposition knows that the loss is borne by the packers. The packers have been doing fairly well. I find, according to reports, that Swift & Co. increased its profits from $9,000,000 in 1915 to $20,465,000 in 1916. Armour & Co. increased its profits from $6,000,000 in 1915 to $20,100,000 in 1916. So, my friends, they are doing fairly well. I believe we can appropriate money to better advantage than to appropriate an additional $250,000 to reimburse the packers at this time. Suggestions have been made that we should increase meat production. No one will seriously contend that an additional appropriation of $250,000, or even $1,000,000, can increase the production of meat within a short time. That can not be done in one session of Congress.

As before stated, we are expected to furnish 800,000,000 bushels of grain for our allies and soldiers abroad. We had a short crop; the supply is not in sight; food is as important as powder and guns, and it is our solemn duty to supply those who have taken their lives in their hands, who are willing to lay them upon their country's altar as a sacrifice in the defense of their country. Our word and our resources have been pledged; our honor is at stake as well as our country; we are all of one mind, and that is to do everything in our power to successfully prosecute this war and to bring about a speedy and triumphant termination of this terrible conflict in which the world is engaged. With that in view, it is up to us to do the practical things, for us to appropriate money for the purposes that will bring the best results.

In view of the meager appropriation of $115,000 for the eradication of black rust and stripe rust, for the study of corn improvement, methods of corn production, and of corn-root and stalk diseases, affecting the yield of our wheat, corn, and other cereals, aggregating upward of 6,000,000,000 bushels, which in point of value is more than twice the value of all our live stock, including hogs, can we as practical men representing our constituency do what is proposed to do, increase the proposed appropriation of $250,000, which is an increase of $50,000 in excess of the department's estimates and nearly 100 per cent in excess of the amount appropriated and expended in the current fiscal year, to $500,000? Besides the $250,000, this bill carries more than $500,000 for inspection and quarantine work and the study of existence of contagious diseases of animals; $620,420 for the eradication of the southern cattle tick; $364,390 for the investigation and experiment in dairy industry; $308,680 for investigation and experiments in animal husbandry; $124,560 for scientific investigation in diseases of animals at Bethesda, Md.; $446,900 for investigation in the disease of hog cholera; in all, a total appropriation of $2,743,098 for the bureau, in addition to that the permanent annual appropriation of $3,000,000 and $477,200 carried in this bill for meat inspection. Gentlemen, it seems to me that if our aim is to increase production by making liberal appropriations, we should, rather than to double the proposed appropriation, increase the appropriations proposed for the larger and, I believe, the more important products of the farm.

Another question is whether we are going to take the advice of men who have made an exhaustive study of the matter, men of ability, backed by enthusiasm, who say that not more than $250,000 can be effectively used. I take it that it can be said without reflecting upon anyone that the department that has this work in charge has more thorough knowledge of the amount of money and activity that can be devoted to this line of work than Members of Congress. True, in local matters, Members have more knowledge, but when it comes to the dealing with all problems of this great department, affecting every section of our country and the policy of the department, I believe its conclusions and recommendations are worthy of the highest consideration. We should at least give the representatives of these bureaus of the department credit of knowing what they are talking about. And if we do, then it is up to us to act in accordance with their recommendation. That has been the policy of the committee. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. LEVER. Mr. Chairman, I will say to the gentleman that we have only two additional speeches on this side, and I will ask the gentleman from Michigan to use some of his time.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield five minutes to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Chairman, I am a little surprised at the attitude of some Members of this House in approaching the discussion of this proposed amendment to the bill. As we all know and realize, our country is at war. Our Government is urging everybody to do his part. Our Government is urging everybody to conserve our national resources. Our Government is urging everybody to produce from the soil and in the industries the most that can be produced, in order that we may bring about an early, just, and lasting peace for the warring nations of the world. And yet here, when we are dealing with the subject of agriculture, which is the basis, the foundation, the strength, and sinew behind our Army and Navy, we find men differing on the importance of conserving our live stock, which furnishes meat for our people at home, our soldiers at the front, as well as our allies.

I said that agriculture was the basis and strength of our people in this war. From the soil comes the wheat, the corn, the barley, the rye. From the soil comes the mineral and the ore that we need. From the soil comes the cotton and the cane. From the soil comes the oil and other products. The soil furnishes the food to raise our cattle and our swine and our horses. From the soil comes the lumber that furnishes the material for our homes, the cantonments, and the structures for our industries.

We must assist and conserve and encourage these great agencies which are effective in the prosecution of this war. The Department of Agriculture estimates that $25,000,000 is wasted every year in live stock with that dread disease that was first discovered in 1882 by Prof. Koch, a German scientist. Twenty-five million dollars annually lost in live-stock production from this disease, and yet men quibble here over raising the appropriation to half a million dollars that we may reduce the disease and have more meat, more pork, more fats for our people, our allies, and our soldiers, more hides for shoes, and so on through the list of necessaries.

We appropriate money right and left for anything we believe will help us to successfully prosecute and win this war.

I say to you that I believe we can appropriate half a million dollars, and the Department of Agriculture can collect the force of men necessary in a very short time who will start out on an active and effective campaign that will soon result in great reduction of the $25,000,000 loss among the great herds of this country.

My colleague [Mr. YOUNG of North Dakota] asks if we need veterinarians for this work. I presume that officials of the Department of Agriculture would say that we did, but you and I know that we do not. All that is needed is the instrument and proper tuberculin, and the eyesight of the average farmer is good enough to do the rest and make successful tests.

Mr. HAUGEN. Will the gentleman yield?

Mr. WASON. Yes.

Mr. HAUGEN. If that is so, what is the use of appropriating money? If the farmer can do it himself, why should we appropriate this large sum? The department says it requires skilled and trained veterinarians.

Mr. WASON. In answer to my distinguished friend I will say that if there is anything the department does except to make scientific researches, that the average farmer can not do if equipped with proper instruments and appliances, I would like my friend from Iowa to state it.

Mr. HAUGEN. I will answer by saying that $8,000 was appropriated last year for research work.

Mr. WASON. After hearing Dr. Mohler's statement of the Department of Agriculture relating to the wide area in which tuberculosis is found in live stock it seems reasonable to believe that Congress would be willing to adopt this amendment and appropriate $500,000 for a campaign of eradication.

Again, by comparison, as provided in the terms of this very bill, it would seem fair and just that $500,000 should be appropriated for this particular menace to our live stock. We appropriate $620,420 for expenses for the eradication of the southern cattle ticks, $500,000 to conduct surveys and inspections in Texas or any other State and Mexico to stamp out and exterminate the pink bollworm of cotton, and $650,140 for farmers' cooperative demonstrations for study and demonstration of the best methods for meeting the ravages of the cotton-boll weevil. Thus it will be noticed we appropriate $1,150,140 for the control and eradication of the boll weevil and the pink bollworm, which are a menace to the cotton crop. Is it not fair that a half million, or a sum equal to that appropriated for the eradication of the cattle tick, be appropriated for the control and eradication of tuberculosis?

Again, this bill carries an appropriation of $250,000 for investigation, eradication, and control of the disease of citrus trees known as citrus canker.

Are either of these menaces carrying the same amount of money or more of greater menace to production than is tuberculosis?

J. R. Mohler, Acting Chief of the Bureau of Animal Industry, makes the following pertinent suggestions of the department's policy relating to tuberculosis eradication:

The department's policy in tuberculosis eradication is a cooperative one. For every Federal employee furnished the State is expected to provide at least one veterinarian. The campaign against tuberculosis will be divided into three projects, as follows:

1. Tuberculosis Eradication among Pure-Bred Herds.
2. Tuberculosis Eradication among Swine.
3. Tuberculosis Eradication in Circumscribed Areas.

Pure-bred herds which have been tuberculin tested and found to be free from tuberculosis will be classed as accredited herds; that is, herds which the State or Federal authorities may certify to as being free from the disease. This certification will be a tremendous stimulation to the trade among cattle known to be healthy. The prospective purchaser will be willing to part with his money when he invests in cows which are not blighted by disease. The person who is upbuilding his herd will find security when he purchases registered sires and dams to introduce into his bovine family. The known healthy animal will be in great demand, whereas the unknown quantity will be on the bargain counter. The accredited herds will have entree into any society, while the unknown will be eligible only for use in localities where there is a premium on inefficient live stock.

The movement to establish accredited herds is purely a voluntary one. No laws or regulations will be necessary to assure the success of this plan. Its success will depend upon the judgment and decision of the live-stock owners. It is a practical proposition for the practical live-stock owner. It is a plan of fair dealing without the speculative chance which attends the purchasing of cattle which are members of a herd known to contain, or to have recently contained, animals which are affected with tuberculosis, or which at least are under suspicion.

Tuberculosis of swine exists to an alarming degree. Each year the carcasses of thousands of swine are condemned as unfit for human consumption at abattoirs where Federal inspection is maintained.

The remedy for this evil is the pasteurization of dairy by-products which are fed to swine and, of course, the elimination of the existing cause—the tuberculous animals which are the distributors of the tubercle bacilli.

The extermination of the disease from circumscribed areas is the greatest task to be undertaken. An area that has been freed of tuberculosis must be kept clean by quarantine regulations which will prevent the introduction into it of animals affected with the disease. Such areas should be established in every State. It may be an area representing 600 square miles or any multiple of that up to the entire area of the State. In such an area all herds should be subjected to the tuberculin test. The reactors should be immediately separated from the healthy animals and disposed of in accordance with State regulations. If the reactors are to remain alive, they should be kept segregated and under strict surveillance. They should be so marked that their condition can not ever be misrepresented. Their progeny should be taken away from them immediately after calving and placed with healthy foster mothers, or fed on pasteurized milk. Retesting shall be practiced semiannually to begin with, and then for a number of years to assure of the entire eradication of the disease. Except from accredited herds, no cattle shall be introduced into any free or circumscribed area in which tuberculosis eradication is being conducted for dairy or breeding purposes unless they are held in quarantine for a period of 60 days, at the expiration of which time they will be tuberculin tested.

From this statement you will notice that the department intends to free our livestock from this menace by disposing by slaughter or segregation infected animals. It seems the department would do well to conduct scientific researches for some method of preventing animals from becoming infected with tuberculosis. Prof. Koch in his researches discovered the germ, classified it as bacillus tuberculosis, which affects persons as well as live stock. He later produced in his laboratory the substance known as tuberculin.

The substance known as tuberculin is an attenuated solution of some substance or medium in which tubercle bacilli have been grown or propagated and from which the bacilli themselves have been carefully removed. Beef bouillon, for instance, is a substance in which the germs can be multiplied rapidly at the proper temperature, and when the actual germs have been carefully separated from it after having been produced to a certain point and a percentage of glycerine has been added for the purpose of dilution the result is the tuberculin of commerce, which is used by veterinarians for the testing of cattle.

The value of tuberculin in determining the extent of tuberculosis in living cattle is an accepted fact. While it is not an infallible test of the presence of the disease, its use has been confirmed in a very large percentage of the cases where the animals have been condemned and destroyed and it has been of invaluable assistance in carrying out the Bang method of treating tuberculosis as practiced in Denmark and the Ostertag method, which is in use in various parts of Europe.

Some 17 years ago a discovery was made by Dr. E. von Behring, of Marburg—

which promises to be as important and far-reaching in its preventive efficacy toward bovine tuberculosis as was Jenner's smallpox vaccine toward the dreaded scourge of smallpox. Dr. von Behring produced a substance in his laboratory at Marburg called "Bovovaccine," which appears to possess the property of immunizing cattle treated with it while they are quite young against tubercular infection during their entire lives. A sufficient time has now elapsed, so that results of carefully conducted experiments in its use have become of great value in determining the fact that all cattle may be immunized against danger of infection from any source, and they hold out the hope that the time may not be far distant when the "cattle on a thousand hills" may every one be free from disease and no longer a menace to human life.

Bovovaccine consists of a mitigated culture of live human tubercle bacilli, which is injected directly into the circulatory system of young calves, and which seems to possess the power of rendering them immune to tubercular infection during their life. Of course, this last proposition has not yet been absolutely proven, since a sufficient number of years has not elapsed to cover the average meat animal.

Experiments abroad and in this country have been very extensively carried on for years with the most gratifying results; and in some of the cattle-raising districts of central Europe bovovaccination has become a regular part of the system of live-stock raising. The immunizing system of Dr. von Behring has been extensively practiced on the estates of his royal highness, Prince Louis of Bavaria, at Sayer, Hungary, where the most careful records have been kept. The results are astonishing. In many cases the most persistent efforts to infect animals which had been bovovaccinated, both by contact with diseased animals in stables which were known to be infected and by the injection of virus from diseased animals directly into the system, have failed.

This process of vaccination by the use of bovovaccine has been tried in Maine, New Hampshire, Vermont, Massachusetts, New York, New Jersey, Ohio, and Maryland. These farmers who have used it most extensively feel that it does not injure the animal, and that the animal is immune from tuberculosis thereafter. I want to call your attention to a testimonial of the State of Maine Cattle Commission in 1910:

During the past four years our experience with bovovaccine has been considerable, and I wish to assure you that the results have been exceedingly satisfactory. The work of immunization has been carried on in some of our worst infected herds, and I feel that it has been given a severe test. The results have been such that it seemed a valuable adjunct in our work of eradicating tuberculosis; consequently at the last session of the legislature a law was passed providing bovovaccine free of charge to the breeders of this State. Many breeders are availing themselves of this opportunity to build up immune herds, and I trust the number will increase.

J. M. DERRING.

If animals can be made immune from tuberculosis by this use of bovovaccine, it seems to me that is the quickest and surest and the most complete method of control and eradication of tuberculosis in the herds of this country. I sincerely hope the Department of Agriculture will conduct such research work along these lines as will demonstrate fully and completely the worth of this proposed prevention or the fallacy of Prof. von Behring's discovery.

The CHAIRMAN. The time of the gentleman from New Hampshire has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman, my attention was especially called to this question a few years ago, when a whole herd was condemned and killed in my own district when it was found that it was tubercular. All of us agree here to-day that this work of stamping out the disease is needed, badly needed. The only problem seems to be with the department. We have a department, a bureau, that can use only a definite amount, we are told, in the solution of a problem of this character, and we are further told that if we appropriate $500,000 their plans are not elastic enough to take care of that amount of money. I understand, too, that the head of the bureau, who knows more about it than perhaps any other member of the department, said unqualifiedly that he could use $1,000,000 and use it effectively. When the matter was before the committee one of the assistants of the bureau spoke before the committee, so I am informed. Later, I am informed, the head of the bureau still insists that he can use that effectively.

Mr. HAUGEN. Mr. Chairman, will the gentleman yield?

Mr. FAIRFIELD. Yes.

Mr. HAUGEN. In order that it may be clearly understood, Dr. Mohler was out of the city, but he sent Dr. Kiernan there to represent him. He came there as Dr. Mohler's representative, and he positively stated and restated two or three times that $250,000 was every dollar that they could use.

Mr. McLAUGHLIN of Michigan. But is it not true that when Dr. Mohler had himself returned to the city and he was asked if he had changed his mind, he said no, that he stood by what he said originally and that he could use $1,000,000.

Mr. HAUGEN. He did not state that to the committee.

Mr. FAIRFIELD. It would be very strange if the plans for the expenditure of $250,000 could not be enlarged with a proper personnel to spend $500,000. We all know that on problems of this kind it is largely a question of propaganda. We all know that the farmer will resent a local man coming into his herd and condemning it. We all know that throughout the length and breadth of this country much of the $250,000 could be easily expended in a propaganda in making people understand.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. FAIRFIELD. Yes.

Mr. DOOLITTLE. How much would the gentleman spend in propaganda on this question?

Mr. FAIRFIELD. I could not say offhand how much, but if the gentleman would tell me how much was spent in propaganda for the study of food conservation, how much we have spent in propaganda for the sale of liberty bonds, and how much in propaganda for everything else, I would say that the same relative percentage might be expended wisely in the propaganda on this question.

Mr. DOOLITTLE. Does the gentleman care to know the exact words of Dr. Kiernan, the representative of the Department of Agriculture, when he testified that the maximum amount he could use was $250,000?

Mr. FAIRFIELD. I think I have quoted them correctly; but let me repeat, he was there while the head of the department was out of the city, and when the head of the department was questioned in regard to the matter he still insisted that he could expend $500,000. I may be wrongly informed.

Mr. RUBEY. The gentleman is entirely misinformed on that proposition, as I expect to show in a few minutes.

Mr. FAIRFIELD. Then the matter is a question of veracity as between the members of the committee.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. McLAUGHLIN. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SHALLENBERGER].

Mr. SHALLENBERGER. Mr. Chairman, this item is a new item for the purpose of attempting in a small way, at any rate, to do away with tuberculosis among our domestic animals. There are two diseases which are most prevalent and fatal to our domestic animals, hog cholera and tuberculosis. Hog cholera is fatal only to swine, but tuberculosis attacks every one of our domestic animals, including chickens, sheep, hogs, cattle, and is also the most fatal of all diseases to the human race. Therefore, anything that we can do to alleviate some of the terrible ravages of this disease I think is a good thing for the American Congress to spend money for. I find in the public press of yesterday a statement by Mr. Hoover that we are required to furnish 70,000,000 pounds a month of beef to Europe. This is an increase of 7,000 per cent over what we furnished them before the war. The average then was about 1,000,000 pounds a month. We are to furnish 150,000,000 pounds per months of pork, which is an increase of 300 per cent above what we furnished before the war. We might as well face the fact that we are not going to increase our production of hogs and cattle during this war. We can only strive to save the herds we have and prevent waste by useless losses. There are more losses of live stock in cattle and hogs from these two disease I have mentioned than all other diseases combined. Tuberculosis is a disease which is very easily located by the use of the tuberculin test. There is only one way to eradicate it, and that is by quarantine and slaughter of the animals that are infected. We attacked the foot-and-mouth disease in this country a short time ago, which is not nearly so dangerous or widespread as tuberculosis. There is not a single State in the country whose domestic animals are not infected with tuberculosis. I think the chairman informed the House that something like $2,500,000 were appropriated by the last Congress to stamp out the foot-and-mouth disease. The work was successfully done, and, as I understand it, we have not a single case of foot-and-mouth disease in America to-day. In my judgment, if Congress would appropriate the proper amount, tuberculosis among our cattle herds could be eradicated in a very short time by slaughter and quarantine and proper sanitation.

Tuberculosis is not an inherited disease, as some think, but is a disease which must come from a preexisting cause or contagion; so, necessarily, if we eradicate tuberculosis from our cattle and properly disinfect the buildings and grounds we can eradicate this disease entirely, unless——

Mr. DOOLITTLE. Will the gentleman yield for a question?

Mr. SHALLENBERGER. Yes.

Mr. DOOLITTLE. Now, I grant what the gentleman says is so, but our committee tried to find some way whereby the department might expend more money even than we gave them. Now, can the gentleman tell how he would spend this additional sum over and above the amount stated which the Agricultural Department says they can expend in all good faith.

Mr. SHALLENBERGER. Now, I do not think that the Agricultural Department, perhaps, has given a correct statement of the amount of money that might be expended in the attempt to eradicate tuberculosis. I do not know where they expect to use it——

Mr. DOOLITTLE. I know the gentleman is an expert on tuberculosis, but are not there experts in the department equally as efficient on this subject?

Mr. SHALLENBERGER. Sometimes I have been forced to this conclusion: That an agricultural expert is a man who finds out something that has been known by other people for a long time and then talks about it in language that nobody can understand, and is then designated as an expert. [Laughter and applause.]

Mr. DOOLITTLE. Of course, the gentleman would not include Dr. Mohler and Mr. Kiernan in that class of experts?

Mr. SHALLENBERGER. I am sure Dr. Mohler would agree that if this Congress would appropriate a sufficient sum to do the thing I have stated—that is, test these cattle and slaughter those found infected and reimburse the owners, as you did in your eradication of the foot-and-mouth disease, by fair amount, whatever the amount would be—you would stamp out tuberculosis. Moreover, I think the sum of money asked or even the $250,000 is entirely insufficient and that the $500,000 asked for is also insufficient, but it would be very much better than the amount which you are granting.

Mr. HAUGEN. Will the gentleman yield?

Mr. SHALLENBERGER. I will.

Mr. HAUGEN. Does the gentleman suggest a reimbursement to the owners?

Mr. SHALLENBERGER. Yes.

Mr. HAUGEN. That would take about $28,000,000.

Mr. SHALLENBERGER. I think while we are spending billions and multiplied billions for other purposes we might spend $28,000,000 in this way, if that is what it will cost.

Mr. HAUGEN. And this calls for half a million.

Mr. SHALLENBERGER. They did not ask for enough, that is all.

The gentleman from Missouri [Mr. RUBEY] has told us that his State by law provides that grade cattle slaughtered because they reacted as tubercular shall be compensated for at a fair figure and pure breds at a higher price. If the Nation would take example from Missouri and make similar provision this great scourge to animal life, and mankind alike, could be soon stamped out. The fact that tuberculosis is not inherited, but must be contracted after birth from contagion from an already existing case has been established beyond doubt. Once eradicated from our country it can be kept out forever. The dairy cattle of England, France, and Germany are full of it, but there has never been a case of it on the Channel Islands of Jersey, because importation of cattle is prohibited there. We permit this scourge to carry certain death to animals and men because we will not appropriate the money necessary to stamp out the plague. We spend a billion without batting an eye for instru-

ments of death with which to kill men, but gentlemen lift their voices in protest at the proposition of spending a few millions for the certain benefit of humanity.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I appreciate the attitude of the members of the committee with reference to this matter. The head of the department thinks that $250,000 is all that can be used. There is a difference of opinion among members of the department, but the Chief of the Bureau of Animal Industry says that $1,000,000 can be advantageously expended for the extirpation of tuberculosis in animals. Now, gentlemen, I want to call the attention of this committee to the fact that nearly every increase that has been made in this appropriation bill throughout the years that have passed has been made because of an increase over estimates made by the department. The chairman of the committee well knows, from his experience both before and since he has been chairman, that more of the increases made have been made by the House over the estimates made by the department itself. The department acts conservatively. It understands that $26,000,000 is an immense sum. It feels that it ought not to increase it any more than it can within the realm of reason, and it also feels the necessity of coordinating these appropriations and making them reasonable. As my colleague, the gentleman from Iowa, said, the increase asked for is large, compared with some other appropriations contained in the bill. It is also small as compared with some others. I want to say to my colleague from Iowa what he knows very much better than I do, that there never has been an agricultural appropriation bill passed that has not had the same objection existing in it, and that is the case because the agricultural resources of the United States of America are so tremendous in extent, they are so diversified in character, that a proper relation is impossible to be maintained. Conditions arise from time to time that could not have been anticipated. We are required very largely to pass on each individual proposition as if it stood alone. So that comparisons, I think, ought not to weigh very much with the members of the committee in voting for this appropriation.

Now, gentlemen, we are confronted with this situation. We are confronted, as the gentleman from Nebraska [Mr. SHALLENBERGER] says, with the most extraordinary demand that has ever been made upon this country, a demand which we must answer, whether we wish or not. It must be taken from our sources of supplies. We must furnish our allies across the seas with 70,000,000 pounds of meat each month during the succeeding months of the year. That will diminish our supply, necessarily. If we do not take extraordinary measures, if we do not use extraordinary means for increasing the meat production in the United States, we will not be doing our duty in this emergency. Seventeen years after the census of 1900 was taken we have 4,000,000 head of cattle less than we had at that time. The reduction, notwithstanding the tremendous increase in our population, was from about 67,000,000 in 1900 to 63,000,000 now—is that correct?

Mr. HAUGEN. Sixty-three million six hundred thousand.

Mr. TOWNER. I think it was about 67,000,000 in 1900, and it is now reduced to 63,000,000 in round numbers. That is the reduction in the number of cattle in the United States—more than 4,000,000—notwithstanding the tremendous increase in population, notwithstanding the tremendous, the extraordinary demand that is now made upon us. If we know that this legislation will increase the meat supply in the United States, can we, if we would do our full duty, neglect to do everything that is possible in order to increase the meat supply? Now, I call attention——

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. May I have just one minute more; I want to say just one more sentence.

Mr. HAUGEN. I yield the gentleman one minute.

Mr. TOWNER. I want to call the attention of Members here to the fact that not a cattle association in the United States, not a dairy association in the United States, but what has favored or does favor this legislation. All the information that comes from the people immediately interested says, "Give all the help that you can in order that we may stamp out this disease."

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. RUBEY].

Mr. McLAUGHLIN of Michigan. Is this the closing speech?

Mr. LEVER. I have two on this side. I yield 10 minutes to the gentleman from Missouri [Mr. RUBEY].

Mr. RUBEY. Mr. Chairman and gentlemen of the committee, this is a friendly contest. The members of the Committee on Agriculture, all of them, are anxious to do what they think is right and what they think is for the best interests of the country. They have shown that disposition from the very beginning in the consideration of this bill, both in the committee and on the floor. And so to-day we are here in a friendly spirit making this contest.

I come from a State that is the fifth State in the Union in the production last year of agricultural products. I come from a State that has a great many dairy cattle and other kinds of cattle. I am sure that I am just as anxious as are the gentlemen who have spoken on that side to do everything that we possibly can do to stamp out tuberculosis. But I am not willing to go further or do more than those in charge of the Department of Agriculture say they can do.

Now, I want to talk to you for a moment, and I want to talk to you plainly. The other day, when we were discussing this matter on the floor of the House, some gentlemen stated that Dr. Mohler, the Chief of the Bureau of Animal Industry, had said that he could use $1,000,000. I knew that before the committee Mr. Kiernan had said that they could not use more than $250,000. I also knew that the Secretary of Agriculture had said that they could not use more than $250,000. And so I called up Dr. Mohler and I told him of the statements that were being made on the floor of the House in the general debate, to the effect that he had said that he could use $1,000,000. In reply this is, in substance, the statement that Dr. Mohler made to me:

> Two hundred and fifty thousand dollars is all we can use economically and effectively unless the Congress of the United States gives us authority to reimburse the owners for the slaughtering of their cattle. If they give us authority to reimburse for the slaughtering of cattle, we can use $1,000,000; we can use all the money that the Congress may give to us.

Now, this is the situation: Not a single dollar of this appropriation of $250,000 that is carried in this bill can be used to reimburse owners for the slaughtering of their cattle, not a cent of it, and it can not be done unless this Congress legislates and gives specific authority to do that sort of thing.

Mr. LITTLE. Is the gentleman opposed to the policy of reimbursement?

Mr. RUBEY. Let me discuss that question just for a moment. The gentleman from Maryland [Mr. LINTHICUM] a moment ago made a statement on the floor of this House. He said there were 22,000,000 dairy cattle in this country afflicted with tuberculosis.

Mr. LINTHICUM. Twenty-two million dairy cattle in this country, of which 2,000,000 were afflicted with tuberculosis.

Mr. RUBEY. I misunderstood the gentleman. But I want to say this, that if you will figure up the number of cattle in this country and their value and the number afflicted with tuberculosis and their value, and then estimate how much money it will take for the Government to reimburse the owners for cattle slaughtered, you will find that it will take a very large sum of money. This will be true even if the Government reimbursed to the amount of one-fourth the value and leave the States to reimburse to the amount of one-fourth, leaving the owners to bear one-half the burden. When we come to that question, we ought to stop and study for a moment and find out, if we can, where we are going to get the money.

Mr. LITTLE. Are not the States already reimbursing?

Mr. RUBEY. They are to some extent.

Mr. LITTLE. Do you not believe we ought to help them?

Mr. RUBEY. When Congress determines to reimburse we will do as much as they do. The gentleman will find, if he will examine into it, that they are not reimbursing in every State of the Union, not by any means. A great many of them do not reimburse a single cent.

Mr. TOWNER. Will the gentleman yield?

Mr. RUBEY. I will.

Mr. TOWNER. I am informed, and I would like to know if the gentleman confirms the statement, that there are 15 States in the Union that make absolute reimbursement for the slaughter of cattle, and that 5 other States make compulsory extermination of those affected——

Mr. RUBEY. I have before me a full and complete statement showing exactly what every State of the Union does in the way of reimbursement. And yet the statement is misleading, because, for instance, they say that in Missouri they reimburse to the amount of $40 for the common stock and $200 for the thoroughbreds. And yet it depends upon the amount of money that the legislature appropriates. And the legislature does not appropriate enough money to do that, except in a very limited way, and what is true in my State is also true in pretty nearly every other State. If every State of the Union would appropriate enough money to pay one-fourth of the value of the

cattle slaughtered they would appropriate many millions of dollars. But they do not do it.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. RUBEY. I yield.

Mr. SHALLENBERGER. The gentleman is aware that a great majority of these cattle that are slaughtered are not a loss at all; that the cattle are slaughtered and the disease is eradicated, but the carcass itself is valuable for beef. So that the amount of actual loss to be recompensed would be infinitesimal.

Mr. RUBEY.—I recognize that what the gentleman says is true in part. The whole animal is not always destroyed.

Mr. SHALLENBERGER. I have had a number of animals slaughtered, but I never had one that did not sell for beef; did not have one where there was a loss of the carcass.

Mr. LINTHICUM. Will the gentleman yield for a question?

Mr. RUBEY. Not until I get through.

Mr. LINTHICUM. You made certain statements as to what I said, and then do not yield?

Mr. RUBEY. I yield to the gentleman. I do not want to incorrectly quote him.

Mr. LINTHICUM. Did you read where it said that the segregation of these animals would effect great results and it was not necessary to slaughter them?

Mr. RUBEY. I read that, and I do not desire to misquote him. The point I want to make is this; that we have this appropriation here of $250,000, not a cent of which can be used to reimburse the owners for the slaughter of their cattle. Unless you are going to give the authority to reimburse, then Dr. Mohler, the chief of the bureau, himself says that this is all the money he can use. If you are going to give more money, you should also give him additional authority, in order that he may pay for the reimbursement for the cattle which are slaughtered. You can not put that provision in this bill. Any man on the floor of the House could stop it by a point of order, because it is new legislation. The committee, in the framing of this bill, tried to bring in a bill that was clean, a bill that did not call for additional legislation, and in very few instances have we inserted provisions against which a point of order will hold.

Now, the committee studied this subject very carefully. A subcommittee was appointed; we had a subcommittee of five, and we called before us Dr. Kiernan, of the Department of Agriculture. We had his statement. We framed this legislation. I wrote the language myself. The subcommittee and the whole committee agreed that we ought to take this proposition out, segregate it, and put it into an item by itself, so that the House itself would know just what we were doing and know along what lines we were legislating, and in order that the whole country might know it. Not only that, but if my recollection serves me correctly—and I think it does—the only question upon which the subcommittee was divided was the question of reimbursement.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. RUBEY. I would like to have five minutes more.

Mr. LEVER. Mr. Chairman, I yield to the gentleman five additional minutes.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes more.

Mr. RUBEY. The only question, I say, upon which the subcommittee was divided was the question of reimbursement. Some members of the committee wanted to reimburse, but the entire subcommittee reported in favor of the $250,000 for carrying on this work.

Now, Mr. Chairman, I do not think that we ought to go beyond that which the department has asked for. The department has been working along this line since last July. The first appropriation for the work of eradicating tuberculosis went into the last appropriation bill, and the department took up the work last July.

They have just organized the work; they have not been able to do much, have not had it organized more than two or three months. The Bureau of Animal Industry will have charge of this work. Those in charge have prepared comprehensive plans embracing the entire country. They have explained to the committee in reports and in the hearings just exactly how they are going to use this money. This appropriation will be available on the 1st of next July. Let those in charge of the bureau go right on carrying out the plans they have matured with the money they now have, and when July comes let them increase the work, and if they find that they can get more competent and capable men to do the work, and if they find that they need more money and can use it economically and efficiently, when this Congress meets again next December we can give them more money. They can report to the committee the conditions as they then exist and we can bring in an additional appropriation, make it immediately available, and give them whatever they may need.

I would rather do that than to go ahead and give the Department of Agriculture twice as much money as it is asking for.

Gentlemen talk here about preserving health. We want to preserve the health of the people. Of course we do. We regret that children are dying from tuberculosis, which is sometimes contracted through the drinking of milk. Everybody regrets that sort of thing. The appropriation of an additional $250,000 will not lessen that evil very much. If we want to do something to improve good health among the children of this country we could appropriate a million dollars to increase the supply of pure water, because the drinking of impure water causes more sickness than any other one thing in this great country of ours. If you are seeking only to conserve the health of the country, there are many things we might do.

It is said that $25,000,000 is lost every year on account of the cattle that are slaughtered because of tuberculosis. That is true, and we all regret it. If you want to more greatly conserve the food supply of the country, I could suggest another line of work. I saw only yesterday in the papers a statement that a billion dollars' worth of property, principally foodstuff, was destroyed every year by rats. We might get busy along that line, appropriate a million dollars, and kill the rats, if we want to conserve the food products of the country.

I want to say to you gentlemen now that you should study this matter carefully. I am for the eradication of tuberculosis. I want to see it done just as rapidly as possible. Our committee has given to it its careful and candid consideration, and we are here to-day to give the department what it wants and nothing more. We are giving them $50,000 more than they asked for when they submitted their estimates. We have given them $250,000, and this House ought to give them what they ask, and it ought not to give them a cent more than they ask, or a cent more than they can use economically and without wasting it. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. RUBEY. I want to make just one more statement, and call it to your attention and consideration.

Mr. CANDLER of Mississippi. In behalf of the committee I desire to yield one minute more to the gentleman.

The CHAIRMAN. The gentleman from Missouri is recognized for one minute more.

Mr. RUBEY. The question was asked on the floor a moment ago, "Is there any other way of getting rid of this disease except by destroying the cattle?" I read the other day a statement by a veterinarian of my State, Dr. D. F. Luckey, who has been State veterinarian for many years, and a very eminent one—a statement to the effect that he had discovered a serum which if applied to the calf would make it immune against tuberculosis. If the serum discovered by Dr. Luckey is as effective in preventing tuberculosis as the hog-cholera serum is in preventing hog cholera, then, indeed, will Dr. Luckey be hailed as a benefactor. The hog-cholera serum was discovered by a Missourian. May it not be possible that another eminent Missourian has made a discovery equally as valuable to the live-stock industry? We are making this appropriation in order that the department may investigate all lines. It may be that by the time we meet here again the department may have discovered something along this line whereby we may be able to get rid of tuberculosis without destroying the cattle.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. SHALLENBERGER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LITTLE. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield two minutes to the gentleman from Iowa, and then the chairman of the committee [Mr. LEVER] will close the debate on this side.

Mr. McLAUGHLIN of Michigan. Which side has the closing of this debate?

The CHAIRMAN. Under the usual practice of the House the chairman of the committee generally has the close. I do not think there is any special rule about it, but that is the practice of the House. The gentleman from Michigan [Mr. McLAUGHLIN] has eight minutes remaining and the gentleman from South Carolina [Mr. LEVER] 14 minutes remaining.

Mr. McLAUGHLIN of Michigan. I yield the remainder of my time to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I desire to answer pointedly the statement of the gentleman from Iowa [Mr. HAUGEN], who has just taken his seat. He suggests that the packers might profit by this amendment. If tuberculosis were a matter that stood between the people and the packers and the packers were to obtain one penny of advantage, there probably would be nobody here advocating it. It is in the hearings, not contradicted by any witness, that every penny lost at the packing plants by reason of tuberculosis found in any animal is charged to overhead expenses. That means that the consumer who buys the meat and the producer who sells jointly have to stand it. Everybody who understands the packing proposition knows that to be the fact. I do not see why the gentleman should have attempted to becloud or unwarrantably prejudice so important a proposition in that way.

Mr. HAUGEN. Will the gentleman yield?

Mr. SLOAN. For a brief question.

Mr. HAUGEN. The gentleman is familiar with the testimony. He was present at the time, and he knows that of the cattle and hogs slaughtered in some packing houses 20 per cent are infected with tuberculosis, and in others only a small percentage. And with the price uniform among the packers, how can that loss be adjusted?

Mr. SLOAN. It was testified that that was charged as an overhead expense, and that statement was not contradicted by any witness, and it is well understood generally. I think the packers have little difficulty in passing it on to the day's purchasers and the morrow's sellers.

Now, Mr. Chairman, there is some question raised about what Dr. Mohler has said. After all, there is not much difference. On July 17 Dr. Mohler recommended what the United States ought to do. Whether the statement of the gentleman from Missouri [Mr. RUBEY] be more accurate than the statement of the gentleman from Maryland [Mr. LINTHICUM] or not, to say nothing about what I have stated on the floor, matters not. Here is what Dr. Mohler said in writing on July 17, 1918. If this committee did not respond to that and wants to put itself in a position of hurling tons of money into a new proposition, such as the pink bollworm, and to neglect this, let the responsibility rest where it should. This is what Dr. Mohler said (see the hearings before the Committee on Agriculture, held on Jan. 14, 1918):

Tuberculosis can not be wished away; neither can it be talked out of existence. The State must pay to exterminate it, since it has tolerated its existence these many years. The United States Congress and the legislatures of the various States will appropriate funds for the maintenance of fighting forces to cope with the situation. The live-stock owners have duties no less important than the aforementioned forces. Teamwork among all the forces will produce results which will be worth striving for and which will mean another glory for live-stock sanitation.

Moreover, Dr. Mohler said in the same statement as follows:

THE ERADICATION OF TUBERCULOSIS FROM LIVE STOCK.

Tuberculosis can be eradicated from all the cattle and all the swine in this Union; otherwise the Department of Agriculture would not have embarked upon such a tempestuous campaign.

To support such a broad assertion, there is an abundance of evidence obtained through the school of experience, covering a period of several years.

Tuberculosis has been eradicated from hundreds of herds in the District of Columbia, Virginia, Maryland, and other States. It has been practically exterminated from comparatively large circumscribed areas. Furthermore, wherever and whenever an effort was made to eradicate the plague and the earnest cooperation of the live-stock owners and officials has been obtained, success has never failed to crown the enterprise.

Herds of cattle, which have at the inception of the campaign contained 75 per cent of diseased animals, have been freed of the malady and have remained as free herds.

Herds which on the first test were found free of disease have, by the prudent care of their owners, been kept free of tuberculosis.

The experience the department has had, as outlined here, has been enjoyed by the veterinary officials of some States. The preponderance of successful experiments, if we may call them such, is convincing proof that when conditions are favorable tuberculosis may be eradicated.

What constitutes favorable conditions? The same state of mind of the people that obtained in the early nineties when pleuropneumonia was eradicated; in 1902, 1908, 1914, and 1915 when outbreaks of foot-and-mouth disease were eradicated; the spirit that pervaded the Western States during the cattle and sheep scabies eradication campaign; the spirit that is aiding in the eradication of hog cholera; the same state of mind, the same earnest, hearty, wholesome and substantial cooperation that has made Texas fever eradication the marvel of live stock sanitary achievements.

The American people can eradicate tuberculosis, or prevent its eradication, or increase its presence.

In 1907 the bureau first undertook systematic investigations in regard to the eradication of bovine tuberculosis and the results which have been obtained through 10 years of study indicate that the eradication of tuberculosis of cattle and swine is probably the largest and most difficult problem which the bureau has undertaken to solve for the benefit of the live-stock industry and the general public, which benefits from the advancement of that industry.

It has been clearly demonstrated that tuberculosis can be eradicated from herds which are heavily infected with the disease and that tuberculosis herds can be freed from tuberculosis and maintained in a healthy condition through a period of years. In the demonstration work which has been conducted in the State of Virginia the past fiscal year showed 127 herds of cattle to be without the infection of tuberculosis at the time bureau cooperation was established. In the same State 138 infected herds have been made free from tuberculosis, and in accordance with the knowledge of the bureau this was accomplished in 126 cases without reinfections occurring. A large proportion of the herds were made free as the result of a single carefully applied tuberculosis test followed by the removal of reactors and the disinfection of the buildings. A second retest showed the eradication to have been completed in about 25 per cent of the herds.

The eradication of tuberculosis from cattle within a restricted area is a reasonable proposition as demonstrated in the District of Columbia where, in 1909, a compulsory tuberculin test became effective, and it was found that 18.87 per cent of the District cattle were tuberculous. This percentage was reduced as shown by the first retest to 5.2 per cent, and during the fiscal year terminating June 30, 1917, only 0.84 per cent of the District cattle reacted to the tuberculin test.

It may also be of interest to note that reactions to tuberculin tests applied by inspectors of this bureau are confirmed by post-mortem examinations, exhibiting lesions of tuberculosis in between 98 and 99 per cent of the reactors which are slaughtered under Federal supervision.

The years during which these investigations have been in progress have seen the live-stock owners and the live-stock sanitary authorities awaken to a realization of the necessity and importance of combatting the spread of tuberculosis which has already made inroads in practically every section of the United States. This is especially true of the sections where intensive live-stock breeding and dairying have been practiced. In the South where this industry has been maintained in its infancy largely on account of the prevalence of the Texas fever, cattle ticks, and the lack of diversified farming interests, the rapid eradication of these ticks and the progress of the propaganda for diversified farming is making a new and large field for the development of both the beef and dairy cattle industries. The cattle in these sections are now but slightly infected with tuberculosis, and it would seem to be of special importance that these sections be given protection from the introduction of tuberculous cattle from the infected localities.

Forty-seven of the States require the tuberculin test as a qualification for the entry of dairy or breeding cattle, but the owners of valuable herds have realized that a greater health insurance is obtained in the purchase of cattle from herds which are officially known to be free from tuberculosis.

This has led to the establishment by this bureau and by some of the States of what are known as accredited tuberculin-tested herds. This plan is meeting with great favor, especially among the breeders of pure-bred and registered cattle who recognize in it a medium for increasing the volume of their business and for protecting their own valuable herds when pure bred cattle of other blood lines are introduced for improving the strains.

So that the proposition presented by Dr. Mohler in writing stands uncontradicted to-day. That being the statement of the man most conversant with that proposition of any mortal on earth, does this committee want it understood as a fact that it has had so little effect upon the Department of Agriculture that, knowing that the annual loss from tuberculosis is from $25,000,000 to $75,000,000; that we and our allies need the meat; that we know the eradication can be accomplished; that the Department of Agriculture has been sending appeals to the live-stock producers of this country to speed up the production of meat because we need it more than we need ordnance and munitions of war—knowing all these facts, will you bring this indictment against the Department of Agriculture, will you charge it with knowing these facts, and yet that it has not put itself in a position where it can use more than $250,000 to protect 130,000,000 food-producing animals, cattle and hogs? Will you say that, and yet that it finds a place to use $620,000 that can possibly apply to only 20,000,000 food-producing animals? If the gentlemen who are standing here defending the position of the committee desire to put the Secretary of Agriculture before the country in such a position as that, let it be so. Will you prevent the Secretary saying to the country, "Speed up, breed to the greatest capacity," when the meat producers of the United States, who are endeavoring to put the last possible pound upon every brute, are losing millions of dollars every day, and that he can use only $250,000 in the fight against the tuberculosis which causes a large measure of this loss, let it be between them and the Secretary. So far as I am concerned, I would rather believe that the Secretary does not desire to assume full responsibility for that "tempestuous campaign," but desires Congress to take its full share of the responsibility, which it would do if this amendment carries.

Let me explain to you why tuberculosis is so effective in losses. It is because it does not strike the animals so that the public will know anything about it until they are advanced in age. Therefore there is an inducement for every man who suspects that there will be a loss in his herd from tuberculosis to send his swine or his cattle to the market long before they are mature.

That is one of the large causes that is to-day driving cattle and hogs daily to the market before maturity. Yet the Department of Agriculture appeals to the people of this country to make every animal that is shipped carry as much meat as possible. Yet knowing that the greatest source of loss is tuberculosis, and knowing that it can be eradicated, does the gentleman

charge that the department refuses to put itself in a position to remove that large source of loss?

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Just for a question.

Mr. GRAHAM of Illinois. I want to ask the gentleman what would have happened in this country when the foot-and-mouth disease broke out if Congress had appropriated only $250,000 to cope with that disease? It would have been all over the country, would it not?

Mr. SLOAN. All over the country; yes.

Mr. GRAHAM of Illinois. Is it not true that in Germany, where both foot-and-mouth disease and tuberculosis are comparatively unchecked, the losses from tuberculosis are greater than those from the foot-and-mouth disease?

Mr. SLOAN. That is an important fact. In the State of Minnesota the average loss resulting from hopeless reaction is 37. On the market of those that react 80 per cent are not condemned even in part, only 20 per cent. Of those that react and are condemned in part 50 per cent of the apparent value is saved. This bill will allow the Government to go to each State and in cooperation pay whatever a fair share of the loss may be. How do I know that? Dr. Kiernan, who has been frequently quoted, states that is the way the Government did in driving tuberculosis out of the District of Columbia, and under a law practically like this, so that this is within the law and within the bill. The terms of this bill would permit any reasonable arrangement among owners, States, and the Federal Government in strict line with the method outlined by Dr. Mohler. Let us not forget that this may be a long war, and what we do should be speedily done. [Applause.]

Mr. LEVER. Mr. Chairman, the gentleman from Nebraska [Mr. SLOAN] has severely arraigned the Department of Agriculture because that department has not made arrangement for the expenditure of half a million dollars to control tuberculosis in food-producing animals. In fairness to the Department of Agriculture and the great man who presides over it, I desire to call the attention of the committee to the fact that the first appropriation ever recommended by any department of this Government for the control of tuberculosis in live stock was recommended by the present Secretary of Agriculture in his annual report of last year. [Applause.] He said:

There remains, however, the problem of eliminating the disease from farm animals in order to prevent losses estimated at $25,000,000 a year in the United States. This is the greatest problem confronting the live-stock industry of the country.

That is what the Secretary of Agriculture said last year, and this is the first recommendation ever made in this country, either for the eradication of tuberculosis or for its control.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. LEVER. I can not. Another thing, the Secretary of Agriculture, in his report, outlines to Congress three methods by which the problem can be approached: First, the eradication from pure-bred herds; second, the eradication in hogs; and, third, the eradication from restricted areas.

The Department of Agriculture has not been remiss in its duty in this matter; on the contrary, it has been progressive, up to date, and has laid the facts before Congress. Let me say also that the current Agricultural appropriation act is the first appropriation act ever passed by this Congress which carries an appropriation for the purpose of attacking the problem of tuberculosis in food-producing animals.

Acting on the suggestion of the Secretary of Agriculture last year, this committee, which has fallen so far in the estimation of the gentleman from Nebraska, who is always interesting, entertaining, and active, appropriated $75,000 that the department might have the funds with which to work out a plan that would be effective against the spread of tuberculosis in live stock.

What are the facts? The department estimated for an appropriation of $187,000 for this purpose. Dr. Mohler, the chief of this bureau, was before this committee. The committee had an opportunity to cross-examine him, and it did cross-examine him. I defy any gentleman on the proponent's side of this proposition to show that Dr. Mohler, in his testimony, said that he could use a single dollar more than was asked for in the estimates, namely, $187,000.

Mr. LITTLE. Will the gentleman yield?

Mr. LEVER. I can not yield just now.

Mr. LITTLE. Very well; I yielded to the gentleman.

Mr. LEVER. Very well, I yield for a question.

Mr. LITTLE. Is it not a fact that the States appropriated money to eradicate tuberculosis long before the Department of Agriculture suggested it?

Mr. LEVER. What has that to do with this matter? It does not contradict me. I said the Federal Government never made any appropriation.

Mr. McLAUGHLIN of Michigan. Was not there an appropriation made in the District of Columbia in 1909?

Mr. LEVER. Oh, a little territory 10 miles square. What is that compared with the area of the United States, stretching from Canada to the Gulf and from the Atlantic Ocean to the Pacific Ocean. Yes; there was an appropriation, but it was not carried in this bill. They did eradicate it in this area down to 1 per cent. Does the gentleman think that we could sanely act on that kind of information or that kind of a result?

Mr. McLAUGHLIN of Michigan. The work extended into Virginia and Maryland.

Mr. LEVER. The statement has been made that tuberculosis could be eradicated. I desire to say to you that the testimony of Dr. A. D. Melvin, former chief of this bureau, who has since passed beyond the river, before the Committee on Agriculture last year, said that there was not a nation in the world that undertook successfully to eradicate tuberculosis. He said that there were one or two little islands that were doing it—the island of Guernsey is attempting to do it and the island of Jersey is attempting to do it. Germany undertook to do it and failed utterly. Germany now is doing what we are undertaking to do, namely, to control the disease. Germany has not made much success of that, for the testimony shows that from 60 to 80 per cent of its cattle are affected by this disease. That is the testimony of Dr. Melvin.

Mr. SLOAN. Will the gentleman yield?

Mr. LEVER. I can not yield.

Mr. SLOAN. For a brief question.

Mr. LEVER. Very well, I will yield to the gentleman.

Mr. SLOAN. Mr. Chairman, I would like to read one sentence:

Tuberculosis can be eradicated from all the cattle and all the swine in this Union, otherwise the Department of Agriculture would not have embarked on such a tempestuous campaign.

Mr. LEVER. That is Dr. Mohler.

Mr. SLOAN. Yes.

Mr. LEVER. Dr. Melvin says it has never been eradicated wherever attempted in the civilized world, except in a very restricted area.

Mr. LINTHICUM. Does not the testimony show that it has been practically eliminated in the District of Columbia?

Mr. LEVER. Oh, if the gentleman had listened to my statement, he would not take up my time by asking such a question. I have already stated that.

Mr. LINTHICUM. I have been here all of the time, and I never have heard the gentleman admit it.

Mr. LEVER. The gentleman from South Carolina was the first chairman of this committee which ever advocated it, the gentleman to the contrary notwithstanding. The gentleman from South Carolina, if he may say it himself, has been in the front rank of progressive workers in agriculture in this country. [Applause.]

Mr. LINTHICUM. I admit all that; but I want to say to the gentleman that last year I got an amendment in the bill for this, and when the bill came back from the conference committee the amendment was stricken out.

Mr. LEVER. I do not remember it. Let me say this: We want to approach this subject sanely and calmly. The committee, looking over the amendments, hearing the testimony, not only gave the Department of Agriculture every cent that it asked—$187,000—but we increased the amount to $250,000 upon our own initiative, and we did it because we recognized the gravity of the problem, because we recognized it is one of the big problems of this country; but we did not make the sum $500,000 or a million dollars because we were assured by the men testifying before the committee that $250,000 would be the maximum amount which they could expend wisely and economically in this work. If this committee had come in here with a million-dollar appropriation for this work, without an estimate, in the face of this uncontradicted testimony, half a dozen men would have been criticising the committee for acting in such an extravagant way with the people's money.

Reference has been made to the item carrying the cattle-tick appropriation. There is absolutely no comparison between these items, and for this reason: The cattle-tick work was started in this country in 1906 under Secretary James Wilson. It was started with an appropriation of $82,500, and it was held at that sum for several years—certainly below $200,000 for several years—and it was held at this low figure in order that the public might be educated to know what the situation was and to take advantage of the work. When the cattle-tick work first

began in the South many communities absolutely refused to touch it with a 40-foot pole. The district of my colleague from Mississippi [Mr. CANDLER] voted it down some years ago, but after propaganda, after education, and the people knew the situation, they voted it up, and they are doing work down there. Let me say another thing: The testimony before this committee is that neither the States nor the communities are prepared for this work at this time. I make that statement, and I challenge the contradiction of it—except in a very limited way.

What this committee is doing is to furnish the department with the machinery to approach this subject in the spirit of educating the people, both in the manner of segregating the diseased cattle from the well ones and in the manner of furnishing certificates to pure-bred cattle that are being used for breeding purposes throughout the United States. There is no proposition here to compensate owners for slaughtering cattle, and it seems to me that an appropriation of $250,000 is sufficient to give all of the propaganda work necessary in this matter and at the same time furnish all the tuberculin-test work that the department can properly and profitably do during the next fiscal year. When the time comes that the public has reached a position to utilize this money, I say to you that this committee will stand ready to give the department every dollar that it asks for. I remember in my own cross-examination of a witness last year I said I recognized the tremendous importance of this problem and that we would not quibble over dollars and cents, and if the department could show us it had the machinery with which to use the money wisely in the great work which it has initiated through the help of this committee and this Congress I would gladly advocate the expenditure. Some gentlemen have the idea that you can handle the tuberculosis situation as you would the hog-cholera situation. You can not do it. We have a serum with which we can prevent hog cholera in large measure. We have discovered no serum with which we can prevent tuberculosis in hogs or cattle. It is true we have discovered a tuberculin by which we can ascertain if the animal is infected or not, but beyond that we have no remedy except the absolute slaughter of the animal or its segregation from the herds that may be infected. I trust this amendment will be voted down.

The CHAIRMAN. The time of the gentleman from South Carolina has expired. All time has expired. The Chair will direct the Clerk to again report the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN].

The Clerk again reported the amendment offered by Mr. McLAUGHLIN of Michigan.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. McLAUGHLIN of Michigan) there were—ayes 47, noes 64.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed Mr. LEVER and Mr. McLAUGHLIN of Michigan to act as tellers.

The committee again divided; and the tellers reported—ayes 62, noes 77.

So the amendment was rejected.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment to the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 19, strike out "$250,000" and insert in lieu thereof "$400,000."

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. ANDERSON) there were—ayes 37, noes 55.

So the amendment was rejected.

The Clerk read as follows:

For all necessary expenses for the eradication of southern cattle ticks, $620,420, of which sum $50,000 may be used for live stock and dairy demonstration work, in cooperation with the States Relations Service, and of this amount no part shall be used in the purchase of animals: *Provided, however*, That no part of this appropriation shall be used in the purchase of materials for or in the construction of dipping vats upon land not owned solely by the United States, except at fairs or expositions where the Department of Agriculture makes exhibits or demonstrations; nor shall any part of this appropriation be used in the purchase of materials or mixtures for use in dipping vats except in experimental or demonstration work carried on by the officials or agents of the Bureau of Animal Industry;

For all necessary expenses for investigations and experiments in dairy industry, cooperative investigations of the dairy industry in the various States, inspection of renovated-butter factories and markets, $364,390.

Mr. SLOAN. Mr. Chairman, I desire to move an amendment to the paragraph just read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 21, strike out "$620,420" and insert "$250,000."

Mr. LEVER. Mr. Chairman, I make a point of order that the amendment is not germane to the section of the bill which is under discussion. That paragraph has already been read and the paragraph preceding it.

The CHAIRMAN. The Chair will state to the gentleman from South Carolina that while it is true the paragraph has been read and the Clerk had read the preceding one, the gentleman from Nebraska rose when the Clerk was in the midst of reading the first paragraph and the Chair told him he had not concluded the reading, therefore he did not recognize him at the time.

Mr. LEVER. Then, I withdraw my objection.

Mr. SLOAN. Mr. Chairman, I submit this amendment following the policy that has just been stated in the preceding paragraph, a policy to be applied, I hope will be governed, by neither latitude nor longitude. I take it that one of the largest propositions that we have before the country at this time is the production of food. It is just as important as the production of ordnance or the production of munitions for the purpose of winning the great war. The cry for food from "over there" is louder than the appeal for munitions or men. The meat food of this country is largely confined to the 130,000,000 cattle and hogs, all subject to tuberculosis. The $620,420, which I move to reduce to $250,000, designed to protect only 20,000,000 cattle from cattle tick, is evidently intended for the purpose of increasing the food production of this country. It can possibly affect only 11 or 12 States. The proposition to increase the tuberculosis item from $250,000 to $500,000 has just been beaten by a vote coming largely from the cattle-tick States. The tuberculosis amendment that has been before the House affects 48 States. That proposition should be a pace maker for economy of food production. It affects 48 States and 130,000,000 food animals. This item can possibly affect only 20,000,000 animals, all cattle, with an average value about the same as the hogs and cattle, numbering 130,000,000.

Now, then, it seems to me that if an appropriation of $250,000 is a sufficient response to the "tempestuous campaign" the Department of Agriculture has inaugurated—I use the language of the head of the Bureau of Animal Industry—affecting 130,000,000 food animals, for one that can affect only 20,000,000 animals $250,000 would be the height of liberality and generosity. More than that I understand it is claimed that 51 per cent of the possible area of the activity of the cattle tick has been cleared, which would reduce the number to be exposed to 10,000,000 head. Then it would be for 10,000,000 exposed there is protection of $620,000; while 130,000,000 food animals exposed to tuberculosis there is protection of only $250,000; I think in fairness to the tax-paying people of this country, as well as to the food producers, that if they are going to hold the tuberculosis appropriation down to $250,000, $250,000 would be a lavish sum to give for the eradication of the cattle tick. That $620,000 for 10,000,000 animals exposed to cattle tick means 6¼ cents for every head. Which $250,000 for tuberculosis for 130,000,000 animals is one-fifth of 1 cent per animal as protection against tuberculosis. A ratio of 31 to 1. In other words, Sir Bovis, the royal tick bearer, is given thirty-one times the consideration that his more humble fellow who bears, or might bear, the wasting tubercles.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For all necessary expenses for investigations and experiments in animal husbandry; for experiments in animal feeding and breeding, including cooperation with the State agricultural experiment stations, including repairs and additions to and erection of buildings absolutely necessary to carry on the experiments, including the employment of labor in the city of Washington and elsewhere, rent outside of the District of Columbia, and all other necessary expenses, $308,680: *Provided*, That of the sum thus appropriated $37,840 may be used for experiments in the breeding and maintenance of horses for military purposes: *Provided further*, That of the sum thus appropriated $61,040 may be used for experiments in poultry feeding and breeding: *Provided further*, That of the sum thus appropriated $8,000 may be used for the equipment of the United States Sheep Experiment Station in Fremont County, Idaho, including repairs and additions to and the erection of necessary buildings to furnish facilities for the investigation of problems pertaining to the sheep and wool industry on the farms and ranges of the Western States.

Mr. COX. Mr. Chairman, I move to strike out the last word. I want some information on this item. My recollection is this is the first time that this appropriation was carried, except that last year the amount was $12,280.

Mr. LEVER. What item?

Mr. COX. This sheep farm in Fremont County, Idaho. How was that money expended, and what has been the result?

Mr. LEVER. The item of $8,000 carried here is a continuance of the work that was done some years ago in the State of Wyoming when we introduced into that State some Corriedale sheep from Australia with a view of trying to improve not only

the wool production but the meat production of our sheep. Last year the proposition came to transfer this work into the State of Idaho. That proposition was, I think, submitted here on the floor, but did not receive favorable consideration by the House. It was put into the bill in the Senate. The Senate conferees insisted and the House conferees finally gave in, so that the herd of sheep that was being used for experimental purposes in the State of Wyoming has been transferred to the State of Idaho. I think they have there about 28,000 acres of land on which they are experimenting along the lines of grazing, feeding, breeding, and so forth.

Mr. COX. Is that on Government land?

Mr. LEVER. That is on Government land; yes. Now, this appropriation was used largely in building fences, corrals, and little houses for the protection of the sheep in lambing time.

Mr. COX. Last year the appropriation was carried in the amount of $12,280 and this year it is reduced to $8,000?

Mr. LEVER. Yes.

Mr. COX. Does the department feel like they could get along with $8,000?

Mr. LEVER. Yes; so we gave the department all they asked for.

Mr. COX. How are these sheep finally disposed of?

Mr. LEVER. Some are sold and the wool is sold also.

Mr. COX. Are they sold at public auction or by private sales?

Mr. LEVER. I am not sure of that, but I think the general rule is to sell products of the Department of Agriculture at public auction; but I am not sure about this.

Mr. COX. Are we only dealing with these Corriedale sheep that the Agricultural Department bought a few years ago?

Mr. LEVER. No; they have other sheep there.

Mr. COX. How many head of sheep are there now?

Mr. LEVER. There are between 4,000 and 5,000 head of sheep.

Mr. COX. And 28,000 acres of land?

Mr. LEVER. Yes. But this money is to be used only in building corrals and housing.

Mr. COX. And experimenting with the feeding and the growing of sheep generally?

Mr. LEVER. Yes.

Mr. WALSH. Mr. Chairman, I move to strike out the last two words.

Can the chairman of the committee inform me as to where and how extensively these experiments in the breeding and maintenance of horses for military purposes are being carried on?

Mr. LEVER. We have three stations, one at Front Royal, Va.; the Morgan farm up in Vermont; and a farm in Kentucky; but just in what part of Kentucky I am not able to say.

Mr. WALSH. Is the purpose to furnish horses for the military service or just to experiment and find out what particular breed of animal is best adapted?

Mr. LEVER. This appropriation was put into this bill over the protest of the chairman several years ago. The prime purpose of this is to undertake at Front Royal and in Kentucky to develop a better military horse. The work in Vermont, at Middlebury, is for the purpose, if possible, of preserving the Morgan horse and giving it a wider use in this country. Then, we also had a station out in Colorado, where we undertook to develop a carriage horse. That work is being conducted somewhat but not very extensively.

Mr. WALSH. Does the gentleman know whether the Military Establishment have received any of these horses from these stations during the past year?

Mr. LEVER. I could not tell the gentleman that. I would hardly think so, because this work at Front Royal and down in Kentucky has been going on only a very few years.

Mr. WALSH. Does the gentleman know how many animals they have?

Mr. LEVER. They have 30 stallions there now.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I would like to have some information from the chairman as to whether there is any activity in any of the departments of the Government looking to increasing the production of sheep as a general proposition—no particular class, but as a general proposition?

Mr. LEVER. There is. Last year, largely at the suggestion of the department and the gentleman from Pennsylvania [Mr. MOORE], there was inserted in the Agricultural appropriation bill, I think, the sum of about $25,000 for carrying on sheep demonstrations in this country, particularly along the Atlantic coast belt. This year we have increased the appropriation about $3,000.

Mr. FESS. That would indicate, then, that the work started last year is promising.

Mr. LEVER. The work started last year, according to my information, is very promising. The gentleman recognizes the tremendous necessity for that kind of work.

Mr. FESS. I will say to my friend that in years gone by almost every farm had a bunch of sheep. That seems to have been discontinued, and the product as a meat product seems to be very essential, and a bunch of sheep is rather of value to a farm than a detriment, and I wondered whether we would ultimately come to a position of producing no sheep.

Mr. LEVER. I would say to the gentleman from Ohio that I was very greatly surprised, in talking to a large sheep grower in the West, to learn that out of the total consumption of wool in this country of 600,000,000 pounds we produced only about 200,000,000 pounds. And I think there is no subject more worthy of consideration than the matter of increasing the sheep production in this country.

Mr. MONDELL. Mr. Chairman, I have on previous occasions when this bill has been under consideration expressed my opinion of the item for experiments in the breeding and maintenance of horses for military purposes, and I did not intend to say anything about it at this time, but it has been brought up by the gentleman from Massachusetts [Mr. WALSH], and I desire again to express the opinion that it is one of the few items of this bill which might very properly go out. I believe that expenditure is wasteful and does not result in accomplishing any good purpose. If it were wise and proper that the Government should go into the business of experimenting in the breeding of horses necessary and useful for military purposes, it should be done in a large way. It is not necessary to do it at all. The way we have been doing it is simply the frittering away of public money to the benefit and advantage of a few people in three localities.

But I did not rise for the purpose of discussing that particular part of the paragraph. Reference has been made to the portion of the paragraph relating to the sheep farm in Idaho. On this farm experiments are to be made with the Corriedale band of sheep bred from a band imported some years ago on an appropriation which I was somewhat instrumental in securing. These sheep were kept for several years in Wyoming, but the people who had charge of them there, and who cared for them very well and very successfully, concluded they did not care to continue their cooperation with the Government along these lines, and believed it would be wise to transfer those sheep and others, and the experimental work that was being carried on, to Idaho, where a considerable acreage of public land could be secured for the purpose of carrying on sheep experiments along various lines. Our people who were interested and informed generally held this view. I think the Idaho farm has not been running long enough to produce any very definite results, but I believe there are many experiments that can be carried on there that will be valuable.

The Corriedale sheep imported from Australia and New Zealand are proving a valuable addition to the wool and mutton producing flocks of the range States. The breed is gradually being utilized by a great many growers very much to their advantage. The Corriedale, carrying the characteristics of the merino, useful for all purposes for which the merino, either of the pure or mixed blood, is valuable, is a larger sheep with a heavier fleece.

It is a very valuable sheep for very considerable portions of the country, and the experiments that have and will be made with these and other classes and grades and breeds of sheep on the Idaho farm I believe will be very useful.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. Will the gentleman state whether or not these investigations that have been carried on in Fremont County, Idaho, will prove of any value or benefit in determining the extent to which sheep might be raised in other sections of the country, or whether it simply shows how successfully they may be raised in Idaho?

Mr. MONDELL. I do not know that they would cast much light on the question as to the wisdom and advisability of raising sheep on eastern farms, but they will cast a great deal of light on questions of breeding and feeding, of weight, of wool and mutton production, and quality; determinations of questions that, once made and decided in Idaho, will be useful everywhere that sheep are grown.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. GREENE of Vermont. Mr. Chairman, I have been particularly interested in the argument of the gentleman from Wyoming [Mr. MONDELL], because the illustration he gives of the apparent practicality and success of the experiment in sheep raising in Idaho, which was originally introduced into Wyoming, is based exactly upon the argument which supports the horse-breeding station in Middlebury, Vt. It further has a rather interesting history, inasmuch as the sheep which are now being imported into this country for experimental breeding purposes may be offspring of sheep that were developed in Vermont originally and sent to South Africa and Australia and those other regions. And this, as men interested in the sheep-breeding business know, became the so-called American merino, an adaptation of the Spanish merino made by Vermonters nearly a hundred years ago, and, until the Civil War put an end to the sheep industry in that State, Vermont was the chief furnishing State for the higher specialized type of the so-called Vermont merino. That development came from such kinds of experimentation in Vermont as the gentleman now claims would, in Idaho and Wyoming, with respect to sheep, be a good thing for the country.

Now, Vermont, again, true to type, is undertaking to breed from her famous Vermont Morgan horses a horse adapted to military purposes, so that if you will give us time enough at Middlebury we will have it so that all who are now on foot may ride horseback. [Laughter.] Even beggars may then ride on horseback. [Laughter.]

Mr. MONDELL. How long ago was that established?

Mr. GREENE of Vermont. Some years back, so far as its history is concerned.

Mr. MONDELL. Was it not about 20 years ago? The gentleman is not quite accurate about the Corriedale sheep. They were brought from Australia, not from Vermont.

Mr. GREENE of Vermont. I did not say they were brought from Vermont.

Mr. MONDELL. They were, if I am not mistaken, developed not from Vermont merinos but from Rambouillet merinos from southern France, so that the reference made by the gentleman from Vermont in regard to the merino sheep does not cover the Corriedale proposition.

Mr. GREENE of Vermont. All right; you can go as far into the herald's college for the pedigree of your sheep as you want to, but I am depending upon some facts that are well known in Vermont whether they are known in Wyoming or not. [Laughter.]

Mr. MONDELL. They also apply to the Wyoming merino.

Mr. GREENE of Vermont. I did not say that this particular sheep was the result of any experimentation in Vermont. You compare the virtue of that sheep with the so-called merino sheep for certain stable qualities. That particular sheep was developed in Vermont, and he was the type of a development which I was citing to you as an illustration. Then I said that probably we will get similarly successful results from horse breeding in Vermont after we have developed things. But coming back to the point, I want to use the gentleman's argument for sheep to defeat his own argument against the horse. [Applause.]

Mr. COX. Mr. Chairman, I know of nothing in the way of the live-stock industry that needs development more than the sheep industry of this country. If the American people do not wake up along those lines and do something, I do not know what is going to occur. Wool is an absolute necessity to our lives, to our health, and to our happiness, particularly to those living in northern climates, and yet the sheep is actually disappearing not only from our country, but practically from all the sheep-growing countries of the earth.

At the last general revision of the tariff the facts developed showed that we produced in this country annually about 280,000,000 pounds of wool and we imported about 320,000,000 pounds. Recognizing the necessity of cheap wool and cheap woolen goods, the duty was taken entirely off of wool, and wool was placed upon the free list, with the hope that it would do one or two or possibly more things—that it would give us cheap clothing, or possibly it would stimulate the production of sheep. It has done neither.

Now, what are we going to do? We have got to have wool. It has got to be grown. It has got to be produced somewhere. The sheep ranges of the West are practically broken up. They are now grazing the foothills of the Sierra Nevada and the Rocky Mountains. There is no place where sheep can be grown except upon the farm, and I know of no organization able to deal with the matter other than those living on the farms throughout the country.

Some years ago the people of Pennsylvania took up this question through their banking and agricultural organizations. I have kept up with that question by keeping in touch with the bankers' organizations in Pennsylvania and in touch with the agricultural organizations, and as a result of the money which the bankers of Pennsylvania actually put into the sheep industry in distributing the sheep among the farmers I am reliably informed that in the last five or six years they have actually increased their flocks and herds 100 per cent, and they have added to the taxable value of their property approximately $4,000,000.

But they soon encountered the archenemy of the sheep, and that is the dog. I had some correspondence with the secretary of agriculture of Pennsylvania about that this summer. The bankers' organizations and the Farmers' Alliance of Pennsylvania forced and compelled an unwilling and reluctant legislature to pass a law which practically legislated the dog out of existence, and I think the State of Pennsylvania, in a manner, has controlled that situation. Now, as to my own State, I undertake to say that there are more dogs in the State of Indiana than there are sheep.

I undertake to say that that is practically the rule in every State of this Union. There are as many dogs upon the farms as there are sheep. Something has got to be done. The Agricultural Department can do a tremendous amount of work, and a lot can be done by local organizations and institutions.

Mr. FESS. Will the gentleman yield for a question?

Mr. COX. Yes.

Mr. FESS. I had the same matter presented to me during the holiday week. My uncertainty was whether Congress could go into that field and whether the States would not have to be depended upon? What is the gentleman's opinion about that?

Mr. COX. I think we have got ultimately to depend upon the States, but I do think Congress can do a lot of research work along the plan laid down in this item here.

Mr. MONDELL. Will the gentleman yield?

Mr. COX. Yes.

Mr. MONDELL. I have in preparation a bill which proposes a Federal tax on the predatory sheep-killing dogs, which I propose to introduce later.

Mr. COX. If the gentleman will put the tax high enough, I will gladly support it.

Now, Mr. Chairman, when this war is over we shall be faced with a debt that will stagger humanity. Every penny of it has got to be paid. Not a dollar of it can be repudiated. We have got to begin the growing of raw material to enable the manufacturers of this country to keep their wheels moving after peace has come to us.

In 1910 there were 57,216,000 sheep in the United States. In 1917 the number had decreased to 48,483,000, a loss of 8,733,000 head from 1910 to 1917.

In 1890 the number of sheep in the United States was 44,336,072. In 1917 the number had increased to 48,483,000, or in 27 years the number of sheep increased 4,147,000, while the population increased during the same period of time upward of 25,000,000.

There is no place where sheep can be grown to-day in this country except on small farms by the man with 80 or 160 acres. Here must be the future home of the sheep. Every encouragement should be given the American farmer to induce him to go into the sheep industry.

The CHAIRMAN. All debate is closed on the paragraph. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Meat inspection, Bureau of Animal Industry: For additional expenses in carrying out the provisions of the meat-inspection act of June 30, 1906 (34 Stat. L., 674), there is hereby appropriated for the fiscal year ending June 30, 1919, the sum of $477,200.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MONDELL: Page 16, line 23, strike out the figures "$477,200" and insert in lieu of the same "$577,200, of which sum $100,000, or as much thereof as may be necessary, may be used to defray the expenses of the inspection of horses slaughtered for export and the meat products from the same."

Mr. LEVER. I reserve a point of order on that, Mr. Chairman.

Mr. MONDELL. Mr. Chairman, there never was a time in the history of the world when the meat shortage was felt so widely and so acutely as it is at this time. Among the populations of Europe, particularly of Italy, of France, and of the German States, the use of horse meat has been common and general for a great many years. In view of the meat shortage and the use of horse meat by foreign peoples, some of the horse growers of our western country took up with me and with the

Food Administration the question of the utilization of such of our horses as are not useful or valuable for military or ordinary work or pleasure purposes, with a view of having them utilized to relieve the meat shortage across the water. I took the matter up with the United States Food Administration, and have a letter signed by Mr. E. M. Hilton, which is as follows:

WASHINGTON, D. C., *December 31, 1917.*

Hon. W. F. MONDELL,
House of Representatives, Washington, D. C.

MY DEAR MR. MONDELL: Your letter of December 19 addressed to the Food Administration has been handed to me for reply.

The Food Administration also has received many letters with reference to the use of horse meat in place of beef and has placed before the allies' representatives the possibility of securing large supplies of horse meat in this country and is now awaiting their advices. It is quite possible that they may be glad to buy such meat, but until negotiations are further advanced there is, so far as I know, no available market, since the people of this country have not yet learned to eat horse meat.

I thank you for bringing this matter to our attention and can assure you that it has more than once been brought before the representatives of the foreign Governments.

Yours, very truly,

UNITED STATES FOOD ADMINISTRATION,
By E. M. HILTON.

There are horses available for slaughter all over the country. That is particularly true of the range country. The number of horses unavailable for ordinary use has been increasing as the variety of uses and the general use of horses have decreased, until there are a very large number of horses undersized and otherwise unfitted for ordinary purposes, although perfectly sound, healthy, and usable for meat. I do not believe that our people are likely to use horse meat to any considerable extent. My amendment does not contemplate inspection for such purposes but for export only. Horse meat is, however, being used in many of the large cities, slaughtered and inspected locally, and sold locally within State lines. At one time I think there was some inspection of horse meat under the Agricultural Department. There has been none for a number of years. I am proposing an increase of $100,000 in this appropriation to be used for the purpose of horse and horse-meat inspection for export.

I noticed in one of the newspapers of this city yesterday under a New York date the following:

SEEK $100,000 FUND TO BOOM HORSES AS FOOD—VETERINARY SURGEONS URGE REESTABLISHMENT OF INSPECTION AS MEAT-CONSERVATION MOVE.

NEW YORK, *January 26.*

A resolution requesting Congress "to appropriate immediately $100,000 to reestablish the inspection of horse meat," so it may be made salable, was adopted by veterinary surgeons from New York, New Jersey, Massachusetts, and Connecticut at a conference here to-day. The sale of horse meat, the conferees determined, will be of invaluable aid in preventing a food shortage and reducing the high cost of living.

"The inspection of horse meat was abandoned in 1914," Dr. W. Horace Hoskins, dean of the New York State Veterinary College and one of the leaders in the movement, said in a statement. "If it is restored," he continued, "thousands of horses from the western ranges, unsuited for draft work because of their light weight can be placed on the dinner table.

"There are thousands of these ponies," he said, "which have been refused by the allies and this country, but they are as fat as moles and would be a splendid substitute for our vanishing beefsteaks and mutton chops.

"By turning these horses upon the market as meat we can bring the price of meat down to 15 cents a pound. They are offered for sale at from $15 to $25 a head on the hoof. I have received telegrams offering as many as 6,000 in one consignment."

I have had some correspondence with the Secretary of Agriculture on the subject and he evidences his interest and explains the situation in a letter, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 11, 1918.

Hon. F. W. MONDELL,
House of Representatives.

DEAR MR. MONDELL: Pressure of work has prevented me from replying earlier to your letter of December 18, inclosing a copy of a communication from Mr. David Davis, of Badwater, Wyo., relative to the utilization of range horses for meat.

As I wrote you on July 8, the department understands that some horses are being slaughtered for food in this country in local abbatoirs. The inspection of these animals is conducted under the supervision of the city boards of health, and the meat is sold for local consumption. The department, therefore, has no definite information concerning the matter and has no means of knowing whether there would be any additional local demand for meat of this kind.

There is no specific law governing the inspection and slaughter of horses, and there is nothing to prevent the interstate shipment or exportation of horse meat, provided it is correctly labeled. All articles of food, however, must comply with the provisions of the food and drugs act of June 30, 1906, if shipped in interstate commerce.

Very truly, yours,

D. F. HOUSTON, *Secretary.*

Mr. COX. Why was Government inspection of horse meat for export stopped? Does the gentleman know?

Mr. MONDELL. I do not know. Possibly it was because few horses were utilized for that purpose, although at one time there was quite a considerable industry in the Pacific northwest in the slaughter of horses and the canning of horse meat for export purposes.

Mr. COX. Can not the department use the fund that is now used for the inspection of other kinds of meat to pay such inspectors?

Mr. MONDELL. I doubt it, because our inspection law applies to the inspection of the animals named in the law, and horses are not included.

Mr. COX. Does the law name the animals?

Mr. MONDELL. It does.

Mr. COX. Or the regulations?

Mr. MONDELL. The law itself. Cattle, sheep, hogs, and goats are the animals named in the law. This item is subject to a point of order, but I do believe that it is a matter of such importance that the appropriation should be made, because if our Secretary of State makes arrangements with foreign countries for the use of meat of this kind, a very large market will be secured, and there will be a very great relief from the present drain upon other classes of meat. As a nation we stand pledged to see that our allies receive a certain amount of meat from our supplies. The food administrator is urging for the curtailment of our use of meat in order that we may supply our allies. In this situation we should, if possible, utilize abroad our available supply of a kind of meat which the civilian populations of certain of our allies have used for years.

Mr. WALSH. Would not the appropriation of this sum lead to an increase in the slaughter of horses of light draft, for which there is now a very great demand for the Military Establishment?

Mr. MONDELL. It certainly would lead to the slaughtering of a great many horses, provided a market could be secured for such horse meat.

Mr. WALSH. Does not the gentleman think we had better conserve our horses for the Army rather than encourage their slaughter?

Mr. MONDELL. I will say to my friend that the horses which it is proposed to slaughter are horses that are too light or otherwise unfit for military purposes, and horses that for other reasons beside their size are not fitted for military use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman from Wyoming be extended five minutes. Is there objection?

There was no objection.

Mr. MONDELL. No one has any thought of encouraging the slaughter of horses fit for military purposes. There is no possibility of that being done because of the fact that the horse fit for military purposes brings a price at which the use of his meat for food would be entirely prohibitive. Horses suitable for military purposes bring more per pound than the best beef animal in the country. So animals of that sort would not be utilized for meat. It would afford a market for the very large number of horses all over the country and a still larger number in the range country. These are horses that for various reasons are not available or useful for ordinary purposes, but are perfectly sound, would add very largely to the worlds meat supply, and could be utilized by those people abroad who for years have been eating horse meat.

Mr. WALSH. My question was prompted by the statement the gentleman read in the clipping to the effect that horses would be used that were not suitable for draft purposes, and I thought that there might be some distinction between horses suitable for draft work and horses suitable for military purposes.

Mr. MONDELL. Perhaps the gentleman did not hear the whole article. That question was discussed, and it was suggested that the horses available for this purpose were horses that could not be used for draft purposes or driving or military purposes. I have here a letter from a constituent who knows and states the situation in regard to horses in the range country.

TO RELIEVE THE MEAT SHORTAGE.

BADWATER, WYO., *December 10, 1917.*

Hon. FRANK MONDELL,
Washington, D. C.

DEAR SIR: Can you not draw the attention of Congress to the thousands of horses that are running on the range and elsewhere which are unfit for artillery, cavalry work, or saddle, but would make tons of nutritious meat for the people who are accustomed to eating horse. There are hundreds and hundreds which are too small for work animals and too awkward for saddlers. There is now no market for these animals, and if they could be sold for beef it would leave the feed they are now eating for the desirable ones.

Trusting the Nation will see this unused meat supply, I am,

DAVID DAVIS.

These perfectly healthy animals are now eating grass that ought to be utilized by other animals. Their use would make a market for the stock and greatly relieve the food situation among the civilian population among those of our allies accustomed to such meat.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto be closed in six minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the paragraph and amendments thereto close in six minutes. Is there objection?

There was no objection.

Mr. NORTON. Mr. Chairman, this is an item that I believe should be favorably considered by the committee. The question of supplying a sufficient amount of meat to the people of this country and for our allies during the period of the war is a very important one. There are in the country to-day, it is estimated, about four or five millions of horses available for slaughter.

Mr. COX. Did the gentleman say 5,000,000 horses available for slaughter?

Mr. NORTON. Available for slaughter, which can be used without injury to the horse and without in any way endangering the supply of horses that are needed to be used for work on the farms of the country, in our cities, and for military purposes.

Mr. COX. How many horses are there in the United States?

Mr. NORTON. There are about 22,000,000.

Mr. WALSH. Will the gentleman state who made the estimate that there are 5,000,000 horses available for slaughter? Was it made by some department of the Government?

Mr. NORTON. No; that is an estimate that has been given out, I believe, by well-known horsemen in North Dakota and Montana who are well acquainted with the condition of the horse industry of the country. I will say to the gentleman that this is a question to which has been given considerable thought and study. It has been taken up with the Food Administration of this country and with the food administrations of England, France, and Italy. The slaughter of horses in this country for meat for export trade is considered a very practical matter.

I shall not be surprised at all if within a very short time the Congress provides for the establishment in the country of a plant for the slaughtering of horses and for the export of horse meat. Horse meat is just as wholesome and just as nourishing as is the meat of cattle. It has been used quite generally for many years in European countries.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. MOORE of Pennsylvania. I do not want to rob the gentleman of his time but this is a new proposition and I would like to know whether any department of the Government has suggested that we begin to use horse meat for food in the United States.

Mr. NORTON. I do not know that any department has yet recommended the use of horse meat in the United States, but I know the Department of Agriculture and the Food Administration has already considered this proposition and expressed the view that it was practicable and that the time has arrived when serious consideration should be given to this source of meat supply. I took this matter up with the Food Administration and the Department of Agriculture a year ago, and they then expressed much interest in it. I think it would be a somewhat difficult matter to educate our people in this country for some little time yet to the use of horse meat for food.

Mr. MONDELL. The gentleman knows that my amendment applies only to the inspection of horse meat for export.

Mr. MOORE of Pennsylvania. I notice the administration is suggesting that we reduce food consumption in this country in order to send meat and wheat to our friends across the water. I would like to know if we are going to be reduced to horse meat in the United States while we are sending our beef and wheat abroad? It does not seem to me that that is quite an American proposition.

Mr. NORTON. If the gentleman will give his powerful influence to the passage of this amendment, as I trust he will, it will help to avoid that very condition which he seems greatly to fear. It will help to supply our allies with wholesome and nourishing meat and enable us to keep a great deal of our beef for home consumption.

Mr. MOORE of Pennsylvania. It will probably get to our own soldiers if we export it, and I am not quite ready to accept horse meat for a diet either for our soldiers or the people in the United States. I want to know if any department of the Government has approved of the proposition contained in the amendment of the gentleman from Wyoming?

Mr. MONDELL. Will the gentleman yield for me to answer?

Mr. NORTON. No; I have not the time.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. LEVER. Mr. Chairman, this amendment is clearly subject to a point of order; but inasmuch as the gentleman from Wyoming called my attention to it this morning as we were coming into the Hall, I am going to ask unanimous consent that the item may be passed over without prejudice, the point of order being reserved until I can consult certain gentlemen in the department about it.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the paragraph and amendment with the point of order pending against it may be passed over until he calls it up later.

Mr. MOORE of Pennsylvania. Does that mean that there will be an opportunity for discussion, since the gentleman has had the debate limited?

Mr. LEVER. If the point of order is withdrawn, I will agree that there shall be proper discussion.

Mr. MOORE of Pennsylvania. And the gentleman will permit debate on it if the proposition comes up again?

Mr. LEVER. I shall if I take the point of order off.

Mr. MOORE of Pennsylvania. I think it is such a radical proposition that we should come down to a horse-meat basis in the United States, or even abroad, so far as soldiers are concerned, that we ought to have a little discussion of it on the floor.

Mr. LEVER. So do I.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The Clerk read as follows:

BUREAU OF PLANT INDUSTRY.

Salaries, Bureau of Plant Industry: One physiologist and pathologist, who shall be chief of bureau, $5,000; 1 assistant to the chief, $3,000; 1 executive assistant in seed distribution, $2,500; 1 officer in charge of publications, $2,250; 1 landscape gardener, $1,800; 1 officer in charge of records, $2,250; 1 executive clerk, $2,000; 2 executive clerks, at $1,980 each; 1 seed inspector, $1,000; 1 seed warehouseman, $1,400; 1 seed warehouseman, $1,000; 1 seed warehouseman, $840; 7 clerks, class 4; 12 clerks, class 3; 3 clerks, at $1,500 each; 23 clerks, class 2; 58 clerks, class 1; 1 clerk or draftsman, $1,200; 1 clerk, $1,080; 7 clerks, at $1,020 each; 25 clerks, at $1,000 each; 44 clerks, at $900 each; 1 clerk or draftsman, $900; 11 clerks, at $840 each; 1 laborer, $780; 41 messengers or laborers, at $720 each; 11 messengers, messenger boys, or laborers, at $660 each; 30 messengers, messenger boys, or laborers, at $600 each; 1 artist, $1,620; 1 clerk or artist, $1,400; 2 clerks or artists, at $1,200 each; 1 photographer, $1,200; 1 photographer, $840; 2 laboratory aids, at $1,440 each; 1 laboratory aid, $1,380; 4 laboratory aids or clerks, at $1,260 each; 1 laboratory aid, clerk, or skilled laborer, $1,080; 3 laboratory aids, clerks, or skilled laborers, at $1,020 each; 2 laboratory aids, at $960 each; 1 laboratory aid, $900; 4 laboratory aids, at $840 each; 7 laboratory aids, at $720 each; 1 laboratory apprentice, $720; 1 map tracer, $600; 2 gardeners, at $1,440 each; 4 gardeners, at $1,200 each; 8 gardeners, at $1,100 each; 15 gardeners, at $900 each; 19 gardeners, at $780 each; 1 skilled laborer, $960; 2 skilled laborers, at $900 each; 3 skilled laborers, at $840 each; 1 assistant in technology, $1,400; 1 assistant in technology, $1,380; 1 mechanician, $1,080; 1 mechanical assistant, $1,200; 1 blacksmith, $900; 1 carpenter, $900; 1 painter, $900; 1 teamster, $840; 1 teamster, $600; 21 laborers, at $540 each; 35 laborers, messengers, or messenger boys, at $480 each; 4 laborers or charwomen, at $480 each; 5 laborers or messenger boys, at $420 each; 20 charwomen, at $240 each; 10 messenger boys, at $360 each; in all, $440,020.

Mr. LEVER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 18, line 1, after the word "laborers," insert a comma.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. In line 7, on page 17, I notice a provision for one executive clerk. Is not that a change in the title?

Mr. LEVER. This one executive clerk was carried on the statutory roll heretofore as one superintendent of seed weighing and mailing. The department recommended a change in the title of that clerk in order to give a little more elasticity in appointment.

Mr. WALSH. Does the gentleman know whether that was by way of hint or intimation that perhaps the congressional seed distribution should be dispensed with——

Mr. LEVER. No.

Mr. WALSH. And hence there would be no need for a superintendent?

Mr. LEVER. No; I am afraid not.

The Clerk read as follows:

For conducting such investigations of the nature and means of communication of the disease of citrus trees, known as citrus canker, and by applying such methods of eradication or control of the disease as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means, in the city of Washington and elsewhere, and cooperation with such authorities of the States concerned, organizations of growers, or individuals, as he may deem necessary to accomplish such purposes, $250,000, and, in the discretion of the Secretary of Agriculture, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities, or by individuals or organizations for the accomplishment of such purposes: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee state what kind of plants or tree growth this money is applied to for the eradication of citrus canker?

Mr. LEVER. The citrus canker is a fungus disease which attacks citrus trees, orange, grapefruit, and lemon, and any of the citrus family. We had an outbreak of it first in Florida a couple of years ago. We appropriated quite a considerable sum of money at that time. This year we think we have recommended a sufficient sum. We have practically cleaned up the State of Florida, the testimony shows, and there is only knowledge of one infection in the State. The State of Florida at the meeting of its last legislature appropriated $300,000 for cooperation with the Federal Government to cover a period of two years. There is, however, danger of the spread of the disease in Louisiana, Alabama, Texas, Mississippi, and the purpose of this appropriation is to insure a complete eradication from the United States of the disease, because it is tremendously infectious and destructive.

Mr. COX. How is that infection carried?

Mr. LEVER. By birds and on the clothing of men. These men who fight this disease clothe themselves in rubber. It is carried by any movable thing.

Mr. WALSH. Can the gentleman state under what item in this bill, if there is an appropriation for the purpose, is carried the provision for destroying currant bushes and other similar shrubs because of their being afflicted with some kind of a fungus growth or disease?

Mr. LEVER. That is carried in the next item, I think. It is the white-pine blister rust that the gentleman has in mind, is it not?

Mr. WALSH. It is some kind of a growth similar to that.

The Clerk read as follows:

For applying such methods of eradication or control of the white-pine blister rust as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and the employment of such persons and means in the city of Washington and elsewhere, in cooperation with such authorities of the States concerned, organizations, or individuals as he may deem necessary to accomplish such purposes, $230,448, and in the discretion of the Secretary of Agriculture no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations for the accomplishment of such purposes: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of trees or other property injured or destroyed.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. As I understand the phraseology of this paragraph, no part of the money appropriated can be used to pay the cost or value of trees or other property injured or destroyed. Is the discretion vested in the Secretary of Agriculture under this paragraph such that it goes to the extent where he may limit the use to which the money contributed by local authorities is put, so that no part of that money can be used for the payment of property destroyed?

Mr. LEVER. I should not think so. I should not think the Secretary of Agriculture would have any control over funds other than those appropriated by Congress itself.

Mr. WALSH. But he can restrict the use of the Federal appropriation until the money is appropriated by the States.

Mr. LEVER. Undoubtedly.

Mr. WALSH. I understand that in many localities where this disease has broken out the Federal authorities have either directly, or, acting through the department, pulled up and destroyed large numbers of afflicted shrubs, and that the people who own them have not been able to receive any compensation therefor.

Mr. LEVER. The same principle applies in this item as applies in the citrus-canker item which we discussed a moment ago.

Mr. WALSH. That is what I wanted to ask, whether the citrus-canker sufferers, the owners of property who had trees afflicted, have been able to receive compensation from the State or local authorities for their trees which have been destroyed?

Mr. LEVER. I do not think so. I know they have not received any compensation from the Federal Government. The gentleman from Florida [Mr. DRANE] can give that information, I think.

Mr. DRANE. If the gentleman will allow me, I will give him the information. The citrus canker grows in the State of Florida. When they find the citrus canker has attacked a tree they give that tree up as lost. They generally, on their own volition, destroy it and they make no claim.

Mr. WALSH. And the same reasoning follows as to this item?

Mr. LEVER. Exactly.

Mr. WALSH. If any of the stock has been attacked, it is of benefit to the community to have that property destroyed and the disease stamped out in that way?

Mr. LEVER. That is the idea, exactly.

Mr. FESS. Mr. Chairman, I rise in opposition to the pro forma amendment. I would state to the chairman and the committee that I think this policy that has been inaugurated in regard to cooperation with the Federal Government by the local authorities is wise, and ought, in so far as it is possible, to become the policy of all the gratuities of the Federal Government, because there is a feeling that here and there somebody will come in and ask the Federal Government for assistance without any regard as to how much of the burden should be borne by themselves, and I believe that complaint has some foundation.

Mr. LEVER. If the gentleman will permit, I will say to him I thoroughly agree with him, and I think one of the most interesting legislative developments in recent years has been the adoption of this policy to which the gentleman refers; for instance, the agricultural extension act, the Federal road act, the citrus canker, the white-pine blister rust, and other items in this bill.

Mr. FESS. Is there any hope that that may become the fixed policy of Government gratuities in the future?

Mr. LEVER. It seems to me we are tending rapidly in that direction.

Mr. FESS. I think it is a very wise position for the Government to take.

Mr. LEVER. I think so myself.

The CHAIRMAN. The Clerk will read.

Mr. LEVER. Mr. Chairman, I offer the following amendment to correct a typographical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 3, after the word "authorities," to insert a comma.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to return to the item on page 19, line 19.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to return to the page and line indicated. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, let the amendment be reported.

Mr. LEVER. Just to correct a typographical error.

Mr. STAFFORD. I have no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 19, line 19, after the word "and" strike out the word "by" and insert in lieu thereof the word "for."

Mr. LEVER. It is the item of last year's act.

The amendment was agreed to.

The Clerk read as follows:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton and other fiber plants by cultural methods, breeding, and selection, and for determining the feasibility of increasing the production of hard fibers outside of the continental United States, $85,510: *Provided*, That not less than $7,500 of this sum shall be used for experiments in cottonseed interbreeding: *Provided further*, That of this amount $3,000 may be used for experiments in the production of New Zealand flax in the United States and for its utilization in the manufacture of binder twine.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the item just read. I wish to inquire what is contemplated by this new phraseology as to experimentation in the production of New Zealand flax in the United States?

Mr. LEVER. I will ask the gentleman from North Dakota [Mr. YOUNG] to give the gentleman the information.

Mr. YOUNG of North Dakota. Mr. Chairman, it is claimed that New Zealand flax will produce a very much cheaper binder twine. The binder-twine problem has become more and more serious every year. New Zealand flax grows in southern California now as an ornamental plant, and also in Florida, and I presume will grow in different places throughout the South.

It was introduced there because it is a beautiful plant, growing about 8 feet tall. That is how it happens to be in the United States at this time in very limited quantities. In New Zealand they have made more or less binder twine from it and they export some to Australia. It is claimed that they have now in California a new process by which this plant can be manufactured into twine very cheaply and secure a much cheaper product than can now be obtained. As the gentleman knows, we are now dependent upon other countries for the supply of binder twine. That is not a good condition, especially in this time of war, when we ought not to be dependent upon other countries for the twine to bind our grain. The product comes from Mexico and the Philippines. We do not know how long the latter may be a part of the United States.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman to ask a question of the gentleman from North Dakota.

Mr. GREEN of Iowa. What is the character of the product? Is it a firm, strong twine?

Mr. YOUNG of North Dakota. Yes; I will say to the gentleman it must have been, or the International Harvester Co. would not have already placed a big order with the people in California if they can produce it.

Mr. STAFFORD. Will the gentleman permit?

Mr. YOUNG of North Dakota. Certainly.

Mr. STAFFORD. In the item on page 23 we find an appropriation of $240,000, $50,000 more than carried in last year's bill, providing, among other things, for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases. I wish to inquire whether that last phraseology would not permit the utilization of this large amount of a quarter of a million dollars for the very purpose of which the gentleman now speaks.

Mr. YOUNG of North Dakota. I would say not, for this reason: While this is called flax, I do not know any reason on earth why we should call it that. It does not belong to the flax family. That is to say, it has no seed which can be sold to make anything. They utilize only the stalk. It is a sisal, that is what it is, pure and simple.

Mr. STAFFORD. If my memory is not at fault, there was carried in times past an item for some agricultural experimentation in North Dakota or near by for flax development, and I take it that amount was provided out of this general appropriation.

Mr. YOUNG of North Dakota. I think that is a different character of experiment.

Mr. STAFFORD. The gentleman coming from that region and being acquainted with flax culture, both animal and vegetable, I wish to inquire how much has been expended along those lines of experimentation in the gentleman's State?

Mr. YOUNG of North Dakota. I think that was in respect to utilizing the flax straw. Of course we raise flax in North Dakota. It is the greatest flax State in the Union. We raise it for the seed. We usually do not count the straw as being worth anything, or at least it has not been utilized up to this time. There have been small sums with which to experiment with the flax straw, to see if it could be utilized for binder twine. Up to this time we have not found a method to prepare it so it makes a serviceable binder twine.

Mr. STAFFORD. How much has been expended for that purpose out of the National Treasury?

Mr. YOUNG of North Dakota. I think about $10,000 a year.

Mr. STAFFORD. And the experiments are still going on?

Mr. YOUNG of North Dakota. They are.

Mr. STAFFORD. Once a thing is started under national auspices it never stops, unless objection is raised to it and it is singled out so that a point of order can be raised against it. In this bill there is no opportunity for any Member to spot it; otherwise it might receive a knock-out blow. Now, I am inquiring what better results may be expected if we launch upon this new variety of flax development with this New Zealand variety? Do you think we will have 10 years of experimentation, at an annual expenditure of $10,000, and come no nearer than we are to-day in the other flax development?

Mr. YOUNG of North Dakota. I think we will have to trust in this case to the department. It may be that money is spent that ought not to be spent, but we can not in this House vote the money and then ourselves spend it. We have got to trust to an executive to spend the money after we vote it.

Mr. STAFFORD. But we can all rely on the Members who come from those States where those expenditures were originally instituted, when they realize the experiment is a failure, to strike it out.

Mr. YOUNG of North Dakota. I will say that while we asked for this appropriation of $3,000 to experiment with New Zealand flax it will not grow in North Dakota or in any of the Northern States. It does grow in southern California and some other portions of the South.

Mr. STAFFORD. Can the gentleman give the assurance to this extent, that the amount appropriated herein, if it is allowed now, will not grow in amount?

Mr. YOUNG of North Dakota. I am satisfied there is no need for it to ever grow in amount.

Mr. STAFFORD. Mr. Chairman, upon that assurance I withdraw the reservation of the point of order.

Mr. TOWNER. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto close in 12 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on this paragraph and all amendments thereto close in 12 minutes. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I only desire at this time to call the attention of the committee to the immense importance of the development, if we possibly can, in the United States or in our possessions, of some sort of a fiber plant that will supply our farmers with the necessary material to make our own binding twine. The condition now is most unfortunate. Practically all of the supply that is required for the making of binding twine in the United States comes from Mexico. Now, we are paying because of the fact that it is controlled by a Government monopoly, or our farmers are required to pay, three or four times the price which under normal conditions and under competition, and as conditions existed before, was required to be paid. We are in the clutches of a Mexican monopoly, and it is a serious proposition, because, without binding twine, it is impossible for the farmers of the United States to gather their grain crops.

Mr. WALSH. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. WALSH. Is not the increased cost of binding twine carried on to the price which the farmer receives for his grain?

Mr. TOWNER. I think not. I think that that is comparatively inconsiderable. In fact, the farmer does not receive the price for his grain at any time based upon the cost of the production of grain. The gentleman could easily ascertain that fact if he would make a study of prices. The matters that determine the price of grain are entirely extraneous as far as the cost of production is concerned. The cost of production for one year must be just as great as for another year, and yet the price may be twice as much in one year as it is in another year.

Now, we are conducting in the Philippine Islands experiments, aided partially by our own Department of Agriculture, but not to the extent I would like to see it done, in the development there of the fiber plant which can produce, it is thought, a quality of sisal that will be almost, if not quite, equal to that which is produced in Mexico for binding-twine purposes. It may be that we will be able to develop, and I hope we may, in the Philippine Islands a plant that will take the place of the Mexican sisal. I hope, but hardly expect, that we will be able in our climate, in a temperate zone, to produce the necessary plant growth that will give us the fiber necessary for the production of the best sort of binding twine. However, I think that these experiments ought to be carried on, not only for binding-twine purposes but for the many purposes for which these fiber plants may be used. We are using fiber plants in the production of bagging for grain and for vegetables. We are using fiber plants in a hundred different methods and manners, and all of this can be utilized. Certainly the Department of Agriculture is acting wisely in doing all that it can for this development. I hope the appropriations that are to be given in aid of the experiments carried on in Dakota will be granted ungrudgingly. I hope that wherever it is possible for us, recognizing the almost supreme importance and necessity of furnishing to the farmers of the United States who are growing our grain this absolutely essential requisite for the harvesting of their crops, Congress will do all it possibly can to encourage this growth and development. [Applause.]

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WALSH. Does the gentleman understand that these experiments are to be carried on in North Dakota?

Mr. TOWNER. Not all of them.

Mr. FESS. Mr. Chairman, I want to ask the gentleman from North Dakota one or two questions for information.

Mr. YOUNG of North Dakota. Very well.

Mr. FESS. What proportion of the binding twine that we use do we import? Can the gentleman make a general statement?

Mr. YOUNG of North Dakota. My colleague from Iowa says 90 per cent. I think that is a fair estimate. It is practically all brought in either from Mexico or the Philippine Islands. Mexico is now a foreign country, and the Philippines may be if the majority in Congress has its way.

Mr. FESS. We have in the district that I have the honor to represent a very large binding-twine manufactory, and they seem to be wholly dependent upon the product that comes from Mexico and Central America, especially Central America.

Mr. YOUNG of North Dakota. And so are the farmers. It would be a greater calamity for the farmers to have that supply cut off in time of war than it would be for your manufacturing plants.

Mr. FESS. The manufacturing plant, of course, produces it for the farmer. The raw material coming from that section—I have had a good deal of correspondence as to priority shipments in the past few months, stating that that market was pretty nearly closed. I was wondering whether there was any hope of developing a substitute for the sisal that we receive from South and Central America and Mexico. Do you hope to do that through the New Zealand flax?

Mr. YOUNG of North Dakota. That is the hope, because this plant grows very profusely and will produce ten times as much per acre as any other sisal.

Mr. FESS. One reason why I arose was the emphasis placed upon this article as a necessity at this time—that it might be regarded as an essential article rather than a nonessential article. I should think it would be, because it is absolutely necessary for the harvesting of our crops.

Mr. YOUNG of North Dakota. They have never found anything satisfactory to use in harvesters except twine such as they have now. If you take wire, it gets into the thrashing machine and tears it to pieces.

Mr. FESS. They want to avoid that?

Mr. YOUNG of North Dakota. You have got to have a strong twine, but one which can be easily cut.

Mr. FESS. Where will these experiments be made?

Mr. YOUNG of North Dakota. Naturally, where the plants are growing now—in the Imperial Valley of southern California.

Mr. NORTON. Mr. Chairman, as the gentleman from Iowa [Mr. TOWNER] said, it is of the highest importance to develop in this country a plant to take the place of the sisal that we are now importing for use in the manufacture of binding twine for the wheat-growing sections of the country. By this appropriation it is proposed that experiments are to be made with this New Zealand flax, to ascertain whether it can be used as a substitute for sisal. The officials of the Department of Agriculture, as will appear in the hearings under the Bureau of Plant Industry items on page 39, are not very sanguine about the prospects of being able to use the fiber of this plant as a substitute for sisal or for other fiber now used in the manufacture of binding twine. This plant, phormium tenax, or the so-called New Zealand flax, is not like the ordinary flax plant at all. In fact, it does not belong to the same family. It belongs to the lily family, and in general appearance and manner of growth it resembles the iris, or blue flag, except that the leaves are much longer, attaining a length of 5 to 8 feet. It grows wild in New Zealand. Extensive experiments have been made in its use there. The fiber from this plant is now being used in this country and in New Zealand to a small extent in the manufacture of inferior grades of rope and twine. The method of cleaning and preparing phormium fiber is very laborious and expensive. There has been a standing offer of $60,000 in New Zealand for 20 years for the discovery or invention of improved methods for preparing this fiber, but no one has claimed the offer.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Yes; I yield.

Mr. WALSH. The gentleman has covered the point I was going to ask, as to what experiments were made in New Zealand. Were they for the purpose of ascertaining the methods and machinery necessary to be used in converting it into twine?

Mr. NORTON. Yes; I should expect that that would be about the only thing that this appropriation could be used for, to determine the best method of preparing this fiber and to determine the uses which may be made of the fiber in this country. I do not think there is any question about its growth. It will grow in any warm, moist climate.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Yes; I shall be pleased to yield to the gentleman.

Mr. GREENE of Vermont. Did the experiments made in New Zealand tend to show whether it would be adapted to the same uses that it is used for here? Do you know whether it is used as we would want to use it on the harvesters here?

Mr. NORTON. According to the statement of the department here, it is not suitable to be used alone for the manufacture of binder twine. It can be used to fill in with a stronger fiber.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. NORTON. I yield to my colleague.

Mr. YOUNG of North Dakota. I will say that the department expects, if this item is allowed, to bring in some seed. The roots were brought in last year, quite a quantity of them—or at least they were headed this way, but on account of the fact that insects were working in the growths they deemed it proper, under the quarantine regulations, to prevent the material coming in. Now it is proposed to bring in the tops with the seed, so as to get a supply to start growing it in southern California.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Yes.

Mr. GREEN of Iowa. I understand the Department is not enthusiastic about this proposition. Does not the gentleman think that in view of the fact that our farmers are now compelled to pay an extortionate price by reason of this Government monopoly we could afford to take some chances, even if we were grasping at more straws than one?

Mr. NORTON. Yes. I quite agree with the gentleman. I believe it is highly important that some substitute be found for Yucatan henequen, which has now become so expensive for use in the manufacture of binding twine, owing to the monopoly under which it is sold.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For the investigation and improvement of cereals and methods of cereal production, and the study of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, $241,505: *Provided*, That $40,000 shall be set aside for the study of corn improvement and methods of corn production: *Provided also*, That $50,000 shall be set aside for the investigation of the diseases of wheat, oats, and barley known as black rust and stripe rust: *Provided also*, That $25,000 shall be set aside for the investigation of corn root and stalk diseases and for the inauguration of such control measures as may be found necessary.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from North Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of North Dakota: Page 23, line 14, after the word "investigation," insert "and control."

Mr. YOUNG of North Dakota. Mr. Chairman, the appropriation carried for this purpose in the past has been for investigations, and those who have been conducting these investigations have now reached the conclusion that the cause of black rust is the barberry bush; and they have at last reached the conclusion that the money devoted to this purpose should be used chiefly to eradicate or destroy the barberry bush, rather than to investigate this matter any further. So I think it is necessary now to add the words "and control" after the word "investigation." Otherwise the department might be hampered somewhat in spending the money. The exportable surplus of wheat for the allies must come from North Dakota, South Dakota, Minnesota, and Montana. With the winter wheat reported in bad condition, worse than at any time since crop records were kept, it is the part of prudence to see to it that so far as it is humanly possible nothing shall happen to our wheat crop to be seeded next spring. It would be possible in the four States just mentioned for black rust to destroy enough wheat so that we could not export a single bushel without the people going hungry in the United States. There is no guessing about this. We found out in 1916 what a terrible scourge black rust could be, and the enemy has been found. The barberry bush stands indicted by the scientists of this and several other countries.

Mr. COX. Will the gentleman yield?

Mr. YOUNG of North Dakota. Certainly.

Mr. COX. I am very much interested in this item. If it is doing any good, I would like to see it doubled, trebled, and quadrupled, because of all things that our farmers have had to deal with this black rust is the most destructive. It wipes us off the map every year or two and cleans us out. Has the department located the primary and proximate cause of this rust; and if so, what has it finally settled upon?

Mr. YOUNG of North Dakota. There were 37 plant experts who met in Madison last year, and they were unanimous in their finding that the barberry bush, which is an ornamental shrub growing chiefly in the towns and villages, is the cause of black rust.

Mr. COX. Is there more than one variety of that bush?

Mr. YOUNG of North Dakota. There are quite a number of varieties, and all except the Japanese barberry bush are hosts for the parasites that are driven by the wind to the wheat fields and cause black rust.

Mr. COX. How does the gentleman account for the fact that you will find this black rust away out in the country, clear away from any shrubbery at all?

Mr. YOUNG of North Dakota. The reason is this: When the parasite breaks away from the barberry bush it is in the form of a very fine powder, lighter than air, and when it is taken up by the winds it is carried hundreds of miles. These particles are so fine that one bush thrown out into the wind will scatter them over an immense area of territory, surprisingly large.

Mr. COX. Then, the only remedy to get rid of the black rust is, first, to get rid of the barberry bush. Is that correct?

Mr. YOUNG of North Dakota. Yes.

Mr. COX. What kind of a racket are we going to get into with our people in the towns and cities when we undertake to destroy their fine shrubbery?

Mr. YOUNG of North Dakota. It seems to me in this time of war, when some of the people in the cities are glorying over the fact that they have plowed up their tennis courts and planted them to potatoes, we can get enough patriotic people in the United States to understand that one of the best ways to win this war is to dig up these barberry bushes.

Mr. COX. I quite agree with the gentleman; but I want to know what these scientists have further found out.

Mr. YOUNG of North Dakota. In the hard-wheat States, Minnesota, North Dakota, and South Dakota, alone, we lost 180,000,000 bushels of wheat in 1916 from the black rust.

Mr. COX. There is no doubt on earth about that.

Mr. YOUNG of North Dakota. That was more than will be saved by this entire wheat-saving campaign being conducted by Mr. Hoover, and you will understand that I do not want to minimize the great conservation work which he is performing.

Mr. COX. The 1915 crop of Indiana was almost wiped off the map, and fields of 20 or 40 acres that looked to be fine wheat one day were not worth a cent the next. Have these scientists discovered anything else, other than this barberry bush, that is responsible for this?

Mr. YOUNG of North Dakota. No; they have not in the Northern States.

Mr. COX. They place the whole responsibility there, and there alone?

Mr. YOUNG of North Dakota. Yes; and they point out that they eradicated the barberry bush from Denmark in 1903 and have not had black rust there since.

Mr. COX. That means that you have got to dig up these bushes and burn them?

Mr. YOUNG of North Dakota. Dig them up.

Mr. COX. Destroy them in some way?

Mr. YOUNG of North Dakota. Yes.

Mr. TILSON. Will the gentleman say how far this black rust will carry?

Mr. YOUNG of North Dakota. They have found in India that it will carry as far as 300 miles.

Mr. TILSON. I was wondering if it would carry from Connecticut to North Dakota? If so, I had better dig up some that I recently had planted in my yard.

Mr. YOUNG of North Dakota. It will undoubtedly carry from the gentleman's State over into Ohio, where they raise quite a lot of wheat. How much wheat do they raise in Connecticut?

Mr. TILSON. Very little.

Mr. YOUNG of North Dakota. It is up to the people in the States where they do not grow wheat, as well as in the States where they do, to dig up the barberry bush as a matter of patriotism.

Mr. TILSON. If it will destroy wheat, we surely will dig it up.

Mr. YOUNG of North Dakota. Thank you; you are a patriot.

Mr. Chairman, I have had a number of important letters upon this subject. C. G. Selvig, superintendent of the agricultural school and station at Crookston, writes to strongly urge a campaign to exterminate the barberry bushes. G. H. Coons, plant pathologist of the Michigan Agricultural College, has written a letter to Representative P. H. KELLEY, of Michigan, He says:

It is difficult for one not familiar with the possibilities of wind transference of fungus spores and not fully aware of the enormous powers of multiplication which these spores possess to realize that this common ornamental shrub which has been planted here and there in the yards and parks is such an enemy to our most important food crop.

Already the farmers of Denmark have met this situation and have eradicated the barberry, with the result that no epidemics of stem rust have occurred in the 10 years since the eradication was accomplished. The farmers in North Dakota have recently passed a law declaring the barberry an outlaw.

Representative YOUNG of North Dakota is attempting to get into the agricultural bill a $50,000 appropriation to get the bush located, to arouse public sentiment, and to insure that the bush will come out before it can endanger our next year's wheat crop.

May I ask that you confer with Mr. YOUNG and assist him in this worthy conservation measure?

We might think, perhaps, that this was a matter of concern only to the great western wheat States, but in our own Clinton County this last summer rust caused a loss of 15 per cent of the wheat crop.

On one hand is a worthless bush, readily replaced in any landscape gardening scheme—the small Japanese barberry (Berberis thunbergii) is not concerned in this—and on the other hand is a valuable crop, which the bush damages.

The facts of the relation of wheat rust to barberry are taught in every high-school botany. Now is the time to make use of our common knowledge.

Prof. H. L. Bolley, of the North Dakota Agricultural College, has given more study to plant diseases than any pathologist in the United States. It was he who discovered a preventive for wheat smut. He is very strong in the conviction that the barberries must all be destroyed; and if eradicated, that black rust will disappear. He writes me as follows:

AGRICULTURAL COLLEGE, NORTH DAKOTA,
January 21, 1918.

Hon. GEORGE M. YOUNG,
House of Representatives, Washington, D. C.:

DEAR MR. YOUNG: President Ladd called me into consultation relative to your telegram, and, of course, you know my interest in this work. I want to aid you in every way I can in this effort which you are making.

No doubt you have already talked with Representative JOHN M. BAER, who is quite familiar with our work here and who aided me greatly in the propaganda work precious to the introduction of our State law. I am sure he will aid you there.

I am sending you a card with some barberry leaves showing some of the rust postules and will confine this note to statements of conditions.

(1) In my telegram you will note that I suggested that you have the law call for an order for the eradication of the barberry as an emergency measure. I hope you will make it clear to everyone that an appropriation of $50,000 at this time for "further studies as to methods of eradication of wheat rust" would essentially be a waste of public moneys and man power or energy. The thing to do now is to do the thing that all cereal pathologists who have studied the disease in the fields want done, namely, kill the barberry bushes and prevent a further planting of such bushes which bear and start wheat rust. This, all are agreed, will give results and clear the way for further work, if then needed.

There are a good many conservative people in the world and there are a good many fine parks in which this shrub has been used for decorative purposes, and there will be people, and plant pathologists, perhaps, who will advise that there should be further time for survey, further time for study, and further time for the putting on of an "educational campaign," etc. Some of these men are perfectly honest—but, as indicated, the pathologists who have studied cereal crops and who have been in the field are all agreed—see resolution of 37 cereal pathologists assembled at Madison, Wis., in July, 1917, in which they asked President Wilson for action in this matter. The reason that the resolution did not then ask President Wilson to immediately proceed to destroy the bushes as a war emergency measure was not because the pathologists believed it should not be done then but because they wanted to give the Department of Agriculture time to finish the survey that was then being made, and they thought perhaps the President was extremely busy and would like some time before having such an order made. That the people of the wheat States agree in this matter of eradication—see resolution of the Tri-State Grain Growers' Convention in January, 1917, asking for the survey which the department has now made. See also the resolution at the meeting of the Red River Valley Stock and Development Association at Crookston, Minn., and which appointed a committee of three to visit Washington to ask for immediate action in the matter of barberry eradication. This association represents 10 leading wheat counties of Minnesota. See also the resolution by the present Tri-State Grain Growers' Association in which they appointed a committee to go with the Minnesota committee. See also the fact that the Canadian Governments have ordered the eradication of the bush throughout the Canadian Provinces. See also telegrams by Grisdale. I have learned by letters from the chief pathologist of the Michigan Agricultural College that in all probability there will be a delegation from that State which represents millis, bankers, growers, etc.

Showing the Canadian interest in the matter, I have in my possession maps and figures of the agricultural agent of the Canadian Pacific Railway, showing that in 1916 in the Provinces of Manitoba and Saskatchewan alone there was a loss of over $100,000,000 from this black-rust scourge.

(2) While North Dakota has eradicated her barberry bushes by law, those who have asked that this be done have asked it as a lesson to other States. They know that the eradication of the bushes in North Dakota alone will not save the wheat crop of North Dakota from barberry bushes that grow in Minnesota and other States south and eastward, for the "wind bloweth where it listeth." Our farmers and public have done this work as a sanitary measure, and ask that the citizens, consumers, and public eastward take an interest in such matters and cause the same to be done there. You will be interested to know that it costs us almost nothing to do the work—the women's clubs, children, and citizens in general digging up the bushes as soon as notified of their presence. They did it freely and gladly when they learned that their hedge was destructive and when they understood that the law acted

equally on all citizens, understanding that a sanitary measure does not get full recognition until there is a law which puts all citizens on an equal basis.

(3) You will note that in my telegram of yesterday I advocated "nation-wide action." You will wonder why the growers' conventions and the plant pathologists have not indicated this nation-wide action, particularly as I and others who advocate the general destruction of the bushes have usually been present. I can only answer that in framing resolutions we try to be sure that the wording will be such that the organization will pass it—understand it. One does not always get the wording he knows to be right.

I have had commendatory letters on this eradication work in North Dakota from far and wide—Canada, New York, Virginia, etc. It has given encouragement to many of our State plant pathologists. They are calling for like work in their State. You will perhaps be told that bushes in Indiana, Tennessee, and other more Southern States and in large eastern cities are not materially effective in spreading this rust. The men in the Department of Agriculture Survey this year did not find southern bushes materially infected south of Iowa at the time they were surveying. True, one may often go in big cities and have difficulty in finding rust on the bushes. These bushes can not have rust on them unless the conditions are right or unless some black-rust spores fall. Some of these bushes are not close to the wheat fields and wild grasses which bear the black-rust spores; some of them are even surrounded by bluegrass lawns. This does not, however, prove that when the proper conditions of infection are present that they will not do the work regardless of what State or what city they are in. Last year I picked an abundance of barberry leaves in large cities of Wisconsin and Minnesota, even in the center of Minneapolis, the leaves of which were infected. I have no doubt but had I visited Detroit, Cleveland, Buffalo, or Rochester I should have found plenty of affected barberry, enough to have destroyed the crops of Michigan and Ontario if the weather conditions were suitable. My own experience in Indiana in 1887 and 1888 records as destructive attacks on barberry bushes at Lafayette, Ind., as I have ever seen in the Northwest—the failure to see birds fly over does not mean that summer has not gone by.

(4) Again let me call your attention to the fact that there is a material difference between a law for the eradication of rust and a law for the eradication of barberry bushes. May we not hope that the wording will be such that the President, the Food Administration Board, or other war board may at once order and call for the eradication of the one criminal rust producer which we all know, namely, the common barberry bush and all its kinds and varieties which bear the rust, and that the wording may be such that it will apply to barberry bushes wherever found? Let the funds provided be used for the proper propaganda and survey to locate the bushes for the people, and they will dig them out whenever asked to do so.

(5) Remember that this eradication measure to be effective in the increase of the crop of 1918 should commence at once, before the leaves of the barberry are formed in the spring. Spores begin to form on the bushes as soon as the first leaves are fairly well formed; at least, as early as May 10 to 20 in latitudes of Chicago and southward; June 1 to July northward.

Yours, respectfully,

H. L. BOLLEY.

Mr. LEVER. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes.

Mr. MOORE of Pennsylvania. Will the gentleman yield me three minutes?

Mr. HAUGEN. I would like five minutes.

Mr. LEVER. The gentleman from Pennsylvania desires three minutes and my colleague on the committee, the ranking member on that side, Mr. HAUGEN, desires five minutes. So, Mr. Chairman, I will make it 23 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in 23 minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, if the addition of the words "and control," as suggested by the gentleman from North Dakota, means that the department is to use this money for the purpose of removing these bushes that they are talking about, I think the amendment ought not to be adopted. I have no objection to the use of money by the department for making investigations or for learning the best methods of control, but before the department goes into the business of controlling it by hiring a large number of men to do nothing but cut these barberry bushes, I am opposed to it.

Mr. YOUNG of North Dakota. There are a great many ways in which the department can use this money, and I think the gentleman will understand from what we were told in the committee that it would be used chiefly in an educational campaign. That was the statement made to us by Dr. Kellerman. I will say also that they propose to control the matter through the control of interstate shipments under the quarantine law. That is one of the kinds of control they ought to exercise now.

Mr. McLAUGHLIN of Michigan. We found some years ago, when several hundred thousand dollars were appropriated for the purpose of combatting the ravages of the gypsy and brown-tail moth, that the scientific Bureau of Entomology, a highly scientific bureau, was at times employing as high as 500 men to do nothing but cut brush. There is a pink boll cotton worm which has made its appearance in Texas, and this Bureau of Entomology says that they have imported into that region as high as 2,000 men to cut and pull up cotton. It seems to me that this is altogether out of place in the Bureau of Entomology or any department of the Government. I would favor any kind of an appropriation to make investigation to discover the source or cause of diseases affecting agricultural crops and to learn methods of applying the remedies, but when immense sums of money are used for the employment of the physical labor to put into operation the plan that the department has worked out, I think the department is going too far.

Now, if the insertion of this word "control" means that the department is going to employ a lot of men to go through the country to cut down barberry bushes wherever they are found, I think that is an improper use of money. This amendment, if that is the meaning of it, ought not to be adopted.

In many of the activities of this department we find that, where it is authorized by Congress, money is furnished for the purpose of studying diseases, finding remedies, and the best way of applying them, it has gone on and employed a large number of men to do the physical work. I think this Government has gone far enough in making investigation, learning the cause of the trouble, the manner of preventing its return, and the method of control. I cite these instances of the use of money in the employment of 500 men to cut brush in Massachusetts to prevent the spread of the gypsy and brown-tail moths and the employment of 2,000 men to pull up cotton as misuse of money. We ought not to permit it in another case relating to wheat and barberry bushes.

Mr. WALSH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. WALSH. Is not this just as important as the eradication of the citrus canker or the white-pine blister, and might it not be safeguarded with the same kind of a proviso and handled in the same way? They appropriate there for the eradication and control, and if this destroys the entire wheat crop, it seems as though appropriations of this sort would be justified if we could safeguard them.

Mr. McLAUGHLIN of Michigan. I take the same position with reference to the wheat crop as to the park trees in Massachusetts and the cotton crop, and all these things. I think it is the duty of the Federal Government to ascertain the cause, work out a plan or remedy, but not to employ an immense number of men to do physical labor.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not favor the amendment offered by the gentleman from North Dakota at this time, because I think it would lead to interminable trouble. Barberry bushes have not been sufficiently exploited in the House to justify our taking such summary action in regard to them. The gentleman from New York sitting by my side has just invested $25 in barberry bushes and others are buying them and have been doing so for years. The bush is used for ornamental purposes throughout the land, and has been sent out by Members of Congress in their Washington allotments. Apparently the Department of Agriculture is primarily responsible for the distribution of the barberry bush.

Mr. NORTON. Mr. Chairman, the gentleman appears not to have heard the splendid address on this subject the other day by my colleague from North Dakota [Mr. YOUNG].

Mr. MOORE of Pennsylvania. I heard the gentleman from North Dakota to-day. He said if we would win the war we must get rid of the barberry bush. In this my genial friend from North Dakota [Mr. YOUNG] goes Hoover one better.

Mr. NORTON. If the gentleman was shown that the barberry bush was responsible for the black rust in wheat and other cereal crops and we had no means of destroying the black rust except by the eradication of the barberry bush, would he not then favor the eradication of the barberry bush?

Mr. MOORE of Pennsylvania. Under these circumstances "the gentleman from Pennsylvania" would favor the eradication of the barberry bush in North Dakota, but he would not favor going into the front yard or the back yard of every person who had a comfortable little home in Pennsylvania and New Jersey to prevent the flight through the air all the way to North Dakota of these little atoms described by the gentleman from North Dakota, who states that 300 miles is the extent of the flight.

Mr. NORTON. I will say to the gentleman that scientists have made a careful study of this question. It is not at all a new one. The black-rust problem has been encountered in Europe for many years. There it has been found that it can be controlled by the eradication of the barberry bush.

Mr. MOORE of Pennsylvania. We have no official information of that fact in the House.

Mr. NORTON. You have if you have read the hearings before the Agricultural Committee. It is not a new question at all. These scientists have unanimously declared to the world that the native barberry bush is one of the hosts in the life cycle of the germs of black rust. It has been thoroughly demonstrated that through the eradication of the native barberry bush the spread of black rust can be controlled.

Mr. MOORE of Pennsylvania. We have the word of two gentlemen from North Dakota that the cause of the black rust which destroys the wheat crop in North Dakota is the barberry bush that grows in front of residences in New Jersey and elsewhere throughout the United States.

But there is a reason for doubting the propriety of this amendment. I am not willing that the gentlemen from North Dakota shall indulge in the happy practice, which is characteristic of the other side, of appointing 500 inspectors from North Dakota and elsewhere to go into the front yards of the people who happen to reside along the Atlantic seaboard and dig up their barberry bushes. I can not quite see the connection between the barberry bushes that thrive on the salt air of the Atlantic coast and the wheat crop of North Dakota which is destroyed by the black rust. The gentleman from North Dakota [Mr. YOUNG], who is unquestionably as great a scientific expert upon this question as is the other gentleman from North Dakota [Mr. NORTON], admits in his scientific analysis of the situation that this microbe, or whatever it may be, that emanates from the barberry bush does not float more than three or four hundred miles at the most, and there is considerably more distance than that between the barberry bushes that ornament the residences of people in New Jersey or New York and the wheat fields of North Dakota.

I do not like the idea of appointing 500 inspectors for this work, as suggested by the gentleman from Michigan, first, because it would be a heavy charge upon the Government. Then, again, these gentlemen who would naturally tour the country—very capable gentlemen and good talkers all of them—might, in their patriotic enthusiasm, forget the influence of the barberry bush in "winning the war" to say a few kind words about the administration and the necessity of "upholding the hands of the President." With expenses paid, they might be tempted to forget the barberry bush.

Mr. RUBEY. Mr. Chairman, the gentleman in his discussion is winning votes for the amendment on this side of the House.

Mr. MOORE of Pennsylvania. The gentleman sees the point. It seems to me, if these 500 men are to go about lecturing on the barberry bush, telling us to dig it up and destroy our hedges to "win the war," it might have a serious effect upon the approaching campaign.

Mr. LOBECK. The gentleman is in favor of winning the war, is he not?

Mr. MOORE of Pennsylvania. Oh, yes; winning it by strength of arms, by vigorous action. I question whether the elimination of the barberry bush is going to have the effect which the gentleman from Nebraska and I desire.

Mr. LOBECK. Would it not be helpful, according to the gentleman's statement?

Mr. MOORE of Pennsylvania. This is the first time we have heard of the evil effects of the barberry bush upon the Nation, and the world at war. A while ago we heard about the advisability of using horse meat to "win the war." Now we are told that the barberry bush is stopping our progress. I trust the administration will overcome these difficulties and that notwithstanding the ravages of the barberry bush we may go ahead and win the war.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GREEN of Iowa. Mr. Chairman, let me reassure my friend from Pennsylvania [Mr. MOORE] as to the prospect of any inspector digging up barberry bushes in the yards of gentlemen coming from New York or New Jersey. Nothing we can do in connection with the paragraph could possibly give the inspectors power to race over the dooryard of the gentleman from New York, even if he was so unpatriotic as to refuse to dig up the barberry bush after he had been convinced that it is the cause of the black rust. It is true that the words suggested to be inserted by the gentleman from North Dakota [Mr. YOUNG] may empower inspectors who are given consent by owners to go and dig some barberry bush, but we ought not to lose sleep over that. What we want is to get the barberry bush eradicated all over the country, because there are wheat fields near New York and near New Jersey, in all of the States, or practically all of them, and these scientists having agreed that this is the cause of the black rust, I am sure that everybody in the United States will be patriotic enough to dig up his bushes himself.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. TOWNER. Is not the best method—and, in fact, the only practical method—of controlling this, through the prevention of interstate shipment of barberry bushes?

Mr. GREEN of Iowa. I intended to mention that, but I did not have time enough; but the main object, as I understand the gentleman from North Dakota, is to prevent interstate shipment of barberry bushes.

Mr. HAUGEN. Mr. Chairman, I believe that the scientists are generally agreed that the only way to eradicate the black rust is by eradicating the barberry bush. As has been stated here, the barberry bush is the host of the fungus—the plant in its first stage. It develops in the barberry bush. In the second stage it has for its host the various grains and grasses. Anybody who knows anything about black rust knows about its ravages; and it is a safe estimate to say that the black rust for the last 25 years, at least, has decreased the wheat yield at least 25 per cent, and it is safe to say that if black rust can be eradicated the yield of wheat—not only wheat, but oats and other grains as well—could be increased at least 25 per cent. Our allies are asking for 800,000,000 bushels of grain. We have not got them, and they can not fight without food. We must provide them with food if we are going to win the war. We can afford to make this small appropriation, and we can afford to agree to the language that is proposed. I believe that it will bring good results. It has brought good results in other countries. Denmark has tried it out, and there black rust has been eradicated and the yield of wheat has been largely increased. I believe that it is well worth the experiment and the appropriation suggested.

Mr. MORGAN. Mr. Chairman, I have a separate amendment to offer, which has nothing to do with this discussion. I would like to offer the amendment after we get through with this discussion.

Mr. LEVER. I suggest that the gentleman offer it in his own time now, have it considered pending, and discuss it.

Mr. MORGAN. Very well, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 23, line 11, strike out "$241,505" and insert "$250,000."

Mr. MORGAN. Mr. Chairman, in offering the amendment to increase this general appropriation for all these items I do not, of course, reflect upon the committee. I know the great attention the gentlemen have given to all the paragraphs and all the items of this bill, yet this is a very important paragraph. It relates in general to cereals, wheat, corn, and so forth, and includes broom corn. I happen to represent a district which is very largely a wheat-producing district, and one portion of it is a very large broom-corn producing district. A few years ago Oklahoma produced more than 50 per cent of all the broom corn produced in the United States. There are four counties in my district in which there is a large amount of broom corn produced. I think the United States Government should give encouragement to this industry. Broom corn this year is a good price. Some years it is so low in price that our farmers do not get pay for raising it. The broom-corn growers should have a good price and it should be uniform in price from year to year. The eighth congressional district of Oklahoma is a great agricultural district, composed of 12 of the best agricultural counties in the United States. [Applause.] It is a district composed of the most intelligent farmers in the United States. In its educational facilities—of common schools, of city schools, of colleges and universities—the district is not surpassed in the United States. [Applause.] That is saying a good deal in view of the fact that only about 20 years ago the first settlements were established in the district.

It is a wheat-producing district. We can not, as a Government, give too much attention to increasing the production of wheat. As has been said here in the discussion which has just taken place, whether we and our allies shall be victorious in this great war in a large measure depends upon the production of wheat. Through our Food Control Administration, we are to eat bread composed of only 75 per cent of wheat, but, my friends, what is true in time of war in a few years may be true in time of peace. With the increase of population in this country and throughout the world, the time soon will come, if we do not increase our production of wheat, when there will not be sufficient wheat to supply our population with wheat bread. The National Government should do everything possible to encourage the production of wheat. I am in favor of enlarging this appropriation to the amount which I have suggested in my amendment.

It should be the policy of the National Government to encourage the farmers to enlarge the area cultivated in wheat, to increase the yield per acre, and to maintain a remunerative price for wheat. After all, we can not expect an increased production of wheat unless wheat raising is a profitable business. Low-priced wheat simply means less wheat.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. YOUNG of North Dakota) there were—ayes 18, noes none.

So the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr. YOUNG of North Dakota. Mr. Chairman, I have another amendment which I desire to offer.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 23, line 15, after the last word, insert "which sum shall be immediately available."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield to me for a moment?

Mr. LEVER. The time has been closed, but I ask that the time be extended for two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. YOUNG of North Dakota. Mr. Chairman, I desire to call the attention of the chairman of this committee to the fact that unless the barberry bushes are destroyed before May 15 it will not do any good to destroy them this year.

Mr. LEVER. If the gentleman will permit, the gentleman has discussed this matter with me, and I fully recognize his position, and I have no objection to making it immediately available, because if we are going to use it at all we ought to use it when it is effective. Unless some of my colleagues object I shall have no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, reserving the right to object, is this going to be used for the purpose of engaging a lot of men to go out and dig up these bushes?

Mr. YOUNG of North Dakota. I do not believe a single man will be employed that way. As far as I am concerned, I do not want to make promises. I think it is a matter of sufficient importance, and the gentleman from Michigan surely ought not to ask me to make pledges in reference to this. I will say this, that I talked with Dr. Kellerman, who is largely in charge of this matter, and he assured me the use they contemplated to make of this money was this, that they would make a campaign of education and they would use the money in that way; that they expected to make it very comprehensive, and through the county agents, the schools, the colleges, the farm journals, the trade journals, the milling-trade journals, and in every way possible to educate the people on patriotic grounds this year to dig up their barberry bushes.

Mr. LEVER. Will the gentleman yield to me a moment? Let me say, in answer to the question of the gentleman from Michigan, that if the department should undertake to use this money for the purpose of absolute eradication, the physical destruction of the barberry plant, I think, in view of their statement before the committee, it would be a breach of faith to the committee, and I think it would be a breach of faith with Congress. I do not believe the House intended any such kind of work, and I felt I ought to make that statement.

Mr. McLAUGHLIN of Michigan. I do not recall any statement before the committee as to just how they would use this money or that would preclude them doing the very thing I object to.

Mr. LEVER. The theory, as expressed before the committee, was that it was to be used for educational purposes.

Mr. MOORE of Pennsylvania. Does that mean that they would have the power to go into the States and visit private property and gather and eradicate these bushes?

Mr. LEVER. The gentleman is too good a lawyer to believe that.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Wyoming makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the item to which I offered an amendment earlier in the day—the tuberculosis matter.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD in respect to the item to which he refers. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

For the investigation and improvement of tobacco and the methods of tobacco production and handling, $32,000.

Mr. WALSH. Mr. Chairman, I move to strike out the item. It seems to me that, in view of the action of this House, in response, undoubtedly, to the preponderance of sentiment in various sections of the country as expressed in many different ways in favor of regulating the personal habits of people within our borders, there is no good reason at this time to expend $32,000 for investigating and improving a noxious weed which is used in large quantities in this Nation; and if we should now refuse to appropriate this $32,000 and thereby put a stop to improving this weed or improving the method of its production and handling, we would anticipate in large measure a demand which, sooner or later, is going to reach the Representatives of the people in the Congress to prohibit the use of tobacco for smoking or chewing by the people, both in their homes and in public places. And I think the time has come, and here is an opportunity for the Congress to lead the movement and to show the way, and that if we should adopt the amendment, which I offer in all seriousness, we would be taking a step of much benefit and advantage to the American people.

Mr. LOBECK. Will the gentleman yield?

Mr. WALSH. I prefer not to yield just at present, because I have a few more observations to make, and I know that the searching questions of the learned gentleman from Nebraska would put me entirely off my track in presenting to the House these observations.

It seems to me, as I have stated, that here is an opportunity for Congress to anticipate the wishes of the people and to lead the way, to sound the alarm, to set the pace, to blaze the path, and to arouse the sentiment of the country to the dire results that follow the profligate expenditure of many hundreds of thousands of dollars yearly for advertising the various brands of this weed and in purchasing the tobacco that is grown and improved by Federal experts and consuming it simply as the result of a habit. If we can save $32,000 by eliminating this item, in a few years from now, because we do not investigate and improve tobacco, we can enable the people to save many hundreds of thousands of dollars. We will be following in the wake of the legislation enacted by this Congress in connection with the food-control bill, wherein we vested wide discretion in the President to prohibit the manufacture of alcoholic and intoxicating liquors, which discretion, in my opinion, has been most wisely used by him. And also we will follow in the wake of the action of both branches of this Congress in submitting to the legislatures of the various States the constitutional prohibition amendment. We will be paving the way, in my opinion, whereby instead of appropriating money for investigation and improvement of tobacco and methods of tobacco production we will in the future be appropriating money for the investigation and eradication of tobacco and the discontinuance of tobacco production and handling, and in that way, by legislative enactment and without the necessity of constitutional amendment, we will do much to eliminate another habit which is growing and causing the expenditures of vast sums of money by our people. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WALSH. Division, Mr. Chairman.

The committee divided; and there were—ayes 18, noes 22.

So the amendment was rejected.

The Clerk read as follows:

For testing and breeding fibrous plants, including the testing of flax straw and hemp, in cooperation with the North Dakota Agricultural College, which may be used for paper making, $16,760.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, it seems to me this paragraph might be amended, so far as the language itself is concerned, by bringing the words "which may be used for paper making" up to follow the word "hemp," on line 22. But I leave that to the chairman of the committee.

However, I desire to inquire about this item, which carries an appropriation of $16,760, and which seems to contemplate the testing and breeding of fibrous plants and the testing of flax straw and hemp by the Government in cooperation with the North Dakota Agricultural College. This item has been carried at varying amounts for several years, and it would seem to cover a proposition about which we ought to have some definite information by this time. The committee does not want to duplicate its appropriations or waste public money, I am sure. But on page 22 and on page 23 provision is made for studying and testing commercial seeds, being much the same proposition, to the extent of $36,680, and $241,505.

Now, it would seem that some one ought to explain whether anything is actually being accomplished through these appropriations or through this appropriation to the North Dakota Agricultural College.

Mr. LEVER. If the gentleman will permit, I asked Dr. Kellerman, associate chief of the Bureau of Plant Industry under this item, as to the progress that has been made. I will read from that gentleman's testimony. He says:

Dr. KELLERMAN. The work is progressing favorably, although somewhat slowly. It appears that there is an opportunity for developing a very good grade of paper from flax straw, especially for such purposes as making counters in shoes.

Mr. MOORE of Pennsylvania. "Counters in shoes"?

Mr. LEVER. Yes; "counters in shoes." I read further:

This is being thoroughly tested out, and the practicability of straw assembling and utilization for paper making is now under way.

Mr. THOMPSON. How long has that testing out been going on?

Dr. KELLERMAN. It was begun in a small way several years ago; I think that work has been going on approximately five years.

Mr. THOMPSON. How long will it take you to complete the work and eliminate this appropriation?

Dr. KELLERMAN. Probably one or two years, I think. We had contemplated greatly reducing this work about this time, but delays in getting satisfactory tests of the papers that might be manufactured made it seem desirable to continue it. We were not considering the complete closing of the project, but we were planning to reduce our work.

Mr. THOMPSON. This will not be a continuing appropriation, then?

Dr. KELLERMAN. This is not likely to be continuing much longer.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield for one minute right there?

Mr. MOORE of Pennsylvania. I have little time, but I would like to get the information. I would like to know why we are testing and breeding all these years and not getting results.

Mr. ANDERSON. I will say to the gentleman that I believe in my district there is the first commercial concern using straw as a basis in making news-print paper, and that paper is now being used by some of the newspapers in my district. [Applause.]

Mr. MOORE of Pennsylvania. That is progress. Will the gentleman tell me who is employed to do this testing and how the money is expended?

Mr. ANDERSON. I can not answer that question.

Mr. MOORE of Pennsylvania. That is the purpose of my question. Here we have two appropriations, one for $241,505, which puts at work a number of Government specialists, and another appropriation of $36,680, which puts some other Government experts at work; and then comes a specific appropriation for testing and breeding on the same line, in conjunction with the North Dakota Agricultural College, for which we appropriate $16,760, and for which we have been making an appropriation right along. The purpose of it seems to be to "test" these fibers. It has been going on for years.

Mr. LEVER. It goes further than actual testing. I understand they have made a great many investigations under this item as to growing hemp for fiber purposes. I can give the gentleman the exact expenditures under this item.

Mr. MOORE of Pennsylvania. Can the gentleman tell how many men are employed by the Government in connection with the North Dakota Agricultural College for testing and breeding?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. NORTON rose.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this item and amendments thereto close in eight minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this item and amendments thereto close in eight minutes. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object—and only for the purpose of asking the question—will the gentleman cover the point I made?

Mr. LEVER. Yes.

The CHAIRMAN. Is there objection to the gentleman's request, that debate close on this item and all amendments thereto in eight minutes, five minutes to go to the gentleman from North Dakota [Mr. NORTON] and three to the gentleman from South Carolina?

There was no objection.

Mr. LEVER. This appropriation of $16,660 is proposed to be expended as follows: For salary of paper-plant chemist, $2,280; one assistant, $1,320; one assistant physicist, $1,200; traveling expenses, $2,000.

Mr. MOORE of Pennsylvania. Two thousand dollars for mileage—traveling expenses?

Mr. LEVER. Two thousand dollars for traveling expenses; equipment and material, $3,950; miscellaneous items, $5,710.

Mr. MOORE of Pennsylvania. How long has this been going on?

Mr. LEVER. Dr. Kellerman in his statement says several years.

Mr. MOORE of Pennsylvania. He says several years. Gentlemen about me say it has been going on for five or six years.

Mr. LEVER. My knowledge is that it has been going on probably more than six years.

Mr. MOORE of Pennsylvania. Does not the gentleman think an expenditure of $2,000 for mileage out of an appropriation of $16,760 is rather high?

Mr. LEVER. I confess that it does look rather high, although I did not make any investigation to find out how they used it and what traveling they did.

Mr. MOORE of Pennsylvania. Did the committee make inquiries with a view to bringing these tests to an end?

Mr. LEVER. In the hearing the gentleman from Oklahoma [Mr. THOMPSON] repeatedly asked how long this was to continue, and the answer of Dr. Kellerman was from one to two years longer.

Now I yield to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. This item has been carried in the bill for six or seven years. It was first carried for $10,000. Two years ago I made some extended inquiries in regard to the work that was being done under the appropriation. I found that the North Dakota Agricultural College up to that time had been attempting by scientific study and experiments to ascertain whether or not paper could be manufactured from flax on a profitable commercial basis. It was found that in the laboratory there was no great difficulty in manufacturing paper of a very superior quality from flax straw. No method, however, was found for the manufacture of paper from flax straw or from wheat straw which was considered a paying commercial proposition. The methods necessary to be employed in the manufacture of paper from flax straw and from wheat straw were said to be too expensive for practical commercial purposes. I know nothing of the investigations that have been carried on in the last two years. I have been very much surprised to find that $2,000 is expected to be expended out of this item next year for traveling expenses. It seems to me that the agricultural college is falling into the error that a great many of the Government departments fall into, in using money in a very free-handed way and not directly for the purpose for which it has been appropriated. There is a splendid field for investigation along this line if it is properly carried on. It would mean many hundreds of thousands of dollars to the Northwest if a commercially practicable method could be discovered for the manufacture of paper out of flax straw or wheat straw.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. NORTON. I yield to the gentleman.

Mr. CAMPBELL of Kansas. The gentleman from Minnesota [Mr. ANDERSON] stated a moment ago that they were manufacturing this paper in a commercial way in his district, and are now using it. Why do not these fellows use some of this traveling-expense money to go out there and see how these people are manufacturing this paper, and work a little along that line for a month or two, and then quit asking Congress for traveling expenses?

Mr. NORTON. Let me say to the gentleman from Kansas that I hope that the industry that has been developed in the district of the gentleman from Minnesota [Mr. ANDERSON] has come in large part through the investigations and experiments with flax straw and wheat straw that the North Dakota Agricultural College has been able to carry on with these appropriations.

Mr. CAMPBELL of Kansas. Then it is all over.

Mr. NORTON. I take it that it is not, but that they expect to improve on the best methods that have already been discovered.

The CHAIRMAN. All time has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For sugar-plant investigations, including studies of diseases and the improvement of the beet and beet seed, and methods of culture, and to determine for each sugar-beet area the agricultural operations required to insure a stable agriculture, $64,115: *Provided*, That not less than $10,000 of this sum shall be used for the development and improvement of American strains of sugar-beet seed and for the establishment of a permanent sugar-beet seed industry in the United States: *Provided further*, That this sum of $12,500 may be used for investigations in connection with the production of cane and sorghum sirup, including the breeding, culture, and diseases of cane and sorghum, and the utilization of cane and sorghum by-products.

Mr. MAPES. Mr. Chairman, I move to strike out the last word. I believe it is generally understood that the Committee on Agriculture, which reports this bill, will soon be considering and will report to the House another price-fixing bill as a supplement to the law which was passed at the last session of Congress along the same line.

In connection with the consideration of this paragraph relating to sugar-plant investigations, it seems to me a proper time to call the attention of the committee to a situation which is liable to seriously affect next year's sugar supply of the country unless some action is immediately taken to remedy it. This is the time of year when the sugar-beet manufacturing companies contract with the farmers for their sugar-beet crop of next fall. The Food Administration has fixed the price of sugar. The sugar-beet companies claim that the price so fixed by the Food Administration does not enable them to pay a price which the farmers claim they must receive in order to make the raising of sugar beets profitable under the present abnormal conditions.

I am not familiar enough with the sugar-beet industry to tell which party to this controversy is correct, but I believe that the committee should carefully investigate it in preparing its next price-fixing bill. It certainly seems as though the consumer pays enough for his sugar now. At the same time the farmer with a good deal of justice complains that the price of the products of the farm is fixed, while no limit is put upon the price of those things which the farmer has to buy. He ought to receive a price for his sugar beets, which, taking all things into consideration, is a fair and reasonable one and which will encourage him to raise as large a crop as possible. Everything within reason should be done to enable him to raise them at a profit, or he will not raise them at all. If the sugar companies and the farmers can not agree upon the price the farmers will raise something else upon their farms and the sugar factories will be closed next fall. It necessarily follows that the sugar in the country will be much scarcer next year than it is this year even. I think it is only necessary to call the attention of the committee to the possibilities in this situation to show how important and serious a matter it may become. A deadlock between the farmers and the sugar-beet manufacturers can not be allowed under present world conditions. In the consideration of the next price-fixing bill I hope the committee will work out some plan which will enable the farmers to produce the maximum quantity of sugar beets and at a reasonable profit. If the chairman of the committee has any information that will throw light on the question now, I am sure the farmers in the sugar-beet localities will be glad to know what it is so that they can plan for the next crop accordingly. [Applause.]

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in seven minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on the paragraph and amendments thereto close in seven minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I understood the gentleman from Michigan [Mr. MAPES] to say that he understood, or rather anticipated, that the Committee on Agriculture would soon bring in a bill fixing prices on a variety of products. My own hope is that the Agricultural Committee will consider any such proposition as that a long time, a very long time, give it a very good deal of consideration, and then forget about it. [Laughter.]

Mr. MAPES. Will the gentleman yield?

Mr. MONDELL. I should be glad to yield.

Mr. MAPES. The gentleman comes from an agricultural State and certainly is in sympathy with the position of the farmers that grow the sugar beets complaining that Congress has fixed the price of the products of the farm to a large extent but have not fixed the price of things that the farmers buy.

Mr. MONDELL. Congress, my friend will remember, has fixed the price of nothing. Congress has guaranteed that the farmer on next year's crop of wheat shall receive at the principal market points at least $2 a bushel. That is all Congress has done in the way of price fixing, and that is not a fixing but a minimum guaranty. The price may go much above $2.

Mr. MAPES. Congress has enabled the Food Administration to fix the price of a great many products.

Mr. MONDELL. The Food Administration has in a way attempted to regulate certain prices, but the only price it has actually fixed is that of sugar at wholesale, and they have been enabled to do that because of the fact that sugar is produced by comparatively few concerns. The price, I am rather inclined to think, taking everything into consideration, was a fair one. I doubt if the farmers and beet-sugar manufacturers would have had any great difficulty in regard to fixing a price on sugar beets that would have been mutually satisfactory if certain busybodies had kept out of the affair and let the farmers and the beet-sugar manufacturers settle it between themselves. I am rather inclined to think now that a price may still be agreed upon which will be fairly satisfactory to both sides. Of course, it is true that with the high price of all agricultural products the growing of sugar beets, even at a maximum of nine or nine dollars and a half a ton, is not altogether attractive to the farmers in some sections, other farm products being so high. I am still of the opinion, however, that arrangements can be made, with sugar at approximately the present price, under which the farmers can get a price for beets that will encourage them to grow them.

The Clerk read as follows:

For the investigation and improvement of methods of crop production under subhumid, semiarid, or dry-land conditions, $160,000: *Provided*, That the limitation in this act as to the cost of farm buildings shall not apply to this paragraph: *Provided further*, That no part of this appropriation shall be used in the free distribution, or propagation for free distribution, of cuttings, seedlings, or trees of willow, box elder, ash, caragana, or other common varieties of fruit, ornamental, or shelter-belt trees in the Northern Great Plains area, except for experimental or demonstration purposes in the States of North and South Dakota west of the one hundredth meridian, and in Montana and Wyoming east of the 5,000-foot contour line.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment by Mr. MONDELL: Page 25, lines 5 and 6, after the word "Wyoming," strike out the words "east of the 5,000-foot contour line" and insert in lieu thereof the words "in regions of less than 6,000 feet altitude."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that.

Mr. MONDELL. Mr. Chairman, there are two objections to the language that now occurs in the bill. The first is that the territory is described as that east of the 5,000-foot contour line. There is a good bit of territory both in Wyoming and Montana that is less than 5,000 feet in altitude—that is, west of the mountain 5,000-foot contour line. Some of it lies in the interior valleys of the Rockies and some of it on the western side of the Continental Divide. The other objection is that the altitude limit is a little low. We can grow these trees at altitudes up to 6,000 feet, so that my amendment first raises the permissible altitude a thousand feet and changes the language so that it will apply to all parts of these States with lower altitudes. I trust there will be no objection on the part of the committee to the modification. We get very few of these trees, I will say, but it happens that last season when I wanted a few pennies' worth of the trees for an interior section of my State which is about 3,800 feet high, I could not, because the language of the bill prohibits it. It was not east of the 5,000-foot contour line.

Mr. ANDERSON. Mr. Chairman, I have always thought that this appropriation ought not to be used for the production of shelter-belt trees for free distribution throughout any area. The department, however, has said that it is desirable to grow these shelter-belt trees at the Mandan station so that they might be used in a demonstrational way throughout the area described by this limitation. The tendency of the department, however, is to extend the work under this appropriation so as to make the station at Mandan nothing more or less than a free-tree distribution station. I do not think that that free distribution ought to be extended. The language in the bill is the language suggested by the department. The language describes the area in which this work can be properly carried on, and I should be very sorry to see it extended by the amendment proposed by the gentleman from Wyoming, much as I would like to see the gentleman from Wyoming accommodated in this or any other matter.

Mr. NORTON. The language is the same as we agreed on last year?

Mr. ANDERSON. Yes.

Mr. LEVER. Mr. Chairman, in view of the statement of the gentleman from Minnesota, who is more familiar with this item than I am, because he was one of the parties to an agreement

that got the item in shape so that it could pass, and inasmuch as this has been sprung without the committee having any knowledge of the effect of the amendment, I feel that I should insist upon the point of order.

Mr. MONDELL. Mr. Chairman, will the gentleman withhold that for a moment?

Mr. LEVER. Yes.

Mr. MONDELL. In any event the committee wants the language to accurately state what the committee had in mind. The use of the word "east" does not accurately state it. What the committee intended was that these trees might be used in territory and regions below the 5,000-foot contour line. In other words, you have no objection to having these trees used in western Montana, though under the language of your bill they could be used only in eastern Montana below the 5,000-foot line and not in western Montana. If the word "east" is stricken out and the word "below" is inserted, the committee will accomplish just what it sought to accomplish.

Mr. LEVER. I confess to the gentleman that I do not recall just why the limitation "east" is used.

Mr. MONDELL. Undoubtedly that was adopted without thought of the fact that Montana and Wyoming both lie on the ridge of the continental divide and they have territory of comparatively low altitude on both sides, some of it on the west and some of it on the east. There is no more reason why you should give eastern Montana below 5,000 feet the trees than western Montana, and that is also true of Wyoming.

Mr. LEVER. The gentleman would modify his amendment by striking out the word "east" and inserting the word "below"?

Mr. MONDELL. Yes.

Mr. LEVER. Is that all right?

Mr. ANDERSON. I do not want it.

Mr. MONDELL. The gentleman from Minnesota wants to confine this distribution to eastern Montana and eastern Wyoming. That was not intended by any one. It was intended that these trees should not be distributed in high altitudes, and some of the lowest altitudes in Wyoming and Montana, both, are excluded from the benefits of this provision by the language as you have it there, because they are not east of the 5,000-foot contour line.

Mr. ANDERSON. Mr. Chairman, the gentleman from Wyoming is entirely wrong in his interpretation of what was intended to be accomplished. What was intended is to fix a north and south line beyond which this distribution from the Mandan station should not extend. It was not a question of altitude at all. The 5,000-foot contour line was taken because that prevents a north and south line which could be utilized as a boundary beyond which the Mandan station would not undertake its free distribution of trees.

Mr. LEVER. I think, Mr. Chairman, without having fuller information about this, that I am justified in making the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The first part of this paragraph provides for the investigation and improvement of the methods of crop production under subhumid, semiarid, or dry-land conditions, $160,000. No one appreciates more than I do the splendid work of the Agricultural Department. I think good work is done under nearly every item of this bill, and I regret that I feel it my duty to criticize the acts, the attitude, and the administration of those who expend these moneys. We have a great area in the West with little rainfall, a country that the hardy pioneer has been gradually winning from the desert, transforming from a cattle and sheep range into a cereal-growing, farming, dairy country. There are certain practices that must be followed, as has been demonstrated innumerable times by many people in widely separated sections of that region, in order to make farming in that section reasonably certain and profitable, and yet gentlemen in the Agricultural Department, having charge of these investigations and demonstrations, have for years and do now take the position that there is no such thing as reasonably insuring crop growth in those semiarid sections; that the best we can do is to just farm and take the chances, and if we get a crop, well and good, and if we do not get a crop that is the misfortune of the farmer. It is true—they have themselves proven on half a dozen demonstration farms—that the system of biennial crops, or the growing of two crops in three years, deep plowing, thorough cultivation, occasional or alternating summer fallow; summer cultivation not only greatly increases the production but renders farming in this section almost as certain as under an irrigation ditch, but after having demonstrated all this they discredit these thorough and scientific practices, these good farming practices, by saying that they do not pay. I am wondering when and where and under what circumstances or conditions the Agricultural Department has ever demonstrated whether or not a certain practice is profitable. Under the conditions surrounding such experiments the best that can be demonstrated is the possibility of accomplishment. They may and continually do point out how a thing can be done, the methods necessary to accomplish it, but whether or no it will pay under ordinary or commercial conditions or the usual practice of the people is something that can only be demonstrated by the people themselves.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask that I may have two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Right now we are needing grain. The world is needing grain. This semiarid region, a considerable portion of it, is a fairly safe winter and spring wheat country, under good farming methods. A very much greater proportion of it is a perfectly safe barley and rye country. There are millions of acres that will produce rye, and rye is the grain which the people across the sea—our allies—many of them, have been accustomed to use, in the main, for bread for many years. There is an opportunity for encouraging increased development, increased production, but our friends in the Department of Agriculture, whom we pay to encourage agriculture in that section, after having demonstrated the possibility of carrying on agricultural operations with certainty, advise the farmer that it is doubtful as to whether it will pay to do it or not. We need new blood, new ideas, and new thoughts in the Agricultural Department in the matter of farming under semiarid conditions. We need people who will say to the farmers of that section: "You must farm thoroughly; you must farm carefully; you must farm scientifically; you must put into your work not only energy but care and thought; you must adopt the methods that will remove to a great extent the element of chance; and you will receive a goodly reward."

Instead of that, the views they promulgate encourage shiftlessness and thriftlessness, slipshod and careless methods and practices, by proclaiming that there is no plan or system that the farmer can afford to follow that will make his operations reasonably safe and secure—and yet our people are doing better every year, in spite of such teachings. You can not altogether prevent progress even by official error and misguidance.

The CHAIRMAN. The time of the gentleman has again expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the investigation and improvement of fruits, and the methods of fruit growing, harvesting, and, in cooperation with the Bureau of Markets, studies of the behavior of fruits during the processes of marketing and while in commercial storage, $85,280: *Provided*, That $9,000 of said amount shall be available for the investigation and improvement of the pecan, and methods of growing, harvesting, packing, and shipping of same.

Mr. SNELL. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question.

I notice, on page 19, there is a provision of $8,000 for the investigation of the diseases of the pecan. On page 25, just read, $9,000 is made available for the investigation and improvement of the pecan. On page 55 $9,600 is made available for the investigation of insects affecting the pecan. What is the difference between those three appropriations?

Mr. LEVER. The first item to which the gentleman refers is for the purpose of studying the diseases of the pecan. The item under consideration immediately is for the purpose of studying the handling and marketing of the pecan. The other item in the bill, in the Bureau of Entomology, is for the purpose of studying the insect pests which affect the pecan. All of these were put in the bill in the Senate last year, and the committee conferees, of course, agreed to them.

Mr. SNELL. What is the difference between investigating the diseases and the insects that affect them?

Mr. LEVER. There is a good deal of difference. The investigation of the diseases of the tree and the nut itself would be in the hands of men who are scientific along plant-disease lines. The investigation from the standpoint of the insect would be in the hands of an entomologist.

Mr. SNELL. It would not be proper, then, to put all three of these in one appropriation?

Mr. LEVER. It could be done. I thought of it at one time, but I did not see that it would be of any advantage, because we have three sets of specialists engaged in this work.

Mr. SNELL. Is the condition such as to warrant the appropriation of this amount for it at this time?

Mr. LEVER. The industry is spreading very rapidly throughout that area of the country in which the hickory-nut scaly bark will grow.

Mr. SNELL. To what part of the country is this industry confined?

Mr. LEVER. Practically throughout the South; but it will grow in this section of the country.

Mr. BLACK. I will just state for the gentleman's information that in my home county of Red River this year there have been marketed $25,000 worth of pecans, whereas six or eight years ago it would not have amounted to over $6,000 or $8,000.

Mr. SNELL. I was wondering why it was put in three appropriations. Why should it not be carried in one lump sum? It seemed to me that they were all the same thing.

Mr. LEVER. It is for the reason that these three lines of scientists have grown up in the bureau.

The Clerk read as follows:

For the purchase, propagation, testing, and distribution of new and rare seeds; for the investigation and improvement of grasses, alfalfa, clover, and other forage crops, including the investigation of the utilization of earth and other dry-land plants; and to conduct investigations to determine the most effective methods of eradicating weeds, $143,180: *Provided*, That of this amount not to exceed $60,000 may be used for the purchase and distribution of such new and rare seeds.

Mr. BLACK. Mr. Chairman, I offer an amendment.

Mr. LEVER. Will the gentleman withhold that a moment for me to offer an amendment to correct the text?

Mr. BLACK. I will.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] offers an amendment, which the Clerk will read.

The Clerk read as follows:

Committee amendment: Page 27, line 3, strike out the last "s" in the word "investigations."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. BLACK: Page 27, line 6, after the word "seeds," strike out the semicolon, insert a colon, and add the following: "*Provided further*, That in the distribution of cotton seed under authority of this paragraph they shall be distributed in packages of not less than 1 peck to the package."

Mr. LEVER. Mr. Chairman, I reserve a point of order on that, and I ask unanimous consent, before the gentleman proceeds, that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. BLACK. Mr. Chairman, I will briefly explain the reason for the amendment which I have offered. The packages of cotton seed that are now distributed by the Department of Agriculture under authority of this paragraph contain a quart of seed. Now, usually it takes about 1 bushel of seed to plant an acre of cotton, and therefore you can see that the distribution that is now made by the department will only plant a very small part of an acre. The result is that, notwithstanding these seeds that are distributed are of improved variety, the quantity sent out is so small that very often it does not interest the farmer that receives them and the advantage of the distribution is lost. I am very heartily in favor of the distribution of these improved varieties of seed, but I think much better results can be accomplished by increasing the quantity sent to each one person.

Now, I presume that the only cotton-breeding station in the South is the one located in the section of Texas which I have the honor in part to represent. This station is located at Greenville and is under the supervision of one of the ablest and best informed men on agricultural subjects that I know, Dr. Saunders, and under his skill and knowledge there have been bred some very valuable improved varieties of cotton seed.

He has taken long-staple varieties and crossed them with what we call the big-boll early maturing varieties, and by that means he has developed the "Lone Star" and the "Hold On," the "Foster," and others, all of which have a strong fiber and a longer staple than the short-staple varieties and are nearly as quick in their maturing. Now, as I said awhile ago, the package sent out is a fine quality of seed, but is such a small quantity that it very often does not interest the farmer who receives it, and I think if the quantity was increased to packages of not less than a peck a great deal better results would be obtained. I am anxious to promote the success of this enterprise of interesting our farmers in these improved seeds, and that is why I have offered the amendment.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. To whom does the gentleman yield?

Mr. BLACK. I yield to the chairman of the Committee on Agriculture, Mr. LEVER.

Mr. LEVER. If the gentleman will permit, I think practically every member of the Committee on Agriculture from cotton-growing States agrees with the gentleman on this proposition; but not being able to examine carefully just how far the gentleman's amendment goes, I thought I ought to reserve a point of order. I may say, further, that we called the attention of the chief of the bureau in charge of the work to the fact that we did not think they were getting very good results from their quart-measure distribution. I am inclined to think that matter will be remedied without legislation.

Mr. BLACK. If that is so, of course there would be no special need for my amendment. But I fear that under the present system a great deal of the seed is being wasted.

Mr. LEVER. Yes; I agree with you. I think the amendment will have a very salutary effect in bringing the department to realize the situation.

Mr. WALSH. Does the gentleman's amendment contemplate an increase in the amount?

Mr. BLACK. Not at all, in the amount of the appropriation.

Mr. WALSH. Then if your amendment is adopted it would result in fewer people getting the seed?

Mr. BLACK. Yes. The point I make is that the money we do spend ought to be spent in a way certain to bring results. I know from my knowledge and experience of farming that these quantities are so small that a great many planters just discard them and throw them away and do not pay any attention to them.

Mr. FOSTER. The difficulty is not in planting but in saving the seed?

Mr. BLACK. Yes. They need a larger quantity.

Mr. CANDLER of Mississippi. Yes. I have had a similar experience. One of my constituents, to whom I had sent some of this seed, said to me, "Zeek, there were so few of them that I did not think I could get any results from them, and I cast them aside."

Mr. BLACK. Yes; I wish the gentleman would withdraw his point of order.

Mr. LEVER. Well, this is a matter of importance, and I am satisfied that we can remedy the situation without legislation.

Mr. BLACK. Of course, I am glad to receive that assurance from the chairman. I hope he will interest himself in the subject as he always does in matters affecting agriculture and the welfare of our farmers.

Mr. LEVER. I will. I am glad the gentleman called my attention to it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LEVER. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise for the purpose of making an inquiry of the gentleman from South Carolina concerning the item beginning on line 3 of page 26. My attention was diverted at the moment when that item was read, otherwise I would have called attention to it then. The item pertains to horticultural investigations. In it is a peculiar phrase—"study of the behavior of vegetables while in the process of marketing and in commercial storage." Does the gentleman wish to hold to that language? [Laughter.]

Mr. LEVER. It is peculiar language. I realize that fact. It was submitted by the department, however. It means, when translated into the language of Congress, what changes take place in these various vegetables.

Mr. MOORE of Pennsylvania. If these words regarding "behavior" were stricken out would it lessen the effect of the paragraph? The language is, "studies of the behavior of vegetables." It seems to me that such a peculiar phrase ought to go out.

Mr. LEVER. I am a little afraid it would make a difference. Under this item in past years we have not only studied what takes place within the vegetable while it is in process of shipment but we have also studied the marketing conditions of the vegetables. We have transferred those to the Division of Markets, and we want to use this language so that we will not study the market features of the vegetables, but only the vegetables themselves while they are being marketed.

Mr. MOORE of Pennsylvania. If left as it is the "behavior" of the potato might mean acrobatic behavior or good or bad behavior. Or it might refer to the sprouting of potatoes, or something of that kind. If that is what it means it seems to

me the effect would be the same if you struck out the word "behavior." "Studies" of vegetables while they are being transported would seem to be sufficiently comprehensive.

Mr. LEVER. They use that language to make clear to Congress the discrimination between the studies conducted under this item and those conducted under the item for the Bureau of Markets. I think we had better leave these words in the bill.

Mr. MONDELL. Does not the gentleman think we have done a pretty good day's work?

Mr. LEVER. I am going to ask the Clerk to read the general administrative item of seed distribution, and then I will move to rise.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $242,320. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants.

Mr. LEVER. Mr. Chairman, I offer an amendment to correct a typographical error.

The CHAIRMAN. The amendment of the gentleman will be read:

The Clerk read as follows:

Committee amendment: Page 30, line 2, after the word "cuttings" insert a comma.

The amendment was agreed to.

Mr. CANDLER of Mississippi. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CANDLER of Mississippi: Page 27, line 24, strike out the figures "$242,320" and insert in lieu thereof the figures "$363,480."

Mr. LEVER. Mr. Chairman, I would like to see if we can not arrange to close debate on this paragraph and all amendments thereto. As far as I am personally concerned I do not desire any time, and I would like to test out the committee to see just how much time is needed.

Mr. ANDERSON. Mr. Chairman, I do not see how we can agree on closing the debate to-night. I think I am the only member of the committee on this side who is still present. There are only a very few here, and I would not feel that I was doing justice to my colleagues on this side if I undertook to make an agreement or permitted an agreement to be made.

Mr. LEVER. In view of the gentleman's statement I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Agricultural appropriation bill, H. R. 9054, and had come to no resolution thereon.

THE VIRGIN ISLANDS.

The SPEAKER laid before the House the following communication:

ST. THOMAS, VIRGIN ISLANDS,
January 17, 1918.

SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington:

The executive committee in charge of celebrations commemorating this day on behalf of those accepting citizenship in the United States solemnly pledge their loyalty to the United States; being fully conscious of and duly appreciating the great benefits of American citizenship, beg to assure the Government of their true and faithful allegiance.

BALDEMAR MILLER, *Chairman.*

The SPEAKER. This communication will be referred to the Committee on Foreign Affairs.

LINCOLN'S BIRTHDAY, FEBRUARY 12.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent that on February 12, after the reading of the Journal and the disposition of matters on the Speaker's table, I may be permitted to speak for 45 minutes on the life and character of Lincoln.

The SPEAKER. The gentleman from Illinois [Mr. GRAHAM] got 30 minutes in which to make a speech, and the gentleman from Missouri [Mr. RUSSELL] got time to read Lincoln's Gettysburg speech, so that the gentleman's request comes in after that of the gentleman from Illinois [Mr. GRAHAM]. Is there objection?

There was no objection.

Mr. LONDON. I ask unanimous consent that following the gentleman from Kentucky I may address the House for 15 minutes on Lincoln as a world force.

The SPEAKER. The gentleman from New York [Mr. LONDON] asks unanimous consent that at the conclusion of the speech of the gentleman from Kentucky [Mr. BARKLEY] on Lincoln's birthday he be permitted to address the House for 15 minutes on Lincoln as a world force. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. FLOOD, from the Committee on Foreign Affairs, reported a bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (H. Rept. No. 271), ordered to be printed.

Mr. FESS. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Ohio reserves all points of order.

EIGHT-HOUR STANDARD WORKDAY FOR RAILROAD EMPLOYEES (H. DOC. NO. 690).

The SPEAKER laid before the House the following message from the President of the United States, which was read, ordered printed, and referred to the Committee on Interstate and Foreign Commerce:

To the Senate and House of Representatives:

In compliance with the provision of section 2 of the act of Congress approved September 3 and September 5, 1916, to establish an eight-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes, I transmit herewith the report of the commission appointed to observe the operation and effects of the institution of the eight-hour standard workday for railroad employees.

WOODROW WILSON.

THE WHITE HOUSE, *28 January, 1918.*

LEAVE TO EXTEND REMARKS.

Mr. SLOAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the pending bill.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Tuesday, January 29, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HASTINGS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 357) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States, reported the same without amendment, accompanied by a report (No. 266), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DILL, from the Committee on the Public Lands, to which was referred the bill (S. 2403) to amend section 3 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916, reported the same without amendment, accompanied by a report (No. 267), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 5673) to extend payment to the homesteaders on the south half of the Colville Reservation, reported the same with amendment, accompanied by a report (No. 268), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 855) for the relief of Harriet Fisher, reported the same without amendment, accompanied by a report (No. 269), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 1423) for the relief of Alexander F. McCollam, reported the same without amendment, accompanied by a report (No. 270), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

The bill (H. R. 1919) granting a pension to Harry N. Gates; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 2863) granting a pension to John Ferriter; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 5300) granting an increase of pension to George Perkins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 9084) granting a pension to Harry N. Gates; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 9311) for the reorganization of the Medical Department of the United States Army; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 9312) to amend section 5 of the motor-boat law passed June 9, 1910; to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER of Minnesota: A bill (H. R. 9313) to reimburse the State of Minnesota for expenses incurred in mobilizing its National Guard pursuant to the calls of the President during the years 1916 and 1917; to the Committee on War Claims.

By Mr. FLOOD: A bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919; to the Committee of the Whole House on the state of the Union.

By Mr. CARY: Resolution (H. Res. 237) authorizing the President and Attorney General of the United States to issue orders to corporations and individuals concerning control of cold-storage and other large supplies of food and fuel; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9315) granting an increase of pension to Henry Athey; to the Committee on Invalid Pensions.

By Mr. BEAKES: A bill (H. R. 9316) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the Postal Service Marcus P. Norton's combined postmarking and stamp-canceling hand stamp patents, or otherwise; to the Committee on the Post Office and Post Roads.

By Mr. BOWERS: A bill (H. R. 9317) granting an increase of pension to Hezekiah Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9318) for the relief of Susanah Nuce; to the Committee on War Claims.

By Mr. CAMPBELL of Kansas: A bill (H. R. 9319) granting a pension to William F. Conklin; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 9320) granting a pension to Mrs. Albert J. Wolff; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 9321) granting a pension to Joseph Donnelly; to the Committee on Pensions.

Also, a bill (H. R. 9322) granting a pension to Emma R. Steen; to the Committee on Pensions.

By Mr. FAIRFIELD: A bill (H. R. 9323) granting a pension to Lusina Clouse; to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 9324) granting a pension to Thomas W. Trent; to the Committee on Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 9325) granting an increase of pension to Mary Butler; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 9326) granting an increase of pension to Henry Page; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 9327) granting a pension to Louis A. Rowe; to the Committee on Pensions.

Also, a bill (H. R. 9328) granting a pension to James Green; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9329) granting an increase of pension to Albert McMichaels; to the Committee on Pensions.

Also, a bill (H. R. 9330) for the relief of Sylvester Haus; to the Committee on Military Affairs.

By Mr. GRAHAM of Illinois: A bill (H. R. 9331) granting an increase of pension to Alonzo Brown; to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 9332) granting an increase of pension to George W. Griffin; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9333) granting an increase of pension to Sarah E. Hathaway; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 9334) granting a pension to Christine Cook; to the Committee on Pensions.

By Mr. KINKAID: A bill (H. R. 9335) granting an increase of pension to Archie V. Chambers; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 9336) granting an increase of pension to James M. Perry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9337) granting an increase of pension to Alfred McFeely; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 9338) granting an increase of pension to Guilford D. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9339) granting a pension to Robert E. McCormick; to the Committee on Pensions.

By Mr. MILLER of Minnesota: A bill (H. R. 9340) granting an increase of pension to Andrew Tredway; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 9341) granting an increase of pension to Jesse C. Eldridge; to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 9342) granting a pension to Charles H. Carey; to the Committee on Pensions.

By Mr. PETERS: A bill (H. R. 9343) for the relief of Herbert R. Cornforth; to the Committee on Claims.

By Mr. RAMSEYER: A bill (H. R. 9344) granting an increase of pension to James K. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9345) granting a pension to Nancy C. Saylor; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 9346) granting a pension to Alfred Cushman; to the Committee on Pensions.

By Mr. SANFORD: A bill (H. R. 9347) authorizing the appointment of Brig. Gen. John H. Patterson, United States Army, retired, as a major general on the retired list; to the Committee on Military Affairs.

By Mr. SHACKLEFORD: A bill (H. R. 9348) for the relief of J. H. Livingston; to the Committee on Claims.

By Mr. TIMBERLAKE: A bill (H. R. 9349) authorizing the Secretary of the Interior to issue a patent to John Zimmerman for certain lands in the Colorado National Forest upon the surrender of other lands of an equal acreage also located in the Colorado National Forest, Colo.; to the Committee on the Public Lands.

By Mr. VESTAL: A bill (H. R. 9350) granting an increase of pension to Robert McMartin; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9351) granting a pension to Thomas J. Cook; to the Committee on Pensions.

PETITIONS, ETC.,

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Missouri Live-Stock Producers' Association, asking that the rural-credit law be strengthened, and asking the Food Administration to state whether the ratio of 13 to 1 would be maintained in the purchase of spring farrows, or whether the price of corn would be arbitrarily fixed; to the Committee on Agriculture.

Also, memorial of Lady of the Lake Lodge, No. 512, Brotherhood of Railroad Trainmen, of Toledo, Ohio, urging increase in salaries particularly to those employed by the Post Office Department; to the Committee on the Post Office and Post Roads.

Also, petition of sundry rural carriers of the ninth congressional district of Missouri, asking maintenance and equipment allowance for extra mileage and additional pay for pouch mail; to the Committee on the Post Office and Post Roads.

Also, resolution of the board of governors of the International Allied Printing Trades Association (approved by the tenth annual convention of the union label trades department of the American Federation of Labor), protesting against the zone system as applied to second-class mail; to the Committee on Ways and Means.

Also, resolution of the Asbury Park Chamber of Commerce, of Asbury Park, N. J., recommending the abandonment of the zone plan for second-class mail; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of 43 employees of the Trask, Prescott & Richardson department store, of Erie, Pa., praying for the passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of W. S. McCrea, Spokane, Wash., favoring S. 313, providing for an absolute long-and-short-haul law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Colgate & Co., New York, N. Y., urging the passage of the Calder daylight-saving law; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Board of Governors of the International Allied Printing Trades Association, of the New York Business Publishers' Association, and of the Asbury Park Chamber of Commerce, Asbury Park, N. J., protesting against the provisions of the revenue act concerning second-class postage; to the Committee on Ways and Means.

Also, a letter from the Pinoleum Co., New York City, favoring the provisions of the revenue act dealing with second-class postage; to the Committee on Ways and Means.

By Mr. ESCH: Resolution of the Board of Governors of the International Allied Printing Trades Association urging the repeal of the zonal system for second-class mail; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Memorial of New York Business Publishers' Association, favoring repeal of the zone system for second-class mail; to the Committee on Ways and Means.

By Mr. GALLIVAN: Memorial of the Irish Women's Council, appealing for the recognition of Ireland as the Irish Republic; to the Committee on Foreign Affairs.

By Mr. GRAY of Alabama: Petitions of Louis Long, R. F. D. No. 1, Irvington, Ala.; Rudolph B. Cox, R. F. D. No. 1, Coffeeville, Ala.; G. L. Shreve, R. F. D. No. 1, Chrichton, Ala.; and G. W. Riley, R. F. D. No. 1, Jeddo, Ala., urging an increase in the salaries of rural free-delivery mail carriers; to the Committee on the Post Office and Post Roads.

Also, a petition of Earl C. Garrison, H. L. McElroy, Thomas J. Robinson, David E. Wilson, Seaborn L. Bonner, and Wilton P. Woolf, rural letter carriers of Choctaw County, Ala., urging an increase of salaries, etc.; to the Committee on the Post Office and Post Roads.

By Mr. HAMLIN: Papers to accompany House bill 8585, granting a pension to Eugene V. Wagner; to the Committee on Pensions.

By Mr. McKINLEY: Petition of 46 rural carriers, urging the passage of a bill providing a maintenance and equipment allowance, additional pay for mileage in excess of 24 miles, and an allowance for those carriers who must carry pouch mail; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Resolution of knitting manufacturers of Philadelphia, of the National Association of Hosiery and Underwear Manufacturers, protesting against the action of the Fuel Administrator in closing industrial plants; to the Committee on Agriculture.

By Mr. PLATT: Petition of citizens of Newburgh, N. Y., favoring the passage of House bill 7995 for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. PRATT: Petitions of sundry rural mail carriers of the Thirty-seventh New York congressional district, favoring adequate compensation for their services; to the Committee on the Post Office and Post Roads.

By Mr. RAINEY: Petition of rural-route carriers of the twentieth district of Illinois for a larger allowance; to the Committee on the Post Office and Post Roads.

By Mr. REED: Evidence in support of House bill 9303, granting an increase of pension to Joseph Crites; to the Committee on Invalid Pensions.

By Mr. SANFORD: Papers to accompany House bill 9143, granting a pension to Henrietta De Groat; also, papers to accompany House bill 9139, granting an increase of pension to Charles N. Trimble; and also, papers to accompany House bill 9141, granting a pension to Rosella Magee; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9145, for the relief of John J. Dooley; also, papers to accompany House bill 9148, for the relief of Martin W. Jorsleman, alias Whitbeck; also, papers to accompany House bill 9147, for the relief of Henry C. Romaine; also, papers to accompany House bill 9146, for the relief of Ferris W. Wade; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 29, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hearest the prayers of those who seek Thee in faith and confidence, hasten the day, we beseech Thee, when pure and undefiled religion shall be spread abroad in all the earth; when men of all nations and of all climes shall look up to Thee in faith and call Thee Father; that by the strong ties of brotherhood men shall, indeed, fulfill the prophecy of old and beat their swords into plowshares, their spears into pruning hooks, and learn war no more.

So may Thy Kingdom come and Thy will be done in all the world, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MAIL TO EXPEDITIONARY FORCES.

Mr. ROGERS. Mr. Speaker, I call up a privileged resolution, H. Res. 232, and move to discharge the Committee on the Post Office and Post Roads from further consideration of the same and that the same be agreed to.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 232.

Resolved, That the Postmaster General be requested to inform this House upon the following:

First. What is the length of time now required to transmit postal matter from the United States to members of the American Expeditionary Force in France, and from members of the American Expeditionary Force in France to the destination of such postal matter within the United States.

Second. Whether he or any other person or persons or committee or committees or commission or commissions appointed by him have investigated or are now investigating the subject in order to ascertain whether the time now consumed in transit can be curtailed, and losses, if any, of mail matter be reduced.

Third. Whether he or such other person or persons or committee or committees or commission or commissions have reported.

Fourth. What were the findings and recommendations, if any, contained in such report.

Fifth. And what, if any, steps he has taken to curtail the time of such postal matter in transit and reduce the losses thereof, if any.

Mr. KITCHIN. When was the resolution referred?

Mr. ROGERS. On the 22d of this month.

The SPEAKER. The question is on the motion to discharge the Committee on the Post Office and Post Roads from further consideration of the resolution and agree to the same.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3448. An act granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River; and

S. J. Res. 125. Joint resolution authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the Rotunda of the Capitol.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3135. An act to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Ariz."

AGRICULTURAL APPROPRIATION BILL.

Mr. CANDLER of Mississippi. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9054, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill, with Mr. CRISP in the chair.

The CHAIRMAN. When the committee rose last evening an amendment was pending, offered by the gentleman from Mississippi [Mr. CANDLER], which the Clerk will report.

The Clerk read as follows:

Page 27, line 24, strike out the figures "$242,820" and insert the figures "$363,480."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on this paragraph and all amendments thereto may close in 30 minutes.

The CHAIRMAN. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I wish to inquire whether we are going to have the customary motion to strike out the seed item, which is the provision under consideration?

Mr. LEVER. I am not advised as to that, but I presume we will have it, however.

Mr. FOSTER. I think the gentleman from Massachusetts [Mr. WALSH] said that he wanted to do that.

Mr. LEVER. He gave some indications of that, but he did not quite say so.

Mr. STAFFORD. I think the proceedings of Congress would be hardly complete without some person moving to strike out the paragraph.

Mr. LEVER. Or moving to increase the amount.

Mr. STAFFORD. Both motions are always in order, and always take place.

Mr. CANDLER of Mississippi. There is an amendment pending, and that comes first.

Mr. STAFFORD. There is no question that the gentleman's amendment takes precedence.

Mr. LEVER. I feel that this is a matter so well understood by the members of the committee that we ought not to spend any great time in discussing it.

Mr. STAFFORD. Can there be some understanding as to the control of the 30 minutes, that some of the time, if desired, may be used in consideration of a motion to strike out the paragraph?

Mr. LEVER. Mr. Chairman, I modify my request by adding that the time be equally divided between the gentleman from Mississippi [Mr. CANDLER], who is proposing to increase the amount, and myself in the interest of those who may desire to strike it out.

Mr. STAFFORD. Then the gentleman will allow at least 15 minutes of that time for those in opposition to the provision itself?

Mr. LEVER. I shall allow half the time to those who are opposed to the Candler amendment and half the time to those who are in favor of striking the provision out altogether.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto be limited to 30 minutes, 15 minutes of that time to be controlled by the gentleman from Mississippi [Mr. CANDLER] and the remaining 15 minutes by the gentleman from South Carolina [Mr. LEVER].

Mr. LONDON. Mr. Chairman, reserving the right to object, I would like to have 10 minutes on a motion to strike out the provision relating to the congressional distribution of seeds.

Mr. LEVER. I would not be able to promise the gentleman 10 minutes of the 15 minutes that I would have myself.

Mr. LONDON. I want to argue in favor of a motion to strike out in an original way, and I want to have 10 minutes.

Mr. LEVER. The gentleman always argues in an original way.

Mr. LONDON. I thank the gentleman.

Mr. LEVER. I shall try to give the gentleman at least five minutes of my 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. JOHNSON of Washington. Mr. Chairman, is it not possible to get along with 10 minutes debate on this paragraph, one in favor and one against it?

Mr. LEVER. If I had my own way, I would say 10 minutes.

Mr. JOHNSON of Washington. Would it not be better for the House of Representatives to have a little more discussion about bullets and a little less about bird seed?

The CHAIRMAN. Does the gentleman from Washington object to the request?

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the objection.

The CHAIRMAN. The Chair hears no objection. The gentleman from Mississippi is recognized for 15 minutes.

Mr. CANDLER of Mississippi. Mr. Chairman, I have no inclination to detain the House in reference to this matter but a very few moments. The fact is all I desire to do is to call the attention of the House to the effect of the amendment which I have offered and which is now pending. The provision of the bill is the same provision which appeared in the bill last year, and I believe the bill of the year before last and several preceding years. The motion which I propose only changes the amount and does not change a single word in the provision itself. The amount provided in the bill at the present time is $242,320. My motion is to strike out $242,320 and insert in lieu thereof $363,480, which is a 50 per cent increase over the amount provided for in the bill. I do this for the reason that a great many Members of Congress this year have come to my office and told me they did not have a sufficient quantity of seed to meet the demands which were yearly made upon them, and hence they desired that the amount should be increased. Under the appropriation this year each Member of Congress is allotted 20,000 packages of garden and 3,000 packages of flower seed. If this amendment is adopted and the price remains the same as it is now, next year you will be allotted 30,000 packages of garden seed and 4,500 packages of flower seed, and the only question, therefore, for the committee to determine is whether or not you want this increase made, whether you want this increased amount of money in order that there may be available an increased number of packages of flower and garden seed. If you do, you will vote for the amendment; if you do not, you will vote against the amendment. That is the sole issue involved. [Applause.]

Mr. LEVER. I yield five minutes to the gentleman from Massachusetts, who, I understand, is in favor of striking out the whole item.

Mr. WALSH. Mr. Chairman, I move to strike out the entire paragraph.

The CHAIRMAN. The gentleman from Massachusetts offers a motion to strike out. Of course that will not be disposed of until the motion to perfect has been disposed of.

Mr. WALSH. Mr. Chairman, notwithstanding the argument of the gentleman from Mississippi [Mr. CANDLER] in the nature of a very alluring bait held out by him in offering an amendment to increase this amount to approximately $360,000 and the fact that next year we will get 30,000 packages of vegetable seed and 4,500 packages of flower seed, it seems to me that at this time, when we are straining every effort to raise money to carry on this tremendous struggle, that we ought not to appropriate even the $243,000 carried in the bill as reported by the committee—nearly a quarter of a million dollars—for the purpose of making these governmental gifts to our constituents. I was interested the other day in receiving a little pamphlet which has been issued by the National Grange, and I noted that amongst the recommendations made by that great organization, speaking for the real farmers of the Nation, was one for the elimination of this congressional seed distribution. Those with whom I had the honor to serve in the Sixty-fourth Congress know my views upon this matter, because at that time I set them forth somewhat at length in opposition to this form

of expenditure and to this method of distributing this form of Federal gratuities. The purpose is, I presume, to encourage and stimulate agriculture, and we give little packages of seed which are sent out throughout the length and breadth of the district and which contains upon the package, printed there by the department, a request that the people planting those seeds will write to the department the results that they obtain, and yet you can read the reports of the Secretary of Agriculture year after year and all you will ascertain is that a certain amount of money has been expended for these seeds and they have been distributed through requests from Members of Congress. Now, while the appropriation is made—and presumably it is the intention for these seeds to be sent to the different congressional districts to the people who are interested—if the number of requests that are received for seeds can be taken as any standard as to the interest in this congressional seed distribution, the interest, particularly in my section of the country, is not very great, and I doubt if it is warranted even if the requests filed are very numerous. If the people are going to utilize these seeds and if they are going to attempt to stimulate agriculture, why should not some report be made as to how many new farmers each year were made as the result of this activity or how much the crop of a particular vegetable or flower has been increased or how much any particular community has been benefited by this distribution. I say, Mr. Chairman, that at this time we might well afford to save $243,000, or, if the amendment of the gentleman from Mississippi is adopted, the larger sum, $360,000 plus, and transfer it to the funds which will have to be expended by the military branch of this Government in giving our soldiers proper food, clothing, or shoes, or equipment and not put a burden upon the people of nearly a quarter of a million dollars additional for any such purpose as this, and I think this is a good time for the House to indicate a spirit of economy and for them to be willing to put aside any personal desires to be known as distributors of seed and say to the country that they are willing to forego this congressional seed distribution during this great war. I believe it will meet with general commendation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. I yield three minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, I am in favor of the amendment increasing by 50 per cent the amount for garden seed offered by my esteemed colleague, the gentleman from Mississippi [Mr. CANDLER]. Of course, the gentleman from Massachusetts [Mr. WALSH] does not want the people of this country to have enough to eat. He proposes to take this little dab that the farmers have in the way of garden and flower seed and put it into cannon. The gentleman from Massachusetts well knows that you could get but one cannon for this total amount of $243,000. We are now giving to every household in the United States these packages of seeds, and the people plant them in their little back yards and gardens in every town, village, city, and farm of this Republic, and it does more good than any other money that this Congress ever appropriates. The gentleman from Massachusetts says that he never gets any requests for seeds to amount to anything. Perhaps his people live where they do not work, or perhaps his people are living off of somebody else or out of the public crib. [Laughter and applause.]

Every man, I care not what may be his station in life, should be encouraged, especially at this time, to have a little garden. For the money involved, for the exercise it gives a man of sedentary habits—the lawyer, the doctor, the banker, the merchant—every man, not only farmers, really should be encouraged to enjoy raising a garden, to be certain that every home in our land will have plenty of fine fresh vegetables on the dining table. At this time, when food is scarce, every individual of this Republic is encouraged by the Food Administrator to have gardens. Why, last year you saw the propaganda everywhere urging every city of this Republic to plant vegetables on every vacant lot.

Mr. BLANTON. Will the gentleman yield?

Mr. QUIN. I will.

Mr. BLANTON. The gentleman states that these seeds went to every household in our Nation. I would like to ask the gentleman how many lawyers, doctors, bankers, and merchants in his district receive seeds from his office but who have no garden, and who throw them in the wastebasket every year?

Mr. QUIN. I want to say that I have not any type of lawyers and bankers and merchants of that kind. Every lawyer and every banker and merchant in my district, if his name is on the registry list, gets a package of seed from his Congressman. That lawyer or banker or merchant plants those seeds, just like the farmers and laboring people of the towns, and as a rule they have good gardens.

Right down here on the Potomac River we had the Boy Scouts growing corn last year, the finest corn I have ever seen in the North or in the East, 10 feet high, growing ears of corn that almost broke the stalks down, and yet the gentleman from Massachusetts [Mr. WALSH] objects to people having garden seeds with which to plant gardens and raise vegetables.

Why, the garden seeds that I send out, so the people write me, grow tomatoes as big around as horse apples. The finest vegetables seeds that have been sent out in years were those the department furnished us to send out last year, and now the gentleman from Massachusetts seems to think that we should not only not increase the amount by adopting the amendment that the gentleman from Mississippi offers, but should be barred altogether from having a single seed to give the people of this Republic.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. Could the gentleman from Mississippi give me two minutes more?

Mr. CANDLER of Mississippi. I yield two minutes to the gentleman.

Mr. QUIN. I thank the gentleman.

All over the United States the cry is going up, "Plant your fence corners in foodstuffs." I take it that every patriotic Congressman in this House feels like encouraging the people to do that thing. Every farm demonstrator is a patriot, and is urging the people on the platform and in his daily contact with them to plant all the food crops possible. And yet the gentleman from Massachusetts wants to take away from the farmers the seed that the Government is sending out.

Mr. WALSH. Will the gentleman yield?

Mr. QUIN. I will.

Mr. WALSH. Are all the farmers in the gentleman's district voters?

Mr. QUIN. Oh, yes; if they want to be.

Mr. BLANTON. Will the gentleman yield?

Mr. QUIN. I can not, my time is limited.

I have not this foreign element that comes over here, a strain of anarchists and loud-mouthed fellows. The people in my district and their ancestors are all full-fledged Americans. The farmers are not aliens or foreigners waiting to be naturalized. They are native-born citizens. Of course, the people in my country are loyal, patriotic American citizens and appreciate what the Government is doing for them.

And I wish to say further, my friends, that the patriotic farmer away back from the railroad, with his house on a hillside, when receiving a package of garden seed from his Government, from his Congressman, realizes that the Government thinks something of him. That man loves his country and is at all times ready to fight for our Nation's flag. The gentleman from Massachusetts proposes to take that man's son, grab him by the nap of the neck and throw him into the Government service by force, and yet he objects to that man receiving a package of free garden seed to plant. [Applause.] I want to encourage the good feeling between the people and the Government, and the more we can encourage the people of this country to plant food crops by distributing free seeds to them the better it is for the Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. I thank the gentleman.

The CHAIRMAN. The Chair desires to admonish the gallaries that it is contrary to the rules of the House for the occupants of the gallaries to express either approval or disapproval of remarks made on the floor.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I am not opposed to the distribution of seeds. The Agricultural Department is one of the most valuable departments in the Government. The farmer, the tiller of the soil, is the most valuable element of the citizenship of the country, and the Government should be ready to aid him. What I do oppose, however, is the distribution of seed by Members of Congress. I can not for the life of me understand why a Member of Congress should be called upon to do the work of the Department of Agriculture. Members of Congress permit themselves entirely too much to be employed in clerical capacities for their districts. In the past the work of Congress was limited to appropriation bills and to the discussion of two or three fundamental issues relating to the tariff or to reform of the currency. That almost exhausted the legislative work of the House and of the Senate. Recently the scope of national legislation has been widening. Measures calculated to prevent the farmer from sinking into the condition of the farmless tenant have been engrossing the attention of Congress. The farmless

farmer will soon be heard from. Industrial labor will have something to say to us.

With concentration of industry and agriculture, State legislation has been giving way to national legislation.

New problems are pressing upon us. They will become more and more acute. We are in the midst of the greatest crisis of the world. The world is being remade. Instead of applying ourselves to a study of the new forces that have been awakened in the world, we are busy sending franks to the Department of Agriculture for the distribution of seed. It is degrading in another sense. It makes the average man believe that his Member of Congress is doing something for him. The name of the Member appears on the package, and the average man is made to believe that he is the recipient of a special benefit, of a special blessing, coming from the Member of Congress. He is distributing seed. He is distributing favors. He is doing something for which he deserves the special gratitude of his constituents.

I would like to see that provision stricken out. I am with the farmer and for the farmer. He is the most useful man in the world, the most valuable man. I wish the world could have retained that rugged integrity, that honesty, that simplicity of soul that is so characteristic of the man who tills the soil. The world would have been better off. [Applause.]

I am trying to point out to you the necessity of using every moment of our time, of applying ourselves completely, uninterruptedly, to the study of the great problems that are facing the country and facing the world to-day. We can not properly do that if we encourage our constituent to believe that all that he has to expect from us is the distribution of seeds, the distribution of documents, and a lot of other clerical work. We should not be asked to chaperon the individual constituents in the various departments.

I would like to see the provision which relates to the congressional distribution of seeds stricken out. I would vote for any adequate appropriation of money to distribute anything of value to the farmer through the Agricultural Department. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LEVER. Mr. Chairman, I yield one minute to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for one minute.

Mr. BLANTON. Mr. Chairman, I wanted to devote one minute to asking a question of my friend from Mississippi [Mr. CANDLER]. I would like to ask him if he is willing to incorporate in his amendment a provision that would take the name of every Congressman off the packages of garden seeds and let them be distributed by the Department of Agriculture, where they belong, not to the lawyers, doctors, bankers, and merchants in cities who have no gardens and who do not want them, but to all people alike who have gardens and who do want them, eliminating all political preference to political friends entirely. Is the gentleman willing to incorporate that in his amendment?

Mr. CANDLER of Mississippi. I have had similar questions asked of me a number of times in previous sessions of Congress. I do not care anything about my name being on the package, or the name of any other Member of Congress, and I do not favor distributing them for political preferences. I have always said I prefer to have the seeds distributed by the Members rather than directly by the Department of Agriculture. I favor distributing them to all the people alike. I have always insisted that the seeds should be distributed by Members of Congress to their constituents, because the Members are more familiar with the wants of their constituents than the department could possibly be, and therefore the Members can render their constituents better service, and I feel sure they distribute the seed equitably, and what I want is to give the people the best benefits possible, and I believe it can best be done by that method, and therefore I would not accept such an amendment as the gentleman from Texas suggests.

Mr. BLANTON. Then I am against the gentleman's amendment.

Mr. CANDLER of Mississippi. Would you have favored it otherwise?

Mr. BLANTON. I would be in favor of increasing it $100,000 if the gentleman would adopt my suggestion. I shall give my views on this legislation more in detail later on during this debate.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield to the gentleman from Illinois [Mr. McKINLEY] three minutes.

The CHAIRMAN. The gentleman from Illinois is recognized for three minutes.

Mr. McKINLEY. Mr. Chairman, last summer, while the industrious House of Representatives had completed all of the bills pending before it and was waiting on the Senate, I used up about a week visiting around Boston, Mass., and vicinity. I found around there rocks and swamps, ammunition factories and shipyards. I can very well appreciate how a Representative from that locality would feel it would be much better for the House to use the $27,000,000 appropriated for the Department of Agriculture and put it into one battleship, because we could kill somebody with that battleship.

Now, out our way we are trying to follow out the recommendations of Mr. Hoover, to teach the people to save and to raise food. Out there in my district there are some 20,000 children between 8 and 12 years old. Mr. Hoover and the Department of Agriculture want those children to be encouraged to cultivate more gardens. Therefore I am sending out the 20,000 packages of seed that will be allotted to me to the children. I am sending with them a pamphlet from the Department of Agriculture, specially prepared, to encourage children to cultivate gardens. I hope and I know that by next year in our district, where we are rapidly increasing in population, there will be 30,000 children who will want these packages to supply 30,000 gardens. Therefore I support the amendment to increase this distribution from 20,000 to 30,000 packages. [Applause.]

I yield back the remainder of my time.

Mr. LEVER. Mr. Chairman, I yield two minutes to the gentleman from Indiana [Mr. ELLIOTT].

The CHAIRMAN. The gentleman from Indiana is recognized for two minutes.

Mr. ELLIOTT. Mr. Chairman, I come from one of the finest agricultural districts in the United States. It is not made up of swamps and rocks and munition factories. The Government has been distributing these garden seeds over that district for the last 25 years, perhaps; and I wish to say this, that out from that great agricultural district I have received less than 50 applications from farmers for these seeds. I have received less than 500 applications from men who work in the factories for these seeds.

Before I left home I talked to the agricultural agent in my county, and asked him if he would not take off my hands the matter of distributing these seeds. He said, "No; I do not want to have anything to do with them. They are a fraud and a humbug, and I do not want to get into trouble with the farmers of this county by having to distribute those seeds among them."

I am not opposed to the Government furnishing free seeds to the poor people in any part of this country if it is necessary in order to enable them to have gardens, but I am opposed to this political propaganda of scattering bunches of seed all over this country under congressional frank for whatever political benefit may come from it to the man who sends them. I am therefore in favor of voting to strike out that part of this bill which appropriates for seeds nearly a quarter of a million dollars of the people's money that can be better used for some other purpose in this war. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANDLER of Mississippi. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. DOUGHTON] three minutes.

The CHAIRMAN. The gentleman from North Carolina is recognized for three minutes.

Mr. DOUGHTON. Mr. Chairman, I shall heartily support the amendment of the gentleman from Mississippi [Mr. CANDLER] to increase this appropriation for the purpose of extending the work of the distribution of field seeds for the benefit of the agricultural interests of our country.

I have taken a good deal of pains and trouble to ascertain whether or not this appropriation in the past has been worth while, and whether or not it really brings to the country as a whole beneficial results; and my experience in my own district is that the people have been benefited, and that they would be greatly disappointed and feel themselves injured if this small allowance of field seeds were withheld from them.

Now the argument seems to be advanced by some Members on the floor of this House that it is all right to distribute the seeds, but that the method is all wrong, and that we are resorting to political methods and using this as a means of political advertisement. Mr. Chairman, I am not disposed to quibble or debate as to the method. If some more satisfactory and beneficial method can be devised I am entirely willing to support that; but in the absence of some more feasible and successful method I think we had better adhere to the present plan. I have sent seeds to every citizen in my district, and in so doing I find that every year I overdraw my allowance of field seeds and must hustle around and see if I can find enough to supply all.

I do not make it a political matter at all. I get a list of all voters, Democrats and Republicans alike, and of widows and of those who have not reached their majority, and I endeavor to distribute these seeds like the rain from heaven to Democrats and Republicans, the just as well as unjust, if there be any of the latter. [Laughter.] My friends all pay taxes similarly and should all receive the same benefits from the Government. At this time when the price of living is so high and foodstuffs are so scarce, and there is a tremendous propaganda conducted by the Agricultural Department and by the other departments of our Government to encourage our people to increase the production of foodstuffs, I think it is rather too small a policy for us to deny to the farmers this infinitesimal appropriation or try to cut it off or to fail to increase it, so that the farmer may be benefited and the opportunity be given to increase the supply of foodstuffs and reduce the cost of living.

There was a time, perhaps, when the Department of Agriculture paid little attention to the selection of vegetable and other seeds to be distributed among the people of the country. But that time has passed. I have discussed with the authorities at the Agricultural Department, and they inform me that great care and pains are exercised in the selection of these seeds, and that none but the best are distributed. Frequent letters received from my constituents bear me out in this statement that these seeds are not only appreciated in most instances but are expected and result in a lot of benefit to the people as a whole. Of course, there are some that do not care to have them and feel that it is money thrown away. But I doubt if the Government makes a single appropriation of similar amount which results in greater benefits, that is more evenly distributed to all the people than this small appropriation.

During the Sixty-second, Sixty-third, and Sixty-fourth Congresses more legislation was enacted for the benefit of agriculture than had previously been done perhaps in 50 years. The legislation making Federal aid to the construction of public roads, the farm-loan act, the Federal reserve law, and many more too numerous to mention have given the farmer recognition and opportunity that he had never been accorded before. Are we now during this Congress, when the world demand for production of foodstuffs is the greatest ever known since the beginning of time, to do anything that would manifest a lack of appreciation to the agricultural class? Instead of denying or curtailing this appropriation we should increase it, as this amendment proposes to do, and by this means contribute at least in a small way to increase the production of food for the benefit of ourselves and our allies to reduction in some measure of the high cost of living and to the contentment and welfare of humanity. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Mississippi [Mr. CANDLER] has two minutes and the gentleman from South Carolina [Mr. LEVER] two minutes. If they do not desire to use it, the Chair will put the question.

Mr. LEVER. I yield one minute to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am willing to vote for the appropriation carried in the bill, although at some times and under different conditions than those now existing I have been in favor of striking it out. I think, however, the amount is enough and that the amendment offered by the gentleman from Mississippi to increase the appropriation largely ought not to be adopted.

Mr. LEVER. I ask the gentleman from Mississippi to consume his time. I have only one speech.

Mr. CANDLER of Mississippi. Mr. Chairman, I shall take my remaining two minutes merely to emphasize and call attention to what is involved, because quite a number of members have come in since the discussion began and some have come to me and asked what is involved. The sole question involved in this amendment is whether or not you will increase the appropriation for this purpose 50 per cent. If you do so, then, of course, the quantity of seed which will be distributed next year will be increased 50 per cent over what it is this year. If you were allotted 20,000 packages this year, if the price remains the same, next year there will be 30,000 packages allotted to you for distribution. The gentleman from Massachusetts [Mr. WALSH] says turn this money over to the military department of the Government. I am willing to vote for every dollar the military department needs, but the military department do not need money. They have plenty of money. There is no difficulty about that. They have money for every purpose that they can usefully apply it to. Now, to this immediate question under consideration. Take the one item of the velvet bean. Nobody knew anything about that. It was discovered and put into circulation and distribution through Members of Congress by the Department of Agriculture, and it has proven to be a great source of food supply throughout the country, and by reason of its use in feeding it the people are enabled to increase their meat supply to a marvelous extent. That is simply an illustration. Here is another. Listen to this letter:

Hon. E. S. CANDLER,
Washington, D. C.:

MY DEAR MR. CANDLER: Last winter while I was in Washington you told me of the success of a friend of yours with a new variety of sorghum, the seed of which you sent from the Department of Agriculture. At my request you had a small bag of these seed sent to me. Enough to plant, with care, about 1 acre. I divided them among several friends—planting about one-fifth acre myself. The result was most gratifying. In spite of an excessive local drouth the result on all plots was extremely satisfactory. The yield was 120 to 260 gallons per acre—fully double the local average of other sorghums. Quality of sirup the very finest. General report is that as a food it is splendidly digestible—much more so than is the sirup of ribbon cane. I find the flavor most attractive. Like it as well as I do the good sirup of ribbon cane.

The cane headed out well, but the extreme drouth prevented maturing of seed. For this reason we have none. So I am asking you to have sent to me a full-size package of the seed, Honey Sargo. If permissible—as I wish to divide with neighbors—would like to have two packages. Be sure it is Honey Sargo.

There is a general clamor for Government seed. Our people are learning that these Government garden seed are the very best.

[Applause.]

I might use many others to show how the production of food in this country has been increased in this way. And while the President of the United States, the Food Administrator, and everybody down along the line are calling upon the people throughout this country to be patriotic and increase the production of food, to use every bit of ground that is possible, to utilize the back yards and front yards, the vacant lots, and every available space in order to increase food production, it is a poor policy to turn around and say to the people you will not allow the seeds to plant the available ground to bring about the increased production so necessary. [Applause.]

Mr. LEVER. I yield a minute of my time to the gentleman from North Dakota [Mr. YOUNG].

Mr. YOUNG of North Dakota. Mr. Chairman, there are two items in this bill in respect to the distribution of seeds. One is for rare and valuable field seeds. The other is for the ordinary congressional distribution of garden and flower seeds. I am in favor of the distribution of the rare and new varieties of field seeds. Those are needed by the farmers and are very valuable. The ordinary garden seeds and flower seeds which we distribute are of such a quality as the ordinary farmer can buy at any country store. We are not sending to the farmers something that they can not buy or can not get conveniently. I find in my district a very great demand, a real demand for new varieties of field seeds. The farmers in my district are anixous to try out and introduce into their localities new kinds of crops, better crops, better varieties of seeds. There is a real demand for them, and I think all of this money ought to be used for the new varieties of field seeds. It would not be too much money to spend in that way. I regard the money spent for flower seeds and garden seeds as largely wasted, and I believe that is the view of most of those who live in my congressional district. That is true to such an extent that I sometimes hesitate to send out the seeds. I have made the distributions in the past upon the theory that after having been voted by Congress the people of my district have a right to their share even if they are of little value. But, gentlemen, do you not think this practice ought to be stopped? It can not be defended. It is not necessary. It does not improve agriculture in any way, and I do not believe it reflects any credit upon Congress.

Mr. Chairman, if those here to-day, evidently in the majority, desire to distribute seed, why not let it be a quality of field seeds such as the farmers can not buy in the ordinary markets or some rare or new variety of seeds. A good example is Durum wheat, which the Government introduced into this country and distributed among farmers to be tried out. It has been a wonderful success. Some years it has sold for better prices than the old varieties, and it has resisted plant diseases better than most of the other varieties of wheat. That is the kind of intelligent selection and distribution of seeds which is helpful to the grain raisers, and if followed to the exclusion of the cheap, ordinary varieties of garden seeds will reflect credit upon Congress. I appeal to you, gentlemen, to eliminate this wasteful appropriation. I hope the motion to strike out will prevail.

The CHAIRMAN. The gentleman from Mississippi [Mr. CANDLER] moves to perfect the text by increasing the amount of the appropriation, and the gentleman from Massachusetts [Mr. WALSH] moves to strike out the paragraph. The amendment to perfect the text must first be voted on.

The question was taken; and on a division there were—ayes 65, noes 37.

Accordingly the amendment of Mr. CANDLER of Mississippi was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Massachusetts [Mr. WALSH] to strike out the paragraph.

The question being taken, on a division (demanded by Mr. WALSH) there were—ayes 26, noes 75.

Accordingly the motion was rejected.

The Clerk read as follows:

General expenses, Forest Service: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, national forests, forest fires, and lumbering, but no part of this appropriation shall be used for any experiment or test made outside the jurisdiction of the United States; to advise the owners of woodlands as to the proper care of the same; to investigate and test American timber and timber trees and their uses, and methods for the preservative treatment of timber; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to erect necessary buildings: *Provided*, That the cost of any building erected shall not exceed $650; to pay all expenses necessary to protect, administer, and improve the national forests; to ascertain the natural conditions upon and utilize the national forests; and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the national forests to be exported from the State or Territory in which said forests are respectively situated; to transport and care for fish and game supplied to stock the national forests or the waters therein; to employ agents, clerks, assistants, and other labor required in practical forestry and in the administration of national forests in the city of Washington and elsewhere; to collate, digest, report, and illustrate the results of experiments and investigations made by the Forest Service; to purchase necessary supplies, apparatus, and office fixtures, and technical books and technical journals for officers of the Forest Service stationed outside of Washington, and for medical supplies and services and other assistance necessary for immediate relief for artisans, laborers, and other employees engaged in any hazardous work under the Forest Service; to pay freight, express, telephone, and telegraph charges; for electric light and power, fuel, gas, ice, washing towels, and official traveling and other necessary expenses, including traveling expenses for legal and fiscal officers while performing Forest Service work; and for rent outside of the District of Columbia, as follows:

Mr. LEVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Committee amendment: Page 33, line 25, after the word "relief," strike out the word "for" and insert in lieu thereof the word "of."

The amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee a question. I notice that in this paragraph there is provision for the transportation and care of fish and game supplied to stock the national forests or the waters therein. I desire to ask where that fish is procured, whether from the National Bureau of Fisheries or from other sources, and if from the Federal commission or bureau, why it is necessary to provide for the care of its transportation.

Mr. LEVER. Without having the specific information at hand, I should say that it refers to the fish and game of the national forests.

Mr. WALSH. That is separate and distinct from the Bureau of Fisheries?

Mr. LEVER. Yes.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words. I want to call the attention of the chairman of this committee to the situation in the law that interferes with the procuring of timber by the military arm of the United States, which it needs badly for aeroplane stock from the forest reserves. I want to say that after some effort on my part to straighten out the confusion the Secretary of Agriculture and the Bureau of Forestry have looked into the matter, and at my request there has been prepared an amendment to amend the law passed in the Fifty-sixth Congress by which timber can not be sold until advertisements for bids are made 30 days ahead of the sale. It is proposed to let sales for war uses be made without advertising. I shall have a copy of the amendment in a few moments. I am not certain to which section it ought to be offered. I rise to ask that we proceed with the bill with the privilege of returning to any section dealing with the Forest Service to which the amendment may be germane for the purpose of offering that amendment.

Mr. LEVER. Mr. Chairman, I am familiar with the matter mentioned by the gentleman from Washington, and I have no objection to it.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent that we proceed with the reading of the bill, with the privilege of returning to the forest-reserve sections to offer an amendment.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to any section pertaining to the Forest Service in the bill for the purpose of offering amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Olympic National Forest, Wash., $16,598.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I would like to ask how this appropriation for the Olympic National Forest, Wash., $16,598, compares with the appropriation of the preceding year. Has it come down any?

Mr. LEVER. It is exactly the same.

Mr. JOHNSON of Washington. Are most of these forest-reserve appropriations in the bill about the same as they were last year?

Mr. LEVER. Yes; about the same.

Mr. JOHNSON of Washington. Any new forest reserves been created?

Mr. LEVER. No.

Mr. JOHNSON of Washington. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Umpqua National Forest, Oreg., $10,100.

Mr. FESS. Mr. Chairman, I move to strike out the last word in order to ask the chairman a question. Can the chairman give any definite information as to the ability of these forest reserves to be self-supporting?

Mr. LEVER. I should be glad to furnish the information to the gentleman and the House. The past fiscal year the receipts from the national forests amounted in the total to $3,457,000, an increase of $633,000 over the present fiscal year. This increase was $265,000 from timber sales, $339,000 from the grazing receipts, and $29,000 from other miscellaneous sources, like the sale of wood and things of that kind. The total cost of administering, normally, the forest reserves is about $4,000,000, so that the receipts and the cost of administration are coming pretty close together; $3,450,000 in the way of receipts as against $4,000,000 in the way of expenditure.

Mr. FESS. If we go back for a period of years has the cost of administration increased with the years?

Mr. LEVER. If we go back a long period that is true, but for the last three or four years the cost of administering the forest reserves is about the same, a little decrease in this bill.

Mr. FESS. But the revenue has increased?

Mr. LEVER. Slowly and steadily increased.

Mr. FESS. Then we may infer that ultimately the forest reserves will be a source of income to the Government?

Mr. LEVER. I see no reason why it should not become a source of income to the Government.

Mr. FESS. I asked the question purely as a matter of information. I wanted to know whether or not there is a possibility in the near future of this particular agency becoming productive financially.

Mr. LEVER. I do not think there is any question but that the forests can be made self-sustaining under normal conditions.

Mr. FESS. I might say to the chairman that on a trip West I visited the national park at Tacoma, the Ranier Reservation, and it was a great eye opener, having lived in the country and knowing something about wood and timber. I could not imagine the possibilities of the forest and timber in such a place as that. It is incredible to one who had never seen anything of that sort. I was wondering whether such possibilities were outside of a few of these national parks.

Mr. LEVER. There is an immense amount of timber in the national forests, and I am satisfied that the Forestry Service could be made self-sustaining in a very short time if the cutting of the timber should be speeded up.

Mr. FESS. Is any of this appropriation expended in road building?

Mr. LEVER. Yes; we carry an item of $400,000 further on in the bill for the improvement of the national forests, and out of that we build some roads.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. JOHNSON of Washington. The gentleman spoke about the normal expenses being about so much. Did the gentleman mean that the expense had been increased in the last year or two?

Mr. LEVER. No; I do not think the Forest Service expenses have been increased, except, probably, very little in the last five or six years.

Mr. JOHNSON of Washington. The gentleman from Ohio, Mr. FESS, saw the big timber on the Rainier Forest Reserve, but he must realize that if the Government should start in on a policy of cutting and selling that timber in great quantities, in order to make the Forest Service pay, it would ruin the

timber business in the State in which the reserve is located. In other words, when you put private timber owners into competition with the great timber on these reserves both sides are going to suffer.

Mr. LEVER. I will say to the gentleman from Washington that I think the policy pursued by the Government heretofore in timber cutting has been safe and sane.

Mr. JOHNSON of Washington. We in the West agree to that; the Government has pursued a policy of not ruining the industry, and at the same time has made the Government prices act as a regulator of the market. Of course, for a number of years, until 20 months or so ago, the bottom was out of timber, and all prices were at the lowest possible level. But whether timber is high or low, people in the Middle West—people in Nebraska, for instance—never can understand why rough lumber costs them $40 to $45 a thousand feet—never less and frequently more. They believe somebody is making an enormous profit at the tree; but when the people in Nebraska are paying $40 to $45 a thousand feet for rough lumber, the man who has bought the tree from the man who felled it, has sawed it up at the mill, gets only $7 or $8 or $9 a thousand feet, so he is not making any great profit.

Mr. FESS. Does the country suffer any great loss from forest fires, or has it in the last few years?

Mr. LEVER. In 1910 we had a terrifically destructive forest fire, which destroyed property valued, if my recollection serves me right, at about $25,000,000. This past year we had another rather destructive forest fire, but on account of the increased efficiency of the Forest Service, while they had a larger number of outbreaks than they had in 1910, probably 500, they held the losses down to very much less than they were in 1910. They created a deficit this year of $775,000 for fighting fires that occurred. We carry an appropriation of only $150,000 for that purpose. It was necessary for them to create a deficit, and they have that matter now before the Committee on Appropriations.

Mr. FESS. Are we supporting any school as a Government school for the training of forest rangers to fight fires?

Mr. LEVER. No.

Mr. FESS. I think some States are. Pennsylvania, I believe, has a school devoted entirely to that work.

Mr. LEVER. A patriotic Frenchman was conducting some years ago a forest school at Asheville, N. C., but I am not sure whether he is continuing to do that now or not.

Mr. FESS. The danger from forest fires is imminent. I should judge, and is the Government taking any additional steps which we have not heretofore taken?

Mr. LEVER. Yes; we are providing in this bill a little different system of employing fire fighters. Heretofore we have employed only two classes of forest rangers, one a year-long forest ranger and the other a six-months-long forest ranger. We are proposing to reduce the number of year-long forest rangers and increase the number of six-months forest rangers, and, in addition to that, provide for a three-months forest ranger, so that we can have the longest body of men at the critical seasons of the year, when fires are most likely to occur.

Mr. FESS. What about this range along the Adirondacks? Are we continuing operations there?

Mr. LEVER. Oh, yes; last year, the gentleman will remember, we carried in this bill, and it became a law, $3,000,000 in addition to the original amount carried in the Weeks Act of $10,000,000.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigations of methods for wood distillation and for the preservative treatment of timber, for timber testing, and the testing of such woods as may require test to ascertain if they be suitable for making paper, for investigations and tests within the United States of foreign woods of commercial importance to industries in the United States, and for other investigations and experiments to promote economy in the use of forest products, and for commercial demonstrations of improved methods or processes, in cooperation with individuals and companies, $173,260.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question as to how extensive these tests and investigations have been with reference to finding suitable material for making paper from these wood or timber products.

Mr. LEVER. The work at the Madison laboratory at this time is being concentrated very largely on the proposition of testing timber for the uses in the Army. For example, they are testing spruce now for use in the building of aeroplanes, and they are testing other woods for wagons and other purposes that the Army needs. The work is being concentrated along that line. Heretofore, however, extensive experiments and investigations have been made at this laboratory with a view of finding whether we have any timber available out of which we could get print paper, and while we have no definite report this year about it, except in the report of the Forest Service, I think it is safe to say that they have made some headway and have developed some rather interesting results.

Mr. WALSH. Where did the gentleman say this laboratory is located?

Mr. LEVER. At Madison, Wis.

Mr. WALSH. How long have these investigations been going on?

Mr. LEVER. This work has been going on, I should say, 12 years at least—a good long while.

Mr. WALSH. And during all of that time they have not yet discovered whether some timber products are available for paper?

Mr. LEVER. I think they have, as a matter of fact.

Mr. JOHNSON of Washington. Mr. Chairman, if the gentleman will permit, the school has done a great service in testing the strength of woods and developing by-products of wood, and in the making of wood flour for use in linoleum, and a thousand different things.

Mr. LEVER. Oh, yes.

Mr. WALSH. My inquiry went to the making of paper. I wanted to ascertain what has been accomplished during this period in ascertaining the suitability of timber products for the making of paper.

Mr. LEVER. I think I can say that the results have been both positive and negative. In other words, they have developed that a great many woods that we thought were valuable for the making of print paper and other kinds of paper were not so, and they have had some positive results also which they have given to the trade, of course.

Mr. FESS. What proportion—or can the gentleman give the figures—of the wood that we use for wood-pulp purposes is imported into the country?

Mr. LEVER. I could not give the exact figures, but I know it is a very large proportion.

Mr. FESS. In proportion, is it larger than that which we use at home?

Mr. LEVER. That would be my recollection; but it is only a recollection that I am giving the gentleman.

The Clerk read as follows:

For silvicultural, dendrological, and other experiments and investigations independently or in cooperation with other branches of the Federal Government, with States and with individuals, to determine the best methods for the conservative management of forests and forest lands, $78,728;

Mr. WALSH. Mr. Chairman, I move to strike out the last word, and I may be pardoned for asking this question of the chairman of the committee, coming from a region of rocks and swamps. Will the gentleman tell me what these silvicultural and dendrological experiments are? Of what do they consist?

Mr. LEVER. The silvicultural work has to do with the study of the tree itself as it stands in the forest. The dendrological study is a study, as I understand the word, of the life and history of the tree.

Mr. WALSH. And how is that distinguished from arboriculture?

Mr. LEVER. Arboriculture is the study of the cultivation of trees and shrubs.

Mr. WALSH. But it has to do with a tree, grown either in the forest or as an individual specimen?

Mr. LEVER. Yes.

Mr. WALSH. I withdraw the pro forma amendment.

The Clerk read as follows:

In all, for general expenses, $3,247,935.

Mr. JOHNSON of Washington. Mr. Chairman, the amendment which I referred to a few moments ago I have, and I believe this is the best place to insert the same. After line 11, insert a new paragraph to read as follows.

Mr. LEVER. What page?

Mr. JOHNSON of Washington. Page 45.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, after line 11, insert as a new paragraph the following: "And hereafter during the existing state of war the Secretary of Agriculture is authorized to sell without advertisement to any individual, firm, association, or corporation at a fair value to be determined by him, national forest timber which he shall find is to be used for war purposes, and he is also authorized, under regulations to be prescribed by him, to permit the War Department to take from the national forests such timber as may be needed in the prosecution of the war. The Secretary of War, under regulations to be prescribed by him, is hereby authorized to sell, or otherwise dispose of, any of the material manufactured from such timber that is not suitable for war purposes. Any moneys received on account of such material shall be deposited in the Treasury as miscellaneous receipts."

Mr. LEVER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. JOHNSON of Washington. Mr. Chairman, the amendment is twofold in its purposes. First, it permits the sale of spruce timber at a price without the customary 30-day advertisement for bidders.

There is urgent need of legislation which will authorize the sale of national forest timber, to be used for war purposes, at its appraised value, but without advertisement. The War Department is urging the production of spruce aeroplane stock in every possible way. Some contractors wish to cut timber on the national forests and are ready to pay the appraised stumpage values but hesitate to cut or to get ready to cut during the 30-day period of advertising, since others may submit higher bids for the timber. The result is that very valuable time is lost and the production of spruce is hampered.

The effect of such legislation would not be to reduce the receipts from the sale of timber appreciably. The War Department has fixed the price for spruce logs. In all forest-reserve timber sales competition actually develops in only a very small proportion of the sales in spite of wide advertisement. Forest Service appraisals are very detailed and usually fix prices as high as the ordinary prudent business man can afford to pay.

Mr. Chairman, the other phase of the amendment permits the War Department to go into the forest reserves and get the timber that it needs.

The need for legislation authorizing the granting of timber free to the War Department during the period of the war also arises chiefly in connection with the production of spruce for aeroplane construction. The War Department lets some contracts for spruce aeroplane material on a cost plus percentage basis. If the contractor has to buy stumpage, it appears as a cost in his accounts and he receives a profit on it. Similar provisions of law already exist authorizing free use of timber on the national forests for the Navy Department, the Alaskan Engineering Commission, and the Reclamation Service.

If the authority is granted, the Government will make a direct saving in the case of contracts let on a cost plus percentage basis in that stumpage will not appear as a cost. Even more important at this time will be the saving in time and the encouragement to contractors to begin operations promptly. Small operators especially will be relieved of the necessity for paying for stumpage in advance of receiving payment for their product. The present situation is embarrassing to the forest officers, who are anxious to have the resources of the national forests used to the fullest extent in connection with the war activities of the Nation.

Mr. HAUGEN. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. HAUGEN. The cost will be the same whether you buy it in the stumpage or not.

Mr. JOHNSON of Washington. Well, I do not know about that.

Mr. HAUGEN. If you pay more for the finished product, of course, the receipts for the raw product are going back to the Treasury.

Mr. JOHNSON of Washington. Yes.

Mr. HAUGEN. And in the end the cost will be exactly the same. Now, it seems to me the language proposed here is broad language which gives power for the wholesale disposal of this valuable timber and only 30 days' time can be gained.

Mr. JOHNSON of Washington. Yet that time is exceedingly valuable. Now, let me explain to the gentleman what has happened in reference to spruce timber. The Government here in the last month made a contract with the Grant Smith Co., a nationally known firm of contractors, for the delivery of 5,000,000 feet of spruce a month, and the company went at once to the southwestern Washington district and tried to find that spruce. They went south from Grays Harbor, the spruce-belt center, to the North River country and found plenty of spruce there, about one tree in every five being valuable for aeroplane stock, and even these suitable trees are not all accessible. This big firm now admits that it has a very hard contract. The trees are there. It costs money to fell them. When one falls into a ravine it can not be drawn from there except with a donkey engine, and this work does not permit the putting in of heavy logging machinery to get out the spruce trees alone. Now, I want to say to the gentleman this amendment has the approval of the Agricultural Department. It resulted from an effort to coordinate the War Department and the Agricultural Department.

The same difficulty existed in trying to coordinate the Indian Commissioner's Office of the Interior Department and the War Department. Last week the House corrected that. Anyone who has had experience in trying to get these things the War Department needs from other departments will discover in a minute that the difficulty is to get the departments to a point where they will agree on what should be done. This amendment comes from the office of the Secretary of Agriculture and is the result of much effort to find some way by which the United States Government, for war purposes, can get out of the great spruce belt in my district twice as much spruce as is now in sight for aeroplane stock.

The CHAIRMAN (Mr. MAYS in the chair). The time of the gentleman has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Washington asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. HAUGEN. Will the gentleman yield?

Mr. JOHNSON of Washington. Certainly.

Mr. HAUGEN. I take it that much of the timber is sold above the appraised value?

Mr. JOHNSON of Washington. Yes.

Mr. HAUGEN. The proposition provides for the selling of the timber at the appraised value?

Mr. JOHNSON of Washington. But the Forestry Service follows the War Department's price in this case. Spruce is selling for $7.50 a thousand feet in the tree. The price of spruce stumpage has ranged around $2 and $2.50 in years past.

Mr. HAUGEN. Is $2.50 the appraised value?

Mr. JOHNSON of Washington. I think about that; or, say, $3 a thousand. In normal years forestry sale of timber is made on an appraised valuation that runs with the valuation of stumpage in private hands in that section.

Mr. HAUGEN. As I understand the gentleman, this would leave it entirely to the discretion of the forester to determine the price?

Mr. JOHNSON of Washington. In the case of a war emergency.

Mr. HAUGEN. It must be not less than the appraised value?

Mr. JOHNSON of Washington. Absolutely. The timber that is wanted now is many times its normal commercial price.

Mr. HAUGEN. With the appraised price of $2 or $2.50 and the selling price at $7.50, it leaves open the door at $2.50 instead of $7.50.

Mr. JOHNSON of Washington. The War Department has fixed the price at $7.50 for spruce.

Mr. HAUGEN. Suppose it would be fixed at $2.50 and it would sell at $2.50, the Forest Department would be a loser to the extent of $5?

Mr. JOHNSON of Washington. Before the United States went into the war the British Government and the French Government scoured that country for spruce and paid a tremendous price for it, far in excess of what our War Department is now paying. The present regulated price is the result of an understanding between ourselves and our allies as to the price of sawed and rived spruce. In the meantime, spruce trees available for aeroplane stock, and within the reach of transportation, have been very largely collected.

Mr. LEVER. Let me ask the gentleman from Washington if the statement he is reading from is a letter from the Secretary of Agriculture?

Mr. JOHNSON of Washington. No; this is a memorandum only. I have a statement of indorsement from the Bureau of Forestry, however, along the same line. The Agricultural Department, the War Department, and the Forestry Bureau, all are anxious that crews of men should go into the timber and rive spruce; that is, hand-hew it. This amendment came from the office of the Acting Forester, who caused it to be drafted after I had appealed to him for an amendment that would cut the Gordian knot, so that the War Department could secure from the Agricultural Department the spruce that is needed to make the aeroplanes this Congress has authorized.

Mr. STAFFORD. Mr. Chairman, no one, I take it, from the remarks of the gentleman from Washington and the observations of the gentleman from Iowa, takes issue with that provision which relates to allowing the War Department to go into our national forests and cut down any trees they may see fit to do, but there may be a serious question as to whether we should grant authority to the Secretary of Agriculture to allow private contractors to go there and obtain timber at the appraised value, merely to gain 30 days. They have the privilege to-day, as I understand it, or, rather, the Secretary of the Interior has the privilege to-day, of waiving that 30-day requirement, subject to the condition that if any person in the 30-day period bids more, the private contractor should pay that additional price.

Mr. JOHNSON of Washington. Yes.

Mr. STAFFORD. Now, we have large contractors with Government contracts on hand. They have estimated what the cost of the raw material will be under existing conditions. They have taken that into consideration that other bidders might raise the price of the timber, and yet we are waiving that absolutely and giving them that profit.

Mr. JOHNSON of Washington. No; we are not.

Mr. STAFFORD. No one here desires to place any obstacle in the way of the War Department or even of private contractors getting the necessary material for construction work necessary for war purposes. And yet, here the gentleman springs a proposition that even has not the recommendation of the Secretary of Agriculture, but merely prepared by the Forestry Bureau.

Mr. JOHNSON of Washington. I think the amendment was prepared in the legal department of the Department of Agriculture.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. The intimation is made that there might be some additional profit made by some contractor, which is not the case at all. The gentleman must understand that after the United States joined with its allies in the handling of spruce stock—that is, the spruce brought down to the mill—the Government fixed the price for sawed spruce at $110 per thousand feet, and for rived spruce $90 a thousand, with a bonus of $40 if it could be produced by the 31st day of January, and a $30 bonus if it was produced after the 1st day of January, and before a certain later date. Now, the Government is not only paying that great price but paying bonuses, and still they can not get enough crews to go far into the woods and bring out the spruce, of which the War Department has announced that it and our allies need a hundred million feet at once.

Mr. STAFFORD. But nothing has been shown by the gentleman to prove that they are meeting obstacles by reason of the 30-day provision.

Mr. JOHNSON of Washington. Yes; except this: "Thirty days" does not sound serious, but anybody who ever tries to cut any red tape usually finds that "30 days" quickly runs into 130 days. It took a year and a half to get at the cutting of spruce out there on the Indian reservations.

Mr. STAFFORD. But the law allows the Secretary to waive that 30-day requirement; but the contractor must do it subject to the condition that if anyone bids more, he must pay that price.

Mr. JOHNSON of Washington. When I asked the Forest Service to make such a waiver, they were rather afraid it could not be effective even if they had the authority. When the contractors are asking to be allowed to go and get this timber, they are suspicious lest, before they have completed their contract at this already high price of spruce, somebody else would step in and bid for spruce at a still higher price—at which the latest bidder might never deliver—and it would embarrass them. The real price will be the War Department's price, bid or no bid. I hope the gentleman will withdraw his objection.

Mr. STAFFORD. I have no objection to the proposition of vesting the War Department with power to go into the national forests and take all the timber it sees fit for war purposes, but the other proposition is, in my opinion, open to serious objection.

Mr. JOHNSON of Washington. Here is the Federal Government owning in the Olympic Peninsula millions upon millions of spruce timber, but very little of it, of course, is available on account of lack of transportation. Here is the War Department of the Government clamoring for spruce and offering a bonus to get spruce within a few days, and here is the Agricultural Department willing and anxious to help the War Department, but afraid to cut the red tape without an act of Congress. I hope the Congress will come to the rescue. This applies to the period of the war only.

Mr. HAUGEN. Is a price set on it?

Mr. JOHNSON of Washington. Yes. When the War Department says $7.50 for stumpage, that will be the price agreed upon. That price is high, but it may be higher. A crew of 10 men can go in and find half a dozen of these trees, fell them, rive out the pieces, and drag them out, and get them to a road somewhere and bring them to tidewater.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. LEVER. I suggest to the gentleman from Washington that he permit this amendment to go over, so that we can have opportunity to examine it.

Mr. JOHNSON of Washington. I will agree to that.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that this amendment be passed over without prejudice, and that we may return to it later, with a point of order pending against it.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that this amendment be passed over temporarily without prejudice, still reserving a point of order upon it. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

And hereafter, in lieu of actual transportation expenses, the Secretary of Agriculture may, under such regulations as he may prescribe, authorize the payment of not to exceed 2 cents per mile for a motorcycle or 6 cents per mile for an automobile used for necessary travel on official business in the Forest Service.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. Mr. Chairman, this is a new provision of law. It is also something novel in the history of legislation, providing for allowances for the use of automobiles. I assume that the committee has in mind compensating those connected with the Forest Service who happen to own an automobile or a motorcycle by giving them an allowance at the rate of 2 cents a mile for a motorcycle and 6 cents per mile for the use of an automobile when used on necessary travel in connection with official business. Will the chairman advise us as to what investigation was had as to the rate determined in this item, and whether this was recommended by the department?

Mr. LEVER. Yes; this item was recommended by the department and submitted in the Book of Estimates. It is now costing the Forest Service something like $32,000 a year for automobile service. They figure that with this authority submitted here—2 cents a mile for motorcycles and 6 cents a mile for automobiles—they could make a very distinct saving in the amount of money expended for travel in the national forests. The committee looked into the matter carefully—for instance, into the question of 6 cents a mile—and considered whether that was reasonable or not. While I do not own an automobile myself, members of the committee do own them, and I think they all agree that that is a very reasonable charge, and that is also true as to motorcycles.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. McLAUGHLIN of Michigan. Would it not be well to limit this by some such language as this, that "motorcycles and automobiles which have been furnished and the maintenance of which is paid by the Federal Government ought not to be included" in this? Some of these machines are supplied by the Government, and money is supplied for their upkeep. Now, the use of those ought not to be paid for in this way, it seems to me, by the Federal Government.

Mr. STAFFORD. Mr. Chairman, when I first read this paragraph I assumed that it related only to an allowance to those in the Government service who owned in their own right an automobile.

Mr. LEVER. That was certainly the idea of the committee, and then I think——

Mr. STAFFORD. There may be some strength in the position of the gentleman from Michigan [Mr. McLAUGHLIN] that it should be qualified so as to apply expressly only to those that are privately owned by Government employees.

Mr. McLAUGHLIN of Michigan. If the gentleman will permit me further, I think I am right in the impression that some of these machines are owned privately and some are furnished by the Government, and the cost of the upkeep is paid by the department out of money recommended by this committee.

Mr. LEVER. As a matter of fact, the Forest Service owns quite a number of automobiles, but it never occurred to me, nor, I think, to the committee, that this would authorize the department——

Mr. McLAUGHLIN of Michigan. The chairman will recall that when the language came from the department it did not contain the words on lines 13 and 14, "under such regulations as may be prescribed." I offered that amendment, and it was adopted by the committee, and I had in mind the control of just such a situation. But it occurs to me now that there is not enough to that language. It is not specific enough.

Mr. LEVER. I wish the gentleman would offer an amendment to make it entirely specific.

Mr. McLAUGHLIN of Michigan. In case the officer or employee furnishes his own machine and pays for its upkeep, there is good reason for this provision.

Mr. LEVER. Yes.

Mr. McLAUGHLIN of Michigan. But in case the department owns the machine and pays for its upkeep, the person who operates it should not in addition to his salary be paid for running it or be compensated by the mile for the travel he makes in it.

Mr. LEVER. Oh, undoubtedly not; and if this language is not strong enough to provide against it, if the gentleman will frame an amendment to cover it, I shall have no objection to it.

Mr. STAFFORD. I understand that under the existing practice those connected with the Forest Service who own automobiles or motor cycles and use them in the discharge of their official duties receive nothing in the way of transportation expenses?

Mr. LEVER. That is true. There is no provision by which the owner of an automobile using it even on official business for the department can now receive reimbursement.

Mr. STAFFORD. Then, on what basis did the department estimate that $32,000 would be saved if this language was incorporated in the law?

Mr. LEVER. The department do not estimate that they will save $32,000. They estimate that it is now costing the Forest Service for its automobiles and motor cycles $32,000 a year. They estimate that there will be some saving, just how much I do not recall.

Mr. STAFFORD. Can the gentleman inform the committee who bears the expense of the upkeep of the horses that are used by the rangers in the Forest Service?

Mr. LEVER. That question has been asked by the committee. I will say offhand—if I am not correct, I will correct it in my printed remarks—that the ranger himself pays that expense. I think that was the testimony before the committee a year or so ago.

Mr. STAFFORD. That was my impression—that the rangers and assistant rangers pay for the upkeep of their horses.

Mr. LEVER. That is my recollection.

Mr. STAFFORD. If that is the case, we are making an exception in providing for the upkeep of automobiles in the Forest Service while not providing for the horses of the rangers and assistant rangers who use steeds.

Mr. LEVER. I may be mistaken about that. I will find out.

Mr. STAFFORD. That was my impression from my visits to the national forests and my conversations with the rangers—that they were obliged to feed their own horses.

Mr. LEVER. That they furnish their own horses and equipment and feed.

Mr. DOWELL. Does the gentleman know what proportion of these automobiles are owned and maintained by the Government?

Mr. STAFFORD. This provision, as the gentleman says, is for the purpose of compensating employees who own their own automobiles.

Mr. DOWELL. I understand; but it has been stated here in the discussion that the Government owns part of the automobiles. I am asking what proportion of the automobiles are owned and maintained by the Government?

Mr. LEVER. I can not tell the gentleman that. I know that the automobiles in the Forest Service are costing the Government $32,000 a year. We have a list of them.

Mr. DOWELL. Does the gentleman mean that the automobiles owned by the department are costing the Government that?

Mr. LEVER. For the upkeep, expense, and the like of that.

Mr. DOWELL. The ones owned by the Government.

Mr. LEVER. Yes.

Mr. DOWELL. I understand that up to this time there has been no payment to persons with automobiles, except those maintained by the department.

Mr. LEVER. That is true.

Mr. DOWELL. Then the purpose of this, as I understand it, is to go beyond the automobiles owned by the department and to use this money in compensation of persons who own their own automobiles.

Mr. LEVER. Persons who are operating Government-owned automobiles in the Forest Service now receive nothing for gasoline and other expenses except their own salaries. The purpose of this proposition is that if a forest ranger, for instance, owns a little Ford automobile and is using it on official business, he may get reimbursement at the rate of 6 cents per mile.

Mr. STAFFORD. Does not the gentleman think that, in view of the fact that at present rangers are obliged to pay for the upkeep of their horses, this matter ought to be deferred? If we are going to give consideration to the employee who happens to have an automobile and allow him the cost of its upkeep, why should we not do the same for the ranger who has a horse? The same principle is involved.

Mr. LEVER. Does the gentleman think we ought to pass it, over or to let it go out on a point of order?

Mr. STAFFORD. I think we ought to pass it over until the committee have considered both these subjects together.

Mr. LEVER. I will not shed any tears over that course.

Mr. HAUGEN. The gentleman from Michigan [Mr. McLAUGHLIN] has an amendment that I think will take care of it.

Mr. DOWELL. One further question. Is the question of expense taken into consideration in fixing the compensation in these cases?

Mr. LEVER. Out of the 6 cents per mile?

Mr. DOWELL. No; at the present time. The gentleman has stated that there is no provision now for the expense that is attempted to be covered by the 6 cents a mile.

Mr. LEVER. There is not.

Mr. DOWELL. I am asking if at the present time the compensation does not cover the expenses?

Mr. LEVER. The salary?

Mr. DOWELL. Yes.

Mr. LEVER. I take it that it does not, or else the department would not make this recommendation.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LEVER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MONDELL. May I make a very brief statement in this connection?

Mr. LEVER. Yes.

Mr. MONDELL. I have in the last year met several forestry officials, head rangers, assistant superintendents, and so forth, who owned automobiles, flivvers, and who were operating them entirely at their own expense. They felt, and I think they were justified in that view, that their duties required these machines, and that they could perform very much more effective service by having them. They get around so much more rapidly in these parts of the forest reserve where there are roads on which a machine can be used. They have felt, however, that while they were using machines on public business they ought not to be required to pay all of the expenses of the maintenance of the machine, that there should be some provision made similar to this in the bill. I did not know that the committee had taken that matter into consideration and made provision for it. In view of my talk with the men and the knowledge of the situation, I should say that it was a very wise provision and in the interest of the public service.

Mr. STAFFORD. Does the gentleman recognize the fact that if we adopt this provision it will be a discrimination in favor of the officials who own automobiles and a discrimination against the ranger who is obliged to purchase his horse and maintain him out of his salary?

Mr. MONDELL. I do not look at it in that way. In the first place it costs comparatively little to maintain a horse, particularly in the summer time on a forest reserve. The horses feed on the grasses in the main, and they are fed little grain, for they do not require it. Furthermore, some of these very men that have automobiles also have horses, probably the most of them. They could use horses and travel about at a very much slower pace. The use of the automobile enables them to get around more quickly over the territory and render better and more effective service. It seems to me a wise provision and I can think of other branches in the public service where a provision of this kind would be helpful and wise. I think it is better than a liberal appropriation for the purchase of automobiles. If you can get an individual to buy an automobile and give him a small sum for the use of it you get the use of the automobile at a lower cost than if the automobile was owned by the Government.

Mr. LEVER. Will the gentleman yield to me out of my own time?

Mr. MONDELL. Yes; I am much obliged to the gentleman for yielding me so much time.

Mr. LEVER. The gentleman from Michigan has an amendment, which I would like to have the Clerk read for information.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Michigan.

The Clerk read as follows:

Page 45, line 17, at the end of line 17, add the following:

"*Provided*, That there shall be no payment of mileage for the use or travel of motorcycle or automobile furnished or owned by or maintained by the Government of the United States."

Mr. LEVER. I have another suggestion which I think might be wise in this connection. We are making this permanent law, and I think we had better strike out the word "hereafter" and try it and see what report we get from it, if Members have no objection.

Mr. McLAUGHLIN of Michigan. That would be striking out the word "hereafter" in the second line. I have no objection.

Mr. LEVER. Mr. Chairman, I offer the following amendment:

Line 12, after the word "and," strike out the word "hereafter."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 45, line 12, after the word "and," strike out the word "hereafter."

Mr. STAFFORD. Mr. Chairman, I recognize what the gentleman from Wyoming has said, that this will be a saving to owners of automobiles in the way of having the Government provide for their upkeep to a certain extent, and yet it is certain, if we pass this provision, that we will be presented next year with a demand from the rangers who maintain their horses to have us provide for the upkeep of their horses. I have no objection to trying it out for a year, and I withdraw the reservation of the point of order.

Mr. DOWELL. Mr. Chairman, I make the point of order on the paragraph and amendment.

Mr. LEVER. Mr. Chairman, I do not concede the point of order. This is a provision which undoubtedly, from all the testimony we have, reduces expenditures, and I think it would fairly fall within the Holman rule.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, in my judgment the clause is not subject to a point of order. It simply relates to the manner in which the necessary public business shall be carried on, for the department to provide the means of transportation, the means by which these men can carry on their business, the same as they provide houses for the men built at public expense. The department has determined that one of the better ways of having the public business transacted out there is to pay mileage for travel of those engaged in the business. It seems to me it relates to the manner of conducting the public business.

Mr. DOWELL. Mr. Chairman, I think it is very clear that this comes within the rule. There is no question that it is subject to a point of order. It is new legislation, an entire change of law on the subject.

Mr. McLAUGHLIN of Michigan. What law on the subject?

Mr. DOWELL. The methods by which business is transacted.

Mr. McLAUGHLIN of Michigan. What is the method fixed by law for men traveling in the national forest?

Mr. DOWELL. I will say to the gentleman that he is attempting to legislate here a different and special method which is different from the method now carried on.

Mr. McLAUGHLIN of Michigan. The method adopted heretofore is not fixed by law; it is a regulation of the department.

Mr. HOWARD. What is the method of transporting these rangers from one part of the forest reserve to another? Does the Government expect the men to walk?

Mr. DOWELL. That is not the question; the question of what method shall be adopted is not the question here. It is a question of order, whether or not this section changes the plan of conducting this business.

Mr. HOWARD. Wherein does it change the method?

Mr. DOWELL. It changes it, and therefore it comes within the rule.

Mr. FOSTER. Let me ask the gentleman if it does not make law?

Mr. DOWELL. Certainly; it does make law regulating this question, not only now but hereafter.

The CHAIRMAN (Mr. MAYS). The point of order is sustained.

Mr. McLAUGHLIN of Michigan. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McLAUGHLIN of Michigan. Does the Chair hold this out of order if the word "hereafter" is eliminated?

The CHAIRMAN. The word "hereafter" has been stricken out, and the Chair thinks the paragraph is new legislation and is subject to the point of order.

Mr. HAUGEN. Under the Holman rule new legislation is permitted.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For investigating the handling, grading, packing, canning, freezing, storing, and transportation of fish, and for experimental shipments of fish, for the utilization of waste products, and the development of new sources of food, $14,000.

Mr. LEVER. Mr. Chairman, I offer the following amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 49, line 5, strike out "exerimental" and insert the word "experimental."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

For the biological investigation of food and drug products and substances used in the manufacture thereof, including investigations of the physiological effects of such products on the human organism, $15,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I would like to have the chairman, if he has the figures in mind, to indicate to us what portion of the Agricultural appropriation bill's fund goes to negative sources to counteract disease, and so forth, and what amount goes to positive effort to increase rather than to conserve. Has the chairman made any estimate on that score?

Mr. LEVER. No; I have not; but my familiarity with this bill would lead me to say that the larger part of the work of the Department of Agriculture at this time is being expended in the direction of increased production rather than along the line of research. I take it that is what the gentleman means.

Mr. FESS. That is the substance of my question.

Mr. LEVER. Of course, you would have to except the Forest Service from that statement.

Mr. FESS. I notice in the Animal Industry item that it was about 8 to 3 in favor of the negative, or remediable, activity.

Mr. LEVER. Yes.

Mr. FESS. And I had not examined the vegetable items with this point in mind.

Mr. LEVER. It would be found to be pretty well true with the Bureau of Plant Industry, but when you come to the States Relations Service and some of the other services the Bureau of Markets, for instance, it will be seen that a great deal of their work is in the other direction—conservation and production.

Mr. FESS. I notice the Bureau of Chemistry is almost entirely devoting its time to the finding of new means of increasing production rather than counteracting any agencies that are designed to decrease it.

Mr. LEVER. That is very true.

Mr. FESS. How does the Bureau of Chemistry stand in comparison with such organizations in other countries?

Mr. LEVER. I have made no investigation of my own to form a judgment based upon original investigation, but I take it, and have always been told by people, that the Bureau of Chemistry is one of the great organizations of its kind in the world, probably the greatest.

Mr. FESS. I am asking that because as one somewhat familiar with university research work I recall that the Bureau of Chemistry here at Washington has been regarded as one of the most advanced in its research work, not only in this country but of any in any country.

Mr. LEVER. That has been my information also, and I am glad to find the gentleman feels the same way. I regard the chief of that bureau as one of the big men in the Government service.

Mr. COX. Who is the chief?

Mr. LEVER. Dr. Alsberg.

Mr. FESS. Is it not rather exceptional that we can hold such men at the command of the Government at the salaries paid with such solicitations in other fields that might take them out?

Mr. LEVER. It is absolutely remarkable that many of the greatest men in their lines of work in the world are working at salaries that range from $3,500 to $4,500 a year. The only explanation that has been given is that they are devoted to their work, and that in the Government service they have the machinery with which to work, and there is the other reason that their tenure of office is more certain.

Mr. FESS. We in the past have suffered considerably from the loss of some of these research men, have we not?

Mr. LEVER. Undoubtedly.

Mr. FESS. Are we losing many now?

Mr. LEVER. We are losing men every day from the Department of Agriculture who are going into private industries whom we can ill afford to lose.

Mr. FESS. However, there is no possibility of curing that difficulty by a general increase in salary?

Mr. LEVER. None whatever.

Mr. FESS. We have to depend upon the devotion of these research men to work for the Government, and especially to the work of research for the sake of knowledge.

Mr. LEVER. Undoubtedly. You can not correct it by salary.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigation and experiment in the utilization, for coloring purposes, of raw materials grown or produced in the United States, in cooperation with such persons, associations, or corporations as may be found necessary, including repairs, alterations, improvements, or additions to a building on the Arlington Experimental Farm, $70,720.

Mr. NORTON. Mr. Chairman, I move to strike out the last word. I would like to inquire from the chairman of the committee what particular work is being done under this appropriation?

Mr. LEVER. I would say to the gentleman from North Dakota that he will recall that about two years ago this item was inserted. It was inserted for the reason that this country was practically dependent upon Germany for dyestuffs. They have now gotten the work in fairly good shape and are cooperating very closely with the Bureau of Standards. The testimony before the committee tells us that they have now discovered the bases, or whatever you would call it, for the colors red and blue, and from these they hope, of course, to get a good many collateral colors. The purpose of this item is, if possible, to put this country on an absolutely independent footing with respect to dyes.

Mr. NORTON. I had in mind that experiments were being made in respect to the production of aniline dyes, coal-tar dyes, and mineral dyes. It occurred to me that these experiments and investigations were being made by the Bureau of Standards and by the Bureau of Mines, and that large appropriations were made for that purpose last year in other bills. I would like to know what real work, if any, the Department of Agriculture has been doing on this subject, and whether the Agricultural Department is doing any independent research work, or whether it is merely duplicating work being done by the Bureau of Standards and Bureau of Mines, to discover new processes of manufacturing dyes.

Mr. McLAUGHLIN of Michigan. When this item was first inserted in the Agricultural appropriation bill the question was raised as to which department had better take it up, and it was stated at that time that consideration had been given to that by the Secretary of Agriculture and the Secretary of the Interior and the chief of the Bureau of Standards, and it was thought it had better be taken up by the Department of Agriculture; hence the first appropriation suggested for that purpose.

Mr. NORTON. Does the gentleman mean to convey the information to the committee that the chief experiments that are being made by the Government to develop in this country the dye industry are being carried on under this appropriation by the Department of Agriculture?

Mr. McLAUGHLIN of Michigan. I will say that there is a perfect understanding between those who are carrying on the work along this line so that there is no duplication. The kind of work provided for in this appropriation is being done wholly by the Department of Agriculture. There will be no encroachment and, as I say, no duplication of work.

Mr. NORTON. Well, does the gentleman know, so that he can tell the committee, what particular work the Department of Agriculture is doing, if any; what particular work of investigation or experimentation is being carried on by the Department of Agriculture?

Mr. TOWNER. Will the gentleman yield?

Mr. NORTON. I will yield if the gentleman has any information he can give on the subject.

Mr. TOWNER. I am sure I do not know; I could not label it in advance. But the gentleman knows that dye products are produced both from mineral and vegetable products?

Mr. NORTON. Yes.

Mr. TOWNER. And that it is necessary that we should have both; in fact, it is necessary very often to use them in combination. As I understand it, the Bureau of Standards is principally occupying their attention, and to a very large degree, with the development of dyestuffs that are obtained from minerals.

Mr. NORTON. Yes; and also the Bureau of Mines.

Mr. TOWNER. And the Agricultural Department is engaged in its proper sphere in developing, as it can, dye substances from vegetable products, which is perfectly proper.

Mr. NORTON. Can the gentleman tell me anything the Department of Agriculture has done along this line in securing results or making new discoveries within the last year or two?

Mr. LEVER. I can give the gentleman that information if I can pronounce the words.

Mr. NORTON. I will yield to the chairman of the committee if he can give us a little information on the subject.

Mr. STAFFORD. Mr. Chairman, when it was first suggested two years ago that the Government should undertake some activity looking to the furtherance of the dye industry, the question arose whether or not the Bureau of Standards or the Department of Agriculture should undertake the work. There was correspondence had between the Director of the Bureau of Standards and the Secretary of Agriculture.

The CHAIRMAN. The time of the gentleman from North Dakota has expired.

Mr. NORTON. Mr. Chairman, I ask that I may have three minutes more to get a little information on this subject if possible. I have not obtained any so far.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. At that time it was agreed between the two respective heads that the work of the two bureaus was entirely distinct and different, and that the Department of Agriculture should undertake the work of chemical analysis of the various coloring substances and as to the processes of manufacture, and that the Bureau of Standards should only consider the question as to the standardization of colors; that analyses and all the work that goes into the determination of the processes of manufacture should be undertaken by the Department of Agriculture.

Mr. NORTON. Does the gentleman mean to convey to the committee the information that the Department of Agriculture is investigating dyestuffs made from mineral products?

Mr. STAFFORD. They are investigating the entire subject as to processes of manufacture and the chemical analyses of the various dyestuffs, and the Bureau of Standards is not engaged in that investigation.

Mr. NORTON. Now I will yield to the gentleman from South Carolina.

Mr. LEVER. I was just going to read from the testimony of Dr. Alsberg:

Dr. ALSBERG. We have made, I think, in the two years that this appropriation has been available, very important progress. We have developed a new method for the production of the substance known as phthalic anhydride. This substance is the basis of one of the methods of making indigo. It is the basis of phenolphthalein, which is one of the most widely used laxatives. It is the basis of numerous and important series of dyes. In fact, it is one of the most important of all the intermediates. It is itself not a dye, but is converted into many useful dyestuffs of the series. I estimate that the annual consumption of phthalic anhydride, were it available in this country, would be something in the neighborhood of 5,000,000 pounds. We have developed a new method, which is now in commercial use actually producing this material, which, we feel, is capable of producing phthalic anhydride here more cheaply than anywhere else.

The CHAIRMAN. Anywhere in the world?

Dr. ALSBERG. Anywhere in the world. But I must make this reservation: We do not know just exactly what is going on inside of German dyestuff factories, or what has been going on. It may be that they have a secret method of which we know nothing which is as good as ours or better. As far as we know, however, that is not the case. So far as we can judge from the price that was paid for the material before the war, we believe that this particular method for making this very important intermediate is capable of producing it very much more cheaply than any other method that we know anything about.

Then he goes on with three or four more pages of testimony.

Mr. NORTON. That is dealing with vegetable dyes.

Mr. LEVER. Well, there are three or four more pages of testimony in which he gives results along other lines.

Mr. NORTON. Does the gentleman understand, as stated by the gentleman from Wisconsin, that investigations by the Department of Agriculture are being made of mineral dyes?

Mr. LEVER. I think so. I do not think they are confined to vegetable dyes at all.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I think it is highly important that this appropriation be made for this purpose. There are many reasons why I have arrived at that conclusion. In the first place, let me say there are about $100,000,000 worth of dyestuffs produced in the world annually. Seventy-five per cent of those dyestuffs are produced in Germany, or were before the war. The people of the United States consume annually $15,000,000 worth, or about 15 per cent of all the dyestuffs manufactured in the world, and we were, before the war, practically producing none. There are 900 varieties of dyestuffs made and used in the world. We are now making in the United States, which industry has practically sprung up since this great war broke out in 1914, about 350 varieties of the 900 made and used in the world. Those dyestuffs are largely made from minerals. We have an abundance of raw material and capital and skill in the country to establish this industry in this country, so that

we may produce and keep in this country the $15,000,000 worth of dyestuffs for which we heretofore sent abroad this money. The dyestuff industry can be converted into the explosive industry within a week's time at a trifling expense and, vice versa, the industry in which explosives are made can be converted into the dyestuff industry. A gentleman came before the Ways and Means Committee a few months ago and stated that he was engaged in coloring cotton goods, not manufacturing, but wholly engaged in coloring. He was in favor of a protective tariff upon dyestuffs that that industry might be established in this country, which has not, or had not prior to the war, been established here.

He stated that he purchased dyestuffs from abroad and purchased a certain quantity, for which he paid $1,750 usually, and at the time he appeared before the committee, in 1915 or 1916, he had a shipment of that quantity on the way to this country from China, for which he was paying $52,500. That is the difference between the price the manufacturers in this country that are manufacturing cotton goods and coloring them pay to-day for coloring, and the price they did pay, before the war in Europe. We need an appropriation, and we need some action on the part of this Government to establish that industry in the United States.

Mr. NORTON. The gentleman knows that during the past two years several large dyestuff-manufacturing plants have been built up in the country.

Mr. FORDNEY. Oh, yes. I have just stated that we are now manufacturing in the United States from 300 to 350 varieties of the 900 varieties made in the world, nearly all of which industry has been established in this country since the declaration of war in 1914.

Mr. COX. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. COX. I thoroughly agree with everything the gentleman says, and that is one of the things I would vote for under the high-protective tariff. Here is the point I want to get at: Are our manufacturers in this country making as good a grade of dyestuffs as were formerly imported from Germany?

Mr. FORDNEY. Let me say to the gentleman that the variety of dyestuffs made and used to-day are not of as high a grade as those used prior to the war, for this reason, that their cheapness recommends them at this time and until the industry becomes well established and we become skilled in that industry in this country. The skill in the manufacture of high-grade stuffs in this country, perhaps, is not as great as in the old country, where they had been experimenting and have been engaged in the industry for many years.

Mr. COX. As I recall, two years ago this last summer, or possibly a year ago, our State Department worked out an agreement with England whereby we were able to get a certain amount of dyestuffs imported from Germany in order to keep our Bureau of Engraving and Printing going. Do you know whether that which we imported is still running the Bureau of Engraving and Printing or are we running that plant on some of our own manufacture?

Mr. FORDNEY. I am not positive, but my information is that we are supplying that in this country.

Mr. COX. From our own manufacture?

Mr. FORDNEY. From our own manufacture.

Mr. COX. Has there ever been any secret, so far as Germany's success is concerned, in their dyeing industry? That is, have her chemists been in possession of any secrets that the chemists of the world do not know anything about?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FORDNEY. I will say to the gentleman that I do not believe there are any secrets to-day used in Germany in the manufacture of dyestuffs that are not known by the experts in this country.

Mr. COX. Then, if that be true, the only thing that our capitalists or the American people want is a protection against the German monopoly. Is not that true?

Mr. FORDNEY. I think that is right.

Let me state this for the information of the House. It is very interesting to me. A dyestuff manufacturer stated to me personally, and he also appeared before the committee—he made this statement, that he was engaged in marketing raw material for dyestuffs out of the products of salt brine pumped from beneath the ground in the State of Michigan. He is experimenting in making indigo from salt brine. He stated that he was making a certain chemical from salt in this country, and he found there was an excellent market in Germany for that product. I will give the figures about as he gave them to me. I am not positive that I am exactly correct as to the dollars and cents. He was selling that product in this country for 37 cents a pound and manufacturing it for about 32 cents a pound. He sent agents to Germany and established a trade there and was doing a lucrative business at 42 cents a pound. Then, lo! and behold, a German representative of those industries in Germany came to his office, saw him in private, and said, "You are selling those dyestuffs in Germany and we want you to get out. I represent the dyestuff industries of Germany." My friend inquired, "Do you own the world?" "We think we own the German market, and it is for your best interest that you stop selling in Germany." There was no agreement reached. The German gentleman went away, my neighbor continued selling in Germany, and the first thing he knew that article was selling in this country from German manufacture at 22 cents a pound. He immediately withdrew his agent from Germany, and the price in this country went up to 37 cents a pound for German dyestuffs; and so he was obliged to keep out of Germany. This German gentleman said to him, "We have in Germany what we call a 'yellow-dog' fund, to which the manufacturers contribute one half and the Government the other half, and when we find it necessary to put an industry out of business in the United States or in any other country in the world we use that 'yellow-dog' fund and undersell you and put you out of business, and I advise you to get out of Germany." And my friend got out of Germany.

Mr. JUUL. Will the gentleman yield?

Mr. FORDNEY. I will be glad to do so.

Mr. JUUL. What I want to know is where was the protective tariff protecting this particular industry?

Mr. FORDNEY. My friend, let me tell you. I did not get up to make a tariff speech but I will ask you to bear with me a minute or two to explain that point, and I am not getting into politics.

Mr. JUUL. If the gentleman will permit me, I am asking you in good faith.

Mr. FORDNEY. I know that, and for that reason I will answer you in absolute good faith.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that debate on the paragraph and all amendments thereto close in 15 minutes. I would like to have about 2 minutes myself.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. FORDNEY. Let me say in good faith to the gentleman that there is no tariff law that can be enacted that will protect an industry of that kind when it meets such competition as that German gentleman described, unless we add to our tariff laws an antidumping clause such as Canada has to-day, and such as some other foreign countries, whose names I can not speak positively of now, have.

But Canada has this kind of a paragraph in her import law; that is to say, if an article of foreign manufacture is sold in Canada at a less price than it sells for in the country where it is made there is an additional duty of 15 per cent ad valorem added to the tariff rate when going into Canada, and if the article is on the free list there shall be a 15 per cent ad valorem duty placed upon it, and notice is given by the Canadian Government to that manufacturer that he can no longer ship into Canada, under any circumstances at all, unless he sells in Canada at a price equally as high as he obtains for that article in the country where he makes it.

That absolutely prohibits dumping at a price under cost of an article on our market or in the market of any country that has that kind of a law. If you have a reasonable rate of duty to offset the difference between our cost and the foreign cost, together with an antidumping clause, you can protect an industry and build it up in this country, where we have an abundance of raw material and capital and energy and skill, and under no other circumstances can it be done. [Applause.]

Mr. MONDELL. Mr. Chairman, the development of the dye industry is tremendously important, and it naturally divides itself into several classes for investigation and reseach. It is entirely proper that the agricultural bill should carry a provision for investigation and experiment in the utilization for coloring purposes of raw materials grown in the United States, inasmuch as the Department of Agriculture has to do with the products grown in the United States and may properly carry on that kind of an investigation. The trouble is that, judging from the hearings had before the committee—and I would like to have the attention of the gentleman from Michigan [Mr.

FORDNEY], who is so much interested in this matter—the Agriculture Department has done almost everything except make any effort whatever to develop dyes from agricultural products—vegetable dyes. They told the committee that in the two years during which this appropriation had been running they had made important progress in a new method for the production of a substance known as thallic-hydride. Thallic-hydride, they tell us, however, is not a dye—it is a laxative; but it is, we are informed, the basis of an important series of dyes. It is an intermediate. We do not know that this new method will enable us to produce this product as cheaply as it must be produced in order to make it of commercial value, but we hope it will. They express, however, serious doubt about it.

Mr. NORTON. They could make quite a large hope on $70,000.

Mr. MONDELL. So far as the hearings develop the facts, that is about all that has been accomplished. They have made some investigations into the production of dyes from metallic substances. In other words, except for the alleged discovery of a new process, of doubtful benefit or advantage, for the production of a laxative, which is also an intermediate of dyes, they seem to have done nothing under this appropriation.

The trouble often is with appropriations of this sort or matter how well they may be intended or how useful a purpose they seek to serve, the departments or the bureaus receiving and using the appropriations are very likely to wander far afield from the actual purpose for which the appropriation was made, and that is, apparently, judging from the statement before the Committee on Agriculture, exactly what has been done in this case.

Now, we have a very considerable appropriation under the Bureau of Standards for the investigation of colors, dyes and dyestuffs, and dye manufactures. The matter is being investigated also by the Bureau of Mines, and properly so. The question divides itself into several classes of research and investigation, as I have suggested, and it is proper that the Department of Agriculture, the Bureau of Standards, and the Bureau of Mines, each within its own field, should follow and pursue proper lines of investigation and research. The Agriculture Department seems to have spent most of its money either in the fields that belong to the Bureau of Mines and the Bureau of Standards or in the discovery of an alleged but somewhat questionable new process for the manufacture of this laxative to which I have just referred. So far as the investigation of vegetable dyes are concerned, they seem to have forgotten all about it.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for three minutes.

Mr. STAFFORD. Mr. Chairman, I rise to inquire of the chairman of the committee as to the purpose of the phraseology found in this item to authorize this fund to be used "in cooperation with such persons, associations, or corporations as may be found necessary."

Mr. LEVER. The explanation given to the committee was that the department was now doing that very thing; that they were cooperating with persons, associations, and corporations in this work, but that they wanted to bring the fact to the attention of Congress.

Mr. STAFFORD. Then I understand that the department is sending its experts into the private establishments and aiding them in their laboratories in the development of these very processes of dye manufacture?

Mr. LEVER. Yes; getting information and helping as much as they can.

Mr. STAFFORD. Can the gentleman inform the committee how much of this fund is utilized in that way?

Mr. LEVER. No; I could not.

Mr. NORTON. Will the chairman of the committee tell the committee how much has been used for mileage out of this appropriation?

Mr. LEVER. I could tell the gentleman if I had a moment of time to look it up. It is all set out in the Book of Estimates here.

Mr. STAFFORD. Could the gentleman tell us what proportion of last year's appropriation of $49,400 was used in the Bureau of Chemistry here in Washington for this work of determining new processes of manufacture and new dye formulas, or is most of the money spent in the field in connection with private establishments?

Mr. LEVER. They propose to spend this year in salaries $81,720, and—if the gentleman from North Dakota [Mr. NORTON] will give me his attention—in travel, $1,500, and for equipment and material, $20,500; miscellaneous, $2,400, and construction work, $15,000. That is to complete their laboratory over at Arlington.

Mr. NORTON. How much did the gentleman say for mileage?

Mr. LEVER. One thousand five hundred dollars.

Mr. COX. That is not much.

Mr. FESS. Mr. Chairman, may I ask the gentleman one question?

Mr. LEVER. Yes.

Mr. FESS. There might be a misconstruction of the gentleman's answer a moment ago, that part of this money is being expended for development in private establishments. It would leave the impression that the Government is assisting private corporations.

Mr. LEVER. I did not intend to leave that impression, but the impression I intended to leave was that the Government is cooperating with these concerns in an endeavor to study the problem.

Mr. TOWNER. Will the gentleman permit a suggestion?

Mr. LEVER. Certainly.

Mr. TOWNER. Is it not true that it is impossible to understand the value of some of these experiments unless they are submitted to practical manufacturers?

Mr. LEVER. Undoubtedly that is true.

Mr. TOWNER. And they submit their processes and materials to manufacturers, who apply them and try them out to see whether or not they are efficacious.

Mr. LEVER. Yes; that is true.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, and rent outside of the District of Columbia; and to cooperate with associations and scientific societies in the revision of the United States Pharmacopœia and development of methods of analysis, $589,081.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The Committee on Agriculture does such good work, and brings in a bill which in the main so thoroughly commends itself to the judgment of the House, and the gentlemen of that committee are always so kind and considerate during the discussion of the bill, that it is with profound regret that I rise to make a mild criticism.

We are all of us curious with regard to the items of the bill and the statements made in support of them, even though we may be fully convinced that the items are supported by excellent reasons. But, at any rate, the Members of the House are entitled to the information brought out at the hearings. There is one committee of this House, the name of which I shall not mention, that, I think, never comes into the House with a bill—and it brings several bills into the House—until and unless its hearings have been printed, bound, and well indexed, so that they are available for all the membership of the House. I think the Committee on Agriculture generally does that, but this year it did not, with the result that it is very difficult for one first to secure all of the record of the hearings and next to find the part or section of the record that has reference to the particular item under consideration. I do not think this is fair to the House. I think the committee owes an apology to the House for not having had its hearings properly bound and indexed for our information and consideration, and I hope that in the future that will be done.

Mr. LEVER. If the gentleman will permit, let me say that if there is any dereliction at all, it is due to influences over which the committee had no control.

Mr. MONDELL. I felt that there must be a very excellent reason, although no reason is perfectly good.

Mr. LEVER. The Committee on Agriculture began the making up of the bill immediately after the hearings were closed. We made such good progress in getting together on the various items that the bill was reported before the hearings could be had from the printer and indexed by the clerk of the committee. The bill being reported promptly after its making up by the committee, there was not time to make an index. I think the gentleman's criticism would ordinarily be just, but in this case it is not, for the reason stated.

Mr. MONDELL. I feel confident that in the future the committee will endeavor to have the hearings indexed and accessible.

Mr. LEVER. We were trying to furnish some fodder for the House, and to do it rapidly.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For investigating the grading, weighing, handling, and transportation of naval stores, the preparation of definite type samples thereof, and for the demonstration of improved methods or processes of preparing naval stores, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, $10,000.

Mr. McKENZIE. Mr. Chairman, I wish to ask the chairman of the Committee on Agriculture a question or two. I do not want to ask anything that is captious or to have anyone think I feel that the committee has not given this bill thorough consideration; but I would like to know, with regard to this item at the bottom of page 50, whether this investigation of the grading, weighing, handling, and transportation of naval stores and the preparation of definite type samples thereof is for the benefit of the farmer, to help the agricultural interests of the country, or whether it is an auxiliary to the Navy? I have understood that everything was in such good shape in the Navy that they did not need any help, and what I would like to know is whether this is for the assistance of the farmer, to enable him better to market his product to the Navy, or whether it is an auxiliary to the Navy?

Mr. LEVER. This item was inserted in the bill about three years ago at the urgent request of the resin and turpentine producers of Florida, Georgia, and that section of the country, which produces large quantities of naval stores. Under this item they have now developed a type, with a view of standardizing the whole trade, and at this time a large part of this fund is being used for demonstrating to the producers and manufacturers the value of these types. We hope that this appropriation will not continue always.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the investigation and development of methods of manufacturing insecticides and fungicides, and for investigating chemical problems relating to the composition, action, and application of insecticides and fungicides, $25,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

I believe this is a new item carried in the appropriation bill. Has this work ever been performed heretofore by the Department of Agriculture under its other authorizations?

Mr. LEVER. Mr. Chairman, the item is for developing cheaper methods of manufacturing insecticides and fungicides. The testimony before the committee shows that fungicides and insecticides have gone up enormously in price since this war began, and through this appropriation the department is undertaking to see if they can develop cheaper processes for manufacturing these things. They propose to employ some six or eight specialists on the work. It was pointed out that it was a very important matter. I happen to recall the statement of Dr. Howard, who was present when Dr. Alsberg was making his statement. He said that he desired to support the request of Dr. Alsberg for this small appropriation, to see if they could develop processes for cheapening the manufacture of insecticides particularly, and of fungicides also.

Mr. STAFFORD. What is the cause of the increased price of these articles?

Mr. LEVER. I do not know, except the general rise in the prices of everything.

Mr. STAFFORD. I was wondering whether it was due to any combination of the few manufacturers engaged in this line of production.

Mr. LEVER. I really could not say. I take it that it is another evidence of the general rise in the prices of everything.

Mr. STAFFORD. Then, as I understand, the department wishes to use this fund in experiments and in the investigation of methods to develop cheaper processes of manufacturing and give that knowledge to the public?

Mr. LEVER. Yes.

Mr. STAFFORD. Not to engage in the manufacture at all?

Mr. LEVER. Oh, no; not at all.

Mr. STAFFORD. It is merely to develop the processes, for the benefit of the public generally?

Mr. LEVER. That is all.

Mr. STAFFORD. To what extent are these insecticides and fungicides used?

Mr. LEVER. To a very large extent; just how large I can not say—that is, I do not know the total value.

Mr. TOWNER. Will the gentleman let me make a suggestion. The large increase is due to the arsenical preparations. They are used largely in the preparation of some of the ammunition, I do not know just how. There is a very large demand for it, and we have never developed the manufacture, I suppose, as we should. But for all the orchards and very many garden crops arsenical preparations are necessary. The price of arsenic and all its derivatives has largely increased—three or four times what it was before the war.

Mr. STAFFORD. This is for the purpose of ascertaining some substitute?

Mr. TOWNER. No; it could not be a substitute for arsenical preparations, but it is to develop the manufacturing process which has not been taken care of in a scientific character, as perhaps the gentlemen think it ought to be. So this is for the development of the process of manufacture in order to have an abundance of the fundamental supply.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of a point of order.

The Clerk read as follows:

For chemical investigations of soil types, soil composition and soil minerals, the soil solution, solubility of soil and all chemical properties of soils in their relation to soil formation, soil texture, and soil productivity, including all routine chemical work in connection with the soil survey, $25,610.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 52, line 10, in the last word of the line, insert the letter "l."

The amendment was agreed to.

The Clerk read as follows:

For exploration and investigation within the United States to determine possible sources of supply of potash, nitrates, and other natural fertilizers, $31,340.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman what progress has been made in the work covered by this item, potash for fertilizer?

Mr. LEVER. Mr. Chairman, the Department of Agriculture, working through this appropriation, has discovered a large source of potash in connection with the cement-manufacturing establishments of this country. It appears that a large percentage of potash has been escaping through the chimneys of these factories. Some one some years ago discovered a process by which they could precipitate this potash and get it to the farmer for commercial use. Dr. Brown, who has charge of this matter, made this statement:

Our investigation of the cement industry covered every plant in the United States producing 100 barrels or more, and practically all the plants produce that much, and it showed that there was available annually seventy thousand and odd tons of potassium oxide, and that with a very slight change in the operation of the kilns 100,000 tons would be available, perhaps 150,000 tons. In normal times we use about 250,000 tons.

So in that respect we feel that progress has been made.

Mr. FESS. What about the nitrates?

Mr. McLAUGHLIN of Michigan. In that connection, Mr. Chairman, I want to say that some cement factories of the country have voluntarily changed their methods of operation and machinery so as to save this potash.

Mr. LEVER. That is very true; a number of large plants are installing this apparatus for precipitating the potash. I was about to discuss the work on kelp, but I recall that that is in another item, and I will defer it until we reach it.

Mr. FESS. That is another source of potash?

Mr. LEVER. Yes. I may say, while we are on that proposition, that the reports are that they are installing machinery and getting ready to manufacture potash out of kelp. They have had considerable trouble in getting the machinery, as its cost is considerable, and we are providing an item for overhead expenses.

Mr. FESS. The committee a year ago was very enthusiastic on the subject of deriving potash from kelp. Is the chairman satisfied with the progress made?

Mr. LEVER. Unless we can find some national deposit of potash our hope for very cheap potash is through kelp. I may be entirely mistaken about that, and I think some members of the committee disagree with that idea, but I have always had a strong belief in that proposition if we can get at it right.

Mr. FESS. I have understood that the source of potash from kelp is abundant.

Mr. LEVER. Absolutely inexhaustible.

Mr. FESS. Let me ask the gentleman, are we using coke ovens in any place for the production of nitrates?

Mr. LEVER. No; there is no Government plant as yet. They are about to establish a nitrate plant, but that is not carried in this bill. I may say, however, that there is a provision in this bill for the continuance of nitrogen work on the Arlington farm. My recollection is that I was told that they had not been permitted to erect a plant on account of the interference of the Fine Arts Commission, but that they were still working on the proposition.

Mr. BYRNES of South Carolina. Mr. Chairman, Dr. Brown, in discussing this matter of potash before the committee and discussing kelp as a source of supply, stated that the cost per unit was $3, whereas the cost per unit of the potash received

from Germany prior to the commencement of the European war was 70 cents a unit; that the possibility of securing commercial potash from kelp was dependent entirely upon our ability to secure by-products from the ash. But he held out the hope to us that in the cement industry there is an opportunity to secure a supply of potash. In fact, he says it is our one best bet, because this electric precipitator apparatus, which has been installed in cement plants of the country, is a great service to the plant in that it serves to solve for them their dust problem. They claim that they can get 5 or 6 pounds of potash to every barrel of cement, and the possibilities are that we can secure over 100,000 tons of potash a year from the cement industry.

But he does not say, however, what would be the cost per unit of potash secured in that way. The apparatus is said to be very expensive, costing $40,000 or $50,000 in some instances. The question is whether or not we have any probability of getting potash by this method at a price that will enable us to compete with German potash. It is a very doubtful matter. However, inasmuch as these expenditures are small, as long as they hold out any hope at all, there is no reason why we should not give every dollar that the department has asked for.

Mr. TILSON. Will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. TILSON. Has the gentleman any source of information in regard to the actual production of this potash from cement, whether there have been any machines already made and put into operation?

Mr. BYRNES of South Carolina. Yes; Dr. Brown says that in a number of plants it has been installed and is working satisfactorily. He named several plants, and said that one or two had voluntarily installed the apparatus because of the great advantage it is to the plant.

Mr. TILSON. So that it has actually been done and it is only a question now of doing it economically enough to make it worth while.

Mr. BYRNES of South Carolina. That is the only question, and Dr. Brown states as the result of his experiments that it is our one best bet. After reading the testimony in the hearing I am of the same opinion, that we have more hope of securing potash which can be sold cheaply to the farmers from that source than from any other source. If they can discover any plan by which they can obtain other by-products from the use of kelp, there is some hope there; but one thing is certain, and that is that the experience of every country in this war is that production has decreased. Since 1914 the amount of potash used in this country has been negligible, and with the continued cultivation of the soil there can be but one result, and that is a decreased productivity of the soil, and at a time when the farmers are crying that there is a shortage of labor, which also adds to the decreased productivity of the soil, we find it aggravated by the absence of potash. Any expenditure that is made to encourage the department to experiment and go the limit in obtaining a source of supply I believe to be money well spent.

Mr. BORLAND. I understood the gentleman to say that some cement plants had already installed this electric precipitator.

Mr. BYRNES of South Carolina. So Dr. Brown stated.

Mr. BORLAND. Did they install it at their own expense; did they regard it as a commercial proposition for them to install it.

Mr. BYRNES of South Carolina. That is my understanding of the testimony.

Mr. McLAUGHLIN of Michigan. It was at their own expense.

Mr. BORLAND. Was the idea of taking it up to make potash or to keep the dust down?

Mr. BYRNES of South Carolina. Keeping the dust down. They are looking at it from that standpoint alone. That is the statement of Dr. Brown. At the same time, the revenue from the potash during the continuance of the war will be considerable and will contribute to offset the expense of installing the apparatus. In the clay used in making cement there is some potash and the apparatus serves to save this potash, which has heretofore been wasted. The object of the department now is to convince the cement industry of the wisdom of installing this apparatus.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may continue for 10 minutes on this item.

The CHAIRMAN. Is there objection?

Mr. LEVER. Mr. Chairman, in connection with that I ask unanimous consent that debate on the item and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes, and that the gentleman from Wyoming have those 10 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, at the outbreak of the European war the United States and all the world was confronted with a very serious situation in regard to potash. Prior to the war practically all the world supply of potash came from Germany, where it is found in its native state in very large quantities, and where it can be mined and produced at a very low price. It was sold at 70 cents a unit of 20 pounds in our country before the war, and it could probably have been sold for half that sum if it had been necessary to do it, and still leave a large profit. At the beginning of the war this supply was cut off. It became necessary to develop supplies at home if possible. Naturally we were anxious to aid every governmental agency that offered any hope whatever for the development of potash from investigations and demonstrations. An appropriation was made in the Agricultural bill for the purpose of exploration, investigation, and to determine possible sources of a supply of potash. It was explained at the time that the explorations and investigations intended were those that properly came within the purview of the Agricultural Department. They proposed to examine the kelps, an agricultural product, and other like sources of possible potash supply, and some work along that line was done under this item. But here again we have an illustration of the evil, creeping in and growing at all times on all of these bills, of a department or a bureau of a department having an appropriation for one purpose, finding it impossible to develop along the lines of that purpose advantageously, and then branching out into the domain of other bureaus and departments of the Government. According to the hearings had before the committee, this sum of $31,300 has been expended for the purpose of finding out and stating to the committee that potash can be secured from the dust produced in the manufacture of cement. Any of us could have learned that by the simplest inquiry, without the expense of anything more than the sum necessary to address a letter of inquiry. We are told that certain plants have begun the manufacture of potash from cement, and the department has issued what it calls an exhaustive bulletin, setting forth the fact that with the installation of an apparatus for recovering the flue dust on all of the cement plants in the United States, it will be possible to produce 100,000 tons of potash from that source. That is one-half our normal annual consumption of potash. So that if these cement factories do install these appliances—and three or four of the largest in the country have—we will secure a large supply of potash from that source. However, the use of potash can be very largely increased, of course, and ought to be.

According to the statement made before the committee, this particular work, which was undertaken entirely outside of the proper domain and jurisdiction of the Agricultural Department and within the field of activity of the Bureau of Mines or of the Department of Commerce, was never contemplated at the time the appropriation was granted, and it has now been completed, and yet the item remains in the bill—the $31,300 is still with us. In the hearings it is stated that that is the investigation this item relates to. Is it proposed to build any of these mills? Oh, no; we could not do that without building a cement plant. Is it proposed to encourage the building of these by-product mills? No; because that encouragement only comes from the results of the operation of mills that are already in the business. It costs from $50,000 to $100,000 in each case, and it is only profitable by reason of the present very high price of potash. It would not be profitable if the price of potash were reduced to anywhere near its price level prior to the war. Potash now is selling at about $5 per unit and as high as $7 per unit, as against a price of 70 cents per unit, a price which, by the way, we protested vehemently through diplomatic channels before the war began. Of course at the present high price these cement mills can take up the work and, I hope, make it pay.

They are taking it up, but they did not take it up in the first instance by reason of any suggestion from the Agricultural Department. The hearings demonstrate they have been using $31,000 a year to discover that what is being done can be done, and if it were done extensively enough it would produce a lot of potash. That is very valuable information so far as it goes.

Mr. BORLAND. Will the gentleman yield?

Mr. MONDELL. For a very brief question.

Mr. BORLAND. They are not using any of this money in regard to the nitrate investigation. That question has been taken up in an entirely different way.

Mr. MONDELL. No, as far as the hearings would indicate. On the next page of this bill there is a new item. Not satisfied with the expenditure of $31,000 along the line of a pursuit that

does not belong to the Department of Agriculture at all, which belongs in the field of manufacture, with the field of mineral production—not satisfied with that, there is a new item of $127,000 for the purpose of completing and running a factory for the manufacture of potash from kelp out on the Pacific coast. After we have completed it and reach a point where we can actually produce potash, we do not now produce it, but we produce only the ash of kelp and sell that to those who do produce potash from it; after we have completed our plant and proven that we can actually manufacture potash, we expect to produce 5 tons per day, or 1,500 tons of potash per year, as against 200,000 tons consumption. We hope, or the department officials said they hoped, to produce it at a cost of $3 per unit of 20 pounds at the present time. If that hope were realized we could sell the product at a profit. But why should the Government enter upon or pursue an enterprise that has been entered upon and is being pursued in a commercial way and on a large scale by a number of private individuals and corporations? There are now a number of those plants on the Pacific coast producing the ash and the potash from the kelp. We can demonstrate nothing by our investigation or pursuit of this line of manufacture that will not be developed and can not be developed by private enterprise. We simply are entering upon a manufacturing enterprise in no way related to agriculture, except the potash is used in agriculture as a fertilizer, and entering upon it in a way that promises no hope of the development of new ideas or new processes, entering upon it along the line of private enterprises and in competition with them.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MONDELL. If we are going to continue——

Mr. MADDEN. How many institutions are there in the United States doing the thing that the Government now proposes to do with the expenditure of $127,000?

Mr. MONDELL. I notice in the hearings several referred to; whether there are more I do not know.

Mr. MADDEN. This is a duplication of what they are already doing?

Mr. MONDELL. It is a duplication of what is being done by private enterprise.

Mr. MADDEN. There is not a new idea in the thing the Government proposes to do?

Mr. MONDELL. Nothing new at all. The Government is doing it in the same way that private enterprise is doing it and will do it—simply a manufacturing industry manufacturing right alongside with private manufacturing industries at a large expense. Of course, the private enterprise, if packed with capital, can increase its plant and introduce economies the Government can not, so that we are actually at a disadvantage as an experiment with the private concern.

The CHAIRMAN. The time of the gentleman has expired; all time has expired, and, without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

For the investigation of soils, in cooperation with other branches of the Department of Agriculture, other departments of the Government, State agricultural experiment stations, and other State institutions, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $198,200.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee something in relation to this item. I notice that it starts with an investigation of soils in cooperation with other branches of the Department of Agriculture, evidently with various State agricultural stations, and then it refers to coloring maps and plats. It seems to me, Mr. Chairman, the item is a very large one for the latter purpose. I suppose the chairman of the committee has details as to what portion of the $198,000 is to be expended actually in investigating soils and what in drawing pictures of it. It seems to me some explanation of this item might be of value.

Mr. LEVER. Mr. Chairman, as a matter of fact, this item has not been changed in amount for four or five years. It is the regular soil-survey item of the Department of Agriculture, through which the department sends its experts into the field to ascertain the character of soil within certain areas, and then not only draws a map of the territory covered but furnishes, in the form of a bulletin, a description of the soil and the kind of crops that will most likely grow profitably in the area. It is the regular soil-survey work that has been carried for many years in this bill without any change in language or the amount carried.

Mr. TREADWAY. Then, I understand the reference to maps and plats, by coloring or otherwise, is not for large drawings of the findings of the investigations, but are in the form of a bulletin such as are distributed by the department?

Mr. LEVER. Yes; each Member of Congress is entitled to 2,000 bulletins descriptive of the area surveyed and platted in his district.

Mr. GREEN of Iowa. If the gentleman will permit an addition there, the department, I understand, sends out these maps in colors, which indicate the character of the soil in a particular place.

Mr. LEVER. A certain color will indicate a certain kind of soil.

Mr. TILSON. Mr. Chairman, I move to strike out the last two words. Just how is this done? Is there a corps of investigators sent out in one part of the country who continue their work until it is finished and then move on to another?

Mr. LEVER. Yes.

Mr. TILSON. Then where do the State agricultural experiment stations and other State institutions come in?

Mr. LEVER. The fact of the matter is that most of the States in the Union are cooperating very earnestly in this line of work and they work in conjunction with each other.

Mr. TILSON. The gentleman means that the State also sends out its experts and they go along with the Federal experts?

Mr. LEVER. As far as I know, I do not think the experiment stations proper are doing any soil-survey work except in connection with their own individual experiments. But a number of the States appropriate money with which to supplement the Federal fund. For instance, the State of Alabama some years ago made a considerable appropriation in order to have the Government come into the State and make the survey. And while none of these survey parties is under the control of the State, yet the State itself puts up a part of the expense.

Mr. TILSON. Will the gentleman state whether they do this work intensively in spots and then move on to another place, or whether they try to cover the whole country?

Mr. LEVER. They have two kinds of soil surveys. One is what they call the reconnoissance work, which is done on a rather extensive scale. I mean to say by that that they do not make their soundings or findings as to soil in every 200, 300, or 400 yards, but they take a whole area, as on the western ranges, and give an idea of the type of soil they have there. But in the Eastern States, in the more populated sections, they make intensive surveys. They go into every county and into every community in the county and get the type of soil.

Mr. TILSON. How are they progressing in this work? Is it nearing completion? Are they getting the country mapped, practically?

Mr. LEVER. It is going to take many years to get the country properly mapped, but they are making good progress. For instance, the department is making the surveys in my own county, and I may say I did not ask for it. When it gets a little warmer this party will probably be sent to Connecticut, we will say. They try to handle the force so as to get the best results.

Mr. TREADWAY. Is the gentleman aware of how these particular parties are designated for the soil survey?

Mr. LEVER. I understand the department has a rule by which the survey must be asked for by some civil or official body within the county, like a chamber of commerce or a county supervisor, or some person or organization of that character.

Mr. TREADWAY. Is that all the requirement?

Mr. LEVER. And in addition to that it must likewise be requested by the agricultural college or experiment station of the State.

Mr. TREADWAY. I want to state, Mr. Chairman, that since my first inquiry there has been handed me one of the bulletins issued under the surveys of a county in Missouri, and I take it that is a fair sample of the style of bulletin generally issued by the department. It is evidently very complete and must be extremely useful to the community directly affected.

Mr. SNELL. Is it not necessary for the State and local communities to do something in these surveys also?

Mr. LEVER. There is no law that requires that the State shall put up a proportionate part of the expense, but there is a rule of the department which really requires it.

Mr. SNELL. I wish to say that I took this up with the department at the request of some people in order to get a soil survey made, and they replied to me, as I remember, that certain things must be done in connection with the agricultural department of my State before that could be granted.

Mr. LEVER. That is true. And the department, except when it is going into a State that has had no surveys at all, as an educational proposition, does require the State or community to put up a part of the fund.

Mr. SNELL. And after they have made the original survey they go on and complete it and make the maps?

Mr. LEVER. They make the maps and do the printing.

The Clerk read as follows:

For the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, $127,600: *Provided*, That the product obtained from such experimentation may be sold at a price to be determined by the Secretary of Agriculture, and the amount obtained from the sale thereof shall be covered into the Treasury as miscellaneous receipts.

Mr. MONDELL. Mr. Chairman, I think——

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Chairman, though the paragraph is subject to a point of order, I hope the gentleman will not make it, because while I very greatly regret the way these moneys have been spent, I think the committee has in good faith appropriated, and we can not well at this stage of the game discontinue that kelp mill out on the Pacific coast. I suppose it is necessary we should waste a little more money out there. Probably we ought to complete it and let it run for a while if for nothing more than to demonstrate how unwisely the appropriation was made.

Mr. SNELL. Do I understand the Government owns the kelp mill out there?

Mr. MONDELL. The gentleman is correct, if that is his understanding. We have a kelp mill, and we are proposing to finish it and complete it and spend $127,000 to make, if all our hopes and expectations blossom into reality, 5 tons of potash per day. Of course there are a great many "ifs" and "ands" and "buts" and "whys" and "wherefores" along the trail between now and the accomplishment of that hope. But I think we will have to make this appropriation. I do not see how we can get out of it at this stage. I do not want to have what I said in regard to these two items taken as severely reflecting on the Committee on Agriculture, because I realize that with the shortage in potash, the demand for it, the necessity for having it, the committee feels under compulsion to do all that it can to encourage potash development. The trouble is the department has not used these appropriations as it was expected they would use them. They have used a large part of the appropriation for investigation, perfectly idle, in a domain clear outside of the department's proper scope or activities, and are here going into a manufacturing industry out of which nothing worth while has or will come.

Mr. STAFFORD. Mr. Chairman, I rise to ascertain the extent to which present law has been changed by the proviso incorporated in this paragraph. If my memory serves me right, under prior legislation we authorized the Secretary of Agriculture to sell the product of this mill.

Mr. LEVER. At the market price.

Mr. STAFFORD. What is purposed by authorizing the sale at any price that may be determined by him? Is it to sell below the market price? Will the product that is expected to be manufactured at this experiment station or experimental mill be of such a low grade that it will be necessary to sell it below the market price?

Mr. LEVER. No. Allow me to read the testimony.

Mr. STAFFORD. I wish to say, as the gentleman from Wyoming [Mr. MONDELL] has said, that the committee is at a great disadvantage in the consideration of this bill in not having the hearings indexed so that we can examine them ourselves, and we are subjected to the necessity of making many of these inquiries which I believe should be made before the matter is finally passed.

Mr. LEVER. I appreciate that, and therefore I think the gentleman will agree that I have been very liberal in the discussion.

Mr. STAFFORD. The gentleman is always liberal.

Mr. LEVER. We asked Mr. Harrison at our hearing for the reason for the change of this language, and his answer was:

Mr. HARRISON. As I understand it, the reason for changing the language was, in the first place, that the Secretary thought the department ought to have the authority to fix the price in the light of conditions existing at the time of the sale. The plant, of course, was not established for the purpose of making a profit. If we work out important processes and reduce the cost of production, there does not seem to be any real reason why the Federal Government should charge enormous prices simply because other companies engaged in the business may be doing so.

Then Mr. Brown, who is in charge of this work, made practically the same explanation of it.

Mr. STAFFORD. But the phraseology, if the gentleman will permit, is not limited to the cost of manufacture. He may sell below the market price, and sell below the cost of manufacture. There is no sense in that from the governmental standpoint. The Government has gone far enough into the Treasury for this experimental purpose without making a still further loss by selling below the cost of manufacture.

Mr. LEVER. Of course, I do not think they would do it, but that might be cured by providing that the product is not to be sold below the cost of manufacture.

Mr. McLAUGHLIN of Michigan. If the gentleman will recall, it was stated that in case the war should end and the price of potash should fall, the department might have on hand a large quantity of potash that had cost a certain amount to produce, and it could not sell it at all.

Mr. LEVER. That is true, of course. I had overlooked that fact.

Mr. STAFFORD. They could sell it under the law at the market price. Under this provision they can give it away or sell it at less than the cost of manufacture. They could go into the market where a private manufacturer is obtaining only a nominal profit and undersell him, and undersell him at a price which is less than the cost of manufacture by the Government.

Mr. LEVER. Yes.

Mr. SNELL. If we are making only 5 tons a day, as I understood to be the fact from the statement of the gentleman from Wyoming [Mr. MONDELL], I do not see how it would have any material effect on the market one way or the other.

Mr. STAFFORD. I did not follow the gentleman's statement closely as to whether or not that is the capacity of this experimental mill, but I question the advisability of this language being carried in this bill without qualification.

Mr. LEVER. I will say to the gentleman that I have absolutely no objection to inserting the old language. Probably it would be a wise thing to do.

Mr. STAFFORD. As I understand the existing law, the Secretary of Agriculture has that authority now?

Mr. LEVER. Yes.

Mr. STAFFORD. And therefore, Mr. Chairman, I make a point of order as to the proviso.

The CHAIRMAN. Does the gentleman from South Carolina wish to speak on the point of order?

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. I understood the gentleman to make the point of order only as to the proviso.

Mr. STAFFORD. Only as to the proviso.

The CHAIRMAN. The proviso is stricken out on a point of order. The Clerk will read.

The Clerk read as follows:

For investigations and demonstrations in bee culture, $35,000.

Mr. GREEN of Iowa. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GREEN of Iowa. I simply desire to get a little explanation of this item. I have forgotten the construction that has been given to the word "demonstration" in this bill. Will this permit some of the agents to go out and make demonstrations as to the proper manner of handling bees and increasing the production of honey?

Mr. LEVER. It will.

Mr. GREEN of Iowa. What was the amount of this item last year?

Mr. LEVER. Twenty thousand dollars.

Mr. GREEN of Iowa. I thought it was increased, and I think very properly so.

Mr. LEVER. We have increased it $15,000.

Mr. GREEN of Iowa. One of the officials in the Department of Entomology told me that it was a conservative estimate that $25,000,000 worth of honey was lost every year which might, if proper means were taken, be saved through the bees. At this time, when there is such a shortage of sugar, the item, it seems to me, is very important, and I am glad that the committee has raised the allowance.

Mr. LEVER. It was on that theory that the committee made the raise.

Mr. GREEN of Iowa. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigations of insects affecting tropical and subtropical fruits, including insects affecting the orange, lemon, grapefruit, mango, etc., $16,500.

Mr. CONNELLY of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. CONNELLY of Kansas offers the following amendment at the bottom of the paragraph on page 55:

"For investigation and control of the grasshopper as a destructive agent in grain and grass fields and gardens, $20,000."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, that debate on this amendment and all amendments thereto shall close in seven minutes, the gentleman from Kansas [Mr. CONNELLY] to have five.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this amendment and all amendments thereto close in seven minutes. Is there objection?

Mr. DOOLITTLE. Reserving the right to object, Mr. Chairman, can not the gentleman make is 12 minutes?

Mr. LEVER. I will make it 12. The gentleman is a member of the committee.

The CHAIRMAN. The gentleman from South Carolina modifies his request and asks that the debate be closed in 12 minutes. Is there objection?

There was no objection.

Mr. CONNELLY of Kansas. Mr. Chairman, I hope that I may be able to convince the chairman of the Committee on Agriculture, as well as the other gentlemen of that committee and the House, of the merits of this amendment that I have just offered. It is possible that I should have sought the committee before the bill was completed and brought on the floor and there made my plea for this item. But I understand that it can be very properly offered at this place and time.

I find that the bill provides—and very properly so—for the investigation of insects of almost every other kind that destroy grain and vegetables that are raised upon the farms of the country. The man who should be encouraged to go to his limit at this time is the farmer. He is the man who has great responsibilities resting upon him, and he should have every encouragement that can be given. Those of you who know the adversities that must be met and overcome by the farmer know how important it is that after his crop has been produced, after he has gone out and plowed and planted and cultivated, that he should not then find his hopes dashed to the ground and his season's labor lost by the visitation of some pest that he is helpless to combat.

The grasshopper, in many sections of the country, is the pest that blights the hopes of the farmer and robs him of his crop just at a time when it promises most. A great many of the States have given the matter of the control of the grasshopper some attention, but no State has the equipment for investigation along the lines provided for in this section of the bill that is possessed by the Agricultural Department with its well organized corps of specialists, scientists, and naturalists. The States are necessarily prevented by the expense involved from the doing of many things that can be more properly, efficiently, and economically done here. I realize that the control of the other insects mentioned in the bill is a matter of importance, and I hope the committee will adopt this amendment, which merely gives the farmer who is fighting the grasshopper—which is one of the oldest and greatest pests known—the same assistance that it does the other farmers who are having their crops devastated by insects.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CONNELLY of Kansas. For a question; yes.

Mr. STAFFORD. Why would not the authority as carried in the paragraph on page 55, lines 8 to 10, "For investigation of insects affecting cereal and forage crops, including special investigation of the Hessian fly and chinch bug, $122,000," be available for the purpose of investigating the effects of the grasshopper on the wheat fields of Kansas?

Mr. CONNELLY of Kansas. The department, as I understand it, does not so consider it.

Mr. STAFFORD. Yes; but the language is broad enough to enable the department to make the investigation cover grasshoppers, if they wish to do so.

Mr. CONNELLY of Kansas. But the appropriation provided there will be used up under the other headings.

Mr. STAFFORD. Can the gentleman give the information that there is no available balance of that large appropriation of $122,000?

Mr. CONNELLY of Kansas. I am not sure about that. I would not like to state that that is true without more information. Mr. Chairman, I wish that Members might understand the importance of this amendment, and how the farmers on the western prairie lands are affected when thousands of acres of crops are destroyed overnight by grasshoppers. You gentlemen who are informed on the subject know that in one day thousands of acres are destroyed, when the crop is just coming into harvest.

Mr. KINKAID. Would it not accomplish the intention of the gentleman to have inserted in line 9, page 55, the word "grasshoppers," so that they will be included with the Hessian fly and the chinchbug, in accordance with the suggestion made by the gentleman from Wisconsin [Mr. STAFFORD]?

Mr. CONNELLY of Kansas. In answer to that, I would be satisfied if I could have the assurance of the chairman of the committee and the other members of the committee that the appropriation would justify the expenditure of $20,000 for this purpose.

Mr. KINKAID. I suggest that amendment as a substitute for the gentleman's amendment.

Mr. CONNELLY of Kansas. If the gentleman will agree to it and the committee will agree to it, that will be satisfactory to me. I hope they will, because I assure the gentleman that it is very important to a number of States.

Mr. KINKAID. I will not take up any more of the gentleman's time.

Mr. CONNELLY of Kansas. Mr. Chairman, I hope that gentlemen in the committee will not see fit to oppose this item. Personally I know that it is very essential. I wish I had the data at hand to convince gentlemen here of the meritorious character of this proposition.

Mr. ANDERSON. Will the gentleman yield?

Mr. CONNELLY of Kansas. I will.

Mr. ANDERSON. I have an impression that some years ago the Department of Agriculture made a very thorough investigation of the grasshopper, of its habits and habitat, and the character of the destructive work that it does. It is very well understood. I doubt very much if anything would be developed from another investigation which would be helpful. I understand the means of combatting the grasshopper are pretty well understood now.

Mr. CONNELLY of Kansas. Let me suggest to the gentleman that the old migratory grasshopper has been pretty well put out of business; but the grasshopper that now does the injury to the fields of the Central West is the local or nonmigratory grasshopper. The habits of this grasshopper, the manner of its reproduction, the manner of the laying of the eggs, and so on, have been studied by the States, but the States have never done it as thoroughly as could be done by the scientists in the Bureau of Entomology.

Mr. ANDERSON. Has the gentleman ever submitted his proposition to the Bureau of Entomology of the Department of Agriculture to ascertain whether they are conducting this investigation now, or whether there is likely to be anything of value learned by an investigation?

Mr. CONNELLY of Kansas. No; I have never submitted it personally, but I have known of the work in the last year by the State. For instance, the university in my State sent its young men to the western part of the State to make observations and study this very destructive agency. It is a matter of very great importance to the people in a large section of the country, and I hope gentlemen will not oppose it.

The CHAIRMAN. The Chair will recognize the gentleman from Kansas [Mr. DOOLITTLE] if he desires recognition.

Mr. DOOLITTLE. Mr. Chairman, I hope the gentleman who reserved the point of order against the amendment of my colleague will not insist upon it. It may be difficult for Members of the House to understand exactly what damage can be consummated by grasshoppers when they appear in the numbers that, I am sorry to say, they sometimes do appear in the western part of our State and in a great many other Western States. It may be interesting to the committee to know that there is a statute on the books of Kansas which makes it incumbent upon every able-bodied man to respond to the call of the township trustee when he orders them out to fight migratory grasshoppers. In the last few years we have been fortunate, as my colleague Mr. CONNELLY said, in getting rid of the migratory grasshoppers to a large degree; but when the country is visited by a drought like that we had in 1913, which, of course, is liable to happen at any time, the grasshoppers come out of the pastures down into the valleys where the vegetation is green and succulent, and they destroy that vegetation in the course of a few hours. They eat the leaves off of the growing corn. They even eat the leaves off the trees. If we can do anything to help eradicate this pest, it is the duty of the Government to do so, especially in this time of the demand for the production of more food; and this amount should be made available specifically for the purpose of destroying grasshoppers.

Mr. COX. Has the Government ever undertaken this before?

Mr. DOOLITTLE. Not that I know of.

Mr. COX. Does not the gentleman think it would be just as fair for the Government to undertake this investigation as it is to undertake the investigation of the boll weevil?

Mr. DOOLITTLE. I think so.

Mr. COX. I think so, too.

Mr. TILSON. Is it the gentleman's idea that the Government should take its soldiers or other able-bodied men, to join the able-bodied men provided for in the Kansas statute, and go out to combat this grasshopper? I thought this appropriation was simply for investigation. It seems to me from the knowledge of the grasshopper shown by the gentleman himself, his colleague, and others here on the floor, that we already know the problem, and that the real question is how to meet and solve the problem of eradication, which does not seem to be covered by the gentleman's amendment at all. The appropriation here is simply for investigation.

Mr. DOOLITTLE. I believe my friend will agree with me that we have more strenuous necessity for soldiers across the water.

Mr. TILSON. That is what I thought.

Mr. DOOLITTLE. I realize that my friend made the suggestion about the soldiers in good humor. I want to say that I cited the statute, which is more or less obsolete at this time, but, nevertheless, it is on the books and shows the importance in the State of Kansas utilizing or making a determined fight against the grasshopper.

Mr. TILSON. My question was whether the amendment was to make a fight against the grasshopper or an investigation that would enable the people of Kansas to make the fight.

Mr. DOOLITTLE. If the amendment is not broad enough—and I do not remember the exact wording of it—it ought to be amended so that demonstration work can be done. I think that was the intention of the gentleman from Kansas.

Mr. CONNELLY of Kansas. Will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. CONNELLY of Kansas. I will suggest that the amendment was drawn following the language in the bill.

Mr. STAFFORD. Will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. STAFFORD. Here we have an item to which I direct attention, providing, in lines 8 to 10, page 55, for investigation of insects affecting cereal and forage crops, $122,000, and the following item for the investigation of insects affecting southern field crops, $89,000. Those appropriations can be utilized for the same purpose for investigating grasshoppers that infest the wheat fields.

Mr. DOOLITTLE. We want a specific suggestion and direction from Congress undertaking the elimination of the grasshopper.

Mr. STAFFORD. The Congress and the committee is recommending a very large amount, over $200,000 that can be utilized for the very purpose which the amendment proposes. It is unnecessary. You should be modest in your efforts after appropriations when Congress has already made them. I assume that $200,000 is large enough to investigate this old trouble of the grasshopper.

Mr. DOOLITTLE. It would be if the grasshopper could be investigated under that appropriation, but it is claimed that it is not available, and I do not think it is.

Mr. ANDERSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. Was the point of order reserved on this amendment?

The CHAIRMAN. It was; and the committee by unanimous consent limited the debate on the paragraph and all amendments thereto to 12 minutes.

Mr. ANDERSON. But I assume, Mr. Chairman, that the committee can not, by unanimous consent, limit debate on a point of order. That is in the discretion of the Chair.

The CHAIRMAN. The discussion was limited on the merits, the discussion on the point of order is for the Chair. The Chair can stop the discussion of the point of order at any time.

Mr. LEVER. Mr. Chairman, if the gentleman from Wisconsin is going to press the point of order, I will not take the remaining two minutes' time.

Mr. STAFFORD. I do not think it is necessary to insert another paragraph already covered by the new paragraphs in the bill. I think the point of order should be made.

Mr. LEVER. Mr. Chairman, if the Chair will indulge me for the two minutes to which I am entitled, I will say that I am reading from the program of work of the Department of Agriculture. Among other things, it says:

Extensive investigation on the grasshopper has been conducted and positive methods of control secured. The results of this investigation are summarized in an article published in the Yearbook of the department for the year 1915. The saving of money to the agricultural interests as the result of this investigation will undoubtedly be immense. A farmers' bulletin giving full direction for the application of the methods of destroying the grasshoppers is in course of preparation.

So that all of this whole matter has been investigated by the department and the methods have been worked out for the control of this pest. These methods have been published for those interested in the proposition. So that it seems to me that this is one of the lines of work the department has completed, and I hope that we will not put ourselves in a position of starting it over again.

Mr. STAFFORD. That is a sufficient warrant, Mr. Chairman, for pressing the point of order.

The CHAIRMAN. The amendment provides for an investigation and control of the grasshopper. The Chair is of the opinion that it is perfectly competent to offer an amendment to the bill providing for an investigation, but the Chair is further of the opinion that the amendment goes beyond that when it provides for control. Therefore the Chair sustains the point of order.

The Clerk read as follows:

For investigations, identification, and systematic classification of miscellaneous insects, including the study of insects affecting the health of man and domestic animals, household insects, and the importation and exchange of useful insects, $52,330.

Mr. TILSON. Mr. Chairman, is this the proper item for the consideration of the question of the eradication of mosquitoes?

Mr. LEVER. Yes; I am inclined to think, if you are going to consider the mosquito at all, it will come under this item.

Mr. TILSON. Will the gentleman state whether there is any investigation going on on the part of the Government as to the eradication, elimination or control of this universal pest?

Mr. LEVER. Yes, there is; the Department of Agriculture under this item has been conducting investigations in reference to the mosquito, especially on the effect of the mosquito upon farm operations in certain localities. For example, they have selected a community, say, in Mississippi, and they are investigating the habits of the mosquito there and of the effect it has upon agriculture. In that respect it differs from the work of the Public Health Service.

Mr. TILSON. The paragraph says "including the study of insects affecting the health of man and domestic animals." Of course it has been conclusively proven that the mosquito does injure the health of man, besides being a very provoking pest.

Mr. LEVER. The committee has been fearful for some years that there might be a conflict of authority or a duplication of work under this item with the work of the Public Health Service. I have tried to see that no such duplication takes place. The line of work already done by the department under this item is confined to its effect on the agricultural situation in the community.

Mr. TILSON. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For general administrative expenses connected with above lines of investigation, and for miscellaneous expenses incident thereto, $9,000.

Mr. KINKAID. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman a question. Is it not a fact that the Government has succeeded remarkably well in exterminating the mosquito on the Panama Canal Zone?

Mr. LEVER. I think one of the greatest accomplishments of the Government on the zone was the extermination of the mosquito.

Mr. KINKAID. That was the understanding when I tarried there some six or seven days six or eight years ago. I was not annoyed with a single mosquito. I failed to see a mosquito. I crossed the zone every day from one side to the other by rail, stopping here and there, observing the developments that were going on in the construction of the canal. We had mosquito nets over our beds at the hotel at night, but I heard not a mosquito humming around. The means employed there were wonderfully successful, I am sure. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For the enforcement of sections 241, 242, 243, and 244 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," and for the enforcement of section 1 of the act approved May 25, 1900, entitled "An act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," including all necessary investigations in connection therewith, $22,000.

Mr. KINCHELOE. Mr. Chairman; I move to strike out the last word for the purpose of asking a question. I presume this is the same amount carried in the appropriation heretofore that has been expended for the enforcement of these sections?

Mr. LEVER. Exactly.

Mr. KINCHELOE. Has anyone in the Biological Survey Bureau undertaken to give the committee an itemized account of the expenditure of this money?

Mr. LEVER. We have the data. That is provided for in the report of the Secretary of Agriculture, which is filed each year with Congress, giving the details of the expenditures of the department.

Mr. KINCHELOE. My purpose in asking the chairman this question is that I have information from people who ought to know that not all of this appropriation in the years gone by has been expended for this purpose, but has been expended in other branches, probably, of the Biological Survey and not for the purpose solely of enforcing these sections of the statute.

Mr. LEVER. I have before me the details of the expenditures, and I shall read some of them:

Salaries: Assistant, $3,250; assistant, $2,500; assistant, $1,600; inspector, $1,800; four inspectors, $1,500; collaborators and inspectors, $600 to $1,200 each, doing part time; traveling expenses, $8,000; equipment and material, $500; miscellaneous items, $300.

Mr. KINCHELOE. The only question I had in mind was whether or not these gentlemen who are employed there to enforce these sections exercised all their energies in the enforcement of them?

Mr. LEVER. I can not say about that. I hope they do. If the gentleman has any information to the effect that they do not, I would like to have it.

The Clerk read as follows:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $394,820: *Provided*, That of this sum $15,000 shall be used for the destruction of ground squirrels on the national forests and other public lands: *And provided also*, That of this sum not less than $125,000 shall be used on the national forests and the public domain in destroying wolves, coyotes, and other animals injurious to agriculture, animal husbandry, and wild game: *And provided further*, That of this sum not more than $125,000 shall be used on the public lands, national forests, and elsewhere in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 59, at the end of line 25, insert:

"*Provided further*, That of this sum $10,000, or so much thereof as may be necessary, shall be used for the purpose of investigating the extent and effect of the killing and harassing by dogs of sheep and other meat-producing animals, and of the best methods for reducing and preventing the same."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that and ask unanimous consent that debate upon the amendment and all amendments thereto close in 10 minutes, the gentleman from Wyoming [Mr. MONDELL] to have five minutes, the gentleman from Ohio [Mr. FESS] three, and reserving two minutes for myself.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate upon the amendment of the gentleman from Wyoming and all amendments thereto shall close in 10 minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, one of the most serious shortages in the world food and material supply at this time is the shortage of mutton and wool. The number of sheep in the United States has been steadily decreasing since 1911. There were 53,000,000 at that time, 49,000,000 in 1914, and 46,000,000 in 1917. Our wool production has decreased in like degree. Those who have investigated the questions leading to the reduction of the number of sheep in the country have come to the conclusion that one of the potent influences in the reduction of the flocks and against the increase and extension of the flocks is the depredations of predatory sheep-killing dogs, just common, mangy curs.

Mr. COX. And old hounds.

Mr. MONDELL. And old hounds; of no value to anybody, living upon the substance of the world, wandering about over the country and making it utterly impossible in widely scattered and very extensive sections of the country to keep a flock of sheep with any safety or certainty. A sheep-killing dog not only kills for the purpose of food but after he has become accustomed and habited to that sort of thing takes it up as a pastime, and one sheep-killing dog will destroy an entire flock in a few hours.

Mr. WALSH. Mr. Chairman, will the gentleman outline briefly how it is proposed this money shall be expended for this very worthy object?

Mr. MONDELL. My hope is—and I want to say to the chairman of the committee that I think $5,000 would do—that the department will gather all the information obtainable with regard to the situation in the various States of the Union, where the depredations of the sheep-killing dog have had the greatest effect in keeping down the flock, to learn the effect of State laws and to suggest possible remedies, legal and otherwise. I have in mind a remedy. I expect to propose it in a short time in the form of a bill, and I have at least one Member of the House who is pledged to support it, the gentleman from Indiana [Mr. Cox].

Mr. COX. Provided you get your tax high enough.

Mr. MONDELL. You can make the tax as high as you like.

Mr. COX. I would not make it less than $50.

Mr. MONDELL. I shall propose a Federal tax upon dogs as a war measure, absolutely essential at this time to increase the wool needed for the uniforms for our boys, and to increase the food supply, and as a measure that will be as beneficial in peace as in war.

If we can reduce the sheep-killing dogs in the country by one-half we can double the number of sheep in the Union to the very great advantage and benefit of everybody. In 1915 the Department of Agriculture published bulletin 652, by V. O. McWhorter, on the sheep-killing dog. Let me quote briefly from it:

DOGS THE MAIN CAUSE OF DECREASE IN THE NUMBER OF SHEEP.

Sheep-killing dogs are not only recognized as the worst enemy of eastern flockmasters at the present time but are known to be the principal cause of so marked a decrease in the number of sheep kept on farms. The moral effect upon all persons who have seen sheep killed, injured, or frightened by dogs is far more destructive to the industry than the actual damage sustained. No farmer contemplating the raising of sheep is likely to venture on the enterprise while the flocks of his neighbors are continually meeting reverses through the attacks of dogs, as the ultimate financial losses following such reverses are incalculable. Dog depredations to flocks are not only disheartening and discouraging to the flockmaster but they also break up breeding plans and render flocks restless and nonproductive.

Sheep-killing dogs work both singly and in groups, but usually in twos or threes. They do not limit their attacks to the flocks of the immediate vicinity in which they are kept, but travel for miles in all directions, spreading destruction in the flocks with which they come in contact. Because their work is so often done under the cover of darkness, it is almost impossible to catch them in the act of worrying the sheep, and hence they can seldom be positively identified.

The ways in which different dogs attack and destroy sheep vary greatly. Some dogs simply kill one or two sheep in a flock, while others continue the attack until all the sheep are either destroyed or crippled. In many cases, where large numbers are killed, they are neither bitten nor wounded, but simply chased until they die from exhaustion.

After a dog has once formed the habit of killing sheep it seemingly becomes a mania with him, and he is seldom, if ever, broken of it. He not only destroys sheep himself but leads other dogs to the work. No consideration should be given such dogs; if additional losses to flocks from this source are to be avoided, they should be dispatched as soon as their habits are known.

That dogs are a real hindrance to the sheep industry is not only acclaimed by the testimony of thousands of sheep owners whose flocks have suffered through ravages by them, but is verified by figures showing a conservative estimate of the partial loss incurred by flockowners during the year 1913. The figures were compiled from the reports of county treasurers of different States, giving the number of sheep killed by dogs and paid for by the several counties during the year. Not all counties or States reported these losses, as in many cases no law existed which empowered the county to pay for sheep killed; for this reason it was necessary to compute the total loss on a percentage basis.

Through a summary of the replies received from crop correspondents in the 36 farm States regarding sheep, it is estimated that the present number of sheep in these States can be increased by 150 per cent without displacing other live stock on farms. This summary, given in detail in Table II, also shows that sheep raising is considered profitable by a majority of the correspondents in most of the States, and that dogs are the main barrier to keeping them.

TABLE II.—*Summary of replies from crop correspondents showing estimated possible increase in number of sheep on farms without displacing other stock and causes preventing such increase.*

State.	Is sheep raising profitable?		Average estimated possible increase in number of sheep.	Causes preventing increase.	
	Yes.	No.		Dogs.	Other causes.
			Per cent.		
Alabama	7	28	107.2	15	3
Arkansas	25	17	117.2	15	3
Connecticut	3	2	377.0	3	2
Delaware	2	1	90.0	2	1
Florida	14	5	192.7	8	1
Georgia	22	41	128.2	36	9
Illinois	43	26	90.3	17	23
Indiana	42	21	77.6	28	22
Iowa	47	11	125.4	12	23
Kansas	35	22	196.0	8	30

TABLE II.—*Summary of replies from crop correspondents showing estimated possible increase in number of sheep on farms, etc.*—Contd.

State.	Is sheep raising profitable?		Average estimated possible increase in number of sheep.	Causes preventing increase.	
	Yes.	No.		Dogs.	Other causes.
			Per cent.		
Kentucky	6	21	9.9	16	7
Louisiana	19	11	175.0	20	.....
Maine	8	6	159.0	10	3
Maryland	11	3	57.3	7	5
Massachusetts	3	6	125.0	5	2
Michigan	23	15	122.4	4	18
Minnesota	3	20	123.2	5	21
Mississippi	31	22	118.6	30	4
Missouri	62	15	141.4	30	23
Nebraska	2	15	24.8	4	13
New Hampshire	3	.....	35.0	2	1
New Jersey	3	7	175.1	3	2
New York	27	16	18.8	17	10
North Carolina	27	35	116.4	28	7
North Dakota	22	8	201.9	.....	10
Ohio	30	20	39.9	22	3
Oklahoma	10	14	276.9	7	.....
Pennsylvania	18	16	114.7	14	17
Rhode Island	2	.....	270.0	1	.....
South Carolina	3	22	208.1	11	1
South Dakota	22	5	111.	3	12
Tennessee	50	18	154.5	25	8
Vermont	4	5	183.0	5	3
Virginia	63	16	127.4	39	17
West Virginia	35	5	88.7	22	9
Wisconsin	23	18	80.5		21
Total	587	524	153.8	531	365

An increase of 150 per cent in the sheep of the States not included in the western division would increase the total number of sheep in this country by approximately 33,681,000 head. As computed from the average farm price per head of sheep in the sections considered for the year 1914, such an increase in number would bring about a corresponding increase in value of $144,267,000. It is believed by some who have made a study of the question that an increase of even 500 per cent need not seriously interfere with the keeping of other live stock now on farms.

I also desire to present the views expressed on the subject by the Wyoming Woolgrowers' Association in recent convention, as follows:

Whereas for many years the loss of sheep, calves, and other live stock from the depredations of dogs and predatory wild animals has resulted in great loss in production of food and clothing of this Nation; and

Whereas there now exists in several of the Western States a dangerous disease known as "rabies," affecting the coyote and resulting in menace to both man and beast; and

Whereas, as the presence of the sheep-killing dogs in certain portions of the United States menaces the sheep industry to such an extent as to make the successful raising and breeding of sheep impossible: Now, therefore, be it

Resolved, That we hereby petition Congress to levy a tax upon all dogs in the United States, and out of the fund thereby created such portion as may be necessary shall be used to exterminate the stock-killing dog, the predatory wild animals, and the range-destroying rodent.

Mr. Chairman, while I am on my feet I desire to present, as relating to various items of this bill, the resolutions adopted by the Wyoming Woolgrowers' Association at a meeting of that association held in Douglas, Wyo., January 9 to 11, as follows:

[Resolutions adopted by the Wyoming Woolgrowers' Association in fourteenth annual convention assembled, Douglas, Wyo., Jan. 9, 10, and 11, 1918.]

Whereas our country has been forced into the world's war by the lawless terrorism and inhuman brutality of the German Government: Therefore be it

Resolved, That the fourteenth annual convention of the Wyoming Woolgrowers' Association, in convention assembled, send greetings to our President and pledge to the President of our United States our undivided and earnest support to any and all efforts that he may make to win the war.

—

Whereas it is to the interest of the American people that legislation should be adopted which would prevent the misrepresentation of adulterated products of wool: Therefore be it

Resolved, That we respectfully urge the adoption of legislation by Congress that would result in the enactment of a suitable "pure-fabric" law.

We demand that no shoddy or other adulterants shall be mixed with wool that is to be made into soldier garments and that our soldiers shall be as well or better dressed than the soldiers of any other country.

—

Whereas the Biological Survey has been doing very creditable work in destroying predatory wild animals and the range-destroying rodents: Now, therefore, be it

Resolved, That we petition Congress for an appropriation of $500,000 for immediate use by the Biological Survey for the extermination of the aforesaid animals.

Resolved by the wool growers of Wyoming in convention assembled, at Douglas, Wyo., January 10, 1918, That the woolgrowers of Wyoming are in accord with the spirit and general plans of the Government in establishing values of industrial and commercial production, with direct and economic distribution; and be it further

Resolved, That, in cooperation with such proposed undertaking, the wool growers of Wyoming suggest that the wool clip of 1918 produced in the western range country be concentrated at logical distributing points adjacent to or near sources of production.

That National Wool Growers' Association be licensed and authorized by the Government to act as selling and distributing agents, to be empowered to make cash advances to wool growers on their shipments through sight drafts attached to railroad bills of lading at the open-market cost of money pending examination of wool and fixing values upon present range of open-market prices or upon such other basis calculated to increase profitable production, such determination to be made by committee of equal representation by the Government, the manufacturers, and the wool growers.

After wools have been concentrated and worked into commercial grades, the Government representatives to take over for account of the Government such grades and amounts suitable for military requirements, the remaining wool to be sold, either at public auction or by allotment, to manufacturers for their actual milling requirements, in proportion to available supply in charge of the aforesaid authorized committee.

—

Whereas the production of wool and meat is very necessary to clothe and feed our soldiers; and

Whereas skilled labor is necessary in this production: Therefore be it

Resolved, That we urge the Provost Marshal General to place the skilled labor employed in the production of live stock in class 3 under deferred classification plan of the selective-draft law.

—

Whereas western flockmasters are as desirous as any other class of citizens of having the West developed and its lands put to their proper use; and

Whereas it is necessary for the economical handling of live stock on the Government lands of the United States to have defined and established trails from the desert or winter grazing lands to the forest reserves and from the forest reserves to railway shipping points; and

Whereas Congress has passed a law for said purpose: Now, therefore, be it

Resolved, That we, the Wyoming Woolgrowers' Association, respectfully urge the Secretary of the Interior, after consultation by agent or otherwise with the various live-stock associations, under the provisions of this law, to cause to be set aside such unoccupied strips of Government land as will be consistent with the economical moving of live stock to and from such ranges: And be it further

Resolved, That said association is in favor of such national land regulation as shall have for its object the proper, sane, and beneficial development of the public lands within the State of Wyoming after full consideration of all the varied interests involved.

—

Whereas we recognize the value of grazing privileges upon the forest reserves, and we commend the forestry department for the building and improvement of highways and in the destruction of predatory animals; and

Whereas the activities of the National Wool Warehouse & Storage Co., both in its live-stock educational work and in the marketing of wool consigned to it, has resulted in pecuniary benefit to the flockmasters: Therefore, be it

Resolved, That the Wyoming Woolgrowers' Association favors and recommends the support by the Wyoming flockmasters of the varied activities of the National Wool Warehouse & Storage Co., so that this selling agency of the sheepmen may become a controlling factor in the marketing of wool.

—

Whereas the University of Wyoming, through its agricultural college and experiment station, is primarily interested in serving the agricultural interests of the State, thus aiding its best development; and

Whereas there are at present no authoritative channels through which the officers of the university and its college of agriculture and experiment station may seek advice and obtain direct knowledge in the various agricultural lines; and

Whereas the Wyoming Woolgrowers' Association, representing one of the major agricultural industries of the State, has no authority of advisory character or otherwise to shape the direction of teaching, demonstration, and research of said college and station along the lines in which said association may be interested; and

Whereas, believing that the best results may be obtained only by legislative enactment of laws recognizing the right of the various State industries to have a voice in the work which is being done by the agricultural college and experiment station of said university: Therefore, be it

Resolved, That the Wyoming Woolgrowers' Association favors the enactment of laws by the legislature authorizing the appointment of committees from the various agricultural and stock interests of the State, these committees to cooperate with the agricultural college and experiment station in the planning and carrying through of investigational work.

—

Whereas experience has shown that the removal of an import duty on wool and live-stock products failed to lower the selling price thereof; and

Whereas the removal of duty from live-stock products, and especially wool, deprived the National Government of millions of revenue which would otherwise have been received: Now, therefore, be it

Resolved, That the Wyoming Woolgrowers' Association does hereby petition Congress to amend the existing tariff laws so that revenue can be produced for the Government from the imports of wool, live stock, and other animal products to such an extent as the necessities of the country may require.

Mr. FESS. Mr. Chairman, this is one of the questions that has been agitating Ohio for a great many months. I referred yesterday to the fact that one of the large sheep raisers in my section of the State, which by the way is a sheep-growing State, growing a fine brand of sheep, came to see me during the holidays, during our vacation, and made the statement that three times this year already his fine flock of sheep has been torn up by the dogs. He said that it is not only the loss to him, but it so disintegrates the flock that the sheep amount to very little after one of these raids is made, and he told me that it appears that the dogs go in packs like wolves, and when once they break into a flock of sheep the sheep for that year are fairly ruined. Now, I hardly see any justification on the part of a legislative body not to do something to prevent this wicked destruction of a very useful source of our meat supply, as well as our clothing supply, and it requires a very drastic remedy in order to meet this situation. I have thought that perhaps the Government could not supply the remedy, but that we would have to move upon the State legislatures, and I so spoke to him. It has been suggested here that we can reach it in the form of taxation. I think all of us would realize there is one item in taxation that would be inequitable, and that is these dog fanciers, who have great wealth, and who would be very willing to pay any tax that might be levied upon them to keep their dogs, would not desist from the keeping of dogs simply because you have required a heavy tax. I thought that one of the things with which we could reach it would be to make the dog an outlaw, and as soon as he goes off the farm to which he belongs, or off the yard to which he belongs, that he be subject to destruction by anyone injured without any basis for damages to be paid by the man who kills him.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I hope if the way is clear that Congress may do something to speed up the States in their duty.

Mr. LEVER. Mr. Chairman, I rise to oppose the amendment. I recognize, of course, that the sheep industry suffers greatly on account of worthless dogs. Some gentleman made the statement the other day that there are two things which are militating against sheep raising in this country. One is a parasite and the other is the dog, and whoever made the statement spoke with authority. But I do not feel that this is the way to get at this problem. I should much rather——

Mr. MONDELL. Will the gentleman yield?

Mr. LEVER. I have only two minutes. I would much rather consider the suggestion of the gentleman from Wyoming as to putting a tax upon dogs.

Mr. MONDELL. Let us get a little information from the department to help along.

Mr. LEVER. I do not think there is any need for the information. I think any man who knows anything about the sheep industry of the country at all has pretty accurate and pretty full information as to the depredations of the dog upon sheep, and the information that you would develop would probably not be of very much value to the country. If Congress is prepared to act, it has the necessary information. I feel as my friend from Ohio [Mr. FESS] does, that this is naturally a State and not a national proposition. The same gentleman who told about the parasites and dogs also said that he had made it his business to confer with a great many members of the State legislatures, especially in the South, and he found them all enthusiastically in favor of handling the dog problem very drastically if Congress would, but the State legislatures were not willing to tackle the problem because it becomes a very vital political thing when it interferes with man's best friend, his dog. But be that as it may, I do not feel that the expenditure here proposed would bring to the Government a commensurate return, and I hope the amendment will be voted down.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman withdraw the point of order?

Mr. LEVER. I do not think it is subject to a point of order.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wyoming.

The question was taken, and the Chair announced the noes seemed to have it.

Upon a division (demanded by Mr. MONDELL) there were—ayes 21, noes 16.

Mr. LEVER. Mr. Chairman, I am bound to ask for tellers on that.

Tellers were refused.

So the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Can the chairman of the Committee on Agriculture furnish any statement as to the amount of the expenditure last year for the destruction of coyotes and the number of animals destroyed?

Mr. LEVER. I will say to the gentleman from Massachusetts that the amount carried in this bill is exactly the same amount as that carried in the present year's appropriation bill. We had information before the committee as to the number of animals destroyed by prairie dogs, coyotes, wolves, bear, and the like. For instance, I find here there was destroyed 11,000 gray wolves, something like 53,000 predatory wild animals of all descriptions, and that they turned into the Treasury from the skins of the animals killed something like $55,000 during last year. We did have a rather full explanation of this item, but as to just how many coyotes were killed I do not remember.

Mr. WALSH. But the committee was satisfied that this work was not only beneficial but that the Government was reimbursed to some extent on account of the expenditure that was made?

Mr. LEVER. Yes. The statement was made before the committee, which was startling to me—how accurate it is I do not know—that there was a yearly loss from the prairie dog of $250,000,000.

Mr. WALSH. That is not the coyote?

Mr. LEVER. That is not the coyote; no.

The Clerk read as follows:

For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stat. L., 847, 848), relating to the protection of migratory game and insectivorous birds, and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $50,000.

Mr. MILLER of Minnesota. Mr. Chairman——

Mr. COX. Mr. Chairman, I move to strike out the last word. I just want to ask the chairman of the committee a question. Has the Supreme Court decided those appeals yet?

Mr. LEVER. I do not think that it has.

Mr. COX. As I recall it, they at least had a hearing on it and postponed it for further argument.

Mr. LEVER. I think the gentleman's recollection is correct.

Mr. MILLER of Minnesota. Mr. Chairman, I was looking for that paragraph in the bill which the Clerk has just been reading and in which an appropriation was made covering the subject of migratory birds.

Mr. LEVER. The Clerk has just read it. It is on page 60, lines 4 to 11, inclusive.

Mr. MILLER of Minnesota. I would like to ask the gentleman in charge of the bill, the gentleman from South Carolina [Mr. LEVER], if, in view of the fact that a special act is now being considered, and an appropriation carried in the act covering the subject of migratory birds, it is not advisable that this should be eliminated?

Mr. LEVER. I think not, for the reason——

Mr. MILLER of Minnesota. Of course, the section by which this appropriation is being made is to be repealed by this new act.

Mr. LEVER. I appreciate that.

Mr. MILLER of Minnesota. May I inquire if the gentleman would be inclined to make a point of order if we inserted that proposed act right in here in lieu of this paragraph?

Mr. LEVER. That act, as I understand it, is an enabling act, involving the treaty between this country and Canada, and as a protection to the Committee on Foreign Affairs, I would feel compelled to make a point of order.

Mr. MILLER of Minnesota. The Committee on Foreign Affairs, I am assured, would be agreeable to inserting that.

Mr. LEVER. Not having conferred with the members of the committee, I feel I would be doing them an injustice by allowing it.

Mr. MILLER of Minnesota. May I inquire of the gentleman from South Carolina if he has acquainted himself with the provisions of the proposed act?

Mr. LEVER. I will say to the gentleman that I have been so very busy that I have not. I have read about it in the newspapers, and that is about all.

Mr. MILLER of Minnesota. Is it true that the act cited here, approved March 4, 1913, has been efficacious in accomplishing the object and intent Congress had when it passed it?

Mr. LEVER. The statement was made before the committee that there has been a very large increase in the number of waterfowl in this country, due to the stoppage of spring shooting, and that the act was efficacious in the direction of the purposes sought to be accomplished by it.

Mr. MILLER of Minnesota. That is, it was moving in the right direction?

Mr. LEVER. Moving in the right direction; yes.

Mr. MILLER of Minnesota. Has the gentleman any information before his committee to the effect that the act ought to be amended if the real object Congress had is to be accomplished?

Mr. LEVER. While we have no recent testimony to that effect, I think some suggestions for amendment have been made.

Mr. MILLER of Minnesota. Did the gentleman's committee have any hearing on this particular paragraph?

Mr. LEVER. Oh, yes.

Mr. MILLER of Minnesota. That is, representatives of the Department of Agriculture appeared and gave information relative to it?

Mr. LEVER. We had a representative of the Biological Survey before the committee and examined him on every item in the bill.

Mr. MILLER of Minnesota. Did he or did he not recommend a change in that law?

Mr. LEVER. No; not in the hearings on this particular bill. If he did, it escapes my recollection at this moment.

Mr. MILLER of Minnesota. Have we appropriated $50,000 each year since 1913 for this purpose?

Mr. LEVER. Yes.

Mr. MILLER of Minnesota. That is, we have used up $250,000, then?

Mr. LEVER. Yes. I think it is only fair to say that the appropriation is smaller in comparison to the work that could be accomplished, even under the present act.

Mr. MILLER of Minnesota. Has the gentleman's committee been informed of any difficulties experienced in attempting to enforce this by certain States and certain jurisdictions refusing to comply with the terms of this law?

Mr. LEVER. I do not recall any such statement before the committee this year. I seem to have a recollection that there was some difficulty a few years ago. I think the general sentiment of the people is becoming more and more favorable to this kind of legislation and this act.

Mr. MILLER of Minnesota. I think that statement is entirely correct. But, as a matter of fact, is not the gentleman aware that certain amendments to this law are necessary if it is really to be effective?

Mr. LEVER. Not speaking for the committee at all, because the membership of my committee is divided on this proposition, but for myself only, I answer yes.

Mr. MILLER of Minnesota. Well, I will say to the gentleman that from my own point of view I think it is useless to appropriate this sum of $50,000 year after year unless we make a change in the law.

Mr. LEVER. I do not agree to that proposition.

Mr. MILLER of Minnesota. I do not imagine that the gentleman does.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. May I have five minutes more?

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LEVER. I ask unanimous consent that the debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, is the gentleman informed as to how much of this appropriation is expended?

Mr. MILLER of Minnesota. It is all expended. I think the gentleman from South Carolina can confirm that.

Mr. LEVER. Yes; it is all expended.

Mr. MILLER of Minnesota. The reason why I object, Mr. Chairman, to this provision going in year after year without change in the law is this: The constitutionality of this law has been questioned in several jurisdictions. I understand the decisions have not been uniform respecting the question whether it is constitutional or not. But aside from that, this law in itself does not contain provisions enabling those charged with its enforcement actually to enforce it.

What do I mean by that? The control of hunting and fishing is one of the police powers of a jurisdiction or a State. The police power is one of the difficult things to enforce, because it is against the habits and the propensities of individuals in the community; that is, of certain of them, at least. It is for the public health and morals of the community that the police power resides in a State.

Now, one of the things that we are all familiar with from our childhood up is this: Some men will go out with a fishing rod and catch fish in a respectable way and come home with a reasonable number, and supply his family, and enjoy the sport, and incidentally reduce the cost of living. But aside from those there are certain ones that will go out and get all they can and sell them or throw them around and destroy them. We all know that is a fact.

In respect to game it is equally so, and perhaps more so. Ducks are migratory birds, and there are also various other kinds of migratory fowl and migratory game. There are scoundrels in the hunting business just as there are scoundrels in any other line of sport or interest.

One of the most difficult things we are called upon to deal with is the pothunter, the man who breaks the law and kills and destroys and wastes. In my own experience I found two policemen who had gotten a week's leave and had gone up into the woods of northern Minnesota, out 50 miles from the railway, and had found a bunch of seven big moose in a swamp, and they killed those seven, and could not carry away one, and left them all there to rot. They ought to have been protectors of the law, of course, instead of its violators. That is an isolated instance, but there are many, many more of them.

The trouble with this law as it stands is this: There is no power resident in the Department of Agriculture or its agents to enforce its terms, and a man can laugh at an agent of the Department of Agriculture, and can kill all the game he wants to, and make all the breaches of the law he cares to, and is absolutely free and independent of arrest. They can not reach him at all, and they do not reach him. The only place where they do reach him is in a community which in itself has game laws and game protection, and there the violators of this law are punished, because there are agents of game administration in those communities who see to it that they are punished. The result of this is that some of the Northern States have splendid game laws and give ample protection to the game. There are some States in the middle belt that are not exactly game States, but the migratory birds coming from the north to the south and going from the south to the north pass over those States and for a time stop-over in those Central States where there are no adequate laws for the protection of game, and where the pothunters dwell, and this bill does not stop them.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. PLATT. Has the gentleman read the hearings where Dr. Nelson, of the Biological Survey, tells what has been accomplished in the protection of migratory birds and game in quite a number of States, largely through the operation of this law? He gives a list of 24 States.

Mr. MILLER of Minnesota. Yes. That has had a good effect. I have had the pleasure of listening to Dr. Nelson many times when he was before our committee and cooperated with him when we were drafting a law that was adopted by the Committee on Foreign Affairs.

Mr. PLATT. Can the gentleman tell us how soon that bill is to come before the House?

Mr. MILLER of Minnesota. It is on the calendar now. We should be glad to call it up at any minute, but we can not do so until our committee is reached. We should be glad to incorporate it here.

Mr. PLATT. I shall be glad to vote for it whenever I get the opportunity, and I hope the Committee on Foreign Affairs may be able to secure a special rule from the Committee on Rules to bring it before the House in the near future. It is an important measure and ought not to be longer delayed.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For wagons, motor trucks, bicycles, horses, harness, and maintenance of the same, $500.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. In this service are there at present any motor trucks which require maintenance? I notice in this item just read the committee have inserted as new language the words "motor trucks."

Mr. LEVER. Yes; they have one motor truck.

Mr. STAFFORD. Then this item is merely to provide for its upkeep?

Mr. LEVER. Yes.

Mr. STAFFORD. I withdraw the reservation.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word. I ask unanimous consent to modify the amendment which I offered, to be inserted on page 45, after line 11, by changing the last line, so that instead of reading—

Any moneys received on account of such material shall be deposited in the Treasury as miscellaneous receipts—

It shall read—

Any moneys received on account of such material shall be deposited in the Treasury as provided by existing law.

The CHAIRMAN. The gentleman asks unanimous consent to modify the amendment which he proposes, which was passed over to be called up later. Is there objection?

Mr. STAFFORD. Subject to the reservation of the point of order.

Mr. JOHNSON of Washington. Certainly.

The CHAIRMAN. The Chair hears no objection to the request.

Mr. JOHNSON of Washington. This perfects the amendment and puts it in the form in which it will come up for final consideration.

Mr. McLAUGHLIN of Michigan. Does this refer to the proceeds of the sales of timber?

Mr. JOHNSON of Washington. Yes.

Mr. McLAUGHLIN of Michigan. Why should not such proceeds be regarded as receipts of the Forest Service?

Mr. JOHNSON of Washington. Exactly; and the amendment as first introduced provided that the proceeds should be deposited in the Treasury as miscellaneous receipts. We are now perfecting it so that it shall be "as provided by existing law," which is the law covering the forest-reserve receipts. I wanted to have the amendment perfected in the RECORD, so that it will appear in the form in which it will be considered.

Mr. FORDNEY. The law already prescribes where the money shall go.

The CHAIRMAN. This paragraph was passed over with this amendment to be called up later, and the Chair understands the gentleman from Washington simply asks leave to modify that amendment as indicated by him. Without objection, it is so ordered, and the Chair hears none.

Mr. LEVER. And the point of order is still reserved.

The CHAIRMAN. The point of order is still reserved.

Mr. JOHNSON of Washington. Now shall I read the paragraph as modified?

The CHAIRMAN. The Chair will hold that when this amendment is called up the Chair will direct the Clerk to read it as the gentleman now proposes it.

Mr. JOHNSON of Washington. I thank the Chair. The amendment as now modified reads as follows:

And hereafter, during the existing state of war, the Secretary of Agriculture is authorized to sell without advertisement to any individual, firm, association, or corporation, at a fair value to be determined by him, national-forest timber which he shall find is to be used for war purposes; and he is also authorized, under regulations to be prescribed by him, to permit the War Department to take from the national forests such timber as may be needed in the prosecution of the war. The Secretary of War, under regulations to be prescribed by him, is hereby authorized to sell or otherwise dispose of any of the material manufactured from such timber which is not suitable for war purposes. Any moneys received on account of such material shall be deposited in the Treasury as provided by existing law.

The Clerk read as follows:

For purchase of manuscripts, traveling expenses, electrotypes, illustrations, and other expenses not otherwise provided for, $3,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I should like to have the judgment of the chairman of the committee on the general value of these various bulletins, as to whether we have published a good many that are out of date, that have no particular value, and whether we have a greater demand for certain classes, a demand so great that we are not capable of satisfying it?

Mr. LEVER. Our information is that on account of war conditions and the campaign for increased production of food, and garden work, and the like of that, the publication work of the department this year has increased enormously. We are also informed that the publications are bending themselves in the direction of furnishing information that will be valuable in this emergency. I think as a general proposition that the information work of the Department of Agriculture is exceedingly valuable.

Mr. FESS. Has the chairman of the committee any suggestion as to how to call the attention of the various farming interests to any particular bulletins? I make this inquiry in the belief that we do not secure a maximum benefit from these published findings of investigators.

Mr. LEVER. Some years ago, when I found that I had any bulletin which I supposed would be of special interest to my own constituents, I adopted the plan of having the newspapers announce that I would be glad to furnish to any of my constituents copies of the bulletin.

Mr. FESS. I think the information I have received from my own office confirms the chairman's judgment as to the bending of our energies in certain directions. If it would please the chairman, I would like to give him the results of the investigation from my own office.

Mr. LEVER. I should be very glad to have that.

Mr. FESS. Bulletins on cooking are first in the list of calls from the office, and on gardening especially the number here enumerated is second; poultry raising, with special reference to two at least, have had a tremendous demand from our particular section. Then, a general classification indicates foodstuffs first, hog raising second, cattle raising, and plant industry seems to be the order. I asked my secretary to call up the Department of Agriculture and get an estimate from that department as to this same matter. I rather think this demand from our office is about what is demanded throughout the country. I take it, for example, that that is in response to the demand produced by the war. The question especially I wanted to raise is whether we are spending any great amount of money for bulletins that are really of no value.

Mr. LEVER. I do not think so. I try to read most of the farm bulletins as they are issued, and while some of them are of no particular interest to me because the problems discussed are of no special interest, still they are of interest to some classes of people. I do not think we are wasting money on them.

Mr. FESS. There are some bulletins that we can not supply the demand for.

Mr. LEVER. That is true.

Mr. FESS. If possible, there ought to be an increase in the number of certain bulletins that we can not now supply.

Mr. LEVER. I want to say to the gentleman that the appropriation for the supply of the bulletins is not carried in this bill. That is carried in the sundry civil bill, and they have an available appropriation of $500,000. I recall that I moved to increase the amount in the bill by $50,000.

Mr. FESS. I beg the gentleman's pardon, I thought we were carrying it under this item of publications.

Mr. LEVER. No; this is the item for the division which prepares the bulletins.

Mr. FESS. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Salaries, library, Department of Agriculture: One librarian, $2,000; 1 clerk, class 3; 1 clerk, class 2; 5 clerks, class 1; 3 clerks, at $1,080 each; 3 clerks, at $1,020 each; 4 clerks, at $1,000 each; 6 clerks, at $900 each; 1 clerk, $840; 1 junior library assistant, messenger, or messenger boy, $720; 1 junior library assistant or messenger boy, $660; 3 junior library assistants or messenger boys, at $600 each; 1 messenger, messenger boy, or laborer, $480; 2 charwomen, at $480 each; in all, $32,100.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. While the last paragraph was being read it occurred to me that quite a large clerical force was being provided for this library. I have not counted the exact number of clerks that are herein provided, but they run up to more than 20. What is the need of having such a large clerical force in a department library? I know there are other departments that have libraries of their own which do not maintain anywhere near the clerical force provided for in this paragraph.

Mr. LEVER. I will say that there is no change in this item.

Mr. STAFFORD. I am quite aware of that.

Mr. LEVER. The fact of the matter is the committee did not cross-examine the librarian, who happens to be a lady, because there was no change in this item either in the amount in the lump-sum roll or the statutory roll.

Mr. STAFFORD. Are there any clerks appropriated for out of the lump sum in addition to those on the statutory roll?

Mr. LEVER. No; there could not be unless they were temporary.

Mr. STAFFORD. Here we have 25 clerks other than the librarian, and the salaries range from $1,000 down, most of them over $1,000, for a mere departmental library. When the Committee on Appropriations had the question of a library for the Department of Labor, in which there were five clerks, it struck the members of the committee as being too large a force for the maintenance and operation of that department library. But here we find 25 clerks.

Mr. LEVER. The gentleman knows that the Department of Agriculture has the most expensive agricultural library in the world, and probably one of the largest departmental libraries in the Government service.

Mr. STAFFORD. Take the library of the Surgeon General's office in the War Department, which is the largest medical library in the world, and yet there is no such force of clerks there.

Mr. LEVER. How many clerks are there in that force?

Mr STAFFORD. I have not the number in mind. They have high-paid officials like translators, and the librarian receives a larger salary, but nothing near the clerical force that is provided for here. How many volumes are there in the Agricultural library?

Mr. LEVER. I can not tell offhand. We had the information once, but I can not recall it.

Mr. STAFFORD. I am bringing this to the attention of the chairman, and if he has not the information now I hope next year he will make some investigation of this large clerical force, which seems to me abnormally large for a department library, and be able to give us some information.

Mr. LEVER. We had the librarian before us a year or two ago and subjected her to an examination and had full information, but I have not it here at this time.

Mr. STAFFORD. The gentleman does not recall the testimony as to the necessity of this clerical force?

Mr. LEVER. No; but there has been no change in it.

The Clerk read as follows:

General expenses, library: For books of reference, technical and scientific books, papers, and periodicals, and for expenses incurred in completing imperfect series; for the employment of additional assistants in the city of Washington and elsewhere; for official traveling expenses, and for library fixtures, library cards, supplies, and for all other necessary expenses, $18,000.

Total for library, $50,160.

Mr. BORLAND. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 65, at the end of line 11, add the following: "No part of any amount herein appropriated shall be used to pay salaries or for personal services in any department, bureau, or office in the District of Columbia which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act approved March 15, 1898, require eight hours of labor each day."

Mr. LEVER. Mr. Chairman, I reserve the point of order on that. Let me suggest to the gentleman that his amendment would come in the bill more properly later on. This is the library here, and the gentleman would inject this proposition into the very body of the bill.

Mr. BORLAND. I will say to the gentleman that I think this is an appropriate place. We have gotten down now to the point of miscellaneous expenses—stationery, blank books, and all that sort of thing. I assume it would come in here as appropriately as covering the clerical employees that preceded it, just as much so as it would anywhere else, but I have no choice as to where it comes in.

Mr. LEVER. We have yet to pass on the States Relation Service and the Bureau of Markets and a number of other things carrying statutory salaries. I think it would be better at the end of the bill. I make that suggestion to the gentleman.

Mr. MONDELL. I suggest to the gentleman from South Carolina that this is a particularly good time to rise. The gentleman from Missouri [Mr. BORLAND] no doubt has some new and fresh and interesting observations to make on this important subject, and he can make them better when the committee reconvenes.

Mr. BORLAND. Mr. Chairman, I withdraw the amendment for the time being.

The Clerk read as follows:

Rent of buildings, Department of Agriculture: For rent of buildings and parts of buildings in the District of Columbia for use of the various bureaus, divisions, and offices of the Department of Agriculture, $158,689.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent to return to page 45 to take up a paragraph that went out on a point of order, in order that I may offer a substitute for it.

Mr. STAFFORD. What is it?

Mr. RUBEY. The paragraph in regard to the pay for traveling expenses in the Forest Service.

Mr. STAFFORD. Mr. Chairman, I think it would be better to make that request at the convening of the next session. The gentleman who made the point of order is not present in the Chamber at this time.

Mr. RUBEY. I have an idea of getting the amendment in the RECORD, and then we could rise, and that would give opportunity to see what it is, and we could act upon it to-morrow.

Mr. MONDELL. I have no objection to that.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to return to page 45 of the bill; that he be permitted to offer an amendment to the section where lines 12 to 17 were stricken out on a point of order. Is there objection?

Mr. MONDELL. Mr. Chairman, I have no objection to returning to that paragraph for that purpose, but I do think this is not the hour, with this very limited attendance, to do that.

Mr. RUBEY. We will not press the amendment to-night. It is not my intention to do that.

Mr. MONDELL. If the committee rose, the matter might be presented to-morrow.

Mr. RUBEY. I just wanted to get it in the RECORD, so that we can proceed with it to-morrow.

Mr. LEVER. I do not think the gentleman from Wyoming understands. It is not the intention of the gentleman from Missouri to press the amendment to-night. He desires to have permission to return and have it printed in the RECORD as pending.

Mr. MONDELL. Does the gentleman from South Carolina expect to rise then?

Mr. LEVER. As soon as the gentleman from Wisconsin [Mr. STAFFORD] is through. I believe he desires to ask me some questions. To protect everyone, I shall reserve the point of order on the proposed amendment of the gentleman from Missouri myself.

The CHAIRMAN. The Chair will state the request of the gentleman. The gentleman from Missouri asks unanimous consent to return to page 45, and that he be permitted to offer an amendment and have it pending to the bill, and the gentleman from South Carolina reserves all points of order against the amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. RUBEY. Mr. Chairman, I offer this amendment as a separate paragraph in lieu of that stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. RUBEY offers the following as a new paragraph in lieu of the one stricken out, on page 45, lines 12 to 17, inclusive: Whenever the Secretary of Agriculture shall determine after investigation that the expenses of travel can be reduced thereby he may, in lieu of actual traveling expenses, under such regulations as he may prescribe, authorize the payment of not to exceed 2 cents per mile for a motorcycle or 6 cents per mile for an automobile, used for necessary travel on official business in the Forest Service.

Mr. LEVER and Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. MONDELL. Mr. Chairman, pending the gentleman's request, I ask unanimous consent that I may revise and extend my remarks on the last amendment offered by me.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Chairman, I rise to ascertain information from the chairman as to whether the Department of Agriculture is being pressed for additional space for quarters by reason of war activities. That subject is a very live one in the Committee on Appropriations, which is considering quarters for all the departments and various Government establishments other than the Agricultural Department, and I thought it was proper at this time to obtain some general information as to the condition in the Agricultural Department.

Mr. LEVER. Mr. Chairman, my colleague on the committee, the gentleman from Mississippi [Mr. CANDLER], has made a very full investigation of the whole matter, and I will ask him to answer the question.

Mr. STAFFORD. I am most concerned as to what additional quarters will be needed by reason of increased activities in the Department of Agriculture by reason of the war.

Mr. CANDLER of Mississippi. I will state to the gentleman that there is considerable additional space that appears to be absolutely necessary by reason of the extension of their activities growing out of the war. The Secretary himself furnished quite an extensive statement with reference to the matter.

The necessity for these additional quarters appears to be absolutely necessary. He says:

In my letter to you last January, printed in the CONGRESSIONAL RECORD of January 6, 1917, I referred briefly to the growth of the Department of Agriculture in recent years. I stated that for the fiscal year 1908 (in which year the two new laboratory buildings, known as the east and west wings, were completed and occupied) the total appropriations to the department were $13,037,802, of which $12,595,502 was actually disbursed. For the fiscal year 1917 the total appropriations to the department were $36,128,852, or nearly three times the disbursements in 1908. By the food-production act (Public, No. 40, 65th Cong.) approved August 10, 1917, an additional sum of $11,346,400 was appropriated for work devolved upon this department. Without additional clerical and supervisory employees in Washington these new lines of work can not be carried on and a place for them to work must be provided. Under great and increasing difficulties due to the demand for Government offices in Washington, we have secured a portion of the additional space needed, but we need more for the regular work of the department under the agricultural appropriation act, without regard to any additional projects which may be authorized under emergency legislation.

Mr. STAFFORD. Will the gentleman give in concrete form the additional space that will be needed by the Agricultural Department during the ensuing fiscal year for its additional work and the present work?

Mr. CANDLER of Mississippi. If the gentleman will permit, I would suggest that I have an extensive statement here in reference to it, and I will ask that it be inserted in the RECORD, so that we may have the benefit of it by to-morrow morning. That will give in detail the full information which the gentleman desires.

Mr. STAFFORD. Is the statement very extensive? I do not wish to burden the RECORD with a large number of tabulations.

Mr. CANDLER of Mississippi. It is not very extensive.

Mr. Chairman, I ask unanimous consent to print in the RECORD a statement in reference to the rents in the Agricultural Department.

The CHAIRMAN. The gentleman from Mississippi asks leave to extend his remarks in the RECORD, as indicated by him. Is there objection?

There was no objection.

The statement is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, January 24, 1918.

Hon. E. S. CANDLER,
House of Representatives.

DEAR MR. CANDLER: With reference to the space rented by the Department of Agriculture in the District of Columbia and the proposed increase in the appropriation for rent in the Agricultural appropriation act, I inclose a complete statement of buildings and parts of buildings rented, showing the present situation in detail (Exhibit A). This statement shows the annual rate to be paid under the leases but does not in all cases represent the amount actually paid in this fiscal year, since some of the leases were made after the fiscal year had run for some months, as shown by the column headed "date of first lease."

Last year, in advocating an increase in the rent appropriation, I referred to the department's desire to secure in this neighborhood where it would be close to the Secretary's office, a new building which would house the Forest Service (now at 930 F Street NW.) and provide room for needed expansion of other branches. In dealing with the matter I eliminated from consideration as sites for a new rented building the three squares immediately to the south of our main building, upon which Congress may at some future time extend the Government's own buildings, and required that the building be located east of Twelfth Street SW. where it would not interfere with any known plans for Government building. The two builders who submitted plans for a new building stated that they could not secure the necessary land east of Twelfth Street at a price which would enable them to erect a building and rent it to the department at a rate per square foot which we could afford to pay. The project therefore fell through and we have been obliged to rent such buildings uptown as we were able to find.

I may also state that at the time I wrote you on this subject last year (see CONGRESSIONAL RECORD of Jan. 6, 1917) we were renting 12,410 square feet in the Munsey Building, for the Bureau of Markets, paying therefor $14,000 per annum. At the request of the Council of National Defense we abandoned these quarters to the council on May 1, 1917, renting in lieu thereof the Busch Building at 710 E Street NW., which had just been abandoned by the Bureau of Mines. The rental of the Busch Building is $12,000 per annum for 36,159 (gross) square feet, so that we profited by the exchange in amount of floor space occupied. By rearranging quarters in the building at 1358 B Street SW., occupied by the Bureau of Animal Industry, we were enabled to bring the bureau of Markets offices nearer together and also to rent a small new building which had been erected at Linworth Place and B Street SW., by a Washington bank, but which was never used for bank purposes.

With the passage of the food-production act (Public No. 40, 65th Cong.), carrying $11,346,400, new and urgent tasks were laid upon the department and more space was imperatively needed. In particular, the work of the States Relations Service and the Bureau of Markets was largely increased, making necessary a large expansion in the Washington force of these bureaus. States Relations Service administers that portion of the act which provides for increasing food production and eliminating waste and promoting conservation of food by educational and demonstrational methods through county, district, and urban agents and others, under an appropriation of $4,348,400. This service has increased its Washington force by 135 employees. The Bureau of Markets has added nearly 1,200 employees to its Washington staff; that bureau having to conduct among other thing the food surveys provided for in section 8 of the act, under an appropriation of $2,522,000. The Bureau of Entomology has also required additional employees, the food-production act providing $441,000 for new work in the control and eradication of insect and plant diseases injurious to agriculture.

Regardless of new lines of work authorized and directed by the food-production act, the department's needs for space remain as urgent as ever. All quarters are crowded, and we have even been driven to partitioning off the ends of corridors in the east and west wings for office rooms. The Bureau of Chemistry in particular is much in need of additional space, it having no more room now than it had four years ago. The Bureau of Crop Estimates is overcrowded, and more space is needed for its actual current work. This is true also of the Bureau of Animal Industry, States Relations Service, and the Bureau of Markets. The estimates for additional space required, as made by the bureaus of the department, have been sharply scrutinized and freely pruned. In response to an inquiry from the chairman of the Committee on Appropriations I have estimated the department's probable requirements in this direction at 30,000 square feet, and this represents what we believe to be no more than actual needs. At the present uncertain and increasing prices demanded for office space in Washington it is by no means certain that the $15,000 increase asked for in the Agricultural appropriation bill will provide the amount estimated as necessary.

By virtue of authority given in the last urgent deficiency act (Public, No. 64, 65th Cong.) $15,000 of the appropriation for miscellaneous items in the food-production act (Public, No. 40, 65th Cong.) was made available for the payment of rent in the District of Columbia. By section 8 of this act (stimulating agriculture) the moneys appropriated are available only until June 30, 1918. The $15,000 increase recommended in the appropriation for rents in the Agricultural appropriation bill will do little more than provide for quarters already under rental if the authority to pay rent from the appropriation under the food-production act is not continued. It is impossible to forecast with exactness what the situation may be with regard to the department's needs for space in the future, but it is certain that we need and shall need additional quarters.

As you are, of course, aware, the situation in Washington with regard to quarters for Government offices is extremely difficult and complicated. While this department has been reasonably successful in securing a portion of its needed additional space at rentals which are not exorbitant (see checked items in Exhibit A), the demand for space by nearly all branches of the Government in Washington has sharply limited the available space and tempted owners of property to exact or try to exact higher prices. The department is opposed, of course, to paying exorbitant rents, and in the future, as in the past, will hold to its policy of keeping rents down to the lowest possible figure, even at the risk of taking over rather undesirable quarters. As examples of this, I may cite the fact that we have rented in this neighborhood an abandoned lunch room (approximately 3,000 square feet) at $1,000 per annum, and have under negotiation at this time the rental of an old dwelling house (about 2,800 square feet) at $45 per month. But the available supply of such buildings is limited by the increasing demand for houses in Washington, and we can not depend upon them for future needs. I recommend, therefore, that the increase of $15,000 in the appropriation for rents in the District of Columbia, carried in my estimates for the fiscal year 1919, be allowed in the Agricultural appropriation bill, to provide for departmental needs under that bill, without reference to any additional duties of an emergency nature which may be laid upon it by other legislation.

The highest rate per square foot paid by this department in Washington—except for one small room in the Munsey Building—is 86.4 cents per square foot. In this connection it is of interest to note the prices which the Bureau of Markets has been compelled to pay for office quarters in other cities for the Federal grain supervision work and other projects, as shown in the attached table (Exhibit B).

In my letter to you last January, printed in the CONGRESSIONAL RECORD of January 6, 1917, I referred briefly to the growth of the Department of Agriculture in recent years. I stated that for the fiscal year 1908 (in which year the two new laboratory buildings known as the east and west wings were completed and occupied) the total appropriations to the department were $13,037,802, of which $12,595,502 was actually disbursed. For the fiscal year 1917 the total appropriations to the department were $36,128,852, or nearly three times the disbursements in 1908. By the food-production act (Public, No. 40, 65th Cong.) approved August 10, 1917, an additional sum of $11,346,400 was appropriated for work devolved upon this department. Without additional clerical and supervisory employees in Washington these new lines of work can not be carried on and a place for them to work must be provided. Under great and increasing difficulties, due to the demand for Government offices in Washington, we have secured a portion of the additional space needed, but we need more for the regular work of the department under the Agricultural appropriation act without regard to any additional projects which may be authorized under emergency legislation.

Very truly, yours,

D. F. HOUSTON,
Secretary.

EXHIBIT A.—*Statement showing data in relation to rented buildings of the Department of Agriculture in the District of Columbia.*

Name or location of building.	Character of building.	Occupied as—	Occupied by—	Floor space (square feet).		Annual rental.	Annual rental (per square foot).		Date of first lease.	Owner or lessor.	Full assessed value; taxes paid on two-thirds of this amount.
				Net.	Gross.		Net.	Gross.			
1358 B Street SW.	Modern fireproof 8-story and basement office building.	Offices and laboratories.	Bureau Markets 40,948 Library 11,881 Biological Survey 8,208 Publications 7,710 Plant Industry 6,046 Crop Estimates 1,285	76,138	88,955	$35,200	$0.464	$0.397	Dec. 3, 1914	Mrs. H. M. Halliday, owner; F. H. Smith Co., agents, 815 15th St. NW.	$290,700
220 14th St. SW.	Modern fireproof 6-story and basement office building.	Offices and storage.	States Relations Service 25,887 Plant Industry 21,939	47,826	55,603	20,000	.418	.36	Aug. 28, 1912	Western Investment Co., owners; F. H. Smith Co., agents, 815 15th St. NW.	153,288
930 F St. NW. (Atlantic Building).	Old brick office building, 8-story and basement.	do	Forest Service	34,171	45,310	18,000	.526	.397	July 1, 1901	Atlantic Building Co., M. M. Parker, pres., 1413 F St. NW.	208,005
601 13th St. NW. (Homer Building). Portion of second and third floors.	Modern fireproof office building.	Offices	Bureau of Markets 10,290 Plant Industry 9,529	19,819	19,819	17,000	.857	.857	July 1, 1917	Washington New Theater Co., owners; F. H. Smith Co., agents, 815 15th St. NW.	1,303,050
216 13th St. SW. (Chemistry Building).	6-story and basement, modern fireproof laboratory building.	Offices and laboratories.	Bureau of Chemistry	40,610	56,154	16,000	.331	.284	Mar. 5, 1909	Peter J. Campbell and Wm. T. Shea, [illegible] Pa. Ave. NW.	146,722

EXHIBIT A.—*Statement showing data in relation to rented buildings of the Department of Agriculture in the District of Columbia*—Continued.

Name or location of building.	Character of building.	Occupied as—	Occupied by—	Floor space (square feet). Net.	Floor space (square feet). Gross.	Annual rental.	Annual rental (per square foot). Net.	Annual rental (per square foot). Gross.	Date of first lease.	Owner or lessor.	Full assessed value; taxes paid on two-thirds of this amount.
710 E St. NW. (Husch Building).	6-story and basement, brick office building.	Offices and storage.	Animal Industry. 20,191 Bureau of Soils.. 448	29,639	36,149	$12,000	$0.404	$0.331	May 1, 1917	Anheuser-Busch Brewing Association; J. L. Heiskell, agent, 1403 H St. NW.	$124,515
813-815 14th St. NW. (Willard Building).	Modern 8-story office building.	Offices and laboratories.	Public Roads and Rural Engineering.	27,775	33,851	9,300	.342	.281	Apr. 12, 1915	National Savings & Trust Co., 15th and N. Y. Ave., and H. K. Willard, trustees.	126,653
339-341 Pennsylvania Ave. NW. (Globe Building).	Old 4-story brick building, warehouse construction.	Congressional seed distribution.	Plant Industry	34,832	39,279	4,800	.137	.122	Sept. 1, 1912	R. W. Shoppell, owner, Warder Building.	40,969
215 13th St. SW	4-story, basement, brick building, built for warehouse purposes.	Offices, storage, and mailing.	Publications	15,674	18,258	4,000	.255	.218	Mar. 1, 1905	Norton M. Little, agent, 1413 H St. NW.	31,930
1316 B St. SW	Modern 3-story brick building.	Offices, files, and storage.	Office of Solicitor	8,554	9,792	3,000	.35	.306	May 1, 1904	John M. Beavers, owner, H and Water Sts. SW.	27,006
290 13th St. SW	3-story brick warehouse, remodeled.	Offices and laboratories.	Insecticide and Fungicide Board 7,424 Chemistry 1,000 Plant Industry 5,157 States Relations Service 4,955	8,424	9,843	3,000	.355	.304	Apr. 14, 1913	Frank J. Hogan, owner, Evans Building.	25,567
200-202 14th St. SW.	4-story and basement brick building, remodeled and fireproof.	Offices, laboratories, and storage.	Federal Horticultural Board 984 Biological Survey 677 Forest Applications 545	13,348	14,077	3,000	.243	.213	July 1, 1900	R. Harrison Johnson, 307 7th St. SW.	32,153
Linworth and B Sts. SW. (Harper Building).	3-story brick office building.	Offices	Animal Industry	5,602	6,405	2,700	.476	.421	May 1, 1917	Robert N. Harper, owner, District National Bank Building.	20,580
1304-06 B St. SW	3-story and basement, double brick structure.	Offices and storage.	Plant Industry	11,216	13,010	2,300	.222	.192	Sept. 1, 1901	Tyler & Rutherford, agents, 817 15th St. NW.	32,501
224 12th St. SW	3-story brick, double building.	do	Farm Management	9,164	11,804	2,500	.272	.21	Dec. 22, 1902	American Security & Trust Co., agents, 15th. St. and Pa. Ave. NW.	25,613
215 12th St. SW	Old 3-story brick residence.	Offices	do	2,129	2,510	450	.211	.16	Apr. 8, 1914	A. G. Belt, agent, 1309 G St. NW.	5,468
217 12th St. SW	do	do	Farm Management 1,249 Exhibits 806	2,055	2,596	430	.218	.173	Aug. 1, 1914	do	7,075
Munsey Building (room 658).	Modern granite, fireproof office building.	Offices Meat Inspection.	Animal Industry (field service).	360	360	420	1.15	1.15	July 1, 1917	Munsey Building Co., Munsey Building.	1,805,519
231 Linworth Place SW.	Modern brick and concrete, fireproof, 5-story and basement storage building.	Cotton storage and paper work.	Bureau Markets 19,623 Animal Industry. 853	20,476	22,067	5,400	.263	.245	June 1, 1906	Columbia Properties Co., Woodward Building.	40,991
220 Linworth Place SW.	New fireproof storage warehouse.	Storage of cotton and supplies.	Bureau Markets 10,271 Animal Industry. 4,521 Secretary's office. 208	15,000	15,820	3,750	.25	.237	Nov. 1, 1916	Boyle-Robertson Construction Co., Evans Building.	28,765
E St. SW. between 11th and 12th Sts. (Terminal storage warehouse.)	Modern fireproof storage warehouse.	Storage of cotton and paper.	Bureau Markets	4,519	4,519	1,200	.265	.265	July 23, 1917	Washington Market Co. (Inc.), 7th and Pennsylvania Ave. NW.	271,573.50
1315 C St. NW	2-story brick warehouse.	do	do	3,680	3,680	1,000	.271	.271	Dec. 20, 1915	W. D. Sullivan, 817 15th St. NW.	6,564
212-214 13th St. SW	Old 3-story brick residences.	Supply rooms and storage.	Bureau Chemistry	7,784	9,002	960	.123	.106	Dec. 1, 1894	Peter J. Campbell and Wm. T. Shea, 622 Pennsylvania Ave. NW.	13,138
215 12th St. SW. (rear).	2-story brick garage building.	Storage	Bureau Chemistry. 1,395 Biological Survey. 986 Bureau Markets 512	2,496	2,906	600	.24	.206	Aug. 1, 1915	Chas. A. Langley, 310 12th St. NW.	5,103
929 7th St. SW	Old warehouse	do	Bureau Soils 5,184 Public Roads 2,088 Animal Industry 779	8,051	8,552	600	.074	.07	June 1, 1913	George E. Walker, owner, 501 7th St. SW.	16,366
2511 M St. NW	New storage building.	do	Weather Bureau	2,332	2,332	500	.214	.214	Aug. 20, 1917	J. J. Leary, 1203 26th St. NW.	(1)
920 F St. NW. (portion of basement).	Office building	do	Forest Service	930	930	420	.451	.451	July 1, 1917	Ben Schwartz, 920 F St. NW.	93,768
913 E St. NW (rear)	1-story shop building.	Workshop	do	1,474	1,474	270	.185	.185	Nov. 1, 1902	Jeremiah O'Connor, owner, T. D. Walsh, agent, 1312 F St. NW	4,200
1228 C St. SW (rear)	Old 1-story and loft stable.	Storage	Public Roads	1,200	1,200	144	.12	.12	Aug. 1, 1907	C. D. Harvey, 1228 C St. SW.	600
215 Linworth Place SW. (rear).	1-story building of frame construction.	do	Animal Industry (meat inspection).	205	205	120	.401	.401	Aug. 1, 1915	Mrs. M. E. Winfield, owner, 333 11th St. SW.	300
349 Pennsylvania Ave. NW. (rear).	Garage	Automobile truck storage.	Plant Industry	233	233	84	.36	.36	Oct. 18, 1916	Robt. J. Michael, 349 Pennsylvania Ave. NW.	300
1312 B St. SW	2-story brick, with frame addition.	Offices	States Relations Service.	3,000	3,000	1,000	.333	.333	Nov. 16, 1917	Rufus J. Boyd, 1319 G St. NW.	8,814
Bank of Commerce & Savings (7th and E Sts. NW.).	Modern fireproof 4-story office building.	do	Bureau of Markets	6,800	6,800	5,200	.764	.764	Nov. 1, 1917	Bank of Commerce & Savings, 7th and E Sts. NW.	184,320

[1] Not assessed.

EXHIBIT A.—*Statement showing data in relation to rented buildings of the Department of Agriculture in the District of Columbia*—Continued.

Name or location of building.	Character of building.	Occupied as—	Occupied by—	Floor space (square feet). Net.	Floor space (square feet). Gross.	Annual rental.	Annual rental (per square foot). Net.	Annual rental (per square foot). Gross.	Date of first lease.	Owner or lessor.	Full assessed value; taxes paid on two-thirds of this amount.
Legal Building (8th and G Sts. NW.).	4-story and basement office building.	Offices	Bureau of markets	8,100	8,100	$7,000	$0.864	$0.864	Jan. 1, 1918	E. K. Fox, 1311 H St. NW.	$53,928
1120 Virginia Ave. SW.	Old 3-story brick residence.	do	Bureau of Entomology	2,800	2,800	540	.192	.192	Feb. 1, 1918	Wm. P. Normoyle, agent, 810 F St. NW.	5,097
				485,772	557,982	183,468	.3776	.3288			

The total rent ($183,468) is paid by—

Appropriation "Rent in the district of Columbia" $143,699

Other appropriations (meat inspection; warehouse act; determining cotton standards and spot markets; grain standards; cotton-futures act; stimulating agriculture and distribution of agricultural products) 39,770

All these appropriations carry specific authority to pay rent in the District of Columbia.

EXHIBIT B.—*Statement showing rentals paid by the Bureau of Markets in various cities for branch office space.*

City.	Project.	Building.	Area in square feet.	Annual rental.	Rate per square foot.
Jacksonville, Fla	Market news service on fruits and vegetables.	Bisbee	514	$480.00	$0.95
Omaha, Nebr	do	Farnam	594	540.00	.90
Baltimore, Md	Grain supervision	Garrett	1,519	2,094.20	1.37
Boston, Mass	do	Oliver	630	1,400.00	2.22
Do	Market news service on live stock and meats.	Fidelity Trust.	852	1,600.00	1.87
Chicago, Ill	Grain and hay market reporting service.	Board of Trade.	975	1,200.00	1.23
Detroit, Mich	Grain supervision	Holden	380	780.00	2.02
Memphis, Tenn	do	Exchange	523	780.00	1.48
New York City	Grain and hay market reporting service.	Lord's Court	630	1,220.00	1.93
Philadelphia, Pa	Grain supervision	Bourse	1,165	1,800.00	1.11
San Francisco, Cal.	Grain and hay market reporting service.	Merchants Exchange.	500	780.00	1.56

THE SECRETARY OF AGRICULTURE,
Washington, January 24, 1918.

Hon. E. S. CANDLER,
House of Representatives.

DEAR MR. CANDLER: The inclosed memorandum from the chief clerk may be of interest to you in connection with the Secretary's letter regarding the rental of buildings for the Department of Agriculture. You will note that we now pay $18,000 a year for the building occupied by the Forest Service, and that the lessors of the building have notified the department that if the Forest Service desires to remain in their present quarters it will have to be at an annual rental of $34,000.

Very truly, yours,

F. R. HARRISON,
Assistant to the Secretary.

MEMORANDUM WITH REGARD TO THE QUARTERS OCCUPIED BY THE FOREST SERVICE, UNITED STATES DEPARTMENT OF AGRICULTURE, IN THE ATLANTIC BUILDING, 930 F STREET NW.

With the exception of two stores and a barber shop on the first floor, the Forest Service occupies the whole of this building. The department's option of renewal on the lease expires with June 30, 1918, the end of the current fiscal year. Since July 1, 1915, the department has paid for these quarters $18,000 a year. The building is of the type known as "slow burning," not of modern construction, and its usefulness to the Forest Service has lately been reduced by the erection of a theater which closes several windows on the western side. The net available floor space in the building used by the Forest Service is 34,171 square feet, excluding halls.

The lessors of the building (the Atlantic Building Co.) have informed the department, in a letter dated December 28, 1917, that if the Forest Service "desires to remain in their present quarters, it will have to be at an annual rental of $34,000." This is an increase of $16,000, or 89 per cent over the rental now paid. With the present demand for quarters to house the offices of the Government in Washington, it will be extremely difficult, if not impossible, to find other quarters for the Forest Service, even at a much higher rental than the present rate of $18,000 per annum. This is cited to illustrate the difficulties the department experiences in attempting to provide office space for its bureaus.

R. M. REESE, *Chief Clerk.*

The Clerk read as follows:

States Relations Service.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9054, the Agricultural appropriation bill, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. PAIGE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. TALBOTT, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

"GARABED" PATENT.

Mr. CROSSER, from the Committee on Patents, submitted the conference report on House joint resolution 174, "for the purpose of promoting efficiency, for the utilization of the resources of the United States, for lessening the expenses of the war, and restoring the losses caused by the war, by providing for the employment of a discovery or invention called 'Garabed,' claiming to make possible the utilization of free energy," for printing under the rules.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Wednesday, January 30, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Navy, transmitting revised draft of a proposed bill to regulate the pay of retired chief warrant officers and warrant officers on active duty (H. Doc. No. 871) was taken from the Speaker's table, referred to the Committee on Naval Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 3387) to authorize and empower the President to create military zones around shipyards where vessels are under construction for the United States, reported the same with amendment, accompanied by a report (No. 272), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 2469) to authorize the change of name of the steamship *Caldera* to *A. T. Kinney*, reported the same without amendment, accompanied by a report (No. 273), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DENT: A bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 9353) to amend the Army appropriation bill; to the Committee on Military Affairs.

By Mr. CARAWAY: A bill (H. R. 9354) to amend the practice and procedure in Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. FOSTER: Resolution (H. Res. 238) to pay to Adah R. Sauer, widow of Charles L. Sauer, late messenger on the soldiers' roll of the House, a sum equal to six months' salary; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURROUGHS: A bill (H. R. 9355) granting an increase of pension to Harvey M. D. Hopkins; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9356) granting an increase of pension to Jason L. Boyd; to the Committee on Invalid Pensions.

By Mr. DALLINGER: A bill (H. R. 9357) for the relief of John A. Gauley; to the Committee on Claims.

By Mr. GANDY: A bill (H. R. 9358) granting a pension to Elmer Wagar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9359) granting a pension to John Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9360) granting a pension to George W. Martin; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota: A bill (H. R. 9361) granting a pension to Herbert L. Ellsworth; to the Committee on Pensions.

By Mr. KINCHELOE: A bill H. R. 9362) granting an increase of pension to Robert T. Ridings; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9363) granting a pension to Robert McCarty; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 9364) granting an increase of pension to John J. Bruner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9365) granting an increase of pension to Lewis Speie; to the Committee on Pensions.

Also, a bill (H. R. 9366) granting an increase of pension to Henry Burcham; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 9367) granting an increase of pension to David N. Landers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9368) granting an increase of pension to John J. Byrne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9369) granting a pension to Charles M. Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9370) granting a pension to Joseph P. West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9371) granting an increase of pension to Samuel E. Blair; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9372) granting a pension to Daniel D. Brothers; to the Committee on Pensions.

Also, a bill (H. R. 9373) granting an increase of pension to Freeman W. Waitt; to the Committee on Pensions.

Also, a bill (H. R. 9374) granting a pension to Thomas Dunn; to the Committee on Pensions.

Also, a bill (H. R. 9375) granting a pension to Benjamin Laurence; to the Committee on Pensions.

Also, a bill (H. R. 9376) granting a pension to Bartholomew F. O'Connor; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 9377) granting a pension to William J. Lawless; to the Committee on Invalid pensions.

By Mr. RUBEY: A bill (H. R. 9378) granting an increase of pension to T. J. Rowlett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9379) granting an increase of pension to Joseph Hellems; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 9380) granting an increase of pension to William G. Files; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 9381) granting an increase of pension to John Beattie; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 9382) granting an increase of pension to Dennis H. Hunt; to the Committee on Pensions.

By Mr. TAGUE: A bill (H. R. 9383) for the relief of Maud M. Sterling; to the Committee on Claims.

Also, a bill (H. R. 9384) for the relief of Rena Sterling; to the Committee on Claims.

Also, a bill (H. R. 9385) for the relief of Agnes M. Dempsey; to the Committee on Claims.

By Mr. VOLSTEAD: A bill (H. R. 9386) granting a pension to Agnes O'Brien; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9387) granting a pension to Minnie K. Martin; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petitions of druggists of Leavenworth and Marshall Counties, Kans., transmitted by Harry Dick, of Lawrence, Kans., in support of House bill 5531; to the Committee on Military Affairs.

By Mr. CALDWELL: Memorial of Elmhurst Men's Christian and Civic League of New York City, favoring war emergency prohibition bill; to the Committee on the Judiciary.

Also, petition of the Froebel League of New York, favoring maintenance of the kindergarten division in the Bureau of Education; to the Committee on Appropriations.

Also, petition of Central Labor Union of Brooklyn and Queens, of Brooklyn, N. Y., favoring passage of House bill 7356 relative to increase in pay of Government employees; to the Committee on Appropriations.

By Mr. DALE of New York: Petition of George W. Sturtevant, consulting engineer, Paradise-Verde project, favoring passage of Senate bill 758 relative to financing, etc., of irrigation and drainage projects; to the Committee on Agriculture.

Also, petition of the Froebel League of New York, favoring appropriation for maintenance of the Kindergarten Division in Bureau of Education; to the Committee on Appropriations.

Also, petition of Central Labor Union of Brooklyn and Queens, favoring passage of House bill 7356, for increase in pay of Federal civil employees; to the Committee on Appropriations.

Also, resolutions of the College Hall Library Club, Sherman, Tex., and of the Tyrone (Pa.) Chamber of Commerce, urging the repeal of that part of the war-revenue act dealing with second-class postal rates; also, a letter from Hogan & Son, New York City, protesting against such repeal; to the Committee on Ways and Means.

By Mr. DENISON: Petition of James A. Mitchell, Butler, Ill., praying for increased rate of pay for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of rural letter carriers at Dongola, Ill., praying for increase in salaries of rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Harold L. Reese, Jonesboro, Ill., praying for increased rate of pay for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Charles E. Foster, of Cache, Ill., praying for increased rate of pay for rural letter carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Harvey D. Tinsley, of Mulkeytown, Ill., praying for increased rate of pay for rural carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Mr. Amos C. Harvey, of Thompsonville, Ill., praying for increased rate of pay for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Henry R. Hatfield, of Ava, Ill., praying for increase of rural carrier salaries; to the Committee on the Post Office and Post Roads.

Also, petition of John M. Stanfield, of Christopher, Ill., praying for increase in salaries of rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Warren J. Melliere, of Prairie du Rocher, Ill., praying for increase of salaries for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Thomas H. Reid, H. T. Marshall, Joseph Weir, and H. S. Heitmann, praying for an increase of salary for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of F. P. Anderson, of Pinckneyville, Ill., praying for increase of salaries for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of C. E. Malan, of Pinckneyville, Ill., praying for increase of salaries of rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Louis P. Ahlers, of Pinckneyville, Ill., praying for increase of salaries of rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of William Owens, of Pinckneyville, Ill., praying for increase in salary of rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Samuel A. Leemon, of Sparta, Ill., praying for increase in rate of pay for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Charles L. Hileman, of Anna, Ill., praying for increased rate of pay for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Harley R. Blick, of Anna, Ill., praying for an increase of salaries for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Louis M. Boren, of Alto Pass, Ill., praying for increase of salary for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Samuel Griggs, of Creal Springs, Ill., praying for increase of salary for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Harry Payne, of Benton, Ill., praying for increase of salary of rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Ernest B. Hampton, of Benton, Ill., praying for increase in salary for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of C. T. Eddleman, of Dongola, Ill., praying for increase of salary for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Jodie Bell, of Pulaski, Ill., praying for increase in salary of rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Edgar D. Gordon, of Ava, Ill., praying for an increase of pay for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Frank Gandy, Ullin, Ill., praying for increase in salary of rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of George W. Creed, Benton, Ill., praying for increase of salary of rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Samuel G. Williamson, Ava, Ill., praying for increase of salary of rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Oliver I. Underwood, Carbondale, Ill., praying for increase of salary for rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Charles N. Grey, praying for increase of salary for rural mail carriers for Pinckneyville, Ill.; to the Committee on the Post Office and Post Roads.

Also, petition of Ernest Brooks, Cobden, Ill., praying for increase in salary of rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Memorial of the Tyrone (Pa.) Chamber of Commerce, for the repeal of the second-class postal provisions of the war-revenue act; to the Committee on Ways and Means.

Also, petitions of rural-mail carriers of the twelfth district of Illinois, for increased compensation; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Petition of Norris C. Stroud, Philadelphia, Pa., urging legislation to develop the water-power resources of the country; to the Special Committee on Water Power.

By Mr. JOHNSON of Washington: Resolutions adopted by Meridian Grange, No. 265, Kent, Wash., urging that the sale of Government securities at prices below par be made a treasonable offense; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 8228, granting increased pension to Henry Loveland; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 8523, granting increased pension to Thomas F. Regan, alias George C. Bennett; to the Committee on Invalid Pensions.

By Mr. MOON: Papers to accompany House bill 9341, for the relief of Jesse C. Eldridge; to the Committee on Invalid Pensions.

By Mr. MORIN: Three hundred citizens of the fifteenth ward of Pittsburgh, Pa., believing that war prohibition would be the means of conserving large quantities of foodstuffs, urge the immediate enactment of national prohibition; to the Committee on the Judiciary.

By Mr. STINESS: Petition of war council of the Providence Chamber of Commerce, urging passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TAGUE: Petition of Union Label Trades Department of the American Federation of Labor, on revenue law; to the Committee on Ways and Means.

Also, petition of N. E. Power Co., Worcester, Mass., on universal military training; to the Committee on Military Affairs.

Also, petition of Trade Association of South Boston Business Men, on present coal situation; to the Committee on Agriculture.

Also, petition of Dorchester Retail Merchants' Committee, Dorchester Board of Trade, Boston, Mass., on present coal situation; to the Committee on Agriculture.

Also, petition of Colgate & Co., on daylight saving; to the Committee on Interstate and Foreign Commerce.

By Mr. WALTON: Resolutions adopted by the citizens of Roswell, N. Mex., protesting against the creation of a war council; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *January 30, 1918.*

Rev. Hugh T. Stevenson, of the city of Washington, delivered the following prayer:

Almighty and eternal God, Thou in whom we live, move, and have our being, as a Nation and as individuals we turn to thank Thee, O Thou God of Washington, Lincoln, McKinley, and our fathers, that in every hour of our Nation's crisis Thou hast heard and answered the prayers of our people and hath led us in time of storm and stress to success. Once more we come to Thee as the shadow of death hath entered the ranks of the membership of the Senate and ask Thee in the name of our risen Lord to give unto the membership of this Senate of the presence of the Holy Spirit that they may be comforted in their personal loss; and what we ask for them we beseech Thee to grant especially to the members of the bereaved family, the wife and children and those who looked to the Senator from New Jersey as a guide in the affairs of life. We beseech Thee not only to remember them, but we ask Thee to be with the homes where to-day throughout the Nation there are anxious thoughts and anxious hearts. Sustain and strengthen them. Help them by Thy presence that they may rejoice that one of their own has been offered upon the altar of freedom for Thy glory; and be with those who are called to go down into the valley of the shadow of death.

We ask Thee to be with the men of our Army and of our Navy where they are on land or on the infested sea or in the air. Watch over, sustain, and strengthen them. Grant that in the hour of battle they may be conscious of Thy presence. Be with them in the hour of struggle in France and in the camp where they may be in this land, as representatives of Thee and of the Nation, that they may have that righteousness and that spirit which exalteth a people.

We ask especially that Thy spirit may be granted unto every Government employee, to the courts, to Members of the House, the Senate, the Cabinet, and the President of our country, that under the leadership of Thy Holy Spirit we may be guided in this hour as a Nation to glorify and honor Thee. To this end help us as a people to lay aside every weight and the sin that doth so easily beset us. May a spirit of unselfishness enter into the service for humanity that the principles of democracy and of liberty and of international justice may be preserved, and, finally, based upon the eternal truths of Thy revealed word, that there may come a permanent and perpetual peace. To this end grant that Thy direction shall be given unto the Senate in this hour and to our Nation throughout all coming days. In the name and to the glory of our risen Lord we ask it. Amen.

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 9160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 195) providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla., and it was thereupon signed by the Vice President.

MILITARY SERVICE OF ALIENS.

The VICE PRESIDENT. The Chair lays before the Senate the following letter from the Secretary of State, which will be read.

The Secretary read as follows:

THE SECRETARY OF STATE,
Washington, January 29, 1918.

MY DEAR MR. VICE PRESIDENT: Inasmuch as the Senate, on July 31 (calendar day, August 1), 1917, resolved that the President be requested to enter into agreements with the European nations engaged in war against the central powers of Europe authorizing and empowering the United States to apply the provisions of the draft act of May 18, 1917, to citizens or subjects of such nations domiciled in the United States, I deem it proper to make the following report on the progress of negotiations looking to the conclusion of such agreements.

As soon as a suitable proposal could be formulated in conjunction with the War Department, it was submitted to the cobelligerents of the United States as a basis for diplomatic negotiations. As negotiations proceeded with the European nations, unforeseen difficulties interposed themselves, as, for example, the revolution in Russia and the German drive in Italy, which made it necessary for the time being to press more strongly negotiations in other quarters. For this reason, and also on account of the fact that the laws and conditions in Great Britain and Canada were more nearly like those in the United States, negotiations proceeded more rapidly with those countries. Moreover, in the interest of obtaining agreements with the European nations as nearly uniform as possible for reasons of efficient administration in the United States, it was deemed best to reach an agreement, if possible, with some country which might be used as a model for the agreements with the other countries.

It is with pleasure, therefore, that I have to report that at the present time we are in agreement with Great Britain and with Canada as to the terms of separate conscription conventions which now, but for a few verbal changes, await the signature of the representatives of the Governments concerned before being sent to the Senate.

In brief these conventions, which are in effect practically alike, give to persons under the convention the option to return to their own country for military service within a certain limited period. After the expiration of this period, such persons are subject to military service under the laws and regulations of the country in which they choose to remain, provided that for British and Canadians in the United States the ages for military service shall be 20 to 40 years, both inclusive, and in respect to Americans in Great Britain and Canada the ages for military service shall be limited to those of the draft act of May 18, 1917.

These conventions also give the right to the contracting parties to exempt their citizens or subjects from military service abroad in case it is regarded as necessary or desirable. The remaining provisions of the convention are of less importance and need not be mentioned here.

I have no objection to this letter being made public, if you so desire.

Very sincerely, yours, ROBERT LANSING.

Mr. STONE. Mr. President, while the Secretary of State says he has no objection to this matter being made public, it has been made public without ascertaining whether there was any objection. I think the usual course, with all due respect to the Chair, is to refer the communication to the Committee on Foreign Relations. It has been read, and I ask that the communication may be referred to that committee.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so referred.

CRIPPLED SOLDIERS AND SAILORS.

The VICE PRESIDENT laid before the Senate a communication from the vice chairman of the Federal Board for Vocational Education, transmitting, in response to a resolution of the 28th instant, a preliminary study by the Federal board entitled "Vocational rehabilitation and placement of disabled soldiers and sailors" (S. Doc. No. 166), which, with the accompanying paper, was referred to the Committee on Education and Labor and ordered to be printed.

He also laid before the Senate a communication from the vice chairman of the Federal Board of Vocational Education, transmitting, in response to a resolution of the 28th instant, a study of the Federal board entitled "Rehabilitation of disabled soldiers and sailors and teacher training for occupational therapy" (S. Doc. No. 167), which, with the accompanying papers, was referred to the Committee on Education and Labor and ordered to be printed.

AMERICAN INSTRUCTORS OF THE DEAF.

The VICE PRESIDENT laid before the Senate a communication from the president of the Columbia Institution for the Deaf, transmitting, pursuant to law, the proceedings of the twenty-first meeting of the Convention of American Instructors of the Deaf, which, with the accompanying papers, was referred to the Committee on Printing.

WASHINGTON & OLD DOMINION RAILWAY (H. DOC. NO. 887).

The VICE PRESIDENT laid before the Senate the annual report of the Washington & Old Dominion Railway for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

SENATOR FROM IDAHO.

Mr. BORAH. Mr. President, I present the certificate of appointment of my colleague, Mr. NUGENT, and I ask that it be read and filed.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

Moses Alexander, governor of the State of Idaho.

To all to whom these presents shall come, greeting:

Know ye that, reposing special confidence in the integrity, diligence, and discretion of JOHN F. NUGENT, of Boise, Idaho, I have appointed and do hereby commission him United States Senator, representing the State of Idaho, and do authorize and empower him to execute and fulfill the duties of said office according to law, and to have and to hold the same with all the rights and emoluments thereunto legally appertaining unto him the said JOHN F. NUGENT for the term commencing the 22d day of January, 1918, and ending with the election and qualification of a successor.

In testimony whereof I have hereunto set my hand and caused to be affixed the great seal of the State of Idaho, done at Boise, the capital of Idaho, this 22d day of January, in the year of our Lord one thousand nine hundred and eighteen, and of the independence of the United States of America the one hundred and forty-second.

By the governor:

M. ALEXANDER.
[SEAL.] W. T. DOUGHERTY,
Secretary of State.

The VICE PRESIDENT. The credentials will be placed on file.

Mr. BORAH. Mr. President, Mr. NUGENT is in the Chamber and ready to take the oath of office.

The VICE PRESIDENT. If there be no objection, the newly appointed Senator will be conducted to the desk for that purpose.

Mr. NUGENT was escorted to the Vice President's desk by Mr. BORAH; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

COMMITTEE SERVICE.

Mr. MARTIN. Mr. President, I send to the desk an order assigning the junior Senator from Idaho [Mr. NUGENT] to certain committees, and I ask for its present consideration.

The order was read and agreed to, as follows:

Ordered, That Senator NUGENT be appointed to the following committees: Fisheries (chairman), Immigration, Indian Affairs, Revision of the Laws of the United States, Territories.

DEATH OF MAJ. A. P. GARDNER.

The VICE PRESIDENT. The Chair lays before the Senate the following communication, which will be read.

The Secretary read as follows:

JANUARY 21, 1918.

DEAR MR. BAKER: Will you convey to the Vice President and the Members of the Senate of the United States my deeply grateful thanks for the resolutions passed by them on the death of Maj. Gardner. I am sensible of the honor done to my husband's memory and value this expression of it very highly.

Yours, sincerely, CONSTANCE GARDNER.

HOUSE BILL REFERRED.

H. R. 9160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was read twice by its title and referred to the Committee on Pensions.

DEATH OF SENATOR WILLIAM HUGHES.

Mr. FRELINGHUYSEN. Mr. President, it is with a feeling of profound sorrow that I have to announce to the Senate the death of my colleague, Senator HUGHES. I shall ask the Senate at some future time to set aside a day when proper tribute may be paid in recognition of his services to his State and to the country.

I send to the desk the following resolutions and ask for their adoption.

The resolutions (S. Res. 192) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM HUGHES, late a Senator from the State of New Jersey.

Resolved, That a committee of 15 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. HUGHES, to be held in the city of Paterson, N. J.

Resolved. That the Secretary communicate these resolutions to the House of Representatives.

Under the second resolution the Vice President appointed the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from Kentucky [Mr. JAMES], the Senator from North Carolina [Mr. SIMMONS], the Senator from Mississippi [Mr. WILLIAMS], the Senator from Arizona [Mr. SMITH], the Senator from Nevada [Mr. PITTMAN], the Senator from New Hampshire [Mr. HOLLIS], the Senator from Colorado [Mr. THOMAS], the Senator from California [Mr. PHELAN], the Senator from Utah [Mr. SMOOT], the Senator from North Dakota [Mr. MCCUMBER], the Senator from Washington [Mr. POINDEXTER], the Senator from Michigan [Mr. TOWNSEND], the Senator from Indiana [Mr. NEW], and the Senator from New York [Mr. CALDER] the committee on the part of the Senate.

Mr. FRELINGHUYSEN. Mr. President, I move, in solemn respect to the memory of the deceased Senator, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 31, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 30, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, grant us, we pray Thee, the light of Thy wisdom and the strength of Thy will this day, that we may fix our heart upon no object, nor put our hand to any work, upon which we can not ask Thy blessing at its close; that we may—

Do noble things, not dream them all day long,
And so make life, death, and that vast forever
one grand, sweet song—

in imitation of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roster of committees.

The Clerk called the Committee on Irrigation of Arid Lands.

Mr. TAYLOR of Colorado. Mr. Speaker, the Committee on the Irrigation of Arid Lands has only one bill on the calendar, and it is the sentiment of the committee that we should make some alterations in this bill before asking the House to consider it. Therefore the committee will waive its right this morning and will not call up the bill.

The SPEAKER. The Clerk will call the next one.

ENLISTMENT OF ALIENS.

The Clerk called the Committee on Immigration and Naturalization.

Mr. BURNETT. Mr. Speaker, I am directed by the Committee on Immigration and Naturalization to call up the bill (H. R. 5067) to provide for the deportation of certain aliens, and for other purposes.

Mr. FLOOD. Mr. Speaker, may I ask the gentleman a question?

Mr. BURNETT. Yes.

Mr. FLOOD. I would like to ask the gentleman if the subject matter of that bill is the same as that of the treaties that the State Department has been negotiating with our allied friends in reference to their subjects being enrolled in this country?

Mr. BURNETT. In reply to that question, Mr. Speaker, I had a conference with the very able Solicitor of the State Department about a week ago, and he informed me that they had negotiations pending, and had had for some time, looking to the conscription of aliens, an agreement with the cobelligerent countries at war with the central powers for the conscription by our Government of aliens from those cobelligerent countries. At that time he had made some progress, and I notice in the press this morning a statement by Mr. Rogers that they have perhaps negotiated an agreement with Great Britain and Canada.

The subject matter of this bill would be covered to a great extent by those negotiations; but this bill goes a great deal further in some respects, because it forbids the entrance into this country of those who are subject to military duty in those belligerent countries. This bill in its first section provides that no alien who is eligible to naturalization and who is a subject or citizen of a country that is engaged in war with the central powers shall ever become a naturalized citizen of this country; that is, if he is subject to the draft. It further provides that unless they withdraw their claims for exemption from the draft—those who have made it or those who claim exemption from the draft hereafter—they shall be deported as soon as practicable.

Now, I do not know to what extent the treaties that the State Department contemplates go in regard to those propositions.

Mr. FLOOD. If the gentleman will yield to me for a few moments, I will tell him what the agreement is with Great Britain and Canada. I received a letter from the Secretary of State just a few moments ago in which he makes a statement in reference to the treaties concluded with Great Britain and Canada. The latter part of the letter outlines the provisions. The Secretary says, in part:

It is with pleasure, therefore, that I have to report that at the present time we are in agreement with Great Britain and with Canada as to the terms of separate conscription conventions, which, but for a few verbal changes, now await the signature of the representatives of the governments concerned before being sent to the Senate.

In brief, these conventions, which are in effect practically alike, give to persons under the convention the option to return to their own country for military service within a certain limited period. After the expiration of this period such persons are subject to military service under the laws and regulations of the country in which they choose to remain, provided that for British and Canadians in the United States the ages for military service shall be 20 to 40 years, both inclusive, and in respect to Americans in Great Britain and Canada the ages for military service shall be limited to those of the draft act of May 18, 1917.

These conventions also give the right to the contracting parties to exempt their citizens or subjects from military service abroad in case it is regarded as necessary or desirable. The remaining provisions of the convention are of less importance and need not be mentioned here.

I just wanted to make this statement to the gentleman from Alabama. I was called up by Mr. Woolsey, Solicitor of the State Department, a few moments ago, and he stated that not only had agreements between Great Britain and Canada been reached, but our Government was almost in agreement with France and Italy. Conventions with those countries have practically been reached, and if we undertake to legislate on the subject at this time it would, he thought, interfere with the negotiations, and in consequence we could not effect as satisfactory conventions with Italy and France.

Mr. CAMPBELL of Kansas. Mr. Speaker, may I inquire of the gentleman as to whether the State Department regards the treaty as more effective than the passage of the bill in accomplishing the desired purpose for both the citizens of this country and of the country that is affected?

Mr. FLOOD. The State Department regards the treaty as thoroughly effective, and believes it would not create irritation between this country and those countries with whom we are associated in this war.

Mr. CAMPBELL of Kansas. Is it believed that the treaties would reach more people than would the legislation proposed?

Mr. FLOOD. It would reach all of the subjects of those countries now in this country.

Mr. CAMPBELL of Kansas. It would reach all their subjects?

Mr. FLOOD. Yes.

Mr. CAMPBELL of Kansas. How would it affect our citizens in the other countries?

Mr. FLOOD. It gives them the same right as to our citizens in their countries that we would have with respect to their citizens in this country.

Mr. CAMPBELL of Kansas. While the legislation we enact would not touch our own citizens in those countries?

Mr. FLOOD. No. Of course, we could only legislate concerning ourselves.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. I yield.

Mr. FESS. Do I understand that this legislation at this stage would interrupt diplomatic matters now under consideration to the extent that we might be defeated in the very thing that the legislation now looks to?

Mr. FLOOD. Yes. That statement was made to me by the Solicitor for the State Department not an hour ago.

Mr. FESS. I have been in favor of this legislation, I will say to the gentleman.

Mr. FLOOD. I would say also that I have been very heartily in favor of this legislation.

Mr. FESS. May we have assurances that treaty relations will be closed without unnecessary delay of time?

Mr. FLOOD. Certainly. There will be no unnecessary delay. The agreements have been concluded with Great Britain and with Canada, and they should be concluded with France and Italy in a short time.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. Is the agreement between this country and Great Britain now in effect?

Mr. FLOOD. No; it is not in effect, because the Senate has not ratified it, but it should be in effect in a few days.

Mr. WALSH. Will the gentleman state the ages between which citizens of the United States now resident in these other countries will be given the option of returning to this country from France and Great Britain or entering the military service there?

Mr. FLOOD. Between the ages fixed in our draft act of May, 1917—21 and 31 years.

Mr. WALSH. But that does not apply to the citizens of those countries who are resident here?

Mr. FLOOD. No.

Mr. WALSH. As to citizens of those countries resident here, what are the age limits?

Mr. FLOOD. Between 20 and 40.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. FLOOD. Yes.

Mr. SLAYDEN. Do I understand the gentleman from Virginia to say that he wants action delayed on this bill which the Committee on Immigration has brought in, because treaties are being made at this time between Great Britain and the United States and between other countries and the United States, and that that with Great Britain has been concluded?

Mr. FLOOD. I stated that.

Mr. SLAYDEN. Is the British treaty in any way dependent upon the others? Do they go together?

Mr. FLOOD. They do not go together, but the British treaty is to be taken as a model for the others.

Mr. JOHNSON of Washington. It ought to be stated that a separate treaty had to be made with the Dominion of Canada.

Mr. FLOOD. Yes.

Mr. JOHNSON of Washington. Because that is in effect a separate government, making its own laws.

Mr. FLOOD. Yes; they have made two treaties—one with Great Britain and one with Canada—but they are exactly similar, and they are to be taken as the guide for the others, which are in process of being agreed upon right now. The State Department called me up and asked me to see the chairman of the Committee on Immigration and Naturalization and request him to let this matter go over to-day, saying that it was of the utmost importance that the department should not be hampered in its negotiations with France, Italy, and other nations by the discussion or enactment of this bill.

Mr. KINKAID. Will the gentleman yield for a question?

Mr. FLOOD. I yield to the gentleman.

Mr. KINKAID. Do the provisions of the pending bill conform to the provisions of these treaties?

Mr. FLOOD. I could not answer that question.

Mr. KINKAID. If the bill does not conform to the treaty agreements so far made, and to those not made which are in contemplation, would the effect of the passage of this bill be to revoke the authority of our representatives in the treaty making with France and Italy?

Mr. FLOOD. I will say to the gentleman that the bill in the House covers exactly the same subject that the treaty covers. I do not think it would revoke the treaty.

Mr. SHERLEY. If the gentleman will yield, I can answer that.

Mr. KINKAID. Would it have the effect of revoking the authority of the treaty-making representatives of the United States?

Mr. FLOOD. I think not; but the statement was made that if this legislation progresses to-day it will greatly embarrass the representatives of the United States in bringing about the treaties with France and Italy.

Mr. KINKAID. It would be embarrassing in a diplomatic way?

Mr. FLOOD. Yes.

Mr. SHERLEY. An act of Congress in conflict with a treaty previously made repeals that treaty to the extent of the conflict. A treaty dealing with matters properly within the treaty-making power made subsequent to an act of Congress would repeal the act of Congress to the extent that it would be in conflict with that act.

Mr. KINKAID. We will agree on that.

Mr. SHERLEY. My first statement is not a matter of theory. That exact question has been decided by the Supreme Court of the United States.

Mr. KINKAID. We will agree on that. I was simply inquiring as to the diplomatic feature.

Mr. FLOOD. I so understood the gentleman, and was simply answering his inquiry as I understood it.

Mr. JOHNSON of Washington. I wanted to say that I undertook to make some inquiries of the State Department this morning, and was informed that a letter had been sent to Congress——

Mr. FLOOD. I have that letter.

Mr. JOHNSON of Washington. I think in addition to the gentleman's letter there is a letter sent to the other body, which would have been placed in the RECORD yesterday if the Senate had been in session, and the Members of the House could have read it in the RECORD this morning; but the Senate was not in session yesterday. I believe that letter differs from the one which the gentleman from Virginia [Mr. FLOOD] has, and throws considerable light on this subject, and states the position of the State Department fully; and I doubt if this body would be warranted in going ahead without receiving that statement from the Secretary of State.

Mr. FLOOD. I fully agree with the gentleman.

Mr. ROGERS. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Massachusetts.

Mr. ROGERS. Is it not a fact that the State Department confidently expects that there will be no longer any great delay in negotiating similar treaties with practically all the other cobelligerents, including France and Italy, which are numerically the most important in this connection?

Mr. FLOOD. That is the confident hope and expectation.

Mr. PARKER of New Jersey. Will the gentleman yield for a question?

The SPEAKER. The Chair will state that all this talk is out of order. The whole thing is out of order. If any gentleman wants to get the floor——

Mr. PARKER of New Jersey. I ask unanimous consent to ask a question of the gentleman.

Mr. BURNETT. Mr. Speaker, in order to relieve that irregularity, I am perfectly willing that the gentleman from Virginia [Mr. FLOOD] may make this statement, and I ask unanimous consent that he may.

The SPEAKER. For how long?

Mr. BURNETT. For 10 minutes.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the gentleman from Virginia [Mr. FLOOD] have 10 minutes in which to express his opinion about this bill. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Will the gentleman permit a question?

Mr. FLOOD. I will.

Mr. PARKER of New Jersey. It has occurred to me that treaties have nothing to do with naturalization; they have with deportations; and I had therefore prepared a bill which, I think, is not subject to objection, which provides that any person claiming exemption because of his being a foreigner shall not be admitted to citizenship. And I apply that to neutrals as well. I do not think a man who is here and does not want to do the duties of a citizen ought to ask to become a citizen. It has been my purpose, if the other bill came up, on account of the objection of the State Department, to move the substitution with some such provision which I will be glad to hand to the gentleman from Virginia for his information.

Mr. FLOOD. I thank the gentleman.

Mr. PARKER of New Jersey. I want to say also that we are so much worried in my own home town, where there are hosts of aliens, by their claim for exemption from the draft and registration because they are aliens that some measure has got to be taken to prevent their laughing at the United States.

Mr. FLOOD. That is just what the State Department is about to accomplish.

Mr. PARKER of New Jersey. But there are aliens from countries that are not in the war. There are neutrals not in the war. I do not think that they ought to claim that they are not citizens of the United States and then afterwards claim the privilege of becoming citizens.

Mr. FLOOD. It does seem to me that when the State Department has been working on a matter of this kind for six or seven months, and this bill has been on the calendar for six months, held up for the purpose of permitting the State Department to go on with these negotiations, that its passage should not be insisted on now. We have concluded the negotiations with some of the nations associated with us in this war and are about to conclude negotiations with the other two most important nations. They will, in the course of time, conclude negotiations with all of them. I do not think this ought to be insisted upon when our representatives at this stage of the negotiations communicates to the House the fact that a discussion of this legislation to-day will embarrass them and probably destroy the effect of the work already accomplished. I do not think that it is an unreasonable request to ask that this measure be passed by.

Mr. GALLIVAN. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. GALLIVAN. Was not this the same story told to this House last September when another bill similar in purport to this one was up for consideration? Does not the gentleman recall that we were assured that the State Department was about to conclude its arrangement with other nations, and that when Congress met on the first Monday in December the whole thing would be adjusted?

Mr. FLOOD. I am not aware that the State Department ever announced to the House that it was about to conclude negotiations with any nation. The matter was postponed for the same reason that a postponement is being asked now, namely, that negotiations were being conducted, and now they have concluded negotiations with two of the most important nations, and are about to conclude the agreements with others, the reasons for postponement are stronger than ever. The matter was postponed because they were pressing the negotiations. There were interruptions; Russia broke down and that interrupted the negotiations before they came to a head with representatives of that country.

Mr. GALLIVAN. Is the gentleman able to say to the House whether all of the negotiations will be completed before the second draft is ordered?

Mr. FLOOD. On February 15? The negotiations with Great Britain and Canada should be, and I believe with some others, but of course I do not make the statement with any degree of certainty.

Mr. GALLIVAN. Will the gentleman state to the House whether or not in the next draft aliens who were exempt from the first draft will be placed at the head of the list in the second draft?

Mr. FLOOD. Oh, I do not know about that.

Mr. RAGSDALE. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. RAGSDALE. As a matter of fact, is it not a fact that with the opposition that has developed here and in the Senate it is not probable that relief could not be given by this as quickly as through the State Department, and that we could get more expeditious results through the work of the State Department than in trying to put this through Congress?

Mr. BURNETT. I think that is an incorrect hypothesis.

Mr. FLOOD. I will say that I am heartily in favor of the bill if it can be accomplished, but I think the negotiation of the treaties is better. We are about to reach that end and I think it will be unwise to interfere with the negotiations at this time. I agree with the gentleman from South Carolina [Mr. RAGSDALE].

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. GOODWIN of Arkansas. Is it not a fact that the American representative left on Friday for Ottawa to get the signatures of the Canadian representatives?

Mr. FLOOD. I have been so informed.

Mr. DENISON. Will the gentleman yield?

Mr. FLOOD. I will yield to the gentleman.

Mr. DENISON. I understood the gentleman to state that this might interrupt negotiations with other countries.

Mr. FLOOD. The Solicitor of the State Department stated that it would greatly interfere with the negotiations.

Mr. DENISON. Does not the gentleman think that if we go ahead and pass legislation it might lead to legislation of a similar nature by those Governments for themselves?

Mr. FLOOD. I should think it would.

Mr. DENISON. And it might not be as favorable to our citizens as we could get by treaties?

Mr. FLOOD. It undoubtedly would not be as favorable.

Mr. FESS. Will the gentleman yield?

Mr. FLOOD. I will yield to the gentleman from Ohio.

Mr. FESS. If we pass this legislation, which I am in favor of if the way was clear, we are doing it without consultation with other countries, and there is a possibility that it might seem to be an offense offered to them, especially if at the moment we do it we are having negotiations in progress. So there is some danger of defeating the very thing that we are trying to reach.

Mr. FLOOD. There is no doubt about that; no doubt the gentleman is right.

Mr. FESS. With that point in view, although very much in favor of the bill, I hesitate to vote for it at this time.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. Has the gentleman any information as to whether or not it is the purpose to delay the postponement of the second draft, so called, until after some arrangement is entered into with foreign nations?

Mr. FLOOD. I have heard of no such arrangement. I know that the State Department and the War Department have been in consultation about that matter, but I have heard of no such arrangement.

Mr. WALSH. Is there any conflict or confusion arising out of the fact that perhaps some of these subjects of foreign nations are registered under our draft law and may have decided to become subject to the draft and enter our service?

Mr. FLOOD. I do not catch the gentleman's idea.

Mr. WALSH. I want to inquire if in the gentleman's opinion any confusion or conflict may arise from the fact that these aliens residing in this country have all been registered, between the ages of 21 and 31, and that there may be aliens above the age of 31 in this country who have not registered but who may desire to waive their foreign citizenship and enter our military service?

Mr. FLOOD. I think that situation is provided for in this agreement with Great Britain.

Mr. WALSH. Does it provide for registering citizens above that age?

Mr. FLOOD. Up to 40 years of age.

Mr. WALSH. So that a supplementary registration will have to take place.

Mr. FLOOD. Of aliens above 31—I should think so.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. SABATH. The Foreign Affairs Committee, of which the gentleman is chairman, has reported a bill upon the subject taking care of the so-called slackers and subjecting them in a way to the selective draft. That bill is now reported, and provides also for other things.

Mr. FLOOD. To which bill does the gentleman refer?

Mr. SABATH. I mean the bill reported from the Committee on Foreign Affairs, which excludes from the operation of the alien-enemy act certain classes which we know are friendly to the United States, and which also provides for the naturalization of 76,000 of these aliens who have volunteered into the service and who are now in the service, and which bill has other provisions on this question. Do I understand that the State Department is also objecting to the consideration of that bill at this time?

Mr. FLOOD. That is a very different proposition. That is a proposition dealing with alien enemies.

Mr. SABATH. Yes.

Mr. FLOOD. This is a proposition dealing with alien friends and neutrals.

Mr. SABATH. But would not that bill take care of the slackers in a form that would not be objectionable to the foreign governments?

Mr. FLOOD. I think not. I think the bill the gentleman has in mind deals only with alien enemies, and that all of the provisions of it refer to alien enemies and would not be in conflict at all with the bill under consideration.

Mr. RAGSDALE. But is it not a fact that the State Department is in favor of that bill?

Mr. FLOOD. Yes. Mr. Polk, the Counselor for the State Department, appeared before the Committee on Foreign Affairs and so stated.

Mr. KINCHELOE. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. KINCHELOE. Presuming the fact that within a short while all these treaties with our allies will have been completed and put in effect, what will be the status of the bill that is now ready to come before the House?

Mr. FLOOD. It seems to me the wise thing to do with it would be to modify it so its provisions would not cover those matters covered by the treaty.

Mr. KINCHELOE. Will the treaty practically cover the defect that this bill is trying now to remedy?

Mr. FLOOD. The treaty does not go as far as the bill. This bill has some provisions in it not covered by the treaty.

Mr. OLNEY. These treaties concern only the cobelligerent nations?

Mr. FLOOD. Yes.

Mr. OLNEY. Is it not a fact that the State Department considers it pretty risky business to attempt to conscript alien enemies, and is it not also a fact that the State Department considers it undesirable to attempt to conscript the aliens of neutral countries, because if we adopt legislation like that what could prevent Mexico and Spain and Sweden, friendly countries to us, from conscripting our citizens in those countries into the military service?

Mr. FLOOD. I have not time to go into the questions suggested by the gentleman from Massachusetts.

Our able and efficient Secretary of State has for months been negotiating with those with whom we are associated in this war to bring about a satisfactory agreement with reference to this subject. As soon as a suitable proposal could be formulated in conjunction with the War Department it was submitted to the cobelligerents of the United States as a basis for diplomatic negotiations. As negotiations proceeded with the European nations unforeseen difficulties arose, as, for example, the revolution of Russia and the German drive in Italy, which made it necessary for the time being to press more strongly negotiations in other quarters. For this reason, and also on account of the fact that the laws and conditions in Great Britain and Canada were more nearly like those in the United States, negotiations proceeded more rapidly with those countries. Moreover, in the interest of obtaining agreements with the European nations as nearly uniform as possible, for reasons of efficient administration in the United States, it was deemed best to reach an agreement, if possible, with some country which might be used as a model for the agreement with other countries.

The agreements with Great Britain and Canada have been completed. Those with France and Italy are in process of conclusion. Gentlemen in charge of these negotiations feel that any legislation on the subject, or the passage of this bill by this House, would impede these negotiations and render greater the difficulties of bringing them to successful termination.

I hope, therefore, this bill will not be taken up at this time.

Mr. BURNETT. This bill does not conscript anyone. The remarks of the gentleman from Massachusetts [Mr. OLNEY] are not applicable, because this bill does not conscript anyone.

Mr. STAFFORD. Does it not provide that if the alien neutral does not enlist, he shall be absolutely deported at the conclusion of the war? If that is going to be the policy of this Government——

Mr. BURNETT. Oh, no; not an alien neutral.

Mr. STAFFORD. I was under the impression that it did apply to an alien neutral.

Mr. BURNETT. That is not the purpose at all. We do not attempt any such thing.

Mr. STAFFORD. I would like to ask the chairman of the Committee on Foreign Affairs whether, in his conferences with officials of the State Department, they have considered the complications that might arise in the enforcement of this first section, which requires those aliens who have not enlisted to be deported at the conclusion of the war?

Mr. FLOOD. No; I did not discuss that with anyone.

The SPEAKER. The time of the gentleman from Virginia has expired.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3448. An act granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 125. Joint resolution authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the Rotunda of the Capitol; to the Committee on the Library.

ORDER OF BUSINESS.

Mr. FORDNEY. I ask unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, I be permitted to address the House for 10 minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent that to-morrow, after the reading of the Journal and the disposition of business on the Speaker's table, he be permitted to address the House for not to exceed 10 minutes, not to interfere with conference reports and privileged matters. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. WILLIAM HUGHES, late a Senator from the State of New Jersey.

Resolved, That a committee of 15 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. HUGHES, to be held in the city of Paterson, N. J.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of deceased, the Senate do now adjourn.

And that in compliance with the foregoing resolutions the Vice President had appointed as said committee Mr. FRELINGHUYSEN, Mr. JAMES, Mr. PHELAN, Mr. HOLLIS, Mr. POINDEXTER, Mr. NEW, Mr. SMOOT, Mr. MCCUMBER, Mr. SMITH of Arizona, Mr. WILLIAMS, Mr. PITTMAN, Mr. SIMMONS, Mr. THOMAS, Mr. TOWNSEND, and Mr. CALDER.

DEATH OF SENATOR HUGHES, OF NEW JERSEY.

Mr. EAGAN. Mr. Speaker, it is my painful duty to announce to this House the death of the senior Senator from New Jersey, Hon. WILLIAM HUGHES, for many years a distinguished Member of this House. At a future date I shall ask that a day be set aside on which to pay tribute to his character and distinguished public services. I send to the Clerk's desk a resolution and ask its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 239.

Resolved, That the House has heard with profound sorrow of the death of Hon. WILLIAM HUGHES, a Senator of the United States from the State of New Jersey.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 15 members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The SPEAKER. The Chair announces the following committee, which the Clerk will report.

The Clerk read as follows:

Mr. EAGAN, Mr. BROWNING, Mr. BACHARACH, Mr. SCULLY, Mr. HUTCHINSON, Mr. CAPSTICK, Mr. RAMSEY, Mr. DRUKKER, Mr. GRAY of New Jersey, Mr. PARKER of New Jersey, Mr. LEHLBACH, Mr. HAMILL, Mr. RIORDAN, Mr. TILLMAN, and Mr. BURNETT.

The SPEAKER. The Clerk will complete the reading of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect, the House do now adjourn.

The SPEAKER. Is there objection to the consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADJOURNMENT.

Accordingly (at 12 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Thursday, January 31, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, requesting consideration of Navy Department's draft of bill in lieu of H. R. 8980 (H. Doc. No. 873); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of War submitting a proposed clause of legislation for inclusion in the urgent deficiency bill, reappropriating certain 1918 balances (H. Doc. No. 874); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the United States Army, together with a copy of a report from Mr. J. W. Sackett, assistant engineer in charge on preliminary examination of Canaveral Harbor, Fla. (H. Doc. No. 875); to the Committee on River and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers of the United States Army submitting a statement showing the name of each civilian engineer employed between July 1, 1916, and June 30, 1917, in the work of improving rivers and harbors (H. Doc. No. 876); to the Committee on Rivers and Harbors and ordered to be printed.

5. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Flora L. Hovey *v.* The United States (H. Doc. No. 877); to the Committee on War Claims and ordered to be printed.

6. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Henry C. Crosthwait, Lyman L. Crosthwait, and George A. Crosthwait, heirs of William Y. Crosthwait, deceased, *v.* The United States (H. Doc. No. 878); to the Committee on War Claims and ordered to be printed.

7. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mabel Henderson and Mary H. Fletcher, daughters of William P. Henderson, deceased, *v.* The United States (H. Doc. No. 879); to the Committee on War Claims and ordered to be printed.

8. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of A. H. Shonn, executor of the estate of Andrew J. Brown, deceased, *v.* The United States (H. Doc. No. 880); to the Committee on War Claims and ordered to be printed.

9. A letter from the chief clerk of the Court of Claims, transmitting a copy of the finding of the court in the case of John T. Gunn *v.* The United States (H. Doc. No. 881); to the Committee on War Claims and ordered to be printed.

10. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Addie P. Jones, widow of D. Lloyd Jones, deceased, *v.* The United States (H. Doc. No. 882); to the Committee on War Claims and ordered to be printed.

11. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Enoch Smith, administrator of the estate of Harrison Fields, deceased, *v.* The United States (H. Doc. No. 883); to the Committee on War Claims and ordered to be printed.

12. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Mabel Cushman Hitt, daughter of William H. W. Cushman, deceased, *v.* The United States (H. Doc. No. 884); to the Committee on War Claims and ordered to be printed.

13. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of J. H. Reed, administrator of the estate of John B. Reed, deceased, *v.* The United States (H. Doc. No. 885); to the Committee on War Claims and ordered to be printed.

14. A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the Court in the case of Milton Giles, Charles P. Giles, and Aldana C. Burr, children and heirs of Ezekiel Giles, deceased, *v.* The United States (H. Doc. No. 886); to the Committee on War Claims and ordered to be printed.

15. A letter from the President of the Washington & Old Dominion Railway, transmitting report of the Washington & Old Dominion Railway for the 12 months ending December 31, 1917, in compliance with requirements of section 10, act of Congress June 30, 1896 (H. Doc. No. 887); to the Committee on the District of Columbia and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARK: A bill (H. R. 9388) to authorize the President of the United States to advance officers on the retired list, now on active duty, who were wounded in battle in the service of the United States; to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 9389) to amend sections 10 and 37 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 9390) to promote the efficiency of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. BRITTEN: A bill (H. R. 9391) for the relief of retired officers of the United States Navy; to the Committee on Naval Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 9392) making appropriation for payment of balances due by readjustment of salaries of postmasters under existing law; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9393) granting an increase of pension to James F. Larimore; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 9394) to correct the military record of William C. Wilson; to the Committee on Military Affairs.

By Mr. CONNELLY of Kansas: A bill (H. R. 9395) granting an increase of pension to Phoebe Riley; to the Committee on Invalid Pensions.

By Mr. KEHOE: A bill (H. R. 9396) granting a pension to Oma B. Richardson; to the Committee on Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 9397) granting an increase of pension to Marcellus Teeters; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 9398) granting a pension to Katherine Cotter; to the Committee on Pensions.

By Mr. PLATT: A bill (H. R. 9399) granting a pension to Hanna Wilson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9400) granting a pension to Sidney W. Ackerman; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 9401) granting an increase of pension to Robert W. Griffin; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petition of the Oneida & Western Railroad Co., asking for just treatment of short-line railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Evan O'Neill Kane, M. D., of Kane, Pa., suggesting a Federal dog tax to raise revenue for war wounded and alleviate food shortage; to the Committee on Agriculture.

By Mr. FULLER of Illinois: Petition of the Oneida & Western Railroad Co., asking equal treatment of the short-line railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Cordage Manufacturers' Association, relating to the manufacture and prices of manila hemp; to the Committee on Insular Affairs.

Also, petition of the Illinois Audubon Society, protesting against permission for grazing in the national parks and shooting privileges in the bird reservations; to the Committee on Public Lands.

Also, petition of Colgate & Co., for the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the College Hall Library Club, asking repeal of the increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. HADLEY: Resolution of the Meridian Grange, No. 265, Kent, Wash., requesting a law making it a treasonable offense for anyone to purchase, or attempt to purchase, securities of the United States at less than par; to the Committee on the Judiciary.

By Mr. RAKER: Petition of A. Berryessa, 748 Pacific Building, San Francisco, Cal., indorsement of bill providing for increase in the pay of civilian employees in the United States and the District of Columbia; to the Committee on Appropriations.

Also, resolution adopted by the Farmers' Educational & Cooperative Union of America, protesting against universal military training, by A. C. Davis, secretary, Gravette, Ark.; to the Committee on Military Affairs.

Petition of Colgate & Co., perfume makers, New York City, indorsement of daylight-saving plan; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Union Label Trades Department of the American Federation of Labor, favoring amendment to war-revenue law eliminating section dealing with second-class postage; to the Committee on Ways and Means.

By Mr. STRONG: Statements showing cost of operation and petitions for increase of pay from rural mail carriers in the twenty-seventh congressional district of Pennsylvania; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *January 31, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee day by day for Thy guidance that we may understand life with its great meaning and purpose, with its deep tragedy, in the light that Thou canst give to us. Our hearts are saddened as one by one our comrades in service drop out of the ranks of the living and are called to their reward beyond. We bless Thee for the association of everyone who has been faithful to the ideals of our great country and who has lived to promote the interests of the people. We pray that we may turn our hearts toward God, and may Thy guidance feel the touch of God upon our lives. May we so live that when we come to join that innumerable company passing out of the realms of light and day we may go with a consciousness of having done our best to serve our country and our God. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF THE COMPTROLLER OF THE CURRENCY (H. DOC. NO. 602).

The VICE PRESIDENT laid before the Senate the annual report of the Comptroller of the Currency for the year ended October 31, 1917, which was referred to the Committee on Banking and Currency.

CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 888).

The VICE PRESIDENT laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

GEORGETOWN GAS LIGHT CO.

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown Gas Light Co. for the year 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate on the joint resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

The message also announced that the House had passed a concurrent resolution providing for the printing of 500,000 extra copies of the Income Tax Primer, prepared by the Bureau of Internal Revenue, etc., in which it requested the concurrence of the Senate.

The message further transmitted to the Senate resolutions on the death of Hon. WILLIAM HUGHES, late a Senator of the United States from the State of New Jersey.

PETITIONS AND MEMORIALS.

Mr. McCUMBER. I present a resolution from a farmer's committee in my State, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Resolution adopted by the Farm Managers' Association at the ninth annual meeting at Fargo, N. Dak., January 16, 1918.

Resolved, That whereas the present labor situation is apt to seriously affect crop production, and whereas it is essential that as much as possible of our skilled farm labor be retained; that if a deferred classification can not be obtained, at least the call should be postponed until the crop is planted.

We would call attention to the fact that farm work is not specialized or simplified into a single line, but that a skilled farm laborer must be competent in many different lines; and that it takes a longer experience to qualify a man for skilled farm work than for factory work. No amount of book learning or instruction can take the place of actual experience at farm labor.

It is necessary to have this skilled labor as leaders in order to make use of untrained labor at all. There are no skilled farmers available if those now on the farms are taken, and if we lose the skilled labor no amount of unskilled labor can take their place or keep up production.

In live-stock raising the use of unskilled labor will result in such waste and loss as will make the maintenance of the live-stock industry impossible.

The farmer claims no exemption for his boys for their own sake or for his own business profits, but simply that necessary production be maintained. We would urge that county and district boards acquaint themselves most fully with the conditions above mentioned and with the facts in each case, and that where the facts prove a man to be a skilled farm laborer that he be classified as such.

It is within our knowledge that several boards seem to consider all farmers as common labor and have ignored the skilled quality of this labor entirely.

J. C. HOKE,
Ellendale, N. Dak.
W. W. BROWN,
Ashvale, N. Dak.
F. R. JOHNSON,
Casselton, N. Dak.

Mr. JONES of Washington. I have a telegram from the Seattle Chamber of Commerce and Commercial Club of Washington, urging that a further extension of time be granted for making out returns under the income-tax law. I move that it be referred to the Committee on Finance.

The motion was agreed to.

Mr. JONES of Washington presented a resolution adopted by Okanogan County Pomona Grange, No. 22, Patrons of Husbandry, of Washington, favoring Federal ownership and control of packing plants, which was referred to the Committee on Manufactures.

He also presented a resolution adopted by Okanogan County Pomona Grange, No. 22, Patrons of Husbandry, of Washington, favoring Federal control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Okanogan County Pomona Grange, No. 22, Patrons of Husbandry, of Washington, remonstrating against any change in the farm-loan act, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by Okanogan County Pomona Grange, No. 22, Patrons of Husbandry, of Washington, requesting Senators to use their influence in securing the desired seed wheat for homesteaders located on the south half of the Colville Indian Reservation, in that State, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial adopted by Okanogan County Pomona Grange, No. 22, Patrons of Husbandry, of Washington, remonstrating against the repeal of the oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by Okanogan County Pomona Grange, No. 22, Patrons of Husbandry, of Washington, favoring the payment of the income tax by Members of Congress, which was referred to the Committee on Finance.

He also presented a resolution adopted by Okanogan County Pomona Grange, No. 22, Patrons of Husbandry, of Washington, favoring a tax on all unused land, which was referred to the Committee on Finance.

He also presented a resolution adopted by Okanogan County Pomona Grange, No. 22, Patrons of Husbandry, of Washington, favoring the closing of all unnecessary business establishments during the war, which was referred to the Committee on Military Affairs.

Mr. VARDAMAN. Mr. President, I send to the desk a resolution adopted by the citizens of Indianola, Sunflower County, Miss., expressing confidence in the President in his conduct of the war and the manner of managing the fuel situation, and so forth. I ask that it may be printed in the RECORD without reading.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the citizens of Indianola and Sunflower County, Miss., in mass meeting assembled at Indianola on January 28, 1918, desire to express to President Wilson and the administration in the present crisis with the Imperial German Government our supreme confidence in the management and conduct of the war and preparations therefor by the President, it being the sense of this body that the critics of the President and his Cabinet should be most severely condemned, because we feel that criticism at such a time as this is most detrimental to the Nation's interests; that the criticisms recently made are born of partisanship and a desire to further political interests of the critics, all of which motives we most heartily condemn. This is not a time for criticism, but a time for action and support, and it is the unqualified duty of every citizen to uphold the administration rather than inject strife and partisanship: Now, therefore, be it

Resolved, That we hereby express our sincere faith and confidence in the administration and in the ability of President Wilson as Commander in Chief of the Army and Navy and his Cabinet to direct and manage the whole situation in the present emergency.

W. R. MARTIN, *Chairman.*
W. M. LOCKHART, *Secretary.*

Mr. TILLMAN. I have a telegram which I received several days ago, and which is now somewhat out of date, but the peculiar conditions obtaining in the Senate, as every one knows, prevented my presenting the telegram earlier. I now ask to have it read for the information of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

CHARLESTON, S. C., *January 26, 1918.*

Hon. B. R. TILLMAN,
The Senate, Washington, D. C.:

Traffic congestion in ice-bound northern ports seriously handicapping war measures while southern ports are comparatively idle. We respectfully call this to your attention, urging that you personally bend every effort to equitable diversion of this traffic through southern ports; freight rates to be readjusted where necessary to this end.

CHARLESTON CHAMBER OF COMMERCE.

Mr. PHELAN presented a petition of the California Cattlemen's Association, of San Francisco, Cal., praying that the park lands of the public domain in that State be thrown open for the use of the cattlemen of California, which was referred to the Committee on Public Lands.

He also presented a petition of the Salmon Packers of Alaska, the Alaska Fishermen's Union, and other affiliated organizations, praying for the establishment of a Government hospital in the Bristol Bay region, Alaska, which was referred to the Committee on Territories.

Mr. THOMAS. Mr. President, I have here two telegrams, one from the governor of my State and the other from the superintendent of public instruction, with regard to the pending so-called Susan B. Anthony amendment. I ask to have the telegrams inserted in the RECORD without reading.

There being no objection, the telegrams were ordered to be inserted in the RECORD, as follows:

DENVER, COLO., *January 23, 1918.*

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.:

Woman suffrage has been very beneficial to the State of Colorado and its citizenship. I think it a just and wise move to extend the right of suffrage to the women of the Nation.

JULIUS C. GUNTER,
Governor of Colorado.

DENVER, COLO., *January 22, 1918.*

Hon. CHARLES S. THOMAS,
United States Senate, Washington, D. C.:

We, the members of the State administration of Colorado, desire to testify to our firm and increasing belief in the justice and expediency of woman suffrage. We urge the passage of the Federal amendment enfranchising women, basing this stand upon every consideration of righteousness, patriotism, and efficiency.

Mary C. C. Bradford, superintendent of public instruction of Colorado; James B. Noland, treasurer of State of Colorado; R. H. Higgins, treasurer of State of Colorado; Charles H. Luckenby, auditor of State of Colorado; Leslie E. Hubbard, attorney general of Colorado.

Mr. GALLINGER presented the petition of E. E. Bowles, secretary of the farmers' committee of the California Development Board, of San Francisco, Cal., praying for the importation of Chinese farmers into this country during the war, which was referred to the Committee on Agriculture and Forestry.

Mr. HARDING presented a petition of sundry citizens of Ohio, praying for the repeal of the tax on margarines, which was referred to the Committee on Finance.

He also presented a memorial of the Farmers' Alliance, of Florida, Ohio, remonstrating against the sale of intoxicating liquors to our soldiers in France, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by the Army Boys in Blue of the State of Ohio, favoring an increase of pension of veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of sundry inmates of the National Military Home, of Dayton, Ohio, praying for the repair, preservation, care, and future maintenance of the brig *Niagara*, which was referred to the Committee on Naval Affairs.

Mr. KNOX presented a petition of sundry citizens of Erie, Pa., praying for the repair, preservation, care, and future maintenance of the brig *Niagara*, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Oakmont, Pa., and a petition of sundry citizens of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Pennsylvania, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. MYERS presented a petition of sundry citizens of the State of Montana, praying for an appropriation for the payment of one-half of the appraised value of Fort Peck Indian lands, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of the State of Montana, praying for an opening to settlement of the Fort Belknap Indian Reservation in that State, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of the State of Montana, praying for the establishment on the lower Milk River reclamation project a farm unit of 160 acres, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. GRONNA. Mr. President, I have here a letter from the secretary of the Farm Managers' Association of North Dakota, and also resolutions adopted by the members of that association. As I understand my colleague has introduced a similar resolution, I do not ask that it be printed, but I ask that the letter be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the letter and resolution were referred to the Committee on Agriculture and Forestry, and the letter was ordered to be printed in the RECORD, as follows:

FARM MANAGERS' ASSOCIATION,
January 23, 1918.

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.

DEAR SIR: At the ninth annual meeting of the Farm Managers' Association, held in Fargo, N. Dak., on Wednesday, January 16, 1918, the program consisted of a discussion of the ways and means of maintaining or increasing the production of food products. It was recognized that the one big problem of farm managers at the present time is to help win the war, and it seems to be quite generally understood by people in all walks of life that the production of an adequate supply of food is necessary to the Nation and our allies in the successful prosecution of the war. The principal topics discussed at the Fargo meeting were the means of increasing crop yields, the handling of the seed situation, the place of live stock in increased food production, and the ways and means of relieving the shortage of farm labor.

In discussing the labor problem it was brought out that men and boys who are inexperienced in farm work can not take the place of skilled farm laborers in the handling of the large pieces of machinery that are in use on the farms in this region, in the care of live stock, and in the performance of other operations requiring skill that can be obtained only by years of experience.

In view of the urgent necessity of keeping the skilled farm labor on the farms to maintain production of food products, a committee was appointed to prepare resolutions to be submitted to exemption boards asking them to give careful consideration in claims for deferred classification of skilled farm laborers.

I am inclosing herewith a copy of the resolution that was adopted by the Farm Managers' Association at their annual meeting. It was voted that a copy of this resolution be transmitted to the county and district exemption boards, to State commissioners of labor, the United States Department of Agriculture, and to the United States Senators and Congressmen.

Very truly, yours,

R. C. DONEGHUE,
Secretary.

Mr. RANSDELL. Mr. President, I send to the desk resolutions adopted at a meeting of the Louisiana Branch of the National Woman's Party thanking the President for having recommended the passage of the Susan B. Anthony amendment and urging Senators to support that amendment, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[Resolutions adopted at meeting held under auspices of the National Woman's Party, at New Orleans, La., this 22d day of January, 1918.]

Resolved, That this meeting extend thanks to President Wilson for having spoken to his party recommending the passage of the Susan B. Anthony amendment, thereby insuring a two-thirds majority in the House, and that he be urged to recommend its passage by the United States Senate, to the end that we may be as victorious in the upper House as in the lower.

Resolved, That the two Senators from the State of Louisiana be urged to do all in their power to make the national suffrage amendment a party measure, so that the women may feel that our country's plea for democracy abroad is made a vital issue here at home.

Resolved, That this resolution be sent to the President; to the Vice President; to Majority Leader Senator THOMAS MARTIN; to Minority Leader Senator JACOB GALLINGER; to Senator JONES of New Mexico, chairman of the Woman Suffrage Committee; to Senator ROBERT F. BROUSSARD; and to Senator JOSEPH E. RANSDELL, with the request that it be read into the CONGRESSIONAL RECORD.

MRS. M. L. GRAHAM-BANKSTON,
Chairman Louisiana Branch of the National Woman's Party.
MRS. RANDOLPH LYONS,
Louisiana Secretary.

Mr. NELSON presented a resolution, adopted by the Minnesota Branch of the National Woman's Party of St. Paul, Minn., favoring the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of the State of Maine, praying for the continuance of the present rate of postage on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of the State of Maine, praying for an allowance to rural letter carriers for maintenance of equipment, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of the State of Maine, praying for Government ownership and control of coal mines and railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of the State of Maine, praying for the creation of a civil service court of appeals, which was referred to the Committee on Civil Service and Retrenchment.

PERSONAL EXPLANATION.

Mr. STONE. Mr. President, I rise to a question of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. STONE. I will state the question of privilege. On Monday of last week—January 21—I addressed the Senate on the

subject of "Politics in the war." With respect to that address different news agencies and correspondents sent out more or less broadcast diversified accounts of the speech and of alleged events—especially preceding events—connected with it. It is with especial reference to the report of these "alleged preceding" events connected with the speech referred to that I rise now to address myself as a matter of privilege. Statements were made, having no foundation in fact, calculated, if not intended, to disparage and break the force of what I said on the occasion alluded to, and as the manifest purpose was to discredit me I feel justified in correcting these published misstatements. It will take me but a few moments to dispose of it.

Mr. President, I would have done this earlier except for the fact that at the conclusion of the debate in the Senate on Monday of last week an adjournment was taken until the Thursday following. That day was consumed for the most part by the speech of the senior Senator from Oregon [Mr. CHAMBERLAIN] in the reply he made to the criticism of the President of the speech the Senator had made some days before in New York. At the conclusion of that speech the Senate took an adjournment until Monday of this week. After a very few moments' session on that day an adjournment was taken until yesterday, when, because of the lamentable death reported to the Senate at that time of Senator HUGHES, of New Jersey, an adjournment was taken until to-day. So this is the first practical opportunity I have had for rising to the point of privilege which I now present to the Senate.

On the day following my speech to the Senate on the subject mentioned Mr. Albert W. Fox, a daily space writer of the Washington Post, stated in his article of that date that the speech I had made was not taken seriously at the White House and in no way had the support of the administration, and by his article sought to create the impression that the speech was condemned by those in and around the White House.

Also, a Washington dispatch appeared in the New York World of Tuesday, January 22, in which the following appeared:

> Senator CULBERSON and other Democrats tried to dissuade him [STONE] from delivering it [the speech]. He [STONE] insisted on arraigning the Republicans as playing politics in the war in an effort to take hold of the Government.

Also, an Associated Press dispatch of January 21 to the St. Louis Post-Dispatch, sent out on the day the speech was delivered, contains the following:

> Many Democratic leaders, including Postmaster General Burleson, conferred with Senator STONE to-day, seeking to dissuade him from delivering his speech.

I could multiply such quotations indefinitely, but this is sufficient, for if I multiplied them they would be to the same effect. It is about these misstatements of fact, which are intended in some way to reflect on me, that I desire to speak very briefly.

First. I speak first of the article in the Washington Post, printed under the name of Mr. Fox, in which he undertook to state with precision the attitude of the White House officials with respect to my speech. As to their attitude I can not speak, and would not if I could, but I undertake to say authoritatively that Mr. Albert W. Fox had no authority whatsoever to speak for them. His effusion was altogether without knowledge and wholly gratuitous. I am definitely informed that Mr. Fox had not been within the executive offices for two months before he wrote the article upon which I am commenting, was not there on the day he wrote it, and I doubt if he has been there since. To use an expressive vulgarism, he was simply "talking through his hat." He desired to have the public believe that what he said was true, and so he wrote and published it, without caring whether it was true or false.

Second. The statement I have quoted to the effect that Postmaster General Burleson visited me in the forenoon just preceding the delivery of my address to protest or advise against its delivery is unqualifiedly false in substance and effect. It is true that General Burleson came to my committee rooms on the morning referred to and discussed with me some matters of mutual concern. It is not necessary that I should repeat either the subject or the substance of our conference. It is sufficient for me to say that General Burleson did not on that occasion or at any other time ever speak a word to me in any way suggesting or advising against the delivery of the speech he then knew I intended to make in the Senate on that date. The story is purely a baseless fabrication.

Third. The story that Senator CULBERSON—and I see the honorable Senator present—and numerous other so-called Democratic Senate leaders ought to induce me to forego the delivery of the speech is also false. Senator CULBERSON never spoke to me on the subject in his life. Only one Senator ever spoke to me personally about the speech prior to its delivery who in any way seemed to doubt the wisdom of making it. That one Senator, whose name I withhold, for whom I entertain not only a high opinion but a most affectionate regard, did express to me a doubt as to the timeliness of making a speech that might be characterized by some as partisan. At that time he did not know what the speech was to be. He heard the speech for the first time when I made it, and at its conclusion this Senator personally expressed to me his approval of it.

Mr. President what I have said is sufficient to show the character of the stories sent out by the different newsmen, and which were published more or less widely throughout the country. These stories are untrue in fact and also unfair, because manifestly they were intended to discount and discredit my address before the country. I have felt that I ought as a matter of justice to myself to brand these falsehoods as they deserve. I am unhappily conscious that my definite denial of these stories which I have now made may never go beyond the walls of this Chamber and the pages of the CONGRESSIONAL RECORD. I apprehend that while the wrong was exploited, the correction will be buried. Nevertheless I will put the truth in the RECORD.

In this connection it might not be amiss to call the attention of my newspaper friends to the letter of Thomas Jefferson to Mr. Norville, which I read in the Senate sometime since, and to express the hope that they will not in this day and generation justify the well-merited criticisms which Mr. Jefferson made of newspapers of his day and generation. Because of their exceptional opportunity to influence public opinion rightfully or wrongfully, for good or evil, I hold that the newspaper editor and reporter should be influenced by the highest considerations of justice, and that truth should be even more sacred to them, if possible, than to any other class of men.

THE FUEL SITUATION.

Mr. SMITH of Michigan. Mr. President, I have some petitions and memorials regarding the fuel situation which I desire to present.

I wish to say, if the Chair will indulge me, that the most expensive coal purchase in the United States last Monday was purchased in my home city of Grand Rapids, where 6 tons of coal cost over $22,000. The consumption capacity of the city of Grand Rapids, Mich., with 135,000 people, is 3,000 tons of coal a day. Last Monday 37 of the leading furniture industries of that city, and the leading furniture center in the world, were closed down by order of the Fuel Administration to save 6 tons of coal that could be carried upon two wagons. It would have taken, by a very careful and painstaking review among our factories, 6 tons of coal more to have operated 37 factories in the city of Grand Rapids last Monday than it took to close them down, and nearly 8,000 workmen were put into the streets on that day, and their wages wasted by Government order. That is a high price to pay for coal in the United States; a tremendous sacrifice for labor to make in order to humor a caprice, a mere caprice. If that is wisdom, I do not understand it. No, Mr. President, it is reckless indifference to individual liberty and the rights of citizenship.

I rise in my capacity as a Senator to protest against the sacrifice of labor and of business to the whims of a Fuel Administrator who will not see his error. Think of it, sir! Thirty-seven great furniture-manufacturing plants closed down a whole day to save 6 tons of coal! And in the nine idle days that are to follow, if this order stands, 54 tons of coal—scarcely a carload—will be saved and over $250,000 in wages to workmen lost.

If we can not make ourselves heard at the Fuel Administrator's office and the weakness of their untenable position can not be demonstrated to them, then I rise in my right as a Senator in this Chamber and make my protest here, with the hope that it may find its way into the heart and mind of men charged with that special responsibility.

On the same day in Detroit great manufacturing establishments, including the Dodge Bros., making munitions of war for the Government, with a full supply of coal on hand, had their force dissipated 70 per cent by that order, and a very essential element in the making of cannon for our Army was arrested and that important work unnecessarily delayed by the Fuel Administrator.

Senators, it is not right; it is neither sensible nor patriotic. I know of communities in my State where woodworking institutions furnish the entire community with fuel, yet they were closed down, although they did not use an ounce of coal. Not a community in Michigan which does not feel the injustice of this order.

Dodge Bros. have ample coal. They bought 100,000 tons last February and had it delivered. There is no question of congestion there. From their coal pile they have supplied 3,000 families in Detroit who have been permitted to come and take

this coal to warm themselves. But yet that institution, which equipped a special plant to make ordnance costing millions of dollars, covering nearly 20 acres of ground space, had to shut down. Its force turned into the streets, and our preparations for war delayed because of a wholesale and thoughtless order, which did not save an ounce of coal or relieve congestion anywhere. Sir, I protest against this course. I protest against it in the name of the loyal people of Michigan.

The memorials presented by Mr. SMITH of Michigan were as follows:

> DETROIT, MICH., *January 30, 1918.*
>
> Senator WILLIAM ALDEN SMITH,
> *Washington, D. C.:*
>
> Unless pressure is brought to bear on Fuel Administration to get fuel to Detroit all factories in town will be closed. There are approximately 25 will be closed this week. Why can not order be issued closing all saloons, theaters, pool rooms, bowling alleys, and other nonessentials permanently until situation is relieved? Workmen of town getting very much wrought up, and will bring about very bad condition. We have fuel only enough until Friday, with no prospect of getting more, and have many Government orders. Wish you would use your full influence to bring about betterment of our condition.
>
> O. S. OVERTON-BOWEN PRODUCE CORPORATION.

> DETROIT, MICH., *January 30, 1918.*
>
> Senator WILLIAM ALDEN SMITH,
> *Washington:*
>
> For past 10 days we have been operating 10 large apartment buildings on 24-hour supplies of coal. Our source of supply is now being cut off; this is due partially to cars consigned to us having been confiscated in Ohio, and also to the fact that very little coal is being shipped into Detroit. Our immediate shortage effects 600 families. We must have immediate relief or our apartment buildings will be closed and tenants forced to find other quarters or freeze.
>
> HERMAN REAL ESTATE EXCHANGE.

Mr. SMITH of Georgia subsequently said: Mr. President, I wish to supplement what was said by the Senator from Michigan [Mr. SMITH] by calling attention to the fact that on Monday the hydroelectric plants practically all over the United States closed down, or, at least, the industries operated through hydroelectricity were compelled to close.

I wish to illustrate the practical effect of this action by referring to the city in my State which has the largest number of mills operated by power furnished by hydroelectric plants. In Columbus, Ga., there are 12 mills; there are between seven and ten thousand operatives who work in these mills; the mills are largely employed in producing material for the Government, some not directly for the Government, but they are producing to a large extent cloth for contractors who are furnishing clothing for the soldiers.

These mills, though stopped, were compelled to use coal to protect their sprinkler systems and to provide their fire-extinguishing plants. They would have required no additional coal, if operated, to warm the employees, for the additional heat coming from the operation of their electrical machines would have furnished all the heat required for the buildings when added to that which they did use, though closed down. So these mills could have operated without burning a pound of additional coal inside the mills.

The seven to ten thousand employees were sent home. In their houses they burned much more coal than would have been used had they been in the mills. So that the immediate result of closing these mills was an increased consumption of coal last Monday in the city of Columbus, Ga., with loss of work to between seven and ten thousand employees and a loss to the Government, a loss in our national strength, in the conduct of the war, of products needed to conduct the war.

But this is not all, Mr. President. The three months when the water supply is ample in the southeastern States are January, February, and March. Later along in the year the water power is not sufficient and the electrical currents for the operation of the mills must be supplemented by the use of coal in addition to the water power. The water passed over the dam last Monday and is gone. It will continue to pass over the dam these other Mondays, if the mills are not operated, and will be wasted.

I heard one of the leading men engaged in these industries from that section state, in the presence of Dr. Garfield on yesterday, that the coal that would be required to produce the power which would be wasted on these Mondays would amount to 150,000 tons, and if this waste takes place now the coal must be burned later along to make up the loss.

These mills are behind on their contracts with the Government. It is as important that the thin clothing should be ready for summer as that the warm clothing should have been ready in the fall, and stopping these mills will hinder a production so essential for the protection of the health of the American Army.

Mr. President, these facts were fully presented to Dr. Garfield yesterday, and I wish to say for him that I do not think he contemplated that his local agents would actually stop hydroelectric plants. They had been requested to ask that they stop. They had been advised to make an appeal to their patriotism to stop; but in my State the fuel agents went further and threatened criminal prosecutions if the mills were not stopped.

Mr. BORAH. Mr. President, I do not know that I exactly understand the position of the Senator. Do I understand him to say that he is of the opinion that Dr. Garfield did not intend that these people should shut down?

Mr. SMITH of Georgia. No; I did not say that. I said that he did not intend that his local agents should say that they were obliged to shut down. He only expected his local agents to appeal to their patriotism to shut down.

Mr. BORAH. Well, assuming that they were patriotic men, that would be about the same thing as compelling them to shut down.

Mr. SMITH of Georgia. Unless they saw that it was more patriotic to operate and furnish the soldiers what they needed and the Government what it needed than to comply with a view of patriotism suggested by one who perhaps was not as familiar with the facts as they were.

Mr. HARDWICK. Mr. President, will my colleague yield to me?

Mr. SMITH of Georgia. Certainly.

Mr. HARDWICK. I have had this same question up with Dr. Garfield, and he does not contend that under the law he has any authority to close the hydroelectric plants; but he did say that he had made the request in every State, and he made it, he said, on account of transportation. He said that that was the real trouble—that the railroads could not transport the stuff that the mills made.

Mr. SMITH of Georgia. I believe Dr. Garfield will advise his agents that they had no authority to stop the hydroelectric plants. I was before him yesterday with millmen from the South. We discussed the subject before him yesterday. I have here his letter, expressly declaring that he had no authority and did not undertake to stop these plants. It was signed several days ago. I have advised all mill operators that this letter was in my possession, signed by him, and that he had not withdrawn it. I hope that he will not only instruct his local agents not to make any threats against plants operating with hydroelectricity but that he will go further and concede that the service of their country requires that they operate, and that it is the part of patriotism to continue operations in order that we may be prepared to meet the call which soon will be made on us for spring and summer clothing for the Army and Navy and for other supplies.

APPOINTMENT OF INSPECTOR OF EXPLOSIVES.

Mr. SMITH of Arizona. Mr. President, inasmuch as I may be called away, I rise to a matter not exactly in the nature of personal privilege, though I might take the floor so claiming if I desired to do so. I regret that the Senator from Pennsylvania [Mr. PENROSE] is not present. I should be willing to await his coming if I did not myself expect shortly to leave the city.

On page 1091 of the RECORD a statement made by the Senator from Pennsylvania in my absence contained the following language:

> I had curiosity to find out who had been appointed, and I discovered in Pennsylvania that a gentleman who had been engaged in the honorable occupation of selling Hire's root beer at retail was the inspector of explosives, and admitted that he did not know a thing about it, but if there was any hard work connected with it he would not take it. The Senator from Arizona—

The Senator from Pennsylvania was alluding to me, for I was stading in front of his desk at the time the question of the confirmation of inspectors of munitions came up in executive session—

> The Senator from Arizona was extremely solicitous to have his inspector acted on immediately, and I discovered from several hundred letters from the State of Arizona that he was a cigar maker.

I wonder if the first statement of the Senator was as unreliable as his second. *Hundreds of letters from Arizona!* By what peculiar affinity did the Senator from Pennsylvania find more people to make a misstatement in a few days through the mail than I have found in 37 years of life amongst them?

The fact is that the gentleman himself, Mr. Shaw, wrote a letter to the Senator from Pennsylvania, which has not been read on this floor but which I will ask the Secretary to read, and I shall ask the attention of the Senate to it, as it shows the carefulness with which the Senator from Pennsylvania states the truth when he has a political question in his mind. I mean nothing against the Senator personally, but he is so saturated with political prejudice that it is impossible for him to deal fairly when such a question is involved. With the exception of some matter which I should not care to have printed in the

RECORD without first showing it to the Senator from Pennsylvania, I ask that the letter be read in justification of Mr. Shaw as well as for my reasons in recommending him.

Before the Secretary commences reading, however, I should like to say that I made no request of the Senator from Pennsylvania or of anyone else that the nomination of this particular man, Mr. Shaw, as explosive inspector of Arizona, should be immediately confirmed. Mine was a mere pleasant allusion. The Senator said they all needed money, and I said, "Then, if they are in that fix, by all means let them all be confirmed at once." Then he said that I was extremely anxious to have this particular man confirmed, inferring that I was afraid the fact might get out, as he had stated it from the hundreds of letters which he had received from people in Arizona to the effect stated by him in his speech. Not one of those letters told the truth about it, and I think the Senate will pardon me for having a slight doubt as to the vast number of misstatements received by the Senator on a matter so unimportant. I now ask the Secretary to read the letter.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

PHOENIX, ARIZ., *January 22, 1918.*

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.

DEAR SIR: Associated Press news gives an account of your attack in the United States Senate yesterday on the Federal explosives inspectors, and it is stating it mildly indeed to say that I am surprised that any man * * * should make the charge you did against the United States inspector for the State of Arizona without first ascertaining the facts.

For your information, I am not now and never have been a cigar maker, although at one time I owned a large block of stock in a cigar manufacturing plant which furnished labor to 40 or 50 families, and later owned a retail establishment which represented but a small portion of my holdings in Arizona, as since the act of Congress providing for the reclamation of the arid lands of the West by means of Government irrigation projects I have backed my faith by good American money and have reclaimed several hundred acres of land, a part of which have passed into other hands and are now among the best-producing ranches of this locality. I have also taken an active interest in the production and feeding of cattle for the eastern markets, and for your further enlightenment I was for a number of years in the managerial capacity of a large wholesale establishment which handled, among other commodities, explosives used in the mines and in the mining development of the State, in which I have been and am still heavily interested.

In conclusion, I am quite able and willing to make affidavits to substantiate these and any other claims I might make as to the part I have taken in the substantial development of my State, although this information is easily accessible to anyone who really wishes to investigate my activities in Arizona and elsewhere, rather than to seek by such paltry, partisan methods as yours in casting aspersions upon an honest trade, even though not mine, in what seems a desire on your part to embarrass the administration at this critical period in our national history.

Very truly, yours,

United States Inspector of Explosives,
State of Arizona.

Mr. SMITH of Arizona. Mr. President, perhaps there would have been reason for a still further assault by the Senator from Pennsylvania if he had known that this cigar maker, as he calls him, was also selected from the largest county in the State of Arizona as one of the delegates to the National Convention at Baltimore. He is a man who had the right to be free from the aspersions of any Senator on this floor. The Senator from Pennsylvania could easily have ascertained, by seeing me and my colleague, the facts before he put such a statement as that made by him in the RECORD. I wish simply to let my friends at home and the people generally know that I have made my protest against this very unjust and unjustifiable assault against a friend of mine whom I had recommended for office and in whose honor, integrity, and fitness I have full confidence.

AFFAIRS IN RUSSIA.

Mr. CALDER. Mr. President, preliminary to making a request for unanimous consent to have an article printed in the RECORD, I ask the indulgence of the Senate for a moment or two to explain the nature of the article.

Mr. President, at this time when a great many persons are expressing the gloomiest thoughts regarding the cessation of hostilities on the Russian front, and a wave of hostile criticisms of the Russians is sweeping over the country, I would like to draw the attention of the Senate to a view of that situation, to which most of us, unhappily, have been strangers. The view I am about to present is likely to become accepted as time passes as the real judgment upon the Russian revolution of last November, when what are known as the bolsheviki came into the ascendency.

First, Mr. President, I desire to speak of a man who has been in Russia, and who, to my mind, has rendered great aid to his country—a man who stands in the forefront of American business and finance, who dropped all of his personal affairs and went to Russia, where he worked, giving closer attention to the interests of Russia and the allies than, I venture to say, he ever gave to anything else in his whole career. I refer to Col. William B. Thompson, a director of the Federal Reserve Bank of New York, who was in command of the American Red Cross mission in Russia. He had already contributed a quarter of a million dollars to the fund of the war council of the Red Cross, which covered the bulk of the expenses of the mission to Russia. Col. Thompson was four months in Petrograd. During that time he sensed fully the meaning of the Russian revolution. He saw the assistance that the Russians needed in their struggle for a stable government, and he saw the utmost importance of combating the well-organized German propaganda which had already knocked Russia to pieces as a cohesive fighting force and threatened to bring that country and Germany together as friends, if not as allies, right in the middle of the war. As the matter was of a pressing character, Col. Thompson found that it would not permit of delay. But it was impossible to convey by cable any idea of his vision regarding this intricate and complicated situation so that it would be appreciated and acted upon by the Government at Washington. In this emergency Col. Thompson played the part of a great American in combating the German propaganda. He came back to this country a short time ago to tell the story in order that the situation might be better understood and more intelligently handled. It was a story in effect that the hated bolsheviki leaders, who had been proclaimed as paid German spies, would not make a separate peace with Germany unless the attitude of countries formerly in alliance with Russia forced them to do so, and that the Russian democracy, under the leadership of the maximalists, was the greatest enemy the Kaiser had. In other words, the Russian democracy, alongside of Germany and Austria, were setting the populations of those two countries on fire with the spirit of democracy and the fervor of anti-Kaiserism; that Austria was already yielding to the propaganda from Russia, and that Germany had been smitten, so to speak, so hard by its own boomerang that in time a democratic upheaval in that country would compel the German general staff to yield its attitude of annexations and world domination.

One evening last week Col. Thompson was entertained at dinner by the Rocky Mountain Club of New York in celebration of his return. It just happened that this dinner was the first anniversary of the conception of a movement led by him to turn over to the starving children of Belgium the fund which the club had for the erection of a new clubhouse and which Col. Thompson headed with a personal subscription of $100,000. This fund came to be known as the Hoover Rocky Mountain Club Fund for Relief in Belgium. Thus briefly and inadequately I have tried to give, by describing his acts, a rough picture of the man who, surrounded by his friends, delivered his message about Russia, which I now desire to give to the Senate.

I ask that Col. Thompson's address be printed in the RECORD, and I earnestly urge that every Member of the Senate read it carefully. It presents a knowledge of present conditions in Russia, and a vision of its future possessed by few men in this country.

Mr. STONE. Mr. President, before the Senator takes his seat, will he permit me to interrupt him?

Mr. CALDER. Certainly.

Mr. STONE. I have read the address to which the Senator refers, delivered by Col. Thompson, and I am greatly gratified that the Senator from New York has asked that it may be printed in the RECORD. It is one of the most interesting contributions to the current history of the war, especially that part of it relating to Russia, I have seen. I received a copy of this speech and read it with great interest. I have spoken of it to two or three Senators who had not seen it, and read it to one of them in my committee room, and he was greatly impressed by it, as I was. My only object now, aside from seconding the request of the Senator from New York, is, as far as I can, to call the attention of Senators to this remarkable address—I think it is remarkable—in order that those who have not read it shall not neglect the opportunity of doing so when it appears in the RECORD.

Mr. CALDER. Mr. President, I want to thank the Senator for his comment upon this address. It struck me so forcibly that I was prompted to make this request of the Senate this morning.

Mr. OWEN. Mr. President, I should like to say to the Senator from New York that I also have read this address with great interest, and I think it ought to be made a part of the public record.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

RUSSIAN PROBLEMS.

I have returned to this country with some very strong ideas regarding Russia, and the duty of the United States and the allies to that stirring, and I am afraid you will think somewhat erratic, young democracy.

I come from a people now generally known as the Bolsheviki, who just now are extremely unpopular in the American press. They are held up as assistant Germans and are being denounced for having deserted the allies and throwing their influence on the side of the Kaiser. I am afraid the American people are slow to realize one of the greatest facts in the war at this time. The Bolsheviki at the present moment are a tremendous factor in making the central powers of Europe realize that they can never win this war; that they will be forced to a basis of a reasonable and a lasting peace.

The newspapers that are denouncing the Bolsheviki just now are printing columns about a revolution in Austria-Hungary, a revolution based upon immediate peace with no annexations and no indemnities. This Austro-Hungarian revolution was inspired by the Russian Bolsheviki. The importance of this revolution should not be ignored. The example and efforts of the Russian democracy are setting the central powers on fire. The most damaging enemy Germany has is the Russian democracy alongside of it, preaching to the German common people and to the German soldiers the same doctrine of democratic peace. Stranger things have happened than that a lasting peace, without the realization of any of Germany's despotic war aims, may be at this very time in the making.

When I arrived in Russia last July I found the country almost prostrate through demoralization caused by unopposed German propaganda. German propaganda had brought about a strike through all Russia three days before the declaration of war in 1914. German intrigue and propaganda had so surrounded the Czar that a separate peace was almost impending last March.

FOOD RIOTS PART OF PLOT.

Food had been cut off deliberately from Petrograd and other cities in order to cause bread riots and strikes, with the cold intention on the part of the German and Russian autocracies of using these measures as an excuse for a separate peace. The Russian soldiers refused to fire on the hungry people, and the long-sought-for Russian revolution was realized with the abdication of the Czar. At the time I reached Petrograd that noble Russian patriot, Alexander Kerensky—and I am deliberate in calling him a noble man—was attempting a coalition government, a government representing the rich and the poor. The rich, however, were not satisfied to work with the poor.

German propaganda was busy tearing down. Allied haggling was unconsciously aiding, and this resulted in an attempt to place over Russia a man on horseback—Korniloff. To me it seems that a madder scheme was never conceived in the brain of man. It aroused to frenzy the great mass of Russians, who interpreted it as a return of the old order. Just at this time a Russian general, Gurko, who had been deprived of the command of the army for writing letters to the Czar, saying that he hoped to see him return to power, escaped to England and was received in audience by King George. When you who have not been to Russia are puzzling your brains over the Bolsheviki and wondering why they should be so extreme and so opposed to the property-owning classes, it would be useful for you to remember these things, which will explain why the workingmen and peasants are in absolute control in Russia and passionately devoted to making their freedom secure. The terrorism under which the limited property-owning class is living in Russia is slight compared with the terrorism in which the workingman and the peasant lives in contemplating a return of the power of the old régime.

RUSSIANS REAL PATRIOTS.

We talk about patriots in this country, but we do not know what patriotism is until we see in Russia examples of what I should call the patriotism of mankind. While in Russia I met some real patriots. There I met men and women who for the benefit of their fellows had spent three-quarters of their lives in prisons and chain gangs. There I met the heads of the revolutionary groups who for 50 years and more had been risking their all for Russian freedom—Madam Breshkovsky, Mr. Tchaikovsky (Shaykovsky), and Mr. Lazaroff. Think of Breshkovsky, the Grandmother of the Revolution, 74 years old, a prisoner and an exile for 34 years, still working night and day with might and main for the benefit of her fellow Russians.

This group surrounded Kerensky, who believed in working out the social problem by the Russian labor classes in conjunction with the property-owning classes. Then, again, I saw the workings of another group, equally patriotic, who believed that ultimate freedom and the possession of the land could only be worked out by the workingmen and the peasants. I can easily see how Marie Spiridovna, now a leading figure in Russian life, believes that freedom is only to be realized by a government of workingmen alone. The Russian revolution, only a few months ago, released this young woman, now only in the thirties, from 15 years' solitary confinement in a Siberian prison.

I will say right here that, if at any time during my travels I was a witness of deeds of wanton destruction and violence, it was not in Russia. If at any time I was subjected to any discourtesy or incivility, it was not in Russia. If at any time I was in danger, it was not in Russia.

COUNTRY NEEDS HELP.

Yet Russia is a good deal disorganized these days, and needs our help. There have been revolution and attempted revolution, one coming on the heels of another. There has been considerable civil strife in one section of the country or another, but the reports always appear much more dreadful than the facts really are. Russia is happy in her trials, because Russia has found something which her sons, and their fathers and grandfathers and great-grandfathers have been striving for. Russia has found freedom. Russia is a democracy. It is a democracy which comes as near being representative of the soil as it would be possible to find anywhere. It has mud on its boots, hair on its face, and the love of freedom in its heart.

Russia is a government of the workingmen and the soldiers, of the peasants and the mechanics. It is a democracy which is striving for the uplift of the great masses. The one great desire of perhaps 94 per cent of Russia's 180,000,000 people is to have peace; to have land which they can control and call their own; to have a part in the industrial life of the country, and feel that they own a part of it; to live lives of order, unrestrained by any czar or dictator; to acquire education; and to improve their condition. This is the impulse which has stirred the Russian people long before and ever since they overthrew the Czar.

When I say that they want peace, I do not say that they want a separate peace. Democratic Russia, in my opinion, will never make a separate peace with autocratic Germany. The present Government has not ordered the soldiers away from the trenches. On the contrary, it is filling the places of deserters with new soldiers recruited from the Red Guard. The Russian democracy wants peace, as we in America want peace, as they want peace in France and England and Italy. They want a peace with a democratic Germany and not with an autocratic Germany.

PEOPLE NOT VENGEFUL.

I have been deeply impressed with the effect of the new-found liberty upon the great masses of the Russian people. It did not turn them into a vengeful horde, bent on wholesale massacre and bloodshed, the newspaper reports in most part to the contrary notwithstanding. As a matter of fact, it did not change them very much, except that from a sad, brave, protesting people they became a glad, amiable, but rather bewildered people. They attained liberty, and naturally it is taking some time for them to work out the system of government under which they will live. They are a kindly people, and as a nation they have very high ideals.

It was the Russian democracy which gave to the world the cry that there should be no annexations and no indemnities. That is a cry which should have been appreciated earlier in America, and should have resulted in the unswerving sympathy of America being extended to the Russian democracy. It was the democracy of Russia which injected into this war the cry, "No secret treaties!" It was the democracy of Russia which gave to the world the principle of self-determination by small nationalities, which President Wilson has crystallized in his message and which will form the basis for the freedom of the world. In the face of declarations like these from the Russian democracy there has been a torrent of abuse from some of the Russian upper classes and from the American press, which, I am sorry to say, apparently does not comprehend some of the most important and fundamental elements of the Russian situation.

Attempts have been made to stop all supplies going to Russia from the United States. Advice was given for all allied representatives to withdraw. If this advice had been followed, it would have tended to put Russia into the arms of Germany. Do you realize what this would have meant? The German general staff in time would dominate Russia socially, commercially, and politically. All Asia would be Germanized, and Germany would realize her ambitions on the Pacific similar to those which she entertained on the Atlantic.

GROPING FOR LIGHT.

We are sending our youngest and our best blood to the trenches, and we owe them the best diplomatic advice and service that we can possibly obtain.

I urge strongly that we do not relax our efforts to help the Russians. We should not grow impatient because of their attempts to put into practice what we might regard as wild theories. We should always remember our own shortcomings while our Government was in the making. Some of the things which we have introduced into our Government and which have worked out satisfactorily would have been regarded as wild populism 30 years ago.

The Russians are groping for light. The revolution and the experiments in government are the natural outbursts of untrained men organizing freedom on their own lines. Many of the laws of the old autocracy must be changed in Russia. They were made for the vested interests in which the common people had no part. In the legislative cataclysm many things will be attempted to be later discarded. It must be remembered that prior to the revolution upward of 160,000,000 human beings were in a condition not much better than serfdom. Our negro slaves before the Civil War were better cared for, as most of them had good masters who lived on the soil. On the other hand, in Russia most of the masters lived away from the land, oftimes at Berlin, Paris, and Monte Carlo. What I saw in Russia has impressed my mind with the necessity for cooperation between employer and employee. First, Russia had an Extreme Right under the Czar exploiting labor as it was never exploited outside of the Congo. Then we had Kerensky, endeavoring to unite labor and capital in a government. Capital was arrogant, and did not want to let labor have a voice. Kerensky fell. Now the government is all labor.

GREAT FORCES IN MOTION.

Great forces are moving in every country. I would like to urge my friends to ponder seriously the problems which we shall have to meet at the conclusion of the war; indeed, perhaps before the war is ended. If we are wise, we will prepare for the time, which should soon come, when genuine capital and genuine labor, if both are wise, will be sitting around the office table and in the Halls of Congress settling great questions at issue between them.

We must stop to consider whether we have not delegated the law-making power, so far as it relates to capital and labor, too much to paid attorneys. No one will accuse me of underrating the usefulness of lawyers. They can be used too much, however, and if there has grown up a system of legislation by proxy in this country, then it can and should be ended. With lawyers representing labor and capital in Congress and in our legislatures, both labor and capital get what might be termed "the absent treatment," and that is not a good thing for either.

Many of my friends who are in this room to-night were pioneers of the far West when civilization was being carved out of the wilderness. They had no government except as they made it. We know that miners' law, sometimes reinforced by the vigilance committee, was good law. This law was made by the workingmen. Our problems then were partly those that Russia has to-day, only her's are a thousandfold greater.

The men in the western country were the makers of their country, and it is a country of which the Rocky Mountain Club may well be proud. These men would not have hesitated very long about extending recognition and giving the fullest help and sympathy to the workingmen's government of Russia, because in 1849 and the years following we had out there bolsheviki governments made out of the raw material, and mighty good governments, too. What happened in Montana, Colorado, Wyoming, Idaho, and California is now in progress in Russia. Remember that a republic probably much greater than ours is in the making on the other side of the world, my friends, and it is such a republic as the German autocracy can not have very long next door and survive. Democratic Russia means democratic Germany, and democratic Germany means peace lasting and complete for the world. That is why at this moment the example of Russian democracy finds expression in revolution in Austria-Hungary and continuous agitation in Germany against the aims of the German general staff.

NO CAUSE FOR ALARM.

Do not be alarmed as to the future of Russia. Some of my newspaper friends are taking frantic alarm that the Russian national debt may be repudiated. Well, it hasn't been repudiated yet, and I very much doubt whether the Russia that is emerging from this turmoil will ever repudiate any obligation, even though it may have been incurred in trying to hold the Czar on his throne. All we need is a great patience, and a great fairness, and a great sympathy. Russia will soon learn that capital and labor must go hand in hand. Russia's vast resources must be developed for the benefit of the Russian people. That will be realized by the Russians quite as rapidly as we are realizing that the employers of labor must cooperate with labor to bring about the best possible results. The freedom of Russia was as inevitable as the natural laws governing the rotation of the earth. The uniting of all forces in Russia in a democratic social system is just as inevitable.

They say, "The Russian democracy is red!" Yes; full of good, red blood—but you'll find it isn't yellow!

Mark my words, if the present program of the Bolsheviki, the common people of Russia, is not successful in aiding the common people of Austria and Germany to break down their autocracies, the Russian soldiers will be fighting again.

WAR WITH GERMANY.

Mr. McCUMBER. Mr. President, I am about to ask that a very brief editorial, taken from the Washington Post of yesterday, may be read into the RECORD. It is upon a most important subject—or, rather, upon two very important subjects—and I think it very appropriate to call attention to two statements made by Secretary Baker before the committee in the investigation which we had the other day. The first of these statements is as follows:

And I am telling you no secret when I say that ships are the crux of this problem, and every time we can use French industrial resources instead of making and sending our own products, we are doing it.

And again:

Our problem was and is to get over and get at the enemy.

And a further statement:

Now, instead of having 50,000 or 100,000 men in France in 1917, we have many more than that in France; and instead of 500,000 men whom we could ship to France if we could find any way to do it in 1918, we will have more than 500,000 men in France early in 1918; and we have available, if the transportation facilities are available to us—and the prospect is not unpromising—1,500,000 who in 1918 can be shipped to France.

In connection with that, Mr. President, I wish to call attention to one little statement in this editorial:

That is the testimony of the Government's witnesses before the Senate Committee on Commerce. Riveters who drove 375 rivets per day before the war are now driving 150 to 200 a day, and can not be induced to drive more. They get bigger pay, and so find no reason for working hard. On the Pacific coast the Government is paying a bonus to workmen in shipyards to induce them to work six days a week.

Another little bit of testimony which I may properly recall to the Senate at this time is a statement made by one of the Government engineers of the character of work that is now being done, or was being done, at our cantonments and other places, in which he declares that we are not receiving more than from 5 to 10 per cent of the accomplishment that we should secure in our labor.

Now, these are becoming mighty important propositions; and while we are asking the people to starve themselves and asking them to save upon coal and freeze themselves, I think it is about time that we ask every American citizen to do an honest day's work for a good honest pay for his Government during the time of this great conflict, and there ought to be some means to require every man capable of doing work, between the ages of 18 and 62, whether it is physical or mental, to perform some kind of service for his country.

I think that the little editorial will awaken us to a realization of some of our duties along this line. I ask that it may be read.

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Arizona. Mr. President, I will make no objection to the printing in the RECORD of the editorial, as requested by the Senator from North Dakota, but I do wish to give notice, as far as I can on behalf of the Printing Committee, that I am going to object to the printing of statements not made on the floor, and I do not know but that we might go a little further and even keep some of those out.

Mr. HARDWICK. The Senator does not object to the printing of this editorial?

Mr. SMITH of Arizona. I do not. I appreciate the propriety of the Senator's request to print the editorial of which he speaks, and I disclaim any criticism of him, but I merely give notice that it is the sentiment of the Printing Committee that we should stop the practice of placing in the RECORD matter not read upon the floor of the Senate.

Mr. GALLINGER. Mr. President, that sounds familiar to me. I commenced that effort 20 years ago, and 10 years ago the senior Senator from Utah [Mr. SMOOT] joined me, and we have been struggling along that line ever since, and nothing has been accomplished. Possibly the Senator from Arizona may solve the problem when it has been absolutely impossible for some of the rest of us to bring about a solution.

The VICE PRESIDENT. Without objection, the Secretary will read the editorial.

Mr. HARDWICK. I did not understand that the request was that the editorial be read.

The VICE PRESIDENT. Yes; it was.

Mr. HARDWICK. I thought the request was that it go in the RECORD without reading.

The VICE PRESIDENT. Is there objection to the reading of the editorial?

Mr. HARDWICK. Yes; I object to the reading.

The VICE PRESIDENT. The question is, Shall the editorial be read? [Putting the question.]

Mr. HARDWICK. I will not insist upon my objection.

The VICE PRESIDENT. It is carried, and the Secretary will read the editorial.

The Secretary read as follows:

[From the Washingon Post, Jan. 30, 1918.]

THAT ALL-IMPORTANT WORD "IF."

"We have available to be shipped to France, if the transportation facilities are available to us, and the prospect is not unpromising, 1,500,000, who in 1918 can be shipped to France." These are the words with which the Secretary of War seeks to reassure the people of the United States. He said also: "I am revealing no secret when I say that ships is the crux of our problem."

An ominous, overshadowing "if" looms ahead of the United States in carrying on the war.

If ships are available, the United States can send 1,500,000 to France during 1918. If ships are available, food can be provided for the allied nations which will enable them to continue the war. If ships are available, munitions can be sent to England and France to enable them to keep their armies in the field.

In the face of this all-important qualification the Secretary of War officially predicts a resumption of submarine activity, directed particularly against vessels trying to cross the Atlantic from the United States.

At present there are about 145,000 men at work building ships of all kinds. It is calculated that one man can turn out 1 ton of shipping per month. That would mean 145,000 tons with 145,000 men, if there were no labor unrest and inefficiency, but as a matter of fact the present output is 35 per cent less than 145,000 tons per month. That is the testimony of the Government's witnesses before the Senate Committee on Commerce. Riveters who drove 375 rivets per day before the war are now driving 150 to 200 a day, and can not be induced to drive more. They get bigger pay, and so find no reason for working hard. On the Pacific coast the Government is paying a bonus to workmen in shipyards to induce them to work six days a week.

The shipyards in most places are working only one shift in 24 hours. Shipbuilders say it is difficult to get good results in night work, but additional shifts could be put on if there were workmen available. But there is no housing for additional workmen if they should apply for work, although the Shipping Board has been aware since last spring that the United States was in need of ships.

A number of steel mills have closed down for lack of fuel and other reasons. The production is below normal instead of being far above normal. If more steel could be produced and houses could be provided for more workmen who would actually work, 500,000 workmen producing as much per man as before the war could turn out 6,000,000 tons of shipping in 1918 and enable the Government to send 1,500,000 men and necessary supplies and food across the ocean.

The chances are so strongly against this achievement in 1918 that the Senate committee very properly looks about for some other factor that may help to save the situation. The only feasible method of increasing shipping seems to be by the construction of concrete ships. The committee has taken testimony which affords hope of accomplishment. The building industry of the country is practically idle and can be turned largely to concrete shipbuilding. Unskilled labor can be used, and this is available without any housing problem. Most of the work would be done by machinery—the American way. Concrete ships of large size are an experiment, but good-sized vessels have been built, and structurally they seem to be sound and seaworthy. They yield to strain and stress, just as steel yields, without injury. There is a greater weight to be considered, but this is not a fatal objection; a heavy ship is better than no ship.

If the United States must resort to concrete for ship material in order to accomplish its aims in 1918, let it do so quickly, without halting and waiting for investigations and reports by scientific commissions. If the suggestion regarding concrete affords any prospect of securing additional seaworthy ships, it should be adopted forthwith, without regard to cost or the appearance of the ships. Call it an experiment or what you will; it is no greater experiment than the other experiments of this war.

Mr. HARDWICK. Mr. President, I rise to a question of order. During the transaction of morning business speeches can be made only by unanimous consent.

The VICE PRESIDENT. That is true.

Mr. HARDWICK. And articles can be read only by unanimous consent.

The VICE PRESIDENT. No; articles can be read by a majority vote.

Mr. HARDWICK. Undoubtedly during the progress of a speech, but a speech can not be continued except by unanimous consent. However, that is neither here nor there. I do not except to the ruling of the Chair, although I think it was erroneous, but I desire to give notice that hereafter during the transaction of the morning business and until it is concluded I shall object to any Senator making any remarks until we finish that order. I put it in this way so that it can not be personal.

I have enjoyed all the remarks that have been made this morning; I have no objection to any of them; but I think as a matter of practice we ought to stand by our rules and conclude the routine business and then make all the speeches we want to make, if time permits.

STATEMENTS OF SECRETARY OF WAR.

Mr. JAMES. I ask unanimous consent to have printed in the RECORD a speech made by Secretary Baker before the Military Affairs Committee on last Monday.

Mr. GALLINGER. Does the Senator mean a speech?

Mr. JAMES. Yes, sir; the speech.

Mr. GALLINGER. It was a matter of testimony, was it not?

Mr. JAMES. It was a speech. The Senator may call it testimony. I do not care what technical name is given to it, but I refer to the speech, or whatever it might be called.

Mr. GALLINGER. I find in the printed record of the committee the original statement made by the Secretary of War before that committee. If the second statement made by the Secretary of War is to be printed in the RECORD, it seems to me that it is quite fair that I should ask that his first statement be likewise printed.

Mr. JAMES. I have not the slightest objection to that. All I want is that this speech which he made in response to certain statements and charges and misinformation should be given as wide a circulation as the charges made against him were given. It appears to me that that is perfectly fair. If the Senator has some additional information that the country ought to have, I have not the slightest objection to that being printed in the RECORD.

Mr. GALLINGER. Of course, this is not a speech. It is the testimony of the Secretary of War given before that committee. He gave his original statement and now he has made another statement. It seems to me if we are going to print any portion of it we ought to print both.

Mr. JAMES. I am perfectly willing to have both printed. The Senator can make a request, however, for printing the original statement. I will merely say to him I have no objection to that being printed, but the request I made is that the speech of the Secretary of War made before the Committee on Military Affairs last Monday shall be printed in the RECORD.

Mr. GALLINGER. I will frankly say in response to the suggestion of the Senator that it is hardly necessary to print in the RECORD either statement or any part of this testimony. It is going to be printed by the committee. The first statement made by the Secretary of War has been printed by the committee, and his additional statement, I presume, will be printed in the near future, if it has not already been printed. It will be available to every Senator, and can be sent out under his frank if he wants to flood the country with it. But to put it in the RECORD, where very few people will ever see it or read it, I think is simply burdening the RECORD with material that might well be kept out of it.

Mr. JAMES. I think we burden the RECORD with a great many very much more unimportant matters than the speech of the Secretary of War.

Mr. HARDWICK. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Georgia will state it.

Mr. HARDWICK. I demand the regular order.

The VICE PRESIDENT. This is not routine morning business, and the Chair sustains the objection. It is not the presentation of a petition or a memorial or any other subject embraced in the rule.

Mr. JAMES. I merely ask unanimous consent.

Mr. HARDWICK. I am not objecting to the request, but I do not want discussion.

Mr. SMOOT. I will ask the Senator from Kentucky to have it referred to the Committee on Printing.

Mr. JAMES. Oh, Mr. President, that is highly technical, it seems to me, when the Secretary of War——

Mr. SMOOT. It is not highly technical with me, and is generally the course pursued.

The VICE PRESIDENT. The trouble is that Senators ask the Chair to enforce the rule and then they violate the rule themselves. This is not a part of morning business.

Mr. JAMES. I have not violated any rule.

The VICE PRESIDENT. It is not the Senator from Kentucky. An objection was made by the Senator from Georgia to the discussion of this question, and he has a right to object to a discussion of it during the morning hour.

Mr. JAMES. The Senator from Georgia withdrew that objection.

Mr. HARDWICK. No.

Mr. OVERMAN. The Senator from Kentucky asked for unanimous consent.

Mr. JAMES. That is what I have done. I have asked for unanimous consent.

The VICE PRESIDENT. Is there objection to the printing of the statement in the RECORD?

Mr. GALLINGER. Mr. President, I wish to enlarge that request, and I ask that the testimony that the Secretary of War gave in the first instance be also printed.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. I wish to ask both Senators if they will not agree to have the testimony referred to the Committee on Printing. I do not want to object to the printing of either.

Mr. JAMES. No, Mr. President——

Mr. SMOOT. Then if the Senator will not agree to that course I could object.

Mr. JAMES. Certainly it is the Senator's right if he wants to object to putting in the RECORD the reply of the Secretary of War of his country in a crisis like this information which the whole country ought to have. He is asking that something shall be done that has not been required when other speeches have been asked to be printed of other men in less important places and at less important times, and he can object if he desires to do it.

Mr. HARDWICK. The regular order!

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. If the Senator from Kentucky is allowed to make a statement, I think the Senator from Utah also should be allowed to answer the statement.

The VICE PRESIDENT. I do not think he has made a statement.

Mr. SMOOT. I think he has.

The VICE PRESIDENT. Is there objection? Let us observe the rule.

Mr. SMOOT. I do not object.

The VICE PRESIDENT. Then both documents will go into the RECORD.

The matter referred to is as follows:

INVESTIGATION OF THE WAR DEPARTMENT.

UNITED STATES SENATE,
COMMITTEE ON MILITARY AFFAIRS,
Washington, D. C., Monday, January 28, 1918.

The committee met, pursuant to call, at 10.30 o'clock a. m., in room 226, Senate Office Building, Senator GEORGE E. CHAMBERLAIN presiding.

Present: Senators CHAMBERLAIN (chairman), HITCHCOCK, FLETCHER, MYERS, THOMAS, SHEPPARD, BECKHAM, KIRBY, REED, MCKELLAR, WARREN, WEEKS, WADSWORTH, SUTHERLAND, NEW, and FRELINGHUYSEN.

The CHAIRMAN. The committee will please come to order.

Gentlemen of the committee, we have met this morning to hear the Secretary of War, in compliance with his request that he be permitted to make a statement to the committee. The Secretary is here, and we shall be very glad to hear from him.

Mr. Secretary, before you commence, may I ask you whether the statement you desire to make now is supplementary to the one you have already made, whether it is entirely new matter, or whether you desire to correct any statements in your former statement?

Secretary BAKER. It is a comprehensive statement, covering the whole conduct of the war, Senator.

The CHAIRMAN. Then, Mr. Secretary, we will be pleased to hear from you in such way as you desire to present the matter. I think it would be very much better if the Secretary might be permitted to make the statement without interruption. Would you prefer that?

Secretary BAKER. Yes.

The CHAIRMAN. And any questions the committee desire to ask might be asked after the Secretary finishes his statement. You may proceed, Mr. Secretary.

STATEMENT OF HON. NEWTON D. BAKER, SECRETARY OF WAR—RESUMED.

Secretary BAKER. Mr. Chairman and gentlemen of the committee, I am, of course, grateful to the committee for permission to make a comprehensive statement at this time. For one reason and another the impression has gone out into the country, to some extent at least, that the War Department has fallen down in addressing itself to the task of conducting this war. I want to address myself to that question.

There are several reasons why I should ask you to hear me on that question: In the first place, the country is entitled to know whether that is a fact; and in knowing whether it is a fact the country is entitled to know what this war is, what its problems are, and what steps have been taken to meet these problems.

In the second place, I have a deep sense of obligation to the officers of the Army and to the civilians who have from the beginning of this difficulty labored in a way which certainly, in my experience, has never been equaled, with devotion, self-sacrifice, zeal, spending sleepless nights and tireless days in an effort to bring the organization of this great Army and its use in a military enterprise up most rapidly and effectively.

I have seen strong and grizzled men of the Army turn away from my desk to hide tears when they were asked to stay in this country and do organization work here instead of going to France, where the glory of their profession lay, and yet I have never known one of them to hesitate for a second to obey the order, nor has there been any lack of quality in the work which any of them has done by reason of his natural ambition to be on the field of battle rather than in an administrative task; and of the great company of civilians, Mr. Chairman, who have come to Washington from all over the United States, laying down their private business, sometimes accepting salaries which office boys at other places enjoy, sometimes having no salary at all—men of the largest experience and of the greatest talent in business have come to Washington, put up with the inadequate conditions which the city now affords because of its congested condition, and have worked in season and out of season on this undertaking.

It would be a tragical thing if this tremendous effort, this wholly unprecedented sacrifice made by men were, in fact, to turn out to deserve the comment that it had fallen down.

I have not the least doubt that such currency as that feeling has gotten is due in large part to the tremendous impatience of the American people to do this great thing greatly. Every one of you, and every one of us, wants to demonstrate the thing which we know to be true—that our country is great and strong, and in a cause like this will hit like a man at the adversary which has attacked us. And always there is between the beginning of preparation and the final demonstration of its success a period of questioning, when everybody, you and I and everybody else, goes through searchings of heart to find out whether all has been done that could have been or that ought to have been done; whether anything remains that can be done. And we look back over the past and realize that there have been delays and that there have been shortcomings; that there have been things which might have been done better. In so great an enterprise it is impossible for frankness not to find those things.

But our effort is to learn from them not to repeat; to strengthen where there needs strengthening; to supplement where there needs supplementing; and, by bringing two things together, our very best effort and the confidence of the country back of that effort, to make our enemies finally feel the strength that is really American.

Now, I want to say at the outset, Mr. Chairman, that I have no bias in favor of individuals. The issue of this is far too large for any prejudice or favoritism to any individual, and when I discuss, if I shall discuss individuals by name, whether it be Gen. Crozier or Gen. Sharpe, or if I refer to myself, I want it understood that the appearance of any one of us in the casualty list any morning is a negligible matter as contrasted with the success of this enterprise, and I am not here either to defend individuals, including myself, nor am I here to deny delays, mistakes, shortcomings, or false starts; but I think I can say with confidence that where those things have appeared we have sought the remedy; that in many places we have applied the remedy, and the largest purpose I have in being here is to urge what I do not need to urge, that your committee, that the Members of the Senate and the Members of the House, that every citizen in this country, official and unofficial, from the highest to the lowest, realize that this is their enterprise, not quite so much as it is mine in the sense of responsibility, but their enterprise, and to ask from you and from them every suggestion, every criticism, every constructive thought that occurs to any of you, and I ask you, when shortcomings are pointed out to you, whether they be well founded or whether they be not well founded, that you will instantly convey them to me, so that by the processes which the department has I may search out where blame is to be attached, where remedies are to be applied, and where strengthening and improvement of the organization is possible.

Mr. Chairman, you made an address in the Senate. It was at the conclusion of an investigation of two divisions of the War Department, I think, the Ordnance and the Quartermaster Departments. In that investigation some shortcomings had been brought to the attention of the committee; some delays. They fall readily under two or three heads; they were in the midst of very large and involved transactions, and yet, by reason of the effort of the committee to trace those things to their ultimate cause and to get their proper leadings and bearings, it may not be unfair to say that they assumed a disproportionate aspect and appearance in relation to what has actually been going on in this war and in the War Department. And if I may venture, with very great respect to the chairman and to the committee, to suggest it, it seemed to me at the time I read that speech that perhaps the feeling I would have about it was this: That without the intention of the chairman and without anybody's intention, its effect might be to have the country feel that the particular difficulties and delays referred to by the chairman were characteristic rather than exceptional, and I want, therefore, to address myself to those incidents which were pointed out by the chairman in his address to the Senate, and see whether I can not, with his permission and with great deference to him and the committee, place them in a light which will show that rather than being characteristic they are in fact instances of shortcomings, but only instances, and that the general thing to which they bear a relation is not to be inferred to be characterized by those instances.

If I may say one personal word, and one only, for it is the only one I want to say, I should like to say that for some reason, which I do not understand, when I appeared before your committee in these hearings with the intention of being frank, weighed down, as I have been ever since I have been Secretary of War, by accumulating difficulties in that department, for I became Secretary of War on the night that Villa crossed the border and raided Columbus, and the department has been an active department ever since, and there has been no hour since then when I have not felt that the responsibilities which rested upon me were of the very gravest kind, and when I have not wondered constantly where I might find the strength to meet those responsibilities, and yet for some reason, with that sense of my duty and my task, and with the utmost desire to aid this committee to develop all that it wanted to know and all that there was, I seem yet to have left, at least upon the minds of some members of the committee, a feeling that I was fencing and defending the actions of my subordinates when that was not my intention.

I have brought down here to-day, Mr. Chairman, no hurriedly gathered data with regard to divisions of the War Department and its activity which you have not as yet inquired into. I am here, if I can, to make a compendious statement of this whole situation, and if there be, as doubtless will be and ought to be, other phases of the War Department's work which your committee desires to go into, I trust you will go into it thoroughly, and when you have covered any shortcoming or defect I need not tell you that if you bring it to my attention I will do all I can, and that speedily and without fear or favor of person, to correct, adjust, and improve it.

The chairman of the committee read to the Senate two letters dealing with instances of neglect of the dead. They are pathetic letters. They arouse every instinct of resentment and indignation that a man can have. I had not seen those letters before. At once, upon hearing of them, I wrote to the chairman of the committee and asked for the names of the writers of those letters and the camps in which those incidents were reported to have taken place. I wanted, and I want now, to follow those through to the very end to find out who was guilty of this inhuman treatment, to find out who was responsible for the conditions complained of there, in order that I may punish those who are guilty. The chairman has felt that those letters came to him in a confidential way and has suggested that he will endeavor to have himself relieved from that confidence so that I can ultimately get those names and redress the wrong. They are two instances. I have had others. I have not had those two, but it may interest the committee to know that with a million men, more than a million men in arms in this country, with great hospital establishments in all these camps, with hospitals established in many other camps than those which are directly devoted to the National Army, the National Guard, and the Regular Army, the number of complaints is relatively small, perhaps some dozen and a half, and in each instance when the complaint came, if it dealt with a question of shortage of supplies or some mere material shortage, it has been referred to the Surgeon General of the Army in order that instant corrective steps might be taken; but where it involved a breakdown in the human element, where it showed that some man failed who was intrusted with responsibility as to the life and welfare and safe custody of another individual, where it was that sort of thing, the remedy has been always to refer it to the Inspector General of the Army for immediate inspection, with the recommendation as to a course of action to be taken which would not only be corrective, but punitive where fault lay.

I have before me here the report of the Inspector General on the cases with which he has had to deal. Many of them provide

that complaints which, at the outset, looked serious were not, in fact, serious. Some of them show that the situation was serious, and remedies and courses of discipline are suggested. I have, for instance, a case somewhat similar to the one which the chairman had, the report of the shipping of a body of a soldier nude. In this case the soldier was killed at the Toronto flying field, his clothing was removed, his body was wrapped in a winding sheet, and it was received at the home of his parents thus unclothed. Immediate inquiry was made and it was discovered that that flying unit was under the control of a major of the Royal Flying Corps of the British Army; that he followed the British custom of removing the clothes of the deceased and returning them in a separate parcel. The undertaker there employed to deal with this body dealt with it as the English do and the Canadians do, as their custom is. Immediate instructions were issued that there should be an American officer at that camp and that the American practice should prevail should such a catastrophe happen again.

I have here a case of neglect of a patient, not leading to a fatal result, at Camp Wheeler. The Inspector General found upon inquiry—it seems it did lead to a fatal result; at least the patient died. The Inspector General went through it in a judicial way and came to the conclusion that the conditions did not actually justify the complaint, but that in the bitterness of her distress the wife of this soldier felt that something more might have been done if she could have had her soldier home with her, and her complaints were based upon that sort of distressed imagination, in the judgment of the Inspector General, which we are all familiar with. In that particular case no further remedy was suggested than that care and consideration should be had in dealing with the relatives.

The first case of all which came to my personal attention came from Plattsburg, where a complaint was made of the mistreatment of a soldier by a surgeon. I sent immediately for the record; I examined it personally; and I came to the conclusion that that particular civilian, a man called in from civil life when the emergency arose and the rapid expansion of the Medical Corps was needed, that he had failed to understand his responsibility, and I therefore dismissed him from the Army.

There are other cases, however. Without going over them I would say they amounted perhaps to a dozen altogether, and there are no others of the grave character of those I have cited; the whole record, of course, is at the disposal of the committee, if it desires it. There are two cases to which I do want to refer in a little more detail.

Before I do that perhaps it would not be unwise to read to the committee an order of June 15, with regard to the treatment of the bodies of the dead, issued from the Quartermaster General of the Army to the department quartermasters in the Army.

(The order referred to is here printed in full, as follows:)

Subject: Embalming and preparing remains for interment or shipment, fiscal year 1918.

1. In order to comply with the requirements of paragraphs 87 and 167, Army Regulations, so far as they relate to the disposition of the remains of officers and enlisted men of the Army active list who may die at camps of organization and other places in your department at a distance from regularly established military posts, informal bids should be invited where practicable and contracts entered into with local undertakers or other competent persons for services in the preparation of the remains for interment or shipment during the fiscal year ending June 30, 1918.

2. These bids should cover the cost of embalming and shaving each body, the embalming to be performed in such manner as to insure perfect preservation; the cost of each casket or coffin without metal-lined shipping case, but with name plate (to be used when remains are interred at the post), and the cost of each metal-lined casket, with name plate and shipping case (to be used when remains are shipped). Wherever practicable Government caskets will be used with an ordinary shipping case, and when Government coffins are used in the shipment of remains they should be inclosed in a metal-lined shipping case. For local interment, however, the Government coffin should be used.

3. Where the expenses permitted by paragraph 167, Army Regulations, are exceeded, it will be necessary for this office to obtain the approval of the Secretary of War to cover the excess.

By authority of the Quartermaster General.

D. L. BRAINARD,
Colonel, Quartermaster Corps.

AUGUST 30, 1917.

From: Quartermaster General.
To: The Department Quartermaster, Eastern Department, Governor's Island, N. Y.
Subject: Preparing remains for shipment, fiscal year 1918.

1. Your attention is invited to the instructions of this office of June 15, 1917, copy herewith, on the subject of entering into contract or obtaining bids for the preparation of remains for shipment or for local interment of officers and enlisted men who may die at cantonments, camps or organizations, etc., within the limits of your department for the current fiscal year, with request that report be submitted showing what action has been taken in the matter.

By authority of the Quartermaster General.

H. R. LEMLY,
Captain, United States Army, retired.

Similar letters sent to other department quartermasters.

Secretary BAKER. In order that you may realize, Mr. Chairman, that I am trying to be thorough in this matter, I will say that there are still in the hands of the Inspector General nine cases which are being investigated; three allege general bad conditions in hospital service; two inefficient medical treatment; another complaint is as to careless preparation for burial; two complaints of neglect by surgeons; and the last one is a simulation of illness with the connivance of a surgeon. I cite those, not that they are as yet demonstrated to be true, but as complaints that have come to the department and have been put into the hands of that officer of the Army who, by reason of the fact that he bears no relation to any other branch or bureau of the service, is intrusted with the investigation of every complaint of this character, and they are now being investigated by men trained in that faculty and for the purpose of recommendation.

There are two cases which illustrate, in my judgment, the attitude of the department on this subject. The first is that of Lieut. Charles W. Cole, charged with neglect of patients at the base hospital at Camp Beauregard, La. He was court-martialed and sentenced to be dismissed from the service. The other case is that of Lieut. John G. Dwyer, charged with neglect of patients, court-martialed and sentenced to be dismissed from the Army. Those cases present this kind of state of facts: These medical officers were in their hospital; in the one case an ambulance drove up and a man was brought in claiming to be sick. The doctor made a hasty examination, looked at him, felt his pulse, or something of that kind, and ordered him back. He said that he was not sick. Substantially, that is the state of facts as to both of these cases. In other words, the doctor does not do the things he was to have done; he did not examine the patient and diagnose his difficulty in either of these cases, and the result was that in both of them severe illness developed and in both of them death resulted.

When those letters came to me I had them reviewed by the Judge Advocate General, to see what further could be done; a court-martial, organized in accordance with the laws of the Army and of the land, had sat upon these cases and apportioned the punishment as dismissal from the Army. But when the Judge Advocate General reviewed it for me he came to the conclusion that that sort of neglect rose much higher, or went much deeper, and recommended that both of those cases be sent back to the courts-martial which had tried them and that such imprisonment as could be added under the statutes of this country for that kind of neglect should be added to the penalty of dismissal.

I have here the letters, dated, respectively, so far as the Judge Advocate General's investigation is concerned—perhaps the letter I wrote on the subject will cover the details of the cases accurately. I therefore file and put into the record two letters, written, respectively, on the 8th and 9th of January, in which the action taken was the firm action of the department turning its face against that sort of callous disregard of the illnesses and interests of the soldiers, and I want the country to know that though we have gone out and gotten doctors out of civil life, though we have taken them necessarily because of the numbers of doctors in this country trained in hospital management and in group treatment of cases of men is limited, I want the country to know that the lives and welfare and the illnesses of these soldiers are a responsibility which I will not permit to be dodged or handled in any cavalier fashion, and that the attitude of the department is one of punishment where guilt is involved.

The CHAIRMAN. May I ask, Mr. Secretary, if you are appending with that the report upon the condition at Camp Funston and the recommendation for investigation of the Medical Corps that accompanies that report from the Judge Advocate General's office to you?

Mr. BAKER. I will be very glad to do it.

The CHAIRMAN. I wish you would put that in the record with your statement in regard to the cases; also, the communication sending back the record in Lieut. Dwyer's case and in Lieut. Cole's case.

Mr. BAKER. That is what I am going to put in.

The CHAIRMAN. You have not the other?

Mr. BAKER. I have here, Senator, the letter of the War Department to the commanding general, Eighty-ninth Division, at Camp Funston; I have the letter of the War Department, signed by the Secretary to the commanding general of the Thirty-ninth Division at Camp Beauregard. What in addition to that do you want?

The CHAIRMAN. I desire to have the report of the Judge Advocate General's office to you on these cases.

Secretary BAKER. Yes, sir.

The CHAIRMAN. And have them go in with your statement.

Secretary BAKER. They will go in with this statement.

(The report referred to is here printed in full, as follows:)

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, December 28, 1917.

Memorandum for The Adjutant General.

Subject: Investigation of conditions surrounding and treatment of sick at Camp Funston, Kans., and conduct and efficiency of certain members of the Medical Corps on duty there.

1. This office has just completed a review of the record of trial by general court-martial of First Lieut. John G. Dwyer, Medical Officers' Reserve Corps, Camp Funston, Kans., which occurred on November 27, 1917. The court sentenced the accused to be dismissed. The sentence was approved by the reviewing authority, and was forwarded to the President under the forty-eighth article of war for his action thereon. This office, after a careful review of the record, recommended that the President return the record to the reviewing authority, with directions to reconvene the court and return to it the record for reconsideration, to the end that the court have opportunity to impose a sentence adequate to the offenses of the accused.

The evidence taken in the trial of Lieut. Dwyer seems to indicate the existence of conditions at Camp Funston, in connection with the treatment given to soldiers who are sick, showing a lack of diligence and sense of responsibility on the part of some members of the Medical Corps, and a lack of skill and competency on the part of others, which this office feels should be called to your attention, to the end that an appropriate investigation may be made. The situation may be discussed in three phases: (a) The specific case upon which Lieut. Dwyer was tried; (b) the attitude of other members of the Medical Corps with respect to the conduct of Lieut. Dwyer; (c) the conditions which seemed to obtain at Camp Funston with respect to the examination and care of sick soldiers.

2. The specific case upon which Lieut. Dwyer was tried: Lieut. Dwyer was tried for violation of the ninety-sixth article of war. There were two specifications thereunder. First, that on October 17, 1917, while on duty as surgeon of the regimental infirmary, Fourth Training Unit, One hundred and sixty-fourth Brigade, he grossly neglected to perform his duty in failing to examine Pvt. Christie L. Gherring, Seventy-third Company of said brigade, who was placed on sick report by his company commander; second, that at the same time he grossly neglected to perform his duty in failing to administer proper treatment to Pvt. Gherring.

Lieut. Dwyer was found guilty of both specifications and the charge, and was sentenced to dismissal. The sentence was approved by the reviewing authority, and transmitted to the President for action pursuant to the forty-eighth article of war.

The following facts were established beyond reasonable dispute. Pvt. Gherring was placed on sick report on the morning of October 17, 1917, by his company commander and sent to the infirmary in charge of a noncommissioned officer. At that time it was apparent to four or five nonmedical witnesses who testified upon the trial that he was a very sick man. He was weak, partially delirious, staggered when he walked, and was assisted to the infirmary and into the presence of the examining surgeon. He was then sick, probably mortally so, with pneumonia, and died on October 21. Lieut. Dwyer, the examining surgeon in charge of the infirmary at the time, apparently made no examination of Pvt. Gherring except to require him to remove his hat and walk across the room, which the soldier did, staggering as he walked. He was then marked for double or extra duty and sent away. The noncommissioned officer who took him to the infirmary, and took him away after being so marked by the examining surgeon, did not put him on double or extra duty, or any duty, but put him to bed in his quarters. No medical attention was given the man until the next evening, when he was carried to the hospital on a cot, his company commander writing a formal letter demanding that he be given proper medical treatment. It appears that the man was in about the same condition when he was sent to the hospital on the evening of the 18th as when he was assisted to the infirmary for examination on the morning of the 17th of October.

Before an examination of Gherring, or any of the other men on sick report who were brought to the infirmary by the sergeant who brought Gherring there, Lieut. Dwyer expressed the opinion that the men were stalling or faking, although this was before the men had come into his presence or had been subjected to even a visual inspection.

3. Attitude of other members of the Medical Corps: The record presents no reasonable excuse for the failure on the part of Lieut. Dwyer to make some sort of examination of Gherring when the latter was brought to the infirmary on the morning of October 17. His condition was apparent to his company commander and to the noncommissioned officers of his command. His whole physical appearance and conduct were such as to attract the attention of nonmedical observers, and it is manifest that Gherring was then suffering from an advanced stage of pneumonia. He was placed on sick report by his company commander and assisted to the infirmary by a noncommissioned officer. Despite these surrounding circumstances, Lieut. Dwyer and his assistants did not detect the condition of Gherring, failed to make even a most casual examination to ascertain whether or not he was sick, and, instead of giving him medical treatment, directed that he be given double or extra duty, evidently by way of punishment—a direction which the accused had no authority whatever to give and which, through the humane impulses and the better sense of a noncommissioned officer, was disregarded. Notwithstanding these facts, every member of the Medical Corps called to testify in the case sought by theory and inference to excuse and justify the action and conduct of Lieut. Dwyer. The morale of the men in the ranks must, to a measurable degree at least, depend upon their confidence in the disposition and competency of the Medical Corps to give them adequate care and treatment when sick or wounded; and it is difficult to perceive how that confidence could be more effectively undermined and shaken than by the members of that corps seeking to prove that the conduct of Lieut. Dwyer in the case of Pvt. Gherring measured up to their conception of the standard of care and skill that men in the ranks may reasonably expect at their hands. There is some suggestion in the testimony that Gherring was a man of little force, perhaps somewhat below the normal in intelligence, possibly without active friendships because he had been but recently transferred to the Seventy-third Company; and that the indifference of the surgeons was somewhat accentuated by these facts. If true, they do not palliate or excuse. It must be understood that no man in the ranks is so obscure or of so little consequence that he can not require and receive, promptly, and willingly, to minister to his sickness or to his wounds, the highest professional skill in the military service.

4. Conditions which seem to exist at Camp Funston with respect to the examination and care of sick soldiers.—There is much in the record of the trial of Lieut. Dwyer which indicates the existence of general conditions that should be remedied. Capt. Louis Whistler, of the Seventy-third Company, to which Gherring belonged, testified in substance that he did not send Gherring back to the infirmary again on October 17, or on the morning of the 18th, because he was practically in the same condition that he was when first sent up and marked for double or extra duty; that he had knowledge of others who had been marked for double duty by the attending surgeon, no matter what their ailments were; that it was his experience that if a man was sent to the infirmary and marked for duty, regardless of his condition, and shortly thereafter sent up again, he would be again marked for duty and returned, and the impression to be gained from the evidence is that, in the latter case, the action of the surgeon would be pro forma. There is some evidence, also, to the effect that the brigade commander had issued a memorandum directing that, where a man was marked for duty, and in the opinion of his company commander the man was sick, the company commander should make a thorough investigation and send him back to the infirmary if he thought it advisable. This memorandum must have been issued as a result of conditions, in connection with the care and treatment of the sick, which challenged the attention of the brigade commander. Capt. Whistler states that he had complained to his unit commander of the treatment his men were receiving at the hands of the medical officers, and that other company commanders had done likewise.

Second Lieut. Gord P. Way testified in substance that when the sick were sent to the infirmary for treatment, Lieut. Dwyer and a couple of other surgeons were gruff to them; that these surgeons regarded themselves strictly as line officers and required of the sick men that they stand at attention all the time and strictly observe military discipline while in the infirmary.

It seems that Pvt. Gherring was sent to the hospital on the evening of October 18 and placed in a ward of which Capt. Harry L. Chambers, Medical Officers' Reserve Corps, had charge. It should be kept in mind that Gherring died two or three days later. There is some evidence that this officer made an examination of Gherring on the evening he came to the hospital, although this is somewhat doubtful, as he testified largely from entries upon a record card. Although in charge of the ward, and although testifying that he made a physical examination, he finally gives this evidence:

"Q. What we want, Doctor, is his condition at the time he came to the hospital, and his health during the time that he was there.—A. I remember very little about that. What I have heard is about all I can say."

The whole testimony of Capt. Chambers impresses one with the conviction that he had a very vague opinion of the condition of Gherring when the latter came to the hospital, or at any time thereafter; that he did not know, except from hearsay, of what the man died; and the evidence does not show that at any time after the examination of Gherring was made on the evening of October 18—if, indeed, anything more than a most casual examination was then made—any physician saw him or administered any medical treatment.

It seems that when Gherring was carried on a cot to the hospital on the evening of October 18, he was first seen by Lieut. Egan, a surgeon and member of the Medical Corps. Having in mind the condition in which Gherring must have been at that time, and the advanced stage of his disease, the following evidence given by Second Lieut. Way, of the Seventy-third Company, and which is undisputed, would seem to indicate a lack of any sense of responsibility, of skill, or both:

"Q. What was done then?—A. We carried him to the hospital on a cot.

"Q. And he was received there?—A. Yes, sir.

"Q. What disposition was made of him? What happened over there?—A. I took him in to Lieut. Eger (Egan), I believe, who examined him; felt his pulse, and asked him several questions. He seemed to think he was crazy—that is, out of his head—and had never been right. He answered all of the questions as rationally as he could, and finally he asked him if he wanted to stay there or go back to the barracks, and he answered with as much force as he could: 'I don't care what you do with me.' A detail of enlisted men from the hospital carried him upstairs, and the lieutenants said that he had influenza, and that they would try to get rid of him for us. He said that all the line officers could do was that they had instructions to drill these men until they dropped or came up there with some other trouble before they would receive them

"Q. Did you note that as his instructions from the surgeon in command of that infirmary?—A. As I understood it, it was the instruction of all medical officers."

The manner in which sick report is taken at the infirmary each morning indicates lack of order or organization, and a system—or rather lack of system—which must inevitably lead to mistakes of the gravest character. Evidence was offered upon the trial of Lieut. Dwyer, on behalf of the defense, tending to show that as many as 300 men might come in on sick report during the forenoon. One of the members of the Medical Corps testified that usually the surgeon in charge would sit at the door and look at the men as they came in, take their sick books or reports, and pass them along without any physical examination whatever, and that at some other stage during the progress of the men through the infirmary—which, apparently, was quite rapid—the assistant surgeon or surgeons might ask the men a few questions, or occasionally take the pulse or temperature, but in most instances would do none of these things. There is also evidence that the general attitude of the surgeons was to regard the men as stalling or faking, and to mark many, if not most of them, for double or extra duty, presumably by way of punishment, and to discourage the men from reporting their ailments in the disposition and competency of the Medical Corps to give them adequate care and treatment when sick or wounded; and it is difficult to perceive how that confidence could be more effectively undermined and shaken than by the members of that corps seeking to prove that the conduct of Lieut. Dwyer in the case of Pvt. Gherring measured up to their conception of the standard of care and skill that men in the ranks may reasonably expect at their hands. There is some suggestion in the testimony that Gherring was a man of little force, perhaps somewhat below the normal in intelligence, possibly without active friendships because he had been but recently transferred to the Seventy-third Company; and that the indifference of the surgeons was somewhat accentuated by these facts. If true, they do not palliate or excuse. It must be understood that no man in the ranks is so obscure or of so little consequence that he can not require and receive, promptly, and willingly, to minister to his sickness or to his wounds, the highest professional skill in the military service.

shall be put on extra or double duty, or do more than indicate whether such person should receive medical treatment or is fit for duty; and that any such order or direction would constitute an excess of and abuse of authority; and (b) that a rigid investigation be made of the conditions obtaining in the medical staff of the Eighty-ninth Division, with a view to correcting the faults resulting from lack of organization, inadequate help, or hospital facilities; and with a further view to proper disciplinary action in cases where this may be found necessary, and the summary elimination from the service of such medical officers as are unfit for the high responsibilities they have assumed.

E. T. ANSELL,
Acting Judge Advocate General.

[First indorsement.]

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
January 5, 1918.

To the COMMANDING GENERAL,
Eighty-ninth Division, Camp Funston, Kans.

1. In the within case of First Lieut. John G. Dwyer, M. C. R. C., the President directs that you reconvene the court-martial for a reconsideration of its sentence and return to the court the record, together with this indorsement.

2. The accused was tried for violation of the ninety-sixth article of war, the specifications in substance alleging that he was on duty as surgeon of the regimental infirmary, fourth training unit, One hundred and sixty-fourth Brigade, on October 17, 1917; that it was his duty to examine Pvt. Christie L. Gherring, of the Seventy-fourth Company of said brigade, who had been properly reported on sick report; and that he failed and grossly neglected to perform such duty; and that at the same time it was his duty to administer treatment to Pvt. Gherring; and that he did fail and grossly neglect to perform such duty. He was found guilty of these offenses and sentenced to be dismissed the service. The evidence establishes that Pvt. Gherring was sick on the morning of October 17; that to the most casual observation of the unpracticed eye of the several nonmedical witnesses who testified there was palpable physical evidence in his appearance that he was sick; that he was assisted to the infirmary and into the presence of the accused; that he was weak, staggered as he walked, half delirious, and in an advanced stage of pneumonia. The accused was in charge of the infirmary and it was his duty to make an examination of Gherring and administer to him proper medical treatment. He apparently made no examination of him except to request him to take off his hat and walk across the room, which the soldier did, staggering as he walked. The accused then marked him for double or extra duty and sent him away. The noncommissioned officer who took the sick man to the infirmary and took him away after he had been marked for double or extra duty by the accused did not put him on duty, but put him to bed in his quarters. The direction double or extra duty, was evidently given by way of punishment for coming to the hospital for treatment. It is a direction which the accused had no authority whatsoever to give and which, through the humane impulses and better sense of a noncommissioned officer, was disregarded. Gherring received no medical treatment whatever until some time during the following evening, when he was carried to the base hospital upon a cot, his company commander sending a formal demand that he be given proper medical treatment. There is nothing to show that he received proper or adequate medical care or treatment after he reached the hospital. He died of pneumonia on October 21.

3. There is a suggestion in the record that Gherring was a man of little force, perhaps below the average intelligence, possibly without active friendships, because he had been but recently transferred to the Seventy-third Company, and that the indifference of the surgeon was somewhat accentuated by these facts. If all this be true, it does not serve to palliate but to condemn. It must be understood that no man in the ranks is so obscure or of so little consequence that he can not require and receive, to administer to his sickness or wounds, the highest professional skill in the military service.

4. The fact that the members of the court, which convicted Lieut. Dwyer of failing and grossly neglecting to examine Pvt. Gherring and to administer to him proper medical treatment, joined in a recommendation for clemency to the reviewing authority indicates that they failed to appreciate the seriousness of the offense of which Lieut. Dwyer stood convicted. Here is the bald situation presented by the record: Pvt. Gherring, seriously ill with pneumonia on the evening of October 17, 1917, was placed on sick report and sent to the infirmary for medical treatment. Lieut. Dwyer was in charge of the infirmary and it was his legal duty to examine and administer proper medical treatment. He failed to do so. The sick man got no medical treatment whatever until either the late evening of the next day or the morning of the 19th. He died on October 21. It is reasonably probable that his death was accelerated by, and it is not at all improbable that it was the result of, neglect on the part of the accused or other medical officers to give him proper treatment. Civil society regards conduct of this kind as constituting a very serious offense. It is a well-settled and a humane principle that if the law requires a person to do an act and he neglects his duty so as to cause or to accelerate the death of another, he is guilty of involuntary manslaughter. This principle finds frequent recognition in the adjudicated cases. In Reg. v. Senior (1 Q. B., 283) the defendant was indicted for failure to provide medical attention for his infant child, who was seriously ill, and the child died because of such lack of attention. There was a conviction for manslaughter which was sustained. In another English case (Reg. v. Instan, 17 Cox C. C., 602) a young woman was indicted for manslaughter for failure to provide proper medical attention and other necessaries for her aunt, an elderly woman, resulting in the death of the latter. The aunt was seriously ill at the time and probably would have died from her ailment, but the neglect visited upon her by her niece accelerated her death. There was a conviction for manslaughter which was sustained. The same principle has been recognized by the American courts. Territory v. Manton, 8 Mont., 95; 19 Pacific, 387; Clark's Criminal Law, 2d edition, p. 209; Westrup v. Commonwealth, 29 Ky., 1; Rep. 519; 123 Ky., 95; 93 S. W., 646; 6 L. R. A., N. S., 685; Commonwealth v. Pierce, 138 Mass., 165; 52 A. R., 264; and Johnson v. State, 66 Ga. St., 59; 61 L. R. A., 277.)

5. Attention is called to these cases for the purpose of indicating the seriousness with which an offense such as the accused is shown to have committed is regarded by the civil courts. No reason is seen why a military court should place a lighter estimate upon neglect which leads to or accelerates death than do the civil tribunals, and yet the charge filed, the findings of the court, and the recommendation to clemency lead to the belief that this is what the officer who prepared the charge and the court which tried the case actually have done. The accused might properly have been charged under the ninety-third article of war and the specifications amplified by alleging that death was caused by the neglect. Indeed, there appears from the whole record that throughout the proceedings a grave misapprehension existed as to the seriousness of the offense disclosed by the evidence. The ninety-sixth article of war, under which the charge and specifications were laid, confers upon the court discretion as to the punishment to be imposed. A sentence of dismissal, unaccompanied by a period of confinement, seems wholly inadequate for the offense of which the accused was convicted, and the record is returned for reconsideration in the light of these views.

By direction of the President.

NEWTON D. BAKER,
Secretary of War.

Encl.

AEC-WLA-A. G. 201—Cole, Lieut. Chas. W. 1st Ind.

WAR DEPARTMENT, *January 8, 1918.*

To the COMMANDING GENERAL THIRTY-NINTH DIVISION,
Camp Beauregard, La.:

1. In the within case of First Lieut. Charles W. Cole, Medical Reserve Corps, the President directs that you reconvene the court-martial for a reconsideration of its sentence, and return to the court the record, together with this indorsement.

2. The accused was tried for violation of the ninety-sixth article of war. The first specification charges, in substance, that on November 18, 1917, he was on duty as officer of the day at the base hospital, Camp Beauregard, La.; that it was his duty to receive and admit patients transferred to said hospital for treatment, and that he did willfully neglect to admit and receive nine enlisted men transferred to said hospital from the regimental infirmary, One hundred and fifty-sixth Infantry. The second specification charges that at the same time and place, it was his duty to examine all patients transferred to said hospital for treatment, and that he did willfully neglect to examine the said enlisted men, and, without examination, did direct them to be reconveyed to the regimental infirmary, causing patients to suffer unnecessary exposure, to the detriment and prejudice of their health and lives. The third specification charges that, at the same time and place, he did willfully keep the ambulances containing these patients waiting for an hour, more or less, in front of the hospital, before he appeared to give directions as to the disposition of the patients. He was found guilty of specifications 1 and 2, not guilty of specification 3, and guilty of the charge. He was sentenced to be dismissed from the service, and this sentence was approved by the commanding general of the thirty ninth division and forwarded for the action of the President pursuant to the forty-eighth article of war.

3. It is established by the evidence that the accused was on duty as alleged, that measles were prevalent in the camp, and that orders had been issued by competent authority that all cases attended with complications, such as high temperature, capillary bronchitis, acute bronchitis, bronchial pneumonia, and the like should be transferred to the base hospital. On the afternoon of November 18 the nine men in question were diagnosed by Maj. Herbert C. Cole, the surgeon of the One hundred and fifty-sixth Infantry, as suffering from measles with complication of acute bronchitis, and ordered transferred to the base hospital. The infirmary of the One hundred and fifty-sixth Infantry was about 2½ miles from the base hospital. Several of the men were transferred in a motor ambulance, and the others in two mule-drawn ambulances. There was sent with an enlisted man, who went over in the motor ambulance, a communication from Maj. Cole addressed to the commanding officer of the base hospital, requesting the admission of the nine men, and in this communication the name, organization, and diagnosis of each man appeared. The road between the infirmary and the hospital was rough. The day was cold, dark, and a drizzling rain was falling. The motor ambulance arrived at the hospital about 4 in the afternoon, approximately three-quarters of an hour ahead of the other ambulance. The enlisted man in charge of it immediately reported the arrival of the patients in the motor ambulance, and took steps to bring to the attention of the accused, who was the officer of the day at the hospital, the communication from the surgeon of the One hundred and fifty-sixth Infantry.

The evidence tends to show that from three-quarters of an hour to an hour elapsed before the accused appeared to give directions as to the disposition of the patients. In the meantime these patients were outside in the ambulance. All of the men were sick. Two of the men in the motor ambulance were very sick, and one of them was so delirious that it was difficult to restrain him and prevent him disturbing or doing injury to the other patients. The accused finally came out to the motor ambulance, felt the pulse of one or two of the men, made no other examination whatever, and refused to receive them at the hospital. The soldier in charge of the motor ambulance protested that the men were sick, and called attention to the fact that one of the men was very sick, was delirious, and that there was difficulty in restraining him. The accused provided a tape or rope and sugg sted or directed that the patient be tied up. At this time the mule-drawn ambulances were just arriving. The accused did not go to these ambulances or attempt to make any examination of any of the sick men therein. One of the men accompanying one of those ambulances reported the situation to the surgeon of the One hundred and fifty-sixth Infantry, and, having received instructions to insist upon the admission of the men, or at least those who were very sick, into the base hospital, sent word to the accused to this effect. His attention was not obtained regarding this request for some time, when he reiterated his refusal. The ambulances then returned to the One hundred and fifty-sixth Infantry, where four of the men were transferred to the field hospital, and, because of inadequate facilities, it was necessary to care for the others in their tents.

The base hospital had a maximum capacity of about 500 patients. At this time there were in the hospital about 350 patients undergoing treatment, and while not fully equipped, the hospital had beds and bedding for a considerable number of patients in addition to those there undergoing treatment. The sick men transferred to the base hospital on November 18 from the One hundred and fifty-sixth Infantry could have been cared for. The diagnosis of each man justified and required their admission for treatment at that place. The most casual investigation, if made, must have disclosed that at least two of the men were dangerously ill, and that, with respect to one of them, bronchial pneumonia had so far advanced as to bring about a condition of pronounced delirium. Considering these facts, the condition of the weather, and the knowledge of the accused, which he must have had, that there were not adequate facilities for proper treatment in the tents of these men or at the field hospital, his conduct was

wholly inexcusable, and showed a complete absence of those considerations of humanity and compassion that should characterise the treatment of our soldiers when severely ill or wounded.

From the time the men left the base hospital, upon the refusal of the accused to receive them, until they were returned to the One hundred and fifty-sixth Infantry, some to the field hospital and some to their tents, from one to two hours elapsed. They were thus exposed to the inclement weather for a period of from three to four hours, and were carried twice over a rough and broken road. Upon their return one of the men—the man who was delirious when at the base hospital seeking admission—was in such condition that death was imminent, and it was necessary to administer oxygen, digitaline, and strychnine to stimulate his vital functions. He died a few days later. Another man was also found to be in a very serious condition, undoubtedly greatly aggravated by the exposure, and he likewise died. It is reasonably probable that the death of each of these men was accelerated, if not, indeed, caused, by the willful and inexcusable neglect of the accused.

The facts that the members of the court which convicted Lieut. Cole of the charges contained in specifications 1 and 2 simply imposed a sentence of dismissal, and that the reviewing authority approved this sentence, indicate that they failed to appreciate the seriousness of the offense of which the accused stood convicted. Civil society regards conduct of this kind as constituting a very grave offense. It is a well-settled and humane principle that if the law requires a person to do an act and he neglects his duty so as to cause, or to accelerate, the death of another, he is guilty of involuntary manslaughter. If such neglect is willful, he is guilty of murder. This principle finds frequent recognition in the adjudicated cases. In Reg. v. Senior (1 ib., 283) the defendant was indicted for failure to provide medical attention for his infant child, who was seriously ill, and the child died for lack thereof. The offender was convicted of manslaughter. In another English case (Reg. v. Instan, 17 Cox C. C., 602) a young woman was indicted for manslaughter for failure to provide medical attention and other necessaries for her aunt, an elderly woman, resulting in the death of the latter. The aunt was seriously ill at the time and probably would have died from her ailment, but the neglect visited upon her by her niece accelerated her death. There was a conviction for manslaughter. The same principle has been recognized by the American courts. (Territory v. Manton, 8 Mont., 95; 19 Pac., 387; Clark's Criminal Law, 2d edition, p. 209; Westrup v. Commonwealth, 29 Ky. Law Rep., 519; 123 Ky., 95; 94 S. W., 646; 9 L. R. A., N. S., 685; Commonwealth v. Pierce, 138 Mass., 165; 52 Am. Rep., 254; Johnson v. State, 66 Ohio State, 59; 61 L. R. A., 277.)

6. Attention is called to these cases for the purpose of indicating the seriousness with which an offense such as the accused is shown to have committed is regarded by the civil courts. No reason is seen why military courts should place a lighter estimate upon the neglect which leads to or accelerates death than do the civil tribunals; and yet the charge filed and the findings and sentence of the court lead to the belief that this is what was actually done. The accused might properly have been charged under the ninety-third article of war and the specification amplified by an allegation that a death was caused or accelerated by his neglect. The whole record seems to disclose a grave misapprehension upon the part of the officer filing the charges and the court which tried the case as to the seriousness of the offense which the evidence seems to establish. The ninety-sixth article of war, under which the charge and specifications were laid, confers upon the court discretion as to the punishment to be imposed. A sentence of dismissal, unaccompanied by a period of confinement, seems wholly inadequate for the offense of which the accused was convicted, and the record is returned for reconsideration, in the light of these views.

By direction of the President.

NEWTON D. BAKER,
Secretary of War.

Encl.

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201 Cole, C. W. (Offrs.), 2d Ind.

WAR DEPARTMENT, J. A. G. O.,
January 23, 1918.

TO THE ADJUTANT GENERAL:

1. Recommending that the commanding general of the Thirty-ninth Division be instructed to delay convening of court-martial mentioned in telegram in reference until such time as this may be done without risk to the health of his command.

HERBERT A. WHITE,
For the Judge Advocate General.

Secretary BAKER. Now, in addition to that, Mr. Chairman, I may perhaps be permitted to say a word or two about what has been done by the War Department through the Surgeon General's office in this matter. When the illness broke out in the camps I sent the Surgeon General in person to inspect those conditions, and when he made his reports, the reports came to me involving criticism of various kinds as to congestion, the causes of illness, I handed them in person to the newspapers. I thought it important that the country should know exactly the conditions and exactly the causes, for two reasons. In the first place, I wanted no concealment; and, in the second place, I wanted the help of the country in correcting those conditions.

In addition to that I wrote a memorandum to the Chief of Staff, that, in my judgment, the Surgeon General's office ought to organize a system of continuous and constant inspection, for while there is a medical officer representing the Surgeon General's office in every one of these camps, and while the commanding general in each of these camps is chargeable with responsibility for general conditions in his camp, I wanted to add this additional, perhaps, that the Surgeon General's office itself would organize a continuing system of inspection from day to day of these conditions. I instructed the Inspector General, who has inspectors going from camp to camp, that he should especially charge his inspectors to examine into and report upon the conditions in the hospitals, and I telegraphed to a very great hospital expert, Dr. John A. Hornsby—I did not know at the time that he was in the medical service of the Army—I happened to have had some previous contact with him when I was superintending the building of a city hospital in Cleveland, and learned at that time of his great experience in all matters of hospital management and construction. I telegraphed him to come to Washington in order that I might select him as the personal inspector to go, without relation to any other part of the War Department, from camp to camp and hospital to hospital and make directly to me recommendations with regard to improvements necessary.

When Dr. Hornsby came to Washington he came in a uniform, showing that the Surgeon General's office had already drafted in his talents and had already assigned him to the task which I intended he should perform, and it just happens that I have here in my hand at this moment a telegram from Dr. Hornsby with regard to the conditions at Camp Pike, which is one of the camps which have been under comment.

The telegram is as follows:

CAMP PIKE, ARK., *January 25, 1918.*

SURGEON GENERAL ARMY,
Mills Building, Washington, D. C.:

Conditions at Camp Pike greatly improved. Morbidity lower, types milder. Ample accommodations for all sick. Convalescents and mild cases housed well in unoccupied barracks. Roots—

That is, Camp Logan H. Roots—

has taken 200 cases and will be ready for 500 at once. No pressing need now. Leave here for Washington Thursday night to report, unless otherwise ordered. Address care Col. Thornburg.

JOHN A. HORNSBY.

I shall not, Mr. Chairman, read individual cases, although I have a great number of letters and messages from men who have gone to hospitals and found the conditions good, for the reason that is what they ought to be, and it adds nothing to the case to say that this man or this woman, this father or this mother has gone to a hospital and found a boy well cared for; that is what ought to be the universal rule. And yet I have a letter this morning, which I received yesterday, which I think I will read into the record, because it is from a woman of national fame, a woman who for the last four months has gone from camp to camp in the United States writing about them and printing her writings in public magazines and weeklies, who has done me the favor and honor to come a number of times to me personally to report upon these things she has seen and found. It is a letter from Mrs. Mary Roberts Rinehart. As a matter of fact, I gave Mrs. Rinehart, as I now recall it, a letter which would admit her into any camp and enable her to inspect.

(Mrs. Rinehart's letter referred to is here printed in full, as follows:)

NEW YORK, *January 26, 1918.*

To the Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

MY DEAR MR. SECRETARY: I have just been reading that tragic letter from an unknown father read by Senator CHAMBERLAIN during the present senatorial investigation. Its sincerity can not be questioned. As a mother, and as the mother of a soldier, I feel, as everyone must, the deepest grief and sympathy with the parents of that dead boy.

Like every other mother in the country I want these cases known. I want to be assured that they will be known. I want drastic punishment applied to any man, of no matter what rank, who is found guilty of negligence in the care, physical or moral, of our boys. And I want immediate remedy of conditions that require remedy.

But I do feel that some step should be taken to reassure our women just now. It is only fair to them. It is cruel to allow every mother in the country to judge the medical care that will be given to her boy while in the service because here and there, in the chaos of our readjustment, men have been given responsibilities they are unable or unwilling to fulfill. That we have such men is more than a national misfortune. That they have been placed in positions of trust is a national calamity. But the mothers of the country should know in fairness to themselves that the number of such inefficients is small. We will not rest, we women, until they have all been removed. But that, I know, will be at once. It must be at once.

I have a son in an Army cantonment. He enlisted as a private. He would receive, if he became ill, exactly the same treatment as any other enlisted man in our new Army. And I should have not only no hesitation in placing him in the cantonment hospital, but I should do it with absolute confidence. As a matter of fact, he has already spent a few days there with an infected knee, and received the best of care.

I know something about hospitals. I took a nurse's training as a girl. I married a member of my hospital staff, and I have been for many years constantly in touch with hospitals. During the first year of the war I visited the hospitals of France and England. Since we went into war I have, with the avowed intention of seeing for the women of America that our boys are to be well cared for in every possible way, visited many training camps and camp hospitals.

There are conditions to be remedied. As I reported to you very recently, the failure of supplies has been a serious matter. There are not enough women nurses. The quarters of both nurses and doctors must be enlarged in many cases. The percentage of serious illness has been low in the cantonments—I am not speaking of the camps—but the percentage of mild contagions, which always occur when men are brought together in the mass, and of heavy colds and bronchitis, has been high. The result of sending men with heavy colds for a few days into the hospital has resulted in rather higher figures than the seriousness of the situation would otherwise justify.

Of cruelty and indifference I have found nothing. On the contrary, I have found the medical staffs of the hospitals both efficient and humane. When it is remembered that the medical men of these National Army hospitals are volunteers who have cheerfully relinquished the results of years of labor to give their services to the country; that they are of the best we have, as all volunteers are; that they are willingly undergoing deprivation and hardship to take care of our boys, it is wrong that the country at large should so misjudge them. The best specialists of the country have placed themselves at the disposal of the Army Medical Department, and ninety-nine out of a hundred men in the drafted Army are receiving better care than they could afford under the best circumstances at home.

Nursing is on the same high plane. Again we find volunteers highly skilled and carefully trained women who have taken the small pay and the discomforts of Army life that they may serve where they are most needed.

Wards are large and airy. Beds are comfortable. I have found exquisite cleanliness everywhere. Moreover, I have found cheerfulness. Food is good and plentiful. I have examined storerooms and kitchens and watched the diets being served under the direction of a woman dietician.

I do not like the orderly system. There should be more trained nurses. At present the wards where there are no serious cases are managed by a ward master, an enlisted man. And with the best intention in the world he is not always efficient. The lack of nurses is a serious one and could be remedied probably by an appeal to nurses to volunteer. But here again is the serious question of the ill at home, the same which faces the medical profession and the civilian hospitals.

One hospital I know well. It is typical of other cantonment hospitals; it is under the same Army Medical Department direction as the others, and it is only right to assume that conditions there are representative. The same rules govern all these hospitals. The same sums are spent on them. The same system is followed. The food is the same, the supplies, the medical staff, the nurses.

And I have never seen a better war hospital than the one at Camp Sherman. I will go further and say that in its operating rooms, its X-ray department, its eye and ear department, its nose and throat department, its dental department—in short, in its facilities for caring for every emergency and every weakness—it will bear comparison with any civilian hospital.

And what is true of the base hospital at Camp Sherman is true of the others.

I have watched the development of the war hospital system from the beginning when I saw it first on paper in the office of the Surgeon General, up to two weeks ago. I watched because it was a vital matter to me. I had a husband and a son in the service. I am like the other women of this country. I would be content with nothing less than the best. And I feel that we are on the way to the best.

It has not come yet, although at the present moment I would willingly trust any member of my family in such emergency in any one of our base hospitals. We need more supplies; we need more nurses and enlarged quarters for them. Sixty, or even 80, nurses divided into shifts of eight hours each is totally insufficient for a thousand men. We even need more physicians and surgeons. Although the staffs are very large, the medical department in each hospital is working to its maximum.

But what we need as a Nation is something more than this—we need knowledge and reassurance. There is no need in this country for discontented resignation. I would suggest that a committee of representative and unprejudiced citizens from the nearest city visit each of these base hospitals and thoroughly inspect it; and that they publish in their local papers the exact results of their investigations. Let them go alone to talk with the patients, the nurses, the doctors, the ward masters. And let them tell exactly what they find.

The women of the country must know the facts. They have the right to know them. It is not fair to let them believe, as many of them now do, that the great and humane American people are not caring for the men who are to fight to save them. We are preparing against the inevitable losses of war. It is not fair to let any of us believe that there is useless death, and we are wasting lives we would die to save.

And it is not true.

Faithfully, yours,

MARY ROBERTS RINEHART.

There was no suggestion of remedy in that letter which does not have my instant approval. In addition to all the things which Mrs. Rinehart suggests—and few are novel—are the things which I have already described to you as being done; and I point out to the committee that from the very beginning of this war the heads of the medical profession—the very masters of that profession—have been in constant contact with the Surgeon General. He has formed around him a staff the like of which probably does not exist on the face of the earth for devising hospitals, devising an organization, and supervising its perfection; and when one considers that the casual and usual doctor, here and there, whose attention has been devoted to the treatment of individual cases under home conditions, under the necessities of this situation, has been thrown into a great organization, where he is compelled to deal with hospital conditions and groups of men and sanitation on a large scale. While it may be, and is, deeply to be regretted that there should even be the necessity of improvement, yet in the direction of this great medical staff of men the zeal and loyalty and patriotism and efficiency of the medical profession are all at work rapidly improving it, and the improvement already wrought is very great.

We are not alone, Mr. Chairman. Our country is not alone in meeting these difficulties. No army was ever assembled, nor can any be, which does not bring men together who theretofore have been exposed to communicable diseases to which they are not immune; and the most which can be done is to meet these conditions with every device and suggestion which science and care can devise, and that, in my frank judgment, is the aim of the Surgeon General, and in the doing of this he has the unqualified support, and he knows he has, of every officer in the War Department, from the Secretary down.

Mr. Chairman, the second set of difficulties which you discussed with regard to the War Department were those affecting the supply of ordnance. In my previous hearing before the committee we went into that with great fullness. Clearly there are things about the supply of munitions of war about which men's minds may differ. Not merely the relative excellence of certain weapons, but the extent to which speed of procurement should be sacrificed for excellence of performance when procured, are questions of judgment, and their solution lies in the best instructed distinction one can secure.

The first question of that kind which arose affected the selection of a rifle for the Army, one involving the caliber of the rifle. The situation was that the English were using a rifle with a rimmed cartridge of one caliber, and the French were using a rifle with a rimmed cartridge of another caliber. We in America had admittedly the best rifle so far developed in any military service, the Springfield, using a rimless cartridge, and we had in stock of those weapons something like 600,000—in stock and in the hands of troops. This was early in the spring, although my recollection does not permit me to fix a definite date. The question had been investigated prior to that time in order that there might be a summary view of the possibilities of rapid procurement of various types of rifles, and finally the choice of a weapon was decided in my office, as near as my recollection holds, at night, at about 11 o'clock, and there were present in that conference Gen. Crozier, the Chief of Ordnance; Gen. Scott, the Chief of Staff; Gen. Bliss, the Assistant Chief of Staff; Gen. Kuhn, the Chief of the Army War College; and one or two other officers associated with the War College, the Ordnance Department experts on the subject of rifles, and Gen. Pershing.

At that time Gen. Pershing had been selected as the commander in chief of our forces ultimately to be dispatched to France, and as he was to command the Army and was to use the forces it seemed an especially fortunate circumstance that he should be in Washington at that time and able to participate in that conference.

Senator NEW. Can you give the date, Mr. Secretary?

Secretary BAKER. I can not give the date, Senator; but it must have been very shortly before Gen. Pershing went abroad. I should say about the 1st of June. I am not certain of that. Perhaps Senator WARREN could tell that.

Senator WARREN. The last of May.

Secretary BAKER. Perhaps it was a week before he went abroad. He was here altogether, I think, some 8 or 10 days studying the whole condition in the War College preparatory to his going away.

We did not know then, as I shall illustrate a little later to the committee, whether our Army was to fight with the French or with the English. The mode of our military operations was not determined. The excellence of our weapon was so well known that just before the outbreak of this war the British Government had decided to remodel its weapon and rearm its army, and they were on the point of manufacturing a modification of their own Enfield rifle, which would use a rimless cartridge and thus obviate the possibility of jamming in the weapon, and make it a better weapon. It was only the sudden outbreak of war that compelled the immediate need of equipment supplementing that which they had, and fearing the confusion of using a new weapon in conjunction with their old weapon, and trying pari passu to rearm their army, they decided to adhere to their Enfield rifle.

That conference considered every aspect of this question, and it was finally decided to use our own Springfield rifle and to procure a modification of the Enfield which would allow it to be chambered for American ammunition, in order to get the advantage of the large and organized manufacturing facilities already built up in this country for the production of the Enfield; and that decision, made that night, had the unanimous concurrence of every person in the conference. The master of ordnance and production, the Chief of the Army War College, with his technical advisers and experts, the Chief of Staff and his assistants, and the commanding general of the expeditionary forces, whose army and its usefulness were at stake, were present.

When we undertook to remodel the Enfield rifle it was discovered, although there were three plants in this country manufacturing it, the bolt from one factory would not fit the rifle from another factory. Instantly the question arose of procuring interchangeability in the rifles produced.

At the outset it was thought that some eight or nine interchangeable parts would be enough. Later it seemed advisable to increase that number. Senator, I am not dealing with an accurate number when I say eight or nine.

Senator NEW. Seven, I think.

Secretary BAKER. Seven, perhaps. But it was decided that a larger degree of interchangeability was required, and the purpose of that was in order that when these rifles got to France and are used under battle conditions, if a man finds himself with a defective weapon, and alongside him is another defective weapon, he can, if the emergency requires it, take out of one defective weapon a perfect part and replace a defective part in his own weapon and be equipped, and in order to enable us to repair rapidly rifles rendered inefficient in service, so that a constant supply of these weapons will be ready at the front.

There was some delay in designing with the particularity necessary—tolerances of a thousandth of an inch, in some instances—specifications for this remodeled Enfield, and that delay led to this: That when our troops actually were assembled in the camps it was some time before they were fully armed with rifles. At the outset they had very few rifles; there was a distribution of Krags and obsolescent weapons, in order that they might drill with them, but it was some time before they were adequately supplied with the remodeled Enfield rifle.

That was foreseen. Gen. Leonard Wood came to my office—I have forgotten when, but it was early—and suggested to me the advisability of instantly calling out a larger army. I said, "But, General, we have not the clothes and we have not the weapons for them." He said, "I know that, Mr. Secretary, and they need many things before they need the rifles. They need to learn to live together, get used to camp conditions; they need the elemental discipline of camp life; they need to be taught to keep step; they need to know the subordinations of the Army, and it will take some time to give them that preliminary instruction."

He pointed out to me that in England the so-called Kitchener army drilled for months, as he said, in their civilian clothes, with top hats and using a stick for arms. I said to him, "General, I agree with you that it is important to have our Army equipped rapidly so that a prolonged period of training may be given to them; but we will call out first the Regular Army and then we will call out the National Guard, build it up to war strength." But with the draft Army, they would have an additional period of training in the field by reason of the fact that the Army can not be shipped abroad in bulk suddenly. It was necessary to attempt to forecast the amount of time needed for training, and it was deemed wise to put the men in the camps in order that they might learn this matter of camp discipline, camp sanitation, the elements and essentials of the soldiers' life a little in advance of their being fully tried with arms.

I have here a statement of the rifles which were supplied to the camps at the outset. At the beginning there were Krags in the cantonments. Senator CHAMBERLAIN, in his speech to the Senate, speaks of the weapons in the possession of the department at that time as a motley selection—and I have no feeling about the phrase. The fact is that what we had was about 600,000 Springfields and something over 100,000 Krags. Also this is true: That in the greatest military establishment in the world, in the German Army, when they call out raw recruits they give them an obsolete rifle as a practice rifle until they learn to take care of it, before they actually put a service rifle in their hands. And so, as a mere drilling and training weapon, the Krag was not an improper weapon for them to have.

I do not undertake to say, gentlemen, that that question was decided infallibly. It might have been better to have bought English Enfields enough to put one in the hands of every man. But it was decided thoughtfully, and it was decided considerately and conscientiously, and now the result is that every man in this country who is intended to carry a rifle in any of our military camps has a rifle, and it is a better rifle than would have been gotten if we had adopted any one of the existing types at the time.

And this additional thing is true, that although we have gotten soldiers to Europe much more rapidly than it was originally imagined we either would or could, every soldier who has gone to Europe certainly had a modern, excellent rifle, and he has had it long enough before going into action with it to learn how to use it, to practice with it either there or here. The same observation is true of every soldier who will go to Europe.

May I say now a word about machine guns?

The machine gun, of course, is a highly technical weapon. It is in the record of testimony before your committee that up to April of the present year no Lewis gun had been made and tested to demonstrate its usability for American ammunition. The machine-gun problem is complicated by two factors, first, the question of manufacture, and, second, a difference in theory as to the use of machine guns.

When this war broke out Great Britain was manufacturing the Vickers-Maxim, a heavy, water-cooled gun. She wanted a lighter type of gun and adopted as her lighter type the Lewis, and manufactured it on a very large scale in England.

The French, however, have not used the Lewis, or any corresponding weapon as a land-operating gun in any large numbers, the French theory being that it is better to have a very light gun shot from the hip or the shoulder, like the Chauchat, and the heavy type of gun shot from a tripod or carriage like the Hotchkiss. So that something depended upon the troops with which we were to fight, the theory of combat which we were to adopt, as to which type of machine gun we should select.

There was in existence a board which had been appointed nearly a half year before—certainly some months before—to test all the machine guns there were, both those which were previously known in use and those which were not, in order that we might select the best types. The existence of that board did not delay for one second the selection or the procurement of additional machine guns. There was a test made by the Navy, I think, in April, as a result of which it was shown that the Lewis gun had been perfected to use American ammunition. There was an ordnance officer of the Army present at that test, and on the basis of that test immediate orders were given to the Savage Arms Co. to procure Lewis guns, and now we have this situation, that large orders of Lewis guns have been given.

But from Europe we learned from Gen. Pershing that he does not desire Lewis guns for use on land. The divisions of marines—I am not using "divisions" technically—the regiments of marines which went from this country with our military force as a part of it were armed with Lewis guns. They have been retired from service, the guns, and those regiments have been rearmed with Chauchat rifles and Hotchkiss machine guns just as our other land forces there are.

Under the studies made by the experts of Gen. Pershing's staff and under their direction and advice to us, we are instructed to retain Lewis guns for use in aircraft, and to press forward as rapidly as we can the manufacture of light and heavy Browning guns and Vickers-Maxim guns, for which a very large order was outstanding almost immediately after an appropriation by Congress a year ago to press those forward, so that we have the situation in regard to machine guns that the kind of weapon which Gen. Pershing and his staff want is the kind which was developed as the result of that board's inquiry, and the particular weapon which is said to have made so great a success with the British and doubtless has made a great success with them is one which is determined by our experts to be appropriate for air service and not desired for land-operating troops.

In the meantime, in order that the whole story may be told, it is in testimony before your committee that the French Government is able to supply us with Chauchat rifles, or light guns, and Hotchkiss guns, or heavy guns, for the divisions and troops which we can this year send abroad.

We have, then, the machine-gun situation reduced to this: That we ordered every Lewis gun we could get; we encouraged them to enlarge their manufacturing facilities. They still have not enlarged them as much as we have urged them to and contracted with them to enlarge them. The supply of their guns is going through in larger numbers, and in the meantime the making of the necessary machine tools and jigs and dies for the production of light and heavy Brownings and expediting the production of Vickers-Maxims is going forward, and our army abroad is provided with guns of the type adapted to the mode of warfare which they have elected to use, and our supply which is to supplement that is of the same type and of the kind desiderd by them.

Something has been said about our army in this country not having machine guns here to practice with. They have not had as many as we desired them to have, and yet I have had from camp commanders many letters, which I shall not stop to read, saying that they have not been held back by the absence of those weapons, because the rifle ranges were not ready; and for one reason or another they were not ready to go forward with them, and yet I am sure if they had had machine guns at the camps in larger quantities they would have been able to have some machine-gun practice ere this in most of the camps.

Yet I have had a table here, or statement, from the Acting Chief of Ordnance as to the machine guns which have actually been distributed in the camps in this country.

Senator HITCHCOCK. Are the dates given, Mr. Secretary?

Secretary BAKER. Well, I will read three paragraphs, Senator, which will answer that question:

The distribution of machine guns to the National Guard camps have been as follows: Thirty Colt machine guns to each camp, 65 Lewis machine guns, 45 Chauchat automatic rifles. Distribution of machine guns to the National Army cantonments: Fifty Colt guns each, 65 Lewis machine guns, 45 Chauchat rifles to each camp.

In addition to those mentioned 10 Lewis guns have been issued to each Regular Cavalry regiment and 10 Chauchat rifles to each Regular Infantry regiment. Practically all of the above were shipped before the troops were ready for them—that is, about November 1.

Now, freely, that is not an adequate supply, but it is some machine guns which the machine-gun companies may practice with, learn the mechanism and mechanics of these arms, and the supply will be forthcoming as the result of this quantity manufacturing which has been arranged for.

Senator MYERS. It does not state, Mr. Secretary, that these guns were sent to each camp?

Secretary BAKER. Yes, sir; it says so; to each camp.

Senator HITCHCOCK. But not all of them before November 1, Mr. Secretary.

Secretary BAKER. The statement made by Gen. Wheeler is that practically all of the above were shipped before troops were ready for them; that is, about November 1.

Senator MYERS. Shipped?

Secretary BAKER. Yes.

Senator WADSWORTH. Does that include the 1,200 machine guns that we found in the testimony were in storage?

Secretary BAKER. Obviously not. Those have since been shipped.

Senator WADSWORTH. In other words, Mr. Secretary, one-half of the number of Lewis machine guns mentioned there were not shipped to the camps until January?

Secretary BAKER. That seems to be so, sir.

Senator WADSWORTH. And the expression "almost all" is scarcely accurate?

Secretary BAKER. Well, if I have been guilty of the least inaccuracy I trust it will be called to my attention.

Senator WADSWORTH. I understood it was the language of the letter.

Senator MYERS. I suggest that the Secretary is reading what another officer has written to him; he is not using his language.

Secretary BAKER. That is so, Senator; and yet the evidence which is before the committee shows that there was some 1,200 machine guns which had not been distributed at the time of my appearance before the committee, which was in January, and those guns have since been distributed. But my recollection about that—and I speak only from refreshed recollection—is that at the time I reported to you about that I learned and told you that those guns had not been in stock very long, but were quite recently delivered—less than a month in stock.

Senator REED. Since we have broken in with an interruption, I only asked to get an expression in the first instance, or have an expression repeated, so that I would understand it, and that has led to these questions; but may I not ask one further question?

Secretary BAKER. Certainly, Senator.

Senator REED. The statement is made there that these guns reached the camps before they were needed; substantially, that is the expression.

Secretary BAKER. Substantially, that—before they were ready for them.

Senator REED. By that do you understand that Gen. Wheeler means that the troops required a preliminary training before they could use the guns?

Secretary BAKER. Yes, sir.

Senator REED. Or does he mean that the men were not mobilized in the camps?

Secretary BAKER. No; I think he means this, Senator, that in many of the camps the mobilization had not completely taken place. The selection of men for machine-gun companies had not been fully made. In many of them there were machine-gun companies—National Guard and Regular Army—that the erection of ranges where this shooting could take place had not been completed.

Senator REED. One thing further: A statement there is made that these guns were shipped; it does not say they had arrived.

Secretary BAKER. No, sir.

Senator REED. Do you have any information as to when they did arrive?

Secretary BAKER. I have not got information with me. There were doubtless delays in shipment because of the general congestion and delay in the country.

Senator WARREN. Mr. Secretary, what is the special advantage of sending machine guns of the Lewis type to our training camps to be used when our Army has determined not to use that sort of a gun in actual fighting, but the Chauchat gun and the other gun?

Secretary BAKER. Senator, in view of the fact that automatic rifles and machine guns are highly technical and complicated pieces of mechanism, I think it would be a distinct advantage to the troops if they could learn to use the Lewis gun, even though they were not ultimately to use it. I think it would be a distinct advantage to have them learn that, and I think they could acquire more rapidly the mechanism and use of the very much smaller Browning and Chauchat, based upon their knowledge of the Lewis, which is not itself a complicated weapon.

So that I may concur with the suggestion originally made, I think, by Senator HITCHCOCK, that it would be desirable to have all of those guns distributed which it is possible to have distributed.

Now, Mr. Chairman, one other item: That deals with cannon. There is the statement before this committee—the statement made by Gen. Crozier on that subject. I refer to it only because it contains some documents to which I want to refer.

Gen. Crozier called your attention to the fact that, beginning in 1906, and, as I recall his statement about it, continuously from 1906 down, Gen. Crozier has argued to committees—to the Fortifications Committee, the Military Affairs Committee—as to the length of time it takes to make heavy cannon.

I have no criticism to make of the response of the Congress to his representations. Congress did what it seemed wise at the time to do, and I have not the least doubt that if I had been a member of this committee or any committee of Congress I would have been just as likely as they were to take the view which they took of those recommendations. And yet continuously from 1906 the expert of the Army on that question was saying to the Secretary of War and to the Congress—and the Secretaries of War have changed, both in person and in political affiliation, if that amounts to anything, several times since those original recommendations were made—Gen. Crozier was saying to you and to us that it takes a long time to make artillery; that artillery is getting to be a weapon of increasing importance; and urging that there be ample production for a more rapid completion of the program laid down in the Treat Board report.

Gen. Grozier said in 1912, for instance—or somebody asked him this question:

It takes a long time to manufacture these field guns?—A. Yes.

Q. How long does it take?—A. I do not think we could count on getting a battery delivered in less than a year from the time the order was given. I do not mean to say that it would take a year for each battery, but deliveries would not begin until a year after the order was given.

Q. It is very important, then, to have them on hand?—A. Yes; it is the slowest manufactured of any of the fighting material we need.

I shall not recall further, or read further, the statements of the general. They are set up by extracts from his testimony, his reports, and his letters to you and to me, and to my predecessors, in his own statement; but they show that Gen. Crozier realized the slowness with which that sort of arm could be produced, and was constantly urging that ampler production be made of it. And yet, even Gen. Crozier could not have realized, and it did not lie in anybody's imagination to realize, the importance which artillery has assumed in this war. The wars prior to this have been evolutions of large forces over great areas. This finally got down to a bitterly contested line, with the massing of heavy guns on both sides, and even the French did not realize it in this war until after it had started.

I have a letter before me from Mr. Tardieu, and perhaps I may be permitted to read it. It is written to Mr. Baruch and not to me. You will find here a few figures and further information concerning what I told you the other day. When war began France had at her disposal guns of artillery caliber about 89 millimeters, or 3.8 inches, but of these only 140 were quick-firing; that is, really adapted to modern warfare; 272 only of these guns, with their personnel, were organized in regiments and consequently available on the battle field. The balance were located in fortresses and fixed emplacements. There was first a period during which the activity of our war ministry on heavy artillery was limited to the equipment and formation into batteries of heavy fortress artillery. It was an error, as modern warfare requires quick-firing, heavy artillery; but, as everybody was convinced of the short duration of the war, it was wrongly thought that it was not necessary to start with the manufacture of quick-firing, modern ordnance.

It has been seen later that this policy is wrong; although one ought not to forget that our most important industrial regions were occupied by the enemy. The orders placed for heavy, quick-firing ordnance have been scheduled as follows.

I shall not read that schedule, but I will read the dates when France, the very seat of the conflict, with her enemy at her throat, with the demonstration of the character of warfare now being adopted, that it was the massing of heavy artillery that was ultimately to determine the integrity of the Hindenburg line—with that before her mind's eye, France gave orders for heavy, quick-firing artillery in September and December, 1914, and January, April, September, October, and December, 1915, and in January, 1916, and the largest order she gave on

any of those dates, except one, was the latest order, in January, 1916, after the war had progressed substantially a year and a half.

Senator HITCHCOCK. Was that after she had her ministry of munitions, Mr. Secretary?

Secretary BAKER. I can not answer that, Senator; I do not know. Well, there was our situation: We had a limited amount of artillery. The first step taken by the War Department was to attempt to speed up the artillery which we already had in process of manufacture. Here again, however, we come in conflict or come into contact with two theories of the use of artillery. The French use very large quantities of the 75-millimeter type. Their barrage is made by enormous quantities of 75-millimeter fire. The British had a field howitzer of larger caliber for that effect.

There are two distinct theories of the use of artillery on that front. The British prefer theirs; the French prefer theirs. We did not know then the relative merits of either. We had reports from our observers; we had expert opinions, but now we were down to the place where we had to choose for ourselves—not from speculative and philosophical judgment as to the relative excellence of two military theories, but we had to select arms for an army that was going to fight for its life.

As I shall show in a moment, our attempt to do that was by sending over to France the ablest men we had, to determine it on the ground in consultation with men who were making and using these relative types of weapons; but in the meantime we allowed no hiatus to be proposed in attempting to speed up the production of our classical types of weapons.

But very early, perhaps in June, it was estimated to us that the French had so far accelerated their industry in order to procure their initial supply, that the wastage of their use would not consume or occupy fully their industrial capacity, and that therefore it would be possible for them to supply such troops as we could get to France, within limits, with artillery of their manufacture and of the kind they were using. That question was very actively taken up at once. Mr. Tardieu was here. He had for eight months, I think he said in his letter, been connected with munitions production in France; he knew the subject. Gen. Crozier and he had many conferences about it, and on the 14th of July, or perhaps the 13th, an agreement was reached whereby the French Government undertook to supply us with quantities of the two principal pieces used, according to their theory of artillery use, namely, the 75-millimeter field guns and the 155-millimeter rapid-fire howitzers. Mr. Tardieu wrote at that time an announcement which was to tell the French people what had been done. It appears in translation in Gen. Crozier's testimony.

Mr. Tardieu said:

> The negotiations taken up for the first time at the end of May between M. Andre Tardieu, the French High Commissioner, and M. Ganne, chief of war munitions of the high commission, and Gen. Crozier, chief of ordnance, was characterized by two ideas. On the one hand the American Government wished to adopt the quickest solution in order to realize in the shortest time the complete armament of its forces; and on the other hand with great foresight they attached particular importance to realizing for the American and French Armies called to fight on the same battle fields uniformity of munitions of such great importance from a tactical point of view.

I shall not read the statement in full, but the paragraph which I shall now read I think is significant:

> The dominant note of the agreement lies in the proof it gives of the unshakable resolution of the American Government to achieve in the shortest time the maximum of military strength, and on the other hand it proves the active and intimate cooperation existing beween the United States and France.

I leave out the next statement.

> The Secretary of War and Gen. Crozier, Chief of Ordnance of the American Government, have given proof in this case of the broadest spirit of comprehension and decision and has succeeded in a few weeks in securing for the American troops artillery of the first order.

Now, at the time this statement was made, it was the confident expectation of everybody in this country that the sending of troops in large numbers to France was a thing in the somewhat remote future. That was in July. We were sending troops, but the sending of armies rapidly had not then been as fully worked out as it has since become.

Senator REED. Will it interrupt you if I ask a question?

Secretary BAKER. No, Senator; certainly not.

Senator REED. If I understand you, the view that the War Department took was this: That France had been obliged, in order to supply her own forces rapidly, to build factories of greater capacity than she needed, after once her troops had been supplied?

Secretary BAKER. That is true, sir.

Senator REED. And that you thought it was better—and when I say "you" I mean the War Department—to utilize those factories which had already been created than to wait to build factories?

Secretary BAKER. Yes, sir.

Senator REED. That was the view?

Secretary BAKER. That was the view—and better for two reasons, Senator, and probably three reasons; but better for the reason that their facilities were already in quantity production. It takes a long time to get quantity production. In the second place, it saved tonnage, and I am telling no secret when I say to you gentlemen of the Senate that the crux of this problem is the tonnage problem, and every time we can get by the use of organized and going French industry anything on that side instead of making it on this side and sending it we are advancing the common cause by that amount.

Senator REED. Has it been any disadvantage to France? Has it been any deprivation to France?

Secretary BAKER. Senator, I am coming to that in a minute. Categorically, I believe it has not been. I believe it is a very great advantage to France. Mr. Tardieu, in his statement, says that it is a great advantage to French industry, because it enables those men who are organized in that industry to keep on with the thing they are familiar with instead of being dismissed and try to start over in some other war industry.

Senator REED. In a word, if you thought that there was a factory in France capable of producing these weapons, and capable of producing them at the moment, it was not necessary to build a factory on this side to do the same thing that could be done over there?

Secretary BAKER. In part that is so, Senator. We thought that if there were factories in France capable of building these weapons, and actually building them, we thought they ought to go ahead building them as rapidly as they could, and in the meantime our own capacity on this side ought to be built up so we could supplement that effort; and if anything happened to their ability to keep on delivering, we would have our own sources of supply developed. That is exactly what we have done. But just a word more on this subject:

There is in the testimony before this committee a telegram from Gen. Bliss. It is perfectly well known to the members of the committee that when the so-called House mission went abroad Gen. Bliss, Chief of Staff, representing the Army, and Admiral Benson, representing the Navy, were members of that mission. Their task was to find out by conference with the French and British and Italians, and their military experts, an answer to this question: How can America contribute most to the early winning of this war?

One of the answers to that question which they brought back, and telegraphed it before they came, was that the more rapid expedition of troops to Europe was a part of the answer, and they asked at once of their associates in conference, "What about further supplies of artillery and artillery ammunition?" And there, in the high military councils of those two nations, the matter was discussed, and it was agreed that both Great Britain and France had surplus ordnance, surplus ordnance ammunition, and surplus ordnance ammunition capacity; that Great Britain was in exactly the same state that France was. In order rapidly to equip her great army she had built up quantity production to such an extent that the wastage of war and the necessary augmentation of ordnance and ordnance ammunition would not exhaust her capacity, and therefore it was agreed by these international military experts that—

> The representatives of Great Britain and France—

This is a telegram from Gen. Bliss in December—

> state that their production of artillery, field, medium, and heavy, is now established on so large a scale that they are able to equip completely all American divisions as they arrive in France during the year 1918 with the best make of British and French guns and howitzers. With a view, therefore, to expedite and facilitate the equipment of the American armies in France, and, second, to securing the maximum ultimate development of the munitions supply with the minimum strain upon available tonnage, the representatives of Great Britain and France propose that the field, medium, and heavy artillery be supplied during 1918 and as long after as may be found convenient from British and French gun factories.

I have seen, gentlemen, in the newspapers, statements that this taking of ammunition from France is putting her to a greater effort than she ought to undertake. I say to you that Gen. Joffre and his associates who were here—Mr. Tardieu, the French high commissioner, the British representative, Gen. Bridges, and his associates, when they were here in that mission I don't remember whether I spoke with Lord Northcliffe on this subject or not—but all of the persons who have come to this country with any knowledge on that subject, and Gen. Bliss, who went to Europe to study that subject on the ground, bring me the confident and positive assurance that we are not only not taking from France and Great Britain things which they need, but that we are helping them to maintain their processes; that we are using the facilities which they have organized in order to meet a need; that we are saving tonnage; that we are expediting

the arming of our own forces; and that we are making a properly coordinated and cooperative effort of a military character with our allies in this war by this process.

Senator MCKELLAR. The proposition came from the British and French themselves?

Secretary BAKER. Came originally from the French, then from the British. And yet we have not stopped there. We have organized increased capacity in this country, looking ahead. The schedule of deliveries of artillery in this country which is before your committee and which I will be very glad to leave with the committee for examination, I should not like to have appear as a part of this public statement, but the committee may have it. I read figures which it will not hurt to read.

This shows the production of mobile artillery, it shows our procurements from France, prospective procurements from France, and covers the year 1918. At the outset, in the month of January, out of the 75 mm. field pieces, we get 620 from France, and there have been turned out of our own factories only 84. In April our own production has risen to 231, and the French has dwindled to 73. In succeeding months the number increases until in the month of December, 1918, our own production of that piece is forecasted to be 433 pieces.

I have here on this table the figures for 3-inch antiaircraft guns, 4.7 guns of American manufacture, 155 mm. howitzers, of United States manufacture, beginning with one in January, 1918—only nine months after the declaration of war. So far as this matter is concerned, involving so much time, by the testimony of all experts, it is rising steadily and rapidly, the production of this large piece, to a maximum of 300 per month in December, 1918. That is the howitzer. The gun is manufactured in the same way in this country with rising production on our own part, original procurement from the French and diminishing supplies from them. The 8, 9.2, and 9.5 inch howitzers of American manufacture and those procured in England are all shown on this chart.

I think, gentlemen, that it is fair to say—and if there be a possibility that I am wrong about it I should like to have it called to my attention, so that I can make no statement here which is not wholly borne out by the facts—that the American Army in France now and to be there, large as it now is and larger as it is to be, is provided with artillery of the types they want for the uses to which they are to put it, and as rapidly as they can use it; and that our own stream of manufacture to supplement that is inaugurated, in process, and deliveries of some pieces already begun, with, so far as industrial forecast can be relied upon, a rising and steadily increasing stream of American production.

Senator SUTHERLAND. Mr. Secretary, is the 75 mm. gun which you expect to produce the French gun, or is it the American?

Secretary BAKER. It is the 3-inch American gun.

Senator SUTHERLAND. Have you developed a completely satisfactory 3-inch American gun?

Secretary BAKER. Yes, sir.

Senator SUTHERLAND. To take the place of the other?

Secretary BAKER. Yes, sir.

Senator REED. With recoil and everything fully developed and satisfactory?

Secretary BAKER. Yes, sir; our 3-inch fieldpiece is regarded as an excellent piece, and is substantially of the same caliber as the French 75.

Senator WADSWORTH. You do not mean to give the impression that we are making 3-inch fieldpieces?

Secretary BAKER. We are making in this country the 75. I beg your pardon, Senator SUTHERLAND, we are using the French 75.

Senator REED. Is that the complete French gun, with the recoil and all the parts?

Secretary BAKER. I do not know that. Perhaps Senator WADSWORTH does know from the testimony. My impression is we are continuing to make the 3-inch gun and in addition to that are getting, according to the French model, the 75 made in this country; but I may be wrong about that.

Senator WADSWORTH. My recollection is that for the time being we have stopped making 3-inch guns and are making the French 75's.

Secretary BAKER. That may be so.

Senator WADSWORTH. At any rate, Gen. Crozier gave us to distinctly understand that the important production would be the French 75's.

Secretary BAKER. In this country?

Senator WADSWORTH. In this country.

Secretary BAKER. Yes.

Senator WADSWORTH. And that our 3-inch guns that we now have are to be used for training in this country.

Secretary BAKER. Senator SUTHERLAND can get the exact facts from Gen. Crozier's statement, because it was supplied exactly from the records.

Senator REED. This table only deals with the 75's, and then there was one column set aside for the antiaircraft.

Secretary BAKER. That is the antiaircraft gun, with a different mount.

Senator REED. There is no field gun shown here as the 75.

Secretary BAKER. I see. In addition to what I have said, gentlemen, I read what is already before you—a statement made by Mr. Tardieu in a letter to Gen. Crozier. This was a letter of December 21:

> Even in such mere technical conditions as these it takes time to realize such a program, to organize manufactures, and to have men to direct them. You will take less time than we did in France, where the output of field guns was not adequate to our needs before the end of 1916.

Now, if I may supplement that with one or two other figures from this same report of Gen. Crozier:

> The British Government in this country placed orders for ammunition and ordnance of all kinds totaling $1,308,000,000, extending from about the middle of August, 1914, to the middle of July, 1917, or over a period of about three years. In comparison with this our own Ordnance Department has placed orders for 63,000,000 shells—

I leave the odd figures out—

> of a total value approximately of a billions dollars, between the middle of May and the middle of December, 1917, or over a period of seven months. In comparison with the total munitions and ordnance purchases of the British Government in this country in the period of about three years, of $1,308,000,000, the Ordnance Department has placed contracts for a total of $1,500,000,000 in seven months.

Senator REED. Mr. Secretary, is the comparison there between what Great Britain ordered in this country and what we have produced, or between what Great Britain ordered and produced?

Secretary BAKER. It is only what Great Britain ordered in this country, Senator. What she was making at home is, of course, left out of that amount.

Senator REED. How does it help us to compare, in an effort to show that we have been doing enough, what we are producing a total with what Great Britain may have ordered in this country, when we leave out of account what Great Britain may have ordered in other countries?

Secretary BAKER. It does not help you, Senator, except to this extent——

Senator REED. I only want to get the import of the figures.

Secretary BAKER. This is what I claim for it: When this war broke out Great Britain was not prepared for it. She immediately began not only to organize her own industries, but to use every facility in a neutral country which she could lay her hands on to produce ordnance and ordnance ammunition.

She had, as you know, Mr. Stettinius as a representative here, an American representing her, and he has won deservedly a great reputation because of the masterly way in which he evoked in this country agencies rapidly for the creation of ordnance and ordnance ammunition.

When Great Britain was placing those orders she was placing all she could place. What she wanted was ordnance and ordnance ammunition in large quantities and in a hurry. So, it is fair to assume that, in addition to her own capacity for manufacture, she was getting from us at least the major part of what we were deemed capable of producing at the same time.

I do not mean to say that that is a necessary concession, but everybody knows the urgency of Great Britain's need, and everybody who kept track of it at the time knows that the factories in this country which had made plows, and factories which had made cash registers, and factories which had made adding machines, and factories devoted to all sorts of standard industrial uses of one sort and another, were gotten together under the spur of that impulse and devoted to the manufacture of ordnance and ordnance ammunition.

When we came into the field we came, it is true, into a field where some experience had been acquired by American manufacturers in the manufacture of ordnance and ordnance supplies, but we came into a field in part preempted and occupied by our allies, and our problem, so far as the Ordnance Department was concerned, was not merely to commandeer, right and left, the facilities in this country for the manufacture of ordnance and let the British and the French take care of themselves. They were fighting and on the fighting line, and our necessity was to intrude our program into theirs in such a way as not to weaken their strength while we were building up our own to bring to their assistance; so that our industrial problem, while obviously aided by the experience which our manufacturers have gotten in the manufacture of ordnance and ordnance supplies, was at least complicated by the fact that so very much of the very best talent in the country was already devoted to that and for uses which could not be diverted or suspended.

Senator FRELINGHUYSEN. Mr. Secretary, may I interrupt you?

Secretary BAKER. Certainly, sir.

Senator FRELINGHUYSEN. Is it not true that our shell capacity has been reduced from about 20,000,000 for a unit of time, I think it is one month, to 5,000,000 since our entrance into the war?

Secretary BAKER. I can not give you that answer; I do not know, Senator.

Senator FRELINGHUYSEN. You do not know?

Secretary BAKER. No, sir.

Senator FRELINGHUYSEN. Have you all the shell capacity that you need?

Secretary BAKER. I think we are still letting shell contracts.

Senator FRELINGHUYSEN. I understand it is reduced to about 25 per cent since our entrance in the war, and many of the plants have been dismantled.

Secretary BAKER. I can not answer that, sir; I do not know. It helps very little to give figures of this sort, and yet there is a story back of them, a story of driving, hard work. The Ordnance Department has averaged 20 contracts a day since our entrance into this war, involving a daily average of about $6,000,000.

Senator REED. Mr. Secretary, I do not want to interrupt, but it seems to me, if I understood the question of Senator FRELINGHUYSEN, that certainly you must be in position, or should be in position, to know whether our shell-producing capacity has been actually reduced to 25 per cent of what it was.

Secretary BAKER. Senator, I am in a position to get that.

Senator REED. How could that happen without your knowing it?

Secretary BAKER. Doubtless what must be at the base of the Senator's question is this: That some factories organized in this country and equipped with machinery for turning out shells were allowed to dismantle under contracts by which their machinery was to be sent to England when they got through, or something of that sort. If there has been reduction in shell-producing capacity it is to be accounted for in that fashion.

Senator FRELINGHUYSEN. The reason for my question was this: I was wondering whether the Ordnance Department had made any investigation as to their need of shells and the absorption of the capacity in this country. I understand that upon our entrance into the war we had a capacity four times as great as we have now, and that the War Department has allowed these shell factories, these large ammunition factories, to become dismantled and go out of business, and that the capacity has been reduced to about 25 per cent of what it was originally. I presumed that you would have the figures, or information of that kind.

Secretary BAKER. I have not the figures, Senator, but the question is, of course, a very pertinent one, and if the facts are as reported, the reason for it is equally important, and I will be very glad to procure that information for the committee.

Mr. Chairman, may I now turn aside to the third? I will now go into a comment which appeared in your address, Mr. Chairman, dealing with the supply of clothing under the Quartermaster General's Department. It is perfectly true, and I thought I agreed with you about it when I was before you before, that the supply of clothing was inadequate. If I did not then agree to that it was only because it was so obvious that an explicit statement of agreement did not arise out of the form in which the questions and answers were made.

I said to you, I feel quite sure, at that time that our initial rush needs were substantially provided for, and that reserves would rapidly accumulate; but I supplied to the committee all I could get—tabulated statements, with the exact number of garments short in every camp—and you accounted it a fault to me, Senator, when you asked me about Camp Sherman, and I telegraphed out there and got a message which was reassuring in character, and the next day got a correction which showed not so good a condition, and I sent it to you before it was cold from the telegraph wire.

I think you thought, Senator, that I was to blame for that. I wanted the Senator and the committee to have all I could get, and I sent it without reservation, as I shall do in the future in response to any request that the committee makes.

I have already said to you that at the outset we had the problem as to whether we should wait until we had an adequate supply of clothing or whether we should not.

In large part, I think the responsibility for that decision rests with me personally. The best information I could get then and the best information I have now is that it takes somewhere between 9 and 12 months to teach men who have not had previous experience to live in camps, to learn the discipline and life of a soldier, so that he can be safely sent into the kind of warfare we now have.

I did not then know, nor do I now know, nor can I know how rapidly it may be necessary for us to send men to France. I know how rapidly we have sent them. I know how many are there. I know what our present plan is to send them, but I do not know but that to-morrow—this has not happened—but I do not know but that to-morrow it might turn out that it would be wise to double the rate at which we are sending troops. There are now in the United States 16 National Guard camps, 16 National Army camps, filled with men who are ready to go if it is necessary. I have sacrificed something for that. I have not willingly sacrificed the health of anybody. I have not intended to sacrifice the comfort of anybody, but I have intended, if it was humanly possible, to be ready when the call came; and if I were to have delayed the calling out of these troops until the last button was on the last coat, and the call had come in November or December or January, "Send them and send them fast," and they were still at home waiting for tailors, I would have felt a crushing load of guilt and responsibility which, at least in comparison with what I do feel about having called them out, would have been incomparably greater.

And yet I was not callous about it. I asked those agencies with which we were dealing in this matter how fast we could expect these supplies. They gave me the forecast as to the future. They relied upon their estimate of production. I relied upon their estimate of production. Men who were called upon to take contracts for the production of cloth and the making of garments, not unnaturally perhaps, overestimated their capacity for production. Here and there some little labor difficulties—not many—the response of labor to this situation has been superb in the United States. Here and there difficulties of transportation and delays in getting supplies from one place to another, accumulating congestions upon the railroads, delaying manufacture and shipment from one place to another, unprecedented weather conditions in the United States, a winter the like of which none of us have seen since we were children.

These things did arise, and the result was that in many of these camps there were shortages of coats, there were shortages of overcoats, and perhaps in a minor degree of some other things, and at the very outset a shortage of blankets which was quickly supplied by going into the civilian market and buying comforters here and blankets there of a nonuniform type.

The reports I have now are, and the reports for some time have been, that the quantity of woolen underwear in the camps is adequate; that the quantity of heavy cotton khaki is adequate. For some weeks now we have had an adequate supply of overcoats. The supply of coats is approaching adequacy, and almost without exception—I say "almost," because I have not had time to read them all—but from every camp with which I have communicated in the last few days the report comes to me that where there are any shortages of coats, and that seems to be the principal item, that there is no such shortage as interferes either with the safety or comfort of the men; that adequate stocks of heavy woolen underwear and overcoats have protected the men against actual suffering by reason of the temporary deficiency in goods, but even the temporary deficiency in goods is for the most part supplied.

Suppose I had taken the other counsel. There were two alternatives. Either we could go into this war as nations go into wars, summon the countryside and assemble them into camps and work out their problems afterwards, which was one suggestion at the time, or we could wait until the last element of preparation had been made before summoning the men.

The unwisdom, I think, of either of those courses is obvious. What we tried to do, and the responsibility for it, I think, I must personally accept, because I was conscious of the grounds on which it lay—what we tried to do was to summon the men out as rapidly as they could be taken care of, with the best knowledge we could get of the capacity of the industry of this country, and it is not unknown to any member of this committee that when the draft Army came to be assembled, we delayed the calling out of the units of it sometimes a couple of weeks, sometimes more than that, in order that at each camp no men would be received who could not be taken care of, and the last element of the first 500,000 or 687,000 men selected by draft, the last element of those men intended, originally, to have come out in November or December, will not in fact report to the camps until the 15th of February, in order that this production may catch up and be adequate for their entertainment and protection when they come.

Now, one or two erroneous beliefs with regard to this subject, I think, are abroad.

Senator REED. Was there, Mr. Secretary, an order or a warning, or suggestion sent out to troops coming to camp that they should bring but little clothing with them?

Secretary BAKER. I think there was, Senator, a suggestion sent out that they should bring very little clothing, and when they got there they were directed to go into uniform and send their private clothing home.

Senator SUTHERLAND. Mr. Secretary, while you are on that subject, I was told Saturday by a colored preacher who had visited his son, a private at Camp Meade, just an hour from Washington, that none of the colored soldiers there had woolen underclothing. I asked him about the outer clothing, and he said a good many of the colored men were supplied with the cast-off clothing of the white soldiers, that he himself had supplied his son with the underclothing which he needed, and that they were very uncomfortable and suffered for the lack of woolen underclothing.

Secretary BAKER. Senator, I have no means of knowing of the accuracy of some part of that account, but I have a report from Gen. Nicholson, at Camp Meade.

Senator SUTHERLAND. I think some thirteen or fourteen hundred colored troops are at Camp Meade.

Secretary BAKER. I feel very sure that there must be some mistake about supplying any soldier with the cast-off clothing of others. I am quite certain that no distinction is made between white and colored troops in that matter, and I believe the fact to be that there is at Camp Meade a surplus of heavy woolen underwear for every soldier there.

Senator SUTHERLAND. I thought it was quite important to correct such a report, if it is current.

Secretary BAKER. It is important. As a matter of fact, I went to Camp Lee in person two months ago. There is a very large body of colored troops there, and the only shortage in uniforms I discovered by observation of these troops in review was that one white soldier did not have an overcoat on, and when I questioned him about it he said that he had left it in his tent; and some colored men wore denim trousers instead of woolen trousers, and that was explained to me by saying that there was an inadequacy in certain sizes of garments.

The last report I have on Camp Meade, Senator, apparently is dated the 26th, 27th, and 28th of December, and at that time the only shortages reported were coats, overcoats, and breeches, all of which were supplied by shipment from Baltimore on the 20 of January. There was no shortage at that time of underwear.

Senator REED. What was the extent of that shortage?

Secretary BAKER. I do not hesitate at all to give it to you, except that it deals with a situation in December, and the supply has been very rapid in January, and I do not want to give you a false impression about it.

Senator SUTHERLAND. Mr. Secretary, will you have somebody wire to ascertain the actual facts from the men themselves?

Secretary BAKER. With very great pleasure, Senator.

Senator SUTHERLAND. I would like to have that cleared up.

Secretary BAKER. I will do that with very great pleasure, Senator.

In some way the idea has gotten abroad that the uniform of the soldier is made of a mixture of wool and shoddy. I do not think it an unnatural thing that that idea should have gotten abroad, because I remember at the time that I appeared before the committee before, a young soldier came in to see Senator CHAMBERLAIN, an acquaintance, and Senator CHAMBERLAIN and I felt the uniform and we asked the date of the issue of his coat and the date of issue of his trousers, and we felt the two kinds of cloth, and both of us said, "The trousers are very much better than the coat. This coat, which has shoddy in it, evidently is not nearly so good as the trousers, which were made at the time when they did not have shoddy," and I think the Senator will remember that we agreed to that, that the two issues showed a difference in quality, and we attributed it to the shoddy.

The fact is that all of the uniform cloth of the Army of the United States is made of virgin wool. There is no shoddy in any of it. There has been introduced into the cloth used for overcoats and for blankets an admixture of reworked wool, but into the uniform cloth there is no shoddy, there is no reworked wool; it is all virgin wool. And in addition to that, when we went into this war the standard of Army quality for uniforms was that it should contain 75 per cent wool and 25 per cent cotton. That had been our standard for a long time; but the specification was changed, and the Army uniform cloth, every yard of it, bought for this war is virgin wool of the same weight it has always been, with a large increase in its strength in order to give it greater wearing qualities, and the reworked wool, or use of scraps, so-called shoddy, is limited to overcoats and blankets. I did not know that. I am like the committee. I did not know that until I received a letter, of which a copy was sent to Senator CHAMBERLAIN, from Mr. Eisenman to that effect, and I called him up this morning and asked him if I understood him correctly as to that being the fact, and he said it was the fact.

On that subject I want to read, if I may, a statement made by the greatest wool expert in America on that subject. My attention was called to it only this morning. It is from the issue of Commerce and Finance of January 23, 1918, and is written by Mr. William M. Wood, president of the American Woolen Co. Senator WEEKS knows that I am not stating it too strongly when I say that he is a man of very high authority in the wool world.

Senator WEEKS. He is the president of the largest wool manufacturing establishment in the United States.

Secretary BAKER. Yes. Mr. Wood says this:

> The recommendation of the manufacturers committee to the Council of National Defense looking to the utilization of reworked wool is, in my opinion, worthy of consideration and not to be disparaged, as it has been in some quarters. Reworked wool can be introduced into fabrics which are used for overcoats and blankets so as to improve rather than impair their usefulness.
>
> It gives a better fitting property to the cloth, makes a warmer, closer, tighter fabric, provided a judicious proportion is used.
>
> The manufacturers' committee, composed of patriotic and practical men, gave the Government their best judgment based on the knowledge and experience acquired through years of effort in practical manufacturing in recommending the judicious use of reworked wool.
>
> I am willing to venture the statement that in the construction of from 90 to 95 per cent of all the overcoatings made in the world, including some of the finest fabrics, there is used a measurable quantity of reworked wool or shoddy; so that the prejudice which appears to exist against the use of this kind of raw material is unfounded and unjust under modern conditions of manufacture.
>
> As confirming this, I may mention that all the heavier military cloth used for export in this country, under specifications given by their respective Governments, contains a large percentage of reworked wool.

So that I am correcting, if you shared it, a mistake which I shared with you. I had supposed that, on the recommendation of this committee of the American Woolen Manufacturers' Committee, a uniform cloth which had originally been virgin wool was reduced to first 65 and 35, and then 50-50, of virgin wool and reworked wool.

Senator REED. Does not that statement of Mr. Wood prove too much? If it is a fact that shoddy is better than wool, we ought to use it in the uniforms as well as in the overcoats.

Secretary BAKER. No; apparently not, Senator, and for this reason, if I am able to judge it at all. I do not know a great deal about it, and I probably should not venture an opinion, but according to Mr. Wood's own statement he limits the recommendation to blankets and overcoating material.

Senator REED. Well, he adds that it is used in some of the finest cloths.

Secretary BAKER. For overcoating.

Senator REED. Employed anywhere, and that it makes a closer and warmer garment. You have not time to stop and argue it.

Senator FRELINGHUYSEN. Mr. Secretary, I do not want to contradict you, but I want to read a statement of Col. Lindsley, chief inspector of the Quartermaster Department at Philadelphia.

The CHAIRMAN. Before the committee?

Senator FRELINGHUYSEN. Before the committee.

The CHAIRMAN. What page is it?

Senator FRELINGHUYSEN. Page 1332, part 3 [reading]—

> In the service cloth, the 16-ounce melton, what were the specifications of the Quartermaster General's Department of the United States Army prior to and at the entrance of the United States into the war?
>
> Col. LINDSLEY. That was 75 per cent wool, high three-eighths, and 25 per cent cotton, and the 16-ounce—

That is the uniform cloth, Mr. Secretary—

> that we have been getting since the outbreak of the war of the worsted has been mostly all worsted and is probably a superior cloth to the specification. The reason for that was the worsted mills could not make the 30-ounce overcoating. That had to be made on a woolen system in order to employ all of the looms, all of the mills, and keep them going and get the production that was necessary. We got this worsted cloth made on the worsted system instead of the woolen system.
>
> Senator FRELINGHUYSEN. Then you believe that as far as the service cloth is concerned we are getting as good a cloth, if not a better cloth, than we had before?
>
> Col. LINDSLEY. In the 16-ounce; yes, sir.
>
> Senator FRELINGHUYSEN. Does that universally apply to all cloth that is being procured at the present time?
>
> Col. LINDSLEY. No; we are getting some 16-ounce that has a worsted warp and a carded filling. One contract was placed with a cotton warp and a 50 per cent wool and a 50 per cent shoddy filling.

I think you will find, Mr. Secretary, if you will make further investigation, that there is a large quantity of cloth now under specification with the shoddy filling of the 16-ounce.

Secretary BAKER. Senator, I have before me—I should be very glad to have that testimony looked into and complete accuracy obtained, but I have before me here in print the specifications of the several kinds of cloth, the original specifications in 1910,

and the present specifications. If I can find out where this came from——

The CHAIRMAN. Mr. Secretary, pardon me. It is now near 1 o'clock, and you wanted to ascertain a little more definitely about the statements you are covering now, and we might take a recess until half past 2.

Senator WEEKS. How much more time do you wish to take, Mr. Secretary?

Secretary BAKER. I have one more matter I want to cover in detail. I should think it would take an hour or an hour and a half, perhaps.

The CHAIRMAN. Then we will take a recess.

Senator McKELLAR. Before we adjourn, may I call the Secretary's attention to Mr. Eisenman's testimony, in which he says this in reference to the uniform:

Now, it is virtually all wool; I mean 90 per cent of our purchases of uniform cloths have been all wool up to date, including this morning, practically all-wool worsted fabrics.

So it means that if he states now that they are all virgin wool, there must be some mistake or discrepancy, at any rate, between this statement given on January 2, 1918, and the letter written this morning.

I just want to call your attention to that.

The CHAIRMAN. The committee will take a recess until 2 o'clock.

(Whereupon, at 12.45 o'clock p. m., a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

The committee reassembled at 2 o'clock p. m.

The CHAIRMAN. The committee will please come to order.

Mr. Secretary, are you ready to proceed?

Secretary BAKER. Yes, Senator.

Since the adjournment, Senator, my secretary has discovered a letter which was in his hands, addressed to him, from the commanding general at Camp Meade, to which Senator SUTHERLAND referred. I do not see Senator SUTHERLAND present at the moment. This letter was written to Mr. Hayes in reference to a letter which was sent originally by some lady to Dr. Anna Shaw, and by her referred to Mr. Hayes for information, and he sent it to Gen. Nicholson.

Gen. Nicholson says this:

There has never been a time when the troops at this cantonment have not had at least three pieces of heavy winter underwear and an ample supply of heavy socks. There was a time when there was a scarcity of woolen uniforms, but from my observation and from the reports of the surgeon no suffering or hardship resulted from this condition. The food supply has been abundant and well prepared, and I venture to say in a great many cases of better quality and quantity than the men would have had at home.

The latter part of that, of course, is immaterial, but the particular point of Senator SUTHERLAND's inquiry was with regard to an adequate amount of underwear, and Gen. Nicholson's statement has been that there has not been a time that there were less than three suits of heavy winter underwear in camp.

I have also, since adjournment, been able to get from Gen. Wheeler a statement with regard to the ammunition of shell-making capacity of the country, which I desire to read. This, of course, was in reply to a hurried inquiry:

Referring to your inquiry of a few minutes ago, I may say that the shell-making capacity of the country is difficult to state in number of shell without giving calibers, but it is our best estimate that the shell-making capacity of the country for 75-millimeter and 3-inch shell has been increased about 50 per cent since the beginning of the war and that the shell-making capacity for sizes above 75-millimeter and 3-inch has been increased about 25 per cent in the same period. I am sending you inclosed herewith a carbon copy of a statement showing that the Ordnance Department now has under order in the United States 59,803,910, say 60,000,000, shells. All of these shells are to be delivered during the calendar year 1918.

I think it was Senator WADSWORTH who made that particular inquiry.

Senator WADSWORTH. No; it was Senator FRELINGHUYSEN.

Secretary BAKER. Perhaps when he returns it will be wise to call this memorandum to his attention.

Immediately at the adjournment, if the chairman will recall, I had been asked some questions as to the discrepancy in the testimony in regard to 16-ounce melton cloth, and the question was whether the statement made by Mr. Eisenman that that was entirely a virgin wool was accurate in view of the statement made by a colonel in the record, whose name has escaped me for a moment.

The CHAIRMAN. Col. Lindsley.

Senator McKELLAR. And the statement was made by Mr. Eisenman previously.

Secretary BAKER. There must have been some confusion in the mind of the witness as to the particular subject under inquiry when those statements were made, if they, with their context, had the meaning which we have all attributed to them when they are read. Mr. Julius Rosenwald, who has been at the head of purchase of this sort of supply or the accumulation of capacity for this sort of production, was in the room during the morning session, and came up to me at the conclusion of the statement to say that the previous statement on the subject, derived from the last statement of Mr. Eisenman, is absolutely accurate; that the 16-ounce melton is wholly virgin wool, and that in cloth of that weight reworked wool can not be profitably used. But that in cloths of greater weight, the kind used for overcoats and blankets, it can be used, so that, apparently, the last statement by Mr. Eisenman is a correct statement, and our 16-ounce melton uniform cloth is now made entirely of virgin wool, instead of, as before the war, 75 per cent wool and 25 per cent cotton, and is, for cloth of that weight, the best that can be produced.

In that general connection some question has been raised as to whether a heavier weight of cloth ought to have been supplied, in view of the fact that foreign armies use a heavier weight of cloth. I can add nothing to the testimony in the record on that subject. That testimony, as I understand it, is this, that we have retained the cloth specified for our Army for a long time, so far as weight is concerned; that by the injection of 100 per cent of virgin wool we have strengthened it and increased its warmth and wearing capacity; but whether or not a heavier cloth ought to be indicated is yet to be determined, and the status of that matter is this, that Gen. Pershing was requested to have his experts in Europe investigate that situation and report to us on or before the 1st of February whether he recommended any change in the uniform cloth. That report has not yet been made by Gen. Pershing and his staff, nor has any suggestion ever come from Gen. Pershing or his staff voluntarily that there should be any heavier cloth used in the making of our uniforms.

Senator WEEKS. You made that request of Gen. Pershing as a result of the hearing, did you not?

Secretary BAKER. I am not sure, Senator, whether it was or not. I think you asked Gen. Sharpe to do it, and he made it. I did not initiate that request.

Now that Senator FRELINGHUYSEN is present, I should like to again read the memorandum in regard to the shells, and I will ask the reporter not to include it in the record the second time. [Reading.]

Senator FRELINGHUYSEN. From the information I received, I am disposed to challenge that information.

Secretary BAKER. As I said to the committee when I first read it, it is a hurried memorandum, and I would be very glad to have a complete survey of the subject made and supply you whatever I find.

I want to make but one further observation on this general subject of the Quartermaster and Supply Department. I think it is not unfair for me to say that in the matter of provision of food no army ever assembled anywhere was fed as regularly, as well, as nutritiously, as appetizingly as this Army. I think you gentlemen of the committee, and surely the men in the War Department, will agree that while there have been complaints about other things, that the almost unanimous testimony so far as I know, and the unanimous testimony of this Army, is that its food has been of the highest quality; that there has been no suggestion of defective quality or insufficiency in the quantity; that its preparation has been of the highest character; and, generally, the very great problem of food supply for this vast and hastily organized group of men has been carried out with most extraordinary success.

There is one other subject about which I want to speak in some detail, but I think I can do it briefly.

The CHAIRMAN. Take all the time you wish, Mr. Secretary.

Secretary BAKER. I thank you, Senator. I have spoken longer to-day than I have ever spoken in my life in one day, and I am anxious, if I can, to come to a conclusion.

There is some question as to the selection of cantonment sites, as to the healthfulness of the sites selected, and it has been suggested that the Surgeon General was not consulted with regard to the selection of sites.

The War College Division of the General Staff made a study of the mode of training of the Army. The date of that is May 4, and the questions they considered at that time were, first:

Shall the Army be assembled in regimental camps or brigade camps or division camps?

They finally determined that it should be in division camps. They then drew up a memorandum covering several pages as to the mode of selecting and organizing those camps. The paper I have before me is the original, signed by Gen. Joseph E. Kuhn, president of the Army War College. This report recommended that the department commanders should be charged with the duty of making such selections for the troops to be raised or trained within their respective departments, and that they

should appoint boards of officers to investigate and report upon the available camp sites.

Third, the number of such boards in each department should be left to the discretion of the several department commanders. Each board should be composed of two experienced officers of the line, one of whom should, when practicable, be the division commander concerned or his representative, one of the Quartermaster's Department, one officer of the Medical Corps, and a district engineer. The requisite number of district engineers, selected for their knowledge of local conditions, should be placed under the orders of each department commander for detail on these boards.

The fourth paragraph gives a catalogue of the considerations which should guide the department commander and the boards appointed by him in the selection of these sites. I read only two or three pertinent ones. They should be of sufficient capacity to accommodate a command without crowding, have an adequate water supply, both for the men and animals to be encamped thereon. They should be immune from floods and inundations. The surroundings should be healthful. There were other desirable features recommended—absence of insect pests, as disease carriers; infrequent interruptions to training by inclement weather—a long and carefully prepared schedule.

That was sent to each department commander. The principal places where these camps were to be selected were the Department of the Southeast, the Central Department, and the Southern Department. There had been just transferred, shortly before that, to the Department of the Southeast the senior major general of the Army, Gen. Wood, himself a medical officer originally, a man who had originated the training-camp idea and put it into practice at Plattsburg until it was a demonstrated success, a man who, perhaps, more than any other man in the Army by common consent would have been recognized as the best equipped man to select camp sites and inaugurate a system of training camps.

In the Central Department there was Gen. Barry. If I remember correctly, next in order—perhaps Gen. Franklin Bell was his senior.

Senator WARREN. He is third; Bell is second.

Secretary BAKER. Among the ranking major generals in the Army, a man with experience not only in this country but in our insular possessions, a lifelong soldier, a man accustomed to the encampment of soldiers and the environment which ought to surround them.

In the Southern Department—I forget who was in command. It was of less importance, because it had a larger part of the order, and camp sites had practically been selected, so far as that department was concerned.

They were directed to select for recommendation the department camp sites. I am not referring to anything that is not perfectly known to everybody that lives in Washington, but from the day that it was known that camp sites would be selected Washington was filled to overflowing with representative bodies of citizens from States and cities desiring that consideration should be given to this site or to that site, pressing the advantages of particular locations on us as to their accessibility by railroad or otherwise; the character of their climate, the character of their soil, and I think I am stating what is known to everyone in this room when I say that universally and the unvarying answer was that those camp sites were regarded as of so grave importance, and the proper selection was of so much importance, that an actual board which could visit and compare on the ground the relative conditions was the reliance of the department, and I am stating what the record shows when I say that the camp sites actually selected were in every instance recommended by the department commander, his action being based on a board's action, the board containing in every instance, so far as my knowledge goes, the senior medical officer of his department, and only in one instance was the question raised as to whether or not a camp site, tentatively selected, was in itself a healthful place; that question was raised, and when it was raised I asked the Surgeon General of the Army to select the most eminent and competent sanitarian in his department and send him to make a personal inspection of the site; he came back and reported that the site was a sanitary and healthful site, and it was not until that report had been made that that site was finally decided upon.

Senator WEEKS. Was that Camp Funston?

Secretary BAKER. It was not. I am perfectly willing to tell what the camp was. The camp was at Louisville, Camp Zachary Taylor. Somebody raised the question whether that was a healthful location.

The records of the department in addition showed that upon the selection of these sites the Surgeon General's Office was notified of their selection. I am not raising any issue with the Surgeon General. I share the high opinion of his eminent talents and his great past service and capacity for future service which this committee entertains, and yet I want to have it perfectly understood that in the selection of these sites his representative was a member of every board, and if any question ever arose with regard to the propriety of a site in process of selection that question was investigated under his direction by my order until they were satisfied as to the propriety of the selection.

And now with regard to the building of cantonments and the air space. The plans for the barracks and hospitals and buildings at these camps were referred to the Surgeon General's Office and by him approved. I do not remember the allotments of floor space they made, but they were approved, and the buildings were in the process of construction when there came a meeting, I think, of the American Medical Association, and at that meeting a committee was appointed to consider the question of the sanitary conditions and character of barrack buildings for soldiers. That committee came to Washington and conferred with the Surgeon General, as was entirely helpful and loyal and proper for them to do. That committee insisted upon a larger allowance, a larger square foot of floor space and cubical contents for the soldier. In deference to their advice, the Surgeon General requested that a larger allowance be made. At the time that request was made, however, many barrack buildings had been constructed, the whole system of plans had been made with his previous approval, and the work was going on. I therefore asked Gen. Gorgas to see me with that committee, and I saw them in my office and discussed the question with them then. I do not remember all of the persons who were present, but I remember some of them. There was Gen. Gorgas, Dr. Mayo, Dr. Welch, of Johns Hopkins Hospital—I do not recall others, but there must have been perhaps half a dozen or eight of them, of great distinction in the medical profession, including Dr. Franklin Martin, of Chicago, who was chairman of the medical section of the Council of National Defense.

We raised the question of how much floor space the men ought to have and they suggested that 50 feet was the proper allowance. Then it was explained to them that the barracks were in process of construction and they were asked whether they felt that the matter was so vital that it was wise to stop building the buildings we were then building and start over again on reformed plans, and they said no, they did not think so. They thought the thing for us to do was to take the minimum which they suggested as an ideal toward which we should build and that we should ask Congress to permit us to spend more money putting additions to these barrack buildings and ultimately get up to this allowance, but they would not recommend that we stop building the barracks at that place in order to make the enlargements which they suggested.

That is more or less unimportant except as it leads up to another subject. I said then, "Gentlemen, we have now discussed cantonments, permanent barracks, more or less permanent wooden barracks. Now, let us talk about the camps, because a large part of these soldiers are going to be in canvas tents."

Somebody said, and it was evidently accepted as the general opinion, that that subject need give us no trouble. They said, "Tents are automatically ventilated; there will be no trouble from them. We wish—we believe it would have been wiser or better, safer—to have all the men in tents instead of having them in camps, because the tent is a smaller unit, which brings fewer men together in one place; it is automatically ventilated, and we think you need not look forward to any of the problems arising from congestion from the tent camps." I recalled that to Gen. Gorgas's attention the other day, and he remembered it and said that was still his opinion.

Now, the fact is that the more serious health difficulties have broken out in the camps that were in tents, and the health conditions in the cantonments, where the gravest concern was felt, have been better than those where it was felt that we had perfect assurance.

I cite that not merely to show that expert opinion may not arrive at the correct solution of a difficult problem, but I want you to have the environment of that problem. Shortly after that conference it turned out that we were going to reorganize all of our divisions, making a larger company by the consolidation of other companies, make a larger regiment, and it became possible in the various camps to use several buildings, each of which had originally been planned to hold one company, to use two buildings to hold one of these larger companies not having so many men in it. So that from the beginning, so far as the cantonments are concerned, there has not been less than the

minimum desired by this committee and Gen. Gorgas of assignable floor space and cubical contents.

For instance, the approved capacity of 500 cubic feet as a basis applied to the 16 cantonments produces these results: At Camp Devens, at Ayer, Mass., on the basis of 500 cubic feet per man, there is room for 34,476 men. The greatest number ever there was 34,800, about 300 too many.

Now, in every other one of the 16 camps the capacity of the 500 cubic-feet basis is greater than the maximum number who have ever been there. At Camp Upton, 39,111 capacity; maximum number, 29,000 (I read only the first figures). Camp Dixon capacity, 39,800; maximum number, 20,800; Camp Meade capacity, 38,500; maximum number, 32,000. And so on clear through the entire list, with the solitary exception of Camp Devens, where the capacity, on the basis of 500 cubic feet per man, was exceeded as the only one, and that only by something over 200 men at a particular time.

The CHAIRMAN. Right in that connection, can you state what it was at Camp Bowie?

Secretary BAKER. Yes, sir; Camp Bowie is a National Guard camp, Senator, and is therefore a canvas camp and not a cantonment. But I have something on that subject here. You cited, I believe, Senator, Camp Bowie in your speech. On September 23 the commanding general at Camp Bowie reported to the War Department by telegram that he had sufficient tentage on hand to accommodate 26,088 men on the basis of 8 men to the tent. On that date the strength of the command at Camp Bowie was 17,000 enlisted men. On October 2 the Secretary of War directed the Quartermaster General of the Army to ship 215 large pyramidal tents to Camp Bowie. This shipment was made by express, and these tents were to make up the number required to provide accommodations for the drafted men that were added to Camp Bowie by telegram of October 10. The telegram of October 10 directed the commanding general at Camp Bowie to call for only such members of the total drafted men authorized as he could accommodate in his camp.

Regarding the number of men to be put in a camp, the records of the War Department show that on the 15th of October the War College issued recommendations as to the manner of handling supplies in camps and cantonments, in which the following occurs:

> Heavy tentage for the National Guard, unless otherwise ordered, and State organizations which are to be mobilized at State mobilization camps will be shipped direct to training camps, to be there apportioned out according to the needs of all the organizations by division or camp commanders on the basis of one large pyramidal tent to 12 men until the total supply of tentage available is increased, when distribution will be made at the rate of one tent to 9 men.

That recommendation, our records show, had the concurrence of the Surgeon General. That is from the War College minutes. Later, when the Surgeon General was making his inspection of the various camps, the number of men per tent was reduced from 9 to 5, as indicated in the action taken on December 1 in the case of Camp Sevier.

Similar action was taken on the recommendation of the Surgeon General at the other camps visited by him. So that what actually happened, gentlemen, was that we gathered in from the country young men who had not before been brought into contact with community living. They were young men from the sparsely settled parts of the country. They were attacked by measles, of which one of the ordinary consequences apparently in adults is pneumonia. Now, I am not a physician; I would simply be repeating what other people say to me if I undertook to detail any opinions on the subject of pneumonia or measles, and I do not want to minimize the fact that in all human likelihood the prevalence of pneumonia in some places and of bronchial colds which lead to pneumonia, perhaps even the spread of measles, were caused by too many men being in a tent at one time and facilitated by the shortage of clothes of the kind that I have previously described. And yet Gen. Gorgas told me, as I have no doubt he told your committee, that the worst epidemic of pneumonia he ever had to deal with was at the Panama Canal, where there was not any question of shortage of clothes or change of climate.

Senator HITCHCOCK. It was a question of congestion, however—overcrowding.

Secretary BAKER. I did not pursue that inquiry, but it was not a question of shortage of clothes or change of climate.

Senator HITCHCOCK. He stated it was overcrowding?

Secretary BAKER. But I do extract from this record this, as I think evidenced by it, that our original expectation was that the men in the tents would be safe; that practically the only thing we had to consider there was the convenience of the men in getting around their tents; and then it was soon discovered that the boys, by tying up tight the flaps of the tents and excluding the outside air, were circumventing that outside ventilation, which had been counted upon so surely to prevent them from the evil effects of congested conditions. Just as soon as that was discovered by the Surgeon General, instantly it was suggested that the point of occupation of these tents should be much lighter, additional tentage went in as rapidly as could be sent in by express, and those conditions were improved.

Senator HITCHCOCK. It is quite likely, I think, Mr. Secretary, that the tents would have been more sanitary and safer and the young men would not have closed them up so tightly if they had adequate clothing and blankets.

Secretary BAKER. I think that entirely possible, Senator. I had not realized the blanket question was involved, but it may well have been.

There was a shortage of blankets, the mills of the country could not produce them rapidly enough, and in some places, Camp Devens, for instance—I happen to recall that as I speak—a very large number of quilts were bought in the near-by stores and cities to supplement and eke out the supply of blankets until a full supply was possible, and it may well be if the boys had blankets enough to cover themselves completely they would not have made the tents so nearly air-tight.

The point I want to make about it, if I may make it with propriety, is this: That the place where we least expected trouble is the place where it came, and it is not only the place where I expected it least, but it is where the greatest and most competent medical experts of America, addressing their minds to that problem, coming all the way from New York, or wherever else their meeting was, to confer with the Surgeon General on the subject, least expected this trouble to arise.

Senator WEEKS. Do you mind if I interrupt at this point?

Secretary BAKER. Not at all, sir.

Senator WEEKS. Is not that largely due to the fact of insufficient hospital facilities at the National Guard camps?

Secretary BAKER. I do not think so.

Senator WEEKS. The Surgeon General has testified that the construction of hospitals was not undertaken until after those men were in camp, and that they are not completed yet; that there is not steam heat in some of those hospitals even to-day. Now, is not that degree of sickness in those camps largely traceable to the fact that they could not be properly provided for in hospitals?

Secretary BAKER. I say yes, Senator, to your inquiry, and then make this addition to it: Of course, the men get sick first and then go to the hospital. There was no anticipated need for anything like the hospital facilities at the National Guard camps which developed, and yet the hospitals, when recommended by the Surgeon General, were authorized to be built.

The Surgeon General, at the outset, asked about hospital facilities at the National Guard camps, and it was then thought that since the men would be in those camps, a less length of time than the men in the cantonments, and as the cantonments would be used by succeeding groups of men to be trained, that there was not so much need for making permanent hospital facilities at the National Guard camps as at the cantonments.

That view, however, was changed, and the Surgeon General's recommendation for hospitals at the National Guard camps was approved and the same kind and size of hospital, the same character of facility, was then directed to be put up at the National Guard camps, and is either erected or is being erected at all of them. Gen. Gorgas, I believe—I have not seen his testimony—but Gen. Gorgas said to me that he, himself, approved the idea of erecting these National Guard hospitals without permanent installation of flowing water, without permanent sewage facilities, because at the outset it was believed that they were to be more temporary, but when it was discovered that they were to be more permanent, then he recommended that it be changed to a permanent installation of plumbing and water supply, and that was then ordered to be done.

Senator WEEKS. Perhaps the Surgeon General changed his mind, or misunderstood. He testified to this committee that the first thing that should have been erected at these camps or cantonments was the hospital; that necessarily men changing their locality, having new climate, and new surroundings, and different kind of food would be somewhat upset by it, and that the hospitals should have been ready when the men went to the camps or cantonments.

Secretary BAKER. Of course, I perfectly agree to that, Senator; and yet, I think, it is important to remember that what we are dealing with is the base hospital in each instance, and not the regimental hospital.

Senator WEEKS. I understand.

Secretary BAKER. There were scattered through all of these camps, the regimental hospitals, which, under normal circumstances, would be regarded as adequate to take care of minor

illnesses of the men, places to which they could retire with a cold or a slight injury, or something of that kind, and this provision of base hospitals was for the more severe cases. Of course, the fact is that we were overtaken by epidemic conditions before the base hospitals were ready in the National Guard camps, and it was necessary to evacuate some of those hospitals, take the patients to other places, and when the Surgeon General went around and made his investigation and discovered that condition, just as soon as adverse health conditions arose at Camp Wheeler, and in those other southern camps, when that situation arose, the Surgeon General's recommendation for the transfer of patients was instantly ordered and every recommendation he made was complied with.

It was at that time after his return from this inspection that Gen. Gorgas suggseted to me in conversation—I have no doubt he has so testified, I have not seen his testimony—but it was at that time that Gen. Gorgas suggested to me the wisdom of having a detention hospital so that new men coming to the camp could be put in there for observation for the normal period of incubation of the common contagious diseases, so that there would not be in the future the chance of newly drafted men or newly raised levies bringing in from the outside contagious disease and spreading it through an assembled force.

The CHAIRMAN. When did he return, Mr. Secretary?

Secretary BAKER. Senator, I can not answer that. It was within a day or two of the time when these health reports were handed out. It must have been some time toward the middle of December, but I can not give you the date. But it was on his return from that visit of personal inspection at which time he was accompanied, as I am informed, by eminent civilian physicians—it was at that time that he recommended the installation of these observation hospital buildings, and it was not earlier than that.

Senator WADSWORTH. May I interrupt with just one question on that same point?

Secretary BAKER. Certainly, Senator Wadsworth.

Senator WADSWORTH. With regard to the cantonments, of course it was not anticipated that the men would be taken away, or moved from the cantonments for several months to come, and that they were of a permanent or comparatively permanent character.

Secretary BAKER. Yes.

Senator WADSWORTH. What was the reason for the decision to postpone the building of base hospitals at the cantonments until after the cantonments themselves were largely completed and the men had arrived?

Secretary BAKER. I do not think that was ever so determined.

Senator WADSWORTH. Gen. Gorgas gave the committee to distinctly understand that the base hospitals at the cantonments were postponed.

Secretary BAKER. So far as I know, that was never determined. I think this is true. I have heard this said, that in some of the camps the contractors decided to build first one group of buildings and then another group of buildings, and then another. While in other camps the contractor decided to build all of his buildings contemporaneously, with the result that in some of the camps 75 per cent of all the buildings were done before the other 25 were started, and in other camps all of the buildings were started and were all 75 per cent done, but none of them completed at a given time. That apparently was the judgment of the contractor as to the most rapid way of doing his work, and evidently concurred in by the construction quartermaster who was on the ground and in charge of it. That may have led to the postponement in some instances of the building of the base hospitals.

Senator WADSWORTH. Gen. Gorgas described it as a general condition.

Secretary BAKER. I do not know the facts.

Senator WADSWORTH. And he indicated to the committee that it was somewhat in opposition to his advice.

Secretary BAKER. I do not know any recommendation that he ever made on that point, nor do I know the fact.

Senator FRELINGHUYSEN. I have the order here, Mr. Secretary, simply delayed from June 25 to July 16, awaiting appropriations from Congress—with your indorsement on there. Cantonment hospitals. I do not know whether those are the regimental hospitals or the base hospitals.

Secretary BAKER. This is evidently supplementary, Senator. These hospitals cost very much more than this. I should think this was supplementary. I do not recall having seen that before.

Now, gentlemen, if I may turn aside from these details, I have been dealing with what has seemed to me to be the details of delay. I hope I have not seemed to deny their existence. I have tried to add to your information by showing you exactly what they are, so far as I can learn them. I do not want to add any color of prophecy with regard to when they will be completely removed. I think you know, as a matter of fact, from the experts at the heads of these departments, just what the outlook is with regard to each particular kind of thing, and so I turn aside to the plan of the war. I have understood that Senator CHAMBERLAIN felt that there was not a plan for this war. I do not know how far the members of the committee feel that way; I do not know how far the country feels that way; but I want, if I can, to say to you that there is a plan; that it is the only plan under the circumstances.

Senator REED. I want, before you take up a large subject, if I may be permitted to do so——

Secretary BAKER (interposing). Certainly, Senator REED.

Senator REED (continuing). To ask you about one matter, because I think it has relation to these details that you have been talking of rather than the larger subject which you are about to enter upon. I am asking it in no spirit of antagonism, but to get the fact, just whatever it may be. An article appeared in the papers of yesterday, the first part of the article being to the effect that newspaper men will no longer be allowed, and that men will no longer be allowed to do newspaper work when they are a part of the Military Establishment. It is followed by the statement:

> The War Department adds, however, that no objection is held to the publication of a soldier's private correspondence with his consent, providing the letters are sent through the regular censorship machinery. Military censors are at the same time ordered to delete criticism of superiors, or of policy, scandal of any sort, injurious reports concerning comrades, or anything likely to arouse controversy.

The order concludes:

> The object of this order is to satisfy, so far as compatible with protection of military interests, the natural desire of the people to keep in touch with their soldier representatives.

The particular article I have read is from the Washington Post, and I simply want to inquire, because I think the article is susceptible of two or three different constructions—whether an order has been issued which forbids a soldier to write home to his own people and tell them the personal discomforts that he may be subjected to, and if his letter has to go through a censor, and if the censor has been ordered to strike out or delete any complaints by a soldier as to his condition.

Secretary BAKER. No, Senator; no such order.

Senator REED. That is not the meaning?

Secretary BAKER. No such order and no such meaning.

Senator REED. I hoped that that was true; but if you happen to have the time to read this article you will see that it is so written that it is hard to tell. There is nothing, then, in the regulations that forbids a soldier writing back to his people, for instance, and saying that he is suffering from a lack of clothing or lack of proper food?

Secretary BAKER. Absolutely nothing.

Senator REED. His letter does not have to go through a censor?

Secretary BAKER. Absolutely not.

Senator REED. I am very glad to hear that.

Secretary BAKER. That order, as a matter of fact, Senator, was drawn to accomplish this purpose: Some newspapers in the country have desired to employ soldiers as special correspondents; and men who are on the outside and are reporters and correspondents for newspapers have not unnaturally felt that a man on the inside would have a very great advantage if he were authorized to be employed as a reporter; and, in addition to that, if a soldier is being paid by some other employer than the United States to act as reporter or correspondent in the camp he has a divided allegiance. And yet we wanted to free every soldier in the Army to write home to his home newspaper, acting as a voluntary correspondent, writing letters which were intended to be printed; and in order to safeguard the soldiers and prevent their inadvertently violating the military regulation we have provided an office of inspection, or censoring, so that things that would be destructive of discipline, as a thoughtless boy might very possibly write home something about a tent mate, or something of that kind, which would produce feelings of irritations and jealousy and that sort of thing; and in order to prevent that kind of consequence an officer will be appointed to supervise their letters.

The CHAIRMAN. All their letters?

Secretary BAKER. Oh, not at all, sir. Only those that are written by the soldiers for the purpose of publication; only that.

Senator REED. That is entirely proper. I thought perhaps that was the correct description, but I wanted to be sure.

Secretary BAKER. Now, gentlemen, about the plan of the war. It will be remembered that this war broke out in August, 1914. We went into it in April, 1917, so that for two and one-half

years, or more than two and one-half years, the war had been going on. It was not as though war had broken out between the United States and some country, each of them prior to that time having been at peace with one another and with everybody else, so that an immediate plan should be made in the United States for conducting war against its adversary; but we were coming into a war which had been going on for two and one-half years, in which the greatest military experts, all the inventive genius, all of the industrial capacity of those greatest countries in the world had for two and one-half years been solving the problem of what kind of war it was to be and where it was to be waged.

It was not a thing for us to decide where our theater of war should be. The theater of war was France. It was not for us to decide our line of communications. Our line of communications was across 3,000 miles of ocean, one end of it infested with submarines. It was not for us to decide whether we would have the maneuvering of large bodies of troops in the open. There lay the antagonists on opposite sides of "no man's land" in the trenches at a death grapple with one another. Our antagonist was on the other side of that line and our problem was and is to get over there and get him.

It was not the problem of doing it our way and letting everybody else take care of himself. In the first place, we were going to fight in France, not on our own soil, and not on our adversary's soil, and therefore at the very beginning it was obvious that the thing we had to do was not to map out an ideal plan of campaign, not to have the War College, with its speculative studies of Napoleon and everybody else, map out the theoretically best way to get at some other country, but it was the problem of studying the then existing situation and bringing the financial, the industrial, and the military strength of the United States into cooperation with that of Great Britain and France in the most immediate and effective way.

That problem could not be decided here. I fancy in this audience there are men who have been in the trenches. The altogether unprecedented character of that problem is the thing which every returning visitor tells us can not be described in words, can not be put down in reports; it is a thing so different from anything else that ever went on in the world, so vast in its desolation, so extraordinary in its uniqueness, that it must be seen and studied on the ground in order to be comprehended at all.

It is easily imaginable that we might have perfected an Army over here and carried it across the ocean and found it wholly unadapted to its task, and it might well have been that the Army that we sent over was just the one thing that they did not need, and that some other thing which we might have supplied would have been the thing essential to their success.

So that from the very beginning it was not a question of abstract speculation here, but a question of study there to find out where our shoulder to the wheel could be put.

They realized that. And so Great Britain sent over to us Mr. Balfour and Gen. Bridges and a staff of experts. They came over here and you saw Mr. Balfour in the Houses of Congress and at the White House and in public meetings at one place and another, but the group of experts whom they brought over with them you did not see much of, and yet they distributed themselves through the War Department, and their ordnance experts sat down with Gen. Crozier, their supply experts with Gen. Sharpe and his assistants, their strategists sat down with the Army War College, and all over this city there were these confidential groups exchanging information, telling how the thing was over there, what we could do, what they advised us to do, what experiences they had had in developing this, that, and the other implement or supply, how certain plans which one might naturally have evolved out of the past experience of the world had been tried there and found not to work at all.

They were exchanging information, giving us all that they thought was helpful. And then came Joffre, with his wonderful reputation and his great and charming personality, and he made a great figure here, and we welcomed him. It was a tremendous inspiration to see the hero of the Marne; but with him came this unobserved staff of 15 or 20 or 25 young men, the most brilliant in the French Army—strategists, mechanical experts, experts in arms, experts in supplies, experts in industry and manufacture—and they told us not merely the formal and military problems, but they brought over with them men who were in from the beginning, in their reorganizations of their industries, in their mobilization of their industrial plants, and we sat down with them in little groups, until finally we collated and collected and extracted all the information which they could give us from their respective countries. And every country which has been brought in the war has brought us that sort, or sent us that sort of staff of experts, and it has been necessary to compare notes and, with this as a basis, to form such an idea as might be formed of what was the thing for us to do over there.

But that was not enough. They admitted that it was impossible to draw that picture. They could describe to us and bring the specifications and drawings for a piece of artillery, but they could not tell us why the British the use of the use of artillery was by the British preferred to that of the French. They could not picture to us a barrage of heavy howitzers as compared to a barrage of 75-millimeter guns. They could not picture to us the association of aircraft, balloons, and mobile aircraft with artillery uses. They could tell us about it, but even while they told us the story grew old. The one thing they told us from the very beginning to the end was that this war, of all others, was not a static thing; that our adversary was a versatile and agile adversary; that every day he revamped and changed his weapons of attack and his methods of defense; that the stories they were telling us were true when they left England and France, but an entirely different thing was probably taking place there now, and they told us of large supplies of weapons of one kind and another which they had developed in France and England, and which even before they got them in sufficient quantity manufactured to take them from the industrial plants to the front were superseded by new ideas and had to be thrown into the scrap heap.

They said to us: This is a moving picture; it is something that nobody can paint and give you an idea of. It is not a static thing.

Therefore it became necessary for us to have eyes there in instant and immediate communication with us, and we sent over to France Gen. Pershing, and we sent with him not merely a division of troops—to that I shall refer in a moment—but we sent with him perhaps I can say safely the major part of the trained, expert personnel of the Army. You know the size of the official corps of the Regular Army in this country when the war broke out. It was a pitiful handful of trained men, and yet it was necessary to divide them up and send over to France officers of the highest quality so that they would be at the front and see in the workshops and in the factories and in the war offices and in the armies where consultations would take place immediately back of the front, so that they could see the thing with their own eyes and send us back the details by cable every day of the changing character of this war.

Gen. Pershing's staff of experts and officers over there runs into the thousands, and they are busy every minute; and every day that the sun rises I get cablegrams from Gen. Pershing from 10 to 16 and 20 pages long filled with measurements and formulas and changes of a millimeter in size, great long specifications of changes in details of things which were agreed upon last week and changed this week, and need to be changed again next week so that what we are doing at this end is attempting by using the eyes of the Army there to keep up what they want us to do.

Already you will find in your further examination into some of the bureau work of the department, some of the divisions, when they come down, you will find that schedules which were agreed upon, weapons which were selected and which we had started to manufacture, have been so far discarded that people have forgotten the names of them, almost, and new things substituted in their place, and those forgotten and new things in their places.

So that if one gets the idea that this is the sort of war we used to have, or if he gets the idea that this is a static thing it is an entirely erroneous idea, and when you remember that we had to divide this little handful of officers that we had and send so large a part of them to France, and then think of those who remained at home, you will realize, I am sure, that those who remained here had the double duty, insufficient for either aspect of it in numbers—and they still have this double duty—they had to go forward with manufacture, work out industry and industrial relations; they had to see about supplies of raw materials and manufacture finished products, and make from day to day alterations and changes that had to be made, and they had to be ingenious with suggestions, to see whether they could devise on this side something which had not been thought of over there. They had to be hospitable to suggestions which came from the other side; they had to confer with the foreign officers who were here and were constantly being changed, so that men fresh from the front could be here to advise with us, and in addition to that every one of them had to be a university professor, going out into the life of the community and selecting men who had mechanical experience and knowledge and training, but not military mechanical experience and

knowledge and training, and adding to his original equipment the scientific training, that finishing touch which made him available for use as a military scientist.

As a consequence, this little group which stayed here have built the great special departments of the Army. The Ordnance Department, starting, I think, with 93 or 96 officers, has now, as I recall the figures, something like 3,000 officers. They have had to be trained; they have had to be specialized, and that has had to go on contemporaneously with this tremendous response to the changing conditions on the other side.

In the meantime, when we started into this war I think it was commonly thought throughout the country that our contribution at the outset might well be financial and industrial. The industries of this country were largely devoted at that time—the appropriate industries, and many converted industries were largely devoted—to the manufacture of war materials for our allies.

As I suggested this morning, when we went into that market we found it largely occupied, so that our problem was not going to a shoe factory and saying, "Make shoes for us," but it was going to a factory which never made shoes, because all the shoe factories were busy making shoes for people from whom we could not take them, and saying, "Learn how to make shoes in order that you may make them for us."

Now, of course, that is not true of shoes, but it is true of machine guns, it is true of other arms, it is true of ammunition, it is true of forging capacity, which was the greatest defect in the country, and all of this time we had not merely not to disturb the program of allied manufacture in this country, but we had not to cut off the supplies of raw material to our allies, and we had not to disturb the industry of this country to such an extent that products upon which they depended for the success of their military operations would be interfered with, both agricultural and commercial and industrial products.

At the outset the idea was that we would be a financial and an industrial assistance to our allies during the year 1918, and I think I probably can read from the Metropolitan Magazine for August a suggestion which will show what the current expectation of the country was. The editor of the Metropolitan Magazine was protesting against what he believed to be the intention of the Government at that time.

Senator WEEKS. Is that the one in which Mr. Roosevelt is associate editor?

Secretary BAKER. He is a contributing editor to this magazine. This magazine came out in August, 1917, and this editorial says:

> Since it is our war, we want to put everything into it so as to finish it in the shortest possible time, so that the world may be restored. To our mind the whole plan of the War Department has been flavored with a desire to hold off until the allies finish the war for us.

You see, the editor was dealing with what he supposed to be the intention of the War Department at that time, that we were holding off so far as actual military operations were concerned and letting the allies do the fighting.

What he says we should have done—and I ask your particular attention to it—is this:

> We should have strained every energy to have gotten 50,000 to 100,000 men to France this year.

That is, the year 1917. I tell no secret, but it is perfectly well known to everybody in this group that we have far exceeded what in August, 1917, was regarded as a program so ideal that the editor of this magazine refers to it as a thing which we ought to have strained every nerve in a vain but hopeless effort to accomplish.

The CHAIRMAN. You had more than that there then, did you not?

Secretary BAKER. In 1917?

The CHAIRMAN. Yes; in August, 1917?

Secretary BAKER. No, Senator.

And then the editor goes on:

> And by next year, 1918, we should have 500,000 men to send over, or any part of 500,000 men which we could ship.

Now, instead of having 50,000 or 100,000 men in France in 1917, we have many more men than that in France, and instead of having a half million men whom we could ship to France if we could find any way to do it in 1918, we will have more than one-half million men in France early in 1918; and we have available to be shipped to France, if the transportation facilities are available to us—and the prospect is not unpromising—we will have one and one-half million who in 1918 can be shipped to France.

Senator WEEKS. Do you know who wrote that editorial?

Secretary BAKER. I think it is attributed to Mr. Wiggin, the editor in chief of that magazine.

The CHAIRMAN. Why have you not felt it proper to let the public into your confidence with reference to these things that you are telling now?

Secretary BAKER. Senator, I confess I have hesitated and I still hesitate. I have here a statement from Field Marshal von Hindenburg, in which he is quoted as saying in a German newspaper, in contemptuous fashion of us, that we have advertised our preparations for this war in an unworthy manner.

The CHAIRMAN. Do you think for a moment, Secretary Baker, that there has been any time within the last year that the German secret service has not been fully advised as to everything we have done?

Secretary BAKER. Yes, Senator; I know. If I may rely upon the confidential information which we get from confidential sources, the German Government is still mystified as to the number of men we have in France, or have had there at any time.

The CHAIRMAN. I very much doubt that.

Secretary BAKER. They seem to have, and our newspapers tell us they have very accurate information as to what goes on immediately at the front, but I have not yet seen any suggestion from any of the most intimate and confidential sources that I can get that the German Government does actually know the number of men we have there.

Senator MYERS. Mr. Secretary, so far as you know, does the German Government advertise to the world all of the secrets of what it is doing in regard to its military movements and preparations?

Secretary BAKER. No, Senator.

Senator MYERS. Do the British or French?

Secretary BAKER. Neither the British nor the French.

The CHAIRMAN. Does the American Government?

Secretary BAKER. No, Senator. I am saying this now, because you have asked me why I have held back these facts until now. I am saying to you that you could not get from Great Britain at this minute—I do not know whether I could get the number of soldiers Great Britain has in France or at home. I could get an approximation; I could get whatever information might be deemed helpful to the immediate military object to be accomplished, but I could not get from Great Britain or France either one the actual number of troops they have at the front.

It may be that that precaution is unnecessary, and yet that is the precaution which military men have observed, and I have no further point to make in the matter of the number of troops there than to show, as I was showing when I read that extract, that our original intention was to make our military effort in 1918; and in August of 1917 a zealous advocate of immediate military activity laid down as the maximum obtainable program a thing which has since been multifold exceeded.

Why did we decide to send some troops to France in 1917? It is no secret. When Marshal Joffre came to this country from France, when the British mission came from England, they told us of a situation which we had not up to that time fully appreciated. There had been in France recently conducted before that an unsuccessful major offensive. The French people had suffered, oh, suffered in a way that not only our language is not adapted to describe, but our imagination can not conceive. The war is in their country. This wolf has not only been at their door, but he has been gnawing for two years and a half at their vitals, and when this unsuccessful offensive in France had gone on there was a spirit not of surrender, but of fate, about the French people, and this mighty military engine which they had seen prepared to overcome them for 40 years was at them, and their attitude was that no matter whether every Frenchman died in his tracks, as they were willing to do, or not, that it was an irresistible thing, and so they said to us, "Frankly, it will cheer us; it will cheer our people if you send over some of your troops."

We did send some troops.

At that place we had a choice. We could have sent over, as Great Britain did, our Regular Army, and in a very short preparation have put it into action and suffered exactly what Great Britain suffered with her contemptible little army, as it was called by their adversaries. Our Army would have given as good an account of itself as the British Army did, but it would have been destroyed like the British Army, and there would have been no nucleus on which to build this new army that was to come over a little later, and it was deemed wiser to send over a regular division, but not to send over our whole Regular Army at that time.

Then what happened was that that regular division went over and the people of France kissed the hems of their garments as they marched up the streets of Paris; the old veterans wounded

in this war, legless or armless, stumping along on crutches, perhaps, as they went up the streets of Paris with their arms around the necks of American soldiers. Not a single man in that division was unaccompanied by a veteran. America had gone to France, and the French people rose with a sense of gratitude and hopefulness that had never been in them before.

Of course, they welcomed the British, but their need was not so great when the British went. Of course, they welcomed the British, but there were ties between them and us which there had not been between them and the British, and so when our troops went there was an instant and spontaneous rise in the morale of the French, but an equally instant and spontaneous insistence that these soldiers who came from America should continue to come in an unbroken stream.

And so we made the election. We decided not to send the Regular Army as a whole, but to send Regular divisions and National Guard divisions, selected according to the state of their preparation, and keep back here some part of our trained force, in order that it might inoculate with its spirit and its training these raw levies which we were training, and one after another these divisions have gone over until in France there is a fighting army, an army trained in the essentials and in the beginnings of military discipline and practice and trained, seasoned fighters in this kind of a war on the actual battle fields where it is taking place.

Early in this war, when Joffre was here and when Balfour was here, they said to us, "It may take you some time to get over to us a great fighting army, but you are a great industrial country; our man power is fully engaged in our industries and in our military enterprises; send over artisans, special engineering regiments, and troops of a technical character," and, although it was not contemplated at the outset, and only a phrase in the emergency military legislation shows that the thing was thought of as a possibility, yet in a very short time we had organized engineering regiments of railroad men and sent them over there and were rebuilding behind the lines of the British and French the railroads which were being carried forward with their advance, reconstructing their broken engines and cars, building new railroads, both back of the French and British lines, and those regiments were of such quality that at the Cambrai assault, carried on by Gen. Byng, when the Germans made their counter attack, our engineer regiments threw down their picks and spades and carried their rifles into the battle and distinguished themselves by gallant action in the war itself.

Very early in this war Great Britain, through Balfour and his assistants, and France through Joffre, said to us, "Send us nurses and doctors." Why, before we were scarcely in the war American units, organized in advance and anticipation by the Red Cross, which was taken over into the service of the United States through the Surgeon General's office, were on the battle field, and there are tens of thousands of men in England and in France now who bless the mission of mercy upon which the first Americans appeared in France.

Our surgeons have set up hospitals immediately behind the lines. They have been made military in every sense of the word. They have not been especially fortunate in escaping attack from the air, and our early losses in this war were the losses of Red Cross nurses and doctors, and orderlies and attendants in hospitals, and ambulance drivers, who were sent over to assist our allies in these necessary services, thus not only rendering assistance but acquiring skill and knowledge of the circumstances and surroundings, so that when our own troops came in large numbers they could render like services to our own forces. But that was not enough. It was suggested that further groups of mechanics might be needed. Nay, we began to see that we were going to be over there in large force, and the question that then had to be answered was, How will we maintain an army in France? Special studies had to be made of that problem, and this is what they showed: They showed that the railroads and the facilities of France had during this war been kept in an excellent condition; far better than supposed possible under war conditions. And yet that those railroads were used to the maximum to take care of the needs of the French and the British themselves, and that when our Army became a great army it would be necessary for us to build back of our own line an independent line of communication.

In other words, France was a white sheet of paper, so far as we were concerned, and on that we had not only to "write" an army but we had to write the means of maintaining that army; and from the first time when a careful and scientific study of the opportunities of France to help us were made, from that hour until this we have been building in France facilities, instruments, agencies, just as many as we have here in the United States, and more—many of them of the same character. For instance, the French had naturally reserved the best ports in France for their own supply. The channel ports have been reserved for the British. When we came in it was necessary for us to have independent ports of entry in order that there might not be confusion and admixture of our supplies going through these ports of disembarkation with those of other nations. We were given several ports. As you perhaps recall, the ports of France are tidal ports, ports with deep water and tidal basins at high tides, with insufficient water for landing at the docks when the tide is out.

As a consequence, the construction of docks and wharves of tidal basins in ports of that kind is very much more difficult than where you have a deep-sea harbor and all you need to do is to erect a pile wharf. We have had to build docks; we have had to fabricate in this country and send over dock-handling machinery; we have had to send from this country even the piles to build the docks. We have had to have gantry cranes manufactured in this country and sent over to be erected on those docks; we have had to erect over there warehouses at the ports of disembarkation in order that these vast accumulations of stores and supplies which go over can be properly housed and cared for until they can be distributed into the interior.

We have had to take over and are in process of rebuilding and amplifying a railroad 600 miles long in order to carry our products from our ports of disembarkation to our general bases of operation. And all of that, gentlemen, has to be done, not only studied out, as a necessary thing to do, but when so studied out and reported here, the manufactories for those things have to be carried on in this country, and the things shipped over there—nails, cross-ties, spikes, fishplates, engines, cars, buildings. We have had to build ordnance depots and repair shops and great magazines of supply in the interior. All of that problem has been carrying forward step by step the plans for a single ordnance repair shop, which I saw some time ago, covering acres and acres of ground, designed over here, the ironwork fabricated over here, disassembled, put in ships and carried abroad to be reassembled over there.

We have had to build barracks over there for our soldiers, and in the meantime to billet them around in the French villages. Building barracks over there and building them here is a very different thing, gentlemen.

When we summoned the lumber industry of this country to produce the lumber to build our own cantonments, it came in a great and steady stream from all over the country, but when we talk about building barracks in France, it means this: It means to organize, as we have organized, regiments of foresters and sending them over into the forests of France, which they have assigned to us for our use, cutting down the trees, setting up sawmills, making the lumber of various sizes, transporting it to the places where it is to be used, and then finally using it.

We have had to go back to the planting of the corn in France in order that we might some time make a harvest. Our operations began in the forests of France, not in the lumber yards, as they did in this country.

That great staff under Gen. Pershing's direction, containing so many men from the American Army, enriched by captains of industry and masters of technical performance in this country, all of these large industrial operations under general direction, such as the railroad and dock buildings, under a former vice president and now a vice president, perhaps, of the Pennsylvania Railroad, Gen. Atterbury, and men of that quality and experience, summoned in to aid him—those are the men who are carrying forward these operations, which are quite as extensive as those which are carried on over here, and of far greater difficulty, because it means getting material by cable as to sizes and specifications, having it fabricated here, and sent across through these infested 3,000 miles of ocean, and then set up on that side.

Senator HITCHCOCK. Mr. Chairman, I will ask to be excused on account of an engagement. I assume the committee will continue to-morrow morning, probably.

The CHAIRMAN. Yes, sir.

Secretary BAKER. In addition to that, on the other side it has been necessary for us to build hospitals, and that is where the major need for hospitals may be. It has been necessary for the Surgeon General's staff to be divided in this fashion and to select supplies and procure materials, and to send over staffs of trained persons to supervise the construction of these hospitals and to man them and equip them.

All of that has gone on contemporaneously with the work which has been done in this country, and then, in order that another element may be added to this kaleidoscopic character which this war necessarily has, I call your attention to a thing which you already know. This war had a more or less set character until the Russian situation changed, as it has changed, in the last few months, when we had gotten more or less used to the situation created by the uncertainty as to Russia, there came the great Italian defeat which called for even greater changes in our plans, in many ways.

So that what might have been a perfectly acceptable plan as to major operations prior to the change in the Russian situation, or prior to the change in the Italian situation, had to be restudied instantly, and for that reason, among others, there is now organized, as you know, in France, pursuant to the suggestion of Mr. Lloyd-George, the Rapello Conference, or the supreme war council, and the United States is represented on that by the Chief of Staff of the American Army, and the major international arrangements in regard to the military are worked out there, while Gen. Pershing and his staff of experts are working out these other questions.

That is a picture of what has been going on over there, gentlemen. On this side much of that has had to be done, in addition to all the other things we have done; and I ask you to remember among the achievements on this side is the building of this Army, not of 50,000 or 100,000 or 500,000, but of substantially a million and one-half men.

And, now, let me be frank with you, and let your judgment be frank with me about this: Has any army in history ever, since the beginning of time, been so raised and cared for as this Army has? Can the picture be duplicated? We have raised this Army, taking the Regular Army and the National Guard, raising it to war strength, and supplementing it by the operation of a draft. And there are Senators in this room who said to me with grief when we proposed that that form of raising the soldiers should be had—they shook their heads and said, "Mr. Secretary, it can't be done; it is too sudden to address to the American people that mode of selecting soldiers." And yet, has any great enterprise within the knowledge of any man in this room ever been carried out with more unfailing justice, with more intelligent explanation and commendation to the good sense or patriotism of the American people, and has any great and revolutionary change in our mode of practice ever been accepted so splendidly as the operation of the selective-service system?

We have got those young men in camp, and they are surrounded from the day they left home until the day they come back to it, if in God's providence they can come back, with more agencies for their protection and comfort and health and happiness—physical, spiritual, and mental—than any army that ever went out on a field.

They are classified by a system under classification so that men who have mechanical instincts and training will be given mechanical opportunities in the Army. The "round" man is not sought to be put into the "square" place. The Young Men's Christian Association—the American people have subscribed liberally for the purpose—the Young Men's Christian Association, the Knights of Columbus, the Young Woman's Christian Association, the training-camp activities committee, the training camp athletic committee, have all been brought in—and the Red Cross—have all been brought to live with the soldiers; and by virtue of activities started in the War Department the communities which surround these camps have been instantly gotten away from the notion which used to prevail of a certain alienation between a civilian and soldier group, and these soldier boys in these camps have been adopted into the homes and hearts of the people among whom they live. No such relation has ever existed between an army and a civilian population as exists with regard to this.

And then, with your aid, the Army has been able to practically stamp out intemperance and vice among the soldiers by the establishment of zones, by the establishment of patrol systems of one kind and another, by the training of these young officers in these training camps, young men of experience and fine feeling and all that, we have gotten into this great Army the idea that it can be a strong and effective military army and still be free from things which have hitherto weakened and sapped the vitality and virility of armies.

I have gone from camp to camp among these cantonments, and my first question almost invariably is to the camp commander "What about your disciplinary problem?"

Old men in the army, men whose lives have been spent in it from their boyhood, and who have been all over the continental United States and through its insular possessions wherever our armies have been, who know the life of the soldier and the camp and the post, all say with one accord and no exception that they have never seen anything like this, that the disciplinary problems of the Army are reduced to a negligible quantity, and, instead of the melancholy and pathetic parade through the Secretary of War's office of court-martial after court-martial of men who have fallen down and yielded to temptation under these unusual circumstances which used to obtain, I have an infrequent case now of court-martial by reason of such weakness.

The CHAIRMAN. Mr. Secretary, would there be any impropriety in your preparing a little tabulated statement to go into the record showing the number of hospitals, whether under the Army or under the Red Cross, established in France, with the number of the personnel of each, and so with the Engineering Corps? In other words, covering the general statements you have made, concretely?

Secretary BAKER. Do you mean that you want the number of medical people in France?

The CHAIRMAN. No; I wanted the number of hospitals. You spoke of having them established—Red Cross institutions.

Secretary BAKER. The units which are French and British and our own?

The CHAIRMAN. Yes.

Secretary BAKER. Yes; I will be very glad to get that for you, sir.

The CHAIRMAN. And put it in the record.

(The statement referred to was handed to the chairman for the confidential information of the committee.)

Secretary BAKER. When Lord Northcliffe returned to England he was invited, as I recall it, by Lloyd-George to accept a position in his cabinet. He wrote a letter, which was printed in the papers, and in that he made this casual reference to the United States. He spoke of his visit here, and spoke of our war preparations in this fashion:

> War preparations proceeding in the virile atmosphere of the United States and Canada with a fervor and enthusiasm little understood on this side of the Atlantic.

He was then in England. I happen to have a copy of a confidential instruction issued by the German Government in June, 1917, to the German press as to what course they should take in dealing with American matters, and they say:

> While the news about American war preparations, such as the organizing and outfitting of an army of 1,000,000 men strong, to reinforce the French-English front is looked upon in that form as bluff, the spreading of which may unfavorably affect the opinion of the German people, yet the fact must not be overlooked, on the other hand, that the United States, with the support of its capacity for material and industrial management, is arming itself for war with great energy and tenacity.

Your committee will have full opportunity and will doubtless go into those things. You will deal with the hospital situation, the Medical Corps, the Signal Corps; you will hear the wonderful work done by the Engineering Department of the Army; but when it is all told, Mr. Chairman, it will be a story which I am sure your committee will be glad to report to the Senate of the United States as being a tremendous response to a tremendous responsibility; and when you have made this investigation I know that the American people will feel, as I think they have a right to feel, that we are in this war to win it; that we are in it to hit and to hit hard; that we are in it to coordinate our strength with that of our associates; that the problem is not one of individual star playing, but of team play with these veterans and experienced persons under actual battle conditions; that more has been done, perhaps, than the country expected, more than the wisest in the country thought was possible to do.

In so far as I am personally concerned, I know what is ahead of us. I know what the American feeling about this war is. Everybody is impatient to do as much as we can. There will be no division of counsel; there will be all the criticism there ought to be upon shortcomings and failure; there will be, so far as the War Department is concerned, a continuing effort at self-improvement and a hospitality toward every suggestion for improvement that can come from the outside; but the net result is going to be that a united and confident American people, believing in themselves and in their institutions, are going to demand, and that at no late day, on European battle fields, in the face of veterans with whom they are proud to associate, that, veterans though they be, they can not excel us in achievement; and when the victory is won over there, Mr. Chairman, the credit which will come to American enterprise and to American determination and to American courage will be an honor to us, as the tenacity of purpose and splendid achievements of the British and French already shed great luster on the names of those great people.

The CHAIRMAN. Mr. Secretary, you have finished the statement?

Secretary BAKER. Yes, sir.

The CHAIRMAN. Mr. Secretary, I know that you must be tired. The committee has been very much impressed by your statement. They will probably want to ask you some ques-

tions, and, unless you prefer to go on now, we can adjourn until to-morrow morning and give you an opportunity to rest.

Secretary BAKER. Mr. Chairman, I would appreciate the rest. I would like to know, Mr. Chairman, if I may, on what subjects I will be questioned. If it is the matters which have been covered here, of course I do not care to know.

The CHAIRMAN. You have covered it pretty generally, and I do not know what questions the committee may want to ask. I do not think they have in mind any particular questions.

Secretary BAKER. Very well; then I will come in the morning, at your convenience.

Senator WEEKS. Mr. Chairman, may I make this suggestion? There are some matters that the committee wish to consider, connected with aviation, powder, and other chemical supplies—engineering. Would it not be desirable to inquire into those before the Secretary is asked to come again? It has been suggested that we are taking a good deal of the time of the Secretary and his subordinates, and we do not want to take any more than is necessary. I should think that it would be better for us to go over these other branches first.

The CHAIRMAN. Would you prefer that, Mr. Secretary?

Secretary BAKER. That seems wise to me, Senator, because the details of many of those large programs, of course, I do not know. But if you send for the heads of those divisions, they will bring here the most intimate details for you.

Senator WEEKS. There are a great many questions that I would like to ask the Secretary about some things he has discussed to-day, but it does not seem to me it is necessary to do it until we have examined into those branches and have gotten the technical information which the heads of those departments have.

The CHAIRMAN. If that would suit you just as well, Mr. Secretary——

Secretary BAKER. That is entirely satisfactory to me.

The CHAIRMAN. Then the committee will take a recess until to-morrow at 10.30, and then we will determine just what course we will pursue.

(Whereupon, at 3.50 o'clock p. m., the committee adjourned to meet at 10.30 o'clock a. m. to-morrow, Tuesday, January 29, 1918.)

UNITED STATES SENATE,
COMMITTEE ON MILITARY AFFAIRS,
Washington, D. C., Thursday, January 10, 1918.

The committee met at 10 o'clock a. m., pursuant to adjournment, Senator GEORGE E. CHAMBERLAIN presiding.

The CHAIRMAN. The committee will come to order.

Gentlemen of the committee, the Secretary of War is here at the request of the committee to make such statements as he desires to make and to answer such questions as members of the committee may desire to ask.

Mr. Secretary, I presume you would prefer to make your statement in your own way first and then answer such questions as may be asked afterwards?

Secretary BAKER. Yes, sir. I have a statement which I would like to make.

STATEMENT OF HON NEWTON D. BAKER, SECRETARY OF WAR.

Secretary BAKER. Mr. Chairman, I am glad to lay before the committee and the country certain facts with reference to the War Department's work. Not all of it is new to you, but it is well to have some underlying facts freshly in our minds at times when the consideration of details, however important in themselves, might otherwise obscure the real progress made in the central task.

The War Department is eager to profit by all helpful criticism, and I thank the committee for the inquiries which it has made and for the cooperation which it is giving and will give in making our preparation increasingly adequate and speedy.

On the 1st day of April, 1917, the Regular Army comprised 5,791 officers and 121,797 enlisted men; the National Guard in Federal service, approximately 3,733 officers and 76,713 enlisted men; and the Reserve, 4,000 enlisted men. There were also at that time approximately 2,573 officers in the Reserve, but as these were on inactive duty they can not properly be considered in estimating the strength of the Army of the United States at that time. On the 31st day of December, 1917, the Regular Army consisted of 10,250 officers and 475,000 enlisted men; the National Guard of 16,031 officers and 400,900 enlisted men; the National Army of 480,000 men; and the Reserve of 84,575 officers and 72,750 enlisted men. In other words, in nine months the increase has been from 9,524 officers to 110,856 officers; from 202,510 to 1,428,650 men.

During the war with Spain the Army of the United States at its maximum strength aggregated 272,000 men and officers. The Army now in the field and in training is, therefore, roughly, six times as great as the maximum number under arms in the Spanish-American War.

The total number already in the military service is one and one-half times as large as any force ever mobilized by this Nation.

A substantial part of our military forces was selected by the operation of a draft law, the execution of which has demonstrated both the economical and the efficient way of selecting soldiers. The law itself was drawn, its execution carried to a successful conclusion, and the theory of the law, novel to our people, explained and made popular, because of its demonstrated fairness both in plan and execution.

For the training of officers two series of training camps were held, from which about 45,000 officers were commissioned from civil life. This number is nearly eight times as great as the number of officers in the Regular Army on the 1st day of April.

For the training of these soldiers 16 cantonments have been built, costing $134,000,000, with an average profit to the contractors of 2.98 per cent.

These cantonments contain water and sewage facilities, refuse disposal plants, laundries, storehouses, barracks, exchanges, post offices, and practically all necessary conveniences, comforts, and safeguards for soldiers. The health of the men in training in them is beyond comparison better than that of any similar number of soldiers in our history.

The death rate in our forces in the United States, from mid-September to the end of December, averaged 7.5 per thousand, and is slightly less than would have been the death rate of men of the same age at home. In 1898 the death rate per thousand was 20.14, or nearly three times as great. Our death rate in the Army during the year 1916, just before the war, was 5 per thousand. Leaving out the deaths due to measles and its complications, our rate among all troops in the United States, since September 1, has been about 2 per thousand. These figures are properly comparable. The 5 per thousand for 1916 means for the whole year. The 2 per thousand for this year means that if the number of deaths since the 1st of September from all causes, exclusive of measles and its complications, should continue the same for the following eight months, our rate for the end of the year would be about 2 per thousand.

For the fiscal year 1915 Congress appropriated for the War Department $158,000,000; for the fiscal year 1916, $203,000,000; for the fiscal year 1917, $403,000,000; for the fiscal year 1918, $7,527,338,716. In other words, taking 1915 as a normal year, the appropriations for 1918 are nearly fifty times as great.

The regular appropriations made by Congress for all governmental purposes for the fiscal year 1915 were $720,000,000, or only one-tenth the 1918 appropriations for the War Department alone.

In 1914 the gross value of the products of all the industries of the United States was $24,000,000,000. The appropriations for 1918 for the War Department alone are substantially one-third of this sum.

The total operating revenues of all the railroads of the United States for the year 1917—freight, passenger, mail, express, and miscellaneous—was but slightly more than half the War Department's appropriation for the ensuing fiscal year.

Ordnance Department.

Of the total War Department appropriations for 1918, $3,200,000,000 was for the Ordnance Department. The value of the products of all iron and steel industries in the United States in 1914 was $900,000,000, or less than one-third of the amount to be expended by the Ordnance Department.

Of this gigantic sum the Ordnance Department has already placed contracts amounting to $1,677,000,000.

On the 1st day of April, 1917, the Ordnance Department consisted of 97 commissioned officers, occupying 15,000 square feet of office room in Washington. It now consists of 3,004 officers, occupying more than 14 acres of office floor space, and, in addition, has 26,120 enlisted personnel.

The expansion of this force has been carried on concurrently with the enormous business and industrial operations of the department. The force has been selected, trained, in part dispatched overseas. Because of inadequacy of office accommodations, it has been moved from time to time, one bureau having been obliged to move six times.

In addition to the selection and training of this new force, the making of these great contracts, and the follow up necessary in the manufacturing processes, a continuous study of new weapons and instrumentalities has been kept up, a constant contact kept with trained men abroad studying the operation of ordnance matériel in battle, and accordingly modifying designs and plans here by reason of observation and experience.

Many of the classes of ordnance matériel requiring to be designed, specifications drawn, and contracts let were wholly unfamiliar to our normal military practices. The trench-warfare matériel alone involves commitments of $282,000,000. Some of the contracts cover instruments so modern that our industries had to be adapted to their manufacture.

Many of the Ordnance Department's contracts involve increase of plant facilities or the construction of new plants, intricate systems of auditing and cost accounting, and constant inspection by inspectors who have had to be trained in specially established schools in order to add knowledge of ordnance requirements to their previous mechanical and technical training.

Quartermaster General's Department.

For the Quartermaster General's Department in 1918, $3,018,000,000 was appropriated, or a sum more than four times as great as the 1915 appropriation for all governmental purposes.

On the 1st day of April there were 347 officers in the Quartermaster Corps. On the 1st day of January, 1918, there was a total of 6,431 officers.

On the 1st day of January, 1918, nearly $2,000,000,000 of the appropriation had been obligated by contracts or disbursements.

This business involved accounting, determinations of standards, prices, quantities, the creation of new manufacturing facilities, the substitution of materials for insufficient supplies, diversions of labor, the erection of storage warehouses, and difficult and often embarrassing questions of land and water transportation.

In the woolen-goods section alone the cooperation of over 300 mills was involved, and the following items give some idea of the extensive character of the operations: There have been purchased over 19,000,000 blankets, 20,000,000 yards of overcoating, and over 30,000,000 yards each of shirting flannel and suiting, involving an expenditure of over $345,000,000. In cotton goods the department had contracted for 250,000,000 yards of various cotton cloths.

Further idea of the size of purchases in this department will be conveyed by the following figures:

Purchases to December 29, 1917.

Winter drawers	pairs	25,000,000
Winter undershirts		21,000,000
Woolen gloves	pairs	11,000,000
Wool lightweight stockings	do	31,000,000
Wool heavyweight stockings	do	21,000,000
Shoes purchased for delivery to Jan. 1	do	10,000,000
Shoes purchased for delivery Jan. 1–June 1	do	10,000,000
Cots		2,100,000

The Quartermaster General's Department in the supply section alone made 4,650 contracts, covering 142 different kinds of articles and aggregating a money value of $800,000,000.

Aviation Section, Signal Corps.

The Aviation Section of the Signal Corps on the 1st day of April, 1917, consisted of 65 officers and 1,120 men. On the 1st day of January, 1918, it consisted of 3,900 officers and 82,120 men.

This division of the War Department was charged by Congress with the expenditure of an appropriation aggregating for 1918, $744,000,000, or five times the 1915 appropriation for the entire War Department.

Engineer Department.

The Engineer Department, for which in 1917, $53,000,000 was appropriated, was charged by the 1918 appropriation with the expenditure of $390,000,000, or about 700 per cent increase.

There have been organized, trained, and equipped technical troops of foresters, stevedores, and railroad construction and operation men, aggregating about 120,000, many of whom have been operating in France for some months.

All of these departments have been obliged to construct various buildings, storehouses, railroads, barracks, repair shops, ordnance plants, terminal facilities, both abroad and at home, many of these being made necessary by the fact that the field of their operations is in two countries 3,000 mile apart.

Each division has been obliged to send officers to France, to receive officers from foreign countries to compare data and information, to review designs, and to design fresh supplies, and all this concurrently with its task of training and expanding its own organization.

The figures given above are selected almost at random as illustrative of the magnitude of the operations of the War Department. The following results have been achieved:

1. A large army is in the field and in training; so large that further increments to it can be adequately equipped and trained as rapidly as those already in training can be transported.

2. The Army has been enlisted and selected without serious dislocation of the industries of the country.

3. The training of the Army is proceeding rapidly, and its spirit is high. The subsistence of the Army has been above criticism; its initial clothing supply, temporarily inadequate, is now substantially complete, and reserves will rapidly accumulate. Arms of the most modern and effective kind, including artillery, machine guns, automatic rifles, and small arms, have been provided by manufacture or purchase for every soldier in France, and are available for every soldier who can be gotten to France in the year 1918.

4. A substantial army is already in France, where both men and officers have been additionally and specially trained and are ready for active service.

5. Independent lines of communication and supply and vast storage and other facilities are in process of construction in France.

6. Great programs for the manufacture of additional equipment and for the production of new instruments of war have been formulated.

7. No army of similar size in the history of the world has ever been raised, equipped, or trained so quickly. No such provision has ever been made for the comfort, health, and general well-being of an army. The health report for December, for a variety of reasons, became suddenly less favorable than for the preceding months; but the unfavorable conditions have been met and improvement is already apparent.

I state the foregoing conditions of the War Department's problem, and some of the results attained, for two purposes. In the first place, the American people are entitled to know of the splendid effectiveness with which they have been able to organize the man power and the material power of the Nation in a great cause; and, second, our army in France under Gen. Pershing and our allies are entitled to have the benefit resulting from the depression of the morale of their enemies which must come when the Germans realize that the American democracy has neither blundered nor hesitated, but has actually brought the full power of its men and resources into completely organized strength against their military machine.

I make this statement fully aware that there have been produced before the members of this committee some expressions of doubt, difference of opinion, and disapproval. The War Department has spent eight months hearing similar expressions, analyzing them, correcting the conditions out of which they grew, perfecting its organization to prevent their recurrence; and all the while driving on to the accomplishment of the main task.

My military associates and I appreciate the work which this committee has done and will value suggestions from the committee as a whole, from its individual members, and from every other patriotic citizen which will enable us to carry on this work more effectively and more rapidly.

In the foregoing statement there are two exceedingly significant figures, namely, that on the 1st day of April the Ordnance Department consisted of 97 officers and the Quartermaster General's Department of 347 officers, while they now, respectively, comprise 3,004 and 6,431 officers. There was no ready trained body of men in the country who could have been selected suddenly to assume the highly technical and specialized work of these two divisions. Men of somewhat similar training had to be chosen, and the nucleus of officers already in those corps had not only to carry forward the expanding operations of their departments but be trainers and teachers to their new associates. As the work proceeded subdivision and resubdivision became possible.

On December 15 the questions of initial supply and organization of personnel had been substantially disposed of, and I was, therefore, in a position, as I had not been previously, to announce a general reorganization, already carefully studied, which accomplished the following results:

1. Created a war council, upon which Gen. Crozier, Gen. Sharpe, Gen. Weaver, Gen. Crowder, and the Chief of Staff had been designated to sit with the Secretary of War and the Assistant Secretary of War, and to which council men of capacity, either from the Army or from civil life, will be added from time to time. The purpose of the council is that its members, being free from the burdens of detail administration, can take a large supervisory view of all questions of organization and supply and give to the Government the highest value of their talents and experience.

2. Under Gen. Wheeler, with the advice of his military associates and of industrial experts, the machinery of the Ordnance Department is being thoroughly reorganized in preparation for the new phase of its work upon which it is now entering. Its several operations will be conducted under the direction either of officers already in the service who are now in a position to give their entire energies to their administration or by men especially chosen from civil life because of their experience and capacity.

3. The Quartermaster General's Department is in process of similar reorganization and subdivisioning under Gen. Goethals, who enjoys the unique experience of having worked out at the Panama Canal problems of transportation and supply of magnitude never until now approached in the history of our Government. Here also the efficiency of the department is being strengthened by the calling from civil life of men of the highest capacity to administrate certain of its great subdivisions.

A new view of the work of the Council of National Defense and of the War Industries Board is now possible.

The Council of National Defense is, of course, an advisory body without executive power. Its members have severally the powers of their respective departments. The purpose of the council, however, was a reconciliation of conflicts and a survey of the national needs and resources. This purpose it has served and is serving. The General Munitions Board and its successor, the War Industries Board, with their committees, were organized by the council for the following purposes:

1. Assign priorities as among the several departments of the Government and the allied Governments in their demands upon the industries of the country.
2. Advise as to supplies of materials and labor.
3. Advise on questions of price.
4. Secure industrial and labor cooperation.
5. Avoid enhancement of prices, confusion of industry, exhaustion of labor, and generally to prevent all avoidable evils which might result from the speed and magnitude of the new operations.

To these objects it was admirably adapted, and it has accomplished a great work. The things which have not happened are as impressive as the things which have happened when one recalls the possibilities involved.

We can now see the entire situation. The initial rush needs are substantially supplied. The technical corps have been expanded and reorganized upon industrial and efficient lines.

The coordination of ally needs with our own purchases has been effected. An agency exists to prevent conflicts and to adjust those which can not be prevented.

By the cooperation of all interests and all people in the country the Nation is now organized, and set to its task with unanimity of spirit and confidence in its powers. More has been done than anybody dared to believe possible. That there have been here and there errors of judgment and delays goes without saying; but I should be wanting in frankness were I to omit my own estimate of the real unselfishness and intelligence with which my associates, military and civilian, have applied themselves to this undertaking, and the results demonstrate the success of their efforts.

The CHAIRMAN. Mr. Secretary, the committee has been at work for several weeks, and it has gone into the methods adopted for proceeding with this work of preparation and the results obtained by two of the large bureaus of the Government—first, the Ordnance Department, and, second, the Quartermaster General's Department. Practically none of the other bureaus have so far been investigated.

There has been a great deal of testimony taken with reference to the Ordnance Department, and much complaint has been heard that mistakes were made in that department in the manufacture, or, rather, in the selection of the rifle that was to be used, and, second, in the output of machine guns—the adoption of a machine gun—and, third, with reference to the manufacture of heavy artillery, all of which has delayed the supplying of the Army actually in the field here and those to be sent abroad.

I suppose you have read this testimony, or glanced over it. What have you to say with reference to the methods that were adopted by the Ordnance Department?

Secretary BAKER. Mr. Chairman, I have not had the privilege of reading the testimony before the committee, except as it has appeared in the newspapers. I have tried to follow it as carefully there as I could.

The three subjects, of course, which you have mentioned would have to be considered separately.

First, with regard to rifles: The supply of rifles is, of course, now entirely adequate, and the accumulation of a reserve is going on very rapidly. When we went into the war we had the best rifle which had yet been devised in the world. That was by common admission true. Everybody agreed that the Springfield rifle was the best military rifle, and everybody agreed to this, that the rimless cartridge in small arms was a very desirable form of ammunition because of the tendency of all rim cartridges to jam in the gun, and the difficulty of having a perfectly operating mechanism with a rim cartridge.

Senator WEEKS. I do not wish to break in on the Secretary's testimony and I would not attempt to ask questions without going over it in detail, but I want to suggest that the statement made by the Secretary that everybody agrees that the Springfield rifle, excellent as it is, is the best rifle in the world, is very far from the fact. Also, there have been grave doubts about changing the form of ammunition expressed by those competent to pass upon that particular question.

Secretary BAKER. I can only say, with respect to the suggestion made by the Senator, that of course I can not pretend to have talked to everybody in the world; but I can say that those with whom I have talked, without dissent or exception, have agreed that the Springfield is the best rifle the world has ever had.

Senator WEEKS. I am referring only to the testimony before this committee.

Secretary BAKER. I am sorry, Senator Weeks, that I have not read all the testimony. I would have supposed that the difference of opinion would have been as to the wisdom of making a change in the type of ammunition used at this stage, rather than any question of the excellence of a gun using American ammunition.

Senator WEEKS. I did not intend to disparage the Springfield rifle, which is good enough for every purpose.

Secretary BAKER. All the information I had, apart from such testimony as may have been given here—and whatever weight that is entitled to I can not answer—was to the effect that the Springfield rifle and the rimless cartridge were the best.

Senator SUTHERLAND. Do the English authorities admit that as being the best?

Secretary BAKER. I can not say that I have any authoritative admission from the English authorities, but many British officers with whom I have talked have agreed that the rimless cartridge is the better type of ammunition. It is a fact which I think must lie in the evidence before this committee.

The CHAIRMAN. The only American manufactured gun in use in this country at the time was the Springfield rifle?

Secretary BAKER. It was.

The CHAIRMAN. And that gun was manufactured only by Government arsenals?

Secretary BAKER. Only by the Frankford and Rock Island Arsenals.

The CHAIRMAN. None of them was being manufactured by private concerns?

Secretary BAKER. None.

The CHAIRMAN. Do you remember what the number was in use by the National Guard?

Secretary BAKER. Something more than half a million. I said in use. I mean in use and in reserve.

The CHAIRMAN. But there were, in addition to that, used by the National Guard for practice purposes the old Krag-Jörgensen?

Secretary BAKER. Not at that time. The Krags were then in storage?

The CHAIRMAN. One of the criticisms that has been indulged in against the Ordnance Department has been that notwithstanding the fact that we were calling into the service a million and a half of young men, we abandoned the Springfield rifle, which was being manufactured by our own arsenals, and that we did not adopt the Enfield rifle, which was being used by the English forces and which was being manufactured in large numbers here. It took some time to change and to adopt a gun of our own along the lines of the Lee-Enfield rifle, and they were manufactured by a slower process.

Secretary BAKER. That is perfectly true.

The CHAIRMAN. A great deal of criticism has grown out of it because of the fact that the young men in the cantonments were without guns and are without them now.

Secretary BAKER. Not now, Mr. Chairman. They are now adequately supplied.

The CHAIRMAN. It has been done, then, within less than 30 days.

Secretary BAKER. Undoubtedly within the last 30 days.

Senator MCKELLAR. Gen. Crozier, as I remember it, testified that all those who need guns will not have them until February 15.

Secretary BAKER. I think he must have had in mind that the completion of the first draft would bring in substantially 100,000 more men; but I understand the fact to be—and it is more of less immaterial—that every man now in camp in this country who ought to have a rifle has a rifle.

The CHAIRMAN. You are sure of that, Mr. Secretary?

Secretary BAKER. I am not quite sure of it.

The CHAIRMAN. I think if you had reports from the cantonment commanders that they would not bear you out.

Secretary BAKER. I have no desire to stress the point, Mr. Chairman. I think it is relatively unimportant.

The CHAIRMAN. There is a grave difference of opinion, not only among Army men, but among civilians as well. It is contended that these young men should have had the rifles and the delay in furnishing them was caused by this change made by the Ordnance Department.

Secretary BAKER. I think the delay was caused by the change the Ordnance Department made. I personally approved the change. I think it acted rightly in so doing.

The CHAIRMAN. I am not so sure that the members of the committee are radically at variance with you on that. In the last analysis, the guns were not furnished these young men?

Secretary BAKER. That is true.

Senator MCKELLAR. Is it not a fact that two previous Congresses had made appropriations for the making of these jigs, tools, and dies, and that those appropriations were not used by the department?

Secretary BAKER. No, Senator; I do not recall that. I remember that when you were a member of the House Committee we had some talk about that.

Senator MCKELLAR. We appropriated an amount recommended as sufficient to make these changes in the tools, dies, and jigs.

Secretary BAKER. The committee took that question up with Gen. Crozier, and Gen. Crozier said, as I understand it, that the appropriation—while there was some discussion as to its being used for this particular purpose—was not specified for that, and in his opinion the most difficult thing to supply for the Army was automatic pistols, and the fact is that the pistol is the weapon we are short of at the present time.

The CHAIRMAN. Confining ourselves for the present moment to the rifle, there is serious criticism of the Ordnance Department to the effect that there is hesitation, or, I may say, alleged inefficiency, which has caused many delays. For instance, when it was determined to change the British gun—the Enfield gun—and adapt it to the American ammunition, the engineers who had charge of the manufacture and the big manufacturers got together and in order to hasten the output determined upon seven interchangeable parts, or about seven. They had been conducting their negotiations with some member of the Ordnance Department. There must have been a change in the personnel of the Ordnance Department, or the particular branch which had this matter in charge. I think Col. Thompson, who, I believe, is a very great ordnance man, took charge, and then after they commenced to manufacture these guns with seven interchangeable parts they went into consultation with Col. Thompson and changed it to 44 parts and later to 50 interchangeable parts, which again delayed the matter.

Secretary BAKER. I know that is substantially accurate. In view of the fact, however, that the supply of rifles is now much more largely interchangeable and is wholly adequate, really anticipating the country's needs, I think any loss of time which brought us larger interchangeability of parts was justified.

The CHAIRMAN. It goes only to the inefficiency, or alleged inefficiency, of the Ordnance Department?

Secretary BAKER. Senator, may I make comment on that?

The CHAIRMAN. Surely.

Secretary BAKER. It is not inefficiency to change one's mind and to get something better than you had previously determined upon. If the Ordnance Department had made up its mind upon its first hurried survey that there was not time to justify procuring interchangeability to a greater extent than seven parts, and later, upon fresh study, determined that there was time to secure larger interchangeability, that I should call efficiency rather than inefficiency.

The CHAIRMAN. With the war on us and with these young men called into the service, there was such an emergency that it did not call for the highest type of gun.

Secretary BAKER. Mr. Chairman, I respectfully dissent from that view. The war was not on us. The war was in Europe. We had more guns of the highest type that needed no respecification or redesign than could possibly be used on the highest percentage of allowance for wastage by all the troops that we could get to France in a year.

The CHAIRMAN. There is a very grave question about that among the military authorities. If you use the same basis that was used by the continental armies of Europe, we did not have enough to supply them.

Secretary BAKER. Exactly so. When we started in the war the percentage of wastage was estimated very high, but the use of other implements of war and the different character of this war, considering the evolution of large forces, has made the percentage of rifles per thousand men so much lower that the fact is that every European country has an enormous accumulation of reserve rifles in excess of what it expected to provide for its forces.

Senator WADSWORTH. Mr. Secretary, you stated that the war was not on us. It is a fact, however, is it not, that the war was on us to a sufficient extent to impel the Government to send troops to France as fast as they could get them, and in their haste, due to the lack of rifles, men went on board transports without having fired a rifle?

Secretary BAKER. Senator, there are truths in all the sentences you have uttered; but, putting them together, they do not picture the situation. I said the war was not on us in the sense that the enemy was not at our doors. He was 3,000 miles away. We had to send troops to where he was. We had an adequate supply of modern weapons for the troops that we could send. The fact that some troops went aboard the transports, as you say, who were not provided with rifles is true, and there will be some fresh men who still have to be trained, but the great body of men who went away were, of course, men who had fired rifles.

Senator WEEKS. I think it is all a matter of judgment. Some one had to determine, and you and the Chief of Ordnance came to a determination.

Secretary BAKER. The Chief of Ordnance came to me and explained his grounds, and I approved them.

Senator WEEKS. The very condition now in the Ordnance Department is explained by just what you have said. The fact that the war was not on us directly did not absolve us from any obligation to use the greatest haste possible in getting the armed men to the front; and the criticism has been made against the Ordnance Department—and it seems to me to have some reason behind it—that there has been too great a desire for technicality and too little "pep" in advancing the necessities of the Army from that bureau.

Secretary BAKER. May I make this comment? To secure interchangeability of parts for 50 of the parts of a weapon as universally used as a rifle is not a technicality; that is an enormous advantage. Everybody will admit that if we could have sent to Europe only Springfield rifles completely interchangeable in every part it would have been a great advantage. One of the difficulties in conducting large operations of the kind we are now conducting is the number of repair parts necessary to repair the implements of war. If you have to have 50 sets of repair parts that are not interchangeable, you accumulate the intricacies, complications, and confusions at the supply depots.

Senator WEEKS. Undoubtedly that is true, but we were faced by a condition, and one of the reasons why the English have made such enormous strides is that they have refrained from demanding extreme technicality and have taken what they could get. That is one of the reasons why the English could obtain such large supplies in this country, because they were not so very technical. Perhaps the Chief of Ordnance and yourself knew the situation better than others, but it does seem to me that the requirements should have compelled you to take advantage of every facility that was available to supply those things that could be supplied the quickest. There was at that time a manufacturing capacity in this country of 15,000 rifles a day. It was not taken advantage of, and it has not been taken advantage of; it is not being used to-day. We are only manufacturing at best 7,000 rifles. The question that arises in the minds of those who brought these matters to the attention of the military committee is whether sound judgment and proper activity has been shown in taking advantage of these methods of production which had been developed in this country.

Secretary BAKER. Senator, you realize this is a question of judgment. I ask permission to call your attention to the fact that the battle front was 3,000 miles away——

Senator WEEKS. I want to say that, to my mind, does not make any difference, practically, whether it was 10,000 miles away or 1 mile away. Our obligation was the same.

Secretary BAKER. Our obligation was the same; our obligation was to arm our men and make sure they were armed, trained, and adequately equipped as early as we could get them to the battle front. It does make a difference whether it is 1 mile or 10,000 miles. You can get your men 1 mile very quickly, but you can move them 10,000 miles but very slowly indeed. I insist that there was no reason for arming troops, in view of those facts, with an inadequate and improper weapon.

Senator WEEKS. It was a weapon used by millions of men on the other side.

Secretary BAKER. Because they could not do better at the time. The British Government, at the time this war started, had designed the Enfield rifle to shoot the rimless cartridge. However, because of existing conditions and necessities they threw away a design of a better weapon and took one which their

experts admitted was less efficient. That was because of the pressure of necessity.

Senator WEEKS. They could have easily replaced it by the weapon that we would have manufactured in this country.

Secretary BAKER. But that would have introduced intolerable confusion, where a single army would have two types of small arms and ammunition.

Senator WEEKS. Not at all. They could have discarded the rifle they were using and supplied themselves with a better weapon.

Secretary BAKER. You mean they could have rearmed the whole force in a single day?

Senator WEEKS. Not in a single day.

Secretary BAKER. If it had taken more than a day, there would have been parts of the army using different types of rifle.

The CHAIRMAN. This war was going on from August, 1914, to April 1, 1917, before we got into it. The Ordnance Department, through our military channels, must have kept in close touch with the European armies.

Secretary BAKER. Undoubtedly.

The CHAIRMAN. They knew what weapons were being used in small arms and heavy ordnance. What steps were taken for the purpose of developing the class of guns that America should use in case she became involved in the war?

Secretary BAKER. I do not know. Gen. Crozier would be able to answer that better than I can. I have no doubt they had in mind the Springfield rifle.

The CHAIRMAN. They knew we could not manufacture them in sufficient quantities. In other words, here was a great conflagration. Was the Ordnance Department, through that period of three years, when it could have been preparing, making plans and specifications for the development of proper guns?

Secretary BAKER. I should imagine not any more so than with respect to the Springfield rifle, which was the best gun.

Senator NEW. Mr. Secretary, you are acquainted with James W. Gerard?

Secretary BAKER. I know him slightly; I have met him.

Senator NEW. What official position did he occupy in May of 1916?

Secretary BAKER. He was ambassador to the German Empire, I suppose.

Senator NEW. Do you know that in May, 1916, Mr. Gerard, in his official capacity as ambassador of the United States to Germany, notified this country that Germany would renew and continue her policy of submarine warfare?

Secretary BAKER. Senator, I can not tell you whether I knew that at that time or not.

Senator NEW. It did not make any impression on you, if you do not know it?

Secretary BAKER. It is not a question of impression. Any information I had on that subject was of a confidential character.

Senator NEW. Mr. Gerard, on page 345 of his book, My Four Years in Germany, evidently with the consent of the administration—I can not think it would have been made public otherwise—says that in May of 1916 he gave the administration official notice to that effect. You say that fact was not made known to you?

Secretary BAKER. I did not say that. I said that any information I had on that subject was of a confidential character and of a kind that I could not discuss.

Senator NEW. Don't you think that would have been a pretty good time to have settled all technicalities as to the adoption of a rifle?

Secretary BAKER. Why, 10 years ago would have been a good time. All these questions ought to be settled as soon as they can be settled.

Senator NEW. I agree with you absolutely. Here was a case of an official notice being given by the ambassador of the Government to the administration. It would seem to me that that would at least form the basis of some definite steps on the part of the War Department.

Secretary BAKER. As I have said to you, with great deference, I can not discuss diplomatic relations between the German Empire and the United States, or the effect of those relations upon the War Department; but it is not to be forgotten that at the time to which you refer, and subsequently, this Government was relying upon very definite and positive assurances from the German Government that it would not do that thing.

Senator NEW. Here is the notice of our ambassador, and the word of the German Government was accepted as against his official advice. Was the word of the German Government deserving of more credit; was that it?

Secretary BAKER. I had no part in the weighing of those relative values, nor have I any opinion to express on it now. You are perfectly aware that after representations were made by this Government to the German Government as to the illegality of the ruthless submarine warfare, the German Government disavowed certain acts which had been theretofore performed by its commanders, and gave assurances upon which the Senate, the House, and the President himself relied.

Senator NEW. And nothing was done by the War Department at that time to prepare for eventualities?

Secretary BAKER. Quite the contrary, Senator. The War Department used every officer it had in a continuous study of the European war and in continuous perfection of the implements and devices, and it used every dollar which Congress appropriated to buy the necessary implements with the single and solitary exception of the machine gun, for which we had not spent much.

Senator NEW. No machine gun was adopted?

Secretary BAKER. That is not accurate, Senator. A machine gun had been adopted.

Senator NEW. Was anything done, Mr. Secretary, at that time to prepare the manufacturing energies of the country for the great strain and great tax upon its capacity?

Secretary BAKER. In August, 1916.

Senator NEW. In May of 1916, when this notice came from Mr. Gerard?

Secretary BAKER. Well, the Council of National Defense, of course, was then busy coordinating the industries of the country. If you refer to the Ordnance Department, assuming from that statement of Ambassador Gerard in 1916 that the United States would get into the European war, and you mean that the Ordnance Department did things based upon that assumption which it would otherwise not have done, I think it is safe to say that is not the fact.

Senator WADSWORTH. The Springfield rifle at that time was manufactured only in arsenals at Springfield, Mass., and Rock Island, Ill.?

Secretary BAKER. Yes, sir.

Senator WADSWORTH. At that time the Rock Island Arsenal, so far as the manufacture of this rifle was concerned, was closed down and not producing a single rifle, and the Springfield Arsenal was running very much below its capacity. The testimony before this committee shows that that condition continued for several months through 1916 after this warning came from Ambassador Gerard.

Secretary BAKER. That condition had nothing to do with Ambassador Gerard or with his warning. The condition was as you have stated it. After Congress made an appropriation for an increase in the supply of rifles I took the matter up with Gen. Crozier several times. We had under consideration the question of increasing the supply of Springfield rifles. As rapidly as expert mechanics could be secured they were employed, and two shifts were first instituted at Springfield, while the Rock Island Arsenal was opened. The difficulty which the Ordnance Department faced was in securing expert mechanics. At that time all these emergency plants and all the regular establishments in this country for the manufacture of rifles were working overtime on foreign orders—Russian, French, Italian, English—and the procurement of mechanics to fill up the supply of men who could make rifles at Springfield and Rock Island was difficult.

Senator KIRBY. Is there any reason for the War Department assuming that because an ambassador of the United States to a foreign country a year ahead thought there might be a declaration of war it should speed up and increase the output of ammunition?

Secretary BAKER. There is no reason, Senator, but I would like to have it perfectly understood that the 97 officers in the Ordnance Department, since I have known them, which is since about the 1st of March, 1916, have worked more hours than any set of men I have ever known in public or private employment.

Senator KIRBY. I was surprised that because some ambassador had a peculiar notion a year ahead as to what we should anticipate the year following, when there was really nothing to indicate it, the Ordnance Department should be expected to speed up on that account. I do not feel that the Ordnance Department should be blamed for not proceeding on account of that sort of thing.

Secretary BAKER. I do not understand that Ambassador Gerard claims to have said that to the Ordnance Department. I am perfectly willing to say that he did not.

Senator NEW. The *Lusitiana* had been sunk at that time?

Secretary BAKER. Oh, yes, sir.

Senator NEW. And several other American vessels, and several vessels bearing American passengers had been sunk by German submarines?

Secretary BAKER. Yes, sir.

Senator NEW. That notice was based upon those facts, and what he gathered in Berlin from talks with the German Emperor, the German admiral, and the German chief of staff, and

others; so that characterizing it as a "peculiar nation" of the ambassador hardly disposes of it, I think, as frivolous.

Senator KIRBY. Relative to the supply of rifles, which seems now to be adequate, it is not contemplated, as I understand, by the officials in charge of the department that all these men that we are now supplying with rifles can be sent abroad shortly; in other words, they contemplate a period of training that may reach to the extent of a year with the rifles that we now have?

Secretary BAKER. That is perfectly accurate. I would like to complete that statement.

Senator KIRBY. I want to put that——

Secretary BAKER. Every man sent to Europe is adequately armed, every man can be adequately armed, and the supply of rifles was enough to train every man who has or can be sent to Europe with rifles; and I make one further observation about it, that eight months after Great Britain went into the war Kitchener's army was still drilling in top hats with walking sticks.

The CHAIRMAN. You have stated as a fact that all the young men that are now in training are adequately armed with rifles?

Secretary BAKER. I am referring to rifles.

The CHAIRMAN. I hope you will verify that statement by ascertaining on the ground.

Secretary BAKER. Senator, let me dispose of that, if I can. You have Gen. Crozier's statement before you of the number of rifles actually delivered. I have it here. The requirements of January 1 were 1,165,000; the total number actually delivered was 1,001,000, leaving 164,000 shortage. On February 15, according to the rate of deliveries now progressing, the requirements will be 1,240,000 and the deliveries will be 1,240,000. Now, if you add to the rifles already delivered and distributed the Krags, which are good enough for training weapons, and the old Springfields, which are obsolescent as actual operating weapons but good enough for training purposes—if you add those to the 1,001,000, I think you will so nearly come to 1,165,000 that it is safe to say that every man has a rifle that wants to have one.

Senator WADSWORTH. You would not say that the Krag-Jörgenson was a good rifle for training purposes when in fact there is no ammunition supplied?

Secretary BAKER. There is plenty of ammunition.

Senator WADSWORTH. Gen. Crozier so testified.

Secretary BAKER. That was not because we did not have it.

Senator WADSWORTH. Because it was unsafe?

Secretary BAKER. Not because, as I understood, it was unsafe, but because the rifle ranges at the camps had not been erected at the time.

Senator WADSWORTH. Gen. Crozier's testimony was very clear on that point, that it was deemed inadvisable to issue ammunition for the Krag-Jörgenson rifle, it being unsafe, due to its great age.

Secretary BAKER. I never heard that before.

Senator WADSWORTH. That was his testimony. It is a fact that the Krag-Jörgenson had no ammunition from the day it was issued to the troops, and has not now, so it is not an adequate training rifle.

Secretary BAKER. It may not have been an adequate training rifle in the matter of marksmanship, but have been a training rifle in the matter of carrying the rifle and training in the manual of arms.

Senator WADSWORTH. The prime purpose of a rifle is to shoot, is it not?

Secretary BAKER. That is one of the purposes.

Senator WADSWORTH. That is the primary purpose?

Secretary BAKER. Not even the primary purpose, necessarily; it has its bayonet purposes.

The CHAIRMAN. I hope you are entirely correct about that, but I think if you will look into it a little further you will find that is absolutely true on the per capita basis, dividing the number of guns on hand into the number of men you have; but I think you will find there are still cantonments where young men have not guns.

Secretary BAKER. I think that is so. We are not at variance about that.

The CHAIRMAN. Then there must be a lack in the distribution of them?

Secretary BAKER. Yes; they are slow in the distribution.

The CHAIRMAN. I think you will find some of these cantonments are lacking at least 50 per cent of the guns necessary to train with.

Secretary BAKER. I can not think that, but it may be. I have not the means of saying it is not.

The CHAIRMAN. I hope it has been cured, but that was the fact when we started in here, I think. The next thing there was serious complaint of, Mr. Secretary, assuming that the changes which have been made in the Lee Enfield rifle have been for the best interest of the Government, and having your explanation of the delays, the next serious criticism is in reference to the machine gun. Now, I guess it is a fact that there are practically no machine guns with the troops now in this country. When I say "practically none," they are wholly insufficient?

Secretary BAKER. It is a relatively small number.

The CHAIRMAN. It seems this controversy that was waged over the character of machine guns that should be adopted was not adjusted until in May, 1917, or possibly later than that. Many of the witnesses who have testified here feel that there was delay in that, an unnecessary delay. Here was the Lewis gun, that was being manufactured in very large quantities for the use of the British, who had seventy-odd thousand of them on the firing line; our troops were practically without machine guns, and it is felt by many, and so testified to, that the gun ought to have been manufactured, the one most readily capable of manufacture ought to have been put on the market for the training of the men, at least.

Secretary BAKER. Prior to April or after April?

The CHAIRMAN. Well, it could have been immediately after April; it could have been done before April.

Secretary BAKER. There was no delay after April.

The CHAIRMAN. Yes; there was, Mr. Secretary. The board did not meet until May, some time.

Secretary BAKER. The board had nothing to do with it. After April and long before Congress had—long before your committees had been able to deal with the estimates which the War Department had made on the subject of machine guns, the full capacity of making machine guns of the Savage Arms Co. was ordered to go forward with the manufacture. The delay was this: When I became Secretary of War I found several controversies, of which perhaps the longest continued and the most acrimonious and bitterly contested was the one affecting machine guns and involving, as it seemed at the outset, the relative merits of the Benét-Mercié gun and the Lewis gun, manufactured by the Savage Arms Co. It was conceded, and I think has never been denied, that of the heavy-type gun the Vickers-Maxim was the best. The program for supplying the Army of the United States—the Regular Army and the National Guard—at that time was 12,000 machine guns of the two types. That was the program of the War College and of the General Staff, and was regarded at the time as generous. Now, I found that the controversy. I went through it from top to bottom; I read every report which had ever been made; I read every criticism and comment, and all the literature of that controversy, and the net result of it was this, that the Lewis gun had never been presented to the department as a perfect weapon, chambered for American ammunition up to that time. Its inventor and its manufacturers claimed it could be perfected and chambered for American ammunition. It had been in the process of being perfected, but the boards of the department which had passed upon the excellence of this weapon had agreed that it was not yet sufficiently perfect, and as between it and the Benét-Mercié the Benét-Mercié was the better weapon. That was the state of the controversy at the time.

When Congress made an appropriation, I think, of some $12,000,000 for machine guns——

The CHAIRMAN. That was August 29, 1916.

Secretary BAKER. Gen. Crozier made a recommendation to me, which I happen not to have here, but which you have, involving the immediate purchase, as I recall it, at the outset, the use of all that money, or the major part of it, to buy the heavy Maxim water-cooled gun. I directed that one-half of that money be used for that purpose and that a board be assembled to pass upon the relative excellence not only of the Benét-Mercié, but of the Lewis chambered for American ammunition. As a result of the British experience, which had led to a great development in their gun, and to several other guns of which we had knowledge and that were in process of perfection, that board was appointed—I have forgotten when, but I testified fully as to the existence of the board before the House Committee on Military Affairs; told them why the board was appointed and what its functions were. As soon as it became apparent that we were in the war the board was asked to make a special report. They did make a special report, but at the time they made it the sum which had originally been appropriated was already under contract for every kind of machine gun we could get.

The board went on with its investigation. With the solitary exception of the Marlin and the old-fashioned Colt guns, we were using the full manufacturing capacity to make these guns while the board was experimenting and determining the excellence of newly devised weapons, and when the board made its report in July and brought in a report favoring the Browning

are perfectly aware that after representations were made by | peror, the German admiral, and the German chief of staff, and

gun, that simply added two new weapons; it was not a question of replacing the Lewis gun, it was not a question of displacing any gun we could get, but adding two new weapons, one of the heavy and one of a light type. So the investigations of that board were concurrent with the utmost expedition in securing from existing manufacturing facilities in this country all the machine guns we could get.

Senator McKELLAR. I will call your attention to the fact that Gen. Crozier's testimony, as I recall it, was that an allotment of the $12,000,000 was made by the Ordnance Department in December, and that a contract was made thereafter at some time, I do not think it was stated when, for the Vickers gun, but that nothing was done except to wait on the board that had been appointed.

Secretary BAKER. That was true in December.

Senator McKELLAR. Well, that nothing was done between August and December.

Secretary BAKER. That is certainly true.

Senator McKELLAR. And it seemed to me, and I imagine to other members of the committee, that at such a time when we all knew that something was likely to occur to make guns necessary, that a delay like that was unreasonable.

Secretary BAKER. Well, it is a question of judgment. Here we had an appropriation and the expert opinion of the department was that the major portion of it should be used for the purchase of the heavy Vickers type of gun and a very small part of it used in buying the light type of guns. The recommendation of the experts was that that small part for light guns should be used by buying Colt guns, the revised model of the Colt gun, and the revised model of the Benét-Mercié gun. In the meantime, here were the Lewis guns, which had established a reputation in Europe, which were pressed very earnestly upon the department as a more modern implement, and there was not any recommendation that the Lewis gun should be bought. In order to bring that to a head and find out just which guns we ought to get, this board was appointed. At that time there seemed to be plenty of time for the board to consider all these things.

Senator McKELLAR. As I recall Gen. Crozier's testimony, it was substantially this: That on the 18th of August he made a recommendation to you, knowing that this $12,000,000, or thereabouts, was to be appropriated by Congress in that month, he made a recommendation to you that one-half of it be immediately expended in Vickers guns and that a board be immediately impaneled and decide the question, as I recall it, in September—it may have been as late as November—but that you recommended that would be postponed until the following May, about two months after the war began, and that the reason for that was that you wanted to have all of the inventors to have a fair chance of showing their guns. Right there it is my judgment that under those conditions, the conditions that then confronted our country, and with $12,000,000 already appropriated by the War Department, that we ought to have used a great deal more expedition in getting guns; and if a board had to be impaneled, it ought to have been impaneled earlier. It could have been impaneled in September or October just as well as in the following May. I merely make those statements so that I can have you reply with your views on that subject.

Secretary BAKER. I am very glad to, Senator.

Senator KIRBY. Does the question relate to the appropriation made before the declaration of war, the following——

Senator McKELLAR. August 29, 1916, $12,000,000.

Secretary BAKER. I thought I had Gen. Crozier's recommendation here. I do not seem to have it, but it is immaterial.

Senator McKELLAR. There was no disagreement about it, except your memory that it was the major portion of the recommendation and mine that it was one-half of it, so that is immaterial.

Secretary BAKER. It is relatively immaterial. Gen. Crozier's recommendation was that that sum should be spent, as I recall it, the major part, for Vickers guns, and that of the residue a part should be spent in buying Colt guns; or, at least, that was his then thought about it. The board was called; its time of deliberation was extended in deference to the Lewis gun, which at that time had not been chambered for American ammunition so as to work successfully. In order to give its manufacturers plenty of time I gave the board the power to extend the time of their tests so that that gun might be produced before it, and also the Browning gun, which was in process at the time. But the deliberations of that board never delayed for a second the buying of any machine guns after April, or after the beginning of April; never, for a second. It did delay the buying of machine guns and caused the exclusion of the Lewis gun prior to April.

Senator McKELLAR. In other words, it delayed it before April but not after?

Secretary BAKER. Yes, sir.

Senator McKELLAR. Well, it delayed it to this extent afterwards, that no contracts were made and no allotments of money were made after the 6th of April, after the war began, until after you determined on the Browning gun. This board determined on the Browning gun in May, which was about two months after war was declared, or June?

Secretary BAKER. Yes; it delayed buying Browning guns until the board reported in their favor. But while the board was considering its reports Lewis guns and the capacity of the Savage Arms Co. were under order, and Colt guns and every other kind of gun which was then possible to be manufactured was being manufactured, and no delay was caused by waiting for any report of the board.

Senator McKELLAR. Whatever may have been the argument, one way or the other, the fact remains that nine months after the war began, in the greater portion of our cantonments, those who had been designated to the machine-gun service in the Army have no machine guns with which to learn their business.

Secretary BAKER. I would not say they have none. They have relatively few.

Senator McKELLAR. I will call your attention to the testimony of Maj. Gen. Wright, of Camp Doniphan, I think, and of Maj. Gen. Greble, of the Bowie Camp, I think, in which they said they either had no guns at all, no machine guns at all, or a wholly inadequate supply, and that is our information from all of the camps except some National Guard camps, where they were supplied. Take, for instance, the one of Gen. Ryan, down in Carolina. Now, it seems to me—I speak only for myself—that with the great number of machine guns that were being manufactured in this country at the outbreak of the war and long before the outbreak of the war, that we should have had machine guns in the hands of those who were to use them long before this.

Secretary BAKER. Senator, I will ask you to remember, in that connection, two facts. The entire program for machine guns for the Regular Army and National Guard in the United States, the largest program that has ever been submitted to Congress by the General Staff, or approved by Congress prior to this war emergency, was 12,000 machine guns. The demand of the country now for machine guns, by reason of the development of the use of that weapon in this war, and hitherto unknown, is much more than 200,000 machine guns, and each one of them is a highly intricate piece of mechanism, which it requires a very long time to manufacture, even in quantity manufacture, and a much longer time to prepare for quantity manufacture.

Senator McKELLAR. Do not those two facts which you mention make it all the more important, or did they not make it all the more important, that the department should have gotten machine guns from any source, from any factory, in order that our men in the camps would not remain in the camps without guns to be trained? I want to say to you in all frankness that I am not a partisan of the Lewis gun or the anti-Lewis gun. I have no interest under heaven in any such matter.

Secretary BAKER. I understand that, Senator.

Senator McKELLAR. But my only idea is that under the surroundings, under the developments of the war, as everybody must have seen the great use of machine guns, that immediately upon their being any question about our getting into it, that the greatest energy should have been exerted to have secured some kind of machine guns, and whatever kind of guns we might have been able to secure, in order to train our men to use them.

Secretary BAKER. Senator, all such questions are necessarily decided as a question of extreme speed and excellence. Those two things are at variance. Let us assume that we could have gotten larger supplies of Lewis guns. That does not at all necessitate a judgment of the wisdom of so doing. As a matter of fact, the machine-rifle situation and the machine-gun situation is an expert military question.

There is what is known, first, as the machine rifle; second, the light machine gun; third, the heavy machine gun. The machine rifle is neither air cooled nor water cooled. The light machine gun, of the Lewis type, is an air-cooled weapon. The Colt, the Benét-Mercié, and some of the other light guns have no special cooling device. The Vickers-Maxim is a water-cooled gun. There is very active difference of opinion among military experts, first, as to the wisdom of water cooling as against air cooling, and, second, the weight of the gun which the individual soldier is to be equipped with. If it had been a matter of complete certainty that American troops in this con-

flict were to adopt the British theory of machine-gun practice, then in all likelihood a large number of the Lewis guns would have been valuable. That not being certain, the French practice differing from that, there was a robust question of difference of judgment as to the weight of guns to be used. As a matter of fact, some members of the United States Marine Corps, who had been sent to France fully armed with Lewis guns, have been disarmed of their Lewis guns by Gen. Pershing and rearmed with Chauchat automatic rifles, which are very much lighter, and Hotchkiss guns bought in France of the heavier type, and corresponding to the Vickers-Maxim, so that the actual supply of Lewis guns sent to France in the hands of troops who were fully armed with them is now in reserve stock again and those troops have been rearmed with the Chauchat light and the Hotchkiss heavy rifle, because the theory of training and rifle practice which Gen. Pershing adopted uses a lighter gun than the Lewis and a heavier gun than the Lewis. And if that obtains, if the military experts adhere to that, then the Lewis rifle will be used primarily for aircraft work and not at all for ground work with soldiers.

Senator McKELLAR. Again I assure you I am not interested in the Lewis gun or any other gun.

Secretary BAKER. I am simply illustrating, it is a different type of weapon.

Senator McKELLAR. Here is what seems to have been happening: This selection of a gun was delayed from August 29, when $12,000,000 was appropriated by Congress, until the following May before any gun was really adopted by our Government, and now, since last May, when it was adopted, up until to-day we have none of the guns yet made. In other words, you adopted a gun that was, we hope, the most excellent gun in the world, but it has never been tried in the field; it is a new gun, and we hope it will mean all you say. I know I devoutly hope it, but you have not even got that gun; you have not any of those guns.

Secretary BAKER. A few.

Senator McKELLAR. No; I think Gen. Crozier said the first delivery would be in March.

Secretary BAKER. The first quantity delivery. We have a few.

Senator McKELLAR. He said he had two, as I recall.

Secretary BAKER. Nine this morning.

Senator McKELLAR. That is some improvement; but I am afraid we would not make much headway with the Germans with nine guns.

Secretary BAKER. But, as a matter of fact, the quantity delivered starts like the acute end of a triangle, and spreads toward the base.

Senator McKELLAR. I am delighted to know that is so, because I think we ought to have the guns, and it does seem to me we have not used all the expedition that we should have used in order to have guns manufactured.

Secretary BAKER. I want to just insistently but respectfully repeat that the adoption of a machine gun by that board in May has nothing whatever to do with the supply of machine guns in the Army. We adopted the Browning gun in May, 1917, and we may adopt another the day after to-morrow. If somebody will invent a better one, we will adopt it as soon as its excellence is apparent.

Senator WEEKS. There is said to be a better one now.

Secretary BAKER. I am certainly glad to know of it, because we want our troops to have the best one, and I hope American ingenuity will devise a better one very speedily.

Senator FRELINGHUYSEN. I want to ask the Secretary whether any recommendation has come from Gen. Pershing for the abandonment of the Lewis gun for ground work?

Secretary BAKER. None, at least not in that specific form.

Senator FRELINGHUYSEN. You do not know whether, by reason of the fact that he has taken these Lewis guns away from the Marine Corps and is rearming them with the Chauchat and Hotchkiss, that he has abandoned the policy of using them as a ground arm?

Secretary BAKER. I do not know that, but what he has done is, he has felt it better to arm them with a gun lighter than the Lewis and a gun heavier than the Lewis and has used the Chauchat light and the Hotchkiss heavy rifle.

Senator WEEKS. Of course you know there are two types of Lewis guns, two weights, the lighter one being now manufactured by us?

Secretary BAKER. For aircraft; yes.

Senator FRELINGHUYSEN. Has the War Department inquired of Gen. Pershing as to the policy on the question of Lewis guns?

Secretary BAKER. The War Department, of course, is in daily communication with Gen. Pershing on all these subjects, but just what is the state of his present opinion, I do not know. But it would be immaterial, because Gen. Pershing's opinion may be changed from day to day; it may be one thing on Tuesday and may be another thing on Wednesday. The art of war is progressing. He may be for the Lewis gun to-day and may be against the Lewis gun to-morrow, and for it the next day.

Senator FRELINGHUYSEN. I presume there has been some anxiety on your part as to the type of arm Gen. Pershing desires?

Secretary BAKER. The main anxiety of the department is to supply Gen. Pershing with every kind and amount of arms he wants.

Senator WEEKS. Recurring to the question of ordnance, are you entirely satisfied with the progress that has been made by the department up to this time?

Secretary BAKER. Senator, I do not say the department might not have expedited some phases of its work.

Senator WEEKS. Of course the department and all departments in the Government have been doing a great amount of work and a great amount of good work. But what we are trying to find out is where we have failed and where we can jack up the service so as to do better.

Secretary BAKER. And with that inquiry, of course, I am deeply sympathetic.

Senator WEEKS. Where have we failed, in your opinion, as far as ordnance is concerned?

Secretary BAKER. I do not think I can answer your question; that is, I do not think I can pick out any place.

Senator WEEKS. I do not want to be petty about this, in the slightest degree, but take the question of the 9.5 gun. We have adopted the 9.5 gun. Everybody has been using the other form of weapon. Is that good judgment, generally speaking? Was there any good reason? Is it a little better gun?

Secretary BAKER. Let us analyze the facts. You say we have adopted a 9.5 gun. What we have actually done is this: We had a 9.5 gun which was an official part of the artillery program of the United States.

Senator WEEKS. But what we had was so little it was negligible.

Secretary BAKER. I am not disputing that. When this war emergency came we went forward with the manufacture of a gun which was already perfected as to its design—one that was under order—but we, at the same time, gave orders to all heavy ordnance makers in this country to make for us heavy guns of the British and French type, which they had in quantity manufactured at the time, so that we did not adhere to our standard weapon to the exclusion of getting all heavy ordnance we could of other types. In other words, my answer to your question is the fact that the 9.5 gun as an authorized part of our heavy artillery did not dissuade us from getting all of the 8-inch and 9.2-inch guns of the French—I think they are 9.2—and of the British which could be manufactured by us, by the Bethlehem Steel Co., and the Midvale Co., who were then manufacturing for the British.

Senator WARREN. Gen. Crozier has laid before the committee the artillery program, and there is not contained in his statement of that program any mention of a heavy gun other than the American 9.5.

Secretary BAKER. That must be an oversight, Senator, because I very distinctly recall——

Senator WARREN. Of approximate caliber, I mean.

Secretary BAKER. That must be an oversight, because I recall having talked with Gen. Crozier on the subject. He told me the 9.5 was then in manufacture, but as the Midvale Co. and the Bethlehem Steel Co. were actually manufacturing guns of about the same caliber for the British, he thought it wise for them to go forward with as much quantity manufacture as they could with duplicate English guns for us, which I approved of.

Senator WARREN. The point was brought out when Gen. Crozier was here that the French gun, of approximately 9.5 caliber, was so near the American 9.5 that it was decided and intended as to practically equal the 9.5 in efficiency; and that the ammunition, the shells rather, for the French 240-millimeter gun, which is about the equivalent of a 9.5, will be made in this country in quantity production, and it ought to have been better to have taken the French gun, the 240 mm., confessedly as good or nearly as good as the 9.5, and made use of the capacity of our plants in this country already operating to make the guns, and we would get all the designs of the gun from the French. Instead of that a 9.5 gun has been insisted upon by the Ordnance Department. It is like starting de novo, and we have to have a different shell for it; the ammunition is not interchangeable.

Secretary BAKER. I think you are misinformed about it. We are buying guns from the American manufacturers of the French design and caliber, and are getting, in addition to that, production of our own authorized and perfected type.

Senator WARREN. These very questions were asked Gen. Crozier, and he made no mention whatsoever of the purchase of any field gun above the caliber of 9 inches.

Secretary BAKER. Mr. Crowell, the Assistant Secretary of War, who is here, and who has had very special interest in this, assures me we are buying 8-inch guns, which is not part of our standard, and also the 9.2 gun. That is, the English gun, not the French gun.

Senator WARREN. I was speaking of the French gun; the 240-millimeter gun is almost exactly like the 9.5, but sufficiently different to preclude the use of the same ammunition in both.

Secretary BAKER. What did Gen. Crozier say about that when you asked him that question?

Senator WARREN. He intimated it might be wise to consider using the 240-millimeter gun, but said none was being made or purchased.

Senator WEEKS. What he said, Mr. Secretary, illustrates the very point I have made of overtechnicality. He said the 9.5 gun was a little better gun than any that were being manufactured——

Secretary BAKER. All I can say about that is Gen. Crozier is not fair to himself if that was the only answer he gave you.

Senator WEEKS. Of course, I am speaking from a recollection of nearly three weeks.

Secretary BAKER. He was not fair to himself, because Gen. Crozier and I discussed the middle heavy type of ordnance, and it was perfectly understood that the full quantity-productive capacity of the only two private ordnance plants in the country prepared to make that arm should be used, and to use French and British designs, rather than insist on our own type, but to go on with our own in addition.

Senator MCKELLAR. As I understand, you are making all the American guns of that type that could be made, and in order to arm and equip our Army at the earliest possible moment, you also ordered these other types?

Secretary BAKER. Exactly.

Senator MCKELLAR. Which I want to say I approve of most heartily. I think you were doing exactly right about it, but why did that not apply to machine guns?

Secretary BAKER. It did apply. We did exactly the same, just exactly. It is a perfect parallel.

Senator MCKELLAR. We did after so long a time, the trouble is, the difference was——

Secretary BAKER. Well, it was the same time, exactly the same time. Just as soon as there was prospect of the United States going into this, as soon as the United States went into the war, and the immediate arming of the enlarged forces was necessary, we got all the machine-gun people that could make them to make any kind they could make, and in addition to that we started this inquiry as to the relative excellence of new weapons, so that later others could include the latest improvements.

Senator WARREN. Mr. Secretary, will you and the Assistant Secretary refresh your memories on the question of the 240-millimeter gun?

Secretary BAKER. I shall be very glad to do it. I do not have it accurately in my mind. I remember my talks with Gen. Crozier about it.

Senator WEEKS. Are all the facilities for the manufacture of ammunition available in this country being used?

Secretary BAKER. No; not all of them, Senator.

Senator WEEKS. Are you getting all the ammunition you need?

Secretary BAKER. The deliveries of ammunition are beginning now in quantity production, very large orders have been placed, and adequate supplies of ammunition are easily in sight.

Senator WEEKS. What do you mean by "easily in sight"?

Secretary BAKER. I mean by the time we shall need them we shall have them; much before the time we shall need them.

Senator WEEKS. When do you think we shall need them?

Secretary BAKER. Under the arrangement which Gen. Crozier has described to you, there is no immediate need of American-made ammunition for heavy artillery in France.

Senator WEEKS. That leads me to ask you a question about that.

Secretary BAKER. But in spite of that, very large quantities have been ordered.

Senator WEEKS. Do you think the arrangement we have made with France is a safe one for us to rely on indefinitely?

Secretary BAKER. The arrangement is not only made with France but with England, and it seems to me that it is eminently safe to the extent it goes. It is for the year 1918.

Senator WEEKS. Speaking of ordnance and guns, what can be done to improve the situation as it exists now, to-day?

Secretary BAKER. Well, Senator, I can not at this moment put my mind on a thing in the Ordnance Department which I can suggest would be helped or improved by your activity, and only for the reason that the minute I find out anything that can be helped or improved, I help or improve it, so I am up to date with my own suggestions.

Senator WEEKS. What is the powder-supply situation?

Secretary BAKER. The powder supply, the situation is that we are using the full capacity of the Du Pont works; we are endeavoring to expand the other private works in the country, and are proceeding with the building of a Government establishment with a capacity of a million pounds a day.

Senator WEEKS. Are you using the full supply from the Du Pont works—their full capacity?

Secretary BAKER. We are not using their full supply, but the allies and ourselves are using it.

Senator WEEKS. It has been reported to this committee—I have not examined the reliability of the report myself—that their capacity was not being used to anything like its limit.

Secretary BAKER. I think that can not be accurate. I have understood we were using their maximum capacity.

Senator WEEKS. They still have contracts with the allies?

Secretary BAKER. Yes.

Senator WEEKS. When do they expire?

Secretary BAKER. I can not answer that, Senator.

Senator WEEKS. Most of those things are matters of public record, are they not?

Secretary BAKER. I assume they are; but I do not happen to know them.

Senator WEEKS. When will your plant for the manufacture of powder be ready for delivery?

Secretary BAKER. I can not answer that. It is a very large building operation. I should say six or eight months, as a time estimate.

Senator WEEKS. From now?

Secretary BAKER. Yes; from now; the 1st of January.

Senator WEEKS. Was that provided for in the last appropriation bill?

Secretary BAKER. The last appropriation bill provided a very large sum of money for explosives without providing mode for getting them.

Senator WEEKS. Is it contemplated for the Government to run that plant?

Secretary BAKER. Yes, sir.

Senator WEEKS. Do you think that appropriation was in such a form that you were justified in using it for building a plant?

Secretary BAKER. Legal opinion has been taken on that subject, and the appropriation has been held adequate for that mode of operation.

The CHAIRMAN. Mr. Secretary, what do you think about the policy, from an economic standpoint and from a military standpoint as well, of the Government going into the establishment of a plant for the manufacture of ammunition in this emergency? Is it not a fact that the development of the manufacture of powder is a very slow process and that it requires men of the very highest technical type to properly manufacture it?

Secretary BAKER. You have asked me two questions, Senator, and I am trying to separate them. Under the circumstances, I think it very much better to establish this plant and operate it than any other arrangement which I have been able to suggest. The manufacture of powder is a simple chemical process. There is no mystery about it. It is perfectly simple.

The CHAIRMAN. My reason for asking the question is based upon the complaints that have come to me, or suggestions which have come to me, and I have them in every shape from every angle of this investigation, and I only asked for information. It has come to me, for instance, that the Du Pont people, who are the largest people and most skillful manufacturers of powder in this country, offered to build these plants for the Government—at the Government's expense, of course, and that is what we are going to do—and to operate them and to manufacture powder with their skilled men and to charge the Government only such price for the output as the Government might fix, or without profit if the Government so determined.

Secretary BAKER. Senator, that is not accurate.

The CHAIRMAN. I want to get the facts about that in the record, because it has come to me from more than one direction.

Secretary BAKER. I am perfectly willing to state the facts. I should like to preface it, however, with this statement, that the understanding between the Du Pont Co. and the Government was a perfectly friendly understanding. There is no misunderstanding of any kind, and the Du Pont Co. is cooperating with the Government in the venture it is undertaking. The Du Pont Co., of course, is the largest military powder manufacturer in America—almost the only very large one. As the result of rather prolonged negotiations an arrangement was suggested with the Du Pont Co. by which they would undertake to build a smokeless-powder plant for the Government with the Government's money and operate it for a year and a half. For the building of that plant the arrangement as suggested provided that they should receive the 15 per cent commission. That was divided into several items—6¼ and 6¼ and 1¼. One and one-half per cent was to have been distributed by them as bonus to expedite the work, but the aggregate percentage of profit was 15 per cent. On the basis of $90,000,000 investment, that would have been $13,500,000, or some such figure.

Then they were to operate the plant for a year and a half, raising it to a maximum capacity of a million pounds a day, and for each pound of powder manufactured by them at a price under 49 cents, as I recall the figure—that may be a cent or two off—they were to receive a profit of 5 cents, and for each 5 cents which they reduced the price of powder below that 49 cents they were to receive 2½ cents additional profit, which would have made the gross profit to the Du Pont Co. under that contract as suggested somewhere between $20,000,000 and $40,000,000 for the year and a half work. That seemed to be more than it ought to be. I consulted the experts of the Army and the Navy with regard to powder manufacture. I consulted the wisest business men in the War Industries Board, and I discovered that the Army and the Navy are both making powder which by common consent is equal in quality and as low in cost as the Du Pont Co. can make it. Then, there is no mystery about the process; it is a question of business organization only, because of the large scale of the operation involved, and it seemed to me that under all the circumstances it would be wise to save so very large a compensation for undertaking this work.

Senator WEEKS. Were those the best terms offered?

Secretary BAKER. I had not quite finished, Senator. I suggested to the members of the Du Pont Co. that I thought the price was excessive, and they told me they were not very anxious to do the thing; that they, in fact, would rather be relieved of doing it, and that if the Government undertook it itself they would be very glad to turn over to the Government all the plans and designs they had in the matter, and later they said they would turn over all the plans and designs, and then the War Industries Board made a suggestion. They said they thought it would be a good thing to offer the Du Pont Co. $1,000,000 as a payment on account and undertake this work, and leave the remaining compensation, if any, to be determined by arbitrators, one appointed by the Du Pont Co., one appointed by the Government, and those two to select a third. I submitted that to the Du Pont Co. and it was rejected. Later—I forget just how it came about—they made a still further suggestion, which was they would undertake to build the plant and operate it, and that, at the conclusion of the operation, the total compensation to them should be determined by a board of arbiters, to be chosen, I think, in the same manner, to which board should be submitted all of the suggestions and proposed contracts which in the negotiations up to that time had been suggested by one or the other of the parties involved, which would have had the effect of making an indefinite obligation upon the Government to be determined by a board of arbiters, obviously proposed to be influenced by an explicit exposition to them of all the terms originally proposed by the Du Pont Co. They never at any time offered to do it without compensation, that I can recall.

Senator WEEKS. Were these negotiations conducted verbally or in writing?

Secretary BAKER. Both ways.

Senator WEEKS. Will you put in the record such correspondence as you have had with the Du Pont Co. relating to that subject?

Secretary BAKER. I am perfectly willing to do that. The only doubt in my mind is just how far that correspondence really exhibits the transactions, because I saw the members of the Du Pont Co. several times personally and talked with them.

Senator WEEKS. There is no reason why it should not go in the record, is there?

Secretary BAKER. I would be very glad to look it up, and if it is not so incomplete as not to tell the story I will submit it to you.

Senator WEEKS. If it tells the story completely, we shall be glad to have it.

Secretary BAKER. I shall be very glad to submit it.

Senator WARREN. I want to ask the Secretary if this new plant is located in conjunction with the old plant of some years ago?

Secretary BAKER. No; it is not. The new plant was not contemplated to be located in conjunction with the old plant; the old powder plant of the Government, at the so-called Picatinny Arsenal, is a relatively small plant, and Congress had provided a sum of money for building a new plant in order to remove from that location. This plant was projected to be in 10 units of 100,000 pounds capacity daily each, and two sites had been selected—one near Charleston, W. Va., and one near Nashville, Tenn.—and the proposed plan, as it now is, is to erect the first five units at Charleston, W. Va., and that work is now in progress.

Senator WARREN. I recall when this powder plant was instituted that the Du Pont Co. offered to furnish any plans, any information they had, or to loan us their experts to teach ours. I want to ask whether we had been able to educate many of the ordnance men in the art of making powder?

Secretary BAKER. Yes; the Ordnance Department now at Picatinney Arsenal and the Navy Department at Indianhead both make powder of identical quality and quite as favorable a price with that made by the Du Ponts. We have in the Army and the Navy highly trained and admittedly competent powder makers.

Senator WARREN. You have, then, a nucleus to start out in this large building and large institution?

Secretary BAKER. Yes.

Senator WARREN. As I remember, the Navy plant was some two or three years after the building of the Army plant, and, as I remember at the time, I know that was the consideration in the Army plant; it was to reduce the price not by the quantity we made, but the information that could be gained by making it, and if we could make the quality that we could test all of that, we could buy our own, and that has been successful in reducing the price and producing a good powder, has it?

Secretary BAKER. Yes. The price which the Du Ponts made, as I recall it, to the foreign Governments for the manufacture of smokeless powder, was $1 a pound. The price which it would have cost the Government of the United States on the basis of the original suggestion by the Du Pont Co., amortizing the value of the plant, would have been about 70 cents a pound. The actual cost of the manufacture of powder, with a fair profit in it, not amortizing a very great overhead like that, is somewhere between 35 and 40 cents a pound. The Navy cost has been substantially below that and so has the Army cost, but I cite those last two factors, remembering the price of many materials have since risen, and the price of labor is somewhat higher.

Senator WARREN. As I recall, the price was reduced after the building of the Army plant by more than 40 per cent. Of course, it took a period of three or four years to accomplish that. In the meantime, as I recall it—I have had no different information since—the intention was not so much to manufacture all of our own powder or to cut the private manufacturers out, but to obtain the information we wanted, and to obtain the price through this competition and still allow all of the plants to go on manufacturing as before, so that we might, in case of war, call on these plants for making that class of powder that was only used in war.

Secretary BAKER. That was the view expressed by Gen. Crozier in several hearings, both before the Senate and the House, and I have no doubt the navy yard, too, and seemingly it is the policy adopted by the Government.

Senator MCKELLAR. At the present ruling prices of materials, what is the price at, or what is the cost at, which this is to be manufactured in our Government plant—the new one you speak of?

Secretary BAKER. It is very difficult to tell, because of variance in prices.

Senator MCKELLAR. I understand that; but I thought perhaps in making the figures you reached some conclusion as to what the cost would be before going into the building of the new plant.

Secretary BAKER. It is very easy to have an approximate estimate of an addition at which powder ought to be manufactured if you can have any forecast of the length of time you are going to need such large quantities. If you spread the amortization of the plant over a long period of years it decreases the price. But, leaving the plant out of consideration, I will say two things about it: Nobody knows the cost of powder manufacture in the Du Pont Co.; nobody knows what that is, and I do not know, and it is perfectly proper that I should not know, probably. But, so far as the Navy and Army are concerned, our cost is somewhere between 30 and 35 cents, or 30 and 40 cents.

Senator MCKELLAR. But you think when the new plant is built that approximately those figures can be realized, and certainly they can be realized with the addition of the increased cost of materials?

Secretary BAKER. That, of course, depends on a number of things. The price of cotton is one important factor, the price of sulphur, the price of Chile nitrate, and the cost of transportation of tonnage from Chile.

Senator WARREN. Also the price of labor?

Secretary BAKER. Also the price of labor.

Senator McKELLAR. Taking all those things into consideration, you expect to approximate the price the Government now manufactures it at?

Secretary BAKER. I expect to get out of that plant, which is to be a very modern plant, built for the highest economies of manufacture—I expect to get a minimum productive cost.

Senator WEEKS. I understand you that that plant will be ready about the 1st of next September?

Secretary BAKER. Senator, I can only give you my own judgment on that. The Du Pont Co. themselves said that the lowest possible estimate they could make of the time within which they could get it ready would be eight months, beginning perhaps the 1st of November. They suggested that it would be a very hopeful and optimistic thing if they would suggest that perhaps one unit of it might begin production in six months. Their superintendent wrote them a letter, which they showed me, in regard to the Charleston proposition, in which he said it could not be done in 12 months.

Senator WEEKS. Was not this question of powder supply taken up until November?

Secretary BAKER. I can not answer when it was taken up, Senator.

Senator WEEKS. Was there any estimate made as to our requirements of powder under the conditions that prevail and the number of men that were put in the service?

Secretary BAKER. Oh, undoubtedly.

Senator McKELLAR. What are we going to do for powder in the meantime, before this plant is ready?

Secretary BAKER. I think the powder supply is adequate. The present powder supply is adequate for our present needs.

Senator WEEKS. Then this will be simply needed and used for any additional forces?

Secretary BAKER. No; not quite that. I think it would be needed for that, and I think also, as time goes on, it will be found very much better to make more of the powder in this country and less abroad. Mr. Crowell, the Assistant Secretary, has handed me these figures which you may care to see. Suppose I pass this to you, rather than read it?

Senator WEEKS. I think it would be better. I want to ask you if we are buying smokeless powder abroad?

Secretary BAKER. Not abroad. We are buying it from the Du Ponts in very large quantities, but not abroad.

Senator WEEKS. I thought I understood you to say just now there was a difference between the powder made in this country and abroad?

Secretary BAKER. No; I meant by that, only it would be wiser as time went on, and undoubtedly it would be better to have the allies procure larger supplies of manufactured powder in this country rather than take the ingredients there. It takes about 8 pounds of transportation to produce 1 pound of powder abroad.

The CHAIRMAN. Mr. Secretary, are you making adequate preparation for the manufacture of explosives, for the procurement of T. N. T., for instance?

Secretary BAKER. We think so, Senator. We have the greatest expert in the country on the subject working on it, and a very large program that involves not only smokeless powder but all kinds of high explosives.

The CHAIRMAN. The suggestion has been made to me—complaint has been made to me that in the handling of this toluol it was undertaken to be done through an agency; undertaken to purchase it through brokers; and that while 99 per cent of purity is required, that some of the toluol obtained and for which high prices were paid averaged about 88 per cent. Do you know anything about that?

Secretary BAKER. I do not.

The CHAIRMAN. That complaint has not come to you?

Secretary BAKER. It has not come to me.

Senator NEW. Mr. Secretary, with reference to what Gen. Crozier said in his testimony, that the program of the national-defense act was no program at all; he also said it takes a great many people to give orders for manufacture, etc.; also that a great deal of the material needed for our use in this war was not in the country at the time the war broke out. He called attention to the fact that it takes a year to make artillery after the orders are given; that gun carriages and equipment were necessarily let to concerns that—when the contracts were let—had never made them, requiring a great deal of time for the drawings, details, etc., on which those manufacturers could proceed. Do you now think, in view of what has since happened, that there was any error in judgment in May of 1916, or about that time, in not taking steps to prepare the United States for the manufacture of guns and gun carriages, and so on, and to expand upon the national-defense program referred to by Gen. Crozier?

Secretary BAKER. Senator, it is a harsh rule to express a judgment upon a past transaction in the light of subsequent information. I think it would be unjust to require the Ordnance Department to have in advance all the information that could subsequently be brought to it by evidence which at the time had not happened. I am prepared to say that I think it would have been, in view of what has happened, a very wise thing indeed if the Ordnance Department a dozen years ago had been expanded to 1,000 officers, instead of its 97, and they had been insistently active in devising new weapons and making drawings, and all that, but that is in the light of after-knowledge.

Senator NEW. And if true of a dozen years ago, it is more so, perhaps, a year ago, in view of what has happened?

Secretary BAKER. I think that is not unlikely; but to be frank with you, I do not think you ought to attribute more than a very modest share of whatever responsibility there is on that subject to the Ordnance Department, because Gen. Crozier has, in season and out of season, urged increases in personnel and in his facilities.

Senator NEW. I am not seeking to put it upon the Ordnance Department at all, but just as a matter of general administrative policy, without any disposition to reflect upon anybody in particular, but call attention to it as a national omission. Now, Mr. Secretary, is it not true that Marshal Joffre and the British high commissioners, when they were here, called our attention to the urgent need for quick American action and urged that we send men and material over there at the very earliest moment possible?

Secretary BAKER. No; that is not true, Senator.

Senator NEW. It is not true that they may——

Secretary BAKER. Both Marshal Joffre and the British high commision felt that it would be wise to have us appear on the European fronts at an early date, but there was not at that time any special urgency on their part that we should appear in any very large force.

Senator NEW. I think there has been testimony before this committee to the effect that——

Secretary BAKER. Senator, if you will pardon me, I think I will ask the newspaper men and the reporter not to deal with the recommendations of Marshal Joffre and the British commission. I think that is a thing we ought not to talk about except among ourselves.

Senator NEW. If you think it is something which in your judgment ought not to go into the record, I am willing to withdraw the question.

Secretary BAKER. Let me make this answer to it. This answer, I think, is entirely discreet and proper. After our entrance into the war the question of the mode of coordinating our military and industrial cooperation with the allies was under constant study, and plans were made, changed, and reconsidered, so that they have been constantly growing.

Senator NEW. I asked that question, Mr. Secretary, because there has been testimony brought before this committee, and I think it is in the record—my recollection is that Gen. Sharpe testified to the fact that the program was changed upon the urgent recommendation of the French and British high commissions. That being the case, I saw no impropriety in the inquiry.

Secretary BAKER. I think there is no impropriety in that statement, and no impropriety in saying that the forces that were dispatched were sent to Europe earlier than they would have been but for the representations of the British and French.

Senator NEW. But is it not true, Mr. Secretary, that those troops were not equipped when they did go?

Secretary BAKER. With what?

Senator NEW. Perhaps equipped; but that they were quite unsatisfactorily equipped with rifles; that they had no heavy artillery—had none, had no artillery; they had no machine guns, such as went over there in response to what was recommended at that time, were unequipped in the sense that——

Secretary BAKER. No, Senator; that is not accurate. The first troops that went over were fully armed with rifles, with more than a necessary supply of wastage of rifles. They had the allowance of machine guns that was deemed proper for organizations of their style; they had the artillery which, prior to that time, had been manufactured and deemed appropriate artillery for divisions of their size.

Senator NEW. Your answer simply applies to the first force that went; it does not apply to any forces that have gone since?

Secretary BAKER. It applies to all the forces that have gone, either at the first or later, with this modification, that as the later forces have gone reliance has been put upon the automatic rifle, which we bought from the French, and upon artillery which we have purchased there rather than made here.

Senator WEEKS. I want to ask one or two more questions about this powder situation. When were our powder requirements brought to your attention?

Secretary BAKER. I can not answer that, Senator.

Senator WEEKS. Do you think it was done in April, June, or November?

Secretary BAKER. I can not answer that.

Senator WEEKS. You mean you do not recollect?

Secretary BAKER. I do not recollect.

Senator WEEKS. When were the negotiations had with the Du Pont people?

Secretary BAKER. I am sorry, but I can not answer that.

Senator WEEKS. Then you have not any recollection?

Secretary BAKER. I have no recollection on that subject. I remember having talked to Gen. Crozier from time to time about it, but the dates have entirely gone out of my mind.

Senator WEEKS. Do you think it was promptly brought to your attention as to what our requirements would be?

Secretary BAKER. I have no basis for criticizing the time. I do not know.

Senator WEEKS. How can we find out whether there has been neglect on the part of some one in that respect?

Secretary BAKER. Senator, I only could ask you to ask Gen. Crozier, who doubtless has talked to you on the subject.

Senator WEEKS. His testimony on that subject, as I recall it, was not very full, and I think his attention—whoever was asking the questions—was distracted. Of course this examination would continue indefinitely, and there is a desire to stop it without getting into side channels, and I do not think Gen. Crozier has made a statemet about the dates of taking up these matters, or pressing them, or coming to a final conclusion, and especially relating to powder.

Secretary BAKER. I am sorry, but I have no recollection on those dates.

Senator KIRBY. There has been no delay in our troops being put in the fighting because of a lack of powder on the other side, has there?

Secretary BAKER. Absolutely none.

Senator KIRBY. There has been no delay about shipping troops to France because of lack of transportation facilities, etc.?

Secretary BAKER. Absolutely none, present or prospective.

Senator WARREN. Are you satisfied with the extent of the artillery program, Mr. Secretary? Do you think we have mapped out a large enough program? These figures have been given to the committee in executive session.

Secretary BAKER. I have them. Of course a perfectly good rule about all heavy artillery, as developed by this war, is to get the program and multiply it by something on the theory that you can never have too much, so to express satisfaction with any program is simply to neglect the rule of multiplication. I think the program as mapped out has fully engaged the resources of the country as to artillery when it is remembered other things must be done.

Senator WARREN. We have had some very impressive testimony on that point, emphasizing the tremendous need for artillery over and above what has been regarded, even up to three or four months ago, as the proper quota per thousand of troops.

Senator WADSWORTH. Not only artillery of the divisions, but artillery of the Army Corps and field armies, and the opinion has been expressed that the program laid down by the War Department was not sufficient.

Secretary BAKER. I can readily understand that, Senator. The artillery program of every nation engaged in this war has grown every day since the war has begun, and that program Gen. Crozier stated to you when he was here he would probably want to increase now, and probably next month would want to increase it again.

Senator WADSWORTH. As a matter of fact, it is true, is it not, that this war is a tremendous competition in industries?

Secretary BAKER. Yes.

Senator WADSWORTH. The side which will bring to bear the greatest numbers in guns and men, which are all dependent upon organized industries, will eventually wear out and subdue the other side?

Secretary BAKER. I think that is the present aspect of it.

Senator WADSWORTH. In view of that state of affairs, will you tell the committee in what respect the Ordnance Department has been reorganized in order to carry on its part of this great industrial warfare?

Secretary BAKER. Yes; I shall be glad to do that at this time, although I had rather hoped to treat that as a part of the general reorganization of the whole War Department and of the whole industrial program.

Senator WEEKS. I move, Mr. Chairman, that the committee now take a recess until 2.30 o'clock p. m.

The motion was agreed to.

(Thereupon, at 1 o'clock p. m., recess was taken until 2.30 o'clock p. m.)

After recess.

The hearing was resumed at 2.30 o'clock p. m., pursuant to the taking of recess.

STATEMENT OF HON. NEWTON D. BAKER—continued.

The CHAIRMAN. Mr. Secretary, we would like to take up with you the subject of quartermaster supplies. Have you any general statement that you desire to make in reference to that?

Secretary BAKER. No; I have not, Senator.

The CHAIRMAN. There are several criticisms of the Quartermaster General's Department, Mr. Secretary, that have developed in the course of the hearings. I hardly know how to bring them to your attention, so as to have a statement from you in reference to it. One of the complaints was a lack of coordination and efficiency in that department; another was a failure to supply the uniforms and equipment necessary for the soldiers—the initial equipment, and, perforce, the other equipment necessary—within the time they ought to have been furnished, and the continued shortage now of overcoats and clothing, and then it seemed to the committee that one of the serious complaints made was the change in the structure of the material used for the manufacture of clothing; that is, reducing it from practically an all-wool or largely an all-wool clothing, prior to the outbreak of the war, to a 50-50 basis—that is, 50 per cent of wool and 50 per cent of reworked wool. It might be that if you care to make a general statement in reference to the conduct of the Quartermaster General's Office it may suggest questions the committee may desire to ask you.

Secretary BAKER. When the necessity of buying in the Quartermaster's Department—buying on an enlarged scale—arose it was at once apparent that an entire change had taken place from anything to which either the department or the country was accustomed, for two principal reasons: Prior to that time the Quartermaster General had, in effect, only to take his market basket on his arm and go out into the market and choose and select from an overabundance of supplies the things he wanted to buy. Now, under the new circumstances the Quartermaster General had to buy in a market in which the supply was inadequate to the demand in many things. Of course, I do not mean generally, but in the principal things, so far as the size of purchases was concerned. In the second place, the Quartermaster General's Department was purchasing only for the Army. The Navy had to make purchases on a large scale of many of the same items in different forms, and sometimes in the same form. In the third place, the allied Governments were making very large purchases in this country in many of those items. I started out to enumerate two particulars. I have already enumerated four. There was an additional item that had to be considered. We had, overnight, to pass from a market in which prices were regulated by free competition into a market in which the Government was a monopolistic and exclusive buyer—a compulsory buyer, and in which competition was practically impossible as a regulator of prices. Those considerations apply not only to the Quartermaster General's Department, but to general purchases by the Government departments. Prior to that time there had been organized the Council of National Defense, and under the Council of National Defense, subordinate bodies, with a view of having them bring to the aid of the Government the best advice which could be gotten from persons in industry and commerce, so that both increased facilities and substitute materials and questions of prices could be acted upon by the Quartermaster General or any purchasing department, with full information, and also so that the needs of the several departments, and of the allies and of the general industry of the country could be kept constantly under survey.

There was at once associated with Gen. Sharpe the agencies of the Council of National Defense for aiding him in these purchases. Enormous purchases were at once undertaken, far in excess of the normal production in the articles in question. New facilities were created, factories and mills which had made much smaller things were diverted into the production of Army supplies, and some substitutions of material were authorized, and those purchases were made. One of the things which became apparent after a while was that manufacturers, in their desire to get large quantity production had overestimated their own capacity for quantity production. Another difficulty that arose was the embarrassment of transportation, both of raw material and of the finished product. Another was the very early need for the organization and dispatch abroad of special forces which cut into the anticipated equipment for

the forces provided by the emergency act, such as railroad regiments, foresters, stevedores, and people who were not normally a part of the War Department organization, but who had to be sent abroad early, and whose equipment encroached upon the anticipated supply.

In addition to that the winter was, I think, earlier, and for the early part very much more severe than is at all customary, particularly in the southern portions of the country, where camps have been placed because of the mild weather of early winter; and the result of all of those things, so far as the equipment of troops is concerned, is that there was a shortage of many of the important articles of equipment, including overcoats, blouses, trousers, and perhaps some others. Those shortages were far greater than we had supposed they would be. They resulted, I think, from the causes I have given.

The initial equipment is now substantially complete, and the manufacturing processes are all organized on a quantity production basis, and the increase of reserves from now on will be rapid.

At the outset there was a question to be decided, as to which of two policies ought to be pursued, whether we ought to assemble a large force and begin its training before it could be fully clothed in soldier clothes and equipped, and let the equipment and clothing come along as it could, or whether we ought to postpone the assembling of large forces and delay their training until full equipment was actually in hand. Speaking of my own part in it, I was very earnestly urged by men of great weight to call out large forces at once, and men of distinguished military experience and reputation said to me that it was unimportant whether they drilled in their own clothes or whether, at the outset, they had rifles; that the elements of military training were such that men could drill in their own clothes without arms for a while.

On the other hand, Gen. Smith, of the Quartermaster General's Department, and perhaps others, felt that full equipment ought to be in hand first.

The course which was actually taken was what seemed to me at the time—and I have no reason to criticize my judgment now—an attempt to compose and reconcile those views. It involved calling out, as rapidly as we anticipated the equipment to be in hand, the forces. The Regular Army and National Guard were called out at once, and their recruitment was undertaken. The National Army was postponed as to its calling out several times. The succeeding increments of it were postponed as to the date of their mobilization, and while the net result was that there were at times, sometimes for two or three weeks, an inadequate supply of articles, like overcoats and blouses, there was not, in my judgment, any serious situation caused by this lack of initial equipment.

I do not know what other phases of that you want me to comment on, Senator.

Senator McKELLAR. If I may, I will ask you some questions which will bring out some questions which are in my mind.

Mr. Secretary, soon after the war began, I believe it has been testified to here, you issued an order that the supplies committee of the Council of National Defense, headed by Mr. Rosenwald or Mr. Eisenman—they are both on it, and I think they both had to do with it——

Secretary BAKER. Mr. Eisenman is really the chairman of the committee.

Senator McKELLAR (continuing). Directing that the committee on supplies find or designate the sellers and fix the prices and Gen. Sharpe's department, or the Quartermaster General's Department, to actually sign the contracts.

Secretary BAKER. In effect that is so.

Senator McKELLAR. What authority of law did you have for that, to take away from the Quartermaster General his well-known and well-defined power of purchase for the Army—on what statute did you base that order?

Secretary BAKER. Well, in the first place, I was the head of the Army; the Quartermaster General was my subordinate. In the second place, the law in the case provided that—I forget the language, and I may quote it incorrectly—but in effect it provided that in emergency situations of this kind the Secretary of War should fix prices as he deemed best, and I was surrounding Gen. Sharpe with advice as to prices from expert sources and asking him to rely on their judgment.

Senator McKELLAR. Mr. Secretary, as a matter of principle, or as a matter of governmental policy, do you believe that a committee of the Council of National Defense, like the supplies committee, where 10 out of 19 members of the committee are themselves selling to the Government, should have a right to fix the prices and designate the sellers that the Government must purchase from and the prices which the Government must pay?

Secretary BAKER. No; I think it would be obviously a bad principle to have a committee composed of persons selling to the Government, even though the particular persons selling to the Government did not participate in the fixing of prices under any contract.

Senator McKELLAR. It has been testified to here that that is precisely what has been done with the supplies committee of the Council of National Defense at a minimum expense of $128,000,000 of supplies. Do you approve, as the Secretary of War, of that condition of affairs by which these gentlemen—and I believe those interested in the $128,000,000 of sales were on this particular committee and, of course, fixed the prices—do you approve of that method of purchasing?

Secretary BAKER. I do not think any such thing has ever been done.

Senator McKELLAR. That has been testified to.

Secretary BAKER. I can not help what has been testified to. I do not believe anything like that has been done.

Senator McKELLAR. Have you ever examined into it?

Secretary BAKER. Many times.

Senator McKELLAR. I will give you a concrete example. In the testimony yesterday it was testified to by Mr. A. L. Scott, in substance—and if I make a mistake in stating his testimony I hope some members of the committee will say I am inaccurate about it, but I will try to be as accurate as possible—that he was asked by Mr. Rosenwald and Mr. Eisenman to come some time this past year and serve as chairman of a subcommittee on cotton goods, commonly known as duck—the Army duck and kindred articles—of which the Government needed a great quantity, probably more than there was a supply for in the country at the time, considerably more; that Mr. Scott was an expert on this subject; that he examined into the facts, not going to the Federal Trade Commission or other well-known sources of information, but relying, as he stated himself, to a very large extent upon his own knowledge of the trade and trade conditions, he being interested in many mills, all of which were selling to the Government; that he took what he conceived to be a reasonable price; and that the price and the profit on the goods that his companies sold to the Government at this price fixed by him was 12½ or 12 and a fraction per cent. Asked if that applied to each turnover and how many turnovers there were, he stated there was a minimum of six, but an average of nine each year, and that the percentage of profit applied to each turnover. So, according to his testimony, in that way the Government paid Mr. Scott's companies a minimum of 75 per cent profit on the goods a year and a maximum of some 115 per cent of profit, as shown by this witness.

Remembering, now, that he fixed the prices—the reasonable prices—that his companies were selling to the Government, he representing the Government and, of course, interested in his companies, do you approve of that method of buying on the part of the Government?

Secretary BAKER. I can not answer your question, because I do not think anything like that has been done.

Senator McKELLAR. Assuming it has been done.

Secretary BAKER. I can not assume it. I know to the contrary.

Senator McKELLAR. If it were done you would not approve of it.

Secretary BAKER. I do not want to answer hypothetical questions. I have investigated that many times. In the first place, Mr. Rosenwald is one of the biggest merchants in the United States. For the past eight months he has given his time, morning, noon, and night to the investigations of problems exactly like that problem. In the second place, Mr. Eisenman is a man of large experience in merchandising. Neither Mr. Eisenman nor Mr. Rosenwald has the slightest possible interest in the sale of anything to the Government.

Senator McKELLAR. I just wanted to ask you if you knew that Mr. Eisenman was a stockholder in the Cleveland Wool Mills Co.?

Secretary BAKER. He told me he was.

Senator McKELLAR. I understand he was a very large stockholder, and that that company is doing business with the Government.

Secretary BAKER. He is not a director and has no managerial connection with the company. He stated to me that he was a stockholder.

Senator McKELLAR. You stated he was not interested?

Secretary BAKER. I mean interested so that it could be associated in any way with his connection with the Council of National Defense. Both of them are men of unimpeachable integrity and established reputation. They have had grouped around them a lot of experts and men interested in the trade. I do not think that is the best way to deal with the questions, but the only way at the outset, until you could collect the information of the industrial world. You were changing from a basis where competition fixed the prices down to where prices

were fixed by arbitrary act. They gathered around them a lot of men who were expert in this business and asked them not to fix prices, but what the elements of cost were, what percentage labor bore to the aggregate product, and the cost of material, etc., and what the overhead expenses were, and out of that this committee undertook to arrive at prices, and Mr. Eisenman and Mr. Rosenwald, who, by reason of their lack of interest and business experience, were able to check up the committee's recommendations and determine whether they were fair recommendations, and the result is not at all what would be inferred from your question. But many, many cases have arisen in which Mr. Eisenman disagreed with the committee and disagreed with the experts and disagreed with interested persons and required them to make lower prices, resulting in the saving of many tens of millions of dollars to the Government.

Senator McKELLAR. Do you know what profit is made by Mr. Scott's companies in that case?

Secretary BAKER. No; I do not know.

Senator McKELLAR. Have you examined into it?

Secretary BAKER. I never heard of Mr. Scott or of his companies.

Senator McKELLAR. Have any of these questions been presented to you, for instance, like the one of Mr. Scott's fixing prices on cotton goods?

Secretary BAKER. Not like it in all essentials, but very much like it.

Senator McKELLAR. You say that the method that had been pursued was the method you had to pursue at the outset until you got things started, as I understood you. Is it the intention of the War Department to buy things through the supplies committee at prices fixed in that way?

Secretary BAKER. No.

Senator McKELLAR. When are we going to stop that?

Secretary BAKER. It is substantially stopped now. It was never intended to continue it very long.

Senator McKELLAR. I want to congratulate you on stopping it now. Then it is not intended to continue to buy goods for the Quartermaster Department on a system by which this supply committee of the Council of National Defense selected by people who sell to the Government fixes the prices and the Quartermaster General simply signs the contract?

Secretary BAKER. No.

Senator McKELLAR. It is not intended to go on any further with that system?

Secretary BAKER. No, sir.

Senator McKELLAR. It is stopped now?

Secretary BAKER. Yes, sir.

Senator McKELLAR. Now, I want to ask you if it has ever been called to your attention—this matter of the Base Sorting Plant?

Secretary BAKER. Just shortly before it was called to your attention.

Senator McKELLAR. Mr. Secretary, it was testified to here that a corporation known as the Base Sorting Plant was formally entered into by three dummy incorporators in New York and that immediately after that corporation was formed—and, by the way, it has a $50,000 authorized capital and $10,000 actually paid-in capital—that after it was incorporated it fell into the hands of a Mr. Kaplan, of B. D. Kaplan & Co.; a member of the firm of B. D. Kaplan; Mr. Meyers, of the Rawitzer Co.; and Mr. Stone, of New York City, all dealers in rags; that that company immediately sent a representative here, and, through Mr. Sam Kaplan, who is a member of the Council of National Defense——

Secretary BAKER. A member of one of the committees.

Senator McKELLAR. This supply committee—that negotiations were entered into for a contract for using the shoddy or the sorting of shoddy for the Government at 6 cents a pound; that they entered upon that work, and after it was entered into—I should state they also entered into a contract for 5 cents a pound for all old overcoats and uniforms and refuse that comes from the Quartermaster's stores—that after these two contracts were entered into this company proceeded with the work; that through the efforts of rival rag dealers the Quartermaster Department was called upon to act, and it sent a young officer out, and the young officer looked into it very thoroughly and found it was a dummy corporation to begin with, and that the profits of this $10,000 corporation would be, on one of the contracts, $400,000, and the estimates on the other contract were far in excess of that profit, and that thereupon, after the matter had gone that far, it was taken to the Quartermaster General, who recommended that those contracts with the Government be canceled, and they were canceled. But in the meantime it appears that every effort in the world was made by Mr. Eisenman to prevent that contract being canceled. They first offered to reduce the amount half a cent a pound.

Secretary BAKER. To half a cent a pound.

Senator McKELLAR. To one-half cent profit.

Secretary BAKER. To one-half of 1 cent per pound profit.

Senator McKELLAR. Which meant——

Secretary BAKER. Which meant half of a cent.

Senator McKELLAR. I think you are mistaken about it, but that is immaterial for the present. Then they offered to do it for nothing, or at actual cost. Now, under those facts, you still did not listen to these gentlemen, but canceled the contract, as I understand. Is that right?

Secretary BAKER. You mean all you have been saying?

Senator McKELLAR. No, sir; I mean, did you cancel the contract?

Secretary BAKER. I never acted but once on it, and that was to cancel the contract.

Senator McKELLAR. Are the facts as I have stated here correct or incorrect?

Secretary BAKER. Why, the main outline of the proposition is correct, but many of the implications are incorrect.

Senator McKELLAR. If the implications are incorrect, will you do me the kindness to say why you canceled the contract?

Secretary BAKER. Because the Quartermaster General recommended it.

Senator McKELLAR. Was that the only reason?

Secretary BAKER. He told me that, having established a waste division in the Quartermaster General's Department for the conservation of otherwise waste material, he was now satisfied that the Quartermaster General's Department could do this work itself; that there was no need for the Base Sorting Co.'s activities; and, as it was a part of my general direction to him to establish this waste-conservation bureau, it met with my approval to take it over.

Senator McKELLAR. At that time you had none of the facts before you?

Secretary BAKER. I had none of the facts before me; no, sir.

Senator McKELLAR. You did it as a matter of form?

Secretary BAKER. Let me correct the last statement. The maximum profit was fixed at one-half of 1 cent per pound.

Senator McKELLAR. Yes.

Secretary BAKER. And not 5½ cents—one-half of 1 cent per pound.

Senator McKELLAR. My reason for making that statement was that it was testified to here that the actual cost to Mr. Kaplan—the actual cost of sorting was 5 cents a pound, and the half cent was just an additional half cent for profit.

Secretary BAKER. That may be.

Senator McKELLAR. You did not look into the question of what reason there was for that?

Secretary BAKER. Not at that time. There was no controversy about the Base Sorting Co. contract that I know of. Let me tell you what happened.

Senator McKELLAR. I should be glad to have you do so.

Secretary BAKER. Gen. Sharpe came to my office one evening and told me that a contract had been entered into with the Base Sorting Plant to save cloth from uniforms and overcoats, and so forth—to save, sort, and reuse other available wools which could be used in connection with garment making, and save the supply of raw wool in the country, which had threatened to become insufficient; that the Quartermaster General's Department, as I knew, had established a waste-conservation division dealing with the whole subject of saving garment refuse and other articles of that kind around the camps, and, in his opinion, the profits on that contract—he said the matter was being investigated—but that the profits to the Base Sorting Plant contract were abnormally large, and, at any rate, it was time to take over that activity, and that the contract should be canceled.

I sent his recommendation to the Judge Advocate General with this request:

"I am recommended to abrogate these contracts. Have I the legal authority to do so?"

I got word from the Judge Advocate General that I had that authority, and I canceled them. That is all I know about that.

Later, when you made inquiry about it and the matter came up, Mr. Eisenman came to me and brought a memorandum which he has since testified to before you in great detail; and in that memorandum it is stated that the original base sorting idea was his; that desiring to make this saving, which had never been made at all in the Army, of scraps, which had heretofore been given to the tailors and cutters, he had gotten the representatives of three principal rag merchants of the city of New York and had gotten them to form a company for the purpose of saving this otherwise waste and valuable product; that they had associated themselves into a company, and that the cost of doing this work was entirely indeterminate and freight charges and insurance charges, etc., were unknown; they had roughly fixed upon 6 cents per pound as the price, and that later

they found it was much cheaper than that; that they had reduced their own profits voluntarily to one-half a cent a pound, and later filed a statement with the Quartermaster General that they did not desire any profits on the service, but desired to do it as a service for the Government. All those facts were testified about before you, and I have no further knowledge of that.

Senator McKELLAR. Did you approve of a base sorting corporation being formed by unknown directors, and, so far as anybody knows, or as far as anybody has testified—and quite a number of them have been asked about it—with dummy directors, as an organization on behalf of the Government?

Secretary BAKER. There is nothing inherently wicked in a dummy director unless he does something wicked or is used as a shield. What they proposed to do was to establish a new means of saving otherwise waste products. It was a thing the Army had never done, and a thing you and I could not do. If Gen. Sharpe asked you and me to rescue these scrap articles, we could not do it, and therefore somebody had to go to somebody who knew how to do it, and when they formed an organization to do it for the Government, under the direct observation of the depot quartermaster, and under a continuous audit of all expenses, so that the Government should not, in any event be wronged by the profits of the enterprise——

Senator McKELLAR. If that was the case, and if you say that in no event the Government——

Secretary BAKER. Not "no event." I beg your pardon. I take that back.

Senator McKELLAR. I was quite sure you would not be willing to go that far

Secretary BAKER. Yes; you can fool auditors.

Senator McKELLAR. Does not the Government propose, when it makes a contract, to stand by it?

Secretary BAKER. Clearly.

Senator McKELLAR. Clearly—well, if this company was doing a legitimate business and had a contract to do it and there was no wrong about it, and it was a thing being done for the benefit of the Government, and it had a contract to perform that work at 6 cents in one case and 5 cents in the other, would not common justice require the Government to stand by the contract it had made?

Secretary BAKER. Senator, I think the answer to your question depends on the view you take of that entire transaction.

Senator McKELLAR. I want to ask you what is your view? Do you stand by Kaplan's contract or do you not?

Secretary BAKER. I have no more notion on that subject or any more knowledge than you have. But this is a situation as to which two views are possible. You can either regard the base sorting contract as an attempt to make a lot of money by the Base Sorting Corporation out of the Government, or as something created at the suggestion of the Government to conserve material for the Government. On the latter theory, which was the theory certainly in Mr. Eisenman's mind, and always has been in mine, we were getting men who knew the trade to do a job and start it off for us, under the observation of our own employees and officers, under a systematic audit, to run that business until we had learned the details with reference to the cost of sorting ourselves——

Senator McKELLAR. If the Base Sorting Corporation was doing a governmental function, and they had started this work, and it was absolutely in good faith, and if this corporation was organized in good faith and carried in good faith, and the contract obtained in good faith, and had just been started in good faith, and the representations all the way through were in good faith, does it not follow, as night follows day, as reasonable that this contract should not have been taken away from those men?

Secretary BAKER. No; I do not think so. Mr. Eisenman thinks so, but not for that reason. Mr. Eisenman still believes that the Base Sorting Plant should continue to operate as it did, and that it is the wisest arrangement, but I do not believe that. I fail to believe it for this reason. I think in many functions it is necessary to start one way and to change to another, and I am exceedingly anxious to have everything affecting Government distribution and supply done directly by Government employees rather than other agencies, so this sort of thing can be avoided.

Senator McKELLAR. Then you think in the future there will not be any more so-called Kaplan contracts or Base Sorting Co. contracts?

Secretary BAKER. I do not think "Kaplan" is a sufficiently generic term by which to describe contracts.

Senator McKELLAR. I think the country thinks so.

Secretary BAKER. I have not consulted the country, but I should like to answer your question, badinage aside.

Senator McKELLAR. Very well.

Secretary BAKER. There will probably develop a great many things which the Government will want to do, about which we know nothing, and which the Government will undertake to do through private parties in good faith; and as soon as we learn the wise and economic way to do that we will take that over by the Government.

Senator McKELLAR. I want to know, if you feel like saying it, whether or not you, as Secretary of War, are willing to assume the responsibility for the organization of the Base Sorting Plant, about which we have been talking?

Secretary BAKER. I could not escape the responsibility if I wanted to. I am Secretary of War, and what Mr. Eisenman did he did in attempting to perform a service which I intrusted to him, and still intrust to him to perform; so I could not escape that responsibility if I wanted to.

Senator McKELLAR. Does it meet with your approval?

Secretary BAKER. I say "yes." I know now nothing about the Base Sorting Co. contract which in any way makes it an improper contract to be made; and if I were starting all over again with a base sorting contract I would probably recommend that Mr. Kaplan—if he is the right person, and I do not know who the right person is—but that somebody who knew about it be taken into the Government employ and the thing done directly by the Government; but it was a very natural thing, to avoid further complications of governmental functions at that time, to ask him to do it the other way.

Senator McKELLAR. Did you know it as a fact that Mr. Sam Kaplan, who is a member of this supplies committee, was interested in this company?

Secretary BAKER. I did not know it then. I know it now.

Senator McKELLAR. You know it now?

Secretary BAKER. Yes.

Senator McKELLAR. And that he came here on the 22d of July, and the contract that the Base Sorting Co. made with the Government was made on the 28th of July with the committee of which Mr. Sam Kaplan was a member, and that his brother was one of the three owners of the Base Sorting Co.?

Secretary BAKER. I never knew the facts. I knew them when you learned them. I learned at that time the relationship between them.

Senator McKELLAR. Do you think it is a wise governmental policy to permit that kind of dealing in your department? For instance, let me be specific about these things. Here is a member of the committee on supplies. That committee directs the organization of a corporation like the Base Sorting Co. That corporation is owned by one of the brothers of one of the members of the committee. Then you have one of these kind of contracts that we have been discussing, with the result that we have seen—the cancellation of the contract and great notoriety with respect to all that are connected with it. Do you think that it is wise governmental policy for these things to be permitted?

Secretary BAKER. It has turned out to be unwise, because it has given rise to this suspicion; but the only answer that I can give to you is to limit all families to one member, so that no one will have relatives. [Laughter.]

Senator McKELLAR. Don't you think it would be better to select as employees of the Government a centralized force to do the purchasing?

Secretary BAKER. Yes, sir; I think that is wiser, and I have done it; but this is an unescapable consideration, Senator, that you can not get anybody, either as a Government employee or as a private individual, wise enough to buy things who does not know about the things he is going to buy. Whether you put them in uniform, or wherever you put them, you have to act as carefully as you can, and you are obliged to have men who have an acquaintance with the things they are going to do. The way to get an acquaintance with them is by doing them.

Senator WARREN. Mr. Secretary, let me refer to that contract. How did that read as to length of time?

Secretary BAKER. It was to be terminated on 30 days' notice.

Senator WARREN. You had the right to terminate it?

Secretary BAKER. I so understood.

Senator WARREN. I know the contracts usually read that way.

Senator FRELINGHUYSEN. I want to ask a question which is constructive. I want to ask the Secretary if he does not believe that the Quartermaster General's Department could have, through the reserve officers in the various localities, instead of a centralized plant under private control, redistributed the clippings in the districts where there were Government contracts?

Secretary BAKER. Senator, the Quartermaster Department started out with 350 officers, none of them knowing anything about the conservation of wool, rags, and scraps. It was therefore necessary for the Quartermaster Department to bring into its service officers in great number until they now have over 8,000. They have had to train them as they went along. I think they have now arrived at a stage where they can do this

work better than anybody else can do it, and that is the reason I canceled the contract.

Senator FRELINGHUYSEN. The complaint has been that there has been a great deal of commercial jealousy in regard to it, and if the Government is going to handle rags, so to speak, it should handle them through its own department instead of through another concern.

Secretary BAKER. Senator, not only since the war began, but since the world began, there has been that sort of jealousy between the man who gets a chance to do a thing and the man who wants a chance to do it.

Senator FRELINGHUYSEN. I am asking you a practical question, Mr. Secretary. Can not the War Department take care of that better than a private concern?

Secretary BAKER. I think so, or I would not have ordered it that way.

Senator WEEKS. I would like to ask a question.

The CHAIRMAN. Is it about this Kaplan matter?

Senator WEEKS. If I mention Kaplan again in this committee room I ask you to take me to task for it. The Secretary has made one comment which I want to ask about. He spoke of entering into a contract in good faith. Presumably that was done on the part of the Government. Now, Mr. Secretary, what have you to say as to a man who knows the business of sorting rags, who is employed because he does know the business, and who imposes a contract on the Government for four times what it costs to do the work?

Secretary BAKER. Do you mean this 6-cent price?

Senator WEEKS. Yes, sir. There has been ample testimony that it can be done for 1½ or 1¾ cents.

Secretary BAKER. If it was known at the time that the price of 6 cents was excessive, then the action in making that contract was reprehensible.

Senator WEEKS. These dealers must have known that was excessive.

Secretary BAKER. On that assumption, their position is not defensible.

Senator WEEKS. It could not possibly be.

Secretary BAKER. The statement made by Mr. Eisenman was that neither he nor anybody else knew just what the cost would be.

Senator WEEKS. This committee was not looking for this kind of a contract. It simply happened to stumble upon the Base Sorting Co.

Secretary BAKER. My action was taken before the committee did anything about it.

Senator WEEKS. As a result of an investigation by the Quartermaster Department?

Secretary BAKER. As the result of an investigation by the Quartermaster Department; yes, sir.

Senator WEEKS. What I want to ask you particularly is: Don't you think there is a possibility that that kind of thing may happen again when secrecy is the policy in making contracts or making purchases of supplies?

Secretary BAKER. I think it may happen even when the policy of secrecy is not followed. In fact, nothing but proper vigilance will prevent it, in my opinion.

Senator HITCHCOCK. Who fixed the 6-cent price named in the contract?

Secretary BAKER. I do not know about that. I assume it was suggested by the men who were making the contract and approved by Mr. Eisenman. Mr. Eisenman told me that that price was fixed because it was not known what the cost would be, and that it was to be subject to audit and change.

Senator HITCHCOCK. Was it not fixed first at 5½ cents?

Secretary BAKER. I do not know that.

Senator HITCHCOCK. The testimony shows that it was first fixed at 5½ cents.

Secretary BAKER. I do not know that.

Senator HITCHCOCK. We have been unable to find the reason why it was raised, except that it was the request of the company that was making the money out of it.

Secretary BAKER. I do not know that.

Senator HITCHCOCK. The contract shows on its face that it is intended to give a profit to a certain company. It was entered into for that purpose. That was the reason the company went into it.

Is it not a reflection either on Mr. Eisenman's ability as an expert or upon his good faith in serving the Government that he should agree to a price three or four times as large as the actual cost of doing the work?

Secretary BAKER. Not necessarily, Senator. Of course it shows either a lack of attention to the matter, or, taking your suggestion, a reflection on the good faith of Mr. Eisenman, unless one accepts Mr. Eisenman's statement, which I do, that nothing was known at the time so that a price could be accurately fixed.

Senator HITCHCOCK. When did he protest against the cancellation of the contract?

Secretary BAKER. I do not know that he protested after it had been ordered canceled. He came and told me the facts which I have been telling the committee and which he told the committee. He told me in his judgment it was a proper contract, and he hoped it would be allowed to stand.

Senator WEEKS. Suppose the testimony showed that even after it was demonstrated that the contract was two or three times as high as it should be he still protested against its cancellation?

Secretary BAKER. It must be recalled, Senator, in that connection that when he appeared before the committee and when he talked to me about it, and before I had my first contract with the Kaplan Co., the profit had been reduced to a maximum of one-half cent a pound. There had been filed with the Quartermaster General a letter disclaiming any profits at all, and not only disclaiming any future profit, but there was an offer to pay back to the Government every penny that had accrued up to that time.

Senator HITCHCOCK. The testimony indicates that was done after the probe was started.

Secretary BAKER. No. It was filed at least a month before the probe started.

Senator HITCHCOCK. The testimony is that a man named Loiter, along about the 14th of December, wrote a letter in which he exposed the fact that the contract provided for an enormous profit.

Senator WADSWORTH. It was earlier than that, Senator.

Senator HITCHCOCK. Yes; I think it was November 14 when that started.

Secretary BAKER. That I do not know about.

Senator HITCHCOCK. He gave the figures, and after that Mr. Eisenman protested vigorously against the cancellation of the contract.

Secretary BAKER. Those facts have not been brought to my attention.

Senator HITCHCOCK. They have been brought to the attention of the committee. We were unable to understand why, if he was an expert, he did not know, in the first place, that the contract provided for such a high price; and the cost that was stipulated was suspicious.

Secretary BAKER. I am sorry, Senator, that I can not help myself as to those dates. I have understood, however, and Mr. Eisenman's statement to me contains the fact that the entire contract, in its prosecution, was under audit and under the control of the depot quartermaster, and that the final renunciation of profit was filed with the Quartermaster General long before I heard of the contract at all.

Senator HITCHCOCK. It was only filed after the probe had been begun.

Secretary BAKER. Not after I ordered that canceled. That was the first contract we had with them.

Senator HITCHCOCK. You ordered it canceled, but as I understand it, an actuary or expert bookkeeper had gone through the accounts and made a report to you?

Secretary BAKER. No report was made to me except the one which Gen. Sharpe made, which was a memorandum showing that the profit was excessive.

Senator HITCHCOCK. Mr. Eisenman produced before this committee the report of an expert bookkeeper, which he said he had not read, but had turned over to you. I examined the paper and it showed a very large profit.

Secretary BAKER. I do not want to be in the position of saying that it was not turned over to me, but my recollection is that the only paper I have had from Mr. Eisenman on that subject is this paper [indicating], which is a general statement.

Senator HITCHCOCK. It is an argument.

Secretary BAKER. Yes, sir.

Senator HITCHCOCK. And it does not state the terms of the contract or any dates?

Secretary BAKER. I do not recall having seen the actuary's statement.

Senator HITCHCOCK. The representatives of the Quartermaster Department have appeared before the committee and said that the result of their investigation was to show a large profit.

Secretary BAKER. On the basis of the 6-cent price?

Senator HITCHCOCK. Yes. They intimated that that was the reason the contract was canceled.

Secretary BAKER. That was one reason. When Gen. Sharpe came and told me about it he gave me two reasons: The first was that the department for the reclamation of waste had been adequately organized; and, secondly, the investigation which he

things which the Government will want to do, about which we think they have now arrived at a stage where they can do this

had made showed an abnormal profit. It was on that basis that I canceled the contracts.

Later Mr. Eisenman came to me and told me that prior to that time it had been agreed to reduce the profits, and that later on there had been a total renunciation of profits.

Senator HITCHCOCK. The committee took that as an indication that they were frightened and were running because the probe had been started.

Secretary BAKER. Of course, I can not comment on what I do not know.

Senator MCKELLAR. There is another question that I would like to ask. You have stated, Mr. Secretary, that the purpose of this supply committee was to get men of technical skill and ability to seek out these customers and fix prices and to see that the Government would be protected. The truth is that Mr. Kaplan, engaged in this same kind of business, had been selected by Mr. Rosenwald and Mr. Eisenman and brought here to act as a member of this committee on supplies. Surely this committee could not have been in absolute ignorance as to what kind of a price this Base Sorting Plant should have. Why, under those circumstances, was it that they did enter into the contract which proved so exorbitant when they had this expert advice of Mr. Kaplan?

Secretary BAKER. I have tried to say that in spite of the fact that Mr. Kaplan's brother was engaged in the business, as Mr. Eisenman told me and as he told you, and in spite of that much expert knowledge, there was uncertainty about the cost of doing this work, and that this was put in as an experimental price.

Senator MCKELLAR. So that in that particular instance the expert on the committee was not of much account?

Secretary BAKER. He was a bad guesser.

The CHAIRMAN. Considering this blunder, if you please to call it that, or this attempt to defraud the Government, what has it cost the Government in dollars and cents?

Secretary BAKER. Nothing.

Senator MCKELLAR. Is Kaplan still connected with the committee?

Secretary BAKER. I think his services have been discontinued.

Senator MCKELLAR. I want to congratulate you on that.

Senator KIRBY. I want to ask a question about a statement that Senator HITCHCOCK made. I am informed, in reference to this statement of the actuaries, that it was mailed the other day. When Mr. Eisenman came up he had the statement himself. If the Secretary got one, he was just mailed a copy the other day.

Secretary BAKER. I have not seen it.

Senator HITCHCOCK. Mr. Eisenman's statement was this, that this statement of these experts showed clearly that they had very carefully examined the books of the concern, apparently under your instructions or the instructions of the Quartermaster General. They show that the cost of operation has been about $78,000 and the profit something over $80,000. Mr. Eisenman was asked some questions about it, and he said he did not read it; that he simply turned it over to you.

Senator MCKELLAR. Turning for a moment to something else, I would like to ask you a question: You issued another order, either through the Quartermaster General's Department or through the Council of National Defense, that secrecy should be observed about the letting of these contracts; or, at any rate, it has been testified here that you issued that kind of an order, and that since you issued that order the facts in regard to those contracts have not been divulged to the public generally. Is it a fact that you issued that order?

Secretary BAKER. Something like that is the fact. I issued an order instructing the withholding from publication of the names and locations of plants manufacturing Army supplies.

Senator MCKELLAR. Mr. Secretary, do you think that is a wise governmental policy, that policy of secrecy about contracts?

Secretary BAKER. Yes, sir; I thought it was necessary under the circumstances, Senator.

Senator MCKELLAR. Do you still think it is necessary?

Secretary BAKER. I am inclined to think it may still be necessary.

Senator MCKELLAR. Do you know that the Navy Department has followed a precisely contrary policy, and that it has worked like a charm?

Secretary BAKER. Yes, sir. I know that the Navy Department's purchases are relatively small and are being made in continuation of an admirable system requiring very little expansion. The amount of difficulty which the Government has experienced—I do not care to enlarge on the subject especially—has been increased by attempts to make trouble for the Government in supplying manufacture, and that was enough, in my judgment, to justify the withholding of that information.

Senator MCKELLAR. Is there not something about the American people that abhors secrecy on the part of contracts with the Government? When you come down to look at it, is it not an unwise policy to withhold knowledge and information with regard to contracts made by the Government, which stands for the people?

Secretary BAKER. Senator, the American people are very wise and very sensible people. They want to win the war and they want the Army to be supplied as rapidly as possible. They want as little of this information to get to our enemies as we do. They do not want to interfere with our preparations; and I want to say that there has never been a suggestion of secrecy by any member of this committee with reference to contracts, except as to the general dissemination of knowledge in places where it might have caused serious difficulty.

Senator MCKELLAR. Do you know whether it would be impossible for other contractors, or would-be contractors, to get information about contracts already made from the committee on supplies?

Secretary BAKER. I suppose I know that inferentially.

Senator MCKELLAR. Do you indorse that?

Secretary BAKER. I would not desire to withhold it from an accredited person, but I should be very loath to give to anybody the location of all the places where the Government is having supplies manufactured, and thus concentrate any hostile demonstration which might be undertaken against Government supplies.

Senator MCKELLAR. Do you think our Navy has been endangered by its policy of openness?

Secretary BAKER. I can not say how much they have been endangered. They have been fortunate.

Senator FRELINGHUYSEN. Did this order nullify the practice or law in regard to public advertising and the publication of awards?

Secretary BAKER. Yes, sir. Emergency purchases were all made after the practice of competitive bidding and open advertisement and award had been suspended.

Senator FRELINGHUYSEN. That was the purpose of the War Department, was it not, when you issued the order?

Secretary BAKER. I do not think the two things were contemporaneous. I think there were a number of fires supposed to be of incendiary origin, and some other disturbances of that sort, which rather brought the attention of my associates to the danger that the Government was under. Then we made that order.

The CHAIRMAN. That was the reason?

Secretary BAKER. Yes, sir.

The CHAIRMAN. What was the date of the order?

Secretary BAKER. I can not remember.

Senator HITCHCOCK. Who asked for that?

Secretary BAKER. I do not remember.

Senator WADSWORTH. Mr. Eisenman testified that he asked for it.

Secretary BAKER. I do not remember it. It did not come directly from Mr. Eisenman. It must have come through military channels.

Senator FRELINGHUYSEN. The secrecy maintained by the committee on supplies and the War Department will not prevent people from knowing where Army contracts are made or with whom they are made, because every employee working on Army contracts knows that he is. The principal evil which seems to exist in this system is that it affords a man, to use a slang expression here, "in the know" an opportunity to tip off his associates in the business. He knows that certain awards are to be made and therefore can give a preferred opportunity to certain manufacturers to secure business, such as the selling of raw material or machinery for the manufacture of these Government products, thus shutting out others who are entitled, or should be entitled, under the open-door policy, to free opportunity to trade with these people. That is the criticism that is leveled against the system.

Secretary BAKER. The criticism, Senator, is not logical. It may very well be that making awards to designated contractors without advertisement deprives somebody who might have had an opportunity otherwise to bring himself to the attention of the awarding party of that opportunity, but when the award has actually been made, the withholding of that from publication deprives no one of any opportunity, because the award has already been made.

Senator FRELINGHUYSEN. In the publication of awards, Mr. Secretary, the trade knows who is the successful bidder and they can offer their merchandise to the successful bidder. That creates competition and lowers prices, whereas if only this committee, which has enjoyed a large amount of business, knows

they can inform the outside manufacturer, and he receives information that others do not get.

Secretary BAKER. I think there is a failure of fact in that. Nearly all of these contracts were contracts where the Government was supplying the raw material at fixed prices and where there was no question of any further saving to the Government, because the contract was actually made and the price fixed.

Senator FRELINGHUYSEN. Mr. Secretary, I happen to know a great many things about this. I come from a large industrial State. I hear very many complaints. I am not taking up details. I am simply saying that I know this, that a certain factory that was being expanded to meet the Government's requirements as to capacity was in the market for machinery, or for certain parts of machinery and raw material, building material, and so on; and that before anyone knew of the award in that particular case there were directed to that concern certain manufacturers who could supply the machinery. They knew it before the outside world, and therefore there was no competition.

Secretary BAKER. I can not answer that, because I do not know the facts in the case.

Senator FRELINGHUYSEN. That is the general situation.

Secretary BAKER. It may be very well that the committee on supplies or the Quartermaster General, in making an award to the A or B or C company, said to the D, E, and F company, "Sell this machinery to this company; we want to give priority orders, and we want to get the machinery to the company, because we are going to use them to manufacture such supplies."

Senator HITCHCOCK. The Quartermaster General testified that he did not select the companies.

Secretary BAKER. I think he did not.

Senator HITCHCOCK. Don't you think that there is danger of building up a system of favoritism and secrecy?

Secretary BAKER. Yes, sir; there is danger.

Senator HITCHCOCK. Hasn't that been the result?

Secretary BAKER. I do not think so. If it has resulted, it has been a minimum. I doubt if it has resulted at all. I am anxious to have it understood that I do not think that that is the ideal way to do things, but when a department with 360 officers is called upon to place contracts involving $800,000,000 of expenditures, or $2,000,000,000 of expenditures, they must use the nearest weapons at hand to do it, and while they are perfecting the organization with a view to getting an ideal system they must make the best use they can of the existing instrumentalities. I think that is what they did.

Senator WEEKS. Let me call your attention to the possibility of gross irregularities in the system. Between the 12th day of April, 1917, and the 30th day of April, 1917, there were let some 20 contracts for blankets varying in price from $2.75 to $6.25. How is anybody going to know—of course the answer would be that there was a difference in the quality of the blankets—but how is anybody going to know that a contract was not given to somebody for a $4.50 blanket that some one else might manufacture for $3.50?

Secretary BAKER. I think it is possible to imagine that some evil was done.

Senator WEEKS. Will you tell us how we can find out?

Secretary BAKER. Ask Mr. Eisenman.

Senator WEEKS. If you should ask Mr. Eisenman questions as long as we have and discover how uncertain are his answers, you would have a clearer knowledge of the difficulty of getting his evidence.

Secretary BAKER. I understood from Mr. Eisenman that he had the facts about every case with him.

Senator WEEKS. How are we going to know what the quality of a blanket furnished by Gimbel Bros. in New York at $6.25 is as compared with a blanket furnished by White & Co., of Boston, at a price of $2.75?

Secretary BAKER. Very easily. Whenever I have talked to Mr. Eisenman about these subjects he has known the exact number of ounces of wool, the quality of the wool—whether it was half-blood or one-eighth blood, or whatever it was. It seemed to me that he had tabulated in his head the most particular and detailed information. I have not been able to find a single case in which he was not able to explain exactly that kind of thing. It is all a matter of record.

Senator HITCHCOCK. Didn't Mr. Eisenman have power and opportunity to buy $4 blankets and pay $6 for them?

Secretary BAKER. It would have been possible for Mr. Eisenman to have deceived the Quartermaster General into paying $6 for a $4 blanket.

Senator HITCHCOCK. He instructed the Quartermaster General?

Secretary BAKER. My instructions to the Quartermaster General were that he should rely upon the facts given him by Mr. Eisenman.

Senator HITCHCOCK. Mr. Eisenman named the man who was to supply the goods and fixed the price, and the Quartermaster General did nothing but sign the contract?

Secretary BAKER. He made the contract.

Senator HITCHCOCK. Was it not possible for Mr. Eisenman to pay $6 for a $4 blanket, or $4 for a $2 blanket?

Secretary BAKER. Yes, sir.

Senator HITCHCOCK. What protection had you for the Government under such conditions?

Secretary BAKER. The penal laws of the country are still in force. In addition to that, we had his reputation as a man of integrity, the observation of his associates, and the constant supervision of the Quartermaster General's Department, which would not have allowed itself to make any grossly improper contracts; besides that, we had Mr. Rosenwald's supervision and my constant inquiry about it.

The CHAIRMAN. It is but fair to say that the Quartermaster General testified that in the negotiations for quantities and prices the Quartermaster's Department had a representative present all the time.

Secretary BAKER. All the time.

The CHAIRMAN. One of his corps?

Secretary BAKER. Yes.

Senator MCKELLAR. Do you approve of a decentralized authority in buying goods, such as has been described? Do you think that is a wise plan?

Secretary BAKER. I have said at least twice that, in my judgment, it was the best plan which could be devised, in view of the pressure and size of the emergency, but that it was preparatory to a very much better plan, which has already been inaugurated.

Senator MCKELLAR. That has been abandoned and done away with. Now, Mr. Secretary, I will ask you if you were advised that the specifications as to uniforms, woolen uniforms, with reference to overcoats, breeches, and blouses have been changed, so that our uniforms and overcoats would thereafter be part wool and part shoddy?

Secretary BAKER. I do not think I was ever advised about that, but I do not like to be positive, because it may have been told me.

Senator MCKELLAR. Do you recall ever having approved these specifications?

Secretary BAKER. I do not recall that.

Senator MCKELLAR. It has been testified here that previous to Mr. Eisenman's going into the committee on supplies no shoddy was used or no reworked wool was used. You understand the common expression of "shoddy," of course?

Secretary BAKER. Perfectly.

Senator MCKELLAR. It has been testified that no reworked wool or shoddy was used in the uniforms, but that he recommended a change in the specifications by which our boys should be clothed in uniforms of 65 per cent raw wool and 35 per cent shoddy. In the case of overcoats, a portion of them was to be 65 and 35 per cent, and the other 50 and 50. In the case of blankets, I believe there was the same proportion—50 per cent raw wool and 50 per cent shoddy. You say that you do not recall having had that submitted to you?

Secretary BAKER. Not in advance.

Senator MCKELLAR. Was it ever submitted to you?

Secretary BAKER. After it was submitted here.

Senator MCKELLAR. Did you approve of that change?

Secretary BAKER. I do not know enough to approve or disapprove.

Senator MCKELLAR. Are you willing for the men who are in the Army, either as volunteers or National Guardsmen or drafted men, to go to the trenches in uniforms that are made partly of shoddy? Do you think it is wise to do that?

Secretary BAKER. Senator, the best information I have on the subject is that the experts agree that the cloth in these uniforms is considered adequate—I mean the admixture of wool and reworked wool. I do not pretend to have an opinion on that subject. I may say that the wool condition in this country is such that it is advisable to conserve wool.

Senator MCKELLAR. Is not wool so plentiful in this country that within the last few weeks the embargo on exports of wool has been removed by the Government?

Secretary BAKER. I can not answer that.

Senator MCKELLAR. If that is a fact, then there is no such shortage as would require that our boys should be clothed in shoddy?

Secretary BAKER. I can not answer that, but I can say that for some months there was serious consideration given to what was regarded as a threatened shortage in wool. Very great

efforts were made by several branches of the Government to secure larger importations of Australian and other wool. The commercial board was exceedingly anxious to economize in wool as far as possible. It may not be unknown to you that we procured from women's dressmaking establishments promises to limit the number of styles with a view to economizing in wool. The French Government made similar efforts. There has been a constant effort to save wool in anticipation of a shortage of the supply.

Senator McKELLAR. We agree wholly about the necessity of conserving wool and the necessity of the Government having an ample supply of wool for uniforms for the boys.

Secretary BAKER. Entirely.

Senator McKELLAR. Do you recall a visit of the Boston Wool Dealers' Association on the 3d of April last, at which time these wool dealers offered the Government their entire holdings of wool at a price to be fixed by the Government as of date before the beginning of the war?

Secretary BAKER. I do not remember that.

Senator McKELLAR. They did not call on you?

Secretary BAKER. Not that I can remember. I was seeing so many delegations at that time that it would not be unnatural for me to forget it.

Senator McKELLAR. In July afterwards were other holdings offered to you?

Secretary BAKER. I have no recollection of that.

Senator McKELLAR. Do you recall a visit from Senator KING, of Utah, and the president of the Western Wool Growers' Association in October last?

Secretary BAKER. Very well.

Senator McKELLAR. Did they offer the holdings of the Western Wool Growers' Association?

Secretary BAKER. I remember the visit very well, indeed, but I can not give the details of the conversation. The general purport of the conversation was——

Senator McKELLAR. We will be very glad to have that.

Secretary BAKER. The general purport of the conversation was that it would be a wise thing for the Government to buy the entire holdings at a price to be fixed by the Government for the purpose of saving the middleman's profit.

Senator McKELLAR. You did not accept that proposition?

Secretary BAKER. I referred the matter to the raw-material division of the War Industries Board.

Senator McKELLAR. Did you ever know what became of it? Do you know whether it was declined?

Secretary BAKER. No; I do not think I ever knew what became of it.

Senator McKELLAR. Mr. Secretary, looking at it as a concrete proposition, of course as soon as war is declared, we all know what the effect is. We know that the inevitable effect of a declaration of war is to send the price of wool up. That is always the case, because we have to use wool for so many purposes, especially for clothing. Don't you think it would have been a wise policy to have taken these various holdings, if they could have been gotten at terms satisfactory to the Government, at the time they were offered?

Secretary BAKER. My recollection is, with reference to the visit of Senator KING and the president of the Wool Growers' Association, that I not only asked them to take it up with the raw-material division of the War Industries Board, but also asked them to talk to Gen. Sharpe about it, because there had been discussions between us about the advisability of buying a supply of raw wool for the purpose of controlling price and preventing its enhancement. That had been taken up with Mr. Eisenman. He was anxious to have it done in order to stabilize the price of wool. Gen. Sharpe had brought it up a number of times. At the outset, however, there was some doubt as to whether appropriations made for other purposes could be used for the storing and the buying of raw material. It had never been done before by the War Department. The Judge Advocate General's advice was asked. He concluded that we had the power to do it. As I understand it from Mr. Eisenman, by my direction a sum of money appropriated originally for cloth was authorized to be expended. When the matter had gotten that far, Senator KING and the president of the Wool Growers' Association called upon me. As it was part of an earlier subject of conversation, I referred it to Gen. Sharpe. Whether or not the conditions justified the War Department in buying the entire supply of wool, I do not know enough to answer.

Senator McKELLAR. The inevitable effect of changing the specifications of our uniforms, according to Mr. Eisenman's ideas, from all wool, or virtually all wool, to a mixture composed of wool and shoddy, was to increase the price of shoddy in this country, was it not? Would not that increase the price of shoddy?

Secretary BAKER. Undoubtedly.

Senator McKELLAR. Did it ever occur to you, Mr. Secretary, that the reason for not accepting the woolgrowers' offers of wool at a price to be fixed by the Government was in some way in the interest of shoddy manufacturers in the country?

Secretary BAKER. That never occurred to me, Senator.

Senator McKELLAR. It would have a tremendous effect upon the price of shoddy.

Secretary BAKER. I think the use of reworked wool by the Government in large wool and clothing manufactories would inevitably tend to increase the value or market price of reworked wools, but I did not consider the question personally.

Senator McKELLAR. You say there is no serious situation now about overcoats and clothes?

Secretary BAKER. Yes, sir.

Senator McKELLAR. I think perhaps you received a letter from me this morning, or yesterday morning, in which I quoted a statement taken from a letter from a young man at Fort Oglethorpe, in the Regular Army, in which he says that he has never seen an overcoat yet. I have a great number of letters from boys in many of the camps in which they say that they have never received overcoats or woolen blouses.

A young man from Camp Meade, immediately near us, came into my office the other day. I saw that he was a soldier boy from my home. I saw that he was clad in a very fine overcoat. I said to him, "Well, I am delighted to see that you have got a warm overcoat." He looked somewhat confused. I asked him what was the matter, and he said that when he got permission to come up to see me his officer asked where his overcoat was. He said that he did not have one, and then the officer said. "That will never do. It will never do for you to call upon Senator McKELLAR without an overcoat. We will scrape up one and give it to you." They borrowed an overcoat for him, and he came over to see me. I am inclined to think, therefore, that your information about the boys being furnished with overcoats, and that there is no serious situation as to overcoats and clothes, is not quite accurate. I have no doubt your figures are all right, as taken from the books, but the actual fact is that those boys have not got the coats.

Secretary BAKER. I have not received the letter which you sent me, but certainly as long ago as three weeks I went down to Camp Meade to see a review of the entire division; and Gen. Nicholson, in inviting me to see the review, with some mirth in his voice told me—and some considerable merriment—that he wanted me to see one division in which every man had an overcoat.

Senator McKELLAR. I think he was mistaken in that.

Secretary BAKER. And the entertaining part of it was that when I did see those boys, and I saw one man without an overcoat, I asked Gen. Nicholson why it was that that man did not have an overcoat, thinking the joke on him. He said that he would find out. When he asked the young man why he did not have an overcoat, he said he had left it in the tent, because he found it too warm while he was exercising.

Senator McKELLAR. You think that conditions have been greatly improved as to overcoats and coats?

Secretary BAKER. Very much.

Senator McKELLAR. And you think there will be clothes enough very soon?

Secretary BAKER. I think the prolongation of apparent insufficiency may be due to the failure of sizes. There have been a great many surprises about this. The Army has for years had preparedness enough to have a schedule of sizes. When they ordered the clothing, shoes, or things of that sort they were ordered according to the schedule of sizes. But we have met with a great many surprises lately. Either we are getting larger Americans or Americans are getting larger; I do not know which.

Senator WARREN. That was about all you did have, was it not—sizes?

Secretary BAKER. Yes. We had a table of sizes. We have now discovered that our difficulty is not to get shoes enough, but to get enough of the larger sizes.

Senator McKELLAR. I have one other matter that I wish to ask you about, and then I am through. You commandeered the output of the Thames River mills and the Millbrook mills. I think the Millbrook mills are in Connecticut, but I do not know where the Thames River mills are. I think they are in that neighborhood, somewhere. Will you tell me why you did that, and at whose instance?

Secretary BAKER. I have never heard of it. I may have signed a commandeering order.

Senator McKELLAR. Do you recall signing any commandeering order?

Secretary BAKER. A great many of them.

Senator WEEKS. That is the only case in which mills have been commandeered?

Secretary BAKER. I hardly think so, Senator. That may be the only case in which a clothing mill has been commandeered, but I am not sure about that.

Senator HITCHCOCK. There is a hypothetical question that I would like to ask the Secretary. You have stated that when these Boston wool dealers, almost upon the day that war broke out, offered to the department and to you, as they have indicated, a very large quantity of wool at the price of April 2, you remembered nothing about it.

Secretary BAKER. Yes, sir; I do not remember that visit.

Senator HITCHCOCK. The indications before the committee have been, in all the testimony, that there has been some scarcity of wool and that that was the reason that the shoddy was to be used; also that there has been an enormous advance in the price of wool, and that the failure to take advantage of that offer has cost the Government $150,000,000. Now, my question is this: Would it not have been a great deal better for that offer to have been made to a minister of munitions or supplies who could have acted upon it, instead of turning it over to some one else?

Secretary BAKER. When was that made?

Senator HITCHCOCK. The 3d day of April.

Secretary BAKER. I will say that there was not enough money appropriated at that time for the War Department to have bought one-third of the wool comprehended in that offer if the War Department had had nothing else to do with the money except to buy wool. No minister of munitions or anyone else could have used it for that purpose.

Senator HITCHCOCK. The proposition is twofold. On the 4th of March, Congress had placed at the disposal of the President $100,000,000, without any qualifications, and on the very day that Congress assembled in April, it was ready to make any appropriation. The lack of money could not have been a reason for failing to do this.

Secretary BAKER. It would not make any difference whether it was the Secretary of War or a minister of munitions, there was no money to buy it. The War Department was already $500,000,000 in debt.

Senator HITCHCOCK. That was not the reason that this great offer was not accepted?

Secretary BAKER. It was not brought to my attention.

Senator HITCHCOCK. The War Department later bought some without any further authority, when the offer was made.

Secretary BAKER. When the matter was brought to my attention I authorized the purchase of wool after getting from the Judge Advocate General an interpretation of the law on that particular question.

Senator HITCHCOCK. That offer was referred first to Mr. Eisenman and his committee, but nothing was done with it?

Secretary BAKER. I never heard of that offer.

Senator HITCHCOCK. Is not that a strong argument for the establishment of some power in the War Department to act upon these questions?

Secretary BAKER. No, sir; I do not think so, because later the War Department did take that action.

Senator HITCHCOCK. Hasn't the Secretary of War too many things to attend to?

Secretary BAKER. I do not think so.

Senator HITCHCOCK. So that he can not give immediate attention to these matters?

Secretary BAKER. I think he can; but that is a part of the argument reserved for a later place, I believe.

Senator WADSWORTH. In connection with that offer, it has been testified here very clearly that while the offer was made on April 3, it was met with doubt that the Government did not have the authority to purchase the wool, and it took until June 16 to get an opinion on that question.

Secretary BAKER. That is not quite accurate, Senator. I am not prepared to say that the only doubt was the question of the Government's power; but we were entering into a situation in which there were shortages in a great many things. Wool was not the only thing that there was an anticipated shortage of. There was an anticipated shortage in cotton, in leather, and so on. I could enumerate dozens of things.

Senator WADSWORTH. I understand that, Mr. Secretary.

Secretary BAKER. If the policy of the Government in dealing with materials in which there was a shortage was a monopolistic purchase of the entire supply, it would have exhausted not merely the anticipated appropriations, but all that Congress could have appropriated. There had to be some policy determined upon.

Senator WADSWORTH. I am not discussing for a moment the appropriation part of it at all. My question was for the purpose of finding out why it took from April 3 to June 16 to determine if it was legal.

Secretary BAKER. It did not take that long.

Senator WADSWORTH. That has been testified to specifically in this investigation.

Secretary BAKER. Of course, Senator, that does not mean that either some one or some persons were considering that question, and that question only. A policy had to be determined upon as to whether the way to control the price of a staple product was by purchasing a controlling quantity of the existing supply.

Senator WADSWORTH. The testimony before this committee from those who certainly should have known what was done in that period is to the effect that that period was not exhausted in determining the policy of the Government, but in determining whether the Government had a right to purchase the wool.

Secretary BAKER. I think that is erroneous. It is too narrow a statement. When the question was presented to me as to whether we should buy wool, the first reaction in my mind was, Shall we undertake to buy a controlling quantity of every supply as to which we are short? In the meantime Congress was in session and was considering other methods of price control. It was considering the question of prices of iron and steel, and things of that sort.

Senator WADSWORTH. The testimony is very clear, Mr. Secretary, that the War Department was not debating that point between April 3 and June 16.

Secretary BAKER. I can not help what the record shows, I know, as far as myself was concerned, I had a very serious question whether that was the right way to control the price of all staple products.

Senator KIRBY. The matter under consideration, this specific offer of the Boston wool dealers, you yourself say you do not remember?

Secretary BAKER. I do not remember their visit of April. My first remembrance is that Mr. Eisenman came to see me one day and recommended the price of wool be prevented from rising by the Government making direct purchase of wool.

Senator KIRBY. Do you remember about when that was?

Secretary BAKER. No; I do not; but I think not later than the 2d of April.

Senator WARREN. I refer to that delay, which I recommend on, because it has appeared so many times in this investigation that it takes the War Department literally weeks and weeks to arrive at some decisions which are exceedingly simple.

Secretary BAKER. That was not simple.

Senator WARREN. The legal question was simple.

Secretary BAKER. The legal question was simple, but the policy question was exceedingly complicated, and I do not know at this moment whether the offer the Boston wool merchants made to sell had that part in.

Senator HITCHCOCK. It was the price it was in the market.

Secretary BAKER. Was that what they paid for it, as a matter of fact?

Senator WEEKS. Quite likely not.

Secretary BAKER. How much was the enhancement?

Senator HITCHCOCK. But it was a very much lower price than at present; it has been advancing since.

Senator WARREN. There was a very rapid advancement for four or five months before, and especially during the month of March. I recall it because some transactions came up. Of course, it was lower then than now, but it was higher than it had probably been since the war.

Secretary BAKER. Then what actually occurred, the offer of which had to be considered, was that the Government should take over their entire stock of wool at a price which represented a continuous enhancement for five months, and thus make a very large contribution to the profit of those who held it in the meantime.

Senator WARREN. I do not think you ought to say five months continuous, because it had been increasing since the low price of two and one-half years before, but there was an advancement, and, as I understand this offer it was at the going market price—that is, they would furnish the Government whatever they wanted at that.

Secretary BAKER. It is easy to see, Senator, how those who did consider that suggestion at that time might well have had in mind resort to some price-fixing process with a view to saving at least part of the enhanced price.

Senator WEEKS. I do not think the Secretary ought to allow that statement to remain as a possible reflection on the Boston wool dealers.

Secretary BAKER. Quite the contrary, I had no such intention.

Senator WEEKS. This took place on the 2d of April. The first purchases of wool by wool dealers did not take place more than three months before that time at the most, if I understand the question, and if I am wrong, we have a gray shepherd here who can correct me.

Senator WARREN. It is not usually the case they buy until shearing time, which commences the last of March, but for the last two or three years there have been men in the market, and I say it with a good deal of regret that one lot I was interested in went last February. I say it with regret, because it went at a lower figure, but they have contracted in the West very largely the last two or three years beforehand.

Senator WEEKS. Whatever price the Boston wool dealers paid for this wool, there was absolute certainty there would be an advance in the price of wool immediately after the declaration of war?

Senator WARREN. Oh, yes; and in offering wool the day before or the day war was declared, that certainly was all the men could be expected to do, and knowing the men, I feel confident they did it from patriotic reasons.

Secretary BAKER. I have not the slightest doubt or disposition in any statement in the record I have made to even imply a reflection on the good faith of that offer, and if I have made any such statement in the record I should like to have it understood as withdrawn.

Senator WEEKS. I should like to add that this very morning one of the leading wool dealers in Boston has been to me to say that he believes it should be the policy of the Government to buy the whole domestic clip, and to do it now; that the shearing is commencing in Arizona and southern California; and that the Government should control the wool supply, and in that way control the price of wool, using what it requires and turning over to civilian uses what there is left, and this man added, in entire good faith, that that would mean closing his business.

Secretary BAKER. The only comment I can make on that, Senator, is that identically the same suggestion has been made to me in regard to the purchase of the entire cotton and the entire wheat crop, and it would have involved enormous governmental finances.

Senator WEEKS. The conditions are different; there is not anything comparable to the requirements for wool in any of the great staples, and the limited supply.

Secretary BAKER. But for the arrangements which already had been made for the control of the price of wheat, I think the wheat case would be even more acute than the wool case.

Senator WADSWORTH. We are self-supporting in wheat and in cotton, and we are not in wool; that is the whole difference.

Secretary BAKER. Yes; we are self-supporting in wheat and cotton, and yet neither of them is so readily available for substitutes as wool.

Senator WEEKS. Wheat is much more available as a substitute by using corn.

Secretary BAKER. I am not sure that is so, Senator. It is a question of how ready it is.

Senator WADSWORTH. Eventually, Mr. Secretary, you paid more for the wool

Secretary BAKER. I think that entirely likely.

Senator WADSWORTH. Have you heard it estimated as high as $150,000,000?

Secretary BAKER. I had not heard that.

Senator HITCHCOCK. It was estimated at $150,000,000 the Government lost by not accepting that offer.

Senator WEEKS. Not that particular offer; it would not amount to anything like that. The impression which I gave the committee and had myself was to the effect, and I corrected it later, because I obtained figures on the amount of wool which the Boston wool dealers had and found that would be impossible; and then I inquired of my informant, who was a reliable man, and he said it applied to all wools, not only to the wools offered by the Boston Wool Dealers' Association but offered by all others. That fact, that the Government had not taken control of it, affected wool prices.

Secretary BAKER. That, of course, would apply to all wools in the country?

Senator WEEKS. Yes.

Secretary BAKER. All used for export?

Senator HITCHCOCK. That is, all wool that the Government would have required.

Secretary BAKER. No; all wool in the country.

Senator WEEKS. All wool the Government would require was the impression given me.

Senator HITCHCOCK. Then advancement in price of that which the Government has consumed since then, or contracted for, would have amounted to $150,000,000.

Secretary BAKER. That seems to me a very large figure.

Senator WEEKS. I want to say, in my own judgment, that the only thing for the Government to do, and to do now, is to arrange to purchase the wool supply of this country. It will soon be in the hands of dealers, and then the Government will not be able to do it.

Senator WARREN. Mr. Secretary, just one point in connection with the topic that has just been discussed. The Secretary alluded to the lack of money during the month of April with which to make purchases. Mr. Secretary, can you remember what portion of the $100,000,000 which was placed in the hands of the President was allotted to the War Department for emergencies and when it was done?

Secretary BAKER. I do not. There was no definite allotment at the time of that appropriation. Whenever any emergency presented itself we felt free to ask the President to consider it.

Senator WARREN. Gen. Crozier has testified, as I remember it, that no allotment was made to him—to the department—until September; the same day he also testified that the Ordnance Department was handicapped in April, May, and June in placing orders for ordnance supplies on account of the inability of the Government to finance manufacturers; that the manufacturers had great difficulty in converting their plants to new uses; could not finance themselves through the ordinary channels, such as banks; and it was a source of some surprise to me and to some other members of the committee that some of that $100,000,000 was not used to speed up the manufacture of ordnance materials and perhaps other materials, too. Has not the records shown it was not until September that any considerable part of that was allotted to the War Department?

Secretary BAKER. I have no definite recollection about that except two or three times sums were suggested by Gen. Crozier as being appropriate to be expended out of that sum. The question was presented to the President, and in every case he agreed; and finally, in September—if it was September—when Gen. Crozier was very anxious to have some enlarged facilities to be provided for by the Government out of the moneys then in hand, he suggested that the President authorize $35,000,000 of that sum to be put at his disposal, to be disbursed out of that fund for accruing obligations, and I presented the matter to the President, and he at once authorized it. That was in July.

Senator WARREN. Could that have been done to greater advantage in April or May?

Secretary BAKER. I am not sure whether it could or not. As soon as it was presented it was done.

Senator WEEKS. Presented by whom?

Secretary BAKER. Gen. Crozier to me, and by me to the President.

Senator HITCHCOCK. The initiative in such a matter begins with the Ordnance Department, does it not?

Secretary BAKER. Yes; the initiative in that sort of matter would naturally come from Gen. Crozier to me—he suggested by him to me

Senator FRELINGHUYSEN. I simply want to inquire of the Secretary regarding the question of the uniform. When war was declared was there any discussion by the military authorities regarding the needs for the service on the other side in regard to change in weight of uniform?

Secretary BAKER. I can not answer that; I do not know.

Senator FRELINGHUYSEN. Who would be the proper authority to discuss that?

Secretary BAKER. The Quartermaster General would be the primary authority; of course, as soon as Gen. Pershing was abroad with a staff he would study that question—as, in fact, it has been studied—and there has been an interchange of opinion between Gen. Pershing and the Quartermaster General's Department on that subject and myself.

Senator FRELINGHUYSEN. There has been considerable concern on the part of the committee regarding the fact that the uniforms of our soldiers in weight is 16 ounces, and we are informed that the European armies—the English and French—have a much heavier weight; I believe 20 or 21 ounces. And we have been trying to find out whether, anticipating the service on the other side, that was considered by any of the military authorities before the men were sent over there or before the uniform cloth was ordered.

Secretary BAKER. I can not answer that; I do not know. But I can say this, and it is a positive recollection; I read all of the dispatches from Gen. Pershing, and I can not recall that, from the beginning, there has been a suggestion that the uniform was insufficient.

Senator FRELINGHUYSEN. The question of the importance of a proper cloth, in durability and warmth, is one of the most important questions in regard to the health of the troops; next, possibly, to nourishment. Now, do you not think that it would

be a wise military policy for us to consider that before we ordered our troops to the other side, with insufficient clothing, by direct inquiry from Gen. Pershing or some one else?

Secretary BAKER. Of course, Gen. Pershing was not in France much in advance of the troops that went there; but, to answer your question directly, I think, of course, that a continuous study ought to be made to adapt the uniform to the needs of the service in a particular place.

Senator FRELINGHUYSEN. Well, it was not made. There was no consideration given to that very important problem, although the armies in Europe had been fighting for years with a heavier cloth.

Secretary BAKER. Senator, I can not either confirm or deny. I do not know whether they did or not.

Senator HITCHCOCK. Mr. Eisenman stated before the committee repeatedly that he had made no inquiry concerning the British, German, or French uniforms; that he did not know how long they would wear; could not verify it in the last six months, whereas it was currently reported that both the British and French uniforms lasted three times as long as ours. The matter was not considered at all.

Secretary BAKER. I think it is very important. I have no doubt whatever Gen. Sharpe did consider it, and the weight of the cloth was prescribed by Gen. Sharpe for Mr. Eisenman, and if any change was made it was brought to Gen. Sharpe.

Senator HITCHCOCK. The testimony rather intimated that Mr. Eisenman controlled the cloth, even changing the specifications of the cloths.

Secretary BAKER. With Gen. Sharpe's approval?

Senator MCKELLAR. He did it as a matter of course under instructions from the War Department; that he just merely indorsed what was to be done.

Secretary BAKER. I think that must be a misunderstanding. I never gave him instructions on the weight of cloth; I did not know the weight of the cloth, and do not know now except as told.

Senator MCKELLAR. I think the facts about the matter are that Gen. Sharpe had very, very little authority in the supply department of the Government. His principal duty was simply to sign the contracts; and that portion of the department was run by Mr. Eisenman and has been for the last six months. That is, I think, the testimony before this committee.

Senator WEEKS. It is the testimony of both of them.

Senator MCKELLAR. Yes; both of them.

Secretary BAKER. But I feel quite sure nobody ever suggested before the committee that in the event of any difference of opinion between Gen. Sharpe as to what was wise and Mr. Eisenman as to what was wise, there was the slightest difficulty to get the matter settled.

Senator MCKELLAR. They had no trouble about that, because under the order Gen. Sharpe felt that his duties were practically nominal and went ahead and signed and did whatever Mr. Eisenman said.

Secretary BAKER. I am surprised if the testimony has been quite that.

Senator MCKELLAR. I shall be glad if you will look over the testimony on that subject. I think you will find it pretty strong.

Senator FRELINGHUYSEN. The testimony shows that in the change of the specifications that a committee of wool manufacturers and Mr. Eisenman conferred, and that the specifications were changed; in fact as far as we could learn from the testimony the standards were lowered in the overcoatings and in the blankets, and there was no evidence of approval by Gen. Sharpe. Those specifications ordered were directed to the depot quartermasters, and there is an order here on record that you issued directions to the depot quartermasters to take up all questions of cloth, cloth purchase, specifications, etc., with Mr. Eisenman. Now, this is very important for this reason: The statement is made by experts that the uniform cloth in the Army is not as durable and not as warm as the Army had heretofore, and that Mr. Eisenman and this wool committee, under that authority issued by you, changed those specifications and standards.

Secretary BAKER. Is there no conflict in the testimony on that?

Senator FRELINGHUYSEN. I know of no conflict in the testimony on that.

Secretary BAKER. I have not followed it, but I understood that the woolen manufacturers—somebody, the president or somebody in their association—testified that the cloth was adequately strong and adequately warm.

Senator HITCHCOCK. I think Mr. Eisenman in his testimony denied that he had impaired the quality of the cloth, and only asserted he had changed the specifications of it. I think he denied the quality was impaired, Senator.

Senator FRELINGHUYSEN. The standards were changed, according to the testimony of one of the experts from the Quartermaster Department, and he testified that the quality of the cloth had gradually descended in scale under the specifications of Mr. Eisenman's committee. Now, the only interest I have in this, Mr. Secretary, is this: That there is a very important question—the clothing of the soldiers in the Army—and I think some higher authority than a committee of private citizens should determine how the Army should be clothed.

The CHAIRMAN. Pardon me, but was not the testimony of Mr. Eisenman to the effect that this matter of the change, of the addition of reworked wool, was taken up with the officers of the Army, a board of three or more, and while they protested at first, they afterwards became converted to the propriety of reducing the amount?

Senator FRELINGHUYSEN. I should like to see that testimony. I have tried to find it. I can not find anything in the testimony that there was any authority for the changing of the specifications below that of the Army before. This is not a trial, Mr. Chairman; it is an inquiry. All that I want is to see the Army of the United States clothed as well as the armies of Europe, and with as good clothing and with as warm clothing, and I think it is time now for us to at least recommend to one of the departments which has some authority in the Government to consider this promptly and determine whether any future purchases shall not be of a better grade of clothing.

Secretary BAKER. I shall be very glad to have the question examined by the most competent experts I can find. I entirely share the view that we ought to have the best cloth in the service.

Senator MCKELLAR. May I ask you, in doing that, not to select as experts any interested parties?

Secretary BAKER. Yes; I would be very happy to agree to that if I can find anybody who knows anything about it and is not interested.

Senator MCKELLAR. If you or your department can not find them, if you will call on me I think I can find somebody somewhere.

Secretary BAKER. I will make a better proposition than that: I will be perfectly willing to have the cloth made any weight this committee wants it.

Senator HITCHCOCK. Would it not be wise to cable Gen. Pershing and ask him to make an investigation and report to you whether the quality of the English cloth is better than ours, whether the quality of the French cloth is better than ours, wheher it is more suitable for trench warfare than ours, and whether it lasts longer than ours?

Secretary BAKER. I shall be very glad to do that, but Gen. Pershing has in France a very large staff of officers, a very large number of most competent quartermasters in the Army, men of lifelong experience in clothing in the Army; they are formed into a committee at his headquarters to study questions of clothing and to compare British and French with American practice, and it is their duty, without any instructions from us, to make observations and criticisms, and every day the cables bring a long list of things they suggest.

Senator HITCHCOCK. Have they advised the department that the British cloth——

Secretary BAKER. I never heard anything about the clothing; no, sir.

Senator HITCHCOCK. It is strange that after all these years of experience, that the British, French, and German clothing should be 4 or 5 ounces heavier than ours and nothing said about it, and no notice taken of it. Either they are wrong or we are wrong.

Secretary BAKER. Nothing said so far as appears in the correspondence, but I shall be very glad to ask Gen. Pershing to have his department do that.

The CHAIRMAN. Do you know why Gen. Pershing ordered quite large yardage for his soldiers from the British mills?

Secretary BAKER. Yes; I think because ours had not gotten over in time.

The CHAIRMAN. It was not because of the texture of the material?

Secretary BAKER. No; Gen. Pershing has been obliged to make a number of purchases over there. We have encouraged it every time, as it means so much tonnage less of transportation.

The CHAIRMAN. The quality being taken over by his men, I understand, is of the texture we had when war was declared?

Secretary BAKER. Yes—I am not certain about that. Certainly that originally taken over was of the initial supply, but whether any was given of the lighter weight I can not say.

Senator MCKELLAR. Very little, if any, according to the testimony.

Senator FRELINGHUYSEN. Gen. Sharpe testified, when the committee was convened to inquire in regard to the shortage of overcoats and uniforms, that there were strikes and lack of capacity among the garment workers, and the delays in the deliveries were due largely to that. Now, I procured a list of manufacturers who were making the garments, and certain large contractors who were making a large number of uniforms, and I wired them, asking if they had any strikes in their factories. They stated they had not, and that there was nothing that would interfere with their deliveries; but one concern by the name of Kirschbaum, that is making 4,000 overcoats a day, stated that the deliveries would be interfered with in the future if the drastic rules and regulations prescribed by the Bureau of Labor Standards, which you have appointed, were pressed on the manufacturers. A contract which had been prepared by that committee——

Secretary BAKER. They did not prepare it. They were given the duty of inspecting and the enforcement of it, but they did not prepare it.

Senator FRELINGHUYSEN. What was the necessity of that contract, the change in it?

Secretary BAKER. The contract was made primarily to accomplish three purposes: To protect the garments from being made in congested tenements and subjected to the possibility of inoculation with disease; second, to introduce such a standard of price and conditions of labor as would prevent labor disturbances interfering with a continuous supply. In other words, to get a contented and just dealing with labor supply, so it would not be likely to be interrupted; and, third, to induce an obsolescence of State regulations and necessary minimum safety regulations for the workers employed.

Senator FRELINGHUYSEN. Those standards were not prescribed for any other department, were they—the Marine Corps or the Navy?

Secretary BAKER. I do not know that, Senator.

Senator FRELINGHUYSEN. Or any other branches of the Ordnance or the War Department?

Secretary BAKER. Probably not; but, of course, the garment-making industry is peculiarly an industry which has hitherto been relegated to the tenement house and is largely in the hands of women and children, and is, therefore, the industry in which the greatest abuses of labor and the grentest frequency of labor disturbances have occurred.

Senator FRELINGHUYSEN. When these rules were formulated by this committee were any of the garment workers or various associations—and I understand there are a number—called in conference?

Secretary BAKER. I can not remember that, Senator?

Senator FRELINGHUYSEN. You are speaking about the rules?

Secretary BAKER. Yes; about the rules.

Senator FRELINGHUYSEN. Would it not have created possibly a better understanding if they had been called in?

Secretary BAKER. I can not answer that. There has been no difficulty about it.

Senator FRELINGHUYSEN. There was a difficulty in the shortage of garments, in the production, and we have statements here from the associated boards of trade in Rochester, associations in New York, the board of trade in Newark, and manufacturers in Philadelphia that there was a large capacity for garment manufacturing in those towns, and yet Gen. Sharpe testified that there was a lack of capacity. Now comes the word that by reason of these drastic rules that the capacity production will be greatly curtailed, and many of these garment workers will be compelled to either force the Government to commandeer their plants or decline Government contracts.

Secretary BAKER. Senator, of course you are dealing with very general statements.

Senator FRELINGHUYSEN. That is all I have got. I am handicapped in making an inquiry.

Secretary BAKER. I am simply describing the difficulty of making a comment upon general statements. It will have to be general. Those specifications in that contract were made for the purpose of protecting the people in the garment-working industry against abuses, either as to their safety or their hours of labor, to such an extent as to produce a contented condition in the garment-making industry and not have the supply interrupted by labor difficulties. Now, I think those standards are modest standards; I think every one of them has the approval of the people who have been interested in the garment-working industry for many years. They are not flashed out of somebody's head overnight, but dealt with good conditions in the garment-working industry.

The CHAIRMAN. Was the personnel appointed to do that persons who understand the business and did they know anything about this?

Secretary BAKER. At least two of them were experts—one of them the greatest expert in America on the subject, and a person who has no interest of any sort except the interest of the garment workers.

The CHAIRMAN. Who is that?

Secretary BAKER. Mrs. Kelly.

The CHAIRMAN. Who are the others?

Secretary BAKER. Mr. Kirstein, who is a member of the firm of E. A. Filene, in Boston, and the other a reserve officer, Capt. Crusak.

The CHAIRMAN. I think it has been said here that one was a socialist and one a pacifist. They would not be interested in getting very far——

Secretary BAKER. It is true Mrs. Kelly is a socialist, yet I happen to have known Mrs. Kelly for 20 years, and I know in that 20 years she has devoted her time, without cessation, to the intimate and expert study of the conditions under which women and children work in industry, and I doubt whether anybody in America has contributed as much to the introduction of a proper point of view in the life of our people as it affects the working women and children as Mrs. Kelly.

Senator SUTHERLAND. Some are operating under these rules?

Secretary BAKER. Yes; they are the minimum rules of those factories.

Senator SUTHERLAND. So the prices you are offering these people contracts under were sufficient to warrant their operating under these rules?

Secretary BAKER. Yes; practically every requirement in there, so far as setting a standard, is already imposed by State laws—most of them.

Senator FRELINGHUYSEN. Mr. Secretary, I think this contract is a little bit one-sided. I think it imposes certain restrictions upon the manufacturer that gives him absolutely no appeal, no leeway whatsoever. I am going to suggest that an opportunity be given by your department, when they impose these regulations, and upon a class of industry upon whom you will rely in the future for a large production, that you give them an opportunity to be heard before these regulations are imposed. You fix a minimum wage scale. You impose, in section 18, the determination of this board which you have created finally, that—

> Whenever a determination is required to be made by the said board, such determination shall be final and conclusive on the parties hereto unless otherwise indicated herein.

Now, the exception is an appeal to the Quartermaster General, but it imposes a fine, I think, something like $5 a day. All I have to say about it is this: That my sense of justice and fairness would impel me to the belief and judgment that at least the smaller concerns who are making uniforms should be given an opportunity of a hearing before those drastic rules are imposed by the War Department of this Government.

Secretary BAKER. I should like to make one comment on that, Senator. That contract was made, and its predecessor, as far back as May—this was the second contract covering these things—certainly June; and from that time until now I have been willing to see and have seen everybody who wanted to discuss its terms or wanted them modified, or wanted its enforcement moderated, and I have not yet had a single person come to me with the suggestion that any requirement in that contract was excessive.

Senator FRELINGHUYSEN. This statement was made before this committee that it would impair production of wool, prevent some of the largest uniform-manufacturing concerns in the country from complying with its conditions.

(Thereupon, at 5 o'clock p. m., the committee adjourned until Friday, January 11, 1918, at 10.30 o'clock a. m.)

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Washington, D. C., Friday, January 11, 1918.

The CHAIRMAN. The committee will come to order.

STATEMENT OF HON. NEWTON D. BAKER, SECRETARY OF WAR—RESUMED.

The CHAIRMAN. Mr. Secretary, there is quite a general feeling amongst those with whom I have come in contact that the outlook for the production of powder is not good. In other words, there is a feeling that with the present production and what the Government proposes to do there will still not be a sufficient amount of powder to meet the requirements of ourselves and, possibly, the demands of the allies upon America. Personally, I know nothing about it, but I wish to place before you a statement that I have received from a gentleman who wrote me in confidence. I suppose that means that it is in confidence only as to the name, which I will give you in confidence, but which I prefer not to be mentioned in the record. I will state what he says about it.

Secretary BAKER. Mr. Chairman, I think the questions of quantity of powder and provision for manufacture had better be discussed in executive session.

The CHAIRMAN. You think so?

Secretary BAKER. Yes, sir.

The CHAIRMAN. Perhaps that would be a better plan.

Secretary BAKER. I would be glad to call attention to the facts, but I think that should be done in executive session.

The CHAIRMAN. Then, I will not put to you the question now.

Senator WEEKS. Let me ask one question about powder at this time. Are you satisfied that sufficient arrangements will be made when the unit which is under construction at Charleston, W. Va., is completed?

Secretary BAKER. How do you mean, Senator?

Senator WEEKS. That sufficient capacity will be provided?

Secretary BAKER. Oh, no; that is only a part of the project.

Senator WEEKS. No provision has been made to undertake this construction at Nashville, Tenn.?

Secretary BAKER. Not as yet. That is a part of the plan that is being pushed forward.

Senator WEEKS. You are depending upon powder from manufacturers who will get their full capacity as soon as contracts are completed, I assume?

Secretary BAKER. The private manufacturers are already working to fullest capacity—at least the Du Pont plant is—and the product of that plant is allocated between the allies and ourselves.

Senator WEEKS. It is rather difficult to ask these questions and not encroach upon the question of amount, which I do not want to do. What I want to get at is this: Suppose we have an army of 2,000,000 men in the field a year from now, which is not at all improbable, of course. That army will require so much powder. Where are you going to get it?

Secretary BAKER. Those are speculations, Senator WEEKS, that I would prefer to deal with in executive session.

Senator WEEKS. I am quite willing to do that; but I must say that I am personally troubled about the powder situation.

Secretary BAKER. I think I can relieve you. I think that the program is adequate.

Senator WEEKS. I do not wish to make any exposure that is going to harm the service, of course.

Senator WADSWORTH. Mr. Secretary, yesterday when we adjourned we were discussing the question of the form of contract prescribed by the War Department in garment-making work. Senator FRELINGHUYSEN was asking some questions at that time. He is not here now, but I suppose he wants to continue along that line. I would also like to ask you if there is a provision in that contract which prevents a manufacturer making the contract having any of the work done outside of his plant?

Secretary BAKER. There is a provision which prohibits it being done outside, except in cases subject to inspection and approval.

Senator WADSWORTH. Approval by whom?

Secretary BAKER. By the Board of Standards.

Senator WADSWORTH. Inspection and approval by the Board of Standards?

Secretary BAKER. Yes, sir.

Senator WADSWORTH. Is the inspection power lodged in the Board of Standards regarded by the War Department as superior to the inspection systems now in vogue in the States under the Labor Department or the Health Department?

Secretary BAKER. I would not say that. The Board of Standards are, in theory of law, simply persons selected by me to advise me. They are my eyes. As I know the character and familiarity of the members of that board with their subjects, I rely on their judgment. The question as to whether they are more rigid in their inspection than the State inspection bureaus is a question that might be answered "yes" or "no." As a matter of fact, the Standards Board has declined to recommend for approval contracts with some companies which are operating in defiance of some of the laws of some States.

Senator WADSWORTH. Has the Board of Standards, within your knowledge, declined to permit the letting of contracts to manufacturers who have some of the work done in what are known as loft factories?

Secretary BAKER. I could not answer that question in that form. They have declined to approve places where the laws, State laws, with respect to fire escapes and sanitary appliances were not complied with.

Senator WADSWORTH. You are sure that they have not exercised the veto power in cases where such laws are complied with?

Secretary BAKER. So far as I know they have not.

Senator WADSWORTH. In the city of New York it has been the custom for many years for garment manufacturers to have several elements in their work performed in what are known as loft factories, these loft factories being installed in very large, modern, concrete and steel buildings, where thousands of men are employed, situated mostly in the middle of the island of Manhattan, a block or so from Fifth Avenue. The impression seems to be that there is a veto on any manufacturer, or some manufacturers, taking contracts for that work if the work is to be done in a so-called loft factory. As a result a large number of people are out of employment. There have been mass meetings, and these people have asked for a chance to work on this Government work.

Secretary BAKER. That is perfectly true. However, the withholding of the approval is not based upon the consideration that the work is to be done in a loft factory. It is based upon sanitary and health considerations and precautions. In many instances, I might say, the withholding of approval by the Standards Board has been conditional, the understanding being that they would withhold it if such and such things were not done in order to bring about the proper conditions.

Senator WADSWORTH. These loft factories are not permitted in the city of New York without compliance with the laws of the State and the health and sanitary regulations of the State.

Secretary BAKER. Senator, I have been mayor of a city and I know from experience, as you probably know, that no matter how excellent a law may be there are always evasions which are difficult to control.

This Board of Standards, being experts, and having the most intimate and personal contact with the conditions, makes its approval, or withholds its approval, based upon personal inspection by competent inspectors, and does not proceed upon the assumption that because the State of New York has passed a certain law the conditions are all right.

Senator WADSWORTH. Of course, Mr. Secretary, I would not urge that the Government should have its work done in plants that are insanitary or dangerous to the life or health of the operators, but I was wondering if there was not some danger that the restrictions might be made so severe and so rigid, as they affect the operators, that the soldiers in the field will be the ones to suffer from a lack of clothing.

Secretary BAKER. Of course, it should be possible to avoid either of the two evils, but the evil of the oppression and devitalization of the lives of women and children in the industry is, at least, equally important, as compared with a slight delay in the provision of uniforms. I hope that these standards are so practical and reasonable that they will not delay the clothing of the soldiers. I can imagine nothing more important to our military solidarity and unity with respect to the clothing of the soldiers than the question that the Government should not permit itself to participate in the oppression of women and children.

Senator WADSWORTH. My views are somewhat in accord with yours, Mr. Secretary, except as to the characterization of the delay as slight. It has been considerable.

Secretary BAKER. That, of course, is a question of judgment.

Senator WADSWORTH. Do you think any of the provisions of that contract would operate as an invitation on the part of inspired trouble makers to handicap the work of the Government? A witness here the other day said it was his belief that it was an invitation for trouble makers, inspired through German propaganda, to come into factories and stir up trouble and make operators delay the production of uniforms. For that reason he and others were declining to sign contracts.

Secretary BAKER. Any requirement in a contract which looks to the betterment of conditions is to that extent an invitation to trouble makers who do not want to comply with the standards, but I think the contract is otherwise free from objection on that point.

Senator WADSWORTH. The witness who was here did not indicate in any way that the trouble makers would be those who did not want to comply with the standards.

Secretary BAKER. Who would they be, then?

Senator WADSWORTH. They would be those who wanted to hinder the work of the Government in this war.

Secretary BAKER. How could they make trouble?

Senator WADSWORTH. I understand there is a provision in the contract which compels the manufacturer to recognize not only a representative of the workers in the factory, which, I concede, of course, is a proper policy, but also anyone who is a representative of the workers without the factory.

Secretary BAKER. I think that is in there.

Senator WADSWORTH. Is not that latter thing an invitation for people to come into that factory—and in many of these factories a large number of the operators can not speak English—and stir up trouble?

Secretary BAKER. I think the absence of it would stir up trouble. If you had a lot of operators who could not speak English and could not present their grievances to their employers, you would deprive them of the right to speak through somebody who could speak English, and I think that might stir up trouble.

Senator WADSWORTH. There are, so far as I know, English-speaking people within the factories I did not mean to say that no one in the factories could speak English. I believe that a large number can not speak English.

Secretary BAKER. There are places where none of them can speak English fluently.

Apart from that question, there would not seem to be anything that would tend to stir up trouble.

If a manufacturer himself agrees to receive representative persons on behalf of his own employees, and if you and I were workers in a factory of that kind, and somebody wanted to stir up trouble with us, he might very well inflame our imagination if he would say, "Your employer will not let anybody else except yourself come in, and if you come in you will be discharged."

Senator WADSWORTH. Under the form of contract now provided the manufacturers are now compelled to recognize the representative of the workmen from within the factory.

Secretary BAKER. If he accept the contract.

Senator WADSWORTH. Of course, and he does not recognize him if he does not accept the contract. Your arguments would hardly hold good with respect to the suggestion just made that the workmen could be inflamed or terrified if they had one of their own number.

Secretary BAKER. I was trying to find out what a trouble maker would do who came into the factory operating under this contract as distinct from a contract which did not allow the principle of representation. As a matter of fact, the principle of representation is deeply embedded in the whole Anglo-Saxon law, and the poorest man who appears in court is entitled to a lawyer, and the introduction of that principle into the relation of employee and employer is not at all foreign to experience or justice.

Senator WADSWORTH. I am not combating that principle at all, but I am wondering whether, when it becomes a part of the contract between the Government and a man upon whom the Government relies to produce uniforms, it should be confined to a representative of the people in the factory.

Secretary BAKER. Let us take that clause with the other clauses with which it is to be read. I am sorry that I have not a copy of the contract with me. As I recall, it provides that a man who makes one of the contracts agrees to recognize delegations of his own employees or persons from the outside representing delegations of his own employees, who undertake to adjust differences and disagreements with them, but if that fails the Government is to have the right to adjust those differences and disagreements, so that if there should be any oppression on either side the final resort is to the Government, and that power is reserved to the Government in order not to allow threatened disputes between employer and employee to delay production of the necessary garments.

Senator WADSWORTH. I am in complete sympathy with the object in view. Will you say, Mr. Secretary, whether it has come to your knowledge that any considerable number of manufacturers are declining to sign the contracts?

Secretary BAKER. There have been some to whom contracts have not been awarded because they have not been approved by the board, but otherwise I have no knowledge that that was the case.

Senator WADSWORTH. It has been testified here by one of the largest manufacturers that his concern and several others would not sign it.

Secretary BAKER. I have some data about the operation of that board which may be of interest to the committee. May I read a sentence or two of this into the record?

The CHAIRMAN. Yes.

Secretary BAKER (reading)—

In June, 1917, before the creation of the Board of Control of Labor Standards for Army Clothing, the half-century-old practice and tradition of sending Army uniforms, including those for private soldiers, into the tenement houses still persisted.

The consequent protests from philanthropic bodies, reechoed later on by the mayor's committee in New York City, led to the appointment by Secretary Baker of a committee of inquiry. In the light of facts presented to him by this committee, the Quartermaster General made completely effective his previous rulings on the subject summarily forbidding all leakage of private soldiers' uniforms from contractors' factories and workshops into the tenements for hand finishing. Only one woman has since been found in her home at work on privates' uniforms. A change in the specifications which permits machine work in place of handwork has made it unprofitable to send goods out for work in the tenements.

This shows what the board has done and the purposes it had in view and those accomplished. I shall be very happy to include it in the record as a part of my statement.

The CHAIRMAN. By whom was it prepared?

Secretary BAKER. By Mr. Kirstein, who was chairman of the board. I can cite some of the reasons for disapproval after inspections had been made. [Reading:]

The reason for disapproval of almost all of the 52 shops mentioned above was some condition involving fire hazard, as shown by the following more detailed classification:

Cause for disapproval of the 52 shops.

Two means of exit, neither of which was up to standard	21
Two means of exit, of which one was not up to standard	11
Condition of building making necessary installation or improvement of interior fire alarm	5
Only one legal means of exit provided	4
Dwelling house, therefore prohibited for manufacturing purposes	4
Fire hazard from bad housekeeping conditions	3
Doors not up to standard	2
Extremely poor sanitation	2
Total	52

Senator WEEKS. Don't the State law provide for all these things?

Secretary BAKER. The State law was not being observed.

Senator WEEKS. In what State was this?

Secretary BAKER. I do not have that before me. I do not know.

Senator WEEKS. What complaints were made to the governor of the State?

Secretary BAKER. I do not know.

Senator WEEKS. Shouldn't that have been done?

Secretary BAKER. It should have been done.

Senator WEEKS. Why have we a State and National organization doing the same work?

Secretary BAKER. They are working in perfect harmony.

Senator WEEKS. What is the necessity for the two, then?

Secretary BAKER. The State organizations, as I understand it, are not adequately supplied with inspectors.

Senator WEEKS. Did you say this was the State of New York?

Secretary BAKER. I do not know that.

Senator WEEKS. Will you find out where it is, so that attention may be called to the governor of the State, in order that these conditions may be improved?

Secretary BAKER. I will be glad to take that matter up and have the information supplied to the governor of the State.

Senator WEEKS. It seems to me that would prevent a duplication of work and effort.

Secretary BAKER. They are now working in perfect harmony.

Senator WADSWORTH. There is a distinct impression in New York that they have the most rigid system in the country.

Secretary BAKER. My impression is that it is very good.

Senator WADSWORTH. In spite of that institution, the O. K. of the inspectors and city health officers is vetoed by this committee.

Secretary BAKER. I am not so advised.

Senator WADSWORTH. I am not positive of it myself, but it is a very distinct impression.

Secretary BAKER. I would be surprised to know that it is.

Senator WADSWORTH. A vastly increased number of uniforms could be made in that city alone.

Secretary BAKER. This item is in line with what I have said before [reading]:

In 18 out of 52 shops the board already knows through reinspection that the firms have either shifted work to more favorable quarters or actually begun work on required changes, in some cases completed. Six more of these shops will be given up in the event of a new award.

Cause for conditional approval of 17 shops.

Overoccupancy	12
Incomplete interior fire alarms	2
Fire alarm must be installed if 25 or more people are employed above ground floor	2
Required change in exit pending before the board of appeals of the fire department	1
Total	17

The CHAIRMAN. You might insert that into the record.

Secretary BAKER. I will be glad to do it.

REPORT OF THE WORK OF THE BOARD OF CONTROL OF LABOR STANDARDS FOR ARMY CLOTHING THROUGH DECEMBER 15, 1917.

THE SITUATION PRIOR TO THE CREATION OF THE BOARD.

In June, 1917, before the creation of the Board of Control of Labor Standards for Army Clothing, the half-century-old practice and tradition of sending Army uniforms, including those for private soldiers, into the tenement houses still persisted.

The consequent protests from philanthropic bodies, reechoed later on by the mayor's committee in New York City, led to the appointment by Secretary Baker of a committee of inquiry. In the light of facts presented to him by this committee the Quartermaster General made completely effective his previous rulings on the subject by summarily forbidding all leakage of private soldiers' uniforms from contractors' factories and workshops into the tenements for hand finishing. Only one woman has since been found in her home at work on privates' uniforms. A change in the specifications which permits machine work in place of handwork has made it unprofitable to send goods out for work in the tenements. This reinforces the ruling.

After the final ruling on the subject by the Quartermaster General, one firm was obliged to take, besides its regular space, a loft at a rental of $9,000, on account of the accumulation of uniforms brought back unfinished from the tenements on so large a scale had been the leakage from this plant.

Efficient factory methods and the application of the most modern machine power now save the time formerly lost under the incompetent arrangements of the tenement-house sweating system, with its handworkers unsupervised and scattered in many different places.

Keeping the work in factories and out of homes obviously (a) reduced danger of spreading illness among the soldiers through the medium of garments exposed at length to the diseases so common in the tenements; (b) it accomplished a very considerable saving of time; (c) it is an advantage to the women to do the work under standardized factory conditions, subject to regular factory inspection. They can, moreover, now compare together the wages received by each—a thing impossible for isolated needleworkers in the tenements.

So chaotic were the labor conditions in July, 1917, that, at some distance from New York City, uniformed soldiers from the State forces guarded for several weeks the entrance to a uniform factory, the suggestion being thus conveyed to the employees and the public that the Government, fearing forcible interruption of the work, was protecting the contractor and hastening production.

Strikes were in progress also in several shops in New York City, and one contractor was clamoring for military protection. The principal premises of this contractor violated in several important respects the requirements of the State law in regard to fire hazards. Particularly dangerous were the overcrowded lofts, with aisles blocked by clumsy bundles of overcoats, high above the street, with insufficient exits and stairways. Employees reported that they had been threatened with punishment as traitors when they objected to an illegally long working day and to accepting wages at sweatshop rates.

The first activities of the board were suggested by the labor conditions above outlined.

DATE OF APPOINTMENT AND JURISDICTION OF BOARD.

On August 24 Secretary Baker created administratively the Board of Control of Labor Standards for Army Clothing, to promote the steady flow of finished uniforms from the contractors' factories to the quartermasters' depots, the camps, ships, and trenches. This the board is instructed to do by removing, so far as possible, all preventable causes of labor trouble. He continued the personnel of the committee of inquiry: Mr. Louis E. Kirstein, chairman; Mrs. Florence Kelley, secretary; and Capt. Walter E. Kruesi, Q. M. O. R.

The jurisdiction of this board has been confined to labor standards in factories working on Government contracts for Army coats, overcoats, and breeches. The board has no power whatever over distribution of material or inspection and acceptance of product. The board does not give out contracts. It merely approves or disapproves shops referred to it by the purchasing office or depots of the Quartermaster's Department on account of their fire, sanitary, and labor conditions.

OFFICE AND PERSONNEL.

An office was leased at 116 West Thirty-second Street, New York City, September 1, 1917. A staff was appointed as follows:

An expert statistician was placed at the service of the board at a nominal salary by the Institute for Government Research on September 1, 1917.

An office manager was appointed September 1, 1917.

A fire-hazard inspector was appointed on a part-time basis October 1, 1917.

Six inspectors of labor conditions on full-time service were appointed September 28, October 1, October 8, two on October 18 and December 1. The appointment of another inspector is now pending. An inspector of wage conditions was assigned to the board from the New York depot November 5.

Three stenographers were appointed on October 1, November 3, and November 12.

A messenger was appointed September 27.

In addition, four inspectors of labor conditions were appointed at nominal salaries, who are giving occasional service to the board.

As the fire-preventon inspector has for several weeks been called upon for practically full-time service, the regular full-time staff of the board is at present as follows:

One statistician, one fire-prevention inspector, one office manager, seven inspectors of labor conditions, three stenographers, one messenger.

CLASSIFICATION OF LABOR CONDITIONS UNDER NEW CONTRACT.

The work of drafting a new contract between the United States Government and manufacturers contracting for Army uniforms proceeded from the time of the appointment of the board until October 31, when the new form was authorized. This was drafted by legal experts connected with the office of the Secretary of War. The contract in its final form was approved by the Secretary of War, the Quartermaster General, and the board. Labor standards, which are covered by the terms of the new contract, fall under the following general classifications:

Wages and hours.
Condition of shops in respect to safety and sanitation.
Prohibition of child labor.
Prohibition of home work.
Labor disputes into which the board may make inquiry and which it may settle or cause to be settled.

Prior to the authorization of a new contract the board was called upon to report to the depot quartermasters on the physical conditions in factories. Under date of September 27 the depot quartermasters were directed by the Quartermaster General not to let contracts until the board had certified that the shop conditions were satisfactory.

INSPECTION OF SHOPS FOR SANITATION, PROHIBITION OF CHILD LABOR, AND PROTECTION FROM FIRE RISK.

The first request for a report on conditions of a shop came to this board from the depot quartermaster, New York, on September 28, 1917. However, inspection was requested on only one or two shops, until October 12, when a long list was submitted to this board. From that time on the work of inspection of factories and of reporting to the depot quartermasters has continued steadily. Reports have been sent to the depot quartermasters of New York, Philadelphia, and Boston, and to the purchasing office of the Quartermaster General's Corps in Washington. These reports have been based—

In New York City.—(a) Upon inspections made by agents of the board in regard to sanitation and child labor; and (b) upon full reports received by the board from the New York City Bureau of Fire Prevention in respect to safety.

Outside of New York City.—(a) On inspections made by agents of the board in respect to child labor and sanitation; (b) on inspections made by the fire-prevention inspector of the board, or on inspections and reports made by the boards of fire underwriters in various localities.

In New York City every report has included conditions in respect to both sanitation and fire protection. In other localities some preliminary reports have been sent in regard to the safety of the building, the sanitary inspection to be made at a later date in case an award is granted.

A duplicate of the report made to the depot quartermaster or to the purchasing officer is mailed by the board to the firm under consideration.

Original inspections have up to this time been made in New England, New York City, New Jersey, Philadelphia, Maryland, Georgia, Alabama, New Orleans, and St. Louis. The fire-protection inspector is now at work in the Middle West. It is planned to district the country and to have, in addition to the New York force, inspectors with regular headquarters in Boston, in Philadelphia, and in Chicago.

It has been desirable to make some inspections prior to a request for a report where firms are already carrying present contracts and will probably come up for new ones. This is necessary on account of the speed with which reports are desired by the depots as soon as a request is made.

Reinspection has been carried on to a considerable extent in New York City and in other localities whenever a firm has notified the board that the desired changes have been completed.

STATISTICS OF INSPECTIONS.

The board has been asked for reports on 129 firms and has reported on 101. Of the remaining 28, 16 are in the territory which has not yet been covered and 12 are pending. In addition the board has inspected the shops of 59 contractors for which the depot has not requested reports. Of these, reports have been sent in on 11 firms. On 48 material is now available, and reports can be furnished promptly upon request. The depot quartermasters were notified that the 16 firms in distant localities could not be inspected immediately. They were notified to proceed with any contracts pending a report from the board, which would be made at the earliest possible moment. This was done because it was impracticable to effect a satisfactory organization at once for the entire country.

Thus the board has sent in reports on 112 firms. These reports covered 199 shops, as many contractors carry on their work in several shops. The board approved or disapproved each shop on its own merits. In almost every instance, whether the shop was approved or not, the changes necessary to bring it up to standard have been indicated, but where these have been of minor importance the board has approved the shop in general. The board's recommendations have been as follows:

Analysis of reports according to firms.

[Whenever the board has disapproved a shop the report has stated specific changes, the carrying out of which would reverse this decision. Therefore no disapproval is necessarily final. These figures are submitted in detail according to localities in appendix of report.]

Number of firms whose shops are approved	65
Number of firms whose shops were approved conditionally	5
Number of firms part of whose shops were approved and part disapproved	24
Number of firms whose shops were all disapproved	18
Total number of firms reported	112

As will be seen from the above figures, 18 out of 112 firms were entirely disapproved by the board for contracts until necessary changes were made in their shops. Two other firms were the only ones disapproved by the board for reasons apart from shop conditions in respect to safety and sanitation. One of these disapprovals was on account of labor trouble; the other on account of a pending prosecution against the firm by the New York City fire department. [The latter firm has nearly completed the necessary changes which will bring it up to the requirements of the fire department and of the board.]

Thus 20 out of 112 firms, or 17.9 per cent were entirely disapproved. Three of these have since been approved as alterations were completed. Half of these firms were at work under old contracts at the time of the board's inspection. The disapproval of the board does not affect present but only future contracts. Therefore a part of these contractors had time to make the necessary alterations without interruption of output between the date of the board's report and the expiration of their old contracts.

Analysis of reports according to shops.

[These figures are submitted in detail according to localities in appendix of report.]

Number of shops approved	130
Number of shops approved conditionally	17
Number of shops disapproved	52
Total	199

REASONS FOR DISAPPROVAL OF SHOPS AND RESULTS.

The reason for disapproval of almost all of the 52 shops mentioned above was some condition involving fire hazard, as shown by the following more detailed classification:

Cause for disapproval of the 52 shops.

Two means of exit, neither of which was up to standard	21
Two means of exit, of which one was not up to standard	11
Condition of building making necessary installation or improvement of interior fire alarm	5
Only one legal means of exit provided	4
Dwelling house, therefore prohibited for manufacturing purposes	4
Fire hazard from bad housekeeping conditions	3
Doors not up to standard	2
Extremely poor sanitation	2
Total	52

In 18 out of 52 shops the board already knows, through reinspection, that the firms have either shifted work to more favorable quarters or actually begun work on required changes, in some cases completed. Six or more of these shops will be given up in the event of a new award. The situation is as follows:

Shops already given up and work carried on in improved premises	5
Shops to be given up in the event of new awards	6
Shops in which Army work is discontinued	2
(Navy work and officers' uniforms are still being made in these two shops.)	
Alterations now in actual progress	8
Alterations completed and shops approved	3
Total	24

The shops approved conditionally were all in New York. When a conditional approval was given it was usually on account of excess occupancy. The crowding of lofts so that the numbers exceed those allowed by the fire regulations of the city is one of the frequent conditions in the present situation. This is caused by pressure to keep up output and by the unwillingness on the part of the depot quartermaster to allow them to extend into other lofts on account of the danger of their using subcontracting shops and the difficulty of controlling these.

Another bad condition which is prevalent is the obstruction of aisle space. The difficulty both of keeping aisles clear for exit and of keeping the garments from being walked upon and soiled is increased by the bulkiness of the articles manufactured, especially in the case of overcoats.

Cause for conditional approval of 17 shops.

Overoccupancy	12
Incomplete interior fire alarms	2
Fire alarm must be installed if 25 or more people are employed above the ground floor	2
Required changes in exit pending before the board of appeals of the fire department	1
Total	17

Home-work inspection.

Since the 1st of October the time of one inspector has been spent in following up clues as to the existence of home finishing on uniforms made under Government contract in homes. The cooperation was obtained of the New York State child labor committee and of the New York City firemen, policemen, and postmen through their respective departments. This means that there were many observers in all districts reporting on the situation.

During this time only one verified instance was found of home work on the uniforms of enlisted men. However, officers' uniforms are occasionally being found in tenements or en route to homes. These are not made under Government contract, but by private order in the same manner as quantities of civilian clothing.

HOURS.

The attempt to enforce payment at the rate of time and a half for work in excess of eight hours in one day was inevitably deferred to await signing of contracts in the form authorized by the Department of War on October 31.

STANDARDIZATION OF WAGE CONDITIONS.

From the outset the board was confronted with the ultimate necessity of regulating wage conditions. The wage question has been regarded as a cardinal point in labor conditions, both by employers and employees as well as by the general public. It played a prominent part in the discussion of conditions prevailing in contract shops in the public press at the time the mayor's committee of national defense was agitating the subject.

The prevalence of subcontracting and home work is largely bound up with the wage question. The great diversity of wage conditions in shops of different types greatly complicated the situation. The wages paid by firms manufacturing their goods in large factories under their own control differ radically from those paid by subcontractors working for manufacturers in small shops; wages paid by nonunion concerns are generally lower than those paid by concerns working in agreement with trade-unions; again, wages paid in the South are generally lower than those paid in the North. Owing to this diversity of conditions and to the fact that wages paid are an important factor of the price paid by the Government for uniforms, it was felt that it would be necessary to proceed with great caution before taking any definite steps in the regulation of wage conditions.

The board thought it best, therefore, to make first a detailed although rapid survey of wage conditions in shops of the various types mentioned, both in New York City and other localities, before determining upon a policy of regulation. The short time available for this work made it necessary to intrust it to one expert, without organizing a force of investigators, which would have required considerable time. As the reports as to wage conditions prevailing in various parts of the country were received, various methods of regulating wage conditions were brought up from time to time before the board and their relative advantages and disadvantages considered. They were also taken up with the representatives of the United Garment Workers' Union and the Amalgamated Clothing Workers of America. The leading officials of both organizations were emphatic in their opinion that it would be an error for the board to establish minimum weekly rates of wages owing to the numerous difficulties involved. This was also the opinion of various manufacturers interviewed on the subject. The board therefore was finally led to the conclusion that if any regulation of wages was to be attempted it would have to be on the basis of fixing minimum piece rates.

While this seems to offer the only available method of adequate wage regulation, the task is by no means a simple or easy one. While articles of Army clothing are fairly uniform, this is not true as to the methods of their production. Several operations in the manufacture of an Army uniform can be performed in a variety of ways, involving the employment of labor of different degree of skill, as well as varying amounts of labor. In such cases a uniform piece-rate schedule would be an impossibility.

Nevertheless, a careful analysis of the operations involved in the manufacture of Army clothing made in several shops, including the Government clothing factory at the quartermaster's depot in Philadelphia, has convinced the board of the practicability of attempting to regulate wages by means of a minimum standard of piece rates. This work is now approaching completion. It will involve the promulgation of a set of piece rates for each of the five articles of clothing over which the board has jurisdiction (woolen overcoats, service coats and breeches, and cotton service coats and breeches).

In the case of operations, for which two or more methods of production are known to exist, alternate rates will be provided for each of the standard methods known. The rates will be minimum rates, leaving the employers and employees free to agree upon higher rates. They will have the advantage of making the labor cost definitely known in advance to both the contractors and the employees, and as the rates are to be made part of the contract, they will enable the contractor to estimate his profit at the time he takes the contract with much greater certainty than is the case to-day. They will have the advantage of placing all labor, both male and female, both North and South, the slow workers and the fast, upon the same basis of compensation per unit of product, permitting increased earnings as a reward for greater efficiency and skill and placing all contractors upon an equal plane in so far as labor conditions are concerned. They will do away with the unfair competition which exists to-day between employers who pay fair rates of wages through collective bargaining with their employees and those who are able in various localities and parts of the country to obtain the services of unorganized labor at much lower rates of compensation, while receiving from the Government the same price for their garments as is paid to their competitors who are less advantageously situated in this respect.

While the working out of the piece-rate schedules is taking place, a small force of inspectors is being trained in the intricacies of piece-rate adjustment, getting the necessary information at contractors' shops and tabulating data under the direction of the board's statistician.

LABOR DISPUTES.

The board has been called upon to consider the following labor disputes:

A strike in the shop of Jacob Reed & Sons, Philadelphia. Representatives of the company appeared before the board September 18.

A strike in the shop of Mark Cowen & Co., New York City. Representatives of the union appeared before the board September 18.

A threatened strike in the firm of Millar Mandel & Co., New York City. The superintendent of the plant appeared before the board October 2.

A labor dispute in the firm of Krieger Frankel Co., New York City. A member of the firm was given a hearing on October 23.

APPENDIX A.

Table of firms inspected Sept. 28 through Dec. 15.

	Grand total.	Number of reports requested by depots.			Number of firms inspected, reports not requested.		
		Total.	Reported.	Not reported.	Total.	Reported.	Not reported.
New York	90	65	59	[1]6	25		25
Philadelphia	24	9	7	2	15		15
New England	28	28	27	1			
Baltimore	13	3	1	2	10	2	8
St. Louis	8	8	7	1			
South	9				9	9	
Other localities [2]	16	16		16			
Total	188	129	101	28	59	11	48

[1] One of these was reported because the firm waived a tender. The rest are pending. Another proved on inspection not to be bidding for uniforms.
[2] Localities in which the board as yet has had no representative.

Analysis of reports of firms.

	Total.	Number of firms whose shops were—			
		All approved.	Approved conditionally.	In part approved, in part disapproved.	All disapproved.
New York	59	26	5	21	7
Philadelphia	7	4		1	2
New England	27	19		2	6
Baltimore	3	2			1
St. Louis	7	6			1
South	9	7			2
Other localities					
Total	112	65	5	24	18

Analysis of reports on shops.

	Total.	Approved.	Approved conditionally.	Disapproved.
New York	141	87	17	37
Philadelphia	9	5		4
New England	30	22		8
Baltimore	3	3		
St. Louis	7	6		1
South	9	7		2
Total	199	130	17	52

APPENDIX B.

Staff.

Name.	Occupation.	Date of appointment.	Date of leave.	Salary.
		1917.	1917.	
Ruth S. True	Office manager	Sept. 1		$1,500
M. Cussin	Typist-messenger	Sept. 27		600
F. Dallet	Stenographer	Oct. 1		1,000
Florence Hyman	do	Nov. 3		1,000
Frances Ritchie	do	Dec. 17		1,000
Marie Orenstein	Labor inspector	Sept. 28		1,600
E. H. Sullivan	do	Oct. 1		1,600
Arabelle McKinstry	do	Oct. 8		1,600
Nettie Richardson	do	Oct. 18		1,600
Frederick King	do	do		1,600
Ruth I. Stone	do	Dec. 1		1,600
Stanley Ries	Fire expert	Oct. 1		[1]5
Lieut. George Weber	Inspector of wage conditions.	Nov. 5		
Dr. N. I. Stone	Statistician	Sept. 1		(2)
Mary R. Sanford	Labor inspector	Nov. 9		(2)
Helen Stokes	do	do		(2)
Mary Wiggin	do	Dec. 8		(2)
Bessie A. R. Whitnall	do	Dec. 15		(2)
Freda Greenberg	Stenographer	Nov. 12	Dec. 15	1,000

[1] Per diem. [2] Nominal.

Senator WEEKS. I would like to ask the Secretary one or two more questions on that particular topic. As I read that contract, which I have not done recently, it seemed that very large powers were put in the hands of this social welfare committee, not powers relating to the welfare of the people especially, but powers of determining financial and similar questions between employer and employee. In your judgment, has that committee had sufficient experience as business men or women to warrant their being given such very drastic powers as exist in them?

Secretary BAKER. Their powers are to recommend, but I doubt whether a committee would be found which would be better qualified to pass on the question you refer to.

Senator WEEKS. Do you mean financially?

Secretary BAKER. Mr. Kirstein is a member of the E. A. Filene Co., of Boston, Mass. Surely, of all the companies that are entitled to be included among those that are considered best, this one is. It has large business operations.

Senator WEEKS. What is Mr. Kirstein's connection with the house?

Secretary BAKER. He is a partner, I understand.

Senator WEEKS. He is a partner?

Secretary BAKER. I so understand. I may be misinformed about that, but I think so.

Senator WEEKS. How about the other member of the committee? I refer to the male member now. What has been his experience?

Secretary BAKER. Capt. Kruesi is an Army officer, a reserve officer, brought in from civil life, and a social worker rather than a man of industrial experience.

Senator WEEKS. Has he had experience before?

Secretary BAKER. I do not think so.

Senator WEEKS. I assume Mrs. Kelly has had business experience?

Secretary BAKER. I can hardly say that she had experience in the sense of having executive charge of a commercial enterprise, but she has conducted inquiries and investigations covering a period of 20 years into the cost of manufacture, and has gone so thoroughly into that kind of work that I doubt whether anybody knows as much as she does about it, not to say more, with respect to these particular trades.

Senator WEEKS. What I have in mind is that these members of the commission may be, and quite likely are, well versed in everything relating to social welfare, but it seems to me that that kind of work and financial responsibility do not always go together and in harmony. Undoubtedly most people would agree that Billy Sunday was doing a work in his line that was quite wonderful, but he would hardly be able to settle a controversy between you and one of your employees; at least, I should think it would not be advisable for him to do it. The probabilities are that his very life would prevent his passing with good judgment on a judicial question.

Secretary BAKER. He would err on the right side.

Senator WEEKS. The right side is justice.

Secretary BAKER. If you can find it.

Senator WEEKS. I beg your pardon?

Secretary BAKER. If you can find it.

Senator WEEKS. The right side is justice. The right side does not always prevail on either side of a controversy when capital and labor are involved.

Secretary BAKER. No; I suppose it would be difficult to find a single case in which abstract and meticulous justice prevailed, but this committee has no such power to settle financial questions. It cooperates immediately not only with the Quartermaster General but with the depot quartermaster at Philadelphia.

Senator WEEKS. They can make a minimum wage?

Secretary BAKER. They can recommend it.

Senator WEEKS. Can't they make it?

Secretary BAKER. I think not.

Senator WEEKS. My recollection of the contract is entirely astray, then.

Secretary BAKER. They can on the question of settling a labor dispute, but not otherwise.

Senator WEEKS. But can they be legal arbiters in a labor dispute if it is an organization of government for that purpose?

Secretary BAKER. No; I think not. We have no legal arbitration system.

Senator WEEKS. We have what amounts to a governmental activity through a certain board for that purpose.

Secretary BAKER. We have a law, the Newlands Act, which authorizes the Government, in the case of certain labor disputes, to offer conciliatory functions, and in the event of conciliation failing it may cooperate in arbitration consented to and desired by both sides.

Senator WEEKS. You think this board would not conflict with that activity?

Secretary BAKER. Clearly not.

Senator WEEKS. One of the great difficulties we have met in governmental activities has been the amount of conflicting activities, it seems to me. I hardly know whom to appeal to under present conditions. Frequently men complain to me that they are passed along from one bureau to another. They think they have approached the right place to get the information which they desire, and they travel the whole length of the corridor before they finally do connect with the bureau which has that particular matter in charge. What I am particularly desirous to be assured of is that this activity does not conflict with some other governmental operation.

Secretary BAKER. I think it does not in any way possible, Senator. On the theory that the Secretary of War has the right to determine the terms of a contract to be made for emergency supplies it is of first importance to secure rapid and continuous production of cloth. A provision in a contract which requires submission of disputes which would otherwise interrupt the flow of manufacture to the final determination of the Secretary of War, after review by agencies created by him, could not be unlawful.

Senator WEEKS. Have you had complaints from manufacturers of uniforms relative to their inability to get contracts because of technical objections that are made?

Secretary BAKER. No.

Senator WEEKS. Have you ever heard of the American Uniform Co.?

Secretary BAKER. I have heard of it, but I know very little about it.

Senator WEEKS. Do you know anything about it?

Secretary BAKER. I can not remember who it was, but some official of the Government—either a Representative or some one else—brought some one of the American Uniform Co. to me, and I referred them either to Gen. Sharpe or Mr. Eisenman. The subsequent developments I do not know.

Senator WEEKS. I am not going to burden the record or you by going into considerable detail in this matter. In fact, the particular paper which I wish I had here does not seem to be here. As a matter of fact, this company, which had a capital of three-quarters of a million and a list of stockholders unimpeachable in character and financial ability, were unable for various technical reasons to get contracts. In the first place, the Quartermaster's Department seemed to be exceedingly technical about manufacturing on their own property, holding that they must own the property; that, in addition to that, they must own the machinery or have direct lease of the machinery. Do you think that it is good policy to throw that kind of embarrassment around a firm that wants to make uniforms when you are short of uniforms?

Secretary BAKER. All you have said so far I approve of. There are other things that——

Senator WEEKS. You would approve of that kind of a contract?

Secretary BAKER. I would approve of requiring them to have machinery of their own or to have it under such conditions of ownership or lease as to be quite certain they were going to be able to make good.

Senator KIRBY. You want them to be manufacturers, and not contract brokers?

Secretary BAKER. I want to be certain that they can fulfill their contracts when they get them.

Senator WEEKS. How would you be able to get at the standing of a concern except from the point of view of its financial integrity?

Secretary BAKER. I would have to know whether it is properly organized and whether it had any experience.

Senator WEEKS. This particular concern had made 500,000 uniforms for the British Government, or had contracted for 500,000 uniforms, and made a large part within 60 days.

Secretary BAKER. That would certainly be a circumstance to be considered.

Senator WADSWORTH. So far as capacity is concerned,, that would be controlling, would it not?

Secretary BAKER. Not necessarily so, Senator.

Senator WADSWORTH. So far as capacity is concerned?

Secretary BAKER. No. A great many people in this country have taken contracts for Great Britain and France and agreed to turn out——

Senator WADSWORTH. So far as the ability and the capacity of the plant is concerned to manufacture uniforms, the fact that they have manufactured 500,000 for the British would be pretty controlling, would it not?

Secretary BAKER. If they had manufactured them in a satisfactory way and there would be no change in the organization.

Senator WADSWORTH. Assuming that that was the fact.

Secretary BAKER. I think that would be conclusive of the question.

Senator WEEKS. This case was brought to my attention, and I gave considerable time to the examination of it. It seems that there was no reason why the contract should not be given to the American Uniform Co. If you know about that and the reason why they were not given the contract, I wish you would tell us about it.

Secretary BAKER. I have some statement on that.

Senator KIRBY. Is it not a fact, Senator WEEKS, that the records show that the American Woolen Co. was not permitted to have a contract because two of the independent manufacturers, representatives of the American Woolen Co., were in disfavor for having sublet contracts?

Senator WEEKS. I suggest that if Mr. Pollack has any suggestion to make that he write it and submit it to the chairman.

Senator KIRBY. I am asking the question. I just wanted to find out about that.

Senator WEEKS. I am not on the witness stand.

Senator KIRBY. I was just asking the question. Of course, if the Senator objects——

Senator WEEKS. I repeat my suggestion that Mr. Pollack write out his question.

Secretary BAKER. I have no personal knowledge of the ultimate decision of the American Uniform Co. question. I do not know what the record shows on that subject. I shall be very happy to add to my testimony such information as I can secure at the department.

Senator WEEKS. What I would like to know is, definitely, why the American Uniform Co. was not furnished a contract, because they had a large capacity, large capital, and had completed a large work for the English Government. We were in sore distress, apparently, to get uniforms for our people, and yet for one reason or another contracts were not given to the American Uniform Co. and similar concerns. I would like to know from you, definitely, for the record, why that was not done.

Secretary BAKER. You doubtless made inquiries of Gen. Sharpe on that subject.

Senator WEEKS. But we did not get any satisfactory reason, either from Gen. Sharpe or Mr. Eisenman.

Secretary BAKER. I do not know that that would be a subject about which Mr. Eisenman would know.

Senator WEEKS. He wrote a letter objecting to the contract being given to them, and, incidental to that phase of the question, Mr. Eisenman denied at one time that he had anything to do with the making of uniforms, and yet the correspondence was on record and was submitted to the committee, showing that he had objected to the contracts being given to manufacturers, and I think in this particular case, too.

Secretary BAKER. I should be glad to add a statement to my testimony on that subject.

Senator WADSWORTH. At one point yesterday during the hearing I asked you or the Assistant Secretary to refresh your memory on the question of the 9.5-inch guns and the French 240-millimeter gun.

Secretary BAKER. The Assistant Secretary tells me that he looked into the matter and he has found we are getting from American manufacturers 8-inch guns of French design; 9.5-inch guns of our own design; and we are making in France the 9.2-inch gun of French design.

Senator WADSWORTH. I thought that was the fact yesterday; in other words, we are not using the 240-millimeter gun.

Secretary BAKER. We are not making the 240-millimeter gun.

Senator WADSWORTH. Or using them?

Secretary BAKER. I do not know whether the 240-millimeter gun and 9.2-inch gun are the same.

Senator WADSWORTH. No.

Secretary BAKER. But we are getting from the French the 240-millimeter gun in France.

Senator WADSWORTH. It is strange, Mr. Secretary, that Gen. Crozier did not accede to that idea.

Secretary BAKER. Mr. Crowell has looked into the matter more recently than I, and he says that his information is that we are getting them from the French.

Senator WADSWORTH. The French 240-millimeter gun?

Secretary BAKER. If that is the equivalent of the 9.2-inch gun, we are getting it. We are getting, of course, the 75-millimeter and the 155-millimeter guns, but whether we are getting the 240-millimeter guns, I am not sure; but I will put that into the record.

Senator WADSWORTH. That was the purpose of my question, because Gen. Crozier had laid before us the entire artillery program, and according to his testimony those are the facts.

The question has arisen in my mind, and it persists in view of the fact of the tremendous need for what is known as middle heavies, of which the 9-inch gun is a type, whether it would not have been better in every way to have taken the French 240-millimeter gun, which has been proved in action for two or three years, whose ammunition is being made in this country in quantity production, and have used that instead of persisting in the design of the 9.5-inch gun, not one of which is in existence and for which no shells have been made.

Secretary BAKER. I am sorry I can not at the moment answer your inquiry, but I will be glad to put it into the record. You doubtless heard Gen. Crozier on the subject.

Senator WADSWORTH. Yes, sir. We asked Gen. Crozier questions along other lines, and at the conclusion of that particular topic the general, as I recollect it, said that that was a suggestion worthy of consideration.

Secretary BAKER. I can not add anything to that, sir.

Senator WADSWORTH. The reason it was impressed upon my mind so deeply is this: The interchangeability of ammunition is of tremendous importance if it can be achieved. I think every soldier and every civilian, for that matter, who thinks about it twice will agree to that. We have established apparent interchangeability with the French 75-millimeter gun by adopting their gun. We have established, apparently, interchangeability with the French 155-millimeter gun by adopting their gun. We had the same opportunity to establish interchangeability with reference to the 240-millimeter gun, but we did not do it.

Senator HITCHCOCK. I think I can tell you Gen. Crozier's reason. He said it was very important to have interchangeability as to small-arms ammunition and even of the small artillery, but there was comparatively so little of the heavy, large-size ammunition and large-size artillery that the interchangeability was not of the same importance.

Secretary BAKER. That is obviously true. The higher the caliber, the less important.

Senator HITCHCOCK. I do not mean by that, Senator WADSWORTH, to indorse that statement, but that was the reason that he gave.

Secretary BAKER. That is obviously true.

Senator WADSWORTH. I question, in view of the testimony given, whether that illustrates a broad view on the part of Gen. Crozier or the War Department. It is a fact that hundreds of thousands of 240-millimeter shells are used, though not as many as are used for the 75-millimeter gun. It is a fact also that 240-millimeter shells were being made in this territory. One of our greatest concerns had capacity for turning them out and continuing to turn them out, and yet that gun was abandoned. There has been no sufficient reason given why it was better to take a new gun of a different caliber, which has never been placed in production, whose design has consumed months and months, and for which there is no capacity.

Senator HITCHCOCK. I did not mean, Senator WADSWORTH, to indorse Gen. Crozier's statement. I was merely giving his reason.

Senator WADSWORTH. I understand that, Senator. I am addressing that remark to the Secretary.

Secretary BAKER. So far as I have knowledge on the subject, I will say that the working out of the program for heavy artillery is necessarily complicated by two considerations—productive capacity and the theory of the offensive. Now, the theory of the offensive, of course, is worked out by Gen. Pershing, and the task of Gen. Crozier is to secure knowledge of the requirements and comply with them. After Gen. Pershing has informed the department what his needs are, and after he has been told what the capacity for manufacture here is, taking his judgment of what the needs are, Gen. Crozier has doubtless made up his program. Of course, it can not be regarded as a fixed program, and the suggestion you have made and submitted to Gen. Crozier, and which you say he said was worthy of consideration, will doubtless be considered.

Senator WADSWORTH. Of course, so far as the problem of productive capacity is concerned, we had no productive capacity for 9.5-inch guns or 240-millimeter guns when we went into the war. That question, therefore, balances itself.

Secretary BAKER. That is hardly completely accurate, Senator. There were in this country at that time at least two, and probably more, manufactories which had the ability to make forgings for large guns and had boring plants and the general accessories and facilities necessary for the manufacture of heavy artillery or middle-heavy artillery, so that there was some question of manufacturing capacity which could be considered.

Senator WADSWORTH. I perhaps have misstated my idea of the situation. I do not mean to say that there was not productive capacity, but that the productive capacity for either was equal.

Secretary BAKER. And was inadequate.

Senator WADSWORTH. Was inadequate, and the same, so that the question balances itself.

Secretary BAKER. Clearly.

Senator WADSWORTH. I have been looking over your written statement of yesterday. Do you think the statement that the initial rush needs are substantially supplied is correct?

Secretary BAKER. Yes, sir.

Senator WADSWORTH. We have not the rush needs of artillery, have we?

Secretary BAKER. Yes, sir.

Senator WADSWORTH. For all purposes?

Secretary BAKER. For all purposes.

The CHAIRMAN. Is that statement entirely accurate?

Secretary BAKER. I understand it is perfectly accurate.

The CHAIRMAN. I can not understand how you can make that statement when you have not got enough guns in the cantonments to train the men.

Secretary BAKER. My mind was not on the American estimate. To that extent my previous statement was too wide. It would be better if we had artillery for training in the camps of this country. I said in my statement that our rush needs are satisfied. I think they are in this sense, that every soldier in France, or every one we expect to send to France, is adequately provided with artillery, either by manufacture or purchase.

Senator MCKELLAR. If I may interrupt at this time, I may say to the Secretary that I was talking to a high officer in one of the national camps this morning. Of course, I shall not give his name, but he told me they had no artillery at that camp and had no machine guns at that camp.

Secretary BAKER. May I know the name of the camp?

Senator MCKELLAR. I will give it to you in a moment. I have forgotten it.

Secretary BAKER. Can you tell where it is?

Senator MCKELLAR. It is near New York.

Secretary BAKER. Is it Camp Upton?

Senator MCKELLAR. That is the name, and they have neither machine guns nor artillery.

Secretary BAKER. Do they mean by machine guns either light or heavy?

Senator MCKELLAR. He used that expression—that they have no machine guns or artillery.

Secretary BAKER. If he meant that they did not have enough, I agree to it; if he said they did not have any, it must have been a mistake.

Senator MCKELLAR. He said "neither." I took it that they did not have any. He said that they have been training the boys without artillery and without machine guns as best they could. Under those circumstances, if this officer directly from the camp is correct——

Secretary BAKER. If he means that they have not as many as they need, he is perfectly accurate; if he means that they have not any, he is inaccurate.

Senator MCKELLAR. If he means that he did not have enough, then we have not all that we need.

Secretary BAKER. No; we have not all that we need.

Senator MCKELLAR. I understood you to say that we were well supplied.

Secretary BAKER. And much more than that is true. If the Ordnance Department had done nothing else but rush the building of artillery from the 1st of April until now, we could never in that time, by creating additional facilities besides those we already have, manufacture an artillery program adequate for the present needs of artillery for the soldiers in the training camps.

Senator MCKELLAR. That is why we thought your statement was inaccurate when you said that the rush needs were supplied.

Secretary BAKER. I had in my mind the effective use of troops in conflict.

Senator MCKELLAR. I misunderstood you, as I suppose the others did.

Senator WADSWORTH. The reason I called attention to the statement is this: It goes to the country and will undoubtedly tend to give the impression that there is not a shortage, and the public generally will believe that the rush needs, using that very expression, are substantially filled.

Secretary BAKER. That is so.

Senator WADSWORTH. Mr. Secretary, I beg leave to differ from you on that. Of course, if you confine what are termed the rush needs of the Army of the United States to the furnishing of guns to troops upon their arrival in France, your statement may be correct, but I do not see how it can be given that interpretation.

Secretary BAKER. Nobody will ever suppose that the War Department has finished buying and manufacturing things.

Senator WADSWORTH. Of course not.

Secretary BAKER. What I am referring to there is the original rush needs. The rush needs are such provision of artillery and artillery ammunition as will adequately equip the troops we are to use for defensive and offensive operations. That need is supplied. That it would be fortunate if we had an accumulation of artillery and artillery ammunition for training purposes on this side goes without saying. That we are accumulating the supply is evident; that it will ever be satisfied is not so, because when we get what we want we will need more.

The CHAIRMAN. Is that true, Mr. Secretary, notwithstanding the debacle in Italy and the falling down of Russia? When you made these estimates as to what was necessary to send over, did you have in contemplation that the French Government's manufacture for us might have to be turned into manufacture for Italy?

Secretary BAKER. There has been no suggestion that the Russian or Italian situation would delay for a second the provision that they are ready to make for us.

The CHAIRMAN. It does seem to me that common sense would suggest, in the very nature of things, France is bound to assist in the manufacture of ordnance.

Secretary BAKER. That goes without saying.

The CHAIRMAN. If that is true, she must furnish the ally nearest home?

Secretary BAKER. Very likely.

The CHAIRMAN. So, it seems to me that your statement leaves the impression that America is supplied with all the ordnance necessary.

Secretary BAKER. So far as my purpose is concerned—and I think the statement is a perfect reflection of my purpose—what I want the country to understand is that the troops in France will be adequately equipped with artillery and artillery ammunition.

The CHAIRMAN. Probably.

Secretary BAKER. I do not feel that it is a probability. We rely upon definite assurances from men who know.

Senator MCKELLAR. Do you not think it would be better to take the people of the country into our confidence—let them know that while what you have said may be true, nevertheless we have not an adequate supply of artillery in this country with which to train our troops, and that every possible endeavor and effort should be made by all of our people to get these men trained at as early a date as possible?

Secretary BAKER. I agree with you heartily that we should make every possible effort to increase the output, but I do not think it would be taking the people of the United States into our confidence to afflict them with a doubt that you do not entertain.

Senator MCKELLAR. While you have no doubt about troops in France being equipped with artillery, it is hardly fair to leave the impression on the American people that all our troops in this country, as well as in France, are thoroughly equipped.

Secretary BAKER. I think my statement is not susceptible of that construction. My statement says that the initial rush needs

are satisfied. It does not say that the complete performance of the largest program has been accomplished.

Senator McKELLAR. I am very frank to say to you, Mr. Secretary, that it did not make that impression on me. It may be there is something wrong with my understanding. I want to say, however, that I differ from you about the question of rush needs. I think the "rushiest" need of all needs, if I may be permitted to so express it, is the need thoroughly training men in this country before we send them to France.

Secretary BAKER. In that I entirely agree with you.

The CHAIRMAN. Senator WADSWORTH, I interrupted you. Do you wish to continue your line of questioning?

Senator WADSWORTH. The thing that occurred to me in reading the statement through very carefully this morning was that it gives the impression, I think generally, that the situation is a rosy one; that there is nothing to fear; that the rush needs, as the Secretary used that expression, have been complied with; that no greater haste is necessary; that everything is fine. I can not agree with you. I think we have ahead of us a bigger task in the next eight months than we have had in the last eight months. It is the impression that goes out to the country with which I can not agree. It was that point that I wished to bring up, because I believe we are in for one of the greatest crises that this country has ever known. I do not believe that the artillery program of the United States commences to be big enough. I think we have got the most of our work ahead of us, and that the expression "the initial rush needs have been supplied" is not an accurate description of the situation.

We have had it told to us time and time again in this committee that there is a rifle for every soldier that goes abroad; that there will be fieldpieces for every soldier who reaches France and for every division that reaches France. The truth is that they did not know how to use the rifles and fieldpieces when they got them. That is not meeting the rush needs. This is a fight.

Senator NEW. Is it not a fair inference from your answer to this question that until our troops get into actual conflict there are no rush needs?

Secretary BAKER. That is not a fair inference. It does not seem to me so. I do not want to be categorical about it.

Senator BECKHAM. Does the term "rush needs" imply not only sufficient numbers to equip our men after they get over there, but a sufficient number here at home at least to train those who can go to France?

Secretary BAKER. Not to complete the artillery program here.

Senator BECKHAM. But to train as many as we can send over there reasonably well before they go?

Secretary BAKER. Senator, that question can not be answered yes or no for this reason, that the final artillery training of these troops would be difficult here. From now on artillery troops who do go will have had more and more artillery training here and will have less and less to get on the other side. There are very large schools established by Gen. Pershing in France for artillery training, in which he is assisted by French and British officers, to put on the finishing touches when the troops get there, and then they are in association with the French and British troops.

Senator WEEKS. Let me call this to your attention, Mr. Secretary. The finishing touches require three or four months at least. That is to say, the Artillery that went to France in September is still under training, and I assume that they were selected to be sent as among our very best and most adaptable troops at that time, and they are still under artillery training, so that these men who are now in camps in this country, who have not artillery with which to train, if they are sent abroad in the next two or three months to be brought up to the state of efficiency required, have got to have three or four months' training after that before they will be ready for the field, and they will not be ready for the field before the middle of the summer or the early fall.

With reference to rush preparation or rush necessities, let me call your attention to the statement made by Gen. Greble before this committee relative to the ordnance at his camp, Camp Bowie, Tex. The requirements are 224 machine guns, 768 automatics, 17,731 rifles, 12 trench mortars, and 1-pound cannon, three to a regiment. That would be the total requirements if the division were totally equipped. This is what he says:

The following is a list of present shortages, expressed in percentage, of the more important articles of equipment. Rifles, 59 per cent short—

And, mind you, this testimony was given only two weeks ago before this committee, and Gen. Greble had come direct from his camp, bringing the information with him from the reports of the morning of the day before he left—

Rifles, 59 per cent short—

You have given me the impression, and it has been done by others, that every camp had a complete outfit of rifles.

Bayonets, 65 per cent short; pistols, 86 per cent short; cartridge belts, 59 per cent short; machine guns, none on hand, 20 Colts said to have been shipped; automatic rifles, 88 per cent short; 3-inch guns, 88 per cent short; 6-inch howitzers, none on hand; trench mortars, none on hand; 1-pound howitzers, none on hand; artillery harness, 92 per cent short; horse equipment, 81 per cent short; infantry equipment, which includes haversacks, first-aid pouches, and canteens, 88 per cent short; small-arms ammunition, 75 per cent short; artillery ammunition, 95 per cent short of the requirements that are made by the department, the equipment coming under Equipment C.

How can you confirm the general statement that there are no emergency requirements for artillery and other equipment when you know that there is testimony right up to date, within two weeks——

Secretary BAKER (interposing). But I did not make that statement.

Senator WEEKS. I am not speaking particularly of your statement, but I am speaking of the general impression given in the statement which you made yesterday that there were no emergency requirements.

Secretary BAKER. I did not say that. I said the initial rush needs of equipment had been substantially met. At least, I think that is what I said.

Senator WEEKS. I think you ought to define the initial rush needs.

Secretary BAKER. Those are pretty simple words.

Senator WEEKS. They are, but the country reading your statement, Mr. Secretary, in my judgment, will conclude that our encampments are thoroughly provided with every necessity to conduct their operations and their training. Now, evidently, Camp Bowie is not so provided.

Secretary BAKER. Of course, the statement made by Gen. Greble, who is an exceedingly zealous officer, was perfectly accurate when he made it. The number of the rifles in his camp, 59 per cent short, have since been supplied, as I have tried to demonstrate here.

Senator WEEKS. That is, within two weeks?

Secretary BAKER. Yes; but two weeks is a long time when you are getting rifles at the rate of seven or eight thousand a day.

Senator WEEKS. Then those troops have been in camp for a long time without rifles?

Secretary BAKER. Undoubtedly a long time; but not, apparently, without any rifles.

Senator HITCHCOCK. When you referred to initial rush equipment, then, Mr. Secretary, you do not think it is of that importance to train the men with machine guns that they should have rushed equipment after they have been for four months in camp?

Secretary BAKER. It would have been very fortunate, Senator, if we had had machine guns earlier, and yet a substantial part of any first four months in an encampment would have to be taken up with preliminary questions of very elemental military discipline, and I doubt whether machine-gun practice could have been inaugurated very much sooner if there had been a supply of machine guns, not at all discounting the fact that it would have been fortunate if we could have had them. There is the teaching of rifle shooting first, and then the teaching of machine-gun shooting has to follow in order.

Senator HITCHCOCK. The major generals who have testified before the committee all admit that they have machine-gun men, but no guns.

Secretary BAKER. Yes.

Senator HITCHCOCK. And they admit that the time of these men is largely wasted without machine guns.

Secretary BAKER. I think there is a period of instruction which they could profitably use if we had the guns.

Senator HITCHCOCK. Can you give any reason why 1,200 of these machine guns are stored here and not sent to the camps?

Secretary BAKER. I assume, without knowing, that they are for aircraft uses and are not adapted to camp use. I do not know that.

Senator HITCHCOCK. No; they appear to be ground guns, for ground use.

Secretary BAKER. Then I do not know why it has not been done.

Senator HITCHCOCK. And they have not been shipped to France and no adequate explanation has been given, and the committee has been unable to understand why the department contracted for these Browning guns in very large quantities when the department knew that none of the Browning guns could be delivered before next spring, and that not more than one-tenth of the order could be filled before next fall, but, nevertheless, no order was placed for Lewis guns, which were immediately available in large quantities for ground use.

The CHAIRMAN. The only attempted explanation of holding those guns in reserve is that they were held for an emergency—some emergency that might arise.

Secretary BAKER. I will be very glad to look into that. I did not know that that was the fact.

Senator HITCHCOCK. That is rather a small matter, because there are only 1,200, but here was a factory turning out Lewis guns at the rate of 1,800 a month at the time we went into the war. It only required a few weeks to adjust that factory for American ammunition, and those machine guns could then have been turned out in large quantities in ample time to supply all our camps with Lewis guns for practice. Meanwhile they could have gone on experimenting with the Browning gun, which is in an experimental state, and the committee has never been able from anyone to get any adequate reason why that was not done.

Secretary BAKER. I think it has been done, Senator. My information is that it was done.

Senator HITCHCOCK. You mean contracts made?

Secretary BAKER. The contracts were made with the Lewis gun company to produce all the guns they could produce immediately.

Senator HITCHCOCK. Those contracts were made very late, in the first place, and then they were tied up some 60 days by changes, in the second place, and finally they were ordered to make them only for aviation purposes, in the third place, so that it is now the settled purpose of the department not to have a single Lewis machine gun for ground use in France, and we are absolutely dependent on France for machine guns for ground use until next fall.

Secretary BAKER. But the total number of Lewis machine guns which are under contract with the Government is nearly four times as large as the original program for arming the Army with light and heavy machine guns together.

Senator HITCHCOCK. We realize finally that a contract is made, a very tardy contract, and then the order was changed so that they are exclusively for aviation service.

Secretary BAKER. Well, Senator, if they are better adapted for aviation service, the military men will have to determine that. I can not. Emphasis is being put upon the aviation program and it would seem that it was rather a concession to the importance of the aviation program, ground guns being otherwise provided for.

Senator HITCHCOCK. Here is a factory with machines, tools, dies, and jigs, and everything all arranged for the manufacture of these guns, the capacity of which should have been doubled and quadrupled. The department could have placed orders for the manufacture of those guns in three factories, just as they have done with the Browning guns. Up to the present time we have done nothing with the Browning gun except to manufacture machinery to manufacture the Browning gun with, none even turned out, none will be turned out until spring, and we could have been turning out Lewis guns months ago.

Secretary BAKER. But we are turning out Lewis guns, Senator.

Senator HITCHCOCK. But I mean in addition to this we could have been turning them out for ground use.

Secretary BAKER. I think I ought to dissent from your belief that it would have been best to put the Lewis gun into immediate quantity manufacture in two or three factories. That is not easily possible. Those factories would have had to be especially tooled. Dies, jigs, and things of that sort would all have had to be manufactured.

Senator HITCHCOCK. But the patterns already existed, whereas the Browning gun pattern was not in existence.

Secretary BAKER. No, Senator, not on patterns which already existed. At the time we went into this war there had not yet been produced, as I am advised, a single Lewis gun chambered for American ammunition which would work.

Senator HITCHCOCK. The English Lewis gun had to be changed very slightly, and the model already existed in May of last spring, and it would have taken only a few weeks before it could have been manufactured in very large quantities.

Secretary BAKER. But each change, Senator, required a change in tooling, a change in jigs, and before you could get quantity production there would be long delays.

Senator HITCHCOCK. But nothing like the delay that was necessary to create absolutely new patterns for the Browning gun.

Secretary BAKER. I think that is so, although the Browning gun is said to be so very much simpler that its quantity production is a much simpler process than that of the Lewis gun.

Senator HITCHCOCK. But we can not be producing the Browning in any quantity until 1919.

Secretary BAKER. Quite the contrary, Senator. Quantity production of the Browning gun is expected to begin in February.

Senator HITCHCOCK. I have heard the testimony, which has been that we will not get a single Browning gun until April.

Secretary BAKER. But we have nine now.

Senator HITCHCOCK. But we will not get any for use and we will not get one-tenth of those guns before August. We have an itemized statement month by month of what they hope and promise, and next August we will not have one-tenth of that order.

Secretary BAKER. You have statements made here by the Chief of Ordnance?

Senator HITCHCOCK. Yes.

Secretary BAKER. I talked yesterday with Maj. Little, who has been personally inspecting these machine-gun plants and watching them, and I asked him about the progress made with the Browning gun, and he told me that they had already had nine, that they would begin to get them by the hundreds in February, and that in March they would begin to come out in large quantities.

Senator HITCHCOCK. That is not the testimony of Gen. Crozier. The first Browning guns promised are in April, and at my request he gave me personally what I used before this committee, an itemized statement of the number contracted for each month, and he finally conceded the statement I made that it would be next August before one-tenth of the order would be filled, and then they have got to be sent to Europe after that, and then the men have got to be trained in using them, so I believe I am safe in saying that it will be 1919 before the Browning guns can be used in any quantity, if the experiment of their manufacture proves successful.

Secretary BAKER. I do not want to seem to quibble about it, but if I am correctly advised, quantity production of Browning light guns will begin in March. Their transportation to Europe and the use of them by the troops in the spring is a perfectly feasible thing.

Senator HITCHCOCK. Would you change your view if you saw the statement of Gen. Crozier as to the monthly production provided for? Are you speaking of the Browning light gun as well as the Browning heavy gun?

Secretary BAKER. I am not sure that that would necessarily change it, only for this reason, that every effort is being made to speed up this productive process, and if Maj. Little's information is later than Gen. Crozier's it would, of course, to that extent modify it.

Senator HITCHCOCK. Yes; if Gen. Crozier was not advised on his own department.

Secretary BAKER. I do not mean that. I mean if Maj. Little's information, coming right from the factories where he is in daily observation of the progress being made, is later than the information upon which Gen. Crozier relied, then it would be, to that extent, a modification of Gen. Crozier's.

Senator WEEKS. Mr. Secretary, would you modify your views if you read the testimony offered to this committee by the manufacturers who are to make these guns, who said that they could not be delivered in quantity before April or May?

Secretary BAKER. I think their estimate would certainly have some weight.

Senator WEEKS. Would you modify your views if you had a statement from the head of an ordnance bureau in another branch of the service that he did not see how Browning guns could be delivered in quantities before July?

Secretary BAKER. It would affect me if I knew the extent of his observation and knew who he was and how accurate his observation had been.

Senator WEEKS. I understand that Admiral Earle made that statement, although he did not make it to me.

Secretary BAKER. Has he inspected the plants in which these guns are being made?

Senator WEEKS. He has not been a witness before this committee, and of course I do not know, but he is an ordnance man of authority and knowledge.

Secretary BAKER. Of course, we are dealing with things about which casual remarks are not persuasive beyond the extent of information and observation from which they come. It is a manufacturing process. Now, if it be true that these manufacturers and the inspectors of the Government say that they can not get quantity production before April, that is the best reliance we can possibly have.

Senator WEEKS. I was not present when the testimony was given, but I have read it, and my recollection is that that was their statement.

Senator NEW. The president of the Colt Arms Co. testified to that effect. I do not recall his name.

Senator HITCHCOCK. Mr. Secretary, I show you the figures that Gen. Crozier gave me. They were not put in the record, and they were not made public because it was not considered

a favorable showing, but you can see what is to be expected by next August.

Secretary BAKER. I am asking the Assistant Secretary to telephone up to Gen. Wheeler and get the latest information on the subject, Senator.

Senator WEEKS. Mr. Secretary, I want to get back to this question of preparation, because I feel very strongly that the country is going to be unintentionally misled by the statement which you submitted to the committee yesterday. I do not think it is necessary, perhaps, for the country to know everything in detail, but I do think it is desirable that people who are making sacrifices in this war should have relatively correct information and should not be lulled to sleep by a general statement of a condition which does not exist.

Now, let me take a little more in detail this question of preparation of the forces at Camp Bowie. You say the rifles which were 59 per cent short two weeks ago have been supplied?

Secretary BAKER. Substantially supplied, and I think completely supplied.

Senator WEEKS. And the bayonets that were short 65 per cent?

Secretary BAKER. I can not answer about that.

Senator WEEKS. You do not know about that?

Secretary BAKER. I can give you the general figures on bayonets. The total need for bayonets, Senator, for the 1st of January was something less than a million. At that time we had 1,106,000, so that the question is simply one of distribution from then on.

Senator WEEKS. That is, you needed 1,000,000 in addition to what you already had?

Secretary BAKER. No. Well, perhaps in addition to what we already had, but the total requirements for bayonets on the 1st day of January was something less than 1,000,000, and the total deliveries of bayonets up to that time were 1,106,000.

Senator SUTHERLAND. Are these bayonets manufactured?

Secretary BAKER. Oh, yes; manufactured and delivered.

Senator SUTHERLAND. Does that mean delivered at the camps?

Secretary BAKER. No. It means that they are in process of distribution.

Senator WEEKS. Then you say within 30 days there would be an ample supply of bayonets at all camps for the use of the camps?

Secretary BAKER. I think it is safe to say that; it is a pure question of transportation.

Senator WEEKS. If it is a pure question of transportation, I should think it would be within reason.

Secretary BAKER. Yes; it is no longer a question of manufacture.

Senator WEEKS. Pistols, 86 per cent short.

Secretary BAKER. Yes; pistols is the greatest percentage we have. As you know, the substitution of revolvers for pistols is a part of the program, and there is a shortage in pistols and revolvers put together. It is not to be forgotten, however, that the allowance of pistols to our troops is manyfold greater than in any other army.

Senator WEEKS. What do you think the prospects are for the supplying of that shortage?

Secretary BAKER. I think, taking the revolver and the automatic pistol, that the prospect is only fair for an immediate catch-up.

Senator WEEKS. When was the pistol substituted for the revolver?

Secretary BAKER. I can not answer that, sir.

Senator WEEKS. Was it a year ago or two years ago?

Secretary BAKER. Many more than that, I should think.

Senator WEEKS. Then, the revolvers that we are using are simply the type that was used before the substitution was made?

Secretary BAKER. They are military revolvers. I do not know that it is the same type that was used before we put the automatic pistol into manufacture.

Senator WEEKS. Cartridge belts, 59 per cent short.

Secretary BAKER. This table that I have before me gives the total need of cartridge belts up to the 1st of February, which is substantially 15 days off, as 1,300,000, and the total supply now on hand 730,000, a shortage—we were about 55 per cent supplied on the 5th day of January. The table does not show exactly what the expected deliveries are.

Senator WEEKS. Are they limiting the cartridge belts to one type?

Secretary BAKER. I do not know that, Senator.

Senator WEEKS. Is not a cartridge belt a comparatively easy article to obtain? Are there not large manufacturers that make them?

Secretary BAKER. It would seem a relatively easy thing to make.

Senator WEEKS. The impression I have, although I have not any particular information on the subject, was that the capacity of this country for making cartridge belts was very large; that it had been developed in connection with providing belts for European armies, and that for our comparatively small Army it should have been easy enough to obtain sufficient belts for their needs.

Secretary BAKER. I can not answer that, Senator; I do not know.

Senator WEEKS. You think the prospects are not good for complete equipment of cartridge belts for three or four months?

Secretary BAKER. No; I can not answer that. I can say that on the 5th of January the supply was 55 per cent of the needed requirements for February 1, but how rapidly the deliveries are being made I have not before me.

Senator WEEKS. This camp seems to be a little worse off than the others. Machine guns, none on hand. Twenty reported shipped.

Secretary BAKER. You observe that Gen. Greble, in his report, draws a distinction between machine guns and automatic rifles.

Senator WEEKS. Yes.

Secretary BAKER. He is there referring to the heavy Vickers-Maxim type, and I am not surprised that there are none there.

Senator WEEKS. Or the Colt gun?

Secretary BAKER. Or the heavy Colt; yes.

Senator WEEKS. Automatic rifles, 88 per cent short.

Secretary BAKER. Yes. That is the Lewis gun and the Bénet-Mercié, the light type automatic rifle, air cooled.

Senator WEEKS. Gen. Greble, as I think Senator HITCHCOCK has commented, and the other generals who appeared before the committee I think were unanimous in the general statement that the men belonging to machine-gun companies were practically throwing away their time, not having these guns, and it seems to me, Mr. Secretary, that that is a matter that should have your early consideration, as to whether something can not be sent to these camps so that these men may be drilled and given some preparation which will advance them to some degree of perfection in their profession. That is my opinion. Three-inch guns, 88 per cent short. Is there any prospect in the case of that arm?

Secretary BAKER. You have the full manufacturing data on that subject before you. I can add nothing to it.

Senator WADSWORTH. Do you know, Mr. Secretary, whether any of the American-made 75-millimeter guns have been finished and delivered?

Secretary BAKER. Do you mean the 3-inch or the 75-millimeter guns?

Senator WADSWORTH. The 75-millimeter gun, American make.

Secretary BAKER. No; I can not answer that. The figure I have before me gives the requirements to July 1, but does not give the present.

Senator WADSWORTH. You do not know whether any of those have been finished yet or not?

Secretary BAKER. No; I do not. Yes; I do. None of them have been. I have a later table here which shows that none of them have been finished.

Senator WEEKS. I would like to ask a question about these middle-weight cannon, but there are some articles here that seem to me to be of a good deal of importance, and where the shortage is very great. Artillery harness, 92 per cent short.

Secretary BAKER. Artillery harness? I do not seem to have that figure, Senator. It is not in these tables.

Senator WEEKS. Has this question of saddlery and harness been brought to your attention at all, Mr. Secretary? There seems to be a great deal of difficulty in supplying our needs. The fact that this camp is 92 per cent short would seem to confirm the general impression which I have had, and which I think the committee has had, to that effect. Is there any prospect of supplying our needs within any reasonable time, as far as you know?

Secretary BAKER. I can not answer that. I do not know. I have not that figure.

Senator WEEKS. Horse equipment, 81 per cent short.

Secretary BAKER. I do not know what that means, Senator.

Senator WEEKS. Horse equipment? I think Senator WADSWORTH can tell more accurately than I.

Senator WADSWORTH. Very naturally it means saddles and bridles.

Secretary BAKER. That is not in the ordnance. It may be the ordnance supply.

Senator WADSWORTH. It is ordnance, Mr. Secretary.

Secretary BAKER. I have before me saddlebags, saddle blankets, cavalry saddles, cavalry bridles, and the deliveries of saddlebags, for instance, up to December 29, are 149,000. The requirements are slightly in excess of that, but not seriously. Saddle blankets, the deliveries are 246,000. The requirements

are about 150,000 more than that, so that would be about a 60 per cent supply. Saddles, the deliveries are 76,000, the requirements are about 150,000, so that on the 5th of January they were about 50 per cent supplied.

Senator WADSWORTH. That is saddles?

Secretary BAKER. Cavalry saddles.

Senator McKELLAR. Are artillery horses included in that——

Senator WADSWORTH (interposing). Do you happen to know which type of saddle is meant by that?

Secretary BAKER. Cavalry saddles.

Senator WADSWORTH. But there are two types.

Secretary BAKER. No; I do not know.

Senator WADSWORTH. You do not know whether it was the new type adopted two or three years ago or the old McClellan?

Secretary BAKER. I do not know that.

Senator WADSWORTH. Of course that is exceedingly important. The new one has never been placed in quantity production, but the McClellan saddle has been used in the American Army since before the Civil War and could be turned out, I should imagine, in very large quantities.

Secretary BAKER. I do not know which saddle it is. Senator McKELLAR, you wanted to ask about horses?

Senator McKELLAR. Yes; for artillery purposes.

Secretary BAKER. The requirements of horses are given generally, not for artillery purposes only, but are given generally. The requirement was 90,247, and the purchases were 90,733; of mules, the requirement is 131,000 and the purchases 123,000.

Senator WEEKS. There is no difficulty in obtaining mules and horses for artillery, is there?

Secretary BAKER. Apparently not. Both the horse and the mule situation seems to have been provided for.

Senator WEEKS. Now, to go on to the next item in Gen. Greble's statement, Infantry equipment, which includes haversacks, first-aid pouches, and canteens, 78 per cent short.

Secretary BAKER. I have something here, I am sure, on haversacks. I will get it right away. That table compares the needs of February 1 with the supplies on hand January 5. The total number needed is 1,800,000 and the total supply on hand was 936,000, making, roughly, about 60 per cent on hand now.

Senator WEEKS. Small-arms ammunition, 75 per cent short.

Secretary BAKER. The requirements are about three times the deliveries to the 5th of December, but the curve of deliveries is much more rapid in its rise than the curve of requirements, seeming to indicate that the progress was rapid last year.

Senator WEEKS. Are all the available small-arms ammunition makers in the country being used?

Secretary BAKER. I can not answer that.

Senator WEEKS. You mean you do not want to answer it or you do not have the information?

Secretary BAKER. I do not know.

Senator WEEKS. You do not know to what extent they are being used?

Secretary BAKER. No.

Senator WEEKS. Have you had any talk with Gen. Crozier about that? I ask this because I do not recall having asked him the question. I have been told that they were not being used.

Secretary BAKER. I can not answer that, sir; I do not know. If he has talked to me about it, it is not in my memory at the present moment.

Senator WEEKS. Artillery ammunition, 90 per cent short. It does not seem to me that that is an especially important item of shortage if you have not the artillery, but according to the schedules they do seem to be 90 per cent short.

Secretary BAKER. That is not unnatural, I should think. Quantity production is in process.

Senator WEEKS. Turning over to some other matters of equipment, and this is also Gen. Grebie's statement, especially equipment relating to transportation of a division, escort wagons required, 405; on hand, 362; leaving a deficiency of 43. In all of these other cases, with one exception, the division has none on hand. Rolling kitchens, required 116; ration carts, required 113; water carts, required 109. Do you want to look those up?

Secretary BAKER. It would probably take a long time to look up all of them, and I doubt whether I have data on some of them. I have here only a summary of the major items.

Senator WEEKS. I will just read these, Mr. Secretary: Motor cars, 46. There is one motor car on hand. Motor trucks, 245. These are the requirements I am reading. Tactical supply trucks, 12; rolling kitchens, 10; motor cycles, with side cars, 105; bicycles, 250; spring wagons for artillery regiments, 7; water carts, trail mobiles for sanitary trains, 6.

Now, there are none of those means of transportation on hand in that camp with the exception of wagons, which I read.

The CHAIRMAN. You might add to that, further, Senator WEEKS, that the testimony before the committee is that that is one of the accessories that is short in Europe according to the testimony before this committee. That is motor transportation.

Secretary BAKER. Yes; that is true. It is short in Europe chiefly for transportation reasons, but it is short in these camps for an additional reason. The production of standardized and interchangeable equipment, which is standardized and of the very greatest importance, is in quantity production now.

Senator WEEKS. You refer to the motor truck?

Secretary BAKER. I am referring to the motor trucks; yes.

Senator WEEKS. That would not apply to most of these articles?

Secretary BAKER. It would not apply, of course, to things like kitchens and to escort wagons, but it would apply to motor equipment generally.

Senator WEEKS. It would not apply to bicycles, or motorcycles, would it?

Secretary BAKER. No; it would not apply to either of those.

Senator WEEKS. I should think the only one would be motor cars and motor trucks that that would apply to.

Secretary BAKER. Probably not motor cars; motor trucks, I should think, chiefly.

Senator WEEKS. The motor trucks required for a division, according to this schedule, are 245.

Secretary BAKER. I wonder, Senator, whether you are comparing the motor equipment for a division in mobile operations with the number on hand. These divisions are stationary now. They do not require all these motor transportation escort wagons, unless they move.

Senator WEEKS. Well, they may require them in a day if they are ordered to move.

Secretary BAKER. If they are ordered to move within the United States they might need them, if they were ordered to move otherwise than by rail.

Senator WEEKS. This is Gen. Grebie's statement, and what he has given as requirements, or, as I understand it, the standard fixed by the department?

Secretary BAKER. Exactly.

Senator WEEKS. And as far as the quartermaster's stores are concerned they come within equipment C class, which is very definite in every article included to make up that standard requirement.

Secretary BAKER. Exactly. Now, that standard requirement is the equipment a division should have in operation. Instead of buying promiscuous and indiscriminate truck equipment and motor equipment, which would have to be discarded when the division actually went into operation, the plan is to supply them with standardized equipment when they need it.

Senator WEEKS. That is, motor trucks?

Secretary BAKER. That is motor trucks and wagons, escort wagons.

Senator WEEKS. They have the escort wagons, practically.

Secretary BAKER. Yes; substantially.

Senator WEEKS. But, why, nine months after the declaration of war, should there be an encampment where there are no rolling kitchens, for example?

Secretary BAKER. I can not answer that, Senator.

Senator WEEKS. Does it not seem pretty unreasonable that somebody has not provided such articles as that?

Secretary BAKER. I am not sure. The answer is probably pretty easy. I am hazarding this answer as the right one. A rolling kitchen, of course, is needed in the field. The standard equipment for a division might require 100 rolling kitchens, but when they are in a permanent camp they do not need rolling kitchens, so that the accumulation of that unstandardized equipment which they are not going to use would be an unnecessary thing to do.

Senator WEEKS. I do not think you are quite correct in that statement, Mr. Secretary. For example, there is an encampment at Spartanburg, S. C., where I understand their target range is 30 miles from the camp. Necessarily they have to be away from the camps several days. I should think that would be the very time they would need a rolling kitchen, if ever.

Secretary BAKER. But, as a matter of fact, I feel quite sure that you have never heard the slightest suggestion that the men at the target range at Spartanburg are not adequately fed?

Senator WEEKS. I have not heard that.

The CHAIRMAN. Right in that connection, is it not true that with every division there is a tactical unit of expert motorcycle and motor-truck men who have to be trained for usage in Europe?

Secretary BAKER. Yes.

The CHAIRMAN. Is it not a delicate proposition to master the handling of these motor trucks?

Secretary BAKER. Yes, sir.

The CHAIRMAN. What preparation can, therefore, be made for training these men if they are entirely lacking in facilities?

Secretary BAKER. They are being trained in very large numbers at Black Point, a special camp erected for the purpose, and given highly specialized training.

The CHAIRMAN. That is in Florida?

Secretary BAKER. Yes. Forty thousand of them are there.

Senator WEEKS. I want to say, Mr. Secretary, referring to the question of food, that in my judgment the complaints that are being made about food are practically negligible. I think the food is good at practically all the camps. I think there is not much basis for complaint on that score.

Secretary BAKER. I have not heard any.

Senator WEEKS. We occasionally have a complaint from a homesick boy.

Secretary BAKER. I have not even had one about the food.

Senator WEEKS. Sent to you through his mother?

Secretary BAKER. Not even one about the matter.

Senator WEEKS. I think if you were representing the State, you would have them.

Senator McKELLAR. A good many.

Senator WEEKS. But I think they are negligible. When are these camps going to be fully supplied with all that they require in order to make them ready for service?

Secretary BAKER. No comprehensive answer can be given to that, Senator.

Senator WEEKS. Can anybody give an answer to that?

Secretary BAKER. As to the particular items, different men would undoubtedly give you the answers based on the most accurate recent survey of the progress being made in procuring these accessories.

Senator WEEKS. Have they got to go on an exploring expedition?

Secretary BAKER. Not at all.

Senator WEEKS. And call in Tom, Dick, and Harry in order that we may inform ourselves whether the service is being conducted as well as it should be?

Secretary BAKER. No, Senator; and you have not done that. You have called in Gen. Crozier and gotten very detailed information from him.

Senator WEEKS. Yes.

Secretary BAKER. You have called in Gen. Sharpe and gotten very detailed information from him. Now, if there be an item about which they have been uncertain or indefinite, or which was overlooked, or which has subsequently occurred to any member of the committee, I shall be most happy to include in my statement a comprehensive and complete answer as to that item or detail.

Senator WEEKS. Then I would like to have you put in the record the time when we may expect that all of these articles which I have read, ordnance and equipment, will be supplied to every encampment in the United States.

Secretary BAKER. That is, you want me to put into the statement a forecast as to the time when complete equipment on each of these items mentioned by Gen. Greble will be supplied for the troops now in training?

Senator WEEKS. Yes; now in training.

Secretary BAKER. I will be very glad to do it.

Senator WADSWORTH. Mr. Secretary, have you any system in your department by which you receive, say once a week, or twice a week, reports showing the percentage of progress?

Secretary BAKER. Yes, sir.

Senator WADSWORTH. Then, you would know, ordinarily, what the percentage of progress was in all this equipment?

Secretary BAKER. Yes.

Senator WADSWORTH. Judging from that percentage of progress, I should imagine you could tell when the progress would be completed.

Secretary BAKER. Yes; as to some of the items that the Senator has been discussing, the smaller items of equipment, the less urgent in their need.

Senator WADSWORTH. As an example, have you a statement which tells you from day to day the progress made in the designs of heavy artillery?

Secretary BAKER. Not a system which tells me from day to day, but a system which tells me from day to day the progress, and weekly reports of the needs of the Army and the deliveries and anticipated deliveries on all the major items of supplies.

Senator WADSWORTH. From your recollection of that report, could you say that you knew whether or not the designs for our artillery program are completed?

Secretary BAKER. This report does not contain that. It contains the needs of artillery, deliveries of artillery, and anticipated deliveries, but does not deal with questions of design. Now, in Gen. Wheeler's office there is a room which is devoted solely to progress charts, which is kept corrected not only day by day but by hour, so that every bit of progress which is made in the entire Ordnance Department is graphically stated on those charts, and whenever I want to see any particular item of the kind you have suggested, I can go into that room and look at it.

Senator WADSWORTH. Do you happen to know whether the designs are completed?

Secretary BAKER. I do not remember.

Senator WADSWORTH. Do you happen to remember whether orders have been definitely placed for all the different classes of artillery?

Secretary BAKER. I do not remember that. I think it is quite unlikely that they have been.

The CHAIRMAN. Do you other members of the committee have any questions to ask? Have you finished, Senator?

Senator WADSWORTH. On that point, Senator; yes. I do not know whether anybody else wanted to ask about the ordnance or clothing. I have no more questions on that point.

Senator McKELLAR. I wish to ask a few questions about clothing. Mr. Secretary, on yesterday, as I understood you, you stated that the purchasing of supplies by the committee on supplies has been stopped now. Is that a correct statement?

Secretary BAKER. I told you it was in process of being stopped, Senator, and I think it has stopped now.

Senator McKELLAR. What is going to be done with that committee?

Secretary BAKER. The committee will disappear as a supply committee.

Senator McKELLAR. And the members thereof will not be any longer connected with the Government?

Secretary BAKER. I can not say that.

Senator McKELLAR. What do you propose to do with them? I am speaking now of Mr. Eisenman, Mr. Scott, and Mr. Kaplan, and the other gentlemen on that committee.

Secretary BAKER. I can only answer with regard to Mr. Eisenman. I have had some talk with Gen. Goethals, and, as I remember it, he desires to take Mr. Eisenman into his own office as a part of the Quartermaster Department. The other members of the committee I do not know about.

Senator McKELLAR. So that it is the intention of the department to discontinue the supply committee, but to employ Mr. Eisenman to really conduct it?

Secretary BAKER. That is a possibility. I will not say that he will conduct it, but to use Mr. Eisenman's experience and judgment and knowledge in coordination with other people in the Quartermaster Department.

Senator McKELLAR. Virtually, that will be conducting the matter precisely as it has been done before?

Secretary BAKER. I think not.

Senator McKELLAR. Except that Mr. Eisenman will be employed at a salary?

Secretary BAKER. Either commissioned or employed at a salary.

Senator McKELLAR. You can not say what will be done with the other members of the committee?

Secretary BAKER. I have never heard it suggested.

Senator McKELLAR. Whether it will be disorganized?

Secretary BAKER. The committee will be discontinued.

Senator McKELLAR. The committee will be discontinued. Will the committee be discontinued whether Mr. Eisenman goes into the service of the Government or not?

Secretary BAKER. Yes.

Senator McKELLAR. In other words, you have determined to stop the purchase of supplies by this particular committee?

Secretary BAKER. The reorganization of the Quartermaster Department has now reached a point where the services previously performed by that committee will no longer be necessary, but will be performed directly by the Quartermaster Department itself.

Senator McKELLAR. Virtually under the control of Mr. Eisenman, if the plans of the department are carried out?

Secretary BAKER. That has been suggested. Not virtually under his control. You asked me particularly about Mr. Eisenman, and I was very glad to tell you. Gen. Goethals told me that he desired to bring Mr. Eisenman over into his own office, but whether he has worked out an arrangement to do that I do not know.

Senator McKELLAR. I would like for it to go on record that I, as one member of this committee, desire to protest against the employment or commissioning of Mr. Eisenman in any purchasing department of the Government.

Of course, I do not ask you to make a reply to that unless you desire to, but I want to protest against it, because of the developments that have occurred in this committee in connection with Mr. Eisenman and Mr. Kaplan, and in the fixing of prices by that committee, of which Mr. Eisenman is virtually the head.

Secretary BAKER. I would like to say this in reply, Senator, that I feel quite sure that you and all the members of the committee desire to have the most capable and reliable people employed whom we can find, and I so regard your statement on that subject as a thing to be weighed.

Senator McKELLAR. Yes, sir. I wish to say this. So far as I am concerned the developments in this committee have shown, in my judgment, that while Mr. Eisenman may be equipped in one sense to supply the Army with the supplies necessary in the Quartermaster Corps, that the revelations in regard to this committee of which he has been the managing and controlling agent are such that I do not think that he ought to be further employed by the Government; and when I congratulated you yesterday on having dissolved the committee it was on the theory that Mr. Eisenman and all the other members of the committee would be discharged, and not upon Mr. Eisenman's being retained by the department in another capacity for the same purpose.

Secretary BAKER. Senator, let me make this comment on that.

Senator McKELLAR. I would be glad for you to make any statement you like.

Secretary BAKER. I have been in fairly close contact with Mr. Eisenman's work since he has been here. I do not like to deal in language of superlatives, but I think his zeal and his desire to serve the Government were a very fine exhibition of business judgment and of loyal service to the Government, of which anybody might be proud. That he may have made some mistakes is perfectly obvious. That there may be things in this record which ought to be very seriously considered in the matter of his employment, of course, is true, since you say so, and I will be very glad to examine the record fully.

Mr. Eisenman would not want to stay in the service—and I would not want him to stay in the service—if there is anything in the record in the slightest degree reflecting upon him. My observation has been that his services have been of a very high and patriotic order, and that he has conserved the interests of the Government in every respect.

Senator McKELLAR. And you indorse him in everything and in every respect?

Secretary BAKER. I indorse everything that he has done of which I am advised.

Senator McKELLAR. You indorse the organization by him of the Base Sorting Plant, and you indorse also, as I understand your proposition, the fixing of prices for cotton duck by Mr. A. L. Scott, on the committee, whereby the Government pays a profit on the purchases under the prices fixed by Mr. Scott and approved by Mr. Eisenman of from 75 to 150 per cent?

Secretary BAKER. Senator, I do not want to say that, because I do not know anything about the latter of those two instances. So far as the Base Sorting Plant is concerned, I can only say that, on the statement of facts made to me, the expedient, while not a desirable expedient to be permanently followed, was probably a wise thing from a business point of view at the time it was done.

The CHAIRMAN. May I say, as one member of the committee, that I think the conclusion reached by the Senator from Tennessee on the question of profit on this duck may not be the conclusion reached by other members of the committee. Of course, each member can draw his own deduction from the testimony that is in. That is his own inference, and I think other members of the committee would reach an entirely different conclusion as to the amount of the profits.

Senator McKELLAR. Mr. Secretary, I want to ask about what has been done by the department as to the matter of nitrates?

Secretary BAKER. I think I asked the committee to consider that and powder supply both in executive session. I would be glad to have them consider it there.

Senator McKELLAR. Then, I would like to ask you about one other thing. On October 10, 1917, there was an order issued by you, and in the fourth division of which, on page 2, is found the following:

> Vacancies in the grade of colonel and lieutenant colonel will be filled as far as practicable by the promotion of officers selected from those serving in the next lower grade in the same arm of the service, in the same division to which the organization in which the vacancy occurs is assigned or attached for service.

As I understand, that means that where a man is appointed from the Regular Army—say a graduate of West Point is given a temporary appointment as an officer in the National Army—that thereafter during the continuance of this order he will be ineligible for appointment in the Regular Establishment provided, and that he will lose his place and that men far lower than he is on the list will be promoted over him. Is that correct?

Secretary BAKER. I do not think that is the meaning of that, Senator. It does not seem so to me.

Senator McKELLAR. I will say that many complaints have come to me that that will be the effect of that order, and I would like to call your particular attention to it and say——

Secretary BAKER (interposing). May I read that section?

Senator McKELLAR. Yes, sir. I do not think men, for instance, who had graduated in the academy in later years should be, by virtue of that order, if it does have that effect, promoted in the Regular Establishment over men who had graduated long before.

Secretary BAKER. All that I get out of this is much simpler than that. "Vacancies in the grade of colonel and lieutenant colonel"—let us take a particular instance. Assume a colonel of an Artillery regiment, or a lieutenant colonel of an Artillery regiment, the vacancy there will be filled as far as practicable by the promotion of officers selected from those serving in the next lower grade. That would be majors or lieutenant colonels, in the same arm of the service and in the same division. So that it would mean this: That if a colonel of an Artillery regiment, if a vacancy occurs there, the vacancy would be filled by the appointment of a lieutenant colonel of Artillery in the same division, or a major of Artillery in the same division, and would not result in one or the other of two things being done, either bringing somebody from the Philippine Islands or the Panama Canal, who happens to be next on the seniority list, and leaving a vacancy for a long time, or putting in charge of an Artillery regiment an Infantry or a Cavalry major.

Senator McKELLAR. Then it might well occur that in the case that you illustrated, a man who happened to be in that particular division and who had graduated in the class, say, of 1912, would be promoted over a man who had graduated in 1916 in the Regular Army.

Secretary BAKER. Yes; it might happen.

Senator McKELLAR. Would not that be very detrimental to discipline in the Army, and would it not cause a great deal of discontent?

Secretary BAKER. I think not, Senator.

Senator McKELLAR. I just ask you to consider it.

Secretary BAKER. I will be very glad to consider it; but I have considered it many times. In the Regular Army, in time of peace, the rule of seniority is the only rule that has ever been agreed upon or has ever gotten a normal acceptance among the Army; but in time of war, when the Army is expanded and is made up of the National Army, the National Guard, and the Regular Army, and scattered over the face of the earth, seniority is wholly impossible. If a vacancy occurs in colonelcy in France, we can not bring the man next on the list in the Philippines and put him over there, and in active operations we can not transfer a man from Cavalry to Artillery, for example. We have to limit it to the arm of the service in which he is engaged; so that the rule which has been adopted, and it seems to be a fair rule, is to have, as far as practicable, promotions in the division. A division is a large body. It is a unit; it has a single commander; and it seems reasonable to have those promotions in the division, in the National Army, without affecting the standing of officers on the regular roster of the Regular Army. I would be very glad to consider it, if it is causing any inconvenience.

The CHAIRMAN. I have had it suggested to me that young officers who have been promoted from the Regular Army to the rank of major in the National Army practically lose their standing in the Regular Army, so far as promotions are concerned. Promotions of their juniors in the Regular Army might be made ever so fast, but the young men who are transferred to the rank of major, for instance, into the National Army stand still, or might stand still, and see their juniors promoted regularly in the Regular Army.

Secretary BAKER. That could not be. The promotions in the Regular Army go on silently and unobserved by the seniority rule.

The CHAIRMAN. What becomes of the place of these two majors formerly filled in the Regular Army?

Secretary BAKER. They may be occupied by National Army majors, or something, but a captain of the Regular Army is promoted to major according to his seniority. If he is absent, doing duty as colonel, he is major of the Regular Army and colonel of the National Army.

The CHAIRMAN. Do the young men who have gone over in the National Army from the Regular Army maintain their standing all the time in the Regular Army?

Secretary BAKER. Absolutely.

Senator MCKELLAR. And are promoted without regard to their service in the National Army?

Secretary BAKER. They are promoted in the Regular Army so far as their standing on the Regular Army roster is concerned.

Senator MCKELLAR. Well, I do not see any occasion for complaint if that is the fact. That will remedy the complaint that I make here.

Senator KIRBY. Those appointments, then, are in the nature of temporary appointments.

Secretary BAKER. The National Army commissions are all temporary commissions, and a man's status in the Regular Army is unaffected by his temporary assignment to duty in the National Army, under National Army commission.

Senator KIRBY. I refer to promotions in the field. If, perchance, they would be over men in other sections of the country, would those be in the nature of temporary?

Secretary BAKER. Only temporary, Senator.

Senator HITCHCOCK. Mr. Secretary, in the admirable statement you submitted yesterday I understood you to say that purchases in the Quartermaster Department began December 29, 1917. Perhaps I am wrong about that.

Secretary BAKER. No, sir; I did not intend to say that, if I did say it.

Senator HITCHCOCK. Do you remember when those purchases did begin?

Secretary BAKER. Purchases of what, Senator?

Senator HITCHCOCK. Of supplies for the Quartermaster Corps. Was there any particular time when they began making contracts?

Secretary BAKER. Oh, no; they were continuous.

Senator HITCHCOCK. Continuing right along?

Secretary BAKER. Oh, yes. Enormous purchases of supplies were made prior to December.

Senator WADSWORTH. Mr. Secretary, some one testified here, I believe, that there were quite a number of troops going over, artillerymen, who had never even seen field guns or rapid-fire guns. Do you know how long it takes to make out of a raw recruit a trained artilleryman, or one fit for active service?

Secretary BAKER. No; I do not, Senator; but the statement which was made was accurate to this extent, that very large training schools were established in France for Artillery, and a very large number of officers were sent over there to be trained, many of whom probably had not handled artillery ordnance; but they have been over there for many months going through those schools in series, and the only question was whether it was better to establish the schools there or here.

Senator WADSWORTH. Is that for the enlisted personnel?

Secretary BAKER. No; those are officers' schools; but there are schools for the enlisted personnel as well.

Senator WADSWORTH. Are they taught firing on ranges over there, or are they taken to the front?

Secretary BAKER. They are taught firing on the ranges first and then taken to the front.

Senator WADSWORTH. How long are they kept on the ranges?

Secretary BAKER. I do not know that, Senator. The officer's task in modern artillery, of course, is a very much more intricate and scientific task than that of the enlisted men. They are required to master the use of range finders and mathematical instruments, and things of that sort.

Senator WADSWORTH. In advance of the introduction of a War Department appropriation bill, is it the custom of your bureau chiefs in the War Department to supply estimates to you covering the needs of their particular bureaus for the ensuing fiscal year?

Secretary BAKER. Yes.

Senator WADSWORTH. Do you revise those estimates?

Secretary BAKER. Yes.

Senator WADSWORTH. Do you cut them down and raise them?

Secretary BAKER. Perhaps it would be better instead of answering questions to say exactly what happens. The bureau chiefs make out their estimates. They are taken up by the General Staff and studied, and in the event of any recommendation for modification proceeding from the General Staff or the Chief of the General Staff I would consider that, send for the bureau chief, and hear both sides of it, and finally determine it.

Senator WADSWORTH. Has it been the practice, within your knowledge, either in your own case or your predecessors, to reduce the estimates as they finally reached you through the General Staff?

Secretary BAKER. I do not recall any personal act of mine in ever reducing an estimate on my own unguided judgment. I do not remember having reduced any estimates on advice of the Chief of the General Staff.

Senator WADSWORTH. In the year 1916, for instance, did the estimates submitted to the Congress include within their limits everything that the Army thought it ought to have?

Secretary BAKER. They certainly included everything which was recommended by the General Staff, but I do not think that would fairly be held to mean that they included everything that the General Staff would have desired if it felt free to present a maximum program. Long experience with the subject naturally makes them want to present a reasonable program, one that they can defend before the committees.

Senator WADSWORTH. In other words, do you mean that the estimates, for instance, in that year might have been toned down as it were, for fear Congress might consider them excessive?

Secretary BAKER. I would not like to say that. You gentlemen have been dealing with these estimates for a long time, and I think you are perfectly aware that each bureau and each officer in the department has ambitious programs for his division, and he has argued out with members of this committee and the members of the House committee the advisability of certain features of that. Doubtless their estimates are prepared with a recollection of previous discussions with the committee and the desires of the committee that the program shall be reasonable.

Senator WADSWORTH. In view of the world-wide situation which existed in 1916, do you think that the estimates submitted to the Congress were sufficient?

Secretary BAKER. In view of what has since happened, I should say probably it would have been very much wiser if they had been very much more.

Senator WADSWORTH. In view of what must have been known by the General Staff and the War Department through the avenues of information which the War Department necessarily must have, and which the Congress does not have and the public does not have, do you think they were large enough?

Secretary BAKER. Senator, I think I ought to say that I think they were large enough, in view of the fact that even those submitted were reduced, many of them. To have put in larger estimates would have led, in all likelihood, to further reductions. But I say that not critically at all.

Senator WADSWORTH. You mean reduced by the Congress?

Secretary BAKER. Yes; both the House and Senate committees, as I recall it, reduced the estimates made by the department in 1916.

Senator WADSWORTH. My recollection of it was that in some very important items, at least, Congress raised the estimates.

Secretary BAKER. I do not remember that, Senator.

Senator WADSWORTH. Gen. Crozier testified here that he had men arranging a much larger artillery program for several years, and had been urging it, as I remember his testimony, through the years 1915 and 1916, and before the outbreak of the European war, but that his estimates, coming from the bureau with his approval, were reduced, and that when they reached Congress they did not reflect his best judgment as to what was needed.

Secretary BAKER. I have not Gen. Crozier's recommendations in mind at the moment, but it is a fact known to you that the habit and practice of the War Department is to appoint boards to lay out programs of long-continued manufacture, and the most adequate study of the artillery program that has been made by the War Department within recent years was that made by the so-called Trent Board, which decided on types, sizes, and quantities. That program was deemed adequate at the time it was made, and deemed adequate for some year or two after that.

Senator WADSWORTH. When was that made, do you remember?

Secretary BAKER. I can not give you the date.

Senator WADSWORTH. Do you remember the year?

Secretary BAKER. No; I do not. It was an established program when I came to the War Department.

Senator WADSWORTH. When you came to the War Department it was an established program?

Secretary BAKER. Yes.

Senator WADSWORTH. Now, was anything done in the War Department to hurry that program and to anticipate the need?

Secretary BAKER. Yes. It was argued most earnestly to the committees, and a more or less definite understanding reached between the Ordnance Department and Congress as to how rapidly that program should be fulfilled, and each time Gen. Crozier appears before this committee or the House committee he argues the program, the rate of progress on it, and how long it would take to complete it, and whether it ought

to be speeded up and accelerated. That was all very carefully argued to your committee.

Senator WADSWORTH. Yes, Mr. Secretary; but the rate of progress that could be made was so limited by the amount of money appropriated for the year.

Secretary BAKER. Yes.

Senator WADSWORTH. My recollection is that this committee at least gave the department all the money it asked. What I want to find out is should not we have been asked to give it more?

Secretary BAKER. Senator, in view of what has happened, it would have been very much wiser if much larger estimates had been made.

Senator WADSWORTH. Mr. Secretary, was not the possibility—yes, the probability—of this event that has happened within the minds of the War Department in 1916?

Secretary BAKER. Of course, the War Department, Senator, is a war department, and it is constantly assuming that it may be called upon to perform its function, and therefore these contingencies, or the possibility of being obliged to raise armies and equip them and use them in the defense of the Nation, was constantly present in the minds of the department.

Senator WADSWORTH. Did the War Department, through you or through any other proper official, make any vigorous recommendations in 1916 to the effect that our program of supply in all respects should be greatly hurried?

Secretary BAKER. I can not answer that any more than to say that Gen. Crozier and I personally appeared before the committee and urged as hard as we could the appropriations asked for. We did not ask larger appropriations. In view of what has since occurred in all likelihood it would have been wiser to ask much larger ones.

Senator WADSWORTH. Secretary Baker, the appropriations you asked for were in conformance with the five-year increment program of the Army, were they not?

Secretary BAKER. Some of them were; yes.

Senator WADSWORTH. Well, generally so?

Secretary BAKER. Yes; I think generally so.

Senator WADSWORTH. In view of the world situation of 1916, do you not think it would have been wiser to have anticipated that program?

Secretary BAKER. I think it would as I see it now, looking back. In view of the later knowledge I think it would have been wiser for you and wiser for us.

Senator WADSWORTH. Could it not have been foreseen then?

Secretary BAKER. It was as obvious to you as to us then, Mr. Senator.

Senator WADSWORTH. Oh, no; scarcely. We have not the methods of information that you have.

Secretary BAKER. But no one in the country was blind to the fact that there was a war going on in Europe in 1916.

Senator WADSWORTH. But the administration was best informed, through its Diplomatic Service and through other means of information, as to what the probabilities of the United States going into war were.

Secretary BAKER. I can not say that in 1916 I personally felt that we were certainly going into the European war.

Senator WADSWORTH. Of course, I would not expect that you felt certain that we would be going into the European war, but the probabilities were certainly, as it turned out since.

Secretary BAKER. As it turns out since we have gone in, and if we were as wise in 1916 as in 1917 unquestionably the estimates asked for in 1917 and 1918 would have been asked in 1916.

Senator WADSWORTH. In view of the disclosures, Mr. Secretary, that have been made and given to the public involving the publication of intercepted dispatches, disclosing the cynical and sinister purpose of the German Government to flout us and to continue to flout us, many of which dispatches and operations were written or conducted in 1916, was it not well within the ability of the War Department or of the administration to foresee the inevitable?

Secretary BAKER. I do not know what dispatches you are referring to, Senator, but quite generally I decline to discuss the diplomatic relations of the Government.

Senator WADSWORTH. They were discussed to the public, Mr. Secretary, and given out by the State Department?

Secretary BAKER. Yes.

Senator WADSWORTH. What steps did the Council of National Defense take to prepare the war-making machinery of the Government to meet the event that has overtaken us?

Secretary BAKER. There is an annual report of the Council of National Defense that details those steps in very great detail. They are far too detailed to summarize in a sentence or two.

Senator WADSWORTH. When was the council first organized?

Secretary BAKER. Its early organization was very shortly after the law organizing it, but its organization in its later form did not take place until later. The permanent organization was not effected until March, 1917. The early organization, however, had been very active prior to that time.

Senator WADSWORTH. The organization was not completed until March, 1917?

Secretary BAKER. Its permanent organization was not effected until March, 1917.

Senator WADSWORTH. When was the act of Congress enacted?

Secretary BAKER. The statement in the annual report is—

The Council of National Defense, although created under the act of Congress approved August 9, 1916, was not fully organized until March 3, 1917.

Senator WADSWORTH. The Council of National Defense consists of five Cabinet officers, does it not?

Secretary BAKER. Five or six.

Senator WADSWORTH. You are the chairman, are you not?

Secretary BAKER. Yes.

Senator WADSWORTH. Can you tell us what progress was made shortly after August 29?

Secretary BAKER. Very great progress, Senator.

Senator WADSWORTH. In what respect?

Secretary BAKER. The most conspicuous thing done was the industrial survey of the country, which, prior to that time, had been inaugurated by Mr. Coffin and some others as private individuals, involving a survey of the facilities of every manufacturing plant in the country, and the classification of them, and a card cataloguing and indexing of those which were convertible from one form of industrial occupation to another. The activities of the council from the date of its first meeting were constant, and, in my judgment, exceedingly helpful toward the main purpose.

Senator WADSWORTH. Did the council take any action to increase the appropriations?

Secretary BAKER. No; it did not.

Senator HITCHCOCK. Mr. Secretary, would you like to revert to this delivery of machine guns, concerning which we were having some discussion a few minutes ago?

Secretary BAKER. Yes, sir.

Senator HITCHCOCK. Do you think there is any propriety in keeping these figures confidential?

Secretary BAKER. I think it would be better to pass that paper around.

The CHAIRMAN. The figures which you have secured by telephone from the War Department indicate a possible delivery by the end of July of machine guns equal to about four times the figures which Gen. Crozier gave us. What is the cause of the change in the estimate?

Secretary BAKER. I do not know that, sir. I have not seen Gen. Crozier's figures except as you gave them to me.

The CHAIRMAN. These were the figures taken from a written statement which he had before him, and show how many light Browning guns and how many heavy Browning guns were to be delivered each month; and it appears from this statement that up to the end of July only one-tenth of the Browning contract could be delivered at that time, which led me to say that the Browning gun practically would not become a factor until the year 1919. These revised figures that you have given show an astonishing change, and I think an impossible change. For instance, you were providing in the later months of the present year—say, September and October—for machine guns to be delivered at the rate of almost a thousand per day. Now, there has never been in the history of manufacturing any such accomplishment as that.

Secretary BAKER. That must be all makes of machine guns.

The CHAIRMAN. No; just the Browning gun. They are not segregated, the heavies and the lights, but such a thing was not contemplated. It is three times what Gen. Crozier said was possible per month at that time, and these immediate deliveries are so entirely out of joint with the contracts made and the promises which he exhibited that I would like to have them reconciled in some way.

Secretary BAKER. I just telephoned to Gen. Wheeler, or Mr. Crowell did, for anticipated deliveries under existing contracts; and that, I suppose, is what you asked for, is it not, Mr. Crowell?

Mr. CROWELL. Yes.

The CHAIRMAN. Either Gen. Crozier did not present the correct figures to us or else there has been some important change made in these deliveries; and, in either event, I think we ought to know as to that.

Secretary BAKER. There is this change, that at least one and probably two very large factories which were otherwise engaged when Gen. Crozier was talking with you about it have since

been converted to the manufacture of machine guns. Is not that true?

Mr. CROWELL. Yes; that is true.

The CHAIRMAN. That is not possible, because none have gun-manufacturing machines.

Secretary BAKER. But I mean they have been diverted to it and are in course of change, and these figures are anticipating their deliveries. These are the prospective deliveries up to a late date.

The CHAIRMAN. I would like to have those segregated, if possible, for the use of the committee—those referring to the Browning heavy and light together. You feel sure, do you, from such authority as you have, that Gen. Crozier's figures, given to us some 10 days ago, as to the delivery of Browning guns are inaccurate and that something has occurred since that time?

Secretary BAKER. Senator, I would not like to say that, because I have not those figures, and the possibility of misunderstanding is too obvious; but what I have tried to do and what Mr. Crowell has been trying to do for us by telephone was to talk with the man who does know and who has at his hand the means of information

The CHAIRMAN. I will say to you that Gen. Wheeler was here present when Gen. Crozier gave the testimony, and he was in consultation with him in the meantime, and my recollection is that that was less than two weeks ago.

Secretary BAKER. We can solve the whole problem, but we can not solve it by anything I can contribute, because I have no personal information about it beyond the papers; but we can solve the whole problem by having Assistant Secretary Crowell go back to the department and get Gen. Crozier's figures and compare them with Gen. Wheeler's figures and find out the discrepancy.

The CHAIRMAN. I think we should have that. According to the absolute, unqualified testimony of Gen. Crozier we could not hope for one-tenth of these by the 1st of August.

Secretary BAKER. I will be glad to have those figures verified.

The CHAIRMAN. Senator THOMAS, of Colorado, had to leave the room and he asked me to inquire of you why it is that men who have been drafted into the National Army are not able, in accordance with the promises that were held out to them, to get assigned to such qualifications or work as they are fitted for. The Senator had in mind instances of men whom he knew personally to be mechanics who had utterly failed to be recognized as mechanics and were treated merely as privates, and some complaint of that sort has come to me and to other Senators, and we would like to call it to your attention and suggest that the value of the Army would be a good deal increased and justice would be done to a great many men if some organized effort should be made to examine into the qualifications of these privates and let them have an opportunity to follow out the skilled work that they are qualified to do.

Secretary BAKER. Senator, I would like to be heard on that for a moment. The War Department does not recognize in any drafted man a right to elect his service. The Government determines where he can be of most service, and the fact that a man may regard himself as a mechanic or be a mechanic does not give him the right to demand of the War Department that he be assigned to a particular kind of occupation or service.

The CHAIRMAN. Very true.

Secretary BAKER. But we have had made the most elaborate occupational census of the men in the Army which has ever been made of any similar number of men. It is in a card catalogue, so that at the camp, by pulling out a drawer and laying a ruler along the tops of the cards, you can pick out every man in that camp who is an automobile mechanic. By laying the ruler along another set of indentations in the cards you can select every painter, carpenter, lawyer, doctor, every machinist, and there is a complete classification of occupations.

The demand for mechanics in the Army is exceedingly large, enormous, as a matter of fact, and when we have a request from the Aviation Corps or from the Engineers or from the Ordnance Department for mechanics of a particular kind, we pull out the drawer and lay the ruler along the line that indicates the men who are familiar with that sort of business, and we select out of that camp its quota, its contribution, to that withdrawal from the division of that particular type of men.

It is not possible to withdraw them all from one camp because it disorganizes the military discipline and the tactical formations, which are already in process, so that there are still in the camps competent mechanics who have not yet been withdrawn for assignment to mechanical operation, but the means for doing it are there, and as soon as it can be done it is being done.

The CHAIRMAN. That is all I wanted to develop.

Secretary BAKER. It is a very complete system.

The CHAIRMAN. It is being followed out?

Secretary BAKER. It is very complete.

The CHAIRMAN. It was a statement held out to the country not only to encourage those that were qualified, but to show that the Army would be given the very highest possible efficiency. Of course, we get complaints, and although we discredit them more or less, I realize that there may be some justice in some of them.

Secretary BAKER. I think I have a statement here which I would like to hand to you personally, as you are interested in it. It is the completest occupational card-index system that has ever been made of a similar number of men.

Senator WADSWORTH. I have heard that that was being most excellently done.

Secretary BAKER. It is being done by Prof. Walter Dale Scott and some of his assistants, and I think is a most searching and careful analysis.

Senator FLETCHER. Does it include shipbuilders?

Secretary BAKER. Yes; and not only that, but we have been able to supply to the Emergency Fleet Corporation a very large number of those men, and they have been furloughed from the Army into what we call the engineering reserve, and then placed on the inactive list, so far as the Army is concerned, and they have gone to work in the shipyards.

The CHAIRMAN. Along the same line, I have a suggestion from an Army officer. He had no right to make it to me, but he did. In this rule with reference to the apportionment of a soldier's salary, so much to his dependent wife, children, or mother, as the case may be, that while these young men have been receiving their proportion of the salary, the apportionments have not yet been made to the dependents, in many cases. Do you know anything about that?

Secretary BAKER. I have had some complaints of that kind, Senator. Not only that kind, but I have had complaints of slowness in paying the soldiers themselves in the camps, and I have looked into it two or three times, each time finding that the difficulty comes from the inaccurate way in which names are written and spelled in lists. They have to be carefully compared, and when a company officer makes out the list of his men and spells a man's name wrong and it is compared with the controlling list, then if there is a man in the company whose name is not on the controlling list and it is short a man who ought to be there, it has to be sent back for correction, and until the Army gets to know itself better that sort of thing is inevitable.

The CHAIRMAN. I suppose so.

Senator NEW. Mr. Secretary, you spoke a moment ago of several factories being brought into the manufacture of machine guns since this testimony given by Gen. Crozier.

I would like to ask, if it is a fair question, if the Government has advanced money to any of these companies or to any company for the purpose of building or equipping its plant?

Secretary BAKER. Yes; I think so, Senator. The Government has done this. You authorized it by an act of Congress, authorized the department to advance not in excess of 33⅓ per cent of the contract price on anticipated deliveries upon the receipt of proper security for the advance, and the War Department has appointed a board of men of large experience in such matters to take up with the individual manufacturer the question of the kind of security he gives, and those securities are deposited in the Federal Treasury and have been the basis of advances to a great many men.

Senator NEW. Objection has been made, Mr. Secretary, according to statements made to me by certain managers, that they have offered to do work for the Government, proving themselves equipped to do the work, and that they have been denied the opportunity to do it, while at the same time the Government has, at its own expense, equipped other plants to which contracts have been given. Is there anything you care to say on that?

Secretary BAKER. As a general statement, I could not reply to it. This is true, that contractors who are already engaged in the class of business we desire to have expanded have doubtless been preferred to factories which have been engaged in similar business but are ready to convert their enterprise, but each case has to be taken by itself. The effort of the department has been, as far as permission by Congress goes, and upon adequate security to protect the Government, to assist manufacturers to carry forward their financial and manufacturing operations.

Senator WEEKS. Mr. Secretary, I want to get back to one of the matters which we were discussing about shortages. It is a comparatively minor matter, and yet I have found the contracts here in the testimony, and that is the question of belts. The contracts were let in the months of April and May of last

year for 1,800,000 belts, which will be enough to supply the Army with one belt apiece at least. Now, it would seem from that that there should be no lacking in the belts supplied, and yet Gen. Greble testifies that they are 65 per cent short in his camp.

It went on from that, and contracts were let in July for 1,565,000 more; in August, for 1,060,000 more; and in the months between August and November, for 720,000 more, or about 5,000,000 belts. A belt is a simple, easily made piece of equipment, and it is most surprising to me that there should be a shortage in any camp.

Secretary BAKER. I have nothing on the subject of belts, Senator, in this weekly report.

Senator WEEKS. Will you be good enough to look that up and see if the shortage is due to a lack of distribution or transportation or to the failure of the manufacturers to furnish the belts within the contract time? I am just curious about it.

Secretary BAKER. Yes; I will be very glad to look it up.

Senator WEEKS. That is one item that it seems to me there should not be any question about.

Secretary BAKER. I would be very glad to look it up, Senator.

The CHAIRMAN. You are going to start in now, Senator FRELINGHUYSEN?

Senator FRELINGHUYSEN. Yes.

The CHAIRMAN. I thought it might be a good time to take a recess until half past 2.

Secretary BAKER. Mr. Chairman, I have a Cabinet meeting this afternoon. I can probably be excused from the Cabinet meeting if you prefer to go on this afternoon.

The CHAIRMAN. We want to suit your convenience.

Secretary BAKER. I can give you the entire day to-morrow, and be glad to.

The CHAIRMAN. Whichever you prefer.

Secretary BAKER. I think it would be better for me to be at the Cabinet meeting if I could.

The CHAIRMAN. Very well, sir.

Senator WEEKS. Then we have no other witness for this afternoon, have we Mr. Chairman?

The CHAIRMAN. No.

Senator FRELINGHUYSEN. I only want to inquire of the Secretary regarding the matters of cantonments.

The CHAIRMAN. Well, you might finish with that.

Senator WEEKS. When we get into the cantonment question I apprehend some members of the committee will want to go into that.

Senator MCKELLAR. Yes. I think we had better adjourn until to-morrow morning.

Senator FRELINGHUYSEN. Why $134,000,000 was spent in cantonments at a profit of 2.98 per cent. I wanted to inquire into that a little bit.

The CHAIRMAN. We have not touched the cantonments.

Senator FRELINGHUYSEN. I have some information which will probably be illuminating to the committee, and I would like to make some inquiries of the Secretary in regard to it.

Secretary BAKER. Perhaps you would be good enough to give me what you have, Senator, so I will be able to be sure of my own statements about it in the meantime.

Senator FRELINGHUYSEN. It relates entirely to the testimony of individuals regarding prices paid for labor at the cantonments. I do not know that you have any official information regarding that.

Secretary BAKER. No; I do not think I have on that subject.

Senator FRELINGHUYSEN. I move we adjourn, Mr. Chairman.

(Whereupon, at 1.05 o'clock p. m., the committee adjourned until to-morrow, Saturday, January 12, 1918, at 10.30 o'clock a. m.)

COMMITTEE ON MILITARY AFFAIRS,
UNITED STATES SENATE,
Washington, D. C., Saturday, January 12, 1918.

The CHAIRMAN. The committee will please come to order.

STATEMENT OF HON. NEWTON D. BAKER, SECRETARY OF WAR—RESUMED.

Mr. Secretary, do you desire to make any general statement about anything over which we have gone heretofore?

Secretary BAKER. Mr. Chairman, I was asked several questions as to which I said I would get some further information. There were three of those statements which I will now make.

Senator HITCHCOCK asked me why 1,200 machine guns were left undistributed. I looked into that last night, and I found that this represents what is left of some 3,000, of which the remainder have been distributed, giving 29 to each National Army cantonment and 50 to the National Guard, and some to the Aviation Service. This was done in this way because in the beginning the National Guard was at full strength and the National Army were partially filled. Under the present plans the Lewis guns are not used in France, where our troops are at present furnished with the automatic Chauchat rifle and the Hotchkiss machine gun, with which they are supplied after reaching France. The Ordnance wish to retain about 200 of these rifles for experimental or other purposes, and the remaining 1,000 will be distributed partially to the camps and partially to the Aviation Service. They have only been on hand about one month.

The CHAIRMAN. There was a suggestion here, possibly not a positive statement, that there were a great many of the Lewis guns made for the European army that were never delivered. Whether they have been commandeered or whether the United States has taken control of them I do not know. Do you know, Mr. Secretary?

Secretary BAKER. I do not know. It would not be easily possible for us to use them; even if we got them, we could not use them in this country.

The CHAIRMAN. They could be used only for practice purposes?

Secretary BAKER. Yes.

The CHAIRMAN. You do not know whether there were any such or not?

Secretary BAKER. I do not know.

The CHAIRMAN. Do any of the members of the committee desire to ask the Secretary any further questions?

Senator WEEKS. Do you mean about that particular matter, Mr. Chairman?

Secretary BAKER. Mr. Chairman, perhaps it would be well to permit me to finish these statements in answer to questions about which I said I would get information.

A report from the Chief of Ordnance, January 5, states that there have been ordered 36 batteries for delivery by June next to be secured from the British Government. Further orders will be given at Midvale and at Bethlehem for further deliveries up to 90 batteries, which is the requirement for 30 divisions, allowing 25 per cent for replacements.

Senator WADSWORTH. Ninety batteries of 9.2's?

Secretary BAKER. Yes, sir; that is the program.

Senator WADSWORTH. But there are none of the 240 millimeter French guns ordered?

Secretary BAKER. We are getting the 240-millimeter guns from the French in France. I do not know whether this is in evidence before you or not, but—that statement was inaccurate. We are getting from the French 75's and 155's, both guns and howitzers. We are getting the English pattern of 8-inch howitzer, and 9.2 howitzers, and our own 9.5 howitzers. We are not getting the 9.5, or its equivalent, the 240 millimeter.

Senator WADSWORTH. That was the understanding.

Secretary BAKER. I have a table which I will be glad to show to the committee, but which I do not desire to put into the record, which gives the quantities delivered and under contract, and the increase in these arms projected forward to December, 1918, from the 1st of January.

Senator WADSWORTH. We have got that in our executive sessions. We have had the complete Artillery program showing the quantities of each caliber.

Secretary BAKER. This shows the monthly deliveries, showing the rather rapid rise in American deliveries month by month.

Senator WADSWORTH. Gen. Crozier said that they were promised, but he did not expect the promises could be lived up to, although the manufacturers were doing their best.

Senator WEEKS. In discussing the matter of the 1,200 Lewis guns which have not been distributed, and this last subject, you say, in both cases, that they will be. When will those 1,000 guns be sent to the Army posts?

Secretary BAKER. I assume immediately.

Senator WEEKS. It seems to me to be a pertinent inquiry why it was not done a month ago?

Secretary BAKER. I think that is pertinent, but a month ago is not so long ago. The theory upon which they made distribution was to take the 3,000 available guns and distribute them to the National Guard and National Army in relatively the same proportions. The earlier distributions were sent to the National Guard because their numbers were full. They have apparently retained about 1,000. They want to keep 200 for experimental purposes. They had to turn over the remainder, partially, at least, to the camps and the aviation or aircraft committee or section. At any rate, it leaves something less than 1,000 still to be distributed. Obviously it would be well to let the National Army when assembled have those weapons, but until recently it was not done. It was not complete, and other freight orders were given precedence.

Senator WEEKS. Gen. Crozier testified that those guns were being kept for some possible emergency. I did not understand

at the time and I do not know now what the emergency could have been. It seems to me that a delay of 30 days in sending those guns to our recruits for training purposes, and in those other matters, is the essence of the whole problem that we are discussing, and there should not be a delay even of a day. My criticism is that instead of acting promptly there is delay in almost every action.

Secretary BAKER. The fact is that the railroad congestion in this country has been very great. A system of priorities was worked out by which Government material was given priority, and everybody in the Army and everybody in the Navy had a right to put a tag on a car and say, "This is a priority order," because it was a Government shipment. As a result of that, practically everything the Government had to ship was marked priority, and the consequence was that the priorities became jammed.

Senator WEEKS. Let us take the case of these Lewis guns; where are they?

Secretary BAKER. I think they are at the Springfield Arsenal, but I am not sure.

Senator WEEKS. There is an encampment within 60 miles without guns.

Secretary BAKER. I am not certain of that.

Senator WEEKS. Substantially without guns.

Secretary BAKER. I am not so sure, but surely less than they could use. It is fair to say that.

Senator WEEKS. Let us assume that that is practically true. Why would it not have been well to use those guns and supply that division and let us have one division actually at drill with the guns that they are likely to use or similar guns?

Secretary BAKER. That would have been a possible thing. Of course, the fact is, in the distribution of arms the effort has been to distribute the largest quantities to those divisions nearest ready to go abroad. Camp Devens, to which I suppose you refer, is a National Army camp, and it may well be assumed has had less training than some of the National Guard and Regular Army camps, where the arms would have been more useful.

Senator WEEKS. The National Guard camps were not as readily available for this particular purpose.

Secretary BAKER. It would have been a bad principle of distribution to send these guns to Camp Devens merely because it is nearest, when some other camp more remote was going to use them first.

Senator WEEKS. I think that is the very essence of the principle of distribution and is one of the great difficulties with the railroad situation in this country to-day. We buy supplies manufactured in Illinois and deliver to New York when exactly the same supplies are manufactured in New York. That is one of the faults of the railroad system. These things should be distributed at the nearest point.

Secretary BAKER. As a general statement, that is perfectly obvious. It is thoroughly ideal.

Senator WEEKS. It may be ideal, but I do not think it is impossible.

Secretary BAKER. It is impossible on any sudden order.

Senator WEEKS. It is?

Secretary BAKER. It requires large storage facilities and means of distribution from particular places.

Senator WEEKS. From the Army's standpoint, it may be ideal, but not from a business standpoint.

Secretary BAKER. It is ideal from a business standpoint. We can not accumulate things in Chicago unless we have storage houses to put them in.

Senator WEEKS. That is true.

Secretary BAKER. If the storage houses are at Springfield Arsenal then the accumulations must be at that place until the new centers of distribution can be created.

Senator WEEKS. Mr. Secretary, we are discussing the general topic rather than the details. Let me ask about the orders which you have stated will be given at Midvale and to the Bethlehem Co. Why haven't they been given?

Secretary BAKER. Because they have not the additional capacity at the present time. They are increasing it as rapidly as possible.

Senator WEEKS. Why not give the order?

Secretary BAKER. They have had orders to increase the forging capacity, and as soon as it is increased orders will be given.

Senator WEEKS. You think in that particular case there will be no delay in final delivery?

Secretary BAKER. I think not. One of the early things done was a conference with the Midvale and Bethlehem people by which enormous extensions of their facilities for forging were created. Their forging capacity was not at that time allocated to particular arms, but the extension was authorized, and as soon as that is available the arms most needed will be the ones that they will be put to work on.

Senator WADSWORTH. Evidently the mind of the department has been changed with respect to the 1,200 Lewis guns since Gen. Crozier testified, because he testified it was not the intention of the department to distribute them to the camps.

Secretary BAKER. Of course, Senator, having heard Gen. Crozier's testimony you know what was in his mind. However, upon consultation with the Ordnance Department yesterday that was the information that I received.

There is one other thing to which I desire to call attention. Some one told me—I think it was Senator McKELLAR—that he had talked with an officer from Camp Upton, as I recall, and he left the impression that there were no machine guns and no artillery at Camp Upton.

Senator McKELLAR. He did not leave me under that impression; he stated so.

Secretary BAKER. You remember that you and I debated whether he meant relatively none or absolutely none. I told you, as I remember it, that if he said absolutely none, he must have been in error.

There are at Camp Upton four 3.2-inch guns, eight 3-inch, and in addition 20 Lewis and about 50 Colts and 30 Chauchat, four 4.7-inch have already been shipped from the arsenals, but we have no record of their arrival.

A letter from the commanding general of the division, Gen. E. M. Johnson (in the absence of Gen. Bell) dated December 21, states—

> That there has been firing by field artillery for the instruction of all gunners of the regiment; that everything is going along well here; that of course the artillery, machine guns, etc., are not fully equipped.

That shows, however, that there had been actual firing.

Senator HITCHCOCK. These 1,200 guns, then, are not being kept for emergency purposes, but will be distributed to the camps?

Secretary BAKER. Yes, sir. To reconcile Gen. Crozier's statement with that, it is possible that Gen. Crozier had in mind a larger distribution to the aviation section than now seems necessary. That may have been what he had in mind.

Senator HITCHCOCK. But those are not aviation guns.

Secretary BAKER. No; they are not aviation guns.

Senator HITCHCOCK. They are not aircraft guns. We discovered the presence of these 1,200 guns because there was no accounting for them. Gen. Crozier said they were in storage. When asked why, he said it was to meet some emergency that might arise. That was the way the matter came out.

Secretary BAKER. The fact that they are manufactured for ground work does not prevent their being mounted for aircraft use.

The CHAIRMAN. But the guns, Mr. Secretary, are quite different.

Senator McKELLAR. Yes; they will have to be changed for that purpose.

Secretary BAKER. The tripod would have to be taken off.

Senator McKELLAR. And the air-cooling arrangement would have to be taken off.

Secretary BAKER. I do not know about that.

Senator HITCHCOCK. And the Lewis Co. is manufacturing an ample number of aircraft guns?

Secretary BAKER. The Savage Co.?

Senator HITCHCOCK. Yes.

Senator McKELLAR. I had a telegram from the editor of one of our leading papers, in which he asked me to ask you how many pieces of artillery are in Camp Sevier.

Secretary BAKER. I will be glad to find out for you. I do not know.

Senator McKELLAR. It seems that he has been there. Then he asks me to ask you this question. He states that, owing to the scarcity of uniforms and clothing, the boys who are able to are compelled to buy clothing in order to protect themselves from the cold. They buy the clothing from the merchants in the towns surrounding these camps, and the merchants charge them 50 per cent more than the civilians have to pay. Now, has the department taken any steps to look into these matters and to protect the soldiers against the profiteering of the men in business around the camps?

Secretary BAKER. Two steps. I fancy the thing he refers to is officers' uniforms rather than the men's uniforms.

Senator McKELLAR. Oh, no. Our information is that the boys in all these camps who were able to, when it was cold and when they had no woolen clothing, bought overcoats in these neighboring towns, and bought them at tremendous prices.

Secretary BAKER. I will still say two steps. I will leave out the question of the officers' uniforms. Gen. Goethals some days ago—perhaps more days than I now remember—directed the quartermasters of the camps in which there was any remaining shortage of uniforms to buy all that could be bought in the nearby towns and distribute them among the soldiers.

The other step was to institute a pretty thorough inquiry as to where the uniforms came from around these camps.

Senator McKELLAR. Carrying out the view expressed by this able and splendid man, a man who is thoroughly in sympathy with what we are doing, would it not be a good idea to have some one posted at these various camps to see that the soldiers are not preyed upon by the merchants surrounding the camps? In other words, I think the soldiers are entitled to every protection from the Government when they are taken into these camps.

Secretary BAKER. Senator, every chamber of commerce in towns near camps is actively in cooperation with the War Department and is operating upon its own commercial people with a view to preventing an extortionate raising of prices to the soldiers. Operation of the regimental camp exchanges is already being conducted for the purpose of protecting the soldiers against an improper rise of prices in near-by places, and that subject has been under observation and correction from the very beginning.

The CHAIRMAN. Mr. Secretary, I have no disposition to cavil about these things, but your general statements before this committee are calculated to leave the impression that all these things are really in the hands of the troops. I saw the commanding officer of Camp Sherman just a moment ago, as I came over here, and I asked him about his supply of clothing. I asked him if he was fully supplied. He said "No; not yet," that they were several thousand short in his command. Now, it may be that that condition is inevitable——

Secretary BAKER. Is that at Chillicothe?

The CHAIRMAN. No. Camp Sherman.

Senator WADSWORTH. That is Chillicothe.

The CHAIRMAN. It may be that that is inevitable, but the effect of your statement upon the country is to lull the people into a feeling of absolute security that everything has been done. I do not think it has been.

Secretary BAKER. Senator, I think this country is entitled to feel secure.

The CHAIRMAN. I think the country is entitled to know the conditions.

Secretary BAKER. So do I. When they know the conditions they will feel secure. I do not know the facts about Camp Sherman. Let me ask the Assistant Secretary about that. [Addressing Mr. Crowell:] When you were at Camp Sherman three or four weeks ago did you learn that there were as many as several thousand men without blouses?

Assistant Secretary CROWELL. No. There are new recruits coming in every day. They, of course, have no uniforms at all. I should say that 95 per cent of the men were in uniform four weeks ago.

Senator McKELLAR. Well, 95 per cent still leaves a number of them without uniforms.

Senator HITCHCOCK. Do you have any of the figures?

Secretary BAKER. No. I only asked Mr. Crowell that because he was an eyewitness. He went out with the object of discovering the exact state of the equipment. To have the commanding officers or anybody else tell a Senator, or tell anybody else, that there are thousands of men without blouses, unless that is a fact, is a very serious matter.

The CHAIRMAN. The men are bound to testify when they come here, and the testimony of Gen. Greble and Gen. Wright was to the same effect. This officer was not volunteering the information to me.

Secretary BAKER. I do not criticize the propriety of your asking him nor the propriety of his answering, but I am simply raising the question as to the truth.

Senator HITCHCOCK. Here is the trouble, Mr. Secretary. We have specific testimony on certain points, and your testimony seems to contradict it completely. For instance, I have in my hand here a statement made by the Quartermaster General before this committee. He showed us a certain shortage of supplies upon November 30, and yet the impression that you have given the committee is that there was no such shortage.

Secretary BAKER. I have not testified, Senator HITCHCOCK, as to November 30; but what I have been trying to give you was the latest information.

Senator HITCHCOCK. You spoke of three or four weeks ago.

Secretary BAKER. November 30 was longer than that.

Senator HITCHCOCK. This is in November—November 30. If this were true then, certainly conditions could not be expected to be so wonderfully improved since. Here are some of the shortages which the Quartermaster General gave: Blankets, 18 per cent short; cotton breeches, 42 per cent short; woolen breeches, 40 per cent short; cotton coats, 59 per cent short; woolen coats, 48 per cent short; cotton cloth, 13 per cent short; summer drawers, 19 per cent short; wool drawers, 20 per cent short, and so on down the entire list, until we come to overcoats, 46 per cent short on the 30th of November. That means that the department was that much short, and after it receives these things they have to be shipped to the camps.

Secretary BAKER. Does that mean that that shortage existed in initial equipment, or does it mean that they were short in the distribution of garments to the camps?

Senator HITCHCOCK. This much short on contracts for delivery to the Quartermaster's Department. According to his testimony, they have a shortage of 46 per cent on overcoats. That is the shortage in the Quartermaster's Department. After he receives them, they have got to be shipped to the camps.

Secretary BAKER. I have no figures with me at present as to the number of overcoats delivered to-day, but it is a very large number, because an enormous industry is devoting its entire time to the production of overcoats and blouses.

Senator HITCHCOCK. I agree with the chairman of the committee that you seem to have the impression and want to give it to the committee that everything is lovely.

Secretary BAKER. Quite the contrary, Senator. What I want to give to the committee is an exact and accurate picture of the conditions as they are now. That there was a shortage of overcoats and blouses and trousers is perfectly true, but the figures that you have here are figures that were taken at the climax of that shortage, when the railroad trains of this country were caring for the distribution of large supplies which had not reached the camp, which had not been distributed in the camps, and when the factories in the country were turning out large additional supplies. What I want you to have is a knowledge of the fact that since these discouraging figures were made, the further distribution of supplies and the further production of supplies has created a very much better condition. I do not characterize it as perfect, of course.

Senator HITCHCOCK. You state, then, that during December and the first half of this month that has all been cured?

Secretary BAKER. I did not say that. I am trying to deal in universal affirmatives or universal negatives. I am trying to give you the figures. Take the overcoats. I gave you yesterday the exact number of overcoats.

The CHAIRMAN. The fault I have to find, Mr. Secretary, is this: If the Congress, or if this committee, or if the people are satisfied from your general statement that everything is all right, or as near right as it is humanly possible to have it, they will say that no further legislation is necessary; you can not better conditions by any legislation, and there should not be any legislation. On the other hand, when the exact status of things on the ground and in detail is disclosed to the committee, why then something seems to be necessary in the way of legislation and there should be some change in conditions if a better condition is to be brought about.

Secretary BAKER. I wish to make it clear to the committee that I welcome the cooperation of the committee, whether its suggestions are along legislative lines or lines of administrative readjustment. I welcome it in every form.

The CHAIRMAN. That is one of the purposes we have in view.

Secretary BAKER. Clearly, but I must insist that the facts as they are, and which I am trying to give you, are proper facts to be given, and if their effect results in reassurance in the mind of the country, then the country is entitled to that reassurance. If the things we have done demonstrate that there is no predicate for legislation, then we are fortunate.

I have before me the requirements for overcoats and the delivery for overcoats. Up to the second day of October the deliveries of overcoats were in excess of the requirements. On the 13th day of October (this is in the weekly report) the requirements suddenly greatly exceeded deliveries. That was due to the fact that a large number of additional men had been called out to draft in the National Army, and the needs then ran up until they reached a maximum on the 30th of November, when they were at the highest point above the line of delivery. On the 30th day of November there was a shortage of a considerable number of overcoats.

Senator HITCHCOCK. That corresponds with my figures?

Secretary BAKER. It does not correspond with 46 per cent, so that must have meant distributed rather than received overcoats. On the 1st day of December, the line of need and the line of supply met, and from that day forward the line of supply has been greatly above the line of need. On the 29th day of December, the total number of overcoats on hand—whether distributed or not I can not tell from these figures; there is great difficulty in delay—but on the 29th day of December the total number of overcoats delivered to the Army

was 2,221,000 and the needs on that day were 1,164,000. That is the form in which I get the weekly report, Senator HITCHCOCK. [Handing Senator HITCHCOCK the report.]

The CHAIRMAN. That, of course, would not disclose, Mr. Secretary, whether there had been an absolutely pro rata distribution of these supplies. In other words, on a paper showing there might be absolutely enough to go around, but practically there might not be enough to go around.

Secretary BAKER. Exactly.

The CHAIRMAN. The testimony has been that, due to faulty distribution, some cantonments and some divisions have plenty of things, while others are short.

Secretary BAKER. Yes, sir. That has happened many times with regard to particular items. When the draft was applied, 687,000 men were drawn, 500,000 of whom were to go into the National Army. The camps to which these men were sent were distributed over the country, and a camp which to-day might have 40,000 men, might to-morrow have 35,000 men, so that an accumulation of supplies on the basis of its first population would throw the whole matter out of adjustment, and the result of changing the men and sending them from one place to another was that there was oftentimes an oversupply at one camp and a shortage at another.

Senator WADSWORTH. In addition to that, Mr. Secretary, the Quartermaster General miscalculated on the sizes, so that there were many thousands of uniforms and coats that could not be worn by any of the soldiers.

Secretary BAKER. The fact is, whether there was miscalculation or not, that the tables of sizes, prepared as the result of many years of experience, was found to be impracticable for the use of the men drafted into the Army, because they were larger men.

Senator WADSWORTH. The figures before the committee show that the men in the National Guard are also larger men.

Secretary BAKER. Undoubtedly, but the table of sizes, the result of many years of experience, was the only guide we had, and we ordered on the basis of experience. Then we had the new experience of larger men volunteering in the National Guard and in the National Army.

Senator WADSWORTH. That would not hold true as to shoes, because the experience of the past had shown too many small sizes.

Secretary BAKER. Even in the shoes, more than anything else, the large sizes turned out to be in great demand—larger sizes than experience provided for.

Senator WADSWORTH. But that was back in 1916.

Secretary BAKER. I do not know that. The extent to which it was known is less than that.

Senator WADSWORTH. Twenty-nine thousand men at El Paso were put through a fitting and over 81 per cent were shown to be wearing shoes too small. That was in a report made to the department in 1916.

Secretary BAKER. That subject was considered by the so-called Munson Board, which revised the style of the shoe and the shape of the last, and finally got what is now known as the standard army shoe. The whole question of fitting and sizes was submitted to a very expert board, which I think got an excellent shoe, so far as I am able to learn.

Senator WADSWORTH. The shoe, as I understand it, is quite excellent, but the sizes are not. They do not conform.

Secretary BAKER. There may be too many small sizes.

The CHAIRMAN. Referring to the question of supplies, was your attention called by Gen. Greble to the conditions at Fort Howie before he went to the Continent of Europe? Did he call your attention to housing conditions and the lack of clothing for the troops?

Secretary BAKER. Not to my personal attention that I can recall.

The CHAIRMAN. It seems to me these matters should have been called to your attention by some one. As long ago as the 24th day of September, Gen. Greble complained to not only one department of the Government, the Quartermaster's Department, but I think to the Health Department as well, that they were housing too many men in the tents, these pyramidal tents; that there was a lack of clothing along certain lines, and so on, but he did not get any answer to that until some time in December, when the very things he predicted would occur, had occurred.

Secretary BAKER. That raises a very singular situation. When the question of building cantonments was raised, I had a conference with the Surgeon General and some half dozen or dozen of the most distinguished men in the medical profession in the country. Dr. Mayo, as I recollect, was one; there was Dr. Welch, of Baltimore, and Dr. Martin, of Chicago—men of very great distinction. They raised the question as to whether the plans for the cantonments were adequate in the matter of cubical contents per man, and they were all satisfied that the plans as approved prior to that time by the Surgeon General's office did not give adequate space. The question was raised as to whether the wisest thing was to suspend the building program, which was already far advanced, and remodel it and make some readjustments. It was decided that it would be satisfactory, upon their recommendation, if we used the plans as they were, but got from Congress authority to make additional buildings, so that later we could spread out the congested population. As a matter of fact, the reorganization of the size of the companies came about at that time and further helped the situation, enabling us to take three barracks, each of which had been taken for a single company, and distribute the three between two companies. When we got that far I asked them what should be done about canvas camps, and they said they gave them very little concern; that tents are very well ventilated, so that we need not look for special trouble from the canvas tents, no matter how congested they were.

It was agreed that they might be inconvenient, in that the young men could not get about so easily, but they expressed regret that all the camps were not to be in canvas instead of cantonments. They thought it would be a safer thing from a health point of view. Now, as a matter of fact, the opposite turned out to be true. The camps in which there was the most sickness were the canvas camps, and the shortage of tentage in this country has been one of the most serious limitations upon our ability to enlarge the number of tents and spread out the population. Whether or not that condition is due to congestion in these tents, which the boys have unduly closed up tight because of the cold weather, or whether it is due to the fact that the canvas camps are made up of men who have come from sparsely settled parts of the country and who had not been subjected to the contagion of measles, the doctors do not know.

The CHAIRMAN. Whether the doctors knew it or not, Gen. Greble predicted on the 24th day of September that unless greater air space was given these young men they would have an epidemic of the very disease that they did have.

Secretary BAKER. Measles?

The CHAIRMAN. Yes. He evidently knew, whether the doctor did or not, but it was not until his return some time in December that he got any relief.

Secretary BAKER. You asked me whether he had reported to me. I suppose you want me to answer that question. So far as I recall, I did not see him until he returned from Europe and before he had revisited his camp.

The CHAIRMAN. He reported it to General——

Secretary BAKER. To Gen. Bliss or Gen. Bell.

The CHAIRMAN. He testified that he reported it to the Surgeon General and the Quartermaster General.

Senator WEEKS. Gen. Greble testified in that matter, when he was asked to whom he reported, "I reported to four men. I did not know which particular man would do it." So he evidently made four reports of the condition. That was in September, and the first reply that came was from The Adjutant General on the second day of November.

Secretary BAKER. I can not understand why he was uncertain as to whom he should report, because he knew that his report should go to the Chief of Staff.

Senator HITCHCOCK. That is one of the things that has been developed, that no one knows where to go in the department to get action.

Secretary BAKER. Well, Senator, that is simply a failure of information. There is no uncertainty about where to go.

Senator HITCHCOCK. May I read to you the experience of a young man who had a device that he submitted to the War Department in September. A number of these matters have come to my attention. I suppose some devices are worthless; but if they are, there should be somebody there to wipe them off the map and spend no further time on them. The fact is, however, that if anyone goes to the department with a device he is sent from pillar to post, and in the course of time he visits 20 or 30 different people, and one refers him to another. Instead of anybody being able to give an answer of yes or no, one is referred from one place to another. This man had a cooker, a little device for cooking food.

Secretary BAKER. I know about that.

Senator HITCHCOCK. He went first to the quartermaster department in New York on September 18. The quartermaster there thought it was a good thing and sent him to Camp Upton. He went there on the 21st. After four days he saw Gen. Bell. Gen. Bell thought it was a good thing and sent him to the Quartermaster's Department at Washington. He went to room 324. He saw a captain there who did not think much of it. He went back to the quartermaster in New York, who advised him

again to go to Washington to see Col. Penrose in the Quartermaster's Department. He saw Col. Penrose on October 14. Col. Penrose thought it was a good thing, and he told him to go to the chief clerk of the Ordnance Department. He, too, thought it was a good thing, but he told the young man that he would have to go to the equipment division on F Street. He went there to see Maj. Simpson, who thought that it was a good thing, but he said he would have to see Capt. Pratt.

Capt. Pratt thought it was a good thing, and brought it before Gen. Babbitt. Gen. Babbitt wrote him to come to New York and he met him. Gen. Babbitt took it into the field to try. Gen. Babbitt liked it, but Capt. Pratt said that he would have to go to the equipment board down in the War College. This was on December 18. Then he had to hunt up the equipment board in the War College. He was told there that he must see Col. Anderson. Nobody gave him any letter of authority to do a certain thing, but they kept referring him from one place to another. He was unable to see Col. Anderson the first time, so he went a second time. Col. Anderson thought it was an excellent thing, and he said if he could get four of them he would send them to Gen. Pershing to try. He gave him four specimens, and they were sent to Gen. Pershing. The young man thought that possibly they might be lost on the transport and he wanted duplicates. So he visited the War College again, and they had duplicates made and put them in the hands of Maj. Wallace and they were taken over to Gen. Pershing. Now, after Gen. Pershing reports on it it may be used next summer, but it can not possibly be used this year.

Is there not some way that those things can be acted upon? Is not there some one who knows the proper people to go to and who is the proper man to decide such a question?

Secretary BAKER. Senator, that is probably a very unusual case. Of course, the inventive genius of the American people has been aroused by the war. Literally thousands of devices are sent into the War Department every day. They come to me in my personal mail. I get everything from fireless cookers down to submarine-protection devices. The situation is not so simple as one might imagine. If he were only one, or if he were only one of a few thousand of men it would be simple, but it is not a question of a few thousand; he is one of many tens of thousands. There are probably men in the world who know enough to look at a new device and answer the question whether it is intrinsically excellent, but that does not mean that a device of this kind will work in France. That requires the opinion of men who can express opinions from different points of view. Now, this particular cooker may have been an excellent one. I remember your interest in it.

Senator HITCHCOCK. This is a new one.

Secretary BAKER. Unless I am in error about it, you did send up a man who had a cooking device.

Senator HITCHCOCK. I will tell you what that was. He had a container for keeping food hot. He was connected with the Thermos Bottle people. This was a method of keeping food hot for 10 hours. He had heard these complaints about the men in the front trenches having cold food. This was submitted to the War Department in September. The container was made of paper and was very light and cheap. It was made in sizes from a quart up. That was submitted in September, and, as I recall it, they were unable to get a test of it until October or November. When it was tested it was found good. It actually kept food hot for 10 hours, but nothing was done.

Secretary BAKER. My recollection was that it was rejected as impracticable. It did keep the food warm for 10 hours, but it was found impracticable.

Senator HITCHCOCK. This man was never able to find out about it.

Secretary BAKER. I remember writing you on the subject and telling you the result of the inquiry.

Senator HITCHCOCK. I do not remember the letter. I wrote the Quartermaster General finally and asked why a report could not be made on it. He wrote back, or one of his assistants wrote back to me, stating that the fireless cooker took the place of that, and that it was not necessary. Upon investigation, I found that the smallest size of fireless cooker contained 10 gallons, and it is utterly impossible to take these 10-gallon containers through the sinuous trenches. I wrote him and called attention to the fact that this small container could be used in the front trenches, but I never heard anything in answer to that. It may have been a failure, so far as I know.

Secretary BAKER. My recollection is that it was found impracticable. Let me see if I can not fairly state this situation. Here is an army of a million and half men. Any change in their equipment means, in the first place, a disorganization of the existing equipment. It means enormous additional expense. In spite of the fact that all these bureaus have been in the process of expanding their official personnel, they are dealing largely with persons untrained in military usage, having little military experience. The Ordnance Department, for instance, with 3,000 officers, has just 97 who are trained. The Quartermaster's Department, with 3,000, has 350 who are trained. You or I, if we should put on a uniform, might pass a very favorable judgment on a food container, and yet, not having had previous military experience, our judgment might be defective from a military point of view; so that it is necessary, in dealing with weapons or with articles conducive to comfort, to sort out of this vast mass those which are sufficiently excellent to justify the reequipment of the entire Army.

Senator HITCHCOCK. I realize, Mr. Secretary, the burden that you have upon you or that the department has, but I say that when enterprising Americans do take ideas to the department they never can know where to go, and instead of being given an answer and being treated in a businesslike way, they are referred from one man to another until they run the gantlet of twenty or more men, no one with authority, but each one wasting his time.

Secretary BAKER. What practical substitute could there be?

Senator HITCHCOCK. A business concern, such as the War Department has got to be in time of war, would organize so that there should be a definite place to go for everything, and it should not be a succession of references to boards or offices.

Senator BECKHAM. In the Navy Department there is a special board that deals solely with inventions.

Secretary BAKER. There is in the War Department, too.

Senator HITCHCOCK. These officers are not only wasting time of and irritating Americans who go there, but they are wasting the time of the Government.

Secretary BAKER. The equipment division of the General Staff is the proper place for those things to go. There is no reason for anybody to have any doubt on that subject, except that the number of transactions is so vast and the number of persons volunteering is so great that they have not got the information.

The CHAIRMAN. This shows that there has been a reference.

Secretary BAKER. They referred him back to Gen. Babbitt in the Ordnance Department, evidently with the suggestion that he try it.

Senator HITCHCOCK. Another man would have an entirely different experience. He might start at another place and have an entirely different route.

Secretary BAKER. I do not think that necessarily follows, Senator. I do not think the fact that one man started wrong would mean that all would have the same experience.

Senator HITCHCOCK. They go down to the War Department and they can not find out what they want.

Secretary BAKER. I hear these complaints. I sit in my outer office from 12 to 1 o'clock every day, and I see everybody who wants to see me.

Senator HITCHCOCK. I do not doubt that you are burdened.

Secretary BAKER. Oh, no; I do not complain. But everybody who can not find where to go can see me personally, if he wants to. He can see my secretary, who is very helpful in these matters. He can see the Assistant Secretary. They can find out by going to my office where to go if they do not know. This young man with his cooking device could have asked me personally if he wanted to.

Senator HITCHCOCK. I think that would hardly be the proper thing.

Secretary BAKER. It is sanctioned by frequent usage.

Senator HITCHCOCK. I realize that you have a tremendous burden on you, but it seems to me that that is all the more reason why there should be some organization in the department to simplify the operation.

Secretary BAKER. There is. There is not a citizen of the United States who can not walk into the office of the Chief of Staff, who knows the whole Army organization from top to bottom. He can walk into Gen. Bliss's office and say, "I have a fireless cooker which I think will be a good thing. To whom shall I submit it?" Gen. Bliss would touch a button, get a messenger, and send the messenger with the man to the person to whom it was to be submitted. If he goes to the depot quartermaster in New York, who is probably a civilian, having no knowledge of the Army, or if he goes to Camp Upton, to Gen. Bell, he simply starts in wrong. The only thing we can do is to have a system and make its operation known as well as we can.

Senator WADSWORTH. The depot quartermaster at New York must be a Regular officer.

Secretary BAKER. I think he is Col. Dalton. He is a Regular officer. The depot quartermaster in New York is pretty nearly

the busiest man of anybody I ever saw. It seems unlikely that he saw this particular man.

Senator WEEKS. Do you suppose he is any busier than you are?

Secretary BAKER. I am sure he is; I am sure he must be. He deals with a vast mass of detail which I deal with only from a supervisory point of view.

Senator WEEKS. Wouldn't he have these matters collected for him by subordinate officers?

Secretary BAKER. Undoubtedly. If each person who calls on the depot quartermaster had to be seen by him personally, 50 hours a day would not suffice.

Senator HITCHCOCK. Has there been any serious consideration in the department with reference to getting hot food to the men in the trenches?

Secretary BAKER. Yes, sir.

Senator HITCHCOCK. Has anything been adopted?

Secretary BAKER. I can not answer with definiteness. Gen. Pershing's quartermaster staff has examined in detail French and British devices and appliances and has quite definitely recommended to the Quartermaster Department the sort of device they think good for that purpose. In addition to that, several devices, notably the one which you called to my attention, were submitted to Gen. Pershing by cablegram.

The CHAIRMAN. Are there any more questions?

Senator FRELINGHUYSEN. I should like to ask the Secretary, in view of the testimony of Mr. Eisenman that there was sufficient clothing manufactured in the latter part of August and September to provide the garment workers, and in view of the fact that Gen. Sharpe testified that the capacity of a certain class of machines used to manufacture those garments was practically all used, whether there was any condition with regard to labor or otherwise which prevented the utilization of all the capacity of all the garment workers in the country?

Secretary BAKER. I think there may have been. I can not answer that question definitely. What you have in mind, I suppose, is the use of the sweatshop system that was prohibited from the very beginning.

Senator FRELINGHUYSEN. I do not understand that it was entirely the sweatshop system. I understand there was a large number of factories in Rochester and Newark and in other cities that would have complied with the conditions, but they found they could not secure opportunity or permission from the War Department. They offered their facilities, but they were refused.

Secretary BAKER. I do not know the facts about that. The depot quartermaster in Philadelphia, who was awarding those contracts, was awarding them, as I was told at the time and have since been told, as rapidly as they could be awarded.

Senator FRELINGHUYSEN. Do you know whether any effort was made to make a census of the garment-factory facilities in the country, in order to provide sufficient uniforms for delivery?

Secretary BAKER. I do not know. I assume there was, but I do not know it.

Senator FRELINGHUYSEN. Is there any information in your department on that subject?

Secretary BAKER. There is no information in my personal possession.

Senator FRELINGHUYSEN. It was up to the depot quartermaster in Philadelphia?

Secretary BAKER. It centered there.

Senator FRELINGHUYSEN. Who is the man to get the information from?

Secretary BAKER. I can get it for you, and I will be glad to do so.

Senator FRELINGHUYSEN. I think, Mr. Secretary, that a constructive suggestion would be that it might be a good plan to take some census of that kind, so that if you have to exhaust the facilities in the future you will know where you can get the garments made.

Secretary BAKER. If it has not been done.

Senator FRELINGHUYSEN. We do not seem to have information whether they have done it or not.

Secretary BAKER. The information is readily obtainable. I think it will turn out that in the depot quartermaster's office in Philadelphia there is an exhaustive list of persons.

Senator FRELINGHUYSEN. I did not intend to ask the question about health conditions, but as long as the chairman has asked one or two questions and we have had some testimony about health conditions, especially from Gen. Greble, I wanted to ask you in your judgment if the building of hospitals was done on correct lines and expedited as rapidly as possible? It would seem from the testimony submitted that the hospitals were not completed, if they are completed now, until December, and in many cases sewerage systems had not yet been installed. Gen. Greble testified that out of 24,000 men in his camp 8,000 went to the hospital in November.

Secretary BAKER. The building of hospitals upon correct lines is, of course, an expert question upon which my opinion would not be worth while. The hospital plans of the Surgeon General were worked out in conjunction with a board of hospital experts under the immediate advice and guidance of the most distinguished medical men in the country, and I include in that Dr. Victor Vaughn, the greatest sanitarian, perhaps, in the country; Dr. Welch, of Johns Hopkins Hospital in Baltimore; Dr. Mayo; and Dr. Janeway—a very distinguished company of men—and in addition to that there were hospital construction experts, so the plans of the hospitals had the approval of the highest obtainable authorities.

Senator FRELINGHUYSEN. When was this done?

Secretary BAKER. Very early.

Senator FRELINGHUYSEN. Do you know about when?

Secretary BAKER. I can not give you the date of any definite approval they made, but I saw that body and discussed plans with them at least as early as June, probably in May, but there have been some differences of opinions among architects. I have had two or three hospital architects send me word that they thought an improvement in the design of the hospitals could be made and I have sent all those to the Surgeon General, who submitted them to this advisory council, and perhaps some changes have been made.

The question as to whether they were completed rapidly or not is a question as to which two answers have to be given. In the first place, some of them, apparently the contractor, took the theory that it was better to have 85 per cent of his entire program 100 per cent done than to have 85 per cent of it done and 15 per cent still to be done, so that in some of them there was uniform progress made of barracks, storehouses, and hospitals, and in others they finished first the one before they began the other.

Senator FRELINGHUYSEN. There are no barracks at the National Guard camps.

Secretary BAKER. There are no barracks at the National Guard camps. They were pressed forward as rapidly as possible, in my judgment.

Senator FRELINGHUYSEN. Do you think it was a mistake not to have built barracks at the National Guard camps?

Secretary BAKER. I think not, Senator. The medical men told me that it would be better to have all the men in camps rather than in cantonments.

Senator WADSWORTH. Secretary Baker, are you continuing the building of new hospitals?

Secretary BAKER. I can not answer that we are building new hospitals. The original bed capacity provided for each of the camps was deemed adequate. Some additions are being made.

Senator WADSWORTH. I do not mean necessarily at the camps alone, but elsewhere?

Secretary BAKER. I think so, Senator. I have a report here on that subject which probably will answer the question for us.

Senator WADSWORTH. Your answer will be sufficient, Mr. Secretary, if you feel quite sure that more are being built, because I wanted to comment on the design of one of them.

Secretary BAKER. I can not answer that, but I can say this, that every hospital, or addition to a hospital, which the Medical Department, advised by this expert body of civilian physicians, has suggested, has been authorized.

Senator WADSWORTH. Complaint has come to me, Mr. Secretary, about the design of these hospitals, and the complaint has come from very representative men, architects, and physicians, particularly with respect to the design of the hospital at Spartanburg, which I myself have gone through very thoroughly. It consists of 58 separate buildings, and they stand on high brick piers, with floors exposed, the roof is ventilated to the open air, or was when it was designed, and there is no ceiling inside, and for a climate to which the thermometer has gone to 6 below zero. It reminded me of the hospitals in the Panama Canal Zone. The result has been a tremendous expenditure of fuel, great difficulty in keeping the wards warm because the cold wind whistles underneath the floors, and the ventilation has had to be boarded up on the roof and the inside of the buildings ceiled, and hot-air heaters placed in the middle of the floor of each ward, and I was going to express the hope that that type of hospital would not be duplicated.

Secretary BAKER. I can not answer, Senator; I do not know. I only know that that hospital, and every other hospital which has been built, had the approval of this group of experts.

Senator WADSWORTH. That surely shows that they did not know that climate.

Secretary BAKER. I do not think anybody knew the climate of the United States until this year.

Senator MCKELLAR. It has been testified that a number of these hospitals at these cantonments had not been completed a week or 10 days ago. Have they been completed now?

Secretary BAKER. I can not answer that they are entirely completed; for the most part they are.

Senator MCKELLAR. And, then, there was testimony that the sewerage arrangements and the water arrangements have not been completed in many of them.

Secretary BAKER. That is perfectly true. That goes, of course, to the convenience rather than to the safety of the use of the hospital.

Senator MCKELLAR. Do you not think it practically goes to the safety of the patients in the hospital to have water and sewerage?

Secretary BAKER. I think not.

Senator MCKELLAR. Mr. Secretary, could you ascertain and give us facts as to how many of them have been completed, and how many have got sanitary arrangements at this time and water facilities?

Secretary BAKER. Yes; I can get the latter, but I can not tell you how many have been completed in the sense of the last nail struck, because that is the tailing off of a long job, and I do not know when anybody could fix that date.

Senator MCKELLAR. With many hundreds and sometimes many thousands of men sick in these camps and with their parents writing to Senators every day, sometimes dozens of letters coming in complaining, of which I got several this morning, do you not think it would be wise on the part of the department to look into these hospital arrangements where so many of the boys are sick? Do you not think it would be a wise public policy?

Secretary BAKER. So wise that it was done a long time ago and has been constantly continued. I sent Gen. Gorgas in person to inspect every camp in which there was an unusual prevalence of disease, and have instructed him to have his medical representative at each camp make constant reports of each need as it is foreseen or arises, and to have every change made in a hospital that should be made.

Senator MCKELLAR. Which was very, very excellent, and was a very proper thing, and I, for one, commend it most heartily, but the thing we want to know now is, have those recommendations of Gen. Gorgas been actually carried out and whether these men in camp now have sufficient completed hospital facilities, such as sanitary arrangements and water arrangements, because I, for one, believe that there should not be a hospital without sanitary arrangements and water arrangements. I think a hospital without those arrangements is practically no hospital.

Secretary BAKER. Merely a question of substituting hand carried water for automatically supplied water.

Senator MCKELLAR. It seems to me it ought to be easy enough for your department to tell us to what extent those arrangements have been finally completed at each camp.

Secretary BAKER. Perfectly easy, Senator.

Senator MCKELLAR. Will you give it to us?

Secretary BAKER. I will be delighted to do it; I will put in the record as to each camp the present state of completion of each hospital.

Senator MCKELLAR. That is all.

The CHAIRMAN. Mr. Secretary, you have made some changes in the conduct of the Ordnance Department. Will you explain to the committee just what changes have been made?

Secretary BAKER. That deals with the question of the organization, Senator.

The CHAIRMAN. Yes, sir.

Secretary BAKER. I would like to deal with that comprehensively, if Mr. Crowell will get me a supply of blue prints which I have had prepared to bring down here. I think I can suppy one to each member of the committee, and I can then discuss it on the basis of that exhibit.

The CHAIRMAN. You may make the statement in any order in which you please, Mr. Secretary, and in such a way as you please, and your general narrative answer will suggest whatever questions the committee wants to ask.

Secretary BAKER. The first chart in this folder is the War Department as it was traditionally, as I found it, unchanged. It shows at the top the Secretary of War with certain assistants, the military bureaus reporting through the Chief of Staff, and the civilian bureaus and personnel bureaus reporting more or less directly to the Secretary of War.

I think anybody looking at the chart will agree that it is an impossible war organization of the War Department, because it centers the organization directly up to the Secretary of War as an individual and imposes upon the Secretary of War an impossible personal task of coordination.

The CHAIRMAN. That is the organization of it up to what date?

Secretary BAKER. That is the organization of it up to, I think probably it would be wise to say, the 1st of January, 1917. Very few changes were made from then until April, but some were made.

As to each of those bureaus, the subdivisions are shown. In the Ordnance Department, for instance, taking it as a type, there is the division of base depots, carriages, gun carriages, motor transportation, and things of that sort; the division of civilian personnel, equipment, finance, gun division, nitrogen fixation, personnel—that is, military personnel—property, small arms, supply, procurement, inspection, requirements and statistics, industrial service, organization and methods, and progress.

That is, in effect, a supply organization. In other words, it is an organization in which special members of the organization are intrusted with the production of special articles, and a man would be at the head of the small-arms division and he would be an expert in small arms, and he would procure, inspect, and distribute small arms, making the small-arms division under such an organization as that a complete entity charged with small arms, and having no relation except as it functioned through the Chief of Ordnance with the question of procurement and inspection in other divisions.

The CHAIRMAN. All of those different branches reported to you through the Chief of Staff?

Secretary BAKER. Through the Chief of Ordnance and the Chief of Staff.

The CHAIRMAN. They have nothing to do with The Adjutant General?

Secretary BAKER. Not on the manufacturing questions, but on the questions of personnel they had to do with The Adjutant General. On the manufacturing and supply questions they dealt throught the Chief of Staff.

Now, the second chart shows the present situation.

The CHAIRMAN. At this date?

Secretary BAKER. At this date only. This limitation must be made on that statement. The Ordnance Department and the Quartermaster General's Department as they are shown here are in process of becoming what they are here shown to be, and have made substantial progress in that process.

The CHAIRMAN. How long has this army been organized on this second chart?

Secretary BAKER. Different parts of it at different times. The Ordnance Department, for instance, has since May been becoming this. The Quartermaster General's Department has since May been becoming this. The immediate coordination of it under the war council—as you notice off to one side the war council dates from its creation about a month ago, but it would be impossible to say just when the general plan was sufficiently coordinated to be described by this chart. It has been a progressive thing and at the present moment is substantially as here shown.

The CHAIRMAN. May I ask you in a general way before you explain this chart whether the establishment of this war council and the functions to be performed by it are not a duplication of the work in the General Staff?

Secretary BAKER. I think not, Senator.

The CHAIRMAN. We may want you to explain that a little later.

Secretary BAKER. I can do it now in a second. The General Staff is for the purpose of studying and advising the Secretary of War through the Chief of the General Staff on technical military questions—strategic and technical. The War Council is for the purpose of coordinating the supply needs of the Army in the field with the War Department.

The CHAIRMAN. Practically, as at present composed, the same gentlemen whose methods of coordination have been under investigation in the committee, compose the War Council, do they not?

Secretary BAKER. Two of them, Gen. Sharpe and Gen. Crozier.

The CHAIRMAN. Yes.

Secretary BAKER. But that is, of course, a minority representation in the War Council. Gen. Weaver is on it, Gen. Crowder is on it, Gen. Pierce is on it, the Chief of Staff is on it, the Secretary of War is on it, the Assistant Secretary of War, and one civilian has already been appointed, Mr. Day.

The CHAIRMAN. May I ask if you will expect any better coordination of the work of the department under these gentlemen, who have had the chance to coordinate, than you have had in the past?

Secretary BAKER. If I get a continuance of work as good as they have done, I shall be very fortunate.

The CHAIRMAN. I do not think the committee would be entirely satisfied.

Senator MCKELLAR. Do you think that applies to the Ordnance Department and the Quartermaster General's Department?

Secretary BAKER. Taking them separately, the Ordnance Department from the first day of April until now has been progressively improving its personnel, its methods, and its output. Of the Quartermaster General's Department the same thing can be said.

Senator MCKELLAR. So then you think Gen. Crozier's department and Gen. Sharpe's department are fully up to the standards of what the country ought to expect, and that they ought to be continued in charge of these two departments?

Secretary BAKER. Neither of them is in charge now of the department of which he was in charge during the greater part of this period, but I think when you take the limited assistance which either of those gentlemen had, the necessity he was under of enormously expanding and training his organization, the vast problems submitted to their limited and insufficient personnel, that the progress made by each of them is of a most satisfactory character.

Senator MCKELLAR. Why, Gen. Sharpe had the assistance of the committee of the Council of National Defense on supplies, did he not?

Secretary BAKER. And it was of very great value to him.

Senator MCKELLAR. So you approve entirely of the standards as established by those two departments?

Secretary BAKER. Senator, I do not want to mislead even myself in my answer to that question. I am perfectly free to say that if the 3,000 officers now in the Ordnance Department had been in the Ordnance Department on the first day of April and had known as much then as they now know, they would have been able to do very much more work, very much more rapidly than they were, coming in from civil life and being educated and trained at the time they were working.

The CHAIRMAN. Now, Mr. Secretary, if you will go ahead and explain that chart.

Secretary BAKER. This shows the President as the Commander in Chief, with the Secretary of War as his immediate subordinate; the Chief of Staff and General Staff dealing with strategic and tactical and military questions; the War College Division of the General Staff; then the War Council is shown on the right-hand side as an immediate advisory aid to the Chief of Staff, an assistant dealing with statistics, and then two assistants, one in charge of purchase and supply, dealing with five bureaus of the Ordnance Department which do deal with purchase and supply questions, and another assistant in charge of troops and troop movements.

The CHAIRMAN. Are either of these men to be civilians, or are they Army men?

Secretary BAKER. The assistant on the right-hand side of the chart, as you face it, dealing with troops, is to be a military man. The man in the other place is an assistant to Gen. Pierce, an Army officer who has been on the War Industries Board from its beginning, and who will be assisted by civilian experts.

The CHAIRMAN. Let me say there, Mr. Secretary, I think there is a great deal of testimony here, and I am not sure but that some of it comes from Army men themselves, that while these military men are men of distinguished ability, very many of them are lacking in that business experience which would enable them to organize this great industrial enterprise, and to get the output necessary for the Army and Navy.

Secretary BAKER. I think there is a great deal of justice for that.

The CHAIRMAN. And yet you are practically continuing that same system?

Secretary BAKER. No; I am not, Senator, if I understand it correctly. I understand that your statement is that many of the military men are lacking in that sort of business training and experience and judgment. I think that is perfectly true. Unhappily, it may be true of business men as well, but what I am trying to do is to select military men who have business judgment for association with civilians brought in from the outside who are experts, so that the supply divisions will be conducted on the highest industrial and business basis.

The CHAIRMAN. That is the proposition involved in the assistant purchaser of supplies.

Secretary BAKER. That will be Col. Pierce, a man, I think, who must be known to you all; he has appeared before your committee a great many times, a man that has always had charge of the correlation of estimates and the general supervision of estimates and supplies in the department.

Senator WADSWORTH. What is his rank to be?

Secretary BAKER. He is a colonel of the Regular Army and his nomination, I think, is pending before the Senate for brigadier general of the National Army.

Senator WADSWORTH. The Chief of Ordnance has the rank of major general, has he not?

Secretary BAKER. Yes. The Acting Chief has the rank of brigadier general.

Senator WADSWORTH. The Chief of Ordnance, of the rank of major general, reports through the brigadier general?

Secretary BAKER. The Chief of Ordnance is at present a member of the war council. Administrative control of the Ordnance Bureau is being performed by Gen. Wheeler, who is a brigadier general of the National Army and a colonel of the Regular Army.

It is not a question of reporting through so much, as it is a question of correlating needs. If I may explain what I mean by that, it is this: The Surgeon General, Chief Signal Officer, Chief of Engineers, the Chief of Ordnance, and the Quartermaster General are all purchase and supply departments. In order to prevent conflict of need and conflict of order in the department itself, the needs of their respective departments are brought to the division of purchase and supply, which is a centralized agency to correlate and to settle priorities and clearance in the War Department.

Senator WEEKS. Will the Surgeon General continue to purchase under this plan?

Secretary BAKER. Yes.

Senator WEEKS. He will purchase for his department?

Secretary BAKER. He will purchase for his department.

Senator WADSWORTH. And the Chief Signal Officer?

Secretary BAKER. The Chief Signal Officer in the same way.

Senator WADSWORTH. And the Chief of Engineers—all of them?

Secretary BAKER. Yes.

Senator WADSWORTH. Then, you still have five purchasing agents.

Secretary BAKER. Correlated, however, in the purchase and supply department. I do not see any inconvenience in that.

Senator WADSWORTH. Who is going to be the chief who will give the decision in this matter of coordinating the purchases?

Secretary BAKER. It will be coordinated in the purchase and supply department, which will have Col. Pierce, or Gen. Pierce, as the case may be, with civilian experts associated with him, to advise and aid him, and the correlation of those five purchasing departments will be through that agency.

Senator WADSWORTH. Mr. Secretary, will the brigadier general, in that position of assistant purchase and supply, have the final decision over the recommendation made by five major generals under him?

Secretary BAKER. It may be, but that is not at all unprecedented.

Senator WADSWORTH. Is it wise?

Secretary BAKER. I think so. All the bureau chiefs, until within six months, were brigadier generals except the Surgeon General and the Quartermaster General.

Senator WADSWORTH. They reported to a superior officer?

Secretary BAKER. They reported to the Chief of Staff.

Senator WADSWORTH. And to the superior officer to brigadier general?

Secretary BAKER. Yes. These report to Chief of Staff, all of them.

Senator WADSWORTH. Well, Mr. Secretary, they report to the brigadier general, one grade below them.

Secretary BAKER. Yes.

Senator WADSWORTH. And he is supposed to rearrange the differences and consolidate and coordinate their recommendations, and necessarily he must have something of a veto power over their recommendations in making a recommendation in turn to the Chief of Staff?

Secretary BAKER. Senator, it never had occurred to me before that there was the slightest difficulty about that, but it is so corrigible that it need not take up our time. We can make Col. Pierce a major general and be done with it.

The CHAIRMAN. Mr. Secretary, what economic or military reason is there for practically eliminating the Quartermaster General and the Chief of Ordnance? Why did you practically eliminate those generals from the headship of their several departments, placing them in a position which, it seems to me, is one of inocuous desuetude, and yet put a subordinate in their places?

Secretary BAKER. There would be no reason for it if that was what I was doing.

The CHAIRMAN. But that is what is done.

Secretary BAKER. No; it is not what was done.

The CHAIRMAN. You put Gen. Crozier into the war council. You have put Gen. Weaver into that council. You have put Gen. Sharpe into that council, and the Ordnance Department and the Coast Artillery Department and the Quartermaster General's Department are in the hands of acting officers.

Secretary BAKER. Yes.

The CHAIRMAN. Why is that?

Secretary BAKER. For this reason, Senator: The War Department operations have now enormously expanded. The detail of those bureaus is very great. Gen. Crozier—and I will take him as a type—is a man of most brilliant mind. He has had long experience in the study and observation of ordnance. I do not want Gen. Crozier's time taken up with administrative detail. I think the Government would be vastly better off with what Gen. Crozier can give us if half of his time was spent out of the War Department walking around.

The CHAIRMAN. Then he is still Chief of Ordnance?

Secretary BAKER. Technically so, but freed from all administrative control of the actual operations of the bureau, and put upon a council where his ripest counsel and best thought can be brought to the service of the Government.

The CHAIRMAN. It may be a wise policy.

Senator HITCHCOCK. Gen. Crozier, when he was here, tried to enlighten the committee as to the method of procedure when he decided to adopt the modified Enfield rifle, and the Ordnance Department first provided that 7 parts should be made interchangeable; later they revised it and made 44 parts interchangeable; later they revised it again and made 51 parts interchangeable, and, as I recall it, he told us that each one of these decisions of his had to go to the War College and be examined, and then after they had studied over them for some time, and possibly consulted with him, they referred it, as I recall it, to the General Staff, and they considered it for a while, and then it went to the Chief of Staff, and finally got your approval. Now, is that process just as long under this system that you have devised?

Secretary BAKER. There must be some misapprehension of Gen. Crozier's testimony. That never happened.

Senator HITCHCOCK. Possibly I misunderstood it. Tell us what was done.

Secretary BAKER. It is an inescapable necessity that the man who manufactures the articles must be correlated with the man who is going to use them. The constant argument as between the Army in the field and the supply bureau is between the man who uses and the man who makes. Therefore, it is always necessary with regard to any article of equipment not to have it considered solely from the point of view of economic production or ease of manufacture, or its looks, but to have it actually tried on the man who is going to use it, so that some arrangement must be made to bring the manufacturer and the user together. That coordination is through the Chief of the General Staff. So, when Gen. Crozier was considering the modification of the Enfield rifle, he undoubtedly referred the adoption of that weapon to the Chief of Staff, so that its availability as a weapon in the hand of the user could be considered. The Chief of Staff is free to and may have consulted the War College Division, or the General Staff made up of officers of the line; that is, men who have been in contact with troops, men who have had experience in the use of articles. He may have referred it to them for their opinion as to whether the Enfield rifle was a good rifle to carry, whether it was properly balanced, whether its bayonet went on properly, whether its lock worked as men were accustomed to work locks on rifles in use. That question may have been considered through the Chief of the General Staff, and he could take that advice if he saw fit, but no necessity for that occurred unless the Chief of Staff, in order to coordinate the user and the maker, felt that it was wise to consult the user for his own information.

The CHAIRMAN. Mr. Secretary, what is the essential difference between the plat on page 1 as to the former organization of the Army and that on page 2 which you say is at present in force?

Secretary BAKER. It represents rather better if instead of attempting to compare those two you follow on to chart 3, which takes up the ordnance organization alone.

The CHAIRMAN. Taking the bureau separately?

Secretary BAKER. Yes; taking the Ordnance Bureau separately for a moment. When I first showed you the organization of the War Department I characterized it as an organization built on objects or subdivisions according to special devices. This organization which is now in operation in the Ordnance Department is the functional organization, and it no longer divides into the small-arms division and into the gun division and the equipment division, and that sort of thing, but it now divides according to the function of procurement, production, inspection, and supply.

The CHAIRMAN. May I ask you to state in a general way by whom this present organization was worked out?

Secretary BAKER. Gen. Wheeler.

The CHAIRMAN. For the Ordnance Department?

Secretary BAKER. Yes.

The CHAIRMAN. Assisted by Gen. Crozier?

Secretary BAKER. Directed by Gen. Crozier to do it; but, so far as I know, not assisted; but he may have been.

The CHAIRMAN. Were you going to explain its function?

Secretary BAKER. Yes; I was.

Senator MCKELLAR. Mr. Secretary, before you do that, would you mind explaining why Gen. Crozier was removed by you as Chief of the Ordnance Department and placed in on this department?

Secretary BAKER. I have just explained that.

Senator MCKELLAR. I was out of the room. I am sorry I missed it. I will read it, though, in your testimony.

Secretary BAKER. Here we have an organization which heads up to the office of Chief of Ordnance and is composed of three main bureaus: A general administrative bureau, which has to deal with the management of arsenals, finance, property, legal matters, personnel, and confidential information; an engineering department, dealing with design, experiment, invention, test, specifications, determination of types and construction; and a control bureau, dealing with estimates and schedule of requirements, industrial relations, methods of organization, production, research, and information.

Those are the three main divisions in the office of the Chief of Ordnance. The operating divisions are now no longer, as they were before, a specialist for small arms, a specialist for guns, a specialist for gun carriages, a specialist for equipment, but a procurement division, which places all orders and contracts with private manufacturers and arsenals.

Then the production division which follows up supervises and regulates production, and deals with products and all production matters excepting those relating to price or quality.

Third, an inspection division which inspects all ordnance stores, handles all questions relating to quality, supervision of production with respect to quality and, fourth, the supply division, which receives and distributes all stores.

The effect of that is this: When a program is made up for the production of arms, that is to say, a million rifles, to take a perfectly simple illustration, it is turned over to the procurement division and they place the contract for a million rifles, having placed at its disposal the designs made by the engineering bureau immediately under the chief, it makes the contract and turns over the contract to the production division. The production division then follows up and sees that the raw material supplies are adequate, sees that proper arrangements are made with the manufacturer, and that they are followed up from day to day, somebody in the factory to see how they are actually keeping up with their schedule.

The inspection division at the same time is notified and goes on with its inspections.

Prior to this organization, if we had in Pittsburgh, for instance, small arms being manufactured, small arms ammunition being manufactured, and perhaps heavy arms ammunition being manufactured, we had inspectors from three different divisions there following up three different things.

Now, we will have in the large centers of war department manufacture an inspection branch of the general inspection office, and one or more inspectors will be able to follow through all the things with which they are familiar, thus making a great economy in the inspection force. Then, when the inspection division and the procurement division have driven the contract through to actual production, the supply is turned over to the supply division which is notified in advance of the dates of deliveries, provides storage and warehouse facilities, and out of the warehouses and stores, or from the factories, directs the distribution to the actual user.

The CHAIRMAN. Mr. Secretary, when did this evolution, or this change in the Ordnance Department, begin to be conceived? Was it since you went in or did Mr. Garrison suggest or recommend some reorganization of the War Department?

Secretary BAKER. I can not answer that, sir; I never saw any such recommendation. He may have done it.

The CHAIRMAN. I do not know anything about it. Somebody asked me. This change has been going on how long?

Secretary BAKER. The first branch in this change took place in April by the creation of the supply division, which is one of the divisions in this organization. Gen. Crozier asked Gen. Wheeler—Col. Wheeler, as he was then—to take charge of the

supply department and to organize it along modern lines. He began by bringing in from civil life a lot of civilians who were associated with very large industrial companies that had the question of storage and supply, and the first completely organized division in the Ordnance Department was the Supply Division under Col. Wheeler. As soon as that was completed Gen. Crozier asked him to extend that reorganization through the rest of the department. His direction to start it was as early as May, and he was at work on this design from May until it was finally completed.

The CHAIRMAN. Has it been in vogue in the procurement of supplies for the Army that was raised since April?

Secretary BAKER. Not all of it. The Supply Division has been in vogue, I should say, since July in its present highly organized condition, and it is an organization which I am sure the members of the committee would like to see if some opportunity arose for you to see the Supply Division. You go into a room filled with charts, with mechanical devices for exhibiting the source of supply, and the process of distribution, the dates on them being kept up hourly by corrections, so that every article of supply as to its exact quantity on hand, its distribution, the need for it somewhere else, is all shown graphically on these charts.

The CHAIRMAN. The next chart shows proposed reorganization of the Quartermaster's Department.

Secretary BAKER. The next chart shows the reorganization of the Quartermaster's Department.

The CHAIRMAN. Who worked that out?

Secretary BAKER. That was worked out by Gen. Goethals.

The CHAIRMAN. It is not yet in operation?

Secretary BAKER. Not fully. Some parts of it are. I said by Gen. Goethals, and yet it is necessary to say that some parts of it are actually in operation and are the result of reorganization under Gen. Sharpe.

The CHAIRMAN. Why was it found necessary to make any changes in the organization you had?

Secretary BAKER. For two reasons—first, the organization as we originally had it was for a very much smaller volume of business. Individuals could spread their effort over very much wider ranges, relatively, than they could when the thing came on such a mammoth scale, but it could not have been done earlier in many instances because the men in the several departments were not yet trained for their tasks adequately to undertake a new function.

The CHAIRMAN. It was found necessary to coordinate the work of each of these departments?

Secretary BAKER. Yes, sir.

The CHAIRMAN. To handle the immense amount of business that they had?

Secretary BAKER. Well, that, and also a change in function, Senator. For instance, before the war began, before we got into the war, each of the divisions of the War Department had its own storage facilities. There was no special problem of transportation. But now we have come to a time when the question of storage and transportation is almost the controlling question in our operations, and it is on such a large scale that it reaches all over the United States and deals with facilities that hitherto have been devoted to private business.

The CHAIRMAN. Where is the connecting link, transportation facilities between the Ordnance Department and the Quartermaster General's Department, and these other bureaus?

Secretary BAKER. That appears on page 2. Gen. Goethals, in addition to being the Acting Quartermaster General, is the Chief of Storage and Transportation. That appears down at the bottom of the page.

The CHAIRMAN. Yes. He occupies that position, too?

Secretary BAKER. He occupies that position, and you observe from the chart that each of the supply divisions, and in certain aspects the Adjutant General's division dealing with transportation, all center about the Chief of Storage and Transportation, so that Gen. Goethals now is superimposed in this function upon all the coordinated divisions of the department.

The CHAIRMAN. It is proposed to organize that with civilian forces?

Secretary BAKER. Yes. There has been already assigned as the head of that bureau, immediately under Gen. Goethals, a vice president of one of the western railroads, assigned by the Secretary of the Treasury.

The CHAIRMAN. The office of the Quartermaster is disclosed on that map. You have divided that up into subheads?

Secretary BAKER. Yes, sir. By the way, I should have said on the Ordnance Department that it is the intention in the purely civilian occupations, like procurement and production, to head those subdivisions in this functional organization with civilian experts.

Now, in the Quartermaster General's Department the same thing is true. In traffic and storage it is not unlikely that a railroad executive will be immediately under Gen. Goethals. In the remounts I think entirely likely a military man will be. In the supplies, a civilian. In the cantonments, I think probably that organization has not yet been reorganized. I do not know that it needs it. Gen. Goethals will give that his attention as soon as he can. In reclamation there is a division started by Gen. Sharpe and is pretty well organized now. Experts in the reclamation of waste products were brought in from civil life and organized a bureau for the salvage and repair of articles otherwise wasted. That division is already organized. The priority division, of course, will consists of delegates from the other divisions so that they can coordinate their needs by consultation, and the administration will be a mixture of civilians and military men.

The CHAIRMAN. You think that when it is put into force that will more nearly coordinate the force of that department than they have been?

Secretary BAKER. Very much more.

Senator WADSWORTH. Mr. Secretary, the line underneath all this organization, or supporting all this organization, there must be vast industrial effort?

Secretary BAKER. Yes, sir.

Senator WADSWORTH. There will be thousands of factories, and I think it is safe to say hundreds of thousands of men and women, if the war goes on two or three years. The Government may find itself compelled to build towns for the housing of workmen, which has already become a very serious question; to have to go into the coal mines, in the steel mills, control somewhat if not entirely the iron-ore production; in fact, the industries of the whole country, if this war proceeds for two or three years longer, will have to be mobilized and organized on a vast scale, an industrial problem, pure and simple. Who, in this organization, as here depicted, will be the driving power to supervise that?

Secretary BAKER. Nobody in what you have seen, Senator. Thus far we have dealt solely with the coordination of the War Department to present its needs to the central supervising and advising body. The next chart will answer your question, I think.

Senator WADSWORTH. You refer to the War Industries Board?

Secretary BAKER. The one in which the War Industries Board figures, but this chart is not solely devoted to that subject.

The CHAIRMAN. Who worked that out?

Secretary BAKER. It was worked out by Mr. Willis, the president of the War Industries Board, in conference, however, so far as the War Department is concerned, with Gen. Wheeler, Gen. Gorgas, and some conferences with a good many civilian experts, organization experts.

Senator WADSWORTH. Mr. Secretary, who in that last chart to which you referred will have the supreme power, under the President, of course?

Secretary BAKER. Supreme over what, Senator?

Senator WADSWORTH. Over the industrial organization necessary for the supply of the Army?

Secretary BAKER. No one person will have the supreme power over the entire industry of the United States.

Senator WADSWORTH. Will any one board or bureau have the supreme power?

Secretary BAKER. I do not like to hesitate over a term. If you mean will any board or bureau under this chart have supreme power over the entire industry of the United States, I must say no.

Senator WADSWORTH. I mean for the supply of the Army, Mr. Secretary. Of course that will be enormous as it goes on.

Secretary BAKER. If you will let me follow through the operations of the Army on this chart, I think I will give you as much of an answer as the chart will give to your question.

This chart shows the four agencies of a public character needing to deal with industry so far as the War Department is concerned, and which is named first here. It consists of five supply departments, coordinated as I have indicated to you on the other chart through the supply and control section. They present a solid front, and the War Department's needs are thus brought to a single person as the person to express them. In the Navy Department the same thing is true. The Bureau of Supplies and Accounts is already that thing for the Navy. Admiral McGowan is the head to whom all those things come, so that the Navy Department speaks through a single representative. The Shipping Board, while a very large consumer of supplies through the Emergency Fleet Corporation, speaks of course through the president of the Shipping Board, and the allied purchases in this country, which are vast in volume, and must be taken cognizance of in dealing with the industries of

the country, consist of the three persons designated by the allies to do their purchasing in this country, Judge Lovett, Mr. Baruch, and Mr. Brookings, and they constitute a single element. So, we have four agencies dealing with questions of industry and commerce questions of supply whose needs must be correlated and satisfied.

On the other side of this chart you have the kind of things with which they must deal. Mines, factories, blast furnaces, foundries, forges, machine shops. They are simply illustrative. They are not, of course, intended to be an exclusive classification. The last one, for instance, is converted establishments. That deals with the whole question of those industrial establishments which can be diverted from one form of manufacture to another. That is illustrative of the kind of agencies with which the first group must deal in order to satisfy their needs.

Immediately after the first group you find another illustrative column, purchases requiring to be cleared. In the markets in the United States at present there are many articles for which the supply is greater than the demand. There are many articles as to which the supply is substantially equal to the demand. There are many articles in which the supply is inadequate to the demand. The latter list is a growing list.

The articles that are stated here, for instance, oil, chemicals, acids—I take them haphazardly—forgings, machine tools, are articles which, when we have searched the market, have been found to be inadequate in their supply to the aggregated demand of the four purchase agencies representing the public and the allies.

Therefore, it is necessary to have some agency to which these four can go with regard to articles which belong in these restricted or insufficient classes in order to have three things done: To have clearance of their respective needs, priority in the order of satisfying their respective needs, and, third, an increase in facilities.

Therefore, if we will follow this chart through, you will find that it works like this: Suppose that the Ordnance Department decides that it needs 1,000,000 rifles. Now, the production of 1,000,000 rifles means supplies of raw material—steel. It means supplies of labor, expert labor. It means factory facilities of a particular kind. The Ordnance Department expresses that need through the central supply agency shown on the other chart, and the representative of that body appears before the clearance committee shown immediately under the administrative section of the Council of National Defense. That committee meets daily. When the representative of the War Department gets there he will find, perhaps, that the Navy needs 250,000 rifles, or needs something that will require steel, or needs something which requires the same sort of labor or manufacturing facility. Correlation takes place in the clearance committee. They say to the Ordnance Department, "There are certain factories which are available to make rifles; you can place your contract there"; and to the Navy Department, "Your needs can be supplied in some other place."

Senator HITCHCOCK. Who says that, Mr. Secretary?

Secretary BAKER. The clearance committee.

Senator WADSWORTH. With what authority?

Secretary BAKER. They say it with authority.

Senator HITCHCOCK. Authority of the War Board?

Secretary BAKER. Yes.

Senator WADSWORTH. Authority of law?

Secretary BAKER. Not authority of law, but authority of common consent under the direction of the Supreme Commander.

Senator HITCHCOCK. This clearance committee is a committee within the War Industries Board?

Secretary BAKER. Yes.

Senator HITCHCOCK. And the representative of the Ordnance Department, after it has been decided that they must have those things, goes to the clearance committee?

Secretary BAKER. Goes to the clearance committee and correlates there his need with any conflicting need.

Senator McKELLAR. Is that a volunteer committee?

Secretary BAKER. My recollection is that it is a volunteer committee.

Senator HITCHCOCK. Then that committee directs the Ordnance Department where to go to make the contract?

Secretary BAKER. Yes, sir; then the contract goes back to the Ordnance Department and is made there.

Senator McKELLAR. And then the Ordnance Department acts without any further conference with the Secretary of War or anybody else?

Secretary BAKER. Yes; it all acts under the direction of the Secretary of War.

Senator HITCHCOCK. I wanted to get a little further information with regard to this process that you described so interestingly. For instance, in June, 1917, as I understand it, you adopted an artillery program. Supposing Gen. Pershing wrote advising you that he wanted 1,000 heavy guns as soon as possible. What would you do with such a request? Say he wanted a 9-inch gun, a thousand of them, what would you do?

Secretary BAKER. The minute that information came to me in a cablegram from Gen. Pershing, that cablegram would be sent to the War Industries Board.

Senator HITCHCOCK. To the War Industries Board?

Secretary BAKER. To the War Industries Board and to the Ordnance Department. I am assuming now that the program is agreed to and that Gen. Pershing's request in that respect is one which can be satisfied. As soon as I have decided it—and we must assume an affirmative decision to get anywhere—I send notice to the War Industries Board that a requirement of the War Department is going to be 1,000 9-inch guns. They immediately look to the industries over here and they begin to inquire. They have a card catalogue and a complex index that they keep up to date on the unused or convertible manufacturing facilities of the country. They supplement their information; they find out all they can about it.

In the meantime I have at the same time sent that cablegram to the Ordnance Department. The Chief of Ordnance puts it at once into the hands of his engineering section, assuming that any designs have to be drawn, but if an established design is to be used, if it is simply multiplication of an existing weapon, he sends it to the procurement section. The procurement section notifies the supply section that he needs the guns and that is correlated in the clearance committee, which has gotten word in advance, as far as we knew it, that the needs were to be anticipated, and when the War Department again goes to the clearance committee they say, "You need 1,000 guns. The available raw material in the country is insufficient. We have decided to convert, or recommend conversion of, A establishment and B establishment and C establishment to the making of forgings. We recommend that you take those and that you make your contracts with them for the forgings, and with E, F, and G for the completion of your manufactured product." Then the Ordnance Department knows where the raw material is to come from; it knows where the establishments are which could be readily converted to its manufacture, and the procurement division proceeds to make its contracts.

Senator HITCHCOCK. Is there any danger, under this system, of debate and disagreement between the various committees, so that, instead of the order being placed promptly, it hangs fire for a couple of months?

Secretary BAKER. That might easily happen, and it might happen in this way. So far as the War Department is concerned, its five bureaus, or five supply sections, head up to a single committee. Now, suppose the Signal Corps and the Ordnance Department both want something and each thinks he is in the biggest hurry, and Gen. Pierce and his associates make a decision about it, but they are not satisfied—the one who loses is not satisfied; he can come to me. That strains out for my personal decision only those cases in which agreement and reconciliation is impossible. Now, I decide, assume, that the aircraft need is more urgent than the other, and I settle that priority where they have been unable to accept the decision which their own conference suggested.

The decision is made. Then they go over to the clearance committee and they find the Navy is there pressing for something that they must have immediately, which, if they did not want, would free facilities for the immediate manufacture of the thing that the War Department wants. Now, it may be that the clearance committee will award priority to the Navy, and the War Department may say that was a mistaken decision; that was wrong.

The CHAIRMAN. Is that the only coordinating link between the Navy and the Army?

Secretary BAKER. That is the immediate coordinating link. That is the place where they work it out if they can. If they fail to work it out and agree, the president of the War Industries Board will at once be appealed to. That is a single individual—Mr. Willard. He will hear the two sides and decide the question. If they are satisfied with his decision, as they will be in nine thousand nine hundred and ninety-nine cases out of ten thousand, that is the end of it. If they are not satisfied with that, and they say, "Mr. Willard, I can not leave the War Department's need second to the Navy's need, and in this particular instance I wish you would rehear the question," or, if they desire any further argument about it, the chairman of the War Industries Board will send for the Secretary of the Navy and me and we go over it and work it out. That will work, because from the very beginning the Secretary of the Navy and I have had very many cases of that kind and we have always agreed.

The CHAIRMAN. Mr. Secretary, the organization of the Navy and the Army are very different. It is impossible to coordinate the efforts of the two branches of the service as they are now organized, is it not?

Secretary BAKER. It never has proved difficult. The Secretary of the Navy and I met immediately after it became necessary for us to have any understandings at all, and a perfect system of coordination was worked out.

The CHAIRMAN. The Navy Department is practically under one system, one head—Admiral McGowan—is it not?

Senator WADSWORTH. The supply system of the Navy Department?

Secretary BAKER. Yes.

The CHAIRMAN. That practically covers everything except two or three items.

Senator HITCHCOCK. On an important matter like that, is there any reason why you and the Secretary of the Navy and the president of the War Industries Board could not sit right down and decide it?

Secretary BAKER. It would be done that way if there was the slightest question about it.

The CHAIRMAN. There have been a great many questions pending before the department for a long while that were not worked out, have there not?

Secretary BAKER. I think that is true.

Senator HITCHCOCK. As I recall it, this artillery program for the present war was not agreed upon until 60 days after we had gone to war.

Secretary BAKER. I think that is entirely likely, Senator. I do not know the dates.

Senator HITCHCOCK. It seemed to us a strange thing that that first 60 days should have been lost in having these various branches of the War Department mull over the details when the important thing was to get the contracts started.

Secretary BAKER. It does seem strange; and yet, is it? In Europe there were the French and British forces with two theories or artillery used, employing different types of weapons and different calibers. Each of those countries was having made in this country artillery, practically using all the artillery manufacturing capacity of the country. So our artillery program had to be built up first thinking of which theory of artillery used in warfare commended itself best to our experts, because we had to adopt one theory or the other; and, second, where we could purchase the articles which we desired with least dislocation to existing paramount needs of the allies who were actually at the front fighting. That necessitated not merely somebody making up his mind, but it necessitated collecting a very great deal of data, considering European conditions at the moment.

Senator HITCHCOCK. In view of the possibility of war for several months preceding the actual declaration, could not that work have all been done in advance?

Secretary BAKER. It all was done and all had to be discontinued because when we went into the war we had an established artillery program. One of the grave criticisms which Senator WADSWORTH has seemed to press is that we have adhered to some part of our prewar program, the keeping of the 9.5 heavy piece. We had a program involving the use of certain calibers in certain quantities, and yet when we went into the war we found that the French were using one theory of warfare and the British another, that the preponderance of the so-called middle heavy in the British use was substituted by a vastly greater number of 75's in the French theory. It was necessary for us to elect, and the election had to be not only upon the military soundness of the respective theories but it had to be upon the availability of productive capacity for the respective types.

Senator THOMAS. Mr. Secretary, you think that those first 60 days were not lost, as all the factories that were capable of producing these arms and equipment were engaged to their limit in producing such things for our allies?

Secretary BAKER. I think, Senator, every bit of available gunmaking capacity in the United States was largely under contract and actively under operation manufacturing for the allies.

Senator FRELINGHUYSEN. How did you connect this organization up with the over-seas force?

Secretary BAKER. How do you mean connect it up, Senator?

Senator FRELINGHUYSEN. Determining the question of priority.

Secretary BAKER. Questions of priority of shipment?

Senator FRELINGHUYSEN. Yes; the needs of the Army.

Secretary BAKER. Those are determined by Gen. Pershing. Gen. Pershing sent us a long time ago a schedule of priorities showing the order in which he would need things, and the things he needed. That is changed from time to time as wisdom on that side justifies the change and the attempt of the director of transportation, in charge of the transportation system both on land and over seas, is to comply with Gen Pershing's program as rapidly and fully as possible.

Senator FRELINGHUYSEN. Where does that direction of transportation come in this organization?

Secretary BAKER. On the third page.

Senator HITCHCOCK. Traffic and storage, that is Gen. Goethals?

Secretary BAKER. Yes.

Senator FRELINGHUYSEN. Supposing Gen. Pershing wanted 200,000 uniforms. Who would determine the priority on that?

Secretary BAKER. Gen. Pershing himself.

Senator FRELINGHUYSEN. Through you?

Secretary BAKER. He could determine it in this way. He would send a cablegram to me—"I need 250,000 uniforms. Insert that in my priority schedule between items 13 and 14."

Senator SUTHERLAND. One of the papers of the last few days stated that a large number of mechanicians and welders and other artisans were immediately needed on the front over there, and were only now being gotten together for that purpose, a force which it was stated should have been gotten together months ago. Was that statement correct, or not?

Secretary BAKER. The first part is perfectly accurate. I think the second part is a misapprehension. This is true. After we went into the war it became immediately apparent that a very large force of technically trained men would be the earliest assistance we could render in the war. As a consequence, about 120,000 men were organized into technical forces, railroad regiments, stevedore regiments, foresters. Our foresters were turned loose in the forests of France and England, assigned to them to get out lumber for cantonments and for shacks and things of that sort, our railroad operatives undertaking reconstruction of railroads near the front, operation of railroads, and our stevedore regiments undertook the unloading of our own ships, transports, and the construction of additional dock facilities, and so forth. Those forces were sent aggregating, I think, about 120,000. There may be a few thousand more now. They have been continuously operating over there for many months, and the Senate committee knows that at the time of the Cambrai drive American railroad regiments were actually constructing the railroads which followed the British advance.

From time to time needs of additional technical men are brought to our attention, and wherever they can be satisfied, they are satisfied.

The fact that it ought to have been done some time ago is hardly just. The program is changing. Originally, certain things were proposed to be done on this side, and articles were proposed to be sent over in certain stages of completion to be finished on the other side. As the program has developed, it has been found or thought wiser to do more of the finished work on that side and less on this side. That means, of course, the transportation of mechanics. The need for mechanically trained men in the Army is exceedingly large, and one of the gravest problems the War Department has is not only to select mechanically trained persons in this country without serious dislocation of our own transportation and industrial interests but it is to train additional persons in mechanical ways to send abroad.

Senator SUTHERLAND. Did you not have observers over there on the front during the progress of the war, prior to the time we went in, who would be able to have information in the department when the war was started as to these needs?

Secretary BAKER. Exactly, Senator; but the war as it was fought in 1915 was no more like the war now than the Civil War was like that in 1914.

Senator SUTHERLAND. You mean there has been a matter of development?

Secretary BAKER. Enormous and daily development. Whole programs of things which in 1916 were regarded as indispensable for immediate execution are now disregarded and something else takes their place.

The CHAIRMAN. I am inclined to believe that an aeroplane that was in vogue eight months ago would be obsolete now, practically.

Secretary BAKER. Aeroplanes which we were planning to construct in large quantities in August are now completely disregarded. Nobody would have one if you gave it to him in large quantities.

The CHAIRMAN. Mr. Secretary, have you undertaken to bring the War Department under one head, or I mean the supply department, as it has been brought together and successfully operated in the Navy?

Secretary BAKER. I am not sufficiently familiar with the Navy plan to say "yes" to that, and be through with it. As I understand it, the Navy operates entirely in its supplies through the supply division.

The CHAIRMAN. Yes.

Secretary BAKER. If that is so, then the thing I have done is the same thing.

Senator MCKELLAR. Who is to be the head of it?

Secretary BAKER. Col. Pierce.

Senator WADSWORTH. Mr. Secretary, it is not quite that way, is it, because there are still five bureaus left, each placing orders and inspecting manufacture, whereas in the Navy there is but one placing orders and inspecting manufacture.

Secretary BAKER. I think not, Senator, unless I am incorrectly advised about it. I think in the Navy there are some nine or ten, but I am not certain.

Senator WADSWORTH. Admiral McGowan testified that 99 per cent of the supplies furnished the Navy were contracted for and inspected during the course of manufacture by his own department.

Secretary BAKER. But it would seem entirely clear that the purchase of uniforms for the marines, and uniforms for the sailors, and big guns for the Navy, and powder for the Navy are not all either bought or inspected by the same individual.

Senator WADSWORTH. He made the one exception of big guns, armor, and shells. Everything else is under the supply division of the Navy.

Secretary BAKER. They will all be under the supply division here.

Senator WADSWORTH. Yes; but there is only one authority in the Navy Department placing orders for that vast amount.

Secretary BAKER. That will be substantially true here.

Senator WADSWORTH. As I understand from your own description, there will be at least five in the War Department placing orders and inspecting manufacture.

Secretary BAKER. There will be.

Senator WADSWORTH. Then it differs from the Navy.

Secretary BAKER. No; I think it is the same. In the Navy, for instance, the quartermaster general of the Marine Corps is Gen. McCauley. Now, undoubtedly, Gen. McCauley places contracts for supplies under Admiral McGowan's direction, a centralized control, and that is exactly what will happen in the Army under this plan.

Senator MCKELLAR. Will the same plan of secrecy in regard to contracts, not publishing the terms of contracts, be carried on under the new régime?

Secretary BAKER. Senator, I have never been able to satisfy myself that the plan adopted by the War Department was either unwise or unnecessary.

Senator MCKELLAR. So it is going to be continued?

Secretary BAKER. I will issue all the orders necessary to let any Senator or any Member of Congress see all those secrets.

Senator MCKELLAR. It is not a question of that, Mr. Secretary, it is a question of the people understanding it. I take it for granted, that any Congressman could see that now or see about any contract. None has ever been kept from me.

The CHAIRMAN. Mr. Secretary, you are speaking of the Marine Corps and the Navy. While they are under the Secretary of the Navy, they are distinctive forces, that is, the head of the supply department in the Navy is not the head of the supply department in the Marine Corps.

Secretary BAKER. But they are correlated through the supply division. If the Marine Corps wants to buy uniforms or rifles—they buy rifles through us—but if they wanted to buy things which they buy instead of things which they get through the War Department, if they wanted to buy things which they buy, Gen. McCauley would undoubtedly take it up with Admiral McGowan and work it up through Admiral McGowan's list of prospective sellers, and all that sort of thing, and then Gen. McCauley would follow it through.

The CHAIRMAN. If you consider it workable to coordinate the different bureaus of the War Department, as you claim you have attempted to do, if it is deemed feasible to coordinate all these departments in the Navy, why is it not wise to coordinate all of these departments in every branch of the service?

Secretary BAKER. I think that is what we have done.

The CHAIRMAN. It does not seem to me that you have.

Secretary BAKER. I think we have gone further than any other country in doing it, Senator.

The CHAIRMAN. Well, the conditions which have confronted us here during the last eight months practically were the conditions which confronted the British at the time the munitions minister was created, and led really to a change in the ministry. They have undertaken to coordinate there all of these activities, have they not, under one head?

Secretary BAKER. No, sir. The munitions minister does not buy a penny's worth for the Admiralty; has nothing to do with the Navy. The British situation is so different from ours, Senator.

The CHAIRMAN. Is it?

Secretary BAKER. The British munitions ministry is a glorified ordnance department, and nothing else.

The CHAIRMAN. But it has been a practical one if it is glorified.

Secretary BAKER. It has been practical and I do not want to discount its success. What actually happened in Great Britain was the same thing that is happening here. At the outset there was the confusion of a new and vast problem, and a very great many steps were taken. The British people felt that they were not acting rapidly enough. Their system of Government, of course, makes their heads of departments really a committee of the House of Commons. They felt that they were not progressing rapidly enough and they reorganized, made the munitions minister, and all the steps which had been taken up to that time began to bear fruit under the munitions ministry, and some of the things which have happened since the munitions ministry was created were the fruits of earlier efforts.

We have done exactly the same thing. We had a vast new problem, a tremendous amount of confusion caused by the size of the problem and by the enthusiasm of everybody wanting to help, the fact that we were not a closely centralized industrial organization in the country, and a vast number of steps have been taken to head up to this organization.

The CHAIRMAN. I am not criticizing what you have done. I glorify all of your efforts of coordination of these different bureaus, but it seems to me you might go further and put them under one head rather than under the different heads that you have here.

Secretary BAKER. I was dealing only with the parallel between the English situation and ours. Further to illustrate that the British munitions ministry in England has nothing to do with allied purchases. The English have not that problem very largely; they have it in a slight sense. Gen. Pershing, for instance, is authorized to make large purchases in France and England, and in any other country where he can find nearby things, which saves tonnage, brings the supply immediately to hand, and he has organized a very fine commission of business men who make those purchases, but England has no such industrial and commercial problem as we have, due to allied purchases.

The CHAIRMAN. They have practically put that in the hands of one or two men?

Secretary BAKER. England?

The CHAIRMAN. Yes.

Secretary BAKER. I do not think so. That is not my information, Senator.

Senator WADSWORTH. It is under one administrative body, Mr. Secretary?

Secretary BAKER. It is under one administrative body but it is relatively a small problem to start with. It is relatively a small problem to start with, and the administrative body which has charge of it is a very large body to end with.

The CHAIRMAN. They certainly have gotten out ordnance, and so forth, in such quantities, and everything in such quantities, as has France, that they are able to make America feel safe over there and furnish her with supplies.

Secretary BAKER. Absolutely; that is true.

The CHAIRMAN. But that has all been developed and evolved under the systems that France has been driven to and Great Britain has been driven to.

Secretary BAKER. Yes, sir; and we have adopted it. We have reached the place which they reached, and the reorganized Ordnance Department shown on these charts is the ministry of England, except that the Ordnance Department does not have the same relation to aircraft that it has in Great Britain.

Senator THOMAS. When did they reach that degree of efficiency? After how many months of the war did they reach that degree of efficiency?

Secretary BAKER. I do not remember when the munitions ministry was created.

The CHAIRMAN. In June, 1915.

Senator WADSWORTH. Mr. Secretary, you say that we have practically the same thing. I think that would be accurate if when this decision was made by the War Industries Board as to where the order should be placed for these goods, the War Industries Board placed them and inspected them in the course

of manufacture, and supervised the production, and handed them back to the Army.

Secretary BAKER. The only difference between those two things, Senator, is the question of whether the Chief of Ordnance and the Chief Signal Officer, and the Chief of Engineers, and the Chief Quartermaster, and the various persons in the Navy shall report to the chairman of the War Industries Board, or report to their respective chiefs. That is the only difference.

Senator WADSWORTH. The difference is this, Mr. Secretary: That after the War Industries Board, under your plan, decides where the goods can be produced, and the question of priority, then the system is scattered again.

Secretary BAKER. Yes.

Senator WADSWORTH. It goes back in the case of the War Department to five purchasing officers?

Secretary BAKER. Yes.

Senator WADSWORTH. Who place their respective orders and inspect them, and endeavor to speed up production?

Secretary BAKER. Yes.

Senator WADSWORTH. The testimony before this committee, I think, Mr. Secretary, points out very clearly that that is not a soldier's job.

Secretary BAKER. I am perfectly willing to admit that.

Senator WADSWORTH. But it goes right back to the soldiers.

Secretary BAKER. Not at all; not in the least.

Senator WADSWORTH. The inspection of the manufacture?

Secretary BAKER. Of course not.

Senator WADSWORTH. The speeding up of the program?

Secretary BAKER. Of course not.

Senator WADSWORTH. It goes back to the Chief of Ordnance.

Secretary BAKER. It goes back to some officers out of 3,700, who, when we went into the war, were inspectors in private industry, and who have since put on a uniform, but they are trained industrial experts. The mere fact that they wear the uniform does not make any difference in their expert capacity.

Senator WADSWORTH. It does make this difference, that they are subject to the military authority of their superiors, and that they are not independent of military authority.

Secretary BAKER. Nobody is independent in that sense. Inspectors are accountable to somebody. They would have to be. If you have them reporting to the chairman of the War Industries Board, they would not be independent of him.

Senator WADSWORTH. Of course they would not be, but would it not be better if they were accountable to the War Industries Board, or a munitions department, that had the industrial side of it alone to take care of?

Secretary BAKER. I think not. I think it would be better to have them report to the man who knows about the use of what they are to get.

Senator WADSWORTH. It is already decided what they are to get before it reaches that point.

Secretary BAKER. That kind of decision does not have quite the finality you attribute to it. In the process of manufacturing for the Army, for instance, variations are constantly made. New industrial processes are suggested. The question as to whether a particular part of a rifle will bear a tolerance of two one-thousandths instead of one one-thousandth is a question that has to be considered at the time the thing is going on, and the only people who can tell that are the experts.

Senator WADSWORTH. Perfectly true, but why can not they tell that to the industrial head and have him do it instead of trying to impose their authority on the manufacturing business of the United States about which they know very little?

Secretary BAKER. Let us take a particular case instead of a general statement of it. Suppose we were manufacturing heavy Browning guns in a factory.

Senator WADSWORTH. Yes.

Secretary BAKER. And the inspector who was there was told by the shop foreman that a particular piece which goes into that, not having a very rigid duty to perform, was much more easily made in quantity and much more easily made if a tolerance was allowed of one one-hundredth of an inch instead of one one-thousandth of an inch, as shown on the origial specifications. That inspector has no right to depart from instructions. Let us assume that he goes to the chairman of the War Industries Board and says to him, "These people tell me that one one-hundredth of an inch will do instead of one one-thousandth of an inch." What would the chairman of the War Board do about that? He could not decide it out of his head, and he would have to go to the Chief of Ordnance and report that, and the Chief of Ordnance would consult his engineering bureau to find out whether that larger tolerance could be permitted. The Chief of Ordnance would then report it to the chairman of the War Industries Board, and he would report it to his inspector, and he would go back and permit it.

If the inspector, instead of reporting that to the chairman of the War Industries Board, reports it directly to the Chief of Ordnance, he saves one step.

Senator WADSWORTH. To the munitions minister in England are detailed a sufficient number of experts to handle matters of that sort, so that the entire effort of producing the goods on a vast scale and conducting the inspections of these vast amounts of goods is in the hands of one department.

Secretary BAKER. Yes.

Senator WADSWORTH. Now, in this it is not.

Secretary BAKER. Yes; with regard to several things. That is to say, ordnance is in the hands of the procurement or the production department. The thing has gotten past the procurement department into the production state; the production department has had all there is to do with it.

Senator WADSWORTH. Is that all there is to do with it, Mr. Secretary, when there are other departments under your plan which will also be engaged in the same kind of work?

Secretary BAKER. There are no other departments.

Senator WADSWORTH. The Quartermaster General?

Secretary BAKER. Not at all. He will be in Lenox, Mass., while the ordnance chief is in Lowell.

Senator WADSWORTH. But there are five of these departments who will be engaged in that kind of effort?

Secretary BAKER. Yes.

Senator WADSWORTH. In England there is one.

Secretary BAKER. I think that is an appearance rather than a fact, Senator.

Senator WADSWORTH. That is so far as the Army is concerned.

Secretary BAKER. Of course, this is true. As you organize business the more it is centralized, the more efficient it is up to a certain point. Then, when you get to that point you reach the elastic limit of concentration and organization. You know that so well that I am dealing with platitudes when I say it, but many men, many business men have said that any enlargement of the United Steel Corporation, for instance, would be beyond the elastic limit of further organization; that the attempt to organize all of the railroads of the country into a single private management would probably be beyond the elastic limit of effective organization.

Senator WADSWORTH. But it is not supposed to be beyond it under governmental control?

Secretary BAKER. That is very different. Government control is very different. They are not there coordinating private interests.

Senator WADSWORTH. Is this in effect Government control of these industries?

Secretary BAKER. Yes. Now, it is not Government control of the industries; it is Government control of purchases.

Senator WADSWORTH. Does that not really involve control of the industry?

Secretary BAKER. It involves control of industries which the Government uses exclusively.

Senator WADSWORTH. Or in part?

Secretary BAKER. Well, perhaps those in part, too.

The CHAIRMAN. It can use all of them exclusively if it wants to.

Secretary BAKER. Undoubtedly.

The CHAIRMAN. So in the last analysis it is Government control of the industry?

Secretary BAKER. It is Government control of the industries which are in use and to the extent that they are in use it is control of them.

Senator WADSWORTH. So, if the Government can be intrusted to run all the railroads of the United States under this management, I should think another department of the Government could be trusted to run the industries.

Secretary BAKER. If the Government of the United States were running every railroad in this country, it is not to be supposed for a second that somebody here in Washington would buy all the spikes that are used on the Atchison, Topeka & Santa Fe and buy all the spikes that are used on the Maine Central at the same time. They have to use the organizations of those railroads scattered around over the country and break the railroads up into divisions for centralized control.

The CHAIRMAN. But it is all coordinated under one head.

Secretary BAKER. It is all coordinated here.

Senator FRELINGHUYSEN. As a matter of fact, some central authority would buy all the spikes, and he would direct where those spikes were to be sent.

Secretary BAKER. I doubt that very much, Senator.

Senator FRELINGHUYSEN. Certainly that is the way it would be done.

Secretary BAKER. I think there is a good deal of doubt about that. It seems to me that for a man in Washington to attempt to buy all the spikes needed on the railroads of the United States and distribute them from California to New Mexico and Maine and Vermont would be an impossible problem.

Senator FRELINGHUYSEN. It would be the easiest problem in the world. What he would do would be to buy the spikes that are needed on the Pacific coast of manufacturers on the Pacific coast, and direct where they should be sent. He would not buy them all at one place, but he would buy them at the nearest point where they were to be used. He would buy the spikes and make the price all over the United States. It would be a very simple proposition.

Secretary BAKER. But not at a uniform price all over the United States.

Senator FRELINGHUYSEN. Perhaps not.

Secretary BAKER. What he would have to do would be to send to California to find out the spike market in California, and then he would direct a contract according to the spike market in California, and he would do the same thing in New England.

Senator FRELINGHUYSEN. Of course, he would have that information of what the spike market was.

Secretary BAKER. No.

Senator FRELINGHUYSEN. And that would be the same in price, barring the difference of cost of raw materials.

Secretary BAKER. With great deference, there has never been made a human being who could have that information. He would have to send and get it.

The CHAIRMAN. He has it when he acts, though?

Secretary BAKER. He has it when he sends and gets it, and in the meantime a vast army of people have to be constantly getting it so it will be ready for use when he wants it.

Senator MCKELLAR. Is it not true that here we have the concrete example of the Navy Department, where all of these five divisions are concentrated in the hands of one man, and it is working splendidly? Why not profit by the concrete example of the Navy Department, which has been a wonderful success and in which all the men of the Navy have been properly looked after and the supplies of the Navy properly obtained and economically obtained? Why not do that?

Secretary BAKER. I think we are doing it, Senator. I am proposing to do it.

Senator MCKELLAR. No; in the Navy Department one man controls it, Admiral McGowan, whereas in the proposed plan that you have here, on page 2, five men control the purchase and supply accounts, and they are under an inferior officer. That is quite a difference.

I want to call your attention to this further fact: Will it not produce the greatest confusion to have the Surgeon General, who is a major general, and the Chief of Staff, who is a major general, and the Chief of the Engineering Department, who is a major general, and the Chief of Ordnance, who is, I believe, a major general, and the Quartermaster General, the same way, reporting to a man, or under the superintendence of an officer, who is a colonel in the Army?

Secretary BAKER. I do not think so.

Senator MCKELLAR. I differ with you.

Secretary BAKER. I suggested a remedy for that that is so easy that there is no difficulty about it. We can give Pierce any rank that is necessary.

Senator MCKELLAR. In which case I think you would offend every man that you promoted him over, and you would have confusion worse than it is.

Secretary BAKER. Oh, no.

Senator MCKELLAR. That is my judgment.

The CHAIRMAN. What is your serious objection, Mr. Secretary, to a secretary of munitions? I assume you have glanced over the bill I have drafted?

Secretary BAKER. I have, Senator.

The CHAIRMAN. What is your serious objection to a so-called secretary of munitions, a member of the Cabinet, and an office created during the existence of the war?

Secretary BAKER. Of course I have no right to comment on a question of adding a member to the President's Cabinet. That is a question on which I have no right to comment. My objection to the bill, as you have drawn it is, first, that it creates an impossible task. I think that the committing to a single agency, and all of the theorizing on the subject, deals with an individual, some one person who can decide. I think that no human being can be found who can decide all the questions which that bill would commit to an individual.

The CHAIRMAN. That is what you are doing. The Secretary of War practically does it here.

Secretary BAKER. Quite the contrary, Senator. I am dealing with the War Department needs only. You are proposing to give to a single individual the War Department needs, the Navy needs, the allies purchase needs, the Shipping Board needs. You would have to equip that individual with control over fuel, raw material; in other words, you would have an industrial dictator of the entire industry of the United States.

The CHAIRMAN. Well, of course no one man can do all of that except through organized agencies.

Secretary BAKER. Exactly.

The CHAIRMAN. What is to prevent such a man at the head of such a department from utilizing the governmental agencies to do that very work? You have undertaken to do it?

Secretary BAKER. Nothing is to prevent him from doing it, Senator, and he would have to do it of course.

The CHAIRMAN. Of course every one realizes that one man could not do it.

Secretary BAKER. Therefore, you would simply be changing from a thing which is already being done to the same thing done by another man with another name.

Senator KIRBY. Which necessarily would have to be done through the agencies already developed or to be developed.

Secretary BAKER. Exactly so.

The CHAIRMAN. But would you not have a duplication of work, Mr. Secretary? Here you have an organization which you have spoken of developed from less than 100 men to thousands of men, the Ordnance Department, the same way in the Quartermaster General's Department, and the same way in each one of these departments, and therefore why would there not be an economic saving by a combination of these several agencies?

Secretary BAKER. But, Senator, you are not proposing to combine them. You are proposing to subdivide them.

The CHAIRMAN. No, sir; we are proposing to put it under the head of one man who can consolidate and use any part or all or none.

Secretary BAKER. But you say "it," when you mean "them."

The CHAIRMAN. I mean the secretary of munitions.

Secretary BAKER. What you are proposing is to have the secretary of munitions take over the construction and the contracting divisions of a large number of enterprises which thereafter will have to correlate and coordinate with the new man. In other words, instead of the Secretary of War being able to decide a question which involves a correlation of military men and civilian production, you would have the Secretary of War being obliged to submit his judgment on that to the secretary of munitions, who is a civilian, and who knows nothing about the military men or the men who use the thing, and instead of having the Secretary of War's decision final on that question you have him going as an advocate for a particular view before a nonmilitary tribunal.

Senator WADSWORTH. That very thing has worked with marked success in England.

Secretary BAKER. Quite the contrary, Senator. I saw a few days ago in the New York Times a very carefully written article describing the confusion which exists in England by reason of the fact that it has not worked with marked success. That it is a vast advance over what they had at the outset goes without saying, just as this is a marked advance over what we had at the outset.

An improvement should not be revolutionary, which means stopping and starting, but should be progressive.

Senator FRELINGHUYSEN. Has there been any indication that the British Government is thinking of dispensing with the minister of munitions?

Secretary BAKER. Not that I know of.

Senator FRELINGHUYSEN. My information has been that it has brought order out of confusion, and that the British public and Government would not think of changing the system.

Secretary BAKER. In the first place, I do not know the British system sufficiently to criticize it, but I refer to the fact that it has not been deemed universally to have accomplished all the things on some hands that are claimed for it; but the history of the British ministry of munitions and of the growth and development of that ministry as a supply department for the army shows two things: First, it deals with relatively few of the supplies. It is a large ordnance and aircraft program dealing not with aircraft for the navy, not with navy supplies, not with quartermaster supplies, not with food supplies, but dealing only with munitions. So that it is in effect, as I said a moment ago, a glorified ordnance department. That is what it actually is. The history of its growth and development in England shows exactly parallel steps to what has happened here. Originally there was confusion by reason of the vastness of the program and the necessity of training new men, giving

them both military knowledge and using their civilian talents, their coordination into this glorified ordnance bureau, subsequent success, gathering up the previous steps and adding to them, and that is exactly what this does.

Senator FRELINGHUYSEN. Did you consult the representatives of the English Government who were familiar with the methods over there?

Secretary BAKER. Yes, sir. I have not recently consulted them, but when each of those missions were here I consulted many times and for long times together with the people who represented the munitions ministry.

Senator FRELINGHUYSEN. About these particular details?

Secretary BAKER. Not about all of them. The chief problems which the munitions minister has had to solve has been the labor problem. The labor division of the British ministry of munitions is the one which apparently they have had to put most accent on. At the time that the agitation for the munitions ministry was in the newspapers in England, the question which seemed to call for some further coordination was the labor problem, and a correct solution of that, so that the most conspicuous success of the munitions ministry in England has been in its coordination of the labor of Great Britain in the manufacture of munitions. That problem has not troubled us. I do not mean that it is an easy problem and that it is without difficulty, but I mean it has not given rise to any halt in the program.

Senator FRELINGHUYSEN. It has given rise in some direction; for instance, in the shipping program.

Secretary BAKER. Yes; it has been difficult.

Senator FRELINGHUYSEN. Have you consulted the French Government about their methods of handling the same general proposition?

Secretary BAKER. Yes; I have talked with them, but not very recently.

Senator FRELINGHUYSEN. Have you any reason to think from the advices that you have received on this side that this is materially better than would be a single head?

Secretary BAKER. You mean the plan I am exhibiting here to-day?

Senator FRELINGHUYSEN. Yes. I want to say before you answer that, that undoubtedly this plan is an advance on what we have had. It is perfectly apparent that that is true. It is a very complicated plan, and it is difficult for one to gather all the features of it in a single sitting; but have the men who would naturally advise about matters of this sort approved of this plan—the advisory committee, for instance?

Secretary BAKER. You mean the advisory committee of the Council of National Defense?

Senator FRELINGHUYSEN. Yes.

Secretary BAKER. I can not say that they have, Senator. Let me illustrate what I mean by that. The advisory committee of the Council of National Defense has on it Dr. Martin, Dr. Godfrey, Mr. Coffin, Mr. Willard, Mr. Baruch, Mr. Gompers, and Mr. Rosenwald. Mr. Willard, who is the chairman of that board, is in daily conference with many of those members, and in frequent conference with the advisory commission has given his approval to this entire plan. A portion of it is the result of his own work.

Senator FRELINGHUYSEN. Does he approve of this plan?

Secretary BAKER. I understand so.

Senator FRELINGHUYSEN. Has he told you that he does?

Secretary BAKER. He has told me that he did.

Senator FRELINGHUYSEN. Is the President correctly reported in this morning's paper as being opposed to a single head?

Secretary BAKER. I can not quote the President.

Senator FRELINGHUYSEN. That would not seem to be an improper thing to do. I would not expect you to quote the President, generally speaking, but he is quoted in the paper, and I do not know whether he was correctly reported.

Secretary BAKER. He is not quoted in the paper through me, Senator, and I can not quote him.

Senator FRELINGHUYSEN. Do you know whether the advisory committee of the Council of National Defense has considered this question?

Secretary BAKER. So far as I know, the advisory committee of the Council of National Defense as a body has not considered this plan. I feel quite certain that Mr. Willard's approval of it reflects the approval of Mr. Baruch and Mr. Rosenwald. Beyond that I do not know. But I do know that this plan, both in its details for the bureaus of the department, for the coordination of the department, for the establishment of relations of the several departments through the War Industries Board has had the serious and prolonged study of the best civilian organizing genius in the country.

The CHAIRMAN. That is your proposed plan?

Secretary BAKER. This plan as it is now.

The CHAIRMAN. You put it up as a plan. Did you put it up in discussion with any other plan?

Secretary BAKER. Of course, Senator, if I may enlarge your question to mean what I gather from it, you ask me whether I have asked the opinion of experts as to this plan in comparison with the ministry of munitions?

The CHAIRMAN. Yes.

Secretary BAKER. I have asked a great many that and I find a wide divergence of opinion.

The CHAIRMAN. Do you not find the consensus of opinion amongst the members of the War Council and the Council of National Defense rather favoring the consolidation of these bureaus under one ministry of munitions?

Secretary BAKER. No, I think not.

Senator McKELLAR. Mr. Secretary, have you submitted your plan to the Council of National Defense proper; that is to say, the six Cabinet officers?

Secretary BAKER. Yes.

Senator McKELLAR. And they have approved it?

Secretary BAKER. Yes. They have taken no action about it. I exhibited it to them. Secretary Daniels and I, who were primarily affected in the matter, went over it carefully and approved it. I showed it to Secretary Lane and Secretary Houston and Secretary Wilson. I do not recall whether others were present at the time or not.

Senator BECKHAM. Mr. Secretary, if there was a secretary of munitions, would he not have to have substantially the same kind of an organization as is shown here, subdivided into these different branches, such as surgeon general, chief signal officer, engineers, ordnance, and quartermaster?

Secretary BAKER. Senator, he would have to have most of them. The suggestion is that a good many of the existing persons could be transferred to his department and that some would remain, but I think, I have no basis for the thought except as I try to think out loud, that it would increase the number of persons needed, because each of the departments from whom men were taken would have to add men and the munitions minister would have to add men.

Senator BECKHAM. He would have to do the work through some such similar subdivisions or organizations in this department?

Secretary BAKER. I think so.

Senator BECKHAM. Just as the chief of the purchase and supply division will have to do it.

Secretary BAKER. Exactly.

Senator BECKHAM. So, in the end, it is really merely a controversy over terms, whether we have a secretary of munitions or a chief of that branch of the work in the War Department, is it not?

Secretary BAKER. Not exclusively. There is this difference: If a minister of munitions were created by law he would have legal authority back of his decisions, while the chairman of the War Industries Board has not the basis of law for his decision. Now, with that distinction aside, there is no difference in function between the two plans proposed. With the President first in command of all the executive departments, and his supervising approval of our coordinating in the fashion here shown, I think there is no defective power nor uncertainty of action in the plan proposed.

Senator BECKHAM. You think, then, that you will get just as much unity and concentration and efficiency of service under this as you would if the man at the head of this organization was a secretary of munitions?

Secretary BAKER. I think so, sir; and if it should turn out otherwise, it would be a very simple matter to come and say to you gentlemen that the chairman of the War Industries Board needed additional authority, and you undoubtedly would be willing to grant it if the need developed.

Senator FRELINGHUYSEN. Mr. Secretary, I dislike exceedingly to quote him, and I am not going to quote him by name, but two of the gentlemen to whom you have referred as probably in favor of this plan, and two of the most active general members of the Committee of National Defense, to those two, I am told, and I think without any question that one of them went to the President and advised the President that in the end if we did not do it now we would have to come to a single head. One of the others, and a man for whom I have the highest regard, told me last night that after a careful investigation of this situation he had come to that conclusion that there was no escaping a single head for this purpose, and that if we did not do it now we would do it later.

Secretary BAKER. Senator, I know that to be the fact. I do not know who the two members are.

Senator FRELINGHUYSEN. I do not wish to give the names.

Secretary BAKER. It does not matter who they are. While we were in the process of reaching the place where this form of organization was possible, there was a very great deal of recklessness on the part of everybody who wanted to go forward fast. The mind naturally ran to a munitions ministry as the way some other country had solved it. Mr. Willard, for instance, was quite clear that ultimately we would have to come to the single head, the munitions minister. When we finally got down to it and showed him how the organization would be perfected and was being perfected, and what its relations were, Mr. Willard said very frankly, "I was of that other opinion; I think this will work, but if it does not work at once, or absolutely right, as a matter of organization, the one missing thing will be very easy to supply." Mr. Willard having originally believed that we would have to come to the single minister, realizing the inconvenience of it and the duplication that it necessarily entailed, now believes that this will work and that if it does not work that it is exactly the right step to take now.

Senator FRELINGHUYSEN. How recently have you talked to Mr. Willard?

Secretary BAKER. Yesterday.

Senator FRELINGHUYSEN. And he told you that yesterday?

Secretary BAKER. Yes, sir.

Senator KIRBY. Mr. Chairman, if we are not to continue longer, or if we are to continue after recess, I think it is time for lunch, and if we are not to continue to-day, to continue to some other time. Of course, if we are going to continue the examination and conclude the entire examination now I have no objection to continuing here until it is finished.

The CHAIRMAN. It is in the control of the committee.

Senator KIRBY. I suggest that we take a recess.

The CHAIRMAN. Until what time?

Senator KIRBY. Until Monday. If we could not finish until Monday, unless we can finish this afternoon. If the committee thinks we can finish the entire investigation this afternoon, I say it ought to be finished.

The CHAIRMAN. What is the pleasure of the committee?

Secretary BAKER. My time is entirely at your disposal, gentlemen.

Senator KIRBY. I move that we adjourn until Monday, unless it is the consensus of opinion that we can finish this afternoon.

Senator HITCHCOCK. I think we should go on this afternoon.

Senator KIRBY. I move that we take a recess until half past two.

Senator HITCHCOCK. I second the motion.

The motion was carried.

(Thereupon, at 1.20 o'clock p. m. the committee took a recess until 2.30 o'clock p. m. on the same day.)

AFTER RECESS.

The committee reconvened at 2.30 o'clock p. m., Senator HITCHCOCK presiding.

The ACTING CHAIRMAN. The committee will please come to order. The chairman is compelled to leave and asks me to take the chair. At the time of the taking of recess the Secretary was still engaged in explaining the work of his new organization.

Secretary BAKER. I had finished that so far as I had any contribution to make, unless questions are to be asked.

The ACTING CHAIRMAN. Are there any other questions to ask the Secretary as to the changes which have been made in the department?

Senator WARREN. Under this scheme, Mr. Secretary, each one of these agencies, as depicted on the charts, would have the duty of speeding up and organizing the industries.

Secretary BAKER. The War Industries Board would have knowledge of the general industrial condition of the country for the use of the various departments which are coordinated to it.

Senator WARREN. Would they have the power to speed up and issue orders?

Secretary BAKER. No. If the War Industries Board were to recommend the placing of a contract for a thousand rifles with the A. B. C. factory the progress of that order through that factory and the power for speedier production would lodge with the production department of the Ordnance Department.

Senator WARREN. Then, if an addition was thought necessary to the factory it would be the Ordnance Department which would conduct negotiations for that?

Secretary BAKER. The Ordnance Department; yes, sir.

Senator WARREN. And in the case of uniforms for troops it would be the Quartermaster Department to conduct negotiations for them?

Secretary BAKER. Yes.

Senator WARREN. Then, in that regard the speeding up of industrial operations of the actual increase of productive capacity would be subject to the jurisdiction of four or five departments in the War Department?

Secretary BAKER. As to each industry only one, but as to several industries, several.

Senator WARREN. As to several industries, several?

Secretary BAKER. Yes; that is to say, the Ordnance Department will speed up production in a factory producing ordnance material, and the Quartermaster General's Department in a department producing quartermaster's stock.

Senator WARREN. Then, if an increased supply, we will say, of saddle blankets was thought necessary, increase in the productive capacity, that would be attended to by the Ordnance Department?

Secretary BAKER. I think they would both be in the Quartermaster Department.

Senator WARREN. But the blankets for the men would be attended to by the Quartermaster Department?

Secretary BAKER. Yes, sir.

Senator WARREN. Does this new scheme contemplate any change in the functions of the War Industries Board?

Secretary BAKER. A very wide change, Senator. The War Industries Board, up till now, has dealt with the question of selecting contractors, recommending them to the several departments, to supply committees of the industry. Most of that funcion is no longer left with the War Industries Board. It deals with the capacities and facilities of the country as a matter of information, while the actual making of the contracts and making of the terms of the contracts is left in the department itself and not in the War Industries Board, so that nobody who gave information on the War Industries Board, or was consulted by it, would have any sort of relation to a contract for supplies in which he might be interested, or in which he had a similar interest.

Senator WARREN. The question of housing the men, for instance, additional home facilities for workmen who were called upon to come to a town where a factory was located without housing facilities, the question of those increased housing facilities would come to the Ordnance Department if the factory happened to be making ordnance, and to the Quartermaster's Department if the factory happened to be making Quartermaster's supplies?

Secretary BAKER. Probably ultimate, yet there would be one intervening step. The whole question of labor supply in this plan is remitted to the Labor Department, and the question of moving a body of labor from one place to another, and the conditions under which the labor, when moved, would live and work, is in the Labor Department rather than in either the War Industries Board or the War Department.

Senator WADSWORTH. Mr. Secretary, do you not think that section ought to be handled by the supply department?

Secretary BAKER. It would have to be handled by the supply department on the advice of the Labor Department.

Senator WADSWORTH. Why bring the Labor Department into it?

Secretary BAKER. Because this is the only department that knows or has means of knowing.

Senator WADSWORTH. Could not the War Industries Board have a bureau under it which could take care of that so the whole thing could be coordinated?

Secretary BAKER. Yes; perfectly possible, but it would duplicate nine-tenths of the work already done by the Department of Labor.

Senator WADSWORTH. Proper executive orders, of course, could prevent that duplication, could they not?

Secretary BAKER. No; I think not. I think the labor the War Department was doing would have to be done, nevertheless, because it is only part of a larger work. The places where the two fields rather meet that contract are the places where there would be duplication of effort.

Senator WADSWORTH. Then, as I understand it, it is your idea that under this system the question of housing would be under the Labor Department?

Secretary BAKER. Yes.

Senator WADSWORTH. I thought it was somewhat closer and more intimately related to this whole industrial proposition, or problem, which is a big side of it, the industrial side, that it would be wise to concentrate it so it would work singly.

Secretary BAKER. It is probably the most difficult problem we have. At present it is being met in this fashion: The several departments, possibly the Ordnance Department, I do not know of an instance in the Quartermaster Department; all the cases I know are either in the Ordnance Department or in the Shipping Board, but a committee is working on that, headed by

Mr. Eidleitz. When a contract is about to be placed at a particular factory they inspect the housing facilities as to their adequacy, and, in the way of supplementing them, whether by increased transportation facilities or by a better use of existing housing facilities, or by adding to them, and by contracts which provide for plant extension an effort is made to decide the housing problem.

Senator WEEKS. What do you mean by a housing expert?

Secretary BAKER. I mean by that, such a man as Mr. Eidleitz, who for a great many years has studied the problem of housing industrial workers.

Senator WEEKS. Where?

Secretary BAKER. In New York, I think. Mr. Eidleitz is relatively unknown to me, but he came to me recommended as the most expert person in the country on the subject.

Senator WEEKS. Recommended by whom?

Secretary BAKER. I could not recall all the persons who agreed to that, but among them Mr. Gompers, Mr. Ralph Easley, Secretary Wilson, I think—I am not sure of Secretary Wilson—and a pretty large and representative committee of coworkers and employees who were studying the question at the outset.

Senator WEEKS. Has he been a builder of houses or simply studying the welfare conditions?

Secretary BAKER. I think he has been a builder of houses.

Senator FLETCHER. Mr. Eidleitz testified before the Commerce Committee yesterday that he and his firm had been architects and builders for a great many years in New York and had large experience in the construction of buildings. He is an architect, I think, mainly, and a contractor, too.

Senator WADSWORTH. You say he is working with the Labor Department now?

Secretary BAKER. He will work with the Labor Department, but at the present moment—what I meant to say is he is working with a representative of the Ordnance Department and with the Shipping Board and with the Navy. They have a conference committee, with Mr. Eidleitz at the head of it, and they are attempting to deal with each case as it arises by inspection and representation.

Senator WADSWORTH. Just such a case as that to my mind is a pretty good illustration. Why would it not be better for him to work with the War Munitions Board, which is at the top of the pinnacle, according to these charts, of this whole program?

Secretary BAKER. Senator, if he were to view comprehensively the housing problem, he would have to work with two others who have dealt comprehensively with the general labor problem. Housing, of course, is not merely a question of finding a place for the man to eat and sleep, but it is a question of finding a place where a man may take his family when he moves from one place to another.

Senator WADSWORTH. Yes; I understand that.

Secretary BAKER. And it is a question of contented labor as well as mere protection, so he would have to take it in with the general labor problem.

Senator WADSWORTH. Does not the general labor problem naturally fall under this heading?

Secretary BAKER. It is so related that it has to be worked out in conjunction with it, but I do not think it ought to be regarded as so inseparable a part of one problem that one man has to do both, nor do I think it would be wise for one man to try to do both.

Senator FLETCHER. What does the department do with respect to housing?

Secretary BAKER. Different things in different places, sir. For the most part the relief so far actually extended has been in better transportation facilities. Take, for instance, the Locust Point situation in Baltimore, where a very large number of men are employed in shipbuilding. The first suggestion made there was the immediate erection on a very large scale of small houses. Upon investigation it was found that the men who worked at Locust Point preferred to live in Baltimore itself; they would not relish going to Locust Point to live, because of the lack of public school facilities for the children; it was remote from the different markets; it separated them and their families from recreation and amusement facilities of the city. As a consequence some additional transportation facilities in the way of additional trains on the railroads, and I think a boat or two making trips during the day shortened the time and relieved that situation. It may be necessary yet to build some houses there, but the relief so far has been chiefly in transportation facilities.

Senator WADSWORTH. Have you actually built houses anywhere?

Secretary BAKER. I think not, although at the Bethlehem Steel plant and the Midvale and perhaps others, in providing for largely increased plant facilities there was had in contemplation the fact that additional housing facilities would have to be provided.

Senator WADSWORTH. In this contemplation do you consider you have the appropriation and the authority for it if it becomes strictly necessary?

Secretary BAKER. In those two instances, yes, because there it can be included in the cost of the production and amortized. In the powder plant which the Government proposes to build, a very large housing scheme is included as part of the cost of the plant, and that is true of some others, but maybe we shall have to come to Congress and ask further authority and appropriations.

Senator WADSWORTH. I think we provided especially in the proving grounds something of the sort.

Secretary BAKER. Undoubtedly. That is remote from any central place of habitation.

Senator WADSWORTH. Had you become familiar with the housing problem in England since the war?

Secretary BAKER. Yes; I had studied that very carefully. It is of course just as different as the places are different. They have done everything in England under the munitions ministry; in some places they have aided the cities; in some places commercial bodies have aided; in some cases they have made plans by which sales could be made to a worker on the rental basis, covering the equity in the case only by governmental appropriation, but there is no uniform rule and no uniform practice.

Senator WADSWORTH. Our understanding was it was all done under the munitions ministry.

Secretary BAKER. It is all done under the munitions ministry, but each problem is taken up separately and the local possibilities exhausted.

Senator WADSWORTH. That would have to be the case in this country.

Senator WARREN. I am assuming the policy of the War Department is to first make use of existing facilities and adapt them as far as you can before entering in upon the construction of new dwelling houses.

Secretary BAKER. Yes, sir.

Senator FLETCHER. I think you will find this question of transportation very often is more important than the one of housing, and the question might be whether you had the power to commandeer, for instance, street car lines and other means of transportation. Have you examined as to that to see whether that power exists?

Secretary BAKER. I would not have any doubt about the power to commandeer any means of transportation. There is very grave doubt about the power of the Government, under existing law, to commandeer places of residence.

Senator WEEKS. When was Gen. Goethals appointed?

Secretary BAKER. I am sorry, but I can not answer that question, Senator.

Senator WEEKS. Do you remember about when?

Secretary BAKER. Well, it was near the 15th of December, so near that that date will suffice. I saw him and went over the plan with him and he went away and took several days to consider as to whether it was a plan he approved and thought he could justly say appealed to him sufficiently to be an attractive opportunity of service.

Senator WEEKS. Had he undertaken any plan of organization or done any work—thought about this general scheme which you have submitted to the committee?

Secretary BAKER. No; he had not until he came here.

Senator WEEKS. Did you submit to him what had been prepared?

Secretary BAKER. Yes; I did not personally submit it to him, but it was submitted to him. The experts previously secured by Gen. Sharpe, and in conjunction with Gen. Sharpe they took up their consultation with Gen. Goethals.

Senator WEEKS. Did it occur to you that in adopting this plan that possibly the committee might have some recommendation to make as a result of the examinations that are being made?

Secretary BAKER. Practically everything that I have done, Senator, I have done with regard to this—was conceived and in process of execution before the committee met—practically everything.

Senator WEEKS. Did you think that it might be wise to wait until the committee had completed its examination?

Secretary BAKER. No; that never occurred to me.

Senator WEEKS. As a method of cooperation, do you not think it would have been well?

Secretary BAKER. Why, no, Senator; I think not. Everything that had been done up to the last thing that was done headed up to that, and it seems to me that after the committee began to consider the problem the committee, it seemed to me

laid most accent on the delay, and to have delayed any further would have been to justify the feeling on the part of the committee that delay was the thing I was doing.

Senator WEEKS. You do not mean the purpose of delay?

Secretary BAKER. Quite the contrary. I mean that so far as I could discover these things which the committee has found open to question about the action of the department is there has been delay here and there. Now, it does not occur to me to make any delay; I have tried to avoid making delay; it never occurred to me to make any.

Senator WEEKS. Of course the committee's one purpose was to see whether there were things to be jacked up.

Secretary BAKER. I was not anxious to hold anything in status quo so I never could find anything to jack up, so I never jacked anything up before I found it. I have been running away with myself for eight months, Senator, and I have never stopped a second.

Senator WEEKS. I wondered if you were moved, in adopting this plan, by that very sentiment.

Secretary BAKER. No; I was not moved by that.

The ACTING CHAIRMAN. This change, by which the initiative is left with the Government purchasing agent and the War Industries Board, comes in as a secondary authority, has been made as the result of experience, has it, Mr. Secretary?

Secretary BAKER. Yes, sir; we have been aiming to that, Mr. Senator, ever since the beginning.

The ACTING CHAIRMAN. Do you think that will reduce the delays that may have resulted by having two bodies pass upon the matter?

Secretary BAKER. Undoubtedly.

The ACTING CHAIRMAN. Has any such method of prosecuting the war been adopted by any other country, as the war council?

Secretary BAKER. The war council?

Senator WEEKS. That may not be the correct title of the new board that has just been appointed.

Secretary BAKER. You mean the one which I called the war council in this chart?

Senator WEEKS. Well, the one——

Secretary BAKER. Gen. Sharpe, Gen. Crozier, Gen. Weaver, and so on?

Senator WEEKS. Yes.

Secretary BAKER. I do not know. It is substantially the same, as I understand it, as the board which exists in the British war office.

Senator WEEKS. Does exist now?

Secretary BAKER. Yes; and has from the beginning existed there.

Senator WEEKS. I noticed in one case, in the case of Gen. Sharpe, he did not remain at the head of the board, and in the other case Gen. Crozier does. Is there any particular reason for that?

Secretary BAKER. The statement is inaccurate, Senator. They both remain, respectively, as Chief of Ordnance and Quartermaster General, both on detached service, and neither has any more connection with his department than the other.

Senator WEEKS. In one case, I assumed in the case of Gen. Sharpe, that all of his duties, even if the title had not been turned over to Gen. Goethals, while in the other case Gen. Weaver was simply acting in the place and under the direction of Gen. Crozier?

Secretary BAKER. That is not the fact. Gen. Weaver is acting in the place and acting independently, and Gen. Goethals is acting in the place and acting independently.

Senator WEEKS. You mean Gen. Crozier will not have anything to do——

Secretary BAKER. So long as he is detailed to the war council he will have nothing to do with the Ordnance Department. He is in the war council.

Senator MCKELLAR. Why, then, was he recommended for Chief of Ordnance and his nomination sent in to the Senate?

Secretary BAKER. That recommendation was made in midsummer; Congress was not in session; it met with the President's approval and was sent down here as soon as the Congress assembled, but in any event I think it was a proper recommendation to be made.

Senator MCKELLAR. If he was not to have charge of the ordnance, why not, upon ascertaining that fact, or coming to that conclusion, why not withdraw his nomination and nominate him for some post that he is going to occupy, not for a post he is not going to occupy?

Secretary BAKER. His detail to the war council is subject to the continuing pleasure of the Secretary of War, and he might be detached as operating chief of ordnance at any time if the Secretary of War so determined.

Senator WEEKS. Would Gen. Sharpe be in the same category?

Secretary BAKER. Exactly; they are both subject to the action of the Secretary.

Senator WEEKS. Are you personally satisfied with the work those two officers have done?

Secretary BAKER. Why, yes; I am perfectly satisfied under the circumstances they did the best that could possibly be done.

Senator WEEKS. The best that anybody could do?

Secretary BAKER. I can not answer that. There are too many people in the world. I do not know.

Senator WEEKS. Any one that would have been likely to have been in that place?

Secretary BAKER. I am perfectly certain that there must be hundreds of men who could now look back on the experiences of the past and suggest ways in which other things might have been better done; but that anybody could, at that time, with the information they had at their disposal, do better, I am not prepared to believe.

Senator MCKELLAR. Is not the natural result of action by boards delay, is it not, to complete my question, is it not true that wherever executive action has to be submitted to a number of men and passed upon by a number of men, that the result is a greatly delayed result, over an action by individuals?

Secretary BAKER. Yes, sir; I think so.

Senator MCKELLAR. Then, would it not be better in any scheme of operation of the War Department at this time to have, as one witness expressed it here the other day, a "he" man in charge, and enough of "he" men under him to get action and to get it rapidly?

Secretary BAKER. In charge of what?

Senator MCKELLAR. In charge of the entire conduct of the war.

Secretary BAKER. Senator, I can not answer that. Of course, if you want my opinion as to whether a "he" man is better than some other kind of man, presumptively the more vigorous and virile men you get the better you are off.

Senator MCKELLAR. You mistook the question. I mean, do you not think it is better to have a man in charge rather than a board in charge of so many things? For instance, we have the Council of National Defense and a Munitions Board and a General Staff and a War College, and now it comes along and we have a Council of War. Apparently many of them are doing the same things, or their duties are so interwoven that I doubt whether one board knows what it really has authority over. Would it not be better to have it all under one man and just let him do the thing rather than have these correlated boards with divided authority and very doubtful jurisdiction?

Secretary BAKER. If you had an omniscent and omnipotent man, he would be far better than any multitude of mortals. Wherever you multiply persons, you presumptively increase wisdom and decrease speed. The object of the organization as designed is to get every question up to an individual to the extent that that is possible, but it does not obviate the necessity nor can it be obviated of a council in order that accuracy may follow speed.

Senator WEEKS. I had not thought of asking this question, but is not what is being done in the war council directly contrary to what is being done in the General Government? Congress is frequently asked and constantly turning over to the President unusual powers, not to a board and not to a department, but to one man.

Secretary BAKER. I do not want to criticise any action of Congress in the matter, Senator.

Senator WEEKS. Congress is simply doing what is recommended by the administration.

Secretary BAKER. After all, what Congress has done has been to give certain general powers to the President, and leave to the President the allocation of the exercise of those powers. Many of the functions thus conferred involve broad problems of great intricacy, about which individual judgment, unaided by counsel, perhaps would not be wise. I am not disposed to criticize what has been done.

Senator WEEKS. I do not mean to put words in Senator MCKELLAR's mouth or thoughts in his head.

Senator MCKELLAR. Go as far as you like.

Senator WEEKS. But I thought what you said tend to that conclusion.

Secretary BAKER. Of course the main purpose of this discussion was in regard to the organization already submitted, and it seems to me, taking the Senator's own argument, that it is very much better to leave the thing coordinated under the Secretary of War than it is to discoordinate it, than to create a ministry of munitions.

Senator MCKELLAR. Very frankly, my objection to your plan is, if I understand it, and I think I do, you have decentralized the operations of the department under five distinct heads; you have five distinct purchasing agencies of the War Depart-

ment, and I think such a decentralization of power at this time, when we have centralized power in every other department of Government and in the Government itself, is a plan that will not work, and I am very frank to say to you that I disagree with that plan. I think it ought to be under one man.

Secretary BAKER. But that is not what I have.

Senator KIRBY. Is it not under the Secretary of War?

Senator MCKELLAR. It is the purchasing agents there, of which there are five.

Secretary BAKER. What I have done, however, is not to subdivide, but to centralize five separate functions under a central, single executive direction.

Senator HITCHCOCK. Those agencies have not heretofore been centralized?

Secretary BAKER. They have not been, except as the Secretary of War personally centralized them.

Senator WEEKS. I was going to say they had always been under your direction.

Secretary BAKER. In the original scheme of the War Department organization, they are reported directly to the Secretary of War. They are now brought together in a single focus and correlated in this supply and purchase section.

Senator WEEKS. Of course, no one can tell whether this is the best plan, but in your judgment it is an improvement over what we have had and will answer the purpose; is that correct?

Secretary BAKER. Exactly, Senator. More than that, I think it is the logical development of all which has gone before it.

Senator WEEKS. That is, the logical development of all up to this point?

Secretary BAKER. Up to this point.

Senator FLETCHER. Based upon your experience it is?

Secretary BAKER. It is the outgrowth of the experience of the department.

The ACTING CHAIRMAN. Suppose instead of being one war industries board, directly subordinate to the Council of National Defense, there was a war industries director?

Secretary BAKER. In fact it is that.

Senator HITCHCOCK. Who directs it?

Secretary BAKER. The chairman of the War Industries Board, Mr. Willard.

The ACTING CHAIRMAN. He has four associates?

Secretary BAKER. More than that. He has the three ally purchasing commissioners, Messrs. Lovett, Baruch, and Brookings; he has an Army representative, Gen. Beatty, and a Navy representative, Admiral Fletcher; also a representative of labor, Mr. Franey.

Senator WADSWORTH. Now, Mr. Secretary, these five purchasing agencies in the five departments are the ones which have the intimate contact with the manufacturers, are they not?

Secretary BAKER. Yes.

Senator WADSWORTH. So that under their jurisdiction will practically fall the industrial problems at close quarters?

Secretary BAKER. Under their jurisdiction will fall the industrial problem so far as it affects the purchase of supplies for which they are contracting.

Senator WADSWORTH. Of course, take it, for instance——

Secretary BAKER. Allow me to complete that, because I do not want to be confused in my answer. I do not mean to say they deal with the industral conditions of the country.

Senator WADSWORTH. They are dealing at close quarters with the industrial problem, so far as concerns supplying the Army of the United States?

Secretary BAKER. Yes.

Senator WADSWORTH. Do you think they can do that?

Secretary BAKER. I have not the least doubt about it.

Senator WADSWORTH. I have a great deal of doubt, Mr. Secretary. The chiefs of these departments, who must carry the responsibility in the initial negotiations, in the first place, are not men versed in industrial conditions.

Secretary BAKER. I think that assumption, Senator, is at variance certainly with the intention in the matter. Mr. McRoberts, for instance, who has actually been in business and is operating as the head of the procurement section of the Ordnance Department, is a man of large experience with exactly that kind of problem in civil life?

Senator WADSWORTH. He has been commissioned?

Secretary BAKER. Yes.

Senator WADSWORTH. And he is subordinate to Gen. Wheeler?

Secretary BAKER. Yes.

Senator WADSWORTH. Then, if Gen. Wheeler disagrees with Mr. McRoberts, Gen. Wheeler has the say?

Secretary BAKER. Yes.

Senator WADSWORTH. I think that is a mistake, on the industrial side.

Secretary BAKER. Well, the mistake runs all the way through, because if he disagrees with Gen. Wheeler, Gen. Wheeler can overrule him, and if I disagree with Gen. Wheeler I can overrule him, so it finally gets back to the Secretary of War, where it must come.

Senator WADSWORTH. Under your plan it must?

Secretary BAKER. Under any plan, if you are going to coordinate the needs of the man who uses an arm with the views of the man who makes it. Somebody has to be that coordinating agency. You can call him Secretary of War; you can call him anything you choose to; but there has to be one person whose mind will function on that problem and reach a conclusion.

Senator WADSWORTH. I am surprised to hear you insist on that as the only suggestion, when, to the best of my information, other countries have reached a different solution and are carrying it out successfully. They have apparently taken away from the military branches of their Governments the function of production and purchase, and have put it under the charge of men, the biggest men they can find, that are thoroughly informed on that side of the question.

Secretary BAKER. Senator, we have done that for generations in the American Army, and the greatest criticism I would make of the organization of the War Department, as I found it, was exactly that it did that thing.

Senator WADSWORTH. In what way did it do it?

Secretary BAKER. It created of the Ordnance Department a manufacturing industrial board, and it gave to the men who were in the Ordnance Department, the officers, certain preferential rank by reason of their being there. It separated them from the line of the Army so they did not have the experience of using the things they manufactured, and they had the point of view, or tended to have the point of view, of a manufacturer rather than a man who is seeking a customer, or a man who knows the customer's needs.

Senator WADSWORTH. The testimony that has come to this committee is not to that effect, Mr. Secretary, if I may say so. The criticism has been that the officers in the Ordnance Department do not understand the manufacturers; that they are merely tacticians.

Secretary BAKER. That is another criticism; but it does not militate at all against the existence of the other one.

Senator WADSWORTH. I stated it was my idea, my impression, that foreign governments had taken the industrial problem away from the military.

Secretary BAKER. Yes.

Senator WADSWORTH. In reply to that you state that is just what we have done in the Ordnance Department.

Secretary BAKER. I still state it.

Senator WADSWORTH. But the Ordnance Department is military?

Secretary BAKER. It wears uniforms and has titles.

Senator WADSWORTH. And graduates from West Point?

Secretary BAKER. Yes.

Senator WADSWORTH. And has never been in business?

Secretary BAKER. Exactly. It has never been in the Army, either. Gen. Crozier has not led troops, Gen. Wheeler has not led troops; Gen. Babbitt, Gen. Bell, and others have been manufacturers at the head of the Rock Island Arsenal or the Springfield Arsenal.

Senator WADSWORTH. They have on a very small scale been manufacturing.

Secretary BAKER. There were not many of them. Take the kind of controversy which arose in the Army. You have had detailed here to you the machine-gun controversy, and you have had, doubtless, the view expressed by Gen. Wood. Gen. Wood was a man who saw weapons as men use them, and he had one view; Gen. Crozier was a man who saw weapons as a mechanical expert, was able to judge them from a mechanic's view, the scientific and mechanical excellence of the Army itself. Now, controversy arose between those two men. It would have been very much better, I think, if Gen. Crozier had commanded troops in the field. I have recently asked the Senate to confirm Gen. Babett as a brigadier of the line in the Field Artillery. I think it is wise for a man to serve there for awhile and then go out and see service with the troops and actually use the things they make, and then come back to the Ordnance Department.

Senator WADSWORTH. Yet the intimate contact still is retained between the soldiers and the manufacturers under your plan?

Secretary BAKER. I do not think I understand what you mean by that.

Senator WADSWORTH. The Ordnance Department is headed by Army officers, and they are the ones to do the driving of the production.

Secretary BAKER. I do not think I agree to that. They may be Army officers in the sense that they wear uniforms and have a title. Mr. McRoberts is a colonel. The fact that he has

put on a uniform and is called colonel has not deprived him of any experience he brought with him.

Senator WADSWORTH. It deprived him of authority by comparison——

Secretary BAKER. No; I do not think it deprives him of authority. If he were a civilian adviser or a civilian authority, he would still have to be under the chief of division.

Senator WADSWORTH. Our minds can not meet on that.

Secretary BAKER. Let me pursue it if I can. I should like to get an agreement, because I think we ought to be able to agree about that question. Suppose instead of making Mr. McRoberts a colonel he were made the civilian chief of the procurement division of the Ordnance Department. Now, would he be less subject, do you think, to the Chief of Ordnance than he is by virtue of being a colonel?

Senator WADSWORTH. Mr. Secretary, this has no personal reference, but I would not put him in the Ordnance Department as a colonel. I would use that kind of ability as a civilian in the department that had control of the industries.

Secretary BAKER. You would put him in the munitions department?

Senator WADSWORTH. I would.

Secretary BAKER. And would he then decide not only the question of the mechanical production of the weapon but its use to soldiers?

Senator WADSWORTH. Not at all.

Secretary BAKER. Who would decide that?

Senator WADSWORTH. The soldiers.

Secretary BAKER. How would they get correlated with Mr. McRoberts?

Senator WADSWORTH. Just the same as they do in England—the Ordnance Department. It tells the munitions ministry what it wants and the munitions ministry produces it if it can.

Secretary BAKER. Then you have exactly what we have, you have two people deciding two questions and bringing them to a common meeting place. That is exactly what we have here.

Senator WADSWORTH. But all the production is under one head.

Secretary BAKER. This is all under one head.

Senator WADSWORTH. No, Mr. Secretary, it is under five heads.

Secretary BAKER. I feel as though I had only one head. It is all under me.

Senator WADSWORTH. The five bureau chiefs pass the orders?

Secretary BAKER. Yes.

Senator WADSWORTH. And under their jurisdiction the inspectors inspect the goods as they are being manufactured?

Secretary BAKER. Exactly; and that is so in the English munitions.

Senator WADSWORTH. No, Mr. Secretary, it is not so in the English ministry of munitions.

Secretary BAKER. Mr. Senator, I have seen at least three heads of departments of the English munitions ministry.

Senator WADSWORTH. Yes; all in the same department and responsible to one chief.

Secretary BAKER. Exactly. These are all in the same department and responsible to one chief.

Senator WADSWORTH. Yes, Mr. Secretary; but the British system placed, as I said so many times, the industrial problem under a separate department, regarding it as a problem so vast and so beyond the view of the average soldier man that it was wise and proper to do so, and Heaven knows it has been a success. Now my criticism of this is, if you will let me state it, that this system still leaves with the soldiers in the Army, graded according to military rank, each man subject to the orders of his superior officer, that task of speeding up the industries of the United States.

Secretary BAKER. And that, with very great deference, I think, is not an accurate description of this plan.

Senator WEEKS. Let us take the case of Col. McRoberts. There is not very much purpose in discussing personalities, but as long as we have used him as an illustration let us take his case. Undoubtedly he is a very able man in the business with which he is familiar, and he was connected with that business when commissioned by being put as the chairman of a board which had to do with credits, and solely with credits, and that is exactly what Col. McRoberts has done all his life, and he is peculiarly well fitted, perhaps none better in the United States, for that particular work. Now you have taken him from that work and put him in charge of something he probably never had anything to do with.

Secretary BAKER. Quite the contrary. What we have done is to hand Col. McRoberts the detailed plans and specifications of material desired to be bought and turned over to him the negotiations of the credits and financial working out of those contracts. That is the thing in which he is a specialist.

Senator WEEKS. Is he not going to purchase?

Secretary BAKER. He is going to make the contracts according to plans worked out by the engineering section and handed to him. Then when the contract is actually made it is turned over to the production section, which ought to be headed, and I know will be headed, by a man who is an expert in shop production.

Senator WEEKS. If you are looking for a man to make contracts, you ought to employ a lawyer.

Secretary BAKER. Oh, quite the contrary—quite the contrary.

Senator WADSWORTH. Right you are.

Senator WEEKS. I tell you when I want a contract drawn I employ a lawyer, and I have been doing business all my life.

Secretary BAKER. I am a lawyer and I do not want to make any reflections on my union, but what we lawyers always want to have clients tell us is what they want put in the contract. They think it and we pen it.

Senator WEEKS. You will be unpopular with the lawyers' union, even if you are popular with all others.

Secretary BAKER. I seem to get so little chance to practice at my trade that that may be less important than otherwise.

Senator MCKELLAR. Mr. Secretary, in creating this plan you have submitted to the committee, did you consider the very marked success of a definite plan which has been in operation in our own Navy for some time and which has been so admirably proved by the chief of that supplies division of the Navy, Mr. McGowan?

Secretary BAKER. Senator, I know Admiral McGowan. I think he is a man of the very highest capacity, and I think he has done admirably in the Navy, and the plan which has worked in the Navy is substantially duplicated in the plan now proposed for the War Department.

Senator MCKELLAR. Quite the contrary, if you will let me use one of your expressions. In the Navy, Mr. McGowan, with three exceptions, which are not material, has the absolute control of the supplies of the Navy, and in carrying out that absolute control he has officers under him, some civilians, some expert civilians, working on salaries, innumerable officers, I do not know exactly how many, but he is the executive head, and I understand that all Secretary Daniels has to do is to ratify what Mr. McGowan does, and the thing is a good job. Now it strikes me if we just had one executive head instead of those five heads, I would agree with you on this proposition, but as long as you have the supplies of our Army bought by five different officers—the plan that you have—I am frank to say I do not agree with you.

Secretary BAKER. Your plan.

Senator MCKELLAR. It is not my plan, it is the plan of the Navy Department.

Secretary BAKER. But you are approving it?

Senator MCKELLAR. I am.

Secretary BAKER. It is fatally defective from Senator Wadsworth's point.

Senator MCKELLAR. It may be. I am not answering for Senator WADSWORTH. Let him answer for himself.

Secretay BAKER. He is a naval officer.

Senator MCKELLAR. I think Admiral McGowan was not a Navy officer.

Senator WEEKS. No member of the pay corps of the Navy is a graduate of the Naval Academy or ever exercised command over troops, or ever has.

Secretary BAKER. How long has he been in the Navy?

Senator WEEKS. He has probably been in the Navy 20 or 25 years; his age is between 40 and 50.

Secretary BAKER. At least he has not been in active industrial life.

Senator WEEKS. Prior to that he was in industrial occupations for 20 years. His whole life he has been doing this work. He never exercised any command and he is not an Annapolis man.

Secretary BAKER. I am not questioning his ability to do it, Senator. I am only trying to prove there is no difference between the buttons worn by the Army and the Navy, so far as business capacity is concerned.

Senator WEEKS. There is a vast difference between a man who is a graduate of a military academy and who spends a considerable part of his life with troops, then is transferred to a technical corps, and a man always in a technical corps and is not even a graduate of the Naval Academy.

Secretary BAKER. I do not think that graduation at the Naval Academy hurts them.

Senator WEEKS. I hope not.

Senator MCKELLAR. The Senator is one himself.

Senator KIRBY. As I understood Admiral McGowan these different studies for the conduct and purchase of supplies for the Navy were all under the head of an expert in that line.

Senator MCKELLAR. And he is the expert?

Senator KIRBY. No; he is not. He swore he has eight different experts, and told what each one's experience had been and that man always stood between him and the trade and made suggestions to him and recommendations, and it came back to him just like these boards will necessarily do when it comes up for final approval on authority, as I understand it.

Secretary BAKER. As a matter of fact, Admiral McGowan had one civilian who was guiding the purchase of one line of supplies in his bureau, and by some process I discovered this morning that I now have that individual as the manager in the War Department, doing the same thing for us he did for Admiral McGowan. I hope it was amicably arranged; I did not intend to rob his bureau.

The ACTING CHAIRMAN. There has been some testimony before the committee, Mr. Secretary, and to a considerable extent it has come from manufacturing experts themselves, that the military education at West Point and the military rank in the department seems to disqualify men from understanding the manufacturing problems, one being an industrial question, with which they are not familiar and are not educated at West Point on, and they cite, for instance, the management of the arsenals during the last five years, and state that as manufacturing institutions they are gloomy failures, using the same old methods that were used 25 years ago; that they have not kept pace with modern industries because the officers in charge of them do not understand industrial questions.

Secretary BAKER. Senator, I had a long talk with the same gentleman, Mr. Colvin, who testified to that before you, some years ago, I think it was. He came to see me and gave me his views, his theory, and I confess it seemed attractive to me at the outset; I thought that modern industry had become so highly specialized and developed that in all likelihood civilian industrial experts would be more likely to give economic and efficient productive control to a purely manufacturing establishment than a military man, and I made a pretty careful inquiry into it, with this most astonishing result, which you gentlemen know better than I, because you had it constantly brought up to you, that everything the War Department makes in its arsenals it makes cheaper than it can buy from anybody.

Senator WEEKS. Mr. Secretary, I take issue with that statement.

Secretary BAKER. I am only giving you my information about it.

Senator WEEKS. I understand the information was to that effect, but I doubt if the Government can make anything cheaper than the individual. There is some evidence to that effect, but it never included all of the elements which should enter into manufacturing.

Secretary BAKER. I took the case as a test case, and I took the question of pistols, because the Colt automatic pistol, which was adopted by the Army, was a thing which was made by the Colt Co. and also made at Rock Island Arsenal and probably at the Springfield Armory. The actual fact was, at the time I investigated it, that the War Department paid the patentee of the Colt automatic pistol $2 per pistol and still made the pistols cheaper than we could buy them from the Colts, and in the cost to the Government there was included, or attempted to be included—I did not have any opportunity to go into details to see how accurate it was—a charge for overhead, plant, cost, depreciation, insurance, and those equivalent overhead items which ordinarily are included by a private manufacturer.

Senator WARREN. Interest on money?

Secretary BAKER. And interest on investment.

Senator WEEKS. And pay of officers employed doing the work, and all that?

Secretary BAKER. Yes; it was an attempt to be a perfectly accurate comparison.

Senator McKELLAR. I agree with you entirely about that; I think those facts have been proven before our committees time and again; I know it was before the House committee several times, and I will give you another illustration in the matter of powder. When the Government was manufacturing powder at 25 or 26 cents—to be accurate, I think it was between 25 and 26 cents—at the same time the War Department was paying the private manufacturers about 35 cents per pound, and I recall distinctly that it was 9 cents difference, and in those calculations all overhead charges and interest and every other charge was charged up to the Government on the manufacture.

Senator WEEKS. I should like to make the statement that, without qualification, that assuming that—leaving out that question of profit and the pure question of manufacture—there is not and never has been a case demonstrated that that could be done.

Senator McKELLAR. Leaving out the profit, that may be.

Secretary BAKER. Those cases are very difficult to demonstrate, and, of course, the Government manufacture is always under certain limitations which private manufacturers do not have. Congress, for instance, has provided long periods of vacation time, and things of that sort, which make the conditions of the man who works for the Government industry ideal as compared with any private industry, yet the best judgment I could get after a rather expert accountant's view of a comparison of these specific instances did not show unfavorably to Government manufacture under the control of these military men.

Senator WEEKS. After the war is over and I have time I should like to examine you further on that.

Secretary BAKER. I am sorry to put off so pleasant a task for so long, Senator.

Senator WEEKS. If no further questions on this line, I have two or three matters to bring up.

The ACTING CHAIRMAN. All right.

Senator WEEKS. I am not sure whether this is a matter you want to discuss except in executive session, and if you feel that way I will withdraw the question.

What have you done on the other side about developing terminal facilities, and have you sufficient terminal facilities in the ports where you are landing supplies?

Secretary BAKER. I would rather discuss that in executive session.

Senator WEEKS. I have several questions about that I should like to ask you. Have you examined and do you know anything about the question of bombs and detaching bombs from aeroplanes and aerial torpedoes, and the question of chlorine? Would you prefer to discuss those in executive session?

Secretary BAKER. I think I know those too slightly to be helpful to you, Senator. If you would be good enough to ask the experts on that, you can get any information you want from them, and let me supplement it with anything you have difficulty in getting, I would be obliged to you.

Senator WEEKS. I will do that in another form. Has there been any increase during the war in the building plants for heavy artillery—I mean anything from 75's to middle heavies?

Secretary BAKER. Yes.

Senator WEEKS. To what extent?

Secretary BAKER. I can not answer that. I know only of the one negotiation which I personally helped conduct, and that was in regard to Midvale and Bethlehem, but I can get for you an exact statement on that subject.

Senator WEEKS. To what extent have they developed?

Secretary BAKER. I would have to get that for you. I do not have it in mind.

Senator WEEKS. Has it been developed in your opinion sufficiently to provide us with all the heavy artillery the Army will need?

Secretary BAKER. I am sorry I can not answer that, Senator. You have before you the artillery program with prospective deliveries, and those, of course, are predicated upon plant capacity to equal that demand.

Senator WEEKS. Is that being increased or is the increase being made?

Secretary BAKER. Some has been made and some is being made.

Senator WEEKS. Do you know when that was undertaken?

Secretary BAKER. Yes; early, some of it; the Midvale and Bethlehem very early. The extension of our plants at Springfield or Watervliet—Watervliet, I believe—and Rock Island; some of them began even before we went into the war.

Senator WEEKS. Have any of those extensions been completed?

Secretary BAKER. I can not answer that, sir.

Senator WEEKS. Will they be sufficient, in your opinion, what have been undertaken, to provide artillery for the plan we now have?

Secretary BAKER. I can only say I am told that the plant facilities now in process of completion will be adequate to the program as contemplated, but whether they will turn out so I can not answer.

The ACTING CHAIRMAN. At the early outbreak of the war, Mr. Secretary, an effort was made, as I recall it, to utilize the inventive genius of the American people by providing a branch of the National Council of Defense to investigate projects, to investigate inventions. Am I right in that?

Secretary BAKER. I do not think there ever was a section on that, Senator.

The ACTING CHAIRMAN. Mr. Edison was called down here, was he not?

Secretary BAKER. Mr. Edison was called here as a member of the National Consulting Board, and that board has a very large membership and has considered a very great many suggestions, and made some of its own, very fruitfully.

The ACTING CHAIRMAN. I only speak of it because I have had, and I suppose most Senators have had, a great many applications of inventors, so called, who have come here with models and without, and with plans and without, and with great ideas they have had patented in some cases, and I have referred them to the Council of National Defense down here, and they seem to be lost in the woods. They can interview a good many different people, who can neither give them any decision nor satisfaction, and they wander around from one place to another, and, so far as I know, they never arrive.

Secretary BAKER. The agencies of that subject which occur to me at the moment are these: In the Navy Department and in the War Department there are officers who have nothing to do but scrutinize inventions and deal with inventors and suggestions, so that each department has an officer, or a group of officers, who do nothing else. In addition to that the aeronautical board, the advisory board for aeronautics, headed by Dr. Walker, of the Smithsonian Institution, and having a large number of men, is very hospitable to inventions dealing with aircraft. The Aircraft Production Board, which is a body with a legal foundation, is similarly interested in inventions about aircraft. The Bureau of Standards, under the Department of Commerce, is most helpful and ready in testing out inventions. They have tested an enormous number of them, a great many for me; men have brought me suggestions and I send them to the Bureau of Standards, and they have the best facilities for actual test there are anywhere. Those are the agencies that occur to me as actively interested in that sort of thing.

The ACTING CHAIRMAN. Has anything been found of advantage or value in the way of recent invention?

Secretary BAKER. Yes, Senator; a number of very striking things have been found.

The ACTING CHAIRMAN. Because there must be a great many thousand of men at work, judging from the number that have come from Nebraska with ideas to prevent vessels from being sunk and to stabilize aeroplanes and to arrange bomb droppers from aeroplanes, if other States are doing it in the same proportion.

Senator McKELLAR. They are not confined to Nebraska. Mr. Secretary, I want to ask you about a statement that was made to me that the Bethlehem Steel Co. had erected a plant over near Baltimore for the purpose of carrying out certain contracts with the War Department, as I understood it, and that recently they had begun to dismantle the plant and take it away.

Secretary BAKER. That is not my information, Senator. The Bethlehem Co. had—I know this only in a casual way—but the Bethlehem Steel Co. had a plant at Sparrows Point near Baltimore, and before the war they had planned a very large addition to that plant. The part of it which was devoted to war uses is in process of completion. A certain part of their plant, which was intended to supplement their capacity for civilian and industrial manufacture, has been temporarily discontinued.

Senator McKELLAR. This gentleman, who said he saw it yesterday, said he saw the plant being dismantled and he had seen it lately; he lives in Baltimore; and was confident the whole plant was being dismantled, and said that was his information.

Secretary BAKER. I had a talk with Mr. Schwab about it, and as I understood it, he told me the part they intended to enlarge for civilian manufacture was discontinued.

Senator McKELLAR. I had no point in the matter only to know how it happened such a thing could be.

Secretary BAKER. No part of the plant intended for war uses is slowed up at all.

Senator WEEKS. There is one other question which may be open for discussion in open session—that is, the question of mail facilities for our men on the other side. Have you had any complaints?

Secretary BAKER. Yes; I have had more complaints of civilian mail than I have had of soldier mail. I have had some.

Senator WEEKS. These are cases that actually occurred. Troops that are in France, that are not at the battle front, have been as long as three weeks without any mail from the United States. I have brought the matter to the attention of the Post Office Department two or three times. The Postmaster General always comes back at me by saying it is the fault of the War Department.

Secretary BAKER. That is generous.

Senator WEEKS. And that the mail, generally speaking, is carried in transports and the transports do not take it. I have replied to that that there were mail steamers running, and that we had three or four of the American Line certainly as capable of carrying mail as ever, and that, as a matter of fact, there were a great many steamers going to France and to England which might carry mail every week. Now, one of the things that will keep our men over there in a better frame of mind than anything else will be to keep them in direct communication and frequent communication with their own people. They value the mail, the letters, more than they do packages or anything else, and it does seem to me a woefully bad service which prevents a group of men over there from getting mail for three weeks.

Secretary BAKER. Three weeks from when?

Senator WEEKS. Three weeks from anytime.

Secretary BAKER. You mean three weeks from the time it is sent?

Senator WEEKS. No; three weeks from the time they received one mail they get another mail; another one comes in the meantime.

Senator McKELLAR. Before the Secretary answers that question, may I supplement what Senator WEEKS says by reading a letter dated January 9 from one of the supreme court justices of Tennessee?

> Our boy left this country for France in September and arrived in France in the early days of October. His mother has written him almost every day and sent him a number of woolen garments for the winter. We had a letter from him dated December 7 in which he said he had received only two letters from his mother and has not received the garments at all. They were mailed November 12, 1917. A great many parents of my acquaintance have not received any letters from their sons in France, and this, of course, occasioned great anxiety.

That is the kind of letter, and I just put it in my pocket as I started over. I had just received it from one of my intimate personal friends. We all receive them, and I was just wondering if we could not improve that mail service in some way.

Senator WEEKS. I think my complaint is even more to the point than that. Those men have been over there a comparatively short time, and the men with whom I am in touch have been over there a long time, and that has been the general condition of the mail facilities. This is a case of three weeks' lapse between any delivery of mail from the organization, and that has taken place within six weeks, a long time after the men reached the other side. I think there are a great many cases where letters and parcels are improperly directed, which may cause some delay in sending them, but there should be arranged a continuous flow of mail to the other side, and if it has not been brought to your attention in that way I think it should be investigated.

Secretary BAKER. It has been brought to my attention, Senator, and every effort is being made to accomplish exactly the purpose you suggest, because we realize its importance. It is a very important thing. I went to New York and at the Hoboken dock I saw more than 400,000 parcels sent by parcel post to members of our expeditionary forces about Christmas time. Each of these parcels had to be opened and matches and perishable things unwisely put in them taken out, and each separate part of the contents rewrapped in tissue papers and put in a better box to bear ocean transportation, and an entire regiment of soldiers gave up its time to doing nothing else but that. I cite that only to show the vast bulk of this mail.

Senator WEEKS. I do not for a minute question the parcels mail; I do not complain of that. I am speaking of letter mail.

Secretary BAKER. Yes.

Senator WEEKS. And that alone.

Secretary BAKER. Now, of course, letter mail and parcels mail are all mail. The Federal Government, under a contract or a series of contracts with certain steamship lines, arranged the taking of the mail. They take what they can take. The transports take the rest, and they take all they can take; they take it as fast as they can take it. The distribution problem on the other side is not simple, because the organizations are not always kept in the same place for any length of time; they move, and there is very little exactly to mail to.

Senator WEEKS. This organization has not been moved in three months.

Secretary BAKER. It may be that the case you have in mind is one in which there must be explanations of which I do not know. It is an intricate problem, but the Post Office and the War Departments appreciate its importance and are cooperating to solve the problem.

Senator McKELLAR. Mr. Chairman, before we go into executive session I should like to offer for the record an article published in the Textile World Journal of January 6, 1918.

The ACTING CHAIRMAN. The article may be included in the record at this point.

Senator McKELLAR. I have a letter of date December 19, 1917, to the American Association of Woolen and Worsted Manufacturers, which should be included as supplementing Mr. Stevens's testimony. He has appeared before this committee.

(The letter referred to is here printed in full, as follows:)

DECEMBER 19, 1917.

To the American Association of Woolen and Worsted Manufacturers and the National Association of Wool Manufacturers:

Your joint committee of manufacturers cooperating with the committee on supplies of the Council of National Defense reports a brief summary of its work which has now closed with the sending of the resignations requested by Mr. Julius Rosenwald, chairman of the committee on supplies of the Council of National Defense, in the letter herein set forth.

The joint committee was created in pursuance of action taken at a special meeting of the woolen goods exchange held on February 7, 1917.

As it was then manifest that war was impending, the manufacturers present at that meeting—representing both the American Association of Woolen and Worsted Manufacturers and the National Association of Wool Manufacturers—unanimously requested Col. John P. Wood, president of the National Association, in cooperation with Mr. Herbert E. Peabody, president of the American Association, to select a committee of seven members, of which Col Wood himself should be chairman, to assist the Federal Government in securing an adequate supply of woolen and worsted fabrics for the enlarged Army and Navy of the United States. The committee as designated was as follows: Col. John P. Wood, of Philadelphia, chairman; Mr. Nathaniel Stevens, president of M. T. Stevens & Sons Co., of North Andover, Mass.; Mr. Robert T. Francis, selling agent of the Pon ocono Woolen Manufacturing Co., of Pittsfield, Mass., and New York City; Mr. Moses L. Shuttleworth, agent of the Washington Mills of Lawrence, Mass., of the American Woolen Co.; Mr. Charles H. Wilson, of James & E. H. Wilson, of Pittsfield, Mass.; Mr. George C. Hetzel, president of George C. Hetzel Co., of Chester, Pa.; Mr. Spaulding Bartlett, treasurer of B. Slater & Sons (Inc.), of Webster, Mass.

Col. Wood resigned in July on the mobilization of his regiment, the First Pennsylvania Cavalry, and Mr. Nathaniel Stevens, vice chairman of your committee, was elected to succeed him. There were added to the committee: Mr. Francis R. Masters, of Lawrence & Co., of Boston and New York; Mr. C. Brooks Stevens, treasurer of the United States Bunting Co., of Lowell, Mass.; Mr. Frederick H. Edington, of the American Woolen Co., of Boston.

Messrs. C. Brooks Stevens and F. R. Edington were selected by the committee on supplies early in October for permanent duty in Washington as technical advisers to that committee. Subsequently they were elected members of our committee.

On the original appointment of the committee due notice was given to the Council of National Defense, and the first meeting of the committee was held in New York on March 28, 1917, with a representative of the depot quartermaster at Philadelphia, the principal clothing-purchasing depot of the Army. On March 30 the joint committee had its first conference in Washington, with Chairman Rosenwald and Mr. Charles Eisenman, of the committee on supplies of the Council of National Defense, and having been previously appointed by the council was thereupon formally recognized as one of the committees cooperating with the council. Thereafter until the middle of September the joint committee held almost weekly meetings in New York or in Washington.

Until Col. Wood reentered the Federal service he passed a considerable part of his time in consultation with the committee on supplies in Washington, and with the purchasing agencies of the Quartermaster and Ordnance Departments of the Army and of the Navy and Marine Corps. Mr. Stevens, since succeeding Col. Wood as chairman of the joint committee, and members of the subcommittees have had frequent conferences with the officials in Washington.

The joint committee has rendered service not only to the Army and Navy but also the American Red Cross. Moreover, the committee, through other subcommittees formed by it for the especial purpose, has taken the initiative and helped in organizing the wool-manufacturing industry for wool conservation, in promoting the import of wool and in protecting the newly developed export trade in woolen goods.

One of the first and most important tasks of your joint committee was to recommend certain changes in the specifications for Army and Navy fabrics, with a view (1) to conserving the wool supply of the Nation, (2) to make it possible for the maximum number of mills to undertake the production of these fabrics and thus to insure prompt delivery, and (3) to maintain a just and reasonable range of prices.

It is keenly to be regretted that the representatives of the Government did not see their way clear immediately to accept last spring (1917) the earnest recommendation of the joint committee and also of the wool trade of the United States, that the entire available supply of wool be taken over by the Government, in accordance with the offer of the wool trade presented through the joint committee. Had this recommendation been adopted it would have saved the Government many millions of dollars.

The early policy and recommendations of the committee are set forth in the following excerpt from our records:

"The wool manufacturers' committee most earnestly recommends, as the real heart of the problem of securing just and reasonable prices on the military fabrics of the Government, that immediate steps be taken by the Government to control the present prices of raw wool of the one-half blood, three-eighths blood, and one-fourth blood grades required for the manufacture of military fabrics. To accomplish this it is essential for the Government to control the prices of these wools in all the primary markets of the country. The wool manufacturers are eager to furnish the Government with the requisite military fabrics at a proper price, but they can not undertake to do this so long as their indispensable materials are advancing in the present uncontrolled market as they are from day to day. It is as necessary for the manufacturers to have their materials for Government fabrics guaranteed to them at a fair price as it is for the Navy to have an assured price for its supplies of oil and oil fuel.

"What has been said above of the need of Government control of raw-wool prices applies also to the various wool substitutes authorized in the manufacture of these military fabrics.

"The wool manufacturers' committee suggests that Mr. Baruch call together the raw-wool committee to devise some means whereby the advance of the wool market can be checked until the Government can place present or proposed contracts for military fabrics.

"The manufacturers' committee suggests further that the wool merchants agree to give prices to their customers for sufficient time to enable the mills to receive a definite answer from the Government as to whether their bids are acceptable.

"That the grade specifications for wool for overcoating, uniform cloth, and blankets be changed from 'three-eights blood' to 'low quarter blood or finer.'

"That for shirting flannels there be added to the specifications of February 17, 1917, one made with a cotton warp and worsted weft, in which fabric the proportion of cotton shall not exceed 30 per cent, and that the carded woolen shirting flannel in No. 1243 have the proportion of cotton reduced from 40 per cent to 30 per cent.

"That an additional type of olive-drab uniform cloth be included, to be made of worsted (all wool) warp and worsted weft, weighing 14 ounces to the linear yard.

"That the overcoating (30-ounce melton) be made of all wool fiber, of which not to exceed 25 per cent may be of noils or reworked wool, the minimum strength to be 65 pounds warp way, and 50 pounds weft way.

"That the all-wool blanket specifications provide for the use of noils and reworked wool in a proportion not exceeding 35 per cent of the whole weight.

"That an additional blanket type be adopted, to be made with cotton warp and wool weft. Such blankets to be used for saddle blankets, and made available for issue to troops as a selective alternative for the all-woolen blanket.

"That the border be omitted from the blankets.

"That the Government purchase from growers, merchants, and mills at to be established uniform prices the requirements of wool and other raw materials required for the manufacture of its needs in woolen goods, and issue at fixed prices to the mills making goods for the Government the raw materials required therefor.

"That prices for the goods made for the Government be based upon an agreed cost of conversion and profit plus such uniform cost as is fixed by the Government for each kind of raw material required to make the respective fabrics."

The following further excerpt from our records states the position of the committee:

"Col. Wood spoke of the committee as representing a proposition of service, not of mere manufacturing competition. The committee was working in an entirely detached way for the primary purpose of best service and best economy to the Government itself."

Minutes of all the meetings of the joint committee have been duly kept and recorded, and periodical reports of all the activities of the joint committee, including the above, have been furnished to the Council of National Defense. For detailed information of the work of the committee these minutes and reports are permanently available. As a committee it has never made or recommended any specific purchases by the Government; it has simply recommended what it regarded as proper specifications, and has urged that these specifications should be faithfully complied with. It further recommended maximum prices on the 30-ounce olive drab overcoating and the 3-pound olive drab blanket which it regarded as reasonable and fair alike to the manufacturers and to the Government.

The members of the joint committee are officials of mills which have undertaken Government contracts, but these contracts have been matters of negotiation upon individual action and have not come before the committee for any consideration whatsoever. All the manufacturers of the country capable of making military or naval fabrics were urged by the committee, and practically the entire trade promised to undertake their share of service, but the activities of the committee ceased at that point and each manufacturer was left to make his own terms and arrange his own contract with the accredited officials of the Government, separate and apart from the committee.

The joint committee strongly recommended strict adherence to specifications securing fabric standards and at all time advised against purchases below accepted standards.

For "emergency purchases" of inferior goods, the joint committee insisted that it should not be exposed to any charge that it in any manner acquiesced therein or was in any manner responsible therefor, and that it be entirely freed from and relieved of any accountability therefor.

In this connection we submit this extract from the minutes of the meeting of September 13, 1917, in Washington:

"After a period of general discussion the joint committee called on Mr. Eisenman at his office in the Munsey Building. Mr. Eisenman asked if it were true that the committee were dissatisfied with the character of some of the goods purchased for Army use. Acting Chairman Stevens replied that it was true—that the committee were disturbed at some recent happenings, and he instanced the purchase of certain low-priced shirting fabrics.

"Mr. Eisenman asked what the joint committee would do if the Secretary of War suddenly asked for 1,200,000 more yards of shirting flannel than had been anticipated—spot goods. He explained that the troops going to France had to carry with them a six months' equipment, and went on to say that affairs were moving very rapidly and he would like to have the committee designate a man or men to stay on the job permanently in Washington. The acting chairman inquired if it were true that the committee on supplies were getting up a 20-ounce fabric. Mr. Eisenman replied that there was not a word of truth in it, and added that he wished that goods could be manufactured as rapidly as rumors.

"Mr. Eisenman stated he kept a careful record of the emergency demands of the War Department—demands for immediate delivery. Acting Chairman Stevens said, 'If you will give us a letter to keep our records straight, we will be satisfied.' Mr. Eisenman replied, 'You can have access to our records at any time.'"

Particularly to define and emphasize the position of the joint committee concerning the character and quality of goods to be accepted under emergency purchases the committee on the following day addressed the letter to Mr. Charles Eisenman, of the committee on supplies (which is here set out):

NEW YORK, *September 14, 1917.*

MR. CHARLES EISENMAN,
Committee on Supplies, Council of National Defense, Washington, D. C.

DEAR MR. EISENMAN: You may recall the request of Chairman Stevens at our conference with you yesterday when the emergency purchases were being considered, that if you would give us a letter to keep our record clear of responsibility for these hastily bought fabrics we would be quite satisfied. As we understood it, you were entirely willing to state that for any defects that might develop in these emergency goods your advisory committee was not accountable.

I am very sure that this would greatly ease the minds of the members of our committee, and they feel that it is due to them.

I am sending you inclosed the minutes of yesterday's meeting and a copy of the call issued to-day to the members of the executive committees of the manufacturers' associations for a preliminary conference to take up in earnest the conserving of the wool supply.

You will also note that the committee has invited Mr. Hetzel and Mr. Wilson to act as representatives in Washington. With cordial regards,

Sincerely, yours,

WINTHROP L. MARVIN,
Acting Secretary Joint Committee of Wool Manufacturers, Cooperating with the Council of National Defense.

To this letter no reply was received.

From the time of the appointment of your committee until the early autumn (1917) we had been extremely active in advising the representatives of the Government and facilitating the production of woolen fabrics by the manufacturers of the country on a great scale for the use of the various departments of the Army and Navy. Although Messrs. Edington and Brooks Stevens were attached to the staff of the committee on supplies as technical advisers and subsequently elected to your joint woolens committee, for some time prior to their appointment and since, the advice and assistance of your committee have been rarely sought.

The circumstances regarding the existence of the Base Sorting Co. and its reported methods of operation in connection with Government O. D. clippings first came to the attention of certain members of the joint woolens committee through market rumors. The executive committee of the American Association of Woolen and Worsted Manufacturers and such of its directors as could attend met to consider the situation. Mr. Nathaniel Stevens, chairman of the joint woolens committee, and Messrs. Francis, Bartlett, and Wilson, of the committee, were asked to be present.

At this meeting, held October 17, 1917, the matter was referred to the joint woolens committee for proper investigation by the following resolution:

"*Resolved*, That the entire matter (Base Sorting Co.) be referred to the joint woolens committee, to be brought by it to the attention of the authorities in Washington."

Our chairman went to Washington the following day and asked the vice chairman of the committee on supplies for an appointment with our committee to discuss the general subject of the Base Sorting Co. He stated that he felt the matter was outside the domain of your committee and objected to discussing the subject with us.

In early December the individual members of your committee received the following letter:

COUNCIL OF NATIONAL DEFENSE,
Washington, November 28, 1917.

SIR: To obviate the present embarrassing situation in which the members of the committees appointed by me or under my direction have been placed by being called upon to act both as Government agents or advisers and also as the representatives of their respective industries, it has seemed wise to terminate the existence of your committee, and hence the tender of your resignation is requested.

You will understand that this action is not taken in derogation of the very valuable services which you and your committee have rendered the Government in the present emergency, but is necessary to relieve your committee and the council from a situation which has been the subject of criticism, and is also in the interest of establishing a more closely knit organization.

I want to assure you that we are deeply appreciative of your efforts in the service of our country and of the patriotism and good judgment that have guided your services as our advisers.

It is hoped that a committee representative of your industry will be formed by it in the near future and that in this way you will be able to continue to give us advice on the many problems which necessarily arise.

Very truly, yours,

COMMITTEE ON SUPPLIES,
By JULIUS ROSENWALD, *Chairman.*

Promptly the members of the committee transmitted their resignations to Chairman Rosenwald. So the relation of the joint committee with the Government has now been completely dissolved, and the committee respectfully presents this, its final report, to the associations responsible for its creation.

The joint committee, as stated, has insisted upon and regarded it as a vital and imperative obligation and duty to maintain a strict adherence to fabric standards for Army and Navy use to insure the comfort and protect and guard the health of every soldier and sailor in the service of our Nation.

Your committee have to state as their united conviction that the resources of the woolen manufacturers of this country were, and are, adequate to fully and properly equip the land and naval forces of our country.

All of which is respectfully submitted.

NATHANIEL STEVENS.
CHARLES H. WILSON.
MOSES L. SHUTTLEWORTH.
ROBERT T. FRANCIS.
SPAULDING BARTLETT.
GEORGE C. HETZEL.
FRANCIS R. MASTERS.

Senator FRELINGHUYSEN. I move that the committee go into executive session.

(The motion was put and carried, and the committee accordingly went into executive session, and thereafter adjourned to meet on Monday, January 14, 1918, at 10.30 o'clock a. m.)

(The following communications from the Secretary of War in connection with the Army clothing supply have been received by the committee:)

WAR DEPARTMENT,
Washington, January 11, 1918.

MY DEAR SENATOR CHAMBERLAIN: On Saturday morning one of the members of the committee said that he had just talked with the commanding officer of Camp Sherman, and that there were, as I recall it, 3,000 men there without uniforms. You will recall that I asked the Assistant Secretary to direct at once that a telegram be sent to the camp to find out the facts.

I inclose a telegram which came on Saturday, the same day upon which the statement was made, and which states that the 31,024 men now at Camp Sherman were at that time all in uniform, and that a previous shortage of approximately 7,000 coats was at that time provided for.

I send this information because, as you will recall, I ventured at the time the statement was made quite definitely to express a disbelief in its accuracy. This telegram, I think, should be called to the attention of the members of the committee, as it is of the highest importance to have them know both that this provision has been made and that the information upon which I have been relying in my testimony to the committee is not inaccurate.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

HON. GEORGE E. CHAMBERLAIN,
United States Senate.

CAMP SHERMAN, OHIO, *January 12, 1918.*

GOETHALS,
Quartermaster General of the Army, Washington, D. C.

Re tel date. 31,024 men now at this camp all in uniform. Previous shortage of approximately 7,000 coats provided for.

CASE, *Camp Quartermaster.*

WAR DEPARTMENT,
Washington, January 15, 1918.

MY DEAR SENATOR CHAMBERLAIN: I send you a telegram which has just been received from Camp Sherman. The information in it differs from that contained in the earlier telegram which I sent you yesterday and which arrived on Saturday. Apparently the information given to you by Gen. Glenn as to the blouses was accurate. This telegram, however, shows that an adequate supply is in shipment, though not received by the time the telegram was sent.

Cordially, yours,

NEWTON D. BAKER,
Secretary of War.

HON. GEORGE E. CHAMBERLAIN,
United States Senate.

CAMP SHERMAN, OHIO, *January 15, 1918.*

GOETHALS, per HARDEMAN,
Office Quartermaster General, Washington, D. C.

Thirty-one thousand one hundred and four men now in camp. All have overcoats and woolen breeches. Twenty-four thousand two hundred and four have complete uniforms. Sixty-nine hundred not yet supplied with coats, supply of which is now in shipment.

CASE, *Camp Quartermaster.*

WAR DEPARTMENT,
Washington, January 18, 1918.

HON. GEORGE E. CHAMBERLAIN,
Chairman Committee on Military Affairs, United States Senate.

MY DEAR SENATOR: Pursuant to telephonic request of your committee to The Adjutant General of the Army that a report be obtained showing in percentages the shortages of articles of equipment C, quartermaster supplies, at the different divisional camps as of January 1, or as near that date as possible, a telegram was sent all division commanders, and I now have the honor to submit to your committee, attached herewith, a tabulated sheet showing the state of equipment as disclosed by these replies.

Figures represent shortages in percentages. Where blank spaces exist no shortages were reported.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

	Bags, barrack.	Clothing.	Belts, waist.	Breeches, cotton, O. D.	Breeches, woolen, O. D.	Coats, denim.	Coats, cotton, O. D.	Coats, woolen, O. D.	Cords, hat.	Drawers, cotton.	Drawers, woolen.	Gloves, horsehide.	Gloves, riding.	Gloves, woolen, O. D.	Hats, service.
Third Regular Division	10		10	10	10	10	10	10	10	10	10	10	10	10	10
Fourth Regular Division	54		54	54	54	54	54	54	54	54	54	54	54	54	54
Sixth Regular Division					83			90			68				46
NATIONAL GUARD DIVISIONS.															
Twenty-seventh, Camp Wadsworth, S. C.	2		2	13	30	18	13	18		1	4	77	11	10	8
Twenty-eighth, Camp Hancock, Ga.	50				50	55	40	47				60	75	66	
Twenty-ninth, Camp McClellan, Ala.															
Thirtieth, Camp Sevier, S. C.					55			50							
Thirty-first, Camp Wheeler, Ga.					30			30							
Thirty-second, Camp MacArthur, Tex.	4				6			21	1					47	7/10
Thirty-third, Camp Logan, Tex.					50			50	25		5		11	16	1
Thirty-fourth, Camp Cody, N. Mex.	5				50			50				20			
Thirty-fifth, Camp Doniphan, Okla.					40			53							
Thirty-sixth, Camp Bowie, Tex.					50			50				25			
Thirty-seventh, Camp Sheridan, Ala.					33			39				100	100		
Thirty-eighth, Camp Shelby, Miss.	29				58			61			23			45	
Thirty-ninth, Camp Beauregard, La.	50				36			50			26			70	
Fortieth, Camp Kearney, Cal.	66			20	35			75			81	6			

	Bags, barrack.	Clothing.	Belts, waist.	Breeches, cotton, O. D.	Breeches, woolen, O. D.	Coats, denim.	Coats, cotton, O. D.	Coats, woolen, O. D.	Cords, hat.	Drawers, cotton.	Drawers, woolen.	Gloves, horsehide.	Gloves, riding.	Gloves, woolen, O. D.	Hats, service.
NATIONAL ARMY DIVISIONS.															
Seventy-sixth, Camp Devens, Mass					17			40				50			17
Seventy-seventh, Camp Upton, N. Y								25	2						
Seventy-eighth, Camp Dix, N. J															
Seventy-ninth, Camp Meade, Md			19		16			52				60		20	
Eightieth, Camp Lee, Va					19			50							
Eighty-first, Camp Jackson, S. C				7	48	9		73	30		5			35	
Eighty-second, Camp Gordon, Ga					17			25			10				
Eighty-third, Camp Sherman, Ohio								22							
Eighty-fourth, Camp Taylor, Ky					35				10			95		50	
Eighty-fifth, Camp Custer, Mich					25			75						20	
Eighty-sixth, Camp Grant, Ill			5		30			30	5		24	24		30	
Eighty-seventh, Camp Pike, Ark					5			6							
Eighty-eighth, Camp Dodge, Iowa								60							
Eighty-ninth, Camp Funston, Kans					50			17				50			
Ninetieth, Camp Travis, Tex								57							
Ninety-first, Camp Lewis, Wash					20	30		42			2				
Ninety-second, Camp Funston, Kans	10				4			23	30						

	Hats, denim.	Laces, leggin.	Laces, shoe.	Leggins.	Ornaments.	Shirts, flannel, O. D.	Shoes, marching.	Shoes, field.	Stockings, cotton.	Stockings, L. W.	Stockings, H. W.	Undershirts, cotton.	Undershirts, woolen.	Slickers.
Third Regular Division	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Fourth Regular Division	54	54	54	54	54	54	54	54	54	54	54	54	54	54
Sixth Regular Division				44		44	48	100		53			64	
NATIONAL GUARD DIVISIONS.														
Twenty-seventh, Camp Wadsworth, S. C				13		15	1	11	76	19	79	14	4	15
Twenty-eighth, Camp Hancock, Ga	90	50			96			15	27		95	8		35
Twenty-ninth, Camp McClellan, Ala														
Thirtieth, Camp Sevier, S. C					100			40						65
Thirty-first, Camp Wheeler, Ga								1						
Thirty-second, Camp MacArthur, Tex		20	20	1	100	3		10		8			5	4
Thirty-third, Camp Logan, Tex		30		25	75									
Thirty-fourth, Camp Cody, N. Mex					100									84
Thirty-fifth, Camp Doniphan, Okla		32			90					13				
Thirty-sixth, Camp Bowie, Tex														
Thirty-seventh, Camp Sheridan, Ala	92							92		16			10	31
Thirty-eighth, Camp Shelby, Miss										30			34	
Thirty-ninth, Camp Beauregard, La						10				18			16	6
Fortieth, Camp Kearney, Cal								78		39			45	
NATIONAL ARMY DIVISIONS.														
Seventy-sixth, Camp Devens, Mass		58		56				48		19	91			
Seventy-seventh, Camp Upton, N. Y		96								30				10
Seventy-eighth, Camp Dix, N. J				5				1						
Seventy-ninth, Camp Meade, Md		90				4								
Eightieth, Camp Lee, Va		160			46					18				
Eighty-first, Camp Jackson, S. C					100					40			7	5
Eighty-second, Camp Gordon, Ga				8						20			10	
Eighty-third, Camp Sherman, Ohio		99			100									39
Eighty-fourth, Camp Taylor, Ky		100	35		100									70
Eighty-fifth, Camp Custer, Mich		100	50		75									
Eighty-sixth, Camp Grant, Ill		8	25	12	37	25		10		21			19	
Eighty-seventh, Camp Pike, Ark					100									
Eighty-eighth, Camp Dodge, Iowa														
Eighty-ninth, Camp Funston, Kans					100	15	7	7						
Ninetieth, Camp Travis, Tex														
Ninety-first, Camp Lewis, Wash		99				1				3			1	
Ninety-second, Camp Funston, Kans						8				24			25	

	Overcoats.	Ponchos.	Trousers, denim.	Pins, shelter-tent.	Shelter halves.	Brassards, red.	Brassards, blue.	Whistles and chains.	Chevrons.	Leggins, mounted.	Bars, mosquito.	Bed sacks.	Cots.	Blankets.
Third Regular Division	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Fourth Regular Division	54	54	54	54	54	54	54	54	54	54	54	54	54	54
Sixth Regular Division	44												80	16
NATIONAL GUARD DIVISIONS.														
Twenty-seventh, Camp Wadsworth, S. C	1	60												
Twenty-eighth, Camp Hancock, Ga			90	6						80	40			
Twenty-ninth, Camp McClellan, Ala														
Thirtieth, Camp Sevier, S. C					30									
Thirty-first, Camp Wheeler, Ga					5									
Thirty-second, Camp MacArthur, Tex	3	4		1	4							4		
Thirty-third, Camp Logan, Tex						5	75	15	50					
Thirty-fourth, Camp Cody, N. Mex														
Thirty-fifth, Camp Doniphan, Okla														
Thirty-sixth, Camp Bowie, Tex					5				10	34				
Thirty-seventh, Camp Sheridan, Ala			91											
Thirty-eighth, Camp Shelby, Miss		2			27									
Thirty-ninth, Camp Beauregard, La					30									
Fortieth, Camp Kearney, Cal	7	14	57	72										
NATIONAL ARMY DIVISIONS.														
Seventy-sixth, Camp Devens, Mass					24									
Seventy-seventh, Camp Upton, N. Y				19	80					38		11		
Seventy-eighth, Camp Dix, N. J	5													
Seventy-ninth, Camp Meade, Md		5												
Eightieth, Camp Lee, Va				21	50									
Eighty-first, Camp Jackson, S. C			90	70									100	
Eighty-second, Camp Gordon, Ga	2	18		26	26									
Eighty-third, Camp Sherman, Ohio		58			65									

	Overcoats.	Ponchos.	Trousers, denim.	Pins, shelter-tent.	Shelter halves.	Brassards, red.	Brassards, blue.	Whistles and chains.	Chevrons.	Leggins, mounted.	Bars, mosquito.	Bed sacks.	Cots.	Blankets.
NATIONAL ARMY DIVISIONS—continued.														
Eighty-fourth, Camp Taylor, Ky		20		50	70				80					
Eighty-fifth, Camp Custer, Mich														
Eighty-sixth, Camp Grant, Ill				23	23									
Eighty-seventh, Camp Pike, Ark	1													
Eighty-eighth, Camp Dodge, Iowa														
Eighty-ninth, Camp Funston, Kans														
Ninetieth, Camp Travis, Tex					89				60	10				30
Ninety-first, Camp Lewis, Wash														
Ninety-second, Camp Funston, Kans		14			100									

WATERS OF ALASKA AND THE PACIFIC COAST.

The VICE PRESIDENT. Are there further documents, petitions, or memorials?

Mr. POINDEXTER. I ask to have printed as a Senate document the report of the United States Coast and Geodetic Survey on the neglected waters of the Pacific coast, Washington, Oregon, and California, by E. Lester Jones, Superintendent of the United States Coast and Geodetic Survey, Department of Commerce. It is an extremely valuable statement of the needs of the coast survey of the waters of Alaska and the Pacific coast of the United States. I have a letter here from the Superintendent of the Coast Survey stating that the very limited number of copies which he was able to have printed——

Mr. HARDWICK. Mr. President, I trust the Senator will not present that out of order. It is not in order now.

Mr. POINDEXTER. I may have misunderstood the Chair, but I understood the Chair to ask if there were any other requests for documents to be printed.

Mr. HARDWICK. No.

Mr. POINDEXTER. Or petitions or memorials.

The VICE PRESIDENT. The Chair did so ask.

Mr. POINDEXTER. That was my understanding.

The VICE PRESIDENT. It is in order unless there is an objection.

Mr. HARDWICK. If the Senator can have it done without debate, I do not object.

Mr. SMOOT. It is already a departmental document, and the Committees on Printing of both Houses have agreed, and the Senate committee is not going to recommend the printing as public documents of the documents issued by the different departments of the Government. If they do, much of the printing of all the departments of our Government will be thrown upon Congress instead of being paid out of the funds appropriated to those departments for printing purposes. So I object.

The VICE PRESIDENT. The Chair understands that there is objection.

LANDS FOR RESERVOIR PURPOSES.

Mr. PHELAN, from the Committee on Public Lands, to which was referred the bill (S. 3646) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities, reported it with amendments and submitted a report (No. 239) thereon.

AMENDMENT OF ESPIONAGE LAW.

Mr. CULBERSON. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 3522) to amend an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, and I submit a report (No. 238) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there any objection?

Mr. HARDWICK. Mr. President, I should like to have the bill read before I can consent to its consideration.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

A bill (S. 3522) to amend an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Be it enacted, etc., That section 3 of title I of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, or with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both."

Mr. CULBERSON, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, which has had under consideration S. 3522, being a bill to amend an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, report the same to the Senate and recommend its passage without amendment.

The object of the bill is to amend section 3 of Title I of the act referred to, commonly known as the espionage act, by adding to it "; or with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States," so that as amended section 3 of the act aforesaid will read as follows:

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies, or with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both."

The bill is recommended by the Department of Justice and the Treasury Department, as shown by the following letters from the Attorney General and the Secretary of the Treasury:

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., January 19, 1918.

Hon. CHARLES A. CULBERSON,
Chairman Committee on the Judiciary,
United States Senate.

MY DEAR SENATOR: During the past six months the attention of this department has been called to many instances of the making of false reports or statements intended to interfere with the successful floating of the liberty loans. Whether these acts have been committed by those who are actively favoring the cause of the enemy or, whether they are committed with other motives, they are equally disloyal and injurious to the interests of the United States.

There seems at present to be no law upon the statute books which makes such acts criminal. The Secretary of the Treasury and the Federal Reserve Board have been and are much concerned over this situation, and I transmit herewith a copy of a letter from the former, dated January 9, 1918. I desire to say that I earnestly concur in the views expressed as to the necessity of the legislation, and also in the request of the Secretary of the Treasury that an amendment of the espionage act covering this point be adopted at the earliest possible moment.

I transmit herewith for the assistance of your committee a draft of such an act as I think would be sufficient to meet the evil.

Respectfully,

T. W. GREGORY, *Attorney General.*

THE SECRETARY OF THE TREASURY,
Washington, January 9, 1918.

MY DEAR MR. ATTORNEY GENERAL: I have your letter of the 2d of January and am glad to note that you agree with me regarding the necessity for an amendment to the espionage act providing that it shall be a criminal offense to make or convey false reports or false statements with the intent to obstruct the sale of United States bonds or other securities of the Government. The phraseology of the proposed amendment as suggested by you is entirely acceptable to me, and I shall appreciate it if you will bring it to the attention of the Judiciary Committees of the two Houses of Congress, together with this letter.

I consider the adoption of such an amendment most important. Since the United States entered the war a number of instances have been brought to the attention of this department in which efforts have

been made to interfere with the successful financing of the war. No argument is needed to show the necessity for the amendment, and I think it highly important that it be enacted at the earliest possible moment.

Sincerely, yours, W. G. McADOO.

Hon. THOMAS W. GREGORY,
Attorney General.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Mr. President, I want to ask the Senator from Texas a question. I notice that the bill proposes to make it a crime for any man to make a suggestion that the bonds of the United States should not be purchased. The bonds of the United States which have already been issued are below par; and if one man should ask another if he thought it was a good investment to take the bonds of the third issue, and the one of whom the question was asked replied: "I am afraid not, because the others are below par," would that be a crime?

Mr. CULBERSON. It would not under the proposed statute.

Mr. GALLINGER. I want to know how far-reaching this proposed law is to be.

Mr. CULBERSON. Let the report on the bill be read, Mr. President.

Mr. BORAH. Mr. President, if this is going to lead to debate, some of us would like to get through with the morning business. If there is going to be debate on the bill, I am going to object to its consideration.

Mr. CULBERSON. The report is short, and I ask that it be read.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. FRANCE. Mr. President, this is a very important matter, and I believe it should be considered only when a quorum is present. Therefore I object to the present consideration of the bill.

The VICE PRESIDENT. Then the bill goes to the Calendar.

Mr. CULBERSON. Mr. President, I ask that the report accompanying the bill may be printed in the RECORD immediately following the bill.

The VICE PRESIDENT. Without objection, that action will be taken.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3661) authorizing the acquisition of certain lands in the District of Columbia for parkway purposes; to the Committee on the District of Columbia.

By Mr. JONES of Washington:

A bill (S. 3662) to establish the Mount Baker National Park in the State of Washington; to the Committee on Public Lands.

A bill (S. 3663) authorizing the Cowlitz Tribe of Indians, residing in the State of Washington, to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. POINDEXTER:

A bill (S. 3664) prohibiting any person, lessor, or sublessor from making a larger charge for rooms, apartment houses, hotel rooms, etc., than the rate charged for such rooms, houses, or dwellings on the 1st day of December, 1917; to the Committee on the Judiciary.

By Mr. GORE:

A bill (S. 3665) to enable the Secretary of Agriculture to establish plants in connection with land-grant colleges for the drying or dehydration of fruits and vegetables, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GALLINGER:

A bill (S. 3666) granting an increase of pension to Wesley J. Ladd (with accompanying papers); to the Committee on Pensions.

By Mr. FRANCE:

A bill (S. 3667) providing for the conservation of certain foodstuffs in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SHAFROTH:

A bill (S. 3668) providing that the same war taxes on incomes and salaries shall apply to salaried officers of the United States, including Senators and Representatives in Congress, as upon all other persons subject to tax; to the Committee on Finance.

By Mr. HARDWICK:

A bill (S. 3669) to amend an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907; to the Committee on Immigration.

By Mr. WARREN:

A bill (S. 3670) to promote the settlement and agricultural development of United States reclamation projects; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. OWEN:

A bill (S. 3671) conferring jurisdiction on the Court of Claims for adjudging the rights of the Otoe and Missouria Tribes of Indians for compensation on a basis of guardian and ward, and conferring jurisdiction on the Court of Claims to adjust the claims between the Otoe and Missouria Tribes of Indians and the Omaha Indians, to certain moneys received by the Omaha Indians; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 3672) granting an increase of pension to Christian Marxmiller; to the Committee on Pensions.

By Mr. NEW:

A bill (S. 3673) for the relief Francis J. Mattler; to the Committee on Military Affairs.

A bill (S. 3674) granting a pension to John D. Ball;

A bill (S. 3675) granting an increase of pension to Richard Hardesty;

A bill (S. 3676) granting a pension to Curtis Harlin Lewis, jr.;

A bill (S. 3677) granting an increase of pension to James M. Allownys (with accompanying papers); and

A bill (S. 3678) granting an increase of pension to Taylor Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3679) granting a pension to Mary B. Hawkins (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 3680) granting an increase of pension to Marion Davis;

A bill (S. 3681) granting an increase of pension to William H. Cliff;

A bill (S. 3682) granting an increase of pension to Robert R. Robinson;

A bill (S. 3683) granting an increase of pension to Martin V. B. Clark (with accompanying papers); and

A bill (S. 3684) granting an increase of pension to Elias B. Bell (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3685) granting a pension to Anthon O. Kruger (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 3686) granting an increase of pension to James Hood; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3687) granting an increase of pension to Ivory D. White; and

A bill (S. 3688) granting an increase of pension to Mary Howard (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 3689) authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan, at Kansas City, Mo.; and

A bill (S. 3690) authorizing the Postmaster General to cancel or readjust the terms of star-route and screen-wagon contracts; to the Committee on Post Offices and Post Roads.

By Mr. CHAMBERLAIN:

A bill (S. 3691) to provide for reimbursement of actual expenses or flat per diem for enlisted men of the Army traveling on duty under competent orders;

A bill (S. 3692) to amend section 1199, Revised Statutes of the United States; and

A bill (S. 3693) to prescribe the personnel of the Army Nurse Corps, the qualifications for appointment and the method of appointment therein, the pay, allowances, and leave of absence of members of said corps and the conditions under which they may be retired; to the Committee on Military Affairs.

A bill (S. 3694) for the relief of Amy E. Hall (with accompanying papers); to the Committee on Claims.

A bill (S. 3695) granting a pension to Murtha Doyle (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 3696) granting a pension to Anna Bryson; to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 3697) for the relief of First Lieut. A. W. Jackman, retired; to the Committee on Military Affairs.

A bill (S. 3698) for the relief of J. L. Borroun and Francis P. Bishop; to the Committee on Agriculture and Forestry.

A bill (S. 3699) for the relief of Mattie R. Mayer;

A bill (S. 3700) for the relief of John McW. Ford; and

A bill (S. 3701) for the relief of Laura E. Graves; to the Committee on Public Lands.

By Mr. HARDING:

A bill (S. 3702) to reimburse the Navajo Timber Co., of Delaware, for a deposit made to cover the purchase of timber; to the Committee on Claims.

A bill (S. 3703) granting an increase of pension to William H. Phillips;

A bill (S. 3704) granting an increase of pension to Barton O'Neal;

A bill (S. 3705) granting an increase of pension to William H. Morgan;

A bill (S. 3706) granting a pension to Thomas J. Scanlon;

A bill (S. 3707) granting an increase of pension to Wesley Woodard (with accompanying papers);

A bill (S. 3708) granting an increase of pension to Robert D. Hunter (with accompanying papers);

A bill (S. 3709) granting an increase of pension to Zachariah R. Thornton (with accompanying papers);

A bill (S. 3710) granting an increase of pension to James Hickman (with accompanying papers);

A bill (S. 3711) granting an increase of pension to Berlie Cross (with accompanying papers); and

A bill (S. 3712) granting a pension to Mary Rumbold (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A joint resolution (S. J. Res. 127) providing for printing the report of the Chief of the Children's Bureau, Department of Labor; to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHEPPARD submitted an amendment proposing to appropriate $25,000 for the relief, civilization, and education of the Alabama and Coushatta Indians located in Polk County, Tex., etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate not to exceed $50,000 of the funds derived from the sale of timber from the Red Lake Indian Forest, Minn., to be expended by the Secretary of the Interior in the logging, booming, towing, and manufacturing of timber at the Red Lake Agency sawmill, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $4,000 for the improvement of the road between the Cass Lake Indian School and village, in the State of Minnesota, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. WARREN submitted an amendment proposing to appropriate $750,000 for investigating the disease of tuberculosis in animals, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. JONES of Washington submitted an amendment proposing to appropriate $750,000 for the current and contingent expenses of the Bureau of Indian Affairs, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

WORLD PEACE.

Mr. NORRIS. I ask unanimous consent for a reprint of Senate Document 139, Sixty-third Congress, first session.

Mr. SMOOT. What is the document?

Mr. NORRIS. It is a sermon by T. M. C. Birmingham, and the title of it is "World Peace Under American Leadership." It has already been printed as a Senate document, but the copies are exhausted.

Mr. SMOOT. The Senator does not want a reprint, but a certain number of extra copies should be printed. Is that what the Senator desires?

Mr. NORRIS. Of course, that would satisfy me; but I propose a reprint, as it is now a document of the Sixty-third Congress.

Mr. SMOOT. No; it remains a public document forever. If the Senator wants a thousand extra copies printed, he can make that request.

Mr. NORRIS. I have no objection what the particular form is, so that there may be a reprint. I will make a request for the printing of 1,000 extra copies.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered, That 1,000 additional copies of Senate Document 139, Sixty-third Congress, first session, entitled "World Peace Under American Leadership," be printed for the use of the Senate document room.

INTERNATIONAL POLICY.

Mr. BORAH submitted the following resolution (S. Res. 194), which was referred to the Committee on Foreign Relations:

Whereas most wars originate in the imperialistic designs of powerful nations to absorb and exploit smaller or weaker peoples; and

Whereas such designs, whenever successful, have always resulted in the political, economic, and moral degradation of the peoples whose rights were violated; and

Whereas the future progress and happiness of mankind depend upon the establishment of harmonious relations between the different peoples of the world, and such harmonious relations can only exist after each nation is made secure in the enjoyment of its political and economic freedom; and

Whereas all nationalities, constituting as they do the individuals of international law, have an inalienable right to the free disposition of themselves and to the international recognition of their separate political entity; and

Whereas history records that diplomatic congresses held upon the termination of wars have uniformly confined themselves to recognizing the advantages of the stronger powers regardless of the rights of other peoples affected thereby; and

Whereas such congresses have bartered away the interests of the weaker nations to promote the advantages and aggrandizement of the stronger powers; and

Whereas agreements resulting from such congresses create or perpetuate strained conditions, and, by countenancing injustice, sow the seed of later wars; and

Whereas the future peace conference is expected to decide the fate of humanity for generations; and

Whereas the readjustment to be brought about is therefore of vital importance to each nationality and people; and

Whereas peace conferences of the past have ignored the claims of small and subject nationalities by denying them representation at the conferences and by allowing their fate to be decided by indifferent, biased, or hostile parties; and

Whereas the declared purpose of the present war is to preserve and extend democracy among the nations of the world, most of the belligerents having repeatedly stated that this war is being fought in defense of the rights and integrity of small nations; and

Whereas the exclusion of any small or subject nation from participating in the conference held to establish world democracy and conclusive peace would be contrary to the import of the above declarations, and such exclusion is certain to result in the ignoring of their rights and interests, as has been the case in all past conferences; and

Whereas to deny any people admission into the commonwealth of nations would be an offense to the moral sense of mankind: Therefore be it

Resolved by the Senate of the United States:

1. That it is indispensable to the future permanent peace of the world that the national political and economic rights of small and subject nationalities be restored and conceded.

2. That if the coming peace is not to be illusory it must be inspired by justice alone and not by strategic consideration of the selfish, economic interests of the few strong powers; that the terms of peace should exclude all provisions which give any nation an advantage, privilege, or concession not equally shared in by other nations; and that hereafter when outside assistance is required by any country for the development of its potentialities the opportunity to share in this development shall be free and open to all other countries on equal terms.

3. That the right of each small and subject nationality to separate, deliberate representation at the peace conference be recognized, and that its case and interest be discussed and determined in open, public session.

4. That the nations that have declared themselves champions of world democracy and of the liberties of small and subject nations make their position clear to the world by pledging themselves to favor the admission of separate, deliberate representatives of all nationalities into the peace conference.

5. That in no case should anyone be disturbed because of race, language, or religion, nor on that account be subjected to intolerant treatment; that everyone has a right to civil equality, to liberty of conscience and religion, to the free use of his language, and the pursuit of happiness.

6. That the repatriation of all persons exiled or forcibly removed from their homes for whatever alleged reason is the first obligation of the power immediately responsible therefor.

7. That complete restitution should be made by such power for all private property destroyed and full reparation for all damage done, and that this should be guaranteed by the power immediately responsible therefor.

8. That secret diplomacy, one of the traditions of autocratic and personal governments, the chief weapon of despotism, and the most prolific source of the world's disturbance, is also the one indispensable instrument for the oppression of small nations; that it has, and can have, no place in a democratic world and should be rejected and discarded by all civilized nations.

THE COMMITTEE ON EDUCATION AND LABOR.

Mr. SMITH of Georgia submitted the following resolution (S. Res. 195), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Education and Labor or any subcommittee thereof be, and hereby is, authorized, during the Sixty-fifth Congress, to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee or any subcommittee thereof may sit during the sessions or recesses of the Senate.

REHABILITATION OF CRIPPLED SOLDIERS AND SAILORS.

Mr. NORRIS. I submit a resolution asking for certain information from the Secretary of War, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 198), as follows:

Resolved, That the Secretary of War be directed to furnish to the Senate such information as the War Department has or can readily obtain on the rehabilitation and vocational reeducation of crippled soldiers and sailors.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent and agreed to.

INCOME-TAX PRIMER.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 33) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 500,000 extra copies of the Income Tax Primer, prepared by the Bureau of Internal Revenue for the information and assistance of taxpayers, 150,000 copies for the use of the Senate, 350,000 for the use of the House of Representatives, the same to be distributed through the folding rooms.

THE PRESIDENT'S PEACE POLICY.

Mr. LEWIS. Mr. President, on January 11 I submitted a resolution, being Senate resolution 181, having for its object the approval of the peace message of the President of the United States. I then asked that it lie upon the table. It was my intention to address myself to the resolution, but since then certain Senators have tendered certain forms of amendments or separate resolutions. In view of what has transpired from Europe, I think it would be now appropriate, as the Senator from Idaho [Mr. BORAH] has tendered a resolution and had it referred to the Committee on Foreign Relations, and the Senator from Oklahoma [Mr. OWEN] having done likewise, that I should move that my resolution now go to that committee in order that it may be treated at once in connection with other resolutions that may now be before the committee on the same subject.

The VICE PRESIDENT. The resolution will be referred to the Committee on Foreign Relations.

THE WHEAT SUPPLY.

Mr. FRANCE. Mr. President, I desire to state that on January 9 I submitted a resolution, which I considered to be of some importance, and at that time I gave notice that when the proper opportunity presented itself I should desire to speak briefly on the subject. Unless there is some other important matter to come up to-day at the close of morning business, I desire then to address the Senate briefly on the resolution.

WITHDRAWAL OF PAPERS.

On motion of Mr. BORAH, it was

Ordered, That the papers accompanying the bill (S. 1483, 65th Cong., 1st sess.) granting increase of pension to Emma E. Normoyle be withdrawn from the files of the Senate, no adverse report being made thereon.

On motion of Mr. NEW, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers accompanying S. 4009, Sixty-fourth Congress, first session, providing that Nathan Manser be considered to have been honorably discharged from the military service of the United States, no adverse report having been made thereon.

THE GARABED INVENTION—CONFERENCE REPORT.

Mr. JAMES submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, and 7, and agree to the same.

OLLIE M. JAMES,
T. P. GORE,
FRANK B. BRANDEGEE,
Managers on the part of the Senate.

CHARLES B. SMITH,
ROBERT CROSSER,
JOHN I. NOLAN,
Managers on the part of the House.

The conference report was agreed to.

WAR CABINET—DIRECTOR OF MUNITIONS.

Mr. HITCHCOCK. Mr. President, I desire to give notice that on Monday next, immediately after the close of the morning business, I shall ask the privilege to address the Senate on the subject of the creation of a war cabinet, and also in support of the bill on the calendar proposing to create the office of director of munitions.

Mr. WADSWORTH. Mr. President, I desire to give notice at this time that on Tuesday next, at the close of the morning business, I shall ask the privilege to address the Senate on the legislation first referred to by the Senator from Nebraska [Mr. HITCHCOCK].

INTERNATIONAL BIMETALLISM (S. DOC. NO. 168.)

Mr. THOMAS. Mr. President, in the Annalist of the 7th of January appears an article entitled "A move for international bimetallism," from the pen of my colleague [Mr. SHAFROTH]. It is a most valuable contribution upon a subject which will soon become one of the issues of the hour. I ask to have it printed as a Senate public document. It is very short, and will comprise only between four and six printed pages.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

DEATH OF MAJ. A. P. GARDNER.

Mr. JAMES. Mr. President, I present resolutions adopted by the House of Representatives of the State of Kentucky upon the death of Maj. Augustus P. Gardner, paying high tribute to his distinguished service. I ask that they be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

IN HOUSE OF REPRESENTATIVES,
January 16, 1918.

[Adopted.]

Whereas Augustus P. Gardner, soldier, statesman, and patriot, in all the acts of his splendid life an ideal American, on the afternoon of January 14 passed away while in the service of his country at Camp Wheeler, Macon, Ga.: Now

Be it resolved by the House of Representatives of the Commonwealth of Kentucky, That the membership of this body hereby expresses profound sorrow on learning of the loss of this great leader of opinion and of men, and unites with all true Americans in tribute to his gallantry, and to the inspiration afforded by his ideals to the young manhood of the country he so loved that in her defense he yielded up his life.

Resolved further, That expression of our sympathy and sorrow be, and the same is, hereby extended to the widow and family of Maj. Gardner, and that a copy of these resolutions, properly certified by the clerk of the house, be forwarded to his family at Hamilton, Mass.

A copy.

Attest:

ELI DERRY,
Chief Clerk, House of Representatives.

SERVICE UNDER DOMINICAN REPUBLIC.

The VICE PRESIDENT. Morning business is closed.

Mr. SWANSON. There is a bill on the calendar, which has been reported favorably by the Committee on Naval Affairs, which I desire to have disposed of this morning. I therefore ask unanimous consent for the immediate consideration of the bill (S. 3006) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Dominican Republic, officers and enlisted men of the United States Navy and the United States Marine Corps: *Provided*, That officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of the Dominican Republic offices under said Government with compensation and emoluments from the said Dominican Republic, subject to the approval of the President of the United States: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by the Dominican Republic, the pay and allowances of their rank or rating in the United States Navy or United States Marine Corps, as the case may be, and they shall be entitled to the same credit, while so serving, for longevity, retirement, foreign-service pay, and for all other purposes that they would receive if they were serving with the United States Navy or Marine Corps in said Dominican Republic.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIRED OFFICERS OF THE NAVY AND MARINE CORPS.

Mr. SWANSON. I move that the Senate proceed to the consideration of the bill (S. 3126) to provide temporary promotion for retired officers of the Navy and Marine Corps performing active duty during the period of the present war.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia.

Mr. GALLINGER. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That during the present emergency any commissioned or warrant officer of the Navy or Marine Corps of the United States on the retired list may, while performing active duty pursuant to law, be temporarily advanced to and commissioned in such higher grade or rank on the retired list not above that of lieutenant commander in the Navy or major in the Marine Corps as the President may determine, and any officer so advanced shall, while on active duty, be entitled to the same pay and allowances as officers of like grade or rank on the active list: *Provided*, That any such commissioned or warrant officer who has been so advanced in grade or rank by reason of this act shall, upon his relief from active duty or in any case not later than six months after the termination of the present war, revert to the grade or rank on the retired list and to the pay and allowance status, except as to longevity pay, which he would have held had he not been temporarily promoted as provided by this act: *Provided further*, That a retired officer, whether or not employed on active duty, shall receive longevity pay according to his total service on the active list plus his total period of active duty while on the retired list.

Mr. GALLINGER. Mr. President, I will ask the Senator from Virginia if there is any similar statute relating to officers of the Army?

Mr. SWANSON. The officers of the Army are treated more liberally than the officers of the Navy will be treated under this proposed law.

Mr. GALLINGER. Are they given increased pay when they are called from the retired list to the active list for temporary duty?

Mr. SWANSON. Under the law covering the Army a retired officer called to active service receives the pay for the grade in which he serves on active duty; in the Navy, under this proposed law, it is provided that the officer of the Navy or Marine Corps on the retired list—

may, while performing active duty pursuant to law, be temporarily advanced to and commissioned to such higher grade or rank on the retired list not above that of lieutenant commander of the Navy or major in the Marine Corps, as the President may determine.

Under the provision in respect to the Army, when a retired officer is put on active duty he is subject to promotion, and when he retires he retires at the increased rank obtained during his service. There is no such provision in this bill in regard to the Navy. In the Navy, when a retired officer is put on active duty, he will get such pay and emoluments as he is entitled to as an officer on active duty, and he may be promoted up to the rank provided in the bill; but when he is retired he is retired at the same rank he held when he originally retired.

Mr. GALLINGER. So that, if this bill should become a law, it would not fully equalize the pay as between the Army and the Navy?

Mr. SWANSON. It would not altogether do so.

Mr. GALLINGER. But it would tend to equalize it?

Mr. SWANSON. It does this: It gives longevity pay; and that longevity pay is computed in the case of the officer and the enlisted man according to the term of his active service, including both the active service before retirement and the active service when again called to active duty. The bill seems to me to be just.

It might also be proper, when officers and enlisted men of the Navy and Marine Corps are in active service, to give them the same advantages in proportion as are given to officers and enlisted men in the Army. The Navy Department, however, did not recommend that at this time, and the committee did not go any further than the department recommended.

Mr. GALLINGER. While this bill will doubtless cost a good deal of money—and I suppose we have an abundance of that in the Treasury—it does not seem to discriminate in favor of the Navy, and I do not object to it.

Mr. SMOOT. Mr. President, I notice that the bill which was just passed on the motion of the Senator from Virginia [Mr. SWANSON] had been favorably reported upon by the Secretary of the Navy. The report on this bill contains no recommendation from the Secretary of the Navy, but is accompanied by a letter of Leof M. Harding, captain, retired, United States Marine Corps.

Mr. SWANSON. Mr. President, if the Senator will read that letter he will see that the writer wanted this bill to be amended further than was desired by the department. He wanted the bill amended to permit a naval officer to be retired after he had been on active service with the rank to which he may have been promoted on account of his active service; but we did not include such an amendment. The writer of the letter, which the Senator from South Carolina [Mr. TILLMAN] included in the report, was anxious that the bill recommended by the Navy Department be amended so as to conform to the statute which relates to the Army under similar circumstances.

Mr. SMOOT. This is what the report states in connection with that matter:

2. Inclosure (a), which has the approval of the department, covers all that is requested, save that it does not give the officer promoted thereunder the relative rank to which his period of service entitles him.

Do I understand the Senator to say that this bill adheres to the position taken by the Navy Department?

Mr. SWANSON. I understand it does. The department recommended this bill, but the writer of the letter referred to wanted the bill amended in the respects suggested by him.

If the Senator will permit me and will listen to me a moment, I desire to call his attention to the fact that in the Army when a retired officer is called to active duty, though he may have been retired as a first lieutenant, in the course of his subsequent active duty he may be promoted to be a captain or a major, and when he retires he does not retire with the rank he held when originally retired, but he retires with the rank to which he has been promoted during his second period of active service. That is not true in the case of the Navy. When a naval officer is called to active duty he is paid the full pay of his grade, and under this bill he may be promoted up to the grade of lieutenant commander. The law which was passed last year continues in force, but when an officer is retired under this bill he retires with the rank at which he was retired originally. He is entitled, however, to additional longevity pay, which is not the case under the existing law. All that this bill does is to give him his longevity pay when he retires. It ought to go further.

Mr. SMOOT. I am perfectly willing to take the statement of the Senator. The object of the bill, then, is that where an officer has been retired and is called into active service, the length of service shall apply to his longevity pay?

Mr. SWANSON. Yes. That is, he gets longevity pay according to his active service before he was retired and his active service since he was retired. When he is retired again he goes back to the rank and pay at which he was originally retired, with longevity pay added to it.

Mr. SMOOT. I think he is entitled to that, and if that is all the bill does, I have no objection to it.

Mr. SWANSON. That is all the bill does. I should have no objection to the bill going further. It is limited to this emergency and six months thereafter. When these retired officers are put on active duty during the war and take all the risk and dangers of war, I should not object to letting them be retired with rank and pay proportionate to their active service; but this bill does not go that far, as the department did not recommend it.

Mr. SMOOT. I have no objection, then, Mr. President.

The PRESIDING OFFICER (Mr. OVERMAN in the chair). The Senator from Virginia moves that the Senate proceed to the consideration of the bill referred to by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3126) to provide temporary promotion for retired officers of the Navy and Marine Corps performing active duty during the period of the present war. It proposes that during the present emergency any commissioned or warrant officer of the Navy or Marine Corps of the United States on the retired list may, while performing active duty pursuant to law, be temporarily advanced to and commissioned in such higher grade or rank on the retired list not above that of lieutenant commander in the Navy or major in the Marine Corps as the President may determine, and any officer so advanced shall, while on active duty, be entitled to the same pay and allowances as officers of like grade or rank on the active list, provided that any such commissioned or warrant officer who has been so advanced in grade or rank by reason of this act shall, upon his relief from active duty or in any case not later than six months after the termination of the present war, revert to the grade or rank on the retired list and to the pay and allowance status, except as to longevity pay, which he would have held had he not been temporarily promoted as provided by this act, and provides further that a retired officer, whether or not employed on active duty, shall receive longevity pay according to his total service on the active list plus his total period of active duty while on the retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DISPOSITION OF EFFECTS OF DECEASED SAILORS.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3129), to provide for the disposition of the effects of deceased persons in the naval service.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. GALLINGER. Mr. President, let the bill be read for information first.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that hereafter all moneys, articles of value, papers, keepsakes, and other similar effects belonging to deceased persons in the naval service, not claimed by their legal heirs or next of kin, shall be deposited in safe custody, and if any such moneys, articles of value, papers, keepsakes, or other similar effects so deposited have been, or shall hereafter be, unclaimed for a period of two years from the date of the death of such person, such articles and effects shall be sold and the proceeds thereof, together with the moneys above mentioned, shall be deposited in the Treasury to the credit of the Navy pension fund, provided that the Secretary of the Navy is authorized and directed to make diligent inquiry in every instance after the death of such person to ascertain the whereabouts of his heirs or next of kin and to prescribe such regulations as may be necessary to carry out the foregoing provisions; provided, further, that claims under the provisions of the bill may be presented at any time within five years after such moneys or proceeds have been so deposited in the Treasury and, when supported by competent proof in any case after such deposit in the Treasury, shall be certified to Congress for consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIG. GEN. LITTLETON W. T. WALLER.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3131) for the relief of Brig. Gen. Littleton W. T. Waller, United States Marine Corps.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Brig. Gen. Littleton W. T. Waller, United States Marine Corps, the sum of $318.90, this being the amount stolen from the public funds of the United States at the navy yard, Norfolk, Va., by a private in the Marine Corps, and which amount was reimbursed to the Government by the said Littleton W. T. Waller, he having been held only technically responsible for the loss.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT obtained the floor.

Mr. SWANSON. Mr. President, I have not finished. I hope the Senator will let me finish with these naval bills.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Virginia?

Mr. SMOOT. Yes; I yield to the Senator, but what we ought to do is to start at the beginning of the calendar and go through these bills.

Mr. SWANSON. These are war measures.

Mr. SMOOT. Very well; I yield.

COMPENSATION OF PERSONS ACTING AS FIREMEN.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3130) to amend section 1570 of the Revised Statutes of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 1570 of the Revised Statutes of the United States to read as follows:

SEC. 1570. Every seaman, landsman, or marine who performs the duty of a fireman on board any vessel of war shall be entitled to receive, in addition to his compensation as seaman, landsman, or marine, a compensation at the rate of 33 cents a day for the time he is employed as fireman.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RETIREMENT OF CHIEF WARRANT OFFICERS.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty.

The PRESIDING OFFICER. Is there objection?

Mr. GALLINGER. Let the bill be read for the information of the Senate.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that any retired chief warrant officer who has been on active duty since August 29, 1916, or who may hereafter perform active duty, and whose record is creditable, shall, during such time as he has been or may hereafter be, on active duty, and from the time his service on the active list after date of commission, plus his service on active duty while on the retired list, is equal to six years, receive the pay and allowances that are now, or may hereafter be, allowed a lieutenant (junior grade), United States Navy; and shall, during such time as he has been, or may hereafter be, on active duty, and from the time such total service is equal to 12 years, receive the pay and allowances that are now, or may hereafter be, allowed a lieutenant, United States Navy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL OFFICERS ABSENT WITHOUT LEAVE.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3404) to authorize the President to drop from the rolls any Naval or Marine Corps officer absent without leave for three months, or who has been convicted of any offense by the civil authorities, and prohibiting such officer's reappointment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the President to drop from the rolls of the Navy or Marine Corps any officer thereof who is absent from duty without leave for a period of three months or more, or who, having been found guilty by the civil authorities of any offense, is finally sentenced to confinement in a State or Federal penitentiary, provided that no officer so dropped shall be eligible for reappointment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

QUARTERS FOR OFFICERS OF NAVY AND MARINE CORPS.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3406) to authorize the Secretary of the Navy to determine where and when there are no public quarters available for officers of the Navy and Marine Corps.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. GALLINGER. Let the bill be read first for the information of the Senate.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that hereafter the Secretary of the Navy may determine where and when there are no public quarters available for persons in the Navy and Marine Corps, or serving therewith, within the meaning of any acts or parts of acts relating to the assignment of quarters or commutation therefor.

Mr. GALLINGER. Mr. President, I will ask the Senator from Virginia to tell us what that means. Surely the Secretary of the Navy, without legislation, can ascertain whether or not there are public quarters available for these persons.

Mr. SWANSON. Mr. President, under existing law no man can have commutation of quarters in the Marine Corps or the Navy as long as there are quarters at the barracks. There is no way under the law for the Secretary of the Navy, as there is for the Secretary of War, to determine when there are not quarters available there. Consequently, there is always trouble with the Comptroller of the Treasury as to whether or not this commutation should be paid, because there is no officer designated to determine whether or not there are quarters there, and thus to give the officers commutation.

As I understand, a different condition prevails in the War Department. The Secretary of War determines whether there are quarters at these barracks or posts for officers; and when it is determined that there are not, then it is definitely fixed that the officer is entitled to commutation of quarters. This bill simply gives authority for the Secretary of the Navy to fix it definitely, so that the Comptroller of the Treasury can determine whether or not commutation is payable.

Mr. GALLINGER. Is there a statute in this regard relating to Army officers?

Mr. SWANSON. As I understand, there is a statute that authorizes the Secretary of War to determine whether or not there are quarters for officers of the Army at these barracks. I can not say definitely, but I have that impression. The general law is that an officer can not have commutation unless it is shown that he can not have quarters in the barracks. There is no specific method fixed by law at present to determine who shall decide that question. Consequently, the question is left open for the Comptroller of the Treasury to pass on.

Mr. LODGE. At present the commutation of quarters for the officers is held up on the ground that there is nobody to decide the question.

Mr. GALLINGER. If that is all there is to it, I have no objection.

Mr. LODGE. That is all there is to it. I think it is very desirable that the bill should be passed, in justice to the officers.

Mr. SWANSON. It does not change the law. It simply authorizes somebody to decide that question specifically.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EX-PAYMASTERS' CLERKS.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3427) for the relief of certain ex-paymasters' clerks.

Mr. SMOOT and Mr. GALLINGER. Let it be read first.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that any person who was serving as a paymaster's clerk in the United States Navy on March 2, 1915, and who rendered similar service after said date in compliance with orders from the Navy Department, shall be credited for such service as though the same was rendered as a paymaster's clerk, whether such service was in the office to which he had been originally appointed or otherwise, and for the period of such service shall be entitled to the pay and allowances as provided by law for a paymaster's clerk prior to March 3, 1915.

Mr. SMOOT. Mr. President, I will ask the Senator from Virginia to explain this bill.

Mr. SWANSON. Under the old law, Mr. President, when a paymaster was appointed he named his clerk, and that clerk was a paymaster's clerk until the paymaster was removed or went somewhere else. Then he went back to civil life and his appointment ceased. Subsequently we changed that law, and fixed by law the status of a paymaster's clerk. That having been fixed by law and a specific examination prescribed, the paymaster did not have to select his clerk. He had to stand an examination. In the meantime some paymasters' clerks were covered into the Paymaster's Clerks' Corps, before this Paymaster's Clerks' Corps was perfected.

The Comptroller of the Treasury held that the appointments of all paymasters' clerks appointed by the paymasters ceased, and that they could not get their pay. This new method was inaugurated in 1913 or 1914. At that time we made them pay clerks, not paymaster's clerks; so a parcel of clerks were designated to act in the meantime, because the work could not stop. The Comptroller of the Treasury held that they were not paymasters' clerks and not pay clerks. Consequently it has been impossible for those people to get their pay during the time when the change of the system from paymasters' clerks to pay clerks was going into effect. The department has asked to have this bill passed to take care of that class of people, who were left in that situation, though they were directed to do the work and did the work until the position of pay clerk could be established.

Mr. SMOOT. Do they have any rank at all in the Navy?

Mr. SWANSON. They are called pay clerks.

Mr. SMOOT. What is their rank, if they have one?

Mr. SWANSON. The rank is fixed. A pay clerk is a chief warrant officer, like a chief yeoman. A pay clerk is not a commissioned officer; he is a warrant officer.

Mr. SMOOT. Is he entitled to a pension?

Mr. SWANSON. He is entitled to a pension, like other people that serve in the Navy, after a certain length of service. The pay clerks go on battleships; they are here in Washington, and they are subject to the orders of the Navy Department.

Mr. SMOOT. Then this bill is for the purpose of allowing the auditor to pay the clerks during the time the change was being made from appointment by the paymaster himself to appointment by the Government in pursuance of examination?

Mr. SWANSON. During the time the change was being made from paymaster's clerk to pay clerk. The Comptroller of the Treasury has held that they were not paymaster's clerks, and they had not qualified for pay clerks, but they did the work. This bill is simply to authorize the payment of compensation to the people who served during this period of transition. It does not increase the pay of anybody. It simply gives pay to people who were denied pay by the Comptroller of the Treasury.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from New Hampshire?

Mr. SWANSON. I do.

Mr. GALLINGER. During that period these men discharged certain duties, I suppose, did they?

Mr SWANSON. They discharged the duties of the office. They were directed to discharge these duties as paymaster's clerks, but that office had been abolished.

Mr. GALLINGER. And they were not paid for the services?

Mr. SWANSON. And they were not paid. This is to get rid of that condition.

Mr. GALLINGER. Of course, the bill ought to pass, then.

Mr. LODGE. It covers only a very few men.

Mr. FLETCHER. Mr. President, I shall not object to taking up this bill, but I was wondering if we could not take up the calendar. If that were done, would not these bills be reached soon?

Mr. SWANSON. There are only three or four more. They are very important. These naval officers are leaving all the time.

Mr. FLETCHER. There are a number of us who are interested in bills on the calendar, and it seems to me that we ought to take up the bills in their order. I am not disposed to object, however.

Mr. LODGE. It will take us only a few minutes to complete these bills.

Mr. SWANSON. We have only three or four more, and these naval officers are leaving every day.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

PAYMENT OF GUN POINTERS AND GUN CAPTAINS.

Mr. SWANSON. I ask unanimous consent that the Senate proceed to the consideration of the bill (S. 3465) to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes.

Mr. GALLINGER. Mr. President, I will ask the Senator how many more of these bills he has?

Mr. SWANSON. There are only three more.

Mr. GALLINGER. The Senator will recall the fact that the Senator from Maryland [Mr. FRANCE], who some time ago gave notice that he desired to discuss briefly a certain matter, renewed that suggestion this morning, saying that he would ask permission to do so at the close of the morning business.

Mr. SWANSON. I was not aware of that.

Mr. GALLINGER. I think the wishes of the Senator from Maryland ought to be regarded. If it will not take much time to consider the three other bills I shall not object to the Senator proceeding with them.

Mr. SWANSON. It will take only a very little time. These bills are unanimously reported from the Naval Affairs Committee, and they are very necessary for these officers.

Mr. GALLINGER. I trust other Senators will not interpose any business that will prevent the Senator from Maryland making the brief address which he gave notice some time ago he desired to make.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent for the consideration of the bill referred to by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that during the period of the present war any enlisted man of the Navy or Marine Corps who has qualified, or who may hereafter qualify, as a gun pointer or gun captain, and who has been, or may hereafter be, detailed as gun pointer or gun captain for a gun of the class for which qualified, shall be entitled to the additional pay now or hereafter provided for such qualification and detail while temporarily absent by proper authority from the place where ordinarily required to perform duty under such detail, or while performing temporary duty which is not connected with such detail as gun pointer or gun captain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADMISSION TO NAVAL ACADEMY.

Mr. SWANSON. I ask that the Senate proceed to the consideration of the bill (S. 3402) to fix the age limits for candidates for admission to the United States Naval Academy.

Mr. SMOOT. Let it be read.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill had been reported from the Committee on Naval Affairs with an amendment to add the following proviso:

Provided, That the foregoing shall not apply to candidates for midshipmen designated for entrance to the academy in 1918.

So as to make the bill read:

Be it enacted, etc., That hereafter all candidates for admission to the Naval Academy must be between the ages of 16 and 20 years on July 1 of the calendar year in which they enter the academy: *Provided*, That the foregoing shall not apply to candidates for midshipmen designated for entrance to the academy in 1918.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURSE OF INSTRUCTION AT NAVAL ACADEMY.

Mr. SWANSON. I ask the Senate to proceed to the consideration of the bill (S. 3401) to authorize the President to reduce temporarily the course of instruction at the United States Naval Academy.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment to strike out all after the enacting clause and insert:

That the President be, and he is hereby, authorized, during the continuance of the present war, to reduce temporarily, in his discretion, the course of instruction at the United States Naval Academy from four to three years and to graduate classes which have completed such reduced courses of instruction.

Mr. GALLINGER. The Senator from Virginia has suggested that all these bills are war measures. I suppose on that ground there is an emergency. If it were not for that reason I certainly would object to reducing the course of instruction in these academies any more than equally I should in our literary institutions. If it is absolutely necessary that these officers should be produced in larger numbers covering a given period of time, I shall not object; but I think it is a very dangerous principle if it is to be made permanent.

Mr. SWANSON. The department is very urgent about it.

Mr. GALLINGER. Is it designed that this shall be a permanent statute?

Mr. SWANSON. If the Senator will permit me, last year we permitted the course to be temporarily reduced from four years to three years during 1918. This bill extends it during the war.

Mr. GALLINGER. That is the very point I wished to be informed upon. I wanted to know if the bill is so drawn.

Mr. SWANSON. The amendment was put in by the committee so as to limit it during the war.

Mr. GALLINGER. I did not understand that, as it was read hurriedly; but if it is to extend during the period of the war, there is justification for it.

Mr. SWANSON. It is very urgent.

Mr. GALLINGER. I did not want it to be a permanent statute.

Mr. LODGE. It is limited to the war. The Senator will remember that in the Civil War this was done. We need them very much for watch officers.

The PRESIDING OFFICER. The question is on the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the President to reduce temporarily the course of instruction at the United States Naval Academy."

STANDARDIZATION OF WAGES.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 174 directing the Committee on Education and Labor to inquire into the subject of labor having to do directly or indirectly with Government work and report upon the advisability of establishing standard wages for laborers in such work.

Mr. KING. I ask that the resolution may go to the calendar.

The PRESIDING OFFICER. Without objection the resolution goes to the calendar.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government. If this motion is adopted I shall ask that the bill be temporarily laid aside so that the calendar or any other matter desired may be disposed of.

Mr. GALLINGER. I call the attention of the Senator from Georgia to the fact that the Senator from Maryland (Mr. FRANCE) some time ago gave notice that he desired briefly to address the Senate on an important matter, and he has renewed that suggestion this morning, saying that he would do so at the close of the morning business. I think the Senator from Maryland ought to be permitted to proceed.

Mr. SMITH of Georgia. So do I, but if this motion prevails I would lay the bill aside at once temporarily and it would not interfere with the speech of the Senator from Maryland.

Mr. GALLINGER. If I understand the bill the Senator is interested in it will not get my consent. There will have to be a vote to take it up if I understand the bill. I may be mistaken.

Mr. SMITH of Georgia. I will state to the Senator that the bill proposes to repeal what is known as the Crawford amendment.

Mr. GALLINGER. I shall resist the repeal in every proper way I can.

Mr. SMITH of Georgia. I want to get the bill up and let the Senate vote on it. I think there should be action on it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia.

Mr. GALLINGER. If the Senator insists on that I desire to debate it.

Mr. SMOOT. Does the Senator from Georgia insist on his motion?

Mr. SMITH of Georgia. I want the Senate to pass on the motion. If the motion is acted upon the pendency of the bill will not interfere at all with the Senator from Maryland.

Mr. SMOOT. But if the motion is put now and carried it makes it the unfinished business.

Mr. SMITH of Georgia. It need not be put at once. The motion can still be pending and the Senator from Maryland can proceed with his speech.

Mr. SMOOT. What I want to know is whether the Senator is going to insist on a vote?

Mr. SMITH of Georgia. Not until after the Senator from Maryland finishes his speech.

Mr. LODGE. The motion is debatable. The Senator from Maryland can speak upon it.

THE WHEAT SUPPLY.

Mr. FRANCE. Mr. President, I shall ask the indulgence of the Senate for only a few minutes. I desire to direct my discussion particularly to the subject of Senate resolution 190, submitted by me on the 28th instant, which reads as follows:

Resolved, That, in view of the serious shortage in the Nation's supply of wheat, the necessity for large exports of wheat, and the alarming report of the Department of Agriculture on December 10, 1917, upon the condition of the winter-wheat crop, that the Secretary of Agriculture and the Food Administrator be, and they are hereby, requested and directed to assemble and transmit to the Senate information as to the methods which are being employed for the conservation of an adequate supply of seed wheat for the sowing of the spring-wheat acreage and what methods are being used or are in contemplation to insure the sowing of such an extraordinarily increased acreage as is imperatively needed to meet the present grave emergency.

Mr. President, I shall speak as briefly as I may upon this general subject and subjects directly relating thereto.

Mr. President, it is now more than 10 months since the Congress declared war. We have not struck the enemy one effective blow nor have we suffered one from her mailed fist, and yet we face to-day the imminent peril of national humiliation and defeat. We have vast resources of man power, of money, and of raw materials. What, then, can be the explanation of this most unfortunate, even if temporary, situation? Our food supply is failing. Privations here already are breeding discontent. Hunger abroad, which should have been appeased with grain out of our own stores, is steadily undermining the strength and the morale of the allied powers. We face a famine of fuel. Transportation systems are choked. Productive industries are paralyzed. The imperative need for ships has not been met. Boys not equipped as soldiers have for weeks been suffering and dying in our home cantonments, while millions of men and women, eager for work and service, have huddled in heatless homes or walked the wintry streets in a wretchedness and idleness which have been forced upon them by a governmental decree. Thus in 10 months have we prepared for war. We have organized an Army, but we have to a dangerous degree disorganized a Nation.

I advert to these facts not for reprimand or for reproach. I speak with no unkindness. No partisan spirit animates me. There are no parties now. There must not be. In a fast comradeship of service and of sacrifice we must be one in the great common cause of preserving the very life of this Republic. By your votes and by mine we launched her forth upon the dangerous deeps amidst this furious, devastating storm of war, and there must be neither mutiny nor dissension until we have brought her back again safe and victorious into the port of peace. But, Mr. President, we must have courage to face realities. We must unflinchingly confront our failures. We must swiftly and scientifically search for their causes and remorselessly eradicate them. We can not fail. I have faith in our democracy and in that faith I trust implicitly the collective wisdom of the people. Therefore no vote of mine has been or ever will be cast to limit the freedom of the press or hush the voice of the masses of our people by which voice at last the truth must be expressed. I know that a just cause can not be permanently injured by unjust criticism.

I know that in war mistakes and failures in details are inevitable. They are deplorable but largely reparable. But failure to grasp the fundamental principle may well be fatal. I have already said on previous occasions that only that marvelous social integration which followed German unification made possible this monstrous creation of modern warfare. I said last April what I repeated in May and what I now reiterate:

"We must combat the wonderful organization of the German nation with an even more powerful organization of our own. We can conquer organization only with organization."

I have continually contended for such a systematic preparation as would enable us to break the iron resistance of our enemy and crush her to her knees. Our principal failure has not been a failure in the details but in the totality.

Do not misunderstand me. I am not unmindful of effective and unselfish service in every department of the Government. I do not forget the careworn Chief Executive, the men in France, those in our camps, and those in civil life who have given so nobly of their best. I would pay every tribute of honor to the heroism in the field and to the heroic devotion at countless department desks where lives are also being offered up. Each sovereign State has already tasted the cup of sorrow, bereaved of beloved sons. Maryland as well as Massachusetts mourns. Some of our brave sons have made the supreme sacrifice, and like Maj. Augustus P. Gardner, Maj. Theodore C. Janeway, professor of medicine at the Johns Hopkins University, preeminent man of science, loyal friend, a great, noble, and lovable man, gave his life gladly that his country's life might be preserved. But all this sacrifice must not be made in vain. Our officers and men have the right to be assured that they have back of them a Nation so organized as to give a support which shall not break when the utmost crushing weight of war is placed upon it. Not fully appreciative of its stupendous nature there has been a failure to scientifically apply the power of the whole Nation to our task. War is no longer a military but a national enterprise. We have been building the structure of our Nation's preparation without that comprehensive plan and coordination of action so absolutely indispensable for the utilization of every unit of power and the constant maintenance of balance and proportion. In modern warfare the military forces are but the plate and covering of the war edifice. We have reversed the rational processes of construction. We have been building our house downward from the roof and there has been an apparent inability to act upon the principle which makes it certain that the military superstructure can not be properly raised or securely upheld without the deep foundations and the immovable supporting walls of an ordinated and integrated Nation.

I urge again your attention to one pressing phase of this whole problem. In explaining my reasons for voting against the so-called "food and fuel control bill" I said:

"If we enact this bill into law we strike an all but mortal blow into the very vitals of this Nation as she is rising and slowly gathering strength to gird herself for what must be a dangerous if not a deadly combat."

To-day, Mr. President, our Nation is yet staggering from that blow. We live in a law-ordered universe. You can not cure consequences if you ignore causes, and hence the utter failure of our food legislation. The net result, so far as production is concerned, of all the ineffective agitation and unscientific legislation dealing with the inexcusable insufficiency of the food supply of the Nation is an inconsiderable increase in the acreage now seeded with winter wheat and the poorest average condition of winter wheat on December 1, 1917, ever reported in the history of the country. On December 1, 1917, the average condition of winter wheat was 79.3 per cent, as against 81.4 per cent in December, 1895, the lowest condition ever hitherto reported, and as against 85.7 per cent in December, 1916, when the crop of winter wheat at the following harvest was wholly inadequate to meet our needs. The food situation is far more alarming now than it was in May, when I urged it as an unanswerable argument for a better national organization. Mr. President, so far as I am concerned, I fail to see how the lines of the allied powers in Europe can be held through 1918 unless we can secure at least 500,000,000 bushels of wheat from our spring wheat acreage and at the same time enormously increase our next year's acreage of corn. This can not be done unless some system of industrial and agricultural organization is adopted for the effective application of adequate labor to this great task.

Where words have been so wholly futile, the remorseless logic of events and swift approaching national disaster must make it clear that not the Army only but the whole Nation must participate in the waging of this war if victory is to be ours; that war is no longer merely a series of military operations, but that it is rather a national undertaking embracing every form of productive activity, and more particularly all of those activities which are directly necessary to provide food, ships, and munitions. We must quickly solve the great and grave problems of production by the perfection of an organization for the utilization of every unit of man power and the adjustment and application of all of that power to the manifold activities which enter into the performance of our huge task of waging this war.

I hope in the near future to address the Senate upon the subject of legislation which I have again proposed, looking to such a complete organization as would meet each of our various national needs, particularly the pressing needs for food, ships, transportation, fuel, and munitions of war.

PERSONAL EXPLANATION.

Mr. THOMPSON. Mr. President, I rise to a question of personal privilege.

On January 25, 1918, there was introduced in the investigation of the packers before the Federal Trade Commission carbon copy of a letter or statement, dated April 15, 1916, purporting to have been written by L. A. Carton, treasurer of Swift & Co., to R. C. McManus, attorney of Swift & Co., concerning the alleged activity at Washington of W. H. Gates, of Denver, Colo., who at that time was chairman of the Democratic State central committee of Colorado. The President, Mr. Tumulty, several Senators, one Representative, and myself are mentioned.

I dislike to avail myself of this privilege, and would not if it were not that others are involved with me in this statement, and it places me, as doubtless it does all the persons mentioned, in an entirely false position. I desire to here read the statement as a part of my remarks:

APRIL 15, 1916.

Mr. R. C. MCMANUS, *Office:*

Mr. W. H. Gates, chairman of the Democratic State committee of Colorado, whom you met in my office the first of this week, returned from Washington and New York to-day, and while in Washington met some of the President's advisers, who told him that the President was unwilling to do anything to disturb business, and that he did not approve the Borland resolution, and the advice that he had concerning it did not appeal to him, according to Mr. Tumulty.

While in Washington Mr. Gates had an interview in which the Borland bill and the causes leading up to it were discussed by Senator SHAFROTH, of Colorado; Senator THOMAS, of Colorado; Congressman TAYLOR of Colorado; Senator W. J. STONE, of Missouri; Senator REED, of Missouri; Senator THORNTON, of Louisiana; and Senator HOKE SMITH, of Georgia, who are all unfavorable to the resolution and to the agitation now going on in Washington by the radicals in the cattle associations.

He also saw Senator THOMPSON, of Kansas, of the firm of Thompson & Robertson, lawyers, Wahlenmaier Building, Kansas City, Kans., who is a personal friend of Mr. Gates, and Mr. Gates laid a great deal of stress upon the Senator's friendship, and believed that we would make no mistake in keeping close to him, and that we could reciprocate by giving his firm some of the legal business we have to do in Kansas City; and I believe it would be in the interests of the situation to consider Mr. Gates's request. Mr. Gates says THOMPSON is a poor man, and for that reason should not be in Washington, but that he thought so much of him personally that he gave $1,000 against his campaign expenses.

Mr. A. D. White was with me during Mr. Gates's stay in the office, and was enabled to tell Mr. Gates a good many things that transpired at the hearing in Washington, and has now gone with Mr. Gates in a car, and will give him a ride around the parks and arrange to take him to lunch, if the opportunity offers.

Mr. Gates requested us to call on him whenever we think he can be of service. He says de Rieques prides himself on the fact that he is a graduate of Yale and holds himself too important to have to do with the ordinary cattlemen, except as he may instruct them in what they should do and not do in prepared address, and hopes through his activities to be elected to public office.

L. A. CARTON.

This document is of a very questionable character, to say the least. It is entirely hearsay and could not be received as evidence in any court, being the alleged statement of a third party,

an entire stranger to me, made to a fourth party, another stranger, in attempting to detail an alleged conversation he is supposed to have had with W. H. Gates concerning the latter's visit to Washington and the results of conversations had with the President, Mr. Tumulty, other Congressmen, and myself relative to our attitude toward the Borland resolution for the investigation of the packers, which was at that time before the House of Representatives. This resolution never reached the Senate for consideration.

Briefly, I wish to say that the statement as to myself was never made, and was wholly false in all its material parts.

When this matter first came out and was submitted to Mr. Gates he emphatically denied that he had ever made the statements, or others of like import, to anyone at any time or place. Again, I am sure the President was favorable to the Borland resolution, because, as I am informed, when that failed to get through Congress the President ordered the present investigation before the Federal Trade Commission. I have also talked with some of the other Senators mentioned in the statement who are said to have been opposed to the Borland resolution, but who, in fact, were favorable to it. In justice to Senator Thornton, now deceased, I wish to say he was not in the Senate at all at that time, his term having expired March 3, 1915. As to myself, I was unqualifiedly favorable to the resolution and would have voted for it had it ever reached the Senate. I had also favored the Doolittle resolution, which was of similar import, and had talked with Congressman DOOLITTLE, who represents the fourth Kansas district, about his resolution several times, and had agreed to support it and help get it through the Senate when it reached this body. Neither resolution ever reached the Senate. However, I did vote for the $250,000 appropriation for this investigation by the Federal Trade Commission contained in the sundry civil bill, which passed the Senate April 11, 1917.

Concerning the inference that the law firm of which I am a member, doing business at Kansas City, Kans., was to receive or had received important and remunerative business from the packers, presumably as a result of my vote or influence as a Senator; also, the statement that Mr. Gates contributed $1,000 to my campaign expenses during my candidacy for Senator, which is supposed to be his source of influence with me, I wish to say that neither myself as an individual nor the law firm of which I am a member ever received or had any promise of receiving or any understanding that either myself or my firm in the future should receive any business or promise of any kind from the packers; nor have I ever been requested to use my position as Senator to aid in the project mentioned in the supposed letter, nor did Mr. Gates ever contribute $1,000 or any other sum to me for campaign expenses or any other political purpose.

Last Monday I voluntarily offered my testimony in the hearing before the Federal Trade Commission, and at its conclusion Mr. Francis J. Heney, who has charge of the investigation, acting for the Government and concerning my connection with the matter, voluntarily stated:

"Mr. HENEY. I think that in justice to Senator THOMPSON it is proper for me to state at this time that from my inquiries, outside of Senator THOMPSON's statement, I am perfectly confident that Senator THOMPSON is entirely innocent, and never did anything that was not entirely proper and straight in this matter."

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia [Mr. SMITH].

THE WAR WITH GERMANY AND AUSTRIA.

Mr. OWEN. Mr. President, for some time I have had under consideration presenting to the Senate a concurrent resolution which I wish at the proper moment to introduce and to have referred to the Committee on Foreign Relations. It is a resolution which may have a far-reaching consequence in relation to this war if promptly acted on, as it should influence the morale both of the United States and the nations cooperating with the United States, and affecting the morale of those who are opposed to us. It is as follows:

Senate concurrent resolution 17.

Resolved by the Senate (the House of Representatives concurring), The United States declared a state of war existing between the Imperial Government of Germany and the Imperial and Royal Government of Austria and the United States because of their repeated willful violations of the rights of the people of the United States under the acknowledged principles of international law; the sinking of unarmed merchant vessels and of hospital and Red Cross ships; the destruction of the lives of unoffending American citizens on their lawful business on the high seas on many occasions; filling the United States with spies and secret agents; conspiring the wholesale destruction of American industries by arson, by explosions, and murder; systematically promoting sedition and treason among our citizens, and the criminal violation of our laws by the German and Austrian aliens residing in the United States; endeavoring to incite the hostility and aversion of other nations against the United States, and to pursuade Mexico and Japan to make war upon the United States, and many other wrongful acts contrary to the laws of nations and in violation of justice and of humanity; and for the further reason that it had finally become known to the United States from indisputable evidence that the military masters of Germany and Austria had deliberately and secretly conspired to bring about an elaborately prepared offensive war by which and through which they intended, first, to dominate Europe, nation by nation, and then to dominate the other unprepared nations of the earth and establish a military world dominion.

For many years past the governing powers of Germany and Austria have by world-wide intrigue carried on a systematic attempt to disorganize public opinion in the United States and in the other nations of the world for the purpose of breaking down the powers of resistance of other nations against this conspiracy for world dominion by exciting nation against nation and internal disorders among the nations that might oppose this sinister design.

The United States has not forgotten that the military rulers of Germany and Austria deliberately prevented international agreements at the various Hague conventions for arbitration of international differences, abatement of armaments, and world peace.

The United States recognizes this war as an offensive war of the completely prepared German and Austrian military autocracies against the unsuspecting and inadequately prepared democracies of the world in pursuance of the policy laid down in the first and second articles of the secret treaty of Verona of November 22, 1822, in which the autocratic rulers of Prussia and Austria solemnly pledged their powers to each other to overthrow all "representative" governments on earth, the consummation of which design the Prussian and Austrian autocratic group has steadily and secretly kept in view, and that this war had for its objects the premeditated slaughter and robbery of the innocent peoples of other nations for the sordid and base purposes of annexation, indemnity, robbery, and commercial profit by military force and terrorism and ultimate world dominion.

The United States finally recognized the unavoidable necessity of meeting the forces of this military conspiracy on the battle fields of Europe in order to prevent the military rulers of Germany and Austria succeeding in the first step of mastering Europe as a means to mastering and robbing America.

The United States can not be deceived by those military leaders of Germany and Austria who now, before their own people, pretend to be waging a war of defense and to desire an honorable peace, but whose every act has clearly demonstrated to the whole world that they deliberately planned and are still persisting in this unspeakably brutal war, with their sinister purposes unchanged, and which they are still attempting to carry out by terrorism, intrigue, and systematic falsehood and deceit at home and abroad.

The United States can not confide in any statement or promise emanating from such a perfidious source until the German and Austrian people in fact and in sober truth can control the conduct of their agents and compel them to observe the rules of morality and good faith.

The United States did not enter this war for material advantage or for any selfish purpose, or to gratify either malice or ambition.

The United States will not approve of forcible annexations or mere punitive indemnities even on the misguided people of Austria or of Germany, but demands the complete evacuation of all territory invaded during the present war by the German and Austrian troops, and the restoration and indemnity of Belgium, Serbia, Roumania, and Montenegro.

The United States believes that righting the wrong done to the French people by the Prussian Government in 1871 in the matter of Alsace-Lorraine will remove long-pending grievances due to previous military aggression and will promote future world peace.

The United States believes that a readjustment of the frontiers of Italy should be effected along clearly recognized lines of nationality; that an independent Polish state should be established over territory indisputably occupied by Polish people; that the peoples of Austria-Hungary, of the Balkans, and of the Ottoman Empire should have the right of autonomous development.

The United States will favor recognizing and protecting by an international alliance the territorial integrity of all nations, great and small; the maintenance of the right of unembarrassed self-determination of all nations, and the right of such nations to manage their own affairs by internal self-government; and safeguarding the rights of backward peoples by international agreement.

The United States will favor extending international credits for the restoration of all places made waste by war.

The United States will insist that the oceans and high seas and international waterways and canals shall be open on equal terms to the citizens of all nations; that all nations shall have the untaxed right of access to the sea of their goods in bond, through any intervening territory to the seaports of other nations, with equal access to shipping facilities.

The United States will favor the removal, as far as possible, of all economic barriers and the establishment of equal trade conditions among all the nations of the world consenting to peace and associating themselves for its maintenance, without interfering with the right of any nation to govern its own imports and exports.

The United States will insist that adequate guaranties shall be given and taken to the end that national armaments on land and sea should be reduced to the lowest points consistent with domestic safety.

The unbounded ambition and deceit of the Prussian military autocrats are again exposed in shameless nakedness before the German and Austrian people, their allies, and the world at large in their present demands of annexation of adjacent Russian territory and other demands contemplating the domination of the Russian and Polish people in flat violation of their own Reichstag's recent pledges against annexation and indemnity.

The United States feels for the Russian people the liveliest sympathy in their great losses in life and property at the hands of the German and Austrian autocrats, as well as their magnificent and glorious struggles in behalf of freedom and democratic world peace.

Having passed through many severe tests and trials in establishing popular government in America, the people of the United States, through their own directly elected representatives, desire to extend to the Russian people the cordial hand of fellowship in their new-found freedom and to assure their democratic brothers in Russia that we earnestly desire to render them, so far as possible, every assistance they may need and which they themselves desire.

The United States will favor an open-minded and absolutely impartial adjustment of all colonial claims based upon a strict observance of the principle that in determining all such questions of sovereignty the interests of the population concerned must have equal weight with the claims of the Governments whose titles are to be determined.

The United States recognizes that a general association of civilized nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to nations, great and small alike, and of maintaining world peace, and believes that under such a system dissatisfied peoples now held under subjection to dominating nations for strategical purposes could be safely given their liberty and autonomy, as the rights of the dominant nation would be made safe by the general association of nations and the subject nation would cease to be a coveted asset against future war.

The United States believes that under such general association of nations it should be a violation of international law and the highest international crime for any nation, on any alleged ground, to invade by military power the territorial limits of another nation, and that the penalty for such invasions should be the immediate international blockade of the invading and offending nation, an embargo on all mail, express, and freight to and from such nation, and the suppression of such invasion by the combined forces of the general association of nations organized for the protection of world peace.

The United States believes that all future international treaties should be made in the open, where all the world may know of the proceedings in the framing of such treaties, and that secret diplomacy and international intrigue should end.

The United States desires to be on friendly terms, political, commercial, and social, with the people of every nation, including those now under the control of the German and Austrian military autocracies, and to restore as speedily as possible these friendly relations with the German and Austrian people as soon as they organize a Government responsible to the will of the people of Germany and Austria and whenever they shall themselves demonstrate a willingness to deal with the other nations of the world on a basis of equality, justice, and humanity and are willing to abandon the atrocious and detestable doctrine of making war for annexation, indemnity, and profit.

The United States entered this war to protect the rights of its own citizens to life and liberty, to protect its own future, to make the world safe from the future menace of military despotism, dynastic ambitions, or competing armaments, to establish permanent world peace on a basis of international justice, righteousness, and humanity, and, in cooperation with the self-governing belligerent nations, will maintain these principles, whatever the cost, with firmness and resolution until these ends are fully accomplished.

Mr. President, this resolution is intended to be an expression of the opinion of the representatives of the United States, setting forth certain reasons which justify the United States in declaring a state of war existing between the governing powers of Germany and Austria and the United States, and the principles of a program by which world peace can be restored and maintained.

On January 8, in an address to the two Houses of Congress, the President of the United States set forth the principles for which the United States was contending in this war. The wide publicity given the views of the President has been of great service in cohering the opinions of the civilized peoples of the world as to the conditions upon which peace might be established with safety to the world.

The reasons justifying the passage of this resolution are as follows:

German intrigue and German propagandists, employed by thousands throughout Russia and throughout Europe, are representing the message of the President as emanating from the despotic head of a plutocratic autocracy; that the opinions expressed by the President are not the opinions of the people of the United States or of their representatives; that it is a mere piece of camouflage to cover the ulterior purposes of a commercial autocratic government in the United States; that our going into the war was merely intended to protect the loans which we had made the allies, and so forth, and so forth, ad nauseam.

Leon Trotzky, the present minister of foreign affairs of the bolsheviki government of Russia, spent a few months in New York City during 1917, and undertook to run a little Socialist newspaper there, the Novi Mir, which was vigorously suppressed by the New York police. Trotzky tried to make speeches in the public highways upon the Marxian philosophy of socialism, and the New York police somewhat harshly suppressed his efforts to thus spread his doctrines, with the result that he is of the opinion (very wrongfully though it be) that there is no liberty of speech in reality in the United States; that there is less liberty in the United States than there is in Russia. He has the opinion that might be entertained by some persons on the east side of New York City, where conditions of life are very hard and very drastic. Such foreign opinions are injurious to us and to our interests. They are utterly erroneous and ought to be adequately corrected by every means at our disposal.

It is of great importance to the peace of the world that American opinions should be so clearly and frankly stated that no man, whether friend or enemy, should doubt what American opinion is. It is, therefore, of great importance, in my judgment, that the representatives of the people of the United States, independently of the President, should confirm in their own way the declaration of principles made by the President of the United States on January the 8th, which did in fact represent the judgment of an overwhelming majority of the people of the United States. I think that the President's message ought to be ratified by mass meetings held by the people in every State in the Union, as well as confirmed by independent congressional action. I understand that on Lincoln's birthday there will be loyalty meetings throughout the United States called by the various labor unions, and at that time I think the people of the United States ought in mass meetings to ratify the declarations made by the President of the United States, and that the Congress of the United States should waste no time in declaring in its own way the opinions of the people of the United States, so as to strengthen and to give greater force to the message which the President delivered to Congress on the 8th of January.

Mr. President, the resolution which I have submitted represents, in my judgment, the substantial opinion of the American people. President Wilson spoke these opinions in his own masterful way on the 8th of January, and it is due to the people of the world that the Senate of the United States and the House of Representatives should declare in their own way the American opinion, so that the President of the United States will have behind his voice the legislative branch of the Government and the people of the United States, not only for the purpose of emphasizing these opinions, but for the purpose of making it impossible for German and Austrian intrigue to break the forces of the principles of liberty and world peace for which America stands.

Mr. President, I think, as a matter of public information, it is well to submit for the RECORD the facts which justify the declarations made in this proposed resolution. They have for the most part been gathered together in a very compact form by Prof. Samuel B. Harding, professor of European history in Indiana University, in his Topical Outline of the War, with the various authorities upon which the facts depend, to which I call the attention of the Senate and to which I call the attention of the people of the United States, because they ought to understand what the fundamental causes of the war are, the historical background of the war, the fact that Germany and Austria deliberately planned this war, and the other features which are essential to a complete comprehension of what this war means, what is necessary for the people of the United States to do to bring it to a successful conclusion. I ask, without reading, to place in the RECORD from the Topical Outline of the War sections 3, 4, 5, and 6, which give in a compact form the evidence that justifies the statements which have been made in the resolution itself.

The PRESIDING OFFICER. Without objection, leave is granted.

The matter referred to is as follows:

II. HISTORICAL BACKGROUND OF THE WAR (1870–1914).

I. FOUNDATION AND CHARACTER OF THE PRESENT GERMAN EMPIRE.

1. Franco-German War (1870–71) and the treaty of Frankfort. France to pay an indemnity of $1,000,000,000 and to cede Alsace-Lorraine.

2. Formation of the German Empire; its undemocratic character. (See C. D. Hazen, the Government of Germany; War Cyclopedia, under "Autocracy," "Bundesrat," "German Constitution," "Kaiserism," "Reichstag.")

(a) The number of States in the Empire is 25, with one imperial territory (Alsace-Lorraine). The list includes four kingdoms, six grand duchies, five duchies, seven principalities, and three free cities. Each of these States has its separate State government, subordinate to that of the Empire.

(b) The King of Prussia is hereditary "German Emperor," with full direction of military and foreign affairs.

(c) The Federal Council (Bundesrat) is a council of ambassadors appointed by the rulers of the separate States, and responsible to them. It oversees the administration and initiates most legislation, and is the most powerful body in the Empire. The States are represented unequally in it. Prussia, which contains two-thirds of the population of Germany, has 17 votes out of a total of 61. (If we include the 3 votes allotted to Alsace-Lorraine in 1911, which are "instructed" by the Emperor, Prussia has 20 votes in the Bundesrat.) Bavaria has 6 votes, Saxony and Wurttemberg 4 each, and the other States fewer.

(d) The Reichstag is the representative chamber of the legislature. It is composed of 397 members, of whom Prussia elects 236. Representative districts are very unequal in population. "A Berlin deputy represents, on the average, 125,000 votes; a deputy of East Prussia, home of the far-famed Junkers, an average of 24,000." The members are elected by manhood suffrage for a term of five years; but the Emperor may (with the consent of the Bundesrat) dissolve the Reichstag at any time and order new elections.

(e) The administration of the Empire is in the hands of a ministry, headed by the imperial chancellor. Unlike the ministers of true parliamentary governments, the German ministers are responsible to the Emperor and not to the legislative chamber. They do not need, therefore, to resign their offices when defeated in the Reichstag.

II. THE TRIPLE ALLIANCE AND THE TRIPLE ENTENTE.

1. The triple alliance formed by Germany, Austria, and Italy (1882). Germany's main object was to safeguard herself against an attempt by France to recover Alsace-Lorraine. As France recovered strength, Germany plotted new aggressive designs against her.

2. Germany attempted in 1904–5 to form a secret alliance with Russia and France against Great Britain. Failure of the attempt, owing to France's unwillingness to give up hope of recovering Alsace-Lorraine. The evidence of this attempt was published in 1917 in a series of letters signed "Willy" and "Nicky," which passed between the Kaiser

and the Czar, and which were discovered in the Czar's palace after his deposition. (See War Cyclopedia, under "Willy and Nicky correspondence.")

4. Formation of the triple entente.

(a) Dual alliance of France and Russia formed (1891–1894) as a counterpoise to the triple alliance.

(b) Settlement of England's disputes with France over certain African questions, etc. (1904), and with Russia over Persia, etc. (1907), established the triple entente (good understanding) between these powers.

"France and England were face to face like birds in a cockpit, while Europe under German leadership was fastening their spurs and impatient to see them fight to the death. Then suddenly they both raised their heads and moved back to the fence. They had decided not to fight, and the face of European things was changed." (Fullerton, Problems of Power, p. 57.)

III. THREE DIPLOMATIC CRISES: 1905, 1908, 1911.

1. First Morocco crisis, 1905–6. (See Conquest and Kultur, 120–126; War Cyclopedia, under "Morocco question," etc.)

(a) French interests in Morocco; slight interests of Germany.

(b) The Tangier incident. The Kaiser, landing from his yacht in Tangier, challenged France's policy in Morocco.

(c) Delcassé, French minister of foreign affairs, dismissed on Germany's demand. "We are not concerned with Mr Delcassé's person, but his policy is a menace to Germany, and you may rest assured we shall not wait for it to be realized." (German ambassador to France, in published interview.)

(d) France brought to the bar of Europe in an international conference at Algeciras, which, in the main, sanctioned her Moroccan policy.

(e) The purpose of Germany in this crisis, as in those which follow, was to humiliate France and to test the strength of the triple entente. These were struggles to increase German prestige.

2. Crisis over Austria's annexation of Bosnia and Herzegovina in 1908. (See War Cyclopedia, under "Bosnia-Herzegovina," "Congress of Berlin," "Pan-Slavism," "Slavs," etc.)

(a) These Provinces freed from direct rule of the Turks by Serbia and Russia, but handed over by the Congress of Berlin to Austria to administer (1878).

(b) Austria seized the occasion offered by the "Young Turk" revolution of 1908 to annex Bosnia and Herzegovina and refused to refer the question to a European congress for settlement.

(c) Russia (as yet unrecovered from the Russo-Japanese war) was forced to acquiesce when the Kaiser "took his stand in shining armor by the side of his ally." Humiliating submission imposed on Serbia. (See below, ch. iv, 1 2 a.)

3. Second Morocco crisis, in 1911. (See Conquest and Kultur, 120–126; War Cyclopedia, under "Morocco question.")

(a) Agadir affair. German cruiser *Panther* sent to Agadir as a protest against alleged French infractions of the Algeciras agreement and "to show the world that Germany was firmly resolved not to be passed by on the side." (Speech of the German chancellor to the Reichstag.)

(b) Great Britain, in spite of political difficulties at home, warned Germany that in case of war she would help France.

(c) Adjustment of the Moroccan question. Germany accepted compensation from France elsewhere in return for recognition of French protectorate over Morocco. (Treaty of November 4, 1911.)

(d) Furious resentment of the German military party at this outcome. "The humiliation of the Empire is so much the greater since it is the Emperor himself who had enraged the honor of the German people in Morocco." (Rheinisch-Westfälische Zeitung.)

4. Hardening of the German resolve not to accept another diplomatic defeat. "It is not by concessions that we shall secure peace, but by the German sword." (Speech in Reichstag, applauded by the German Crown Prince.)

IV. BAGDAD RAILWAY AND THE "MIDDLE EUROPE" PROJECT CONSTITUTE OTHER GROUNDS OF CONFLICT.

1. Germany supplants England as the protector of Turkey against Russia. Speech of the Kaiser at Damascus, 1898: "The 300,000,000 Mohammedans who live scattered over the globe may be assured of this, that the German Emperor will be their friend at all times."

2. The Bagdad Railway. Designed to connect Bagdad with Constantinople and the central European railways. Germany obtains concession from Turkey for the construction in 1902–3. Political as well as economic motives involved. "Threat to British rule in India by proposed extension to the Persian Gulf. (See the President's Flag Day address with evidence of Germany's plans, note 15; Conquest and Kultur, sec. 8; War Cyclopedia, under "Berlin to Bagdad," "Corridor," etc.)

3. The "Middle Europe" project: This may be defined briefly as a plan for "a loosely federal combination for purposes of offense and defense, military and economic, consisting primarily of the German Empire and the dual monarchy [Austria-Hungary], but also including the Italian States and Turkey, together with all the neutral States—Roumania, Greece, the Scandinavian kingdoms, and Holland—that can be drawn within its embrace." (W. J. Ashley, in introduction to F. Naumann's Central Europe, translated by Christabel M. Meredith, 1916.)

The plan includes the domination of this group State by Germany through (a) its control of the common financial and economic policy and (b) its control of the military forces, based on universal military service. (Compare Prussia's control within the German Empire.) (See Conquest and Kultur, sec. 8; War Cyclopedia, under "Mittel-Europa," etc.; the President's Flag Day Address, notes 15–17.)

4. Union of the middle Europe project and the Bagdad Railway project in a Berlin-to-Bagdad plan.

"The plan was to throw a broad belt of German military power and political control across the very center of Europe and beyond the Mediterranean into the heart of Asia; and Austria-Hungary was to be as much their tool and pawn as Serbia or Bulgaria or Turkey or the populous States of the East. Austria-Hungary, indeed, was to become part of the central German Empire, absorbed and dominated by the same forces and influences that had originally cemented the German States themselves. The dream had its heart at Berlin. It could have had a heart nowhere else. It rejected the idea of solidarity of race entirely. The choice of peoples played no part in it at all. It contemplated binding together racial and political units which could be kept together only by force—Czechs, Magyars, Croats, Serbs, Roumanians, Turks, Armenians—the proud Slavs of Bohemia and Hungary, the stout little Commonwealths of the Balkans, the indomitable Turks, the subtile peoples of the East. These peoples did not wish to be united. They certainly desired to direct their own affairs; would be satisfied only by undisputed independence. They could be kept quiet only by the pressence of the constant threat of armed men. They would have to live under a common power only by sheer compulsion and await the day of revolution. But the German military statesmen had reckoned with all that and were ready to deal with it in their own way." (President Wilson, Flag Day Address, June 14, 1917.)

"Across the path of this railway to Bagdad lay Serbia, an independent country whose sovereign alone among those of southeastern Europe had no marriage connection with Berlin, a Serbia that looked toward Russia. That is why Europe was nearly driven into war in 1913; that is why Germany stood so determinedly behind Austria's demands in 1914 and forced war. She must have her 'corridor' to the southeast; she must have political domination all along the route of the great economic empire she planned. She was unwilling to await the process of 'peaceful penetration.'" (The President's Flag Day Address, with Evidence of Germany's Plans, note 15.)

V. TRIPOLITAN AND BALKAN WARS, 1911–1913.

(See War Cyclopedia, under "Balkan Wars," "Constantinople," "Drang nach Osten," "Young Turks.")

1. War of Italy with Turkey over Tripoli (1911–12). Claims of Italy on Tripoli; weakness of Turkey following Young Turk revolution of 1908; unfavorable attitude of Italy's allies (Germany and Austria) to the war as ending ring their relations with Turkey. Treaty of Lausanne (Oct. 15, 1912) transfers Tripoli from Turkish to Italian rule.

2. War of Balkan allies against Turkey (1912–13).

(a) Secret league of Greece, Serbia, Bulgaria, and Montenegro to expel Turkey from Europe and liberate their fellow Christians from Turkish misrule. War declared October 16, 1912.

(b) Inability of the great powers, because of their own divergent aims, to restrain the Balkan allies.

(c) Success of the allies. By the treaty of London (May 30, 1913) Turkey was to surrender all territories in Europe except Constantinople and a small strip of adjacent territory (Enos-Midia line).

III. INDICATIONS THAT GERMANY AND AUSTRIA PLANNED AN AGGRESSIVE STROKE BEFORE JUNE 28, 1914.

1. AUSTRIA PROPOSED AN ATTACK ON SERBIA IN 1913.

(See War Cyclopedia, under "Austria and Serbia, 1913.")

1. Austria's proposal to Italy (Aug. 9, 1913, the day before the peace of Bucharest).

"Austria has communicated to us and to Germany her intention of taking action against Serbia, and denies such action as defensive, hoping to bring into operation the casus foederis of the triple alliance." * * * (Italian minister of foreign affairs in dispatch of Aug. 9, 1913. Revealed by Ex-Prime Minister Giolitti in speech of Dec. 5, 1914. See Collected Diplomatic Documents, p. 401.)

2. Italy declined the proposal, as (apparently) did Germany also. The declination of the latter was probably due to the fact that German military preparations were not yet completed. (See below, V 1.)

"If Austria intervenes against Serbia it is clear that a casus foederis can not be established. It is a step which she is taking on her own account, since there is no question of defense, inasmuch as no one is thinking of attacking her. It is necessary that a declaration to this effect should be made to Austria in the most formal manner, and we must hope for action on the part of Germany to dissuade from this most perilous adventure." (Reply of Prime Minister Giolitti to above dispatch, ibid.)

II. SECRET MILITARY REPORT ON STRENGTHENING THE GERMAN ARMY (MARCH 19, 1913).

This report came into the possession of the French minister of war in some unexplained way soon after it was drawn up; it was published in French Yellow Book No. 2; Collected Diplomatic Documents, pages 130–133.

The following extracts occur in the part headed "Aim and obligations of our national policy, of our army, and of the special organizations for army purposes":

1. Minds of the people must be prepared. (See Conquest and Kultur, secs. 15–16; War Cyclopedia, under "Pan-Germanism," "Pan-Germans urge war in 1913," etc.)

"We must allow the idea to sink into the minds of our people that our armaments are an answer to the armaments and policy of the French. We must accustom them to think that an offensive war on our part is a necessity in order to combat the provocations of our adversaries. * * * We must so manage matters that under the heavy weight of powerful armaments, considerable sacrifices, and strained political relations an outbreak [of war] should be considered as a relief, because after it would come decades of peace and prosperity, as after 1870. We must prepare for war from the financial point of view; there is much to be done in this direction." (Collected Diplomatic Documents, p. 131.)

2. "Stir up trouble in the north of Africa and in Russia."

"We must not be anxious about the fate of our colonies. The final result in Europe will settle their position. On the other hand, we must stir up trouble in the north of Africa and in Russia. It is a means of keeping the forces of the enemy engaged. It is, therefore, absolutely necessary that we should open up relations, by means of well-chosen agents, with influential people in Egypt, Tunis, Algeria, and Morocco in order to prepare the measures which would be necessary in the case of a European war. * * * The first attempt which was made some years ago opened up for us the desired relations. Unfortunately these relations were not sufficiently consolidated." (Ibid., p. 132.)

3. Small States to be coerced. (See War Cyclopedia, under "Neutralized State," "Netherlands, German view," etc.)

"In the next European war it will also be necessary that the small States should be forced to follow us or be subdued. In certain conditions their armies and their fortified places can be rapidly conquered or neutralized; this would probably be the case with Belgium and Holland, so as to prevent our enemy in the west from gaining territory which they could use as a base of operations against our flank. In the north we have nothing to fear from Denmark and Scandinavia. * * * In the south Switzerland forms an extremely solid bulwark, and we can rely on her energetically defending her neutrality against France and thus protecting our flank." (Ibid., p. 132.)

4. No guaranty to Belgium for security of her neutrality. (See Conquest and Kultur, sec. 11; War Cyclopedia, under "Belgium, Neutralization of.")

"Our aim must be to take the offensive with a large superiority from the first days. * * * If we could induce these States (on our northwestern frontier) to organize their system of fortification in such a manner as to constitute an effective protection for our flank, we could abandon the proposed invasion. * * If, on the contrary, their defensive organization was established against us, thus giving definite advantage to our adversary in the west, we could in no circumstances offer Belgium a guaranty for the security of her neutrality." (Ibid., p. 133.)

5. Short-term ultimatum to be issued. (See War Cyclopedia, under "Serbia, Austrian ultimatum.")

"The arrangements made with this end in view allow us to hope that it will be possible to take the offensive immediately after the complete concentration of the army of the Lower Rhine. An ultimatum with a short time limit, to be followed immediately by invasion, would allow a sufficient justification for our action in international law." (Ibid., p. 133.)

6. Prizes of the war. (See Conquest and Kultur, sec. 17.)

"We will * * * remember that the Provinces of the ancient German Empire, the county of Burgundy (Franche Comte, acquired by Louis XIV) and a large part of Lorraine, are still in the hands of the French; that thousands of brother Germans in the Baltic Provinces (of Russia) are groaning under the Slav yoke. It is a national question that Germany's former possessions should be restored to her." (Ibid., p. 133.)

III. CHANGED ATTITUDE OF THE KAISER—INTERVIEW WITH KING ALBERT OF BELGIUM (NOVEMBER, 1913).

1. Circumstances of the interview; held in the presence of Gen. von Moltke (chief of the German General Staff) and reported to Jules Cambon, the French Ambassador at Berlin, "from an absolutely reliable source." Published in French Yellow Book, No. 6; Collected Diplomatic Documents, pages 142–143. (See War Cyclopedia, under "Albert I," "William II," etc.)

2. War with France regarded by the Kaiser as inevitable. (See War Cyclopedia, under "William II, ambitions.")

"This conversation, it appears, has made a profound impression on King Albert. I [Cambon] am in no way surprised at the impression he gathered, which corresponds with what I have myself felt for some time. Enmity against us is increasing, and the Emperor has ceased to be the friend of peace.

"The person addressed by the Emperor had thought up till then, as did all the world, that William II, whose personal influence had been exerted on many critical occasions in support of peace, was still in the same state of mind. He found him this time completely changed. The German Emperor is no longer in his eyes the champion of peace against the warlike tendencies of certain parties in Germany. William II has come to think that war with France is inevitable, and that it must come sooner or later. * * *

"Gen. von Moltke spoke exactly in the same strain as his sovereign. He, too, declared war to be necessary and inevitable, but he showed himself still more assured of success, 'for,' he said to the King (Albert), 'this time the matter must be settled, and your Majesty can have no conception of the irresistible enthusiasm with which the whole German people will be carried away when that day comes.'" (Collected Diplomatic Documents, p. 142.)

3. Cambon's comment on the interview.

"As William II advances in years, family traditions, the reactionary tendencies of the court, and especially the impatience of the soldiers, obtain a greater empire over his mind. Perhaps he feels some slight jealousy of the popularity acquired by his son, who flatters the passions of the Pan-Germans, and who does not regard the position occupied by the Empire in the world as commensurate with its power. Perhaps the reply of France to the last increase of the German Army [German Army law of 1913, cited below; France met this by increasing her military service from two years to three years], the object of which was to establish the incontestable supremacy of Germany is, to a certain extent, responsible for his bitterness, for, whatever may be said, it is realized that Germany can not go much further.

"One may well ponder over the significance of this conversation. The Emperor and his chief of the general staff may have wished to impress the King of the Belgians and induce him not to make any opposition in the event of a conflict between us. * * *" (Ibid., p. 143.)

IV. GERMAN PUBLIC OPINION AS REPORTED BY FRENCH DIPLOMATIC AND CONSULAR AGENTS (JULY 30, 1913).

(In French Yellow Book, No. 5; Collected Diplomatic Documents, pp. 136–142.)

1. The Moroccan settlement considered a diplomatic defeat. (See Conquest and Kultur, sec. 16.)

"* * * Here is a synthesis of all these opinions: The treaty of the 4th November is a diplomatic defeat, a proof of the incapacity of German diplomacy and the carelessness of the Government (so often denounced), a proof that the future of the Empire is not safe without a new Bismarck; it is a national humiliation, a lowering in the eyes of Europe, a blow to German prestige, all the more serious because up to 1911 the military supremacy of Germany was unchallenged, and French anarchy, and the powerlessness of the Republic were a sort of German dogma." (Collected Diplomatic Documents, p. 136.)

2. Forces making for peace.

"There are in the country forces making for peace, but they are unorganized and have no popular leaders. They consider that war would be a social misfortune for Germany, and that caste pride, Prussian domination, and the manufacturers of guns and armor plate would get the greatest benefit, but above all that war would profit Great Britain." Those favoring peace included "the bulk of the workmen, artisans, and peasants, who are peace-loving by instinct," etc. But the classes which prefer peace to war "are only a sort of make-weight in political matters, with limited influence on public opinion, or they are silent social forces, passive and defenseless against the infection of a wave of warlike feeling." (Ibid., p. 137–138.)

3. Forces making for war. (See War Cyclopedia, under "Arbitration, German Attitude," "Disarmament, German Attitude," "German Military Autocracy, Propaganda for War," "Militarism or Disarmament," "Pan-Germans Urge War in 1913," "War, German View," etc.)

"There is a war party, with leaders and followers, a press either convinced or subsidized for the purpose of creating public opinion; it has means both varied and formidable for the intimidation of the Government. It goes to work in the country with clear ideas, burning aspirations, a determination that is at once thrilling and fixed." (Collected Diplomatic Documents, p. 139.) It included the following:

(a) Those who regard war as inevitable, and hence "the sooner the better."

(b) Those influenced by economic reasons—"overpopulation, overproduction, the need for markets and outlets," etc.

(c) Those influenced by "Bismarckism." "They feel themselves humiliated at having to enter into discussions with France, at being obliged to talk in terms of law and right in negotiations and conferences where they have not always found it easy to get right on their side, even when they have a preponderating force."

(d) Those influenced by "a mystic hatred of revolutionary France," and others who acted from "a feeling of rancor."

4. Social classes included in the war party. (See Conquest and Kultur, sec. 16; War Cyclopedia, under "Coal and Iron as Cause of War," "German Diplomacy," "Junker," "Peace Terms, German Industrialists on," "Peace Terms, German Opinion as to," "Peace Terms, German Professors on," "Treitschke," etc.)

(a) The country squires (Junkers), who wish to escape the imposition of inheritance taxes ("death duties") "which are bound to come if peace continues. * * * This aristocracy is military in character, and it is instructive to compare the Army List with the year book of the nobility. War alone can prolong its prestige and support its family interest. * * * This social class, which forms a hierarchy with the King of Prussia as its supreme head, realizes with dread the democratization of Germany and the increasing power of the Socialist Party, and considers its own days numbered." (Collected Diplomatic Documents, p. 140.)

(b) The capitalist class ("higher bourgeoisie") including the manufacturers of guns and armor plate, big merchants who demand bigger markets, and all who "regard war as good business." Among these are "doctrinaire manufacturers" who "declare that the difficulties between themselves and their workmen originate in France, the home of revolutionary ideas of freedom—without France industrial unrest would be unknown." (Ibid., p. 140.)

(c) University professors, etc. "The universities, if we except a few distinguished spirits, develop a warlike philosophy. Economists demonstrate by statistics Germany's need for a colonial and commercial empire commensurate with the industrial output of the Empire. There are sociological fanatics who go even further. * * * Historians, philosophers, political pamphleteers, and other apologists of German Kultur wish to impose upon the world a way of thinking and feeling specifically German. They wish to wrest from France that intellectual supremacy which, according to the clearest thinkers, is still her possession." (Ibid., p. 140–141.)

(d) Diplomatists and others "whose support of the war policy is inspired by rancor and resentment. * * * German diplomatists are now in very bad odor in public opinion. The most bitter are those who since 1905 have been engaged in the negotiations between France and Germany; they are heaping together and reckoning up their grievances against us, and one day they will present their accounts in the war press. It seems as if they were looking for grievances chiefly in Morocco, though an incident is always possible in any part of the globe where France and Germany are in contact." (Ibid., p. 141.)

5. Must war be considered inevitable?

"The opinion is fairly widely spread, even in pan-German circles, that Germany will not declare war in view of the system of defensive alliances and the tendencies of the Emperor. But when the moment comes, she will have to try in every possible way to force France to attack her. Offense will be given if necessary. That is the Prussian tradition.

"Must war then be considered as inevitable? It is hardly likely that Germany will take the risk, if France can make it clear to the world that the entente cordiale and the Russian alliance are not mere diplomatic fictions but realities which exist and will make themselves felt. The British fleet inspires a wholesome terror. It is well known, however, that victory on sea will leave everything in suspense. On land alone can a decisive issue be obtained." (Ibid., pp. 141–143.)

V. EXTRAORDINARY MILITARY MEASURES OF GERMANY TAKEN BEFORE JUNE 28, 1914.

(See Conquest and Kultur, sec. 16; War Cyclopedia, under "Egypt," "German Army act, 1913," "German intrigue against American peace," "Kiel Canal," "Sinn Fein," "South Africa," etc.)

1. Laws of 1911, 1912, and especially 1913 increased the German Army in time of peace from 515,000 to 806,000 men. Great increase of machine-gun corps, aviators, etc. Enormous stocks of munitions prepared. Exceptional war tax levied of $225,000,000. Special war fund (for expense of mobilization, etc.) increased from $30,000,000 to $90,000,000.

2. Reconstruction of Kiel Canal (connecting Baltic and North Sea) hastened so as to be ready in early summer of 1914. Fortifications of Heligoland, etc., improved.

3. Strategic railways constructed leading to Belgian, French, and Russian frontiers.

"Germany had made ready, at heavy outlay, to take the offensive at a moment's notice, and to throw enormous forces across the territories of two unoffending and pacific neighbors (Belgium and Luxemburg) in her fixed resolve to break through the northern defenses of France, and thus to turn the formidable fortifications of the Vosges. She has prepared for the day by bringing fully equipped and admirably constructed railways up to her neighbors' frontiers, and in some places across them. * * * An immense sum of money has been sunk in these railways, * * * and there is not the least prospect of an adequate return on them as commercial ventures. They are purely military and strategical preparations for war with France." (See Fortnightly Review for February, 1910, and February, 1914, and New York Times Current History, I, 1000–1004.)

4. Exportation of chemicals used in making explosives greatly reduced in 1913–14, and importation of horses, foodstuffs, and fats (used in nitroglycerin) greatly increased to provide war stocks. Great purchases of beds and hospital supplies in May, 1914; embargo on stocks of foreign pneumatic tires in Germany; hasty collection of accounts by German merchants; transfer of bank balances, etc., from beginning of July, etc. (See Le Mensonge du 3 Août, 1914, pp. 9–10.)

5. Recall of reservists from South America, etc., in May and June, 1914.

6. Exceptional grand maneuvers of 1914. Ordered in May, these massed "500,000 men in Cologne, the Grand Duchy of Baden, and Alsace-Lorraine for the month of August." (Le Mensonge du 3 Août, 1914, p. 9.)

7. Preparations for stirring up revolt in the British Empire:

(a) In South Africa. Reply of the Kaiser (in 1913) to a communication from the future rebel leader, Col. Maritz: "I will not only acknowledge the independence of South Africa but I will even guarantee it, provided the rebellion is started immediately." (Speech of Gen. Botha at Cape Town, July 25, 1915. See Rose, Development of the European Nations, 5th ed., II, p. 379.)

(b) In British India. On July 8, 1915, indictments were brought in the Federal court at San Francisco against 98 persons, including German consuls, at which time the Federal district attorney said: "For more than a year prior to the outbreak of the European war certain Hindus in San Francisco and certain Germans were preparing openly for war with England. At the outbreak of the war Hindu leaders, members of the German consulate here, and attachés of the German Government, began to form plans to foment revolution in India for the purpose of

freeing India and aiding Germans in their military operations." The leaders of these defendants plead guilty to the charges against them in December, 1917. (See War Cyclopedia, under "German intrigue against American peace.")

"Consideration of all testimony leads to the conviction that the Indian plot now before the Federal court here [in Chicago] is but a very small part of the whole conspiracy. * * * The defendants appear to have traveled far and wide in promotion of their alleged work. And always, testimony indicates, German consuls were aware of what was going on and ready to give things a push. Pro-Germanism all over the United States, Canada, Mexico, Brazil, Hawaii, Manila, China, Indo-China, Siam, Java, and various parts of Africa has been brought into the case. No part, according to the testimony, seems to have been detached. All tended into the whole scheme, which is alleged to have had its inspiration and propulsion in Berlin." (Christian Science Monitor, Oct. 19, 1917.)

"Coaling arrangements made for German naval vessels (June 14, 1914):

"A German cruiser—the *Eber*—was in dock at Cape Town a few days before the outbreak of war, and put away just in time. An intercepted letter addressed to the commander contained certain instructions from Berlin which were dated June 14, 1914. These instructions revealed a complete system for coaling the German Navy on the outbreak of war through secret-service agents in Cape Town, New York, and Chicago.

"The commander of the *Eber* was given the names of shippers and bankers with whom he could deal confidentially, the essence of the plan being that a collier would leave Table Bay [Cape Colony] ostensibly bound for England, but really to meet a German warship at an agreed rendezvous. Naturally, so far as Cape Town is concerned, the arrangements have been upset, owing to the discovery; and this, perhaps, explains why German cruisers have been more in evidence in North Atlantic waters than in the southern ocean." (Cape Town correspondent of London Times, issue of Oct. 6, 1914.)

VI. CONCLUSION.

Before June 28, 1914, Germany willed, if not war, at least another trial of diplomatic strength in which the threat of war should enter as a decisive factor.

"There is a whole category of facts to which we do not temporarily attach a decisive importance, for the spirit of mathematics can invoke in its favor the benefit of coincidence. * * * It is a question of various measures taken by Germany (the state or individuals) long before the moment of war was appreciable. * * * Certain persons would say in those measures, of which the war has demonstrated the utility, the proof that Germany had meant before taken the resolve to launch the European war in 1914. When one has seen the German Government at work, this hypothesis is not extravagant." (Le Mensonge du 4 Août, 1914, pp. 9–10.)

"Not as weak-willed blunderers have we undertaken the fearful risk of this war. We wanted it. Because we had to wish it and could wish it. May the Teuton devil throttle those whiners whose pleas for excuses make us ludicrous in these hours of lofty experience! We do not stand and shall not place ourselves before the court of Europe. Our power shall create new law in Europe. Germany strikes. If it conquers new realms for its genius, the priesthood of all the gods will sing songs of praise to the good war. * * * We are waging this war not in order to punish those who have sinned, not in order to free enslaved peoples and thereafter comfort ourselves with the unctuous and useless consciousness of our own righteousness. We wage it from the lofty point of view and with the conviction that Germany as a result of her achievements and in proportion to them, is justified in asking, and must obtain, wider room on earth for development and free working out the possibilities that are in her. The powers from whom she forced her ascendancy in spite of themselves still live, and some of them have recovered from the trembling she gave them. * * * Now strikes the hour for Germany's rising power." (Maximilian Harden, editor of Die Zukunft; see New York Times Current History, III, p. 130.)

"It now appears beyond the possibility of doubt that this war was made by Germany pursuing a long and settled purpose. For many years she had been preparing to do exactly what she has done with a thoroughness, a perfection of plans, and a vastness of provision in men, munitions, and supplies never before equaled or approached in human history. She brought the war on when she chose, because she chose, in the belief that she would conquer the earth, nation by nation." (Senator Elihu Root, speech in Chicago Sept. 84, 1917.)

IV. THE AUSTRO-SERBIAN CONTROVERSY.

I. INTRODUCTION: PRIOR RELATIONS OF SERBIA, AUSTRIA, AND RUSSIA.

1. Previous history of Serbia: Its fleeting greatness under Stephen Dushan (died 1354); conquered by Turks, 1459; self-governing principality from 1830; independent of Turkey, 1878; territory greatly increased through war with Turkey 1912–13. Revival in recent years of "Greater Serbia" movement, directed largely against Austria-Hungary, which held Croatia, Bosnia, and Herzegovina, lands which by nationality and speech were Serbian. Compare Piedmont's unification of Italy against Austrian resistance. (See War Cyclopedia, under "Kingdom of the Serbs, Croats, and Slovenes.")

2. Serbia's relations with Austria-Hungary:

(a) Political estrangement due to Austria's high-handed annexation of Bosnia in 1908, and the thwarting by Austria and Italy in 1913 of Serbia's desire for an outlet to the Adriatic. Declaration exacted of Serbia in 1909 (March 31):

"Serbia recognizes that the fait accompli regarding Bosnia has not affected her rights. * * * In deference to the advice of the great powers, Serbia undertakes to renounce from now onward the attitude of protest and opposition which she has adopted with regard to the annexation since last autumn. She undertakes, moreover, to modify the direction of her policy with regard to Austria-Hungary, and to live in future on good neighborly terms with the latter." (British Blue Book, No. 4; Collected Diplomatic Documents, p. 4.)

(b) Tariff disputes over importation of Serbian pigs into Austria-Hungary. A prohibitive tariff was imposed in 1906.

(c) Continued agitation of Serbian revolutionary societies (especially the Narodna Odbrana) against the "dangerous, heartless, grasping, odious, and greedy enemy in the north," who "robs millions of Serbian brothers of their liberty and rights and holds them in bondage and exile." (Austro-Hungarian Red Book, No. 19; Collected Diplomatic Documents, p. 465.)

(d) German plans for Berlin-Bagdad railway required that Serbia should be controlled by Austria. (See above, ch. II, IV 4.)

3. Russia's interest in Serbia—founded upon kinship in blood, language, and religion, and on Russian aid in the past against Turkey (1806–1812, 1829–30, 1877–78). This interest was well known, and Austria and Germany recognized that their policy toward Serbia might lead to war with Russia. (See War Cyclopedia, under "Pan Slavism.")

"During the Balkan crisis he [the Russian minister for foreign affairs] had made it clear to the Austrian Government that war with Russia must inevitably follow an Austrian attack on Serbia." Report of British Ambassador to Russia. British Blue Book, No. 139; Collected Diplomatic Documents, p. 501.)

"We were perfectly aware that a possible warlike attitude of Austria-Hungary against Serbia might bring Russia upon the field, and that it might therefore involve us in a war, in accordance with our duty as allies." (German White Book; Collected Diplomatic Documents, p. 406.)

II. THE SERAJEVO ASSASSINATION (JUNE 28, 1914).

1. Assassination of the Austrian Crown Prince Franz Ferdinand and his wife, while on an official visit to Serajevo, the capital of the Austrian Province of Bosnia. Failure of first attempt at assassination by explosion of a bomb; success of second attempt some hours later by revolver shots. The assassins were Austrian subjects of Serbian nationality. (See War Cyclopedia, under "Serajevo.")

2. Opportuneness of the crime for Austria. (See Ramsay Muir, Britain's Case Against Germany, p. 152.)

III. AUSTRIAN NOTE TO SERBIA (JULY 23, 1914).

1. Preliminaries: Secret investigation of the crime by the Austrian court at Serajevo. (Reports of the alleged results in Collected Diplomatic Documents, pp. 490–494; Austrian Red Book, Appendix 8, and German White Book, Appendix; summary, pp. 416–417.) Quieting reports as to its intentions issued by Austrian Government, but preparations made in secret for rigorous measures against Serbia.

"A reckoning with Serbia, a war for the position of the Austro-Hungarian Monarchy as a great power, even for its existence as such, can not be permanently avoided." (Austrian minister at Belgrade to Austrian Government, July 11, 1914. In Austrian Red Book, No. 6; Collected Diplomatic Documents, p. 452.)

2. Conference at Potsdam (July 5, 1914) at which the terms of the note were practically settled. The holding of such a conference has been denied by German newspapers, but the denial is not convincing. (See War Cyclopedia, under "Potsdam conference"; New York Times, Current History, September, 1917, pp. 469–471.)

3. General character of the note. In effect an ultimatum to which unconditional acceptance must be given within 48 hours. Humiliating character of its demands. (See War Cyclopedia, under "Serbia, Austrian ultimatum.")

"I had never before seen one State address to another independent State a document of so formidable a character." (Sir Edward Grey, British Secretary for Foreign Affairs, in British Blue Book, No. 6; Collected Diplomatic Documents, p. 13.)

"The demands of that [the Austrian] Government are more brutal than any ever made upon any civilized State in the history of the world, and they can be regarded only as intended to provoke war." (German Socialist newspaper Vorwärts, July 25, 1914.)

4. Some specific demands. The numbers attached are those of the note itself. (See British Blue Book, No. 4; Collected Diplomatic Documents, pp. 3–12.)

"2. To dissolve immediately the society called Narodna Odbrana [the chief society for Serbian propaganda], to confiscate all its means of propaganda, and to proceed in the same manner against other societies and their branches in Serbia which engage in propaganda against the Austro-Hungarian Monarchy. The Royal [Serbian] Government shall take the necessary measures to prevent the societies dissolved from continuing their activity under another name and form."

"3. To eliminate without delay from public instruction in Serbia, both as regards the teaching body and also as regards the methods of instruction, everything that serves, or might serve, to foment the propaganda against Austria-Hungary."

"5. To accept the collaboration in Serbia of representatives of the Austro-Hungarian Government for the suppression of the subversive movement directed against the territorial integrity of the monarchy.

"6. To take judicial proceedings against accessories to the plot of June 28 who are on Serbian territory; delegates of the Austro-Hungarian Government will take part in the investigation relating thereto."

5. Denial by Germany that she was consulted by Austria before sending the note.

"We therefore permitted Austria a completely free hand in her action toward Serbia, but have not participated in her preparations." (German White Book; Collected Diplomatic Documents, p. 406.)

This denial was and is generally disbelieved. (See Ramsay Muir, Britain's Case against Germany, p. 8, and the evidence concerning the Potsdam conference.) Germany's claim that she was ignorant of the Austrian ultimatum was from the outset preposterous and against all reason. Intimately allied with Austria-Hungary and for a decade the dominating power in the diplomacy of the central powers in the Balkans and the Near East, is it possible to believe that she did not examine into and even give direction, in broad outline at least, to the policy of her ally at this critical stage in the development of her Pan-German program? The purpose of the denial, apparently, was to satisfy Italy (Austria's other ally), which certainly was not consulted.

6. Circumstances making a peaceful outcome more difficult: Absence of most of the foreign ambassadors from Vienna for their summer vacations; immediate withdrawal of Austrian minister of foreign affairs to a remote mountain resort, etc., etc.

7. Widespread anxiety over the situation, as threatening the peace of Europe. Russia, England, and France make urgent endeavors—

(a) To induce Serbia to go as far as possible in meeting the demands of Austria.

(b) To obtain an extension of the time limit in order (1) that the powers might be enabled to study the documentary material promised by Austria embodying the findings of the court at Serajevo; and (2) to permit them to exercise a moderating influence on Serbia. Sharp refusal of Austria to extend the time limit. (For later proposals see ch. 5.)

IV. SERBIAN REPLY TO THE AUSTRIAN NOTE (JULY 25, 1914).

(See British Blue Book, No. 39; Collected Diplomatic Correspondence, pp. 31–37.)

1. To the gratification of Europe, Serbia—

(a) Accepted 8 of the 10 Austrian demands.

(b) Returned a qualified refusal to the other two.

As to No. 5, the Serbian Government said that they "do not clearly grasp the meaning or the scope of the demand, * * * but they declare that they will admit such collaboration as agrees with the principle of international law, with criminal procedure, and with good neighborly relations."

As to No. 6, they returned a temperate refusal (founded, according to Austrian claim, upon a deliberate misunderstanding of the nature of the demand): "It goes without saying that the Royal [Serbian] Government consider it their duty to open an inquiry against all such persons as are, or eventually may be, implicated in the plot. * * * and who happen to be within the territory of the kingdom. As regards the participation in this inquiry of Austro-Hungarian agents or authorities appointed for this purpose by the Imperial and Royal [Austro-Hungarian] Government, the Royal [Serbian] Government can not accept such an arrangement, as it would be a violation of the constitution and of the law of criminal procedure; nevertheless, in concrete cases communications as to the results of the investigation in question might be given to the Austro-Hungarian agents."

(c) In conclusion, Serbia suggested reference to The Hague Tribunal or to the great powers, in case its reply was not considered satisfactory.

2. Austria, to Europe's amazement, found this reply dishonest and evasive. (See Austro-Hungarian Red Book, No. 34; Collected Diplomatic Documents, pp. 506–514.)

Two hours after receiving it the Austrian minister left Belgrade with all his staff. Grave apprehensions were felt that this break of diplomatic relations would be followed by European war.

The Austrian foreign minister declared to the Russian ambassador (July 29) that his Government could "no longer recede, nor enter into any discussion about the terms of the Austro-Hungarian note." (British Blue Book, No. 93; Collected Diplomatic Documents, p. 70.)

V. AUSTRIA DECLARED WAR ON SERBIA JULY 28, 1914.

1. In spite of the efforts at mediation of Great Britain, Russia, and France, Austria declared war on Serbia July 28, 1914.

2. Demand of Germany that the war be "localized"—i. e., that no other power interfere with Austria's chastisement of Serbia.

3. Belgrade bombarded July 29–30, and the war begun.

VI. CONCLUSIONS.

1. Austria and Germany wanted war with Serbia, and their chief fear was lest something might, against their wills, force them to a peaceful settlement; hence the haste and secrecy which attended their measures.

"The impression left on my mind is that the Austro-Hungarian note was so drawn up as to make war inevitable; that the Austro-Hungarian Government are fully resolved to have war with Serbia; that they consider their position as a great power to be at stake; and that until punishment has been administered to Serbia it is unlikely that they will listen to proposals of mediation. This country [Austria-Hungary] has gone wild with joy at the prospect of war with Serbia, and its postponement or prevention would undoubtedly be a great disappointment." (British ambassador at Vienna, July 27, 1914. In British Blue Book, No. 41; Collected Diplomatic Documents, p. 38.)

"He [the German secretary of state] admitted quite freely that Austro-Hungarian Government wished to give the Serbians a lesson, and that they meant to take military action. He also admitted that Serbian Government could not swallow certain of the Austro-Hungarian demands. * * * Secretary of state confessed privately that he thought the note left much to be desired as a diplomatic document." (British charge at Berlin to Sir Edward Grey, July 25, 1914. British Blue Book, No. 18; Collected Diplomatic Documents, p. 22.)

"In the Viennese note to Serbia, whose brazen arrogance has no precedent in history, each phrase bears witness that Austria-Hungary desired the war. * * * Only a war, for which the best minds of the army were thirsting, could cure the fundamental ills of the two halves of the Austrian Empire and of the monarchy. Only the refusal, and not the acceptance, of the claims put forward in the note could have profited Vienna.

"The question has been asked, Where was the plan of campaign elaborated, in Vienna or Berlin? And some hasten to reply: In Vienna. Why do people tolerate the propagation of such dangerous fables? Why not say the thing that is (because it must be), namely, that a complete understanding is all matters existed between Berlin and Vienna." (Maximilian Harden, in Die Zukunft for Aug. 1, 1914; quoted in G. Alexinsky, Russia and the Great War, 129–130.)

2. Austria's object was to reduce Serbia to a state of vassalage as a step to Austrian hegemony in the Balkan Peninsula. Her promises not to destroy Serbia's sovereignty or to annex her territory, therefore, failed to satisfy Serbia's friends.

"Austria demanded conditions which would have placed Serbia under her permanent control." (Prof. Hans Delbrück, a noted professor and statesman of Germany, in Atlantic Monthly, for Feb., 1915, p. 224.)

3. Germany's objects were:

(a) To recover her prestige, lost in the Agadir affair (1911) and over the Balkan Wars (1912–13).

(b) To strengthen her ally Austria, and so increase her own power.

(c) To humiliate Russia and the triple entente, and to disrupt or render harmless the latter.

(d) To promote the central European—"Berlin to Bagdad"—project and open a trade route to Salonika, the most favorably situated seaport for the commerce of central Europe with the East.

4. To advance these ends, Germany and Austria deliberately incurred the grave risk of a general European war.

For reading references on Chapter IV, see page 37.

V. FAILURE OF DIPLOMACY TO AVERT WAR—GERMANY AND AUSTRIA AT WAR WITH RUSSIA AND FRANCE.

I. OUTLINE OF EVENTS, JULY 22 TO AUGUST 6, 1914.

July 21. Secret orders preliminary to mobilization issued in Germany. These measures, including the movement of troops toward the French frontier, continued up to final mobilization. (See Le Mensonge du 3 Août, 1914, pp. 14–25; Nineteenth Century and After, issue for June, 1917.)

July 23. Austrian note sent to Serbia.

July 25. Reply of Serbia. Austrian minister quits Belgrade, severing diplomatic relations.

July 27. Sir Edward Grey proposed a conference at London on the Serbian question. France, Russia, and Italy accepted; Germany refused.

July 28. Austria declared war on Serbia.

July 29. Russian mobilization on the Austro-Hungarian frontier.

July 30. Bombardment of Belgrade. General mobilization in Russia begun.

July 31. "Threatening danger of war" proclaimed in Germany. Germany sent ultimatums to Russia and to France.

August 1. Orders for general mobilization in France and in Germany. Declaration of war by Germany against Russia. Italy declared that she would remain neutral since "the war undertaken by Austria and the consequences which might result, had, in the words of the German ambassador himself, an aggressive object." (British Blue Book, No. 152; Collected Diplomatic Documents, p. 107.)

August 2. Occupation of Luxemburg by Germany. Demand that Belgium also permit German troops to violate its neutrality.

August 3. Belgium refused the German demand. Germany declared war on France.

August 4. Germany invaded Belgium. Great Britain declared war on Germany.

August 6. Austria-Hungary declared war on Russia.

II. PROPOSALS FOR PRESERVING PEACE.

1. A conference at London proposed by Sir Edward Grey (July 27). To be composed of the German and Italian ambassadors to Great Britain, as friends of Austria, and the French ambassador and Grey himself, as friends of Russia. Its purpose: To discover "an issue which would prevent complications."

"If it is borne in mind how incomparably more difficult problems had been successfully solved by the conference of ambassadors at London during the Balkan crisis, it must be admitted that a settlement between the Austrian demands and the Serbian concessions in July, 1914, was child's play compared with the previous achievements of the London conference." (I Accuse, p. 155.)

The proposal was accepted by Russia, France, and Italy. It was declined by Germany (without consulting Austria) on the ground that she "could not call Austria in her dispute with Serbia before a European tribunal." (German White Book; Collected Diplomatic Documents, p. 409.) Grey explained that it "would not be an arbitration, but a private and informal discussion"; nevertheless, Austria and Germany continued to decline.

2. Germany proposed (July 26) that France "exercise a moderating influence at St. Petersburg." The French foreign minister in reply "pointed out that Germany on her part might well act on similar lines at Vienna, especially in view of the conciliatory spirit displayed by Serbia. The [German] ambassador replied that such a course was not possible, owing to the decision not to intervene in the Austro-Serbian dispute." (Russian Orange Book, No. 28; Collected Diplomatic Documents, p. 276.)

3. Germany proposed direct negotiations between Russia and Austria over the Serbian question (July 27). Austria declined these direct negotiations, even though proposed by her ally. (Was this due to collusion between the two Governments?)

4. The Kaiser (who unexpectedly returned to Berlin on July 26 from a yachting cruise) attempted to act as "mediator" between Russia and Austria; but apparently he confined himself to the effort to persuade Russia "to remain a spectator in the Austro-Serbian war without drawing Europe into the most terrible war it has ever seen." (Kaiser to Tsar, July 28, in German White Book, exhibit 22; Collected Diplomatic Documents, pp. 431–432.)

"Neither over the signature of the Kaiser nor over that of his foreign minister does the record show a single communication addressed to Vienna in the interests of peace." (J. M. Beck, The Evidence in the Case, p. 112.)

5. The Tsar proposed, in a personal telegram to the Kaiser (July 29), "to give over the Austro-Serbian problem to The Hague Tribunal." (Collected Diplomatic Documents, p. 342.) This telegram is omitted from the German White Book! "The acceptance of the Tsar's proposal would doubtless have led to peace, and for this reason it was declined." (I Accuse, p. 187, note.)

6. Proposal by Grey (July 29) that Austria should express herself as satisfied with the occupation of Belgrade and the neighboring Serbian territory as a pledge for a satisfactory settlement of her demands and should allow the other powers time and opportunity to mediate between Austria and Russia.

King George of England, in a personal telegram (July 30) to the Kaiser's brother, said: "I rely on William applying his great influence in order to induce Austria to accept this proposal. In this way he will prove that Germany and England are working together to prevent what would be an international catastrophe." (Collected Diplomatic Documents, p. 539.)

Grey's expressed opinion (July 29) was that "mediation was ready to come into operation by any method that Germany thought possible if only Germany would 'press the button' in the interests of peace." (British Blue Book, No. 84; Collected Diplomatic Documents, p. 62.)

7. Proposal of Russian foreign minister (July 30): "If Austria, recognizing that the Austro-Serbian question has assumed the character of a question of European interest, declares herself ready to eliminate from her ultimatum points which violate the sovereign rights of Serbia, Russia engages to stop her military preparations." (Russian Orange Book, No. 60; Collected Diplomatic Documents, p. 288.)

Reply of German Foreign Minister that "he considered it impossible for Austria to accept our proposal." (Russian Orange Book, No. 63; Collected Diplomatic Documents, p. 289.)

8. Second proposal of Russian foreign minister (July 31): "If Austria consents to stay the march of her troops on Serbian territory; and if, recognizing that the Austro-Serbian conflict has assumed the character of a question of European interest, she admits that the great powers may examine the satisfaction which Serbia can accord to the Austro-Hungarian Government without injury to her rights as a sovereign State or her independence, Russia undertakes to maintain her waiting attitude." (Russian Orange Book, No. 67; Collected Diplomatic Documents, p. 291.)

This proposal remained unanswered.

9. Austria declared (August 1) that she was then "ready to discuss the grounds of her grievances against Serbia with the other powers." (Russian Orange Book, No. 73; Collected Diplomatic Documents, p. 293.)

Sir Edward Grey comments: "Things ought not to be hopeless so long as Austria and Russia are ready to converse." (British Blue Book, No. 113; Collected Diplomatic Documents, p. 97.) From July 30 onward "the tension between Russia and Germany was much greater than between Russia and Austria. As between the latter an arrangement seemed almost in sight." (British ambassador at Vienna, in British Blue Book, No. 161; Collected Diplomatic Documents, p. 111.)

But it was then too late, as Germany had already resolved upon war, and was preparing her ultimatums which precipitated the conflict.

III. GERMAN ULTIMATUMS AND DECLARATIONS OF WAR AGAINST RUSSIA AND FRANCE.

1. A council of war, held at Potsdam on the evening of July 29, apparently decided definitely to make war on France and Russia.

"Our innermost conviction is that it was on this evening that the decision of war was reached. The 5th of July, before his departure for a cruise on the coasts of Norway, the Kaiser had given his consent to the launching of the Serbian venture. The 29th of July he decided for war." (Le Mensonge du 3 Août, 1914, p. 38.)

"People who are in a position to know say that those occupying the leading military positions, supported by the Crown Prince and his retainers, threatened the Emperor with their resignation en bloc if war were not resolved on." (I Accuse, p. 189.)

2. General mobilization of Russian army (July 30–31). This was grounded not merely on the measures of Austria, but also on "the measures for mobilization (against Russia) taken secretly, but continuously, by Germany for the last six days." (French Yellow Book, No 118; Collected Diplomatic Documents, p. 223.)

"The Tsar assured the Kaiser: "It is far from us to want war. As long as the negotiations between Austria and Serbia continue, my troops will undertake no provocative action. I give you my solemn word thereon." (German White Book; Collected Diplomatic Documents, p. 411.)

For evidence of German mobilization against France beginning as early as July 21, see Nineteenth Century and After, issue for June, 1917. Consult also I Accuse, pp. 194–201; War Cyclopedia, under "Mobilization Controversy."

3. German ultimatum to Russia (July 31, midnight) demanding that the Government "suspend their military measures by midday on August 1" (twelve hours).

Demand addressed to France (July 31, 7 p. m.) as to "what the attitude of France would be in case of war between Germany and Russia?" (French Yellow Book, No. 117; Collected Diplomatic Documents, p. 223). The French Prime Minister answered (August 1, 1 05 p. m.) that "France would do that which her interests dictated." (German White Book, Exhibit 27; Collected Diplomatic Documents, p. 434.)

4. Declaration of war against Russia at 7.10 p. m. on August 1, following Russia's failure to demobilize. (Russian Orange Book, No. 76; Collected Diplomatic Documents, p. 204.)

Orders for a general mobilization of the French army were signed at 3.40 p. m. the same day.

5. Declaration of war against France on August 3 (French Yellow Book, No. 147; Collected Diplomatic Documents, p. 240.)

This declaration contained charges that France had already violated German territory, e. g., by dropping bombs from aeroplanes on railway tracks near Nuremburg). These charges are now shown to be falsehoods. (Le Mensonge du 3 Août, 1914, pp. 130–230; pamphlet entitled, German Truth and a Matter of Fact, London, 1917.) To avoid possible clashes through hot-headedness of her troops and underofficers, France withdrew her troops 10 kilometers (about six miles) within her own frontiers. On the other hand German bands repeatedly crossed the French frontier, and even killed a French soldier on French soil before the declaration of war. (French Yellow Book, No. 106.)

Similar falsehoods were inserted in the Austrian declaration of war on Serbia, and in the German declaration of war on Russia. Falsehood and forgery were used with Machiavellian unscrupulousness by Germany in the conduct of her foreign affairs. (Compare Bismarck's changes in the "Ems dispatch" at beginning of Franco-German war and his diabolical pleasure that war with France then became certain. Bismarck, Autobiography, II, p. 101. See War Cyclopedia, under "German Government, Moral Bankruptcy," etc.)

IV. GERMAN RESPONSIBILITY FOR THE WAR.

The testimony is overwhelming not only that Germany planned with Austria an aggresive stroke in 1914, but that in the end it was she who willed the war. (See War Cyclopedia, under "War, Responsibility for.")

"The constant attitude of Germany who, since the beginning of the conflict, while ceaselessly protesting to each power her peaceful intentions, has actually, by her dilatory or negative attitude, caused the failure of all attempts at agreement, and has not ceased to encourage through her ambassador the uncompromising attitude of Vienna; the German military preparations begun since the 25th of July and subsequently continued without cessation; the immediate opposition of Germany to the Russian formula (of July 29–31), declared at Berlin inacceptable for Austria before that power had ever been consulted; in conclusion, all the impressions derived from Berlin bring conviction that Germany has sought to humiliate Russia, to disintegrate the Triple Entente, and if these results could not be obtained, to make war." (Viviani, French Minister for Foreign Affairs, July 31, in French Yellow Book, No. 114; Collected Diplomatic Documents, p. 221.)

"Never in the history of the world has a greater crime than this been committed. Never has a crime after its commission been denied with greater effrontery and hypocrisy." (I Accuse, pp. 208–9.)

"The German Government contrived the war jointly in concert with the Austrian Government, and so burdened itself with the greatest responsibility for the immediate outbreak of the war. The German Government brought on the war under cover of deception practiced upon the common people and even upon the Reichstag (note the suppression of the ultimatum to Belgium, the promulgation of the German White Book, the elimination of the Tsar's dispatch of July 29, 1914, etc.)." (Dr. Karl Liebknecht, German Socialist, in leaflet dated May 3, 1916. See War Cyclopedia, under "Liebknecht on German War Policy.")

"The object of this war (on the part of the opponents of Germany) is to deliver the free peoples of the world from the menace and the actual power of a vast military establishment controlled by an irresponsible government which, having secretly planned to dominate the world, proceeded to carry the plan out without regard either to the sacred obligations of treaty or the long-established practices and long-cherished principles of international action and honor; which chose its own time for the war; delivered its blow fiercely and suddenly; stopped at no barrier either of law or mercy; swept a whole continent within the tide of blood—not the blood of soldiers only, but the blood of innocent women and children also and of the helpless poor; and now stands baffled but not defeated, the enemy of four-fifths of the world. This power is not the German people. It is the ruthless master of the German people. It is no business of ours how that great people came under its control or submitted with temporary zest to the domination of its purpose; but it is our business to see to it that the history of the rest of the world is no longer left to its handling." (President Wilson's reply to the Pope's peace proposals, August 27, 1917.)

For reading references on Chapter V, see page 37.

VI. VIOLATION OF BELGIUM'S NEUTRALITY BRINGS IN GREAT BRITAIN.

I. WHY GREAT BRITAIN WAS EXPECTED TO STAY OUT.

1. Embittered state of party relations growing out of the budget struggle of 1909–11, the limitation of the veto of the House of Lords in 1911, violence of the suffragettes ("the wild women"), and the passage by the House of Commons of the Irish home-rule bill (May 25, 1914).

2. Serious threat of rebellion in northern Ireland (Ulster) against putting in force Irish home-rule act. Organization of armed forces under Sir Edward Carson; "gun running" from Germany.

3. Widespread labor troubles, especially among the railway workers.

4. Unrest in India, following administrative division of the Province of Bengal; boycott movement; revolutionary violence attending Nationalist (Hindu) agitations.

5. Unwarlike character of the British people; a "nation of shopkeepers" supposedly unready for the sacrifices of war. Progress of pacifist opinions ("Norman-Angellism").

6. Lack of an army adequate for use abroad. Composed of volunteers ("mercenaries") instead of being based on compulsory service, it was regarded (in the Kaiser's phrase) as "contemptible."

II. BRITISH DIPLOMACY AND THE WAR.

1. Sir Edward Grey, Secretary for Foreign Affairs, labored unremittingly for peace. (See War Cyclopedia, under "Grey and British Policy, 1914.")

"Sir Edward Grey deserves more than any other the name of the 'peacemaker of Europe.' * * * His efforts were in vain, but his merit in having served the cause of peace with indefatigable zeal, with skill and energy, will remain inextinguishable in history." (I Accuse, pp. 247–248.)

"No man in the history of the world has ever labored more strenuously or more successfully than my right honorable friend, Sir Edward Grey, for that which is the supreme interest of the modern world—a general and abiding peace. * * * We preserved by every expedient that diplomacy can suggest, straining to almost the breaking point our most cherished friendships and obligations, even to the last making effort upon effort and hoping against hope. Then, and only then, when we were at last compelled to realize that the choice lay between honor and dishonor, between treachery and good faith, and that we had at last reached the dividing line which makes or mars a nation worthy of the name, it was then, and only then, that we declared for war." (Prime Minister Asquith, at the Guildhall, London, Sept. 4, 1914.)

"Shoulder to shoulder with England we labored vehemently and supported every proposal," etc. (German White Book; in Collected Diplomatic Documents, p. 410.) Similar admissions that Great Britain strove sincerely and energetically for peace are found in other passages in the German White Book. Later the German Chancellor, von Bethmann Hollweg, declared: "The inner responsibility [for the war] lies on the Government of Great Britain. * * * England saw how things were moving, but did nothing to spoke the wheel." (Speech in Reichstag, Dec. 2, 1914.) This statement, however, is palpably false.

2. British fleet kept together after the summer maneuvers (July 27). Importance of this step.

"I pointed out [to the Austrian ambassador] that our fleet was to have dispersed to-day, but we had felt unable to let it disperse. We should not think of calling up reserves at this moment, and there was no menace in what we had done about our fleet; but, owing to the possibility of a European conflagration, it was impossible for us to disperse our forces at this moment. I gave this as an illustration of the anxiety that was felt [over the Serbian question]." (Sir Edward Grey, in British Blue Book, No. 48; Collected Diplomatic Documents, p. 43.)

3. Her liberty of action reserved; Great Britain was free from engagements (July 29).

"In the present case the dispute between Austria and Serbia was not one in which we felt called upon to take a hand. Even if the question became one between Austria and Russia we should not feel called upon to take a hand in it. It would then be a question of the supremacy of Teuton or Slav—a struggle for supremacy in the Balkans; and our idea had always been to avoid being drawn into a war over a Balkan question. If Germany became involved and France became involved, we had not made up our minds what we should do; it was a case that we should have to consider. * * * We were free from engagements, and we should have to decide what British interests required us to do. I thought it necessary to say that, because * * * we were taking all precautions with regard to our fleet, and I was about to warn [the German ambassador] not to count on our standing aside, but that it would not be fair that I should let [the French ambassador] be misled into supposing that this meant that we had decided what to do in a contingency that I still hoped might not arise." (Sir Edward Grey to the French ambassador, in British Blue Book, No. 87; Collected Diplomatic Documents, pp. 65–66.)

4. Germany's "infamous proposal" of July 29 (following the Potsdam council of that date, at which war apparently was resolved upon). In return for British neutrality in case of war between Germany and France, the German chancellor promised: (a) Not to aim at "territorial acquisitions at the expense of France" in Europe; (b) a similar undertaking with respect to the French colonies was refused; (c) the neutrality of Holland would be observed as long as it was respected by Germany's adversaries; (d) in case Germany was obliged to violate Belgium's neutrality, "when the war was over Belgian integrity would be respected if she had not sided against Germany.

"He [the German chancellor] said that should Austria be attacked by Russia a European conflagration might, he feared, become inevitable, owing to Germany's obligations as Austria's ally, in spite of his continued efforts to maintain peace. He then proceeded to make the following strong bid for British neutrality. He said that it was clear, so far as he was able to judge the main principle which governed British policy, that Great Britain would never stand by and allow France to be crushed in any conflict there might be. That, however, was not the object at which Germany aimed. Provided that neutrality of Great Britain were certain, every assurance would be given to the British Government that the Imperial Government aimed at no territorial acquisitions at the expense of France, should they prove victorious in any war that might ensue.

"I questioned his excellency about the French colonies, and he said that he was unable to give a similar undertaking in that respect. As regards Holland, however, his excellency said that so long as Germany's adversaries respected the integrity and neutrality of the Netherlands Germany was ready to give His Majesty's Government an assurance that she would do likewise. It depended upon the action of France what operations Germany might be forced to enter upon in Belgium, but when the war was over Belgian integrity would be respected if she had not sided against Germany." (British ambassador at Berlin, in British Blue Book, No. 85; Collected Diplomatic Documents, p. 64.)

5. This proposal was emphatically rejected by Great Britain. "What he asks us in effect is to engage to stand by while French colonies are taken and France is beaten, so long as Germany does not take French territory as distinct from the colonies." (Sir Edward Grey, in British Blue Book, No. 101; Collected Diplomatic Documents, p. 77. Compare Germany's attitude over Great Britain's proposal for a naval compact in 1912—see ch. I, IV 6 c.)

The proposals of July 29 may be regarded as "the first clear sign of a general conflict, for they presumed the probability of a war with France in which Belgium, and perhaps England, might be involved, while Holland would be left alone." (J. H. Rose, Development of the European Nations, 5th ed., II, p. 387.)

6. Grey holds out the prospect of a league of peace (July 30). In his reply to the foregoing proposals, the British foreign secretary adds:

"If the peace of Europe can be preserved, and the present crisis safely passed, my own endeavor will be to promote some arrangement to which Germany could be a party, by which she could be assured that no aggressive or hostile policy would be pursued against her or her allies by France, Russia, and ourselves, jointly or separately. I have desired this and worked for it, as far as I could, through the last Balkan crisis, and, Germany having a corresponding object, our relations sensibly improved. The idea has hitherto been too Utopian to form the subject of definite proposals, but if this present crisis, so much more acute than any that Europe has gone through for generations, be safely passed, I am hopeful that the relief and reaction, which will follow may make possible some more definite rapprochement between the powers than has been possible hitherto." (British Blue Book, No. 101; Collected Diplomatic Documents, p. 78.)

Germany made no reply to the above suggestion.

7. Would Great Britain keep out if Germany respected Belgium's neutrality? (Aug. 1.)

"He [the German ambassador] asked me [Sir Edward Grey] whether, if Germany gave a promise not to violate Belgium's neutrality, we would engage to remain neutral.

"I replied that I could not say that; our hands were still free, and we were considering what our attitude should be. All I could say was that our attitude would be determined largely by public opinion here, and that the violation of the neutrality of Belgium would appeal very strongly to public opinion here. I did not think that we could give a promise of neutrality on that condition alone.

"The ambassador pressed me as to whether I could not formulate conditions on which we would remain neutral. He even suggested that the integrity of France and her colonies might be guaranteed.

"I said that I felt obliged to refuse definitely any promise to remain neutral on similar terms, and I could only say that we must keep our hands free." (British Blue Book, No. 123; Collected Diplomatic Documents, p. 93.)

8. Great Britain not to come in if Russia and France rejected reasonable peace proposals; otherwise she would aid France (July 31).

"I said to German ambassador this morning that if Germany could get any reasonable proposal put forward which made it clear that Germany and Austria were striving to preserve European peace, and that Russia and France would be unreasonable if they rejected it, I would support it at St. Petersburg and Paris, and go the length of saying that if Russia and France would not accept it His Majesty's Government would have nothing more to do with the consequences; but, otherwise, I told German ambassador that if France became involved we should be drawn in." (Sir Edward Grey, in British Blue Book, No. 111; Collected Diplomatic Documents, p. 86.)

9. Great Britain gives naval assurance to France (Aug. 2), following the German declaration of war on Russia (Aug. 1) and the invasion of Luxemburg.

"I am authorized [by the British Cabinet] to give an assurance that, if the German fleet comes into the Channel or through the North Sea to undertake hostile operations against French coasts or shipping, the British fleet will give all the protection in its power." (Sir Edward Grey to the French ambassador, in British Blue Book, No. 148; Collected Diplomatic Documents, p. 105.)

This assurance was given as the result of an arrangement of several years' standing whereby the French fleet was concentrated in the Mediterranean and the British by agreement in the North Sea. "It did not bind us to go to war with Germany unless the German fleet took the action indicated." (Sir Edward Grey to the British ambassador at Paris, in British Blue Book, No. 148; Collected Diplomatic Documents, p. 105.)

III. NEUTRALITY OF LUXEMBURG AND OF BELGIUM VIOLATED.

1. Luxemburg invaded by German troops (Aug. 2). This was in violation of the treaty of London (1867), as well as of her rights as a neutral State in general. (See Hague Convention of 1907, arts. 2–5; War Cyclopedia, under "Luxemburg," "Neutral Duties," "Neutrality," "Neutralized State.")

2. Special status of Belgium as a neutralized State. Based upon the treaty of London (1839), by which Belgium became "an independent and perpetually neutral State, * * * bound to observe such neutrality toward all other States," and Prussia, France, Great Britain, Austria, and Russia became the "guarantors" of her neutrality. The German Empire was the successor to Prussia in this guarantee. Confirmation of Belgium's neutrality in 1870, by treaties between Great Britain and Prussia and Great Britain and France. (See War Cyclopedia, under "Belgium, Neutralization.")

"Had Belgium been merely a small neutral nation, the crime [of her violation] would still have been one of the worst in the history of the modern world. The fact that Belgium was an internationalized State has made the invasion the master tragedy of the war. For Belgium represented what progress the world had made toward cooperation. If it could not survive, then no internationalism was possible. That is why, through these years of horror upon horror, the Belgian horror is the fiercest of all. The burning, the shooting, the starving, and the robbing of small and inoffensive nations is tragic enough. But the German crime in Belgium is greater than the sum of Belgium's misery. It is a crime against the basis of faith on which the world must build or perish." (Walter Lippman, in Annals of the American Academy of Political and Social Science, July, 1917.)

3. German reassurances to Belgium in 1911 and 1914.

"Germany will not lose sight of the fact that the neutrality of Belgium is guaranteed by international treaty." (German minister of war, in the Reichstag, Apr. 29, 1911. See Belgian Gray Book, No. 12; Collected Diplomatic Documents, p. 306.)

"The troops will not cross Belgian territory." (German minister to Belgium, early on Aug. 2, 1914, to Brussels journalists. In H. Davignon, Belgium and Germany, p. 7.)

"Up to the present he [the German minister to Belgium, on Aug. 2] had not been instructed to make us an official communication, but that we knew his personal opinion as to the feelings of security which we had the right to entertain toward our eastern neighbors." (Belgian minister for foreign affairs, in Belgian Gray Book, No. 19; Collected Diplomatic Documents, p. 309.)

4. France officially assured Great Britain and Belgium of her resolve to respect Belgium's neutrality (July 31 and Aug. 1), in response to an inquiry addressed by Great Britain to both France and Germany. (British Blue Book, Nos. 115 and 126; Belgian Gray Book, No. 18; Collected Diplomatic Documents, pp. 87, 94, 307.)

5. Germany declined to give such an official assurance (July 31)—apparently on the ground that "any reply they might give could not but disclose a certain amount of their plan of campaign in the event of war ensuing." (British Blue Book, No. 122; Collected Diplomatic Documents, p. 92.)

6. Germany demanded (Aug. 2 at 7 p. m.) permission to pass through Belgium on the way to France, alleging (falsely) that France intended to march into Belgium, and offering to restore Belgium and to pay an indemnity at the end of the war. Should Belgium oppose the German troops, she would be considered "as an enemy," and Germany would "undertake no obligations" toward her. (Belgian Gray Book, No. 20; Collected Diplomatic Documents, pp. 309–311.)

7. Belgium refused such permission (Aug. 3). "The Belgian Government, if they were to accept the proposals submitted to them, would sacrifice the honor of the nation and betray their duty toward Europe." (Belgian Gray Book, No. 22; Collected Diplomatic Documents, p. 312.)

8. German armed forces entered Belgium on the morning of August 4. Belgium thereupon appealed to Great Britain, France, and Russia, as guaranteeing powers, to come to her assistance in repelling the invasion.

9. Germany's justification of her action:

(a) Plea of necessity. "Gentlemen, we are now in a state of necessity, and necessity knows no law. Our troops have occupied Luxemburg and perhaps have already entered Belgian territory. Gentlemen, this is a breach of international law. * * * We know * * * that France stood ready for an invasion [this statement was false]. France could wait, we could not. * * * The wrong—I speak openly—the wrong we thereby commit we will try to make good as soon as our military aims have been attained. He who is menaced as we are and is fighting for his highest possession can only consider how he is to hack his way through." (Chancellor von Bethmann-Hollweg, in the Reichstag, Aug. 4, 1914. See War Cyclopedia, under "Bethmann-Hollweg," "Kriegs-Raison," "Notwendigkeit.")

(b) Charge that Belgium had violated her own neutrality by concluding military conventions with England in 1905 and 1912 directed against Germany. This claim is based on a willful misinterpretation of documents discovered by Germany in Brussels after the taking of that city. (Collected Diplomatic Documents, pp. 350–367.)

"That a wrong was done to Belgium was originally openly confessed by the perpetrator. As an afterthought, in order to appear whiter, Cain blackened Abel. In my opinion, it was a spiritual blunder to rummage for documents in the pockets of the quivering victim. * * * To calumniate her in addition is really too much. (Karl Spitteler, a Swiss, quoted in I Accuse, p. 234.)

(c) Military expediency was the real reason. This is shown, among other indications, by an interview (Aug. 5, 1914) between the German minister for foreign affairs and the Belgian minister to Germany.

"German Minister: "It is a question of life or death for the Empire. If the German armies do not want to be caught between the hammer and the anvil they must strike a decisive blow at France in order then to turn back against Russia."

Belgian minister: "But the frontiers of France are sufficiently extended to make it possible to avoid passing through Belgium."

Foreign minister: "They are too strongly fortified." (H. Davignon, Belgium and Germany, p. 14.)

IV. GREAT BRITAIN ENTERS THE WAR.

1. Appeal of King Albert of Belgium to King George (Aug. 3): "Remembering the numerous proofs of Your Majesty's friendship and that of your predecessor, and the friendly attitude of England in 1870 and the proof of friendship you have just given us again, I make a supreme appeal to the diplomatic intervention of Your Majesty's Government to safeguard the integrity of Belgium." (Belgian Gray Book, No. 25; Collected Diplomatic Documents, p. 312.)

2. Great Britain's ultimatum to Germany (August 4) asking assurance by midnight that "the demand made upon Belgium will not be proceeded with, and that her neutrality will be respected by Germany." (British Blue Book, No. 158, 159; Collected Diplomatic Documents, pp. 107–108.)

3. War declared by Great Britain (about midnight, August 4). The "scrap of paper" utterance.

The account of the last interview (about 7 p. m., August 4) of the British ambassador with the German Chancellor is instructive: "I found the Chancellor very agitated. His excellency at once began a harangue, which lasted for about 20 minutes. He said that the step taken by His Majesty's Government was terrible to a degree; just for a word—'neutrality'—a word which in war time had so often been disregarded, just for a scrap of paper Great Britain was going to make war on a kindred nation who desired nothing better than to be friends with her. All his efforts in that direction had been rendered useless by this last terrible step, and the policy to which, as I knew, he had devoted himself since his accession to office had tumbled down like a house of cards. What we had done was unthinkable; it was like striking a man from behind while he was fighting for his life against two assailants. He held Great Britain responsible for all the terrible events that might happen. I protested strongly against that statement, and said that in the same way as he and Herr von Jagow (German Foreign Minister) wished me to understand that for strategical reasons it was a matter of life and death to Germany to advance through Belgium and violate the latter's neutrality, so I would wish him to understand that it was, so to speak, a matter of 'life and death' for the honor of Great Britain that she should keep her solemn engagement to come to her utmost to defend Belgium's neutrality if attacked. That solemn compact simply had to be kept, or what confidence could anyone have in engagements given by Great Britain in the future? The Chancellor said: 'But at what price will that compact have been kept?' Has the British Government thought of that?' I hinted to his excellency as plainly as I could that fear of consequences could hardly be regarded as an excuse for breaking solemn engagements, but his excellency was so excited, so evidently overcome by the news of our action, and so little disposed to hear reason that I refrained from adding fuel to the flame by further argument." (British Blue Book, No. 160; Collected Diplomatic Documents, p. 111. See War Cyclopedia, under "Scrap of Paper.")

4. Great Britain's reasons for entering the war:

(a) Her obligations to Belgium under the treaty of 1839.

(b) Her relations to France growing out of the entente cordiale (1904). These ties were strengthened in subsequent years by consultations of British and French naval experts, but no promise of anything more than diplomatic support was given until August 2, 1914.

"We have agreed that consultation between experts is not, and ought not, to be regarded as an engagement that commits either Government to action in any contingency that has not yet arisen and may never arise. The disposition, for instance, of the French and British fleets, respectively, at the present moment is not based upon an engagement to cooperate in war.

"You have, however, pointed out that if either Government had grave reason to expect an unprovoked attack by a third power it might become essential to know whether it could in that event depend upon the armed assistance of the other.

"I agree that if either Government had grave reason to expect an unprovoked attack by a third power, or something that threatened the general peace, it should immediately discuss with the other whether both Government's should act together to prevent aggression and to preserve peace; and if so, what measures they would be prepared to take in common." (Sir Edward Grey to the French ambassador, Nov. 22, 1912; see New York Times Current History, I, p. 283.)

"There is but one way in which the Government could make certain at the present moment of keeping outside this war, and that would be that it should immediately issue a proclamation of unconditional neutrality. We can not do that. We have made the commitment to France [of Aug. 2, 1914] that I have read to the House, which prevents us doing that." (Sir Edward Grey in the House of Commons, Aug. 3, 1914; New York Times Current History, I, p. 289.)

(c) Self-interest—the realization that Germany's hostility to her was implacable, and that if Great Britain was not to surrender her position as a great power in the world, and possibly a goodly portion of her colonial possessions, she must ultimately fight Germany; if so, better in alliance with France and Russia than alone at a later time.

5. Great Britain's declared war aims.

"We shall never sheathe the sword which we have not lightly drawn until Belgium recovers in full measure all and more than all that she has sacrificed, until France is adequately secured against the menace of aggression, until the rights of the smaller nationalities of Europe are placed upon an unassailable foundation, and until the military domination of Prussia is wholly and finally destroyed." (Prime Minister Asquith, Nov. 9, 1914.)

"I say nothing of what the actual conditions of peace will be, because those are things which we must discuss with our allies and settle in common with them. But the great object to be attained * * * is that there shall not again be this sort of militarism in Europe, which in time of peace causes the whole of the Continent discomfort by its continual menace, and then, when it thinks the moment has come that suits itself, plunges the Continent into war." (Sir Edward Grey, House of Commons, Jan. 26, 1916.)

"What we and our allies are fighting for is a free Europe. We want a Europe free not only from the domination of one nationality by another, but from bectoring diplomacy and the peril of war, free from the constant rattling of the sword in the scabbard, from perpetual talk of shining armor and war lords. In fact, we feel we are fighting for equal rights; for law, justice, peace; for civilization throughout the world as against brute force, which knows no restraint and no mercy.

"What Prussia proposes, as we understand her, is Prussian supremacy. She proposes a Europe modeled and ruled by Prussia. She is to dispose of the liberties of her neighbors and of us all. We say that life on these terms is intolerable. And this also is what France and Italy and Russia say. We are fighting the German idea of the wholesomeness, almost the desirability, of ever recurrent war. Germany's philosophy is that a settled peace spells degeneracy. Such a philosophy, if it is to survive as a practical force, means eternal apprehension and unrest. It means ever-increasing armaments. It means arresting the development of mankind along the lines of culture and humanity. * * *

"The allies can tolerate no peace that leaves the wrongs of this war unredressed. Peace counsels that are purely abstract and make no attempt to discriminate between the rights and the wrongs of this war are ineffective if not irrelevant.

"* * * The Prussian authorities have apparently but one idea of peace, an iron peace imposed on other nations by German supremacy. They do not understand that free men and free nations will rather die than submit to that ambition, and that there can be no end to war till it is defeated and renounced." (Sir Edward Grey to correspondent of Chicago Daily News, in June, 1916.)

Mr. OWEN. Now, Mr. President in support of that there is a tremendous amount of historical evidence. I want to call attention to certain volumes which have dealt with this matter particularly and which I wish to put in the RECORD in order that those who desire to know what the facts are may find the bibliography immediately at hand. So without reading I ask to print in the RECORD a list of these books which are of immediate present import.

The PRESIDING OFFICER. Without objection, leave is granted.

The matter referred to is as follows:

Germany's War Mania.
Gems of German Thought. (Archer.)
Hurrah and Hallelujah. (Bang.)
Pan Germanic Doctrine. (Harpers.)
Out of Their Own Mouths. (Appleton.)
Der Deutsche Chauvinismus. (Nippold.)
Das Annexionistische Deutschland. (Grumbach.)
My Four Years in Germany. (Gerard.)
Juge par Eux. (Themes.)
Obstacles to Peace. (McClure.)
Ten Pamphlets. (War information series, Committee on Public Information.)
Germany and the Next War. (Von Bernhardi.)
I Accuse. (Doran & Co., N. Y.)
The Crime. (Doran & Co., N. Y.)
The Diplomatic Facts of the War. (Seymour.)
The Immediate Causes of the Great War. (Chipwood.)
Fallacies and Facts. (Lord Roberts.)
The Diplomacy of the Great War. (Ballard.)
Because I am a German. (Fernan.)
The Evidence in the Case. (Beck.)
Who Wanted the European War. (Guglielmo Ferrero—Clarendon Press.)
German Annexationist Aims. (Grumbach.)
How the Nations Waged War. (Kennedy.)
Topical Outline of the War. (Prof. Samuel B. Harding, Indiana University.)

Mr. OWEN. By the Committee on Public Information, comprising the Secretary of State, the Secretary of War, and the Secretary of the Navy, and under the immediate supervision of Mr. George Creel, there was printed not long since, on November 15, 1917, a volume called "Conquest and Kultur," which sets forth the philosophy of the Pan-German group or the Prussian military autocratic group, giving the opinions of the various leaders of the German Empire, beginning with the Kaiser himself, and including Von Bethmann-Hollweg, Von Heydebrand, and various other leaders—military, political, and educational. I want to call attention to this particular volume, and I want to call especial attention to certain declarations made in it, showing that this war was planned upon the neighboring nations of the German and Austrian Empires and that they contemplated making war upon the United States.

On page 11 of this document will be found a statement attributed to Maj. N. A. Bailey, and made to W. T. Hornaday, on August 11, 1915, a statement which was called to the attention of the Senate by the Senator from Illinois [Mr. LEWIS] some months ago, and which ought to be printed in full in the RECORD so that people who wish to know about it may see it. He says:

At the close of the Spanish-American War I was returning on the *Santee*, I think it was, from Santiago, Cuba, to Montauk Point. * * * On board there was a military attaché from Germany, Count von Goetzen, a personal friend of the Kaiser. There was also an attaché from some South American country, possibly Argentina.

Apropos of a discussion between Count von Goetzen and myself on the friction between Admiral Dewey and the German admiral at Manila, von Goetzen said to me: "I will tell you something which you better make note of. I am not afraid to tell you this because, if you do speak of it, no one would believe you and everybody will laugh at you.

"About 15 years from now my country will start her war. She will be in Paris in about two months after the commencement of hostilities. Her move on Paris will be but a step to her real object—the crushing of England. Everything will move like clockwork. We will be prepared and others will not be prepared. I speak of this because of the connection which it will have with your own country.

"Some months after we finish our work in Europe we will take New York and probably Washington and hold them for some time. We will put your country in its place with reference to Germany. We do not intend to take any of your territory, but we do intend to take a billion or more dollars from New York and other places. The Monroe doctrine will be taken charge of by us, as we will then have put you in your place, and we will take charge of South America, as far as we want to. I have no hostility toward your country. I like it, but we have to go our own way. Don't forget this, and about 15 years from now remember it and it will interest you."

Mr. President, this statement would have been utterly incredible except for the amount of evidence which has come from every direction, and from every quarter of the globe, which shows that this forecast was based upon known facts. The fact that America must stand the brunt of this German war, if William II can have his way, is shown by what the American Ambassador, James W. Gerard says in his book, "My Four Years in Germany." He refers to an interview which he obtained on October 22, 1915. He had tried from the preceding spring to have an interview with the Kaiser, who refused to see him, although we were at peace with Germany. Finally, Gerard wrote a note to the chancellor saying:

Some time since I requested an interview with the Kaiser. You need not give yourself any further trouble about the request.

JAMES W. GERARD.

Thereupon the interview was granted. It took an hour and a quarter, during which time the Emperor talked vehemently and angrily to Gerard. Referring to this interview, Mr. Gerard says:

The Emperor was standing, so, naturally, I stood also; and according to his habit, which is quite Rooseveltian, he stood very close to me and talked very earnestly. * * * He showed, however, great bitterness against the United States and repeatedly said, "America had better look out after this war," and "I shall stand no nonsense from America after the war." * * * I was so fearful in reporting the dangerous part of this interview, on account of the many spies, not only in my own embassy but also in the State Department, that I sent but a very few words in a roundabout way by courier direct to the President.

A. Curtis Roth, former American vice consul at Plauen, gives evidence of this same condition, if any evidence were needed, as follows:

The Germans became imbued with the ideas that America must be made to suffer, that America must indemnify the German people, and behind these ideas were the German Army and Navy, the pan-Germans, the agrarians, conservatives of all hues, and the National Liberals, the national German committees * * * and the German Government. * * *

In April, 1915, I was with a party of German officers at Bad Elster in southeastern Saxony. Maj. Liebster, an acquaintance of mine * * * joined our party. * * * Maj. Liebster sought the occasion for a conversation with me and among other things said: "We are keeping books on you Americans. It's a long account and we haven't missed any details. Rest assured that that account will be presented to you some day for settlement. * * * We are keeping the account in black and white * * * with customary German thoroughness."

Mr. President, in Ambassador Gerard's book he makes a quotation from Von Tirpitz which, I think, it is worth while to

place in the RECORD, and which, without reading, I ask leave to insert, showing that Von Tirpitz intended to make war on the United States when Germany had succeeded in conquering Europe.

The PRESIDING OFFICER. Without objection, leave is granted.

The matter referred to is as follows:

[From page 249 of "My Four Years in Germany," by James W. Gerard.]

During this winter of submarine controversy an interview with Von Tirpitz, thinly veiled as an interview with a "high naval authority," was published in that usually most conservative of newspapers, the Frankfurter Zeitung. In this interview the "high naval authority" advocated ruthless submarine war with England and promised to bring about thereby the speedy surrender of that country. After the surrender, which was to include the whole British fleet, the German fleet, with the surrendered British fleet added to its force, was to sail for America and exact from that country indemnities enough to pay the whole cost of the war.

After his fall Von Tirpitz, in a letter to some admirers who had sent him verses and a wreath, advocated holding the coast of Flanders as a necessity for the war against England and America.

Mr. OWEN. Mr. President, one of the most striking recent evidences of this Hohenzollern conspiracy is an article by a German captain of industry named August Thyssen, to which I want to call the attention of the Senate. There is a very illuminating description of who August Thyssen is by the Marquise de Fontenoy, which I ask the Secretary to read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

AUGUST THYSSEN OR KAISER.

That old August Thyssen should have made so vitriolic an attack upon the Kaiser and against his dynasty as that contained in his extraordinary pamphlet recently addressed to the business men of the vaterland, and which has just reached the United States, may be regarded as a very significant and noteworthy sign of the times.

It is altogether amazing that the pamphlet should ever have been permitted to get into print and into circulation, that any copies thereof should have been allowed to get out of Germany into foreign countries, and also that the bold author should be still at liberty instead of confined in the deepest of dungeons, with all his possessions confiscated to the crown, for he makes no bones about charging the Kaiser in person with extortion and blackmail, with savage persecution of those who opposed his wishes and with willful deceit and fraud.

He likewise sets forth the promises of immense tracts of British and French territory made by Emperor William to German business men prior to the summer of 1914, in order to secure their support for the war which he had in view. Thyssen himself being offered a grant of 30,000 acres in the mining districts of Australia and the entire Dominion of Canada, for exploitation by means of a syndicate. Thyssen refused to take these pledges seriously and has been in the Emperor's black books ever since.

GERMANY'S INDUSTRIAL CHIEF.

Now, in order to appreciate the importance of the pamphlet it is necessary to explain just who August Thyssen is. If Albert Ballin, Emil von Rathenau, the members of the dynasty of Stumm, the Henckel-Donnersmarcks, etc., are the captains of finance and industry of Germany, then August Thyssen is the captain general. He may be compared to a sort of blend between Charles M. Schwab, of the Bethlehem Steel Works, and the late J. Pierpont Morgan, and has often been described as the king of the steel, iron, and coal industries of central Europe.

He was bitterly opposed to the present war, which he insists could have been avoided if England had been represented at the court of the Kaiser by the president of some great steamship company and Germany had been represented in the same way at the court of St. James by some great Rhenish or Westphalian ironmaster or manufacturer.

FOREIGN INVESTMENTS LOST.

An ardent advocate of the internationalism of commerce, Thyssen possessed until the beginning of the war huge mines, ironworks, docks, and even harbors, in British India, in other English colonial dependencies, as well as in France and in Russia, all of which have been sequestrated by the Governments of these three powers as property belonging to the German foe. If Holland gets dragged into the fray, in spite of her endeavors to preserve her neutrality, Thyssen's vast system of docks and shipbuilding works at Vlaardingen, near Rotterdam, will likewise be lost to him.

These he secured some seven or eight years ago in behalf of the Vulcan Iron & Steamship Building Co., of Germany, which he controls, and he had given a contract for the construction of an additional large, new harbor, with a depth of 30 feet, also a dry dock large enough to hold the biggest battleships, and huge wharves at Vlaardingen, when the war began. The entire property is surrounded by a lofty wall, so as to insure complete privacy. Thyssen's ironworks in France were situated at Montigny and at Maisieres, while his docks in France were at Caen. His principal base in Russia, until the summer of 1914, was at Nikolaieff, on the Black Sea, where he owned practically everything in sight.

August Thyssen is about 78, in every sense of the word a self-made man, having started some 50 years ago with a capital of $6,000.

Mr. OWEN. Mr. President, this article, which I desire to call to the attention of the country, is as follows:

I am writing this pamphlet—

Says August Thyssen—

because I want to open the eyes of Germans, especially of the business community, to facts. When the Hohenzollern wanted to get the support of the commercial class for their war plans, they put their ideas before us as a business proposition. A large number of business and commercial men were asked to support the Hohenzollern war policy on the ground that it would pay them to do so.

Let me frankly confess that I am one of those men who was led to agree to support the Hohenzollern war plan when this appeal was made to the leading business men of Germany in 1912–13. I was led to do so, however, against my better judgment.

In 1912 the Hohenzollerns saw that the war had become a necessity to the preservation of the military system, upon which their power depends. In that year the Hohenzollerns might have directed, if they had desired, the foreign affairs of our country so that peace would have been insured in Europe for at least 50 years. But prolonged peace would have resulted certainly in the break-up of our military system, and with the break-up of our military system the power of the Hohenzollerns would come to an end. The Emperor and his family, as I said, clearly understood this, and they therefore, in 1912, decided to embark on a great war of conquest.

But to do this they had to get the commercial community to support them in their aims. They did this by holding out to them hopes of great personal gain as a result of the war. In the light of events that have taken place since August, 1914, these promises now, appear to have been supremely ridiculous, but most of us at the time were led to believe that they would probably be realized.

I was personally promised a free grant of 30,000 acres in Australia and a loan from the Deutsch Bank of £150,000, at 3 per cent, to enable me to develop my business in Australia. Several other firms were promised special trading facilities in India, which was to be conquered by Germany, be it noted, by the end of 1915. A syndicate was formed for the exploitation of Canada. This syndicate consisted of the heads of 12 great firms; the working capital was fixed at £20,000,000, half of which was to be found by the German Government.

Where were, I have heard, promises made of a more personal character. For example, the "conquest of England" was to be made the occasion of bestowing upon certain favored and wealthy men some of the most desirable residences in England, but of this I have no actual proof.

Every trade and interest was appealed to. Huge indemnities were, of course, to be levied on the conquered nations, and the fortunate German manufacturers were, by this means, practically to be relieved of taxation for years after the war.

These promises were not vaguely given. They were made definitely by Bethmann-Hollweg on behalf of the Emperor to gatherings of business men, and in many cases to individuals. I have mentioned the promise of a grant of 30,000 acres in Australia that was made to me. Promises of a similar kind were made to at least 80 other persons at special interviews with the chancellor, and all particulars of these promises were entered in a book at the trades department.

But not only were these promises made by the chancellor; they were confirmed by the Emperor, who, on three occasions, addressed large private gatherings of business men in Berlin, Munich, and Cassel in 1912 and 1913. I was at one of these gatherings. The Emperor's speech was one of the most flowery orations I have listened to, and so profuse were the promises he made that were even half of what he promised to be fulfilled, most of the commercial men in Germany would become rich beyond the dreams of avarice.

The Emperor was particularly enthusiastic over the coming German conquest of India. "India," he said, "is occupied by the British. It is in a way governed by the British, but it is by no means completely governed by them. We shall not merely occupy India. We shall conquer it, and the vast revenues that the British allow to be taken by Indian princes will, after our conquest, flow in a golden stream into the Fatherland. In all the richest lands of the earth the German flag will fly over every other flag."

Finally the Emperor concluded:

"I am making you no promises that can not be redeemed, and they shall be redeemed if you are now prepared to make the sacrifices which are necessary to secure the position that our country must and shall occupy in the world. He who refuses to help is a traitor to the Fatherland; he who helps willingly and generously will have his rich reward."

All sounded, I admit, tempting and alluring, and though there were some who viewed rather dubiously the prospect of Germany being able to conquer the world in a year, the majority of business and commercial men agreed to support the Hohenzollern war plans. Most of them have since wished they had never paid any attention to them.

According to the promises of the Hohenzollern, victory was to have been achieved in December, 1915, and the promises made to myself and other commercial men in Germany when our money for the Kaiser's war chest was wanted were to have been then redeemed.

But this is what has happened in reality: In December of 1916 the chancellor, Bethmann-Hollweg, began to have interviews once more with business men. The purpose of these interviews again was to get more money from them. Guaranties were asked from 75 business men in Germany, including myself, that they would undertake to subscribe £200,000,000 to the next war loan. I was personally asked to guarantee a subscription of £200,000. I declined to give this guaranty; so did some others. I was then favored with a private interview with Bethmann-Hollweg's private secretary, who told me that if I declined to give the guaranty and subsequently the money I would lose a contract I had with the war office. But not only that—I was threatened with the practical ruin of my business if I did not give the guaranty.

I described this demand as blackmail of the worst sort and refused to guarantee a mark to the war loan. Two months later I lost my contract, and the greater part of my business has been taken over at a figure that means confiscation. Moreover, I am not to get paid until after the war, but am to receive 4 per cent on the purchase price. Every man who declined to promise a subscription to the amount he was asked has been treated in the same manner.

The majority of men, however, preferred to pay to being ruined, and so the Hohenzollerns in the main got their way. But, apart from the blackmailing of men who refused to pay any more money into the Hohenzollern war chest, let us see how the Hohenzollerns' promises are working out. A circular was sent out last March to a large number of business men by the foreign trade department which contained the following suggestion:

"It will be wise for employers who have foreign trade interests to employ agents in foreign countries who can pass themselves off as being of French or English birth. German agents and travelers will probably for some time after the war have difficulty in doing business not only in enemy countries but in neutral countries. There will undoubtedly be a personal prejudice against Germans that would probably make it difficult for representatives of German firms to do business. Although this prejudice will not interfere with German trade, as it will be merely of a personal character, it will facilitate trading transactions if employers will employ agents who can pass as French or English, preferably, or as Dutch, American, or Spanish."

So this is the prospect we are faced with after the war. The meaning of this circular in plain language is this. So loathed and hated have Germans become outside their own country that no one will want to have any personal dealings with them after the war.

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quotation from Von Tirpitz which, I think, it is worth while to

A large number of businesses are, moreover, being secretly bolstered up with State aid. A condition of this aid is that the owners of the businesses receiving it shall agree to accept a considerable degree of State control over their business after the war.

This is part and parcel of a plan on the part of the Hohenzollerns to get the commercial classes thoroughly into their grip before the end of the war, and so minimize the chances of a revolution.

These men who have agreed to accept aid now for their businesses, and State control after the war, have received a notification from the foreign trade department to the effect that, with proper organization, Germany ought to recover her prewar trade three years after peace is declared. Here is the Hohenzollern method of redeeming promises. We are to get back our prewar trade three years after peace is declared, and to do this we must submit to have our trading transactions controlled and supervised by the State.

Can any German to whom such prospects are held out by the Emperor fail to see that he has been bamboozled and humbugged and fooled into supporting a war from which the utmost he can hope to gain is to come out of it without national bankruptcy?

This article is not needed to establish the fact that this world war was deliberately prepared by the German Government, because that is otherwise overwhelmingly established. It is only of interest as one of innumerable circumstantial evidences which may be of interest at this time.

Mr. President, the manner in which German opinion has been influenced in supporting these plans is described in a very careful way by the introduction to the work called "Germany's War Mania," published by Dodd, Mead & Co. Without reading it, I ask permission to insert in the RECORD a part of that introduction describing the manner in which German opinion has been influenced by the Hohenzollern government.

The PRESIDING OFFICER (Mr. LEWIS in the chair). There being no objection, consent is granted.

The matter referred to is as follows:

INTRODUCTION.

The prevailing idea in Great Britain is that the sinister influence which brought on the present war has been the policy, secret and hidden, of a small group of militarists around the Kaiser, a policy to which the German people have been compelled to assent after its results were upon them.

Nothing can be more mistaken than this idea. Germany's plans for world conquest were not secretly conceived by a small clique. They were not concealed from the German people and were not without the sympathy of the German nation.

Never, even under the extremest form of democracy, has the ruling class so taken the people into its confidence, so openly sought and aroused a favorable public opinion, so continuously bid for general support, as thoroughly explained its intentions and plans as has Germany in developing her policy of Pan-Germanic conquest during the last quarter of a century. There has not been in the history of the world an educational campaign of such a size, of such thoroughness, and so completely organizing and utilizing all channels for arousing interest and gaining support.

German newspapers and periodicals, German Government and military officials, German educators and authors, German leagues and associations have been preaching these ideas and aims and policies for and wide to the German millions every hour of the day, both before and especially since William II came to the throne in 1888.

The purpose of this book is to give to English readers an authoritative account of this war mania, a veritable German gospel of blood and iron, which has been deliberately brought into being by the artificial stimulation of Teutonic sentiment for the last 43 years.

Out of the mouths of the German leaders themselves the chapters of this book lay bare precisely what German ideals and aims, policies and plans have been; from the Kaiser himself, from his highest governmental officials, from his military chiefs, from his foremost educators, from his leading molders of opinion—from their own words this picture of Germany's world policy has been created. This book is not a commentary on Germany's ideas, not an outsider's deductions from her policies, not a study of what she might be driving at, but actual statements from her own political, military, and intellectual leaders as to what she wants and how she expects to get it.

Among many other evidences that Berlin and Vienna conspired to start the war, I quote Baron Beyens, the Belgian minister at Berlin, and the American ambassador, Henry Morgenthau, at Constantinople, who quotes the Italian ambassador at Constantinople as having been given the same information by Baron Wangenheim, the German ambassador at Constantinople:

Berlin and Vienna were at one in their desire for immediate and inevitable hostilities. The paternity of the scheme, as well as of the procedure employed, which are, on account of their very cleverness, worthy of a Bismarck, is attributed here in the diplomatic world to a German rather than an Austrian brain. The secret had been well guarded, and the execution of the scheme followed with marvelous rapidity. (Baron Beyens, the Belgian minister at Berlin, to M. Davignon, Belgian minister for foreign affairs, Berlin, July 29, 1914. The Belgian Grey Book, No. 2.)

On August 18, 1914, as American ambassador at Constantinople, I called on the Marquis of Pallavicini, the Austro-Hungarian ambassador, to congratulate him on the Emperor's eighty-fourth birthday. * * * The conversation then turned to the war, which was in its third week, and his excellency told me that when he visited the Emperor in May His Imperial Majesty had said that war was inevitable because of conditions in the Balkans. * * *

A still more remarkable confirmation came to me from Baron Wangenheim, the German ambassador at Constantinople. In an outburst of enthusiasm after the arrival of the *Goeben* and the *Breslau* in the Dardanelles, * * * the German ambassador informed me that a conference had been held in Berlin in the early part of July [1914] at which the date of the war was fixed. This conference was presided over by the Kaiser; the Baron Wangenheim was present to report on conditions in Turkey. Moltke, the chief of staff, was there, and so was Grand Admiral von Tirpitz. With them were the leaders of German finance, the directors of the railroads, and the captains of industry. * * * Each was asked if he were ready for the war. All replied in the affirmative except the financiers, who insisted that they must have two weeks in which to sell foreign securities and arrange their loans. * * *

It was not to me alone that Baron Wangenheim told the story of this Berlin conference. Only recently the Marquis Garroni, the Italian ambassador at Constantinople, announced that Baron Wangenheim said the same thing to him, Italy at that time being a member of the triple alliance. My diary shows that the conversation with the German ambassador took place on August 26. This was about six weeks after the fateful council in Berlin, * * * and all the details of the meeting were still fresh in Baron Wangenheim's mind. (Henry Morgenthau, former American ambassador to Turkey, in New York World, Oct. 14, 1917.)

Mr. OWEN. Mr. President, I have placed in the RECORD some of the evidence justifying the statements of fact in the proposed concurrent resolution. I desire and request that the resolution be referred to the Committee on Foreign Relations in order that it may be considered.

The PRESIDING OFFICER. There being no objection, the concurrent resolution will be so referred.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. MYERS. Mr. President, I think the calendar ought to be called. The session is well advanced, and the calendar has not been called for some time.

The PRESIDING OFFICER. There is a motion pending to that effect; and if the Senator will permit the Chair to do so, the Chair will submit the motion for disposition.

Mr. MYERS. Certainly.

The PRESIDING OFFICER. The pending motion is the motion of the Senator from Georgia [Mr. SMITH] that the Senate proceed to the consideration of the bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government.

Mr. SHIELDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hale	Myers	Smith, Ga.
Bankhead	Hardwick	New	Smith, Md.
Borah	Henderson	Norris	Smith, Mich.
Brandegee	Hollis	Nugent	Smoot
Calder	James	Overman	Stone
Chamberlain	Jones, S. Dak.	Pittman	Sutherland
Colt	Kellogg	Poindexter	Swanson
Curtis	Kirby	Pomerene	Tillman
Fernald	Lewis	Sherman	Warren
Gallinger	McCumber	Sheppard	
Gore	McKellar	Shields	
Gronna	Martin	Smith, Ariz.	

Mr. MCKELLAR. I desire to announce the unavoidable absence of the junior Senator from Delaware [Mr. WOLCOTT] on public business.

Mr. SHEPPARD. The senior Senator from Delaware [Mr. SAULSBURY] is absent on account of illness.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is absent because of important committee work to which he is assigned.

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness in his family.

Mr. SUTHERLAND. I desire to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

Mr. MYERS. My colleague [Mr. WALSH] is still detained by illness.

The PRESIDING OFFICER. The roll call discloses but 45 Senators, not a quorum, present. The Chair asks to have the absentees called.

The Secretary called the names of the absent Senators and Mr. TRAMMELL and Mr. WEEKS answered to their names when called.

Mr. KIRBY. I wish to state that my colleague [Mr. ROBINSON] is detained on public business.

Mr. FRELINGHUYSEN, Mr. JONES of Washington, Mr. HARDING, Mr. VARDAMAN, Mr. JOHNSON of California, Mr. MCNARY, Mr. WADSWORTH, Mr. JONES of New Mexico, and Mr. STERLING entered the Chamber and answered to their names.

The PRESIDING OFFICER. The call discloses the presence of 56 Senators. A quorum is present. The Senator from Georgia [Mr. SMITH] is recognized.

Mr. SMITH of Georgia. Mr. President, the bill which I have asked the Senate to consider is one by which it is proposed to repeal what is known as the Crawford amendment. It is practically the bill introduced by Mr. MANN in the last House of Representatives and which passed the House, but which did not reach a vote in the Senate. There were two bills——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. GALLINGER. For information, does the Senator say that Mr. MANN introduced a bill to repeal the Crawford amendment?

Mr. SMITH of Georgia. Yes.

Mr. GALLINGER. I do not remember it.

Mr. SMITH of Georgia. He did. He introduced a bill and passed it through the House.

Mr. GALLINGER. I do not think so.

Mr. SMITH of Georgia. I am sure this bill is practically the Mann bill. It came over to the Senate and was referred to the Judiciary Committee. I was chairman of a subcommittee to which the bill was referred. The Senator from Tennessee [Mr. SHIELDS] and the Senator from Utah [Mr. SUTHERLAND] were members of the subcommittee. We made a few amendments to the Mann bill. One, and the most important, was a provision that allowed by certiorari cases to be carried from the Court of Claims to the Supreme Court of the United States.

This is the bill which Mr. MANN passed through the House with a few minor amendments added. The Judiciary Committee made a few amendments and reported it favorably during the last Congress. There were pending in the Court of Claims a number of suits brought under what are known as the Bowman and the Tucker Acts and the judiciary act. Under those acts certain churches and schoolhouses and public institutions that were used and damaged during the Civil War were permitted to go into the Court of Claims and establish their damages, and certain persons, if they could show they were loyal to the Union during the war, were permitted to make somewhat similar claims.

There were pending in the Court of Claims several hundred of these suits. The parties had prepared their testimony and had gone to considerable expense under congressional authority allowing the suits. Under this authority given by the Government to sue no individual could recover without proof of loyalty to the Union during the war.

Now, on an appropriation bill, on the last day of the session of the Senate, as I recall it, in 1915 Senator Crawford offered an amendment withdrawing the jurisdiction from the Court of Claims as to all these suits brought under what are known as the Bowman and Tucker Acts and the judiciary act. A point of order would have thrown out the amendment, but was not made. It was not carefully considered. It went over to the House, and it was so late that, as I understand, they took the bill as it was, because they did not believe it was possible, if they objected to the Crawford amendment, to pass the legislation. We were about to adjourn, and any change of the bill in the House would have prevented action.

Mr. JAMES. Mr. President, the Senator ought to state there, because I recall it very clearly, that the reason why no point of order was made on the amendment offered by Senator Crawford was because it was understood over here that if a point of order was made they would take advantage of the parliamentary situation and prevent the passage of the bill.

Mr. GALLINGER. Mr. President, if the Senator from Georgia will permit me, it might illuminate the subject a little to say that there were 1,033 claims in that bill, and the friends of those 1,033 claimants were willing to take pretty much anything to let the bill go through.

Mr. SMITH of Georgia. Yes; the people who were provided for were forced to sacrifice the people whose cases were pending in the courts to make possible action on the bill.

Mr. GALLINGER. In other words, there were 1,033 claims trumped up 50 years after the war, and our friends who are so assiduous in getting this class of claims through were willing to take them with the Crawford amendment. That is all there was to it.

Mr. JAMES. The term "trumped up" is not true or fair. All these claims were passed on by the Court of Claims of the United States. I do not take it the Senator is quite willing to have that broad accusation stand against the courts of this country.

Mr. GALLINGER. I shall discuss that in my own time and in my own language.

Mr. JAMES. And I will reply to it in my own way.

Mr. GALLINGER. And I shall quote from a distinguished Democratic Senator who on this floor, in response to an inquiry from me, said there was not an honest claim in the list, and we ought to cut them out.

Mr. JAMES. I do not think the Senate wants to be bound by what any one Senator said. It takes a majority to bind the Senate. In regard to the claims from my own State, they were every one advocated by my late colleague, Senator Bradley, of Kentucky, and supported by myself, and I wholly resent the charge that there were "trumped up" claims, so far as Kentucky is concerned, in that bill.

Mr. GALLINGER. I will not interrupt the Senator from Georgia further.

Mr. SMITH of Georgia. I wish to say I do not know a claim that is pending for an individual person from my State. There are a few claims still pending for churches and other institutions. Since I have been in the Senate one was paid to the Episcopal Church in the city of Atlanta. The church was used for months by officers and troops. It was used, I think, as a hospital. The inside of the church was torn out; and since I have been in the Senate some money was appropriated to pay back the actual cost of fixing the interior of the church. I think it was right to pay for the injury to the church. I think the Government ought to have paid it. There were several small church claims, since I have been in the Senate, that we have paid. Perhaps they have amounted to $75,000 for church and school claims. Each one that I know anything about I am sure was just. I do not know an individual in Georgia who had a claim pending in the Court of Claims when the Crawford amendment passed. Most of these claimants are stanch Republicans. They were Union men during the war. We do not provide for the payment of anything in this bill except to men who were loyal to the Union during the war.

These parties have introduced their evidence. Most of the claims that are still pending, I think, are from Kentucky, east Tennessee, western North Carolina, and West Virginia; a few are for property taken and kept by the Government. As I said, I do not know a case that is pending for an individual in the Court of Claims from my State. There are a number of church claims and school claims still pending, where suits were brought so late that the death of witnesses has prevented them from furnishing any evidence.

Mr. SHIELDS. Mr. President, I know a very large number of these claimants who reside in Tennessee. They were on a different side in the Civil War from my people. They are as honorable men as there are in the world and would not trump up or present a false claim against the United States or any person. The Senator from New Hampshire does them gross injustice. Their claims are just. They have in many instances been proven. The evidence is on file, and in some cases there were favorable reports upon them in the Court of Claims when they were there awaiting trial when the Crawford amendment was adopted.

It is true that it has been a long time since this property was appropriated by the United States in conducting the great Civil War, but this delay has been caused by circumstances which the claimants could not control. There was a long delay in enacting the statutes giving the court jurisdiction of them, and then in defining the rights of claimants. These facts are fully set forth in a report made by the chairman of the Committee on Claims upon the bill which was passed some two years ago, and to which the Crawford amendment was made.

I have no personal knowledge of the claims. It was all before my day. But from the character of the people who have them, and knowing that they are honorable people and would present none but a just claim, I think the Crawford amendment ought to be repealed, and they ought to have a day in court and have their cases tried and, if sustained, paid.

There ought to be a limit upon the presentation of the claims. There was none in the former law, but this bill provides that they must be presented within two years from the passage of the act, and when that time has elapsed there will be no more claims of this kind presented against the United States. The suits on these claims were brought under a law passed by Congress, and upon the faith of which they incurred great expense in employing counsel, bringing suit, and preparing the evidence. It is not fair or just to deny them a hearing.

Mr. GALLINGER. Mr. President, I was about to ask the Senator what he thinks about the French spoliation claims. They are 100 years old and more, twice as old as these southern claims. Does the Senator think they ought to be paid?

Mr. SHIELDS. I do not know anything about those claims.

Mr. GALLINGER. Does not the Senator think, to bring it down a little further, that the longevity claims that have been passed upon by the Court of Claims in behalf of the soldiers ought to be paid? They have all been passed upon by the Court of Claims.

Mr. SHIELDS. I will say to the Senator I am not familiar with the facts in regard to those claims, but I will make this general statement, that the United States is able to pay and ought to pay every just debt it owes.

Mr. GALLINGER. To bring it down a little nearer to the present moment, does not the Senator think that the cases for overtime work in the navy yards of the United States and work

on the part of the letter carriers of the United States, all of which have been passed upon by the Court of Claims favorably, ought to be paid?

Mr. SHIELDS. I have just made a statement that will cover every just claim. I am not familiar with the claims the Senator refers to. I know nothing about the facts nor about the law upon which they are predicated, but I do know about these claims that we are considering now in the present bill.

Mr. GALLINGER. Mr. President, I shall take only a moment, because the Senator from Utah [Mr. SMOOT] desires to address the Senate. I merely wish to say that when the last omnibus claims bill passed this body the Committee on Claims reported favorably a bill for the payment of overtime in the navy yards and other claims of that kind, and the assurance was given that that bill would receive favorable consideration if the southern claims bill passed. The southern claims bill did pass, and the other bill did not receive favorable consideration. I have introduced it twice now, at the last session and the present session, and I have a copy on my desk. I sent it to the Committee on Claims and it received no consideration whatever. Now, I want reciprocity at least if these claims 50 years old are to be paid.

Mr. SMITH of Georgia. Send it to the Judiciary Committee and we will bring in a report upon it.

Mr. GALLINGER. I sent mine to the Committee on Claims where this bill ought to have gone and where such bills always did go until the last time, when it was sent to the Committee on the Judiciary without some of us noticing that that reference was made. I sent mine to the committee that has jurisdiction over claims, and these are claims pure and simple, and nothing else.

Mr. President, that is all I care to say now. I will call attention to a good many matters connected with the payment of claims by the Government involving this inundation of claims from the South for alleged offenses on the part of Union troops 52 years ago, or thereabouts. I think there ought to be a time when it should stop, and we thought we had stopped it when for the purpose of getting through a bill involving 1,033 of these claims an agreement was made that the Crawford amendment would not be resisted, and it became a law; and now it is undertaken to repeal it.

Mr. SMOOT obtained the floor.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I yield.

Mr. STONE. I wish to say that it is very important that an executive session should be held this afternoon. There are a large number of ensigns who are awaiting assignment to service and other matters of almost equal importance that ought to be disposed of in some way in executive session. There are other things that I think it is important should be disposed of. I do not wish to interfere with what is going on now, but I hope that the debate about taking up this measure will not occupy the whole afternoon.

Mr. SMOOT. In answer to the Senator from Missouri, I will state that it is now 4 o'clock, and I am perfectly willing that the Senate shall go into executive session, if the Senator from Georgia is willing.

Mr. SMITH of Georgia. I do not object to going into executive session if we are to adjourn until to-morrow; but I am opposed to adjourning for two or three days while there are measures on the calendar that I consider should receive the attention of the Senate.

Mr. SMOOT. The Senator does not understand that I object to adjourning until to-morrow.

Mr. SMITH of Georgia. No; I do not understand that you are seeking to adjourn until Monday.

Mr. STONE. Of course that is a matter no one Senator can determine. If it is agreeable to the Senator from Georgia, I will move an executive session.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Yes; I yield.

Mr. SMITH of Georgia. I will yield for that purpose.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. SMITH of Georgia. At the next session of the Senate I will again move the consideration of the bill to repeal the Crawford amendment. I learn that with the understanding we would adjourn until Monday many Senators have arranged to give their entire time to committee work. For that reason I move that the Senate adjourn until Monday next at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, February 4, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 31, 1918.

RECEIVERS OF PUBLIC MONEYS.

Burre H. Lien, of California, to be receiver of public moneys at El Centro, Cal., vice Philip W. Brooks, resigned.

George Weaver, of Colorado, to be receiver of public moneys at Durango, Colo., his present term expiring February 17, 1918. (Reappointment.)

John W. Cloyd, of Colorado, to be receiver of public moneys at Sterling, Colo., his present term expiring March 15, 1918. (Reappointment.)

Juan N. Vigil, of New Mexico, to be receiver of public moneys at Santa Fe, N. Mex., his present term expiring February 5, 1918. (Reappointment.)

Alexander X. Campbell, of Oklahoma, to be receiver of public moneys at Guthrie, Okla., his present term expiring February 17, 1918. (Reappointment.)

REGISTER OF THE LAND OFFICE.

Robert R. Wilson, of Kansas, to be register of the land office at Dodge City, Kans., his present term expiring February 24, 1918. (Reappointment.)

APPOINTMENT IN THE ARMY.

CHAPLAIN.

Rev. James Thomas Moore, of Virginia, to be chaplain with rank from January 19, 1918, vice Chaplain Halsey C. Gavitt, retired from active service August 1, 1917.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

To be captains with rank from October 12, 1917.

First Lieut. Martin J. O'Brien, Coast Artillery Corps, vice Capt. Charles R. Alley, placed on the detached officers' list.

First Lieut. Joseph C. Haw, Coast Artillery Corps, vice Capt. Robert C. Eddy, placed on the detached officers' list.

First Lieut. Iverson B. Summers, jr., Coast Artillery Corps, vice Capt. George F. Humbert, placed on the detached officers' list.

First Lieut. Clifford R. Jones, Coast Artillery Corps, vice Capt. Marcellus H. Thompson, placed on the detached officers' list.

First Lieut. John B. Wogan, Coast Artillery Corps, vice Capt. Geoffrey Bartlett, placed on the detached officers' list.

First Lieut. Clesen H. Tenney, Coast Artillery Corps, vice Capt. Eugene B. Walker, placed on the detached officers' list.

First Lieut. Frank E. Emery, jr., Coast Artillery Corps, vice Capt. Robert O. Edwards, placed on the detached officers' list.

First Lieut. Edward C. Wallington, Coast Artillery Corps, vice Capt. Lincoln B. Chambers, placed on the detached officers' list.

First Lieut. Carl E. Hocker, Coast Artillery Corps, vice Capt. Rufus F. Maddux, placed on the detached officers' list.

First Lieut. Richmond T. Gibson, Coast Artillery Corps, vice Capt. John R. Ellis, placed on the detached officers' list.

First Lieut. Edward B. Hyde, jr., Coast Artillery Corps, vice Capt. John B. Maynard, placed on the detached officers' list.

First Lieut. Herbert R. Corbin, Coast Artillery Corps, vice Capt. Warren R. Bell, placed on the detached officers' list.

First Lieut. Charles H. Chapin, Coast Artillery Corps, vice Capt. Lawrence T. Walker, placed on the detached officers' list.

First Lieut. William P. Cherrington, Coast Artillery Corps, vice Capt. Otto H. Schrader, placed on the detached officers' list.

First Lieut. Charles R. Finley, Coast Artillery Corps, vice Capt. Robert E. Guthrie, placed on the detached officers' list.

First Lieut. Albert W. Draves, Coast Artillery Corps, vice Capt. Norton M. Beardslee, placed on the detached officers' list.

First Lieut. Benjamin S. Beverley, Coast Artillery Corps, vice Capt. Theodore M. Chase, placed on the detached officers' list.

First Lieut. Carl L. Marriott, Coast Artillery Corps, vice Capt. Frederick A. Mountford, placed on the detached officers' list.

First Lieut. Hugh A. Ramsey, Coast Artillery Corps, vice Capt. Frederick Hanna.

First Lieut. Willis McD. Chapin, Coast Artillery Corps, subject to examination required by law, vice Capt. William C. Koenig, placed on the detached officers' list.

First Lieut. Carl S. Doney, Coast Artillery Corps, vice Capt. Frank A. Buel, placed on the detached officers' list.

First Lieut. James de B. Walbach, Coast Artillery Corps, vice Capt. Furman E. McCammon, placed on the detached officers' list.

First Lieut. Richard M. Levy, Coast Artillery Corps, vice Capt. Francis P. Hardaway, placed on the detached officers' list.

First Lieut. Ellicott H. Freeland, Coast Artillery Corps, vice Capt. Charles E. Ide, placed on the detached officers' list.

First Lieut. James C. Ruddell, Coast Artillery Corps, vice Capt. Edward L. Dyer, placed on the detached officers' list.

First Lieut. Joseph J. O'Hare, Coast Artillery Corps, vice Capt. Harry T. Pillans, placed on the detached officers' list.

First Lieut. William G. Patterson, Coast Artillery Corps, vice Capt. Willard K. Richards, placed on the detached officers' list.

First Lieut. Frank C. Scofield, Coast Artillery Corps, vice Capt. Edgar B. Colladay, placed on the detached officers' list.

First Lieut. Ferdinand F. Gallagher, Coast Artillery Corps, vice Capt. Harold F. Nichols, placed on the detached officers' list.

First Lieut. Barrington L. Flanigen, Coast Artillery Corps, vice Capt. Robert W. Clark, jr., placed on the detached officers' list.

CAVALRY ARM.

To be captains.

First Lieut. Clarence S. Maulsby, Cavalry, subject to examination required by law, from July 28, 1917, vice Capt. E. R. Warner McCabe, transferred to the Field Artillery.

First Lieut. George S. Andrew, Cavalry, from July 28, 1917, vice Capt. Wilson G. Heaton, promoted.

First Lieut. Spencer A. Townsend, Cavalry, from July 28, 1917, vice Capt. William R. Kendrick, promoted.

First Lieut. Arthur M. Jones, Cavalry, from July 28, 1917, vice Capt. Robert S. Donaldson, transferred to the Field Artillery.

First Lieut. Thomas G. Peyton, Cavalry, from July 29, 1917, vice Capt. Elkin S. Franklin, transferred to the Infantry.

First Lieut. Junius H. Houghton, Cavalry, subject to examination required by law, from July 30, 1917, vice Capt. Horace H. Fuller, transferred to the Field Artillery.

First Lieut. Douglas J. Page, Cavalry, from July 31, 1917, vice Capt. Ronald D. Johnson, transferred to the Field Artillery.

First Lieut. James N. Caperton, Cavalry, from August 2, 1917, vice Capt. Creed F. Cox, transferred to the Field Artillery.

First Lieut. Charles C. Smith, Cavalry, from August 14, 1917, vice Capt. David L. Roscoe, detailed in the Aviation Section.

First Lieut. Harrison Herman, Cavalry, from August 15, 1917, vice Capt. Joseph A. Baer, promoted.

First Lieut. William W. Dempsey, Cavalry, from August 22, 1917, vice Capt. Philip H. Sheridan, detailed in General Staff.

First Lieut. Robert R. D. McCullough, Cavalry, from August 24, 1917, vice Capt. Willis V. Morris, promoted.

First Lieut. Chapman Grant, Cavalry, from August 27, 1917, vice Capt. Alexander M. Milton, detailed in the Quartermaster Corps.

First Lieut. Duncan G. Richart, Cavalry, from September 11, 1917, vice Capt. Robert C. Brady, detailed in the Quartermaster Corps.

First Lieut. Daniel A. Conner, Cavalry, from October 2, 1917, vice Capt. Richard B. Barnitz, transferred to the Field Artillery.

To be captains with rank from July 25, 1917.

First Lieut. William E. Shipp, Cavalry, vice Capt. John Alden Degen (Quartermaster Corps).

First Lieut. Calvin De Witt, jr., Cavalry, vice Capt. Stephen M. Walmsley, transferred to Field Artillery.

First Lieut. James M. Crane, Cavalry, vice Capt. Philip W. Corbusier, detailed in the Quartermaster Corps.

First Lieut. Lucien S. S. Berry, Cavalry, vice Capt. Alexander H. Jones, detailed in the Quartermaster Corps.

To be captain with rank from July 26, 1917.

First Lieut. Victor W. B. Wales, Cavalry, vice Capt. Walter D. Smith, transferred to Field Artillery.

To be captains with rank from July 27, 1917.

First Lieut. Joseph M. Tully, Cavalry, vice Capt. Walter H. Smith, transferred to Field Artillery.

First Lieut. Pettus H. Hemphill, Cavalry, vice Capt. Byron Q. Jones, transferred to Field Artillery.

First Lieut. Hugh Mitchell, Cavalry, vice Capt. Gordon N. Kimball, resigned July 26, 1917.

First Lieut. Robert Le G. Walsh, Cavalry, vice Capt. George V. Strong, resigned July 26, 1917.

To be first lieutenants.

Second Lieut. Grayson C. Woodbury, Cavalry, with rank from October 12, 1917, vice First Lieut. Roderick R. Allen, placed on the detached officers' list.

Second Lieut. Duncan G. McGregor, Cavalry, with rank from October 12, 1917, vice First Lieut. Joseph L. Philips, placed on the detached officers' list.

Second Lieut. Thomas J. Heavey, Cavalry, with rank from October 12, 1917, vice First Lieut. Edwin D. Morgan, placed on the detached officers' list.

Second Lieut. Wallace F. Safford, Cavalry, with rank from October 12, 1917, vice First Lieut. Kramer Thomas, placed on the detached officers' list.

Second Lieut. Joshua A. Stansell, Cavalry, with rank from October 12, 1917, vice First Lieut. James R. Finley, placed on the detached officers' list.

Second Lieut. Raymond E. S. Williamson, Cavalry, with rank from October 12, 1917, vice First Lieut. Willard S. Wadelton, placed on the detached officers' list.

Second Lieut. David C. G. Schlenker, Cavalry, with rank from October 12, 1917, vice First Lieut. Hale S. Cook, placed on the detached officers' list.

Second Lieut. Harry T. Wood, Cavalry, with rank from October 12, 1917, vice First Lieut. John M. Jenkins, placed on the detached officers' list.

Second Lieut. Earl F. Knobb, Cavalry, with rank from October 12, 1917, vice First Lieut. Gordon J. F. Heron, placed on the detached officers' list.

Second Lieut. Robert E. Symmonds, Cavalry, with rank from October 12, 1917, vice First Lieut. Oron A. Palmer, placed on the detached officers' list.

Second Lieut. John R. W. Diehl, Cavalry, with rank from October 12, 1917, vice First Lieut. Samuel V. Constant, placed on the detached officers' list.

Second Lieut. Rudolph D. Delehanty, Cavalry, with rank from October 12, 1917, vice First Lieut. Wilson T. Bals, placed on the detached officers' list.

Second Lieut. William H. W. Reinburg, Cavalry, with rank from October 12, 1917, vice First Lieut. Cyrus J. Wilder, placed on the detached officers' list.

Second Lieut. Elmer H. Almquist, Cavalry, with rank from October 12, 1917, vice First Lieut. Harold C. Fellows, placed on the detached officers' list.

Second Lieut. Frank L. Carr, Cavalry, with rank from October 12, 1917, vice First Lieut. John T. Pierce, jr., placed on the detached officers' list.

Second Lieut. Frank E. Bertholet, Cavalry, with rank from October 12, 1917, vice First Lieut. Henry H. Anderson, placed on the detached officers' list.

Second Lieut. Marion Carson, Cavalry, with rank from October 12, 1917, vice First Lieut. Cornelius M. Daly, placed on the detached officers' list.

Second Lieut. Rossiter H. Garity, Cavalry, with rank from October 12, 1917, vice First Lieut. Frank L. Whittaker, placed on the detached officers' list.

Second Lieut. Frank C. Jedlicka, Cavalry, with rank from October 12, 1917, vice First Lieut. Donald S. Perry, placed on the detached officers' list.

Second Lieut. Leo B. Connor, Cavalry, with rank from October 12, 1917, vice First Lieut. Thomas S. Poole, placed on the detached officers' list.

Second Lieut. John B. Saunders, Cavalry, with rank from October 12, 1917, vice First Lieut. Mende Frierson, jr., placed on the detached officers' list.

Second Lieut. Arthur R. Custis, Cavalry, with rank from October 12, 1917, vice First Lieut. Arthur E. Pickard, placed on the detached officers' list.

Second Lieut. Desmond O'Keefe, Cavalry, with rank from October 12, 1917, vice First Lieut. Edmund M. Barnum, placed on the detached officers' list.

Second Lieut. Hal M. Rose, Cavalry, with rank from October 12, 1917, vice First Lieut. John T. Minton, placed on the detached officers' list.

Second Lieut. Frederick J. Durrschmidt, Cavalry, with rank from October 12, 1917, vice First Lieut. Athael B. Ellis, placed on the detached officers' list.

Second Lieut. Milton W. Davis, Cavalry, with rank from October 12, 1917, vice First Lieut. George L. Morrison, placed on the detached officers' list.

Second Lieut. John B. Bellinger, jr., Cavalry, with rank from October 12, 1917, vice First Lieut. Otis Porter, placed on the detached officers' list.

TEMPORARY PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

To be majors with rank from August 5, 1917.

Capt. Richard H. Williams, Coast Artillery Corps, vice Maj. Malcolm Young, promoted.

Capt. Alfred M. Mason, Coast Artillery Corps, vice Maj. Percy Willis, promoted.

Capt. Kenneth C. Masteller, Coast Artillery Corps (General Staff Corps), vice Maj. William F. Stewart, jr., promoted.

Capt. Joseph Matson, Coast Artillery Corps, vice Maj. Kenneth C. Masteller, retained in the General Staff Corps.

Capt. Francis H. Lincoln, Coast Artillery Corps, vice Maj. Hudson T. Patten, promoted.

Capt. William H. Wilson, Coast Artillery Corps, vice Maj. Edward Kimmell, promoted.

Capt. Edward D. Powers, Coast Artillery Corps, vice Maj. Frederick W. Phisterer, promoted.

Capt. Charles E. N. Howard, Coast Artillery Corps (Quartermaster Corps), vice Maj. Robert H. C. Kelton, promoted.

Capt. Claudius M. Seaman, Coast Artillery Corps, vice Maj. Charles E. N. Howard, retained in the Quartermaster Corps.

Capt. Hugh J. B. McElgin, Coast Artillery Corps (Aviation Section, Signal Corps), vice Maj. Percy P. Bishop, promoted.

Capt. Arthur L. Fuller, Coast Artillery Corps (Signal Corps), vice Maj. Hugh J. B. McElgin, retained in the aviation section, Signal Corps.

Capt. Henry R. Casey, Coast Artillery Corps (Quartermaster Corps), vice Maj. Henry J. Hatch, promoted.

Capt. David Y. Beckham, Coast Artillery Corps (Adjutant General's Department), vice Maj. Henry R. Casey, retained in the Quartermaster Corps.

Capt. Richard C. Marshall, jr., Coast Artillery Corps (Quartermaster Corps), vice Maj. William F. Hase, promoted.

Capt. John O. Steger, Coast Artillery Corps (Quartermaster Corps), vice Maj. Richard C. Marshall, jr., retained in the Quartermaster Corps.

Capt. Rex Van Den Corput, Coast Artillery Corps, vice Maj. John O. Steger, retained in the Quartermaster Corps.

Capt. James A. Thomas, Coast Artillery Corps, vice Maj. Elijah B. Martindale, appointed lieutenant colonel in the National Army.

Capt. James D. Watson, Coast Artillery Corps, vice Maj. Francis N. Cooke, appointed lieutenant colonel in the National Army.

Capt. Frank T. Hines, Coast Artillery Corps (General Staff Corps), vice Maj. Clarence B. Smith, appointed lieutenant colonel in the National Army.

Capt. James Totten, Coast Artillery Corps, vice Maj. Frank T. Hines, retained in the General Staff Corps.

Capt. Wesley W. K. Hamilton, Coast Artillery Corps, vice Maj. William R. Doores, promoted.

Capt. Benjamin H. Kerfoot, Coast Artillery Corps, vice Maj. John C. Goodfellow, appointed lieutenant colonel in the National Army.

Capt. Edward Canfield, jr., Coast Artillery Corps (Quartermaster Corps), vice Maj. Richard T. Ellis, appointed lieutenant colonel in the National Army.

Capt. Arthur H. Bryant, Coast Artillery Corps, vice Maj. Edward Canfield, jr., retained in the Quartermaster Corps.

Capt. Edward M. Shinkle, Coast Artillery Corps (Ordnance Department), vice Maj. James F. Howell, promoted.

Capt. William R. Bettison, Coast Artillery Corps, vice Maj. Edward M. Shinkle, retained in the Ordnance Department.

Capt. Gordon Robinson, Coast Artillery Corps (Quartermaster Corps), vice Maj. Clifton C. Carter, promoted.

Capt. Claude E. Brigham, Coast Artillery Corps, vice Maj. Gordon Robinson, retained in the Quartermaster Corps.

Capt. James Prentice, Coast Artillery Corps (Aviation Section, Signal Corps), vice Maj. Leonard T. Waldron, promoted.

Capt. Howard S. Miller, Coast Artillery Corps, vice Maj. James Prentice, retained in the Aviation Section, Signal Corps.

Capt. William H. Menges, Coast Artillery Corps, vice Maj. Alexander Greig, jr., promoted.

Capt. Francis J. Behr, Coast Artillery Corps (General Staff Corps, vice Maj. James A. Ruggles, promoted.

Capt. John R. Musgrave, Coast Artillery Corps (Quartermaster Corps), vice Maj. Francis J. Behr, retained in the General Staff Corps.

Capt. Albert L. Rhoades, Coast Artillery Corps, vice Maj. John R. Musgrave, retained in the Quartermaster Corps.

Capt. William E. Murray, Coast Artillery Corps (Quartermaster Corps), vice Maj. Henry B. Clark, appointed lieutenant colonel in the National Army.

Capt. Graham Parker, Coast Artillery Corps (Quartermaster Corps), vice Maj. William E. Murray, retained in Quartermaster Corps.

Capt. Norris Stayton, Coast Artillery Corps (Quartermaster Corps), vice Maj. Graham Parker, retained in the Quartermaster Corps.

Capt. Richard Furnival, Coast Artillery Corps (Quartermaster Corps), vice Maj. Norris Stayton, retained in the Quartermaster Corps.

Capt. Ralph D. Herring, Coast Artillery Corps, vice Maj. Richard Furnival, retained in the Quartermaster Corps.

Capt. William E. De Sombre, Coast Artillery Corps (Quartermaster Corps), vice Maj. Russell P. Reeder, appointed lieutenant colonel in the National Army.

Capt. Glen F. Jenks, Coast Artillery Corps (Ordnance Department), vice Maj. William E. De Sombre, retained in the Quartermaster Corps.

Capt. Clarence B. Ross, Coast Artillery Corps (Quartermaster Corps), vice Maj. Glen F. Jenks, retained in the Ordnance Department.

Capt. Richard H. Jordan, Coast Artillery Corps (Quartermaster Corps), vice Maj. Clarence B. Ross, retained in the Quartermaster Corps.

Capt. James B. Taylor, Coast Artillery Corps (Signal Corps), vice Maj. Richard H. Jordan, retained in the Quartermaster Corps.

Capt. Brainerd Taylor, Coast Artillery Corps (Quartermaster Corps), vice Maj. James B. Taylor, retained in the Signal Corps.

Capt. Frank Geere, Coast Artillery Corps (Quartermaster Corps), vice Maj. Brainerd Taylor, retained in the Quartermaster Corps.

Capt. Charles E. Wheatley, Coast Artillery Corps (Quartermaster Corps), vice Maj. Frank Geere, retained in the Quartermaster Corps.

Capt. Adam F. Casad, Coast Artillery Corps (Ordnance Department), vice Maj. Charles E. Wheatley, retained in the Quartermaster Corps.

Capt. John E. Munroe, Coast Artillery Corps (Ordnance Department), vice Maj. Adam F. Casad, retained in the Ordnance Department.

Capt. Walter K. Wilson, Coast Artillery Corps (General Staff Corps), vice Maj. John E. Munroe, retained in the Ordnance Department.

Capt. Offnere Hope, Coast Artillery Corps (Ammunition Train), vice Maj. Walter K. Wilson, retained in the General Staff Corps.

Capt. John O'Neil, Coast Artillery Corps, vice Maj. Offnere Hope, retained in the ammunition train.

Capt. Owen G. Collins, Coast Artillery Corps (Quartermaster Corps), vice Maj. Terence E. Murphy, promoted.

Capt. Frederic H. Smith, Coast Artillery Corps, vice Maj. Owen G. Collins, retained in the Quartermaster Corps.

Capt. Charles H. Patterson, Coast Artillery Corps, vice Maj. John T. Geary, appointed lieutenant colonel in the National Army.

Capt. Lewis Turtle, Coast Artillery Corps, vice Maj. Allen D. Raymond, promoted.

Capt. Clifford Jones, Coast Artillery Corps, vice Maj. James R. Pourie, promoted.

Capt. Louis C. Brinton, jr., Coast Artillery Corps (Quartermaster Corps), vice Maj. John L. Hughes, promoted.

Capt. Paul D. Bunker, Coast Artillery Corps (Quartermaster Corps), vice Maj. Louis C. Brinton, jr., retained in the Quartermaster Corps.

Capt. Louis R. Dice, Coast Artillery Corps, vice Maj. Paul D. Bunker, retained in the Quartermaster Corps.

Capt. William M. Colvin, Coast Artillery Corps, vice Maj. John W. C. Abbott, promoted.

Capt. Henry W. Bunn, Coast Artillery Corps, vice Maj. Harry C. Barnes, promoted.

Capt. Harry L. Morse, Coast Artillery Corps, vice Maj. Stephen H. Mould, promoted.

Capt. Mark L. Ireland, Coast Artillery Corps (Quartermaster Corps), vice Maj. Granville Sevier, promoted.

Capt. Charles R. Alley, Coast Artillery Corps, vice Maj. Mark L. Ireland, retained in the Quartermaster Corps.

Capt. Lucian B. Moody, Coast Artillery Corps (Ordnance Department), vice Maj. Robert F. Woods, promoted.

Capt. Fulton Q. C. Gardner, Coast Artillery Corps (General Staff Corps), vice Maj. Lucian B. Moody, retained in the Ordnance Department.

Capt. John W. McKie, Coast Artillery Corps (Quartermaster Corps), since deceased, vice Maj. Fulton Q. C. Gardner, retained in the General Staff Corps.

Capt. James B. Dillard, Coast Artillery Corps (Ordnance Department), vice Maj. John W. McKie, retained in the Quartermaster Corps.

Capt. Carr Waller, Coast Artillery Corps, vice Maj. James B. Dillard, retained in the Ordnance Department.

Capt. David McC. McKell, Coast Artilley Corps, vice Maj. Albert C. Thompson, promoted.

Capt. Matthew A. Cross, Coast Artillery Corps, vice Maj. Ellison L. Gilmer, promoted.

Capt. Henning F. Colley, Coast Artillery Corps, vice Maj. John McBride, jr., promoted.

Capt. Albert H. Barkley, Coast Artillery Corps (Quartermaster Corps), vice Maj. James M. Wheeler, promoted.

Capt. Walter Singles, Coast Artillery Corps, vice Maj. Albert H. Barkley, retained in the Quartermaster Corps.

Capt. Rollo F. Anderson, Coast Artillery Corps, vice Maj. Harrison S. Kerrick, promoted.

Capt. Edward E. Farnsworth, Coast Artillery Corps (Quartermaster Corps), vice Maj. Frank J. Miller, promoted.

Capt. William T. Carpenter, Coast Artillery Corps, vice Maj. Edward E. Farnsworth, retained in the Quartermaster Corps.

Capt. Frank H. Phipps, Coast Artillery Corps, vice Maj. Homer B. Grant, appointed lieutenant colonel in the National Army.

Capt. Thomas Duncan, Coast Artillery Corps (Signal Corps), vice Maj. Robert B. McBride, detailed in the General Staff Corps.

Capt. Thomas M. Spaulding, Coast Artillery Corps, vice Maj. Thomas Duncan, retained in the Signal Corps.

Capt. Benjamin H. L. Williams, Coast Artillery Corps, vice Maj. Jacob M. Coward, detailed in the General Staff Corps.

Capt. Halsey Dunwoody, Coast Artillery Corps (Signal Corps), vice Maj. Philip S. Golderman, promoted.

Capt. Le Roy Bartlett, Coast Artillery Corps (Ammunition Train), vice Maj. Halsey Dunwoody, retained in the Signal Corps.

Capt. Robert C. Eddy, Coast Artillery Corps, vice Maj. Le Roy Bartlett, retained in Ammunition Train.

Capt. Julius C. Peterson, Coast Artillery Corps, vice Maj. Charles L. Lanham, promoted.

Capt. James F. Walker, Coast Artillery Corps (Ammunition Train), vice Maj. George F. Connolly, promoted.

Capt. Ellery W. Niles, Coast Artillery Corps, vice Maj. James F. Walker, retained in Ammunition Train.

Capt. Adelno Gibson, Coast Artillery Corps, vice Maj. David Y. Beckham, detailed in The Adjutant General's Department.

To be major with rank from November 17, 1917.

Capt. John L. Holcombe, Coast Artillery Corps, vice Maj. Harry W. McCauley, detailed in the Quartermaster Corps.

To be major with rank from November 29, 1917.

Capt. James S. Dusenbury, Coast Artillery Corps, vice Maj. Arthur L. Fuller, appointed lieutenant colonel in the Signal Corps.

To be major with rank from December 26, 1917.

Capt. Lloyd B. Magruder, Coast Artillery Corps, vice Maj. Louis E. Bennett, promoted.

To be majors with rank from December 29, 1917.

Capt. Sidney H. Guthrie, Coast Artillery Corps, vice Maj. Lynn S. Edwards, promoted.

Capt. Nathan Horowitz, Coast Artillery Corps, vice Maj. Alden Trotter, detailed in ammunition train.

Capt. Lloyd P. Horsfall, Coast Artillery Corps, vice Maj. Michael H. Barry, detailed in ammunition train.

Capt. Charles G. Mettler, Coast Artillery Corps (Ordnance Department), vice Maj. Theodore H. Koch, detailed in ammunition train.

Capt. Charles B. Gatewood, Coast Artillery Corps (Ordnance Department), vice Maj. Charles G. Mettler, retained in the Ordnance Department.

Capt. Joseph H. Pelot, Coast Artillery Corps (Ordnance Department), vice Maj. Charles B. Gatewood, retained in the Ordnance Department.

Capt. Morgan L. Brett, Coast Artillery Corps (Ordnance Department), vice Maj. Joseph H. Pelot, retained in the Ordnance Department.

Capt. Forrest E. Williford, Coast Artillery Corps, vice Maj. Morgan L. Brett, retained in the Ordnance Department.

Capt. Earl McFarland, Coast Artillery Corps (Ordnance Department), vice Maj. Alfred M. Mason, promoted.

Capt. Joseph A. Green, Coast Artillery Corps, vice Maj. Earl McFarland, retained in the Ordnance Department.

Capt. Alexander G. Pendleton, Coast Artillery Corps, vice Maj. Joseph Matson, promoted.

Capt. John C. Henderson, Coast Artillery Corps, vice Maj. Richard H. Williams, promoted.

To be captains with rank from August 5, 1917.

First Lieut. Martin J. O'Brien, Coast Artillery Corps, vice Capt. Richard H. Williams, promoted.

First Lieut. Joseph C. Haw, Coast Artillery Corps, vice Capt. Alfred M. Mason, promoted.

First Lieut. Iverson B. Summers, jr., Coast Artillery Corps, vice Capt. Joseph Matson, promoted.

First Lieut. Clifford R. Jones, Coast Artillery Corps, vice Capt. Francis H. Lincoln, promoted.

First Lieut. John B. Wogan, Coast Artillery Corps, vice Capt. William H. Wilson, promoted.

First Lieut. Clesen H. Tenney, Coast Artillery Corps, vice Capt. Edward D. Powers, promoted.

First Lieut. Frank E. Emery, jr., Coast Artillery Corps, vice Capt. Claudius M. Seaman, promoted.

First Lieut. Edward C. Wallington, Coast Artillery Corps, vice Capt. Arthur L. Fuller, promoted.

First Lieut. Carl E. Hocker, Coast Artillery Corps, vice Capt. David Y. Beckham, promoted.

First Lieut. Richmond T. Gibson, Coast Artillery Corps, vice Capt. Rex Van Den Corput, promoted.

First Lieut. Edward B. Hyde, jr., Coast Artillery Corps, vice Capt. John A. Berry, appointed major in the National Army.

First Lieut. Herbert R. Corbin, Coast Artillery Corps, vice Capt. James A. Thomas, promoted.

First Lieut. Charles H. Chapin, Coast Artillery Corps, vice Capt. James D. Watson, promoted.

First Lieut. William P. Cherrington, Coast Artillery Corps, vice Capt. James Totten, promoted.

First Lieut. Charles R. Finley, Coast Artillery Corps, vice Capt. Charles C. Burt, appointed major in the National Army.

First Lieut. Albert W. Draves, Coast Artillery Corps, vice Capt. William S. Bowen, appointed major in the National Army.

First Lieut. Benjamin S. Beverley, Coast Artillery Corps, vice Capt. Richard I. McKenney, appointed major in the National Army.

First Lieut. Carl L. Marriott, Coast Artillery Corps, vice Capt. Wesley W. K. Hamilton, promoted.

First Lieut. Hugh A. Ramsey, Coast Artillery Corps, vice Capt. Benjamin H. Kerfoot, promoted.

First Lieut. Willis McD. Chapin, Coast Artillery Corps, vice Capt. Arthur H. Bryant, promoted.

First Lieut. Carl S. Doney, Coast Artillery Corps, vice Capt. James K. Crain, appointed major in the National Army.

First Lieut. James de B. Walbach, Coast Artillery Corps, vice Capt. Charles L. Fisher, appointed major in the National Army.

First Lieut. Richard M. Levy, Coast Artillery Corps, vice Capt. Charles D. Winn, appointed major in the National Army.

First Lieut. Ellicott H. Fresland, Coast Artillery Corps, vice Capt. Hugh S. Brown, appointed major in the National Army.

First Lieut. James C. Ruddell, Coast Artillery Corps, vice Capt. Malcolm P. Andruss, appointed major in the National Army.

First Lieut. Joseph J. O'Hare, Coast Artillery Corps, vice Capt. Willis G. Peace, appointed major in the National Army.

First Lieut. William G. Patterson, Coast Artillery Corps, vice Capt. William Tidball, appointed major in the National Army.

First Lieut. Frank C. Scofield, Coast Artillery Corps, vice Capt. Marion S. Battle, appointed major in the National Army.

First Lieut. Ferdinand F. Gallagher, Coast Artillery Corps, vice Capt. Stanley S. Ross, appointed major in the National Army.

First Lieut. Barrington L. Flanigen, Coast Artillery Corps, vice Capt. Arthur L. Keesling, appointed major in the National Army.

First Lieut. Frederick W. Smith, Coast Artillery Corps, vice Capt. Francis H. Lomax, appointed major in the National Army.

First Lieut. Robert S. Barr, Coast Artillery Corps, vice Capt. Edmund T. Weisel, appointed major in the National Army.

First Lieut. Charles J. Herzer, Coast Artillery Corps, vice Capt. Philip H. Worcester, appointed major in the National Army.

First Lieut. William M. Cravens, Coast Artillery Corps, vice Capt. Lucian D. Booth, appointed major in the National Army.

First Lieut. John B. Martin, Coast Artillery Corps, vice Capt. Henry W. T. Eglin, appointed major in the National Army.

First Lieut. Edwin C. Mead, Coast Artillery Corps, vice Capt. Sanderford Jarman, appointed major in the National Army.

First Lieut. William T. Roberts, Coast Artillery Corps, vice Capt. George E. Turner, appointed major in the National Army.

First Lieut. Carl J. Smith, Coast Artillery Corps, vice Capt. John S. Pratt, appointed major in the National Army.

First Lieut. Dugald Mac A. Barr, Coast Artillery Corps, vice Capt. William R. Bettison, promoted.

First Lieut. James D. Mac Mullen, Coast Artillery Corps, vice Capt. Claude E. Brigham, promoted.

First Lieut. Charles W. Bundy, Coast Artillery Corps, vice Capt. James E. Wilson, appointed major in the National Army.

First Lieut. Charles D. Y. Ostrom, Coast Artillery Corps, vice Capt. George A. Taylor, appointed major in the National Army.

First Lieut. Donald M. Coie, Coast Artillery Corps, vice Capt. George L. Wertenbaker, appointed major in the National Army.

First Lieut. James C. Hutson, Coast Artillery Corps, vice Capt. George P. Hawes, jr., appointed major in the National Army.

First Lieut. Francis A. Hause, Coast Artillery Corps, vice Capt. Charles A. Clark, appointed major in the National Army.

First Lieut. Edward E. MacMorland, Coast Artillery Corps, vice Capt. Myron S. Crissy, appointed major in the National Army.

First Lieut. Henry B. Holmes, jr., Coast Artillery Corps, vice Capt. George A. Wieczorek, appointed major in the National Army.

First Lieut. Arvid M. Pendleton, Coast Artillery Corps, vice Capt. Philip Mathews, appointed major in the National Army.

First Lieut. Leslie V. Jefferis, Coast Artillery Corps, vice Capt. Sebring C. Megill, appointed major in the National Army.

First Lieut. Stuart A. Hamilton, Coast Artillery Corps, vice Capt. Henry T. Burgin, appointed major in the National Army.

First Lieut. Howard F. Gill, Coast Artillery Corps, vice Capt. Howard S. Miller, promoted.

First Lieut. Gerald R. Butz, Coast Artillery Corps, vice Capt. William H. Menges, promoted.

First Lieut. Joseph W. Barker, Coast Artillery Corps, vice Capt. John C. Ohnstad, appointed major in the National Army.

First Lieut. Shuey E. Wolfe, Coast Artillery Corps, vice Capt. William H. Peek, appointed major in the National Army.

First Lieut. Frank J. Atwood, Coast Artillery Corps, vice Capt. Walter H. Baker, appointed major in the National Army.

First Lieut. Carl C. Terry, Coast Artillery Corps, vice Capt. Albert L. Rhoades, promoted.

First Lieut. Fred G. French, Coast Artillery Corps, vice Capt. Ralph D. Herring, promoted.

First Lieut. Edward A. Murphy, Coast Artillery Corps, vice Capt. John O'Neil, promoted.

First Lieut. Jep C. Hardigg, Coast Artillery Corps, vice Capt. George W. Cochen, appointed major in the National Army.

First Lieut. Dale D. Hinman, Coast Artillery Corps, vice Capt. Frederic H. Smith, promoted.

First. Lieut. George D. Davidson, Coast Artillery Corps, vice Capt. Earl Biscoe, appointed major in the National Army.

First Lieut. Robert E. Turley, jr., Coast Artillery Corps, vice Capt. Wade H. Carpenter, appointed major in the National Army.

First Lieut. Richard B. Webb, Coast Artillery Corps, vice Capt. Quinn Gray, appointed major in the National Army.

First Lieut. Moses Goodman, Coast Artillery Corps, vice Capt. Paul J. Horton, appointed major in the National Army.

First Lieut. Kenneth S. Purdie, Coast Artillery Corps, vice Capt. Charles H. Patterson, promoted.

First Lieut. Jules E. Piccard, Coast Artillery Corps, vice Capt. Franc Lecocq, appointed major in the National Army.

First Lieut. Robert E. Phillips, Coast Artillery Corps, vice Capt. Lewis Turtle, promoted.

First Lieut. William R. Stewart, Coast Artillery Corps, vice Capt. Clifford Jones, promoted.

First Lieut. Edgar Nash, jr., Coast Artillery Corps, vice Capt. Louis R. Dice, promoted.

First Lieut. Vincent B. Dixon, Coast Artillery Corps, vice Capt. William M. Colvin, promoted.

First Lieut. Wilmer S. Phillips, Coast Artillery Corps, vice Capt. Henry W. Bunn, promoted.

First Lieut. Otis A. Wallace, Coast Artillery Corps, vice Capt. William P. Piatt, appointed major in the National Army.

First Lieut. Edgar H. Underwood, Coast Artillery Corps, vice Capt. John P. Terrell, appointed major in the National Army.

First Lieut. Howard S. Thomas, Coast Artillery Corps, vice Capt. Frank Moorman, appointed major in the National Army.

First Lieut. Paul H. French, Coast Artillery Corps, vice Capt. Harry L. Morse, promoted.

First Lieut. Horace L. Whittaker, Coast Artillery Corps, vice Capt. Charles R. Alley, promoted.

First Lieut. Gordon de L. Carrington, Coast Artillery Corps, vice Capt. Carr Waller, promoted.

First Lieut. James Q. Rood, Coast Artillery Corps, vice Capt. David McC. McKell, promoted.

First Lieut. James L. Hatcher, Coast Artillery Corps, vice Capt. Matthew A. Cross, promoted.

First Lieut. Ira B. Hill, Coast Artillery Corps, vice Capt. Henning F. Colley, promoted.

First Lieut. Berthold Vogel, Coast Artillery Corps, vice Capt. Lawrence C. Crawford, appointed major in the National Army.

First Lieut. Odes T. Pogue, Coast Artillery Corps, vice Capt. Francis M. Hinkle, appointed major in the National Army.

First Lieut. William Chason, Coast Artillery Corps, vice Capt. Alexander G. Gillespie, appointed major in the National Army.

First Lieut. Evan C. Seaman, Coast Artillery Corps, vice Capt. Edward W. Wildrick, appointed major in the National Army.

First Lieut. Clarence E. Cotter, Coast Artillery Corps, vice Capt. George M. Peek, appointed major in the National Army.

First Lieut. Gordon B. Welch, Coast Artillery Corps, vice Capt. Hartman L. Butler, appointed major in the National Army.

First Lieut. James M. Evans, Coast Artillery Corps, vice Capt. Walter Singles, promoted.

First Lieut. Cedric F. Maguire, Coast Artillery Corps, vice Capt. Rollo F. Anderson, promoted.

First Lieut. Edward E. Murphy, Coast Artillery Corps, vice Capt. William T. Carpenter, promoted.

First Lieut. Marshall M. Williams, jr., Coast Artillery Corps, vice Capt. Frank H. Phipps, jr., promoted.

First Lieut. Henry R. Behrens, Coast Artillery Corps, vice Capt. Frederick L. Martin, appointed major in the Signal Corps.

First Lieut. Edward C. Seeds, Coast Artillery Corps, vice Capt. Dana H. Crissy, appointed major in the Signal Corps.

First Lieut. Edison A. Lynn, Coast Artillery Corps, vice Capt. Chester J. Goodier, appointed major in the Signal Corps.

First Lieut. Milton P. Morrill, Coast Artillery Corps, vice Capt. William Paterson, appointed major in the National Army.

First Lieut. Guy H. Drewry, Coast Artillery Corps, vice Capt. Townsend F. Dodd, appointed lieutenant colonel in the Signal Corps.

First Lieut. Raphael S. Chavin, Coast Artillery Corps, vice Capt. George L. Van Deusen, appointed major in the Signal Corps.

First Lieut. John L. Scott, Coast Artillery Corps, vice Capt. James A. Gallogly, resigned.

First Lieut. Alva F. Englehart, Coast Artillery Corps, vice Capt. Thomas M. Spaulding, promoted.

First Lieut. Harold R. Jackson, Coast Artillery Corps, vice Capt. Benjamin H. L. Williams, promoted.

First Lieut. Morris K. Barroll, jr., Coast Artillery Corps, vice Capt. Robert C. Eddy, promoted.

First Lieut. Walter W. Warner, Coast Artillery Corps, vice Capt. Virginius E. Clark, appointed lieutenant colonel in the Signal Corps.

First Lieut. Walter F. Vander Hyden, Coast Artillery Corps, vice Capt. Stiles M. Decker, appointed major in the Signal Corps.

First Lieut. Ira A. Crump, Coast Artillery Corps, vice Capt. Raycroft Walsh, appointed major in the Signal Corps.

First Lieut. Elbert L. Ford, jr., Coast Artillery Corps, vice Capt. John P. Smith, appointed major in the National Army.

First Lieut. Samuel H. Bradbury, jr., Coast Artillery Corps, vice Capt. George E. Humbert, placed on the detached officers' list.

First Lieut. James L. Hayden, Coast Artillery Corps, vice Capt. Marcellus H. Thompson, placed on the detached officers' list.

First Lieut. Scott B. Ritchie, Coast Artillery Corps, vice Capt. Geoffrey Bartlett, placed on the detached officers' list.

First Lieut. George S. Beurket, Coast Artillery Corps, vice Capt. Eugene B. Walker, placed on the detached officers' list.

First Lieut. Burnett R. Olmsted, Coast Artillery Corps, vice Capt. Robert O. Edwards, placed on the detached officers' list.

First Lieut. Joel G. Holmes, Coast Artillery Corps, vice Capt. Lincoln B. Chambers, placed on the detached officers' list.

First Lieut. James A. Code, jr., Coast Artillery Corps, vice Capt. Rufus F. Maddux, placed on the detached officers' list.

First Lieut. William Sackville, Coast Artillery Corps, vice Capt. John R. Ellis, placed on the detached officers' list.

First Lieut. Leroy H. Lohmann, Coast Artillery Corps, vice Capt. John B. Maynard, placed on the detached officers' list.

First Lieut. Christian G. Foltz, Coast Artillery Corps, vice Capt. Warren R. Bell, placed on the detached officers' list.

First Lieut. Aaron Bradshaw, jr., Coast Artillery Corps, vice Lawrence T. Walker, placed on the detached officers' list.

First Lieut. William W. Cowgill, Coast Artillery Corps, vice Capt. Otto H. Schrader, placed on the detached officers' list.

First Lieut. Harry R. Pierce, Coast Artillery Corps, vice Capt. Robert E. Guthrie, placed on the detached officers' list.

First Lieut. Lawrence C. Mitchell, Coast Artillery Corps, vice Capt. Norton M. Beardslee.

First Lieut. Alexander H. Campbell, Coast Artillery Corps, vice Capt. Theodore M. Chase, placed on the detached officers' list.

First Lieut. Marvil G. Armstrong, Coast Artillery Corps, vice Capt. Frederick A. Mountford, placed on the detached officers' list.

First Lieut. John R. Nygaard, Coast Artillery Corps, vice Capt. Frederick Hanna, placed on the detached officers' list.

First Lieut. James L. Keane, Coast Artillery Corps, vice Capt. William C. Koenig, placed on the detached officers' list.

First Lieut. John A. Messerschmidt, Coast Artillery Corps, vice Capt. Frank A. Buell, placed on the detached officers' list.

First Lieut. Benjamin Bowering, Coast Artillery Corps, vice Capt. Furman E. McCammon, placed on the detached officers' list.

First Lieut. Henry F. Grimm, jr., Coast Artillery Corps, vice Capt. Francis P. Hardaway, placed on the detached officers' list.

First Lieut. Henry Linsert, Coast Artillery Corps, vice Capt. Charles E. Ide, placed on the detached officers' list.

First Lieut. Donald L. Dutton, Coast Artillery Corps, vice Capt. Edward L. Dyer, placed on the detached officers' list.

First Lieut. Leland A. Miller, Coast Artillery Corps, vice Capt. Harry T. Pillans, placed on the detached officers' list.

First Lieut. Arthur N. Harrigan, Coast Artillery Corps, vice Capt. Willard K. Richards, placed on the detached officers' list.

First Lieut. Percy C. Hamilton, Coast Artillery Corps, vice Capt. Edgar B. Colladay, placed on the detached officers' list.

First Lieut. Robert A. Laird, Coast Artillery Corps, vice Capt. Harold F. Nichols, placed on the detached officers' list.

First Lieut. Porter P. Lowry, Coast Artillery Corps, vice Capt. Robert W. Clark, jr., placed on the detached officers' list.

First Lieut. Joseph W. Hazell, Coast Artillery Corps, vice Capt. Robert C. Gildart, placed on the detached officers' list.

First Lieut. John B. Day, Coast Artillery Corps, vice Capt. George D. Holland, placed on the detached officers' list.

First Lieut. Nelson Dingley, 3d, Coast Artillery Corps, vice Capt. Andrew L. Pendleton, jr., placed on the detached officers' list.

First Lieut. Carl R. Adams, Coast Artillery Corps, vice Capt. George I. Thatcher, placed on the detached officers' list.

First Lieut. Edward C. Lohr, Coast Artillery Corps, vice Capt. Edwin F. Silkman, placed on the detached officers' list.

First Lieut. Byron T. Ipock, Coast Artillery Corps, vice Capt. Coleman W. Jenkins, placed on the detached officers' list.

First Lieut. George W. Hovey, Coast Artillery Corps, vice Capt. Rudolf W. Riefkohl, placed on the detached officers' list.

First Lieut. Ernest L. Bigham, Coast Artillery Corps, vice Capt. Harold B. Sampson, placed on the detached officers' list.

First Lieut. Raymond H. Schutte, Coast Artillery Corps, vice Capt. Lee R. Watrous, jr., placed on the detached officers' list.

First Lieut. Carl R. Crosby, Coast Artillery Corps, vice Capt. Charles A. French, placed on the detached officers' list.

First Lieut. Charles T. Halbert, Coast Artillery Corps, vice Capt. Raymond G. Payne, placed on the detached officers' list.

First Lieut. Claude G. Benham, Coast Artillery Corps, vice Capt. James Kirk, placed on the detached officers' list.

First Lieut. Roy D. Burdick, Coast Artillery Corps, vice Capt. Arnold Heinrich, placed on the detached officers' list.

First Lieut. Franklin A. Green, Coast Artillery Corps, vice Capt. Junius W. Jones, placed on the detached officers' list.

First Lieut. Harrie J. Rechtsteiner, Coast Artillery Corps, vice Capt. Manning M. Kimmel, jr., placed on the detached officers' list.

First Lieut. Willard W. Irvine, Coast Artillery Corps, vice Capt. Lawrence B. Weeks, placed on the detached officers' list.

First Lieut. William D. Evans, Coast Artillery Corps, vice Capt. Julius C. Peterson, promoted.

First Lieut. Clarence N. Winston, Coast Artillery Corps, vice Capt. Harry R. Vaughan, appointed major in the Signal Corps.

First Lieut. Albert M. Jackson, Coast Artillery Corps, vice Capt. Ellery W. Niles, promoted.

First Lieut. Lyle B. Chapman, Coast Artillery Corps, vice Capt. Adelno Gibson, promoted.

To be captain with rank from November 17, 1917.

First Lieut. Joseph P. Kohn, Coast Artillery Corps, vice Capt. John L. Holcombe, promoted.

To be captain with rank from November 29, 1917.

First Lieut. Robert J. Van Buskirk, Coast Artillery Corps, vice Capt. James S. Dusenbury, promoted.

To be captain with rank from December 4, 1917.

First Lieut. Frederick L. Topping, Coast Artillery Corps, vice Capt. John W. Wallis, retired from active service December 4, 1917.

To be captains with rank from December 8, 1917.

First Lieut. Thomas R. Phillips, Coast Artillery Corps, vice Capt. Ralph D. Bates, appointed major in the National Army.

First Lieut. Charles S. Erswell, jr., Coast Artillery Corps, vice Capt. William R. McCleary, appointed major in the National Army.

To be captains with rank from December 20, 1917.

First Lieut. Lewis Merriam, jr., Coast Artillery Corps, vice Capt. John P. Keeler, appointed major in the National Army.

First Lieut. Fenton G. Epling, Coast Artillery Corps, vice Capt. Robert P. Glassburn, appointed major in the National Army.

To be captain with rank from December 25, 1917.

First Lieut. Ross G. Hoyt, Coast Artillery Corps, vice Capt. George Ruhlen, jr., appointed major in the National Army.

To be captains with rank from December 26, 1917.

First Lieut. William Mager, Coast Artillery Corps, vice Capt. Lloyd B. Magruder, promoted.

First Lieut. Hubert A. McMorrow, Coast Artillery Corps, vice Capt. Thomas A. Clark, appointed major in the National Army.

To be captains with rank from December 29, 1917.

First Lieut. Douglas G. Clark, Coast Artillery Corps, vice Capt. Sidney H. Guthrie, promoted.

First Lieut. Vernon G. Cox, Coast Artillery Corps, vice Capt. Nathan Horowitz, promoted.

First Lieut. Ralph G. Lockett, Coast Artillery Corps, vice Capt. Lloyd P. Horsfall, promoted.

First Lieut. John H. La Fitte, Coast Artillery Corps, vice Capt. Forrest E. Williford, promoted.

First Lieut. Leon C. Dennis, Coast Artillery Corps, vice Capt. Joseph A. Green, promoted.

First Lieut. Clarence L. Stevens, Coast Artillery Corps, vice Capt. Alexander G. Pendleton, promoted.

First Lieut. Caruthers A. Coleman, Coast Artillery Corps, vice Capt. John C. Henderson, promoted.

To be captain with rank from January 15, 1918.

First Lieut. William F. Lafrenz, Coast Artillery Corps, vice Capt. Guy A. Mix, appointed major in the National Army.

FIELD ARTILLERY ARM.

To be captains with rank from August 5, 1917.

First Lieut. Erwin C. W. Davis, Field Artillery, vice Capt. Charles J. Ferris, promoted.

First Lieut. Emile G. De Coen, Field Artillery, vice Capt. Walter D. Smith, promoted.

First Lieut. Arthur N. White, Field Artillery, vice Capt. Creed F. Cox, promoted.

First Lieut. Patrick L. Lynch, Field Artillery, vice Capt. Leo P. Quinn, promoted.

First Lieut. Ivan N. Bradley, Field Artillery, vice Capt. Walter H. Smith, promoted.

First Lieut. John J. McCollister, Field Artillery, vice Capt. John S. Hammond, promoted.

First Lieut. Frank A. Roberts, Field Artillery, vice Capt. Albert T. Bishop, promoted.

First Lieut. William D. Alexander, Field Artillery, vice Capt. Harold W. Huntley, promoted.

First Lieut. Herbert L. Lee, Field Artillery, vice Capt. Edwin De L. Smith, promoted.

First Lieut. Richard J. Marshall, Field Artillery, vice Capt. Ralph McT. Pennell, promoted.

First Lieut. Ralph T. Heard, Field Artillery, vice Capt. Walter S. Sturgill, promoted.

First Lieut. Harcourt Hervey, Field Artillery, vice Capt. Cortlandt Parker, promoted.

First Lieut. Francis W. Sheppard, Field Artillery, vice Capt. Richard C. Burleson, promoted.

First Lieut. Robert W. Daniels, Field Artillery, vice Capt. Joseph R. Davis, promoted.

First Lieut. John S. Winslow, Field Artillery, vice Capt. John R. Starkey, promoted.

First Lieut. George N. Ruhberg, Field Artillery, vice Capt. Rene E. DeR. Hoyle, promoted.

First Lieut. Armand Durant, Field Artillery, vice Capt. Dawson Olmstead, promoted.

First Lieut. Thomas T. Handy, Field Artillery, vice Capt. John C. Maul, promoted.

First Lieut. Frank B. Tipton, jr., Field Artillery, vice Capt. William Bryden, appointed lieutenant colonel in the National Army.

First Lieut. Stanley F. Bryan, Field Artillery, vice Capt. Francis W. Honeycutt, appointed lieutenant colonel in the National Army.

First Lieut. Oliver L. Haines, Field Artillery, vice Capt. Daniel W. Hand, appointed lieutenant colonel in the National Army.

First Lieut. Oscar I. Gates, Field Artillery, vice Capt. Albert L. Hall, promoted.

First Lieut. Gerald E. Brower, Field Artillery, vice Capt. George H. Paine, promoted.

First Lieut. William J. Jones, Field Artillery, vice Capt. Leroy P. Collins, promoted.

First Lieut. Yarrow D. Velsey, Field Artillery, vice Capt. Ballard Lyerly, promoted.

First Lieut. William B. Dunwoody, Field Artillery, vice Capt. Robert H. Lewis, promoted.

First Lieut. Charles B. Thomas, Field Artillery, vice Capt. Philip W. Booker, promoted.

First Lieut. Oliver J. Bond, jr., Field Artillery, vice Capt. Charles S. Blakely, appointed lieutenant colonel in the National Army.

First Lieut. Robert H. Ennis, Field Artillery, vice Capt. William H. Dodds, jr., appointed lieutenant colonel in the National Army.

First Lieut. Benjamin E. Carter, Field Artillery, vice Capt. Edmund L. Gruber, appointed lieutenant colonel in the National Army.

First Lieut. Henry B. Parker, Field Artillery, vice Capt. Telesphor G. Gottschalk, appointed major in the National Army.

First Lieut. Francis Fielding-Reid, Field Artillery, vice Capt. Edward F. King, appointed major in the National Army.

First Lieut. Harold R. Ristine, Field Artillery, vice Maj. Harold E. Marr, appointed major in the National Army.

First Lieut. Edmund B. Edwards, Field Artillery, vice Capt. Truby C. Martin, appointed major in the National Army.

First Lieut. Oscar L. Gruhn, Field Artillery, vice Capt. Wilbur Rogers, appointed major in the National Army.

First Lieut. Theodore W. Wrenn, Field Artillery, vice Capt. Louis R. Dougherty, appointed major in the National Army.

First Lieut. Harold W. Rehm, Field Artillery, vice Capt. Herbert B. Hayden, appointed major in the National Army.

First Lieut. John B. Pitney, Field Artillery, vice Capt. James P. Marley, promoted.

First Lieut. Clifford H. Tate, Field Artillery, vice Capt. Waldo C. Potter, promoted.

First Lieut. Ottomar O'Donnell, Field Artillery, vice Capt. John W. Downer, promoted.

First Lieut. Oliver P. Echols, Field Artillery, vice Capt. Benjamin M. Bailey, promoted.

First Lieut. Clement Ripley, Field Artillery, vice Capt. William F. Sharp, promoted.

First Lieut. Edward M. Smith, Field Artillery, vice Capt. Frank Thorp, jr., promoted.

First Lieut. John O. Hoskins, Field Artillery, vice Capt. Emery T. Smith, appointed lieutenant colonel in the National Army.

First Lieut. William Clarke, Field Artillery, vice Capt. Robert G. Kirkwood, appointed major in the National Army.

First Lieut. Albert R. Ives, Field Artillery, vice Capt. Samuel R. Hopkins, appointed major in the National Army.

First Lieut. Arthur Brigham, jr., Field Artillery, vice Capt. Donald M. Beere, appointed major in the National Army.

First Lieut. William M. Jackson, Field Artillery, vice Capt. E. R. Warner McCabe, promoted.

First Lieut. Joseph A. Sheridan, Field Artillery, vice Capt. Donald C. McDonald, promoted.

First Lieut. Hugh C. Minton, Field Artillery, vice Capt. William McCleave, appointed major in the National Army.

First Lieut. Charles W. Gallaher, Field Artillery, vice Capt. Charles D. Daly, appointed major in the National Army.

First Lieut. Laurence V. Houston, Field Artillery, vice Capt. Albert K. C. Palmer, appointed major in the National Army.

First Lieut. Stacy Knopf, Field Artillery, vice Capt. Oliver A. Dickinson, appointed major in the National Army.

First Lieut. James M. Garrett, Field Artillery, vice Capt. Leo J. Abern, appointed major in the National Army.

First Lieut. David M. Pope, Field Artillery, vice Capt. Herman Erlenkotter, appointed major in the National Army.

First Lieut. Eugene H. Willenbucher, Field Artillery, vice Capt. John G. Tyndall, promoted.

First Lieut. Louis C. Arthur, jr., Field Artillery, vice Capt. Otto L. Brunzell, promoted.

First Lieut. John F. Hubbard, Field Artillery, vice Capt. Clifford L. Corbin, promoted.

First Lieut. Franklin M. Davison, Field Artillery, vice Capt. Pierre V. Kieffer, promoted.

First Lieut. William E. Shepherd, jr., Field Artillery, vice Capt. Maxwell Murray, promoted.

First Lieut. Robert M. Bathurst, Field Artillery, vice Capt. Carroll W. Neal, appointed lieutenant colonel in the National Army.

First Lieut. William H. Saunders, Field Artillery, vice Capt. Donald C. Cubbison, appointed lieutenant colonel in the National Army.

First Lieut. Charles E. Hurdis, Field Artillery, vice Capt. Jacob A. Mack, appointed lieutenant colonel in the National Army.

First Lieut. Henry J. Schroeder, Field Artillery, vice Capt. John A. Crane, appointed major in the National Army.

First Lieut. James K. Tully, Field Artillery, vice Capt. Frederick A. Prince, appointed major in the National Army.

First Lieut. John M. Devine, Field Artillery, vice Capt. Thomas J. Johnson, appointed major in the National Army.

First Lieut. Harold A. Nisely, Field Artillery, vice Capt. Alfred L. P. Sands, promoted.

First Lieut. James L. Guion, Field Artillery, vice Capt. Henry H. Pfeil, promoted.

First Lieut. George D. Wahl, Field Artillery, vice Capt. Charles P. George, promoted.

First Lieut. Basil H. Perry, Field Artillery, vice Capt. Robert M. Danford, appointed lieutenant colonel in the National Army.

First Lieut. Ray H. Lewis, Field Artillery, vice Capt. Harvey D. Higley, appointed major in the National Army.

First Lieut. Solomon F. Clark, Field Artillery, vice Capt. Marshall Magruder, appointed major in the National Army.

First Lieut. Augustus M. Gurney, Field Artillery, vice Capt. Charles W. Harlow, promoted.

First Lieut. Oliver B. Cardwell, Field Artillery, vice Capt. William H. Rucker, promoted.

First Lieut. William O. Butler, Field Artillery, vice Capt. William H. Shepherd, promoted.

First Lieut. Rex W. Beasley, Field Artillery, vice Capt. Marshall G. Randol, promoted.

First Lieut. Frank Langham, Field Artillery, vice Capt. Walter E. Prosser, appointed lieutenant colonel in the National Army.

First Lieut. William F. Maher, Field Artillery, vice Capt. John N. Greely, promoted.

First Lieut. Walter F. Wright, Field Artillery, vice Capt. Webster A. Capron, promoted.

First Lieut. Sidney F. Dunn, Field Artillery, vice Capt. John E. Mort, promoted.

First Lieut. Louis W. Hasslock, Field Artillery, vice Capt. Roger S. Parrott, promoted.

First Lieut. Breckinridge A. Day, Field Artillery, vice Capt. Thomas D. Sloan, promoted.

First Lieut. Paul C. Harper, Field Artillery, vice Capt. Thomas D. Osborne, appointed lieutenant colonel in the National Army.

First Lieut. Joseph Kennedy, Field Artillery, vice Capt. William E. Larned, detailed in the Signal Corps.

First Lieut. George D. Shea, Field Artillery, vice Capt. Louis A. McKinlay, appointed lieutenant colonel in the National Army.

First Lieut. John V. D. Hume, Field Artillery, vice Capt. Harold Geiger, promoted.

First Lieut. Woodrow W. Woodbridge, Field Artillery, vice Capt. Edwin M. Watson, promoted.

First Lieut. Gervas S. Taylor, Field Artillery, vice Capt. William E. Dunn, appointed major in the National Army.

First Lieut. John G. Pennypacker, Field Artillery, vice Capt. Harold E. Miner, promoted.

First Lieut. Richard H. Schubert, Field Artillery, vice Capt. Joseph A. Rogers, promoted.

First Lieut. Edward J. F. Marx, Field Artillery, vice Capt. Frederick M. Barrows, appointed major in the National Army.

First Lieut. Wilbur C. Carlan, Field Artillery, vice Capt. Joe R. Brabson, appointed major in the National Army.

First Lieut. George R. Rede, Field Artillery, vice Capt. Leonard C. Sparks, appointed major in the National Army.

First Lieut. Gilbert P. Kearns, Field Artillery, vice Capt. John T. Kennedy, appointed major in the National Army.

First Lieut. Van Rensselaer Vestal, Field Artillery, vice Capt. Charles T. Griffith, promoted.

First Lieut. John H. Carriker, Field Artillery, vice Capt. Kenneth S. Perkins, appointed major in the National Army.

First Lieut. Peter P. Michalek, Field Artillery, vice Capt. James L. Collins, appointed major in the National Army.

First Lieut. William G. Gough, Field Artillery, vice Capt. Frederick W. Stewart, appointed major in the National Army.

First Lieut. Joseph A. Mulherrin, Field Artillery, vice Capt. Herbert A. Dargue, detailed in the Signal Corps.

First Lieut. Azel W. McNeal, Field Artillery, vice Capt. Charles P. Hollingsworth, appointed major in the National Army.

First Lieut. William B. Wright, jr., Field Artillery, vice Capt. Joseph W. Rumbough, appointed major in the National Army.

First Lieut. Victor H. Bridgman, jr., Field Artillery, vice Capt. Allan C. McBride, appointed major in the National Army.

First Lieut. Wendell L. Bevan, Field Artillery, vice Capt. Ronald D. Johnson, promoted.

First Lieut. Henry J. Macpeake, Field Artillery, vice Capt. Leo P. Quinn, placed on the detached officers' list.

First Lieut. Frank W. Lykes, Field Artillery, vice Capt. Webster A. Capron, placed on the detached officers' list.

First Lieut. Richard T. Guthrie, Field Artillery, vice Capt. Ivens Jones, placed on the detached officers' list.

First Lieut. Ittai A. Luke, Field Artillery, vice Capt. Robert C. F. Goetz, placed on the detached officers' list.

First Lieut. Roger Griswold, Field Artillery, vice Capt. John E. Hatch, placed on the detached officers' list.

First Lieut. Henry Lockwood, jr., Field Artillery, vice Capt. Herbert A. Dargue, placed on the detached officers' list.

First Lieut. Alan L. Campbell, Field Artillery, vice Capt. Vincent Meyer, placed on the detached officers' list.

First Lieut. Oscar B. Ralls, jr., Field Artillery, vice Capt. George E. Arnemann, placed on the detached officers' list.

First Lieut. John R. Larkin, Field Artillery, vice Capt. Francis T. Armstrong, placed on the detached officers' list.

First Lieut. Douglas R. Coleman, Field Artillery, vice Capt. Howard Eager, placed on the detached officers' list.

First Lieut. George P. Winton, Field Artillery, vice Capt. Roland P. Shugg, placed on the detached officers' list.

First Lieut. George J. Downing, Field Artillery, vice Capt. John E. McMahon, placed on the detached officers' list.

First Lieut. Wallace W. Crawford, Field Artillery, vice Capt. Arthur R. Harris, placed on the detached officers' list.

First Lieut. Christiancy Pickett, Field Artillery, vice Capt. Jacob L. Devers, promoted.

First Lieut. Rush H. Rogers, Field Artillery, vice Capt. Lucien H. Taliaferro, promoted.

To be captain with rank from November 3, 1917.

First Lieut. John C. Adams, Field Artillery, vice Capt. Fred C. Wallace, appointed major in the National Army.

To be captains with rank from November 5, 1917.

First Lieut. Arthur C. Waters, Field Artillery, vice Capt. Harold H. Bateman, promoted.

First Lieut. Ernest T. Barco, Field Artillery, vice Capt. Philip Hayes, appointed major in the National Army.

To be captains with rank from November 13, 1917.

First Lieut. Lester A. Daugherty, Field Artillery, vice Capt. Frank A. Turner, promoted.

First Lieut. Walter G. Witt, Field Artillery, vice Capt. George G. Seaman, promoted.

To be captain with rank from November 22, 1917.

First Lieut. Joseph E. Takken, Field Artillery, vice Capt. Charles P. Reynolds, appointed major in the National Army.

To be captain with rank from November 25, 1917.

First Lieut. Raymond J. Watrous, Field Artillery, vice Capt. George S. Gay, appointed major in the National Army.

To be captain with rank from December 5, 1917.

First Lieut. Jerome J. Waters, jr., Field Artillery, vice Capt. Carl A. Baehr, promoted.

To be captain with rank from January 2, 1918.

First Lieut. Thomas G. Hanson, jr., Field Artillery, vice Capt. Robert S. Donaldson, promoted.

CAVALRY ARM.

To be colonels with rank from January 16, 1918.

Lieut. Col. James N. Munro, Cavalry (Quartermaster Corps), vice Col. Charles W. Fenton, who died January 15, 1918.

Lieut. Col. William S. Valentine, Cavalry (Quartermaster Corps), vice Col. James N. Munro, retained in the Quartermaster Corps.

Lieut. Col. Henry C. Smither, Cavalry (Signal Corps), vice Col. William S. Valentine, retained in the Quartermaster Corps.

Lieut. Col. Roy B. Harper, Cavalry (Adjutant General's Department), vice Col. Henry C. Smither, retained in the Signal Corps.

Lieut. Col. Thomas A. Roberts, Cavalry, vice Col. Roy B. Harper, retained in The Adjutant General's Department.

To be lieutenant colonels with rank from January 16, 1918.

Maj. Leonard L. Deitrick, Cavalry (Quartermaster Corps), vice Lieut. Col. Thomas A. Roberts, promoted.

Maj. Richard B. Going, Cavalry, vice Lieut. Col. Leonard L. Deitrick, retained in the Quartermaster Corps.

To be majors with rank from January 16, 1918.

Capt. Chauncey StC. McNeill, Cavalry (Signal Corps), vice Maj. Richard B. Going, promoted.

Capt. Frank K. Ross, Cavalry (Signal Corps), vice Maj. Chauncey StC. McNeill, retained in the Signal Corps.

Capt. Herman Kobbe, Cavalry, vice Maj. Frank K. Ross, retained in the Signal Corps.

To be majors with rank from January 23, 1918.

Capt. John A. Warden, Cavalry, vice Maj. Arthur G. Fisher, resigned.

Capt. John B. Johnson, Cavalry, vice Maj. Andrew W. Smith, resigned.

To be majors with rank from January 24, 1918.

Capt. Harold L. Gardiner, Cavalry (Quartermaster Corps), vice Maj. Guy Kent, resigned.

Capt. Claude DeB. Hunt, Cavalry, vice Maj. Harold L. Gardiner, retained in the Quartermaster Corps.

INFANTRY ARM.

To be colonel with rank from August 5, 1917.

Lieut. Col. Hugh D. Wise, Infantry (Quartermaster Corps), vice Col. George B. Duncan, appointed brigadier general in the National Army.

To be lieutenant colonel with rank from August 5, 1917.

Maj. Hugh D. Wise, Infantry (Quartermaster Corps), vice Lieut. Col. Edward A. Shuttleworth, appointed colonel in the National Army.

To be majors with rank from August 5, 1917.

Capt. Edwin J. Nowlen, Infantry, additional officer, on the date he would have been promoted to fill an original vacancy had he not been retired from active service.

Capt. Sylvester C. Loring, Infantry, additional officer, on the date he would have been promoted to fill an original vacancy had he not been retired from active service.

Capt. Jacob Schick, Infantry, additional officer, on the date he would have been promoted to fill an original vacancy had he not been retired from active service.

Capt. Roy W. Ashbrook, Infantry, additional officer, on the date he would have been promoted to fill an original vacancy had he not been retired from active service.

Capt. Sam P. Herren, Infantry, additional officer, on the date he would have been promoted to fill an original vacancy had he not been retired from active service.

To be major with rank from November 29, 1917.

Capt. Harry H. Pritchett, Infantry, vice Maj. George E. Goodrich, detailed in the Signal Corps.

To be major with rank from November 30, 1917.

Capt. Edgar L. Field, Infantry, vice Maj. James W. H. Reisinger, detailed in the Quartermaster Corps.

To be majors with rank from December 1, 1917.

Capt. Earl C. Buck, Infantry, vice Maj. Charles B. Elliott, resigned commission as temporary major.

Capt. Jere Baxter, Infantry, detached officers' list, vice Maj. Edmund C. Waddill, resigned commission as temporary major.

Capt. A. Ellicott Brown, Infantry, vice Maj. Arthur M. Ferguson, detailed in The Adjutant General's Department.

Capt. James M. Lockett, Infantry, vice Maj. Harry Hawley, resigned commission as temporary major.

To be majors with rank from December 4, 1917.

Capt. Eugene Robinson, Infantry, vice Maj. Jacob W. S. Wuest, detailed in the Signal Corps.

Capt. Jesse C. Brain, Infantry, detached officers' list, vice Maj. William W. Bessell, detailed in The Adjutant General's Department.

To be major with rank from December 10, 1917.

Capt. Alexander W. Chilton, Infantry, detached officers' list, vice Maj. Joseph F. Ware, detailed in the Signal Corps.

To be major with rank from December 14, 1917.

Capt. William E. Morrison, Infantry, detached officers' list, vice Maj. Alfred W. Bjornstad, promoted lieutenant colonel.

To be majors with rank from December 19, 1917.

Capt. Donald J. MacLachlan, Infantry, vice Maj. Resolve P. Palmer, detailed in the Signal Corps.

Capt. Charles H. Rice, Infantry, vice Maj. James G. Boswell, detailed in the Signal Corps.

PROVISIONAL APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. Earle L. Hazard, Infantry, to be second lieutenant of Cavalry, with rank from October 26, 1917.

Second Lieut. Keith F. Driscoll, Infantry, to be second lieutenant of Cavalry, with rank from October 25, 1917.

INFANTRY ARM.

Second Lieut. Joseph A. Nichols, Cavalry, to be second lieutenant of Infantry, with rank from October 25, 1917.

Second Lieut. James J. Roach, Cavalry, to be second lieutenant of Infantry, with rank from October 26, 1917.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

COAST ARTILLERY CORPS.

To be captains with rank from October 12, 1917.

First Lieut. Frederick W. Smith, Coast Artillery Corps, vice Capt. Robert C. Gildart, placed on the detached officers' list.

First Lieut. Robert S. Barr, Coast Artillery Corps, vice Capt. George D. Holland, placed on the detached officers' list.

First Lieut. Charles J. Herzer, Coast Artillery Corps, vice Capt. Andrew L. Pendleton, jr., placed on the detached officers' list.

First Lieut. William M. Cruvens, Coast Artillery Corps, vice Capt. George I. Thatcher, placed on the detached officers' list.

First Lieut. John B. Martin, Coast Artillery Corps, vice Capt. Edwin F. Silkman, placed on the detached officers' list.

First Lieut. Edwin C. Mead, Coast Artillery Corps, vice Capt. Coleman W. Jenkins, placed on the detached officers' list.

First Lieut. William T. Roberts, Coast Artillery Corps, vice Capt. Rudolf W. Riefkohl, placed on the detached officers' list.

First Lieut. Carl J. Smith, Coast Artillery Corps, vice Capt. Harold B. Sampson, placed on the detached officers' list.

First Lieut. Dugald Mac A. Burr, Coast Artillery Corps, vice Capt. Lee R. Watrous, jr., placed on the detached officers' list.

First Lieut. James D. MacMullen, Coast Artillery Corps, vice Capt. Charles A. French, placed on the detached officers' list.

First Lieut. Charles W. Bundy, Coast Artillery Corps, vice Capt. Raymond G. Payne, placed on the detached officers' list.

First Lieut. Charles D. Y. Ostrom, Coast Artillery Corps, vice Capt. James Kirk, placed on the detached officers 'list.

First Lieut. Donald M. Cole, Coast Artillery Corps, vice Capt. Arnold Heinrich, placed on the detached officers' list.

First Lieut. James C. Hutson, Coast Artillery Corps, vice Capt. Junius W. Jones, placed on the detached officers' list.

First Lieut. Francis A. Hause, Coast Artillery Corps, vice Capt. Manning M. Kimmel, jr., placed on the detached officers' list

First Lieut. Edward E. MacMorland, Coast Artillery Corps, vice Capt. Lawrence B. Weeks, place on the detached officers' list.

To be captain with rank from December 5, 1917.

First Lieut. Henry B. Holmes, jr., Coast Artillery Corps, vice Capt. John W. Wallis, retired from active service December 4, 1917.

To be captain with rank from December 10, 1917.

First Lieut. Arvid M. Pendleton, Coast Artillery Corps, vice Capt. Louis B. Bender, detailed in Signal Corps.

FIELD ARTILLERY ARM.

To be captains with rank from October 12, 1917.

First Lieut. Erwin C. W. Davis, Field Artillery, vice Capt. Leo P. Quinn, placed on the detached officers' list.

First Lieut. Emile G. DeCoen, Field Artillery vice Capt. Webster A. Capron, placed on the detached officers' list.

First Lieut. Arthur N. White, Field Artillery, vice Capt. Ivens Jones, placed on the detached officers' list.

First Lieut. Patrick L. Lynch, Field Artillery, vice Capt. Robert C. F. Geetz, placed on the detached officers' list.

First Lieut. Ivan N. Bradley, Field Artillery, vice Capt. John E. Hatch, placed on the detached officers' list.

First Lieut. John J. McCollister, Field Artillery, vice Capt. Herbert A. Dargue, placed on the detached officers' list.

First Lieut. Frank A. Roberts, Field Artillery, vice Capt. Vincent Meyer, placed on the detached officers' list.

First Lieut. William D. Alexander, Field Artillery, subject to examination required by law, vice Capt. George E. Arneman, placed on the detached officers' list.

First Lieut. Herbert L. Lee, Field Artillery, vice Capt. Francis T. Armstrong, placed on the detached officers' list.

First Lieut. Richard J. Marshall, Field Artillery, subject to examination required by law, vice Capt. Howard Enger, placed on the detached officers' list.

First Lieut. Ralph T. Heard, Field Artillery, vice Capt. Roland P. Shugg, placed on the detached officers' list.

First Lieut. Harcourt Hervey, Field Artillery, vice Capt. John E. McMahon, jr., placed on the detached officers' list.

First Lieut. Francis W. Sheppard, Field Artillery, vice Capt. Arthur R. Harris, placed on the detached officers' list.

To be captain with rank from November 5, 1917.

First Lieut. Robert W. Daniels, Field Artillery, vice Capt. Raymond B. Austin, placed on the detached officers' list.

To be captain with rank from December 5, 1917.

First Lieut. John S. Winslow, Field Artillery, vice Capt. James P. Marley, detailed in the Inspector General's Department.

To be captain with rank from January 4, 1918.

First Lieut. George N. Rubberg, Field Artillery, vice Capt. William C. Young, detailed in the Ordnance Department.

CAVALRY ARM.

To be captains.

First Lieut. Harley C. Dagley, Cavalry, from October 4, 1917, vice Capt. Dorsey R. Rodney, detailed in the Quartermaster Corps.

First Lieut. Charles L. Clifford, Cavalry, from October 4, 1917, vice Capt. Arthur G. Hixson, detailed in Ammunition Train.

First Lieut. Gaston L. Holmes, Cavalry, from October 4, 1917, vice Capt. Robert Blaine, detailed in the Quartermaster Corps.

First Lieut. George W. Wersebe, Cavalry, from October 4, 1917, vice Capt. Guy H. Wyman, detailed in the Quartermaster Corps.

First Lieut. Milton R. Fisher, Cavalry, from October 4, 1917, vice Capt. Charles L. Stevenson, detailed in the Quartermaster Corps.

First Lieut. John S. Jadwin, Cavalry, from October 4, 1917, vice Capt. Clark P. Chandler, detailed in the Quartermaster Corps.

First Lieut. Arthur P. Thayer, Cavalry, from October 4, 1917, vice Capt. Seth W. Scofield, detailed in the Quartermaster Corps.

First Lieut. Edward R. Scheiflin, Cavalry, from October 4, 1917, vice Capt. Robert C. Rodgers, detailed in the Quartermaster Corps.

First Lieut. Edwin A. Martin, Cavalry, from October 4, 1917, vice Capt. Harold L. Gardiner, detailed in the Quartermaster Corps.

First Lieut. Jay D. B. Lattin, Cavalry, from October 4, 1917, vice Capt. Robert E. Carmody, detailed in the Quartermaster Corps.

First Lieut. Frank G. Ringland, Cavalry, from October 4, 1917, vice Capt. Albert J. Myer, jr., detailed in Ammunition Train.

First Lieut. John B. Harper, Cavalry, subject to examination required by law, from October 12, 1917, vice Capt. Daniel G. Morrissett, detailed in Ammunition Train.

First Lieut. Winchell I. Rasor, Cavalry (Signal Corps), subject to examination required by law, from October 12, 1917, vice Capt. William C. F. Nicholson, placed on the detached officers' list.

First Lieut. Oliver I. Holman, Cavalry, from October 12, 1917, vice Capt. Winchell I. Rasor, retained in the Signal Corps.

First Lieut. John J. Bohn, Cavalry, from October 12, 1917, vice Capt. Edmund S. Sayer, placed on the detached officers' list.

First Lieut. Harry B. Flounders, Cavalry (Ammunition Train), from October 12, 1917, vice Capt. Robert C. Richardson, jr., placed on the detached officers' list.

First Lieut. Grover R. Carl, Cavalry, from October 12, 1917, vice Capt. Harry B. Flounders, retained in Ammunition Train.

First Lieut. Hugh D. Blanchard, Cavalry, from October 12, 1917, vice Capt. Frank M. Andrews, placed on the detached officers' list.

First Lieut. James G. Monihan, Cavalry, from October 12, 1917, vice Capt. George F. Patten, placed on the detached officers' list.

First Lieut. Anthony J. Kirst, Cavalry, from October 12, 1917, vice Capt. Robert M. Cheney, placed on the detached officers' list.

First Lieut. William G. Simons, Cavalry, from October 12, 1917, vice Capt. Philip Gordon, placed on the detached officers' list.

First Lieut. Rexford E. Willoughby, Cavalry, from October 12, 1917, vice Capt. Sumner M. Williams, placed on the detached officers' list.

First Lieut. John D. Austin, Cavalry, subject to examination required by law, from October 12, 1917, vice Capt. Charles M. Haverkamp, placed on the detached officers' list.

First Lieut. John P. Kaye, Cavalry, subject to examination required by law, from October 12, 1917, vice Capt. Horace T. Aplington, placed on the detached officers' list.

First Lieut. Cleo D. Mayhugh, Cavalry, from October 12, 1917, vice Capt. Arthur B. Conard, placed on the detached officers' list.

First Lieut. James W. Barnett, Cavalry, from October 12, 1917, vice Capt. John P. Lucas, placed on the detached officers' list.

First Lieut. John C. Mullenix, Cavalry, from October 12, 1917, vice Capt. William M. Grimes, placed on the detached officers' list.

First Lieut. Ross McCoy, Cavalry, from October 12, 1917, vice Capt. Alexander R. Cocke, placed on the detached officers' list.

First Lieut. Howard C. Tobin, Cavalry, from October 12, 1917, vice Capt. Kenna G. Eastham, placed on the detached officers' list.

First Lieut. John A. Weeks, Cavalry, from October 12, 1917, vice Capt. Francis C. V. Crowley, placed on the detached officers' list.

First Lieut. Walter E. Buchly, Cavalry, from October 12, 1917, vice Capt. Robert McG. Littlejohn, placed on the detached officers' list.

First Lieut. Harold C. Mandell, Cavalry, from October 12, 1917, vice Capt. Burton Y. Read, placed on the detached officers' list.

First Lieut. Lester A. Sprinkle, Cavalry, from October 12, 1917, vice Capt. Roland L. Gaugler, placed on the detached officers' list.

First Lieut. Robert W. Grow, Cavalry, subject to examination required by law, from October 12, 1917, vice Capt. Geoffrey Keyes, placed on the detached officers' list.

First Lieut. Terrill E. Price, Cavalry, from October 12, 1917, vice Capt. Arthur D. Newman, placed on the detached officers' list.

First Lieut. William H. Kasten, Cavalry, from October 12, 1917, vice Capt. Edward L. N. Glass, placed on the detached officers' list.

First Lieut. Edwin Rollmann, Cavalry (Signal Corps), from October 12, 1917, vice Capt. Clifford B. King, placed on the detached officers' list.

First Lieut. Leon E. Ryder, Cavalry, from October 12, 1917, vice Capt. Edwin Rollmann, retained in the Signal Corps.

First Lieut. Richard L. Creed, Cavalry, subject to examination required by law, from October 12, 1917, vice Capt. Ralph I. Sasse, placed on the detached officers' list.

First Lieut. William M. Husson, Cavalry, subject to examination required by law, from October 12, 1917, vice Capt. William E. Shipp, placed on the detached officers' list.

First Lieut. Harry L. Putnam, Cavalry, subject to examination required by law, from October 12, 1917, vice Capt. Frank P. Amos, placed on the detached officers' list.

First Lieut. Roderick R. Allen, Cavalry, from October 12, 1917, vice Capt. James E. Shelley, placed on the detached officers' list.

First Lieut. Adolphus W. Roffe, Cavalry, subject to examination required by law, from October 12, 1917, vice Capt. William S. Wells, placed on the detached officers' list.

First Lieut. Ion C. Holm, Cavalry, from October 12, 1917, vice Capt. John A. Pearson, placed on the detached officers' list.

First Lieut. Robert C. Candee, Cavalry, from October 12, 1917, vice Capt. Olan C. Aleshire, placed on the detached officers' list.

First Lieut. Joseph L. Philips, Cavalry, from October 12, 1917, vice Capt. Kinzie B. Edmunds, placed on the detached officers' list.

First Lieut. Kenneth McCatty, Cavalry, from October 23, 1917, vice Capt. Stewart O. Elting, detailed in the Quartermaster Corps.

First Lieut. Joseph W. Geer, Cavalry, from October 23, 1917, vice Capt. Ben Lear, jr., detailed in the General Staff.

First Lieut. Edwin D. Morgan, jr., Cavalry, subject to examination required by law, from October 23, 1917, vice Capt. Morton C. Mumma, detailed in the General Staff.

First Lieut. Leslie B. C. Jones, Cavalry, subject to examination required by law, from October 25, 1917, vice Capt. William H. Cowles, detailed in the Inspector General's Department.

First Lieut. Kramer Thomas, Cavalry, from October 31, 1917, vice Capt. John Kennard, detailed in the Quartermaster Corps.

First Lieut. James R. Finley, Cavalry, from November 5, 1917, vice Capt. Orlando C. Troxel, died November 4, 1917.

First Lieut. Willard S. Wadelton, Cavalry, from November 5, 1917, vice Capt. Joseph M. Tully, placed on the detached officers' list.

First Lieut. Hale S. Cook, Cavalry, from November 5, 1917, vice Capt. John A. Barry, placed on the detached officers' list.

First Lieut. John M. Jenkins, jr., Cavalry, from November 5, 1917, vice Capt. Verne R. Bell, placed on the detached officers' list.

First Lieut. Beverly H. Colner, Cavalry, from November 5, 1917, vice Capt. Mack Garr, placed on the detached officers' list.

First Lieut. Albert D. Chipman, Cavalry, from November 5, 1917, vice Capt. William C. Christy, detailed in the Quartermaster Corps.

First Lieut. Arthur H. Truxes, Cavalry, from November 5, 1917, vice Capt. Henry D. F. Mannikhuysen, detailed in the Quartermaster Corps.

First Lieut. Gordon J. F. Heron, Cavalry, from November 5, 1917, vice Capt. Leon M. Logan, detailed in the Quartermaster Corps.

First Lieut. Carl C. Krueger, Cavalry, subject to examination required by law, from November 5, 1917, vice Capt. James S. Mooney, detailed in the Quartermaster Corps.

First Lieut. Hugh M. Gregory, Cavalry, from November 5, 1917, vice Capt. Lindsley D. Beach, detailed in the Quartermaster Corps.

First Lieut. Oron A. Palmer, Cavalry, from November 6, 1917, vice Capt. Pearson Menoher, placed on the detached officers' list.

First Lieut. Stanley Bacon, Cavalry, from December 11, 1917, vice Capt. George B. Comly, detailed in The Adjutant General's Department.

First Lieut. Samuel V. Constant, Cavalry, subject to examination required by law, from December 19, 1917, vice Capt. Abbott Boone, detailed in the Signal Corps.

First Lieut. William C. Chase, Cavalry, from December 22, 1917, vice Capt. George A. Purington, detailed in ammunition train.

First Lieut. Norman E. Fiske, Cavalry, from December 29, 1917, vice Capt. John C. Montgomery, detailed in ammunition train.

First Lieut. Donald O. Miller, Cavalry, from December 29, 1917, vice Capt. Ralph I. Sasse, detailed in ammunition train.

To be first lieutenants.

Second Lieut. Marion Cox, Cavalry, with rank from August 9, 1917, vice First Lieut. Clarence S. Maulsby, promoted.

Second Lieut. Hugh J. FitzGerald, Cavalry, with rank from August 9, 1917, vice First Lieut. George S. Andrew, promoted.

Second Lieut. David P. Minard, Cavalry, with rank from August 9, 1917, vice First Lieut. Spencer A. Townsend, promoted.

Second Lieut. Paul J. Matte, Cavalry, with rank from August 9, 1917, vice First Lieut. Arthur M. Jones, promoted.

Second Lieut. Hugo P. Wise, Cavalry, with rank from August 9, 1917, vice First Lieut. Thomas G. Peyton, promoted.

Second Lieut. Norman R. Hamilton, Cavalry, with rank from August 9, 1917, vice First Lieut. Junius H. Houghton, promoted.

Second Lieut. Robert R. Hawes, jr., Cavalry, with rank from August 9, 1917, vice First Lieut. Douglas J. Page, promoted.

Second Lieut. Joseph S. Robinson, Cavalry, with rank from August 9, 1917, vice First Lieut. James N. Caperton, promoted.

Second Lieut. Murray H. Ellis, Cavalry, with rank from August 14, 1917, vice First Lieut. Charles C. Smith, promoted.

Second Lieut. Wolcott P. Hay, Cavalry, with rank from August 22, 1917, vice First Lieut. William W. Dempsey, promoted.

Second Lieut. Joseph I. Lambert, Cavalry, with rank from August 24, 1917, vice First Lieut. Robert R. D. McCullough, promoted.

Second Lieut. Ralph W. Rogers, Cavalry, with rank from September 7, 1917, vice First Lieut. Edwin Rollmann, detailed in the Signal Corps.

Second Lieut. William P. Medlar, Cavalry, with rank from September 11, 1917, vice First Lieut. Duncan G. Richart, promoted.

Second Lieut. Lawrence A. Shafer, Cavalry, with rank from October 4, 1917, vice First Lieut. Charles L. Clifford, promoted.

Second Lieut. Thurlby M. Rundel, Cavalry, with rank from October 4, 1917, vice First Lieut. Gaston L. Holmes, promoted.

Second Lieut. Charles B. B. Bubb, Cavalry, with rank from October 4, 1917, vice First Lieut. Jay D. B. Lattin, promoted.

Second Lieut. Paul E. McDermott, Cavalry, with rank from October 4, 1917, vice First Lieut. Frank G. Ringland, promoted.

Second Lieut. Gustav B. Guenther, Cavalry, with rank from October 4, 1917, vice First Lieut. Harry B. Flounders, detailed in ammunition train.

Second Lieut. William H. Skinner, Cavalry, with rank from October 4, 1917, vice First Lieut. Robert L. Beall, detailed in ammunition train.

Second Lieut. Leslie F. Laurence, Cavalry, with rank from October 4, 1917, vice First Lieut. William T. Haideman, detailed in ammunition train.

Second Lieut. Horace W. Forster, Cavalry, with rank from October 4, 1917, vice First Lieut. Bertrand Morrow, detailed in ammunition train.

Second Lieut. Franklin C. Ketler, Cavalry, with rank from October 12, 1917, vice First Lieut. Oliver I. Holman, promoted.

Second Lieut. Charles Pope, 2d, Cavalry, with rank from October 12, 1917, vice First Lieut. John J. Bohn, promoted.

Second Lieut. Waldemar A. Falck, Cavalry, with rank from October 12, 1917, vice First Lieut. Grover R. Carl, promoted.

Second Lieut. Carl J. Rohsenberger, Cavalry, with rank from October 12, 1917, vice First Lieut. Hugh D. Blanchard, promoted.

Second Lieut. Crawford M. Kellogg, Cavalry, with rank from October 12, 1917, vice First Lieut. William G. Simmons, promoted.

Second Lieut. James V. McDowell, Cavalry, with rank from October 12, 1917, vice First Lieut. Cleo D. Mayhugh, promoted.

Second Lieut. Harry L. Hart, Cavalry, with rank from October 12, 1917, vice First Lieut. John C. Mullenix, promoted.

Second Lieut. James H. B. Bogman, Cavalry, with rank from October 12, 1917, vice First Lieut. Ross McCoy, promoted.

Second Lieut. Robert H. Gallier, Cavalry, with rank from October 12, 1917, vice First Lieut. Walter E. Buchly, promoted.

Second Lieut. Percy S. Haydon, Cavalry, with rank from October 12, 1917, vice First Lieut. Harold C. Mandell, promoted.

Second Lieut. David J. Chaille, Cavalry, with rank from October 12, 1917, vice First Lieut. Robert W. Grow, promoted.

Second Lieut. Albert E. McIntosh, Cavalry, with rank from October 12, 1917, vice First Lieut. William H. Kasten, promoted.

Second Lieut. Jefferson Kinney, jr., Cavalry, with rank from October 12, 1917, vice First Lieut. Leon E. Ryder, promoted.

Second Lieut. Halbert H. Neilson, Cavalry, with rank from October 12, 1917, vice First Lieut. Richard L. Creed, promoted.

Second Lieut. Leland C. McAuley, Cavalry, with rank from October 12, 1917, vice First Lieut. William M. Husson, promoted.

Second Lieut. Carl R. Johnston, Cavalry, with rank from October 12, 1917, vice First Lieut. Harry L. Putnam, promoted.

Second Lieut. Dean R. De Merritt, Cavalry, with rank from October 12, 1917, vice First Lieut. Adolphus W. Roffe, promoted.

Second Lieut. Vance W. Batchelor, Cavalry, with rank from October 12, 1917, vice First Lieut. Ion C. Holm, promoted.

Second Lieut. Truman E. Boudinot, Cavalry, with rank from October 12, 1917, vice First Lieut. Robert C. Candee, promoted.

Second Lieut. James R. Wood, Cavalry, with rank from October 12, 1917, vice First Lieut. Harrison Herman, placed on the detached officers' list.

Second Lieut. William J. Gallagher, Cavalry, with rank from October 12, 1917, vice First Lieut. Chapman Grant, placed on the detached officers' list.

Second Lieut. Charles Rudd, Cavalry, with rank from October 12, 1917, vice First Lieut. Daniel A. Conner, placed on the detached officers' list.

Second Lieut. James G. Strobridge, Cavalry, with rank from October 12, 1917, vice First Lieut. Harley C. Dagley, placed on the detached officers' list.

Second Lieut. Stephen Boon, jr., Cavalry, with rank from October 12, 1917, vice First Lieut. George W. Wersebe, placed on the detached officers' list.

Second Lieut. Harold G. Holt, Cavalry, with rank from October 12, 1917, vice First Lieut. Milton R. Fisher, placed on the detached officers' list.

Second Lieut. Walter Gunther, Cavalry, with rank from October 12, 1917, vice First Lieut. John S. Jadwin, placed on the detached officers' list.

Second Lieut. Roy V. Morledge, Cavalry, with rank from October 12, 1917, vice First Lieut. Arthur P. Thayer, placed on the detached officers' list.

Second Lieut. John W. Noble, Cavalry, with rank from October 12, 1917, vice First Lieut. Edward R. Scheitlin, placed on the detached officers' list.

Second Lieut. Herman R. Crile, Cavalry, with rank from October 12, 1917, vice First Lieut. Edwin A. Martin, placed on the detached officers' list.

Second Lieut. Joseph E. Torrence, Cavalry, with rank from October 12, 1917, vice First Lieut. John B. Harper, placed on the detached officers' list.

Second Lieut. Charles G. Hutchinson, Cavalry, with rank from October 12, 1917, vice First Lieut. James G. Monihan, placed on the detached officers' list.

Second Lieut. Chester P. Dorland, Cavalry (Signal Corps), with rank from October 12, 1917, vice First Lieut. Anthony J. Kirst, placed on the detached officers' list.

Second Lieut. Ernest D. McQueen, Cavalry, with rank from October 12, 1917, vice First Lieut. Rexford E. Willoughby, placed on the detached officers' list.

Second Lieut. Archie E. Groff, Cavalry, with rank from October 12, 1917, vice First Lieut. John D. Austin, placed on the detached officers' list.

Second Lieut. George D. Wiltshire, Cavalry, with rank from October 12, 1917, vice First Lieut. John P. Kaye, placed on the detached officers' list.

Second Lieut. Alfonso F. Zerbee, Cavalry, with rank from October 12, 1917, vice First Lieut. James W. Barnett, placed on the detached officers' list.

Second Lieut. Jackson B. Wood, Cavalry, with rank from October 12, 1917, vice First Lieut. Howard C. Tobin, placed on the detached officers' list.

Second Lieut. Arthur J. Wehr, Cavalry, with rank from October 12, 1917, vice First Lieut. John A. Weeks, placed on the detached officers' list.

Second Lieut. Robert C. Scott, Cavalry, with rank from October 12, 1917, vice First Lieut. Lester A. Sprinkle, placed on the detached officers' list.

Second Lieut. Ernest F. Apeldorn, jr., Cavalry, with rank from October 12, 1917, vice First Lieut. Terrill E. Price, placed on the detached officers' list.

Second Lieut. John R. Evans, jr., Cavalry, with rank from October 12, 1917, vice First Lieut. Arthur C. D. Anderson, placed on the detached officers' list.

Second Lieut. De Lancey Bentley, Cavalry, with rank from October 24, 1917, vice First Lieut. Nelson M. Imboden, placed on the detached officers' list.

Second Lieut. William P. Rauch, Cavalry, with rank from October 24, vice First Lieut. Randolph Dickins, placed on the detached officers' list.

Second Lieut. John A. Garvin, Cavalry, with rank from October 24, 1917, vice First Lieut. Wharton G. Ingram, placed on the detached officers' list.

Second Lieut. Daniel D. Streeter, Cavalry, with rank from October 24, 1917, vice First Lieut. Edward T. Moale, placed on the detached officers' list.

Second Lieut. Randolph Russell, Cavalry, with rank from October 24, 1917, vice First Lieut. Frederick J. Holzbaur, placed on the detached officers' list.

Second Lieut. Brock Putnam, Cavalry, with rank from October 24, 1917, vice First Lieut. Joseph M. Hurt, jr., placed on the detached officers' list.

Second Lieut. Leland L. Miller, Cavalry, with rank from October 24, 1917, vice First Lieut. Charles B. Duncan, placed on the detached officers' list.

Second Lieut. Edwin M. Sumner, Cavalry, with rank from October 24, 1917, vice First Lieut. Ferris M. Angevine, placed on the detached officers' list.

Second Lieut. William J. McChesney, jr., Cavalry, with rank from October 24, 1917, vice First Lieut. Sam G. Fuller, placed on the detached officers' list.

Second Lieut. Joseph Sheehan, Cavalry, with rank from October 24, 1917, vice First Lieut. Delmore S. Wood, placed on the detached officers' list.

Second Lieut. James M. Currin, Cavalry, with rank from October 24, 1917, vice First Lieut. Laurence C. Frizzell, placed on the detached officers' list.

Second Lieut. Thomas H. Green, Cavalry, with rank from October 24, 1917, vice First Lieut. Henry D. Jay, placed on the detached officers' list.

Second Lieut. William H. C. Grimes, Cavalry, with rank from October 24, 1917, vice First Lieut. George Sawtelle, placed on the detached officers' list.

Second Lieut. Russell C. Winchester, Cavalry, with rank from October 24, 1917, vice First Lieut. Ray Harrison, placed on the detached officers' list.

Second Lieut. James S. Rodwell, Cavalry, with rank from October 24, 1917, vice First Lieut. Charles H. Gerhardt, placed on the detached officers' list.

Second Lieut. Charles F. Choate, 3d, Cavalry, with rank from October 24, 1917, vice First Lieut. Walter H. Schulze, placed on the detached officers' list.

Second Lieut. Charles D. Ryan, Cavalry, with rank from October 24, 1917, vice First Lieut. Herbert C. Holdridge, placed on the detached officers' list.

Second Lieut. Nathaniel Holmes, Cavalry, with rank from October 24, 1917, vice First Lieut. Nicholas W. Lisle, placed on the detached officers' list.

Second Lieut. Kirk Broaddus, Cavalry, with rank from October 24, 1917, vice First Lieut. William K. Harrison, jr., placed on the detached officers' list.

Second Lieut. Paul Blackmer, Cavalry, with rank from October 24, 1917, vice First Lieut. Josiah F. Morford, placed on the detached officers' list.

Second Lieut. Herbert A. Saman, Cavalry, with rank from October 24, 1917, vice First Lieut. Ernest N. Harmon, placed on the detached officers' list.

Second Lieut. Harold de B. Bruck, Cavalry, with rank from October 24, 1917, vice First Lieut. Herbert N. Schwarzkopf, placed on the detached officers' list.

Second Lieut. Donald A. Young, Cavalry, with rank from October 24, 1917, vice First Lieut. Robert N. Kunz, placed on the detached officers' list.

Second Lieut. Hans C. Minnth, Cavalry, with rank from October 24, 1917, vice First Lieut. Charles S. Kilburn, placed on the detached officers' list.

Second Lieut. Edwin C. Gere, Cavalry, with rank from October 24, 1917, vice First Lieut. Charles R. Johnson, jr., placed on the detached officers' list.

Second Lieut. John M. Sweeney, jr., Cavalry, with rank from October 24, 1917, vice First Lieut. Mortimer H. Christian, placed on the detached officers' list.

Second Lieut. George G. Ball, Cavalry, with rank from October 24, 1917, vice First Lieut. Heywood S. Dodd, placed on the detached officers' list.

Second Lieut. Samuel C. Skemp, Cavalry, with rank from October 24, 1917, vice First Lieut. Maurice Morgan, placed on the detached officers' list.

Second Lieut. Jacob M. Carter, jr., Cavalry, with rank from October 25, 1917, vice First Lieut. Carter R. McLennan, placed on the detached officers' list.

Second Lieut. Thomas P. Hazard, Cavalry, with rank from October 25, 1917, vice First Lieut. James L. Franciscus, placed on the detached officers' list.

Second Lieut. Francis C. Dossert, Cavalry, with rank from October 25, 1917, vice First Lieut. Erskine A. Franklin, placed on the detached officers' list.

Second Lieut. George W. Ewing, jr., Cavalry, with rank from October 25, 1917, vice First Lieut. Herbert E. Watkins, placed on the detached officers' list.

Second Lieut. Crawford C. Madeira, Cavalry, with rank from October 25, 1917, vice First Lieut. Lathan A. Collins, placed on the detached officers' list.

Second Lieut. Charles P. Davis, Cavalry, with rank from October 25, 1917, vice First Lieut. John A. Hettinger, placed on the detached officers' list.

Second Lieut. Harry R. Kilbourne, Cavalry, with rank from October 25, 1917, vice First Lieut. Lloyd W. Biggs, placed on the detached officers' list.

Second Lieut. Elmer E. Finck, Cavalry, with rank from October 25, 1917, vice First Lieut. William D. Savage, placed on the detached officers' list.

Second Lieut. Harry H. Semmes, Cavalry, with rank from October 25, 1917, vice First Lieut. Kenneth McCatty, promoted.

Second Lieut. Clifford A. Eastwood, Cavalry, with rank from October 25, 1917, vice First Lieut. Joseph W. Geer, promoted.

Second Lieut. Guy A. Russell, Cavalry, with rank from October 25, 1917, vice First Lieut. Leslie B. C. Jones, promoted.

Second Lieut. Fenton S. Jacobs, Cavalry, with rank from November 5, 1917, vice First Lieut. Beverly H. Colner, promoted.

Second Lieut. Catesby ap C. Jones, Cavalry, with rank from November 5, 1917, vice First Lieut. Albert D. Chipman, promoted.

Second Lieut. Charles Wharton, Cavalry, with rank from November 5, 1917, vice First Lieut. Arthur H. Truxes, promoted.

Second Lieut. W. Dirk Van Ingen, Cavalry, with rank from November 5, 1917, vice First Lieut. Carl C. Kruezer, promoted.

Second Lieut. Herbert V. Scanlan, Cavalry, with rank from November 5, 1917, vice First Lieut. Hugh M. Gregory, promoted.

Second Lieut. Sigurd von Christierson, Cavalry, with rank from November 5, 1917, vice First Lieut. Frank H. Barnhardt, placed on the detached officers' list.

Second Lieut. Kenneth O. Spinning, Cavalry, with rank from November 10, 1917, vice First Lieut. Louis Cunsler, detailed in the Signal Corps.

Second Lieut. Curt E. Hanson, Cavalry, with rank from December 1, 1917, vice First Lieut. Richard N. Mather, dismissed.

Second Lieut. Vincent P. Ryan, Cavalry, with rank from December 2, 1917, vice First Lieut. Horace K. Havlicek, died December 1, 1917.

Second Lieut. Raymond C. Blatt, Cavalry, with rank from December 11, 1917, vice First Lieut. Stanley Bacon, promoted.

Second Lieut. Clinton de Witt, Cavalry, with rank from December 22, 1917, vice First Lieut. William C. Chase, promoted.

Second Lieut. Harold J. Adams, Cavalry, with rank from December 29, 1917, vice First Lieut. Norman E. Fiske, promoted.

Second Lieut. William B. Van Aaken, Cavalry, with rank from December 29, 1917, vice First Lieut. Donald O. Miller, promoted.

Second Lieut. Harold Kitson, Cavalry, with rank from January 8, 1918, vice First Lieut. Merl J. Flatt, appointment terminated.

Second Lieut. John Boies, Cavalry, with rank from January 9, 1918, vice First Lieut. Alan B. Edson, appointment terminated.

To be first lieutenants with rank from August 9, 1917.

Second Lieut. Charles B. Sweatt, Cavalry, vice First Lieut. Joseph M. Tully, promoted.

Second Lieut. John M. Sanderson, Cavalry, vice First Lieut. Pettus H. Hamphill, promoted.

Second Lieut. Charles W. Walton, Cavalry, vice First Lieut. Hugh Mitchell, promoted.

Second Lieut. James V. McConville, Cavalry, vice First Lieut. Robert LeG. Walsh, promoted.

INFANTRY ARM.

First Lieut. Joseph P. Vachon, Infantry, to be captain from May 15, 1917, vice Capt. Ralph Royce, retained in the Signal Corps on promotion.

First Lieut. Harry O. Davis, Infantry, to be captain from May 15, 1917, vice Capt. George D. Freeman, promoted.

First Lieut. Floyd Hatfield, Infantry, to be captain from May 15, 1917, vice Capt. Joseph T. McNarney, retained in the Signal Corps on promotion.

First Lieut. Earl Landreth, Infantry, to be captain from May 15, 1917, vice Capt. Charles C. Benedict, retained in the Signal Corps on promotion.

First Lieut. Richard T. McDonnell, Infantry, to be captain from May 15, 1917, vice Capt. George Pulsifer, jr., retained in the Signal Corps on promotion.

First Lieut. Harold P. Kayser, Infantry, to be captain from May 15, 1917, vice Capt. Thomas J. Hanley, jr., retained in the Signal Corps on promotion.

First Lieut. Basil D. Spalding, Infantry, to be captain from May 15, 1917, vice Capt. George E. Stratemeyer, retained in the Signal Corps on promotion.

First Lieut. Henry J. C. Humphrey, Infantry, to be captain from May 15, 1917, vice Capt. Benjamin W. Mills, retained in the Signal Corps on promotion.

First Lieut. Gordon W. Ellis, Infantry, to be captain from May 15, 1917, vice Capt. George H. Blankenship, retained in the Signal Corps on promotion.

First Lieut. George L. Febiger, Infantry, to be captain from May 15, 1917, vice Capt. Henry S. Wygant, retired.

First Lieut. Theodore W. Sidman, Infantry, to be captain from May 16, 1917, vice Capt. William E. Hunt, promoted.

First Lieut. Claud E. Stadtman, Infantry, to be captain from May 17, 1917, vice Capt. Roland W. Boughton, detailed in the Quartermaster Corps.

First Lieut. Mitchell Hilt, Infantry, to be captain from May 19, 1917, vice Capt. Lorenzo D. Gasser, detailed in the Quartermaster Corps.

First Lieut. John B. Warfield, Infantry, to be captain from May 19, 1917, vice Edgar S. Stayer, detailed in the Quartermaster Corps.

First Lieut. Clarence R. Huebner, Infantry, to be captain from May 19, 1917, vice Capt. Charles G. Lawrence, detailed in the Quartermaster Corps.

First Lieut. Harold G. Lewis, Infantry, to be captain from May 19, 1917 (subject to examination), vice Capt. Sydney H. Hopson, detailed in the Quartermaster Corps.

First Lieut. Frederick McCube, Infantry, to be captain from May 19, 1917, vice Capt. Vernon W. Boller, detailed in the Quartermaster Corps.

First Lieut. Morton L. Landreth, Infantry, to be captain from May 19, 1917, vice Capt. James E. Ware, detailed in the Quartermaster Corps.

First Lieut. Irving H. Engleman, Infantry, to be captain from May 19, 1917, vice Capt. Jason M. Walling, detailed in the Quartermaster Corps.

First Lieut. Clarence W. Emerson, Infantry, to be captain from May 19, 1917, vice Capt. Dean Halford, detailed in the Quartermaster Corps.

First Lieut. Frederick J. von Rohan, Infantry, to be captain from May 19, 1917, vice Capt. Bowers Davis, detailed in the Quartermaster Corps.

First Lieut. Frederick Schoenfeld, Infantry, to be captain from May 19, 1917, vice Capt. Robert B. Hewitt, detailed in the Quartermaster Corps.

First Lieut. Earl J. Dodge, Infantry, to be captain from May 22, 1917, vice Capt. Fred W. Pitts, retired.

First Lieut. Paul J. McDonnell, Infantry, to be captain from May 24, 1917, vice Capt. Ernest E. Haskell, promoted.

First Lieut. Eustis L. Poland, Infantry, to be captain from May 24, 1917, vice Capt. Andrew C. Wright, retired.

First Lieut. Curtis T. Huff, Infantry, to be captain from May 31, 1917, vice Capt. George W. Edgerly, detailed in the Signal Corps.

First Lieut. Paul Hathaway, Infantry, to be captain from May 31, 1917, vice Capt. Dana Palmer, detailed in the Signal Corps.

First Lieut. Clarence F. Jobson, Infantry, to be captain from June 4, 1917, vice Capt. William H. Waldron, promoted.

First Lieut. Alfred R. Hamel, Infantry, to be captain from June 4, 1917, vice Capt. Joseph K. Partello, promoted.

First Lieut. Hardin C. Sweeney, Infantry, to be captain from June 4, 1917, vice George S. Tiffany, promoted.

First Lieut. Eugene M. Landrum, Infantry, to be captain from June 4, 1917, vice Capt. Arthur M. Shipp, promoted.

First Lieut. Arthur J. O'Keefe, Infantry, to be captain from June 4, 1917, vice Capt. Allen J. Greer, detailed in the General Staff.

First Lieut. James A. Anderson, Infantry, to be captain from June 4, 1917, vice Capt. William A. Castle, detailed in the General Staff.

First Lieut. Adelbert B. Stewart, Infantry, to be captain from June 4, 1917, vice Capt. A. Owen Seaman, detailed in the General Staff.

First Lieut. William F. Lee, Infantry, to be captain from June 4, 1917, vice Capt. Fay W. Brabson, detailed in the General Staff.

First Lieut. Donavin Miller, Infantry, to be captain from June 4, 1917, vice Capt. Charles H. Mason, detailed in the General Staff.

First Lieut. George W. Teachout, Infantry, to be captain from June 4, 1917, vice Capt. George A. Lynch, detailed in the General Staff.

First Lieut. Clarence R. Oliver, Infantry, to be captain from June 5, 1917, vice Capt. Marvin E. Malloy, detailed in the Quartermaster Corps.

First Lieut. Frederick W. Huntington, Infantry, to be captain from June 5, 1917, vice Capt. John R. McGinness, died.

First Lieut. Howard J. Houghland, Infantry, to be captain from June 15, 1917, vice Capt. Arnold N. Krogstad, detailed in the Signal Corps.

First Lieut. Thomas J. Griffin, Infantry, to be captain from June 15, 1917 (subject to examination), vice Capt. Henry J. Damm, detailed in the Signal Corps.

First Lieut. Chester A. Davis, Infantry, to be captain from June 16, 1917, vice Capt. Francis J. McConnell, promoted.

First Lieut. Conrad L. Dennis, Infantry, to be captain from June 16, 1917 (subject to examination), vice Capt. Robert H. Wescott, promoted.

First Lieut. Roland R. Long, Infantry, to be captain from June 16, 1917, vice Capt. Lawrence S. Churchill, detailed in the Signal Corps.

First Lieut. Arthur Van Dine, Infantry, to be captain from June 16, 1917, vice Capt. Martin F. Scanlon, detailed in the Signal Corps.

First Lieut. Corday W. Cutchin, Infantry, to be captain from June 16, 1917, vice Capt. Davenport Johnson, detailed in the Signal Corps.

First Lieut. Charles B. Oldfield, Infantry, to be captain from June 16, 1917, vice Capt. Millard F. Harmon, jr., detailed in the Signal Corps.

First Lieut. Charles J. Allen, Infantry, to be captain from June 16, 1917, vice Capt. Clinton W. Russell, detailed in the Signal Corps.

First Lieut. John L. Dunn, Infantry, to be captain from June 16, 1917, vice Capt. George W. Krapf, detailed in the Signal Corps.

First Lieut. Raymond Wortley, Infantry, to be captain from June 16, 1917, vice Capt. Howard C. Davidson, detailed in the Signal Corps.

First Lieut. William B. Wynn, Infantry, to be captain from June 16, 1917, vice Capt. Harry M. Brown, detailed in the Signal Corps.

First Lieut. Louis A. Welch, Infantry, to be captain from June 17, 1917, vice Capt. James R. Alfonte, detailed in the Signal Corps.

First Lieut. Schiller Scroggs, Infantry, to be captain from June 18, 1917, vice Capt. William G. Ball, detailed in the Quartermaster Corps.

First Lieut. Charles A. McGarrigle, Infantry, to be captain from June 18, 1917, vice Captain Michael F. Davis, detailed in the Signal Corps.

First Lieut. Alexander P. Withers, Infantry, to be captain from June 19, 1917, vice Capt. Patrick Frissell, detailed in the Signal Corps.

First Lieut. Orville E. Lewis, Infantry, to be captain from June 20, 1917, vice Capt. Adlai H. Gilkeson, detailed in the Signal Corps.

First Lieut. Lonnie H. Nixon, Infantry, to be captain from June 20, 1917, vice Capt. Paul Hurst, promoted.

First Lieut. William F. Freehoff, Infantry, to be captain from June 20, 1917, vice Capt. George W. Wallace, retired.

First Lieut. Shelby Ledford, Infantry, to be captain from June 21, 1917, vice Capt. Campbell E. Babcock, died.

First Lieut. Austin A. Adamson, Infantry, to be captain from June 22, 1917, vice Capt. Clarence E. Partridge, detailed in Ordnance Department.

First Lieut. Charles M. Crooks, Infantry, to be captain from June 23, 1917, vice Capt. Whitten J. East, detailed in the Signal Corps.

First Lieut. William G. Livesay, Infantry, to be captain from June 27, 1917, vice Capt. Frank M. Kennedy, detailed in the Signal Corps.

First Lieut. Carl J. Lambeth, Infantry, to be captain from June 27, 1917, vice Capt. Delos C. Emmons, detailed in the Signal Corps.

First Lieut. Robert L. Christian, Infantry, to be captain from June 27, 1917, vice Capt. Tolbert F. Hardin, detailed in the Signal Corps.

First Lieut. William H. Crom, Infantry, to be captain from June 27, 1917, vice Capt. Arthur Boettcher, detailed in the Signal Corps.

First Lieut. George R. F. Cornish, Infantry, to be captain from June 27, 1917, vice Capt. Edward L. Hoffman, detailed in the Signal Corps.

First Lieut. Delphin E. Thebaud, Infantry, to be captain from June 27, 1917, vice Capt. Norman W. Peck, detailed in the Signal Corps.

First Lieut. George S. Clarke, Infantry, to be captain from June 27, 1917 (subject to examination), vice Capt. Lewis C. Davidson, detailed in the Signal Corps.

First Lieut. William F. Donnelly, Infantry, to be captain from June 27, 1917, vice Capt. John E. Rossell, detailed in the Signal Corps.

First Lieut. Adolph C. Weidenbach, Infantry, to be captain from June 30, 1917 (subject to examination), vice Capt. Allen Smith, jr., promoted.

First Lieut. Fred McI. Logan, Infantry, to be captain from July 2, 1917, vice Capt. John B. Sanford, promoted.

First Lieut. Truman Smith, Infantry, to be captain from July 14, 1917, vice Capt. G. Arthur Hadsell, promoted.

First Lieut. Joseph W. G. Stephens, Infantry, to be captain from July 18, 1917, vice Capt. Walt C. Johnson, promoted.

First Lieut. Adolph Unger, Infantry, to be captain from July 19, 1917, vice Capt. Gouverneur V. Packer, resigned line commission.

First Lieut. Richard K. Sutherland, Infantry, to be captain from July 21, 1917, vice Capt. J. Millard Little, promoted.

First Lieut. Shelby M. Tuttle, Infantry, to be captain from July 21, 1917, vice Capt. Hornsby Evans, retired.

First Lieut. Robert G. Moss, Infantry, to be captain from July 23, 1917, vice Capt. John L. Bond, promoted.

First Lieut. Emil W. Leard, Infantry, to be captain from July 24, 1917, vice Capt. Josephus S. Cecil, promoted.

First Lieut. Walter F. Adams, Infantry, to be captain from July 24, 1917, vice Capt. Edward R. Stone, promoted.

First Lieut. Joseph N. Greene, Infantry, to be captain from July 24, 1917, vice Capt. Henry A. Ripley, promoted.

First Lieut. Sereno E. Brett, Infantry, to be captain from July 25, 1917, vice Capt. Walter L. Sweeney, promoted.

First Lieut. Harry L. Reeder, Infantry, to be captain from July 25, 1917, vice Capt. Samuel W. Noyes, promoted.

First Lieut. Jay E. Gilfillan, Infantry, to be captain from July 25, 1917, vice Capt. Easton R. Gibson, detailed in the Quartermaster Corps.

First Lieut. Lester T. Gayle, jr., Infantry, to be captain from July 25, 1917, vice Capt. William B. Gracie, detailed in the Quartermaster Corps.

First Lieut. Turner M. Chambliss, Infantry, to be captain from July 25, 1917, vice Capt. Alvin K. Baskette, detailed in the Quartermaster Corps.

First Lieut. James N. C. Richards, Infantry, to be captain from July 25, 1917, vice Capt. George B. Sharon, detailed in the Quartermaster Corps.

First Lieut. John F. Ehlert, Infantry, to be captain from July 25, 1917, vice Capt. Harris Pendleton, jr., detailed in the Quartermaster Corps.

First Lieut. Theron G. Methven, Infantry, to be captain from July 25, 1917, vice Capt. Perrin L. Smith, detailed in the Quartermaster Corps.

First Lieut. Francis M. Van Natter, Infantry, to be captain from July 25, 1917, vice Capt. Robert C. Humber, detailed in the Quartermaster Corps.

First Lieut. Paul L. Ransom, Infantry, to be captain from July 25, 1917, vice Capt. William H. Noble, detailed in the Quartermaster Corps.

First Lieut. Rice M. Youell, Infantry, to be captain from July 25, 1917, vice Capt. James H. Como, detailed in the Quartermaster Corps.

First Lieut. James H. Holmes, jr., Infantry, to be captain from July 25, 1917, vice Capt. Thomas S. Moorman, detailed in the Quartermaster Corps.

First Lieut. Manton S. Eddy, Infantry, to be captain from July 25, 1917, vice Capt. William O. Smith, detailed in the Quartermaster Corps.

First Lieut. Charles E. Moore, Infantry, to be captain from July 25, 1917 (subject to examination), vice Capt. Robert E. Grinstead, detailed in the Quartermaster Corps.

First Lieut. Gabriel T. Mackenzie, Infantry, to be captain from July 25, 1917, vice Capt. William B. Graham, detailed in the Quartermaster Corps.

First Lieut. Erskine S. Dollarhide, Infantry, to be captain from July 25, 1917, vice Capt. Charles A. Thuis, detailed in the Quartermaster Corps.

First Lieut. Barnwell R. Legge, Infantry, to be captain from July 25, 1917, vice Capt. Franklin T. Burt, detailed in the Quartermaster Corps.

First Lieut. Alexander W. Dillard, Infantry, to be captain from July 25, 1917, vice Capt. Augustine A. Hofmann, detailed in the Quartermaster Corps.

First Lieut. Edward M. Almond, Infantry, to be captain from July 25, 1917, vice Capt. Edwin Gunner, detailed in the Quartermaster Corps.

First Lieut. Charles P. Stivers, Infantry, to be captain from July 25, 1917, vice Capt. Richard J. Herman, detailed in the Quartermaster Corps.

First Lieut. Robert C. Van Vliet, jr., Infantry, to be captain from July 25, 1917, vice Capt. Ambrose R. Emery, detailed in the Quartermaster Corps.

First Lieut. Charles L. Chaffee, Infantry, to be captain from July 25, 1917 (subject to examination), vice Capt. Irving J. Palmer, detailed in the Quartermaster Corps.

First Lieut. Bohun B. Kinloch, Infantry, to be captain from July 25, 1917, vice Capt. Max R. Walner, detailed in the Quartermaster Corps.

First Lieut. Richard K. Smith, Infantry, to be captain from July 25, 1917, vice Capt. Frank F. Scowden, detailed in the Quartermaster Corps.

First Lieut. Percy W. Clarkson, Infantry, to be captain from July 25, 1917, vice Capt. Gilbert P. Strelinger, detailed in the Quartermaster Corps.

First Lieut. Leo S. Gerow, Infantry, to be captain from July 26, 1917, vice Capt. Edward K. Massee, resigned line commission.

First Lieut. Stuart G. Wilder, Infantry, to be captain from July 28, 1917, vice Capt. Charles W. Weeks, promoted.

First Lieut. Harry I. T. Creswell, Infantry, to be captain from August 3, 1917, vice Capt. Cyrus A. Dolph, promoted.

First Lieut. Charles E. Purviance, Infantry, to be captain from August 3, 1917, vice Capt. Albert D. Sloan, promoted.

First Lieut. Lloyd H. Cook, Infantry, to be captain from August 3, 1917, vice Capt. Lucius C. Bennett, promoted.

First Lieut. John T. Bossi, Infantry, to be captain from August 3, 1917, vice Capt. John E. Morris, promoted.

First Lieut. Charles T. Senay, Infantry, to be captain from August 3, 1917, vice Capt. Paul C. Galleher, promoted.

First Lieut. Egmont F. Koenig, Infantry, to be captain from August 3, 1917, vice Capt. Claude S. Fries, promoted.

First Lieut. Arthur H. Goddard, Infantry, to be captain from August 3, 1917, vice Capt. William G. Doane, promoted.

First Lieut. Peter K. Kelly, Infantry, to be captain from August 3, 1917, vice Capt. James M. Kimbrough, jr., promoted.

First Lieut. James A. Edgarton, Infantry, to be captain from August 3, 1917 (subject to examination), vice Capt. John L. Jordan, promoted.

First Lieut. Lawrence J. I. Barrett, Infantry, to be captain from August 3, 1917, vice Capt. James G. Hannah, promoted.

First Lieut. Wendell H. Woolworth, Infantry, to be captain from August 3, 1917, vice Capt. Samuel B. McIntyre, promoted.

First Lieut. John R. Brooke, jr., Infantry, to be captain from August 3, 1917, vice Capt. Charles B. Stone, jr., promoted.

First Lieut. Frank L. Culin, jr., Infantry, to be captain from August 3, 1917, vice Capt. A. La Rue Christie, promoted.

First Lieut. Daniel S. Appleton, Infantry, to be captain from August 3, 1917, vice Capt. George H. White, promoted.

First Lieut. Ralph E. McLain, Infantry, to be captain from August 3, 1917, vice Capt. Howard G. Davids, promoted.

First Lieut. Ralph C. Smith, Infantry, to be captain from August 3, 1917, vice Capt. Ernest Van D. Murphy, promoted.

First Lieut. Thomas S. Arms, Infantry, to be captain from August 3, 1917, vice Capt. Hilden Olin, promoted.

First Lieut. Raymond D. Bell, Infantry, to be captain from August 3, 1917, vice Capt. Frederick Goedecke, promoted.

First Lieut. Archelaus L. Hamblen, Infantry, to be captain from August 3, 1917, vice Capt. William S. Mapes, promoted.

First Lieut. William H. Humphreys, Infantry, to be captain from August 3, 1917, vice Capt. Samuel A. Price, promoted.

First Lieut. Paul W. Mapes, Infantry, to be captain from August 3, 1917, vice Capt. Fred E. Smith, promoted.

First Lieut. Robert C. Macon, Infantry, to be captain from August 3, 1917, vice Capt. Robert H. Sillman, promoted.

First Lieut. Frederic C. Dosé, Infantry, to be captain from August 3, 1917, vice Capt. Arthur P. Watts, promoted.

First Lieut. Stephen P. Jocelyn, jr., Infantry, to be captain from August 3, 1917 (subject to examination), vice Capt. Thaddeus B. Seigle, promoted.

First Lieut. John D. Townsend, Infantry, to be captain from August 3, 1917, vice Capt. William S. Faulkner, promoted.

First Lieut. Henry H. Worthington, Infantry, to be captain from August 3, 1917 (subject to examination), vice Capt. Ernest H. Agnew, promoted.

First Lieut. George L. Kraft, Infantry, to be captain from August 3, 1917, vice Capt. Robert O. Ragsdale, promoted.

First Lieut. John S. Switzer, jr., Infantry, to be captain from August 3, 1917, vice Capt. Fred Van S. Chamberlin, promoted.

First Lieut. James C. Cook, Infantry, to be captain from August 3, 1917, vice Capt. Joseph C. Brady, promoted.

First Lieut. Allen F. Kingman, Infantry, to be captain from August 3, 1917, vice Capt. Charles M. Gordon, jr., promoted.

First Lieut. Abraham Tabachnik, Infantry, to be captain from August 6, 1917 (subject to examination), vice Capt. John H. Page, jr., promoted.

First Lieut. William A. Rawls, jr., Infantry, to be captain from August 8, 1917, vice Capt. Clyde B. Crusan, detailed in the Quartermaster Corps.

First Lieut. Hamilton K. Foster, Infantry, to be captain from August 10, 1917 (subject to examination), vice Capt. Edwin C. McNeil, resigned line commission.

First Lieut. Constant L. Irwin, Infantry, to be captain from August 10, 1917, vice Capt. William J. Calvert, detailed in the Quartermaster Corps.

First Lieut. Willis E. Comfort, Infantry, to be captain from October 4, 1917, vice Capt. Arthur L. Bump, detailed in the Quartermaster Corps.

First Lieut. Leven C. Allen, Infantry, to be captain from October 4, 1917, vice Capt. Keith S. Gregory, detailed in the Quartermaster Corps.

First Lieut. Joseph Quesenberry, Infantry, to be captain from October 4, 1917, vice Capt. Homer N. Preston, detailed in the Quartermaster Corps.

First Lieut. Robert O. Jones, Infantry, to be captain from October 4, 1917, vice Capt. Edward H. Tarbutton, detailed in the Quartermaster Corps.

First Lieut. Oliver A. Hess, Infantry, to be captain from October 4, 1917, vice Capt. Merl P. Schillerstrom, detailed in the Quartermaster Corps.

First Lieut. Edward A. Allen, Infantry, to be captain from October 4, 1917, vice Capt. Manfred Lanza, detailed in the Quartermaster Corps.

First Lieut. Carroll M. DeWitt, Infantry, to be captain from October 4, 1917, vice Capt. Charles R. Rich, detailed in the Quartermaster Corps.

First Lieut. George L. Pepin, Infantry, to be captain from October 4, 1917, vice Capt. Paul C. Potter, detailed in the Quartermaster Corps.

First Lieut. Clarence B. Carver, Infantry, to be captain from October 4, 1917, vice Capt. William W. Harris, jr., detailed in the Quartermaster Corps.

First Lieut. Jedediah H. Hills, Infantry, to be captain from October 4, 1917 (subject to examination) vice Capt. Ralph R. Glass, detailed in Quartermaster Corps.

First Lieut. Edwin E. Schwien, Infantry, to be captain from October 4, 1917 (subject to examination), vice Capt. Ursa M. Diller, detailed in the Quartermaster Corps.

First Lieut. Dan D. Howe, Infantry, to be captain from October 4, 1917, vice Capt. Napoleon W. Riley, detailed in the Quartermaster Corps.

First Lieut. John E. Copeland, Infantry, to be captain from October 4, 1917, vice Capt. De Witt C. T. Grubbs, detailed in the Quartermaster Corps.

First Lieut. Lloyd N. Keesling, Infantry, to be captain from October 4, 1917, vice Capt. Joseph E. Barzynski, detailed in the Quartermaster Corps.

First Lieut. John H. Humbert, Infantry, to be captain from October 9, 1917, vice Capt. Philip G. Wrightson, retired.

First Lieut. Joseph L. Lancaster, Infantry, to be captain from October 12, 1917, vice Capt. Jesse B. Hunt, transferred to the detached officers' list.

First Lieut. David R. Kerr, Infantry, to be captain from October 12, 1917, vice Capt. Jesse Gaston, transferred to the detached officers' list.

First Lieut. Everett G. Smith, Infantry, to be captain from October 12, 1917, vice Capt. Jesse D. Elliott, transferred to the detached officers' list.

First Lieut. Lyman S. Frasier, Infantry, to be captain from October 12, 1917, vice Capt. Fitzhugh B. Allderdice, transferred to the detached officers' list.

First Lieut. Howard E. Hawkinson, Infantry, to be captain from October 12, 1917 (subject to examination), vice Capt. James B. Nalle, transferred to the detached officers' list.

First Lieut. Julius A. Mood, jr., Infantry, to be captain from October 12, 1917, vice Capt. George W. Edgerly, transferred to the detached officers' list.

First Lieut. Sidney S. Eberle, Infantry, to be captain from October 12, 1917, vice Capt. Charles L. Sampson, transferred to the detached officers' list.

First Lieut. Joseph N. Dalton, Infantry, to be captain from October 12, 1917, vice Capt. Frederick C. Test, transferred to the detached officers' list.

First Lieut. Charles N. Stevens, Infantry, to be captain from October 12, 1917, vice Capt. Clifford C. Early, transferred to the detached officers' list.

First Lieut. James S. Bailey, Infantry, to be captain from October 12, 1917 (subject to examination), vice Capt. Charles S. Caffery, transferred to the detached officers' list.

First Lieut. Henry C. Long, jr., Infantry, to be captain from October 12, 1917, vice Capt. Torrey B. Maghee, transferred to the detached officers' list.

First Lieut. William E. Lucas, jr., Infantry, to be captain from October 12, 1917, vice Capt. John P. Adams, transferred to the detached officers' list.

First Lieut. Victor Parks, Infantry, to be captain from October 12, 1917, vice Capt. William E. Selbie, transferred to the detached officers' list.

First Lieut. Walter A. Pashkoski, Infantry, to be captain from October 12, 1917, vice Capt. Enoch B. Garey, transferred to the detached officers' list.

First Lieut. Roscius H. Back, Infantry, to be captain from October 12, 1917, vice Capt. James G. Ord, transferred to the detached officers' list.

First Lieut. Oscar F. Carlson, Infantry, to be captain from October 12, 1917, vice Capt. Wallace C. Philoon, transferred to the detached officers' list.

First Lieut. Richard G. Tindall, Infantry, to be captain from October 12, 1917, vice Capt. Eley P. Denson, transferred to the detached officers' list.

First Lieut. Roy L. Taylor, Infantry, to be captain from October 12, 1917, vice Capt. Edwin F. Harding, transferred to the detached officers' list.

First Lieut. Leander R. Hathaway, Infantry, to be captain from October 12, 1917, vice Capt. Arthur R. Underwood, transferred to the detached officers' list.

First Lieut. German W. Lester, Infantry, to be captain from October 12, 1917 (subject to examination), vice Capt. Vernon G. Olsmith, transferred to the detached officers' list.

First Lieut. Karl Engeldinger, Infantry, to be captain from October 12, 1917, vice Capt. George M. Parker, jr., transferred to the detached officers' list.

First Lieut. Francis A. Byrne, Infantry, to be captain from October 12, 1917, vice Capt. Parker C. Kulloch, jr., transferred to the detached officers' list.

First Lieut. Harry J. Selby, Infantry, to be captain from October 12, 1917 (subject to examination), vice Capt. Maurice D. Welty, transferred to the detached officers' list.

First Lieut. Farragut F. Hall, Infantry, to be captain from October 12, 1917 (subject to examination), vice Capt. John F. Landis, transferred to the detached officers' list.

First Lieut. Orville M. Moore, Infantry, to be captain from October 12, 1917, vice Capt. Thompson Lawrence, transferred to the detached officers' list.

First Lieut. Walter R. McClure, Infantry, to be captain from October 12, 1917, vice Capt. Gregory Hoisington, transferred to the detached officers' list.

First Lieut. Charles E. Speer, Infantry, to be captain from October 12, 1917, vice Capt. Sumner Waite, transferred to the detached officers' list.

First Lieut. Baldwin Williams-Foote, Infantry, to be captain from October 12, 1917, vice Capt. Samuel H. Houston, transferred to the detached officers' list.

First Lieut. Edmund Wilhelm, Infantry, to be captain from October 12, 1917, vice Capt. James R. Jacobs, transferred to the detached officers' list.

First Lieut. George H. Butler, Infantry, to be captain from October 12, 1917, vice Capt. Thomas J. Camp, transferred to the detached officers' list.

First Lieut. Frank C. Foley, Infantry, to be captain from October 12, 1917 (subject to examination), vice Capt. Wade H. Haislip, transferred to the detached officers' list.

First Lieut. Leonard R. Boyd, Infantry, to be captain from October 12, 1917, vice Capt. Max S. Murray, transferred to the detached officers' list.

First Lieut. Withers A. Burress, Infantry, to be captain from October 12, 1917 (subject to examination), vice Capt. Carl J. Adler, transferred to the detached officers' list.

First Lieut. Arthur J. Hoffmann, Infantry, to be captain from October 12, 1917, vice Capt. Clarence M. Dodson, transferred to the detached officers' list.

First Lieut. Harry L. Bennett, jr., Infantry, to be captain from October 12, 1917, vice Capt. Robert G. Calder, transferred to the detached officers' list.

First Lieut. Joseph F. McConville, Infantry, to be captain from October 12, 1917, vice Capt. Robert H. Barrett, transferred to the detached officers' list.

First Lieut. John C. Platt, jr., Infantry, to be captain from October 12, 1917, vice Capt. William A. Rafferty, transferred to the detached officers' list.

First Lieut. Thomas H. Ward, Infantry, to be captain from October 12, 1917, vice Capt. Alfred E. Sawkins, transferred to the detached officers' list.

First Lieut. Edward H. Nichols, Infantry, to be captain from October 12, 1917 (subject to examination), vice Capt. Fritz P. Lindh, transferred to the detached officers' list.

First Lieut. Lawrence B. Glasgow, Infantry, to be captain from October 12, 1917 (subject to examination), vice Capt. Francis R. Kerr, transferred to the detached officers' list.

First Lieut. Alfred D. Hayden, Infantry, to be captain from October 12, 1917, vice Capt. John W. Hyatt, transferred to the detached officers' list.

First Lieut. Melville W. F. Wallace, Infantry, to be captain from October 12, 1917, vice Capt. Dwight D. Eisenhower, transferred to the detached officers' list.

First Lieut. Paul M. Ellis, Infantry, to be captain from October 12, 1917, vice Capt. James B. Ord, transferred to the detached officers' list.

First Lieut. Kirk A. Metzerott, Infantry, to be captain from October 12, 1917, vice Capt. Joseph M. Murphy, transferred to the detached officers' list.

First Lieut. Thomas E. Mount, Infantry, to be captain from October 12, 1917, vice Capt. Leslie T. Saul, transferred to the detached officers' list.

First Lieut. John P. Pryor, Infantry, to be captain from October 12, 1917, vice Capt. Elon A. Abernethy, transferred to the detached officers' list.

First Lieut. Jewett C. Baker, Infantry, to be captain from October 12, 1917, vice Capt. Clenard McLaughlin, transferred to the detached officers' list.

First Lieut. Robert B. Moore, Infantry, to be captain from October 12, 1917, vice Capt. Davis C. Anderson, transferred to the detached officers' list.

First Lieut. Charles W. Jones, Infantry, to be captain from October 16, 1917, vice Capt. Andrew D. Chaffin, detailed in the General Staff.

First Lieut. Edward H. Cotcher, Infantry, to be captain from October 16, 1917, vice Capt. Merrill E. Spalding, detailed in the General Staff.

First Lieut. Robert S. Miller, Infantry, to be captain from October 23, 1917, vice Capt. Walter H. Johnson, detailed in the General Staff.

First Lieut. Paul N. Starlings, Infantry, to be captain from October 23, 1917, vice Capt. William B. Wallace, detailed in the General Staff.

First Lieut. Charles Porterfield, jr., Infantry, to be captain from October 23, 1917, vice Capt. William W. Taylor, jr., detailed in the General Staff.

First Lieut. Sevier R. Tupper, Infantry, to be captain from October 23, 1917, vice Capt. Edwin S. Hartshorn, detailed in the General Staff.

First Lieut. Frank E. Royse, Infantry, to be captain from October 23, 1917, vice Capt. Elvid Hunt, detailed in the General Staff.

First Lieut. Lawrence F. Stone, Infantry, to be captain from October 23, 1917, vice Capt. Elverton E. Fuller, detailed in the General Staff.

First Lieut. Aaron J. Becker, Infantry, to be captain from October 23, 1917, vice Capt. Roscoe H. Hearn, detailed in the General Staff.

First Lieut. Wilson M. Spann, Infantry, to be captain from October 23, 1917, vice Capt. Frederic G. Kellond, detailed in the General Staff.

First Lieut. James V. Ware, Infantry, to be captain from October 23, 1917, vice Capt. Charles D. Hartman, detailed in the Quartermaster Corps.

First Lieut. Robert W. Brown, Infantry, to be captain from October 24, 1917, vice Capt. John B. Shuman, detailed in The Adjutant General's Department.

First Lieut. James R. Manning, Infantry, to be captain from October 24, 1917, vice Capt. Leo A. Dewey, detailed in The Adjutant General's Department.

First Lieut. Charles L. Steel, Infantry, to be captain from October 25, 1917, vice Capt. Bartlett James, died.

First Lieut. Stuart R. Carswell, Infantry, to be captain from October 25, 1917 (subject to examination), vice Capt. Oscar K. Tolley, detailed in the Quartermaster Corps.

First Lieut. Gilbert S. Harter, Infantry, to be captain from October 25, 1917 (subject to examination), vice Capt. George C. Shaw, detailed in the Inspector General's Department.

First Lieut. John W. Cotton, Infantry, to be captain from October 25, 1917 (subject to examination), vice Capt. Walter L. Reed, detailed in the Inspector General's Department.

First Lieut. Ralph E. Wallace, Infantry, to be captain from October 25, 1917 (subject to examination), vice Capt. Vincent M. Elmore, detailed in the Inspector General's Department.

First Lieut. Lawrence W. Fagg, Infantry, to be captain from October 25, 1917 (subject to examination), vice Capt. William P. Kitts, detailed in the Inspector General's Department.

First Lieut. Maury Mann, Infantry, to be captain from October 25, 1917 (subject to examination), vice Capt. Philip J. Lauber, detailed in the Inspector General's Department.

First Lieut. Rupert L. Purdon, Infantry, to be captain from October 25, 1917 (subject to examination), vice Capt. Robert G. Peck, detailed in the Inspector General's Department.

First Lieut. Richard S. Jones, Infantry, to be captain from October 26, 1917 (subject to examination), vice Capt. Albert S. Williams, detailed in The Adjutant General's Department.

First Lieut. William C. Hanna, Infantry, to be captain from October 26, 1917 (subject to examination), vice Capt. Frank C. Burnett, detailed in The Adjutant General's Department.

First Lieut. Leon G. Harer, Infantry, to be captain from October 29, 1917 (subject to examination), vice Capt. Edgar A. Stadden, dismissed.

First Lieut. Edwin M. Scott, Infantry, to be captain from October 31, 1917 (subject to examination), vice Capt. Oliver P. Robinson, detailed in the General Staff.

First Lieut. Paul J. Dowling, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Charles P. Hall, transferred to the detached officers' list.

First Lieut. John H. Jones, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Fred C. Miller, detailed in the Quartermaster Corps.

First Lieut. Rufus E. Wicker, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Arthur J. Davis, detailed in the Quartermaster Corps.

First Lieut. Charles L. Briscoe, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Charles A. Meals, detailed in the Quartermaster Corps.

First Lieut. Hermann C. Dempewolf, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. William J. Connolly, detailed in the Quartermaster Corps.

First Lieut. Frank E. Hinton, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Martyn H. Shute, detailed in the Quartermaster Corps.

First Lieut. Frank P. Tuohy, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. George T. Everett, detailed in the Quartermaster Corps.

First Lieut. John R. Hermann, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. James H. Laubach, detailed in the Quartermaster Corps.

First Lieut. Louis T. Roberts, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Carlin C. Stokely, detailed in the Quartermaster Corps.

First Lieut. James M. Palmer, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Manton C. Mitchell, detailed in the Quartermaster Corps.

First Lieut. Ralph A. W. Pearson, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. James A. McGrath, detailed in the Quartermaster Corps.

First Lieut. Alfred Millard, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Eugene W. Fales, detailed in the Quartermaster Corps.

First Lieut. Harry A. Ambs, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Carl A. Hardigg, detailed in the Quartermaster Corps.

First Lieut. William H. Bittenbender, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Benjamin G. Ferris, detailed in the Quartermaster Corps.

First Lieut. Raymond H. Bishop, Infantry, to be captain from November 5, 1917 (subject to examination), vice Capt. Donald B. Sanger, detailed in the Signal Corps.

First Lieut. James A. Summersett, jr., Infantry, to be captain from November 6, 1917 (subject to examination), vice Capt. Henry Terrell, jr., transferred to the detached officers' list.

First Lieut. Hugh C. Gilchrist, Infantry, to be captain from November 9, 1917 (subject to examination), vice Capt. Samuel M. Parker, retired.

First Lieut. Allen T. Veatch, Infantry, to be captain from November 30, 1917 (subject to examination), vice Capt. James W. H. Reisinger, jr., detailed in the Quartermaster Corps.

First Lieut. Sigurd J. Simonsen, Infantry, to be captain from December 2, 1917 (subject to examination), vice Capt. James A. O'Brien, transferred to the detached officers' list.

First Lieut. Thomas G. Bond, Infantry, to be captain from December 19, 1917 (subject to examination), vice Capt. Otis K. Sadtler, detailed in the Signal Corps.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Lieut. Commander Charles P. Huff to be commander in the Navy from the 1st day of July, 1917.

Lieut. Grafton A. Beall, jr., to be a lieutenant commander in the Navy from the 23d day of May, 1917.

Lieut. John F. Connor to be a lieutenant commander in the Navy from the 1st day of July, 1917.

Lieut. (junior grade) John C. Latham to be a lieutenant in the Navy from the 29th day of August, 1916.

Lieut. (junior grade) Archibald McGlasson to be a lieutenant in the Navy from the 5th day of June, 1917.

Ensign William D. Bungert to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1917.

The following-named captains to be rear admirals in the Navy, for temporary service, from the 1st day of January, 1918:

Hilary P. Jones and
William R. Shoemaker.

The following-named commanders to be captains in the Navy, for temporary service, from the 1st day of January, 1918:

Edward H. Watson,
Rufus Z. Johnston,
Thomas T. Craven,
Daniel W. Wurtsbaugh (additional number),
Ralph Earle,
Gatewood S. Lincoln,
Ivan C. Wettengel,
Charles M. Tozer, and
Wat T. Cluverius.

The following-named lieutenant commanders to be commanders in the Navy, for temporary service, from the 1st day of January, 1918:

Charles A. Blakely,
Macgillivray Milne,
Wilbur R. VanAuken,
Harold R. Stark,
James D. Willson,
John S. Arwine, jr.,

G. Olsmith, transferred to the detached officers' list.

the detached officers' list.

A. Meals, detailed in the Quartermaster Corps.

John S. Arwine, jr.,

Austin S. Kibbee,
Martin K. Metcalf,
William Aucrum,
Butler Y. Rhodes,
Lindsay H. Lacy,
John S. Abbott,
Thomas H. Taylor,
Frank H. Sadler,
Charles E. Smith,
Frederick V. McNair,
John Rodgers,
Charles Belknap, jr.,
Daniel T. Ghent, and
John Gredy.

Lieut. John C. Latham, to be a lieutenant commander in the Navy, for temporary service, from the 15th day of October, 1917.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, for temporary service, from the 15th day of October, 1917:

Charles A. Baker,
Tuthill Ketcham,
Donald M. Carpenter,
Harris K. Lyle,
Gerald F. Bogan, and
Sidney E. Dudley.

Machinist Thomas A. Graham to be an ensign in the Navy, for temporary service, from the 15th day of August, 1917.

The following-named officers to be ensigns in the Navy, for temporary service, from the 15th day of January, 1918:

Alexis O. Kustel,
Frank Jurgensen,
Joseph M. Quinlan,
Grover C. Watkins,
Frederick Strohte,
Harry F. Lake, and
Walter W. Hedges.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 15th day of January, 1918:

James J. Hickey,
Robert E. Hunter,
Edward Webb,
Emory E. Church,
Thomas Gilmore,
Arthur P. Paradis,
Harry H. Mochon,
James M. Williams,
Frank H. Lemon,
Olaf J. Gullickson,
Robert P. Pitchford,
Harry A. Naille,
Louis F. Brodie,
Harry L. Wilcox, and
Oscar A. Stewart.

The following-named officers of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 15th day of January, 1918:

Parker C. Hatch,
Harold E. Herrick,
Leslie Soule, and
Thomas J. Bryce.

Commander Duncan M. Wood to be a captain in the Navy, for temporary service, from the 18th day of January, 1918.

Medical Inspector Moulton K. Johnson to be a medical director in the Navy with the rank of captain, for temporary service, from the 1st day of January, 1918.

Medical Inspector Middleton S. Elliott to be a medical director in the Navy with the rank of captain, for temporary service, from the 8th day of January, 1918.

Surg. Frederick W. S. Dean to be a medical inspector in the Navy with the rank of commander, for temporary service, from the 15th day of October, 1917.

The following-named surgeons to be medical inspectors in the Navy with the rank of commander, for temporary service, from the 1st day of January, 1918:

James S. Woodward and
Walter S. Hoen.

Surg. James A. Randall to be a medical inspector in the Navy, with the rank of commander, for temporary service, from the 8th day of January, 1918.

The following-named pay clerks to be assistant paymasters in the Navy with the rank of ensign, for temporary service, from the 1st day of January, 1918:

Charles E. Rudolph,
Frederick S. Sullivan,
Roy E. Smith,
Francis P. Kenny,
Eugene L. Gray,
Lawrence C. Fuller,
Samuel Y. Dunham,
Thomas L. Sorrell,
Stephen E. Smith,
Roy L. Walford,
Maitland A. Thompson,
Ralph J. Dindot,
Clifford W. LeRoy,
Clarence W. Baker,
Rufus B. Hurst,
Vergil L. Marsh,
Charles W. Brown,
Edwin E. Mullen,
Allen C. Bridges,
Bryant B. Lipscomb, and
James E. Sanner.

Commander Luke McNamee to be a captain in the Navy from the 1st day of July, 1917.

Lieut. Commander William D. Greetham to be a commander in the Navy, for temporary service, from the 18th day of January, 1918.

Lieut. (junior grade) Samuel S. Payne to be a lieutenant in the Navy from the 28th day of February, 1917.

Ensign Walter D. Snyder to be a lieutenant (junior grade) in the Navy from the 30th day of July, 1917

The following-named temporary assistant surgeons to be assistant surgeons in the Navy with the rank of lieutenant (junior grade) from the 18th day of January, 1918:

George A. Eckert,
Harold E. Ragle,
Edward F. Stadtherr,
Leland M. McKinlay,
Ransom H. Holcomb,
Milton B. Clayton,
John H. Robbins,
James E. Miller,
James D. Rives,
George A. Alden,
Elmer F. Lowry,
Elwood A. Sharp,
Cola Castelloe,
George L. McClintock,
Esdras J. Landis,
Edward M. Lundegnard,
Lawrence T. Hopkins,
Alton L. Grant, jr., and
Archibald O. M. Wood.

The following-named officers of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 1st day of February, 1918:

John R. Baker,
Richard C. Curtis,
Newton P. Darling,
William Rand, 3d,
Charles T. White,
Laurene M. Lombard,
Bartlett Harwood,
Herman H. Phleger,
Henry P. Lamarche,
Walter W. Weld,
Frederick W. Gardner,
Charles D. Dickey, jr.,
Russell S. Bartlett,
Harold M. Terrell,
Oliver Iselin,
Allan Cunningham,
Charles P. Curtis, jr.,
George F. Noyes,
Albert B. Crawford,
Thomas B. Price,
Oliver C. Harriman,
Bryan P. Leeb,
Bruce D. Bromley,
Louis F. Dahling,
Louis F. Eaton,
Melville D. Truesdale,
Ratcliffe C. Welles,
Leland M. Marshall,
Herbert C. Sneath,
Frank H. Brownell, jr.,
Roland I. Stringham,
Marcus B. Butler,

Vaughan C. Chambers,
Wildey C. Rickerson,
Edward C. Riley,
Homer B. Davis,
James L. Rodgers, jr.,
Thomas G. Hunter,
Irving A. Chapman,
Edward P. Street,
David D. Smead, jr.,
Raymond H. Finlay,
Amory Coolidge,
Cortland F. Ames, jr.,
Wayland H. Sanford,
Alvert V. Hall,
Henry R. Guild,
Louis C. Seavernes,
Edward Kneass,
Francis R. Thorne,
Benjamin F. McGuckin,
George C. Cutler, jr.,
Richard T. Guilbert,
Leslie A. Wiggins,
Harry A. Thornton,
Atherton K. Dunbar,
Warren D. Arnold,
Arthur B. Homer,
John C. Hurd,
Clifton B. Herd,
Arthur D. Murray,
Innis O'Rourke,
Rufus D. W. Ewing,
Ayres Boal,
Donald S. Sexton,
Heroy M. Dyckman,
Clement M. Gile,
Francis M. Knight,
Harold W. Brooks,
James B. Bergs,
Ellis W. Taylor,
Martin L. Dunn,
James W. Ryan,
George Gregory, jr.,
Earle S. Barker,
Edwin K. Hoover,
Walter Antrim,
Laurence C. Murdoch,
John N. Leonard,
Henry G. Anderson,
Edwin Nelson,
Arthur E. Childs,
Dietrich G. Schmitz,
Thomas C. Parsons,
James M. Connally,
Edmund Ocumpaugh, 3d,
Lawrence Oliphant,
Arthur McL. Bartley,
William O. Kenney,
Thomas Buel,
John F. A. Davis,
Elliott Debevoise,
John E. Sayler,
John R. Marsh,
Traver Birscoe,
Gorham Hubbard, jr.,
Harold E. Barden,
Edgar Denton, jr.,
Whitley P. McCoy,
Ransom Henshaw,
Donald Scott,
James B. Waller, jr.,
Raymond S. Thompson,
Percival W. Buzby,
Thomas C. Nicholls, jr.,
Roderick T. Smith,
Philler Lee,
Hobart M. Birmingham,
Richard E. Wheeler,
Robert N. Hoeflich,
Frederick H. Bosbyshell,
Theodore C. Briggs,
Arthur T. Lyman,
Earle H. Parkins,
Alfred V. Jannotta,
Edwin D. King,
Edward G. Shmidheiser,
Leroy H. Davidson,
Henry E. Coe, jr.,
Gustave P. Kaercher,
Norman D. Weir,
Vernon C. Bixby,
Howell W. Kitchell,
Vallette S. Church,
Joseph M. Shoemaker,
Chandler Bennitt,
Robert R. Gleason,
William M. Akin,
Julian P. Burlingham,
Thomas W. Allen,
Henry Hilton-Green,
David H. Frantz,
John Garey,
Leonard Jacob,
Frank M. Orton,
Alexander Loewy,
Newton C. Elkin,
Kenneth C. Kennedy,
Brady J. Dayton,
Philip J. Drake,
Putnam M. Morrison,
John A. Sweetser,
Frederick R. Bowes,
Raymond E. Baldwin,
Leicester S. Pettit,
John F. English,
William A. Smith,
Nelson B. Wolfe,
Thomas R. Parkhurst,
Herbert N. French,
Edward M. Shingler,
Paul R. Webb,
Jesse B. Perlman,
William H. Parsons, jr.,
John V. K. Richards,
Edgar R. Payson, jr.,
Harry L. M. Capron,
Stuyvesant Wainwright, jr.,
Louis S. Davidson,
Howell Evans,
Bainbridge D. Folwell,
Ellen H. Ellison, jr.,
Francis D. Harrower,
Edwin B. Dunphy,
Ernest C. Haaren,
Alexander L. McKaig,
John H. Magee,
Laurence Schwab,
Douglas S. Moore,
John H. Russell,
Weyman S. Crocker,
Charles K. Wallace,
John I. Wylde,
Sumner F. Fuller,
Edward N. Crosman, jr.,
Lewis P. Scott,
Franklin Pettit, jr.,
Walter W. Burnham,
Henry M. Lamberton,
Lindsay Bradford,
Arthur E. Bartlett,
John G. Quinby, jr.,
William L. Kimball,
John B. Clapp,
Eliot L. Ward,
Francis S. Wilson,
Walter E. Chase, jr.,
Albert W. Findeisen,
Bradford Norman, jr.,
L. Selden Taylor,
Charles E. A. Spiegel,
Morris Phinney,
Bennet F. Schauffler,
Gilman M. Gay,
George F. Newton, jr.,
Alden Lee,
Martin J. Quinn, jr.,
William L. G. Gibson,
Jacob S. Disston, jr.,
Henry C. Taylor,
Richard S. Walker,
Joseph Winlock,

James E. Kelly,
Arthur H. Haaren,
Harold J. Wright,
Campbell Higgins,
John S. Bauman,
Samuel M. Haslett, jr.,
Clarence H. Cull,
John B. Burnham,
Charles M. Boswell, jr.,
Johnston L. Redmond,
Francis Brooks,
Thomas L. Entwisle,
John L. Graham,
Marquis Pope,
Carl O. W. Sparkman,
John deK. Bowen,
Robert J. Orr,
William W. Baer,
Marcus A. Sutcliffe,
Anthony D. Bullock,
Franklin W. Hobbs, jr.,
Addison Stillwell,
Oliver B. Jennings,
James M. Owens,
Foster M. Hampton,
Caspar S. Chisolm,
Leroy K. Howe,
Theodore C. Marceau, jr.,
Lester S. Moll,
Charles C. Savage, jr.,
Oliver P. Shattuck,
Louis M. Pratt, jr.,
John U. Lemmon, jr.,
Arleigh D. Richardson,
Harry L. Butler,
John G. Rayley,
William Durfee, jr.,
Chester J. Mattson,
Cornelius Shields,
Olin McN. Richardson,
Richard V. Dolan,
John H. Minnis,
Frederick W. Johns,
George W. Burden,
William K. B. Urquhart,
Harold J. Kline,
Thaddeus C. Jones,
Richard Williams,
J. Otto Holcomb,
John G. Cross,
Philip L. Coddington,
Wilfred I. Stiles,
George E. Finlay,
Edward M. McIlvain,
Alden Kimball,
Edgar M. Jaeger,
Francis M. Smith,
Harold M. Wright,
Edwin E. Sneridan,
Kavanaugh C. Downey,
Carl J. Koehler,
J. Willis Gale,
Gordon W. Ayer,
Nelson L. Fortin,
John P. Holland,
Carroll E. Miller,
Brothwell H. Baker,
Frank H. Storms,
Cornelius A. Wood,
Kenneth C. Woodruff,
George W. Palmer, 3d,
Burmain A. Grimball,
Fred L. McNally,
Thomas D. Shepherd,
Clarence J. O'Neill,
Albert J. Porter,
Charles A. Winter,
Thomas T. Hassell,
Elbert M. Burnett,
Stanley H. Freihofer,
Talbert N. Daughtrey,
Russell A. Beck, and
John W. Chapman.

MARINE CORPS.

Capt. John Marston, 3d, to be a major in the Marine Corps, for temporary service, from the 22d day of May, 1917.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service, from the 26th day of July, 1917:
Kirt Green,
James E. Snow,
Harry L. Jones,
Hans O. Martin, and
Robert J. Woodrich.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 28th day of August, 1917:
Bruce J. Mansfield,
Edward D. Kalbfleisch,
Chaplain G. Hicks,
Gustav H. Kaemmerling,
Colis Mitchum, and
Leo D. Hermle.

The following-named temporary second lieutenant to be a second lieutenant in the Marine Corps for a probationary period of two years from the 14th day of December, 1917:
Merton A. Richal.

The following-named temporary second lieutenant to be a second lieutenant in the Marine Corps for a probationary period of two years from the 13th day of January, 1918:
William B. Shealy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 31, 1918.

ASSISTANT TREASURER.

Martin Vogel to be assistant treasurer at New York, N. Y.

APPOINTMENT IN THE ARMY.

First Lieut. Charles August Stammel, jr., to be first lieutenant.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Lieut. Commander Charles P. Huff to be a commander.
Lieut. Grafton A. Beall, jr., to be a lieutenant commander.
Lieut. John F. Connor to be a lieutenant commander.
Lieut. (Junior Grade) John C. Latham to be a lieutenant.
Lieut. (Junior Grade) Archibald McGlasson to be a lieutenant.
Ensign William D. Bungert to be a lieutenant (junior grade).
The following-named captains to be rear admirals:
Hilary P. Jones and
William R. Shoemaker.
The following-named commanders to be captains:
Edward H. Watson,
Rufus Z. Johnston,
Thomas T. Craven,
Daniel W. Wurtsbaugh (additional number),
Ralph Earle,
Gatewood S. Lincoln,
Ivan C. Wettengel,
Charles M. Tozer, and
Wat T. Cluverius.
The following-named lieutenant commanders to be commanders:
Charles A. Blakely,
Macgillivray Milne,
Wilbur R. Van Auken,
Harold R. Stark,
James D. Willson,
John S. Arwine, jr.,
Austin S. Kibbee,
Martin K. Metcalf,
William Ancrum,
Butler Y. Rhodes,
Lindsay H. Lacy,
John S. Abbott,
Thomas H. Taylor,
Frank H. Sadler,
Charles E. Smith,
Frederick V. McNair,
John Rodgers,
Charles Belknap, jr.,
Daniel T. Ghent, and
John Grady.
Lieut. John C. Latham, to be a lieutenant commander.
The following-named lieutenants (junior grade) to be lieutenants:
Charles A. Baker,
Tuthill Ketcham,
Donald M. Carpenter,
Harris K. Lyle,
Gerald F. Bogan, and

Sidney E. Dudley.
Machinist Thomas A. Graham to be an ensign.
The following-named officers to be ensigns:
Alexis O. Kustel,
Frank Jurgensen,
Joseph M. Quinlan,
Grover C. Watkins,
Frederick Strohte,
Harry F. Lake, and
Walter W. Hedges.
The following-named enlisted men to be ensigns:
James J. Hickey,
Robert E. Hunter,
Edward Webb,
Emory E. Church,
Thomas Gilmore,
Arthur P. Paradis,
Harry H. Mochon,
James M. Williams,
Frank H. Lemon,
Olaf J. Gullickson,
Robert P. Pitchford,
Harry A. Nailie,
Louis F. Brodie,
Harry L. Wilcox, and
Oscar A. Stewart.
The following-named officers of the United States Naval Reserve Force to be ensigns:
Parker C. Hatch,
Harold E. Herrick,
Leslie Soule, and
Thomas J. Bryce.
Commander Duncan M. Wood to be a captain.
Medical Inspector Moulton K. Johnson to be a medical director with the rank of captain.
Medical Inspector Middleton S. Elliott to be a medical director with the rank of captain.
Surg. Frederick W. S. Dean to be a medical inspector with the rank of commander.
The following-named surgeons to be medical inspectors with the rank of commander:
James S. Woodward,
Walter S. Hoen, and
James A. Randall.
The following-named pay clerks to be assistant paymasters with the rank of ensign:
Carles E. Rudolph,
Frederick S. Sullivan,
Roy E. Smith,
Francis P. Kenny,
Eugene L. Gray,
Lawrence C. Fuller,
Samuel V. Dunham,
Thomas L. Sorrell,
Stephen E. Smith,
Roy L. Walford,
Maitland A. Thompson,
Ralph J. Dindot,
Clifford W. LeRoy,
Clarence W. Baker,
Rufus B. Hurst,
Vergil L. Marsh,
Charles W. Brown,
Edwin E. Mullen,
Allen C. Bridges,
Bryant B. L'pscomb, and
James E. Sanner.
Commander Luke McNamee to be a captain.
Lieut. Commander William D. Greetham to be a commander.
Lieut. (Junior Grade) Samuel S. Payne to be a lieutenant.
Ensign Walter D. Snyder to be a lieutenant (junior grade).
The following-named temporary assistant surgeons to be assistant surgeons with the rank of lieutenant (junior grade):
George A. Eckert,
Harold E. Ragle,
Edward F. Stadtherr,
Leland M. McKinlay,
Ransom H. Holcomb,
Milton B. Clayton,
John H. Robbins,
James E. Miller,
James D. Rives,
George A. Alden,
Elmer F. Lowry,
Elwood A. Sharp,
Cola Castelloe,
George L. McClintock,
Esdras J. Landis,
Edward M. Lundegaard,
Lawrence T. Hopkins,
Alton L. Grant, jr., and
Archibald O. M. Wood.
The following-named officers of the United States Naval Reserve Force to be ensigns:
John R. Baker,
Richard C. Curtis,
Newton P. Darling,
William Rand, 3d,
Charles T. White,
Laurene M. Lombard,
Bartlett Harwood,
Herman H. Phleger,
Henry P. Lamarche,
Walter W. Weld,
Frederick W. Gardner,
Charles D. Dickey, jr.,
Russell S. Bartlett,
Harold M. Terrell,
Oliver Iselin,
Allan Cunningham,
Charles P. Curtis, jr.,
George F. Noyes,
Albert B. Crawford,
Thomas B. Price,
Oliver C. Harriman,
Bryan P. Leeb,
Bruce D. Bromley,
Louis F. Dahling,
Louis F. Eaton,
Melville D. Truesdale,
Ratcliffe C. Welles,
Leland M. Marshall,
Herbert C. Sneath,
Frank H. Brownell, jr.,
Roland I. Stringham,
Marcus B. Butler,
Vaughan C. Chambers,
Wildey C. Richerson,
Edward C. Riley,
Homer B. Davis,
James L. Rodgers, jr.,
Thomas G. Hunter,
Irving A. Chapman,
Edward P. Street,
David D. Smead, jr.,
Raymond H. Finlay,
Amory Coolidge,
Cortland F. Ames, jr.,
Wayland H. Sanford,
Alvert V. Hall,
Henry R. Guild,
Louis C. Seavernes,
Edward Kneass,
Francis B. Thorne,
Benjamin F. McGuckin,
George C. Cutler, jr.,
Richard T. Guilbert,
Leslie A. Wiggins,
Harry A. Thornton,
Atherton K. Dunbar,
Warren D. Arnold,
Arthur B. Homer,
John C. Hurd,
Clifton B. Herd,
Arthur D. Murray,
Innis O'Rourke,
Rufus D. W. Ewing,
Ayres Boal,
Donald S. Sexton,
Heroy M. Dyckman,
Clement M. Gile,
Francis M. Knight,
Harold W. Brooks,
James B. Bergs,
Ellis W. Taylor,
Martin L. Dunn,
James W. Ryan,
George Gregory, jr.,
Earle S. Barker,
Edwin K. Hoover,

Walter Antrim,
Laurence C. Murdoch,
John N. Leonard,
Henry G. Anderson,
Edwin Nelson,
Arthur E. Childs,
Dietrich G. Schmitz,
Thomas C. Parsons,
James M. Connally,
Edmund Ocumpaugh, 3d,
Lawrence Oliphant,
Arthur McL. Bartley,
William O. Kenney,
Thomas Buel,
John F. A. Davis,
Elliott Debevoise,
John E. Sayler,
John R. Marsh,
Truver Birscoe,
Gorham Hubbard, jr.,
Harold E. Barden,
Edgar Denton, jr.,
Whitley P. McCoy,
Ransom Henshaw,
Donald Scott,
James B. Waller, jr.,
Raymond S. Thompson,
Percival W. Buzby,
Thomas C. Nicholls, jr.,
Roderick T. Smith,
Philler Lee,
Hobart M. Birmingham,
Richard E. Wheeler,
Robert N. Hoeflich,
Frederick H. Bosbyshell,
Theodore C. Briggs,
Arthur T. Lyman,
Earle H. Parkins,
Alfred V. Jannotta,
Edwin D. King,
Edward G. Shmidheiser,
Leroy H. Davidson,
Henry E. Coe, jr.,
Gustave P. Kaercher,
Norman D. Weir,
Vernon C. Bixby,
Howell W. Kitchell,
Valiette S. Church,
Joseph M. Shoemaker,
Chandler Bennitt,
Robert R. Gleason,
William M. Akin,
Julian P. Burlingham,
Thomas W. Allen,
Henry Hilton-Green,
David H. Frantz,
John Garey,
Leonard Jacob,
Frank M. Orton,
Alexander Loewy,
Newton C. Elkin,
Kenneth C. Kennedy,
Brady J. Dayton,
Philip J. Drake,
Putnam M. Morrison,
John A. Sweetser,
Frederick R. Bowes,
Raymond E. Baldwin,
Leicester S. Pettit,
John F. English,
William A. Smith,
Nelson B. Wolfe,
Thomas R. Parkhurst,
Herbert N. French,
Edward M. Shingler,
Paul R. Webb,
Jesse B. Perlman,
William H. Parsons, jr.,
John V. K. Richards,
Edgar R. Payson, jr.,
Harry L. M. Capron,
Stuyvesant Wainwright, jr.,
Louis S. Davidson,
Howell Evans,
Bainbridge D. Folwell,
Ellen H. Ellison, jr.,
Francis D. Harrower,
Edwin B. Dunphy,
Ernest C. Haaren,
Alexander L. McKaig,
John H. Magee,
Laurence Schwab,
Douglas S. Moore,
John H. Russell,
Weyman S. Crocker,
Charles K. Wallace,
John I. Wylde,
Sumner F. Fuller,
Edward N. Crosman, jr.,
Lewis P. Scott,
Franklin Pettit, jr.,
Walter W. Burnham,
Henry M. Lamberton,
Lindsay Bradford,
Arthur E. Bartlett,
John G. Quinby, jr.,
William L. Kimball,
John B. Clapp,
Eliot L. Ward,
Francis S. Wilson,
Walter E. Chase, jr.,
Albert W. Findeisen,
Bradford Norman, jr.,
L. Selden Taylor,
Charles E. A. Spiegel,
Morris Phinney,
Bennet F. Schauffler,
Gilman M. Gay,
George F. Newton, jr.,
Alden Lee,
Martin J. Quinn, jr.,
William L. G. Gibson,
Jacob S. Disston, jr.,
Henry C. Taylor,
Richard S. Walker,
Joseph Winlock,
James E. Kelly,
Arthur H. Haaren,
Harold J. Wright,
Campbell Higgins,
John S. Bauman,
Samuel M. Haslett, jr.,
Clarence H. Cull,
John B. Burnham,
Charles M. Boswell, jr.,
Johnston L. Redmond,
Francis Brooks,
Thomas L. Entwisle,
John L. Graham,
Marquis Pope,
Carl O. W. Sparkman,
John deK. Bowen,
Robert J. Orr,
William W. Baer,
Marcus A. Sutcliffe,
Anthony D. Bullock,
Franklin W. Hobbs, jr.,
Addison Stillwell,
Oliver B. Jennings,
James M. Owens,
Foster M. Hampton,
Caspar S. Chisolm,
Leroy K. Howe,
Theodore C. Marceau, jr.,
Lester S. Moll,
Charles C. Savage, jr.,
Oliver P. Shattuck,
Louis M. Pratt, jr.,
John U. Lemmon, jr.,
Arleigh D. Richardson,
Henry L. Butler,
John G. Rayley,
William Durfee, jr.,
Chester J. Mattson,
Cornelius Shields,
Olin McN. Richardson,
Richard V. Dolan,
John H. Minnis,
Frederick W. Johns,
George W. Burden,

William K. B. Urquhart,
Harold J. Kline,
Thaddeus C. Jones,
Richard Williams,
J. Otto Holcomb,
John G. Cross,
Philip L. Coddington,
Wilfred I. Stiles,
George E. Finlay,
Edward M. McIlvain,
Alden Kimball,
Edgar M. Jaeger,
Francis M. Smith,
Harold M. Wright,
Edwin E. Sheridan,
Kavanaugh C. Downey,
Carl J. Koehler,
J. Willis Gale,
Gordon W. Ayer,
Nelson L. Fortin,
John P. Holland,
Carroll E. Miller,
Brothwell H. Baker,
Frank H. Storms,
Cornelius A. Wood,
Kenneth C. Woodruff,
George W. Palmer, 3d.,
Burmain A. Grimball,
Fred L. McNally,
Thomas D. Shepherd,
Clarence J. O'Neill,
Albert J. Porter,
Charles A. Winter,
Thomas T. Hassell,
Elbert M. Burnett,
Stanley H. Freihofer,
Talbert N. Daughtrey,
Russell A. Beck, and
John W. Chapman.

MARINE CORPS.

Capt. John Marston, 3d, to be a major in the Marine Corps.

The following-named first lieutenants to be captains in the Marine Corps:

Kirt Green,
James E. Snow,
Harry L. Jones,
Hans O. Martin, and
Robert J. Woodrich.

The following-named second lieutenants to be first lieutenants in the Marine Corps:

Bruce J. Mansfield,
Edward D. Kalbfleisch,
Chaplain G. Hicks,
Gustav H. Kaemmerling,
Colis Mitchum, and
Leo D. Hermle.

The following-named temporary second lieutenants to be second lieutenants in the Marine Corps:

Merton A. Richal and
William B. Shealy.

POSTMASTERS.

FLORIDA.

J. L. Geiger, Zephyrhills.
G. N. Denning, Winter Park.
William E. McEwen, Wauchula.
Cornelia Higgins, Warrington.
Carrie S. Abbe, Sarasota.
George D. Rhode, Punta Gorda.
M. H. Slone, Plant City.
L. M. Caswell, Perry.
Fred S. Kanode, Passagrille.
J. B. Potter, Mulberry.
William R. Dorman, Liveoak.
E. W. Irvine, Lake City.
George I. English, Greenville.
Samuel Bass, Glen St. Mary.
Arthur B. Brown, Fort Pierce.
William R. Roesch, Eau Gallie.
A. Keathley, Brooksville.
Joseph H. Humphries, Bradentown.
Silas E. Yon, Blountstown.
Samuel M. Wilson, Bartow.
Fannie P. Reeves, Avon Park.

LOUISIANA.

Fernand J. Bourgeois, St. Patricks.
Dessie H. Ford, Pleasant Hill.
Homer M. Bailey, Oakgrove.
Pearl Collins, Eros.
Thomas J. Perkins, De Quincy.
William H. Bennett, Clinton.
Luda M. Hargroder, Church Point.
John M. Melton, Bernice.
Samuel Y. Watson, Baton Rouge.
Adele N. Murdoch, Newellton.
Charles De Blieux, Natchitoches.
Des Fuqua, Naborton.
W. T. Pegues, Mansfield.
H. Ernest Benefiel, Kenner.
Overton Gauthier, Jennings.
Edgar L. Chaney, Jeanerette.
Willie K. Harris, Homer.
M. C. Wilson, Hammond.
Joseph L. Stagg, Eunice.

OHIO.

George B. Snyder, Youngstown.
Charles H. Hackett, Yellow Springs.
Wiley K. Miller, Shreve.
Jacob Fraker, Sherwood.
Benjamin G. Trew, Shawnee.
Laura Emma Jones, Shadyside.
George J. Windle, Sebring.
Barbara Crosser, Salineville.
B. S. C. McBride, St. Clairsville.
Fred H. Johnson, Quaker City.
Clarence A. Flanagan, Pleasant City.
William J. Prince, Piqua.
William B. Meyer, Oxford.
C. L. Barkman, Osborn.
Frank J. Wasmer, Oak Hill.
Andrew Hiss, Norwalk.
James P. Stewart, Niles.
Roy C. Hale, New Vienna.
Edwin E. Curran, New Straitsville.
W. T. Alberson, New Philadelphia.
William Briggs, New Holland.
H. E. Miller, New Concord.
D. F. Akers, New Carlisle.
L. W. Kunning, New Bremen.
James Sharp, Nelsonville.
D. C. Brown, Napoleon.
Patrick W. Guilday, Milford.
Frank T. Campbell, Marion.
F. C. Thomas, Malta.
Charles G. Stroup, Lynchburg.
George M. Keating, Loveland.
Custer Snyder, Lorain.
Charles E. Gain, London.
W. W. Daniels, Leroy.
Thomas P. Dodd, Larue.
Daniel McKenzie, Lakeside.
Ida H. Cline, Kings Mills.
E. E. France, Kent.
Cloyd M. Scott, Jeromesville.
O. D. Kemper, Jefferson.
Henry Holzbach, Hubbard.
Homer Gard, Hamilton.
Claude R. Kilgore, Fredericksburg.
Charles E. Yost, Fayette.
Albert G. Witte, Elmore.
Gertrude M. Bush, East Liberty.
Hoyt B. Mahon, Dunkirk.
Lewis C. Davison, Dalton.
John E. Taylor, Crooksville.
Carl C. Hadsell, Cortland.
Harry B. Mapel, Columbus Grove.
F. M. Carlin, Cleves.
John W. Sanford, Clarington.
A. R. Wolfe, Chillicothe.
Charles C. Fowler, Canfield.
John Palsgrove, Canal Winchester.
I. L. McCollough, Butler.
C. A. Weidaw, Bloomville.
J. P. Grassbaugh, Bigprairie.
James M. Fitzpatrick, Bethel.
Louis J. Golling, Bedford.
Eli R. Lash, Athens.
Solomon C. Allison, Ashville.

William H. Beam, Ansonia.
Charles L. Burns, Andover.
A. E. Stiwald, Amherst.
Stewart D. Hazlett, Ada.
Daniel W. Rumbaugh, Willard (late Chicago Junction)
J. H. Connor, West Union.
Lewis S. Baker, Weston.
Orren E. Curl, West Mansfield.
Orange V. Fritz, West Alexandria.
Louis C. Brown, Warren.
W. A. Lowry, Urbana.
Rufus R. Kurtz, Sycamore.
Edward D. Humphrey, Stockport.

SOUTH DAKOTA.

A. Ray Dendy, White River.
A. A. Closson, White Lake.
Peter Schmitt, Waubay.
Hiram H. Millard, Summit.
James Gaynor, Springfield.
Frank Wall, Selby.
Louise E. Prouty, Pollock.
Hugh J. McMahon, Philip.
Anton Fergen, Parkston.
E. B. Wilbur, Oacoma.
Michael J. Dougherty, Mount Vernon.
Perley G. Williams, Montrose.
William J. Quirk, Kimball.
Agnes McCue, Kennebec.
T. J. Sullivan, Iroquois.
Bert T. Reeve, Howard.
John F. McGowan, Hartford.
H. B. Brown, Clark.
Charles H. McCrossen, Ashton.
William Moore, Armour.

WITHDRAWALS.

Executive nominations withdrawn from the Senate January 31, 1918.

CORPS OF ENGINEERS.

To be lieutenant colonel with rank from July 9, 1917.

Maj. Lewis H. Rand, Corps of Engineers, vice Lieut. Col. Edgar Jadwin, appointed colonel in the National Army.

To be lieutenant colonels with rank from July 13, 1917.

Maj. Edward M. Markham, Corps of Engineers, vice Lieut. Col. Herbert Deakyne, appointed colonel in the National Army.

Maj. Thomas H. Jackson, Corps of Engineers, vice Lieut. Col. William P. Wooten, appointed colonel in the National Army.

To be lieutenant colonel with rank from July 14, 1917.

Maj. George B. Pillsbury, Corps of Engineers, vice Lieut. Col. Harry Burgess, appointed colonel in the National Army.

To be lieutenant colonel with rank from July 18, 1917.

Maj. Gustav R. Lukesh, Corps of Engineers, vice Lieut. Col. James B. Cavanaugh, appointed colonel in the National Army.

To be lieutenant colonels with rank from August 5, 1917.

Maj. John R. Slattery, Corps of Engineers, vice Lieut. Col. William Kelly, appointed colonel in the National Army.

Maj. Albert E. Waldron, Corps of Engineers, vice Lieut. Col. Edward H. Schulz, appointed colonel in the National Army.

Maj. Francis A. Pope, Corps of Engineers, vice Lieut. Col. John C. Oakes, appointed colonel in the National Army.

Maj. Gilbert A. Youngberg, Corps of Engineers, vice Lieut. Col. Sherwood A. Cheney, appointed colonel in the National Army.

Maj. Edward N. Johnston, Corps of Engineers, vice Lieut. Col. Frank C. Boggs, appointed colonel in the National Army.

Maj. Clarence O. Sherrill, Corps of Engineers, vice Lieut. Col. George B. Pillsbury, appointed colonel in the National Army.

Maj. Ernest D. Peek, Corps of Engineers, vice Lieut. Col. Lytle Brown, appointed colonel in the National Army.

Maj. George R. Spalding, Corps of Engineers, vice Lieut. Col. Harley B. Ferguson, appointed colonel in the National Army.

Maj. Elliott J. Dent, Corps of Engineers, vice Lieut. Col. James A. Woodruff, appointed colonel in the National Army.

Maj. William P. Stokey, Corps of Engineers, vice Lieut. Col. John R. Slattery, appointed colonel in the National Army.

Maj. Wildurr Willing, Corps of Engineers, vice Lieut. Col. Clarence O. Sherrill, appointed colonel in the National Army.

Maj. William A. Mitchell, Corps of Engineers, vice Lieut. Col. George R. Spalding, appointed colonel in the National Army.

Maj. Mark Brooke, Corps of Engineers, vice Lieut. Col. William J. Barden, appointed colonel in the National Army.

Maj. Laurence V. Frazier, Corps of Engineers, vice Lieut. Col. Edward M. Markham, appointed colonel in the National Army.

Maj. James F. Bell, Corps of Engineers, vice Lieut. Col. Francis A. Pope, appointed colonel in the National Army.

Maj. Harold C. Fiske, Corps of Engineers, vice Lieut. Col. Robert R. Raymond, appointed colonel in the National Army.

Maj. Max C. Tyler, Corps of Engineers, vice Lieut. Col. Earl I. Brown, appointed colonel in the National Army.

Maj. Ulysses S. Grant, 3d, Corps of Engineers (General Staff Corps), vice Lieut. Col. James P. Jervey, appointed colonel in the National Army.

Maj. Julian L. Schley, Corps of Engineers, vice Lieut. Col. Ulysses S. Grant, 3d, retained in the General Staff Corps.

Maj. William H. Rose, Corps of Engineers, vice Lieut. Col. Charles Keller, promoted.

Maj. Richard C. Moore, Corps of Engineers, vice Lieut. Col. Meriwether L. Walker, appointed colonel in the National Army.

Maj. Lewis M. Adams, Corps of Engineers, vice Lieut. Col. William B. Ladue, appointed colonel in the National Army.

Maj. Charles R. Pettis, Corps of Engineers, vice Lieut. Col. Clarke S. Smith, appointed colonel in the National Army.

Maj. William D'A. Anderson, Corps of Engineers, vice Lieut. Col. Spencer Cosby, promoted.

Maj. Ralph T. Ward, Corps of Engineers, vice Lieut. Col. William D. Conner, appointed colonel in the National Army.

Maj. Robert P. Howell, Corps of Engineers, vice Lieut. Col. George M. Hoffman, appointed colonel in the National Army.

Maj. Joseph H. Earle, Corps of Engineers, vice Lieut. Col. James F. McIndoe, promoted.

Maj. Thomas M. Robins, Corps of Engineers, vice Lieut. Col. Jay J. Morrow, promoted.

Maj. Roger D. Black, Corps of Engineers, vice Lieut. Col. George P. Howell, promoted.

Maj. Theodore H. Dillon, Corps of Engineers, vice Lieut. Col. Frederick W. Altstaetter, promoted.

Maj. De Witt C. Jones, Corps of Engineers, vice Lieut. Col. Lewis H. Rand, promoted.

Maj. Ernest Graves, Corps of Engineers, vice Lieut. Col. Ernest D. Peek, appointed colonel in the National Army.

Maj. Francis B. Wilby, Corps of Engineers, vice Lieut. Col. Elliott J. Dent, appointed colonel in the National Army.

Maj. Clarence S. Ridley, Corps of Engineers, vice Lieut. Col. Wildurr Willing, appointed colonel in the National Army.

Maj. Alvin B. Barber, Corps of Engineers, vice Lieut. Col. William A. Mitchell, appointed colonel in the National Army.

Maj. Jarvis J. Bain, Corps of Engineers, vice Lieut. Col. Edward N. Johnston, appointed colonel in the National Army.

Maj. Thomas H. Emerson, Corps of Engineers, vice Lieut. Col. Amos W. Fries, appointed colonel in the National Army.

Maj. Roger G. Powell, Corps of Engineers, vice Lieut. Col. Charles W. Kutz, appointed colonel in the National Army.

Maj. John N. Hodges, Corps of Engineers, vice Lieut. Col. Albert E. Waldron, appointed colonel in the National Army.

Maj. James J. Loving, Corps of Engineers, vice Lieut. Col. Thomas N. Jackson, promoted.

Maj. Edward D. Ardery, Corps of Engineers, vice Lieut. Col. Gustave R. Lukesh, promoted.

To be major with rank from July 9, 1917.

Capt. Clarence L. Sturdevant, Corps of Engineers, vice Maj. Lewis H. Rand, promoted.

To be majors with rank from July 13, 1917.

Capt. Earl J. Atkisson, Corps of Engineers, vice Maj. Edward M. Markham, promoted.

Capt. Richard T. Colner, Corps of Engineers, vice Maj. Thomas H. Jackson, promoted.

To be major with rank from July 14, 1917.

Capt. Robert S. A. Dougherty, Corps of Engineers, vice Maj. George B. Pillsbury, promoted.

To be major with rank from July 18, 1917.

Capt. Stuart C. Godfrey, Corps of Engineers, vice Maj. Gustave R. Lukesh, promoted.

To be majors with rank from August 5, 1917.

Capt. Francis C. Harrington, Corps of Engineers, vice Maj. John R. Slattery, promoted.

Capt. Cleveland C. Gee, Corps of Engineers, vice Maj. Elbert E. Waldron, promoted.

Capt. John M. Wright, Corps of Engineers, vice Maj. Francis A. Pope, promoted.

Capt. John R. D. Matheson, Corps of Engineers, vice Maj. Gilbert A. Youngberg, promoted.

Capt. William H. Sage, jr., Corps of Engineers, vice Maj. Edward N. Johnston, promoted.

Capt. Charles J. Taylor, Corps of Engineers, vice Maj. Clarence O. Sherrill, promoted.

Capt. Edwin H. Marks, Corps of Engineers, vice Maj. Michael J. McDonough, appointed colonel in the National Army.

Capt. Earl North, Corps of Engineers, vice Maj. Curtis W. Otwell, appointed colonel in the National Army.

Capt. Albert H. Acher, Corps of Engineers, vice Maj. Ernest D. Peek, promoted.

Capt. Gilbert Van B. Wilkes, Corps of Engineers, vice Maj. George R. Spalding, promoted.

Capt. John C. H. Lee, Corps of Engineers, vice Maj. Paul S. Bond, appointed colonel in the National Army.

Capt. Frank S. Besson, Corps of Engineers, vice Maj. Elliott J. Dent, promoted.

Capt. Lindsay C. Heckness, Corps of Engineers, vice Maj. William L. Guthrie, appointed colonel in the National Army.

Capt. Albert K. B. Lyman, Corps of Engineers, vice Maj. William P. Stokey, promoted.

Capt. Frederick S. Strong, jr., Corps of Engineers, vice Maj. Wildurr Willing, promoted.

Capt. Daniel D. Pullen, Corps of Engineers, vice Maj. William A. Mitchell, promoted.

Capt. Carey H. Brown, Corps of Engineers, vice Maj. Mark Brooke, promoted.

Capt. Oscar N. Solbert, Corps of Engineers, vice Maj. Laurence V. Frazier, promoted.

Capt. Beverly C. Dunn, Corps of Engineers, vice Maj. James F. Bell, promoted.

Capt. Donald H. Connolly, Corps of Engineers, vice Maj. Warren T. Hannum, appointed colonel in the National Army.

Capt. Raymond F. Fowler, Corps of Engineers, vice Maj. Robert R. Ralston, appointed colonel in the National Army.

Capt. David McCoach, jr., Corps of Engineers (General Staff Corps), vice Maj. Harold C. Fiske, promoted.

Capt. James G. B. Lampert, Corps of Engineers, vice Maj. David McCoach, jr., retained in the General Staff Corps.

Capt. Philip B. Fleming, Corps of Engineers, vice Maj. Max C. Tyler, promoted.

Capt. John W. Stewart, Corps of Engineers, vice Maj. Julian L. Schley, promoted.

Capt. Joseph C. Mehaffey, Corps of Engineers, vice Maj. William H. Rose, promoted.

Capt. Paul S. Reinecke, Corps of Engineers, vice Maj. Richard C. Moore, promoted.

Capt. Raymond A. Wheeler, Corps of Engineers, vice Maj. Lewis M. Adams, promoted.

Capt. W. Morris Chubb, Corps of Engineers, vice Maj. Charles R. Pettis, promoted.

Capt. Howard S. Bennion, Corps of Engineers, vice Maj. W. Goff Caples, appointed colonel in the National Army.

Capt. William C. Sherman, Corps of Engineers, vice Maj. William D'A. Anderson, promoted.

Capt. Rudolph C. Kuldell, Corps of Engineers, vice Maj. Ralph T. Ward, promoted.

Capt. Roscoe C. Crawford, Corps of Engineers, vice Maj. Henry C. Jewett, appointed colonel in the National Army.

Capt. Earl G. Paules, Corps of Engineers, vice Maj. Robert P. Howell, promoted.

Capt. Bradford G. Chynoweth, Corps of Engineers, vice Maj. Arthur R. Ehrnbeck, appointed lieutenant colonel in the National Army.

Capt. Milo P. Fox, Corps of Engineers, vice Maj. Joseph H. Earle, promoted.

Capt. John C. Gotwals, Corps of Engineers, vice Maj. Thomas M. Robins, promoted.

Capt. Francis K. Newcomer, Corps of Engineers, vice Maj. Roger D. Black, promoted.

Capt. Charles F. Williams, Corps of Engineers, vice Maj. Theodore H. Dillon, promoted.

Capt. Gordon R. Young, Corps of Engineers, vice Maj. De Witt C. Jones, promoted.

Capt. Richard U. Nicholas, Corps of Engineers, vice Maj. Ernest Graves, promoted.

Capt. James A. Dorst, Corps of Engineers, vice Maj. Francis B. Wilby, promoted.

Capt. Rufus W. Putnam, Corps of Engineers, vice Maj. Clarence S. Ridley, promoted.

Capt. Lunsford E. Oliver, Corps of Engineers, vice Maj. Alvin B. Barber, promoted.

Capt. William H. Holcombe, Corps of Engineers, vice Maj. Jarvis J. Bain, promoted.

Capt. James B. Cress, Corps of Engineers, vice Maj. Thomas H. Emerson, promoted.

Capt. Charles P. Gross, Corps of Engineers, vice Maj. Roger G. Powell, promoted.

Capt. Bernard A. Miller, Corps of Engineers, vice Maj. Robert S. Thomas, appointed lieutenant colonel in the National Army.

Capt. Peter C. Bullard, Corps of Engineers, vice Maj. Harold S. Hetrick, appointed lieutenant colonel in the National Army.

Capt. Brehon B. Somervell, Corps of Engineers, vice Maj. William A. Johnson, appointed lieutenant colonel in the National Army.

Capt. Xenophon H. Price, Corps of Engineers, vice Maj. Frederick B. Downing, appointed lieutenant colonel in the National Army.

Capt. Robert W. Crawford, Corps of Engineers, vice Maj. Edmund L. Daley, appointed lieutenant colonel in the National Army.

Capt. Frederick S. Skinner, Corps of Engineers, vice Maj. Henry A. Finch, appointed lieutenant colonel in the National Army.

Capt. Dabney O. Elliott, Corps of Engineers, vice Maj. John N. Hodges, promoted.

Capt. Allen P. Cowgill, Corps of Engineers, vice Maj. James J. Loving, promoted.

Capt. George F. Lewis, Corps of Engineers, vice Maj. Edward D. Ardery, promoted.

INFANTRY.

To be colonels with rank from August 5, 1917.

Lieut. Col. Oliver Edwards, Infantry (General Staff), vice Col. George B. Duncan, appointed brigadier general in the National Army.

Lieut. Col. Hugh D. Wise, Infantry (Quartermaster Corps), vice Col. Oliver Edwards, retained in the General Staff.

To be lieutenant colonels with rank from August 5, 1917.

Maj. Oliver Edwards, Infantry (General Staff), vice Lieut. Col. Edward A. Shuttleworth, appointed colonel in the National Army.

Maj. Hugh D. Wise, Infantry (Quartermaster Corps), vice Lieut. Col. Oliver Edwards, retained in the General Staff.

To be major with rank from November 30, 1917.

Capt. Harry H. Pritchett, Infantry, vice Maj. James W. H. Reisinger, detailed in the Quartermaster Corps.

To be majors with rank from December 1, 1917.

Capt. Edgar L. Field, Infantry, vice Maj. Charles B. Elliott, resigned commission as temporary major.

Capt. Earl C. Buck, Infantry, vice Maj. Edmund C. Waddill, resigned commission as temporary major.

Capt. Jere Baxter, Infantry, detached officers' list, vice Maj. Arthur M. Ferguson, detailed in The Adjutant General's Department.

Capt. A. Ellicott Brown, Infantry, vice Maj. Harry Hawley, resigned commission as temporary major.

To be majors with rank from December 4, 1917.

Capt. James M. Lockett, Infantry, vice Maj. Jacob W. S. Wuest, detailed in the Signal Corps.

Capt. Eugene Robinson, Infantry, vice Maj. William W. Bessell, detailed in The Adjutant General's Department.

To be major with rank from December 10, 1917.

Capt. Jesse C. Drain, Infantry, detached officers' list, vice Maj. Joseph F. Ware, detailed in the Signal Corps.

To be major with rank from December 14, 1917.

Capt. Alexander W. Chilton, Infantry, detached officers' list, vice Maj. Alfred W. Bjornstad, promoted lieutenant colonel.

To be majors with rank from December 19, 1917.

Capt. William E. Morrison, Infantry, detached officers' list, vice Maj. Resolve P. Palmer, detailed in the Signal Corps.

Capt. Donald J. MacLachlan, Infantry, vice Maj. James G. Boswell, detailed in the Signal Corps.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 31, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Oh Lord, our Lord, incline Thine ear and hear our prayer. Help us to guide our frail bark along the turbulent and stormy sea of this life and bring us in Thine own good time to that haven of rest where all is peace and tranquillity.

The sands of life run swiftly, and no man knoweth when the call shall come. May we be ready to meet the summons with perfect faith and confidence in Thee our Father.

Comfort, we beseech Thee, the admirers, friends, colleagues, and the stricken family of the Senator who has passed on, under the dispensation of Thy providence, to the larger life in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVES OF ABSENCE.

The SPEAKER laid before the House the following requests for leave of absence.

The Clerk read as follows:

Mr. MOORES of Indiana requests leave of absence until February 5 for the purpose of responding to a subpoena to testify in the United States District Court for the District of Indiana on February 1.

TOM D. MCKEOWN asks leave of absence, on account of illness.

The SPEAKER. Without objection, the requests will be granted.

There was no objection.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 3135. An act to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona."

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval, the following bill:

H. R. 195. Providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations.

CIVIL-SERVICE EXAMINATIONS.

Mr. GODWIN of North Carolina. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GODWIN of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 117, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

S. J. Res. 117. Joint resolution amending the act of July 2, 1909, governing the holding of civil service examinations.

The SPEAKER. Is there objection?

Mr. GILLETT. Mr. Speaker, the title does not give any information as to what the resolution is.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Resolved, etc., That the act of July 2, 1909 (36 Stats. L., No. 1), is hereby amended so as to permit the United States Civil Service Commission, during the period of the war, to hold examinations of applicants for positions in the Government service in the District of Columbia, and to permit applicants from the several States and Territories of the United States to take said examinations in the said District of Columbia. Said examinations shall be permitted in addition to those required to be held by said act of July 2, 1909 (36 Stats. L., No. 1).

The committee amendments were read, as follows:

Page 1, line 6, insert after the word "the" and before the word "war" the word "present," and on page 1, line 10, after the word "Columbia," insert the words "and elsewhere in the United States where examinations are usually held," and at the end of the resolution insert the following proviso: "*Provided*, That nothing herein shall be so construed as to abridge the existing law of apportionment."

The SPEAKER. Is there objection?

Mr. LEVER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this is an unanimous report.

Mr. GODWIN of North Carolina. Yes, sir; it is the unanimous report of the committee.

Mr. LEVER. Does the gentleman think this will take a great length of time?

Mr. GODWIN of North Carolina. No, sir; I do not think it will; it should not.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the report is very illuminating. It gives no reasons whatever for the enactment of this legislation. It simply states that the committee make certain amendments to the resolution as it passed the Senate. Will the gentleman inform the House, which might have been done in the report, as to what is really accomplished by this resolution?

Mr. GODWIN of North Carolina. This is in response to a unanimous request from practically all the departments of the Government and the Civil Service Commission, and it does not do away with the law of apportionment, but simply for the period of the war permits examinations to be taken in the District of Columbia and elsewhere where civil-service examinations are usually held.

Mr. STAFFORD. Has not the Civil Service Commission that authority to-day?

Mr. GODWIN of North Carolina. Yes, sir; they have the authority and they are holding examinations throughout the United States every 10 days, but under some misunderstanding hundreds of people qualified to enter the service came to the District of Columbia, and they are to-day ready to serve the Government, but can not take the examination without being required to go back to their respective States, and it is considered by the department a hardship under present circumstances. This permits examinations to be taken here in the District of Columbia. That is all there is to it.

Mr. STAFFORD. Is not the gentleman in error when he says the present law forbids any person who is a resident of another State, and who is temporarily domiciled in the District, from taking an examination for the civil service here in the District?

Mr. GODWIN of North Carolina. I did not catch the question. What is the question?

Mr. STAFFORD. Is not the gentleman in error when he says that the present law forbids any person who is a resident of another State, and who is temporarily domiciled in the District, from taking an examination for the civil service here in the District?

Mr. GODWIN of North Carolina. No, sir.

Mr. STAFFORD. And is not the purpose of this resolution only to do away with the limitation that was passed some years ago as to apportionment?

Mr. GODWIN of North Carolina. No, sir; this resolution does not affect or abridge the law of apportionment.

Mr. CANDLER of Mississippi. If the gentleman will permit, I will give a concrete illustration of this.

Mr. GODWIN of North Carolina. I can give the information. The law of apportionment holds as under the present law, but under the present law any citizen abiding or domiciled here could not take examination in the District, but he is required to go back to his State and this resolution saves that extra time and expense. This is for the period of the present war.

Mr. KITCHIN. Do I understand also that the examinations will be held in the States?

Mr. GODWIN of North Carolina. They will be held in the States simultaneously.

Mr. KITCHIN. At the same time they are held in the District?

Mr. GODWIN of North Carolina. Yes; at the same time.

Mr. KITCHIN. The result is that a man who is here domiciled, say from Texas, will not be required, as he would be under the law, to go back to Texas to take this examination, nor if this passes will the man in Texas be required to come here. The Texas man who is domiciled here can take it here and also the man in Texas can take the examination there?

Mr. STAFFORD. I will say to the gentleman—and it was the basis of my question—that I know of instances where persons in departmental service here, whose homes are in Wisconsin, have taken examinations for positions in the classified service here in the District.

Mr. GODWIN of North Carolina. They took them contrary to the present law. If they were bona fide citizens of the State of Wisconsin, they should have gone back there, under the present law, to take the examination. But now if you have citizens of Wisconsin living here temporarily during the period of the present war, they may take the examination here, but they will be charged to the State of Wisconsin, and the law of apportionment will not be abridged.

Mr. STAFFORD. That is the only purpose of this resolution.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation.

Mr. MCLAUGHLIN of Michigan. Is not this the situation, too? There are many men, a large number of them, in the classified service who come from several States of the Union and have lived here a long time, but still claiming residence in the State from which they came. They have families—young men and young women who have grown up—and it seems to be the desire of almost every one of them to get into the public service. In those cases, where the father continues to claim his residence in the State from which he came, his children are held to be residents of that State and must return to that State if they wish to take the civil-service examination.

Now, there are thousands of those, whole families, just falling over themselves trying to get into the public service, and this would remove the restriction. Thousands of them are waiting anxiously to get the opportunity to take this civil-service examination here, all cocked and primed and ready for it, and they will get into the public service if this restriction is removed.

The SPEAKER. Is there objection?

Mr. MCLAUGHLIN of Michigan. I object.

"GARABED" PATENT—CONFERENCE REPORT (NO. 274).

Mr. CROSSER. Mr. Speaker, I wish to call up the conference report on House joint resolution 174.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the resolution, as follows:

Joint resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement was read.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House joint resolution 174, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, and 7, and agree to the same.

CHARLES B. SMITH,
ROBERT CROSSER,
JOHN I. NOLAN,
Managers on the part of the House.

OLLIE M. JAMES,
T. P. GORE,
FRANK B. BRANDEGEE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy, submit the following written statement explaining the effect of the action agreed on:

The House receded from its disagreement to the Senate amendment No. 1, striking out "a" and inserting "his." This makes the resolution more definite as to the discovery or invention to which the proposed assignment relates.

The House receded from its disagreement to the Senate amendment No. 2, inserting the words "and that it can substantially effect the purposes set out in section 1 of this resolution."

This language simply makes more certain, if possible, that Mr. Giragossian will be required to substantially prove his claim. The House likewise receded from its disagreement to the Senate amendment No. 3. This amendment is exactly the same as No. 2, and was inserted in order to carry out the purpose of the amendment throughout the section.

The House receded from its disagreement to the Senate amendment No. 4. This simply inserts the words "first and" before the words "original discoverer." The object of the amendment can only be to emphasize the necessity of Mr. Giragossian's being found to be the original discoverer.

The House receded from its disagreement to the Senate amendment No. 6. It simply inserts the words "as aforesaid" for the purpose of referring more definitely to the preceding language.

The House also receded from its disagreement to the Senate amendment No. 7. This amendment inserts the words "and ownership." Since the preceding language provided for the "right and title" to the "exclusive use," the words "and ownership" simply carry out the apparent intention of the language of the resolution as it passed the House.

The amendment from which the Senate receded is No. 5. The language of this amendment is as follows: "And if the Secretary of the Interior accepts the assignment of the use of said invention as provided in the first section hereof."

The House believes that this amendment would create an inconsistency in the resolution. The resolution, and particularly section 3 thereof, provided for the demonstration of said discovery or invention to a commission of five eminent scientists, who must be approved by the Secretary of the Interior. These scientists are required to certify that the discovery or invention is practicable, that it can substantially effect the purposes set out in section 1, and that Mr. Giragossian is the first and original discoverer. Then, and only then, does Mr. Giragossian receive protection against infringers. If, however, in addition to the finding and certification of the commission of eminent scientists in regard to the originality and practicability of the discovery or invention, it were made a condition precedent to Mr. Giragossian's receiving protection that the Secretary of the Interior should accept an assignment of said discovery or invention for the Government's own use free of charge, then the finding of the commission of eminent scientists, if favorable to Mr. Giragossian, would not make certain the protection he seeks.

CHARLES B. SMITH.
ROBERT CROSSER.
JOHN I. NOLAN.

Mr. CROSSER. Mr. Speaker, the resolution, as it has been changed by the agreement between the conferees of the two Houses, is in practically the same form as when it passed the House. These six amendments which have been added by the Senate and to which the House has agreed really do not change the meaning at all, and inasmuch as they make no substantial change we saw no reason for disputing about them indefinitely.

The Senate did, however, incorporate an amendment, No. 5, which, while it may seem unobjectionable, would nevertheless create an inconsistency in the resolution itself if it were permitted to remain.

The House will remember that the chief purpose of the resolution as the House passed it was the creation of a commission composed of scientists satisfactory to the Secretary of the Interior and Mr. Giragossian, and these scientists were to determine the validity of Mr. Giragossian's claim. If it should be found by them that his discovery or invention is practical and can substantially accomplish the purpose recited in the preamble, and if he should be found to be the original inventor thereof, then their certificate to that effect would give Mr. Giragossian the protection that he desires. But the Senate, apparently unmindful of the provision in regard to the certificate of the commission of scientists, incorporated in the resolution this language:

And if the Secretary of the Interior accepts the assignment of the use of said invention as provided in section 1 of this resolution.

Then Mr. Giragossian is to receive protection. That would nullify the effect of the finding of the commission of scientists and create an inconsistency in the resolution itself. The Senate, therefore, properly receded from its amendment in order to make the resolution accomplish its original purpose.

Mr. TOWNER. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. TOWNER. I am told that Mr. Giragossian has made application and received a patent.

Mr. CROSSER. No; he has not.

Mr. TOWNER. That statement is not true?

Mr. CROSSER. It is not true.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. NORTON. The Senate amendment No. 2 reads as follows:

And that it can substantially effect the purposes set out in section 1 of the resolution.

Mr. CROSSER. Yes.

Mr. NORTON. Now, what are "the purposes set out in section 1"?

Mr. CROSSER. For my own part I think it is absolutely useless language. It was provided originally in the resolution that he should make a demonstration, and if it should be proven that the discovery or invention is practicable and that he is the original discoverer or inventor, then Mr. Giragossian would receive the desired protection.

Mr. NORTON. As a matter of fact, is not that wording of that amendment nonsensical?

Mr. CROSSER. It does no harm, and we did not like to quarrel with the Senate about it. It simply emphasizes the meaning of the resolution, and to that I do not object.

Mr. NORTON. It is not set out in the resolution.

Mr. CROSSER. It is in the preamble.

Mr. NORTON. The preamble is not of itself a part of the resolution.

Mr. DICKINSON. Mr. Speaker, may I ask the gentleman a question?

Mr. CROSSER. Yes.

Mr. DICKINSON. In the original resolution when first presented was an appropriation asked for?

Mr. CROSSER. No; not a cent, and not a cent is asked now.

Mr. DICKINSON. When this resolution was first before the House, did it not contain an appropriation?

Mr. CROSSER. No; never a cent has been asked in the resolution. There has never been any appropriation asked.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield me some time?

Mr. CROSSER. How much time does the gentleman desire? This is a matter which has been debated two or three times before the House. I want to be courteous and fair to the gentleman, but I do not think the House wants to hear a repetition of our views on this matter, important as are the views of the eminent scientist from Wisconsin and delightful as it might be to listen to him. But what can it add? I will give the gentleman five minutes.

Mr. STAFFORD. I should like to have 10 minutes.

Mr. CROSSER. I yield 10 minutes to the gentleman.

Mr. STAFFORD. Mr. Speaker, when this resolution passed the House it was expected by its opponents, especially in view of the fact that it had been virtually vetoed by the President of the United States, that before it was returned to this body it would be in a better form in protecting the interests of the Government than in the form it was passed in the last session of Congress, when it was pocket vetoed by the President. I will not say that the other body did not attempt to improve this bill. A study of the record shows that perhaps that was their intention; but, whatever their purposes may have been, the amendment of the Senate to which attention has been called by the gentleman from North Dakota [Mr. NORTON] accomplishes no purpose. It says:

And that it can substantially effect the purposes set out in section 1 of this resolution.

There are no purposes set out in section 1. Now, if it were the purpose of the other body to have this patent granted by congressional action only in case this discovery would substantially accomplish the purposes set out in the title, which is not a part of section 1, then I take it that the conferees should have attempted at least to modify the language so as really to strengthen the resolution rather than to leave it in the air, without any protection whatsoever to the Government. I heartily agree with the gentleman having the bill in charge [Mr. CROSSER] that the bill in its present form, even though there is some change in phraseology, is practically the same as it left the House; but I am also certain that the bill in no wise protects the interests of the Government any more than the bill that was originally sent to the President in the closing days of the last session. In view of this precedent that we are establishing, and not safeguarding the interests of the Government, I have good reason to believe that the President of the United States will return this bill with a veto, so that more than one-third of the membership of this House may register disapproval of it in its present form.

The only change which strengthens this bill over that which passed the House in the prior session is that it must be satisfactorily shown to this committee of experts that Mr. Giragossian is the original, the first discoverer of this invention. There is this other change which weakens the protection of the Government, and that is that if the Government of the United States wishes to purchase this patent it must exercise that privilege while the Congress is in session, and at a price to be determined, not by a committee of six, of whom three shall be appointed by the Secretary of the Interior and three appointed by the claimant, as originally provided, but that the award of that committee must meet the approval of this inventor; and if the award does not meet the approval of this inventor he can hold up the patent and not permit it to be purchased by the Government of the United States for the benefit of all the people of the country.

I rise at this time merely to call attention to the fact that this bill substantially is in no wise different from the bill that was vetoed by the President of the United States except in one particular, that this committee of scientists must determine that Mr. Giragossian is the first and original inventor. Other than that the protection to the Government provided in the original bill is weakened. I hope the conference report will be rejected, and if not, that the President will do as he did before, that he will veto this resolution and send his reasons to the Congress, so that we may know what the real reasons of the President were in refusing to affix his signature to the resolution presented to him two days before the adjournment of the last session of Congress.

Mr. WALSH. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Massachusetts.

Mr. WALSH. The gentleman from Ohio [Mr. CROSSER] in reply to the question of the gentleman from North Dakota [Mr. NORTON] stated that amendments No. 2 and No. 3 referred to something set out in the preamble. I want to inquire of the gentleman where the preamble is.

Mr. STAFFORD. There is no preamble. Not only that, but the title, which does set out some purposes, is not a part of section 1. The title, it is true, does set forth some purposes, and if these amendments inserted by the Senate and agreed to by the conferees had referred to the title, they might have some meaning and effect; but when we read section 1 we find there is nothing in it that refers to the attainment of the purposes of this invention. The title says it is—

For the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

But that is not section 1. Section 1, after the enacting clause, says:

That the Secretary of the Interior is hereby authorized to accept, as trustee for the United States Government, from Garabed T. K. Giragossian an assignment of the right to utilize for the Government's own use his discovery or invention, to be known as the "Garabed." Said assignment to and utilization of said discovery or invention by the United States Government shall be free of charge or expense.

Not a word that can in anywise be construed as setting forth the purposes of this resolution. Why, it is ridiculous. This whole resolution seems to have been framed at the dictation of the inventor.

Mr. NORTON. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from North Dakota.

Mr. NORTON. I want to get a couple of minutes in my own time.

Mr. STAFFORD. Then I yield to the gentleman from Illinois [Mr. KING].

Mr. KING. Has the gentleman any inside information or otherwise as to whether this free energy is going to be untaxed?

Mr. STAFFORD. I have this information, that only a few days ago, before the Committee on Appropriations, I inquired of a distinguished scientist, Dr. Stratton, head of the Bureau of Standards, and he called my attention to the fake Keeley motor and told how the head of the physical science department of Johns Hopkins University ridiculed that invention, and asked, upon a demonstration by the inventor, whether he could cut the wire which carried the electricity that started the motor; and when Dr. Rowan was refused that privilege of course the Keeley motor went up in the air; and after hearing the statement of Dr. Stratton before our committee my opinion is that this is nothing more than a fake to exploit the public to the extent of millions and perhaps hundreds of millions of dollars.

Mr. WALSH. Since there is no purpose set out in section 1 of this resolution, and the second amendment says that it shall substantially effect the purposes set out in section 1, that means that even though it accomplishes no purpose, even if he demonstrates that it accomplishes nothing, the Government can take it over.

Mr. STAFFORD. He gets his patent if it accomplishes nothing. That is the effect of it.

Mr. MOORE of Pennsylvania. Does not the gentleman understand that the purpose of this is to bring the war to a speedy conclusion, and that as soon as the bill is passed the war will close?

Mr. STAFFORD. That is the claim of the promoter, but I have heard such claims not only in war times but in peace times; and, being of a skeptical mind, I have not given serious consideration to them.

Mr. MOORE of Pennsylvania. Will the gentleman kindly make a note of the date that this bill passes? And one month thereafter the war will close.

Mr. STAFFORD. It has to have the approval of the President, and I have every expectation that he will veto it again, especially as it is in the same form as when it was presented to him, without any safeguards to the public or the Government.

Mr. CROSSER. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, I do not agree with the gentleman from Wisconsin [Mr. STAFFORD] that this conference report should be defeated. I can not understand to save my life why any Member of this body will now seek to postpone favorable action upon a measure like this. The inventor of this wonderful machine is an Armenian, now an American citizen. His people have long

been persecuted by the Turks, and he believes that he has an invention that will help us to speedily win the war against the Turks and their brutal allies, and, gentlemen, I believe that he has exactly what he claims to have. He wants protection in this matter from the Government, and he is entitled to it. The gentleman from Wisconsin [Mr. STAFFORD] says it is a fake proposition. How does he know? Some people once said that the operation of the telephone was a fake and that the electric telegraph was a fake, that the flying of aeroplanes heavier than air was a fake. All these things have proven to be realities and wonderful agencies of man. Here is a machine, it is said, that will fly an aeroplane indefinitely, and that is what we want above the trenches of the German Army. [Applause.]

The American people are growing impatient with gentlemen who want to halt legislative action looking to the inauguration of machinery that will conquer the German Army. The Government wants to hurry the war through, and this man's proposition will speed it to a victorious end. As amended it will meet the approval of the President.

Why, gentlemen, you remember our experience with the Lewis machine gun. I understand that it was submitted to our Government, but it was not accepted, and the inventor sold it to England. This man will go to some other country with his invention if it is not accepted here. Will gentlemen force him to do that and take the responsibility of losing to our country the possibilities of this very remarkable invention? Let us adopt the conference report and give to our Government the use and benefit of this invention. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I rise to defend the President of the United States from the unwarranted attack which has been made on him by the gentleman from Alabama. He says he can not understand how anyone can postpone for a single minute this great discovery, and yet the President of the United States, by a pocket veto of this bill, postponed it for several months. If the President of the United States can postpone the operation of this great invention for months this House can postpone it for two or three days in order to get the bill in such shape that it will not make Congress ridiculous. That is exactly what it does in accepting the amendment—"and that it can substantially effect the purposes set out in section 1 of this resolution." There is not a line or a word in section 1 that discloses any purpose of any kind. The conference committee has seen fit to accept this absurdity, and they have rejected one amendment made by the Senate that certainly should be incorporated in the bill, namely, "and if the Secretary of the Interior accepts the assignment of said invention as provided in the first section hereof."

Have you not confidence enough in the Secretary of the Interior to believe that if here is a practical discovery—something that will be of benefit to the Government or the people—that he will accept the assignment, and if he refuses to accept it that there will be good ground for such refusal. If he refuses, then should Congress give this man this exclusive right? I say, no. Mr. Speaker, this conference report should be rejected. It will only mean deferring it for two or three days so that the bill can be put in proper shape where we all can vote for it.

Mr. CROSSER. Mr. Speaker, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Speaker: The gentleman from Wisconsin [Mr. LENROOT] throws a bouquet to Secretary Lane. I wish to call the attention of the House to the fact that the only two amendments that were suggested by Secretary of the Interior Lane, were accepted by the committee and written into this bill by the action of this body. When that was done, the resolution was put into the form which the Secretary of the Interior had stated would be acceptable to him. It is well to have in mind this fact in view of the strictures that have been passed upon this measure.

The gentleman from Wisconsin [Mr. STAFFORD], who has been associated with a good deal of the opposition to this resolution, has illustrated again to-day, as he has done heretofore, that he will not read the resolution. How does the gentleman propose to discuss intelligently a resolution or its effect, if he will not acquaint himself with its contents and purposes? [Applause.]

The gentleman from Wisconsin [Mr. STAFFORD] stated that one-third of this House heretofore registered its opposition to the resolution in the form in which it passed this body. That is only one of the numerous mistakes made by the gentleman from Wisconsin. So far from one-third of the House having registered its opposition to this resolution I call the attention of Members to the fact that when this body passed this resolution, the gentleman demanded a roll call, and precisely 14 of his colleagues registered themselves in the negative. A few days ago when we passed this resolution for the second time, after the amendments were inserted that were suggested by the Secretary of the Interior, the gentleman did not dare to call for the yeas and nays, so decided was the sentiment of the House in favor of the passage of the resolution. [Applause.]

What the gentleman had in mind was the vote on ordering the previous question, and not the vote on the passage of the resolution. The friends of the measure would have welcomed a call for a record vote, but the gentleman was too prudent to ask for that action, having in mind the vote of the last session.

I desire to repeat the statement heretofore made, that if there is anything of value in this alleged discovery the United States Government is given full opportunity to purchase the same and put it on the market for general use. If the committee of scientists provided for in this bill, should report that this discovery is all the inventor claims it to be, everyone will agree that the Government should take advantage of its option of purchase. The resolution provides that the Government of the United States may acquire this discovery upon the terms which it affords. Should this committee of scientists report that this alleged discovery is a fake, a Keeley fake, if you choose, then the United States will not be in any wise bound to take over the invention, or remunerate the inventor. We simply will not buy it, that will be all. The gentleman from Wisconsin [Mr. STAFFORD] referred to his conversation with some scientists who bracketed Mr. Giragossian with Mr. Keeley, of Keeley motor fame. Did that distinguished scientist in the course of a conversation intended to deride this inventor, refer in any wise to the Langley aerodrome, the prototype of the aeroplane of to-day, and the recipient of much scientific derision in its time?

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. STAFFORD. He did say specifically that he had no faith whatsoever in this Giragossian device.

Mr. SAUNDERS of Virginia. I ask the gentleman whether that scientist referred to the Langley aerodrome, the forerunner of the modern successful flying machine? Prof. Langley died almost of a broken heart in consequence of the ridicule heaped on him by the writers and scientists of his day, who undertook to demonstrate with the precision of a mathematical demonstration that aerial flight by a machine heavier than the air was physically impossible. To-day thousands of these machines are flying in every quarter of the world.

Mr. STAFFORD. The head of the Bureau of Standards, Dr. Stratton, was asked as to what his view was as to this invention and he said he had no faith whatsoever in it, and that it was allied to the Keeley fake motor.

Mr. SAUNDERS of Virginia. Yes, the gentleman has put that statement into the RECORD three times, but I am trying to test out the value of criticism of this character, recalling the numerous mistakes that these scientific gentlemen have made in the past. I ask the gentleman again, whether Dr. Stratton said anything about the fake Langley aerodrome, for that in its day, particularly after it fell in the river, was regarded as a sort of scientific monstrosity.

Mr. STAFFORD. No; we were not talking about that.

Mr. SAUNDERS of Virginia. There are many other scientific discoveries which in their struggling infancy, were the subject of much scientific ridicule, but which in the result made good.

Mr. STAFFORD. He was confining his attention to this matter, which it is claimed develops energy without any outside power.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SAUNDERS of Virginia. I ask the gentleman from Ohio to yield me one minute more.

Mr. CROSSER. I yield the gentleman one minute.

Mr. SAUNDERS of Virginia. Of course the distinguished gentleman referred to by the gentleman from Wisconsin, was trying to ridicule this invention out of court, so to say. He did not take up the general subject of scientific mistakes. Harvey's claims with respect to the circulation of the blood, were vehemently derided when first mentioned.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. MILLER of Minnesota. I notice that this continually refers to the purposes set out in section 1 of the resolution. I have read section 1 and I do not find that it sets out any purpose.

Mr. SAUNDERS of Virginia. Oh, that point has been discussed heretofore.

Mr. MILLER of Minnesota. I am making my inquiry in good faith. I would like to have the gentleman's view on that.

Mr. SAUNDERS of Virginia. I can not discuss in half a minute a proposition that has already been debated. My time is too short for that. These gentlemen seem disposed to heap abundant ridicule upon an amendment which was added in the Senate. Would they have us believe that the great body at the other end of the Capitol would propose an utterly ridiculous and absurd amendment? Why, I reject the suggestion! It is lese majesty.

Mr. CROSSER. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I frankly confess that I do not know a blessed thing about Garabed, but that apparently does not disqualify one from discussing it. I hope, at least, I would like to hope, that such an invention is possible, because I have firm faith that whatever enables us to send these scores of thousands of aeroplanes that my eloquent friend HEFLIN tells us about over the German trenches will be of value and hasten the settlement of the war. I sincerely trust that it will all fall out as he predicts. I may have doubts, but I shall smother those doubts for the time being.

Mr. Speaker, this thing, I understand, exists in the air, but I want to get down to the earth for a moment or two and say something with reference to the military camps in Texas, where we are training young men for service in the air over those same German trenches that have been referred to. In view of some things that have recently been said about conditions in certain camps in Texas, I take this occasion to rend to the House, with a view of putting it into the RECORD, a letter which I think is an adequate defense of those camps against some of the slanders that have been heaped upon them. This is a letter from a reputable merchant in my State and district. He writes:

LAMPASAS, TEX., *January 26, 1918.*

Hon. JAMES L. SLAYDEN,
Washington, D. C.

MY DEAR SIR: I notice in the Houston Chronicle an address to Congress by Senator CHAMBERLAIN, wherein he is reporting a deplorable condition in the various Army camps.

This letter is prompted in part to do the officers in charge a justice and prompted still more by a desire to reach the parents of the young men now in the training camp. There is no doubt in my mind but what the conditions have been materially improved over what they were.

It just happened so that my son Albert, who has just been appointed to a position at the officers' training camp, Camp Bowie, wrote me the letter which I herewith inclose you. This young man has never had any hardships in his life. On the other hand, he has not been pampered, and I will quote you his exact words, which are as follows:

"I like the camp fine. We work from 5.45 a. m. until 10 p. m. Every minute is taken. I never worked so hard in my life, but it is fine. It is as cold as can be, but we are so busy we can't get cold, and we have good, warm clothes. I sleep on a cot on a sack full of straw, then I have two pair of Army blankets and five big Army comforts. I also have a raincoat, an overcoat, two suits of woolen O. D.'s and all the underclothes and socks I need. We also have all the grub we need; not fancy, but substantial. It sticks to the ribs. We have Army grits, bacon, light bread, beans, beans, and beans. When I get out of here I am going to be strong enough to go lion hunting with my hat. I like it fine."

I feel sure no special favors have been shown my son, and I want the parents of all these young men to feel as I do, that their sons are not in training for a picnic, but for the most serious duty that has ever confronted our people as a Nation, and that their boys are receiving the exact consideration, training, and treatment as accorded my son.

Most respectfully,

D. CULVER, Jr.

I hope the sarcastic reference in the boy's letter to his father to the diet of Boston will not cause any hostility in the breast of any of the gentlemen from that celebrated city.

Mr. GILLETT. Is the boy who writes the letter an officer?

Mr. SLAYDEN. No; he is not.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. CROSSER. Mr. Speaker, I yield two minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Speaker, the fact that the gentleman who proposes this invention is an Armenian or Italian or belongs to any other race does not excuse the House of Representatives from passing legislation, a part of which must appear ridiculous and without meaning to any intelligent person who may read it carefully in an effort to understand it. When the resolution was before the House I proposed that an amendment be added after the word "invention," in line 7, section 1, that amendment to read:

To make possible the storage and utilization of free energy.

That describes, as nearly as I have been able to ascertain, what this invention is claimed to be. Nowhere in the resolution, excepting in the title, is it stated what the invention is or what its purpose is.

The amendment No. 2, proposed by the Senate and agreed to by the conferees, composed of Members of the House and Senate, reads:

And that it can substantially effect the purposes set out in section 1 of this resolution.

As no purpose of the invention is set out in section 1, this amendment absolutely means nothing and is, as a matter of fact, nonsensical. It is a kind and character of legislation which this Congress should not disgrace the statutes with. We are under no obligation to enact a resolution of this kind in a few minutes which will go out to the world and remain upon the statute books for all time where part of the wording is absolutely without meaning. I hope that this invention, which the inventor, Mr. Giragossian, has told me personally is a new kind of an engine for concentrating and storing a cosmic energy which has not been harnessed up for use by anyone up to the present time, and for using this energy as a motive power in much the same way that steam and electricity are used, will be a success. I have talked to the gentleman, and I may say I have a great deal of faith in his claims of a new discovery in science, and of an invention of wonderful value and importance to mankind. While I fully favor the passage of this bill, I contend, as one who has a decent respect for the intelligence and carefulness of this great legislative body, that the bill when it is passed and enacted into law should be in such form and wording that when it is carefully read by even the ordinary layman it will not bring ridicule upon Congress.

The SPEAKER. The time of the gentleman has expired.

Mr. CROSSER. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. CHURCH], and after Mr. CHURCH has finished I am going to move the previous question.

Mr. MOORE of Pennsylvania. Mr. Speaker, before the gentleman from California starts I want to ask the gentleman from Ohio, the last speech having been in his favor, whether he intends to close all discussion?

The SPEAKER. The gentleman has just announced that when the gentleman from California concludes he is going to move the previous question.

Mr. CHURCH. Mr. Speaker and gentlemen, I have been keenly interested in the claims made for Mr. Giragossian's free-energy generator, and I therefore introduced House joint resolution 116, which was passed by the Congress at the last session. I also introduced the present resolution 174.

In doing so, I was profoundly convinced that I was performing a most valuable service to my country and mankind as well, if one fraction of Mr. Giragossian's claims should be practical. I do not know anything about his discovery, but I believe he will verify all that he claims.

During the recent consideration by the Congress of resolution 116 the gentleman from Ohio questioned the gentleman from Wisconsin in the following words, as we read in the CONGRESSIONAL RECORD:

If this man has an invention for the free and unlimited coinage of energy, does not the gentleman believe we would be justified in passing this bill?

The gentleman from Wisconsin answered in the negative.

Such a negative attitude plainly indicates that there is a certain class of people who will, under any circumstances, oppose the passage of this resolution. They will try in some way to mutilate the resolution so that it may not be acceptable to one of the two parties, namely, the Government and the inventor. They know plainly that this resolution is a contract, and is and should be drawn by mutual agreement between the two parties and that any omission from or addition to the resolution will nullify it. That is their aim—that is to say, to deprive our Government and people of the benefit of this great discovery. If we should all be of the same mind as the opponents of this resolution, the possible loss to our country would be beyond conception.

This man offers the Government the free use of his work, which will mean a saving to it of hundreds of millions of dollars yearly. Furthermore, the Government will most probably buy the exclusive right to the invention, and we can then sell the right of utilization to foreign countries and thereby get more than we would pay him and thus be able to give the free use of the discovery to our people.

Or the Government could raise an ample revenue through a system of royalties—a revenue which would be calculated by hundreds of millions of dollars yearly. For example, there are probably 7,000,000 farmers in this country who, on an average, would each utilize 150 horsepower for various purposes. The total would amount to upward of 1,000,000,000 horsepower, resulting in such incalculable benefit to every branch of farming industry in our country that such energy would be used

lavishly. Ten million horses of the 20,000,000 in this country may be rendered useless on account of the Garabed. Then we will have, for other uses, 50,000,000 acres of tilled land, as it is necessary to cultivate about five acres in order to feed one horse.

It will be unnecessary and tedious to go into details of all the benefits that free energy can bring. A very slight consideration of its possibilities will stagger the imagination of the most powerful mind.

Is there any sensible and righteous reason to disregard and not to give due consideration to such a work? What is this man asking in return for his magnificent offer? He is asking, as his compensation, protection for his rights only—simply a patent that shall be in conformity with the spirit and letter of our Constitution. I do believe he has just cause to ask it.

In the case of our refusal, with the resultant loss of this great discovery, what are the opponents of the resolution going to give instead to our country and mankind? Nothing.

In my opinion we should give the greatest incentive and encouragement to our inventive geniuses. They should know that we will afford every possible consideration and protection to any great epoch-making invention or discovery.

It is regrettable that, whether we like it or not, we are in the war. I am positively convinced we will be victorious, but it is our duty to make this ruinous and bloody conflict as short as possible. We should utilize every available instrument or invention that American toil or ingenuity can produce so as to lessen the horror of this war. If the Garabed can shorten this great struggle only one day, it is worth while to give every possible consideration to the matter, and pass this resolution, and pass it by unanimous vote. There are various and strong reasons for believing that this invention will play, in an unbelievably brief time, the greatest rôle in shortening this war.

Mr. Speaker, this inventor claims to have discovered the key that unlocks an unlimited ocean of energy. He says there is energy enough there to propel all of the flying machines in existence; enough to drive all the men-of-war, merchant ships, and other ocean crafts; enough to run all railroad trains, combined harvesters, traction engines, and thrashing machines; enough to draw every harrow, cultivator, and plow; enough energy to run all nitrate plants and cause them to toil ceaselessly at the will of man; enough to run all pumping plants and to draw, from unknown depths, water enough to irrigate every acre of land on earth; enough energy to make the deserts blossom as the rose, and to pump inland lakes on bad and barren lands; enough to turn all of the wheels of industry of the world; enough to lift every hammer and turn every drill; enough to run every sewing machine, washing machine, and churn; and enough to supply a little power plant in every home.

One of the strange things about these monstrous claims is, the inventor has the power to convince nearly everyone with whom he comes in contact that there is about a 50 per cent chance that he has exactly what he pretends to have. It is true there are some self-centered men who reject every new claim, however promising, unless it comes through themselves or some other favored source.

Naturally a person making such far-reaching assertions as does the party in this case, must undergo a test as to his intelligence and sincerity. Mr. Giragossian has made my office his headquarters for the last four or five months and I have had many opportunities to observe him. He is a man of rare intelligence and great sincerity of purpose. He is a deep thinker and one of the most remarkable philosophers I have ever met, and I say to you frankly, he has convinced me almost beyond the question of a doubt that he has exactly what he claims. In making this statement I am remindful of the fact that if he is correct he will become the great benefactor of the human race.

I submit to you, gentlemen, that his requests, as set forth in this resolution, are reasonable; that if he is mistaken in his claims the Government loses nothing, but if he is correct his invention will bring us untold wealth. He is not asking for an appropriation with which to develop some untried feature of his claims; he has worked it all out through years of toil by the use of his own money, time, energy, and skill. He simply asks for protection, provided he makes good, and requests that five eminent scientists be chosen who shall be approved by the Secretary of the Interior; that he shall be commissioned to make know to them his secret; to show them the working-sized engine which he has made and now has in his possession; that when this is done, if they say, "Giragossian, you have proven your claims," then the Government will protect him for the period of 17 years against patent sharks and infringers. In turn for this protection he is to give to the Government the use of his invention free of charge, to be used as the Government sees fit on all its flying ships, ocean ships, and wherever it is desirable to use it, either on land or sea. If he has what he claims, the Government will save each year hundreds of millions of dollars in the price of gasoline, coal, and other fuel. If he does not make good, the Government does not lose a cent as it assumes no financial obligation in reference to the proposition.

If this man has not what he claims, will any man here tell me why he is here in Washington spending his time, energy, and money? Does he want this resolution to pass and this committee appointed simply to provide him an opportunity to make a failure and thus disgrace himself in the eyes of his fellowmen?

Gentlemen, I submit that if this man has what he claims we need its benefits now more than any other moment in all the history of the world because it will, in a very marked degree, assist us in ending this heartless war. We need this engine on a thousand ships that we are now constructing; we need it on our almost countless airships that are now being made. If this invention is what it is claimed to be, from the green hills of Virginia fleets and flocks of flying machines can arise, defy, and cross the ocean and hover indefinitely above the intrenched enemy and rain explosives upon them until, in despair and fright, they stack their guns and quit.

Gentlemen, I submit on the part of wisdom it is well for us to give this man an opportunity to make his demonstration at the earliest possible moment for if he fails we lose nothing, but if he makes good his discovery means an epoch in the human race so far-reaching that no one can foretell its good result. It will shorten the hours of toil for every laboring man, it will increase the pleasures of life tenfold, it will make the deserts of this old world blossom as the rose, and as the first great unspeakable blessing it will end this heartless, cruel war.

The SPEAKER. The gentleman from Ohio moves the previous question.

Mr. MOORE of Pennsylvania. I make the point of order that there is no quorum present.

Mr. MILLER of Minnesota. Mr. Speaker, there is no quorum present.

Mr. MOORE of Pennsylvania. The gentleman can not browbeat the House that way——

The SPEAKER. It is not debatable. The gentleman from Pennsylvania makes the point of order there is no quorum present. He has a perfect right to make it, and the gentleman had a perfect right to move the previous question. The Chair will count. [After counting.] A hundred and forty-one gentlemen are present, not a quorum.

Mr. CRISP. Mr. Speaker, I move a call of the House.

Mr. CAMPBELL of Kansas. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. CAMPBELL of Kansas. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CAMPBELL of Kansas. Is not there an automatic call of the House? Is not the question on the previous question?

The SPEAKER. There is no automatic call about it.

Mr. CAMPBELL of Kansas. Was not the question stated?

The SPEAKER. The gentleman raised the point of order that there was no quorum present before the Chair even asked anybody to vote. The gentleman from Georgia [Mr. CRISP] moves a call of the House.

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. CRISP) there were—ayes 97, noes 2.

So the motion was agreed to.

The SPEAKER. The Doorkeeper will lock the door, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anthony	Davis	Greene, Vt.	McKeown
Bowers	Dent	Hamill	McLaughlin, Pa.
Brodbeck	Dooling	Hamilton, N. Y.	McLemore
Brumbaugh	Doremus	Haskell	Maher
Caldwell	Drukker	Heintz	Mann
Campbell, Pa.	Eagle	Helvering	Martin
Cannon	Elston	Hollingsworth	Meeker
Capstick	Estopinal	Hull, Iowa	Moores, Ind.
Caraway	Fairchild, B. L.	Hunsted	Morin
Carew	Fairchild, G. W.	Johnson, S. D.	Mott
Chandler, N. Y.	Ferris	Kahn	Nelson
Clark, Fla.	Flynn	LaGuardia	Nicholls, S. C.
Clark, Pa.	Focht	Lobeck	O'Shaunessy
Costello	Freer	Lonergan	Parker, N. J.
Cramton	Goodwin, Ariz.	McClintic	Parker, N. Y.
Curry, Cal.	Gordon	McCulloch	Peters
Davidson	Graham, Pa.	McKenzie	Rayburn

Rowland	Sterling, Pa.	Tillman	Wilson, La.
Sabath	Sullivan	Treadway	Wingo
Scott, Pa.	Swift	Van Dyke	Winslow
Scully	Talbott	Vare	Wise
Sherley	Taylor, Colo.	Ward	
Smith, T. F.	Templeton	Watson, Va.	

The SPEAKER. A quorum is present.

Mr. CRISP. Mr. Speaker, I move to suspend with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The question is on agreeing to the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. CROSSER, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

LEAVE OF ABSENCE.

Mr. MCLEMORE, by unanimous consent, was granted leave of absence for three days, on account of illness in his family.

AGRICULTURE.

Mr. LEE of Georgia. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9054.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9054, the Agricultural appropriation bill.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

The Clerk read as follows:

General expenses, States Relations Service: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," the sums apportioned to the several States and Territories, to be paid quarterly in advance, $720,000.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the last word.

My purpose in taking the floor at this time is to call the attention of the House to the serious condition that confronts the farmers of the country with respect to farm labor. Much is said by the Food Administrator and in the press throughout the country about the necessity for conserving food and economizing in its use. Conservation of food products and economy in the household will serve a great purpose, but the essential thing, a matter of the very greatest importance to the people of this country and to our allies, is the production of food in America in the coming year. This can not be done without farm labor. How is it to be secured? Service with the colors is taking men from the farms in every school district throughout the farming sections of the United States. Men who can not be spared from the farms are taken where they are essential with the colors. Something must be done to supply this labor, and I wish to call the attention of the chairman of the committee to the matter. How can it be done? We are appropriating in this bill something like $27,000,000. Properly utilized it would serve a good purpose, but it will not produce a crop in 1918 that will be available in a year from now to feed America and to aid in feeding our allies in Europe.

This is a serious thing to the farmers of the country, and even more serious to the people of the country who are not farmers, but must have food. I think we should make provision in this bill for labor to replace the farm labor that has been taken into the war from the farms. I make this suggestion: There are boys ranging from 15 to 21 years of age in every city and town in the country who are attending school. They ought to go to school, of course, but I believe that in this coming vacation these boys could acquire a knowledge and experience on farms as farm laborers that would be of value to them throughout their lives, and by enlisting for farm labor or taking employment upon the farms of the country and aiding in the production of crops they would render a great service at this time. They would be especially valuable in producing corn, in harvesting wheat and oats, in planting and taking care of and digging potatoes and all root crops. They would be especially valuable in producing sugar beets in the sugar-beet sections of the country. And without their labor, without some such labor as that, there will be a shortage of every crop that is essential and for which we have so much need. What we need above everything is production sufficient for all our needs. The farmers will have enough to eat, and have less cause for worry about the shortage of farm labor than those who do not live upon the farms.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BORLAND. I am in thorough sympathy with what the gentleman says about the shortage of farm labor and the disastrous effects of it. Would it not be a good idea to make the Government clerks work eight hours a day and stop bringing so much farm labor here to the Capital?

Mr. CAMPBELL of Kansas. I will tell the gentleman from Missouri what I think would be a better idea than that, and that would be to send one-third of the clerks home and let the other two-thirds do all the work, whether it takes them 8 hours or 10 hours. [Applause.]

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LITTLE. May I suggest that Carpenters' Union No. 61, of Kansas City, has sent me a resolution offering to send all its members, 1,400, into the harvest field next summer if needed?

Mr. CAMPBELL of Kansas. That is a good suggestion. I think that the young men from 15 to 21 years old might well take employment on the farms of the country, beginning on the 1st of April and ending, say, the middle of November, and get a certificate of service to their country as having done their bit at this time.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. LEVER. Mr. Chairman, pending that, I ask unanimous consent that all debate on this paragraph close in five minutes.

Mr. CAMPBELL of Kansas. I do not believe that the gentleman from South Carolina is sufficiently impressed with the importance of farm labor in food-crop production. We are providing here $27,000,000 for a lot of clerks in these departments and for a lot of scientists who will not produce an ounce of anything to eat in 1918 unless there is farm labor.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes. Is there objection?

Mr. LEVER. The gentleman from Kansas has made a very wise statement. I hope we can take it into consideration.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. QUIN. Mr. Chairman, will the gentleman yield right there?

Mr. CAMPBELL of Kansas. Yes.

Mr. QUIN. I thoroughly agree with the gentleman that we ought to have much more labor on the farm, but I think it is imaginary and impossible to get these fellows out of the cities. They have not any sense about farming to start with, and you can not get those young fellows out from under the electric lights in the cities.

Mr. CAMPBELL of Kansas. The gentleman may be correct to a certain extent, but I believe that if these young men are appealed to from a patriotic standpoint, and their parents are appealed to, they will perform this important labor on the farm.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. COX. I know the gentleman is thoroughly conversant with the situation in Kansas, as I am to the situation in Indiana. Why would not this be a solution of the problem—to require young men from the age of 15 to 19, possibly 20, to be actually enrolled, so that the President could send them to the farms in the country to help the farmers out? They are not worth a rap if you send them out from school. You could beg them until you were black in the face, and you could not get them to work. You must have power behind you.

Mr. CAMPBELL of Kansas. I am asking the chairman of the Committee on Agriculture to take an interest in this subject and to do something at an early date that will provide farm labor. I know, as the gentleman from Indiana [Mr. COX] knows, that many farmers will let lay fallow much of their farm land in the coming year for want of farm labor.

Mr. COX. They are doing it now in the State of Indiana. They are sowing their fields in grass.

Mr. CAMPBELL of Kansas. They will have to do the same thing in Kansas and in every part of the country, because they can not get the labor to cultivate the land if something practical is not done to meet the situation.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. SLOAN. Would it not be a good suggestion that we take this advice to ourselves and speed up our own work, and then the young men of this House can go home and do some farming work during the summer? [Laughter.]

Mr. CAMPBELL of Kansas. I am anxious to do that. I will say further to the gentleman from Nebraska that I am getting ready to put in a little crop this spring myself.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. JOHNSON of Washington. I may say that while I was in the West recently I learned that in Beaverhead, Mont., the schools in the county seat, Dillon, and elsewhere in the county had agreed to run six days a week. That is, they agreed to have school on Saturday, so that the boys might work later on the farms last fall and start earlier in the spring. That is the only place where I found that idea adopted.

Mr. CAMPBELL of Kansas. I feel sure that if it is brought properly to the attention of the young men of the country and their parents farm laborers could be secured in very large numbers to raise a crop in the coming season.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. LINTHICUM. I would like to say that I had a delegation before me this morning from the fertilizer people, claiming that they can not get cars to ship fertilizer or coal to manufacture it. Is not that an important proposition?

Mr. CAMPBELL of Kansas. Yes; that is important. The reason why they can not get cars is that the railroads in recent years have not been keeping up their equipment, and the reason fertilizer may be short of the requirements is because of labor conditions. The productive labor of the country is short. And there are many young men in school who will remain in school until the middle of June or the 1st of July who might well spare two months or two months and a half out of school in the spring and the same time in the fall, and put the time in planting a crop and remaining upon the farm until the crop is gathered in November.

Mr. QUIN. Where are these schoolboys coming from?

Mr. CAMPBELL of Kansas. From the cities and towns.

Mr. QUIN. O, my God, do not you know they can not farm? [Laughter.] It will take a year to teach one of them.

Mr. CAMPBELL of Kansas. They can learn. They are generally pretty husky fellows, most of them. They stand work in trenches; they stand the hard work in the Army.

Mr. QUIN. They can not plow. They can not dig.

Mr. CAMPBELL of Kansas. There is much work they can do. They can do a great deal of work on the farm. We have provided in this bill for many instructors in farm labor. What do they do? Why, they do very little for the average farmer who knows his business. They come around and occasionally say something to a farmer that is a good suggestion. But they could materially aid in getting these boys to come from the schools into the work on the farm and help them get started in farm labor. Something of this kind must be done. Labor must be provided for the farms or we will not have food enough for all our needs in the coming year.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. SNYDER. I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. CAMPBELL of Kansas. I have made this suggestion because I think it is important. Much of the money appropriated by this bill will avail nothing unless there is farm labor.

Mr. LINTHICUM. I ask unanimous consent that the time of the gentleman from Kansas be extended five minutes.

The CHAIRMAN. The Chair has recognized the gentleman from New York [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, I do not claim to be a farmer, but I do come from a great agricultural district, that is also as well a great manufacturing district. There is great disturbance in the minds of the farmers of our part of the country at the present time, because they fear they are not going to get sufficient help to put in their crops this year and that they will not be able to get their crops off the fields if they do put them in, having gone through that experience last year, very much to their disadvantage.

I believe the farmers in my district are patriotic, as they are all over this country. They have worked hard and long hours, and are willing to continue to do that, but they believe that something definite should be done for them now before the time for putting in crops is past. With that in view, I understand that a measure has already been considered by the Military Affairs Committee, that gives the Secretary of War the right to furlough men back into various industries, and it is my understanding that it is the purport of that bill to take care to some extent of this particular thing that we are discussing here this morning. I myself early in the session introduced a bill to exempt farmers and farmer boys and other men under similar conditions. My measure would simply cover farms of from 50 to 100 acres. In my part of the country we have more farms of that size than larger ones. These men are terribly handicapped, and made great losses last year by not being able to harvest their crops. While they are patriotic, you can hardly expect a farmer to put in more stuff than he believes he can get out. That is what we are laboring under to-day. I certainly hope that whether some action is taken in this bill or not something will be done between now and the 1st day of March to assure the farmers of this country that they are going to have some definite assistance and an understanding with reference to getting off the crops that they put in.

Now, if I have just a minute, I should like to say a word or two about boys and girls going on the farms. In the State of New York last year we adopted that policy, and we already have a law up there for universal military training, and last year we sent thousands of boys from school and thousands of girls onto the farms, and they did good work, and many farmers certified to the benefit that they got from these boys out of the schools last year. That work will be multiplied tenfold this year.

Mr. BANKHEAD. Was that compulsory service?

Mr. SNYDER. No; it is not compulsory, but it is carried on by a system of enrollment, as the gentleman from Indiana has suggested, and the school-teachers and school superintendents throughout the State took charge of that work, listing up the boys and placing them and the girls on the farms. I want to say just this in response to my friend from the South, Mr. QUIN, that up in our country we do have in the towns and cities boys who can work on the farms; and many farmers who have got a little on the better side of farming, who have made some money, have moved into the towns. Their children have had eight or nine years on the farm, as I had when I was a boy, and they do not forget all they learned about farming. When summer comes they are only too glad to go back on the farm and give somebody the benefit of their assistance.

Mr. FESS. Had these boys who were sent out from the schools had any training on farms before?

Mr. SNYDER. Some of them had and some of them had not, and the same thing might be said about the girls who went onto the farms.

Mr. FESS. At Dayton, Ohio, there were several boys sent from the city out to the farms, but they were not adapted to the work, and the men who employed them said they could not endure them, that they did not know how to handle horses, and they really were of more loss to them than they were advantage.

Mr. SNYDER. Up in our section we did not have that condition. Many times when I was going through the country last summer I saw boys running hay rakes, running mowing machines, loading hay, on the top of the hay, and I have been in barns where they were mowing it back, and the farmers told me they were getting a good deal of help in that way. They simply had to have this help. There was no other way they could get it.

Mr. FESS. They must have exercised some discretion in their selection, did they not?

Mr. SNYDER. Very likely they did. The farmers had the right to say whether they would take a boy 15 years old or a boy 10 years old. I have seen 10-year-old boys working on the farm.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. IGOE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. J. Res. 174) for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

AGRICULTURAL APPROPRIATION BILL.

The committee resumed its session.

Mr. LEVER. Mr. Chairman, all this discussion is aside from this paragraph. This paragraph has to do with the appropriations for the Hatch Act. I must insist that we confine ourselves to the proper discussion of the item under consideration.

Mr. LINTHICUM. I hope the gentleman will give me five minutes along this line.

Mr. LEVER. We are expected to get this bill through this afternoon; and if every gentleman takes the floor for five minutes, we might as well close up shop, because we can not pass it to-day. Several Members around me have asked me to give them a little time, failing to realize that the Committee on Agriculture is a very busy committee. Gentlemen come in here once a day and make speeches. We have to sit here all day, and, in addition to that, we have things ahead of us that we ought to be doing. I trust gentlemen will not press this discussion, which is not germane at this point. There is a place in the bill where it will be germane, and I will be very glad to be liberal when we reach that point. It is absolutely out of place here.

Mr. LINTHICUM. It does not encourage us very much to stay here when you will not let us say anything when we do come.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes, the gentleman from Iowa [Mr. GREEN] to have five and the gentleman from Maryland [Mr. LINTHICUM] to have five.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and amendments thereto close in 10 minutes, the gentleman from Iowa [Mr. GREEN] and the gentleman from Maryland [Mr. LINTHICUM] each to have five minutes. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I merely want to say, in reference to what the gentleman from Mississippi [Mr. QUIN] has said about the boys from the city being unwilling and unable to do farm work, the district wherein I live and represent is a large city district and I farm in a country district. I know that many city boys went from Baltimore into the country and did splendid work. The work that they do depends very much on the farmer who employs them. If the farmer who employs them puts them down to hard work at the beginning, without training, it is impossible for them to do good work. He must give them a little chance to get down to hard work and teach them the work at hand as they proceed. If he does this and takes an interest in them, they will surely give him great satisfaction.

I know of a young man farming next to me who had a number of young men under contract from the Johns Hopkins University, of Baltimore—city boys. I have seen those boys in his fields from early morning until sundown, doing work and doing good work. They not only did good work, but they were fine associates as well. I know there are plenty of boys in the city of Baltimore and other large cities who can and want to go and do farm work if they can get the chance. They must be taught and trained and they will be found intelligent, hard workers.

Now, I want to say a word about the fertilizer question. I had a delegation of fertilizer men before me this morning from my district, who say that it is absolutely necessary if we want big crops this year to get the fertilizer to the farmer. So far they say it has been next to impossible for the manufacturers to get fuel to run the plants, and some can not get it. Then it is absolutely impossible to get enough cars to send the fertilizer to the sections where it will soon be needed. They suggest that cars ought to be furnished for those sections where planting will soon be in operation, and then other cars for sections farther north. In this way, they tell me, the fertilizer can be supplied gradually from South to North without any great drain on the railroads.

The question of fertilizer is a serious one. If you can not get as much farm labor as desired, we will have to do more intensive farming. If we have to pay $12 a bushel for pens instead of $9 a bushel, we will have to put more fertilizer back of them to produce a crop proportioned to the cost of the seed and labor. We know that it takes just as much labor to work over a field producing 50 bushels per bushel planted as it does to work over a field well fertilized which produces 100 bushels. It does not take any more labor to produce 100 bushels with intensified farming than to produce 50 bushels on a poorly fertilized farm. I merely state this so that Members interested in this matter who want to see a big crop and the people well fed may get after the fertilizer and see that it is manufactured and gets to their farms. I believe if you do that and get the boys from the city you will produce all the crops that you need this year.

I am not a novice as to farming and farm work. I was raised on a farm and taught by a father who was a progressive farmer. He knew above all things that unless you fertilized and otherwise improved your land, you were not a farmer but a miner, taking all from the land and putting nothing back. He also knew the value of farm machinery and put this knowledge into practice. He realized that with proper farm machinery half the force on a farm could do the work, and do it with less labor. Many farmers are terribly handicapped in the early spring, when planting season arrives, by not being ready to take advantage of the weather at once. If the farmer will have his machinery, plows, and so forth, all placed in readiness for springtime and planting, he will be saved much worry and time.

I would not be adverse to helping farmers buy machinery. It saves so much labor and enables one to produce in greater abundance. You men from the farming sections impress upon your people the necessity of intensive, up-to-date farming. The farmers are awake, I am sure, but we all like a little boosting at times. It is the little fellow, the timid farmer, the one who fears debt as he fears fire—these are the men who need encouragement.

It has been said that the farmer must win the war, that it is a question of food endurance. Plenty of fertilizer and other land improvement, proper farm machinery, intensive farming, aided by the farmer boy and the trained city boy will save the day, I am sure.

Mr. ALEXANDER. Will the gentleman yield?

Mr. LINTHICUM. I would be glad to.

Mr. ALEXANDER. Does not the gentleman think that one boy raised on a farm and actively employed is worth more than two city boys?

Mr. LINTHICUM. Of course he is worth more.

Mr. ALEXANDER. Why should not the Government in the administration of the law with reference to the selective draft exhibit a little more liberal spirit and leave the boys on the farm?

Mr. LINTHICUM. I have given the gentleman's question a good deal of thought. It has occurred to me that boys taken from the farm under the new draft ought to be furloughed to produce a crop, and when the crop is produced we can consider whether they shall go back or whether we need them worse on the farm. It is a very serious question.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. GARNER having taken the chair as Speaker pro tempore, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9054, the Agricultural appropriation bill, and had come to no resolution thereon.

INCOME-TAX PRIMER.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent for the immediate consideration of House concurrent resolution 33, which I ask the Clerk to read.

The Clerk read as follows:

House concurrent resolution 33.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 500,000 extra copies of the Income-Tax Primer, prepared by the Bureau of Internal Revenue for the information and assistance of taxpayers, 150,000 copies for the use of the Senate and 350,000 copies for the use of the House of Representatives, the same to be distributed through the folding room.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

AGRICULTURE.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CRISP in the chair.

Mr. GREEN of Iowa. Mr. Chairman, I do not believe the importance of the matter which has been the subject of discussion before the committee is fully understood. It has been treated largely as if it was a matter of worry on the part of the farmers. As a matter of fact, the country at large needs to worry over the subject more than the farmers. The farmers are going to have enough to eat, as far as they are concerned. There is some question whether this country will have enough

to eat, and a still more serious question whether our allies will have enough to eat. What action ought the House to take at this time? It can take no action on this bill, but it ought to be considering measures which may be adopted to relieve the situation, and one of the first is that which has already been spoken of. I entirely concur with the suggestion that a bill ought to be passed to furlough soldiers now in these camps in time to help raise the spring crops, where crops are dependent on their labor. There has been a singular strictness, if I may so term it, in reference to exemption rules. I can not understand where a man is running a 160-acre farm, producing, as we do in Iowa on our productive soil, crops of immense value to the country, with no one to help him, no way to obtain labor, why these young men should not be exempt, and I know of hundreds of cases where they are not exempt. I do not know how the crops in my State are going to be planted this spring if no provision is made for help at that critical time. Spring work on the farm can not be postponed. It can not wait. It must be done at the right time or the crop will be a failure. Moreover, as a rule, the spring work must be done by a skilled workman. The preparing of the soil and planting of the crops must be done by one who not only knows how to handle horses but also complicated machinery. He must know, too, just when each part should be done and the proper manner of doing it.

So that I say some action ought to be taken with a view of furloughing soldiers in such cases, in order that these crops may be gotten in in the spring. Then there is another matter, which, while it is not a matter for the consideration of this committee, is a matter for consideration of my own community, if I could make my voice heard that far, and for a good portion of the West. In every community out that way there is a large number of farmers who are retired. They are men who have had experience in farming, but who, of course, are no longer able to do the heavy physical work. They are able, however, to sit on a riding plow or a riding cultivator. They know how to handle horses. They know how the work ought to be done and how to give directions to persons ignorant of the work, and I hope that their patriotic impulses will be stirred so that every one of them will be out on the farm doing what he can in order to get these crops in and produce the food so necessary for the country at this time. Every State should do something in the line of what has been done in the State of New York. The gentleman from New York [Mr. SNYDER] told you something with reference to what is being done there, but his remarks were not, I think, entirely complete. As I understand it, the State of New York has opened a school for the training of boys and girls—boys not old enough to go into the Army and girls of the age from 18 to 25 who are willing to work on the farm. These boys and girls are given preliminary training, and something of that kind ought to be done in every State. I understand this work has been very successful and large numbers of boys and girls have been gotten out to do the work on the farm, and they have given considerable help. Am I correct in that?

Mr. SNYDER. The gentleman is correct, and if the gentleman will permit, I would state that the greatest number has come from around the suburbs of New York, the largest city we have.

Mr. GREEN of Iowa. There is another little trouble with the farmers themselves. They take these boys that come out from the city and then have no patience with them. As the gentleman from Mississippi [Mr. QUIN] said, they do not know how to handle horses, they do not know anything about farm work. All they have is the spirit of willingness and the desire to do something, which they do not understand. Unless our farmers themselves are going to exercise some patience in this matter the results of trying to get these boys and girls out on the farms will entirely fail. It is a time when the patriotic impulses of every person—retired farmers, boys who are in the ranks, boys and girls who are in the towns not fully employed but who might be on the farm—ought to be exercised, and I commend these questions to the House for its careful consideration, for I believe that nothing can be of more importance at this time. [Applause.]

The Clerk read as follows:

For farmers' cooperative demonstration work outside of the cotton belt, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $554,800.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. What I am going to say should probably have been said at an earlier portion of the bill, when the seed item was under consideration, but I want to say this, that owing to weather conditions the last season, so far as the corn crop throughout the Middle West—Illinois, Iowa, and other States—was concerned, the corn was not matured as it ordinarily is. I have had considerable correspondence from citizens in Illinois in reference to seed corn for the coming year. It is a very serious question with the corn-growing States. I desire to ask the chairman of the committee if the Agricultural Department is taking any steps looking to the proper distribution—not free—of seed corn, so that farmers may be able to secure it in those sections of the country where corn is an important crop.

Mr. LEVER. I will say to the gentleman from Illinois that the food-production bill which we passed last year carried an appropriation of two and a half million dollars for furnishing field seed in emergencies such as the gentleman describes. There is pending before the Committee on Appropriations, I understand, a deficiency item of $6,000,000 to further supplement the funds the department now has. I am not sure that the department will recommend any additional funds for this purpose in its emergency bill which it will present to the committee later in the season. The department is purchasing seed of all descriptions to distribute to farmers for cash at cost in those localities where the seed situation is critical.

Mr. FOSTER. They are asking enormous prices for seed corn, so much so that it seems to me that it does seriously affect the corn crop for the coming year. I do not know how it is all over the West, but I know that in some portions of Illinois there is a great deal of corn, probably a majority of it, that is unfit for seed purposes this year, and that something must be done in order to secure corn from localities where the corn is suitable for planting.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. BORLAND. I do not know what the situation in regard to seed corn is, but I have recently had information that in the sorghum seed market there were indications of a corner. Does the gentleman have information or indications of a monopoly or corner in seeds for agricultural purposes at the present time?

Mr. FOSTER. I have not. The only thing I have is a letter in which they say they are asked to pay as high as $6 a bushel for ordinary seed corn.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. McKENZIE. Right in that connection I would like to state that at a public farm sale in my district a few days ago a farmer paid $32 for a bushel of seed corn.

Mr. FOSTER. That might be an exceptional case, but that is not generally the price.

Mr. McKENZIE. Of course, that was up in my district, and not down in the gentleman's district.

Mr. FOSTER. Of course, they may have money to throw away up in the gentleman's district, but I doubt if they are well enough posted in that district to know really what they ought to pay. [Laughter.] In my district the farmers are too smart to be gulled into paying $32 a bushel for ordinary seed corn.

Mr. McKENZIE. I will simply say, in my district they usually know a good thing when they see it.

Mr. FOSTER. They certainly do in their Representative, but in the purchase of seed corn I do not think they have been very wise.

Mr. BOOHER. I would like to say to the gentleman that I read a statement in one of the county papers published in my district that a certain farmer has put up 400 bushels of corn, selected corn, for seed, and was offering it to his neighbors for $2.50 a bushel.

Mr. FOSTER. That is probably not an excessive price this year.

Mr. BOOHER. That is cheap for a man to separate his corn and sell it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. I would ask for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. I want to say in my judgment this is an important matter for consideration, and if the Agricultural Department is looking out for seeds to be planted for spring it is important to get the right kind of corn for planting. Everybody who lives in a corn country knows that corn must be matured to preserve it so as to grow in the spring, and I hope that the Department of Agriculture will, in their supply of seeds to sell to farmers for cash, not overlook this fact, and I take it they will not because the corn crop in the Middle West is an immense crop and needs proper care taken to see that the seed will be supplied when the time comes.

The Clerk read as follows:

For farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, including the employment of labor in the city of Washington

and elsewhere, supplies, and all other necessary expenses, $650,140: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers, and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the observations which I have to make will relate to the paragraph just before the one last read, although this refers to the same class of work. I did not want the reading of this paragraph to pass without taking the opportunity to express an appreciation of the splendid work of the county agricultural agents. In the country in which I live, a mixed farm and stock-growing country, more particularly a stock-growing country, our people were a little slow to realize the importance and the value of the work that might be done by the county agent, and it required some years and some considerable agitation to bring our people, particularly where the counties were rather limited as to funds with which to cooperate, to a point where they were willing to accept the responsibility and the cost of this cooperation. But in every case so far as I know in my State, where the county agent has been employed it is the well-nigh universal testimony that the aid rendered and the work performed by the county agent has been of very great value. It is a real pleasure, in view of the character of some Federal appointees, in view of the lack of real valuable work performed by some who get on the Federal pay roll, to find a certain class and individuals of a class of appointees who are really adapted to and prepared for their work and who do enter upon it with enthusiasm and intelligence; with an appreciation of the people among whom they labor, the problems they are called upon to solve, and of the proper diplomatic effort by which and through which they can make themselves really useful and effective, on behalf of the people they serve. The agents in my State have not, so far as I have come in contact with them, been taking on airs of superior knowledge, as some have feared they would, or minimized the value of their work by failing to come into hearty sympathy and cooperation with the men among whom they work. I have observed that they have endeavored to learn the best practices of the section and of the region as practically demonstrated, and to bring the general practice up to the best practice, and aiding in the accomplishment of that end by their scientific and practical knowledge and information. They have performed a great work. So far as I know, in my State they are men of the right stamp, kind, and character. If the character of the men, and of their work everywhere, is as it is in my section, a splendid work, highly beneficial to agriculture in its broadest sense, is being performed by these men. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the matter of labor——

Mr. LEVER. If the gentleman will pardon me a moment, I ask unanimous consent, Mr. Chairman, that debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. MOORE of Pennsylvania. Will not the gentleman waive that? I desire to have about seven or eight minutes.

Mr. LEVER. Mr. Chairman, gentlemen say, "let it run along," but the chairman of the committee is a busy man, and so are all the members of his committee, and I would like to get through with this bill this afternoon and we are not going to do it unless gentlemen limit their time. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 15 minutes. The gentleman from Michigan desires five minutes, the gentleman from Pennsylvania and the gentleman from Mississippi will take three.

Mr. MOORE of Pennsylvania. Will not the gentleman raise that a little?

Mr. BARNHART. I would like two minutes.

Mr. LEVER. The gentleman from Indiana wants two minutes. I will make it 15 minutes.

Mr. MOORE of Pennsylvania. I do not expect to speak much more on this bill and I would like to have seven or eight minutes.

Mr. LEVER. I will make it 15 minutes, the gentleman to have seven.

Mr. MOORE of Pennsylvania. I want to say something that I think the committee ought to know.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on the paragraph and all amendments thereto close in 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, everyone, whether from a farm or an industrial center, will agree that there ought to be ample labor for farm production. I was impressed by the remarks of the gentleman from Kansas [Mr. CAMPBELL] on that subject this morning and thoroughly agree with him that some arrangement should be made by which we can get more labor on the farm, because we need farm products, and we will continue to need them in larger degree than heretofore. But there are other things besides labor needed on the farm—fertilizer, for instance, which every Member of this House who has a farming constituency will understand. As to this phase of the question I was informed this morning that two large establishments manufacturing fertilizer, one at Baltimore and the other at Philadelphia, may be compelled to close within a very few days, throwing eight hundred or a thousand hands out of work and depriving the farmer of this essential commodity, for the want of coal to continue operations.

The other day, in making a few remarks with regard to the distribution of coal and the desirability of having some other port of exit and entry besides the port of New York to which we might ship our supplies and more equitably and speedily distribute the products of the country, including coal, I made reference to the fact that certain coal barges, then laden, were standing idle in the Delaware River because the propelling power for those barges had been taken away for war purposes. I referred to the fact that the Menhaden fishery boats had not been taken and were still plying their trade, capturing fish in the open sea and turning them in for oil.

I did not go so far as to say that they were grinding them up for fertilizer, but that is also true, and, of course, is of interest to the farmer. Since making that talk the Navy Department advises me that they had not taken the menhaden fishing boats—and there are certainly a hundred or so around the Delaware and Chesapeake Bays capable of doing sea service—because the Food Administrator had requested that those boats be let alone.

Now, the people want food fish and the Food Administrator is supposed to help the people get food fish, but the issuance of an order or request equivalent thereto by the Food Administrator indicating that the continuance of the menhaden fisheries as heretofore conducted would increase the food supply is, to those who know the situation, next to absurd. These menhaden fisheries are after oil and the residuum that goes into fertilizer. The food fish they get, as a rule, are ground up and the public obtains no food advantage therefrom. If it be claimed they produce fertilizer which facilitates the food supply we are now confronted with the fuel shortage, which threatens even the fertilizer.

It seems to me there is a hitch somewhere, due possibly to the overlapping of these myriads of new officials and clerks in Washington, to whom the gentleman from Kansas [Mr. CAMPBELL] referred. We seem not to be getting the best results as to food and fuel—certainly not at the present time.

The farmer and the industrialist are interdependent, as I have contended a hundred times upon this floor. If the industries can not get their coal the farmer may not get his fertilizer.

Close up these two establishments, one in Baltimore and the other in Philadelphia, and I warrant you that the farmer of Maine, who is a very important factor in the cultivation of the potato, even to the extent of sending his spuds down to Florida for early crops, will be unable to render the best service. Close up these industries for want of coal, and these establishments in Philadelphia and Baltimore may not be able to serve the States of Maryland or of Virginia. The difficulties confronting these two industrial plants affect New England, New York, Pennsylvania, and New Jersey, in addition to the others I have mentioned. No one can tell how far these influences extend.

I do not know how it is with the more southern fertilizer establishments. They have them—very large ones—down at Richmond, over at Charleston, at Savannah, and at Jacksonville, and I assume they are subject to the same conditions with regard to fuel that other fertilizer establishments are.

I understand this matter has been brought to the attention of the Secretary of Agriculture and that he has evinced some interest in it. I have brought it to the attention of the Fuel Administrator, but I want Congress to know how vital this matter of the holding up of the coal supply is to all the essential factors in production.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am pleased to hear the gentleman from Wyoming [Mr. MONDELL] speak so favorably of the work being done in his State under this and similar appropriations, because this is an appropriation supplementing the appropriations now being made under what is known as the Lever law, a law for which the gentleman from South Carolina [Mr. LEVER] deserves the whole credit, notwithstanding the fact that a distinguished gentleman in another body is claiming credit for it and in some way has been able to have his name attached to the law.

I feel that this work would be as successful in other parts of the country, in the entire country, as in Wyoming if it were carried on in all places as it has been there. And it can very easily be carried on in that very proper way. If it is not, the fault lies with the State and largely with the local community because of the plan of selection of the county agent. The Department of Agriculture cooperates with the agricultural college in this matter. The State agent is selected as the joint appointee of the Department of Agriculture and the State agricultural college. No appointment of county agent is made without the approval of the State agent. He knows the men, their names and residences, who are suited for the work, and when a county makes appropriation and provides money to put itself in line to take up this work the State agent suggests the names of men suitable for the work and who are open to employment. The men are sent, one by one, if required, to the county to undergo examination by those who are locally interested, usually a farm bureau composed of local farmers. In the first place, the State agent does not suggest the employment of any man who is not known or thought to be suitable for the work and the local people are not required to accept any man or to let their money go to pay him, even in part, unless after this investigation they are satisfied he understands their problems and is so well informed and is such character of man as to be suitable for work in the county.

If this plan of selecting county agents were known to those who have so bitterly opposed this item, I think objection would be overcome. They would see that the fault, if fault there be, lies with them or with the people of their locality and that the difficulty can be overcome.

I think this is very important work. Its value has been shown all over this country where it has been carried out properly. It can be made good work everywhere. The local authorities should pay attention to the manner in which these men are secured. No man is forced upon them. Their money goes to pay no man who is not acceptable to them, and if at any time the work of a county agent is not satisfactory communication with the State agent will result in his removal and the appointment of a capable man satisfactory to local interests.

I am glad, as I say, to hear the words of approval by the gentleman from Wyoming [Mr. MONDELL], and I believe that others who know this work and have seen enough of it to appreciate what it is will vouch for the value of it and from time to time approve the appropriations recommended by the Committee on Agriculture to carry it on.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories, and upon similar organizations in foreign countries, with special suggestions of plans and methods for making such organizations more effective for the dissemination of the results of the work of the Department of Agriculture and the agricultural experiment stations, and of improved methods of agricultural practice, including the employment of labor in the city of Washington and elsewhere, and all other necessary expenses, $20,600.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in five minutes.

Mr. MONDELL. Will the gentleman make that seven minutes? I think it will take me about that length of time to say what I desire, and then he had better reserve for himself about three minutes.

Mr. LEVER. I infer from that that the gentleman is about to make an attack on this item. I ask that the debate close in 10 minutes, Mr. Chairman.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. Mr. Chairman, this item authorizes the Secretary to investigate and report upon the organization and progress of farmers' institutes and agricultural schools in the several States and Territories. The item is a good one. The investigation proposed, I have no doubt, is carried out in a way to be helpful. The institutions to be investigated and encouraged do a great deal of good. But if we are to have organizations of farmers' institutes and agricultural schools we must have farmers; and if the farmers, and particularly the best farmers—the young and virile, the vigorous and the successful farmers—are all to be drawn from the communities, there will not be a great many left to aid in the active work of these valuable institutes and schools.

Those who approved and urged the conscript law, the draft law, to which we are all loyal, now that it is upon the statute books, urged it principally upon the ground that it was to be a selective draft, and they pictured in their minds and illustrated to us in their speeches the very great advantage and benefits there would be to the country through a selection by Federal agents and local organizations of those who were to go and bear the country's burdens and fight its battles and those who were to remain behind to keep in motion the wheels of industry, the fields green and well cultivated, and to continue the great output of the product of industry and agriculture, so absolutely essential to the success of our arms.

The plan proposed and thus outlined and defended was fine. It was this idea and thought and purpose that made the draft popular. But, unfortunately—and I am blaming no one in particular; I do not know that anyone in particular should be blamed—there has been very little selection. In my State many of the counties in the State until very recently were not subject to the draft because of the fact more than the quota of men had volunteered. But where the draft was applied there was practically no selection. The young fellows in charge of ranches, with hundreds of acres under cultivation, with large herds and flocks, supervising business, and farming enterprises requiring knowledge, training, and experience, vigor, and energy, possessing every quality necessary to the successful operation of these enterprises so valuable and necessary to continue and increase the food supply of the country, were not selected to stay at home in charge of such work.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In the main they did not ask for exemption. The very man that should be exempted under the plan and purpose proclaimed as that of the selective law is ordinarily the last man who will ask for exemption.

Now, I yield to the gentleman.

Mr. McLAUGHLIN of Michigan. A few days ago, in answer to my request of The Adjutant General of the Army to advise me if there was not some way by which the circumstances surrounding the young men who were taken from the farm might not be looked into, or looked over again, he replied that no exemptions were being made of men on account of their employment on the farm. Now, the law provides that exemption may be given, but evidently the law is being disregarded. If another law is framed along that line, it must be made in such language as that even the officers of the Regular Army will not dare to disregard it.

Mr. MONDELL. I hope that will be done. In some cases, I think, if there is any blame—and I am placing no blame anywhere—it rests with the district boards rather than upon anyone here. The idea of the selective draft was that it would catch the slacker; that it would take by the scruff of the neck the indifferent, the indolent, the shrinking—not to use the word "cowardly"—and put him on the firing line and reserve in the interest and for the benefit of his country some, at least, of the men essential to its agriculture and its industry. What I have said of our young farmers and ranchmen was true also of the men in the mines, and to some extent, at least, of those on the railroads—there was no real effort at the selection which the law contemplated and which was claimed to be its chief virtue.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Will the gentleman give me the other three minutes?

Mr. LEVER. I feel that I ought to reply to the gentleman.

Mr. MONDELL. Will the gentleman extend the time?

Mr. LEVER. I will yield to the gentleman two minutes of my time.

The CHAIRMAN. The gentleman is recognized for two minutes more.

Mr. MONDELL. At the time the draft law was under consideration I expressed the opinion that under the draft, as under volunteering in the main, the men who would go would be the men who wanted to go, the men who were willing to go. And that has been the case. The very men needed to maintain industries and sustain them and to keep the agricultural and stock-growing production of the country up to the maximum, the men that the country needs at home, are the kind of men, of course, that most want to go; young, vigorous, virile, courageous, enthusiastic, loyal, patriotic; and there was no sort of effort made, so far as I know, to select to stay at home those most needed at home, though that is the very essence and basis

of a selective draft. If the conscription law is to be valuable in the way of its selection, it is and must continue to be the duty of the men who enforce and administer it to select men under it as they are needed to go or to stay at home, and not to send every man who is willing to go and keep at home the man who outrages high Heaven with affidavits that he ought not to go. We should retain at home the man needed at home, whether he himself makes any effort to come within the exemption. I hope in the future we will have an enforcement and an administration of the selective draft in keeping with its purposes, as stated by those who most strongly indorsed and approved it.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Total for States Relations Service, $3,150,820.

Mr. JOHNSON of Washington. I desire to ask the chairman of the Committee on Agriculture [Mr. LEVER] if he is willing at this point to return to page 45 for the consideration of the aeroplane-stock amendment which I offered on Tuesday.

The CHAIRMAN (Mr. BYRNES of South Carolina). Does the gentleman make a request for unanimous consent?

Mr. JOHNSON of Washington. I ask unanimous consent, if the chairman of the committee is willing.

Mr. LEVER. I have no objection.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to page 45 for the purpose of offering an amendment which the Clerk will report. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington:

"And hereafter, during the existing state of war, the Secretary of Agriculture is authorized to sell without advertisement to any individual, firm, association, or corporation, at a fair value to be determined by him, national-forest timber which he shall find is to be used for war purposes; and he is also authorized, under regulations to be prescribed by him, to permit the War Department to take from the national forests such timber as may be needed in the prosecution of the war. The Secretary of War, under regulations to be prescribed by him, is hereby authorized to sell or otherwise dispose of any of the material manufactured from such timber which is not suitable for war purposes. Any moneys received on account of such material shall be deposited in the Treasury as provided by existing law."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment just offered.

Mr. LEVER. I wonder if we may not have an understanding as to whether or not the gentleman from Wisconsin thinks he is going to press the point of order, as he has looked into this matter, I suppose.

Mr. STAFFORD. I have given some consideration to this amendment since it was submitted day before yesterday, having called up the Forestry Service to ascertain the exact operation of the cuttings on the various forest reserves, both for spruce and other timber. I may say that the form in which the amendment was presented by the gentleman before it was modified, so as to have the funds derived from these sales go into the Treasury as miscellaneous receipts, is more acceptable to my view than the modified form providing that the funds received shall be deposited in the Treasury in accordance with existing law. Where the War Department obtains permission from the Forest Service to take such timber as it sees fit, culls out what is needed for its purposes, and then manufactures the balance in the way of lumber to be sold to the public, out of appropriations for the War Department, in my opinion the receipts should be turned back into the Treasury and not, as provided in this amendment, be turned back into the Forest Service fund for the benefit of the local district.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. My colleague from Michigan [Mr. FORDNEY] has an amendment to the amendment as finally presented by me which he thinks will solve that problem, and with the gentleman's permission I think he can make a statement in two or three minutes that will clarify the situation.

Mr. STAFFORD. With the reservation of the point of order pending, of course, I shall have no objection to the gentleman from Michigan or any other gentleman going ahead and explaining the proposition.

Mr. FORDNEY. Mr. Chairman, I would substitute the word "cut" for the word "manufactured" in the third line from the bottom of the amendment as printed in the CONGRESSIONAL RECORD. At the present time the Government has issued orders which have been placed in the hands of the chief of the Signal Corps on the Pacific Coast, Col. Disque, who is stationed at Portland, Oreg., which orders permit the Government to commandeer timber, no matter by whom owned, for the purpose of making rived spruce, which means split timber. The Government is commandeering timber from anybody's land and paying a certain price per thousand feet on the estimated amount of timber in the tree in such trees as are selected. Then the Government lets contracts to individuals to get out this timber and put it on cars for the Government, taking only such portion of the tree as can be worked into rived spruce, which is a very small percentage of the total product of the tree.

Mr. JOHNSON of Washington. About 10 per cent.

Mr. FORDNEY. Not to exceed 10 per cent, I would say, out of the very choicest trees that may be selected. For the trees selected the Government proposes to pay a given price per thousand feet, board measure, for all the product of the tree. Now, nine-tenths of the tree, after the portion suitable for making rived timber has been taken from it, must lie there in the woods, unless the Government may be permitted to dispose of the remainder of the tree where it lies. It will not pay the Government to take out of the woods timber which can not be worked into such lumber as the Government wants for aeroplane stock; but the balance of the timber ought to be disposed of to the contractor getting out the rived spruce or to some one, at such price as the Government may be able to obtain for it, in order to save it from loss, instead of leaving it there and letting it rot in the woods or be burned. The gentleman's amendment says "the material manufactured from such timber." Saw logs are not "manufactured" products of wood, and therefore if you substitute the word "cut" for "manufactured" it permits the Secretary of War or the Secretary of Agriculture to sell the remainder of the product of that tree where cut into logs and left in the woods.

Mr. STAFFORD. Carrying the process one step further, when the Government has carried this culled-out timber down to the factory, what would be left that might be disposed of by the War Department?

Mr. FORDNEY. I have a copy of the specifications, which call for rived spruce measured at the smallest end of the stick of timber, say 6 by 8 inches and up to from 14 inches thick to 36 inches wide, and not less than from 18 to 26 feet long.

Mr. MADDEN. What does "rived" mean?

Mr. FORDNEY. Rived means split.

Mr. MADDEN. Why does it not say so?

Mr. FORDNEY. The specifications say "rived"—to rive is to split.

Mr. JOHNSON of Washington. Let me read the specifications, to show what a tremendous proposition this is. The War Department solicits farmers, lumbermen, contractors, and everybody who can go into the work to engage seriously and earnestly in the business of spruce production. These specifications provide:

All spruce purchased must be split by wedging. The use of explosives in any manner whatever is prohibited. Cants must be 18 to 26 feet full in length; four sides clear, not more than 14 inches thick nor more than 3 feet wide on the bark surface. Annular rings must not be less than six to the inch. Grain must be straight throughout the entire length of the timber, without waves, knots, or rot. Timbers should not be hewn or squared. The heart will always be removed. In selecting trees for this purpose only the finest specimens of live trees should be fallen, and no attempt should be made to utilize dead or down trees lying on the ground or which appear to have shaky or spiral growth or have been burned. No piece with pitch-pocket evidence will be accepted. Any abuse of these conditions will result in a rejection of the material and consequent loss to the producer. The opposite page contains scaling data which will govern inspectors and control the price paid for products.

Mr. FORDNEY. Will the gentleman permit me to state, further, I am familiar with this kind of timber—spruce—and it is not generally a straight-grained wood. There are only certain kinds of timber that grow that will split straight as if sawed, and spruce is not that kind of timber. Very likely one will find it twisted in grain or growth. When split it must be perfectly straight and square or the Government will not accept it according to specifications. No expert in the world can tell whether it is straight grained or cross-grained until the tree is felled and split. Then if it is found the least bit twisted, all of the tree is rejected. Unless you permit the Government to sell the tree where it lies after it is found that it is not suitable for riving you will destroy the timber, for if the Government can not dispose of the tree where felled, then the tree is abandoned to decay or to be destroyed by fire. Why not save it?

Mr. STAFFORD. Assuming the case that the log has reached the lumber mill for some special use, and the War Department finds that it is not suitable for that special purpose, the Government might be able to use it for some other purpose.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks that the time of the gentleman from Michigan be extended five minutes. Is there objection?

There was no objection.

Mr. FORDNEY. The timber must, before it has been accepted by the Government from the contractor, follow all of these specifications. Therefore it must be not more than 14 inches thick and 36 inches wide and not less than 18 or 26 feet long, and be absolutely straight grained, or it will not be accepted by the Government.

Mr. STAFFORD. Assuming that they do accept it and find some interior defect, what will the War Department do with the log when it gets to the lumber mill?

Mr. FORDNEY. There are some defects that are not visible before it is split. All the defects are exposed when it is split into a stick 6 by 8 inches square and from that up in size. Every defect is then visible and it must be perfect. The defects are visible after it is rived, and the rived timber will not be accepted unless perfect, which means it must be sound and straight grained.

Mr. STAFFORD. The log is going to be rived in the forest?

Mr. FORDNEY. Right in the forest where the tree is felled.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. McLAUGHLIN of Michigan. The gentleman suggests the use of the word "cut" instead of "manufactured." Why not use the words "cut or manufactured"?

Mr. FORDNEY. Then you are going to put the Government into the manufacturing business. What I want is to protect the Government in the sale of timber in the woods after they discover that it is not suitable for Government use. If it is suitable it will be taken out and manufactured by the Government and be used for making aeroplanes. If it is not suitable it is left in the woods and ought to be disposed of by the Government and allow it to obtain a reasonable price for that portion of the timber unfit for Government use.

Mr. ROBBINS. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. ROBBINS. The gentleman's amendment only contemplates certain timber being left in the forest. Is there no timber that will be left at the mill?

Mr. FORDNEY. No, sir; the specifications call for a stick of timber squared a certain number of inches in thickness and width, when measured at the top end, not less than 6 by 8 inches and 18 to 26 feet long, absolutely straight grained when rived, not hewed or sawed, not prepared in any other way except split. Rived means split. Therefore, it must be perfectly straight, not twisty; no large knots; no defects of any kind.

Mr. JOHNSON of Washington. If the gentleman will allow me, I will read paragraph 6 of the specifications.

Mr. FORDNEY. I yield.

Mr. JOHNSON of Washington. It is as follows:

6. This method of securing spruce for airplane construction necessarily will result in leaving considerable portions of each tree in the forest. It is directed that all limbs be cut from the main trunk of that portion of the tree left on the ground, and every other possible precaution taken to prevent possibility of fire. It is by this method that the Government hopes to double the production of spruce for airplane stock so urgently required at this time.

Mr. FORDNEY. Let me say that the Government has already selected trees in forests on the Pacific coast in the county where the gentleman from Washington [Mr. JOHNSON] lives. They have marked particular trees. They have measured the diameters of the trees, estimated the length and amount of timber that the tree will cut in feet board measure, and have notified the owners that the Government "will take those trees that have been marked," and that it will pay a certain amount per thousand feet for the timber. When they sell the timber they are going to abandon all except the portion that will make rived spruce, and this provision will allow them to sell the rest of the tree at some price. The Government ought to get some money for the balance of the trees which it will abandon in the woods. If you adopt this amendment, it can do it and will not have to manufacture it and sell it as a manufactured product.

Mr. WINGO. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. WINGO. May I understand the exact status of the amendment offered by the gentleman from Michigan? Does he propose to cut out the word "manufacture" and substitute the word "cut"?

Mr. FORDNEY. Yes; so that when the tree has been felled from the stump, is lying in the woods, after a portion is taken by the Government, it can sell the balance when cut into logs, and so forth.

Mr. WINGO. I am in sympathy with the gentleman's amendment, but I would like to offer an amendment to it.

Mr. STAFFORD. Mr. Chairman, after the explanations made by the gentleman from Michigan [Mr. FORDNEY], and the gentleman from Washington [Mr. JOHNSON], I withdraw the reservation of the point of order.

Mr. LEVER. Mr. Chairman, I still have a point of order reserved against the amendment. Let me ask the gentleman from Michigan if his amendment goes in the Government can not manufacture the timber, but the Government would have the right to sell the trees now under existing law?

Mr. FORDNEY. With this amendment the Government would have the right to take the whole tree out and manufacture and dispose of it, but if thought desirable can sell the timber on the ground where it is cut instead of manufacturing; my amendment would permit this to be done.

Mr. WINGO. I think that amendment is a good one, but let me suggest that after the word "timber" you put in this language: "or such portion thereafter as may be suitable for war purposes."

Mr. FORDNEY. Yes; that is all right.

Mr. WINGO. That would clarify it.

Mr. FORDNEY. I am in sympathy with the amendment.

The CHAIRMAN. The Chair understands, then, that the gentleman from Michigan withdraws his amendment?

Mr. FORDNEY. Yes; I accept the amendment of the gentleman from Arkansas.

The CHAIRMAN. The Clerk will report the amendment proposed to the amendment of the gentleman from Washington by the gentleman from Arkansas.

Mr. LEVER. Which is to be read for information.

Mr. McLAUGHLIN of Michigan. I did not formally offer the amendment putting in the word "cut."

Mr. JOHNSON of Washington. I shall offer that. Make it read "cut or manufactured."

The CHAIRMAN. Without objection, the amendment of the gentleman from Washington will be modified as indicated by him, to which amendment the gentleman from Arkansas offers an amendment, which the Clerk will report, and the gentleman from South Carolina is reserving a point of order against all amendments.

The Clerk read as follows:

Amendment modifying the amendment offered by Mr. JOHNSON of Washington: Insert before the word "manufactured" and after the word "material," the words "cut or."

Amendment offered by Mr. WINGO to the Johnson amendment: After the word "timber," insert "or such portions of such timber."

Mr. WINGO. Mr. Chairman, I ask unanimous consent that the language may read as it would be if these amendments were agreed to.

The CHAIRMAN. Without objection, the Clerk will read the amendment of the gentleman from Washington as it would read if the modifications of the gentleman from Michigan and the amendment offered by the gentleman from Arkansas were incorporated in it.

The Clerk read as follows:

And hereafter, during the existing state of war, the Secretary of Agriculture is authorized to sell without advertisement to any individual, firm, association, or corporation, at a fair value to be determined by him, national-forest timber which he shall find is to be used for war purposes; and he is also authorized under regulations to be prescribed by him, to permit the War Department to take from the national forests such timber as may be needed in the prosecution of the war. The Secretary of War, under regulations to be prescribed by him, is hereby authorized to sell or otherwise dispose of any of the material cut or manufactured from such timber or such portions of such timber which is not suitable for war purposes. Any moneys received on account of such material shall be deposited in the Treasury as provided by existing law.

Mr. HAUGEN. Mr. Chairman, I would like to ask the gentleman a question. The timber or lumber described by the gentleman from Michigan is timber or lumber purchased for war purposes?

Mr. FORDNEY. Yes. The Government is going into the forests with experts, marking such trees as the experts may designate, and selecting them, such as are suitable for aeroplane stock; and upon marking those trees and estimating them—estimating the amount of lumber in the tree where it stands—they pay to the owner of the timber $7.50 per thousand feet for the timber in the tree. Then they take such portion only out of the woods as will make rive spruce.

Mr. HAUGEN. But the amendment provides that the Secretary of Agriculture is authorized to sell without advertisement to any individual, firm, or association.

Mr. FORDNEY. Yes; because the party who takes out this rived spruce while on the ground with his machinery, for that must all be taken out by machinery—lumbering is done on the Pacific coast with steam engines and cables and not with horses or cattle—the party who takes out the rived spruce while his machinery is on the ground will take out the balance of that tree and obtain such price as he can.

Mr. HAUGEN. But this amendment permits the sale of all timber that may be used for war purposes.

Mr. JOHNSON of Washington. I shall explain that as being in accordance with the desires of the War Department. The War Department, through the aeroplane-production section, is letting two kinds of contracts. Some of these are cost-plus contracts, and those contracts are being let to contractors—big loggers. The War Department is begging them to take the contracts.

Mr. MADDEN. What contracts—to get out the wood or to build aeroplanes?

Mr. JOHNSON of Washington. To get out the wood. In those cases the logger is invited to run his logging railroad in and take all the timber——

Mr. HAUGEN. But I understand the amendment here applies to all lumber which is used for war purposes, which might be taken for the building of ships.

Mr. WALSH. What is there in this amendment to restrict that to aeroplane timber?

Mr. JOHNSON of Washington. Nothing whatever. If the necessity arises when they need this timber to build ships, let them have it.

Mr. HAUGEN. Then what is the use of talking about aeroplanes if it applies to all timber?

Mr. JOHNSON of Washington. Because the War Department is working day and night to get aeroplane stock. The other portion of the amendment I have offered provides if a section is being logged and a logging railroad run to it, that men then—small crews of men, farmers and contractors—will go on farther into the woods and find an individual tree in the forest reserve which has been marked for them by the forester, cut that down, rive it, and cut it into bolts small enough to get it out, and sell it to the Government, without the Forest Service being required to advertise that tree for sale.

Mr. HAUGEN. After all, it resolves itself into this, that we are to sell the lumber without advertising for 30 days?

Mr. JOHNSON of Washington. No; one phase of this amendment lets the War Department take whatever timber it wants—spruce, fir, hemlock, or any other kind—and the other phase of the amendment authorizes the War Department, in connection with the Forest Service, to go in away beyond the railroad or the wagon road and get out individual trees without advertising. The forestry people claim that they are embarrassed by the fact that they can not get the men to follow the advertising process and thus can not help the War Department in its great need.

Mr. HAUGEN. I have no quarrel with the War Department, but I have some question in my mind as to whether we should open the gates to the sale of timber without advertisement. We have found it necessary in the past to guard against that very thing.

Mr. JOHNSON of Washington. I have brought, anticipating that, samples of the forest reserves' advertisements. I can tell him how the contracts run and how minimum prices are fixed. They have never had the trouble the gentleman anticipates, and in this war emergency we have got to trust the war chiefs.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. SMITH of Michigan. I wish to inquire where these square timbers which are split or rived are to be manufactured?

Mr. JOHNSON of Washington. They are in the woods.

Mr. SMITH of Michigan. They split them into narrow or thin enough planks——

Mr. JOHNSON of Washington. They are reduced to long blocks.

Mr. SMITH of Michigan. Where are the blocks manufactured after that?

Mr. JOHNSON of Washington. Demand is made that they be delivered at the nearest road or logging railroad.

Mr. SMITH of Michigan. What becomes of them then?

Mr. JOHNSON of Washington. They are taken from there by the War Department probably to Rochester, N. Y.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from South Carolina——

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended one minute.

The CHAIRMAN. The Chair recognized the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. I would like to sound out gentlemen as to whether a point of order is going to be made on this proposition. If so, we are losing time. How does my colleague on the committee feel about this?

Mr. HAUGEN. I did not raise the point of order.

Mr. LEVER. Before anyone makes the point of order I would like——

Mr. McLAUGHLIN. I think no one is going to make the point of order.

Mr. MONDELL. I think I shall make the point of order——

Mr. HOWARD. I reserve the point of order.

Mr. MONDELL. Has the gentleman from South Carolina the floor?

Mr. LEVER. I will take the floor.

The CHAIRMAN. The Chair recognized the gentleman from South Carolina.

Mr. MONDELL. Will the gentleman yield to me for a moment?

Mr. LEVER. I yield.

Mr. MONDELL. As I understand it, the gentleman from Washington desires this provision solely as it relates to material needed for aeroplanes, but his amendment is of the broadest kind and character, and would embrace anything and everything that by any possibility could be held or believed or conceived or be suggested by anyone in any way as directly or indirectly to be used for war purposes. That is a rather dangerous provision to put into a bill like this without careful consideration and consultation.

Mr. JOHNSON of Washington. It gives the Secretary of War the right to say.

Mr. MONDELL. It gives the Forest Bureau the right to sell practically everything in the way of forest material without advertisement—that is what it amounts to—in time of war. If the gentleman has no thought in mind except aeroplane material, why does he not confine the amendment to aeroplane material?

Mr. JOHNSON of Washington. For the reason, if the gentleman will do me the honor to listen, the gentleman has been in Congress long enough in recent years to know that in order to get an amendment considered on this floor it has, almost in every case, to have the approval of the department behind it, and this amendment is from the Department of Agriculture.

Mr. MONDELL. Do I understand the Department of Agriculture does not want to do this with regard to aeroplane material unless they may have the bridle thrown off entirely?

Mr. JOHNSON of Washington. The gentleman misunderstands entirely, and I hope that during this war emergency he will not do any department an injustice. The Forestry Service sets timber values. No contract has ever been made so low for timber out there that there has ever been any occasion for criticism. They want to make contracts that will lead to other contracts, so as to induce a man to build a logging railroad up, say, a stream to get all spruce within reach, while other individual contractors can go on far into the woods, rive and drag our spruce blocks from localities that will not be reached by a road in the next 50 years.

Mr. MONDELL. The gentleman's idea is that the Forest Service should be relieved of the necessity of advertising in the matter of most of its sales?

Mr. JOHNSON of Washington. As a war emergency only, as the resolution says.

Mr. FORDNEY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FORDNEY. Let me say, in answer to the gentleman from Wyoming, that no man on God's green earth can tell what the balance of the tree that is not made into aeroplane stock is going to be manufactured into. If he does know, he knows more than any man that God Almighty has made who is in the lumber business. The balance of that tree might be manufactured into material to make dry-goods boxes or could be used for building ships or for railroad ties or for the construction of any kind of building that could be constructed out of wood, and if he can describe what that timber is to go into and what it shall be manufactured into, let him name it now.

Mr. MONDELL. Will the gentleman yield?

Mr. FORDNEY. I will yield, although I think the gentleman's proposition is without merit.

Mr. MONDELL. The gentleman talks about boxes and other kind of material for which these trees or parts of trees may be used. If that is the case the amendment would be of no value or use whatever. Boxes are not war material.

Mr. FORDNEY. We can not both talk at once. I want to say to the gentleman there is not more than 10 per cent of the product of any spruce tree that will make rived spruce, out of which to make aeroplanes. What are you going to do with the other 90 per cent, can you tell?

If you can, you can do more than I can. It may be worked into bridge timber, it may be put into railroad ties, it may be put into inch lumber, it may be put into dimension stuff, 2 by 6, 2 by 8, 2 by 10, square timber. Anything outside of lumber can be made. Can you tell? Of course you can not. Therefore, 90 per cent of that tree must be put into something or it

must be wasted, and unless you provide some way for the Government to dispose of 90 per cent of the tree, you are going to pass a law that will compel the wasting in the woods of 90 per cent of the tree. Ship timber is not made in this way. On Gray's Harbor, Wash., where those contracts are now being put into effect, they manufacture 700,000,000 feet of lumber a year. Not one-tenth of that timber will be called for shipbuilding timber. Any quantity of timber may be called for by the Government for all other purposes for which the Government is using timber, except rived spruce for the manufacture of aeroplanes.

Mr. LEVER. Mr. Chairman, we could talk here almost indefinitely on this. I think members of the committee know whether or not they wish to press the point of order. I will say to my colleagues on the committee that I talked with a member of the Forestry Service this morning, and he told me that the amendment as originally proposed by the gentleman from Washington [Mr. JOHNSON] was prepared by the legal department of the Department of Agriculture, and the Forestry Service feels there is a very great need for legislation. Why they did not submit it to the committee in the regular way I do not know.

Mr. JOHNSON of Washington. They thought the specified plan of advertising would be sufficient, and I did not appear before the committee on that account. The matter of advertising for this spruce has been given six months' trial in this emergency, and has not brought in enough. Now the War Department has taken hold, and put an agent out there. When it was thought that the bringing in of spruce by the method of advertising would be sufficient, there was no occasion to call for an amendment.

Mr. LEVER. I made my statement and said it was my intention to withdraw the reservation of the point of order, but if any Member desires to renew the reservation he may do so.

Mr. MONDELL. I desire to renew the point of order, Mr. Chairman.

Mr. HOWARD. I wanted to ask the Chair if he observed the point of order I made. I thought it had been reserved. Now, to save time, I am going to make the point of order, and if this thing is right it can go on in the Senate.

The CHAIRMAN. The Chair is ready to rule. In the opinion of the Chair this amendment is clearly subject to the point of order, and therefore the Chair sustains the point of order.

Mr. JOHNSON of Washington. I move to strike out the last word. I suspected that an uninformed somebody on the floor of this House might make a point of order against this urgent and necessary war legislation, and I presume that the Member who did it will be the first to go out into the country and cry "Let us cut red tape."

Here is a proposition that is hard to handle. Both the War Department and the Department of Agriculture have complained that they are embarrassed by their inability to make the pending laws fit the necessity for getting out their spruce. It is not an easy matter to coordinate the governmental departments, even on a matter as important as this.

Mr. HAUGEN. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield.

Mr. HAUGEN. The amendment does not limit the sale of the lumber for the purposes the gentleman has discussed. Now, then——

Mr. JOHNSON of Washington. I think it does. It says "for war purposes."

Mr. HAUGEN. "War purposes" takes in the building of ships and everything that might come in the prosecution of the war.

Mr. JOHNSON of Washington. If it comes to that, why should not the Government use timber in the Government's own forest?

Mr. HAUGEN. The gentleman knows that it is customary in any department, with any contract, even of small amount, to advertise for bids.

Mr. JOHNSON of Washington. Now, then, Mr. Chairman, right when this point of order is being made, I have received this telegram:

> Legislation permitting prompt action in securing timber from Federal reservations, and authority to dispose of that portion of timber not required for aircraft purposes, will be of great assistance to this office in supplying emergency requirements in connection with our air program—

And so on. It says further:

> It is not practicable to have the desired timber logged. The operation becomes entirely too expensive to attract any commercial concern. Any assistance in this matter, I can assure you, will be of great value to this office.

Col. B. P. Disque, of the United States Army, was sent out there by this Government to urge our people to work day and night to get the spruce with which to make these thousands of aeroplanes you are bragging about, and that are going to fly into Germany. He has been placed in entire charge of the timber situation in the Northwest. He is crippled by red tape.

Mr. HAUGEN. I understood the language to be "to sell or otherwise dispose."

Mr. JOHNSON of Washington. That phrase has just been inserted by amendment of the gentleman from Arkansas [Mr. WINGO]. I do not know just what its effect will be.

Mr. HAUGEN. In what way do you propose to dispose of this lumber than by sale?

Mr. JOHNSON of Washington. I do not know. I believe the passage of this amendment will result in putting into the hands of the War Department a sufficient quantity of spruce, even if it is necessary to continue the sending in of regiments of forestry soldiers, as is now being done.

Mr. ROBBINS. If it were limited to aeroplanes, would that meet the objection?

Mr. JOHNSON of Washington. I do not know. I have tried every way I could to meet various objections. The main object is to cut the red tape that is delaying the aeroplane program.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HOWARD. Mr. Chairman, I just wanted to say a word in explanation of my making a point under the circumstances, as the gentleman from Washington has in part explained. This amendment, even if it was drawn by the legal department of the Department of Agriculture, was very loosely thrown together. I went up and took care to read it. Now, under this amendment, if they want this spruce for aeroplanes and nothing else, they can get it, but I do not propose under a loose-jointed amendment like this to see the great masses of the forests of this country absolutely depleted.

Mr. JOHNSON of Washington. This is the only Federal forest of spruce suitable for aeroplane stock in the United States.

Mr. HOWARD. It does not make any difference where it is. I would say the same thing if it were in Georgia, or in Alabama, or in any other State. I am talking about a business-like administration of the forestry affairs of this Nation by those people who pretend to speak for them.

Mr. JOHNSON of Washington. When the gentleman is dead and gone, probably the spruce will still be there.

Mr. HOWARD. I am like the gentleman from Michigan; I think two gentlemen can not talk at the same time. The gentleman is very enthusiastically supporting his amendment. But here is what could be done with respect to those contracts made out there on the Pacific coast by these big lumbermen for those tremendous spruce trees. They could go there and take one log out of each tree and use it, and absolutely devastate that forest, and use the balance of it for their commercial purposes under this amendment.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I can not yield.

Mr. JOHNSON of Washington. Will not the gentleman yield in the interest of fairness? The gentleman wants to be fair?

Mr. HOWARD. Of course I mean to be fair, and I think I am fair.

Mr. JOHNSON of Washington. How could they do as the gentleman suggested and follow the War Department's specifications about getting out the spruce?

Mr. HOWARD. It is not a question of how they would do it. It is a question of what they would do. They are getting here under a private contract, without advertisement and without competition, the right to go into a national forest and cut any number of trees they want, and use any amount of that timber; an infinitesimal amount of it, or a third of it, or a half of it, or any other part of it, and use it for commercial purposes. Then these gentlemen can come in and take advantage of their patriotic offer to cut timber for the construction of aeroplanes, and take 90 per cent of the timber which they get for commercial purposes and use it. It is not for the Government of the United States.

If you want this particular thing to be done, perfect an amendment that will protect these great forests of trees out on the Pacific coast, and not let those men go in there and take advantage of the situation to wring profits out of it.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. TILSON. Has not the Government the right to go in there now and use 10 per cent of that timber, and waste the remainder of it?

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. MONDELL. Mr. Chairman——

Mr. LEVER. Mr. Chairman, I must insist that we move along here a little bit. This matter has been passed over. We have had two amendments offered.

The CHAIRMAN. The Chair will state the situation. This part of the bill was passed over when it was reached in its regular order, and unanimous consent was granted to the gentleman from Washington [Mr. JOHNSON] to return to it to offer an amendment. The gentleman from Washington has called that amendment up. A point of order was made to it, and the point of order has been sustained against it, and the proper thing for the committee to do is to proceed to read the part of the bill where we stopped.

Mr. MONDELL. Mr. Chairman, was a point of order made, or was it simply withheld?

The CHAIRMAN. It was made by the gentleman from Georgia [Mr. HOWARD].

Mr. LEVER. It was made and sustained.

The CHAIRMAN. The Chair is sure that the members of the committee will all agree that the Chair did not try to cut off legitimate discussion.

Mr. MONDELL. I understood the gentleman from Georgia withheld the point of order.

Mr. LEVER. The gentleman from Georgia made the point of order, and the Chair correctly sustained the point of order.

Mr. MONDELL. Mr. Chairman, I believe I am recognized.

The CHAIRMAN. The Chair is of opinion that the amendment is not in order until we reach that part of the bill where we left off.

Mr. MONDELL. I understood the Chair recognized me.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman from Wyoming may have five minutes.

Mr. JOHNSON of Washington. Mr. Chairman, the gentleman from Wyoming will admit, I think, that——

Mr. MONDELL. The gentleman from Wyoming can get five minutes by moving to strike out the last word. Five minutes is not any longer now than it will be hereafter.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. Mr. Chairman, I would like to know if I can ask unanimous consent to withdraw these amendments and return again to this section of the bill for the purpose of offering a perfected amendment?

The CHAIRMAN. The Chair thinks the amendment was withdrawn by the making and sustaining of the point of order against it.

Mr. JOHNSON of Washington. Then I ask leave to offer the amendment again before the bill is disposed of—to offer an amendment relative to this use of spruce in national forests for war purposes.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to offer, before the bill is disposed of, an amendment relative to the supply of spruce in national forests for war purposes. Is there objection?

Mr. LEVER. Reserving the right to object, Mr. Chairman, I will state to the gentleman from Washington that I shall not object, but I do not want him to ask leave to go back until we have completed the bill.

Mr. JOHNSON of Washington. I will try to perfect the amendment in the meantime.

Mr. HAUGEN. If the gentleman prepares an amendment, let him submit it to the chairman of the committee; and if it is thought to be wise, without thrashing the matter out again, to accept the amendment, that can be done.

The CHAIRMAN. The gentleman from Washington asks unanimous consent that after the bill has been read through he will be permitted to return to this section and offer an amendment pertaining to the obtaining of stock from national forests, with all rights to make points of order against the amendment reserved. Is there objection?

Mr. BORLAND. Reserving the right to object, Mr. Chairman, the suggestion is made here that when the gentleman gets his amendment prepared, if the bill is not then completed, he can ask unanimous consent to recur to the proper place to offer his amendment. There is no necessity for asking unanimous consent now to offer an amendment that is not yet prepared. I think the gentleman can get unanimous consent to offer it when he has prepared it.

Mr. JOHNSON of Washington. There can not be any valid objection to getting unanimous consent now. I will prepare an amendment; I will have it rewritten.

Mr. BORLAND. I object.

The CHAIRMAN. The gentleman from Missouri objects.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, I do not believe there is a gentleman in the floor or a member of the committee who is not favorable to such action as may be necessary to expedite the taking and securing and manufacturing of material needed for aeroplanes. None of us, until this matter was presented to-day, was aware of the fact that there was any difficulty in the procurement of this material. This is the first we have heard of it. For my part, I should be delighted to support an amendment, properly guarded, that would serve the purpose of aiding and expediting the securing of this class of material.

But, Mr. Chairman, we have had some rather unhappy experiences so far in this war in the matter of contracts and agreements under wide authorizations. We have not been saying much about them. It is not proper that we should; but we do not want to have that kind of thing increase and multiply as it undoubtedly would under this provision. As the gentleman has drawn his amendment it is as wide as the heavens. It reaches from horizon to horizon, and it would practically authorize the Forest Service to sell any and all material from the forests without advertisement. The gentleman does not want that.

Mr. JOHNSON of Washington. For war purposes.

Mr. MONDELL. "War purposes" is an all-embracing term in time of war. There is very little material used that in one way or another, under some form of construction, could not be held to be intended, directly or indirectly, for war purposes—ships, cantonments, and all of the buildings which the Government might need here, there, or elsewhere, or material which any contractor under the Government might claim to use for war purposes.

Mr. CALDWELL. Does not the gentleman realize that the reason a man throws off his coat when he goes to fight is because he wants to be unfettered? Then why would the gentleman fetter the Government, that is fighting for its very existence?

Mr. MONDELL. That all sounds very well, but it does not get anywhere or mean anything. A cavalryman going into battle would not throw the bridle off of his horse, if he had any sense. Of course, there might be spectacular gentlemen who would want to do that in order to cut a flurry and a figure, but sensible men want to guide things, even in time of war. The gentleman can very easily, by a slight modification of this amendment, confine it to timber needed in whole or in part for the manufacture of aeroplanes, and if he will do that I do not think anyone will have any objection. I can understand how the Forestry Bureau would be very glad to have the opportunity to sell as they see fit.

Mr. JOHNSON of Washington. Do they not sell it as they see fit now? Do they not specify the price in every advertisement?

Mr. MONDELL. If there are no regulations in any way hampering them in their sales, what necessity is there for any further amendment?

Mr. JOHNSON of Washington. Except time. Now, here is a contract let for 5,000,000 feet of spruce a month. That means the slaughtering and cutting down of 50,000,000 feet a month, of which 45,000,000 feet will lie unused in the woods. Is that conservation in any form? That is why this amendment is offered.

Mr. MONDELL. We do not aid the war in any way.

Mr. JOHNSON of Washington. The gentleman may think he does not.

Mr. MONDELL. And we do open wide the door and the opportunity for scandal if we relieve the bureau, as we would under this amendment, of obligation to advertise sales.

Mr. JOHNSON of Washington. Would the gentleman rather this spruce would stay in the forests for the next 50 years, or would he rather have it put to some use?

Mr. MONDELL. Oh, no; and the gentleman knows that it is not necessary that it should. It is not necessary to set fire to all the woods in the Northwest because somebody wants to burn a strip somewhere to stop forest fires. It is not necessary to invite all sorts of scandals in the sale of material in order to allow aeroplane material to be sold without advertisement. It has not been generally necessary to do that even during the war in the other and wider activities of the Government.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For inquiries in regard to systems of road management throughout the United States and for giving expert advice on this subject, $40,040.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee with reference to this item and the following item. What is the difference between giving expert advice in regard to systems of road management and giving expert advice with regard to road building and road maintenance? Are there two different bureaus or officials? What is the difference?

Mr. LEVER. In a general way, the character of the work done under this item is in the laboratory. It is their research work and not their field work. The only field work they do here is in giving advice to States as to the best method of organizing for road purposes.

The next item which the gentleman refers to, investigating the best methods of road making, is really their field work.

Mr. TAGUE. Mr. Chairman, I am going to ask the indulgence of the House for just a moment to make a statement out of order and not on this bill now before the House. This morning our good friend from Michigan [Mr. FORDNEY], for whom every Member of this House has the greatest respect and admiration, made a statement in relation to the collector of internal revenue in the city of Boston. I was not present on the floor of the House at the time. If I had been I would have made a reply at that time, and would not take the time of the House now, but for the fact that I shall be called out of town to-morrow and therefore will be unable to be present to do so. I have talked with our good friend [Mr. FORDNEY] and have told him I wanted to make a statement. He has consented that I should do so. In the gentleman's statement this morning he read an advertisement in the Boston Herald, which advertised that the collector of internal revenue in the city of Boston was to give lectures on the income tax, and for these lectures they were to charge a fee of $4.

Naturally the gentleman from Michigan [Mr. FORDNEY] objected to that, as any Member of this House would feel like doing, and he gave vent to his feelings on the subject of any member of the Government doing so.

I want to say to this House—and I will ask any of the Members to verify what I have to say by calling up the collector of internal revenue, Mr. Roper, of whom Mr. FORDNEY spoke so highly, and I repeat what Mr. Roper has said to me—that the collector of internal revenue in Boston is one of the most efficient, trustworthy, painstaking officials in this Government. He has worked untiringly to build up his department to a high state of efficiency, and he has done everything in his power, not only himself but with his entire office force, to give to the public every bit of information and the best service possible. For that he has been commended by the officials here at Washington.

Now, as to this advertisement, Mr. Malley himself has given notice in the newspapers of our city that he and his assistants are willing to go to any chamber of commerce, any board of trade, any business organization and explain to the men of his district the income tax, and tell them what the law is and what it contains. He has been doing this and has been paying his expenses out of his own pocket. His men have been doing the same. The Bentley School of Accounting and Finance, taking advantage of the opportunity of having some one lecture upon this question, asked Mr. Malley if he would give a course of four lectures to the pupils of the Bentley School in the city of Boston, and he agreed to do so. He was surprised to learn that this organization had advertised these lectures, for which they were going to charge a fee. As soon as he found it out, and before the lectures were given, he sent for Mr. Bentley, compelled Mr. Bentley to withdraw the advertisement, and in the Boston Press the following Saturday compelled him to print a further advertisement, saying that Mr. Malley would not charge any fee and would not give the lectures if any fee was to be charged.

I want to say in fairness to Mr. Malley that he has won the respect of every business man in his district. I can not speak too highly of him as an official, and I know that his superiors will say, as I say, that he has given untiring of his own time to any business organization or any organization in the entire district, and also the time of any of his corps of assistants to go out and explain the income tax free gratis and at his own expense, outside of business hours. To show how he is doing this I will place in the record a news article from the Boston Globe, Friday, January 25, 1918, and another from the Boston Herald, of Wednesday, January 30, 1918, which printed the Bentley advertisement:

[From the Boston Globe, Jan. 25, 1918.]

MALLEY TO EXPOUND INCOME-TAX PUZZLE—ANNOUNCES FREE LECTURES AT CITY CLUB NEXT WEEK—COLLECTOR TO HELP PUBLIC MASTER FEDERAL REQUIREMENTS.

A course of six free public lectures on the Federal income tax will be given from 10 to 12 each morning next week by Collector John F. Malley at the Boston City Club. He will give the official information needed by individuals in meeting the Government's requirements.

Everybody is invited by the Boston City Club and by Collector Malley to come and get information directly from the internal-revenue collector. In addition to his personal services each morning Collector Malley will have present a corps of deputies to assist in the preparation of Federal returns. All you need to bring is a memorandum of your 1917 income and expenditures.

"The people are now awake to the requirements placed upon them by the new war revenue law," said Collector Malley in announcing the lecture course. "They are realizing that the filing of the returns is a purely personal duty explicitly imposed by Congress on individuals and corporations.

"The Boston City Club has generously tendered me the use of its big banquet hall. I have accepted this public-spirited offer and will personally deliver the talks and answer all questions between the hours of 10 and 12 each morning.

"This is the only course of lectures I have arranged to deliver personally. Any published announcements of private courses to be delivered by me or under my supervision or auspices are not authentic.

"There are severe penalties for failure to meet income-tax requirements. With the opportunities I am offering for information and assistance there will be slim excuse for the man or woman who after March 1 is found to be a delinquent."

[From the Boston Herald, Jan. 30, 1918.]

WILL LECTURE ON INCOME-TAX LAW—COLLECTOR MALLEY TO SPEAK AT CITY CLUB TO-DAY.

Collector of Internal Revenue John F. Malley will talk on the income-tax law requirements relating to executors, administrators, trustees, and other fiduciaries at to-day's free public lecture at the City Club at 10 o'clock. The hour between 11 and 12 o'clock will be given up to quizzes by those who desire further information relative to a particular requirement, and the collector, who has become a regular encyclopedia on income-tax law, will answer all queries.

The series of free public lectures is given by the collector in order that everyone may realize what responsibilities the Government will exact from those who come within the income-tax law. Everyone who earned a good salary or was successful in his business or profession will be compelled to make a return to the Government and pay a tax.

Collector Malley told his hearers yesterday that he and his deputies will inform the people of Massachusetts regarding the law, but that it is the duty of the individual to attend to it. If he waits until the last week he may have to take his own chances.

Yesterday Collector Malley had a big class of lawyers, trustees, bookkeepers, and others who will be called upon to make up the income-tax returns, and they volleyed him with questions. He told them that the Government would play entirely fair but would expect fair play in exchange, and any attempt to "hold out" would be discovered and the punishment fitted to the case.

Chief points about the income-tax law are that every person who earned $1,000 last year and had no wife or husband to support will have to file a statement. Any person with a wife or any woman with a husband who earned $2,000 or more will have to file a return, and any person who does not live with wife or husband is classed as single and comes within the $1,000 class.

There are several perplexing angles to the law, but the collector is holding a free lecture course to explain away the perplexities.

I feel, in fairness to Mr. Malley, that I should make this statement, as I know my good friend from Michigan is ready to accept what I say to him, because I have gone to the pains of calling Mr. Malley up by long-distance telephone, and I am stating the facts as he stated them to me.

I know that Mr. Malley has been giving these lectures. I heard him before an organization in my district where he lectured on the subject. He is going to-night to Springfield to speak before the chamber of commerce of that city on the question. I want the House and the country to know that this man is a patriotic citizen of this country and is doing his duty faithfully by his country. [Applause.]

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent for one minute.

The CHAIRMAN. The gentlemen from Michigan asks unanimous consent to address the committee for one minute. Is there objection?

There was no objection.

Mr. FORDNEY. Gentlemen of the House, I made the statement this morning from a public ad which had been sent to me by a friend from Boston. After the gentleman from Massachusetts [Mr. TAGUE] communicated by telephone with Mr. Malley he made the statement to me that he has made here in the House. I do not want to do Mr. Malley an injustice. If it is true that he declined to lecture before that school, where an admission fee was charged, I do not want to do him the injustice that my statement would do him, and therefore I ask unanimous consent that I be permitted not to print in the RECORD my remarks of this morning. [Applause.]

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withhold from the RECORD his remarks of this morning. Is there objection?

There was no objection.

The Clerk read as follows:

For investigations of the chemical and physical character of road materials, $51,220.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the Committee on Agriculture a question rather than to impart any special knowledge about this section of the bill. In Pennsylvania we have a well-organized highway department headed by a commissioner. The entire State is districted; over each district there is a local superintendent. The information has

reached us in my State that the Government is frowning upon all manner of new work, and especially on public roads, and of the character of works such as new structures is not to be carried forward during the coming season, and that the building and construction of highways further than the maintenance of those now built and required to keep up intercourse between the people. If that is true, why make these enormous appropriations? I know it is also asserted that the commissioner of banking is frowning upon any loans that are made to contractors that are undertaking new buildings the purpose being to discourage any new enterprises so that the entire energy of our people and capital of the country may be devoted to the prosecution of the war and its successful conclusion.

I understand that highways are among the first public improvements to be cut off, frowned down, and construction thereof prevented as far as possible during the coming season. If that is true, what is the necessity for these large appropriations to the highway department? I do not mean by this to say that I believe it is right, for I think that highway building should go on as much as possible. I know that in Pennsylvania, where we have embarked on a great scheme of highway improvement throughout the Commonwealth, a part of the roads are under the State supervision, laid out by State engineers, and the whole work under the protection of the State, and are to be built and maintained as State roads, and we are anxious to go on with the work, but if the General Government is going to take the position that enterprises of this kind will not be carried forward, I should like to know it, and why it is necessary, if that is so, to appropriate these large sums of money. I do not approve of it, but I would like the information. The very last work that should be curtailed and stopped is the building and improving of our public roads. Let us, by all means, continue most vigorously the improvement of our public highways.

Mr. LEVER. Mr. Chairman, as far as I know there is none, and no testimony before the committee shows that there is any purpose on the part of anybody to discourage road building in the United States. If there is such a purpose, I wish to put myself in hearty agreement with the suggestions of the gentleman from Pennsylvania, who has just taken his seat. If we are going to distribute our farm products economically and quickly during the war or after it, we must have a better system of rural roads. But even if the statement were true, the item which is immediately under consideration is an item for testing road material that may be sent into the laboratory in Washington, and the item immediately following is for the purpose of testing road materials in the field. Of course, the small sums of money that are carried in this bill for road purposes could not build many roads, and they are not for that purpose.

Mr. LONGWORTH. Mr. Chairman, I rise to oppose the amendment, and I want to ask the gentleman from Pennsylvania what the ruling is as to discouraging loans by the Federal Reserve System for the purpose of erecting new buildings?

Mr. ROBBINS. I can only say, like information that reaches most Members of Congress, I have not read the ruling, but I heard that such a ruling had been made.

Mr. LONGWORTH. I have heard so vaguely, but I have not been able to find it.

Mr. ROBBINS. I have not been able to find it in print, but I understood from a banker in Greensboro, my native place, that that was a fact.

Mr. BORLAND. I think, if the gentleman will yield to me, that I can throw some light on it. I think the whole impression has arisen from the fact that a short time ago when the coal shortage began to be felt there was an order made by the War Industry Board or priority committee that open cars should not be used for sand, brick, cement, and other material until the coal shortage was at an end. But there was no discouragement of the general contract business; it was a priority order that cars adapted for coal should be used for coal and nothing diverted for sand, cement, and brick.

Mr. ROBBINS. That is not the ruling to which I refer.

Mr. LONGWORTH. That is not the ruling the gentleman from Pennsylvania has in mind.

Mr. BORLAND. What other ruling is there that the gentleman can point out?

Mr. ROBBINS. The ruling that I refer to is the ruling that discourages banks from making loans to contractors who contemplate using the money to embark upon new constructions that are not regarded as necessary.

Mr. BORLAND. If there is any such ruling, I hope the gentleman will put it in the RECORD.

Mr. LONGWORTH. There has been a rumor of such a ruling.

Mr. SHALLENBERGER. It has also been in the public press.

Mr. LONGWORTH. But it has been in a very vague form. The purpose of my inquiry is to ascertain whether there has been a ruling which prevents Federal reserve banks from loaning money to contractors, and I would be very glad if any gentleman here could give me some information on the subject.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For investigating and reporting upon the utilization of water in farm irrigation, including the best methods to apply in practice; the different kinds of power and appliances, and the development of equipment for farm irrigation; the flow of water in ditches, pipes, and other conduits; the duty, apportionment, and measurement of irrigation water; the customs, regulations, and laws affecting irrigation; for the purchase and installation of equipment for experimental purposes; for the giving of expert advice and assistance; for the preparation and illustration of reports and bulletins on irrigation; for the employment of assistants and labor in the city of Washington and elsewhere; for rent outside of the District of Columbia; and for supplies and all necessary expenses, $82,440.

Mr. ROSE. Mr. Chairman, I move to strike out the last word. The discussion of the question of appropriations for the building of roads by the gentleman from Pennsylvania [Mr. ROBBINS] brings to my mind a meeting with the committee on roads representing the Chamber of Commerce of Johnstown. We have a live chamber of commerce in our city, and its members are very enthusiastic in the construction of good roads. Many of you know that there is located in that city one of the largest industrial plants of the country, and that it is now largely engaged in the manufacture of munitions for the Government. Owing to the present congestion in railroad traffic, the management of the plant is at times seriously handicapped in procuring the necessary materials for the conduct of the works. At the meeting referred to the question was asked whether or not the Government would assist in the construction of a road leading from Johnstown to Jenners in Somerset County, a distance of about 18 miles, so as to connect with the Lincoln Highway. The statement was made by the superintendent of the Midvale Steel Co. that if such a road was constructed the steel company would operate a line of trucks between Pittsburgh and Johnstown so as to facilitate the movement of materials required for the making of munitions and other things. I have undertaken to ascertain upon what basis the Government would render assistance, and find that the Post Office Department, the War Department, and the Agricultural Department are permitted to build roads under certain conditions. The Post Office Department may use money to establish postal express or motor routes; the War Department can appropriate money to improve roads adjacent or leading to military reservations, so that it is necessary for us to look to the Agricultural Department for present aid. Our people should have the road mentioned and they are willing to do their share in its construction.

Mr. CANDLER of Mississippi. Mr. Chairman, of course the method pursued in matters of that kind is that you have to start with your highway commissioner in your State. If the highway commissioner in the State will adopt a certain road and approve it and send that recommendation in to the Secretary of Agriculture and he approves, then the State, county, or municipality, or whatever it may be, furnishes 50 per cent of the money and the Government furnishes 50 per cent of the money under the general road act.

Mr. ROSE. Will the gentleman say that the consent of the highway commissioner of the State of Pennsylvania will bring about the construction of that road?

Mr. CANDLER of Mississippi. It will contribute to it. It has to be first approved by the State Highway Commission.

Mr. ROSE. Well, my information is that the matter is now in his hands.

Mr. CANDLER of Mississippi. When he approves it he sends the recommendation to the Secretary of Agriculture, and if the Secretary of Agriculture approves it the Government contributes 50 per cent and the State 50 per cent.

Mr. SNYDER. Does the gentleman from Mississippi know of any particular instance where the whole modus operandi has been carried out and a single road built since we passed the Federal road act?

Mr. CANDLER of Mississippi. I know some in course of construction in my own district.

Mr. SNYDER. I have not heard of any before, and I am glad that it is in the gentleman's own district.

Mr. ROSE. We have the largest city in the nineteenth congressional district of Pennsylvania, and Cambria County, where it is located, has the poorest roads in the State. I understand that the proposition mentioned by the gentleman from Mississippi has already been complied with; that it has been presented to the highway commissioner of the State. If the application be approved, then, am I to understand that the Agricultural Department will fall in line and make its proper contribution?

Mr. CANDLER of Mississippi. As I stated a moment ago, if the State highway commissioner adopts it as one of the projects in that State and sends it up to the Agricultural Department and the Secretary agrees to it, approves it, then the Government contributes 50 per cent of the cost.

Mr. ROSE. Now, I think I can see some daylight for us.

Mr. FARR. What are the county officials doing with the roads in Cambria County?

Mr. ROSE. For answer to the gentleman from Pennsylvania [Mr. FARR], let me say that the officials of Cambria County will gladly do their part, and the townships affected will do their part, and I believe that the highway commissioner will approve the plan.

Mr. CANDLER of Mississippi. That is not sufficient. You have to get the approval of the State highway commissioner in Pennsylvania.

Mr. KREIDER. Mr. Chairman, I move to strike out the last word.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KREIDER. Mr. Chairman, I rise to ask a question of the gentleman from Mississippi. I would like to know the cost of that road being built, where the Government pays 50 per cent.

Mr. CANDLER of Mississippi. I am not advised as to the full cost of it. I do not know what it is to cost a mile. It was adopted as a project.

Mr. KREIDER. If the contract is let, there must be a fixed price.

Mr. CANDLER of Mississippi. I am not advised as to the details in reference to contracts or in reference to what work is being done. All I know is this: The State Highway Commission of Mississippi adopted this, which is project No. 1 in the State, and it goes across from Tupelo, Miss., across part of Lee County, across Itawamba County into Alabama. The State highway commission adopted it and then put it up to the Secretary of Agriculture and he approved it.

Mr. KREIDER. What I am interested in is to know the cost of that road.

Mr. CANDLER of Mississippi. That I could not state, because I am not advised.

Mr. KREIDER. I want to answer the gentleman from Pennsylvania and possibly those who do not understand how this law operates. The Federal Government will contribute toward the building of a road in Pennsylvania or any other State. The Federal Government divides the appropriation made by Congress to the several States. However, first, I might say each State is entitled to that allotment. Pennsylvania has its share. That money can be used for the building of what is known as a Federal-aided road. First, the route and method of construction have to be approved by the State highway department, then by the Federal authorities. If the cost of the road does not exceed $20,000 a mile the Federal Government will pay 50 per cent, the State pays 25 per cent, and the county 25 per cent. If that road, however, costs over $20,000 a mile the Federal Government will not pay to exceed $10,000 a mile for their share.

If the road costs $35,000 a mile, as it is estimated the road will cost which is under consideration through Lebanon County, Pa., then the Federal Government will not pay over $10,000 a mile, and the $25,000, which is the excess estimated cost, will have to be divided between the State of Pennsylvania and the county of Lebanon. There are 20 miles under consideration now, at an estimated cost of $35,000 per mile, or a total of $700,000. Of this the Federal Government would pay $200,000, the State of Pennsylvania $250,000, and Lebanon County $250,000. Now, my objection to this whole proposition is this, that I understand that the Government will not approve of any road that will cost what I consider a reasonable amount. That road through Lebanon County, 20 miles, is the old Reading and Dauphin Turnpike. It should not cost over $10,000 to $15,000 per mile to construct a substantial road on that macadam roadbed; but the Government will not, it seems, approve of a road constructed at a cost of less than $35,000 per mile, which places a burden of $250,000 on little Lebanon County for 20 miles of road. In effect, the proposition to Lebanon County is, "You must pay $250,000 toward the building of this road and take the $35,000 per mile road or nothing."

Mr. BYRNES of South Carolina. If the gentleman will permit, what material is it that costs $35,000 a mile?

Mr. KREIDER. I asked the State highway commissioner, and he told me it would be constructed of limestone and cement.

Mr. BYRNES of South Carolina. Does the gentleman consider that a reasonable cost?

Mr. KREIDER. I say unreasonable at $35,000 a mile.

Mr. BYRNES of South Carolina. I think so.

Mr. KREIDER. My objection is that we must either take that or nothing.

Mr. ROSE. Of course, since the building of highways several years ago material has advanced in price, but a great many counties in Pennsylvania, it seems to me, have so much better roads than we have in our county. We have none worth speaking of.

Mr. BELL. The gentleman's county has not been on the job.

Mr. ROSE. On the job all the time.

The Clerk read as follows:

BUREAU OF MARKETS.

Salaries, Bureau of Markets: One chief of bureau, $4,500; 1 chief clerk, $2,000; 1 administrative assistant, $2,500; 1 clerk in charge of supplies and accounts, $2,250; 1 administrative assistant, $1,980; 7 clerks, class 4; 10 clerks, class 3; 1 clerk, $1,440; 26 clerks, class 2; 1 clerk, $1,380; 1 clerk, $1,320; 1 clerk, $1,300; 91 clerks, class 1; 1 clerk, $1,140; 3 clerks, at $1,100 each; 75 clerks, at $1,000 each; 5 clerks, at $1,080 each; 7 clerks, at $1,020 each; 1 clerk, $960; 24 clerks, at $900 each; 3 clerks, at $840 each; 2 clerks, at $720 each; 1 mechanical assistant, $1,380; 1 laboratory helper, $900; 1 laboratory aid, $900; 3 laboratory aids, at $900 each; 1 laboratory aid, $840; 7 laboratory aids, at $720 each; 1 photographer, $1,400; 1 photographer, $1,200; 1 supervising telegrapher, $1,620; 1 telegraph operator, $1,400; 6 telegraph operators, at $1,200 each; 7 telegraph operators, at $1,080 each; 1 telegraph operator, $1,020; 1 telephone operator, $600; 2 draftsmen, at $1,200 each; 1 draftsman, $900; 1 map tracer, $900; 1 map tracer, $720; 1 map tracer, $600; 1 map tracer, $480; 2 skilled laborers, at $960 each; 1 laborer, $840; 2 laborers, at $720 each; 4 laborers, at $660 each; 7 messenger boys or laborers, at $600 each; 7 messenger boys or laborers, at $540 each; 20 messenger boys or laborers, at $480 each; 14 messenger boys, at $420 each; 2 messenger boys, at $360 each; 1 messenger boy, $300; 1 charwoman, $540; 5 charwomen, at $480 each; 2 charwomen, at $300 each; 3 charwomen, at $240 each; in all, $387,850.

Mr. LEVER. Mr. Chairman, I offer the following committee amendment.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves the point of order.

Mr. STAFFORD. Mr. Chairman, in no paragraph of the bill is there such an inordinate increase of appropriation as in this salary list of the Bureau of Markets. We rarely find, not even in bureaus connected with the Agricultural Department, an appropriation doubled over last year's appropriation bill. Although the Congress authorized for clerical force an appropriation last year of $197,820, we find at one fell swoop this year it is being doubled, and more, to the extent of $387,850. Now, that is "going some," to use a slang expression, even for a bureau of the Agricultural Department, and particularly it is going some in these times when directions have been given to economize, so as to utilize appropriations for war purposes. Certainly some explanation should be given as to this inordinate increase in clerical-force activities of this bureau. I understand from members of the committee that there is a very energetic head of this bureau—in the phrase of the speech, a "live wire"—who is looking around for every activity in which to employ the clerical force in the department and out in the field. Why, in some of these items we find the clerical force being more than doubled. Will the chairman of the committee give some reason why this force should be doubled in the course of one year in appropriation—I will not say doubled in the extent of the personnel, but certainly doubled in the amount appropriated for this service—and, also, why you are paying the clerk in charge of supplies and accounts, a new item, $2,250, which is more than the chief clerk of the bureau receives? Rarely do we find any subordinate clerk receiving more than the chief clerk. Perhaps he was heretofore employed at this high salary under the lump-sum appropriation which allowed the head of the bureau to give him any salary that he saw fit. He is now being transferred to the statutory roll. If that is the case, the committee is rather helpless, after the abuse of the lump-sum appropriation, to correct it by reducing the salary; but there should be some harmony in salaries where you pay a clerk in charge more salary than you do a chief clerk.

Mr. LEVER. Mr. Chairman, that is the longest question I have been asked to answer in a good long time.

Mr. STAFFORD. I have been rather easy on you in the consideration of this bill.

Mr. LEVER. The general explanation of this situation is this: The Bureau of Markets is a comparatively new organization in the Department of Agriculture. It is an organization that has made rapid strides. I confess that.

Mr. GARNER. But is doing work in proportion to the funds appropriated for it.

Mr. LEVER. But, as suggested by my friend from Texas [Mr. GARNER], I believe that this bureau is doing work in proportion to the funds appropriated for it. Last year we in-

creased the amount for the Bureau of Markets very considerably, probably doubling the appropriation, although I am not sure of the exact figures. And a great many clerks were employed under the lump-fund appropriation, and these clerks are now being transferred to the statutory roll in accordance with the law.

In reference to this clerk to which the gentleman from Wisconsin calls particular attention, my information is that he was carried on the lump-fund roll last year and is transferred to the statutory roll under the law at precisely the same salary which he received under the lump fund. And that is true in all these cases here.

Mr. STAFFORD. What additional activities have been undertaken by this bureau that have occasioned this tremendous increase in clerical force?

Mr. LEVER. I could very easily explain those as we come to them in the bill, item by item.

Mr. STAFFORD. I do not wish to take the time of the committee, inasmuch as the gentleman wishes to finish to-night. Here we have an appropriation for clerical force in this bill which is double the amount of last year, and some of the items for the clerical force have more than trebled.

Mr. LEVER. For instance, I will say to the gentleman from Washington that in the marketing and distributing work of the bureau there has been an actual increase of $12,580. In market reports on fruits and vegetables there is an actual increase of $50,000. In market reports on live stock and meats there has been an actual increase of $10,000. In food-supply investigations there is no change. In the item for food-products inspection there is no change. In cotton standardization there is an apparent decrease in the item, but actually no change. In rural cooperation and organization there is no change. In State cooperation and marketing work there is an actual increase of $22,000. In the grain standardization work there is actually no change. In the enforcement of the standard-container act, which is an activity that was given to the Department of Agriculture, there is a salary increase of $1,000. In general administrative expenses there is an increase of $6,000. In the enforcement of the cotton futures there is an actual increase of $25,000. In the enforcement of the grain-standard act there is no change. In the general administrative work there is no change.

So that, even this year we are recommending for this bureau a larger increase than we have recommended for any other bureau of the Department of Agriculture. In fact, it is about the only one where we did make any substantial increases. Last year we did the same thing, for the reason, as the gentleman knows, that some years ago there was a tremendous propaganda here around the Capitol to organize a bureau of markets, as they called it, with enormous appropriations, I think running as high as $50,000,000, to build terminals and warehouses, and everything on top of the earth.

This bill has been built up out of that propaganda, as it were, but we have tried to build it up along sane and conservative lines. And I may say this to the gentleman, and I would like the members of my own committee to bear witness to the fact, that while the committee has in many cases allowed increases, we have cut their estimates in practically every one of these items here; and the committee has repeatedly warned the Bureau of Markets that the great danger ahead of it was that it would run so fast it would get tangled with its own legs and come down with a crash. The committee has been trying to hold its hands both on the bureau itself and on the demand on the outside for increased appropriations for this service.

Mr. GARNER. I would like to ask the gentleman if he knows of a bureau in the entire Agricultural Department that is doing any more good than the Bureau of Markets?

Mr. LEVER. I believe it is not only doing a good work now, but I believe it is destined to be the great bureau in the Agricultural Department.

Mr. GARNER. That is exactly what I think about it—that it is destined to be the most important bureau of the Agricultural Department.

Mr. ROBBINS. You have mentioned here the increased benefits in giving market reports to the growers of fruits and vegetables. Who gets the benefit of that knowledge?

Mr. LEVER. Any association of fruit growers or vegetable growers at their own expense, or any individual may get it at his own expense.

Mr. ROBBINS. And it is sent broadcast over the country to those who apply and who are engaged in that line of enterprise?

Mr. LEVER. That is true. And I may say to the gentleman from Pennsylvania that I believe no line of activity in the Department of Agriculture is bringing back more in money than the information that is being given by the bureau to truckers throughout the country. My colleague here, who is always interested in this particular subject, knows something about the organizations that have received the benefit of the service in his own district. So while the increases are comparatively large compared with the increases in the other bureaus of the Department of Agriculture, it must be borne in mind that this is a new service and has not settled down to a fixed appropriation.

Mr. ROBBINS. You hope now that you have gotten to a place where we can call a halt?

Mr. LEVER. I think we have reached a point now, I will say to the gentleman candidly, where we can begin to have some more definite idea of the value of the work that is being done by that bureau. Heretofore the work has been more or less experimental in its nature, because it has been an entirely new service, and a new field of operation in economics in this country.

Mr. BYRNES of South Carolina. Mr. Chairman, in reference to this item I wish to say this, that I most heartily concur in the statement made by the chairman of the committee and by the gentleman from Texas [Mr. GARNER], to the effect that no more practical work is being done by the Department of Agriculture than that which is being done by this particular bureau.

Some reference is made to the telegraphic and mail service furnished to the growers of fruits and vegetables. In two or three counties in the district that I have the honor to represent, the farmers are engaged in the growing of truck—asparagus, cantaloupes, cucumbers, beans, lettuce, potatoes, and all other kinds of vegetables and fruits.

Any grower can make an arrangement with the Office of Markets to have sent to him every morning a telegram which will give him full information as to the market price of asparagus, cucumbers, cantaloupes, etc., in every important market of the East, and in addition to that, the number of cars loaded with those products en route to the markets of the East—the number of cars being ascertained at the Potomac yards and other junction points. Any fruit growers' organization or truck growers' organization, by making that arrangement with the department, can for 25 or 50 cents receive a detailed statement every morning as to the market conditions in the East. That information also is furnished to consumers. The Office of Markets endeavors to have it published in the newspapers.

And now they have installed a new service. The representatives of the Office of Markets in Philadelphia, New York, Boston, and Chicago, and other points will serve the fruit grower or the vegetable grower and the commission house in the way I shall undertake in a moment to describe. Heretofore the common experience has been, if a grower consigns a car of cantaloupes to Boston, for example, he might receive next morning, or two days thereafter, a wire to the effect that the cantaloupes had arrived in bad condition. He would be absolutely at the mercy of the commission merchant who sends him that telegram. He had no way of ascertaining the truth of the condition as to the cantaloupes.

Now, the Office of Markets, when called upon by the grower, will inspect that car, and wire him whether or not the cantaloupes are in bad condition; and the very presence of that inspector of the Office of Markets on the ground is going to assure the fruit grower and the vegetable grower of the United States that no longer will he be defrauded by some dishonest commission merchant, who, by his dishonesty, has created a great distrust of the commission merchants among farmers. For that inspection a charge is made by the Office of Markets, but the charge is infinitesimal in comparison with the advantage and the security that the fruit or vegetable shipper has in having on hand a man who, as his representative for all purposes, can ascertain the truth of the statement made by the commission merchant.

The result is that this feature is going to encourage men to produce more truck in this country, and to produce more vegetables in this country, and more fruit. There is no service being rendered in the whole Department of Agriculture that is so practical as this service, which has been referred to by the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. KREIDER. Mr Chairman, will the gentleman yield?

Mr. BYRNES of South Carolina. Yes.

Mr. KREIDER. Does the Markets Bureau undertake to dispose of produce for the benefit of the shipper, or for the shipper?

Mr. BYRNES of South Carolina. No. I am satisfied they do not. This service is to advise the shipper of the price of

vegetables or the price of fruit on particular days. Heretofore from Florida to Virginia the growers were in the dark. They shipped at times, car after car, of canteloupes or cucumbers into the city of New York when the market was flooded, and at the same time the market in Philadelphia might have been without any canteloupes or cucumbers on that day. There was no intelligent diffusion of information. But once you give the farmers a true statement of the facts, you may rely upon a better distribution of truck and vegetables, so that there will be no dumping in one city, as, for instance, in New York, while in Boston or Cleveland or Buffalo there is a great demand for the article.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FAIRFIELD. I would like to ask the gentleman whether the Department of Agriculture in the matter of onion seed has made any investment? I received a letter the other day from a man who grows onions, and he says that he understood that the whole crop of onion seed from a certain island had been taken over by the Department of Agriculture. I refer to Bermuda onions.

Mr. LEVER. I have no definite information about that, but my recollection is that seeds such as onion seeds would be distributed through the regular distribution.

Mr. FAIRFIELD. I refer to the market for the buying of onion seed at this department. Suppose a man writes in and wants to know where he can buy onion seed. Does this department take care of that?

Mr. LEVER. A person can get that information from the Department of Agriculture easily enough. The department will put him in touch with such firms or individuals from which he can obtain the seed.

Mr. FAIRFIELD. And for the sale in the fall, of onions, potatoes, and so on, do they keep abreast of the situation, so that when a man writes in at any time he can get the information he desires as to that?

Mr. LEVER. Yes. The first service which the department did was in respect to onions in the State of Texas; and I think they have worked out a very good plan of getting to the people the information they desire.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the reservation of the point of order. The Clerk will report the amendment proposed by the gentleman from South Carolina [Mr. LEVER].

The Clerk read as follows:

Amendment offered by Mr. LEVER: Page 75, line 23, after the word "two," in the word "laborers," insert a hyphen (-).

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For acquiring and diffusing among the people of the United States useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products and the purchasing of farm supplies, independently and in cooperation with other branches of the department, State agencies, purchasing and consuming organizations, and persons engaged in the transportation, marketing, and distributing of farm and food products, $292,240;

Mr. DALLINGER. Mr. Chairman, I move to strike out the last word. I had intended to offer an amendment at this point, but I am satisfied that it is subject to a point of order. I do, however, wish to call the attention of the Committee on Agriculture and also the attention of the House to what appears to be an unfair discrimination against the agriculturalists residing near the large centers of population. The county which I have the honor to represent in part—Middlesex County, Mass.—while it is rather densely peopled and contains many large manufacturing establishments, at the same time is one of the leading counties in the United States in the value of its agricultural products. These agricultural products are principally the result of intensive cultivation of the soil by market gardeners, a class of skilled agriculturalists.

On December 13 of last year I received a letter from one of my constituents, who is the president of the Boston Market Gardeners' Association, inclosing some resolutions adopted by that association. These resolutions are as follows:

Whereas the Boston Market Gardeners' Association, in common with similar associations in other cities, is contributing to the support of the Market News as edited and issued by the Bureau of Markets of the United States Department of Agriculture; and

Whereas all similar service is maintained for other industries without charge: Therefore be it

Resolved, That this association protest the payment of such money by private associations, especially where such Market News is given to the public indiscriminately, and petition the Department of Agriculture to assume the entire cost of this service henceforth.

J. WINTHROP STONE,
President Boston Market Gardeners' Association.

Mr. Chairman, I took this matter up personally with the Secretary of Agriculture, who is a personal friend of mine, and he promised me that he would look into the matter very carefully. On December 27 I received from him a letter, which reads as follows:

DECEMBER 27, 1917.

Hon. FREDERICK W. DALLINGER.

DEAR MR. DALLINGER: You called at the office a short time ago and left with me a letter to you from Mr. J. W. Stone, president of the Boston Market Gardeners' Association. Mr. Stone incloses a copy of the resolutions adopted by the association petitioning the Department of Agriculture to assume the entire cost of the Market News service conducted at Boston.

The local market reporting service, such as that carried on in Boston, has been conducted during the past season in eight of the large cities of the country. In each case approximately one-half the expense involved has been assumed by the local truck growers' association, some other local organization, or by the city itself. When the strictly local nature of the work is considered, the justification for dividing the expense in this way is clearly apparent. The market gardeners around these cities have been receiving a very specialized service, which has consisted of tabulating accurately the quantities of various commodities brought in by each wagon sufficiently early to enable our representative to post the totals of the main commodities on bulletin boards in time to guide the truck growers in their selling operations. Later the agent gathers accurate price information and then prepares a popularly written article covering the morning's business on the market for the information of the housewife. So far each agent has acted independently in this work, and there has been no attempt to exchange information by wire, except in the case of Boston and Providence, where our representatives have kept in touch with each other daily by telephone.

You will see, therefore, that the benefits of this work are largely restricted to the communities in which the service operates. Although other market gardeners' associations have expended greater sums for the work than the Boston Market Gardeners' Association, they have not asked that the Department of Agriculture assume the entire financial burden. In fact, they seem to be very anxious to receive the service under the financial conditions outlined. It is of interest, also, in this connection, that while the Boston Market Gardeners' Association obligated itself to pay from $75 to $100 per month, commencing last August, it has not been called upon to do so until recently, because of the fact that the local committee on public safety assured practically all the financial burden which belonged to the association. To date the Bureau of Markets has expended approximately $1,100 in the work and the committee on public safety about $800.

It is clear, therefore, no discrimination whatever has been or is being practiced against the Boston Gardeners' Association. In view of the strictly local nature of the service, I do not think it would be proper for the Department of Agriculture to assume the entire expense of the work. It may be that the city authorities or some other appropriate local organization would be willing to continue to pay a portion of the expenses. It is immaterial, of course, to the department whether they are paid by the association or by the city authorities or by other proper organizations

I imagine that Mr. Stone has in mind the general market news service which the Bureau of Markets has been conducting for the past two or three years. This service is for the benefit of entire regions, or for the country as a whole. While the department bears all expenses connected with the collection of the information, those who desire to receive the data by telegraph are required to pay the toll charges. As indicated, the work at Boston and other cities is strictly local in character and is not in the same category as the national or regional service.

Mr. Stone's letter and its inclosures are returned herewith.

Very truly, yours,

D. F. HOUSTON.

You will notice that in this letter the Secretary makes the point that this service is local. Now, Mr. Chairman, it has been the policy—and the Secretary is carrying out this policy—to conduct the Department of Agriculture according to area and not according to population. For instance, the State of Nevada, according to the estimates of 1915, has about 100,000 people, but it has a vast area. All the publications issued by this Bureau of Markets in the State of Nevada are published without any expense to the people of Nevada and sent to anybody who pays the usual fee; but the Boston Market Gardeners' Association, which is operating in a district having a population of between one and one-half and two million people, and the other market gardeners' associations in the large centers of population have to pay one-half of the expense of getting out this publication. It seems to me that this is a wrong policy. Here are these big centers of population that are bearing the great burden of Federal taxation, and yet in order for the Government to publish this information, which is public information of great importance to the food commission and to the people generally, particularly in this time of emergency, they are asked to bear one-half of the expense. It is a small matter, but it is an unfair discrimination, and ought not to continue. [Applause.]

Mr. LEVER. I ask unanimous consent that the debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr Chairman, the discussion of this item for acquiring and diffusing useful information on subjects connected with the marketing and distributing of farm and nonmanufactured food products calls to my mind a very interesting suggestion made by the Wyoming wool growers in annual convention at Douglas, in my State, a few days ago. The wool growers suggest that as the wool clip is gathered it be assembled at central points in the country, the National Wool Growers' Association acting as the agent of the Government in that behalf, and that thereafter, to quote the words of the resolution of the association—

After wools have been concentrated and worked into commercial grades the Government representative take over, for account of the Government, such grades and amounts as are suitable for military requirements, the remaining wool to be sold either by public auction or by allotments to manufacturers for their actual milling requirements, in proportion to the available supply, and in charge of the aforesaid authorized committee.

Whether or not a procedure of this sort is practical there will be a difference of opinion, but it certainly is entitled to very careful consideration. The methods and procedure for the sale of wool in this country have never been satisfactory. They have left altogether too great a gap between the price the producer received and that which the cloth manufacturer paid for the finished wool. In Great Britain they have a system of auction sales which works very well, I am told, and the meat of the suggestion which I have just read, contained in the resolution, is in line and in harmony with the practice in Great Britain.

I am quite certain that if a plan of this sort had been followed last year, when it was presented in my presence by representatives of the National Wool Growers' Association to the Council of National Defense, it would have resulted in a very great saving to the Government—a saving of possibly 20 or 30 per cent of the price finally paid for wool by the Government. It would have given the grower as good a price as he did receive, and it would have furnished the Government with all the wool needed in the uniforms of our soldiers, so that it would not have been necessary, as it was claimed to be, to introduce shoddy in these garments. It would have equalized the distribution of the wool for use in the country generally. I think the suggestion then made was a most excellent one. It should, I think, have been adopted. But it was not. The Wool Growers' Association again suggest it to the Government, and I think it would be very well indeed if it was given careful consideration.

The wool could be gathered without difficulty at central points, the Government could take the wool it needed at a fair price easily ascertained and determined, and the balance sold, as it is in Great Britain, at auction. That would give the grower a fair price, it would protect the Government and lead to a general and equitable distribution of the wool products of the country.

The CHAIRMAN. All time has expired, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

To make investigation relating to the production, transportation, storage, preparation, marketing, manufacture and distribution of agricultural food products, including the extent, manner, and methods of any manipulation of the markets or control of the visible supply of such food products, or any of them, by any individuals, groups, associations, combinations, or corporations, $48,800.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Committee amendment: Page 77, line 20, after the word "manufacture," insert a comma.

The amendment was agreed to.

The Clerk read as follows:

To enable the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, and other food products when received at such important central markets as the Secretary of Agriculture may from time to time designate, subject to the payment of such fees as will cover the cost of service rendered and to such rules and regulations as he may prescribe, $113,000: *Provided*, That the certificates issued by the authorized agents of the department shall be received in the courts of the United States as prima facie evidence of the quality and condition of the products so certified.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the entire paragraph.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I took some exceptions to a portion of this paragraph when it was before the committee—the employment of inspectors by the Bureau of Markets to investigate and certify to shippers and other interested parties the quality and condition of various kinds of farm products when received at the market to which they are sent. I did so because, it seemed to me, that in this form it does not properly describe or prescribe the duty and authority of the bureau or rights of private parties. If it is a proper function of the Bureau of Markets or any branch or department of the Federal Government to enter into the business of determining between the shipper and the consignee the question of whether or not the contract between them has been complied with, to furnish evidence as the basis of a claim for a reduction of the price, or for damages, as the case may be, then the duty and authority to be performed and exercised should be given careful thought and a full and complete measure adopted in which this duty and authority shall be clearly defined and the rights and obligations of shippers and consignees clearly established.

This bureau, as has been said, is a very important branch of the department. It is doing splendid work. The chief of the bureau is one of the most intelligent, active, progressive men I know in the department. He is enthusiastic; in fact, if he has a fault it is that he is too enthusiastic—trying to do too much. The danger is, as the chairman of this committee a moment ago very well said, that he is trying to do too much and trying to go too fast. He is also in danger, in his enthusiasm, of going outside of the proper line of marketing and taking up other work, as can be pointed out in other paragraphs as well as in this, without supplementary legislation.

Mr. LEVER. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. LEVER. I think the gentleman ought to say in fairness that this proposition was put on the food-production bill in the Senate, and not at the suggestion of the chief of the bureau.

Mr. McLAUGHLIN of Michigan. I believe it was started or provided for in the food-production bill during the last session of Congress, finding its way through an amendment adopted by the Senate, and I approved it as a part of that emergency legislation. In my judgment it is not a market work at all, as this bureau in this section is directed to pursue it, and the Government ought not so to undertake it.

Mr. MONDELL. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. MONDELL. Does the gentleman think it is a proper work for any bureau of the Government to undertake?

Mr. McLAUGHLIN of Michigan. I have said that it was not proper for this bureau as here directed, and I question if it is a proper activity for the Government of the United States at all.

Mr. MONDELL. These gentlemen serve as referees, do they not?

Mr. McLAUGHLIN of Michigan. Yes; they do just what this language authorizes them to do. A large number are employed and stationed in the large markets in the country. In case of a complaint they investigate the condition of the shipment and make a certificate as to the condition in which the goods were received, and it is the basis of a claim or of settlement or evidence used in disposing of the controversy between the shipper and the consignee.

Mr. MONDELL. Is the Government reimbursed in any way?

Mr. McLAUGHLIN of Michigan. Up to this time the Government has not been reimbursed. The men have been paid entirely out of the Treasury of the United States for such services as they performed. At my suggestion the words "subject to the payment of such fees as will cover the cost of service rendered" were incorporated in this paragraph. So far as improvement is made in the methods of the department. Those who are interested in this inspection, those who profit by it, will be required to pay for it. But my contention is that it is improper—work outside of the duties and functions of the Bureau of Markets, as now provided by law. In my judgment this paragraph as it stands ought not to be incorporated.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes more.

Mr. LEVER. Mr. Chairman, reserving the right to object, will the gentleman waive that for a suggestion? If the gentleman from Wisconsin [Mr. STAFFORD] is going to make a point of order on this I think we better have that done, so I can offer an amendment on this proposition which I think will not be subject to the point of order. Does the gentleman feel that he ought to press his point of order?

Mr. STAFFORD. The more the gentleman from Michigan [Mr. McLAUGHLIN] speaks the more I am inclined to press the point of order. Perhaps he may say something that will change my position.

Mr. McLAUGHLIN of Michigan. I am not particularly interested in the point of order. I am speaking with the idea that I may possibly influence the committee in its opinion of this item.

Mr. LEVER. There are just two ways of getting at this proposition to determine what the will of the House is on the

proposition. One is to have a vote on an amendment which is not subject to a point of order, and which carries out the general idea of this work. The other is for some gentleman to make the point of order against this, and if it be subject to the point of order, then to have it go out, and then we can discuss the proposition on its merits.

Mr. McLAUGHLIN. I shall give way and permit the Chair to pass upon the point of order raised by the gentleman from Wisconsin.

The CHAIRMAN. Does the gentleman from Wisconsin insist on the point of order?

Mr. STAFFORD. Mr. Chairman, at the invitation of the Chairman of the Committee, I make the point of order.

Mr. LEVER. Oh, I would not have the gentleman put me in that attitude. I am not suggesting an invitation at all. I am not sure that this language is subject to the point of order, and I shall argue the point of order if it is made. But I think that would clarify the situation.

Mr. STAFFORD. Then to accommodate the gentleman, and not at his suggestion, I make the point of order.

Mr. SUMNERS. Mr. Chairman, will the gentleman withhold his point of order for a few minutes?

Mr. STAFFORD. I shall be glad to.

The CHAIRMAN. Then the Chair will submit the request of the gentleman from Michigan that he be permitted to continue the discussion for five minutes. Is there objection?

Mr. LEVER. I hope the gentleman will let the point of order be decided. I shall offer another amendment which I think is clearly in order, but I think this one is.

Mr. SUMNERS. Mr. Chairman, I would like to be heard on this item before it is materially changed. I regard it as one of the most important items in this whole proposition.

Mr. LEVER. If the gentleman from Texas has any idea that he can persuade the gentleman from Wisconsin to withdraw his point of order, I shall be delighted to have him use his persuasive powers upon him.

Mr. STAFFORD. He has already had that wonderful persuasive power satisfied by my withdrawing the point of order and reserving it for the accommodation of the gentleman.

Mr. LEVER. I think we will not accomplish anything unless we get the gentleman to withdraw it absolutely.

Mr. STAFFORD. He has not asked me to withdraw it entirely. He has only asked me to reserve it, and I am accommodating him in order that he may exercise his persuasive powers to influence me further.

Mr. SUMNERS. I do not know who has the floor.

The CHAIRMAN. The gentleman from Michigan [Mr. McLAUGHLIN] had the floor, and he was temporarily deprived of it by a colloquy between the chairman of the committee and several other gentlemen. The Chair will submit the request of the gentleman from Michigan that he be permitted to address the committee. Is there objection?

Mr. LEVER. I shall not, but I shall at the end of his time object until we clear up the point of order.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, if the Chair is going to pass on the point of order and the chairman of the committee is to submit another proposition, I may want to speak on the new proposition; and as time is limited and as the chairman is disposed to refuse very much time, perhaps I had better wait until the new proposition comes up.

The CHAIRMAN. The Chair will recognize the gentleman from Texas.

Mr. LEVER. Mr. Chairman, I think we will make time in getting rid of the point of order on this proposition.

Mr. McLAUGHLIN of Michigan. I feel that way about it.

Mr. LEVER. And as I find I can not finish the bill this afternoon, I think it will be better to argue the point of order if the gentleman from Wisconsin is going to make it.

Mr. SUMNERS. The gentleman from Wisconsin has been kind enough to withhold the point of order, and I would like to be heard on the general proposition.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. SUMNERS. I hope that the gentleman from Wisconsin [Mr. STAFFORD] may not insist upon his point of order. Gentlemen, it is a fact that in the sale of agricultural products the same difficulties are met with which are met in the sale of rural credits. In the sale of rural credits we standardize rural credits, concentrate them, and establish a system of inspection, which inspires the necessary confidence which makes it practicable for people in New England, for instance, to purchase loans on farms in the gentleman's own State—on farms which they have never seen. They do not know who owns them. They make their purchases not upon their confidence in the owners nor in the land, but upon their confidence in the system of inspection. Now, in the sale of agricultural products which move from the point of production to far-away points of consumption, it is absolutely essential for systematic and economic distribution that there be this system of inspection, whether commodities are shipped for sale or move under prior sale. Without such inspection the man who purchases what he has not seen or the man who ships without prior sale are largely gambling. The only way to avoid that is for the purchaser to go to the point of production and personally inspect or the seller to accompany his commodity to the market, and of course consumers must pay for the trip in the price they pay. Now, you gentlemen know that as a matter of fact that farmers living far from the markets do not know to whom to ship their products; they do not know whether they will get a square deal if they send to these great distributing centers or not. It is imperatively necessary to any plan to reduce cost of distribution and enlarge our possibilities for production that there be somebody there who represents neither party but who serves both, performing a service to commerce similar to that of a public weigher. For these reasons I hope that the gentleman from Wisconsin will not insist upon his point of order, but permit this service to be developed in this country, so that the man who has something to sell will have confidence to send it into a far-off market, if necessary, and know that no dishonest commission man is going to defraud him out of his product and send him back this sort of statement, "Your stuff got here in bad shape. Send us $13 to pay freight."

You gentlemen who represent agricultural districts know that thing has happened, and that very thing has done more to destroy the truck-producing industry in diversified farming sections than any other one thing. Producers are not in organizations sufficiently large to bridge the full distance between production and consumption except in territories where production is specialized and highly concentrated. You all know that as a matter of fact common sense——

Mr. HAUGEN. Will the gentleman yield?

Mr. SUMNERS. I will.

Mr. HAUGEN. I am very much interested in what the gentleman says. I think he is mainly correct, but does not the gentleman think before this system can be carried out it will be necessary to pass a national law authorizing the incorporation of societies among the farmers——

Mr. SUMNERS. I do not think so. I hope to see the Government do the common-sense and necessary things and thereby insure justice without the necessity for such an organization. It would have a power which I hope may never find its way into the hands of any class of people. I am regarded here as a sort of farmers' champion, but I know they are made of the same clay as other people. They are no safer custodians of great power than any other class would be. I warn the country that we are driving them into these great organizations, and some day the country will pay for it. Say what you please, the wisest public policy is to insure class justice without the necessity for class organization to get it. This is merely an experiment—it is not an experiment, either. We all know that the man who lives out in the West, for instance, and would ship his commodities to Chicago, the ordinary, every-day farmer, he can not hire somebody to go there and see whether he is getting a square deal or not. He has nobody to watch his interests and the result is he does not take the chance; with the result that much of the productive energy of this country is not utilized. I sincerely hope that the gentleman from Wisconsin——

Mr. HAUGEN. Will the gentleman yield?

Mr. SUMNERS. I will.

Mr. HAUGEN. This is in line with the standardization act. The purpose is that somebody may determine the value of the products shipped to the market.

Mr. SUMNERS. Yes, sir.

Mr. HAUGEN. Its condition and also its value in fixing the standard, the value of the product as it is shipped.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, we are departing entirely from the old-time established policy of the individual looking after his own trade affairs and allowing Government agents to do the work for him. It is a system of paternalism that, if once inaugurated, will extend not only to the principal trade centers, as herein provided, but will extend to other localities throughout the country.

True, as stated by the gentleman from Texas [Mr. SUMNERS], it will develop in such extraordinary fashion that the amount appropriated will run into millions, if not tens of millions, of dollars. I make the point of order, Mr. Chairman, that it is legislation on the appropriation bill.

The CHAIRMAN. The Chair will hear the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEVER. I offer the following amendment as a new paragraph.

The CHAIRMAN. The gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph, in lieu of the paragraph stricken out, the following:

"For enabling the Secretary of Agriculture to investigate and certify to shippers the condition as to soundness of fruit, vegetables, and other food products, when received at such important central markets as the Secretary of Agriculture may from time to time designate and under such rules and regulations as he may prescribe: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts as prima facie evidence of the truth of the statements therein contained."

Mr. STAFFORD. Mr. Chairman, I either make or reserve the point of order.

Mr. LEVER. I will ask the gentleman to make the point of order.

Mr. STAFFORD. I make the point of order.

The CHAIRMAN. The gentleman will state the point of order.

Mr. STAFFORD. The point of order is that it is legislation on an appropriation bill not authorized by existing law.

Mr. LEVER. Mr. Chairman, in answer to the suggestion of the gentleman that this is not authorised by existing law, I desire to call the Chair's attention to the act of Congress known as the food-survey law and food-control law, on page 2, and I quote to the Chair the following language.

The CHAIRMAN. Will the gentleman kindly indicate what section he is reading?

Mr. LEVER. I am reading from section 8, near the middle of page 2. It says:

For enabling the Secretary of Agriculture to investigate and certify to shippers the condition as to soundness of fruits, vegetables, and other food products, when received at such important central markets as the Secretary of Agriculture may from time to time designate and under such rules and regulations as he may prescribe:

Provided, That certificates issued by the authorized agents of the department shall be received in all courts as prima facie evidence of the truth of the statements therein contained.

And then the amount of money is stated. In the amendment I have offered we put in the amount. The Chair will recognize in the language, just read, I think, that it is the law and will continue to be the law so long as this war lasts, the identical language of the amendment which I have sent to the desk.

The CHAIRMAN. Will the gentleman from South Carolina let the Chair see that?

Mr. LEVER. Yes. And I would say to the Chair that this act is to remain in force, if he will notice the last section of it, during the war. While the Chair is looking at the act, I would like to modify my amendment——

The CHAIRMAN. Without objection it may be done.

Mr. LEVER (continuing). By inserting the amount, namely, "$113,000."

There was no objection.

Mr. McLAUGHLIN of Michigan. Will you amend it also by including the words I suggested in the committee, that the cost of it be paid?

Mr. LEVER. I think that would make it subject to a point of order. I am offering the exact language of the current law.

Mr. STAFFORD. Mr. Chairman, the chairman of the committee admits that the authority on which he bases this amendment is limited to the contingency as found in the enabling act, the food-survey law and the food-control law, to the duration of the war. The duration of the war is a contingency that may end at any moment.

The amendment that is offered by the chairman of the committee is not limited, as the original act is, to the duration of the war. The war may end during this present fiscal year, and if this bill was presented to the House after the war is concluded, under the rules now existing it would be subject to a point of order. Allow this amendment to be held in order in its present phraseology, and if the war comes to an end prior to the consideration of the Agricultural appropriation bill at the next session of Congress, the fact that we have undertaken this work without any such limitation as the existing law provides would make a similar provision in order. But if this authorization is limited to the existence of the war, that would present a different question. The law as it stands today only authorizes the Secretary of Agriculture to undertake this work during the existence of the war. As soon as the war terminates the authority lapses. But if this amendment is agreed to and the war terminates, he would have authority to still continue it, and under what authorization?

Under an authorization of law carried in an appropriation bill, that is contrary to the rules of the House of carrying legislation on appropriation bills. In its present form, undoubtedly, Mr. Chairman, I contend that the Chair should rule that the amendment is out of order.

Mr. Chairman, one thought further, in amplification of the idea presented just now. All this legislation of a war emergency character which was passed at the last session of Congress and which is contained in this act is limited to war emergency and war exigency, and it could be used as a vehicle to make permanent enactments in this appropriation bill for all time——

Mr. ROBBINS. And in other appropriation bills.

Mr. STAFFORD. Yes; and other appropriation bills where the appropriation would be germane. It is the vice from which the rules of the House seek to protect its legislation against having it incorporated in appropriation bills. Certainly Congress would never have authorized much of this legislation that is limited to war exigency by making it permanent for all time. Now, the gentleman from South Carolina is attempting to utilize an emergency legislative matter to make it permanent law.

Mr. ROBBINS. And it would apply to every one of the 10 bills yet to come.

Mr. LEVER. Mr. Chairman, if the Chair will indulge me for a moment. I wish to suggest to the Chair that the rule requires that legislation on an appropriation bill can not be had; a change of existing legislation can not be had. This is neither legislation nor a change of law.

It is true that we frequently refer to the fact that some amendment is a change of permanent law. But no law is permanent. Congress can amend any act or repeal it when it sees fit to do so.

It is true that the life of this act is limited by the act itself; but until the time comes when the conditions are fulfilled it is the law of the land. I submit that the point of order can not lie.

The CHAIRMAN. The Chair is ready to rule. The gentleman from South Carolina [Mr. LEVER] offers an amendment against which the gentleman from Wisconsin [Mr. STAFFORD] lodges a point of order, claiming that it is new legislation, and that therefore it is not in order on a general appropriation bill.

Under clause 2 of Rule XXI, no amendment changing existing law shall be in order upon an appropriation bill. Therefore the question presents itself to the Chair as to whether or not the proposed amendment is new legislation. Under the act "To provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917, there is a provision of law identical with the amendment proposed by the gentleman from South Carolina.

The gentleman from Wisconsin contends that the act of Congress that the Chair has just cited lasts only during the continuance of the war, which is an uncertain contingency, and that the Chair would not be authorized to hold the amendment is in accordance with existing law. The Chair is of the opinion that the only matter for the Chair to decide is whether the law is in existence at the time the Chair is to pass upon the amendment authorizing it, for any law may be subsequently repealed.

Mr. STAFFORD. Will the Chair permit a question in that particular?

The CHAIRMAN. The Chair would prefer not to. Section 3814 of Hinds' Precedents, volume 4, provides:

A paragraph in an appropriation bill reenacting verbatim an existing law is not subject to a point of order. On February 5, 1904, the Agricultural appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. MORRIS SHEPPARD, of Texas, proposed the following amendment:

"*Provided*, That the purchase and distribution of seeds and plants by the Department of Agriculture shall be confined to such seeds as are rare, untried, and uncommon to the country, or such as can be or have been made more useful and more profitable by special breeding, or such seeds and plants as may be improved by transplantation from one part of the country to another."

Mr. Sydney J. Bowie, of Alabama, made a point of order that the proposed amendment involved legislation.

After debate, the Chairman said:

The Chair is ready to rule upon this amendment. If the Chair has made no mistake, it is a verbatim copy of the law as it now exists. That being the case, it has been held that while it is unnecessary and perhaps almost not good form, yet is not strictly subject to a point of order. It is simply reenacting a portion of the United States statutes.

The Chair is of the opinion that there is law authorizing the legislation proposed in the amendment and that the amendment simply proposes an appropriation to carry out existing law, and therefore the Chair overrules the point of order.

Mr. LEVER. Mr. Chairman, I do not recall whether or not I got the consent of the committee to modify my amendment.

The CHAIRMAN. The Chair understood the gentleman did.

Mr. STAFFORD. Mr. Chairman, I wish to inquire how long the gentleman from South Carolina intends to run to-night?

Mr. LEVER. I hope to run until half-past 5.

Mr. STAFFORD. This is an important amendment—one of the most important amendments included in the bill—and I hope the gentleman can see his way clear to move to rise and discuss it to-morrow, when we shall have a larger audience.

Mr. LEVER. Let us see, then, how much time is desired. I wish very much to dispose of this item to-night. Does the gentleman from Michigan [Mr. McLAUGHLIN] desire some time?

Mr. McLAUGHLIN of Michigan. Yes. I have an amendment on which I would like to have five minutes.

Mr. YOUNG of North Dakota. I would like to have 10 minutes before we adjourn to-night.

Mr. LEVER. On this amendment?

Mr. YOUNG of North Dakota. Yes; I would like to have 10 minutes.

Mr. GILLETT. Why not let the gentleman from North Dakota use his 10 minutes to-night, and then rise?

Mr. LEVER. I am willing to do that. But in doing so let us see if we can not reach an agreement as to this matter. I ask unanimous consent, Mr. Chairman, that the debate on this amendment and all amendments thereto may close—in how many minutes?

Mr. STAFFORD. I do not think the gentleman should try to close the debate on this amendment to-night. We can finish the bill certainly to-morrow, when we will have a larger attendance.

Mr. McLAUGHLIN of Michigan. I will say to the chairman that there will be a larger attendance to-morrow, and when this matter is read, and the Members attending know what it is, there will be requests for time.

Mr. LEVER. I know, but the gentleman from Michigan will recognize the fact that it is not up to the committee, who have to sit here all day long, to take care of those who are not here; and while this is an important amendment, if gentlemen desired to discuss it they knew it was in this bill and could have been here and protected themselves. I think the gentleman will agree that I have been pretty liberal in trying to protect everybody; but we must finish the bill to-morrow, and I am not so sure that we can do it in a couple of hours.

Mr. McLAUGHLIN of Michigan. Is not the gentleman willing to give two hours to this, an hour on a side?

Mr. LEVER. Oh, no. I ask unanimous consent that debate on this amendment and all amendments thereto may close in 30 minutes, one half to be controlled by the gentleman from Michigan [Mr. McLAUGHLIN] and the other half by myself.

Mr. STAFFORD. That would not even accommodate the gentlemen who are now here present on this side waiting to speak. There are requests for 30 minutes on this side right now.

Mr. LEVER. The gentleman from North Dakota [Mr. YOUNG] does not want to speak on this. There are 20 minutes asked for on that side and 5 minutes on this side. I ask unanimous consent that the debate on this amendment and all amendments thereto may close in 50 minutes, one half to be controlled by myself and the other half by the gentleman from Michigan.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this amendment and proposed amendments thereto close in 50 minutes, the gentleman from Michigan [Mr. McLAUGHLIN] to control 25 minutes and the gentleman from South Carolina [Mr. LEVER] to control 25 minutes. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9054, the Agricultural appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. FOCHT for one week, on account of illness.

INCREASED COMPENSATION TO POSTAL EMPLOYEES.

Mr. MOON. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, I report herewith the bill (H. R. 9414), granting increased compensation to certain officials, employees, and laborers in the Post Office Department and Postal Service, and for other purposes; and I ask unanimous consent that the bill be printed with the report (H. Rept. No. 270) and be referred to the Union Calendar.

The SPEAKER. The gentleman from Tennessee presents a bill, which the Clerk will report by title.

The Clerk reported the title of the bill.

The SPEAKER. The gentleman asks unanimous consent that the bill be put on the Union Calendar. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Wisconsin reserves all points of order on the bill, and the bill is referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BLACK. Mr. Speaker, I ask unanimous consent that any members of the Committee on the Post Office and Post Roads who desire to do so may have five legislative days within which to file minority views.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to the Garabed free-energy proposition.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 174. Joint resolution for the purpose of promoting efficiency for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

WIDOWS' PENSION BILL.

Mr. ASHBROOK. Mr. Speaker, the bill (H. R. 9093) to amend the act approved September 8, 1916, chapter 470, Statutes at Large, Sixty-fourth Congress, relating to pensions, was reported in the regular way through the basket. I have since learned that it is a privileged bill and that the report should be made to the House. I therefore wish to make that report on the bill to the House and not through the basket.

The SPEAKER. Is it a general pension bill?

Mr. ASHBROOK. Yes.

The SPEAKER. The gentleman takes the bill from the basket and reports it in the usual way of a privileged bill. The bill is ordered printed and is referred to the Committee of the Whole House on the state of the Union.

Mr. STAFFORD. Mr. Speaker, I reserve all points of order on the bill.

PAIRS.

Mr. WILSON of Texas. Mr. Speaker, some weeks ago the gentleman from Texas [Mr. BLANTON] and the gentleman from Oklahoma [Mr. CHANDLER] placed a statement in the RECORD undertaking to show that I had violated a pair agreement. I do not know that I would have cared to make any reply if it had not been that I now hear——

Mr. GILLETT. Mr. Speaker, I rise to a point of order. I would like to know by what right the gentleman is undertaking to make this statement?

Mr. WILSON of Texas. Then I shall not state the reason, but I ask unanimous consent to extend my remarks in the RECORD in order to make a reply to those statements, for the purpose of stating the facts with reference to this entire matter.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The Chair desires to state once more, and hopes that the Members present will convey the statement to others, that the House has nothing on earth to do with pairs.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Friday, February 1, 1918, at 12 o'clock noon.

still continue it, and under what authorization?

The CHAIRMAN. The Chair understood the gentleman that

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Comptroller of the Currency, transmitting the annual report of the Comptroller of the Currency for the 12 months ending October 31, 1917 (H. Doc. No. 602); to the Committee on Banking and Currency and ordered to be printed.

2. A letter from the president of Chesapeake & Potomac Telephone Co., transmitting a report of the Chesapeake & Potomac Telephone Co. to the Congress of the United States for the year 1917 (H. Doc. No. 888); to the Committee on the District of Columbia and ordered to be printed.

3. A letter from the president of Capital Traction Co., transmitting report of the Capital Traction Co. for the year ending December 31, 1917 (H. Doc. No. 889); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the United States Food Administrator, transmitting itemized statements of purchases and disbursements made by the United States Food Administration and by the United States Fuel Administration for the period from December 1 to December 31, 1917, inclusive (H. Doc. No. 890); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 273) to extend the time for cutting timber on the Coconino and Tusayan National Forests, Ariz., reported the same without amendment, accompanied by a report (No. 277), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on the Public Lands, to which was referred the bill (H. R. 8563) to amend the homestead law in its application to Alaska, and for other purposes, reported the same without amendment, accompanied by a report (No. 278), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEENERSON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 1607) for the relief of David E. Gray, reported the same without amendment, accompanied by a report (No. 275), which said bill and report were referred to the Private Calendar.

Mr. WALTERS, from the Committee on the Public Lands, to which was referred the bill (H. R. 2635) to authorize the issue of a patent to certain land in Alabama to William M. Wilson, reported the same without amendment, accompanied by a report (No. 276), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

The bill (H. R. 7721) granting an increase of pension to Robert S. Parker; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 9138) granting an increase of pension to Daniel Lawlor; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 9142) granting a pension to William E. Martin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 9358) granting a pension to Elmer Wagar; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALSH: A bill (H. R. 9402) to authorize credits for enlistments in the naval service of the United States in the operation of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 9403) to provide for the condemnation, acquisition, and construction by the United States of America of telegraph and telephone lines, properties, and holdings in the several States and Territories of the United States and the District of Columbia, and to provide for the operation of said telegraph and telephone lines and properties by the United States; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 9404) to fix the requirements governing the receipt, transmission, delivery, and preservation of messages of interstate telegraph and telephone companies; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9405) fixing the price for use of telephones at private residences within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BLANTON: A bill (H. R. 9406) to increase the productive agricultural area of the United States by the reclamation of arid swamp lands therein; to the Committee on Irrigation of Arid Lands.

By Mr. GALLAGHER: A bill (H. R. 9407) to provide for the preservation of and compensation for diminishing levels of Lakes Michigan, Huron, Erie, and Ontario due to diversion or withdrawal of water from Lake Michigan at Chicago, Ill., and fixing the maximum amount of such diversion and conditions under which same is authorized; to the Committee on Rivers and Harbors.

By Mr. HICKS: A bill (H. R. 9408) to authorize additional pay for enlisted men of the Navy, and Marine Corps, and Coast Guard detained beyond the expiration of their terms of enlistment; to the Committee on Naval Affairs.

By Mr. BUTLER: A bill (H. R. 9409) to provide for the authorization of money to be used in the grading and terracing of the grounds around and adjacent to the memorial arch at Valley Forge; to the Committee on the Library.

Also, a bill (H. R. 9410) to provide for a site and public building at Lansdowne, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. BURNETT: A bill (H. R. 9411) to amend an act entitled "An act in reference to expatriation of citizens and their protection abroad," approved March 2, 1907; to the Committee on Immigration and Naturalization.

By Mr. RIORDAN: A bill (H. R. 9412) authorizing a survey of Bay Ridge and Red Hook Channels, N. Y.; to the Committee on Rivers and Harbors.

By Mr. HAYDEN: A bill (H. R. 9413) to authorize coal-mining leases in the Navajo country; to the Committee on Indian Affairs.

By Mr. MOON: A bill (H. R. 9414) granting increased compensation to certain officials, employees, and laborers in the Post Office Department and Postal Service, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. PARK; Resolution (H. Res. 240) authorizing the Postmaster of the House to employ an additional messenger; to the Committee on Accounts.

By Mr. BRITTEN: Resolution (H. Res. 241) authorizing the Committee on the Post Office and Post Roads to investigate the present system of mail censorship; to the Committee on Rules.

By Mr. RIORDAN: Joint resolution (H. J. Res. 234) directing the Secretary of the Treasury to permit the entry under bond of certain shipments of distilled spirits; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9415) granting an increase of pension to Joseph S. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9416) granting an increase of pension to Benjamin F. Carpenter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9417) granting an increase of pension to Mathias Keller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9418) granting an increase of pension to David Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9419) granting a pension to Margaret Berry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9420) granting a pension to William McCommon; to the Committee on Invalid Pensions.

By Mr. BLACK: A bill (H. R. 9421) granting a pension to Julian A. Wiggins; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 9422) granting a pension to James M. Snoddy; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 9423) granting an increase of pension to Lester N. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9424) granting an increase of pension to Charley S. Lunn; to the Committee on Invalid Pensions.

By Mr. BROWNING: A bill (H. R. 9425) granting an increase of pension to Matthew McGoldrick; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 9426) granting a pension to George S. Zimmerman; to the Committee on Pensions.

Also, a bill (H. R. 9427) granting an increase of pension to Charles J. Lane; to the Committee on Pensions.

By Mr. CONNELLY of Kansas: A bill (H. R. 9428) granting an increase of pension to George J. Wright; to the Committee on Invalid Pensions.

By Mr. CURRIE of Michigan: A bill (H. R. 9429) to amend an act entitled "An act for the relief of the Saginaw, Swan Creek, and Black River Band of Chippewa Indians in the State of Michigan, and for other purposes," approved June 25, 1910; to the Committee on Indian Affairs.

By Mr DILL: A bill (H. R. 9430) authorizing the issuance of patent to the Pioneer Educational Society and its successors for certain lands in the diminished Colville Indian Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. FOSTER: A bill (H. R. 9431) granting an increase of pension to Samuel Worley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9432) granting an increase of pension to William H. Freeman; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 9433) granting an increase of pension to Isaac L. Prescott; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 9434) for the relief of Harlan W. Jenks; to the Committee on Claims.

By Mr. KEY of Ohio: A bill (H. R. 9435) granting an increase of pension to George W. Smith; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 9436) granting an increase of pension to Joseph S. Wiley; to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 9437) granting a pension to Minnie S. Muir; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9438) granting a pension to Richard R. Trench; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9439) granting an increase of pension to Charles H. McCully; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9440) granting an increase of pension to Henry H. Brunsteter; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 9441) granting an increase of pension to James M. Dixon; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9442) granting a pension to Rose A. Doyle; to the Committee on Pensions.

By Mr. ROWE: A bill (H. R. 9443) granting an increase of pension to Joseph Buckle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9444) granting an increase of pension to Augustus B. Tickner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9445) to correct the military record of Oliver A. Campbell; to the Committee on Military Affairs.

Also, a bill (H. R. 9446) granting an honorable discharge to Edward S. Conkling; to the Committee on Military Affairs.

By Mr. SANDERS of New York: A bill (H. R. 9447) granting an increase of pension to William Newton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9448) granting an increase of pension to William H. Kendall; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 9449) granting an increase of pension to Thomas J. Holman; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 9450) granting an increase of pension to Jacob W. Cline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9451) granting an increase of pension to George H. King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9452) granting an increase of pension to Thomas J. Cartwright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9453) granting a pension to John D. Andrews; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 9454) granting an increase of pension to John M. Fox; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BLAND: Evidence in the case of James M. Snoddy, special pension bill (H. R. 9422); to the Committee on Invalid Pensions.

By Mr. CALDWELL: Petitions of Elmhurst Baptist Church, the Bible class of the First Methodist Episcopal Church, both of Elmhurst, N. Y., and of the Rosedale Presbyterian Church, Borough of Queens, New York City, urging the passage of a war-emergency prohibition law; to the Committee on the Judiciary.

By Mr. CARY: Resolution of the Union Label Trades Department of the American Federation of Labor, asking the repeal of the zone system for second-class mail; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of F. C. Schutte (treasurer), F. E. Mosher, Hon. F. E. Detzell, and 12 employees of the Erie Trust Co., praying for the passage of H. R. 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Resolutions of the Merchants' Association of New York, advocating a board of war control subordinate only to the President, and a director of munitions, subject to the board of war; to the Committee on Military Affairs.

Also, resolutions of the convention of short-line railroads, held in Washington, D. C., expressing approval of the taking over of the railroads of the country and suggesting amendments to Senate bill 3385; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petition of 15 veterans of the Civil War of Iuka, Ill., urging increase of pension for Civil War soldiers; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Memorial of the Asbury Park (N. J.) Chamber of Commerce, for the repeal of the zone system for second-class mail; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of a committee of the George H. Thomas Post, No. 84, Grand Army of the Republic, Lancaster, Pa., urging the enactment of legislation to increase the pension of veterans of the Civil War to $50 per month; to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompanying House bill 9332, a bill to increase the pension of George W. Griffin; to the Committee on Invalid Pensions.

By Mr. RAKER: Resolution adopted by the board of directors of Chamber of Commerce of San Francisco, Cal., concerning the proper punishment to be given those found guilty of attempt to destroy property in the United States, etc.; also, a petition of D. M. Gandier, Los Angeles, Cal., favoring the enactment of legislation preventing the manufacture and sale of all alcoholic liquors during the period of the war; to the Committee on the Judiciary.

Also, petition of John A. O'Connell, secretary Labor Temple, San Francisco, Cal., indorsing an increase in the pay of all civilian employees of the United States and of the District of Columbia; to the Committee on Appropriations.

By Mr. RANDALL: Memorial of Headquarters Committee of the Anti-Saloon League of California, requesting the Congress of the United States immediately to prohibit the manufacture and sale of all alcoholic liquors, including wines and beers, for the period of the war; to the Committee on the Judiciary.

By Mr. SANDERS of New York: Petition of 150 members of the Wyoming County Woman's Christian Temperance Union, urging the adoption of war prohibition; to the Committee on Military Affairs.

Also, petition of the congregation of the First Presbyterian Church of Medina, N. Y., urging the adoption of immediate war prohibition; to the Committee on Military Affairs.

Also, petition of J. Harte Sawens and 50 other residents of Albion, N. Y., urging war prohibition; to the Committee on Military Affairs.

Also, petition of I. A. Arnold and 42 other residents of Spencerport, N. Y., urging immediate prohibition as a war measure; to the Committee on Military Affairs.

Also, petition of William A. Day and 26 other residents of Livonia, N. Y., urging the adoption of immediate emergency war prohibition; to the Committee on Military Affairs.

By Mr. SNELL: Petition of citizens of Winthrop, N. Y., favoring the emergency war prohibition bill; to the Committee on the Judiciary.

Also, petition of citizens of Madrid, N. Y., favoring the emergency war prohibition bill; to the Committee on the Judiciary.

enlistments in the naval service of the United States in the Common; to the Committee on Invalid Pensions.

Also, petition of citizens of Keeseville, N. Y., favoring the emergency war prohibition bill; to the Committee on the Judiciary.

Also, resolution of Woman's Christian Temperance Union, Winthrop, N. Y., indorsing the emergency war prohibition bill; to the Committee on the Judiciary.

By Mr. STEENERSON: Petition of ex-officers of the Civil War at the Veterans' Home, Napa County, Cal., favoring bills for the relief of Volunteer officers of the Civil War; to the Committee on Military Affairs.

Also, petition of Minneapolis (Minn.) Civic and Commerce Association, favoring passage of House bill 8172, relative to traffic on our inland waterways; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Clay County (Minn.) Farm Bureau and pastor and members of First Methodist Church of Fosston, Minn., favoring legislation prohibiting manufacturing and sale of alcoholic liquor; to the Committee on the Judiciary.

By Mr. TAGUE: Petition of Massachusetts Dental Society on Senate bill 3386; to the Committee on Naval Affairs.

Also, petition of New York Publishers' Association (Inc.) on postal law; to the Committee on the Post Office and Post Roads.

Also, petition of Massachusetts Audubon Society on Senate bill 1553; to the Committee on Agriculture.

Also, petition of T. L. Lewis, Charleston, W. Va., on present coal situation; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 1, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God of Hosts, lest we forget, impress us with the truth that if ever a permanent world-wide peace obtains, it must be based upon the eternal principles of true religious convictions.

Thou has revealed Thyself as the universal Father, and therefore its corollary, the universal brotherhood of mankind.

Thou opened Thine hand and satisfiest the desire of every living thing.

The world is large enough, productive enough for all Thy children.

War is destructive. Religion is constructive. War is hate, revenge. Religion is love, peace, good will. War is contrary to reason and common sense. Religion has its source in the largest conception of life, reason, justice, mercy. War is hell. Religion is heaven.

Inspire us and all the world with these fundamentals, that a world-wide peace may come, a blessing to mankind. For Thine is the Kingdom, and the Power, and the Glory, forever. Amen.

The Journal of the proceedings of yesterday was read.

Mr. STAFFORD. Mr. Speaker, I would like to make one suggestion, as far as the Journal is concerned, before it is approved. The Journal states that the gentleman from Tennessee [Mr. MOON] offered a privileged report on a certain bill. The gentleman from Tennessee, as I understand it, did not seek to offer the bill and report as privileged, but merely asked unanimous consent to present the bill and the report and have it submitted as if it were placed in the basket. He did not claim it was privileged.

The SPEAKER. No; what the gentleman asked was to have it put on the Union Calendar.

Mr. STAFFORD. He did not claim it was privileged, as the Journal states.

The SPEAKER. The Chair knows he did not state it was privileged, but he asked unanimous consent to put it on the Union Calendar.

Mr. STAFFORD. The Journal states that the gentleman from Tennessee presented a privileged report. He did not present a privileged report, and I ask that the Journal be corrected in that particular.

The SPEAKER. Without objection, the Journal will be corrected in that respect.

There was no objection.

The Journal as corrected was approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3006. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes;

S. 3126. An act to provide temporary promotion for retired officers of the Navy and Marine Corps performing active duty during the period of the present war;

S. 3427. An act for the relief of certain ex-paymasters' clerks;

S. 3445. An act to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes;

S. 3402. An act to fix the age limit for candidates for admission to the United States Naval Academy;

S. 3131. An act for the relief of Col. Littleton W. T. Waller, United States Marine Corps;

S. 3401. An act to authorize the President to reduce temporarily the course of instruction at the United States Naval Academy;

S. 3129. An act to provide for the disposition of the effects of deceased persons in the naval service;

S. 3130. An act to amend section 1570 of the Revised Statutes of the United States;

S. 3400. An act to regulate the pay of retired chief warrant officers on active duty;

S. 3404. An act to authorize the President to drop from the rolls any Navy or Marine Corps officer absent without leave for three months, or who has been convicted of any offense by the civil authorities, and prohibiting such officer's reappointment; and

S. 3406. An act to authorize the Secretary of the Navy to determine where and when there are no public quarters available for officers of the Navy and Marine Corps.

EXTENSION OF REMARKS.

Mr. RUBEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein the message or address delivered by the President of the United States to the farmers of America.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks by printing the address of the President of the United States to the farmers of America. Is there objection? [After a pause.] The Chair hears none.

CIVIL-SERVICE EXAMINATIONS.

Mr. GODWIN of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 117.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the joint resolution, which the Clerk will report by title.

The Clerk read as follows:

S. J. Res. 117. Joint resolution amending the act of July 2, 1909, governing the holding of civil-service examinations.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I would like to have the resolution reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the act of July 2, 1909 (36 Stats. L., 1), is hereby amended so as to permit the United States Civil Service Commission, during the period of the war, to hold examinations of applicants for positions in the Government service in the District of Columbia, and to permit applicants from the several States and Territories of the United States to take said examinations in the said District of Columbia. Said examinations shall be permitted in addition to those required to be held by said act of July 2, 1909 (36 Stats. L., 1).

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, for the present I shall have to object.

The SPEAKER. The gentleman from Wyoming objects.

NOTIFICATION OF ILLNESS OF SOLDIERS.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution 228, now on the Speaker's table, which I ask to have reported.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 228) to provide notification of illness of soldier.

Resolved, etc., That the Secretary of War is hereby directed, immediately upon the admission of an enlisted man or officer of the United States Army to an Army hospital in continental America, to notify by telegraph the nearest relative of such enlisted man or officer of such admission, stating the disease from which such soldier suffers and the condition of his illness, as to whether slight, serious, or critical.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, has this resolution been reported by the committee?

By Mr. WASON: A bill (H. R. 9454) granting an increase of pension to John M. Fox; to the Committee on Invalid Pensions.

Also, petition of citizens of Madrid, N. Y., favoring the emergency war prohibition bill; to the Committee on the Judiciary.

Mr. REAVIS. It has not.

Mr. GARNER. Does not the gentleman think the Committee on Military Affairs ought to consider this resolution?

Mr. REAVIS. Will the gentleman reserve the right to object?

Mr. GARNER. Surely.

Mr. REAVIS. Mr. Speaker and gentlemen of the House, this resolution is not directed in criticism of any custom of the War Department, for the custom now obtaining in the War Department is the custom that has always obtained in that department with reference to the notification of the nearest relative of the soldier who is ill. I am speaking largely from personal experience, but from what I have learned in the short time since this resolution was introduced I am convinced that a great many parents in America are feeling exactly as I do about it. I have received a great many letters, especially from the eastern part of the continent, asking that this resolution be urged to an immediate passage. It is the prevailing custom of the War Department not to notify the parents of their son's illness. The first notification sent by the department is the notification of death.

There is no word sent to the home regarding the illness of the soldier. I know from personal experience that sometimes lads are thoughtless, and sometimes, probably, because they are very busy, 10 days or two weeks will go by without their writing home. And the parents, knowing the custom of the War Department is not to notify in case of illness, immediately infer that the lad is in the hospital, or, at any rate, is sick. If this Nation could be assured that notification would be given the nearest relative immediately upon the admission of a soldier to the hospital, it would relieve a great deal of anxiety, because in such event, if the boy does not write home, the assurance prevails in that home that no news is good news and that his failure to write is not occasioned by reason of illness.

Then there is another consideration that inspired me to introduce this resolution. There are many parents in this Nation who, if their sons are in the hospital, if they are ill, would like to be at their side. They would like the lad to know that somebody is there who is concerned and who understands, who would like to cheer him by the realization that his father or mother or both are at hand and watching over him. And there are many parents, gentlemen, if disaster should come to the boy, who would like to sit at his bedside and hold his hand as he gropes through the shadows of the approaching night in his journey to the dark river where the ferryman is waiting to bear him across.

This sending of your sons to war is serious business. The fortitude and the courage that has been shown by the homes of this Nation in offering their sons as a sacrifice upon the altar of the Nation's ideals is the strongest assurance we have that, in spite of difficulties and obstacles, we are going through. There is not a man in this Chamber who has not witnessed scenes that demonstrated courage of this kind, which, while sad and depressing, gave assurance that the Nation is behind this conflict even to the sacrifice supreme. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent to continue for three minutes longer.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to continue for three minutes longer. Is there objection?

There was no objection.

Mr. REAVIS. I remember a little incident of this kind which it was my sad privilege to see. I saw a mother standing by the doorway of her home, with a smile on her face, waving good-bye to her first born, as, brave and handsome in his new uniform, he started down the sad and solemn road that leads to war. I saw her smilingly wave good-bye to him until he turned the corner and was lost in the crowd. And then I saw the smile die away and her face twist, as she went wearily to the lonely solitude of his room and knelt by the pillow where her laddie was used to lie and sob her heart out in an agony of grief and fear as she prayed that he might come home again.

We have given to our brave women the assurance that this Nation will care for their sons. Let us give them the further assurance that we will give them immediate notification if things have not gone well with them. For that reason I have not waited for a report of the Military Committee, knowing how busy it was and how anxious the Nation is that this resolution shall be enacted. It is for that reason I have asked unanimous consent for its present consideration, that we may give the assurance to the homes of this Nation that we will advise them if anything goes wrong. [Applause.]

I hope the gentleman will not object.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, I want to suggest to the gentleman from Nebraska that he withhold his request until he can consult with the gentleman from California [Mr. KAHN] and the gentleman from Alabama [Mr. DENT]. They do not happen to be in the Chamber at this moment. The matter can be called up later in the day. I do not like to be put in the attitude of objecting to the present consideration of the resolution, but I will be compelled to do so if the gentleman insists. For that reason I ask him to withdraw it for the present, so that he may consult with these gentlemen.

Mr. REAVIS. The Military Committee is so busy with other matters that I very much fear that if we wait on the Military Committee this will be indefinitely postponed, and the time is here when the home ought to be informed that their lads are taken to the hospital ill.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. GARNER. Yes.

Mr. COOPER of Wisconsin. This is confined to soldiers and to sailors who may be taken to hospitals in continental America.

Mr. GARNER. And the report of any kind of disease they may have can be telegraphed to their parents immediately.

Mr. REAVIS. And who should know it if not their parents?

Mr. GARNER. I think it should go over until the gentleman can see the gentleman from Alabama [Mr. DENT], or the gentleman from California [Mr. KAHN], anyway.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, I object.

CIVIL-SERVICE EXAMINATION.

Mr. GODWIN of North Carolina. Mr. Speaker, I understand that the gentleman from Michigan is willing to withdraw his objection to Senate joint resolution 117, and I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of the resolution of which the Clerk will report the title.

The Clerk read as follows:

Joint resolution (S. J. Res. 117) amending the act of July 2, 1909, governing the holding of civil-service examinations.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, I want to reserve the right to object, and say that I think before this resolution should pass the chairman ought to agree to an amendment providing for those who have come to the District of Columbia within the last 12 months. And Members will call to mind the fact that when this matter was up in the Senate Senator OVERMAN took a position there and was instrumental in putting on the civil-service law a provision which tried to do away with all these employees going into the departments from the District of Columbia. Now, it means that if the bars are thrown down all these employees are likely again to come from the District of Columbia.

Mr. DOWELL. Mr. Speaker, will the gentleman yield to a question?

Mr. FOSTER. Yes.

Mr. DOWELL. Does this resolution provide for the examination of those in the District the same as those in the States?

Mr. GODWIN of North Carolina. The law provides for the examination of those in the District as it does outside of the District, from the several States. The purpose of this bill is to permit, during the period of the present war, the examination of persons in the District of Columbia who are from other States; say, for example, citizens residing here temporarily who come from the State of Illinois. During the period of the war they would be permitted to take the examination in the District of Columbia without taking the time or going to the expense of going back to Illinois or to Tennessee or South Carolina or any other State. It does not affect the question of residence or the question of domicile. In other words, the bill provides against that. It says the law of apportionment shall not be abridged or affected. The only provision in this resolution is to permit temporary citizens from any State who happen to be here to take the examination here without forcing them to go back across the country to take it in their home States.

Mr. DOWELL. Then there is no change, as I understand, in the original law——

Mr. GODWIN of North Carolina. None whatever——

Mr. DOWELL. With reference to the selection of persons in the departments?

Mr. GODWIN of North Carolina. That is absolutely safeguarded.

The SPEAKER. Is there objection?

Mr. MONDELL. Reserving the right to object, Mr. Speaker——

tives was requested:

has this resolution been reported by the committee?

The SPEAKER. Is there objection?

Speaker——

Mr. FOSTER. Mr. Speaker, as to the amendment——

The SPEAKER. The gentleman from Illinois has not finished——

Mr. FOSTER. Which was placed in the civil-service law, the Senator who placed it there was very particular not only to say that the applicant must be a resident of the State but that he must be domiciled there, so that the filling of these departments all from the District of Columbia might be avoided. We all know that there are thousands here who may come from Michigan or Illinois or Pennsylvania or any other State, and it throws the doors absolutely wide open. It does not provide that those people shall be excluded after the war is over. Nobody knows how many of them may be retained.

Mr. DOWELL. As I understand it, this provision is not in the resolution?

Mr. FOSTER. No.

Mr. DOWELL. Mr. Speaker, I object.

The SPEAKER. The gentleman from Iowa objects.

QUESTION OF PERSONAL PRIVILEGE.

Mr. BLANTON rose.

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. BLANTON. To give notice of bringing up a question of privilege.

The SPEAKER. If you are going to have the question of privilege up now, well and good.

Mr. BLANTON. I will state, Mr. Speaker, that I give notice now to the gentleman from Texas [Mr. WILSON] that next Monday I shall rise to a question of personal privilege to answer an article that he has put into the RECORD this morning, yesterday's RECORD.

The SPEAKER. The gentleman from Texas [Mr. WILSON] will take notice.

SOCIALIST STATE CONVENTION IN SOUTH DAKOTA.

Mr. LONDON. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for 10 minutes. What about?

Mr. LONDON. I received this morning a letter from the secretary of the national executive committee of the Socialist Party, in which he protests against the breaking up of a Socialist State convention by the authorities in South Dakota.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for 10 minutes on the subject indicated. Is there objection?

There was no objection.

Mr. LONDON. Mr. Speaker, I have not prepared myself for this short talk, and I speak more on impulse than in deliberation.

Only a few moments ago I read this letter from the secretary of the national executive committee of the Socialist Party. He tells me that he is in receipt of several letters from South Dakota, complaining that the authorities prohibited the holding of a Socialist convention at Mitchell, S. Dak., on January 22, 1918. He says:

Not only was the convention broken up, but a lawless mob seized Comrade William C. Rempfer—

Socialists refer to each other as "comrades"—

one of our most active comrades, and deported him from the city. The purpose of this convention was to nominate candidates for office and draft a State platform.

He writes further:

Something ought to be done about this, and I believe that Congress is a good place to unmask the capitalist anarchists that are parading under the mantle of "democracy."

I shall now read a copy of a letter from William C. Rempfer, upon which the complaint of the national secretary is based. The letter was addressed, the national secretary informs me, by Mr. Rempfer to the governor of the State of South Dakota and to Mayor J. F. Wells, of Mitchell, S. Dak.:

The convention of the Socialist Party of South Dakota, duly called for January 22, 23, and 24, met in Mitchell for the purpose of drafting a platform and nominating State candidates for the next general election, subject to referendum of the party membership.

It was an orderly political convention, conducting its business in a legal way. The sessions were public, and a representative of the city government was requested to be present at all sessions.

Imagine the surprise of the delegates when on the morning of the 23d orders were given by the police of Mitchell to disperse the convention, and the convention was dispersed by the authorities.

We were informed that Mayor Wells, who was attending a meeting of the State council of defense at Sioux Falls, had telephoned the police of Mitchell to disperse the meeting of the delegates then in session and to forbid further sessions of the convention.

If similar action is taken when the Democratic Party and the Nonpartisan League attempt to hold their conventions, Gov. Norbeck will be unanimously reelected governor of South Dakota in November, for the obvious reason that it will be impossible to nominate candidates against him.

I was duly elected delegate to the Socialist convention. A short time after our convention was adjourned sine die by the city authorities of Mitchell, news reached me that the police had ordered me out of town. About half hour later, while I was walking on the main street of the city, an automobile dashed up to the curb near me, five men sprang out, and laying hands on me from all sides, they forced me into the car. I demanded to know by what authority or under what orders I was thus treated, but in vain. Carefully guarded on all sides and ordered to keep my mouth shut, I was driven into the country a distance of 5 miles, when the car came to a stop. The ringleader opened the door and ordered me out, saying, "Ethan is 8 miles south. Don't you attempt to telephone from any farm house along the line. There are men there to stop you. And don't you ever come back to Mitchell. That's permanent." Thereupon these guardians of democracy got into the car and returned to Mitchell.

Do you countenance these two examples of mob-law methods, or do you deem it advisable to institute a thorough investigation and prosecution of the guilty offenders, even though they be public officials?

For the present I will only say that now, when the whole world is watching the work of the German social democracy, when the hope of every mother in America is that the spirit of rebellion and love of democracy and love of general peace among the German socialists will save the American boys from the trenches, when the hope of the whole world is that the revolutionary movement will wind up the war abroad and force a universal peace and compel tyrant and oppressor, plutocrat and financier, imperialist and traitor against the welfare of the people to restore the world to a normal state, it is a dastardly act, it is the act of scoundrels, to be breaking up Socialist conventions. It can do no good to America. It can do no good to the cause in which this country is engaged. It will not increase the respect for the democracy of the United States, and this Congress should take some action. Somebody should take action to condemn methods of this sort.

Mr. AUSTIN. Will the gentleman tell us what this man was doing, or what kind of a speech he was making, to provoke the law officers to arrest him?

Mr. LONDON. I do not know what speech he was delivering, but I have read before you a communication, and I base my speech upon this communication; and I furthermore say——

Mr. AUSTIN. Suppose he was inciting revolution, or opposition to the Federal draft law, for instance; what would be the gentleman's position?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Tennessee?

Mr. LONDON. I do not care to yield, but the gentleman has asked a question, and I say if this man advocated opposition to the draft, there is a law to deal with that subject, and the individual who advocated opposition to the draft should have been dealt with as an individual; but the breaking up of a convention of a political party is a denial of every principle of democracy.

Mr. AUSTIN. That depends on what the convention was doing.

The SPEAKER. Does the gentleman yield?

Mr. LONDON. I decline to yield further, and I do not care to have these interruptions. One can readily see the danger of little groups of men assuming the function of guardians of liberty. What a fine state of affairs we will have if groups of ignorant merchants with their clerks will assume to be censors of speeches and of the press and break up political conventions. If the gentleman thinks that is a good method, that that is a safe thing for democracy, he has a peculiar notion of democracy. I hope Congress will take some action to make a repetition of these offenses impossible. The importance and influence of the United States in the present world contest, the participation of the United States in this world struggle can only be effective to the extent to which people respect America as a liberty-loving country. It is not the armies of America that will count, it is the fact that this Republic is to be the carrier of ideals of democracy; that will count.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. LONDON. Pardon me one moment. Every denial by the constituted authorities of the fundamental principles of law injures the United States in the eyes of the world, and by injuring the United States it postpones the day when peace will be restored.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Minnesota?

Mr. LONDON. No—well, I will yield.

Mr. MILLER of Minnesota. The gentleman had better yield, or hereafter when he asks unanimous consent to address the House he will not get it.

The SPEAKER. The gentleman from Minnesota is out of order.

Mr. LONDON. I yield to the gentleman in spite of his threat.

Mr. MILLER of Minnesota. All right.

The SPEAKER. The remark of the gentleman from Minnesota is out of order. Now, any question he wants to ask the gentleman from New York——

Mr. LONDON. I yield to the gentleman——

Mr. MILLER of Minnesota. By permission of the Chair——

Mr. LONDON. I yield for a relevant question, of course.

Mr. MILLER of Minnesota. Does the gentleman recognize any difference between disloyalty and treason and democracy?

Mr. LONDON. Oh, why should the gentleman not ask me whether I recognize any difference between a Member of Congress from Minnesota and a mule from Missouri?

Mr. MILLER of Minnesota. I do not imagine that the gentleman recognizes that there is any difference.

Mr. LONDON. They are two different propositions. The gentleman does not come from Missouri, anyway, and I would not care to designate him as the thing to which I referred. There is no comparison between democracy and the things he mentions.

Mr. MILLER of Minnesota. If the gentleman can tell the difference, his intelligence is greater than I have given him credit for heretofore.

Mr. LONDON. There is no comparison between these things, and if parliamentary practice would permit it I would call the gentleman's question by its proper name; but I prefer to be polite all the time. [Laughter.]

AGRICULTURAL APPROPRIATIONS.

On motion of Mr. LEVER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, with Mr. CRISP in the chair.

The CHAIRMAN. When the committee rose last evening the gentleman from South Carolina [Mr. LEVER] had proposed an amendment, and on that amendment the committee had agreed that there should be 50 minutes of debate, the gentleman from Michigan [Mr. MCLAUGHLIN] to control half that time and the gentleman from South Carolina to control half. For the information of the committee the Chair will now direct the Clerk to read the amendment proposed by the gentleman from South Carolina.

The Clerk read as follows:

Page 78, in lieu of the paragraph stricken out at the top of the page, insert the following:

"For enabling the Secretary of Agriculture to investigate and certify to shippers the condition as to soundness of fruit, vegetables, and other food products, when received at such important central markets as the Secretary of Agriculture may from time to time designate and under such rules and regulations as he may prescribe: *Provided*, That certificates issued by authorized agents of the department shall be received in all courts as prima facie evidence of the truth of the statements therein contained."

Mr. LEVER. I ask the gentleman from Michigan, [Mr. MCLAUGHLIN] to use some of his time.

Mr. MCLAUGHLIN of Michigan. I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Speaker, I wish to direct my opposition to this amendment, especially to the clause which provides that the certificates issued by the agents of the Department of Agriculture shall be received as prima facie evidence in the courts. This is an attempt to change entirely the rules of evidence, and I appeal now to the lawyers of this body whether we ought to take a drastic step of that kind. The amendment has been changed by the chairman of the Committee on Agriculture by leaving out the provision for "the payment of the fees" for services of this kind by the party whose goods are examined.

Mr. LEVER. Will the gentleman permit me just for a moment?

Mr. ROBBINS. I have only five minutes.

Mr. LEVER. That was in the original proposition——

Mr. ROBBINS. I know. The gentleman has omitted it from the amendment.

Mr. LEVER. It was not done by me, but by the gentlemen on the other side.

Mr. ROBBINS. The gentleman wants to put in this amendment on the ground that it is incorporated in the general food-control bill. That does not make it a legal proposition by any means. What we propose to do here is to make the certificate of an authorized agent of the Department of Agriculture prima facie evidence in the courts.

It is unfair to establish a different method of proof in the case of loss or damage to a consignment of vegetable or fruit from that which applies in case of a shipment of coal, lumber, or merchandise. In case of perishable goods the loss may be occasioned by the negligence of the carrier "in transit," or it may be it is the result of the refusal of the consignee to promptly accept and properly care for the shipment, or the damage or loss may arise from many other causes. Now, I submit, Mr. Chairman, a mere certificate, ex parte in character and not sworn to, should not be accepted as sufficient proof of such loss.

The only proper method of establishing the facts that constitute such loss or damage would be by a deposition regularly taken upon notice and the submission of cross-interrogatories or by taking the evidence in court, where an opportunity is given to meet the witnesses and cross-examine them. This amendment is for the benefit of the farmer. The method proposed does not contain these safeguards and will work great hardship on our farmers.

The procedure here provided is contrary to the practice of all the courts in all the various Commonwealths that I know anything about. It provides that a certificate, not given under oath, but a loose certificate by an agent of the Department of Agriculture, shall be taken in the courts and accepted on the same basis as a deposition, without opportunity to cross-examine, and without an opportunity to ascertain what the facts are, and ascertain them according to the usual practice in courts of law. Here is a prima facie case made out by the mere ex parte certificate not under oath, given by any agent of the Department of Agriculture, a very unusual and unsatisfactory method of procedure.

Let us see how it will work out. If, as the gentleman said last night, a carload of asparagus or lettuce is shipped from South Carolina to the market in the city of Pittsburgh, if, when it arrives, it is in a damaged condition and the consignee refuses to accept it, all he has to do is to go to one of the agents of the Department of Agriculture and get a prima facie certificate that it is damaged, and he is not bound to accept it. Now, the consignor lives at a distance in the South, and is a vegetable grower, because that is the kind of people that are supposed to get protection under this bill, and when he undertakes to collect for his shipment he will be confronted by this ex parte certificate of the agent of the department which will estop him when he seeks to recover. It may be that he will have to go into the district court of the United States, being a citizen of another State.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. ROBBINS. I will.

Mr. COOPER of Wisconsin. I think none of us have seen the amendment or read it. Will the gentleman state what the certificate will contain, what statement of facts?

Mr. ROBBINS. There is nothing to regulate it except that it is expected that the Department of Agriculture, through the Secretary, will prescribe rules and regulations. I do not know what those will be, but I assume that they will be reasonable and just; but that is not the point; we are changing the proceedings in courts and the established rules of evidence.

I think the constitution of the gentleman's State, and I appeal to the chairman of the Agricultural Committee, for I assume he is a lawyer, must contain some provision like we have in the State constitution of Pennsylvania, wherein it is provided that "the legislature shall not pass any law regulating the practice in courts, or change the rules of evidence in any judicial proceeding."

This amendment, therefore, is wrong, wrong in principal, and it is flying in the teeth of all practice in my Commonwealth; and of course the United States courts that would try these cases in the several States are guided by the rules of evidence that apply in the State where the court is located. If we are to accept these certificates, we will establish by statute the principle that the declaration of an agent, unverified, is to be taken as prima facie evidence against the claim made by a citizen of a distant State who may be the consignor of the vegetable product. That is against the practice of our courts and the law as now administered and therefore I think the proviso ought to be stricken from the bill altogether as vicious and of no good value to legislation enacted by this Congress.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from South Carolina [Mr. BYRNES].

Mr. BYRNES of South Carolina. Mr. Chairman, under the practice existing for marketing foods and vegetables the truck growers have been forced to be the greatest gamblers in the country. They invest their money in high-grade fertilizers, overhead irrigation and other expensive methods, and produce vegetables and fruit. Then, in response to attractive circulars they send them to commission merchants in the great markets of the Nation. They have turned their products over to the

railroads to be transported to the commission merchant and sold by him and the returns made. They have waited to see what the car would bring, and in too many instances it has brought nothing but a demand for a check to pay the freight, because the commission merchant has claimed that the produce when it arrived was in bad condition. The farmer has had no earthly chance to ascertain whether or not the statement was true. He could not maintain a representative in the markets of the Nation.

Now, we propose by this service, for which the appropriation of $113,000 is proposed, to have a representative of the Bureau of Markets stationed in these markets to certify to the condition of the produce whenever the grower asks that an inspection be made to ascertain whether or not the vegetables or fruit are really in bad condition. The mere presence of an inspector of the bureau, whose services are at the disposal of the farmer, will cause the commission man to hesitate to misrepresent the condition of the produce upon arrival. The hearings will show that from the State of Washington the Yakima Truck Growers' Association called on the Bureau of Markets to make such an inspection, and it saved the truck growers money. In the hearings Mr. Brand, the chief of the bureau, also gave an instance of a peach growers' association in Arkansas shipping several cars of peaches to Chicago. The Bureau of Markets, acting on the request of the truck growers' association, made an investigation and found that the commission merchants had robbed the truck and fruit growers of Arkansas, and as a result the growers were able to recover the money due them.

The evil exists and the remedy can be applied by the Bureau of Markets. The question is, shall we refuse to apply it because, as was suggested yesterday, it is paternalism. Why, 50 per cent of the appropriations provided for in the Agriculture bill is paternalistic. Unless some remedy is applied, the truck growers can not continue business. No agency but a Government agency can serve to relieve the situation. Now, the President calls on the farmers to increase their acreage. Under the methods I have described would one of you continue to plant vegetables? You would not, unless you are a natural gambler. I have known many men who were compelled to discontinue the planting of fruits and vegetables simply because there was no way of getting a square deal from the commission men. The gentleman from Pennsylvania says it would be a violation of the rules of evidence to provide that the certificate of the inspector shall be accepted as prima facie evidence of condition. You have similar provisions, providing for a similar certificate by the Interstate Commerce Commission, that it shall be received as prima facie evidence in the courts of any State as to the rates. You can look at the warehouse act and find the same thing. If he has fear that the truck grower will be injured by the certificate, the truck growers will rise and waive their rights under it, because they know it offers them the only chance to secure a square deal from the commission men. The railroads will not object. I have stood in the courthouse time after time when a grower has brought an action against a railroad company based upon a telegram from a commission merchant in some market saying his cantaloupes, for instance, arrived in bad condition. The railroad has brought in employees from the Potomac Yards, and all of the terminal yards, to show that the car was properly iced and that the fruit arrived there in good condition. In the majority of cases, I am satisfied, the railroads were not liable, and the cantaloupes did not arrive at their destination in bad condition. The truth was that the commission merchant was robbing the farmer. And they have defrauded the Colorado farmer, the grower in Washington, California, and throughout the West just as they have the truck growers of the South. Now, if we deny the use of a governmental agency here, we will discourage production at a time when it is needed and hereafter vegetables will be higher in the markets of the East at a time when we all know we ought to do what we can to make them lower. By increasing the production of perishable foodstuffs for consumption in this country we will make it possible to ship more nonperishable foodstuffs to our soldiers and our allies in Europe. [Applause.]

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, we are launching on a policy, if we adopt this amendment, the final outcome of which no one can predict. Adopt this amendment as it stands here to-day, which is limited only to inspection of truck gardening, fruits, and foodstuffs in central markets, and you will have a demand growing and growing which will finally require you to have inspection not only in the central markets but in every market of the country, not only limited to this character of produce but to live stock and to all character of shipments. As far as I know the dealings between commission merchants and truck gardeners tributary to my home city has not been such as to bring any criticism upon those commission merchants that they were not upright. Their dealings have been based on good faith, and when the farmer has shipped berries or other garden truck to the market in Milwaukee there has been no complaint that he has not received his full rights and compensation for it. But here we have the idea that every character of shipment, whether the dealings between the commission merchant and the producer are satisfactory or not, must be examined by these inspectors. This will create a horde of inspectors where there is no necessity. I grant for the sake of argument that there may be instances cited where the commission merchant has taken advantage of the producer and has not dealt fairly, but in the course of business that condition rights itself. The producer is not going to deal with a disreputable commission merchant, but by this provision, instead of merely inspecting the goods of those where they may not have had proper consideration before, you are going to oblige every shipment sent to the central markets to be examined, and that report accepted with full faith in the courts, regardless of what the commission merchant may say as to the character of the shipment. If we are going to launch on this policy of paternalism, there is no end to which it may go. I felt compelled to make the point of order yesterday against this new activity of the National Government in trying to prevent it going into a field where there is no necessity for it.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. FORDNEY. I know of an instance where a Michigan fruit grower made a shipment of peaches to Chicago. Word came back from the commission dealer that he did not receive enough for the fruit to pay the freight, and he sent a bill for $2.78, and asked the shipper to remit that amount to him. The shipper replied, "I have no more money, but can send you another carload of peaches." What are you going to do in such a case as that? [Laughter.]

Mr. STAFFORD. Oh, the gentleman can cite isolated cases, but the gentleman knows also there are hundreds of cases where there has not been any unfair dealing between the fruit grower and the commission merchant, and yet every consignment imaginable will have to be inspected and the returns of all the reputable dealings will be passed on, as well as those few instances of disreputable dealings. I answer the gentleman by saying that after that producer has ascertained that the commission merchant is not dealing fairly with him, is he going to continue to do business with him? Are you going to have Government inspectors determine who is the proper person for the gardener to deal with in the sale of produce? Perhaps the gentleman from Michigan is in favor of this paternalistic policy, and I assume he is. I assume he wants all shipments of every kind to be inspected on their arrival to determine whether the dealing between the producer and the commission merchant should continue, or allow the relations in the natural course of business to continue as they have done in the past.

Mr. BYRNES of South Carolina. Is not the gentleman mistaken in thinking that every shipment will have to be inspected? This is only where the shipper calls upon the Bureau of Markets to perform this service.

Mr. STAFFORD. But there is no such limitation at all in the provision. It has been testified here that the head of this bureau wants to enlarge his activities. If the producer is satisfied with existing arrangements with the commission merchant, why should not that condition be continued rather than force on the Government the inspection of every character of shipment of produce sent to these central distributing points?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. FAIRFIELD.]

Mr. FAIRFIELD. Mr. Chairman, I am not opposed to the principle involved in this legislation. I am not sure but that the time will come when shipments will have to be safeguarded more thoroughly to the farmer. What I object to is that in a single paragraph here in an appropriation bill legislation of such far-reaching consequence should be immediately passed upon without proper safeguarding that legislation. Who is interested in this legislation? You would think that only the shipper is involved, but not only the shipper but the common carrier, the commission merchant, and the public are all involved in legislation of this kind. To give an illustration with reference to the need of such legislation, two or three years ago a lawyer friend of mine said to me, "I had a peculiar case the other day. A commission house of this city had refused a carload of watermelons—denied payment. We brought suit for the man

who had shipped the melons. It was found out that when the melons arrived there was an unusual number of melons on the market and that the commission merchant permitted them to remain in the car for 48 hours, when the stock was practically worthless." This called my attention sharply to the problem. I learned also that men sometimes, in shipping onions and in shipping potatoes, were absolutely helpless in the hands of a commission merchant. On the other hand, however, to begin a thing like this it might be well for us to inquire as to what should be the characteristics of the inspector. He should be alert, active, and, above all else, he should be honest, for the commission men of this country are not, as a rule, dishonest. I have but little respect for that sort of a proposition which arraigns a great body of business men as being dishonest, yet it is true that again and again the farmer suffers. In my judgment this legislation ought to compel that the inspector be bonded. It ought to be safeguarded at least to that extent, and that he should be called into court the same as any other witness and examined carefully, so that all sides may have opportunity for redress if it is necessary. For that reason, gentlemen, not because I am opposed to the principle of the legislation, I think the legislation is dangerous thus quickly to be passed without studying it more thoroughly than we are capable of studying it at this time.

Mr. ROBBINS. Will the gentleman permit a question?

Mr. FAIRFIELD. I will.

Mr. ROBBINS. Does not the gentleman think any inspector who has such responsibilities as are placed on him by this bill should be subject to cross-examination?

Mr. FAIRFIELD. Absolutely.

Mr. ROBBINS. For the protection of the farmer as well as the consignee?

Mr. FAIRFIELD. Absolutely.

Mr. LEE of Georgia. I yield five minutes to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY of Texas. Mr. Chairman, it seems to me that I have somewhere read or heard something about it being necessary to conserve food for the purpose of winning the war. One of the cardinal principles in a rational system of conservation is that we shall utilize as much as possible the perishable foods so that the nonperishable foods may be sent to our Army.

Now, it seems to me that gentlemen take a very peculiar position when they are willing to appropriate thousands, yea, millions, of dollars, to make agricultural investigations and publish agricultural reports and bulletins, and in theorizing, and in fictional farming, and yet when it comes to permitting the Department of Agriculture to really do something practical and tangible they throw their hands up in holy horror and say it is no function of the Government.

Already you have heard a great deal here about the abuses that have crept into the system of marketing farm produce. Now, I am not speaking alone for the producer, but also for the consumer, because whenever you destroy a market for the producer you are destroying a market for the consumer. Whenever you prevent the producer from getting his perishable products to the man that is waiting to eat them, you are not only injuring the producer but you are injuring the man who is hungry. And so, gentlemen, it seems to me that this provision of the bill which authorizes the Secretary of Agriculture to permit the inspection of farm products by his inspectors and the making of a certificate to that effect is a very wholesome regulation.

Now, the gentleman from Wisconsin [Mr. STAFFORD] seemed to be very much afraid that this provision would require the inspection of all shipments. This provision is already in the food-control bill, and my information is that the Secretary of Agriculture only inspects shipments when called upon to do so. On the other hand, the gentleman from Wisconsin, I suppose, would only have an inspection made in cases where lawsuits ensue, and he would wait until all the produce and fruit had rotted and been thrown in the river or condemned by the State authorities, and then he would have the Secretary of Agriculture make a professional inspection, or post-mortem examination. [Laughter.]

Now, gentlemen, these abuses have happened in the past, and they will happen in the future unless some regulation of this kind is made.

Mr. MASON. Mr. Chairman, may I ask the gentleman a question?

Mr. CONNALLY of Texas. Yes, sir.

Mr. MASON. Is it not a fact also that these proposed inspectors will be a protection to the honest commission merchant, so far as damaged goods that have been shipped to him are concerned? He can call for an inspection. That certificate is prima facie evidence, which can not be overcome, and it is a protection not only to the producer or consumer but to every commission merchant who is honestly dealing with his customers.

Mr. CONNALLY of Texas. I am very glad indeed to have the gentleman from Illinois call that matter to my attention, and I heartily agree with that proposition, because the honest commission merchant will then have a way of convincing the shipper that he has in fact given him a square deal.

Mr. LITTLE. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. LITTLE. While we will admit, for purpose of argument, anyway, that the commission merchant is just as honest as everybody else, is it not a fact that the peculiar character of this commission business, which subjects the commission man to the rise and fall of the market that he can not regulate really subjects him to more temptation than anybody else?

Mr. CONNALLY of Texas. I have not been a commission merchant, and I am not sure as to how much temptation——

Mr. MOORE of Pennsylvania. Will it tempt the commission merchant any more than it will tempt the farmer to put a few bad apples in the bottom of the basket?

Mr. CONNALLY of Texas. Since the gentleman from Pennsylvania is looking at it from one direction and the gentleman from Kansas from another direction, I am going to leave it to their own settlement. But when you destroy a market for the one, you destroy it for the other.

At the last session of Congress there were loosed in this Chamber many cubic feet of oratory about the venality, the crookedness, and the general all-around cussedness of the middle man; he was castigated and vilified; no term of execration was spared, and there was a loud cry for his crucifixion; Members demanded his utter destruction. Now, the functions of the middle man are necessary to healthy and normal commerce. There must be some agency to buy products and resell and distribute them to the ultimate consumer, especially where the consuming centers are far removed from the producing centers. If the Government should destroy the middle man and should fail to furnish a substitute, food would rot in producing centers, and people would starve in consuming centers. Is it not much better and wiser to permit the middle man, the broker, the commission merchant, and jobber to continue to perform the useful functions involved in the purchase, sale, and distribution of products and yet at the same time require him to act with fairness and good conscience toward sellers and buyers alike? Great quantities of perishable foods are wasted each year because of poor market conditions and transportation difficulties. Farmers and truck growers often permit products to waste rather than incur transportation charges and run the risk of receiving advices from a broker hundreds of miles away that their produce arrived in a condition so damaged as to be unmarketable. The amendment will measurably remedy that situation, and I hope that it may be adopted.

When we make it easier for the producer of foods to get a "square deal" it will also be easier for the consumer to get a "square meal." [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. JUUL].

Mr. JUUL. Mr. Chairman, this clause of the Agricultural bill seeks to appropriate $113,000 to enable the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, and other food products when received at such important markets as the Secretary of Agriculture from time to time designates.

I think the gentlemen on this floor fail to take cognizance of the fact that the bill just speaks upon the subject of receiving. You want inspection of fruits, vegetables, when it is received. The difficulty is not happening when the fruit is received, for instance, in Chicago, it is happening about the time it is sold, and I do not imagine that many of you gentlemen have seen the yards in the big railway terminals in Chicago when fruit arrives during the summer time.

Cars arrive by the hundreds, and this difficulty of which you have spoken here to-day, shipping fruits to the great markets and instead of getting the proper checks for the produce receiving bills from the commission merchants for transportation. Many times the cause of this difficulty is not dishonesty but the fact that the fruit comes into Chicago on Saturday or on days before legal holidays, the yards are crowded with the fruit, and there is no opportunity in the time between the arrival of the fruit and the holiday to get it out of the yards and profitably marketed, so the fruit or vegetables, as the case may be, is turned over to a number of peddlers and the fruit offered to them at any price that can be gotten, and I have often seen numerous

peddlers' wagons with the peddlers crying a dozen peaches for a nickel.

You can imagine what he pays for them when he sells them at that price. You can see that condition in Chicago, and I suppose in all large centers of this country, time after time.

And I think, Mr. Chairman, that in this bill, in line 4, the gentleman having the bill in charge ought to insert in addition to the matter of inspection a proviso to enable the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruit, vegetables, and other food products when received and at the time of sale.

The question is not only of the condition when the fruit is received in the yards, it is a question of the condition of the fruit when it is marketed, and you can not send unlimited numbers of cars of fruit into South Water Street, the great produce street in Chicago, having these cars arrive on Saturday afternoons, and always be sure to sell it at once at prices which such fruit ought to bring.

On the receipt of vast quantities of fruit on a Saturday or the day before any day not a market day you can do one of two things, namely, let the stuff become a total loss or get for it what you can and report the result to the shipper.

I am not here to defend dishonest commission men. I hope they will put them all in jail.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit an interruption?

Mr. JUUL. Yes.

Mr. COOPER of Wisconsin. As to the reason that you mentioned, of this deterioration of this perishable stuff, does not the commission merchant take that into account in the prices he charges his customers? I think they do that in this city at least.

Mr. JUUL. I will say that he does take it into consideration.

Mr. COOPER of Wisconsin. Then should the farmer be obliged to bear any portion of it, if he sends the goods and they reach the commission merchant in good shape?

Mr. JUUL. That is the question. Do they reach the commission merchant in good shape? They reach the tracks in good shape, but the freight piles up by hundreds and hundreds of cars and the next day is a holiday. If the next day should be a market day, it could be sold; but if the commission merchant does not clear it up the stuff rots on the tracks.

I firmly believe in inspection both as a measure of protection for the farmer and for the protection of the reputation of the honest commission merchant, who is often confronted with enormous shipments of perishable produce.

When said shipments arrive in the great cities faster than disposition can be made of them, the middleman's only choice is to dispose of them for anything they will bring.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. JUUL. Mr. Chairman, I ask leave to insert the few words that I failed to utter.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for three minutes.

Mr. MONDELL. Mr. Chairman, I am not enamored of paternalism, and I think we should be very careful about endeavoring to change the rules of evidence in the courts. I am much impressed by what the gentleman from Michigan [Mr. McLAUGHLIN] and the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Pennsylvania [Mr. ROBBINS] have said relative to these matters. Yet, after all is said and done, we are indulging in paternalism to a very large extent in many lines, and if we can, along this line, indulge in a little paternalism that ought to be and could be and will be, if honestly administered, a benefit to the producer and the consumer alike, I think we may very properly do it.

It is something of an experiment. It is an experiment that may involve possibly scandal. The men employed by the Federal Government may not always be honest and conscientious and upright and fair in their judgment. But we must assume that they will be, and there is a service here that, if properly and wisely rendered, will be very valuable. We need to smooth the way between the grower and the producer and the consumer; to cut down, as far as we can, the gap of prices between the two and make the way easy to a distribution that will give the producer a fair price and honest treatment, and the consumer his product at the lowest price possible.

I am inclined to think this experiment is a wise one. We ought at least to try it out and see how it works. I am sure it will do good.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. LEVER. Mr. Chairman, I ask the gentleman from Michigan to yield some time.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not object to the inspection of these perishable fruits on their receipt at any market place, nor would I object to their inspection at the point of shipment. It seems to me it would be just as important to inspect them when shipped as it would be to inspect them on their receipt, because many things happen between the time they are put on their journey and the time they arrive, and much could be said in behalf of the commission merchant in that regard.

I do not believe commission merchants are wholly dishonest. There may be a few dishonest ones amongst them, just as there may be a few men in the farming fraternity who would be inclined to take advantage of an opportunity to put a few small potatoes in the bottom of a barrel or a few bad apples in the bottom of a basket. But that should not reflect on the entire farming community. We must assume that both parties are honest, and we should realize that one depends upon the other. The commission man is essential to the farmer, because the farmer of Nebraska, for instance, can not get directly to the door of the consumer in New York or Washington. He must depend upon an intermediary to get him to the market. I do not like the wholesale denunciation of the commission man; he is the necessary middleman between the producer and the consumer. The producer and the consumer can not get together with respect to these perishable commodities without the intervention of the commission merchant; he is justified in the position he occupies.

What I do object to here is the proviso in this amendment that the certificates issued by the Government inspector shall be received in all courts as prima facie evidence of the truth of the statements therein contained, without giving the right to either party to the contrary to call him to court. I am not enough of a lawyer to discuss the rules of evidence, but it seems to me if an inspector is capable of making a certificate, he is capable of backing it up in court. I would not care to rely on the certificate of an inspector who operated wholly in a farming district, any more than I would care to rely upon the certificate of an inspector who operated wholly among the commission merchants. He may be influenced by one or the other, and if there was a controversy between the parties who unfortunately had to go to court, one or the other of them ought to have the right to summon that inspector into court to prove the accuracy of his certificate.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. REAVIS. What is there in this to prevent the inspector being called as a witness?

Mr. MOORE of Pennsylvania. Nothing, except that the certificate of the inspector shall be accepted as prima facie evidence.

Mr. REAVIS. Only prima facie, not conclusive, evidence.

Mr. MOORE of Pennsylvania. I say I am not sufficiently versed in law to discuss the rules of evidence, but several gentlemen who are lawyers have done so. I do not think a certificate issued by an inspector, who is essentially human, and who is subject to influence by farmers on the one hand or by commission merchants on the other, should be accepted in court as evidence. A party to a suit ought to have the right to summon the inspector for cross-examination.

Mr. REAVIS. There is nothing in this to prevent his summoning the inspector, and his certificate must be prima facie, not conclusive, evidence.

Mr. MOORE of Pennsylvania. If it means nothing, why is the proviso inserted?

Mr. REAVIS. Of course it means something.

Mr. MOORE of Pennsylvania. It is evident that the certificate is to be taken as evidence in the absence of the inspector.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LEVER. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. CANDLER of Mississippi. Mr. Chairman, the present food-control law contains this item:

For gathering authoritative information in connection with the demand for and the production, supply, distribution, and utilization of food, and otherwise carrying out the purpose of section 2 of this act; extending and enlarging the market news service; and preventing

waste of food in storage, in transit, or held for sale; advise concerning the market movement or distribution of perishable products; for enabling the Secretary of Agriculture to investigate and certify to shippers the condition as to soundness of fruits, vegetables, and other food products, when received at such important central markets as the Secretary of Agriculture may from time to time designate and under such rules and regulations as he may prescribe: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts as the truth of the statements therein contained.

The amendment pending is in accordance with this provision in the food law and prescribes the amount of money that is to be appropriated.

Now, this provision pending before the House does not enact the law to make the certificates prima facie evidence. That is already in the law. It is in the food law; it is in the warehouse law; it is in the grain-grading law; it is in all the laws that have been enacted along this line on matters of this character. Therefore the argument in reference to enacting this into law necessarily falls to the ground because it is already the law. But if it is not the law it would be a good thing to put in here now. It simply shifts the burden of proof; that is all. It does not deny to the commission merchant the right to controvert it at all. It simply has this effect, that when you introduce that certificate that establishes a prima facie case. Then the other man, if he wants to controvert any statement in this certificate, can furnish the proof, if there is proof, to overcome that prima facie case made by the introduction of the certificate of the inspector. Gentlemen, this provision pending if enacted will not only protect the shipper but it will protect the transportation company; it will protect the honest commission merchant; and it will protect the public. There is not a single criticism that has been offered to this provision up to date by anybody; that is a sufficient answer to show why it ought not to become a law, because the sole purpose of it is to secure honesty in dealing between the shipper and the commission merchant who is dealing with the public. It is in the interest of fair dealing, in the interest of the protection of the man who is honest and wants to do the right thing, whether he be shipper, merchant, or consumer. The merchant who proposes to deal honestly and squarely with the man who is shipping his products to him will not object to this provision. The shipper will not object to it, because it furnishes him with the protection he ought to have. The gentleman from Wisconsin [Mr. STAFFORD] said it would create a horde of inspectors. There is no danger of that, because there will be no demand for inspection unless there is complaint and unless there is a request. Therefore, not every shipment will be inspected, but only shipments where the shipper knows or believes that his product when it left his hands was in good shape and when on reaching destination it is reported to be in bad condition, and when it is of sufficient importance for him to request the Department of Agriculture to have it inspected and see whether it is in good condition, or whether it is in bad condition. Then, when that request is made, the inspector makes that inspection and gives the certificate provided for in this provision, certifying to the good condition or the bad condition of the product as he finds the truth to be. By that the shipper secures protection, and the commission merchant at the other end of the line is protected, because if he has reported the product in bad condition correctly, if the shipment is really in bad condition the inspector goes there and the commission merchant demonstrates that fact to him, and he certifies that it is in bad condition. That satisfies the shipper, it protects the commission merchant, and it protects the public as well. Hence, I say I can not see how it is possible for this provision to do any harm, and it is fraught with much possible good. That being so, it certainly ought to be enacted into law, and I hope the amendment offered by the chairman of the committee and now pending will be adopted. [Applause.]

The CHAIRMAN. The gentleman from Michigan [Mr. McLAUGHLIN] and the gentleman from South Carolina [Mr. LEVER] have each four minutes remaining.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, last night I called the attention of the committee to the language in the bill largely for the purpose of advising those who have not closely followed the course of these matters of the degree to which the work of the Bureau of Markets is extended, taking in, as I believe, some work that is not properly market work. The speeches that have been made telling of the outrages committed upon shippers by commission merchants can not be answered. There is no doubt of the truth of them. The only question is whether or not it is the duty of the Federal Government to provide relief for everyone who suffers on account of the lack of principle of a party at one end or the other of a contract. As I stated last evening, my principal objection is that we are undertaking to legislate concerning this very important matter in a few lines, a short paragraph, changing, as gentlemen have said, the rules of evidence and the proceedings in court—a matter which should be gone into thoroughly, and concerning which we should adopt a well-digested, well-considered measure. This change in paragraph does not relate alone to fruits and vegetables, but to all food products. It covers the entire field. When we were considering this matter in the committee I think I suggested—at least, the suggestion was made before the committee—that the one who asked the privilege of having this examination made in his behalf for his protection ought to pay the cost. My recollection is that there was no objection to that, and those words, embodying that idea, were included in the measure as presented to the House by the committee. The paragraph went out on a point of order, and the paragraph presented in its place by the chairman of the committee and held to be in order does not contain those words. I wish to offer an amendment to have those words inserted, so that the one who asks to have this inspection made, for whose benefit and protection it is made, shall pay the cost of the inspection. Otherwise this country may be covered by inspectors, and the expense will grow without limit. It is a business proposition. The one who asks for the service ought to pay for it, and I understand that in other measures similar to this, to which reference has been made and quoted for the purpose of justifying this paragraph, it is provided in every case that the cost of the inspection shall be borne by the one who asks it and for whose benefit it is made.

Mr. Chairman, I present the following amendment and ask that it be considered at the proper time.

The CHAIRMAN. The gentleman proposes an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Amend the amendment by adding at the end of the first paragraph, after the word "prescribe," the following words: "including payment of such fees as will cover the cost of the service rendered."

Mr. LEVER. Mr. Chairman, I have absolutely no objection to the amendment offered by the gentleman from Michigan. That language was contained in the bill when it was presented to the House. It went out on a point of order, and no doubt this language was a part of the language in the item which subjected the whole paragraph to a point of order. Personally I have no objection to this; in fact, I am in favor of it.

If I thought there was any serious attempt to strike this item out of the bill I would feel greatly worried about the situation, but I do not believe there can be any serious attempt in that direction. This proposes to do nothing more or less than to protect the public against thievery and robbery and dishonest dealing in this business of handling vegetables and perishable products. I presume there is no business which offers so many temptations, so many inducements to dishonest dealing, as this business of handling these highly perishable products from the producer to the ultimate consumer.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. McLAUGHLIN of Michigan. Ought not the words "other products" to be stricken out?

Mr. LEVER. I should not want to take that responsibility on the floor. What we are attempting to do is, first, to protect the honest man, the merchant who handles these products, against the relatively few dishonest men in the business. Second, we are trying to protect the consumer by assuring him that these perishables will be produced in quantities sufficiently large to enable them to be bought at a reasonable price. In the third place, we are trying to protect the producer against that element of dishonesty in the business against which he has now no protection except under this act. Gentlemen know, as has been pointed out frequently, that the shippers of vegetables and peaches are sometimes called upon to pay the expenses of the shipment when they get the returns. Testimony before the committee shows that one man selling peaches shipped to him from some part of Arkansas to Chicago for 35 cents a bushel, and the same peaches were traced and were sold in Michigan for $1.20. You ask what we want—how far shall we go—and the gentleman from Michigan suggests that there is dishonesty in all business. That is very true, but it is the duty of this Congress and every legislative body, as far as possible within the bounds of reason, to protect the public against dishonesty wherever it is found, and that is all there is in this proposition. [Applause.]

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is, first, on the amendment to the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN], which the Clerk will report.

The Clerk read as follows:

At the end of the first paragraph, after the word "prescribed," add the following: "including payment of such fees as will cover the cost of the service rendered."

The question was taken, and the amendment to the amendment was agreed to.

ought at least to try it out and see how it works. I am sure it will do good.

mand for and the production, supply, distribution, and utilization of food, and otherwise carrying out the purpose of section 2 of this act; extending and enlarging the market news service; and preventing

in a few lines, a short paragraph, changing, as gentlemen have said, the rules of evidence and the proceedings in court—a matter which should be gone into thoroughly, and concerning which

of the service rendered.

The question was taken, and the amendment to the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment to the amendment.

The Clerk read as follows:

Page 78, line 3, strike out after the word "other" the word "food," and insert in place thereof the words "perishable farm."

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. All debate on this paragraph and amendments thereto has been closed by order of the committee.

Mr. MOORE of Pennsylvania. I ask unanimous consent for one minute.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, unless this amendment is adopted, the instruction to the Secretary of Agriculture to appoint inspectors to conduct a system of inspection would apply to meat products and to other products included in the word "food," which I think the Committee on Agriculture does not contemplate. If the amendment is adopted, striking out the word "food" and inserting "perishable farm products," it would read "vegetable and other perishable farm products," and would confine the inspection to what I believe the committee has jurisdiction over.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment to the amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the proviso.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Amend the amendment by striking out all after the word "prescribed."

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from South Carolina [Mr. LEVER] as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

For investigating, demonstrating, and promoting the use of standards for the different grades, qualities, and conditions of cotton, and for investigating the ginning grading, stapling, baling marking compressing, and tare of cotton, $45,920: *Provided* That of the sum thus appropriated $26,960 may be used for testing the waste, tensile strength, and bleaching qualities of the different grades and classes of cotton in order to determine their spinning value and for demonstrating the results of such tests.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The language of this paragraph would seem to indicate that it was the purpose of the Department of Agriculture to establish standards. I was wondering whether this work was not properly within the purview of the Bureau of Standards.

Mr. LEVER. This work has always been done by the department under the cotton-future act.

Mr. STAFFORD. I am well aware of that, but I am asking whether the work is not more suitable for the Bureau of Standards than it is for the Department of Agriculture. The two departments recognize the difference in their respective fields of activity, the Bureau of Standards not wishing to trench on the chemical analysis or investigation of products, while the establishment of standards is left to the Bureau of Standards.

Mr. LEVER. I do not know when it started, but it seems to have grown up in the Department of Agriculture, the policy of fixing standards, and it does for grain, corn, wheat, and cotton. Practically all of the standardization work touching farm products, as far as I know, is being done by the Department of Agriculture, and I suspect it is in a better position to do it than is the Bureau of Standards, because the Department of Agriculture has more expert knowledge of the matter than has the Bureau of Standards.

Mr. STAFFORD. Only recently have we established standards as far as cereals are concerned. I recognize that the department, as far as wheat and corn and products of the soil is concerned, may be better qualified to establish those standards than the Bureau of Standards.

Mr. LEVER. I do not know what facilities the Bureau of Standards would have, and this has been going on in the department for many years.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 78, line 21. At the end of line 21 add the following: "But no money provided by this act shall be used for the purpose of buying, leasing, or operating any mill, building, machinery, or other property in carrying on the work herein authorized."

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. MONDELL. Mr. Chairman, I desire to offer an amendment on which I should like to have five minutes.

Mr. LEVER. Then I shall make it 12 minutes, 5 minutes to the gentleman from Michigan [Mr. McLAUGHLIN] and 5 minutes to the gentleman from Wyoming [Mr. MONDELL] and reserving 2 minutes for myself.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that debate upon this paragraph and all amendments thereto close in 12 minutes, 5 minutes to go to the gentleman from Michigan, 5 minutes to the gentleman from Montana, and 2 minutes to himself. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, my amendment is directed particularly to the paragraph for testing the tensile strength and bleaching qualities of cotton, because I believe this kind of work is not a marketing proposition and ought not to be carried on by the Bureau of Markets. The Chief of the Bureau of Markets, in answer to that criticism when he appeared before the committee, stated it would be helpful to the growers of cotton if they could have all information available from any source as to the best kind of cotton to be grown for the market, and that he would carry on the mechanical operations if they can be called that, to test the strength and bleaching qualities of cotton so as to give the advice that would be helpful to the growers of cotton, leading them to produce the kind of cotton that would market best. That is going a long way outside of the functions of the Bureau of Markets, in my judgment. We may as well establish flour mills to determine the milling qualities of different kinds of wheat, so as to arrive at which makes the best flour. Illustrations might be multiplied to show what might be done to give advice to the farmers of this country as to the kinds of crops they should grow and learn what kind would market the best, that work to be carried on by the Bureau of Markets. I do not believe that is a proper function of the Bureau of Markets, and I have suggested this as a limitation upon the activities of the bureau, that they shall not buy nor erect nor operate any mill or factory or proposition to carry on that kind of work. I sincerely believe the committee should agree with me and limit the bureau to its proper activities in making investigations and giving information strictly in regard to marketing, and not go into this line in which it proposes to engage, or may engage, unless this amendment is adopted.

Mr. MONDELL. Mr. Chairman, I move to strike out the proviso.

The Clerk read as follows:

Amendment offered by Mr. MONDELL: Page 78, line 17, after the figures "$45,920," strike out the remainder of the paragraph.

Mr. MONDELL. Mr. Chairman, great is king cotton, and tremendously active and effective are its subjects and votaries. We go further in this bill and in other legislation in the promotion of cotton, in aiding the industry in governmental activities affecting it, than in connection with any other product or class of products in the country. It is a great product, and exceedingly important and very valuable, and we should do much to promote and encourage it, but there are certain things relative to cotton which, while they may properly be undertaken by the Government, should not be undertaken on an agricultural bill or by the Agricultural Department, and the activities proposed in this paragraph are of that character. If we are to go into the work of testing the tensile strength and bleaching qualities of this product we ought to go into the work along the same lines regarding wool. It is just as important that we should in one class of products as in the other. Whether it be wool or cotton, however, the work should not be taken up by the Department of Agriculture or carried on by that department. It is properly the work of the Bureau of Standards; possibly, to a certain extent, the work of the Department of Commerce. I do not know that I would object to it; in fact, I am rather inclined to think that I should favor and assist the carrying on of the work in the proper place and under the proper agencies, but the Agricultural Department is not organized for this character of work. The Bureau of Standards is. The Agricultural Department has no business to go into manufacturing questions. That is a matter for other bureaus of the Government, if we are to undertake the work at all. Furthermore, the Bureau of Standards does investigate these questions to a certain extent. I think the bureau might properly do it to a still further extent. The amendment of the gentleman from Michigan [Mr. McLAUGHLIN] indicates the danger that the department will go further afield than we contemplate under this provision by starting mills and commercial establishments and manufactories for the purpose of demonstrating these things.

If that is to be done, which is of doubtful wisdom, it certainly should not be undertaken by the Agricultural Department. Let us keep these various activities within the departments of the Government where they properly belong. By so doing we shall be much more likely to get results that are valuable and that are useful. The Agricultural Department has no instruments or instrumentalities or machinery and apparatus to carry on this kind of work. If it had, it should not. Other departments of the Government may have them. It is an investigation plainly outside of the domain of agriculture, outside of the proper activities of the Agricultural Department, relating to commerce, relating to the use of material after it passes out of the hands of the farmer and out of the agricultural domain into the domain of commerce and manufacture. The provisions in this bill should be limited to purely agricultural activities.

Mr. LEVER. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] usually speaks with knowledge when he makes a statement on the floor of the House, but in this instance he is speaking absolutely without knowledge of the facts he is undertaking to present. The truth about this matter is that this language has not been changed in the least. It has been carried in this bill to my knowledge for six or eight years. The standardization work of all agricultural products is being done by the Department of Agriculture. So, therefore, I trust the amendment of the gentleman from Wyoming will be voted down, and I trust also that the amendment of the gentleman from Michigan will be voted down. I confess that I do not know just what the gentleman is driving at. There are many, many other provisions in this bill of a like tenor to this that have been already passed and no such limitation has been undertaken to be attached to them. I see no reason for attaching such a limitation to this item in the bill. On the contrary, as far as I know, the Government is operating no mill or factory or gin or anything of the kind in its testing work. I think most of their work is either done in the Department of Agriculture or at certain agricultural colleges in cooperation with those colleges. I hope both amendments will be voted down.

Mr. JUUL. May I be permitted to ask the gentleman a question?

Mr. LEVER. I would be very glad to do so, but all time has expired.

The CHAIRMAN. All time under the order of the committee is closed on this item.

Mr. HAUGEN. I ask that the gentleman may have a minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JUUL. I just want to ask the gentleman if he would accept an amendment to this section on page 78. I do not want to offer the amendment and have it voted down. On page 78, line 4——

Mr. LEVER. What is it about?

Mr. JUUL. I want to ask the gentleman if he will accept an amendment to insert after the word "received," in line 4, the words "and sold," or "at time of sale."

Mr. LEVER. I will say that has been passed, and the gentleman can not go back to it except by unanimous consent, and somebody will probably object. In addition to that, I would hate to broaden that language without a very full consideration of it by the committee.

Mr. JUUL. I just wanted to submit it to the gentleman.

Mr. LEVER. I would be very glad to have the gentleman discuss the matter with me some time and with the committee.

Mr. JUUL. I know and so does the gentleman, that inspection at the time received and inspection at the time of sale might mean a very different thing in the matter of perishable produce.

Mr. LEVER. That is very true, and I hope the Committee on Agriculture may some time have an opportunity to work out this proposition here in greater detail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming, which the Clerk will report.

The amendment was again reported.

The question was taken and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I desire to offer another amendment. Page 78, line 20, after the word "cotton" insert the words "and wool."

Mr. LEVER. Mr. Chairman, I make the point of order against that amendment that it is not germane to this section.

The CHAIRMAN. Following a decision of the Speaker, without having it at hand, where he held on a bill regulating the sale of futures as to cotton that an amendment regulating grain was not germane and sustained a point of order on it, the Chair will have to sustain the point of order here that wool is not germane to this paragraph. The Chair sustains the point of order. The Clerk will report the amendment proposed by the gentleman from Michigan.

The amendment was again reported.

The question was taken and the amendment was rejected.

The Clerk read as follows:

To enable the Secretary of Agriculture to make studies of cooperation among farmers in the United States in matters of rural credits and of other forms of cooperation in rural communities; to diffuse among the people of the United States useful information growing out of these studies, in order to provide a basis for a broader utilization of results secured by the research, experimental, and demonstration work of the Department of Agriculture, agricultural colleges, and State experiment stations, $28,280.

Mr. MORGAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MORGAN offers to amend, on page 79, line 5, after the semicolon, by inserting the following:

"*Provided*, That there is hereby constituted a joint committee of the Senate and House of Representatives, to consist of the chairman of the Senate Committee on Agriculture and Forestry, the chairman of the House Committee on Agriculture, and the chairmen of the Committees on Banking and Currency of the two Houses, and two other members of each of said committees, to be designated by the chairmen of the respective committees, and it shall be the duty of said joint committee to prepare, after such investigations as may be deemed necessary, and report to the Congress on or before March 1, 1918, a bill providing for the establishment of a system of short-term farm credit adapted to American needs and conditions, and the Secretary of Agriculture, in his discretion, may use not to exceed $5,000 of the sum appropriated in this paragraph to defray all necessary expenses of said joint committee."

During the reading of the above,

Mr. LEVER. Mr. Chairman, the reading of the amendment shows it is clearly subject to the point of order.

Mr. MORGAN. I hope the chairman will let it be read.

Mr. LEVER. If the gentleman desires the amendment read with the reservation of the point of order, I will not object to the gentleman's occupying five minutes.

The reading of the amendment was completed.

The CHAIRMAN. The gentleman from South Carolina reserves the point of order against the amendment.

Mr. LEVER. For five minutes.

Mr. MORGAN. Mr. Chairman, for the present, not discussing technically whether the point of order is good or not, I want to make an appeal to the able chairman of the Committee on Agriculture, the gentleman from South Carolina [Mr. LEVER], as well as to other Members of the House who might be inclined to make the point of order, not to insist on it. I know, of course, that the chairman of the Committee on Agriculture is deeply interested in this subject of providing the farmers of the United States with the very best system of credits. I know personally that he would be very glad to see legislation on this subject. He knows the history of rural-credit legislation in the Congress. He knows that it was by virtue of a similar amendment put on the Agricultural appropriation bill approved March 4, 1915, that we finally secured the passage in the Sixty-fourth Congress of a bill creating the system of land credits. I have copied almost exactly the provisions of that act approved March 4, 1915, which created this joint committee. Now, I think that committee is still in existence. I think it is a continuing committee, but I will not discuss that now. The chairman of the Committee on Agriculture was the author, I presume, of the provision which went into the Agricultural appropriation bill of 1915 and largely through his efforts the joint committee of the two Houses on rural credits was created. It reported a bill, which was referred to Committees on Banking and Currency of the two Houses. It made a report and we enacted that law establishing a great system of land credits for the farmers of the United States. But we have not finished that job; we have not completed the task that we have undertaken. We have not kept the pledge that we made to the farmers of the United States.

Here is a very important amendment. Technically it may be out of order, but it is nothing unusual to legislate on appropriation bills. Practically every appropriation bill contains new legislation. And I know of no amendment that should appeal so convincingly to the chairman of the Committee on Agriculture as the one I have presented. So, without taking further time upon this point, I sincerely hope that the chairman of the Committee on Agriculture, to whom the farmers of this country are so deeply indebted, will withdraw his point of order or not make the point of order. And I also appeal to every other Member of the House to not make the point of order in case the chairman of the Committee on Agriculture does not do so.

Mr. LEVER. Mr. Chairman, the speech of the gentleman from Oklahoma [Mr. MORGAN] is very powerful, but this is such

Page 18, line 27. "At the end of line 23 and line 24 the money provided by this act shall be used for the purpose of buying, leasing, or operating any mill, building, machinery, or other property in carrying on the work herein authorized."

provision by starting mills and commercial establishments and manufactories for the purpose of demonstrating these things.

an important matter that it should be considered by the proper committee before being acted upon by the Committee of the Whole; and, therefore, I am constrained to make the point of order.

Mr. MORGAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN (Mr. SAUNDERS of Virginia in the chair). Does the gentleman from Oklahoma desire to discuss the point of order?

Mr. MORGAN. No, sir.

The CHAIRMAN. The point of order is sustained. The matter seems to be new legislation.

The gentleman from Oklahoma offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 79, line 5, after the semicolon, insert:

"*Provided*, That not to exceed 90 per cent of the appropriation received in this paragraph shall be available unless the Secretary of Agriculture shall have on or before March 1, 1918, prepared and submitted to Congress a bill to provide a system of short-term farm credits for the farmers of the United States."

Mr. LEVER. I make a point of order against that, Mr. Chairman.

Mr. MORGAN. Well, I would like to be heard on that. I do not think that is subject to a point of order.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. MORGAN. Mr. Chairman, this is a limitation on the appropriation provided in the paragraph. It provides that unless the Secretary of Agriculture, who is authorized to use this appropriation of $28,280 for the purpose of investigating rural credits, shall on or before the 1st of March, 1918, prepare and submit to Congress a bill to provide a short-term system of farm credits, only 90 per cent of this appropriation shall be used. So I limit and restrict this appropriation by this amendment, and I think that, therefore, it is clearly in order under the rule that provides that amendments which limit appropriations are in order on an appropriation bill.

Mr. WALSH. Will the gentleman yield for a question?

Mr. MORGAN. Yes.

Mr. WALSH. Does not the gentleman from Oklahoma think that he himself could prepare a better and more comprehensive measure on this subject and introduce it into the House than could be done by the Secretary of Agriculture with his many and manifold duties which he now has to perform in view of this great war emergency?

Mr. MORGAN. Well, the gentleman knows that I am a very, very modest man, and I have no such idea. Why, we have been appropriating large sums of money to the Department of Agriculture, and I have great respect and admiration for the character and the ability of the Secretary of that department. In addition to that, he has a large number of experts under him who have given great study to this question. But, of course, that is not really the point involved in this matter.

Mr. WALSH. Will the gentleman permit me to say that I doubt if any of his experts are any more interested or perhaps better equipped to express an opinion in the form of a measure than is the gentleman from Oklahoma, who has given years of study to this work?

Mr. MORGAN. I certainly appreciate the very kind words of my friend from Massachusetts.

So that, Mr. Chairman, the amendment which I propose will reduce the amount upon the happening of a certain event. Under the rule, I understand, such an amendment is in order.

Mr. LEVER. Mr. Chairman, hearing the amendment read only from the desk, I take it that, in the guise of a limitation, it is really a direction to the Secretary of Agriculture to prepare a bill and submit it to Congress and, if so—and I have heard correctly the amendment—then it is clearly subject to a point of order and is not a limitation, but is a direction in the guise of a limitation.

Mr. MONDELL. Mr. Chairman, the present occupant of the chair is entirely familiar with these parliamentary questions, and he knows perfectly well that it is not his province to go speculating as to what may be the intent of the limitation. He must judge of the limitation as it is presented to him. This is a provision to the effect that only a certain portion of the appropriation shall be expended, except and contingent upon a certain act being performed. Such a limitation is entirely proper and clearly within the rule, a portion of the expenditure being contingent upon the establishment of a certain condition or situation. Where that shall have occurred, then the entire sum may be used. If it does not, only 90 per cent of it is to be used.

Mr. SLOAN. Mr. Chairman, I desire to raise another point of order against the proposition, more important, in my opinion, than the one that has been raised, and that is this: The amendment provides a direction to the head of an executive department to prepare a bill for consideration and passage by this House. In other words, it directs that the head of a department shall usurp part of the function of this, the legislative department of the Government, in drafting a bill—a feature of legislation usually as important as any other part of it. It should not be the function of the head of any department or any person connected with the Government in any way, except a Member of this House or a Member of the coordinate body, to prepare legislation for the consideration of this House or that body, and I object here and now.

Mr. MONDELL. Mr. Chairman, I object just as much as the gentleman from Nebraska [Mr. SLOAN] possibly can to the purpose of the gentleman from Oklahoma [Mr. MORGAN], who is inviting a practice which is not in harmony with our institutions, which has been infinitely harmful, under which there has been a usurpation of the prerogatives of the House, and which no Member of the House should seek to encourage, but rather to discourage. I disapprove as much as anyone possibly can the purpose of the gentleman from Oklahoma of allowing or inviting or suggesting that an executive officer should prepare legislation for us. But that proposition does not go to the question of the point of order.

Mr. SLOAN. Well, it goes, if I understand it. Mr. Chairman, to the point of order that I raised. I understand that there is a proposition raised here, and that we are not confined to one point of order, but may submit as many objections on the ground of lack of being in order as we see fit, and that is the reason why I have submitted that one.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. WALSH. Is not the gentleman aware of the fact that during this present emergency the Members of the House have apparently waived the prerogatives we have in the production of measures bearing on the emergency, and that it is now the custom for them to be prepared in the various departments and sent down here for our consideration?

Mr. SLOAN. The proof of the existence of a bad custom is no reason for the continuation of that bad custom, and the question may just as well be raised now as later. The waiver in one instance is no proof or reason why it should be waived again.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SLOAN. Yes.

Mr. GREEN of Iowa. I understand, then, that the gentleman concludes that Congress has not permanently abdicated its functions.

Mr. SLOAN. I hope not; and I hope that that hope will grow into a conclusion that we have not abdicated our functions. [Applause.]

Mr. ANDERSON. Mr. Chairman, of course the questions involved in this point of order have nothing to do with the merits of the proposition offered by the gentleman from Oklahoma [Mr. MORGAN]. The mere fact, however, that the amendment takes the form of a limitation upon the appropriation does not bring that amendment within the rule of the House which permits legislation in the form of a limitation upon an appropriation bill.

It is well established that the limitation must be a limitation upon the expenditure of the money itself, upon the method of expending the money, and that that limitation can not go to the point of directing the executive functions of an executive officer.

Mr. MORGAN. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield for a question.

Mr. MORGAN. Is it not a fact that this does not direct the Secretary to do anything, but simply leaves it to his discretion? It does not compel him. If he does not do this, then he can only use 90 per cent of this money.

Mr. ANDERSON. The mere fact that it is discretionary does not affect the character of the amendment at all. It is an attempt by a so-called limitation to direct or to interfere with the executive functions of an executive officer. I call the Chairman's attention to the precedent cited in the fourth volume of Hinds' Precedents, from section 3957 to 3966, many of which, it seems to me, are in point on this proposition and are conclusive against the contention of the gentleman from Oklahoma that this so-called limitation is in order.

The CHAIRMAN. The rule in relation to amendments of this character may be stated in brief, as follows: Such an amendment, to be in order, must be a negative prohibition upon the expenditure of money, and not in substance an affirmative direction to an executive officer. The House may by limitation

on a general appropriation bill forbid the use of money for a specific service, but it may not grant the appropriation for the general service on condition that an executive officer shall take a certain course in connection with the service. (IV Hinds, pp. 660–672.)

Now it is perfectly clear to the Chair that the effect of the proposed amendment is to compel an executive officer to do a certain thing not related to this paragraph, as a condition precedent to securing the benefit of the fund appropriated in this connection. He is required to write a bill on a particular subject. The amendment is in effect an affirmative direction to that effect, requiring the Secretary of Agriculture to prepare and submit to Congress before March 1, 1918, a bill providing a farm-credit system, or else lose the benefit of a portion of this appropriation. The amendment is in the form of a limitation, but is more affirmative than negative in its character. Not being a limitation, it is not protected by the rule relating to limitations.

The point of order is sustained.

Mr. MORGAN. Mr. Chairman, I send up an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment offered by Mr. MORGAN: Page 79, line 5, after the semicolon, insert the following:

"*Provided*, That not to exceed 90 per cent of the amount appropriated in this paragraph shall be available unless the Joint Committee on Rural Credits appointed by the act approved March 4, 1915, entitled 'An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1916,' shall have, on or before March 1, 1918, prepared and reported to Congress a bill establishing a system of short-term farm credits."

Mr. LEVER. Mr. Chairman, I make a point of order on that.

Mr. MORGAN. I would like to be heard for a moment.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. MORGAN. Mr. Chairman, the act approved March 4, 1915, contains the following paragraph:

That there is hereby constituted a joint committee of the Senate and House of Representatives, to consist of the chairman of the Senate Committee on Agriculture and Forestry, the chairman of the House Committee on Agriculture, and the chairmen of the Committees on Banking and Currency of the two Houses, and two other members of each of said committees, to be designated by the chairmen of the respective committees, and it shall be the duty of said joint committee to prepare, after such investigations as may be deemed necessary, and report to the Congress on or before January 1, 1916, a bill or bills providing for the establishment of a system of rural credits adapted to American needs and conditions. The sum of $10,000 is hereby appropriated, the same to be immediately available, out of any funds in the Treasury not otherwise appropriated, to defray all necessary expenses of said joint committee, payment of said expenses to be made upon vouchers approved by the chairman of said joint committee, who shall be selected by the committee.

Mr. Chairman, that is not a rule of the House, but an act of Congress, which created a joint committee on rural credits, requiring that committee to report a bill or bills on that subject. That committee was created by the Sixty-third Congress. It acted during the Sixty-fourth Congress, and I maintain that that committee is still in existence, because the act names who shall be on that committee. So we have to-day under that law a Joint Committee on Rural Credits, authorized to act upon this subject. Now, my amendment simply limits the appropriation to 90 per cent unless that committee which is now in existence shall make an additional report. The Chair will take judicial notice, so to speak, of the fact that this committee has only partially completed its work. As I say, it was created by an act of the Sixty-third Congress. The committee acted and expended their money during the Sixty-fourth Congress. I do not know whether all of that $10,000 was expended or not, but I will assume that the committee did not expend it all. I do know from personal knowledge that it was during the Sixty-fourth Congress that the committee did all their work. I want to know why that committee is not in existence to-day, and if it is in existence, why it is not a proper amendment to limit this appropriation unless there is a report of that joint committee which is now in existence, not by virtue of a rule but by virtue of an act of Congress passed by the two Houses and approved by the President. That act is upon the statute books to-day. It never has been repealed. I want to know why that committee can not act to-day, and why this limitation is not proper under the rule. I hope that the Chair on investigation will conclude that that committee is in existence, and that they can act to-day, and that my amendment is proper under the rule.

The CHAIRMAN. There are a great many precedents in this connection, for this question of order has been ruled on time and again. The Chair will read one citation before announcing his ruling.

On February 15, 1907, the naval appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, and Mr. WEAR of North Carolina offered the following amendment, as a limitation.

Add after the word "act" in line 14, page 81: "*Provided*, That before the construction of these vessels shall be begun, a test shall be made with the service 12-inch projectile fired against a 12-inch Krupp-ized armor plate at a range of 5,000 yards, to ascertain whether such projectile fired with service pressure will penetrate such armor plate."

This amendment proposed to make the appropriation contingent upon the test provided. It was offered as a limitation. A point of order was made against it, and sustained. Now the amendment under consideration proposes that the benefit of the appropriation included in this paragraph shall not be enjoyed by the Department of Agriculture until a certain committee shall do a certain thing. This committee was required to report on, or before a certain date. To be definite on or before January 1, 1916. That time has passed.

Mr. MORGAN. It did not do so.

The CHAIRMAN. The question very naturally arises whether that committee can now make a report. Having failed to discharge the duty imposed by the act that created it, the committee is in the judgment of the Chair, functus officio, and no longer capable of reporting. This amendment therefore proposes to make the benefit of the appropriation in this paragraph contingent upon the action of a committee which is without power to act. It is therefore not, fairly speaking, a limitation at all. The Chair sustains the point of order.

Mr. MORGAN. Mr. Chairman, I move to strike out the last word. I regret very much that a point of order was sustained against each of the amendments which I have offered. I regret that the distinguished chairman of the Committee on Agriculture felt that it was his duty to make the points of order. Under my pro forma amendment I wish to say a few words about short-term farm credit. Here is an appropriation of $28,280, supposed to be largely for the purpose of having the Department of Agriculture investigate rural credits. If you will go back for several preceding Congresses you will find that this same appropriation has been in this bill. It is a question whether such appropriation ought to be made unless the Department of Agriculture actually produces results. We want results, not mere investigations. Now, I have been through the reports of the Secretary of Agriculture, going back five or six years. So far the Secretary of Agriculture has proposed no concrete plan for short-term farm credit. He no doubt has accumulated much information on the subject. But what good does that do, if Congress does not act on the information. We have an abundance of information now. We are prepared to act. The Secretary of Agriculture is no doubt prepared to submit a plan. This would be a basis for action. There is no practical advantage in adding to the store of information in the minds of the rural credit experts in the Agricultural Department if we can not utilize that knowledge to some practical purpose and make it contribute to the prosperity of the farmers and the general prosperity of the whole country. The time has come when we should call upon the Secretary of Agriculture to present a definite plan. The plan or plans suggested could be acted upon by the Committees on Banking and Currency of the two Houses. These committees could report thereon and the Congress could act. By this course the thousands of dollars we are appropriating would bring practical results.

It is admitted by all that an increased production of food products is essential to the winning of the war. But what has the National Government done, through legislative or by Executive action to equip the farmers for larger production?

If the farmers are to enlarge their business and extend their farming operations, they must have better credit facilities. Credit is a factor in the business of farming as it is in industrial and commercal pursuits.

Why should not Congress proceed at the earliest date possible to complete our rural-credit system by creating a short-term credit system that will enable the farmers to secure short-time loans at a low rate of interest and upon favorable terms? In certain sections of the West there was a failure of the wheat crops last year. Seed wheat was high. It required a large amount of money to buy this seed wheat. The farmers did not have the money. The local banks did not have it. The farmers needed credit, but the credit was not obtainable. The result was, in certain sections of the West, the wheat acreage was reduced rather than enlarged. All because Congress had not established a short-term farm credit system through which the farmers might have obtained ample credit to purchase seed and improve their equipment for farming.

Mr. WALSH. Will the gentleman yield?

Mr. MORGAN. Yes.

of order against the proposition, more important, in my opinion, | direction to an executive officer. The House may by limitation

Mr. WALSH. What sort of proof does the gentleman think ought to be required to show that the farmers are receiving real benefit from the legislation enacted in their interest?

Mr. MORGAN. I think there ought to be some other proof than the fact that we are appropriating the money and that the number of department employees is increasing.

I noticed the other day that the Secretary of the Treasury proposed to create a great corporation, with a capital of $500,000,000 to help finance business corporations which were engaged in producing munitions of war, or things necessary to win the war. We have assumed control of the railroads and must finance them. But nobody seems to recognize the importance of financing the farmers. It is true Congress, by the act of July 17, 1916, established a new system of long-time-mortgage credit. But this is in its infancy and is unsuited to supplying the farmers with credit for the purchase of seed and implements and in the employment of labor. I maintain that to provide our farmers with a short-term farm credit system is a war measure. It should be acted upon promptly to give our farmers the benefit of it for the season of 1918.

Notwithstanding the fact that my amendments have been ruled out of order on this bill, I sincerely hope Congress may see the wisdom of my suggestions and act favorably thereon at an early date.

Further, I wish to say that I have introduced in the House House bill 8827, to provide a system of short-term credit for the farmers of the United States. It, in my judgment, would prove to be of immense benefit not only to our farmers but the public generally. It would encourage our farmers and enable them to enlarge the amount of their annual products, both through an enlarged acreage in cultivation and by doing better farming. While this would, to an extent, increase the earnings of the farmers, it would insure our own people and our allies with the necessary food to win the gigantic war in which we are engaged.

The Clerk read as follows:

To enable the Secretary of Agriculture to cooperate with the several States in the employment of agents to acquire and diffuse useful information connected with the distribution and marketing of farm products through investigational, demonstrational, or extension methods, $61,500.

Mr. ROBBINS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 79, line 10, after the word "methods," insert the following: "And for the purpose of procuring labor to plant and harvest the crops for the year 1918 on the farms of the United States, $261,500."

Mr. LEVER. Mr. Chairman, I reserve a point of order on the amendment.

Mr. ROBBINS. Mr. Chairman and gentlemen of the committee, I have gone through this bill, covering 89 pages and appropriating $26,948,773 for the benefit of agriculture, so denominated, and yet I find not one line or provision to meet the greatest emergency that exists in the country against the American farmer to-day—that is the scarcity of labor. I am compelled to occupy the time of this committee for a few moments to call attention to some information that was sent to me from the State board of agriculture which met at Harrisburg, in my native State of Pennsylvania, last week:

BIGGER STATE FARMS LOOKING FOR LABORERS—MEMBERS OF BOARD OF AGRICULTURE PREDICT DECREASED PRODUCTION.

HARRISBURG, PA., *January 24, 1918.*

Resolutions adopted by the State board of agriculture at the joint meeting of the board and allied bodies last night, declaring that the draft should be extended to include people in all walks of life, and that there should be conscription of labor if necessary to see that hands are provided for the farms, will be sent to the national authorities at Washington. Conferences of men active in the board were held to-day with a view of ascertaining what steps should be taken to secure men, and representative farmers will likely go to Washington.

The speeches at the closing session of the board and at the joint meeting dealt with conditions which speakers declared would be alarming on the farms this year. Predictions of decreased production instead of an increase as asked were freely made.

On the same date at an agricultural convention in Blair County, which is just east of and almost adjoining the county in which I live, in the district which I represent, this statement appears:

31 FARMERS TO QUIT BUSINESS—LABOR SHORTAGE FORCES BLAIR COUNTY MEN TO SELL LANDS—BEDFORD COUNTY HIT.

ALTOONA, PA., *January 23, 1918.*

Thirty-one farmers residing in the southern end of Blair County are advertising their stock and implements for sale and preparing to go out of business by next April. Among the farms are some of the largest and best in Blair County, in the rich agricultural belt of the Morrisons Cove, a producing section surpassed by Lancaster County only.

A few of the farmers have made sufficient money to retire, but almost all are discontinuing farming because they have not sufficient help.

The same condition exists in Bedford County. It is estimated there will be a 10 per cent reduction in operating farms in Blair County by next April.

This situation is acute in Pennsylvania. It is so in all the Eastern States, and this is the reason of it: Large wages are paid in ammunition factories, at the coal mines, and in various industries, and these public works have drained the farms of the ordinary labor that was employed in that occupation. On top of that came along this selective draft, taking away the farmers' sons, so that there is no one left to operate the farms.

What are the remedies that are offered—and I have listened to the debate here while this bill has been discussed for six days past—and what suggestion has been made to meet this exigency? Four remedies are mentioned: First, it was suggested that we take the boys and girls from the towns and put them on the farms as volunteers to do the farm work. That was tried last year and proved a failure. It would not work. And, second, some patriot has brought forth the proposition that we employ and bring over a great quantity of cheap labor from China and operate our farms by Chinese coolie labor, but that is met with opposition by residents of the Pacific coast; they will not tolerate that kind of labor in competition with American workmen in the United States. A third suggestion made is the one I saw in the Official Bulletin, issued by George Creel, which we all read or do not read, as the case may be, that they propose to bring over 100,000 laborers from Porto Rico and perform our farm labor by aid of these new citizens. I congratulate my friends from the South upon this proposal, because they know very well that no Porto Rican would ever come north to work on an American farm. He would go to Florida or some State near the Gulf and grow lettuce or crocus bulbs and that would be the extent of his farming. Porto Ricans have no knowledge of farming as this industry is conducted in the United States. There is a fourth method suggested by the State Agricultural Board of Pennsylvania, as indicated by the resolution above quoted, that I think is entitled to the serious consideration of this Congress, and it is entitled to the thoughtful consideration of any man on this floor who represents a farming constituency and who wants to take care of their interests in this bill. That is the plan by which we will draft every man, woman, and child in all walks of life between the ages of 16—I fix the age at 16 because under the laws of Pennsylvania and most of the States we can not force anyone under 16 to work; they should go to school—and 60 years of age. Not to force them arbitrarily to work, but by compelling them to labor, but to take stock of our man power from which we can draw labor to use on the farm, if they are willing to farm, during the summer of 1918. This appropriation—and I appeal to the chairman who represents the majority party in this House—is necessary, every dollar of it, but we must add to it a sum large enough to enable the department to send this labor when thus mobilized to the farms where it is needed. The President of the United States in addressing the farmers of Illinois yesterday appealed to them to increase the production of the farms of our country, but he is singularly silent as to where the labor is to be procured to plant the crop and cultivate and harvest the same during the coming season.

The President states in an admirable address to the farmers, delivered yesterday at the University of Illinois, as follows:

And their response to the demands of the present emergency has been in every way remarkable. Last spring their planting exceeded by 12,000,000 acres the largest planting of any previous year, and the yields from the crops were record-breaking yields.

In the fall of 1917 a wheat acreage of 42,170,000 was planted, which was 1,000,000 larger than for any preceding year, 3,000,000 greater than the next largest, and 7,000,000 greater than the preceding five-year average.

But I ought to say to you that it is not only necessary that these achievements should be repeated, but that they should be exceeded.

How is the American farmer to meet this clarion call to high duty, with the demand for labor to help him growing more exasperating with each passing day? Is the Department of Agriculture going to come to his relief by aiding him in securing laborers? Not one cent of all the millions here appropriated is to be used for this imperative purpose. The farmer is invited to perform a greater task in 1918 than he did in 1917 with far less hands to do the work. He can not do it. Furthermore in this address we find this consolation for the farmer:

Farmers have not been exempted from the draft. I know that they would not wish to be. I take it for granted they would not wish to be put in a class by themselves in this respect.

Of course, the farmers do not wish to be placed in a class and branded as that part of our people who seek to avoid the draft for occupational reasons. The farmers are patriotic. They have always been patriotic. In all our wars the farmers of our country have been our first and greatest defenders. They will be such in this war. But we must not allow their love of country and patriotic zeal to cause them to leave the farms to such an extent as to cause a shortage of food for ourselves and our

allies, and endanger the success of our gallant soldiers in their battle for liberty.

What then is the farmer to do but turn, as I now urge, to the Department of Agriculture for help? Are we going to deny our farmers this relief? I sincerely hope not.

Mr. Chairman, the President of the United States in his address further adds—

In certain agricultural sections despair prevails over the scarcity of labor. Farmers have said they could see no prospect of planting new crops this year or of harvesting them if they did so—

from which it appears that the President is alive to the crisis that confronts the American farmer. The President's suggestion is that in the second draft the key men who are engaged in agricultural pursuits will be exempt, and that only the ordinary farm laborer will be taken off the farm. This will not supply the deficiency that now exists. The draft that has already been enforced has taken the farmers and farmer boys to such an extent that the scarcity of labor has been accentuated throughout all the agricultural districts of the country, and this to such an extent that farmers are giving up their farms. They were scarcely able to harvest their crops last summer, and they will not face another such period of hardship, trial, and disappointment, and they can not be expected to do so.

This condition of our farming community imposes upon us, as national legislators, an imperative duty. We must act. We must remember, and be guided by this principle that "that is the best Government which desires to make the people happy, and knows how to make them happy."

Farmer boys pleaded earnestly with the exemption boards, either for a stay of the draft or for exemption on account of occupation, and they were almost uniformly refused; hence they will take no chances on the future draft. Those that are left do not expect to receive any better consideration in the future than their brothers have in the past.

Another suggestion made by the President is as follows:

200,000 SOLDIERS TO HELP.

At harvest time 200,000 soldiers are to be furloughed to return to the farms and assist in the gathering of the crops. In some sections of the United States the wheat harvest begins in May, so that some of the men now in the camps may be called upon in part for this service before going to France.

And this will prove futile for the reason that Pennsylvania alone will require a greater number on the farms than the 200,000 which it proposes to release. The President does not seem to comprehend the extent and magnitude and the insurmountable difficulties that exist in the rural communities because of the scarcity of labor.

Near industrial centers the men have simply forsaken the farms. In the counties of Westmoreland and Butler, in western Pennsylvania, which I have the honor to represent, the ordinary laborer at a coal mine is paid $5 per day; a miner with little skill or experience can earn from $3 to $15 per day. The boy who drives the mule in the mine is allowed $5.15 per day. In the large industrial plants where munitions are made the ordinary mechanic can earn $10 per day; and, although the cost of living is high, these liberal wages have attracted the labor from the farms, and only those who own the land now cling to its cultivation as a means of livelihood. The tenant class and those who work by the month on farms and the day laborers have removed from the land and have gone into industrial employment.

Mr. Chairman, it is not a question of future speculation, it is a question of meeting the irrepressible condition, that now confronts the American farmer and is driving him from his regular avocation; but the critical side of this situation is not confined alone to the farmer. The wheat crop was short last year and the corn crop did not mature well, and we are now engaged in devising means to piece out the wheat crop so that we may have bread, or war bread, until the new harvest comes in July. We must not only feed the American people and the American Army but we must feed the armies of our allies in England, France, and Italy, and they must have the best, because they are now fighting our war; and, in addition to this, the population of England, France, Italy, and even Norway, Sweden, Denmark, and Spain are drawing on us heavily for food, and will continue to draw on us until normal peace conditions come again.

What, therefore, will it profit us to arm and equip one and one-half million men and send them to Europe and have one and one-half million men more in training camps if we are unable to ration them in the field and feed them while training here at home.

If America has fallen down in her military preparations, as Democratic Senators have repeatedly asserted, in my judgment we are now about to fall down in our food production.

Statistics from my own State of Pennsylvania show it, and our farmers in convention as above quoted aver it, and I venture to assert that the same conditions exist in every State east of the Mississippi River, and especially in the great industrial Eastern and Middle States.

What is the use, Mr. Chairman, of appropriating almost $27,000,000 for various purposes and schemes in this Agricultural bill when we overlook the one great need of governmental assistance and aid in procuring laborers for the farmer?

For instance, we are here appropriating $1,900,000 for the Weather Bureau, $5,700,000 for the Forestry Service, $1,200,000 for the Bureau of Chemistry, $1,900,000 for the Bureau of Markets, and $3,150,000 for the States Relations Service and not one penny to obtain labor or labor-saving machinery for our farmers to assist them in planting their crops, cultivating and caring for the same, and harvesting them when matured. It is proposed by this amendment to divert only $261,500 from being used "to acquire information about the distribution and marketing the farm products," to obtaining laborers for the farmers to relieve them in their dire distress, and the chairman of the Committee on Agriculture, from South Carolina, raises a point of order, and the chairman of the Committee of the Whole House, from Virginia, rules it out of order. Such being the case, there is little relief for the farmer in this sort of legislation, in my opinion.

Truly the South is in the saddle and "we are riding for a fall."

Forestry can wait. States Relations Service can stop. The Bureau of Markets can give up a portion of its millions. The patient, patriotic American farmer needs part of these millions to help him in his stupendous task of feeding the world in arms. We must win this war, and our prime necessity is food.

Mr. Chairman, I think there should have been $5,000,000 appropriated for this purpose in this bill, and cut down some of the other appropriations mentioned above, and placed in the hands of the Secretary of Agriculture with explicit instructions that he secure farm laborers, wherever he could get them, to be engaged on the farms of the United States until the war is over and then transport them back to the place from whence they came. Some of these laborers might be procured in western Canada, some of them in Porto Rico, some of them in Mexico, and a vast number of them in the large cities of America. This plan will not draw labor from any organized industry, or take a single man or woman from the ranks of organized labor. It applies solely and entirely to the great body of people in our large cities who are either unemployed, or work in unessential employments, from which they can be easily spared during this short emergency for this great purpose.

In this discussion, Mr. Chairman, there is another matter that is pressing for the attention of Congress. In connection with this situation, the young farmer boys and others that remain at home, even though they may be exempted, as the President suggests, feel the stigma and disgrace at being pointed out and called slackers. Our draft law was passed for the purpose of mobilizing the whole Nation for the purpose of war, and it should be amended and extended, so that it would include every man, woman, and child between the ages of 16 and 60, and all those who are physically able to bear arms should be drafted between the ages of 21 and 30, and the others, when physically able, given industrial employment necessary to sustain the Army. Those that are sent into the mills and factories to manufacture munitions and other supplies, and those that are sent into transportation lines, to transport the same, and those that are sent back to the farms, to produce the most essential commodity of all, namely, the food supply of the Nation, should all be entitled to wear a badge inscribed with the words, "United States service, special detail," and they should have a uniform to wear when they are off duty, with their friends, in the towns, or about their homes, on off days and in the evenings, and they should be required to wear these uniforms. By this means it would become generally known, and it would be well understood, that all are soldiers and all are serving the country, only in different pursuits, and in different occupations, and the stigma and disgrace of being at home would be removed entirely, and we would be truly a united people, all serving alike our common country.

Mr. Chairman, out of this great mass of people between the ages of 16 and 60 we would be able to have sufficient laborers to cultivate our farms, to operate our mills and factories, and to carry on our great lines of transportation and all other business necessary in the time of war, and the American farmer, who is now hard pressed and is our most neglected citizen, would be relieved of his unbearable burden, and would be elevated again to the place he has hitherto occupied, as the leader in our greatest industrial pursuit.

Mr. Chairman, this movement from the land to the towns and cities which is taking place with increased volume each year has produced an alarming situation in the United States. So imperceptibly has it occurred that the danger produced thereby has not yet become apparent to our people.

The war has challenged attention to it for the first time. Buckley in his great work of civilization states that the first evidence of decay of the great nations of the past occurred when the farmers deserted the soil and turned to city life and industrial pursuits.

Rome's fall dated from the time when the farms of the Pyrennes were deserted by the farmers' sons, who joined the Roman legions or settled in Rome, and became part of the Roman rabble that clamored only for "bread and the circus."

The United States Government must now face this growing menace. We have registered our industries, and they are under Government control. The President has taken over our systems of transportation, and they are operated by a Director General of Railroads. Our greatest industry, our most essential source of production, namely, our farms, are as yet entirely neglected. With the cities of the United States full of men and women who could work on the farms, if properly registered, directed and controlled, no step has been taken toward registering and systematizing this source of labor, and yet the entire farming community of the United States is short of labor to such an extent that farms are being abandoned, cultivation is declining, and production of food is rapidly diminishing.

Mr. Chairman, this annual appropriation bill for the Department of Agriculture is the place, and this is the time, to start a great movement to correct this trouble, and to start the means to prevent this approaching calamity.

If we are to win this war quickly, as we will ultimately win it, if we are to support our soldiers in the field with food, clothing, medicine, and other supplies, we must start earnestly and at once this movement back to the land, and we must register the great body of our men and women who can be spared to help during the war in this great work of increasing the food supply of the world, and this must be done during the summer of 1918. If we help our farmers by the legislation I here propose, we will bring back to them the happy days and prosperous times of which Macauley speaks when he says:

Then none was for a party;
Then all were for the State;
Then the great men helped the poor,
And the poor man loved the great;
Then lands were fairly portioned;
Then spoils were fairly sold;
The Romans were like brothers
In the brave day of old.

Mr. LEVER. Mr. Chairman, I do not want to be heard on the point of order because I think it is self-evident.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard on the point of order?

Mr. ROBBINS. I have said everything I wish to say, Mr. Chairman, except that I want leave to extend and revise my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. Does the gentleman contend there is authority in the law for this amendment?

Mr. ROBBINS. Mr. Chairman, the amendment makes no change, except that it gives $200,000 more to be used for this purpose. It simply adds that to the provisions of this section, which, if the Chair will read, he will see is germane to the amendment. The section provides for the employment of agents to acquire and diffuse useful information in connection with the distribution and marketing of farm products through investigational, demonstrational, or extension methods, and the amendment I have proposed simply means that that investigation shall be carried forward for the purpose of securing farm labor. It is certainly germane to the purpose of the section and it ought not to go out on that ground on a point of order. If it is to go out upon the ground that it increases the appropriation, then I shall willingly permit the $200,000 to be stricken out and allow it to stand at $61,500, and then allow the Secretary to use any part of the appropriation he pleases for this purpose, because I believe this great outcry for labor will become so pressing that the Secretary will use all this money for that purpose and not for the other purposes.

The CHAIRMAN. This amendment proposes to give the Secretary authority to procure and pay for labor to work on the farms. Does the gentleman maintain that there is any authority in existing law under which the Secretary can do that? If there is not, then, of course, this plainly enlarges his power and would be out of order.

Mr. ROBBINS. It brings the department under this provision, to make investigation and report and open the way for increasing the labor on the farms. Under some authority of law he proposes to import from Porto Rico labor to the extent of 100,000 men.

The CHAIRMAN. But this is authority to the Secretary of Agriculture to procure and pay for labor. It is not an investigation, but is to furnish labor on the farms. The gentleman can not cite me to any statute that gives that authority. Of course the amendment is legislation and is plainly out of order.

Mr. ROBBINS. I do not have any statute to cite to the chairman. I am not aware that there is any.

Mr. TOWNER. Mr. Chairman, I think perhaps the Chair misinterprets the amendment. It does not give the authority, as I understand it, to the Secretary to procure labor or do anything of that kind but merely to inquire into the best methods of doing it.

The CHAIRMAN. The Chair will read the amendment:

And for the purpose of procuring labor to plant and harvest the crops for the year 1918 on the farms of the United States.

That is to be inserted after line 10, on page 79.

Mr. ROBBINS. Mr. Chairman, it is just enlarging the duty of these agents. That is the purpose of it. The Chairman is putting a construction upon it that I did not have in mind. In addition to this investigation which they are making, acquiring and diffusing information, my amendment provides that they shall also inquire where labor can be procured.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. LEVER. I take it the Chair is trying to ascertain if there is any law which authorizes the Secretary of Agriculture to procure labor for any purpose. There is no such law.

Mr. ROBBINS. That is not the purpose of this amendment. These agents are to inquire where it can be procured. If they can report that 500,000 men can be procured in Porto Rico or 1,000 men in Mexico or 10,000 men in western Canada, then this provides that an investigation shall be made and these facts reported and steps taken to get this labor, and the American farmer relieved from his present perilous situation. It is not that the Secretary of Agriculture is to hire men to do the harvesting.

Mr. LEVER. The Secretary of Agriculture would not have the authority unless we give it to him to make that kind of an inquiry.

Mr. TOWNER. Mr. Chairman, of course, the language is that this amount shall be expended to acquire and diffuse information. "To acquire," of course, is a very broad term, also "to diffuse" is a broad term, and "useful information" is also a broad term. If in any way this amendment merely adds to this statement particulars which are within the general and broad terms used, of course, it is not subject to the point of order. If the Chair interprets it as granting actually an extension of powers to the Secretary to secure labor, I grant that it would be subject to the point of order.

The CHAIRMAN. The gentleman from Iowa correctly states the principle. If this amendment was merely intended to afford the means to enable the Secretary of Agriculture to enlarge his activities in this connection, without enlarging his powers, the amendment would be plainly in order. If it goes further and affords additional powers to the Secretary it is new legislation and is out of order. The Chair will again read the amendment:

And for the purpose of procuring labor to plant and harvest the crops for the year 1918 on the farms of the United States, $261,500.

It is apparent to the Chair that the amendment extends authority to the Secretary of Agriculture in excess of that contemplated by the paragraph, and the gentleman must reframe his amendment to make it in order. The point of order to the amendment in its present form is sustained.

Mr. ROBBINS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 79, line 9, after the word "products" insert the following: "and the procuring of farm labor."

Mr. LEVER. Mr. Chairman, I make the point of order against that amendment on two grounds. First, it is not germane to the section of the bill and in the second place it is not authorized by law. I desire to call the attention of the Chair to the fact that the authority given to the Secretary of Agriculture is contained in the organic act creating that department, and I shall read that for the information of the Chair:

There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

Now, of course, I know that labor is very vital to agriculture, but it is not any more vital to agriculture than it is to manufacture. I have never seen in my connection with this bill the authority of the fundamental act stretched to any such limit as this. In the second place, this proposition would not be germane to this paragraph because this paragraph deals entirely with the proposition of the employment of agents to acquire, disseminate, and diffuse useful information connected with the distribution and marketing of farm products through certain methods.

Now, the gentleman's amendment proposes that we shall procure information about farm labor. Certainly the two propositions are not related to each other and can not be germane. I insist upon the point of order.

Mr. ROBBINS. Mr. Chairman, I think the amendment offered is entirely germane, and in order to test the proposition and determine accurately we must look at the clause in which it appears and the purpose of the clause. Now, the clause reads thus:

To enable the Secretary of Agriculture to cooperate with the several States in the employment of agents to acquire and diffuse information connected with—

What?—

with the distribution and marketing of farm products—

And now comes the amendment—

and the procurement of farm labor through investigational, demonstrational, or extensional methods.

Why is not that a germane amendment to the proposition in this clause? It does not put in anything that is new. It certainly does not disturb the existing provisions of the bill. It gives to these agents one additional duty, not new or unrelated to those already delegated, but a duty connected with farming. This investigation is concerned with farms. The labor that is proposed to be considered is farm labor. It is germane, and it is certainly pertinent and it is certainly in point with the very purpose of this section. Why is it not proper to insert it here? I need not advert to the great merits of the proposition, because it is not necessary; but I do impress upon the Chairman not to send it out on a point of order on the ground argued by the gentleman—that it is not germane to the purpose of the section. It is most pertinent and most germane to ascertain not only how these farm products are to be marketed but ascertain the labor that is to be used in connection therewith, whether for planting, harvesting, or marketing the same. I deny that it is not a germane proposition, and I ask the Chair to sustain it and not send it out on a point of order.

Mr. STAFFORD. Mr. Chairman, only a few minutes ago, in the consideration of the second paragraph on page 78, when the gentleman from Wyoming [Mr. MONDELL] offered an amendment, after the word "cotton," in line 20, to insert the words "and wool," the then occupant of the chair, the Chairman of the Committee of the Whole, held that it was out of order, and for this reason, that the Speaker of the House had on many occasions decided that you could not add a different provision to that incorporated in a paragraph where it related to only one subject matter. The point now made by the chairman of the committee that it is not germane applies to this amendment here, because this amendment seeks to extend the activities of this Bureau of Markets to a different subject other than that provided by this paragraph. In its present phraseology that is the only authority that this bureau has for the performance of this duty. It is limited to the extent of information connected with the distribution and marketing of farm products. Now it is proposed to extend that activity to the extent of procuring farm labor. The chairman of the committee has called the attention of the Chair to the organic act on which all this legislation is fundamentally based, that it is limited to acquiring and diffusing among the people useful information on subjects connected with agriculture. I wish to call the attention of the Chair in construing that authority to the fact that the Congress has since then created a department, first, of Commerce and Labor, and later divided that department into two—one the Department of Commerce and the other the Department of Labor—and there is at the present time authority in the Department of Labor to perform this very useful work and it is now being carried on. So in the construction by the Chair of that activity or the function of the respective departments the Chair should take into consideration the authority that is vested in the Department of Agriculture and the authority that is vested in the Department of Labor. I respectfully submit, as suggested by the chairman of the committee, that there is no authority in law under the Department of Agriculture to give this additional authority to the Bureau of Markets and, further, that it is not germane.

Mr. TOWNER. Mr. Chairman, if the Chair will pardon me for a moment. The gentleman from Wisconsin [Mr. STAFFORD] states that the Chair rightfully held that to add "wool" to "cotton" in the provision that was under consideration a short time ago was not germane for the reason that another subject could not be added. The gentleman is correct about the judgment of the Chair being correct, but it is upon another ground. It has been held, and it is well established, that when one item is contained in a bill another item may not be added to it. If, however, two items are contained in a bill then another item may be added to it. The proposition is not that items may not be added, but the proposition is as to when and under what circumstances items may be added. I suggest for the Chair's consideration this thought: It is true that in the provisions of this paragraph and in the provisions of the fundamental law which establishes the Department of Agriculture it gives authority to the Secretary to acquire and diffuse useful information regarding subjects connected with agriculture. Now, there is nothing outside of that domain that is suggested by this amendment. When gentlemen say that labor is a subject outside the domain of agriculture, certainly gentlemen do not understand of what agriculture consists. To an extent that does not exist in another occupation or employment; labor is the essential of agriculture. Nine-tenths of agriculture is labor. To say that a proposition regarding labor is not germane to the consideration of the subject of agriculture is certainly, in my judgment, entirely unfounded.

The provision that the gentleman suggests here by way of amendment is not to change the subject of investigation. It is not even to extend it. It is merely to particularize and to say that part of this useful information shall be that regarding labor on the farm. Can it be held that that is not germane to the proposition we have under consideration? I submit, Mr. Chairman, that is going very far afield for the purpose of defeating a very useful amendment.

The CHAIRMAN (Mr. SAUNDERS of Virginia). The Chair has followed the discussion on this point of order with interest. It has been instructive and profitable. The Chair does not wish to be too technical in his rulings, and at the same time he desires to keep within the precedents, and also within the rule of reason. All parliamentary rulings ought to be founded in reason.

If the paragraph under consideration proposed to acquire and diffuse information connected with and relating to the farm, the amendment would be plainly in order, because labor is concerned with and immediately related to the farm. But that is not the purpose of the paragraph. The paragraph contemplates the acquisition and diffusion of useful information connected with the distribution and marketing of farm products. It goes no further.

The ascertainment of the whereabouts of an available labor supply is in no wise related to the collection and diffusion of information concerning the distribution and marketing of farm products. Very plainly, it seems to me, this amendment is not germane to the subject matter of the paragraph. Therefore it violates the rule relating to germaneness. The Chair sustains the point of order.

The Clerk read as follows:

For general administrative expenses in connection with the lines of investigation, experiment, and demonstration conducted in the Bureau of Markets, $19,635.

In all, for general expenses, $961,705.

Mr. FESS. Mr. Chairman, I move to strike out the last word, in order to call the attention of the committee to an item of publicity. Here is an appropriation that approaches a million dollars, a very large proportion of which goes to the collection of information and the distribution or diffusion of the same. So I take it that the diffusion of this information is one of the chief agencies, and it is to that feature that I want to call the attention of the committee.

Here in our system of Government we endeavor to take the public into our confidence and legislate very largely through public opinion, and in so doing the mails are literally flooded with material gathered from various sources and, I presume, sent broadcast, probably to a selected list. I do not know, but I am of the opinion that there is a good deal of it that is not of the value that would warrant its distribution. I am not inclined to criticize, but I hold in my hand, for example, the allotment that reached my office day before yesterday. It all came in one envelope. It comes touching the Bureau of Markets. I have not made a sufficient examination to know whether the information is collated and would be of real value. One sheet is a report of the meat conditions. Another relates to daily

wholesale price of fresh meats. Another sheet relates to live stock at stockyards, with special reference to the receipts. Another one is the same subject continued. Accompanying this list came inclosed three letters, each signed by the chief of the bureau, and each one calling attention to the specific information of the sheet accompanying. What I call your attention to is this, that the mails are literally flooded with this sort of information. I have this word from a publisher in Ohio:

We received this morning on one mail 14 letters, all with free "press dope" inside. And, as the publishing company gets its mail several times a day, owing to the nature of the business, some idea may be gained of the enormous amount of absolutely worthless stuff that is being sent out, for the same thing is being enacted in every newspaper office in the country.

He makes the statement that there is not a single newspaper in that section that prints any of this, and at the same time the mails are crowded, and the mail facility, in a sense, is quite seriously interrupted.

I have another letter from a different section of the State, in which the writer says:

I am not inclined to criticize, but I am inclosing for your inspection a portion of some mail received to-day, which will give you some idea of the demands made on the newspapers. Of course they should do what they can to help, and I believe they are willing to do so, but while they are performing this service they should be protected from imposition.

Now, I admit that when the Government sends out this matter it is no command that the newspapers are to print it. I presume it refers simply to information that the publishers can read and upon which they may write editorials. From that standpoint the information, if important, will serve a good purpose. But I now refer to an incident that I want the committee to know

In my office last week appeared one of these innocent publicity agents who wanted me to give information touching whether my home was observing the rules and recommendations that have been published by Mr. Hoover on the conservation of food.

I am entirely in sympathy, I will say to the committee, with the campaign to conserve food. I was reared upon corn bread, and do not like it at all, but I will eat it, if necessary, so that the boys across the sea may have the wheat they otherwise would be denied. I am perfectly willing to do it, and am willing to make any other sort of necessary sacrifice. But I think that it is a woefully cheap performance for departments or Government agencies to send persons about in order to find some one in public office who would be willing to have his name appear in the papers to the effect that his family is observing this rule and that rule. This character of publicity provokes ridicule in the minds of the great masses. I have seen it in the Washington papers here, bringing in the families of the Cabinet officers and other various men and women high in station. These elaborated rehearsals of official Washington in its table observances have the virtue of furnishing copy I admit, but I am wondering what effect that sort of story is having upon the people throughout the country. In my judgment, it is not having a salutary effect, but rather creates a sense of disgust of an otherwise very creditable as well as important effort. I must confess that when the innocent individual came to me for what she claimed was interesting information, that she might write, as she had in other cases, a beautiful story, I was so outraged with the general itching for cheap publicity so apparent in many quarters that I did not treat her very courteously. I am not here making a public confession or apology, but I do think the Government ought not to undignify itself in such methods of publicity that are being conducted quite generally to-day. I am making the criticism as a friend of food conservation. At this particular time it would appear to me that the mails ought not to be flooded with so much of this—what would the newspaper boys call it?

SEVERAL MEMBERS. Bunk!

Mr. FESS. I would not want to use the word "bunk," but I do think this "canned stuff" should at this time give the mails relief and conserve the print paper, which has now come to be a real crisis.

The Clerk read as follows:

Enforcement of the United States grain standards act: To enable the Secretary of Agriculture to carry into effect the provisions of the United States grain standards act, including such rent and the employment of such persons and means as the Secretary of Agriculture may deem necessary, in the city of Washington and elsewhere, $456,580.

Mr. STEENERSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. STEENERSON. Mr. Chairman, Congress on August 10 last passed the Food Administration law, under authority of which the prices of food and farm products are regulated. The act is broad enough to cover many other things. I notice in the first section that it covers "foods, feeds, fuel, including fuel oil and natural gas, and fertilizer and fertilizer ingredients, tools, utensils, implements, machinery, and equipment required for the actual production of foods, feeds, and fuel."

Now that the products of the farm have been regulated in price, I wanted to know why this authority granted by this act was not extended to the other things, and I wrote to the Food Administration on January 15 about it, as follows:

JANUARY 15, 1918.

UNITED STATES FOOD ADMINISTRATION,
Washington, D. C.

DEAR SIRS: Please advise me what, if any, steps have been taken to control the price of "tools, utensils, implements, machinery, and equipment required for actual production of food, feeds, and fuel," embraced in the food-control act approved August 10, 1917.

Respectfully, ——— ———.

I received in reply this letter:

UNITED STATES FOOD ADMINISTRATION,
Washington, D. C., January 18, 1918.

Hon. HALVOR STEENERSON,
House of Representatives, Washington, D. C.

DEAR SIR: I received your letter of January 15 asking for information in regard to the steps that had been taken for controlling the prices of tools, utensils, implements, machinery, and equipment required for actual production of food, feeds, and fuel.

This matter is under the control of and is being handled by the Department of Agriculture, who have entire charge thereof.

In the Executive order providing for the organization of the United States Food Administration, the only powers delegated to the United States Food Administrator are those with reference to foods, feeds, and their derivative products, the language of said Executive order being as follows:

"Said United States Food Administrator shall supervise, direct, and carry into effect the provisions of said act and the powers and authority therein given to the President so far as the same apply to foods, feeds, and their derivative products."

Since the power of the United States Food Administrator is limited to that delegated to him by the President, the Food Administration has never had any power to take steps for controlling the prices of tools, utensils, implements, machinery, and equipment

Trusting that this satisfactorily answers your letter, I am,

Faithfully, yours,

HERBERT HOOVER.

Then I wrote to the Department of Agriculture, asking what they had done, and so far I have received no answer. But I want to point out that on December 4—that is, three or four months after this act was passed—the President made an address to Congress, in which he said:

"Recent experience has convinced me that the Congress must go further in authorizing the Government to set limits to prices. The law of supply and demand, I am sorry to say, has been replaced by the law of unrestrained selfishness. While we have eliminated profiteering in several branches of industry it still runs impudently rampant in others. The farmers, for example, complain with a great deal of justice that, while the regulation of food prices restricts their incomes, no restraints are placed upon the prices of most of the things they must themselves purchase; and similar inequities obtain on all sides."

The papers this morning contain a letter written by the President to the farmers, in which he repeats the statement that Congress should extend the authority. He says:

"The impression which prevails in some quarters that while the Government has sought to fix the prices of foodstuffs, it has not sought to fix other prices to determine the expenses of the farmer is a mistaken one."

Then he goes on to speak about other regulated prices. Then he says:

"I have every reason to believe that the Congress will extend the powers of the Government in this important, and even essential, matter so that the tendency to profiteering which is showing itself in too many quarters may be effectively checked."

It was no doubt an oversight on the part of the Chief Executive that he overlooked the fact that the authority to control the prices of the things that the farmer buys was in the law. I do not suppose that the President can remember all these things. He is charged with grave responsibilities, and no doubt it is impossible for any human being to remember all of these laws that we have passed giving him power. But he has many Cabinet officers and assistant Cabinet officers, many of whom are learned men, doctors of philosophy and scientists of note.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments thereto close in five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes more.

Mr. STEENERSON. I say he has Cabinet officers and assistants in each of these departments whose duty it is to aid him in executing and administering the laws of Congress and to remind him if he overlooks anything of importance. And it seems to me they ought not to let the President announce to the farmers of the United States that Congress has failed to act in this matter. We know that the executive department under the charge of the Attorney General several weeks ago agreed with the Harvester Trust to postpone the prosecution of that monopoly. That institution controls the principal tools and implements, the harvesters and mowers and reapers, and so forth, that the farmers have to buy and which have been increased in price to an enormous extent. That trust is now engaged in profiteering at the expense of the farmer, whose grain has been reduced in price under this food-control act, but their prosecution is postponed by the Department of Justice.

Some one ought to inform the Chief Executive that Congress is not lacking; that it passed this law on August 20, which confers, through the President's order, on the Department of Agriculture, as Mr. Hoover says, the power to regulate these prices of which the farmers most complain. It seems to me it would be a good idea to insert in this bill an appropriation for the employment and equipment of flappers, or climenoles. That term may be new to you, but our reliable friend, Gulliver, who visited an island floating in the air some years ago, told us that in that country the people were very scientific; they were addicted to the study of geometry and all the natural sciences, and, in fact, on all their ornamental robes they had pictures of the sun, moon, and stars, and that they were so absorbed in those scientific studies that it was sometimes necessary to remind them of their important duties close at hand; and therefore they had employed climenoles—that is, people who had fixed upon long poles blown bladders filled with dried peas or little pebbles—and when these dignitaries in high station forgot that there was some important duty to perform the climenoles just flapped them on the face and woke them up, so they would know what was going on. [Laughter.]

Now, would it not be a good idea to include in this bill an appropriation for about 16 climenoles, to furnish their own equipment, so that they could remind our executive officers that we had passed last year a law giving full authority to regulate the prices of farm implements and farm machinery and fertilizers, and that the Department of Agriculture now neglects to take any steps to enforce it? These climenoles, it seems to me, would be very desirable and useful. [Laughter.]

Gulliver's description of these people is as follows:

Their heads were all reclined either to the right or to the left; one of their eyes turned inward and the other directly up to the zenith. Their outward garments were adorned with the figures of suns, moons, and stars, interwoven with those of fiddles, flutes, harps, trumpets, guitars, harpsichords, and many more instruments of music unknown to us in Europe. I observed here and there many in the habit of servants, with a blown bladder fastened like a flail to the end of a short stick, which they carried in their hands. In each bladder was a small quantity of dried peas, or little pebbles (as I was afterwards informed). With these bladders they now and then flapped the mouths and ears of those who stood near them, of which practice I could not then conceive the meaning. It seems the minds of these people are so taken up with intense speculations that they neither can speak nor attend to the discourses of others without being aroused by some external taction upon the organs of speech and hearing, for which reason those persons who are able to afford it always keep a flapper (the original is climenole) in their family as one of their domestics, nor ever walk abroad or make visits without him. And the business of this officer is, when two or three or more persons are in company, gently to strike with his bladder the mouth of him who is to speak, and the right ear of him or them to whom the speaker addresses himself. This flapper is likewise employed diligently to attend his master in his walks, and upon occasion to give him a soft flap on his eyes, because he is always so wrapped up in cogitation that he is in manifest danger of falling down every precipice and bouncing his head against every post, and in the streets of jostling others or being jostled himself into the kennel. (A Voyage to Laputa, ch. II.)

The Clerk read as follows:

Hereafter, in the performance of the duties required of the Bureau of Markets in the administration or enforcement of provisions of acts (United States cotton-futures act, 39 Stat. L., 476; United States grain-standards act, 39 Stat. L., 482; United States warehouse act, 39 Stat. L., 486; standard-container act, 39 Stat. L., 673; and the acts making annual appropriations for the Department of Agriculture) relating to the Department of Agriculture, the Secretary of Agriculture, or any representative authorized by him for the purpose, shall have power to administer oaths, examine witnesses, and call for the production of books and papers.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I should like to ask what is the need for inserting the new authority for representatives of the department authorized by the Secretary of Agriculture to administer oaths, examine witnesses, and call for the production of books and papers? Under existing law, as I recall it, that authority is given only to the Secretary of Agriculture. If my memory serves me right, last year there was considerable discussion on the floor of the House as to whether this power should be extended to any person other than the Secretary of Agriculture. Am I right in that recollection?

Mr. LEVER. I think the gentleman is. I was just about to say that this whole matter was referred to a subcommittee. I see only one member of that subcommittee present, the gentleman from Minnesota [Mr. ANDERSON], and I shall be very glad to yield to him to make a statement.

Mr. ANDERSON. May I say that as a member of the subcommittee I never saw this provision, and the only time I was consulted about it was over the telephone. I am not saying this in criticism of the chairman of the subcommittee, but simply to absolve myself from any responsibility for the provision, because I did not draw it, and never saw it until after it was in the bill.

Mr. LEVER. The language submitted in the Book of Estimates reads as follows:

Hereafter, in the performance of the duties required of the Department of Agriculture by the provisions of this act relating to the Bureau of Markets, the Secretary of Agriculture shall have power to administer oaths, examine witnesses, and call for the production of books and papers.

It was suggested in the committee that it might be wise to enumerate the acts which the committee had in mind, relating to the Bureau of Markets, and therefore the enumeration is made in the bill.

Mr. STAFFORD. My objection is largely to conferring this power on field representatives of the department to go in and compel the production of books and papers; in other words, the right of search. As I recall the argument on that question a year ago, this was severely contested by the leading lawyers of the House, especially the distinguished lawyer from Pennsylvania, Mr. GRAHAM. He thought it was too drastic a power to be vested in any field representative. To make the discussion brief, to curtail the argument, if the gentleman wishes to offer that as contained in last year's bill, simply striking out the words "or any representative authorized by him for the purpose," I shall not have anything further to say.

Mr. LEVER. I will be glad to accept the amendment, because the gentlemen who had charge of this are not present, and I am not well informed on it.

Mr. HAUGEN. I think what the gentleman has reference to is another provision that was in the bill a year ago, and that is modified considerably.

Mr. STAFFORD. No.

Mr. HAUGEN. This bill came out of conference in a modified form.

Mr. LEVER. Yes; that is true.

Mr. HAUGEN. It seems to me if we are to have anything, we ought to have what the bill provides.

Mr. STAFFORD. In last year's bill the phraseology was as follows:

Hereafter, in the performance of the duties required of the Department of Agriculture by the provisions of this act relating to the Bureau of Markets, the Secretary of Agriculture shall have power to administer oaths, examine witnesses, and call for the production of books and papers.

Mr. HAUGEN. If we are going to incorporate that language, we might as well strike out the whole thing, because that does not mean anything. To confer that power on the Secretary of Agriculture means nothing, because the Secretary of Agriculture is not going to administer oaths. He must delegate that power all along the line to those who are administering the law.

Mr. STAFFORD. That very subject was under consideration last year and it was severely contested on the floor here as to whether we should confer on field agents, mere inspectors, the authority to go into a person's private establishment and compel him to produce books and papers.

Mr. LEVER. Let me say to the gentleman that if he is going to insist on his point of order, probably the best thing to do under the circumstances would be to offer the language of the present act as an amendment.

Mr. STAFFORD. I have no objection to that.

Mr. LEVER. What does the gentleman from Iowa say as to that?

Mr. HAUGEN. If that is to be offered, we might just as well strike out the whole thing. Everybody knows the Secretary of Agriculture is not going to administer oaths to anybody. If that power is not to be delegated to those who administer the law, of course it will be of no effect.

act is broad enough to cover many other things. I notice in | in five minutes.

Mr. LEVER. I appreciate what the gentleman says in that respect.

Mr. ANDERSON. May I interrupt right there?

Mr. LEVER. Yes.

Mr. ANDERSON. I think the gentleman from Iowa [Mr. HAUGEN] is mistaken as to the effect of the provision. The solicitor held, as I recall, that the general authority to the Secretary of Agriculture was an authority to anybody in the department, and the purpose of the language—"or any representative authorized by him for the purpose"—was to limit the authority to persons who were specifically authorized by the Secretary of Agriculture to require the production of witnesses, their examination under oath, and so forth. In other words, the purpose of this provision was a limiting one rather than an extending one.

Mr. LEVER. I think it is not divulging committee secrets to say I believe that is what the gentleman from Minnesota [Mr. ANDERSON] had in mind when he suggested in the committee that this matter be looked into, and, as I say, a subcommittee was appointed to prepare a substitute for the language of the present law, and that committee reported this language to the full committee, and the committee included it.

Mr. ANDERSON. I had two objections to the proposition. One of them was this, that if this general power to administer oaths was to be given it ought to be given in respect only to administrative laws. By that I mean such acts as are enumerated here.

Mr. LEVER. Yes.

Mr. ANDERSON. And not to the provisions of the general appropriation bill. I am not willing to consent to this provision unless there is stricken out of it the language which makes it applicable to the general provisions of any appropriation bill, because no man under the sun can possibly keep track of this proposition if it is to apply to every single item in every appropriation bill. Clearly it ought to be confined to the administrative acts which the Department of Agriculture is authorized to administer, such as the cotton futures act, the grain grade standards act, and acts of that sort.

Mr. HAUGEN. The bill reported by the committee last year gave to the Secretary of Agriculture the power of seizure, and under it he might seize books and such things, a power which was seriously objected to by the gentleman from Pennsylvania [Mr. GRAHAM]. The bill was amended in the Senate, and it came out of conference in the form of the present law.

Mr. LEVER. I think the gentleman is referring to that provision now.

Mr. HAUGEN. No; I am referring to this one provision.

Mr. STAFFORD. Mr. Chairman, on the statement made by the gentleman from Minnesota and the gentleman from Iowa I think it is better to have the point of order made and submit either last year's phraseology, and permit the gentleman from Minnesota and the gentleman from Iowa, in collaboration with the chairman of the committee, to arrive at some revised form to meet the needs of the service. I make the point of order that it contains new legislation on an appropriation bill not authorized by law.

Mr. LEVER. Mr. Chairman, I concede the point of order.

The CHAIRMAN (Mr. SAUNDERS of Virginia). The Chair sustains the point of order.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Hereafter, in the performance of the duties required of the Department of Agriculture by the provisions of this act relating to the Bureau of Markets, the Secretary of Agriculture shall have power to administer oaths, examine witnesses, and call for the production of books and papers.

Mr. MONDELL. Mr. Chairman, I reserve a point of order on the amendment.

Mr. LEVER. That is the exact language of the existing law now.

Mr. ANDERSON. If it is existing law, in the ordinary sense in which that term is used, why reenact it here?

Mr. McLAUGHLIN of Michigan. In the act in which that provision occurs it is an emergency for the present war.

Mr. MONDELL. Is the amendment in the exact form of existing law without change or modification?

Mr. LEVER. It is.

Mr. MONDELL. Then why reenact it here?

Mr. LEVER. Does the gentleman object making it permanent law by the word "hereafter"?

Mr. MONDELL. I understood the gentleman to say that it was permanent law.

Mr. LEVER. I think it is. And I do not know that there is any necessity of carrying it in the bill at all.

Mr. MONDELL. Whatever the law is, we ought not to attempt at this time without due consideration to amend it.

Mr. LEVER. Well, Mr. Chairman, I will ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 81, in lieu of the paragraph ruled out, insert the following: "Hereafter, in the performance of the duties required of the Bureau of Markets in the administration or enforcement of provisions of acts (United States cotton futures act, 39 Stat. L., p. 476; United States grain-standards act, 39 Stat. L., p. 482; United States warehouse act, 39 Stat. L., p. 486; standard container act, 39 Stat. L., p. 673) relating to the Department of Agriculture, the Secretary of Agriculture, or any representative authorized by him for the purpose, shall have power to administer oaths, examine witnesses, and call for the production of books and papers."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment. Do I understand the gentleman to say that under the general phraseology of existing law the Secretary of Agriculture has a right to depute the authority to administer oaths, examine witnesses, and call for the production of books and papers?

Mr. ANDERSON. The gentleman states it a little broader than is justified. The provision about which we have been talking was contained in the so-called food-survey act and applied only to the provisions of that act. It did not apply, as I remember it now, to the general appropriation acts for the Department of Agriculture. It was inserted as an emergency proposition under the food-survey act as a war proposition.

Mr. STAFFORD. Will the gentleman kindly direct the attention of the committee to the provision in the food-survey act?

Mr. ANDERSON. I do not know that I can direct attention to the particular provision. I am giving my impression of it, and I may be entirely wrong.

Mr. STAFFORD. Why not allow this to remain as it is and, if necessary, it can be amended in the Senate.

Mr. ANDERSON. Very well; Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

To enable the Secretary of Agriculture to carry into effect the provisions of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes," $94,490.

Mr. MONDELL. Mr. Chairman. I move to strike out the last word. This item just read, and the two preceding it, are very illuminating as illustrating the ways of bureaucracy. The Congress was persuaded in 1910 that it was of some importance that we should have legislation for preventing the manufacture, sale, and transportation of adulterated or the misbranding of Paris green and other insecticides, fungicides, and for regulating the traffic therein, and so forth. Probably it was important that there should be legislation on the subject, although it would seem that our general legislation to prohibit and prevent adulteration and misbranding ought to apply to those bug poisons.

But we legislated on the subject specifically, and they have built up in the Department of Agriculture quite a neat little division, which now spends, or we propose to give it the opportunity to expend, $131,240. How on earth they can find ways to spend that much money for the purpose of preventing the manufacture, sale, and transportation of misbranded or adulterated bug powders I do not know. But if we are to divide the prohibitive statutes, the prohibitions by the Government up into sections, with a separate appropriation for each as we have done in this case, we would soon find the prevention of adulteration and misbranding would cost more than even this great war that we are engaged in.

One does not need to be fully informed as to what might be necessary for the purpose of carrying out this insecticide act to realize that $120,000 could not be legitimately or properly or necessarily expended in a year for that purpose. If it can be, then there is no limit to the sum to which the expenditures of the Government may mount in the ordinary administration of

acts of prohibition and acts to prevent fraud. No department under the Government does better work than the Agricultural Department, and no department is more disposed to create new bureaus, new divisions, to reach out for new authority, to expend money in the domain of other departments, to duplicate work, and to extend its activities unnecessarily, than this same most worthy department.

That is a characteristic tendency of all good administrative departments, and there is where the duty of Congress and the committee comes in—to check the enthusiasm, to check the ambition, to check the desire of men who may be well intentioned to spend public money unnecessarily and uselessly.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TILSON. Does the gentleman know just how they go about this? Do they send inspectors over the country inspecting establishments?

Mr. MONDELL. I have not any idea, but I have no doubt they have racked their brains to find the most expensive and indirect methods to carry out the provisions of the act. If that were not true, they could not have possibly built up a statutory roll of $26,750 in Washington.

Mr. TILSON. I note they have only three inspectors, and the rest all seem to be clerks.

Mr. MONDELL. Quite likely clerks and clerks and more clerks.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

The Clerk read as follows:

Experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States: To enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned, or with individuals to make such investigations and demonstrations as may be necessary in connection with the development of live-stock production in the cane-sugar and cotton districts of the United States, including the erection of barns and other necessary buildings, and the employment of persons and means in the city of Washington and elsewhere, $60,000.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word. The use of money made under this appropriation and the paragraph on the preceding page, 84, for demonstrations on reclamation projects, justify the criticism I made some time ago and the limitation on the use to be made of money that was proposed by one of my amendments to a former paragraph. The testimony shows that in these projects, temporary and experimental in their nature, money has been expended for the construction of permanent buildings, ordinary structures at very large expense, houses costing three, four, and five thousand dollars; barns, to be used for experimental purposes, costing five and six and seven thousand dollars. Evidently it was not intended that such use was to be made of the money; but when an effort is made to limit or direct or forbid its use for purposes not intended by the act, not contemplated by Congress, certainly objection is made, and amendments directing the use of money and intended to prevent its use otherwise than as Congress expressly provides are defeated.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TOWNER. I am informed, and I would like to know whether the gentleman is able to give a confirmation of the statement, that there have been erected, under the authority granted here to cooperate with the authorities of States or of individuals, barns, sheds, and structures of that kind on the property of individuals who obtain the individual benefit, as a method or means of experimentation. Does the gentleman know whether that is true?

Mr. McLAUGHLIN of Michigan. I think as to expenditure of money under this particular item that is not true. In the State of Louisiana, where this work is largely done, land has been acquired by the Federal Government by gift or purchase for the temporary use of the Federal Government, and projects are in process there, and the money has been used for the erection of buildings on that land, and except as the land has been acquired temporarily or for temporary use in these experiments what the gentleman has said is not exactly true.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. STAFFORD. Is this the item that originated because Congress placed sugar, that ultimately would go on the free list, and the plea was made by the Representatives of the State of Louisiana, by reason of such enactment, that the injury that would come to the cane-sugar producers of that State made it necessary to establish some experimental work to see whether cattle production and diverse industries could not be established in its place?

Mr. McLAUGHLIN of Michigan. The gentleman is entirely right about that. That was the origin of the item.

Mr. STAFFORD. Now that the need for it is past, the item still keeps running on.

Mr. McLAUGHLIN of Michigan. Has the need of it passed? Mr. Chairman, the price of sugar is high on account of the war, but the need for relief of the people of this country from the effects of the Underwood tariff law will not cease as long as that law is on the books. It is true that this particular item was suggested and urged very strongly by Representatives and Senators from the State of Louisiana, who stated to us that the sugar industry had been destroyed as the result of the reduction of the tariff on sugar and the prospect of its entire removal, and insisted that it was absolutely necessary that something be done by way of teaching the people of that part of the country to engage in new lines of agriculture, and it was urged that a temporary station should be established in the sugar-cane section of the State for the purpose of experiments in the production of other crops and in the feeding and growing of live stock.

In that temporary experiment, however, they have gone further than was contemplated by the committee and, I am sure, by Congress by the erection of permanent buildings much more expensive than was necessary and in the purchase of a large number of animals. If it had been thought that the money was to be expended in that way, refusal or permission so to expend it would have been carried in the act. I have pointed out matters of similar character time and time again in the House, following the method I have used on the committee, and have urged incorporation in these acts limitations upon the activities of officials and agents of the department in the way of spending money, so as to make impossible the expenditure of money altogether contrary to the intention of Congress.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Is there objection?

Mr. TILSON. Reserving the right to object, Mr. Chairman, if the gentleman from Michigan has not explained just how this money is to be expended, I would like to have one minute in which to ask the gentleman from South Carolina to explain just how the money has been expended in times past.

Mr. LEVER. Mr. Chairman, I make the request six minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that all debate on this paragraph and all amendments close in six minutes. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan that he proceed for five minutes?

There was no objection.

Mr. MORGAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, it was the understanding that money should not be used for the purchase of animals, that the work should be done by way of advice and instruction to those who are engaged or wish to engage in the business, by experiments made with and upon animals, the property of residents of that section of the country, but no limitations having been put by Congress and an immense sum of money having been appropriated, they started upon a large project and purchased a large number of animals. There are hundreds of them on these projects now, and expensive buildings have been constructed for temporary use, but built as permanent structures. It all illustrates the need of this Congress imposing limitations upon the use of money. Just as I suggested a few moments ago by amendment on these experiments as to testing the tensile strength and use of waste of cotton, that no money should be appropriated in the erection of buildings, the leasing of property, the acquisition of real estate or expensive personal property to carry on these experiments, purely manufacturing, mercantile propositions and not marketing propositions, under the Bureau of Markets. The House did not agree with me and no limitations have been placed. I mention these two items—the reclamation project and the project in Louisiana designed to relieve the people of that section of the country from the natural effect of the Underwood tariff law—as glaring instances of the laxness of Congress while appropriating money, at the same time properly and definitely to restrict the use of the money.

Mr. MONDELL. Whatever the law is, we ought not to attempt at this time without due consideration to amend it.

then there is no limit to the sum to which the expenditures of the Government may mount in the ordinary administration of

Mr. ANDERSON. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. ANDERSON. I think the gentleman might well include the following item relating to experiments upon dry land, semiarid land, and of that appropriation last year $19,000 was spent for the construction of buildings and $7,000 additional is proposed to be used for the construction of buildings this year

Mr. McLAUGHLIN of Michigan. Yes; and if the committee will notice, it is under an item that calls for investigations and experiments, and permanent houses, costing $2,000, $3,000, and $4,000, and, if my memory is right, the construction of barns costing, I think, as high as $7,000 were erected.

To show the disposition further of these gentlemen to spend the public money, authority was given in the appropriation for the Bureau of Animal Industry to assist in the encouragement of the production of dairy animals and the dairy industry in sections that had been freed of the cattle tick, and it was expressly stated that the money should not be used for the purchase of breeding animals, believing that was expenditure they might make if not forbidden. The result was they did not buy animals for breeding purposes but they bought animals, using thousands and thousands of dollars, for every other conceivable purpose.

Mr. MONDELL. And then bred them?

Mr. McLAUGHLIN of Michigan. I do not know whether they bred them or took precautions they would not breed. I did not follow the work in that particular. They avoided and evaded the law, and precise limitations should be made upon these lump-sum appropriations.

Mr. LEVER. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield.

Mr. LEVER. I do not know I caught the gentleman's statement or not. Does the gentleman say the department has spent large sums of the cattle-tick appropriation for the purpose of buying stock; and if so, upon what authority does the gentleman make that statement?

Mr. McLAUGHLIN of Michigan. There is a subdivision in which it says $50,000 may be used by the Bureau of Animal Industry for encouraging the production of live stock and making investigations and experiments and demonstrations by way of developing the dairy industries in the areas freed of the cattle tick, and money was at one time used, as I have stated, for the purchase of animals; but such use of money is not now made, because Congress changed the wording of the appropriation and expressly forbid such use; that is, forbid the purchase of animals for any purpose.

Mr. LEVER. I have never heard of it.

Mr. McLAUGHLIN of Michigan. And spent out of that money not money appropriated for exterminating cattle ticks, but money appropriated for encouraging dairying in tick-freed areas. That kind of work is also conducted by the Bureau of Plant Industry through the county agents and others employed in extension work. Therefore there is duplication of work.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TILSON. Mr. Chairman, the gentleman from South Carolina [Mr. LEVER] usually makes a fair and frank statement in regard to the items in his bill. I should like to have him, in this connection, state to the committee fairly and frankly just how the sum of $60,000 or the $40,000 in the next paragraph are spent. Are we conducting an experimental stock farm, and if so, what are we doing with the proceeds, if there are any proceeds?

Mr. LEVER. I will say very frankly to the gentleman that both of these items were inserted in the bill upon the floor of the House. Neither one of them was suggested by the Department of Agriculture, so far as I know, unless it was the live stock in the reclamation project in the West. At both of these stations, which are permanent stations, I will say to the gentleman, and they are likely to be there for all time or until the experiments have been concluded, that they are undertaking to deal with investigations. For instance, at the Louisiana station of the raising of mules, hogs, cattle, and dairy animals. They make investigations as to the utilization of native grasses and feeds and food, of sorghum, and various and sundry kinds of problems that enter into the live-stock industry. That is true also in a different way of the station on the reclamation project.

Mr. TILSON. A regular experimental station?

Mr. LEVER. It is nothing more nor less than a regular experiment station established for regional investigation.

Mr. TILSON. It was established, as I remember, for meeting a temporary emergency.

Mr. LEVER. The statement was made on the floor of the House, when this matter was under consideration, by the now Senator from Louisiana that he thought it would be a temporary proposition.

Mr. TILSON. That was understood, I will state to the gentleman.

Mr. LEVER. The representative of the Department of Agriculture, before our committee, has never made a statement that the reclamation proposition is a temporary proposition. He has made the statement repeatedly that there are big problems to solve and this work will likely continue for many years until the problems can be thoroughly investigated.

Mr. TILSON. The necessary permanent buildings have been erected?

Mr. LEVER. Yes.

Mr. TILSON. And the expenditure of $100,000 in these two items is apt to be continued indefinitely for the continuation of experiments?

Mr. LEVER. It is very likely to be made for an indefinite period for the conduct of these experiments, but, if the House wishes to do it, they can vote those propositions out and stop them.

Mr. TILSON. Then, in order to meet a temporary emergency, we have gone into permanent experimental work in a State where we were called upon to meet a particular emergency problem?

Mr. LEVER. I do not think that is quite a fair statement of the proposition.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. LEVER. I will.

Mr. SHALLENBERGER. Can the climatic conditions that surround them in Louisiana, a semiarid district, be said to constitute a temporary condition? Are not those conditions constant?

Mr. TILSON. Was it not the intention to turn Louisiana, after the sugar industry had ceased to be profitable or ceased to exist by reason of the Underwood tariff bill, into a live-stock country, and was not this to be an experiment to try it out and see whether it would work or not?

Mr. LEVER. I will say to the gentleman frankly that I have never been deceived about this item, even if other Members have. I regard it as a permanent institution that will long remain after I am dead and gone. And that is true of the reclamation station.

Mr. TILSON. According to the present course of events, it seems that that is apt to be the result.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Experiments in dairying and live-stock production in semiarid and irrigated districts of the western United States. To enable the Secretary of Agriculture to conduct investigations and experiments in problems connected with the establishment of dairying and meat-production enterprises on the semiarid and irrigated lands of the western United States, including the purchase of live stock, the erection of barns and other necessary buildings, and the employment of necessary persons and means in the city of Washington and elsewhere, $40,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

I am very much interested in the statement made by the gentleman from Michigan [Mr. McLAUGHLIN] in regard to the Louisiana item which was read, and which applies, of course, with equal or greater force to the item to which I have addressed my amendment. In this case a very large proportion of the appropriation has been used for permanent buildings, but, as the gentleman from South Carolina, the chairman of the committee, says, this item originated on the floor of the House. Members are responsible for it. The committee is, however, responsible for the regulation of the expenditures under all these items. I am inclined to think that the gentleman from Michigan is not entirely accurate in suggesting that there have been large expenditures made out of the appropriations for demonstrations on reclamation projects for buildings. I am not fully informed on the subject, but am under the impression that no considerable part of that appropriation has been so spent.

Mr. McLAUGHLIN of Michigan. I will say to the gentleman that I had in mind those experiments on the semiarid district, the one on the middle of page 85.

Mr. MONDELL. The item just read?

Mr. McLAUGHLIN of Michigan. The item just read.

Mr. MONDELL. A large proportion of that appropriation has been expended for permanent buildings. If any considerable portion of the reclamation item has been used for buildings, or for anything but temporary buildings, it has been misapplied, because, while that work is important and valuable, it is not necessary or wise to build expensive buildings. The Reclamation Service does some work along these lines, and the service does not spend any considerable amount of money for buildings. It erects such temporary buildings

as may be necessary, buildings costing at the outside a few hundred dollars apiece, and those are the only buildings that are necessary or justified in connection with any of these enterprises. It is true that if the committee starts out with the purpose and intent of establishing a permanent demonstration station permanent and more expensive buildings may be necessary. But that is not true with regard to the character of the work on the reclamation projects. It is valuable, useful, and helpful, but I hope it is not used to any considerable extent for building. I know the Reclamation Service does not use its funds in that way, and the Agricultural Department should not.

The Clerk read as follows:

That not to exceed $63,000 of the lump-sum appropriations herein made for the Department of Agriculture shall be available for the purchase, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles necessary in the conduct of the field work of the Department of Agriculture outside the District of Columbia: *Provided*, That not to exceed $13,000 of this amount shall be expended for the purchase of such vehicles, and that such vehicles shall be used only for official service outside the District of Columbia, but this shall not prevent the continued use for official service of motor trucks in the District of Columbia: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph during the preceding fiscal year.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. What is the necessity for authorizing the Secretary of Agriculture to purchase motor boats? I believe there is no such authority under existing law. We do authorize him to purchase automobiles for use on the forest reserves and in other activities of the department.

Mr. LEVER. The statement is made in reference to this item that there is no authority in the law to buy a motor boat. The Comptroller of the Treasury has decided that. So it requires specific authority to do so, and this is to give the authority, which is new. And the motor boats are used in connection with the Forestry Service, largely in Alaska. I think there are probably half a dozen or more of them.

Mr. STAFFORD. I would have no objection to giving the authority to the Secretary of Agriculture to purchase motor boats for use in Alaska, but I am not willing to allow them to purchase motor boats in the field service to be used for pleasure and to go around on joy rides at all seasons of the year.

Mr. LEVER. I certainly agree with the gentleman on that proposition.

Mr. STAFFORD. I can not see any necessity, perhaps, for having motor boats in Alaska, except in the southern waters. The streams up there are frozen most of the time. What is the necessity for them?

Mr. JOHNSON of Washington. There is no other means of transportation in certain parts of Alaska, except on the railroads in the interior. In many parts there is no way to go except by water.

Mr. STAFFORD. Are they small pleasure boats?

Mr. JOHNSON of Washington. Yes; the boats are of small tonnage, driven by motors, and are the prevailing boats used there. They are called fish boats, largely, but they are a little better than fish boats; they are ocean-going boats of 15 or 20 tons.

Mr. STAFFORD. What has the gentleman to say about limiting the authorization for motor boats for use in Alaskan waters?

Mr. LEVER. I will say to the gentleman candidly that I think Alaska is the only place where they use these motor boats. It may be, however, that in some of the national forests they might have lake conditions, as we have in Alaska. I am not sure of that. I would hate to do that.

Mr. STAFFORD. We have some very desirable lakes in the national forests where it would be very nice to have a motor boat.

Mr. HAUGEN. If the gentleman will permit, I think a few are used in connection with the investigation of oysters and various things of that kind.

Mr. STAFFORD. In that connection the Secretary of Commerce has had authorized under an appropriation last year a large boat for that very purpose. There is no use in duplicating activities. That is a work for the Department of Commerce.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes; I yield to the gentleman.

Mr. WALSH. Has not the gentleman from Washington [Mr. JOHNSON] had experience in transportation up in Alaska by means of motor boats, and does he not own one in that vicinity?

Mr. JOHNSON of Washington. Yes; but I was very glad to get rid of it.

Mr. LEVER. If the gentleman from Wisconsin has an amendment he can offer it.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order if the gentleman will accept an amendment.

Mr. LEVER. We will accept it.

Mr. STAFFORD. No. I will not present the amendment at present.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk read as follows:

Eradication of foot-and-mouth and other contagious diseases of animals: In case of an emergency arising out of the existence of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country, he may expend in the city of Washington or elsewhere, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, which sum is hereby appropriated, or so much thereof as he determines to be necessary in the arrest and eradication of any such disease, including the payment of claims growing out of past and future purchases and destruction, in cooperation with the States, of animals affected by or exposed to, or of materials contaminated by or exposed to, any such disease, wherever found and irrespective of ownership, under like or substantially similar circumstances, when such owner has complied with all lawful quarantine regulations: *Provided*, That the payment for animals hereafter purchased may be made on appraisement based on the meat, dairy, or breeding value, but in case of appraisement based on breeding value no appraisement of any animal shall exceed three times its meat or dairy value, and except in case of an extraordinary emergency, to be determined by the Secretary of Agriculture, the payment by the United States Government for any animal shall not exceed one-half of any such appraisement: *Provided further*, That so much of the appropriation of $2,500,000 made by the Agricultural appropriation act of March 4, 1915, for the fiscal year ending June 30, 1916, for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious, pleuropneumonia, or other contagious or infectious disease of animals as remains unexpended at the close of the fiscal year 1918, is hereby reappropriated and made available for expenditure during the fiscal year ending June 30, 1919, for the objects mentioned in said appropriation act, including necessary investigations to determine whether said diseases have been completely eradicated in districts where they previously existed.

Mr. LEVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 87, line 15, after the word "contagious," strike out the comma.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KREIDER. Mr. Chairman, I rise for the purpose of asking the chairman of the committee whether the payment of one-half of the value of the cattle as appraised by the Federal Government is in any way contingent on the State paying to the owner of the cattle the other half, or whether the Government pays its half regardless of the State, where the cattle are located and condemned, paying anything?

Mr. LEVER. My understanding is that the Government pays its half regardless of what action the State takes, but the Government is always desirous of having the State pay the other half, and always tries to make such arrangements before going into a State. This matter has not been fresh in my mind for two or three years, because there has not been any outbreak of foot-and-mouth disease in the last three years. I am a little hazy in my recollection of it.

Mr. KREIDER. Well, I have no amendment prepared, but it occurs to me that for the protection of the owner of the cattle it would be a splendid idea to make the payment by the Federal Government conditioned upon the State paying also one-half.

Mr. LEVER. Here is the other end of that proposition: I think the gentleman will see it in a moment. This disease is so fearfully contagious and dangerous that I do not think the Federal Government could afford to cease its efforts to stamp it out simply because a State might be recalcitrant or belligerent or refuse to do its duty. If the foot-and-mouth disease should spread generally in this country it would practically wipe out the live-stock industry, so far as cattle is concerned; and while it would be desirable we can not afford to stand back on account of a State refusing to do its duty.

Mr. TILSON. Would it not result in the man not receiving anything at all?

Mr. LEVER. That might be the result.

Mr. KREIDER. I grant that that is possible, but I do not believe it would be probable. I think it would result in proper action being taken by the several States, providing that the owner of the cattle should be reimbursed for at least half by the State, and then the Government could pay the other half.

Mr. LEVER. I assure the gentleman that it would be a very desirable thing to do. Many of our appropriations are being made on that theory. But this is a matter of extreme exigency. When we are dealing with the foot-and-mouth disease it is like dealing with a house on fire. It must be dealt with promptly. We can not afford to take chances of a State not having the money or the legislature not being in session, or something of that kind, that would interfere with the work.

Mr. KREIDER. But is it not a fact that the actual taking of the cattle and slaughtering of them is under the police powers of the several States, and can only be done upon proper legislation by the State?

Mr. LEVER. Yes.

Mr. KREIDER. Now, if this appropriation and money available for this purpose were based upon a law of the State which would compel the State to pay the other half, it seems to me that the property owner, the cattle owner, the live-stock owner, would be reimbursed more nearly the value of the cattle which have been slaughtered than by this way, because his loss not only consists in the destruction of the cattle, but another contingent loss that is possibly as great as the loss of the cattle themselves, which the owner must bear.

Mr. LEVER. Let me say to the gentleman that, as he will recall, in the last outbreak of the foot-and-mouth disease we had a very serious difficulty with one State. Of course the Federal Government has the power which it can use and by indirection bring about a situation such as that which the gentleman has in mind. The Federal Government can quarantine any State against the spread of this disease and can keep the quarantine over that State until the State does adopt the methods and policies that the Government has outlined for all the States in the Union, and I think that is the way they have been getting at it in the past.

Mr. KREIDER. Is there any way in which we might perfect this bill so as to take care of that?

Mr. LEVER. This language, I will say to my friend, carried us through the greatest outbreak of foot-and-mouth disease that the country ever saw, and it has been very carefully worked out, and it would be dangerous to tamper with it.

Mr. WALSH. Mr. Chairman, I move to strike out the last two words, in order to ask the chairman of the committee, along the line suggested by the gentleman from Pennsylvania [Mr. KREIDER], upon what theory does the department proceed whereby it is willing to pay for the cattle which may be diseased under the foot-and-mouth disease item and not pay for property such as a citrous tree, or a tree afflicted with white-pine blister rust?

I understand there is a prohibition that none of those appropriations shall be expended in payment for property destroyed in attempting to wipe out the citrus canker or the white-pine blister rust. Yet they are permitted to pay for an animal which is killed in an attempt to wipe out the foot-and-mouth disease. Will the gentleman state the reason for the distinction that has been made?

Mr. LEVER. I am not sure that this is a departmental theory at all. I am inclined to think it is more the theory of the committee which reported these items than it is of the department itself; and I am not sure that the committee has any definite theory about the matter except this: In my own mind I should think that on account of the great contagiousness and infectiousness of the foot-and-mouth disease, and the tremendous interests involved in it if it should spread over the country, it has been felt that the payment in part for the losses suffered is the best method of eradicating the disease. In other words, you get closer cooperation from the people, and you bring about a more certain eradication of the disease. For example, if a man has a very valuable animal that has foot-and-mouth disease, if he knows his loss has got to be a total loss, and if the animal is worth $500 or $1,000, or $5,000, he may undertake to conceal the fact that this valuable animal has the disease in the hope that he may effect a cure; but if he knows that the Federal Government and the State government, acting together, will reimburse him for at least a part of his loss, that man is very likely to report the fact of the disease in his herd. I think that is the theory upon which we act.

Mr. WALSH. But upon the legal proposition, does not the gentleman think that the Government would have authority to kill the diseased animal without providing any compensation, the same as it has authority to destroy a tree without compensation?

Mr. LEVER. The Federal Government itself, except on its own property, of course, would not have authority to kill any of these animals. The Federal Government in fighting the foot-and-mouth disease has to act largely through the police powers of the State; but the principle is the same. Of course the State governments, I think, under their police powers, would have the right to kill these animals without making any compensation whatever; but the committee have gone on the theory that it is a wise policy, from the standpoint of stamping out the disease, to make some compensation.

Mr. WALSH. And the disease has been apparently stamped out.

Mr. LEVER. The disease has been absolutely stamped out.

Mr. FESS. The tree, being stationary, will not spread the disease so rapidly as the cattle which are shipped, and in that way, if not properly handled, will spread the disease so much more rapidly. Therefore the necessity of dealing with it immediately.

Mr. LEVER. Therefore the necessity of dealing with it immediately and vigorously.

Mr. WALSH. But from the standpoint of fair play, it does seem as though the man who has his property destroyed in the one case because of the danger of communicating disease should not be discriminated against in another case of destruction because of a similar danger, simply for the reason that his property is stationary and does not, perhaps, enter into interstate commerce.

Mr. FESS. I admit that from the standpoint of the individual there ought not to be a difference, but from the standpoint of public health there ought to be a vast difference.

Mr. LEVER. I think that is the view of the committee.

Mr. McFADDEN. Mr. Chairman, I rise in opposition to the amendment, to ask the chairman of the committee a question. This bill appropriates $1,000,000 to be expended in the city of Washington and elsewhere, and also provides for any balance from last year's appropriation. Can the gentleman tell us how much remains of last year's appropriation?

Mr. LEVER. Five hundred and eighty-one thousand two hundred and forty-eight dollars and twenty-eight cents.

Mr. McLAUGHLIN of Michigan. I move to strike out the last word, for the purpose of making a suggestion to the chairman of the committee. Line 20, page 86, authorizes the payment of claims growing out of past and future purchases and destruction of animals. Is it proper at this late day to authorize the Secretary of Agriculture to pay old and stale claims? The Secretary of Agriculture considered a great many claims, and I think settled every one; but under this language he would be authorized to reach away back into the years of the past and pay claims that might be presented. It seems to me that this bill, which provides for the future alone, ought to appropriate only for the payment for future purchases and destruction of animals in case a new outbreak arises.

Mr. LEVER. Let me make this suggestion to the gentleman from Michigan: This matter was not taken up by the committee. This language has been well worked out. As I said a moment ago, it carried us through the worst outbreak of foot-and-mouth disease that we have had. Does not the gentleman think it would be inadvisable to attempt to amend this language on the floor without pretty full consideration?

Mr. McLAUGHLIN of Michigan. If there is any doubt as to the effect of the change, I would say yes.

Mr. LEVER. I will say very frankly that I do not know whether there are any outstanding claims. I assume that there are not.

Mr. McLAUGHLIN of Michigan. I do not think there are any outstanding claims.

Mr. LEVER. I do not think so, either.

Mr. McLAUGHLIN of Michigan. But this leaves the door wide open.

Mr. LEVER. I think we had better leave the language as it is.

Mr. HAUGEN. What would the gentleman say to striking out the words "past and future"? Then the bill would read—claims growing out of purchases and destruction.

Mr. LEVER. Does the gentleman think that in a matter as delicate as this we ought to try to amend it on the floor of the House?

Mr. HAUGEN. I do not think it is very important.

Mr. LEVER. I wish the gentleman would not press it. We had better leave it as it is. It has been passed upon.

Mr. ANDERSON. In the time of the gentleman from Michigan I wish to ask the gentleman from South Carolina if he can state how much of last year's appropriation was expended for the foot-and-mouth disease?

Mr. LEVER. My recollection of the testimony before the committee is that about $17,000 was so expended.

Mr. ANDERSON. In looking over the report of the expenditures in the Department of Agriculture I found that something like $600,000 was allotted for the foot-and-mouth disease, and I was wondering what the balance of that $1,000,000 was allotted for and how it was spent—for these other contagious diseases?

Mr. LEVER. The clerk of the committee informs me that my recollection is correct. They spent $17,000 out of the fund last year for the eradication of the foot-and-mouth disease, and I think the balance went back to the Treasury.

Mr. ANDERSON. In looking over the expenditures of the department I find that they made an allotment of $600,000 and some odd for the foot-and-mouth disease. I do not know what the balance of the $1,000,000 was allotted for. What I wanted

to ascertain was whether any part of the million dollars was expended for the outbreak of other diseases.

Mr. GOOD. How much has been expended, all told, for eradicating the foot-and-mouth disease in the last outbreak?

Mr. LEVER. I can not tell the gentleman, but it has been several million dollars—quite a considerable sum. I think the first appropriation was $2,000,000, and since that we have been carrying a million dollars appropriation in the bill for several years, but not all of that has been expended.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. SHALLENBERGER. Can this money be used to eradicate tuberculosis?

Mr. LEVER. The appropriation in this item?

Mr. SHALLENBERGER. Yes; it says "or other contagious or infectious diseases of animals which, in the opinion of the Secretary of Agriculture, threatens the live-stock industry of the country."

Mr. LEVER. This appropriation is for an emergency arising out of the existence of the foot-and-mouth disease, rinderpest, contagious pleuropneumonia—yes; I think so. I presume it might be used for tuberculosis.

The Clerk read as follows:

To make surveys to determine the actual distribution of the pink bollworm in Mexico, and to exterminate local infestations in Mexico near the border of the United States, in cooperation with the Mexican Government or local Mexican authorities, $25,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. The bill appropriates all told $500,000 for the elimination of the pink bollworm. As I recall, we appropriated $250,000 in the last Congress——

Mr. LEVER. We appropriated $300,000—$250,000 in the deficiency act and $50,000 in the Agricultural appropriation bill.

Mr. STAFFORD. How much of that $300,000 has been expended up to the present time?

Mr. LEVER. About $175,000; or, in other words, the amount appropriated will have been used by June 30 of this year.

Mr. STAFFORD. What is the condition of the pest at the present time so far as the United States is concerned?

Mr. LEVER. The pink bollworm made its appearance at three places in Texas—Hearne, Beaumont, and the Trinity Bay neighborhood. The outbreak at Hearne was not very serious, and I assume from the testimony before the committee that that has practically been taken care of. They had only one infection.

The situation at Beaumont is not so certain, because the worm was found in the cotton seed and some of the cotton seed has been sent throughout the country and has been planted this year. In the Trinity Bay section the situation is still considered serious. The State of Texas has passed a law creating a cotton free zone, I think of about 50 or 75 miles in width, in the hope of preventing the spread of the pink bollworm. Someone asks what a free cotton zone is. It is a zone in which no cotton is permitted to be grown.

Mr. STAFFORD. Were any hearings had before the committee as to this item? I have searched the various pamphlets furnished me but was unable to locate the hearing on this item.

Mr. LEVER. Yes; it is in the statement of Dr. Mariatt, of the Federal Horticultural Board.

Mr. STAFFORD. I have read some of the hearings in regard to the cotton boll weevil and it was stated that the cold weather had resulted in keeping down the spread of that pest. Has the cold weather had a similar effect on the pink bollworm?

Mr. LEVER. The pink bollworm, as I understand it, is not affected by climatic conditions as much as the cotton boll weevil is. Another thing brought to the attention of the committee was that the pink worm is a very, very much more serious menace to the cotton industry of the United States than the boll weevil ever had time to be. Now, this amount of money carried here, $500,000, is to be used as set out in the bill. It was sent up to us in a lump sum and the committee, of its own initiative, segregated the items. The gentleman will notice that $400,000 of the $500,000 is really an insurance fund, which is on all fours with the item that we have passed for the foot-and-mouth disease. The other $100,000 will be used as set out in the bill.

Mr. STAFFORD. What is the logic of the gentleman's position that the pest be controlled, as indicated by him, and $125,000 available during the remainder of this year, already provided, and $400,000 deficiency appropriation under the guise of an insurance fund that may be utilized? If this pest becomes a menace to the cotton industry of the South, why can not they come before Congress, as they did last year, and receive the large appropriation awarded them by the Committee on Appropriations?

Mr. LEVER. The department estimated $800,000 for the work in a supplemental estimate sent in in the regular way. The committee considered the matter very carefully and I considered it very carefully myself. I concluded, and the committee agreed with me, that it should be reduced $300,000, and this, at my suggestion, was done. We concluded that $500,000 would be a sufficient fund to make us safe against the invasion of this worm. I felt this way about it: If we had had the foresight when the boll weevil was first introduced into this country to have taken vigorous, active measures against it, such as we are trying to do in this case, we might have saved the cotton situation. The fact about the matter is that the production of cotton has been decreasing year after year for the past four or five years. This past season's crop amounts to only about 11,000,000 bales, and that is not the world consumption of cotton; it is hardly two-thirds of the world consumption. Now, if we are to be invaded by another pest, which they say is worse than the boll weevil, I foresee that the cotton industry of this country is practically doomed.

Mr. STAFFORD. You change the language of the authorization from that carried in the prior acts so to permit the Department of Agriculture to go into Mexico and have surveys made either in collaboration or without collaboration of the Mexican Government and local authorities.

Mr. LEVER. Let me say to the gentleman on that point that I recognize what he has in mind. It is an unusual proposition and necessarily would require an explanation. The pink worm came into Mexico from Egypt about 1911. We discovered it in one or two Mexican localities in 1915 or 1916. It has been confined in Mexico to one or two small areas. The Laguna district is the largest area, and it affords a good situation for us to work upon, because the cotton planters of that district in a large measure are Americans and are large planters, willing to cooperate to the very limit. They have tendered to this Government 125 or 130 acres for experimental purposes. They are willing to clean up their seed and quarantine themselves, and do all that is necessary to try to wipe out this pest.

The other area in Mexico is nearer the Texas border, about 30 miles from Texas, and the infection is not so serious. Very little cotton is planted in that area. What we are trying to do is to make a drive on the seat of the trouble, which is the Laguna district in Mexico and the Trinity Bay district in Texas. If we can wipe the thing off the continent we are in pretty good shape to keep it out.

Mr. STAFFORD. Applying the logic of the gentleman's position, if we establish this as a precedent, we will be going into all countries of the world to stamp out such things as anthrax and all other pests that affect the commerce of this country.

Mr. LEVER. The answer to that is this. Here is a country, Mexico, which is torn by an internal war, which really has no very stable government. Revolution is sweeping back and forth over this very area.

Mr. STAFFORD. The same thing is true of Russia, as far as anthrax is concerned.

Mr. LEVER. Oh, I want to make my statement, for I am very earnest about this matter.

Mr. STAFFORD. So am I.

Mr. LEVER. Here is this country, a neighbor of Mexico, and here is a pest in Mexico within 30 miles of our border which absolutely threatens to destroy one of the greatest crops. Is it not wise for us to establish a precedent, which I hope we will be sensible enough not to follow except where absolutely necessary, under the most extraordinary circumstances—is it not wise for us, is it not good statesmanship for us to go down there and try to wipe out this thing, get at the seat of the trouble and completely eradicate it and relieve ourselves from the constant menace of this thing coming in from time to time?

Mr. GARNER. Mr. Chairman, if the gentleman will permit, I believe it is more economical in the long run to undertake to stamp this thing out in Mexico than it is to continue to fight it along the border.

Mr. STAFFORD. Following the logic of the gentleman's position, it is more economical to go to the source of all these pests, abroad or otherwise.

Mr. GARNER. This Congress will be appropriating for an indefinite period from year to year in order to keep this from coming into this country. It is a part of economy, in my judgment, to use the largest amount of money you can toward stamping this out of Mexico, so as not to have to appropriate in the future from year to year to keep it out of this country. I investigated the thing pretty closely when they were about to close up one-half of my district.

Mr. STAFFORD. I realize that last year the gentleman was energetic, and properly so, in trying to secure the $250,000 emergency appropriation. That has accomplished some good,

but that appropriation was limited in its effect to this country. If it has had its effect, why should we go to foreign realms and establish a precedent that may come back to plague us in the future?

Mr. GARNER. I just explained to the gentleman that in my judgment—of course it may not be very good—if we make this appropriation and make it available to fight this in Mexico, we will be able to save money in the future by keeping it out of this country from Mexico.

Mr. STAFFORD. If the gentleman will permit. Have not the present means been effective in suppressing, as far as it could, the pest in Texas?

Mr. GARNER. Indeed it has.

Mr. STAFFORD. What is the need of adopting new methods?

Mr. HEFLIN. Not yet.

Mr. GARNER. It is not entirely eliminated, of course.

Mr. HEFLIN. There are 5,000 acres now in Texas which has not been eradicated.

Mr. STAFFORD. That is because, maybe, of the limited time at disposal of the Government.

Mr. LEVER. If the gentleman from Wisconsin will permit——

Mr. BLANTON. Will the gentleman allow me a suggestion?

Mr. LEVER. If the gentleman will let me handle this——

Mr. BLANTON. I would like to add this suggestion: Along the border in certain places, for instance—the Rio Grande River is an imaginary stream, by the way—these eggs can be carried across by the wind. You can not control it. It may be brought across by Mexicans or Americans or by the wind, or in other ways, and you have to get at the source of this in order to stop it.

Mr. STAFFORD. As I understand from the statement of the chairman of the committee, the two localities where this pest is present in Mexico are not near the border, where the winds from the south can not carry it across the Texas border?

Mr. BLANTON. But it is coming over the border all the time.

Mr. LEVER. One infected place in Mexico is within 30 miles of the border and the other, the Laguna district, is about 150 miles.

Mr. SLAYDEN. Not the Texas border?

Mr. LEVER. I will ask the gentleman from Texas [Mr. SLAYDEN] how far it is from the Texas border.

Mr. SLAYDEN. About 200 miles.

Mr. LEVER. I got the impression in my mind it was a farther distance. Now, I want to appeal to the gentleman from Wisconsin. This worm does not travel very far of its own accord, but may be transported hundreds of miles, largely on account of being in the seed or in the lint. It is being transported from the Laguna district into the Texas district. It is carried most largely in the seed of cotton, in railroad cars, automobiles, and things of that kind. It can go a couple of hundred miles a day in a passenger coach, for instance.

Mr. MONDELL. Will the gentleman yield?

Mr. LEVER. I will.

Mr. MONDELL. Does the gentleman know how long this pink bollworm has been known in Mexico as an enemy to cotton; how long it has been operating there, and how extensively?

Mr. LEVER. My recollection is that it has been in Mexico since 1911, and it was discovered in the United States in 1916.

Mr. MONDELL. The gentleman does not know the origin of it as an enemy of cotton?

Mr. LEVER. It is an Egyptian pest; it came from Egypt.

Mr. STAFFORD. Why would it not meet conditions if this money should be continued in the phraseology of existing law——

Mr. LEVER. The gentleman means the sundry civil bill?

Mr. STAFFORD. We are going pretty far when we are going to consider local conditions in another country.

Mr. GARNER. Let me explain to the gentleman——

Mr. STAFFORD. Permit me to say this: If the pink bollworm was on the increase and the ravages were continuing, I think perhaps we might go to the experiment of going to a foreign country. Everything essential that is necessary I wish to do——

Mr. GARNER. I know that the gentleman does——

Mr. STAFFORD (continuing). In eradicating this pest, but I question whether we should go into a foreign country and disturb local conditions there to stamp out the pest there.

Mr. GARNER. Let me give you an illustration. These gentlemen who are undertaking to fight this pest probably know more about it, technically, than the gentleman from Wisconsin or myself.

Mr. STAFFORD. Naturally.

Mr. GARNER. Here is a border 600 or 700 miles long along this country in which cotton can be raised. There is not a great deal of it raised on the Mexican side at this time. Now, let us suppose this pest does spread in Mexico and it gets up and down the river for 600 miles, the change in the tide of the river and the flow of it would bring the pest to this side.

Mr. STAFFORD. The gentleman is supposing a case that does not exist.

Mr. GARNER. It undoubtedly will exist if it continues in Mexico. If it does it will come along the river and we will have to fight continuously to get anything on this floor.

Mr. STAFFORD. When that condition confronts us we will meet it, but it is now two or three hundred miles away from the border.

Mr. GARNER. I am trying to impress on the gentleman that when the condition develops it will cost us two or three times as much as now.

Mr. GILLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GILLETT. Will the Chair kindly state what is before the House? There has been an interlocutory conversation going on here for 30 minutes, which may be interesting to the gentlemen but not to the committee generally, and I make the point of order that the gentlemen are not in order.

Mr. STAFFORD. Mr. Chairman, I am not satisfied at the present time from the statement made that there is warrant for us going ahead to allow the Secretary of Agriculture to go into the business of revising and reforming conditions there.

A MEMBER. Mr. Chairman, the regular order.

Mr. STAFFORD. Mr. Chairman, I make the point of order on the paragraph. It changes existing law.

Mr. LEVER. Mr. Chairman, this item is fairly subject to a point of order, in my judgment, and I am not going to argue a position I can not sustain.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer an amendment in lieu of the paragraph stricken out.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lieu of the paragraph stricken out on the point of order insert the following:

"On account of the menace to cotton culture in the United States arising from the existence of the pink bollworm in Mexico, the Secretary of Agriculture, in order to prevent the establishment and spread of such worm in Texas and other parts of the United States, is authorized to make surveys and determine its actual distribution in Mexico; to establish, in cooperation with the States concerned, a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico; and to cooperate with the Mexican Government or local Mexican authorities in the extermination of the local infestations near the border of the United States. For rent outside of the District of Columbia and for the employment of such persons in the city of Washington and elsewhere as the Secretary of Agriculture may deem necessary, $500,000."

Mr. LEVER. That is identical with the language in the act.

Mr. STAFFORD. I understand the amendment is the same as in this bill?

Mr. LEVER. Yes.

Mr. STAFFORD. Under the phraseology I admit the department has the right to conduct surveys in Mexico.

Mr. LEVER. Yes.

Mr. McLAUGHLIN of Michigan. In carrying on any of its operations as to extermination in Mexico.

Mr. LEVER. I am inclined to think the department is exercising the power now to cooperate in exterminating this insect, under this language, in Mexico. I will be very frank with the committee.

Mr. McLAUGHLIN of Michigan. I will say that in many of these matters we have to rely on the Secretary. And if it is true even in a small part, as he tells us it is, it will be very well for us to stamp it out in Mexico right along the border. I hope the gentleman from Wisconsin will not object to the use of a little money in Mexico.

Mr. MONDELL. Mr. Chairman, I desire to speak on the amendment.

Mr. LEVER. Will the gentleman from Wyoming excuse me just a moment? Mr. Chairman, I understand that the parliamentary situation is this, That all of the language of the bill relating to the pink bollworm went out on the point of order made by the gentleman from Wisconsin.

The CHAIRMAN. The Chair, as soon as the gentleman from Wyoming had concluded, was going to ask the extent to which the gentleman from Wisconsin wanted his point of order to apply. The principle of it not only includes the language on page 88, but down as far as line 10 on page 89.

Mr. LEVER. I assume if any part of this item is sustained it will carry out the balance of the item.

The CHAIRMAN. The Chair would rule that way.

Mr. MONDELL. Mr. Chairman, I believe the appropriation should be made. I think there is a condition warranting the

appropriation of a large sum of money to be used as necessary and when necessary, in view of a situation in which it seems altogether probable that we may be able to entirely stamp out an insect pest which is a very great menace to a very great industry. It is very clear that the item will in some form go in the bill. The money will be appropriated. It ought to be appropriated and used in the way in which the item was segregated by the Committee on Agriculture. That is the proper form, and in view of that fact I want to appeal to the gentleman from Wisconsin [Mr. STAFFORD] to withdraw his point of order and allow the item to go in as the committee segregated it and in the form in which it, the committee, wisely approved it. There is certainly nothing gained by striking out the language of the committee, drawn after careful consideration, and then making the same appropriation in a different form and in a form which does not give the department that free hand in the extermination of the pest which it ought to have in order to be effective.

If we are to attempt to stamp out this pest, let us go where it is, whether it be in Mexico or in the United States, and do the work. We might spend millions on our side of the line and never get anywhere, whereas the expenditure of a few thousand dollars on the Mexican side might accomplish all we seek to accomplish.

I hope the gentleman will withdraw his point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, does the gentleman from Wisconsin intend to act on the suggestion of the gentleman from Wyoming [Mr. MONDELL]? If not, I move to strike out the last word. I want to get some information on this subject.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, if this appropriation became effective, as intended in the bill, there would be one, two, three, or four methods of expenditure. First, there would be an expenditure of $50,000 to prevent the removal of cotton and cotton seed from Mexico into the United States.

Mr. LEVER. That is quarantine work.

Mr. MOORE of Pennsylvania. I assume that money would go for the employment of men, would it not?

Mr. LEVER. It would go for disinfecting cars and seeing to it that there were no worms in the seed or in the lint.

Mr. MOORE of Pennsylvania. It would not be for material, but for the services of individuals?

Mr. LEVER. Entirely.

Mr. MOORE of Pennsylvania. The next item, if the plan here is carried out, no matter how the Secretary gets the money, is for $25,000 to make surveys to determine the actual distribution of the pink worm in Mexico. That means the employment of individuals, does it?

Mr. LEVER. Yes; the employment of individuals.

Mr. MOORE of Pennsylvania. Twenty-five thousand dollars for that.

Mr. LEVER. We think the infection, or the pest, is confined to two districts in Mexico. It may be possible that he is somewhere else, but what we want to do is to get him on this continent.

Mr. MOORE of Pennsylvania. I want to find out how the money is to be spent. The next item is for $25,000 to investigate the pink worm in Mexico and elsewhere. That means the employment of more men?

Mr. LEVER. That means the employment of half a dozen experts to work in cooperation with the farmers in the Laguna district.

Mr. MOORE of Pennsylvania. That makes a total appropriation thus far of $100,000. The next item is an important one. It provides $400,000 to conduct surveys and inspections in Texas, or in any State where the pest may appear. Does that go wholly for the employment of individuals?

Mr. LEVER. It is very largely for the employment of individuals. The method they adopted in the Trinity Bay district was to go into a cotton field and pull up the cotton by the roots and cut it down and pile it up and pour kerosene on it and burn it up and absolutely get rid of it.

Mr. MOORE of Pennsylvania. Will there be any instruction of farmers in connection with this? That might be what is called "survey work"?

Mr. LEVER. I think the Secretary would stretch his authority if he attempted to do that under this item.

Mr. MOORE of Pennsylvania. The plan is for the expenditure, in all, of $500,000 for the employment of individuals in various ways in Texas and Mexico?

Mr. LEVER. I will say to the gentleman that our hope is that practically the only expenditure that will be made will be a portion of the $100,000 appropriation. We hope that it will not be necessary to encroach upon the $400,000 fund, because we hope to keep this worm out of Texas.

Mr. MOORE of Pennsylvania. I hope that will be done.

Mr. LEVER. And if so, we could not expend any more.

Mr. MOORE of Pennsylvania. Texas is a very large State. We will concede that. But the expenditure of $500,000 for this purpose means the employment—if you wanted to figure it out this way—of 100 men at $5,000 per year, or 200 men at $2,500 a year, or 250 men at $2,000 a year, or 500 men at $1,000 a year; or, if these men were employed merely for the purpose of pulling up cotton plants it would mean that if you paid $500 per annum you could employ a thousand men for this work.

Mr. LEVER. The fact is you would not have to employ many men on a per annum salary. You would only employ these men when you found an infestation somewhere, and probably a large number of laborers in the community—farmers and farmers' boys, white and black—who could go into a field and pull up the cotton stalks and pile them up and pour kerosene on them and put a match to it. Of course, you would have to have some experts in the crowd.

Mr. MOORE of Pennsylvania. That is what I want to get at. I would like to know the number of experts and lecturers who may use up this $500,000. If it is for common labor, such as the gentleman has described, I would not have much objection to it; but it seems to me we ought to stop employing so many of these "lecturers" at good salaries to tour the country.

Mr. LEVER. I agree with the gentleman fully on that. Let me say this; I believe I try to be frank with this committee——

Mr. MOORE of Pennsylvania. The gentleman always is.

Mr. LEVER. I take it that the very nature of this work would preclude the necessity of employing any very large number of experts, that the larger portion of this money, if it is used at all, would be used in payment of these day laborers in the community where the outbreak took place.

Mr. MOORE of Pennsylvania. Does Texas offer to cooperate in any way?

Mr. LEVER. I will ask my colleague on the committee [Mr. YOUNG of Texas] to answer that.

Mr. MOORE of Pennsylvania. It is apparently a Texas proposition, for the present.

Mr. LEVER. Let me answer that suggestion. I want to say, as pointed out so strongly by the gentleman from Texas [Mr. YOUNG] the other day, this cotton proposition is not a sectional proposition any more than the cattle proposition is a sectional one. For some reason or another—God in His providence knows more about that than we do—we are all dependent upon a certain number of States for the cotton production of this world, and especially for the cotton production of this country. Now, here is a worm which the entomologists tell us is the most destructive pest that has ever threatened the cotton industry. The query is, Are we going to fight that vigorously in the interest of all the Nation, or not? It is going to take money. I appreciate that. But if we had spent $500,000 at the outbreak of the boll weevil in Texas and had adopted the drastic remedies that we are proposing here, both through the State of Texas—which is cooperating nicely—and the Federal Government, we probably would have saved the cotton situation in the South.

Mr. MOORE of Pennsylvania. This pink worm is of Egyptian origin, as I understand.

Mr. LEVER. Yes; it is found in Egypt, the Hawaiian Islands, the Philippine Islands, and, I think, in Brazil and in Mexico.

Mr. MOORE of Pennsylvania. There was a movement some years ago in the East to prevent the importation of certain Egyptian cotton, due to the prevalence of this pink worm in Egypt. We have an interest in this matter.

Mr. LEVER. That is right, and we carry an appropriation in this bill for that purpose; and they have a concern in Boston where they put cotton seed coming from Egypt under very high pressure to kill the worm.

Mr. MOORE of Pennsylvania. If this bill passes, will the Secretary of Agriculture have authority to prevent the invasion of this country at other points than Texas?

Mr. LEVER. Oh, yes; undoubtedly.

Mr. HEFLIN. If the gentleman from Pennsylvania [Mr. MOORE] will permit me, I will state that this pink bollworm is in three cotton districts in Mexico. In one of the cotton districts in Mexico he reduced the cotton yield one-third in one year, and he has made it impossible to grow cotton in the Hawaiian Islands. He is the most dangerous pest that ever came into our country and I trust that the gentleman from Wis-

consin will withdraw his point of order and let this provision become a law as soon as possible. With this appropriation of $500,000 we hope to prevent the spread of the pink bollworm in the cotton belt of the United States. Help us to destroy this terrible pest.

Mr. PAIGE. I move to strike out the last word. As a cotton manufacturer I want to say that I believe this is the best item in this Agricultural bill. I agree fully with the gentleman from Wyoming [Mr. MONDELL], and I trust that if it is not too late the gentleman from Wisconsin [Mr. STAFFORD] will withdraw the point of order. [Applause.]

Mr. YOUNG of Texas. The gentleman from Pennsylvania [Mr. MOORE] asked a question as to what Texas has done or contemplates doing with reference to the elimination of this pest that threatens the cotton industry of the country. Let me give just a little history. So far as Texas is concerned, we did not know there was such a pest until last year. This pest came across the border from Mexico—from the Laguna district and from the district just across from Del Rio. It was discovered in Texas during the crop-growing season of the past year. Prior to the discovery of this worm it was not unlawful for cotton seed to be shipped out of Mexico up into Texas or anywhere else in the cotton belt, for the purpose of crushing the seed. So last year some 12 or 14 cotton mills in Texas purchased cotton seed in Mexico and brought it over on the Texas side to be crushed by these oil mills. It was a legitimate business. It was discovered that in the shipments of seed this pink bollworm was being brought into Texas. Now, what happened? Some of this seed went to the mill at Beaumont, Tex.; some went to Houston, Tex.; and some went to Galveston, Tex. That is down near the border line of Mexico; but two shipments of that came to the northeast Texas, and 12 carloads came into my own town in northeast Texas to be pressed. Immediately upon the discovery of the fact that this seed was coming from infested districts quarantine regulations were made, and no seeds can be shipped out of Mexico into Texas or any other part of the United States now.

What did the Government do? The Government followed the history of the shipments of this seed. They went to the vicinity of each oil mill that purchased this seed and found out whether or not these oil-mill people had sold any of this seed for planting in their vicinity. In my own town, across the street where I live, my brother-in-law planted eight acres of cotton from these seeds. During the growing of the crop there would come a stranger, an agent of the Government, who would go through the patch examining stalk after stalk of the cotton. Nobody knew what his purpose was until late in the season, when it developed that he had found that the cotton-oil mill people in that town had sold this seed to my brother-in-law, who planted this patch. He was examining to see whether the insect reproduced itself in the crop. That is what was done all over Texas in the vicinity of these oil mills where the seed had been shipped.

What was the result as finally obtained? In the field in the vicinity of Hearne, where the seed had been pressed that had come out of Mexico, they discovered one infestation. That is below the central part of the State. There was one local infestation. The greatest infestation was around Beaumont and Trinity Bay section of the country between Beaumont and Galveston, where there was a general infestation.

But you must understand that that section of Texas is not the cotton-growing section of Texas. It has only little patches, little farms; whereas when you get to the central and northern part of the State the whole country is one great cotton plantation. So we did not find as big a problem to deal with in the lower section of Texas as we would have if it had struck the black-land section where you will find as much as a thousand acres in one field of cotton.

Now, when they discovered this infestation at Hearne they destroyed the field. The localities contributed and paid the man whose field was destroyed. The Government did not do it. The Government agents discovered the insect and labor was employed and the field destroyed. They are destroying the stalk, the matter on which they live, in the Trinity Bay section and the Beaumont section. That is the only way we know how to do it—destroy the cotton stalk on which the insect lives. The fly, from which the weevil comes—you gentlemen have all seen the little cannel fly, the pink weevil comes from a similar one—deposits the eggs on the little boll, and when the eggs hatch the insect goes into the boll and destroys it. They live on nothing but cotton.

Now, as to the destruction of the cotton, I am here to say that I know of one county in my district where the insect has not come but where the boll weevil has come. It attacks the square and the square falls and children have gone into these fields—merchants have put up notices offering prizes—children have gone into these fields and collected these little squares by the multiple of thousands and have taken them in and got their reward. Then they burn these squares that contain the eggs of the insect that will destroy the crop.

Now, what has Texas done? The legislature was in session at the time this Hearne farm infestation was found.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. STAFFORD. Will the gentleman permit me to make a statement?

Mr. YOUNG of Texas. Certainly.

Mr. STAFFORD. Mr. Chairman, after conferring with gentlemen on the committee about the phraseology of the amendment as carried in the bill and considering the form of the pending amendment, as I was not so fully aware when I made the point of order of the phraseology of the authorization of last year, the only difference is that the department will be limited in going to Mexico to that district near the border, whereas under the paragraph in the bill they can go anywhere. I will say that my making the point of order was under some misunderstanding of the present law, and therefore I withdraw it. [Applause.] The gentleman from South Carolina can offer the phraseology that is contained in the bill as a substitute to the pending amendment and thus, I suppose, will accomplish what he had in mind.

Mr. LEVER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. STAFFORD] for that suggestion and for his fairness in this matter, and I ask unanimous consent to withdraw the amendment which I offered, so that the original matter of the bill may be incorporated.

The CHAIRMAN. The gentleman from Wisconsin withdraws his point of order, and the gentleman from South Carolina asks unanimous consent to withdraw the amendment which he has offered. Is there objection? [After a pause.] The Chair hears none. The gentleman from South Carolina now asks unanimous consent that the matter heretofore stricken out of the bill on a point of order may be considered and reinserted as a part of the bill. Is there objection?

There was no objection.

The CHAIRMAN. The bill now stands as it was before the point of order was made.

Mr. STAFFORD. Mr. Chairman, as the first paragraph alone was read, is it not advisable to read all of the paragraphs and have them all considered as one?

The CHAIRMAN. The Chair will order that that be done. The bill now stands as it was before the gentleman made his point of order.

Mr. WALSH. Mr. Chairman, I submitted a request that the gentleman from Texas might be allowed to proceed for five minutes more.

The CHAIRMAN. The Chair will put that request now. The gentleman from Massachusetts asks unanimous consent that the gentleman from Texas may have an additional five minutes. Is there objection?

There was no objection.

Mr. LEVER. Mr. Chairman, I suggest that it would be better, first, to read the items in the bill.

The CHAIRMAN. The Clerk will read the balance of the paragraph.

The Clerk read as follows:

To prevent the movement of cotton and cotton seed from Mexico into the United States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof, $50,000.

To make surveys to determine the actual distribution of the pink bollworm in Mexico and to exterminate local infestations in Mexico near the border of the United States, in cooperation with the Mexican Government or local Mexican authorities, $25,000.

To investigate in Mexico or elsewhere the pink bollworm as a basis for control measures, $25,000.

To conduct surveys and inspections in Texas or in any other State to detect any infestation and to conduct such control measures, including the establishment of cotton-free areas, in cooperation with the State of Texas or other States concerned, as may be necessary to stamp out such infestation, to establish in cooperation with the States concerned a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico, and to cooperate with the Mexican Government or local Mexican authorities, or otherwise, by undertaking in Mexico such measures for the extermination of the pink bollworm of cotton as shall be determined to be practicable from surveys showing its distribution, $400,000: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of crops or other property injured or destroyed.

Mr. YOUNG of Texas. Mr. Chairman, the question was asked, What has Texas done? The legislature was in session when this discovery was made. We did not know how serious it was—nobody did. The legislature immediately appropriated $10,000, but they did something better than the appropriation.

The legislature passed a law by which the matter could be handled, and but for the enactment of that statute we would have been without authority to handle it. That law provided a certain quarantine regulation, very drastic, and under that statute the governor of our State only a few days ago, exercising the authority given him by the statute, threw a quarantine district around every section of the infested part of the State, making it broad enough so that where this insect has been discovered no man can plant or grow one stalk of cotton this coming year, and by doing that, stamping it out in that way. Having no new cotton planted in that territory, there is nothing on which the insect can breed or thrive. By the exercise of this power we believe that this insect will be driven out of existence during the present year, and with this appropriation I believe that we can do what was done in Florida with the appropriation that you gave for the protection of the citrus-fruit industry. I believe that we can wipe out the insect in one year's time. Texas heretofore has grown from four to four and a half million bales of cotton to go forth and clothe the world, although this year only three million bales. With this appropriation, I feel that this industry will not be wiped out, and that that great State may still continue to give to civilization that which goes to bless humanity. [Applause.]

Mr. CANDLER of Mississippi. Mr. Chairman, I want to call the attention of the House to the following statement by D. R. Cond, United States Bureau of Entomology, Delta Laboratory, Tallulah, La. This statement gives a short history of this pink bollworm and demonstrates what a destructive pest it is, and, therefore, the necessity for the appropriation provided for in this bill. Here is the statement, and I hope the House will give it full consideration:

The cotton industry in the United States to-day faces one of the greatest menaces with which any agricultural industry has ever been threatened, a menace which threatens its very existence. This is the establishment within our cotton belt of the famous or, more properly, infamous pink bollworm of cotton. We have long been threatened with the introduction of this pest from Asiatic and African countries. Later it was discovered in the cotton fields of our immediate neighbor, Mexico. Now it has been found in the fields of our own cotton belt. Its establishment there and spread over this country must be prevented. My purpose here is to tell you something of what steps are being taken to accomplish this end and to describe something of the problem before the men intrusted with this important task. Before dealing with this phase of the question, however, I wish to outline briefly something of the characteristics and injury of this pest as well as its history in other countries.

The pink bollworm resembles the boll weevil in that it passes through several different forms in the course of its life cycle. However, instead of producing a weevil in the adult stage, as is the case with the old familiar enemy, a moth or "miller" is developed. This moth lays the eggs, which hatch and produce the larvæ or grubs. These develop into a quiescent stage, called the pupa, and this in turn produces the moth, which starts the cycle off again. As is the case with the boll weevil, the pink bollworm accomplishes its damage in the larval or grub stage. The moth deposits the eggs on the cotton boll or square, and as soon as the young worms hatch they bore into the interior of the form, where they feed in much the same manner as the larva of the boll weevil. However, there is this important difference: The boll weevil prefers the squares and attacks the bolls only when necessary, while the pink bollworm reverses this order and, whenever possible, selects large, well-developed bolls for its attack. Incidentally the difficulties which would accompany cotton production in the presence of both these pests may readily be imagined, since one would specialize on the squares and the other on the bolls, instead of being competitors, they would be allies in the battle against the farmer.

ATTACKS IMMATURE SEED.

The larval period during the summer lasts from 20 to 30 days, during which time it continues to travel through the cotton form, and when in the bolls it usually concentrates its attack on the immature seed. It then pupates, and the adult moth soon emerges. The normal life cycle or period from egg to egg is ordinarily from 35 to 50 days during the summer. Thus this pest may produce from four to six overlapping generations in the course of the season. The last brood in the fall, instead of producing adult moths, forms a cell inside the hull of the cotton seed, which it has hollowed out, or, in many cases, fastens two hulls together and remains in the cell between them. In this manner the worm passes the winter and is ready to produce a moth in the spring. However, it has been shown that in case of necessity the worm can remain alive in this cell for several years.

The actual injury of the pink bollworm to the cotton crop is in part precisely the same as that of the boll weevil. The feeding of the worms causes the bolls and squares to fall to the ground in many cases and frequently as much as 50 per cent of the crop of an infested field is lost in this manner. This by no means ends the injury, however, as wherever a single worm attacks a large boll and confines its attention to a single lock it forces the premature opening of the boll, thus greatly injuring the fiber of the uninfested locks. In addition, the inclusion of the infested locks in a bale produces a stained cotton, which is severely penalized in classing. The seed-feeding habit of the worm also causes great loss. The oil yield of the seed is reduced by several per cent and the germination is so seriously injured that it is frequently necessary to plant double the ordinary amount in order to secure a stand.

The methods of dissemination of this insect are, of course, of great importance. Flight, the method by which the boll weevil spreads from State to State, is of very slight importance, as the adult moth is a very weak flyer and has a decided tendency to stay under cover as much as possible. By far the most important method of spreading is in the seed. As I have already mentioned, the worms seal themselves up within the seed in the fall to spend the winter. These seed cells go through the gins uninjured and wherever these seed are transported the moths will emerge in the spring and seek cotton. Consequently cotton seed or anything containing cotton seed moved from infested to noninfested territory is exceedingly likely to carry the infection. Some years back when the danger of importing this pest into this country was first considered a study was made of the baled cotton lint coming to our mills from Egypt. This cotton was roller ginned, and it was found that some seed passed around the ends of the rollers and others slipped through damaged rollers, so that the baled lint contained a considerable number of seed. These seed were found to frequently contain live pink bollworms. Calculations based on the examination of 37 bales showed that we were importing 16,000 live pink bollworms annually, and in the ordinary distribution of this cotton about 300 of these worms would go to the southern mills located within the zone of cotton cultivation. This very grave danger was eliminated by a system of quarantine, which I will discuss a little later.

IS WIDELY DISTRIBUTED.

This pest is now so widely distributed over the globe that it is difficult to determine its original home, but all indications are that it was a native of Africa. From there it has been distributed so that it is now present in all cotton-raising countries of Asia, including India, Japan, China, and others. In Africa it is found in all cotton-raising countries, including Egypt. It was introduced on the American Continents in both Brazil and Mexico. In many of these countries it is difficult to secure accurate estimates as to the damage, but all reports are unanimous in that the loss is very great. In Hawaii the pest forced the abandonment of cotton cultivation. In Egypt the minimum yearly loss is estimated at 10 per cent of the value of the crop, and the normal damage is much greater than this. In India the minimum annual loss is placed at more than $10,000,000. Further information on the depredations of this pest being received from time to time indicate that there is hardly any limit except the cotton crop itself to the extent of its damage.

As exemplifying the manner in which this pest may be introduced and spread, I wish to describe the importation into Brazil and Mexico. With the very laudable view of improving the staple of their cotton, the Brazilian Government in 1913 and again in 1914 imported considerable quantities of planting seed from Egypt. These seed were distributed widely throughout Brazil, and it was found in 1915 that this had resulted in the establishment of pink bollworm in all cotton-growing regions of the country. It would be difficult to devise a more thorough and effective method of distribution for the pest. In 1916 these worms caused as high as 50 per cent loss in production at many points. The ultimate effect of this importation on the cotton industry in Brazil remains to be seen, but the best that can be hoped is a permanent decrease of the crop which may easily result in making cotton production unprofitable in that country.

FROM EGYPT TO MEXICO.

The introduction into Mexico was produced in much the same manner. In 1912 a supply of Egyptian seed was imported and planted near Monterey. This produced such a good crop that there was a great demand for the seed the following year, and they were planted throughout the entire Laguna district, which is the principal cotton-producing section of Mexico. Some time before this importation representatives of our Department of Agriculture had visited the Mexican cotton-growing sections and had found that Mexico at that time possessed no cotton pests which we did not have. In view of this and the fact that cotton cultivation in Mexico and in the United States is practically continuous at several points along the border the quarantine regulations against Mexican cotton were not nearly so stringent as those against other countries. In 1916 permits were requested for the importation of a large amount of Mexican seed. Owing to rebel activities, the Mexican oil mills had discontinued operations and the seed from three crops had accumulated. In order to realize on this stock of seed they were offered to Texas mills at very low prices. In all, 467 carloads of these seed from the interior of Mexico were admitted into this country, and these were distributed to 10 Texas mills distributed throughout the State. Shortly after this the pink bollworm was discovered in Mexico. Immediately all further importation of seed was stopped and all seed which had crossed the border was traced to the mills receiving them. Conditions at each mill were studied very carefully, with the view of determining the possibility of infestation of adjacent cotton, and it was deemed advisable to organize a force of scouts to watch the cotton surrounding these mills throughout the season. This work was undertaken by the Federal Horticultural Board, under the charge of Dr. W. W. Hunter, and has been continued by that office in cooperation with the Texas State agricultural departments throughout the subsequent developments. A force of inspectors was organized and all cotton which seemed in any danger of infestation was examined once a week throughout the season of 1917. All inspections were negative until on September 8, 1917, at which time a live pink bollworm was found in the field Hearne. Immediately a force of 25 entomologists were assembled at this point and all fields in the neighborhood were most thoroughly examined. Traces of the worm were found in four or five fields and the worm itself was found in two fields.

About 500 laborers were assembled immediately and these were put to the task of completely cleaning up all the cotton fields within the zone of infestation. For this purpose the plants were first cut down and then gathered and piled. The fields were then raked and, as a final measure, laborers were sent down every row on their hands and knees picking up every scrap of cotton plant remaining on the ground. All of this material was saturated with oil and burned. Seed cotton gathered from the fields was treated in a like manner and every effort was made to completely destroy everything which stood the slightest chance of harboring a pink bollworm. In all, 105 acres were treated in this manner at Hearne. The cotton and cotton seed which had been shipped from this district was traced up and its disposal was very carefully supervised.

BEAUMONT FINDS INFESTATION.

Following this, the examinations at other points were continued and in a very short time an infestation near Beaumont was reported. Investigation in that neighborhood showed that there were in reality two distinct infestations present. The Beaumont oil mill had received 184 cars of the Mexican seed and it was found that these were responsible for the infestation of a considerable number of the fields in that vicinity which were planted with seed secured from the Beaumont mill. In addition, however, a much larger infestation which was apparently of some years' standing was found southwest of Beaumont, extending practically around Trinity Bay. This infestation was traced as rapidly as possible and was soon found to include parts of five counties in the neighborhood of Galveston, Houston, and Beaumont. The infestation in the district around the Beaumont oil mill was found to be very light,

but the other infestation proved to be very heavy in spots. Considerable attention was devoted to tracing the origin of this second infestation, and it was finally determined to be very probably due to cotton blown ashore during the hurricane of 1915. At that time a considerable number of bales of cotton imported from the Laguna district of Mexico were on the docks at Galveston. These were blown off the docks and northward onto the shores of Trinity Bay. They were later salvaged from where they had been deposited by the tide and in order to get them out through the marshy ground the bales were broken open. Undoubtedly a considerable amount of cotton was left and the worms contained in this produced an infestation which persisted during 1916 without discovery.

A large force of both entomologists and laborers were assembled at Beaumont and started immediately on the task of cleaning up these infested fields as had been done at Hearne. Large forces of laborers were organized and furnished with complete camp outfits. Motor trucks were provided and the most thorough possible campaign of extermination was inaugurated. In all approximately 3,000 acres were found to be infested, and of this something over 2,200 acres has been cleaned up to date. Work is progressing on the remainder as rapidly as possible. All cotton originating in these fields is being traced and effective measures are being taken for its safe disposal.

EMBARGO AGAINST MEXICO.

Beginning in 1912 quarantine measures aiming at the prevention of the introduction of the pink boll worm into this country were instituted. At first these consisted of quarantines against the importation of seed from all countries except Mexico. Then the discovery of worms in Egyptian bales was made and the importation of these bales was prohibited. Experiments soon showed that by a new system of fumigation in a partial vacuum it was possible to kill the worms within the bales. Since that time large fumigating plants have been erected at the principal ports of entry and now all foreign lint entering this country is passed through the vacuum fumigation processes under Federal supervision. Following the discovery of the pink boll worm in Mexico the importation of Mexican cotton was absolutely prohibited. In addition, quarantines were promulgated providing for the inspection and fumigation of almost everything entering this country from Mexico except the natives themselves. All cars, regardless of their contents, are inspected, and since many of them contain old cotton seed from previous shipments they are carefully fumigated. The contents, whenever in the least suspicious, are treated in a like manner, and every step which can possibly be taken to prevent any chance of introduction is very carefully carried out.

On December 28, 1917, a Texas law became effective giving most drastic powers of quarantine. Among other things the governor is authorized to prohibit the planting of cotton at any point along the Texas border which appears subject to infestation from Mexico. In addition, this law provides for the prohibiting of cotton cultivation around any areas in Texas found to be infested with the boll worm. This power will be utilized and the districts around Hearne and Beaumont will be declared cotton free for the next three years. In this connection the Federal and State agents are doing all possible in advising and instructing the farmers in the use of substitute crops. In addition, all quarantines which I have mentioned will be strictly enforced and additional zones promulgated as may be necessary. The work of scouting at all suspected points will also be continued most vigorously.

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to return to page 45 for the purpose of submitting an amendment.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to page 45 for the purpose of submitting an amendment. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, let it be read first for information.

The CHAIRMAN. The Clerk will report the amendment for information.

The Clerk read as follows:

Page 45, add a new paragraph after line 11, as follows:

"That during the existing state of war the Secretary of War is authorized to make sales, without advertisement, at a fair valuation, to be determined by him, of national forest timber to be used, so far as suitable for the construction of aeroplanes."

Mr. JOHNSON of Washington. Mr. Chairman, I have eliminated from the amendment proposed a day or two ago all of the contentious matter, leaving the amendment to cover the actual necessities. I think I can convince the membership of the advisability of this by referring to a statement from the office of the Signal Officer of the United States Army, dated December 1, in which he calls upon the North Pacific country to furnish twice the amount of spruce for aeroplane stock that was being furnished at that time.

Mr. STAFFORD. I do not know whether there is any objection by anybody else, but there is no objection on my part.

Mr. NORTON. Reserving the right to object——

Mr. WINGO. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. Certainly.

Mr. WINGO. As I gathered from the reading of the gentleman's amendment, there is no provision to take care of the question which the gentleman from Michigan [Mr. FORDNEY] raised yesterday.

Mr. JOHNSON of Washington. I am afraid that can not be done at this time. If the gentleman will remember, the amendment as offered heretofore carried two new legislative provisions, one of which opened up a way through which the War Department could go into the forest reserve and take timber without charge, use part, and sell the remainder. The Navy Department has the right to take without charge forest-reserve timber, the railroad engineering building in Alaska has that right, the Reclamation Service has that right, but the War Department has not. But, Mr. Chairman, I realize that I had too much new legislation in one item offered as a paragraph of an appropriation bill. So in eliminating the War Department free-gift provision I had, of course, to cut out the War Department sales provision. I have reduced the amendment to the first and immediate necessity. While the Army appropriation bill is being considered in committee I hope to see adopted a paragraph giving the War Department the right to forest-reserve products; also to permit the War Department to cut and sell timber on certain military reservations. My present amendment does only one thing; it provides that the advertising requirement be suspended, so that men can go into the forest reserves and bring out pieces of spruce.

Mr. WINGO. Does the gentleman's amendment authorize the Secretary of War to go ahead and sell the waste timber after the heart timber has been taken out of the tree for aeroplane stock?

Mr. JOHNSON of Washington. No; that phase is not now touched. The War Department will pay its price per thousand in the tree, and the Agricultural Department, through its Forestry Bureau, will receive that money. Whoever rives out the log will get the prices offered by the War Department for spruce pieces and the bonus as well.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, a point of order was reserved by the chairman of the committee on an amendment I offered on page 16, an amendment to the meat-inspection item. The proposed amendment increases the appropriation for meat inspection by $100,000, that sum to be used for the inspection of horses and horse meat for export. I desire to ask the gentleman from South Carolina if he intends to insist upon the point of order?

Mr. LEVER. Mr. Chairman, I took that matter up with the Secretary of Agriculture, and he informs me that he has had the matter up with Mr. Hoover, of the Food Administration, and that they have found there is no demand for horse meat in this country and little, if any, in foreign countries with which we are allied in this war. Personally, I think it is bad legislation psychologically for us to write in the bill any suggestion relative to horse meat, and I feel I must make the point of order, and I do make the point of order.

Mr. MONDELL. Mr. Chairman, this matter came up through the desire of certain horse growers in the West to find a market for their product, and the desire of others who have viewed with alarm the growing shortage in meats for export to utilize for export meats such as certain people of Europe have been accustomed to use. The State Department has had the question up with some of the European governments as to whether or not a certain amount of horse meat could be used in the countries of the allies where the people have been accustomed to the use of such meat. I am inclined to think that these negotiations have not come to a conclusion; that is my latest information. I think it is quite probable that our allies, some of them, may conclude that they can relieve the situation in regard to meat by the utilization of the meat of some of our horses not suitable for other purposes, but the item is clearly subject to the point of order, and therefore if the gentleman insists upon it the amendment goes out. I regret that he does insist on it, because I think that a condition may arise under which the State Department, even the Food Administration, may desire to have such meats inspected for export to the civilian populations of the territory of some of our allies who are unable to secure other meats. The gentleman seems to think that psychologically it is not wise. I yield to his psychological objection.

Mr. LEVER. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. RUBEY. Mr. Chairman, a few days ago we had authority to return to an item on page 45, the paragraph beginning line 12 to 17, which went out on a point of order. At that time I offered an amendment, but at the time we had the item up for discussion the gentleman from Michigan offered an amendment, and I have embodied his amendment in my amendment and have made a slight change in the phraseology, and I offer the following substitute for the amendment which I offered and ask that I may have unanimous consent to modify my former amendment by offering this one.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

Mr. ANDERSON. That is subject to the reservation of the point of order?

The CHAIRMAN. Of course.

Mr. LEVER. I reserve the point of order.

The CHAIRMAN. It was stated it was subject to the reservation of the point of order.

The Clerk read as follows:

Mr. RUBEY offers the following amendment, to be inserted on page 45, following the amendment just adopted: After line 11 insert the following:

"Whenever the Secretary of Agriculture shall find the expenses of travel can be reduced thereby, he may, in lieu of the actual traveling expenses, under such regulations as he may prescribe, authorize the payment of not exceeding 2 cents per mile for a motorcycle or 6 cents per mile for an automobile used for necessary travel on official business in the Forest Service: *Provided*, That there shall be no payment of mileage for use or travel of motorcycle or automobile furnished or owned or maintained by the Government of the United States."

Mr. ANDERSON. Will the gentleman yield for a question?

Mr. RUBEY. I will.

Mr. ANDERSON. Is it contended this language shall be permanent legislation now?

Mr. RUBEY. No. I left out the word "hereafter." It is not permanent legislation.

Mr. STAFFORD. If the gentleman will permit, the very language as submitted is permanent in form, and will be so considered, I believe.

Mr. RUBEY. It says "wherever the Secretary shall determine."

Mr. STAFFORD. That is enacting language for all time.

Mr. RUBEY. I do not think so.

Mr. STAFFORD. In my judgment it is.

Mr. ANDERSON. I have no objection to trying this proposition out for a year.

Mr. RUBEY. I would ask the gentleman from Wisconsin this question: Suppose, instead of the word "whenever," we should say "should the Secretary of Agriculture determine"?

Mr. STAFFORD. That is the same. That is continuing it for all time and not restricting it to this appropriation bill. Why not insert there "during the fiscal year 1919"?

Mr. RUBEY. I have no objection to that. I will, by unanimous consent, modify the amendment by inserting after the word "whenever" the words "during the fiscal year 1919."

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to modify his amendment as indicated. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modification of amendment: After the word "whenever," in the first line of the amendment, insert the words "during the fiscal year ending June 30, 1919."

The CHAIRMAN. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I offer an amendment as a new paragraph, following line 9 on page 89.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 89, following line 9, insert the following as a new paragraph:

"No part of any amount herein appropriated shall be used to pay salaries or for personal services in any department, bureau, or office in the District of Columbia which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act, approved March 15, 1898, require eight hours of labor each day."

Mr. LEVER. Mr. Chairman, I would like to be recognized a moment. I ask unanimous consent that the debate on this amendment and all amendments thereto may close in five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the debate on this amendment and all amendments thereto shall terminate at the expiration of five minutes. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Chairman, I suppose that the great majority of farmers in this country would be somewhat surprised to learn that the great Agricultural Department of the United States maintains a seven-hour working day. I think they would be rather surprised to find that to be so in time of peace, because I am confident the matter has never been called to their attention. And I think they would be more surprised than ever to find that that condition exists in time of war. I think they would be intensely surprised to find it at a time when they are urged to speed up the production of food products in this country, and when they realize, as they must realize, the shortage of labor. The farms are crying for labor. They are asked to put on high pressure in the production of food, and yet the Department of Agriculture in Washington is overmanned and underworked. Any department in Washington that can do its work in seven hours, with 137 days off of the yearly calendar that are not working days, is overmanned and underworked.

Now, the farmers of the United States, I undertake to say, are willing to do their full share. I have heard a great deal in this debate about the shortage of labor. No man realizes that more than the farmer. The farms are, as I said, crying for labor. The mines are crying for labor. The shops are crying for labor. The railroads are crying for labor. The manufactories are crying for labor. There is a shortage of labor everywhere, and yet in the face of that fact most of the departments in Washington are working on a seven-hour day, with long vacations, numerous holidays, and numerous sick leaves. In the face of that they are bringing and attempting to bring to Washington thousands of new employees to work in the Navy Department and in the War Department and in some branches of the Treasury Department and State Department. They have already brought here between ten and twenty thousand new employees, and they have men now scouring the country to-day trying to bring additional employees to Washington.

If there is a shortage in the departments in Washington, if any department needs extra clerical help, there is one way to remedy it, and that is for the Department of Agriculture and the Interior Department and the Department of Labor and all these departments that are working on a seven-hour day to go on an honest basis of eight hours a day. [Applause.] When they do that and release the surplus number of clerks that they are now using and paying, whether they are using them or not, then those surplus clerks will be available for the department that needs them, and will be available without further exhausting the already overtaxed labor supply of the United States. [Applause.]

Why, we are asking men now to pay enormous taxes. What does that mean? It means an enormous production, for taxes can only be paid out of production. Productive toil is the only source that the Government can levy upon, and men must produce or they can not support the Government. They can not produce without labor, and the Government has no right to augment the labor shortage. It is an indefensible thing to think that the labor market is being affected and the shortage is being made more stringent by the bringing of thousands of young people here to Washington who ought to be engaged on the farm and in the productive toil of the country.

Now, the chairman of the committee may say, as the chairman of every committee has said, "Why tie this can on me? Why put this on my bill?" It is a duty on the part of every committee to put it on every bill, because unfortunately our bills are divided up among a number of committees. [Applause.] And I say the American taxpayer will not excuse any committee or any chairman of a committee for attempting to shove the thing aside, as regards his committee.

Mr. LEVER. Mr. Chairman, will the gentleman yield? I will say to the gentleman that I propose to let this committee say——

Mr. BORLAND. I do not say that the gentleman has taken that position, but I want to forestall his taking that position.

Mr. LEVER. I have not any time. I have closed the debate.

Mr. BORLAND. The gentleman ought not, and will not, I think, take the position that the Committee on Agriculture, of all the committees of the House, ought to be unwilling to establish an eight-hour day in the Department of Agriculture.

Now, I just want to show what the business men in the United States think about this situation, and I will send to the Clerk's desk, to be read in my time, a letter I have received from a wholesale grocer of Kansas City.

The Clerk read as follows:

KANSAS CITY, MO., *June 29, 1917.*

Hon. W. P. BORLAND,
Washington, D. C.

DEAR MR. BORLAND: You have favored an eight-hour day for employees of the United States Government at Washington, and you still favor it. You are right. We favor it. Fight it out on this line if it takes all summer, and if we can do anything to help the cause, let us know.

We have never heard of a serious argument why these employees of the Government should not work eight hours a day. If there is such an argument, we would like to read it. The last quibble which we saw was to the effect that a seven-hour day was best for the United States Government clerks because it gave them a chance to spend more money with the Washington shopkeepers.

If you know of any arguments in favor of a seven-hour day which serious-minded people can read with patience, let us have the literature.

Yours, truly,

RIDENOUR-BAKER GROCERY CO.
J. C. LESTER, *Vice President.*

Mr. BORLAND. Gentlemen, I would be glad to have a vote on this proposition. [Applause and cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I would like to call the attention of the gentleman from Missouri to the fact that the chairman of the committee did not oppose the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and completed the reading of the bill.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Agricultural appropriation bill (H. R. 9054) and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. WALSH. Mr. Speaker, I ask for a separate vote on the amendment on page 27, increasing the appropriation for the distribution of valuable seeds—the congressional seed-distribution item.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CANDLER of Mississippi: Page 27, line 24, strike out the figures "$242,320" and insert in lieu thereof "$363,480."

The SPEAKER. The question is on agreeing to the amendment.

The question being taken, on a division (demanded by Mr. CANDLER of Mississippi) there were—ayes 33, noes 60.

Mr. SAUNDERS of Virginia. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum. The Doorkeeper will lock the doors. The Sergeant at Arms will notify absentees. Those in favor of the Candler amendment will, when their names are called, vote "aye," those opposed "no." The Clerk will call the roll.

The question was taken; and there were—yeas 121, nays 157, not voting 150, as follows:

YEAS—121.

Almon	Drane	King	Rubey
Ashbrook	Eagle	Langley	Russell
Austin	Farr	Larsen	Sabath
Ayres	Ferris	Lazaro	Sanders, La.
Barkley	Fields	Lee, Ga.	Saunders, Va.
Beakes	Fisher	Lesher	Scott
Bell	Flood	Little	Sells
Blackmon	Gard	Littlepage	Shallenberger
Booher	Garland	McAndrews	Sisson
Brand	Garrett, Tenn.	McArthur	Smith, Idaho
Brumbaugh	Garrett, Tex.	McKown	Snook
Burnett	Goodwin, Ark.	Mays	Steagall
Byrnes, S. C.	Gray, Ala.	Miller, Wash.	Taylor, Ark.
Caldwell	Greene, Mass.	Moon	Thomas
Cantrill	Harrison, Va.	Morgan	Thompson
Carway	Hastings	Neely	Timberlake
Carlin	Hawley	Nicholls, S. C.	Venable
Carter, Okla.	Heaton	Nolan	Vinson
Clark, Fla.	Heflin	Oldfield	Walton
Clark, Pa.	Hensley	Oliver, Ala.	Watkins
Claypool	Hilliard	Oliver, N. Y.	Watson, Va.
Connally, Tex.	Hood	Overstreet	Weaver
Connelly, Kans.	Huddleston	Park	Webb
Cooper, W. Va.	Hull, Tenn.	Polk	Whaley
Crisp	Igoe	Powers	Wilson, Tex.
Dale, N. Y.	Jacoway	Quin	Wingo
Decker	Johnson, Ky.	Rainey	Wright
Dickinson	Jones, Va.	Raker	Young, Tex.
Dies	Kehoe	Robinson	
Dominick	Kless, Pa.	Rodenberg	
	Kincheloe	Rouse	

NAYS—157.

Anderson	Dowell	Hayden	Lundeen
Ragg	Dunn	Hayes	Lunn
Beshlin	Dyer	Helm	McClintic
Black	Elliott	Hersey	McCormick
Bland	Elston	Hicks	McFadden
Blanton	Emerson	Humphreys	McLaughlin, Mich.
Borland	Esch	Husted	Madden
Buchanan	Fairfield	Ireland	Magee
Campbell, Kans.	Foss	James	Mansfield
Cannon	Fordney	Johnson, Wash.	Mapes
Cary	Foss	Jones, Tex.	Mason
Classon	Francis	Juul	Meeker
Conly	Freeman	Kearns	Merritt
Cooper, Ohio	Fuller, Ill.	Keating	Mondell
Cooper, Wis.	Gandy	Kelly, Pa.	Moore, Pa.
Cox	Garner	Kennedy, Iowa	Morin
Cramton	Glass	Kinkaid	Mott
Crosser	Glynn	Kitchin	Mudd
Currie, Mich.	Gordon	Knutson	Nelson
Dale, Vt.	Gould	Kraus	Nichols, Mich.
Dallinger	Graham, Ill.	Kreider	Norton
Darrow	Graham, Pa.	La Follette	Osborne
Dempsey	Green, Iowa	Lea, Cal.	Page
Denison	Greene, Vt.	Lever	Parker, N. J.
Denton	Hadley	Linthicum	Parker, N. Y.
Dillon	Hamilton, Mich.	Lobeck	Phelan
Dixon	Hamilton, N. Y.	London	Platt
Doolittle	Haugen	Longworth	Purnell
Ramseyer	Scott, Iowa	Steenerson	Walsh
Randall	Scott, Mich.	Sterling, Ill.	Watson
Reed	Shackleford	Sumners	Welling
Robbins	Sherley	Sweet	Welty
Roberts	Sherwood	Temple	Wheeler
Rogers	Slanott	Tilson	Williams
Romjue	Sloan	Towner	Wood, Ind.
Rose	Smith, Mich.	Treadway	Woods, Iowa
Rucker	Smith, C. B.	Vestal	Young, N. Dak.
Sanders, Ind.	Snell	Volgt	
Sanford	Snyder	Volstead	
Schall	Stafford	Waldow	

NOT VOTING—150.

Alexander	Ellsworth	Key, Ohio	Siegel
Anthony	Estopinal	LaGuardia	Kings
Aswell	Evans	Lehlbach	Slayden
Bacharach	Fairchild, B. L.	Lenroot	Slemp
Bankhead	Fairchild, G. W.	Longworth	Small
Barnhart	Flynn	Lufkin	Smith, T. F.
Bowers	Focht	McCulloch	Stedman
Britten	Foster	McKenzie	Steele
Brodbeck	Frear	McKinley	Stephens, Miss.
Browne	French	McLaughlin, Pa.	Stephens, Nebr.
Browning	Fuller, Mass.	McLemore	Sterling, Pa.
Burroughs	Gallagher	Maher	Stevenson
Butler	Gallivan	Mann	Stiness
Byrns, Tenn.	Gillett	Martin	Strong
Campbell, Pa.	Godwin, N. C.	Miller, Minn.	Sullivan
Capstick	Good	Montague	Swift
Carew	Goodall	Moores, Ind.	Switzer
Carter, Mass.	Gray, N. J.	Olney	Tague
Chandler, N. Y.	Gregg	O'Shaunessy	Talbott
Chandler, Okla.	Griest	Overmyer	Taylor, Colo
Church	Hamill	Padgett	Templeton
Collier	Hamlin	Peters	Tillman
Copley	Hardy	Porter	Tinkham
Costello	Harrison, Miss.	Pou	Van Dyke
Crago	Haskell	Pratt	Vare
Curry, Cal.	Heintz	Price	Walker
Davidson	Helvering	Ragsdale	Ward
Davis	Holland	Ramsey	Watson, Pa.
Dent	Hollingsworth	Rankin	White, Me.
Dewalt	Houston	Rayburn	White, Ohio
Dill	Howard	Reavis	Wilson, Ill.
Dooling	Hull, Iowa	Riordan	Wilson, La.
Doremus	Hutchinson	Rowe	Winslow
Doughton	Johnson, S. Dak.	Rowland	Wise
Drukker	Kahn	Sanders, N. Y.	Woodyard
Dupré	Kelley, Mich.	Scott, Pa.	Zihlman
Eagan	Kennedy, R. I.	Scully	
Edmonds	Kettner	Sheuse	

So the amendment was rejected.

The following pairs were announced:

Until further notice:

Mr. O'SHAUNESSY with Mr. BURROUGHS.

Mr. PRICE with Mr. GEORGE W. FAIRCHILD.

Mr. SULLIVAN with Mr. BRITTEN.

Mr. SCULLY with Mr. HUTCHINSON.

Mr. BYRNS with Mr. BENJAMIN L. FAIRCHILD.

Mr. TALBOT with Mr. BROWNING.

Mr. MARTIN with Mr. FREAR.

Mr. HOLLAND with Mr. GILLETT.

Mr. EAGAN with Mr. KENNEDY of Rhode Island.

Mr. ALEXANDER with Mr. CARTER of Massachusetts.

Mr. BARNHART with Mr. COPLEY.

Mr. STEELE with Mr. BUTLER.

Mr. BRODBECK with Mr. ANTHONY.

Mr. COLLIER with Mr. DAVIS.

Mr. ASWELL with Mr. CHANDLER of New York.

Mr. CAMPBELL of Pennsylvania with Mr. BACHARACH.

Mr. DILL with Mr. DAVIDSON.

Mr. CAREW with Mr. BROWNE.

Mr. BANKHEAD with Mr. CRAGO.

Mr. DENT with Mr. COSTELLO.

Mr. CHURCH with Mr. BOWERS.

Mr. DEWALT with Mr. CHANDLER of Oklahoma.

Mr. DOOLING with Mr. CURRY of California.

Mr. DOREMUS with Mr. GOOD.

Mr. HARDY with Mr. KELLEY of Michigan.

Mr. GALLIVAN with Mr. MCCULLOCH.

Mr. HAMILL with Mr. MCKENZIE.

Mr. KETTNER with Mr. EDMONDS.

Mr. ESTOPINAL with Mr. KAHN.

Mr. MCLEMORE with Mr. MILLER of Minnesota.

Mr. GODWIN of North Carolina with Mr. LONGWORTH.

Mr. DOUGHTON with Mr. GRIEST.

Mr. KEY of Ohio with Mr. HOLLINGSWORTH.

Mr. FOSTER with Mr. ELLSWORTH.

Mr. HAMLIN with Mr. LUFKIN.

Mr. DUPRÉ with Mr. GOODALL.

Mr. HOUSTON with Mr. FOCHT.

Mr. GALLAGHER with Mr. HULL of Iowa.

Mr. HELVERING with Mr. SWIFT.

Mr. EVANS with Mr. HASKELL.

Mr. GREGG with Mr. FULLER of Massachusetts.

Mr. MAHER with Mr. LEHLBACH.

Mr. OLNEY with Mr. MOORES of Indiana.

Mr. FLYNN with Mr. GRAY of New Jersey.

Mr. MONTAGUE with Mr. PETERS.

Mr. HOWARD with Mr. MCKINLEY.

Mr. RAGSDALE with Mr. PORTER.

Mr. TAGUE with Mr. SANDERS of New York.

Mr. SMALL with Mr. TINKHAM.

Mr. OVERMYER with Mr. SIEGEL.

Mr. STEPHENS of Mississippi with Mr. PRATT.

Mr. RAYBURN with Mr. ROWE.

Mr. POU with Mr. SLEMP.

Mr. SIMS with Mr. STINESS.

Mr. SHOUSE with Mr. RAMSEY.

Mr. THOMAS F. SMITH with Mr. WHITE of Maine.

Mr. RIORDAN with Mr. STRONG.

Mr. STERLING of Pennsylvania with Mr. WATSON of Pennsylvania.

Mr. STEPHENS of Nebraska with Mr. ROWLAND.

Mr. SLAYDEN with Mr. WARD.

Mr. TAYLOR of Colorado with Mr. WILSON of Illinois.

Mr. STEDMAN with Mr. WINSLOW.

Mr. VAN DYKE with Mr. WOODYARD.

Mr. WHITE of Ohio with Mr. SWITZER.

Mr. TILLMAN with Mr. REAVIS.

Mr. WILSON of Louisiana with Mr. TEMPLETON.

Mr. WALKER with Mr. FRENCH.

Mr. WISE with Mr. MCLAUGHLIN of Pennsylvania.

Mr. PADGETT with Mr. ZIHLMAN.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

Mr. LEVER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The other amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. MCLAUGHLIN of Michigan. Mr. Speaker, I wish to make a motion to recommit the bill with instructions.

The SPEAKER. Is the gentleman against the bill?

Mr. MCLAUGHLIN of Michigan. I am not, but I am a member of the committee.

The SPEAKER. If there is any gentleman opposed to the bill who wishes to make a motion to recommit, the Chair will recognize him. If not, the Chair recognizes the gentleman from Michigan.

The Clerk read as follows:

Mr. MCLAUGHLIN of Michigan moves to recommit the bill to the Committee on Agriculture with instructions to report the same back forthwith with an amendment as follows: On page 13, line 19, strike out "$250,000" and insert "$500,000."

Mr. LEVER. I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. MCLAUGHLIN of Michigan. That is increasing the tuberculosis item.

Mr. LEVER. I make the point that it is not debatable.

The SPEAKER. The question is on the motion to recommit.

The question was taken.

Mr. LINTHICUM. I demand the yeas and nays.

Mr. MONDELL. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 139, nays 142, not voting 147, as follows:

YEAS—139.

Anderson	Dyer	Hamilton, N. Y.	McCormick
Austin	Elliott	Hawley	McFadden
Beakes	Elston	Hayes	McLaughlin, Mich.
Bland	Emerson	Hersey	Madden
Campbell, Kans.	Esch	Hicks	Magee
Cannon	Fairfield	Hull, Iowa	Mapes
Cary	Farr	Husted	Meeker
Chandler, Okla.	Fess	Ireland	Miller, Wash.
Clark, Pa.	Fields	James	Mondell
Classon	Fordney	Johnson, Wash.	Moore, Pa.
Cooper, Ohio	Foss	Juul	Morgan
Cooper, W. Va.	Francis	Kearns	Morin
Cooper, Wis.	Freeman	Kennedy, Iowa	Mott
Cramton	Fuller, Ill.	Kless, Pa.	Mudd
Currie, Mich.	Gandy	Kinkaid	Nelson
Dale, Vt.	Garland	Knutson	Nichols, Mich.
Dallinger	Glynn	Kraus	Nolan
Darrow	Gould	La Follette	Norton
Dempsey	Graham, Ill.	Langley	Osborne
Denison	Graham, Pa.	Linthicum	Paige
Dillon	Greene, Mass.	Little	Parker, N. J.
Dowell	Greene, Vt.	Lobeck	Parker, N. Y.
Dunn	Hadley	Lundeen	Platt
Dupré	Hamilton, Mich.	McArthur	Powers
Purnell	Scott, Iowa	Sterling, Ill.	Waldow
Randall	Scott, Mich.	Sweet	Walsh
Reed	Sells	Temple	Wason
Robbins	Shallenberger	Thomas	Wheeler
Roberts	Sinnott	Tilson	White, Me.
Rodenberg	Sloan	Timberlake	Williams
Rogers	Smith, Idaho	Towner	Wood, Ind.
Rose	Smith, Mich.	Treadway	Woods, Iowa
Sanders, Ind.	Snell	Vestal	Woodyard
Sanford	Snyder	Volgt	Young, N. Dak.
Schall	Steenerson	Volstead	

NAYS—142.

Almon	Dominick	Kelly, Pa.	Rubey
Ashbrook	Doolittle	Kincheloe	Russell
Ayres	Drane	King	Sabath
Baer	Eagle	Kitchin	Sanders, La.
Barkley	Ferris	Larsen	Saunders, Va.
Bell	Fisher	Lazaro	Sears
Beshlin	Flood	Lea, Cal.	Shackleford
Black	Gallivan	Lee, Ga.	Sherley
Blackmon	Gard	Lesher	Sherwood
Blanton	Garner	Lever	Sisson
Booher	Garrett, Tenn.	Littlepage	Slemp
Brand	Garrett, Tex.	London	Smith, C. B.
Brumbaugh	Godwin, N. C.	Longergan	Snook
Buchanan	Goodwin, Ark.	Lunn	Stafford
Burnett	Gordon	McAndrews	Steagall
Byrnes, S. C.	Gray, Ala.	McClintic	Sumners
Caldwell	Harrison, Miss.	McKeown	Taylor, Ark.
Cantler, Miss.	Harrison, Va.	Mansfield	Taylor, Colo.
Cantrill	Hastings	Mays	Thompson
Caraway	Haugen	Moon	Venable
Carlin	Hayden	Neely	Vinson
Carter, Okla.	Heflin	Nicholls, S. C.	Walton
Clark, Fla.	Helm	Oldfield	Watkins
Coady	Hensley	Oliver, Ala.	Watson, Va.
Collier	Hilliard	Oliver, N. Y.	Weaver
Connally, Tex.	Hood	Overstreet	Webb
Connelly, Kans.	Huddleston	Park	Welling
Cox	Hull, Tenn.	Phelan	Welty
Crisp	Humphreys	Polk	Whaley
Crosser	Igoe	Quin	White, Ohio
Dale, N. Y.	Jacoway	Rainey	Wilson, Tex.
Decker	Johnson, Ky.	Raker	Wingo
Denton	Jones, Tex.	Ramseyer	Wright
Dickinson	Jones, Va.	Robinson	Young, Tex.
Dies	Keating	Romjue	
Dixon	Kehoe	Rouse	

NOT VOTING—147.

Alexander	Ellsworth	Key, Ohio	Rucker
Anthony	Estopinal	Kreider	Sanders, N. Y.
Aswell	Evans	LaGuardia	Scott, Pa.
Bacharach	Fairchild, B. L.	Lehlbach	Scully
Bankhead	Fairchild, G. W.	Lenroot	Shouse
Barnhart	Flynn	Longworth	Siegel
Borland	Focht	Lufkin	Sims
Bowers	Foster	McCulloch	Slayden
Britten	Frear	McKenzie	Small
Brodbeck	French	McKinley	Smith, T. F.
Browne	Fuller, Mass.	McLaughlin, Pa.	Stedman
Browning	Gallagher	McLemore	Steele
Burroughs	Gillett	Maher	Stephens, Miss.
Butler	Glass	Mann	Stephens, Nebr.
Byrns, Tenn.	Good	Martin	Sterling, Pa.
Campbell, Pa.	Goodall	Mason	Stevenson
Capstick	Gray, N. J.	Merritt	Stiness
Carew	Green, Iowa	Miller, Minn.	Strong
Carter, Mass.	Gregg	Montague	Sullivan
Chandler, N. Y.	Griest	Moores, Ind.	Swift
Church	Hamill	Olney	Switzer
Claypool	Hamlin	O'Shaunessy	Tague
Copley	Hardy	Overmyer	Talbott
Costello	Haskell	Padgett	Templeton
Crago	Heaton	Peters	Tillman
Curry, Cal.	Heintz	Porter	Tinkham
Davidson	Helvering	Pou	Van Dyke
Davis	Holland	Pratt	Vare
Dent	Hollingsworth	Price	Walker
Dewalt	Houston	Ragsdale	Ward
Dill	Howard	Ramsey	Watson, Pa.
Dooling	Hutchinson	Rankin	Wilson, Ill.
Doremus	Johnson, S. Dak.	Rayburn	Wilson, La.
Doughton	Kahn	Reavis	Winslow
Drukker	Kelley, Mich.	Riordan	Wise
Eagan	Kennedy, R. I.	Rowe	Zihlman
Edmonds	Kettner	Rowland	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. HELVERING (against) with Mr. SWIFT (for).

Until further notice:

Mr. POU with Mr. DAVIS.

Mr. THOMAS F. SMITH with Mr. WILSON of Illinois.

Mr. VAN DYKE with Mr. SWITZER.

Mr. DEWALT with Mr. MCCULLOCH.

Mr. GALLAGHER with Mr. LONGWORTH.

Mr. CLAYPOOL with Mr. GOODALL.

Mr. GLASS with Mr. VARE.

Mr. PADGETT with Mr. ZIHLMAN.

Mr. RUCKER with Mr. HEATON.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. LEVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the engrossing clerk may correct the totals if there should be any correction.

The SPEAKER. The gentleman from South Carolina asks that the engrossing clerk may correct the totals. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT UNTIL MONDAY.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that when the House adjourns to-day it adjourn to meet on next Monday. Is there objection. [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BURROUGHS was granted leave of absence for the day, on account of illness.

EXTENSION OF REMARKS.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, on what subject?

Mr. FERRIS. I want to print a short editorial on the war—peace and against war.

Mr. NORTON. And prosperity?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 36 minutes p. m.), under its previous order, the House adjourned to meet Monday, February 4, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Georgetown Gas Light Co., transmitting detailed statement of the business of the Georgetown Gas Light Co., together with a list of stockholders for the year ending December 31, 1917 (H. Doc. No. 891); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Postmaster General, transmitting report regarding the transmission of postal matter to and from members of the American expeditionary forces in France (H. Doc. No. 892); to the Committee on the Post Office and Post Roads and ordered to be printed.

3. A letter from the president of the Washington Railway & Electric Co., transmitting report of the Georgetown & Tennallytown Railway Co. for the year ending December 31, 1917 (H. Doc. No. 893); to the Committee on the District of Columbia and ordered to be printed.

4. A letter from the president of the Washington Railway & Electric Co., transmitting report of the Washington Interurban Railroad Co. for the year ending December 31, 1917 (H. Doc. No. 894); to the Committee on the District of Columbia and ordered to be printed.

5. A letter from the president of the Potomac Electric Power Co., transmitting report of the Potomac Electric Power Co. for the year ended December 31, 1917 (H. Doc. No. 895); to the Committee on the District of Columbia and ordered to be printed.

6. A letter from the president of the Washington Railway & Electric Co., transmitting report of the City & Suburban Railway of Washington for the year ended December 31, 1917 (H. Doc. No. 896); to the Committee on the District of Columbia and ordered to be printed.

7. A letter from the president of the Washington Railway & Electric Co., transmitting report of the Washington Railway & Electric Co. for the year ended December 31, 1917 (H. Doc. No. 897); to the Committee on the District of Columbia and ordered to be printed.

8. A letter from the president of the East Washington Heights Railway, transmitting annual report for the year ended December 31, 1917 (H. Doc. No. 898); to the Committee on the District of Columbia and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SHOUSE, from the Committee on the Library, to which was referred the resolution (S. J. Res. 107) authorizing the erection on the public grounds in the city of Washington, D. C., of a memorial to Francis Asbury, reported the same without amendment, accompanied by a report (No. 280), which said resolution and report were referred to the House Calendar.

Mr. GOULD, from the Committee on the Library, to which was referred the resolution (H. J. Res. 154) authorizing the erection of a memorial in Washington to the memory and in honor of the members of the various orders of sisters who gave their services as nurses on battle fields, in hospitals, and on floating hospitals during the Civil War, reported the same without amendment, accompanied by a report (No. 281), which said resolution and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MOORE of Pennsylvania: A bill (H. R. 9455) to make valid certain certificates of naturalization; to the Committee on Immigration and Naturalization.

By Mr. BORLAND: A bill (H. R. 9456) authorizing the Postmaster General to cancel or readjust the terms of star-route and screen-wagon contracts; to the Committee on the Post Office and Post Roads.

By Mr. GLASS: A bill (H. R. 9457) authorizing national banks to make contributions to the American National Red Cross; to the Committee on Banking and Currency.

By Mr. GRAHAM of Pennsylvania: A bill (H. R 9458) to prevent and punish the sale of Army and Navy uniforms to persons not authorized to wear them; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 9459) to increase the pensions of the widows of the War with Mexico; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9460) to regulate the hours of duty of the officers and members of the fire department of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 9461) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Phillipine insurrection; to the Committee on Pensions.

By Mr. HICKS: A bill (H. R. 9462) to prescribe the personnel of the Navy Nurse Corps, the qualifications for appointment, and the method of appointment therein, the pay, allowances, and leave of absence of members of said corps, and the conditions under which they may be retired; to the Committee on Naval Affairs.

By Mr. FRANCIS: A bill (H. R. 9468) providing for the free transportation of officers and enlisted men of the Army, Navy, and Marine Corps of the United States, and of members of the Nurse Corps of the Army and Navy; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 9463) granting an increase of pension to James L. Henderson; to the Committee on Pensions.

By Mr. CALDWELL: A bill (H. R. 9464) granting a pension to Margaret Jackson; to the Committee on Pensions.

Also, a bill (H. R. 9465) granting a pension to William F. W. Gordon; to the Committee on Pensions.

Also, a bill (H. R. 9466) granting a pension to Louisa Donnelly; to the Committee on Pensions.

Also, a bill (H. R. 9467) for the relief of Thomas Campbell; to the Committee on Military Affairs.

By Mr. CURRIE of Michigan: A bill (H. R. 9468) granting a pension to Ida M. Van Epps; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9469) granting a pension to Carrie L. Kibbe; to the Committee on Invalid Pensions.

By Mr. DENISON: A bill (H. R. 9470) granting an increase of pension to Charles Owens; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 9471) granting an increase of pension to Cyrus Riffle; to the Committee on Invalid Pensions.

By Mr. GRAY of Alabama: A bill (H. R. 9472) granting an increase of pension to James Powers; to the Committee on Invalid Pensions.

By Mr. GREGG: A bill (H. R. 9473) for the relief of the legal representatives of Sarah J. Montgomery, deceased; to the Committee on War Claims.

By Mr. HAMILTON of New York. A bill (H. R. 9474) granting a pension to George H. Roberts; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 9475) for the relief of Elizabeth T. Wells; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 9476) granting a pension to Chester A. Dryden; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 9477) granting an increase of pension to William Ducy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9478) granting a pension to Nancy Ault; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H R. 9479) granting an increase of pension to J. R. Evans; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 9480) granting an increase of pension to George T. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9481) granting an increase of pension to Christian Marxmuller, alias Christopher Miller; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 9482) granting a pension to Mahalah A. Palmer; to the Committee on Invalid Pensions.

By Mr. MILLER of Minnesota: A bill (H. R. 9483) granting a pension to Frank Bachmeyer; to the Committee on Pensions.

Also, a bill (H. R. 9484) granting a pension to George A. Holmes; to the Committee on Pensions.

Also, a bill (H. R. 9485) granting a pension to Carlos Forsman; to the Committee on Pensions.

By Mr. MUDD. A bill (H. R. 9486) granting a pension to E. P. Aler; to the Committee on Pensions.

Also, a bill (H. R. 9487) for the relief of Charles C. Serrin; to the Committee on Military Affairs.

By Mr. RAINEY: A bill (H. R. 9488) granting a pension to Abigail Butts; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 9489) granting a pension to George F. Cook; to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 9490) granting an increase of pension to R. H. Stewart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9491) granting a pension to Marion Burnham; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 9492) granting an increase of pension to Christian Gulbranson; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 9493) granting an increase of pension to Edgar Parks; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 9494) granting a pension to Millie B. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9495) granting a pension to George F. Harter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9496) granting an increase of pension to Phoebe Miller; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 9497) granting a pension to Sarah A. Dow; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALE of New York: Petition of Association of Lithuanian Patriots of America, relative to independence for Lithuania; to the Committee on Foreign Affairs.

By Mr. FULLER of Illinois: Memorial of Union Label Trades Department of the American Federation of Labor, asking repeal of the second-class postage provisions of the war-revenue bill; to the Committee on Ways and Means.

Also, petition of Prairie Club of Chicago, Ill., opposing the granting of grazing privileges in the national parks and of shooting in the bird reservations; to the Committee on the Public Lands.

By Mr. MOORE of Pennsylvania: Memorial of tenth annual convention of the Union Label Trades Department of the American Federation of Labor, favoring elimination of section in war-revenue bill dealing with second-class postage; to the Committee on Ways and Means.

Also, memorial of Tyrone Chamber of Commerce, protesting against periodical postage amendment; to the Committee on Ways and Means.

Also, memorial of Asbury Chamber of Commerce, protesting against zone system for second-class mail; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petition of Henry Adams, Veterans' Home, Cal., favoring volunteer officers' retired-list bill; to the Committee on Military Affairs.

Also, memorial of National Council, Sons and Daughters of Liberty, favoring passage of House bill 4892, relative to immigration law; to the Committee on Immigration and Naturalization.

Also, petition of Columbia Post, No. 141, Department of California and Nevada, Grand Army of the Republic, favoring increase in pensions of ex-Union soldiers of the Civil War; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Petition of citizens of Halstad, Minn., protesting against the proposed repeal of the second-class mail rates provision of the war-revenue act; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, *February 4, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we open the Senate this morning with a very great burden upon our hearts. We hear of our boys at the front receiving their first baptism of fire and blood. Our hearts go out to them. We present them to Thee, O God, asking Thy guidance and Thy blessing upon them. We pray that they may feel the support of a united country, and that they may have the courage which springs out of a consciousness of the pureness of their flag and the united support of a mighty Nation back of them. We pray Thee speedily to bring to them and their arms and to their flag the victory which comes to the unconquerable will of men who do right in Thy sight. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. In accordance with an order heretofore made by the Senate, that upon the 22d day of February in each year, or if that day should fall on Sunday then on the day following, immediately after the reading of the Journal, Washington's Farewell Address should be read to the Senate by a Senator designated for the purpose by the presiding officer, the Chair announces the appointment of the Senator from Rhode Island [Mr. GERRY] to read the address this year.

CRIPPLED SOLDIERS AND SAILORS (S. DOC. NO. 173).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of January 31, 1917, certain information relative to the rehabilitation and vocational reeducation of crippled soldiers and sailors, which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

WASHINGTON GAS LIGHT CO. (H. DOC. NO. 891).

The VICE PRESIDENT laid before the Senate the annual report of the Washington Gas Light Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON RAILWAY & ELECTRIC CO. (H. DOC. NO. 897).

The VICE PRESIDENT laid before the Senate the annual report of the Washington Railway & Electric Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

GEORGETOWN & TENNALLYTOWN RAILWAY CO. (H. DOC. NO. 893).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown & Tennallytown Railway Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

WASHINGTON INTERURBAN RAILROAD CO. (H. DOC. NO. 894).

The VICE PRESIDENT laid before the Senate the annual report of the Washington Interurban Railroad Co. for the year

ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

CITY & SUBURBAN RAILWAY CO. (H. DOC. NO. 896).

The VICE PRESIDENT laid before the Senate the annual report of the City & Suburban Railway Co. of Washington for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

POTOMAC ELECTRIC POWER CO. (H. DOC. NO. 895).

The VICE PRESIDENT laid before the Senate the annual report of the Potomac Electric Power Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

CAPITAL TRACTION CO. (H. DOC. NO. 889).

The VICE PRESIDENT laid before the Senate the annual report of the Capital Traction Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD (H. DOC. NO. 898).

The VICE PRESIDENT laid before the Senate the annual report of the East Washington Heights Traction Railroad Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the chief clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

William Ioder *v.* United States (S. Doc. No. 169); and

Benjamin K. Roberts, Harris L. Roberts, and Helen F. C. Roberts, guardians of Benjamin S. Roberts, jr., heirs of Benjamin S. Roberts, deceased, *v.* United States (S. Doc. No. 170).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

H. R. 3135. An act to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona"; and

H. J. Res. 174. Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair lays before the Senate a memorial to the Congress of the United States from the house of delegates and the officers of the American Medical Association, praying for the repeal of section 209 of the war-revenue act, which will be referred to the Committee on Finance.

Mr. GALLINGER. Mr. President, I am not in the habit of asking that telegrams be inserted in the RECORD, but the two brief telegrams I send to the desk are of such great importance I ask that they may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read.

The Secretary read as follows:

NEW YORK, N. Y., *February 1, 1918.*

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.:

Coal famine cost forcing shutdown of New England mills and cutting off Army cloth urgently needed by Government. Can not another large inactive Navy collier be immediately put en route from coal-loading ports to Boston? Many other mills on verge of closing.

FREDERICK S. CLARKE,
Acting President National Association of Wool Manufacturers.

BOSTON, MASS., *February 1, 1918.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

Coal situation very critical. New England mills will soon be closed and supplies needed for Army and Navy cut off unless coal is provided at once. Shutdowns will result in thousands being unemployed, and great suffering certain unless relief comes quickly.

A. F. BEMIS,
President National Association of Cotton Manufacturers.

Mr. GALLINGER. Mr. President, all I can do about that matter, which is a very serious one, is to have these telegrams inserted in the RECORD with the expectation that the officials who possibly can give relief will have their attention called to them.

Mr. McLEAN. I have a brief resolution adopted by the Equal Suffrage League of Bridgeport, Conn., which I ask to have printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Resolution adopted at a meeting of the Bridgeport Equal Suffrage League, the Stratford Equal Suffrage League, and the Fairfield Equal Suffrage League, in Bridgeport, January 31, 1918.

Resolved, That this meeting most earnestly urges Senator GEORGE P. McLEAN to vote for the Federal suffrage amendment and to work for its passage, thus demonstrating the faith of this country in the democracy for which we and our allies are fighting; and be it also

Resolved, That Senator GEORGE P. McLEAN be requested to see that this resolution is read into the CONGRESSIONAL RECORD.

Mr. JONES of Washington. I have a resolution adopted unanimously by the Pastors' Federation of the City of Washington and the District. I ask that it may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

PASTORS' FEDERATION ON WINE AND BEER SITUATION IN FRANCE.

Resolved, That we rejoice in the unparalleled efforts of our Secretaries of War and the Navy to safeguard our fighting forces morally, which has had a large measure of success in cantonments and ships, and urge more drastic action to insure their protection when on leave and especially when in foreign service.

Whereas Gen. Pershing issued an order more than a month ago, forbidding our soldiers in France to "buy or receive as a gift" the stronger liquors, but specifically excepting beer and light wines, which both Houses of Congress had previously refused to except in legislation for soldiers and others; and

Whereas the extension of this order to include all intoxicating drinks, which it was reported he was discussing with the French Government, has not been made; and

Whereas silence on the part of the American people might seem to give consent to the present un-American distinction in favor of beer and wine, which will seem to excuse if not sanction their use at home as well as abroad; and

Whereas there has been no official action, so far as the public is informed, to stop the shipment to foreign breweries of American grain, now spared for our allies at the sacrifice of our people and all needed by them for food: Therefore

Resolved, That we join the National Legislative Conference, representing all temperance forces, in asking the President to request the British and French Governments to forbid their people to sell or give any alcoholic beverage, beer, or wine, or any other to any of our fighting forces; be it further

Resolved, That inasmuch as the grain we can spare only by sacrifice is being used, directly and indirectly, to produce intoxicants abroad that imperil our common cause in their influence upon the fighting men, the munition workers, the food supply, the funds and the transportation, we urge joint war prohibition by Great Britain, France, and the United States be proposed by our own Government either by the President or by Congress. We can not regard as a valid reason in any country for not prohibiting beer and wine for the war, especially not in our own, the fear that working men would refuse to sacrifice these drinks even when it was required as a patriotic necessity. There has been no labor revolt in any of our "dry" cities when put under prohibition, and labor leaders of "dry" States, as shown in the House amendment debate, have generally approved prohibition after trial—the labor petitions against prohibition having come from States that have not tried prohibition. Nor do we accept the statement that for the President to prohibit beer would necessarily "put the country on a whisky basis" since the President is fully authorized to commandeer all distilled liquors in bond or stock for redistillation to prevent use of foodstuffs for future manufacture of munition alcohol, which redistillation could be done at a very small cost for assembling, since 60 per cent of the whisky is in one State, and the cost of redistillation would be less than 2 cents a gallon, according to official chemist.

Above petition was adopted unanimously by Pastors' Federation of Washington, D. C., on January 28, 1918.

Mr. JONES of Washington presented a petition of the Trades and Labor Council of Hoquiam, Wash., praying for an increase in the salaries of all civil-service employees, which was referred to the Committee on Appropriations.

Mr. LODGE. Mr. President, I present a letter in the nature of a petition from the president of the National Association of Cotton Manufacturers. I ask that it may be read into the RECORD.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

THE NATIONAL ASSOCIATION OF COTTON MANUFACTURERS,
Boston, Mass., February 1, 1918.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR LODGE: Notwithstanding that you are probably fully aware of the critical condition of our New England mills in respect to a supply of fuel, it seemed to me my duty as president of this association to send you direct information, which I did to-day, as per the following telegram:

"Coal situation very critical. New England mills will soon be closed and supplies needed for Army and Navy cut off unless coal is provided at once. Shutdowns, thousands unemployed, and great suffering certain unless relief comes quickly."

Believe me, very respectfully, yours,

A. F. BEMIS, *President.*

Mr. LODGE presented a petition of sundry citizens of Brookline, Mass., praying for the creation of a war cabinet, which was referred to the Committee on Military Affairs.

He also presented resolutions adopted by the Massachusetts Chiropody Association, of Boston, Mass., favoring the establishment of a chiropodist corps in the Army, which were referred to the Committee on Military Affairs.

Mr. JOHNSON of South Dakota. I present a communication from Rev. D. M. Brown, pastor of the First Congregational Church, of Estelline, S. Dak., which I ask to have printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

ESTELLINE, S. DAK., *January 25, 1918.*

Hon. THOMAS STERLING and Hon. EDWIN S. JOHNSON, *Senators*; Hon. CHARLES H. DILLON, Hon. ROYAL C. JOHNSON, and Hon. HARRY L. GANDT, *Representatives, of the State of South Dakota.*

MY HONORABLE AND DEAR SIRS: The injection of partisan politics into the governmental business of waging a world war is most reprehensible and disloyal. Speeding up war measures and affairs is one thing, and breaking down the confidence of the people and weakening their cooperation with the Government is quite another thing. The United States has but one President, Woodrow Wilson. He is Commander in Chief of the Army and Navy. The presence of Theodore Roosevelt in Washington at this time, and his criticisms adverse to the administration and its management of the war preparations detract in every way possible from the spirit of winning the war and embarrass the people and Government of the United States. Such things as these greatly help the Kaiser. The suffering and blood of our young manhood, at home and abroad, cry out against these partisan outbreaks and devilish thrusts now being made by an ex-President and those who follow in his trail.

Yours, most respectfully,

D. M. BROWN,
Pastor of Congregational Church.

Mr. WEEKS presented a resolution adopted by the Middlesex-Essex Pomona Grange, No. 28, Patrons of Husbandry, of Massachusetts, and a petition of sundry citizens of Lowell, Mass., praying for national prohibition, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Boston, Mass., and a petition of sundry citizens of Lawrence, Mass., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. FLETCHER, from the Committee on the Judiciary, to which was referred the bill (S. 1735) to create an additional judge in the southern district of Florida, reported it with an amendment.

Mr. ASHURST, from the Committee on the Judiciary, to which was referred the bill (S. 714) providing for an additional judge for the district of Arizona, reported it with an amendment, and submitted a report (No. 240) thereon.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 922) for the relief of Orion Mathews, reported it without amendment, and submitted a report (No. 241) thereon.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, reported it with amendments.

Mr. TILLMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 3403) for the relief of Paymaster Alvin Hovey-King, United States Navy, reported it without amendment and submitted a report (No. 242) thereon.

FUNERAL EXPENSES OF THE LATE SENATOR BRADY.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred S. Res. 187, submitted by Mr. BORAH on the 18th ultimo, reported it favorably without amendment, and it was considered with unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. JAMES H. BRADY, late a Senator from the State of Idaho, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

DEMOCRACIES AGAINST AUTOCRACIES.

Mr. FLETCHER. I report favorably from the Committee on Printing a resolution touching the printing of a document, and I ask unanimous consent for its present consideration.

The resolution (S. Res. 196) was read, as follows:

Resolved, That the pamphlet submitted by the Senator from Florida [Mr. FLETCHER] on July 12, 1917, entitled "An International Confederation of Democracies under a Constitution," by David Lubin, delegate to the United States International Institute of Agriculture, be printed as a Senate document.

Mr. SMOOT. If I am not mistaken, the Committee on Printing decided not to print that document.

Mr. FLETCHER. The committee ordered it to be reported favorably.

Mr. SMOOT. At the meeting held last Saturday?

Mr. FLETCHER. At the meeting held last Saturday. It was done before the Senator came in, perhaps.

Mr. SMOOT. It was certainly done before I came into the committee meeting if it was agreed to.

Mr. FLETCHER. It was agreed to. I reported it pursuant to the action of the committee. I think the Senator was a little late in getting in.

Mr. SMOOT. Yes; I was late—about 10 minutes.

Mr. FLETCHER. It does not cost very much.

Mr. SMOOT. Of course, if the committee has decided that it should be printed as a public document, I am not going to object to the consideration of the resolution; but I think, Mr. President, we have printed enough such documents prepared by a certain individual, and as it is costing the Government of the United States I do not know how much each year, I think it ought to cease some time or other.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

Mr. OVERMAN. I wish to ask the Senator from Florida one question. I remember that in the Diplomatic and Consular appropriation bill there is an appropriation of $10,000—my recollection is—for Mr. Lubin, including salary and printing bill. Is not that appropriation sufficient to print this document?

Mr. FLETCHER. That has nothing to do with this matter. The appropriation is made to him as the American delegate to the International Institute of Agriculture at Rome.

Mr. OVERMAN. But it is made for printing, and I wish to know, because that appropriation bill will be here next week——

Mr. FLETCHER. That has nothing to do with the printing of this document.

Mr. OVERMAN. If that appropriation does not include the printing, then the appropriation of $10,000, including salary and printing, ought to be reduced that much. I have no objection to the resolution, but I wish to say that there ought not to be an appropriation made for printing in the appropriation bill and then have a separate resolution brought in for printing.

Mr. FLETCHER. This has nothing to do with the printing of the material in connection with the International Institute.

Mr. OVERMAN. That is the question I wanted to ask.

Mr. FLETCHER. It is an entirely separate and distinct matter. This has nothing to do with Mr. Lubin's work as an American delegate; but, simply as a publicist, a man of vision and farsightedness, he has some suggestions to make which I think are valuable.

Mr. SMOOT. Mr. President, I think Dr. Lubin has not very much to do as a delegate, but spends a good deal of time in writing articles upon policies that he thinks ought to be adopted by the Government of the United States.

Mr. OVERMAN. That statement is interesting to me, having charge of the appropriation bill. Does the Senator say he does not spend his time——

Mr. SMOOT. I do not say any of his time, but I suppose he spends very little of his time.

Mr. FLETCHER. Dr. Lubin is in Rome now and is there attending to his work continuously. The printing provided for in the appropriation bill is in connection with his work as a delegate to the International Institute, and his expenses far exceed his compensation. He is actually out of pocket in connection with his work as a delegate to that institute. The sum of $10,000 appropriated to him for salary and compensation for expenses does not at all cover the actual amount that he expends himself. He is there at his work all the while. Of course, he has time for other work.

Mr. OVERMAN. Let me ask the Senator a question. Dr. Lubin was appointed as a delegate before the war. During this war does he have any duties as a delegate?

Mr. FLETCHER. I understand that they go on with the work. Perhaps there is not a full attendance from all the countries.

Mr. OVERMAN. All the countries that entered into a treaty are at war.

Mr. FLETCHER. Not all of them, but some of them are. There are 52 nations participating in the International Institute of Agriculture.

President National Association of Cotton Manufacturers.

per the following telegram:

Mr. OVERMAN. I wish to ask the Senator whether he thinks that during the war this appropriation ought to be continued? Are there any conventions held? He is a delegate to a certain convention and receives $3,500. If there is no convention held, is it necessary to make the appropriation?

Mr. FLETCHER. I think the appropriation ought to be continued, by all means, because they are doing a great deal of work collecting statistics and data. Dr. Lubin is engaged continuously in that work. Of course, the war is not going to last forever, and even while the war is on there is a great deal to do, and he is giving it his undivided attention. The data which they have collected are very valuable data, and they furnish to the respective Governments very valuable information and material. I think the appropriation, by all means, ought to be continued.

Mr. JONES of Washington. I ask the Senator what he considers to be the special value of this document?

Mr. FLETCHER. I think it has some very thoughtful discussion and some important suggestions that are of international importance.

Mr. JONES of Washington. Are they new suggestions?

Mr. FLETCHER. I think they are quite new.

Mr. JONES of Washington. I think the resolution ought to go to the calendar. I should like to examine it and find out about the matter.

Mr. FLETCHER. If the Senator objects to present consideration, it will have to go to the calendar.

The VICE PRESIDENT. The resolution will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of South Carolina:

A bill (S. 3713) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes; to the Committee on Interstate Commerce.

By Mr. SIMMONS:

A bill (S. 3714) to provide further for the national security and defense, and for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes; to the Committee on Finance.

By Mr. FRELINGHUYSEN:

A bill (S. 3715) for the relief of sundry building and loan associations; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 3716) to amend paragraph No. 2 of section 1207 of an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Finance.

By Mr. JOHNSON of South Dakota:

A bill (S. 3717) granting an increase of pension to John Magorien (with accompanying papers); and

A bill (S. 3718) granting an increase of pension to Paleman S. Castle (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3719) for the relief of Mary J. McLaughlin; to the Committee on Military Affairs.

By Mr. WEEKS:

A bill (S. 3720) for the relief of Ellen Driscoll; to the Committee on Claims; and

A bill (S. 3721) granting a pension to Sarah I. Westcott (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 3722) granting an increase of pension to Godfrey Bohrer (with accompanying papers);

A bill (S. 3723) granting a pension to Ben F. Perkins (with accompanying papers); and

A bill (S. 3724) granting a pension to Josh De Grafinreid (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3725) granting an increase of pension to Thomas E. Keith (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3726) for the relief of Owen S. Willey; to the Committee on Naval Affairs.

By Mr. DILLINGHAM:

A bill (S. 3727) granting a pension to Olive A. Foster (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 3728) granting an increase of pension to Spencer Phillips; and

A bill (S. 3729) granting a pension to Harrison Pierson; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. NELSON submitted an amendment relative to the Wisconsin band of Pottawatomie Indians, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. PENROSE submitted an amendment relative to an increased allowance for postal employees, intended to be proposed by him to the Post Office appropriation bill; which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government, which was ordered to lie on the table and be printed.

FUNERAL EXPENSES OF THE LATE SENATOR HUGHES.

Mr. FRELINGHUYSEN submitted the following resolution (S. Res. 197), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the Vice President in arranging for and attending the funeral of the Hon. WILLIAM HUGHES, late a Senator from the State of New Jersey, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. THOMPSON subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it without amendment, and it was considered by unanimous consent and agreed to.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. FLETCHER submitted the following resolution (S. Res. 198), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce of the United States Senate be, and it is hereby, authorized to employ an additional clerk at the rate of $120 per month, to be paid from the miscellaneous items of the contingent fund of the Senate, until the end of the present session of the Sixty-fifth Congress.

COST OF OFFICERS' UNIFORMS.

Mr. TOWNSEND. Mr. President, I noticed from the reading by the Secretary that the Senator from North Carolina [Mr. OVERMAN] reported this morning, from the Committee on the Judiciary, a bill for protecting the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war. That reminds me of the fact that the Senator from Washington [Mr. JONES] introduced a bill on January 9 relative to protecting the officers of the Army and the Navy against the robbers who constantly prey upon these officers whenever their necessities require them to purchase from these human sharks, and I am wondering what is the status of the Jones bill.

Mr. CHAMBERLAIN. Mr. President, that bill is now before the Committee on Military Affairs, but the committee has been so engaged all of the time that it has been difficult to report any bill; but we do hope to get that bill acted upon by the committee in a very short time. The Secretary of War is to appear before the committee in a very little while. I think the department itself has the power to permit the purchase of uniforms in the Quartermaster's Department, and I do not know why it is not allowed; but we are going to bring that matter up at a very early date.

Mr. TOWNSEND. I am very glad to hear that statement. I know the committee have been very busy and I am not criticizing them at all, but I feel that this question of profiteering at the expense of our soldiers and sailors is a live one which should be solved. The question of increasing the allowance for quarters or commutations for officers of the Army and Navy is also of the utmost importance. I hope when we get through with these other matters which seem to be especially emergent now, that the men who are making supreme sacrifices for their country will not be longer neglected. Our officers are obliged to pay a profit of from 100 to 1,000 per cent to dealers who for their nefarious conduct in this particular should be branded and treated as enemies of their country. At nearly every place where our soldiers or Federal employees are collected they are surrounded by profiteering landlords and dealers in supplies. This Congress should deal effectively with these worse than alien enemies.

A STUDY OF THE UNITED STATES SENATE.

Mr. FLETCHER. Mr. President, I have here a document entitled "A Study of the United States Senate." I should like to

have it referred to the Committee on Printing with a view of having it printed as a document.

The VICE PRESIDENT. It will be so referred.

HOUSE BILL REFERRED.

H. R. 9054. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, was read twice by its title and referred to the Committee on Agriculture and Forestry.

DISTRICT ATTORNEY FOR RHODE ISLAND.

Mr. GERRY. Mr. President, I ask unanimous consent for the present consideration of the bill (S. 2116) to increase the salary of the United States district attorney for the district of Rhode Island.

The VICE PRESIDENT. Is there further morning business? If not, morning business is closed. The Senator from Rhode Island asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. SMOOT. Mr. President, I am not going to object to the consideration of this bill, but I shall object to the consideration of any other bill on the calendar out of its order.

Mr. GALLINGER. Mr. President, when the bill the consideration of which is asked for by the Senator from Rhode Island was once before the Senate, I asked that it should be postponed until I could ascertain what were the salaries of similar officials in the other New England States. I find there is a great discrepancy in those salaries. This bill, as a matter of fact, gives a larger salary to the district attorney in Rhode Island than the salary of the district attorney in New Hampshire; but I presume there are some special reasons for that increase. Inasmuch as the committee has examined the bill, I will make no objection to its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2116) to increase the salary of the district attorney for the district of Rhode Island, which had been reported from the Committee on the Judiciary with an amendment, in line 5, after the words "rate of," to strike out "$5,000" and insert "$3,500," so as to make the bill read:

Be it enacted, etc., That from and after the passage of this act the salary of the United States district attorney for the district of Rhode Island shall be at the rate of $3,500 a year.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HITCHCOCK. Mr. President, a few days ago I gave notice that to-day I should present to the Senate as concisely as possible the reasons which have led the Committee on Military Affairs to recommend the passage of two bills. One creates the office of director of munitions; the other creates a war cabinet of three persons. In both cases, of course, the President would make the appointments.

The Military Affairs Committee voted to support these bills after a month and a half of almost continuous daily meetings. During this time it took much testimony—most of it public and now in printed form, and some of it of such a confidential nature that it was not reduced to writing.

By the 20th of January the committee was practically a unit in reaching the conclusion that the disclosures called for drastic action. When I say the committee I mean those members of it who had been in regular attendance at the hearings and who were familiar with the testimony. The question then arose as to what action the committee should take. Should it merely present the testimony to the Senate and denounce the various officials whose departments or bureaus had failed to perform their work?

The committee might have done that; that was perhaps the natural course to take; that is the course often taken by committees, where departments are found to have broken down and failed in their duties; but, Mr. President, the committee felt that such a report would be inadequate; the committee felt that it would not do simply to make scapegoats of a few officials; it felt that the higher duty of the committee was to point out a remedy for the future, and so it reported these bills.

At this point, Mr. President, I deem it proper to say that, without regard to the action taken by the Democrats of the committee, the action of the Republican members was particularly patriotic and loyal. They waived any possible political benefit which their party might have derived from denouncing those in power, and willingly joined their Democratic associates in pointing out what they felt would remedy the evils in the future.

Mr. MYERS. Mr. President, may I ask, for information, if both of the bills referred to have been reported? I was under the impression that only one of them had been reported.

Mr. HITCHCOCK. The bill providing for the director of munitions was formally reported. The committee voted to report the other bill; but, there being some question as to whether it had the right to report a bill under any objection when it had not been first formally introduced, a formal report has not yet been made, and I may say is being withheld for a variety of reasons. The one which moves me particularly is the hope that, after a proper exposition of the situation, the President himself and his advisers may be led to look with favor upon the bill, and may possibly suggest some amendments to it which would meet with presidential approval. So, Mr. President, the committee took that action. We felt we ought to do our part to give to the Executive in this hour of crisis up-to-date, approved, and tried governmental machinery to conduct the great affairs of war.

We found in the present system such an obsolete and cumbersome organization as to make efficiency very difficult and well-nigh impossible. We found in the War Department, particularly, provisions for checks, delays, debates, and disagreements, but little or no provision for action and decision.

We found the war machine much better equipped with brakes than with motive power. We found divided responsibility and doubtful authority in many places.

These conditions are particularly serious in the bureaus of the War Department charged with the duty of supplying and equipping the Army. Confusion of authority, red tape, circumlocution, and incapacity have borne their natural fruit. Nine months after we entered the war and three months after our men were gathered in cantonments, in the dead of winter, we found tens of thousands of men without overcoats, tens of thousands lacking woolen breeches, tens of thousands without woolen blouses, and other serious shortages. We found most of the machine-gun companies unable to drill two months after they were formed because they had no machine guns. Even in December we found 1,200 machine guns still kept in storage for some foolish and inexplicable reasons while each camp had only been supplied with about 80 machine guns.

We found hundreds of thousands of men drilling with wooden sticks for weeks and months because of mistakes and delays in ordering rifles last spring. We found men sent to France without opportunity for rifle or machine-gun practice. We found a distressing amount of sickness in most camps and an unnecessary mortality due to lack of clothing and to overcrowding. The overcrowding we found due to a failure to provide an adequate number of tents. We found camp hospitals without drainage, plumbing, or heat, and sick men without nurses.

We found that we must depend on overworked and overstrained France for machine guns for ground use until nearly the end of this year, and that not over one-tenth of the new Browning machine guns on which we are to rely can be delivered before August.

We found that the first heavy artillery of American make can not be received until July, and not much before 1919 can we expect to use in France American heavy artillery in any great quantity. What we get before this fall we must buy from England.

Mr. KIRBY. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HITCHCOCK. I yield.

Mr. KIRBY. The Senator in his discussion says, "We found" at the beginning of practically every sentence, and I want to know if he means by that that the committee found, or is that his own individual interpretation of what the evidence discloses?

Mr. HITCHCOCK. I mean those who attended the meetings.

Mr. KIRBY. Then, I will ask if the committee has made any finding at all as such and reported anything?

Mr. HITCHCOCK. It has not.

Mr. KIRBY. Has it made any findings as a committee?

Mr. HITCHCOCK. As I have said, it voted to report two bills to remedy the troubles which it found.

Mr. KIRBY. That is what I wanted to know.

Mr. HITCHCOCK. We found that we are only now, nine months after entering the war, just beginning work on two great powder plants, costing $90,000,000, the powder from which will not be available until next August. We found that we need a million pounds of powder a day more than America is producing. We found that the need of this powder was known last spring, and that now for the first time we are beginning to build the factories in which the powder is to be made.

We found that though the Medical Department asked for hospital ships last July they have not yet been ordered, though sick and wounded men are now already beginning to come home, and it will take three months to equip the ships.

I do not deny that we also found much that was creditable and satisfactory. The task undertaken was a huge one and much of the work has been ably done. Personally, I know that some of the War Department officials who have been most severely criticized have worked desperately hard. This comment covers the Secretary of War himself, who has had a burden of detail which has kept him at his office all day and far into the night most of the time. These considerations lead me to hold a defective organization responsible for the shortcomings to a greater degree than any individual or group of individuals.

If a high-class business man could be made director of munitions and be given power to buy all supplies needed by the various bureaus of the War Department, he would soon bring order out of disorder, cut red tape, stop delays, and furnish the Army with its supplies promptly and economically. We would then locate and centralize responsibility and authority. The business of supplying the department would be run on up-to-date methods of great business concerns. Great Britain had to come to it. France had to come to it.

In both cases it was resisted. In both cases it proved necessary, and has been a tremendous success.

I have here, and I should like to read it if I had the time, a speech delivered in the House of Commons during the last year by the Minister of Munitions; and, as one of the members of the House of Commons said after the Minister of Munitions took his seat, it reads like a tale of Arabian Nights, so great have been the accomplishments of the Ministry of Munitions since it was established in Great Britain—an enormous increase in production, an enormous reduction of costs, a great increase in the efficiency of the ammunition. Compare that with the disorder, the confusion, the delays, the blunders of our supply departments in the Army!

West Point makes a good soldier, but it spoils a business man, as a rule. To undertake to place in the hands of a West Point graduate, educated for war, the great business duty of going out into the business world and getting supplies in enormous quantities is folly.

No amount of hard work can compensate for lack of business sense and experience. Some of the reported blunders almost surpass belief. I am told, Mr. President, on good authority, that we have ordered 21,000,000 pairs of shoes for our Army, and they will all be delivered before June. What are we going to do with 21,000,000 pairs of shoes for an army of 1,300,000 men? Why, Great Britain, in the three and one-half years she has been in the war, with her enormous army, has not ordered as many shoes as that. Apparently it was an effort to make up for the lack of overcoats by giving an excess of shoes.

Mr. MYERS. Mr. President, may I ask the Senator if he considers that statement authoritative?

Mr HITCHCOCK. I do, and I have verified it.

Mr. WILLIAMS. Who made the statement?

Mr. HITCHCOCK. I can not tell the Senator where I got it first. I have made inquiry, though, at sources which I deem authoritative, and that is a fact; and I may say, in addition to that, that they have even been considering ordering 7,000,000 pairs more.

Mr. WILLIAMS. The Senator has the statement upon hearsay, and he is giving his hearsy to the country without stating the source of the information.

Mr. HITCHCOCK. Well, Mr. President, I do not want to involve anyone in difficulties by what I may say.

Mr. WILLIAMS. Then, if that is the case, would it not have been wiser if the Senator had not repeated it?

Mr. HITCHCOCK. I am perfectly willing for the Senator to dispute it and bring in any evidence to the contrary. The inquiry that I have made to verify many of my statements has been among men who have come here to serve the Government during the war, and I dislike to get any of those men into trouble; but I assure the Senator they are men in position to know what the records show.

Mr. WILLIAMS. It is all mere hearsay, after all; is it not?

Mr. BECKHAM. Mr. President, may I ask the Senator a question?

Mr. HITCHCOCK. I yield.

Mr. BECKHAM. Was there any evidence before the committee as to this large number of orders for shoes?

Mr. HITCHCOCK. No; that particular figure may not have been before the committee, Mr. President. The fact was before the committee, however, that the Quartermaster Department had supplied the various camps with shoes so small that the men could not wear them. I have learned the reason for that, and it is a very interesting reason, that I should like to give. It seems that the records which they have been using to decide upon the sizes for shoes are the records of the Civil War; and during the Civil War so many boys in their teens were taken into the service that the sizes of shoes were phenomenally small; so that instead of making any study of what the average size ought to be for grown men, they have been making hundreds of thousands of boys' shoes to supply the present Army.

Mr. FLETCHER. Mr. President, may I ask the Senator a question?

Mr. HITCHCOCK. I yield.

Mr. FLETCHER. Of course, it is realized that shoes wear out and you have to keep on supplying them. It seems to me it becomes important to know when these shoes were to be delivered.

Mr. HITCHCOCK. They were to be delivered by June of this year.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I yield.

Mr. WEEKS. I wish to call to the attention of the Senator from Nebraska the fact that the committee hearings contain a list of the contracts made for shoes, and, of course, the total number of pairs of shoes ordered; and it is between twenty and twenty-one million pairs.

Mr. HITCHCOCK. I did not remember that fact. I am sure of the figures, however. I have no doubt of it in the world, because I did not content myself with one verification.

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him?

Mr. HITCHCOCK. I yield.

Mr. WARREN. Does the Senator know whether any portion of that large number of shoes was ordered for our allies? I am asking for information. I do not know myself.

Mr. HITCHCOCK. It was reported as having been ordered for our Army. I do not suppose the War Department could have ordered anything for our allies. They make their own purchases, under proper regulations. I hope our allies will be kind enough to take some of the surplus off of our hands, however. [Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries must keep quiet. The Chair is not going to say that very many times more in the Senate.

Mr. HITCHCOCK. Mr. President, I am told that one order of iron bolts affords a picturesque example of the methods used in the supply department. This order specified 325 different sizes of iron bolts, and it provided that the manufacturers should supply exactly the same number of each of the 325 sizes. Here were sizes commonly used and sizes rarely used, sizes current and sizes obsolete; and this genius in the department is reported to have ordered 170,688 of each of the 325 sizes! The order was sent back to the War Department twice, because the commercial world could not believe that such a preposterous order was intended; and the order embraced over 100 carloads of bolts.

Mr. VARDAMAN. What are those bolts used for?

Mr. HITCHCOCK. I suppose they are used in construction work, probably in France. I am glad to say that the matter has been sent back a third time. This time to Gen. Goethals, and I have every reason to believe that the order will be modified.

I am told that some genius in one of the War Department bureaus succeeded in shipping to France in our much-needed cargo space a carload of sawdust, and that when it was received there by an American official engaged in the work of construction behind the lines he swore a streak that was blue and long about the follies of the War Department here, because if there is anything that is common and anything easily obtained in France it is sawdust.

Mr. TOWNSEND. Mr. President, does the Senator mean a carload or a cargo?

Mr. HITCHCOCK. I understood it was a carload. I hope it was not a cargo.

I have understood that 150 tons of meat taken over to France in one of our cargo ships, and receipted for on the other side, was brought back to Hoboken, and then they discovered that it had spoiled on the way, because the refrigerating plant had been turned off, and the compartment in which this 150 tons of meat was located had never been opened.

SEVERAL SENATORS. Why?

Mr. HITCHCOCK. Echo answers, "Why?" Why do a lot of these things happen?

Mr. MARTIN. Mr. President, I will ask the Senator if that is a mere rumor, or if he has any evidence of the correctness of the statement?

Mr. HITCHCOCK. That is a report that was widely published some months ago and never denied by anybody.

Mr. MARTIN. I do not know that anybody is called on to deny all the vague rumors that are published in the press, but I suggest to the Senator that it is hardly likely to be true.

Mr. WILLIAMS. Would the Senator mind telling me where it was published?

Mr. HITCHCOCK. It was published in the Philadelphia Ledger by Mr. Colcord, who for three months has been rendering a great service to his country by visiting shipyards, discovering the facts, and exposing the evils; among other things, exposing the folly of the Shipping Board's prediction that it would build 6,000,000 tons of ships this year when everybody with information knew that half that tonnage was barely possible.

Mr. WILLIAMS. I did not catch the man's name.

Mr. HITCHCOCK. Mr. Colcord, of the Philadelphia Ledger, a man who has been on the ground and has been investigating day after day.

Mr. WILLIAMS. He was the father of this report?

Mr. HITCHCOCK. He was the man who published the report, and no man has denied it.

Mr. WEEKS. Mr. President, if I may interrupt the Senator once more, I will remind him that that matter was brought up in the committee, and either the Quartermaster General or the Secretary of War was asked the question if it was true, and he stated that it was and added some other matters connected with it.

Mr. WILLIAMS. What was that—about the sawdust or the meat?

Mr. WEEKS. The spoiled meat.

Mr. MYERS. Mr. President, may I ask the Senator if he does not consider the fact that that meat was returned to this country a blunder of somebody on the other side in shipping it back? How can he charge that as a blunder to the purchasing department on this side?

Mr. HITCHCOCK. It was a blunder of somebody in the Quartermaster Department who was on the ship and did not unload it; and I will say, furthermore, that that is not the only case in which cargoes have been brought back to this country. The fact is that we have taken over munitions of war in our ships and brought tons and tons of those same munitions of war back to this country because ballast was not conveniently to be had on the other side. It has been brought back as ballast and made the extra trip across the ocean.

Mr. MYERS. The Senator does not deny, then, it seems to me, that the blunder there was a blunder of somebody perhaps in the Quartermaster Department on the other side in the execution of matters and not a blunder of anybody in the purchasing department on this side.

Mr. HITCHCOCK. Possibly it was. I have not located the blunderer. I am telling of the egregious blunders that are occurring and which are costing this country dearly and embarrassing us in the war.

Mr. MARTIN. Mr. President, I will ask the Senator if he has brought these matters to the attention of the War Department?

Mr. HITCHCOCK. In many cases I have.

Mr. MARTIN. The Senator is mentioning them here on the floor of the Senate. It seems to me he should have brought them to the attention of the department.

Mr. HITCHCOCK. I have made myself a nuisance to the Secretary of War by bringing things to his attention; and, in my opinion, the Secretary of War ought not to be troubled with these details. He is completely overwhelmed with complaints and details all the time. He has little time to plan out the great affairs of the war.

Mr. MARTIN. Mr. President, I have been to him a good many times and he has heard what I had to say with the utmost patience and has found a way to remedy nearly everything that I have brought to his attention; and in the case of those things that he did not remedy he gave some good reasons why he did not.

Mr. HITCHCOCK. I indorse what the Senator says, that Secretary Baker has been patient, painstaking, and energetic, whenever a matter has been called to his personal attention, to remedy it; but running a war does not consist simply in listening to complaints and remedying them. The Secretary of War ought not to be compelled to have such matters come to him.

Mr. President, I am giving too much time to these small matters. I have larger ones ahead.

I am told that three different orders were made out for bags for gas masks. One was for a million bags, another for 2,000,000 bags, while a third was for 5,000,000 bags.

Mr. WILLIAMS. Mr. President, does the Senator object to telling us who told him that?

Mr. HITCHCOCK. I shall not give names for any statement I make.

Mr. WILLIAMS. Very well.

Mr. HITCHCOCK. But the Senator, if he will inquire of the proper authorities, will find that those orders were given, and that it was a civilian who discovered the thing and took it personally to the Secretary of War.

Mr. WILLIAMS. I hope the Senator will not misunderstand me and not conclude that I am being hypercritical; but the Senator is taking the country into his confidence, and he is doing it without giving his authority.

Mr. HITCHCOCK. Well, what I say will be open to criticism and open to refutation; and I shall hope that some Senator will stand here upon the floor and undertake to correct some of the statements of fact I make.

Mr. WILLIAMS. As far as that is concerned, it is an ordinary rule of pleading, you know, to enter a general denial when there is no evidence. I enter a general denial.

Mr. HITCHCOCK. I shall leave it to the jury.

Fortunately, one of the civilian committeemen outside of the War Department discovered the conflicting orders and the enormous aggregate, and secured a revision.

I merely cite these things to show the degree of ability we have in our supply departments in the War Department at the present time, what they are doing, what they are trying to do, and what they are failing in doing.

Mr. President, if at the time we entered the war we had created the office of director of munitions, and if the President had placed in it a high-class business man of big vision and broad experience, things would have been different. He would have ascertained at once how many men he had to provide for and what each would require, and when they gathered in the September camps the supplies would have been ready for them. That is the habit and the fashion of the business world. That is the way they do business. We have a great country, full of great facilities for making these things, and they were not used.

The President and the Secretary of War have evidently realized the defect in the existing system and have attempted to change it without legislation and therefore without success.

First, they organized the Advisory Commission of the Council of National Defense, with its many and various committees of civilians. Still failing to get successful results they next organized the General Munitions Board. After that board had been in operation for some time they reorganized again and created the War Industries Board. Still finding inefficiency and a failure to get results they then took Gen. Crozier out of the Ordnance Department, Gen. Sharpe from the Quartermaster's Department, and, with several other officers, placed them in a war council. Then a director of purchases was selected to preside over the five purchasing bureaus of the War Department.

Unfortunately, however, the able officer who was placed in the position of director of purchases was himself only a colonel, and he was supposed to give orders to major generals and brigadier generals under him. These major generals and brigadier generals are heads of various supply bureaus in the War Department. The plan was unworkable, even if the officer himself is as capable as a business man.

Mr. GORE. Does that still continue?

Mr. HITCHCOCK. I do not know certainly. Some of the changes have become obsolete. It has been a regular kaleidoscope here of changing bureaus, until it has been confusion worse confounded, and anyone coming to town bringing an idea, bringing a plan, attempting to help the Government has worn himself tired in trying to find where to go. Every Senator knows that difficulty. There is probably not a Senator here upon the floor who has not found it from time to time almost impossible where to advise his constituents to go. He starts them out on the road to the War Department, and they have been referred to a bureau and then to a division and then to a colonel and then to a major and then to a captain, down finally to a lieutenant, and then finally they have run out of the basement and been unable to find anyone with authority to act. It is like the old story of a man who started to go somewhere in the country and followed the directions which were given him. He first walked upon a broad highway, and then he was directed into a country road. Then he was directed into a cow path, and he followed the cow path until it turned into a squirrel track and ran up a tree. [Laughter.] It has been very much that way, Mr. President, with people who have undertaken to do business here in Washington during these war times.

and it is a very interesting reason, that I should like to give. | the statement?

Mr. McKELLAR. Will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. McKELLAR. In reference to the statement the Senator made a few moments ago about the number of shoes that had been ordered, on page 893 of the hearings it will be found that there were ordered and contracted for between March 27, 1916, and December 31, 1917, 21,117,612 pairs of shoes. I just wanted the actual facts to be shown.

Mr. HITCHCOCK. I thank the Senator for this proof. I have not undertaken to delay the Senate with proof. I am stating facts as I have found them.

But to go back. Finally the Secretary of War or some one in authority has realized the impossibility of the colonel acting as a superior officer to Maj. Gen. Goethals and the other major generals and brigadier generals at the head of the supply departments in the War Department, and now the next step has been taken. Since the introduction and its report to the Senate of the bill providing for a director of munitions another step has been taken. By administrative orders the office of surveyor of purchases was created, with rather vague and doubtful authority and somewhat undefined duties. He has no power to make war purchases, because legislation is necessary to vest him with power. The power under legislation is in the officers in the War Department. The President can not give the surveyor of purchases power to take away authority from the officers. The legislation must come from Congress. All this new official can do as a matter of law is to give advice. In this position has been placed one of the best of business men, Mr. Edward Stettinius, a man of broad experience, big vision, and acknowledged ability in his line. He served the allies for many months, and if he were vested with power he would be, in my opinion, a great director of munitions. But the same folly has once again been created in putting a strong man merely in an advisory position for the purpose apparently of avoiding an acceptance of the self-evident reform which has been in existence in England for nearly two years and in France for about the same length of time.

All of these experimental efforts are made when experience shows that the simple, direct, and effective method is to change the law; to take the power of purchase out of the hands of military men and put it in the hands of a business man who will act on business methods in making purchases and in planning ahead for purchases. So much for the director of munitions.

Mr. President, this brings me to the war cabinet. This bill has been received with a strange degree of antagonism, yet it is based on experience in Great Britain and to some extent in France. Great Britain found the same weakness which we have found and overcame it by establishing a war cabinet.

Some question was raised the other day as to the character of the war cabinet in Great Britain, so I applied to the British Embassy here for information. This is the information I get. The war cabinet is composed as follows:

Mr. Lloyd-George, Lord Milner, Lord Curzon, Mr. Bonar Law, Mr. G. N. Barnes, Gen. J. C. Smuts.

Mr. Bonar Law is the only member of the war cabinet holding a portfolio, and none of the others are chiefs of any departments. They have no departments to run.

This is what our war cabinet ought to be. We have been told through the press that in high places this is considered as an invasion of the President's right and authority. If so, Congress invaded his right and his authority when it created recently the Department of Labor. If so, it has invaded his authority every time in recent years when it has added a member to the Cabinet. Congress is the only power that can create these executive departments, and the creation of them is intended to facilitate the exercise of administrative power belonging to the President.

As a matter of fact, this bill is no different from any other bill which creates an office whose occupant is to be named by the President and confirmed by the Senate. The three men appointed to the war cabinet by the President would be his personal selection. They would be subject to his instructions. They would perform powers vested in him. They would be subject to removal by him, with cause or without. He would have the power, if he pleased, to appoint Secretary Daniels, Secretary Baker, and Secretary McAdoo to the war cabinet, provided they retired from the positions which they now hold in the three great departments of which they are the heads. He could appoint all three of them or any one of them to membership in the war cabinet.

A consideration of this fact, Mr. President, demonstrates that it is not intended, and could not be intended, by the creation of a war cabinet to embarrass the President or to curtail his power. His powers would remain just the same afterwards as before. As a matter of fact, the creation of a war cabinet is intended to aid in carrying on the war. It is intended to give to the President additional powers and machinery through which to act. It is intended to strengthen the administration and to coordinate Government functions which are now operating more or less without coordination. It neither adds to nor subtracts from the presidential power. He has now the power to coordinate all the heads of departments and bureaus and boards of government, but he does not do it and can not do it; neither could any other man in the Executive office. His power to coordinate is only theoretical and nominal, because he lacks the machinery of government through which to exercise it.

We all know that even in peace times the office of President is burdensome beyond the strength of the ordinary man. From early morning until bedtime he is under a pressure. He has close relations with the 10 executive heads of great departments, is liable to visits from nearly a hundred Senators and more than 400 Representatives, distinguished out-of-town visitors, governors of States, mayors of cities, writers of books, seekers for office. It is not necessary for me to recite the many tasks that call on the President's time and the heavy burden he struggles under. A vast correspondence is constantly arriving at the White House, the diplomatic representations of other nations take some of his time, and in war times like these it might well take all of the President's time in the study of the delicate and intricate foreign relations which mean so much to the United States. He is his own foreign minister. Legislative matters often require much study and many conferences. Thousands of commissions and tens of thousands of letters must be signed. A daily program of current reading follows. This indicates the presidential life in time of peace. Suddenly the Nation is plunged into war. Congress could do nothing better than to vest in the President a lot of additional powers. He appointed men to exercise them so that now he has the oversight not only of the executive departments represented by the two so-called Cabinet meetings each week but of many additional war bureaus. Some exist by authority of Congress, some without it. Let me mention some of them:

1. The Board Controlling Priority of Freight Shipments.
2. The Raw Materials Board.
3. The War Industries Board.
4. The Food Administration.
5. The Fuel Administration.
6. The Shipping Board.
7. The Aircraft Production Board.
8. The Allies' Purchasing Board.
9. The War Trade Board.
10. The Director General of Railroads, and a number of others, all exercising great functions of war.

Can the President coordinate them? Can he give the time to bring them together and harmonize them in the proper work without any machinery to do it? It is utterly beyond the possibility. These great war bureaus should be focused in some authority that would harmonize them and coordinate them. That is what is proposed in the bill for a war cabinet of three men. At present these bureaus are running independently and sometimes running wild. The nearest approach to a coordination is an occasional conference of one bureau with another or with the President.

Mr. President, yesterday I found in the New Republic an article by William Hard entitled "The Senate speaks," from which I shall undertake to read two paragraphs. It illustrates from Biblical story the real desire that the Military Committee has in reporting these bills. It is the desire to strengthen and hold up the hands of the President. Mr. Hard says:

Mr. President, much is said about "holding up the hands" of the President.

Aaron and Hur held up the hands of Moses. They were the first recorded holders up of hands. They held up the hands of Moses, but they did not hold them up by saying they were up. They held them up by holding them up. For the hands of Moses were heavy. They were heavy with many labors. And Jethro said to him:

"What is this that thou doest to the people? Why sittest thou thyself alone? Thou wilt surely wear away, both thou and this people that is with thee; for this thing is too heavy for thee; thou art not able to perform it by thyself alone."

And so his hands were heavy. He insisted on being the whole legislative overhead as well as the whole administrative overhead of Israel. He insisted till there came a war. And his hands were so heavy that he let them down. And when he let them down, Amalek prevailed. And doubtless many of the children of Israel stood afar off, helping by applauding. But Aaron and Hur went up to the hill where Moses sat, and they took a stone and put it under him, and stayed up his hands, the one on the one side and the other on the other, and Amalek was discomfited with the edge of the sword.

Aaron and Hur were not lip-service loyalists and lackeys. They have been traduced. Aaron and Hur were the first historic special war cabinet.

Mr. President, it is not going to do any good for us to say the President can do it alone. We have got to furnish him with the machinery if we want to help him.

I have said a weak attempt at coordination was made by Congress. We created a Council of National Defense, but unfortunately we placed upon it, or authorized the President to place upon it, six overworked Cabinet officers. You can not get good service from overworked men. You can not get plans. You can not get valuable services from men who are buried up to their eyes in work from early morning until late at night. England tried it and failed, and every other country that has tried it has failed.

This body of weary men meets only twice a week in the Council of National Defense, and often there are only three of them there. The others are called hither and yon. The only vital force in the organization of the Council of National Defense is the director, Mr. Gifford. He has rendered a great service, but it has been only an advisory service. Mr. Gifford is merely an advisor. We have brought great men here to Washington—great business men—but merely placed them in advisory positions instead of positions where they would have power to act.

Let me return to the members of the Council of National Defense. When war came two, at least, of their departments were thrown into a feverish state of activity—the War and Navy Departments. They were enormously expanded and enlarged. Their chiefs were overwhelmed with a great burden of increased work. They are at their desks from early morning till late at night. They have no time even to think of anything outside of their immediate pressing problems. To give them outside functions and responsibilities means to overburden them and make certain that the work will not be done. Therefore, when we took a number of these overworked department chiefs and constituted them a Council of National Defense we did a vain thing. To be of any value as a coordinating body the Council of National Defense should be composed of men having no other duties and vested with full power. Being composed of men already overworked, the council has proved to be merely a name, without activity, without energy, and without life. Realizing this fact, an effort was put forth to make it a reality by adding to it an "advisory commission" of men from the business world. This brought to Washington many able men who served on various committees of the advisory commission of the Council of National Defense. But it added to the complication and confusion. These men found they had in law no power. They found no organization or coordination. One by one they have gradually become discouraged and many have already resigned and retired to private life. Many of those still persisting talk freely of the disorder and lack of system in the war activities of the Government, and all of them believe that we ought to have something the equivalent of a war cabinet.

Look at the situation as it presents itself to-day, nine months after we entered the war, and even before we have fought a battle.

I have already spoken of the supply departments of the Army. Now let us look at some of the activities entirely outside of any of the 10 executive departments. Take the matter of transportation. It is not too much to say that the great transportation system of the United States has broken down. It is a gigantic wreck to-day; even travel has become difficult. Freight shipments are demoralized to such an extent as the country has never known anything of. Anticipating troubles of this sort, Congress authorized the control of shipments, and the granting of priority of shipments became one of the functions of government. How is it exercised?

It is exercised in such a way as to make "confusion worse confounded"; and on some of the roads 80 per cent of the freight has been traveling on priority orders, with no discrimination and no one to select. Every department of Government, apparently, from the smallest quartermaster's clerk up to the highest official, was permitted to blue-tag Government shipments and give them priority regardless of whether there was any hurry for their transportation or not. There was no one to coordinate, no one to differentiate, no one to select, and the great mass of Government shipments was permitted to clog the channels of transportation. Anchors for ships not yet built were rushed to their places of destination months before they could possibly be used. Hundreds of carloads of piles for construction work were rushed across the country and allowed to remain upon the cars for weeks, because the time had not yet come to use them. There was no supreme power, apparently, to limit the enormous and dangerous control of priority shipments, and the whole transportation system of the country was thrown into confusion. There was no one to coordinate priority orders with the needs of the country; no one to differentiate, to select; and the great mass of Government shipments was permitted to clog the channels of transportation, regardless of whether there was any hurry for those shipments or not. A priority order has become a joke.

Mr. SMITH of Georgia. Then, Mr. President, were we not responsible for passing such a broad law, allowing these priority orders?

Mr. HITCHCOCK. Well, Mr. President, I suppose we must assume our share of the responsibility; but if there had been a war cabinet, where the director of priority orders would come in contact through the cabinet with the Administrator of Fuel, with the Administrator of Food, with the Shipbuilding Board, with the Aircraft Board, and with the other War Department activities, there would have been some coordination of facilities, and priority shipments would have had some relation to their importance.

Mr. SMITH of Georgia. Then, Mr. President, does not the Senator really think that we, in passing the legislation, ought to have put a limitation upon the use of priority orders so as to have made it impossible for this confusion to have arisen?

Mr. HITCHCOCK. That would undoubtedly have made matters better.

Take the matter of contracts for production. Obviously, in contracting for production of supplies for Europe, some sort of regard should have been had for the capacity of our ships to take them, yet various bureaus have rushed production in factories to an enormous extent until there are now piled up on the docks of a few great harbors nearly 2,000,000 tons or more of freight awaiting shipment, and every day adds to the mass and makes the confusion more confounded, and the pile grows larger day by day. Some of the men who had been manufacturing these products ought to have been employed in building ships; and they would have been so employed if there had been a war cabinet to coordinate these two great energies. Here again there has been no power to coordinate between production and transportation across the Atlantic. Now, we must begin to curtail production.

Again, in the selection of factories for the manufacture of goods, care should have been exercised not to congest population beyond the housing possibilities, but enormous contracts have been made which required the concentration of tens of thousands of workmen without anyone planning ahead for the housing of the extra men.

Again, it may be said that one of the inevitable results of the war is that manufacturing institutions engaged in peacetime occupations will find a falling off in the demand, and factories will become to some extent idle. That occurs in every country; and where the demand falls off those factories will become unprofitable and may have to close. They should receive Government orders; Government orders should be distributed to them. Instead of supplying work to these factories the tendency has been to mass the work in factories of a few States and congest the labor population, so that to-day there are thousands of factories in the country with facilities for doing Government work, or capable of being transformed so they can do Government work, which have lost a large share of their occupations of peace and are not in receipt of any Government work, so that the lines of idle men are already appearing in those Central and Western States, while there is an enormous shortage of labor in the congested regions. If we had had some power of coordinating the work of various bureaus, this evil would not have resulted. Our industrial establishment is likely to break down. We have had no one to coordinate; no one who was in touch with the Aircraft Board, the Shipping Board, the War Supply Department, or any of the other departments requiring production; no one to coordinate them and see that all of the mass of production was not centered within a few miles.

Take the matter of the Fuel Administration. Congress authorized the control of the fuel of the country, and an attempt has been made to control prices, supply, and distribution, but it has apparently been made without any successful effort to coordinate the work with other functions of the Government. To-day we have a fuel famine in the country, not because we lack productive mines but because they have not been permitted to operate. Lack of knowledge, lack of transportation, and lack of harmony between the Fuel Administration and other functions of the Government are the causes of the breakdown.

I am impersonal in what I say. I am not attributing any part of the failure to the Fuel Administrator, though some would attribute it to him; but I am saying that it is the system which is chiefly at fault—the failure to have any coordination between his bureau and the others.

If there had been some authority which could have brought the Fuel Administration into close contact with the mining and labor interests of the country and with the war industries of the coun-

As a matter of fact, the creation of a war cabinet is intended machinery if we want to help him.

try, as well as into conference with the Priority of Shipments Board and other branches of the Government, much of the present breakdown could have been prevented. But the Fuel Administration, like the Food Administration, the War Industries Board, the Raw Materials Board, the Priority of Shipments Board, the Shipping Board, the Aircraft Production Board, and all of the other boards, was running an independent course. Its activities were not focused with the other activities at any point. Its decisions were reached and its orders were made practically as though the others did not exist. It started trouble last summer by fixing prices for coal at such figures as to make impossible the operation of hundreds of small mines. It reached a climax in midwinter by closing arbitrarily for more than a week thousands of industries, throwing millions of laborers and clerks out of work and causing the loss of millions of dollars.

The Aircraft Production Board, straining every nerve to secure aircraft and aircraft materials, already two months behind on its program, found its production interfered with. The allied Governments, purchasing in this country products necessary to the war, found some of their factories embarrassed. The Shipping Board, waiting for materials from certain plants, found their program interfered with. Almost every other department of the Government stood aghast at the revolutionary character of an order that they had no knowledge of until it appeared in the public press. I know it may be said that there was a conference, but, as a matter of fact, the thing which had been discussed at the conference was not the thing which was brought out in Mr. Garfield's order. It is true that following the order constantly increasing lists of exceptions were made so as to remedy in part the evil that had been inflicted and the damage that had been done, but the illustration shows the evils of Government bureaus operating without coordination. It is safe to say if there had been a war cabinet to which this order could have been submitted to the acid test of its effect on the various branches of the Government and industry it never would have been issued in its existing form.

Take the Shipping Board. That was an authority of law created nearly a year and a half ago, in the fall of 1916, months before we got into the war. It has been running as an independent branch of the Government, coordinating with nothing else whatever. For months it was more than a dismal failure; it was a farce and almost a crime. Even since it got into more vigorous operation it has been enormously handicapped and embarrassed because there has been little or no coordination of its energies and operations with the energies and operations of other branches. It has needed materials; it has needed labor; and every effort should have been made to get the materials and get the labor supply in priority over every other activity of Government. It is a matter of common report, however, that enormous delays have occurred in our shipyards because of their failure to receive materials as well as because labor has been diverted in other directions. I have been told on what I deem reliable authority that 1,000 carloads of ship plates made for the Shipping Board, loaded upon cars at the place of manufacture, were lost in the congestion of freight for more than a month while the shipyards waited anxiously for their arrival. Production of war materials for Europe has been rushed to completion in factories by labor which should have been employed in building ships; and, as I have said, 2,000,000 tons of freight rushed to production are piled up now on our docks and can not be transported because of the lack of ships. These things would have been coordinated if we had had a war cabinet, if we had had some one to coordinate, bring together, and focus these functions of government that are now running wild. Now we have the products filling every warehouse, sidetrack, and dock without the ships to carry them.

The present condition of our shipbuilding is nothing less than shocking. The present supply of shipping is worse than alarming. I am afraid to go too deeply into the figures, for one might be charged with giving information of value to the enemy were one to tell the truth about the present supply of shipping. All who are informed as to the present supply of our shipping were thunderstruck at the statements of Secretary Baker before the Military Affairs Committee. His sanguine predictions as to our ability to ship men to Europe and to supply them when there are exaggerations of the wildest sort.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. I do.

Mr. PENROSE. I am curious to know whether any explanation has occurred to the Senator as to how the Secretary of War was so widely apart from the facts in this connection. Had he not been informed, or did his sanguine disposition and hopeful nature lead him to predict a result which the facts did not justify? I am quite curious to know what explanation the Senator has of the attitude of the Secretary of War on this vital question.

Mr. HITCHCOCK. Well, Mr. President, I really am not able to explain and I would not like to attempt to explain the motives which led the Secretary of War to make such a statement. I consider it reckless. I think it a terrible thing to mislead the people when the facts are ascertainable. My own opinion is that the Secretary of War has not been in touch with the Shipping Board; that there has been nothing to coordinate the Shipping Board with the other functions of Government; and that there has not been knowledge in high places of what the actual facts were. That is my idea. I do not think the Secretary of War purposely misled the country. Let any Senator take a pencil and paper and figure the matter out for himself. Under the most favorable circumstances it takes 5 tons of shipping to supply one man in France. I mean by that that the ships must sail regularly, cross rapidly, and be loaded and unloaded promptly. These figures take no account of the transports necessary to take men across the ocean. They contemplate only the supplying of men over there. It makes no allowances for sinkings, no allowances for delays, no allowances for bad loading, all of which have already occurred and are still occurring. It makes no allowances for hospital ships that will be needed.

Now, figure up what total tonnage of shipping in constant and effective operation would be necessary to supply a million men in France, supposing we could get them over there. We find that for supply alone it will require 5,000,000 tons of shipping in constant use. Where is that shipping? When are we going to get 5,000,000 tons of shipping? The figures of our shipping have been presented. They are available in the offices of the Shipping Board. I wish I could hope that we will have 5,000,000 tons of shipping for cargo supply a year from now. I hope it, but there is not a brilliant prospect of having it even a year from now.

These figures—5 tons of shipping per man—contemplate only the supplying of the men. They make no allowance for sinkings, no allowance for delays, no allowance for bad loadings, all of which have already occurred; and I have been informed that under the management of the Quartermaster Department our ships have been running at an efficiency of from only 30 to 60 per cent, due to delays, due to bad loadings, due to mistakes and blunders.

Mr. WILLIAMS. Mr. President, I hate to bother the Senator——

Mr. HITCHCOCK. I am perfectly willing to be interrupted.

Mr. WILLIAMS. Does the Senator mind giving his authority for that statement?

Mr. HITCHCOCK. That it takes 5 tons of shipping per man?

Mr. WILLIAMS. No; that the efficiency has been only 30 per cent. The Senator said he was informed of it, but he did not state by whom.

Mr. HITCHCOCK. That is the estimate, and I have made it 30 to 60 per cent because it is an estimate. It has been made by men in whose judgment I have a good deal of confidence; not by one man, but by a number of different men. I have endeavored to verify it. I can not vouch for it absolutely. I hope the efficiency is 100 per cent; but if it is 100 per cent it will still take 5,000,000 tons of shipping to supply our soldiers over there.

Mr. WILLIAMS. Still, the information as to the efficiency is such that the Senator does not care to give it?

Mr. HITCHCOCK. I prefer not to give it. I am even going to avoid putting into the RECORD the actual supply of shipping. I have got it here. I know what the shipping was on the 30th of November. I know what part of it was passenger vessels and tankers, and I have subtracted them, and what part of it was not and can not be in trans-Atlantic waters, and I have subtracted that. The result is so pitifully small that I agree with some others who believe that we are facing an enormous disappointment when the truth finally becomes known to the War Department. It will not do to have a few hundred thousand men or five hundred thousand men or a million men over there and not be able to supply them. We would be face to face with one of the greatest disasters of the world if such a thing occurred. It would be folly to get into such a disaster, and it is a miserable thing for us to live in a fool's paradise and to think that we can do the impossible.

We all know that the total tonnage of shipping available now to the United States is nothing like enough to supply a million men. We all fear that it will not approximate that amount a year from now, even if we build 3,000,000 tons this year, and there are no sinkings and no losses. Yet the Secretary of War, who is compelled to depend on shipping to get his Army and supplies across the ocean, is so out of touch with the Shipping Board and shipping authorities and shipping information that he makes a statement that is absolutely preposterous. I have no doubt of his sincerity, but his act indicates again the extent to which one department is out of touch with another department with which it ought to be coordinated.

We apparently have no authority to plan out a program. No one is deciding how much shipping we have, how much is available for soldiers, how much is available for supplies, and what the margin of safety must be, and the result is that the Secretary of War himself is grossly misled into making an official statement to Congress so exaggerated as to convey an entirely false impression as to what we can do and what we are doing. I can not believe that the Secretary intended it as a gigantic bluff to Germany. I can not believe that he intended to deceive the American people. I think he simply revealed the fact that he did not know; that he was out of touch.

Another feature of the ship-construction program is discouraging, and that is the failure of anybody to provide housing facilities for men who are necessary to build the ships. When the plans were made to construct hundreds of ships at high speed at various places along the coast, enormous contracts were let for the purpose and plans made on a vast scale. The Shipping Board in the past seemed to feel that all it had to do was to let the contracts or order the ship construction to Tom, Dick, Harry, anybody. Now, it has awakened to the fact that the plans can not be carried out without the expenditure of millions of dollars in providing housing accommodations for the tens of thousands of men that are to be drawn together at the shipyards. This means more delay. If we had had a war cabinet to coordinate the various functions of government, that cabinet would have had a housing committee at work upon plans for housing ship employees months ago, but without the proper coordination the ship-building program was stunted and checked because nobody has looked out for the housing question.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. I yield.

Mr. GALLINGER. This very morning I transmitted to the Shipping Board a series of resolutions adopted by the Portsmouth (N. H.) Chamber of Commerce on this very point. We have a navy yard there, and the number of employees has been largely increased, and two contracts have been let for the building of ships in the immediate vicinity of Portsmouth—one for wooden ships and one for steel ships. They now find precisely the condition which the Senator has stated—that there is no possibility of taking care of the employees. The chamber of commerce appeals to the Government to provide money and immediately proceed in some way to meet the requirements of the men who must be employed if we are to get any ships built in Portsmouth.

Mr. PENROSE. Mr. President, will the Senator permit an interruption at that point? I do not want to interrupt the Senator if it disturbs him.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. Certainly.

Mr. PENROSE. I do not know whether the Senator intends to refer also to a question intimately connected with that of housing, and that is the question of transportation. I know that at Hog Island, near Philadelphia, that immense shipbuilding plant is almost inaccessible to the many thousands of men who have to go there and come back every day; and even up to the present time no actual, definite action has been taken to provide transportation.

Mr. HITCHCOCK. That is very true, Mr. President. We have undertaken at Hog Island to construct a Government plant for shipbuilding——

Mr. PENROSE. And the men can not get there.

Mr. HITCHCOCK. What we need is ships. We need them this year. We will not get a ship out of that great shipyard until 1919—not one. It is the greatest shipyard we are to have, and it will not begin to deliver ships until next year. We contracted for 200 wooden ships along the Atlantic coast last summer. A contract was made with a certain concern that got its lumber from the South. I think the contract was made in July. Along about October or November it was discovered that while they could get all the yellow pine they needed from the South for the upper timbers for those 200 ships they could not get any lumber for the keels, that must be laid first, and the floor timbers. So in November they woke up to the fact that they would have to send to Oregon for the floor timbers and the keels, and only now are those coming across the country, and it will be 60 days before all of those will be delivered.

Mr. OVERMAN. Mr. President, why could they not get the timber in the South?

Mr. HITCHCOCK. I am told that there was none large enough there. I do not know any better reason.

Mr. WILLIAMS. That is evidently not true, Mr. President. There is plenty of lumber in the southern pine forests large enough for keels. Everybody knows that who knows anything about the South.

Mr. HITCHCOCK. Well, this is testimony that developed before the Commerce Committee, and I am not very familiar with it; but the fact is that while the contract was made last June or July it was not until November that they woke up to the fact that they had to send to Oregon for the lumber for the keels that must be first laid; and the yards are piled high now with lumber that can not be used because it is only for the upper part of the vessels.

Mr. VARDAMAN. Mr. President, will the Senator give me the name of the company that has made that contract?

Mr. HITCHCOCK. I will say to the Senator from Mississippi that I am not able to do that. It is just a detail that I have mentioned here incidentally.

Mr. VARDAMAN. I suppose I could get it from the records.

Mr. HITCHCOCK. I think it will come out before the Senator's committee. It has already come out there, I think.

Mr. President, the confusion in governmental affairs here is pathetic. It is sickening. I remember that when I was a young man I went to Hampton Court, near London—that great estate which Cardinal Wolsey, I think, finally was compelled to give Henry VIII. One of the interesting features of Hampton Court is a wonderful maze, constructed of some English evergreen growing higher than a man's head. People enter that maze with the idea of finding their way out, and other people stand upon platforms to watch them in their struggles to get out of the place they go into so merrily. They go around and around, and they look through the verdant walls, and they see other people going around, and in a little while there are hundreds of people going through there, and none of them is able to get out without a guide.

It is very much that way here at Washington. People have come to Washington, bright and fresh and hopeful and patriotic, with the idea of rendering some service. They have come to their Senator or their Representative; he has taken them to one department after another, and sometimes after weeks of footsore and patient labor they have discovered that they absolutely need a guide to get out, because of the confusion worse confounded in our governmental organization.

Mr. THOMAS. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Colorado.

Mr. THOMAS. The Senator, of course, will realize that those conditions, which are unhappily true in every department, are not the result of the war. They have been in existence for more than two generations, and of course they are constantly becoming more complicated.

The Senator doubtless recalls that during the administration of President Taft a very efficient commission was appointed to look into that situation, and to recommend to Congress certain legislation doing away with it. They made an exhaustive report, with recommendations, which, of course, was designed to outline, and I think did outline, some appropriate legislation. The report, if my memory serves me correctly, was filed with the Committee on Ways and Means of the House, where it was pigeonholed, and never has been heard of since. Does not the Senator think that the Congress of the United States is in a very large degree to blame for that situation?

Mr. HITCHCOCK. Possibly; but, Mr. President, I am impressed by the need of a business organization. What we need in the Government at Washington at the present time is a business organization for carrying on these great affairs, and we will not get efficiency until we get it.

Mr. STONE. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Missouri.

Mr. STONE. I have heard nearly all the speech of the Senator—all except for a few moments, when I was called out. I have listened to it with great interest. As to the particular matter adverted to in the colloquy between the Senators from Nebraska and Colorado, I desire to say that for some reason or other I have not been subjected to the confusion and inconvenience referred to in trying to reach the proper men in the departments.

Now, Mr. President, I think I have an average number of constituents who come to see me, desiring to communicate with this department or that one about the same kind of things that other Senators have to deal with; and I have had very little difficulty, practically none, in finding the officer who could be directly communicated with. That has been my experience.

Mr. HITCHCOCK. I congratulate the Senator; and, having discovered that there is one Senator here who knows the ins and outs of the Government, I shall apply to him in the future when I find myself confused.

Mr. STONE. If the Senator will do so, and will notify me that he desires to see some particular officer of the Government about any particular thing, while I have no means, so far as I am advised, nor right to any means, so far as I am advised, of obtaining the information desired, if the Senator can not find it and will advise with me I will undertake to tell him whom to see.

Mr. HITCHCOCK. I thank the Senator.

Mr. WILLIAMS. Mr. President, would the Senator mind my asking him a very simple question, almost an idiotic one?

Mr. HITCHCOCK. Not at all.

Mr. WILLIAMS. I notice that the bill for which the Senator is vouching mentions, I think, "three distinguished men" of "demonstrated ability" who are to form a war council. Will the Senator please tell me by whom they are to be distinguished, and before whom they are to demonstrate their ability? And then, after he is through with that, will he please tell me what three men he would pick out, or dare pick out, now?

Mr. HITCHCOCK. It is very well known that the President of the United States will have the authority to select the three distinguished men of demonstrated executive ability.

Mr. WILLIAMS. The President of the United States has already selected a Secretary of the Navy and Secretary of War and a Secretary of State who, in his opinion, are three distinguished gentlemen of demonstrated ability. What I am trying to get at is this: You are talking about the need of business ability in connection with this war. I venture to say right now you can not name three men that you would dare offer to take the place.

Mr. HITCHCOCK. I shall not undertake to do it anyhow. I never expect to be elected President of the United States, and until I am I certainly would not undertake to do it.

Mr. WILLIAMS. I am talking about the three men you would recommend the President to appoint. You can not name them.

Mr. HITCHCOCK. I shall not name them. I shall not make the effort.

Mr. WILLIAMS. You can not.

Mr. HITCHCOCK. I am here for the purpose of demonstrating that we will not have coordination of our forces and a bringing together of these various departments and bureaus until we have a coordinating body. I am here to say that the President does not and can not, on account of the limitations of the human system, coordinate them. I am here to say that it is folly to think that the Secretary of War, the Secretary of the Navy, or any other Government officer can perform coordinating functions when he is up to his eyes from early morning until late at night in the details of his own department, and it is because he can not do it——

Mr. WILLIAMS. I should like to ask the Senator from Nebraska another question. If it be impossible for the President of the United States to select a fit man for the Secretary of the Navy or the Secretary of War and vest him with authority to carry on this war, then how is it possible for the same man being still President of the United States to select three distinguished gentlemen of demonstrated ability? And one more question.

Mr. HITCHCOCK. Let me answer that.

Mr. WILLIAMS. Will the Senator please inform me how he can add to the strength of a chain by putting one more link in it?

Mr. HITCHCOCK. The trouble is the chain lacks the link now; it is not together. I want to bring the chain together. You have got to have a link to bring the chain together. You have not only two pieces of chain, but you have a dozen pieces of chain. Now, bring them together. It is not a question of strength, but of unity.

Mr. WILLIAMS. And a chain is only so strong as the weakest link in it. The trouble is I do not want to add another link to the chain. He is not proposing to take off any links.

Mr. HITCHCOCK. I am proposing that these 8 or 10 separate and independent departments of the Government that each of which is now running on a single track without any coordination shall be brought up into one station, where they will be united, where they will be focussed, where they will come in contact with each other, and where somebody having authority will say to the Fuel Administrator and to the Food Administrator and to the Shipping Board and all the other boards and bureaus, "Let us see your plans; we want to compare them and coordinate them and work together."

Mr. WILLIAMS. One more question and I will let the Senator from Nebraska alone. You say you want somebody who shall be able to do this thing, vested with authority to do it, and that somebody is to be the President of the United States, who is already very fully vested with authority.

Mr. HITCHCOCK. No; the Senator misunderstands me. The President appoints the men and the men do the coordinating.

Mr. WILLIAMS. But the President can now appoint the men, and the men now do the coordinating.

Mr. HITCHCOCK. He can not. They can not have any power unless it is given by Congress.

Mr. WILLIAMS. The President has already appointed those same men as Secretary of War, Secretary of the Navy, and Secretary of the Treasury, and these three men are already trying to coordinate.

Mr. HITCHCOCK. They are not. They can not. It is impossible. They are occupied.

Mr. WILLIAMS. How can anybody else named by the President do what these three can not do, and how could the President have any ability superior to that which he now has if we pass the bill?

Mr. HITCHCOCK. The Senator, I hope, will now desist from him questioning and let me cover my ground. I am not criticizing the Secretary of War or the Secretary of the Navy or any other Secretary. I have endeavored to avoid personal criticism. I am excusing them. I am saying that the system is such that even if the Secretary of War runs the War Department in a good way and the Secretary of the Navy runs his department as well as he knows how and the Food Administrator runs his as well as he knows how, and the Fuel Administrator as well as he knows how, if they have separate plans they are in the predicament of the five brothers who built a house. There is an old story of an uncle with much money, who called in his five nephews and said, "Boys, here is a great amount of money. I want you to build a house. Buy all the materials that you please. Each of you build a part of the house." They arranged among themselves that one should build one side, one should build the other, one should build one end, and another the other end, and the fifth one was to build the top. They were good workers; they were able men; they knew how to build. One built his end high and short, while the other built his end low and long. One built a long side that was low and the other built a short side that was high. The fifth boy built the roof. After they got the portions together they would not work. There had been no architect, there had been nobody to plan; each one had done his own part, but there was nobody to give the master plan, and it was not a house at all.

Mr. WILLIAMS. If the Senator will allow me——

Mr. HITCHCOCK. Now, I am presenting the consideration that a poor architect would have been better than none; that even a poor adviser and coordinator would have been better than none. That is the predicament we are in to-day. The various bureaus are running each independently, and they are not being coordinated.

Mr. WILLIAMS. But you say that this aulic council which you propose to organize will be the somebody to do the coordination. The President of the United States will be——

Mr. HITCHCOCK. It will be the three men under the President. He has no time to do it.

Mr. WILLIAMS. But the President will appoint them.

Mr. HITCHCOCK. He will appoint them.

Mr. WILLIAMS. But the source of authority after all is with the President.

Mr. HITCHCOCK. Absolutely.

Mr. WILLIAMS. Absolutely?

Mr. HITCHCOCK. Absolutely.

Mr. WILLIAMS. If the President has not enough brains now, how can you give him brains by an act of Congress?

Mr. HITCHCOCK. The President has brains.

Mr. WILLIAMS. I rather had the idea the way the Senator was talking that he thought he did not have.

Mr. HITCHCOCK. If the President of the United States had the brain of Omniscience and the genius of perfection he could not do all these things. He could not run the great foreign affairs of the United States; he could not be his own prime minister; he could not be Commander in Chief of the Army and Navy; he could not dictate the legislation of the country; he could not do everything. Human limitations make it impossible. He has got to operate through others. He runs the War Department through the Secretary of War; he runs the Navy Department through the Secretary of the Navy; and he runs the various bureaus through the head of the bureau. He ought to coordinate them also through three men chosen for the purpose. He can not do it personally.

Mr. President, another evidence of the failure to make the departments work together and to coordinate their efforts may be seen in the food situation. While in and near New York they

have nearly 2,000,000 tons of freight piled up and waiting for ships, we had down in New Orleans last week 250,000 tons of shipping, with only 83,000 tons of food and feed with which to load them. In one place there was freight waiting for ships, in another place ships waiting for freight; so the shipping has to lie idle and wait for food and feed to arrive. Out West at the present time we have hundreds of millions of bushels of corn that can not be moved from the farms for lack of cars.

The actual corn shipments in the last two months have been only 50 per cent of what they were a year ago. With the vast corn supply actually wasting and spoiling on western farms we have dairymen and other owners of cattle and live stock in the East actually feeding wheat to their live stock because the market is bare of corn. In January we shipped to Europe only one-fifth as much corn as we should have shipped and as we promised to ship. Yet that corn is available in the West in quantities never before known. Where is the power in the Government to equalize the priority orders and shipping privileges so that the shipping of food and fuel will be planned months in advance and carried out in accordance with the plans? It does not exist, and it will not exist until we have a war cabinet.

Secretary Baker says we have plans. I am sorry I can not agree with him. If there has been one thing more conspicuous by its absence than any other in the operation of the various departments and bureaus at Washington since we went into this war, it has been planning for the future. I do not deny that the various departments and bureaus have planned as far as they could for what they immediately had to do, but who has prepared a master plan which will harmonize and coordinate the other plans? Nobody. There was nobody who could do it. The President could not.

The President, in the daily press, is quoted as objecting to any change in the law on the ground that he alone has the responsibility for the conduct of this war. Mr. President, I would not be surprised if the President should object to this legislation. He belongs to a school of political philosophers who believe that all legislation should originate in the Executive. He believes that the initiative should not be taken in the legislative body, that it should all come from the Chief Executive. There are some advantages in that idea; I recognize them. It makes order; it makes leadership; it makes system.

But, Mr. President, shall the Congress of the United States abdicate its powers, abdicate its duties? Look at the countries across the sea; democracies, in a way, like ours. Does the Parliament abdicate its duty in Great Britain? When Parliament feels that things are not going satisfactorily it upsets the cabinet. The representatives of the people indicate from time to time what they want done. In France it is the same. There have been four or five changes of the French ministry since this war started, and at last they have got an efficiency both in France and Great Britain that they never had before. Shall the Congress of the United States not even have the power to change the machinery through which things are done by enacting a law?

The President has given his reason, as far as I know, only in the press, and he it has been given by the press it is that he alone has responsibility for the conduct of the war. He means exclusive responsibility, apparently. The mere statement presents an absurdity. It would be a monstrous wrong to hold him responsible for the 2,000,000 tons of freight piled up in and around New York. It would be a monstrous wrong to hold him responsible for the breakdown of railroad transportation. It would be a monstrous wrong to hold him responsible for the muddle and jumble of priority of shipments. It would be a monstrous wrong to hold him responsible for the shortcomings of the Ordnance and the Quartermaster Departments. It would be a monstrous wrong to hold him responsible for the suffering unnecessarily of sick in the cantonments of the country. It would be a monstrous wrong to hold him responsible for the delay in the construction of a powder factory, so that it is only to be built nine months after the war broke out, although its necessity was known last summer. It would be a monstrous wrong to hold him responsible for this and other shortcomings, because, as I have said, nothing but the genius of perfection and the power of omniscience would make it possible for a man to be responsible for these things, and then he would be more than a man. He can not at one time design and conduct our difficult and delicate foreign policy and perform the duties of Commander in Chief of the Army and Navy or organize and design all the legislation for Congress to pass, dictate all the industrial, financial, and political activities of the country, and look after the expenditure of $250,000,000 a week. It is out of the question and out of reason.

The President has announced his opposition to both these bills. He does not want the committee to report the cabinet bill, we hear, and if the press reports are true he objects even to the discussion of this legislation in Congress, it is said. I am not surprised at that attitude, because I know the school to which he belongs, and I think it is very unfortunate. In the main, I have been one of those who have followed the President. It is only on very rare occasions that I have made an exception, and at all times I have had the highest admiration for him. On great occasions he rises to the supreme height of greatness. There are perhaps two great men in the world to-day—one is Lloyd George and the other is Woodrow Wilson. But the President can not do these things; it is beyond human power. He needs help, he needs machinery, and it is our duty to give it.

This is one of those cases in which I believe it my conscientious duty to bring this measure before the Senate in this way. I believe it should come before the country in this way, and I am confident that the intelligent public opinion of the United States will approve of this thing which Great Britain found necessary and which we shall find necessary to bring order out of chaos, to bring efficiency to our great business of war.

I agree with the chairman of the committee, Senator CHAMBERLAIN, that the President does not know the real situation. He can not give two months to an investigation, as we have done. He is like a king surrounded by a court. He hears practically only one side. The people who complain do not reach the President nor even the members of his Cabinet. They write to their Senators or Representatives. We must listen. We should investigate; we should remedy. It is we who have the responsibility. We declared the war; we levied the taxes; we authorized the sale of billions of dollars in bonds, for which we mortgaged the future. We created the present machinery of government. We alone can change it.

The French Parliament and the British Parliament do not shirk their responsibilities. They go much further than we do or than we could go. When dissatisfied with conditions of the war, those parliaments go so far as to upset the administration by an adverse vote and thus bring about a change in cabinets. That can not be done in this country, but we can change the machinery when we find it wrong. Since this war began four such complete changes at least have occurred in France and one in Great Britain, to say nothing of some minor changes. Shall the Congress of the United States not even be permitted to mend defective machinery? Can one of these great committees of Congress not be permitted to report its conclusions on a pending bill? Shall the Senate be prevented from discussing bills duly reported and widely demanded by public opinion? I can not believe that our duty to the people would be performed by such a weak abdication of responsibility. To use a slang phrase, it is "up to us."

We appropriated billions of dollars, and we find much of that money used to make 2,000,000 tons of munitions of war piled up on the docks because we lack the ships to send it to Europe, while the pile grows larger day by day. We know this is due to a failure to coordinate production and transportation. We say the answer is a war cabinet.

We drafted a great army of men from the people and provided abundant money for their clothing, arms, and equipment, but we find that while they have 20 pairs of shoes apiece, tens of thousands have suffered for lack of clothing and tens of thousands have had to drill with wooden guns. We say the answer is a director of munitions. We supposed the various agencies of government created by law to carry on the war would all work to a single plan in harmony and accord. We find there has apparently been no one to plan ahead, no one to bring unity of action, no one to coordinate the many different functions of government, and we say the supreme need of the hour to win the war is a war cabinet of three men to do these things.

Mr. WILLIAMS. Mr. President, I have listened with a great deal of attention and respect to the speech just made by the Senator from Nebraska [Mr. HITCHCOCK]. Jeremiah and his lamentations are not in it with the Senator from Nebraska. He begins away back yonder and tells us that we have no ships. He tells us that we have not this nor that nor the other thing that we need and that every one of us knows we need. He has drawn an indictment against the executive departments of the Federal Government that is very strong. During the course of his remarks he said that he might be accused of giving information useful to the enemy if he disclosed all that he knew. He has disclosed about all he did know, and he gave information very useful to the enemy.

Mr. President, the human memory is a treacherous and a foolish thing. It leads a man whither it will. Mine leads me right now back to a day in this Senate when men were standing here wanting to stop the shipment of munitions and food to Great Britain and to the allies. They proposed measures then almost as foolish as this aulic council now suggested. Of course, if we had stopped the munitions and food from going to Great

Britain. Great Britain would merely have said, "Very well; find your own ships. You have none. We will take ours out of the North Atlantic trade. If you can not send us munitions and can not send us food, there is nothing else that we want from you." My memory goes back almost irresistibly to that day.

That was the German game then. The German game now is muckraking this administration. If the Senator from Nebraska is right in what he has said, we are whipped already; we are out of this war game right now, because he has drawn and attempted to prove an indictment against the Executive authority of the United States Government that shows not only inefficiency but it proves stupidity. He comes here with a measure to invest the President with more power in order to prove that the President can become efficient with more power when he has been inefficient, in his opinion, with less power.

Mr. President, these aulic council propositions have been tried from time to time everywhere. Even the Austrian Empire, I will inform the Senator from Nebraska, has had sense enough to do away with the aulic war council. Napoleon Bonaparte forced that.

The Senator might go back a little further in history and find that the senate of Carthage came very near ruining Hannibal's war plans. The Senator could go back a little in our history and find out that the Continental Congress came very near ruining George Washington with its committees upon the conduct of the war.

If the Senator will he can find that it was the typical committees of Congress that came very near ruining Lincoln and Grant in the Civil War. He can go below Mason and Dixon's line and find that the Confederate congress came very near ruining Robert E. Lee and Jefferson Davis while they were carrying on war.

If there is anything that any man ought to know who has any sense at all it is that Congress or a committee can not carry on a war and can not furnish the brains to anybody else to carry it on. Here is this stupid bill, a stupid thing demanding "three distinguished men of demonstrated ability" to be appointed by the President of the United States to carry on the war, a so-called war cabinet. "Distinguished" by whom? Ability "demonstrated" before whom? After you are through with it all, as the Senator just confessed in answer to a question, it all goes back to the President of the United States and the President has got to "distinguish" them and their ability has got to be "demonstrated" before the President, and here is the President already not only armed with the duty but charged with the responsibility of distinguishing men and of recognizing demonstrated ability. If the President is a fool, how are you going to give him brains by an act of Congress? If the President of the United States is not a fool, what is the need of your legislation?

The Senator quoted from somebody back in the Bible. I have forgotten just how it did go. "Thou art not able to hold up thy hands by thyself alone," and "they stayed his hands one on one side and the other on the other."

I suppose the Senator from Nebraska [Mr. HITCHCOCK] is going to stay them up on one side and the Senator from Massachusetts [Mr. WEEKS] or the Senator from Pennsylvania [Mr. PENROSE], probably, stay them up on the other side. [Laughter.] Great God, Senators, if the President of the United States has not brains enough to perform the functions of his great office, he can not be lent brains by this "staying up of hands."

My memory goes back treacherously to the time when men were standing upon this floor wanting an embargo on all American commerce with Europe, but I need not dwell upon it; the balance of you know about it. Now, the Senator from Nebraska has made his argument; he has drawn an indictment, and a powerful indictment, too, against some inefficiency that all of us know and that all of us recognize. I will tell you the trouble with the Senator from Nebraska and the trouble with the Senator from Oregon [Mr. CHAMBERLAIN], both of whom I love very well—especially one of them. I will tell you the trouble with you: You have been engaged as chairman and members of an investigating committee for four or five weeks, and the business of an investigating committee is to look at specks. Everything that is called to its attention is a speck. It becomes speck obsessed. After you got through with the investigation you came out, and you drew a circle with chalk on the blackboard, and you filled it plumb full of specks, and you wrote on it, "This is the sun." It is no more the sun than my sole is my foot. [Laughter.]

The American people have faced this situation with magnificent efficiency and I am tired of hearing them muckraked. No people at any time in the whole history of the world turned around from a complete peace establishment, devoted to peace and pacifism as a passion, with the apostle of democracy at the head of the procession, Thomas Jefferson himself, and within nine months converted themselves so nearly completely into a war machine. My boys are there and your boys are there, my sons-in-law are there and yours are there. I deny the right of any man to draw this indictment against the American people or against the American people's Executive's control.

The Senator from Oregon tells me, and the Senator from Nebraska tells me, that the trouble with the President and the Secretary of War is that "they do not know"; that they "can not find out"; that it is "impossible for them to know." Well, will you, in God's name, then tell me how it is possible for the Senator from Nebraska and the Senator from Oregon to know—how they are going to find out? They are not the superiors of the President and his Secretary in native ability or brains or information.

Why should we have had all this thing? Why should it all have come here? Was not everybody trying to do his level best? The Senator from Oregon told us the other day in his speech that the efforts of the Secretary of War had been "commendable"; the Senator from Nebraska pays a high tribute to him to-day; and they both pay a high tribute to the President of the United States. Has not each one of us, here as a Senator, there as the Secretary of War, over there as the President, over yonder as the Secretary of the Navy, out there as the Secretary of the Treasury, been trying to do his level best?

This is a remarkable thing: Unlike the War between the States; unlike the Mexican War; unlike the Spanish-American War, not one charge of moral crookedness has been made against any man. In the Civil War there were plenty of such charges made and sustained; in the Spanish-American War there were plenty of them made and sustained; in the Mexican War there were plenty of them made and sustained; in the War of the Revolution there were plenty of them made and sustained.

Here stand 100,000,000 people ready to fight Germany by themselves, if necessary, and they can whip her by themselves. Nobody knows but that the Germans may go over the line between the British and the French to-morrow; and France may be put out of the war. If she is, then Italy will be put out. Roumania is already out; Russia is already out. Then we two English-speaking peoples can whip Germany by ourselves, and will have it to do. It may take us a long time to do it, but we will do it. We have got the blood; we feel "the mettle of our pastures"; we have the boys, and even those of us who would be a Government liability instead of a Government asset, still have the spirit.

What is the use of standing here and muckraking this administration? It is charged that we have ordered too many shoes. My God, if we have, we can sell them later on. [Laughter.] They will go at a very good price. It is also said that we sent some munitions abroad and had to bring them back. Did we? I do not know whether we did or not. The Senator from Nebraska declined to give his authority for the statement, and I doubt it. I mean I doubt the truthfulness of his informant; not his truthfulness, of course. But suppose we did. Here is your circle on the blackboard with specks all around in it. Under it is written, signed by the Senator from Nebraska, "This is the sun."

You know it all reminds me a little of a fellow who once went to see a statue, and he said, "It is a magnificent statue; the head is divine; the breast is superb; the legs, the legs of an athlete; the arms, the arms of an athlete; but there is a little defect on the right heel;" and he went out and wrote 346 pages on the defects in the right heel of that statue. [Laughter.]

What is the use in it? What is the sense of it? Can we not help one another win this war? The Senator says he might be accused of giving information useful to the enemy. Great God, I suppose so. He might be accused of it. The information would not be useful to anybody except the enemy. I doubt if it would be useful to the enemy, but certainly it would not be useful to anybody else. Are we not all trying to do our very best? Is there a Republican on the other side of the Chamber who is not behind the American people in this war, except a few fool pacifists that have pretty nearly passed out of political existence? [Laughter.] Do we not know the task before us? Do we not know we have got to win? Does not the Senator from Michigan know it, and does not the Senator from Wyoming know it, as well as I, from Mississippi? Do we not know we have got to win, and that the only way in God's world to win is to support the men who happen to be in authority? I do not care who put them there.

Oh, this idle talk about passing a bill for a war cabinet "in order to strengthen the arms of the President," to "hold up his hands"! I should think when it came to the question of somebody strengthening my arms or holding up my hands, I

would be the best judge; and I imagine the President is the best judge of whether he wants that sort of strengthening or not. You know that is not the intention of it, as well as I do; you know it is a usurpation by the legislative of executive authority; and, if you are lawyers, you know that it is absolutely unconstitutional.

Do you know what I would do if I were President of the United States and you dared pass that war cabinet bill on me? I would veto it first; and then if you passed it by a two-thirds majority, I would utterly refuse to obey it, upon the ground that the Constitution invested certain duties and liabilities in me, and that I could not forsake them.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. WILLIAMS. I do.

Mr. GALLINGER. Does not the Senator think that, if the President did what the Senator suggests, he would come pretty nearly making himself liable to impeachment?

Mr. WILLIAMS. Not unless two-thirds of a brute force impeached me, and in violation of the Constitution; no. There might be a two-thirds majority to impeach me in violation of the Constitution, as they tried to impeach Andrew Johnson under similar circumstances when he refused to obey the tenure of office bill.

Mr. GALLINGER. And they came very near doing it.

Mr. WILLIAMS. They came very near doing it, yes; and there is no page of American history more shameful and more discreditable—"shameful," did I say?—"shameless"—than the page of American history that records the attempted impeachment of Andrew Johnson for sustaining his powers as the Executive under the Constitution against the usurpation of the Congress of the United States.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I desire to say that is the Senator's opinion, but other men honestly differ from the Senator in that conclusion.

Mr. WILLIAMS. That may be. I do not doubt that there are men everywhere who honestly differ with pretty nearly every proposition one can state.

Mr. President, I heard a Senator here the other day on the floor of the Senate complaining because they did not have any plan of campaign for the war here in Washington—when the war is being fought in Belgium and in France. Did you ever hear anything as stupid as that since the day you were born—quarreling with an administration in America, 3,000 miles from the field of battle, about not having a war plan? That is worse than the old Aulic Council of Austria that could not make itself heard even from Vienna to Campo-Formio. How do you expect a lot of men here, gathered together accidentally, colonels, lieutenant colonels, and majors, to draw a war plan to fight a war in Europe? Either Pershing will fight the war or Pershing ought to be put out of commission; and, in my opinion, Pershing can fight that war; and, in my opinion, if Pershing and Bliss put together can not fight it we have plenty of other men who can; but of all things in the world I know that the Congress of the United States can not give either one of them one particle of useful information or suggestion. With all due respect to the intelligence of distinguished Senators, Members of this august body, of which I am one, I do not think a single one of them could give Pershing an idea that Pershing would care to entertain for three seconds, or could give Bliss one. Yet the Senator said, "We have been nine months at war, and we have no plan of war, no plan of campaign." Why, Robert E. Lee carried his plan in his head, so did Stonewall Jackson, so did Napoleon Bonaparte, so did the Duke of Wellington, so did the Duke of Marlborough, so did Prince Eugene, so did Julius Cæsar, so did Hannibal. Do you suppose that Pershing or Bliss would regard any hints from me or from you about it? What do you know about it? You know less than I do, and I know nothing. [Laughter.]

Then Senators complain and say they have been down to the departments, and "their constituents did not know where to go"; that one man would send their constituents to another man, and the other man would send them to a third man, and the third man might send them to a fourth man. Who are your constituents and what did they want—Army contracts? If so, it is a pretty lucky thing that it was rather hard to find the proper fellow to deal with, and that several fellows had to pass on it before they could get dealt with at all. I have not had any trouble. I am like the Senator from Missouri. I suppose I have got about as much senatorial business as the average Senator, but I have never found any trouble, because I always address the man in charge, and he sends the communication to the proper official. I do not go down with constituents, and I will not do it. I do not go to the departments with constituents hunting one official and then hunting another, and when men come to me with useful ideas I communicate their ideas to the proper official.

The Senator says that even in peace times the President is oppressed with work. Of course he is, and therefore in war times you want to vest him with the duty of selecting "three distinguished men of demonstrated ability," as if he did not have work enough to do already. Why, Senators, if there is anything that is foolish, it is the idea of trying to rebuild in America in the twentieth century the old obsolete aulic council, which had to map out campaigns for war, plans for war, at Vienna and send them out to all the Austrian junkers while they were fighting the freemen of France. Go back to the stupid days of the Confederate Congress when it wanted to interfere with Robert E. Lee, and when Robert E. Lee, in a moment of his highest chivalry and courage, sent his resignation to Jefferson Davis and said when he came back from Gettysburg: "The test of merit in my profession is success. I have failed." And Jefferson Davis said: "If you are not a soldier, Gen. Lee, the South has none. Your resignation will not even be considered."

Why, I heard a Senator complaining the other day about Gen. Crozier. Crozier has been kicked upstairs. What more do you want? Do you want to humiliate the man? If you can get rid of him and get somebody in his place, that is all you want, is it not?

Then you have been complaining about the Quartermaster General. By the way, he seems to have come out on top, as near as I can judge; he seems to have known more about it than his critics did.

Mr. President, I did not come into the Senate this morning with any idea of making a speech. I have just returned from the funeral of one of the dearest friends I have ever had in my life, and I thought this morning about him while the discussion was proceeding. He was as loyal and true to the United States Government as a man could be. A Welshman by blood, an Irishman by birth, and a loyal, true American citizen, he was one of the first men to exceed in insight into this trouble. I remember four or five days after war was declared in Europe I introduced a bill to enable the United States to buy and build ships, because I knew we would have to have them. I did not get any votes for it; I could not even get the Foreign Relations Committee to call a meeting to consider it. Later it took the administration four or five or six weeks to discover the necessity of it, and yet here is the Senator from Nebraska this morning, to quote his own language, saying, "We have no ships." Why? Is it the fault of the President, the fault of the Shipping Board, or the fault of any of the executive departments? It is your fault, and the fault of every one of you. I introduced that bill within four or five days after war was declared in Europe, after Belgium was invaded, and every man, it seemed to me, with a particle of common sense ought to have known that was the first thing we had to do—to get ships to carry our products to Europe; and whether we were to remain neutral or whether we were to enter the war made no difference; but here stands a Member of the Congress of the United States to-day complaining that we have no ships. Whose fault is that? It is yours; it is not the fault of the Executive.

Mr. President, why can we not drop this? Why can we not just quit this thing of looking at specks on the sun, and nothing else, and writing pages about the heel of Achilles, when the balance of Achilles is all right? Why can we not go ahead and uphold the arms of the President in the way the President wants them upheld? He is the best judge. Who doubts his patriotism? Who doubts his honesty? Who doubts his loyalty? Who doubts his courage? Who doubts his gentleness under it all—a gentleman with the strength of a man and the gentleness of a woman? What do Senators hope to attain by this agitation? They do not expect the bill to pass. I doubt if any of you expect it to pass. You know the President is going to veto it if it should pass. I can understand why I, as a Democrat, in ordinary peace times might want to put a Republican President in a hole, and I can understand how a Republican in ordinary peace times might want to put a Democratic President in a hole, but I do not understand why any Democrat wants to put a Democratic President in a hole during a war. You know the bill is never going upon the statute books as a law, as well as you know your name. Then why are you agitating for it? Just to show where you stand? Well, you might send a private telegram to the Kaiser, telling him, if you wanted to, or you might tell anybody outside. What is the object of it? What is the intent? What is the desire of the heart that makes the mouth speak? Do you just want to see if you can get a popular sentiment behind the thing and have the President

veto it, so as to make him temporarily unpopular? I dare say you would not confess that that was your motive; and yet, if that be not your motive, what is your motive? What do you expect to attain by it—not a law upon the statute books, for the President has already told you, as I would have told you in his place, that he does not propose to have Congress usurp executive functions, and that so long as he is the President of the United States and vested by the Constitution of the United States with certain duties and responsibilities, he is going to exercise the one and perform the other.

Suppose we just quit all this now, or quit it after to-day's session, and just unite with one idea, and that is, to wage war in order that we may put an end to war as a constantly contemplated national purpose, whether in Prussia or anywhere else; that we shall resort to a universal compulsory military service temporarily in America, in order that we may put an end to the hellish system all over the world for all time to come; that we shall wage war in order to have a just, enduring, and lasting peace; and that we shall wage it as Americans, not as Democrats or Republicans, not as northerners or as southerners, but let my boy go with the boy of the man from Massachusetts, side by side, and fight for liberty and a chance for liberty to have a place under the sun against Prussian militarism, autocracy, tyranny, cruelty, rape, murder, and rapine.

Mr. REED. Mr. President, with some hesitancy, because of the character the debate has assumed, I rise to speak to the bill under discussion.

I think we shall gain little by challenging either the motives of Senators who propose this legislation or the motives of those who oppose it. It is getting to be too much the habit for men to clinch an argument, or to supply the lack of argument, by a polite insinuation that their opponent is a friend of the Kaiser. That is one of the things that ought to be stopped in this Chamber. I hope it finally stopped when the Senator from Mississippi [Mr. WILLIAMS] stopped speaking.

I am opposed to the position taken by the Senator from Nebraska [Mr. HITCHCOCK]; yet I know that in this Senate Chamber and in the country there is not a more sincere patriot. There are but few, if any, more thoughtful, painstaking, or laborious men in all the country than GILBERT HITCHCOCK. I know that his motives in presenting this bill are of the highest. I know that the motives of the chairman of the committee, the Senator from Oregon [Mr. CHAMBERLAIN], in conducting the investigation by the Military Affairs Committee, have been those of a patriot, of a lover of country and of universal liberty. I have no patience with the policy of impugning the motives of all men who, seeing faults, seek to correct those faults. Neither have I patience with those who describe the conditions that have been disclosed by these investigations as "mere flyspecks on the firmament," or as "slight defects in the heel of a perfect statue."

Mr. President, if 7,000 men in the cold winter are compelled to leave their homes and are not furnished with sufficient clothing, that is not a flyspeck. That is a serious matter.

If soldiers are permitted to die in hospitals because of a want of proper medical attention, that is not "a speck." That is a tragedy, all the sadder because it befell those who were willing to yield bodies and lives in the service of country.

If cannon that might have been obtained have not been provided, that is not "a speck." It may mean the loss of a battle and the sacrifice of thousands of precious lives.

If ships have not been bunkered with coal, although the coal was available, that is not "a speck." That is a grievous wrong, for ships are vital to the winning of this war. Whoever so grossly blundered committed that character of offense which Napoleon characterized as "worse than a crime." It may well be questioned whether such a blunderer should further hold authority.

So I might at great length catalogue and comment upon the many failures and mistakes developed by the investigations, but those I have cited will suffice. I utterly decline to accord with the view that they or any of them are "mere trifles," "mere specks," bits of thistledown to be blown away by a breath of satire. They can not be obliterated by a sneer. They are matters of serious, of grave, of almost tragic importance. They should be so met, so considered, and such action as Congress should take ought to be fearlessly taken.

But, Mr. President, disappointing as these conditions are, we must in all fairness along with them take into account the great things that have been achieved. My distinguished friend from Nebraska [Mr. HITCHCOCK] and my friend, the chairman of the committee [Mr. CHAMBERLAIN], are as willing to do that as is the Senator from Mississippi [Mr. WILLIAMS]. They, however, maintain that the highest patriotism requires the searching out of defects and in applying proper remedies. For this I commend them, but at the same time I think they might have been a little more generous in giving credit for that which has been accomplished.

Mr. President, it must be borne in mind that we were plunged into this war without preparation. It should not be forgotten that every man in this body believed, as did the President of the United States, that we would escape being drawn into the conflict.

In this state of almost total unpreparedness we were thrown into the war. We needed ships. The Senator from Mississippi did not discover that fact. Shortly after the first shot of the European war was fired a bill for the purchase of ships was brought forward and was debated for weeks. It was defeated by the almost solid vote of the other side of the Chamber, aided by some Senators of this side. Yet I do not severely criticize my brothers on the other side of the Chamber. They could not look ahead and see the conditions that now confront us. They did not see them. If they had, they would have voted for the bill.

Mr. President, it has been said upon this floor that the military machine has broken down. If the statement had been that the military machine had failed in some respects, but that in the main it had been successful, it would have been more nearly correct. You can not justly say that a machine that put 1,500,000 men into the field in eight months' time is a complete failure. You can not say that a machine that has carried some hundreds of thousands of men across the ocean without the loss of a single life is a total failure. You can not say that a machine that is now producing a fleet of airplanes that will soon obscure the sun above the great cities of Germany has "broken down." You can not, in justice, assert that a machine that has laid the keels of ships which will within 12 months represent a greater tonnage than has been produced in a similar period of time by all the nations of the earth has "ceased to function."

And yet, while we may point to these and other illustrious and splendid examples, it does not follow that we should not call attention to defects and to mistakes wherever they exist. So long as the criticisms are made for the purpose of helping, the critic should be applauded. The man who discovers and calls attention to a serious oversight or wrong policy in order that correction may result is engaged in a more patriotic work than the individual who seeks to hide them beneath a camouflage of adjectives. An honest critic is of more value than a hundred incense burners.

This war can not be won upon paper. It can not be won with speeches. It can not be gained by laudation. Fine phrases will not take the place of cannon. On the battle front you can not supply the lack of rifles by assertions that they exist. This war must be fought with men and with metal. The men and metal must be put upon the field. Every man who succeeds in pointing out, every committee that succeeds in demonstrating, that there is a rotten spot anywhere in our preparations is doing a good work and should be commended for that work.

Now, Mr. President, I come very briefly to a consideration of these two bills.

It will be observed that they both distinctly and absolutely relate to the prosecution of the war in the sense that they deal with the very movements of the Army and Navy. They are not like the fuel or the food regulations, which have to do with the domestic concerns of the civil population. These bills relate to the carrying on by our armed forces of the conflict between the United States and Germany. Therefore, in my judgment, they come within the control of that provision of the Constitution which provides that the President of the United States shall be the Commander in Chief of the Army and of the Navy.

I think there is a very clear line of distinction between the passage by Congress of a bill which deals with the furnishing of supplies, with the furnishing of moneys, with the creation of the machinery that ultimately results in making the Army and the Navy, or in supplying the Army and Navy, and another class of legislation that attempts to control the actions of the Army and the Navy after they have been created and a state of war exists. When we come to the latter class, I believe the President is, as the Constitution says, "the Commander in Chief," with all that term implies. He has the right therefore to say where the Army shall go, and where the Navy shall go, and how and when and where they shall fight. In a word, the Constitution has placed upon the President the duty and has granted him the power "to formulate the plans" for the war and "to direct and procure their execution."

With that preliminary statement, let me call attention to what is known as the war-cabinet bill.

SEC. 2. That said war cabinet—

Now, notice the language—

shall have jurisdiction and authority as follows—

Jurisdiction and authority—

(a) To consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the existing war, and, in the manner hereinafter prescribed, to direct and procure the execution of the same.

Let me scan that, to make it plainer:

Said war cabinet shall have jurisdiction * * * to * * * formulate plans * * * for the * * * prosecution of the existing war, and * * * to direct * * * the execution of the same.

Mr. President, if you can put that power in a war cabinet, and if the war cabinet exercises that power, what is there left to the President? Instead of being the Commander in Chief of the Army, with the power to make plans for the movements of the Army, the plans are, according to this bill, to be made by a war council. Instead of being the Commander in Chief, with the power and the authority to execute the plans he has made for the movements of the Army, he finds that power has been by this bill taken from him and reposed in a cabinet unknown to the Constitution.

If we were to pass the bill in its present form, would not the war cabinet, that possessed the power "to make the plans for the war," "to prosecute the war," and "to direct the execution of the plans for the prosecution of the war," be in fact the commander? Would not the President become a mere figurehead directed by the war cabinet?

I shall not take the time of the Senate to read the other provisions of this bill. Senators who read them will find that the objection I raise runs throughout the bill. While there are certain paragraphs of it that provide that particular things shall be done with the direction or the sanction of the President, the paragraph I have read has no such limitation, and you will find other paragraphs in the bill without limitation. For those reasons I think it is not a bill that should be passed.

There is another view——

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. I yield to the Senator from Pennsylvania.

Mr. KNOX. Before the Senator from Missouri passes to the other point he is about to make, I should like to inquire what significance he attaches to the following words, which are not a part of the preamble, but are a part of the first section of the bill:

That there is hereby created a war cabinet, to be composed of three distinguished citizens of demonstrated executive ability, to be appointed by the President, by and with the advice and consent of the Senate, through which war cabinet the President may exercise such of the powers conferred on him by the Constitution and the laws of the United States as are hereinafter mentioned and described.

What significance does the Senator attach to that provision as qualifying the subsequent vesting of powers in the war cabinet. Would or would they not be all subject to the provision that the war cabinet shall be under the direction of the President?

I am inquiring for information. I never saw the bill until this moment.

Mr. REED. I grant, of course, the rule of construction that all of a bill must be considered together, and that the words just read by the Senator must be taken in connection with the other provisions of the bill, and yet I do not think that the words are controlling. I think that the specific power is found in the language I read a few moments ago in paragraph (a).

Mr. KNOX. But, Mr. President, may I not inquire if the Senator from Missouri does not also recognize that other rule of construction, that if it is possible to give a statute a construction that would make it constitutional, that is the construction that would be placed upon it, rather than a construction that would make it unconstitutional; and does not the insertion of these words make possible a constitutional construction of the bill?

Mr. REED. The rule for which the Senator contends—that a bill shall be construed as constitutional if it can be—is a rule which is applied by the courts after Congress has acted, the courts then taking the position that they will assume that Congress did not mean to do an unconstitutional thing; and accordingly they will limit the language, even twisting it somewhat from its natural meaning, in order that they may sustain the law. That is only another way of saying that the courts might remedy that which we ought to remedy here while we are passing the statute.

I do not care to do more than state this matter. I have not taken time to go into the libraries and search the books. I give it as my opinion that this bill, as drawn, plainly impinges upon the constitutional prerogatives of the President of the United States.

Mr. KNOX. Mr. President, if I may again interrupt the Senator from Missouri——

Mr. REED. Certainly.

Mr. KNOX. I have been impressed with the argument of the Senator from Missouri, and if I had not discovered this language I certainly would have been convinced by it. I doubt very much whether the proponents of this bill contemplated that any such construction should be placed upon it as the Senator from Missouri has placed upon it; and as for myself, I certainly should insist upon an amendment, if this measure is to pass at all, so that there could be no doubt whatever of the proposition that this war council is under the authority of the President.

Mr. REED. I am glad to have the Senator say that, because I know his respect for the Constitution is such, his knowledge of the law is such that his opinion will carry great weight with this body and with the country.

Mr. CHAMBERLAIN. May I interrupt the Senator?

Mr. REED. Yes.

Mr. CHAMBERLAIN. I can speak, I think, for some of the committee at least when I say that in formulating the bill the committee thought that the first section would cover the whole bill; in other words, that it would all be subject to the power of the President, and the cabinet, when appointed should be subject to him entirely. That is embodied in two or three of the subdivisions of the second section of the bill, but probably it would be better to put it in all. The committee intended that it should be all under the President, and that he should have the power.

Mr. REED. I think enough has been said to show that whatever should happen to this bill, it ought to have some further consideration in the committee and the language ought to be cleared up.

Mr. President, I come to another point, that seems to terminate all chance of any practical result from this bill. What is the situation? We have a President, we have a Cabinet, appointed by the President. The President is Commander in Chief of the Army. The Cabinet members perform the various duties falling to them, one member being Secretary of War, another Secretary of the Navy, and both of these responsible to their chief. In addition to that six of the members of the Cabinet are, by a statute of Congress, made into a war council. If those bodies thus created do not coordinate and bring together all of the various authorities of the executive branch of this Government, then it is inconceivable to me that they can be brought together by the appointment of three additional men. If the Secretary of War, the Secretary of the Navy, and the President of the United States do not constitute a war council having the power to coordinate and bring together every function of the executive department and of the war and naval forces of the country, then how will you accomplish it by the appointment of three other men?

It has been said by the Senator from Nebraska [Mr. HITCHCOCK] that the present war machinery is so complicated as to constitute a maze, in which we are hopelessly lost. He compares the war organization to that grove an English King planted in which people, mystified and bewildered, wander aimlessly. Mr. President, I adopt the simile and remark if the grove is made greater and larger and its ramifications more intricate, it will not help us find our way out.

We are told by these gentlemen that with the present machinery everything is chaos. If it is chaotic and if human ingenuity or lack of ingenuity is responsible for it, then where must we look for the individuals who are to be charged with the condition? Clearly, if there is chaos in the War Department, it must be charged to the Secretary of War; if there is chaos in the Navy Department, it must be charged to the Secretary of the Navy—unless, indeed, it must be charged to their chief, the President of the United States. If he did not interfere, if he allowed these Cabinet officers to act, then they are responsible. If he did interfere and caused them to act in an improper way, then the President as well as the Cabinet officers is responsible.

If it be true that the President has selected Cabinet officers who have produced chaos in the Army and in the Navy; if that indictment be a just indictment; if he has selected a man who is inefficient for Secretary of War, and a man who is inefficient for Secretary of the Navy—if he has done those things, what reason have we to believe that conditions would be at all improved if we were to command the President of the United States, by a law passed even over his veto, to select three more men? What reason have we to believe that he would select three better than those already there? How will you gain anything by compelling or requesting the President of the United States to pick more men, if those he has already selected are bad men?

searching out of defects and in applying proper remedies. For

shall have jurisdiction and authority as follows—

If those he has already selected were fastened upon him and he could not get free from them, we might afford him a means of escape by authorizing him to select three more. But he can, in a moment, get rid of the men he already has. Not only can he remove them, but their resignations, of course, will be tendered on the instant an intimation is offered.

Mr. WILLIAMS. Mr. President——

Mr. REED. In just one moment. If, upon the other hand, the President of the United States has the wisdom to select the three men that this bill proposes to authorize him to select, then he certainly has wisdom enough to select his Cabinet; and if he selected a Cabinet and selected it wisely and prudently, and if it has been doing that which it ought to do, then we should not, against his will and over his protest, force upon him men whom he does not want, and thus add a fifth wheel to a wagon, the driver of which says he does not want that fifth wheel, that he is content with the four wheels he already has. I yield to the Senator from Mississippi.

Mr. WILLIAMS. A new link to a chain will not make it any stronger. Now, let me ask the Senator a question there. Suppose this attack upon the Secretary of War—for that is what it is—were made directly and the Congress of the United States passed a vote of lack of confidence in the Secretary of War, does the Senator doubt one minute that the Secretary of War would resign and the President would accept his resignation?

Mr. REED. I hardly know how to answer.

Mr. WILLIAMS. I know if you were Secretary of War you would resign, and I know I would if Congress passed a vote of lack of confidence in me.

Mr. REED. Mr. President, I confess to a very great desire that all of the functions and the powers of our Government should be coordinated. I confess to a feeling of chagrin that some mistakes have been made. I do not see how we are going to remedy those defects by saying to the President, "You must appoint more men, although you do not want them. Although you say you are content with the men you have, you must nevertheless appoint more men." In what manner shall we profit? Who can guarantee the President would not appoint men who would make worse mistakes than those complained of. Let me be understood. I do not charge that bad men have been selected. I only argue from the hypothesis of the proponents of the bill.

Now, let me say a word in regard to these mistakes. If I thought there was a member of the Cabinet who would not correct abuses once his attention was called to them, I would say he ought to be impeached. But the truth of the matter is that mistakes having been discovered they have been corrected in most instances, and I believe will be corrected in every instance where possible.

The fundamental error of the sponsors of these bills is well illustrated by the argument of the Senator from Nebraska. He said if we had had a war cabinet, we would not have had a mistake made in the ordering of fuel; if we had had a war cabinet, we would not have had a shortage of ships or a lot of goods piled upon the docks that could not be moved, and so forth. Mr. President, how do we know we would not have had all these misfortunes? How do you know your war cabinet, if created, would not have made worse mistakes than have been made by the Secretary of War or the General Staff?

The Senator states if you had the Secretary of War and the Secretary of the Navy and the Secretary of the Treasury in a war cabinet, it would be satisfactory to him; yet the Senator's chief argument for the bill is the alleged inefficiency of two of these men. In what way would the situation be bettered if their titles of office were to be slightly altered. If you took them out of the Cabinet positions they now hold and in which inefficiency is charged, and put them into another room and painted over the door "War Cabinet," would you thereby increase their intelligence, their patriotism, their earnestness? If when you changed the titles you also changed the duties, the case would be different. But observe the duties of the war cabinet are in substance the duties of the Secretaries of War and Navy, on top of which are to be added the great duties of the President.

Mr. President, the trouble that nearly every reformer makes is in seeing the evil that is and multiplying it very many times over in his imagination, and then in conjuring up some remedy which he confidently assumes to be perfect in both theory and practice. The reformer always asserts for the child of his brain absolute infallibility. The proponents of this bill insist that there have been mistakes made by Cabinet officers, and now they say: Give us a war cabinet, even though it be composed of the very men who have made the mistakes, and it will make no mistake. But if you had had a war cabinet, it would have inevitably made mistakes, because it would have been human, and the same gentlemen who now urge this bill could then probably have made a very forcible argument about us follows: "Abolish the war cabinet and let us have just an ordinary Cabinet, and we will have done with all these mistakes."

With all due modesty, I suggest that the proper thing is not to condemn a system because there has been a mistake, but to find the mistake and correct it. A good system should never be destroyed because some individual has blundered. I have used the illustration before, and venture to repeat it. There are some men who if they find the plumbing out of order in their house know no other remedy than to burn down the house and build a new one of a different kind, and perhaps get worse plumbing in the new house than they had in the old one. But there are other men who wisely say: "This old house was built by honest workmen; it kept us from wind and storm these many years. True, the plumbing is out of order, but we will not for that cause destroy the house; we will simply fix the plumbing." So it is that we find men who because some mistakes have come to us in the great haste of preparation in this war think the thing to do is to destroy the system, take the authority from those officers who have heretofore had it, and create a new machinery, and then they assume that the new machinery will work with infallibility. But that is the greatest mistake men ever made in the world, for the new machine is as liable to go wrong as the old machine; it has no especial virtues or powers.

Ah, but somebody says these three men would be together; everything would be considered and coordinated by them. Mr. President, the Secretary of War, the Secretary of the Navy, and the President of the United States are compelled to be together, and are together almost every day of their lives. The great war plans are supposed to be worked out through the War College and by the General Staff, and after they have all been thus worked out they are brought up through the Secretaries of War and the Navy to the President of the United States. If that be not coordination, can we get coordination by appointing three other men to possess powers that will in the very nature of things conflict to a greater or less extent with the powers of the Secretary of War, the Secretary of the Navy, and the President of the United States. We are much more likely to produce a conflict than a coordination of powers.

Mr. STONE. Or to subordinate the powers of the President and the Secretary to the three men.

Mr. REED. I accept the amendment of my colleague to subordinate the power of the President, to subordinate the power of the Secretary of War, to subordinate the power of the Secretary of the Navy to three other men; to place the Secretary of War and place the Secretary of the Navy and place the President of the United States in a position where before they can move they must obtain the consent of the three other men. If that be not complicating the machinery, if that be not increasing the size of the maze and the difficulties of the road that must be traveled, if that be not the creation of additional red tape, then I do not understand the import of the bill.

I know the purpose of the authors of this bill. It is a good one. I know the intention was good; but when the President, charged with these responsibilities, declares he does not want this legislation, and when this legislation pertains absolutely to the movement of the Army and the Navy and of the Military Establishment, that comes within the special prerogatives of the President, I do not see what is to be gained by attempting to force the legislation upon him.

It is well known to all of you that I have been one of the men in the Senate who have stood for the independence of the legislative branch. I have held it to be utterly abominable to claim that Congress can not originate its own legislation. I have held it to be unwise that the will of Congress should be interfered with in any way by outside influences or by intrigue or by lobbying, whether it come from a high or a low source. I still hold to that doctrine. But just as I would repel every attempt to take away from Congress its constitutional power, so will I stand here and elsewhere and insist that Congress shall not attempt to take away those powers which the Constitution has vested in the Executive of the country.

Now, let me offer a word, which I hope I can do without injuring the sensibilities of any man. I think it is not wise to press this legislation for the reasons I have given. I think that if we were to force this legislation upon the President and if we were to appoint men under this pressure from Congress he would certainly be superhuman if he did not appoint men who would do exactly as he wanted them to do. Thus you would have added only three more men, and the President would still exercise, as he ought to exercise, his powers under the Constitution of the United States.

But, Mr. President, I think the thing to do is to not press this legislation. I think the thing to do is to let this matter stop. At the same time I believe that Congress should try to discover every mistake that has been made. But the inquiry should be pursued not in malice but really with the hope of correcting the blunders of the past and thus strengthening our arms for the future.

Remember, as we criticize how easy it is for the brain that is incapable of evolving a great plan once the plan has had birth in the brain of another, once it has been put into execution, to point to a fault here and to a failure there, how easy it is to then recklessly condemn the whole. I appeal for a different sentiment in this body and in the country. I appeal for free criticism, but for kindly criticism. I appeal for constructive criticism, and I insist that as we apply that constructive criticism we should also give credit where credit is due. Behold what has been accomplished. From their homes a million five hundred thousand men have been mobilized in camps. If every rifle was not at once ready every rifle will soon be ready. If we did not have factories capable of making all the cannon needed, behold the factories are now at work creating the armament that will, as we hope, under the providence of God win the war. If we do not have powder factories, let those of us who thought this country so far removed from the conflicts of Europe that we would never become involved in her quarrels, who sat supinely confident of our isolation and our greatness, take our share of the responsibility for lack of the powder mills.

As we pause to look at what has been accomplished, I point to the fact that the greatest fleet of aeroplanes ever conceived in the brain of man will soon be in the skies and over the battle line. If the hospitals have not been all that we desire—and I with all of you execrate the physicians who allowed boys to needlessly die—remember that that superb representative of the medical profession, Gen. Gorgas, has promised investigation and rectification and punishment for the guilty.

As we look upon this scene remember that we have been obliged to mobolize industries from the Atlantic to the Pacific, to transform factories, to train men; and we have even been obliged to send men armed with rifles, members of the military, into the forests to cut down the trees. Remember that everywhere there are millions of hammers pounding at this moment. Sparks are flying from hundreds of thousands of anvils. Countless wheels are whirring. Amidst the snows of the forest men are, with tireless arms, hewing the timbers for a mighty fleet. Great freight trains are rushing across the continent laden with munitions of war. Ships are sailing from every American port laden with food for the gallant nations that fight by our side. Remember that Uncle Sam is gathering the wealth and power of the earth in his mighty arms, and that he will not fail to render a good account on Europe's blood-drenched battle fields. Remember that back of all this is something better than armament—the deathless courage and determination of the American people to win this great conflict. Let no man discourage the people; let no man seek to put out in the hearts of the people that flame of patriotic ardor which burns to-day. Let us have done with whatever there may be of politics. Let us, I say again, relentlessly pursue these mistakes to the end that they may be corrected. But let us not try to win this war by seeking to deprive the President of the powers conferred upon him by the Constitution of the fathers.

SOLDIERS AND SAILORS' CIVIL RELIEF.

Mr. OVERMAN. I move that the Senate proceed to the consideration of the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

Mr. SMOOT. What is the calendar number?

Mr. OVERMAN. It is not on the calendar. It was reported this morning from the Judiciary Committee.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina to proceed to the consideration of the bill indicated by him.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. STONE rose.

Mr. OVERMAN. As the bill is now the unfinished business, I yield to the Senator from Missouri to move an executive session.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 4 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 5, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 4, 1918.

ASSISTANT TREASURER OF THE UNITED STATES.

Willard D. Vandiver, of St. Louis, Mo., to be assistant treasurer of the United States at St. Louis, Mo. (Reappointment.)

SOLICITOR FOR THE DEPARTMENT OF LABOR.

John W. Abercrombie, of Anniston, Ala., to be Solicitor for the Department of Labor, vice John B. Densmore, resigned.

NAVAL OFFICER OF CUSTOMS.

John B. Nash, of Boston, Mass., to be naval officer of customs in customs collection district No. 4, with headquarters at Boston, Mass. (Reappointment.)

SURVEYOR GENERAL.

Louis H. Mooser, of California, to be surveyor general of California, vice Frank H. Gould, deceased.

PROMOTIONS IN THE PUBLIC HEALTH SERVICE.

Asst. Surg. Walter Matthew Jones to be passed assistant surgeon in the Public Health Service, to rank as such from December 11, 1917.

Asst. Surg. William Howard Slaughter to be passed assistant surgeon in the Public Health Service, to rank as such from December 9, 1917.

Asst. Surg. James Gayley Townsend to be passed assistant surgeon in the Public Health Service, to rank as such from December 6, 1917.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Maj. Llewellyn P. Williamson, Medical Corps (General Staff), to be lieutenant colonel from January 1, 1918, vice Lieut. Col. Nelson Gapen, retired from active service December 31, 1917.

Maj. William R. Davis, Medical Corps, to be lieutenant colonel from January 1, 1918, vice Lieut. Col. Llewellyn P. Williamson, retained in the General Staff.

FIELD ARTILLERY ARM.

To be first lieutenants with rank from August 30, 1917.

Second Lieut. Thurston E. Wood, Field Artillery, vice First Lieut. Sidney G. Brady, promoted.

Second Lieut. John M. Johnson, Field Artillery, vice First Lieut. George A. Pollin, promoted.

Second Lieut. William O. Reeder, Field Artillery, vice First Lieut. David E. Finkbiner, promoted.

Second Lieut. William K. Kolb, Field Artillery, vice First Lieut. Chauncey F. Ruoff, promoted.

To be first lieutenants with rank from October 12, 1917.

Second Lieut. William R. Gerhardt, Field Artillery, vice First Lieut. Erwin C. W. Davis, promoted.

Second Lieut. Theodore E. Buechler, Field Artillery, vice First Lieut. Emile G. De Coen, promoted.

Second Lieut. Frederick E. Tibbetts, jr., Field Artillery, vice First Lieut. Arthur N. White, promoted.

Second Lieut. Samuel D. Ringsdorf, Field Artillery, vice First Lieut. Patrick L. Lynch, promoted.

Second Lieut. Redmond F. Kernan, jr., Field Artillery, vice First Lieut. Ivan N. Bradley, promoted.

Second Lieut. Theodore L. Futch, Field Artillery, vice First Lieut. John J. McCollister, promoted.

Second Lieut. Russell L. Meredith, Field Artillery, vice First Lieut. Frank A. Roberts, promoted.

Second Lieut. William I. Wilson, Field Artillery, vice First Lieut. William D. Alexander, promoted.

Second Lieut. Harold A. Cooney, Field Artillery, vice First Lieut. Herbert L. Lee, promoted.

Second Lieut. John T. Knight, jr., Field Artillery, vice First Lieut. Richard J. Marshall, promoted.

Second Lieut. Miles A. Cowles, Field Artillery, vice First Lieut. Ralph T. Heard, promoted.

Second Lieut. Lawrence McC. Jones, Field Artillery, vice First Lieut. Harcourt Hervey, promoted.

Second Lieut. Gordon G. Heiner, jr., Field Artillery, vice First Lieut. Francis W. Sheppard, promoted.

Second Lieut. Edward J. Wolff, jr., Field Artillery, vice First Lieut. William J. Jones, placed on the detached officers' list.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

INFANTRY ARM.

Second Lieut. Leonard Lucado Mintgomery, Cavalry, to be second lieutenant of Infantry, with rank from October 26, 1917.

Tuesday, February 5, 1918, at 12 o'clock meridian.

second lieutenant of Infantry, with rank from October 26, 1917.

TRANSFER TO THE ACTIVE LIST OF THE ARMY.

INFANTRY ARM.

Second Lieut. Charles W. Harris, United States Army, retired, to the grade of captain in the Infantry arm with rank from July 1, 1916.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

FIELD ARTILLERY ARM.

To be first lieutenants with rank from August 9, 1917.

Second Lieut. Leon A. Des Pland, jr., Field Artillery, vice First Lieut. Clarence E. Bradburn, promoted.

Second Lieut. Charles W. McCleary, Field Artillery, vice First Lieut. Sherman L. Kiser, promoted.

Second Lieut. John L. Gammell, Field Artillery, vice First Lieut. Emer Yeager, promoted.

Second Lieut. James W. Emerson, jr., Field Artillery, vice First Lieut. Marion C. Heyser, promoted.

Second Lieut. Ward H. Maris, Field Artillery, vice First Lieut. Idus R. McLendon, promoted.

Second Lieut. Roderick S. Patch, Field Artillery, vice First Lieut. Michael J. Fibich, promoted.

To be first lieutenants with rank from October 24, 1917.

Second Lieut. Joseph W. Del Alamo, Field Artillery, vice First Lieut Yarrow D. Vesely, placed on the detached officers' list.

Second Lieut. Richard W. Hocker, Field Artillery, vice First Lieut. Charles B. Thomas, placed on the detached officers' list.

Second Lieut. William McK. Dunn, Field Artillery, vice First Lieut. Oliver J. Bond, jr., placed on the detached officers' list.

Second Lieut. Willard S. Simpkins, Field Artillery, vice First Lieut. Benjamin E. Carter, placed on the detached officers' list.

Second Lieut. Rene J. Le Gardeur, jr., Field Artillery, vice First Lieut. Edmund B. Edwards placed on the detached officers' list.

Second Lieut. Corydon H. Sutton, jr., Field Artillery, vice First Lieut. Theodore W. Wrenn, placed on the detached officers' list.

Second Lieut. Henry M. Ladd, jr., Field Artillery, vice First Lieut. Harold W. Rehm, placed on the detached officers' list.

Second Lieut. Gustav E. Moe, Field Artillery, vice First Lieut. Clifford H. Tate, placed on the detached officers' list.

Second Lieut. Philip Ramer, Field Artillery, vice First Lieut. Ottomar O'Donnell, placed on the detached officers' list.

Second Lieut. Ozro F. Rideout, Field Artillery, vice First Lieut. Oliver P. Echols, placed on the detached officers' list.

Second Lieut. Floyd C. Marshall, Field Artillery, vice First Lieut. Clement Ripley, placed on the detached officers' list.

Second Lieut. Harris M. Findlay, Field Artillery, vice First Lieut. Albert R. Ives, placed on the detached officers' list.

Second Lieut. Thomas F. Furness, Field Artillery, vice First Lieut. William M. Jackson, placed on the detached officers' list.

Second Lieut. Joseph L. Corcoran, Field Artillery, vice First Lieut. Stacy Knopf, placed on the detached officers' list.

Second Lieut. Dana M. Hubbard, Field Artillery, vice First Lieut. David M. Pope, placed on the detached officers' list.

Second Lieut. Clyde W. White, Field Artillery, vice First Lieut. Eugene H. Willenbucher, placed on the detached officers' list.

Second Lieut. Preston S. Hoyt, Field Artillery, vice First Lieut. Francis W. Sheppard, placed on the detached officers' list.

Second Lieut. Clifford A. Laflin Field Artillery vice First Lieut. Robert M. Bathurst, placed on the detached officers' list.

To be first lieutenants with rank from October 25, 1917.

Second Lieut. Willis W. Hubbard, Field Artillery, vice First Lieut. Charles E. Hurdis, placed on the detached officers' list.

Second Lieut. Fairfax S. Landstreet, Field Artillery, vice First Lieut. Henry J. Schroeder, placed on the detached officers' list.

Second Lieut. Floyd W. Stewart, Field Artillery, vice First Lieut. Harold A. Nisley, placed on the detached officers' list.

Second Lieut. Fairfax D. Downey, Field Artillery, vice First Lieut. Fenton H. McGlachlin, placed on the detached officers' list.

Second Lieut. Bernard C. Law, Field Artillery, vice First Lieut. James L. Guion, placed on the detached officers' list.

Second Lieut. George F. Downey, jr., Field Artillery, vice First Lieut. George D. Wahl, placed on the detached officers' list.

Second Lieut. Andrew Carrigan, jr., Field Artillery, vice First Lieut. Ray H. Lewis, placed on the detached officers' list.

Second Lieut. Harley Latson, Field Artillery, vice First Lieut. Augustus M. Gurney, placed on the detached officers' list.

Second Lieut. John V. Thompson, Field Artillery, vice First Lieut. Oliver B. Cardwell, placed on the detached officers' list.

Second Lieut. Carl Z. Draves, Field Artillery, vice First Lieut. Rex W. Bensley, placed on the detached officers' list.

Second Lieut. Archibald D. Fisken, Field Artillery, vice First Lieut. Frank Langham, placed on the detached officers' list.

Second Lieut. Samuel C. Holliday, Field Artillery, vice First Lieut. William F. Maher, placed on the detached officers' list.

Second Lieut. Emory M. Hoover, Field Artillery, vice First Lieut. Joseph Kennedy, placed on the detached officers' list.

Second Lieut. William M. Garrison, Field Artillery, vice First Lieut. Gilbert P. Kearns, placed on the detached officers' list.

Second Lieut. Leon J. Paddock, Field Artillery, vice First Lieut. John H. Carriker, placed on the detached officers' list.

Second Lieut. Bryan C. Curtis, Field Artillery, vice First Lieut. Peter P. Michalek, placed on the detached officers' list.

Second Lieut. Harry N. Nicholls, Field Artillery, vice First Lieut. Wendell L. Bevan, placed on the detached officers' list.

Second Lieut. Arthur N. Selby, Field Artillery, vice First Lieut. Frank W. Lykes, placed on the detached officers' list.

Second Lieut. Thomas H. McKoy, jr., Field Artillery, vice First Lieut. Alan L. Campbell, placed on the detached officers' list.

Second Lieut. Walter A. Phillips, Field Artillery, vice First Lieut. Oscar B. Ralls, placed on the detached officers' list.

Second Lieut. Stuart M. Canby, Field Artillery, vice First Lieut. Christiancy Pickett, placed on the detached officers' list.

Second Lieut. Harry Y. Stebbins, Field Artillery, vice First Lieut. Ernest T. Barco, placed on the detached officers' list.

Second Lieut. Edmund D. Margrave, Field Artillery, vice First Lieut. Lester A. Daugherty, placed on the detached officers' list.

Second Lieut. Harry Darby, jr., Field Artillery, vice First Lieut. Harry B. Berry, placed on the detached officers' list.

Second Lieut. Samuel P. Griffitts, Field Artillery, vice First Lieut. Robert W. Yates, placed on the detached officers' list.

Second Lieut. Joseph W. Loef, Field Artillery, vice First Lieut. Ben M. Sawbridge, placed on the detached officers' list.

Second Lieut. Charles B. Bonner, Field Artillery, vice First Lieut. Warren D. Davis, placed on the detached officers' list.

Second Lieut. Arthur L. Warren, Field Artillery, vice First Lieut. Dominic J. Sabini, placed on the detached officers' list.

Second Lieut. Thomas K. Vincent, Field Artillery, vice First Lieut. Herman Feldman, placed on the detached officers' list.

Second Lieut. Merritt H. Greene, Field Artillery, vice First Lieut. Charles M. Stephens, placed on the detached officers' list.

Second Lieut. William B. Weakley, Field Artillery, vice First Lieut. David S. Doggett, placed on the detached officers' list.

Second Lieut. William B. Tucker, Field Artillery, vice First Lieut. Arthur D. Ruppel, placed on the detached officers' list.

Second Lieut. Philip D. Tryon, Field Artillery, vice First Lieut. Stephen H. Cordill, placed on the detached officers' list.

Second Lieut. Ary C. Berry, Field Artillery, vice First Lieut. Moe Neufeld, placed on the detached officers' list.

Second Lieut. George Davidson, jr., Field Artillery, vice First Lieut. Harry Hollander, placed on the detached officers' list.

Second Lieut. David L. Ruffner, Field Artillery, vice First Lieut. Edmond C. Fleming, placed on the detached officers' list.

Second Lieut. Mark M. Serum, Field Artillery, vice First Lieut. Miles M. Elder, placed on the detached officers' list.

Second Lieut. Louis H. Penney, Field Artillery, vice First Lieut. William W. Belcher, placed on the detached officers' list.

Second Lieut. Ross B. Warren, Field Artillery, vice First Lieut. Robert F. Blodgett, placed on the detached officers' list.

To be first lieutenant with rank from November 5, 1917.

Second Lieut. Addison H. Douglass, Field Artillery, vice First Lieut. Robert W. Daniels, promoted.

To be first lieutenant with rank from December 5, 1917.

Second Lieut. Arthur E. Fox, Field Artillery, vice First Lieut. John S. Winslow, promoted.

To be first lieutenant with rank from January 4, 1918.

Second Lieut. Lewis A. Bond, Field Artillery, vice First Lieut. George N. Ruhberg, promoted.

CAVALRY ARM.

Second Lieut. Ralston D. Livingstone, Cavalry, to be first lieutenant from October 24, 1917, to fill an existing vacancy.

INFANTRY ARM.

To be first lieutenant with rank from July 9, 1917.

Second Lieut. Charles A. Drake, Infantry, vice First Lieut. Lindsay McD. Silvester, promoted.

To be first lieutenant with rank from July 13, 1917.

Second Lieut. James L. Ballard, Infantry, vice First Lieut. Herbert M. Pool, promoted.

To be first lieutenants with rank from August 7, 1917.

Second Lieut. Earl E. Major, Infantry, vice First Lieut. George D. Murphey, promoted.

Second Lieut. Lloyd C. Parsons, Infantry, vice First Lieut. Mord P. Short, promoted.

Second Lieut. Claudius M. Easley, Infantry, vice First Lieut. William C. Rose, promoted.

Second Lieut. Claude G. Hammond, Infantry, vice First Lieut. George C. Elsey, promoted.

Second Lieut. Henry V. Dexter, Infantry, vice First Lieut. Maxon S. Lough, promoted.

Second Lieut. Ted H. Cawthorne, Infantry, vice First Lieut. Ford Richardson, promoted.

Second Lieut. Edward Harrah, Infantry, vice First Lieut. John T. Rhett, promoted.

Second Lieut. Nelson Hill, Infantry, vice First Lieut. Livingston Watrous, promoted.

Second Lieut. Robert W. Corrigan, Infantry, vice First Lieut. J. Pendleton Wilson, promoted.

Second Lieut. Richard H. Elliott, Infantry, vice First Lieut. Charles S. Little, promoted.

Second Lieut. Robert H. Lord, Infantry, vice First Lieut. Herbert A. Wadsworth, promoted.

Second Lieut. Mose K. Pigman, Infantry, vice First Lieut. Medorem Crawford, jr., promoted.

Second Lieut. Otto J. Endres, Infantry, vice First Lieut. Albert M. Jones, promoted.

Second Lieut. John J. Hannigan, Infantry, vice First Lieut. John E. Creed, promoted.

Second Lieut. Ruthford L. Herr, Infantry, vice First Lieut. Gerald E. Cronin, promoted.

Second Lieut. Herbert G. Esden, Infantry, vice First Lieut. Glenn P. Wilhelm, promoted.

Second Lieut. Norman Spencer, Infantry, vice First Lieut. Albert S. Kuegle, promoted.

Second Lieut. Hunter L. Girault, Infantry, vice First Lieut. Theodore R. Murphy, promoted.

Second Lieut. Rex W. Minckler, Infantry, vice First Lieut. Matthew J. Gunner, promoted.

Second Lieut. George A. Jackson, Infantry, vice First Lieut. Henry Terrell, jr., promoted.

Second Lieut. Roy F. Lynd, Infantry, vice First Lieut. Thomas J. Camp, promoted.

Second Lieut. Hugo J. Endres, Infantry, vice First Lieut. Harry A. Musham, promoted.

Second Lieut. Wade H. Johnson, Infantry, vice First Lieut. Frank C. Mahin, promoted.

Second Lieut. Robert C. Patterson, Infantry, vice First Lieut. Dale F. McDonald, promoted.

Second Lieut. Francis W. Kernan, Infantry, vice First Lieut. Edward H. Bertram, promoted.

Second Lieut. John N. McNaughton, Infantry, vice First Lieut. Hayes A. Kroner, promoted.

Second Lieut. Samuel J. Speevack, Infantry, vice First Lieut. Harry L. Twaddle, promoted.

Second Lieut. Maximilian Clay, Infantry, vice First Lieut. John H. Harrison, promoted.

Second Lieut. Frederick S. Schmitt, Infantry, vice First Lieut. William R. White, promoted.

Second Lieut. Calvert H. Arnold, Infantry, vice First Lieut. Philip Caldwell, promoted.

Second Lieut. Clarence L. Morton, Infantry, vice First Lieut. William H. Gill, promoted.

Second Lieut. George S. Prugh, Infantry, vice First Lieut. d'Alary Fechét, promoted.

Second Lieut. Homer F. Tate, Infantry, vice First Lieut. Basil D. Edwards, promoted.

Second Lieut. Harold Montague, Infantry, vice First Lieut. Wade H. Haislip, promoted.

Second Lieut. Kenyon H. Clark, Infantry, vice First Lieut. Walter M. Robertson, promoted.

Second Lieut. Cyril M. Stillson, Infantry, vice First Lieut. Max W. Sullivan, promoted.

Second Lieut. Richard H. Johnston, Infantry, vice First Lieut. John N. Smith, jr., promoted.

Second Lieut. John B. Cockburn, Infantry, vice First Lieut. Stephen J. Chamberlin, promoted.

Second Lieut. George T. Fleet, Infantry, vice First Lieut. Edward C. Rose, promoted.

Second Lieut. Clifton M. Brown, Infantry, vice First Lieut. Ralph C. Holliday, promoted.

Second Lieut. Arthur Bloch, Infantry, vice First Lieut. William G. Weaver, promoted.

Second Lieut. Edward J. Rasch, Infantry, vice First Lieut. Adrian K. Polhemus, promoted.

Second Lieut. Walter B. Flynn, Infantry, vice First Lieut. Henry C. McLean, promoted.

Second Lieut. Otto W. Neidert, Infantry, vice First Lieut. Frank J. Riley, promoted.

Second Lieut. Edwin S. Beall, Infantry, vice First Lieut. Benjamin F. Delamater, jr., promoted.

Second Lieut. Ralph E. Bower, Infantry, vice First Lieut. Carl J. Adler, promoted.

Second Lieut. Charles W. Ogden, Infantry, vice First Lieut. George H. Gardiner, promoted.

Second Lieut. Peter W. Ebbert, Infantry, vice First Lieut. Alfred L. Rockwood, promoted.

Second Lieut. George L. Eberle, Infantry, vice First Lieut. George W. Polhemus, promoted.

Second Lieut. Marcus B. Bell, Infantry, vice First Lieut. Floyd C. Hecox, promoted.

To be first lieutenants with rank from August 8, 1917.

Second Lieut. Henry Pascale, Infantry, vice First Lieut. Carl A. Hardigg, promoted.

Second Lieut. Frank R. Marston, Infantry, vice First Lieut. Carl L. Cohen, promoted.

Second Lieut. George W. Swift, Infantry, vice First Lieut. William T. Pigott, jr., promoted.

Second Lieut. Lorraine D. Fields, Infantry, vice First Lieut. Herbert J. Lawes, promoted.

Second Lieut. Remington Orsinger, Infantry, vice First Lieut. Robert C. Williams, promoted.

Second Lieut. William S. Morris, Infantry, vice First Lieut. Paul X. English, promoted.

Second Lieut. Joseph W. Bollenbeck, Infantry, vice First Lieut. Paul Murray, promoted.

Second Lieut. Kenneth C. Bell, Infantry, vice First Lieut. William D. Faulkner, promoted.

Second Lieut. Arnold Michelson, Infantry, vice First Lieut. Edgar A. Stadden, promoted.

Second Lieut. Thomas F. Kensler, Infantry, vice First Lieut. Frederic V. Hemenway, promoted.

Second Lieut. Monroe M. Friedman, Infantry, vice First Lieut. Clarence M. Dodson, promoted.

Second Lieut. Lee C. Lewis, Infantry, vice First Lieut. Percie E. Rentfro, promoted.

Second Lieut. Cyrus J. Rounds, Infantry, vice First Lieut. Carl J. Ballinger, promoted.

Second Lieut. John D. Forsythe, Infantry, vice First Lieut. Richard T. Taylor, promoted.

Second Lieut. Samuel L. Alexander, Infantry, vice First Lieut. George LeR. Brown, jr., promoted.

Second Lieut. Albert D. Johnson, Infantry, vice First Lieut. John R. Baxter, promoted.

Second Lieut. Roger W. Morse, Infantry, vice First Lieut. Robert H. Barrett, promoted.

Second Lieut. Leslie T. Lathrop, Infantry, vice First Lieut. Ernest J. Carr, promoted.

Second Lieut. Andrew A. Cook, Infantry, vice First Lieut. Patrick J. Hurley, promoted.

Second Lieut. Lewis A. Maury, Infantry, vice First Lieut. Donald R. McMillen, promoted.

Second Lieut. Dan W. Flickinger, Infantry, vice First Lieut. Hugh B. Keen, promoted

Second Lieut. Robert D. Porter, Infantry, vice First Lieut. Samuel J. Heidner, promoted.

Second Lieut. Ralph E. Richards, Infantry, vice First Lieut. John H. VanVliet, promoted.

Second Lieut. Chester G. Hadden, Infantry, vice First Lieut. Douglass T. Greene, promoted.

Second Lieut. Ralph H. Wooten, Infantry, vice First Lieut. Clarence H. Danielson, promoted.

Second Lieut. Kenneth B. Bush, Infantry, vice First Lieut. Francis R. Fuller, promoted.

Second Lieut. Donald C. Williams, Infantry, vice First Lieut. John E. Ardrey, promoted.

Second Lieut. Russell D. Barnes, Infantry, vice First Lieut. David B. Falk, promoted.

Second Lieut. Victor Patterson, Infantry, vice First Lieut. Henry P. Perrine, promoted.

Second Lieut. Thorgny C. Carlson, Infantry, vice First Lieut. Dennis E. McCunniff, promoted.

Second Lieut. Lyman C. Ward, Infantry, vice First Lieut. Paul W. Newgarden, promoted.

Second Lieut. James D. Brown, Infantry, vice First Lieut. Dana Palmer, promoted.

Augustus M. Gurney, placed on the detached officers' list.

Lindsay McD. Silvester, promoted.

Second Lieut. Clifton M. Brown, Infantry, vice First Lieut. Ralph C. Holliday, promoted.

Second Lieut. James D. Brown, Infantry, vice First Lieut. Dana Palmer, promoted.

Second Lieut. Harold C. McClelland, Infantry, vice First Lieut. Alexander M. Patch, jr., promoted.

Second Lieut. Robert C. Brunson, Infantry, vice First Lieut. William A. Rafferty, promoted.

To be first lieutenants with rank from August 9, 1917.

Second Lieut. Walter E. Wynne, Infantry, vice First Lieut. Frank B. Jordan, promoted.

Second Lieut. Norman L. Baldwin, Infantry, vice First Lieut. Alfred E. Sawkins, promoted.

Second Lieut. Roger Howell, Infantry, vice First Lieut. Roy M. Smith, promoted.

Second Lieut. Kenneth McIntosh, Infantry, vice First Lieut. Fritz T. Lindh, promoted.

Second Lieut. Fred R. Wolff, Infantry, vice First Lieut. James L. Bradley, promoted.

Second Lieut. Arthur C. Carlton, Infantry, vice First Lieut. Willis J. Tack, promoted.

Second Lieut. Robert V. Finney, Infantry, vice First Lieut. Weldon W. Doe, promoted.

Second Lieut. Peter F. Connor, Infantry, vice First Lieut. Woodfin G. Jones, promoted.

Second Lieut. Philip D. Wessen, Infantry, vice First Lieut. Paul C. Paschal, promoted.

Second Lieut. Clement D. Johnston, Infantry, vice First Lieut. John S. Parkinson, promoted.

Second Lieut. Edward J. Hardin, Infantry, vice First Lieut. Rudolph G. Whitten, promoted.

Second Lieut. Harman P. Agnew, Infantry, vice First Lieut. Louis T. Byrne, promoted.

Second Lieut. Floyd Lyle, Infantry, vice First Lieut. William R. Orton, promoted.

Second Lieut. Francis W. Stone, jr., Infantry, vice First Lieut. Francis H. Forbes, promoted.

Second Lieut. Don C. Faith, Infantry, vice First Lieut. Rufus S. Bratton, promoted.

Second Lieut. Charles B. Herrick, Infantry, vice First Lieut. Thomas G. Lanthier, promoted.

Second Lieut. Raymond Orr, Infantry, vice First Lieut. Jefferson R. Davenport, promoted.

Second Lieut. Thomas H. Austin, Infantry, vice First Lieut. Harry M. Brown, promoted.

Second Lieut. James W. Anderson, Infantry, vice First Lieut. Thomas H. Monroe, promoted.

Second Lieut. Edgar T. Fell, Infantry, vice First Lieut. Cedric W. Lewis, promoted.

Second Lieut. Archibald R. MacKechnie, Infantry, vice First Lieut. Clifford J. Mathews, promoted.

Second Lieut. Joseph B. Kilbride, Infantry, vice First Lieut. Howard P. Milligan, promoted.

Second Lieut. Francis H. Wilson, Infantry, vice First Lieut. Frank W. Milburn, promoted.

Second Lieut. Walter A. Mack, Infantry, vice First Lieut. J. Warren Weissheimer, promoted.

Second Lieut. Arthur P. Williams, Infantry, vice First Lieut. Isaac Gill, jr., promoted.

Second Lieut. William H. Pender, Infantry, vice First Lieut. Jens A. Doe, promoted.

Second Lieut. John C. Kernan, Infantry, vice First Lieut. Lester L. Lampert, promoted.

Second Lieut. Maxton H. Flint, Infantry, vice First Lieut. Parley D. Parkinson, promoted.

Second Lieut. Edward M. Bates, Infantry, vice First Lieut. Charles W. Ryder, promoted.

Second Lieut. Edward J. Gorman, Infantry, vice First Lieut. Omar N. Bradley, promoted.

Second Lieut. Charles S. Pettee, Infantry, vice First Lieut. Paul J. Mueller, promoted.

Second Lieut. Elmer E. Hagler, jr., Infantry, vice First Lieut. Leland S. Hobbs, promoted.

Second Lieut. Sidney H. Negrotto, Infantry, vice First Lieut. Vernon Evans, promoted.

Second Lieut. Gustav J. Braun, Infantry, vice First Lieut. Roscoe B. Woodruff, promoted.

Second Lieut. Frederick V. Burgess, Infantry, vice First Lieut. Lewis C. Davidson, promoted.

Second Lieut. Everett L. Upson, Infantry, vice First Lieut. Dwight D. Eisenhower, promoted.

Second Lieut. Walter R. Curfman, Infantry, vice First Lieut. Harold W. James, promoted.

Second Lieut. Don F. Pratt, Infantry, vice First Lieut. James B. Ord, promoted.

Second Lieut. Ralph E. Mooney, Infantry, vice First Lieut. John E. Rossell, promoted.

Second Lieut. Willard A. Reddish, Infantry, vice First Lieut. Whitten J. East, promoted.

Second Lieut. Ernest R. Percy, Infantry, vice First Lieut. Sidney C. Graves, promoted.

Second Lieut. Marcellus L. Countryman, jr., Infantry, vice First Lieut. Jo H. Reaney, promoted.

Second Lieut. John C. Shaw, Infantry, vice First Lieut. John W. Leonard, promoted.

Second Lieut. Harry L. Stoner, Infantry, vice First Lieut. John A. McDermott, promoted.

Second Lieut. James M. Arthur, Infantry, vice First Lieut. Clyde R. Eisenschmidt, promoted.

Second Lieut. Donald Van P. Yewell, Infantry, vice First Lieut. James A. Van Fleet, promoted.

Second Lieut. Asa F. Coleman, Infantry, vice First Lieut. Louis A. Merillat, jr., promoted.

Second Lieut. Charles J. McIntyre, Infantry, vice First Lieut. Edward G. Sherburne, promoted.

Second Lieut. Phillip M. Oviatt, Infantry, vice First Lieut. Michael F. Davis, promoted.

Second Lieut. Edwin H. Randle, Infantry, vice First Lieut. Luis R. Esteves, promoted.

Second Lieut. Francis M. Rich, Infantry, vice First Lieut. Stuart C. MacDonald, promoted.

Second Lieut. Edwin G. Watson, Infantry, vice First Lieut. Metcalfe Reed, promoted.

Second Lieut. Leon F. Sullivan, Infantry, vice First Lieut. Benjamin G. Ferris, promoted.

Second Lieut. Walter C. Armstrong, Infantry, vice First Lieut. Charles S. Ritchel, promoted.

Second Lieut. William B. Townsend, Infantry, vice First Lieut. Thomas G. Hearn, promoted.

Second Lieut. Hunter McGuire, Infantry, vice First Lieut. Donald Henley, promoted.

Second Lieut. Andrew L. Tucker, Infantry, vice First Lieut. Alfred S. Balsam, promoted.

Second Lieut. Steven V. Wilson, Infantry, vice First Lieut. Otto A. B. Hooper, promoted.

Second Lieut. Edwin R. Rinker, Infantry, vice First Lieut. Howard Donnelly, promoted.

Second Lieut. John H. Gibson, Infantry, vice First Lieut. John N. Robinson, promoted.

Second Lieut. George W. Gering, Infantry, vice First Lieut. Tom Fox, promoted.

Second Lieut. Cecil M. Neal, Infantry, vice First Lieut. Jacob J. Gerhardt, promoted.

Second Lieut. Jay W. Sechler, Infantry, vice First Lieut. Vernon E. Prichard, promoted.

Second Lieut. Walter E. Ditmars, Infantry, vice First Lieut. Robert B. Lorch, promoted.

Second Lieut. Paul H. Darrington, Infantry, vice First Lieut. Adlai H. Gilkeson, promoted.

Second Lieut. John W. Spaulding, Infantry, vice First Lieut. Gilbert S. Brownell, promoted.

Second Lieut. Sidney B. Scott, Infantry, vice First Lieut. Richard C. Stickney, promoted.

Second Lieut. Ralph H. Countryman, Infantry, vice First Lieut. Philip K. McNair, promoted.

Second Lieut. Edwin E. Aldridge, Infantry, vice First Lieut. Jesse B. Hunt, promoted.

Second Lieut. Edwin B. Crabill, Infantry, vice First Lieut. John B. Duckstad, promoted.

Second Lieut. Reade M. Ireland, Infantry, vice First Lieut. John R. Mendenhall, promoted.

Second Lieut. Edmund W. Hill, Infantry, vice First Lieut. Norman Randolph, promoted.

Second Lieut. Alfred M. Shearer, Infantry, vice First Lieut. Joseph M. Murphy, promoted.

Second Lieut. James R. Campbell, jr., Infantry, vice First Lieut. Leroy H. Watson, promoted.

Second Lieut. Edward A. Mullen, Infantry, vice First Lieut. Henry H. Dabney, promoted.

Second Lieut. James O. Tarbox, Infantry, vice First Lieut. John H. C. Williams, promoted.

Second Lieut. Harry F. Rusch, Infantry, vice First Lieut. Oscar A. Straub, promoted.

Second Lieut. Raymond F. Edwards, Infantry, vice First Lieut. John Keliher, promoted.

Second Lieut. Oren A. Mulkey, Infantry, vice First Lieut. Thomas F. Taylor, promoted.

Second Lieut. Charles C. Bond, Infantry, vice First Lieut. Marshall H. Quesenberry, promoted.

Second Lieut. Byron C. Brown, Infantry, vice First Lieut. Robert L. Williams, promoted.

Second Lieut. Forrest M. Harmon, Infantry, vice First Lieut. Charles C. Herrick, promoted.

Second Lieut. Ralph C. Flewelling, Infantry, vice First Lieut. Latham L. Brundred, promoted.

Second Lieut. Frank H. Terrell, Infantry, vice First Lieut. Leslie T. Saul, promoted.

Second Lieut. Harold R. Priest, Infantry, vice First Lieut. Charles A. Bayler, jr., promoted.

Second Lieut. Jabez G. Gholston, Infantry, vice First Lieut. Fred B. Inglis, promoted.

Second Lieut. Robert A. McClure, Infantry, vice First Lieut. Richard P. Kuhn, promoted.

Second Lieut. Frederick N. Vinson, Infantry, vice First Lieut. John A. Street, promoted.

Second Lieut. Francis B. McCollom, Infantry, vice First Lieut. Sidney Herkness, promoted.

Second Lieut. Reginald D. Pappe, Infantry, vice First Lieut. William E. Chambers, promoted.

Second Lieut. Joseph B. Wirt, Infantry, vice First Lieut. Warren W. Carr, promoted.

Second Lieut. Graham R. Schweickert, Infantry, vice First Lieut. Thomas L. Martin, promoted.

Second Lieut. Norman P. Williams, Infantry, vice First Lieut. Geoffrey P. Baldwin, promoted.

Second Lieut. Charles H. Riggin, Infantry, vice First Lieut. John B. Bennet, promoted.

Second Lieut. Winfield W. Smith, Infantry, vice First Lieut. Kenneth M. Halpine, promoted.

Second Lieut. Milton R. Barclay, Infantry, vice First Lieut. William R. Wilson, promoted.

Second Lieut. Harold C. Wasgatt, Infantry, vice First Lieut. R. Potter Campbell, promoted.

Second Lieut. Wannie L. Bartley, Infantry, vice First Lieut. Richard C. Burmingham, promoted.

Second Lieut. Norman J. McMahon, Infantry, vice First Lieut. Felix R. McLean, promoted.

Second Lieut. Donald M. Bartow, Infantry, vice First Lieut. John E. Martin, promoted.

Second Lieut. Hilbert A. C. Jensen, Infantry, vice First Lieut. Paul B. Parker, promoted.

Second Lieut. Frank A. Pattillo, Infantry, vice First Lieut. William E. Morehouse, jr., promoted.

Second Lieut. Paul L. Singer, Infantry, vice First Lieut. Joseph H. Grant, promoted.

Second Lieut. Joseph L. Ready, Infantry, vice First Lieut. Arthur M. Ellis, promoted.

Second Lieut. James B. Scarr, Infantry, vice First Lieut. Maurice L. Miller, promoted.

Second Lieut. Lloyd R. Rogers, Infantry, vice First Lieut. Abram V. Rinearson, promoted.

Second Lieut. Charles C. Riticor, Infantry, vice First Lieut. Benjamin A. Yancey, promoted.

Second Lieut. Earl C. Flegel, Infantry, vice First Lieut. George J. Newgarden, jr., promoted.

Second Lieut. Abner W. Goree, Infantry, vice First Lieut. John D. Miley, promoted.

Second Lieut. Herbert B. Wheeler, Infantry, vice First Lieut. William E. Coffin, jr., promoted.

Second Lieut. Charles C. Nathan, Infantry, vice First Lieut. Spencer A. Merrell, promoted.

Second Lieut. Crittenden A. C. Tolman, Infantry, vice First Lieut. Robert K. Whitson, promoted.

Second Lieut. William E. Tidwell, Infantry, vice First Lieut. Otto F. Lange, promoted.

Second Lieut. James K. Cubbison, Infantry, vice First Lieut. Harlan F. Mumma, promoted.

Second Lieut. Howard F. Ross, Infantry, vice First Lieut. Alexander M. Weyand, promoted.

Second Lieut. Arthur J. Lacouture, Infantry, vice First Lieut. Walter D. Mangan, promoted.

Second Lieut. Clifford M. Olivetti, Infantry, vice First Lieut. Elon A. Abernethy, promoted.

Second Lieut. Josiah B. Mudge, jr., Infantry, vice First Lieut. Nelson B. Russell, promoted.

Second Lieut. Hugh S. Lee, Infantry, vice First Lieut. Henry P. Blanks, promoted.

Second Lieut. Wilbur S. Elliott, Infantry, vice First Lieut. Bartlett James, promoted.

Second Lieut. Kirk E. B. Lawton, Infantry, vice First Lieut. Elkin L. Franklin, promoted.

Second Lieut. Neil S. Edmond, Infantry, vice First Lieut. Hubert R. Harmon, promoted.

Second Lieut. Harold Haney, Infantry, vice First Lieut. Weir Riche, promoted.

Second Lieut. Tully C. Garner, Infantry, vice First Lieut. John F. Goodman, promoted.

Second Lieut. Wilmer Brinton, jr., Infantry, vice First Lieut. Blaine A. Dixon, retired.

Second Lieut. Forrest M. Record, Infantry, vice First Lieut. James A. Merritt, retired.

Second Lieut. Luther W. Dear, Infantry, vice First Lieut. Edward A. Everts, retired.

Second Lieut. Frederick C. Shantz, Infantry, to fill an original vacancy.

Second Lieut. Martin D. McAllister, Infantry, to fill an original vacancy.

Second Lieut. George W. Booth, Infantry, to fill an original vacancy.

Second Lieut. William R. Colbern, Infantry, to fill an original vacancy.

Second Lieut. Marcel A. Gillis, Infantry, to fill an original vacancy.

Second Lieut. John W. Carroll, Infantry, to fill an original vacancy.

Second Lieut. Joshua S. Bowen, Infantry, to fill an original vacancy.

TEMPORARY PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be captains with rank from August 5, 1917.

First Lieut. Charles C. Smith, Cavalry, vice Capt. Hugh S. Johnson, appointed lieutenant colonel in the National Army.

First Lieut. Harrison Herman, Cavalry, vice Capt. Samuel R. Gleaves, appointed major in the National Army.

First Lieut. William W. Dempsey, Cavalry, vice Capt. Charles F. Martin, promoted.

First Lieut. Robert R. D. McCullough, Cavalry, vice Capt. Willis V. Morris, promoted.

First Lieut. Chapman Grant, Cavalry, vice Capt. Frank P. Amos, promoted.

First Lieut. Duncan G. Richart, Cavalry, vice Capt. James Goethe, promoted.

First Lieut. Daniel A. Connor, Cavalry, vice Capt. Varien D. Dixon, promoted.

First Lieut. Harley C. Dugley, Cavalry, vice Capt. Verne La S. Rockwell, promoted.

First Lieut. Charles L. Clifford, Cavalry, vice Capt. George B. Comly, promoted.

First Lieut. Gaston L. Holmes, Cavalry, vice Capt. Charles G. Harvey, promoted.

First Lieut. George W. Wersebe, Cavalry, vice Capt. Richard M. Thomas, promoted.

First Lieut. Milton R. Fisher, Cavalry, vice Capt. George B. Rodney, promoted.

First Lieut. John S. Jadwin, Cavalry, vice Capt. Christian A. Bach, promoted.

First Lieut. Arthur P. Thayer, Cavalry, vice Capt. David H. Biddle, promoted.

First Lieut. Edward R. Scheitlin, Cavalry, vice Capt. William F. H. Godson, promoted.

First Lieut. Edwin A. Martin, Cavalry, vice Capt. George W. Winterburn, promoted.

First Lieut. Jay D. B. Lattin, Cavalry, vice Capt. Lewis Foerster, promoted.

First Lieut. Frank G. Ringland, Cavalry, vice Capt. William P. Moffet, promoted.

First Lieut. John B. Harper, Cavalry, vice Capt. Archibald F. Commiskey, promoted.

First Lieut. Winchell I. Rasor, Cavalry (Signal Corps), vice Capt. William A. Cornell, promoted.

First Lieut. Oliver I. Holman, Cavalry, vice Capt. Winchell I. Rasor, retained in the Signal Corps.

First Lieut. John J. Bohn, Cavalry, vice Capt. George J. Oden, promoted.

First Lieut. Harry B. Flounders, Cavalry (ammunition train), vice Capt. Edward Calvert, promoted.

First Lieut. John C. Garrett, Cavalry, vice Capt. Harry B. Flounders, retained in ammunition train.

First Lieut. Grover R. Carl, Cavalry, vice Capt. Edmund S. Sayer, promoted.

First Lieut. Hugh D. Blanchard, Cavalry, vice Capt. Bruce Palmer, promoted.

First Lieut. James G. Monihan, Cavalry, vice Capt. James E. Fechet, promoted.

First Lieut. Anthony J. Kirst, Cavalry, vice Capt. Frederick N. Jones, promoted.

First Lieut. William G. Simmons, Cavalry, vice Capt. John A. Wagner, promoted.

First Lieut. Rexford E. Willoughby, Cavalry, vice Capt. Archie Miller, promoted.

First Lieut. John D. Austin, Cavalry, vice Capt. William S. Wells, promoted.

First Lieut. John P. Kaye, Cavalry, vice Capt. Robert M. Nolan, promoted.

First Lieut. Cleo D. Mayhugh, Cavalry, vice Capt. Henry Gibbins, promoted.

Second Lieut. Willard A. Reddish, Infantry, vice First Lieut. Whitten J. East, promoted.

Second Lieut. Ralph C. Flewelling, Infantry, vice First Lieut. Latham L. Brundred, promoted.

Blaine A. Dixon, retired.

Second Lieut. Forrest M. Record, Infantry, vice First Lieut. James A. Merritt, retired.

Noiah, promoted.

First Lieut. Cleo D. Mayhugh, Cavalry, vice Capt. Henry Gibbins, promoted.

First Lieut. James W. Barnett, Cavalry, vice Capt. Arthur Poillon, promoted.

First Lieut. John C. Mullenix, Cavalry, vice Capt. James A. Shannon, appointed major in the National Army.

First Lieut. Ross McCoy, Cavalry, vice Capt. George A. Purington, promoted.

First Lieut. Howard C. Tobin, Cavalry, vice Capt. George W. Biegler, promoted.

First Lieut. John A. Weeks, Cavalry, vice Capt. Francis W. Glover, promoted.

First Lieut. Walter E. Buchly, Cavalry, vice Capt. Timothy M. Coughlan, promoted.

First Lieut. Harold C. Mandell, Cavalry, vice Capt. James Huston, promoted.

First Lieut. Lester A. Sprinkle, Cavalry, vice Capt. Jonathan M. Wainwright, appointed major in the National Army.

First Lieut. Robert W. Grow, Cavalry, vice Capt. Lewis S. Morey, appointed major in the National Army.

First Lieut. Terrill E. Price, Cavalry, vice Capt. Adna R. Chaffee, appointed major in the National Army.

First Lieut. William H. Kasten, Cavalry, vice Capt. William N. Haskell, appointed major in the National Army.

First Lieut. Edwin Rollmann, Cavalry (Signal Corps), vice Capt. Harry L. Hodges, appointed major in the National Army.

First Lieut. Leon E. Ryder, Cavalry, vice Capt. Edwin Rollmann, retained in the Signal Corps.

First Lieut. Richard L. Creed, Cavalry, vice Capt. John H. Howard, appointed major in the National Army.

First Lieut. William M. Husson, Cavalry, vice Capt. Gordon Johnston, appointed major in the National Army.

First Lieut. Harry L. Putnam, Cavalry, vice Capt. Clarence Lininger, appointed major in the National Army.

First Lieut. Roderick R. Allen, Cavalry, vice Capt. Innis P. Swift, appointed major in the National Army.

First Lieut. Adolphus W. Roffe, Cavalry, vice Capt. Herbert H. White, appointed major in the National Army.

First Lieut. Ion C. Holm, Cavalry, vice Capt. Thomas M. Knox, appointed major in the National Army.

First Lieut. Robert C. Candee, Cavalry, vice Capt. Walter J. Scott, appointed major in the National Army.

First Lieut. Joseph L. Phillips, Cavalry, vice Capt. Kenyon A. Joyce, appointed major in the National Army.

First Lieut. Kenneth McCatty, Cavalry, vice Capt. Lewis W. Cass, appointed major in the National Army.

First Lieut. Joseph W. Geer, Cavalry, vice Capt. William C. Gardenhire, appointed major in the National Army.

First Lieut. Edwin D. Morgan, jr., Cavalry, vice Capt. Robert F. Tate, appointed major in the National Army.

First Lieut. Leslie B. C. Jones, Cavalry, vice Capt. Levi G. Brown, appointed major in the National Army.

First Lieut. Kramer Thomas, Cavalry, vice Capt. Oscar A. McGee, appointed major in the National Army.

First Lieut. James R. Finley, Cavalry, vice Capt. George M. Russell, appointed major in the National Army.

First Lieut. Willard S. Wadelton, Cavalry, vice Capt. Oliver P. M. Hazzard, appointed major in the National Army.

First Lieut. Hale S. Cook, Cavalry, vice Capt. Richard B. Going, promoted.

First Lieut. John M. Jenkins, jr., Cavalry, vice Capt. Hamilton Bowie, promoted.

First Lieut. Beverly H. Coiner, Cavalry, vice Capt. Albert E. Phillips, promoted.

First Lieut. Albert D. Chipman, Cavalry, vice Capt. Benjamin O. Davis, promoted.

First Lieut. Arthur H. Truxes, Cavalry, vice Capt. Edward C. Wells, promoted.

First Lieut. Gordon J. F. Heron, Cavalry, vice Capt. Kerr T. Riggs, promoted.

First Lieut. Carl C. Krueger, Cavalry, vice Capt. John A. Pearson, promoted.

First Lieut. Hugh M. Gregory, Cavalry, vice Capt. William G. Meade, promoted.

First Lieut. Oron A. Palmer, Cavalry, vice Capt. Guy Kent, promoted.

First Lieut. Stanley Bacon, Cavalry, vice Capt. Frederick Myers, promoted.

First Lieut. Samuel V. Constant, Cavalry, vice Capt. Eugene J. Ely, promoted.

First Lieut. William C. Chase, Cavalry, vice Capt. Arthur G. Fisher, promoted.

First Lieut. Norman E. Fiske, Cavalry, vice Capt. Matt C. Bristol, promoted.

First Lieut. Donald O. Miller, Cavalry, vice Capt. Horace N. Munro, promoted.

First Lieut. Richard D. Gile, Cavalry, vice Capt. Henry T. Bull, promoted.

First Lieut. Wilson T. Bals, Cavalry, vice Capt. William H. Cowles, promoted.

First Lieut. Cyrus J. Wilder, Cavalry, vice Capt. John K. Herr, promoted.

First Lieut. Harold C. Fellows, Cavalry, vice Capt. Joseph F. Taulbee, promoted.

First Lieut. John T. Pierce, jr., Cavalry, vice Capt. Andrew W. Smith, promoted.

First Lieut. Henry H. Anderson, Cavalry, vice Capt. Rodman Butler, appointed major in the National Army.

First Lieut. George M. Herringshaw, Cavalry, vice Capt. Lewis Brown, jr., appointed major in the National Army.

First Lieut. Thomas F. Limbocker, Cavalry, vice Capt. Allan M. Pope, appointed major in the National Army.

First Lieut. Cornelius M. Daly, Cavalry, vice Capt. Joseph B. Kuznik, appointed major in the National Army.

First Lieut. Richard B. Trimble, Cavalry, vice Capt. Emil P. Pierson, appointed major in the National Army.

First Lieut. Arthur S. Harrington, Cavalry, vice Capt. John T. Sayles, appointed major in the National Army.

First Lieut. Frank L. Whittaker, Cavalry, vice Capt. G. Winter, appointed major in the National Army.

First Lieut. Philip H. Sherwood, Cavalry, vice Capt. William W. Edwards, promoted.

First Lieut. Robert S. La Motte, Cavalry, vice Capt. Walter F. Martin, appointed major in the National Army.

First Lieut. George M. Gillet, jr., Cavalry, vice Capt. Henry J. McKenney, appointed major in the National Army.

First Lieut. Arthur E. Pickard, Cavalry, vice Capt. Frank T. McNarney, appointed major in the National Army.

First Lieut. James F. Dewhurst, Cavalry, vice Capt. William E. W. MacKinlay, appointed major in the National Army.

First Lieut. Donald S. Perry, Cavalry, vice Capt. Basil N. Rittenhouse, appointed major in the National Army.

First Lieut. Thomas S. Poole, Cavalry, vice Capt. William R. Taylor, appointed major in the National Army.

First Lieut. Frederick G. Rosenberg, Cavalry, vice Capt. Philip Mowry, appointed major in the National Army.

First Lieut. Frederick R. Lafferty, Cavalry, vice Capt. Otto W. Rethorst, appointed major in the National Army.

First Lieut. Carl H. Strong, Cavalry, vice Capt. William B. Renziehausen, appointed major in the National Army.

First Lieut. Robert L. Beall, Cavalry (Ammunition Train), vice Capt. Ralph C. Caldwell, appointed major in the National Army.

First Lieut. Meade Frierson, jr., Cavalry, vice Capt. Robert L. Beall, retained in ammunition train.

First Lieut. Arthur T. Lacey, Cavalry, vice Capt. Alvin S. Perkins, appointed major in the National Army.

First Lieut. David W. Craig, Cavalry, vice Capt. Robert M. Barton, appointed major in the National Army.

First Lieut. Edmund M. Barnum, Cavalry, vice Capt. James E. Abbott, appointed major in the National Army.

First Lieut. Thomas A. Dobyns, jr., Cavalry, vice Capt. Selwyn D. Smith, appointed major in the National Army.

First Lieut. John T. Minton, Cavalry, vice Capt. Frederick G. Turner, appointed major in the National Army.

First Lieut. William T. Haldeman, Cavalry (Ammunition Train), vice Capt. Orlando C. Troxel, appointed major in the National Army.

First Lieut. Edward S. Bassett, Cavalry, vice Capt. William T. Haldeman, retained in Ammunition Train.

First Lieut. Edward F. Shaifer, Cavalry, vice Capt. Wade H. Westmoreland, appointed major in the National Army.

First Lieut. George M. Peabody, jr., Cavalry, vice Capt. Ralph N. Hayden, appointed major in the National Army.

First Lieut. Athael B. Ellis, Cavalry, vice Capt. Charles J. Naylor, appointed major in the National Army.

First Lieut. Harrie K. Dalbey, Cavalry, vice Capt. Carl H. Muller, appointed major in the National Army.

First Lieut. John W. McDonald, Cavalry, vice Capt. Henry A. Meyer, jr., appointed major in the National Army.

First Lieut. Victor Kerney, Cavalry, vice Capt. Frank Keller, appointed major in the National Army.

First Lieut. David H. Blakelock, Cavalry, vice Capt. Copley Enos, appointed major in the National Army.

First Lieut. Rinaldo L. Coe, Cavalry, vice Capt. William S. Martin, appointed major in the National Army.

First Lieut. Harold J. Duffey, Cavalry, vice Capt. Robert C. Collins, appointed major in the National Army.

First Lieut. Jay K. Colwell, Cavalry, vice Capt. Irwin L. Hunsaker, appointed major in the National Army.

First Lieut. Amory C. Cotchett, Cavalry, vice Capt. Clifton R. Norton, appointed major in the National Army.

First Lieut. Otis Porter, Cavalry, vice Capt. Charles R. Mayo, appointed major in the National Army.

First Lieut. Arthur C. D. Anderson, Cavalry, vice Capt. Arthur J. Lynch, appointed major in the National Army.

First Lieut. Emory M. Mace, Cavalry, vice Capt. Rowson Warren, appointed major in the National Army.

First Lieut. Harry H. Dunn, Cavalry, vice Capt. Edward M. Offley, appointed major in the National Army.

First Lieut. George L. Morrison, Cavalry, vice Capt. John T. Donnelly, appointed major in the National Army.

First Lieut. Renn Lawrence, Cavalry, vice Capt. Edwin L. Cox, appointed major in the National Army.

First Lieut. Joseph A. Covington, Cavalry, vice Capt. Edward R. Coppock, appointed major in the National Army.

First Lieut. John L. Rice, Cavalry, vice Capt. Peter J. Hennessey, appointed major in the National Army.

First Lieut. Nelson M. Imboden, Cavalry, vice Capt. George Grunert, appointed major in the National Army.

First Lieut. Randolph Dickins, Cavalry, vice Capt. William R. Pope, appointed major in the National Army.

First Lieut. John N. Steele, Cavalry, vice Capt. Olney Place, appointed major in the National Army.

First Lieut. Eugene M. Dwyer, Cavalry, vice Capt. Sidney D. Maize, appointed major in the National Army.

First Lieut. Wharton G. Ingram, Cavalry, vice Capt. Thomas P. Bernard, appointed major in the National Army.

First Lieut. Edward S. Moale, Cavalry, vice Capt. Clarence A. Dougherty, appointed major in the National Army.

First Lieut. Adrian St. John, Cavalry, vice Capt. Isaac S. Martin, appointed major in the National Army.

First Lieut. Frederick J. Holzbaur, Cavalry, vice Capt. George R. Somerville, appointed major in the National Army.

First Lieut. George H. Carruth, Cavalry, vice Capt. Milton G. Holliday, appointed major in the National Army.

First Lieut. Robert M. Carswell, Cavalry, vice Capt. Robert R. Love, appointed major in the National Army.

First Lieut. Walter C. Merkel, vice Capt. Edmund A. Buchanan, appointed major in the National Army.

First Lieut. Joseph M. Hurt, jr., Cavalry, vice Capt. Edward A. Keyes, appointed major in the National Army.

First Lieut. George L. Speer, vice Capt. Orlando G. Palmer, appointed major in the National Army.

First Lieut. Charles B. Duncan, Cavalry, vice Capt. William W. Overton, appointed major in the National Army.

First Lieut. Ferris M. Angevine, Cavalry, vice Capt. Albert B. Dockery, appointed major in the National Army.

First Lieut. Julian W. Cunningham, Cavalry, vice Capt. Edmund L. Zane, appointed major in the National Army.

First Lieut. Sam G. Fuller, Cavalry, vice Capt. Emmet R. Harris, appointed major in the National Army.

First Lieut. Clinton A. Pierce, Cavalry, vice Capt. Troop Miller, appointed major in the National Army.

First Lieut. Thomas M. Cockrill, Cavalry, vice Capt. Daniel D. Gregory, appointed major in the National Army.

First Lieut. Dehmore S. Wood, Cavalry, vice Capt. John E. Hemphill, appointed major in the National Army.

First Lieut. Arthur Vollmer, Cavalry, vice Capt. Howard C. Tatum, appointed major in the National Army.

First Lieut. Otto B. Trigg, Cavalry, vice Capt. John A. Barry, promoted.

First Lieut. George W. L. Prettyman, Cavalry, vice Capt. William W. Gordon, promoted.

First Lieut. Thomas M. Turner, Cavalry, vice Capt. Casper W. Cole, appointed major in the National Army.

First Lieut. Horace L. Hudson, Cavalry, vice Capt. Rudolph E. Smyser, appointed major in the National Army.

First Lieut. Lawrence C. Frizzell, Cavalry, vice Capt. Rowland B. Ellis, appointed major in the National Army.

First Lieut. Jean F. Sabin, Cavalry, vice Capt. George A. F. Trumbo, appointed major in the National Army.

First Lieut. Robert F. White, Cavalry, vice Capt. Robert McC. Beck, jr., appointed major in the National Army.

First Lieut. Henry D. Jay, Cavalry, vice Capt. Leonard W. Prunty, appointed major in the National Army.

First Lieut. Ray L. Burnell, Cavalry, vice Capt. William M. Cooley, appointed major in the National Army.

First Lieut. Arthur W. Hartman, Cavalry, vice Capt. Emory J. Pike, appointed major in the National Army.

First Lieut. John W. Berry, Cavalry, vice Capt. John H. Read, jr., appointed major in the National Army.

First Lieut. Joseph N. Marx, Cavalry, vice Capt. John Cocke, appointed major in the National Army.

First Lieut. George Sawtelle, Cavalry, vice Capt. Thomas H. Cunningham, appointed major in the National Army.

First Lieut. Ray Harrison, Cavalry, vice Capt. Ralph M. Parker, appointed major in the National Army.

First Lieut. William F. Daugherty, Cavalry, vice Capt. William H. Bell, appointed major in the National Army.

First Lieut. John T. Cole, Cavalry, vice Capt. Walter H. Neill, appointed major in the National Army.

First Lieut. Stephen H. Sherrill, Cavalry, vice Capt. Howard R. Smalley, appointed major in the National Army.

First Lieut. Charles H. Gerhardt, Cavalry, vice Capt. Thomas A. Rothwell, appointed major in the National Army.

First Lieut. Walter H. Schulze, Cavalry, vice Capt. Victor S. Foster, appointed major in the National Army.

First Lieut. Herbert C. Holdridge, Cavalry, vice Capt. Oscar Foley, appointed major in the National Army.

First Lieut. Albert C. Smith, Cavalry, vice Capt. Frederick D. Griffith, jr., appointed major in the National Army.

First Lieut. Nicholas W. Lisle, Cavalry, vice Capt. Charles McH. Eby, appointed major in the National Army.

First Lieut. Percy G. Black, Cavalry, vice Capt. Ephraim F. Graham, appointed major in the National Army.

First Lieut. Albert C. Stanford, Cavalry, vice Capt. William A. McCain, appointed major in the National Army.

First Lieut. Laurence B. Meacham, Cavalry, vice Capt. Vaughn W. Cooper, appointed major in the National Army.

First Lieut. Louis Le R. Martin, Cavalry, vice Capt. Harold B. Johnson, promoted.

First Lieut. William K. Harrison, jr., Cavalry, vice Capt. Albert H. Mueller, promoted.

First Lieut. Josiah F. Morford, Cavalry, vice Capt. Allan F. McLean, promoted.

First Lieut. Ernest N. Harmon, Cavalry, vice Capt. Charles Burnet, appointed major in the National Army.

First Lieut. Joseph S. Tate, Cavalry, vice Capt. Jens E. Stedje, appointed major in the National Army.

First Lieut. Arthur M. Harper, Cavalry, vice Capt. Herman S. Dilworth, promoted.

First Lieut. John W. Confer, jr., Cavalry, vice Capt. Frank B. Kobes, promoted.

First Lieut. Herbert N. Schwarzkopf, Cavalry, vice Capt. Ronald E. Fisher, appointed major in the National Army.

First Lieut. Robert N. Kunz, Cavalry, vice Capt. Talbot Smith, appointed major in the National Army.

First Lieut. Charles S. Kilbourn, Cavalry, vice Capt. John V. Spring, jr., promoted.

First Lieut. Charles R. Johnson, jr., Cavalry, vice Capt. Norman H. Davis, promoted.

First Lieut. Bertrand Morrow, Cavalry (Ammunition Train), vice Capt. Charles Telford, promoted.

First Lieut. Coalter B. Compton, Cavalry, vice Capt. Bertrand Morrow, retained in ammunition train.

First Lieut. Folsome R. Parker, Cavalry, vice Capt. Olan C. Aleshire, promoted.

First Lieut. Guy H. Dosher, Cavalry, vice Capt. George M. Lee, appointed major in the National Army.

First Lieut. Cecil R. Neal, Cavalry, vice Capt. Henry S. Terrell, appointed major in the National Army.

First Lieut. Myer S. Silven, Cavalry, vice Capt. Richard W. Walker, appointed major in the National Army.

First Lieut. William H. Symington, Cavalry, vice Capt. James B. Henry, jr., appointed major in the National Army.

First Lieut. Philip B. Fryer, Cavalry, vice Capt. Alexander M. Milton, detailed in the Quartermaster Corps.

First Lieut. Donald C. Hawley, Cavalry, vice Capt. Emil P. Laurson, promoted.

First Lieut. Vernon L. Padgett, Cavalry, vice Capt. Jerome G. Pillow, appointed major in the National Army.

First Lieut. Jay W. MacKelvie, Cavalry, vice Capt. Frederick E. Shnyder, promoted.

First Lieut. Francis T. Bonsteel, Cavalry, vice Capt. Thomas F. Van Natta, jr., promoted.

First Lieut. William E. Barott, Cavalry, vice Capt. James A. Mars, promoted.

First Lieut. Wallace F. Hamilton, Cavalry, vice Capt. John C. Montgomery, promoted.

First Lieut. Frank Nelson, Cavalry, vice Capt. Carl Boyd, promoted.

First Lieut. William E. McMinn, Cavalry, vice Capt. Stephen W. Winfree, promoted.

First Lieut. Edmund M. Crump, Cavalry, vice Capt. George E. Nelson, promoted.

First Lieut. Herman F. Rathjen, Cavalry, vice Capt. Thomas L. Sherburne, promoted.

First Lieut. Daniel J. Keane, Cavalry, vice Capt. Emil Engel, promoted.

First Lieut. Milo J. Warner, Cavalry, vice Capt. Emmett Addis, promoted.

First Lieut. Le Roy Davis, Cavalry, vice Capt. Harry L. King, promoted.

First Lieut. Anthony J. Tittinger, Cavalry, vice Capt. Walton Goodwin, jr., promoted.

First Lieut. Max D. Holmes, Cavalry, vice Capt. David H. Scott, promoted.

First Lieut. Charles A. Ellis, Cavalry, vice Capt. Robert Sterrett, appointed major in the National Army.

First Lieut. Demas L. Sears, Cavalry, vice Capt. Robert C. Richardson, promoted.

First Lieut. Bankston E. Mattox, jr., Cavalry, vice Capt. Robert M. Campbell, promoted.

First Lieut. Frank H. Barnhart, Cavalry, vice Capt. Charles C. Winnia, appointed major in the National Army.

First Lieut. John A. Moschner, Cavalry, vice Capt. Frank B. Edwards, appointed major in the National Army.

First Lieut. George E. Harrison, Cavalry, vice Capt. Robert P. Brady, detailed in the Quartermaster Corps.

First Lieut. Wesley J. White, Cavalry, vice Capt. Stephen C. Reynolds, promoted.

First Lieut. Alton W. Howard, Cavalry, vice Capt. George H. Baird, appointed major in the National Army.

First Lieut. Nolan Ferguson, Cavalry, vice Capt. Daniel D. Tompkins, appointed major in the National Army.

First Lieut. Richard W. Carter, Cavalry, vice Capt. William V. Carter, promoted.

First Lieut. Kenneth Rowntree, Cavalry, vice Capt. E. Kearsley Sterling, appointed major in the National Army.

First Lieut. George A. King, Cavalry, vice Capt. Joseph H. Barnard, appointed major in the National Army.

First Lieut. James B. Lockwood, Cavalry, vice Capt. Charles R. Amory, jr., promoted.

First Lieut. Lionel L. Meyer, Cavalry, vice Capt. Kinzie B. Edmunds, promoted.

First Lieut. Frederick H. L. Ryder, Cavalry, vice Capt. Charles S. Hoyt, promoted.

First Lieut. John W. Weeks, Cavalry, vice Capt. James J. O'Hara, promoted.

First Lieut. Theodore B. Apgar, Cavalry, vice Capt. Roy W. Holderness, promoted.

First Lieut. Jefferson B. Osborn, Cavalry, vice Capt. James S. Greene, promoted.

First Lieut. Mortimer H. Christian, Cavalry, vice Capt. Gerald C. Brant, promoted.

First Lieut. Marcus R. Monsarratt, Cavalry, vice Capt. George C. Lawrason, promoted.

First Lieut. Fabius B. Shipp, Cavalry, vice Capt. Arthur H. Wilson, promoted.

First Lieut. James J. Cecil, Cavalry, vice Capt. Frank K. Ross, appointed major in the Signal Corps.

First Lieut. George A. Moore, Cavalry, vice Capt. Victor M. Whitside, appointed major in the Signal Corps.

First Lieut. James M. Shelton, Cavalry, vice Capt. Cushman Hartwell, appointed major in the Signal Corps.

First Lieut. Albert R. Kuschke, Cavalry, vice Capt. Frank L. Van Horn, appointed major in the Signal Corps.

First Lieut. George W. Gay, Cavalry, vice Capt. William C. F. Nicholson, promoted.

First Lieut. Forsyth Bacon, Cavalry, vice Capt. George Dillman, promoted.

First Lieut. Ralph L. Joyner, Cavalry, vice Capt. Philip J. R. Kiehl, promoted.

First Lieut. Roscoe S. Parker, Cavalry, vice Capt. Richard B. Barnitz, transfeered to the Field Artillery.

First Lieut. Heywood S. Dodd, Cavalry, vice Capt. Berkeley T. Merchant, promoted.

First Lieut. Kent C. Lambert, Cavalry, vice Capt. Hugh H. Broadhurst, promoted.

First Lieut. George E. Huthsteiner, Cavalry, vice Capt. Arthur W. Holderness, promoted.

First Lieut. Richard B. Lloyd, Cavalry, vice Capt. Daniel G. Morrissett, detailed in Ammunition Train.

First Lieut. Maurice Morgan, Cavalry, vice Capt. Albert J. Myer, jr., detailed in Ammunition Train.

First Lieut. Gilbert E. Bixby, Cavalry, vice Capt. Robert E. Carmody, detailed in Ammunition Train.

First Lieut. Eugene Burnet, Cavalry, vice Capt. Harold L. Gardiner, detailed in the Quartermaster Corps.

First Lieut. Charles F. Houghton, Cavalry, vice Capt. Robert C. Rodgers, detailed in the Quartermaster Corps.

First Lieut. Harry A. Buckley, Cavalry, vice Capt. Clark P. Chandler, detailed in the Quartermaster Corps.

First Lieut. James E. Slack, Cavalry, vice Capt. Charles L. Stevenson, detailed in the Quartermaster Corps.

First Lieut. Culver S. Mitcham, Cavalry, vice Capt. Joseph P. Aleshire, detailed in the Quartermaster Corps.

First Lieut. William O. Johnson, Cavalry, vice Capt. Robert Blaine, detailed in the Quartermaster Corps.

First Lieut. Harold B. Gibson, Cavalry, vice Capt. Guy H. Wyman, detailed in the Quartermaster Corps.

First Lieut. John D. Hood, Cavalry, vice Capt. Seth W. Scofield, detailed in the Quartermaster Corps.

First Lieut. Charles S. Lawrence, Cavalry, vice Capt. Louis A. O'Donnell, promoted.

First Lieut. Melvin S. Williamson, Cavalry, vice Capt. Henry R. Smalley, promoted.

First Lieut. Evarts W. Opie, Cavalry, vice Capt. John G. Quekemeyer, promoted.

First Lieut. Frank P. Stretton, Cavalry, vice Capt. Joseph C. King, promoted.

First Lieut. Paul Hurlburt, Cavalry, vice Capt. George L. Converse, jr., promoted.

First Lieut. Aaron Y. Hardy, Cavalry, vice Capt. Donald A. Robinson, promoted.

First Lieut. Earl B. Wilson, Cavalry, vice Capt. Bruce L. Burch, promoted.

First Lieut. Edmund J. Engel, Cavalry, vice Capt. Edgar M. Whiting, promoted.

First Lieut. John E. Grant, Cavalry, vice Capt. Alexander R. Cocke, placed on the detached officers' list.

First Lieut. Jack M. Reardon, Cavalry, vice Capt. Francis C. V. Crowley, placed on the detached officers' list.

First Lieut. Lewis Mesherry, Cavalry, vice Capt. Frank P. Amos, placed on the detached officers' list.

First Lieut. Lewis A. Weiss, Cavalry, vice Capt. James E. Shelley, placed on the detached officers' list.

First Lieut. Francis E. Cheney, Cavalry, vice Capt. William S. Wells, placed on the detached officers' list.

First Lieut. Robert P. Mortimer, Cavalry, vice Capt. John A. Pearson, placed on the detached officers' list.

First Lieut. Lee T. Victor, Cavalry, vice Capt. Olan C. Aleshire, placed on the detached officers' list.

First Lieut. Henry C. Caron, Cavalry, vice Capt. Kinzie B. Edmunds, placed on the detached officers' list.

First Lieut. William W. Powell, Cavalry, vice Capt. William C. F. Nicholson, placed on the detached officers' list.

First Lieut. Robert F. Merkel, Cavalry, vice Capt. William M. Grimes, placed on the detached officers' list.

First Lieut. Carroll A. Powell, Cavalry, vice Capt. Edmund S. Sayer, placed on the detached officers' list.

First Lieut. Frank C. De Langton, Cavalry, vice Capt. Robert C. Richardson, placed on the detached officers' list.

First Lieut. Ivan N. Waldron, Cavalry, vice Capt. Frank M. Andrews, placed on the detached officers' list.

First Lieut. Carter R. McLennan, Cavalry, vice Capt. George F. Patten, placed on the detached officers' list.

First Lieut. Frederick Gearing, Cavalry, vice Capt. Robert M. Cheney, placed on the detached officers' list.

First Lieut. Geoffrey Galwey, Cavalry, vice Capt. Philip Gordon, placed on the detached officers' list.

First Lieut. Louis G. Gibney, Cavalry, vice Capt. Sumner M. Williams, placed on the detached officers' list.

First Lieut. William D. Adkins, Cavalry, vice Capt. Charles M. Haverkamp, placed on the detached officers' list.

First Lieut. John B. Hartman, Cavalry, vice Capt. Horace T. Aplington, placed on the detached officers' list.

First Lieut. Harry C. Jones, Cavalry, vice Capt. Arthur B. Conard, placed on the detached officers' list.

First Lieut. James E. Simpson, Cavalry, vice Capt. John P. Lucas, placed on the detached officers' list.

First Lieut. Charles J. Booth, Cavalry, vice Capt. Kenna G. Eastham, placed on the detached officers' list.

First Lieut. William T. Hamilton, Cavalry, vice Capt. Robert McG. Littlejohn, placed on the detached officers' list.

First Lieut. Richard C. Boyan, Cavalry, vice Capt. Burton Y. Read, placed on the detached officers' list.

First Lieut. Edward K. Jones, Cavalry (Signal Corps), vice Capt. Roland L. Gaugler, placed on the detached officers' list.

First Lieut. Harry P. Shaw, Cavalry, vice Edward J. Jones, retained in the Signal Corps.

First Lieut. Frederick F. Duggan, Cavalry, vice Geoffrey Keyes, placed on the detached officers' list.

First Lieut. Harry H. Baird, Cavalry, vice Capt. Albert J. Myer, jr., placed on the detached officers' list.

First Lieut. Francis H. Waters, Cavalry, vice Capt. Daniel G. Morrissett, placed on the detached officers' list.

First Lieut. William T. Bauskett, jr., Cavalry, vice Capt. Arthur D. Newman, placed on the detached officers' list.

First Lieut. Carlisle B. Cox, Cavalry, vice Capt. Edward L. N. Glass, placed on the detached officers' list.

First Lieut. Walter L. Bishop, Cavalry, vice Capt. Clifford B. King, placed on the detached officers' list.

First Lieut. Donald R. McComas, Cavalry, vice Capt. Ralph I. Sasse, placed on the detached officers' list.

First Lieut. Liburn B. Chambers, Cavalry (Signal Corps), vice Capt. William E. Shipp, placed on the detached officers' list.

First Lieut. John W. Burke, Cavalry, vice Capt. L. B. Chambers, retained in the Signal Corps.

First Lieut. Charles W. Jacobson, Cavalry, vice Capt. William G. Elliott, promoted.

First Lieut. Edgar R. Garlick, Cavalry, vice Capt. Verne R. Bell, promoted.

First Lieut. Henry P. Ames, Cavalry, vice Capt. Henry W. Baird, promoted.

First Lieut. Richard F. Leahy, Cavalry, vice Capt. Murray B. Rush, promoted.

First Lieut. Howard C. Okie, Cavalry, vice Capt. William D. Geary, promoted.

First Lieut. William L. Gibson, Cavalry, vice Capt. Richard H. Kimball, promoted.

First Lieut. James L. Franciscus, Cavalry, vice Capt. Frederick S. Snyder, promoted.

First Lieut. Eddie J. Lee, Cavalry, vice Capt. John Kennard, detailed in the Quartermaster Corps.

First Lieut. Elmer P. Gosnell, Cavalry, vice Capt. Sloan Donk, promoted.

To be captains with rank from November 3, 1917.

First Lieut. Raymond D. Adolph, Cavalry, vice Capt. Edgar W. Taulbee, appointed major in the National Army.

First Lieut. Donald A. Stroh, Cavalry, vice Capt. Chauncey St. C. McNeill, appointed major in the Signal Corps.

First Lieut. Russell T. George, Cavalry, vice Capt. Richard D. Gile, appointed captain in the Signal Corps.

To be captains with rank from November 5, 1917.

First Lieut. Thomas C. McCormick, Cavalry, vice Capt. Leland Wadsworth, jr., promoted.

First Lieut. Erskine A. Franklin, Cavalry, vice Capt. William R. Henry, promoted.

First Lieut. Wallace H. Gillett, Cavalry, vice Capt. George F. Patten, promoted.

First Lieut. Robert D. Thompson, jr., Cavalry, vice Capt. Lindsley D. Beach, detailed in the Quartermaster Corps.

First Lieut. John E. Maher, Cavalry, vice Capt. James S. Mooney, detailed in the Quartermaster Corps.

First Lieut. John E. Selby, Cavalry, vice Capt. Leon M. Logan, detailed in the Quartermaster Corps.

First Lieut. Arthur L. Marek, Cavalry, vice Capt. Henry D. F. Munnikhuysen, detailed in the Quartermaster Corps.

First Lieut. Herbert E. Watkins, Cavalry, vice Capt. William C. Christy, detailed in the Quartermaster Corps.

First Lieut. Raymond L. Newton, Cavalry, vice Capt. Mack Garr, placed on the detached officers' list.

First Lieut. William R. Irvin, Cavalry, vice Capt. Verne R. Bell, placed on the detached officers' list.

First Lieut. Alfred L. Baylies, Cavalry, vice Capt. John A. Barry, placed on the detached officers' list.

First Lieut. Lathan H. Collins, Cavalry, vice Capt. Joseph M. Tully, placed on the detached officers' list.

First Lieut. Ralph B. Skinner, Cavalry, vice Capt. Orlando C. Troxel, deceased.

To be captain with rank from November 6, 1917.

First Lieut. Candler A. Wilkinson, Cavalry, vice Capt. Pearson Menoher, placed on the detached officers' list.

To be captain with rank from November 13, 1917.

First Lieut. Milton A. Lowenberg, Cavalry, vice Capt. Robert M. Cheney, promoted.

To be captain with rank from November 17, 1917.

First Lieut. John A. Hettinger, Cavalry, vice Capt. Richard E. Cummins, promoted.

To be captains with rank from November 23, 1917.

First Lieut. George A. Goodyear, Cavalry, vice Capt. Alexander L. James, jr., promoted.

First Lieut. Paul H. Morris, Cavalry, vice Capt. Philip Gordon, promoted.

To be captain with rank from November 28, 1917.

First Lieut. Francis E. S. Turner, Cavalry, vice Capt. Cuthbert P. Stearns, appointed major in the Signal Corps.

To be captain with rank from November 29, 1917.

First Lieut. Guy D. Thompson, Cavalry, vice Capt. Homer M. Groninger, promoted.

To be captain with rank from December 11, 1917.

First Lieut. George A. Parsons, Cavalry, vice Capt. John K. Brown, promoted.

To be captain with rank from December 22, 1917.

First Lieut. David W. Barton, Cavalry, vice Capt. Richard D. Newman, promoted.

To be captain with rank from December 28, 1917.

First Lieut. Martin R. Rice, Cavalry, vice Capt. Sumner M. Williams, promoted.

To be captains with rank from December 29, 1917.

First Lieut. Philip C. Clayton, Cavalry, vice Capt. Ernest G. Cullum, promoted.

First Lieut. Hans E. Kloepfer, Cavalry, vice Capt. William W. Erwin, promoted.

First Lieut. Edward A. Everett, jr., Cavalry, vice Capt. Ralph I. Sasse, detailed in ammunition train.

To be captain with rank from January 16, 1918.

First Lieut. Herbert A. Myers, Cavalry, vice Capt. Herman Kobbe, promoted.

To be captains with rank from January 23, 1918.

First Lieut. Norman N. Rogers, Cavalry, vice Capt. John A. Warden, promoted.

First Lieut. Temple E. Ridgely, Cavalry, vice Capt. John B. Johnson, promoted.

To be captain with rank from January 24, 1918.

First Lieut. Harry W. Maas, Cavalry, vice Capt. Claude DeB. Hunt, promoted.

INFANTRY ARM.

To be lieutenant colonels with rank from August 5, 1917.

Maj. Alfred W. Bjornstad, Infantry, vice Lieut. Col. A. La Rue Christie, retired.

PROVISIONAL APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants with rank from October 25, 1917.

George Stanley Victor Little, second lieutenant, Infantry Officers' Reserve Corps.

Gordon F. Stephens, first lieutenant, Infantry Officers' Reserve Corps.

William MacGregor Hall, second lieutenant, Infantry Officers' Reserve Corps.

William Oscar Nelson, captain, Infantry Officers' Reserve Corps.

Pierce Butler, jr., second lieutenant, Infantry Officers' Reserve Corps.

Albert Carder Ames, second lieutenant, Infantry Officers' Reserve Corps.

Charles Lawrence Bolte, second lieutenant, Infantry Officers' Reserve Corps.

William A. Moss, second lieutenant, Infantry Officers' Reserve Corps.

Eugene Crehan Callahan, second lieutenant, Infantry Officers' Reserve Corps.

William Howell Duncan, second lieutenant, Infantry Officers' Reserve Corps.

John Bliss Brainerd, jr., second lieutenant, Infantry Officers' Reserve Corps.

Theodore F. Wessels, second lieutenant, Infantry Officers' Reserve Corps.

Edward Law, second lieutenant, Infantry Officers' Reserve Corps.

Sherman K. Burke, second lieutenant, Infantry Officers' Reserve Corps.

Arthur J. McChrystal, second lieutenant, Infantry Officers' Reserve Corps.

Reynier Jacob Wortendyke, jr., second lieutenant, Infantry Officers' Reserve Corps.

Malcolm Fraser Lindsey, second lieutenant, Infantry Officers' Reserve Corps.

William Smith, second lieutenant, Infantry Officers' Reserve Corps.

Jean Elsworth Nelson, first lieutenant, Infantry Officers' Reserve Corps.

Kirkwood Duval Scott, second lieutenant, Infantry Officers' Reserve Corps.
Horace Oscar Cushman, second lieutenant, Infantry Officers' Reserve Corps.
William Maine Hutson, second lieutenant, Infantry Officers' Reserve Corps.
Thomas Maury Galbreath, jr., second lieutenant, Infantry Officers' Reserve Corps.
Carter Glass, jr., second lieutenant, Infantry Officers' Reserve Corps.
Lambert Alexander Wood, second lieutenant, Infantry Officers' Reserve Corps.
Thomas Phillips, second lieutenant, Infantry Officers' Reserve Corps.
David Henry Finley, second lieutenant, Infantry Officers' Reserve Corps.
Robert Sayre Fitz Randolph, second lieutenant, Infantry Officers' Reserve Corps.
Eli A. Barnes, second lieutenant, Infantry Officers' Reserve Corps.
Richard Francis Bailey, second lieutenant, Infantry Officers' Reserve Corps.
Myron Morris Andrews, second lieutenant, Infantry Officers' Reserve Corps.
Richard Stillings Hevenor, second lieutenant, Infantry Officers' Reserve Corps.
Albert Edward Purchas, jr., second lieutenant, Infantry Officers' Reserve Corps.
Bryan Grimes Dancy, second lieutenant, Infantry Officers' Reserve Corps.
Vinton Lee James, jr., second lieutenant, Infantry Officers' Reserve Corps.
William F. Campbell, second lieutenant, Infantry Officers' Reserve Corps.
Louis Tulane Bass, second lieutenant, Infantry Officers' Reserve Corps.
Charles J. Carey, second lieutenant, Infantry Officers' Reserve Corps.
Stuart Cutler, second lieutenant, Infantry Officers' Reserve Corps.
Elbert Gary Spencer, second lieutenant, Infantry Officers' Reserve Corps.
John Reuben Boatwright, second lieutenant, Infantry Officers' Reserve Corps.
Graeme K. Howard, second lieutenant, Infantry Officers' Reserve Corps.
Lester Nelson Allyn, second lieutenant, Infantry Officers' Reserve Corps.
Henry Lester Barrett, second lieutenant, Infantry Officers' Reserve Corps.
Howard W. Sears, second lieutenant, Infantry Officers' Reserve Corps.
Raphael Semmes, second lieutenant, Infantry Officers' Reserve Corps.
Robert Edward McDonald, second lieutenant, Infantry Officers' Reserve Corps.
Elmer R. Ames, second lieutenant, Infantry Officers' Reserve Corps.
Thomas Samuel Morrison, jr., second lieutenant, Infantry Officers' Reserve Corps.
Raymond R. Tourtillott, second lieutenant, Infantry Officers' Reserve Corps.
George Albert Hadd, second lieutenant, Infantry Officers' Reserve Corps.
Leo Augustine Dunbar, second lieutenant, Infantry Officers' Reserve Corps.
James S. Candee, second lieutenant, Infantry Officers' Reserve Corps.
Joseph Purnell Cromwell, second lieutenant, Infantry Officers' Reserve Corps.
Harry Mash Mayo, jr., second lieutenant, Infantry Officers' Reserve Corps.
Bernard P. Hoey, second lieutenant, Infantry Officers' Reserve Corps.
Arleigh Lyle Willis, second lieutenant, Infantry Officers' Reserve Corps.
Eustace Peabody Strout, second lieutenant, Infantry Officers' Reserve Corps.
Wallace William Parker, first lieutenant, Infantry Officers' Reserve Corps.
Ray Maxey Hare, second lieutenant, Infantry Officers' Reserve Corps.
Walter Francis Mullins, second lieutenant, Infantry Officers' Reserve Corps.
Henry Lord Page King, second lieutenant, Infantry Officers' Reserve Corps.
Craig Parsons Cochrane, second lieutenant, Infantry Officers' Reserve Corps.
Harry W. Koster, second lieutenant, Infantry Officers' Reserve Corps.
Alfred James McMullin, second lieutenant, Infantry Officers' Reserve Corps.
Eugene Elliot Pratt, second lieutenant, Infantry Officers' Reserve Corps.
Julien Hequembourg Needler, second lieutenant, Infantry Officers' Reserve Corps.
Frank Joseph Knell, second lieutenant, Infantry Officers' Reserve Corps.
Gerald Leonard Marsh, second lieutenant, Infantry Officers' Reserve Corps.
William A. Wieland, second lieutenant, Infantry Officers' Reserve Corps.
John Conrad Cattus, second lieutenant, Infantry Officers' Reserve Corps.
Edmond Sheppard Donoho, second lieutenant, Infantry Officers' Reserve Corps.
Donald Newman Swain, second lieutenant, Infantry Officers' Reserve Corps.
John Frank Mead, second lieutenant, Infantry Officers' Reserve Corps.
Charles McFarland Petty, second lieutenant, Infantry Officers' Reserve Corps.
Harold A. Black, second lieutenant, Infantry Officers' Reserve Corps.
Robert Joseph McElroy, second lieutenant, Infantry Officers' Reserve Corps.
George Phillip Seneff, second lieutenant, Infantry Officers' Reserve Corps.
Henry C. Boehme, second lieutenant, Infantry Officers' Reserve Corps.
Russell G. Ayres, first lieutenant, Infantry Officers' Reserve Corps.
William A. Wappenstein, second lieutenant, Infantry Officers' Reserve Corps.
Charles H. Owens, second lieutenant, Infantry Officers' Reserve Corps.
Carter Collins, second lieutenant, Infantry Officers' Reserve Corps.
Clarence Earle Lovejoy, second lieutenant, Infantry Officers' Reserve Corps.
William Ayres Gray, jr., second lieutenant, Infantry Officers' Reserve Corps.
Hays Matson, second lieutenant, Infantry Officers' Reserve Corps.
George Edwin Abrams, second lieutenant, Infantry Officers' Reserve Corps.
Clifton Rodes Breckinridge, jr., second lieutenant, Infantry Officers' Reserve Corps.
Charles McKnight, jr., first lieutenant, Infantry Officers' Reserve Corps.
Richard Lee Tayloe, second lieutenant, Infantry Officers' Reserve Corps.
Albert D. Foster, second lieutenant, Infantry Officers' Reserve Corps.
Ralph Eberlin, second lieutenant, Engineer Officers' Reserve Corps.
Edward T. Harrison, second lieutenant, Infantry Officers' Reserve Corps.
Donald P. Spalding, second lieutenant, Infantry Officers' Reserve Corps.
Ercil D. Porter, second lieutenant, Infantry Officers' Reserve Corps.
Warner Harwood, second lieutenant, Engineer Officers' Reserve Corps.
Clyde Alexander Fowler, second lieutenant, Infantry Officers' Reserve Corps.
Laurence Jerome Potter, second lieutenant, Infantry Officers' Reserve Corps.
Claude Alfred White, first lieutenant, Infantry Officers' Reserve Corps.
Brayton Wilbur, second lieutenant, Infantry Officers' Reserve Corps.
John Franklin Farnsworth, second lieutenant, Infantry Officers' Reserve Corps.
Chester Boothe Blakeman, second lieutenant, Infantry Officers' Reserve Corps.
Henry Norris Bakken, second lieutenant, Infantry Officers' Reserve Corps.

Archer L. Lerch, second lieutenant, Infantry Officers' Reserve Corps.
Rodney S. Sprigg, second lieutenant, Infantry Officers' Reserve Corps.
Milton W. Emmett, second lieutenant, Infantry Officers' Reserve Corps.
John Arthur Pierce, second lieutenant, Infantry Officers' Reserve Corps.
Wendell Lapsley Clemenson, second lieutenant, Infantry Officers' Reserve Corps.
Jonathan W. Edwards, second lieutenant, Cavalry Officers' Reserve Corps.
William Hill Thomas, second lieutenant, Infantry Officers' Reserve Corps.
Charles James Deahl, jr., second lieutenant, Infantry Officers' Reserve Corps.
Frank Macdonald Ogden, second lieutenant, Infantry Officers' Reserve Corps.
Bruce Field Higgenbotham, second lieutenant, Infantry Officers' Reserve Corps.
William Otway Owen, second lieutenant, Infantry Officers' Reserve Corps.
Arendl Gluckman, second lieutenant, Infantry Officers' Reserve Corps.
Reginald Dunham Grout, second lieutenant, Infantry Officers' Reserve Corps.
Dale Milton Hoagland, first lieutenant, Field Artillery Officers' Reserve Corps.
Charles Augustin Campbell, jr., second lieutenant, Infantry Officers' Reserve Corps.
Maurice Webster Ocheltree, first lieutenant, Infantry Officers' Reserve Corps.
Roy T. Rouse, second lieutenant, Infantry Officers' Reserve Corps.
Ivan B. Snell, first lieutenant, Infantry Officers' Reserve Corps.
Wendell Westover, second lieutenant, Infantry Officers' Reserve Corps.
James Wilson Rice, first lieutenant, Infantry Officers' Reserve Corps.
William Edgar, second lieutenant, Infantry Officers' Reserve Corps.
Gustav Henry Lamm, second lieutenant, Infantry Officers' Reserve Corps.
James Polk Gamnion, second lieutenant, Infantry Officers' Reserve Corps.
James Arthur Giacomini, second lieutenant, Engineer Officers' Reserve Corps.
Henry K. White, second lieutenant, Infantry Officers' Reserve Corps.
Alva William Snyder, second lieutenant, Infantry Officers' Reserve Corps.
Ralph Pierce Van Zile, second lieutenant, Field Artillery Officers' Reserve Corps.
Talbot Bass Fowler, of South Carolina.
Matthew Francis Garvey, second lieutenant, Infantry Officers' Reserve Corps.
Samuel Littler Metcalfe, of Texas.
Frank Wilbur Halsey, of Texas.
Kirby Green, of Georgia.
Myron Joseph Conway, of Texas.
Harold Clifton Reed, second lieutenant, Infantry Officers' Reserve Corps.
Samuel Hamilton Ladensohn, second lieutenant, Infantry Officers' Reserve Corps.
Clyde Arthur Ames, second lieutenant, Infantry Officers' Reserve Corps.
Irwin Lytle Lummis, second lieutenant, Infantry Officers' Reserve Corps.
Joseph Glenn Babb, of Missouri.
Hollis Benjamin Hoyt, sergeant, Company C, First Regiment, Vermont National Guard.
Clarence Morrill Collord, second lieutenant, Infantry Officers' Reserve Corps.
Russell Leamer McKown, of Iowa.
Frederick Wright Hackett, second lieutenant, Infantry Officers' Reserve Corps.
Roy George Rom, of Wisconsin.
Fred H. Reynolds, second lieutenant, Infantry Officers' Reserve Corps.
Van Courtright Walton, of Ohio.
Matthew Weaver Steele, second lieutenant, Infantry Officers' Reserve Corps.
Lawrence Walter Marshall, of Minnesota.
John August Otto, of Texas.
Joseph Burton Sweet, of Wisconsin.
Walter David Luplow, second lieutenant, Infantry Officers' Reserve Corps.
Carey Jarman, of Maryland.
John Horatio Helmer, second lieutenant, Infantry Officers' Reserve Corps.
Sidney Preswick Howell, second lieutenant, Infantry Officers' Reserve Corps.
Henrik Antell, of New York.
John Lionel Weeks, of South Carolina.
Arthur Gustavus Levy, of Vermont.
Lewis R. Byington, second lieutenant, Infantry Officers' Reserve Corps.
Cecil W. Borton, second lieutenant, Infantry Officers' Reserve Corps.
Donald Finnerman, second lieutenant, Infantry Officers' Reserve Corps.
Harper Allen Holt, second lieutenant, Infantry Officers' Reserve Corps.
Leon Lightner Kotzebue, of Texas.
Leander Ivon Shelley, second lieutenant, Infantry Officers' Reserve Corps.
Arvid P. Croonquist, second lieutenant, Infantry Officers' Reserve Corps.
James Edward Cole, jr., second lieutenant, Infantry Officers' Reserve Corps.
Roger Morton, of Missouri.
Gunther Orsinger, second lieutenant, Infantry Officers' Reserve Corps.
Gregory Alexander Harrison, of California.
Paul McCauley Boston, of Illinois.
Elmer Leroy Motz, second lieutenant, Infantry Officers' Reserve Corps.
Thomas Reed Holmes, of Maryland.
Harold Whitcomb Batchelder, second lieutenant, Infantry Officers' Reserve Corps.
Jay Hawenstine Cushman, of Kansas.
John Percy Redwood, second lieutenant, Infantry Officers' Reserve Corps.
Robert Henry Engle, of Illinois.
Samuel Young Dinkins, of South Carolina.
Roscoe Irwin Mac Millan, of Kansas.
Nicholas Dodge Woodward, private, One hundred and fifteenth Infantry.
Henry Robert Horak, of Kansas.
James Francis Burke, second lieutenant, Infantry Officers' Reserve Corps.
Henry Carroll Switzer, of South Carolina.
William Kenneth Dickson, of South Carolina.
Clarence Ames Martin, captain, Three hundred and twentieth Infantry.
Elmer John Croft, of Minnesota.
Mark Gerald Brislawn, of Washington.
Edgar Leon Noel, of Kansas.
Henning Linden, second lieutenant, Infantry Officers' Reserve Corps.
Gerold Edward Luebben, second lieutenant, Infantry Officers' Reserve Corps.

To be second lieutenants with rank from October 24, 1917.

First Lieut. Harry A. Seymour, Philippine Scouts.
First Lieut. Edward J. Oliver, Philippine Scouts.
Second Lieut. Ralph K. Fletcher, Philippine Scouts.
Second Lieut. Thomas R. McCarron, Philippine Scouts.
Second Lieut. LeRoy Warring Wilson, One hundred and twenty-second Infantry.
First Lieut. Oscar Peace Hilburn, One hundred and twenty-fourth Infantry.
Second Lieut. Ray Archie Martin, Second Infantry, Arkansas National Guard.
Second Lieut. Thomas Franklin Troxell, Company G, One hundred and fifteenth Infantry.
Second Lieut. Thomas Entrekin Hibben, One hundred and fiftieth Field Artillery.
Pvt. Vance Lawton Richmond, Company I, One hundred and sixty-third Infantry.
Pvt. (First Class) Earle Trask Loucks, Company M, Twenty-second United States Infantry.
Corpl. Alfred Dorrance Cameron, Company B, One hundred and sixty-first Infantry.
Corpl. Herbert Sutherland Havens, Company I, Seventh Infantry, New York National Guard.
Corpl. Joseph Eldridge Pierce, Twenty-fifth Recruit Company, General Service Infantry.

Corpl. John Goldthwait Davis, Company L, One hundred and seventh Infantry.
Sergt. William Euart Gladstone Cooper, Company F, Thirty-eighth Infantry.
Pvt. (First Class) George Hunter Passmore, United States Military Academy Detachment Engineers.
Corpl. Wayne Marshall, Company L, Seventh Infantry, New York National Guard.
Sergt. George Orenthus Allen Daughtry, jr., One hundred and twenty-first Infantry.
Sergt. Eugene Joseph Minarelli Fitz-Gerald, First Disciplinary Battalion.
Pvt. Frank Brevard Hayne, jr., One hundred and forty-first Field Artillery.
Sergt. Newton Gale Bush, Company G, Second Infantry, Georgia National Guard.
Sergt. Paolo Hoffoss Sperati, Headquarters Company, Thirty-second Infantry.
Corpl. Alan Lindsay Hart, Troop D, First Cavalry, Virginia National Guard.
Supply Sergt. Worden Henry Cowen, Machine Gun Company, One hundred and fifty-eighth Infantry.
Pvt. Russell Lincoln Bonnell, Troop D, First Cavalry, Pennsylvania National Guard.
Pvt. (First Class) Harold Louis Morian, Company C, Third Engineers.
Pvt. (First Class) LeRoy Welling Nichols, Seventh Infantry, New York National Guard.
First Sergt. Francis Dundas Ross, Company D, One hundred and fortieth Infantry.
Pvt. Keith Francis Driscoll, Troop D, First Cavalry, New York National Guard.
Sergt. Harvey J. Silvestone, Company C, Second Regiment, United States Engineers.
Sergt. Charles Martin Chamberlain, jr., One hundred and sixty-first Infantry.
Sergt. Harry Barnes Sepulveda, Second Company, Coast Artillery Corps.
Pvt. (First Class) Sherman Lawrence Hougen, Battery E, One hundred and forty-seventh Field Artillery.
Pvt. Melvin Pratt Spalding, Company I, Seventh Infantry, New York National Guard.
Pvt. Bernard Meredith, Troop B, First Cavalry, Virginia National Guard.
Corpl. Harold G. Johnstone, Company D, First Telegraph Battalion, Signal Corps.
Sergt. Manoah Newton Swetnam, Quartermaster Corps.
Corpl. William Fenton Newton, Ordnance Department.
Corpl. Andrew Frederick Hassel, Sixth Company, Coast Artillery Corps.
Second Lieut. Edward Reynolds Schauffler, Infantry, National Guard, United States.
Second Lieut. Louis Arthur Kuerzi, Infantry, National Guard, United States.
Second Lieut. Orlando Cobden Brown, Infantry, National Guard, United States.
Second Lieut. Frank Henry Hollingsworth, Infantry, National Guard, United States.
Second Lieut. Keelah Bouve, Infantry, National Guard, United States.
Second Lieut. Thomas Aloysius O'Brien, Infantry, National Guard, United States.
Second Lieut. Edward Andrew O'Malley, jr., Infantry, National Guard, United States.
Second Lieut. Francis M. Fuller, Infantry, National Guard, United States.
Second Lieut. Sidney Abdill Sands, Infantry, National Guard, United States.
Second Lieut. Christian Allen Schwarzwaelder, Infantry, National Guard, United States.
Second Lieut. Allan Benjamin Clayton, Infantry, National Guard, United States.
Second Lieut. Howard Nichols Merrill, Infantry, National Guard, United States.

To be second lieutenants with rank from October 26, 1917.

Thomas White Proctor, of Massacsusetts.
Robert Francis Kelley, of Massacsusetts.
Second Lieut. George Jabez Leftwich, jr., Infantry Officers' Reserve Corps.
Second Lieut. Neely Powers, Infantry Officers' Reserve Corps.
Second Lieut. Harrison Gardner Reynolds, Infantry Officers' Reserve Corps.
Second Lieut. Trevor Washington Swett, Infantry Officers' Reserve Corps.
Second Lieut. George Read, jr., Infantry Officers' Reserve Corps.
Second Lieut. James Clayton Clements, Infantry Officers' Reserve Corps.
Charles Huntington Jacobs, of Massachusetts.
Second Lieut. Hanford Mac Nider, Infantry Officers' Reserve Corps.
Second Lieut. Alexander Dickson Wilson, Infantry Officers' Reserve Corps.
Second Lieut. Edward Newton Wigton, Infantry Officers' Reserve Corps.
Second Lieut. Eric Frederick Pihlgard, Infantry Officers' Reserve Corps.
Second Lieut. Leslie N. Ross, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Warren Mudge, jr., Infantry Officers' Reserve Corps.
Second Lieut. Thomas Harry Nicholl, Infantry Officers' Reserve Corps.
Second Lieut. James Leslie Hubbell, Infantry Officers' Reserve Corps.
Second Lieut. Benjamin Hoyt Decker, Infantry Officers' Reserve Corps.
Second Lieut. Walter Alexander Dumas, Infantry Officers' Reserve Corps.
Second Lieut. Edwin Emerson Keatley, Infantry Officers' Reserve Corps.
Second Lieut. W. R. Barksdale Stevens, Infantry Officers' Reserve Corps.
Earle Lucas Hazard, of California.
Second Lieut. Moses Taylor, jr., Infantry Officers' Reserve Corps.
George Holladay McKee, of Georgia.
Second Lieut. Leet Wilson Bissell, Infantry Officers' Reserve Corps.
Second Lieut. William Blackburn White, Infantry Officers' Reserve Corps.
Second Lieut. George Comfort Parkhurst, Infantry Officers' Reserve Corps.
Second Lieut. Luther Wight Turner, Infantry Officers' Reserve Corps.
Second Lieut. William Hornbeek Deyo, Infantry Officers' Reserve Corps.
Second Lieut. Francis Wesley Dunn, Infantry Officers' Reserve Corps.
Second Lieut. Don Magruder Scott, Infantry Officers' Reserve Corps.
Second Lieut. Allen Wylie Cook, Infantry Officers' Reserve Corps.
Second Lieut. Robert Edward Wysor, jr., Infantry Officers' Reserve Corps.
Second Lieut. Robert Dechert, Infantry Officers' Reserve Corps.
Second Lieut. James E. Wharton, Infantry Officers' Reserve Corps.
William Ozman Wyckoff, of New York.
Carleton Smith, of the District of Columbia.
Paul Conover Gripper, of California.
Second Lieut. Martin Dunlap Barndollar, jr., Infantry Officers' Reserve Corps.
Second Lieut. Raymond Clarence Alley, Infantry Officers' Reserve Corps.
Second Lieut. Francis C. Lewis, Infantry Officers' Reserve Corps.
Second Lieut. Lewis Simons, Infantry Officers' Reserve Corps.
Second Lieut. James Harold Day, Infantry Officers' Reserve Corps.
Second Lieut. James Moore Austin, Infantry Officers' Reserve Corps.
Second Lieut. Albert Watson Vinal, Infantry Officers' Reserve Corps.
Second Lieut. Paul Grattan Corker, Infantry Officers' Reserve Corps.
Second Lieut. Hiram Russell Ide, Infantry Officers' Reserve Corps.
Second Lieut. James Alfred Rogers, Infantry Officers' Reserve Corps.
Second Lieut. Randolph Randall Brown, Infantry Officers' Reserve Corps.
Second Lieut. Leon Roy Mead, Infantry Officers' Reserve Corps.
Second Lieut. Harold Cyrill Conick, Infantry Officers' Reserve Corps.
Second Lieut. Loren A. Wetherby, Infantry Officers' Reserve Corps.

Second Lieut. James Joseph Coghlan, Infantry Officers' Reserve Corps.
Second Lieut. Samuel Hazzard Cross, Infantry Officers' Reserve Corps.
Second Lieut. Carl Unversacht Luers, Infantry Officers' Reserve Corps.
Second Lieut. Bernard Butler McMahon, Infantry Officers' Reserve Corps.
Second Lieut. Carlton Banigan, Infantry Officers' Reserve Corps.
Second Lieut. Winchester Kelso, jr., Infantry Officers' Reserve Corps.
Second Lieut. George Edwin Fingarson, Infantry Officers' Reserve Corps.
Second Lieut. Leaver Richardson, Infantry Officers' Reserve Corps.
Second Lieut. Lawrence Mitchell York, Infantry Officers' Reserve Corps.
Second Lieut. James Frank Lilley, Infantry Officers' Reserve Corps.
Second Lieut. Elwood Miller Stokes Steward, Infantry Officers' Reserve Corps.
Second Lieut. Herbert Leroy Scales, Infantry Officers' Reserve Corps.
Second Lieut. Ernest Albert Rudelius, Infantry Officers' Reserve Corps.
Second Lieut. Joseph Welch Emery, jr., Infantry Officers' Reserve Corps.
Second Lieut. William Lee Blanton, Infantry Officers' Reserve Corps.
Second Lieut. Harold Eugene Sturcken, Infantry Officers' Reserve Corps.
Second Lieut. Milton Petersen, Infantry Officers' Reserve Corps.
Second Lieut. Gillette Hill, Infantry Officers' Reserve Corps.
Second Lieut. Stuart Mortimer Firth, Infantry Officers' Reserve Corps.
Second Lieut. Porter Pise Wiggins, Infantry Officers' Reserve Corps.
Second Lieut. Eugene Willford Markey, Infantry Officers' Reserve Corps.
Second Lieut. Barnard Pierce, Infantry Officers' Reserve Corps.
Second Lieut. Robert Armstrong Cochran, Infantry Officers' Reserve Corps.
Second Lieut. Proctor Calvin Gilson, Infantry Officers' Reserve Corps.
Second Lieut. Paul Bacon Matlock, Infantry Officers' Reserve Corps.
Second Lieut. Charles Wordsworth Nevin, 2d, Infantry Officers' Reserve Corps.
Second Lieut. William Lambert Kleitz, Infantry Officers' Reserve Corps.
Second Lieut. Orville William Harris, Infantry Officers' Reserve Corps.
Second Lieut. Stanley Raymond Putnam, Infantry Officers' Reserve Corps.
Second Lieut. Harold Dean Comey, Infantry Officers' Reserve Corps.
Second Lieut. John Thomas Zellars, Infantry Officers' Reserve Corps.
Second Lieut. Alexander Coldclough Dick, Infantry Officers' Reserve Corps.
Second Lieut. Richard Alfred McClure, Infantry Officers' Reserve Corps.
Robert Kinloch Massie, jr., of Kentucky.
Second Lieut. Twomey Michael Clifford, Infantry Officers' Reserve Corps.
Second Lieut. Harry Andrew Welsch, jr., Infantry Officers' Reserve Corps.
Second Lieut. Tranny Lee Gaddy, Infantry Officers' Reserve Corps.
Second Lieut. Dennis Joseph O'Toole, Infantry Officers' Reserve Corps.
Second Lieut. Melvin Holmes Leonard, Infantry Officers' Reserve Corps.
Second Lieut. Ben Corley Marable, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Adolph Weiskopf, Infantry Officers' Reserve Corps.
Second Lieut. Francis Osborn Noble, Infantry Officers' Reserve Corps.
Second Lieut. John Adams Ballard, Infantry Officers' Reserve Corps.
Second Lieut. Harry Hood Martin, Infantry Officers' Reserve Corps.
Herbert T. Perrin, of Ohio.
Second Lieut. Arthur Wallace Pope, jr., Infantry Officers' Reserve Corps.
Second Lieut. Joseph Bartholomew Conny, Infantry Officers' Reserve Corps.
Second Lieut. Emons Bert Whisner, Infantry Officers' Reserve Corps.
Second Lieut. George Wesley Griner, jr., Infantry Officers' Reserve Corps.
Second Lieut. Hugh Tullock Mayberry, Infantry Officers' Reserve Corps.
Second Lieut. Charles Duke Pearce, jr., Infantry Officers' Reserve Corps.
Second Lieut. Edward Dickinson McDougal, jr., Infantry Officers' Reserve Corps.
Philip Wager Lowry, of Massachusetts.
Charles Paine Winsor, of Massachusetts.
Second Lieut. John Doble, Infantry Officers' Reserve Corps.
Second Lieut. Moses McKay Darst, Infantry Officers' Reserve Corps.
Second Lieut. Robert Reese Smith, Infantry Officers' Reserve Corps.
Second Lieut. Evan C. Dresser, Infantry Officers' Reserve Corps.
Second Lieut. James Gates Carr, Infantry Officers' Reserve Corps.
Second Lieut. Daniel Ely Farr, Infantry Officers' Reserve Corps.
Second Lieut. Chester McNutt Woolworth, Infantry Officers' Reserve Corps.
Second Lieut. Roland Malone Glenn, Infantry Officers' Reserve Corps.
Second Lieut. Harry Staples Robertson, Infantry Officers' Reserve Corps.
Second Lieut. Lawrence Moss Arnold, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Reynolds Knott, Infantry Officers' Reserve Corps.
Second Lieut. Samuel O'Connor Neff, Infantry Officers' Reserve Corps.
Second Lieut. Philip Edward Brown, Infantry Officers' Reserve Corps.
Second Lieut. Olaf Phillips Winningstad, Infantry Officers' Reserve Corps.
Second Lieut. Raymond Merlin Myers, Infantry Officers' Reserve Corps.
Second Lieut. Paul Snowden Russell, Infantry Officers' Reserve Corps.
Second Lieut. Herbert Coleman Smith, Infantry Officers' Reserve Corps.
Second Lieut. Edward Nahum Mitchell, Infantry Officers' Reserve Corps.
Second Lieut. James Albert Van Sant, Infantry Officers' Reserve Corps.
Second Lieut. William Eugene Stanley, Infantry Officers' Reserve Corps.
Second Lieut. Frank Shepherd Spruill, jr., Infantry Officers' Reserve Corps.
Second Lieut. George Arthur Davis, Infantry Officers' Reserve Corps.
Second Lieut. Laurin L. Williams, Infantry Officers' Reserve Corps.
Second Lieut. George Van Wyck Pope, Infantry Officers' Reserve Corps.
Second Lieut. Edwin Manly Allison, Infantry Officers' Reserve Corps.
Second Lieut. George Ellsworth Butler, Infantry Officers' Reserve Corps.
Second Lieut. Edgar Lewis Clewell, Infantry Officers' Reserve Corps.
Second Lieut. Herbert Arthur Buermeyer, Infantry Officers' Reserve Corps.
Leo Roy Moody, of California.
Second Lieut. William McLean Christie, Infantry Officers' Reserve Corps.
Second Lieut. Leon Draper Gibbens, Infantry Officers' Reserve Corps.
Second Lieut. Mark Merton Grubbs, Infantry Officers' Reserve Corps.
Second Lieut. Robert Alexander Kinloch, Infantry Officers' Reserve Corps.

John August Otto, of Texas.

General Service Infantry.

Second Lieut. Trevor Washington Swett, Infantry Officers' Reserve Corps.

Second Lieut. Loren A. Wetherby, Infantry Officers' Reserve Corps.

Second Lieut. Joel Rankin Burney, Infantry Officers' Reserve Corps.
Second Lieut. Franklin Prague Shaw, Infantry Officers' Reserve Corps.
Second Lieut. Winfield Harrison Scott, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Gilles Davidson, Infantry Officers' Reserve Corps.
Second Lieut. Harold Ashlyn White, Infantry Officers' Reserve Corps.
Second Lieut. Campbell Nelson Jackson, Infantry Officers' Reserve Corps.
Second Lieut. Joel Albert Fite, Infantry Officers' Reserve Corps.
Second Lieut. James Alexander Black, Infantry Officers' Reserve Corps.
Second Lieut. Clarence R. Peck, Infantry Officers' Reserve Corps.
Second Lieut. Glenn Gordon Hall, Infantry Officers' Reserve Corps.
Second Lieut. Charles Clifford Gillette, Infantry Officers' Reserve Corps.
Second Lieut. Walace Eugene Hawkins, Infantry Officers' Reserve Corps.
Second Lieut. Ralph Morton McFaul, Infantry Officers' Reserve Corps.
Second Lieut. Forrest Prow Barrett, Infantry Officers' Reserve Corps.
Second Lieut. Beal Hendrix Siler, Infantry Officers' Reserve Corps.
Second Lieut. Emmett George Lenihan, Infantry Officers' Reserve Corps.
Second Lieut. Edward Hines, jr., Infantry Officers' Reserve Corps.
Second Lieut. Bird Little, Infantry Officers' Reserve Corps.
Second Lieut. Evan Charles Williams, Infantry Officers' Reserve Corps.
Second Lieut. James Allan O'Neill, Infantry Officers' Reserve Corps.
Second Lieut. Coulter Malcolm Montgomery, Infantry Officers' Reserve Corps.
Second Lieut. Einar Walter Chester, Infantry Officers' Reserve Corps.
Second Lieut. James Allen Griffin, Infantry Officers' Reserve Corps.
Second Lieut. Guy Cummins McKinley, jr., Infantry Officers' Reserve Corps.
Second Lieut. Gordon Prescott Savage, Infantry Officers' Reserve Corps.
Second Lieut. Harold Hugh McClune, Infantry Officers' Reserve Corps.
Second Lieut. Kingsley Barham, Infantry Officers' Reserve Corps.
Second Lieut. Lester Earl MacGregor, Infantry Officers' Reserve Corps.
Second Lieut. Harold Pearson Gibson, Infantry Officers' Reserve Corps.
Second Lieut. Lloyd Ross Besse, Infantry Officers' Reserve Corps.
Second Lieut. Willard John Mason, Infantry Officers' Reserve Corps.
Second Lieut. Percival Robert Bowey, Infantry Officers' Reserve Corps.
Second Lieut. Hugh Merle Elmendorf, Infantry Officers' Reserve Corps.
Second Lieut. William Nevin Given, Infantry Officers' Reserve Corps.
Second Lieut. Charles Fearn Sutherland, Infantry Officers' Reserve Corps.
Second Lieut. Lance Edward Gowen, Infantry Officers' Reserve Corps.
Second Lieut. Edward Payson Hayward, Infantry Officers' Reserve Corps.
Second Lieut. Gilbert Everhard Parker, Infantry Officers' Reserve Corps.
Second Lieut. Francis Beeston Myer, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Seymour Nevins, Infantry Officers' Reserve Corps.
Second Lieut. Gustave Villaret, jr., Cavalry Officers' Reserve Corps.
Second Lieut. Horace Edward Watson, Infantry Officers' Reserve Corps.
Second Lieut. Lester Austin Webb, Infantry Officers' Reserve Corps.
Second Lieut. Royal Crosby Carpenter, Infantry Officers' Reserve Corps.
Second Lieut. Edwin Sanders Van Deusen, Infantry Officers' Reserve Corps.
Second Lieut. Robert Stanley Boykin, Infantry Officers' Reserve Corps.
Second Lieut. Edward Morris Ford, Infantry Officers' Reserve Corps.
Second Lieut. William Lawrence Phillips, Infantry Officers' Reserve Corps.
Second Lieut. George Alfred Hunt, Infantry Officers' Reserve Corps.
Second Lieut. Kenneth Gray Reynolds, Infantry Officers' Reserve Corps.
Second Lieut. Robert Hardwick Warren, jr., Infantry Officers' Reserve Corps.
Second Lieut. Vyse Beckwith Whedon, Infantry Officers' Reserve Corps.
John Walcott, of Massachusetts.
Second Lieut. Philip Harrison Condit, Infantry Officers' Reserve Corps.
Second Lieut. John Ernest Dahlquist, Infantry Officers' Reserve Corps.
Second Lieut. Russell Symonds Fisher, Infantry Officers' Reserve Corps.
Second Lieut. Luther Kennedy Brice, Infantry Officers' Reserve Corps.
Second Lieut. John Mitchell Dale, Infantry Officers' Reserve Corps.
Second Lieut. Jack Edward Duke, jr., Infantry Officers' Reserve Corps.
Second Lieut. Tom Sherman Brand, Infantry Officers' Reserve Corps.
Second Lieut. Charles Morris Ankcorn, Infantry Officers Reserve Corps.
Second Lieut. James Robinson Urquhart, Infantry Officers' Reserve Corps.
Second Lieut. John Walter Saladine, jr., Infantry Officers' Reserve Corps.
Second Lieut. Morrill Watson Marston, Infantry Officers' Reserve Corps.
Second Lieut. Morrison Chalmers Wood, Infantry Officers' Reserve Corps.
Second Lieut. Alymer Bluford Atkins, Infantry Officers' Reserve Corps.
Second Lieut. Robert Robinson, Infantry Officers' Reserve Corps.
Second Lieut. John Dwight Filley, jr., Infantry Officers' Reserve Corps.
Second Lieut. William Edward Bergin, Infantry Officers' Reserve Corps.
Second Lieut. John Olis Crose, Infantry Officers' Reserve Corps.
Second Lieut. Samuel Robert Epperson, Infantry Officers' Reserve Corps.
Leslie Fisher Tanner, of Louisiana.
Second Lieut. Frederick Levenworth Bramlette, Infantry Officers' Reserve Corps.
Second Lieut. Benjamin Wilson Venable, Infantry Officers' Reserve Corps.
Second Lieut. Myron Everhart Bagley, Infantry Officers' Reserve Corps.
Second Lieut. John Lawrence Murphy, Infantry Officers' Reserve Corps.
Second Lieut. John William Freels, Infantry Officers' Reserve Corps.
Second Lieut. Eugene Faber Gillespie, Infantry Officers' Reserve Corps.
Second Lieut. George Warren Setzer, jr., Infantry Officers' Reserve Corps.
Second Lieut. James Bragdon Mudge, Infantry Officers' Reserve Corps.
Second Lieut. Allan Hanson Snowden, Infantry Officers' Reserve Corps.
Second Lieut. Earl Leslie Renhstorff Askam, Infantry Officers' Reserve Corps.
Second Lieut. Irvin Levi Swanson, Infantry Officers' Reserve Corps.
Second Lieut. Philip Delano Richmond, Infantry Officers' Reserve Corps.
Second Lieut. William Walter Timmis, Infantry Officers' Reserve Corps.
Second Lieut. Gayle McFadden, Infantry Officers' Reserve Corps.

Second Lieut. Burt Eugene Skeel, Infantry Officers' Reserve Corps.
Second Lieut. Henry Augustus Brickley, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Patrick Barry, jr., Infantry Officers' Reserve Corps.
Second Lieut. Roger Wisner, Infantry Officers' Reserve Corps.
Second Lieut. Merril Virgil Reed, Infantry Officers' Reserve Corps.
Second Lieut. A. Pledger Sullivan, Infantry Officers' Reserve Corps.
Second Lieut. Douglas Outlaw Langstaff, Infantry Officers' Reserve Corps.
Second Lieut. Ralph Watson Hickey, Infantry Officers' Reserve Corps.
Second Lieut. George Keyes Page, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Lewis Reese, Infantry Officers' Reserve Corps.
Second Lieut. William Burbridge Yancey, Infantry Officers' Reserve Corps.
Second Lieut. Leo James McCarthy, Infantry Officers' Reserve Corps.
Second Lieut. Griffin Duff Vance, Infantry Officers' Reserve Corps.
Second Lieut. Earl Franklyn Paynter, Infantry Officers' Reserve Corps.
Second Lieut. Joseph Michael O'Grady, Infantry Officers' Reserve Corps.
Second Lieut. Clifford Ruskin Wright, Infantry Officers' Reserve Corps.
Second Lieut. Donald McGill Marshman, Infantry Officers' Reserve Corps.
Second Lieut. John Scott Coleman, Infantry Officers' Reserve Corps.
Second Lieut. Harrison Bruce Beavers, Infantry Officers' Reserve Corps.
Second Lieut. Elbridge Colby, Infantry Officers' Reserve Corps.
Second Lieut. Herbert Daskum Gibson, Infantry Officers' Reserve Corps.
Pvt. Goulding Kumler Wight, Seventh Regiment, New York National Guard.
Second Lieut. Harry Squire Wilbur, Infantry Officers' Reserve Corps.
Second Lieut. Albert Sigfred Johnson, Infantry Officers' Reserve Corps.
Second Lieut. Clarence Otis Black, Infantry Officers' Reserve Corps.
Second Lieut. Paul Blassengame Robinson, Infantry Officers' Reserve Corps.
Second Lieut. William Lamont Coulter, Infantry Officers' Reserve Corps.
Second Lieut. Glen Elroy McCarthy, Infantry Officers' Reserve Corps.
Second Lieut. Joseph Henry Hinwood, jr., Infantry Officers' Reserve Corps.
Second Lieut. Russell Fleming Walthour, jr., Infantry Officers' Reserve Corps.
Second Lieut. James Crawford DeLong, Infantry Officers' Reserve Corps.
Second Lieut. Joseph Patrick Lawlor, Infantry Officers' Reserve Corps.
Second Lieut. Timothy Asbury Pedley, jr., Infantry Officers' Reserve Corps.
Second Lieut. Charles Norton Owen, Infantry Officers' Reserve Corps.
Second Lieut. Charles Russell Gideon, Infantry Officers' Reserve Corps.
Second Lieut. Archie MacInnes Palmer, Infantry Officers' Reserve Corps.
Second Lieut. Jack Breeden Chadwick, Infantry Officers' Reserve Corps.
Second Lieut. John Raymond Bair, Infantry Officers' Reserve Corps.
Second Lieut. James Sullins Varnell, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Ferdinand Dahlberg, Infantry Officers' Reserve Corps.
Second Lieut. Russell Comstock Chapman, Infantry Officers' Reserve Corps.
Second Lieut. Edwin Turner Bowden, Infantry Officers' Reserve Corps.
Second Lieut. Eugene Mark Frederick, Infantry Officers' Reserve Corps.
Second Lieut. Cassius Hayward Styles, Infantry Officers' Reserve Corps.
Second Lieut. Fisher S. Harris, Infantry Officers' Reserve Corps.
Second Lieut. Frederick John Slackford, Infantry Officers' Reserve Corps.
Second Lieut. George Fisher Dashiell, Infantry Officers' Reserve Corps.
Second Lieut. Ray Edison Porter, Infantry Officers' Reserve Corps.
Second Lieut. Frank Exley Barber, Infantry Officers' Reserve Corps.
Second Lieut. Julian Erwin, Infantry Officers' Reserve Corps.
Second Lieut. John Earl Brannan, Infantry Officers' Reserve Corps.
Second Lieut. George Washington Brodie, jr., Infantry Officers' Reserve Corps.
Second Lieut. Waldron Joseph Cheyney, Infantry Officers' Reserve Corps.
Second Lieut. Edward Russell Jobson, Infantry Officers' Reserve Corps.
Second Lieut. Albert Sidney Lewis, jr., Infantry Officers' Reserve Corps.
Edward Seguin Couch, of Connecticut.
Second Lieut. William Joseph Devine, Infantry Officers' Reserve Corps.
Second Lieut. Edward Huger Carpenter, jr., Infantry Officers' Reserve Corps.
Second Lieut. Charles Campbell Brooks, Infantry Officers' Reserve Corps.
Second Lieut. Gordon Kaemmerling, Infantry Officers' Reserve Corps.
Second Lieut. Francis Relyea Holmes, Infantry Officers' Reserve Corps.
Second Lieut. William Volney Rattan, Infantry Officers' Reserve Corps.
Second Lieut. Rosswell Eric Hardy, Infantry Officers' Reserve Corps.
Second Lieut. Wilbur Copley Herbert, Infantry Officers' Reserve Corps.
Second Lieut. Ross Martin, Infantry Officers' Reserve Corps.
Second Lieut. Alexander McCook Craighead, Infantry Officers' Reserve Corps.
Second Lieut. William Mason Smith, jr., Infantry Officers' Reserve Corps.
Second Lieut. James Mansfield Symington, Infantry Officers' Reserve Corps.
Second Lieut. Herron White Miller, Infantry Officers' Reserve Corps.
Second Lieut. Maurice Russel Fitts, Infantry Officers' Reserve Corps.
Second Lieut. Marvin Rood Dye, Infantry Officers' Reserve Corps.
Second Lieut. Emanuel Reyenthaler Wilson, Infantry Officers' Reserve Corps.
Second Lieut. William Irving Truitt, Infantry Officers' Reserve Corps.
Second Lieut. Lloyd Zuppann, Infantry Officers' Reserve Corps.
Second Lieut. John Kirkland Rice, Infantry Officers' Reserve Corps.
Second Lieut. Hammond Davies Birks, Infantry Officers' Reserve Corps.
Second Lieut. James Holden Hagan, Infantry Officers' Reserve Corps.
Second Lieut. Lester Smith Ostrander, Infantry Officers' Reserve Corps.
Second Lieut. Edward Tannahill White, Infantry Officers' Reserve Corps.
Second Lieut. Edward Allen Whitney, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Brinton Jopson, Infantry Officers' Reserve Corps.
Charles Paul Cullen, of Rhode Island.
Second Lieut. Frederick Harold Gnarini, Infantry Officers' Reserve Corps.
Second Lieut. Roscoe Bunyan Ellis, Infantry Officers' Reserve Corps.
Second Lieut. John Albert Langan, Infantry Officers' Reserve Corps.
Second Lieut. Jeremiah Emmet Murphy, Infantry Officers' Reserve Corps.
Second Lieut. Edward Gibson Perley, Infantry Officers' Reserve Corps.

Second Lieut. Frank Milton Conroy, Infantry Officers' Reserve Corps.
Second Lieut. Charles Spurgeon Johnson, Infantry Officers' Reserve Corps.
Second Lieut. Albert Ralph Boomhower, Infantry Officers' Reserve Corps.
Second Lieut. Hugh Andrew Wear, Infantry Officers' Reserve Corps.
Second Lieut. George Allan Miller, Infantry Officers' Reserve Corps.
Second Lieut. David Loring, jr., Infantry Officers' Reserve Corps.
Second Lieut. Stockbridge Carleton Hilton, Infantry Officers' Reserve Corps.
Second Lieut. James Dixin Everett, Infantry Officers' Reserve Corps.
Gordon Congdon King, of New York.
Second Lieut. Jackson Roger Sharman, Infantry Officers' Reserve Corps.
Second Lieut. Harvey Clark McClary, Infantry Officers' Reserve Corps.
Second Lieut. Willard James Freeman, Infantry Officers' Reserve Corps.
Second Lieut. Jay Melvin Fields, Infantry Officers' Reserve Corps.
Second Lieut. George Anthony Horkan, Infantry Officers' Reserve Corps.
Second Lieut. Samuel Craumer Thompson, Infantry Officers' Reserve Corps.
Second Lieut. Harry Winant Caygill, Infantry Officers' Reserve Corps.
Second Lieut. Emery St. George, Infantry Officers' Reserve Corps.
Second Lieut. John Lloyd Phillips, Infantry Officers' Reserve Corps.
Second Lieut. Berthoud Clifford, Infantry Officers' Reserve Corps.
Second Lieut. James Elson Jeffres, Infantry Officers' Reserve Corps.
Second Lieut. Epler Cadwell Mills, Infantry Officers' Reserve Corps.
Harry Emerson Storms, of New Jersey.
Second Lieut. Orlo Harry Quinn, Infantry Officers' Reserve Corps.
Second Lieut. Ernest Rollen Hoftyzer, Infantry Officers' Reserve Corps.
Second Lieut. John W. Scott, Infantry Officers' Reserve Corps.
Second Lieut. Lewis Anderson Page, Infantry Officers' Reserve Corps.
Second Lieut. John Manning Battle, Infantry Officers' Reserve Corps.
Second Lieut. John Roach Sproul, Infantry Officers' Reserve Corps.
Second Lieut. Virgil Conkling, Infantry Officers' Reserve Corps.
Second Lieut. William Russell Silvey, Infantry Officers' Reserve Corps.
Second Lieut. Alexander Oscar Gorder, Infantry Officers' Reserve Corps.
Second Lieut. Charles Edmund Garbrick, Infantry Officers' Reserve Corps.
Second Lieut. Forrest Adair Roberts, Infantry Officers' Reserve Corps.
Second Lieut. Alonzo Franklin Myers, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Ellsworth Martin, Infantry Officers' Reserve Corps.
Second Lieut. Max John Berg, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Jennings Guilbeau, Infantry Officers' Reserve Corps.
Second Lieut. Hugh James Hannigan, Infantry Officers' Reserve Corps.
Second Lieut. John Joseph Mathison, Infantry Officers' Reserve Corps.
Second Lieut. Milo Victor Buchanan, Infantry Officers' Reserve Corps.
Second Lieut. Kearie Lee Berry, Infantry Officers' Reserve Corps.
Second Lieut. William Emmett Wiley, Infantry Officers' Reserve Corps.
Second Lieut. Earl Parker Kemp, Infantry Officers' Reserve Corps.
Second Lieut. William Elbridge Chickering, Infantry Officers' Reserve Corps.
Second Lieut. Wilbur Reece McReynolds, Infantry Officers' Reserve Corps.
David Dean Barrett, of Colorado.
William Willard Burke, of Colorado.
Arthur Dudley Fay, of Massachusetts.
William Barney Pitts, of North Carolina.
Thomas Harry Ramsey, of Nevada.
Second Lieut. Paul Delmar Davis, Infantry Officers' Reserve Corps.
Second Lieut. Lewis Burnham Rock, Infantry Officers' Reserve Corps.
Second Lieut. Gaillard Pinckney, Infantry Officers' Reserve Corps.
Second Lieut. Benjamin Franklin O'Connor, jr., Infantry Officers' Reserve Corps.
Second Lieut. Fred Currie Milner, Infantry Officers' Reserve Corps.
Second Lieut. William Parks Driskell, jr., Infantry Officers' Reserve Corps.
Second Lieut. George Kenney Bowden, Infantry Officers' Reserve Corps.
Second Lieut. Lloyd Wallace Georgeson, Infantry Officers' Reserve Corps.
Second Lieut. Francis Marion Darr, Infantry Officers' Reserve Corps.
Second Lieut. William Clarke Webster, Infantry Officers' Reserve Corps.
Second Lieut. Francis Thomas Ward, Infantry Officers' Reserve corps.
Second Lieut. Frederick William Wendt, Infantry Officers' Reserve Corps.
Second Lieut. William C. Thurman, Infantry Officers' Reserve Corps.
Second Lieut. Robert Eviston Shideler, Infantry Officers' Reserve Corps.
Second Lieut. Oliver William Fannin, Infantry Officers' Reserve Corps.
Second Lieut. Charles Frost Craig, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Leland Turner, Infantry Officers' Reserve Corps.
Second Lieut. Henderson Donaldson Emery, Infantry Officers' Reserve Corps.
Second Lieut. Oscar K. Wolber, Infantry Officers' Reserve Corps.
Second Lieut. Russell Slocum, Infantry Officers' Reserve Corps.
Second Lieut. Karl Eugene Henion, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Lindsay Creekmore, Infantry Officers' Reserve Corps.
Second Lieut. George Orial Clark, Infantry Officers' Reserve Corps.
Second Lieut. William Carrington Stettinius, Infantry Officers' Reserve Corps.
Second Lieut. Russell J. Potts, Infantry Officers' Reserve Corps.
Second Lieut. William Hoover Craig, Infantry Officers' Reserve Corps.
Second Lieut. John Rupley Schwartz, Infantry Officers' Reserve Corps.
Second Lieut. Thaddeus C. Knight, Infantry Officers' Reserve Corps.
Second Lieut. Ollie William Reed, Infantry Officers' Reserve Corps.
Second Lieut. Frank Ewell Boyd, Infantry Officers' Reserve Corps.
Second Lieut. Louis Wilson Maddox, Infantry Officers' Reserve Corps.
Clark Olds Tayntor, of Pennsylvania.
Ernest Eugene Stansbery, of Arkansas.
Second Lieut. Malvern Jesse Nabb, Infantry Officers' Reserve Corps.
Second Lieut. Andrew Henry Hilgartner, Infantry Officers' Reserve Corps.
Second Lieut. John Clyde Glithero, Infantry Officers' Reserve Corps.
Second Lieut. Eugene Phillip Watkins, Infantry Officers' Reserve Corps.
Second Lieut. Richard Noble Armstrong, Infantry Officers' Reserve Corps.
Second Lieut. Philip John Sexton, Infantry Officers' Reserve Corps.
Second Lieut. W. Fulton Magill, jr., Infantry Officers' Reserve Corps.

Second Lieut. Harry Curry, Infantry Officers' Reserve Corps.
Second Lieut. Ethan Allen Hitchcock Shepley, Infantry Officers' Reserve Corps.
Second Lieut. Otis Bearl Adams, Infantry Officers' Reserve Corps.
Second Lieut. Millard Fillmore Staples, Infantry Officers' Reserve Corps.
Second Lieut. Hugh Henderson Drake, Infantry Officers' Reserve Corps.
Second Lieut. Joseph Herbert Kelleher, Infantry Officers' Reserve Corps.
Second Lieut. Benjamin Risher Sleeper, Infantry Officers' Reserve Corps.
James Joseph Kelley, of Massachusetts.
Walter Byron Fariss, of Kansas.
Second Lieut. Robert John Wagoner, Infantry Officers' Reserve Corps.
Second Lieut. William Edgar Vernon, Infantry Officers' Reserve Corps.
Second Lieut. Felix V. Embree, Infantry Officers' Reserve Corps.
Second Lieut. William Thomas Makinson, Infantry Officers' Reserve Corps.
Second Lieut. Clarence Ewir Allen, jr., Infantry Officers' Reserve Corps.
George F. Herrick, of Illinois.
Second Lieut. Joseph Williams McCall, jr., Infantry Officers' Reserve Corps.
Second Lieut. John Richard Hunneman, Infantry Officers' Reserve Corps.
Second Lieut. Winfred Earl Merriam, Infantry Officers' Reserve Corps.
Second Lieut. Laurence MacHatton Tharp, Infantry Officers' Reserve Corps.
Clive A. Wray, of New York.
Second Lieut. Donald Potter Vail, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Brevard Steel, Infantry Officers' Reserve Corps.
Second Lieut. Douglas Brooks Baker, Infantry Officers' Reserve Corps.
Second Lieut. Harold Hunter White, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Watson Butler, Infantry Officers' Reserve Corps.
Second Lieut. Everett Busch, Infantry Officers' Reserve Corps.
Second Lieut. Frank Gordon Busteed, Infantry Officers' Reserve Corps.
Second Lieut. Frank Laurie Scott, jr., Infantry Officers' Reserve Corps.
Second Lieut. John Wilbur Heisse, Infantry Officers' Reserve Corps.
Douglas Geoffrey McGrath, of New Jersey.
Stephen Clough Peabody, of Massachusetts.
Max Bernstein, of New York.
Herschel Vespasian Johnson, of North Carolina.
Second Lieut. William Bernard Clark, Infantry Officers' Reserve Corps.
Second Lieut. Stewart Darden Hervey, Infantry Officers' Reserve Corps.
Second Lieut. James Lee Blanding, Infantry Officers' Reserve Corps.
Second Lieut. Frank Joyce Pearson, Infantry Officers' Reserve Corps.
Second Lieut. J. Gordon Hussey, Infantry Officers' Reserve Corps.
Second Lieut. Lester Thomas Miller, Infantry Officers' Reserve Corps.
Second Lieut. Leo Donovan, Infantry Officers' Reserve Corps.
Second Lieut. George Edwin Kirk, Infantry Officers' Reserve Corps.
Second Lieut. Frank Welch Hayes, Infantry Officers' Reserve Corps.
Second Lieut. Vincent Rochester Bartlett, Infantry Officers' Reserve Corps.
Second Lieut. Samuel Merrill Bemiss, Infantry Officers' Reserve Corps.
Second Lieut. Richard Lawrence Holbrook, Infantry Officers' Reserve Corps.
Second Lieut. James King Hoyt, jr., Infantry Officers' Reserve Corps.
Second Lieut. Julian Gilliam Hart, Infantry Officers' Reserve Corps.
Second Lieut. William Murray Leffingwell, Infantry Officers' Reserve Corps.
John Theodore Sunstone, of Maryland.
Second Lieut. Arthur Bee McDaniel, Infantry Officers' Reserve Corps.
Second Lieut. Harold Henry Schaper, Infantry Officers' Reserve Corps.
Second Lieut. Randall Thomas Kendrick, Infantry Officers' Reserve Corps.
Second Lieut. Percy McCay Vernon, Infantry Officers' Reserve Corps.
Second Lieut. Samuel Ward Perrott, Infantry Officers' Reserve Corps.
Second Lieut. Jay Albert Richardson, Infantry Officers' Reserve Corps.
Second Lieut. Milton Whitney, jr., Infantry Officers' Reserve Corps.
Second Lieut. Emile James Boyer, Infantry Officers' Reserve Corps.
Second Lieut. Harry Melvin Bardin, Infantry Officers' Reserve Corps.
Second Lieut. Joseph Phocion Guillet, Infantry Officers' Reserve Corps.
Second Lieut. Leander Forest Conley, Infantry Officers' Reserve Corps.
Second Lieut. Paul Patrick Reily, Infantry Officers' Reserve Corps.
Second Lieut. Peter J. Lloyd, Infantry Officers' Reserve Corps.
Second Lieut. Paul Stuart Buchanan, Infantry Officers' Reserve Corps.
Second Lieut. Cranston Guilatt Williams, Infantry Officers' Reserve Corps.
Second Lieut. Lewis Berkeley Cox, Infantry Officers' Reserve Corps.
Second Lieut. Theodore Morton Cornell, Infantry Officers' Reserve Corps.
Launcelot Minor Blackford, of Virginia.
Frederick Webster Deck, of the District of Columbia.
Second Lieut. Fernand George Dumont, Infantry Officers' Corps.
First Lieut. Stephen Young Mann, Infantry Officers' Reserve Corps.
Joseph Houston Payne, of Kentucky.
Second Lieut. George Elmer Braker, jr., Infantry Officers' Reserve Corps.
Second Lieut. Paul Vincent Kellogg, Infantry Officers' Reserve Corps.
Second Lieut. Langdon Douglas Wythe, Infantry, Officers' Reserve Corps.
Second Lieut. John Osborne Flautt, jr., Infantry Officers' Reserve Corps.
Second Lieut. Giles Frederic Ewing, Infantry Officers' Reserve Corps.
Second Lieut. Fred William King, Infantry Officers' Reserve Corps.
Second Lieut. Ivy Winfred Crawford, Field Artillery Officers' Reserve Corps.
Second Lieut. John Stone Fishback, Field Artillery Officers' Reserve Corps.
Robert Saxton Downing, of New York.
Second Lieut. Clement Austin Reed, Infantry Officers' Reserve Corps.
Second Lieut. George Mountford Hancock, Infantry Officers' Reserve Corps.
Pvt. Jesse Benjamin Smith, Twenty-second United States Infantry.
Selden Spencer Smith, of Minnesota.
Second Lieut. John Reed Hodge, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Richard Walk, Infantry Officers' Reserve Corps.
Second Lieut. Leslie Egner Toole, Infantry Officers' Reserve Corps.
Second Lieut. Lewis Aloysius List, Infantry Officers' Reserve Corps.
Second Lieut. James Frederick Johnson, jr., Infantry Officers' Reserve Corps.
Second Lieut. Francis Murray Brady, Infantry Officers' Reserve Corps.
Second Lieut. Eubert Harrison Malone, Infantry Officers' Reserve Corps.
Second Lieut. Wayne William Schmidt, Infantry Officers' Reserve Corps.
Second Lieut. Theodore Wright Crossen, Infantry Officers' Reserve Corps.
Second Lieut. James Footville Butler, Infantry Officers' Reserve Corps.

Second Lieut. Herbert Gerhard Peterson, Infantry Officers' Reserve Corps.
Second Lieut. Truman Morris Martin, Infantry Officers' Reserve Corps.
Capt. Herman Livingston Rogers, Field Artillery Officers' Reserve Corps.
Second Lieut. Veno Earl Sacre, Cavalry Officers' Reserve Corps.
Second Lieut. Warner Bernie Van Aken, Infantry Officers' Reserve Corps.
Second Lieut. Richard Gardiner Plumley, Infantry Officers' Reserve Corps.
Charles Rexford Davis, of New York.
Second Lieut. Cecil Leland Rutledge, Infantry Officers' Reserve Corps.
Second Lieut. Theodore Christian Gerber, Engineer Officers' Reserve Corps.
Second Lieut. Charles John McCarthy, jr., Infantry Officers' Reserve Corps.
Second Lieut. Robert William Duthie, Infantry Officers' Reserve Corps.
James Nathaniel McClure, of Kentucky.
Second Lieut. Garth Bly Haddock, Infantry Officers' Reserve Corps.
Second Lieut. Maurice Thompson Moore, Infantry Officers' Reserve Corps.
Second Lieut. Charles Hutchins McMahon, Infantry Officers' Reserve Corps.
Second Lieut. Lawrence Leonard William Meinzen, Infantry Officers' Reserve Corps.
Capt. Courtland Marcus Hulings, Infantry Officers' Reserve Corps.
Second Lieut. Alan Erlenborn Infantry Officers' Reserve Corps.
Second Lieut. George Le Conte Ramsey, Infantry Officers' Reserve Corps.
Second Lieut. John Johnson Albright, Infantry Officers' Reserve Corps.
Second Lieut. Robert Jones King, Infantry Officers' Reserve Corps.
Raymond Edwin Vermette, of Kansas.
Second Lieut. Alexander Adair, Infantry Officers' Reserve Corps.
Second Lieut. Edward Streicher Rothrock, Infantry Officers' Reserve Corps.
Second Lieut. Grant Alexander Schlicker, Infantry Officers' Reserve Corps.
Second Lieut. Raymond Joseph Hurley, Infantry Officers' Reserve Corps.
Elmer Ellsworth Stone, jr., of California.
Burnett Forrest Trent, of Kansas.
Second Lieut. William Grant Hilliard, jr., Infantry Officers' Reserve Corps.
Second Lieut. Albert Cushing Cleveland, Infantry Officers' Reserve Corps.
Second Lieut. Leslie Marshall Skerry, Field Artillery Officers' Reserve Corps.
Second Lieut. Walter Carper Phillips, Infantry Officers' Reserve Corps.
Second Lieut. Anthony Joseph Touart, Infantry Officers' Reserve Corps.
Second Lieut. Henry Percy Gray, Infantry Officers' Reserve Corps.
Second Lieut. Dan Harold Riner, Infantry Officers' Reserve Corps.
Second Lieut. Robert Morriss Browning, Infantry Officers' Reserve Corps.
Second Lieut. Malcolm Palmer Ball, Infantry Officers' Reserve Corps.
Second Lieut. Arthur E. Easterbrook, Field Artillery Officers' Reserve Corps.
Second Lieut. Gordon Cumming, Infantry Officers' Reserve Corps.
Second Lieut. Raymond Boyd Jauss, Infantry Officers' Reserve Corps.
Second Lieut. Thaddus Ernest Peterson, Infantry Officers' Reserve Corps.
Second Lieut. Harry John Collins, Infantry Officers' Reserve Corps.
Second Lieut. Edgar V. Maher, Infantry Officers' Reserve Corps.
Guy Blanton Hazelgrove, of Virginia.
George Anderson King, jr., of the District of Columbia.
Second Lieut. Henry Paul Hollowell, Infantry Officers' Reserve Corps.
Second Lieut. Chester Franklin Price, Infantry Officers' Reserve Corps.
Second Lieut. Harley Martin Kilgore, Infantry Officers' Reserve Corps.
Second Lieut. Richard Johnson Broyles, Infantry Officers' Reserve Corps.
Second Lieut. Will Ellis May, Field Artillery Officers' Reserve Corps.
Second Lieut. William Rinehart Jutte, Field Artillery Officers' Reserve Corps.
Second Lieut. John Norris Zigler, Infantry Officers' Reserve Corps.
Second Lieut. Herbert Clinton Smith, Infantry Officers' Reserve Corps.
Second Lieut. Plautus Iberus Lipsey, Infantry Officers' Reserve Corps.
Second Lieut. Marshall Hood McCarthy, Infantry Officers' Reserve Corps.
Second Lieut. Henry Ide Eager, Infantry Officers' Reserve Corps.
Second Lieut. George Prather Van Ripper, Infantry Officers' Reserve Corps.
Edmund Serle Bell, of Pennsylvania.
Second Lieut. Archie Winning Hutton, Infantry Officers' Reserve Corps.
Second Lieut. Charlton Mayer Theus, Infantry Officers' Reserve Corps.
Second Lieut. Harold Reimers Bechtel, Infantry Officers' Reserve Corps.
Thomas Harry Frost, of Georgia.
First Lieut. Robert Ernest Archibald, Infantry Officers' Reserve Corps.
Second Lieut. Harold Bayless Alexander, Infantry Officers' Reserve Corps.
Second Lieut. Buhl Moore, Infantry Officers' Reserve Corps.
Second Lieut. Jesse Faust Wentz, Ordnance Officers' Reserve Corps.
Second Lieut. Henry Donald Paton, Infantry Officers' Reserve Corps.
Second Lieut. Felix Tabor Simpson, Infantry Officers' Reserve Corps.
Second Lieut. Chauncey Vernon Crabb, Infantry Officers' Reserve Corps.
Second Lieut. Harry Joseph Rockafeller, jr., Infantry Officers' Reserve Corps.
Second Lieut. Frank Columbus David, Infantry Officers' Reserve Corps.
Second Lieut. John White Easley, Infantry Officers' Reserve Corps.
Second Lieut. Adrain Robert Brian, Infantry Officers' Reserve Corps.
Second Lieut. Burton Loren Lucas, Infantry Officers' Reserve Corps.
Elijah Garrett Arnold, of California.
Second Lieut. Russell R. Riddell, Infantry Officers' Reserve Corps.
Second Lieut. Walter Russell Ketchum, Infantry Officers' Reserve Corps.
Second Lieut. George Stephen Wear, Infantry Officers' Reserve Corps.
Second Lieut. Wilbur Fisk Littleton, Infantry Officers' Reserve Corps.
Second Lieut. William Huger Laboulsse, Infantry Officers' Reserve Corps.
Second Lieut. Walter Throckmorton Scott, Infantry Officers' Reserve Corps.
Elbur Kirke Hart Fessenden, of Massachusetts.
John Emmett Curran, of Oklahoma.
Second Lieut. John Wilson O'Daniel, Infantry Officers' Reserve Corps.
Second Lieut. John Snader McCloy, Field Artillery Officers' Reserve Corps.
Second Lieut. Frederick Winant, jr., Infantry Officers' Reserve Corps.
Second Lieut. Smith Goodwin Fallaw, Infantry Officers' Reserve Corps.
Harry Dalton Kendrick, of Ohio.
Second Lieut. Howard Wallace Cowan, Infantry Officers' Reserve Corps.
Second Lieut. Walter Eugene Perkins, Infantry Officers' Reserve Corps.
Evan Haynes, of California.
Second Lieut. Joseph Richard Busk, Infantry Officers' Reserve Corps.

Second Lieut. Alonzo Loveland Johnston, Infantry Officers' Reserve Corps.
Second Lieut. Andrew Lyman Cooley, Infantry Officers' Reserve Corps.
Second Lieut. Harry Frank Thompson, Infantry Officers' Reserve Corps.
Second Lieut. Leonard Corydon Barrell, Infantry Officers' Reserve Corps.
Second Lieut. James Aloysius McCarthy, Infantry Officers' Reserve Corps.
Second Lieut. Carl McKee Innis, Field Artillery Officers' Reserve Corps.
Second Lieut. William Henry Allen, Infantry Officers' Reserve Corps.
Second Lieut. William Ernest Paschal, Infantry Officers' Reserve Corps.
Second Lieut. Faxon H. Bishop, Field Artillery Officers' Reserve Corps.
Benjamin Witwer Pelton, of New York.
Second Lieut. Joseph William McKenna, Infantry Officers' Reserve Corps.
Second Lieut. Lyman Hague Thompson, Infantry Officers' Reserve Corps.
Second Lieut. Francis Aaron Cochrene, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Brounlee Longre, Infantry Officers' Reserve Corps.
Second Lieut. Paul Leon Porter, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Cherrington Viears, Infantry Officers' Reserve Corps.
Second Lieut. Losco Lafayette McDaniel, Infantry Officers' Reserve Corps.
Second Lieut. Stanley Joseph Grogan, Field Artillery Officers' Reserve Corps.
Sergt. Henri Wolbrette, First Infantry Machine Gun Company, Louisiana National Guard.
Second Lieut. Robert Brice Waters, Infantry Officers' Reserve Corps.
Second Lieut. Lloyd Bidwell Jones, Infantry Officers' Reserve Corps.
Second Lieut. Stonewall Jackson, Infantry Officers' Reserve Corps.
Hamilton Fish Armstrong, of New Jersey.
Corpl. Henry Carrington Jordan, First Field Artillery, Virginia National Guard.
Robert Elting Woodward, of the District of Columbia.
Gerald Preshaw, of Kansas.
William Kenyon Lloyd, of Arkansas.
Second Lieut. Harold Quentin Moore, Infantry Officers' Reserve Corps.
Second Lieut. Reuben Samuel Parker, jr., Infantry Officers' Reserve Corps.
Second Lieut. Ward Rathbun Clark, Infantry Officers' Reserve Corps.
Second Lieut. Charles Davis Jencks, Infantry Officers' Reserve Corps.
Second Lieut. Warner Beardsley Gates, Infantry Officers' Reserve Corps.
Francis Scott Fitzgerald, of Minnesota.
Second Lieut. Max Albert Tuttle, Field Artillery Officers' Reserve Corps.
Second Lieut. William Miller Bouknight, Field Artillery Officers' Reserve Corps.
Farlow Burt, of Missouri.
Warren Joseph Clear, of Massachusetts.
Second Lieut. Philip Henry Didriksen, Infantry Officers' Reserve Corps.
Second Lieut. Oscar Joseph Neundorfer, jr., Infantry Officers' Reserve Corps.
Second Lieut. Westwood Bowden Hays, jr., Infantry Officers' Reserve Corps.
Second Lieut. Henry Atwater Van Dyke, Infantry Officers' Reserve Corps.
Frederick Aloysius Norton, of Massachusetts.
Allen Williamson Talley, of New York.
Second Lieut. Wellborn Saxon Priddy, Infantry Officers' Reserve Corps.
Second Lieut. O. D. Wells, Infantry Officers' Reserve Corps.
Second Lieut. Russell Thurston Fry, Infantry Officers' Reserve Corps.
William Baker Norris, jr., of Missouri.
Second Lieut. Leonard Myrton Gaines, Infantry Officers' Reserve Corps.
Second Lieut. Madison Percy Jones, Artillery Officers' Reserve Corps.
Second Lieut. Ross Berry Smith, Infantry Officers' Reserve Corps.
Second Lieut. Samuel Irvine Anderson, Infantry Officers' Reserve Corps.
Second Lieut. Philip Rice Hough, Infantry Officers' Reserve Corps.
Second Lieut. Walter B. Huff, Infantry Officers' Reserve Corps.
Second Lieut. Merle J. Adams, Infantry Officers' Reserve Corps.
Second Lieut. Jefferson Aloysius Healy, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Bennett Woodburn, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Kenneth Johnson, Infantry Officers' Reserve Corps.
Second Lieut. James William Payne, Infantry Officers' Reserve Corps.
Capt. Arthur Paulfrey Terry, Infantry Officers' Reserve Corps.
Second Lieut. William B. Wilson, Field Artillery Officers' Reserve Corps.
Second Lieut. Stanley French Griswold, Infantry Officers' Reserve Corps.
Second Lieut. John Thomas Dibrell, Infantry Officers' Reserve Corps.
Wilbur Thomas Hooven, jr., of New Jersey.
Second Lieut. Edmund Jones Lilly, jr., Field Artillery Officers' Reserve Corps.
Second Lieut. Stephen David Lankester, Infantry Officers' Reserve Corps.
Oliver R. Hayes, of Massachusetts.
Second Lieut. Daniel Hall Ripley, Infantry Officers' Reserve Corps.
Second Lieut. Eugene Goldsmith Shrock, Infantry Officers' Reserve Corps.
Cornelius Edward Ryan, of Massachusetts.
Second Lieut. Raymond William Miller, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Garlot Hannan, Infantry Officers' Reserve Corps.
Second Lieut. Henry Gottfritz Young, Infantry Officers' Reserve Corps.
Second Lieut. John Edwin Hull, Infantry Officers' Reserve Corps.
Second Lieut. Charles Augustus Rawson, Infantry Officers' Reserve Corps.
James Franklin Corn of Kentucky.
Second Lieut. Barkley Edward Lax, Infantry Officers' Reserve Corps.
Second Lieut. Earle Edward Horton, Infantry Officers' Reserve Corps.
Second Lieut. Carl Mark Rutan, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Francis Bresnahan, Infantry Officers' Reserve Corps.
Second Lieut. John Campbell Cleave, Infantry Officers' Reserve Corps.
Second Lieut. Koger Marion Still, Infantry Officers' Reserve Corps.
Second Lieut. Alexander Hamilton Garnjost, Infantry Officers' Reserve Corps.
Second Lieut. Herbert F. Thomas, Field Artillery Officers' Reserve Corps.
Second Lieut. Donald Weldon Brann, Infantry Officers' Reserve Corps.
Samuel Joseph Arthur Kelley, of Massachusetts.
Arthur Arnold Baker, of Kansas.
Joseph Nathan Arthur, of South Carolina.
Second Lieut. Gilman Kimball Crockett, Infantry Officers' Reserve Corps.
Second Lieut. Thomas Edison Roderick, Infantry Officers' Reserve Corps.
Second Lieut. Wallace Alan Mead, Infantry Officers' Reserve Corps.
James Henry Howe, of Mississippi.
Second Lieut. James Sherman Medill, Infantry Officers' Reserve Corps.
Second Lieut. John Jurey Howard, Infantry Officers' Reserve Corps.
Second Lieut. James Kennedy Moorhead, Infantry Officers' Reserve Corps.
Second Lieut. John Cleveland Robinson Hall, Infantry Officers' Reserve Corps.

Robert Artel Case, of Iowa.
Second Lieut. Ray Winfield Harris, Infantry Officers' Reserve Corps.
John James Lyons, of Nebraska.
Second Lieut. Elbert Wilson Lockwood, Infantry Officers' Reserve Corps.
Second Lieut. Charles Fuller Frizzell, jr., Infantry Officers' Reserve Corps.
Second Lieut. William Benjamin Oliver, jr., Field Artillery Officers' Reserve Corps.
Second Lieut. Robinson Earl Duff, Infantry Officers' Reserve Corps.
Second Lieut. Leon Wilcomb Hilliard, Infantry Officers' Reserve Corps.
Second Lieut. David Jenkins Ewing, Infantry Officers' Reserve Corps.
Second Lieut. Walter Colen Blalock, Infantry Officers' Reserve Corps.
Second Lieut. William Arthur Reid, Infantry Officers' Reserve Corps.
Second Lieut. Hamilton Johnston, Infantry Officers' Reserve Corps.
Second Lieut. Raymond Godfrey Lehman, Infantry Officers' Reserve Corps.
Second Lieut. Irvine Callander Scudder, Infantry Officers' Reserve Corps.
John Russell Deane, of California.
Richard Zeigler Crane, of Massachusetts.
George William Smith, of Vermont.
Hilliard Vincent MacGowan, of New York.
Second Lieut. George Smith Berry, jr., Infantry Officers' Reserve Corps.
Second Lieut. Carl Hartas Schroeder, Infantry Officers' Reserve Corps.
Second Lieut. Guy Sidney Williams, Infantry Officers' Reserve Corps.
Second Lieut. William Claude Briggs, Infantry Officers' Reserve Corps.
Second Lieut. Christopher Sutton Robinson, Infantry Officers' Reserve Corps.
Second Lieut. William Cadwalader Price, jr., Infantry Officers' Reserve Corps.
Second Lieut. Paul Samuel Beard, Infantry Officers' Reserve Corps.
Norman Bemis Chandler, of Massachusetts.
Richard Ogle Welch, of Maryland.
Second Lieut. Richard Head Trippe, Infantry Officers' Reserve Corps.
Second Lieut. Roswell Herbert Bill, Infantry Officers' Reserve Corps.
Second Lieut. Harry Arthur Robinson, Field Artillery Officers' Reserve Corps.
Second Lieut. Wright Helm Johnson, Infantry Officers' Reserve Corps.
Second Lieut. George William Clover, Infantry Officers' Reserve Corps.
Second Lieut. Francis Xavier Callahan, Field Artillery Officers' Reserve Corps.
Second Lieut. Percy Lee Manefee, Infantry Officers' Reserve Corps.
Second Lieut. Donald Bentley Doan, Infantry Officers' Reserve Corps.
Second Lieut. Edwin Allan Smith, Infantry Officers' Reserve Corps.
Second Lieut. Harvey Gwin Thomas, Infantry Officers' Reserve Corps.
Edward Walter Moses, of Missouri.
Second Lieut. Richard Grant, Infantry Officers' Reserve Corps.
Second Lieut. James Leftwich Harrison, Field Artillery Officers' Reserve Corps.
Second Lieut. Roy Shedrick Meek, Infantry Officers' Reserve Corps.
Second Lieut. Floyd C. Harding, Infantry Officers' Reserve Corps.
Second Lieut. Rolfe Saunders Sample, Infantry Officers' Reserve Corps.
Second Lieut. Wesley Clayton Thompson, Infantry Officers' Reserve Corps.
Charles Byron McColley, of Iowa.
Second Lieut. Robert Edward Kennington, Infantry Officers' Reserve Corps.
Second Lieut. Percy Lee Sadler, Infantry Officers' Reserve Corps.
Second Lieut. George Luther Morrow, Infantry Officers' Reserve Corps.
Second Lieut. Robert Weed Doye, Infantry Officers' Reserve Corps.
Second Lieut. William Cecil Rymer, Field Artillery Officers' Reserve Corps.
Virgil Lourie Blanding, of Illinois.
George Franklin Ludington, of Maryland.
Henry Fletcher Martin, of Florida.
Alan Grant Paine, of Washington.
Irving Smith, jr., of New Jersey.
Frederic Clayton Stiles, of Illinois.
Eugene Raymond Vawter, of West Virginia.
Second Lieut. Charles Robert Woody, Infantry Officers' Reserve Corps.
Second Lieut. Hugh Coy Courtright, Infantry Officers' Reserve Corps.
Second Lieut. Evan Marshall Sherrill, Infantry Officers' Reserve Corps.
Wendell Tyng Smith, of Maine.
Second Lieut. James Wylie Arnold, Infantry Officers' Reserve Corps.
Second Lieut. Bernard Franklin Hurless, Infantry Officers' Reserve Corps.
Second Lieut. Dorsey Gooch Myers, Infantry Officers' Reserve Corps.
Second Lieut. Louis James Hablas, Infantry Officers' Reserve Corps.
Second Lieut. George Winslow Washburn, Field Artillery Officers' Reserve Corps.
Second Lieut. Lynn Helm, jr., Field Artillery Officers' Reserve Corps.
James Archibald Edmond, of Texas.
Second Lieut. Raymond Mathias Heckman, Infantry Officers' Reserve Corps.
Francis Robert Dunlop Holran, of New Jersey.
Second Lieut. Harold Tibbitts Gallager, Infantry Officers' Reserve Corps.
Second Lieut. Allan Prescott Tappan, Infantry Officers' Reserve Corps.
Second Lieut. Beverly Daniel Evans, jr., Infantry Officers' Reserve Corps.
Robert Frayser Wilson, of Missouri.
Second Lieut. Milton Jarrett Norman, Infantry Officers' Reserve Corps.
Second Lieut. James Watson Porch, Infantry Officers' Reserve Corps.
Second Lieut. John Henry Hildring, Infantry Officers' Reserve Corps.
Second Lieut. William Jennings Davis, Infantry Officers' Reserve Corps.
Second Lieut. Emory Adolphus Peck, Infantry Officers' Reserve Corps.
Pvt. Edward Adolph Vosseler, Company B, Seventh Infantry, New York National Guard.
Second Lieut. William Donald McMillin, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Breckinridge Wade, Infantry Officers' Reserve Corps.
Second Lieut. James Gideon Kyle, Infantry Officers' Reserve Corps.
Second Lieut. John Hurst Rodman, Infantry Officers' Reserve Corps.
Second Lieut. William Dan Powell, Infantry Officers' Reserve Corps.
Second Lieut. Hulsey Beall Cason, Field Artillery Officers' Reserve Corps.
Second Lieut. Samuel John Cole, Infantry Officers' Reserve Corps.
Second Lieut. Louis Patrick Tiers, Infantry, Officers' Reserve Corps.
Second Lieut. David Lamson Wood, jr., Infantry Officers' Reserve Corps.
George Giltner Bell, of Kansas.
Capt. Edward Thorp Lane, jr., Infantry Officers' Reserve Corps.
James Fairbank Smith, of Illinois.
Second Lieut. William Charles Louisell, Infantry Officers' Reserve Corps.
Second Lieut. Herbert Benjamin Wilcox, Infantry Officers' Reserve Corps.
Second Lieut. Edward Russell White, Infantry Officers' Reserve Corps.

First Lieut. Harold Thompson Ammerman, Infantry Officers' Reserve Corps.
Second Lieut. Paul Harwood Plough, Infantry Officers' Reserve Corps.
Second Lieut. Jesse Eckard Whitt, Infantry Officers' Reserve Corps.
Second Lieut. William Emanuel Goe, Infantry Officers' Reserve Corps.
Henry Seton, of New York.
Second Lieut. William Leonard Ritter, Infantry Officers' Reserve Corps.
Second Lieut. Robert Winchell Patterson, Infantry Officers' Reserve Corps.
Second Lieut. Marion Herman Cardwell, Infantry Officers' Reserve Corps.
Second Lieut. Charles Patterson Whiteman, Infantry Officers' Reserve Corps.
Joseph Atherton Richards, of California.
Ellis De Vern Willis, of Iowa.
Gerald Fessenden Beal, of Massachusetts.
Second Lieut. Charles Henry Sears, Infantry Officers' Reserve Corps.
Second Lieut. Druid Emmet Wheeler, Infantry Officers' Reserve Corps.
Second Lieut. Charles Royall Lugton, Infantry Officers' Reserve Corps.
Second Lieut. Michael Johann Perret, Infantry Officers' Reserve Corps.
Charles Herbert Eypper, of New Jersey.
Second Lieut. Stewart Elvin Reimel, Infantry Officers' Reserve Corps.
Second Lieut. Douglas Power Newell, Infantry Officers' Reserve Corps.
Second Lieut. Kendall Jordan Fielder, Infantry Officers' Reserve Corps.
Second Lieut. Frederick Page Geyer, Infantry Officers' Reserve Corps.
Second Lieut. George Joseph Trimble, Infantry Officers' Reserve Corps.
Second Lieut. William Curtis De Ware, Infantry Officers' Reserve Corps.
Second Lieut. Hugh Donald Adair, Infantry Officers' Reserve Corps.
William Ellery Loring, of Massachusetts.
Second Lieut. Lester Clinton Wing, Infantry Officers' Reserve Corps.
Second Lieut. Joseph Robbins Bibb, Infantry Officers' Reserve Corps.
Joseph C. Behan, jr., of New York.
Benjamin Hilsdon Bartholow, of New York.
Irving McNeil Ives, of New York.
John Raeburn Green, of Missouri.
Second Lieut. Reginald R. Bacon, Infantry Officers' Reserve Corps.
Second Lieut. James Danial Tucker, Infantry Officers' Reserve Corps.
Second Lieut. Russell Conwell Snyder, Field Artillery Officers' Reserve Corps.
Second Lieut. David Broome Van Pelt, Infantry Officers' Reserve Corps.
Second Lieut. Harry Ezra Pond, Infantry Officers' Reserve Corps.
Second Lieut. Harvey Allan Tonnesen, Infantry Officers' Reserve Corps.
Second Lieut. Shuyler Bailey Marshall, jr., Infantry Officers' Reserve Corps.
Second Lieut. Neal Tuttle, Infantry Officers' Reserve Corps.
Second Lieut. William Hubbell Emerson, Infantry Officers' Reserve Corps.
Second Lieut. George Eddy Cook, Infantry Officers' Reserve Corps.
Second Lieut. George Chalmers McDermid, Infantry Officers' Reserve Corps.
Second Lieut. George Washington Young, jr., Infantry Officers' Reserve Corps.
Second Lieut. Pete Crisspell Black, Infantry Officers' Reserve Corps.
Second Lieut. Eugene Hill Mitchell, Infantry Officers' Reserve Corps.
Second Lieut. Leslie Harrod Blank, Infantry Officers' Reserve Corps.
First Lieut. Donald Stevens Grimm, Infantry Officers' Reserve Corps.
Second Lieut. Benton Lamar Boykin, Infantry Officers' Reserve Corps.
Second Lieut. Walter Michael Eugene Sullivan, Infantry Officers' Reserve Corps.
Second Lieut. Kamell Maertens, Infantry Officers' Reserve Corps.
Raymond John Considine, of Pennsylvania.
Second Lieut. Allan James Kennedy, Infantry Officers' Reserve Corps.
John Clark Cutrer, of Mississippi.
Clifton Rogers Gordon, of California.
Second Lieut. Martin Luther Howard, Infantry Officers' Reserve Corps.
Second Lieut. Leo Joseph Farrell, Infantry Officers' Reserve Corps.
Second Lieut. Bradford Seely Covell, Field Artillery Officers' Reserve Corps.
Second Lieut. James Galt Elder, Infantry Officers' Reserve Corps.
Second Lieut. Walter Shea Wood, Infantry Officers' Reserve Corps.
Second Lieut. Frank Owen Stephens, Infantry Officers' Reserve Corps.
Second Lieut. William Henry Quarterman, jr., Field Artillery Officers' Reserve Corps.
Second Lieut. Benjamin Brandon Bain, Infantry Officers' Reserve Corps.
Second Lieut. Ira Clarence Eaker, Infantry Officers' Reserve Corps.
Second Lieut. Tom Dunbar Halliday, Infantry Officers' Reserve Corps.
Second Lieut. Paul Harrison Arthur, Infantry Officers' Reserve Corps.
Second Lieut. Stanton Louis Bertschey, Infantry Officers' Reserve Corps.
Warren Miles Amerine, of Georgia.
Second Lieut. Romeyn Beck Hough, jr., Infantry Officers' Reserve Corps.
Second Lieut. Henry Cowles Merritt, jr., Infantry Officers' Reserve Corps.
Second Lieut. Cheney L. Bertholf, Infantry Officers' Reserve Corps.
Second Lieut. Dudley Edwards Bell, Infantry Officers' Reserve Corps.
First Lieut. Clarence Bovaird Nixon, Infantry Officers' Reserve Corps.
Second Lieut. William Carl Glass, Field Artillery Officers' Reserve Corps.
Sidney Clifford, of Rhode Island.
Harry Lee Franklin, of Kentucky.
Isham Rowland Williams, of North Carolina.
Second Lieut. Edwin L. Collins, Infantry Officers' Reserve Corps.
Second Lieut. John Bestor Meriweather, jr., Infantry Officers' Reserve Corps.
Second Lieut. John Franck Dahringer, Infantry Officers' Reserve Corps.
Second Lieut. Frank George Hinman, Infantry Officers' Reserve Corps.
Second Lieut. Robert Edward Lee Cook, jr., Infantry Officers' Reserve Corps.
Second Lieut. Colbert Sullivan, Infantry Officers' Reserve Corps.
Second Lieut. Grahame Molloy Bates, Infantry Officers' Reserve Corps.
Second Lieut. Walter Rooke Evans, Infantry Officers' Reserve Corps.
Second Lieut. Robert Quail Whitten, Infantry Officers' Reserve Corps.
Second Lieut. Edward Reese Roberts, Field Artillery Officers' Reserve Corps.
Second Lieut. Donald L. Bressler, Infantry Officers' Reserve Corps.
Second Lieut. Walter Ernst Lauer, Infantry Officers' Reserve Corps.
Second Lieut. Albert Hugh Dumas, Infantry Officers' Reserve Corps.
Second Lieut. Paul Shober Jones, Infantry Officers' Reserve Corps.
Second Lieut. Paul Thompson Baker, Infantry Officers' Reserve Corps.
Louis Samuel Nast Phillipp, of Tennessee.
Second Lieut. Albert Woodbury Emmons, Infantry Officers' Reserve Corps.
Second Lieut. Robert Porter Bell, Infantry Officers' Reserve Corps.

Second Lieut. Harold William Keller, Infantry Officers' Reserve Corps.
Second Lieut. Edwin William Piburn, Infantry Officers' Reserve Corps.
Second Lieut. James Clyde Williams, Infantry Officers' Reserve Corps.
Second Lieut. James Johnston McCutcheon, Infantry Officers' Reserve Corps.
Second Lieut. William Henry Clark, jr., Infantry Officers' Reserve Corps.
Second Lieut. Kenneth Stoddard Whittemore, Infantry Officers' Reserve Corps.
Second Lieut. Albert Carl Maack, Field Artillery Officers' Reserve Corps.
Second Lieut. Addison Leavens Martin, Infantry Officers' Reserve Corps.
Second Lieut. Mack Morgan Lynch, Infantry Officers' Reserve Corps.
Second Lieut. Henry Philip Folwell, Infantry Officers' Reserve Corps.
Sergt. Robert Perry Mahon, jr., Company K, First Infantry, Louisiana National Guard.
Judson Gordon Martell, of Massachusetts.
Second Lieut. Frank Huber Partridge, Infantry Officers' Reserve Corps.
Second Lieut. Franklin Knight Kennedy, jr., Infantry Officers' Reserve Corps.
Second Lieut. George Claiborne Royall, jr., Field Artillery Officers' Reserve Corps.
Second Lieut. Herbert Crittenden Segur, Infantry Officers' Reserve Corps.
Second Lieut. Lynwood Herbert Smith, Field Artillery Officers' Reserve Corps.
Leo Vivian Cowin, of Pennsylvania.
David Pinckney Powers, of Virginia.
Second Lieut. Stewart Alexander McHie, Infantry Officers' Reserve Corps.
Robb Steere MacKie, of New York.
Second Lieut. Derrill de Saussure Trenholm, Infantry Officers' Reserve Corps.
Second Lieut. John Stafford Marion Cromelin, Field Artillery Officers' Reserve Corps.
Second Lieut. Walter Raymon Gartin, Quartermaster Section, Officers' Reserve Corps.
Second Lieut. Michael Edmond Halloran, Field Artillery Officers' Reserve Corps.
Second Lieut. Idwal Hubert Edwards, Infantry Officers' Reserve Corps.
Second Lieut. Paul James Vevia, Field Artillery Officers' Reserve Corps.
Second Lieut. Ralph Burnham Gibson, Infantry Officers' Reserve Corps.
Second Lieut. Henri de La Chapelle, Infantry Officers' Reserve Corps.
Second Lieut. James Barclay Smith, Infantry Officers' Reserve Corps.
Second Lieut. Kenneth Victor Elliott, Infantry Officers' Reserve Corps.
Second Lieut. Martin Sims Read, Infantry Officers' Reserve Corps.
Richardson Bronson, of Connecticut.
Second Lieut. Paul Steele, Infantry Officers' Reserve Corps.
Fred Thurston Marsh, of New Hampshire.
Second Lieut. Luther Nathaniel Johnson, Infantry Officers' Reserve Corps.
Second Lieut. Archibald Ralph Gordon, Infantry Officers' Reserve Corps.
Earle Rowe Spaulding, of Nebraska.
Second Lieut. Stanley Augustus Anderson, Infantry Officers' Reserve Corps.
Second Lieut. Robert Emmett Cummings, Infantry Officers' Reserve Corps.
Second Lieut. Philip Gerald Carroll, Infantry Officers' Reserve Corps.
Second Lieut. Winter Davis Horton, Infantry Officers' Reserve Corps.
Second Lieut. Harry Fayette Schoonover, Infantry Officers' Reserve Corps.
Second Lieut. Francis Letcher Lafon, Infantry Officers' Reserve Corps.
Second Lieut. Louis Simmons Stickney, Infantry Officers' Reserve Corps.
Tarlton Fleming Parsons, of Virginia.
Second Lieut. John Bethea Stratford, Infantry Officers' Reserve Corps.
First Lieut. John Ralston Graham, Infantry Officers' Reserve Corps.
Second Lieut. George Henry Gillin, Infantry Officers' Reserve Corps.
Second Lieut. James Larkin Dikes, Infantry Officers' Reserve Corps.
Second Lieut. Ben Curtis McComas, Infantry Officers' Reserve Corps.
Second Lieut. Kenneth B. Gunn, Infantry Officers' Reserve Corps.
Second Lieut. Maurice Garver Stubbs, Infantry Officers' Reserve Corps.
Pvt. Boniface Campbell, Battery F, Fifteenth Field Artillery.
Cyril Kelly Richards, of Missouri.
Second Lieut. Archibald Andrew Fall, Infantry Officers' Reserve Corps.
Second Lieut. Vernon William Aikins, Infantry Officers' Reserve Corps.
Second Lieut. Frank Romaine Schucker, Infantry Officers' Reserve Corps.
Second Lieut. George Stewart Warren, Infantry Officers' Reserve Corps.
Second Lieut. John Weeks Cunningham, Infantry Officers' Reserve Corps.
Second Lieut. Roland Sylvester Dingley, Infantry Officers' Reserve Corps.
Second Lieut John Leo Davey, Infantry Officers' Reserve Corps.
Second Lieut. Sam Berto Hearn, Field Artillery Officers' Reserve Corps.
Second Lieut. William Goode Wilson, Infantry Officers' Reserve Corps.
Second Lieut. Harry Walker Farmer, Infantry Officers' Reserve Corps.
Second Lieut. James Martin Belwood, Field Artillery Officers' Reserve Corps.
Second Lieut. James Patrick O'Reilly, Infantry Officers' Reserve Corps.
Second Lieut. Henry Oscar Swindler, Infantry Officers' Reserve Corps.
Second Lieut. Delos Grosvenor Smith, Infantry Officers' Reserve Corps.
Second Lieut. Alfred Leslie Haig, Infantry Officers' Reserve Corps.
Second Lieut. Haskell Allison, Infantry Officers' Reserve Corps.
Second Lieut. Fred Othello Mills, Infantry Officers' Reserve Corps.
Second Lieut. Herman P. Quentin, Infantry Officers' Reserve Corps.
Second Lieut. George Downes Parnell, Infantry Officers' Reserve Corps.
Second Lieut. Bruce Glenn Kirk, Infantry Officers' Reserve Corps.
Second Lieut. William Dacre Hamilton, Infantry Officers' Reserve Corps.
Second Lieut. Davis Jones, Infantry Officers' Reserve Corps.
Second Lieut. Russell Skinner, Infantry Officers' Reserve Corps.
Second Lieut. John Hager Randolph, Infantry Officers' Reserve Corps.
Second Lieut. Bernard Amander Bingham, Infantry Officers' Reserve Corps.
Second Lieut. Burwell Alexander Atkinson, Infantry Officers' Reserve Corps.
Second Lieut. John Ashby Jones, Infantry Officers' Reserve Corps.
Second Lieut. Norris Adron Wimberley, Infantry Officers' Reserve Corps.
Second Lieut. Herbert Ralph Kerbow, Infantry Officers' Reserve Corps.
Second Lieut. Lloyd Leander Boughton, Infantry Officers' Reserve Corps.
Stephen Edward Hurley, of Illinois.
Second Lieut. Marquis George Eaton, Infantry Officers' Reserve Corps.
Second Lieut. Gerald William Norman, Infantry Officers' Reserve Corps.
Robert Leonard Hooven, of New Jersey.
Walton Alfred Elliott, of Iowa.

Second Lieut. John Alexander Klein, Infantry Officers' Reserve Corps.
Second Lieut. Arthur Harold Luse, Infantry Officers' Reserve Corps.
Second Lieut. Clayton Seraska Whitehead, Infantry Officers' Reserve Corps.
Second Lieut. William Arthur Swift, Infantry Officers' Reserve Corps.
Second Lieut. John Edwin Grose, Infantry Officers' Reserve Corps.
Second Lieut. Robert Creighton Wright, Infantry Officers' Reserve Corps.
Second Lieut. Kilburn Roby Brown, Infantry Officers' Reserve Corps.
Second Lieut. Carl Bullitt Rauterberg, Infantry Officers' Reserve Corps.
Second Lieut. Everett Latimer Rice, Infantry Officers' Reserve Corps.
Second Lieut. Lawrence A. Kurtz, Infantry Officers' Reserve Corps.
Second Lieut. Leland Thompson, Infantry Officers' Reserve Corps.
Second Lieut. Martin Stevenson Chester, Engineer Officers' Reserve Corps.
Second Lieut. Francis Marion Dudley, Infantry Officers' Reserve Corps.
Second Lieut. Marcel Henry Mial, Field Artillery Officers' Reserve Corps.
Second Lieut. Clarence Allen Ludlum, jr., Infantry Officers' Reserve Corps.
Second Lieut. William Connor Samford, Infantry Officers' Reserve Corps.
Second Lieut. Harry Reichelderfer, Infantry Officers' Reserve Corps.
Second Lieut. Joseph Samuel Snyder, Infantry Officers' Reserve Corps.
Second Lieut. Rufus Harold Milne, Infantry Officers' Reserve Corps.
Samuel Francis Cohn, of Nebraska.
Second Lieut. Alexander Russell Bolling, Infantry Officers' Reserve Corps.
Second Lieut. Duncan Thomas Boisseau, Infantry Officers' Reserve Corps.
John Thomas Lucey, jr., of New Jersey.
Second Lieut. James Leonard Garza, Infantry Officers' Reserve Corps.
Second Lieut. Evan Jervis Morris, Infantry Officers' Reserve Corps.
Second Lieut. Walter Brighton Davis, Infantry Officers' Reserve Corps.
Second Lieut. Robert Francis Campbell, Infantry Officers' Reserve Corps.
Second Lieut. John Dunbar Chambliss, Infantry Officers' Reserve Corps.
Second Lieut. Lewis Charles Beebe, Coast Artillery Corps, Oregon National Guard.
John Augustus Rodgers, of Pennsylvania.
Second Lieut. Sam Murray, Infantry Officers' Reserve Corps.
Second Lieut. George Joseph Kilgore, Infantry Officers' Reserve Corps.
Second Lieut. Lewis Church Chamberlin, Infantry Officers' Reserve Corps.
Second Lieut. Horace Deming Wilce, Infantry Officers' Reserve Corps.

To be second lieutenant with rank from October 31, 1917.

Edward Hanson Connor, jr., of Kansas.

To be second lieutenant with rank from November 29, 1917.

Thomas Newton Stark, of South Carolina.

PORTO RICO REGIMENT OF INFANTRY.

To be second lieutenants with rank from October 26, 1917.

Edgardo Vazquez, jr., second lieutenant, Infantry Officers' Reserve Corps.
Virgil Norberto Cordero, second lieutenant, Infantry Officers' Reserve Corps.
Mario Cordero, second lieutenant, Infantry Officers' Reserve Corps.
Timoteo Sapia, of Porto Rico.
Juan Luis Oliver, of Porto Rico.
Edwardo Andino Romanach, of Porto Rico.
Guillermo Geddes Latimer, of Porto Rico.
Rafael Pirazzi, of Porto Rico.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 4, 1918.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. Peyton C. March to be major general.
Brig. Gen. Edwin B. Babbitt to be brigadier general.

CHAPLAIN.

Rev. Melvin Verne Oggel to be chaplain.

MEDICAL CORPS.

To be first lieutenants.

Charles August Stammel, jr.
Albert Gordon Bower.
Arthur Russell Porter, jr.
Virgil Heath Cornell.
Everett Le Compte Cook.
Ralph Leslie Cudlipp.
James Brent Anderson.
George Perry Ross.
Ebner Holmes Inmon.
William Alger Shaw.
Theo. Wallace O'Brien.

DENTAL CORPS.

To be first lieutenants.

John Godfrey Urban.
Carl Stevenson Emmert.
William Henry Siefert.
Samuel J. Lewis.
James Henry O'Reilly.
Frederick Werner Miller.
James Alfred Curtis, jr.
James Jay Weeks.
John Nelson White.
Homer Lash Sams.
George Magnor Krough.
Wayne W. Woolley.
Edward Wallace Barr.
Fernando Emilio Rodriguez.
John Leigh Davis.
Joseph Henry Jaffer.
Adolph August Meyer.
Howard Clayton Feyler.
William Ferdinand Scheumann.
Alonzo Gooch McCue, jr.
Campbell Hopson Glascock.
Austin Freeman Roberts.
William Frederic Wieck.
Thomas Herbert Veale.
Lawrence Joseph Dunn.
Carl Reuben Oman.
Leslie Albert Gould.
Harold Avery Curtis.

PROVISIONAL APPOINTMENTS IN THE ARMY.

CAVALRY ARM.

Ralston Dean Livingston to be a second lieutenant.

FIELD ARTILLERY ARM.

Leon C. Swager to be second lieutenant.

COAST ARTILLERY CORPS.

Leon J. Walrath to be second lieutenant.
Harold Stacey Macomber to be second lieutenant.

PROVISIONAL APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

To be second lieutenants.

Leonard Over.
Carlton B. Rettig.
Samuel O. Taylor.
John S. McCloy.
Robert Driscoll.
George S. Warren.

FIELD ARTILLERY ARM.

To be second lieutenants.

George Wesley Norrick.
Lynn Helm, jr.
Fred P. Clark.
Frank Starr Pope.
Alfred G. Ford.
Edward Reese Roberts.

COAST ARTILLERY CORPS.

To be second lieutenants.

Harry Lee Campbell.
Lawrence W. Fox, jr.

INFANTRY ARM.

To be second lieutenants.

Walter A. Stover.
James R. Lowry, jr.

APPOINTMENTS IN THE NATIONAL ARMY.

GENERAL OFFICERS.

To be major generals.

Brig. Gen. William C. Langfitt.
Brig. Gen. John E. McMahon.
Brig. Gen. William G. Haan.

To be brigadier generals.

Col. John B. McDonald.
Col. Edward A. Millar.
Col. DeRosey C. Cabell.
Col. Thomas H. Rees.
Col. George W. Gatchell.
Col. P. D. Lochridge.
Col. Nathaniel F. McClure.
Col. Peter C. Harris.
Col. Munroe McFarland.
Col. William R. Sample.
Col. Eli A. Helmick.
Col. John S. Winn.
Col. Robert L. Howze.
Col. Clement A. F. Flagler.
Col. Charles D. Rhodes.
Col. William W. Harts.
Col. Charles Crawford.
Col. William S. Graves.
Col. Frank D. Webster.
Col. Joseph D. Leitch.
Col. Robert Alexander.
Col. William C. Davis.
Col. Francis C. Marshall.
Col. Edgar Jadwin.
Col. James A. Ryan.
Col. Fred W. Sladen.
Col. Harry H. Bandholtz.
Col. Peter Murray.
Col. Paul A. Wolf.
Col. Tiemann N. Horn.
Col. Palmer E. Pierce.
Col. William Chamberlaine.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Capt. Richard H. Williams, to be major.
Capt. Alfred M. Mason, to be major.
Capt. Kenneth C. Masteller, to be major.
Capt. Joseph Matson, to be major.

CORPS OF ENGINEERS.

To be first lieutenants.

Second Lieut. Simon Medine.
Second Lieut. Samuel L. Kuhn.
Second Lieut. Louis Graham.
Second Lieut. Roy M. McCutchen.
Second Lieut. William Lohmeyer, jr.
Second Lieut. William A. Clark.
Second Lieut. Aubrey H. Bond.
Second Lieut. Hubert W. Collins.
Second Lieut. Harold J. McDonald.
Second Lieut. Maurice P. van Buren.
Second Lieut. Frederick S. H. Smith.
Second Lieut. Frank B. Hafstie.
Second Lieut. Harold Van V. Fay.
Second Lieut. Oscar R. Peterson.
Second Lieut. Thomas K. Meloy.
Second Lieut. Robert A. Love.
Second Lieut. Bennet H. Bowley, jr.
Second Lieut. Robert D. Ingalls.
Second Lieut. William L. G. Mackenzie.
Second Lieut. Walter L. Medding.
Second Lieut. Warren A. Lyon.
Second Lieut. Roger W. Parkhurst.
Second Lieut. Albert C. Lieber, jr.
Second Lieut. Robert K. Manroe.
Second Lieut. James A. Bjerregnard.
Second Lieut. Eugene F. Gaebler.
Second Lieut. William C. Atwater.
Second Lieut. Henry E. Strout, jr.
Second Lieut. John A. Strang.
Second Lieut. George E. Robinson.
Second Lieut. Frank C. Rogers.
Second Lieut. Philip N. Cristal.
Second Lieut. Clifford H. Springer.
Second Lieut. Edward P. Morton.
Second Lieut. Langley S. Homer.
Second Lieut. George J. Noid.

MEDICAL CORPS.

Maj. William H. Tefft to be lieutenant colonel.
Maj. Llewellyn P. Williamson to be lieutenant colonel.

TEMPORARY PROMOTIONS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be lieutenant colonels.

Maj. Dennis P. Quinlan.
Maj. Gouverneur V. Packer.

QUARTERMASTER CORPS.

To be colonels.

Lieut. Col. Alexander M. Davis.
Lieut. Col. Richmond McA. Schofield.
Lieut. Col. Robert S. Smith.
Lieut. Col. Arthur W. Yates.

To be lieutenant colonels.

Maj. Morton J. Henry.
Maj. William Elliott.
Maj. James A. Logan, jr.
Maj. Salmon F. Dutton.

MEDICAL CORPS.

To be colonels.

Lieut. Col. Louis T. Hess.
Lieut. Col. Christopher C. Collins.
Benjamin J. Edger, jr.
Samuel M. Waterhouse.

To be lieutenant colonels.

James D. Heysinger.
Lloyd L. Smith.
John B. Huggins.
William H. Tefft.
Llewellyn P. Williamson.
William R. Davis.
Leartus J. Owen.
Robert M. Culler.
Frank W. Weed.

ORDNANCE DEPARTMENT.

To be colonels.

Kenneth Morton.
Samuel Hof.

SIGNAL CORPS.

To be colonels.

Daniel J. Carr.
Leonard D. Wildman.

To be lieutenant colonel.

Alfred T. Clifton.

CORPS OF ENGINEERS.

To be colonels.

Lieut. Col. Charles Keller.
Lieut. Col. Spencer Cosby.
Lieut. Col. James F. McIndoe.
Lieut. Col. Jay J. Morrow.
Lieut. Col. George P. Howell.
Lieut. Col. Frederick W. Altstaetter.
Lieut. Col. Lewis H. Rand.
Lieut. Col. Thomas H. Jackson.
Lieut. Col. Gustave R. Lukesh.

To be captains.

First Lieut. Edmond H. Levy.
First Lieut. Thomas D. Stamps.
First Lieut. Bartley M. Harloe.
First Lieut. Starr C. Wardrop.
First Lieut. Girard B. Troland.
First Lieut. Llewellyn M. Griffith.

COAST ARTILLERY CORPS.

To be colonels.

Lieut. Col. Louis R. Burgess.
Lieut. Col. James A. Shipton.
Lieut. Col. William Chamberlaine.
Lieut. Col. George H. McManus.

Lieut. Col. Edward J. Timberlake.
Lieut. Col. James M. Williams.
Lieut. Col. Alston Hamilton.
Lieut. Col. John C. Gilmore, jr.
Lieut. Col. Joseph L. Knowlton.
Lieut. Col. Joseph Wheeler, jr.
Lieut. Col. Robert E. Callan.
Lieut. Col. Edwin Landon.
Lieut. Col. Clarence H. McNeil.
Lieut. Col. Joseph P. Tracy.
Lieut. Col. Percy M. Kessler.
Lieut. Col. Johnson Hagood.
Lieut. Col. George T. Patterson.
Lieut. Col. Frank K. Fergusson.
Lieut. Col. William E. Cole.
Lieut. Col. Marcellus G. Spinks.
Lieut. Col. Jacob C. Johnson.
Lieut. Col. Robert E. Wyllie.
Lieut. Col. William Forse.
Lieut. Col. Malcolm Young.
Lieut. Col. Laurence C. Brown.
Lieut. Col. Harry L. Steele.
Lieut. Col. Thomas F. Dwyer.
Lieut. Col. James B. Mitchell.
Lieut. Col. Alfred S. Morgan.
Lieut. Col. Charles H. Hilton.
Lieut. Col. Edward L. Glasgow
Lieut. Col. Percy Willis.
Lieut. Col. Joseph B. Douglas.
Lieut Col. John R. Procter.
Lieut. Col. John B. Christian.
Lieut. Col. Frederick W. Phisterer.

To be lieutenant colonels.

Maj. Malcolm Young.
Maj. Laurence C. Brown.
Maj. Harry L. Steele.
Maj. Thomas F. Dwyer.
Maj. James B. Mitchell.
Maj. Alfred S. Morgan.
Maj. Charles H. Hilton.
Maj. Edward L. Glasgow.
Maj. Percy Willis.
Maj. William F. Stewart, jr.
Maj. Joseph B. Douglas.
Maj. Hudson T. Patten.
Maj. Edward Kimmell.
Maj. John R. Procter.
Maj. John B. Christian.
Maj. Frederick W. Phisterer.
Maj. Robert H. C. Kelton.
Maj. Percy P. Bishop.
Maj. Henry J. Hatch.
Maj. William F. Hase.
Maj. William R. Doores.
Maj. James F. Howell.
Maj. Jesse C. Nicholls.
Maj. Henry W. Schull.
Maj. Clifton C. Carter.
Maj. Stanley D. Embick.
Maj. William H. Monroe.
Maj. Leonard T. Waldron.
Maj. Ernest A. Greenough.
Maj. Alexander Greig, jr.
Maj. James A. Ruggles.
Maj. Terence E. Murphy.
Maj. Harry W. Newton.
Maj. Allen D. Raymond.
Maj. James R. Pourie.
Maj. John L. Hughes.
Maj. John W. C. Abbott.
Maj. Harry T. Matthews.
Maj. Harry C. Barnes.
Maj. Stephen H. Mould.
Maj. Louis S. Chappelear.
Maj. Granville Sevier.
Maj. Robert F. Woods.
Maj. Albert C. Thompson.
Maj. Ellison L. Gilmer.
Maj. John McBride, jr.
Maj. Richard K. Cravens.
Maj. George O. Hubbard.
Maj. James M. Wheeler.
Maj. Harrison S. Kerrick.
Maj. Frank J. Miller.
Maj. Philip S. Golderman.
Maj. Charles L. Lanham.
Maj. George F. Connolly.
Maj. John S. Johnston.
Maj. Joseph S. Hardin.
Maj. Louis E. Bennett.
Maj. George L. Hicks, jr.
Maj. Lynn E. Edwards.

FIELD ARTILLERY ARM.

To be colonels.

Lieut. Col. John E. Stephens.
Lieut. Col. Thomas E. Merrill.
Lieut. Col. Fox Conner.
Lieut. Col. Henry W. Butner.
Lieut. Col. Henry L. Newbold.
Lieut. Col. Ernest D. Scott.
Lieut. Col. Lucius R. Holbrook.
Lieut. Col. Harrison Hall.
Lieut. Col. Wright Smith.
Lieut. Col. Alfred A. Starbird.
Lieut. Col. Charles R. Lloyd.
Lieut. Col. Oliver L. Spaulding, jr.
Lieut. Col. Conrad H. Lanza.
Lieut. Col. Lewis S. Ryan.
Lieut. Col. Howard L. Landers.
Lieut. Col. William H. Burt.

To be lieutenant colonels.

Maj. Lewis S. Ryan.
Maj. Howard L. Landers.
Maj. William H. Burt.
Maj. Clarence N. Jones.
Maj. Frederick B. Hennessy.
Maj. Laurin L. Lawson.
Maj. Morris E. Locke.
Maj. John W. Kilbreth.
Maj. James H. Bryson.
Maj. Roger O. Mason.
Maj. William S. Browning.
Maj. Joseph F. Barnes.
Maj. William P. Ennis.
Maj. Dennis H. Currie.
Maj. Beverly F. Browne.
Maj. Raymond S. Pratt.
Maj. Alden F. Brewster.
Maj. Norton E. Wood.
Maj. Albert S. Fuger.
Maj. William N. Michel.
Maj. Ernest S. Wheeler.
Maj. Lesley J. McNair.
Maj. Walter D. Smith.
Maj. Creed F. Cox.
Maj. Leo P. Quinn.
Maj. Walter H. Smith.
Maj. Albert T. Bishop.
Maj. Harold W. Huntley.
Maj. Edwin De L. Smith.

To be majors.

Capt. Charles J. Ferris.
Capt. Walter D. Smith.
Capt. Creed F. Cox.
Capt. Leo P. Quinn.
Capt. Walter H. Smith.
Capt. John S. Hammond.
Capt. Albert T. Bishop.
Capt. Harold W. Huntley.
Capt. Edwin De L. Smith.
Capt. Ralph McT. Pennell.
Capt. Walter S. Sturgill.
Capt. Sherman Miles.
Capt. Cortlandt Parker.
Capt. Richard C. Burleson.
Capt. Joseph R. Davis.
Capt. John R. Starkey.
Capt. Rene E. De R. Hoyle.
Capt. Dawson Olmstead.
Capt. John C. Maul.
Capt. Albert L. Hall.
Capt. George H. Paine.
Capt. Leroy P. Collins.
Capt. Ballard Lyerly.
Capt. Robert H. Lewis.

Second Lieut. James A. Bjerregaard.
Second Lieut. Eugene F. Gaebler.

Lieut. Col. William Chamberlaine.
Lieut. Col. George H. McManus.

Capt. Phillip W. Booker.
Capt. Fred T. Cruse.
Capt. James P. Marley.
Capt. Waldo C. Potter.
Capt. John W. Downer.
Capt. Benjamin M. Bailey.
Capt. William F. Sharp.
Capt. Frank Thorp, jr.
Capt. E. R. Warner McCabe.
Capt. Donald C. McDonald.
Capt. John G. Tyndall.
Capt. Otto L. Brunzell.
Capt. Clifford L. Corbin.
Capt. Pierre V. Kieffer.
Capt. Charles T. Harris, jr.
Capt. Maxwell Murray.
Capt. Alfred L. P. Sands.
Capt. Henry H. Pfeil.
Capt. Charles P. George.
Capt. Charles W. Harlow.
Capt. William H. Rucker.
Capt. William H. Shepherd.
Capt. Marshall G. Randol.
Capt. John N. Greely.
Capt. Webster A. Capron.
Capt. John E. Mort.
Capt. James H. Burns.
Capt. Everett S. Hughes.
Capt. Thomas J. Smith.
Capt. Roger S. Parrott.
Capt. Thurman H. Bane.
Capt. Thomas D. Sloan.
Capt. Harold Geiger.
Capt. Claude B. Thummell.
Capt. Edwin M. Watson.
Capt. Harold E. Miner.
Capt. Joseph A. Rogers.
Capt. Charles T. Griffith.
Capt. Ronald D. Johnson.
Capt. Jacob E. Devers.
Capt. Lucien H. Taliaferro.
Capt. Harold H. Bateman.
Capt. Frank A. Turner.
Capt. George G. Seaman.

To be majors with rank from December 5, 1917.

Capt. Franz A. Doniat.
Capt. Carl A. Baehr.
Capt. Robert S. Donaldson.

CAVALRY ARM.

To be colonels.

Lieut. Col. Frank M. Caldwell.
Lieut. Col. James J. Hornbrook.
Lieut. Col. William F. Clark.
Lieut. Col. Samuel G. Jones.
Lieut. Col. Melvin W. Rowell.
Lieut. Col. Lawrence J. Fleming.
Lieut. Col. Oren B. Meyer.
Lieut. Col. Charles J. Symmonds.
Lieut. Col. Charles W. Fenton.
Lieut. Col. Edward D. Anderson.
Lieut. Col. George P. White.
Lieut. Col. Louis C. Scherer.
Lieut. Col. Robert J. Fleming.
Lieut. Col. Edwin B. Winans.
Lieut. Col. William T. Johnston.
Lieut. Col. Harold P. Howard.
Lieut. Col. Elmer Lindsley.
Lieut. Col. William J. Glasgow.
Lieut. Col. Frank S. Armstrong.
Lieut. Col. James G. Harbord.
Lieut. Col. Samuel D. Rockenbach.
Lieut. Col. Kirby Walker.
Lieut. Col. Alexander M. Miller.
Lieut. Col. Charles B. Drake.
Lieut. Col. Harry O. Williard.
Lieut. Col. John P. Wade.
Lieut. Col. Ola W. Bell.
Lieut. Col. Abraham G. Lott.
Lieut. Col. Samuel F. Dallam.
Lieut. Col. William Kelly, jr.
Lieut. Col. Alfred E. Kennington.
Lieut. Col. Edward P. Orton.
Lieut. Col. Robert B. Powers.
Lieut. Col. Francis H. Pope.
Lieut. Col. Herman A. Slevert.
Lieut. Col. Pierce A. Murphy.
Lieut. Col. Frederick T. Arnold.

To be lieutenant colonels.

Maj. Alexander M. Miller.
Maj. Charles B. Drake.
Maj. Harry O. Williard.
Maj. John P. Wade.
Maj. Ola W. Bell.
Maj. Abraham G. Lott.
Maj. Samuel F. Dallam.
Maj. William Kelly, jr.
Maj. Henry C. Whitehead.
Maj. William D. Chitty.
Maj. Alfred E. Kennington.
Maj. Edward P. Orton.
Maj. Robert B. Powers.
Maj. Francis H. Pope.
Maj. Herman H. Slevert.
Maj. George E. Mitchell.
Maj. Pierce A. Murphy.
Maj. Frederick T. Arnold.
Maj. James N. Munro.
Maj. William S. Valentine.
Maj. Henry C. Smither.
Maj. Roy B. Harper.
Maj. Thomas A. Roberts.
Maj. Edgar A. Sirmyer.
Maj. Frank R. McCoy.
Maj. Clarence R. Day.
Maj. Willard H. McCornack.
Maj. Guy V. Henry.
Maj. Wallace B. Scales.
Maj. Conrad S. Babcock.
Maj. Charles C. Farmer, jr.
Maj. Grayson V. Heidt.
Maj. Albert N. McClure.
Maj. Holland Rubottom.
Maj. Aubrey Lippincott.
Maj. Henry W. Parker.
Maj. William H. Winters.
Maj. Douglas McCaskey.
Maj. Samuel B. Pearson.
Maj. Freeborn P. Holcomb.
Maj. Albert A. King.
Maj. Daniel Van Voorhis.
Maj. Julien E. Gaujot.
Maj. Delphey T. E. Casteel.
Maj. Joseph R. McAndrews.
Maj. George E. Lovell.
Maj. Frank L. Case.
Maj. John H. Lewis.
Maj. Harry N. Cootes.
Maj. Charles W. Van Way.
Maj. Wilson G. Heaton.
Maj. Edward Davis.
Maj. James M. Burroughs.
Maj. Dorsey Cullen.
Maj. Charles H. Boice.
Maj. Daniel H. Gienty.
Maj. William J. Kendrick.
Maj. George T. Bowman.
Maj. John S. Fair.
Maj. Robert J. Reaney.
Maj. Sherrard Coleman.
Maj. William F. Herringshaw.
Maj. Joseph A. Baer.
Maj. Charles F. Martin.
Maj. Willis V. Morris.
Maj. Walter S. Grant.
Maj. Charles M. Wesson.
Maj. Morton C. Mumma.
Maj. Frank P. Amos.
Maj. Julian A. Benjamin.
Maj. James Goethe.
Maj. Varien D. Dixon.
Maj. Verne La S. Rockwell.
Maj. George B. Comly.
Maj. Charles G. Harvey.
Maj. Richard M. Thomas.
Maj. George B. Rodney.
Maj. Alexander H. Davidson.
Maj. Christian A. Bach.
Maj. David H. Biddle.
Maj. William F. H. Godson.

Maj. George W. Winterburn.
Maj. Lewis Foerster.
Maj. William P. Moffet.
Maj. Archibald F. Commiskey.
Maj. William A. Cornell.
Maj. George J. Oden.
Maj. James E. Shelley.
Maj. Edward Calvert.
Maj. Edmund S. Sayer.
Maj. Bruce Palmer.
Maj. James E. Fechet.
Maj. Philip W. Corbusier.
Maj. Frederick M. Jones.
Maj. John A. Wagner.
Maj. Archie Miller.
Maj. William S. Wells.
Maj. William H. Clopton, jr.
Maj. Robert M. Nolan.
Maj. William O. Reed.
Maj. Henry Gibbins.
Maj. Charles O. Thomas, jr.
Maj. Edmond R. Tompkins.
Maj. Arthur Poillon.
Maj. George A. Purington.
Maj. George W. Biegler.
Maj. Francis W. Glover.
Maj. Laurence S. Carson.
Maj. Timothy M. Coughlan.
Maj. Alexander B. Coxe.
Maj. James Huston.

To be majors.

Capt. Charles F. Martin.
Capt. Willis V. Morris.
Capt. Walter S. Grant.
Capt. Charles M. Wesson.
Capt. Morton C. Mumma.
Capt. Frank P. Amos.
Capt. Julian A. Benjamin.
Capt. James Goethe.
Capt. Varien D. Dixon.
Capt. Verne La S. Rockwell.
Capt. George B. Comly.
Capt. Charles G. Harvey.
Capt. Richard M. Thomas.
Capt. George B. Rodney.
Capt. Alexander H. Davidson.
Capt. Christian A. Bach.
Capt. David H. Biddle.
Capt. William F. H. Godson.
Capt. George W. Winterburn.
Capt. Lewis Foerster.
Capt. William P. Moffet.
Capt. Archibald F. Commiskey.
Capt. William A. Cornell.
Capt. George J. Oden.
Capt. James E. Shelley.
Capt. Edward Calvert.
Capt. Edmund S. Sayer.
Capt. Bruce Palmer.
Capt. James E. Fechet.
Capt. Philip W. Corbusier.
Capt. Frederick N. Jones.
Capt. John A. Wagner.
Capt. Archie Miller.
Capt. William S. Wells.
Capt. William H. Clopton, jr.
Capt. Robert M. Nolan.
Capt. William O. Reed.
Capt. Henry Gibbins.
Capt. Charles O. Thomas, jr.
Capt. Edmond R. Tompkins.
Capt. Arthur Poillon.
Capt. George A. Purington.
Capt. George W. Biegler.
Capt. Francis W. Glover.
Capt. Lawrence S. Carson.
Capt. Alexander B. Coxe.
Capt. Timothy M. Coughlan.
Capt. James Huston.
Capt. Leonard L. Deitrick.
Capt. Richard B. Going.
Capt. Hamilton Bowie.
Capt. Frederick J. Herman.
Capt. Ben Lear, jr.
Capt. George P. Tyner.
Capt. William A. Austin.
Capt. Consuelo A. Seonne.
Capt. Emory S. West.
Capt. Eben Swift, jr.
Capt. Albert E. Phillips.
Capt. John Alden Degen.
Capt. George F. Bailey.
Capt. Clarence C. Culver.
Capt. Benjamin O. Davis.
Capt. Edward C. Wells.
Capt. Harry B. Jordan.
Capt. Frank P. Lahm.
Capt. Kerr T. Riggs.
Capt. John A. Pearson.
Capt. William G. Meade.
Capt. Guy Kent.
Capt. Frederick Mears.
Capt. Alden M. Graham.
Capt. Eugene J. Ely.
Capt. C. Emery Hathaway.
Capt. Arthur G. Fisher.
Capt. Matt C. Bristol.
Capt. Horace N. Munro.
Capt. Seth W. Cook.
Capt. David L. Roscoe.
Capt. Herbert E. Mann.
Capt. Henry T. Bull.
Capt. Frank E. Davis.
Capt. John C. Pegram.
Capt. Henry E. Mitchell.
Capt. William H. Cowles.
Capt. John K. Herr.
Capt. Philip H. Sheridan.
Capt. Joseph F. Taulbee.
Capt. Andrew W. Smith.
Capt. William W. Edwards.
Capt. John A. Barry.
Capt. William W. Gordon.
Capt. Harold B. Johnson.
Capt. James P. Castleman.
Capt. Albert H. Mueller.
Capt. Allan F. McLean.
Capt. Herman S. Dilworth.
Capt. Frank B. Kobes.
Capt. John V. Spring, jr.
Capt. Norman H. Davis.
Capt. Charles Telford.
Capt. Olan C. Aleshire.
Capt. Emil P. Laurson.
Capt. Frederick E. Shnyder.
Capt. Thomas F. Van Natta, jr.
Capt. James A. Mars.
Capt. John C. Montgomery.
Capt. Dorsey R. Rodney.
Capt. Alexander M. Milton.
Capt. Carl Boyd.
Capt. Stephen W. Winfree.
Capt. George E. Nelson.
Capt. Thomas L. Sherburne.
Capt. Emil Engel.
Capt. Emmet Addis.
Capt. Harry L. King.
Capt. Arthur G. Hixson.
Capt. Walton Goodwin, jr.
Capt. David H. Scott.
Capt. Robert C. Richardson.
Capt. Robert M. Campbell.
Capt. George B. Hunter.
Capt. Stanley Koch.
Capt. Stephen Q. Reynolds.
Capt. William V. Carter.
Capt. Henry C. Pratt.
Capt. Charles B. Amory, jr.
Capt. Kinzie B. Edmunds.
Capt. Charles S. Hoyt.
Capt. James J. O'Harn.
Capt. Roy W. Holderness.
Capt. James S. Greene.
Capt. Gerald C. Brant.
Capt. George C. Lawrason.
Capt. Arthur H. Wilson.
Capt. William C. F. Nicholson.
Capt. George Dillman.
Capt. Philip J. R. Kiehl.
Capt. Charles L. Scott.

Lieut. Col. Francis R. Pope.

Maj. William F. H. Godson.

Capt. James H. Dickey.
Capt. Ralph Talbot, jr.
Capt. William N. Hensley, jr.
Capt. Berkeley T. Merchant.
Capt. Hugh H. Broadhurst.
Capt. Arthur W. Holderness.
Capt. Louis A. O'Donnell.
Capt. William W. West, jr.
Capt. Reynold F. Migdalski.
Capt. Henry R. Smalley.
Capt. Robert Blaine.
Capt. Frederick T. Dickman.
Capt. George W. De Armond.
Capt. John G. Quekemeyer.
Capt. Frank M. Andrews.
Capt. Joseph C. King.
Capt. George L. Converse, jr.
Capt. Donald A. Robinson.
Capt. Bruce L. Burch.
Capt. Edgar M. Whiting.
Capt. Edward G. Elliott.
Capt. Guy H. Wyman.
Capt. Verne R. Bell.
Capt. Henry W. Baird.
Capt. Alexander H. Jones.
Capt. Charles L. Stevenson.
Capt. Frank K. Chapin.
Capt. Henry L. Watson.
Capt. Murray B. Rush.
Capt. Augustine M. Robins.
Capt. William D. Geary.
Capt. Clark P. Chandler.
Capt. Richard H. Kimball.
Capt. Abbott Boone.
Capt. William L. Moose.
Capt. Frederick S. Snyder.
Capt. William C. Christy.
Capt. Sloan Doak.
Capt. Leland Wadsworth, jr.
Capt. Seth W. Scofield.
Capt. William C. McChord.
Capt. William R. Henry.
Capt. George F. Patten.
Capt. Robert M. Cheney.
Capt. Lawrence W. McIntosh.
Capt. Richard E. Cummins.
Capt. Alexander L. James, jr.
Capt. Robert C. Rodgers.
Capt. Philip Gordon.
Capt. Horace M. Hickam.
Capt. Homer M. Groninger.
Capt. Stewart O. Elting.
Capt. John K. Brown.
Capt. Richard D. Newman.
Capt. William H. Garrison, jr.
Capt. Sumner M. Williams.
Capt. Henry W. Hall.
Capt. Edwin V. Sumner.
Capt. Arthur E. Wilbourn.
Capt. Ernest G. Cullum.
Capt. William W. Erwin.

INFANTRY.

To be colonels.

Lieut. Col. Robert C. Williams.
Lieut. Col. Robert Alexander.
Lieut. Col. William O. Johnson.
Lieut. Col. James R. Lindsay.
Lieut. Col. Fred W. Sladen.
Lieut. Col. Henry T. Ferguson.
Lieut. Col. Henry G. Learnard.
Lieut. Col. Peter Murray.
Lieut. Col. Paul A. Wolf.
Lieut. Col. George D. Moore.
Lieut. Col. Willis Uline.
Lieut. Col. Charles C. Clark.
Lieut. Col. Vernon A. Caldwell.
Lieut. Col. Edmund L. Butts.
Lieut. Col. Henry J. Hunt.
Lieut. Col. Charles Miller.
Lieut. Col. Truman O. Murphy.
Lieut. Col. William H. Bertsch.
Lieut. Col. Ross L. Bush.
Lieut. Col. John B. Bennet.
Lieut. Col. Melville S. Jarvis.
Lieut. Col. John W. Heavey.
Lieut. Col. Harry J. Hirsch.
Lieut. Col. La Roy S. Upton.
Lieut. Col. Harry A. Smith.
Lieut. Col. George C. Saffarrans.
Lieut. Col. Palmer E. Pierce.
Lieut. Col. Charles G. French.
Lieut. Col. Lutz Wahl.
Lieut. Col. William P. Jackson.
Lieut. Col. John L. Hines.
Lieut. Col. Matthias Crowley.
Lieut. Col. John J. Bradley.
Lieut. Col. Douglas Settle.
Lieut. Col. John S. Switzer.
Lieut. Col. Herbert O. Williams.
Lieut. Col. George D. Guyer.
Lieut. Col. William F. Grote.
Lieut. Col. Isaac C. Jenks.
Lieut. Col. Hanson E. Ely.
Lieut. Col. Lewis S. Sorley.
Lieut. Col. William M. Morrow.
Lieut. Col. Benjamin F. Hardaway.
Lieut. Col. Albert C. Dalton.
Lieut. Col. Joseph C. Castner.
Lieut. Col. Edward Sigerfoos.
Lieut. Col. Ralph H. Van Deman.
Lieut. Col. John F. Madden.
Lieut. Col. John McA. Palmer.
Lieut. Col. Paul B. Malone.
Lieut. Col. William F. Creary.
Lieut. Col. Harry F. Rethers.
Lieut. Col. Herschel Tupes.
Lieut. Col. George H. Shelton.
Lieut. Col. Isaac Newell.
Lieut. Col. Lawrence B. Simonds.
Lieut. Col. Frederick W. Lewis.
Lieut. Col. Dennis E. Nolan.
Lieut. Col. James N. Pickering.
Lieut. Col. William A. Burnside.
Lieut. Col. Reynolds J. Burt.
Lieut. Col. Russell C. Langdon.
Lieut. Col. Harry H. Tebbetts.
Lieut. Col. Frank C. Bolles.
Lieut. Col. James W. Clinton.
Lieut. Col. Alexander T. Ovenshine.
Lieut. Col. Henry E. Eames.
Lieut. Col. Carroll F. Armistead.

To be lieutenant colonels.

Maj. James A. Moss.
Maj. Benjamin T. Simmons.
Maj. Thomas A. Pearce.
Maj. William F. Creary.
Maj. Harry F. Rethers.
Maj. Herschel Tupes.
Maj. George H. Shelton.
Maj. Isaac Newell.
Maj. Lawrence B. Simonds.
Maj. Frederick W. Lewis.
Maj. Dennis E. Nolan.
Maj. James N. Pickering.
Maj. William A. Burnside.
Maj. Reynolds J. Burt.
Maj. Russell C. Langdon.
Maj. Harry H. Tebbetts.
Maj. Frank C. Bolles.
Maj. James W. Clinton.
Maj. Alexander T. Ovenshine.
Maj. Henry E. Eames.
Maj. Carroll F. Armistead.
Maj. Paul Giddings.
Maj. Edward S. Walton.
Maj. Alfred T. Smith.
Maj. Fred L. Munson.
Maj. Thomas M. Anderson, jr.
Maj. John E. Hunt.
Maj. Claude H. Miller.
Maj. Harold B. Fiske.
Maj. John H. Hughes.
Maj. George W. Helms.
Maj. Rufus E. Longan.
Maj. Edward A. Roche.
Maj. Henry M. Dichmann.
Maj. Halstead Dorey.
Maj. Edgar T. Conley.

Maj. Charles H. Bridges.
Maj. John Robertson.
Maj. James V. Heidt.
Maj. Patrick H. Mullay.
Maj. Monroe C. Kerth.
Maj. Lambert W. Jordan, jr.
Maj. Harvey W. Miller.
Maj. Daniel G. Berry.
Maj. Ralph E. Ingram.
Maj. Robert C. Davis.
Maj. Joseph F. Janda.
Maj. Alvan C. Read.
Maj. William A. Phillips.
Maj. Ira C. Welborn.
Maj. Alexander E. Williams.
Maj. Charles W. Exton.
Maj. Edgar Ridenour.
Maj. Chauncey B. Humphrey.
Maj. G. Maury Cralle.
Maj. Joseph F. Gohn.
Maj. James H. Bradford, jr.
Maj. David L. Stone.
Maj. Patrick A. Connolly.
Maj. John B. Schoeffel.
Maj. Walter T. Bates.
Maj. Englebert G. Ovenshine.
Maj. Robert J. Maxey.
Maj. George N. Bomford.
Maj. Benjamin P. Nicklin.
Maj. John W. French.
Maj. Cromwell Stacey.
Maj. Campbell King.
Maj. Robert O. Van Horn.
Maj. Hanson B. Black.
Maj. Joseph L. Gilbreth.
Maj. Irving J. Carr.
Maj. Theodore A. Baldwin.
Maj. Eleutheros H. Cooke.
Maj. Arthur L. Conger.
Maj. Hugh A. Drum.
Maj. James B. Allison.
Maj. Hulsey E. Yates.
Maj. Wilson B. Burtt.
Maj. Oliver S. Eskridge.
Maj. James W. Furlow.
Maj. George D. Freeman, jr.
Maj. Harry A. Hegeman.
Maj. William B. Gracie.
Maj. John L. Jordan.
Maj. Lindsey P. Rucker.
Maj. William G. Fleischhauer.
Maj. Samuel A. Price.
Maj. Perrin L. Smith.
Maj. Charles L. Willard.
Maj. Rufus B. Clark.
Maj. William A. Carleton.
Maj. Lochlin W. Caffey.
Maj. William S. Faulkner.
Maj. Ernest H. Agnew.
Maj. Robert O. Ragsdale.
Maj. Austin A. Parker.
Maj. Charles M. Gordon, jr.
Maj. Fred Van S. Chamberlain.
Maj. William N. Hughes, jr.
Maj. Sylvester Bonnaffon, 3d.
Maj. Robert C. Humber.
Maj. Joseph C. Brady.
Maj. John H. Page, jr.
Maj. Parker Hitt.
Maj. Paul W. Beck.
Maj. Robert I. Rees.
Maj. John J. Miller.
Maj. Jesse M. Cullison.
Maj. William H. Noble.
Maj. Wilbur A. McDaniel.
Maj. Evert R. Wilson.
Maj. Philip Powers.
Maj. Clenard McLaughlin.
Maj. Edward B. Mitchell.
Maj. James H. Como.
Maj. Harol D. Coburn.
Maj. Allen J. Greer.
Maj. Robert Whitfield.
Maj. Abraham U. Loeb.
Maj. Constant Cordier.
Maj. James M. Loud.
Maj. J. De Camp Hall.
Maj. Davis C. Anderson.
Maj. Robert D. Carter.
Maj. Douglas Potts.
Maj. Vincent M. Elmore.
Maj. Benjamin R. Wade.
Maj. George E. Goodrich.
Maj. Edwin S. Hartshorn.
Maj. Clark R. Elliott.
Maj. Ralph B. Lister.
Maj. Harry E. Comstock.
Maj. William R. Standiford.
Maj. Frederick S. Young.
Maj. Thomas S. Moorman.
Maj. Charles H. Morrow.
Maj. Brady G. Ruttencutter.
Maj. Jennings B. Wilson.
Maj. William O. Smith.
Maj. Clarence K. LaMotte.
Maj. George M. Holley.
Maj. Edgar S. Stayer.
Maj. Charles H. Errington.
Maj. George C. Shaw.
Maj. Charles E. Reese.
Maj. Robert S. Knox.
Maj. William A. Castle.
Maj. Harry D. Blasland.
Maj. Edward H. Andres.
Maj. Thomas J. Rogers.

To be majors.

Capt. Paul W. Beck.
Capt. Robert I. Rees.
Capt. John J. Miller.
Capt. Jesse M. Cullison.
Capt. William H. Noble.
Capt. Wilbur A. McDaniel.
Capt. Evert R. Wilson.
Capt. Philip Powers.
Capt. Clenard McLaughlin.
Capt. Edward B. Mitchell.
Capt. James H. Como.
Capt. Harol D. Coburn.
Capt. Allen J. Greer.
Capt. Robert Whitfield.
Capt. Abraham U. Loeb.
Capt. Constant Cordier.
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HOUSE OF REPRESENTATIVES.

MONDAY, *February 4, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Washington, D. C., offered the following prayer:

Our Heavenly Father, wilt Thou illumine, reenforce, and cheer the membership of this legislative body endeavoring to serve our Nation. Guide our chosen leaders. Crystallize public thought and direct public action by the highest and noblest ideals. We do not ask Thee to side with us, but we desire that we shall be found unfailingly with Thee. Unify us, one and all in this Nation, to Thy will.

Bless the Members of this House personally. Forgive their sins. Lead them through this day. And at last by Thy grace bring them to life everlasting, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday, February 1, 1918, was read and approved.

SPECIAL SESSION OF HOUSE.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent for an order for a special session to be held on Sunday, February 10, 1918, for the purpose of holding memorial services in honor of the late ELLSWORTH R. BATHRICK, a Representative from the fourteenth Ohio district.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that there be a special session of the House on February 10, at 12 o'clock noon, for the purpose of memorializing the late Representative BATHRICK. Is there objection?

There was no objection.

EAST ST. LOUIS RIOTS.

Mr. JOHNSON of Kentucky. Mr. Speaker, the special committee which was appointed under House resolution 128 for the purpose of investigating the interference with interstate-commerce traffic and other matters in East St. Louis went over there and took about 5,000 pages of testimony during the five weeks the committee was there. We now find that to publish 500 copies of the testimony would cost about $5,100, and the amount of money now at the disposal of the committee is not sufficient to have the printing done. The report upon the matter is now almost completed. I have been requested by the committee to ask unanimous consent that some photographs of the scenes which have been described in the testimony, but which can not be described accurately in the report, be published with the report of the committee.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that, in printing the report of the select committee which went to East St. Louis to investigate matters there, it may be permitted to print certain photographs for the illumination of the situation. Is there objection?

Mr. MONDELL and Mr. DYER rose.

The SPEAKER. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Speaker, reserving the right to object, how voluminous is the committee's report?

Mr. JOHNSON of Kentucky. Well, I have made the first draft of it, and thus far it has only been submitted to one Member, and that is the gentleman from Wisconsin [Mr. COOPER], and as soon as I can do so I wish to submit it to the others. But it would take, in my judgment, about as much as five or six columns of a newspaper.

Mr. MONDELL. And the committee is of the opinion that this report will contain sufficient information without the general publication of the testimony?

Mr. JOHNSON of Kentucky. Perhaps, but we wish to make a report as voluminous and explanatory of the situation as possible, since the committee has not the money with which to have the testimony printed. Various witnesses discussed scenes which the members of the committee visited and with which they are familiar, but which they are unable to portray, except by the use of photographs.

Mr. MONDELL. It is the opinion of the committee that the use of a few photographs—how many?

Mr. JONHSON of Kentucky. Well, between 50 and 20.

Mr. MONDELL. Will add very much to the value of the report?

Mr. JOHNSON of Kentucky. We think the report will not be complete without them.

Mr. MONDELL. And that by publishing the photographs it will not be necessary to publish the testimony?

Mr. JOHNSON of Kentucky. That is our idea.

Mr. MONDELL. And it will aid in illuminating the report so that the publication of the testimony will not be necessary?

Mr. JOHNSON of Kentucky. That is the intention.

Mr. MONDELL. How long will it delay publication?

Mr. JOHNSON of Kentucky. I have not gone into that, but I can not very well see how the making of a few cuts will delay it very long.

Mr. DYER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Kentucky whether or not, in his judgment and opinion, the publication of the hearings will be worth the money many times over?

Mr. JOHNSON of Kentucky. No; I do not.

Mr. DYER. As for future reference and future use?

Mr. JOHNSON of Kentucky. No; I do not. The report is now being thoroughly indexed, and everything pertaining to the matter is being put upon an invoice, the whole thing to be put into a congressional box and placed here in the file room, or wherever it belongs, so that it will always be accessible to anybody who may want it; but I do not believe $5,100 should be spent to print it.

Mr. DYER. I will ask the gentleman how many lives were lost in East St. Louis as the result of these riots, to the best of his judgment, from the hearings had there?

Mr. JOHNSON of Kentucky. Well, that is a matter of dispute. I think something like 50 corpses were actually viewed. Then these photographs show that it is possible that some number of the negroes, at least, were burned in the several hundred houses that were burned. One photograph shows the partial remains of a negro who was burned in one of them, and the supposition is that other negroes were burned in the others. That is one of the reasons why we want to use these photographs instead of relying on words alone to describe the situation.

Mr. DYER. Mr. Speaker, my information is that the testimony taken by this committee, which rendered great service to the country, shows that there were several hundred—at least three or four hundred—human lives destroyed in these race riots.

Mr. JOHNSON of Kentucky. The report will show the number, and will contain a statement showing what the coroner said about it, and also show what those who visited the morgue said about it. Whatever more people may have been killed in the riots may possibly be shown from these photographs. But I can say to the gentleman that there is nothing to show that anything like the number indicated by him lost their lives in that unfortunate riot.

Mr. DYER. I understand the gentleman requests leave that he be permitted to include certain photographs in the report or that they do not want to publish the report. What is the gentleman's request?

Mr. JOHNSON of Kentucky. Simply that some of the photographs be published in the report that the committee will make.

Mr. DYER. Mr. Speaker, the House of Representatives did an extraordinary thing, thoroughly called for and just, in my opinion, in sending to East St. Louis one of the most splendid representative committees of this House to look into this question. They did splendid service. They did great work that will be worth many times the expense that the House has gone to, or that it can go to, in the publication of this report, and I believe that in view of everything that happened down there in East St. Louis, Ill., and of the hundreds of lives that were destroyed without the least possible excuse—men, women, and children burned and thrown into the river—I think, under the conditions, every bit of information that is possible to obtain on this matter ought to be had and published to the world. This committee obtained this information in the examination of witnesses sworn to tell the truth, and I for one am going to insist as best I can in this House that the whole report, every bit of testimony they took, including the photographs, be included in this information and published.

The SPEAKER. The only point now is whether these photographs will be included in this report. It is not desired to print the testimony.

Mr. DYER. I understand it is not the intention of the committee to print the proceedings.

The SPEAKER. Anybody has the right to demand it if he can.

Mr. JOHNSON of Kentucky. The committee is not at all opposed to publishing the testimony taken, but the appropriation that has been made for this investigation will not warrant the publication of it, because we have not got money enough left to publish it, and we have already had these photographs taken, and the simple request now is to use those photographs in the report.

The SPEAKER. Is there objection?

Mr. LITTLE. Reserving the right to object, Mr. Speaker, how much is there left? You say it will cost about $5,100 to print this?

Mr. JOHNSON of Kentucky. To print 500 copies of that.

Mr. LITTLE. How much have you toward that?

Mr. JOHNSON of Kentucky. I do not know exactly, but I think approximately $800 or $1,000.

Mr. LITTLE. I understood at first that you wanted permission not to print it, but I understand there is no such request here now.

Mr. JOHNSON of Kentucky. Oh, no.

Mr. LITTLE. I should object to not printing that, but I have no objection to including the photographs, and I hope you will.

Mr. LENROOT. Reserving the right to object, Mr. Speaker, I desire to ask whether or not the committee is unanimous in its recommendation?

Mr. JOHNSON of Kentucky. The committee is unanimous in this request.

Mr. LENROOT. I mean in its report.

Mr. JOHNSON of Kentucky. I just said I have made only the first draft, and only Mr. COOPER of Wisconsin had seen that. The gentleman evidently did not hear me.

Mr. LENROOT. I mean on the general conclusion. Is the committee unanimous?

Mr. JOHNSON of Kentucky. I think so; but whether the committee is unanimous in the way I have written it or not, I do not know. We will find out in the next few days.

Mr. LENROOT. In his report the gentleman is trying to carry out the unanimous judgment of the committee?

Mr. JOHNSON of Kentucky. Yes. Whether I have accomplished that or not I do not know yet.

Mr. LENROOT. What does the gentleman expect to accomplish by the publication of these photographs?

Mr. JOHNSON of Kentucky. It will give the description of things that we can not describe by words.

Mr. LENROOT. In what respect? I do not quite understand. To illustrate, for instance.

Mr. JOHNSON of Kentucky. Well, to illustrate, there were three negroes on a street car who lived in St. Louis. They had been over in St. Clair County, 12 or 15 miles beyond St. Louis, fishing. They did not live in East St. Louis, and they had nothing whatever to do with the riot or its cause there. These three negroes were taken off that street car and killed. The man was beaten to death; the son was shot to death. I said three of them were killed; only two of them were killed. The negro woman was taken off and almost scalped and dragged around on the ground until she was unconscious. A photograph of that was taken at the time.

Mr. LENROOT. At the time?

Mr. JOHNSON of Kentucky. The correctness of that photograph was verified. We took testimony showing that that was the truthful situation. That photograph shows soldiers in uniform, with their guns, standing there, and they did not interfere.

Mr. LENROOT. Those photographs were taken at the time of the actual occurrences?

Mr. JOHNSON of Kentucky. All of them were not. Some of them were taken while the testimony was being taken. For instance, it was charged that some of the industries there and the railroads were importing negro help from the South for the purpose of breaking a strike, particularly one at the Aluminum Ore Co. While we were engaged in taking testimony regarding that feature of it a bunch of negroes turned up from the South—negroes who had been gotten there under false promises. They were compelled to accept smaller wages than had been promised

them. They were compelled to sleep in box cars, without any bed or bedding. They were generally mistreated, and the committee authorized at the time to have their photographs taken, and they were photographed during the progress of the trial. We have a number of things like that.

Mr. GARNER. Question!

A MEMBER. Regular order, Mr. Speaker.

Mr. COOPER of Wisconsin. Mr. Speaker, I was not in when the gentleman from Kentucky made his request. Being a member of that committee, I would like to know what the request was.

Mr. JOHNSON of Kentucky. The request was to have the photographs included with the report of the committee.

The SPEAKER. Is there objection? The regular order has been called for a number of times.

Mr. DYER. Then I shall have to object for the present.

Mr. JOHNSON of Kentucky. I wish it understood that while the gentleman objects "for the present," his objection will be permanent, because I will not renew the request; and if he wants to cut these negroes out from the benefit of this showing, let him do it.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3131. An act for the relief of Brig. Gen. Littleton W. T. Waller, United States Marine Corps; to the Committee on Claims.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval, the following bill and joint resolution:

H. R. 3135. An act to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona."

H. J. Res. 174. Joint resolution for the purpose of promoting efficiency for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. FOCHT, for one week, on account of illness; and

To Mr. SANDERS of Louisiana, indefinitely, on account of illness.

QUESTION OF PRIVILEGE.

Mr. BLANTON. Mr. Speaker, I rise to present a question of privilege.

The SPEAKER. The gentleman will present it. In the first place, he has to state what the question of privilege is without making a speech about it.

Mr. BLANTON. Mr. Speaker, on the 31st day of January the gentleman from Texas [Mr. WILSON], just before the close of the session on that day, obtained unanimous consent to extend his remarks in the RECORD. Following that permission he had published in the RECORD a five-page article, every portion of which was in violation of the custom of this House under the rule as to extending remarks. He attacked my integrity, my veracity, and standing as a gentleman and a Member of this House.

The SPEAKER. In what language did he attack it?

Mr. BLANTON. First, concerning remarks that I made in this House on the 8th day of January explaining my absence at the time that the vote was taken on the national prohibition amendment, he states that the remarks made by me at that time concerning a pair were absolutely false, without any foundation, and he states in that connection that the representations I made——

The SPEAKER. Is that what he said, or is that the inference?

Mr. BLANTON. That is what he says in the article.

Mr. WILSON of Texas. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. WILSON of Texas. If I may be permitted to deny here the statement already made——

The SPEAKER. No; the other gentleman from Texas [Mr. BLANTON] has the floor.

Mr. BLANTON. And I refuse to be interrupted right now, Mr. Speaker.

Mr. WILSON of Texas. Mr. Speaker, a parliamentary inquiry. If I did not say that his statement was absolutely false, as he has just stated, has he a right to speak here to a question of personal privilege?

The SPEAKER. The Chair is trying to ascertain whether he has a question of privilege or not.

Mr. WILSON of Texas. I leave that to the RECORD.

Mr. BLANTON. I will point out the statements——

The SPEAKER. Will the gentleman from Texas please quote the language and not state what he thinks is the language?

Mr. MADDEN. Read the language.

Mr. BLANTON. May I have the article read by the Clerk?

The SPEAKER. Not that whole article; no.

Mr. BLANTON. The whole article, if the Speaker pleases, is teeming——

The SPEAKER. The Chair does not want to hear any remarks about what the article says, but he wants the gentleman to read the particular language that he says constitutes a question of personal privilege.

Mr. BLANTON. I will proceed to read it:

The primary purpose of these gentlemen—

Referring to myself and the gentleman from Oklahoma [Mr. CHANDLER]—

is to build up or repair their political fences in their respective districts.

That, I take it, impugns the motive of myself and my colleague.

The SPEAKER. Will the gentleman please read the citation that he says constitutes the basis for a personal privilege?

Mr. BLANTON. Without comment?

The SPEAKER. Without comment.

Mr. BLANTON. I will do so. I cite the following paragraphs, viz:

I should have replied to these statements sooner. Whether intentionally or not, they each selected a time when I was absent to make them. Also about this time I sustained a broken rib, due to a fall on the ice, and have been slow in getting some of the records.

* * * * * * *

Now, Mr. BLANTON concedes that there was a special verbal agreement qualifying the written agreement. In a Western Union telegram to me, dated the 20th of December, 1917, at Hondo, Tex., he says: "The only thing said about release was that if I returned then we could release and vote." That is a very unreasonable statement and would be a dishonorable agreement where three were involved. He says nothing about the return of the third party and nothing about my return, but he contemplates my presence. This feature of it merely shows that he understood from our conversation that I would likely be present to vote. But the gentleman contradicts himself in his statement before the House.

* * * * * * *

He stated:

I sent a telegram to Mr. WILSON of Texas, urging him as his colleague and particular friend since college days, to support the prohibition amendment, thus permitting the States to pass upon the question once for all, and stated that if he would vote for prohibition to pair Mr. CHANDLER and myself with some other negative vote.

All of this statement is true except the vital part of it, the one fact intended to be conveyed and impressed, namely, that he authorized me to pair them with a negative vote, provided I would vote for prohibition.

* * * * * * *

The telegram has two periods in it, and I specifically call your attention to the last one and the sentence following: "Pair CHANDLER and me with some other negative vote, and don't deny the States this privilege." There is no "if" in this sentence; there is no such condition anywhere imposed in the telegram. "And don't deny the States this privilege" is an appeal and not a condition. I can submit this telegram to a thousand fair-minded people and would receive a thousand answers all alike—that there is no such condition in it; yet look at the statement the gentleman solemnly made before this House. Unfortunately, this telegram, though in my office, was not delivered to me until the morning after the vote. But I needed no such authority from Mr. BLANTON by telegram, as I had it through our agreement, as I stated. The telegram is exactly in line with our agreement. Mr. BLANTON sent this telegram before it appeared in the daily papers that he was not present when the vote on national prohibition was taken and was not paired.

* * * * * * *

The gentleman made his race against Judge W. R. Smith right next to the district I represent, and I heard that one of the principal talking parts of his platform was that Congress did not meet until 12 o'clock noon, and that he was condemning Judge Smith for not having stopped such a practice, and promising if elected he would bring about a reform in this respect and force the Congress to meet at 8 o'clock a. m.

* * * * * * *

The point is, it all shows that the gentleman who comes before this House and charges me with a dishonorable act is not a stranger to controversies where his veracity is involved.

* * * * * * *

The SPEAKER. The Chair thinks that the gentleman from Texas [Mr. BLANTON] has a question of privilege; not very well defined, but in three or four places, as far as read, the intimation of the lack of veracity is very plain, and the gentleman will proceed now to speak in line with that.

Mr. BLANTON. Mr. Speaker, this is really no time for Members or citizens to engage in private quarrels, when a murderous public enemy yet unwhipped is grappling at our throats; but I

owe it as a duty to myself, my family, my district, and my country not to let these false charges go unnoticed and unchallenged.

On January 8, on the floor of this House, in a modest way, and without feeling, I explained why I was absent when the vote was taken on national prohibition, and so forbearing and considerate was I that nowhere in my remarks did I reflect upon the gentleman from Texas [Mr. WILSON] or upon anyone else. I challenge him to point out the word, clause, sentence, or paragraph that in any way reflects upon him, for it nowhere states that he voted or even intimates that he violated a pair. I thought too much of the good name of my State and of the good reputation of the delegation of which I have the honor to form a part than to thus expose a family skeleton and let the world know that a Texas Member had ruthlessly Prussianized a sacred written agreement by violating a pair with his college friend and colleague when he was 2,000 miles away. Yet in the article he extended in the RECORD he states "that I intended to reflect upon his character, and that such statement, if believed by anybody, does reflect upon his character; that my statement was false in many respects, maligns and slanders him; and that it forms an issue between us that involves our veracity." The gentleman further intimates that I inspired the pair clerk, Mr. Small, to make the statement which he signed and addressed to the gentleman from Oklahoma [Mr. CHANDLER] and myself, and which the former inserted into the RECORD on January 9, which statement he says is false, yet he intimates that it was worded by me.

I accept his challenge and the issue as made by him and will attempt, first, to prove that my said statement of January 8 is in every particular absolutely true, and, second, that I neither inspired nor worded the statement made by the pair clerk, Mr. Small, but that he prepared it himself and submitted it to the Republican pair clerk, Mr. Hollingsworth, for approval before he delivered it, and, furthermore, that Mr. Small's statement is true.

Mr. Speaker, to save the time of the House, I will ask permission to print in the RECORD my statement made January 8 and the statements made by the pair clerk, Mr. Small, and the gentleman from Oklahoma [Mr. CHANDLER].

Mr. WILSON of Texas. Mr. Speaker, I shall object unless he adds mine.

Mr. BLANTON. Then I will ask to have it read by the Clerk. I merely wanted to save the time of the House in reading it.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Mr. KITCHIN. Mr. Speaker, I desire to prefer a request for unanimous consent, and if it be granted, then, at the conclusion of the remarks to be made, I shall move to adjourn. I ask unanimous consent that the gentleman from Texas [Mr. BLANTON] be permitted to address the House for three minutes.

The SPEAKER. Is there objection?

Mr. ROBBINS. Mr. Speaker, on what subject?

Mr. BLANTON. I desire to explain my absence from the House at the time of the taking of the vote on the prohibition question. It is a personal matter.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] is recognized for three minutes.

Mr. BLANTON. Mr. Speaker, I have been criticized—by one not in my district, however—for being absent on the 17th day of December when the vote on the prohibition amendment was taken. Shortly after the convening of the present session of this Congress, learning that there would be few matters considered before the holiday recess, I had agreed upon a pair with my colleague from Texas [Mr. GREGG] on the prohibition amendment. Later on he informed me that he was inclined to support the resolution, that he had about made up his mind to support it, and I released him from the agreement. On the 7th day of December Mr. T. A. CHANDLER, of Oklahoma, Mr. JAMES C. WILSON, of Texas—my colleague—and myself signed a written agreement to pair both on the national prohibition amendment and the woman-suffrage amendment, Mr. T. A. CHANDLER, of Oklahoma, and myself pairing in favor both of prohibition and suffrage, and Mr. JAMES C. WILSON, of Texas, against both measures, agreeing, however, that should all three of us be present whenever the vote was taken on either measure that then we should be released from the pair and all could vote. This signed written agreement was filed with the pair clerk on the 7th day of December, 1917, after which I left for Texas and Mr. CHANDLER left for Oklahoma, both Mr. CHANDLER and myself relying implicitly upon our pair duly executed and filed.

Having in my district 58 counties running 566 miles east and west, from Mineral Wells to El Paso, and several hundred miles north and south, from Lubbock to Rock Springs and Presidio, with over 400,000 people in it, and being the largest district in the United States, while over 90 per cent of the people are loyal, patriotic, dependable citizens standing solidly behind their flag, President, and Government, yet because of socialistic propaganda and ignorance of conditions there existed some disloyal seditious sentiment, three men having already been sent to the Federal penitentiary for such crime, and, moreover, many boys from my district stationed at Camp Bowie were dying, and some at Camp Travis were dying, I went to my district and drove in an automobile, through freezing weather part of the time, over 100 miles a day, making two, three, four, and even five speeches a day, and making a personal inspection of conditions at said camps, and upon one day especially I remember I drove 107 miles from Abilene, Tex., to Junction, speaking at Ballinger, Paint Rock, Eden, and Junction in behalf of our Government policies, no politics, however, being in any of my speeches. On the 15th day of December I received a telegram from Dr. A. J. Barton, president of the Antisaloon League of Texas, from Washington, indicating that the prohibition cause might be embarrassed by my pair with Mr. WILSON, and asking me to wire Mr. KITCHIN to change pair to some one else provided Mr. WILSON could be induced to vote for prohibition. I immediately wired Mr. KITCHIN on December 15 that provided Mr. WILSON of Texas would support the prohibition amendment, then to change my pair to benefit the prohibition cause.

Also, on December 15 I wired Dr. A. J. Barton that I had complied with his request and had wired Mr. KITCHIN, authorizing him to change pair if Mr. WILSON of Texas would vote for prohibition, and that if necessary to count Mr. WILSON'S vote for prohibition I would return immediately. On the 16th day of December, from Albany, I sent a telegram to Mr. WILSON of Texas, urging him as his colleague and particular friend since college days to support the prohibition amendment, thus permitting the States to pass upon the question once for all, and stated that if he would vote for prohibition to pair Mr. CHANDLER and myself with some other negative vote.

The SPEAKER. The time of the gentleman has expired.

Mr. BLANTON. Mr. Speaker, may I have two minutes additional?

The SPEAKER. The gentleman from Texas asks unanimous consent to speak for two minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. BLANTON. I received no reply from Mr. WILSON. Also, on December 16 I wired Mr. B. Y. WEBB, chairman of the Committee on the Judiciary, that in case Mr. WILSON would vote for the prohibition amendment to pair Mr. CHANDLER and myself with some one else.

Also, on December 16 I wired Mr. GREGG, of Texas, and others, urging that they support the prohibition amendment.

I refer to page 669 of the Appendix to the RECORD of last session for remarks I made on October 5, 1917, in favor of the passage of the national prohibition amendment and predicted that it would pass the House early in the December session. I missed only seven days' sessions of the House, as during my entire absence the House met only on the 11th, 12th, 13th, 14th, 15th, 17th, and 18th days of December.

I will state on the prohibition question I am further already on record. On April 9 I introduced a joint resolution (H. J. Res. 40) proposing an amendment for national prohibition, which is practically the same resolution introduced by Senator SHEPPARD that passed this House on the 17th of December, and on the 19th of April I introduced a bill (H. R. 3565) to suspend the manufacture of and all traffic in intoxicating liquors for beverage purposes during the war. On May 8 I introduced an amended bill (H. R. 4248) to suspend the manufacture of and all traffic in intoxicating liquors for beverage purposes during the war, and on May 9 I got Senator KENYON to introduce a copy of this last amended bill in the Senate. These matters, I take it, place me upon record on this question as being unalterably in favor of national prohibition, and I ask unanimous consent that these documents may go into the RECORD in connection with my remarks.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD by inserting these telegrams, and so forth. Is there objection?

Mr. WALSH. Mr. Speaker, I think the gentleman's statement is sufficiently clear as to what the telegrams contain, and I object.

Mr. BLANTON. And in order to have the whole matter clearly before you, I will have the Clerk also read the statement made by the Democratic pair clerk, Mr. Small, which on January 9 was inserted in the RECORD by the gentleman from Oklahoma [Mr. CHANDLER], which is as follows.

The Clerk read as follows:

Mr. CHANDLER of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a statement by one of the pair clerks of the House.

The SPEAKER. The gentleman asks unanimous consent to print in the RECORD a statement from one of the pair clerks of the House. Is there objection?

There was no objection.

The statement is as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., January 8, 1918.

MESSRS. THOMAS L. BLANTON, M. C., and T. A. CHANDLER, M. C.:
House of Representatives, Washington, D. C.:

MY DEAR SIRS: On day before yesterday you requested me, as pair clerk of the House of Representatives, to make you a statement in writing as to the facts concerning the pair made between you and Hon. JAMES C. WILSON, giving the reason why the pair was not observed and did not appear in the CONGRESSIONAL RECORD.

About two weeks before the vote was taken on the constitutional amendment for national prohibition, Hon. THOMAS BLANTON, Member of Congress from the sixteenth Texas district, came to me and stated that he had a pair upon the votes to be taken upon the constitutional questions of national prohibition and woman suffrage, Mr. BLANTON stating that he was for both these propositions and that Mr. WILSON would be against both, and that they would secure some other Member who would vote as Mr. BLANTON would in the matter. (Pairs upon these constitutional questions are in the same proportion as the vote, and as it requires a two-thirds majority for legislation of this character, it would take two Members for either of these amendments to protect one Member voting against.) On the next day Mr. BLANTON came to me with Mr. T. A. CHANDLER, Member of Congress from Oklahoma, and handed to me a pair, which was out of the ordinary for the reason that it was a typewritten agreement, with the names of Messrs. BLANTON and CHANDLER voting for the prohibition amendment and Mr. WILSON voting against the prohibition amendment inserted in the pair and duly signed by each of them, and I told them, as pair clerk, that the pair would go into the RECORD.

Two or three days before the vote was taken on the prohibition amendment Mr. WILSON came to me and said he had expected to leave the city, but that as he had not desired to have the pair changed to some one else who would vote as he would in order that he might vote.

Now, pairs are simply agreements between Members of Congress, the idea being that one vote will offset the other, and should one or all Members concerned in a pair or an agreement made between Members be absent, these agreements and pairs are observed. After such an agreement is made it is never altered by the pair clerks except by the consent or permission of those concerned.

Therefore, when Mr. WILSON requested the pair clerks to release him we had nothing to do with it, as the matter was between Messrs. BLANTON, of Texas, CHANDLER of Oklahoma, and Mr. WILSON of Texas. I told Mr. WILSON that if he would communicate with Messrs. BLANTON and CHANDLER, and they would agree to do so, of course it would be all right; otherwise I would put the pair up for the RECORD.

In the meantime Hon. CLAUDE KITCHIN, the Democratic floor leader, handed me a telegram from Mr. BLANTON, which is as follows:

"Am making three speeches a day in my district, embracing 58 counties, in effort to wipe out all disloyalty and force absolute support behind Government. If WILSON of Texas will support prohibition amendment, then change my pair to benefit cause, or if necessary I will return immediately."

Mr. WILSON came back to see me and said, so far as Mr. BLANTON was concerned, he was willing to release him (Mr. WILSON) from the pair. Mr. Hollingsworth, who represents the minority in the matter of pairs, who was present, asked Mr. WILSON how he expected to protect Mr. CHANDLER. Mr. WILSON said that he had no agreement with Mr. CHANDLER, and then we cited Mr. WILSON to the signed agreement, with all names filled in, and which is as follows:

"Mr. Speaker: We, the undersigned, have paired on the resolutions for the national prohibition amendment and the national woman suffrage amendment, THOMAS L. BLANTON, of Texas, and T. A. CHANDLER, of Oklahoma, each voting both for national prohibition and national woman suffrage, and JAMES C. WILSON, of Texas, voting against both of these said resolutions, and we request that this agreement be printed in the RECORD.

(Signed) "THOMAS L. BLANTON, of Texas.
"T. A. CHANDLER, of Oklahoma.
"JAMES C. WILSON." [Name later erased.]

Mr. WILSON then said that he intended to vote anyway. I went to Mr. FERRIS, of Oklahoma, and, although it was late, we made an effort to communicate with Mr. CHANDLER as to whether he wanted to hold Mr. WILSON to the pair, as it was my plain duty as pair clerk to have the pair as made announced for printing in the RECORD. Mr. WILSON came to the pair clerk's desk again, and with him was Mr. MONOAN, of Oklahoma, who stated that he was not willing to state whether or not Mr. CHANDLER would be willing to release Mr. WILSON from the pair, after the matter had been explained to him. Mr. WILSON then left and returned after a few minutes and said that he was going to vote and asked to see the signed pair, which he took and said as he intended to vote, would not have his name on it, and then erased his name from the agreement, which he had, according to his own statement, signed.

Mr. BLANTON'S telegram released Mr. WILSON from the pair, provided he intended to vote for the prohibition amendment, and on the final vote he voted against the amendment, so that he had no release from Mr. BLANTON and did not claim to have any from Mr. CHANDLER. We, the pair clerks, could not put the pair into the RECORD because Mr. WILSON had erased his name, and there was nothing to hold him to the agreement, as he had announced his intention of voting.

This is how the matter happened, and no one regrets as much as do the pair clerks that you both were left unprotected on the vote, as we knew when you left the city it was with the understanding that you would be taken care of.

With highest personal regard, I am,

Very respectfully, yours,

W. E. SMALL, Jr.,
Pair Clerk, House of Representatives.

Mr. BLANTON. I realize that a pair is merely a gentleman's agreement between Members, yet section 2 of Rule VIII of the rules governing this House provides:

Pairs shall be announced by the Clerk, after the completion of the second roll call, from a written list furnished him, and signed by the Member making the statement to the Clerk, which list shall be published in the RECORD as a part of the proceedings.

The gentleman from Texas [Mr. WILSON] starts out by saying that the gentleman from Oklahoma [Mr. CHANDLER] and myself each selected a time when he was absent to make our statements, indicating that we took an unfair advantage of him, stating that about that time he had sustained a broken rib due to a fall on the ice. On January 8 the House met at 12 o'clock noon and adjourned at 2.31 p. m., and it was during this short session that I made my statement on the floor of the House, after the Democratic leader [Mr. KITCHIN] had requested such time for me. Am I to be blamed because Mr. WILSON was absent from even this short session of the House and was unaware of the proceedings going on in the Legislative Chamber? On this date he did not even dream that he had a broken rib. On January 9 the House met at 12 o'clock noon, and within a few minutes after the prayer and the reading of the Journal the gentleman from Oklahoma [Mr. CHANDLER] requested and obtained unanimous consent from the House to print in the RECORD the statement made by the pair clerk, Mr. Small. Are we to be condemned because the gentleman from Texas [Mr. WILSON] preferred to remain away and not be present when important business was being transacted by the House? He did see fit that day—January 9—to come on the floor of the House long enough to answer a roll call—his office getting notice by electric bell in plenty of time for him to answer either the first or second call of the roll—and he saw fit to appear on the floor of the House on the next day—January 10—and remain long enough to be marked present at three different roll calls occurring at least 40 minutes apart. The RECORD shows that he was on the floor of the House at least sufficiently long to be marked present at roll call on the 16th, 17th, 18th, 19th, 21st, 22d, 23d, 24th, 25th, and 26th days of January.

Mr. WILSON of Texas rose.

The SPEAKER. Does the gentleman from Texas yield to his colleague?

Mr. BLANTON. I do not.

Mr. WILSON of Texas. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Texas. If the gentleman has the right to speak to a question of personal privilege, has he a right to make an attack on me?

The SPEAKER. He has not.

Mr. WILSON of Texas. Well, he is making one.

The SPEAKER. The gentleman from Texas will keep within the strict limits of the rule.

Mr. BLANTON. If I get out of it, Mr. Speaker——

The SPEAKER. The Chair will take care of that. [Laughter.]

Mr. BLANTON. He says that he should have replied to these statements sooner, but gives as his excuse for waiting from January 8 to January 31 to explain why he scratched his name from a sacred written agreement with two of his colleagues and violated a pair the following: "Also about this time I sustained a broken rib, due to a fall on the ice, and have been slow in getting some of the records I wish to introduce in connection with my statement."

Mr. WILSON of Texas rose.

The SPEAKER. Does the gentleman from Texas yield to his colleague?

Mr. BLANTON. I absolutely do not.

Mr. WILSON of Texas. Mr. Speaker, if the Speaker is going to watch gentlemen and call him down I will not rise again, but he is getting on to me now. [Laughter.]

The SPEAKER. The gentleman has his remedy; if the gentleman from Texas makes any remarks about him that are improper, he can have the words taken down. The gentleman will leave out all remarks as to the other gentleman from Texas giving excuses. If the gentleman wants to deny the statements made by Mr. WILSON of Texas, he has a right to do so.

Mr. BLANTON. The only record he has introduced besides my telegrams to him already in his office was my telegram to the gentleman from Colorado [Mr. TAYLOR], as everything else was printed in the CONGRESSIONAL RECORD on the desk of every Congressman, and his secretary in two hours' time could have gotten from the efficient service of the Western Union a copy of the said telegram by requesting it.

The extended remarks of the gentleman from Texas [Mr. WILSON] did not appear in the RECORD until last Friday morning, January 31, and though being ready then to reply, I promptly gave notice on the floor of the House that I would rise to this privilege to-day, as he was absent then, and he having accused us of purposely presenting the other matters in his absence, and I knowing that the House would adjourn Friday not to meet until to-day, and feeling certain that it would be a bare chance for him to be present to-day without such notice, I notified him through the RECORD to be present to-day, and being present he can not again accuse me of acting in his absence.

Now I will prove that every statement made by me on January 8 is absolutely true.

(1) I said I had been criticized for my absence by one not in my district. The man making this criticism was the commercial secretary of the chamber of commerce at Brownwood, Tex.—but now is such officer no longer—who so far forgot the courtesy, hospitality, and love of fairness proverbial in central west Texas as to attempt to speak for the loyal, patriotic citizens of Brownwood and Brown County, in trying to engage in cheap politics by placing in the daily press of Texas an insulting telegram to me, relative to my having been invited to speak at Brownwood by leading, substantial citizens of Brown County.

(2) I said that after the convening of this session I learned that there would be few matters considered before the holiday recess. The RECORD proves this, for after January 7, the House met only seven times and was in session only 40 hours before it recessed for the holidays, and while in Texas I missed only 40 hours of the House proceedings.

(3) I said that I first agreed to pair with my colleague from Texas [Mr. GREGG], but being later informed by him that he felt inclined to support the prohibition resolution, I released him. I have neither mentioned this matter to him nor asked him for a statement, because I did not want to involve my colleague in a controversy, but he is here present, and I now give him an opportunity to deny it if it is not absolutely true, and you see he does not deny it. And he had no intention of being away from Washington.

Mr. GARNER. Mr. Speaker, my colleague made a statement that the gentleman from Texas [Mr. GREGG] was present. I have looked around the Chamber, and I do not see him.

The SPEAKER. The Chair thinks that ought not to go in the RECORD.

Mr. BLANTON. I thought the gentleman from Texas [Mr. GREGG] was present, because I understood he was to be present.

Mr. GARNER. I do not see him, and I do not think my colleague wants that statement to go unchallenged.

Mr. BLANTON. I will say that if the gentleman from Texas [Mr. GREGG] denies that he first agreed to pair and was later released by me I will resign my position. I will let it go in and let it stand for all that it is worth, and if the gentleman from Texas [Mr. GREGG] denies it I will agree to resign.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GARNER. Do I understand my colleague desires to make a statement in the RECORD that his colleague, Mr. GREGG, of Texas, is in the Chamber and does not deny this, when, as a matter of fact, he is not in the Chamber?

Mr. BLANTON. Oh, no; and I thank my colleague for his suggestion. I am glad the gentleman made the suggestion, because I was mistaken in thinking he was here.

Mr. GARNER. I only wanted to call the gentleman's attention to it.

Mr. BLANTON. I am glad the gentleman called my attention to it, because I thought Mr. GREGG was here.

(4) I said:

On the 7th day of December Mr. T. A. CHANDLER, of Oklahoma; Mr. JAMES C. WILSON, of Texas—my colleague—and myself signed a written agreement to pair both on the national prohibition amendment and the woman-suffrage amendment, Mr. T. A. CHANDLER, of Oklahoma, and myself pairing in favor both of prohibition and suffrage, and Mr. JAMES C. WILSON, of Texas, against both measures, agreeing, however, that should all three of us be present whenever the vote was taken on either measure that then we should be released from the pair and all could vote. This signed written agreement was filed with the pair clerk on the 7th day of December, 1917, after which I left for Texas and Mr. CHANDLER left for Oklahoma, both Mr. CHANDLER and myself relying implicitly upon our pair duly executed and filed.

Now, all of us are agreed that the written pair agreement was signed up and delivered to the pair clerk on the afternoon of December 7.

But the gentleman from Texas [Mr. WILSON] asserts that he is positive on the following points: (1) That he had only one conversation with me about pairing, and that was the one he had at the time he signed his name to the pair agreement; (2) that such conversation resulting in the signing of his name to the agreement occurred on the afternoon of December 7 at a time when the House had either adjourned or recessed; (3) that at the time he signed the agreement no other name was signed to it; (4) that I asked him to pair with me and Mr. TAYLOR of Colorado, and that I did not mention Mr. CHANDLER; (5) that at the time he signed it, he said, "BLANTON, I will sign it with this understanding, if I am here I will have the right to vote, provided I get you a pair in my stead, and that I said, "That is all right. If either one of us is here, he will have that privilege"; (6) that I made a false statement when on December 20, concerning what had been said at the time he signed the agreement, I wired him, "What I told you was that I would furnish two votes against yours; that I had wired TAYLOR of Colorado and expected him to join me in pair, but if he did not CHANDLER would," he asserting that the telegram I sent to the gentleman from Colorado [Mr. TAYLOR] was sent after he signed the agreement, which he says occurred at a time on the afternoon of December 7, when the House had either adjourned or recessed; (7) that I asked him if he was opposed to the prohibition and suffrage resolutions; (8) that he told me that he was thinking of going to Santo Domingo. Now I shall attempt, my colleagues, to prove that this gentleman is mistaken in each one of these positive assertions.

On December 6, after I had released my colleague from Texas, Mr. GREGG, I told Mr. WILSON of it, and mentioned the fact that it was very imperative that I should go to Texas, calling his attention to seditious sentiment which was growing as a result of a speech made by the Hon. Oscar Callaway and a lot of socialistic propaganda that was being discussed in Texas, and of the bad health conditions prevailing at Camp Bowie and Camp Travis, and I asked him if he would not pair with me and let me go, as I would not leave under any circumstances unless I arranged for my vote to count on both prohibition and suffrage. Without hesitation he replied, "Yes; I will pair with you, for to tell the truth, BLANTON, on account of conditions in my district, I would rather pair on these two questions than to vote." I thanked him, told him that it would be a special favor to me, that I would prepare the agreement, and I then left him. On this day, December 6, the House met at 12 o'clock noon and adjourned at 12.54 p. m., being in session only 54 minutes. During this short session I went to the pair clerk, Mr. Small, at his desk on the floor of the House, and learned from him that on all constitutional questions, such as the proposed prohibition and suffrage amendments, Members in pairing were required to have two affirmative votes against one negative vote. I then told Mr. Small, whom I had never met or had any dealings with before, as I had always voted and never paired before, that I had a pair on both national prohibition and woman suffrage, that I was for both of these measures, and that Mr. WILSON of Texas would be against them both, and that we would secure some other Member that would vote as I did and arrange the pair. He said all right, and I left him, shortly after which the House adjourned. Now for the proof. In the pair clerk's statement, which the gentleman from Oklahoma published in the record January 9, Mr. Small says:

About two weeks before the vote was taken on the constitutional amendment for national prohibition, Hon. THOMAS BLANTON, Member of Congress from the sixteenth Texas district, came to me and stated that he had a pair upon the votes to be taken upon the constitutional questions of national prohibition and woman suffrage, Mr. BLANTON stating that he was for both these propositions and that Mr. WILSON would be against both, and that they would secure some other Member who would vote as Mr BLANTON would in the matter. (Pairs upon these constitutional questions are in the same proportion as the vote, and as it requires a two-thirds majority for legislation of this character, it would take two Members for either of these amendments to protect one Member voting against.) On the next day Mr. BLANTON came to me with Mr. T. A. CHANDLER, Member of Congress from Oklahoma, and handed to me a pair which was out of the ordinary for the reason that it was a typewritten agreement, with the names of Messrs. BLANTON and CHANDLER voting for the prohibition amendment and Mr. WILSON voting against the prohibition amendment inserted in the pair and duly signed by each of them, and I told them, as pair clerk, that the pair would go into the RECORD.

Hence you see that Mr. Small proves conclusively that it was on December 6 when I told him that the gentleman from Texas [Mr. WILSON] and myself had arranged to pair and would file it with him as soon as we could find a third man to comply with the rule, for he says that the pair agreement was actually filed with him the next day after I had this conversation, and it is agreed that the pair agreement was filed with him on the 7th of December, on the evening of which the House adjourned not to meet again until December 11.

Likewise on December 6 I met my colleague, the gentleman from Oklahoma [Mr. CHANDLER], at one of the elevators, and he agreed, merely as a favor to me, that if I called on him to pair he would do so. At that time he had no intention of leaving Washington, but expected to be here when the votes mentioned were to be taken, and for this reason I preferred, if possible, to find some man voting affirmatively who might not be here, in order to save a vote for the cause I espoused. That night in my office I had the pair agreement drawn up on the typewriter, leaving the names in the body blank, and I then signed it myself with pen and ink and put it in my pocket to get executed by the others the next day. On the morning of December 7 I learned from my friend and colleague, the gentleman from California [Mr. RAKER], that the gentleman from Colorado [Mr. TAYLOR] was then in Colorado and would probably not return in time to vote, so I immediately prepared the following telegram:

WASHINGTON, D. C., *December 7, 1917.*

Hon. EDWARD T. TAYLOR, M. C.,
Glenwood Springs, Colo.:

KITCHIN advises House will vote on national prohibition 19th and woman suffrage 20th. Understand you favor both; so do I, and want both of us counted. WILSON of Texas strong anti, offers to pair, but under rules takes two for one. Please authorize me by wire immediately to enter pair of record. Also please agree not to call up your H. R. 4431 until January, as I may have to leave on urgent matter and won't leave without such agreement. Kindly agree and answer immediately.

THOMAS L. BLANTON.

Mr. Speaker, at this point I would like to submit that telegram to the membership of the House, and I want that part of the Western Union certification showing that it was filed at 12.30 p. m., December 7, to go into the RECORD.

Mr. WILSON of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to his colleague?

Mr. BLANTON. I most certainly do not, Mr. Speaker.

Mr. WILSON of Texas. I just want to know if that is the only telegram the gentleman sent to Mr. TAYLOR of Colorado?

Mr. BLANTON. I will yield to the gentleman.

Mr. WILSON of Texas. I just wanted to know if that is the only telegram you sent to Mr. TAYLOR of Colorado?

Mr. BLANTON. Absolutely so; one and only one, and it was filed 30 minutes after the House met on January 7, long before you thought of signing that agreement.

Mr. WILSON of Texas. Will you permit another inquiry? Why did you send in it——

Mr. TAYLOR of Colorado rose.

The SPEAKER. To whom does the gentleman yield?

Mr. BLANTON. I yield first to the gentleman from Texas.

Mr. WILSON of Texas. Was that sent after your conversation with me?

Mr. BLANTON. That was after my first conversation with you on the 6th.

Mr. MADDEN. Mr. Speaker, I make the point of order that these gentlemen ought not to address each other in the first person.

The SPEAKER. That point of order is sustained.

Mr. WILSON of Texas. And you claim that you had two conversations with me about this pair agreement?

Mr. BLANTON. There is no question in the world about that.

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Colorado?

Mr. BLANTON. Yes; I gladly yield to my friend from Colorado.

Mr. TAYLOR of Colorado. I think possibly it is only fair to both these gentlemen for me to say that I was away from home when this telegram came, and after returning home I assumed it was too late then for me to pair with the gentlemen, so I never really answered the telegram at all.

Mr. BLANTON. I attach no blame to the gentleman. On that day, December 7, the House met at 12 o'clock noon, and immediately after the prayer and the reading of the Journal I took the above telegram to the branch office of the Western Union on the House corridor floor in the Capitol and delivered it for transmission, and this telegram shows by the indorsements on it that the Western Union filed it for transmission at exactly 12.30 p. m., which was within 30 minutes after the House met. And the gentleman from Texas [Mr. WILSON] must have overlooked this very important and absolutely convincing fact when he got a copy of this message from the Western Union and inserted it in his extended remarks to prove a contention the very opposite of which it absolutely established. After waiting about three hours for an answer from Colorado and getting none, I concluded that the gentleman from Colorado was probably on his way back to Washington, which would give prohibition the benefit of his vote, and I concluded to take advantage of the kind offer of the gentleman from Oklahoma [Mr. CHANDLER] before adjournment and use him in the pair if I did not receive an answer from Colorado in time. I therefore found Mr. WILSON of Texas and presented the written agreement to him, already signed by me in ink, and he read it over, and then, without any hesitation, signed his name with a pencil. I then told him that the pair clerk had informed me that it was necessary on constitutional questions to have two affirmative votes for one negative; that I had wired Mr. TAYLOR of Colorado to join me in the pair, and that if he did not agree to do so, Mr. CHANDLER of Oklahoma would, as I had already seen him about it, and I called his attention to the fact that he ought to feel very important to offset two opposing votes with his one. I never at any time asked him how he stood, for I have known him since we were boys, we being college mates together at the University of Texas nearly 25 years ago, and I have known for years that he was a strong antiprohibitionist. Moreover, just a few days before this I had prepared a careful, correct poll of the Members on this issue of prohibition, and I knew that we had enough votes of men who would stand hitched and who were going to be here to pass the resolution by the necessary two-thirds vote and have at least seven extra votes additional. He did not tell me that he expected to go to Santo Domingo, but when he agreed to pair I understood that he was going to remain in Washington, and believed that he was merely doing me a favor as an old friend, and I also believed him when he said that he really preferred to pair than to vote on the question, as I knew what he meant when he referred to the conditions in his district. He reserved no conditions whatever; but it was I who said, just as I was leaving him, "Now, WILSON, if I get back before these votes are taken, and we are all three here, we can then release each other and vote." I left; found the gentleman from Oklahoma [Mr. CHANDLER], and he signed the agreement with a pencil, and we then went together to the Speaker's desk. As this was my first pair I was under the impression that it had to be presented to the Speaker, and as this one agreement was to cover the vote both on prohibition and woman suffrage, and there was a chance of suffrage going over until after the holidays, I thought that it ought to be entered in the RECORD to prevent possible loss or misplacement, and by inspecting it you will see that I had it addressed to the Speaker, and ended it with the following: "And we request that this agreement be printed in the RECORD."

And, Mr. Speaker, I want to offer this original pair for inspection of the Members to see that my name is signed in ink and that the other two gentlemen's names are signed in pencil, and that this request is in the pair—"and we request that this statement be printed in the RECORD."

The SPEAKER. Does the gentleman ask to print that statement in the RECORD?

Mr. BLANTON. Oh, no; that statement is in the agreement. I was just merely reading the agreement itself, where we three gentlemen requested the Speaker to insert that agreement in the RECORD.

So, when the gentleman from Oklahoma [Mr. CHANDLER] and myself went to the Speaker's desk, just after the vote on the Austrian war resolution had been concluded, I handed the agreement to the Speaker and requested that he have it printed in the RECORD. He handed it back to me and informed me that printing it was unnecessary, as all I had to do was to hand it to the pair clerk. I then went, with the gentleman from Oklahoma [Mr. CHANDLER] to the pair clerk's desk and handed the agreement to Mr. Small and asked him if we could depend upon him to see that it was recorded when the vote was taken, so that we would not lose our vote, and he assured us both that he would give the matter careful attention, and see that it was properly entered. In a few minutes the House adjourned at 4.34 p. m., not to meet again until December 11. Hearing nothing from Colorado, I went to the gentleman from California [Mr. RAKER], who very kindly assured me that no advantage would be taken of me in my absence on bill H. R. No. 4431, which was a bill seeking to appropriate $5,000,000 to start the Government into the farming business, against which bill, as a member of the committee, I had filed a minority report, and the fight I made against it caused it to die a natural death within the past few days. I was against it, because I did not believe that the Government, through its employees, should compete with farmers on the farms. I went to Texas firmly believing that my vote was protected.

Here is the pair agreement, and as he did not make a very good job of rubbing his name off, it is still plainly discernible:

Mr. Speaker, we, the undersigned, have paired on the resolutions for the national prohibition amendment and the national woman's suffrage amendment, THOMAS L. BLANTON, of Texas, and T. A. CHANDLER, of Oklahoma, each voting both for national prohibition and national woman's suffrage, and JAMES C. WILSON, of Texas, voting against both of said resolutions, and we request that this agreement be printed in the RECORD.

(Signed) THOMAS L. BLANTON, *of Texas.*
T. A. CHANDLER, *of Oklahoma.*
JAMES C. WILSON, *of Texas.*

And I want you to note again that my signature is in ink and the other two are in pencil.

Mr. Speaker, the gentleman from Oklahoma [Mr. CHANDLER] is present, and I would like to call on him to state at this time to the House——

The SPEAKER. It is a very bad practice for one Member to call on another sitting in his seat. The Chair saw that done in the Senate once, but does not think it ought to be followed in the House.

Mr. BLANTON. Then may I have the privilege of yielding at this time to my colleague, Mr. CHANDLER, to ask me a question?

The SPEAKER. The gentleman from Oklahoma [Mr. CHANDLER] has not exhibited any disposition to ask any questions. [Laughter.]

Mr. BLANTON. Then I will state, Mr. Speaker and colleagues, that Mr. CHANDLER will corroborate every word that I have spoken on the floor of this House concerning transactions had with him.

On December 15 I received the following night message from the president of the Anti-Saloon League of Texas, which I will ask the Clerk to read.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., *December 14, 1917.*

Hon. THOMAS L. BLANTON,
Abilene, Tex.:

Vote on resolution for national prohibition Monday. Understand you are paired with Mr. WILSON. Wire Mr. KITCHIN to change pair to someone else, provided we can induce Mr. WILSON to vote for prohibition. Also wire me your reply.

A. J. BARTON.

Mr. BLANTON. I immediately complied with Dr. Barton's request by sending the following messages, which I will ask the Clerk to read.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

ABILENE, TEX., *December 15, 1917.*

Hon. CLAUDE KITCHIN,
Democratic House Leader, Washington, D. C.:

Am making three speeches a day in my district, embracing 58 counties, in effort to wipe out all disloyalty and force absolute support behind Government. If WILSON of Texas will support prohibition amendment, then change my pair to benefit cause, or if necessary I will return immediately.

THOMAS L. BLANTON.

ABILENE, TEX., *December 15, 1917.*

DR. A. J. BARTON,
Care Edwin C. Dinwiddie, Washington, D. C.:

Have wired KITCHIN, as requested. In case WILSON will support amendment, this authorizes change of pair, or, if necessary to count his vote, I will come immediately. My district embraces 58 counties, from Mineral Wells to El Paso. Much socialistic pro-German sentiment; much existing because of ignorance of conditions. Am making three speeches a day in effort to force absolute loyalty to our Government, without which we can not win this war. I am using automobiles and driving sometimes over 100 miles a day. From poll made by me before I left, we had several votes to spare.

THOMAS L. BLANTON.

Mr. BLANTON. After speaking at Abilene before a big Red Cross meeting Saturday afternoon, December 15, I drove 50 miles to Hamlin, through freezing weather, speaking there that night to a large crowd, and after the speaking I got another auto and drove 25 miles to catch a train for Moran, where I spoke Sunday noon to a large crowd, and then drove to Albany. Understanding from Dr. Barton's telegram that the gentleman from Texas [Mr. WILSON] was favorably considering the idea of voting for prohibition yet was in a state of indecision, and thinking that I might help to influence him, and thinking possibly Mr. CHANDLER might have left Washington, after reaching Albany I sent the following telegram, which I will ask the Clerk to read.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

ALBANY, TEX., *December 16, 1917.*

HON. JAMES C. WILSON,
House Office Building, Washington, D. C.:

As your colleague and particular friend since college days, I urgently implore and beseech you to give the States an opportunity to pass upon the prohibition question. If you are willing to make this sacrifice of your personal convictions by voting affirmatively you will be granting the sacred right of petition to several million loyal, patriotic American men and women, who are themselves now making every sacrifice to win the war. Pair CHANDLER and me with some other negative vote, and don't deny the States this privilege.

THOMAS L. BLANTON.

Mr. BLANTON. And as an extra precaution I sent the following message, which I will ask the Clerk to read.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

ALBANY, TEX., *December 16, 1917.*

HON. E. Y. WEBB,
Chairman Judiciary Committee, Washington, D. C.:

Am paired with WILSON of Texas. If he will support resolution then pair me with some other negative vote. Please see that my vote counts for prohibition in a pair. Please wire me the result immediately after vote. I am eliminating an internal undercurrent of seditious sentiment out of my district and am lining up my 58 counties solidly behind the Government.

THOMAS L. BLANTON.

Mr. BLANTON. Now, the gentleman from Texas [Mr. WILSON] says that while my telegram was in his office he did not see it until after the vote was taken, yet he says that it shows that he was considered by me released without condition because he says he has a period in it between the "If you will vote affirmatively" and "Pair CHANDLER and me," and he has written out the "period" in the message.

Now, Mr. Speaker, I submit from the Western Union Telegraph Co. a certified copy of the message, showing that there is no punctuation written out into it whatever [applause] and that the gentleman from Texas [Mr. WILSON] was absolutely without authority when he wrote into the message which he inserted in his extended remarks here the word "period."

Mr. WILSON of Texas. Mr. Speaker, here is the original, and I submit it to the jury down there.

The SPEAKER. Does the gentleman yield?

Mr. BLANTON. I want to be absolutely fair——

The SPEAKER. Does the gentleman from Texas yield?

Mr. BLANTON. I do, because I want to be fair.

Mr. WILSON of Texas. Well, here it is. It is the one delivered to me, and it has got the "period" in it.

Mr. BLANTON. Now, Mr. Speaker and my colleagues, the telegram which the gentleman from Texas [Mr. WILSON] has handed me is not the original message which was delivered to him, but a copy from the Western Union Telegraph Co. delivered since then. It is not the original message delivered to him on the 16th of December.

Mr. WILSON of Texas. BLANTON, you are mistaken about that. It is the only one I have.

The SPEAKER. The gentleman must not address his colleague by name or in the second person; it is against the rule.

Mr. WILSON of Texas. I want to state it is the only message I had delivered to me by the Western Union.

Mr. BLANTON. Now, it is well known that under the rules of the Western Union, no punctuation is transmitted in a message unless such punctuation is written out in the message. I submit to you the original carbon copy of this message which is the carbon of the original sent to the gentleman, and also another copy certified to be correct by the Western Union, and you will see that no punctuation is written out, and therefore I feel sure that it is not written out "period" in the original that was delivered to the gentleman. He admits that it was in his office. Who received it there?

The SPEAKER. The time of the gentleman has expired.

Mr. BLANTON. Mr. Speaker, I ask my colleagues for sufficient time to answer——

Mr. COX. Mr. Speaker, I object.

Mr. GALLIVAN. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. BLANTON. Mr. Speaker and my colleagues, in view of the fact that the extended remarks statement made by the gentleman was extended in the RECORD without giving me a chance to answer, I ask unanimous consent of my colleagues to permit me to put the balance of this speech in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WILSON of Texas. Mr. Speaker, I want to reserve the right to object for I have no idea what is in that and I do not think anybody else can have any idea. If it were submitted to me I might agree to it.

Mr. BLANTON. There is nothing——

The SPEAKER. Is there objection?

Mr. WILSON of Texas. If it is no worse than what has already been stated, I am willing.

The SPEAKER. Is the gentleman objecting or not?

Mr. WILSON of Texas. I will for the present.

Mr. BLANTON. I did not object to the gentleman——

The SPEAKER. But the gentleman objects.

Mr. WILSON of Texas. Well, let it go in.

The SPEAKER. The gentleman withdraws his objection. Is there objection?

Mr. GALLIVAN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts objects.

LEAVE OF ABSENCE.

By unanimous consent Mr. BURROUGHS was granted leave of absence to-day on account of illness.

LEAVE TO ADDRESS THE HOUSE.

Mr. WILSON of Texas. Mr. Speaker, may I have half a minute by unanimous consent?

The SPEAKER. The gentleman from Texas asks unanimous consent for two minutes. Is there objection?

Mr. GALLIVAN. I object, Mr. Speaker.

Mr. WILSON of Texas. I ask for half a minute.

Mr. GALLIVAN. I withdraw my objection as to half a minute.

Mr. WILSON of Texas. I just wish to say that I have a statement here, that is already in the RECORD, and I would like unanimous consent for that statement to appear as of today instead of the 31st, so that this all can go together. It is my statement. Furthermore, I want to deny absolutely that I had two conversations with the gentleman from Texas [Mr. BLANTON] about this matter, but only had one, right back there, of about five minutes. That is all I wish to say.

Mr. BLANTON. Mr. Speaker, I object.

The SPEAKER. The gentleman from Texas [Mr. WILSON] asks unanimous consent——

Mr. BLANTON. I object unless all of mine goes in, too.

The SPEAKER. The other gentleman from Texas [Mr. BLANTON] objects. This is unanimous-consent day. The Clerk will report the first bill.

NATURALIZATION OF RESIDENT ALIENS.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States relating to naturalization.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 3132) to amend section 2171 of the Revised Statutes of the United States, relating to naturalization.

Be it enacted, etc., That section 2171 of the Revised Statutes of the United States be amended so when amended it shall read as follows:

"SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, State, or sovereignty with which the United States are at war at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States or the Territories thereof on the 6th day of April, in the year 1917, who had before that day made a declaration according to law of their intentions to become citizens of the United States, or who, by the existing laws of the United States, were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they shall be alien enemies at the times and in the manner prescribed by the laws heretofore passed on that subject: *Provided*, That nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien."

Also, the following committee amendment was read:

Page 1, line 8, strike out the word "are" and insert the word "is."

Mr. STAFFORD. Will the gentleman from California yield?

Mr. RAKER. Yes; I yield to the gentleman.

Mr. STAFFORD. I understand that this is virtually reenacting existing law so as to extend to all alien enemies resident in this country who have declared their intention to become citizens prior to the declaration of war the right to qualify in full citizenship in case they can meet the qualifications?

Mr. RAKER. In case they can meet the qualifications, having taken out their first papers and having resided in the United States five years before the date fixed in the bill, and having passed a thorough inspection by the Department of Labor, the Bureau of Immigration, and also other departments of the Government. And if they meet them all the court shall admit them; otherwise not.

Mr. STAFFORD. Can the gentleman estimate as to the number of alien enemies resident in this country who made declaration of intention to become citizens prior to the declaration of war, and upon whom the declaration of war placed a ban as to their final papers for citizenship?

Mr. RAKER. I had a memorandum of that in my pocket, but I went down to a committee meeting this morning and have not been able to get my coat.

There are a number of thousands of them. I think there are many thousands that come under the gentleman's inquiry. But in this bill they must not only have made their application and taken out their first papers, but they must actually have been a resident for five years at the date of the declaration of war. And the present bill contains only two amendments. Some one on the committee thought that the word "are" should be changed to "is," and then we changed the words "June 18, 1912," to the "6th of April, 1917."

Mr. COX. Will the gentleman yield?

Mr. RAKER. I will.

Mr. COX. I am very much interested in the gentleman's bill, and I want to put this question to the gentleman in order to see whether or not the bill covers this particular case in my own town. A Lutheran minister in my town came to this country when he was 17 years of age. I will give the hypothetical facts.

He went to the State of Iowa, and moved into ex-Speaker Henderson's district, where he sought the Speaker's advice as to whether or not it would be necessary for him, who came here as a minor, to take out naturalization papers. It occurs to me that the Speaker told him there would be no necessity for it, as he would be a naturalized American citizen when he became 21 years of age. Soon thereafter the Spanish-American War broke out, and he volunteered as a private and went all through the war, after which he entered college. Roaming around for four or five years, at school, and preaching here and there, about six or seven years ago, or possibly five years ago, he learned he was not an American citizen. He promptly applied and took out his first papers. Now, about four months ago he sought to join the Army as a chaplain. Of course, he ran up against the Federal statute which prevented him not only from becoming a chaplain, but plainly stating that he was not an American citizen.

This man is as intensely patriotic as any other man in the United States. There is no controversy about that at all. Now, will the gentleman's bill take care of a man of this kind and permit him to take out his second papers and become an American citizen?

Mr. RAKER. That is the very purpose of this bill.

I want to illustrate another case. A young man, say, 26 years of age, a fine specimen of manhood, took out his first papers a number of years ago. He went to New Jersey and joined the National Guard and went down to the Mexican border, and was under the flag and in the service, and received an excellent discharge. He comes back to the town in which he lives, marries an American girl, and of course she becomes an alien. Now, since the declaration of war he has been compelled to leave the town and leave his wife, and go to some other place, when his whole heart and his whole soul is with this country. He wants to take out his second papers in order that he may enlist if the Government will not draft him, so that he can fight for this country.

And there is not only that case, but there are many others that have been called to my attention where men who have taken out their first papers desire to join the Army, to join the Navy, and to make a sacrifice of their lives, if desired, and their property for this country; and the purpose of this bill is to relieve those conditions.

Mr. MONDELL. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Wyoming for a question.

Mr. MONDELL. Mr. Speaker——

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. SAUNDERS of Virginia). The gentleman will state it.

Mr. STAFFORD. This being a House bill and the gentleman having the floor and being in charge of the bill, is he entitled to an hour?

The SPEAKER pro tempore. He is. The statement to the contrary was an inadvertence on the part of the Chair. He asked the clerk at the desk, and the clerk said the gentleman's time had expired. Of course the gentleman is entitled to an hour.

Mr. MONDELL. Mr. Speaker, will the gentleman yield now?

The SPEAKER pro tempore. Does the gentleman from California yield to the gentleman from Wyoming?

Mr. RAKER. I yield for a question.

Mr. MONDELL. I thought I could give the gentleman an illustration that would interest him.

Mr. RAKER. I yield for that illustration.

Mr. MONDELL. Recently my attention was called to the case of an ordained minister of German birth who has lived in this country for 26 years. He made his declaration 20 years ago. He was under the impression that he had completed his citizenship. He is now about to be registered as an alien enemy.

There is not any more loyal citizen under the flag. He is a splendid man. He is in an exceedingly embarrassing position. There are many men in the country as loyal as any men who live in the country who are somewhat in that position, unable to become full-fledged citizens, and in the position of being registered as alien enemies—a position that ought to be overcome.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Wisconsin.

Mr. LENROOT. Does the gentleman think if this bill is passed it will relieve the case he speaks of, of a man who made the declaration 20 years ago?

Mr. MOORE of Pennsylvania. If the gentleman pleases, that has been settled in the Morena case, recently decided by the Supreme Court.

Mr. LENROOT. That is the reason why I am asking the question.

Mr. MONDELL. The man has been voting all that time, assuming that he had citizenship.

Mr. LENROOT. I want to ask the gentleman from California whether or not in his opinion this bill modifies or repeals, so far as alien enemies are concerned, the present law? Is there not a limitation in the present naturalization law?

Mr. RAKER. I do not quite catch the gentleman's question.

Mr. LENROOT. The gentleman knows that under the present naturalization law if the declarant does not take out his final papers within seven years after making the declaration, his declaration falls, and he is not entitled to become a citizen.

Mr. BURNETT. Yes; that is under a late decision.

Mr. MOORE of Pennsylvania. Yes. That is in the Morena case, recently decided by the Supreme Court.

Mr. LENROOT. I want to ask the gentleman this question: Under the language of the bill would it let in any of those whose right had expired by reason of the seven-year limit?

Mr. RAKER. As I view it, and as the committee went over its language, and taking it as we have from the act of 1813, that has been on the statute books over 100 years, we made only those two changes, changing the word "are" to "is" and changing the date from 1812 to 1917, the date of the declaration of war.

I want to make this distinction, that this would apply to those whose original applications were valid. That is the purpose of the bill, and that is my theory of it. Do I make myself plain?

Mr. LENROOT. Yes; I am not sure but what that is accomplished. But while the language in lines 8, 9, and 10, on page 2, recites "at the times and in the manner prescribed by the laws heretofore passed on that subject," and while, perhaps, that might be sufficient to save it, yet, on lines 2 and 3, is the language "who had before that day made a declaration according to law of their intentions to become citizens of the United States, or who, by the existing laws of the United States, were on that day entitled to become citizens, without making such declaration may be admitted to become citizens thereof," which may in itself be inconsistent with the saving clause in this section.

Mr. RAKER. If he made his application, the purpose of this bill is to take up valid applications pending, and if he has lived

here five years and has filed his application for citizenship, and the 10 days' notice is given, then the Bureau of Immigration sends out inspectors who make an analysis of this man's life from the time he comes to this country to the present time; who go to his neighbors and go to his friends and go to every place where he has been before and inquire as to his status and attitude, and who appear in court on the day here, so that if there are any suspicions against him it is for the Government officials to state them.

Mr. BURNETT. The committee did not have that purpose in view, I will state, at the time this bill was considered, and I doubt very much whether the bill as reported will cover the proposition as suggested by the gentleman. I do not know whether we ought to undertake the amendment. There are several other bills, I will state to the gentleman, one introduced by my good friend from Wisconsin [Mr. CARY], and another introduced by Judge SABATH, and others, for the purpose of enabling those whose time of seven years has expired to continue to prosecute and secure their final papers. I am a little afraid that it would possibly complicate matters to undertake to put this in this bill.

Mr. LENROOT. I am quite in sympathy with what the gentleman states, and I am in hopes that a curative bill, so far as the courts have erroneously held them properly subject to naturalization, will be passed. But does the gentleman think we ought to extend by this bill a privilege to alien enemies that would not be extended to aliens who are not enemies?

Mr. BURNETT. In reply to that I do not think it would be extended to the alien enemies. I think they would be cut off if more than seven years have expired since the filing of their first papers. I do not think it would be extended to them.

Mr. LENROOT. Not if this language is susceptible of the construction that may be given to it.

Mr. RAKER. As Judge BURNETT says, this was to cover solely the views existing in 1813 and was not intended to complicate it, so that there would be no application in the department and no application under the law. We reenact the same law that has been on the statute books for 115 years. The purpose was not to complicate any of the other matters.

Mr. LENROOT. May I make a suggestion that I think will clear it up?

Mr. RAKER. Yes.

Mr. LENROOT. In line 7, page 2, after the word "thereof," insert the words "but who are not entitled to citizenship solely because of the fact of being alien enemies." That would clear it up.

Mr. RAKER. How would it read if amended?

Mr. LENROOT. So that it would read:

> Who had before that day made a declaration, according to law, of their intentions to become citizens of the United States—
>
> Then, dropping down—
>
> but who are not entitled to citizenship solely because of the fact of being alien enemies—

Or some appropriate language.

Mr. MOORE of Pennsylvania. Is not that anticipated by the language on lines 6, 7, and 8 of page 1?

Mr. RAKER. What does the gentleman from Alabama [Mr. BURNETT] think about the suggestion of the gentleman from Wisconsin [Mr. LENROOT]?

Mr. BURNETT. I did not quite catch the idea of my friend from Wisconsin.

Mr. LENROOT. The language in lines 1 to 4 of page 2 being absolute, that anyone who had at any time previous made a declaration should be entitled to citizenship, notwithstanding the fact of being an alien enemy, I am a little afraid that the closing language of the paragraph—

> At the times and in the manner prescribed by the laws heretofore passed on that subject—

will not be sufficient to refer to the seven-year limitation.

Mr. BURNETT. I am perfectly willing to make that clear, because we did not have that decision in contemplation at all.

Mr. MOORE of Pennsylvania. I have had some correspondence with the Department of Labor on the question of validating certificates of naturalization issued in error by various courts; and in consequence thereof I have introduced a bill with the approval of the department, to correct those invalidated certificates. In my city alone there are between 3,000 and 4,000 men who obtained naturalization papers and who believe themselves to be properly naturalized, whose certificates are now invalid because of the decision of the Supreme Court in the case of Morena. I am informed that there are substantially 50,000 such invalid naturalization certificates held by people throughout the United States. The question with me is this: Do you by this bill propose to validate those certificates?

Mr. RAKER. No.

Mr. MOORE of Pennsylvania. Or permit the validation of those certificates?

Mr. RAKER. The validation of citizenship already granted?

Mr. MOORE of Pennsylvania. Yes.

Mr. RAKER. Absolutely not. This bill could not touch that, does not touch it, and relates only to allowing the court to hear the case of a man who has lived in the United States five years, who has filed his declaration of intention, and who from all the proof provided by the inspector of the Immigration Bureau, the two witnesses, the applicant himself and all neighbors, should be admitted to be an American citizen. If there is anything against him he should not be admitted; so, clearly, the case presented by the distinguished gentleman from Pennsylvania, long a member of the Committee on Immigration, does not apply to the certificates already issued, because I want to call attention to the statute on that subject, which now permits the Attorney General's Office, in section 15, page 10, of the regulations, to proceed to cancel any certificate improperly issued or issued through fraud or illegally procured.

Mr. MOORE of Pennsylvania. Will the gentleman yield further?

Mr. RAKER. Yes.

Mr. MOORE of Pennsylvania. This is a very important matter, a very serious one, affecting, I should say, hundreds of thousands of people in the United States, relatives and children of men who assume that they are citizens, but who hold invalid certificates of naturalization, made invalid by the action of the Supreme Court of the United States.

Mr. RAKER. I know, but this could not affect them and ought not to be permitted to affect them.

Mr. MOORE of Pennsylvania. I submit that it may, and I want to call attention to my reason for it. This bill in the first few lines of section 2171 cuts out, as I understand it, alien enemies while we are at war.

Mr. RAKER. All of them.

Mr. MOORE of Pennsylvania. Cuts them all out; so the question raised here a moment ago is, perhaps, answered by lines 6, 7, 8, and 9. No alien can avail himself of this privilege while we are at war with the country of which he was a citizen or subject. Therefore he is cut out.

Mr. RAKER. That is correct.

Mr. MOORE of Pennsylvania. Now, under this bill those residents in the United States who had before April 6, 1917, made a declaration according to law can become citizens. My point is this: The Supreme Court has decided that a man who has not made good within seven years after his declaration may not avail himself of the privilege of the certificate that he now holds. Is it not possible that having fixed a new date here—the 6th of April, 1917, which is more recent than that fixed by the Supreme Court, which is the expiration of the seven-year period from the passage of the act of 1906, to wit, 1913—is it not possible that those who made their first declaration within seven years of the later date may come in under the gentleman's bill?

Mr. RAKER. I think not. In other words, these applications are to be made at the times and in the manner prescribed by the laws heretofore passed on this subject. Therefore if a man makes an application for final hearing upon an application made more than seven years before, he can not be heard, and the court will deny the motion.

Mr. MOORE of Pennsylvania. Let me put a specific case. Suppose I have made a declaration of intention, and my application to perfect it comes after the seven-year limit. The Supreme Court now says that having made it beyond the seven-year limit, having permitted seven years to go by, I can not now avail myself of a certificate of naturalization which I hold and which was perfected after the seven-year limit. The gentleman in his bill states that I may become naturalized on a declaration of intention made according to law, which may have been seven years ago or some other time.

I think I could come in under the gentleman's bill. Whether that is what the gentleman intended or not I do not know.

Mr. RAKER. No; I think not.

Mr. TOWNER. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. TOWNER. I would like to call the attention of the chairman, the gentleman from Alabama [Mr. BURNETT], and the gentleman from Wisconsin [Mr. LENROOT] to the fact that it is stated here as one of the requisites that they shall make a declaration according to law. If the word following that were the conjunctive "and" instead of the disjunctive "or," the difficulty that the gentleman suggests might arise. But under the language of this provision, as the bill now stands, if at the time the declaration was made it was made according to law, then the provision of the act would apply and allow them to become naturalized. The disjunctive "or" states another condition that may arise that it is not necessary to consider under the

suggestion made by the gentleman from Wisconsin. I think clearly that if these men who would be cut off by the seven-year provision made their declarations according to law they would be allowed to take advantage of the provision.

Mr. MOORE of Pennsylvania. That is the point I have been trying to make, but the gentleman from California does not agree.

Mr. DOWELL. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. DOWELL. In regard to the decision of the Supreme Court, at the end of seven years does not the man remain in the same condition, so far as citizenship is concerned, as if he had never made an application at all? Does he not stand the same under that decision as if he had never made an application?

Mr. TOWNER. I think not, because this language is that if he makes a declaration according to law he shall have a right to take advantage of this act. That is within the power of the legislation to do. It can state how a man shall be admitted to citizenship, notwithstanding the Supreme Court says that a man can not become naturalized; Congress can say they may become naturalized if their first papers were taken out in accordance with law.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. GREEN of Iowa. On the first page, line 9, appear these words:

> Shall be then admitted to become a citizen of the United States.

To what time or period does the word "then" refer to?

Mr. RAKER. That is a clear declaration which this does not affect at all.

Mr. GREEN of Iowa. The gentleman does not understand me. The word "then" must refer to some time. What time does it refer to?

Mr. RAKER. During the war. I want to say to the gentleman that has been the language for 120 years, and it has been workable and is workable now.

Mr. GREEN of Iowa. On page 2, lines 6, 7, and 8, it says:

> Notwithstanding they shall be alien enemies at the time and in the manner prescribed by the laws heretofore passed—

And so forth.

Mr. RAKER. That relates back.

Mr. GREEN of Iowa. It seems to me that that involves a contradiction, to say "notwithstanding they shall be alien enemies" they shall be admitted.

Mr. RAKER. That language has been on the statute book for 120 years. It has not been changed at all, and I would not like to see it changed.

Mr. DOWELL. The point I desired to inquire about is this: I understand that the committee does not intend by this bill to include those who have filed their declaration longer than seven years but only to include those who have their declarations on file.

Mr. RAKER. In proper form and according to law, so if there was no war they could be naturalized.

Mr. DOWELL. And it declares that they may become citizens, except for the fact that they are alien enemies.

Mr. RAKER. The gentleman has correctly stated it.

Mr. DOWELL. In view of the controversy on that question—and I believe the chairman is correct about it—in view of the fact that it is controverted, should not an amendment be offered to make it clear?

Mr. RAKER. The gentleman from Wisconsin [Mr. LENROOT] has an amendment to cover it.

Mr. MONDELL. The gentleman from Wisconsin proposes an amendment intended to make it clear that those who made declarations more than seven years ago can not be naturalized. The gentleman from Iowa desires an amendment which will make it clear that they may be naturalized. The gentlemen are on opposite sides of the question. Am I correct?

Mr. DOWELL. What I was trying to get at is the intent of the committee in this bill. My interpretation is that it includes all who filed declarations longer than seven years ago.

Mr. LENROOT. My amendment will make that clear.

Mr. SLOAN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. SLOAN. Will the gentleman yield for the purpose of offering an amendment, as follows?—

> *Provided*, That no alien who has heretofore or who shall prior to the passage and approval of the measure, being within the draft age, plead his alienage as a ground for exemption from military duty, shall ever be permitted to become a citizen of the United States.

I understand that a good many aliens have used that as a basis for exemption.

Mr. RAKER. I hope the gentleman will not offer that amendment now, as that would complicate this matter.

Mr. BURNETT. I want to say that you can not draft an alien enemy. This bill is intended to apply only to alien enemies. The gentleman's amendment would not be germane, to start with, because this applies to alien enemies. The gentleman from Wyoming spoke a while ago about a constituent of his believing for years that he was a citizen. If he was not an alien enemy, that man, under our existing law, could file an application, because the existing law provides for that kind of cases, and he can at once become naturalized; but these men may have gone on and had their time nearly matured. Six years and nine months may have expired. They have been good citizens, and under this bill they have to prove before they can get their final papers that they are good citizens, that they are in sympathy with this country, and this is merely for the purpose of providing that cases of that kind may be permitted to get their final papers. Some of the judges in some of the Western States have decided that the law was not intended to apply to these cases, and have permitted them to take their final naturalization papers. There is a lack of harmony among the decisions of the courts on this question, some holding they could do it and others holding they could not. For the purpose of curing all of that the idea of the committee was to allow those who had filed their first papers before the war to go on and perfect those papers.

Mr. MONDELL. And the bill should stand just as the committee has reported it?

Mr. BURNETT. Exactly, except with the amendment of the gentleman from Wisconsin [Mr. LENROOT], which makes it clear. We did not intend to go into the field of enabling those whose seven years have expired to take out their papers.

Mr. MONDELL. If the gentleman thinks that that is already clear, let the bill remain as it is.

Mr. BURNETT. We think so; and that was the intention of the committee; but there is no harm in clarifying it by the amendment of the gentleman from Wisconsin [Mr. LENROOT]. I hope the gentleman from Nebraska [Mr. SLOAN] will not undertake to complicate the matter by injecting the proposition to which he refers into it, because the committee has two or three bills of like character. The committee looks with a good deal of sympathy on cases of that kind, but that is a question that ought to be thrashed out very carefully, and we ought somehow to provide that those who by gross negligence have gone on and allowed their seven years' time to expire without perfecting their naturalization shall not be provided for. It is those innocent people who fall under the decision referred to, Morena case, who, without knowing of the seven-year limitation, have allowed the time to expire without securing their papers, that we should take care of. The committee usually looks into those things with very great care, and if we should undertake now to inject those things which have ostensible merit, but which have not been thoroughly examined, into a bill of this kind, we might involve the whole matter in trouble.

Mr. MONDELL. We have so much confidence in the gentleman's committee that we desire to have the bill remain as he reported it.

Mr. BURNETT. At the same time, however, the committee has confidence in the House, and wherever the House feels the committee has not made their meaning entirely clear the committee is willing to have that defect cured by an amendment such as the gentleman from Wisconsin [Mr. LENROOT] offers.

Mr. SLOAN. The gentleman from Alabama says this is not a matter of aliens but of alien enemies.

Mr. BURNETT. Yes.

Mr. SLOAN. I call the gentleman's attention to line 6 of the bill, where it speaks of an alien and not an alien enemy. What I seek to remedy is the case of where an alien voluntarily pleaded his alienage as a reason for exemption—not that he was an alien enemy. Where an alien, hereafter, before this bill goes into effect, pleads as a basis for exemption from military duty the fact that he is an alien—not an alien enemy—I think he should be forever barred from ever after becoming a citizen of the United States.

Mr. BURNETT. I think he is an alien enemy in that case.

Mr. SABATH. Answering the gentleman's question, I wish to say that the committee has reported such a bill that will take care of such cases as the gentleman has in mind.

Mr. BURNETT. Yes; the alien slacker.

Mr. SABATH. The so-called alien slacker bill.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. LENROOT] may be permitted in my time, without my losing the floor, to offer his amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, is the gentleman going to allow any debate upon this? I prefer to have the bill passed as it is.

Mr. RAKER. Let us dispose of the first committee amendment.

Mr. STAFFORD. May we have my colleague's amendment read for information?

Mr. RAKER. I ask that it be read for the information of the House.

The SPEAKER pro tempore. Without objection, the Clerk will read the amendment of the gentleman from Wisconsin, Mr. LENROOT.

The Clerk read as follows:

Page 2, line 7, after the word "thereof," insert the words "if otherwise entitled to admission."

Mr. RAKER. Mr. Speaker, let us dispose of the first committee amendment.

Mr. MONDELL. Will the gentleman yield some time in opposition to it?

Mr. RAKER. We will yield time on Mr. LENROOT's proposed amendment. Let us have the first committee amendment reported.

The Clerk read as follows:

Page 1, line 8, after the word "States," strike out the word "are" and insert the word "is."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. GOOD. Mr. Speaker, I understood the gentleman to say that this provision had been on the statute books now for 100 years. My colleague, Judge GREEN, made inquiry with regard to the word "then," appearing in line 9, and it seems to me that ought to be stricken out. It does not mean anything.

Mr. LENROOT. That is in the old act.

Mr. RAKER. The gentleman suggested that the changing of "are" to "is" is grammatical construction.

Mr. GOOD. I know, but the other has been on the books for a hundred years, the gentleman says, and it has worked so admirably——

Mr. RAKER. Personally I would like to see it stand as "are."

Mr. GOOD. It ought to be changed, and in the other amendment the word "then" ought to be stricken out, and I hope the committee will strike it out. It means nothing.

Mr. LENROOT. The gentleman is wrong about it meaning nothing.

Mr. GOOD. What does it mean?

Mr. LENROOT. It means during the existence of the war, and if you strike out "then"——

Mr. GOOD. "Shall be then admitted."

Mr. LENROOT. During the existence of the war.

Mr. GOOD. The question of the existence of the war is not referred to.

Mr. RAKER. It is clear what it means there.

Mr. ROBBINS. It means the time he applies. What is the reason for changing the existing law at all?

Mr. DOWELL. I ask to have the amendment again read.

The SPEAKER pro tempore. Without objection, the amendment will be again reported.

The amendment was again reported.

The question was taken, and the Speaker announced the ayes appeared to have it.

Mr. ROBBINS. Division, Mr. Speaker; this changes existing law.

Mr. BURNETT. It is a question of grammar as to which is the better form, "are" or "is."

The SPEAKER pro tempore. That is not in order; a division has been called for.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary question.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE of Pennsylvania. This country is a Nation, is it not?

Mr. RAKER. That is why the members of the committee suggested that the word "are" be changed to the word "is."

Mr. MOORE of Pennsylvania. This is one Nation, is it not—not a Nation in which we speak of ourselves in the plural but in which we stand as one. The United States "is." If you say the United States "are," you mean we are divided up.

The SPEAKER pro tempore. Those are not parliamentary inquiries. A division was called for. Does the gentleman insist on a division?

Mr. RAKER. I thought the matter had been disposed of and the amendment had been adopted.

The SPEAKER pro tempore. No; it has not been adopted. A division was called for and then a parliamentary inquiry which was not a parliamentary inquiry, and the Chair has disposed of that now.

Mr. RAKER. What is the matter before the House?

The SPEAKER pro tempore. The question of agreeing to the amendment.

The House divided; and there were—ayes 80, noes 7.

So the amendment was agreed to.

Mr. GOOD. Will the gentleman yield for a question?

Mr. RAKER. Let us dispose of the Lenroot amendment.

Mr. GOOD. But this will come before that. Will it not be better to strike out the words "be then" and insert "during the continuance of the war be"?

Mr. RAKER. I do not believe it will.

Mr. GOOD. That is what it does mean, as the only time referred to previously is the time of making application.

Mr. RAKER. Oh, no; this has not anything to do with applications here.

Mr. GOOD. I know it has not; but if it refers——

Mr. ROGERS. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROGERS. I do not understand the order in which we are proceeding, Mr. Speaker, and I desire to offer an amendment at the proper time, and I ask if this is the proper time.

The SPEAKER pro tempore. The Chair will state that this debate is not proceeding precisely in accordance with the rules of debate but under usage the House frequently indulges in. The exact parliamentary status is that the gentleman from California has the floor, and has an hour, and things have been proceeding informally, and the gentleman can move the previous question if he chooses.

Mr. ROGERS. I want to ask the gentleman from California to yield to me for an inquiry.

Mr. DOWELL. There is an amendment now pending.

The SPEAKER pro tempore. No; there is no amendment pending.

Mr. DOWELL. Is not the Lenroot amendment pending?

The SPEAKER pro tempore. That was read at the desk for information.

Mr. RAKER. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. Fifteen minutes.

Mr. ROGERS. Will the gentleman yield for a question?

Mr. RAKER. I do.

Mr. ROGERS. At the top of page 2 is a limitation of time to the 6th day of April, 1917, which is the day we declared war.

Mr. RAKER. Yes.

Mr. ROGERS. Does not the gentleman think it would be proper to change that date to the date we broke off diplomatic relations, on the 2d day of February? In other words, does the gentleman think we ought to extend this privilege of citizenship in the United States to those who were inchoately enemies of the United States at that time, even though they were not in the fullest sense declared enemies of the United States?

Mr. RAKER. Well, the law having been on the statute books, to repeat again, for 125 years, I think it is good to keep it—to fix it from the date of the declaration of war.

Now, Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT] on the amendment that has been offered by unanimous consent.

Mr. KEARNS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KEARNS. To ask a question.

Mr. RAKER. I can not yield just now.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. KEARNS. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KEARNS. Is the Lenroot amendment now pending?

The SPEAKER pro tempore. It was read for information.

Mr. LENROOT. I ask unanimous consent that I may offer that amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to discuss the amendment.

Mr. LENROOT. There will be time to discuss it. I am simply getting it before the House.

Mr. RAKER. I ask unanimous consent that I may yield to the gentleman to offer that amendment so that I will not lose the floor.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I want to inquire if there is to be any time for the discussion of this amendment.

Mr. RAKER. Shall I offer the amendment? Mr. Chairman, I offer the amendment.

Mr. MADDEN. The only question I wish to ask the gentleman is whether his time is limited to 15 minutes.

Mr. RAKER. Yes.

Mr. MADDEN. And at the end of that time I presume the gentleman is going to move the previous question?

Mr. RAKER. I will have to; we do not want to take another hour.

Mr. MADDEN. I think it is important that the amendment be discussed. I have no objection to discussing it, and I think time could be extended 10 minutes by unanimous consent.

Mr. RAKER. That will be all right.

Mr. MADDEN. Suppose the gentleman asks unanimous consent.

Mr. RAKER. Now, to avoid any complications, I will state when the time expires I will move the previous question. Mr. Speaker, I ask unanimous consent that my time be extended 10 minutes over the hour.

Mr. MADDEN. That will be all right.

The SPEAKER pro tempore. The gentleman from California——

Mr. ROGERS. Mr. Speaker, reserving the right to object, I want an opportunity to propose my amendment to change the date of April 6, 1917, to February 2, 1917.

Mr. RAKER. I will give the gentleman time to offer the amendment.

Mr. ROGERS. And give me two minutes in which to discuss it?

Mr. RAKER. Yes.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER. Will not this bill be read for amendment before it is passed?

The SPEAKER pro tempore. The gentleman from California [Mr. RAKER] within his hour can move the previous question.

Mr. RUCKER. Can the bill be passed without being read?

Mr. DOWELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DOWELL. After the hour for general debate has expired——

The SPEAKER pro tempore. This is not an hour for general debate. The gentleman has an hour.

Mr. DOWELL. Is not time then given to offer amendments to the bill?

The SPEAKER pro tempore. If the gentleman from California does not move the previous question within the hour, or if he moves it and it is not agreed to by the House, why, of course, any gentleman who gets the floor will get an hour in his own right. That is the parliamentary status.

Mr. MADDEN. Now, Mr. Speaker, the gentleman from California has suggested that he will be willing to ask for an extension of the time for 10 minutes, and I suggest that the gentleman from Pennsylvania [Mr. MOORE] be given five minutes of the time.

Mr. RAKER. I will do that.

Mr. Speaker, I ask unanimous consent that my time be extended for 10 minutes beyond the hour, and that upon the expiration of that time the previous question be considered as ordered. And I will state to the gentleman from Wyoming [Mr. MONDELL] that I will yield to him five minutes, the gentleman from Wisconsin [Mr. LENROOT] five minutes, and to the gentleman from Massachusetts [Mr. ROGERS] two minutes, so that he can offer his amendment and the whole matter may be disposed of.

I will yield two minutes to the gentleman from Missouri to offer his amendment, and will reserve the balance of the time and distribute it among the Members as they may desire.

Mr. STAFFORD. Reserving the right to object, if the amendments that have not been read are to be offered at this time, without objection, and no opportunity is to be had to discuss them, I will have to object. I have no objection to allowing the time to be extended with a vote on the amendment to be proposed by the gentleman from Wisconsin.

Mr. RAKER. Let me make this suggestion: That those gentlemen now read their proposed amendments for information.

Mr. LENROOT. Let me make a suggestion.

Mr. RAKER. Yes.

Mr. LENROOT. This is a very short bill. Why not get unanimous consent to consider this bill in the House as in the Committee of the Whole under the five-minute rule? We will get through with it very rapidly.

Mr. RAKER. Can we not fix the time?

Mr. MADDEN. Make it 30 minutes. That will be satisfactory.

Mr. LENROOT. I think you will get through with it just about as quick.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the time be extended 20 minutes, and then we will yield the time.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that his time be extended 20 minutes and to have the same right with respect to the extent of time as he has with the hour he has now.

Mr. MADDEN. In other words, he may have the right to ask the previous question at the end of the extension of 20 minutes.

Mr. ROBBINS. Reserving the right to object, what time is that going to give to the consideration of this bill?

The SPEAKER pro tempore. Twenty minutes more.

Mr. KEARNS. Mr. Speaker——

The SPEAKER pro tempore. Just a moment. The gentleman from California asks unanimous consent for 20 minutes. He already has 6 minutes. That will make 26 additional minutes that he will control.

Mr. KEARNS. Reserving the right to object, I would like to ask the chairman whether he has parceled out all of his time?

Mr. RAKER. No; not yet.

Mr. KEARNS. Reserving the right to object, I would like to get a little of that time, in which to ask a question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none, and the time is extended 20 minutes.

Mr. RAKER. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER pro tempore. The gentleman from California means to offer the amendment that was read?

Mr. LENROOT. He stated that he would offer it, but it has not formally been offered as yet.

The SPEAKER pro tempore. Does the gentleman from California offer the amendment?

Mr. RAKER. I offer the amendment.

The SPEAKER pro tempore. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 2, line 7, after the word "thereof," insert the following: "if otherwise entitled to admission."

Mr. LENROOT. Mr. Speaker, if the amendment that has just been read be adopted it will make it clear that the provisions of this bill only apply to the case of alien enemies under the circumstances set out in the bill. Now, the gentleman from Wyoming [Mr. MONDELL] desires the bill in its original form, because he thinks if it shall remain in that form alien enemies who took out their first papers 20 years ago will be entitled to full citizenship. That is exactly what the gentleman wants, and that is exactly what this House ought not to do, because while I am in full sympathy with legislation that will take care of those cases where through inadvertence the seven-year period was passed, they should be taken care of by separate legislation applying to all aliens. I do not believe that this House wants to enact legislation that will give a greater privilege to alien enemies than it would give to those aliens who are not enemies.

Mr. STAFFORD. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. STAFFORD. Should not the qualifying clause of the amendment be inserted after the word "United States," in line 4? We have here on this second page two conditions under which alien enemies may obtain their full citizenship. First, as stated in lines 2 to 4, those who had before that day made a declaration.

Mr. LENROOT. The gentleman is taking my five minutes. Ask your question.

Mr. STAFFORD. I am pointing it out.

Mr. LENROOT. I call the gentleman's attention to the fact that the phrase preceding my amendment, "may be admitted to become citizens thereof," covers both, those who filed their declaration——

Mr. STAFFORD. The second clause is limited to those "who, by the existing laws of the United States, were on that day entitled to become citizens." It is not necessary to limit that clause, but the first clause should be.

Mr. LENROOT. The language, "who are otherwise entitled to admission," will do no harm to the second clause.

Mr. STAFFORD. It is meaningless in a way to put it where it is.

Mr. LENROOT. I do not think it would make the slightest difference in the construction of the act as to at which place those words were inserted, because the second class provided for in the bill must also be otherwise entitled to admission, so that no possible harm could result from making it cover both classes.

Mr. SCOTT of Iowa. Mr. Speaker, will the gentleman yield for a moment?

Mr. LENROOT. Yes.

Mr. SCOTT of Iowa. I want to suggest another reason why it is necessary that the amendment be placed where the gentleman from Wisconsin has put it. As the bill now stands, the test is based upon qualifications in April, 1917, so that if the amendment of the gentleman from Wisconsin were not included the interval of time since then is eliminated, and a man who has lost those qualifications since April, 1917, would still under the bill be entitled to admission.

So the amendment was agreed to.

time could be extended 10 minutes by unanimous consent.

Mr. MADDEN. In other words, he may have the right to ask the previous question at the end of the extension of 20 minutes.

has lost those qualifications since April, 1917, would still under the bill be entitled to admission.

Mr. LENROOT. That is true; but the point I wanted to make is that this House ought not to give an alien enemy a greater right of citizenship than it proposes to give to aliens who are not enemies, and if the theory or the construction of the gentleman from Wyoming should prevail, and the amendment that I have proposed should not be adopted and that the seven-year limitation should not apply, then we would say to the alien of Germany, "You may become a citizen of the United States," when we would not allow a like privilege to a citizen of England or France, and so I think the amendment should be adopted.

Mr. NORTON. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. NORTON. Do you give a privilege to an alien enemy by the amendment that a nonalien does not have?

Mr. LENROOT. No.

Mr. NORTON. A nonalien now has the right to make a new application if he has made an application 10 or 20 years ago?

Mr. LENROOT. My amendment puts them in the same class, so far as the old declaration is concerned.

Mr. NORTON. But if a nonalien has made a declaration 15 years ago and has not acted upon it, he has the right to make a new declaration, but an alien has not?

Mr. LENROOT. That is true, during the war.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. RAKER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would prefer, if this bill passes, to have it passed in its present form, without amendment. I do not believe the amendment of the gentleman from Wisconsin [Mr. LENROOT] makes it any clearer than it is. Indeed, I think the gentleman from Wisconsin rather confuses the bill by his amendment, so far as I understand his amendment and the purpose of it. He fears that unless the amendment is agreed to some preference will be given to the alien enemy over the other alien who is not an enemy, both seeking naturalization.

I call his attention and yours to the first three or four lines of this section 2171, which I think settle conclusively that question and show that the amendment of the gentleman from Wisconsin is mere surplusage. It says "no enemy who is a native citizen or a subject or a denizen of any country, State, or sovereignty with which the United States is at war at the time of his application shall be then admitted to become a citizen of the United States." Therefore the trouble he sees is anticipated and is covered by this bill. No alien enemy at a time of war can be considered for naturalization under this paragraph. Therefore there is no necessity for his amendment. The alien enemy is wiped out at the very outset.

Mr. WELTY. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Ohio?

Mr. MOORE of Pennsylvania. Yes.

Mr. WELTY. Is not the proposed amendment included in the words "on that day entitled to become citizens."?

Mr. MOORE of Pennsylvania. Why, the alien enemy under the very opening section of the paragraph is prevented while his country is at war with us from obtaining naturalization.

Now, the gentleman says his amendment will make it clear if we insert after the word "thereof," on line 7, the words "may become citizens," and so forth, if otherwise entitled to admission. As to "if otherwise entitled to admission," the law covers that. The gentleman is a good lawyer, but instead of making this proposition clear he only confuses it, because where we come to that language which admits of an alien, not an enemy alien, becoming a citizen, it states that though you take them in as on or after April, 1917, the declaration must be "according to law." And it goes on to say as to that day they are "entitled to become citizens," they must do it "under the existing laws of the United States." Why must we make it clearer than that?

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LENROOT. The gentleman says when you come to the part referring to nonalien enemies, no portion of this bill refers to any aliens who are not alien enemies.

Mr. MOORE of Pennsylvania. The gentleman seems to make a distinction as a lawyer which I do not observe as a layman. I contend the gentleman's point is thoroughly well covered by requiring that every alien who comes forward must do so in accordance with the law then existing.

Mr. LENROOT. Only an alien enemy.

Mr. MOORE of Pennsylvania. The alien enemy is barred out by the first four lines of the section I have read and referred to several times.

Now, the gentleman should not prevent those aliens who have been denied the validity of the certificates of naturalization issued to them by the courts in accordance with the law as the courts understood it from obtaining the benefits of this act.

I should think that old alien, whose declaration has been filed for seven years and who in good faith has performed his part as a resident of this country, should have the opportunity to validate his naturalization if he is not an enemy. I feel if he can do it under this bill, perhaps it is a short cut to correcting some of the errors of the courts as they have been determined recently by the Supreme Court of the United States.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. McKENZIE. Does not the gentleman from Pennsylvania believe that this law, if enacted, should be limited only to such aliens as could not obtain their naturalization papers before the declaration of war, and not to relate back to men who might have been naturalized if they had seen fit to take the opportunity?

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. RAKER. Mr. Speaker, I yield two minutes to the gentleman from Ohio [Mr. KEARNS].

The SPEAKER pro tempore. The gentleman from Ohio is recognized for two minutes.

Mr. KEARNS. I want to ask the chairman a question. I want to know what class of persons would be covered by this phrase:

Or who, by the existing laws of the United States, were on that day entitled to become citizens without making such declaration.

Mr. RAKER. I have not the concrete cases right here——

Mr. KEARNS. Does not everyone have to make a declaration?

Mr. FESS. No.

Mr. BURNETT. The general law now provides that one who has for years labored under the misapprehension that he was a citizen will not be relegated to the long time and tedious process that he would undergo after now filing a declaration of intention, but may file his application and become a citizen at once. Now, if there be cases of that kind, of alien enemies who have believed they were citizens and who for years have been voting, like the case my friend from Wyoming [Mr. MONDELL] spoke of, they may become naturalized under the general law, and this is to take care of cases of that kind.

Mr. KEARNS. Without making a declaration of citizenship?

Mr. RAKER. Make the application and co instanti become citizens.

Mr. KEARNS. But your bill says:

Or who, by the existing laws of the United States, were on that day entitled to become citizens without making such declaration.

What classes of persons can become citizens of the United States without making some declaration?

Mr. BURNETT. This has reference to the declaration of intention, when a man "takes out his first papers." There is a declaration of intention to start the matter. Then there is the final application for admission to citizenship. Now, instead of making that first declaration, if there be those who have been laboring under the misapprehension for years that they were citizens, they may come up and make application for citizenship, if they see fit to do so, without making the first formal declaration of intention, and then be naturalized at once.

Mr. RAKER. I yield two minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. MONDELL. The gentleman had promised to yield five minutes to me.

Mr. RAKER. I yield two minutes to the gentleman from Massachusetts [Mr. ROGERS] first.

Mr. ROGERS. Mr. Speaker, a parliamentary inquiry before the two minutes begins.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ROGERS. I want to offer another amendment. I should much prefer to offer my amendment and have my two minutes thereon after the Lenroot amendment has been disposed of. Is that practicable under the parliamentary situation?

The SPEAKER pro tempore. If the gentleman from California [Mr. RAKER] will yield the gentleman time a little later.

Mr. ROGERS. If the gentleman from California would be willing to give me my two minutes to offer a further amendment after the Lenroot amendment has been disposed of——

Mr. RAKER. I am afraid that time will never arrive, because when the Lenroot amendment has been disposed of the previous

question will be ordered by unanimous consent, and we will go right into the disposition of the bill. But I will yield to the gentleman from Wyoming [Mr. MONDELL] first, and then the gentleman can follow him. I yield first to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Wisconsin [Mr. LENROOT], who offered the amendment, stated that my position was that the bill as it now stands would permit—not compel but permit—judges of United States courts to grant citizenship papers to those coming under the purview of the bill, even though their original declaration was made more than seven years ago; and he further said that I desired to have that sort of a situation established and provided for. The gentleman is right. That is my view of the bill and my desire, for this reason: The gentleman says we would be granting a privilege to an alien enemy that we do not grant to any other alien. The gentleman from North Dakota [Mr. NORTON] very clearly indicated the difference between the two classes of cases. Any other alien may at any time come forward and make his declaration. But once you bar an alien enemy, he is barred for all time, and he can not therefore make his declaration, for there is nothing in this bill authorizing him to make that declaration. It only brings in a man whose declaration we accept, and an alien enemy could not therefore make a declaration, so we would keep him out.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. In just a moment. We have in our country to-day many men classed as alien enemies who made their first applications for citizenship more than seven years ago, some of whom have believed they were citizens and have been exercising the duties and responsibilities of citizenship; these men, good citizens who now find themselves regarded as alien enemies, denied the opportunity to go about over the country to attend to their business, to perform their duties, to mingle freely with their fellow citizens, have the stigma upon them of being registered as alien enemies.

The act is permissive. No judge is compelled to grant citizenship under it to anyone; and where a man shows every qualification for good citizenship even though he made his declaration more than seven years ago, he ought to be relieved from the stigma that now rests upon him.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Wisconsin.

Mr. LENROOT. The gentleman made a statement that was incorrect. I am sure he does not want to do that.

Mr. MONDELL. No; I do not.

Mr. LENROOT. He stated that I would bar an alien enemy for all time from making a declaration.

Mr. MONDELL. For all time during the war.

Mr. LENROOT. But why does not the gentleman say that?

Mr. MONDELL. "For the war" is for all time, so far as the matters we are discussing are concerned. After the war is over this question is no longer with us, and therefore it is "all time" as far as this bill is concerned. I am correct in regard to the statement I made. This act is only permissive; the judge decides whether a man is worthy of citizenship. I believe that a man who is so unfortunate as to be registered as an alien enemy, but who is a good, loyal man, and who the court believes ought to be made a citizen and relieved from the stigma of being an alien enemy, should be given the opportunity to become a citizen, even though this first declaration of intention was made more than seven years ago. Therefore I am not in favor of any amendment of the bill.

Mr. RAKER. I yield two minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, I am unable to agree with my friend, the gentleman from Wisconsin [Mr. LENROOT] as to the construction of this bill as it now stands. The reference to those who have heretofore filed their declarations of intention, as I understand the gentleman from Wisconsin to contend, is an absolute one, requiring the courts, if this bill is passed, to admit all such persons who have so filed their declarations. I do not think the law has been so construed.

Mr. LENROOT. That conclusion does not follow.

Mr. GREEN of Iowa. Whether the gentleman concedes that that follows from the argument or not, I think it does show it; and I think it is not the correct construction to place upon the law, which has been upon the statute books for a long time. If that were the rule, then if some anarchist or criminal came forward who had heretofore filed his declaration he would have to be admitted by the court passing upon that declaration. Such, however, I think, will not be the construction that anyone will place upon the statute. The meaning of the statute is that those may be admitted who are otherwise qualified. A man must have all the qualifications otherwise provided by the naturalization law, and in that event the fact that he is an alien enemy will not, if this bill is passed, prevent his being admitted, provided he has filed his declaration within the time required by the other statute. And if that is the rule with reference to one matter—if he must be qualified with reference to one matter, such as being a man of good character, a man who is not a criminal, a man who can speak the English language, as is ordinarily required by the judges, then he must be qualified in other respects. One of these matters required by the decision of the Supreme Court is that his declaration must have been filed within not more than seven years. So I think this amendment is not necessary.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAKER. I yield two minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, this bill cares for Germans who declared their intention to become citizens prior to the 6th day of April, 1917, the date when we declared war. The amendment which I propose simply substitutes the date of February 2, 1917, when we broke off diplomatic relations with Germany. Why should that change be made? I think we should agree that the only risk incurred in passing this bill is that it may be taken advantage of by men who are seeking, under the cloak of citizenship, the accomplishment of purposes not friendly to the United States. From the moment when we broke off relations with Germany we were at least an inchoate enemy of Germany and Germany of us; to all practical intents and purposes we were hostile countries after that date. A man who desired to clothe himself as far as he could with the status of an American citizen so that he might utilize his declaration of intention to become a citizen for his own sinister purposes would naturally have proceeded to do so after February 2 and before April 6.

Mr. RAKER. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. RAKER. No man who filed an application at any time between February 7 and the 6th of April could ever be naturalized under this bill.

Mr. ROGERS. Why?

Mr. RAKER. They all must have had their applications on file two years before.

Mr. ROGERS. Then why not have the date put in the bill as February 2? There could be no objection to it, and on the gentleman's own statement there is every reason in logic and patriotism for the change.

Mr. RAKER. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, the whole purpose of this legislation, as I understand it, is to enable final naturalization papers to be issued in proper cases which now, in view of the ruling of the courts, can not be issued without the passage of this bill. In connection with the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] I think there should be another amendment in order to make clear what I think is the intention of the committee and the purpose of this bill. In other words, the committee's intention is to allow those who, prior to April 6, 1917, filed declarations of intention to prosecute them to final action and secure naturalization.

Suppose declaration was filed six years before April 6, 1917, nearly a year has already expired since the war began, and, as existing law is construed, that time would be charged against the citizen who is seeking naturalization; therefore I think an amendment like this should be engrafted upon the bill: At the end of line 2, page 2, insert "within seven years next," so as to make it read "who had within seven years next before that day made declarations of intention," and so forth.

Mr. RAKER. The chairman and myself do not see any objection to that amendment, but we do not think it necessary.

Mr. RUCKER. It makes it clear that the time since the war shall not be charged up against the one seeking naturalization, and does not detract anything from the bill. Mr. Speaker, I offer the amendment which I have quoted.

Mr. STAFFORD. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. STAFFORD. I assume that the gentleman's amendment purposes the object that was sought after by the gentleman from Wisconsin in his amendment.

Mr. RUCKER. I think the same thing.

The SPEAKER pro tempore (Mr. SAUNDERS of Virginia). The time of the gentleman from Missouri has expired.

Mr. STAFFORD. Mr. Speaker, the gentleman from California [Mr. RAKER], having yielded to the gentleman from Missouri for the purpose of offering an amendment, is not the gentleman from Missouri entitled to an hour?

Mr. RAKER. I only yielded the gentleman two minutes.

Mr. RUCKER. If I have any such time, I yield it back.

Mr. STAFFORD. I would like to know the status of the situation. Has an amendment been offered by the gentleman from Missouri?

The SPEAKER pro tempore. The amendment is not before the House.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the amendment of the gentleman from Massachusetts and the amendment of the gentleman from Missouri may be considered as pending and lose no rights by the parliamentary situation.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that an amendment offered by the gentleman from Missouri [Mr. RUCKER] and the gentleman from Massachusetts [Mr. ROGERS] may be considered as pending without prejudice by the present parliamentary status. Is there objection?

There was no objection.

Mr. SNYDER. May I ask the gentleman a question?

Mr. RAKER. Yes.

Mr. SNYDER. I would like to know if the bill covers the case of a German alien who is now interned in Panama, who nine years ago took out his first papers but failed to take out second papers.

Mr. RAKER. I do not think it would.

Mr. SNYDER. Some of my colleagues on this side of the Chamber think that the bill covers that case. I would like an opinion on that before I am asked to vote.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ROGERS: Page 2, line 1, after the second "the," strike out the words "6th day of April" and insert in lieu thereof "the 2d day of February."

Amendment by Mr. RUCKER: Page 2, line 2, after the word "had," insert "within seven years next."

Mr. SLOAN. Mr. Speaker, I presented an amendment calculated to prevent aliens, not alien enemies, but aliens, who have heretofore or may before the passage and approval of this measure, plead their alienage as exemption against military service from ever becoming citizens of the United States. I learn that there is a bill pending, with the recommendation of the committee behind it, House bill 5657, which will come up Wednesday next, in which the terms of my amendment are included, with the prestige of the committee's indorsement. I am pleased to withdraw the amendment I had to be considered when the other case is called up on Wednesday.

Mr. BURNETT. And I hope everybody will be here to help pass the alien-slacker bill and see that it does not go over again.

Mr. RAKER. Mr. Speaker, I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, this bill will not permit the naturalization of such people as the gentleman from Pennsylvania had in mind, because the court would not permit the naturalization of any man guilty of treason or of any crime against the United States.

Mr. SNYDER. That is not the case I put at all. This man is not guilty of any crime or treason, he is simply interned.

Mr. RAKER. Mr. Speaker, has the previous question been ordered?

The SPEAKER pro tempore. No; the gentleman had better move it.

Mr. RAKER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

Amendment by Mr. RAKER: Page 2, line 7, after the word "thereof," insert the following: "If otherwise entitled to admission."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MONDELL) there were—ayes 29, noes, 19.

So the amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Page 2, line 1, after the word "the," strike out the following: "6th day of April" and insert in lieu thereof "2d day of February."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. ROGERS) there were—ayes 29, noes 82.

So the amendment was rejected.

The Clerk read as follows:

Amendment offered by Mr. RUCKER: Page 2, line 2, after the word "had," insert "within seven years next."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

DRAFTING ALIENS INTO UNITED STATES ARMY.

The next business on the Calendar for Unanimous Consent was House joint resolution 115, requesting the Secretary of State to open diplomatic negotiations with certain Governments with a view to obtaining their approval and sanction for action by the United States permitting the inclusion in the armed forces of the United States of such citizens of the countries of such Governments as are within the United States.

The SPEAKER pro tempore. Is there objection?

Mr. ROGERS. Mr. Speaker, because of the fact that the Secretary of State has already notified the Congress that he is engaged in completing such treaties, and because of the further fact that the gentleman from Alabama [Mr. BURNETT] proposed to bring up a bill on Wednesday next which deals with this same question, I ask unanimous consent that this resolution be stricken from the Calendar for Unanimous Consent.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the resolution be stricken from the calendar. Is there objection?

There was no objection.

POWER TO DETAIL NAVY AND MARINE CORPS FOR SERVICE IN DOMINICAN REPUBLIC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6975) to authorize and empower officers and enlisted men in the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I do not see the chairman of the Committee on Naval Affairs in the Chamber at this moment.

Mr. FOSTER. He was here until just a moment ago.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. FOSTER. I suggest that the gentleman modify his request by providing that it be passed over temporarily.

The SPEAKER pro tempore. Does the gentleman so modify his request?

Mr. STAFFORD. I will be glad to accept the suggestion.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill may be passed over temporarily without prejudice. Is there objection?

There was no objection.

RESERVE OF PUBLIC HEALTH SERVICE.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 63, to establish a reserve of the Public Health Service.

The SPEAKER pro tempore. Is there objection?

Mr. COADY. Mr. Speaker, I ask unanimous consent that the resolution be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

BRIDGE ACROSS MISSOURI RIVER, MO.

The next business on the Calendar for Unanimous Consent was the bill (S. 2088) to extend the time for constructing a bridge across the Missouri River near Kansas City, Mo., authorized by an act approved June 17, 1914.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Missouri [Mr. ALEXANDER] whether this is not a similar proposition to a House bill that was objected to some months ago?

Mr. ALEXANDER. I can not say about that. I do not recall being present if such a bill was up for consideration. This is a Senate bill, and the purpose is to extend the time to construct the bridge across the Missouri River near Kansas City, Mo., which was authorized by an act approved June 17, 1914. The site of the bridge is between Jackson County, Mo., and Clay County, Mo. Jackson County is in the district of my colleague [Mr. BORLAND] and Clay County is in my district. We have no objection to the time being extended.

Mr. STAFFORD. Has any work whatsoever been done under this authorization?

Mr. ALEXANDER. I think not.

Mr. STAFFORD. As I recall, it has been extended once before for three years.

Mr. ALEXANDER. I think twice.

Mr. STAFFORD. What is the need of giving authorization here to keep in existence some paper corporation which is not going ahead with the work of construction?

Mr. ALEXANDER. I did not introduce the original bill in this case, and I did not introduce either of the bills to extend the time, but I have no objection to the time being extended. I will be glad to have them construct the bridge, but if they do not do it very soon——

Mr. ANTHONY. Mr. Speaker, if the gentleman will permit, I know a little something about this project. I think if the gentleman will investigate he will find that the reason no work has been done has been on account of the financial stringency the railroads have been in in the last three years. Is not that true?

Mr. ALEXANDER. Well, I could not say——

Mr. ANTHONY. The project embraces an ambitious proposition for giving one or two roads new entrances into Kansas City and they were unable to carry them out in the last three years on account of the war.

Mr. STAFFORD. Mr. Speaker, I think a railroad corporation that has had the privilege since 1914 of building a bridge and has not manifested any ability in any way whatsoever to carry out the original intention should not be coming to Congress every two or three years asking for an extension, and therefore I object.

The SPEAKER pro tempore. Objection is heard, and the bill will be stricken from the calendar.

SERVICE OF OFFICERS AND ENLISTED MEN, ETC., IN THE DOMINICAN REPUBLIC.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to return to calendar No. 40 (H. R. 6975), which the members of the committee kindly passed over a few moments ago temporarily.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to return to the bill indicated, which was passed over temporarily. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. There is a reservation of point of order as to consideration of the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Dominican Republic officers and enlisted men of the United States Navy and the United States Marine Corps: *Provided*, That officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of the Dominican Republic offices under said Government with compensation and emoluments from the said Dominican Republic, subject to the approval of the President of the United States: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by the Dominican Republic, the pay and allowances of their rank or rating in the United States Navy or United States Marine Corps, as the case may be, and they shall be entitled to the same credit, while so serving, for longevity, retirement, foreign-service pay, and for all other purposes that they would receive if they were serving with the United States Navy or Marine Corps in said Dominican Republic.

The SPEAKER pro tempore. There is a reservation of the right to object.

Mr. PADGETT. Mr. Speaker, the Senate has passed a bill in identical words with the bill on the calendar, and I ask that Senate bill 3006 may be considered in lieu of the House bill.

Mr. STAFFORD. Mr. Speaker, temporarily I object until we can get some information as to the reason for the passage of this bill. I take it no one has objection to authorizing the President, as provided in the first paragraph, to depute our officers and enlisted men for service in the Dominican Republic, but the proposal as embodied in the proviso whether we shall allow our officers who are detailed there to accept from the Government of the Dominican Republic compensation for their services in addition to the pay that they are receiving from the United States should be considered.

Mr. PADGETT. This is identical with the bill we passed in the preceding Congress for Haiti, a part of the same island, and which we are administering under like conditions. It is identical with the bill which was passed in the last Congress.

Mr. STAFFORD. Well, can the gentleman, in view of that statement, give the House any advice as to how much money the Haitian Republic is paying to our naval officers or other officers in the performance of outside work on that island?

Mr. PADGETT. It is a small amount; I do not know; but we undertook to reorganize the government of Haiti altogether and to establish a gendarmerie or constabulary force and to officer that force. Conditions there, the gentleman knows, are not at all pleasant or agreeable, and it is all under the jurisdiction of the President, has to meet his approval, and the language and provisions are the same as we provided for Haiti.

Mr. STAFFORD. We send officers to the Philippines, and perhaps the service there is not as agreeable as on our coasts here in continental United States, and yet we do not pay them any additional amount except 10 per cent for foreign service.

Mr. PADGETT. We pay 10 per cent additional.

Mr. STAFFORD. And why should we permit these to receive additional compensation over that which they are receiving on the pay roll of the United States?

Mr. PADGETT. The conditions down there are different, and the conditions are so unfavorable they have to deny themselves many things that they are justly entitled to, such additional compensation as the Government there is willing to pay and the President is willing for them to receive. It is working splendidly in the Haitian Republic.

Mr. STAFFORD. Well, how many naval officers have been delegated to Haiti?

Mr. PADGETT. It is a small number; I do not remember. Gen. Cole was there for one, and Col. Butler, son of our Representative from Pennsylvania, and I should say, just guessing, something like 15 or 20, or maybe 25, on the whole island.

Mr. STAFFORD. And how much additional compensation are they receiving, or is anyone receiving, so we may have some facts on which to base an understanding of the policy of allowing foreign governments to contribute to the compensation of our own officers when performing work in a foreign land?

Mr. PADGETT. I could not give the gentleman that. That was arranged by the State Department and the President, and I do not know the amount, but it is a small amount in the aggregate as compared with the value of the services they are rendering. It is very important that we should have this legislation.

Mr. STAFFORD. I do not question the policy of deputing to the President the right to send officers there to carry out treaty arrangements, to collect fiscal revenue, and so forth, but I think it is questionable whether our Government should attempt the policy of allowing foreign governments to pay for their services when they are receiving their full compensation as officers of the United States.

Mr. PADGETT. Well, it is true they are receiving that, but considering the conditions under which they are laboring and the denials they have to submit to I think it is equitable.

Mr. STAFFORD. What additional services are they obliged to perform in addition to their regular duties?

Mr. PADGETT. Well, they have the whole administration of that government there. They are organizing a constabulary there, looking after the civil administration. They have taken over absolutely the Government of Santo Domingo; they have displaced the legislative body, all of their civil officers resigned, and the President placed Admiral Knapp in charge there as naval governor, and we have the whole administration of the island and the Republic of Santo Domingo.

Mr. STAFFORD. Is it not possible under the stress and strain of the existing conditions that the naval officers who are deputed for service there should be assigned to service in other parts of the world in connection with the war and civilians used in their places? The gentleman says there are 12 or 15 in Haiti.

Mr. FARR. About 25.

Mr. PADGETT. I said 20 or 25.

Mr. STAFFORD. About 25 in Haiti. Now, suppose a like number of officers are to be sent to Santo Domingo for collection purposes and administrative purposes——

Mr. PADGETT. But you could not administer the government down there at the time they took it in the revolution with civil officers

Mr. STAFFORD. I am putting the question whether it is not possible at present, because we are dealing with the present and not with past conditions.

Mr. PADGETT. I think not; no, sir, I think not.

Mr. FARR. I will make this statement to the gentleman and give a concrete instance of the splendid work they are doing down there. A year ago there was about $15,000 in the treasury of Santo Domingo, and under the administration of our officers there is $1,250,000 there.

Mr. STAFFORD. Will the gentleman answer why that work has not been performed by civilians rather than by naval officers?

Mr. FARR. I would doubt the wisdom of that. Civilians would not have the power, influence, or the respect that the naval officers have; and, in justice to these officers, every one of them wants to go to France, but they are doing such excellent and needed work there that that desire on their part is

put aside by the Navy Department. I am sure if the gentleman had visited those places or could get information from any member of the House Committee on Naval Affairs who recently was there, there would be no hesitancy on his part in having this bill made a law. The men have assumed a tremendous additional responsibility. If I was ever proud of the representatives of our Navy and our Army—and I have a high regard for their ability, integrity, and patriotism—it was when I saw the work they were doing so magnificently at Santo Domingo, Port au Prince, and other places visited by the members of the Committee on Naval Affairs.

Mr. ROBBINS. Who is it, may I ask the chairman of the committee, that is to fix this compensation that is to be paid to our naval officers in addition to the regular salary?

Mr. PADGETT. The President of the United States.

Mr. ROBBINS. I understood a moment ago that our young officers in charge had taken over the entire administration of this island?

Mr. PADGETT. Under the direction of the President of the United States.

Mr. ROBBINS. And to supplant the legislature and the police and the military power they had there, as well as the civil government?

Mr. PADGETT. We are administering the whole Government of Santo Domingo.

The SPEAKER pro tempore. Is there objection?

Mr. ROBBINS. Wait a moment, please. Then our own people would fix the compensation they are to be paid out of the treasury of the island? Does not that seem to be a one-sided proposition? What do the natives says about that?

Mr. PADGETT. The condition in Haiti was a little different. In Haiti a treaty was made, because there was a government in force there, but the revolution in Santo Domingo came on in such circumstances that we took absolute control, and there is no government in Santo Domingo except the government which the United States is administering. And they have to do that.

Mr. DOWELL. Regular order!

The SPEAKER pro tempore. The regular order is, Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Speaker, I ask that the bill S. 3006 be considered in lieu of the House bill. It is identical in language.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that the bill S. 3006 be considered in lieu of the House bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 3006) to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, in his discretion, to detail to assist the Dominican Republic officers and enlisted men of the United States Navy and the United States Marine Corps: *Provided*, That officers and enlisted men so detailed be, and they are hereby, authorized to accept from the Government of the Dominican Republic offices under said Government with compensation and emoluments from the said Dominican Republic, subject to the approval of the President of the United States: *Provided further*, That while so detailed such officers and enlisted men shall receive, in addition to the compensation and emoluments allowed them by the Dominican Republic, the pay and allowances of their rank or rating in the United States Navy or United States Marine Corps, as the case may be, and they shall be entitled to the same credit, while so serving, for longevity, retirement, foreign-service pay, and for all other purposes that they would receive if they were serving with the United States Navy or Marine Corps in said Dominican Republic.

Mr. PADGETT. Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the bill was passed was laid on the table; and, also, the House bill, of similar tenor, was ordered to lie on the table.

EXTENSION OF REMARKS.

Mr. BLANTON. Mr. Speaker, I renew my request for unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MADDEN. Reserving the right to object, does the gentleman intend to put anything into what he says under leave to print that he has not said upon the floor?

Mr. BLANTON. Nothing; only to finish the remarks I intended in answering the charges made. There will be nothing that will violate the rules of the House.

Mr. MADDEN. I just wanted to have the gentleman confine himself——

Mr. BLANTON. It will be to finish answering the charges that have been made.

The SPEAKER pro tempore. Is there objection?

Mr. COX. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana objects.

The Clerk will report the next bill.

JUDICIAL DISTRICTS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 5558, to amend section 101 of the Judicial Code.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 5558) to amend section 101 of the Judicial Code.

Be it enacted, etc., That section 101 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved May 3, 1911, as amended by the act approved February 20, 1917, be, and the same is hereby, amended to read as follows:

"SEC. 101. That the State of Oklahoma is divided into two judicial districts, to be known as the eastern and western districts of Oklahoma. The eastern district shall include the territory embraced on the 1st day of July, 1916, in the counties of Adair, Atoka, Bryan, Craig, Cherokee, Creek, Choctaw, Coal, Carter, Delaware, Garvin, Grady, Haskell, Hughes, Jefferson, Johnston, Latimer, Le Flore, Love, McClain, Mayes, Muskogee, McIntosh, McCurtain, Murray, Marshall, Nowata, Ottawa, Okmulgee, Okfuskee, Pittsburg, Pushmataha, Pontotoc, Rogers, Stephens, Sequoyah, Seminole, Tulsa, Washington, and Wagoner. Terms of the district court for the eastern district shall be held at Muskogee on the first Monday in January, at Vinita on the first Monday in March, at Tulsa on the first Monday in April, at South McAlester on the first Monday in June, at Ardmore on the first Monday in October, and at Chickasha on the first Monday in November of each year. The western district shall include the territory embraced on the 1st day of July, 1916, in the counties of Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimarron, Cleveland, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, Noble, Oklahoma, Osage, Pawnee, Payne, Pottawatomie, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward. Terms of the district court for the western district shall be held at Oklahoma City on the first Monday in January, at Enid on the first Monday in March, at Guthrie on the first Monday in May, at Lawton on the first Monday in September, and at Woodward on the second Monday in November: *Provided*, That suitable rooms and accommodations for holding court at Woodward are furnished free of expense to the United States. The clerk of the district court for the eastern district shall keep his office at Muskogee and the clerk for the western district at Guthrie, and shall maintain an office in charge of himself or a deputy at Oklahoma City."

Mr. MOORE of Pennsylvania. Mr. Speaker, no word of explanation has been given about this bill. I see the gentleman from Oklahoma [Mr. MORGAN] here.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for one hour.

Mr. MORGAN. Mr. Speaker, I will be glad to answer any questions that anybody has to ask me.

Mr. MOORE of Pennsylvania. Mr. Speaker——

Mr. DYER. Just make a statement of what the bill is.

Mr. MORGAN. I will make a statement, Mr. Speaker.

There are two United States court districts in Oklahoma, the eastern and the western and there is nothing in this bill which affects the eastern district. All the changes are made in the western district. The only changes made there are in the district of my colleague, Mr. THOMPSON, and in my district. The bill amends the present law in two particulars, viz, the times or dates for holding court in the various court towns, and adds Cotton County in the law, which is on the west side of the State, but was inadvertently or by some error omitted from the statutes naming the counties constituting the western United States court district.

Mr. MADDEN. Does the gentleman want the time changed?

Mr. MORGAN. For instance, under the present arrangement the court is held at Enid in June. Now, in June the farmers there are busy in their wheat harvest. That is a wheat country, and on account of the harvesting they are very busy. The judge says that it is a hardship, an inconvenience, to the farmers to be called on for jury duty or as witnesses up in that section of the State at that time of the year. So the Enid term is changed from June to March. And this change would tend to make it more convenient for the farmers. There is a change of term of court at Woodward. Under the existing law court is held at Woodward, beginning the Monday in November which date comes the day before election on election years. This has a tendency to keep court officers, attorneys, jurymen, and witnesses away from the polls on election day, so it is changed to the second Monday of November.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am the only gentleman who has addressed the Chair for some time.

The SPEAKER pro tempore. The gentleman from Oklahoma has control of the time.

Mr. MOORE of Pennsylvania. I had addressed the Chair several times, and other gentlemen who did not address the Chair were recognized.

The SPEAKER pro tempore. The Chair has not recognized anybody. The Chair asked the gentleman from Oklahoma to whom he yielded. He controls the time.

Mr. MOORE of Pennsylvania. I recognize the rules provide that a gentleman who desires to present an interrogatory should rise and address the Chair and say "Mr. Speaker."

The SPEAKER pro tempore. The Chair asked the gentleman from Oklahoma if he yielded, and to whom, and that is all the Chair can do.

Mr. KEARNS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KEARNS. Does all this come out of the gentleman's one hour of time? [Laughter.]

The SPEAKER pro tempore. To whom does the gentleman from Oklahoma yield?

Mr. MORGAN. I will yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Does one judge cover these judicial districts now?

Mr. MORGAN. No, sir; two judges.

Mr. MOORE of Pennsylvania. There are two judges?

Mr. MORGAN. Yes.

Mr. MOORE of Pennsylvania. This bill does not contemplate the appointment of a new judge?

Mr. MORGAN. No, sir.

Mr. MOORE of Pennsylvania. Nor is it leading up to the creation of a new judgeship?

Mr. MORGAN. No.

Mr. MOORE of Pennsylvania. That was the question that seemed to be agitating the minds of certain gentlemen on this side.

Mr. ROBBINS. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Oklahoma yield to the gentleman from Pennsylvania?

Mr. MORGAN. Yes.

Mr. ROBBINS. Does this establish any new places of holding court?

Mr. MORGAN. It does not.

Mr. ROBBINS. Does this bill grant authority for building half a dozen public buildings out there next year?

Mr. MORGAN. No, sir. We have already public buildings authorized or constructed in all the court towns.

Mr. ROBBINS. It says here, "Suitable rooms must be provided without expense to the United States Government."

Mr. MORGAN. That is at Woodward. That provision was in the original act. Since that time Congress has authorized the expenditure of $110,000 for erecting a building at Woodward, and a part of the money has been appropriated.

Mr. THOMPSON. Mr. Speaker, will my colleague yield?

Mr. MORGAN. Yes

Mr. THOMPSON. That is the reenactment of the present statute.

Mr. ROBBINS. This is a provision for holding court at Woodward free of expense to the Government?

Mr. THOMPSON. Yes.

Mr. MORGAN. That was put in the law establishing Woodward as a court town.

Mr. ROBBINS. Does the gentleman say there has been an appropriation for the erection of a Federal building there?

Mr. MORGAN. Yes; it has been authorized, and I think $35,000 has been appropriated.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. TILSON. The gentleman has answered that no new judges are required and no new courthouses are to be built. Are there any new clerks required to conduct this court that are not already provided?

Mr. MORGAN. No more.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. DOWELL. Does this transfer any county from one judicial district to another?

Mr. MORGAN. It does not. The only change made in the counties is this: In the amendment to the law some two years ago Cotton County was omitted. So under the present law there is some question whether the United States court has jurisdiction over Cotton County. So we simply put in that county, which was left out before by inadvertence.

Mr. DOWELL. Then, do I understand that the intention of this bill is merely to change the day of holding court for some of the divisions in this district?

Mr. MORGAN. Yes; at Oklahoma City, Guthrie, Enid, and Woodward. It makes no change at Lawton.

Mr. DOWELL. That is the only purpose of the bill?

Mr. MORGAN. That is the only purpose of the bill, except to put in Cotton County, which was left out by inadvertence from the other bill.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. Yes.

Mr. SMITH of Michigan. Does not the judge already have the right to fix the time of holding his court without this bill?

Mr. MORGAN. No. The law says the court shall be held in each town and fixes the day court convenes, but it does not say how long the court shall last.

The SPEAKER pro tempore. Is there objection to the consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MORGAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will call the next bill.

LEGAL SERVICES TO CREEK NATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 906) making an appropriation to Stuart, Lewis, Gordon & Rutherford in payment of legal services rendered by them to the Creek Nation.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. Objection is heard. The bill will be stricken from the calendar. The Clerk will report the next bill.

Mr. HASTINGS. Mr. Speaker, will the gentleman reserve his objection for a moment?

Mr. STAFFORD. I will reserve my objection.

Mr. HASTINGS. Mr. Speaker, I want to say, in explanation of this bill, that it was passed by the last Congress in exactly the same language as the present bill. It is in payment of the legal services rendered by the firm of Stuart, Lewis, Gordon & Rutherford to the Creek Tribe of Indians.

The Creek Tribe of Indians was one of the Five Civilized Tribes in Oklahoma, and prior to the enactment of the Curtis Act, approved June 28, 1898, this tribe or nation of Indians had the right to enact its own laws, expend its own money, and employ its own attorneys, just the same as any State of the Union. On January 7, 1898, when it had this right, under an act of its legislature this firm of attorneys was employed to represent the Creek Tribe. They rendered the services, extending over a period of some two or three years.

In October, 1900, they passed an appropriation act to pay for these services rendered, but in the meantime, between the time of the employment of the firm and the act making the appropriation for the payment of these services, Congress passed an act requiring all acts of the Five Civilized Tribes to be approved by the President of the United States.

There is no question but that these services were rendered. The Creek national council, I believe, unanimously, or almost so, passed this act appropriating $7,000 for the payment of these services.

Mr. STAFFORD. Will the gentleman yield for a question in that particular?

Mr. HASTINGS. I will.

Mr. STAFFORD. Secretary of the Interior Hitchcock, in a report dated November 7, 1900, addressed to the President, as appears on page 6 of the report, called his attention to the fact that these attorneys performed services for this nation without complying with the requirement of section 2103 of the Revised Statutes, which provided that no contract with an Indian nation shall be valid until approved by the Secretary of the Interior. That act in the Revised Statutes has been in existence and on the statute books since 1870. These attorneys did not comply with the law, and for that reason the Secretary of the Interior advised the President to reject the claim, and the President did reject the claim.

Mr. HASTINGS. Let me say to the gentleman that the Secretary of the Interior was in error in making that report. If you read the Secretary's report you will note that it was received that day, and on the same day that it was received it was recommended to the President for disapproval. Let me say that section 2103 does not apply to contracts with the Five Civilized Tribes, and for 75 years prior to the passage of the

Curtis Act, on June 28, 1898, the Creek Tribe of Indians, the Cherokee Tribe of Indians, and the other Five Civilized Tribes passed their own appropriation acts, employed their own attorneys, paid them without any supervision whatever by the Government of the United States, and expended untold millions of dollars.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. HASTINGS. I will.

Mr. STAFFORD. The gentleman has stated that section 2103, containing these restrictions, does not apply to the Five Civilized Tribes.

Mr. HASTINGS. It never applied to any of the Five Civilized Tribes.

Mr. STAFFORD. I have the section before me, and I ask the gentleman to show wherein there is any qualification of this general language in the opening paragraph—

No agreement shall be made by any person with any tribe of Indians or individual Indians not citizens of the United States for the payment or delivery of any money or thing of value, in present or in prospective, or for the granting or procuring of any privilege—

Which exempts the Five Civilized Tribes from that section.

Mr. HASTINGS. I want to say to the gentleman that I was the attorney for the Cherokee Tribe of Indians for some 25 years, and I say without any qualification that the Five Civilized Tribes, to my own knowledge, for 75 years prior to the passage of the Curtis Act, enacted legislation affecting their several tribes, made their own appropriations, elected their own officers, employed their own counsel, and that those contracts of employment were never submitted under section 2103 to the Secretary of the Interior for approval, and that during the course of those 75 years they appropriated untold millions of dollars. I want to say that the employment of these attorneys on January 7, 1898, was a legal employment; that they had a right to employ these attorneys, and they employed the best firm of attorneys, or as good a firm of attorneys, as there was in the old Indian Territory, which is now eastern Oklahoma.

Mr. MONDELL. Does the gentleman from Wisconsin intend to insist on the point of order?

Mr. STAFFORD. I intend to insist on my objection.

Mr. MONDELL. Then, Mr. Speaker, there is no purpose in this discussion at this time.

Mr. HASTINGS. I will say that this matter was up last year, and the minority leader [Mr. MANN] examined it very closely——

Mr. MONDELL. The gentleman knows that if the objection is made the bill will go off the calendar. Why waste time? Let me suggest to the gentleman that his bill is on the wrong calendar anyway. It is a private bill and belongs on the Private Calendar. Whenever objection is made it will go to the Private Calendar. It occurs to me that if the gentleman desires consideration of the bill, as he undoubtedly does—and I think the bill has a considerable amount of merit—it ought to be placed on the Private Calendar and considered when private bills are considered, as it will eventually have to be.

Mr. CARTER of Oklahoma. If the gentleman will yield to me——

The SPEAKER pro tempore. Is there objection?

Mr. HASTINGS. I should like to yield to my colleague from Oklahoma [Mr. CARTER].

Mr. MONDELL. I shall have to object if there is to be any considerable discussion.

Mr. CARTER of Oklahoma. I only wish to make a short statement. In addition to what the gentleman from Oklahoma [Mr. HASTINGS] has said, the members of the Five Civilized Tribes are citizens of the United States. My colleague [Mr. HASTINGS] told you of conditions with reference to the Five Civilized Tribes previous to the passage of the act of June 28, 1898, but I do not believe the House caught the force of that statement quite clearly. Here was the situation: Prior to this time the governments of each of the five tribes was an entity unto itself. They were separate sovereignties, each having a chief, a council, judicial tribunals, schools, treasurers, accounting officials, and other fiscal officers. The official acts of these tribal officers as such did not come under the jurisdiction of any branch of the United States Government, but they were accountable to the tribal councils and tribal courts, not to Congress and the departments, as is the case now.

Their authority, their power to act, emanated not directly from the Federal Government but from the tribunals of the tribe. Therefore, the sections of the Revised Statutes referred to by the gentleman from Wisconsin, while containing no specific language of exemption, did not at that time apply to the Five Civilized Tribes, and the courts have so held.

Mr. STAFFORD. Has the gentleman given consideration also to the recommendation of the present Secretary of the Interior in his letter addressed to the former chairman of the Committee on Indian Affairs under date of March 8, 1916, which he closes with these words?—

In view of the record of disapproval by the President on November 17, 1900, of the claim as then presented by said attorneys, and as 15 years have elapsed since the disapproval without any further action being taken by said attorneys to renew the claims, which seem to be without merit, and I recommend that no further action be had on H. R. 10872.

Mr. CARTER of Oklahoma. The answer to that is that when the Secretary made that statement he was not fully advised of the facts in connection with this matter, as sometimes does occur. Let me just state that one of the gentlemen who was a party to this contract was at one time a Federal judge.

Mr. HASTINGS. Two of them.

Mr. CARTER of Oklahoma. Yes; two of them were Federal judges and resigned their positions to resume the practice of law. Certainly two gentlemen who had risen to that high estate would not submit a contract of this character to come before Congress that had no merit in it.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. Objection is heard. The bill will be stricken from the calendar.

LOYAL CREEK INDIANS.

Mr. IGOE. Mr. Speaker, I ask unanimous consent to call up No. 53 on this calendar, and I would like to state——

The SPEAKER pro tempore. The gentleman asks unanimous consent to take up a bill out of its order. Is there objection?

Mr. LENROOT. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 3568) to pay the balance due the loyal Creek Indians on the award made by the Senate on the 16th day of February, 1903.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER pro tempore. Objection is made. The bill will be stricken from the calendar. The Clerk will call the next bill.

UNITED STATES COURT FOR THE EASTERN DISTRICT OF MISSOURI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 294) to provide for the appointment of an additional judge of the district court of the United States for the eastern district of Missouri.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. COX. Reserving the right to object, what is the necessity for this additional judge?

Mr. IGOE. Mr. Speaker, I understand there is going to be objection to this bill, so I will ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. IGOE. Now, Mr. Speaker, in view of that fact I ask that I be permitted to call up the other bill, extending the time for the completion of the bridge, which is very important to St. Louis, as the time expires on the 15th of this month, and there will not be another unanimous-consent day before that time.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to call up the bill referred to. Is there objection?

Mr. STAFFORD. Reserving the right to object, it is the fifth bill on the calendar; has the gentleman any admonition that we are not going to continue to consider bills on the Unanimous Consent Calendar.

Mr. IGOE. In view of the fact that it took two hours for the first bill, I am apprehensive that we will not reach it.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. I object.

The SPEAKER pro tempore. The Clerk will call the next bill.

ADDITIONAL JUDGES, SUPREME COURT, DISTRICT OF COLUMBIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2489) to create two additional associate judges of the Supreme Court of the District of Columbia.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. ROBBINS. Mr. Speaker, reserving the right to object, who has charge of the bill? This is to create two additional judges, and I would like to have some explanation of the necessity for it.

Mr. WEBB. This is a Senate bill, and I am ready to make any explanation. It is the same bill that passed the House by unanimous consent a year ago. It increases the District judges by two. For 38 years there has been no increase whatever in the number of judges for that court. In the city of Washington the population since that time has increased 70 or 80 per cent, and the business before the court has increased 200 or 300 per cent. The civil calendar is now 1,000 cases behind. These judges work two on the law side, two in equity, and two on the criminal work. There is not a calendar in the United States of any Federal court that is so deplorably congested as this court here in Washington. I have made some investigation as to how much these judges work. All of them begin court at 10 o'clock in the morning, sit until 12, with 30 minutes for lunch, and they sit on many days until 6 and 8 o'clock in the evening. It is a hard-working bench. Justices Gould and Stafford have worked 14 years in this court, and by the hardest and most painstaking labor they have not been able to keep with the calendar, and year by year it increased until now, as I say, they are 1,000 cases behind on the civil docket. If you go down to-morrow to caveat a will or with a civil suit it will take two years before you can get a trial by jury.

The bar, the people, and the judges regard the situation as almost a public denial of justice. Many defendants who appeal to that court have to wait two years, until their cases are almost forgotten.

Mr. COX. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. COX. This is to increase the number of associate judges of the Supreme Court of the District?

Mr. WEBB. Yes.

Mr. COX. Does this court consider cases on appeal?

Mr. WEBB. Yes; that is a small part of their business. Those are only court cases appealed from police-court justices, where a man is imprisoned for more than a year. This court has the widest jurisdiction of any court in America.

Mr. COX. It has two jurisdictions.

Mr. WEBB. Yes.

Mr. COX. Original and appellate.

Mr. WEBB. Yes.

Mr. COX. On the civil side what is the original jurisdiction?

Mr. WEBB. Anything in excess of $500.

Mr. COX. What is the jurisdiction in criminal cases?

Mr. WEBB. Where the punishment is anything over a year.

Mr. COX. What is the appellate jurisdiction in civil cases?

Mr. WEBB. Anything between $5 and $500.

Mr. COX. How many judges are on the bench now?

Mr. WEBB. Six; the chief justice and five associate justices.

Mr. COX. And the number has never been increased?

Mr. WEBB. Not for 38 years.

Mr. COX. Mr. Speaker, this increase might be needed, and yet it is a hard matter to make up my mind what we ought to do. In my opinion if we had Judge Anderson from Indiana down here, you would not need anybody, except possibly one other man. I might say that the State of Indiana has not had an increase in the number of Federal judges since it was a State.

I am not here to pass any eulogy upon Judge Anderson; but, as far as work is concerned, the lawyers know that they are in a court room when they get in there. In the last five or six years, with a population of nearly 3,000,000 in the State of Indiana, with as large criminal cases as has ever been tried in the United States, cases that involve from four weeks to three months in preparing them, he not only disposed of those hundreds of cases in Indiana, but has had plenty of time to go to the city of Chicago and try cases there.

How did he do it? He did it by work. I speak authoritatively because I have been in his court. When he adjourns to convene to-morrow at 8.30, it means that the lawyers and the witnesses must be there at 8.30. When he adjourns at 12 o'clock for one hour for lunch, it means that court comes in at that time, and he sits until 6 and 8 o'clock in the evening.

Among the cases that he has tried in the last three or four years were the Terra Haute cases, where 120 men were sent to the penitentiary. That ran for about 10 weeks. The great national dynamite cases took over three months, and he recently closed out a lot of cases involving a trial of 10 weeks, and yet his docket is up.

Mr. FESS. Will the gentleman yield?

Mr. COX. Yes.

Mr. FESS. I think the gentleman's statement is very informing and important on this particular occasion. I wondered if this is not the same court to which our friend, Judge Covington, was appointed?

Mr. WEBB. The same court.

Mr. FESS. If the work is so pressing, how could he afford to take another position under the Government?

Mr. WEBB. He has not entered upon any other position; he has taken this place at the request of the President to act with the commission in an advisory capacity.

The only way it has affected his judicial duties is that he does not take a case for a time—for a week or two. He is sitting on the bench now, and he confers with the other members of the commission in an advisory capacity. I want to say further that these judges have less vacation than any judges that I know of in America. That court is always open. They are practically the governors of the District of Columbia. They have every kind of jurisdiction in that court; they have habeas corpus cases, will cases, all kinds of cases against the heads of these departments, all civil and criminal suits. As I said, I do not know of any court in America that works harder. I wish we had all Judge Andersons down there, but I know that Mr. Justice McCoy worked until he got sick, and I know that Justice Gould did the same thing. He is to-day suffering from an attack of bronchial pneumonia. He worked himself until he could hardly resist it. I would not ask this judgeship unless I was firmly convinced, after thorough investigation, that it is needed. The Committee on the Judiciary unanimously reported this, and it was unanimously passed by the House last Congress, and the condition has been gradually getting worse in proportion, as it has been for the last 10 years.

Mr. FESS. Mr. Speaker, I do not want to put a captious question, nor a facetious one, but if this court is so pressed why should one of the judges be appointed to go to Arizona to settle a matter, as was the case not long ago?

Mr. COX. Did he not also go to California?

Mr. FESS. It seems to me that is a leading question—to know why this is done—if this work is so pressing in this court.

The SPEAKER pro tempore. Is there objection?

Mr. COX. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Indiana objects, and the bill is stricken off the calendar.

OREGON & CALIFORNIA RAILROAD CO.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 5489) to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I believe this bill applies to many thousands of acres of timberlands that were formerly included in the Central Pacific Railroad grant.

Mr. HAWLEY. Mr. Speaker, the purpose of the bill is to enable the Government to consolidate the holdings it has in the Oregon & California land grant by an exchange in equal value for private lands. For instance, in one section of that country there are operating companies cutting timber off their own land, and all of the even-numbered sections are practically now in private ownership. These operating companies have constructed their roads and are removing the timber from their own land. That will leave the Government land 40 acres here, 160 acres there, and sometimes a whole section in another place entirely isolated, so that the timber becomes practically valueless upon it. There is not enough left to pay any other company for going in there and constructing miles of railroad out to these areas and cutting the timber off them. Furthermore, when they remove the timber from the privately owned land, leaving a forty or an eighty or another area exposed to the winds, the wind blows down the trees, and they litter the ground and subject the section to the danger of fire, and after a very short time the trees blown down become valueless.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MONDELL. This is, as I understand it, legislation suggested by the Interior Department, to enable them to administer those lands in a proper way?

Mr. HAWLEY. Yes. The Government lands have all been appraised under the act providing for the disposition of the land, and the Government knows exactly the value of every 40 acres in the tract. It is proposed that they shall exchange these tracts for exactly the same value of privately owned lands, to be determined by the Government what is the value of their own land and what is the value of the privately owned land, and it will increase the salability of the Government lands and also the price the Government gets for the timber.

Mr. STAFFORD. Will the gentleman inform the House what is the purpose of the committee amendment as found in the first

proviso, on page 2, lines 14 and 15, after the word "lands," inserting the words "and timber," so that it reads:

Provided, That all lands and timber secured by virtue of such exchange shall be disposed of in accordance with the terms and provisions of said act of revestment.

Mr. HAWLEY. Because under the law disposing of the grant land the timber is to be sold separate from the land. The timber is to be sold and the land is to be sold after the timber is removed, and this gives the Government the same authority over the lands acquired by exchange as it has now over the lands acquired from the Oregon & California Railroad Co.

Mr. STAFFORD. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, is this the bill in which a few years ago we gave the proceeds of the timber to the State of Oregon, practically all of it?

Mr. LENROOT. Fifty per cent.

Mr. HAWLEY. Fifty per cent.

Mr. FOSTER. And only about 10 per cent of it went to the Federal Treasury?

Mr. HAWLEY. Yes.

Mr. FOSTER. I think we ought to pass it, because we have given it all away, anyhow.

Mr. HAWLEY. If the gentleman will yield, this will increase the value of the timber and increase the proportion which will go to the Treasury of the United States.

Mr. FOSTER. The Federal Government gets practically nothing out of it now, and I think we ought to give it all to them.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, in the administration of the act of June 9, 1916 (39 Stat. L., p. 218), is hereby authorized and empowered, in his discretion, to exchange lands formerly embraced within the grant to the Oregon & California Railroad Co. and revested in the United States by said act for other lands of approximately equal aggregate value held in private ownership, either within or contiguous to the former limits of said grant, when by such action he will be enabled thereby to consolidate the holding of timberlands by the United States: *Provided*, That all lands secured by virtue of such exchange shall be disposed of in accordance with the terms and provisions of said act of revestment.

SEC. 2. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

Mr. DOWELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOWELL. I desire to offer an amendment to section 1.

The SPEAKER. Wait until the Clerk completes the reading of the bill.

The committee amendments were read as follows:

Page 1, line 4, after the word "sixteen," insert the following: "entitled 'An act to alter and amend an act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July 25, 1866, as amended by the acts of 1868 and 1869, and to alter and amend an act entitled 'An act granting land to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon,' approved May 4, 1870, and for other purposes."

Page 2, line 14, after the word "lands," insert the words "and timber."

The question was taken, and the amendments were agreed to.

Mr. DOWELL. Mr. Speaker, I desire to offer an amendment.

Mr. FERRIS. Mr. Speaker, before the gentleman offers the amendment I want to say a word or two about the bill regarding the matters developed in general debate. This bill I introduced at the suggestion of the Interior Department. It was drawn and framed by them and dropped in the basket. This has to do with exchange of land, part of which was recovered from the Oregon and California land grant about a year ago. Fifty years ago Congress made a grant of land to the Oregon and California Land Grant Co. on certain conditions. The company never complied with the law. The Committee on Public Lands last year brought into the House a bill for the recovery of about $50,000,000 worth of land and the bill passed the House and Senate and became a law and is the law. The gentleman from Illinois [Mr. FOSTER] says that we gave it all away. We were pretty generous to the State of Oregon. I thought so then and I think so now, but the fact remains that we did put about $20,000,000 into the reclamation fund, we did put about $5,000,000 in the Treasury, or it will be done when this land and timber is all sold and completed, so that the legislation then accomplished was not altogether an idle thing to do nor altogether an empty thing to do. Of course, the State of Oregon, I think, shared very bountifully in the disposition of the proceeds of the land, but it was part of the public land and Oregon had been denied the privilege of taxes on the land and the Federal Government has recouped the expenditure. This gives Oregon 50 per cent, amounting to about $25,000,000, when it is closed, and 40 per cent to the reclamation fund, or $20,000,000 and 10 per cent to the Government, which will be about $5,000,000——

Mr. FOSTER. Did not the original bill provide that all those back taxes should be paid to the State of Oregon?

Mr. FERRIS. Out of the proceeds, but not out of the Government part. The Government gets 10 per cent. I want to say about this immediate provision that the Secretary of the Interior says it is a burning necessity that this exchange be made, and it is great hindrance and encumbrance to the Government in the sale of the timber and the sale of the land if it is not made, and in order that the record may not in any way mislead the House I want to read what the Secretary says:

The scattered holdings of timberlands by the United States will seriously interfere with the advantageous disposition thereof, for the reason that the lands are for the greater part exceedingly rough and mountainous, involving heavy initial outlay before successful logging operations can be set on foot, as well as a corresponding expenditure to maintain such operations. It follows, as a matter of course, that successful logging operations in this region call for the ownership of timberlands in large bodies, and that prices paid for timberlands will be, to a large degree, affected by the possibilities of thus blocking them up for future operations.

The House will recall the Oregon and California land grant was made of alternate sections, and the recovery is on alternate sections, so there are interspersed, spotted pieces of ground owned by private individuals. This exchange must be of equal value. It is of advantage to the Government, and I presume will be of advantage to the logging companies that make the exchange. It is as the department desires it. The committee considered it carefully and we were unanimous in reporting it.

Mr. DOWELL. Mr. Speaker, carrying out the suggestion of the gentleman from Oklahoma, I desire to offer an amendment by adding, after the word "hereby," in line 13, the word "advantageously."

Mr. FERRIS. I did not catch what the gentleman wants.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, right after the word "hereby," insert the word "advantageously."

Mr. FERRIS. Of course, it is already in his discretion whether to make the trade at all.

Mr. DOWELL. That is true; but if the word "advantageously" is here, it means it has to be for the benefit of the Government in the exchange.

Mr. FERRIS. Unless some member of the committee has some objection, I have not.

Mr. HAWLEY. The whole bill is for the advantage of the Government, and I do not see any objection to it.

Mr. DOWELL. Then there can be no objection to this amendment, because it is to the advantage of the Government.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

QUARTERS FOR VOCATIONAL EDUCATION BOARD.

The next business in order on the Calendar for Unanimous Consent was (S. J. Res. 110) to amend an act entitled "An act to provide for the promotion of vocational education," approved February 23, 1917.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the subject of the rental of quarters for the Vocational Education Board has been under consideration by the Committee on Appropriations. The chairman of the Committee on Appropriations desires to be present when this resolution is considered, and I ask unanimous consent that the resolution be passed without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to pass the resolution without prejudice. Is there objection? [After a pause.] The Chair hears none.

AMENDING POSTAL LAWS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 7230) to amend the postal laws.

The Clerk read the title of the bill.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent that this bill be passed on the calendar without prejudice.

The SPEAKER. The gentleman from California asks unanimous consent to pass the bill over without prejudice. Is there objection? [After a pause.] The Chair hears none.

BRIDGE ACROSS MISSISSIPPI RIVER AT ST. LOUIS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3081) to extend the time for the completion of the municipal bridge approaches and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri.

The SPEAKER. Is there objection?

Mr. MONDELL and Mr. STAFFORD rose.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Speaker, I should like to have some explanation of the purpose of the bill.

Mr. IGOE. Mr. Speaker, I will say to the gentleman that this bridge has been in process of construction and building since 1906. There have been several extensions of the time by Congress. At the present time the city has spent about $6,000,000, and the bridge over the river and on the Missouri side has been completed, and a large part of the work on the Illinois side has been completed. In Illinois, however, the city of St. Louis has no right of condemnation except under the authority of the act of Congress. At the time that the bridge was started the city was denied by the State of Illinois the right of condemnation, and so the act of Congress was relied upon. The courts have sustained that power under the act of Congress. Now, the purpose of this is to give the time for the completion of the bridge, more particularly upon the east side of the river.

Mr. MONDELL. The gentleman states the purpose of the bill is to give additional time. That is evidently an important purpose and there seem to be also other purposes. On lines 4 and 5 of the bill there is added additional legislation in the words "and also extensions or additions thereto."

Mr. IGOE. I will say to the gentleman that that relates to the approach. As I stated, the only power we have to condemn on the other side of the river comes from the Congress. If we undertook to acquire an additional foot of ground after what we have now we might be cut off with the contention that the land we have there now has exhausted our power, inasmuch as the authority we have now expires in a few days. And in order to safeguard, this has been put in there.

It is not intended to build another bridge and we must rely, if we need additional land and can not secure it by purchase from the owners on that side of the river, on the powers given to us in this legislation, which have been sustained by the courts. I will say to the gentleman that every step in the construction of this bridge has been fought from some direction. When it was sought to get the property on the east side of the river the property owners contested the right of the city. I am not saying who instigated it, but the whole power of the city was contested all the way through.

Mr. MONDELL. The section also contains some additional language, evidently intended to extend the authority granted in that section to these additions and extensions. There are certain words omitted from the bill as printed that occur in the present law. After the words "United States," at the end of section 2, the words "and of said States, respectively," are in the present law. Those words are omitted. What was the purpose of omitting those?

Mr. IGOE. May I ask the gentleman from what he is reading now?

Mr. MONDELL. From the bill I have.

Mr. IGOE. In what line?

Mr. MONDELL. The last line, at the end of the bill. The present provisions with relation to this bill are to the effect that the city may acquire by lawful appropriation, condemnation in the States of Illinois and Missouri by making proper compensation therefor, and so forth, and shall have all the authority necessary and proper for construction, maintenance, and operation of the bridge consistent with the laws of the United States and of the States, respectively. Those last words are omitted from the present bill.

Mr. IGOE. I have no objection to incorporating those words. I think, however, it is covered in line 5, where it provides that it is to be ascertained according to the laws of the States within which the same is located.

Mr. MONDELL. That has reference to the location and condemnation.

Mr. IGOE. Exactly, and that is all this has reference to, "consistent with the laws of the United States."

Mr. MONDELL. Has reference to the construction, maintenance, and operation?

Mr. IGOE. Well, we are going to use it.

Mr. MONDELL. Was there no purpose in the omission of the language I have referred to?

Mr. IGOE. I will say to the gentleman, none that I am aware of. We just want the right to continue the construction of this bridge and the right to condemn which we had originally from Congress. That is all we wish.

Mr. LENROOT. Reserving the right to object, what purpose does the gentleman think is accomplished in section 1 by including the words "extensions or additions thereto"?

Mr. IGOE. I will say to the gentleman this, that there has been a great controversy about the location of the approach to the bridge, as to whether it should be in one place or another. At the present time the city has acquired the right of way and some of the railroads now contend that in order that they may use it other connections must be made, and the purpose of putting that in is to take care of the question, if it should be raised, that the particular land that has been acquired now is the only land that we may be permitted to use. There are railroads coming from different directions, as the gentleman knows, on the east side of the river, and we are hopeful, especially in the present emergency, since the bridge has been or can be taken over by the Government, that if it is necessary to acquire additional land, and the city must acquire it, we may proceed to secure it.

Mr. LENROOT. That is true as far as section 2 is concerned, but it has no relation to section 1. The original act is silent on the question of extensions or additions, and all that section 1 does is to extend the time for the completion of something so far as extensions and additions are concerned that was not authorized in the original act.

Mr. IGOE. As I see it, it is put in there so that we are not confined absolutely to the very land that we have now acquired by purchase or condemnation.

Mr. LENROOT. But so far as section 1 is concerned, let me suggest to the gentleman that you are not given any more leeway than you had under the original act.

Mr. IGOE. Well, that may be true if that is so.

Mr. LENROOT. And it simply complicates and renders ambiguous the language of the section when in that section you include something.

Mr. IGOE. I think perhaps it makes it clear. It says "approaches." Now, they may have several of them. I do not see that the language injures anything, and it may be of service to us in acquiring this land. The city has expended, as I say, $6,000,000, and we have had a time fighting to get this thing completed.

Mr. STAFFORD. Mr. Speaker, I did not grasp the explanation that the gentleman gave as to the reason for eliminating from the original law the phraseology "and of said States, respectively."

Mr. IGOE. I have no objection to that going in.

Mr. STAFFORD. It is very questionable authority, indeed, to grant to a municipality the right to condemn and operate in an adjoining State without proceeding in consonance with the law of that State.

Mr. IGOE. This is a municipal bridge. It is not a private corporation. All the rights we have to operate come from the act of Congress. The State of Illinois has given us nothing.

Mr. STAFFORD. You recognize that in condemning you must proceed in accordance with the laws of the State of Illinois?

Mr. IGOE. That is provided for in the bill. There is no question about that. In lines 2, 3, 4, and 5 it is provided that it shall be condemned according to the laws of the State.

Mr. STAFFORD. You intend, also, so far as maintenance and operation are concerned, to comply with the laws of the State?

Mr. IGOE. That may be a very serious question. I would not want to go into that. Suppose the State of Illinois should want to hamper an instrument of interstate commerce. We might debate for a day or for days the wisdom of it. All we want now, I will say to the gentleman, is the extension of this time and permission to go ahead as we have been going.

Mr. STAFFORD. Does the gentleman want to offer an amendment?

Mr. IGOE. We have but a few days, and the matter has been considered by the committee, and the engineers have not raised any question about that, nor has the War Department. I would like to see the bill go through. Personally I have no objection, but there is so much involved in it for the city of St. Louis that I would like very much to see it go through.

The SPEAKER. Is there objection?

There was no objection.

when this land and timber is all sold and completed, so that this bill be passed on the calendar without prejudice.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the time for the construction and completion of the municipal bridge approaches and also extensions or additions thereto, which said construction and completion was authorized by an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved June 25, 1906, be, and the same is hereby, extended for the period of three years from the date of the passage of this act.

SEC. 2. That for the purpose of carrying into effect the objects of this act the city of St. Louis may receive, purchase, and also acquire by lawful appropriation and condemnation in the States of Illinois and Missouri upon making proper compensation therefor, to be ascertained according to the laws of the State within which the same is located, real and personal property and rights of property, and in order to facilitate and support interstate commerce, may make any and every use of the same necessary and proper for the acquirement, construction, maintenance, and operation of said municipal bridge approaches, and extensions or additions thereto, consistent with the laws of the United States.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. IGOE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

HARRY GRAHAM.

The SPEAKER. The gentleman from Kentucky [Mr. FIELDS] is recognized.

Mr. FIELDS. Mr. Speaker, I move to suspend the rules and pass Senate bill 1418.

The SPEAKER. The gentleman from Kentucky moves to suspend the rules and pass the bill which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (S. 1418) to authorize the President of the United States to appoint Harry Graham captain of Infantry.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. STAFFORD. I do not know, in my service, of a Member receiving recognition to suspend the rules on a private bill.

The SPEAKER. This is a kind of war matter, to get a soldier into the Army.

Mr. STAFFORD. I recognize that there is a power in the Speaker to entertain that motion. I have stated to gentlemen who have asked me about this bill to-day that I did not intend to make any objection to it. But I think, for the sake of consistency of practice, it is better to have the gentleman make a request for unanimous consent to have the bill considered, and not make a precedent of calling up private bills under suspension of the rules.

Mr. FIELDS. This does not break a precedent. I will do that.

Mr. STAFFORD. We have never suspended the rules to pass a private bill, so far as I know.

The SPEAKER. The gentleman from Kentucky [Mr. FIELDS] asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Harry Graham, formerly a captain of Infantry, a captain of Infantry, to take rank at the foot of the list of captains of Infantry; and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of Infantry now authorized by law by reason of the passage of this act.

The SPEAKER. Is there objection?

Mr. GREEN of Iowa. Reserving the right to object, Mr. Speaker, I would like to have the gentleman explain the necessity of the bill.

Mr. FIELDS. Mr. Speaker, this man, who had served 18 years in the Army, went to the Army service school at Fort Leavenworth, Kans., for a year's training, from which he was to be graduated in the spring of 1916. He had passed all of a series of examinations except one prior to May 10, 1917. On that date the last examination was given.

The question upon which students were examined on that day was the sketching of a certain area of land. After they had turned in their sketches the academic board thought they had discovered evidences of cheating in some of the sketches turned in. Two of the students charged with cheating admitted their guilt. The only complaint against the sketch of this man was that two contours in his sketch, of 900 and 1,000 feet, respectively, bore indications of having been traced from an original map, or in some respects were so perfect that they looked as though they might have been traced, which was not authorized and which was a violation of the rules. When questioned as to whether or not he had traced the original map, Capt. Graham said that he had not. They then asked him if he would be willing to resketch the area and take his grade on his second sketch. He said, "Yes; if necessary." They then directed him to make a second sketch, and he did; and as to the grade on that, the officer under whose charge he made this sketch reported that it was worth about B, which was between 90 and 95 per cent, which showed the ability of the man, especially in view of the fact that the last sketch was made in less time than the first one and under unfavorable atmospheric conditions. It rained a part of the time while he was making the second sketch.

But the next morning the board told him that they would not graduate him, because they believed he had traced these two lines. He said: "I will not leave this school in disgrace. I am not guilty of the charge, and if you do not graduate me I will demand a court-martial." They refused to graduate him, and he did demand a court-martial. The court-martial found him guilty, not by any evidence, not by any man's knowledge of his guilt, but, apparently, because in the opinion of one officer of the school two lines in his sketch bore evidence of having been traced from the original map. But the testimony showed that the two lines in question did not coincide with the two original contours in their entirety. Now, it stands to reason that if I lay a paper down over a map and trace a line or two lines from the lines in the original map the traced lines will coincide with the lines in the original map in their entirety.

Yet the gentleman who made the complaint admitted on the witness stand, as shown by the testimony, that the lines in the sketch did not coincide with the lines in the original map in their entirety; but they found him guilty, and under the law the only sentence that could be imposed was dismissal from the Army.

He is a valuable officer. Up to the time that he went to this service school he had as good a record as a flier as had been made by any officer at that time. After his dismissal Gen. Squier recommended his appointment as a major in the Signal Corps to fill one of the 425 vacancies created by Congress some time last June, I believe, and recommended him in the highest terms, as will be shown by Gen. Squier's letter which is printed in the report on the bill. In view of all the facts which are set out in the report on the bill your committee was of the opinion that this man should be restored to the service. First the Senate committee held hearings, and that committee unanimously recommended the passage of the bill. It passed the Senate without opposition. It came to the House Military Committee, and the House committee made a thorough investigation, and that committee unanimously recommended the passage of the bill.

Mr. McKENZIE. Will my colleague yield?

Mr. FIELDS. I will.

Mr. McKENZIE. I wish my colleague would state to the Members of the House that there was no motive for this so-called tracing, because he would not have got any higher grade or any further promotion.

Mr. FIELDS. I was just coming to that point. It is fair to assume that back of any wrong there must be a motive. This man had no motive, could have had no motive, for cheating in this examination. In the other branches on which he had passed examination he had a general average of 83.9 per cent; 75 per cent was sufficient to graduate him. The grades in these examinations were posted on the school bulletin board every morning after they were made; therefore every student knew his grade and knew his relative class standing. This man, Capt. Graham, knew his grade. He knew where he stood in his class. If he had made 100 per cent in this last examination, it would not have promoted him above the student next above him in class standing. If he had made zero, it would not have put him below the student next below him. Therefore he had nothing to gain by cheating. It could not help him in his class standing. It would not help in his graduation, because he would be graduated anyhow. Therefore, Mr. Speaker, there was no motive, and the prosecution did not attempt to show any motive. It is just a case of this kind: That an Army officer said in his opinion a certain thing had happened, and because one of the faculty said it was his opinion the other fellows took it for granted that it was so.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. FIELDS. I will.

Mr. GREEN of Iowa. Mr. Speaker, this seems to be a very peculiar case, and I would ask the gentleman if the findings of the court-martial against him were unanimous?

Mr. FIELDS. The findings of the court-martial were unanimous. The members of the court were all members of the school

faculty, and all but two of them recommended a lesser penalty than was inflicted; but as I understand under the law they could not give it to him.

Mr. GREEN of Iowa. As a general thing, I presume the gentleman would not recommend that we review the findings of a court-martial, because we are very apt to hear only one side? In these hearings that were had by the Senate committee, were the officers who sat on the court-martial given a hearing? Were they present at all?

Mr. FIELDS. I did not read the Senate hearings, except the Senate report, but I did read the record of the trial.

Mr. GREEN of Iowa. The gentleman does not know then that the other side of the case was represented by the parties who had made this finding?

Mr. FIELDS. I do not know that they were here in person. Of course, they had the records of the court.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. FIELDS. I yield to the gentleman.

Mr. SLAYDEN. Is it not true that certain responsible officials in the War Department have so far revised their opinion about the case of Capt. Graham as to recommend him for a commission in the Signal Corps?

Mr. FIELDS. It is true that he has been recommended, and he has on his uniform to-day; but it is only a temporary appointment. He talked with me and with the gentleman from Ohio [Mr. FESS] this afternoon and was in his uniform. He was recommended by Gen. Squier.

Mr. FESS. Under whom he served.

Mr. FIELDS. Yes. Under whom he served.

Mr. SLAYDEN. And he would not have been recommended unless he had a good character and was a man of ability.

Mr. LENROOT. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. LENROOT. The gentleman states that the court-martial that found Mr. Graham guilty had no evidence other than the map. Was Mr. Graham represented by counsel?

Mr. FIELDS. Yes.

Mr. LENROOT. Did he testify himself?

Mr. FIELDS. He did.

Mr. LENROOT. Was there any other testimony?

Mr. FIELDS. No other testimony except the testimony of this officer, who testified that in his opinion the map had been traced, and two other officers who looked at it and acquiesced in the opinion of the other officer who thought it had been traced.

Mr. LENROOT. Was this case reviewed by the Secretary of War?

Mr. FIELDS. I presume so.

Mr. LENROOT. Does not the gentleman know?

Mr. FIELDS. It was approved by the Secretary of War.

Mr. LENROOT. Does the Secretary of War recommend the passage of this bill?

Mr. FIELDS. We have had no report from the Secretary of War on the bill.

Mr. LENROOT. Has there been no report from the War Department on the bill?

Mr. FIELDS. There has not?

Mr. LENROOT. Is not that quite unusual?

Mr. FIELDS. The case was gone into thoroughly by the committee. We had the records of the court-martial, which the committee thought was sufficient.

Mr. LENROOT. Do I understand that the Committee on Military Affairs in an important matter of this kind will recommend a bill to this House without asking for a report, either from the War Department or without having any representatives of the War Department before the committee with reference to it?

Mr. FIELDS. That is what the committee did.

Mr. LENROOT. I am surprised.

Mr. SHALLENBERGER. Let me say that the Chief Signal Officer of the Army, who recommended this man, appeared before us by letter and requested that he be commissioned.

Mr. FIELDS. Yes; and I will say that the Chief Signal Officer, under whom this man served, recommended his appointment and said that he was morally fit for the position.

Mr. ROBBINS. Will the gentleman yield?

Mr. FIELDS. First, I will ask that the Clerk read the letter of Gen. Squier recommending the reappointment of this officer.

The Clerk read as follows:

NOVEMBER 20, 1917.

From: The Chief Signal Officer.
To: The Adjutant General.
Subject: Commission.

1. It is recommended that Harry Graham be given a temporary commission as major, Signal Corps, United States Army, under the provisions of the act approved July 24, 1917.

2. Mr. Graham is mentally, morally, and physically qualified to perform the duties of the office for which he is recommended. He is a citizen of the United States, born February 16, 1874, at Newark, Ohio, is 44 years of age, and his address is Hotel Ebbitt, Washington, D. C.

3. The services of Mr. Graham are required for immediate duty with troops, and to fill one of the 425 vacancies in the grade of major existing under the authority of letter of Chief of Staff, dated August 13, 1917. (File W. C. D. 0556-27, 321.9 Misc. Div.)

4. Mr. Graham was formerly an officer in the United States Army and was dismissed on account of sentence of general court-martial, which was published in General Orders, 12, War Department, series 1917.

GEORGE O. SQUIER,
Major General, Chief Signal Officer.

Mr. ROBBINS. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. ROBBINS. I notice the recommendation which has been read refers to a temporary position, a commission in the Signal Corps. The bill proposes to give him a permanent position as a captain of Infantry. Why is that, if you rely on the recommendation of Gen. Squier, which is only for a temporary commission?

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. GREEN of Iowa. If this man had passed the examination, would he be entitled to the position provided for by this bill?

Mr. FERRIS. He would. He was a captain then. In fact, he has lost many marks by this dismissal. If it had not been for this the man would probably have been a major or a lieutenant colonel by now.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. MILLER of Minnesota. In the judgment of Gen. Squier this man is worthy of occupying a position in the Army during this war. Is it too much to presume that he might fill the duties of that position in a time of peace?

Mr. FIELDS. Certainly not.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. FIELDS. Yes.

Mr. HUDDLESTON. As I understand, he is now a captain in the Army?

Mr. SHALLENBERGER. He has a temporary position.

Mr. HUDDLESTON. This is to put him in the Regular Army, so that he will have a position for life.

Mr. FIELDS. To place him where he was before he was railroaded out of the service.

Mr. HUDDLESTON. The position he would have been in if he had remained in.

Mr. FIELDS. No; he was a captain and had served 18 years.

Mr. HUDDLESTON. I understood he was a cadet.

Mr. FIELDS. No; he was in the Spanish War. He was in the National Guard when the war broke out and afterwards, when the war was over he volunteered in the Regular Army, and by his own efforts he rose to a captaincy, and he was a captain at the time this charge was preferred against him.

Mr. HUDDLESTON. He was taking the examination at the officers' school?

Mr. FIELDS. Yes.

Mr. HUDDLESTON. Can the gentleman point out any difference between this and that of any other case of an officer cashiered under court-martial? A regular court-martial was held here, and very frequently they are held, and men are being constantly dismissed as officers of the Army. Are we to go back of these judgments of courts-martial and undertake to try these cases before committees of Congress and try to do justice here? If so, why shall we not go back of the courts-martial in the cases of private soldiers who are tried and executed? Are we to establish a precedent in Congress of reopening these courts-martial and trying the cases ex parte before committees?

Mr. FIELDS. Let me say to the gentleman that no man in this House or elsewhere will go further to uphold the hands of the Military Establishment in the proper discharge of its duties than I; but there are men in the Military Establishment as there are in civil life who fail to realize that with every right there goes a corresponding duty, and with each power there goes a corresponding responsibility. This does not occur often, I admit, but when it does occur the Congress of the United States can not afford to close its eyes to its own responsibility.

Mr. HUDDLESTON. Are there any precedents for this?

Mr. FIELDS. Wait until I finish my statement. If there ever was a time in the history of the country when the Army officers should realize that they are expected to measure up to their full responsibilities, it is now. We are calling the bloom of the manhood of the Nation under this draft, and if we are going to say that all military men are creatures of perfection, that they could not possibly make a mistake, and thereby issue to them a license to cashier men out of the Army arbitrarily,

we are doing an injustice to the men of the Nation upon whom we have imposed the draft, and I for one am unwilling to do it.

Mr. HUDDLESTON. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. HUDDLESTON. Has the Congress of the United States ever passed a special bill in such a case as this?

Mr. FIELDS. I think many of them.

Mr. HUDDLESTON. Will the gentleman state one.

Mr. FIELDS. I have not the precedents at hand.

Mr. SNYDER. Will the gentleman give me the date of the court-martial?

Mr. FIELDS. The 5th day of July, 1916, as I remember, and the order was carried into effect in January, 1917.

Mr. LENROOT. The Secretary of War has had it fully within his power to reinstate this man, has he not?

Mr. FIELDS. I suppose the Secretary of War could reinstate the man.

Mr. LENROOT. This House then is asked to do this, so far as I know, unprecedented action because the Secretary of War refuses to do justice to this man. Is that it?

Mr. FIELDS. It is the principle involved.

Mr. LENROOT. It is the same principle involved in the House that is involved with the Secretary of War.

Mr. FIELDS. And Congress can not shirk its responsibility. This case would not stand a minute in any civil court in the United States. Congress creates the Military Establishment. If the Military Establishment does not properly discharge its duties, it is the duty of Congress to see that it is done.

Mr. LENROOT. It is the position of the gentleman that the Secretary of War has not properly discharged his duty in this case?

Mr. FIELDS. I say this man should not have been dismissed from the Army, let the responsibility fall where it may.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. FIELDS. Yes.

Mr. MILLER of Minnesota. I am not certain as to how these proceedings go, but my understanding is that the findings of a court-martial first go to the Judge Advocate General in Washington, and if he approves them that is practically all there is to it.

Mr. FIELDS. Certainly.

Mr. MILLER of Minnesota. And the Secretary is seldom, if ever, called upon to pass independently on the subject. I do not know whether this was passed on by the Secretary.

Mr. SNYDER. The gentleman stated that the Secretary did approve these findings.

Mr. FIELDS. They were approved officially, in a formal way.

Mr. SLOAN. Does the gentleman mean to state that the Secretary of War could reinstate this man, if he saw fit, under his power as Secretary of War?

Mr. FIELDS. He could have disapproved the findings.

Mr. SLOAN. But not now? He can not go back now and reinstate a man at this time?

Mr. FIELDS. No; I think not.

Mr. SLOAN. I am in full harmony with the proposition of the gentleman, and I think it is very important that this Congress exercise its privilege and power and right some of these wrongs. I know it is the practice to ask the Secretary of War to do these things, but he refuses to do it, and a number of injustices are done some of the best men of America right now. I have one in mind, because the Secretary of War would not do——

Mr. MILLER of Minnesota. Is this just the situation, that the Secretary, having approved the finding, might have done so in a perfectly pro forma manner without a knowledge of the facts?

Mr. FIELDS. We know it is impossible for him to look into all the details of the many, many cases of this character.

Mr. MILLER of Minnesota. And undoubtedly that was the case. But having done that, it is out of his jurisdiction, and he could not reinstate the man, and the President of the United States could not.

Mr. LENROOT. But the Secretary of War could have made a report to this Congress.

Mr. FIELDS. The report would have been that the man had been dismissed by order of a general court-martial, and we already had that fact before us and a record of the trial.

Mr. MILLER of Minnesota. The President himself can not do it. The only body on earth that can reinstate the man is the Congress of the United States.

Mr. KEARNS. Will the gentleman yield?

Mr. FIELDS. I will.

Mr. KEARNS. As I understand the statement, there was no evidence brought against this man at all?

Mr. FIELDS. There was absolutely no evidence against him, except the opinion of one man, and that opinion was acquiesced in by two other men.

Mr. KEARNS. And that was that the two maps looked so much alike that one might be a tracing. I understand he made two drawings.

Mr. FIELDS. No; there was an original map covering an area of about 2½ miles.

Mr. KEARNS. And they thought that had been copied?

Mr. FIELDS. They thought one line of 900 feet and the other of 1,000 feet had been copied.

Mr. KEARNS. And he made another drawing. Did the second correspond with the first drawing?

Mr. FIELDS. He was graded between 90 and 95 per cent on the second drawing.

Mr. GARRETT of Texas. Mr. Speaker, regular order.

Mr. FIELDS. I hope this bill may be passed.

The SPEAKER. Is there objection?

Mr. FESS. Will the House permit me for half a minute?

The SPEAKER. The regular order has been demanded.

Mr. FIELDS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio be permitted to proceed not to exceed five minutes.

Mr. FESS. I just want one minute.

Mr. FIELDS. Just one minute I will make it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, and Members of the House, I have gone over this very carefully, have avoided saying anything because the gentleman from Kentucky was making a full statement and an accurate one. The only evidence against Capt. Graham in this entire matter is that the map drawing was so well done that those who examined it, or the one who examined it, said that it could not have been done without having been traced. There was no other evidence. It was a case in which a professor did not believe a person under him sent out to do a piece of work could have done it so perfectly and at the same time fairly, and after he had made the recommendation those associated with him would not turn it down. Now, I can appreciate the situation of a man who has charge of any sort of work where he sends somebody to do a responsible piece of work that there is an ability that is found here. And I further state that not only in map drawing but in many other lines of life there is a sort of genius in which men or women will do work so perfect that those who can not do it so well say that it could not have been done fairly. I think that is really the situation here, and I do not think that this officer should be punished.

The SPEAKER. The time of the gentleman has expired. Is there objection? [After a pause.] The Chair hears none.

The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Harry Graham, formerly a captain of Infantry, a captain of Infantry, to take rank at the foot of the list of captains of Infantry; and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of Infantry now authorized by law by reason of the passage of this act.

Mr. LENROOT. Mr. Speaker, I only desire to take about two minutes on this proposition. I did not object to the unanimous consent for the consideration of this bill, although I realize there is grave danger of a very dangerous precedent being made in giving unanimous consent for the consideration of any bill to set aside the findings of a court-martial; but I only want to say that while I am on the floor of this House it must not be taken as a precedent for the giving of unanimous consent for the consideration of bills of this character where the Committee on Military Affairs has not referred the bill to the Secretary of War or has not given the Government an opportunity to appear before it and present its side of the case.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FIELDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

AN EDITORIAL BY MARTIN H. GLYNN.

Mr. FERRIS. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS extended his remarks by inserting the following:

IT BECOMETH AND BEHOOVETH MR. WADSWORTH, MR. LODGE, MR. CHAMBERLAIN, MR. ROOSEVELT, AND ALL THEIR PHONOGRAPHIC CULT TO CHIRP LIKE A CRICKET, NOT ROAR LIKE A LION.

[An editorial by former Gov. Martin H. Glynn, of New York, in the Times-Union, Albany, N. Y., Jan. 28, 1918.]

To-day the people of this country can be divided into two camps. Those who wanted war at any price.

And those who hoped for peace, if peace could be maintained without the sacrifice of national honor.

Now we are at war, and we have the astonishing anomaly of the leaders of the "war buzzards" trying to gnaw the vitals out of our Commander in Chief, while the great majority of those who stood for peace while peace spelled honor are upholding the President's hands as Aaron and Hur upheld the hands of Moses in his battle with Amalek.

The present volcanic attack against the war policies of President Wilson is no haphazard incident. It is a well-laid plot, nicely trained and strategically timed. Its purpose, no matter how secretive its sponsors, how insinuating its methods, how seductive its arguments, is to give the Republican Party a majority in the next House of Representatives and to pave the way for a Republican President in 1920. From a political point of view this may be tolerable; from a patriotic aspect, in a national crisis like this, it is odious and detestable.

The business of the Nation to-day is to win the war, and the political leaders, who for party gain or personal aim lay the slightest obstacle in the way of the happy consummation of this business, clothe themselves in a diabolical livery and surround their political machinations with a brimstone scent, a sulphurous odor offensive to people who revere patriotism in politics but abhor politics in patriotism.

For months Col. Roosevelt has been injecting politics into the war through his articles in the Kansas City Star and Metropolitan Magazine. With craft and cunning he has planted a bomb, intended to blow President Wilson out of political existence, and in this "Guy Fawkes" plot he has had the unctious assistance of Senator LODGE, of Massachusetts, and the crafty support of Senator WADSWORTH, of New York. But cunning and unctuousness can not win a contest like this. The mountain of truth is too big to be discolored by such dabbling brushes, the facts too potent to be minimized by impish dissimulation or distorted by cunning castigation.

The Bible says he who draws the sword shall perish by the sword. Well, Roosevelt and his followers first drew the political sword in this dispute, and with their assumptive valor they should not cry for quarter before the blade of their own rapier.

For 16 years before the present Democratic administration the Republican Party was the custodian of the welfare of this Nation, and in all these 16 years it did but little to put this country on a basis of adequate preparation for war. Grover Cleveland started the American Navy on its way to imperial strength, but Theodore Roosevelt, as President of the United States, inaugurated a naval program that curtailed the Cleveland policy. Great as our Navy is to-day, it would be far greater still if the policy of Cleveland had prevailed and the plans of Roosevelt buried in the bottom of the sea. And as it was with the Navy, so was it with the Army, for Theodore Roosevelt left the Army of the United States weaker than he had found it seven years before.

No sooner, however, had Woodrow Wilson, with his panoramic view of the history of the world in peace time and in war time, his thorough knowledge of Democratic aspirations and economic possibilities, his sympathy with the masses and his consideration of the classes—no sooner had he become President of the United States than the wheels of progress were set in motion to equip this Nation as years before she should have been equipped for the solution of pressing national problems and the handling of contingencies of an international nature.

The rehearsal of all the legislation of President Wilson to carry out this progressive program would be superfluous here. The world knows it by heart. It insures him a splendid place in the annals of statesmanship. It is the unmistakable triumph of the democratic yearning with which the heart of mankind throbs and pulses to-day. And it carried Woodrow Wilson to wonderful victory in 1916 against an avalanche of money and a labyrinth of intrigue.

His Federal reserve bank law, which Mulhall, the famous English economist, said was of more worth to the world than the Panama Canal, saved this country, with the advent of the war, from the most stupendous panic in history and enabled us to ride the tumultous waters of "world-war" finance with hardly a squeak or a tremor of our old ship of state. Without this Federal reserve bank to-day the United States would be grinding and pounding on the rocks of disaster.

Nor is this all.

From a vision almost prophetic came the Federal revenue bill which wrung a lordly portion of governmental revenue from internal taxes instead of from tariff imposts which under the baneful influence of war dwindled to a sum insufficient to provide lubrication for our gears of Government, let alone provide fuel for the Treasury boiler that makes the wheels of national life go round.

Our national experience since the war started must carry conviction to every fair-minded American that for these two measures alone we owe an ineffable debt of gratitude to the wisdom and statesmanship of Woodrow Wilson.

And of our military realm we have the self-same tale.

Theodore Roosevelt may indulge himself in all the weird juggling of language that pleases his fancy; he may lasciviate himself in such inspirational riot of emotional frenzy as may give fire to his tongue and flare to his imagination; but the fact remains undeniable, ineffaceable, irremovable, that in two years of ante bellum days Woodrow Wilson did more to put our Army and our Navy on a footing of war than both William Howard Taft and Theodore Roosevelt did in the whole 11 years of their supine reign.

During these two years preparedness for a possible war was pushed by President Wilson as fast as the sentiment of the country would permit and quite as fast as even the most violent of his present-day critics then deemed expedient or politic.

Suddenly, however, conditions created by the autocratic dogmatism of Germany disregarding treaties and throwing promises to the winds, hurled us into the seething whirlpool of war. Then the very men who had been at the helm of the ship of state for 16 years, the men whose policies had weakened the Army and stunted the Navy, began to howl because we could not equip a million men over night and put them in the trenches of France in a day. They forgot the experience of England; they forgot the experience of France; they forgot their own neglect of our martial strength; they forgot everything but their own personal advertisement and their own political advancement.

Mythology tells us that Minerva sprang full-armed from the mind of Jupiter, and despite the fact that the age for mythological miracles has passed, these acrimonious critics demanded that the United States whittle rifles out of the air and by some sort of prestidigitorial art transform a million civilians into full-trained soldiers between the sinking and the rising of the sun. What these critics had failed to do in 16 years, they insist that Woodrow Wilson should do in 16 days. The wind listeth in the night, the dew falls, the stars come out, the moon works her magic charm, and behold at dawn a full-grown mushroom whitens the lawn where at sunset only an embryonic stalk snuggled in the grass. This is the kind of marvel, this the kind of impossible legerdemain that Col. Roosevelt and his school demand should be duplicated in our military world. They demand that an invincible army be created overnight out of wind and dew, starlight and moonshine. But they fail to provide the Aladdin's lamp with which to work the miracle; they fail to furnish the necromantic art wherewith to ram into a night the task of a decade.

And this miracle, too, they demand in the teeth of the hoary-headed truth that from the days of Washington, Franklin, and Adams this Nation has set its face against a militaristic policy. A large Army, a potential Military Establishment, has been the ghost that has given this country sleepless nights for 140 years—a factitious ghost, perhaps; but nevertheless a ghost hypnotic in its influence and awesome in its sway. And the Navy, too, has been hampered by a short-sighted sentiment of the great interior part of the country whose congressional Representatives persistently opposed large naval appropriations from fear of retrenchment against the "home-town" projects of their own native heaths. For this ingrained repugnance to a big army, an adequate navy, neither the Republicans of to-day or the Democrats of to-day are to blame. The fault lies at the door of the predominant sentiment of the Nation since 1776. And as we have sown; so to-day we reap.

Gen. Winfield Scott, one of the world's greatest soldiers, compressed an historic situation in a nutshell when he said, "Republics are never prepared for war."

The business of republics is peace; the business of autocracies is war.

Autocracy lives by the sword. The father and grandfather of Frederick the Great said so; Frederick himself said so; and so saith the Kaiser, and the Crown Prince, too.

A love and a craving for peace, however, form the very genesis of a republic. To this genesis republics are true; from this genesis republics depart only at the call of honor or the command of necessity.

Hence it is, though critics may forget, the people remember, that in eight months of war the United States, under the leadership of Woodrow Wilson, has done twice as much, and even more, than England and France did in the corresponding period of time. The accusations, the exaggerations, the fabrications, the distortions of supercilious censors and envious-fanged contemners of the Wilsonian policies wear such a flimsy gossamer covering as to expose this political plot in all its naked hideousness.

We make no claim that the administration has created sunbeams out of cucumbers or performed feats beyond the pale of human possibility, but we do maintain that its efforts have been amazing, its accomplishments beyond compare in the history of modern warfare.

We have not whipped the Kaiser yet, but we will whip him if calumniating critics do not dampen the fires of enthusiasm or grease the tracks whereon must ride our national chariots of war. We have more men in France to-day than Roosevelt knows or Germany suspects, and a million more are waiting for the ships.

We have an Army so well cared for that the death rate in our ranks for the four months ending January 1, 1918, averaged only 7.5 per thousand—a death rate, mind you, less than the death rate for men of a like age in peaceful avocations at home. Compare this with the death rate of 20.14 per thousand under the good old Republican rule of the days of the Spanish-American War. Compare these figures, and then applaud the Roosevelt charges, if you can!

True, we have made some mistakes, but in the magnitude of our undertaking some mistakes were inevitable, unavoidable. In balance though with the wondrous achievements these mistakes have been trivial and not worthy of the attention of the men who minimize their talents by trying to magnify molehills into mountains.

And furthermore, unlike the Spanish-American War, in which Mr. Roosevelt was a king-pin:

We have no Army contract scandals.

We have no embalmed-beef horrors.

We have no fat, old generals going to war in carriages and leading battle charges from easy rocking chairs.

We have no unpleasant gossip about the appointment of political generals and society admirals.

We have no round-robin letters from presumptious and inferior officers demoralizing discipline and exalting self.

In the face of these facts the wild rantings of Roosevelt and his fellow-political conspirators are boomerangs, pestilential to the ears and revolting to the sensibilities of others, but harmful only to the men who hurl them. On the estimation of thoughtful people these critics make no indelible impression. They may ruffle the surface of the pool of comment, but they stir not the depths of public opinion. And with Roosevelt, Lodge, and Wadsworth as the chief creators of this curtain of camouflage political fire, fed by the thesses of ambitious misrepresentation, fanned by the sinister winds of political oratory, there stalks forth from memory's closet the skeleton of Alger's embalmed beef with its concomitant stench; there looms into view the commander of the United States forces in Cuba, too fat to ride a horse, going into battle in a carriage, and lolloping in a portable bathtub while our soldiers had no medicines to conquer tropic ills; there looms into view this selfsame commander of the United States forces in Cuba fighting his battles from the sensuous folds of a soporific hammock, while through the stupidity and carelessness of an inefficient military medical force our soldier boys found typhoid fever more deadly than bullets from the Spanish guns.

And so, in view of these verities which no political manipulation can snatch from history's page; in view of the official funereal-hued glories and the official scarlet-fringed scandals of the Spanish-American War; in view of Alger's embalmed beef of odoriferous memory; in view of inferior ships purchased by the Government at superior prices; in view of the stigma and disgrace that typhoid fever killed more of our soldiers than Spanish bullets sent to their graves; in view of the cable which Dewey cut to save the Navy from the malefic influence of Republican politics at Washington; in view of Army contracts which brought a blush to the cheek and rage to the heart of the Nation; in view of

the attempt to deprive Schley of his share of glory in the Santiago victory; in view of the papier-mâché generals created as a sort of "iron-cross" reward for services rendered the good old Republican Party on many a bloodless field of politics; in view, in fine, of the bathos and the pathos of flagrant Republican mismanagement in the Spanish-American War, it becometh and behooveth Mr. WADSWORTH, Mr. LODGE, Mr. CHAMBERLAIN, Mr. Roosevelt, and all their phonographic cult to chirp like a cricket, not roar like a lion.

MARTIN H. GLYNN.

Mr. BLANTON. Mr. Speaker, I renew my request to revise and extend my remarks.

The SPEAKER. The gentleman from Texas asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON. Mr. Speaker, I wish to make objection to that.

The SPEAKER. Is the gentleman objecting?

Mr. WILSON of Texas. Yes, sir.

The SPEAKER. The gentleman from Texas [Mr. WILSON] objects.

Mr. BLANTON. It is too late, Mr. Speaker.

The SPEAKER. No; it is not.

STATUE OF JAMES BUCHANAN.

Mr. LINTHICUM. Mr. Speaker, I move to suspend the rules and pass House joint resolution No. 70, authorizing the erection on public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States.

Mr. STAFFORD. Mr. Speaker, I make a point of order there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of no quorum. Evidently there is none.

ADJOURNMENT.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 5, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the president of the Washington Gas Light Co., transmitting detailed statement of the business of the Washington Gas Light Co., with a list of its stockholders, for the year ending December 31, 1917 (H. Doc. No. 899); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required for the support of an interallied institute for the restoration and reeducation of crippled soldiers (H. Doc. No. 900); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Attorney General submitting a supplemental estimate of appropriation required by the Department of Justice for the detection and prosecution of crimes, fiscal year 1918 (H. Doc. No. 903); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of communication of the Alien Property Custodian, submitting an estimate of appropriation to pay outstanding bills for supplies and equipment and to maintain his organization to carry out the provisions of the trading-with-the-enemy act during the remainder of the fiscal year 1918 (H. Doc. No. 904); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication submitting a supplemental estimate of appropriation required by the Postal Service for wrapping twine and tieing devices, office of Fourth Assistant Postmaster General, for the fiscal year 1918, payable from postal revenues (H. Doc. No. 905); to the Committee on Appropriations and ordered to be printed.

6. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting deficiency estimates of appropriation required by the War Department for reimbursement to certain disbursing officers of the Army for the fiscal year 1915 and for prior years (H. Doc. No. 906); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Interior, transmitting copy of a letter from the Commissioner of the General Land Office transmitting report of the withdrawals and restorations contemplated by the statutes approved June 25, 1910 (H. Doc. No. 907); to the Committee on the Public Lands and ordered to be printed.

8. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting proposed clauses of legislation authorizing accounting officers of the Treasury to allow credits in the accounts of certain disbursing officers of the Army (H. Doc. No. 908); to the Committee on Claims and ordered to be printed.

9. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting supplemental estimate of appropriations required by the Navy Department for the fiscal year 1918 (H. Doc. No. 909); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting estimate of an urgent deficiency appropriation required for the United States Public Health Service for the current fiscal year (H. Doc. No. 910); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (H. R. 9506) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Amy and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 282), which said bill and report were referred to the Private Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, reported the same with amendment, accompanied by a report (No. 283), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7779) granting an increase of pension to William E. Kirkpatrick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7954) granting an increase of pension to Orville H. Mills; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KITCHIN: A bill (H. R. 9499) to provide further for the national security and defense and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes; to the Committee on Ways and Means.

By Mr. ASWELL: A bill (H. R. 9500) to amend the act of Congress approved March 4, 1913 (37 Stats., p. 869), to increase the limit of cost for the enlargement, extension, remodeling, rebuilding, reconstruction, or improvement of the post office and courthouse at Alexandria, La.; to the Committee on Public Buildings and Grounds.

By Mr. EVANS: A bill (H. R. 9501) to provide funds for indigent farmers to purchase wheat for spring planting; to the Committee on Appropriations.

By Mr. HUDDLESTON: A bill (H. R. 9502) providing for an examination of the Tombigbee and Black Warrior Rivers with a view to further improving the same so as to afford a minimum navigable depth of 8 feet; to the Committee on Rivers and Harbors.

By Mr. HOWARD: A bill (H. R. 9503) to revise and amend the provisions of sections 3242, 3258, 3279, 3281, and 3450 of the Revised Statutes in so far as concerns the punishment imposed for the violation of said sections; to the Committee on the Judiciary.

By Mr. WEBB: A bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women; to the Committee on the Judiciary.

By Mr. FARR: A bill (H. R. 9505) for the relief of retired commissioned warrant officers detailed on active duty; to the Committee on Naval Affairs.

By Mr. KEY of Ohio: A bill (H. R. 9506) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

By Mr. CARY: A bill (H. R. 9507) for the erection of a public building at Milwaukee, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9508) to establish a fish hatchery and fish station in the fourth congressional district of Wisconsin; to the Committee on the Merchant Marine and Fisheries.

By Mr. HOUSTON: A bill (H. R. 9509) relating to marriage among the uncivilized native tribes of Alaska; to the Committee on the Territories.

By Mr. LEA of California: A bill (H. R. 9510) authorizing an adjustment of the boundaries of the California National Forest, in the State of California; to the Committee on the Public Lands.

By Mr. MILLER of Minnesota: Resolution (H. Res. 242) to require the Committee on Public Information to furnish information relative to work of propaganda; to the Committee on Foreign Affairs.

By Mr. SIMS: Joint resolution (H. J. Res. 235) granting to certain persons in active war service an extension of time within which applications for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 9511) granting an increase of pension to John P. Newton; to the Committee on Pensions.

Also, a bill (H. R. 9512) granting an increase of pension to Malinda McClanahan; to the Committee on Pensions.

Also, a bill (H. R. 9513) granting an increase of pension to William H. Scott; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 9514) granting an increase of pension to Francis M. Belt; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 9515) granting a pension to James M. Vint; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 9516) granting an increase of pension to Moses Goldstein; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9517) granting a pension to Henry Blankenship; to the Committee on Pensions.

By Mr. CANTRILL: A bill (H. R. 9518) granting an increase of pension to Jackson Cornett; to the Committee on Pensions.

Also, a bill (H. R. 9519) granting a pension to George Bunch; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9520) for the relief of George Killeen; to the Committee on Claims.

By Mr. DECKER: A bill (H. R. 9521) granting a pension to Elmer D. Hopper; to the Committee on Pensions.

Also, a bill (H. R. 9522) granting a pension to William J. Walker; to the Committee on Pensions.

Also, a bill (H. R. 9523) granting a pension to John E. Tingley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9524) granting a pension to William Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9525) granting an increase of pension to Elba A. Love; to the Committee on Pensions.

Also, a bill (H. R. 9526) granting an increase of pension to Henry J. Olmsted; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9527) granting an increase of pension to Daniel E. Alexander; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9528) granting an increase of pension to Lucius S. Hitchcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9529) granting an increase of pension to David Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9530) for the relief of Thomas E. Coleman; to the Committee on Military Affairs.

By Mr. DILLON: A bill (H. R. 9531) Granting a pension to Arabella A. Dean; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 9532) granting an increase of pension to Lucius F. Renne; to the Committee on Invalid Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 9533) granting a pension to Luella M. Peterson; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 9534) granting a pension to Edward P. Rae; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 9535) for the relief of Josie N. Styron; to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 9536) granting an increase of pension to Mary F. Kenaday; to the Committee on Pensions.

Also, a bill (H. R. 9537) granting a pension to Sarah Haggord; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 9538) for the relief of William H. Dooley; to the Committee on Military Affairs.

By Mr. HOWARD: A bill (H. R. 9539) granting a pension to John F. Brannam; to the Committee on Pensions.

Also, a bill (H. R. 9540) granting a pension to John A. Ford, alias John Adams; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 9541) to correct the military record of George Openshaw; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: A bill (H. R. 9542) granting a pension to Uriah Adams; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 9543) granting an increase of pension to William H. Nesbitt; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 9544) granting an increase of pension to Nancy Ollis; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 9545) granting a pension to Lou Patriquin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9546) granting a pension to Robert H. Sheaffer; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 9547) granting a pension to Adaline A. Perry; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 9548) granting an increase of pension to Nicholas Long; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 9549) granting a pension to Nancy J. Jones; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 9550) granting an increase of pension to Joseph Brewer; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 9551) granting an increase of pension to Elisha Driscol; to the Committee on Invalid Pensions.

By Mr. SINNOTT: A bill (H. R. 9552) granting a pension to Edyth C. Dideon, widow of Otto E. Dideon; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 9553) granting a pension to Hiram P. Sloan; to the Committee on Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 9554) granting an increase of pension to Squire Grissom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9555) granting a pension to Jennie V. Leap; to the Committee on Invalid Pensions.

By Mr. STERLING of Illinois: A bill (H. R. 9556) granting a pension to Alexander Kightlinger; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 9557) for the relief of the trustees and parties who are now or who may hereafter become interested in the estate of James A. Chamberlain under the terms of his will; to the Committee on Claims.

By Mr. VAN DYKE: A bill (H. R. 9558) granting an increase of pension to Thomas Horan; to the Committee on Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9559) granting an increase of pension to Charles R. Mansfield; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9560) granting an increase of pension to Edward A. Bentz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9561) granting a pension to Joseph K. Bellemey; to the Committee on Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 9562) granting a pension to Frank Jankowski; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Declaration of loyalty by the National Coffee Roasters' Association; to the Committee on the Judiciary.

Also (by request), a resolution of the New York Bureau of Legal First Aid, asking for investigations of recent constitutional violations, mob violence, oppressive censorship, and into the working of the draft law, especially in New York; to the Committee on the Judiciary.

Also (by request), a resolution of the American Liberty Defense League, demanding investigations of recent constitutional violations, mob violence, oppressive censorship, and into the working of the draft law, especially in New York; to the Committee on the Judiciary.

Also (by request), a resolution of the New York State Bar Association, objecting to the prohibition amendment in its present form; to the Committee on the Judiciary.

Also (by request), resolution of the National Association of Bedding Manufacturers, urging that price regulation be extended to cotton; to the Committee on Agriculture.

Also (by request), resolution of the Federation of Lithuanians of Chicago, asking that the political independence of Lithuania be recognized; to the Committee on Foreign Affairs.

Also (by request), resolution of security holders of the Boston & Maine Railroad, relative to effect of Federal control upon their interests; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the American Medical Association, praying for the repeal of section 209, war-revenue act; to the Committee on Ways and Means.

Also (by request), petition of H. A. Clarke, Washington, D. C., demanding suffrage "as a whole" for the District of Columbia; to the Committee on the District of Columbia.

By Mr. BLAND: Evidence in the case of James M. Vint, special pension bill; to the Committee on Pensions.

By Mr. CARY: Resolution of the Association of Lithuanian Patriots of America, commending the President's war-aims message, and asking for the freedom and independence of Lithuania; to the Committee on Foreign Affairs.

Also, resolutions of the Indiana Republican Editorial Association, favoring a war cabinet, director of munitions, opposing Government ownership of utilities, and favoring legislation to end profiteering; to the Committee on Military Affairs.

Also, resolution of the security holders of the Boston & Maine Railroad, relative to the effect of Federal control; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Pennsylvania: Petition of M. E. Peck, A. B. Stevens, and H. W. Church, praying for the passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. CURRY: Petition of six rural carriers of the third California district, asking for an increase in salary and giving reasons therefor; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Resolution adopted at a mass meeting at the New Star Casino, New York City, favoring the Rankin resolution to acknowledge political independence of Ireland; to the Committee on Foreign Affairs.

Also, petition of Borden's Condensed Milk Co., favoring the daylight-saving plan; also resolutions, adopted at a meeting of the security holders of the Boston & Maine Railroad, relative to effect of Federal control upon interests of security holders in that railroad; to the Committee on Interstate and Foreign Commerce.

Also, petition of Burton F. White, chairman of coal committee, Hotel Association of New York City, urging legislation providing for a survey of the disused canals from the anthracite region of Pennsylvania to tidewater, with a view to use in getting coal to New York, Boston, and other industrial centers; to the Committee on Rivers and Harbors.

By Mr. DENISON: Petition of the following-named citizens urging repeal of zone rate system: A. J. Doughty, Thompsonville; Charles Gogue, Pittsburg; Ben Grant, Pittsburg; Luther Morefield, route No. 1, Pittsburg; Charles Wright, Thompsonville, route No. 1; C. H. Burr, R. F. D., Thompsonville; A. Jochim, route No. 1, Pittsburg; Roy Doughty, R. F. D., Thompsonville; S. A. Doughty, R. F. D., Thompsonville; W. H. Holland, R. F. D., Thompsonville; J. E. Fireash, R. F. D., Thompsonville; D. H. Blue, route No. 1, Thompsonville; J. Davis, route No. 1, Pittsburg; E. R. Doughty, Thompsonville; Raymond O. Smith, R. F. D., Carrier Mills; Walter Malone, R. F. D., Thompsonville; and Dallie Malone, R. F. D., Thompsonville, all in the State of Illinois; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Massachusetts: Petition of Luella M. Peterson, to have her name restored to the pension roll; to the Committee on Invalid Pensions.

By Mr. HAMLIN: Papers to accompany H. R. 8585, granting a pension to Eugene V. Wayne; to the Committee on Pensions.

By Mr. HILLIARD: Petition of Nathan Wallace, of Denver, Colo., urging the adoption of legislation creating a corps of podiatrists in the Army; to the Committee on Military Affairs.

Also, memorial adopted by Great Council of Colorado, Improved Order of Red Men, pledging their support to the Government and urging the formation of a league of nations to enforce peace at the conclusion of the present war; to the Committee on Foreign Affairs.

Also, papers to accompany H. R. 8319, granting a pension to Arthur F. Sewell; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: Petition of citizens of the fifteenth Pennsylvania district, favoring universal military training; to the Committee on Military Affairs.

By Mr. LEA of California: Resolution unanimously adopted by a county convention of representatives of various churches, unions, and leagues of Humboldt County, favoring war prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Memorial of the Marine Engineers' Beneficial Association, No. 5, asking support for House bill 7913; to the Committee on Rivers and Harbors.

By Mr. LONGWORTH: Petition of many residents of Cincinnati, Ohio, and vicinity, for the establishment of a pharmaceutical corps in the United States Army; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Petition of the City Council of Erie, Pa., and of members of the Pennsylvania Soldiers and Sailors' Home, Erie, Pa., for the preservation, etc., of the restored naval brig *Niagara;* to the Committee on Naval Affairs.

By Mr. RAINEY: Petition of J. E. Thompson and other citizens of Manchester County, Ill., favoring a Federal tax on dogs; to the Committee on Ways and Means.

Also, loyalty declaration of the National Coffee Roasters' Association; to the Committee on the Judiciary.

By Mr. ROGERS: Evidence to accompany House bill 9489, for pension to George F. Cook; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: Memorial of Toledo Printing Pressmen's Union, No. 55, Toledo, Ohio, urging that war profits be taxed to pay laborers for enforced idleness under the fuel order, and protesting against the Chamberlain compulsory training law; also a resolution of the International Association of Machinists, Lodge No. 105, Toledo, Ohio, protesting against any form of compulsory or universal military training; to the Committee on Military Affairs.

By Mr. VARE: Memorial of Civic Club, of Philadelphia, on pending postal legislation; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *February 5, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we know that beneath the flow of our human thought and purpose and desire runs the current of Thine own unchanging law, and Thy law makes for righteousness. We seek to bring our policies and ideals into conformity with Thy revealed will, and we can only accomplish this through Thy presence and inspiration. So at the beginning of another day's session of this Senate we turn our hearts to Thee and ask for inspiration and guidance in the work of the day. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. THOMAS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

WITHDRAWAL OF PUBLIC LANDS (H. DOC. NO. 907).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a report from the Commissioner of the General Land Office relative to withdrawal and restoration of public lands, which, with the accompanying paper, was referred to the Committee on Public Lands and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the following bills:

S. 1418. An act to authorize the President of the United States to appoint Harry Graham captain of Infantry;

S. 3006. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes; and

S. 3081. An act to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 3132. An act to amend section 2171 of the Revised Statutes of the United States relating to naturalization; and

H. R. 5558. An act to amend section 101 of the Judicial Code.

WAR POWERS OF THE PRESIDENT.

Mr. THOMAS. Mr. President, apropos of the debate yesterday concerning the war powers of the President and the constitutionality of the bill proposing the establishment of a war council, I desire to read into the RECORD a short extract from the address delivered by Hon. Charles E. Hughes before the American Bar Association on September 5 last. Referring to this identical subject on that occasion, Mr. Hughes said:

> The war powers under the Constitution are carefully distributed. To Congress is given the power "to declare war." The proposal to add "to make peace" found no favor, as this was deemed to belong to the treaty-making power vested in the President and Senate. To the President was given the direction of war as the Commander in Chief of the Army and the Navy. It was not in the contemplation of the Constitution that the command of forces and the conduct of campaigns should be in charge of a council or that as to this there should be a division of authority and responsibility. The prosecution of war demands in the highest degree the promptness, directness, and unity of action in military operations which alone can proceed from the Executive. This exclusive power to command the Army and the Navy and thus to direct and control campaigns exhibits not autocracy but democracy fighting effectively through its chosen instruments and in accordance with the established organic law.

PETITIONS AND MEMORIALS.

Mr. MYERS. I present resolutions in the nature of a petition in favor of certain legislation, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions of Farmers' Convention of Montana in support of Senate bill 3439.

Whereas it has been called to the attention of the delegation members of the Farmers' Convention of the State of Montana, duly assembled at Bozeman, Mont., that Senator MYERS did, on the 9th day of January, introduce in the Senate of the United States a certain bill known as Senate bill 3439, known as a bill for the relief of certain homestead and desert-land entrymen; and

Whereas such legislation is of vital importance to the farmers of this State, in that it provides that any valid homesteader who has made entry for not more than 320 acres of public land, including entrymen on ceded Indian land, may at any time after the passage of such legislation, within 90 days after the date of such passage, file in the local land office the required notice of intention to make final proof and thereupon be accorded to the right to make such proof and secure patent for the land so entered, provided that such entryman has resided upon his entry for a period of at least seven months; and

Whereas it is the belief of this assembly that such special legislation as is proposed by Senator MYERS's bill will be of great aid to a struggling homesteader, and will assist the farmers of this State in increasing their crops, thereby materially assisting our country in its world struggle for democracy: Now, therefore, be it

Resolved, That this convention, duly assembled, go on record as approving the bill introduced by Senator MYERS and heartily indorse and approve the interest shown by Lieut. Gov. McDowell in his efforts on behalf of the farmers and homesteaders of this State and Nation in attempting to secure the passage of such needed legislation as Senate bill 3439; and be it further

Resolved, That a copy of this resolution be spread upon the minutes of our meeting, a copy forwarded to Secretary Lane, of Washington; a copy sent to Senator MYERS and Senator WALSH at Washington, D. C.; and that the press of Montana be asked to lend all aid possible in securing the passage of Senator MYERS's bill for the relief of homesteaders.

Dated this 25th day of January, 1918.

FARMERS' CONVENTION,
By W. L. BEERS, *Chairman.*
C. E. POTTER, *Secretary.*

Mr. GRONNA. I have here two telegrams from a trainmen's organization in my State, one from Dickinson and the other from Grand Forks. They are very brief, and I ask that they be printed in the RECORD.

Mr. SMITH of Arizona. Are those private telegrams?

Mr. GRONNA. No, sir; they are not private telegrams. They are from a railroad organization.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

DICKINSON, N. DAK., *February 3, 1918.*

Senator A. J. GRONNA,
Washington, D. C.:

Trainmen oppose any Federal employees' compensation act. Request you to use your influence to defeat such and support any employers' liability act.

F. L. FLANAGAN,
Secretary B. R. T. No. 779.

GRAND FORKS, N. DAK., *February 4, 1918.*

A. J. GRONNA,
Washington, D. C.:

We urge your cooperation in defeating section 9 of bills H. R. 8172 and S. 3385, now pending, or any form of workmen's compensation law which may be introduced in Congress, and will appreciate your support in helping strengthen the present employers' liability law.

L. F. ELY,
President B. of R. T. No. 463.

Mr. GRONNA. I present resolutions adopted by the Woman's Club of Mayville, N. Dak., favoring the repeal of the law increasing the rates on second-class mail matter. I move that the resolutions be referred to the Committee on Post Offices and Post Roads.

The motion was agreed to.

Mr. SHERMAN. I present a petition on woman suffrage from citizens of Normal, Ill., which I ask may be referred to the Committee on Woman Suffrage. It is one of very many that I have received. I do not present the others, but I submit this as a fair sample of those I have received.

The VICE PRESIDENT. The petition will be referred to the Committee on Woman Suffrage.

Mr. JONES of Washington. I have a telegram from D. C. Imrie, president of Federal Employees' Union No. 9, of Tacoma, Wash., protesting against the eight-hour rider to the Agricultural appropriation bill. I move that it be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. JONES of Washington. I also present a telegram from W. W. Wolcott, of Seattle, Wash., general chairman of the Milwaukee Railroad, representing the Brotherhood of Railroad Trainmen, opposing any proposed workmen's compensation law, but urging that the employers' liability act be strengthened. I move that it be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. SMITH of Arizona. I take this occasion to congratulate the Senator in sending these matters to the committee without having them printed in the RECORD. We are very short of paper now and are paying a good price for it, and anything that burdens the RECORD except what occurs on the floor the Committee on Printing is very anxious to suppress.

The VICE PRESIDENT. The Chair takes occasion to say, though the opinion of the Chair may not amount to anything, that if the rules of the Senate were changed and we returned to the ancient method of presenting petitions to the Senate of the United States we would accomplish the purpose in the mind of every Senator.

Mr. SMITH of Arizona. There is a rule on the subject.

Mr. JOHNSON of South Dakota. I have received a telegram from the Southern Clark County Branch of the American Defense Society, of South Dakota, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

WILLOW LAKE, S. DAK., *February 2, 1918.*

Senator EDWIN S. JOHNSON,
Senate Chamber, Washington, D. C.:

The Southern Clark County Branch of the American Defense Society passed a resolution especially urging you to support the bill for a war cabinet as a wise and patriotic measure.

W. J. BENNER, *Secretary.*

Mr. JONES of New Mexico. I present resolutions adopted at a meeting of the Democrats and citizens of the city of Roswell, N. Mex., in mass meeting assembled, expressing hearty approval of and indorsing the administration of President Wilson. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

ROSWELL, N. MEX., *January 23, 1918.*

We, the Democrats and citizens of the city of Roswell, N. Mex., in mass meeting assembled, adopt the following resolutions:

Resolved, That speaking for ourselves more as American citizens than as Democrats, and speaking by these resolutions, as we believe, the almost unanimous voice of the people of eastern New Mexico, we commend with whole-hearted approval and indorsement the administration of Woodrow Wilson, who blends in his splendid manhood and unequal statesmanship the great qualities of Washington and Lincoln, and particularly do we commend and indorse, as above words of praise, his war administration in the midst of difficulties that would have appalled a less gifted leader.

Resolved, That we also commend with heartiest approval and indorsement the administration of the war office by Secretary Baker, and pledge to him and to the President our continued and patriotic support and devotion.

Resolved, That particularly we denounce the Chamberlain bill to create a war cabinet as a Pandora's box of infinite and endless evils, and if insisted upon as certain to bring about great public excitement, division, and confusion.

Resolved, That our Senators and Representative in Congress are hereby instructed to hold up the hands of the constituted head of the Nation and his advisers in this great life-and-death struggle for demo-

cratic free government, and to vote against and do all in their power to defeat the bill to establish a war council and virtually supersede the President in the conduct of the war.

Resolved, That copies of these resolutions be sent by the secretary of this meeting, duly signed by the chairman and attested by the secretary, one to each the President, the Secretary of War, our Senators and Representative in Congress, and that the Hon. A. A. JONES and Hon. WILLIAM B. WILSON be, and they are hereby, requested to lay these resolutions respectively before the United States Senate and United States House of Representatives.

JOHN T. MCCLURE, *Chairman*.
H. A. POORBAUGH, *Secretary*.

Mr. HALE. I present resolutions adopted by the Chamber of Commerce of Portland, Me., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions.

Whereas the repeated and apparently increasing number of attempts to destroy property in various sections of the United States, accompanied in many instances by loss of life, warrants the most drastic treatment of those found guilty of such actions, whether successful or unsuccessful; Be it

Resolved by the Chamber of Commerce of Portland, Me., That we urgently invoke the United States Government and the Department of Justice thereof to bend every effort to investigate the causes of these outrages, and, wherever the same can be traced to the action of alien enemies or of citizens aiding and abetting such alien enemies, that the extreme penalty provided by law for actions of treason be rigidly enforced, to the end that law and order may prevail in this country and thereby facilitate the expeditious and successful prosecution of this war; and be it further

Resolved, That a copy of these resolutions be transmitted to the governor of Maine, our Representatives in Congress, the Department of Justice, and the Chamber of Commerce of the United States, with a request that similar action be taken.

This is to certify that the above is a true copy of the resolution unanimously adopted by the board of managers of the Chamber of Commerce of Portland, Me., in session Tuesday, January 22, 1918.

Attest: W. B. MOODY,
Executive Secretary.

Mr. WADSWORTH presented resolutions adopted by the State Board of the Christian Woman's Board of Missions, of New York; of the West Side Woman's Christian Temperance Union, of Buffalo, N. Y.; and of sundry citizens of West Barre, N. Y., favoring national prohibition, which were ordered to lie on the table.

He also presented a petition of Beacon Hill Grange No. 828, Patrons of Husbandry, of Saratoga County, N. Y., praying for the continuation of the present system of rural free delivery and also for an increase in the salaries of rural letter carriers, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a petition of the Home Defense Company, of Elmira, N. Y., praying for the repair, preservation, care, and future maintenance of the brig *Niagara*, which was referred to the Committee on Naval Affairs.

Mr. MCLEAN presented a petition of sundry citizens of New Haven, Conn., praying for the emancipation and self-government of Lithuania, etc., which was referred to the Committee on Foreign Relations.

He also presented a petition from the Past Exalted Rulers' Association, Benevolent Protective Order of Elks, of Connecticut, praying for the establishment of a league of nations to safeguard an enduring peace, etc., which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Hebron and Columbia, in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

INCOME-TAX PRIMER.

Mr. SMITH of Arizona. From the Committee on Printing I report back, with amendments, House concurrent resolution 33, providing for the publication of what is known as the Income-Tax Primer. The committee has amended the resolution as to the number to be printed, and I ask unanimous consent for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

The amendments were, before the word "thousand" in line 3 to strike out "five hundred" and insert "three hundred and fifty"; before the word "thousand" in line 5 to strike out the words "and fifty"; and before the word "hundred" in line 6 to strike out "three" and insert "two," so as to make the concurrent resolution read:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 250,000 extra copies of the Income-Tax Primer, prepared by the Bureau of Internal Revenue for the information and assistance of taxpayers, 100,000 copies for the use of the Senate, 250,000 copies for the use of the House of Representatives, the same to be distributed through the folding rooms.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

AMERICAN INSTRUCTORS OF THE DEAF (H. DOC. NO. 172).

Mr. SMITH of Arizona, from the Committee on Printing, to whom the subject was referred, reported the following resolution (S. Res. 199), which was considered by unanimous consent and agreed to:

Resolved, That the proceedings of the twenty-first meeting of the Convention of American Instructors of the Deaf, held at Hartford, Conn., June 29 to July 4, 1897, be printed as a Senate Document, with illustrations, and that 500 additional copies be printed and bound for the use of said convention.

CRIPPLED SOLDIERS AND SAILORS (H. DOC. NO. 173).

Mr. SMOOT. Mr. President, the Surgeon General, complying with the order of the Secretary of War, transmitted, in response to a Senate resolution of January 31, 1918, information upon the rehabilitation and vocational reeducation of crippled soldiers and sailors. Included in it are three illustrations, and in order that the Public Printer may print them, there must be an order of the Senate. I ask that the illustrations may be printed to accompany the document.

The VICE PRESIDENT. Without objection, it is so ordered.

The order was reduced to writing, as follows:

Ordered, That the illustrations accompanying the letter of the Secretary of War, transmitting a report of the Surgeon General upon the rehabilitation and vocational reeducation of crippled soldiers and sailors, be printed to accompany the said document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 3730) to amend the war-revenue act in relation to taxation of legacies and inheritances, and for other purposes; to the Committee on Finance.

By Mr. CULBERSON:

A bill (S. 3731) to amend section 4067 of the Revised Statutes by extending its scope to include women; to the Committee on the Judiciary.

By Mr. MCKELLAR:

A bill (S. 3732) to authorize the reinstatement of honorably discharged soldiers and sailors to former positions in Government service and restoration to eligible register of the names of honorably discharged soldiers and sailors; to the Committee on Military Affairs.

By Mr. JONES of Washington:

A bill (S. 3733) granting an increase of pension to James H. Allen (with accompanying papers); and

A bill (S. 3734) granting an increase of pension to Edwin Doan; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 3735) to provide for enlistments in the National Guard of the District of Columbia, and for other purposes; and

A bill (S. 3736) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct; to the Committee on Military Affairs.

By Mr. WEEKS:

A bill (S. 3737) granting a pension to John H. Ainrock; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3738) for the relief of Rose McIlwain; to the Committee on Claims.

A bill (S. 3739) for the relief of Jacob Metzinger (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 3740) granting an increase of pension to Theodore L. Aney;

A bill (S. 3741) granting an increase of pension to James M. P. Brookens;

A bill (S. 3742) granting a pension to Alice M. Waters;

A bill (S. 3743) granting a pension to Charles V. Harris;

A bill (S. 3744) granting an increase of pension to Harry V. Hafner;

A bill (S. 3745) granting an increase of pension to Thomas H. Birnley; and

A bill (S. 3746) granting a pension to Bradford S. Donahugh; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 3747) granting an increase of pension to Evan T. Jay (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3748) fixing the grades of the commissioned officers of the Medical Corps and of the Medical Reserve Corps of the United States Army, on active duty, and for other purposes; to the Committee on Military Affairs.

By Mr. TILLMAN:

A bill (S. 3749) to reorganize the Dental Corps of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. HALE:

A bill (S. 3750) granting a pension to Samuel Bond (with accompanying papers); and

A bill (S. 3751) granting an increase of pension to Cyrus Wood (with accompanying papers); to the Committee on Pensions:

By Mr. SMITH of South Carolina:

A bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes; to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES of Washington submitted an amendment proposing to appropriate $46,750.27 to pay to the county of Ferry, State of Washington, that part of the local taxation for which the lands allotted to the Colville Indians in that county are equitably responsible, during the period they were held in trust from 1900 to 1914, inclusive, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $22,761.11 to pay to the county of Stevens, State of Washington, that part of the local taxation for which the lands allotted to the Colville Indians in that county are equitably responsible, during the period they were held in trust from 1900 to 1914, inclusive, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. POMERENE submitted an amendment proposing that the Postmaster General shall have authority to investigate conditions arising from contracts for supplies with a view to adjusting compensation and adjust the same in cases where the facts disclose the necessity for such adjustment, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

ALLOWANCES TO SOLDIERS' FAMILIES.

Mr. HITCHCOCK. I send to the desk and ask to have read a resolution, after which I shall ask for its consideration.

The resolution (S. Res. 200) was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate to what extent, if any, allowances to soldiers' families for the month of November, 1917, have been paid; also to what extent they have been paid for the month of December, 1917, and also for the month of January, 1918.

Mr. HITCHCOCK. Mr. President, the reason for making the inquiry is that we have widespread complaint in the West that allowances for soldiers' families have not been paid in many cases from the very start. I think the Senate ought to have this information.

The resolution was considered by unanimous consent and agreed to.

CALLING OF THE ROLL.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Smith, S. C.
Beckham	James	New	Smoot
Chamberlain	Johnson, Cal.	Norris	Sterling
Colt	Johnson, S. Dak.	Nugent	Stone
Culberson	Jones, N. Mex.	Overman	Sutherland
Cummins	Jones, Wash.	Penrose	Swanson
Curtis	Kenyon	Pittman	Thomas
Dillingham	King	Poindexter	Thompson
Fernald	Kirby	Reed	Townsend
Frelinghuysen	Knox	Shafroth	Trammell
Gallinger	Lodge	Sheppard	Vardaman
Gronna	McCumber	Sherman	Wadsworth
Hale	McKellar	Shields	Warren
Harding	McLean	Simmons	Watson
Hardwick	McNary	Smith, Ariz.	Weeks
Henderson	Martin	Smith, Ga.	Wolcott
Hitchcock	Myers	Smith, Mich.	

Mr. GRONNA. I wish to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness in his family. I ask that this announcement may stand for the day.

Mr. MYERS. On account of the state of health of my colleague [Mr. WALSH] he is still detained from attendance upon the Senate.

Mr. KIRBY. I desire to announce that my colleague, the senior Senator from Arkansas [Mr. ROBINSON], is detained by illness.

Mr. WOLCOTT. I wish to announce that my colleague [Mr. SAULSBURY] is detained from the Senate by illness.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

IMPORTS OF MERCHANDISE.

Mr. GALLINGER. Mr. President, I ask unanimous consent to have inserted in the RECORD tables showing the importation of merchandise and agricultural products into this country during the quarters ending September 30, 1915 and 1916, December 31, 1915 and 1916, and March 31, 1916 and 1917, under the Underwood-Simmons tariff law, as compared with similar periods in 1912 under the Payne-Aldrich tariff law. The figures were prepared by the Hosiery Manufacturers' legislative committee, of New York City, and are accurate.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The tables referred to are as follows:

Imports of merchandise and agricultural products during the quarter ending Sept. 30, 1916 and 1915, under the Underwood law, and same quarter in 1912 under the Payne law, using for comparison products having the most extreme foreign competition.

[Minus mark (—) denotes decrease.

Products.	1916 values.	1915 values.	Difference (increase).	1912, Payne law.
Cotton cloth	$2,641,846	$1,379,323	$1,262,523	$1,547,484
Lace and lace articles	2,561,506	2,364,276	197,230	3,401,878
Nets and nettings	645,353	333,647	311,706	142,999
Watches and parts	1,359,083	749,390	609,693	628,244
Handkerchiefs (linen)	818,089	660,559	157,530	808,528
Yarns (linen)	378,031	183,877	194,174	190,301
Fish	5,368,438	4,457,185	911,253	3,872,092
Fruits and nuts	12,072,949	8,304,926	3,768,023	8,798,129
Plate glass	5,204	2,507	2,697	64,127
Other glassware	592,399	492,412	99,987	1,665,494
Hides and skins	43,205,834	30,565,722	12,640,112	32,430,394
Leather and tanned skins	3,594,452	1,829,533	1,764,919	2,203,302
Tin plate	71,377	26,159	45,218	57,317
Paper and manufactures	7,343,333	5,582,840	1,760,493	5,128,988
Perfumery, etc	847,131	651,125	196,006	439,595
Films and plates	353,311	332,671	20,640	457,767
Seeds	9,463,708	7,220,462	2,243,246	6,255,508
Vegetables	2,079,102	1,437,560	641,542	2,439,811
Silks and manufactures	49,122,936	28,497,251	20,625,705	26,085,070
Wood pulp	6,238,152	4,019,279	2,218,873	4,237,733
Wool manufactures	4,663,394	4,396,708	266,686	4,927,399
Eggs	263,089	151,356	111,733	34,394
Meat and dairy products	5,190,380	5,121,530	68,850	3,572,714
Enameled ware	45,749	42,223	3,536	157,675
Total, 24 products	159,124,886	108,902,521	50,322,365	109,546,941
Aluminum scrap	179,665	404,885	— 225,220	368,778
Manufactures of aluminum	10,423	70,611	— 60,188	98,591
Automobiles and parts	125,158	148,191	— 23,033	489,015
Breadstuffs	5,063,923	5,275,883	— 211,960	4,568,001
Clocks and parts	20,404	50,280	— 29,876	226,633
Stockings (cotton)	46,940	135,307	— 88,367	676,118
Cutlery	91,301	167,790	— 76,489	588,490
Leather goods	1,298,448	1,576,194	— 277,746	2,624,745
Embroideries (cotton)	878,348	1,465,292	— 586,944	2,497,349
Knit goods, less hose	115,846	338,288	— 222,442	193,188
Oil cloth and linoleum	72,670	180,227	— 107,557	489,720
Artificial silk	380,145	755,676	— 375,531	910,309
Laths and shingles	1,660,890	1,743,919	— 83,029	1,142,158
Wool—Classes 1, 2, 3	11,449,909	16,241,162	—4,791,253	9,705,829
Total, 14 products	21,393,530	28,553,705	—7,160,175	24,498,974
Increase	159,124,886	108,902,521	50,222,365	109,546,941
Total, 38 products	180,518,416	137,356,226	43,162,190	134,045,915

Imports of merchandise and agricultural products during the quarter ending December, 1916 and 1915, under the Underwood law, and same quarter in 1912 under the Payne law, using for comparison products having the most extreme foreign competition.

[Minus mark (—) denotes decrease.]

Products.	1916 values.	1915 values.	Difference (increase).	1912, Payne law.
Aluminum scrap	$362,152	$234,694	$127,458	$1,320,468
Breadstuffs	9,465,248	6,829,345	2,635,903	3,855,752
Cotton cloths	3,411,220	2,235,795	1,175,425	2,171,922
Watches and parts of	1,241,947	914,844	327,103	764,503
Nets and nettings (cotton)	484,949	344,879	140,070	182,408
Linen yarns	353,879	272,983	160,896	183,545
Linen handkerchiefs	934,908	711,172	223,736	770,834
Eggs	383,395	121,757	261,638	93,128
Fish	7,705,094	5,801,779	1,903,315	5,130,756
Fruits and nuts	16,807,684	13,020,399	3,787,285	13,135,927
Plate glass	5,376	2,075	3,301	76,623
Hides and skins	38,114,630	37,005,783	1,108,847	31,359,712
Enameled ware	90,068	57,962	32,088	126,354

Imports of merchandise and agricultural products during the quarter ending December, 1918 and 1915, under the Underwood law, and same quarter in 1912 under the Payne law, etc.—Continued.

Products.	1918 values.	1915 values.	Difference (increase).	1912. Payne law.
Tin plate	944,032	$17,137	$926,895	$176,922
Leather and tanned skins	4,909,443	3,190,026	1,719,417	2,393,343
Paper and manufactures of	7,613,617	6,880,991	732,626	5,824,583
Silk and manufactures of	49,594,707	40,377,632	9,217,075	32,291,359
Vegetables	4,862,387	2,271,991	2,570,396	3,379,423
Wood pulp	12,495,667	4,567,545	7,899,122	4,117,107
Total, 19 products	158,951,493	124,778,809	34,072,684	107,556,759
Manufactures of aluminum	15,007	49,183	− 33,776	88,932
Automobiles and parts	108,040	294,600	− 186,560	697,520
Clocks and parts of	35,690	143,804	− 108,114	235,964
Lace and lace articles (cotton)	2,412,930	2,887,620	− 524,681	264,583
Stockings (cotton)	12,144	83,197	− 71,053	490,092
Knit goods, less stockings	97,384	375,559	− 278,175	74,812
Embroideries (cotton)	1,155,094	2,238,147	− 1,103,143	3,982,215
Glass, less plate glass	630,307	647,637	− 17,330	1,640,489
Cutlery	86,199	223,658	− 137,459	576,778
Leather gloves	1,057,014	1,207,493	− 50,321	2,178,345
Oilcloths and linoleums	82,488	125,239	− 42,751	481,412
Perfumery, etc	770,929	821,295	− 50,366	582,560
Films and plates	253,744	409,079	− 155,335	387,746
Meat and dairy products	4,009,385	7,243,170	− 3,183,885	4,186,437
Seeds	7,625,266	8,353,345	− 724,259	3,652,948
Artificial silk	235,774	1,076,614	− 852,840	793,903
Laths and shingles	1,588,539	1,662,547	− 74,027	966,650
Wool—Classes 1, 2, 3	14,448,252	26,965,240	− 12,516,988	8,935,159
Manufactures of wool	3,547,033	4,376,646	− 829,613	4,031,082
Total, 19 products	38,783,489	59,664,268	− 20,880,779	34,237,647
From increase list	158,951,493	124,778,809	34,072,684	107,556,759
Total, 38 products	197,634,982	184,443,077	13,191,905	141,794,406

Imports of merchandise and agricultural products during the quarter ending March, 1917 and 1916, under the Underwood law, and same quarter in 1913 under the Payne law, using for comparison products having the most extreme foreign competition.

[Minus mark (−) denotes decrease.]

Products.	1917 values.	1916 values.	Difference (increase).	1912. Payne law.
Breadstuffs	$10,213,545	$2,711,519	$7,502,026	$4,166,152
Cotton cloth	3,632,598	2,714,340	918,253	2,469,469
Watches and parts of	1,346,001	814,820	531,181	465,848
Linen yarns	504,199	369,107	135,092	192,384
Eggs	601,526	182,671	418,855	63,387
Fish	5,569,242	4,022,649	1,546,593	2,026,919
Fruits and nuts	12,084,108	9,519,581	2,564,527	8,088,811
Plate glass	6,698	6,124	558	58,023
Hides and skins	62,417,150	36,898,810	25,518,340	26,373,469
Tin plate	188,013	116,746	71,267	118,047
Leather and tanned skins	6,641,120	4,050,711	2,590,409	1,749,247
Paper and manufactures of	8,995,862	6,443,476	2,552,386	3,720,165
Silk and manufactures of	46,518,544	43,804,660	2,713,884	24,151,064
Leather gloves	1,627,015	995,557	631,458	2,308,266
Perfumery, cosmetics, etc	872,768	722,511	150,257	397,075
Films and plates	485,099	280,689	204,410	345,591
Vegetables	8,039,016	2,297,840	5,741,176	6,271,273
Laths and shingles	1,162,270	844,995	317,275	268,493
Manufactures of wool	4,645,763	4,570,308	75,455	4,211,731
Total, 19 products	175,550,530	121,377,118	54,173,412	87,445,327
Aluminum scrap	9,433	404,851	− 395,418	733,825
Manufacture of aluminum	12,734	25,867	− 13,133	91,117
Automobiles and parts	108,584	198,031	− 89,447	569,435
Clocks and parts	14,932	44,766	− 29,834	135,162
Enameled ware	5,346	80,845	− 75,499	178,791
Glass, less plate glass	430,315	564,294	− 80,979	1,331,502
Cutlery	77,591	154,213	− 76,622	454,051
Oilcloths and linoleums	82,284	149,613	− 67,329	603,881
Linen handkerchiefs	159,800	404,890	− 245,090	253,408
Cotton nets and nettings	477,736	549,886	− 72,150	42,560
Cotton lace and lace articles	2,334,732	3,223,312	− 888,580	3,144,680
Cotton embroideries	548,028	1,733,107	− 1,185,079	78,642
Stockings	29,530	99,784	− 70,295	987,703
Knit goods, less stockings	99,601	291,689	− 192,088	160,980
Artificial silk	419,574	890,647	− 470,073	334,000
Seeds	8,178,313	8,513,487	− 335,174	8,286,691
Meat and dairy products	2,948,703	6,680,272	− 3,733,569	369,048
Wood pulp	973,032	3,952,452	− 2,979,420	3,345,589
Wool—Classes 1, 2, 3	49,259,955	62,869,764	− 13,609,809	9,893,753
Total, 19 products	66,204,782	90,823,760	−24,618,978	30,991,815
From increase list	175,550,530	121,377,118	54,173,412	87,445,327
Total, 38 products	241,755,312	212,200,878	29,554,434	118,437,142

THE FUEL SITUATION.

Mr. MYERS. Mr. President, I observe from the morning newspapers that the fuel situation in this part of the country is again acute. I have received a telegram upon that situation which I shall read. It is as follows:

FROMBERG, MONT., *February 2, 1918.*

Hon. H. L. MYERS,
United States Senate, Washington, D. C.:

Miners employed here will work four Sundays in February and donate amount earned to Red Cross. I will give one-seventh net earning for month to same fund. Similar plan adopted by miners and mine owners in every State would increase tonnage and help finance Red Cross for this year.

J. C. MCCARTHY.

The signer of this telegram is the most extensive mine owner in Montana. If the patriotic course indicated in the telegram should be followed by the mine owners and miners of the country generally it would contribute a great deal of benefit to the Red Cross and to the improvement of the fuel situation.

Mr. SMITH of Arizona. Mr. President, because of the confusion in the Chamber, I did not hear what the Senator from Montana read, but I rise to a parliamentary inquiry. Is it not proper, as a point of order, during the morning hour for a Senator to object to another Senator reading any telegram, except by unanimous consent of the Senate?

The VICE PRESIDENT. The Chair is of the opinion that, under the order of the presentation of petitions and memorials, nothing can be done except to present a petition or a memorial, and that if a Senator proceeds to make a speech or to read a document during that time it is subject to a point of order.

Mr. SMITH of Arizona. I want to give notice that I shall hereafter make such point of order. I do not like to make my friend from Montana an example, but I have a very unpleasant duty placed upon me by the Committee on Printing of attempting to save as much as I can of the expense of printing. While it is very unpleasant to me, especially with a friend as dear to me as is the Senator from Montana, I want to give notice that hereafter I, or some other member of the Committee on Printing who may be present, will in the morning hour object to the reading of telegrams, editorials, or like matter into the CONGRESSIONAL RECORD.

Mr. MYERS. Mr. President, I was making a few remarks in the Senate; I had the floor in my own right, and was speaking on a subject that is of vital importance to the people of this country. Whenever I may feel so disposed I shall always in the future take the floor when I can get recognition and make remarks on matters which I consider pertinent to the welfare of the country. Of course, it is the privilege of any Senator on the floor to rebuke me for doing so if he sees fit.

Mr. SMITH of Arizona. Mr. President, I am amazed, in view of the very temperate and sweet-humored way in which I handled my friend from Montana that he should feel that any criticism was directed at him; it is a little surprising.

I want, however, to now give notice to the Senate that nothing else will be read into the RECORD, if I am in the Chamber during the morning hour, except by unanimous consent.

Mr. SMOOT. Mr. President, I think it is worth while for the Senate to know that we have not enough paper on hand to print the permanent RECORD. If we undertook to print the permanent RECORD to-day according to law, we should not have print paper enough to print the daily RECORD.

Mr. SMITH of Michigan. How about the Official Bulletin? Is there enough paper for that?

Mr. SMOOT. It does not require the same kind of paper to print that publication.

Mr. SMITH of Michigan. It is white paper.

Mr. MYERS. Mr. President, whenever I get recognition to make any remarks in this body I shall read as a part of my remarks whatever I may see fit, whether or not it may meet with the approval of any other Member of this body.

HOUSE BILLS REFERRED.

H. R. 3132. An act to amend section 2171 of the Revised Statutes of the United States relating to naturalization, was read twice by its title and referred to the Committee on Immigration.

H. R. 5558. An act to amend section 101 of the Judicial Code, was read twice by its title and referred to the Committee on the Judiciary.

The VICE PRESIDENT. Morning business is closed.

WAR CABINET.

Mr. WADSWORTH. Mr. President, pursuant to a notice which I gave a few days ago, I ask the privilege of addressing the Senate upon a topic of great importance and one which I approach with a considerable degree of humility.

We are living in grave times, Senators. History is being written in gigantic characters, and events are transpiring of such tremendous importance and of such significance as to stagger, I may say, even the imaginations of men. I doubt very much whether any one man can correctly analyze what is going on in the world to-day or prophesy with any great degree of accuracy what its outcome will be. Suffice it to say that we

Senators realize that the future of civilization is at stake; that the outcome of the tremendous struggle now going on will, without any doubt, affect the peoples of the world and their Governments for centuries to come. We realize, I am sure, also that the outcome of this great contest must necessarily have a most profound effect upon the future of this great Republic.

Questions are presented before us which can not be trifled with. There is no room or ground for levity. This is no time or place for any man to indulge in personalities or to give way to his prejudices, if he may have prejudices. I take it that this is a time in the history of our country when we should approach the discussion of these topics in the broadest possible way and in the fairest possible spirit, and, if I may be permitted to do so, let me venture the hope that in such discussion as takes place in this Chamber personalities be omitted and that Senators here forget the words "Republican" or "Democrat" and think only of our country.

In the first week of February, 1917—12 months ago—the German ambassador was handed his passports as a result of Germany's announcement that she intended to prosecute ruthless submarine warfare against our merchant shipping in those great zones she had marked out upon the ocean. Although two months elapsed before the Congress declared, in the first week of April, 1917, that a state of war existed between the United States and the Imperial German Government, the date of the dismissal of the German ambassador must rightfully mark the commencement of our preparation for war. And the fact is that in February and March of 1917 our Government did inaugurate certain measures in the War and Navy Departments, calculated to anticipate the inevitable. Our condition of unpreparedness—and let us be entirely frank about this matter as we proceed—with respect to the Army at least, was pathetic in the extreme, when one considers the man power and the resources of the United States. We had a mere handful of men, for the most part ill equipped and organized along obsolete lines. Even for that small force there was no reserve of supplies worthy of the name. Indeed, Senators, we were so blind as to permit one of our Government rifle factories to operate much below its capacity all through the year 1916, and the other Government rifle factory to cease altogether making rifles during that period. The condition in these two factories in that period is but one example of the result of our neglect. In the broader field of industrial preparation little, if anything, of an effective nature was done. It is true that some statistics and inventories of our industrial resources had been prepared in 1916 by the advisory commission of the Council of National Defense, but that commission was without power to lay down any plan to which the Government might adhere, and, indeed, there was no department of the Government authorized by statute or otherwise to take up such work in an authoritative, definite, and constructive way. Thus, so far as the mobilization and control of industry and the creation and supplying of an Army were concerned, we were forced to start de novo.

Senators, as we look back now, we have learned, I hope, a great lesson; a lesson learned at the expense of many, many lives and millions of dollars. I am sure that we have learned that our failure to see beyond the ends of our noses has prolonged this ghastly war and postponed that day when mankind shall be released from its terrors and the future of this beloved Republic made absolutely secure. What a blessing it would have been had America possessed a merchant marine, a reserve supply of weapons and equipment, and a body of citizens trained as soldiers and sailors to use them. Let us hope that we shall never be caught this way again.

Starting with nothing, or next to nothing, we embarked at a moment's notice upon a tremendous effort, which the Committee on Military Affairs, in its hearings during the last seven weeks, has been tracing and analyzing. We have been able to cover the ground in part only. In fact, were the committee to endeavor to cover all the activities which might justify an inquiry, it could not finish its work during this session of Congress. I think no member of the committee underestimates the task which confronted the Government and the people in the spring of 1917. It was stupendous—the more so, because we had not even laid a foundation prior to that time. That great things have been done during these 12 months can not be denied—things that we can all be proud of.

Mr. President, from time to time in public statements various Government officials have pointed out some of those things which are to our credit. Perhaps I may be permitted at this time to give credit to the War Department and the Government generally for two or three of the most conspicuously creditable things, for I think this discussion should be absolutely fair and that we should analyze correctly what has been done and, if necessary, what has not been done. When one considers the mental attitude and psychological condition of the American people at the time we went into this war, then considers the revolutionary character of the selective-draft law, and then follows down and traces the operation of that law, I think one will gladly admit that the operation of that law and the working of its machinery have been a remarkable and conspicuous success, far beyond the expectations and hopes, I think, of a great majority of the men who sit in this Chamber.

It is true, as has been said by the Secretary of War, that we have collected in our cantonments and divisional encampments approximately 1,500,000 men, a great portion of them through the selective-draft system and the remainder through a volunteer system. My recollection of the last figures is—and this is something to the credit of American industry and enterprise—that the first 800,000 of those men were transported over our railroads without the loss of a life. What the record has been as regards the remaining number of the 1,500,000 men I do not know; but, in any event, taking the Army in the aggregate, the record of troop transportation, so far as the avoidance of accident and the loss of life is concerned, is one that has been remarkable.

Another thing, Mr. President, that we ought to remember at this time is that the American Army has been fed as well as, if not better than, any other army on the face of the earth during this period; and the credit for that great task, the training of soldier cooks in the quartermaster's cooking schools and in putting them to work in the cantonments in time to serve a hot meal—their first meal—to the soldiers as they arrived—the credit for that should not be denied. It is one of the things in which foresight and organizing ability were shown; and we ought to be grateful for it, and I am glad to pay tribute to the officers and men who accomplished that great feat.

That other great things have been left undone must be admitted. The credit for the things accomplished can be assigned to several individuals. The blame for the shortcomings ought not, in my judgment, to be laid upon any individual. Criticism should be directed against our system or, rather, the lack of any cohesive system.

The Committee on Military Affairs commenced its labors by an inquiry into the management and operations of some of the bureaus of the War Department. We first took up the Ordnance Bureau and endeavored to take stock, as it were, of our ordnance supplies and the progress being made toward an adequate supply.

Next we conducted an inquiry into the Quartermaster General's office. With respect to the supplies which must come as a result of the operation of the Ordnance Bureau and the Quartermaster Bureau the committee, in my judgment, discovered a distressing state of affairs. Grave differences of opinion exist upon some of the points brought out. I shall not at this time indulge in a discussion of the rifle controversy or the machine-gun controversy or the artillery program or the general shortage of ordnance supplies as brought out by our investigation into the Ordnance Bureau; nor do I intend to discuss the question of clothing supply or collateral subjects as brought out by our inquiry into the Quartermaster Bureau. The Senate and the country are reasonably familiar with the details of these matters. There were other matters, too, which were discussed in executive session—matters of the greatest importance, but of such a nature as to forbid their discussion in public.

As we proceeded, however, those of us who attended the hearings every day and listened to all the testimony became deeply impressed with the conviction that purchase and production and initial distribution of the vast amount of supplies must be essentially an industrial operation and that military men, no matter how distinguished and capable in their profession, are, with very rare exceptions, inexperienced in such matters and therefore incapable of bringing about the best results in the shortest possible time. We found also that in addition to this fundamental handicap, these supply bureaus were further handicapped, and very seriously, by a condition which springs from years of routine operation, regulated and checked, down to the last crossing of a "t" and dotting of an "i," which condition is popularly described as due to "red tape." The military channels through which a matter must proceed are so long and so tortuous, and so numerous and so minute are the formalities and departmental customs which must be followed, that exceedingly grave delays have occurred. Some of the incidents might be regarded as uproariously funny were the situation less serious. In a word, we found the machinery slow and creaking and in some important instances the engine "stalled."

The President of the United States, in a statement issued several days ago, expressed the opinion, as I remember it, that

were the Congress to repeal some of the restrictive legislation, or words to that effect, the machinery of the War Department might be liberated from unnecessary restraints. As one member of the Committee on Military Affairs, Mr. President, I hope that the administration, at the earliest possible moment, will inform the committee just what laws stand in the way of effective operation in the War Department. If there are some such laws, if there are too many checks and balances due to the existence of statutes, if they do impede our progress and make it the more difficult for us to wage this war, we should be told about them.

It is impossible for an individual Senator or a committee of the Senate to search out these matters without the guidance and assistance of the men who are endeavoring to operate under the statutes, and I take this occasion to express the hope that if such laws are now upon the statute books and are restricting our operations we shall be promptly informed, so that the Congress can come to the help of the War Department, for the Congress wants to help the War Department; and if they will point the way, we will do it.

In addition to the Army officers who appeared before us, we obtained exceedingly valuable testimony from representatives of some of our great manufacturing plants, which have received orders from the supply bureaus and are expected to turn out the weapons and equipment of the soldier in tremendous quantities. Their testimony, I believe, broadened our view of the situation and painted more vividly the great picture of industrial effort; and from it we gathered the deep impression that there was lack of comprehension of the manufacturer's problems on the part of official Washington; lack of coordination; an inability to reach prompt decisions. Many, many instances were recited to our committee, Senators, which illustrated the extreme difficulty that the manufacturer encounters when dealing with officers of the Government—instances citing the change in specifications of a given article over and over again, often by wire to the manufacturer who has already started to tool his plant to turn out the article, and apparently without any comprehension on the part of the officer who sent the telegram as to what effect that telegram changing the specifications had upon the output.

In one instance a contract had been placed for frames of motor trucks, a comparatively simple article to manufacture. The order was given, the contract made, for 2,500 of them. The manufacturer went home and started work on them. His plant was equipped for it. Within the following six weeks 36 changes were made, by telegraph or mail, in the specifications of so simple a thing as the frame of a motor truck, and the manufacturer, as I remember, testified that those changes in specifications set him back at least those six weeks and cost the concern $100,000.

Instances of that sort bear out the statement I have already made, that there is a lack of comprehension of manufacturing difficulties here in Washington in the departments of the Government, largely manned, as they were and are, by military men.

Then we had before us some of the exceedingly able civilians who were summoned to Washington just before or soon after our entrance into the war and who have devoted their time and efforts in helping the Government. Senators are acquainted with a large number of them. These men have lived close to the problem for many months; they have watched the working of the machinery at close range; they are thoroughly informed upon the situation; and they have told us about it not only in open session, but in executive session. Each and every one of them has pointed out and explained the defects which the members of the committee had begun to suspect before they appeared before us. Each of them has suggested one or more remedies, one or more improvements, and all their suggestions are in the same direction, to wit, the proper centralization of authority—an authority established preferably by statute, an authority whose decisions may be promptly reached and accepted as final.

Comment was made on the floor of the Senate yesterday afternoon as to the nature and character of the bills which the Committee on Military Affairs has in one instance reported to the calendar, and in the other instance ordered introduced, and subsequently reported. One Senator described that legislation as "stupid." I might say to that Senator and others who heard him that that legislation springs quite largely from the testimony given to the Committee on Military Affairs by men who can not be described by that Senator or any other Senator as stupid men.

We have had before us in open session Mr. Daniel Willard, the president of the Baltimore & Ohio Railroad, and at the time of his appearance the chairman of the War Industries Board. In discussing the organization of the Government for war-making purposes as existing at the time of his appearance, he expressed the hope that they would get along all right, but he pointed out what he termed a fundamental weakness—lack of authority to compel coordination.

Mr. Baruch appeared before the Committee on Military Affairs in open session; and he, too, in the most explicit terms—and he is a member of the advisory commission of the Council of National Defense—stated that we must have centralization of authority in order to compel coordination amongst the different parts of our war-making machinery.

Mr. Gifford, the director of the Council of National Defense, who probably is more familiar with this problem than any other man in Washington, and across whose desk comes all these things, for he is the director and manager of the office of the advisory commission as well as of the Council of National Defense, most explicitly stated that what we needed was a centralized authority, some authority armed by the statute.

We had before that committee the chairman of the war committee of the Chamber of Commerce of the United States, Mr. Catchings. Mr. Catchings had been the first assistant to Mr. Stettinius during the time that Mr. Stettinius was managing the purchases for Great Britain. He assisted Mr. Stettinius in that work, and they purchased something like $3,000,000,000 worth of goods in this country for Great Britain. They did it under a centralized authority. They made a tremendous success of it. It is astounding to hear him say how simple it all was, when properly organized. Mr. Catchings stated most explicitly before our committee that he and his war committee of the United States Chamber of Commerce have been working for six or seven months here in Washington—and they represent all the chambers of commerce of the United States, a large number of boards of trade and business men's organizations, aggregating 7,000 of the most prominent and successful business men of the country. For six or seven months, Senators, Mr. Catchings and his committee have been endeavoring to persuade the officials here in Washington that something must be done to centralize control and authority, and they have had conference after conference, always insisting upon that one thing in order to make America effective.

Mr. Howard Coffin, now chairman of the Aircraft Board, appeared before us and gave us a most illuminating discussion of the general industrial problem. He, too, urges centralization, particularly in planning the utilization of industry.

Senators, I submit that these men are not stupid men. I submit that they know more about this problem than any Senator on this floor. I submit that they know more about it as business men than the average Government official. They have been trained in it, and they have been watching it at close quarters for months and months; and I think I am not far from the truth, Mr. President, when I say that the legislation which the Military Affairs Committee has proposed springs in large measure from that expert testimony, from men who are utterly disinterested and have only one thought in view—the mobilization of America's industries, in support of the President and of the Government for the winning of the war.

So much for the character of the testimony that we heard; and there was much of it, some of it given in executive session which I am not at liberty to repeat, but which was exceedingly interesting.

It is apparent that these last 12 months might be properly defined as the formative period of our efforts. This great American giant has been stumbling and groping, exerting his tremendous strength, without always knowing what he was doing or where he was going. Perforce, we have had to experiment, and we have had to endure endless conferences and references from one department to another, from one official to another. We have known some of the things we have wanted to do, and we have tried to do them. We have forgotten some of the things equally important that we ought to have done, and it has been nobody's business to think of them. We have had in Washington a large number of able advisers; many of them have thought of the things which have not yet been done, but none of them have been clothed with power to do them, and few of them have been able to find an agency of the Government where a decision could be had and the work started. Several groups of distinguished men, official and unofficial, have endeavored to plan things out in advance, but it has often been the case that the plans of one group did not coordinate with the plans of another group, and there was no place in Washington where the needs of the situation and the plans to meet them could be brought together, coordinated, and settled upon. I realize full well, Senators, that some may contend that the President of the United States, the Commander in Chief of the Army and the Navy, the leader of the Nation in this war, can make all these decisions, and that there is, therefore, no need for any additional element in our war-time machinery. My contention is that, be he ever so able,

no President—no human being—can perform such a task. It is utterly impossible for one man to examine into all these intricate questions. The days and the nights are not long enough to permit of his doing such a thing. He carries, even in time of peace, a terrific burden, and to ask him to assume the task of studying and planning these tremendous, intricate, industrial, social, economic, and military undertakings is to ask the impossible.

I have described the period through which we have just passed as formative and experimental in its character. I would be content that this same state of affairs continue for a short time were I convinced that the war would end in a short time. We could probably proceed for a little while longer, and if a satisfactory end were surely in sight we would not need to concern ourselves very much with our war-making machinery. But I entertain the deep conviction that the end is not in sight; that we shall have to travel a long, hard road before we reach the goal. I feel certain that the strain will grow more and more severe as the months go by. America's effort must constantly expand; we must send more and more troops abroad; we must build more and more ships to carry them; we must grow more and more food to feed them and to feed our allies also; we must make use of an ever-increasing percentage of our mines, transportation facilities, and manufacturing facilities in order that these men may be armed to a degree surpassing the armament of our enemies; that they may be fed and clothed and cared for.

In my judgment the only way to beat the German Army is to put against it a force so superior not only in numbers, esprit, and morale, but in artillery and all the equipments of war as to eventually crush it, and there is a long, hard road for us to travel before we reach that stage. We can do it, but we must have the machinery here at home for doing it. Indeed, as I view this situation, we are only upon the threshold of this tremendous undertaking, and as time goes on it will demand of the country and absorb from the country more and more of its man power and its resources. Convinced as I am that this prospect is surely before us, I am not satisfied that we have the kind of organization and machinery that can stand the strain.

That is the only thought I have in mind upon this question—can America perform this task? I know that she can, provided we have the organization that will stand the strain.

Now, let us go back for a moment and discuss the machinery that we now have. I took the liberty a few days ago of having hung upon the walls of this Chamber some charts. I regret exceedingly that they are too small to permit of their letters being read at a distance. Perhaps I can discuss the organization as depicted on those charts in such a way as to make it reasonably plain.

In the first place, the Chart I is the chart showing the organization of the War Department itself when we went into the war and as it continued to operate during the summer and the autumn. That organization, you will see, resulted in the supply bureaus of the War Department, headed, respectively, by the Quartermaster General, the Chief of Ordnance, the Chief Signal Officer, the Chief of Engineers, and the Medical Department reporting direct to the Secretary of War and not through the General Staff. It was possible, therefore, for the five different supply bureaus in the War Department to report over the heads of the Chief of Staff and go direct to the Secretary of War and, if possible, persuade him to do what anyone of those individuals thought ought to be done. I congratulate, and the committee I think congratulates, the Secretary of War for having changed that organization and endeavored to organize the interior machinery of the War Department upon modern military lines.

The reorganization is depicted in the Chart II, which shows the War Department's bureaus divided into two groups, one group the supply bureaus and the other group the administrative bureaus, each reporting to an assistant, and those assistants reporting through the Chief of Staff to the Secretary of War. That is the organization of the War Department as it exists to-day. You will see that the five supply bureaus—Quartermaster, Ordnance, Engineers, Signal Corps, Medical Department—report to an assistant, as it is termed.

The Secretary of War explained to the committee how that was to operate. He said that Col. Pierce was to be placed in the position of assistant to compel the coordination of the five purchasing bureaus. Col. Pierce, of course, as the Senator from Nebraska [Mr. HITCHCOCK] said yesterday, is outranked by the five major generals who respectively command the five supply bureaus under him. The Secretary of War said they could easily avoid that handicap by making Col. Pierce a major general forthwith. In the press recently we have been informed that Mr. Stettinius has been appointed in some capacity to assist in the coordination of the purchasing of the War Department. It is difficult to understand just where he comes in. Probably his authority is advisory. Under the law and under military usage he can not have any authority except of an advisory nature, and it is possible and, indeed, probable, that he is the assistant of Col. Pierce.

That brings up the question of how an individual from civil life, an expert in his business, can help out the military supply operations without having authority definite and absolute. I have never had the pleasure of meeting Mr. Stettinius, have only heard of him, but if he takes advice from one humble individual he will decline to put on a uniform; for the instant he does it the consciousness of relative rank must invade his mind. He will be subject to the orders of some one else, and once again the great talents of the business man will not be exerted to their full efficiency.

The Committee on Military Affairs has proposed in the bill creating a department of munitions to have it headed by a civilian not subject to the orders of any military officer, a man who can grasp great business problems, a man clothed with authority to go out and do things and furnish the different branches of the Government with the needed supplies.

The interior reorganization of the War Department without question constituted a great improvement upon the organization that existed prior to December, but it does not meet, in my humble judgment, the real point at issue in this discussion. It affects only the War Department, and such civilians as they have summoned to assist it have not been clothed with authority to act. They are very largely performing an advisory function.

Now, the Secretary of War explained to us with a chart the general organization of the war-making machinery of the Government, not only the War Department, but all the other departments, bureaus, and commissions that have something to do with helping us win the war.

As everyone knows, at the head of the entire organization stands the President of the United States, under the Constitution and the laws our Commander in Chief. No one in his senses would propose that any other office be created to take away from the President the power that the Constitution confides in him. It can not be done. It is unthinkable.

Under him are several departments or agencies of the Government operating in compliance with the old-time statutes or through Executive orders more recently authorized by acts of Congress. Let us see what they are. I confine the list to those departments and agencies which may be properly classified as belonging to the war-making machinery. We find the War Department, the Navy Department, the Aircraft Board, the Shipping Board, the Food Administration, the Fuel Administration, the Railway Administration, the War Trade Board, and the Treasury Department, coupled with the Federal Reserve Bank System, charged with financing the war. These departments, boards, and commissions have been created in conformance with statutes enacted by the Congress. In addition, we have the Council of National Defense, composed of six Cabinet officers, with the Secretary of War as chairman, charged with the general planning and coordination of all our agencies, but utterly lacking in power to enforce its decrees. Under the Council of National Defense we have the advisory commission, composed of leaders of industry and finance, but possessing no power and performing no function but that of giving advice. We have a large number of committees and subcommittees of the advisory commission, each charged with the mobilization and organization of a particular industry, but without any power or function except that of giving advice. Out of the Council of National Defense and the advisory commission and its multitudinous committees has grown the body known as the War Industries Board, whose effort is directed toward mobilizing, organizing, and coordinating all of the resources and industries of the country for the supply of our forces on land and sea. The War Industries Board lacks power to enforce any of its arrangements. It, with all its subcommittees—and there are several—simply gives advice. Then there is a commission regulating the purchases of the allies; it, too, is without definite power. It may be that I have forgotten some of the statutory agencies and some of the advisory agencies which go to make up this vast and complicated machine. In any event, the list, as recited, is long enough. It must be apparent to every sensible man that it is utterly impossible to get any teamwork out of this conglomeration of ambitious and scattered agencies, official and unofficial, unless we create some agency that shall guide and control them all in those matters in which teamwork is essential for the accomplishment of great results.

There is not a business corporation on earth that could do business for one year's time with such an organization as we have in our war-making machinery to-day. Ask any business man; ask any man versed in the usages and customs of industry.

In discussing the organization of the Government for war-making purposes as existing at the time of his appearance, he there is, therefore, no need for any additional element in our war-time machinery. My contention is that, be he ever so able,

forthwith. In the press recently we have been informed that Mr. Stettinius has been appointed in some capacity to assist in the coordination of the purchasing of the War Department. It business for one year's time with such an organization as we have in our war-making machinery to-day. Ask any business man; ask any man versed in the usages and customs of industry.

This war, Senators, is a great industrial effort. It is a great conflict between industries, the marshaled industries of America and her allies against the marshaled industries of the Teutonic powers. Ask any man accustomed to handling great industrial problems if the organization as depicted upon this Chart III, the organization of the war-making machinery of the United States Government to-day, is a proper and efficient organization, and he is compelled to answer in the negative. It can not be done. It will do some things, of course. It will do some things well. It will do some great things, but it can not do all the things at the time when they ought to be done; it is impossible.

Now, let us see how it works or how it endeavors to work at this time. And mind you, Senators, my criticism is not directed against any individual, against any one department. This question is not one of persons. It is not one of individual bureaus or departments. It is one of organization.

The Army needs vast amounts of supplies. It purchases them through five purchasing bureaus. The Navy needs vast amounts of supplies. It purchases its supplies largely through one bureau. The Shipping Board needs a tremendous amount of material. The allies need a tremendous amount of material. The chart No. III is an exact copy of the chart given to the Committee on Military Affairs by the Secretary of War. On it are recited the War Department and its bureaus, the Navy Department and its bureaus, the Ship-Building Board, and the allied purchases. That was the picture given to us by the Secretary of War. But, Senators, the Food Administration has been forgotten, and so has the Railway Administration, each of them purchasing enormous quantities of supplies. They, too, must be coordinated. According to the system now in vogue when any one of those purchasing agents, and there are something over a dozen, makes up its mind that it wants to buy some article it proceeds to the office of the War Industries Board, and is there referred to the committee on clearances, which consists of half a dozen gentlemen who advise the purchasing officers, as they arrive, where they can buy the goods and at what price. They advise them. Then those officers go back to their respective departments and the whole effort of placing the orders and making the purchases, speeding up the industries, disciplining industry, mobilizing industry, taking care of the transportation, planning them out in advance, is scattered down through at least a dozen different governmental agencies.

Senators, you know that it can not be coordinated under any such system. When those officers reach that point where they are advised as to the place they can get their supplies and what price they shall pay, there should be the authority to compel them to take that advice. There is no centralized agency that will discipline and organize the industries of America, and discipline is part of this effort. A dozen or more purchasing agencies of the Government can not do it. They each go out

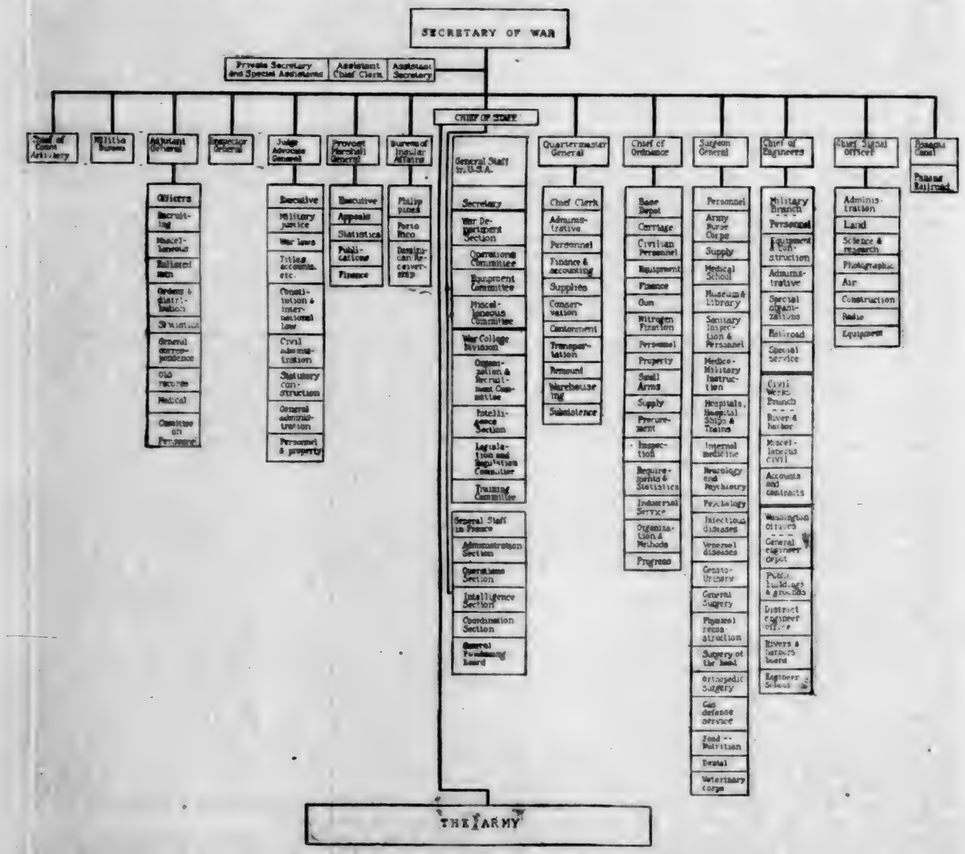

CHART I.—WAR DEPARTMENT, OLD REORGANIZATION.

and do the best they can, and they are working day and night, but there is no system to it. It is apparent to any man who looks at that chart that there is no system there.

Now, what is the proposal of the Committee on Military Affairs? Is it a new and strange proposal? Is it an experiment in government? Not at all, Mr. President. England had a purchasing system approximately like the one depicted on that chart. She had to come to a ministry of munitions. She did it in the early part of 1915. Why? Because without it she did not have the organization, she did not have the centralized authority that would make it possible for English industries to respond to the needs of the British Army and the British Navy. (See Chart IV.)

Canada at the very beginning of the war in like manner was compelled to establish a department of munitions, where authority could be centralized. I have had the pleasure of having a talk with the gentleman who organized the Canadian department of munitions. He was in Washington during the early part of the summer advising with the officials of our Government how to organize this great task of production. I am informed that he has been summoned back to Washington, and is here now. They want his advice again after an interval of several months' time. He can point out to any man who will listen the necessity for centralized authority in the mobilization of industry.

France had to come to it. They established a ministry of munitions for exactly the same reason, in order to attain efficient organization.

Senators, during the last seven or eight months this Government of ours and this people of ours have been going through exactly the same experience that the peoples of France, of England, and of Canada went through when they first went into this war. So there is nothing strange in the proposal, there is nothing revolutionary, there is nothing disturbing about it. If it is adopted in whole or in part it will not set back the wheels of machinery one day.

Now, what is the proposal? We all know that the Army needs a vast amount of steel for forgings for heavy artillery. We know that the Navy needs a vast amount of steel. We know that the Shipping Board needs a vast amount of steel. We know that the allies purchasing in this country need a vast amount of steel. The proposal of the committee, not expressed in so many words, is that in such a case the purchase of the steel for those four agencies shall be centralized in one department, so that the steel-producing industry of the country can be organized for one great purpose—can be disciplined, as it were. Is it not sensible? These departments are all buying the same thing. Why not have one man buy it and give him the authority to speed up the production, to make the proportionate allotment of the contracts in the different steel mills? The truth of the situation is to-day, there being no plan for allotting contracts and for placing Government orders, that it has been done very unevenly. Some parts of the country are overloaded with Government orders and other parts of the country have not any, and they could have had them had there been any centralized authority to plan out the distribution of the orders.

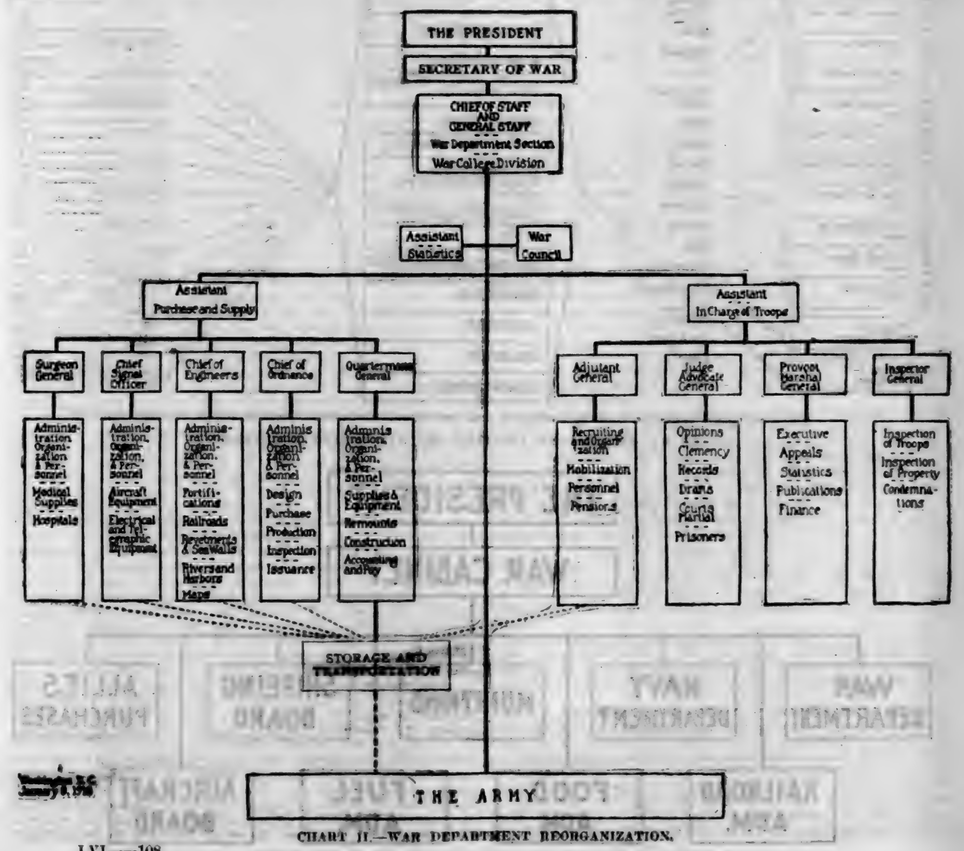

CHART II.—WAR DEPARTMENT REORGANIZATION.

Take the question of lumber. The War Department purchases an enormous amount of lumber with which to build the cantonments; the Shipping Board purchases a tremendous amount of lumber for use in the shipyards and in the building of wooden ships. I have no doubt the allies purchase lumber. I know that the Aircraft Board purchases vast amounts of lumber. Why not have the lumber purchased by one agency? Why scatter the effort? Why not organize and discipline and coordinate the lumber production? Would that set back the wheels of machinery one day if it were done? Senators, it would speed it up. We have too many agencies, all trying to do the same thing.

Take cement. The Army uses an enormous amount of cement. The Engineer Corps buys it; the Quartermaster's Department buys it; I have no doubt the Signal Corps buys cement for building operations. Undoubtedly the Shipping Board buys cement; undoubtedly the Navy buys cement; and it is probable that the allies purchase cement. Why not have one man buy it all? Is there any answer to that? Would you organize a corporation upon any other ground? I think not. So one can go all through a long list of what might be termed the principal articles, the chief articles, which we need in this great effort of war.

What does the bill propose to do? It proposes to create an agency to be known as the director of munitions, to be appointed by the President, by and with the advice and consent of the Senate. I will read just one paragraph from this bill, which will illustrate its spirit and what it means, and the reading of it is an answer to some of the criticisms that have been made against it. The bill provides for a director of munitions:

who, under the President, shall have and shall exercise, either directly or through any other agents or agencies of the Government that the President may designate for the purpose—

There is nothing compulsory about it, Senators—

full power to purchase and to provide for, supervise, and control the procurement, manufacture, transportation, and distribution of such munitions of war as the President, in furtherance of the purposes of this act, shall designate from time to time.

The bill leaves it entirely in the hands of the President to say just how far centralized purchasing shall go.

ORGANIZATION AND FUNCTIONS OF WAR INDUSTRIES BOARD

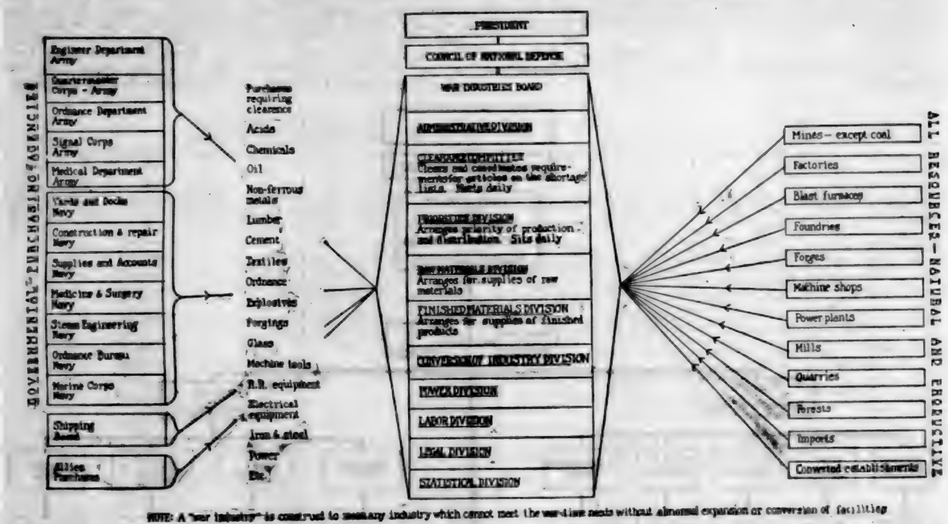

NOTE: A "war industry" is construed to mean any industry which cannot meet the war-time needs without abnormal expansion or conversion of facilities

CHART III.—PRESENT ORGANIZATION OF WAR-MAKING MACHINERY.

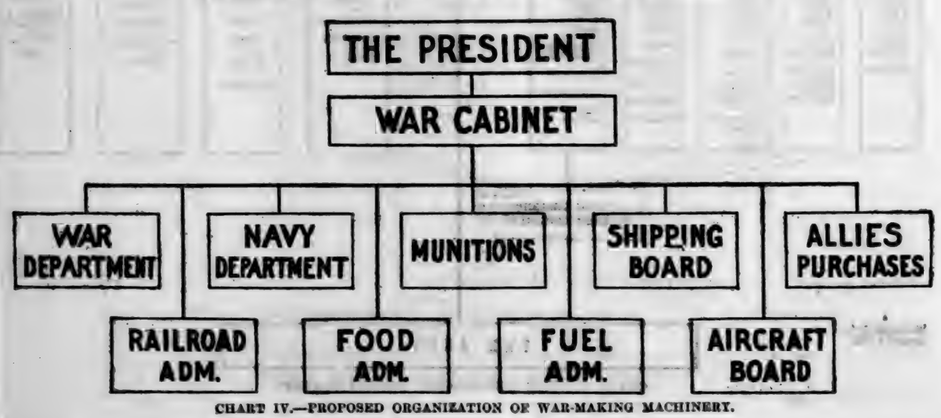

CHART IV.—PROPOSED ORGANIZATION OF WAR-MAKING MACHINERY.

The argument has been raised upon the floor of the Senate that the naval purchasing system must not be interfered with; that it is a splendid system. So it is; we all admit it. There is nothing in this bill that interferes with the Navy purchasing system, unless the President, in his wisdom, shall decide that some of the things purchased by the Navy might better be purchased by the director of munitions. Can we not trust the Secretary of the Navy and the President to see to it that the efficiency of the Navy is not injured in a matter of this kind?

There have been some rather interesting developments of this question of munition buying in other countries. The most elaborate and perhaps the most successful effort has been made in England. I do not pretend to be familiar with all of its operations by any means. I refer to the British ministry of munitions. I have learned some exceedingly interesting things about it. They established such a munitions ministry in the early part of 1915. No Englishman in his senses would advocate its abolition. Senators, it saved the British Army, because it enabled the British industries to turn out the guns and the shells for the use of that army in Flanders and in France; it enabled the British industries to supply the equipment that the British soldiers were sadly lacking; in some respects lacking just as our soldiers lack them to-day. They have gone very far in that development.

They do not purchase, as I understand, everything used by the army and the navy; they purchase the things which they can most advantageously purchase under a centralized authority; and they follow those purchases down to the last detail. I am informed that in London they have a great building filled with samples of things purchased by the British ministry of munitions; everything that is purchased has a sample or model deposited in that museum. If one implement, we will say, is purchased in two different designs, closely approximating each other, the proper official in that museum will ask, "Why are you not purchasing this thing in a uniform design instead of in two different designs?" And promptly the design is made uniform. The manufacturers can go to that museum and see before their eyes just what the Government wants; can see the article itself. They can copy it; they can discuss with the officer in charge whether or not they can make that article. It is not always sufficient to send a manufacturer some blue print of the thing you want him to make. Very often he can not tell from the blue print, except after long deliberation, whether or not his factory can turn out that article; but when he can see the article itself on the counter, as it were, and the parts of that article laid out around it, showing how it is put together, then he can tell whether or not he can make it. That is what ought to be done in the United States, and it can not be done unless you have a department of munitions. We ought to have some central place where manufacturers can go and sit down and talk business; where they can find out what is expected of them, take the orders from the Government, and go back and fill the orders. We have not anything like that to-day.

Now, let us analyze, if we can, some of the things that have happened in this country as the result of the lack of centralized planning power and the lack of a business organization. The purchasing bureaus of the Army—Ordnance, Quartermaster, Engineers, Signal Corps, and Coast Artillery—have gone out into the market and placed orders for large quantities of material. I am speaking now of things as they have occurred during the last 10 months, and really we ought to call it 12 months, because we started placing orders in February or March, 1917. The Navy Department has done the same. The commission having charge, informally, of the allies' purchases have done likewise. The Food Administration has purchased great quantities of food for shipment overseas. The Aircraft Board has purchased and shipped a large amount of finished and semifinished material. The Shipping Board has purchased vast quantities of steel and timber. The Fuel Administration has been actively in the field, with results painfully familiar to us all. Purchasing officers of these departments and bureaus have decreed priority in shipment for these goods in thousands and thousands of instances—no one of these officials having any regard for what the other officials were doing along the same line. In the eastern part of the country it has actually occurred that the goods shipped under Government priority orders vastly exceeded in amount the goods shipped for normal purposes without such orders. On one railroad line in the eastern district, for one month, 86 per cent of all the freight carried was labeled with the Government blue-tag priority order. The railways, while they remained under private control and even since they have come under governmental control have had no means of planning in advance for this tremendous traffic. There is no place in Washington for them to go to get the plan. Shipments have been crisscrossed across the country on Government blue-tag orders without the slightest regard for convenience or even for necessity. Each official, of course, was doing his best, but necessarily was running blind. An eastern railway, for example, which taps the anthracite region of Pennsylvania, has been ordered to ship a carload of anthracite coal under Government priority order to an Indian agency in Wyoming, regardless of the fact that Wyoming has its own coal fields. Pine lumber has been ordered shipped from Tonawanda, in western New York, on the banks of the Niagara River, to the Carolinas, the home of the pine tree. These are but examples, and one could multiply them almost indefinitely. Mind you, I am not attacking the individuals who did these things; in most cases they could not help it; they had no plan to go by, and they have no plan to go by this very day.

What has been the result? A hopeless jam and congestion of our railway facilities. Something has been said about the tonnage now piled up at our Atlantic coast docks. The Senator from Nebraska [Mr. HITCHCOCK] stated that 2,000,000 tons were thus piled up. The testimony that has come to me through most authoritative channels is that, of the aggregate tonnage mentioned by the Senator, 1,300,000 tons belong to France and Italy alone. Every Senator on this floor knows how France and Italy want that material; every Senator on this floor knows the conditions, particularly in Italy. Some of these supplies have been on those docks for over six months; some of them are deteriorating, and it would not be surprising if some of that material was actually out of date by this time. That is a serious thing; that is not a little, laughable incident, Senators; it is an exceedingly serious thing. The channel of supply for Italy has been blocked to that extent, and she can not fight without supplies. Why is the channel blocked? Because no one planned to keep it open. There is nobody here in Washington, as I see it, charged with the duty and the authority to plan. That is the kind of thing that has come to the Military Affairs Committee in testimony in open session and in executive session. The docks at some of our Atlantic seaports have become warehouses and a great stream of manufactured goods has overflowed the docks. In some places locomotive boilers and great piles of shells and other important material have been dumped out upon the ground and lie rusting in the winter weather. We have seen photographs of those things in the Sunday editions of the newspapers.

Thousands of cars are being used for storage purposes; they can not be handled; they are indefinitely withdrawn from the transportation systems of the country. Is any one man or any one department of the Government to blame? Not at all. The blame rests with our failure to systematize the effort. We have manufactured and shipped millions of tons of goods to the seaboard, helter-skelter, pell-mell, with little or no thought as to how we could find the dockage or the ships to transport them across the ocean. Is it strange that the railway transportation system has broken down? The use of the expression "breakdown" has been criticized, but I leave it to the frank judgment of the Senate if the transportation system of the United States has not broken down.

Let us take as a further and more specific example the coal situation. We have plenty of coal in the mines of the United States. The great problem is to distribute it to those who need it—the industries, the public utilities, the municipalities, the householders. Early in the summer of 1917 the question of the regulation of the price of coal came up. Prices at that time were exceedingly high, $5 and $6 a ton for new contracts. A prominent Cabinet officer, realizing that the price situation might become unbearable both for the Government and the public, gathered together a great meeting of coal producers. At that meeting, after a thorough discussion, in which men who had been in the business all their lives and who knew it from top to bottom participated, an agreement was reached to the effect that coal would be sold at the mouth of the mine for $3 a ton.

Mr. LODGE. For not more than $3 a ton?

Mr. WADSWORTH. For not more than $3 a ton. This price would have permitted all of the mines of the country to continue to operate; some with large profits, others with small profits.

May I digress just for a moment to discuss in a few sentences this matter of large profits in time of war as contrasted with what we are pleased to term small or reasonable profits? Apparently there is a school of thought which insists that the price of an article, if it is to be fixed by the Government, shall be fixed at such a level as to permit average or reasonable profits to be made. The men who adhere to that school of thought seem to forget, as in the case of coal mines, that some mines find it much more expensive to mine their coal than other mines,

CHART IV.—PROPOSED ORGANIZATION OF WAR-MAKING MACHINERY.

and that if the Government attempts to establish an average price, based upon the average cost of producing coal, those mines whose cost is above the average cost of production will close down. That is as plain as can be. The men who adhere to the same school of thought say, "Yes; but we must not, and will not, permit the coal mine which produces coal at the lowest cost to make exorbitant profits out of a price fixed on a level sufficiently high to protect a mine that produces at the highest cost." That is called extortion, and great flaring headlines are put in the newspapers as to what they are going to do to the coal barons, the men who indulge in extortionate robbery of the public. "We are going to put the price down where the coal barons' profits will be reasonable," but when they do it they drive out the little coal mine from production.

What is the remedy of the Government? The excess-profits tax, of course. It is perfectly plain. The price should be fixed at a level high enough to keep the small mine in operation. That price, of course, will give the big mine a profit deemed too large. But along comes the excess-profits tax and takes away from the owner of the big mine the excess part of his profits and puts the money into the Treasury. The people get the money back again; it helps pay for the war, and all the coal mines continue to operate.

Now, that was not done. Nobody planned it.

Mr. HITCHCOCK and Mr. SHERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from New York yield, and to whom?

Mr. WADSWORTH. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I will say to the Senator from New York that another very admirable plan was presented to the Secretary of War by one of the distinguished and very successful business men who have been brought to Washington, and had that plan been accepted and put into effect by Mr. Garfield, the Administrator of Fuel, undoubtedly a much improved condition would have resulted. If the Senator will permit me, I will outline it.

Mr. WADSWORTH. I shall be very glad if the Senator will do so.

Mr. HITCHCOCK. He proposed to the Secretary of War that the Government, in the case of bituminous coal especially, establish a price slightly above the cost, so as to permit a reasonable or a small profit, and take from the coal producers 25 per cent of their coal at that price, that coal to be used by the Government in Government operations, to be distributed to churches and charities, and to be used in domestic consumption by poor people who require only a few tons during the winter. He proposed that for the other 75 per cent of the product of the mines the mines be permitted to charge what the supply and demand would justify.

If that plan had been adopted all of the coal mines of the country would have been in operation, the production would have been stimulated to its utmost, the poor people would have been permitted to buy coal at the lowest price; the Government would have received its coal at the lowest price—as low, at least, as at present—and industries operating at a considerable profit alone would have been compelled to pay the price called for by supply and demand.

I fully agree with my friend the Senator from New York that the excess-profits tax is a remedy by which the unreasonable profits or the excess profits can be taken from mines making a large profit and given to the Government; but I maintain also that this other plan which was presented to the Secretary of War, if it had been carried out, would have guaranteed to the great mass of the American people who are poor the lowest possible price and an abundant supply of coal. But that plan was not accepted. It received very little attention.

Mr. THOMAS. Mr. President, may I ask the Senator from Nebraska a question?

Mr. WADSWORTH. Mr. President, I will yield to the Senator from Colorado; but in doing so let me say that I do not want to prolong my occupancy of the floor. I want to finish as soon as I get a chance.

Mr. THOMAS. If it interrupts the Senator unduly, I will not insist. I simply wanted to ask the Senator from Nebraska whether the plan which he has just outlined also included transportation and distribution?

Mr. HITCHCOCK. I am not prepared to speak on that point. It fixed the price at the mines and would have guaranteed cheap coal to the poor people and to the Government. I suppose it contemplated transportation under Government orders.

I thank the Senator.

Mr. SHERMAN. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Illinois.

Mr. SHERMAN. If it will not interrupt the continuity of the Senator's remarks, I will interpolate that in one of the principal coal-producing areas of the western country—I think as a direct result of the order that was made—30 per cent of the entire number of miners have been idle. That was before the Fuel Administration's order came to shut down.

Mr. WADSWORTH. Mr. President, I departed from my own argument a moment ago to discuss the remedy which the people have against what are termed extortionate prices, namely, the excess-profits tax, and the failure apparently on the part of some people in public life to realize that the supreme thing to be achieved in all this war effort is production. The matter of price is not so important as to have the goods. It does very little good to have eggs selling at 12 cents a dozen if there are not any eggs. It does no good to have coal at $2 a ton at the mouth of the mine if there is not enough coal; that is all.

Now, let me continue sketching what happened with respect to the coal situation.

I have said that at that meeting, attended by the coal operators, in which men participated who have been in the business all their lives and who knew it from top to bottom, an agreement was reached to the effect that coal would be sold at the mouth of the mine for not more than $3 a ton. This price would have permitted all of the mines of the country to continue to operate; some with large profits, others with small profits. The matter seemed to have been settled, and the public rejoiced at the reduction from $5 or $6 per ton down to $3 per ton. Within a few hours, however, literally within a day or two, other departments of the Government, mind you, showing the lack of coordination, speaking through their administrative heads, stepped in and announced that that price would not do; that it was excessive and extortionate; and the whole agreement was cast to the winds. Incidentally, the whole coal trade was thrown into confusion. No operator could tell what the Government intended to do with him; thousands of consumers of coal made up their minds that they were going to get coal cheaper than upon the basis of $3 per ton at the mine and postponed buying their winter supply.

That is human nature. Charts have been shown to the Committee on Military Affairs depicting the production of coal week by week and month by month through last summer and last autumn, and the charts show a distinct and severe falling off in the production of coal on the day following the refusal of the Secretary of War to agree to the $3 price. Downhill it went for weeks; and it was only later, when other measures were taken to relieve the situation, that the line on the chart showed an upward tendency. We lost that much coal at a time when it could have been transported. This condition of uncertainty existed for weeks, seriously affecting the production of coal in the United States from week to week and month by month. The production of coal sharply declined immediately following the upsetting of the $3 per ton price agreement. The small mines, hundreds of them, could not produce profitably and curtailed their operations. Later on the Fuel Administration was established, in compliance with the statute of the Congress, and there ensued long deliberation and considerable haggling over the price to be fixed by that administration. Finally it was fixed at $2 per ton, and in some instances at figures slightly in excess of that amount, and more mines closed. By that time the autumn season had overtaken us. Thousands of individuals and business concerns had postponed putting in their winter supply of coal. Coal production has decreased, and when actual winter overtook us the prices fixed by the Fuel Administration were made more liberal, and a desperate effort was made to mine and transport the coal to the points where it was needed for the winter. And, of course, the effort failed—it is failing to-day, Senators—for it is absolutely impossible for the railroads of the United States to transport, together with their other business, a sufficient amount of coal from day to day through the winter months to supply the great industrial and coal-consuming centers, such as the cities of New York, Boston, Philadelphia, and the industrial centers of New England and the Middle Atlantic States. The storms and blizzards of the winter are bound to make it impossible, and every coal operator and every railroad man has known this for years and years.

Hundreds of cars of coal strike the Jersey shore of New York Harbor, transported from the coal fields. When the coal arrives there much of it is frozen in one solid chunk in the cars, and it can not be unloaded. That is what happens in the wintertime. It has to be thawed out by steam, and you have to burn coal in order to thaw coal. It is a condition, of course, that should have been planned against. I do not blame any one man for not planning for it. You can not lay all the blame on the Fuel Administration. You can not lay it all on the Secretary of War. You can not lay it on the railroads, headed as they are now by Mr. McAdoo. Possibly we could not have evolved a machinery of

government which could have planned that early in the game; but I cite this as an illustration of what may happen to the country later on in some other matter, if we do not have some authority here in Washington to plan out the broad problems that will confront us, to help us prepare ourselves to meet the emergencies that may overtake us.

It is absolutely essential that a great proportion of the winter's coal supply be transported and put in the bins of the consumers during the summer and autumn season. There were instances where that was done. Large manufacturing plants put in thousands of tons of coal, as they have always done and as they must do in order to tide them through the winter. What kind of reception did they get when that fact became known? Great headlines in the newspapers saying, "Such-and-such a corporation is hoarding coal"; veiled threats from the Government here in Washington that that kind of practice must stop; that it was robbery of the people; when, as a matter of fact, it was really a simple precaution practiced every year for generations, a precaution that must be practiced by every great consumer of coal, or else his plant can not run through the winter.

As a result of this lack of planning—and that is all it is, a lack of planning, Senators, planning which should have been done in June, July, and August—we have great communities in the East and North starving for coal and an order issued by the Fuel Administration closing down thousands of factories and throwing out of work hundreds of thousands of men and women, costing millions of dollars in wages and delayed product, and crippling for the time being those very activities upon which we must depend for the winning of the war.

Again, on this question of planning, just let us remember how this order was put out. I am not going to discuss whether it was a wise order or not. The officers of the Aircraft Production Board testified to the Military Affairs Committee last week that they never heard of that order of the Fuel Administrator, which would close down every factory that burned coal, until the night it was published. Can you conceive of such a system, or such a lack of system, continuing in this country with any hope of being effective in war time?

Mr. President, let us picture to ourselves a great department of the Government like the Aircraft Board and the Signal Corps of the Army, working together and also with the Navy on this tremendous aviation program, involving the operation of some 450 manufacturing establishments. Without the slightest notice to that department, another department of the Government issues an order that closes all the establishments. Can we endure such a system? Can it be possible that anyone will deny that it is essentially a faulty system that permits such a thing to occur? That order was issued without the slightest notice to the gentlemen who are purchasing goods for our allies in this country; and several of the factories manufacturing goods for Great Britain and our other allies were closed down. They had no notice in advance, and it took them two or three days to get it straightened out. It took the Aircraft Board a couple of days to get it straightened out. There was no planning, no place in Washington, apparently, where those things could be thought out on a sound basis, and instructions given to the different departments and different commissions to work together; no teamwork. The situation must have been somewhat desperate, Senators, because the Official Bulletin, published by the department presided over by Mr. Creel, in its issue of January 19, published to the people and to the world a list of all the munition factories in the United States that had been made exempt under that order; and when something is said upon the floor of the Senate about giving information useful to the enemy, it might be well to suggest that the censor of the United States be censored!

Mr. President, I insist that this painful situation has resulted from an utter lack of planning, from a lack of vision. The plain fact is that we have no agency in our war Government to-day charged with the duty of projecting its vision far into the future, anticipating the emergencies which may arise, and laying the plans by which we can meet and overcome those emergencies. I have cited the coal situation as an illustration of the penalty we must pay unless we reorganize this great effort along business lines, unless we centralize somewhere in our Government the authority and power to compel coordination between all those departments, commissions, boards, and bureaus.

We can not tell to-day just what the future may hold for us. Other emergencies will overtake us, and if we are wise and prudent and farsighted we shall establish some agency in our Government, whether it be called a war cabinet or by some other name, and it matters not at all to me whether you call it a war cabinet or not. I do not even insist that it be the result of the passage of an act of Congress. If it can be done without the passage of a bill, well and good. I do not care so very much how many men are placed on it. I do not care how they are defined in the Executive order that places them on it, or how they may be defined and described in the bill establishing such a board. My only plea is that something of that sort be done, and done soon.

I think I am safe in saying that the Committee on Military Affairs have no overweening pride of authorship about this particular bill. We have listened to this testimony. We have had before us some of the most distinguished gentlemen in the United States, men who know what they are talking about.

These men have come before us and told us what was in their hearts. In many respects they expressed alarm at the present situation, not that anyone was failing to do his duty, not that anyone was unwilling to work hard day and night, but simply that the organization under which we are endeavoring to carry on the greatest industrial effort that the world has ever seen was such as to threaten failure. That is all.

I want some agency to coordinate these great efforts, some men who can sit around a council table every day, morning, noon, and night, and devote their whole time and their every ability for planning out in advance the methods of meeting and overcoming the emergencies which will confront us in the future. If we do not do this we are more than likely to have another breakdown. It may come, Senators, in some other direction; I do not know; you do not know. We know something of the breakdown to-day with respect to coal and transportation. We know what the penalty is; we know how we are suffering; we know how our efforts in this war have been handicapped, cruelly so. There were 150 ships in New York Harbor two weeks ago unable to sail because they did not have coal. Is not that a penalty? We ought to take every means within our power to prevent a repetition of any such penalty being inflicted upon us.

Senators, if we are to win this war, and we have got to win it, we can not afford to have any breakdown anywhere. The situation is always difficult. We shall always make some mistakes. We shall always be perplexed here and there. No one would minimize that possibility. We must not be blind to the possibility. We must arm ourselves against its dangers, and the nation that is forearmed against danger is the nation that will repel danger.

Mr. SMOOT. May I suggest to the Senator from New York that he ask that the diagrams be put in the RECORD in connection with his speech, because I think his speech could hardly be understood without the diagrams.

Mr. WADSWORTH. I shall endeavor to have that done.

Mr. SMOOT. Will the Senator ask unanimous consent for that purpose?

Mr. WADSWORTH. I ask unanimous consent, then, in response to the suggestion, that the diagrams upon the wall may be reproduced in the RECORD.

The PRESIDING OFFICER. Is there objection? There being none, that will be the order.

During the delivery of Mr. WADSWORTH'S speech,

The PRESIDING OFFICER. The Senator from New York will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

Mr. OVERMAN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. If there is no objection, that will be the order.

After the conclusion of Mr. WADSWORTH'S speech.

Mr. THOMAS. Mr. President, on Friday morning, after the close of the morning business, I will submit to the Senate some remarks upon the bill which has been under discussion by the Senator from New York.

In view of the temporary absence from the Chamber of the Senator from North Carolina [Mr. OVERMAN], having charge of the unfinished business, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gore	Jones, Wash.	Nelson
Beckham	Hale	Kenyon	New
Chamberlain	Hardwick	King	Norris
Culberson	Henderson	Kirby	Overman
Cummins	Hitchcock	Knox	Penrose
Curtis	Hollis	Lodge	Pittman
Fletcher	James	McCumber	Poindexter
France	Johnson, Cal.	McKellar	Pomerene
Frelinghuysen	Johnson, S. Dak.	McNary	Ransdell
Gerry	Jones, N. Mex.	Myers	Shafroth

Sheppard	Smith, Ga.	Thomas	Underwood
Sherman	Smith, S. C.	Thompson	Vardaman
Shields	Smoot	Tillman	Williams
Simmons	Stone	Townsend	Wolcott
Smith, Ariz.	Sutherland	Trammell	

Mr. CURTIS. I desire to announce the absence of the Senator from Arizona [Mr. ASHURST], the Senator from North Dakota [Mr. GRONNA], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Idaho [Mr. NUGENT] on official business.

Mr. KIRBY. I wish to announce the absence of my colleague [Mr. ROBINSON], on account of illness.

The PRESIDING OFFICER (Mr. NEW in the chair). Fifty-nine Senators have answered to their names. There is a quorum present.

SOLDIERS AND SAILORS' CIVIL RELIEF.

Mr. OVERMAN. I ask that the Senate proceed to the consideration of the unfinished business, House bill 6361.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, which had been reported from the Committee on the Judiciary with amendments.

Mr. OVERMAN. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be acted upon as they are reached in the reading.

The PRESIDING OFFICER. If there be no objection, such will be the order of the Senate. The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the Judiciary was, on page 1, line 8, before the word "military," to strike out "the," so as to make the section read:

SEC. 100. That for the purpose of enabling the United States the more successfully to prosecute and carry on the war in which it is at present engaged, protection is hereby extended to persons in military service of the United States in order to prevent prejudice or injury to their civil rights during their term of service and to enable them to devote their entire energy to the military needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the continuance of the present war.

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the words "Nurse Corps," to strike out "field clerks who have taken the oath as members of the military forces of the United States" and insert "Army field clerks; field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces or detailed for service abroad in accordance with provisions of existing law," so as to read:

SEC. 101. (1) That the term "persons in military service," as used in this act, shall include the following persons and no others: All officers and enlisted men of the Regular Army, the Regular Army Reserve, the Officers' Reserve Corps, and the Enlisted Reserve Corps; all officers and enlisted men of the National Guard and National Guard Reserve recognized by the Militia Bureau of the War Department; all forces raised under the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; all officers and enlisted men of the Navy, the Marine Corps, and the Coast Guard; all officers and enlisted men of the Naval Militia, Naval Reserve force, Marine Corps Reserve, and National Naval Volunteers recognized by the Navy Department; all officers of the Public Health Service detailed by the Secretary of the Treasury for duty either with the Army or the Navy; any of the personnel of the Lighthouse Service and of the Coast and Geodetic Survey transferred by the President to the service and jurisdiction of the War Department or of the Navy Department; members of the Nurse Corps; Army field clerks; field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces or detailed for service abroad in accordance with provisions of existing law; and members of any other body who have heretofore or may hereafter become a part of the military or naval forces of the United States.

The amendment was agreed to.

The next amendment was, on page 4, line 3, after the words "military service," to insert "or with reference to a person secondarily liable under such right"; so as to make the clause read:

(3) The term "person," as used in this act, with reference to the holder of any right alleged to exist against a person in military service or with reference to a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

Mr. WOLCOTT. I ask that this amendment may be passed over.

Mr. OVERMAN. I have no objection, Mr. President.

The PRESIDING OFFICER. No objection having been offered, the amendment will be passed over.

The next amendment was, on page 4, after line 23, to insert:

SEC. 103. Whenever, pursuant to any provision of this act, the enforcement of any payment or the performance of any act is stayed, postponed, or suspended, or the entry or enforcement of any judgment or determination is stayed, postponed, or suspended, or liable to be set aside, then, with respect to the obligation or liability of any person who may be secondarily liable by reason of such contract or obligation, including guarantors, sureties, and indorsers, during the time of such stay, postponement, or suspension, or while such judgment or determination can be set aside, on the application of the person thus secondarily liable, by leave of court, such contract or obligation shall be construed as if such payment were not due or the time for the performance of such act had not arrived, provided that any interest falling due in the meantime be paid.

Mr. WOLCOTT. I ask that this amendment may be passed over.

Mr. OVERMAN. All right.

The PRESIDING OFFICER. No objection having been offered, the amendment will be passed over.

The next amendment was, under the subhead "General relief," on page 6, line 2, after the words "made if," to insert "it appears by the affidavit filed that," so as to read:

SEC. 200. That in any action or proceeding commenced in any court if there shall be a default of an appearance by the defendant the plaintiff before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if it appears by the affidavit filed that the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest and the court shall on application make such appointment.

The amendment was agreed to.

The next amendment was, on page 8, line 1, after the words "defendant to," to strike out "comply with the judgment or order sought" and insert "conduct his defense," so as to make the section read:

SEC. 201. That at any stage thereof any action or proceeding commenced in any court against a person in military service during the period of such service or within 60 days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this act, unless, in the opinion of the court, the ability of the defendant to conduct his defense is not materially affected by reason of his military service.

The amendment was agreed to.

The next amendment was, on page 9, line 15, after the word "others," to insert: "Where the person in military service is sued as a principal or as primarily obligated for any debt or damages, along with others who are sued as surety or as secondarily liable for such debt or damages, then such others not in military service may be proceeded against to final judgment if it shall be made to appear to the court that such person primarily liable has been adjudicated a bankrupt prior to the commencement of his military service," so as to make the section read:

SEC. 204. That any stay of any action, proceeding, attachment, or execution ordered by any court under the provisions of this act may, except as otherwise provided, be ordered for the period of military service and three months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others. Where the person in military service is sued as a principal or as primarily obligated for any debt or damages, along with others who are sued as surety or as secondarily liable for such debt or damages, then such others not in military service may be proceeded against to final judgment if it shall be made to appear to the court that such person primarily liable has been adjudicated a bankrupt prior to the commencement of his military service.

Mr. OVERMAN. I ask that this amendment may be passed over, as a similar amendment went over on the request of the Senator from Delaware [Mr. WOLCOTT].

The PRESIDING OFFICER. Without objection, it is so ordered.

The next amendment was, under the subhead "Rent, installment contracts, mortgages," on page 10, line 13, after the word "occupied," to insert "solely," and in line 16, after the word "action," to insert "or proceeding," so as to make the clause read:

SEC. 300. (1) That no eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $50 per month, occupied solely for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

The amendment was agreed to.

The next amendment was, under the subhead "Insurance," on page 14, line 18, before the word "interest," to strike out "a vested" and insert "an," and in line 23, after the word "this," to strike out "act" and insert "article," so as to make the clause read:

SEC. 401. That the benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Secretary of the Treasury, and in all cases where under the terms of the contract of insurance any person other than the insured has an interest therein the consent of such other person shall be included in such application. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Bureau of War-Risk Insurance.

The amendment was agreed to.

The next amendment was, on page 15, line 5, before the word "Bureau," to strike "Second. That the" and insert "The"; in line 6, after the word "shall," to strike out "send to every person in the military service" and to insert "issue through suitable military and naval channels"; in line 7, after the word "explaining," to strike out "in simple language"; in line 8, after the word "and," to strike out "inclosing" and insert "shall furnish"; and in line 9, after the word "forms," to strike out "for the making of applications" and insert "to be distributed to those desiring to make application," so as to make the clause read:

The Bureau of War-Risk Insurance shall issue through suitable military and naval channels a notice explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits.

The amendment was agreed to.

The next amendment was, in section 402, on page 15, line 12, after the word "any," to strike out "person" and insert "insured"; in the same line, after the words "respect of," to strike out "contracts of insurance" and insert "policies"; in line 15, after the word "policies," to strike out "held by," and insert "insuring"; in line 16, after the word "such," to strike out "contracts" and insert "policies"; in line 17, after the word "were," to strike out "made" and insert "issued"; and in line 22, after the word "made," to insert "or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per cent of the cash surrender value of the policy," so as to make the section read:

SEC. 402. That the benefits of this act shall be available to any insured in military service in respect of policies in force under their terms up to but not exceeding a face value of $5,000, irrespective of the number of policies insuring such person whether in one or more companies, when such policies were issued and a premium was paid thereon before September 1, 1917; but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per cent of the cash surrender value of the policy.

The amendment was agreed to.

The next amendment was, in section 403, on page 16, line 9, after the words "respect of," to strike out "contracts of insurance" and insert "policies," so as to make the section read:

SEC. 403. That the Bureau of War Risk Insurance shall, subject to regulations, which shall be prescribed by the Secretary of the Treasury, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any applications for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402; and (3) reject any applications in respect of policies otherwise not entitled to the benefits of this article. Said bureau shall immediately notify the insurer and the insured in writing of every rejection or approval.

The amendment was agreed to.

The next amendment was, in section 404, on page 16, line 18, after the word "companies," to strike out "the Bureau of War Risk Insurance shall, in its discretion, select which of such applications shall be rejected, and where necessary for bringing" and insert "and the insured shall not in his application indicate an order of preference, the Bureau of War Risk Insurance shall reject such policies as have the inferior cash surrender value, so as to reduce"; in line 25, before the word "shall," to insert "and where necessary for this purpose," so as to make the section read:

SEC. 404. That when one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of $5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Bureau of War-Risk Insurance shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of $5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said bureau shall immediately notify the insurer and the insured in writing of such selection.

The amendment was agreed to.

The next amendment was, in section 405, on page 17, line 4, after the word "policy," to strike out "of insurance"; in line 6, after the word "and," to strike out "to"; in line 7, after the word "which," to insert "has been brought within"; and in the same line, after the word "article," to strike out "have been extended," so as to make the section read:

SEC. 405. That no policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: *Provided*, That in no case shall this prohibition extend for more than one year after the termination of the war.

The amendment was agreed to.

The next amendment was, in section 408, page 19, line 3, after the name "United States," to strike out "in" and to insert "to"; in line 4, before the word "amount," to strike out "nearest"; and in the same line, after the word "of," to strike out "round figures" and to insert "that multiple of $100 nearest," so as to read:

SEC. 408. That the Secretary of the Treasury shall, within 10 days thereafter, deliver each month to the proper officer of each insurer, bonds of the United States to the amount of that multiple of $100 nearest to the monthly difference certified in respect of each insurer.

The amendment was agreed to.

The next amendment was, in section 409, page 19, line 21, after the word "upon," to strike out the words "the value of"; and in line 22, after the word "article," to insert "subject only to any lien existing at the time the policy became subject to this act," so as to make the section read:

SEC. 409. That the bonds so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss, the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this act, and no loan or settlement shall be made by the insurer on such policy which may prejudice the security of such lien.

The amendment was agreed to.

The next amendment was, in section 603, page 27, line 24, after the word "thereafter," to insert:

Provided, That wherever under any section or provision of this act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided, the due exercise or enjoyment of which may extend beyond the period herein fixed for the termination of this act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of the proceeding, remedy, privilege, stay, limitation, accounting, or transaction aforesaid.

The amendment was agreed to.

The next amendment was, in section 604, page 28, line 10, before the word "act," to strike out "rights" and to insert "relief," so as to make the section read:

SEC. 604. That this act may be cited as the soldiers' and sailors' civil relief act.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, several Senators have advised me they would like to have this bill go over until tomorrow, not having had time to examine it. The reading of the bill having been concluded, I ask unanimous consent that it may be temporarily laid aside and that it remain the unfinished business.

The PRESIDING OFFICER. It is so ordered, without objection.

THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, and consider bills only to which there is no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

BILLS PASSED OVER.

The bill (S. 1786) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes, was announced as first in order.

Mr. SMOOT. Mr. President, at the request of a Senator who is absent I ask that that bill go over.

The PRESIDING OFFICER. The bill will go over.

The joint resolution (S. J. Res. 39) to appropriate $3,000,000 to enable the Secretary of Agriculture to prosecute the work of eradicating the southern cattle tick was announced as next in order.

Mr. SMOOT. Let that resolution go over.

The PRESIDING OFFICER. The joint resolution will go over.

The joint resolution (S. J. Res. 53) authorizing the President to appoint two additional Assistant Secretaries of Agriculture, and for other purposes, was announced as next in order.

Mr. SMOOT. Mr. President, the chairman of the Committee on Agriculture and Forestry is not present, and I understand that there is an amendment intended to be offered to this joint resolution. I therefore ask that the joint resolution may go over.

The PRESIDING OFFICER. The joint resolution will go over.

Mr. SMOOT. In order that the Senate may understand, Mr. President, that we are considering bills on the calendar, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Johnson, Cal.	Penrose	Sutherland
Chamberlain	Jones, N. Mex.	Poindexter	Thomas
Culberson	Jones, Wash.	Pomerene	Townsend
Cummins	Kenyon	Reed	Trammell
Curtis	Kirby	Shafroth	Underwood
Dillingham	Knox	Sheppard	Vardaman
France	McKellar	Sherman	Wadsworth
Gerry	McNary	Shields	Warren
Hale	Martin	Smith, Ariz.	Watson
Hardwick	New	Smith, Ga.	Williams
Hollis	Norris	Smith, S. C.	
Henderson	Overman	Smoot	

The PRESIDING OFFICER. Forty-six Senators having answered to their names, there is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. RANSDELL, Mr. STONE, Mr. THOMPSON, and Mr. WOLCOTT answered to their names when called.

Mr. PITTMAN, Mr. JAMES, Mr. BANKHEAD, Mr. STERLING, Mr. TILLMAN, and Mr. MCCUMBER entered the Chamber, and answered to their names.

The PRESIDING OFFICER. Fifty-six Senators having answered to their names, there is a quorum present.

CESSIONS OF TERRITORY BY WISCONSIN AND MINNESOTA.

The bill (S. 2180) to approve mutual cessions of territory by the States of Wisconsin and Minnesota and the consequent changes in the boundary line between said States was considered as in Committee of the Whole, and read, as follows:

Be it enacted, etc., That Congress hereby consents to and approves of the cession by the State of Wisconsin to the State of Minnesota of the following-described territory, to wit:

All that territory formerly a part of the town of Buffalo, in the county of Buffalo and State of Wisconsin, which lies northerly and westerly of the following-described line, to wit: Commencing at the point in the center line of the main channel of the Mississippi River above Island No. 72, where the center line of the channel running between Island No. 72 and Island No. 71 intersects the center line of said main channel, and running thence easterly and southeasterly along the center line of the channel between said islands and between said Island No. 72 and the main Wisconsin shore to the center line of the main channel of said river, being lot No. 3 in section No. 1, township No. 18 north, of range No. 11 west of the fourth principal meridian, and commonly known and described as Island No. 72 in the Mississippi River, duly made by the act of the Legislature of the State of Wisconsin, known as chapter 64 of the session laws of 1917, approved April 9, 1917, and assented to and accepted by the State of Minnesota by act of its legislature, known as chapter 116 of the session laws of 1917, approved March 26, 1917, an authenticated copy of which act has been duly filed in the office of the secretary of state of the State of Wisconsin and by the written acceptance of the governor of the State of Minnesota filed in the office of the secretary of state of the State of Wisconsin on the 24th day of April, 1917; and the boundary line between the said States at the location of said cession is hereby described and declared to be as follows, to wit: Commencing at the point of intersection of the center line of the main channel of the Mississippi River with the center line of the channel running between Island No. 72 and Island No. 71 and running thence easterly and southeasterly along the center line of the channel between said islands and between said Island No. 72 and the main Wisconsin shore to the center line of the main channel of said river.

SEC. 2. That Congress hereby consents to, and approves of, the cession by the State of Minnesota to the State of Wisconsin of the following-described territory, to wit:

All that territory formerly a part of the town of La Crescent, in the county of Houston and State of Minnesota, which lies easterly of the following-described line, to wit: Commencing in the northeast quarter of section No. 11, township No. 104 north, range No. 4 west of the fifth principal meridian, at the point of intersection of the center line of the west channel of the Mississippi River with the center line of the main east channel of said river and running thence southeasterly along the center line of said west channel to its intersection with the center line of said east channel of said river in the easterly part of section No. 24 in said township and range, duly made by the act of the Legislature of the State of Minnesota known as chapter 116 of the session laws of 1917, approved March 26, 1917, and assented to and accepted by the State of Wisconsin by act of its legislature known as chapter 64 of the session laws of 1917, approved April 9, 1917, an authenticated copy of which act has been duly filed in the office of the secretary of state of the State of Minnesota, and by the written acceptance of the governor of the State of Wisconsin, filed in the office of the secretary of state of the State of Minnesota on April 17, 1917; and the boundary line between the said States at the location of said cession is hereby described and declared to be the center line of the west channel of the Mississippi River beginning at the point of intersection of said center line with the center line of the main east channel of said river, in the northeast quarter of section No. 11, township No. 104 north, range No. 4 west of the fifth principal meridian, and running thence southeasterly to the point of intersection of the said center line of said west channel with the center line of the main east channel of said river, in the easterly part of section No. 24, in said township and range.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGISTRATION REGULATIONS.

The concurrent resolution (H. Con. Res. 9) authorizing the printing in one document the act to increase temporarily the Military Establishment, the registration regulations, and the proclamations of the President fixing June 5, 1917, as date of registration was announced as next in order.

Mr. SMITH of Arizona. Mr. President, I do not think that resolution ought to remain longer on the calendar. The time has passed when the printing of the documents covered by the resolution would be of any value. I do not see the necessity of expending any money in that direction now, and I therefore move that the concurrent resolution be indefinitely postponed.

The motion was agreed to.

RETIREMENT SYSTEM IN LIGHTHOUSE SERVICE.

The bill (S. 1004) to provide for the retirement of officers and employees of the Bureau of Lighthouses and the Lighthouse Service was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

That hereafter all officers and employees engaged in the field service or on vessels of the Lighthouse Service who shall have reached the age of 65 years, after having been 30 years in the active service of the Government, may, at their option, be retired from further performance of duty; and all such officers and employees who shall have reached the age of 70 years shall be compulsorily retired from further performance of duty: *Provided*, That the annual compensation of persons so retired shall be a sum equal to one-fortieth of the last annual pay received for each year of active service in the Lighthouse Service, or in a department or branch of the Government having a retirement system, not to exceed in any case thirty-fortieths of the last annual pay received: *Provided further*, That such retirement pay shall not include any amount on account of subsistence or other allowance.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for a retirement system in the Lighthouse Service."

SALARIES OF LIGHTHOUSE KEEPERS.

The bill (S. 1005) to regulate the salaries of keepers of lighthouses was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, in line 10, after the word "average," to insert the word "of," and in the same line, after the numerals "$700," to insert the words "per annum," so as to make the bill read:

Be it enacted, etc., That section 4673 of the Revised Statutes of the United States be amended to read as follows:

"SEC. 4673. The Secretary of Commerce is authorized to regulate the salaries of the respective keepers of lighthouses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of $700 per annum to each keeper; and the authority herein granted to regulate the salaries of keepers of lighthouses shall not be abridged or limited by the provisions of section 7 of the general deficiency appropriation act approved August 26, 1912, as amended by section 4 of the legislative, executive, and judicial appropriation act approved March 4, 1913."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AIDS TO NAVIGATION.

The bill (S. 993) to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments.

The first amendment was, in section 1, page 1, line 11, after the name "John," to strike out "Rogers" and insert "Rodgers," so as to make the section read:

That the Secretary of Commerce is hereby authorized to establish, provide, or improve the following aids to navigation and other works in the Lighthouse Service, under the Department of Commerce, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded:

THIRD LIGHTHOUSE DISTRICT.

Constructing or purchasing and equipping a lighthouse tender to replace the tender *John Rodgers*, worn out in service in the third lighthouse district, or in the Lighthouse Service generally, $180,000.

The amendment was agreed to.

The next amendment was, in section 4, page 3, before the word "furnishing," to strike out "That for" and insert "For," so as to make the section read:

SEC. 4. For furnishing the principal isolated light stations with telegraph, telephone, or radio communication systems, so far as funds permit, to be expended in cooperation with the Treasury Department, in connection with the coast communication system of the Coast Guard, $100,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS PASSED OVER.

The bill (S. 1725) to stimulate the production of food upon private and public lands within reclamation projects, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. It is so ordered.

The resolution (S. Res. 91) extending the authority of and provision for the committee appointed under Senate resolution 92, Sixty-third Congress, first session, to investigate the charges of alleged attempts to influence legislation was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 101) directing the Secretary of the Navy to furnish copies of the official dispatches upon which was based the statement of the chairman of the Committee on Public Information in regard to the encounter of the American fleet with submarines, together with other information about said Committee on Public Information, was announced as next in order.

Mr. SWANSON. Let that resolution go over.

The PRESIDING OFFICER. It is so ordered.

The joint resolution (S. J. Res. 25) providing for the appointment of a joint committee to be known as the joint committee on the conduct of the war was announced as next in order.

Mr. OVERMAN. Let that joint resolution go over.

The PRESIDING OFFICER. It is so ordered.

The concurrent resolution (S. Con. Res. 10) authorizing the appointment of a joint committee to investigate the causes of the recent riots in East St. Louis, Ill., and to report thereon was announced as next in order.

Mr. KENYON. Let that go over.

The PRESIDING OFFICER. It is so ordered.

The bill (S. 2717) prescribing rules for the government and regulation of the land and naval forces during the period of the existing war with Germany was announced as next in order.

Mr. HARDWICK. Let that bill go over.

The PRESIDING OFFICER. It is so ordered.

The joint resolution (S. J. Res. 2) proposing an amendment to the Constitution of the United States conferring upon women the right of suffrage was announced as next in order.

Mr. SMOOT. Let the joint resolution go over.

The PRESIDING OFFICER. It is so ordered.

The bill (S. 2854) to amend the naturalization laws was announced as next in order.

Mr. HARDWICK. May I inquire if that is the bill introduced by the Senator from New York [Mr. CALDER]?

The PRESIDING OFFICER. It is.

Mr. HARDWICK. I should not like to have that bill passed in his absence, and I therefore ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

MINING ON INDIAN RESERVATIONS.

The bill (S. 385) to authorize mining for metalliferous minerals on Indian reservations was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SMITH of Arizona. I hope the Senator from Utah will not insist on that bill going over.

Mr. SMOOT. I suggest that the bill go over, and I will confer with the Senator about it.

Mr. SMITH of Arizona. I do not know when we will take up the calendar again.

Mr. SMOOT. I have no doubt there will be ample opportunity to take up the calendar again.

Mr. SMITH of Arizona. I am extremely anxious that that bill shall pass, and, if I can do so without trespassing upon the time of the Senate, I should like to say just a word in regard to it. Perhaps the Senate is not aware that nearly 50 per cent of the land in the State of Arizona is held in reserves. This bill gives the right to mine the valuable metals on such reservations, and the benefit of it to a great extent will go to the Indians themselves. It seems perfect folly to withhold from some sort of enterprise and development these great resources that are lying unused and will lie unused for the next hundred years if some such action as this is not taken. I appeal to the Senator from Utah on the next call of the calendar not to object to the consideration of this bill. I will consent to its going over now, although I should very much like to have the bill acted upon immediately.

Mr. SMOOT. I will say to the Senator from Arizona that he is familiar with the grounds of my objection to this class of legislation. Between now and the time when the calendar is again called I will consult with the Senator and see if some kind of an amendment can not be framed upon which we can agree that will make the bill more specific, so that if it should ever be attempted in the future to point to the bill as a precedent, the bill itself will show that it could not be so considered.

Mr. SMITH of Arizona. I am in hearty sympathy with the Senator's objection to establishing a precedent looking in the direction of the leasing of the public lands of the United States, but the very title and purpose of this bill, in my opinion, take it entirely out of that line of proposed legislation.

The PRESIDING OFFICER. Objection being made, the bill will go over.

JOHN FLANIGAN.

The bill (S. 387) for the relief of John Flanigan was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to John Flanigan $300 for a team of horses lost and destroyed in a flood in 1914 while they were being used by the employees of the Indian Bureau in the survey of Indian lands in Arizona.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED CLUFF AND OTHERS.

The bill (S. 388) for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, and David Edward Adams was announced as next in order.

Mr. OVERMAN. I think that bill had better go over until the Senator who introduced it or some member of the committee is present to explain it.

The PRESIDING OFFICER. The bill will be passed over.

Mr. OVERMAN subsequently said: Mr. President, I understand that a bill similar to Senate bill 388 has heretofore passed the Senate, and I withdraw my objection to the consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of Senate bill 388?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, on page 2, line 11, before the word "to," to strike out "and," and on the same page, line 12, after the numerals "$7,500," to insert "to Mrs. M. J. Ellsworth, of Mesa City, Ariz., $2,500, and to the heirs of J. H. Frisby, late of Provo, Utah, $3,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Alfred Cluff, of Mesa, Ariz., $2,500; to Orson Cluff, of Mesa, Ariz., $3,000; to Henry E. Norton, of Pima, Ariz., $5,000; to William B. Ballard, of Pima, Ariz., $3,500; to Elijah Hancock, of Eden, Ariz., $6,000; to Mrs. Susan R. Saline, of Pima, Ariz., $6,000; to Oscar Mann, of Provo Bench, Utah, $2,500; to Celia Thayne, of Orangeville, Utah, $5,000; to William E. Cox, of Union, Utah, $2,500; to Theodore Farley, of Provo Bench, Utah, $2,500; to Adelaide Laxton, of Show Low, Ariz., $1,000; to Clara L. Tenney, of Taylor, Ariz., $5,000; to George M. Adams, of Show Low, Ariz., $3,000; to Charlotte Jensen, of Eagar, Ariz., $5,000; to Sophia Huff, of Bluewater, N. Mex., $1,500; to Peter H. McBride, of Pima, Ariz., $5,000; to David Edward Adams, of Central, Ariz., $7,500; to Mrs. M. J. Ellsworth, of Mesa City, Ariz., $2,500, and to the heirs of J. H. Frisby, late of Provo, Utah, $3,000, in full compensation for loss and damage sustained by reason of the eviction and expulsion of the persons aforesaid from lands at the place known as Forest Dale, in Apache County, Ariz., which were settled and cultivated by the parties aforesaid as part of the public domain in the year 1878, which said lands so settled upon and improved were, at the time of settlement thereon by said persons hereinbefore set out, part and parcel of the public domain and public lands of the United States of America, but thereafter, and to wit, during the year 1882, the northern boundary line of the White Mountain or San Carlos Indian Reservation was removed and extended north about 10 miles, more or less, the result of which said extension of said boundary line did cause said lands theretofore settled upon by the persons herein above mentioned and said settlement of Forest Dale to be included within and made a part and parcel of said Indian reservation, and by reason of said inclusion of said lands aforesaid and said settlement of Forest Dale aforesaid, within said Indian reservation, the persons hereinbefore mentioned were evicted; and said sums aforesaid are hereby appropriated to be used and utilized for the purpose of reimbursing the persons aforesaid for their improvements, crops, personal property, and value of appurtenances incident to the homestead rights of said persons aforesaid seized, taken, and destroyed: *Provided, however*, That the Secretary of the Treasury shall make no payment to any of the above-named persons, or to their personal representatives, for any of said losses and damages sustained by reason of the eviction and expulsion of said persons from said lands until and unless the Secretary of the Interior shall have ascertained and determined that in his opinion and judgment the amounts proposed to be paid to the said above-named persons for such loss and damage aforementioned are fair, just, equitable, and in proportion to the losses and damages sustained by the

above-named persons: *Provided further*, That none of the moneys proposed to be paid by this act shall be paid to any person other than the claimant named herein or his or her personal representative, and that no lien of any kind or nature shall be recognized by the Secretary of the Interior in making payment hereunder, and that no attorney's lien shall attach to any amount of money appropriated under this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, David Edward Adams, Mrs. M. J. Ellsworth, and the heirs of J. H. Frisby."

SUSPENSION OF PAYMENTS ON PUBLIC-LAND ENTRIES.

The bill (S. 2865) for the suspension of payments on public lands by entrymen in the military or naval service of the United States was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That if any person has made entry prior to July 1, 1917, under any of the public-land laws of the United States upon which payments are required, including the entry of ceded Indian lands, shall have enlisted or shall have been drafted into the military or naval service of the United States the time within which such payments are required shall be suspended during the period of such military or naval service.

Mr. SMOOT. I see the Senator from Montana [Mr. MYERS] is present in the Chamber, and I should like to ask the Senator if we did not pass similar legislation to this at the last session of Congress?

Mr. MYERS. No bill for this purpose has become a law. This measure was drawn by the department, and sent down with the request that it be introduced.

Mr. SMOOT. I know it is a department bill, and I am quite sure we passed a similar bill; but I am not positive whether the House passed it or whether it became a law.

Mr. MYERS. I am sure it has not become a law.

Mr. SMOOT. I presume it will not hurt to pass it again.

Mr. MYERS. The department drew the bill and asked that it be introduced; that is all I know about it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLATHEAD INDIAN RESERVATION, MONT.

The bill (S. 982) to provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Mont., was considered as in Committee of the Whole. It proposes to amend the act of April 23, 1904 (33 Stat. L., 302), entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana," and all amendments thereto, by adding thereto the following section:

SEC. 26. That the Secretary of the Interior be, and he hereby is, authorized and directed to designate as valuable for stock-watering purposes such of the unallotted and unreserved lands of the Flathead Indian Reservation which border on streams as may be subject to settlement and disposal under sections 9 and 13 of this act. Lands so designated shall be disposed of under the terms of this act, subject to the condition, which shall be expressed in all patents issued for lands so designated, that existing trails crossing said lands shall be kept open to the extent necessary to provide access for live stock to streams adjacent to said lands. The Secretary of the Interior is authorized and directed to perform all acts necessary to the enforcement of this condition.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SELECTION OF LIEU LANDS.

The bill (S. 934) authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation in said State, was considered as in Committee of the Whole. It authorizes the State of Montana to select, in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the lands withdrawn for the Huntley irrigation project and formerly within the ceded portion of the Crow Indian Reservation in Montana, other unappropriated surveyed nonmineral public lands of equal area situated within the limits of that State in the manner provided in the act approved February 28, 1891 (26 Stat. L., 796), entitled "An act to amend sections 2275 and 2276 of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes"; but such selection of lands by the State shall be a waiver of its right to the lands in section 16; and the homestead entries heretofore erroneously allowed for a portion of section 16 shall become valid, subject to future compliance with the law applicable thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CITY OF BOZEMAN, MONT.

The bill (S. 936) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to convey, by quitclaim deed, to the city of Bozeman, Mont., for the purpose of a public alley, and for no other purpose, all the right, title, and interest of the United States in and to a strip of land 10 feet in width off of the rear of the Federal building site in the city of Bozeman; but the adjacent and abutting property owners shall also quitclaim to the city a strip of land of sufficient width to create a 17½-foot alley; and the city of Bozeman shall open the alley and improve and maintain it as other public alleys of the city are improved and maintained.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CULTIVATION OF HOMESTEADS.

The bill (S. 937) to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States, relating to homesteads," was considered as in Committee of the Whole. It proposes to amend the provisions pertaining to cultivation by entrymen of homestead lands as set forth in the section of the act approved June 6, 1912, entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States, relating to homesteads," so as to read as follows:

Provided further, That the entryman shall, in order to comply with the requirements of cultivation herein provided for, cultivate not less than one-sixteenth of the area of his entry, beginning with the second year of the entry, and not less than one-eighth, beginning with the third year of the entry, and until final proof, except that in the case of entries under section 6 of the enlarged homestead law double the area of cultivation herein provided shall be required: *And provided further*, That whenever the lands entered are covered with a growth of pole, brush, and scrub timber the entryman in lieu of cultivation required herein may make improvements upon his entry by slashing, clearing, or in any other way preparing the land for cultivation, said improvements to aggregate an amount of not less than $150: *And provided further*, That the above provision as to cultivation shall not apply to entries under the act of April 28, 1904, commonly known as the Kinkaid Act, or entries under the act of June 17, 1902, commonly known as the reclamation act, and that the provisions of this section relative to the homestead period shall apply to all unperfected entries as well as entries hereafter made upon which residence is required.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 939) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. MYERS. Mr. President, I should just like to say that that bill has passed the Senate twice in exactly the same form, once during the last Congress.

Mr. SMOOT. I know it has.

The PRESIDING OFFICER. The bill will be passed over.

FORT PECK INDIAN RESERVATION, MONT.

The bill (S. 955) providing for noncontiguous homestead entries within the former Fort Peck Indian Reservation, Mont., of land of the character described in the enlarged homestead act of February 19, 1909, was considered as in Committee of the Whole. It proposes that any person who has made or shall make homestead entry subject to the provisions of the act approved May 30, 1908 (35 Stats., p. 558), entitled "An act for the survey and allotment of lands now embraced within the limits of the Fort Peck Indian Reservation, in the State of Montana," etc., of land of the character provided by the enlarged homestead act approved February 19, 1909 (35 Stats., p. 639), and who is unable, because there is no vacant land of like character contiguous to his original entry, to enter additional land, may be permitted to make an additional entry, also subject to said act of May 30, 1908, of noncontiguous land of the character described in the enlarged homestead act, above cited, which shall not, together with the original entry, exceed 320 acres; such additional entry to be in reasonably compact form and subject to the general provisions of the homestead laws relating to improvements, cultivation, and final proof, provided that the land originally entered and that covered by the additional entry shall have first been designated under the aforesaid enlarged homestead act.

Mr. SMOOT. Mr. President, I want to ask the Senator from Montana if this is not a bill to which there is an objection on the part of the department?

Mr. MYERS. No, Mr. President; the department has no objection to this bill. The bill was passed by the Senate during the last Congress. The department has no objection to it. It has never passed the House, but it passed the Senate during the last Congress.

Mr. SMOOT. I may be mistaken, Mr. President, but I understood that there was an objection by the department to the passage of this bill; and I call the Senator's attention to the fact that there is no report from the department in regard to it.

Mr. MYERS. It was reported on at the last Congress.

Mr. SMOOT. Does the Senator say that this identical bill passed at the last session of Congress?

Mr. MYERS. Oh, yes; it passed at the last session of Congress.

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COCONINO AND TUSAYAN NATIONAL FORESTS, ARIZ.

The bill (S. 389) to extend the time for cutting timber on the Coconino and Tusayan National Forests, Ariz., was considered as in Committee of the Whole. It proposes to extend the rights of the Saginaw & Manistee Lumber Co., and its successors in interest, to cut and remove the timber from such of the lands within the Coconino and Tusayan National Forests as were reconveyed to the United States, subject to outstanding timber right contracts held by said company, under the rules, regulations, and conditions imposed by the Secretary of the Interior at the time of said reconveyance, to and until the 31st day of December, anno Domini 1950, provided that said company executes and enters into an agreement with the Secretary of Agriculture to comply with such additional requirements as may be mutually agreed upon to promote forest-fire protection, reforestation, and forestry administration; but the act shall not be construed to confer upon said company any other rights in addition to those held by the company at the time of said reconveyance, and in the absence of the execution of such an agreement, the act shall neither extend nor restrict the present rights of said company.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN MONTANA.

The joint resolution (S. J. Res. 24) to permit of the disposition of certain lands in Montana ceded by the Crow Indians, was considered as in Committee of the Whole.

The Secretary read the joint resolution, as follows:

Resolved, etc., That nothing contained in section 31 of the act of March 3, 1891, entitled "An act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1892, and for other purposes," shall hereafter be so construed as to prohibit the offering at public sale of any tract of land affected thereby, which is otherwise subject to such offering, under the provisions of section 2455, United States Revised Statutes, as amended by the act of March 28, 1912 (37 Stat. L., p. 77): *Provided*, That in no order for an offering of such lands shall a minimum price be fixed less than the price therefor fixed by existing laws.

SEC. 2. That all lands not otherwise reserved that have been withdrawn or classified as coal lands, or are valuable for coal, restored to entry under the authority of the act approved April 27, 1904 (33 Stats., p. 352), entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriations to carry the same into effect," shall be subject to disposal in the same manner and under such terms and conditions as have been or may be provided for the disposition of nonmineral lands opened to entry or sale by the aforesaid act: *Provided*, That such disposals and the lands affected thereby shall be subject to all the provisions of the act approved June 22, 1910 (36 Stats., p. 583), entitled "An act to provide for agricultural entries on coal lands," hereby extended thereto.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 950) to provide for the nonmineral entry of lands withdrawn, classified, or reported as containing coal, phosphate, nitrate, potash, oil, gas, or asphaltic minerals in Alaska was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

RIGHTS TO SETTLERS ON RECLAMATION PROJECTS.

The bill (S. 44) granting additional rights to settlers on reclamation projects was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That any person otherwise qualified to enter a homestead under the laws of the United States who shall have made entry of a tract less than 160 acres within or under any reclamation project, or who, having made an entry of any area under such project, has been required to release or surrender a part thereof, that the same may conform in extent to the farm unit prescribed for such project or the part thereof embracing the land so entered by him, may make an additional homestead entry of so much land open to such entry, and not within or under any reclamation project or withdrawn in anticipation of the initiation of such, as with the land which he theretofore entered or was permitted to retain, as shall amount to 160 acres.

SEC. 2. That any person otherwise qualified to enter a homestead under the laws of the United States who shall have made entry of a tract of less than 160 acres outside of a reclamation project may make an additional entry of a farm unit subject to entry within a reclamation project of such area as added to his original entry will not exceed 160 acres.

SEC. 3. That all laws in relation to homesteads shall be applicable to such additional entries.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TIMBER FOR MINING PURPOSES.

The bill (S. 26) authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another was considered as in Committee of the Whole. It proposes that section 1 of an act entitled "An act authorizing the citizens of Colorado, Nevada, and the Territories to fell and remove timber on the public domain for mining and domestic purposes," approved June 3, 1878, chapter 150, page 88, volume 20, United States Statutes at Large, and section 8 of an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, and the several acts amendatory thereof, be extended so that it shall be lawful for the Secretary of the Interior to grant permits to corporations incorporated under a Federal law of the United States or incorporated under the laws of a State or Territory of the United States, other than the State in which the privilege is requested, said permits to confer the same rights and benefits upon such corporations as are conferred by the aforesaid acts upon corporations incorporated in the State in which the privilege is to be exercised, provided that all such corporations shall first have complied with the laws of that State so as to entitle them to do business therein; but nothing herein shall operate to enlarge the rights of any railway company to cut timber on the public domain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 23) granting to the State of Nevada 7,000,000 acres of land in said State for the use and benefit of the public schools of Nevada and the State university of the State of Nevada was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

ROCKY MOUNTAIN NATIONAL PARK.

The bill (S. 1555) to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes, approved January 26, 1915, was announced as next in order.

Mr. SMOOT. I think that bill had better go over.

Mr. SHAFROTH. Mr. President, I hope the Senator will not object to the consideration of the bill. It passed the Senate at the last Congress, and the provision repealed is one that is not proper in a bill of this kind. The passage of the bill is recommended by the Secretary of the Interior, and it seems to me we ought to pass it.

Mr. SMOOT. I shall not object, although I will say to the Senator that I am not in favor of this legislation, because in the act creating the park there is a limitation of a certain amount on the sum which may be expended annually for the maintenance of the park. This bill simply repeals the limitation, so that hereafter the appropriations can be $100,000 annually, or any other sum, instead of $10,000. But I am not going to object, the Senate having passed the bill.

Mr. SHAFROTH. Mr. President, in answer to the remarks of the Senator from Utah I will say that this limitation of $10,000 is perfectly ridiculous in this case. A limitation of $10,000 in the case of a park that gets more visitors than any other three national parks in the entire United States is not sufficient, as a matter of fact, to pay for patrolling the park, let alone the various other expenditures that are necessary. The question of appropriations for the park will come before the Appropriations Committee when they are needed, but it seems to me the bill ought to pass.

appropriated for other purposes"; but such selection of lands by the State shall be a waiver of its right to the lands in section have first been designated under the aforesaid enlarged homestead act.

The bill (S. 44) granting additional rights to irrigation projects was considered as in Committee of the Whole.

to me the bill ought to pass.

Mr. SMOOT. In answer to the Senator I will say that the bill establishing the park would not have passed originally if it had provided for an annual expenditure of more than $10,000. The presence of that limitation in the bill was one of the reasons for its passage. As I say, however, I am not going to object to the consideration of the bill at this time, it having passed the Senate once before.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It repeals the last proviso of section 4 of an act entitled "An act to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes," approved January 26, 1915, which is as follows:

Provided, That no appropriation for the maintenance, supervision, or improvement of said park in excess of $10,000 annually shall be made unless the same shall have first been expressly authorized by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONSOLIDATION OF NATIONAL FOREST LANDS.

The bill (S. 93) to consolidate national forest lands, was announced as next in order.

Mr. POINDEXTER. Let that bill go over, Mr. President.

Mr. MYERS. Mr. President, I appeal to the Senator who objected to the consideration of the bill to let it be read and see if there is any objection to it. It is greatly needed, I think.

Mr. SMOOT. Mr. President, I will say that the bill was sent to me by the Secretary of the Interior with the request that I introduce it. I introduced it at the last session of Congress, and it was passed. The object of the bill is to allow the consolidation of lands within forest reserves, so that the administration of the forests will be better attended to than it has been in the past, and it will do away with the many individual bills for the transfer of lands within forest reserves for the same purpose.

Mr. MYERS. The bill was very fully considered in committee, and I hope the objection will be withdrawn.

Mr. STERLING. Mr. President, in looking over the report of the committee in regard to this bill I find a letter from the Secretary of the Interior recommending certain amendments. I will ask the Senator from Utah if that suggestion of the Secretary of the Interior has been followed?

Mr. SMOOT. I will say to the Senator that the letter from the Secretary of the Interior was dated May 18, 1916, and the clerk of the committee has put in that letter without noting that the amendments suggested were made in the bill as it has been reported.

Mr. MYERS. The amendments were made. I called attention to them myself and had them made.

Mr. POINDEXTER. Mr. President, I will say that the letter from the Secretary of the Interior set out in the report states that he sees no reason for the passage of the bill, so evidently he is not very much interested in it. I will look into it, however, and take it up at another time.

Mr. SMOOT. He asks that the bill be referred to the Secretary of Agriculture, as of course the forest reserves are under that department, and if the Senator will turn over the page he will find a letter from the Acting Secretary of Agriculture stating that the department would approve the passage of the bill.

Mr. POINDEXTER. I have examined it.

The PRESIDING OFFICER. Does the Senator from Washington insist upon his objection?

Mr. POINDEXTER. I do.

The PRESIDING OFFICER. The bill will be passed over.

AGRICULTURAL ENTRIES ON ALASKAN COAL LANDS.

The bill (S. 95) to provide for agricultural entries on coal lands in Alaska was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act homestead claims may be initiated by actual settlers for public lands of the United States in Alaska known to contain workable coal, oil, or gas deposits, or that may be valuable for the coal, oil, or gas contained therein, and which are not otherwise reserved or withdrawn, whenever such claim shall be initiated with a view of obtaining or passing title with a reservation to the United States of the coal, oil, or gas in such lands, and of the right to prospect for, mine, and remove the same; and any settler who has initiated a homestead claim in good faith on lands containing workable deposits of coal, oil, or gas, or that may be valuable for the coal, oil, or gas contained therein, may perfect the same under the provisions of the laws under which the claim was initiated, but shall receive the limited patent provided for in this act: *Provided, however*, That should it be discovered at any time prior to the issuance of a final certificate on any claim initiated for unreserved lands in Alaska that the lands are coal, oil, or gas in character, the patent issued on such entry shall contain the reservation required by this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the entry is made and of this act the entryman shall be entitled to a patent to the lands entered by him, which patent shall contain a reservation to the United States of all the coal, oil, or gas in the land so patented, together with the right to prospect for, mine, and remove the same. The coal, oil, or gas deposits so reserved shall be subject to disposal by the United States in accordance with the provisions of the laws applicable to coal, oil, or gas deposits or coal, oil, or gas lands in Alaska in force at the time of such disposal. Any person qualified to acquire coal, oil, or gas deposits, or the right to mine and remove the coal or to drill for and remove the oil or gas under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by the provisions of this act, for the purpose of prospecting for coal, oil, or gas therein, upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting. Any person who has acquired from the United States the coal, oil, or gas deposits in any such land, or the right to mine, drill for, or remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the coal, oil, or gas therefrom, and mine and remove the coal or drill for and remove the oil or gas upon payment of the damages caused thereby to the owner thereof, or upon giving a good and sufficient bond or undertaking in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That the owner under such limited patent shall have the right to mine the coal for use on the land for domestic purposes at any time prior to the disposal by the United States of the coal deposits: *Provided further*, That nothing in this act shall be construed as authorizing the exploration upon or entry of any coal deposits withdrawn from such exploration and purchase: *And provided further*, That nothing herein contained shall be held or construed to authorize the entry or disposition of withdrawn or classified coal lands or lands valuable for coal, oil, or gas under section 2306, United States Revised Statutes, or acts amendatory thereof or supplemental thereto, commonly known as soldiers' homestead law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGISTERS AND RECEIVERS OF DISTRICT LAND OFFICES.

The bill (S. 102) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices was considered as in Committee of the Whole. It authorizes the Secretary of the Interior, in case of the death, resignation, or refusal or inability to act of any register or receiver of any distict land office, to designate some employee of his department to perform the duties of such officer until the disability of such officer is removed or his successor is appointed and qualified, provided that the person so designated shall receive the same compensation as would be allowed to a regularly appointed register or receiver while so acting.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS TO MEMBERS OF FORMER LIFE-SAVING SERVICE.

The bill (S. 352) granting pensions to certain members of the former Life-Saving Service was considered as in Committee of the Whole. It provides that any person who served in the former Life-Saving Service of the United States as a keeper or surfman, and who, on account of disability due to a wound or injury received or disease contracted in said Life-Saving Service in line of duty, has been or is entitled to be carried on the pay rolls for a period of one year or more under the provisions of section 7 of the act approved May 4, 1882, and who ceased to be a member of said service on account of such disability, and whose disability still continues, shall, upon making due proof of such facts according to such rules and regulations as the Secretary of the Interior may prescribe, be placed on the pension roll of the United States and be entitled to receive a pension, provided that the rate, commencement, and duration of such pension shall be governed by the provisions and limitations of the general pension laws, and for the purpose of this act the rank of a surfman and keeper shall be held to be equivalent to that of a seaman and warrant officer of the United States Navy, respectively; provided further that no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXTENSION OF WORK OF PUBLIC HEALTH SERVICE.

The bill (S. 994) extending the benefits of care and treatment by the Public Health Service to seamen on vessels used in the service of the United States was considered as in Committee of the Whole. It provides that the seamen on all vessels belonging to and used in the service of the United States, or any department or branch thereof, whose care and medical treatment are not otherwise provided for by the Government, shall be entitled to such privileges of care and treatment by the Public Health Service as are now accorded to the seamen on documented vessels of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PORT WASHINGTON PIERHEAD LIGHT STATION, WIS.

The bill (S. 1462) to establish a fog signal at the Port Washington Pierhead Light Station, Wis., was considered as in Committee of the Whole. It authorizes the Secretary of Commerce to establish a fog signal at the Port Washington Pierhead Light Station, Wis., at a cost not to exceed $4,000, which sum is appropriated by the bill out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AIDS TO NAVIGATION.

The bill (S. 1463) to establish aids to navigation at Fond du Lac Harbor, Wis., was considered as in Committee of the Whole. It authorizes the Secretary of Commerce to establish aids to navigation at Fond du Lac Harbor, Wis., at a cost not to exceed $5,000, which sum is appropriated by the bill out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EIGHT-YEAR LIMITATION ON RATIFICATION OF CONSTITUTIONAL AMENDMENTS.

The joint resolution (S. J. Res. 90) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. STERLING. Let that go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

HOMESTEAD ENTRIES BY MINORS.

The bill (S. 1849) permitting minors of the age of 18 years or over to make homestead entry of the public lands of the United States, was considered as in Committee of the Whole. It proposes that any minor of the age of 18 years or over, and otherwise qualified under the public-land laws, shall be permitted to make homestead entry, under and subject to the homestead laws of the United States, provided that no minor shall be permitted to make final proof upon such an entry or receive patent therefor until he or she shall have attained the age of 21 years; and provided further that such entryman shall comply with all the requirements of the homestead laws as to cultivation and improvement of the land entered.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3389) to amend the emergency shipping-fund provisions of the urgent deficiency appropriation act approved June 30, 1917, so as to empower the President and his designated agents to take over certain transportation systems for the transportation of shipyard and plant employees, and for other purposes, was announced as next in order.

Mr. SMOOT. I will ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SIGNING OF OFFICIAL PAPERS OF INTERIOR DEPARTMENT.

The joint resolution (S. J. Res. 104) authorizing the assistant to the Secretary of the Interior to sign official papers and documents was considered as in Committee of the Whole. It authorizes the assistant to the Secretary of the Interior to sign such official papers and documents as the Secretary may direct.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLATHEAD INDIAN RESERVATION, MONT.

The bill (S. 940) to provide for the payment for certain lands within the former Flathead Indian Reservation, in the State of Montana, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That in all cases where lands within the former Flathead Indian Reservation which were classified and appraised during the years 1912 and 1913 by the commission appointed for that purpose under authority of the act of June 23, 1910, have been appraised at an amount in excess of the amount at which similar lands were appraised by the Flathead Commission of 1907 and 1908, persons who have between August 26, 1910 and June 14, 1911, settled upon, or between said dates filed applications to enter, such lands, and which applications have been or may hereafter be allowed, shall not be required to pay more for the lands so settled upon or entered by them than the highest amount specified by the Flathead Commission of 1907 and 1908 for lands of like character and similar classification.

SEC. 2. That in all cases where patents shall be issued for land paid for under the foregoing sections of this act there shall be transferred, from any funds belonging to the United States not otherwise appropriated, to the credit of the Indians for whose benefit such lands are disposed of, such an amount as shall equal the difference between the amount so paid under said sections and the amount at which the lands so paid for have been appraised or reappraised by the commission of 1912 and 1913.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALBERT O. BROWN.

The bill (S. 2886) for the relief of Albert O. Brown was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Interior to allow the homestead application of Albert O. Brown, Phoenix 033328, for the southeast quarter section 17, township 1 south, range 2 east, Gila and Salt River meridian, subject to the reclamation law, and to allow said entryman, in complying with the requirements of the homestead laws, credit for his residence upon and cultivation of said land prior to the date of the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. G. SEUPELT.

The bill (S. 1084) for the relief of J. G. Seupelt was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands, with amendments, on page 1, line 5, after the word "price," to strike out "to be determined in such manner as the Secretary of the Interior may prescribe," and, on page 2, line 6, after the words "after the," to strike out "date of the approval of this act or within 90 days after appraisal if not appraised prior to the passage of this act," and insert "execution and acceptance of the survey of the island," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to permit one J. G. Seupelt to enter under the homestead laws, at the appraised price a certain unsurveyed island in the Colville Indian Reservation, Wash., known as "Hog Island," containing about 152 acres, located in the Columbia River, and within sections 26 and 35, township 30 north, range 36 east, of the Willamette meridian, in the State of Washington: *Provided*, That proceeds arising hereunder shall be subject to the provisions of section 6 of the act of March 22, 1906, volume 34, United States Statutes at Large, page 81: *Provided further*, That the right of entry by the said Seupelt shall be exercised within 90 days after the execution and acceptance of the survey of the island: *And provided further*, That the land hereby disposed of shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, until otherwise provided by Congress.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCES MACK MANN.

The bill (S. 2487) permitting Frances Mack Mann to purchase certain public lands, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 12, after the word "acres," to insert "in the State of Colorado," so as to make the bill read:

Be it enacted, etc., That Frances Mack Mann be permitted to purchase lot 11, comprising 3.71 acres; lot 12, comprising 1.58 acres; lot 13, comprising 28.38 acres; lot 16, comprising 39.67 acres, all situate in the east half of the northwest quarter of section 6, township 2 south, range 72 west of the sixth principal meridian, containing 73.33 acres, in the State of Colorado, at $1.50 per acre.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 3311) to increase and expedite the supply of munitions of war was announced as next in order.

Mr. MARTIN. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF CRIMINAL CODE.

The bill (S. 3470) to amend section 35 of the Criminal Code of the United States was considered as in Committee of the Whole. It proposes to amend section 35 of the Criminal Code of the United States, to read as follows:

SEC. 35. And whoever shall purchase, or receive in pledge, from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States, under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law, shall be fined not more than $500 and imprisoned not more than two years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FURLOUGHS TO ENLISTED MEN OF THE ARMY.

The bill (S. 3471) to authorize the Secretary of War to grant furloughs without pay and allowances to enlisted men of the Army of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 3, after the word "whenever," to insert "during the continuance of the present war," so as to make the bill read:

Be it enacted, etc., That, whenever during the continuance of the present war, in the opinion of the Secretary of War the interests of the service or the national security and defense render it necessary or desirable, the Secretary of War be, and he hereby is, authorized to grant furloughs to enlisted men of the Army of the United States with or without pay and allowances or with partial pay and allowances, and, for such periods as he may designate, to permit said enlisted men to engage in civil occupations and pursuits.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTINCTIVE BADGES FOR EXEMPTED MEN.

The bill (S. 3472) to authorize the Secretary of War to provide and issue distinctive buttons or badges to men drafted or volunteering for enlistment in the military forces who are exempted or rejected, and to provide a penalty for unlawfully wearing, procuring, or manufacturing the same, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 4, after the word "issue," to insert "upon payment of a reasonable charge therefor"; on page 2, line 6, after the word "persons," to strike out "without charge therefor" and insert "upon payment of a like charge"; in line 11, after the word "issued," to strike out "and" and insert "said charge being intended"; and in line 12, after the word "same," to strike out "out of any appropriations heretofore or hereafter made for expenses incident to or necessary for the registration, selection, or draft of persons available for military service," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to provide and issue, upon payment of a reasonable charge therefor, to all men who, under the provisions of an act to authorize the President to increase temporarily the Military Establishment of the United States, approved May 18, 1917, or of any law hereafter enacted, have heretofore been or shall hereafter be, drafted into the military service but subsequently exempted therefrom, or who heretofore or hereafter having volunteered for military service shall have been or shall be rejected for any cause, a distinctive button or badge of such design, size, and composition as he shall determine and adopt, and to cause a new button or badge to be issued to such persons upon payment of a like charge whenever during the present emergency the button or badge originally issued shall have been lost, destroyed, or rendered unfit for use without fault upon the part of the person to whom it was issued, said charge being intended to meet the cost of procuring, providing, and distributing the same.

SEC. 2. That it shall be unlawful for any person other than the one who has been drafted and exempted or who has volunteered and been rejected, as aforesaid, to wear said button or badge, or other button or badge approximating the design thereof, or for any person by misrepresentation to procure the issuance of either an original or substitute button or badge, or for any person, partnership, association, or corporation without the authority of the Secretary of War therefor to manufacture said button or badge or other button or badge approximating the design thereof; and any person, partnership, association, or corporation who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both such fine and imprisonment.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF NATIONAL-DEFENSE ACT.

The bill (S. 3526) to amend section 11 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 11 of chapter 134, 39th Statutes, page 173, be, and the same hereby is, amended to read as follows:

"The Corps of Engineers shall consist of 1 Chief of Engineers, with the rank of brigadier general; 23 colonels; 30 lieutenant colonels; 72 majors; 152 captains; 148 first lieutenants; 79 second lieutenants; and the enlisted men hereinafter enumerated. The Engineer troops of the Corps of Engineers shall consists of seven regiments and two mounted battalions."

SEC. 2. That the second paragraph of section 11 of chapter 134, 39th Statutes, page 173, be, and the same hereby is, amended to read as follows:

"Each regiment of Engineers shall consist of 1 colonel; 1 lieutenant colonel; 2 majors; 11 captains; 12 first lieutenants; 6 second lieutenants; 2 master engineers, senior grade; 1 regimental sergeant major; 2 regimental supply sergeants; 2 color sergeants; 1 sergeant bugler; 1 cook; 1 wagoner for each authorized wagon of the field and combat train; 1 band; and 2 battalions."

SEC. 3. That the fourth paragraph of section 11 of chapter 134, 39th Statutes, page 174, be, and the same hereby is, amended to read as follows:

"Each band of a regiment of Engineers shall consist of 1 band leader; 1 assistant band leader; 1 first sergeant (drum major); 2 band sergeants; 4 band corporals; 2 musicians, first class; 4 musicians, second class; 13 musicians, third class; and 2 cooks."

Mr. CHAMBERLAIN. Mr. President, I desire to suggest two amendments to this bill. They are indicated in a copy of the bill which I am sending to the desk, so that the Secretary will be able to note what the amendments are. I found out, after the committee had reported the bill, that it overlooked an amendment to the statutes which was made in the war-risk insurance bill. The proposed amendments are to make the bill conform to the law as it now stands.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. On page 1, line 3, before the word "first," it is proposed to insert the words "last sentence of the," so that, if amended, it will read:

That the last sentence of the first paragraph.

The amendment was agreed to.

The SECRETARY. It is also proposed to strike out, on page 1, lines 7, 8, 9, and 10, and on page 2, lines 1, 2, 3, and 4, down to and including the word "enumerated," in the following words:

The Corps of Engineers shall consist of 1 Chief of Engineers, with the rank of brigadier general; 23 colonels; 30 lieutenant colonels; 72 majors; 152 captains; 148 first lieutenants; 79 second lieutenants; and the enlisted men hereinafter enumerated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOINT RESOLUTION PASSED OVER.

The joint resolution (S. J. Res. 49) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The PRESIDING OFFICER. The bill will be passed over.

LANDS IN MONTANA.

The bill (S. 935) for the relief of settlers on certain railroad lands in Montana, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 7, before the words "public lands" to insert the word "surveyed," so as to make the bill read:

Be it enacted, etc., That in the adjustment of the grants to the Northern Pacific Railroad Co., if any of the lands within the indemnity limits of said grants through that portion of the former reservation for the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Indians lying south of the Missouri River in the State of Montana be found in possession of an actual bona fide qualified settler under the homestead laws of the United States who has made substantial improvements thereon and such land has been adjudged by the Secretary of the Interior to inure to the Northern Pacific Railway Co. under the grants made to its predecessor in interest, the Northern Pacific Railroad Co., the Northern Pacific Railway Co. upon request of the Secretary of the Interior may file a relinquishment of said lands in favor of the settler and shall then be entitled to select an equal quantity of other lands in lieu thereof from any of the surveyed public lands within the State of Montana, not mineral and not otherwise appropriated at the date of selection, to which it shall receive title the same as though originally granted: *Provided, however*, That lands withdrawn or classified as coal lands may be selected by said company, and as to such lands it shall receive a restricted patent as provided by the act of June 22, 1910.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONDEMNED CANNON FOR EVERETT, WASH.

The bill (S. 302) authorizing the Secretary of the Navy to make donation of condemned naval guns and cannon balls to the John Wannebo Camp, No. 9, United Spanish War Veterans, Everett, Wash., to be placed in public parks, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to supply to John Wannebo Camp, No. 9, United Spanish War Veterans, Everett, Wash., two condemned naval guns formerly in use on board a vessel under the command of Admiral Dewey engaged in the Battle of Manila Bay, together with an assortment of cannon balls, same to be placed in a public park of the said city of Everett.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMENTS TO ADMIRAL CAPERTON AND OTHERS.

The bill (S. 3446) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes," approved March 4, 1917, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to pay out of the appropriation "Pay, miscellaneous," in the "Act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes," approved March 4, 1917, to the following-named officers, the officers at the time the expenses were incurred having the designated ranks, the amounts set opposite their respective names, said sums being the amounts expended by these officers for quarters and subsistence while absent from their ships on special temporary duty under proper orders in connection with the salvage operations of the United States ships *H-3* and *Milwaukee*: Admiral William B. Caperton, United States Navy, $32; Pay Inspector Joseph Fife, United States Navy, $32; Maj. Richard M. Cutts, United States Marine Corps, $7; Lieut. Augustin T. Beauregard, United States Navy, $32; Lieut. (Junior Grade) Howard M. Lammers, United States Navy, $31.50.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRED C. KONRAD.

The bill (S. 179) to correct the naval record of Fred C. Konrad was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, to strike out all after the enacting clause and insert:

That Fred C. Konrad, formerly an electrician, first class, in the United States Navy, shall receive the benefits conferred by section 1754 of the Revised Statutes of the United States, relative to preference for appointment to civil offices, in the same manner and to the same extent as if he had been honorably discharged from the naval service by reason of sickness incurred in the line of duty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Fred C. Konrad."

ADJUDICATION OF PRIVATE CLAIMS.

The bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The PRESIDING OFFICER. Objection being made, the bill goes over.

LANDS AT M'MINNVILLE, OREG.

The bill (S. 2784) to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OREGON NATIONAL FOREST.

The bill (S. 3225) to reserve as a part of the Oregon National Forest certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co. against the United States, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That all of the land contained within the grant by the United States to the Oregon & California Railroad Co. that was revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of Oregon & California Railroad Co. v. United States (238 U. S., 393), and an act of Congress approved June 9, 1916, that lies within that part of the Oregon National Forest that is described in the proclamation of the President under date of June 17, 1892, and designated as Bull Run National Forest, be, and the same hereby is, reserved and set aside as a part of the Oregon National Forest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DESERT-LAND ENTRIES.

The bill (S. 2315) to extend the time within which final proof is required to be submitted upon any lawful pending desert-land entry made prior to July 1, 1915, such extension not to exceed three years from the date of allowance thereof, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Public Lands with an amendment, on page 2, line 3, before the word "act," to strike out "the" and insert "this," so as to make the bill read:

Be it enacted, etc., That the provisions of the last three paragraphs of section 5 of the act of March 4, 1915, entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915, and for prior years, and for other purposes," be, and the same are hereby, extended and made applicable to any lawful pending desert-land entry made prior to March 4, 1915: *Provided*, That in cases where such entries have been assigned prior to the date of this act the assignees shall, if otherwise qualified, be entitled to the benefits hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXCHANGE OF LANDS IN UTAH.

The bill (S. 97) authorizing the exchange of certain lands in the State of Utah for the protection of the water supply of Salt Lake City was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to the Gray Trust Co., incorporated under the laws of the State of Utah, for the following described lands: West half northwest quarter, southeast quarter northwest quarter, southwest quarter, west half northeast quarter, west half southeast quarter, section 22, township 1 north, range 2 east, Salt Lake meridian, containing 440 acres, upon the transfer by the said Gray Trust Co. to the United States of the southeast quarter, east half southwest quarter, southwest quarter southwest quarter, section 36, township 1 north, range 2 east, and northeast quarter, section 2, township 1 south, range 2 east, Salt Lake meridian, containing 440 acres: *Provided*, That the Attorney General of the United States shall certify that a good and sufficient title to the reconveyed lands will vest in the Government: *Provided further*, That the lands reconveyed to the United States shall forthwith become a part of the Wasatch National Forest.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IRRIGATION AND RECLAMATION.

The bill (S. 94) to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133), was considered as in Committee of the Whole, and the bill was read, as follows:

Be it enacted, etc., That section 3 of the act of Congress approved March 3, 1901 (31 Stat. L., p. 1133), be, and the same is hereby, amended to read as follows:

"That section 4 of the act of August 18, 1894, entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes,' be, and the same is hereby, amended so that the 10-year period within which any State shall cause the lands applied for under said act to be irrigated and reclaimed, as provided in said section, as amended by the act of June 11, 1896, shall begin to run from the date of approval by the Secretary of the Interior of the State's application for the segregation of such lands; and if actual construction of reclamation works is not begun within three years after the segregation of the lands or within such further period as shall be allowed by the Secretary of the Interior, the said Secretary of the Interior in his discretion may restore such lands to the public domain; and if the State fails, within 10 years from the date of such segregation, to cause the whole or any part of the lands so segregated to be so irrigated and reclaimed, the Secretary of the Interior may in his discretion continue said segregation for a period not exceeding five years, or may, in his discretion, restore such lands to the public domain upon the expiration of the 10-year period, or of any extension thereof."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

E. D. PARTRIDGE.

The bill (S. 92) to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to E. D. Partridge was considered as in Committee of the Whole. It proposes, upon the payment of $1.25 per acre, to cause patent to issue to E. D. Partridge for the following-described lands in the State of Utah: The northwest quarter of the southeast quarter, the east half of the southwest quarter, and the northwest quarter of the southwest quarter, section 5, township 6 south, range 3 east, Salt Lake meridian.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SEVIER NATIONAL FOREST LANDS.

The bill (S. 2981) for the relief of Thomas Sevy was considered as in Committee of the Whole, and the bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized, in his discretion, to accept title to the following described lands, either in whole or in part, upon certification by the Secretary of Agriculture that the lands are chiefly valuable for national forest purposes and approximately equal in value to the lands to be given in exchange therefor: The east half of section 32; the north half of the

Corps of Engineers shall consists of seven regiments and two mounted battalions."

northwest quarter and the south half of the southwest quarter of section 32, township 35 south, range 4 west of Salt Lake base and meridian, situate in the Sevier National Forest; and to issue to Thomas Sery in lieu thereof patents to the following-described areas, or to such parts thereof as are found by the Secretary of Agriculture to be approximately equal in value to the lands conveyed: The northeast quarter, the north half of the southeast quarter, the southwest quarter of the southeast quarter, the southeast quarter of the northwest quarter, and the southwest quarter of section 31, township 37 south, range 5 west of Salt Lake base and meridian: *Provided*, That the lands conveyed to the Government shall thereupon become parts of the Sevier National Forest and subject to all laws and regulations applicable thereto: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture shall jointly report to Congress, in detail, the factors upon which the valuations were made.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CYRENA E. YOUNG.

The bill (S. 100) to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to Cyrena E. Young was announced as next in order.

Mr. POINDEXTER. Let that bill go over.

The PRESIDING OFFICER. It is so ordered.

SEVIER NATIONAL FOREST LANDS.

The bill (S. 972) to authorize an exchange of lands with Henry Blackburn was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment to strike out in line 6 the word "east" and insert "west," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to accept title to the southwest quarter of the southeast quarter of section 19, township 39 south, range 6 west, Salt Lake meridian, and to convey in exchange therefor to Henry Blackburn, of Orderville, Utah, title to the northeast quarter of the northeast quarter of section 30, township 39 south, range six west, Salt Lake meridian, and upon reconveyance the land deeded to the United States shall thereupon become part of the Sevier National Forest and subject to all laws and regulations applicable thereto.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSOLIDATION OF LANDS.

The bill (S. 101) to authorize the consolidation of Government lands and of privately owned lands, and for other purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 1, line 6, to strike out the words "public domain including," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and empowered in cases where privately owned lands are situate in noncontiguous bodies or areas within the reservations, or within oil, coal, or other withdrawals, made under the act of June 25, 1910 (36 Stat. L., p. 847), to exchange public lands of the United States either within or without such reservations or withdrawals for such privately owned lands, to the end and with the object that as nearly as practicable the lands in private ownership and those held by the Government shall each form single and compact bodies: *Provided*, That the lands so exchanged shall be of approximately equal character and value and the exchange shall only be made in the event the public interests are benefited thereby. The land to be conveyed to the United States by any one landowner under such exchange shall be so conveyed by a single act or instrument of conveyance, and the lands to be conveyed to the private owners in exchange therefor by the United States shall be described in a single list or schedule and conveyed by a single patent.

SEC. 2. That in estimating and determining the value of lands to be given in exchange pursuant to this act, the Secretary of the Interior may consider and give effect to all factors contributing to or affecting such land, including any added or special value which will be possessed by the lands to be conveyed by the private owners as a consequence of relation to other lands owned by said private owners.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ENLISTED MEN OF NAVY AND MARINE CORPS.

The bill (S. 3128) to authorize additional pay for enlisted men of the Navy and Marine Corps detained beyond the expiration of their terms of enlistment was considered as in Committee of the Whole.

The bill was reported from the Committee on Naval Affairs with an amendment, to insert after the enacting clause the words "That section 1422 of the Revised Statutes of the United States be, and is hereby, amended to read as follows," so as to make the bill read:

Be it enacted, etc., That section 1422 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 1422. That it shall be the duty of the commanding officer of any fleet, force, squadron, or vessel acting singly, and of the commanding officer of any shore command beyond the continental limits of the United States, to send to the United States, in some public or other vessel as he may deem for the best interests of both the men and the Government, for discharge at the expiration of their terms of enlistment, all enlisted men of the Navy and Marine Corps entitled to discharge and desiring to go there, unless in his opinion the detention of such men for a longer period is essential to the public interests, in which case he may detain them, or any of them, so long as the public interests demand: *Provided*, That no such enlisted man shall be held, under the provisions of this section, for more than 30 days after arrival in a United States port. All such enlisted men sent to the United States, or detained in accordance with the provisions of this act shall be subject in all respects to the laws and regulations for the government of the Navy until their arrival in the United States and their regular discharge. And any enlisted man of the Navy or Marine Corps held beyond the expiration of his completed term of enlistment for any cause other than the investigation of charges or for punishment, shall receive, for the time he is so held, in addition to the sum of all pay he was receiving at the time of expiration of the term beyond which he is so held, an amount equal to one-fourth thereof: *Provided further*, That the shipping articles shall hereafter contain the substance of this section."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF ESPIONAGE ACT.

The bill (S. 3522) to amend an act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

SAN DIEGO WATER SUPPLY.

The bill (S. 3646) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities, was announced as next in order.

Mr. MYERS. I object to the consideration of that bill.

The PRESIDING OFFICER. It will go over.

ADDITIONAL JUDGE IN FLORIDA.

The bill (S. 1735) to create an additional judge in the southern district of Florida was announced as next in order.

Mr. SMOOT. I notice that there is on the calendar a bill of similar character providing for an additional judge in the district of Arizona. I should like to ask the Senator from North Carolina if the committee in reporting those two bills were unanimous?

Mr. OVERMAN. I heard the discussion in the committee, but I was called out of the committee room when this bill was ordered reported, and I can not speak of it on that point. I think Senate bill 714, to which the Senator from Utah refers, was agreed to without any controversy, and it was ordered to be reported favorably.

Mr. SMOOT. We are creating so many additional judgeships of late that I thought we ought to have some explanation.

Mr. OVERMAN. Arizona is a very large State. The judge there is a hard-worked man. He has only had four weeks' holiday and they have a very large docket there. There is a great deal of smuggling. It is true there are only four places in which the court is held in the district, as I recollect, but the distance is 400 miles from one place to another, and he is holding court very nearly all the time.

Mr. SMOOT. That is not the case in the southern district of Florida.

Mr. OVERMAN. I can not say as to that.

Mr. SMOOT. Let the bill go over, and I will look into it.

The PRESIDING OFFICER. Objection having been made, the bill goes over.

DEMOCRACIES VERSUS AUTOCRACIES.

The next business on the calendar was Senate resolution 196, to print the pamphlet entitled "An International Confederation of Democracies Under a Constitution" as a Senate document.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will go over.

ADDITIONAL JUDGE IN ARIZONA.

The bill (S. 714) providing for an additional judge for the district of Arizona was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment to strike out all of section 2 of the bill and to renumber section 3 so as to stand as section 2, making the bill read:

Be it enacted, etc., That the President of the United States shall appoint, by and with the advice and consent of the Senate, an additional judge for the district of Arizona, who shall reside in said district and shall possess the same qualifications and have the same powers and jurisdiction and receive the same salary now prescribed by law in respect of the present district judge therein.

SEC. 2. That the clerk of the district court for the district of Arizona and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said court.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORION MATHEWS.

The bill (S. 922) for the relief of Orion Mathews was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, Orion Mathews, late of Battery D, Second Regiment United States Artillery, shall be held and considered to have been honorably discharged as a private from said battery and regiment on the 22d day of March, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAYMASTER ALVIN HOVEY-KING.

The bill (S. 3403) for the relief of Paymaster Alvin Hovey-King, United States Navy, was considered as in Committee of the Whole. It authorizes the Comptroller of the Treasury to consider appeals from settlements of the Auditor for the Navy Department under date of April 25, 1916, in which settlements certain disallowances were made in the accounts of Paymaster Alvin Hovey-King, United States Navy, and in which cases the time within which appeal may lawfully be made to the comptroller has expired.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 6, 1918, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 5, 1918.

COLLECTOR OF CUSTOMS.

Edmund Billings to be collector of customs for customs collection district No. 4, with headquarters at Boston, Mass.

NAVAL OFFICER OF CUSTOMS.

H. Otto Wittpenn to be naval officer of customs in customs collection district No. 10, with headquarters at New York, N. Y.

SURVEYOR OF CUSTOMS.

Joseph A. Maynard to be surveyor of customs in customs collection district No. 4, with headquarters at Boston, Mass.

CONSULAR SERVICE.

CLASS 8.

Lloyd Burlingham to be a consul of class 8.
Leonard G. Dawson to be a consul of class 8.
Shelby F. Strother to be a consul of class 8.
Harry L. Walsh to be a consul of class 8.
Romeyn Wormuth to be a consul of class 8.

COAST GUARD.

Third Lieut. of Engineers Paul Revere Smith to be second lieutenant of Engineers.

POSTMASTERS.

GEORGIA.

D. F. Davenport, Americus.
Vivian L. Stanley, Dublin.
J. A. Stokes, Gordon.
W. Custis Nottingham, Macon.

MONTANA.

John J. Courtney, Antelope.
T. C. Armitage, Billings.

Elmer C. Sprague, Box Elder.
Lulu C. Woolson, Brady.
William Krofft, Choteau.
Fred T. Tasa, Flaxville.
Robert B. McNeil, Inverness.
Richard T. Sjordal, Kremlin.
Grant Robinson, Lewistown.
Rose M. Sargent, Nashua.
Israel A. Oakes, Plentywood.
Letta Conser, Plevna.
L. H. Adams, Somers.
Lizzie Gorsuch, Winnett.

PENNSYLVANIA.

Albin P. Yarnall, Ashbourne.
James W. Taylor, Dallastown.
Andrew Wahl, Evans City.
E. K. Eichelberger, Hanover.
John Orth, Marietta.
Edward S. Haws, Narberth.
Albert K. Kneule, Norristown.
James W. Hatch, North Girard.
J. B. Esch, Spangler.
John H. Krumbine, Vintondale.
James H. Alcorn, Waterford.
C. J. D. Strohecker, Zellenople.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 5, 1918.*

The House met at 12 o'clock noon.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Father of all souls, Thou hast kept us through the dark hours of the night; lead us through the complexities of the day's dangers, opportunities, and responsibilities.

In times past Thou hast blessed our country. Continue Thy blessing upon us in these critical present times. Strengthen us on land and sea, at home and abroad. Give us wisdom and skill in the use of our powers and resources. And back of all our outward might and organization, make us strongest of all in personal and social righteousness, justice, and faith; for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2116. An act to increase the salary of the United States district attorney for the district of Rhode Island.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2116. An act to increase the salary of the United States district attorney for the district of Rhode Island; to the Committee on the Judiciary.

S. 3126. An act to provide temporary promotion for retired officers of the Navy and Marine Corps performing active duty during the period of the present war; to the Committee on Naval Affairs.

S. 3427. An act for the relief of certain ex-paymasters' clerks; to the Committee on Naval Affairs.

S. 3445. An act to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes; to the Committee on Naval Affairs.

S. 3402. An act to fix the age limit for candidates for admission to the United States Naval Academy; to the Committee on Naval Affairs.

S. 3129. An act to provide for the disposition of the effects of deceased persons in the naval service; to the Committee on Naval Affairs.

S. 3130. An act to amend section 1570 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

S. 3400. An act to regulate the pay of retired chief warrant officers on active duty; to the Committee on Naval Affairs.

S. 3404. An act to authorize the President to drop from the rolls any Naval or Marine Corps officer absent without leave for three months, or who has been convicted of any offense by

the civil authorities, and prohibiting such officer's reappointment; to the Committee on Naval Affairs.

S. 3400. An act to authorize the Secretary of the Navy to determine where and when there are no public quarters available for officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

S. 3401. An act to authorize the President to reduce temporarily the course of instruction at the United States Naval Academy; to the Committee on Naval Affairs.

LEAVE TO ADDRESS THE HOUSE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that on Thursday morning, immediately after the reading of the Journal, the gentleman from Connecticut [Mr. TILSON] may have opportunity to address the House for 40 minutes. He desires to have a definite time fixed in view of the fact that he expects to have here some exhibits of considerable weight and volume, and have them here at a given time.

The SPEAKER. Are the exhibits going to be loaded or not? [Laughter.]

Mr. MONDELL. The gentleman has promised that they shall not be loaded.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that on Thursday morning, after the reading of the Journal and the disposition of the business on the Speaker's table, the gentleman from Connecticut, Col. TILSON, shall have 40 minutes in which to address the House on the subject of explosives, not to interfere with privileged matters one way or other, or appropriation bills, conference reports, and so forth. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. GREGG, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

HOUSING EMPLOYEES, EMERGENCY FLEET CORPORATION.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, be made a special order to follow the disposition of the Diplomatic and Consular appropriation bill.

Mr. MADDEN. Reserving the right to object, Mr. Speaker, is this the bill for the housing of the men to build the ships?

Mr. ALEXANDER. Yes.

Mr. MADDEN. Does it deal with any other subject?

Mr. ALEXANDER. No.

Mr. MADDEN. What does the bill propose to do?

Mr. ALEXANDER. It authorizes the expenditure of $50,000,000 to be expended at the shipyards at which the United States is building ships under the control and direction of the Emergency Fleet Corporation.

Mr. MADDEN. Has the gentleman from Missouri any information as to the number of shipyards that are in operation now, building ships for the Emergency Fleet?

Mr. ALEXANDER. I think 132.

Mr. MADDEN. One hundred and thirty-two yards?

Mr. ALEXANDER. Yes.

Mr. MADDEN. Where they are building ships or building yards?

Mr. ALEXANDER. There are two or three yards that the Government is constructing that are not yet completed and at which they are not yet building ships, and it is at those yards particularly—for instance, Newport News, Va.; Hog Island, Pa.; and that of the Submarine Boat Corporation at Newark, N. J.—where these housing facilities are the most urgent at this time. If we would speed up this shipbuilding program, I think the gentleman from Illinois will agree with me that we must make arrangements for increased transportation and housing facilities at once. We now have about 180,000 men employed in the shipyards building ships for the Government, and the turnover of labor amounts, as Admiral Bowles says, to 500 or 600 per cent, and it is absolutely necessary to make provision for housing these men if we would speed up the shipbuilding program and increase the number of men from 180,000 to 300,000 men.

Mr. MADDEN. I agree that it is one of the most important things we have on hand, and if anything can be done to facilitate the building of ships and putting them into the water and getting them ready for transportation, we ought to do it. Does the gentleman think we will be able to get the increased number of men if we have the houses?

Mr. ALEXANDER. I think so.

Mr. MADDEN. Does anybody know how long it will take to build these houses after we authorize them?

Mr. ALEXANDER. The bureau of the Fleet Corporation, having this matter in charge, has been giving it great study for some time past; their plans are not fully developed yet, and it is impossible to determine in advance how long it will take and what the expenditure will be. This bill authorizes the expenditure of $50,000,000. It will be necessary for the Fleet Corporation to go to the Committee on Appropriations and submit their plans and get an appropriation made available at once for the balance of this fiscal year and for the next fiscal year to prosecute this work.

Mr. MADDEN. It seems to me the matter is so urgent that we ought not to have to wait. We ought to pass this bill and make the appropriations in the bill and let the Committee on Appropriations wait awhile, and let us get the ships moving.

Mr. ALEXANDER. This is a Senate bill. It was referred to the Committee on the Merchant Marine and Fisheries, and it is reported to the House with a unanimous report, and the committee feel the urgency of beginning the work at the earliest possible date. For that reason I am making this request at this time.

The SPEAKER. Is there objection?

Mr. MONDELL. Reserving the right to object, when was the bill reported?

Mr. ALEXANDER. Yesterday.

Mr. MONDELL. The bill was reported yesterday. The Members of the House are not familiar with it. I do not think it is very good practice to fix by unanimous consent a time for the consideration of a measure the provisions of which are not generally understood. It seems to me there would probably be no objection to having a time fixed later, before we get through with the consideration of the diplomatic bill, and I hope that the gentleman will withdraw his request for the present and make it a little later. I should have to object at this time in view of the fact that the Members are not familiar with the bill.

Mr. ALEXANDER. I sincerely hope the gentleman will not do so. I have word from the chairman of the Committee on Foreign Affairs that it will take at least two days to dispose of the diplomatic appropriation bill, and there will be ample time for the gentleman from Wyoming and the Members of the House to inform themselves about the provisions of this bill before it comes up for consideration if the unanimous-consent request is granted.

Mr. MONDELL. Mr. Speaker, that information should be had to a certain extent before the House by unanimous consent fixes a special time for the consideration of a measure. I presume that there will be no objection if the gentleman proffers his request before we conclude consideration of the diplomatic bill. There will be plenty of time.

Mr. ALEXANDER. I will certainly renew my request from day to day, because I do not care to carry the responsibility myself for any unnecessary delay.

Mr. EDMONDS. Mr. Speaker——

Mr. MOORE of Pennsylvania. May I ask the gentleman——

Mr. COX. I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the request of the gentleman from Missouri [Mr. ALEXANDER]?

Mr. MONDELL. For the present I shall have to object.

LEAVE TO EXTEND REMARKS.

Mr. POWERS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. On what subject?

Mr. POWERS. On the coal situation.

The SPEAKER. Is there objection?

There was no objection.

CIVIL-SERVICE EXAMINATIONS.

Mr. GODWIN of North Carolina. Mr. Speaker, I again ask unanimous consent to bring up Senate joint resolution 117, in reference to holding civil-service examinations.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of a bill, which the Clerk will report.

The Clerk read the title of Senate joint resolution 117, amending the act of July 2, 1909, governing the holding of civil-service examinations.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire whether the gentleman from Illinois [Mr. FOSTER], who had some objections to the bill in its present form, has withdrawn his objection? There have been objections to certain provisions of the bill raised on this side. I wish to inquire of the gentleman whether he proposes to offer any amendments in addition to those that are recommended by the committee?

Mr. GODWIN of North Carolina. The amendment suggested by Dr. FOSTER would require those from the States taking the examination in the District of Columbia to have resided here for not exceeding a year. For instance, permanent residents in the District of Columbia could not take advantage of the opportunity to take the examination in the District of Columbia. In other words, it would be restricted to those who had been here a year or less. That was the suggestion he made.

Mr. CAMPBELL of Kansas. A year or less.

Mr. GODWIN of North Carolina. A year or less, not more than a year. I have no objection to that amendment myself.

Mr. STAFFORD. Mr. Speaker, the gentleman from Pennsylvania [Mr. ROBBINS] spoke to me about the bill yesterday. He is not in the Chamber at this moment. I ask that the gentleman withdraw his request for the time being.

Mr. GODWIN of North Carolina. Did he have an amendment to suggest?

Mr. STAFFORD. The gentleman from Pennsylvania desired to offer an amendment. He is not in the Chamber at the present time.

Mr. GODWIN of North Carolina. I withdraw the request for the time being.

The SPEAKER. The gentleman withdraws his request.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919; and pending that motion, Mr. Speaker, I should like to ask the gentleman from Wisconsin [Mr. COOPER] if we can not make some arrangement about time for general debate on this bill.

Mr. COOPER of Wisconsin. Mr. Speaker, I have received requests for time from Members on this side of the Chamber aggregating more than five hours. Before the gentleman makes response to that suggestion I wish to say that among those who have asked to speak—and I think their requests indicate that the debate will be an interesting one—are two of the members of the committee who spent a number of weeks over on the battle front, and another request is from the gentleman who was consul general in Egypt and can speak with first-hand knowledge of the Armenians and Turks. In view of the important character of the bill and of the number who have asked for opportunities to speak, I do not think that five hours on this side is an unreasonable time.

Mr. FLOOD. Could the gentleman get along with four hours?

Mr. COOPER of Wisconsin. We can not get along with four hours, because there are so many who have asked for an opportunity to say something, and they are still coming in. I have had one request this morning, and now I have another from a distinguished Member of the House who asks for 10 minutes. Another equally distinguished and equally insistent gentleman wants 10 minutes more. The gentleman had better hasten to a conclusion before any more requests come in. [Laughter.]

The SPEAKER. What does the gentleman from Virginia say?

Mr. FLOOD. Could we agree to finish the general debate to-day—run on until we finish it to-day?

Mr. COOPER of Wisconsin. Oh, that is utterly impossible. There is no reason for that. I can not understand why we should hasten to a conclusion to-day and then adjourn over. Why can we not let the debate run to-day, Mr. Speaker?

Mr. KITCHIN. That is what I suggest, to let the debate run to-day, and then the gentleman from Virginia and the gentleman from Wisconsin can agree on some time.

Mr. FLOOD. We will agree to let the debate run on to-day.

The SPEAKER. Who is to control the time?

Mr. FLOOD. While we will not need half the time, I ask that the time be controlled, half by the gentleman from Wisconsin and half by myself.

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the Diplomatic and Consular appropriation bill; and pending that he asks that the time to-day be equally divided between himself and the gentleman from Wisconsin [Mr. COOPER]. Is there objection?

There was no objection.

The motion of Mr. FLOOD was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, with Mr. HUMPHREYS in the chair.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, this bill carries a considerably larger amount than the appropriations heretofore made in the Diplomatic and Consular appropriation bill. For that reason I desire to address the House in reference to the splendid work that has been accomplished by that branch of our public service which is supported by the appropriation carried in this bill. Our foreign service is handled by the Department of State.

The Department of State has always been one of the very important governmental departments. It was the first department of our Government created, and has been the center of the stage during most of our history.

It was first known as the Department of Foreign Affairs, and had to do exclusively with our foreign relations; but during the very year in which it was created, 1789, an act was passed charging the Secretary of Foreign Affairs with the safekeeping of the acts and records and seals of the United States and changing the name of the department to its present name.

All through our history, in peace and in war, this department has played a great and important part, but never a more important part than during the present great crisis in the world's history. We have had great Secretaries of State, among them Jefferson, Pickering, Marshall, Madison, Monroe, Adams, Clay, Webster, Buchanan, Black, Seward, Everetts, Blaine, Bayard, Olney, Root, Knox, and Bryan, but none of these distinguished men have discharged the duties of this great office more efficiently than the courtly gentleman, the able lawyer, the dignified official who now holds it. [Applause.] The Secretary of State has a splendid corps of assistants. They have done their work quietly and unostentatiously, but with great efficiency and good to this country and to the cause of humanity. [Applause.]

I feel that at this time when such tremendous burdens and responsibilities have been placed upon the State Department, and when these responsibilities have been so splendidly and successfully met and discharged that some statement of their accomplishment is due to the Secretary and his efficient corps of assistants. [Applause.]

With the entry of the United States into the war there arose at once vital problems of coordination and cooperation between this country and the allies. What America had or could produce in men, supplies, and money had to be determined and then fitted to the needs and requirements of the various fronts. The problems of apportionment were tremendous, necessitating negotiations of great magnitude. The situation led to the sending to this country of diplomatic missions from England, France, Italy, Russia, Japan, Belgium, and a number of other countries. These missions came with intricate problems, questions for diplomatic cooperation and decision, questions of financial arrangements, and of military and naval requirements, and of general policies.

These missions carried on their negotiations through the Department of State. Their military experts were brought into relation with ours; their financial experts were put in contact with the Treasury Department; their economic and blockade experts were taken to the appropriate American authorities. Arrangements of all sorts were speedily made. The Department of State had directly to do with many of these problems, such as those concerning supplies to neutral countries contiguous to Germany, and with military and naval problems, when the military and naval activities assumed a political tinge.

The negotiations begun at the time of America's entry into the war have since been carried on with undiminished vigor, as questions of world importance have one after another arisen. In every new situation the Department of State has measured up fully to the necessities of the occasion and to the very best traditions of our Government and our country. In no instance has it fallen down. [Applause.] In no instance has a single bureau failed to give a good account of itself.

In addition to the diplomatic missions, our State Department officials received and negotiated with special commercial missions from Switzerland, Sweden, Denmark, and Norway, taking up with them the very intricate problems of supplies to be exchanged, based on the part of the United States on a determination to permit nothing to go to these countries without full guarantees that American commodities should not reach the enemy, and on the part of the others of their own welfare and economic and political needs and requirements.

The successful conduct of these negotiations constitutes one of the vital aspects of the war and reflects great credit upon the Department of State. [Applause.]

Under the direction of the Secretary of State, the special war mission, headed by Col. House, went to England and France,

carrying on toward completion the work begun by the special diplomatic and war missions which came to this country. All of us are familiar with the House mission in bringing into the war America's full strength—military, naval, financial, and economic. The discussions in Europe, as did those which took place in this country, led to a thorough and complete understanding of precisely what the allies needed from this country and exactly what this country could furnish, with the equally important decisions as to when and how they could be furnished, and under our great Secretary of the Treasury and our able and efficient Secretaries of War and Navy, we will furnish more in men and means than was expected of us in a far shorter time than had been the fondest hope of our own people or the nations with which we are associated in this war. [Applause.]

The visit of the Japanese mission to this country resulted in the exchange of notes between the Secretary of State and Viscount Ishii, which removed causes of friction between the two countries and works for peace in the Far East, making quite remote the possibility so often discussed of trouble between this country and Japan.

Under instructions from the department, a mission was sent to Russia under the distinguished leadership of the Hon. Elihu Root.

The war, with all of these new activities, has brought upon the department and its corps of workers here and abroad an avalanche of problems, many of them entirely new and most complicated. A very considerable number of these problems affect not only this country but other countries engaged on our side in the war. This makes necessary general negotiations, exchange of views between the several foreign offices and coordination of opinion, and finally unanimous decision. This necessitates a largely increased force of all classes of officials in our Diplomatic and Consular and Secret Services.

To meet these increasing burdens and supply a sufficient force to discharge the demands upon our foreign service, we are asked for a very considerable increase of appropriations over the amounts our bills have carried during the past.

The existing appropriation law carried a total of $5,082,746.66; the pending bill carries a total of $8,206,086.66, making an increase of $3,123,340. This increase is made up largely of allowances for additional clerks at embassies and legations, contingent expenses for foreign missions, the secret fund, post allowances, allowance for clerk hire at consulates, contingent expenses of consulates, relief of American citizens and prisoners of war, and other similar items.

The bill also carries provision for 25 new secretaries to our embassies and legations. When we entered the war there was, of course, a complete cessation of intercourse between Germany and the United States, and later between this country and Turkey and Austria. This meant the withdrawal of the large American embassies in Berlin, Vienna, and Constantinople, as well as the whole of the consular service in Germany, Austria-Hungary, and Turkey. The personnel thus made available was instantly absorbed while the constantly increasing intercourse between this country and the allied nations, as well as with most of the neutrals, caused such a tremendous increase of work that it was found that more secretaries, as well as clerks, in embassies and legations were absolutely necessary.

I believe the House will agree with the committee that in no item of the bill has the committee allowed a larger increase for our foreign service than the exigencies and necessities of the present emergency imperatively demand.

Even during the years before America became an actual participant in the war there was a constant expansion of the work of the State Department. Although we were neutral, the department's problems constantly increased. Caring for the interests of belligerents in various countries was one detail of the new work, while the constantly arising problems of neutrality, as well as those of protecting America's interests abroad, added more work. The department, however, undertook to carry on this work without any very great increase of appropriations, but the time has come when these increases are absolutely necessary in order to do at all efficiently the work that falls to this great department of the Government.

When the United States entered the war some of the problems involving the defense of her neutrality and other similar problems disappeared, but immediately there sprung up greater problems of another character.

Every additional letter and telegram to or from the department or to or from our embassies, legations, and consulates means, of course, additional work for the departmental personnel and for the personnel of the embassies, legations, and consulates.

Owing to the importance of the work done by the Department of State, which is the connecting link between this and all other nations, most of it is conducted by cable. This is more true now than ever before, owing to the war urgency of most of the foreign business and to the irregularity and slowness of the mails caused by the shipping situation. I am told that there has been an increase of nearly 800 per cent in this character of work. In the period from the 1st to the 15th of January, 1914, there were 28,300 words cabled. In the same period in 1918 there were 217,597 words.

Every message sent by telegraph requires the service and receives the attention of a number of high-class officials in the department, and the same is true of the cables sent from our embassies, legations, and consulates. This is only an instance of the increased work in our foreign service. The communications recorded in the Bureau of Indexes show a great increase, while the department's correspondence with the foreign service, and contra, which is carried on in pouches, shows an astonishing increase.

These facts establish the mere volume of work that has been accomplished and which progresses in increasing magnitude.

In addition to all the new war work, the ordinary functions of the department go on. While there is little which happens which does not touch or is not touched by war, there still remains the usual volume of work in connection with the protection of American citizens and interests abroad—less than before the war because of the severance of relations with several large countries, but still enough to occupy the time and attention of a staff equal to that which was maintained prior to August, 1914.

Therefore, the department has as much to do in mere quantity as it had in time of peace, and added to this is all the new war work.

First in importance among the new activities of the department comes, of course, the matter of general diplomatic intercourse between this country and those associated with us in the war, questions of politics and diplomacy, and, where the two go together, of military action and diplomacy. All this falls to the Department of State, and along with it a vast amount of labor in connection with certain coordinate branches of the Government which have vital mutual interests with America's associates in the war and no direct means of communication except through the Department of State.

There exists now the War Trade Board, charged with the enforcement of the trading with the enemy act and making up the enemy trading list. Its chairman, the Hon. Vance C. McCormick, is the department's representative on the board, and the Department of State, under the guidance of this able Pennsylvanian, is largely responsible for the policy of this board. The work of the War Trade Board involves investigation of thousands of firms the world over to ascertain if they have an enemy taint and if they should be placed on the enemy trading list, so that American citizens may not deal with them. Here the American Consular Service is utilized most extensively, consuls in all countries being used to investigate and report on the character of firms and to make recommendations as to whether licenses for exports from the United States shall be permitted. These investigations are running into the thousands.

The War Trade Board comes into close contact with the department in the matter of determining the quantity of supplies permitted to go to neutral countries contiguous to Germany and elsewhere. The questions are complex, involving the necessity, which must be determined, as to American needs as well as those of neutrals, the matter of supply and demand, of expediency and barter, which means arranging that in return for supplies from this country the other party concerned shall furnish us with commodities which they have and we need. The ramification leads to the Food Administration, where the availability of foodstuffs for export as well as the necessity for certain foods abroad is determined, and to the Treasury, where matters concerning money and supplies are settled. The department's business with the War Trade Board alone requires the services of several administrative officers, numerous clerks, and the constant consideration of the actual head of the department. The furnishing of supplies to neutrals and associates almost invariably has a political tinge which requires very careful consideration and action.

Another important work of magnitude which has come to the department is that of distribution of enemy shipping. At the outbreak of the war many enemy ships took refuge in ports which have ceased to be neutral ports. The obtaining of this highly valuable tonnage and its distribution among the allies for war operation has made necessary long and arduous negotiations.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. MOORE of Pennsylvania. With reference to the services now being rendered by the War Trade Bureau, I would like to

ask the gentleman whether American merchants are still required to apply to the Textile Alliance for leave to obtain ship space. It was the practice in certain cases for American merchants to go to the British consul general at New York or to the Textile Alliance, a British corporation, to obtain leave to do foreign business. I want to know if that condition still holds?

Mr. FLOOD. I should think not, although I am not prepared to answer the question because it has not come under my observation.

Mr. MOORE of Pennsylvania. The gentleman has referred to the work done by Mr. McCormick, and the question seems important because American merchants were being prejudiced by having to submit their business affairs to foreign agents, due, of course, to the war. In my judgment the practice ought to be discontinued since an American official is presumed to have control of that situation.

Mr. FLOOD. I agree with the gentleman, and I think perhaps he will find that that has been done, but I am not prepared to answer positively.

When we entered the war Canada was the only country in the Western Hemisphere in the war, nor in the Far East was there any country at war except Japan. Since America entered the war, Cuba, Panama, Brazil, China, and Siam have declared war, and Uruguay, Peru, Bolivia, Nicaragua, Honduras, Haiti, Santo Domingo, and Guatemala have severed diplomatic relations with Germany, thus placing themselves on the side of the United States. In the case of these Latin-American countries and China, the example of the United States undoubtedly had a potent influence. The Department of State by the distribution of the President's speeches through the Diplomatic and Consular Service and in other ways did much to bring these countries to a full realization of what the war was about, and in that way exercised a strong influence upon the action those countries subsequently took. [Applause.]

The series of exposures which the department has made, beginning with the Zimmermann note early last year, and followed by the Luxburg telegrams, the Bernstorff telegrams concerning Caillaux, and the secret German censorship regulations showing how the German press is controlled undoubtedly served to bring to the attention of Latin America as well as to the world the precise character of the German Government, with the consequent influence upon the policy of many of these countries toward Germany. Of the department's general secret service work little can be said at this time further than to most highly commend it, and to state that it has been most effective and useful.

Since America's entry into the war her foreign relations, for which the State Department is responsible, have greatly developed, and this in the face of enormous difficulties. The rationing of neutrals, for instance, involving an interference with some of the vital supplies of such countries as Holland, Denmark, and Sweden is a matter calculated to create intense irritation with the tangible risk of its developing into enmity.

Too much can not be said of the splendid manner in which the State Department has handled this delicate situation. There is no friction with any of these neutrals growing out of the course which our Government was compelled to pursue with reference to these matters. [Applause.]

There are innumerable lesser phases of departmental war work which add to the volume of labor. It falls to the department to look after the interests and to assure proper treatment for American prisoners of war in enemy hands. Of these there are now only a few, less than 150, but it is to be expected that there will be more, and elaborate machinery for their care has been created. A committee in Switzerland has been organized under the supervision of the legation at Berne which sends to the Americans in German prison camps food, money, and clothing, without which they would soon be destitute. The history of the war shows that the lot of prisoners in Germany is an unhappy one. Without food from the outside they would starve; without clothing they would freeze. Their welfare demands constant vigilance, instant protest against mistreatment, and firm demand for remedies. The department must also protect other Americans in Germany and property left behind by Americans who have departed.

In turn the Department of State is responsible for the welfare of enemy aliens in this country. Here Sweden represents Austrian interests and Switzerland Germany's, and with the legations of those two countries in Washington there is a constantly growing correspondence, involving much investigation as to the welfare of interned enemy aliens and of prisoners of war. In addition there is much work connected with the handling of enemy property by the alien property custodian.

Another feature of the department's new work concerns the welfare of subject races. In Palestine, Armenia, Syria, Poland, and various other places the plight of the people is pitiable. Several organizations have interested themselves in affording succor, and this is sent through the Department of State. Often the question of sending supplies and money involves diplomatic interchange between this country and the allies and between us and the enemy, through established neutral channels. Proper safeguards must be established to prevent relief supplies sent to occupied Poland from falling into the hands of the enemy. Similarly the department has to do with the relief of Belgium and the occupied portions of northern France.

The American Red Cross is extensively engaged in several places abroad, in Russia, Poland, the Balkans, and elsewhere. The work of the Red Cross receives the support and assistance of the department, without whose machinery the Red Cross would have difficulty in carrying on its work.

A very important and a very complicated feature of the department's work has been the negotiation, still proceeding, of treaties with several nations for reciprocal drafting of nationals. These negotiations are now about concluded.

Information is, of course, the most vital element of war. Prior to America's participation there existed a certain system of interchange of information between America's Diplomatic and Consular Service and the department. This has since been greatly expanded. The missions abroad are now kept fully informed of all essential developments. Each week the various political bureaus collate all information pertaining to their work. When the facts are brought together a review of the week is appended and then the whole is made up into "information series." These are sent to embassies and legations which are entitled to see them. They are confidential and nonconfidential. The nonconfidential contain much information of great value for publicity purposes abroad, leading to a clearer public understanding of America's aims and activities. I am told that the embassy in London receives from the department each week between fifty and seventy-five thousand words of material. In addition to this the department carries on a cabled information service. Facts from London of interest to the embassy in Rome, or possibly the legation in Peking, are speedily transmitted. The department also supervises the exchange of certain information between this country and the cobelligerents.

While war tasks accumulate many questions arise just as in the days of peace. For instance, the department has lately been most busily engaged in an effort to prevent a boundary dispute between Guatemala and Honduras becoming something worse. The questions arising out of the proper distribution of the waters of the Colorado and Rio Grande Rivers between this country and Mexico are being handled so as to avoid any dispute between the two Republics in the future. Negotiations looking toward making the Army's and the farmers' supply of nitrate certain have gone on simultaneously with the efforts to keep peace in the oil fields of Mexico. Steps have been taken for the relief of the earthquake sufferers in Guatemala, while the department was giving careful attention to the situation in Russia.

In addition to all these, the department has been making careful and efficient efforts to watch all developments in enemy countries, and has succeeded in establishing a flow of information which keeps the Government well informed as to what is happening within the enemy lines.

When peace comes the work of the department will be increased. The various problems of peace will need much attention. The Consular Service has to a considerable degree stopped its ordinary commercial work, owing to other important activities and to the disappearance of commerce. With the dawn of peace commercial activities and reports will be of more importance than ever before. For the proper promotion and protection of America's interests during the period of intensified commercial competition which is to follow the war, the Department of State must now during the war prepare for the time that is to follow. This is being done—splendidly and efficiently done. [Applause.]

All of these manifold duties the officials of the State Department, those at home as well as those abroad, under the guidance of the Secretary of State, have performed with a splendid fidelity and a singular degree of efficiency. [Applause.]

The Secretary of State, entertaining a thorough disdain for noisy notoriety, has been content, with arduous toil, to move steadily along the path of duty in the faithful, able, and splendid performance of the labors and responsibilities that appertain to his position. [Applause.]

It is said by Bacon that "the greatest builders are the builders of state." But their most important works are performed

in the closet and not before the public gaze. They are like the silent workers that in the unseen depth of the ocean lay the coral foundations of uprising islands and the enduring beams of mighty continents.

And so the impress of the mind, character, and diligence of Robert Lansing will be left upon the important and far-reaching measures that come under his consideration as an international leader, and will add to the advancement of the cause of humanity and to the prosperity, the glory, and the honor of this Republic. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. FESS. In the interesting review of the activities of the State Department, diplomatically considered, the chairman mentioned the name of Col. House. Would the chairman care to state just what status he possessed while in Europe?

Mr. FLOOD. I would say that Col. House was the personal representative of the President. Men occupying similar positions and having similar functions to those of Col. House have been called confidential agents, secret agents, commissioners, and secret plenipotentiaries.

Mr. FESS. Would that include any authority whatever?

Mr. FLOOD. Yes; such authority as the President conferred upon him.

Mr. FESS. Is there any limit to that diplomatically considered; could such authority go to any extent?

Mr. FLOOD. The President is the organ of our diplomatic intercourse. The authority of his personal representative could only be limited by him.

Mr. FESS. It is rather an unusual procedure in the history of diplomacy.

Mr. FLOOD. No; we have resorted to that character of representation frequently in our history. President Washington did in negotiating a treaty of peace with Algiers. The gentleman will recall that a former President sent Mr. Blount, of Georgia, to Hawaii with paramount authority over our minister there and for the purpose of protecting American lives and interests, to bind this country in any agreement between this country and Hawaii.

Mr. FESS. That was President Cleveland.

Mr. FLOOD. Yes.

Mr. FESS. The reason I ask the question is that there has been a good deal of inquiry by Members as to the exact status, diplomatically considered, that this representative in Europe occupied. It is not that of a minister plenipotentiary nor an ambassador?

Mr. FLOOD. No. As the personal representative of the President. He was appointed in pursuance of a precedent established by Washington and followed by many of our Presidents.

Mr. FESS. Would he be received officially by any country there?

Mr. FLOOD. Theoretically he could not claim full diplomatic privileges, yet practically I assume that any man who went from this country as a personal representative of the President would be received with all the courtesies and honors that are accorded to our ambassadors.

Mr. FESS. The report, if he has one to make, will be made specifically to the President?

Mr. FLOOD. Yes.

Mr. FESS. And that information is not common property?

Mr. FLOOD. When the public interests would not be jeopardized thereby I presume that the President would make the report public; otherwise he would not, as he should not.

Mr. AUSTIN. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. AUSTIN. Is there any provision made in this bill for increasing the salaries of consular officers located in the Republic of China?

Mr. FLOOD. No; except this: This bill carries what is known as a post-allowance fund.

Under the provisions of this bill that can be used in any country in the world, and the purpose of the department, as we gathered from the hearings, was to make allowances out of that fund to all of our diplomatic and consular officers, attachés, and employees when the increased cost of living justified it.

Mr. AUSTIN. Mr. Chairman, my understanding from a friend in the foreign service in China is that on account of the increased value of the silver coin in China and the high cost of living the old standard of wages or salaries fixed in the consular and diplomatic appropriation bill is not sufficient; in other words, that their salaries were based upon a low valuation of the silver coin or currency in the Republic of China, and therefore they thought that Congress ought to increase their salaries in order to meet the increase in the value of the silver coin and the high cost of living.

Mr. FLOOD. The salaries were not in the first instance based upon the low value of the silver. They were fixed without reference to that, but when these gentlemen got our exchange in China they were able to get a good deal more money in silver than was mentioned in the appropriation. Sometimes they would get $2 for $1 and sometimes $2.25 for $1. Silver has increased in value, and of course that is not now the case with these salaries. They get now just about the salaries that they were thought to be getting all along. But the Department of State realizes that the increased cost of living in China is very great, as it is in all other countries, and it proposes, while there is no increase in the salaries carried in the bill, out of the post-allowance fund, to make allowances to officials there just as they do in other countries.

Mr. AUSTIN. Did the committee consider the question of the Government purchasing the present quarters or purchasing land for the construction of quarters for the American consul general at Hankow, China?

Mr. FLOOD. No; that was not before the committee.

Mr. AUSTIN. Has it ever been considered by the committee?

Mr. FLOOD. It never has.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Texas [Mr. SLAYDEN] inquired as to the disposition of alien property taken over by the alien property custodian. I am interested in that matter. I did not catch the answer of the gentleman from Virginia. Did I understand the gentleman from Virginia to say anything about the disposition of the alien property?

Mr. FLOOD. I said where it was not Government property and was not confiscated during the war, I thought it would be returned to the owners after the war.

Mr. MOORE of Pennsylvania. Does not the act creating the alien property custodian provide that Congress itself shall dispose of that property in its own way after the war? That is my recollection of the act.

Mr. FLOOD. I think it does.

Mr. ESCH. Mr. Chairman, if the gentleman will permit, that is correct.

Mr. MOORE of Pennsylvania. The alien property custodian, as I understand it, is merely a custodian.

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. He takes the property over as he discovers it or uncovers it and holds it for the disposition of Congress at the close of the war.

Mr. FLOOD. My view is—and I suppose that is the view of the gentleman—that that property that is here and has not been confiscated and sold by our alien property custodian will be returned to the people who own it after the war. That will be the will of Congress.

Mr. MOORE of Pennsylvania. Subject to the will of Congress.

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Wisconsin [Mr. ESCH], who is on the committee, refreshes my memory. I merely wanted to know whether I got the gentleman's answer correctly. It is up to Congress to dispose of that property as it sees fit after the war.

Mr. FLOOD. Certainly; Congress could confiscate it all.

Mr. SLAYDEN. Was not that a wise reservation of power, with the thought in mind that the disposition that is made of property of aliens now in charge of our custodian would be dependent somewhat upon the treatment accorded American owners of property in Germany confiscated or taken control of by the Germans?

Mr. MOORE of Pennsylvania. Certainly. I merely wanted to emphasize the fact that the alien property custodian is a custodian merely, and has no power to dispose of property. Congress does that.

Mr. STAFFORD. Mr. Chairman, will the gentleman from Virginia permit me to make an inquiry of the gentleman from Texas?

Mr. FLOOD. Certainly.

Mr. STAFFORD. Mr. Chairman, I want to inquire whether Germany enacted its law concerning the holdings of Americans in Germany after our enactment or prior thereto?

Mr. SLAYDEN. I can not state about that, but I understood the reservation of power of Congress to dispose of the property afterwards was a step to enable us to act properly if there were reciprocity in the matter by Germany.

Mr. BANKHEAD. Mr. Chairman, will the gentleman from Virginia yield?

Mr. FLOOD. Certainly.

Mr. BANKHEAD. Mr. Chairman, the gentleman in his speech made some reference to the committee that had been appointed with headquarters at Berne, Switzerland, to look after the health and comfort of American prisoners of war. Is that a civilian committee, or is it a committee that has governmental jurisdiction from the United States, or what are its functions?

Mr. FLOOD. It is not a committee. It is the American legation at Berne. Of course, that legation has been very much enlarged for the purpose, through the friendly relations of Switzerland with Germany, of bringing about an arrangement by which our legation at Berne and the Swiss foreign office at Berne can provide for our prisoners of war in Germany.

Mr. BANKHEAD. For instance, one of the first prisoners of war captured came from my State, Alabama. Would it be possible through that legation for the relatives or parents of a particular prisoner of war to keep in touch with his whereabouts and whether he is alive?

Mr. FLOOD. As soon as they get in touch with him, certainly. It would be absolutely possible, it would be easy.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. SLOAN. I am interested in the colloquy which took place between the chairman of the committee and the gentleman from Ohio [Mr. FESS], with reference to the status of Col. House. I would ask if he is sent as the prerogative of the presidency itself, and not based at all upon any legislation that the Congress of the United States has ever provided? I ask this not as a matter of criticism, but as a matter of inquiry.

Mr. FLOOD. My understanding is that it is the prerogative of the President, that almost since the foundation of the Government Presidents have been sending representatives of this character to foreign nations when vital questions were concerned, to get information and to negotiate for the Executive when this class of appointees could serve a better purpose than the ambassadors and ministers and other regularly appointed and confirmed diplomatic agents.

Mr. HAMLIN. Let me refresh the gentleman's memory. President Roosevelt while President sent a man by the name of Hollander to Santo Domingo, put him on a warship and sent him down as his special representative.

Mr. FLOOD. I thank the gentleman for the reminder. I now recall that case and the debate in the Senate between Senators Bacon and Spooner in reference to it.

Mr. HAMLIN. And President Lincoln also sent one.

Mr. FLOOD. I think it has been done quite a number of times, and it has been thrashed out in the Senate frequently, and the right of the President to make such appointments has always been sustained. There can be no question about the right.

Mr. FESS. I should like to know who President Lincoln sent.

Mr. FLOOD. I said it has been done a number of times. I can not recall any instance in President Lincoln's administration, and I also said it had been thrashed out in the Senate, and the right had been fairly established years ago.

Mr. SLAYDEN. I can remind the gentleman of one very historic instance, in which a man was sent by Mr. Cleveland to Mexico when Gen. Johnson, of Savannah, was minister. It was an unfortunate selection the President made, because this man did not reflect credit. He was sent, however. These people were only sent to advise, and they had no official function to perform in the way of an officer of the Government at all.

Mr. SLOAN. I was not questioning the authority of the President, but it was an inquiry directed as just how he was sent, whether as a prerogative or whether he followed out something that legislation heretofore had paved the way for sending him.

Mr. FLOOD. As a prerogative of the President who has the jurisdiction of our foreign relations, not as the result of power conferred by legislative enactment.

Mr. FESS. Will the chairman please state and insert in the RECORD what particular power, if any, was made public that the commissioner or representative carried with him?

Mr. FLOOD. The gentleman, of course, remembers the unlimited powers given Mr. Blount in the Hawaiian matter.

Mr. AUSTIN. Mr. Chairman, in that connection I wish to ask the gentleman if I understood him correctly a while ago as to President Cleveland sending ex-Congressman Blount to Hawaii with a view to taking over the islands? My recollection of that matter is the administration sent him there to use his influence as a representative of this Government to restore the queen.

Mr. FLOOD. I did not know whether the purpose was to restore the queen or to take over the islands. I was not discussing that phase of the question; but President Cleveland sent Mr. Blount to Hawaii as his personal representative to take in consideration the situation and act in a way that would be to the best interests of this Government and this country and the Hawaiian people.

Mr. AUSTIN. Does not the gentleman well remember in the McKinley campaign following the Hawaiian incident that the charge was that President Cleveland had sent a representative there with instructions to haul down the American flag and restore the queen?

Mr. FLOOD. I would not like to stand sponser for all the things the gentleman has said in his political campaigns.

Mr. AUSTIN. That was said all over the country, and was one thing that aided very largely in creating a sentiment in the United States against the reelection of President Cleveland, that it was the intention of the administration to haul down the American flag in the Hawaiian Islands and restore the queen.

Mr. SLAYDEN. But Mr. Cleveland was not a candidate.

Mr. AUSTIN. Well, that defeated the Democratic Party.

Mr. FLOOD. I know there were charges of that kind, and doubtless the chairman made them on the stump; but I am not discussing what the President's purposes were in sending Mr. Blount as his personal representative. I am only discussing his right to send such a representative.

Mr. AUSTIN. I misunderstood, perhaps, what the gentleman said when his attention was called to it by the Representative from Ohio, and therefore I wanted the RECORD to state what actually occurred and the reasons why he was sent there.

Mr. FLOOD. Well, I do not know those were the reasons. There were no specific instructions along that line given to Mr. Blount.

Mr. AUSTIN. "Paramount Blount."

Mr. FLOOD. He was sent there with wide and unlimited powers, with paramount authority, and he exercised the powers and authority given him.

Mr. AUSTIN. Well, he failed in his mission. The queen was not restored, the Cleveland administration refused consent to take over the islands, they established the Republic of Hawaii, and on the election of President McKinley a treaty was negotiated in the Senate and the islands became a part of the United States.

Mr. FLOOD. I do not know that he failed in his mission. That was not the question asked me and that is not what I intended to address myself to in answer. I know that he had wide and extensive powers and that he exercised the powers. Whether he was successful in exercising them I can not undertake to discuss here.

Mr. GOODWIN of Arkansas. The power conferred upon the President in sending Mr. House to Europe is on all fours with the power conferred upon the President in sending Mr. Root to Russia, is it not, as an advisor in each instance?

Mr. FLOOD. The House mission, of course, was sent with wider powers and——

Mr. GOODWIN of Arkansas. I meant to say that the authority vested in the President is the same in each instance?

Mr. FLOOD. Yes; the authority is the same in each instance.

Mr. FESS. Mr. Chairman, to be perfectly understood, I would like to state to the chairman of the Committee on Foreign Affairs that the Constitution quite specifically defines the powers of the President over these appointments—how our country shall be represented and with what authority in other countries—and by legislation these representatives have been classified in various classes; and Col. House does not fall, as I understand the chairman to state, in any of the classes, either as an ambassador, minister plenipotentiary, resident minister, or any other that we have thus far officially recognized. And what I wanted was, in no captious criticism but inasmuch as there has been a point of dispute, to say that the chairman should put in his remarks the exact status, if we can get it, of Col. House, and what particular authority, if any, he possessed when he went there, in order that the country, which has raised the question as to this particular authority, might be informed. I ask it as a member of the Committee on Foreign Affairs——

Mr. FLOOD. I will do it with great pleasure.

Mr. FESS (continuing). And not at all with captious criticism.

Mr. REED. Will the chairman of the committee yield?

Mr. FLOOD. I will.

Mr. REED. The chairman of the Committee on Foreign Affairs may perhaps enlighten me on this point: I am inter-

ested to know what the gentleman's opinion is as to Germany's position in regard to alleviating the condition of American prisoners. Does he believe that Germany will cooperate in any way to let America, or the prisoners' friends in America, alleviate their condition?

Mr. FLOOD. I believe it has to be carefully watched and the rights and interests of our prisoners insisted upon, and I believe if that is done they will be taken care of for fear of retaliation on our part if they are not.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield 40 minutes to the gentleman from Massachusetts [Mr. ROGERS], a member of the Committee on Foreign Affairs.

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, I desire to address myself to-day in some detail to the status of the mail service between the United States and the members of the American Expeditionary Force in France. The House will remember that a week ago to-day a resolution was adopted without debate, which I had previously introduced, which called upon the Postmaster General to furnish the House with certain information on that subject. On January 31 the Postmaster General made his report to the House, and that report has been printed as House Document No. 892. I have here on the desk a number of copies, in case Members may care to consult it, or, of course, they can get it as usual through the document room.

Here is perhaps the key sentence of Mr. Burleson's report:

> The time required to transmit postal matter from the United States to members of the American Expeditionary Force in France has been found to be from 15 to 30 days, according to the location or frequency of change of the location of the military unit to which the addressee belongs and according to the regularity of the ocean transportation.

Mr. Burleson continues:

> Instances have been reported where letters from the Middle West, mailed so as to make close connection with departing French liner or fast transport, have reached addressees at the front in from 12 to 14 days.

And he proceeds:

> Owing to the irregularity of sailings from New York and constant shifting of military units, about 30 days, on an average, should be allowed for the average letter from the United States to reach the camps in France.

But the substance of the report, as I said, is that the time required to transmit postal matter from the United States to the members of our expeditionary force is from 15 to 30 days.

I confess I was very much surprised at that statement of the Postmaster General. Let me say at the outset that I do not approach this matter in a controversial spirit or in a critical spirit. I have no desire to comment adversely upon the Post Office Department or upon any other department or upon any individual.

But I am impelled to say this: Although Mr. Burleson, of course, believes his statement to be true, there are at least 150,000 American soldiers in France to-day, from Gen. Pershing down to the newest recruit in the American forces, who can testify of personal knowledge that his statement does not represent the usual fact. There are 150,000 homes in the United States who from their own bitter experience know how wide of the mark his statement is.

I had expected that the Postmaster General in his report would recognize that there were very considerable postal delays, would indicate that the usual time of mail in transit was a very much greater period than that which he mentions, and that he would then go on to indicate what changes he proposed to make in order to bring about the sorely needed improvement. But he begins with the hypothesis that it takes from 15 to 30 days for the transit; he continues in a tenor which indicates that he is perfectly satisfied with the conditions to-day, and that in his judgment they are not capable of improvement.

So, under those circumstances, it becomes my first duty to set forth what I believe to be the fact as to the time which is actually required to transmit mail from the United States to members of the American Expeditionary Force in France.

Members of the House will pardon me if I allude to a personal experience which befell me in December when I was in France and on my way from Paris by train to the headquarters of the American troops. I found myself, quite by accident, in a railroad compartment seating six, with five officers of the American forces on their way back from Paris to the front. Three of them happened to be personal acquaintances. And without any suggestion of mine, because at that time I had never heard this question even discussed, they began to talk about the mail service. All of these five men are widely known on both sides of the ocean, so that it can not be argued that their experience resulted from their own obscurity or from difficulty in tracing their whereabouts. These are the facts about their experiences with the mail as jotted down by me in my journal at the time:

Gen. A had sailed from the United States on September 25. The date of this railway journey was December 11. His wife had written him daily during that time. He had received only five of her letters. He had received none by mail for 47 days.

Lieut. B had sailed from the United States on August 25. He was a subscriber to two Boston daily newspapers. He had received but five issues in all and but five letters.

Lieut. C had sailed for France on September 20. His mother had written him regularly twice a week; only four of the letters had reached him, the last dated October 23, about seven weeks prior to the time of our conversation.

Capt. D had been in France since June 1. Although his wife had written to him weekly, as he knew from other sources of information, he had received but one letter from her since his arrival.

Col. E sailed from the United States about September 20. All his wife's letters to him are numbered in the order of her writing. Letter No. 1, dated September 23, reached him November 30. A friend brought over letter No. 15, dated November 11. He had received only one other up to the date of our conversation. He had received none of the second-class mail which had been sent him.

A few days after that time, and about the middle of December, I was at a small town in which a portion of the American troops are undergoing training, not very far from general headquarters. I asked the officer in charge of the military post office if I might examine the letters which were in his post office awaiting delivery, and ascertain for myself the dates when those letters had been canceled in the United States. I secured that opportunity, and I examined, I think, every letter which had come from the United States and which was awaiting delivery to the soldiers. This was the middle of December. Not one of those letters was canceled on a date as late as November 1. In other words, as a minimum—and I can assure the Members of the House that this does not at all indicate the maximum of delay—as a minimum, at least seven weeks had elapsed between the date of cancellation in New York City, for example, and the moment when I examined them as they were there in the post office awaiting delivery.

I talked, of course, with a great many officers and soldiers of the American forces. I talked with them from Gen. Pershing down to the youngest and most recently arrived private. I never saw so uncomplaining a body of men from the top to the bottom. They had no complaint about their equipment, about their food, about their billets, or about the training methods; but almost without exception, and without any drumming up on my part, every man, from major general down, said: "Can anything be done to improve the mail situation?"

Some of them would add, "We do not care so much on our own account, but it troubles the people at home to know that we are not getting their letters." I told them—and I am sure the Members of the House would have told them—that we should and must do everything that can be done in order to bring about an improvement.

Mr. Chairman, of course, we have a war on our hands. Of course, military exigencies must come first. But the condition with which I deal is not a mere sentimental matter. It is not merely a question of the feelings of the soldiers themselves, or of their wives or parents at home. Those considerations are extremely important, but there is the military aspect, also. Upon the morale of an army hangs a very large portion of its utility and excellence. If the morale of these soldiers is suffering, their training and fighting ability will also suffer. I submit to Members of the House that nothing can be easily conceived that will tend to lower the morale of those men more than to feel either that their people at home are neglecting them by not writing or that the Postal Service is so negligent and so slack that the United States is not able to deliver their mail in a reasonable time.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. ROGERS. Certainly.

Mr. GREEN of Iowa. I had an illustration of that very line called to my attention recently in the case of a soldier who had been sick for a long time, who kept writing home and asking his parents why they did not write to him. He was not able to hear from them for 30 days. At the same time they were continually writing letters to him and were unable to reach him, until I found ways of communicating with him through channels outside of the ordinary.

Mr. ROGERS. The men of the American forces abroad realize that there is a 3,500-mile ocean between their homes and themselves, and that of course they can not expect the kind of service that we demand in this country. I do not think they are unreasonable about it. I do not think that they fail to realize

that war exigencies must come first; or assert that the problem is wholly easy with a submarine-infested ocean between them and their homes.

But they do ask that everything possible shall be done. They have gotten rather beyond the point of expecting packages to reach them. They have gotten beyond the point of expecting that when packages do come they will come in an unbroken condition. Time after time it has happened that when packages arrive the wrappers have been broken and the contents have been rifled, if not altogether removed.

They have gotten over expecting to receive newspapers, simply because newspapers do not come. The soldiers recognize that things which take up bulk in trans-Atlantic liners can not, perhaps, be cared for with the same ease and celerity that letter mail can be. They ask of the American people that at least their letter mail shall be delivered to them as expeditiously and as safely as is possible.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KNUTSON. Is the gentleman from Massachusetts aware of the fact that the conditions he speaks of as existing in Europe also exist in some of the camps in this country? For instance, Jefferson Barracks mail from Minnesota is 10 to 12 days old when it finally reaches the hands of the soldiers at Jefferson Barracks.

Mr. ROGERS. I have heard statements of that kind. But I think the problem of postal service between here and the expeditionary forces in France is an entirely different one. I prefer to-day to address myself to the over-seas aspect, which will be of even greater importance as time goes by and as our troops in France become much more numerous. If the service has failed to care for the mail of 150,000 men, what will happen when one or two million of our men are in France?

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KEARNS. Has the gentleman made any investigation as to whether the trouble is on this side or on the other side?

Mr. ROGERS. I will come to that in a moment.

Mr. GREEN of Iowa. I intended to call the gentleman's attention to a question in relation to the case that I alluded to, which was down at San Antonio, and that is that if the postal authorities are so negligent in a case like that, what will happen to our soldiers abroad?

Mr. COOPER of Ohio. Mr. Speaker, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. COOPER of Ohio. I have received several letters from a gentleman in my district who has a son in France, and he tells me it is almost impossible to get mail to his son. Do you know whether there is any effort being made on the part of the authorities in this country to try to see whether the mail gets to our soldiers boys in France?

Mr. ROGERS. I will give to the gentleman a copy of the report by the Postmaster General which has just been transmitted to the House, and which indicates the present prospect, or rather the lack of prospect.

Now, Mr. Chairman, at the risk of being somewhat wearisome, I am going to read extracts from 15 or 20 of the very many letters which I have received, because they present actual and recent cases. The Post Office Department will tell you, if you take this matter up with it, that it wants specific cases. It is my purpose, so far as possible, to cooperate with the Post Office Deparment by furnishing specific illustration of the conditions which I believe exist.

I shall not read into the RECORD the names of the people who have written me, but I shall be very happy indeed to furnish those names to the Post Office Department if they desire them in connection with any investigation. I shall also be very glad to offer any information that I have and to render any assistance that I can to the Post Office Department in running down the difficulties and in correcting them if possible.

I have here, for example, a letter from a man in Massachusetts, who is chairman of a local draft board. He says:

> When the mails are delayed it causes both Mrs. K. and myself some worry. I am inclosing a copy of my son's letter, in which he says his mother's letter of August 12 has just been received November 29. Now, that is the kind of thing that gets on one's nerves. The longest his letters to us have been on the way was four weeks, which is not so bad. Most of them came through in three weeks, which is very good, all things considered. Either Mrs. K., my daughter, or myself write each week in turn. We do not wish to overburden the mails by writing oftener, but how we do wish that our letters could be delivered promptly and that we could feel sure that, barring accidents, he gets them all.

I think that as I proceed the Members will find that almost all the letters which discuss that phase of the case indicate that much the worse delays arise going east to France, and that, on the whole, the service coming from France is as expeditious as can perhaps be expected.

Mr. TILSON. Will the gentleman yield?

Mr. ROGERS. With pleasure.

Mr. TILSON. Does the gentleman intend later in his remarks to speak of the debarkation facilities?

Mr. ROGERS. Yes.

Mr. TILSON. And the congestion of mails at the points of debarkation?

Mr. ROGERS. Yes; I shall come to that in just a moment. I shall be very glad to have the gentleman's observations on that point, because I confess I have not the detailed information which I should like.

Mr. TEMPLE. Will the gentleman yield for a moment?

Mr. ROGERS. With pleasure.

Mr. TEMPLE. With regard to delays to mail coming this way, the letters are not always promptly sent. I have received only two letters from a soldier in France, one of which was 39 days on the way and the other 41 days on the way.

Mr. ROGERS. I was trying to put the best foot forward for the department. I think it is unquestionably true that the service is much less delayed coming this way than going the other way.

Here is a letter from the president of a national bank—and I may say that the only bright spot in this mail situation is that the delays fall upon the just and the unjust, upon the rich and the poor, upon the high and the low alike. The Postal Service favors nobody. It is equally bad to all. [Applause.]

This letter says:

> I have a son in the medical branch of the service in France whose mail is sent in care of chief surgeon, lines of communication. It takes from six to eight weeks for him to receive a letter from the United States, and there were sent four Christmas packages on November 5 and about the 15th; that to 6th of January, 1918, had not reached him. These packages were all within the limit of 7 pounds and two wood cased. The first Christmas box, sent November 3, was received December 11, and then the four others not at all up until January 6.
>
> The letters written home from France are received in from 16 to 30 days, usually in about three weeks, but the letters from the States to him are very irregular, and to obtain a reply from a letter sent to France one must figure on about 12 weeks, at the least.

Here is a letter which came to me in my absence on the other side, but which is typical of scores which I have received and of which I shall read only a few:

> I am writing this letter in interest of boys in the One hundred and first Regiment now in France.
>
> Every letter I have read, either personal or in the newspapers, the fellows all want to know why people don't write to them. I, for one, have written 35 letters and my husband complains he has only received 2. It can't be on account of the wrong address, for surely some one would write the address correctly.
>
> I think you will agree with me that nothing would make those soldiers happier than to get mail from home.

Here is a letter from a physician in my home city of Lowell, whose son is a lieutenant in the expeditionary force:

> Would again ask your help in securing better facilities for reaching the men in France with comforts of various kinds. I have sent seven parcels to him (my son) for personal use and that of his command to the value of about $140. Only one parcel has reached him—December 26—which left here October 2. One of his company received a parcel which had been opened and two or three pairs of heavy socks removed. Cases of this kind seem too frequent to be an accident.

Here is a letter from a neighbor of mine whose son is abroad:

> My son has been in France since August, but has received less than a half a dozen letters from home. For the past six weeks in every letter he states the fact, "Still no mail from home." I average writing five letters a week. In his last letter he mentions on that day receiving two letters from me with widely different dates, one dated October 1, the other a date in November.

A Mrs. Quinn writes:

> The family and friends have written almost daily to the young man ever since he left with the troops, but all of his letters from the other side express great surprise at not hearing from his friends, and great anxiety because he does not hear. A letter received only a few days ago by one of his friends here in Lowell inquired whether his parcels were all right, and wished the friend to tell them that he was anxiously awaiting mail from them.
>
> Mrs. Quinn was greatly distressed that their letters had not been received by the young man, as they had been faithful correspondents, and was wondering if there was any way in which Mr. ROGERS could ascertain why they had not been delivered. Of course, the failure of a single letter (or of two or three letters) to reach the young man could not be wondered at, but she can not understand why all letters from both family and friends have gone astray.

Here is a letter from a Frenchwoman:

> Friends of mine who went away with the Eleventh Engineer Corps in July had as many as 15 packages addressed to them, and not one of them has been received. My two sons are on the eve of their departure for dear France to be on Gen. Pershing's staff. Now, a mother's heart is at stake. All I have left is to write and send little delicacies to my dear boys—the only children I have ever had. Yes; my sacrifice is complete, but all for the sacred cause.
>
> A little touch of home is a whole lot to the lonely soldier in the trenches.

And we all know that that is true. [Applause.]

Here is a letter from a man in Lawrence, Mass.:

We took great pains to early forward articles to our boy in Paris, France. To be more specific, on November 8, 1917, I mailed at the Lawrence post office (personally) a package of combination paper and envelopes.

On November 9, 1917, I mailed (delivered personally) at the Lawrence post office one box with Christmas articles from all members of the family.

We have received from my boy during the last two months mail every two weeks on the average, but until he had been away from home two months, from September 12, 1917, he heard nothing from us. Up to January 18, 1918 (the date of his last letter), he had not received the articles I have mentioned.

Here is a letter from a Vermont friend:

Lots of our boys from here have had no letters; and, as I go among people, it is hard to keep spirits up when the lad is writing "no letters; why doesn't mother write?"

Here is a letter from a constituent of the gentleman from Ohio [Mr. LONGWORTH]:

There certainly must be something radically wrong. Packages, Christmas boxes, mailed and packed and examined by the Post Office Department as being in good condition before November 14 have not been received up to December 27.

I am only one who has given up all we have, our two sons, who are in the Rainbow Division. I can fully appreciate that the Government has its hands full, but we feel that some consideration and feeling should be shown those brave boys over there somewhere and those they have left.

You will notice that throughout this correspondence there is no bitterness, no vindictiveness, of attack. We find everywhere an expression of regret that the conditions are as they are, and the expression of a hope that something may be done.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. GREEN of Iowa. Recently I received a letter from a number of ladies at Council Bluffs, who are mothers of boys who are across in France, and who sent a joint communication to me. They state that of the parcels that they had sent they were satisfied that at least 90 per cent had never reached the soldiers to whom they were consigned, and never would.

Mr. ROGERS. I had a letter yesterday from Pittsburg, Kans., a town of which the gentleman from Iowa may know the location, but of which I had not previously heard. I regret to say. This letter says:

I have sent my son in France four boxes. Two I sent October 23 via New York, the others we sent since Christmas. I received a cablegram yesterday telling me he had received nothing. Can you imagine, Mr. Rogers, a boy 19 years of age, away over there among strangers in this terrible conflict? Christmas came and nothing from mother. I do hope you will take this up and investigate this. I am only one among hundreds here in Pittsburg that have had the same experience. We pay all the postage the Government requires, and would be only too glad to insure them if we were allowed to. I insured one box for $5 to Camp Mills, N. Y., before the boys sailed; that was never received. I put in a claim here at the office two months ago. The postmaster told me to-day I might not hear about it for two years, and may never hear.

Mr. COOPER of Wisconsin. What is the date of that letter?

Mr. ROGERS. This is dated January 29.

Mr. SLOAN. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. SLOAN. I desire to say that Pittsburg, Kans., is considerable of a city in the southeastern part of the Sunflower State, consisting of houses built almost entirely around the residence of our distinguished colleague, Mr. PHILIP PITT CAMPBELL. [Applause.]

Mr. ROGERS. I apologize to the sunflowers. Here is a letter which the gentleman from Ohio [Mr. FESS] has just handed me, and which I will read at his request:

As I have read in this morning's paper that the question of mail to American troops in France has been brought to the attention of the House of Representatives, I am emboldened to write what I have been wanting to write for some time. And I am writing on behalf of many families of soldiers in France, as well as for myself.

I have an 18-year-old boy with the Rainbow Division in France. I have written to him every three days, or twice a week, ever since he left home. The last letter I received from him was written December 10, and at that time he had received two letters from me after arriving in France. Other boys from this town have written that they had received none of the letters their families were sending in a steady stream.

We have not heard whether our Christmas boxes ever reached the boys, for it is almost a month since we received letters from them, although about 10 days ago every officer's family here received letters; some four and six at once.

We have tried to be patient and uncomplaining, for we know the transportation difficulties and that the Government has so many problems to solve, but it is getting to be very hard. An army of homesick boys abroad and a lot of heartsick mothers at home will not be very efficient aids in winning the war. There surely is need of an investigation of the matter, and I am sure that you will do all in your power to help us keep in touch with our boys.

Here is another letter somewhat in the same vein:

As you have recently returned from the "war zone," I take this liberty to write you concerning my two brothers who are with the American Army in France.

My brothers left the States in the fall of 1917 with the One hundred and first Infantry. Since then my family has written at least two letters a week to them. In addition to this several parcels have also been sent.

I am just in receipt of a letter from my brother Charles, in which he says that he has received no news from me since he left home. All of his recent letters are written in a disheartened manner as if he were led to believe that the folks at home had forgotten him. This also applies to the letters of my other brother, Thomas.

I have three or more letters of somewhat the same character which I ask unanimous consent to have incorporated in my remarks without reading.

The CHAIRMAN (Mr. HOUSTON). The gentleman from Massachusetts asks unanimous consent to insert letters in the RECORD as a part of his remarks. Is there objection?

There was no objection.

The letters are as follows:

A soldier writing under date of January 1, 1918, to his mother asks why she did not write? Sailed August 8, 1917.

A captain writes his aunt that he has not received her letter nor from his sisters. Packages sent him failed to show up. He also sailed August 8, 1917.

My oldest son has been in France since August 12, 1917, and I have written to him every week since then, but yet he has only received one of my letters. My youngest son landed in France the latter part of last September and he has only received one of my letters and one from his sister, and during the first week of last November I sent my sons each a watch as a remembrance of Christmas and they have not received them yet, and during the second week of December last I sent my younger son a razor and wool socks and he has not received them yet.

—

A letter written in France September 22, 1917, was not delivered to me until November 2, 1917. I wrote a reply at once and posted it the same day, November 2; this was not received in France until December 19, 1917, and the reply, dated December 19, was not received here until January 20, which was, of course, a trifle better time. A member of the United States Engineers informs me that he writes every week. I do not receive one letter in three weeks. During the months of October and November I sent by first-class postage, sealed, 10 packages, the contents of each package being worth from $2 to $6, and the postage costing from 60 cents to $1.67. Not one of these packages had been received on the 19th day of December. I also sent 10 Christmas packages, all by first-class postage, some packages costing as much as $1.64. I, up to this time, have not had one of these packages acknowledged. The Post Office Department refuses absolutely to register any package, so one does not have any recourse whatever, nor any means of tracing. I also gave in October, 1917, $10 to the American Tobacco Co. to furnish 40 tobacco kits to as many soldiers, but only five have so far been acknowledged. Judging from the gratitude expressed on the 5 cards received, the other 35 could not have been received by any soldiers at the front.

What becomes of these packages? I have been informed by persons who have been in France recently that they are appropriated in France by persons handling the mails, but, of course, have no means of proving this statement. No wonder soldiers are losing their morale. Exposed to danger and hardship and then to feel themselves deserted and neglected by people at home from whom they have every right to expect care and consideration. A terrible injustice is being done. In my personal case, many sacrifices were made to send these packages, and then for them not to reach the person for whom they were intended causes one to become very skeptical to say the least.

There certainly can be no justification of delays in transit of from six to eight weeks. It would seem that parcels-post packages, in many instances, do not reach their destination at all.

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SEATTLE, *January 28, 1918.*

Hon. JOHN F. MILLER, M. C.,
Washington, D. C.

MY DEAR FRIEND JOHN: By unanimous request of the auxiliary of the Signal Corps, which is composed of the relatives of the boys of the One hundred and sixteenth Field Battalion, I am directed to ask you if there is any possibility of our being enabled to hear from our boys who are now somewhere in France and who left Camp Mills supposedly on the 25th or 26th of November, except when we pick up a morning paper and read an obituary notice, as we did Saturday morning when we read that Young Austin, with whom you are well acquainted, died of pneumonia. I have taken this matter up with the Secretary of War to see why we could not at least hear how they are but have had no reply.

Mrs. Dellahn, the police matron, with whom you are acquainted, whose only son is in France with my boy, called me up and said if she did not have some word from her boy she would go crazy. The only word we have had was written on the way over and mailed when they landed. On December 22 the auxiliary sent a Christmas cablegram to the commanding officer of the battalion, but we have never heard from it. We have sent the battalion money, knitted goods, and many other useful articles. We do not expect to have them give us their personal opinion of how the war should be operated, but we do not see why we can't have some word as to how they are getting along.

I appreciate that I can talk to you as a friend and as a fraternal brother, and I am going to ask you if you will endeavor to bring some influence to bear or offer some reasonable excuse why we can not have some word. I know I am not exaggerating when I say that I have 10 telephone calls a day from anxious parents. The maddest man in town is C. B. Bagley. His son Cecil commands Company C of the One hundred and sixteenth Battalion, and he has not had a word from him.

G. M. BUTTERWORTH.

Mr. SEARS. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. SEARS. Have these letters been called to the attention of the Post Office Department?

Mr. ROGERS. I have sent a copy of the recent letters regularly to the department. Although I have not read the names of the writers, I am willing to give them to the department and to cooperate with any investigation that it may care to make.

Mr. SEARS. Does not the gentleman think it would be well to take this matter up first with the department?

Mr. ROGERS. I have repeatedly done so. Is the gentleman from Florida familiar with the report to the House of the Postmaster General, in which he says that the time required to transmit to France letters is 15 to 30 days? That statement is prima facie of my remarks, made upon no less authority than the Postmaster General himself.

Mr. SEARS. The gentleman is aware that the mails are in a congested condition, as we all know.

Mr. ROGERS. I am coming to that now.

Mr. MILLER of Washington. Will the gentleman yield?

Mr. ROGERS. Yes.

Mr. MILLER of Washington. I want to submit to the gentleman a letter along the same lines which I have received from a constituent in Seattle.

Mr. ROGERS. I will take that and print it with others without reading. The inquiry of the gentleman from Florida leads us naturally to a consideration of where this delay arises. The journey of a letter or other piece of mail from its place of posting in the United States until it is delivered to the soldier in France consists, roughly speaking, of four steps. First, the transit from the point of posting to the dock in New York or any other port which may be the embarkation point; second, the ocean voyage; third, the journey of the letter from the point of disembarkation in France to the point where it is delivered over to the military authorities somewhere in the American area; fourth, the handling by the military authorities and the delivery by them to the soldier who is the addressee. I want to take up each of the four stages.

The gentleman from Connecticut referred a few moments ago to the conditions prior to the placing of the mail on the ocean steamer. I have not as definite information on that subject as I should like. I desire, however, to read a letter which I recently received from a correspondent whom I do not know. He signs his name and gives his address:

I was employed in the capacity of a temporary clerk in the New York post office, Station W, from December 5 to January 1. During my time in Station W was considered sentimental in regards to my care of soldiers' mail. I attributed this to my care of the packages addressed to them; they would be more cherished than the ordinary. Being transferred to the foreign station, I was surprised to find mail stacked as high as the ceiling for the warships and forces in France, so neglected they were using shovels to make passageway for workers to pass, and conditions were such that we walked upon broken packages—their contents such as puddings, candy, mufflers, handkerchiefs, socks, etc., things which would be almost impossible to replace in their respective packages.

That is substantially all the specific information I have as to conditions before letters are actually put on board the mail-carrying vessel. Of course we know that there is a slowing up of mails in this country. We know, as a gentleman suggested a little while ago, that there is difficulty even in sending mail to soldiers in American camps. And yet I think the delay which is consequent upon handling within the United States is, on the whole, rather slight.

The Postmaster General, as I have pointed out, says that the average time from the sender in the United States to the addressee in France is two to four weeks. I have shown that, if my own experience is at all a criterion, the minimum time is nearer seven weeks than two weeks. I do not think that a very large part of that disparity is to be explained by the situation which prevails on this side of the ocean.

So we come to the second stage of the journey of a letter. I had supposed that the Postmaster General would lay a good deal of emphasis upon the time consumed in the ocean transit, because we all know what conditions are on the Atlantic; that war requirements can not be made subordinate to postal exigencies; and that as long as the war lasts and the submarine is a factor delays in the 3,000 miles of ocean voyage will inevitably exist. Here is what the Postmaster General says on this point in his report:

Mail is dispatched from New York on all available commercial liners and transports. I am informed that letter mail clears entirely with every dispatch, although occasionally, which is exceptional, the lack of space on liners or transports causes parcel post or paper mail to fall back on the next outgoing ship.

In other words, all letter mail goes on the first vessel after its arrival at the port of New York, but occasionally and exceptionally other mail, including newspapers and packages, has to wait one ship, but no more. That, I think, is a very creditable and, to me, a rather surprising state of affairs.

Then the Postmaster General gives a list of the sailings from the port of New York beginning November 1 and ending January 25. I will not read those dates in detail. They appear in his report. There were 10 in November, 5 in December, and 9 in January up to January 25. There was a departure, on an average, every three and a half days, and the maximum time intervening between the departures was seven days. I think, all things considered, that is creditable to the Post Office Department, and it indicates that the fault is not in getting the letters on board of the steamers destined for Europe.

With regard to the time consumed in the ocean transit the Postmaster General says:

The time that elapses between the loading of the mail on a commercial liner and its arrival at a French port varies from 10 to 14 days, according to the speed of the ship or its route across the ocean. Mail on transports is loaded whenever and to the extent that the Army has space available, but it does not follow that transports sail directly for their destination immediately upon being loaded. Mail placed on transports has arrived in France sometimes in 12 days and sometimes as much as 21 days after being loaded in this country.

In other words, the Postmaster General says that sometimes only 10 days and sometimes as much as 3 weeks is consumed in the actual steamer voyage. That statement should be compared with the minimum of 7 weeks which I found in one military post office in France to have elapsed between the posting in the United States and the time when the letter was ready for delivery. It should also be noted that in the 5 weeks between November 3 and December 7, just prior to my visit to that military post office, 10 mail-carrying vessels had left New York. Yet no letter with a United States post mark as late as November 1 was there. So I think, on the whole, that neither the first step nor the second step can explain any considerable part of the delay.

I doubt, as I said a moment ago, whether the delay from the point of posting to the point of embarkation is very serious or can be very greatly reduced—perhaps a day or two at the outside. I doubt if, as long as the submarine continues to be a menace, we can very materially reduce the time at present consumed in crossing the Atlantic.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield 15 minutes more to the gentleman.

Mr. ROGERS. So we come to the third and fourth stages of the journey, from the point of disembarkation in France to the point where the letters are turned over to the military authorities, and then the time consumed in the handling and delivery by the military authorities. I am frank to say that I have not been able to get any very detailed information why the delay to eastbound mail comes in either of those two places, or both. It is only, you will observe, by the process of elimination that I am forced to the conclusion it must be somewhere either in the third or the fourth stage. Letters coming west frequently come in 3 weeks from the time they are posted by the soldier, and sometimes they come in about 2 weeks. Ocean congestion can not be the explanation of the great difference between 2 or 3 weeks and 7 or 8 weeks. It would seem that the explanation—at least in part—is that the task of collecting the letters from the various points where they are posted by the members of the expeditionary forces is very much less than the task of pushing them out to the almost infinite number of points where the letters have to go in order to be distributed to the addressees. I shall come in a moment to what I conceive to be the way to ascertain exactly what the facts are.

I have said more than once in my remarks that we are at war and that we can not except a smoothness and celerity of service which would be characteristic of peace times. We can not overlook the obstacles which are in the way of perfect service; we can not overlook the paramount things which must be cared for, even prior to the soldiers' mail. But we can fairly compare our military postal service with that of our cobelligerents. Take the case of Great Britain. The very fact that we have an ocean between us and our soldiers is only an additional reason why we should avoid all the avoidable delays. We can not avoid the unavoidable, and ocean transit is one of the unavoidable things. Great Britain, of course, does not have to contend with an ocean. But she has to load every piece of mail upon a cross-channel steamer, carry it across, and unload it at the other end. She has an army on the west front of two or three million men, perhaps twelve or fifteen times the size of ours now in France. One of the members of the British mission who has recently been in this country, and who only a few days ago returned to be surgeon general of the British forces, told me that during the first two years of the war, when he was much of the time in or near the trenches, he habitually received a letter written by his wife in the west of England one morning on the following afternoon—habitually received the letter the day following its posting in Cornwall. That illustrates the wonderful system that has been achieved in the case of Great Britain. While we can not, with an ocean in between which takes from 10 days to 3 weeks to cross, approximate that record, I think we can regard it as our goal, of course making a due allowance for the necessary time for the ocean voyage. The day I sailed home from France,

which was on the 22d day of December, three days before Christmas, the following article appeared in the Paris press. It is a signed letter by Mr. Harold Ashton, with the British Army in France, dated Friday, December 21:

FRIDAY.

Santa Claus has already arrived in the shell holes around the Hindenburg line, and the preliminaries of our fourth Christmas at the front have begun very merrily and in the most seasonable weather. This is, of course, the biggest Christmas of the war for good wishes, good cheer and good things. It is certainly the best organized, and wonderful things are being performed to this end by the tireless officials of the army post office. It is all sheer wizardly. Regents Park Post Office is linked up with the trench line, where our soldiers lie in their fuzzy coats gazing into the mists of Flanders or watching the grim shadows of Bourlon Wood. Forty-five hours ago a lass in Aberdeen posted a pretty card to her lad at the front, she knew not where. This morning it was delivered to him as he crouched watching the frosted towers of Cambrai rising out of the haze.

THIRTY-FOUR THOUSAND BAGS IN A DAY.

The army post office in France has made preparations this Christmas for receiving 200,000 bags above the normal, equaling 25,000 bags per day. This figure has already been exceeded one day this week, 34,000 bags being received from England. Everything is working smoothly, and so well is the machinery running that the whole of the Christmas mail will be delivered to all parts of the battle front before Christmas Day. Normally the Army writes 2,500,000 letters every week. This week the number is doubled, and the lorry service has had to be increased accordingly.

I think we can agree that that was a very remarkable achievement, but I do not think we are willing to agree to that, making due allowance for the geography of our positions, we can not do exactly as well for an Army not one-tenth as large. That is the goal to be sought. We should not content ourselves with the condition which now exists, and which we all know from our correspondence is bringing about so much grief and hardship both to the soldiers and to the fathers and mothers and wives at home.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. GOODWIN of Arkansas. The gentleman is making a very interesting statement, a part of which unfortunately I have not been able to hear. I believe he has traced the American mail to the point of disembarkation in Europe. After the mail reaches Europe, into the hands of what postal authorities is it distributed, and what suggestion has the gentleman as a remedy as to that?

Mr. ROGERS. Here is what the Postmaster General says upon that point:

The time required for the railways to transport this mail to the camps or stations of the American force is from one to two days, according to the distance or location of the troops.

I am informed that this mail is turned over promptly to the duly designated mail orderlies of the military units to which it is addressed and that no mail for the troops is held at any of the field postal stations. Military orderlies open the lead-sealed sacks and distribute the individual pieces of mail to the soldiers to whom they are addressed, or mail is readdressed by them and forwarded to individual officers or men who may have been transferred to other stations.

That is all that bears on that particular point. Let me repeat this before I yield again: My criticism is not addressed to the Post Office Department or to the Postmaster General or to any other department or individual of the Government. I know what the condition is that exists. I know that the letter of the Postmaster General does not deal with the condition, which I suspect the gentleman from Arkansas and certainly I found to exist on the other side. What I want to find out is how we shall deal with the situation in the light of the facts that we know to exist in order to bring about an improvement. I have stated that in the first and second steps of the journey of a letter to France apparently no great avoidable delay occurs. The Postmaster General says that only one or two days is required to move a letter from the point of disembarkation in France to the point where it is delivered over to the military orderlies. If these statements are all true, the only place that is left for delay is after it reaches the Army in France. Yet a great deal of delay certainly ensues somewhere, because I have proven, I think, that many of these letters, perhaps most of them, take seven weeks as a minimum to reach their destination. If it is the Army that is responsible, let us see how we can help the Army to remedy the defects. If it is the congestion in New York City which is at fault, let us see how we can remedy that. If it is the railroads in France, if it is the handling of the mail by our allies in France or England, let us see what we can do to meet the defect there. But the Postmaster General, and I say this with extreme deference, does not help us very much in his report to know where the fault really is.

My proposal specifically is this: Let us have the Postmaster General or the President or Congress appoint a strong commission, men who are big men in the abstract and men who are big men in postal work. I speak of men of the type of the former First Assistant Postmaster General, Mr. Roper, and former Postmaster General Hitchcock. I do not know that either of them is available in fact. But let us have men who are strong men, men who can look into this problem from the moment the letter is posted in Arkansas or in Kansas or in Massachusetts, who can trace it all the way to New York, who can follow it across the ocean, who can follow it through the disembarkation processes on the other side, who can trace it on its way to the military authorities who receive it, and can follow every step after it passes into the hands of these military authorities. I submit that nothing tangible is being done at this moment to improve the service, and that something ought to be done, something should be done, not only in fairness to these boys and their families but, as a military measure, in fairness to the United States as a whole. We must demand that everything possible be done in order to keep at the crest the morale of our soldiers in France.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. ROGERS. I will.

Mr. GOODWIN of Arkansas. To what fact does the gentleman ascribe the fault of the fairly prompt delivery of mail after it reaches France? In other words, to what extent are soldiers being shifted from one camp to another, so as to lose their addresses from time to time?

Mr. ROGERS. The gentleman's opinion about that is as good as mine. He, too, has just been in France. Most of the men I happened to encounter, men who are from my neighborhood and whom I know personally, were located at a particular city or town or village, where they remained for a good many weeks or months. At all events, although the Postmaster General properly says that in some cases there are delays arising from the shifting of troops, it does not seem as if the unbroken testimony which my mail and, I suspect, the gentleman's mail reveals can be explained on the theory that the soldiers have been moved. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The time of the gentleman has about expired; he has but one minute more.

Mr. MILLER of Washington. Will the gentleman yield for a question?

Mr. ROGERS. Certainly.

Mr. MILLER of Washington. I would like to ask the gentleman if he did not ascertain that the ordinary mail route of mail for the American expeditionary forces was from the port of disembarkation in France to general headquarters in Paris?

Mr. ROGERS. I think that is true.

Mr. MILLER of Washington. Did not the gentleman ascertain that considerable delay was occasioned through subdistribution at that point in Paris—the Hotel Mediterranean?

Mr. ROGERS. I repeatedly heard that statement, but I did not hear it, as perhaps the gentleman did, from one who had direct knowledge.

Mr. MILLER of Washington. I would like further to ask the gentleman if, while he was at the Hotel Mediterranean, the mail headquarters in Paris, he did not see large quantities of mail there that had not been delivered and had been there for many days and some for many weeks?

Mr. ROGERS. I did not go there. The gentleman is inclined to think, from his experience, that the delay occurs in France?

Mr. MILLER of Washington. I certainly am from my investigation, and I think I will be borne out in that by every gentleman that was with the congressional party who went there.

Mr. ROGERS. That, of course, was my own impression.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I yield the gentleman another five minutes.

Mr. ROGERS. I thank the gentleman. Of course, it is exceedingly difficult for men of the House, with every desire to be fair and to be acquisitive of information, to know exactly how responsibility should be apportioned. I have preferred in my remarks to-day to deal with the facts that I know exist and with the delays which I know occur between the time the letters are posted and the time they are delivered. I do not think it is our function, however interested we doubtless are, to attempt to try to subdivide the blame for these conditions.

Mr. COX. Will the gentleman yield?

Mr. ROGERS. In just a moment. I earnestly hope able men can be appointed to consider this whole matter in an official way, to apportion the responsibility, and to reorganize and readjust as they find necessary. It ought not to be a very difficult matter to obviate all possible delay. If the difficulty arises because of shortage of help, as I heard suggested in France a number of times, that condition can not be tolerated. If the Postmaster General has not enough help for that purpose, or if our military forces have not been assigned enough postal clerks for that purpose, they should only ask Congress for what is needed in order to have it the very next instant. [Applause.]

Mr. COX. Will the gentleman yield?

Mr. ROGERS. I yield to the gentleman.

Mr. COX. To what point in France do the military authorities take charge of our mail?

Mr. ROGERS. Of course, our troops are fairly well scattered over France, but I understand that the great bulk of our letters go to Paris for reapportionment among the several postal sectors which our Army occupies.

Mr. COX. Would the gentleman be permitted to tell the ports at which our vessels are permitted to land over there? Then that will lead me up to the other question.

Mr. ROGERS. I should prefer not to mention the name of the ports, although I think it is a matter of common knowledge that the ports in the Bay of Biscay are the ports which are mainly utilized.

Mr. COX. Then all up to that port the civil side of our Government has charge of our mail?

Mr. ROGERS. Yes.

Mr. COX. Then our Government still maintains charge and custody and control of our mail from that port through to Paris, does it?

Mr. ROGERS. That is true.

Mr. COX. It is distributed in the city of Paris still by the civil side of our Government?

Mr. ROGERS. Yes.

Mr. COX. Then it does not reach the military side of our Government until after it passes on through Paris and to the line somewhere, does it?

Mr. ROGERS. As I understand it, that is true provided the letter goes through Paris. For example, a unit stationed at one of the ports would have its mail segregated so that it would not go to Paris and come all the way back. It would be dropped at the point of disembarkation and be delivered there. But, subject to that qualification, I think the gentleman's statement is true.

Mr. COX. I have been told that we had 38 mail stations from the time that our mail landed in the port until it was finally delivered. Now, where is the main distributing point, or center, of our mail? Is it at the port, in the city of Paris, or on the line? Does the gentleman know?

Mr. ROGERS. I do not feel qualified to answer that with certainty. I should say that the main postal center was Paris. Then we have a number of military postal subdivisions or distributing points, and those are scattered about according to the location of the troops at the moment.

Mr. COX. Let me ask this question; I am trying to get information: Did the gentleman run across Mr. John Clark anywhere over there?

Mr. ROGERS. I did not.

Mr. COX. Does anyone here know where he is located there?

A MEMBER. I think he is on a homestead there. [Laughter.]

Mr. COX. A Member says he is on a homestead there, but he is not. He is a mighty big man. He is a man that has been engaged in the mail transportation for the last 20 or 25 years. In looking for a big man I do not know where you could get a bigger one, unless you could get John C. Koons.

Mr. MILLER of Washington. Will the gentleman yield for a moment? Our information in Paris was that the mail, generally, for the expeditionary force was sent to Paris, and from Paris distributed to the various military sectors.

Mr. COX. Then our mail never reaches distribution at the hands of the military until it passes out of Paris?

Mr. MILLER of Washington. No. As soon as it leaves Paris it is in the hands of the American military forces. That is what we were informed.

Mr. COX. That is just what I wanted to know.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. COX. I want to ask one more question.

Mr. COOPER of Wisconsin. I yield one minute more, in order that the gentleman may answer a question.

Mr. COX. If the fault occurs at the time the mail leaves Paris for the line, the blame attaches to the military and not to the postal department, does it not?

Mr. MILLER of Washington. I was told that while in Paris that Paris was the general distributing center. There are a lot of mail clerks detached from service in this country who are sent there in the Postal Service. At the moment they have their headquarters in Paris, and I was told that there was where the congestion occurred; that the number of clerks detached by the Post Office Department in this country was inadequate to take care of the condition there.

Mr. VAN DYKE. Will the gentleman yield for one question?

Mr. MILLER of Washington. I will.

Mr. VAN DYKE. Is it not true that the largest part of the congestion is in the city of New York at the present time, at the Chelsea terminal?

Mr. MILLER of Washington. I have no information on that.

Mr. VAN DYKE. I think, if the gentleman will look it up, he will find that the greatest congestion is in New York at the present time, because of the inadequate and insufficient force used at that terminal.

Mr. MILLER of Washington. The gentleman from Arkansas [Mr. GOODWIN] was in Paris at the same time we were, and he may give us the benefit of his inquiries.

Mr. FLOOD. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Nearly all the world is at war, Mr. Chairman, and quite all the world of importance is talking peace and yearning for it even "as the hart panteth after the water brooks." All the world, absolutely all, is war weary and hardly making an effort to conceal that fact. Even the aggressive, military Empire of Germany, while still boasting itself a conqueror, is not able to deceive the world with a mere camouflage of words, and Austria frankly confesses her anxious longing for peace. In fact, indirect negotiations for peace are on, for the speeches by foreign ministers and chancellors mean nothing less. Gradually Governments seem to be coming together on some important points that must be features of any peace treaty that will be made. Two-sevenths of the President's plan have been accepted unreservedly. When we get Von Hertling's irreducible minimum we will, I believe, be much nearer an agreement, and in the end all the great features of the plan set out in his address on January 8 in 14 specifications will be accepted as the basis of the future relations of Governments.

Mr. Chairman, I am going to venture to use the 20 minutes allotted to me by the courtesy of the chairman of the Committee on Foreign Affairs to direct attention to an agency for peace known as the Interparliamentary Union. The oldest peace organization in the country, the oldest in the world, so far as I am informed, is the American Peace Society. It has been working since 1815, the year of the Battle of Waterloo, to spare the human race such horrors as are now their daily portion.

But age is not the only measure of service. There was organized in Paris on the 21st day of October, 1888, another society that has the same purpose in view and whose services entitle it to the gratitude of the civilized world. I refer to the Interparliamentary Union for the promotion of arbitration.

It owes its existence to the initiative of William Randal Cremer, a Labor member of the British House of Commons, and to Frederic Passy, a French parliamentarian who had a long, distinguished, and useful life. From the day it was founded the Interparliamentary Union commanded the sympathy and respect of the parliaments of Europe, and it grew rapidly.

I may say in passing, Mr. Chairman, that it has been considered in Europe as of vastly more importance than in this country, due no doubt to the fact that our isolation has put us out of the theater of war. Unless we shall, as a consequence of the present war, throw ourselves into the affairs of Europe and bear a part in the solution of the problems of international boundaries, as, for instance, those of the Balkans, our position will be one of comparative freedom from the dangers that threaten the nations of Europe as it has been heretofore and as I hope to see it continue to be.

The work of the humble Labor member of the British Commons, who was the admitted author of the movement, was so much appreciated that France admitted him to membership in the jealously guarded and restricted Legion of Honor. For the same service that brought him the decoration of the Legion of Honor he was knighted by King Edward of England. Still later he received the highest honor that can come to a worker for peace. In 1903 he was given the Nobel peace prize, which carries with it a money award of about $37,000.

Although Cremer was a poor man, a carpenter and cabinetmaker, with an income less than a thousand dollars a year, he promptly gave the whole sum to the Arbitration Society of England.

The spirit that controlled the founder is the spirit that has directed the Interparliamentary Union since its foundation. It stands for the arbitration of international disputes. It does not scatter its fire and lessen the value of its work by trying to put over all sorts of reforms. This forethought of the founder has kept the union from wasting its time on Utopian projects. Its members are parliamentarians, and the work to which it is dedicated is the work of parliaments. That fact has kept it wonderfully free from the annoyance of association with some excellent but impractical people who have found nearly every other society with similar aims a happy hunting ground.

Although arbitration alone was the purpose in view when the Interparliamentary Union was organized, it has studied and resolved about the laws of war, neutrality, and kindred subjects. The influence of its more than 3,000 members in Europe has been exercised through legislative bodies and in executive councils. Great international lawyers and practical, constructive statesmen, whose names are on the membership roll of the Union, have devoted years to the effort to find a way for nations to live in amity with one another.

To-day they are studying these questions more earnestly than ever before, for there is greater need. Even those who are citizens of neutral countries are working with tremendous energy and earnestness at the solution of this great problem, for they are among the innocent victims of the barbarities of war. Being innocent and neutral helps very little. Norwegians, Danes, and Swedes have suffered nearly as much from an inadequate supply of food and other necessaries as the Germans and Austrians.

It is small wonder, Mr. Chairman, that under such circumstances the statesmen of neutral countries are submitting requests for a central organization to maintain peace throughout the world.

It was the Interparliamentary Union that put the thought of the first Hague conference into the Czar's head. That started a movement that has developed slowly, that at times has even been arrested, but has never gone backward. No country, not even militaristic Germany or Austria, would consent to see The Hague idea abandoned.

Since the union was organized there have been 18 conferences, in each of which hundreds of delegates from about two dozen parliaments sat and discussed world affairs from the point of view of national legislators.

At the seventeenth conference, held in Geneva in 1912, faith in arbitration as the means of settling certain classes of international controversies was reaffirmed and agreed to in a resolution calling for the establishment of a permanent court, presided over by professional judges, to determine judicial questions according to the rules of law and equity, and a special commission to study the question and report at the next conference was appointed.

Among the members of that commission of study was a former associate of ours on the floor of this House. I refer to Theodore Burton, to serve with whom was a privilege and honor. In his long and eminent career here he always stood for the better things in legislation and international matters.

Unfortunately the nineteenth, the conference to which the report was to have been submitted, did not assemble at Stockholm in 1914 for reasons perfectly well known.

As long ago as 1892 the fourth conference of the union, sitting at Berne, demanded international agreements to respect the inviolability of private property at sea and also suggested the neutralization of certain sea routes. As you know, President Wilson, in one of his most notable addresses, has called attention to these same questions.

The tenth conference of the union, at Brussels in 1910, asked through The Hague for reforms in the rules of naval war as follows:

(a) Abolition of the right of capture.

(b) Limitation of the right of blockade to fortified ports or places.

(c) Limitation of contraband to arms, ammunition, and instruments of war addressed to one of the belligerents.

(d) Prohibiting the destruction of vessels carrying contraband and of goods found on board, except the contraband articles themselves.

The resolution containing these demands called on the British, French, and Russian groups to urge their Governments to change their attitude with relation to this question, and urged a modification of the Declaration of London in that respect.

In 1906, at the conference in London, the union declared for the limitation of armaments. This is the language of the resolution agreed to at that time:

The Interparliamentary Conference, considering that the increase of military and naval expenditure which weighs upon the world is universally held to be intolerable, expresses the formal wish that the question of the limitation of armaments be included in the program of the next conference at The Hague.

The conference decides that each group belonging to the Interparliamentary Union shall without delay place this resolution before the Government of its country and exercise its most pressing action on the parliament to which it belongs, in order that the question of the limitation be the subject of a national study necessary to the ultimate success of the international discussion.

The last conference held, that at The Hague in 1913, was distinguished by the number of eminent men who had a part in its proceedings, the quality of the debate, and the earnestness with which opinions were pressed. The limitation of armaments was most earnestly urged. Distinguished Frenchmen, Englishmen, Italians, and Germans spoke for disarmament.

I remember well the pathetic earnestness with which representatives from some of the smaller countries pleaded for it. Belgium and delegates from the Balkan countries and Scandinavia spoke as if already in the shadow of the great social crime of 1914.

Dr. L. Quidde, of Bavaria, a member of the Diet in that country, submitted a proposal to reduce the size of the armies and navies of all countries. He presented his views so eloquently that the executive council of the union took up the study of his resolution and appointed a special commission for its consideration, headed by Tydeman, of Holland, one of the finest and wisest men I ever knew, with Erzberger, of Germany, whose name you have been made familiar with recently, and with representatives on the commission from Austria, Great Britain, France, Denmark, Sweden, Norway, and Russia.

The debate in the conference was eloquent and convincing and many distinguished men for the first time declared themselves supporters of the policy.

Prof. Quidde, by the way, has not ceased to work for peace because of the war, and has been so open about it that I fear he may be in trouble with the Kaiser.

Mr. Chairman, I have taken a few paragraphs from the history of the Interparliamentary Union just to give you an idea of what its work has been and what are its aims.

No doubt every Member of this body read the speech of the German chancellor a few days ago and saw with pleasure his declaration that he could accept unreservedly the first 4 of the 14 conditions of peace laid down by Mr. Wilson in his address to the Congress on the 8th of January.

These four demands were:

First. Open covenants of peace and no secret treaties.

And I may say in passing, Mr. Chairman, that any Member of this House who has read the secret treaties that were exposed to the horrified gaze of an amazed world by the Bolsheviki group in Russia, no matter what his previous opinion may have been, will agree with that of the President, that there should be no longer covenants of peace of a secret nature or treaties not known to the world at large. Every treaty between two great governments involves the peace and happiness of the rest of mankind as well as of the two parties directly concerned with the contract.

Second. Freedom of the seas, outside territorial waters, in peace and war alike.

Third. Equality of trade conditions for all countries.

Fourth. Reduction of armaments to the lowest point consistent with domestic safety.

These, Mr. Chairman, are all such reasonable conditions that I can not believe they will be rejected by any country with a civilized government. They are very like the terms set out in the great speech of the British premier, David Lloyd-George, and they are strikingly like those of the Bolshevikist government of Russia, and not entirely out of harmony with those put forward by France and Austria. In fact, they are conditions of permanent peace on which all can agree in principle and without which nothing worth while can be done. The President's powerful and convincing phrases will force their consideration by all belligerents whether allies or enemies.

The extracts from the history of the Interparliamentary Union that I have given you show that these four peace conditions have been demanded by that organization for years.

In 1913 there were 3,300 members of the union scattered through the parliaments of about two dozen countries. These parliamentarians have labored with their respective governments to have them agreed to.

Shall we not, in the interest of humanity, support our colleagues in other parliaments in a campaign for their acceptance? [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield one hour to the gentleman from Minnesota [Mr. MILLER].

The CHAIRMAN. The gentleman from Minnesota is recognized for one hour.

Mr. MILLER of Minnesota. Mr. Chairman, I want to talk to such portion of the membership of the House as finds it possible to be here at the present time on what to me is the most important subject connected with the great war. In other words, I propose to direct attention to the question of transportation from the United States to the sea, across the sea to the point of debarkation in France, and across France to the front.

We are apt to direct our attention first to the spectacular features of preparation for war. We like to dream of thousands of aeroplanes flying in the sky, smothering the enemy. We like to think of thousands of massed cannon speeding death and destruction against the enemy. We like to think of embattled millions marching beneath our flag against the foe. These are all interesting and vitally important. But before these aeroplanes can fly, before these cannon can breathe fire and destruc-

tion, before the men can attack, you must get all to the place where the foe is. Were it that Germany is coming to fight us in America the situation would be different. Germany is not coming here. We are going there, and we are going to fight the most powerful nation that has ever existed. Our problem is to mass these instrumentalities of war at the exact point at the right time to defeat Germany in the field. Now, therefore, let me direct your attention to some of the elements of the problem.

In determining to make active war on Germany this country of ours has undertaken the most stupendous military task ever undertaken by any nation. Having regard to the fact that Germany is the most powerful military nation the world has ever known, our task would be of huge proportions, taxing severely our strength, if Germany were at hand so that our Army immediately could strike her. But Germany is not at hand. Germany is not coming here. We are going there. To reach her with a fighting force which, joined with the allies, will accomplish Germany's defeat, is our problem. With due respect to the importance of training camps, proper equipment of guns and munitions, clothing, hospitals, aeroplanes, our greatest problem is transportation. Observe the elements in the problem.

First, it is necessary to gather our troops from all sections of the United States and transport them to an Atlantic port. This in itself is a great undertaking.

Many of those men must travel more than 3,000 miles. The railroad transportation system of the United States has before it a severe strain to transport these men, munitions, and supplies. There must be provided at the Atlantic ports abundant docks and terminal facilities, so that men and freight can be transferred to seagoing vessels.

It is then necessary to transport across 3,000 miles of ocean to the French port. The French port must be a suitable place of debarkation, provided with docks, terminal facilities, and railway transportation. From this port transportation must be provided entirely across the country of France to the eastern line or battle front. From the end of the railway system in France there must be provided motor and other transportation right up to the trenches. Every link in this great chain of transportation must be as good as every other link. Every feature of this transportation must be equal to our military needs. A moment's thought respecting this produces a realization that is somewhat staggering. Were our problem to transport across the Atlantic Ocean with a complete control of the sea in our hands, it would still be a tremendous one, but the sea is not exclusively ours and our allies. Our right to use the sea is disputed by the submarine, and our capacity to use it is vastly diminished by the submarine activities.

On the high seas there are hardly sufficient ships to carry on the commercial and industrial traffic essential to maintain England, France, and Italy at a point of efficiency. We must in some way secure ships sufficient to transport our troops to France and carry through all the supplies they need. In addition, we must assist England and France very materially in the production of ships to replace those being sunk by submarines. In order that we may transport our troops and supplies from this country to France with minimum loss, it is necessary that our ships be protected against submarine attacks. Providing this protection necessarily reduces very greatly the efficiency of our ships. Ships can not sail freely. They must move under conditions calculated to preserve them from harm. In no other war has transportation been so vital. In this war it forms more than 60 per cent of the entire problem.

Some officers in France told me both in the British and French Armies that transportation is 90 per cent of the job. It is necessary that we fully realize this in order that our conduct may be shaped accordingly. An army in the battle front to-day, should its supplies be cut off, would perish in 48 hours, probably in much less time. A stream of supplies coming to the men on the fighting front is as vital to the life of that army as the blood that flows through human arteries is vital to human life. Cut these streams of transportation and your army withers and dies immediately. We recall with pride, those of us who live in the North, how Gen. Sherman cut loose from his communications and marched to the sea. Many other armies have done this during the ages that are past. No army can do it to-day. The severance of communication means the immediate destruction of the army. An army in the field to-day is a greedy monster. It requires a great variety of things and in untold quantities. Its voracity is a matter of wonder, even to those accustomed to life on the front. In many sections of the English front the artillery have orders to fire every day 100 rounds. This during a quiet day, so called. During days of attack or defense against attack the number of shots is greatly multiplied. Some French guns at Verdun fired fifteen hundred, and even two thousand, rounds in a single day. These guns are always consuming ammunition and always hungry. To get this ammunition to them is a tremendous task. One of the most peculiar attacks that has been made since this war began was made by the French in their advance at Malmaison during the early days of November. That advance gave to the French victory over the Germans in a struggle for the Chemin des Dames. The advance did not cover a large area. In fact, it was very, very small. During the artillery preparation that preceded the attack in this restricted area the French fired 2,000,700 shells. Many trains were required to haul this munition to the advance depots. From these depots it had to be conveyed up to the guns. In some of the advances that have been made during the past year as many as six and seven million shells have been fired within a very few days' time. To one who goes to the front perhaps the most striking thing is the inconceivable quantity of this ammunition. There comes to him view after view, and in wonder and amazement he beholds there enormous quantities of ammunition piled up; train after train hauling it in and armies of men piling it up at the end of the railway in a great pile—millions and millions of pieces. At these advance points small dinkey railway tracks lead up as close to the front line as they can go. On these are little cars that are loaded with shells. Sometimes there is a small engine to haul them a distance, but almost always not. They are pushed up by the men, right up to the big guns, and then for a distance on, to get them as near the small guns as possible. But there eventually comes a time when all the shells must be carried up by mules or by hand, as is almost constantly done. This continuous supply of ammunition to the guns at work is absolutely essential to life for a day or a night. Cut it off and your army is paralyzed and destroyed. We have never thought in terms of transportation in America such as is necessary for us to think if we are going to carry on this war in the way that it must be fought to win.

I desire to call attention to the distinction between the conditions in France and England and those in the United States with respect to transportation. All that is necessary in France is to produce the ammunition and transport it a short distance by rail; also that the food and supplies necessary to her army be placed on trains somewhere in France and hurried to the army at the front. The total distance does not exceed three or four hundred miles, probably much less. The problem in England is relatively small. In a single day a person can leave the front trenches of the English Army in Belgium or France and go to the heart of England.

In fact, I accompanied some men who left the trenches at Paschendale at 4 o'clock in the morning, with mud on their persons from their heads to their feet, who had been wallowing in it clear up to their armpits, but to them had come the glorious hour for relief. They left the trenches at 4 o'clock one morning and they were in London that night. This gives you some idea of the small problem that England has faced in transportation compared to the one that confronts us. Across the English Channel there are two great streams of transports from Dover to Calais and from Folkstone to Boulogne.

In fact, these two great lines of commerce are closed to everything except the military needs of Great Britain, and there are those two great streams going back and forth day and night, protected by an abundance of destroyers, so that you have many constantly in view, not only those that are accompanying the boat that you are on but those that are accompanying other boats going or returning. Mine layers and mine sweepers everywhere; aeroplanes frequently at work. Thus does Great Britain adequately protect these two great lines of transports, so essential to her military needs.

Every day 10,000 men go from the front trenches of the English Army in France back to England, and 10,000 return from England to France. This is all in the carrying out of an essential program, to give the men who are living the life at the front frequent opportunity to breathe a different air and to enjoy other surroundings. A large number of ships make the transit each day carrying supplies. The efficiency of this ship transportation is splendid to behold. It has been systematized so that it moves at great speed and with no friction. In fact, this transportation, as well as production in England, has been so perfected that the British Army in its most active days has never lacked for food or munitions.

We in this Congress remember the early days of 1914, when England sent to us the Macedonian cry, "Sell us guns, sell us uniforms, sell us ammunition, shells, everything we must have to build a great army. Time is short. America must come to our relief." England looked to the United States for the great part of those things essential to the building of an army. In the time that has elapsed since then England has made herself

entirely independent of the United States as far as manufactured products are concerned. She needs raw materials. Great Britain has raised and marched into the field over 7,000,000 men and now has an army of approximately 6,000,000 men. And yet as I journeyed among the munition factories of England I found that here and there it was necessary to close parts of them down for a short period of time now and then because their production was even greater than the necessities of her army at the front. That is somewhat illuminating to us while we are in the midst of the early days of our struggle here in this country. In fact, the guns have always more ammunition than they need. It is only a few hours from any part of England and Scotland to Calais, one hour from Dover to Calais, and a very few hours from Calais to the front.

Compared to the American problem, this is a small one, indeed. America's problem has Great Britain's problem multiplied ten times. While we must remember again and again to give thought to the production of rifles, cannon, aeroplanes, clothing, and the like, we must never for a moment lose sight of the greatest problem of all, and that is transportation. This transportation is basic to our success. It is basic to our entire effort. It must be perfected before we can even start to win. It must be kept perfect in order that we may continue our military operations in an effective manner.

He who has studied the military situation during the past year knows that the United States must take the place of Russia among the allies. We must do more than that. We must turn the tide of battle distinctly in favor of the allies, and that means we will have to be stronger than Russia ever was.

At the time Russia collapsed I am reliably informed she had 10,000,000 trained men ready for battle. I do not believe this war will ever be won by the allies unless the United States at the earliest possible date places upon the western front not less than 3,000,000, and we should place there 5,000,000. We will never win the war by a revolution in Germany.

Let us not allow ourselves to be fooled all the time. There is no more chance for a revolution in Germany than there is that the devil will give up his command in hell, and so says every man that speaks with knowledge of conditions in Germany. The German Army is not weak, composed of youths and old men; the German Army is marching 9,000,000 strong, and just as strong as it ever was, to the extent of 9,000,000 men, and the German Nation is back of its army.

We are going to win this war, but it will be won only in one way, and that is by destroying the military power of Germany in the field, and unless we do that we are lost. Unless we can make our plans commensurate with that task we might as well never have started.

Some slight eruptions may occur in that country, but not sufficient to be of any particular value.

There is just one way to beat Germany, and that is to beat her army. Unless Germany is thoroughly beaten, all the men that die, all the money that is spent, will be wasted. Germany has not less than 9,000,000 men, perfectly trained, and splendidly equipped. Let no one think they consist of old men, young men, and half-starved men. I saw hundreds and thousands of prisoners, some as they were freshly taken and others that had been taken years before. They are about all alike—big, strong, husky fellows, in splendid condition. We are in a war, a hard blow-giving and blow-receiving war. We must strike a harder blow than Germany can stand. We can not hope to do it with less than 3,000,000 men. To sustain a man across the sea requires at the lowest 6 tons of shipping each year. To sustain 3,000,000 soldiers, therefore, will require 18,000,000 tons of shipping.

Mr. REAVIS. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. REAVIS. I noticed in the Washington Post that they say we require 10½ tons per man. Did the gentleman see that?

Mr. MILLER of Minnesota. I have not seen it. It has been estimated at 9 tons, but I think 6 is the quantity that England is using.

Mr. REAVIS. In the article written by a shipping expert it is stated that it requires 10½ tons.

Mr. MILLER of Minnesota. That is higher than I ever heard of.

Mr. REAVIS. England uses 7 tons, which is the amount required in crossing the channel.

Mr. MILLER of Minnesota. Between 6 and 7 tons. But I want to put this down in a conservative way.

This must be secured in two ways—by the construction of additional ships and by increasing the efficiency of all our ships. To secure maximum efficiency on the part of shipping during these days of submarine war is extremely difficult, but vital to success.

The question is asked, Where is the port of disembarkation? I am not going to give the name to you, but I will point it out on the map. There is more than one port, but there is one port that 90 per cent of our troops arrive at. The problem, as I tried to state it a little while ago, is to gather throughout the United States soldiers and then supplies and equipment, and transport all to the Atlantic seaboard, and then by ship across the sea. It is, in round numbers, 3,600 miles from New York to the spot in the Bay of Biscay to which I am pointing, and that is the spot at the mouth of an important river where the American troops are landed. It is possible by rail transportation direct from that point to go to the American expeditionary force in the field where it now is without going through Paris. That is a very important and vital matter.

Mr. PLATT. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. PLATT. Is it true that that particular port has been partially made over?

Mr. MILLER of Minnesota. I am going to discuss that in a few minutes, and then if I do not answer the gentleman's question he may bring it up again. I want to discuss for a few minutes the question of submarine activity. I stated a while ago that the Government had undertaken the greatest task in its history when it undertook to put 3,000,000 men, or even 1,000,000 men, on the fighting front in France and keep them supplied. We have got to ship them across the sea, a sea that is not ours by a long, long way. The only thing comparable to our problem—and it is not really comparable—is when Great Britain fought the South African war 18 years ago. They had to ship troops about as far or a little farther, but their problem was extremely simple compared with ours. In the first place they controlled the sea, and in the second place sent a highly trained army of organized men against an army not organized, not united, not well led, not well equipped, and of a small number in South Africa.

I do not intend to give away anything of any military value to the enemy and do not believe I will. We can not expect our people in this country to fight this war, long drawn out as it is almost certain to be, entirely on faith. They must have some facts. They must have some information as to how the battle is going. My information has been received from the most trustworthy source, and I consider it absolutely authentic. The high priest of ruthless submarine warfare—in other words, Admiral von Tirpitz—confidently told the Kaiser and his people—told them last January—that if unrestricted submarine warfare should be inaugurated England would be starved within three months and the war ended within that time.

The people of Germany were so elated at the prospect of a great victory and an early end of the war that they gave no heed to the savagery, brutality, and depravity associated with that kind of warfare. You will recall the German Admiralty planned to sink 1,000,000 tons per month. Knowing the number of tons available to the shipping of the world, it was relatively easy to predict how soon starvation must come to England. This warfare was inaugurated almost exactly a year ago. Three times four months have come and gone and the war is still going on. The only thing this year has made certain is that the constant effort and untiring energy of the allies on the sea, if continued, will end in defeat for the submarine, but the battle is a long one and a close one. All told, the Germans have constructed and placed in operation about 265 submarines. Those first sent out were relatively small.

The difficulties of navigation had not then been solved, and many of those submarines sailed away, never to return, having been lost at sea. The number of ships sunk by submarines increased enormously with the beginning of unrestricted warfare a year ago, particularly. The number of submarines destroyed during this past year likewise enormously increased. In fact, during the past 10 months three times as many submarines have been destroyed as were destroyed during the previous two and a half years of war. All told, there have been destroyed to a certainty about an even hundred submarines. A dozen more probably have been destroyed; definite figures are not obtainable; but it is hoped, and fairly probable, that submarines are just now being destroyed as fast as they are being manufactured by the Germans. We know that during the months of April and May last year the submarine sank 1,700,000 tons of English shipping alone. During these months the Germans practically made good their boast. Increased skill and effort in combating the submarine have greatly reduced the sinkings, until now it can be said the situation is fairly well in hand. These sinkings each month have gone down through 600,000 tons to 400,000 tons and for a time down to 280,000 or 270,000 tons. During the last month there has been a marked decrease in the number of

ships sunk. We do not want to be deceived by this and think the war is over. The British and the American admiralty are not deceived. The submarines can operate only with great difficulty during the long nights and stormy weather of the winter season. Most of the merchant ships are now armed, so the days have passed when the submarine can open up a combat with a merchant ship firing shells from the surface. The truth is the only ships now being sunk, or practically the only ones, are being sunk by submarines that are never seen at all. In a heavy sea a submarine that is all submerged excepting its periscope can only see a very short distance and in a very uncertain manner. Ideal weather for the submarine to operate exists when the sea is calm and the days are long. When spring returns increased sinkings will recur. It is a matter now of quite common knowledge that the moments of grave danger are just about sunrise in the morning and sunset at night, especially if the sea is calm. Why? Because during that twilight period, which is long, especially during the summer, there is that uncertainty of light which makes it, first, difficult to discover the periscope of a submarine, but, on the other hand, makes it easy for the submarine to see the hulk of the ship in bold relief and to send in a deadly shot.

The beginning of successful resistance to the submarine was coincident with the coming of the first American destroyers into the war zone. Mind you, I do not say that successful operation against the submarine only began by and was exclusively confined to the Americans that went over with the destroyers, but I say the coming of the American destroyers was coincident with the beginning of successful operation against the submarine. [Applause.] The Americans were not the sole cause of the successful warfare, not by any means, but they made a marked contribution to it. Admiral Sims at an early date insisted upon the convoy system; first, to secure protection to the ships; and second, to bring the submarine where the destroyer can get at him. The submarine is of no value unless it seeks and tries to destroy ships. If the enemy of the submarine is in the vicinity of the ships, then it finds itself in the vicinity of the submarine, where it wants to be. That was the logic of Admiral Sims in May of last year. He said, "What is the use of sending destroyers and ships of your navy scouring the seas, hunting for the submarines? The seas are vast and the submarine is small. They may seek for days and weeks and find not their quarry, but you group your ships together and put your destroyers about your ships, and you are bound to have your destroyers meet the submarine. The submarine must find the ships, and in finding the ships he meets his deadly enemy." [Applause.]

Mr. Chairman, I myself think, layman as I am, that that was the most important contribution to the successful combating of the submarine that has been made. Its significance soon became apparent to the British Admiralty, because they adopted it and have followed it, and while I may be stepping possibly to one side and digressing, I can not refrain from making this remark: Of all the able men who are now working for the United States day and night, with brain and energy and skill, we have not a better one or a more successful one than Admiral Sims across the sea [applause]; and it is the duty of this Congress and it should be the duty of the Navy of this country—and I think I am speaking in such a way as meets their approval—to give him absolute carte blanche. Whatever he recommends, carry that out.

Our naval officers when they first went over naturally received from the English the many important lessons the English had learned from experience. Admiral Sims insisted upon the value of the convoy system and in addition our destroyers put unusual pep and ginger into their work. The minute a submarine was located the American destroyers were out and made for it at full speed. No quicker is a dog of prey to scent and follow the scent with lightning speed to the quarry than the destroyer when a submarine is sighted to dive full blast at the spot where the submarine is. The convoy system has certain disadvantages, however. It decreases the efficiency of shipping for the reason that it is necessary for a ship to wait until it can be joined by other ships going to the same port and the whole supported by the convoy. The problem is to make these delays as small as possible. The essential feature is to have a liberal supply of convoying ships. The destroyer is the natural enemy of the submarine, consequently we must have many destroyers for convoy purposes. Experience has shown that raiders are not infrequently met with on the high seas during this war. I am going to go a step further and I think I will put something with that sentence after the revelations that have been coming out. Thirteen ships convoyed by two destroyers from Norway going to England were sunk and the two destroyers were themselves destroyed and sunk in a few moments' time. Why? Why, everyone knows it was not because the Germans sent the ordinary submarine or destroyer after them. The admiralties of Great Britain, America, and France know that the Germans have constructed a lot of raiders of terrific speed, probably 25 knots, mounted with large or relatively large cannon. You can draw your own conclusions as to what happened on the North Sea when they started out. At least three of them got out into the ocean. I do not know what has happened to them since. I do not know whether they have been destroyed or whether they are still afloat, but they got out and it was expected during the winter months more would come out, a real menace and peril. Protection against craft of this character must be provided for groups of ships carrying soldiers. This protection can only come from the cruiser or the battleship. For a long time Admiral Sims was compelled to patrol that part of the ocean beginning west of the coast of Ireland, extending down across Ireland, down across the western entrance of the English Channel, clear across the western coast of France and Ireland, the coast of Spain, down to the Azores Islands.

The most important thing for us to do is to furnish protection by convoy of destroyers to the ships coming from the United States carrying troops and munitions across to France. And how many destroyers do you think Sims had with which to do the whole job? I can tell you, because it is not the number now. It was just 36—not one-fifth enough—and the success that accompanied the work of Admiral Sims and the splendid officers and men under him testify to their capacity to use such instrumentalities as they are provided with to do splendid and gigantic work. That is not the number of destroyers we now have over there. I can give that without giving aid to the enemy. This number was grossly insufficient. Fortunately our Navy realized the mistake made in failing to increase the destroyer building program in large proportions at the very outbreak of the war, and some months ago started upon a very vigorous program that will produce any needed destroyers at a day I hope not too far away. Some of these new destroyers are being delivered. Permit me to insist that the first duty of our Navy is to protect the line of communication from France to America. Disaster has been narrowly averted more than once. We can not expect Providence to be with us all the time. We must fight our own battles part of the time. We must be prepared to give full protection to our ships going to France and returning from France. We have a few cruisers engaged in this work of convoying. It is most unfortunate we have not several times their number; but we have them not, and we can not get them. We have a substitute that I submit should be used. We are congratulating ourselves in this country that our Navy has manifested such a high efficiency. The Naval Committee of this House is purring sweetly in splendid satisfaction of the Navy in the war. I do not say that in any disrespectful sense. It has been rather sweetly delicious, however, to note its self-congratulation constantly. Far be it from me to take away any of that pride or any of that satisfaction. Let me suggest this Navy will never help win the war if it is locked up and hermetically sealed in some safe harbor of the United States. We have many old battleships not considered first class. They have sufficient speed and seaworthiness that they could and should be used in the place of cruisers for this convoy work. It is the duty of the Navy to send them abroad immediately and to keep them there. What I have just said is not exclusively my views. I am the mouthpiece of many men in the Navy who are doing this work. I hope somebody will hear these words and heed them. I can speak where they can not. Transportation across the Atlantic is the neck of our military bottle——

Mr. MADDEN. I suppose it would not be any secret to disclose the number of these ships that are not being used, for it would not help the enemy any.

Mr. MILLER of Minnesota. Not the slightest; and we can turn to any report of the Secretary of the Navy and find the entire list. They are now in Philadelphia; they are now in New York; they are now at Hampton Roads; and God knows they ought to be on the high seas.

Mr. MADDEN. It seems to me it might be well enough for the enemy to know that we have discontinued locking them up, but have put them in the water where they can do some destruction.

Mr. HICKS. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. HICKS. Does the gentleman know how many first-class battleships of ours are on the other side now?

Mr. MILLER of Minnesota. Yes, sir. I was informed at the time the request was made over there that they be sent over, and, frankly, I was afraid our Navy would not do it, but I made par-

ticular inquiry and followed it up and found that they have been sent, and some day they may write a glorious chapter into American history.

Mr. HICKS. We have first-class battleships abroad and——

Mr. MILLER of Washington. And no better battleships ever floated on a sea. I am here speaking of the second-class battleships now at home that have no place in the first line.

Mr. MOORE of Pennsylvania. Would the gentleman include any of the old monitors that he has referred to, that now happen to be in the Philadelphia Navy Yard, in the cross-seas service?

Mr. MILLER of Minnesota. I do not think so. England might want them to go up against the shore batteries on the North Sea. I am not speaking of all the ships that are not now on the high seas. I am speaking of a single class, and that alone, and the job that is just hungry for them out there on the high seas.

I submit that some radical reforms are necessary if we are going to secure reasonable military efficiency. Certain transports now operating across the Atlantic are under control of the Army and operating strictly under the War Department. I hope you will bear this analysis in mind. Others, and a greater number of transports, are being operated by the Navy. And it is no secret that these transports are those interned German ships that we took over, a splendid fleet of boats. The Shipping Board, in addition, is operating some merchant ships and desires to operate all the transport ships.

Now, what is it we have? We have the Army operating one line of transports, the Navy operating another line of transports, the Shipping Board operating certain merchant ships carrying supplies, and trying to get the job of operating all the transports and all the merchant ships. In other words, they wish to have charge of all this most important branch of our military service.

Now, let us just face the truth. The reason the desire exists that the Shipping Board shall operate all these ships is that it will necessitate the taking off of the American sailors that are working for $30 a month and put in their places other sailors that will be getting $90 to $125 a month. Now, you and I might possibly be willing to go the length necessary to accomplish that if we are helping American citizens. I was on the high seas a year ago, on two ships under the American flag, and I went through those ships from time to time, and there was not an American citizen in the entire crew. On this trip which I took lately across the water I went on one kind of a transport over and I came back on another. The one going over had a crew that had been picked up in New York, the best they could do, but I could not find an American citizen in the outfit below the officers. And they are getting fabulous sums. They were West Indians and Portuguese and South Americans, a rag-tag crowd from everywhere under the sun.

So, whenever anybody writes you or asks you to support a bill that will put all our transports and shipping on the high seas under our Shipping Board, do not let them fool you by stating that by so doing you are going to give some American citizen a job. You will be simply giving to some South American or some West Indian in one month more money than he or any of his ancestors earned in a year's time.

Mr. TOWNER. I would like to ask the gentleman if it is not his judgment that they should be put under one control?

Mr. MILLER of Minnesota. It is. These three systems do not work in harmony, and, doing the best they can, they only result in decreasing the efficiency of our ships to a very low point. They can not work in harmony. With the different heads and different systems and different personnel, they can not work well together, and they do not. The Army has been running transports to Hawaii, to the Philippines, Porto Rico, and Panama for 20 years now and have acquired a system and operatives that make these Army transports the best handled and most efficient that we have now. All these ships should be placed under one authority, run by one man, and under one system. We can not afford to lose a single day in making this change.

I would say that the Army should be the department having exclusive charge of all this transport system were it not for one thing, namely, that going across the Atlantic is a part of fighting the battle with the submarines, and the Navy alone can do that work. [Applause.] I do not care what kind of a master you have on your ship, whether he is an Army officer or a civilian; I do not care what you pay him; the master mind that guides that ship from the time it leaves New York until it finds a safe refuge in a harbor in France is a naval officer, as he should be, because the crossing of the sea to-day is 1 per cent navigation and 99 per cent fighting the submarine.

Mr. LONGWORTH. While the gentleman is on that subject, can he state what is the speed of the latest type of the German submarine?

Mr. MILLER of Minnesota. I can tell the gentleman what our best authority on the submarine told me, and I presume it is correct. On the surface it is not to exceed 16 knots; under the surface they can make from 8 knots down, with capacity to move very slowly under the sea, from probably 1½ to 2 knots. In other words, they have a wide range, from the slowest under the sea to their highest speed on the surface.

Mr. LONGWORTH. Can the gentleman tell me how many torpedoes the submarine can carry?

Mr. MILLER of Minnesota. They carry from 20 to 24.

Mr. LONGWORTH. Can the gentleman state, they now being able to carry 20 torpedoes, how long they can stay on the voyage from their base of supplies?

Mr. MILLER of Minnesota. I will be pleased to answer. The main base is at Zeebrugge on the North Sea. The main area of operation is across the northern part of Scotland and the upper part of Ireland and then the English Channel. Continuing, their field is the Bay of Biscay, then along the coasts of Spain and Portugal, and then out to the Azores. All trade routes from South America going to the north of Europe really converge through the Bay of Biscay. For the submarine to get into this area of operations or the western entrance to the English Channel it is necessary to make the trip from Zeebrugge around Scotland, which I am informed takes 10 days. They have a period of activity which depends somewhat upon how active they are. That is, if they fire many torpedoes and meet many ships, or fire many torpedoes at one, as soon as they have used up their 20 torpedoes they have got to stop and go home. Or if they see few ships and conserve their ammunition they have a period of activity limited by fuel and food, probably about 20 days on the average. It then takes them 10 days to go back. It then takes them about 10 days to refit at Zeebrugge. So that you have a period of activity of about two to three, or 20 days activity to 30 days of preparation. That is the latest type and their best submarine.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from New York?

Mr. MILLER of Minnesota. Certainly.

Mr. PLATT. I wish to ask a question on the point the gentleman was just speaking of a few minutes ago. I crossed a part of the Pacific Ocean a few weeks ago from Honolulu to San Francisco in a ship that was making its last trip and which was about to go into service as an Atlantic transport. The captain of that ship told me he was a Naval Reserve officer and that all the other officers of the ship were Naval Reserve officers, and that none of the crew had been enlisted in the Naval Reserve. He said he did not know whether he was to be subjected to the Shipping Board or to the Navy, and he was going into the Federal service under those circumstances.

Mr. MILLER of Minnesota. He will be lucky if he finds out. He will probably be amenable to the Army. I think that transport has been chartered by the Army and not by the Navy.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. HUMPHREYS. Going back to the point the gentleman just left, about the length of time a submarine can remain away from its base, is it true that they have ships like the *Deutschland* and that character of submarine to carry supplies out on the sea for the submarines, or is it necessary for the submarine to return to base for its supplies?

Mr. MILLER of Minnesota. I imagine it is necessary for the submarine frequently to return to its depots. There is some question as to whether there are mother submarines or not. It is thought that the *Deutschland* and one or two more may be engaged in that work, but their capacity is so limited that it makes no perceptible effect on the situation. There are very many submarine-mine layers in all this field whose sphere of activity is, of course, determined entirely on the amount of fuel they have and supplies.

Mr. SLOAN. Mr. Chairman, will the gentleman yield right there?

Mr. MILLER of Minnesota. Yes.

Mr. SLOAN. Do these recently commissioned submarines carry other means of offense and defense than these torpedoes that the gentleman was speaking of? That is, do they carry guns?

Mr. MILLER of Minnesota. Yes. Heretofore a 3-inch gun has been considered a pretty formidable weapon against the submarine. The larger submarines now have probably 4 and possibly 5-inch guns; anyhow 4-inch.

It is ridiculous to have a ship with two captains, one for the ship and the other a naval officer, who really has complete control. We can not do without the Navy. The Navy must

have charge of the operations of these ships so far as the defense against the submarine is concerned. I believe the Navy can develop efficiency in the pure transportation feature of the problem. The Shipping Board has no business to inject itself into this problem at all. [Applause.] This is a military matter, and should be handled in a strictly military fashion. Let the Shipping Board run those merchant ships that are engaged in commercial business. Consequently I am strongly of the opinion that there should be turned over to the Navy all the ships crossing the Atlantic engaged in military work, and the Navy should be put in charge. There should very likely be some one in charge of the movements of the ships—by that I mean their dispatch from port to port—one man, a civilian, selected by the President, who will operate under the Navy and who is himself skilled in transportation.

The Navy does not understand the transportation of ships to save time. Naval officers have never developed that faculty; but men whose business it has been to make money or lose money in accordance with whether their ships load or unload rapidly and move speedily or not are qualified for this kind of work, and that class of men should be utilized as the directing force for the management generally of the big fleet. But Navy officers can take charge of the actual operation of the ships on the sea. Therefore from the minute one of these ships leaves port until it arrives in the next port it would be exclusively under the control of naval officers. What we want is a master mind, accustomed to weigh the value of his ship's time and to drive that ship to its highest efficiency all the time. The Army can loan to the Navy its personnel developed in transportation work.

This one change will increase the efficiency of our ships many, many times.

The delays that now occur are sufficient to fill one with serious alarm. The Army loads its boats. The Navy loads its boats, and then they have to get the two groups together, somewhere, if they can, and then they start out. It may be that the Army has loaded such boats as it has on hand, but they are insufficient to constitute a convoy. Therefore they hold those boats until more Army boats come in and there is a sufficient number to send them across. In the meantime the Navy boats are going through the same program. If you had all the chickens under one hen they could all be looked after by the same superior power. Days and even weeks pass in assembling a sufficient number of ships to be convoyed, whereas as a fact not more than a day or two at most should ever be lost.

I wish to emphasize the necessity of these ships being placed in charge of a civilian skilled in transportation, for the reason that naval officers do not appreciate the value of time and the necessity of keeping the cargoes moving.

I wrote this a week ago, and when I picked up the paper last night I was interested to see that this view which I have here expressed is that of a very distinguished retired admiral of the Navy, who wrote an article on it and published it yesterday.

Let me illustrate. Two ships were ready to start across the Atlantic on the homeward voyage, and sailed from a port in France a distance of 40 or 50 miles. This is an actual illustration that I know of personally. They were told to stop for some additional boats that were coming, and they received this order after they had got out 40 miles; not on the high seas exactly, but up the coast and to leeward of an island, but with all communication between them and the shore shut off. The minute a boat leaves its base and goes on the high seas to-day it is lost to the world. Its wireless can not operate. If it does, its location is made known to submarines. The ship sets sail in silence and in darkness, lost to humanity and the world until next it reaches a port. Now, these two boats stayed there day after day, being joined at the end of the third day by the other boats. On the fifth day the destroyers that were to escort them through the submarine zone appeared. For some unaccountable reason the ships did not sail even then. The destroyers fooled around, going back and forth for further orders for two more days. On the eighth day, under the most unfavorable conditions that at any time existed as far as submarines are concerned, this group set forth. Why, submarines had been for a week spotting exactly where they were.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I yield to the gentleman 10 minutes more.

Mr. MILLER of Minnesota. Submarines knew exactly the channel out of which they had to come; and is it any wonder that they were attacked twice before they got through the zone? These were all very large ships, among the very biggest and best in our Navy at the present time. I made a computation one day to see what the loss of the United States was on this delay, which nobody could explain or account for. The loss amounted to about $300,000. This is but one of many others that I could cite. This delay of eight days was due first, to the fact that two different authorities were in charge of two different classes of ships; second, it was due to an insufficient number of destroyers and to slow action on the part of those destroyers that finally were available. You remember that in this transportation business we can not afford to lose a minute. Every hour is precious. If our shipping is run at 50 per cent efficiency, it is exactly the same as though a submarine had sunk one-half of our entire tonnage. We must not only keep our ships afloat, but we must keep them moving with all possible speed. Then, too, we must build an enormous fleet of cargo ships. We made a bad start in this work. It now looks as if we were going ahead under high pressure, and yet we hear constantly that the efficiency of the shipyards here in the United States is very low, due to labor troubles. A vigorous policy is fundamentally essential in this crisis. Every man at work building a ship in this country is as much a soldier for Uncle Sam as though he stood in a front trench with a rifle and bayonet in his hand. If he fails in the performance of his work, the loss to our country is as great as though a soldier turned yellow on the firing line. Good working conditions and good pay should be given these workmen. In return they should give the utmost effort in their power to the construction of these ships. We need literally hundreds of ships to carry our supplies to France. We must have them. We have in the United States several hundred thousand troops ready to go to France. We can not send them on account of the lack of equipment and lack of ships. The great reason is lack of ships. Our attention must be focused on these vitally essential factors of our military situation if we are going to win. We have made very respectable progress in the construction of appropriate docks, warehouses, and the securing of terminal facilities at seaports in the United States. This part of the problem was right here under our eyes, and we recognized all of its elements and of its importance. It is singular that we did not have the same vision respecting the problem of debarkation in France. We got off on the left foot in France as far as port facilities are concerned, and we are still hobbling around on that one foot. What I am about to say of conditions of transportation in France I say with the utmost reluctance. As a matter of fact these ideas were forced on me against my will. These deductions are impelled by what any man can see who follows this line of transportation as I did with our troops from this country to the firing line in France.

The port of debarkation, as I stated a time ago, is where I have my pointer now on the map. That is the large port assigned to us for our use. You will observe that railway transportation must cross France almost directly to the front line. My pointer is now on the exact spot where the American boys are in the trenches, near the fortress of Toul, not far from Nancy, and I am mighty glad that at last the authorities have the good judgment to tell the truth to the American people where these men are. The Germans naturally learned early. They learned while I was there, because they pulled off a raid that captured some of the Americans. So the Germans have known it for weeks and months. The American people ought to know, and it will be satisfying to them to know exactly where their men are.

We must not be too critical of those in charge of the administration of this war program, and I hope that will be distinctly understood. We had to set sail on an unknown sea. We had to block out our way amidst difficulties and conditions that had never confronted us before. You can not expect perfection to be attained at the first jump. If we are working toward it rapidly, that is all we can expect.

Mr. KNUTSON. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. KNUTSON. Does not the gentleman think we have needlessly repeated blunders made by our allies in the first years of the war?

Mr. MILLER of Minnesota. I am not convinced that perhaps we have been inexcusable in many of our blunders, but I prefer not to discuss that feature of it now.

Many of the things we are now trying to do have unexpectedly arisen as the situation has evolved. In the first place, when the war started we did not expect to send any troops to France at all until the middle of the summer 1918, when we expected to send a huge army. We changed our plan by sending a division for inspirational effect. We are now trying to get into France at the earliest possible date as large a fighting force as we can. In the first days, therefore, we failed to recognize some of the needs that would arise when the big movement was on. This matter of a port in France is one of them. We have largely for our use an important port in France. It, however, is grossly inadequate for our needs. In the first place, dock facilities were

constructed for a commerce not more than one-third of that we are pouring into the place now. Fearful congestion immediately resulted when we began to send many ships across. These ships have to lie there awaiting a chance to unload. Many of them have been there for weeks before they could be unloaded. In fact, while I was there there was one ship that had been at the dock 50 days trying to unload steel billets consigned to the French. It had got some off, but in despair of ever getting it unloaded it took the balance away, carrying them back to this country, a part of its cargo.

A vastly greater dock space is needed, and I am glad to say a very considerable development in this regard is now taking place. Terminal facilities, including warehouses, railway tracks, and the like are seriously needed. Men have been doing the best they can and considerable development has occurred, but the facilities still are grossly inadequate, even for existing needs. One hesitates to contemplate a picture of conditions there should no additional facilities be provided when we have 3,000,000 men in France. The truth is we simply never can get 3,000,000 men in France, and we could not keep them there a week unless we have different port facilities. Difficulties have arisen because the French do not understand us and we do not understand the French. Their ways are not our ways. It is the height of absurdity for us to continue to use this port and have the port completely under the control of the French.

I want to repeat that for emphasis. We might as well stop now and decide on one or two things that have got to be done. This port is not our port at all. We are permitted to use it by the French Government. We are going with such a force and such a purpose that we must have a port exclusively for ourselves, under our control, one we can develop, one where we can increase the docking facilities and where we can increase the channel depth. We want one that will accommodate the largest ships, one where we can build docks and terminal facilities and not be compelled to use the antiquated, out of date, inadequate facilities provided by the French Government at this time.

This port should be turned over to us absolutely and be exclusively under our control with full permission to make all needed changes. Enormous charges are now being made because American ships are using the facilities of this port. We should make it a condition precedent to sending another ship to France that that port be turned over to us. And what I say reflects the settled conviction of the men upon whose shoulders rests the responsibility of making this war a success in the field.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. MOORE of Pennsylvania. This is very important, indeed, and I should like to know whether the United States is at all responsible for the congestion prevailing at the French port.

Mr. MILLER of Minnesota. Yes, partly; but they have been trying to do the best they could with a system that is wrong.

Mr MOORE of Pennsylvania. Then it is not our fault.

Mr. MILLER of Minnesota. Well, it is partly our fault. Gen. Pershing has tried man after man, trying to clear up and get these supplies moving, and as man after man has tried he has been removed. Gen. Pershing gives a man one chance, and if he does not succeed out he goes. And that is the way it ought to be. But these men were up against conditions beyond their control, and the greatest transportation expert in the world could not bring order out of chaos. An Army officer who is one of the most skilled transportation experts our Army has developed, with high rank in the Army, went over on the same boat that I did to take care of the transportation inland when the time arrived that he was needed. He was not quite needed at the time on the inland transportation, and he stopped at this port. Having nothing to do, he spent his time voluntarily working night and day trying to bring order out of chaos, and when I saw him at the end of the month he said, "My God, it is hopeless unless the Americans are in full and absolute control of this port and all the facilities here."

Mr. AUSTIN. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. AUSTIN. Let me ask the gentleman, Has it not been decided upon to open three ports to be used exclusively for the Americans?

Mr. MILLER of Minnesota. I am quite confident that that is not so. Three ports are not necessary, but one is absolutely necessary, with part use of another, as circumstances require.

Now, I want to let that sink in with some insistence. The French Government is making heavy charges for the use of this port. These charges in some instances are positively fabulous.

Mr. MADDEN. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. MADDEN. Has any effort been made by any member of the Government of the United States to get the French authorities to turn this port over to the United States?

Mr. MILLER of Minnesota. I have no way of knowing, but I hope that some one is taking that course. If they have not done so, it should have been a condition precedent to sending an Army over there in the first place.

Mr. MADDEN. It seems to me that all we would have to do would be to ask for it. The Government of France certainly could not refuse to grant that request.

Mr. MILLER of Minnesota. I would say to the gentleman——

Mr. MADDEN. If we have not asked for it, I think we are very derelict.

Mr. MILLER of Minnesota. I will say to the gentleman that I think we have asked for it, and I can not put it any stronger than that. The men operating the ships are not able to understand why many of these charges are made, but they are made, and up to date there seems to be no disposition other than to pay them. There could not be any other disposition. If necessary, let us pay France a reasonable rental for the use of this port—a good rental.

Mr. COOPER of Wisconsin. Will the gentleman please tell us what those charges are for?

Mr. MILLER of Minnesota. I do not like to, but inasmuch as the gentleman has asked it I shall do so.

Mr. COOPER of Wisconsin. If there is anything that ought not to be said, do not do so.

Mr. MILLER of Minnesota. I do not want to injure the feelings of any of our friends.

Mr. COOPER of Wisconsin. Then I would not mention it.

Mr. MILLER of Minnesota. That is the only reason I refrain from giving them; but I will say to my friend that I have a list which I shall be very glad to show him privately.

Mr. MADDEN. They are the usual charges for docking——

Mr. MILLER of Minnesota. And other things.

Mr. MADDEN. And port fees and pilot fees and all that.

Mr. MILLER of Minnesota. And other things.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. LONGWORTH. Is it not true that we ourselves built a large number of those docks?

Mr. MILLER of Minnesota. We have built some extensions to those already there.

Mr. LONGWORTH. I happened to hear the Secretary of War the other day before a committee of another body devote a great deal of time to showing what magnificent work this Government had done, and the enormous amount of docks it had built, and the enormous amount of lumber necessary to transport, and the number of forests had to be cut down in France to provide lumber with which to build the docks.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. MILLER of Minnesota. Mr. Chairman, I have been an awful transgressor, but I will state to the gentleman from Wisconsin that I think I can finish in 10 minutes.

Mr. COOPER of Wisconsin. I yield the gentleman 10 minutes more.

Mr. GOODWIN of Arkansas. Will the gentleman yield?

Mr. MILLER of Washington. Does the gentleman contend that we should have the exclusive use of the port to which he refers?

Mr. MILLER of Minnesota. Absolutely we should have control of it. We could permit French use of it as needed; but I will say that there is mighty little need that the French have for this port. What I mean is that we must have it under our absolute control.

Mr. MILLER of Washington. Does the gentleman know what arrangements are made between the British and the French regarding the port of Calais?

Mr. MILLER of Minnesota. I do not. I did not get interested in this port business until after I had been to England and to the English front or I should have made some inquiry in respect to it.

Mr. ROSE. Mr. Chairman, I would like to know the answer of the gentleman to the question of the gentleman from Ohio [Mr. LONGWORTH].

Mr. MILLER of Minnesota. I know they have been doing the best they can, but I sincerely trust the Secretary of War will find time to go over there and make a personal investigation of many things in France.

This brings me to the next step: There are not proper facilities for unloading the kind of cargo that certain ships carry. In the third place, stevedores could not be readily found for the work. In our anxiety to secure a force of stevedores to send

to this port in France, we seemed to think it was unnecessary to secure skill or experience. I do not know where these stevedores came from, but as near as I could make out they were recruited from various sections of the South—all of them colored—their main qualifications having been that at some time in their early youth they had sat on a dock and seen a steamboat pass by. Army officers who are working themselves down to skeleton form in a frantic effort to bring order out of this chaos at this port told me that in unloading ships these stevedores, by their carelessness and lack of experience, have destroyed 20 per cent of the cargoes that have been sent over. They would drop sugar and flour into the sea. They were clumsy, awkward, slow, inefficient.

I am inclined to think that conditions have improved since I left there the middle of November. God knows, I hope so, but I am speaking of it as I saw it during that period of two months and a half. I watched these men for many hours. I have never seen such inefficiency in my life on any kind of a job. Furthermore, there did not seem to be any desire to improve their efficiency. I am speaking now of the men themselves. Never was greater contrast noted than when I left this port and a few days later stood in another French port under the control of the English, and observed how the English handled their shipping and unloaded their boats. It was most humiliating to me as an American. To unload a boat does not require military training or skill. It is just plain, ordinary industrial work. Then, too, there were nowhere enough of these negro stevedores. An efficent corps of workmen of this class should be recruited in this country and sent over under military discipline and operated as a military unit. They began that just as I was leaving. If we have to pay high wages, let us pay them, but let us get efficiency. Why, I saw men there at the front. I saw the boys as they were putting their packs on their backs, getting ready to step into the trenches, and some of them did not have the kind of hats they should have—the kind adopted for the trenches. This hat was a new thing. They had not yet had a chance to get these hats, and perhaps could not have gotten them had they stayed there two weeks. Transportation from the port was pretty nearly blocked. Oh, if I could, if I felt at liberty to give you details of transportation from this port, even after it gets out of this congestion, then you would understand that we need to direct our attention to transportation in France.

This brings me to another thing. In order to get our men to the front and supplies to them, we have to ship all by a French railroad. The railroad we are using is exclusively under French control. The equipment is under French control; the trains are operated by the French. The cars that we are using are such as the French from time to time let us have.

And, by the way, our needs have to be supplied by the French. They take care of their own needs, and they are pretty certain to take care of their own needs first. It is no secret to the world, but every country in Europe is short of transportation on railways for their own needs. The cars that we use are such as the French from time to time let us have. Here again is manifested the unfortunate situation of our working in a strange land among strange people.

Mr. BLAND. Will the gentleman yield?

Mr. MILLER of Minnesota. Let me finish this; then if I can I will yield to the gentleman. The ways of the French and the Americans are not the same. The French Government should be required, as a condition precedent to our sending an army to France, to turn over to us not only this port but also a line of railroad from the port to the army in the field. This can be done, having a regard to the railway system in France. If it can not be done, we should build a railroad and build it at once; but it can be done, because from this particular port the railway facilities are such that one railroad system can be turned over to us. The condition is absolutely intolerable and prohibitive of success. We know that the German railways have been allowed to decline in efficiency to a very marked degree. Rolling stock and the roadbeds have not been kept up. The heavy wear and tear during these war years have seriously impaired the whole railway system. To a degree this has also occurred in France and England, particularly in France. The French railroad tracks are in good shape. The rolling stock is inadequate and out of repair. The gauge of the railroad is such that American rolling stock can be utilized. The United States should send to France for the use of our troops and of our Army at the earliest possible minute upward of a thousand locomotives, and many, many thousand cars. Efforts to supply the locomotives have been going on for many months, but we should have the direction and control of this railway system in our own hands. We can afford to pay the French Government liberally for the use of this railway system, and the French people must see that our exclusive control over this system is essential to our military success.

Why, at one time—it is no great secret now—15,000 of our choice troops, the Rainbow Division, if you please, put on the finest ships in our Navy, the fastest, the biggest, the grandest and best, the cream of those that Germany so kindly let us have—against their will—went to a certain port in France. When it got there the rolling stock which had been promised to unload those troops and take them to the front had been obliged to be diverted to haul French and English soldiers, more than 200,000 of them, down to the Italian front, and those men were practically cut off, were practically obliged to stay on board their ships for two weeks, lying out there at sea, short of water, short of food, and short of everything. That was not the fault of anybody on earth but the system under which we are trying to work.

In the matter of motor trucks we have not made a practical start. I say this with deliberation, notwithstanding what some gentlemen recently have said. The type of motor truck first sent over was not the one best adapted to the roads of France. The British and the French use a truck that is several times larger than the one we first sent over, and they use an enormous number of them. Back of the British lines one seems to see nothing but endless streams of motor trucks. It is hard to believe there are so many motor trucks in the world. As yet we have an insufficient number of motor trucks over there. Visiting the various camps where the American troops are located, I was everywhere met with the concern about the need of motor transportation.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MILLER of Minnesota. I will not ask for further time.

Mr. FLOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, I hardly think I will occupy all the time that the gentleman from Virginia has so generously yielded me. We have just listened to a very interesting address, one that I think it would be well for us all to consider and ponder carefully because it is this first-hand information that is most valuable in these times when we ought to be careful not to make mistakes.

I was very much interested in the address delivered this morning by the distinguished chairman of the Committee on Foreign Affairs outlining somewhat the history and the work of the State Department. I think we will all agree with him that it is one of the greatest departments of the Government. In one sense it is both the eyes and the ears of the President—it is through that department that he both sees and hears what is going on throughout the world and he is thus enabled to protect the rights of all the people of the United States. I sometimes think, and I have some knowledge of that department, that people fail to realize the tremendous importance of that particular department of government. I have not the slightest doubt that wars have more than once been averted by the activities of the State Department. Great questions have been settled through that department in a few days that bid fair to cost the people in treasure immense sums of money and cause rivers of blood to flow. Sometimes we are inclined to be a little niggardly when they ask for appropriations to carry on their work. Nothing that I shall say this afternoon must be construed as a criticism of the present administration of that department.

I had not thought of saying anything at all in relation to a matter that arose during the time the gentleman from Virginia [Mr. FLOOD] was addressing the House this morning. I refer to the matter raised by the gentleman from Ohio [Mr. FESS] in regard to the work of Col. House. I have heard the question asked frequently, and usually put in the nature of a criticism, as to the status of Col. House on his missions to Europe. I hold no brief for him. I do not even know him; if I ever saw him I do not remember it, and I shall not attempt to say anything either for or against him. The fact that President Wilson trusts him gives me confidence in the man. I am surprised at anybody who would question the right or the expediency of the President in these critical times to select whomsoever he might choose to go any place or anywhere at any time to ascertain for him and through him for the people of the United States vital information, first hand, that is necessary for him to have in the proper management of the affairs of this Government. That has been the practice, if I read the history of my country correctly, throughout all of its history. Other Presidents have done it. I called attention this morning when that question was raised to the fact that President Roosevelt in 1905 had designated or selected a man by the name of Jacob Hollander to

go as his special representative to Santo Domingo on a certain mission. That this designation was made by President Roosevelt appeared in a hearing had by the Committee on Expenditures in the State Department a few years ago when that committee was investigating the State Department. I have looked up that record briefly, and I find Mr. Hollander when he was before that committee stated:

> The President of the United States asked me to go to Santo Domingo in March, 1905, as his agent to ascertain just what conditions were and to report to him as to the advisability of sending a mission to make a full study and a written report.

This question was asked Dr. Hollander:

> You speak of this trip to Europe. Did you make more than one trip to Europe?
>
> Dr. HOLLANDER. I made two. The first trip of investigation was made in June, 1905, while I was the representative of the President.

And then he went on to tell for what purpose he made the trip. Again he said in the course of that examination, when his attention was called to a date that the committee thought he was mistaken about:

> Dr. HOLLANDER. I moved it one year later; it should have been "until I was again invited in June, 1906"; that is to say, I was sent by the President in March, 1905; I made a verbal report to him in May, 1905; I went to Europe and on my return from Europe I was sent in a cruiser to the West Indies and given this proper dignity, and when I returned I submitted my report, in September, and remained subject to the orders of the President until December 31, 1905, after which my compensation and connection terminated, and I was not employed in any wise until the conference of which I spoke in June, 1906.

There was no criticism of that. I might doubt the necessity for that appointment, but I do not doubt President Roosevelt's right to make it.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. CAMPBELL of Kansas. Does not the gentleman recognize the difference between that mission and the mission upon which Col. House last went to Europe, when he went to meet the chief statesmen of the belligerent countries allied with us—the premier of England, the premier of France, and the premier of Italy?

Mr. HAMLIN. I do not.

Mr. CAMPBELL of Kansas. They being officially recognized and Col. House being an unofficial representative of the President and not of the country?

Mr. HAMLIN. When Col. House represented the President, he represented the whole country, and I do not think the United States suffered any by reason of the fact that he may not have gone there with his pockets full of commissions or his breast decorated with all sorts of jewels and insignia.

Mr. CAMPBELL of Kansas. He was well known.

Mr. HAMLIN. He is certainly becoming well known.

Mr. CAMPBELL of Kansas. Would it not be in keeping with the dignity of this country to have had a representative of this country occupying an official position equal to those of other countries?

Mr. HAMLIN. The dignity of the United States undoubtedly has not suffered. The approval placed upon Col. House by President Wilson, by intrusting him with a great mission, is sufficient dignity to give him standing in any country and among any people or dignitaries on the face of the earth, and he needed nothing more. [Applause on the Democratic side.]

Mr. HARDY. I will ask the gentleman if the treatment accorded to Col. House did not show that he was fully recognized?

Mr. HAMLIN. Absolutely. There is no question about it.

Mr. FESS. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. FESS. As I understand from the hearings, the gentleman was paid out of what fund?

Mr. HAMLIN. Now, I am coming to that—I am leading right up to it. You mean Dr. Hollander?

Mr. FESS. Yes. I was about to say I did not raise that question this morning, and it is a question that was pertinent.

Mr. HAMLIN. And the question I rose to discuss was the expenditure of certain moneys by the State Department, and my reference to this matter at all was occasioned by the question raised this morning by the gentleman from Ohio [Mr. FESS].

Mr. FESS. However, the gentleman will remember I did not raise the question of money matters.

Mr. HAMLIN. Not at all.

I hardly feel it is necessary to go into the question of the compensation of this man Hollander inasmuch as that is past history. Since the gentleman has asked me, however, it did develop that this fellow Hollander was paid something like $50,000 by our Government for his services and $100,000 by the Santo Domingo Government, the propriety of which transaction our committee questioned.

I do not think there was ever a time, even in times of peace, when it is not necessary for the President to have a fund from which he can pay through the State Department certain expenses incident to a certain class of official duties that it would not be policy to make public to the world. We all recognize that, and we have recognized it ever since the organization of the Government. Every other Government in the world does the same thing. The reason for it is perfectly apparent. It frequently becomes necessary, in addition to all the information the President can gather through the ordinary sources—the ambassadors, consuls, and so forth—for him to select some man in whom he has absolute confidence, as to his integrity, intelligence, and his judgment, to go on a mission and obtain first-hand facts so that when the President acts he can know that he has the actual facts. The importance of this is apparent, I think, to everyone of us. Of course, this work cost something and must be paid out of some fund. It would not do perhaps to make public the purpose of this expenditure, because if published to the world just what had been done international complications would in all probability arise from such publication. Therefore in this bill and in every other similar bill there is carried a lump sum of money—$700,000 in this bill, I see—out of which the President may pay these kind of expenses, and then report the expenditure to the Treasury Department under section 291 of the Revised Statutes by what is called a secret certificate, without specifying, without itemizing, and without disclosing the vouchers showing for what this money has been expended.

Mr. FESS. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. FESS. I think the gentleman does not want that statement to go into the RECORD at this place, to the effect that the $700,000 in this bill is intended to pay expenses of this sort.

Mr. HAMLIN. Oh, no. I say there is carried in this bill, under the item of emergencies, and so forth, $700,000——

Mr. FESS. Which may arise out of the war and which nobody can foresee.

Mr. HAMLIN. I do not mean to say that the entire $700,000 will be thus expended, but under that emergency item of the bill there is carried the sum of $700,000.

Mr. FESS. But specifically because under the war there are situations developing in various parts of the world that we can not foresee now.

Mr. HAMLIN. There is no question about that. In ordinary peace times the appropriations under that item averaged only about $90,000, and at times, I think, it has been cut down to $50,000.

There is another thing I wish to refer to. At the time my committee made the investigation of the State Department a few years ago it went into these matters very carefully. There was then no war; there was not even a war cloud in sight; and we recommended that the amount carried under this particular item which we have been discussing in the Diplomatic and Consular appropriation bill be cut down below $90,000. But I realize that conditions have radically changed since this administration went into power in 1913. At that time there was trouble brewing in Mexico. There was an ugly situation down there. Then, in August, 1914, this awful war broke out in Europe, multiplying many times over the necessity for the performance of just such services as would be paid for out of a fund of this kind and not to be specifically reported to the Treasury Department. Under the general law every dollar that the different executive departments expend must be represented by a voucher, and all may be made public, excepting this particular kind of expenditure that I am now speaking of.

And that brings me to the real point in the case: There has been a tendency to take advantage, it seems to me, of the fact that the Secretary of State or the State Department has the right, under section 291 of the Revised Statutes, to expend money out of this fund, and then, in settlement with the Treasury, cover the purpose of the expenditure by a blanket certificate of secrecy and forever foreclose the world from a knowledge of the purpose for which this money was expended. This statement in nowise refers to the conduct of the State Department under the Wilson administration, for I have no information covering that point.

Mr. LONDON. Mr. Chairman, will the gentleman yield there for an inquiry?

Mr. HAMLIN. Yes.

Mr. LONDON. Has not a fund of $100,000,000 been put at the disposal of the President out of which such expenses could be paid?

Mr. HAMLIN. That is a different fund entirely. That is purely a war emergency fund. I am talking now about the fund that is carried in all of these Diplomatic appropriation bills, either in time of war or in time of peace.

Now, I want to call the attention of the committee to what appears to be a discrepancy in the report as compared to certain data which I have. The distinguished chairman of the Committee on Foreign Affairs, in the frank and fair way in which he always deals with the House, has published in the report filed with this bill a tabulated statement, on page 9, which was undoubtedly furnished him by the State Department, showing the amount of money appropriated during the different years, running from 1905 to 1918, inclusive, and the amount expended out of that appropriation during each of these years, and which expenditures were undoubtedly covered by secret certificates in the Treasury such as I have been talking about. I have here with me some of these so-called secret certificates. I will call your attention to one, so that you may understand it. They read like this:

> By direction of the President and in pursuance of section 291 of the Revised Statutes of the United States, I hereby certify that ————, the disbursing officer, has expended the sum of $—— during the period from —— to ——, 19—, from the appropriation for emergencies arising in the Diplomatic and Consular Service, 19—, for expenses incurred during the fiscal year 19—, NATURE AND OBJECT OF WHICH EXPENDITURE IT IS DEEMED INEXPEDIENT TO MAKE KNOWN, and I hereby request the accounting officers of the Treasury, in the settlement of the accounts of the said ————, to allow him in the amount above named $——.

That is what we call the secret certificate which they are permitted to file with the Treasury Department under section 291 of the Revised Statutes. That is perfectly all right. I have no criticism to make of that at all, provided that expenditure is limited to things that should really be kept secret.

But let me give you an illustration of the practice which seemed prevalent in the department several years ago. We make an appropriation in this bill each year of a certain amount of money for bringing home criminals. There is no secrecy about this item. The amount is specified always; and yet I have certificates on file in the committee room, such as the one I have read, showing that for money expended in bringing home criminals they solemnly certified that the expenditure was of a nature and for a purpose that ought not to be disclosed and covered it into the Treasury by secret certificate. We appropriated some years ago $20,000, with no secrecy about it in the world, to enable this Government to participate in the celebration of the tercentennial at Lake Champlain. That amount of money was expended and the report of it was covered by one of these secret certificates in the Treasury; and yet there was absolutely no reason for it to be kept secret.

I can name 15 or 20 different expenditures covered by secret certificates in the Treasury as to which there could be possibly no kind of reason for it. The truth is, if a Secretary of State were disposed to do it, he could go out here on the street and buy an automobile for $5,000 and pay for it out of this fund and then solemnly declare that the purpose of that expenditure was of such character and nature that it ought not to be made public, and put the certificate in the Treasury and absolutely foreclose any knowledge on the part of the public as to the purpose for which that money was expended.

Now, I am not accusing anybody of doing that. I am simply pointing out the danger. I do know that this fund has been utilized for purposes which ought not to be kept secret, but in settlement was covered by a secret certificate.

Let me point out here what seems to be misleading. I have not got the report up to date. I have tried to get it, but so far it has not come to me. In 1911 my committee made a very exhaustive examination of conditions in the State Department. At that time I wrote the Secretary of the Treasury and asked him to send me, among other things, a statement of all the money paid out of this emergency fund and covered in settlement by so-called secret certificates under section 291, Revised Statutes.

Here is his reply:

> TREASURY DEPARTMENT,
> *Washington, August 2, 1911.*
>
> Hon. C. W. HAMLIN,
> *Chairman Committee on Expenditures in State Department,*
> *House of Representatives, Washington, D. C.*
>
> SIR: In compliance with the request contained in your letter of July 18, 1911, there is submitted below a statement prepared by the Auditor for the State and Other Departments showing all moneys disbursed by the Department of State and accounted for by certificates of the Secretary of State under section 291, Revised Statutes of the United States, from July 1, 1905, to March 31, 1911:

July, 1905	$2,789.24
August, 1905	4,226.61
September, 1905	11,078.47
October, 1905	14,019.77
November, 1905	16,924.24
December, 1905	7,716.65
January, 1906	8,090.08
February, 1906	4,080.94
March, 1906	11,739.26
April, 1906	30,570.36
May, 1906	10,871.40
June, 1906	14,389.41
Quarter ended Sept. 30, 1906	29,304.72
Quarter ended Dec. 31, 1906	$16,131.98
Quarter ended Mar. 31, 1907	33,029.94
Quarter ended June 30, 1907	29,667.34
Quarter ended Sept. 30, 1907	32,677.79
Quarter ended Dec. 31, 1907	29,898.96
Period from Jan. 1 to Apr. 6, 1908	18,063.92
Period from Apr. 17 to June 30, 1908	21,682.36
Quarter ended Sept. 30, 1908	27,195.60
Quarter ended Dec. 31, 1908	21,958.25
Quarter ended Mar. 31, 1909	49,876.00
Quarter ended June 30, 1909	27,602.73
Quarter ended Sept. 30, 1909	26,561.45
Quarter ended Dec. 31, 1909	29,566.71
Quarter ended Mar. 31, 1910	32,806.49
Quarter ended June 30, 1910	15,611.16
Quarter ended Sept. 30, 1910	43,272.00
Quarter ended Dec. 31, 1910	100,081.06
Quarter ended Mar. 31, 1911	16,991.15

> Respectfully,
>
> FRANKLIN MACVEAGH, *Secretary.*

You will observe that this letter only brings it up to March 31, 1911. Recently I asked the Secretary to give me a statement of the disbursement from April 1, 1911, to June 30, 1911, so as to complete the statement for the full six fiscal years—from July 1, 1905, to June 30, 1911:

> TREASURY DEPARTMENT,
> *Washington, October 18, 1911.*
>
> Hon. C. W. HAMLIN,
> *Chairman Committee on Expenditures in State Department,*
> *House of Representatives.*
>
> SIR: Replying to your letter of October 24, 1911, I have the honor to inform you that the sum of $15,505.72 was expended by the Department of State and accounted for by certificates of the Secretary of State under section 291, Revised Statutes United States, for the period April 1 to June 30, 1911, as shown by the files of this department.
>
> Respectfully,
>
> J. F. CURTIS, *Acting Secretary.*

Mr. KNUTSON. Has the gentleman any figures available since 1913?

Mr. HAMLIN. I prefer not to stop to answer that now, but if the gentleman will remind me of it I will do so a little later on. You will observe, if you have the report on this bill before you, that they say that for the fiscal year 1906 there was expended under section 291, Revised Statutes, $112,080.78. As a matter of fact, unless I made a mistake in addition, and I do not think I did, there was expended $117,496.72, as that much was reported to the Treasury by secret certificates under section 291, Revised Statutes.

For 1907 they say there was expended $76,925.12. As a matter of fact there was expended, covered by these secret certificates, $108,133.98.

In 1908 they say there was expended $80,620.52. There was actually expended $102,321.03.

In 1909 they say there was expended $47,865.67. There was actually expended $126,632.58.

In 1910 they say there was $79,744.20 expended. There was actually expended $104,545.81.

For 1911 they say there was expended $89,406.63. As a matter of fact there was actually expended $173,851.43.

Mr. FLOOD. Will the gentleman permit me to ask him a question?

Mr. HAMLIN. Yes.

Mr. FLOOD. The gentleman stated that these figures were furnished to the Committee on Foreign Affairs by the State Department. The gentleman is right about that?

Mr. HAMLIN. I said I supposed they were furnished by the State Department.

Mr. FLOOD. I should like to know how the Secretary of State could expend as much money as the gentleman said in 1911, something over $173,000, when the appropriation was $90,000 and the unexpended balance $10,000, a total of $100,000?

Mr. HAMLIN. The Secretary of the Treasury in 1911 stated that they spent $173,851.43. I think I can explain it. I am not criticizing, but trying to call attention to a dangerous situation that ought to be regulated.

Mr. FESS. How was the difference made up?

Mr. HAMLIN. In a moment I will answer the questions of both the gentleman from Virginia and the gentleman from Ohio. Let me give you the total first, though. The sum total for these six years, as shown by the report of the committee, aggregates $157,419.79, whereas by the reports of the Secretary of the Treasury for the same years there was expended $615,485.23, or a difference of $458,065.44. You ask how I explain it. I will tell you how I explain it, and yet I may be wrong. There can be no kind of mistake about the figures furnished by the Secretary of the Treasury, because there came along at about the same time, or at least I have them, certified copies of the secret certificates filed by the Secretary of State with the Treasury Department covering those amounts. Now I will tell you where I think the discrepancy comes in. I take it for granted that the amount printed in the report by the committee and furnished by the State Department is in all human probability actually and truly the amount expended for secret

I do not think there was ever a time, even in times of peace, when it is not necessary for the President to have a fund from

Now, I want to call the attention of the committee to what appears to be a discrepancy in the report as compared to cer-

April, 1906	10,671.40
May, 1906	14,389.41
June, 1906	29,304.72
Quarter ended Sept. 30, 1906	

mittee and furnished by the State Department is in all human probability actually and truly the amount expended for secret

work that ought not to be made public. I am not saying that is not true. I apprehend that is true. But covered in the same way in the Treasury Department by these secret certificates were items aggregating $458,065.44 that were not secret and ought not to have been reported under secrecy.

Mr. FLOOD. Does the gentleman think that the Comptroller of the Treasury would permit the payment of a warrant on that fund when all the fund had been exhausted? An appropriation was made for that fund in 1911 of $90,000; there was an unexpended balance of $10,000, making $100,000. Does the gentleman think the Treasury Department would pay warrants aggregating $173,000 on that fund? Surely the gentleman does not think that there could be spent of that fund a larger amount than the fund itself.

Mr. HAMLIN. They have a system of bookkeeping down there by which in some way they borrow from one fund and pay it back out of another, and switch around until it takes a better bookkeeper than I am to know how it is done. But it is like the fellow that said a rabbit could not climb a tree; but the other fellow said that it did climb a tree, because it had to. Here is the report of the Treasury Department, with the certificates.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. HAMLIN. May I have five minutes more?

Mr. FLOOD. I yield to the gentleman five minutes more.

Mr. HAMLIN. I have the certificates for those years, and here are the figures. Any gentlemen can take them. I will print them in the RECORD. Any gentleman can figure it out for himself. This amount of money was solemnly certified to by the then Secretary of State. He said that the purposes of the expenditures ought not to be made known, and it aggregates the amount that I give you. Now, whether the fund was there or not——

Mr. FLOOD. The gentleman has just said that at times the department borrows from this fund for other funds and subsequently reimburses the fund. That seems to be the explanation.

Mr. HAMLIN. The gentleman has listened indifferently to me, or else he knows that that is not the only explanation I suggested. I do not attempt to explain. It is up to the department to make the explanation. I give the facts as they were given me by the Treasury Department.

Mr. FLOOD. Does the gentleman think that since 1912 a better system has been inaugurated?

Mr. HAMLIN. I certainly hope so. There is absolutely no partisanship in this with me. I have not yet got a report from the Secretary of State. I wrote him as soon as I got the report of the committee and saw the figures published therein. You know that under the law the executive departments must report their expenditures annually, and these reports are referred to the Committee on Expenditures for the different departments. When the Secretary of State's report came in and was referred to my committee I failed to find the usual report of the amount of money expended from the emergency fund. I called the department up on the telephone and they assured me that they would furnish me that information. I got busy and forgot it, and I presume they did. Nothing more was said about it until I got hold of the report published by the committee on this bill, and I immediately wrote the Secretary of State, asking him to kindly furnish me the amount of money spent out of the emergency fund for the years 1912–1918 covered by secret certificates in settlement with the Treasury. I told him I wanted this information, if possible, by last Saturday. On yesterday I received the following letter from him:

DEPARTMENT OF STATE,
Washington, February 2, 1918.

The Hon. COURTNEY W. HAMLIN, *Chairman,*
Committee on Expenditures in the State Department,
House of Representatives,

MY DEAR MR. HAMLIN: I have received your letter of January 29, 1917, requesting a statement of the amount of money which this department has expended, under the provisions of section 291 of the Revised Statutes, from the appropriation designated as "Emergencies arising in the Diplomatic and Consular Service" for the fiscal years 1912, 1913, 1914, 1915, 1916, 1917.

In view of the fact that there is an Executive order providing that no information of any kind shall be furnished by the Secretary of State in regard to money expended and accounted for by certificate, in pursuance of section 291 of the Revised Statutes, except upon due direction in writing from the President, I have submitted your request to the President for his direction and will take pleasure in communicating with you further as soon as his reply shall have been received.

I am, my dear Mr. Hamlin,
Very sincerely, yours,

ROBERT LANSING.

Now, then the Executive order referred to I suppose is an order issued by President Taft some years ago when we were making an examination of the State Department.

I think that it is only fair to state that I on yesterday replied to the Secretary as follows:

FEBRUARY 4, 1918.

Hon. ROBERT LANSING,
Secretary of State, Washington, D. C.

DEAR MR. SECRETARY: I am somewhat surprised at the statement in the first paragraph of your letter of date the 2d instant, in view of the fact that what purports to be information asked for by me, and which you declined to furnish without special permission from the President, has been made public in the report on the Diplomatic and Consular appropriation bill now on the Calendar of the House. Certainly if they have been furnished with the information, then I see no reason why the Committee on Expenditures in the State Department, whose duty it is to look into the expenditures of money in that department, should be denied this information.

I will state very frankly that the immediate cause of my preferring the request for this information contained in my letter of January 29, 1918, was that I had seen the report filed by the Committee on Foreign Affairs covering the expenditures made by the Department of State under section 291, Revised Statutes, for the years 1905 to 1918, and from information which I have covering a portion of this time I am led to conclude that that statement, to say the least, is misleading. However, the information which I have does not cover all the years mentioned in that report, and I was anxious to get direct information from the department so as to compare it with the statement published.

I trust that you will not hesitate to furnish it and would be glad to have it at the earliest possible time.

Very respectfully,

Mr. PLATT. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. PLATT. Did I understand the gentleman to say that $20,000 of an appropriation openly made was put in under one of these certificates?

Mr. HAMLIN. Yes.

Mr. PLATT. Then that did not come out of this fund.

Mr. HAMLIN. No; it did not come out of this fund, and that may explain somewhat how they seemed to have expended more than was appropriated. Twenty thousand dollars was a special appropriation, but it was covered by a secret certificate in settlement with the Treasury. Why it went in under that and finally got over, I do not know. We found that about $5,000 was paid out on a banquet, hack hire, telephone, sleeping berths on the train, railroad fare, and so forth.

Mr. MOORE of Pennsylvania. I thought it was for rope and other refreshments. That is the way it is generally charged.

Mr. HAMLIN. No; they gave us the hotel bill itemized. There was plenty of wine in it.

Mr. MOORE of Pennsylvania. There is always a great reluctance to tell of the good times we have had when they spend the public money in having it.

Mr. HAMLIN. Now I am not seeking to criticize only. I want to try to correct an evil.

Mr. MOORE of Pennsylvania. I think the gentleman is doing his full duty.

Mr. PLATT. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. PLATT. Under what law could a secret certificate be issued for a fund made by an open appropriation?

Mr. HAMLIN. There is no law for it. I could give you another instance, but I rather hesitate to do it because I have spoken of it here so often. We discovered that a portrait of Justice Day, as ex-Secretary of State, was painted at public expense as was customary. Mr. Rosenthal, of Philadelphia, was the artist. The chief clerk of the State Department called on the disbursing officer for $2,500, telling him it was to pay for painting Justice Day's portrait. The disbursing officer turned the money over to the chief clerk. Eight hundred and fifty dollars was paid to Rosenthal, he having signed a blank receipt in advance, and over his signature they filled in $2,450, but $850 only was given to Rosenthal. Where the balance of the money went we have never been able to say.

Mr. MOORE of Pennsylvania. Was that before or after we made the appropriation for the Shipping Board? [Laughter.]

Mr. PLATT. That was paid out of the emergency fund.

Mr. HAMLIN. Yes; out of the emergency fund.

Mr. KNUTSON. What year did that take place?

Mr. HAMLIN. In 1907, I believe. This is the point I am trying to make, that we ought to safeguard in every way we can the expenditure of this money. The practice to which I have referred opens the floodgates, gentlemen, and there is no question about that in the world. Mr. KNOX was Secretary of State when we made this investigation. He came before our committee and was defending in a way the practice under section 291, Revised Statutes—not defending this particular thing of which I spoke a while ago, of course, but insisting that the Secretary of State should have full leeway in these matters. He said they were bound to have this fund and bound to have this leeway, but I put this question to him: "Mr. Secretary, under your construction of that statute could you not go down town and buy you a span of matched horses and a fine carriage

and equipment out of this fund and then cover it with a secret certificate in the Treasury by saying that the purpose of this expenditure ought not to be made known?" And he answered yes, that there was no question in the world about that. I say that is not right, and there ought to be some kind of a brake or safeguard thrown around this fund.

I expect that the department will need all the money that is carried in this bill for emergency purposes, but I hope that the President and the Secretary of State will be more careful than some of their predecessors; and I ought to say for Mr. Knox that after we made this exposé he came before our committee and granted that we had rendered the country a real service, and he said that he had issued an order that not one dollar should be drawn out of this fund until the items for which the money is to be paid out shall have been stated and laid on his desk and his attention had been specifically called to it. I applauded him for that. Then when Mr. Bryan came along as Secretary of State I went down to his office and spent an afternoon with him, and called his attention to all of these things, and I said: "I hope, Mr. Secretary, that you will hold a tight hand upon the expenditure of this money that may be covered by secret certificates in the Treasury." He assured me that he would. I have not said anything to the present Secretary of State, but I am hoping—and I have no reason to think otherwise—that he is following the rule established by Mr. Knox and followed by Mr. Bryan.

Mr. PLATT. Is it not true that all of the unexpended balance are carried right along in this fund?

Mr. HAMLIN. Only during the past few years is that true. That was not the early practice. I think in 1911 or 1912 was the first time the unexpended balance was reappropriated. Before that time what was not expended went back into the Treasury, but I am inclined to think that there never was any not unexpended.

Mr. MOORE of Pennsylvania. As I understand the gentleman's statement and his reading of this letter, he rather indicates the present Secretary of State, Mr. Lansing, is holding to the secrecy method, just as it has been held to heretofore.

Mr. HAMLIN. Mr. Lansing evidently felt that he was bound by that Executive order that was issued, I presume, by Mr. Taft.

Mr. MOORE of Pennsylvania. That is to say, he was hiding behind the error that had been previously made.

Mr. HAMLIN. I have not said that it was an error, although I think it was.

Mr. MOORE of Pennsylvania. I do not understand the gentleman that way, and I put the question to him. It seems to me, from the letters the gentleman has read, that Mr. Lansing rather referred the gentleman's inquiry to the President, thinking perhaps he ought not to tell the chairman of the Committee on Expenditures in the State Department how the money had been expended until he had consulted the President.

Mr. FLOOD. I think that is not a fair statement as to Mr. Lansing.

Mr. MOORE of Pennsylvania. The letter so states.

Mr. HAMLIN. The letter just simply stated that, on account of the Executive order on file in the department requiring the Secretary of State to refer these matters to the President, he had done so.

Mr. MOORE of Pennsylvania. Exactly; and I think the gentleman was extremely diligent in trying to obtain information about these secret expenditures. He has not yet obtained the information, owing to the conditions that prevail.

Mr. HAMLIN. I do not claim credit for myself for extreme diligence. Some time ago I called up the department, and they promised me the information. I presume they forgot it; I know I did, and never thought of it until a few days ago, when I read this report. Then I sent the letter to Mr. Lansing and, if he had to refer the matter to the President, he has not had time yet to get the information to me.

Mr. MOORE of Pennsylvania. I think the gentleman has done his duty in calling the attention of the House to the fact.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. FLOOD. I yield five minutes more to the gentleman.

The gentleman from Pennsylvania [Mr. MOORE] will recall that the letter from the Secretary of State to the gentleman from Missouri was dated last Saturday. The gentleman from Missouri replied to that letter yesterday, and the Secretary of State has not had time to reply to that letter. I will say, in connection with this fund, in justice to the present occupant of that position, that last year he requested—it was, of course, before we were engaged in this war—that that fund be reduced from $200,000, which it has been for some years or prior to that time, to $150,000, and I know from statements he has made to the Committee on Foreign Affairs that he would not object in the least, beyond the fact that he is bound by the order issued by President Taft, to make any of these disclosures to the gentleman from Missouri, who is chairman of the Committee on Expenditures in the Department of State. He has invited members of the Foreign Affairs Committee to visit the State Department and go over the vouchers with him.

Mr. MOORE of Pennsylvania. But he declined to give the gentleman who is chairman of the Committee on Expenditures in the State Department information at the present time. He stated that he is bound by a law issued by President Taft some seven years ago.

Mr. FLOOD. That order has not been rescinded.

Mr. MOORE of Pennsylvania. If there is an improper practice prevailing, the gentleman who is chairman of the committee which ought to have the information is denied the information.

Mr. FLOOD. I think the Secretary of State surely would be bound by the order directed by the President to him until that order was rescinded.

Mr. MOORE of Pennsylvania. My point is the President has been conducting affairs now at least five years, and he has had opportunity to observe whether this order was a good or a bad one, and he has permitted it to prevail, and when the authorized committee asks for information the Secretary of State falls behind this order to the extent of declining the information.

Mr. FLOOD. And during these five years there has been no request made of the Secretary of State that would draw this order into question or call his or the President's attention to it.

Mr. HAMLIN. That is true. I was just going to say no criticism can be inferred from that, because I, as chairman of that committee, have not from that time until now made this request. Perhaps the Secretary's attention was never directed to this Executive order until he got my letter the other day. Now, I want to say this in conclusion, as I do not wish to trespass upon the patience of the committee.

Mr. DYER. Does the gentleman know the Executive order was that of President Taft and not that of the present President?

Mr. HAMLIN. The present President, I am satisfied, has made no such order. President Taft did make such an order, and I was served with a copy of it.

Mr. PLATT. This table covers the expenditures from 1905 until 1918?

Mr. HAMLIN. Yes.

Mr. PLATT. And each year shows the balances subtracted, the expenditures made, and the appropriations made? If these balances are carried on they are available for expenditures—that is, if they have been available only from 1911, there must be $300,000 more in the fund than appears on the surface.

Mr. HAMLIN. That was not true until 1911 or 1912. Prior to that time the unexpended money, if there was any, was automatically turned back into the Treasury.

Mr. PLATT. Are these balances added to the appropriation?

Mr. FLOOD. The gentleman does not understand that all these amounts should be added together.

Mr. PLATT. I understand these balances on the right hand had to be added to the appropriations.

Mr. FLOOD. One balances each time. The whole balance for all the year is added to the appropriation.

Mr. PLATT. Is the balance of each year carried in the appropriation of the next year? It does not show balances carried.

Mr. HAMLIN. If there were any.

Mr. PLATT. Then the balances are available to be expended in that year?

Mr. FLOOD. No; we appropriate a certain amount and the unexpended balance.

Mr. PLATT. This is carried in the table of the expenditures and the balance is to be added in each time?

Mr. FLOOD. For instance, in 1917 $200,000 and the unexpended balance was appropriated. This unexpended balance was $31,830.85 left over from the preceding year. That is to be added to the $200,000, and that is the case as to all these amounts.

Mr. WHEELER. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. WHEELER. I inferred from what the gentleman said that an order issued by former President Taft has been directed by President Wilson to be still carried out?

Mr. HAMLIN. Oh, no; I said nothing like that. We went over that a few moments ago. Perhaps the gentleman was not in the Chamber at the time.

President Taft issued an Executive order years ago to the effect that the Secretary of State could not furnish——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

order issued by President Taft some years ago when we were making an examination of the State Department.

under your construction of that statute could you not go down town and buy you a span of matched horses and a fine carriage

to $150,000, and I know from statements he has made to the Committee on Foreign Affairs that he would not object in the

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. FLOOD. I yield to the gentleman five minutes more.

Mr. HAMLIN (continuing). That the Secretary of State should not furnish our committee with any further information unless first submitted to him and permission granted. And that order, of course, went into the archives of the department, and that is evidently the order referred to by Mr. Lansing.

I introduced a bill and kept introducing it for a year or two, but I could not seemingly interest anybody especially. My bill provided that there should be a permanent standing joint committee of the House and Senate, composed of three men from each House, to whom should be submitted each year all the items for which this money had been expended. If, in their judgment, some of this money was expended for something not necessary to keep secret, they could make it public. Otherwise they could keep it secret. I believed that three men in the House and three men in the Senate could be selected who would be loyal and true and patriotic, and would go over these things and never disclose anything that ought not to be disclosed. I believe something of that kind ought to be done in order that this privilege can not be abused.

I thank you very much. [Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Speaker and gentlemen of the Congress, I am going to speak directly during the time allotted me on the question of manning the merchant ships of the United States, those under Government control as well as those traversing the war zone, with Navy crews. I have obtained permission to use here to-day some of the testimony that was given before the Navy investigating committee. The permission was given me by Secretary Daniels, by Admiral Palmer, and by the chairman of our committee, and, with the permission of the House, I will insert that testimony in my remarks.

Ocean transportation is to-day one of the prime factors in the successful prosecution of the war. Every vessel carrying supplies across the Atlantic is in actual war service, for this over-seas traffic is a part of the line of communication from the base—the American ports—to the front and should be operated just as efficiently as any other part of our war activities. The lives of our men on the battle line and the lives of those en route depend upon the quick, safe, and certain operation of our ships. Our entrance into the great conflict has brought to America both a great responsibility and a great opportunity. We shall not shirk the one and should not fail to take advantage of the other. Our responsibility is to build and operate a merchant marine of sufficient tonnage to transport our troops to France, with the supplies of munitions and food to maintain them at the front, as well as to carry a large percentage of the foodstuffs needed by our allies. Our opportunity is to place this mercantile fleet on a permanent footing and make it American in personnel as well as in ownership and operation.

Let me quote from Commodore Miller:

In the days before the Civil War the United States had a merchant marine which was the envy of the greatest commercial nations of the Old World. The great mass of the population lived within a few miles of the coast and the desire of nearly every small boy was to run away and become a sailor. Among a seafaring people it was not difficult to find good crews for all the ships that could be built. But for the last few decades our development has been backward. We were, as a people, devoted to the mighty task of conquering a continent for civilization. We permitted a good part of our foreign trade and most of our shipping tonnage to be captured by our European rivals. It is now of no avail to lament this long neglect of the world's great waterways. In fact, it was not wholly an evil, for by concentrating on the development of the inland States we have created a remarkable railroad system, and this made possible the opening of the great agricultural region of the Mississippi.

The great question which confronts us now and which with increasing force will confront us as we augment the number of our ships is the personnel of the crews operating them. The Navy Department has no controversy with the Shipping Board in this matter. It is their desire and aim to cooperate, not combat; to assist, not retard. Only as a part, though a very important part, of the great national organization charged with the duty of carrying forward America's purposes are they concerned in the manning of merchant ships not directly under the control of the Navy. But the Navy Department, ever alert to the exigencies of every situation, stands ready to enlist and train men for this service. With the same foresight that prompted them to order supplies and contract for munitions in anticipation of their immediate needs at the outbreak of hostilities, they suggested as long ago as last summer the advisability of manning the ships to be built by the Shipping Board by naval crews. In this connection let me offer this letter from the Secretary of the Navy:

NAVY DEPARTMENT,
Washington, November 30, 1917.

DEAR MR. HURLEY: With reference to your letter of November 23, 1917, the principal question involved, relating to the placing of men trained by the Navy on the inactive list in order that they might enter the merchant marine in a civilian status, has been discussed in a conference of representatives of the Navy Department and of the Shipping Board with the result that it was mutually agreed that such plan was impracticable.

As was brought out in the conversation on Wednesday, the chief question at the present time is, of course, the efficient conduct of the war. In other words, the handling of ships crossing the war zone in the most efficient manner possible. This is, of course, the principal desire, not only of the Navy Department but of the Shipping Board and the country as a whole. The question, therefore, resolves itself into a consideration of what method shall be arrived at in order to carry out this purpose. It seems to us essential that all ships crossing the war zone should be officered and manned by men who are subject to naval discipline.

Merchant ships in the war zone are almost as vital a factor in naval operation as the regular vessels of the Navy, and it is of the highest importance that the officers and crews of these merchant ships have such training as will fit them for these military duties and be subject to naval control and discipline.

I know you will understand that the Navy is interested solely in the military and naval work ahead of us in getting troops, munitions, and supplies of all kinds across the Atlantic, and that in cooperating with the Shipping Board toward this end we want to do so in such a way as to assist the Shipping Board, not only in this work but in helping it to build up an American merchant marine for the future.

Limiting the question, therefore, to vessels crossing the Atlantic, as suggested at the recent conference, crews can be specially qualified for this work and be under the necessary discipline and control if recruited and trained as Naval Reservists. Under existing laws members of the Naval Reserve must be either American citizens or citizens of friendly nations who have taken out their first papers. We realize, of course, that a large percentage of the crews of American ships are now foreigners who do not come within this category, but it is probable that with the increasing number of ships these men would find ready employment on vessels not engaged in trans-Atlantic voyages.

In regard to those now serving in the merchant marine, who would be eligible for the Naval Reserve, it is hoped that a large percentage of them, both officers and men, will be willing voluntarily to be enrolled in the Naval Reserve and some satisfactory arrangements can undoubtedly be made between the Navy Department and the Shipping Board for the enrollment of a large proportion of them.

In regard to the officers who are now on American merchant vessels, short courses of training can be established in order to instruct them more fully in the procedure necessary to make the voyages safe through the war zone.

If given ample notice in advance as to the numbers and types of vessels for this trans-Atlantic trade, with the dates of readiness, we believe that the Navy Department can obtain sufficient men under present laws governing the Naval Reserves. While the Navy has already increased its training facilities, an additional call of this nature will require certain extensions of our stations which should be taken up at once. The manning of these vessels by Naval Reserve officers and crews should not in any way interfere with any plans of the Shipping Board to have the operation of these vessels while in port conducted by private companies or by the Shipping Board.

Sincerely, yours,

JOSEPHUS DANIELS,
Secretary of the Navy.

Let me also include this letter from Admiral Palmer, of the Bureau of Navigation:

DECEMBER 18, 1917.

To: Secretary of the Navy.
Subject: Personnel preparation for taking over merchant ships.

1. It is recommended that the following proposed letter be sent to the chairman of the Shipping Board. It is important that the chairman of the Shipping Board fully understand that in case the Navy is to be called on to man ships that several months' notice will be necessary:

"MY DEAR MR. HURLEY: It appears that the Shipping Board has issued the following statement to the public press:

"'The bulk of vessels under the American flag, whether engaged in trans-Atlantic trade or elsewhere, so long as they retain their character as merchantmen, will continue to be manned by merchant sailors. Troopships and vessels carrying whole cargoes of munitions or supplies for the Army and Navy, however, for military reasons, will be manned by naval crews.'

"It is requested that this be verified.

"I am of the opinion that the personnel difficulties are going to be much greater than contemplated. From our own military history, where large forces have been called on for short-time enlistments, it has been impossible to have a properly trained force. For example, during the War of 1812 over half a million men were enlisted in the Army, practically all being short-time enlistments. This force was never able to effectively oppose the 16,000 British on this continent. For inexperienced men the life at sea is a greater hardship than life in the Army, and at the present time the war-zone dangers are much greater than has been the danger of our troops in previous wars.

"I believe the only method by which men of the merchant marine can be held until they become efficient, and afterwards held and detailed to the best advantage of the service, is to make enlistments in a military service for this duty for the duration of the war. This plan also conserves man power, in as much as an armed guard in addition to the regular crew would be unnecessary. I hope the plan you have decided upon will prove successful, but I think I should point out that if the Shipping Board finds it necessary to change its policy the Navy will be unable to properly take over any large increase along the line of manning and officering additional ships in less than six months, as the length of time required to build the necessary additional training stations must be added to the time required to train the first detail of crews, and there will be constantly increasing difficulties encountered in rerecruiting the personnel.

"Very sincerely, yours,

"(Signed) L. C. PALMER."

I understand no answer to these communications has been received.

Let me emphasize the point raised by both Mr. Daniels and Admiral Palmer, that of the necessity of knowing in advance what will be expected and required of the Navy Department, for the recruiting and training of a large number of men will take time, and time is all essential in our military program. I think it fair to assume that the Army will need all the ships

launched by the Shipping Board, and that they will naturally ask the Navy Department to man and operate them. Without, however, knowing the requirements in advance, the Navy can not supply the men when needed.

It is not my purpose to build up an argument which may safeguard the Navy from any just criticism or to relieve it of responsibility. The Navy will do its part. My purpose rather is to show that the war forces of the Nation can best be concentrated on the task by having a definite program announced in advance which will be steadfastly adhered to. I feel that all vessels traversing the war zone and all vessels operated by the Government should be manned by naval crews.

Briefly, the advantages to be derived from naval crews would embrace:

1. The enlistment of American seamen.
2. Continuous service for the war.
3. Creation of a marine service that would continue after the war.
4. Military control, training, and discipline.
5. Permanency of crews on particular ships, thereby insuring familiarity with the vessel, with time for drills and the establishing of cooperation between officers and crews.
6. Certainty of departures from ports.
7. Safety of ship and passengers in the war zone, due to discipline and practice.
8. Increased speed of ship.
9. Saving of fuel, due to better handling.
10. Coordination between ships and convoys.

It may be asked, Can the Navy secure a sufficient number of men for this service? Admiral Palmer says "yes," if given time to recruit and train them. Will they enlist for this service as readily as for battleship service? Those best qualified to answer, with whom I have talked, are of the opinion that they will, for to-day every merchant ship mounting guns and carrying a gun crew is in reality a battleship. Will men enlist for this merchant service knowing that the men they supplant were receiving a higher compensation? The answer to this is that the Navy has no difficulty in enlisting men now in competition with the mercantile marine. It must be remembered that this service will be on the same footing as that of the regular Navy.

It will be a different class who will come forward, men actuated by patriotic motives. It is no experiment that is being advocated—merely an enlargement of the present system, with the sailors and soldiers on the same footing as to pay, rations, allowances, and benefits.

Mr. SHERWOOD. Mr. Chairman, I would like to ask the gentleman a queston. How many of these ships have been sunk?

Mr. HICKS. I have a record of them here, which I shall be very glad to give to the gentleman if he will allow me to do so privately.

Mr. SHERWOOD. Well, I have a list of those that have been sunk.

Mr. HICKS. If the gentleman cares to make that public, he is at perfect liberty to do so, of course; but I do not want to do it, because I have been asked not to make it public.

Vessels of the merchant marine taken over by the Navy will be held for the duration of the war. They are taken over, wherever possible, with the officers who have been running them, and these officers are not transferred out of them, except for cause. It should be the endeavor to place on them a crew of reservists, rather than regular Navy men, in order that at the expiration of the war the ship, its officers, and its crew may be released from service simultaneously and no hiatus occur in the smooth operation of the vessel. This will create such a splendidly trained and disciplined body of men in the merchant marine as would not be possible to create in any other way.

Merchant crews are shifted each trip. They are in many instances untrained to seamanship and poorly qualified for the duties and indifferent to their own safety or that of the ship. Probably 70 per cent of our merchant crews are aliens, many of whom can not speak English, and are therefore unable to understand the orders given them. Owing to the above reasons and the fact that they shift after each trip it is impossible to bring them to any state of proficiency. A Navy crew would be permanent, and would improve each trip. The ship would steam faster, load more quickly, be more certain in departures, and be handled more efficiently and with greater safety given a permanent crew. Each additional knot in speed is not only a defense against the submarine but a distinct gain for the allied armies, for by cutting down the running time between ports a greater number of round trips could be made, thereby increasing to an appreciable extent the annual tonnage carried. Time saved on a voyage is tonnage added to transportation. A fundamental military maxim is "not to advance unless the train of supplies is assured." The Army can not place more men in France than it can be assured will be supplied by munitions and food as well as supported by reenforcements. No positive assurance can be given with civilian crews. They are under no definite enlistment or military authority, and could not be compelled to remain throughout the war. They could leave the service at any time, no matter how critical the situation.

Mr. PLATT. Mr. Chairman, will the gentleman yield for a question?

Mr. HICKS. Certainly.

Mr. PLATT. What prevents a little corrective discipline? Is it the provisions of the seamen's act?

Mr. HICKS. They are not enlisted men.

Mr. PLATT. Why can not a sailor at sea get drunk, whether he is an enlisted man or not?

Mr. HARDY. I think I know about the seamen's act. It does not affect it at all; not one bit.

Mr. MOORE of Pennsylvania. Under the war-risk insurance act are not these civilian seamen insured by the Government?

Mr. HICKS. Yes; my friend from Pennsylvania is correct; but instead of the Government insuring them the owners of the ships on which they serve are required to do it at the discretion of the Secretary of the Treasury. I will insert the provisions of the law:

SEC. 3a. That whenever it shall appear to the Secretary of the Treasury that the effecting of such insurance is desirable in the national interest in the case of vessels engaged in any trade, the owner of every American merchant vessel engaged in such trade shall insure the master, officers, and crew of such vessel against loss of life or personal injury from war risks as well as for compensation during detention by an enemy of the United States following capture.

Such insurance shall be effected either with the Bureau of War Risk Insurance or in insurance companies, and on terms satisfactory to the Secretary of the Treasury.

Any attempt to man ships without regularly enlisting the crews would be similar to trying to fill a bottomless pit. Men would be signed on, but there would be no certainty that they would remain with the ship after the first trip. Even if they continued in the service, many of them would not be ready to go back on the return trip, which would mean the shipping of new men unaccustomed to the ship. Regardless of the great factors of discipline and control, the above condition is inefficiency in its worst form.

It can not be pointed out too strongly or too often that personnel, with all that it implies—training, discipline, and control—is always the vital element in military operations. We will undoubtedly be able to build ships, but an efficient merchant marine is far more than a fleet of vessels. The men who man them are vital factors in their successful operation. The objects desired are to put the maximum shipping into service, to make the maximum number of trips with that shipping, and to lose the fewest ships, and also to destroy as many enemy submarines as possible. The transportation of supplies is an arm of the service, just as much as the Army autotruck and mule team which accompany the army at the front. The existence, maintenance, and efficiency of this branch of the service is immediately essential to our most effective carrying on of this war, to the success of our cause. With civilian crews the highest degree of efficiency can not be attained, for in most instances crews gathered in a haphazard manner can not become familiar with the ship, and there is no time for drills and practice. Discipline and training are both essential factors in the safe and speedy operation of a ship, and these can not be secured under civilian seamen.

Let me quote from a speech delivered by Secretary Redfield before a conference of shipping interests August 1, 1917:

The most serious factor that this country faces is that of merchant ships. There are other serious factors, but that is the most serious factor. Every call to duty comes most loudly to him who can move a ship quickly. The man who delays a ship over a day for any cause whatever, howsoever personal or intimate to himself, does wrong to his country now. It is altogether within reason to say that a single day's delay in this war, that which causes it to last another day longer than it otherwise would, may readily mean to this country 1,500 of her sons and $15,000,000 of her money wasted.

Let me also quote from Mr. Andrew Furuseth, president of the International Seamen's Union of America:

According to a census which we have taken there are about 5,000 Germans sailing under the American flag in different capacities. It may be said that they are among the highest skilled men, whether they sail in the forecastle, in the firemen, or in the galley. Of these men, about 5,000 all told, 3,721 are in the organizations of the seamen, and figuring it up on the same basis of those outside the organization there should be at least 5,000.

For the sake of argument let us assume that 95 per cent of the Germans on our merchant ships are friendly to the United States, or at least indifferent to their native country, what about the other 5 per cent who are dangerous? How can they be weeded out of the service under the existing system of securing crews? It is suicidal for any Government knowingly to place

itself above a volcano merely because that volcano has been quiescent for a few weeks or months. Under any civilian status, after men enroll, there is no hold on them, they may leave at any time, and will not remain on the same ship. On board the vessel these men are not under naval discipline, they work only when they choose. On each watch there are men who decide not to work, and the engineer must find volunteers from other members of the crew. This reduces the speed of the ship to a great extent when speed is a vital factor in the war zone.

Every officer and every member of a crew navigating a ship in the war zone under the American flag should be an American citizen and all of them should wear the uniform of their country's service.

Testimony of Admiral Palmer, Bureau of Navigation, before the Navy investigating committee, January 8 and 9, 1918, on the subject of naval auxiliary crews.

Mr. HICKS. Mr. Chairman. I would like to take up the matter of Naval Reserves in relation to the manning of merchant ships. Admiral, I understand from newspaper reports and from other sources that there is to be a distinction drawn—a classification made, as it were—between ships doing commercial work and those performing military duties, with the former manned by civilian crews and the latter by naval crews. Can you give us any information on this subject?

Admiral PALMER. I have heard that that is to be the case, but we have not received any definite information on the subject. Admiral Benson in the Advisory Council of the Navy Department some weeks ago stated that a representative of the Shipping Board—I think it was Commissioner Donnell—that the representative of the Shipping Board had said to him they did not want the Navy to man the merchant ships, and that there was no probability of them ever doing so. Admiral Benson made that statement in the Advisory Council the other day.

I might explain that the subject was brought up by my asking for some information as to whether any steps had been taken for the Navy to take over the vessels of the merchant marine. And that inquiry was made by me for the reason that if there was anything in the air along that line we wanted to know it, because provision must be made for it immediately. It is just another case of preparation, and without preparing for it, of course, we would not be able to take care of it. As I see it, the merchant marine, if manned by the Navy, and if it includes all new ships being turned out, will require a great deal of preparation on our part in getting quarters in which to house the men and additional places and ships and instructors to train them.

Mr. HICKS. Admiral, do you think such a classification would be satisfactory, having merchant ships engaged in commercial work manned by civilians while those ships doing military service would be manned by Naval Reserves?

Admiral PALMER. I will answer that in my opinion it would be most unsatisfactory.

Mr. HICKS. It is reported that about 60,000 men will be required to man these ships. Is it possible to supply these men through the Navy Department by increasing the present authorized strength? In other words, would you be able to get enough men to man these ships?

Admiral PALMER. I can get enough from the reserves, but it would take time, and I must get definite information about it well in advance.

Mr. HICKS. But can you do it?

Admiral PALMER. Yes; the Navy can do it better than any other organization.

Mr. HICKS. Do you think that the same patriotic impulse would prompt our boys to enlist for merchant service that causes them to enlist in the battleship service?

Admiral PALMER. Yes; we haven't the merchant service at present, but it is just as important as the battleship service. They are eager to get on these ships, for they are going into the war zone.

Mr. HICKS. Would you recommend that all merchant ships, whether coastwise or going into the war zone, should be manned by naval officers?

Admiral PALMER. I think that is a little beyond my province. I think more of carrying on this war, and am only thinking of vessels going to the war zone.

Mr. HICKS. All Government-owned vessels should be manned by naval officers?

Admiral PALMER. Yes.

Mr. HICKS. No matter where they ply?

Admiral PALMER. Yes.

Mr. HICKS. Now, Admiral, I wish to ask: If we could man all our ships with naval reserves, we would have more efficient crews, would we not?

Admiral PALMER. We would, undoubtedly. We would also have additional men in every ship for armed guards, whose pay would be in addition to that of the regular crew. The additional trained men will put the vessel through the zone. In peace times they would come down to whatever was the regular crew.

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Mr. HICKS. Ships manned by naval reserves would have larger crews than if manned by civilian crews, would they not?

Admiral PALMER. No; even if civilian crews were put on ships, we would increase them to a number sufficient to handle the ship. That is the trouble now; they haven't sufficient men. They go off port 10, 12, and in some cases 25 men shy. They can not make the speed. We would not be thinking only about saving money for the company in expense of upkeep and in manning the ships, but mainly about the final delivery of goods safely through the war zone.

Mr. HICKS. I agree with you that efficiency is the main consideration. I think some of the seamen's unions claim that the larger number of crews required under Government service would make up the difference in wages of civilian crews.

Admiral PALMER. I do not know what they claim. They made some claim of that kind the other day to the Secretary of the Navy. In fact, the head of the seamen's union was in to see him, and Mr. Daniels told this representative of the union, after he had stated that we needed so many more men to man these ships in order to make them safe, that the cost would be approximately the same, or words to that effect. I asked Mr. Daniels to get that statement from them so that we might answer it intelligently, but so far we have never gotten any statement.

Mr. HICKS. In your opinion it does not seem reasonable, does it?

Admiral PALMER. I do not know how many they have.

Mr. HICKS. To train 60,000 officers and men, the facilities of the Navy, with a system already in operation, must be far better than it is possible for any other organization to establish?

Admiral PALMER. Oh, yes.

Mr. HICKS. Would it not conduce to the safety of convoyed fleets to have all ships, whether merchant or war, officered and manned by naval reservists, thereby establishing a closer community of interest?

Admiral PALMER. Undoubtedly. We have a great many officers in the merchant marine now who are naval reservists. They are not on active duty, because their ships have not been taken over, but we know that there are some fine officers in the merchant marine. We have a great many of them enrolled in the reserves now at a dollar a month. We would take them over bodily and put them right in the positions they have now, and then all the officers and all the crews would be reservists, with the discipline that goes with the service.

Mr. HICKS. I would like to read a letter, and put it in the record, which was given me by an officer of a big liner I met in Liverpool. I talked to a number of merchant officers when abroad, and they were all of the same opinion, but this officer put his views in writing for me. With the permission of the committee, I will read it: "If all the officers and men in the merchant marine were enrolled into the Naval Reserve, the Government then would have full control of their services, where it would do most good. For instance, Navy men who are competent ocean navigators are doing coastwise work when their services are urgently needed in the vessels trading to the war zone with troops and supplies. Then, again, the officers and men, who are actually in the merchant ships going to the war zone, are in an awkward position. In all fights with submarines the merchant crews on these ships take an active part in the manning of the guns. In this case, should they be captured, they would take on the status of a noncombatant attacking a war vessel and according to the rules of warfare, lay themselves liable to execution."

Admiral PALMER. That is right.

Mr. BRITTEN. Mr. Hicks, may I interrupt you right there?

Mr. HICKS. Certainly.

Mr. BRITTEN. Admiral, what part does a merchant crew take in the manning of the guns in case of attack by submarine?

Mr. HICKS. They might help pass ammunition for one thing.

Admiral PALMER. Yes; they could help pass ammunition and they would help with the lookouts, but they are not qualified as lookouts and are not qualified as gun crews.

Mr. HICKS. Proceeding with the letter: "Under the laws of war a civilian may never engage in hostilities. Another thing, should any member of the crew of these ships lose an arm or a leg in one of these engagements, his career at sea is ended. In this case he can not look to the Government for any help, and shipowners are under no obligations to look after the crews of their ships injured in this way. Now, the ships running through the war zone change nearly all the members of their crews, except officers, every trip. This is not very serious in cargo ships, where man, more or less, has only himself to look after. But this takes on another aspect when taking passenger ships into consideration. There is the crew, who number 400 to 500 men, which may be 500 to 700 passengers, a total of 1,000 to 1,200 men, women, and children. Not much imagination is required to know what would happen in a ship, with that number of people on board, when torpedoed, with a new crew unfamiliar with the ship, her life-saving equipment and the means of getting to the different parts of the ship in the quickest manner. Should a Naval Reserve crew be on board, they would be attached to one ship permanently, and in an instance where the ship was in port, a good deal of time could be given to drilling the crews thoroughly in the use of life-saving appliances and in different parts of the ship. Then in case of an accident of any kind, every man would know his place without any confusion and the quickest way to get there."

Admiral PALMER. When you are speaking about Naval Reserves, the thing to keep in mind is that they all belong to the Navy and it is the discipline that counts in the Navy.

Mr. HICKS. Let me conclude the letter now: "Another thing, as things are at present, the officers in the merchant service haven't the power over the crews they should have to maintain discipline. An occurrence that happens often is this: When leaving a European or English port it is only a matter of two or three hours from the dock to the sea or war zone where the submarines are operating, often as much as half the crew are drunk lying in their bunks unfit for duty and absolutely of no use in work of any kind much less an accident. The only punishment that can be inflicted on these men for this offense is a fine of two days' pay. As these men get $2 a day and a bonus of $1 a day, in all $3 a day, and as the bonus can not be touched by fine, the man only loses $4 for this offense. Needless to say, this does not impress him very much. For a similar offense committed by a man in the Naval Reserve the punishment may be as much as two years' imprisonment, which would be something to think of."

This concludes the letter, which expresses, it seems to me, very conclusive arguments in favor of manning merchant ships engaged in trans-Atlantic trade by naval crews. There can be no question of the importance of transportation in this great conflict, and the officers who command these ships are doing war service and are entitled to have those services recognized. Naval rank would also give them the standing on shore commensurate with the duty performed. Ocean traffic is vital to the winning of the war, we must not minimize its direct or positive relation to the success of our arms, and all vessels carrying cargoes across the seas are in war service, an extremely dangerous war service. There should be no chance of a breakdown in the line of communication. It seems unwise in the extreme to man ships carrying to the fronts men as well as supplies with haphazard crews that can desert with impunity or without fear of severe punishment or render themselves unfit for service.

Mr. PETERS. Is that a hypothetical case?

Mr. HICKS. No; it is a statement of my opinion and I want to see if the admiral agrees with it in a large measure.

Admiral PALMER. I agree with it, absolutely.

Mr. HICKS. What would you do, Admiral, in order to make provisions for the manning of ships in case the Army desired the Navy to operate transports and supply ships? Suppose you were called upon to furnish, say, 10,000 men, what would you do at once? You would have to build barracks, training quarters, etc., wouldn't you?

Admiral PALMER. We would have to have barracks in which to house the men, and we would have to train them.

(In reply to inquiries in reference to the probability of being called upon to furnish a large number of men to man Army transports and supply ships the admiral said: "We must have immediate notice. I made it perfectly clear that we must have a prompt and definite statement from the War Department, if that is their intention, so that we may make arrangements and know when ships will probably be turned over so we may secure and train the men.")

Mr. OLIVER. Has the service which you have been called upon to perform, in supplying armed guards for the many ships engaged in transporting munitions and provisions, been altogether satisfactory from the Navy standards; and if not, why not?

Admiral PALMER. Previous to the United States entering the present war it was decided to put armed guards on certain merchant vessels. The Navy, when called upon for this duty, immediately furnished trained gun crews from the battleship fleet. In the beginning a few ships were armed, especially the fast United States mail steamers of the American Line, and very shortly afterwards other vessels. This initial step was gradually increased until at the present time about 180 ships have been armed and furnished with an armed guard, consisting of approximately 20 men, in command of a chief petty officer.

The important duty of command of the naval armed guards has been put in the hands of trained and experienced officers, warrant officers, and chief petty officers, who have lived up to the best traditions of the service in the performance of their difficult duties. How well these men have done is amply testified to in the numerous reports of engagements with enemy submarines and of their rise to emergency when the merchant crews, through panic or insubordination in many cases, left their stations. As a typical example of the foregoing, the case of the steamship ——— is cited. In this case, upon fire being opened upon an enemy submarine, some member of the merchant personnel passed the word to "abandon ship," and all of the engineer's force came up from below. Through the fact that the chief petty officer, Mr. ———, promptly rose to the emergency and drove the men below to their stations at the point of a revolver was due the fact that the vessel was enabled to proceed and thus escape. I will cite the case of the steamship ———: This ship, loaded with a cargo of gasoline, was attacked by gunfire by an enemy submarine. Shortly after the engagement opened bursting shells of the submarine set the ship on fire. Notwithstanding this, and with the fire burning fiercely, the armed guard fought for one and one-half hours, until the men who were passing the ammunition from forward to aft were driven from their stations by the flames. They then fought with the one remaining gun as long as it was serviceable. In the meantime the merchant crew, with the exception of the master, abandoned the ship. The master remained until the last, and it was not until the last remaining boat was actually on fire and the ship a mass of flames that the ship was abandoned by the guns' crews. They were later called alongside the submarine and the commanding officer thereof congratulated them upon the fight they put up, which was the finest he had seen a merchant ship give. These accounts are but a brief outline of a large number of efficient and brave performances of the dangerous duty, and are such as the country and the Navy has the right to expect from its men. In numerous instances, particularly in the first part of the war, there have been cases of friction between the merchant personnel and the armed guard. Every case of friction has been carefully investigated by a board of naval officers. In practically every instance the friction arose from the failure of the merchant personnel to carry out the orders for the safety of the ship which the Navy Department considers essential while in the war zone, and which the Navy Department has instructed the commanding officer of the armed guard to carry out. The orders of the commanding officer of the armed guard are clear and explicit.

From various steamships came the reports in particular relative to the attempt to instruct the merchant crews in gunnery: "One drawback to this instruction is that upon arrival in port the majority of the ship's force is discharged and fail to come back to the ship, and in most cases they have to teach them American before they are able to understand the orders given. As the merchant crews generally make but one trip, and as they are mostly of foreign nationality, it is difficult to train them to handle a gun." You will understand that I am quoting the language of the reports. The question of the low quality of the merchant crews is repeatedly commented on in the reports of the fast American mail liners, where, owing to the inexperience or poor quality of the firemen, they are unable to make proper speed. Not only is this most serious from the point of view of larger exposure in the danger zone but it also adds in a large degree to the amount of fuel consumed, which in these days of fuel scarcity is most important. More and more as time goes on reports come in stating that a fine spirit of cooperation exists between the merchant personnel and the members of the armed guard. One of the early causes of friction between the ship operators and the Navy Department and masters was due to the fact that the living quarters of the merchant crews were of much lower standard than those which the Navy provides for its enlisted men, and the Navy Department insisted, and correctly, that proper sanitary and cleaner accommodations should be provided for its men. The men of the Navy are of an entirely different standard from the men in the merchant marine. On the one hand, the crews of the merchant marine are mostly foreigners of a low class collected from the seven seas, about 70 per cent of whom are aliens. On the other hand, the men of the Navy are clean, well-disciplined young Americans from good American homes. In conclusion it is confidently stated that the 6,000 men of the Navy now at sea performing armed guard duty have performed this duty to the entire satisfaction of the Navy Department and have arisen to every emergency, adding to the effectiveness of the merchant marine, undoubtedly saving many ships by their presence, judgment, skill, and quick action.

Admiral Palmer, after citing numerous instances of heroism and efficient discipline on the part of gun crews, many of them thrilling in the extreme, then referred to a report made by the president of the International Seamen's Union of America.

He (the president of the seamen's union) ascertained the nationality of those who were members of the union and then arrived at the nationality of the merchant sailors who had not joined the union. Those of American nationality were 12,219 out of a total of 42,407, or less than 30 per cent. In another part of the report he states:

The number of Spaniards found in the total is 1,360. It is, however, a matter of common knowledge that Spaniards and Spanish-speaking South Americans constituted more than 90 per cent of the total number of firemen on the Atlantic Ocean. They object to the language clause of the seaman's act, and are to a large extent organized under the I. W. W. Comparatively few of them can understand any English and they make no effort to learn.

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Admiral PALMER (continuing statement made up from the combined reports of the armed guard officers). Merchant crews are shifted each trip. Many of the crew are untrained, not qualified, ignorant, degenerate, drunken, totally careless as to their own safety or that of the ship. Owing to the above reasons and the fact that they shift after each trip, it is impossible to bring them to any state of efficiency. A Navy crew would be permanent and would increase in efficiency with each trip, coal faster, load more quickly, and be handled more efficiently, given a permanent crew. Each additional knot in speed is not only a defense against the submarine, but a distinct gain for the allied armies, as it, with the cutting down of running time to port, operates to permit a greater number of round trips to be made and thereby increased the amount of tonnage carried to an appreciable an extent as though additional ships were added to the merchant marine. A fundamental military maxim is not to advance unless the train of supplies is assured. The Army can not under any circumstances place more men in France than it can be assured will be supplied. It is impossible to give any assurance under present conditions. A strike might occur at any time. Only with crews of the vessels under military control can it be guaranteed that the vessels will run properly. Military control may be Army, Navy, or some military organization established by the Shipping Board. Of the three, the Navy alone is equipped to handle the situation.

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Admiral PALMER. After conference between the Navy Department and the Shipping Board on November 30, 1917, Mr. Daniels, in a letter to Mr. Hurley, said in part [read letter already quoted].

Admiral Palmer stated that up to January 8 no reply had been received to this letter.

Mr. HICKS. Does it not seem from the fact that the Shipping Board has not replied to your letters, and also that they have made statements without consulting the Navy Department, that there is not very much cooperation between the department and the board?

Admiral PALMER. Well, I understand, as the chairman of the subcommittee mentioned here a little while ago, that Mr. Hurley is in favor of the Navy taking this work over, but the Shipping Board is evidently not a unit on that.

Mr. HICKS. May I ask you as to the radio men in the merchant service? On the merchant ships that are manned by naval gun crews, I understand at the present time that the wireless operators are not enlisted men. You contemplate, I understand, taking them over into the Navy or having the radio department at least under naval control?

Admiral PALMER. We contemplate having all the men that go through the war zone regular naval radio men. We were asked by Gen. Goethals, when he was in the Shipping Board, to arrange for a supply of radio men for all the new merchant shipping, and we started a school for that purpose. We now have about 3,000 men at this school at Harvard College, Massachusetts, training for this very work.

Mr. HICKS. How many months does it take to perfect a man in that service?

Admiral PALMER. They are enlisted or enrolled in the regular service or in the reserves in any district, and are then selected by the commandant on account of their special qualifications and are sent to the school at Harvard.

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Admiral PALMER (continuing about Naval Reserves). I sent three officers from our bureau over in charge of armed guards, so that I would have first-hand information as to what was good and what was not good and what to do in order to increase the efficiency of the service. When they returned they made a few notes, and one of them says: "On sailing from New York the storekeeper, lamplighter, boatswain, and boatswain's mate were drunk. The forecastle crew of this particular ship (and I understand it is not different from any other; in fact, much better than some) being made up almost entirely of foreigners who could not even speak broken English. There was no one available to talk to them in their own language until the second day out from New York. I personally saw a great many of the crew under the influence of liquor, in fact, to such an extent as to be incapacitated for duty. No disciplinary action can be taken in these cases; the only recourse for the captain of this ship is to log these men for a day's pay while they are unfit for duty." Then he proceeds further on in his report: "On one occasion it was necessary to parade the lifeboats while in the war zone and hold "abandon ship" drill as required by law and also by the Bureau of War-Risk Insurance. It so happened that the vessel entered the war zone on Sunday, and, although the vessel was holding abandon ship drill for the safety of the passengers and crew, it was necessary to pay the crew while standing by this drill 40 cents per hour overtime. On several occasions while passing through the war zone it was necessary for me to go below, at the request of the corporal of the guard, in order to stop members of the engineer's force from smoking on exposed decks, this being against the law in the war zone. These people in every case were foreigners and could not understand a word of English, and in order for me to make them understand it was necessary for me to forcibly extinguish the cigarettes. All in all, they were the most illiterate and unkempt bunch of human beings it was ever my duty to deal with. The first hour of the watch the speed of the ship was reduced from one-half to a full knot per hour. This is very dangerous in the war zone, speed being the main factor of safety. The reason for this reduction of speed is explained as follows: If any members of the engineer force decide that they do not care to go on watch they can not be made to do so. The only recourse in this case is for the engineer officer to send a representative among other watches and obtain volunteers to stand the watch of these men. The pay of the men who do not go on watch is then checked, and the men who take their watches are paid from such funds as are checked against the former. As the watches always relieve at the meal hour, after volunteers have been secured they then go below and get their meal, and this usually takes them about an hour. As a result they get pay for a four-hour watch, while actually they stand a three-hour watch, the first hour of their watch being short of men.

To the best of my knowledge this happened with every watch on the particular ship in question from New York to Liverpool, and on the return trip. I saw as many as eight names reported to the captain of the ship in one watch for this reason, the engineer officer being required to inform the captain of the number of men absent from every watch

without leave, in order that their pay may be checked. On sailing from New York the vessel was short about 12 or 15 men of the complement, it being impossible to get men before sailing. The captain of the ship stated to me that this happened on every voyage, and in many cases he sailed with as many as 20 or 25 vacancies in the ship's complement. It is a known fact that speed is the greatest factor of safety to the merchant vessel passing through the war zone, and the impaired efficiency in the engine-room force results in reduced speed. The class of personnel in the forecastle that composed the deck force was most illiterate, and the majority of them foreigners, although a great many of them had affidavits, etc., to the effect that they were citizens of the United States. One man we called on the bridge and questioned stated that he secured his affidavit from a "Dutchman," who kept a boarding house, with whom he was living. This man spoke very poor English; in fact, it was very hard to understand him at all at times. Apparently he was a Greek. The second factor of safety in the war zone is efficient lookouts. These can not be had from the crew of a vessel, as was clearly demonstrated to me. On one occasion when it was necessary to remove the passengers from this vessel after she had struck a mine, the passengers were being lowered and removed to another vessel, one of the crew of a boat transferring the passengers on coming alongside the relief ship jumped out of the boat and went aboard the relief vessel, refusing to return to his ship in order to assist in bringing off the remaining passengers. This man was declared a deserter. However, the Seaman's Union took the case up with the steamship company, and the decision that the man was a deserter was overruled. The officers of this vessel stated that almost an entire new crew took the vessel to sea on every voyage, and that there never was an opportunity to instruct any of them properly before sailing, as they reported on board at the last minute before sailing, and then many of them under the influence of liquor, and some very drunk.

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Admiral PALMER. Now, gentlemen of the committee, I have just a few more cases. These are specific instances of faulty conduct of personnel, United States and allied merchant vessels, illustrating the necessity for all tonnage trading through submarine areas being manned and operated by the Navy:

Steamship *Navajo*, August 1, 1917, 800 miles west of Ireland, shelled by submarine. Ship caught fire. Five minutes after alarm of fire crew abandoned ship. No effort made to put out flames. Boats lowered without stopping engines. Captain left ship. Third engineer took wheel and kept ship into wind. Later crew returned on board. Flames then beyond control, so captain alleged. Reabandoned her. She was afloat next morning.

Steamship *Wico*, August 6, 1917, near Isle of Gurnsey. Ship convoyed by British destroyer. Submarine sighted 500 yards distant. One shot fired immediately and submarine submerged. Captain, immediately on sighting submarine, gave orders to "abandon ship." Engines stopped as soon as alarm was sounded and department abandoned. Armed guard prevented ship being abandoned and at point of pistol drove the engineer force, including chief, below. Engines were started and ship resumed her voyage uninjured. Her escape undoubtedly due to presence of British destroyer. Merchant complement did everything possible to lose her. This captain did not zigzag, did not properly darken ship, did not maintain maximum speed when convoy left him; allowed unidentified vessel to close him.

Steamship *Campania*, August 6, 1917, after four-hour engagement captain stopped, turned broadside to submarine, and surrendered, abandoning vessel. He stated he was afraid there might be casualties. Submarine approached ship on surface within 500 yards before she was abandoned. Ship sunk by Germans going aboard and placing bombs in various places.

Steamship *Finland*, October 27, 1917. Torpedoed in convoy. Did not see torpedo or periscope. Did not see torpedo. Greatest confusion of merchant complement. Started to abandon ship immediately. Only loss of life caused by boat falling while lowering, spilling people into water. When manifest ship would float, people returned aboard and she made her way to port under own steam.

Steamship *Luckenbach*, October 11, 1917, in convoy. Sighted submarine 3 miles ahead of ship at 5.15 p. m. Thought it a buoy. At 5.55 sighted periscope distant 200 yards ahead. Captain avoided attack and proceeded at maximum speed. Got ahead of convoy; at dark slowed from 10 to 7 knots. Did not zigzag. Continued to show screened wake light. At 8 p. m. ship torpedoed. Submarine evidently trailed along, guided by screened wake light and assisted by slow speed without zigzag. Submarine appeared close 10 minutes after firing torpedo; could probably have been destroyed had the crew stuck to their station.

Admiral PALMER. In this statement of the president of the International Seamen's Union of America it is stated that approximately 3,300 Germans are in the merchant marine now, and I do not know how many men from the central powers.

Steamship *J. D. Archbold*, June 16, 1917, 4 p. m. Making passage from Brest to New York. Had been warned by radio that a certain locality was infested by submarines. Persisted in course through that area. Sighted submarine disguised as a fishing vessel, sail set, at 3.15 p. m., distant 7 miles. Closed it, though it was well known that submarines frequently adopted this disguise. Did not zigzag until 4.15 p. m., when submarine submerged. When ship was torpedoed crew abandoned her at once. Said they were afraid of another torpedo. This was a gross disregard of warnings and ordinary precautions.

British steamship *Idocmonus*, September 15, 1917, 3 p. m., torpedoed near land, all hands immediately abandoned ship. Ship floated. British patrol vessels arrived and towed ship where she could be beached. Otherwise would have been lost through hasty abandonment.

French steamship *Mississippi*, from Havre to New Orleans, not in convoy, but a convoy and escort in sight within distance. Torpedoed and submarine made off immediately, undoubtedly on account of convoy escort. Crew abandoned ship at once. Later a British patrol vessel happened by, put a crew aboard and brought her in. This is a typical case of hasty abandonment and only by luck was she saved.

Italian steamship *Edo*, attacked by gun fire middle of night and struck by a shell. Master and crew abandoned her at once. Next morning ship discovered by British patrol, totally abandoned. She was manned and brought into Queenstown. Crew was picked up later. Otherwise she would have been lost. If crew had stuck by ship there is not one chance in a million of that particular submarine capturing or destroying her.

Mr. HICKS. Admiral, the whole trend of your statement here shows, in fact proves, that naval men are more efficient than the ordinary merchant crews?

Admiral PALMER. Unquestionably. The outstanding fact apparent to anyone who goes thoroughly into the history of submarine sinkings is the great number of ships that have been literally thrown away by incompetent and ignorant management. Lloyd's investigations lead to the conclusion that of all ships mined or torpedoed and subsequently lost, 15 per cent could have been saved had proper use been made of the means existing on ships to keep them afloat. The percentage of vessels that never ought to have been captured or destroyed had they been manned by competent people who observed fundamental precautions must be much higher. In conclusion, I must give one more example, that while no harm resulted, most clearly illustrates present unsatisfactory conditions.

American mail steamer, first night out of Liverpool, about 10 p. m., British patrol signaled "You have bright light on port bow." Armed guard commander and chief officer investigated. They found a member of crew reading in his berth, port wide open, high-power incandescent light tied up squarely in open port. Man said he wanted to read and was entitled to fresh air, anyway. He had jeopardized lives of 800-odd people. Was not at all impressed with enormity of his crime. Only punishment he could be made to suffer was a fine of four days' pay. It is understood that even this was remitted by the shipping commissioner on arrival of vessel in an American port. The law must be strengthened to cover such cases.

Mr. COOPER of Wisconsin. I yield to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, this bill carries an appropriation of some $8,000,000. During this session we have already passed the Indian appropriation bill, carrying about $12,000,000; the Post Office appropriation bill, carrying $332,000,000; and the Agricultural appropriation bill, carrying $27,000,000. These figures are in round numbers. The debate during to-day upon the Diplomatic and Consular appropriation bill, while most interesting and informing, has touched upon many other subjects besides the bill in question. This is so practically with all of the appropriation bills, so far as the general debate is concerned. This, to my mind, is an evidence that the Members of Congress generally do not and can not fully acquaint themselves with the necessities of the large amounts of money that they annually vote from the revenues of the United States. We have yet to consider some nine other appropriation bills, all of them carrying large amounts. In the last session of this Congress we appropriated about $21,000,000,000. It is quite evident that this session will appropriate an equally large amount. In view of these very large appropriations, covering a multitude of items, I feel that the present system of having so many committees dealing with appropriations is wrong, and that we ought to resort to the more up-to-date and scientific method now in use mostly in other countries, of having one committee on appropriations. To such a committee ought to be given the responsibility of making recommendations to the House for all needed money for the operation of the Government. To such a committee also ought to be sent all estimates. Such a committee should also be given authority to employ all needed assistance in the way of experts in finance and operations of government. Such a system, in my judgment, would result in saving vast sums of money that are now needlessly appropriated and uselessly expended. The budget system, Mr. Chairman, that I suggest is not a new one. It has been urged for many years. The present chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. SHERLEY], has been an urgent advocate of it. On February 28, 1913, he delivered an able address in this House in advocacy of it. The former chairman of the Appropriations Committee, the Hon. John J. Fitzgerald, of New York, was another one who favored a budget system. His address on June 24, 1913, in the House was a most convincing argument as to its need. Both of these addresses discussed the question from a constitutional, historical, and necessity standpoint. I commend the careful reading of both of these addresses to the Members of the House. Another distinguished former chairman of the Committee on Appropriations as well as former Speaker of this House, and present Member, the gentleman from Illinois [Mr. CANNON], is another strong supporter of this proposition. In fact, it is my judgment that all who have given careful study of the question agree that it is most important and necessary. The opposition that comes to it is from the committees that now have to do with appropriations. Let me suggest to the chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. SHERLEY], that he could hasten the actual consideration of this matter in the House by calling together the chairmen of all the committees that have to do with appropriations and see if they can not get together upon a resolution to provide that all appropriations shall originate in and be reported from a single committee. Other governments have been using the budget system for years and with success. It seems time for the United States to take similar action, and especially so during the war, when our appropriations are so large.

Mr. LITTLE. Will the gentleman yield?

Mr. DYER. I yield to the gentleman.

Mr. LITTLE. Does the gentleman think a budget system would be serviceable and practicable if there were not on the floor a responsible ministry to present the budget and answer questions in regard to it?

Mr. DYER. I take it that the members of the committee themselves would in that instance be able to answer the questions of Members. Of course, the gentleman is referring to the system in the English Parliament; but if we had the budget system here, and had a substantial committee charged with this great work, they would be able to give to the Members of the House information gathered from the best experts in finance, as well as a careful study of the subject and of the estimates which would have to be submitted to them and concerning which they could make diligent inquiry before reporting the bills. Mr. Chairman, this matter has been given consideration by the people of this country as well as by Members of Congress. It is my judgment that the people generally want a budget system adopted, which is well proven by many indorsements which I have here and which I include in my remarks:

SHALL WE CONSERVE REVENUE?

[From The West at Work. Paul W. Brown. St. Louis, June 21, 1917.]

The Government is very properly conserving man power, food, ships, iron, and steel. Why not conserve revenue as well? The need of the hour is for a national budget system. Every successful private business cuts its coat according to its cloth and proportions its expenditures to each other in full view of both its means and its needs. For 50 years our Government has had no machinery to do this. Now is the time to supply it. It is easier than food conservation and just as needful.

WANTED—A NATIONAL BUDGET.

[From The West at Work. Paul W. Brown. St. Louis, June 21, 1917.]

Shall the American people, at a time when they are introducing new order and new system into the distribution of grain, meat, iron, and steel fail to follow the same common-sense procedure with respect to the distribution of Government revenue? * * *

For many years we have had every ordinary reason which consideration of economy and good sense could urge for adopting a budget system. To these the war has added two extraordinary reasons of the first importance—one touching us as individuals, the other as citizens of the Nation. * * *

The demand for a budget system is much more than the demand of the taxpayer that he be not taxed unnecessarily in a time of special difficulty in the carrying on of business; it is the demand of the patriotic business man that every dollar thrown into the war chest be made to yield its utmost to add to the offensive power of the armies of democracy. * * *

The business men of America should enlist the support of every public-spirited citizen in a demand that a budget system be immediately put in operation in the Federal Government, so that expenditures may be intelligently and economically made in this time of extraordinary demands on the resources of Government, and our economic power be used with maximum effectiveness in a world war for democracy.

WOULD INCREASE PUBLIC CONFIDENCE.

[By J. Lionberger Davis, president St. Louis Chamber of Commerce.]

The magnitude of the tasks which confront our Government makes it important to systematize its expenditures of money. A budget system, if adopted, will not only conserve the financial resources of the Government, but will have a tendency to increase the confidence of the people, who will feel that every dollar raised by taxes will purchase a dollar's worth of service to the Nation.

THE NEED FOR A BUDGET.

[By Charles Nagel, former Secretary of Commerce and Labor.]

* * * The time is most appropriate for the painstaking study of a budget system. More than that, such consideration has become imperative. If our political system is not adapted to such a scheme, then that system will have to yield, as it is being made to yield at every other point. The Executive is being charged with powers and obligations that are very foreign to Democratic conception. Combinations of industries which our courts denounced six months ago our Executive now invites, both acting in the name of public interest. In times of such tremendous peaceful revolution it can not be possible that mere inadaptibility of political machinery will stand in the way of the employment of a system which every housewife is admonished to respect. The problem is to make ends meet—as simple as that; and hard as may be the lesson, perhaps no greater benefit has ever come to us than this awakening to the responsibilities of our task.

ESSENTIAL TO JUDICIOUS EXPENDITURES.

[By B. F. Bush, president Missouri Pacific Railroad Co.]

I believe it is essential to judicious expenditure, prudential economy, and wise taxation that a budget system should be inaugurated by the Government. The experience for many years back of the business world unerringly points to the wisdom of the Government adopting the budget system, whereby its anticipated requirements and expenditures for a given period are properly classified and conditioned commensurate with the income to be derived from a conservative taxation.

It is highly important that a wise economy should govern at all times in Government affairs but more particularly so under the conditions which now obtain, when enormous disbursements are being made. * * *

All large and important business enterprises, as well as other Governments, have established the budget system and find it a safe and reliable guide under which to conduct their operations, and with this record before us I fail to see any good reason why business principles of tried and known worth, such as underlie this system, should not be adopted and applied by our Federal Government in its important operations with regard to expenditures and collection of revenue. * * *.

NEVER NEEDED AS SORELY AS NOW.

[By John F. Shepley, president St. Louis Union Trust Co.]

* * * I consider this an opportune time for the adoption by the Federal Government of the budget system; I have no hesitation in saying that I do. * * * Our Government is making and contemplating the expenditure of sums of enormous size for purposes extraordinarily diverse and has never needed as sorely as now the aid of this system, without which the economical and judicious use of these funds is practically impossible. It is curious that a people so progressive and enlightened as our own should suffer its affairs to be administered in so haphazard and unscientific a manner.

HAPHAZARD METHODS INTOLERABLE.

[By J. F. Downing, president New England National Bank, Kansas City.]

I think it is high time that the people of the United States were demanding a budget system for the business of our Government. The haphazard methods now employed in making appropriations would not be tolerated in any well-organized business house in the United States. * * *

This plan will never be adopted unless the people demand it insistently, and I am sure every business man in the country feels that the time has arrived when there should be economy in the expenditures of the Government and business methods employed the same as for individuals and corporations.

TIME FOR ACTION.

[By Philip B. Fouke, president Funston Bros. & Co.]

With respect to the question of a national budget the time for discussion is past—the time for action has arrived. Under the pressure of war the business of the Government is being enormously expanded. While we were at peace to do without a budget was merely disgracefully wasteful. Now, when every dollar should be made to do its utmost toward the winning of the war, our carelessness becomes peril and our wastefulness a crime.

THE PRIVILEGE OF SPECIAL APPROPRIATION.

[By Jackson Johnson, chairman International Shoe Co.]

* * * In order to provide means for the payment of the enormous liability incurred by the Government for war purposes the necessity of economy in expenditures for other purposes becomes vital and makes it imperative that the Government's expenditures be handled under a budget system. Otherwise burdens of taxation will be imposed which will seriously impair business progress and development.

The disinclination of our national lawmakers to surrender their present unrestricted privilege of special appropriations for their States and districts is the only reason which will stand in the way of this so very necessary reform in our Government's system of expending its income.

HARD TO REDUCE EXCESSIVE TAXATION.

[By W. G. Lackey, vice president Mississippi Valley Trust Co.]

It has long been a matter of amazement to business men that the greatest and wealthiest business institution of the world, the United States Government, should administer its finances without a definite and prearranged budget.

* * * The time was never more opportune, I think, than now to emphasize the need of greatest scrutiny of Government expenditures, and to this end the establishment of the budget system. * * *

If we are not thoroughly systematic in handling these expenditures, the prospects of our tax burden being materially lightened after the war are not encouraging.

WHEN EVERY CITIZEN ECONOMIZES.

[By Luther Ely Smith, attorney.]

A national budget system should be established without delay. Every citizen in the land is economizing and conserving and practicing rigid self-denial to furnish the Nation with the sinews of war. Should not the Nation adopt every device possible to conserve the sinews thus furnished? Immediate installation of the most approved methods of budget making adapted to our national needs should be insisted upon earnestly and emphatically by every organ of public opinion and every citizen, to the end that all opposition and indifference may be completely dispelled. * * *

SHOULD COMMAND GENERAL SUPPORT.

[By Frederick N. Judson, attorney.]

I certainly agree that there is an urgent need for the adoption of a budget system in the administration of the financial affairs of the Federal Government. * * * The need is urgent, especially now that the Federal Government is going into such enormous expenditures and is searching out ways and means for a tremendous expansion of the Federal power of taxation.

Now is the time when such a measure should receive the support of all who are interested in the wise conduct of our governmental affairs.

DUPLICATION CREATES JOBS.

[By Sam D. Capen, former president St. Louis Business Men's League.]

The measure introduced by Senator KENYON, of Iowa, providing for a national budget should be unanimously supported. Every business man would support the measure actively if it were not for the fact that the average business man works as an individual, is not nationally organized, and the politicians know this. * * *

When we, as citizens of the United States, begin to realize—and heavy taxation will bring it close home—that we must plan our expenditures according to our income, then we will interest ourselves in forcing the politician to coordinate the work that is done by the Government in several departments in one department, and the budget system will then have a beginning.

SPECIALLY NECESSARY.

[By George W. Simmons, vice president Simmons Hardware Co.]

I am very heartily in favor of a budget system for the United States Government, and the present emergency emphasizes its need at this time to a greater extent than ever before in our history. There is so much more money now going into the hands of the Government than ever before that the average man has less of an idea than under normal conditions of how much it is going to spend. He is entitled to know in general terms how much is to be spent.

THE MINIMUM OF INEFFICIENCY.

[By C. E. Schaff, receiver, M., K. & T. Ry.]

Aside from the business considerations which have always suggested a budget system for the Federal Government, special conditions urge the adoption of such a system now that we are engaged in a war which

imposes heavy burdens. Government expenditures are certain to be tremendous during the war, and the load of taxation will be correspondingly heavy. The public is prepared to bear whatever burdens national necessities impose, but there is a special reason now that every department of Government be so organized as to discharge its functions with a minimum waste and inefficiency. A heavy burden of taxation speedily becomes irksome if public funds are not expended with practical economy. It therefore seems to me that the time is opportune for the establishment of a Federal budget system.

THE MOST EXTRAVAGANT GOVERNMENT.

[By S. E. Ragland, president, Central State National Bank, Memphis, Tenn.]

* * * This Government is in no way responsible for the holocaust that is bleeding Europe white, but since it has been forced to take a hand it has pledged its entire resources to an enterprise, the proportions of which are staggering to contemplate. The ultimate end of this enterprise is a democracy in which men, women, and little children may be free in the pursuit of happiness, but let no man deceive himself about the burdens of taxation that he will have to shoulder in the future. It, therefore, is imperative that every citizen demand that his Representative in Congress immediately start the machinery for retrenchment in the expenses of the Government. Congress should at once provide for a Government budget.

We are ready and willing to be taxed to attain our great aims, but there must from now on be no lost motion in the application of these funds. Let us immediately adopt the budget system.

[From Yale Review. The task before the country, by MEDILL McCORMICK. July, 1917.]

The present structure of government—whether of the Nation, the States, or their subdivisions—was not built for such responsibilities, nor can the country bear the cost of the new activities, unless its Government be so reorganized as to secure a greater return to the public in proportion to the cost of public administration. During the decade preceding our entrance into the war the cost of the National Government had doubled, while the cost of government in the great industrial States had increased threefold. The ratio of taxation to the national income was so small and direct taxes formed so small a part of the sum of taxation that there was very little interest in public finance or in the efficiency of public administration. Bureaus multiplied at Washington and commissions at the State capitals. There have been no budgets, no careful and scientific methods of estimate and appropriation. With the growth of direct taxation there has come a sudden and inevitable interest in both. * * * The National Government must follow this road, and quickly; they must adopt necessary accounting and fiscal reforms, no less than a rational coordination of public administration. * * * At Washington there is no budget, no coordinated method of appropriation, no modern and uniform system of accounting, no homogeneous division of departmental responsibilities. * * *

[From the New Republic, July 14, 1917.]

* * * The inability of the House to preserve intact its power as sole originator of financial legislation is not, to be sure, a product of the war. It is an inability which has been in existence for some time, but which has for the most part been screened by parliamentary procedure. Where the House has not initiated a financial measure it has at least derived a modest satisfaction in giving to it a mock legality. * * *

* * * With the revision now made in the revenue bill, there is not an important piece of financial war legislation which has not to a great degree been initiated in the Senate.

This development, given such impetus in the three first months of the war, has not been disadvantageous in the matter of securing funds for an American offensive, but it has revealed unmistakably that present practices completely disappoint the expectation of checks and balances which the designers of the Constitution had in mind. In the Federalist, No. 58, Madison declared: "The House of Representatives can not only refuse but they alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse." Such a theory is no longer tenable. The House of Representatives does not hold the purse; it has fallen between the House, the Senate, and the administrative leaders, whose influence is wielded from the outside, until it is no longer held by anyone. At best, the lodging in the House of powers to initiate financial measures is an only partly responsible device, less accurate and less adjustable than a budget system. Opponents of such a system have heretofore demanded further proof of the need of resorting to an innovation, and that proof the war is rapidly furnishing them.—Charles Merz.

ECONOMY AND A NATIONAL BUDGET.

[From the Republican platform, 1916.]

The increasing cost of the National Government and the need for the greatest economy of its resources, in order to meet the growing demands of the people for Government service, call for the severest condemnation of the wasteful appropriations of this Democratic administration, of its shameless raids on the Treasury, and of its opposition to and rejection of President Taft's oft-repeated proposals and earnest efforts to secure economy and efficiency through the establishment of a simple, businesslike budget system, to which we pledge our support, and which we hold to be necessary to effect a needed reform in the administration of national finances.

ECONOMY AND THE BUDGET.

[From the Democratic platform, 1916.]

We demand careful economy in all expenditures for the support of the Government, and to that end favor a return by the House of Representatives to its former practice of initiating and preparing all appropriation bills through a single committee chosen from its membership, in order that responsibility may be centered, expenditure standardized and made uniform, and waste and duplication in the public service as much as possible avoided. We favor this as a practicable first step toward a budget system.

WOODROW WILSON.

[From a letter to Senator TILLMAN, Jan. 30, 1913, in CONGRESSIONAL RECORD, 63d Cong., 1st sess., Mar. 17, 1913.]

Ever since I was a boy I have been deeply interested in our methods of financial legislation. Ever since then I have insisted upon the absolute necessity of a carefully considered and wisely planned budget, and one of the objects I shall have most in mind when I get to Washington will be conferences with my legislative colleagues there with a view to bringing some budget system into existence. This business of building up the expenses of the Nation piece by piece will certainly lead us to error and perhaps embarrassment.

I was very much pleased by your reelection and shall look forward to the greatest interest to being associated with you in counsel.

Again thanking you for your splendid letter,

Cordially, yours,

WOODROW WILSON.

CHARLES E. HUGHES'S ACCEPTANCE SPEECH.

[From Republican Campaign Textbook, 1916.]

* * * It is time that we had fiscal reform. We demand a simple, businesslike budget. I believe it is only through a responsible budget, proposed by the Executive, that we shall avoid financial waste and secure proper administrative efficiency and a well-balanced consideration of new administrative proposals. * * *

WILLIAM HOWARD TAFT—THE BUDGET.

[From message to Congress, Jan. 17, 1912.]

The United States is the only great Nation whose Government is operated without a budget. This fact seems to be more striking when it is considered that budgets and budget procedures are the outgrowth of democratic doctrines and have had an important part in the development of modern constitutional rights. The American Commonwealth has suffered much from irresponsibility on the part of its governing agencies. The constitutional purpose of a budget is to make government responsive to public opinion and responsible for its acts.

THE BUDGET AS AN ANNUAL PROGRAM.

A budget should be the means for getting before the legislative branch, before the press, and before the people a definite annual program of business to be financed; it should be in the nature of a prospectus both of revenues and expenditures; it should comprehend every relation of the government to the people, whether with reference to the raising of revenues or the rendering of service.

In many foreign countries the annual budget program is discussed with special reference to the revenue to be raised, the thought being that the raising of revenue bears more direct relation to welfare than does government expenditure. Around questions of source of revenue political parties have been organized, and on such questions voters in the United States have taken sides since the first revenue law was proposed.

WILLIAM G. M'ADOO.

[From the Outlook, Mar. 7, 1917.]

Writing to The Outlook concerning the importance of a national budget Mr. McAdoo, Secretary of the Treasury, says:

"I am distinctly of the opinion that it would be well for Congress to consider the establishment of a budgetary or other fiscal plan for the purpose of more scientific treatment of the problem of Government expenditure in relation to Government income, and in this connection permit me to say that I recently submitted to the chairman of the House Committee on Ways and Means, for the consideration of that committee, a suggestion of the appointment of a joint committee of the two Houses of Congress with direction to cooperate with the Secretary of the Treasury in studying and evolving such a plan for the consideration of Congress."

ASSISTANT SECRETARY OF THE TREASURY.

[From the Nation's Business, Oct. 15, 1915.]

WASHINGTON, D. C.

EDITOR OF THE NATION'S BUSINESS: The financial methods of the Federal Government must be reorganized. The present manner of making appropriations can never be made a part of an efficient system for handling the finances of our Government. One of the greatest weaknesses of democracy is lack of responsibility and tendency to extravagant and ill-advised expenditures. We now are seeking greater efficiency in all our daily problems, and the Government needs particularly to have a body whose responsibility it shall be to consider the sources of revenue and estimate them for a result, and then itself to set a limit on the appropriations which shall be available from the estimated income to be received. The ever-increasing expenditures of the Government make most urgent demand for a budget committee.

ANDREW J. PETERS.

PRESIDENT HADLEY, OF YALE.

[From the World's Work, December, 1915, p. 198.]

"We are the only civilized Nation of importance," he says, "that attempts to carry on its public business without a budget. The result is waste, lack of coordination of expenditures, and opportunity for pushing unimportant or transient things into the foreground to the exclusion of more important or more permanent ones."

DR. NICHOLAS MURRAY BUTLER, PRESIDENT OF COLUMBIA UNIVERSITY, AN ADVOCATE OF SCIENTIFIC BUDGET MAKING.

[From the World's Work, December, 1915, p. 198.]

Congress at present "dissolves itself into nine little legislatures," each of which has almost autocratic control over expenditures and independently "appropriates money with no reference to the ability of the Government to spend."

A. L. LOWELL, PRESIDENT OF HARVARD UNIVERSITY.

[From the New York Constitutional Convention, 1915.]

Dr. LOWELL. My feeling is simply this, that the budget is a public matter. It is not a collection of private matters. It is a public matter; therefore it would be wiser to have it originate by public officials and not by a lot of people who represent private and local interests. That is really the argument I wish to make upon it, that what the public wants is somebody who represents the public. As a friend of mine said once, and I think there is some truth in it, and I think it explains a great deal of the movements in our Government, that the characteristic defect of democracy is that there is nobody whose business it is to represent the public, and to some extent that is true. That is, people represent fractions of the public. The reason for having our budget originate in our State with the governor is that he is the one

official who represents the whole public, whereas the members of the house are, in each instance, representing small sections of the public; therefore, as a body, their combined good sense is very well, but if you give each of them a chance to originate the budget you are putting that in the hands of a lot of people who represent individual interests and not the public interests. I believe myself that the reason that the power of the Government and the President, etc., has increased so much in the last 50 years is because they come nearer representing the public than a representative assembly does. If you can get the representative assembly to work as a whole, or representing all the public, on questions affecting the whole country, that would be admirable, but when you get them looking at points which affect fractions of the public they cease to represent the public and they only represent a lot of scattered interests.

Mr. CULLINAN. Our legislature and our Congress impose the tax.

Dr. LOWELL. Yes.

Mr. CULLINAN. Ought they not to say something, or have something to say, about how the tax should be appropriated in the different phases of governmental activities?

Dr. LOWELL. Perfectly so, and they do. That is, if your Government proposes an appropriation which they do not like they ought to have the right to reject it. In other words, there is no doubt they ought to have the right to refuse to vote any tax which they do not believe to be right or do not favor, but that is a very different thing from giving individual members the right to propose an expenditure which a man may think in the interests of the whole public when, in fact, it is not.

Mr. CULLINAN. You would eliminate the log-rolling feature?

Dr. LOWELL. Yes, sir; I would eliminate the log-rolling features. As it is now, we have said that each individual member shall have the right to initiate, but the governor may veto. I think the governor should initiate and the legislature should veto, so far as appropriations are concerned.

FRANK J. GOODNOW, PRESIDENT OF JOHNS HOPKINS UNIVERSITY.

[From New York State Constitutional Convention, 1915.]

* * * Each head of department wants to extend his department, and naturally is apt to overestimate the importance of that particular branch of their work, and his check, through an efficient and effective administrative supervision, has been of value in keeping the estimates down, and also in keeping them within the revenue which is available.

There is another reason why it seems to me that there ought to be a provision for an administrative supervision of the estimates, and that is to prevent a thing that a popular government seems to be liable to, wherever you find it, and particularly where, as is usually the case, the representatives in the legislature represent local districts. That is, there is an irresistible tendency, which is to my mind one of the most dangerous tendencies of popular government, toward useless expenditures in localities for the purpose of influencing locally the influence and standing of the representatives in the legislature. There is not any use enlarging upon it. Any of you men who have been members of the legislature know what pressure is brought to bear, and how difficult it is to resist; but if you are looking at the general question of popular government, as you are, and you must in the constitutional convention, from the point of view of necessity, if popular government is to continue, to the guarding against the evils which are apparently inevitable, it seems to me that it is necessary to provide that I propose to have a public building put there. In most of these places, unless you have a good-size city, a thousand dollars furnishes ample for postal facilities, and then they have an authorization to buy a site. And they pay New York prices out in the sagebrush country for lots, and the Government buys post offices. And then, in a community of eight or nine hundred, based upon the theory that there is a tremendous postal business, they will authorize a building of $50,000—nothing less than $50,000 and up. Then, in order to get a better building, a Member of Congress will pass a bill providing that there shall be a term of court held in this town, and maybe the court—the Federal court—will sit there three terms a year, and maybe it will take two days each term to do all the Federal court business in the town; and then, because a Federal court is to sit in that town, they need a court room and additional facilities, and they increase the amount to be expended in the building, and some other governmental activity will be provided, and the result is that you can go all over the United States and find buildings costing from $75,000 to $150,000 in communities ranging from 1,000 to 5,000 people.

JOHN J. FITZGERALD.

[From CONGRESSIONAL RECORD, 63d Cong., 1st sess., June 24, 1913.]

If the principle enunciated by Mr. Gladstone be accepted as sound, that the constitutional duty of a legislative chamber is not to augment but to decrease expenditure, the solution of all problems confronting us may readily be solved. A few simple changes in our system will completely establish the system of responsible executive control of our budget while retaining complete control of the Treasury in the representatives of the people.

To bring about this result two things are necessary: The duty should be imposed upon the Secretary of the Treasury to revise the various estimates to be submitted to Congress, and Congress should be deprived of the power to augment any request for money or to originate legislation imposing obligations upon the Treasury. Such is the rule in Great Britain, as well as in Switzerland, where this system has been developed to its highest perfection.

These suggestions are radical, but not shots at random. When the Democratic members of the Committee on Rules had been selected for the Sixty-second Congress, I proposed a rule prohibiting amendments to appropriation bills which would increase the committee recommendations above the departmental estimates or which proposed appropriations for which no estimates had been submitted. It was a suggestion along lines that reform in the House must eventually follow; but it was not adopted, as the committee was unwilling to recommend a rule that would have deprived the individual Member or the Committee of the Whole House on the state of the Union of rights enjoyed by committees which prepare appropriation bills. I should have supported such a rule if it extended to the committees, and I am convinced that in time even more radical changes will be imperative, even though the individual Member be deprived of many privileges which he now enjoys.

curse of our condition is that everybody is doing their utmost to get it, and succeeds, and the evil that must be corrected—the evil that must be corrected is the evil of excessive expenditure.

* * * * * * *

Now, if there were some way by which that could be stopped—and it is difficult to stop it; I don't think I am immune from any of these vices or evils; I am just as human as anybody else in Congress, and I don't particularly criticize the man who does resort to these things—but we must in some way eliminate the temptation of the possibility of this kind of action; and when a man is unable to do things of that character, along that line, when he can not force up appropriations, why, then his only interest is in seeing that they appropriate properly, and it does this: It would do what is done in the governments where they had a responsible government with the budget system. If my constituents are keenly interested in some matter that requires an expenditure of public money, I would be compelled to present that matter to the department that had charge of it. They would make their investigation. And they would determine whether it was one of those things that should be included, and they would have to take the responsibility for requesting it.

They could not say John Smith forces that on us. And then the total of these submissions would be contrasted, and the administration should be compelled, to save time, to make definite and concrete recommendations as to how the money should be obtained to meet these drafts on the Treasury.

* * * * * * *

Mr. PARSONS. As far as the Federal Government is concerned, would you have the budget made up by the Executive in connection with the river and harbor improvements and public buildings, and so on, all those things?

Mr. FITZGERALD. Well, I would very radically change our method of public buildings. We don't provide public buildings for the public service. [Laughter.]

In the great mass of cases we provide them to meet certain political exigencies of a locality. You might as well be perfectly frank about this. Congress has authorized public buildings that can not be completed within six years. Some can not be completed within four or five years after they are authorized, unless we very greatly augment the capacity of the Supervising Architect's office to turn out public buildings. Now, we spend about $20,000,000 a year for public buildings. The Supervising Architect's office is geared to turn out about $12,000,000 a year, it claims. Up to about 1900 we had authorized from the beginning of the Government about four hundred and some odd public buildings, I think. Since that time we have authorized about five hundred.

The CHAIRMAN. I saw a statement that in 1909 Congress appropriated $20,000,000 for post offices which the Postmaster General had not recommended.

Mr. FITZGERALD. Well, of course, he never recommends post offices at all.

The CHAIRMAN. Well, which he stated were unnecessary.

Mr. FITZGERALD. But I say the Postmaster General does not recommend. But I don't think there is any serious question; they have been doing that ever since I have had any knowledge of it. This is what happens on public buildings in the Federal Government: Suppose I suppress a community or district which has no large city; perhaps the largest town in it may be twenty or fifteen thousand. I may have one or two communications like that. And none of them has a public building, but across the line in some other district the town of equal size has a public building that costs $50,000 or $75,000. Now, I am a candidate for office, and I go to that town, and in my speech I announce that I propose to have a public building put there. In most of these places, unless you have a good-size city, a thousand dollars furnishes ample for postal facilities, and then they have an authorization to buy a site. And they pay New York prices out in the sagebrush country for lots, and the Government buys post offices. And then, in a community of eight or nine hundred, based upon the theory that there is a tremendous postal business, they will authorize a building of $50,000—nothing less than $50,000 and up. Then, in order to get a better building, a Member of Congress will pass a bill providing that there shall be a term of court held in this town, and maybe the court—the Federal court—will sit there three terms a year, and maybe it will take two days each term to do all the Federal court business in the town; and then, because a Federal court is to sit in that town, they need a court room and additional facilities, and they increase the amount to be expended in the building, and some other governmental activity will be provided, and the result is that you can go all over the United States and find buildings costing from $75,000 to $150,000 in communities ranging from 1,000 to 5,000 people.

JOHN J. FITZGERALD.

[From CONGRESSIONAL RECORD, 63d Cong., 1st sess., June 24, 1913.]

If the principle enunciated by Mr. Gladstone be accepted as sound, that the constitutional duty of a legislative chamber is not to augment but to decrease expenditure, the solution of all problems confronting us may readily be solved. A few simple changes in our system will completely establish the system of responsible executive control of our budget while retaining complete control of the Treasury in the representatives of the people.

To bring about this result two things are necessary: The duty should be imposed upon the Secretary of the Treasury to revise the various estimates to be submitted to Congress, and Congress should be deprived of the power to augment any request for money or to originate legislation imposing obligations upon the Treasury. Such is the rule in Great Britain, as well as in Switzerland, where this system has been developed to its highest perfection.

These suggestions are radical, but not shots at random. When the Democratic members of the Committee on Rules had been selected for the Sixty-second Congress, I proposed a rule prohibiting amendments to appropriation bills which would increase the committee recommendations above the departmental estimates or which proposed appropriations for which no estimates had been submitted. It was a suggestion along lines that reform in the House must eventually follow; but it was not adopted, as the committee was unwilling to recommend a rule that would have deprived the individual Member or the Committee of the Whole House on the state of the Union of rights enjoyed by committees which prepare appropriation bills. I should have supported such a rule if it extended to the committees, and I am convinced that in time even more radical changes will be imperative, even though the individual Member be deprived of many privileges which he now enjoys.

[From "Constitutional Aspects of a National Budget System," by Charles Wallace Collins, in the Yale Law Journal, March, 1916.]

The provisions of the Constitution of the United States relating to public finance are as follows:

"All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills. (Art. I, sec. 7.)

"The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States. * * *; to borrow money on the credit of the United States; to raise and support armies, but no appropriation to that use shall be for a longer term than two years; to provide and maintain a Navy. (Art. I, sec. 8.)

"No money shall be drawn from the Treasury, but in consequence of appropriations made by law and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time. (Art I, sec. 9.)

"The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration. (Art. XVI.)"

As bearing indirectly on the subject of public finance the following provisions may also be cited:

"The Congress shall have power 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all the powers vested by this Constitution in the Government of the United States or any department or officer thereof.' (Art. I, sec. 8.)

"Each House may determine the rules of its proceedings. (Art. I, sec. 5.)

"The President 'shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; * * * he shall take care that the laws be faithfully executed.' (Art. II, sec. 3.)"

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NEW YORK CHAMBER OF COMMERCE ON NEED FOR CONTROL OF GOVERNMENT EXPENDITURES.

[From the Commercial and Financial Chronicle, Feb. 3, 1917.]

"The following resolution, reiterating the conviction of the New York Chamber of Commerce 'that there is need of a sound economic control of public expenditures based on an authoritative examination in advance of the actual needs of each department of the Government,' was adopted at Thursday's meeting of the chamber:

"* * * In February, 1916, this chamber unanimously adopted the report of the Committee on Finance and Currency in favor of a budge policy in public financing, whereby proposed expenditures should be subordinated to the limitations of previously determined sources of income.

"* * * Therefore, be it

"*Resolved*, That the Chamber of Commerce of the State of New York reiterates its conviction that there is need of a sound economic control of public expenditures with due regard to established sources of revenue, including a uniform system of public expenditure based on an authoritative examination in advance of the actual needs of each department of the Government.

"*Resolved*, That copies of this preamble and resolution be forwarded to the Federal officials and to members of congressional committees immediately concerned."

FRANK A. VANDERLIP (*Chairman*),
WILLIAM SLOANE,
JAMES S. ALEXANDER,
For the Committee on Finance and Currency.

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A BUDGET SYSTEM.

[From the Outlook, Mar. 7, 1917.]

The need of a national budget system was never more clearly demonstrated than in the final days of the Sixty-fourth Congress. At this writing, only a few days before the session of Congress expires by legal limitation, there are several enormous and highly important appropriation bills waiting to be passed. If they are not passed there will probably have to be an extra session of Congress in order to obtain the necessary money to run the Government during the ensuing fiscal year. It is now, the 28th of February and Congress must adjourn on March 4, and yet no man knows just what appropriation bills Congress will pass, if any.

* * * The only way in which Government finances can be managed in a businesslike way is by the establishment of a budget system.

* * * That this is not a visionary idea is proved by the fact that not long ago the United States Chamber of Commerce held a referendum on the question of its plan for a national budget. One hundred and fifty-two boards of trade, chambers of commerce, and similar organizations of business men in 34 States took part in the referendum. There were 573 votes in favor of and only 10 votes opposed to the budget plan. We are not here discussing the details but only the general principle of a national budget. The executive and legislative method of putting it in operation should be determined by experts, following the analogy of the Federal reserve law.

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A NATIONAL BUDGET.

[From the Outlook, Mar. 14, 1917.]

It was only a few years ago when the Sixty-second Congress appropriated for the annual expenditures of the Government over a billion dollars. The country was so astounded that the Congress was called in the newspapers "the billion-dollar Congress." We have now passed in our national expenditures the two-billion-dollar mark. Few citizens understand how this enormous growth in our expenditures and the enforced income from taxation has come about. We imagine that few Members of Congress quite understand. This is the main reason why there should be introduced into our Federal Government a budget system. * * *

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A LEGISLATIVE BUDGET.

[From the Commercial and Financial Chronicle, Mar. 3, 1917.]

* * * A financial budget has often been proposed, and if we shall ever be able to introduce modern business "system" into the processes of government this will work a vast advantage and economy in public affairs.

* * * Well, "Congress is to blame," we often say. And it is true that it could practice more, and vastly more, economy than it does. But the blame rests also on the people, and heavily, too, who make and are the Government, that system, irrespective of parties and Congresses, is not introduced into public affairs. It may be, it is, a tremendous task, but unless it is accomplished the time will not be long in coming when the "poor overburdened wight" will rebel. No free people can make bricks without straw, and no people can remain free who allow their own Government to oppress them. Labor alone pays the cost of Government. And for all its wealth of resources, a profligate nation will at some stage become bankrupt. If a spendthrift is one who buys anything and everything that comes in sight, a thrifty man is one who measures his need by what he can earn and what he can save.

The most significant fact of to-day in relation to government is that we have reached the limit of fair and just taxation without ever relating national need to national income.

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NEED OF A NATIONAL BUDGET.

[From Journal of Commerce, Feb. 8, 1916.]

Nothing could more forcibly emphasize the need of a national budget system in this country than the condition brought about by the war in Europe. It puts in a striking light the contrast between the Government of the United States in this respect and that of other civilized nations.

* * * * * * *

This Nation has grown from its small beginning as a union of States on a margin of the continent, with a few million inhabitants and little wealth or power, to the imperial domain from ocean to ocean and a hundred million people, without any system of responsibility for estimating the financial needs of government and proposing measures for meeting them. Every other nation of any standing has a system which requires those responsible for the administration of different branches of the Government to submit to the legislating body intelligent and intelligible statements of their needs for revenue and the purposes to which it is to be applied. They must present their estimates and their proposals for raising the revenue to meet them. Appropriation bills and revenue bills must be based upon these estimates and proposals and submitted for action by those responsible for administration, to be considered, modified under fixed rules and duly adjusted and adopted. Individual Members and groups can not bring in a flood of appropriation bills, have them referred to different committees, and logroll them through the processes of legislation by bargains and compromises, exchanging favors, and virtually trading in votes. This American practice, which ought to be particularly un-American, has insidiously grown to monstrous proportions, and it is time it were seized by the throat and strangled.

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[From "A national budget and why we need it," in the Nation's Business, Oct. 15, 1915.]

The demand for a systematic accounting of our national revenues and expenditures has grown rapidly. The national chamber has consistently stood for the principle of the budget. Its first referendum (sent out on Nov. 30, 1912), was approved almost unanimously by its members. Since that time the chamber has consistently and upon all appropriate occasions advocated the adoption of a national budget. From time to time the Nation's Business has published articles on the subject, together with opinions by eminent public men in favor of it. As we pointed out in these pages last month, President Wilson has already stated to a committee of the national chamber, who conferred with him late in May on the subject, that he expects the matter will be thoroughly discussed at the opening session of Congress.

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WHY THE UNITED STATES HAS NOT A BUDGET.

[From the Nation's Business, Oct. 15, 1915.]

A scientific summary of expenditures and revenues, in short, a national budget, has been heretofore difficult, if not practically impossible, in the United States, because, in the first place, the President, as executive head of the Nation's business, has not been directly responsible to the Nation itself for the efficiency of the departments under him; second, because heads of departments and establishments report estimates direct to Congress through the Secretary of the Treasury, which are thereupon assigned to nine different committees; third, because appropriation bills are not considered at related to each other or to the entire amount of anticipated public income; fourth, because minor officials in departments can approach committees direct for special favors for bureaus or for special legislation in an appropriation bill.

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INCREASING EXPENDITURES MAKE AN EFFECTIVE BUDGET PROCEDURE A POLITICAL AND ECONOMICAL NECESSITY.

[From "Budget making and the increased cost of government," in the American Economic Review, March, 1916.]

The political necessity for the adoption of a budget procedure lies in the fact that it is the only effective means which has ever been devised for enforcing accountability and responsibility on an executive who has sufficient power to make him a leader, i. e., to make him effective in the preparation and submission of plans proposed for adoption and to enable him efficiently and economically to execute them after they have been approved and financed. The economic necessity for the adoption of a budget procedure lies in the fact that demands for service by the Government are going to continue to increase and with this the necessity both for careful, intelligent planning by the management, and a strict censorship on the part of those who pay the bills.

FREDERICK A. CLEVELAND.

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[From "Creating Government efficiency," in the New Republic, July 29, 1916.]

The people in the States are becoming alive to the need for this sort of thing. As a result of the fact that the States have already reached a condition of deficit financing, there is an increased demand for a budget procedure which will put responsibility on the executive, not only for giving an account of himself but for preparing and submitting to the legislature a well considered finance plan based on the needs of the service. New Jersey has just passed such an executive budget law. The Maryland Legislature has submitted to voters a constitutional amendment that will come before them at the next election. Several States have like measures under consideration. But neither statutes nor constitutional amendments can have force without a militant public opinion which will insist on a procedure requiring finance measures to be considered, criticized, discussed, approved, or

disapproved openly and publicly in the legislature—the established forum of democracy and the only form in which public business can be adequately considered with due regard to all parties in interest.

FREDERICK A. CLEVELAND.

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[From the World's Work, December, 1915.]

The public knows that the United States Government wastes money. The promises of economy made by both parties have proved equally valueless. Congressmen of both parties use the Federal Treasury as a "pork barrel" from which to satisfy the desires of their constituents—get the Treasury to pay for public buildings, Army posts, and pensions in the hope of reelection.

The public is becoming heartily sick of the pork barrel, both because of its essential dishonesty and because of its waste and inefficiency. But the pork barrel can not be abolished so long as the present system of making appropriations lasts. It is an integral part of that system. To change the existing wasteful system of appropriations necessitates a change in the Government of the United States—a much needed change from the irresponsible committee system to a system in which the Executive can be held responsible for the expenditures of his administration.—The Editors.

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[From the World's Work, December, 1915.]

* * * We should establish the budget system. This would not actually curtail the scope of Congress. That body would still retain control of the purse. It would vote money only in obedience to a request from the administrative branch, but it could grant or refuse this request as conditions justified. Its business would be that of criticism, of investigation, and of veto. This would greatly enhance the character of both chambers. It would weed out those Members whose reelection depends chiefly on their ability to get local appropriations—certainly they would be no loss to the Nation. The more serious Members—and there are plenty of them—who are really interested in the Nation's business and would like to spend their time in it, are now tormented constantly by the importunity of their constituents. The budget system would relieve them of this. They would, therefore, have all their time for serious work. Thus the Nation would not only save millions of wasted money, but would get a higher type of lawmakers. And the patriotism of localities would find more worthy outlets than campaigns to secure a lot of useless and expensive architecture.

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[From "Budget making," in American Economic Review, March, 1916.]

The time for action has now come. World events have forced upon our Government the necessity of undertakings with which our appropriating system is totally unable to cope. It is imperative that we disregard the haphazard methods we have followed hitherto and install a budget plan adapted to our governmental machinery. Whether such a change leads us from our Federal form toward the parliamentary one with its responsible ministry, as fiscal reforms in England from Magna Charta to the Lloyd-George budget have introduced the successive development to the parliamentary system of our day, need not alarm us. The truest progress in government has been through the incorporation from time to time of expedients for curing particular evils rather than in the adoption of a large scheme as a conscious experiment. The expedient most needed to-day is a device which will permit careful planning in the raising and expenditure of the public funds. This is the function of the public budget.

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[From "Constitutional aspects of a national budget system," by Charles Wallace Collins, in the Yale Law Journal, March, 1916.]

From the foregoing situation it appears quite feasible to adopt a complete national budget system without making any change in our written Constitution. A few amendments to existing statutes and few changes in the rules of the House and Senate would provide the necessary modus operandi. The transition, so far as its legal phases are concerned, could be made easily and quickly.

There are, however, practical difficulties besetting the inauguration of so radical a change in our methods of procedure in financial legislation. We have always clung to the constitutional theory of separate and coordinate governmental power. The Constitution was framed under that influence. It has been handed down as a tradition. It has made itself felt in the governmental organizations of our States and even in the lesser units of counties and cities. How, then, could we reconcile the apparent giving over to the Executive a part of the legislative power, with our traditional theories of constitutional government?

There is a point of contact in our governmental practice where this tradition may be reexamined and clarified. It lies in the extra legal field of party activity. The development of the political party as a determining factor in national legislation has been considered largely from the practical rather than the philosophical point of view. We have never legally recognized party responsibility for legislation, yet we do hold the party in power responsible, in a loose sort of a way, for whatever legislation is passed. From the party standpoint the President and his Cabinet have one and the same interest with the Members of the majority party in the Congress. The President is recognized as the leader of his party. To his party he has a very definite function and responsibility. In consultation with his Cabinet and other members of his party he formulates the party program. He assumes the responsibility to the country for the work of his party. He does actually participate in the legislation of the Congress by having bills introduced which are regarded as administration bills and by insisting on certain legislative measures to which he considers his party pledged.

Now, here is the point of contact with the budget system. It involves a closer application of party responsibility in the particular field of public finance. Recognize the party as the working unit in legislation and legalize the position of the Executive as party leader in financial legislation. The party in power is already, in fact, held responsible for the taxes it levies and the money it spends. It is only a short step to localize this responsibility on the shoulders of the Executive and give it a definite constitutional status.

In this manner we could effectively adopt the budget system without adopting the so-called parliamentary form of government. The Congress would not lose any of its constitutional powers. It would retain a strict control over the Nation's finances, since no money could pass into or out of the Treasury without its ratification. It would also see that no money was diverted from the purpose for which it was granted. The actual financial program would be given over to the Executive to prepare, to initiate into the Congress, and to execute after the Congress has given its formal approval.

[From Financial Administration of Great Britain. Willoughby. 1917.]

* * * A budget is a definite plan or proposal for financing the business of a future period both with respect to revenues and expenditures. It is usually prepared and submitted by the executive to the legislative branch of the government for its approval, together with such collateral and supporting information as is needed to sustain the conclusions reached. Through a budget the experience of the past is made available to the legislature and to the people as a basis for consideration and arriving at determinations for the future.

It is of the utmost importance that this fundamental character and purpose of the budget should be clearly apprehended. It is the one thing which binds detached operations into a logical and harmonious system and permits consideration of the activities and the cost of the government as a whole. Without it a country can scarcely be said to have a financial system; certainly not a scientific system.

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[From Financial Administration of Great Britain. Willoughby. 1917.]

* * * The basic principle underlying the use of a budget as the central instrument for correlating all of the financial transactions of the government so that the whole problem of financing the government may be considered at one and the same time is hardly understood in this country, much less acted upon. Though the Executive is called upon to keep account of receipts and expenditures, to make reports and to submit estimates, the technical problem of having them so kept and submitted as to constitute a comprehensive report of past transactions and a work program for the future has not been satisfactorily worked out. The result is that Congress does not get before it a statement of the financial and work program of the Executive in such a form that it can clearly see its full purport. The fact that Congress does not get the information to which it is entitled is evidenced by the necessity that its committees having the consideration of appropriation bills are under of holding elaborate hearings for the purpose of securing information regarding estimate proposals. Most important of all, Congress, and not the Executive, is deemed to be the body that should formulate the definite program of receipts and expenditures. The reports and estimates that are submitted to it are not looked upon as an Executive program, but rather as data to enable Congress to perform its function as a program-framing body. The audit of accounts, instead of being made by an officer of the body granting the funds, is made by an officer of the branch of the Government whose operations are to be passed upon. Though early provision was made by the House for committees on expenditures in the executive departments, these committees have never attempted to make any thorough or systematic examination of the financial transactions of the Executive as revealed in the audited accounts. Congress thus has no effective machinery for the exercise of supervision and control over the manner in which the Executive performs its stewardship as is possessed by the British Parliament in its comptroller and auditor general and its standing committee on public accounts. In respect to the granting of funds, the general principle is followed that all appropriations are morally, if not legally, obligatory; that they represent an order given by Congress to the Executive, and that it is the duty of the latter to act upon such order. The result is that the Executive feels called upon to expend all the funds voted to it, whether it deems such expenditure to be wise or not. Nothing approaching the British system of securing flexibility in the expenditure of funds by distinguishing between appropriation heads and subheads and by permitting of transfers to be effected between subheads is to be found in the American system. Finally, there is totally lacking in the National Government any organ having the duty of exercising a day-to-day supervision and control over the financial transactions of the Government such as the British Government possesses in its treasury department.

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[From Financial Administration of Great Britain. Willoughby. 1917.]

To recapitulate, it would therefore seem highly desirable to distinguish clearly between the three basic factors of the budgetary problem: (1) The formulation of a budget; (2) action upon the budget; and (3) the provision of organs and a procedure through which budgetary control may be secured.

As a matter of practical expediency, it would further seem that greater progress in the direction of reform can be anticipated if for the present attention is concentrated upon the first and last of these three factors. To neither of these can the most ardent advocate of the system of legislative determination of appropriations find any objection. So great would be the improvement resulting from proper action in respect to these factors that they may well be regarded as necessary intermediate steps before the American public is prepared to pass judgment on the second, which can only arouse intense opposition, and thus might jeopardize any progress at all. With the principle of an executively formulated budget and the principle of a proper machinery for exercising budgetary control once firmly established, the basis will be laid for a change in procedure in respect to the second—that having to do with action upon the budget—if such change is then deemed to be desirable.

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[From Need for a National Budget. H. Doc. No. 854, 62d Cong., 2d sess.]

If we follow the accepted usage of most civilized nations, we must conclude that a budget is a collection of documents assembled by an officer who is at the head of or is responsible for the administration and submitted to the legislative branch of the Government. Whatever else such a budget contains, in every case it carries with it an estimate of expenditures to be made by the Government during the coming financial period. While each nation has a revenue policy, the lack of emphasis which has been laid by nations in their budget upon the revenues and the relation of expenditures thereto has probably been due to the fact that by far the larger part of the revenues have come into the public treasury as the result of the operation of permanent law. No regular periodical action upon the part of the legislative authority has been necessary in order that revenues might be collected. As a consequence, the budget has been regarded primarily as an estimate of expenditures.

Inasmuch, however, as no nation can safely adopt for a long period a policy of expenditures which has no regard to the amount of its revenues, it has been usual in most national governments to fix the amount of the expenditures in view of the expected revenue. Where, as is the case in this country, the estimates have been a matter of legislative rather than executive responsibility, the legislature has imposed upon the treasury the duty of acquainting it with the estimated revenue for the coming budgetary period. It thus is the case

that even in political systems in which revenues are based on permanent law rather than on periodical legislative action the demands of a conservative financial policy require that expenditures shall be estimated in view of revenue possibilities. We may say, therefore, that a budget should consist of estimates of revenue as well as of expenditures.

It has been said that a budget is primarily an estimate of the expenditures made necessary by the operations of the Government. That is, it is assumed that a government already exists which operates in a given way. A budget is based upon the theory that the government for whose operations expenditures must be made is already organized and discharges certain activities whose number and extent have already been determined. The purpose of a budget is thus to finance an existing organization in order that it may successfully prosecute defined lines of work. In case it is thought desirable to have changes made in organization and in number and extent of activities, as compared with the organization and activities financed in the preceding budgetary period, these changes should be indicated at the time the budget is drawn, and in any case the changes must be determined before or at the time that appropriations are granted, since the appropriation is primarily a method of financing the existing organization and predefined activities.

Nevertheless since changes in organization and in number and extent of activities can hardly fail to affect expenditures, a budget, while primarily having to do with the expenditures made necessary by the defined operations of an existing governmental organization, must in the nature of things be concerned secondarily at any rate with questions of governmental organization and activities. It is, of course, to be borne in mind that other financial considerations primarily control the decision of these questions, but it can not be forgotten that no State can enter upon an administrative program, however desirable, the expense of which its financial resources do not admit it to assume. Thus, a comprehensive naval program is entered upon for military and not for financial reasons. But if the resources of the country are insufficient the Nation will have to forego the advantage of such a program, however marked they may be.

In this sense it may be said that a budget is in the nature of a prospectus and that its purpose is to present in summary form the facts necessary to the shaping of the policies of the Government so far as they affect its finances.

—

WILLIAM HOWARD TAFT.

[From message to Congress, June 27, 1912.]

Notwithstanding these specific constitutional requirements there has been relatively little attention given to the working out of an adequate and systematic plan for considering expenditures and estimates for appropriations; for regularly stating these in such form that they may be considered in relation to questions of public policy; and for presenting to the Congress for their consideration each year, when requests are made for funds, any definite plan or proposal for which the administration may hold them responsible.

Regular committees on expenditure have been established by the Congress for the purpose of obtaining knowledge of conditions through special investigations. During the last century over 100 special congressional investigations have been authorized to obtain information which should have been regularly submitted, and much money as well as much time has been spent by the Congress in its effort to obtain information about matters that should be laid before them as an open book; many statutes have been passed governing the manner in which reports of expenditures shall be made; specific rules have been laid down giving the manner in which estimates shall be submitted to the Congress and considered by it. From time to time special investigations have been made by heads of executive departments. During the last century many such investigations have been carried on and much money has been spent in the conduct of those, as well as by the Congress, for the purpose of obtaining facts as a basis for intelligent consideration of methods and procedure of doing business with a view to increasing economy and efficiency. From time to time Executive orders have been issued and reorganizations have taken place.

Generally speaking, however, the only conclusions which may be reached from all of this are that—

No regular or systematic means has been provided for the consideration of the detail and concrete problems of the Government.

A well-defined business or work program for the Government has not been evolved.

The reports of expenditures required by law are unsystematic, lack uniformity of classification, and are incapable of being summarized so as to give to the Congress, to the President, or to the people a picture of what has been done and of cost in terms either of economy of purchase or efficiency of organization in obtaining results.

The summaries of expenditures required by law to be submitted by the Secretary of the Treasury, with estimates, not only do not provide the data necessary to the consideration of questions of policy but they are not summarized and classified on the same basis as the estimates.

The report on revenues is not in any direct way related to the expenditures, except as the Secretary of the Treasury estimates a surplus or a deficiency, and this estimate is based on accounts which do not accurately show expenditures or outstanding liabilities to be met.

Instead of the President being made responsible for estimates of expenditures, the heads of departments and establishments are made the ministerial agents of the Congress, the President being called on only to advise the Congress how, in his opinion, expenditures may be reduced or revenues may be increased in case estimated expenditures exceed estimated revenues.

The estimates do not raise for consideration questions which should be decided before appropriations are granted, nor does the form in which estimates are required by the Congress to be presented lay the foundation for the consideration of: Subjects of work to be done; the character of organization best adapted to performing work; the character of expenditures to be made; the best method of financing expenditures.

The present law governing the preparation and submission of estimates, requiring them to be submitted each year in the same form as the year before, was passed without due consideration as to what information should be laid before Congress as a basis for action, the result being that the unsystematic and confused method before in use was made continuous.

The rules of the Congress do not provide for the consideration of estimates in such manner that any Member of Congress, any committee, or either House of Congress as a whole may have at any time the information needed for the effective consideration of a program of work done or to be done.

The committee organization is largely the result of historical development rather than of the consideration of present needs.

Inadequate provision is made for getting before each committee to which appropriations are referred all of the data necessary for the consideration of work to be done, organization provided for doing work, character of expenditures, or method of financing.

Following the method at present prescribed, the estimates submitted by each organization unit may have to be split up for consideration by Appropriation Committees of the Congress and be made the subject of several different bills; in few places are all of the estimates or appropriations asked for by a single organization unit brought together.

The estimates for appropriations requested for a single class of work are similarly divided, no provision being made for considering the amount asked for, the amount appropriated, or the amount spent for a single class of governmental activity.

Generally speaking, the estimates for expenses (or cost of each definite class of service to be rendered) are not separately shown from estimates for capital outlays (or cost of land, buildings, equipment, and other properties acquired).

While the classification and summaries of estimates do not indicate a proposed method of financing, these summaries do not show classes of work or the character of expenditures provided for and therefore can not lay the foundation for the consideration of methods of financing as a matter of governmental policy, as is contemplated under the Constitution.

The appropriations are just as unsystematic and incapable of classification and summary as the estimates; in fact, follow the same general form, making it difficult and in many cases impossible to determine what class of work has been authorized, how much may be spent for each class, or the character of expenditures to be made; nor does any one bill cover the total authorization for any particular general class of work.

Bills for appropriations—the authorizations to incur liabilities and to spend—are not considered by the committee to which measures for raising revenues and borrowing money are referred, nor are revenues and borrowings considered by committees on appropriations in relation to the funds which will be available.

So long as the method at present prescribed obtains neither the Congress nor the country can have laid before it a definite, understandable program of business, or of governmental work to be financed; nor can it have a well-defined, clearly expressed financial program to be followed; nor can either the Congress or the Executive get before the country the proposals of each in such manner as to locate responsibility for plans submitted or for results.

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RECOMMENDATIONS.

[From Need for a National Budget, H. Doc. 854, 62d Cong., 2d sess.]

The commission recommends:

1. That the President, as the constitutional head of the executive branch of the Government, shall each year submit to the Congress, not later than the first Monday after the beginning of the regular session, a budget.

2. That the budget so submitted shall contain:

"(a) A budgetary message setting forth in brief the significance of the proposals to which attention is invited.

"(b) A summary financial statement setting forth in very summary form (1) the financial condition, (2) a statement of the condition of appropriations and other data pertaining to the 'general fund' as well as to the other funds of the Government, (3) an account of revenues and expenditures for the last completed fiscal year, and (4) a statement showing the effect of past financial policy as well as of budget proposals on the general-fund surplus.

"(c) A summary of expenditures, classified by objects, setting forth the contracting and purchasing relations of the Government.

"(d) Summaries of estimates setting forth (1) the estimated revenues compared with actual revenues for a period of years, (2) estimated expenditures compared with actual expenditures for a period of years.

(e) A summary of changes in law, setting forth what legislation it is thought should be enacted, in order to enable the administration to transact public business with greater economy and efficiency, i. e., changes in organic law, which, if enacted, would affect appropriations as well as the character of work to be done.

3. That the Secretary of the Treasury be required to submit to the Congress the following detailed reports supporting the general summaries and Executive conclusions or recommendations contained in the budget, as follows:

(a) A book of estimates, containing the supporting details to the summaries of estimates of expenditure contained in the budget.

(b) A consolidated financial report, containing a detailed statement of revenues and a consolidated statement of expenditures by departments and establishments for the last five fiscal years, with such explanatory matter as is necessary to give information with respect to increases or decreases in revenue or expenditure or other relations to which it is thought that the attention of the Executive and legislative branches is to be given.

4. That the head of each department and independent establishment should be required to submit to the Secretary of the Treasury and to the Congress annual reports, which, among other things, would contain detailed accounts of expenditures, so classified as to show amounts expended by appropriations as well as by classes of work, together with the amounts of increases or decreases in stores, equipment, property, etc., including lands, buildings, and other improvements, as well as such other data or operative statistics and comment in relation thereto as may be necessary to show results obtained and the economy and efficiency of doing Government work, as well as of contracting and of purchasing.

5. That the President and heads of departments issue orders which will require that such accounts be kept, such reports be made, and such estimates be prepared as will enable them to obtain the information needed to consider the different conditions, relations, and results above enumerated before the estimates are submitted; that the President recommend to the Congress the enactment of such laws as will enable the administration to comply with the requirements of the Congress.

6. That the President recommend for the consideration of the Congress such changes in the form of appropriation bills as will enable the Government to avail itself of the benefits of the exercise of discretion on the part of the Executive in the transaction of current business in order that the Government may do work and accomplish results with economy and efficiency and as will definitely fix responsibility for failure so to exercise such discretion.

[From "Why we have a pork barrel," in the New Republic, July 22, 1916.]

The executive budget is the procedure of control over the purse that has been employed with increasing success by every country that has an efficient government and every nation that has a government which is responsible to the people; it is in harmony with the principles and precepts of democracy; it corresponds to the best practices that have been worked out in both public and private enterprises; it has been evolved by centuries of progressive experience in making management efficient; it makes the executive responsible for careful planning; it makes the legislature responsible for careful review and criticism of executive plans; it provides for full publicity in review and discussion of plans; and through this enables the people themselves to follow discussion and criticism, and makes the electorate effective in determining whom they shall trust with the conduct of affairs.

The so-called legislative budget has been urged for adoption by those who would protect the supremacy of the legislature and retain a weak executive in matters of administration; by persons who are opposed to executive leadership. In recognition of the popular unrest certain Members of Congress and leaders in State legislatures are offering this as an "American" method of doing things in contradistinction to a "foreign" or "European" or "monarchial" method. The fact is that it is not American except to this extent: That America is the only great Nation that is still continuing practices which European nations have had the wisdom to get rid of after having suffered all the evils which we have continued to suffer for a century. Stourm in his great work, "Le Budget," vividly portrays the result of giving to individual members and committees of the French Parliament the right to initiate finance bills; and in this he tells the story of logrolling methods and the "pork barrel" as faithfully as if he had been describing a session of Congress or of our State legislatures. * * *

FREDERICK A. CLEVELAND.

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[From New York Constitutional Convention, 1915.]

Mr. PELLITREAU. I would like to ask the same question as to the auditor.

Dr. LOWELL. I think your auditor must be independent. Your auditor has to be a man who is wholly independent. I remember a case which I could tell you about that I came across in business myself when I was a comparatively young man.

It so happened that the auditor, who had been employed by the treasurer of a cotton mill, came in to a member of the committee of the stockholders on auditing the accounts and said to him, "The treasurer has been stealing. I thought I was employed by him to look after his subordinates, but I have learned that I was employed by the stockholders to report to them, and I report that the treasurer has been stealing."

This is not a case where we are seeking for fraud but seeking for irregularity. But in any case your auditor ought to be appointed clearly; he ought to owe his appointment to a party outside.

Mr. STIMSON. And his duties ought not therefore to be mixed up with executive duties?

Dr. LOWELL. Not in the least. He is to inspect and he ought to have no other duties, because otherwise he is investigating himself.

Mr. PELLITREAU. Should not he be appointed by the governor?

Dr. LOWELL. I should feel it would be a pity to mix up your auditor with your executives in any way. You do not want to mix these things together.

Mr. WAGNER. You have got to put the appointive power somewhere.

Dr. LOWELL. Certainly, but it ought to be outside of the executive. You may put it in your house, you may elect him, put him anywhere, but not in the hands of your executives. The probability is the best place to put him is in the legislature, but whatever you do you do not want to put him in the executive and you do not want to give him executive power.

Mr. STIMSON. And you do not want to put him in a position where he would be criticizing himself.

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[From testimony of William Howard Taft before finance committee of the New York State Constitutional Convention, 1915.]

Mr. RHEES. Might I ask one question? What auditing function is there in the United States Government which has any independence of the Executive?

Mr. TAFT. Practically none. The Comptroller of the Treasury is at the head of the auditors. There are appeals from the six auditors of the Treasury to the Comptroller of the Treasury, who puts the final audit, and there is practically nothing independent of the Executive.

* * * * * * *

Mr. RHEES. Is the Comptroller of the Treasury—does he change ordinarily with the change of the administration?

Mr. TAFT. Yes; ordinarily he does. He did not change in my day; but, then, very few did. [Laughter.]

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[From "The coming of the budget system," by Charles Wallace Collins, in the South Atlantic Quarterly, October, 1916.]

In order the more rigidly to enforce the provision of the Constitution that "no money shall be drawn from the Treasury but in consequence of appropriations made by law," Congress would establish a system of definite control over the expenditure of the budget items. They would, by minute examination of the accounts, as well as by checks on the method of payment, see that the executive branch of the Government in no way exceeded the authority given by the budget. This would prevent the shifting of items or the spending of any of the money for a purpose other than that specified.

The adoption of a budget system would eliminate "logrolling" entirely. Invisible government would disappear. The whole financial system of the Government would be run for the public benefit alone. The procedure would be open and aboveboard, democratic, and businesslike. The people would know where and how the money was going. The budget would give them a concrete plan for criticism and discussion. It would bring their public business home to them. What is now a mystery to the average man would become a topic of daily conversation. The sovereign citizen would be in a position to keep a closer watch on his public servants. Efficiency and economy would be practiced and democracy furthered on its way.

Mr. COOPER of Wisconsin. Mr. Chairman, I do not see the gentleman from Virginia [Mr. FLOOD] present; but I will ask the leader of the House, the gentleman from North Carolina [Mr. KITCHIN] if it would not be well to rise now? I will say to him that there are a number of gentlemen who have asked for time on this side, aggregating possibly two hours.

Mr. KITCHIN. I think we can very well arrange it tomorrow. The gentleman from Virginia [Mr. FLOOD] has entered the Hall.

Mr. COOPER of Wisconsin. I will say to the gentleman from Virginia that I was just saying that gentlemen have asked me for time, which, taken altogether, will amount to two hours. In view of the fact that this debate has been absolutely without a tinge of partisanship and exceedingly interesting and instructive, I hope that these gentlemen will have an opportunity to speak to-morrow.

Mr. FLOOD. I have a request for 20 minutes, and if the gentleman can get along with 1 hour and 50 minutes, I will take 20 minutes.

Mr. COOPER of Wisconsin. The gentleman from Virginia is not to control one-half of that time?

Mr. FLOOD. No; I will control 20 minutes and the gentleman will control 1 hour and 50 minutes.

Mr. COOPER of Wisconsin. That will be satisfactory.

Mr. MCFADDEN, by unanimous consent, was given leave to extend his remarks in the RECORD.

Mr. FLOOD. Mr. Chairman, I want to say for the benefit of gentlemen who heard the clear and able speech of the gentleman from Missouri [Mr. HAMLIN] that I called on the State Department a moment ago, and they stated to me, through Mr. Woolsey, the Solicitor, that they had got Mr. HAMLIN'S letter of yesterday and immediately took the matter up with the President, and the President had given authority to give Mr. HAMLIN all the information he desired; that they had prepared a letter this morning and sent it down, and it was supposed to be in Mr. HAMLIN'S office at the time he was addressing the committee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUMPHREYS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9314, the Diplomatic and Consular appropriation bill, and had come to no resolution thereon.

LEAVE TO EXTEND REMARKS.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the liberty loan.

The SPEAKER. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. SNOOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the liberty loan.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by submitting a compilation of addresses delivered in the House and Senate by the various war commissions of the allied nations visiting the House.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CALENDAR WEDNESDAY.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the business on Calendar Wednesday to-morrow be dispensed with.

The SPEAKER. The gentleman from Virginia asks unanimous consent to dispense with the business on Calendar Wednesday to-morrow. Is there objection?

Mr. BURNETT. I object.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3081. An act to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri.

DANIEL W. COMSTOCK.

Mr. DIXON. Mr. Speaker, I ask unanimous consent that Sunday, February 17, be set aside for addresses on the life, character, and public services of the Hon. DANIEL W. COMSTOCK, late a Representative from Indiana.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that when the Diplomatic and Consular appropriation bill is taken up again general debate shall be limited to 2 hours and 10 minutes, 20 minutes to be controlled by myself and 1 hour and 50 minutes by the gentleman from Wisconsin [Mr. COOPER].

The SPEAKER. The gentleman from Virginia asks unanimous consent that when the diplomatic and consular appropriation bill is again taken up general debate shall be limited to 2 hours and 10 minutes, 20 minutes of that time to be controlled by himself and 1 hour and 50 minutes by the gentleman from Wisconsin [Mr. COOPER]. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FLOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 6, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce submitting a deficiency estimate of appropriation required by the Lighthouse Service for repairing and rebuilding aids to navigation on the Atlantic coast damaged by ice or storm (H. Doc. No. 911); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the Quartermaster Corps for the construction of Army quarters, storehouses, etc., Panama Canal, fiscal year 1919 (H. Doc. No. 912); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Umpqua River, bar, and entrance, Oreg. (H. Doc. No. 913); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

By Mr. CARAWAY, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9354) to amend the practice and procedure in Federal courts, and for other purposes, reported the same without amendment, accompanied by a report (No. 284), which said bill and report were referred to the House Calendar.

By Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 9504) to amend section 4067 of the Revised Statutes by extending its scope to include women, reported the same without amendment, accompanied by a report (No. 285), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9534) granting a pension to Edward P. Rae, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DYER: A bill (H. R. 9563) fixing the grades of the commissioned officers of the Medical Corps and of the Medical Reserve Corps of the United States Army on active duty, and for other purposes; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 9564) for enlistment and appointment of officers in the National Guard, District of Columbia, during the period of the war; to the Committee on Military Affairs.

By Mr. BLACK: A bill (H. R. 9565) granting increased compensation to certain officials, employees, and laborers in the Post Office Department and Postal Service, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. GARLAND: A bill (H. R. 9566) providing that an imprint shall be placed on all articles manufactured in the United States and becoming the subject of interstate commerce, and providing that no manufactured articles or goods shall be admitted to the United States unless bearing an imprint; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9567) appropriating $50,000 for payment of operating forces of public buildings for services performed; to the Committee on Appropriations.

Also, a bill (H. R. 9568) appropriating $50,000 for the erection of a monument to the memory of Robert Morris; to the Committee on the Library.

By Mr. DENT: A bill (H. R. 9569) to create in the Army the grades and establish the pay of first-class bugler and corporal bugler, to increase the pay of buglers, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 9570) to amend articles 52 and 53 of section 1342 of the Revised Statutes, as amended by an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 9571) to authorize the appointment of officers of the Philippine Scouts as officers in the militia or other locally created armed forces of the Philippine Islands drafted into the service of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. BRODBECK: A bill (H. R. 9572) to provide for the permanent improvement of part of the Taneytown public road within the limits of the Battle Field of Gettysburg; to the Committee on Military Affairs.

By Mr. VAN DYKE: A bill (H. R. 9573) to regulate the hours of duty of the officers and members of the fire department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. ALEXANDER: Resolution (H. Res. 243) for the consideration of S. 3389; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9574) granting a pension to Reuben Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9575) granting a pension to Asa Daniel; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 9576) granting an increase of pension to Samuel McQuate; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 9577) granting an increase of pension to Baty Cecil; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 9578) granting an increase of pension to Benjamin C. Bridges; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 9579) for the relief of Dr. F. C. Cady; to the Committee on Claims.

By Mr. ELLIOTT: A bill (H. R. 9580) granting a pension to Orivilla Carter; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 9581) granting an increase of pension to John W. Dickens; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 9582) granting an increase of pension to Mrs. M. C. Shell; to the Committee on Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 9583) granting an increase of pension to W. K. Wakefield; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 9584) granting a pension to George F. Taylor; to the Committee on Pensions.

Also, a bill (H. R. 9585) granting a pension to Bion Jay Dillon; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 9586) granting an increase of pension to William Richardson; to the Committee on Invalid Pensions.

By Mr. LITTLEPAGE: A bill (H. R. 9587) granting an increase of pension to A. J. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9588) granting an increase of pension to James O. Batten; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 9589) for the relief of Margaret Barstith Stover; to the Committee on Claims.

By Mr. McCULLOCH: A bill (H. R. 9590) granting a pension to Willard Kolp; to the Committee on Pensions.

Also, a bill (H. R. 9591) granting a pension to Harry C. Miller; to the Committee on Pensions.

Also, a bill (H. R. 9592) granting an increase of pension to Jesse W. Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9593) granting an increase of pension to Raymond E. Fisher; to the Committee on Pensions.

Also, a bill (H. R. 9594) granting an increase of pension to John F. McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9595) granting an increase of pension to John M. Robison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9596) granting an increase of pension to Eli Shidler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9597) for the relief of David B. Turnipseed; to the Committee on Military Affairs.

Also, a bill (H. R. 9598) to complete the military record of Theodore Silas Steffy and for an honorable discharge; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 9599) granting a pension to Joel Bryant; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 9600) granting an increase of pension to Henry Stephan; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9601) granting a pension to Elizabeth Jones; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 9602) for the relief of George T. Larkin; to the Committee on Claims.

Also, a bill (H. R. 9603) granting an increase of pension to Edward Collinsworth; to the Committee on Pensions.

By Mr. CHARLES B. SMITH: A bill (H. R. 9604) for the relief of Nathan B. Wilber; to the Committee on Military Affairs.

By Mr. SNELL: A bill (H. R. 9605) granting an increase of pension to Thomas O. Forbes; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 9606) granting an increase of pension to Edwin Andrews; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 9607) granting an increase of pension to James H. Johnson; to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 9608) granting an increase of pension to James B. Ingalls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9609) granting a pension to Robert J. Henderson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Maryville (Mo.) Commercial Club, protesting against the second-class postage rates in the war-revenue act; to the Committee on Ways and Means.

Also (by request), petition of citizens of Louisiana, Mo., in favor of H. R. 5531, creating a pharmaceutical corps; to the Committee on Military Affairs.

By Mr. BACHARACH: Petition of Charles H. Borican, Bridgeton; Chester McWilliams, Bridgeton; J. E. Stackhouse, Medford; Everett B. Townsend, Cape May Court House; William Carr, Moorestown; George R. Elwell, Bridgeton; O. D. Willis, Bridgeton; Samuel McCormick, Burlington; and A. S. Parker, Burlington, rural letter carriers, all in the second congressional district of New Jersey, asking for increase in compensation; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Wisconsin: Petition of citizens of Beloit, Wis., urging congressional action on legislation to provide for uniform physical training in public schools; to the Committee on Education.

By Mr. DALE of New York: Memorial of the Merchants' Association of New York, favoring the passage of the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petition of the Edward Hines Lumber Co., of Chicago, for the Sims bill, H. R. 8172; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Maryville (Mo.) Commercial Club, for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. HILLIARD: Papers in support of House bill 6693, granting an increase of pension to Francisco Brown; to the Committee on Invalid Pensions.

Also, papers to accompany House bill 9584, granting an increase of pension to George F. Taylor; to the Committee on Pensions.

Also, memorial of the Hesperian Club, of Denver, Colo., urging the immediate repeal of the act increasing postage rates on periodicals; to the Committee on Ways and Means.

By Mr. McANDREWS: Evidence in support of a bill for the relief of Mrs. Margaret B. Stover; to the Committee on Claims.

By Mr. NOLAN: Petition of W. S. Scott, secretary Master Plasterers' Association, San Francisco, Cal., and four other organizations, favoring the Madden bill (H. R. 1654); to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Memorial of Newport Lodge, No. 119, International Association of Machinists, urging the passage of H. R. 7356, the Keating bill; to the Committee on Appropriations.

By Mr. REED: Evidence in support of H. R. 9075, granting a pension to Arzanna Nesbitt; to the Committee on Invalid Pensions.

By Mr. SCHALL: Resolution of the Minneapolis branch of Women's Foreign Missionary Society, protesting against increasing postage rate on periodicals; to the Committee on Ways and Means.

By Mr. SNELL: Petition of members of First Baptist Church, Plattsburg, N. Y., favoring immediate nation-wide prohibition for the duration of the war; to the Committee on the Judiciary.

By Mr. WEBB: Petition of the Pastors' Association of Washington, D. C., for passage of resolution requesting President to ask British and French Governments to forbid their people to sell or give beer, wine, or other intoxicants to American soldiers; also to enact joint war prohibition with us, so that American grain sent abroad at our sacrifice may not be used to make intoxicants or in place of grain so used; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *February 6, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we rejoice in the abundance of Thy blessings to us, in the vast resources that Thou hast put at our command, in the institutions that we hold dearer than life, in the privilege of building upon the noble work of our forefathers who laid the foundations of our civil institutions. We pray that we may be kept true to the highest and best in our national history, and with visions for the future may we press on to accomplish the Divine will in us as a Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. OVERMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed a bill (H. R. 5489) to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co., in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington presented a telegram in the nature of a memorial from Federal Employees' Union No. 34, of Blaine, Wash., remonstrating against the adoption of the so-called Borland amendment to the Agricultural appropriation bill increasing the hours of labor of Government employees, which was referred to the Committee on Agriculture and Forestry.

Mr. PHELAN presented a petition of the Alameda Citizens' Committee, of Berkeley, Cal., praying for the Government ownership of railroads, munition factories, shipyards, etc., which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the German-American Central Verein, of Spokane, Wash., remonstrating against the rescinding of the charter of the National German-American Alliance of the United States of America, which was referred to the Committee on the Judiciary.

Mr. WARREN presented resolutions adopted by the Wyoming Woolgrowers' Association at its fourteenth annual convention, held at Douglas, Wyo., January 9 to 11, 1918, favoring a Federal dog tax and appropriation for work of exterminating predatory wild animals, which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Wyoming Woolgrowers' Association at its fourteenth annual convention, held at Douglas, Wyo., January 9 to 11, 1918, favoring the use of pure wool for soldiers' clothing, which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. VARDAMAN, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 3689) authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan at Kansas City, Mo., reported it without amendment.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 3481) to authorize the logging of timber on the Red Lake Indian Forest, Minn., under the direction of the Department of the Interior, reported it with an amendment and submitted a report (No. 243) thereon.

TEACHERS' RETIREMENT BILL.

Mr. HOLLIS. Mr. President, I report back favorably without amendment from the Committee on the District of Columbia the bill (S. 3648) for the retirement of public-school teachers in the District of Columbia, and I submit a report (No. 244) thereon. I should like to ask unanimous consent for its consideration, but I do not because certain Senators in favor of the bill think it ought to be considered further. I shall ask that it go to the calendar and that the report be printed. It is the same bill which was favorably reported last year, with no substantial change. I shall ask for early action upon it.

The VICE PRESIDENT. The bill will be placed upon the calendar.

REMOVAL OF SNOW AND ICE.

Mr. SMITH of Maryland. From the Committee on the District of Columbia I report back favorably without amendment the bill (S. 3317) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia, and I submit a report (No. 245) thereon.

Mr. GALLINGER. This bill comes at a very opportune time, and I hope the Senator will ask present consideration for it. A similar bill passed the Senate once before, at least.

Mr. SMITH of Maryland. This bill was introduced by the Senator from Vermont [Mr. DILLINGHAM]. He is not here. I understood that he wanted to ask for its present consideration, and I ask it in his name.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That it shall be the duty of every person, partnership, corporation, joint-stock company, or syndicate in charge or control of any building or lot of land within the fire limits of the District of Columbia, fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, within the first four hours of daylight after the ceasing to fall of any snow or sleet, to remove and clear away, or cause to be removed and cleared away, such snow or sleet from so much of said sidewalk as is in front of or abuts on said building or lot of land.

SEC. 2. That it shall be the duty of the Commissioners of the District of Columbia, within the first four hours of daylight after the ceasing to fall of any snow or sleet, or after the accumulation of ice on the paved sidewalks within the fire limits of the District of Columbia, in front of or adjacent to all public buildings, public squares, reservations, and open spaces in the said District owned or held by lease by said District, to cause such snow, sleet, and ice to be removed, and also to cause the same to be removed from all crosswalks of improved streets and places of intersection of alleys with paved sidewalks, and also from all paved sidewalks or crosswalks used as public thoroughfares through all public squares, reservations, or open spaces within the fire limits of said District owned or held by lease by the District of Columbia; but in the event of inability to remove such accumulation of snow, sleet, and ice without injury to the sidewalk, by reason of the hardening thereof, it shall be their duty, within the first four hours of daylight after the hardening thereof, to make reasonably safe for travel, or cause to be made reasonably safe for travel, by the sprinkling of sand or ashes thereon such paved sidewalks, crosswalks, and places of intersection of alleys with paved sidewalks, and shall, as soon thereafter as the weather shall permit, thoroughly clean, or cause to be thoroughly cleaned, said sidewalks, crosswalks, and places of intersection of alleys with paved sidewalks.

SEC. 3. That it shall be the duty of the Chief of Engineers of the United States Army, within the first four hours of daylight after the ceasing to fall of any snow or sleet, or after the accumulation of ice upon the paved sidewalks within the fire limits of the District of Columbia, to remove or cause to be removed from such sidewalks as are in front of or adjacent to all buildings owned or leased by the United States, and from all paved sidewalks or cross walks used as public thoroughfares in front of, around, or through all public squares, reservations, or open spaces within the fire limits of the District of Columbia, owned or leased by the United States, such snow, sleet, and ice; but in the event of inability to remove such accumulation of snow, sleet, and ice, by reason of the hardening thereof, without injury to the sidewalk, it shall be his duty, within the first four hours of daylight after the hardening of such snow, sleet, and ice, to make reasonably safe for travel, or cause to be made reasonably safe for travel, by the sprinkling of sand or ashes thereon, such paved sidewalks and cross walks, and shall, as soon thereafter as the weather shall permit, thoroughly clean said sidewalks and cross walks.

SEC. 4. In case the snow, sleet, and ice can not be removed from so much of the paved sidewalks within the fire limits of the District of Columbia as front upon or abut such buildings or lots of land as are not owned or held by lease by the District of Columbia or the United States without injury to said sidewalks, because of the hardening thereof, the person, partnership, corporation, joint-stock company, or syndicate in charge or control of such buildings or lots of land, whether as owner, tenant, occupant, lessee, or otherwise, shall, within the first four hours of daylight after the same has formed, make reasonably safe for travel, or cause to be made reasonably safe for travel, by the sprinkling of sand or ashes thereon, said sidewalks, and shall, as soon thereafter as the weather shall permit, thoroughly clean said sidewalks.

SEC. 5. That in the event of the failure of any person, partnership, corporation, joint-stock company, or syndicate to remove or cause to be removed such snow or ice from the said sidewalk, or to make the same reasonably safe for travel, or cause the same to be made reasonably safe for travel, as hereinbefore provided, it shall be the duty of the Commissioners of the District of Columbia, as soon as practicable after the expiration of the time herein provided for the removal thereof, or for the making of the said sidewalks reasonably safe for travel, to cause the snow and ice in front of such building or lot of land to be removed or to cause the same to be made reasonably safe, as hereinbefore, directed to be done by such person, partnership, corporation, joint-stock company, or syndicate in charge or control of such building or lot of land, and the amount of the expense of such removal or such work of making the said sidewalks reasonably safe for travel shall in each instance be ascertained and certified by the said Commissioners to the corporation counsel of the District of Columbia.

SEC. 6. That the corporation counsel is hereby directed and authorized to sue for and recover from such person, partnership, corporation, joint-stock company, or syndicate the amount of such expense in the name of the District of Columbia, together with $3 penalty for each offense, with costs, and when so recovered the amount shall be deposited to the credit of the District of Columbia.

SEC. 7. That in order to enable the said Commissioners and the Chief of Engineers of the United States Army to comply with their duties under this act and to carry it into effect there is hereby appropriated the sum of $10,000, one-half out of the general revenue fund of the District of Columbia and the other one-half out of any moneys in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE COMMITTEE ON EDUCATION AND LABOR.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 195, submitted by Mr. SMITH of Georgia on the 31st ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Education and Labor, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost not exceeding $1 per printed page to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

THE COMMITTEE ON POST OFFICES AND POST ROADS.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 180, submitted by Mr. BANKHEAD on the 11th ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Post Offices and Post Roads, or any subcommittee thereof, be authorized during the Sixty-fifth Congress to send for books and papers, to administer oaths, and to employ a stenographer at a price not to exceed $1 per printed page to report such hearings as may be had in connection with any subject which may be pending before the said committee; that the committee may sit during the sessions or recesses of the Senate; and the expense thereof shall be paid out of the contingent fund of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HARDWICK:

A bill (S. 3753) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States"; to the Committee on the Judiciary.

By Mr. JONES of Washington:

A bill (S. 3754) to amend an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. CULBERSON:

A bill (S. 3755) to authorize the Supreme Court to prescribe forms and rules and generally to regulate pleading, procedure, and practice on the common-law side of the Federal courts; to the Committee on the Judiciary.

A bill (S. 3756) referring certain claims against the Choctaw and Chickasaw Nations of Indians to the Court of Claims; to the Committee on Indian Affairs.

By Mr. ASHURST:

A bill (S. 3757) to authorize the sale of certain lands to school district No. 28, of Missoula County, Mont.; to the Committee on Indian Affairs.

By Mr. SHEPPARD:

A bill (S. 3758) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii unless the qualified electors thereof repeal the provisions hereof; to the Committee on the Pacific Islands and Porto Rico.

By Mr. HOLLIS:

A bill (S. 3759) granting a pension to Emily E. Fitzgerald (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3760) granting an increase of pension to David A. Sawyers (with accompanying papers);

A bill (S. 3761) granting a pension to Elizabeth J. Edson (with accompanying papers);

A bill (S. 3762) granting a pension to George McDowell (with accompanying papers); and

A bill (S. 3763) granting a pension to Willis Hood; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3764) granting a pension to Hattie E. Richardson (with accompanying papers); to the Committee on Pensions.

By Mr. REED:

A bill (S. 3765) to place the name of Thomas W. Purcell upon the Army and Navy medal of honor roll; to the Committee on Military Affairs.

A bill (S. 3766) granting a pension to Thomas Higgins;

A bill (S. 3767) granting a pension to Catherine L. Nixon Rogers (with accompanying paper);

A bill (S. 3768) granting a pension to Sarah J. Rollins;

A bill (S. 3769) granting a pension to Mary S. Dulin (with accompanying papers); and

A bill (S. 3770) granting an increase of pension to William J. Nelson (with accompanying papers); to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 3771) authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government; to the Committee on the Judiciary.

By Mr. SMITH of Maryland:

A bill (S. 3772) for the relief of the East Lafayette Savings & Loan Association of Baltimore City, Baltimore, Md. (with accompanying papers); to the Committee on Claims.

By Mr. SIMMONS:

A joint resolution (S. J. Res. 128) granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 16, 1917; to the Committee on Finance.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMITH of South Carolina submitted an amendment providing that any moneys heretofore or hereafter received by the United States for or in connection with disposition of nitrate of soda, pursuant to section 27 of the act approved August 10, 1917, may, in the discretion of the President, be used as a revolving fund, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. KELLOGG submitted an amendment proposing that the sum of $12,000, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians in the State of Minnesota may be appropriated to pay the expenses of the general council of that tribe in looking after their affairs, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment relative to the settlement of the claims of the Chippewa Indians of Minnesota, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

THE COMMITTEE ON INDIAN AFFAIRS.

Mr. CURTIS submitted the following resolution (S. Res. 201), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-fifth Congress, to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

Mr. THOMPSON, subsequently, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the foregoing resolution, reported it favorably without amendment, and it was considered by unanimous consent and agreed to.

NEGLECTED WATERS OF THE PACIFIC COAST.

Mr. POINDEXTER submitted the following resolution (S. Res. 202), which, with the accompanying papers, was referred to the Committee on Printing:

Resolved, That the document entitled "Neglected Waters of the Pacific Coast, Washington, Oregon, and California," by E. Lester Jones, Superintendent of the United States Coast and Geodetic Survey, be printed as a Senate document.

BENJAMIN K. ROBERTS ET AL. (S. DOC. NO. 170).

Mr. SMOOT. A copy of the findings of the Court of Claims in the case of Benjamin K. Roberts and others against the United States was ordered printed by the Senate on February 4, 1918. It develops that there are certain illustrations in the findings, and I therefore ask an order of the Senate that the illustrations may be printed in connection with the document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The order was reduced to writing, as follows:

Ordered, That the illustrations accompanying the letter from the chief clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Benjamin K. Roberts, Harris L. Roberts, and Helen F. C. Roberts, guardian of Benjamin S. Roberts, jr., heirs of Benjamin S. Roberts, deceased, be printed with said document.

SOLDIERS' AND SAILORS' CIVIL-RIGHTS RELIEF.

The VICE PRESIDENT. The morning business is closed and the calendar, under Rule VIII, is in order.

Mr. OVERMAN. I move that the Senate proceed to the consideration of House bill 6361, the soldiers' and sailors' civil relief bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

Mr. OVERMAN. Mr. President, this bill has been read through at the desk. It has passed the House of Representatives. It was introduced in the Senate last September by the Senator from Oregon [Mr. CHAMBERLAIN], the chairman of the Committee on Military Affairs. Simultaneously the bill was introduced in the House of Representatives. It has been considered by the Judiciary Committee of the Senate for some months. It was considered by the House, and passed the House practically as it is before the Senate. Then, after passing the House, it was considered by the Judiciary Committee of the Senate, and as to its merits and main features and details of the bill there is very little division of sentiment. There is some objection to the bill as to its constitutionality, but the committee thought——

Mr. HARDWICK. Will the Senator let me suggest to him that both the Senator from Tennessee [Mr. SHIELDS] and the Senator from Missouri [Mr. REED], who are interested in the measure, are now absent from the Chamber.

Mr. OVERMAN. First let me make my statement.

Mr. President, the purpose of the bill is to stay temporarily legal proceedings against soldiers who have been drafted into the military service. The stay is only temporary and is to protect the soldier against the impairment of his civil rights and contracts and property. It provides for staying an action, allowing the court to appoint in his absence an attorney to represent him, in case of default a stay of proceedings, if an attachment is issued. Also the court can stay the attachment and have an attorney appointed to represent the soldier. It stays the statute of limitations and is a stay of the collection of rent and installments on contracts and mortgages. It also provides for taking care of the soldier when he has taken out a policy of life insurance, and prevents the policy from lapsing in his absence fighting for his country, and to generally free persons in the military and naval service of the United States from harassment and injury to their term of service and make them more efficient soldiers.

Mr. GALLINGER. May I ask the Senator how long does this stay continue?

Mr. OVERMAN. Until six months after the war. It gives an opportunity for the soldier to come back and be heard in these matters in his own behalf that have been taken against him in his absence.

Mr. GALLINGER. If the Senator will permit me, I have not been able to give consideration to the bill, but one objection has been suggested to me, and that is that it will destroy the credit of the family. The wife will not be able to get the consideration that she might get under different conditions. So it may work a hardship.

Mr. OVERMAN. That was one objection urged, but I think the burdens upon the creditor are so insignificant when compared with the good it will do in this war that objection is very rarely urged now. The bill has been recommended by the Secretary of War and the Secretary of the Navy.

Mr. GALLINGER. That might be, and yet it might not be a good bill.

Mr. OVERMAN. That might be, but I am going to give you an example of the hardship that will come to the soldier in his absence. The Secretary of the Navy appeared before the Judiciary Committee and stated one case which will surprise the Senator. A man in the Navy, a sailor on the *Mayflower*, had gone to a foreign country. His property was advertised for sale under a mortgage. His wife wrote to the Secretary of the Navy and told him that the savings of a lifetime were about to be taken away. The sailor's property was advertised for sale. He owed a small balance on it. She came in person to see the wife of the Secretary, and she arranged to protect her. We have such cases as that. I have had a digest made of the letters received by the War Department showing the cases of soldiers who have been appealing to the Government to take care of their interest while they were abroad.

From Camp Gordon we have a letter of this kind:

Camp Gordon: Purchased a lot on installments. Can't pay anything on it now because his pay goes all to his mother. Fears he will lose his title.

Camp Grant: Owes $250 on a mortgage, payable $100 a week; is threatened with foreclosure, thus "losing my entire life savings of 11 years sunk in the business."

Camp Funston: Homestead claim; hopes that it will be protected.

Camp Funston: Bought a 200-acre tract on installments and can not make payments now. "It looks to me as though all the soldiers serving their country should be given at least as much time after the war to meet their obligations as they had at the time of their enlistment. It looks only fair that those who stay at home should not be allowed to take their property away from them on account of their serving in the Army."

Camp McClellan: Supports aged parents and motherless children by paying their rent. Landlord summoned mother to court for $45 rent unpaid, and threatened eviction; they will soon be put out, and his children go to an orphan asylum. He can only send $20 a month. Landlord is wealthy. The soldier wants a discharge. "Our great United States stands for everything I love, but my parental love means more."

Camp Sherman: Owes $1,000 on his house; $230 now due to bank, and doesn't know what he can do to save his home.

Fort Harrison: Has homestead claim, which will be ruined if a road is put through it as now threatened by county commissioners; can not be there nor pay lawyer to save his rights.

Camp Lewis: Payment due on 160 acres adjoining homestead, and he can not meet it. "A soldier should not be foreclosed while he is doing his bit; it gives the land sharks too good a chance. A law to this effect would benefit a great number of soldiers here."

Camp Lewis: Owes on life insurance policies, mortgage, and four personal notes, all due between January and December, 1918; has only a private's pay, now that his salary has stopped. "The failure of Congress to make provision for these cases will mean the undue sacrifice of my property, and many others."

And so on. There are hundreds of such cases.

Mr. SMITH of Michigan. Will the Senator from North Carolina let me interrupt him?

Mr. OVERMAN. Certainly.

Mr. SMITH of Michigan. Many cases have come to my notice, and I suppose to the notice of other Senators, of the absolute failure of the allotments to reach the beneficiaries. I do not know what causes the delay, but scores of beneficiaries or supposed beneficiary of the soldier's allotments have not reached them, and they do not reach them in regular orderly precision at all. They can make no calculation as to the time when they will receive their part of the soldier's pay.

Mr. OVERMAN. This has nothing to do with the allotments.

Mr. SMITH of Michigan. I know it has not, but much of the difficulty that the Senator complains of, not all of it, however, would be obviated if the beneficiaries could get their part of the allotments.

Mr. OVERMAN. I will read a digest from some other letters:

Camp Funston: Has a 60-acre farm and $550 due, besides $2,000 other debts. Since being in the Army he can't make payments, and is afraid of foreclosure. "Mind, I am not kicking on being here, but would like to have my rights if I have any coming."

Camp Wadsworth: Father ill, and mother works at $7 a week. Two months' rent due. How can he save them?

Camp Funston: Has a homestead claim. "I don't count on making any money while we are in this war, but would like to keep what little I have, so I may return at the end of the war."

Camp Lewis: Owes $100 on furniture, payable $5 a month; has paid $140 already; pays $25 a month to his wife, who is ill. "Can they take the furniture away if I fall in a payment? I do not want to beat them out of a cent, but my wife is sick."

Mr. SMOOT. In relation to the homestead of soldiers Congress has already passed legislation taking care of all such cases. No soldier will ever lose on a homestead entry by entering the war.

Mr. OVERMAN. If anybody should attempt to take it away from him, all the bill provides is that the court shall appoint some one to take care of his interests and stay any proceeding. I do not think anyone will make the attempt.

Mr. SMOOT. I am not speaking against the bill.

Mr. OVERMAN. I do not think anyone will object to the details of the bill.

Mr. GRONNA. Mr. President——

Mr. OVERMAN. I yield to the Senator.

Mr. GRONNA. I should like to state in reply to the Senator from Utah that the legislation to which he refers has reference only to the protection of the homestead rights of a soldier. I understand this is a bill providing that a homestead mortgage can not be foreclosed.

Mr. SMOOT. That is only one part of it. The case the Senator from North Carolina referred to was the case of a homesteader entering land and losing it by going into the Army. I simply answered that question by saying that Congress had taken care of that kind of a case.

Mr. OVERMAN. That particular case should be taken care of, and I hope it has been done.

Mr. SMOOT. I did not speak against the bill in any shape or form.

Mr. GRONNA. I did not understand the Senator from Utah to speak against it, but I was asking for information, if this bill does not go further than the homestead bill which was passed?

Mr. OVERMAN. Yes, sir.

Mr. GRONNA. It really protects the man's home if he has a mortgage on it. Is that correct?

Mr. OVERMAN. That is correct.

Mr. President, so far as the constitutionality is concerned, when that point was raised in the committee, a subcommittee composed of the Senator from Connecticut [Mr. BRANDEGEE], the Senator from Florida [Mr. FLETCHER], the Senator from Missouri [Mr. REED], the Senator from Vermont [Mr. DILLINGHAM], and myself concluded that there was no use to consider this bill if the Judiciary Committee should say it was unconstitutional, as one member contended. So we took the matter before the Judiciary Committee to consider the constitutionality of the bill, and the following resolution was passed by a large majority of the committee, the resolution having been introduced by the Senator from South Dakota [Mr. STERLING]:

Resolved, That it is the sense of the Committee on the Judiciary that the Congress has the power to enact a reasonable stay law, which may control the processes and proceedings of State courts, and that the subcommittee shall draft a bill accordingly.

Accordingly we proceeded to consider the bill, and we reported it back practically—

Mr. HARDWICK. Mr. President, will the Senator from North Carolina yield to me?

Mr. OVERMAN. I yield to the Senator.

Mr. HARDWICK. The Senator's committee, then, is of the opinion that Congress may impair the obligation of contracts?

Mr. OVERMAN. Not at all.

Mr. WOLCOTT. May I interrupt the Senator? In line with the suggestion which the Senator from Georgia has made, I suggest to the Senator in charge of the bill that the Judiciary Committee is of the opinion that Congress may impair the obligation of contracts.

Mr. OVERMAN. That has nothing to do with this case, as I see it. This bill only provides for a stay or delay.

Mr. HARDWICK. I understood the Senator from North Carolina to say that the committee was of the opinion that Congress could not impair the obligation of contracts, while the Senator from Delaware says the committee was of opinion that Congress could do so.

Mr. OVERMAN. I think it is the opinion of the committee that there is nothing in the Constitution to prevent Congress impairing the obligation of contracts.

Mr. HARDWICK. I wanted to get the view of the committee. For this reason, or some other reason, there is no doubt in the mind of the committee that Congress can impair the obligation of contracts whenever it pleases?

Mr. OVERMAN. That was the sense of the committee.

Mr. HARDWICK. Does the Senator entertain that view?

Mr. OVERMAN. I do not say whether I entertain that view or not, but I do say there is nothing in the Constitution that prevents Congress from impairing the obligation of contracts.

Mr. HARDWICK. All right.

Mr. OVERMAN. There is nothing in the Constitution to prevent that. I read the resolution of the Judiciary Committee, and the committee are supported by authorities from Eleventh Wallace down, to the effect that we have a right to pass this legislation.

Mr. HARDWICK. I have not heard any authorities read.

Mr. OVERMAN. I call the attention of the Senator, as he seems to want the authority, to the case of Stewart against Kahn, which seems to settle this case. That was a case on appeal from the State of Louisiana, which is reported in Eleventh

Wallace, on page 506. Has the Senator examined that case? If not, I will read an extract from it and call it to his attention.

Mr. HARDWICK. I am really asking for information more than anything else, but I assume, if the Senator pleases, that it would not be seriously contended that either Congress or any State could impair the obligation of contracts.

Mr. OVERMAN. I will not discuss that question, because I do not think it comes in here. This is only a provision for a stay.

Mr. HARDWICK. Now, following that, under State constitutions, containing provisions somewhat similar to the one I have in mind of the Federal Constitution, the State courts in many States have held that any stay law delaying the collection of debts was an impairment of the obligation of contracts.

Mr. OVERMAN. If the Senator will examine the decisions, I think he will find that most of the States have decided otherwise.

Mr. HARDWICK. No; I am not wrong about that.

Mr. OVERMAN. We have a list of the stay laws passed during the Civil War, from which it appears that nearly every State of the Union enacted a stay law, and such laws were upheld in all the courts. That is true of Pennsylvania and of a great many of the other States. Now, here is what the Supreme Court says in the case of Stewart against Kahn, which I have cited to the Senator, which is in regard to staying the statute of limitations. The case arose in Louisiana, and a constitutional question was raised. The supreme court of Louisiana upheld the law. From there it came to the Supreme Court of the United States. In deciding this case, Stewart *v.* Kahn (11 Wall., 493), the Supreme Court of the United States said:

The Constitution gives to Congress the power to declare war, to grant letters of marque and reprisal, and to make rules concerning captures on land and water, to raise and support armies, to provide and maintain a navy, and to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions.

* * * Congress is authorized to make all laws necessary and proper to carry into effect the granted powers. The measures to be taken in carrying on war and to suppress insurrections are not defined. The decisions of all such questions rests wholly in the discretion of those to whom the substantial powers involved are confided by the laws.

In the latter case the power is not limited to victories in the field, and the dispersion of the insurgent forces. It carries with it inherently the power to guard against the immediate renewal of the conflict, and to remedy the evils which have arisen from its use and progress. This act falls within the latter category. The power to pass it is necessarily implied from the powers to make war and suppress insurrection. It is a beneficent exercise of this authority. It only applies coercively the principle of the law of nations, which ought to work the same results in the courts of all the rebellious States without the intervention of this enactment. * * * The act is within the canons of construction laid down by Chief Justice Marshall in McCulloch *v.* Maryland (4 Wheat., 316).

I will also read an extract from the case of McCulloch versus Maryland (4 Wheat., 316):

But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, and which are not prohibited but consistent with the letter and spirit of the Constitution, are constitutional.

Mr. HARDWICK. Mr. President, if the Senator will pardon me a moment, I think possibly there is a line of distinction in those decisions, between the one the Senator has read and the ones I have in mind. It may be—and that is the reason I am asking this question—that either Congress or a State may impair the obligation of a contract as a war measure, in order to secure the prosecution of war; but I am quite confident that it has been held in a number of cases by the courts of last resort that it can not be done if a period of depression or panic came on, for instance, in order to avoid or postpone the payment of debts. The legislatures of some States, or possibly the Congress of the United States, might enact certain legislation as a war power.

Mr. OVERMAN. The Senator can not find a decision of the United States Supreme Court, can he, declaring that Congress can not impair the obligation of a contract?

Mr. HARDWICK. No; I can not. That is to say, I do not think there is any express provision of the Constitution on the question, unless the fifth amendment be construed to cover it.

Mr. OVERMAN. The Senator from Georgia undoubtedly remembers the celebrated Gettysburg case, in which the Supreme Court in its decision laid down a principle which I think governs this case, although it is not exactly in point; but the case from which I read a moment ago was exactly in point, because it upholds a stay law passed by Congress.

Mr. HARDWICK. Was it not a law passed by the legislature of a State?

Mr. OVERMAN. No; it was a law passed by Congress, and it was upheld both by the State court and the Supreme Court of the United States. That case, Stewart *v.* Kahn, has been cited with approval many times since, and I say the principle laid down should govern in this bill. It is also laid down in the case of McCulloch *v.* Maryland. I call the attention of the Senator to this language, which is in line with the great speech made here by the Senator from Pennsylvania [Mr. KNOX] on this subject, taking the position that wherever it is necessary for the efficient prosecution of the war to win the war all powers should be subordinated and all constitutional limitations fade away when we consider them in conjunction with the power granted in the Constitution to Congress to declare war and the President as Commander in Chief to fight the war.

Mr. HARDWICK. The Senator, of course, is referring to the Gettysburg case?

Mr. OVERMAN. Yes.

Mr. HARDWICK. I do not think the Senator will contend for one moment that he himself believes in that doctrine.

Mr. OVERMAN. I believe in the doctrine laid down here, which I will read, and I think the Senator will also agree to it.

Mr. HARDWICK. Just a moment. Let me call the attention of the Senator to the case cited by the Senator from Idaho [Mr. BORAH]—the Milligan case—in which it was held that the Constitution of the United States was the same in war as in peace. That opinion was rendered by the same court, although I presume at an earlier date.

Mr. OVERMAN. Let us see what the court has decided about that. Listen to this language:

It results from the powers that are given and it is implied because of its necessity or because it is appropriate in exercising those powers. Congress has power to declare war and to create and equip armies and navies. It has the great power of taxation to be exercised for the common defense and general welfare. Having such powers, it has such other and implied ones as are necessary and appropriate for the purpose of carrying the powers expressly given into effect. Any act of Congress which plainly and directly tends to enhance the respect and love of the citizen for the institutions of his country and to quicken and strengthen his motives to defend them, and which is germane to and intimately connected with and appropriate to the exercise of some one or all of the powers granted by Congress must be valid.

Any power exercised by Congress which is necessary for the protection of the Army or to make the Army more efficient is constitutional.

Mr. HARDWICK. Now, the Senator has gotten exactly to what I wanted to find out. Would the Senator contend that Congress could do that if it were not in the exercise of the war power?

Mr. OVERMAN. I think not.

Mr. HARDWICK. That is all I wanted to ask the Senator.

Mr. OVERMAN. In the exercise of the war powers granted to the President he can do anything necessary in order to win the war and preserve the Constitution, and Congress can pass any law that is necessary to preserve the Constitution.

Mr. President, I think the decisions I have cited are in point—certainly one of them is—and the principle laid down in the Gettysburg case is a principle which ought to govern us. The Judiciary Committee themselves, with probably two exceptions, think this bill is constitutional.

Mr. HARDWICK. Mr. President, in the absence of the junior Senator from Missouri [Mr. REED], I suggest the absence of a quorum. I think he desires to speak on this bill.

The VICE PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Norris	Smith, Ga.
Borah	Henderson	Nugent	Smith, Md.
Brandegee	James	Overman	Smith, Mich.
Calder	Jones, Wash.	Phelan	Smith, S. C.
Culberson	Kellogg	Pittman	Smoot
Cummins	Kenyon	Poindexter	Sterling
Curtis	King	Pomerene	Swanson
Fernald	Kirby	Saulsbury	Thomas
France	Knox	Shafroth	Thompson
Gallinger	McLean	Sheppard	Townsend
Gronna	McNary	Shields	Trammell
Hale	Myers	Simmons	Vardaman
Harding	Nelson	Smith, Ariz.	Wolcott

Mr. GERRY. I desire to announce that the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Arkansas [Mr. ROBINSON] are detained by illness.

Mr. MYERS. My colleague [Mr. WALSH] is still detained from the Senate on account of the condition of his health.

Mr. GRONNA. I have been requested to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of sickness in his family. I ask that this announcement may stand for the day.

Mr. McNARY. I desire to announce the unavoidable absence of the junior Senator from California [Mr. JOHNSON] and of the senior Senator from Vermont [Mr. DILLINGHAM] on official business.

I do not think anyone will make the attempt.

Rahn, which seems to settle this case. That was a case on appeal from the State of Louisiana, which is reported in Eleventh

it was upheld both by the State court and the Supreme Court ' business.

Mr. SHEPPARD. I desire to announce that the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Kentucky [Mr. BECKHAM], the Senator from Missouri [Mr. REED], the Senator from Florida [Mr. FLETCHER], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Wyoming [Mr. WARREN], the Senator from New Jersey [Mr. FRELINGHUYSEN], the Senator from New York [Mr. WADSWORTH], and the Senator from Indiana [Mr. NEW] are detained on the Committee on Military Affairs.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. HARDWICK. Mr. President, if I may have the attention of the Senate for just a moment, I desire to say to the Senator in charge of the bill that I am not opposing the bill, because I am in sympathy with the motive that prompts the committee to report this bill and the motive that prompts Congress to pass it. I understand full well that when men go into the military or naval service of the country they ought not to be required to look after their estates or to attend court, and that there is ample reason and justification for this sort of law as a military matter—that is, if the bill does not go further than that. I am inclined to agree with the Senator just offhand—I have neither read the bill carefully nor studied the constitutional question—that under the war power Congress might, in order to insure the efficient prosecution of the war, adopt whatever provisions of this sort were necessary; but as I heard the resolution of the Committee on the Judiciary read, I want to enter my emphatic dissent to the proposition announced. It is true that in express words the Constitution of the United States does not limit the power of Congress to impair the obligation of contracts.

Mr. OVERMAN. Mr. President, I desire to say to the Senator that the resolution was not considered from every standpoint. The subcommittee reported this bill to the full committee after requesting instructions from the committee as to whether or not we had the power to pass this bill. I hope the Senator will not construe the resolution strictly, because the question the Senator is now discussing was not discussed. The only question before us was whether we ought to go ahead and enact such legislation.

Mr. HARDWICK. I am glad to hear the Senator say that, and I think that explanation ought to be made in justification of the committee's language, because if the fifth amendment of the Constitution of the United States means anything Congress can not, unless it is in the exercise of the war power, impair the obligation of contracts or pass a stay law. I do not believe that, on reflection, there are any Senators in this body who would take such a position now.

On this other question, I can say that I can see every reason why, in order that the men who have enlisted and have rallied to the colors, both in the military and the naval service, may be unvexed in mind and estate while they are risking their lives in the service of the country; they should not be troubled with lawsuits; and I am in as hearty sympathy with the Senator from North Carolina and with any other Senator on that question as I possibly can be; but I do not believe that either any State or the Congress of the United States can impair the obligation of a contract or pass a stay law, unless it be as a part of the military power conferred under the Constitution.

Mr. OVERMAN. I agree with the Senator as to that.

Mr. BRANDEGEE. Mr. President, as one member of the Judiciary Committee, I did not claim, and I do not now claim, that Congress has the right to pass a law which will impair the obligation of a contract. My claim is that this kind of a law does not impair the obligation of a contract.

I think the most illuminating decision that was before the committee when this question was up was that of Judge Woodward, of the Supreme Court of the State of Pennsylvania, in construing a State statute which was a stay law passed by that State during the Civil War.

I send to the desk, and will ask the Secretary to read, commencing where I have marked, on page 39 of the hearing before the committee, a small excerpt from the decision of Judge Woodward.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The highest court of Pennsylvania suggested that "stay laws" were not within the prohibition of the Constitution against the impairment of the obligation of contracts if the suspension of the remedy was reasonable and for a definite term, and so considered constitutional a law the effect of which was to give a maximum stay of 3 years and 30 days. (Breitenbach v. Bush, 44 Pa. St., 313 (1863); cf. Clark v. Martin, 3 Grant (Pa.), 395 (1863).)

The opinion of Mr. Justice Woodward in this case embodies the principal arguments in favor of the constitutionality of such statutes. He says:

"The principal question upon the record is whether this section be constitutional. * * * It is a stay for a term—the term for which he (the soldier) shall be engaged. The act of Congress of the 22d of July, 1861 * * * fixed the term at not more than three years nor less than six months * * *. The term of engagement, therefore, during which the above act meant that the defendant should not be subject to civil process was three years from the date of his muster, if the war should last so long, and if not, then until it should end.

"Was the legislature authorized to enact this section?

"We have often said that stay laws, exemption laws, and limitation laws are ordinarily constitutional, though applied to existing and prior contracts, and we have followed the distinction which prevails in the Supreme Court of the United States between the obligation of a contract and the remedies furnished by law for enforcing the obligation. We understand the rule to be that whilst the legislature may not impair the obligation they may modify the remedy. * * * The time and manner in which stay laws shall operate are properly legislative questions and will generally depend * * * on the sound discretion of the legislature according to the nature of the titles, the situation of the country, and the emergency which leads to the enactment. Cases may occur where the provisions of a law may be so unreasonable as to amount to a denial of right, and call for the interposition of the court. * * * It may be inferred that in respect to contracts which do not treat of remedies we hold any law to be constitutional which gives a stay for a time that is definite and is not unreasonable, but unconstitutional if the stay be for an indefinite time, or for a time that is unreasonable, though definite. The present stay is a long one—longer than is usual—longer than can be justified except by most peculiar and pressing circumstances. * * * The enforced delay of a civil right, the deterioration of the mortgaged estate, and the consequent pecuniary loss are entitled to great consideration in judging of the reasonableness of the law.

"Yet it is impossible to separate this question of reasonableness from the actual circumstances in which the country found itself at the date of the law. Eleven States had seceded or revolted. * * * In the judgment of the President and Congress, * * * the occasion required an immense increase of the Army and Navy.

"Now, if a stay of execution for three years would not be tolerated in ordinary times, did not these circumstances constitute an emergency that justified the pushing of legislation to the extremest limit of the Constitution? * * * In the nature of things there is nothing unreasonable in exempting a soldier's property from execution while he is absent from home battling for the supremacy of the Constitution and the integrity of the Union. * * * If the term of indulgence seems long in this instance, it was not longer than the time for which the President and Congress demanded the soldiers' services. * * * Basing ourselves on what they did, constitutionally the question for us is whether the stay granted by our legislature to our citizen soldiers was unreasonable. In view of the extraordinary circumstances of the case, we can not pronounce it unreasonable. We see in it no wanton or careless disregard of the obligation of contracts, but only a sincere effort to enable the General Government to prosecute with success a war which, in its exclusive right of judgment, it resolved to wage.

"Another circumstance which bears on the reasonableness of the enactment is the provision which suspends all statutes of limitation in favor of the soldier during all the time that he is exempted from process. The provisions were reciprocal and both were reasonable."

Mr. BORAH. Mr. President, may I ask the Senator the date of that decision?

Mr. KNOX. I think that was in 1862.

Mr. BRANDEGEE. It was during the Civil War.

Mr. KNOX. Mr. President, I only want to add that this opinion is by perhaps one of the greatest chief justices that Pennsylvania has ever had—perhaps, next to Gibson and Charles, the most eminent justice that ever sat upon our bench—and it is worthy of consideration, not only because of the character of the man but, in my own judgment, because of the logic of the opinion itself.

While I am on my feet I can not refrain from stating that not only has Pennsylvania, through her courts, first pronounced for the constitutionality of this class of legislation, but that Pennsylvania was the first to enact this class of legislation for the benefit of men who had been called out in the service of their country; for in less than a week after Sumter was fired on the Legislature of Pennsylvania passed the first stay law for the benefit of the soldiers.

Mr. BORAH. Mr. President, may I ask if there is any dissenting opinion in the case in which this decision was rendered by the chief justice of Pennsylvania?

Mr. BRANDEGEE. Mr. President, I read the decision in the committee several months ago, and I do not remember; but I think there was no dissenting opinion. I think it was the unanimous opinion of the court.

Mr. BORAH. Several States of the Union have passed upon the same question, holding that the stay for a certain length of time is not the impairment of the obligation of a contract; but I was wondering if that was a unanimous opinion.

Mr. BRANDEGEE. I think it was. The Senator will find the reference on page 39 of the testimony.

Mr. NELSON. Mr. President, I will say that during the Civil War it is my recollection that many of the Northern States, if not all of them, passed such stay laws, with various modifications, and so far as I recall they were all held to be constitutional. They were held not to impair the obligation of contracts, but to be simply in the nature of a statute of limitations limit-

ing the action during the service of the soldier in the Army. The contract remains in the same force that it always did, and the same principle that allows a legislative body to pass a statute of limitations would apply in this case.

I want to say, moreover, while I am on my feet, that this statute is carefully framed so that in all cases the matter comes within the jurisdiction of the court. I call the attention of Senators to just one paragraph of the law which shows how careful the law is, and the scope of the remedy. I refer to an action where it is sought to stay the cancellation of a contract based on the installment plan. For instance, property is sold on the installment plan and a few installments are paid, but the purchaser is unable to pay the balance on account of his military service. An attempt is made to cancel the contract and the intervention of the court is sought. In connection with that I want to read this provision so that the Senate can see the scope of it, and what latitude it allows to the court. It is on page 12, paragraph (2):

Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this act—

Now, I call the attention of Senators to this paragraph—

unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

Here, then, the court has three courses open to it. It may cancel the contract and order the money that has been paid on it restored; or it may grant a simple stay of proceedings; or, if it finds that the soldier, for instance, in this case is able to pay, has the necessary resources, it may order the payment of the debt. So that I think when you come to examine this law in all its details it will be found to be carefully guarded; and it is certainly a law that we ought to pass in this emergency for the protection of our soldiers. It is needed more for soldiers that are taken from our large cities and manufacturing centers, perhaps, than it is in the country, for in the country, among the rural communities, there is very little in the way of sales on the installment plan. That takes place more in the large cities and in the manufacturing centers, where laborers and mechanics buy furniture and other household goods and a lot of items on the installment plan because they are unable to buy them in any other way. This law will be a great protection to them. It will also be a protection in the case of farmers who have given mortgages on their lands with a power of sale who are threatened with foreclosure. The security is there, unimpaired, and the bill simply gives a stay during the war.

Another thing in this connection——

Mr. CALDER. Mr. President, will the Senator permit an interruption right there?

Mr. NELSON. Yes, sir.

Mr. CALDER. As I understand the basis of this bill, it would cover a case of this kind: A farmer purchases a farm, and at the time of its purchase it is free and clear. He gives a mortgage back on the farm for half of its value. Let us assume that the farm is worth $10,000. Subsequently he sells the farm, and the purchaser enters the military service. The man holding the mortgage against the farm demands the interest from the soldier. He is unable to pay it. He then demands the principal. Under the terms of this bill he can not collect the principal, but he can collect the interest from the man who made the mortgage and gave his personal bond to secure it. Now, in some cases that man may be a poor, unfortunate fellow who has a few hundred dollars invested in that mortgage. Is not that a great hardship upon the man who made the original guaranty?

Mr. NELSON. No; the man who sells the land subject to the mortgage can easily protect himself at the time of selling it.

Mr. CALDER. I am assuming that this is a mortgage made before the war.

Mr. NELSON. It depends on how he sold it—whether he sold it subject to the mortgage, or whether he made the purchaser guarantee the payment of the mortgage.

Mr. CALDER. Having some knowledge of real-estate mortgages in the large cities of the country, I know of tens of thousands of cases in the city of New York where people have bought small homes of the value of five, six, or seven thousand dollars, and have given a mortgage back for half of its value. Subsequently they have sold the property subject to the mortgage. That is quite a common practice in New York City. The purchaser enters the military service. The mortgagee can collect the interest from the original drawer of the mortgage, who has no relief that I can see under the terms of this measure. Ought not something be done to have the Government take the obligation off his hands? Is it just that we should enact legislation that will require a man, under those circumstances, to stand the burden?

Mr. NELSON. It is no more unjust in his case than it is in the other case. We are protecting the soldiers, and in a certain measure this bill will prove a burden. It will prove a burden on all creditors, because it will delay the collection or the enforcement of their obligations; but this is a burden that we ought to stand in behalf of our soldiers, because the burden they bear is relatively light compared with the burdens that are borne by the soldiers in the trenches.

Mr. CALDER. If the Senator will permit me, I quite agree with the principle; but I would have the measure arranged in some way by which, instead of having the burden fall upon and perhaps destroy a man of very moderate means who happens to have originally owned property and gone on the bond of a mortgage, it will fall upon the Government.

Mr. NELSON. Would the Senator have the Government pay it?

Mr. CALDER. I would have the Government relieve the man who made the mortgage originally, who now has no interest in the property, and who ought not to be held accountable.

Mr. NORRIS. Mr. President, will the Senator yield there?

Mr. NELSON. Certainly.

Mr. NORRIS. I should like to say, in reference to the suggestion made by the Senator from New York, that in the case he puts if there had been no war, if the man had remained at home and had not been a soldier, the holder of the mortgage could disregard him, if he wanted to, and sue the original mortgagor.

Mr. CALDER. Undoubtedly.

Mr. NORRIS. So he would be in the same position now that he was before. The other man could sue him if he wanted to. He could not be required, first, to exhaust the second owner of the property. Under the law as it stands to-day, without any war, he can entirely ignore that transfer of property, if he wants to, and sue the first signer of the note on his note.

Mr. CALDER. Undoubtedly he could.

Mr. NELSON. I want to say to the Senator that unless the purchaser buying the land that is mortgaged assumes in the instrument of conveyance the obligation of the mortgage, and agrees to it, he is not personally holden in any case.

Mr. CALDER. The Senator states the case correctly; but——

Mr. NELSON. He is not personally holden in any case; and even if there were no war, as the Senator from Nebraska has well said, if the purchaser fails to take care of the mortgage, the payee of the note can go on and enforce the obligation regardless of the war.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. NELSON. Certainly.

Mr. OVERMAN. A representative of these great mortgage companies from the Senator's State of New York came before our committee, and at his suggestion we put in this amendment, which, I think, will cover the case referred to by the Senator:

Whenever, pursuant to any provision of this act, the enforcement of any payment or the performance of any act is stayed, postponed, or suspended, or the entry or enforcement of any judgment or determination is stayed, postponed, or suspended, or liable to be set aside, then, with respect to the obligation or liability of any person who may be secondarily liable by reason of such contract or obligation, including guarantors, sureties, and indorsers, during the time of such stay, postponement, or suspension, or while such judgment or determination can be set aside, on the application of the person thus secondarily liable, by leave of court, such contract or obligation shall be construed as if such payment were not due or the time for the performance of such act had not arrived, provided that any interest falling due in the meantime be paid.

Mr. CALDER. That is correct, Mr. President. I have read the amendment to which the Senator refers, but the proviso at the end of that amendment is of such a character that the foreclosure will not be stayed in the case of a mortgage unless the interest is paid.

Mr. OVERMAN. I do not see it.

Mr. CALDER. The language is:

Provided that any interest falling due in the meantime be paid.

Mr. OVERMAN. Well, that is a small amount. It only refers to the interest. That was suggested, I think, by the representative to whom I have referred.

Mr. CALDER. I know it was, and I see it in the hearing; but, Mr. President, where the interest is not paid the obligation can be foreclosed.

That would seem to provide that the original guarantor will be required to pay the interest. He has no protection otherwise, and if this runs on for years it may destroy the man who in

good faith sold his property. He has no relief whatever. It seems to me that to that extent at least this measure will be unjust.

Mr. OVERMAN. The attorney the Senator knows to be a very prominent man, who represented the great mortgage companies, and it is his own suggestion.

Mr. CALDER. This language protects the savings bank and other concerns loaning money, but it does not protect the little fellow who purchases or builds a home and makes a mortgage for part of the purchase price and then subsequently disposes of the property. He may have only two or three thousand dollars of interest in the property; some one else takes the property over, and then he is compelled, even if the mortgage was made years ago, to take care of the interest charges while the soldier is at the war.

I submit it appears to me that the Senator in charge of this bill should prepare an amendment that will protect the little fellow who may become so badly involved.

Mr. BRANDEGEE. I do not see the hardship the Senator refers to. Why should not the man pay the interest if he has not paid the principal?

Mr. CALDER. But it is a man who has no further interest in the property that I am referring to. I purchase a piece of property from you and give you a mortgage on the property with an accompanying bond. I sell the property subject to the mortgage you hold against it. The man to whom I sell the property joins the Army or the Navy. Four years after I sold the property and before the mortgage is due he fails to pay the interest. You can not foreclose the property under the terms of this bill, but you can collect your obligation against the guarantor. Unless he pays interest he has no relief at all. That is the point I make.

Mr. BRANDEGEE. Of course, as the Senator from Minnesota [Mr. NELSON] says, this operates equally upon all. Why should that man be allowed to foreclose his mortgage or enforce contracts if other people are not allowed to enforce their contracts during the absence of the soldier? Judge Woodward said in this opinion:

> Yet it is impossible to separate this question of reasonableness from the actual circumstances in which the country found itself at the date of the law. Eleven States had seceded or revolted. * * * In the judgment of the President and Congress, * * * the occasion required an immense increase of the Army and the Navy.
>
> Now, if a stay of execution for three years would not be tolerated in ordinary times, did not these circumstances constitute an emergency that justified the pushing of legislation to the extremist limit of the Constitution? * * *

Of course it is a hardship to say that if a man owes you money you can not collect it for three years, you can not sue him for it for three years; but, as the Senator from Minnesota says, it is a hardship for the debtor to be dragged out of the country and put in the trenches in a foreign land, and you can not allow his creditors to go on and ruin him financially while he is away risking his life. Somebody has to bear a part of this burden besides the men in the trenches.

Mr. BORAH. Mr. President, as I understand the proposition of the Senator from New York, I do not know that I am clear about it, but what he complains of is that the stay is not sufficiently wide in all its purposes as a stay in the proceedings as to the collection of debts against a man who has stepped out from under the obligation of the mortgage, in a sense, by selling the property. It is not the fact that it does stay it, but it is the fact that it does not stay it as against that man. If the soldier has gone to the war and left property behind, you can not proceed against it. Should there not be a clause inserted in the bill that you could not proceed to enforce the law against the first party who was interested in the stay and who stepped out by reason of selling the mortgage?

Mr. OVERMAN. That is a question of law, and I ask the Senator if the courts would not hold that the delay of the principal would not delay the mortgage. I think we have taken care of that situation.

Mr. BORAH. If you have taken care of that it is what the Senator from New York wants taken care of.

Mr. OVERMAN. As a matter of law would it not be taken care of anyway in case the principal is protected? Would not that protect the mortgagor, the indorser, or the insurer in law?

Mr. NELSON. The Senator from Idaho [Mr. BORAH] is a very good lawyer and he knows if the court grants a stay after the mortgage given to secure a note, if you want to stay a portion of the mortgage he has to stay the note also. My opinion is that it will operate on both. If the court stays the enforcement of a real-estate mortgage that implies a stay of the note as well as of the mortgage. One is a part of the other.

Mr. BORAH. Is there not a clause in the bill which excepts from the operation of it a legal stay of interest?

Mr. NELSON. Yes; there is such a provision here.

Mr. BORAH. That is what the Senator from New York is complaining of.

Mr. NELSON. If the Senator will examine the part of the bill that has been quoted in italics I do not think it covers the class of men the Senator from New York refers to, because the man who signs the note accompanying the mortgage in the first instance is neither mortgagor nor surety of any kind, and he does not come under that paragraph at all.

Mr. CALDER. He is the guarantor of the mortgage.

Mr. NELSON. No, sir.

Mr. CALDER. He gives a bond to accompany the mortgage, agreeing to pay the mortgage.

Mr. NELSON. That is a personal obligation. That does not guarantee anybody in the first instance. He owns a piece of land. He gives a note and a mortgage bond with the mortgage. As security for his note he gives a mortgage on the land and he is neither guarantor nor surety, and when he sells the land subject to the mortgage there is no guarantee. He does not guarantee to pay the mortgage.

Mr. BORAH. He is still liable on the note. Selling the land does not relieve him from the note.

Mr. NELSON. He is liable on the note?

Mr. BORAH. Exactly.

Mr. NELSON. And if there is a collection of the mortgage it operates as a stay of the note.

Mr. BORAH. I think that is correct. As I understand this language it excepts from legal——

Mr. NELSON. But I claim this paragraph does not apply to those cases, as the Senator will see if he will read it, because the man who signs the mortgage in this case is neither guarantor, surety, or indorser. He is a principal on that note. If the Senator from Idaho will read it, he will see that the case the Senator from New York puts does not come under that category.

Mr. BORAH. I am inclined to agree with the Senator from Minnesota.

Mr. CALDER. If the Senator from Minnesota is correct in his conclusion, then I have no further complaint.

Mr. NELSON. Undoubtedly, if the Senator will read it and stop to reflect a minute, he will see. Let me put a case. Suppose the Senator owns a piece of land and borrows a thousand dollars from me. He gives his note and a mortgage to secure it. Then, after he has done that, he sells that land, subject to the mortgage, to my friend from Idaho. That is all there is in the transaction. What are you in that case? You are simply the maker of the note—neither a mortgagor nor surety nor an indorser. You are nothing but the principal on that note, and so this provision does not apply.

Mr. CALDER. If the Senator is correct in that, I am satisfied; but it would be most unjust if from the man who made the original mortgage and gave his bond to insure collection there is to be collected interest on it and he has no recourse afterwards.

Mr. NELSON. If you would assume the property subject to the mortgage, if you guaranteed in the deed the payment of the mortgage, then you would come under this provision. That is not the case the Senator puts.

Mr. CALDER. There are very few such mortgages.

Mr. NELSON. You are neither a guarantor nor a surety nor an indorser. You are a principal in respect to that note.

Mr. CALDER. I hope the Senator is correct about it, and I have no doubt he is, if he says so, because he has had large experience in matters of this kind. I have been very anxious that in preparing a measure of this kind you should not destroy some poor, unfortunate people who are interested in property, who have given a mortgage at the time of the purchase, and are then compelled to pay interest on the mortgage when the soldier could not do so.

Mr. NORRIS. If the Senator will permit me, I should like to say to him that in the illustration he gives to the Senator from Idaho [Mr. BORAH] of the purchase of property subject to a mortgage, and when a man has gone into the Army he could not foreclose the mortgage, and if he undertook to do it there would be a stay on the note and mortgage both, he does not want to foreclose a mortgage. He can ignore the mortgage entirely. He has the note of the original mortgagor and can go into court and sue on that note without saying anything about the mortgage. If the case put by the Senator was good, and the Senator from Minnesota wanted to get his money right away, instead of foreclosing the mortgage he would bring a civil action on the note against the Senator, and I do not see how he would be relieved from the payment of that note.

Mr. BORAH. Does the Senator from Nebraska understand that you can proceed to sue upon a note and waive the security under such a condition as that?

Mr. NORRIS. No; my understanding is that if a man holding a note secured by a mortgage desires, he can commence an action on the note, just the same as though there had been no mortgage given, and he can prosecute it to judgment and collect it without regard to the mortgage proper; that the mortgage is only a security, and he does not even avail himself of it if he does not want to do so.

Mr. NELSON. If there is a statute permitting it, that may be true; but under the general principles of equity and under the general provisions that govern courts of equity in these matters he must exhaust his security first.

Mr. NORRIS. Yes, if the statute requires it. Of course I do not doubt that the statute could require that in the case of a note secured by a mortgage he would have to exhaust the property first; but, as a matter of fact, unless there was some affirmative requirement, I do not see any reason why he could not go into court and sue on a note without saying a word about the mortgage. It would not be any defense for a man to say that a note was secured by a mortgage.

Mr. BORAH. Mr. President, the section to which the Senator from North Carolina refers is section 103, which provides:

> SEC. 103. Whenever, pursuant to any provision of this act, the enforcement of any payment or the performance of any act is stayed, postponed, or suspended, or the entry or enforcement of any judgment or determination is stayed, postponed, or suspended, or liable to be set aside, then, with respect to the obligation or liability of any person who may be secondarily liable by reason of such contract or obligation, including guarantors, sureties, and indorsers, during the time of such stay, postponement, or suspension, or while such judgment or determination can be set aside, on the application of the person thus secondarily liable, by leave of court, such contract or obligation shall be construed as if such payment were not due or the time for the performance of such act had not arrived, provided that any interest falling due in the meantime be paid.

I believe the Senator from Minnesota is correct in his construction that the party would not be guarantor or surety. In popular parlance, he might be so regarded, but in law he would not. However, the Senator from Nebraska states a different proposition, and that is whether the party in whom you are interested might not be proceeded against directly by the party suing upon the note and waiving the mortgage. My opinion is, without recent investigation, that under such circumstances the court would compel him, first, to exhaust his remedy upon the property, and if he could not exhaust his remedy upon the property by reason of the stay of proceedings the entire matter would be suspended until such time as he could.

Mr. CALDER. Another word on the subject, Mr. President. It would seem to be true, under the conclusion of the Senator from Idaho, that in a case of this character a proceeding might be taken to collect rent and other profits on real estate so that the interest might be paid before the original guarantor—the original maker of the mortgage—was called upon to pay.

Mr. BRANDEGEE. I think the Senator from New York, if I may be pardoned for saying so, is laboring under a misapprehension. This section applies only to those secondary liabilities—mortgagors, sureties, and indorsers. It has nothing to do with the original maker of the note or the original borrower. It simply provides that the person secondarily liable by reason of the contract may go into court and ask that the contract be considered as not falling due at that time, provided he pays the interest.

Mr. CALDER. I am anxious to do justice to the man secondarily liable. I do not want that man to be compelled to meet an obligation he ought not to be called upon to meet. If the lawyers in this body are certain in the matter, and I am not a lawyer, I shall say nothing further.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The amendments of the committee which have been passed over will be stated.

The SECRETARY. On page 4, at the instance of the Senator from Delaware [Mr. WOLCOTT], the following amendment was passed over: In line 3, after the words "military service," insert "or with reference to a person secondarily liable under such right," so as to make the paragraph read:

> (3) The term "person," as used in this act, with reference to the holder of any right alleged to exist against a person in military service or with reference to a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, at the bottom of page 4, to insert a new section, as follows:

> SEC. 103. Whenever, pursuant to any provision of this act, the enforcement of any payment or the performance of any act is stayed, postponed, or suspended, or the entry or enforcement of any judgment or determination is stayed, postponed, or suspended, or liable to be set aside, then, with respect to the obligation or liability of any person who may be secondarily liable by reason of such contract or obligation, including guarantors, sureties, and indorsers, during the time of such stay, postponement, or suspension, or while such judgment or determination can be set aside, on the application of the person thus secondarily liable, by leave of court, such contract or obligation shall be construed as if such payment were not due or the time for the performance of such act had not arrived, provided that any interest falling due in the meantime be paid.

The amendment was agreed to.

The next amendment passed over was, on page 9, line 15, after the word "others," to insert:

> Where the person in military service is sued as a principal or as primarily obligated for any debt or damages, along with others who are sued as surety or as secondarily liable for such debt or damages, then such others not in military service may be proceeded against to final judgment if it shall be made to appear to the court that such person primarily liable has been adjudicated a bankrupt prior to the commencement of his military service.

The amendment was agreed to.

Mr. STERLING. On page 4, at the end of line 23, I move to amend by inserting the words "of competent jurisdiction."

Mr. OVERMAN. Mr. President, I think that is covered by the definition of the word "court" as being "any court of competent jurisdiction"; but if there is any doubt about it, I will accept the amendment.

Mr. STERLING. I hardly think it is covered. I should not have offered the amendment unless I thought it was not covered by the previous language of the bill.

Mr. OVERMAN. I will make no objection to the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. THOMPSON. Mr. President——

Mr. OVERMAN. One moment. I have not yet concluded offering amendments on behalf of the committee. I want to offer another amendment. In section 409, at the bottom of page 19, after the word "lien," on line 26, I move to add:

> That before any loan or settlement is made the written consent of the Bureau of War-Risk Insurance must be obtained.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. OVERMAN. At the end of section 408, on the same page, I move to add the words "an insurer shall furnish semi-annual statements to the Bureau of War-Risk Insurance."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. THOMPSON. Mr. President, I should like to ask the Senator from North Carolina, who is in charge of the bill, what provision there is in the bill, if any, for the protection of the rights of the plaintiff while he is in the military service in case there should be some defendant who desires to press him to a trial in his absence?

Mr. OVERMAN. The bill provides that wherever a plaintiff is absent the court will appoint an attorney to represent him and preserve his rights, in the discretion of the court.

Mr. THOMPSON. But the language of the bill seems to indicate that it applies all the way through to the defendant only. That objection could be met by the insertion of a very few words in section 201 to make it clear. I think there should be a provision to protect the plaintiff who has litigation pending. I have in mind now a case my firm has for a soldier, in which I have wondered how we could get his testimony in the prosecution of an action in which he is interested, the defendant now insisting upon a trial in his absence.

Mr. OVERMAN. The Senator means where a man sues a soldier?

Mr. THOMPSON. No; I mean where a soldier has sued some one else, where he may have a suit pending.

Mr. OVERMAN. In that case he would have a lawyer to represent him, I suppose.

Mr. THOMPSON. Certainly; but the question is, Is there any provision in this proposed law that will protect him in his civil rights in case a court should desire to force a trial in his absence? I think this is a highly important matter.

Mr. OVERMAN. In the case of a soldier who is at the front who is being sued or being pressed by the plaintiff in a case, I take it for granted he will have an attorney who will protect him, and the court would protect him without any provision in the bill. This is a stay law.

Mr. THOMPSON. That is true as to the defendant, but is not correct as to the plaintiff under the present language of the bill.

I can not understand why section 201 can not be amended so as to include the plaintiff as well as the defendant, so that the plaintiff, who may be at the front and who is prosecuting an action, might have the full protection of this proposed law.

Mr. OVERMAN. But the plaintiff is represented whenever he has a representative in court, and there is no use in seeking to protect him, because he is protected by his attorney.

Mr. THOMPSON. But supposing that the defendant in the action should try to force a trial in his absence and the court should feel inclined to permit it?

Mr. OVERMAN. He has a lawyer to protect him just as if he were present, and no court in this world would force a trial under those circumstances.

Mr. THOMPSON. I hope that is true, but for fear that there might be such a court, it does seem to me that in section 201 the plaintiff might just as well be protected as the defendant is protected and have the proceedings stayed on application, if he desires to do so. If the Senator will notice the language in section 201 he will observe that it provides—

That at any stage thereof any action or proceeding commenced in any court against a person in military service * * * may * * * be stayed.

If the language were "commenced by a soldier in the service or prosecuted against him" it would include both plaintiff and defendant. Then it would force the court, without any further consideration, to grant a continuance until the plaintiff, who may have a very important case, can be present in court. I can not see the force of any objection to such an amendment.

Mr. OVERMAN. Suppose an attorney were to make an affidavit that the plaintiff was in France and unable to be present, does the Senator suppose that any court would force an action to trial?

Mr. THOMPSON. I hope there is no such court, but I have had some difficulties along that line in the past, and I do not want to take any chances on it in the future. I do not see why the bill should not apply both to the plaintiff and the defendant in the stay of proceedings in their absence at the front.

Mr. WOLCOTT obtained the floor.

Mr. THOMPSON. Mr. President, in that connection, if the Senator from North Carolina does not see the importance of it, I desire to offer a slight amendment to section 201, which I hope he will accept, so that it will read:

That at any stage thereof any action or proceeding commenced in any court by or against a person in the military service * * * proceedings may be stayed.

I can not see what possible objection there could be to such an amendment. Will the Senator from North Carolina accept the amendment?

Mr. OVERMAN. I can not accept it.

Mr. THOMPSON. Then, Mr. President, I offer the amendment, if it is in order.

Mr. WOLCOTT. I was recognized, Mr. President.

The PRESIDING OFFICER. The Chair thought the Senator from Kansas [Mr. THOMPSON] had taken his seat, and the Chair recognized the Senator from Delaware.

Mr. THOMPSON. If the Senator from Delaware desires the floor, I certainly shall yield to him; but I had the floor.

Mr. WOLCOTT. Go ahead.

Mr. THOMPSON. No; the Senator may proceed.

Mr. WOLCOTT. Mr. President, I wish to offer an amendment to the bill. On page 9, line 3, I move to strike out the words "Vacate or" and to commence the paragraph with the word "Stay."

Mr. OVERMAN. I accept that amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Delaware.

The amendment was agreed to.

Mr. THOMPSON. I offer the amendment I suggested a moment ago, namely, on page 7, section 201, line 20, to insert the words "by or" after the word "court." I think this amendment with another amendment on page 8 will take care of the situation I have in mind.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 7, line 20, after the word "court," it is proposed to insert the words "by or," so as to read:

Commenced in any court by or against a person in military service.

The PRESIDING OFFICER. Is there objection?

Mr. WOLCOTT. I call the attention of the Senator from Kansas to the fact that if the paragraph be amended as suggested by him at the point named, there will have to be another amendment suggested at the top of page 8.

Mr. THOMPSON. That is true. I have another amendment to offer to make it read properly.

Mr. WOLCOTT. So as to make the whole thought harmonious.

The PRESIDING OFFICER. Is there objection to the amendment of the amendment of the Senator from Kansas? If not, it is adopted.

Mr. THOMPSON. To make the section read properly, and to include both plaintiff and defendant, on page 8, in line 1, after the word "of," I move to insert the words "plaintiff to prosecute the action or."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 8, line 1, after the word "of," it is proposed to insert the words "plaintiff to prosecute the action or."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. THOMPSON. With these amendments it now makes it perfectly clear that its provisions apply to both the plaintiff and defendant in any action in court. I think the bill is very important as a war measure, and that there should be no objection whatever to its passage.

Mr. CALDER. Mr. President, I desire to make an inquiry of the Senator in charge of the bill regarding section 300, which deals with the matter of rent. The first paragraph of that section provides:

That no eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed $50 per month, occupied solely for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

There is no doubt, Mr. President, that this is an excellent provision so far as it affects the soldier or the soldier's family; but I have wondered in reading over the provision how it might affect the small home owners throughout the land. In every village and city in the country there are many industrious working people who have saved a little money, have bought homes for two families, or perhaps own two little houses, in one of which the owner lives and the other he rents. In many cases there are mortgages on the property of perhaps 60 per cent of its value. As I understand, under the terms of this provision in the bill it will be impossible for the owner to collect the rent for the premises if for any reason the soldier finds he is unable to pay it. Am I correct in that, I will ask the Senator?

Mr. OVERMAN. In reply to the Senator I will call his attention to the second section, which provides:

(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months, as provided in this act, or it may make such other order as may be just.

It leaves it in the discretion of the court to do what is right between man and man.

Mr. CALDER. I have read the paragraphs and sections following the one to which I have just called the Senator's attention.

Mr. NELSON. Mr. President——

Mr. CALDER. Just a moment, please.

Mr. OVERMAN. Paragraph 4 of section 300 also provides:

(4) The Secretary of War or the Secretary of the Navy, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

Mr. CALDER. That is correct; I have observed the provision to which the Senator refers; but let us assume that a soldier's family are living in a home for which they are paying $45 a month rent. The head of the family is drafted, as I know that some men have been drafted under the terms of the draft act, although they had wives and mothers to support, and finds himself unable to meet the rent. The soldier's income in the service amounts to about $45 a month, including his allotment, and he is paying $45 a month rent. An allotment may be made by the War or the Navy Department of $10 or $15 a month for rent. The man who has purchased a little home in good faith is compelled to stand the burden of that unpaid rent during the period of the war. I think the Government and not an individual should stand it——

Mr. OVERMAN. The exemption only extends over a period of three months.

Mr. CALDER. Some one should stand it, but it should not be the small home owner; it should rather be this great Government, which can afford to do it, instead of the small home owner, who is struggling to accumulate a little property.

Mr. OVERMAN. I presume the Senator knows the owner will not have to stand the burden during the period of the war, but only for three months at the outside.

Mr. CALDER. There is a hardship even in that to a person of small means.

Mr. OVERMAN. There may be some hardship involved here; I have no doubt about that; but this measure is designed to take care of the soldiers.

Mr. CALDER. I will say to the Senator that I sympathize completely with the object he is endeavoring to accomplish in

this measure; it is a most commendable bill, and I am going to vote for it; but I think these little matters to which I have called the Senator's attention should be considered, believing that the Government should meet these burdens, rather than the people who are themselves making a struggle for existence.

Mr. WOLCOTT. Mr. President, may I call to the attention of the Senator from New York the fact that even in the extreme case the Senator has just put there would not be visited such a great hardship upon the owner of the premises. I do not know upon what statistics the fact has been deduced, but it appears in the testimony that three months of rents, ordinarily speaking, represent just about the amount of profit that comes to the landowner from a year of tenancy. If that be true, if there is a loss of rent for the extreme period of three months, the only thing that is taken from the landowner is what might be called profit, and certainly that can not be said to be a severe hardship.

Mr. CALDER. I will say in reply to the Senator that in the case of thousands—yes, tens of thousands and perhaps hundreds of thousands—of little home owners throughout the land even the holding out of a month's rent may imperil their ability to meet their obligations to those to whom they owe interest on their mortgages and their ability to meet the taxes imposed by the city authorities. While I am in sympathy with the idea of taking care of the soldier, I am also in sympathy with the frugal workingman who has accumulated a little money and put it in a home, and whom it seems the Government is about to ask to bear a burden which the Government itself ought to bear.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. OVERMAN. On the passage of the bill I ask for the yeas and nays, having been requested to do so by several Senators who are absent and who desire to be recorded.

The PRESIDING OFFICER. The Senator from North Carolina demands the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

The roll call was concluded.

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of sickness in his family. If present, he would vote "yea."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. PENROSE (after having voted in the affirmative). I observe that the senior Senator from Mississippi [Mr. WILLIAMS] has not voted. I have a general pair with that Senator, but I am informed that were he present he would vote "yea." As I have already voted "yea," I will permit my vote to stand.

Mr. HARDING (when his name was called). I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD]. I am informed that if he were present he would vote as I shall vote. Therefore I am at liberty to vote. I vote "yea."

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I am informed that he would vote as I intend to vote on this measure. I therefore vote "yea."

Mr. WOLCOTT (after having voted in the affirmative). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I observe that he has not voted. I transfer that pair to the junior Senator from Arkansas [Mr. KIRBY] and will let my vote stand.

Mr. MYERS. I inquire if the junior Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. MYERS. I have a pair with the junior Senator from Connecticut, which I transfer to the Senator from Illinois [Mr. LEWIS], and vote "yea."

I wish also to announce that my colleague [Mr. WALSH] is necessarily absent on account of illness. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. If my colleague were present, I am satisfied that he would vote "yea."

Mr. BECKHAM. Has the junior Senator from West Virginia [Mr. SUTHERLAND] voted?

The PRESIDING OFFICER. He has not voted.

Mr. BECKHAM. I have a pair with that Senator, which I transfer to the Senator from Nebraska [Mr. HITCHCOCK], and vote "yea."

Mr. GERRY. I desire to announce that the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Arkansas [Mr. ROBINSON] are detained by illness.

Mr. FLETCHER. I wish to announce that the members of the Military Affairs Committee are detained on official business.

Mr. THOMPSON. I desire to announce that the Senator from Illinois [Mr. LEWIS] is detained on official business.

Mr. CURTIS. I wish to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Pennsylvania [Mr. KNOX] with the Senator from Oregon [Mr. CHAMBERLAIN].

The result was announced—yeas 65, nays 0, as follows:

YEAS—65.

Ashurst	Henderson	New	Smith, Mich.
Beckham	Hollis	Norris	Smith, S. C.
Borah	James	Nugent	Smoot
Brandegee	Johnson, Cal.	Overman	Sterling
Calder	Johnson, S. Dak.	Penrose	Stone
Cummins	Jones, N. Mex.	Phelan	Swanson
Curtis	Jones, Wash.	Pittman	Thomas
Dillingham	Kellogg	Poindexter	Thompson
Fletcher	Kenyon	Pomerene	Tillman
France	King	Ransdell	Townsend
Frelinghuysen	Lodge	Shafroth	Trammell
Gallinger	McCumber	Sheppard	Vardaman
Gerry	McKellar	Sherman	Wadsworth
Gronna	McNary	Shields	Wolcott
Hale	Martin	Simmons	
Harding	Myers	Smith, Ariz.	
Hardwick	Nelson	Smith, Md.	

NOT VOTING—29.

Bankhead	Gore	Owen	Walsh
Broussard	Hitchcock	Page	Warren
Chamberlain	Kendrick	Reed	Watson
Colt	Kirby	Robinson	Weeks
Culberson	Knox	Saulsbury	Williams
Fall	La Follette	Smith, Ga.	
Fernald	Lewis	Sutherland	
Goff	McLean	Underwood	

So the bill was passed.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF FLORIDA.

Mr. FLETCHER. Mr. President, on the call of the calendar yesterday I was necessarily absent on account of a hearing before the Committee on Commerce. That committee has been engaged for some weeks in investigating the Shipping Board. In my absence a bill came up and was passed over which I should like to ask unanimous consent to consider at this time. It is Senate bill 1735, to create an additional judge in the southern district of Florida.

The PRESIDING OFFICER. Unanimous consent is asked for the consideration of the bill referred to by the Senator from Florida. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1735) to create an additional judge in the southern district of Florida, which had been reported from the Committee on the Judiciary with an amendment.

Mr. SMOOT. Mr. President, yesterday I asked that this bill go over, as I thought there was no one in the Chamber who could explain it satisfactorily. Besides, the acting chairman of the committee made the statement that he believed the committee was unanimous in reporting the bill creating an additional judge for the State of Arizona, but was not unanimous in reporting the bill now under consideration. For that reason I asked that the bill go over.

I should like to ask the Senator from Florida now, in view of the fact that nearly every State in the Union is getting additional judges, whether there is any real necessity for the creation of another judicial district in Florida?

Mr. FLETCHER. Mr. President, in answer to the Senator's inquiry I will say that in the first place I believe the Senator from North Carolina [Mr. OVERMAN], who answered the Senator's question yesterday, was not in the committee room when the bill was acted upon; but there was no dissent in the committee from recommending the passage of this bill. It comes here with the approval of the committee as a whole. This bill was discussed at the same time that the bill of the Senator from Arizona was discussed. I will say that his plea in support of his own bill was used by me in supporting this bill, and it makes a showing that the judicial business in the southern district of Florida far exceeds the business in the whole State of Arizona. I am not saying this by way of criticizing the action there. I think it was entirely right. In fact, I was a member of the subcommittee that reported in favor of that bill.

I think they undoubtedly need the judge in Arizona; but certainly the additional judge in the southern district of Florida is needed to even a greater extent than the additional judge in the State of Arizona.

To call this the southern district of Florida is really a misnomer. Instead of the southern district of Florida it would better be called the eastern district, because it takes in the entire east side of the State. The State is really divided in a north-and-south direction instead of an east-and-west direction.

The territory embraced in this district extends over 500 miles, from the northern part of the State to Key West. The court is required to sit in five different places in that district. The business of the court has increased enormously in recent years, and it is utterly impossible for one judge to attend to the business of that court. The judge has not had a vacation in years. He is greatly behind in the civil docket. The bar associations of the district, the members of the bar, the judge himself, the court officials, and all, have appealed for this relief.

The bill does not create another district. It does not involve any expense other than the salary of the judge. It simply provides that there shall be an additional judge in that district, and it is absolutely necessary in order that the public business may be properly attended to.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator a question. I should think that in these extraordinary times, with the increase of the shipping business and the enormous extent of seacoast there in Florida, the admiralty business of that court would have increased very largely. I will ask the Senator if that is the fact?

Mr. FLETCHER. That is true; and in addition to that the legislation passed here in connection with the Army, the provisions of the draft law, and all those things add considerably to the business of that court.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Missouri?

Mr. FLETCHER. I do.

Mr. STONE. Who is the judge of the southern district of Florida?

Mr. FLETCHER. The present judge is Rhydon M. Call.

Mr. STONE. How long has he been the judge of the court?

Mr. FLETCHER. He was circuit court judge in the State for some 18 or 20 years. He has been judge of this court since 1912, I think.

Mr. STONE. Altogether, approximately, 25 years?

Mr. FLETCHER. Yes; precisely. He is not an old man. He is in vigorous health and strength. It is simply physically impossible for one man, no matter how strong he may be mentally and physically, to take care of the business of the court. There is not time enough.

Mr. STONE. I am not opposing the Senator's bill; but my State is interested in a bill of like kind, and I was just getting some comparisons for my own information, intending to vote for the Senator's bill, as I shall expect him to vote for the other one when it is brought before the Senate.

Mr. FLETCHER. I do not like to commit myself, Mr. President.

Mr. STONE. I am not asking the Senator to commit himself. I am not making any bargain with him. I am simply expressing the expectation that he will do it, and that there will be some reciprocity.

Mr. FLETCHER. I shall be very glad to give the Senator any information I can. The brief submitted by the Senator from Arizona is quite full and compares the business in various districts, and I think it includes Missouri. I am not sure. It does, however, happen to include the business of Florida by way of illustrating the enormous amount of business that these judges are required to attend to.

Mr. STONE. Then the whole ground upon which this additional judge is asked is that the business of the district has grown beyond the capacity of the present judge to attend to it?

Mr. FLETCHER. Precisely; yes.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Kansas?

Mr. FLETCHER. I do.

Mr. THOMPSON. Will the Senator state about how many cases are now pending, and about how far behind they are on the docket?

Mr. FLETCHER. I can not state the number of cases that are pending. I do not believe I have that data. The business transacted in Florida, in the southern district, is given in this brief, on page 8, as 357 United States civil cases, 439 United States criminal cases, and 591 cases to which the United States is not a party. I can not state exactly the number of cases that are pending, but some 1,622 cases were disposed of in 1913, 1914, 1915, and 1916.

Mr. THOMPSON. So that the court is a year or two behind?

Mr. FLETCHER. Yes.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. FLETCHER. I do.

Mr. TOWNSEND. I have noticed what seems to me to be rather a growing tendency to increase the number of judges in the United States, and I am simply indulging the hope that they may be at least above the draft age, so that we shall not seriously interfere with the formation of an army such as it is necessary to send abroad. It occurs to me that at this time these matters are being brought forward in a manner that indicates to some of us, at least, that possibly something besides the good of the judicial service is in mind. I assume that the committee has acted in good faith; but it is difficult for some of us to understand why, in the cases that have been brought forward, it is necessary to create an additional office at this time.

Mr. FLETCHER. I will say in reference to that briefly, Mr. President, that this measure was pending long before we entered into the war. There has been a demand for some years past and the increased business put upon the court makes an addition necessary at this time.

Mr. THOMAS. Mr. President, I do not oppose the pending bill, but propose to vote for it, after the explanation of the Senator from Florida of the condition of the docket in his State, and he undoubtedly believes that an additional judge is necessary for the transaction of the business. For my part I do not believe it is necessary, to speak broadly, to increase the number of judges either in our State or in our Federal courts. The dockets are large, they are becoming larger, perhaps, and I believe that business can be transacted and transacted competently and capably if the judges will attend to their business as men in other departments of life are supposed to do. In my early years of practice it was the custom of the judges of the court in times of active business, and especially when a jury trial was to be had, to meet at 9 o'clock, adjourn for an hour for the midday meal, and then run until 6 or 7. By that means the dockets were rapidly cleared of business, and they seldom got ahead of the judges. Nowadays such a practice is, I think, virtually obsolete everywhere. The hours of court are generally from 10 to 12 o'clock and from 2 to 5, and during those hours much of the time is devoted to the consideration of objections and preliminary matters, which might better be disposed of arbitrarily than after discussion. As a consequence the dockets are getting ahead of the judges. The remedy is not more judges, but more work.

Of course, there are exceptions to all rules. There are a great many hard-worked judges in the United States. I have been requested a number of times to introduce measures for the appointment of an additional judge in my district. I represent a State having in round numbers a million people, and we have one judge, one district. When the docket becomes congested or threatens to become congested the circuit court of appeals assigns an additional judge from some other district to aid in the transaction of business, in consequence of which we keep along pretty well. The judge of the district court in my district at all times is fairly able to take care of the business of 1,000,000 people. He is a hard-working man, and I think he is doing it very well.

I noticed in the papers the other day that an effort is being made to increase the number of judges of the Supreme Court of the District of Columbia, so that business could be expedited. Mr. President, England transacts an enormous business in the courts, yet the number of judges in England are less than the judges in Illinois. When we consider that England has 40,000,000 people and Illinois six or seven million, we may draw our own conclusion as to the manner in which our judicial business is transacted.

We know that about the greatest misfortune, outside of war itself, that can befall a citizen is to be involved in some important litigation in these modern times. The mass of testimony that is taken, the number of appeals liable from court to court—those delays which Hamlet, I think, assigned as one justification for suicide and which were bad enough in his day but are ten times as bad now—are due not entirely to the courts, because the responsibility must be divided by the legal profession.

If we should give judges to understand that they must clear their dockets and that they can not expect Congress to go on appointing judges and judges for the purpose of transacting business which has accumulated and which has been retarded, I believe we would save ourselves a great deal of expense and

at the same time we would stimulate the judiciary of the country to endeavor themselves to transact business in the good old way.

Of course, there is the question of expense. The salary of one judge does not amount to much, but every little helps to increase the expenses which now, of course, we ought to minimize.

As far as this bill is concerned, I shall not oppose it; but as to the creation of additional judges, from now on, especially during the war, I for one shall do what I can to prevent it.

Mr. GALLINGER. Mr. President, it will be recalled that in the last Congress the senior Senator from Georgia [Mr. SMITH] very earnestly advocated a bill that proposed to create somewhere from 14 to 20 additional judges. The Senator was very insistent upon the passage of that bill, but it did not receive the sanction of the Senate.

Mr. SMITH of Georgia. Yes; it was passed by the Senate.

Mr. GALLINGER. Well, it passed the Senate, but did not become a law.

Mr. SMITH of Georgia. No; it was rejected in the House.

Mr. GALLINGER. I accept the correction, because that is accurate.

Now, Mr. President, I have been watching the trend of things since that time, and I am quite well satisfied that the purpose which was behind that bill is going to be secured in a different way. In place of appointing in one bill from 14 to 20 judges—there was some controversy as to the exact number—we are going to appoint that number in separate bills.

Mr. THOMAS. But not by wholesale.

Mr. GALLINGER. Yes; we have changed from a wholesale method of appointing judges to a retail method, and the same purpose, in my judgment, will be secured as was contemplated by the bill the Senator from Georgia so ably advocated.

But, Mr. President, in this particular case I observe that the Committee on the Judiciary has made what seems to be a unanimous report. At any rate there is no report from a minority of the committee. If the committee had divided and the minority of the committee had reported against this bill I should not vote for it, but as it comes here with the assent of the committee as a whole I shall not feel at liberty to vote against it. However, I want it to be understood that while I believe the creation of these additional judges in some instances may be very much needed, it is going to reach a point where it will become a very questionable matter. When one State gets an additional judge, another State not having perhaps as much business, or perhaps having more business, immediately thinks that that State ought to have an additional judge. I believe it is in contemplation to have one for the State of New Hampshire. It may be needed, I do not know whether it is or not, but it will become an epidemic, and, as I said in the beginning, the purpose the Senator from Georgia had in mind, and he was sincere undoubtedly in that purpose, will be accomplished in a different way.

Mr. SMITH of Georgia. Mr. President, the Senator from New Hampshire has referred to a bill the passage of which I urged during the last Congress. I desire to call attention to the differences between that bill and those that are now being presented.

The bill which I urged was predicated upon the theory that the average judge of 70 years of age was not fit to perform efficiently the work of his office, and it provided that wherever a judge had reached 70 years of age, unless the President found that he was capable mentally and physically of performing all the duties of his office, or rather I believe it provided where the President found that he was not mentally and physically capable of performing all the duties of his office, then the President should appoint an additional judge.

My own opinion is that that bill was improperly drawn in that respect. It cast the burden of finding that the particular occupant past 70 years was not prepared to do all the work of his office efficiently upon the President, and then he could appoint an additional judge. I think the rule should be that where a judge has passed 70 years the burden should be on him to show that he is still capable of performing the duties of the office, and I think the rule should be in the Federal court that where a judge has reached 70 years of age the President should appoint an additional judge in all cases, unless it is made to appear that the judge on the bench is still mentally and physically capable of performing the duties of the office.

My own interest in the bill had been produced especially by the condition of the circuit court of my circuit. We had had only two circuit judges for years to preside in the circuit court of appeals. One died a few months ago, pending that bill, at the age of 82. He had not been upon the bench for nearly 10 years, and we had been compelled to try our cases in the circuit court of appeals before two circuit judges and a district court judge. Since that time we had barely been relieved from that situation when another one of the circuit court judges, about 78 years of age, was stricken down by sickness. He has not been on the bench for nearly 12 months, and probably never will be again, and yet he will not retire and allow the appointment of an additional judge.

I believe the Federal judiciary would be strengthened if we followed the view suggested when we first had the bill up, and which was urged in our committee by the very able Senator from New York—Senator Root. He took the position that our bill ought to require whenever a judge had reached 70 years that a new judge should take his place, unless clearly it was shown that the judge past 70 could still perform all the duties of the office.

I believe the bill was a desirable measure, but would have been better had it gone to the extent I have suggested. I have not pressed it, because I thought it useless to take the time of the Senate with it if the House would not pass it; but I am ready to support such a bill whenever the opportunity is given, and I think it will strengthen the Federal judiciary. If I learn there is a reasonable prospect for its passage by the House, I will again bring the measure to the attention of the Senate.

Mr. SHIELDS. Mr. President, I am going to vote for this bill, and I am led to do so because my observation of the delays in court and the cost of the administration of justice in the courts of the country, both State and Federal, is different from that of the Senator from Colorado [Mr. THOMAS]. I practiced law for more than 20 years and I was upon the bench of the highest court of my State for about 12 years. I had considerable experience in the courts both at the bar and on the bench in that way. I was a country lawyer and practiced chiefly in the country, though I had some practice in the cities of my State. At that time I practiced in several counties and knew the manner of doing business in different circuits and in different courts. In Tennessee we have circuit courts which have law jurisdiction and chancery courts which have equity jurisdiction, both in the same territory. As a judge of the supreme court for about 12 years I found it necessary, as every member of the court did, to work about 14 hours a day in order to dispose of the business of the court and keep up with the docket, which the court did, trying from 1,000 to 1,100 cases in a year. We have about 12 chancery divisions and I think 18 judicial circuits in that State. Several of them were created while I was on the bench, and I observed the benefits to the public that accrued from it.

I believe that the cause of the delays of litigation grew more out of the insufficient number of trial judges than from any other cause, and for that reason I have supported every bill since I have been in the Senate to increase the number of trial judges. I found that where a lower court had more time to consider and deliberate upon the cases which came before it there were fewer appeals from that circuit and less work for the appellate court to do, but where the business was congested and the judge had more than he could do the cases were hurriedly tried and the majority of them appealed, and in many instances there were errors found in the record, for which they had to be reversed and sent back for another trial and the whole thing gone over again.

I repeat, the great trouble in this country which has caused more cost to litigants and more delays in adjudging the rights of litigants grows out of a want of a sufficient number of trial judges to give the cases that careful and deliberate consideration which they ought to have.

Mr. GALLINGER. Mr. President, I want the Senator from Georgia to understand that I did not mean to imply that his bill was not from his viewpoint a necessary and a good bill. The Senator argued it with great force and to the satisfaction of a majority of the Senate and it passed the Senate. But, nevertheless, I look with a great deal of suspicion upon the creation of additional judges unless the matter is inquired into with the greatest possible care as to the necessity of their appointment.

I wish that we had some method whereby a judge who was either physically or mentally incapacitated for the performance of his duties would be forced to resign at the age of 70 years, the age set by the Constitution at which he can resign if he sees fit to do so. I presume there are a good many such cases in the country, but I could not at the time the Senator from Georgia had his bill before the Senate bring myself to believe that the exigency was such that we ought to place in the hands of the President the power to appoint such a large number of judges, retaining the incompetent judges upon the bench and

multiplying the number in that war—duplicating them, practically.

But as I said, Mr. President, this bill comes here with the indorsement of the Committee on the Judiciary, composed of members of both political parties; and that being the fact, and there being no minority report, I do not feel that it is my duty to vote against it, and I shall support it.

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The question is on the amendment of the Committee on the Judiciary, which will be stated.

The amendment was, on page 1, line 7, to strike out the words "term of office," before the word "compensation," so as to make the bill read:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge of the district court of the United States for the southern district of Florida, who shall reside in said district, and whose compensation, duties, and powers shall be the same as now provided by law for the judge of said district.

SEC. 2. That this act shall take effect immediately.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ADJUDICATION OF PRIVATE CLAIMS.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of Senate bill 1795.

Mr. GALLINGER. Let the bill be read by title.

The PRESIDING OFFICER. It will be read by title.

The SECRETARY. Order of Business 202, a bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government

Mr. GALLINGER. Mr. President, this is an important bill, and we ought to have more Senators present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Henderson	Phelan	Thomas
Calder	Hollis	Poindexter	Thompson
Culberson	James	Ransdell	Tillman
Curtis	Johnson, S. Dak.	Shafroth	Townsend
Dillingham	Jones, Wash.	Sheppard	Trammell
Fletcher	McKellar	Shields	Vardaman
France	McNary	Smith, Ariz.	Warren
Frelinghuysen	Myers	Smith, Ga.	Wolcott
Gallinger	New	Smith, Md.	
Gerry	Norris	Smoot	
Hardwick	Overman	Sterling	

Mr. CURTIS. I desire to announce the absence of the Senator from Arizona [Mr. ASHURST], the Senator from Nevada [Mr. PITTMAN], the Senator from Oklahoma [Mr. OWEN], the Senator from Idaho [Mr. NUGENT], the Senator from New Mexico [Mr. JONES], and the Senator from North Dakota [Mr. GRONNA] on official business.

The PRESIDING OFFICER. Forty-one Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. PITTMAN, Mr. REED, and Mr. SIMMONS answered to their names when called.

Mr. BANKHEAD, Mr. KENYON, Mr. WADSWORTH, Mr. KIRBY, Mr. JONES of New Mexico, and Mr. POMERENE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. There is a quorum present. The Senator from Georgia has moved that the Senate proceed to the consideration of Senate bill 1795. The Secretary will restate the title of the bill.

The SECRETARY. A bill to relieve Congress from the adjudication of private claims against the Government.

The PRESIDING OFFICER. The question is on the motion of the Senator from Georgia.

Mr. SMOOT. Mr. President, I believe if Senators knew the history of the provision that it is now sought to be repealed, commonly known as the Crawford amendment to the Tucker and Bowman Acts, they would not agree to any such proposition. The bill the Senator from Georgia has undertaken now to bring before the Senate has for its purpose the repeal of that amendment.

I want to call the Senate's attention to section 5 of the act of March 4, 1915, which reads as follows:

SEC. 5. That from and after the passage and approval of this act the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States based upon or growing out of the destruction of any property or damage done to any property by the military or naval forces of the United States during the war for the suppression of the rebellion; nor to any claim for stores and supplies taken by or furnished to or for the use of the military or naval forces of the United States, nor to any claim for the value of any use and occupation of any real estate by the military or naval forces of the United States during said war; nor shall said Court of Claims have jurisdiction of any claim which is now barred by the provisions of any law of the United States.

This is the so-called Crawford amendment.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I yield to the Senator.

Mr. THOMAS. I think the Senator is perfectly right in his statement of the law; but the section which the Senator has just read was the result of an agreement or understanding, was it not?

Mr. SMOOT. I will say to the Senator that later I shall refer to that in detail; but shall content myself at this time with simply saying that there was an agreement to this provision.

Mr. THOMAS. That is my recollection.

Mr. SMOOT. I will quote the language of the Senator having the bill in charge. Mr. President, there is no Senator here who does not know that the claims which have been made against the Government of the United States under those two acts have been in some respects indefensible; in some cases it has been proven that the claims have been paid more than once; and in one case that the Government of the United States had paid three times for one building.

Before this amendment was adopted, and after I had served on the Claims Committee for some 10 years, I took occasion to secure information from the Treasury Department as to the number of mules the Government had paid for, and I was surprised, Mr. President, to find that we had paid for nearly as many mules as were ever used in the Civil War.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Delaware?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. WOLCOTT. The Senator from Utah speaks of paying for mules "under those two acts." May I inquire to what two acts he refers?

Mr. SMOOT. I refer to the Bowman and the Tucker Acts. In the last claims bill we had under consideration, to which this amendment was adopted, there was a claim for $3,500 for a church in a little town in Arkansas. I received a letter from a leading citizen of that little town stating that there never had been a church and there was not at that date a church which had cost a thousand dollars, and yet the claimant was paid under that bill $3,500.

Mr. President, there were attorneys in Washington who every year took a trip to the South; that was their annual vacation. They would descend upon a city perhaps where no person had an idea that he had a claim against the United States Government and work up claims against the Government and have them presented to the Court of Claims through Congress under the provisions of the Tucker and Bowman Acts. There was one item in an omnibus claims bill, where the evidence showed a claim for some 481 fence rails; there was also a claim for eight hundred and some odd bushels of corn estimated as growing in the field, and there were some 15 or 16 pigs, as I remember. There was also a claim for so many hogsheads of tobacco. When I examined into the evidence I found that the sworn testimony was from a man who could not possibly have been more than 10 years old at the time the property was supposed to have been taken by our Government. Is it possible that a boy 10 years old could have known that there were exactly 481 fence rails destroyed?

Mr. GALLINGER. And that he should have remembered it for 50 years.

Mr. SMOOT. Yes; and that he should know, when he was only 10 years old, that there were eight hundred and some odd bushels of corn growing in the field as estimated by him?

Mr. OVERMAN. That bill was passed?

Mr. SMOOT. That bill was passed and the claim was paid.

Mr. President, it was just such abuses as those which caused even the Senators from the South to reach the conclusion that such legislation ought to cease at some time or other. When this omnibus claims bill was before the Senate, Senator Bryan was the chairman of the Claims Committee, and before the Crawford amendment had been adopted, an agreement had been reached that if that bill passed the Senate there would be no other omnibus claims bills presented to Congress.

Mr. SMITH of Georgia. Who made the agreement?

Mr. SMOOT. Well, I will say to the Senator from Georgia that members of the Claims Committee upon both sides of the

Chamber had such a distinct understanding upon this question that I am surprised it is even questioned.

Mr. SHIELDS. Mr. President——

Mr. SMOOT. Just a moment, and then I will yield to the Senator. Senator Bryan made this statement to the Senate when the bill was under consideration:

Mr. President, this is perhaps the last omnibus claims bill that will ever be passed by Congress.

He based that statement, Mr. President, upon the fact that we had agreed that the Crawford amendment should be adopted to that claims bill. When that amendment was offered there was not a Senator upon the floor of the Senate who objected to it; there was no discussion whatever; it was adopted unanimously; and every Senator believed at that time that that was the last of these omnibus claims bills.

Now, I yield to the Senator from Tennessee.

Mr. SHIELDS. Mr. President, I was present at a late hour on the last day or night of the session of Congress when that bill was passed. I took a considerable interest in it, for a very large number of these claims was from my State, and I knew the history of the claims. I know that, as a rule, they were honest; that honest people were presenting them; and I supported the bill. Perhaps the RECORD will show that I discussed some claims that were allowed or disallowed. I think I was entirely familiar with what was going on at that time, but I never heard the suggestion that that claims bill should be the final one. I do not care whether there was an agreement of that kind of not; neither the Senator from Utah [Mr. SMOOT] nor the then Senator from Florida, Mr. Bryan, had a right to stand here and agree that the just claims of creditors of the United States should never be paid and that no legislation should be introduced for that purpose.

I did not make any objection to the Crawford amendment. Without any reflection upon any Senator, or upon ex-Senator Crawford, I was of the opinion that he stood there with that amendment and a number of others which he offered in order to talk that bill to death; and as we had that much reported here, after many years, of just claims, and believing in the justice of future Congresses, we were willing to accept his amendment rather than to see him talk the bill to death. That is the truth about the whole transaction, and everybody here in the Senate favoring that bill knew it.

Mr. SMOOT. Well, Mr. President, the Senator from Tennessee has stated his understanding of the Crawford amendment. I want to say to the Senate of the United States that for 10 years before this amendment was agreed to on that omnibus claims bill the advisability of repealing the law authorizing such claims to be presented to the Court of Claims had been considered by the Committee on Claims of the Senate. I think upon one occasion it was voted upon and defeated. What Senator who was here when that bill was passed but can remember the position that was taken by the then senior Senator from Arkansas, Mr. Clarke? Who criticized these claims more than he? He was in favor of fixing a time when these claims should cease, not that the Government of the United States was not willing to pay its just debts; but I undertake to say now, Mr. President, that the Government of the United States has not only paid every dollar of just debts against it for the destruction of property in the South during the Civil War, but that it has paid many hundreds of thousands of dollars more.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. GALLINGER. Will it interrupt the Senator from Utah if I shall read exactly what the then Senator from Arkansas said when this matter was under discussion?

Mr. SMOOT. I am perfectly willing to yield to the Senator for that purpose.

Mr. GALLINGER. On December 16, 1910, a bill of this kind was under consideration, and the then Senator from Arkansas, now dead, made this observation:

Mr. CLARKE of Arkansas. Any moment Congress may refuse to pay these church claims and be within its rights. They are not preferred here as a matter of absolute legal liability. They are not brought here on the right or wrong of the proposition, but in the nature of benevolence, on the ground that the persons who were engaged in these vocations were not engaged in war.

Mr. GALLINGER. Does the Senator from Arkansas contend that the seven or eight hundred thousand dollars of southern claims involved in this bill are to be appropriated as a matter of benevolence?

Mr. CLARKE of Arkansas. Absolutely, so far as these church claims are concerned.

Mr. GALLINGER. Then we ought to stop it.

Mr. CLARKE of Arkansas. Stop it here and now, and I will vote with you.

Mr. SMOOT. That was five years before the passage of the bill to which I have been referring.

Mr. GALLINGER. Yes. On the 4th day of December, 1912, Mr. Clarke of Arkansas said:

I speak of claims for the destruction and consumption of property by the Army. I have said repeatedly that at this late day and time it is utterly impossible to get at the right of 1 per cent of them, and they are worked up by claim agents and constructive claimants, persons who are constructively and remotely interested in them.

Mr. SMOOT. Mr. President, when I first came to the Senate, not knowing the ins and outs of legislation here in Washington, I felt it my duty to admit every man who came to my office and to give him all the time he wanted in which to present his case. The result was that I was simply overburdened with claim agents; in fact, conditions got so bad that I would not have been able to do anything else if I had listened to the claim agents in Washington who were interested in presenting claims.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. McKELLAR. All of these claims are prosecuted before the courts, and no claim is authorized to be paid unless a court having jurisdiction of the matter has passed in favor of that particular claim. Is not that true?

Mr. SMOOT. There are many claims that have been paid, as provided in omnibus-claims bills, that never passed through the Court of Claims.

Mr. McKELLAR. I differ with the Senator. I want to say to him that I am very familiar with the last omnibus-claims bill, and I think that is the only bill of that character that has passed here in many years—probably the only one since the Senator has been a Member of the Senate, however long that may be. In other words, the bill that was pending in 1910 was the bill that was finally passed in 1915; and I desire to say to the Senator, about that measure, that there were only two claims in it which had not been passed upon by the court, and they got in the bill by an amendment, I think, put on at this end of the Capitol. The House, however, only permitted to go upon the bill those claims upon which there had been a judgment existing against the United States Government for years.

Mr. WARREN. Not a judgment.

Mr. McKELLAR. It is substantially the same thing.

Mr. WARREN. A finding of facts.

Mr. McKELLAR. A finding of facts under the provisions of the acts providing for the adjudication of the claims. Of course, a judgment can not be given against the United States, as we all know; but, under the provisions of the law, the court had found in favor of the claimants and had found, as a matter of law and right, that they should be paid. Now, why should not the United States Government pay claims when its own courts have determined that they are just claims against the Government?

Mr. SMOOT. Mr. President, the Senator knows that the United States to-day has to depend entirely upon some attorney to look up the evidence in any given case, and the older the case the harder it is to find anyone that knows anything about it. The evidence is all one-sided; the claims are worked up; the evidence in many cases is manufactured; and in many instances the evidence submitted to the Court of Claims comes from people who, I know, could not have been more than 10 years old at the time the alleged property was taken.

Mr. President, the Court of Claims does not render judgment; it sends to Congress findings of fact, and I know that there have been claims paid under the provisions of omnibus claims bills when even upon the face of the findings of the court there was no justification for their payment.

The Senator from Tennessee says that the act of 1915 was perhaps the only omnibus claims bill that has passed Congress since I have been a Member of this body. Why, Mr. President, I have been a Member of the Senate for over 15 years; I was on the Claims Committee for the first 12 years of my service; I did my duty as a member of that committee, and served for a longer period than I would ever ask any Senator to serve upon that committee. Not only that, but I was conscientious from the beginning and carefully examined every claims bill. I knew them like I knew my A, B, C's, and when the old, hoary-headed things were presented at every succeeding session of Congress I knew that there was no justification for the payment of a great majority of them.

Mr. McKELLAR. I will ask the Senator if it is not a fact that they were based on the same judgments or substantially the same judgments that the court had rendered in times gone by and were the same claims that Congress had refused to pay after judgment had been rendered against the Government?

Mr. SMOOT. Mr. President, I presume the Senator does not know of the rule we adopted at this end of the Capitol.

Mr. McKELLAR. No, sir; I was not a member of this Chamber at that time.

Mr. SMOOT. I will tell the Senator of the rule we adopted. The Committee on Claims found that there ought to be some kind of limitation upon the reference of claims bills to the Court of Claims. So we agreed that each Senator should be allowed to refer two claims to the Court of Claims each year. That was the first agreement. Then, Senators insisted that there ought to be more than two; and finally we increased the number. I know, so far as my own experience goes, that southern Senators came to me and said, "You have none of these claims; allow me to take your share for the reference of claims in which I am interested to the Court of Claims. Those claims, Mr. President, were referred, and when the omnibus claims bill was passed nearly every one of them was found included in the bill, and, as I have said, many, many others.

Under omnibus claims bills there have been paid claims for no telling how much more than the real value of the property involved. I cited a moment ago the case of a church in Arkansas, in connection with whose claim I had a letter stating that there never was a church in that little town that cost $1,000, and yet we paid $3,500 for the destruction of one there. Why, Mr. President, we have actually paid claims to church organizations for throwing up earthworks, in order that our soldiers might protect themselves from attack.

Mr. McKELLAR. Has the Senator always entertained the view he now entertains about claims?

Mr. SMOOT. What view, I will ask the Senator?

Mr. McKELLAR. The view that all these claims are wrong.

Mr. SMOOT. I did not say that they were all wrong.

Mr. McKELLAR. I notice that in the last omnibus claims bill there was a claim for $4,078.75 allowed to one of the constituents of the Senator.

Mr. SMOOT. I think that is right. There was such a claim allowed.

Mr. McKELLAR. Well, the Senator did not think that that was wrong, did he? The courts of the land had passed on the validity of that claim, which was that of Martin C. Fox, of Salt Lake City. The Senator does not think that that claim should not have been paid, does he?

Mr. SMOOT. Mr. President, that claim came to the Senate like all other similar claims come.

Mr. McKELLAR. Yes, sir.

Mr. SMOOT. And does the Senator think that, as a representative of the State of Utah, I was going to ask to have eliminated from the bill the claim because the claimant once lived in Utah—whose claim came in as all other claims come in?

Mr. McKELLAR. No; I think the Senator was exactly right in being for that claim, in standing by the court that allowed the claim, and in voting for the bill that permitted the claim to be paid, as I understand the Senator voted for the omnibus claims bill that passed on March 4, 1915.

Mr. SMOOT. Mr. President, I do not know whether I voted for the bill or not; I do not think the roll was called; but I know that I spoke against a number of the claims in that bill, and I want to say that that bill never would have passed the Senate without section 5 being incorporated in it. The bill carried an appropriation of nearly $2,000,000.

Mr. KENYON. Mr. President, I desire to ask the Senator if he will not again read section 5? In the light of his remarks I think we can understand it better now.

Mr. SMOOT. Very well; it is as follows:

That from and after the passage and approval of this act—

That is the act of March 4, 1915, the omnibus claims bill—

the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States based upon or growing out of the destruction of any property or damage done to any property by the military or naval forces of the United States during the War for the Suppression of the Rebellion, nor to any claim for stores and supplies taken by or furnished to or for the use of the military or naval forces of the United States, nor to any claim for the value of any use and occupation of any real estate by the military or naval forces of the United States during said war; nor shall said Court of Claims have jurisdiction of any claim which is now barred by the provisions of any law of the United States.

Mr. KENYON. May I ask the Senator another question?

Mr. SMOOT. Certainly.

Mr. KENYON. Subsequent to the passage of that provision were a large number of cases dismissed in the Court of Claims?

Mr. SMOOT. There were large numbers of cases before the Court of Claims which had been referred.

Mr. KENYON. And they were dismissed?

Mr. SMOOT. Many before and many after the passage of that act.

Mr. KENYON. And if the pending bill passes it will revive those cases?

Mr. SMOOT. All of these cases.

Mr. THOMAS. And a great many more.

Mr. GALLINGER and Mr. WARREN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. I yield first to the Senator from New Hampshire.

Mr. GALLINGER. The Senator from Utah might well put in the RECORD the statement—and, with his permission, I will put it in myself—that the bill to which the Crawford amendment was attached carried 1,032 claims.

Mr. SMOOT. And $1,987,000, as I remember.

Mr. GALLINGER. That was 50 years after the war. They had found in some way 50 years after the war that 1,032 claims had not been paid for this class of property. They had been looking for these claims for 50 years, and at the end of 50 years they discovered that there were 1,032 that had been overlooked, and the Government paid them; and some of us yielded our opposition to this bill because of the fact that the Senators on the other side of the Chamber were willing to accept the amendment which has been read.

That is the history of the matter.

Mr. WARREN. Mr. President——

Mr. SMOOT. I yield to the Senator from Wyoming.

Mr. WARREN. In response to the inquiry of the Senator from Iowa, I will state that at one time, some 10 years ago, perhaps, the accumulation of cases before the Court of Claims under the Tucker Act was very large, particularly cases brought by attorneys who did not proceed to prosecute their claims or perfect them. A change in Court of Claims attorneys brought into office an advocate for the Government who believed that those claims should be either prosecuted or stricken from the Court of Claims docket; and I think something over 5,000 were stricken off at one time, and others followed.

There has been an inquiry as to the number of these so-called omnibus bills. I will take but a moment, if the Senator from Utah will allow me.

Mr. SMOOT. Yes; I shall be glad to have the Senator continue.

Mr. WARREN. When I returned to the Senate in 1895 the fact was brought before me that a great many of these supplies claims were unpaid, embraced in bills that had passed the Senate repeatedly as separate claims, and some had passed the House, and also there were the unpaid French spoliation claims. I offered an amendment to the regular annual deficiency bill to pay some three-quarters of a million dollars of French spoliation claims, and the Senator from Tennessee, Mr. Harris, amended my amendment by attaching southern claims of about the same amount. The matter went on and was allowed in the deficiency bill. There had been trouble at various times with regard to covering deficiency bills with claims, notwithstanding the Senate rule against that practice. Following that there were further attempts, and in one year, under the administration of President Cleveland, when there was a veto of sundry bills, the river and harbor bill among others, the deficiency bill was vetoed because it had on it several hundred thousand dollars of these claims. Senator Hale, then in charge of that bill, proposed that the Committee on Claims—of which at the time I was a member and the Senator from Colorado, Mr. Teller, was the chairman—in order to get comparative peace and to get the deficiency bills through, and to get matters smooth again between the Executive and the Senate, which was about to adjourn, at the end of a session should employ sufficient help to make an index of claims, and to bring in an omnibus bill covering claims that had passed either the House or the Senate, and some of which had passed both, but not contemporaneously; and so the committee proceeded along that line.

The first bill of that kind, amounting to about $9,000,000, was introduced by Senator Teller before he left the committee. I am frank to say that it was prepared with some haste, and, while I made no outcry against it, I felt that we could hardly get it all through. It went over to the House and was cut down there—also in conference—and finally it went through in the sum of three or four million dollars.

About that time I became chairman of the committee, and we followed as nearly as we could the principle of taking bills that had passed the scrutiny of the committees of both Houses, and I think during my incumbency we passed three omnibus bills of about three to five million dollars each. I remember that in one instance it affected several thousand people. I would not like to say positively that it was 17,000, but it runs in my mind that it affected about 17,000 persons, because in many cases, or claims, whole families, and indeed whole communities, would be represented in one compound claim.

These bills were very largely made up of southern claims, with a few of the French spoliation claims and a few of the ordinary later-date claims. From that time there seems to have been a

lapse of some years in omnibus-bills legislation, when it was again taken up, and two or three bills were tried out and failed. I remember that Senator Fulton, of Oregon, failed with one; and Senator Crawford, if I remember rightly, with another; and the one now being alluded to was the next and last one.

It had been the intention of the committee, back there when we proposed these several bills, to bring the matter up to a point where we felt that we had covered the ground sufficiently. We thought that the Government could not longer protect itself in those isolated localities where it could hardly find witnesses. The court seemed to be overburdened with the task, and, differing somewhat from the statement of the Senator from Tennessee, the court simply stated the facts as they found them. There was no recommendation that the claims should be paid, as a general thing, and they were cases arising largely under the Tucker Act.

It was the intention, away back in those times—and it was the intention of all members of the Committee on Claims, without regard to locality—that there should be a time when these things should be discontinued. In fact, away back years before any man who now stands on this floor was a Member of the Senate, the door had been closed legally as many as three or four times to the further consideration of such claims. The Tucker Act, as well as the Bowman Act, grew out of that fact.

That is the situation, and it was for a long time considered that we must finally shut the door on this class of claims, as those remaining seemed to be very indefinite and with but slight evidence to support them. I know nothing of the particular agreement mentioned in this discussion, because it is some years since I have been a member of the committee, but that was the condition in early times.

Mr. McKELLAR. Mr. President, I will say to the Senator that there was a committee of four Members of the House that came over here to the Senate on the night of March 3, 1915, when this bill was passed. The committee was composed of Judge GREGG of Texas, Mr. BYRNES of South Carolina, Mr. CARLIN of Virginia, and myself. We were here when the bill passed; and, of course, our States being very largely interested in these claims, we took a very active interest in getting the bill passed as far as we could. I never knew of any agreement at all. Senator Crawford offered this as an amendment, and it was adopted; but I knew of no agreement. If there was any agreement, it was not disclosed to me at all.

Mr. REED. Mr. President, I presume the Senator from Utah intends to speak at some length upon the bill?

Mr. SMOOT. I will say to the Senator that the motion now is simply to take up the bill. I do not think I will speak more than 15 minutes longer upon it, and then a vote can be had upon taking it up.

Mr. REED. Very well. I was going to ask permission to take up a bill, and I was going to ask the indulgence of the Senate, because I felt it necessary to leave before very long; but in view of the Senator's statement I will not do that.

Mr. SMOOT. I will say to the Senator that if he wants to proceed now I am perfectly willing to yield the floor, and then resume it after the Senator is through.

Mr. GALLINGER. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. Yes.

Mr. GALLINGER. It is proper that I should say to the Senator from Missouri that when the Senator from Utah concludes his observations against taking up the bill I shall occupy a little time along the same line, but not a great while. I shall have something more to say if the bill shall be taken up.

Mr. REED. Mr. President, the matter I have in mind is merely a private bill. I think it could be passed in five minutes by unanimous consent. I think a mere statement of it to the Senate will be sufficient; but if the Senator is going to conclude within anything like the time he states, I will not ask him to yield. After he concludes I will ask the Senator from New Hampshire to indulge me for the purpose I have stated.

Mr. GALLINGER. Which I will gladly do.

Mr. SMOOT. Of course, I would gladly grant the Senator's request at this time.

Mr. President, the statement was made the other day that Senators thought these claimants ought to have their day in court. Have they not had their day in court? Has there been any action by Congress to prevent them in any way from presenting their claim during the last 53 years? I say now that the great majority of all of the claims contained in the omnibus claim bill passed on March 4, 1915, were worked up by attorneys living in Washington. Until a law was passed limiting the percentage that could be charged by an attorney, these claim hunters charged, in some cases, as high as 75 per cent of the amount realized. I would not support legislation that would do an injury to any citizen of this country; but, Mr. President, there is no one but that must admit that every claimant against the United States under the Tucker and Bowman Acts has had ample chance for his day in court.

Mr. TOWNSEND. Mr. President——

Mr. SMOOT. I yield to the Senator from Michigan.

Mr. TOWNSEND. I have been very much interested in what has been going on, because I recall very clearly that I was a member of the Committee on Claims at the time this bill and other bills were prepared, and was a member of the committee of conference between the two Houses. The agreement as to that bill in the Committee on Claims was a compromise. I do not believe there were a half dozen Senators on the committee who believed that all of those claims, or even a majority of them, were justifiable. It was discovered that a claim 50 years old could be better proven than it could immediately after the war.

Mr. THOMAS. And one 75 years old could be better proven than one 50 years old.

Mr. TOWNSEND. Yes. It was very easy, under the methods that were employed, to establish claims. The question was discussed very fully by the committee as to when we were going to have an end of this class of bills, and there was an agreement had in the committee with the understanding that these claims would not be presented again. Of course it was well understood that we could not bind subsequent committees or subsequent Congresses; but the Senators from the South who were most interested in these claims without any hesitation acknowledged that it was time to quit this kind of business, and that these claims were of such doubtful value that they themselves would insist upon no further bills of the kind being introduced.

I have no hesitation in saying that that bill would not have passed if we had not felt that there was some binding force in that agreement; that the Senators from the South, representing the committee—and it was supposed that many of them would remain on the committee, and would therefore dominate it—would impress that feeling upon their successors, and that no similar bill would come up in the future. Therefore it was agreed that we should have a limitation placed upon these matters. The senior Senator from Mississippi [Mr. WILLIAMS], the senior Senator from Arkansas [Mr. ROBINSON], and others spoke on this floor in opposition to this kind of business, feeling that it was an organized raid upon the Treasury of the United States.

I was one of the Senators who believed in paying our debts. As the Senators on that committee will well understand, I voted for a good many claims because I thought possibly there was a shadow of doubt in the matter that should be resolved in favor of the claimants; but every such claim went into that bill. The others, I think almost without a dissenting vote in the committee, were set aside as being unworthy of consideration.

As the years go by, I repeat, it is easier to prove these claims. There is no way to dispute them, if we permit an ex parte trial, as there is in the court, practically. Of course the Attorney General or somebody representing the Department of Justice is supposed to represent the people, but he has a difficult job. These bills have been considered over and over since the war. The Congress has dealt very liberally with them. I think at this time it would be almost criminal for Congress to draw a million or two dollars out of the Treasury to pay these claims that have been repudiated when the facts were close at hand and the people understood what the situations were. Now, after a lapse of time, to revive these claims, to my mind, is absolutely unwarranted.

Mr. SMITH of Georgia. Mr. President, will the Senator from Utah yield to me for just a moment?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. SMITH of Georgia. I want to say that this bill originated in the House. It was introduced by the Republican leader, Mr. MANN. It is known as the Mann bill. It passed the House at the last session of Congress and was referred to the Judiciary Committee, and I was appointed chairman of a subcommittee of the Committee on the Judiciary to consider it. That is the way in which I became connected with it. I do not know a constituent of mine who has a suit pending or who desires to bring a suit under this bill. I have not been appealed to by a constituent of mine to introduce a bill that would enable him to bring a suit.

Mr. TOWNSEND. Mr. President, I hope the Senator does not believe that I would be any more in favor of the bill because some Republican happened to advocate it. The facts are not changed by that circumstance.

Mr. SMITH of Georgia. I understand that; but the suggestion of the Senator was that southern Senators committed

themselves not to press this legislation further, and I wanted to show what the origin of this legislation was. It passed the House, and came to me in the way I have stated. I failed to get a hearing in the Senate at the last session, and I reintroduced it by request, and was again appointed chairman of the subcommittee; and I am going to do what I can to get the Senate to pass on it at this time.

So far as I am concerned, I would be perfectly willing to see this bill amended so as to allow no new suits to be brought, and limit its effect to the suits that have been pending and were pending when the Crawford amendment suspended the jurisdiction of the court. I really think that a man who has not brought his suit yet, with the opportunity that has been afforded to him, ought to show to Congress some special reason why he did not do it; and that amendment I myself would be perfectly willing to see placed on the bill. But as to those suits that are pending there, brought under authority of Congress, in some of which the parties have taken their testimony, but a good many of them have not, so that they would be abandoned forever, I think they ought to have their day in court.

Mr. THOMAS. Mr. President, will the Senator allow me to interrupt him for a moment for the purpose of inquiring why this bill should have gone to the Committee on the Judiciary instead of to the Committee on Claims, which was familiar with it and with its history, as has just been stated so succinctly by the Senator from Michigan?

Mr. SMOOT. Mr. President, we have a habit in the Senate now of introducing bills and referring them to the committee of which the Senator introducing the bill is a member. I do not say that that is the case with this particular bill, but I know that for 15 years this subject matter has been before the Claims Committee. We know it from A to Z. We have studied those claims until nearly every member of the committee knew them on sight.

Mr. TOWNSEND. Every one of them was briefed.

Mr. SMOOT. Yes; as the Senator says, every one of them was briefed.

Mr. SMITH of Georgia. Mr. President, the Mann bill was a bill which simply applied to judicial procedure; and the Vice President, or whoever was presiding, referred it to the Judiciary Committee when it came over from the House. So far as I can recollect, I never heard of it until I was made chairman of a subcommittee of the Judiciary Committee to look into it.

Mr. SMOOT. I do not care whether Representative MANN or any other living soul introduced the bill. The bill is not right. It never ought to pass. Why, for years in the Claims Committee, whenever the question arose, and when claimants were appealing to be heard on old claims that every member of the committee knew were unjust, we would always say, "Well, here is another pork-barrel measure."

Mr. KENYON. Mr. President, I should like to ask the Senator a question. Was there any report from the Judiciary Committee on this bill? I have not been able to find any.

Mr. SMOOT. There is none in my file.

Mr. SMITH of Georgia. There is no written report. There was a full report on the original bill in the House by the chairman of the committee. When we reported this bill at the last Congress we adopted that report, and we made no additional report.

Mr. KENYON. Was the Judiciary Committee unanimous concerning this bill?

Mr. SMITH of Georgia. I do not think there was any objection to it. Senator Sutherland, of Utah, served on the subcommittee at the last Congress. I think it was unanimous. I would not say positively that it was unanimous, but there was no——

Mr. KENYON. Did the Judiciary Committee really give it any consideration, outside of the subcommittee?

Mr. SMITH of Georgia. Yes; the subcommittee did.

Mr. KENYON. But did the Judiciary Committee, outside of the subcommittee, give it any consideration?

Mr. SMITH of Georgia. Not any lengthy consideration.

Mr. KENYON. I should judge not.

Mr. SMITH of Georgia. They were all familiar with the measure, though, it having been before them at a prior date.

Mr. SMOOT. I do not think any member of the subcommittee or full Judiciary Committee has studied this question as the Claims Committee has studied it, and perhaps the great majority of them knew nothing about what the repeal of section 5 really means.

Mr. President, this is no time to raid the Treasury of the United States. If the claims were just I would not object. I think, however, that every just claim has been paid by the Government of the United States, and some of them more than once.

Mr. President, I know that pressure has been brought to bear upon the Senator from Georgia and other southern Senators to have this matter opened again. Let the Senate of the United States now vote against taking up the measure. Defeat the proposition, and give the Senators a chance to tell the people who are crowding them to have this question opened up again that the Senate of the United States has spoken and the matter is sealed forever.

Mr. GALLINGER. Mr. President, the Senator from Missouri [Mr. REED] stated some time ago that he wished to take up a small bill. I do not see him present, however.

Mr. KENYON. If we are to vote on taking up this measure, I think we should have a quorum. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Dillingham	Jones, Wash.	Ransdell	Smoot
Fletcher	Kenyon	Reed	Thomas
Gallinger	McNary	Shafroth	Tillman
Gerry	Martin	Sheppard	Townsend
Henderson	Norris	Shields	Trammell
Hollis	Overman	Smith, Ariz.	Warren
James	Pomerene	Smith, Ga.	Wolcott

The VICE PRESIDENT. Twenty-eight Senators have answered to the roll call.

Mr. GORE, Mr. VARDAMAN, Mr. HALE, Mr. NEW, Mr. FRANCE, and Mr. PHELAN entered the Chamber, and answered to their names.

Mr. PHELAN. Mr. President, I desire to state that the Senator from Washington [Mr. POINDEXTER], the Senator from Virginia [Mr. SWANSON], and the Senator from Nevada [Mr. PITTMAN] are attending a session of the Committee on Naval Affairs, and that is the reason of their absence.

Mr. JONES of Washington. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 7, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 6, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden offered the following prayer:

O Lord, let us not forget Thy commandments, that our duties may be clear and all our relationships right. Make us ever mindful of Thy love, that our lives may answer Thy providence and grace with free, joyful, and complete service.

We praise Thee, O God, for the gift of Thy Son. May we all in unity of spirit strive to make our land and all other lands the home of the eternal principles of the Kingdom of Heaven which He came to establish among men. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to print in the RECORD two brief resolutions, one by McKinley Post, of Canton, Ohio, and the other by General Canby Post, of Hood River, Oreg.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing therein certain resolutions. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects.

HOUSING EMPLOYEES EMERGENCY FLEET CORPORATION.

Mr. ALEXANDER. Mr. Speaker, I renew my request of yesterday that the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, be given a privileged status, its consideration to follow the disposition of the Diplomatic and Consular appropriation bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent that Senate bill 3389 be made privileged, to follow the disposition of the Diplomatic and Consular appropriation bill; of course, not to interfere with conference reports or anything of that sort. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I shall not object, and I trust no objection will be made, but I want to suggest to the gentleman in charge of the bill the great importance of the legislation, and I hope there will be no disposition to deprive the House of opportunity to discuss the matter thoroughly when it is brought up.

Mr. ALEXANDER. There is no disposition of that kind on my part.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, will the gentleman be willing to couple with his request that the committee substitute be considered in lieu of the Senate amendment, and that it be considered by paragraphs under the five-minute rule, so as to permit liberal opportunity for consideration of the bill, rather than in its entirety?

Mr. ALEXANDER. Mr. Speaker, I have no objection to that request. Adopting the suggestion made by the gentleman from Wisconsin [Mr. STAFFORD], I couple with my request the further request that the House substitute for the Senate bill be considered in lieu of the Senate bill, and that it be considered by paragraphs and not as one section, under the five-minute rule.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the Senate bill 3389 be made privileged to follow the disposition of the Diplomatic and Consular appropriation bill, with the usual qualifications, and that the House substitute be considered in lieu of the Senate bill, and that it be considered by paragraphs instead of as one amendment, under the five-minute rule. Is there objection?

Mr. LENROOT. Mr. Speaker, reserving the right to object, to make sure that amendments will be in order, as if it were an original bill, will the gentleman modify his request so that the substitute shall be considered under the five-minute rule as an original bill?

Mr. STAFFORD. That was my purpose in suggesting that the substitute be considered in lieu of the Senate bill.

Mr. ALEXANDER. I agree to that suggestion, Mr. Speaker.

The SPEAKER. To be considered as an original bill under the five-minute rule by paragraphs. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendment the following resolution, in which the concurrence of the House of Representatives was requested:

House concurrent resolution 33.

Resolved by the House of Representatives (the Senate concurring). That there shall be printed 350,000 extra copies of the Income-Tax Primer, prepared by the Bureau of Internal Revenue for the information and assistance of taxpayers, 100,000 copies for the use of the Senate and 250,000 copies for the use of the House of Representatives, the same to be distributed through the folding room.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2180. An act to approve mutual cessions of territory by the States of Wisconsin and Minnesota and the consequent changes in the boundary line between said States;

S. 1004. An act to provide for a retirement system in the Lighthouse Service;

S. 1005. An act to regulate the salaries of keepers of lighthouses;

S. 993. An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes;

S. 932. An act to provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Mont.;

S. 934. An act authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation, in said State;

S. 936. An act to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes;

S. 937. An act to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads";

S. 955. An act providing for noncontiguous homestead entries within the former Fort Peck Indian Reservation, Mont., of land of the character described in the enlarged homestead act of February 19, 1909;

S. 389. An act to extend the time for cutting timber on the Coconino and Tusayan National Forests, Ariz.;

S. 44. An act granting additional rights to settlers on reclamation projects;

S. 26. An act authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another;

S. 1555. An act to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes, approved January 26, 1915;

S. 95. An act to provide for agricultural entries on coal lands in Alaska;

S. 102. An act relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices;

S. 352. An act granting pensions to certain members of the former Life-Saving Service;

S. 994. An act extending the benefits of care and treatment by the Public Health Service to seamen on vessels used in the service of the United States;

S. 1462. An act to establish a fog signal at the Port Washington Pierhead Light Station, Wis.;

S. 1463. An act to establish aids to navigation at Fond du Lac Harbor, Wis.;

S. 1849. An act permitting minors of the age of 18 years or over to make homestead entry of the public lands of the United States;

S. 2886. An act for the relief of Albert O. Brown;

S. 940. An act to provide for the payment for certain lands within the former Flathead Indian Reservation in the State of Montana;

S. 1084. An act for the relief of J. G. Seupelt;

S. 2487. An act permitting Frances Mack Mann to purchase certain public lands;

S. 3470. An act to amend section 35 of the Criminal Code of the United States;

S. 3471. An act to authorize the Secretary of War to grant furloughs without pay and allowances to enlisted men of the Army of the United States;

S. 3472. An act to authorize the Secretary of War to provide and issue distinctive buttons or badges to men drafted or volunteering for enlistment in the military forces who are exempted or rejected, and to provide a penalty for unlawfully wearing, procuring, or manufacturing the same;

S. 3526. An act to amend section 11 of an act entitled "An act for making further and more effectual provision for the national defense and for other purposes," approved June 3, 1916;

S. 935. An act for the relief of settlers on certain railroad lands in Montana;

S. 302. An act authorizing the Secretary of the Navy to make donation of condemned naval guns and cannon balls to the John Wannebo Camp, No. 9, United Spanish War Veterans, Everett, Wash., to be placed in public parks;

S. 3446. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes," approved March 4, 1917;

S. 179. An act for the relief of Fred C. Konrad;

S. 2784. An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916;

S. 3225. An act to reserve as a part of the Oregon National Forest certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co. against the United States;

S. 2315. An act to extend the time within which final proof is required to be submitted upon any lawful pending desert-land entry made prior to July 1, 1915, such extension not to exceed three years from the date of allowance thereof;

S. 97. An act authorizing the exchange of certain lands in the State of Utah for the protection of the water supply of Salt Lake City;

S. 94. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133);

S. 2931. An act for the relief of Thomas Sevy;

S. 972. An act to authorize an exchange of lands with Henry Blackburn;

S. 388. An act for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, David Edward Adams, Mrs. M. J. Ellsworth, and the heirs of J. H. Frisby;

S. 101. An act to authorize the consolidation of Government lands and of privately owned lands, and for other purposes;

S. 3128. An act to amend section 1422 of the Revised Statutes authorizing additional pay for enlisted men of the Navy and Marine Corps detained beyond the expiration of their terms of enlistment;

S. 714. An act providing for an additional judge for the district of Arizona;

S. 922. An act for the relief of Orion Mathews;

S. 3408. An act for the relief of Paymaster Alvin Hovey-King, United States Navy;

S. 92. An act to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to E. D. Partridge;

S. 387. An act for the relief of John Flanigan;

S. 2865. An act for the suspension of payments on public lands by entrymen in the military or naval service of the United States;

S. J. Res. 24. Joint resolution to permit of the disposition of certain lands in Montana ceded by the Crow Indians; and

S. J. Res. 104. Joint resolution authorizing the assistant to the Secretary of the Interior to sign official papers and documents.

INCOME-TAX PRIMER.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House concurrent resolution 33, providing for the printing of the income-tax primer, with Senate amendments thereto, agree to the Senate amendments, and that the resolution be passed.

Mr. SLAYDEN. Mr. Speaker, may I ask the gentleman a question?

Mr. BARNHART. I yield.

Mr. SLAYDEN. How soon will we get those, if this is agreed to?

Mr. BARNHART. Just as soon as the Government Printing Office can turn them out.

Mr. SLAYDEN. I know; but the gentleman understands that penalties are imposed if all of the returns are not made by the 1st of March.

Mr. GARNER. I will say to the gentleman from Texas that the plates are there and the Public Printer, in obedience to the suggestion of the House of Representatives, gives that printing preference.

Mr. BARNHART. He is holding the forms, and they are ready to start as quick as we can get this through.

Mr. GARNER. That is one of the reasons the Treasury Department asked the House of Representatives to do this, because we can get it done so much more quickly.

Mr. SLAYDEN. It ought to be done right away if it is to be done at all.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the consideration of Senate amendments to House concurrent resolution 33, which the Clerk will report, together with Senate amendments.

The Clerk reported the resolution and the Senate amendments.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I have no objection to the immediate consideration of the resolution, but I do object to unanimous consent to agree to the Senate amendments.

Mr. GARNER. The gentleman from Indiana asked unanimous consent to take it from the Speaker's table——

Mr. WALSH. No; he asked unanimous consent to agree to the Senate amendments also. I do not object to agreeing to the resolution, but——

The SPEAKER. To what does the gentleman object?

Mr. WALSH. The gentleman from Indiana, when he first made his request, asked for the consideration of this resolution and unanimous consent to agree to the Senate amendments. I have no objection to his request in so far as it goes to the consideration of the resolution, but I do object to agreeing to the Senate amendments.

The SPEAKER. He would have to ask unanimous consent anyhow.

Mr. BARNHART. Mr. Speaker, in order to get at it promptly, I will withdraw my request and ask unanimous consent to take from the Speaker's table the resolution——

The SPEAKER. But the Chair has already laid it before the House, and the question is on agreeing to the Senate amendments.

Mr. STAFFORD. Will the gentleman yield?

Mr. BARNHART. I will.

Mr. STAFFORD. There is some dispute whether the House received 200,000 or 250,000 copies.

Mr. BARNHART. It is 250,000. That is what the printed report says.

Mr. WALSH. Will the gentleman yield further?

Mr. BARNHART. I will.

Mr. WALSH. Will the gentleman give some reason why this reduction was made?

Mr. BARNHART. The gentleman from Indiana can not undertake to say what was in the minds of the Committee on Printing in the Senate, but any delay here would simply delay the publication of the primer, and unless this is done promptly it will be of no use whatever.

Mr. WHEELER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WHEELER. I desire to ask the gentleman a question. How many would that be, distributed among the Members; about 600?

Mr. BARNHART. A little more than that.

Mr. ROBBINS. When will they be available if this resolution passes?

Mr. BARNHART. Just as quickly as they can be printed.

Mr. ROBBINS. That is rather indefinite. March 1 is the time, and if we do not get it before that it will be of no good.

Mr. BARNHART. It has been stated already that the Government Printing Office has the plates, and everything is ready to rush the work.

Mr. ROBBINS. I hope it will be passed.

The question was taken, and the Senate amendments were agreed to.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday.

Mr. FLOOD. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Virginia makes the point of no quorum present, and the Chair will count. [After counting.] One hundred and forty-nine gentleman are present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to respond to their names:

Campbell, Pa.	Fairchild, G. W.	Kreider	Sanders, La.
Cantrill	Flynn	LaGuardia	Sanders, N. Y.
Capstick	Focht	Lee, Ga.	Scott, Pa.
Carlin	Fuller, Mass.	Lever	Scully
Carter, Mass.	Gallagher	Linthicum	Sears
Chandler, N. Y.	Garland	Lunn	Shackleford
Costello	Gillett	McKinley	Slemp
Curry, Cal.	Gould	Maher	Smith, Mich.
Darrow	Gregg	Mann	Smith, T. F.
Davidson	Hamill	Nicholls, S. C.	Steagall
Davis	Haskell	O'Shaunessy	Sullivan
Dooling	Hangen	Parker, N. Y.	Tague
Doremus	Heintz	Price	Vare
Doughton	Hollingsworth	Ragsdale	Ward
Drukker	Hutchinson	Rainey	Wilson, La.
Dunn	Johnson, S. Dak.	Riordan	Winslow
Eagle	Jones, Va.	Rodenberg	
Estopinal	Kelley, Mich.	Rowland	
Fairchild, R. L.	Kennedy, R. I.	Sanders, Ind.	

The SPEAKER. On this call 355 Members have answered to their names, a quorum.

Mr. FLOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

DEPORTATION OF CERTAIN ALIENS.

Mr. FLOOD. Mr. Speaker, I desire to move to dispense with Calendar Wednesday for to-day.

The SPEAKER. The gentleman from Virginia moves to dispense with Calendar Wednesday business for this day.

Mr. FLOOD. And I desire to know if there will be any debate allowed on that?

The SPEAKER. Five minutes on a side.

Mr. FLOOD. I make the motion to dispense with Calendar Wednesday business of to-day.

The SPEAKER. The gentleman has five minutes.

Mr. FLOOD. Mr. Speaker, I have made this motion because if the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of Calendar Wednesday business, what is known as the "alien slackers'" bill will come up. I am not opposed to the principle of that bill, but I am opposed to its consideration at this time, because I have been informed by the officials of the State Department that the consideration of that measure now would greatly impede the progress of negotiations going on between this country and Italy and France which would accomplish much better than this bill does the purposes of this bill. Already we have concluded negotiations with Great Britain and Canada and are in process of concluding negotiations with Italy and France, which would be interfered with and the negotiations practically destroyed if this measure is passed to-day. I am opposed to the measure because it violates the treaty we

have with Italy and the treaty we have with Japan and with Serbia.

We are denouncing Germany every day for disregard of its treaties with other nations, for treating its solemn obligations as a scrap of paper, and yet the proposition is made here to have this House enact a law that violates the treaties with three nations.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. FLOOD. Just a question.

Mr. CAMPBELL of Kansas. What advantage would the treaty now under negotiation have over the provisions of this bill, if any?

Mr. FLOOD. The treaty, if concluded and ratified, would provide that the nationals of these countries in this country would be subject to the draft law of this country and subject to be drafted into our Army. The purpose of this bill is to accomplish that result. The treaty method is regular and fair and honorable. This bill proposes the old Rob Roy method—

That they should take who have the power,
And they should keep who can.

I am opposed to this measure because it violates the general practice of nations not to draft into its naval and military service the nationals of neutrals and friendly nations.

And I am opposed to it, Mr. Speaker, because it will not accomplish its purpose. The provisions of this bill authorize the President to draft into the industrial service of this country the nationals of these people with whom we are negotiating these treaties, either in the military service or in the industrial service, and great pressure will be brought to bear upon the President by the Governments of our cobelligerents to put their nationals in our industrial service instead of our military service, and the very object of this bill will be defeated by its enactment.

For these reasons I hope the House will vote to dispense with Calendar Wednesday.

I reserve the balance of my time.

The SPEAKER. The gentleman reserves two minutes.

Mr. BURNETT. Mr. Speaker——

The SPEAKER. Is the gentleman opposed to this motion?

Mr. BURNETT. I am. [Laughter.]

Mr. Speaker, if the statement of the gentleman is correct, that this bill is in violation of treaties, why not face it and discuss it for a longer time than five minutes. Why undertake by this indirection to enact this species of camouflage so as to sidetrack the bill in this way?

The bill does not violate any treaty. I desire to say that so far as section 2 is concerned, which seeks to impress men into civil service, that at the proper time I expect to make a motion to strike that out.

In regard to what the State Deparment has been doing, gentlemen, away back on the 1st day of August the McCumber resolution was passed in the Senate urging the President and the State Department to negotiate with other countries in this very direction. They, I supposed, started that negotiation. A little later the Chamberlain resolution was passed, which provides for conscription of aliens. That resolution came over to the Committee on Military Affairs. In the meantime the Committee on Immigration and Naturalization had authorized the report of this bill, which violates no treaty, because it gives to these aliens the opportunity either to withdraw their claim of exemption and subject themselves to the draft, like the American boys have to do, or else be deported and get out of this country. [Applause.]

Mr. FLOOD. Will the gentleman yield?

Mr. BURNETT. Just for a question.

Mr. FLOOD. Does not that force these men to do what we guaranteed in this treaty they need not do?

Mr. BURNETT. No; it does not. International law, all the way down, says that a country has the right to deal with undesirable aliens by their deportation, and that the convenience of a country, public policy, and public good, is the only limitation in regard to that matter.

Now, what have we a right to do? Will you stand here and on five minutes of discussion, upon a statement that the State Department does not want this bill, suppress a debate that will show what the State Department has done? I am not making any criticism of the State Department. I said to Mr. Secretary Lansing, when the Chamberlain bill was before the Committee on Military Affairs, that I did not desire to criticize his department. I knew that it took a long, long time to accomplish these things, and I have not criticized them. But, gentlemen, when the Chamberlain bill came over I had a resolution before the Rules Committee asking the Rules Committee to give us a rule on my bill. They said we had better wait, and I said, "That is all right." I have no pride of authorship of this bill. I am willing for the Military Affairs Committee to act on the Chamberlain bill. It is not as good a bill as this, but we can get it before the House and amend it. Then it was that the Secretary of State came before that committee and made the statement that they were negotiating, and, gentlemen, they have been negotiating ever since, and yet not a treaty has been submitted to the Senate. That was away back in September that the Secretary of State assured the Committee on Military Affairs of the House that the negotiations with the cobelligerent countries would be concluded by December.

If a treaty should be submitted when this bill is sent over to the Senate and ratified, how easy it will be for the Senate to amend it so that this law shall not abrogate a treaty that has been made to the same purport and effect.

Before that Committee on Military Affairs, Mr. WISE, an able member of that committee, said to me:

Here is the thought which struck me, Judge BURNETT, as a way to get around the whole proposition and do it without running counter to anybody. In view of the fact that we are certain—at least I believe we are certain—not to have a second draft before December, would it not be right and proper, in view of what the Secretary said, to wait and not draft cobelligerents until December, and if they have not accomplished anything by that time, we can go ahead.

[Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. FLOOD. Mr. Speaker, I yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming is recognized.

Mr. MONDELL. Mr. Speaker, the gentleman from Virginia [Mr. FLOOD] predicates his proposition to dispense with Calendar Wednesday business to-day largely on the objections that he has suggested to the bill for the deportation of aliens who may claim exemption under the draft. I think the arguments he made with regard to that matter are conclusive. Most of us are in favor of action looking to the enrollment of aliens for service, but all of us, I believe, desire to have the action taken in a proper and orderly way. Steps are being taken by the State Department to bring this matter to successful conclusion by treaty action. The administration admonishes us that the action proposed in that bill will prejudice the treaties now under negotiation. I do not want to embarrass the administration. But I am looking at the matter of dispensing with Calendar Wednesday from a somewhat different viewpoint from that of the present status of public business. We have before us a very important appropriation bill. This morning, by unanimous consent, we provided for the consideration of a very important bill providing for the housing of the men engaged in shipbuilding after this bill is disposed of. We must consider very soon an even more important measure relating to the railways of the country, recently taken under public control. These great measures, of vast importance, are all pressing for consideration. They should be considered. By considering them we do not delay the final settlement of the question of the alien of military age, but we rather promote it by giving the State Department an opportunity to conclude treaties which will enable us to meet and settle this question in an effective and legal way without offense to the nations by whose side we are fighting in this war.

The SPEAKER. The question is on agreeing to the motion made by the gentleman from Virginia [Mr. FLOOD].

Mr. BURNETT. On that I demand the yeas and nays.

Mr. LONERGAN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONERGAN. Is it permissible under the rules for a Member to be given two minutes at this time?

The SPEAKER. If the House agrees to it; yes.

Mr. FLOOD. I ask unanimous consent, Mr. Speaker, that the gentleman be given two minutes.

Mr. EMERSON. I would like to have two minutes.

The SPEAKER. Is there objection?

Mr. WALSH. I object, Mr. Speaker.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. FLOOD], and on that motion the gentleman from Alabama [Mr. BURNETT] demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. FLOOD] to dispense with the business of Calendar Wednesday. Those in favor of the motion will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 112, nays 255, not voting 61, as follows:

YEAS—112.

Anderson	Edmonds	Ireland	Porter
Anthony	Elliott	Johnson, Wash.	Pou
Barr	Ellsworth	Kahn	Rainey
Barkley	Foss	Keating	Rankin
Beakes	Fields	Key, Ohio	Reavis
Booher	Fisher	Kitchin	Rowe
Borland	Flood	Lehlbach	Russell
Britten	Fordney	Loudon	Sabath
Caldwell	Foss	Lonergan	Sanford
Cannon	Foster	Longworth	Shackleford
Claypool	French	Lunn	Shallenberger
Coady	Glynn	McAndrews	Sherley
Connally, Tex.	Goodwin, Ark.	McCormick	Sherwood
Connelly, Kans.	Gordon	McLaughlin, Mich.	Shouse
Cooper, Wis.	Gray, N. J.	Mapes	Sims
Cox	Green, Iowa	Merritt	Slayden
Crago	Hamilton, N. Y.	Miller, Minn.	Snook
Crosser	Hardy	Mondell	Stedman
Davis	Harrison, Miss.	Montague	Steenerson
Decker	Harrison, Va.	Moore, Pa.	Sterling, Ill.
Dempsey	Heim	Moores, Ind.	Sumners
Dent	Helvering	Morin	Talbott
Denton	Hensley	Mott	Temple
Dickinson	Hersey	Mudd	Tilson
Dillon	Holland	Oliver, N. Y.	Towner
Dixon	Huddleston	Olney	Volstead
Dupré	Hull, Iowa	Padgett	Watson, Pa.
Eagle	Igoe	Platt	Watson, Va.

NAYS—255.

Alexander	Farr	Lesher	Sears
Almon	Ferris	Levey	Sells
Ashbrook	Francis	Little	Siegel
Aswell	Frear	Littlepage	Sinnott
Austin	Freeman	Lobeck	Sisson
Ayres	Fuller, Ill.	Lufkin	Slemp
Bacharach	Gallivan	Lundeen	Sloan
Bankhead	Gandy	McArthur	Small
Barnhart	Gard	McClintic	Smith, Idaho
Bell	Garner	McCulloch	Snell
Beshlin	Garrett, Tenn.	McFadden	Snyder
Black	Garrett, Tex.	McKenzie	Stafford
Blackmon	Godwin, N. C.	McKeown	Steele
Bland	Good	McLaughlin, Pa.	Stephens, Miss.
Blanton	Goodall	McLemore	Stephens, Nebr.
Bowers	Gould	Madden	Sterling, Pa.
Brand	Graham, Ill.	Magee	Stevenson
Brodbeck	Graham, Pa.	Mansfield	Stiness
Browne	Gray, Ala.	Martin	Strong
Browning	Greene, Mass.	Mason	Sweet
Brumbaugh	Greene, Vt.	Mays	Swift
Buchanan	Griest	Meeker	Taylor, Ark.
Burnett	Hadley	Miller, Wash.	Taylor, Colo.
Burroughs	Hamilton, Mich.	Moon	Templeton
Butler	Hamlin	Morgan	Thomas
Byrnes, S. C.	Hastings	Neely	Thompson
Byrns, Tenn.	Haugen	Nelson	Tillman
Campbell, Kans.	Hawley	Nichols, Mich.	Timberlake
Candler, Miss.	Hayden	Nolan	Tinkham
Cantrill	Hayes	Norton	Treadway
Caraway	Heaton	Oldfield	Van Dyke
Carew	Heflin	Oliver, Ala.	Venable
Carlin	Hicks	Osborne	Vestal
Carter, Okla.	Hilliard	Overmyer	Vinson
Cary	Hood	Overstreet	Voigt
Chandler, Okla.	Houston	Paige	Waldow
Clark, Fla.	Howard	Park	Walker
Clark, Pa.	Hull, Tenn.	Parker, N. J.	Walsh
Classon	Humphreys	Peters	Walton
Collier	Husted	Phelan	Ward
Cooper, Ohio	Hutchinson	Polk	Wason
Cooper, W. Va.	Jacoway	Powers	Watkins
Copley	James	Pratt	Weaver
Cramton	Johnson, Ky.	Purnell	Webb
Crisp	Jones, Tex.	Quin	Welling
Currie, Mich.	Juul	Raker	Welty
Dale, N. Y.	Kearns	Ramsey	Whaley
Dale, Vt.	Kehoe	Ramseyer	Wheeler
Dallinger	Kelly, Pa.	Randall	White, Me.
Denison	Kennedy, Iowa	Reed	White, Ohio
Dewalt	Kettner	Robbins	Williams
Dies	Kiess, Pa.	Roberts	Wilson, Ill.
Dill	Kincheloe	Robinson	Wilson, Tex.
Dominick	King	Rogers	Wingo
Doolittle	Kinkaid	Romjue	Winslow
Dowell	Knutson	Rose	Wise
Drane	Kraus	Rouse	Wood, Ind.
Dyer	La Follette	Rubey	Woods, Iowa
Eagle	Langley	Rucker	Woodyard
Elston	Larsen	Sanders, Ind.	Wright
Emerson	Lazaro	Saunders, Va.	Young, N. Dak.
Esch	Lea, Cal.	Schall	Young, Tex.
Evans	Lee, Ga.	Scott, Iowa	Zihlman
Fairfield	Lenroot	Scott, Mich.	

NOT VOTING—61.

Campbell, Pa.	Fairchild, G. W.	Kennedy, R. I.	Sanders, La.
Capstick	Flynn	Kreider	Sanders, N. Y.
Carter, Mass.	Focht	LaGuardia	Scott, Pa.
Chandler, N. Y.	Fuller, Mass.	Linthicum	Scully
Church	Gallagher	McKinley	Smith, Mich.
Costello	Garland	Maher	Smith, C. B.
Curry, Cal.	Gillett	Mann	Smith, T. F.
Darrow	Glass	Nicholls, S. C.	Steagall
Davidson	Gregg	O'Shaunessy	Sullivan
Dooling	Hamill	Parker, N. Y.	Switzer
Doremus	Haskell	Price	Tague
Doughton	Heintz	Ragsdale	Vare
Drukker	Hollingsworth	Rayburn	Wilson, La.
Dunn	Johnson, S. Dak.	Riordan	
Estopinal	Jones, Va.	Rodenberg	
Fairchild, B. L.	Kelley, Mich.	Rowland	

So two-thirds not having voted in the affirmative, the motion to dispense with Calendar Wednesday was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. FLYNN with Mr. HEINTZ.

Mr. WILSON of Louisiana with Mr. ROWLAND.

Mr. SULLIVAN with Mr. SANDERS of New York.

Mr. SCULLY with Mr. DUNN.

Mr. GALLAGHER with Mr. PARKER of New York.

Mr. MAHER with Mr. GEORGE W. FAIRCHILD.

Mr. PRICE with Mr. BENJAMIN L. FAIRCHILD.

Mr. LINTHICUM with Mr. GILLETT.

Mr. HAMILL with Mr. HOLLINGSWORTH.

Mr. DOUGHTON with Mr. CARTER of Massachusetts.

Mr. CAMPBELL of Pennsylvania with Mr. CHANDLER of New York.

Mr. DOOLING with Mr. MCKINLEY.

Mr. RAYBURN with Mr. DARROW.

Mr. CHURCH with Mr. DRUKKER.

Mr. ESTOPINAL with Mr. GARLAND.

Mr. JONES of Virginia with Mr. DAVIDSON.

Mr. DOREMUS with Mr. HASKELL.

Mr. GLASS with Mr. COSTELLO.

Mr. GREGG with Mr. FOCHT.

Mr. NICHOLLS of South Carolina with Mr. KELLEY of Michigan.

Mr. O'SHAUNESSY with Mr. CURRY of California.

Mr. RAGSDALE with Mr. KENNEDY of Rhode Island.

Mr. RIORDAN with Mr. SMITH of Michigan.

Mr. SANDERS of Louisiana with Mr. SWITZER.

Mr. CHARLES B. SMITH with Mr. VARE.

Mr. TAGUE with Mr. KREIDER.

Mr. THOMAS F. SMITH with Mr. RODENBERG.

Mr. STEAGALL with Mr. SCOTT of Pennsylvania.

The result of the vote was announced as above recorded.

CALL OF COMMITTEES—CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Committee on Immigration and Naturalization was called.

DEPORTATION OF CERTAIN ALIENS, ETC.

Mr. BURNETT. Mr. Speaker, I am authorized by the Committee on Immigration and Naturalization to call up the alien slacker bill—H. R. 5667.

The SPEAKER. The Clerk will report the title.

The Clerk read the title of the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes.

Mr. LONDON. Mr. Speaker, I make the point or order that there is no quorum present.

The SPEAKER. The vote completed less than two minutes ago showed a quorum present.

Mr. LONDON. But there is no quorum present now.

The SPEAKER. No business has been transacted since the presence of a quorum was disclosed. The point is overruled. The House automatically resolves itself into the Committee of the Whole House on the state of the Union with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 5667, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. FLOOD. Mr. Chairman, I desire to make a preferential motion.

Mr. BURNETT. Mr. Chairman, I believe that having charge of the bill I am entitled to recognition.

The CHAIRMAN. The Chair understands the gentleman from Virginia [Mr. FLOOD] is entitled to make a preferential motion.

Mr. FLOOD. Mr. Chairman, I move that the consideration of this measure now pending be postponed until February 27, the third Calendar Wednesday from to-day.

Mr. STAFFORD. Mr. Chairman, a question of order.

The CHAIRMAN. The gentleman from Virginia moves that the consideration of this bill be postponed until three weeks from to-day, February 27.

Mr. BURNETT. Mr. Speaker, I make the point of order that that motion is not in order on Calendar Wednesday.

Mr. DOWELL. I desire to raise the further point of order that that motion is not in order in the Committee of the Whole.

Mr. SHERLEY. If I understand the motion of the gentleman from Virginia, it is that the committee rise and report the bill with that recommendation.

SEVERAL MEMBERS. Oh, no!

Mr. FLOOD. I want to modify my motion.

Mr. BURNETT. I make the point of order that the gentleman has made his bed and must now lie on it. If he withdraws his motion, then I demand recognition.

Mr. SHERLEY. Mr. Chairman, I rise to make a preferential motion.

The CHAIRMAN. The gentleman will state it.

Mr. SHERLEY. I move that the committee do now rise and report the bill with the recommendation that its consideration be postponed until February 27.

Mr. BURNETT. Mr. Chairman, I make the point of order that there is already a motion pending.

Mr. SHERLEY. My motion is preferential.

The CHAIRMAN. The gentleman from Kentucky has made a preferential motion which is in order.

Mr. LITTLE. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLE. Is the motion to rise a preferential motion?

The CHAIRMAN. On Calendar Wednesday this is a preferential motion.

Mr. LITTLE. Is the motion that the committee rise a preferential motion?

The CHAIRMAN. Not the simple motion that the committee rise.

Mr. LITTLE. That is the motion, that the committee rise.

The CHAIRMAN. The motion is to postpone the consideration of this bill——

Mr. LITTLE. I beg your pardon. The gentleman made a motion that the committee rise.

The CHAIRMAN. And that the consideration of this bill be postponed, and that is a preferential motion.

Mr. LITTLE. The motion does not amount to anything at all, except the part of it that says that the committee shall rise. The rest of it simply goes to that. If the motion to rise is a preferential motion, then this motion is in order. If it is not, then it is not in order. I make the point of order that this is not a preferential motion, because it is a motion that the committee rise.

The CHAIRMAN. The Chair holds that the motion made by the gentleman from Kentucky is a preferential motion.

Mr. BURNETT. Will the Chairman state the motion?

The CHAIRMAN. The motion is that the committee rise and that the bill now under consideration be reported to the House with the recommendation that it be postponed until February 27.

Mr. BLACK. Mr. Chairman, a parliamentary inquiry. If that motion carries, will this bill be the first in order on Calendar Wednesday on February 27?

The CHAIRMAN. It will. The question is on the motion made by the gentleman from Kentucky that the committee rise and report this bill to the House with the recommendation that the further consideration of it be postponed until the 27th day of February.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. FLOOD and Mr. SHERLEY demanded a division.

The committee divided; and there were—ayes 61, noes 106.

Mr. SHERLEY. I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. SHERLEY and Mr. BURNETT.

The committee again divided; and the tellers reported—ayes 58, noes 110.

Accordingly the motion was rejected.

The CHAIRMAN. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That any alien eligible by existing law to become a naturalized citizen of the United States, who is a native or subject of a country that is engaged in war with Germany, or with any of the other central powers of Europe, and who but for his alienage would be subject to the selective draft under the act of May 18, 1917, or under any subsequent modification or change of said act, who by himself or by anyone acting for him has heretofore claimed, or shall hereafter claim, exemption from said selective draft on account of being an alien, shall forever be denied the right of becoming a citizen of the United States, or of any of its possessions, and shall as soon as practicable be deported to the country of which he is a subject or citizen.

Any alien who may have been exempted from said selective draft on account of his alienage prior to the passage of this act may, within 60 days after the passage of this act, withdraw such exemption and submit himself to the operation of said selective draft, and in that event shall not be held to be within the operations of this section as to the forfeiture of citizenship and deportation: *Provided*, That the President is hereby authorized to make such rules and regulations as may be necessary to enforce the provisions of this section.

SEC. 2. That after the expiration of 60 days from the passage of this act the President of the United States is authorized and empowered, under such rules and regulations as he may prescribe, to draft any alien in the United States to perform such mental or physical labor on the farms, in the manufacturing establishments, or other enterprises in the United States as he may deem necessary or proper: *Provided*, That the President may exempt from the draft authorized by this section such individuals or classes of aliens as he may believe for the best interests of the United States: *Provided further*, That the expenses of carrying out the provisions of this section shall be paid out of the Treasury of the United States.

SEC. 3. That after 30 days from the passage of this act no alien who is a native or subject of any country that is engaged in the war with Germany, or with any of the central powers of Europe and who is subject to military duty in the country of his nativity or of which he is a subject, shall be permitted to enter the United States except by permission of the President of the United States, and any such alien so entering in violation of this section shall be deemed unlawfully in this country and shall be deported at the expense of the steamship company, railroad company, or other transportation company by which such alien entered the United States. Any steamship company, railroad company, or other transportation company of any nature whatsoever, or any individual who brings in or aids or assists in bringing in any alien excluded by this section shall be fined not less than $1,000 or by imprisonment for not exceeding one year, or both such fine and imprisonment, and any steamship or other water transportation company against which this fine is assessed shall not be granted clearance papers until such fine is paid or secured in such manner as the Secretary of Labor shall prescribe.

The Secretary of Labor is empowered to hear and pass on all violations of this section and to assess and collect the fine provided herein, and to adopt such rules and regulations as may be necessary to carry out the provisions of this section.

SEC. 4. That this act shall not apply to accredited officials of foreign Governments nor their suites, families, guests, or servants.

SEC. 5. That this act shall only remain in force during the continuance of the war with Germany, except as to the provisions of section 1 hereof.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] is recognized for one hour.

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURNETT. I desire to ask if I have a right to give some of that hour to other Members on the same side of the question.

The CHAIRMAN. The gentleman has a right to yield any of that time he pleases to any other Member of the House.

Mr. JOHNSON of Washington. Is the debate limited to one hour?

The CHAIRMAN. Two hours; one hour on a side.

Mr. BURNETT. Mr. Chairman, if the agreement could be made in the committee, which I believe can not be made, I would be willing to extend the time. There are quite a number of gentleman who want to speak, and if we could agree on an hour and a half on a side I would be glad to do so. I do not want, however, to do anything that will imperil final action on the bill to-day; but I believe that agreement can not be made in the committee.

The CHAIRMAN. That agreement can not be made in the committee.

Mr. BURNETT. Even by unanimous consent of the committee—that is true.

Mr. JOHNSON of Washington. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Washington. It is understood that after one hour occupied by the gentleman from Alabama [Mr. BURNETT], there is another hour for the opponents to the bill.

The CHAIRMAN. The rule provides that the proponents of the bill are entitled to an hour, and then some one opposed to the bill is entitled to an hour. If there is anybody on the committee opposed to the bill he would control that hour.

Mr. STAFFORD. As I understand, Mr. Chairman, the gentleman from Washington [Mr. JOHNSON] is opposed to the bill and is a member of the committee, and is therefore entitled to an hour at any time when the gentleman from Alabama reserves the balance of his time.

Mr. BURNETT. Mr. Chairman, I would like to agree to an hour and a half on a side.

Mr. JOHNSON of Washington. It has just become known that I might control the time in opposition, and I have had requests to use an hour and a half on this bill. This is a controverted subject, and I think we ought to have two hours on each side.

Mr. BURNETT. I could not agree to two hours, for that would mean a postponement of the bill to another day. I guess we had better let it run along for the present.

The CHAIRMAN. The gentleman from Alabama is recognized for one hour.

Mr. BURNETT. I will ask the Chair to notify me when I have used 15 minutes.

Mr. LITTLE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLE. The gentleman from Alabama is supposed to occupy one hour, and then some one opposed to the bill to occupy an hour, which consumes all the time.

The CHAIRMAN. Either one has a right to yield any part of his time to anyone else.

Mr. BURNETT. Mr. Chairman, the bill which we are considering, H. R. 5667, is short and I shall very briefly call atten-

tion to what its purposes are. The first section of the bill simply says:

That any alien eligible by existing law to become a naturalized citizen of the United States, who is a native or subject of a country that is engaged in war with Germany, or with any of the other central powers of Europe, and who but for his alienage would be subject to the selective draft under the act of May 18, 1917, or under any subsequent modification or change of said act, who by himself or by anyone else has heretofore claimed, or shall hereafter claim, exemption from said selective draft on account of being an alien, shall forever be denied the right of becoming a citizen of the United States, or of any of its possessions, and shall as soon as practicable be deported to the country of which he is a subject or citizen.

Mr. Chairman, the necessity for this bill is obvious. The section of the country from which I come is not so seriously affected by the alien slacker as other parts of the country. We are interested in it in a general way because there are more than a million aliens in this country, according to the statement of the War Department, between 21 and 31 years of age that have registered. A large majority of these claim the benefit of their exemption, and under the new classification those who claim it have been put in class 5, which means that they will never be called.

The question for us to consider is whether that is right and just to men in America, native born and naturalized, who are fighting the battles, to a great extent, for the very existence of the countries from which these slackers come. I understand that more than 200,000 Italians alone have been registered who are aliens and not subject to draft. So, in a general way, the whole country is interested, because suppose in the next draft we get three or four hundred thousand who have escaped the draft so far, that would materially reduce the number of our own people who would have to be called.

Now, as to our right to do this: This bill does not conflict with any treaty. The argument to the contrary is far-fetched. The right to deport an undesirable alien is inherent in the sovereignty.

Mr. FLOOD. Will the gentleman yield?

Mr. BURNETT. No; I can not; I have only 15 minutes.

Mr. FLOOD. I thought the gentleman had an hour.

Mr. BURNETT. But I have asked to be called down in 15 minutes.

Mr. FLOOD. The gentleman makes an assertion that it is not in conflict with the treaty but will not discuss the proposition. Will the gentleman read the treaty with Italy in 1871?

Mr. BURNETT. I have not it before me, and the gentleman can read it in his own time.

Mr. FLOOD. I have no time.

Mr. BURNETT. The gentleman can get time from the gentleman who is on the same side that he is and controls that time.

Mr. FLOOD. The gentleman announced that he had an hour and a half to give away, but I am not in it.

Mr. STAFFORD. Would the gentleman permit me to make a suggestion not to be taken out of his time. Would it be agreeable in the discussion of this proposition to have the time allotted into four parts of three-quarters of an hour each, one part to be controlled by the gentleman from Alabama [Mr. BURNETT] in favor of the proposition, one part to be controlled by the gentleman from Virginia [Mr. FLOOD], on the Democratic side, in opposition, one part to be controlled by the gentleman from Washington [Mr. JOHNSON] in opposition, and one part to be controlled by the gentleman from California [Mr. HAYES]?

Mr. BURNETT. That would amount to three hours. I would have no objection; I would be perfectly willing to have three hours' debate if there is not going to be any filibuster conducted.

Mr. STAFFORD. I am no party to any filibuster; I am trying to allot the time so as to be divided equally on both sides.

Mr. BURNETT. Mr. Chairman, I hope this will not be taken out of my time.

Mr. BAKER. Can we get unanimous consent, Mr. Chairman, to extend the time beyond two hours in the committee?

The CHAIRMAN. By unanimous consent and no point of order being made against it.

Mr. BAKER. That is it; no point of order being made against it. Let us take the two hours and then take the bill up and pass it.

Mr. BURNETT. Mr. Chairman, I want to say that I will yield to my colleague, Mr. HAYES, the ranking member of the minority of the Committee on Immigration and Naturalization, one-half of the hour allotted to me.

The CHAIRMAN. The gentleman has the power to do that.

Mr. BURNETT. Now, Mr. Chairman, I am going to read one little paragraph from Moore's International Law, page 68, on our right to deport aliens:

It is a sovereign right belonging to every independent power to determine whether it will or will not receive foreigners within its territorial limits as residents, and having granted such permission, it has the same right to determine whether it will or will not revoke it and send such persons out of its country.

Justice Fields, in the Chinese-exclusion cases (130 U. S.), on page 130, says:

The power of exclusion of foreigners being an incident of sovereignty belonging to the Government of the United States, as a part of those sovereign powers delegated by the Constitution, the right to its exercise at any time when, in the judgment of the Government, the interests of the country require it, can not be granted away or restrained on behalf of anyone. The powers of government are delegated in trust to the United States, and are incapable of transfer to any other parties. They can not be abandoned or surrendered, nor can their exercise be hampered when needed for the public good by any considerations of private interest. The exercise of these public trusts is not the subject of barter or contract.

Mr. Chairman, every year we are deporting aliens. The present immigration law, and the law that has been in existence for years, permits the deportation of an alien who has become a public charge within a certain time, and we can do that under the present law at any time before they have been here five years. If they become public charges for any matter that occurred before they came into this country, we have that right; and, as I said a moment ago, it is inherent in sovereignty to deport undesirable aliens at any time.

This bill does not contravene the treaty with Italy or with any other country which says there shall be no compulsory military service. This bill puts the matter up to the alien. It says, "If you claim exemption while your neighbors, American and naturalized boys, are going to fight for the very existence of your countries, you are undesirable aliens, and sovereignty will exercise its right of deportation." [Applause.] The bill further says that such a man shall be forever barred the right of becoming an American citizen. My good friend upon the committee, Judge SABATH, has suggested an amendment which strikes me as being fair and right, which he will offer, and that is to give these people 60 days in which, after the passage of this law, they may voluntarily leave the country. These very questions came up during the Civil War. Secretary Seward then acted under the law which authorized the drafting of aliens with first papers. A man simply declaring his intention of becoming an American citizen is not a citizen until he has made his final proof and final renunciation of allegiance to foreign kings and potentates. That power inheres in sovereignty, and certainly with the provision that Judge SABATH says he intends to offer, there can be no controversy over it.

I think the second section should be stricken out. That allows the President the right to draft for civil service neutral aliens and alien enemies. The Secretary of State, in discussing that proposition before the Committee on Military Affairs thought that it would involve us in very serious controversies with neutral countries, and in that view I think he is correct. For that reason, at the proper time, I expect to move to strike out section 2.

The third section provides that there shall be no admission of aliens who are subject to military service in the cobelligerent countries during the period of the war. Suppose their military duty extends to 40 or 50 years, as it does in some countries, they ought not to shirk that military duty, but ought to stay there and perform it. For that reason we make it a violation of this law for them to come in, and steamship companies will be fined for violating it. The immigration authorities, of course, can not impose imprisonment, although they have the right to collect the fine, if transportation companies bring people here who are subject to military duty on the other side in cobelligerent countries.

All that the first section of this bill does is to say that these aliens who claim exemptions when our boys are being sent to the trenches fighting for the very existence of their countries shall not be permitted to become citizens and shall not stay here. We are fighting to make democracy safe. Their countries are fighting for their very existence; and shall we allow those men to sit back and sneer at the American boys and say, "Me no fight; me take your job, and you go fight," just as hundreds of gentlemen from the North and from all over this country have heard said and thrown in the faces of their constituents. [Applause.] It is a question of inherent justice to our own flesh and blood.

As to deferring this matter until the State Department shall act, the Chamberlain bill, of a somewhat similar character, was passed on the 4th of August in the Senate. This bill was reported about the same time to this House. I went before the Committee on Military Affairs and told them that I had no pride of authorship in the bill, and that my committee had none, and asked them to report the Chamberlain bill and get it on

the floor of the House, where it could be amended, if it was not right, and passed. Because of the fact that it had already passed the Senate, it had a parliamentary advantage over our bill.

Mr. QUIN. Did not the State Department tell that Committee on Military Affairs that if it would hold the bill off they would get these negotiations all through and have it fixed by the 1st of December?

Mr. BURNETT. Exactly; and yet they have not done so. I am not criticising the State Department. I know that it sometimes takes long years to negotiate great treaties on important matters, and if we pass this bill and send it over to the Senate, and in the meantime these countries in their negotiations with the State Department speed up, and there are some treaties effected, then the Senate can easily amend the bill and leave out those countries that have agreed to the like purposes as those embraced in this bill. It is merely for the purpose of getting early action that I am trying to hurry the passage of this bill. We have been delayed. It was away back in September when the Secretary of State was before the Committee on Military Affairs and made that statement. The gentleman from Virginia [Mr. FLOOD] said the other day that Wednesday after Wednesday had passed and that I had not called the bill up. My committee has not been called Wednesday after Wednesday. I was not, so far as I am concerned, waiting on the State Department, because I knew, without criticism of that department, that it would take time, and I did not believe they would ever get an agreement with the Italian Government. I believe that the Italian Government does not desire that their aliens shall be sent back. They do not want them drafted here, because it is more to their interest to have them take the jobs of American boys at increased wages and send the money back to replenish the depleted exchequer of that country than it is to have these men fight either in their armies or in our own. Will we stand idly by and see this done?

These aliens throw themselves back here and say, "We will get the protection of this country, we will get the benedictions of a great and free land," but when it comes to standing side by side with the boys you are sending to the trenches, they throw themselves back in the harness and say, "We are aliens, and therefore we can not be compelled to fight." This bill puts the option up to the alien. It simply allows him to choose whom he shall serve. We have the right to deport them. It must not be done in a harsh manner, and therefore it is left to the President, and the bill provides that as soon as practicable these deportations shall be made. Knowing many of them, as I and as you gentlemen do, I do not believe there will have to be many deportations, because when they know that the option is up to them either to fight or go back, they will withdraw their claims of exemption and take their places side by side with the boys of our constituents back home. [Applause.] They do not want to be sent back home.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. I can not. All of this bill, except the first section, ends with the war. The purpose of that was that if we could not provide ships during the period of the war to deport them, then that after the war these men who have made themselves so disagreeable and undesirable must be sent out of this country and forever forfeit the right to become American citizens.

Mr. Chairman, I have the authorities here that I could read on these various questions, but they are so well established that I deem it unnecessary at this time to further call attention to the law giving us the right to deport undesirable aliens. A question of international law is involved as well as the question of treaty, but, gentlemen, this bill is so framed that, in my humble judgment and in the judgment at least of a large majority of my committee, there is no infraction of a treaty and no violation of international law. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to yield five minutes to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. Mr. Chairman, I think anyone would have to oppose this bill in its present form in spite of the fact that it has a very good purpose. It has mixed up deportation and naturalization. They stand on entirely different principles. Deportation ought, in courtesy, to be done only by treaty, especially with our allies; but even on deportation this bill has been drawn so that it only deports men who belong to a nation that is at war with Germany and bars from entry only those who are subject to military service. The effect of that is odd. An Englishman would be barred because he is subject to military service; an Irishman would not, because he is not subject to military service. A Canadian, as long as he is not subject to military service, would not be barred, neither would an Australian or a New Zealander, but you send a Frenchman or an Italian or an Englishman back. Those are the only ones who would be barred from entry under the third section. And again, if there are enemy subjects here they are now given full power to stay here and do as they please and they will not be deported; they can not be, in fact. We have not got the tonnage to deport, and "as soon as practicable" means after the war, and that provision ought to be left out. It is amenable to objection and is objected to by the State Department.

The other part of this bill, to bar those who claim exemption from naturalization, nobody can object to, neither the State Department nor any foreign country. This bill would say that an Englishman or Frenchman or Italian who comes from countries that are really fighting and have military service shall not be naturalized. Now, there is a broad principle. If there are any men in this country, even enemy subjects, Austrian or German—I know boys who came here when they were six months old and who tried to get into the United States Army and fight—those boys after the war is over or even now ought to be allowed to become American citizens, men who have been here and have become Americanized. Besides there are a great many people here from neutral countries, from Holland and other countries. They have a right to stay here. They can not be deported. No agreement would be made to deport them. But those neutrals who are here and do not want to become American citizens in this time of stress or fight under the flag of the United States or any of its allies ought not to be allowed to be American citizens hereafter, neutrals though they be. They can carry on business here, but they shall not become American citizens unless in this critical time they are ready to do a citizen's duty. Mr. Chairman, we want to get at the good purposes of this bill and to do nothing that would interfere with treaties for deportation and the settling of that matter through the State Department in a proper way, and therefore I have prepared a bill to amend the naturalization laws so that no alien in this country who says he will not perform the duties of a citizen shall hereafter become a citizen. I will read this, although I do not know whether I have the time to do so:

Be it enacted, etc., That hereafter the privilege of naturalization and of becoming a citizen of the United States shall not extend to any person who shall claim exemption from military service by reason of his not being a citizen of the United States unless such person within 30 days after making such claim shall actually enlist in this or some other country for military service against the nation with whom the United States is at war.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARKER of New Jersey. The second section provides for past cases in the same way.

Mr. BURNETT. Will the gentleman yield some of his time? I believe I used 14 minutes.

Mr. JOHNSON of Washington. Mr. Chairman, I shall only take a few moments at this time to say I am compelled to oppose this bill. Since I have had the honor of a seat in Congress I have worked in every way possible to restrict immigration. We now see some of the penalties of a large and a loose immigration, and I venture to assure those who are on this floor that this sort of legislation will not cure the present trouble, but will make the present situation, in fact, infinitely worse and more confused. Further, Mr. Chairman, I dislike to hear any Member of this House say he proposes to pass a bill here as a scare, to scare people, and send it to another body, there to be corrected when treaties now under negotiation come into force.

Mr. Chairman, I am opposed now and forever to letting it be known for one hour that the United States makes any of its treaties mere scraps of paper. I am firm in the conviction that this legislation proposes to violate the treaty solemnly entered into by the United States with Italy.

Further, I have firmly resolved, and have so stated on the floor, that I would support the President of the United States during this war. I mean to do it. To fly in the face of the State Department is not to support the President. We know that when treaties are made through our State Department and that we have but one means of communicating with foreign countries, and that is through the President of the United States, it can not be right in my opinion for this House to attempt legislation of this kind, which will throw us into turmoil at once with certain countries and possibly later with countries now neutral—Sweden, Norway, and possibly others. I am sincere in my opposition. I hate to oppose certain features of the bill. I know this is a great hue-and-cry measure. It has been unfortunate that the alien who had not even taken out his first papers was able to laugh and jeer at the alien next door who had taken out his first papers and was subject to the draft.

I have not time just now to read the document from the State Department before me, but I am satisfied that the passage of this legislation even by one body would throw not only the forth-

coming draft into confusion and disturbance, but would create a sound of misunderstanding throughout the country among those who have come here to enjoy our liberties and to whom we have not yet given the full rights of citizenship.

Mr. CHARLES B. SMITH. Will the gentleman yield?

Mr. JOHNSON of Washington. I will be glad to yield.

Mr. CHARLES B. SMITH. I wanted to ask how this measure would affect our relations with foreign countries?

Mr. JOHNSON of Washington. It certainly will affect the Finnish population of this country and the Polish population.

Mr. STAFFORD. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. STAFFORD. I take it the second paragraph of section 1 is liable to the construction given by the gentleman from Washington. But if the committee will accept an amendment by inserting after "any," in line 5, the word "such," then it would be limited to those aliens only who are citizens or subjects of countries that are at war. Under the present phraseology of "any alien who may have been exempted" it is not limited to aliens who are subjects of countries that are at war with Germany.

Mr. JOHNSON of Washington. Mr. Chairman, I desire now to yield five minutes to the gentleman from Missouri [Mr. BORLAND].

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. BORLAND. Mr. Chairman, there is not any good reason that can be advanced why citizens of a country at war with the central powers should not serve either in the armies of their own country or in the armies of the country where they may chance to be residing. That, as I understand, is the purpose aimed at by this legislation, and with which most of us are in sympathy. I have repeatedly had that subject up with aliens in my own district, and I have uniformly told them it was their duty to serve with our Army or their own army. The only question is as to the best and most effective means of accomplishing that purpose. I do not believe this bill will accomplish its supposed purpose.

This bill is simply a species of retaliatory legislation, which is a very bad species of legislation. In all respects retaliatory legislation is bad. While we might have the power to say that an alien must serve, or, refusing to do so, may be deported, for every nation has the right to exclude, in the last analysis, from its own society members whom it does not desire. It would simply invoke retaliatory legislation against Americans who happened to be residing abroad. Every nation would have the same right to pass retaliatory legislation against our citizens who happened by any reason to be in those countries.

Mr. COX. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. COX. Does not the gentleman feel that if we have American citizens abroad that are unwilling to come home and join our Army over here and fight with our troops, we ought to be permitted to go abroad and draft them?

Mr. BORLAND. Not in all cases. I know many young men who are engaged in driving ambulances over there, and doing other necessary and humane work, many of them with credit, and lots of them would have to come home. Some of them might be drafted into other armies, who are not liable to military service in this country at all.

There are many reasons why that form of retaliatory legislation should not be indulged in. I understand the State Department is working out a plan whereby the resident aliens in this country will be subject to military service, and if that can be done it is infinitely preferred to this method of retaliatory legislation. It is infinitely to be preferred to have a treaty with our allies in Europe to the effect that their citizens resident in this country shall be subject to our draft law, and thereby get the military service of the man himself rather than to go to the retaliatory extremity of deporting him in case he refuses voluntarily to submit to the draft. Now, with that kind of a solution, a solution by treaty, the rights of Americans resident abroad can be properly protected. In this kind of legislation they can not be. According to my judgment, there is infinitely more argument in favor of the treaty method of dealing with this subject than the retaliatory legislative method of dealing with the subject. I can not believe but what the treaty method will be much more effective. Under no circumstances, it seems to me, ought we to pass this law until Congress is satisfied that the countries involved will not enter into an effective treaty on the subject.

But the very reverse is the case. We are told by the State Department that the countries involved are making every effort to enter into a satisfactory treaty. Manifestly it is not an easy thing to do. Manifestly it must contain exceptions of certain rights, certain occupations, of certain classes of citizens. There are many complications we can easily foresee in the terms of such a treaty, and I have no doubt that the nations in good faith are trying to work that out. I am confident our State Department is attempting to work it out in the utmost good faith and for the express purpose sought to be reached in this bill. I have not any reason to doubt that representatives of other countries are working with equal diligence to bring about a satisfactory solution of the question. Now, as long as that is true, as long as we have the assurance that both sides are anxious and willing to solve this problem in the most effective way it can be solved, it seems to me it would be entirely hasty and improper for Congress to pass this law and then send it over to another body and say that if in the meantime it develops we have violated any treaties we will let another body correct our mistakes. That is not the way in which we ought to approach this question. We ought to solve this problem so as to get the men into the ranks, and I believe this bill will not do it. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BURNETT. Mr. Chairman, I yield to the gentleman from California [Mr. HAYES] 30 minutes. We have divided the time.

The CHAIRMAN. The gentleman from California is recognized for 30 minutes.

Mr. HAYES. Mr. Chairman, I desire to use only a small portion of my time.

I am very much surprised, Mr. Chairman, to hear the gentleman from Missouri [Mr. BORLAND] state that this is "retaliatory" legislation. That is not the spirit of it at all. It is not the purpose, and it can not have that result. Whenever an alien comes to this country and enters our industries the presumption is that he comes here to form a part of our population, whether he intends ever to become naturalized and become in a legal sense a citizen or not; and, if so, it seems to me he owes the same obligation to the country which extends to him protection and of whose opportunities he has taken the fullest advantage—he has the same duty that the man who was born upon the soil has.

But this bill does not even go so far as to include all such aliens. It aims only to include those who owe a double duty to get into the war and to defend the rights not only of this country but of the country from which he came and to which he owed allegiance. He has a double duty. That is the only class of aliens that this bill affects—those aliens who are citizens or subjects of the countries at war with Germany or the central powers of Europe; and if a man has the right sort of manhood in him it seems to me he would not desire to be exempted from military duty, but would be willing to serve either in the armies of this country or of the country of his birth. This bill gives him an opportunity to do military duty either in this country of which he is a resident or in the country of his birth. He may take his choice.

Now, Mr. Chairman, the State Department has had months—six months, at least—to negotiate any treaties that may be necessary. I feel certain that no treaties are necessary in this case. They have not done it, and it seems to me it is about time that these young men in the United States who have this double obligation should be made to take their places shoulder to shoulder with our own boys who are going out to fight for the rights of America.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman.

Mr. COX. Last summer Congress passed a bill, did it not, empowering our allies to come here and voluntarily recruit their own people?

Mr. HAYES. It did.

Mr. COX. Does the gentleman know how England, France, and Italy are getting along in this country, recruiting their own men in this country, to go back and fight for their own country?

Mr. HAYES. I think they have made some progress, but I presume not great progress from the experience I have had in my own district.

Mr. COX. About the time Congress adjourned, three months after we had passed that law, I wrote to the English Embassy here in Washington to know how many men they had recruited under the law that Congress had passed giving them the power to come here and recruit their own men. If I recollect correctly, it was about 2,200 men, all they were able to muster; and yet it is conceded that England has 400,000 men in this country subject to military duty.

Mr. HAYES. Mr. Chairman, many of them have volunteered. I do not want to put any slurs upon Englishmen who are resident in this country. I know from my personal knowledge that there are a great many men who ought to be willing to fight and ought to be included in the first draft who are claiming exemption as aliens when their own country and when this country are at war with Germany.

Now, Mr. Chairman, I have so many requests for time that I do not intend to take up much myself to discuss this question. But I want to say that this bill does not affect those mentioned by the gentleman from Missouri [Mr. BORLAND], who are here temporarily. If they have not a permanent residence in this country or a fixed place of abode, of course, they are not obliged to register, and they will not be listed among those who are to be drafted and included in the armed forces of the United States. This bill does not reach those at all. It reaches only those who are permanently here, who intend to be citizens of the United States, and who ought not to be here if they do not so intend.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. JOHNSON of Washington. Assuming that there is a large section of Finnish revolutionists somewhere on the Pacific coast, does the gentleman fancy making them into a United States regiment of troops?

Mr. HAYES. No; but I would favor enlisting them in a regiment of American boys among whom they reside, and placing upon them the duties that devolve upon every citizen of military age, or else oblige them to get out. That is the way I feel about it. [Applause.]

Now, Mr. Chairman, I reserve the balance of my time. How much time have I consumed?

The CHAIRMAN. The gentleman has consumed six minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield before he closes?

Mr. HAYES. Yes.

Mr. GRAHAM of Pennsylvania. Will the gentleman point out in his bill where there is any discrimination created by the language of the bill against those who are here temporarily and those who are here permanently as residents?

Mr. HAYES. There is nothing in the bill, I think, that expressly makes any distinction between the two classes of aliens. A man who is only temporarily in this country is not obliged to register, and so will not be included in the selective draft.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. SNYDER. Will the gentleman define what a "temporary resident" here means?

Mr. HAYES. If a man is here as a traveler or on business temporarily, and intends when his business is completed to return to his own country, of course he is not a resident of this country, and he would not be included.

Mr. SNYDER. That would not contemplate including any man who is a single man working here in an industry and living with some man who is a resident?

Mr. HAYES. He would be a resident.

Mr. SNYDER. And he would be included?

Mr. HAYES. He would be included, of course.

Mr. JAMES. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. JAMES. If you wait until a treaty has been negotiated between the United States and Russia regarding the Finnish, it will mean that we will never get the Finnish in either army, because there is a treaty between the Grand Duchy of Finland and Russia which exempts them from military duty.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. McKENZIE. Is it not a fact that all aliens here temporarily, as suggested by the gentleman from Pennsylvania [Mr. GRAHAM], would have 60 days to get out, even if this law went into effect?

Mr. SCOTT of Michigan. The third line in the bill, it seems to me, thoroughly explains the inquiries of the various gentlemen in regard to the language used. It is, "That any alien eligible by existing law to become a citizen." It seems to me that solves it. If he is not a resident, he would not be included.

Mr. HAYES. No.

Mr. SNYDER. Mr. Chairman, will the gentleman yield again?

Mr. HAYES. Yes.

Mr. SNYDER. Will the gentleman explain further how long a man could maintain a temporary residence in this country without becoming eligible to citizenship?

Mr. HAYES. He might maintain it for a lifetime.

Mr. SNYDER. That would not be a temporary residence, if he was here for a lifetime.

Mr. HAYES. If he is here expecting to return, he does not become a permanent resident here. The gentleman is an attorney and is familiar with the law in regard to residence.

Mr. SNYDER. No; I am not an attorney.

Mr. HAYES. If a man goes to a place not intending to make it his home, he never becomes a resident.

Mr. SNYDER. I am in favor of this bill and I am looking for information. I have in my employ quite a number of aliens who ought to be citizens, and I want to know how long these men can remain in this country and be considered temporary residents and not subject to this act.

Mr. HAYES. Mr. Chairman, as a matter of law, the residence of a man is controlled entirely by his intention, as manifested not by what he says but by the things that he does—by his acts. If his actions indicate that he is here only temporarily, he never becomes a resident, and therefore he would not be liable under this law at all.

Now, Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman and gentlemen of the House, I am strongly in favor of this bill. I did not know that we had to have a treaty with any other country in order to expel from this country an undesirable alien; and if there is any alien in this country who will not fight for this country in this hour, he is undesirable and should be expelled. [Applause.]

If there is any alien now living in this country who feels that he would be better off somewhere else I would suggest that he immediately go to such a place.

Why did these aliens leave their native land; why did they leave their fathers, mothers, sisters, brothers, wives, and children and come across the Atlantic to live in a new land? Why did they give up old associations that were dear to them, old friends, old scenes? They did these things because they wanted to better their condition. They did these things to get better wages, better living conditions, a better form of government; in fact, they came here to find liberty, as they had been oppressed in their own countries.

They found here an asylum where they could enjoy liberty, religious and civil; where they could work and receive sufficient compensation for their labor. They have received all these blessings, all these privileges, all these opportunities in America. We are now engaged in the greatest war this country has ever known, and the result of this war will determine whether these liberties which they have enjoyed shall be continued or whether the world shall be ruled by the form of government that caused many of them to leave their native land. If there are any aliens living in this country who have lived here long enough to become citizens, and who have enjoyed all these privileges they should either be subject to military service or they should leave the country. [Applause.]

Mr. HARDY. Will the gentleman yield for a question?

Mr. EMERSON. I have not the time. If I had the time I should be glad to yield. The citizen or alien who will not stand up and fight for the institutions of this country should not enjoy the privileges of being an American citizen.

If this country is not strong enough and intelligent enough to make these aliens do their duty then we are not strong enough and intelligent enough to win this war.

Statistics show that in the city of Cleveland, where I live, that in many precincts 3 aliens have registered to 1 citizen. These aliens sit quietly by, enjoy this liberty, this prosperity, this great advantage of living in America and yet they owe no obligation to defend these liberties when they are endangered. And besides, they laugh at the American boy who has to be sent across 3,000 miles of ocean and fight. But while I believe we should make aliens fight for this country, I believe if the alien does fight for this country he is good enough to become a citizen of this country without further act of naturalization. [Applause.]

This war is no pink-tea affair. We see the possibilities of defeat staring us in the face unless we use every ounce of energy we have. Three thousand miles of ocean may be all that saves us from having the enemy on our own soil. The allies' fleet may be all that keeps the foe from our door. Suppose then the allies' fleet is removed from between us and the enemy, are we prepared to meet the enemy? We should have every available man possible. Our large cities are filled with aliens who work at our high wages, enjoy our privileges, and drink of our prosperity, but share none of the responsibilities. Will it always be thus?

If we permit the alien to do this, he is willing, as long as we will permit him to do it. How long will we continue? But

it is an outrage upon the young men of this country who are called upon to bear this extra burden. How long will we continue to be the laughing stock of the world. [Applause.]

If we do not do something now, how are we going to ask the fathers and mothers of this country to buy liberty bonds, to buy Red Cross stamps, to buy all these other things we are asking them to buy? How are we going to ask them to have wheatless days, meatless days, heatless days, workless days, and perhaps worse than this even before this war is over?

Let us pass this alien-slacker bill and force Mr. Alien to pay back in part for the privilege of living in this land of the free, where he can educate his children, where he can worship God as he pleases, where he can work for high wages, where he can have all the comforts of an orderly home.

These privileges we give to every alien who seeks shelter under the protection of the Stars and Stripes, but we ask the alien to uphold the institutions of this country in peace and in war. After we have given him all these privileges, I feel it is not asking too much if we insist that he pay back some of this obligation. This is a war of efficiency more than a war between countries. The question to be determined is, Which is the more efficient—a democracy or an autocracy? That will be the question that is settled by this war, and there should be no draw. If the Kaiser wins, then autocracy will be classed as the more efficient form of government; if the allies, with our aid, win, then a democracy will be considered the most efficient form of government.

If we win, then it will be considered best for all citizens to vote and have a voice in the Government. If the Kaiser wins, then it will be considered that the few are better qualified to have a voice in the Government.

It seems to me that if I were an alien and had fled from a land of militarism, a land of oppression, a land where the few governed the many, and had come to a land where I could speak and act as I felt, where I could enjoy liberty in its fullest sense, where I could take a part in the running of the Government; if I could have all these privileges, and came here because I could have them, after I had been here and enjoyed these same privileges for many years, and I found these privileges and these liberties endangered, I would be willing to fight for these liberties and privileges that I might hand them on to my children and those who came after me. [Applause.]

Many aliens are willing to do this; many aliens have enlisted voluntarily; many aliens have waived these exemptions and have entered the Army. They are just as good as if they were Americans, and I am willing to welcome to our great American family those who make this sacrifice.

But the contemptible alien slacker who has enjoyed all these privileges belongs in the first-line trench, and there is where he should be placed. [Applause.]

Mr. BURNETT. I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, the chairman of the committee [Mr. BURNETT] has answered, I think sufficiently, the question as to treaties, so far as it affects this bill and its provisions. I will not go into that phase of the question at this time.

There are but two provisions in the bill. The committee will ask to strike out section 2. The first provision is that no one shall remain in the United States who is subject to the provisions of the draft law and will not participate in the war, either in this country or his native land, or withdraw his exemption claim, or who hereafter makes application for exemption under the draft law. In other words, the effect of the first section of the bill is to prohibit aliens eligible by existing law to become naturalized citizens of the United States who are natives or subjects of countries which are at war with Germany or with any of the other central countries of Europe from ever becoming American citizens when they have claimed or shall hereafter claim exemption from the selective draft. The section also requires the deportation of such aliens as soon as it is practicable to do so.

Second, which are the provisions of section 3 of the bill, those who are fighting with us and are natives of England, France, or Italy, should not be permitted to come to this country pending the war. In other words, their draft limit is higher than ours, and the man over 30 should remain in his own country and give the service to his country where he belongs in its hour of need and distress. We should not open the doors for a man of that kind who will not fight for his own country, but seeks to come to America, where we can not draft him. [Applause.]

I want to call the attention of the committee to the fact that among those registered under the draft last year there were 1,275,907 men who were aliens.

The total number registered under the provisions of the selective draft act of May 18, 1917, was 9,649,938, of which 1,229,259 were classified as aliens. According to the summary sheets in the office of the Provost Marshal General, this latter number does not include those subjects of foreign countries who have declared their intention of becoming citizens of the United States but who have not completed their citizenship here. There are, therefore, a large number of registrants not classified as aliens who, under treaty stipulations, if exercised, would be exempt from compulsory or other military service. Below is given a table showing the total number of registrants by States and Territories and the number of such registrants classified as aliens:

	Total of all registered.	Aliens.	Alien enemies.
Alabama	181,614	1,183	77
Arizona	36,932	14,652	193
Arkansas	149,441	517	75
California	296,732	67,464	3,948
Colorado	88,874	9,323	472
Connecticut	159,955	58,631	1,111
Delaware	21,864	2,883	92
District of Columbia	31,930	1,560	79
Florida	84,600	5,682	208
Georgia	251,418	1,224	159
Idaho	41,117	5,970	176
Illinois	672,498	95,145	6,051
Indiana	255,145	13,651	1,149
Iowa	240,290	11,714	1,822
Kansas	148,849	6,404	298
Kentucky	190,225	910	186
Louisiana	157,464	2,958	268
Maine	60,407	10,196	58
Maryland	120,245	7,603	896
Massachusetts	359,321	106,014	1,508
Michigan	374,249	70,009	2,750
Minnesota	221,745	99,509	1,971
Mississippi	129,525	867	45
Missouri	299,825	10,992	1,008
Montana	88,273	11,790	687
Nebraska	118,407	5,251	998
Nevada	12,688	3,703	77
New Hampshire	37,942	9,507	79
New Jersey	302,742	77,372	4,959
New Mexico	32,409	4,324	198
New York	1,000,693	235,538	30,985
North Carolina	293,093	532	34
North Dakota	65,007	7,205	615
Ohio	568,035	89,909	4,138
Oklahoma	159,211	2,947	249
Oregon	62,922	6,234	480
Pennsylvania	834,389	180,754	5,455
Rhode Island	53,468	15,043	126
South Carolina	148,039	447	58
South Dakota	58,251	2,095	417
Tennessee	189,573	867	72
Texas	413,852	27,024	1,043
Utah	41,952	7,145	344
Vermont	27,098	3,508	56
Virginia	181,826	2,575	179
Washington	188,330	16,001	201
West Virginia	119,978	10,521	470
Wisconsin	238,384	23,522	3,401
Wyoming	22,948	3,353	329
Porto Rico	104,650		
Indians	6,001		
National parks	85	4	2
United States	9,780,935	1,275,902	89,538

Under the selective-draft law quotas from the States and Territories and subdivisions were based upon the estimated population thereof, and in many subdivisions the registration returns showed a very large percentage of registrants classified as aliens. In some cases the percentage of those classified as aliens exceeds 65 per cent of the total number registered. This situation works a hardship on the citizen population of a community, and the man who under the laws of his native country may be obligated to render military service is resting here answerable to no one. I want to state to start out with, and to suggest that possibly 50 or 60 per cent of those men claimed their exemptions because they were advised by counsel or by their friends that if they made the claim that they were aliens they would be exempt. Having this advice and the facts being with them they took advantage of it. Among American boys I understand that the percentage has been very high of those who claimed exemption. The other 40 per cent of the aliens who are intent upon avoiding service are the ones who spoil the whole basket of apples, and we should enact a law that will reach all of them. If a man will not enter the service of this country in its present need—and here we have more than 1,200,000 of them—if he will not go to his own country and assist his own country in making the same fight that we are making, there can be no distinction between them. We are

all fighting for the same cause, fighting the same common enemy. If one wins, we all win. These men should beyond cavil be ready and willing to give their service. If not, they do not belong in the United States and the sooner we get rid of them the better.

Mr. GARD. Will the gentleman yield?

Mr. RAKER. I would be pleased to if I could, but not at this time. I have only five minutes. Now, we say to these men, "Gentlemen, you have come to this country to receive its benefits. You are beyond the pale of the law of your own country. They can not reach across and bring you back to France, England, or Italy." These other countries are willing that we should pass a law that will prevent these men claiming exemption, or that if they claim the exemption they will be deported. That is all there is in this bill. Place this law on the statute books, so that everyone may understand that there is no exemption for an alien of England or France or Italy, and that if he does claim that exemption he will be deported. Further, he can never become a citizen of America. When you do this we will find that there will be a ready response and but few will ever be in a position to be deported. We hope 95 per cent, at least, will withdraw their claims to exemption and will enter the service of this country, because they know that the very moment they are deported and landed on the shores of England, France, or Italy, if they are within the military age, they will be drafted and placed in the armies of their own native country, where they ought to be. From one end of this country to the other complaint has been made that here is an American boy who has been drafted, while here is an alien who is exempted, without any effort on the part of the American Congress to fix it so that the alien shall serve either in this country or his native land. There is dissatisfaction with the father, mother, and relatives of our boys that this alien who is receiving the benefits of this exemption does not participate in this country or in the service and army of the country to which he belongs. [Applause.] This bill should pass. It is workable. Good results will follow its enactment.

Mr. BURNETT. I ask the gentleman from Washington [Mr. JOHNSON] if he will use some of his time?

Mr. JOHNSON of Washington. Mr. Chairman, how much time have I occupied?

The CHAIRMAN. The gentleman has 46 minutes left.

Mr. JOHNSON of Washington. Mr. Chairman, I presume that under legislation such as this any alien can be forced to become a drafted soldier of the United States and then to become a citizen. That would end that. It might be said that any man, alien or otherwise, who was good enough to fight for this country, even when drafted, is entitled to become a citizen. In the brief inquiry I have made I had difficulty in finding the status of an alien in the United States Army. It may be interesting to some of the Members to know that in 1894 an act was passed limiting enlistments in time of peace to citizens or persons who have made their legal declaration of their intention to become citizens. In 1898 enlistments in the Reserve Corps were limited to citizens or persons who have made legal declaration of their intention to become citizens.

The act of 1917: Voluntary enlistments under act of May 18, 1917, subject to the same qualifications as under existing law, except as to age.

Enlistments in Navy: Revised Statutes, 1420, as amended by act of August 22, 1912 (37 Stat., 356, sec. 2), certain disqualifications for enlistment prescribed, but nothing said with respect to citizenship. There is apparently no law restricting the enlistment of aliens during either peace or war. Aliens are, however, excluded, even if they have declared their intention to become citizens, under article 3524 of the Navy Regulations of 1913.

Naturalization of enlisted men (Rev. Stat., 2166): Aliens who have enlisted in the Regular or Volunteer Army may become citizens after honorable discharge without having made declaration of intention to become citizens.

The act of July 26, 1894 (28 Stat., 124): Aliens who have enlisted in the Navy or Marine Corps may become citizens after honorable discharge without having made declaration of intention to become citizens.

The act of June 30, 1914, is practically the same as the act of July 26, 1894.

All that this bill is for is to camouflage the people and satisfy the hue and cry about Americans who submit to the draft while their alien brothers are here and do not have to submit.

Mr. HAYES. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. HAYES. Did the gentleman find any law of the United States that would affect the status of these draft aliens after the war?

Mr. JOHNSON of Washington. The first-paper citizens who go into the draft now? What would happen to a man drafted into the Army when he came back here after the war?

Mr. HAYES. He would make his proof as usual.

Mr. JOHNSON of Washington. After fighting for the United States?

Mr. HAYES. Yes; under force.

Mr. JOHNSON of Washington. And the man would not have a right to vote, and yet he fought for America, came back, and has to apply for papers for helping to defend this country under force.

Gentlemen, is it legal, is it in keeping with the democracy of America, to force a man of military age to give up his country, his nationality, or else leave the country and be classed as an undesirable criminal after he has lived in America, to give up his citizenship?

Mr. BURNETT. And yet the present draft law includes them. That is an assault on the present draft law.

Mr. JOHNSON of Washington. Personally, I am sorry the draft did not require the registration of all aliens.

Mr. BURNETT. It does, between the ages of 21 and 31.

Mr. JOHNSON of Washington. I mean all aliens, whether of draft age or not—aliens and alien enemies of all ages.

Mr. SHALLENBERGER. What does the gentleman from Washington say to the second section, which provides that the President is authorized and empowered, under such rules and regulations as he may prescribe, to draft any alien in the United States to perform such mental or physical labor on the farm, in the manufacturing establishments, or other enterprises as he may deem necessary or proper?

Mr. JOHNSON of Washington. I am told that that section is to go out. At the time I took my original position against this bill that preposterous section was supposed to be one of its star features.

Mr. Chairman, I have here a letter from the Secretary of State, giving his objections to this legislation at this time. In his letter he does not call attention to the fact that the President, through the State Department, is the agency through which the United States deals with other countries, but we all know that to be the fact. But in the letter written to me some time ago—and he has since written letters to other Members—the Secretary of State begs that this legislation be not taken up while his department is engaged in negotiating "draft" treaties. Mr. Chairman, that we have passed much important war legislation because it has been requested by the President of the United States and that the President wanted the legislation as a war measure has been enough. And now, when the Secretary of State in a dignified way requests Congress to withhold legislation on this subject, it is, in my opinion, the least this body can do to give heed to the request of that department, which is organized to deal with the foreign governments.

Mr. BARNHART. Will the gentleman read that letter to which he refers?

Mr. JOHNSON of Washington. I will be glad to read it. This letter is dated September 17, 1917. I think that anyone who has given attention to the matter will know that it takes time to negotiate treaties, and I have wondered where the Congress of the United States would have stood if before the war its Members had read that the allies had proposed to draft citizens of the United States. I can hear the voices ringing now calling for protection of American citizens.

Mr. McLAUGHLIN of Michigan. Is the letter the gentleman refers to from the State or the War Department?

Mr. JOHNSON of Washington. It is from the State Department, from the Secretary of State. The letter is as follows:

MY DEAR MR. JOHNSON: I have received your letter of September 15, in which you request an expression of my views regarding the provisions of H. R. 5667, which provides for the deportation under certain circumstances of citizens or subjects of the countries who are at war with the "central powers of Europe"; for the drafting of "any alien in the United States" to perform certain classes of "mental or physical labor on the farms, in the manufacturing establishments, or other enterprises in the United States," and for other purposes.

You are doubtless aware of the provisions of Senate resolution No. 108 of July 31 (calendar day Aug. 1), 1917. Acting in pursuance of the provisions of this resolution, the department has undertaken to initiate negotiations with each of the allied powers looking to the conclusion of agreements providing for the drafting of the citizens or subjects of either of the contracting parties who may be residing in the territory of the other country. These agreements, it is hoped, will cover the various needs and desires of each country with respect to military service of the citizens or subjects of those countries who may be residing in the United States, as well as of the citizens of the United States residing in those countries.

That is the argument, statement, and request of the Secretary of State, Mr. Robert Lansing.

Mr. SNYDER. I would like to ask the gentleman if he has anything nearer the present time than that letter?

Mr. JOHNSON of Washington. I understand that the chairman of the Committee on Foreign Affairs, which, in my opinion, is where this bill ought to have been considered and not in the Committee on Immigration, has such a letter, dated only one week back.

Mr. SNYDER. That is five months ago.

Mr. JOHNSON of Washington. And in the meantime treaties have been negotiated with Great Britain and Canada and are in process of negotiation with Italy and France.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. I would like to ask the gentleman if he has any information showing that the State Department has ceased to live in a state of hope and has gotten down to some actual realities?

Mr. JOHNSON of Washington. I just stated that negotiations for two treaties were announced as concluded with Great Britain and Canada.

Mr. WALSH. Simply the negotiations; but does the gentleman not understand that it is the purpose of the State Department to wait until all the cobelligerent nations have accepted treaties before any of them are sent to the Senate?

Mr. JOHNSON of Washington. It is not the purpose of this legislation to help the State Department; it is being passed for the purpose of scare and camouflage. I reserve the balance of my time.

Mr. WALSH. I do not think that is a proper statement for the gentleman to make.

Mr. JOHNSON of Washington. I believe that to be the fact, nevertheless. From the statements made at the very beginning of this debate, I think it is apparent that no one expects this bill to do more than pass the House of Representatives. Here we can make great talk for it, please our constituents, and offend only those in our districts who can not vote. No wonder the bill is popular. But is it right? If it was really desired to enact legislation to catch the alien slacker, why not turn this bill inside out, and make it read so that our allies may come to the United States and draft their nationals? That would get the slackers of our allies who may be, and doubtless are, hiding out in the United States in very considerable numbers. Such legislation would violate no treaty, and, as a matter of fact, would be in accord with the treaties now in process of negotiation by the State Department.

Mr. Chairman, I have not discussed, nor shall I discuss, the other paragraphs of this bill—the deportation and other clauses. We are told that section 2 is to be taken out. The sections following that one may be all right, but I base my objection to the bill on the fact that the State Department, which has the right to say, requests that the bill be not passed.

Mr. BURNETT. Mr. Chairman, I yield three minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, in view of the fact that on another occasion I addressed myself to the subject matter of this bill at length in this House, I do not propose to burden the House with any extended remarks at this time. I have watched the attempts of those who oppose this legislation to base their opposition on some reasonable grounds, but everything that has so far shown itself has been a fishing expedition since we started this discussion up to the present time, and it has reached nowhere. Not a single reason has been advanced against the passage of this legislation. I am one of those who believe that thousands of men in this country who will come under the operation of an act such as this are not so anxious to evade service, but they have been assured that there is a grave doubt whether or not they shall ever be subject to service; and if we pass legislation now, I believe a great percentage of those men will speedily respond to the call, not because they have been scared but because a doubtful question has been settled. That is so in Boston, and I believe it is so in every large city in the country. I said before that not an argument has been advanced against the passage of this bill. My friend from Alabama [Mr. BURNETT] has said that no treaty rights are involved. I think he is a pretty good constitutional lawyer, and his judgment on that point is good enough for me. The gentleman from Washington [Mr. JOHNSON] tried to find an argument that Sweden and Norway and other neutral countries were brought in under this bill, and it is evident that he has not read the bill.

Mr. JOHNSON of Washington. Will the gentleman let me state the countries that are included under this bill?

Mr. GALLIVAN. I have only three minutes.

Mr. JOHNSON of Washington. I will yield the gentleman an additional three minutes.

Mr. GALLIVAN. Very well; go ahead.

Mr. JOHNSON of Washington. I think I have a statement here. Foreigners have the right to live here as long as they wish without being citizens of the United States of America, exactly as Americans have the right to live, as they do, in Mexico, Cuba, Venezuela, Turkey, China, Canada, Spain, France, without, for that matter, becoming Mexicans, Venezuelans, Turks, and so forth. That is just one of the difficulties you get into. I yield the gentleman three minutes of my time.

Mr. GALLIVAN. I am grateful to the gentleman. I do not believe the gentleman made clear what he attempted to make clear. At any rate I can not connect his observation with anything I have said. I am fearful that he was not following me. I repeat what I have already said. Not a single argument has been advanced against the passage of this bill, and even the men who stood here an hour ago trying to filibuster and prevent its consideration have all taken to the woods. [Laughter.] Like the Arabs, they have folded their tents and have silently stolen away.

I hope the committee will finish the discussion of this bill in the two hours provided by the rule, and that under the five-minute rule we shall go to work speedily and that before this House adjourns to-day the bill will have been passed by an overwhelming majority of this House. [Applause.]

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. GALLIVAN. Yes.

Mr. MEEKER. Would that entitle this to be called the Flood elimination bill, inasmuch as the gentleman has said that all of its opponents have taken to the woods?

Mr. GALLIVAN. Not coming from the regions near the Mississippi, I do not quite gather what this has to do with "floods." Mayhap the gentleman from Missouri refers to the gentleman from Virginia.

Mr. MEEKER. I rather think the gentleman got the point.

Mr. GALLIVAN. Let us waste no more time. We have been asked by the War Department to hurry through an amendment to the selective draft which will compel the registration for service of all American boys who have passed the age of 21 years since June 5 last. And in the same breath we are besought to delay the passage of this bill which will force the alien "welcher" to get on the line or get out of this country. For myself, unless this bill passes, I shall hesitate in giving my support to the first proposition which I have mentioned; if we get the aliens, we may not need the others, and pray God we may never need them. [Applause.]

Mr. Chairman, pass this bill to-day and help to correct what would otherwise be a gross injustice. Pass this bill and the mothers of the boys now in France and in the camps and the cantonments will feel sure that there is no discrimination—that rich and poor, high and low, citizen and noncitizen, are all within the power of the Government. This Nation will then truly stand as a symbol of inviolable justice. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, I would not be in favor of this bill at this time if I knew that the State Department would negotiate treaties with other Governments at war with Germany in time to get their subjects who are in this country into the military service in time to do some good, but in the absence of knowledge that they will negotiate such treaties in time to get those subjects into the military service so that they can accomplish some good, and particularly in the first draft, I feel justified in voting for the bill. I think that the subjects of other Governments at war with our enemies who are in this country should be compelled to come into our military service or into the service of their own country. It has been a great injustice to our own people, I think, that the subjects of other countries fighting with us against a common enemy should be counted in the quota of men to be furnished under the draft law, and yet should be exempted from military service and be permitted to remain at work here when our own boys were compelled to go to war to fight for their Governments as well as ours.

But I rose particularly to ask the chairman of the committee a question in regard to section 3 of the bill. That section provides that after 30 days from the passage of the act no alien who is a native or the subject of any country that is engaged in war with Germany or the central powers shall be permitted to enter the United States "except by permission of the President of the United States." In view of the fact that the House and the country well know the views of the President of the United States on admitting foreigners to this country, he having been persistently opposed to the Burnett immigration bill and having vetoed it after both Houses of Congress had passed it, does not the chairman think that that exception in section 3 will absolutely destroy the effect of this section of the bill, because the President, unless he changes his views entirely on the immigration question, will permit all foreigners, regardless of their illiteracy or other undesirable qualifications to come into the country. The President's views on that question are well known. And unless that exception is stricken out he will probably nullify the section by a general Executive order permitting them all to come in.

Now, if that is true, does not the chairman think that exception ought to be taken out of section 3?

Mr. BURNETT. I will say to the gentleman that the purpose of that is because we are constantly getting foreigners over here from those countries who do not come within the scope of section 4, which says it shall not apply to accredited officials of foreign Governments nor their suites, families, guests, or servants. There are frequently men who come here not accredited but for the purpose of consultations, negotiations, and so forth. I do think the suggestion of the gentleman should not prevail, because the purpose of this would be to keep those men who are subject to military duty over in their own country, and while the President was opposed to the immigration bill, I do not believe that he would oppose the idea that these people who are subject to military duty should stay over in their own country and fight its battles. That was the reason that this authority was given the President.

Mr. DENISON. In view of the President's position on this matter, and this will permit foreigners to come in here, that he did not want to exclude even those who are illiterate and could not read or write; in view of the well-known position of the President, does not the chairman think it would give him a blanket permission under this exception?

Mr. BURNETT. I do not think so.

Mr. DENISON. Why not? The chairman certainly does not think the President would change his mind on the question?

Mr. BURNETT. No; that was a peace measure. Of course, the President would certainly be in accord with the principle that these men over there who are subject to military duty ought not to be allowed to come into this country, and this is to keep them out unless the President, for some good reason, should permit individual cases to come in.

Mr. DENISON. Does not the chairman think the bill ought to specify any reason which would permit them to come in and let the law be specific and take this extraordinary power out of the hands of the President?

Mr. BURNETT. We could hardly——

Mr. MADDEN. Stop the President from changing his mind?

Mr. DENISON. We would like to, if we could.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Will the gentleman from Washington yield some more of his time?

Mr. JOHNSON of Washington. I yield to the gentleman from Virginia [Mr. FLOOD].

The CHAIRMAN. How much time?

Mr. JOHNSON of Washington. How much time have I remaining?

The CHAIRMAN. The gentleman has 25 minutes.

Mr. JOHNSON of Washington. I yield the gentleman 15 minutes.

Mr. FLOOD. Mr. Chairman, I am in full sympathy with the proposition that aliens living in this country and enjoying the blessings of our free institutions and American prosperity should do their share of the fighting to uphold the American cause and the American flag, but I am opposed to this House or this Congress or this Government taking any action or enacting any law that violates a provision or provisions of treaty or treaties which we have with our cobelligerents or any other nation and I am opposed to this House passing a bill that violates the accepted principles of international law which have been accepted by civilized nations and for a violation of which we entered this war. [Applause.]

Mr. DENISON. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. DENISON. In view of the fact the Constitution makes the treaties as well as the Constitution the supreme law, how could this House enact a law violating a treaty?

Mr. GORDON. We could do it the same as we do when we pass a law violating the Constitution.

Mr. FLOOD. We could do it. Right now the gentleman has a concrete demonstration of how this House proposes to enact a law violating a number of treaties.

Mr. DENISON. We may pass a law, but it would not have any effect because——

Mr. FLOOD. The gentleman means the law would not have any effect?

Mr. DENISON. That is what I mean.

Mr. FLOOD. Perhaps the President might protect the honor of this Nation under the provisions of the Burnett bill by not exercising the power given to him under it, and the Supreme Court would certainly declare it violative of some treaties we have entered into with our cobelligerent nations.

Mr. DENISON. He could do it by ignoring the act of Congress.

Mr. GORDON. He could veto the bill, too.

Mr. FLOOD. He could veto the bill. I am opposed, I will say to the gentleman, to the House itself going on record as being willing to violate the provisions of a treaty that we solemnly entered into with one of the great nations of this world and one that is our cobelligerent——

Mr. GORDON. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. GORDON. It has been repeatedly denied by speakers here on this floor within the last half hour that this bill violates any treaty. Will the gentleman be kind enough to advert directly to the language of those treaties which are violated by this proposed legislation?

Mr. FLOOD. I will. I do not see how anyone with an impartial mind could put any other construction upon the language of the treaty we have with Italy than that it is a violation of the treaty. The bill does not purport to violate a treaty. It does not do it in a brave and manly way. It resorts to subterfuges and evasions, but nevertheless it violates these treaties.

Mr. MADDEN. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. MADDEN. Is it the gentleman's opinion that if this bill should become a law it would provide authority under which the Government of the United States could draft aliens of our allies, or nationals of our allies, who are not subject to draft at home?

Mr. FLOOD. I had not considered it with reference to that phase, but I think so. I should think you could draft any aliens under the provisions of this bill.

Mr. GORDON. I call the attention of the gentleman to the fact that the Irish are not liable to conscription in their own country, but that they would be under this bill.

Mr. FLOOD. I will say to the gentleman it is not necessary to discuss that, because our Government has entered into a treaty with Great Britain and also with Canada to provide for the drafting of their nationals, and they are in process of negotiating a treaty with Italy and France.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. LONGWORTH. Would the gentleman state just what provision of our present treaty with Italy he believes this violates?

Mr. FLOOD. Article III of our treaty of commerce and navigation, negotiated in 1871, provides that our citizens shall be exempt from compulsory military service either on land or sea in the regular forces or the national guard or militia. We have practically a similar treaty with Japan and Serbia.

Mr. MOORE of Pennsylvania. That is, Italians in the United States.

Mr. FLOOD. Yes; that is what this bill refers to.

Mr. MOORE of Pennsylvania. The treaty says that?

Mr. FLOOD. Yes.

Mr. PHELAN. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. PHELAN. Will not that same section apply just as well against our drafting of Italians who have taken out their first papers and whom we have already voted to include in our draft bill?

Mr. FLOOD. We ought to regard our treaty. Whatever is the proper and honest construction of a treaty is what we ought to be bound by. Simply because we find it is convenient or it is to our interest to do a certain thing does not justify us in violating a treaty. We solemnly entered into this treaty with this great nation. We should live up to the obligations assumed under them until we are released in a regular and orderly and legal and honorable way.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. LONGWORTH. I am asking for information. Does the taking out of the first papers or the declaration of an intention to become a citizen of the United States thereby remove that individual from the operation of that clause of the treaty?

Mr. FLOOD. It would not.

Mr. LONGWORTH. If it does not it is not a violation, but if it does it is a violation. That is the vital point.

Mr. KAHN. If the gentleman will yield, I wish to say that Gen. Crowder was before the Military Committee yesterday

and stated that that provision of the law which takes in those who have declared their intention to become citizens was not being enforced.

Mr. FLOOD. Regarding the treaty?

Mr. KAHN. Yes, sir.

Mr. FLOOD. The Military Establishment of the Government is observing the laws of nations and is respecting the treaties the Government has made.

Mr. DENISON. I have the highest respect for the gentleman's opinion, and that is the reason I asked the question awhile ago. If we should pass this law and the State Department should advise the President that it contravenes the treaty, the practical result would be that the State Department would probably do so and would be justified in ignoring the law?

Mr. FLOOD. I think the gentleman is correct about that, but I do not think that fact would justify us in passing a law that we thought violated a treaty.

Mr. GALLIVAN. I would like to ask the gentleman from California [Mr. KAHN], who made the statement that Gen. Crowder said that that provision of the draft law was not being enforced, whether or not he can state——

Mr. FLOOD. Mr. Chairman, I have limited time, and I can not yield for that purpose.

Mr. GALLIVAN. I will make it brief. Does the gentleman from California insist that none of these persons are now at the camps?

Mr. KAHN. Oh, no; if they go voluntarily.

Mr. FLOOD. If this bill becomes a law and the President exercised the powers conferred by it, he would be forcing compulsory military service upon aliens of the United States by threat of deportation or threat of being denied the right of ever becoming citizens of this country, and that would be compulsory military service, just as if we had by physical force compelled such service. And that would be a plain, absolute violation of the treaties we have with Italy and other countries.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman is chairman of the Committee of Foreign Affairs, and ought to know what he is talking about. I would like to have him answer this question: In his opinion, would the passage of this bill violate a treaty we have with any other nation?

Mr. FLOOD. In my opinion, it would violate the treaty with Japan and Serbia, and it looks to me as if the purpose of this bill is to violate the treaty with Italy.

Mr. MOORE of Pennsylvania. This bill does not meet with the approval of the Secretary of State at the present time, does it?

Mr. FLOOD. It does not. The Secretary of State, through some of his friends on the floor here, asked for a delay of three weeks, in which our Government might negotiate treaties with some of our cobelligerents, just as we have with England and Canada.

Mr. MOORE of Pennsylvania. Would the passage of this bill in its present form embarrass the Secretary of State or the President of the United States in their negotiations?

Mr. FLOOD. I was informed last Wednesday by the Solicitor of the State Department that it would not only embarrass them in the negotiation of treaties with Italy and France, but it would probably break off the negotiations.

Mr. MOORE of Pennsylvania. And this during the period of the war, when they have the responsibility?

Mr. FLOOD. Yes.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes; but I would like to get along.

Mr. ROGERS. If this bill should be so amended as to eliminate the subjects of countries with which we at present have a treaty, and if it should further be so amended as to eliminate the subjects of countries with which we might in the future make reciprocal agreements, would that overcome the objection of the gentleman from Virginia?

Mr. FLOOD. I think so.

Mr. MADDEN. That would beat the bill, would it not?

Mr. FLOOD. I would have no objection to it.

Mr. HAYES. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. HAYES. The gentleman, I know, would not knowingly make a misstatement. By its terms this bill would not affect the Japanese at all in this country.

Mr. FLOOD. We have a provision in the treaty with Japan similar to the one I read in the treaty we have with Italy.

Mr. HAYES. The gentleman would not claim that by its terms at least this bill undertook to include in the draft any aliens?

Mr. FLOOD. No. I said that it did not. I said that by subterfuge and evasion they——

Mr. HAYES. How would you then violate the treaty?

Mr. FLOOD. You would accomplish it not by direct and plain language but, as I said just now, by evasion and subterfuge. You force compulsory military service on these aliens in plain violation of the treaty.

It is idle to argue, as the gentleman from Alabama [Mr. BURNETT] has done, that such aliens are free to leave the United States or free to remain and not enter the military service upon being denied the right of becoming citizens of the United States, or of being deported as soon as practicable. Everyone knows that these threats of denial of the rights to become citizens and of deportation are the pressure of force being brought to bear upon persons exempted from the military service by treaty in order to compel them to join the Army.

Mr. WINGO. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WINGO. As I understand, the gentleman's objection is that this law will violate the terms of the treaties we have with these nations?

Mr. FLOOD. Yes.

Mr. WINGO. Does the gentleman contend that the present relations that exist could reasonably have been within the contemplation of the contracting parties at the time the treaties were made?

Mr. FLOOD. This treaty with Italy was made in 1871, and I do not think that the fact that the contracting parties did not then contemplate this great world war at this time or at any time, and that the two countries would be engaged as a cobelligerent in this war, is any justification for violating the explicit terms of that treaty.

Mr. WINGO. What I want to get is the gentleman's viewpoint as an expert on international law. The gentleman did not directly answer my question. Does the gentleman contend that the contracting parties at the time they made that treaty could reasonably have had in contemplation the conditions that exist now?

Mr. FLOOD. The great war?

Mr. WINGO. Yes.

Mr. FLOOD. I suppose not; but they had this in contemplation, that Italy might be engaged in war and we might have our nationals there, and this country might be engaged in war and they might have their nationals here. It provided that we should not draft or by compulsory force enlist Italians in any branch of our service in any war that we might be engaged in.

Mr. WINGO. That was in contemplation by the parties, and I agree with the gentleman; but does the gentleman believe that at that time the Italian Government and this Government had in contemplation a condition whereby we would be allied with them, fighting with Italy?

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. JOHNSON of Washington. Mr. Chairman, I yield to the gentleman five minutes more time.

The CHAIRMAN. The gentleman from Washington yields to the gentleman from Virginia five minutes. The gentleman from Virginia is recognized for five minutes more.

Mr. BARNHART. When the gentleman has answered other questions, I ask that he yield to me.

Mr. FLOOD. Let me go a little further, and then I will yield. Of course it is desirable that these aliens should join the Army, and I have no doubt that the treaty being negotiated between this country and Italy will make provision for the drafting of these very aliens, but because it is desirable that they should become a part of our fighting forces will not be considered justification for our violating the provisions of our treaty with reference to them, and it certainly is not an excuse for denying the State Department, which is negotiating this treaty on our part, a period of three weeks within which to complete the negotiations.

The gentleman from Alabama stated that the reason this bill had not been taken up sooner was because the Committee on Naturalization and Immigration had not before had the call on Calendar Wednesday. The gentleman then had not had a suggestion from the State Department for postponement of the consideration of this bill until either this Wednesday or last Wednesday, and when that request came, with the statement that it would greatly impede if not render impossible satisfactory completion of the negotiations, the gentleman refused to give that delay and the House sustained him. That is past, and I have nothing more to say about it.

I am glad the gentleman has determined to strike out section 2. I called attention, in the few remarks I made this morning, to the fact that the bill in its present shape would defeat the very object that its patrons and supporters had in view in reporting and passing it. It was reported on August 4, 1917—six months ago. I do not know whether I am entitled to the

credit for enlightening the gentleman from Alabama upon the serious defect in his bill. If I am, I am compensated for the efforts I have made with reference to this bill to-day. I presume I am entitled to this credit, as there was no suggestion from the gentleman from Alabama to amend it until I addressed myself to the second section of it earlier in the day. Besides being unconstitutional that section is obnoxious to the very purposes of the bill.

Many neutral countries other than those having treaties of military exemption have protested to the United States against the incorporation of their citizens or subjects into the National Army. One class of our cobelligerents based their protest upon treaty stipulations. The other class based their protest upon the general practice of nations, a practice observed by all civilized nations, not to compel neutral aliens to serve in the armed forces of a belligerent.

If this bill had become law as it was reported, cobelligerents of the United States could have protested upon both of these grounds, and the President would probably have been forced by the pressure from the nations with whom we are associated in this war, and who have suffered more than we have, and neutral nations also, to exercise the power given him under the second section of this bill and draft such aliens to perform mental or physical labor, and these aliens would have been pressed into industrial establishments of the country, while Americans would be sent abroad to the battle field. Precisely the condition which the opponents of this bill desire to avoid, and precisely the condition which will be avoided by the treaties which are being negotiated with our cobelligerents. I again express the gratification that the opposition of myself and those who voted to dispense with Calendar Wednesday has accomplished this much, so that if acting either under this law or under the treaties, the aliens of this country will be forced, in return for the blessings and benefits which they have received from America, to take their stand in the ranks by the side of American boys and help uphold the American cause and carry its flag to victory. [Applause.]

Mr. GARD. Mr. Chairman, will the gentleman yield there?

Mr. FLOOD. Yes.

Mr. GARD. Is there any distinction in the Italian treaty between the state of affairs whereby we might be at war with another country at the present time when we are an ally with Italy?

Mr. FLOOD. None in the world. There is a clear, straight, positive treaty to the effect that we will not draft or compel any of their nationals to enter any branch of our military service.

Mr. GARD. Even though we be their allies?

Mr. FLOOD. Even though we be their allies; under no circumstances without their consent.

Mr. LONERGAN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. I will.

Mr. LONERGAN. Is the gentleman, as the chairman of the Committee on Foreign Affairs, in a position to state positively for the State Department the maximum time required to complete the negotiation of the treaties?

Mr. FLOOD. I do not believe any statement could accurately be made. I talked with the Solicitor of the State Department this morning. I was informed that the final draft of the treaty between this country and Italy had been made, and some time ago sent to the Italian ambassador here, and transmitted to the Italian foreign office, and they expected a reply in a few days; but he could not say definitely when, because that depends upon the Italian Government. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. BURNETT. Mr. Chairman, I yield five minutes to my colleague on the committee, Mr. SABATH.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. SABATH. Mr. Chairman, I was indeed pleased to hear from the gentleman from Washington [Mr. JOHNSON] that he is pledged to the support of the President of the United States. I was greatly pleased to hear that he is desirous of being of service to the Department of State, and I wish to assure him that it is not my desire to do anything that would in any way conflict with the aims and efforts of the President or of the State Department.

Mr. Chairman, I am of the opinion that even if this bill be in contravention of the treaty with Italy, as claimed by several gentlemen, Italy, I am sure, shall not or can not interpose objection to it for the reason it will be of as great, yes, even greater, benefit to that nation than to our own country, and consequently we do not by our vote here to-day do any injury to Italy or any other country with which we have a treaty on this subject.

Mr. VENABLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Mississippi?

Mr. SABATH. I have only five minutes, and I desire to make a few observations on the bill.

The CHAIRMAN. The gentleman declines to yield.

Mr. SABATH. That is all I desire to say about the treaty. I disagree with the chairman of the committee as to the designation of the bill. He calls it an alien slacker bill. I do not. I call it an alien service bill. Personally I have had no requests from any of these aliens to be exempted from service; but, on the other hand, I have had thousands of requests from aliens who desire to be of service to the country, but who, owing to the provisions of our law, are prevented from serving. Therefore I think it manifestly unfair that we should call this a slacker bill. Some gentleman shakes his head. I wish to say that we have to-day over 76,000 aliens in the service of the United States who have not claimed exemption, who are there to serve, but who, because of their alienage, are deprived of the privilege of being sent to the front. I hope that within a day or two we will be able to pass a law that will eliminate that provision which prevents the War Department from sending them to the front, where they desire to serve.

Mr. GORDON. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Ohio.

Mr. GORDON. Tell me what provision there is in the law that prevents any alien from volunteering in the service of the United States, except alien enemies.

Mr. SABATH. We have thousands of designated alien enemies, so called, who have volunteered and are now in the service.

Mr. GORDON. Of course, you do not think we ought to fight this war with alien enemies in our ranks, do you?

Mr. SABATH. But the fact that they are designated alien enemies does not make them so. They are just as anxious to fight for this country as is the gentleman from Ohio. They have volunteered. They have refused to claim exemption, and are volunteering to-day; because not only are they fighting for the principles that we are fighting for but they have other reasons to fight, namely, to help their brothers across the sea who have been domineered by Prussian and Austro-Hungarian misrule and by the Hapsburg and Hohenzollern Governments. They desire to aid in bringing freedom to thousands of their oppressed brethren across the sea. [Applause.] That is the reason they are fighting; they have a double reason for fighting. I say we should not designate them as alien enemies. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BURNETT. I will ask the gentleman from California [Mr. HAYES] to use some of his time.

Mr. HAYES. Mr. Chairman, before yielding time to any other gentleman I want to say just one word in reply to the gentleman from Virginia. Two of the universally recognized elements of sovereignty are that a nation may determine the character of the aliens that it permits to reside within its borders, and that it has the right to determine under what conditions aliens shall be admitted to citizenship.

Mr. FLOOD. Does the gentleman address his remarks to me?

Mr. HAYES. This bill says that any man in this country who is so lacking in manhood as to shirk the most responsible, the highest duty of citizenship to his own country and to this country is not fit to become a citizen of the United States. That is what this bill says, and that is all it says. It does not undertake to force any alien into the drafted army or into any other arm of the service of the United States or of any other country.

Mr. FLOOD. Do you not provide for their deportation if they do not?

Mr. HAYES. Surely; we regard them as undesirable citizens. I now yield three minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, the other day in discussing the question of the new draft with an official of the Provost Marshal General's office, he stated that that office would ask the Military Committee to change the existing draft law so as to enable the War Department to secure the requisite number for the second draft without pro rating the number among the respective States. In other words, where a State on account of its alien population has failed to provide a sufficient number, the States which are without foreign or alien population are compelled to make up that deficit.

I have spent several days in camp with 30,000 American soldiers, 10,000 of whom are from Tennessee, and every one of them to a man desires and expects the American Congress to

pass this legislation. The fathers, mothers, and the wives of the men who have already been drafted or who volunteered and those who are going to be drafted during this month, those here ready to sail, and those now fighting in France to-day expect every Member of the American Congress to vote for this legislation. There is not a more serious piece of legislation which has been submitted to us for our consideration and action. You can not escape responsibility before your constituency upon a technicality or a so-called treaty over 40 years old in this matter. This bill puts the law in the hands of the President to execute. If he thinks it evades a treaty, he can prevent its execution. If new treaties are successfully negotiated that are now pending, he will have the machinery already upon the statute books to carry out this draft and make the aliens do their just share of the fighting. A foreigner in America who will not accept American citizenship, and who will not fight now for his native country for bleeding France or for suffering Italy, or to save England, to restore Belgium, for the freedom of the world and to destroy autocracy, is unworthy of the blessings of our American Government. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. I yield two minutes to the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, when this bill is reached under the five-minute rule I propose to offer the following amendment:

After the word "citizen" on page 2, line 4, insert the following: "*Provided, however*, That this act shall not be construed to supersede the provisions of any existing treaty with such country the terms of which stipulate that the United States shall not subject the subjects of such country to compulsory military service."

I think I do not need to say to this House that I am and have been for many months as much interested as any Member of the House, or any person outside of the House, in reaching the alien slacker wherever he may be found. On the other hand, we have obligations which we can not be too scrupulous in observing. We are an honorable Nation engaged in a great war to-day because the word of another nation could not be accepted and could not be relied upon. Therefore where we have a treaty, where there is a treaty stipulation, we must be most eager and most earnest to be guided by the terms of that treaty. We must lean over backward, if necessary, in order to do our full international duty.

One point of view in this House is to the effect that the Burnett law does not violate any treaty. If that be true, why not expressly say in the bill that it shall not be so construed. Another point of view in the House is that the Burnett bill does violate some treaty. Without admitting it violates any treaty, let us declare, as an honorable Nation should, that we will not to that extent regard this law as operative, but that we may be depended upon to observe our solemn international promises. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN] one minute.

Mr. QUIN. Mr. Chairman, when the Senate alien-slacker bill was before the Committee on Military Affairs last August the State Department said to the committee, "Hold this up and we will have treaties negotiated by December." The committee stood by the State Department, and here it is on the 6th day of February, 1918, and still the department talks about negotiations being in progress. This bill is to make these alien cobelligerents fight in our Army or move back to their own countries and help their own governments in this war. I am for that very thing being done now. We have to-day a million four hundred and odd thousand volunteer soldiers in the Army, and only 76,000 of them are alien cobelligerents. We have in addition to that 500,000 drafted men in the Army. Our entire Army is now 1,940,000. All full-fledged Americans except the 76,000 stated. Here are these aliens of our cobelligerents in this war, all over the country, whom we are feeding, who enjoy the hospitality of the people and enjoy the privileges of this great Government of democracy, who are doing nothing to help us in this great war, and gentlemen oppose this bill because they say it violates a treaty. It violates no treaty. Our Government can withdraw from any treaty with these nations fighting on our side in this war for the solution of all. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, in behalf of the gentleman from Washington [Mr. JOHNSON], I wish to yield the time at his disposal. I would like to inquire how the time now stands?

The CHAIRMAN. The gentleman from Washington [Mr. JOHNSON] has nine minutes, the gentleman from Alabama [Mr. BURNETT] has two minutes, the gentleman from California [Mr. HAYES] has nine minutes.

Mr. STAFFORD. Mr. Chairman, I yield two minutes to the gentleman from Mississippi [Mr. VENABLE].

Mr. VENABLE. Mr. Chairman, I do not think any man seriously contends that the treaty with Italy specifically denies the United States the right to compel military service by the nationals in this country. Now, it is argued, in the first place, that this bill is not a violation of that treaty—first, because the compulsion which is sought to be exercised is a moral compulsion instead of a physical one.

I do not think that the United States Government can be placed in the attitude of taking this position. These nationals have their homes, their families, their business here; and when you say to them that they must leave the country and sacrifice everything they have in the world unless they enter the Army you have as fully and completely coerced them as if you applied physical force or the pains and penalties of a penal law.

In the next place, it is urged and argued that this treaty, as I understand it—the gentleman from Illinois implied the argument, and it was also implied by a question by the gentleman from Arkansas [Mr. WINGO]—that because the situation is different now from what it was at the time the parties entered into the contract—and a treaty is a solemn contract—that therefore the treaty or contract is not now binding, and that one of the parties passing on the question that conditions are different can be relieved from the operation of that contract and suffer no moral guilt if he attempts it.

There is a rule of law which is a rule of common sense, and that is that when any contract is clear and explicit in terms that it means what it says literally and is not open to construction. It seems to me that it would put the United States Government in a sorry position if it, through the legislative branch, declared and ignored a solemn contract made with a foreign country, pleading in excuse that circumstances had changed, and for that reason one of the parties to the contract could pass upon that question and relieve itself.

Again, it is argued, as I understand, that this contract should be violated because a coordinate department of the Government has not succeeded thus far in getting a new agreement with the parties by which the old and binding contract is removed. Now, we all desire these national alien slackers to serve, and they ought to serve. We all appreciate the necessity of their service and the moral right to their services, but we are not to be blamed if, in order to get their services, we are unwilling to violate a solemn governmental contract, and so violate our national honor. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. PHELAN].

Mr. PHELAN. Mr. Chairman, I favor this legislation, and I hope it will pass immediately so that it may be enacted into law in time to permit the drafting of aliens for subsequent drafts. I have for months exerted every effort to get action on this necessary legislation. I spoke before the Military Affairs Committee of the House as long ago as last September, urging the report of some bill providing for the drafting of aliens residing in this country. For months past I have repeatedly conferred with the Secretary of State—Mr. Lansing—and with the Solicitor of the State Department, and also with Gen. Crowder, Gen. Bliss, and other officials in the War Department in an endeavor to bring about the enactment of legislation which will include aliens under our draft law.

I favor the passage of this bill, which will remedy an injustice and inequity which, however unavoidable in the past, can and should now be remedied.

It is an injustice to permit aliens living in the United States to avoid military service and stay at home while our American boys are fighting in the trenches. These aliens have thus far not only been permitted to escape their just burdens of the war, they have actually benefited by stepping into the jobs at home left vacant by the departure of our American soldier boys for the front. More than that, they and their families have been entirely relieved from the anxiety and sorrow attendant upon the departure of our American boys from their home circles and their families. Indeed, they have been entirely free from the danger and peril which our Nation at war has found it necessary to impose upon her sons. The time has come when we must demand that these aliens perform similar duties and assume equal burdens with our own American citizens.

I certainly do not want to see any of our treaty obligations violated. I am convinced they will not be violated by the passage of this bill. The President has full authority, even if any question arises, to prevent any violation of our treaty obligations. In the time allotted me I can not elaborate, but I am confident in the soundness of the position I assume.

I again urge the speedy enactment of this necessary legislation. The people of the country are right in their demand that

aliens be drafted. It has resulted in an inequitable distribution of the burdens of war all over the country, but especially in those communities where there is a large alien population such as the congressional district which I represent and, indeed, in the entire Commonwealth of Massachusetts. Over 30 per cent of the registrants called in Massachusetts were aliens, and approximately 25 per cent of the registrants called were exempted as aliens. In the city of Lawrence, which is a part of the district which I represent, there were so many aliens exempted that it required the calling of over 42 per cent of the total number registered to get the required quota. The Provost Marshal General's report shows that it required the calling of 4,302 registrants to get the quota of 558. The great percentage of those exempted were exempted on the ground that they were aliens. The passage of this bill will tend to rectify the inequity imposed upon such communities.

I hope, moreover, that the passage of this bill will be supplemented by legislation which I have already advocated before the Military Affairs Committee of the House designed to give credit to communities for the unduly large number of American citizens called to service and to provide that aliens already exempted shall, so far as practicable, be called in advance of American citizens.

The justice of the purpose of this bill to include aliens in our draft is so apparent that I hopefully anticipate favorable action by this House without delay.

Mr. BURNETT. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has no more time left. The gentleman from California has nine minutes.

Mr. HAYES. Mr. Chairman, I yield two minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman, we declared war 10 months ago, and about 8½ months ago we passed the selective-draft law. The figures for a part of New York City are as follows:

NEW YORK COUNTY.

Assembly district.	Election registration, 1916.	Registration for draft.
First	5,363	7,491
Second	6,600	10,221
Third	6,840	9,766
Fourth	6,190	8,657
Sixth	7,021	10,494
Seventh	6,940	6,218
Eighth	6,484	11,273
Ninth	5,808	6,862
Tenth	6,730	12,512
Eleventh	7,752	6,961
Twelfth	6,193	8,698
Thirteenth	6,559	6,457
Fourteenth	7,110	6,460
Sixteenth	7,117	6,473
Eighteenth	7,954	7,470
Twenty-fourth	5,950	7,804
Twenty-sixth	8,781	9,367
Twenty-eighth	5,697	7,755
Thirtieth	9,613	pt 10,399

BRONX COUNTY.

Thirty-third	13,146	11,812
Thirty-fourth	17,481	24,240

KINGS COUNTY.

Second	5,818	7,403
Third	5,861	7,638
Fourth	9,254	7,965
Seventh	7,922	7,285
Eighth	6,979	10,556
Ninth	19,512	17,525
Thirteenth	7,245	6,190
Fourteenth	6,528	8,367
Fifteenth	8,154	7,549
Nineteenth	7,955	8,925
Twenty-first	5,846	13,387
Twenty-third	19,861	21,903

HARLEM AND HEIGHTS REGISTRATION.

Assembly district.	Registration.	Per cent alien.	Per cent enemy.
Fourteenth	8,140	0.22	0.03
Thirty-first	7,960	.17	.01
Twenty-eighth	7,765	.12	.01
Nineteenth	8,992	.17	.03
Twenty-first	9,625	.18	.02
Twenty-third	1,121	.14	.02
Twenty-fourth	7,804	.38	.02
Twenty-sixth	9,367	.35	.01
Thirtieth	10,399	.36	.01

In the city of New York one boy out of every six is in the service under the selective-draft law. In the States where the alien population is very meager only one person out of ten is in the service. That is what we claim is the unfair and discriminatory feature of the selective-draft law. There has been no protest filed by the Italian Government against this proposed legislation, and at every other time, whenever any legislation is sought wherein citizens of Italy are to be affected, the Italian Government has protested, exercising the right which it has to do so.

Mr. FLOOD. Does the gentleman say that the Italian Government has not protested against this proposition?

Mr. SIEGEL. According to my information, I say it has not.

Mr. FLOOD. Does the gentleman know that the State Department says that the Italian Government has protested?

Mr. SIEGEL. I want to say to the gentleman that I have had correspondence with a gentleman who is in Italy, and who knows what the conditions are in Italy, and who has stated that there has been no protest against it.

Mr. FLOOD. But such a protest is not filed in the newspapers of Italy, but is filed through the Italian ambassador in America.

Mr. SIEGEL. But the same gentleman was the gentleman who transmitted the request from Italy to the United States Government that it was desirable that war be declared by the United States against Austria, in order that the war might be more effectively fought and more quickly won.

Mr. Chairman, there has been considerable said here to-day about the Italian residents of the United States. There seems to prevail here an impression that the men who came here from Italy have not responded to the call of Italy for military service. The contrary is true. More than 100,000 Italians have left this country to respond to the colors.

In the selective National Army you will find that the men of Italian descent have given their proportionate share, and in many instances have given more than there share.

It is about time that men would carefully consider the fact that the men who came from Italy have done their share in building up the country, and at the same time are just as patriotic and loyal to the United States as any there be among us.

Mr. Chairman, in conclusion let me read the following editorial from the New York Globe:

NO ROOM FOR ANY SLACKERS.

Senators LODGE and CHAMBERLAIN, who are urging the passage of a law to prevent alien residents natives of the countries of our allies from shirking military duty, should not delay bringing the question before Congress a moment longer than necessary. All slackers should be rounded up irrespective of their nationality and compelled to do their bit. Either let them serve under the Stars and Stripes or under the colors of their own country. To allow slackers of our companion nations in arms to find refuge here while their fellow men are giving their all in the struggle for world freedom is not doing our utmost for our allies. We are all one in the great fight, and we must stand together if we are to hope for victory. There must be no room in this country for the slacker, and the sooner he is given to understand this the better it will be for the cause.

Mr. HAYES. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Mr. Chairman, it seems that in the unusual condition of affairs in this world it is a sad commentary upon our ability to provide for a war in behalf of smaller nations that we should be obliged to throw the cloak of protection around the nationals of the very nations for whose very existence, according to the President, we have entered this war, and say to those nations that while we are willing to draft our own citizens and compel them to bear arms in behalf of our own Republic and incidentally these other countries, we will say to the nationals of those countries that they can abide here in peace and comfort and fill the industrial positions that have been created by reason of the fact that large numbers of our young men have been taken out of the industries and sent to war. If we pass this measure we will give notice, as representatives of the people, to the treaty-making and the treaty-confirming power that if treaties stand in the way under conditions such as exist now it is time that those treaties be abrogated and that new treaties be entered into, so that in the future, if similar conditions arise, we would not be precluded from compelling military service on the part of those who reside here, those aliens who are willing to work here and receive our moneys for their hire, and yet do not think enough of this country and its institutions to become its citizens, but who, when their country is involved in war, seek to hide behind the protecting arm of the provisions of treaties. [Applause.]

Mr. STAFFORD. Mr. Chairman, I yield two minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Chairman, I scarcely understand whether I have secured my time from the side of this question on which I wish to speak, for I am really on both sides. There

seems to be practical unanimity in the House that the provisions of this bill ought to prevail, and yet the statement is made by the chairman of the Committee on Foreign Affairs that he has been advised by the State Department that it would expedite matters if the consideration of this bill could be postponed for three weeks. If there is any one thing that the Congress of the United States ought to be doing at this time, it ought to be seeking to encourage compliance with treaty obligations with our friends. [Applause.] If, on the other hand, we want to hasten this matter of amending treaties so as to draft foreigners in our country, it seems we are going contrary to the powers that be who understand all the conditions prevailing at this time. I fully realize that it is an awful misfortune that our own boys must go to the front and that our alien allies are being permitted to remain in this country and take the jobs left by our soldiers; but we are also advised that already two treaties have been perfected and that two others are in course of negotiation, and evidently from the report of the Secretary of State they will be completed within three weeks. Also it is stated in the letter that premature action here might embarrass the situation so that the very thing we want to accomplish by this bill might be defeated. The provisions of the bill are important as justice to our soldiers who are going to the front, but the real question here is, Will we hasten matters by this action now or may we delay it by not complying with the opinion of the State Department? I think we could well afford to wait the three weeks they ask and that we ought to do it.

Mr. GOODWIN of Arkansas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request? [After a pause.] The Chair hears none.

Mr. STAFFORD. Mr. Chairman, there will be only one more speech on this side, and I understand the gentleman from California will have two speeches.

Mr. HAYES. How much time have I remaining?

The CHAIRMAN. Five minutes.

Mr. HAYES. I yield one minute to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Mr. Chairman, with the adoption of the amendment suggested by the chairman of the committee, to strike out section 2, I am emphatically in favor of this legislation. In my judgment it does not violate any treaty that we have with any country in the world. I should be glad to see treaties entered into that would make it possible to follow our slackers into Canada and the other countries and compel them to serve under their flag or under our flag. [Applause.] But of course Congress can not do that; but we can go as far as this bill goes and say to those aliens in this country, "You can either fight to help the people in your native land and help our boys fight or you can get up and get out." [Applause.] It is simply to compel them to do justice to the American boy and the heroic French citizen at home, the brave Italians, and the Englishmen who are fighting for their lives and their countries, and I have no patience with a treaty or a law that will permit these fellows to come into this country and escape the service that they owe either to their native land or to their adopted country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAYES. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Chairman, on the 18th day of May we passed the selective-draft law and we, with great acclaim, said that 9,500,000 men had registered for military service; but when we come to analyze the character of the men who have registered we find a very large part of them claimed exemption from military service because they are aliens. For instance, take the twenty-second district of Pennsylvania, where I live and which I represent and about which I know. Forty-three thousand two hundred men registered. Out of that number 10,292 claimed exemption from military service because they were citizens of another country. We have two classes of aliens—aliens that belong to the enemy and aliens that belong to our friends. Now, gentlemen, we have a duty here to enforce against every man who comes into the United States and enjoys the benefits of our country, its schools, its opportunities to live and educate his children, and acquire a fortune, that they also bear some of the burdens of our Government. The statistics show that over 80 per cent of those who claimed exemption in western Pennsylvania have been here sufficiently long to become naturalized if they wish to be, but they did not intend to become citizens. They propose to escape the obligations of citizenship and enjoy all of the benefits of our Government, and I am against that proposition. And how do they seek to do it? It is urged on this floor that they are entitled to do it because of a treaty existing between their native country, for instance, and the United States. The Supreme Court of the United States has said something upon this question of the validity of treaties. Every treaty that is entered into, gentlemen, is made with the distinct understanding of all the high contracting parties that it is subject to the sovereignty and the inherent power of the nation to control its own internal affairs, and no foreign treaty is contracted that will impair that inherent right of sovereignty. In the case of Fong Yue Ting v. United States (149 U. S., p. 698) it is said:

> The right to exclude or expel aliens, or any class of aliens, absolutely or upon certain conditions, in war or in peace, [is] an inherent and inalienable right of every sovereign and independent nation, essential to its safety, its independence, and its welfare.

Under this decision, at the time our treaties were made with France, England, and Italy, who are now our allies, these were made subject to the right of the United States to regulate its own internal affairs. That was understood by us, just as it was reserved by the other signatory parties to such treaty to themselves, and all treaties must be so read and so understood.

This evil of the alien slacker is an internal evil. It faces us. Every able-bodied alien male citizen between the ages of 21 and 30 is subject to the sovereignty either of our country or of our allies above named, and should be required to perform military service either for us or for their native country. They have no right to escape entirely. That proposition is admitted by all. Yet the registration has disclosed that practically one-fourth of the men in the district which I represent can claim exemption because they are alien residents.

The effect of this is that while the registration of men subject to military service is large, the actual quota must be filled from less than three-fourths of the registrants, and to that extent falls heavier upon the native-born Americans and those already naturalized. The effect has been to compel our native Americans to go into the service and fight this war, while this large number of foreign residents who are aliens remain at home, enjoy the protection of peace, and succeed to the good jobs made vacant by the Americans.

This situation is not only unfair, unjust, but it is intolerable, and is becoming more so with each recurring draft call.

Now, this bill proposes briefly as follows:

It is entitled "An act to provide for the deportation of aliens, and other purposes," and was introduced in this House August 3, 1917, and has been pending since that date.

Section 1 provides that any alien liable to become a citizen of the United States who is a native or subject of any country at war with Germany or any of her allies and who but for his alienage would be subject to the draft under the act of May 18, 1917, and who has claimed exemption on the ground that he is an alien, shall be hereafter barred from becoming a citizen of the United States and shall be deported as soon as practicable, but permits any alien who has been exempted on account of his alienage within 60 days after the passage of this act to submit himself to the operation of the selective draft, in which event he shall not be within the operation of this section and forfeit his citizenship or be deported.

Section 2 provides that 60 days after the passage of this act the President is authorized to draft such aliens to perform mental and physical labor on the farms and in manufacturing establishments, or he may make such disposition of such aliens as he deems best to the interest of the United States.

Section 3 provides that after 30 days from the passage of this act no alien who is a native or subject of any country at war with Germany, or with any of the central powers of Europe, who is subject to military duty in his native country, may be permitted to enter the United States, except on permission of the President, and provides penalties against steamship companies violating its provisions.

Section 4 exempts foreign representatives in our country.

Section 5 limits the operation of the act to during the war.

In brief, then, this act is an effort upon the part of Congress to pass a law which will prohibit aliens who are eligible to become American citizens, by reason of having resided in the United States the time required and having the other qualifications for citizenship, from longer remaining here and at the same time escape military service during the present war. If they have not been here a sufficient length of time, then this act will compel them to work on farms or manufacturing plants under military supervision or be sent back to their native country, to become soldiers and fight with our allies.

This act does not deal with the "alien enemy" who is compelled to register under another law—the Government will deal with him according to its provisions—but this act deals specifically with the alien who is the subject of a country which is at war with Germany or her allies.

We have already passed a law permitting England and France to establish recruiting stations in the United States and enlist

their subjects, but this has not worked very well, as few have volunteered, and they could only be taken if they volunteered to go.

This act can work no hardship on those who have resided in the United States a sufficient time and are otherwise qualified, because they can file their declaration and become citizens, and be subject to the draft law, and be relieved from the penalties of this act.

Section 2 of the act of May 18, 1917—the draft law—provides:

> * * * Such draft as herein provided shall be based upon liability to military service of all male citizens or male persons not alien enemies who have declared their intention to become citizens between the ages of 21 and 30 years. * * *

Hence, an alien who has resided in the United States for two years and upward and has failed to take out his naturalization papers, after this act becomes a law, must either file his declaration at once and become subject to the draft or be deported. He can no longer claim exemption from military service and continue to reside in the United States, enjoy the protection of our laws, the unequaled liberties and opportunity for gaining a livelihood and making money, and bear none of the burdens of our citizenship, as they now are doing.

This act therefore works no hardship. The urgency for this legislation must necessarily rest upon the conditions that prevail throughout the country. I know such conditions in my own congressional district, composed of Westmoreland and Butler Counties, Pa., and the great demand for this legislation that these conditions present.

At the time of the registration held June 5, 1917, 48,492 men appeared there and registered as being within the military age. In detail this registration showed as follows:

In Westmoreland County, Pa.:	
Total registrants	26,940
Total alien registrants	9,666
In Butler County, Pa.:	
Total registrants	10,260
Total alien registrants	1,626

SUMMARY.

Total twenty-second congressional district registrants	48,492
Total twenty-second congressional district alien registrants	11,292

This shows that about 25 per cent of the registrants claimed exemption by reason of being citizens of a foreign country, and have obtained discharge from military service on that ground. And 90 per cent of these according to the facts disclosed by the registration have been in the country over two years and are entitled to make declaration of their intended citizenship and thereby escape the penalties of this act and become subject to the draft law, and 80 per cent of these have been in the country over five years and could have attained full citizenship had they a desire to do so. Therefore, according to these statistics, there is in the twenty-second congressional district approximately 8,000 foreign-born aliens of military age who do not desire to become citizens for the deliberate purpose of escaping the burden of military service, payment of taxes, and other duties incumbent upon the citizens of our country. They do, however, enjoy the privileges of our schools, and in Pennsylvania can own real estate and engage in any lucrative employment and practically enjoy all the privileges and benefits of full citizenship and yet bear none of its burdens.

Mr. Chairman, this is unfair, unjust, inequitable, and wrong. It should not be longer tolerated. These men are now permitting the native-born Americans and the naturalized Americans to go off to Europe and fight their battles while they remain at home, not only to enjoy the blessings of liberty here but to take their places in business and civil life and enjoy the good wages and salaries formerly earned by these patriotic Americans. To continue to allow this condition to prevail is little short of outrageous. It is certainly unfair and discriminatory toward native Americans.

It is stated that this legislation ought not to pass because the Secretary of State fears that it would cause retaliatory measures in other countries. What other countries? In Germany and Austria which are the only countries with which we are at war. Very few Americans are in either of these countries, and if there are any why should we think of them when they have had three years and one-half to get out and come home? Any American citizen who is now a resident of those countries has forfeited his citizenship here, or at least has some attachment greater there than here, and why should we concern ourselves about him? He has probably married a native wife and assumed citizenship there or at least he has deserted us. He has not shown any desire to come to the rescue of his former country and help us in this time of peril.

On the other hand, there must be in the Commonwealth of Pennsylvania, with its 7,665,111 population in 1910, at least 500,000 who have claimed exemption from the draft as aliens, judging the population from the proportion of those residing in the twenty-second congressional district of Pennsylvania.

Is it possible that all of these are to escape? Are they to be permitted to remain at home and enjoy all the privileges of our country and yet not help us at this time of distress and danger?

The State Department now informs us that we should not pass this legislation, because it will interfere with treaty rights and prevent negotiations now pending with these foreign States.

Mr. Chairman, how long are we to wait?

This bill was introduced on the 3d of August last. We were then told that the State Department had the matter up and would either abrogate or modify these treaties. Now, we still have the same report that they are yet negotiating, with no promise of ultimate success, and certainly no time limit as to when such negotiations will be concluded. In the meantime the draft has gone on and another call has been made for a quota to be filled February 15, and the alien slackers are still asserting their right to be exempted and our American boys are still being taken.

Mr. Chairman, I am not in favor of extending the time any longer or waiting a single day for the State Department. Let us pass this act and stop this unfair and demoralizing practice under which the alien slackers are claiming exemption and escaping the draft entirely and our gallant American boys are taken to fight our battles. [Applause.]

Mr. STAFFORD. Mr. Chairman, if no negotiations were on with representatives of the allied governments we might feel justified in taking this extreme step of legislating as to nationals of other countries who are residing and domiciled in this country, but the uncontroverted testimony here is that the State Department is negotiating treaties that are about to be consummated; that the State Department has negotiated treaties with Great Britain and also Canada and has about completed negotiations with France and will shortly complete negotiations with Italy. I am unwilling by my vote, on the showing that is thus made, to invite the foreign Governments by our action to reciprocate and take control of the nationals of the United States under such conditions that their legislatures may see fit to enact and subject them, regardless of age, to military service in those countries.

I am willing, however, for our diplomatic representatives, in conjunction with the diplomatic representatives of foreign countries, to negotiate and compel the services of Americans abroad who for one reason or another are not at this time obligated for service.

I am just as much in earnest to have the slackers of Canada, who have come across our border by the thousands before the declaration of war, do service in behalf of Great Britain as I am for the slackers of Italy or any other country, but I want it done in a legal way, the legally constituted way which has been recognized for all time, of having the representatives of the Foreign Affairs Department collaborate with the diplomatic representatives of the foreign Governments in negotiating treaties that will cover our nationals and the nationals of their respective countries. That is in progress. What is the occasion for haste and impatience?

This bill amounts to nothing. It is nothing more than an immigration bill, and every person here who has been opposed to immigration of foreigners to this country is in favor of this bill, because he knows in his heart it will not result at all in getting persons into the Army who are opposed to going into the Army, as there is no compelling sanction, but it will postpone aliens going into the Army if these treaties are going to be stopped by the negotiations, which the Secretary of State says will be stopped and checked. For those reasons, Mr. Chairman, I am opposed to this bill.

Mr. HAYES. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, during the consideration of the immigration bill in the Sixty-third and Sixty-fourth Congresses I favored an amendment requiring either compulsory naturalization or deportation. That was before war measures were under consideration. And it is, in my mind, very much more important that the same sort of law should become effective to-day. The only objection heard in our section of the country at all to the draft law is the fact of the very large percentage of aliens that are not only escaping the draft but are taking the positions made vacant by our boys that are called into the service. [Applause.] It works wrong in both ways.

Let me call to your attention the registration of Massachusetts under the selective-draft act. The total was 359,323, according to the statistics furnished by the Provost Marshal General. Of this number 106,014, or nearly one-third of the total number, were exempt under the alien clause. In the four

western counties of Massachusetts, where my district is located, the total registration was 54,006; aliens, 16,772. The same proportion has prevailed throughout the State, nearly one in every three escaping under the alien provision.

I believe most thoroughly in the elimination of section 2 of this bill. There should be no discrimination shown these aliens who remain in this country. Let them take the same chances as our boys do, and there will not be this opposition to the selective draft. [Applause.]

The district I represent is about half urban and country population. In the cities the young men who have been taken from trades and occupations are the sons of our own citizens, while the alien population stands on the street corners watching the men march to the service of their country, and then enter the mills or factories in the positions the boys with the colors have held.

In the country sections farms are being abandoned for the lack of men to cultivate them. Fathers and mothers have seen their boys leave the plow, or the rake, or the hoe; leave their firesides and homes, being deprived both of their labor and their needed companionship. You can not expect increased production of the farm when the only ones not affected by the selective-draft act are those who have not sufficient interest in the welfare of our country to become citizens of it.

One in every three men in Massachusetts of draft age is exempted; one in every eight in the entire United States. Such a condition is intolerable. I appreciate the desire of many Members not to act contrary to the wishes of the State Department and infringe on any treaty rights, but there can be no argument raised against prompt action either through legislation or through treaty agreements on a subject so vital to the interest of our people. Within a short time the next draft will be called out, and either this bill should become law before that call is issued or treaties with the various countries should become operative for the same purpose.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. HAYES. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TREADWAY. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GALLIVAN. Mr. Chairman, I make the same request.

Mr. SABATH. Mr. Chairman, I ask the same privilege.

Mr. BURNETT. Mr. Chairman, I make the same request. Would it be in order now to ask that all gentlemen may have the privilege of extending their remarks?

The CHAIRMAN. Not in committee.

Mr. JOHNSON of Washington. Mr. Chairman, I make the same request.

Mr. BARNHART. Mr. Chairman, I make a similar request.

Mr. ROMJUE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

Mr. STAFFORD. Mr. Chairman, would it not be in order for a motion to be considered to extend the remarks of all who have spoken?

The CHAIRMAN. Not in the committee.

Mr. STAFFORD. Oh, yes. All those who have spoken on the bill, because if the Members individually can get that permission, they can get it collectively.

The CHAIRMAN. No general leave, the Chair is informed by the parliamentary clerk, can be granted.

Is there objection to the request made by the gentlemen to extend their remarks in the RECORD? [After a pause.] The Chair hears none.

The Clerk will read the bill under the five-minute rule.

The Clerk read as follows:

Any alien who may have been exempted from said selective draft on account of his alienage prior to the passage of this act may, within 60 days after the passage of this act, withdraw such exemption and submit himself to the operation of said selective draft, and in that event shall not be held to be within the operations of this section as to the forfeiture of citizenship and deportation: *Provided*, That the President is hereby authorized to make such rules and regulations as may be necessary to enforce the provisions of this section.

Mr. McCULLOCH, Mr. ROGERS, Mr. WALSH, Mr. SABATH, and Mr. BURNETT rose.

The CHAIRMAN. The Chair will recognize the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, the gentleman from Illinois [Mr. SABATH], a member of the committee, desires to offer an amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois, a member of the committee, to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SABATH: Insert at the end of line 4, on page 2, the following:

"*Provided*, That any alien subject to deportation under this section may for a period of not more than 60 days from the passage of this bill be permitted to voluntarily leave this country."

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. SABATH] is recognized.

Mr. MOORE of Pennsylvania. Is the gentleman from Illinois going to speak?

Mr. SABATH. Just briefly. I desire to explain this amendment.

There is nothing in this bill as originally drafted that would give these aliens who might here and there claim exemption, or refuse to do it, a right to leave this country. My amendment, which has been agreed to by the chairman of the committee and the other members of the committee, gives such alien the right to leave this country within 60 days.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. SABATH. I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Suppose the gentleman's amendment were to apply to an Italian alien who would go back to Italy under circumstances that would subject him to imprisonment, if not to death; what would the gentleman say, then, as to the effect of his amendment?

Mr. SABATH. Oh, if that would be the case, I would not offer nor would I favor such an amendment; but in view of the fact that the Italians across the sea are fighting for the same cause as those Italians that have enlisted here, I believe such man belonging to that country or any other country should not refuse his services to the country of his adoption nor to the country of his birth. And in view of the fact that he has been legally and lawfully in the United States he is not guilty of any offense against his country if he should return.

Mr. MOORE of Pennsylvania. The gentleman would have him sentenced to death there or sentenced to Army service here. That is about the situation.

Mr. SABATH. No; he would not be sentenced to death there, because he is legally and lawfully in the United States, and I take it for granted that he has secured leave of absence or secured a passport from his Government before leaving Italy to come to this country.

Mr. MOORE of Pennsylvania. Then leave out the Italian side of it altogether, and if he is in this country legally and lawfully, as the gentleman from Illinois says, he would either send him into the Army or send him back to Italy.

Mr. SABATH. He would have the right not only to go to Italy, according to my provision, but he would have the right to go to Mexico or to Canada or to any other country. If he would be subjected to prosecution or to the charge of treason, naturally he would not go home to fight for his country. But my amendment will cure that, so that he will not be deported, but will have the privilege of going home to his own country and fighting for his country.

Mr. MOORE of Pennsylvania. The gentleman wants to punish him one way or the other. That is the idea.

Mr. SABATH. No. I want him to serve. [Applause.] That is what I want. I want him to serve the same way as our boys, as the American boys, and all other boys who have any red blood in their veins would do, to serve their country. [Applause.]

Mr. MOORE of Pennsylvania. And would not the gentleman's amendment permit him to go to Mexico, where he would not serve at all

Mr. SABATH. Well, if he is such a coward, we do not want him here. Let him go.

Mr. MOORE of Pennsylvania. The gentleman would send him there?

Mr. SABATH. Well, that is as good a place as I know of to send him. [Applause.]

Mr. MOORE of Pennsylvania. I know the gentleman has a warm, tender spot in his heart for the immigrant.

Mr. SABATH. The gentleman from Pennsylvania is correct; but at this time I want the immigrant to have a warm spot in his heart for this country. That is all I desire to say on this amendment, Mr. Chairman.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to oppose the amendment.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not think this amendment should pass, because it admits of a subterranean

method by which an alien may escape service altogether—even the labor service he performs here. It permits him to go into Mexico, as the gentleman from Illinois has already indicated. It permits him to avoid the United States, and to avoid his own country, no matter whence he comes.

I do not think the amendment ought to pass; neither do I think the bill ought to pass at this time. I do not believe the Congress of the United States should challenge the Secretary of State and the President of the United States on so vexatious a problem during the pendency of the war. I do not believe we should invite every nation on earth to adopt harsh measures with regard to Americans who happen to be under their jurisdiction after the manner proposed here with regard to aliens who happen to be in the United States. I believe we would talk "war" to Italy or any other country if, in violation of treaties, it should pass a law like this in regard to Americans who happened to be in the jurisdiction of such a country.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WALSH. Are those Americans that the gentleman is talking about in that country there to avoid the military laws of this country?

Mr. MOORE of Pennsylvania. If they are there to avoid service here, I am not defending them; but——

Mr. WALSH. What are they doing there? They are within draft age.

Mr. MOORE of Pennsylvania. I am assuming that Americans may be there on lawful business, just as the gentleman from Illinois said that some of these aliens were lawfully in the United States. I do not want Americans seized and impressed into the war service of a foreign country without our approval. I am bringing to the mind of gentlemen the fact that we may be throwing a boomerang by passing this law. We may be inducing other nations to retaliate by the passage of similar laws affecting Americans abroad.

There is danger in this bill of unhappy international complications. We propose to violate existing treaties. We propose to violate treaties that exist between this country and Italy as though they were "scraps of paper." Let me tell you, my American friends, the duty of keeping good faith with our allies rests upon all Americans just now. It has been our custom to charge bad faith against Germany. We are constantly holding Germany up to scorn for treating a treaty as a "scrap of paper." We ought not to put ourselves in a position to be charged with bad faith. We should let it be known that our treaties, our bounden words, our international agreements, mean something. I fear our haste in this matter is due largely to the opportunity to carry a little German blood back into our districts. The opportunity is here to "crush the Hun" in the House of Representatives. Even so, I do not think we should adopt the methods of those whom we denounce and treat as "scraps of paper" existing international agreements which we have made in good faith.

We are informed that the President is against this proposition; that the Secretary of State is now in negotiation with foreign nations to meet the very propositions you propose by this bill to anticipate. If that is so, you are embarrassing the State Department by this legislation. If you are embarrassing the President and contemplating a violation of your plighted word as Americans given in your international agreements, this bill should be defeated. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ESCH. Mr. Chairman, as I understand, the amendment has used the words "this bill." I move to amend by striking out "this bill" and inserting "this act."

Mr. SABATH. I understood it was this section.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin [Mr. ESCH].

The Clerk read as follows:

Amend the amendment by striking out the word "bill" and inserting in lieu thereof the word "act," so that it will read "not more than 60 days from the passage of this act be permitted to voluntarily leave this country."

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Wisconsin to the amendment offered by the gentleman from Illinois [Mr. SABATH].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is now on agreeing to the amendment as amended.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SABATH. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 56, noes 55.

Mr. HAYES. Mr. Chairman, I demand tellers.

Mr. MOORE of Pennsylvania. Mr. Chairman, I demand tellers.

The CHAIRMAN. Tellers are demanded. All those in favor of taking this vote by tellers will rise and stand until they are counted. [After counting.] Twenty-five gentlemen have voted for tellers. Tellers are ordered. The Chair appoints the gentleman from Illinois [Mr. SABATH] and the gentleman from Pennsylvania [Mr. MOORE] to act as tellers.

The committee again divided; and the tellers reported—ayes 57, noes 58.

So the amendment was rejected.

Mr. ROGERS. Mr. Chairman, I have an amendment, which is at the Clerk's desk.

Mr. WALSH. I have an amendment.

Mr. SIEGEL. I have an amendment.

The CHAIRMAN. Does any member of the committee desire to offer an amendment? If not, the Chair will recognize the gentleman from Massachusetts [Mr. ROGERS].

Mr. ROGERS. I offer the amendment which is at the Clerk's desk, which I ask to have read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. ROGERS: Page 2, line 4, after the word "citizen," insert the following:

"*Provided, however*, That this act shall not be construed to supersede the provisions of any existing treaty with such country the terms of which stipulate that the United States shall not subject the subjects of such country to compulsory military service."

Mr. ROGERS. Mr. Chairman, I offer this amendment as a friend of this legislation and not as an enemy of the legislation. I hope that this bill, when perfected, will pass the House to-day. I hope that it, or something like it, may become a law. But, as I said in the course of general debate, it seems to me of the utmost importance that we shall not lightly pass a bill which violates or even arguably violates the provisions of an existing treaty. The United States, speaking through its House of Representatives, can not afford to go on record as deliberately passing a bill which is violative of the provisions of a treaty. If we do not like the treaty that is on the books to-day, let us proceed in an orderly way to abrogate it. But let us not proceed by indirection and by subterfuge to pass a law which, in the opinion of the Secretary of State, is directly violative of the language of at least one existing treaty. Frankly, I for myself, do not think that the Burnett bill does violate any existing treaty, although I say that, of course, with great deference to the expressed opinion of the Secretary of State to the contrary. But if it violates the treaty we ought by our own language to-day to exclude the intent which, in the opinion of the Secretary of State, is manifest in the language. If it does not violate the language of any treaty, then it can do no possible harm to incorporate the proposed amendment in the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, I did not hear the gentleman's amendment read. I want to know whether it proposes to lodge discretion in the Secretary of State as to the enforcement of this act.

Mr. ROGERS. Of course, all questions of treaty interpretation depend very largely upon the judgment of the State Department. No doubt in the last analysis this law will be interpreted by the State Department and ultimately, perhaps, by the United States Supreme Court. But I should suppose that there could be no valid objection to it for that reason.

Mr. MOORE of Pennsylvania. The gentleman proposes to leave the questions at issue to the Secretary of State?

Mr. ROGERS. The language of the amendment speaks for itself. The gentleman can determine that as well as I can.

Mr. TOWNER. May the amendment be reported again?

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the amendment be reported again. Is there objection?

There was no objection.

The amendment was again read.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment close in 10 minutes. Is there objection?

Mr. SHERLEY. Mr. Chairman, I trust the gentleman will not do that.

Mr. BURNETT. I will yield five minutes to the gentleman.

Mr. SHERLEY. But the gentleman will not have the power to do that. I think this is a matter that goes to the crux of the thing and that debate now will probably simplify all of the proceedings later on. I trust the gentleman will not undertake to limit debate on this matter now.

Mr. BURNETT. Very well; I shall wait for a short time. We want to finish this bill this afternoon.

The CHAIRMAN. Debate upon this amendment is now exhausted under the rule.

Mr. SHERLEY. Mr. Chairman, I move to strike out the last word, if I may get recognition.

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes.

Mr. SHERLEY. Mr. Chairman and gentlemen of the House, the amendment just offered serves to illustrate the difficulty of our proceeding wisely now with this character of legislation, and it was because of an appreciation of that situation that I had hoped the House might have seen the wisdom of postponing consideration for some little time. It did not, and that is behind us. There is no question in the mind of any man who is informed of the sentiment of this House or of this country that the people of America propose, in the last analysis, to see to it that those who have claimed the hospitality and the benefit of this Government shall bear their fair share of the burden of this Government in fighting to uphold it against its enemies. No man will go further than I along that line. No man who knows the position I have taken touching the prosecution of this war can question the sincerity of my statement in that regard.

But there is an orderly and a decent way of doing things that a great Nation standing for law over the wide world must always consider, and it was because of that that I did not desire that this House should wantonly disregard treaty obligations until that position was forced upon it. If the time should come and we so determine when this country can not put upon aliens their proper burden without abrogating treaties because the other nations with whom we had treaties are not willing to negotiate with us, then I would be willing in a matter of such extreme importance to take the responsibility of declaring that, having given to that nation an opportunity in an orderly way to deal with the subject matter, we proposed to legislate openly, in disregard of rights claimed, that we think no longer ought to be claimed under such treaties. But in advance of opportunity to bring about an adjustment with other nations, to take that position is to take a position that, to say the least, is unheard of on the part of nations of the first magnitude. Therefore I for one shall support the amendment offered by the gentleman from Massachusetts [Mr. ROGERS]. We will by the action here to-day clearly indicate what is in the mind of the people of America and the Congress of the United States, but we ought not at this stage of the proceedings to declare that, without regard to our pledged word, without regard to the honor of the Nation as expressed in a treaty, we propose to disregard those things and to legislate. I think the House can afford to think soberly and deeply before it takes such a position. I know the feeling of the thoughtless. I know the criticism that a public man sometimes subjects himself to when he seems not to be willing to do as quickly and as ruthlessly what is desired by some of his constituents as they wish, but I say again what I have said before to the House; this is a time for courage in public men. No man is going to be misunderstood by his vote here who is a real patriot. We do not propose to let the slacker continue to slack, whether he be citizen born or foreign born, but we do propose decently and in order to legislate and to not disregard entirely our international obligations under the whip and the press and the spur of some men who are willing to demagogue about the subject. [Applause.]

Mr. BURNETT rose.

Mr. REED. Mr. Chairman, I desire to offer a substitute for the amendment.

Mr. TOWNER. Mr. Chairman, I desire to oppose the pro forma amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Iowa to oppose the pro forma amendment.

Mr. BURNETT. But, Mr. Chairman, I rose to oppose that.

The CHAIRMAN. The Chair will recognize the chairman of the committee, the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, another call will be made in a short while. The papers stated some time ago that it would be in the middle of February. I have seen it stated in the last few days that 75,000 or 78,000 were still uncalled from the first draft, and the 23d of February was the time fixed for completing that draft. There can hardly be another call made before, possibly, the 1st of May. Of course, I have no information in regard to the matter. If this bill is passed now and goes to the Senate and is quickly acted on there, these men who have been relegated to the fifth class can be embraced within that call. Certainly this is a time for action. The war has been going on almost a year. Conscription began on the 5th day of June, seven or eight months ago. Negotiations with our co-belligerents were started in early September or in August, and still not a single treaty has been consummated and sent to the Senate. In the name of the American boys who will be in this next call I insist that the emergency that the gentleman from Kentucky [Mr. SHERLEY] has referred to is now upon us.

Mr. MONDELL. Will the gentleman yield?

Mr. BURNETT. In a minute. My objection to the amendment offered by the gentleman from Massachusetts [Mr. ROGERS] is that the State Department, according to assertions made by gentlemen upon this floor to-day, has already prejudged the bill. They have already passed judgment upon the question of whether it is in conflict with a treaty. I say it is not. The doctrine laid down by authorities on national law say that it is not. Moore on International Law says:

> Some writers have essayed to enumerate the legitimate causes of expulsion. The effort is useless. The reasons may be summed up in a single word—"the public interests of the State."

When the second call is about to be made, when the men of America and the naturalized citizens of America are about to be called to fight the battles not only for democracy but for the very existence of England, Belgium, Italy, and Russia, it seems to me, Mr. Chairman, that the emergency is here. If we postpone it three weeks, and the State Department does not negotiate the treaties, then we are three weeks further off, and possibly it will be beyond the next call before any action can be had by Congress or by the State Department. Mr. Chairman, if these negotiations are concluded even with Great Britain or Canada or France or with any nation, when this bill goes to the Senate that body can so amend it so as to say that it shall not apply to treaties that reach the same purpose and intent as this law.

Mr. MONDELL. Will the gentleman yield?

Mr. BURNETT. So I hope there will be no postponement. I hope we will not adopt the Rogers amendment, because it simply leaves it to the State Department, and you had as well have no bill at all. I yield to the gentleman from Wyoming.

Mr. MONDELL. What is there in the bill which subjects any man to the draft except he voluntarily submits himself to it? [Applause.]

Mr. BURNETT. Not a thing.

Mr. MONDELL. Then why does the gentleman say that if the bill is passed in the House and Senate these men would be drafted? [Applause.]

Mr. BURNETT. Oh, I do not say they would be drafted, but I said they would withdraw their claims of exemption. I have here a letter from Gen. Crowder, stating that where no claim of exemption is made they are drafted. If this bill is passed, instead of being in the fifth class, they will fall either in the first, second, or third just like the American boys fall. They will either have to do that or get out. This terrible source of irritation that perhaps the gentleman from Wyoming does not feel, will be avoided by other gentlemen who do feel it, especially gentlemen from those districts where so many of these alien slackers are.

Mr. VENABLE. Will the gentleman yield?

Mr. BURNETT. I do.

Mr. VENABLE. In the event this bill becomes a law, and for illustration, half a million Italians would signify that they chose deportation rather than enlistment in the Army and would calmly sit down and say, "Deport us," in the first place, how is the Government going to deport them without ships, and, in the second place, would it not be better, that being the possible effect of this war, to wait until some treaty is entered into which will not only render these men liable for service but enforce that service?

Mr. BURNETT. Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. BURNETT. The case the gentleman from Mississippi [Mr. VENABLE] attempts to suppose is not a supposable case. Those Italians are not going, and the Russians will not, and many thousands of others that left their country—and some of them for the country's good—are not going to run the chance of being deported, and they are going to withdraw their claims of exemption and submit to the draft. The gentleman overlooks one feature of this bill, and that is that this question of refusing naturalization and of deportation does not end with the war. Now, does he believe that these men, with that emergency hanging over them, would subject themselves to deportation? But even if the Italians could not be deported at once, there are thousands of renegade slackers from Canada that could be and ought to be. I heard a gentleman from New England say a few days ago that more than 10,000 Canadian slackers were there, and certainly we can at least get rid of those fellows that

have come from just across the border, and surely we could get rid of the others in time.

Mr. FLOOD. The gentleman recalls that we have negotiated a treaty with Canada?

Mr. BURNETT. Will the gentleman show that it has either been adopted or ratified by the Senate? Away back yonder in September it was stated that it was just to be negotiated, and when Congress met in December the papers were full of articles that had been given out, no doubt by the State Department, saying that they were just about to be negotiated. That was more than two months ago, and yet, here they are, still negotiating, and have not negotiated anything yet.

Gentlemen, you are dealing with fire when you give the State Department the power to construe this law in regard to the violation of treaties if you adopt the Rogers amendment.

Mr. DALLINGER. Will the gentleman yield?

Mr. BURNETT. I will.

Mr. DALLINGER. I want to ask the gentleman from Alabama if there is anything in this bill, without any amendment being adopted, which in any way violates the terms of any treaty we have with any nation in the world?

Mr. BURNETT. None whatever.

Mr. GORDON. The Secretary of State does not agree with you about that.

Mr. BURNETT. That is a fact. And the distinguished gentleman from Ohio does not. But it is not the first time I have had the honor of differing with the gentleman from Ohio and even with the executive departments themselves. [Applause.]

Mr. HARDY. Will the gentleman yield for just one question?

Mr. BURNETT. I will.

Mr. HARDY. Since there is such a difference as to whether this law does violate a treaty, and the gentleman does not want a law to violate a treaty and does not believe it does, why did he object to a paragraph amending it by saying that it shall not be construed to violate a treaty?

Mr. BURNETT. That leaves it up to the State Department, which has already prejudged it and says that it does. I do not want any department that has already prejudged my case to try the law we want to make.

Mr. HARDY. Does the gentleman think the adoption of that amendment would give his construction to it?

Mr. BURNETT. When the Immigration Bureau goes to enforce the deportation it will, no doubt, refer the question as to treaty violations to the State Department. That department, according to the statement of the gentleman from Virginia [Mr. FLOOD], has already decided that question, although the Supreme Court in the One hundred and thirtieth United States case has decided that it not only does not violate a treaty, but that no treaty could be made which could deprive this country of the right of deportation.

In the case in One hundred and thirtieth United States, Chinese who had resided here for years before the law was passed were required to register, and on failure to do so were to be deported. The court held that this law was not in violation of any treaty rights.

Mr. REED. Mr. Chairman, I offer a substitute to the Rogers amendment.

The CHAIRMAN. The gentleman from West Virginia offers a substitute, which the Clerk will report.

The Clerk read as follows:

> Page 2, line 4, after the word "section," add the following: "*Provided*, That whenever any country or countries engaged in war with Germany shall consummate a treaty with the Government of the United States which, in the opinion of the President of the United States, substantially accomplishes the purposes of this act, then said treaty stipulations shall apply as to such country or countries in lieu of the provisions of this act."

The CHAIRMAN. The question is on the substitute of the gentleman from West Virginia [Mr. REED].

Mr. REED. Mr. Chairman, there is a difference of opinion among my colleagues here as to the authority of the Congress to go ahead of a treaty; that being true, and in view of the divergent opinions of distinguished parliamentarians and constitutional lawyers here as to the effect of this proposed act, I believe the substitute I have offered may hasten negotiations now pending relative to new treaties. The provisions already in the bill, Mr. Chairman, are liberal enough to give the President of the United States ample time to deal with the countries affected and for the State Department to treat with the other countries. Mr. Chairman, if within 60 days the countries of the world who are at war with Germany can not consummate treaties that will secure the results sought by this act, then we have this law on the statute books to take care of the situation.

Mr. HAYES. Will the gentleman yield for a question?

Mr. REED. I will.

Mr. HAYES. Does not the gentleman know that if we pass this law without his amendment and the treaty should be subsequently negotiated and approved by the Senate of the United States, that would, ipso facto, repeal any provision of this law that was in conflict with it, and that, therefore, his amendment has no force and is not necessary at all?

Mr. REED. Then, would not existing treaties nullify this law if we should pass it?

Mr. HAYES. The last expression of the legislative will is controlling, and this law will control in the matter of any treaty.

Mr. REED. Then let this act serve notice on the countries affected as to what we expect of them. We have waited a long time for action and if treaties are not made along this line in a reasonable time we ought to have this law.

Mr. PLATT. Mr. Chairman, I rise to oppose the amendment.

The CHAIRMAN. The Chair would like to state to the gentleman from West Virginia [Mr. REED] that his substitute reads "after the word 'section,' in line 4." There is no such word there.

Mr. REED. It is a substitute for the Rogers amendment, wherever his substitute appears.

Mr. PLATT. Mr. Chairman, I rise to oppose the amendment.

The CHAIRMAN. The gentleman from New York is recognized in opposition to the amendment.

Mr. PLATT. Mr. Chairman, I am in sympathy with the general purpose of this bill, but it seems to me that it is not right to do something that is wrong in order to cure something else that is wrong. The thing that is wrong is in the draft act, the provision that provides that the draft quotas are based on the whole population, including aliens.

That is wrong. It ought to be changed. Some of us tried to have it changed when the draft bill was pending. I understand the Committee on Military Affairs are making an effort now to change it. If that amendment is made, I do not believe we shall want to pass this bill and undertake to fill up our Army with foreigners. A good many of them have volunteered and many who were drafted did not claim exemption, but I do not think we ought to compel a lot of foreigners to fight out battles for us. At least, I do not see how we could expect them to be a very good army to fight for America.

It might do to pass the bill if the amendment offered by the gentleman from Massachusetts [Mr. ROGERS] prevails, so that we can be sure that the bill does not violate any treaty, but without that it seems to me clear that it ought not to pass.

Mr. BURNETT. Mr. Chairman, I ask for a vote.

Mr. ROGERS. Mr. Chairman, I want to ask unanimous consent that my amendment be again reported after the substitute is disposed of.

The CHAIRMAN. The question is on agreeing to the substitute.

The question was taken, and the substitute was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Massachusetts [Mr. ROGERS]. I move to amend by striking out all after the word "treaty."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. GREEN] to the amendment of the gentleman from Massachusetts [Mr. ROGERS].

The Clerk read as follows:

> Amendment offered by Mr. GREEN of Iowa to the amendment: Strike out all after the word "treaty," so that the amendment as amended will read:
>
> "Page 2, line 4, after the word 'citizen,' insert the following: '*Provided, however*, That this act shall not be construed to supersede the provisions of any existing treaty.'"

Mr. GREEN of Iowa. Mr. Chairman, I offer this amendment partly because I believe that the language I seek to strike out unnecessarily complicates this whole question.

If this bill that we are about to pass contravenes any treaty it ought not to pass. But that will not be decided, as the gentleman from Alabama [Mr. BURNETT] seems to intimate, although I do not believe he would so state, by the Secretary of State. It is not a fact that the Secretary of State can adjudicate that question. Under this amendment the question of whether this bill will contravene any treaty would have to be decided by our Supreme Court. The court will be the tribunal to pass upon this question and determine whether or not it violates any treaty.

Now, that matter can be safely left to the court with this provision as I seek to have it amended. If there is anything in this bill that contravenes the treaty, we ought not now to put ourselves in the position of passing it. If, on the other hand,

it violates no treaty, then this amendment as amended will not affect its provisions in the least, and under this amendment it will not be left to the State Department to decide. They will be compelled to be governed by whatever the Supreme Court decides as to what the law will then be.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MOORE of Pennsylvania. The amendment of the gentleman from Massachusetts [Mr. ROGERS] proposes to first consult the Secretary of State, so far as treaties relate to military matters. The gentleman's amendment proposes to strike out that portion which is specific and make the amendment apply to any existing treaty?

Mr. GREEN of Iowa. Yes; to any existing treaty, which would leave it to the Supreme Court to decide whether it was in violation of any existing treaty or not.

Mr. MOORE of Pennsylvania. I think that is a good amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. ROGERS. Does the gentleman's amendment change the amendment originally proposed in regard to the body interpreting this provision in the last analysis? In other words, does the amendment propose that it may not require the interpretation of the Supreme Court finally, just as does the amendment proposed by the gentleman from Iowa?

Mr. GREEN of Iowa. The gentleman from Massachusetts is correct, but it will obivate the difficulty in other directions. If amended as I propose, the court will put such a construction on it that it will not contravene a treaty.

Mr. SCOTT of Michigan. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. SCOTT of Michigan. The gentleman is aware of the fact that whenever a matter of this character comes up a ruling is made by the Department of State or by the Department of Justice?

Mr. GREEN of Iowa. Yes. The Department of Justice undoubtedly would make a ruling on this question, and the War Department would undoubtedly be governed by that ruling.

Mr. SCOTT of Michigan. They would be until the matter got to the courts. The gentleman is a lawyer. I judge so from the way he talks. How long does the gentleman think it will take to get the question settled in the Supreme Court?

Mr. GREEN of Iowa. Not very long, in the way that we have had matters of that kind advanced recently. There would be no trouble in the courts taking it up. It would soon get into the courts, and the question would be very plain and very easy to decide. This, gentlemen, is the only proper way to put this matter. I believe we can not afford to put ourselves in the light of taking any chances, even of abrogating any treaty or of passing a statute in violation of a treaty. We are at war largely because Germany proceeded to treat treaties as scraps of paper. That is something we can not afford to do, and which I am sure no one in this House wants to do. By leaving this amendment as it would be with my amendment striking out all after the word "treaty," we are in no danger of getting into any conflict of that kind, or of subjecting ourselves to any criticism.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question being taken, on a division (demanded by Mr. BURNETT) there were—ayes 73, noes 83.

Mr. GREEN of Iowa. Tellers, Mr. Chairman.

SEVERAL MEMBERS. Oh, no!

Mr. GREEN of Iowa. I withdraw the demand.

The CHAIRMAN. The demand for tellers is withdrawn. The amendment of the gentleman from Iowa [Mr. GREEN] is rejected. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS].

The question being taken, on a division (demanded by Mr. BURNETT) there were—ayes 99, noes 80.

Accordingly the amendment was agreed to.

Mr. WALSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Pages 1 and 2, strike out all of section 1 and insert the following:

"That during the existing emergency the duly accredited military representatives of any country engaged in war with any country with which the United States is now, or during the continuation of said emergency——

Mr. BORLAND. Mr. Chairman, I rise to a point of order. An amendment to perfect the existing section is in order before an amendment to strike out and insert. I offer an amendment to perfect the section. This is a motion to strike out the section.

Mr. WALSH. Mr. Chairman, this is a motion to strike out the section and insert, and if it prevails I shall move to strike out the other sections of the bill.

Mr. BORLAND. I offer an amendment to the existing section.

Mr. WALSH. Has the gentleman any objection to my amendment being read and pending?

Mr. BORLAND. I think it should come in later.

The CHAIRMAN. The Chair understands that a motion to strike out and insert is a motion to amend the section.

Mr. BORLAND. But my point is that a motion to amend the existing section takes precedence over a motion to strike out and insert.

The CHAIRMAN. If this were simply a motion to strike out, that would be correct; but this is a motion to strike out and insert, which is offered for the purpose of perfecting the section.

Mr. BORLAND. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. Will a motion at this time to amend the existing section as reported by the committee, in the bill, have precedence over the amendment offered by the gentleman from Massachusetts [Mr. WALSH]?

The CHAIRMAN. It will not. It may be offered as a substitute.

Mr. TOWNER. Let me suggest that the gentleman from Massachusetts himself says that his amendment is in the nature of a substitute, and that following it he proposes to offer a substitute for the other sections.

Mr. WALSH. No; I did not say that.

Mr. TOWNER. I understood the gentleman to say that.

Mr. WALSH. I said I would offer a motion to strike out the other sections.

Mr. PARKER of New Jersey. I have given notice of a motion——

The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Pages 1 and 2, strike out all of section 1 and insert the following:

"That during the existing emergency the duly accredited military representatives of any country engaged in war with any country with which the United States is now, or during the continuation of said emergency may be hereafter, at war may, subject to the provisions of this act, draft into the military or naval service of their respective countries such of their citizens or subjects domiciled or resident in the United States as are not already in the military or naval service of the United States, and for the purposes of said draft of aliens domiciled or resident in the United States the President shall, on the request of said countries presented through their diplomatic representatives, furnish to said representatives a full and complete list of all the citizens or subjects of the country making the request who registered under the provisions of an act entitled 'An act to authorize the President to increase the Military Establishment of the United States,' approved May 18, 1917. The President is further authorized and empowered to procure within 90 days of the passage of this act the registration of all other male aliens between the ages of 18 and 45, both inclusive, domiciled in the United States, and upon the completion of such supplemental registration shall, on request, furnish a full and complete list thereof to the respective diplomatic representatives of said countries of which the said aliens may be citizens or subjects. For the purposes of said supplemental registration the President shall have all the authority conferred by said act of May 18, 1917, and he may prescribe such terms, conditions, and regulations for the operation of said draft as he may deem necessary.

"SEC. 2. That within 15 days after the passage of this act the President may notify all countries engaged in a war with any country with which the United States is now or may be hereafter at war of the enactment of same, and through appropriate diplomatic channels shall ascertain what action said countries may desire to take under the provisions of this act.

"SEC. 3. That the President is authorized to detail such officers and men of the military forces of the United States to cooperate with and assist the military representatives of foreign countries in the operation of the draft as he may deem expedient, and he may cause aliens drafted to be summoned and to be detained temporarily at such places of concentration as he may designate, and may render such assistance in transporting or deporting such aliens as he may think proper.

"SEC. 4. That the penalties prescribed in the aforesaid act of May 18, 1917, shall apply to violations of this act.

"SEC. 5. That any alien who shall willfully refuse or fail to present himself for registration, or to submit thereto, or to appear in answer to any summons issued under authority of this act, shall be taken into custody, and delivered either to the military representatives of the country of which he may be a citizen or subject, or to such commanding officer of the United States military forces as the President may direct.

"SEC. 6. That should any country fail or decline to take advantage of the provisions of this act within 60 days after notification of its enactment, as provided in section 2, the United States may proceed to draft the citizens or subjects of such country domiciled or resident in the United States in accordance with the provisions of existing law."

Mr. BURNETT (interrupting the reading). Mr. Chairman, I think the reading has proceeded far enough to show that this is altogether out of order, and I make the point of order that it is not in order.

Mr. WALSH. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on it?

Mr. BURNETT. Mr. Chairman, it is clearly a conscript-draft provision. There is no such provision in this bill. It is an entire departure and brings in a whole lot of things that are not germane.

Mr. GOOD. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. GOOD. It provides for the very thing that the gentleman's bill provides for, deportation of these men.

Mr. WALSH. Mr. Chairman, I have offered this amendment because I am in sympathy with what the gentleman from Alabama desires to accomplish by his measure, and I believe that action should be taken by the House, as I stated before when I had the floor.

The measure I offer as a substitute provides for the President, through the State Department, proceeding in exactly the same manner apparently in which that department has proceeded in negotiating treaties or agreements to cover the question of getting these aliens into the military service. The measure I offer to take the place of the bill reported by the gentleman from Alabama obviates, in my opinion, every one of the objections that have been raised here by gentlemen who have opposed the bill. It obviates the objection raised by the distinguished gentleman from Kentucky [Mr. SHERLEY]. It obviates the objection raised by the gentleman from Ohio [Mr. GORDON]. It obviates the other objections that have been raised because it seeks to do through diplomatic negotiations in the first instance what has already been started by the State Department, namely, to enlarge the authority which we have conferred on cobelligerents so as to permit their military representatives who may be here, and who have in due form filed or presented their credentials to draft their nationals into their own military service. We have already given them authority to recruit them. We would further provide in my amendment that they may draft them, and the President is authorized by the measure which I submit to designate representatives of the United States military and naval forces to assist in that work and to prescribe the rules and regulations under which that may be done.

Furthermore, Mr. Chairman, the amendment which I have offered permits the President to furnish to the allied nations a list of their aliens which have been registered under the selective-draft act, and also permits the further registration of all these aliens between the ages of 18 and 45 years. He first notifies the diplomatic representatives of these various nations that we have so many of the nationals domiciled in this country, registered under our selective-service legislation, and if any such country does not desire within 60 days to take them such country is notified that we have enacted this legislation; and if it does not desire to take them into its own military service, it is hereby notified that we, the United States Government, will take them into our military or naval service. Thereby we give them notice and give them the option of volunteering or being drafted into the military service of these cobelligerent nations, or the other option of being put under the provisions of our selective-service law. It authorizes the President to have these men assembled at such places as he may designate for that purpose, to be delivered over to the representatives of these belligerent nations, and if they seek to avoid registration it subjects them to the penalties of the provisions of the selective-service act or to deport them and send them back under guard of military representatives of this Nation or under the guard of her own officials.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. But, Mr. Chairman, I am speaking to the point of order.

The CHAIRMAN. The Chair is informed that in Committee of the Whole the five-minute rule applies to points of order.

Mr. STAFFORD. Oh, Mr. Chairman, that is not correct. The Chair has control of the time.

The CHAIRMAN. The Chair will ascertain in a moment. In the meantime the gentleman may proceed.

Mr. WALSH. And furthermore, Mr. Chairman, I have offered in this proposed amendment a section which reads as follows:

SEC. 1. That citizens or subjects of the enemy country or of countries allied with the enemy may be drafted for and assigned to such nonmilitary occupation as the President may prescribe.

This would seem to be of great advantage under present conditions.

I will admit that that provision goes beyond the provisions in the bill under consideration; but the other section, which I call to the attention of the Chair, is to the effect that the provisions of this measure shall not apply to citizens or subjects of countries who by provisions of the treaty with the United States are protected from draft for military purposes.

The whole intent and purpose, Mr. Chairman, of the measure as offered by the distinguished gentleman from Alabama, is to get these men to perform military service and withdraw their claims for exemption, or, in the event of not doing that, to be sent back to the countries from whence they came. The whole purpose of the measure which I have offered is to accomplish that same purpose, only through a different procedure and by different machinery.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. GARRETT of Texas. Does the gentleman think that his amendment in so far as the age limit is concerned, which he fixes at from 18 to 45, is in accord with our draft law?

Mr. WALSH. Oh, the age limit as fixed in the amendment which I suggest goes beyond the age limit fixed in the selective-draft law, but it is similar to the age limit fixed by these various countries of which these aliens are citizens or nationals; and so we say to them, "We put you under the same liability for military service in our ranks, if you are not drafted by your own nation, as you would be if you were residing at home and not within our borders." I submit that we should look beyond the title of the measure under consideration, we should look beyond the title of the bill introduced and reported by the gentleman from Alabama [Mr. BURNETT], and consider its intention. We should read the entire measure and see what it is designed to accomplish. The amendment which I submit, as I before stated, seeks to accomplish the very same thing by a little different machinery, and follow out in large measure the very operation, the very plan and scheme which we have been given to understand has been followed by the Secretary of State, as indicated by the letter read by the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Virginia [Mr. FLOOD], the other day, when he called attention to the fact that under the agreements which are being negotiated these aliens, resident in this country, are given an option to enter the service of their own country or the service of the United States, and we simply give the option under my amendment to those nations to say, "We call you back to fight within the ranks of your own country, or, not calling you back, we leave you over there subject to the operations of the laws of the United States."

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

Mr. WALSH. I yield to the gentleman from Iowa.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. I desire to ask whether or not an amendment which proposes to perfect the subject matter of the section, which the gentleman's substitute proposes to strike out entirely, would not be in order before the consideration of the substitute? If so, I desire to offer an amendment to perfect.

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

Mr. SAUNDERS of Virginia. Mr. Chairman, I rise to maintain the proposition that an amendment that seeks to perfect the original text is in order before a substitute.

Mr. WALSH. The Chair has already ruled on that question.

The CHAIRMAN. There is no doubt that an amendment that proposes to perfect the section is in order before an amendment to strike out is in order. The amendment pending is to strike out and insert.

Mr. SAUNDERS of Virginia. I understand that. Will the Chair hear me for two minutes on that?

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. GOOD. Mr. Chairman, I rise to a point of order.

Mr. SAUNDERS of Virginia. I did not understand that the gentleman from Massachusetts had the floor.

The CHAIRMAN. The gentleman from Massachusetts had the floor when this parliamentary inquiry was submitted.

Mr. KEARNS. Mr. Chairman, a parliamentary inquiry.

Mr. WALSH. Mr. Chairman, I have the floor?

The CHAIRMAN. Yes.

Mr. WALSH. Then I yield to the gentleman from Iowa [Mr. GOOD] for a question.

Mr. KEARNS. Mr. Chairman, I think I was recognized to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. KEARNS. But I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman from Massachusetts has the floor and the gentleman can not take him off the floor for that purpose.

Mr. KEARNS. I rise to a parliamentary inquiry.

Mr. SHERLEY. I make the point of order that the gentleman from Ohio can not take the gentleman from Massachusetts off the floor for that purpose.

Mr. SAUNDERS of Virginia. Mr. Chairman, the gentleman from Ohio can not take the gentleman from Massachusetts off the floor in order to submit a parliamentary inquiry.

The CHAIRMAN. That is what the Chair is holding now—that the gentleman from Massachusetts has the floor.

Mr. WALSH. Mr. Chairman, I thank the chairman of the committee for the protection he has afforded me to discuss this point of order. Does the gentleman from Iowa desire to ask me a question? I yield for a question.

Mr. GOOD. I desire to call the gentleman's attention to section 2 of the bill under consideration, and to call his attention to the following language:

That after the expiration of 60 days from the passage of this act the President of the United States is authorized and empowered, under such rules and regulations as he may prescribe, to draft any alien in the United States to perform such mental or physical labor on the farms, in the manufacturing establishments, or other enterprises in the United States as he may deem necessary or proper.

The gentleman from Alabama has made the point of order that the gentleman's amendment is not in order.

Mr. WALSH. If the gentleman from Iowa has concluded his question, I will undertake to answer it, although I do not understand it yet.

Mr. GOOD. The question I intended to propound to the gentleman from Massachusetts was for the benefit of the Chair.

The CHAIRMAN. The Chair is ready to rule.

Mr. SAUNDERS of Virginia. I do not want to take up the time of the Chair, but I would like a few minutes to address myself to the point of order raised by the gentleman from Alabama.

The CHAIRMAN. There is a point of order now pending in the committee, and that should be disposed of before another point of order is raised.

Mr. SAUNDERS of Virginia. This is in immediate connection with that.

The CHAIRMAN. The Chair would like to decide this point of order, and then he will hear the gentleman.

Mr. WALSH. Did I understand the Chair to say he was ready to rule?

The CHAIRMAN. The Chair is ready to rule.

Mr. WALSH. Then I shall desist.

The CHAIRMAN. This is an amendment offered to the first section of the bill. The first section of the bill provides for denying citizenship to aliens and provides for their deportation. The amendment offered by the gentleman from Massachusetts is on a different subject. It provides that they may be drafted, which the Chair thinks is not germane to the first section of this bill, and therefore the Chair sustains the point of order.

Mr. BANKHEAD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, and just after the word "Germany," strike out the words "or with any of the other central powers of Europe" and insert in lieu thereof "Austria-Hungary, Bulgaria, or Turkey."

Mr. BANKHEAD. I understand the chairman of the committee has no objection to accepting the amendment.

Mr. BURNETT. Mr. Chairman, I am of the opinion that the words "central powers" are sufficiently specific, but I do not want to take any chances on that, and as the gentleman from Alabama, my colleague, has submitted an amendment I have no objection to it.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. There was so much confusion here when the amendment was offered and read, did I understand that "Turkey" is included? We are not at war with Turkey or Bulgaria, and it would be a mistake certainly to adopt an amendment of that kind.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the amendment may be again reported.

The CHAIRMAN. The amendment has been agreed to.

Mr. MADDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MADDEN. I want to know when the amendment offered by the gentleman from Alabama was considered? I was sitting here and all the rest of us down here and we did not even hear the amendment read.

The CHAIRMAN. The amendment was read. The Chair recognized the gentleman from Alabama [Mr. BURNETT] and he stated that the amendment was not objectionable to him, and the Chair submitted the vote to the House, and it was carried.

Mr. MADDEN. The House did not vote on it.

The CHAIRMAN. Oh, yes; the gentleman from Illinois is mistaken.

Mr. MADDEN. Mr. Chairman, I submit that it is not fair to decide questions in that way.

Mr. FLOOD. The gentleman from Iowa certainly heard it read.

Mr. MADDEN. I did not hear it read, and I was sitting here and no one else.

Mr. FLOOD. The gentleman from Iowa certainly heard it read and called attention to some words in it.

Mr. MADDEN. Mr. Chairman, I am going to protest against that kind of ruling.

Mr. SABATH. Mr. Chairman, regular order.

Mr. MADDEN. I want it distinctly understood we are not going to submit to it.

The CHAIRMAN. The gentleman will please take his seat.

Mr. MADDEN. I want the Chair to rule right and submit questions to the House. I want to hear what the record is. I ask for the record on it. I call for the record on this motion.

Mr. BANKHEAD. If the gentleman will allow me to make a statement, I will say to the gentleman from Illinois I have no objection in the world to having the matter fully considered.

Mr. MADDEN. It ought to be submitted to the House.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the proceedings by which the amendment of the gentleman from Alabama [Mr. BANKHEAD] was agreed to be vacated.

The CHAIRMAN. The gentleman asks unanimous consent to vacate the proceedings by which the amendment of the gentleman from Alabama was agreed to. Is there objection?

Mr. JOHNSON of Washington. I object.

Mr. MADDEN. I ask for the record of the proceedings.

The CHAIRMAN. That is out of order.

Mr. MADDEN. Mr. Chairman, I submit I have a right to ask for the record of the proceedings by which this vote was taken.

The CHAIRMAN. And the Chair understands that he has a right to decide it out of order also.

Mr. MADDEN. I appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] appeals from the decision of the Chair.

Mr. SABATH. As to what?

The CHAIRMAN. Because the Chair will not permit him to have the record read of the adoption of the amendment a while ago. The Chair has ruled it out of order, and the Chair can not have the record read.

Mr. SABATH. The Chair was right.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] appeals from the decision of the Chair.

Mr. LENROOT. Mr. Chairman——

Mr. FLOOD. Question, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. LENROOT] desire to be heard?

Mr. LENROOT. Yes, sir. I merely desire in discussing this appeal to say that this entire controversy can easily be settled and in fairness to everybody. It can be disposed of in one-half minute.

The CHAIRMAN. Does the gentleman from Wisconsin submit any question for unanimous consent?

Mr. LENROOT. I ask unanimous consent that the record be read.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] asks unanimous consent——

Mr. LENROOT. That the record be read.

The CHAIRMAN. That the record be read touching the amendments offered by the gentleman from Alabama [Mr. BURNETT]. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The Clerk will read the record.

Mr. BURNETT. Mr. Chairman, I move to lay the appeal on the table.

The CHAIRMAN. It is too late now.

Mr. HEFLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEFLIN. What was the request which the gentleman made a while ago?

The CHAIRMAN. That the record of the proceedings touching on the amendment offered by the gehtleman from Alabama [Mr. BANKHEAD] be reported to the House.

Mr. HEFLIN. And was consent granted?

The CHAIRMAN. Unanimous consent was granted, and the Clerk is now preparing the record.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Did not the gentleman from Alabama [Mr. BURNETT] move that the appeal lie on the table, and is not that now the question pending?

The CHAIRMAN. Unanimous-consent request has been made and granted by the committee since that time. The Clerk will read the record of the committee on the amendment.

The Clerk read as follows:

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I submit that that does not make the record complete. There is no record of any negative vote on the question at all. It is merely a statement of the Chair to the effect that the amendment was adopted. There is no evidence to show that both sides voted on the question at all. The question of whether the amendment would be adopted was the only question put to the House.

The CHAIRMAN. The record does say that the vote was taken, the vote on the amendment being a vote on both sides, and the Chair knows, and nearly everybody else in the House knows now, that the question was submitted to the committee, and the yeas and nays were called for.

Mr. MADDEN. The yeas and nays were not called for.

The CHAIRMAN. The aye-and-no vote was called for.

Mr. MADDEN. The negative vote was not called for.

The CHAIRMAN. The Chair begs the gentleman's pardon. The Chair knows that it was.

Mr. BURNETT. Mr. Chairman, I demand the regular order.

Mr. BORLAND. I ask that the amendment be read that I send to the Clerk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BORLAND: Page 1, line 3, after the word "alien" strike out the following——

Mr. MADDEN. Mr. Chairman, I submit before this amendment is in order my motion to take an appeal from the decision of the Chair should be considered.

The CHAIRMAN. The Chair thought that was withdrawn.

Mr. MADDEN. It was not withdrawn and is not going to be withdrawn.

Mr. REAVIS. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] insists upon having his appeal submitted to the committee.

Mr. REAVIS. A parliamentary inquiry, Mr. Chairman.

Mr. BURNETT. Mr. Chairman, I make the point of order that it is too late.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MADDEN] desire to have his appeal from the decision of the Chair submitted?

Mr. MADDEN. Certainly.

Mr. BORLAND. Mr. Chairman, I move to lay the appeal on the table.

Mr. REAVIS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] moves to appeal from the decision of the Chair.

Mr. BORLAND. Mr. Chairman, I move to lay it on the table.

Mr. WALSH. Mr. Chairman, I raise the point of order.

The CHAIRMAN. I understand that can not be done in committee. As many as favor the decision of the Chair will answer "aye." [After a pause.] Those opposed will answer "no." [After a pause.] The ayes seem to have it. [After a pause.] The ayes have it.

So the decision of the Chair was sustained as the judgment of the committee.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The Clerk read as follows:

Amendment offered by Mr. BORLAND: Page 1, line 3, after the word "alien," strike out the following: "eligible by existing law to become a naturalized citizen of the United States."

Mr. BORLAND. Mr. Chairman, the first section of this bill provides that any alien eligible by existing law to become a naturalized citizen of the United States who is a native of those countries engaged in war with Germany, and so forth, and who, but for his alienage, would be subject to the selective draft, shall be subject to this law. I have not heard any explanation as to why he must be both subject to the selective draft, but for his alienage, and also eligible to become a citizen of the United States. This law does not seem to reach anybody, except those who are eligible to become citizens of the United States.

Now, that word "eligible" would extend to all of the provisions of the naturalization law, one of which is a residence of two years before he can declare his intention, and five years before he can make his final declaration.

Now, how long must these resident aliens be in the United States before they become subject to this law? Either one of these two periods is too long for the purposes of this bill. Such a bill would not catch the alien slackers. It would not catch the large number of aliens who might have come here to avoid military service during this war. It would only catch men who were eligible to become citizens of the United States, and all who were not eligible to become citizens of the United States, because they have not been here long enough to become citizens of the United States, would continue to be slackers. We would here furnish a harbor of refuge by which a man could leave his own country to avoid military service there and come to this country and not be eligible to military service here.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BORLAND. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BORLAND. That is one of the reasons why this matter ought to be settled by treaty, rather than by this crude attempt at legislation. It is possible by treaty to make every alien slacker in the United States who belongs as a national to any of the belligerent powers liable to military duty. He can be made by treaty liable here to military duty, and that is exactly what we want. But we are permitting a large number of them to escape under this definition of the alien-slacker law.

Mr. RAKER rose.

Mr. BORLAND. Oh, I know what my friend is going to say. [Laughter.] There is no use in taking up time. He will say it is going to exclude the Japanese.

Mr. RAKER. No. That is not what I am going to say. Is it not a fact that the gentleman is against the whole bill and is doing everything to beat it?

Mr. BORLAND. I am showing the weakness of it, and showing that it will not do what can readily be accomplished by treaty. We ought to catch these men who are not eligible to become citizens of the United States. Those are the ones whom we ought to catch; and if this word "eligible" means anything, and the alien has lived here two years, it is too long, and if he has lived here five years everybody must admit that the bill is worthless for any purpose.

Mr. GORDON. In other words, it exempts all the slackers?

Mr. BORLAND. Yes; it exempts all the slackers.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. Does the gentleman contend that in order to be eligible to citizenship in the United States he must have taken out his first papers?

Mr. BORLAND. You can say that in order to be eligible to be a citizen in the language of this bill a man must first have declared his intention. Now, if the bill does not reach anybody but those who have declared their intention it will reach very few of the alien slackers in this country.

Mr. GORDON. And they are covered by the draft law.

Mr. BORLAND. Yes; they are covered by the draft law, as the gentleman from Ohio says. These questions can all be determined by treaty and reciprocal agreements with the other countries by which those countries will subject their nationals to military service in the United States, and by which we will subject our nationals to military service abroad. But the aim can not be accomplished by this bill, and this amendment ought to be adopted and the bill defeated. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. McCULLOCH rose.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. McCULLOCH. I want to submit an amendment.

The CHAIRMAN. An amendment is pending now. The question is on agreeing to the amendment.

Mr. BURNETT. Mr. Chairman, I desire to be recognized in opposition to the amendment.

The CHAIRMAN. The gentleman from Alabama is recognized in opposition to the amendment.

Mr. BURNETT. Mr. Chairman, the argument of the gentleman from Missouri [Mr. BORLAND] is an absurdity. As to the word "eligible," that is an expression that is used all the way through in regard to these immigration matters. A man is eligible to become a citizen who belongs to the nationality that may become citizens. The Japanese, the Chinese, the Asiatics are not eligible to become citizens by naturalization. White people under the law are; and the complete answer to the argument of the gentleman is that it does apply to the Japanese and Asiatics, who are not eligible to become citizens.

How else could you express the idea that anybody was ineligible to become a citizen? If you want to speak of the Japanese, he can not become a citizen by naturalization. You may also say that they are ineligible to become citizens by naturalization. It is a term that occurs in the immigration and naturalization laws all the way through, and the gentleman has stirred up a mare's nest for the purpose of trying to throw clogs in the way of the passage of this bill.

Mr. GORDON. Will the gentleman yield?

Mr. BURNETT. Do gentlemen believe that if the committee did not mean anything this bill would have been reported? We reported it because we believe it has got teeth in it, and that is one of the objections of some of these obstructionists, because it has got teeth in it, and they want to defeat it because it has teeth.

Mr. GORDON. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. GORDON. I want to ask the gentleman, who is authority on the question, whether any foreign-born alien is eligible to citizenship before two years, having declared his intentions?

Mr. BURNETT. He is eligible to become a citizen whenever he comes over if he is white, but he has to stay here for the period of five or not more than seven years before he can apply for citizenship; but that does not destroy his eligibility to apply. We are willing to stand on that.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. McCULLOCH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 11, after the word "deportation," insert the following: "*Provided*, That the local draft board shall call for service all such aliens liable to military service under the provisions of this act in the order of their registration, and all such shall be called in the same order as they would have been called if no claim had been filed for exemption on account of alienage."

Mr. McCULLOCH. Mr. Chairman, this bill or some bill providing that aliens shall serve in this war either in the army of the country to which they owe allegiance or in the American Army should have been passed before the first draft went into effect. [Applause.]

It is an injustice to the American boy who has responded to the call to the colors that these aliens are not required to serve somewhere. Delay in this matter has resulted in thousands upon thousands of aliens remaining here at the homes of our boys, taking their positions and benefiting by their absence while they are fighting at the front—fighting, if you please, the battles of these aliens who remain here. [Applause.]

The delay in this matter has resulted in more adverse comment than any one act of omission or commission by Congress since this war began. I, for one, want to see Congress act in harmony with the departments in carrying on this war. I believe firmly in the effectiveness of unity of action.

But the responsibility, after all, gentlemen, is with us. We are the representatives of the people and they look to us to safeguard their interests. We are the ones who must go back to the people and give an account of our trust and receive either approval or disapproval at their hands. It is not the State Department. What is going to be the result if you do not pass this bill or some bill that makes the alien serve somewhere? The result is going to be that these aliens are not going to war. They are not going to be called in the next draft. They will still be exempt; and when that draft comes and the American boys are taken, if you men have not seen to it that the aliens are taken, you are going to have to answer to the people, and all the camouflage about international law and all the arguments about treaties and all the technicalities in the world will not save one of you. [Applause.]

For my part, I would rather go on record against almost any other measure than this one and go back to my people. Results, after all, are what count. The American people want these aliens to serve somewhere, and they are right; they should serve somewhere. Technical arguments will not take the place of results, and if the next draft comes on and the alien still stays here, free from all obligations to serve, it will not be the State Department, but you, who will answer.

I do not want to be one to go on record that the American boys must go and the alien slacker can stay. The amendment I proposed will make the aliens who have not been taken in the first draft take their regular order just as though they had not been exempted. The chairman of the committee has said that this can be provided for by the regulations. I do not think there should be any doubt about the intent of Congress on the subject. We should say clearly that the aliens must now take their turn in the order of their original registration.

Let us say to our boys over there and to those who are getting ready to go that the Congress is back of them, dealing fairly with them, and that we will see to it that they are not discriminated against in favor of alien slackers, who are physically fit, by requiring the American boy to go and permitting the alien to stay here and take the American boy's job and benefit by his absence. The State Department only asked until the 1st of December to take care of this matter by treaty. It is now February and the next draft is upon us and nothing definite has been accomplished. Congress should act, and act at once.

Mr. BUTLER. Will the gentleman yield?

Mr. McCULLOCH. I will.

Mr. BUTLER. In the gentleman's opinion, what is the effect of this bill if the Rogers amendment remains in it?

Mr. McCULLOCH. The Rogers amendment emasculates the bill and destroys its effectiveness.

Mr. BUTLER. Then we will have a roll call on it.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. GORDON. Mr. Chairman, I rise in opposition to the amendment. The frankest speech that we have heard here to-day is the one just delivered by the gentleman from Ohio [Mr. McCULLOCH]. It is "results" he says that we want. He admits that you have already emasculated this bill and absolutely destroyed it, and what he means by "results" of course is political results, and that is all there is of this bill.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. GORDON. I decline to yield. Mr. Chairman, that is all there is of this bill. I have listened patiently to all the debate here, to all the arguments on the proposition.

Of course, we have been advised that the State Department and the able counselors who advise that department on behalf of the Government and people of the United States do not know anything about international law. Of course, this committee did not agree with that conclusion, and by a vote of 99 to 80 inserted a provision here which, of course, destroys this bill, as it ought to be destroyed. We have heard something about verbal camouflage, and this talk about drafting aliens to war for the United States makes me sick and tired of men who claim to be American citizens. Which alien nation did the United States enter the European war to assist? I would like to hear some men name the particular foreign nation, to aid which we declared a state of war with the Imperial Government of Germany. I deny it. I voted for that declaration of war, but I did not do it to help any foreign nation nor all of the foreign nations in Europe. That exposes the utter hypocrisy of the whole proposition of drafting aliens into the military service of the United States. [Laughter.]

I voted for this declaration of war to vindicate the sovereignty of the United States and the rights of her people under international law. [Applause.] I did not vote for this war to help some alien nation or any alien in the United States. We are not fighting this war in the interest of any alien nation or any alien people anywhere on the face of the earth. The declaration of war which Congress adopted expressly recited the reasons for that declaration—that the rights of citizens of the United States, the rights of the Government of the United States, had been unlawfully assailed upon the high seas in violation of international law, and a state of war existed because of those unlawful acts.

Of course, a lot of fellows here are making speeches for home consumption. That is perfectly obvious. You know aliens do not vote in Ohio, and, of course, it is a nice, convenient thing to get up here and dambast aliens. We have heard something about whether or not this violates treaties. I do not care whether there is a treaty in existence which prohibits conscripting aliens into our military service or not. Any man with any sense who knows anything about international law knows that even in the absence of any treaty you have no right to draft aliens into your military service. There is no

respectable authority on international law who ever wrote on the subject that will contend that you have—there is absolutely no authority in support of the proposition that you can draft aliens, especially to fight a foreign war. We have no lawful right to lay hands on aliens for such a purpose. Of course, aliens can only appeal to any foreign government through the government to which they owe allegiance. Advantage is taken of that fact, but I want you gentlemen when you vote for this bill to remember that there is not an alien in the United States to-day who is not here by the invitation of the Government and the Congress of the United States through a treaty or by a law enacted by this body—not one. An alien has no right to go into a foreign country except by the consent of that country, and no alien is in the United States to-day who is not here by the consent of the Government and the people of the United States.

The operations of this bill are confined by its opening paragraph, beginning on line 3, page 1, to "any alien eligible by existing law to become a naturalized citizen of the United States"; this limitation excludes in express terms all "alien slackers," because it excludes from the operation of the bill everyone who has come to the United States since the outbreak of the European war.

Webster's new international dictionary defines "eligible" as follows: "Fitted or qualified to be chosen or elected; legally or morally suitable; as an eligible candidate." From this definition of the term "eligible" it will at once be seen that all aliens are excluded from the operation of the bill who have not been in the United States at least five years preceding the date of the final enactment and approval of the law.

For the information of the committee I desire to quote from a report, No. 15, first session, Sixty-fifth Congress, of the Committee on Foreign Affairs, through the gentleman from Massachusetts [Mr. ROGERS], submitted to the House on August 1, 1917, House joint resolution 115, in which report are collected provisions from our treaties with foreign nations prohibiting us from requiring compulsory military service of citizens of other countries and also extracts from communications of our own State Department challenging the right of all nations to draft American citizens into their military service, even where no treaty existed prohibiting it. Also citations from the leading authorities upon international law denying the right, in the absence of treaties, of any nation to conscript aliens into its military service:

APPENDIX A.

PROVISIONS IN TREATIES ENTERED INTO BY THE UNITED STATES WITH OTHER COUNTRIES RELATING TO RIGHT OF EITHER COUNTRY TO EXACT COMPULSORY MILITARY SERVICE OF CITIZENS OF THE OTHER COUNTRY RESIDING THEREIN.

It will thus be seen that in at least 17 treaties entered into between the United States and foreign Governments the policy of mutual exemption from compulsory military service of the citizens or subjects of one of the contracting parties, residing in the territories of the other, has been established. At least 10 of these treaties are still in full force and effect.

The following treaties between the United States and other countries contain a "most-favored-nation" clause which would probably be deemed to include a similar exemption from compulsory military service even if not otherwise existing by treaty or by international law:

Algiers, 1816, article 12.
China, 1858, article 30.
Korea, 1882, article 14.
Hanseatic Republic, 1827, article 9.
Japan, 1854, article 9.
Morocco, 1880, article 17.
Persia, 1856, article 3.
Samoan Islands, 1878, article 6.
Spain, 1902, article 2.
Tonga, 1886, article 3.
Japan, 1911 article 4.

APPENDIX B.

MAY THE UNITED STATES, EVEN WHEN TREATY STIPULATIONS DO NOT PREVENT, EXACT COMPULSORY MILITARY SERVICE OF ALIENS?

In 1804 Mr. Madison, then Secretary of State, wrote to Mr. Monroe, then our minister to England: "Citizens or subjects of one country residing in another, though bound by their temporary allegiance to many common duties, can never be rightfully forced into military service * * *."

Naturally many cases involving the question arose during the Civil War. Secretary Seward had occasion to express himself a number of times. In 1862 he said: "I can hardly suppose that there exists anywhere in the world the erroneous belief that aliens are liable here to military duty." Later, the same year, he wrote to the governor of Indiana: "There is no principle more distinctly and clearly settled in the law of nations than the rule that resident aliens not naturalized are not liable to perform military service. We have uniformly claimed and insisted upon it in our intercourse with foreign nations." In 1864 he wrote to Mr. Stanton, Secretary of War: "In a case of alleged fraudulent enlistment of an alien his government has an undoubted right and duty to ask for a prompt investigation and satisfactory answer; and if it appears that he was improperly enlisted and he has fallen in battle, his family ought to have some compensation." In Halleck's International Law it is stated: "In 1861, during the American Civil War, the British Government declared that if enforced enlistments of British subjects for the war were persisted in the Government would be obliged to concert with other neutral powers for the protection of their respective subjects, but neither in the Northern or Southern States was the discharge of any British subject enlisted against his will refused on proper representation." (Vol. 2, p. 6.)

In 1874 Secretary Fish wrote: "We did not claim the right to impress aliens into our forces during the late Civil War, but it is understood that in one instance at least, in the case of a siege, we sought to justify such an impressment."

The United States has been very positive indeed in its action when Mexico has sought to impose military service upon citizens of the United States. The most notable cases, however, occurred in 1880, at the time when the treaty of 1831, forbidding compulsory military service, was still in force. The American authorities, however, appear to have put their protest upon grounds of international law as well as upon treaty obligations. The American minister to Mexico was instructed that there was "scarcely any act of which a nation should be less tolerant than that of a neighboring power forcibly impressing its citizens into their military service, perhaps to be obliged, at some future time, to fight against their own flag." Mr. Evarts later in the same year wrote that whenever protest was made by Mexico during our Civil War it was the practice of the State Department to bring the subject at once to the attention of the Secretary of War, and that "no single instance is met with in which the Mexican citizen's claim to exemption from military service in the armies of the United States was not promptly recognized and respected by this Government." The following year Mr. Blaine, then Secretary of State, wrote: "It is notorious that the impressment of American seamen into the naval service of a foreign power was at one time a serious grievance, not to be acquiesced in, and raised a question upon which all parties in this country were unanimous in regarding as one of international character. Public sentiment here in regard to that subject was borne in mind during the late Civil War. The number of persons of foreign birth, especially in the large cities, led to the accidental or involuntary enrollment of unnaturalized aliens in the military or naval service. These, however, as is shown by the large space in the records of the department at the time, were at once discharged upon complaint made and in the absence of proof of their naturalization. It is hoped, therefore, that in considering this subject the Mexican Government will not only have due regard to the unlawfulness of the impressment but to the universal and strong sentiment upon the subject which pervades this country."

In 1888 Mr. Bayard summed up the situation thus: "It is well settled by international law that foreigners temporarily resident in a country can not be compelled to enter into its permanent military service. It is true that in times of social disturbance or of invasion their services in police or home guards may be exacted, and that they may be required to take up arms to help in the defense of their place of residence against invasion of savages, pirates, etc., as a means of warding off some great public calamity by which all would suffer indiscriminately. The test in each case as to whether a foreigner can properly be enrolled against his will is that of necessity. Unless social order and immunity from attack by uncivilized tribes can not be secured except through the enrollment of such a force, a nation has no right to call upon foreigners for assistance against their will."

APPENDIX C.

MAY THE UNITED STATES, EVEN WHEN TREATY STIPULATIONS DO NOT PREVENT, EXACT COMPULSORY MILITARY SERVICE OF ALIENS WHO HAVE DECLARED THEIR INTENTION TO BECOME CITIZENS OF THE UNITED STATES?

Revised Statutes of the United States, section 2165, provides in part as follows: "An alien * * * shall declare on oath * * * two years at least prior to his admission that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty. * * *."

It will be observed from the language of the above statute that a declarant for citizenship neither takes a present oath of allegiance to the United States nor disclaims allegiance to the country of his origin. It would seem natural to expect, therefore, that the authorities would regard his citizenship status as absolutely unaffected and would settle the question of his liability to compulsory service exactly as if he had never taken even the first step toward becoming a citizen of the United States.

Mr. Seward wrote to the governor of Indiana in 1862: "The law of Great Britain holds that a native British subject owes allegiance to the British Government until he has completely effected his naturalization in the United States under the laws of Congress. * * *." From the foundation of the Government the Department (of State) had refused to grant passports as citizens to aliens who had merely filed the preliminary declaration of intention and who had not effected their naturalization under the United States laws, and had informally recognized the passports granted to them by the proper authorities of the Governments of which they had been born subjects.

In 1863 Mr. Seward stated the rule as follows: "No alien-born person is liable to render military service unless either he has been naturalized on his own application or has made a voluntary declaration, on oath, of his intention to become a citizen by naturalization according to law, or has claimed and actually exercised the political right of voting as a citizen of the United States."

While this language does not expressly state that a declarant is liable to render compulsory military service, it evidently squints in this direction. Doubtless Mr. Seward, in writing it, had in mind the language of the act of Congress of March 3, 1863—the conscription act—which expressly declared that the levy should include "all persons of foreign birth who shall have declared, on oath, their intention to become citizens."

In 1863 certain able-bodied male persons of foreign birth, who had declared, on oath, their intentions to become American citizens, were called upon for military duty by the United States. The British Government suggested that British subjects who had merely declared their intention to become American citizens but had not exercised any political franchise in consequence of such declaration ought to be allowed a reasonable period after the passing of the act to exercise the option of leaving the United States or of continuing residing therein with the annexed conditions. The United States Government thereupon allowed 65 days to such persons to exercise their option, and the British Government refused to interfere on behalf of any intended citizens who had not availed themselves of the opportunity. (Parliamentary Papers, 1863, No. 337.)

By the act of March 3, 1863, aliens who had made a declaration of intention and who were under specified conditions liable to military duty were permitted to obtain passports, but this privilege was repealed in 1866. Switzerland objected to President Lincoln's proclamation concerning the liability of Swiss in the United States to perform military service. Mr. Seward suggested that a just interpretation of the war measures of Congress constituted a new and additional law of Federal naturalization. "But," he adds, "it was foreseen that some emigrants who had declared their intention might complain of surprise if they were immediately subjected to conscription. To guard against this surprise the proclamation was issued, giving them ample notice of the change of the law, with the alternative of removal from this country if they should prefer removal to remaining here on the footing on which Congress had brought them. Surely no foreigner has a right to be naturalized and remain here in a time of public danger and enjoy the protection of the Government without submitting to general requirements needful for his own security."

In Moore's Digest of International Law, volume 3, pages 336 to 353, will be found the precedents conclusively establishing that the declaration of intention to become a citizen neither confers citizenship in the United States nor divests citizenship in the country of origin.

The CHAIRMAN. The time of the gentleman from Ohio has expired. All time has expired. The question is on the amendment offered by the gentleman from Ohio [Mr. McCULLOCH].

The question was taken, and the amendment was rejected.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that all debate upon this section now close.

Mr. PARKER of New Jersey. Mr. Chairman, I have given notice of an amendment.

Mr. EMERSON. Mr. Chairman, I desire to have two minutes.

Mr. BURNETT. I withdraw the request.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the following amendment in the form of a motion to strike out.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 1, line 3, after the words "that any alien," strike out the words "eligible by existing law to become a naturalized citizen"; also all of lines 4, 5, 6, 7, 8, and 9; and also the word "said," in line 11, after the words "exemption from"; also, on page 2, line 3, strike out "and shall as soon as practicable be deported"; also strike out all of line 4 and the words "and deportation" in line 11.

Mr. BURNETT. Mr. Chairman, I make the point of order against the amendment that it is not germane.

Mr. PARKER of New Jersey. It strikes out; that is all.

The CHAIRMAN. The gentleman from Alabama made a point of order against the amendment offered by the gentleman from New Jersey. Does the gentleman from Alabama desire to be heard on his point of order?

Mr. BURNETT. I understand the amendment was to strike out and insert.

Mr. PARKER of New Jersey. No.

Mr. BURNETT. Is it to strike out something?

Mr. PARKER of New Jersey. That is all.

The CHAIRMAN. It is to strike out.

Mr. BURNETT. Then I think the point of order is not well taken, Mr. Chairman, and I withdraw it.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. RAKER. Mr. Chairman, I think I have a point of order to make against the amendment.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. I make a point of order on the first part of the amendment that the committee has already disposed of that, and the gentleman can not include part of that and then strike out other parts scattered through the bill. On lines 3 and 4 the committee has already acted, and I make the point of order on that ground.

Mr. STAFFORD. That is a very novel point of order, Mr. Chairman, which has never been before submitted to any Committee of the Whole House on the state of the Union.

Mr. RAKER. Mr. Chairman, I desire to be heard, if it is novel.

Mr. STAFFORD. It has never been made before, and I would like to hear the gentleman cite the authority for making the point of order.

The CHAIRMAN. The Chair will hear the gentleman for a moment.

Mr. RAKER. I want to call the Chair's attention to the fact in lines 3 and 4 the gentleman from Missouri made a motion to strike out. Now the gentleman from New Jersey comes back and makes a motion to strike out the same language in the bill, and surely the committee will not sit here and hear a dozen motions to strike out the same language in the bill. It is not novel; it is ordinary sense, and I ask the Chairman to sustain the point of order on the ground it has already been passed upon by the committee.

The CHAIRMAN. This amendment does not propose to strike out anything that has been inserted, and all the matter proposed to be stricken out by this amendment has not been acted upon in any way by the committee, and the Chair overrules the point of order. The gentleman from New Jersey is recognized for five minutes.

Mr. PARKER of New Jersey. Mr. Chairman, may I have the first part read as it will read after the language has been stricken out without coming out of my time? However, I will take my time now.

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. PARKER of New Jersey. Mr. Chairman, I need only say to those who did not hear me before that I am thoroughly in sympathy with the objects of this bill, but it has two means proposed. One is to bar people from naturalization, and the bill limits that to our allies. I think any alien who is here and says he does not want to serve the United States in this crisis ought not hereafter to have the right to be naturalized and become a citizen, and I therefore strike out all referring to his special nationality. As amended, the first section is very simple. It says that any alien who by himself or by anyone else has heretofore claimed or shall hereafter claim exemption from the selective draft on account of being an alien shall forever be denied the right of becoming a citizen of the United States or any of its possessions. That is much broader than the bill. It is within our power and it is right to say that a man, say a native of Holland and a neutral, may be here and have the right to do business, but that even if a neutral in this our time of crisis says he does not want to be made an American citizen and perform those duties he should not ask that after the war. Much less men who are subjects of an enemy country. There

are some born abroad who came here when they were 6 months old. If those claim they are exempted from draft because they are born, for instance, in Austria, we do not want to naturalize them. If they do not so claim we want to do so, especially if they go into the Army.

Mr. MONDELL. Will the gentleman yield?

Mr. PARKER of New Jersey. I can not yield now. I will in a moment.

Now, as to deportations. Some of these men of our allies ought to be deported, but deportation is not the same class as naturalization. It is limited. It is not very troublesome now to prevent people from coming in. It will be very troublesome to deport, inasmuch as it is pretty hard to get transportation and still harder to get passports. But for convenience, for courtesy, and for the present that must be left to the State Department. As to naturalization, we have the power and we ought to pass a bill that is broad, far broader than that introduced by the gentleman from Alabama [Mr. BURNETT]. It is entirely within our power to allow no alien who says he is not a citizen to become a citizen.

Mr. MONDELL. Do I understand that it is the intention of the gentleman to provide for the drafting of alien enemies?

Mr. PARKER of New Jersey. Not at all. I said that if any aliens, for instance, who are born in Austria, who are 18 years old and who have been here since they were 6 months old, wanted to enlist, they may. And I take it if they do not claim exemption they ought to be drafted. If they do claim exemption they ought not to be citizens.

Mr. LUFKIN. Mr. Chairman, I oppose this amendment because I am opposed to all amendments offered by Members of this House who are opposed to the Burnett bill itself, because I believe that any amendment from that opposition is offered with the idea of weakening the bill rather than strengthening it.

I am one of the six Members of this House who have been elected since the United States entered the European war last April. I campaigned four months during the summer of 1917 for my nomination and then six weeks for my election. I was among the people of my district practically every day and night. Consequently I am perhaps in a better position to realize what the people are thinking about in connection with this war than are Members who have not faced their constituents for nearly two years, and I say to this House to-day, and I say it without hesitation, that the main thought in their minds is this very question of making use of the millions of aliens in our country during the present international crisis.

I made this question of the exemption of aliens the main issue in my campaign, and while my district is composed of men of all nationalities, the discussion of this problem never failed to be received with sympathy by my audiences.

I have no doubt that the conditions are the same in other parts of the country and that the thought of the man in California is not so much different from the thought of the man in Massachusetts on this particular question. The intensity of the feeling, of course, depends to some extent on the number of aliens in the communities. In my own State, where the aliens constitute practically one-third of the total registration for the draft, the Americans, whether by birth or by adoption, are particularly incensed. Last summer while the first draft was going on I visited city after city and town after town. I attended the exercises incident to the departure of these drafted men to their respective camps, and the sight presented was always the same. Four of the five young men who marched away from their homes and families were American young men, whereas four of the five who remained at home to enjoy the peace and comfort of this great land of ours, to live in what was to them almost luxury by receiving the wages formerly paid to their American brethren now in the service, were unnaturalized aliens. Do you wonder that the people are incensed at this state of affairs? Do you wonder that they refuse to be patient any longer and to wait upon the deliberations of our State Department? Six months ago we were told that Congress must be patient, that the people must be patient, and that the diplomatic negotiations were proceeding favorably. Now we are asked to be patient once again, but have been given no intimation as to how much longer the wait will be. If it takes as long for the State Department to conclude the negotiations with all of our allies as it has to conclude the negotiations with a single one of them, every American man of military age in this country, whether he be married or single, whether he has dependents or not, will be in the trenches months before we can stretch forth our hands and drag a single alien into the firing line.

I want to support the administration in their every effort, but I can not do it in this particular instance. One of our greatest problems at this time is to so conduct the affairs of the war as to make it popular with the rank and file of the country. The exemption of aliens has done more than any one other thing to make it unpopular. Let us remedy this at once. Let us pass this legislation and show to the people of this great land that we believe as they do and that this is a time when every man must do his part, regardless of his birth, regardless of his nationality, regardless of anything else except that his country and our country are fighting for the same purpose. These aliens have come to the United States, and to all intents and purposes they are a part of us. They have enjoyed the benefits of the American standard of wages, they have enjoyed the privileges of our splendid system of education and of our high standard of living in every respect. To me it is abominable that, having shared our blessings, they should not likewise be called upon in this crisis to share some of our responsibilities. We have put them on the same plane, so far as everything else in this country is concerned. Let us put them on the same plane, therefore, when it comes to fighting for our very existence, which, after all, is their existence. And, Mr. Speaker, if they refuse to do this, if they claim exemption through treaty rights with their mother countries, let us deny to them forever the right of obtaining citizenship in America, and let us, if possible, force them to go back where they came from and help to fight the battles there—make them do their part somewhere, whether it be in the land they were so anxious to come to or in the land they were so anxious to leave. This is no time for slackers of any kind.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I will only occupy a moment or two, but I would like to have the attention of the chairman of the committee and the members of the committee who are present to a suggestion that I would like to make with reference to the language of this bill.

I feel sure that the great majority of the Members of this Congress are heartily in accord with the purpose of this bill, while there are many of us who will hesitate to vote for it because, in our judgment, it comes in conflict with a treaty stipulation. But I wish to pass from that and ask your attention to the language which you have used in this bill.

I listened with attention to the remarks about what constituted a proper definition of the word "eligible," and it was asserted that a man admitted to this country was eligible to citizenship; that Japanese and Chinese were not, but other nationalities were. That is what "eligible" meant as used in this bill. I am sorry to say that I differ absolutely and totally from that construction and use of the word. A man who is eligible to the office of mayor, for instance, must have resided in a district for so many years. He must have been a citizen, and that constitutes his eligibility. When a man applies to a court and asks for his naturalization paper the judge says to him, "Are you legally eligible?" The judge asks the question. He must proceed then to show legal fitness to be declared a citizen. What are the steps of legal fitness? First, he must have come to this country; second, he must have resided here for two years; third, he must have declared his intention to become a citizen; and, fourth, he must have made application for naturalization papers. When all of these things are done, then, and not until then, is the man eligible to be a citizen.

Now, I want to read this language. I quote from the first paragraph of the bill:

> That any alien eligible by existing law to become a naturalized citizen of the United States—

By the use of that language you limit the application and operation of this bill to persons who are ripe—that is the word—for citizenship. In other words, they must be eligible to be elected. All the conditions precedent as a qualification must have been complied with, and then, and not until then, are they eligible for citizenship.

Now, the next sentence puts a limitation upon that proposition—

> and who but for his alienage would be subject to the selective draft.

Who is subject to the selective draft? A man that has declared his intention to become a citizen is subject to the selective draft. Hence this bill would be utterly inoperative as to every alien in the United States unless he was eligible in the full legal sense to be a citizen or, in the limited application of it, that he was subject to the selective draft.

Mr. MADDEN. In other words, he would have to be between 21 and 31 years of age and be eligible in all other respects?

Mr. GRAHAM of Pennsylvania. Absolutely. [Applause.]

Mr. BURNETT. Mr. Chairman, I think perhaps we can make an agreement as to this bill going over until next Wednesday. I think there is no question about our having the right of way on that day. However, we do not want to have any trouble about that question, and if we can have that matter settled now so that by unanimous consent it is understood that we have the right of way next Wednesday, I am willing to make a motion to rise at this time. I would like to know whether there will be any objection or not.

Mr. JOHNSON of Washington. Mr. Chairman, at the proper time I shall want to move to recommit.

Mr. BURNETT. Oh, no; this would not cut that off at all.

Mr. FLOOD. I understand from the gentleman's request that you are waiving no rights to continue to offer amendments or substitutes, or whatever you please. There will be no question raised as to whether or not the committee has next Calendar Wednesday?

Mr. STAFFORD. I understand the gentleman's motion to rise at the present time is predicated upon a gentleman's agreement that no one will raise the question on next Wednesday that the Committee on Immigration and Naturalization is not entitled to another day?

Mr. BURNETT. Exactly; and that the bill will be right where it is now as regards status.

Now, Mr. Chairman, I merely called attention to that in order to see whether there was going to be any objection. I now move that the committee rise, with that understanding.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LONERGAN. Mr. Chairman, I make a similar request.

The CHAIRMAN. Is there objectiton to the gentleman's request?

There was no objection.

Mr. WINGO. Mr. Chairman, I wish to revise and extend my remarks.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. TAGUE. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes, and had come to no resolution thereon.

Mr. BURNETT. Mr. Speaker, while the House was in committee the question as to the priority of this committee, the right of way of this committee next Wednesday, was informally discussed and referred to. It was understood that when we went into the House, in order to obviate any question—I think there should be none on that matter—it was agreed that this committee have the right of way next Wednesday. I ask now for a ratification of that agreement in the House. I ask unanimous consent that the agreement be made.

The SPEAKER. The Chair will state, without putting that question, that it would unquestionably be in accordance with the rule that the gentleman's committee should have next Wednesday. Any gentleman who wants to appeal from that decision can do it then.

Mr. BURNETT. All right. Then I will withdraw that request.

Mr. MONDELL. I suggest to the gentleman from Alabama that he withdraw his request.

Mr. BURNETT. I do withdraw that request.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1418. An act to authorize the President of the United States to appoint Harry Graham captain of Infantry; and

S. 3006. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes.

EXTENSION OF REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill.

Mr. LANGLEY. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] and the gentleman from Kentucky [Mr. LANGLEY] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. RAKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Thursday, February 7, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department to increase the salary of the chief clerk, Office of Chief of Staff, from the present rate of $2,250 per annum to $2,750 per annum for the six months ending June 30, 1918 (H. Doc. No. 916); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department to increase the salary of the chief clerk, Office of Chief of Staff, from the present rate of $2,250 per annum to $2,750 per annum for the fiscal year 1919 (H. Doc. No. 917); to the Committee on Military Affairs and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of waterway between Port Townsend Bay and Oak Bay, in Jefferson County, Wash., with a view to increased width and depth (H. Doc. No. 918); to the Committee on Rivers and Harbors and ordered to be printed.

4. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of intracoastal waterway from Calcasieu River, La., to Sabine River, Tex. and La., with a view to securing such width and depth as will meet the demands of commerce (H. Doc. No. 919); to the Committee on Rivers and Harbors and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ASHBROOK, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 286), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 7889) granting a pension to Hiram Dillon, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SABATH: A bill (H. R. 9610) providing admission to members of Army, Navy, or Marine Corps to citizenship of the United States; to the Committee on Foreign Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 9611) authorizing the Cowlitz Tribe of Indians residing in the State of Washington, to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. KEATING: A bill (H. R. 9613) amending section 12, Federal farm-loan act, approved July 17, 1916; to the Committee on Banking and Currency.

By Mr. HULL of Tennessee: A bill (H. R. 9614) providing that certain National Guard officers in Federal service shall be

allowed the equivalent of three months' intensive training before discharge or dismissal on finding of efficiency boards; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 9615) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHALL: A bill (H. R. 9616) to provide for refund or abatement under certain conditions of penalty taxes imposed by section 2 of the act of October 3, 1913, known as the income-tax act; to the Committee on Ways and Means.

By Mr. KEATING: A resolution (H. Res. 244) asking for information from the Secretary of Labor; to the Committee on Foreign Affairs.

By Mr. SABATH: A joint resolution (H. J. Res. 236) authorizing the readmission to the United States of lawfully resident aliens applying therefor after having been enlisted or conscripted for the military service of the United States, or who have enlisted and joined the Czecho-Slovak or Polish Army waging war against any of the central powers or one of the nations cobelligerents of the United States; to the Committee on Foreign Affairs.

By Mr. AUSTIN: A joint resolution (H. J. Res. 237) authorizing and directing the discharge from the United States Army camps of drafted men upon their own application supported by proof that they have dependents; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; committed to the Committee of the Whole House.

By Mr. AUSTIN: A bill (H. R. 9617) granting an increase of pension to Judge B. Cecil; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 9618) granting an increase of pension to Albert Teets; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 9619) granting an increase of pension to Henry C. Carr; to the Committee on Invalid Pensions.

By Mr. HARRISON of Mississippi: A bill (H. R. 9620) to carry into effect findings of the Court of Claims in case of Emily E. Bishop; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 9621) granting an increase of pension to Henry G. Gardner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9622) granting a pension to Isaac Daniel Gibson; to the Committee on Pensions.

By Mr. MOON: A bill (H. R. 9623) granting an increase of pension to Erastus A. Kelly; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9624) granting an increase of pension to Lancetta Byram; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9625) granting an increase of pension to Samuel L. Thompson; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 9626) granting a pension to Wilmot Stevens; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 9627) granting an increase of pension to Alonson Walker; to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 9628) for the relief of the estate of John H. Piatt, deceased; to the Committee on Claims.

Also, a bill (H. R. 9629) granting an increase of pension to Jacob Shinnebarger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9630) granting an increase of pension to David E. Tussing; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 9631) granting a pension to Roberta R. Havelick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9632) granting an increase of pension to John P. Rounds; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9633) granting an increase of pension to Levi Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9634) granting an increase of pension to Nathan N. Spence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9635) granting an increase of pension to John F. Thompson; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9636) granting an increase of pension to Isaac F. Allread; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9637) granting an increase of pension to Henry C. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9638) granting a pension to Alva C. Foster; to the Committee on Pensions.

Also, a bill (H. R. 9639) granting an increase of pension to Francis M. Wall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9640) granting an increase of pension to William C. Wagoner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FULLER of Illinois: Memorial of the City Council of Chicago, for maintenance of the pneumatic-tube mail service; also a memorial of the Federal Employees' Union, No. 2, opposing the Postmaster General's recommendation against affiliating with labor organizations; to the Committee on the Post Office and Post Roads.

Also, memorial of the Farmers' Educational and Cooperative Union of America, opposing all measures for universal military training; to the Committee on Military Affairs.

Also, memorial of the Haverhill (Mass.) Chamber of Commerce for the repeal of the postal provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. HARRISON of Mississippi: Resolution of the Mississippi Annual Conference of the Methodist Episcopal Church South, urging legislation that will give to the Choctaw Indians of that State their interest in the tribal funds and property of the Choctaw Nation; to the Committee on Indian Affairs.

Also, memorial of citizens of Indianola and Sunflower County, Miss., declaring their loyalty and confidence in the administration and deploring the recent criticisms of the conduct of the war; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: Petition of citizens of Pittsburgh, praying for the passage of a constitutional amendment forbidding polygamy; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petition of W. S. Childs, Baltimore, Md., opposing putting a freight yard or track opposite the Sibley Hospital on North Capitol Street, Washington, D. C.; to the Committee on the District of Columbia.

Also, memorial of the legislative board of the Brotherhood of Railroad Trainmen, State of Maryland, favoring strengthening the employers' liability law and opposing House bill 8172; to the Committee on Interstate and Foreign Commerce.

Also, petition of Albert H. Beachley and Emory F. Stottlemayer, formerly of Frederick County, Md., urging increased compensation for Federal employees; also a memorial of the Federal Employees' Union, No. 21, Baltimore, Md., opposing the Borland amendment and urging increase of salaries; to the Committee on Appropriations.

By Mr. MADDEN: Resolutions of a mass meeting of Magyars held in Chicago, Ill., expressing approval of the President's war-aims message, and asserting the loyalty of American citizens of Magyar blood, and of those Magyars not yet citizens; to the Committee on the Judiciary.

By Mr. MOON: Papers to accompany a bill for the relief of Erastus A. Kelly; to the Committee on Invalid Pensions.

By Mr. RAKER: Petition of Mrs. Emily M. Sherman, secretary Woman's City Club, Long Beach, Cal., urging repeal of amendment to revenue law as it relates to increase in postage; to the Committee on Ways and Means.

Also, resolution adopted by Chamber of Commerce, San Jose, Cal., in re extreme penalty provided for acts of treason to be enforced upon aliens who commit them; to the Committee on the Judiciary.

Also, petition of Mrs. Harriet W. Myers, chairman, and Mrs. F. T. Bicknell, chairman, both of Los Angeles, Cal., indorsing the migratory-bird treaty act; to the Committee on Foreign Affairs.

Also, petition of Roy C. Barmore, R. F. D. No. 1, Newcastle, Cal., in re increased compensation for rural mail carriers; to the Committee on the Post Office and Post Roads.

By Mr. SIEGEL: Resolutions of the Republican Club of the City of New York, favoring a bill for universal military training; to the Committee on Military Affairs.

Also, resolutions of the Republican Club of the Nineteenth Aldermanic District of New York City, indorsing H. R. 1654 and S. 709; to the Committee on the Post Office and Post Roads.

By Mr. SNYDER: Petition of residents of Dolgeville, N. Y., praying for the enactment of an immediate war emergency prohibition bill; to the Committee on the Judiciary.

Also, petition of residents of Rome and Vernon, N. Y., for relief in the matter of help for farm workers; to the Committee on Military Affairs.

By Mr. TILSON: Petition of Lithuanian citizens of New Haven, Conn., against a union with Poland, etc.; to the Committee on Foreign Affairs.

SENATE.

THURSDAY, *February 7, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we bless Thee for the marvelous provision that Thou hast made for us as a free people, for the boundless wealth of our fields and forests, for the mountains and widespreading plains, for all these resources at our command. Now, as we come to test their power for the spread of the doctrines of truth and liberty we know that all must prove ineffective unless the people do justly, love mercy, and walk humbly with their God. So we turn to Thee for the deeper inspiration that we may be enabled to transmute the physical forces that Thou hast put at our command into spiritual powers to win the victory for truth and righteousness. We ask Thy guidance, for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

H. R. 5489. An act to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co. was read twice by its title and referred to the Committee on Public Lands.

ALLOWANCES TO SOLDIERS' FAMILIES (S. DOC. NO. 171).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 5th instant, certain information relative to payments of allowances to the families of soldiers, which was referred to the Committee on Military Affairs and ordered to be printed.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of Commerce, transmitting, pursuant to law, lists and schedules of useless papers in the Department of Commerce which have no historic value, and requesting action looking to their disposition. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Maryland [Mr. FRANCE] and the Senator from New Hampshire [Mr. HOLLIS] the committee on the part of the Senate. The Secretary will notify the House thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1418. An act to authorize the President of the United States to appoint Harry Graham captain of Infantry;

S. 3006. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes; and

S. 3081. An act to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT. The Chair presents certain resolutions passed by the Grand Army of the Republic, which will be inserted in the RECORD and referred to the appropriate committees.

Resolutions were referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

GRAND ARMY OF THE REPUBLIC,
Indianapolis, Ind., February 4, 1918.

To the honorable the PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: Inclosed we hand you copies of resolutions adopted by the Fifty-first National Encampment of the Grand Army of the Republic at its last annual session, all of which ask for action by your honorable body on the matters presented therein.

It is our hope that the Senate may take favorable action on all of them.

Respectfully,

ORLANDO A. SOMERS, *Commander in Chief.*
ROBERT W. MCBRIDE, *Adjutant General.*

—

Resolved, That the National Encampment, Grand Army of the Republic, respectfully and most earnestly requests the Congress of the United States for an enactment under which aliens who, as members of the American Army and Navy, serve in any war shall, because of that service, become citizens, with all that the term implies, of the United States.

Resolved, That we urge upon Congress the enactment of such legislation as will authorize the return to the United States for final rest of the remains of all United States soldiers and sailors who die abroad, that they may rest beneath the flag for which they gave their lives and not under a foreign flag.

Resolutions were referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Whereas the soldiers and sailors of the Civil War have been receiving their pensions from the Government in quarterly payments; and

Whereas this is to them a very great inconvenience, for the reason that they are in so very many cases compelled to ask credit, and because of that fact are therefore compelled so many times to pay higher prices than if they could pay cash for their necessities; and

Whereas all departments of our Government are paid monthly: Be it

Resolved, That we ask Congress to pass a bill that will enable these worthy pensioners of our Government to receive their pensions in monthly payments instead of quarterly, as heretofore, and by this means enable them to do so much better and at the same time avoid the unpleasant necessity of asking credit until the quarterly payment becomes due.

—

Whereas the Sixty-fourth Congress having failed to act on the bill in aid of our blind comrades: Therefore be it

Resolved, That we reaffirm the action of the Forty-ninth National Encampment of the Grand Army of the Republic and direct the incoming commander in chief to have the same measure introduced at the regular session of Congress early in December, and use all honorable efforts to have the respective Pension Committees of the Senate and House report favorably on the same, that our needy and worthy comrades may have relief that will enable them to pass their few remaining years with some degree of comfort; and be it further

Resolved, That we solicit the aid of our allied patriotic associations in support of this measure, and the incoming adjutant general is hereby directed to send a copy of this resolution, together with the action of the Forty-ninth National Encampment, as printed on page 122 of the journal, to the presidents of the Woman's Relief Corps, Ladies of the Grand Army of the Republic, Sons of Veterans, and Sons of Veterans' Auxiliary, and the commander in chief of the Sons of Veterans, asking them to write the various Senators and Representatives to vote in favor of the bill to aid blind veterans.

Mr. LODGE presented resolutions adopted by the Spanish-American War Nurses' Association, favoring the enactment of legislation granting the rank of second lieutenant to nurses serving during the war, which were referred to the Committee on Military Affairs.

Mr. THOMPSON presented a petition of the War Council of Defense, of Decatur County, Kans., praying for the enactment of legislation to prohibit local dealers and storekeepers from making excessive charges of purchases made by the soldiers at the Army camps of the country, which was referred to the Committee on Military Affairs.

Mr. FLETCHER. I present a communication in the nature of a petition. As it is very brief and similar to numerous others I have received, I ask that it be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

NEW SMYRNA, FLA., *January 31, 1918.*

Senator FLETCHER,
Washington, D. C.:

I am writing to ask you to do all in your power to secure the passage of the Federal suffrage amendment.

The women of Florida, the women who are doing all in their power to aid the Government—in the Red Cross, food conservation, thrift stamps, liberty loan, etc.—they are the women that ask you, as their Senator, to support the suffrage amendment.

Hoping this will receive your earnest attention and that you will have the interest of the women of Florida at heart, that we may be proud of the stand our Senator takes in this great question.

Please have this read into the CONGRESSIONAL RECORD.

With greatest hope for the passage of the Federal suffrage amendment.

Yours, truly,
HANNAH DETWILER BONNET.

Mr. PHELAN. I present resolutions adopted by the Chamber of Commerce of Los Angeles, Cal., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas a great leader in the development of the West has been lost to the country by the recent death of Senator FRANCIS G. NEWLANDS, whose years of devotion to the cause of national reclamation and river regulation contributed so largely and were so indispensable to the success of the campaign for the United States reclamation act, passed in June, 1902, and the Newlands river regulation amendment, passed as section 18 of the rivers and harbors bill in August, 1917: Now, therefore, be it

Resolved, That the Los Angeles Chamber of Commerce hereby expresses its deep appreciation of the public services rendered by the late FRANCIS G. NEWLANDS in his long career as a Member of the House of Representatives and the Senate of the United States, and its profound regret that his death should have brought that career to an end; and be it further

Resolved, That a copy of this resolution be spread upon the records of this chamber and a copy thereof sent to the family of the deceased and to the President of the Senate.

I hereby certify that the above is a true and correct copy of resolution adopted by the board of directors of the Los Angeles Chamber of Commerce at their regular meeting on Wednesday, January 2, 1918.

OSCAR C. MUELLER,
Vice President.

Attest:

FRANK WIGGINS, *Secretary.*

Mr. MCNARY. I have received several petitions signed by a large number of citizens of Oregon, respectfully petitioning Congress, through the proper authorities, to request the Government of France to prohibit the sale of all forms of intoxicating liquors, including wine and beer, to American soldiers and sailors. I move that the petition be referred to the Committee on Military Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SHAFROTH, from the Committee on Public Lands, to which was referred the bill (S. 2552) to provide for leave of absence for homestead entrymen in one or two periods, and for longer times, reported it with an amendment and submitted a report (No. 248) thereon.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them without amendment and submitted reports thereon:

A bill (S. 947) validating certain homestead entries (Rept. No. 250); and.

A bill (S. 951) to provide for the sinking of artesian wells, and for other purposes (Rept. No. 251).

He also, from the same committee, to which was referred the bill (S. 41) to authorize the sale of certain lands at or near Yellowstone, Mont., for hotel purposes, reported it with amendments and submitted a report (No. 249) thereon.

RAILROAD CONTROL.

Mr. SMITH of South Carolina. Mr. President, on behalf of the Committee on Interstate Commerce, I report back favorably with amendments the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, and I submit a report (No. 246) thereon.

I should like to state, Mr. President, that not later than Monday or on Monday I shall endeavor to have this bill taken up, looking to its final disposition. All Senators realize the necessity for as expeditious action on the measure as may be. I hope they will acquaint themselves in the meantime with the provisions of the bill, so that we may begin on Monday and continue its consideration until it is disposed of.

Mr. CUMMINS. Mr. President, in connection with the report which has been made by the chairman of the Committee on Interstate Commerce, I desire to give notice that not later than Monday next I will, with the consent of the Senate, present a minority report or minority views. To avoid all misunderstanding I think I ought to say also that the minority report, so far as I am concerned, will not be based upon opposition to the possession or operation of the transportation systems of the country. Indeed, I believe that the step taken recently by the President ought to have been taken long ago. The objections which I shall offer to the bill as reported relate to other things than the policy of possession and operation of our systems of transportation by the Government; they relate to compensation largely, and other things will be added.

For myself I want it to be understood that I shall facilitate the disposition of the bill in every way I can consistent with a fair discussion of the various questions which will arise. I agree with the Senator from South Carolina that it is a subject that ought to be not only carefully considered but speedily disposed of, for we are now in a state of great uncertainty and some confusion, and it will continue until this bill is passed.

Mr. SMITH of Michigan. May I ask the Senator from South Carolina a question? The Senator from Iowa says that he is in accord with the bill in so far as taking possession of the railroads is concerned. That leads me to inquire whether there was a unanimous agreement in the committee as to the time when the roads shall be returned to their owners?

Mr. SMITH of South Carolina. No; there was not. There was a majority of the committee, quite a large majority, favorable to the length of time indicated in the bill.

Mr. GALLINGER. A year and a half?

Mr. SMITH of South Carolina. A year and a half—18 months.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SMITH of South Carolina. I ask that the report accompanying the bill just reported by me may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

"Mr. SMITH of South Carolina, from the Committee on Interstate Commerce, submitted the following report:

"The Committee on Interstate Commerce, to whom was referred the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, have considered the same and report thereon with the recommendation that the bill do pass without amendment.

"On August 29, 1916, Congress enacted the following:

"The President in time of war is empowered through the Secretary of War to take possession and assume control of any system or systems of transportation or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

"Under this statute and by virtue of all other power enabling him, the President, on December 28, 1917, took possession and control of the railroad systems of continental United States and the owned or controlled systems of coastwise or inland water transportation. He appointed Hon. William G. McAdoo Director General of Railroads.

"Since December 28 he has been operating those systems of transportation for war and national purposes. There was no provision in the act of August 29, 1916, for determining the just compensation due as a constitutional right to the owners of the properties thus taken over for public purposes. It therefore became necessary to provide the proper legislation to meet the two very important needs; first, the proper judicial machinery for determining the amount of just compensation thus accruing; secondly, to give to the President the authority to offer the owners of the property thus taken just and reasonable terms for compensation, which, if accepted, will determine finally and completely all rights as between the Government and the owners, thus avoiding the delays incident to litigation and giving strength and stability to the security market and rendering assistance to our future war financing.

"The President, in his proclamation, instructed the Director General to—

enter upon negotiations with the several companies looking to an agreement for just and reasonable compensation for the possession, use, and control of their respective properties on the basis of an annual guaranteed compensation above accruing depreciation and the maintenance of their properties, equivalent, as nearly as may be, to the average of the net railway operating income thereof for the three-year period ending June 30, 1917.

"Your committee were of opinion that this is the time for war emergency legislation and not the time to settle the many controversial and vexed questions concerning our future transportation policy.

"With these preliminary observations your committee submits a brief explanation of the various sections of the bill:

"SECTION 1.

"Section 1 authorizes the President to agree with the carriers whose property has been taken over that during the period of Federal control each carrier may receive as just compensation—in lieu of all rights arising under due process of law—an annual sum not exceeding its average annual railway operating income for the three years ended June 30, 1917, plus a return at a rate to be fixed by the President upon the cost of additional facilities made during the last six months of 1917, the amount of such net earnings and the cost of such additional facilities to be determined by the Interstate Commerce Commission and certified to the President. This is in substance the President's suggestion. The certification of the commission is to be taken as conclusvie for the purpose of such agreement. Any operating income in excess of such standard return is to be paid into the Treasury of the United States and placed in the revolving fund provided by section 6 of this act.

"About 75 great operating railroads do over 90 per cent of the railroad business. It is believed by your committee that most of these great railroad carriers will accept these terms as a just and fair measure of their constitutional rights. Section 1 further provides that ordinary taxes, National and State, shall, as now, be paid out of operating revenue; but war taxes accruing under the act of October 3, 1917, are to be paid by the companies out of their own funds, or charged against the standard return. In other words, the holders of railroad securities are by section 1 (like holders of other securities) to bear their own just portion of the war burden. Section 1 also requires that each agreement shall contain adequate and appropriate provisions for the maintenance and depreciation of the property and the creation of any reserves or reserve funds found necessary in connection therewith; so that the properties may at the end of Federal control be returned to the owners in a condition substantially equivalent to their condition when taken over by the Government; and that proper adjustments both in the standard return and in the terms of final settlement may be made. Thus even-handed justice will be worked out as between each company and the Federal Government.

"If the rights of all the railroads making returns to the Interstate Commerce Commission are fixed under the provisions

of this section, the Government will guarantee approximately $945,000,000 a year.

"Since the preparation of this summary, however, the committee has amended section 1 by inserting a provision authorizing a return, at such reasonable rate as the President may determine, upon the cost of additional transportation facilities made during the last six months of 1917. This addition, of perhaps ten to fifteen millions, is made in the interest of equality, it appearing that two hundred to two hundred and fifty millions of additional capital has during the last half of 1917 been put into transportation facilities by a comparatively few of the carriers taken under Federal control.

"There has, of course, been much discussion as to the fairness and justice of the proposed amount of the standard return. It should not be overlooked that the gist of the question is, What would these companies be likely to receive from the courts as just compensation? The amount of just compensation is not a legislative question—it is a judicial question. (Monongahela Navigation Co. v. U. S., 148 U. S., 312.) It follows, in the opinion of your committee, that much of the evidence and discussion concerning the so-called surplus is irrelevant. It is plainly in the public interest—and indeed a war need—that the President be authorized to offer to settle with the owners of these properties on a basis approximately equivalent to that which sound-thinking men would advise the owners they would be likely to receive by court decision. The rights of such owners must be tested by present conditions—not by some theory of capitalization never made operative under Federal or State law or generally followed by the courts.

"Questions of value are always difficult questions. It is highly probable, if not certain, if the whole question were remitted to the courts, they would take as the basis for determining just compensation the actual net earnings for a reasonable period. During the last three years new investment in the properties now under Federal control has been at the rate of approximately three hundred and seventy-five millions a year. The year ended June 30, 1915, was one of the poorest in recent railroad history. The other two years have been prosperous years. The average of the three years therefore reflects neither poverty nor riches. The purchasing power of the dollar accruing to the stockholder, as well as to the wage earner, has decreased. Dividends in industrial companies have largely increased. The rate of return upon Government bonds, both abroad and in the United States, has largely increased.

"The percentage of return upon the value of the railroad property taken under Federal control can not be accurately stated; for until the Federal valuation, now in process, is completed, no one knows the value of that property. The book value may be taken, for certain comparative purposes, as of some significance; it must not be regarded as accurate. The proposed standard return, figured upon the book value of all the companies, will give a return not far from 5.32 per cent. Comparing this return to that which accrues to the purchaser of Government bonds, it seems large; but Government bonds run for a period of 25 or 30 years. The proposed guaranty to the owners of railroad securities may run for only a few months. The Government is practically a tenant at will.

"After the most careful consideration your committee are of the opinion that the owners of these properties would not be unlikely to receive an award from a court at least equal to the proposed offer; that it is therefore the duty of Congress to authorize the President to make such offers as will prevent patriotic and fair-minded American citizens from resorting to litigations in time of war in order to determine their rights against their Government.

"The standard return thus provided for will, if accepted by the various operating companies, be disposed of substantially as hitherto; that is, for the payment of their fixed charges (and war taxes which remain a burden upon the standard return), for dividends, and if any balance remains, for so-called surplus. The fixed charges ordinarily fall into interest on bonds and other debt obligations, and leased line rentals, generally in the form of interest and dividends on outstanding bonds and stock of leased companies. These rentals are not, as is sometimes thought, properly a part of operating expenses. They are really disbursements for the use of capital; for it makes no practical difference whether the operating company is consolidated with the leased companies and pays interest and dividends upon its own bonds and stock issued in payment for the subsidiary companies' property, or whether it pays interest and dividends upon the stock and bonds of the leased companies. In either event, the disbursement is a disbursement on capital account and not on operating account.

"The foregoing makes it clear that the railroads accepting the suggested terms will be fully able to make all their usual disbursements to their security holders. In effect, this regular income is guaranteed by the Government to the security holders during the period of Federal control.

"The stabilizing, confidence-producing effect of such guaranty will, as your committee believe, be of great assistance in future war financing.

"The terms above indicated will probably be found just and fairly applicable to the security holders of most of the railroads of the country. But there are certain undeveloped and reorganizing roads whose operating income for three years will not fairly test their right to just compensation. Some special provision to meet the just demands of these companies seems requisite. Section 1, accordingly, provides in the last paragraph thereof that, when the President finds that the condition of nondividend paying carriers is because of nonoperation, receivership, or other undeveloped or abnormal condition such as to make the basis of earnings provided for the other carriers 'plainly inequitable,' as a fair measure of just compensation, then the President may make with such carrier such agreement as under the circumstances of the particular case he shall find just.

"SECTION 2.

"Section 2 provides in case the agreement provided for in section 1 is not made, the President is authorized to pay not exceeding 90 per cent of the estimated amount of just compensation.

"This, in the opinion of your committee, would tend to stabilize conditions for the security holders of the newer struggling companies, whose rights may not be easy of speedy ascertainment.

"Section 2 does not require the President to make any payment at all to such owners, thereby avoiding the danger of offering a premium to unreasonable and greedy litigants.

"SECTION 3.

"Section 3 provides easily available facilities safeguarding the constitutional rights of owners to have their just compensation determined by due process of law. It also furnishes another opportunity for settlement of cases which may not be satisfactorily disposed of by agreements in accordance with the standard return, or under the special power of section 1.

"Section 3 provides that the Interstate Commerce Commission shall, on the application of the President, or of any carrier, appoint boards of referees, the commission and its forces being made not ineligible as such referees. These referees are armed with the usual powers of judicial tribunals—to summon witnesses, require the production of books, etc., and may hold hearings in Washington and elsewhere, as convenience may serve. They may consolidate and classify cases. These boards are to give full hearings, consider all pertinent facts, and report their findings to the President in a form convenient and available for the making of such agreements as are authorized by section 1. The President and such company may then make an agreement for compensation not in excess of that reported by the referees. Failing such agreement, either the United States or the company may file a petition in the Court of Claims; and in the proceedings in this court such report is prima facie evidence of the amount of just compensation and of any facts reported.

"It is the confident opinion of your committee that section 3 not only effectually guards the constitutional rights of all owners but that the proceedings before the referees will be found so complete and satisfactory that few, if any, cases will ever reach the Court of Claims.

"SECTION 4.

"Section 4 provides that the agreed or ascertained just compensation may be increased during Federal control by an amount reckoned at a reasonable rate per centum to be fixed by the President upon the cost of additions made while the Government is in possession. Manifestly an increase in the property used requires a corresponding increase in the compensation for the use. No increase is allowed for additions paid for out of surplus during the period of Federal control. Whether a denial of any return upon surplus earnings invested in additional facilities will result in throwing an unnecessary burden of financing upon the Federal Government and in the accumulation of a dead surplus will require careful consideration by the Senate.

"SECTION 5.

"The main purpose of section 5 is to give stability to our financial conditions. From the standard return the railroad companies may without permission pay their regular dividends. Conceivably it may be desirable that some of the prosperous carriers should be permitted somewhat to increase their regular dividends; if so, the President's prior approval must be obtained. Nondividend payers or irregular dividend payers, whose standard or ascertained return warrants dividends, may

with the President's permission be put in the dividend-paying class at such rate as the President may determine.

"This section goes upon the theory that during the war the railroad-security holders ought to receive certain, regular, and moderate dividends; but that extra, unexpected dividends—a common source of speculation and manipulation—should not be permitted.

"SECTION 6.

"Section 6 is a very important section. It provides for a revolving fund to be made up from an initial appropriation of $500,000,000, together with any excess earnings of any of the carriers. This fund is to be available to the President for the purpose of paying the expenses of the Federal control, supplying any deficit in the just compensation accruing to any carrier, and to provide for rolling stock and terminals, to be used and accounted for as the President may direct, and to be disposed of as Congress may hereafter by law provide. This contemplates that engines, cars, and perhaps terminals will be purchased or constructed by and will belong to the United States. This rolling stock will be used wherever war and national needs demand—precisely as the Pullman and other private car lines are now used on the lines of the various carriers as the needs of industry or the demands of the seasons require. The ultimate disposition of this rolling stock must await postwar legislation. This section contemplates that such rolling stock, although owned by the United States, will be used on the lines of the various railroads and the use charged for upon the books of the companies, so that at the expiration of Federal control the bookkeeping of each railroad company will reflect, as hitherto, the traffic which has moved over each road and the cost of operation.

"The section further provides that the President may, on or in connection with the property of any carrier, make or order any company to make additions desirable either for war purposes or in the public interest. Doubtless it will be necessary in connection with Army camps and shipyards to make substantial extensions of railroad and other carrier property. Your committee believes that such additions and extensions should become and remain the property of the separate carriers; that there should be no confusion of title as to real estate, tracks, and other fixed property between any railroad company and the United States. As it is possible that some such additional facilities thus made to the property of various carriers will in times of peace be found worth less than the cost thereof, this section provides that claims for loss or damage accruing from such compelled investment shall be settled either by agreement between the carrier and the President, or, failing such agreement, shall be ascertained by due process of law, as provided in section 3.

"As some of the companies may not have the requisite funds to pay for such extensions and additions, the President is authorized from the revolving fund to advance all or any part of such cost, these advances to bear interest at rates and to be payable on such terms as the President may determine, so that the United States may ultimately be fully reimbursed for such advances.

"Section 6 also provides that the President may, from the revolving fund, expend such sums as he deems necessary or desirable for the utilization or operation of canals and for the purchase, construction, utilization, and operation of boats and other water carriages on the island and coastwise waterways. It is believed by your committee that much relief may be afforded the rail carriers by a further development of the water carriers and of facilities on these natural water highways.

"SECTION 7.

"Section 7 provides for financing the maturities of carriers during the period of Federal control. It authorizes the President to purchase for the United States, at prices not exceeding par, any securities issued by the railroads, roads approved by him as consistent with the public interest. Such securities may be sold without loss to the Treasury whenever the President deems it desirable, the proceeds of such sale to go back into the revolving fund. The estimates of the maturities for the next four years are as follows:

1918	$182,606,528
1919	188,213,052
1920	186,526,253
1921	440,905,528

"SECTION 8.

"Section 8 provides in general terms that the President may execute his powers with relation to the Federal control through such agencies as he may determine and fix the reasonable compensation for services rendered in connection therewith, using also the personnel and facilities of the Interstate Commerce Commission and all other governmental bodies.

"SECTION 9.

"Section 9 is simply to the effect that nothing contained in this act shall be deemed to restrict the powers heretofore given to the President to take possession and assume control of any and all systems of transportation. It also provides that this act shall apply to any carriers to which Federal control may be hereafter extended.

"SECTION 10.

"Section 10 provides that so far as not inconsistent with Federal control, each of the carriers shall remain subject to all laws and liabilities whether arising under statutes or at common law. It also provides that the President may, whenever in his opinion the public interest so requires, initiate rates by filing the same with the Interstate Commerce Commission, such rates to be fair, reasonable, and just, and that upon complaint the rates thus initiated by him may be reviewed by the Interstate Commerce Commission. In such review the Interstate Commerce Commission may consider all the facts and circumstances existing at the time of the making of the rate. After full hearing the commission may make such findings and orders as are authorized by the act to regulate commerce as amended.

"Your committee were of opinion that the commercial organizations of the country should be disturbed as little as the emergency would allow, and that every safeguard would be thrown around the great productive activities of the country, everything possible to inspire confidence in their being protected from unnecessary embarrassment.

"SECTION 11.

"Section 11 provides penalties for violation of this act or orders of the President made thereunder.

"SECTION 12.

"Section 12 has been inserted at the request of the Department of Justice and is intended to provide for continuing the life and status quo of cases pending under the antitrust and interstate commerce acts.

"It requires no comment.

"SECTION 13.

"Section 13 provides that the Federal control shall continue not to exceed 18 months after the declaration of peace. It is possible that certain conditions may arise from Federal control which will need adjustment before the properties are returned to their owners, and a reasonable period should intervene in which these conditions may be met and adjusted. It may be that the nation will be unwilling to return to the conditions obtaining before the assumption of Federal control. Legislation may be demanded radically changing the relation of the Government to the railroads from that now existing in the interstate-commerce act as amended.

"These problems will require time for careful and deliberate consideration. Therefore your committee has suggested a period of 18 months, and they believe it will be found adequate for that purpose.

"In section 13 there is also a provision to the effect that the President may, prior to July 1 next, relinquish control of such transportation systems as he may deem not needful or desirable, and may, thereafter, on agreement, relinquish all or any part of any system of transportation.

"Your committee also recommends that at any time after July 1, 1918, the President may agree with the owners of all or any part of any system of transportation when in the opinion of the President further Federal control of the same is unnecessary, to relinquish such control to the owners.

"The section also contains a general provision that the President may relinquish all railroads at any time when he shall deem such action needful or desirable.

"Your committee have adhered to the set purpose to limit this legislation to war-emergency purposes, and to avoid all contentions and controversial questions. We believe that the bill will accomplish these results. It follows closely the President's recommendations. It has in its main provisions and purpose received general approval and comparatively little criticism."

Mr. POINDEXTER. I desire to submit, from the Committee on Interstate Commerce, a disagreeing report upon Senate bill 3752 (S. Rept. No. 246, pt. 3), which I ask may be printed in the RECORD.

There being no objection, the views submitted by Mr. POINDEXTER were ordered to be printed in the RECORD, as follows:

"I can not agree to the report of the majority of the committee in two particulars:

"First. I disagree to the provision of the committee bill providing a certain date at which the railroads will be turned back to their private owners, without making any provision

whatever for removing the notorious abuses and inefficiencies of the present system of private competitive ownership and operation.

"Second. I disagree to the provision of the bill divesting the Interstate Commerce Commission of its existing powers of rate regulation, and transferring the primary rate regulation authority to the President, and creating in the commission appellate or supervisory power to set aside or modify rates fixed by the President.

"As to the first disagreement, I think the general consensus of well-informed and disinterested public opinion is that the present system by which the railroads are forbidden by law to coordinate or combine transportation facilities and resources and are compelled to operate as rival competitors for business under private ownership, with very limited governmental regulation is a failure. Out of it have grown scandals and abuses which have been set forth in sworn testimony given before subcommittees or agents of the Interstate Commerce Commission and committees of Congress and embodied in reports of these tribunals. It is a great mistake, in my judgment, for this committee to recommend, as it does in the majority report, that on a certain date the railroads should be restored to private owners without in any way changing the dangerous and unscientific conditions which existed up to the time the transportation systems were taken over by the President under authority given him by Congress.

"Everyone who has studied the question knows the practical difficulties in securing affirmative legislation affecting so great an interest as that of the railroads of this country, even when the legislation is needed to remove abuses which are perfectly obvious. To illustrate this, the Senate is familiar with the futile efforts which have been made in recent years to secure some reasonable governmental supervision and regulation of the stock and bond issues of these public-service corporations. The rate burdens which have been imposed upon the people on account of the inflation of railroad capitalization—vast issues of 'watered' stock, and the distribution of this stock, in many instances, as bonuses or rewards to promoters and bond buyers—have been equal almost to the direct taxes levied upon the people for the support of the Government. A bill to remedy this great evil passed the House of Representatives and got so far as to be favorably reported by the Interstate Commerce Committee of the Senate, and yet, although it has been pressed for several years since that time in succeeding Congresses, it has not been possible to get favorable action or even consideration of this essential measure. With that and similar experiences in mind, it is impossible to say when positive legislation may be enacted putting the transportation business of the country upon such a basis as that the railroads can be operated as one public system, with the public interest as the primary consideration, and with such governmental control or outright governmental ownership—if that should prove to be necessary as a last resort—as would insure the foregoing results. Until these problems are worked out and enacted into law there should not be a certain date fixed for the return of the railroads to private ownership and control and practically unrestricted private competitive operation.

"Under the system existing before the roads were taken over by the President the fundamental rule of rate making was not at all that which is contemplated by the interstate-commerce act, namely, a reasonable rate for the service rendered, but, according to the sworn testimony of railroad official rate makers, it was 'what the traffic would bear.' In other words, the governing principle was to take in rates all that could be taken without crippling or destroying the industry which produced the commodies of transportation. In practical application, of course, in view of variations of cost of production and of local conditions, the principle was not always worked out in practice.

"Under the old system, which is to be restored by this bill 18 months after the close of the war, the railroads, being operated with the view of making the greatest returns possible to the private owners of each particular road or system, and without any actual regard whatever to the larger public economies and public interests, instead of so arranging routes and shipments as to require the least transportation and to get commodities to their destination by the shortest and most direct line; in general, the opposite policy has prevailed, namely, to carry them by the longest possible route, with a consequent waste of public resources, but of private gain to railroad operators. The long haul has been favored over the short haul under the guise of meeting water transportation. Water transportation has been destroyed. Public interest would require the fostering and development, to meet the growing transportation needs of a growing country, of every natural water route. Through a system of so-called terminal rates, often put lower than a reasonable amount for the service rendered, and through difficulties placed by the railroads in the way of transfer and connection with the water route, this great national resource has perished as though struck by a deadly blight.

"To compensate the railroads for any reduction in rates, which it may have been necessary for them to temporarily make in order to destroy competing lines of water transportation, discriminatory higher rates have been charged to intermediate points and for the shorter haul—a much greater charge for a much less service—contrary to every fundamental principle of just compensation for service rendered. In this way the greater part of the country has been retarded in its development and subjected to an unjust tribute by the railroads. The consequence has been not only the paralysis of shipping and of the great industry of water transportation and the deprival of the people of the benefits of these great arteries of trade which they would have enjoyed if, instead of being discriminated against, they had been, in the public interest, nurtured and encouraged, but crowding and congestion in certain terminals has been the inevitable result, so that when the country was recently confronted by a great crisis its entire transportation system was paralyzed.

"I do not think that public opinion will tolerate a return to these conditions. It is obviously unscientific, from a public standpoint—and this question should be from every point treated with the public interest as a primary one—for several parallel competing lines between great producing centers to so struggle among themselves as rivals for business that while one, through superior terminal facilities or advantages of location, secures more business than it can adequately handle, another, not so advantageously situated, but equally capable of transportation of commodities, may not be utilized to more than one-third of its capacity. The interests of the public require that these lines should be regarded as a part of the transportation system of the country, and that business should be so distributed between them as to afford, on the whole, the cheapest and best service to the public. At the same time it is not possible, from a political standpoint, at least, to allow a consolidation of the railroads of the country under private ownership and control—not even with the inadequate and limited regulations heretofore interposed by the Federal and State Governments.

"Such a colossal power concentrated in private hands would lead to abuses that, if not remedied in any other way, probably would produce political revolution. It would be a most dangerous experiment, and outside of a few interested circles probably would not receive serious consideration. Yet it is equally agreed that the competitive system is a demonstrated failure. The only alternative is a more adequate and extensive Government control or operation in the interest of the people, with due regard at all times for vested private interests which the laws have allowed to be built up in these public-service agencies. Until this is done it is the height of unwisdom, in my judgment, to provide, as the committee bill proposes, to restore these properties at a certain date to the old conditions.

"Under private control and operation, with one system competing against another for business, those systems which have been able to secure powerful backing in the great financial centers have been able to restrict and curtail the development of other systems in other sections of the country whose principal potential business was in the transportation of similar commodities. In this way certain coal fields have been favored and promoted, while others which should have served great sections of the country have been held back from development by high or discriminatory rates. The consequence has been not only the loss of this business to adjacent railroad lines, but the killing of industry and development in the section which those lines should have served; and in the illustration mentioned, that of coal, it has been one great contributing cause of the scandalous coal famine this winter. I say 'scandalous' because the death of many of our people, the suffering of more, the checking of our industries at a time when they are most needed, the weakening of our efforts in the vital crisis of a war, due to inadequacy of fuel supply, in a country with such natural resources of coal and such transportation facilities as our own, is scandalous.

"Under the system, which it is proposed by the committee bill to restore 18 months after the close of the war, some railroads earned as high as 50 per cent upon their capitalization, inflated as it is; while other roads, which were equally necessary to the communities which they served, earned no profits at all; and yet our system of rate making has, so far, worked out no principle by which this inequality could be adjusted. Under Government operation, with profits and losses of all the railroads going ultimately into one account, such inequalities would adjust themselves. Under private ownership it is obvious that this inequality of returns is inequitable and unjust. It may be possible to find some plan of rate making by which, even under private operation, but with a larger measure of governmental control and supervision, these discrepancies could be adjusted so that those engaged in the public business of transportation on the highways of the Nation, with efficient management, would receive more equitable relative returns. This inequality of return inevitably, of course, affects the quality of the service rendered, and as a result deprives certain sections of the country of public facilities with which they should be provided. Until a basic policy is worked out which would have the effect of cutting down excessive returns on certain lines and permitting adequate returns upon others, the day for the return of the roads to their private owners ought not to be fixed.

"This bill makes no provision for the prevention in the future of such wholesale looting of public transportation systems as were perpetrated in the cases of the Chicago & Alton, the Rock Island, the New York, New Haven & Hartford, the Pere Marquette, the Frisco, the Cincinnati, Hamilton & Dayton, and others, as disclosed by testimony on record as mentioned above. Probably no greater financial crimes or ruthless destruction of private property under the apparent permit of the law were ever perpetrated than in these and similar instances, possible under the old opportunities for stockjobbing and stock control by interested private operators, which this bill would restore. Families have been ruined by the thousand, untold misery and many deaths, with far-reaching consequences, both direct and indirect, of business depression and the suffering of whole communities have been produced by these unscrupulous enterprises. In my judgment, it would be a breach of legislative trust to provide for the restoration of these properties to the old conditions without legislation which would make such crimes of private railroad finance impossible.

"Perhaps $300,000,000 a year could be saved to the people of the country by doing away with the multiplication of officials and the cutting down of overlarge salaries if the roads were consolidated and operated as one transportation system. The maintenance of multiplied complete official organizations on numbers of competing lines serving the same area imposes a wholly unnecessary economic burden upon the people. No attempt, even, has been made to provide for the elimination of this waste. The Post Office Department gives a very good example of excellent and efficient public service which can be obtained from men of ability and integrity for salaries far less than those paid by private transportation companies for services of the same grade and quality under private management. It is difficult to estimate the saving which would accrue in this direct way by cutting out the useless extravagance of salary, multiplication of officials, the superfluous elegance of equipment and material used in catering to the luxurious tastes of a portion of the traveling public by rival competitors for their business but which adds nothing whatever either to the comfort or efficiency of the service. All of this could be effected under a system of permanent Government control. Until these questions are studied and worked out on a permanent basis no law should be passed fixing positively a date for the return to private operation.

"The revenue received by the railroads, and which is provided in this bill as a measure of their compensation temporarily pending the war and until the date for the return of the roads fixed by the bill, is as to many of the roads entirely too high, while as to some of them perhaps it would not be adequate. In another form this has been mentioned above. It is extremely doubtful whether this condition could be readjusted in the midst of the present war, with the financial and transportation crisis with which the country is confronted, with necessity of maintaining the credit of existing securities; and for that very reason no definite time should be fixed for the reestablishment of the system under which these revenues were permitted. On the contrary, an entire readjustment of the whole basis and fabric of the control and operation of the transportation of the country, including rates and revenues, should be established; and no date at all for a return of the old unjust and intolerable system should be fixed. It is impossible, perhaps, in the midst of the crisis of the war to adequately deal with many of the problems mentioned above, and for that very reason no time limit should be fixed for the return of the roads to their private owners. The status quo should be preserved, whether for 18 months after the close of the war or longer, until these problems have been solved and enacted into fundamental law.

"As to the second point of disagreement, it is necessary to say only a few words. The bill of the committee vests the primary governmental making of rates in the President and undertakes to give to a commission composed of members appointed by the President supervisory control over the President in this matter of rate making. Of course the arrangement is illogical and unworkable. It is a little too much to expect of human nature that officials who owe their official existence to the President will be able, however much they may try, to exercise any real independent judgment or action in setting aside the President's orders in the matter of rates. The fact of the case is that the established rate-making bodies—the Interstate Commerce Commission and the State commissions—should be left just as they are at present, empowered to make orders respecting rates, which orders should have the same force and effect as at present, with the proviso that where the President, acting through the Director General, may deem it necessary, in the exercise of the war powers under which he has taken control of the roads, to modify or change a rate he may do so. In this way the Director General and the President will be relieved of the overwhelming duty of fixing all rates which will devolve upon them under the bill as reported by the majority of the committee, and for which neither the President nor the Director General have any adequate facilities or equipment or training or experience whatever. On the other hand, the President and the Director General would have the necessary knowledge and equipment and official facilities to enable them in certain special, obvious cases, where it may be necessary for them to act in the execution of their duties relative to transportation devolving upon them as a war power under existing legislation, to modify or change a particular rate. This is all that would be needed for the full exercise of the war power referred to, and my understanding is that it is all that is desired. To impose upon the President and the Director General the complicated and laborious business of initiating all rates is unnecessary and involves such a vast amount of labor that it could not be properly exercised. To provide that a commission appointed by the President may set aside the rates made by the President is wholly illogical and will be unworkable in practical application."

WAR-RISK BUREAU.

Mr. SIMMONS. From the Committee on Finance I report back favorably without amendment the joint resolution (S. J. Res. 128) granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, and I submit a report (No. 253) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution? The Chair hears none and it is before the Senate as in Committee of the Whole. Does the Senator from North Carolina desire to have the joint resolution read?

Mr. GALLINGER. I request that the joint resolution shall be read.

The VICE PRESIDENT. It will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the time within which application for insurance may be made as set forth in section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, is hereby extended, with respect to every person in the active war service as to whom the time for making application would expire before the 12th day of April, 1918, so that every such person may make application for insurance up to and including the said 12th day of April, 1918: *Provided*, That nothing herein shall be construed to effect an extension of the automatic insurance provided for in the said section 401 beyond the 12th day of February, 1918.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LINCOLN HIGHWAY RIGHT OF WAY.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (S. 3083) granting to the Lincoln Highway Association, incorporated under the laws of the State of Michigan, a right of way through certain public lands of the United States, and I submit a report (No. 252) thereon. As it is the desire that the work shall be commenced at a very early day and it is a right of way on lands in Utah that are next to worthless, I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. GALLINGER. I request that the bill be read. I think passing bills without reading is rather a dangerous practice.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That right of way 500 feet in width through the public lands of the United States, beginning at or near Orr's ranch, Tooele County, Utah, thence via Broad Hollow Pass and the North point of Granite Mountain to a point known as Black Point, thence westerly to the mouth of Overland Canyon and for 10 miles into said canyon, is hereby granted to the Lincoln Highway Association, incorporated under the laws of the State of Michigan. There is also granted the right to take from the public lands adjacent to the right of way, material, earth, stone, and timber necessary for the construction of the highway.

Before the grant of the right of way herein provided for shall become effective a map of location of the route of said highway and an outline of the general rules and regulations under which the Lincoln Highway Association will govern said highway, must be filed with and approved by the Secretary of the Interior: *Provided*, That all or any part of the easement herein granted may be forfeited and annulled by the Secretary of the Interior for failure to construct the highway within five years after the approval of maps of location or for nonuser after construction, or for abandonment, without further legislative or judicial action.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

Mr. SIMMONS. I should like to inquire of the Senator from Utah why it is necessary to grant 500 feet in width for a right of way through the public lands of the country?

Mr. SMOOT. It is asked for this reason. It is intended to be an automobile road from the Atlantic Ocean to the Pacific. This right of way is over a desert, and at certain places along the road there must be houses and garages built, and they will be built on the highway. I will say to the Senator the most of it is over a tract of land that used to be the bed of Salt Lake. Nothing can grow there; it is useless for farming purposes or for any other purpose that I can think of. The proposed right of way is the worst piece of road on the Lincoln Highway. The Lincoln Highway Association has interested a certain man in the United States to give the association $125,000 to make this part of the highway passable for automobiles going from any part of the country to the Pacific coast. I will assure the Senator——

Mr. SIMMONS. Is there no other place where they can have a right of way there?

Mr. SMOOT. I can not say as to that, because I do not know.

Mr. SIMMONS. I do not think we generally grant railroads more than about 100 feet to build such necessary houses as may be required for section hands and purposes connected with the operation of the road.

Mr. SMOOT. If the land was of any value at all, we should perhaps take that into consideration.

Mr. SIMMONS. If the lands are of no value, of course it does not amount to very much in this particular case; but it is a very bad precedent for the Government in granting a right of way through the public domain to grant two or three times as much as is absolutely necessary.

The VICE PRESIDENT. Shall the bill pass?

The bill was passed.

COLVILLE INDIAN RESERVATION, WASH.

Mr. MYERS. From the Committee on Public Lands, I report back favorably with an amendment the joint resolution (S. J. Res. 92) to defer first payments upon homestead entries for lands in the Colville Indian Reservation, Wash., and I submit a report (No. 247) thereon.

Mr. JONES of Washington. Mr. President, that joint resolution relates to an emergency matter. The payments therein referred to are overdue, and the department is withholding action, awaiting the action of Congress. I therefore ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The amendment was to strike out all after the resolving clause and to insert:

That the Secretary of the Interior is hereby authorized to extend for a period of one year the time for the payment of any annual installment due, or hereafter to become due, on the purchase price for lands sold under the act of Congress approved March 22, 1906 (34 Stat., 80), entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due, by the terms of the act under which the entry was made: *Provided further*, That any and all payments must be made when due, unless the entryman applies for an extension and pays interest for one year in advance at 4 per cent per annum upon the amount due as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof: *And provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended, as herein provided, shall forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash."

SAN DIEGO WATER SUPPLY.

Mr. PHELAN. I am in receipt of a telegram from the Senator from Montana [Mr. WALSH] requesting the recommittal to the Committee on Public Lands of the bill (S. 3646) to grant rights of way over Government lands for reservoir purposes for the conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities. I move that the bill be recommitted to the Committee on Public Lands.

The motion was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3773) to provide compensation for employees of the United States separated from the service on account of injuries received while in the performance of duty, and for other purposes; to the Committee on the Judiciary.

A bill (S. 3774) for the relief of volunteer officers and soldiers who served in the Philippine Islands beyond the period of their enlistment; to the Committee on Military Affairs.

A bill (S. 3775) setting aside certain lands in the District of Columbia as a site for memorials to women; to the Committee on the Library.

A bill (S. 3776) granting a pension to Nancy L. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. HENDERSON:

A bill (S. 3777) to amend section 4 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended June 18, 1910; to the Committee on Interstate Commerce.

Mr. SHEPPARD. Mr. President, the chairman of the Military Affairs Committee, the Senator from Oregon [Mr. CHAMBERLAIN], is unavoidably absent. He has asked me to introduce for him certain bills and a joint resolution, which I send to the desk, and which are introduced at the request of the War Department.

By Mr. CHAMBERLAIN:

A bill (S. 3778) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes;

A bill (S. 3779) to create in the Army the grades and establish the pay of first-class bugler and corporal bugler, to increase the pay of buglers, and for other purposes; and

A bill (S. 3780) to authorize the appointment of officers of the Philippine Scouts as officers in the militia or other locally created armed forces of the Philippine Islands drafted into the service of the United States, and for other purposes; to the Committee on Military Affairs.

A bill (S. 3781) to give indemnity for damage caused by American forces abroad (with accompanying papers); to the Committee on Claims.

By Mr. SMITH of Georgia:

A bill (S. 3782) to authorize the President of the United States to advance officers on the retired list, now on active duty, who were wounded in battle in the service of the United States; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 3783) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 3784) to create a commission on illiteracy, to be known as the American illiteracy commission; to the Committee on Education and Labor.

By Mr. HALE:

A bill (S. 3785) granting an increase of pension to William P. Hodsdon (with accompanying papers); and

A bill (S. 3786) granting an increase of pension to Lewis Graves; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A joint resolution (S. J. Res. 129) granting to certain persons in the active war service an extension of time within which applications for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917 (with accompanying paper); to the Committee on Finance.

MUNITIONS OF WAR.

Mr. LODGE submitted an amendment intended to be proposed by him to the bill (S. 3311) to increase and expedite the supply of munitions of war, which was ordered to lie on the table and be printed.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate $10,000 to enable the Secretary of Agriculture to cooperate with and make an exhibit illustrative of the investigations, products, and processes relating to farming in the United States at the Pan-American International Farm and Live Stock exhibition to be held at Jacksonville, Fla., etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

TEACHERS' RETIREMENT BILL.

Mr. HOLLIS. Mr. President, I desire to give notice that the so-called teachers' retirement bill for the District of Columbia is on the calendar, and that it is my intention, if the Senate is in session to-morrow, to move to take it up for consideration. I make this statement so that the friends of the bill and its opponents, if there are any such, may be here at that time.

ADJUDICATION OF PRIVATE CLAIMS.

The VICE PRESIDENT. Morning business is closed.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of the bill (S. 1795) to relieve Congress from the adjudication of private claims against the Government.

The VICE PRESIDENT. The question is on the motion of the Senator from Georgia that the Senate proceed to the consideration of the bill named by him.

Mr. GALLINGER. Mr. President, I am going to occupy a few minutes in opposing the motion that has been made by the Senator from Georgia, and, as a preliminary, I ask that the Secretary read the extract which I send to the desk, which I clipped from the Washington Times of last evening.

The VICE PRESIDENT. There being no objection, the Secretary will read as requested.

The Secretary read as follows:

WAR COSTING UNITED STATES $277 PER SECOND, TREASURY REPORTS.

Uncle Sam is almost ready to qualify as the greatest spender in the world.

A single item—war—costs Uncle Sam $277 a second. His expenses do not stop on Sundays and holidays, nor does he observe the eight-hour law that his employees enjoy.

During the 10 months the United States has been at war it has cost Uncle Sam a round $7,000,000,000, to-day's Treasury report shows.

This means an expenditure of about $24,000,000 a day or $1,000,000 an hour.

In addition to this, Uncle Sam has his current expenses to meet, which means another billion a year.

Mr. GALLINGER. Mr. President, I trust that the Senators who are present have listened to the reading of that newspaper extract, which, I assume, accurately describes the conditions of our finances at the present time. I am not an expert on finance; in fact, the most I have ever been able to do has been to take care of my own finances to a sufficient extent to pay my debts and my running expenses. So it is barely possible that the facts presented in the newspaper extract startle me a little more than they do men of big business or Senators who have been engaged in business occupations; but in reading that article it seems to me that this is a very inopportune time to engage in legislation that will further burden the Treasury if it can be avoided. The bill that the Senator from Georgia has moved to take up is a measure that, in my judgment, ought to be defeated, or, if not defeated, at least it ought to go over to a more appropriate time and occasion.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. GALLINGER. I yield to the Senator.

Mr. SIMMONS. Mr. President, as I understood the reading of the newspaper extract which the Senator sent to the Secretary's desk, it refers to the amount of money that has been spent by the Government of the United States?

Mr. GALLINGER. Yes.

Mr. SIMMONS. I think $7,000,000,000 was the amount mentioned in that article, but of that a large part, involving something like half of it, was loaned to our allies. I will ask the Senator if that is not the fact?

Mr. GALLINGER. I confess, Mr. President, I did not analyze the article sufficiently to acquaint myself with that fact, if it exists; but even if that be so, we have got to ask ourselves the question whether or not that money is ever going to be returned to the United States. I know that one Senator, at least, has argued on this floor, with a great deal of fervor and eloquence, that the advances we have made to France, in view of what France did for us in a great emergency, ought not to be returned; and if any Senator is rash enough to believe that there is a certainty that the millions we have advanced to Russia will be returned, he takes a more optimistic view of the situation than I do. But, Mr. President, however that may be, the fact remains that we have already, outside of the advances we have made to the allies, created an indebtedness twice as much, certainly, as was created during the entire Civil War; and we are notified, and have every reason to believe, that we are to be asked to add a good many billions of indebtedness to the amount that is already on the wrong side of the ledger. It is a serious matter, and while I may be an alarmist, while I may not have the information that some of the other Senators have as to the capacity of this Government to bear this enormous strain, I can not help feeling, Mr. President, that we are burdening future generations with a load that will be very heavy for them to carry.

When the Civil War closed our national debt was $2,900,000,000 in round numbers, as I remember it. It took 50 years to reduce that debt to $900,000,000, which was about what we owed when we declared war against Germany. We have already appropriated, outside of what we advanced to the allies, two or three or four times as much money as the Government owed at the close of the Civil War, and that is to be multiplied, very likely, three or four times before we get rid of the necessary appropriations to carry on this war. If this war continues two years longer, is any Senator optimistic enough to believe that we will not have incurred an indebtedness of from thirty billion to forty billion dollars—an amount that staggers the imagination, which will impose a burden upon future generations that will be very hard, indeed, for them to meet?

Now, Mr. President, as I have suggested, it strikes me that in these days, when we are appropriating billions of dollars to meet the obligations of the war in which we are engaged, it is an inopportune time to repeal a statute that was agreed to by both sides of the Chamber and which proposed to halt the payment of claims that at least have a questionable title.

Something was said yesterday about an agreement that was reached when the so-called Crawford amendment was adopted, when a bill carrying 1,032 war claims for alleged destruction of property in the South was under consideration, nearly $2,000,000 of money being included in that bill; and it was questioned whether any such understanding was had at that time. Mr. President, I had something to do with that matter. I was opposed to the bill; I had reason to believe then, as I have reason to believe now, and as the late Senator Clarke, of Arkansas, so pointedly expressed it, that not more than 1 or 2 per cent of the claims probably are honest claims which ought to be paid by this Government. I had on my desk at that time an amendment which I proposed to offer to that bill, and which, if this bill shall be considered by the Senate, I propose to offer to this bill—an amendment proposing to pay the claims of the men who worked overtime in our navy yards and in other activities of the Government, every one of which has been passed upon by the Court of Claims and declared to be honest. They were claims that were easily substantiated by testimony, as every one of them was substantiated by testimony. I proposed to include in the amendment, as I shall include in the amendment that I shall offer if this bill is to be considered, claims that the soldiers of this country, officers of the United States Army, have and which ought long ago to have been adjudicated; and I shall include in the amendment one or two other classes of claims that have been passed upon by the Court of Claims and declared to be honest debts of the Government of the United States.

Mr. President, I am one of those who believe the Government ought to pay its debts. I have declared on this floor more than once that if there were a law on the statute books of the United States under which the Government of the United States could be put in jail for not paying its debts the Government of the United States would be in jail all the time; and that is true. The honest claims of the citizen are neglected to an extent that is not to the credit of this great Government of ours, and the classes of claims to which I have alluded are in that category.

Why, Mr. President, it is a remarkable fact that we have had very strange legislation and very strange decisions by some of the officers of the Government in connection with so-called longevity claims. It may not be known by the Senators generally what has happened in relation to those claims, which will be included in the amendment that I shall offer, if I have an opportunity to do so, and which I trust I may not have an opportunity to do. By various decisions of the Comptrollers of the Treasury—two or three of them—the fact is, Mr. President, that the longevity claims of the Confederate generals, Beauregard, Ewell, Hood, Stonewall Jackson, Johnson, Lee, Stuart, and Pickett, have all been paid by the Government of the United States, while the claims of the Union generals, Reynolds, Pope, Henry, Phil Sheridan, Carr, and Thomas, have not been paid by the United States, notwithstanding they have been pending before the accounting officers of the Government for a long time.

The Supreme Court of the United States said that these claims were valid and honest claims; but a Comptroller of the Treasury—to his discredit, it may be said, a Republican—decided that he could make himself immortal by saving a million or two dollars to the Government of the United States; and he decided that the Supreme Court was wrong, and that those claims ought not to be paid, and they have not been paid. Another comptroller came in—likewise a Republican, as I remember, from Indiana—who decided that Comptroller Gilkerson was wrong, and that the mandate of the Supreme Court ought to be obeyed; but in that decision he said:

> But these claims that Comptroller Gilkerson disallowed are not to be considered again and I am of opinion that they ought not to be paid. They are res adjudicata.

Under that second decision these claims of the generals in the southern army were filed and allowed, and the claims that were disallowed by Gilkerson are unpaid to the present time, notwithstanding the Supreme Court decision that they ought to be paid.

Mr. SMITH of Georgia. Mr. President, a large amount of claims of officers in the Union Army were paid.

Mr. GALLINGER. Well, I am stating facts.

Mr. SMITH of Georgia. There was not any effort to discriminate. I should like to say to the Senator that I should be delighted to support any bill to pay these claims that were turned down by that comptroller.

Mr. GALLINGER. I am glad to know that.

Mr. SMITH of Georgia. I just can not conceive of the justice of not paying them.

Mr. GALLINGER. There is not any justice in it at all, and I am glad the Senator agrees with me on that point.

Now, Mr. President, to come to the bill under consideration, I had a good deal that I intended to say along a different line that I will not say, because I have no disposition to protract this debate. There is a great deal of very important legislation coming before Congress at this session. I have an impression that the question as to whether or not we are going to abdicate the functions of Congress entirely, and whether or not we are going to turn this Republic of ours into a monarchy, and turn democracy into autocracy is a question that we shall have to debate before we adjourn for the holidays next summer, if we get any holidays. Hence, I have no disposition whatever to delay the consideration of a measure of this kind.

Mr. SMITH of Michigan. The principle of res adjudicata would apply to that.

Mr. GALLINGER. There are, however, one or two things that I feel constrained to say.

In these so-called claims for the occupation of churches and schools during the Civil War, and for the payment of claims for fence rails and razor-back hogs and mules, the question of loyalty was to be considered. It had to be proven to the satisfaction of the Court of Claims that the men who made these claims were loyal to the Government of the United States during the Civil War. Why, Mr. President, that is an easy matter to do 50 years after the war or 25 years after the war. There is no trouble about that. If there was any soldier on the Union side during the Civil War who was not a good soldier, who has not received a pension, I do not know who he is. He can always find men of his own type, equally poor soldiers, who would swear that they knew that he had been in the hospital at a certain time, whether he was or not—the records did not show it, but they knew it was so—and who would also swear that they knew he had received a shock which affected his hearing during a certain battle, or that something else happened to him; and so all those pension claims, many of which are utterly worthless, have been allowed by the Government, because they were "proved."

So far as these southern claims are concerned, what is the parallel? The parallel is that there is no difficulty in getting a man 50 years after the war or 30 years after the war to swear that he knew that 862 fence rails were taken by the Union Army and consumed as firewood, or that more mules were taken in one State than were used during the entire Civil War during those four terrible years of conflict. Such testimony has been given. There is no trouble in getting men to say that they know that a drove of hogs—it may have been 10, or it may have been 10,000—were captured by the Union soldiers and consumed as food, and that the men from whom they were taken ought to be compensated. That is an easy matter to do.

Why, look at the so-called Methodist Book Concern claim. Just give a moment's thought to that, Senators who were here when that bill was passed. The Methodist Book Concern—I think of Nashville, Tenn.—came in here with a claim of seventy-odd thousand dollars, as I remember, for the occupation of the building that they employed as a publishing house, and it was sworn before the Court of Claims that they were loyal men, every one of them devoted to the Union cause; that there was not a Confederate among them. It was further testified upon the authority of a very distinguished man that that claim was so honest that they had not employed any attorney to prosecute it, and upon those representations the claim was passed. But it developed shortly afterwards that in that concern they were printing Hardie's Military Tactics for the Confederate Army, and that they were actually making munitions of war also for the Confederate cause; and it further developed that in place of there being no attorney employed, almost one-half of the amount of that claim went to an attorney, the matter becoming so notorious that the Methodist Church demanded that that money should be returned to the United States; but it was not returned. Now, that is a notorious case; but when that case could be proven by sworn testimony, it can be readily seen how easy it is to prove that a mule or a hog was taken by the Union forces, or that a church now valued at three or four thousand dollars was occupied for a little time, when the evidence submitted by the Senator from Utah in one case at least is that they never had a church in the town that was worth $1,000.

That is the class of cases with which we are dealing. There were 1,032 of them in the bill that was passed when the amendment which it is now attempted to repeal was agreed to. It was agreed to by both sides of the Chamber, and there is no question about it; and there was not a vote against it on the Democratic side here or in the House of Representatives when it was submitted to the House in the nature of a conference report.

The Senator from Georgia [Mr. SMITH] said yesterday—I may not quote him with entire accuracy, but I think I will quote him with substantial accuracy—that he thinks we ought to repeal this law and give the people for a couple of years longer an opportunity to submit their claims, and then he would be in favor of cutting it off. Well, Mr. President, if we did not do right in cutting it off three or four years ago, would we do right in cutting it off two years from now? Supposing we had an agreement of that kind made with the Senator from Georgia, and allowed his bill to pass, what evidence have we that in another year or two some ardent friend of these war claims would not again make a motion to repeal the law? And if he summoned a majority of the Senate to his aid, he would secure the repeal, and they would go on like Tennyson's Brook. That is about what we have done since the close of the Civil War; and if we do not stop it they will certainly emulate Tennyson's Brook, and go on forever.

We have 1,342 claims passed upon by the Court of Claims for overtime work in the navy yards of the United States, every one of which has been proven to be an honest claim. When this agreement was made, Mr. President, I had an amendment on my desk covering two or three classes of claims, due to people mostly in the Northern States, and I had the assurance that if we allowed the bill to pass the bill that I proposed to offer as an amendment would be seriously taken up and considered by the Senate. I submitted it to the Committee on Claims last year and again this year, and it is lying dormant in that committee. I am not finding fault with the committee, because I presume that committee are overworked. Possibly they may get to the time when they may give consideration to it, and these claims may be paid.

As I say, there are 1,342 of these claims. Why, Mr. President, I know an old man in my own city bearing the distinguished name of William Shakespeare. He has a claim for about $300, I think, for overtime work in one of the navy yards of the United States, passed upon by the Court of Claims years ago, and he is being taken care of partly by charity. He has appealed to me over and over again to get the claim allowed. He came to see me when I was home last, evidently not well nourished, tottering, saying: "Senator, for Heaven's sake, can I not get that little claim allowed? It would be of a great deal of assistance to me at the present time." Well, it has not been allowed. It was reported upon by the Court of Claims years and years ago. I have tried to get it allowed, but it has not been allowed, and I do not know when it will be allowed. That is only one case out of 1,342, very likely one-half of them in the same situation.

Mr. President, I shall press for the consideration of these claims if the Senate takes up this bill, but I think we ought to stand by the agreement we made when the Crawford amendment was put on the bill that carried over 1,000 war claims of this kind, involving the Government in an expenditure of nearly $2,000,000, which has been paid. I wish some Senator had taken the time to ascertain, and yesterday I asked the Senator from Utah [Mr. SMOOT] who is so apt in figures and who delights in that kind of work, if he had taken any pains to ascertain how many millions of dollars have been paid by the Government of the United States for claims of this nature. He said he had not done it; hence, I can not state it; but I venture to say that it would go well up toward forty or fifty million dollars, perhaps more. We have passed bill after bill. Some Senator said we have not passed any bills of this kind. Well, we have passed probably half a score of them, certainly, since I have been a Member of this body, and they have carried enormous amounts of money which the Government has paid for claims of this nature which the late Senator from Arkansas, Mr. Clarke, said have no merit; that it was pure benevolence on our part to pay them, and that they ought not to be paid, and that he would join with me and others in stopping them, which we did in 1915.

Mr. President, as I said a moment ago, I have no disposition to prolong this debate. I have said all that I care to say. I regret that I have had to say it. I have been one of the Senators from the North who have kept out of their minds anything of a sectional nature; certainly I have tried to do it. I have not drawn the line as between claims from the South or claims from the North when I believed they were honest and just claims; and I would not have said a word to-day if I had believed that we ought to reopen the floodgates and allow the attorneys in Washington and elsewhere to invade the South again, and hunt up a new list of similar claims.

Mr. SMITH of Georgia. Mr. President——

Mr. GALLINGER. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Would not the Senator, then, be willing to amend this bill so as to prevent any new suits being brought, and allow the Court of Claims to dispose of the cases now pending there?

So far as I am concerned I wish to say to the Senator that I am perfectly willing to strike out the provision allowing new suits to be filed; but I do think the parties who have brought their suits and prepared their testimony, practically by the invitation of the United States, having been authorized to do so, ought to have an opportunity to let the Court of Claims pass on them.

Mr. GALLINGER. No, Mr. President; I would not be willing to make that agreement. I am afraid some other Senator later on would move to repeal the law, if we agreed to it.

Mr. SMITH of Georgia. I am not asking the Senator to make an agreement, I am asking the Senate to take up the bill in order that it may be passed at least in a shape to let those suits that are now pending, where the parties have taken their testimony, go to final judgment.

I should just like to say to the Senator that I entirely deny that an agreement was made that bound more than a few men who were parties to it. I do not think it would have been fair for men who were getting their claims paid by the bill then pending to make an agreement that would prevent men who had suits pending that had not been decided from having their cases passed on; and if the Senator will pardon me, I just want to add that I do not know a constituent of mine who has a case pending in the Court of Claims.

Mr. GALLINGER. No; but Georgia had $48,000 in that bill that we agreed to allow to be passed. I want to say furthermore that most of these claims that the Senator says have been proven up have been proven up since the Crawford amendment was adopted, and they were proven up in the face of an inhibition by the Government of the United States against the consideration of any further claims of the kind.

Mr. SMITH of Georgia. No; I think the Senator is mistaken. The court dismissed all those cases within a few days after the passage of the Crawford amendment, and they could not have taken any more testimony.

Mr. GALLINGER. Why did not these diligent men get them on the bill that we passed at that time?

Mr. SMITH of Georgia. Why, the court had not adjudicated the cases. They could not have put them into that bill until the court had adjudicated that they were entitled to the amounts of their claims. Their suits were pending in the Court of Claims, waiting to be heard when they could be reached.

Mr. GALLINGER. I think more likely they were held back for the purpose of making another omnibus bill a little later on.

Mr. SMITH of Georgia. Oh, no.

Mr. GALLINGER. But however that may be, I am not going to make any agreement with any Senator. I am going to vote against taking up this bill; and if the Senate, in its profound wisdom, concludes to take it up and concludes to repeal this statute, I, of course, shall have to surrender, as I always do, to the verdict of the Senate.

I will close by expressing the fervent hope that the effort which the Senator from Georgia is making to get consideration for this bill may not receive the sanction of the Senate, because I think we have more important matters to attend to, and we have more important legislation, involving the appropriation not of a million dollars but of billions of dollars, that we will have to consider very seriously before this session shall adjourn.

Mr. THOMAS. Mr. President, my recollection regarding the circumstances under which the law of 1915 was passed has been strengthened by the discussion of yesterday, as conducted by the Senator from Utah [Mr. SMOOT] and the Senator from Michigan [Mr. TOWNSEND]. I am not a member of the Committee on Claims and hope I never shall be. The experiences of the members of that committee I can imagine by what was said yesterday by the Senator from Utah, they are overwhelmed with applications for the consideration of claims of every conceivable character, and the older the claims are the more vehemently they are pressed, and, of course, the more difficult it is for the Government to confront and oppose them.

I recognize that no Congress can bind the action of its successor, either by legislation or by any other form of agreement, but there is an equity, Mr. President, in the arrangement which culminates in the enactment of a measure that depended for its enactment entirely upon that understanding. I think it is perfectly safe to say that the omnibus claims bill of 1915 could not have passed but for that understanding, and, consequently, it strikes me that there are considerations independent of the question of the power of Congress to bind one of its successors, or any of its successors, that should cause Senators to hesitate before voting to take up this measure. Indeed, I can not conceive myself how anyone listening to the statement of the junior Senator from Michigan yesterday as to the record made should vote either to take up this bill or to pass it in the event that it should be taken from the calendar for consideration.

The Senator from New Hampshire [Mr. GALLINGER] referred a few moments ago to a class of pension claims which are entirely worthless, in all probability, but which, nevertheless, have been sustained because of the character of the proof offered in their support. I have no doubt the Senator could have stated with equal truth that in proportion as those claims were old—that is, in proportion to the lateness of time that they were presented—the more easy it was to establish them by appropriate testimony and the more difficult for the Government to offer countervail testimony, the lapse of time having made it impossible.

As a member of the Committee on Military Affairs, Mr. President, I am somewhat familiar with many applications to set aside the records of desertion and dishonorable discharges from the service, and I have been struck by the fact that in nearly all these applications the applicant expresses an ignorance of the character of the record in the War Department, the same having been brought to his attention quite recently. Of course the witnesses upon whose testimony the record was made are in their graves, and unless you discount entirely the testimony offered for the applicant it is almost impossible to overcome it.

The very fact that these claims have failed, Mr. President, is to my mind the strongest reason why they should not be considered at all. If they are genuine, they ought to have been presented years ago when all the witnesses to the transaction on both sides were available, and where in consequence a fair hearing could be had and justice done to both sides.

I do not think, Mr. President, this bill should be taken up, even if there had been no such agreement as that to which the Senators have referred. We ought to call a halt some time upon the right of the citizen to apply to the Government for the payment of stale claims, and of all times this seems to me to be the one when no door that can be closed should be opened which has for its purpose the obtaining of money from the Treasury of the United States. We are spending and we are raising more money by taxation than any nation in history was ever called upon to expend or to raise before. Instead, therefore, Mr. President, of pressing claims like these and other claims against the Government, the Congress of the United States should in every

instance set its face against them and postpone them to days of peace. They are not necessary to be considered now. Every possible drain upon the Treasury it is our duty to prevent as far as possible.

I cordially agree with practically everything that has been said by the Senator from New Hampshire, and I hope the bill will not be taken up.

Mr. STERLING. Mr. President, while I am a member of the Judiciary Committee, from which this bill was reported, I had some misgivings in the committee when it was briefly considered there. There was no record vote, however, in the committee on the bill, and the Senator from Georgia was authorized to report it.

I have been at some pains, Mr. President, since I came to the Chamber this morning, to examine the previous expressions of Congress in regard to claims of this kind. I find that as far back as 1883 an act was passed barring the claims which I understand will for the most part be covered by this bill and to secure the ultimate payment of which, indeed, this bill is introduced. I refer to section 3 of the act of March 3, 1883, which is entitled "An act to afford assistance and relief in Congress and the executive departments in the investigation of claims and demands against the Government." Section 3 has reference to a particular class of claims and is as follows:

The jurisdiction of said court—

The Court of Claims—

shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or the Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operations of said forces during the said war at the seat of war; nor shall the said court have jurisdiction of any claim against the United States which is now barred by virtue of the provisions of any law of the United States.

Now, that is the law of 1883, 18 years, or a little more, after the suppression of the rebellion. But it is not the only expression of Congress. In 1887 an act was passed entitled "An act to provide for the bringing of suits against the Government of the United States." In the first section of that act there is this proviso:

Provided, however, That nothing in this section shall be construed as giving to either of the courts herein mentioned jurisdiction to hear and determine claims growing out of the late Civil War, and commonly known as "war claims," or to hear and determine other claims which have heretofore been rejected or reported on adversely by any court, department, or commission authorized to hear and determine the same.

Then comes after that the Crawford amendment of 1915. The Crawford amendment is very similar to section 3 of the act of 1883, only it includes one other class of cases which shall not be the foundation of any claim. The Crawford amendment, which is section 5 of the act of 1915, is as follows:

SEC. 5. That from and after the passage and approval of this act the jurisdiction of the Court of Claims shall not extend to or include any claim against the United States based upon or growing out of the destruction of any property or damage done to any property by the military or naval forces of the United States during the war for the suppression of the rebellion; nor to any claim for stores and supplies taken by or furnished to or for the use of the military or naval forces of the United States.

That clause relating to claims for stores and supplies is new. It is not in the previous acts or either of them, but in other respects it is the same as the act of 1883. The concluding clause of the act of 1915 is "nor shall said Court of Claims have jurisdiction of any claim which is now barred by the provisions of any law of the United States." This was enacted more than 50 years after the suppression of the rebellion.

So it would seem, Mr. President, from these various expressions of Congress, first in 1883, next in 1887, and next in 1915, that Congress had determined, and rightly determined, after full consideration, that these claims should be forever barred.

Now, what does this bill propose to do? Look at the sweeping provisions of the concluding section. Time surely is not of the essence of things in this bill. Section 8 provides as follows:

That jurisdiction is hereby conferred on the Court of Claims to consider, hear, determine, and adjudicate all questions of law and fact and equity, notwithstanding the bar of statutory limitations or any other statutory bar, all claims covered by this act brought within two years from the approval of this act.

So, Mr. President, after all this period of time since the end of the Civil War, after a long interval, during which the Court of Claims had jurisdiction, and after these three successive acts of Congress, with long intervals of time between them, it seems to me it is little short of the absurd that we should be asked now to throw down the bars of every statutory limitation, time or otherwise, to permit of the presentation of these claims. I hope the bill will not be considered.

Mr. SMITH of Georgia. Will the Senator allow me to interrupt him?

Mr. STERLING. I am ready to yield the floor.

Mr. SMITH of Georgia. Then probably I might as well go on in my own right.

Mr. STERLING. Very well.

Mr. SMITH of Georgia. Mr. President, by what has been said the impression might be created in the Senate that there was an opportunity freely given for claimants to bring suits in the Court of Claims. There was no such opportunity. These parties have not had the right to bring their cases into court. When the Tucker Act was passed it was necessary to get the approval of Congress to a bill before the bill allowing suit was referred to the Court of Claims. I hope the Senator from South Dakota will catch what I say. These claimants have not had the right to sue. When the Tucker Act was passed it was still necessary for Congress to refer to the Court of Claims each claim by a separate bill before a claimant could bring suit, and for 10 years after the passage of the Tucker Act only 10 cases were referred by Congress to the Court of Claims, when there were applications to the number of 450 for the privilege of bringing suit.

Mr. POMERENE. If I may interrupt the Senator, he has just stated that the claimants did not have the opportunity to appear in court. What does the language mean in section 2 which provides the right to reinstate a claim which has been heretofore dismissed?

Mr. SMITH of Georgia. I will explain that in a moment. This is what I was stating, that the right to bring suit in the Court of Claims was never broadly given to litigants. They were compelled to come to Congress for a special bill, and in each instance have a bill passed referring to the Court of Claims each separate claim. After the passage of the Tucker Act, in 10 years' time, with 493 bills pending in Congress, only 10 permissions to sue were given, and not until 1897 were these parties generally authorized by Congress to bring their suits.

Mr. POMERENE. In what year?

Mr. SMITH of Georgia. In 1897. It was 20 years ago that bills were for the first time passed quite freely to allow suits in the Court of Claims. The Court of Claims proceeded to hear a number of cases. Congress stopped making appropriations to pay any of the amounts awarded by the Court of Claims. The result was that the Court of Claims stopped hearing cases. When the Crawford amendment passed there were a number of cases pending in the Court of Claims which had not been decided, where the parties had gone to the expense of preparing their testimony, after Congress referred them to the Court of Claims and authorized them to take testimony.

Mr. POMERENE. Mr. President, my mind has been attracted by the language in section 2 of the bill:

That all suits in the Court of Claims which have heretofore been dismissed by the said court by reason of the provisions of section 5 of the said act shall, on motion of the claimants made or filed within one year from the passage of this act, be reinstated.

Mr. SMITH of Georgia. The Crawford amendment was passed in the act of 1915 withdrawing jurisdiction from the Court of Claims to hear the cases already referred to it by Congress. Thereupon the Court of Claims dismissed the cases that were there pending brought under authority of Congress.

Mr. STERLING. If the Senator from Georgia will permit me right there, it does not withdraw the jurisdiction of the Court of Claims from all claims that may be brought against the United States, but claims of this class, claims arising out of the Rebellion.

Mr. SMITH of Georgia. I understand that perfectly. The Tucker Act had reference only to that class of claims. There were certain claims authorized by the Tucker Act to be brought before the Court of Claims, provided Congress referred them to the Court of Claims by special bills, and the procedure was to present a special bill in Congress for the reference of each claim to the Court of Claims. The party followed it up by filing a petition in the Court of Claims if specially authorized by Congress to do so.

In 1915 there were a number of claims that had been adjudicated by the Court of Claims and that Congress had not paid. It was an accumulation of a number of years; certainly at least 10. The Court of Claims had adjudicated that certain parties were entitled to certain compensation for losses caused or property taken by the Government during the Civil War, yet Congress failed or refused payment.

Mr. STERLING. Will the Senator from Georgia permit me?

Mr. SMITH of Georgia. Gladly.

Mr. STERLING. How would the act of 1915 affect the claims that had already been adjudicated by the Court of Claims? It only relates to claims presented from and after the passage of the act; it takes away jurisdiction as to those.

Mr. SMITH of Georgia. I did not say it applied to adjudicated claims. There were adjudicated claims, and, after gaining their cases before the Court of Claims, the parties came to Congress and asked Congress to appropriate the money to pay off the claims. For quite a large number of years—for more

than 10 years—Congress had declined to appropriate any money to pay off these judgments which had been rendered by the Court of Claims. Thereupon the Court of Claims stopped hearing the cases. They did not dismiss the cases; they were pending in the Court of Claims; the parties prepared their testimony and were ready to proceed to judgment in the Court of Claims; but the Court of Claims said, "Congress will not pay if we decide the cases, and it is no use taking up our time to hear them."

The act of 1915 has been construed by the Court of Claims to require the dismissal of the cases pending in that court in 1915. It has been stated the act of 1915 was only intended to prevent future suits.

Mr. POMERENE. Now, Mr. President, may I ask the Senator from Georgia another question?

Mr. SMITH of Georgia. Yes; I am glad to be asked questions.

Mr. POMERENE. How long were the cases pending in the Court of Claims which were dismissed and which are referred to in section 2 of the bill?

Mr. SMITH of Georgia. Well, they were brought along at different times after 1897. Congress began very freely to allow suits to be brought, and within the next 10 years practically all or most of these cases were brought in the Court of Claims. In the period between 1897 and 1907, I should say, substantially all of them were brought. There accumulated quite a number of judgments, but Congress refused to appropriate any money to pay those judgments. Then the Court of Claims said, "We have other business to attend to, and we will just pass over the claims referred to under this provision and try more important business, because Congress does not pay off the claims even if we decide them." This, I am advised, was the position of the court. For quite a long time, as I am informed, before 1915 the Court of Claims merely passed over the cases on the docket and did not dispose of them.

Mr. POMERENE. But the bill does not speak of passed-over cases which were on the docket, but it speaks of cases which have been dismissed.

Mr. SMITH of Georgia. How were they dismissed? In 1915 we withdrew the jurisdiction of the Court of Claims over these cases, and thereupon the Court of Claims dismissed them all.

Mr. POMERENE. Well, that may be true; but still they were pending from the time the cases were begun until 1915.

Mr. SMITH of Georgia. Precisely; yes. They were pending for a number of years. For several years the Court of Claims had declined to hear them because Congress had stopped paying the claims, but quite a number of them were pending there in 1915, with the testimony taken, and they were pending because Congress permitted the parties to take their cases to the Court of Claims for trial. It has been claimed that the cases moved slowly in the Court of Claims because the Department of Justice, defending the cases, could not be hurried. Those who brought their suits in pursuance of this authority, it does seem to me, ought to have a right to obtain an adjudication by the Court of Claims.

Mr. McKELLAR. Mr. President, will the Senator yield to me for just one moment?

Mr. SMITH of Georgia. Yes.

Mr. McKELLAR. In further answer to the Senator from Ohio [Mr. POMERENE], I call his attention to a report of the Committee on War Claims of the House of Representatives, which was made recently on a bill pending there. That report states:

It is but fair to state the circumstances surrounding the adoption of this amendment—

That is, the amendment in 1915, which is known as the Crawfor amendment—

The bill was considered in the Senate the afternoon preceding the day on which Congress adjourned and was not reported to the House until quite late that night, and therefore did not receive at the hands of the committee the careful consideration it would have received at any time other than the closing hours of the session. It is fair also to say that there was no debate by the House. It was the opinon of this committee—

That is, the War Claims Committee of the other House—

after a casual consideration that the amendment would take from the court jurisdiction to hear and determine all cases referred to the court after the passage of the amendment, but would not affect cases then pending before it.

The Court of Claims construed the amendment as depriving it of jurisdiction over cases then pending, and thereupon dismissed a great number of cases. It was in that way that the cases were dismissed in the Court of Claims.

As I recall, I took an active part in the passage of that legislation, and it occurred to me that as to the cases then pending before the court where the proof had all been taken, where the findings had been made under the law and the cases had merely been laid aside because Congress had refused to appropriate the money to pay the claims that had been allowed, it would not take away the jurisdiction to hear and determine those cases where the court had already had charge of the matter. The Court of Claims, however, decided to the contrary.

Now, it does seem to me that it is nothing but fair as to those cases that have been prosecuted to a judgment, or prosecuted almost to a judgment, where all the proof had been taken, where the litigants had been put to the expense of prosecuting those claims, that surely such claims ought to be reinstated on the docket of the Court of Claims and passed upon. I think that proposition would commend itself to the Senator from Ohio beyond question.

Mr. POMERENE. Well, Mr. President, I do not want to do anybody an injustice; but in nearly all if not in every State of the Union we have statutes of limitation; statutes covering the question of torts, limiting the right to begin an action to two, three, four, five, or perhaps six years at the outside; there is a limitation of a right to begin an action on account or on an oral contract, usually limited to six years; there is a limitation usually upon a right of action on a promissory note to 15 years after it becomes due; and now we are presented here with a lot of cases that originated during the Civil War. Inasmuch as we have a Committee on Revolutionary Claims in the Senate, would not that be a very good place in which to bury these claims?

Mr. SMITH of Georgia. But those claimants did not have the right to sue; there was no court to which they could go.

Mr. POMERENE. But the Senator has already called attention to the fact that they were later given the right to sue.

Mr. SMITH of Georgia. Yes; in 1897; and they brought the suits, and those suits are pending. After they brought their suits in pursuance of this authority, we suspended the jurisdiction of the court and caused them all to be dismissed.

Mr. KENYON. These claimants had 20 years in which to bring their suits?

Mr. SMITH of Georgia. Yes.

Mr. KENYON. And they could have pursued them for 20 years?

Mr. SMITH of Georgia. I explained the fact that for 10 years Congress declined to pay any judgments rendered by the Court of Claims, and that thereupon the court did not strike the cases from their docket, but suspended hearings, and for about 10 years these claimants could not get a hearing in the court. The court merely let them wait there.

Mr. KENYON. Yes; the Court of Claims evidently felt that the cases were not such that anybody would suffer by delay.

Mr. SMITH of Georgia. If Congress was not going to pay the claims, what was the use of the court adjudicating them?

Mr. McKELLAR. The Senator from Iowa, however, will remember that for 18 years after the Civil War the court was not open to any of these cases at all.

Mr. SMITH of Georgia. Mr. President, I only wish to say a few words more. I am anxious for the Senate to dispose of this bill. I think that is the fair and just thing to do. It is suggested that we have plenty of other business; but we are adjourning from day to day and doing nothing, because the other business is not ready. I think the Senate ought to take up this bill, if there is nothing else pressing, and vote on it. Personally, I am willing to allow a vote to strike out the provision authorizing any more suits to be brought; but I do think that the suits which are pending in the Court of Claims, which were brought there by authority of Congress, occupy a status where the claimants ought to be permitted to go to judgment on their claims.

This bill simply gives the right within six months to move to reinstate the cases where they were before they were stricken from the docket under the Crawford amendment. As suggested by the Senator from Tennessee [Mr. McKELLAR], when the Crawford amendment was adopted, it was not understood by at least Members of the other House that it withdrew from the Court of Claims jurisdiction of the cases then pending in that court; nor was it suggested on the floor of the Senate, I think, that the cases pending in the Court of Claims would be dismissed. I do not think anyone would have favored that. Now, let us take up the bill and dispose of it. We have nothing else before the Senate. If the bill is defeated altogether, that ends it; my responsibility is over. I hope, however, the Senate will not do that. I think the cases that were pending in the Court of Claims, especially where the parties had prepared their testimony, ought to go to judgment. I think they ought to have a hearing; but surely we ought to dispose of the bill one way or the other. If the Senate declines to take it up, then we are going to adjourn; we have nothing else to do, and the motion to take up the bill will have to be made again. Let us dispose of it; that is my plea to the Senate. We have nothing else to

do, and let us get rid of it. I do not desire to discuss its merits to any further extent.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. Would the Senator feel that it was a personal affront to him if some Senator should move to indefinitely postpone the bill? That would bring the question to a head.

Mr. SMITH of Georgia. Not the slightest, if the Senate wants to kill the bill.

Mr. SMOOT. I think that is, perhaps, the best way to proceed.

Mr. SMITH of Georgia. I do not see that that is the best way.

Mr. SMOOT. But I do not wish to make that motion if it is not agreeable to the Senator from Georgia. Of course if the Senator moves to take up the bill, then such a motion could be made.

Mr. SMITH of Georgia. Mr. President, I do not consider any motion to dispose of a bill a personal affront if the parliamentary rules justify the motion.

Mr. SMOOT. Yes; but the Senator knows what I mean.

Mr. SMITH of Georgia. I would not like to see a motion to lay the bill on the table if any Senator wanted to speak on it, but just as soon as Senators are ready to vote I should like a vote on it.

Mr. SMOOT. I am perfectly willing, Mr. President, so far as I am concerned, to vote, first, on taking up the bill, and then, if the Senate votes to take up the bill, I think the proper thing to do would be to make a motion to indefinitely postpone it.

Mr. GALLINGER. Or to refer it to the Committee on Claims.

Mr. KENYON. Would not the vote to take up the bill be in the nature of a test vote?

Mr. SMOOT. I will say to the Senator it certainly would if Senators had been in the Chamber and listened to the discussion.

Mr. SMITH of Georgia. I hardly think it would be a test vote, because I can see very well how a Senator would vote to take it up who might not be for the bill. If I were not for this bill I would vote to take it up, because if it is not to pass it ought to be disposed of. There is another reason why it ought to be disposed of. There are a number of individual claims still pending in the other House, but the committee of the other House have declined to consider individual bills, because they are in favor of this general bill.

Mr. KENYON. I myself would welcome any kind of a test vote, Mr. President, that would give an opportunity to those who want to vote to bury this bill to cast that vote.

Mr. McKELLAR. Let us have a vote on the motion to take up the bill.

Mr. GALLINGER. I think that is best.

Mr. KENYON. I was about to suggest the absence of a quorum.

Mr. GALLINGER. Just one moment, if the Senator will yield.

Mr. KENYON. Very well.

Mr. GALLINGER. Replying to the statement of the Senator from Georgia that there is no business before the Senate, I should like to remind him of the fact that my colleague [Mr. HOLLIS] has given notice that he has reported a bill doing in the District of Columbia what most of the progressive States have done; that is, pensioning the teachers who are instructing our youth in patriotism and other subjects of importance. He would like to have that bill taken up either to-day or to-morrow. I think that is a much more important bill than is this one. It was my privilege to report a bill of that kind some years ago, and I was fortunate enough to get it through the Senate, but it "fell outside of the breastworks" when it reached another body. The teachers meanwhile have been getting along as best they could, and while Massachusetts, New York, New Hampshire, and various other States have pensioned their teachers, the District of Columbia has not done so. I should like to have that bill considered at the earliest possible moment.

Mr. President, I am quite in favor of taking a direct vote on the motion made by the Senator from Georgia. I think that is the fair thing to do, and, so far as I am concerned, I am ready for a vote. I think, however, a quorum ought to be called before the vote is taken, and I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Cummins	France	Harding
Beckham	Curtis	Frelinghuysen	Henderson
Borah	Dillingham	Gallinger	Hitchcock
Calder	Fernald	Gronna	Hollis
Chamberlain	Fletcher	Hale	James
Johnson, Cal.	New	Shields	Tillman
Jones, Wash.	Norris	Simmons	Townsend
Kellogg	Nugent	Smith, Ariz.	Trammell
Kenyon	Overman	Smith, Ga.	Underwood
Kirby	Phelan	Smith, Md.	Warren
Knox	Poindexter	Smith, Mich.	Watson
McCumber	Pomerene	Smoot	Wolcott
McKellar	Shafroth	Swanson	
McNary	Sheppard	Thomas	
Martin	Sherman	Thompson	

Mr. CURTIS. I desire to announce the absence of the Senator from West Virginia [Mr. SUTHERLAND] on account of illness, and will let this announcement stand for the day.

Mr. BANKHEAD. I am requested to announce the absence of the Senator from Georgia [Mr. HARDWICK] on account of illness. This announcement may stand for the day.

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness in his family.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Georgia to proceed to the consideration of Senate bill 1795.

Mr. SMOOT. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. MYERS (when Mr. WALSH's name was called). My colleague [Mr. WALSH] is necessarily absent on account of ill health. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN].

The roll call was concluded.

Mr. WOLCOTT. I wish to inquire if the senior Senator from Indiana [Mr. WATSON] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. WOLCOTT. I have a general pair with that Senator, which I transfer to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. BECKHAM (after having voted in the affirmative). I have a pair with the junior Senator from West Virginia [Mr. SUTHERLAND]. In his absence, I inadvertently voted. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and will allow my vote to stand.

Mr. CHAMBERLAIN (after having voted in the affirmative). I withdraw my vote, in the absence of my pair, the junior Senator from Pennsylvania [Mr. KNOX].

Mr. CURTIS (after having voted in the negative). I have a pair with the junior Senator from Georgia [Mr. HARDWICK]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and will let my vote stand.

Mr. TILLMAN. I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. FRELINGHUYSEN. I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. MYERS. Has the junior Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER. He has not voted.

Mr. MYERS. I have a pair with the junior Senator from Connecticut, which I transfer to the senior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. JAMES. I transfer my pair with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Missouri [Mr. STONE] and vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Delaware [Mr. SAULSBURY] are detained on official business.

I have been requested to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY];

The Senator from New Mexico [Mr. FALL] with the Senator from Wyoming [Mr. KENDRICK]; and

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS].

The result was announced—yeas 24, nays 35, as follows:

YEAS—24.

Bankhead	James	Pittman	Smith, Md.
Beckham	Jones, N. Mex.	Ransdell	Swanson
Fletcher	Kirby	Sheppard	Tillman
Henderson	McKellar	Shields	Trammell
Hitchcock	Myers	Simmons	Underwood
Hollis	Overman	Smith, Ga.	Wolcott

NAYS—35.

Borah	France	Johnson, Cal.	Lodge
Calder	Frelinghuysen	Johnson, S. Dak.	McCumber
Cummins	Gallinger	Jones, Wash.	McNary
Curtis	Gronna	Kellogg	New
Dillingham	Hale	Kenyon	Norris
Fernald	Harding	Knox	Phelan

Pomerene	Smith, Mich.	Thomas	Wadsworth
Shafroth	Smoot	Thompson	Warren
Sherman	Sterling	Townsend	

NOT VOTING—35.

Ashurst	Gore	Nugent	Smith, S. C.
Brandegee	Hardwick	Owen	Stone
Broussard	Kendrick	Page	Sutherland
Chamberlain	King	Penrose	Vardaman
Colt	La Follette	Poindexter	Walsh
Culberson	Lewis	Reed	Watson
Fall	McLean	Robinson	Weeks
Gerry	Martin	Saulsbury	Williams
Goff	Nelson	Smith, Ariz.	

So the Senate refused to proceed to the consideration of the bill.

Mr. SMITH of Georgia. Mr. President, I desire to submit to the Senate, and to have printed in the RECORD, a letter from ex-Attorney General Wickersham in reference to these claims, which I think corrects a good deal of the misinformation that has been brought before the Senate to-day with reference to them. I ask leave to have the letter printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, January 4, 1918.

Hon. J. T. WATKINS,
House of Representatives, Washington, D. C.

DEAR SIR: I am in receipt of your communication of the 29th ultimo, wherein you request certain information relative to congressional cases disposed of in the Court of Claims.

In reply to your first question, as to the number of congressional cases tried by the court, I may say that up to the beginning of the present fiscal year the court disposed of about 14,700 cases.

In answer to the third inquiry, of the total number of cases tried, 8,825 were dismissed and findings of dismissal certified to Congress, while findings were made favorable to the claimants in about 5,875 cases.

As to the fourth inquiry, the total amount claimed in the 14,700 petitions aggregates about $116,901,000, while the total amount of findings favorable to the claimants are in the aggregate about $9,877,000. Thus it may be seen that findings favorable to the claimants were somewhat less than 8½ per cent of the total amount claimed.

I may say further, that in the cases wherein findings were made favorable for the claimants the amount claimed was about $28,493,500, but the findings show that of this amount a little less than 35 per cent was awarded by the court.

In reply to the second inquiry, namely, as to whether "nearly all of the congressional cases tried are war claims," while it is true that so-called war claims make up the bulk of congressional cases, there are a number of claims so referred arising since the War of the Rebellion and classed as congressional cases, such as claims for overtime by a large number of employees at the various navy yards throughout the United States. Of this latter class there has probably been referred some 2,500 to 3,000 claims. These claims, however, are not docketed as general numbers but appear under one general number, each claim taking a subnumber, and the foregoing report deals with general numbers only.

The same may be said of a class of cases for overtime work on public buildings.

Other claims are referred that may be classed under the head of receiving-ship cases, claims for overpayment on imports, excess cost for building of torpedo boats, and other vessels are frequently referred under the Tucker Act.

In reply to the fifth inquiry of your communication, all cases involving war claims, in fact all cases of every kind in the Court of Claims, are made the subject of active defense on the part of the Government. All witnesses are cross-examined by Government counsel and all war claims are made the subject of investigation in the field.

I trust this will furnish you the required information.

Very respectfully,

GEO. W. WICKERSHAM,
Attorney General.

Mr. SMITH of Georgia. I have also a further memorandum on this subject that I think will be valuable when I again bring this bill to the attention of the Senate. I ask that it be printed in the RECORD. I will not stop to present it to the Senate.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

Memorandum of bills referred by Congress to the Court of Claims under Tucker Act.

Congress.	By Senate.	By House of Representatives.
Fiftieth	10	1
Fifty-first	3	13
Fifty-second	2	6
Fifty-third	3	5
Fifty-fourth	12	
Fifty-fifth	132	49
Fifty-sixth	280	5
Fifty-seventh	[1] 288	[2] 79
Fifty-eighth	430	
Fifty-ninth	[3] 648	[4] 49
Sixtieth	[5] 328	2
Total	2,194	310

[1] Including 78 churches.
[2] Including 4 churches.
[3] Including 171 churches.
[4] Including 203 churches.
[5] Including 13 churches.
[6] Including 86 churches.

RECAPITULATION.

By Senate	2,194
By House	310
Total	2,504

The above shows that during 21 years after the approval of the Tucker Act a total of only 2,504 bills were referred by both Houses of Congress to the Court of Claims. The figures also indicate that during the first 10 years after the approval of that act only 55 bills were referred to the court by both Houses of Congress, thus showing the encouragement given to claimants.

Examination of the record shows also that during the Fiftieth Congress, when but 10 bills were referred to the court by resolution of the Senate, there were 493 bills pending before the Committee on Claims of the Senate. In short, only 10 bills out of 493 then pending were referred to the court during the Fiftieth Congress.

During the Fifty-first Congress 695 bills were pending before the Committee on Claims of the Senate, while but 3 of said bills were referred to the Court of Claims.

Analysis of the facts stated above shows that for all practical purposes claimants were afforded no relief under or by the provisions of the Tucker Act until 10 years after the passage of the act, and that the only relief afforded was given after 1897, and it is also to be noted that while the total number of bills referred is 2,504, this number includes 555 church, school, and lodge claims, or over one-fifth of the total number.

So far as concerns the general subject of war claims, it is to be borne in mind that a considerable number of the bills which have been referred to the Court of Claims were of classes other than war claims. Of the war claims which have been referred to the court under the Tucker Act, quite a number were claims which had been originally presented to the Southern Claims Commission, or to departments of the Government many years ago, but which had been rejected either for lack of jurisdiction or because presented by mistake in the name of the wrong person, thereby precluding the Court of Claims from reporting the facts of the claims under the provisions of the earlier Bowman Act.

It has been sometimes suggested that a claimant is subject to censure for not having presented his claim to Congress immediately after the passage of the Tucker Act, in 1887, if he had failed for any reason to previously present his claim to the Southern Claims Commission. It has been sometimes suggested that ever since 1887 a remedy has been open to claimants under the Tucker Act, but the figures show that this remedy really existed only in theory until about 1897, 10 years after the passage of that act. Can it be said with any degree of reason that a claimant had a remedy at a time when only 10 bills of 493 were referred to the court? Can it be said that a claimant had a remedy open to him when but 3 of 693 bills were sent to the court? Yet that was the extent of the consideration given to pending bills in the Fiftieth and Fifty-first Congresses, a period of four years after the passage of the Tucker Act, and the table of figures shows that no greater consideration was given during the Fifty-second, Fifty-third, and Fifty-fourth Congresses.

The Tucker Act was so nearly a dead letter during the first 10 years of its existence that claimants were not even reasonably and in fact chargeable with notice of its existence.

After Congress really began making use of this law claimants became apprised of its existence and asked for an opportunity to prove the facts of their claims before the Court of Claims. Many were pending before Congress for years, without any consideration, and it is entirely unfair to take from them any possible chance of securing consideration of their claims. If the claimant has sufficient faith in the righteousness of his claim to be willing to subject it to the rules of proof of the Court of Claims, which has never been charged with any bias in favor of claimants, then the Government should not hesitate to permit the claim to be so proven and judicially examined.

As to claims that were dismissed by the Court of Claims under the Crawford amendment to the war-claims act of March 4, 1915, here is the condition:

Claimants had asked Congress for relief, and private bills were introduced, not with view to direct appropriation for payment of their claims, but in order to have a basis for reference of the claims to the Court of Claims.

Owing to the rules followed by the Committee on Claims of the Senate it often happened that at the end of a session each Senator would be asked to designate not more than two or three, or possibly four, bills for reference to the Court of Claims. No matter how many meritorious claims were pending, only this limited number could be designated for reference.

Ultimately, and in very recent years, however, that rule was not adhered to with the former rigidity, and that fact permitted the reference of a larger number of the pending claims.

The claimants were practically sent by Congress to the Court of Claims to there establish in judicial form and manner the facts of their cases. They did so; they found witnesses by whom to establish the facts. Often at great expense testimony was taken in widely separated parts of the country. The testimony was taken in presence of counsel for both the claimant and the Government. In many such cases the briefs were filed in the Court of Claims. That was all at great expense and labor.

Then, about 1910, the Court of Claims openly stated that it did not invite the further trial of Civil War claims and did not care to devote further time to them until Congress disposed of the claims already tried and reported by the court.

That statement of the position of the Court of Claims naturally deterred claimants from trying their cases, and they marked time, hoping Congress would make an appropriation to pay the claims previously tried and allowed.

Then, when Congress did make that appropriation by the act of March 4, 1915, it incorporated the Crawford amendment, which has resulted not only in the cutting off of new claims, but also in the dismissal of many cases by the Court of Claims, which were all ready for trial, in which the testimony had been taken under the rules of the court at the invitation of Congress.

Certainly, argument would seem unnecessary to show the utter injustice of sending these citizens to the Court of Claims to prove their cases, and then, before they could secure an adjudication, drive them out of court and bar the door after them.

The very least that can be suggested in the way of right and justice would be to restore the jurisdiction of the court to entertain and pass judgment on those claims which were pending in the court at the adoption of the Crawford amendment and thus permit these citizens to conclude the trial of their claims which were then pending.

If citizens are denied justice by their Government, what can the Government expect of its citizens? The sense of an injustice suffered is a feeling which rankles and stays in the heart, and that is so regardless of whether that injustice deprives a citizen of a small sum or of a large one. The Government can not afford to be unjust to its own citizens.

INFORMATION FROM SICK SOLDIERS.

Mr. TOWNSEND. Mr. President, a matter has been called to my attention, and I suppose to that of every Senator, affecting the question of obtaining information from soldiers who are sick in camps and cantonments. The other day I received a letter from a distinguished citizen of Michigan inquiring relative to his son, who was reported to him as being ill at Waco, Tex. The father informed me that it was impossible for him to get official information relative to his son. From a friend of his son he learned that the latter was sick. I took up the matter with the War Department, submitting the letter of Mr. Darnton, and to-day I received a reply which I desire to read. It is as follows:

WAR DEPARTMENT,
Washington, February 6, 1918.

Hon. CHARLES E. TOWNSEND,
United States Senate.

DEAR SIR: In response to your letter of the 2d instant, inclosing a communication (returned herewith) from Mr. Robert Darnton, of Adrian, Mich., who, after making a statement to the effect that from outside sources he has received information that his son, Sergt. F. B. Darnton, Company B, One hundred and twenty-sixth Infantry, is sick in the hospital at Camp MacArthur, Waco, Tex., but not a single word has come from any officer of his company or the Government as to his real condition, or any notification whatever that he is ill, asks if there is anything in the rules and regulations governing the Army that prohibits the Government from giving such information to parents, I am directed by the Secretary of War to advise you that the Army Regulations provide as follows:

"No information will be furnished by any person in the military service which can be made the basis of a claim against the Government, except it be given as the regulations prescribe to the proper officers of the War, Treasury, or Interior Departments or the Department of Justice. Information concerning sick and wounded officers and enlisted men may be freely conveyed to allay the anxiety of friends; and, in time of peace, when, in the opinion of the surgeon, the condition of an officer or enlisted man, by reason of injury or disease, is such as to indicate the probability of fatal termination, the surgeon will report the circumstances to the immediate commander, who will promptly communicate the fact to the nearest relative. The fact of death may be communicated to relatives, but not circumstances connected therewith which could be made use of in prosecuting claims against the Government."

Very respectfully, H. P. MCCAIN, *Adjutant General.*

I give this information, Mr. President, because it occurs to me that there is something in that order which attempts to measure the interest of the parent or the wife in the loved one by dollars; that there is a fear that information may get out in some way which may give the soldier an opportunity, possibly, of obtaining a pension later.

I think that this order is not in keeping with the general sentiment of the American people at this time. I believe that the parents and other loved ones interested in these soldiers, who are making the supreme sacrifice to the Government at this time, should be furnished information, at least upon inquiry, as to the condition of the soldiers, and that it should not be necessary to go through any system of red tape to supply this information, and that there should not be a possibility that this information may be withheld. The order does not contemplate withholding knowledge as to the sickness or death of soldiers on account of injurious effects which communication to the soldier's family would have upon the outcome of the war, but, forsooth, because in conveying the information an officer or comrade of the sick soldier might by stating the fact render the Government subject to a claim for a pension. It seems to me that the fullest possible information should be given the parents as to the health of their sons who are in the Army.

I put this letter in the RECORD because it answers questions which have been put to me, and I presume will answer similar questions which have been submitted to other Senators.

WATERS OF THE COLUMBIA RIVER.

Mr. CHAMBERLAIN. Mr. President, some time ago Senate bill 1484, which was then on the calendar, was indefinitely postponed. It was a bill ratifying the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish. I ask unanimous consent that the bill may be reinstated on the calendar. I understand that a bill that has been indefinitely postponed may be reinstated on the calendar.

Mr. SMOOT. Only by introducing the bill again and having it pass through the regular course.

Mr. CHAMBERLAIN. I am frank to say that I am not familiar with the parliamentary status of the matter, but I supposed that a bill which had been indefinitely postponed could be taken up and restored to the calendar for final disposition if it should come up again. If I am mistaken about that, I will withdraw the request.

Mr. SMOOT. The indefinite postponement of a bill is a final disposition of the bill at that session of Congress. The only way in which it can be gotten back upon the calendar is to introduce the bill again and let it go through the regular course.

Mr. CHAMBERLAIN. I ask for a ruling of the Chair. If that is the parliamentary status, I have no desire to depart from it.

Mr. FLETCHER. I think it depends on when the action of indefinite postponement was taken.

Mr. CHAMBERLAIN. It was done at the first session of the Sixty-fifth Congress, before we convened in December.

Mr. GALLINGER. Mr. President, it will be observed that in the other House, which is pretty careful to observe parliamentary law, when a bill is passed a motion is always made to reconsider it, and that motion is voted down, and that ends it. The indefinite postponement of a bill absolutely ends the consideration of that bill for the session. There is no question about that under parliamentary law. Of course the Senator can reintroduce it and report it again. I think that is the only way by which it can be done.

Mr. CHAMBERLAIN. I am perfectly willing, in view of the situation before us, to withdraw the request and I shall introduce the bill again.

Mr. McCUMBER. Mr. President, right on that same question I should like to propound a parliamentary inquiry as to whether an exact bill can be reintroduced in the same session? My understanding is that it can not be done.

Mr. WARREN. But it can be changed.

Mr. McCUMBER. If it is substantially changed, it would not be the same bill.

Mr. WARREN. There might be a specific change made which would not alter the character of the bill.

Mr. McCUMBER. It is quite important that we should know just what our rights are. I have desired many times when a bill was defeated to reintroduce it at the same session, and I have always been informed that under the rules it could not be done. I think it is quite important that we should have a definite ruling upon that point.

The PRESIDING OFFICER. It has been ruled by the Vice President that where a bill has been voted upon and defeated the bill could not be reintroduced at the same session in the same terms and under the same title.

Mr. HOLLIS. Mr. President, that ruling was made by the Vice President, I am very sure, on the woman-suffrage amendment. There was no precedent for it. No such ruling has ever been made on a bill that I can find in either House, and I doubt if it is controlling in the consideration of a bill. I shall myself refuse to follow it on the adoption of the amendment. That is the only precedent I can find.

Mr. GALLINGER. At any rate, if I may be permitted a word, if the Senator from Oregon, who is an experienced legislator, finds any difficulty in preparing his bill so that it will not be in the exact terms of the former one I shall be mistaken, even if the ruling, which is somewhat questionable, should stand. We are very much in the habit of changing the phraseology of a measure to suit an emergency; that arises oftentimes on points of order, and I feel sure the Senator from Oregon can easily frame a bill so that it will even escape the ruling that has been cited, to which my colleague very properly calls attention, upon a matter different from an ordinary bill.

Mr. McCUMBER. I have looked over the rules several times, and I can find nothing in the rules that prohibits the reintroduction of exactly the same bill at the same session. If there is a rule that has escaped my attention, I certainly would be glad to have my attention called to it prohibiting the reintroduction of a bill that has been indefinitely postponed.

The PRESIDING OFFICER. The ruling of the Vice President was with relation to the equal-suffrage amendment, where the measure had been defeated. That is not the status in this case.

Mr. McCUMBER. In either case it would be a final disposition of the bill, and therefore it would seem to me as if the same rule would apply; but the point I want to get at is not what the Vice President may have ruled, but what standing rule of the Senate prohibits the reintroduction of exactly the same bill at the same session and its consideration.

Mr. GALLINGER. If I may be permitted an additional word, I will suggest that we are discussing a moot question. Let the Senator present his bill, and then the question might well be raised whether it shall be received or not.

Mr. CHAMBERLAIN. I withdraw my request, and I shall reintroduce the bill. My only reason for asking to have it rein-

stated to the calendar was to save time and expense. It is a bill local in nature and there is no particular hurry about it.

The PRESIDING OFFICER. The Senator from Oregon withdraws his request.

Mr. FLETCHER. Mr. President, on that point I will say to the Senator from New Hampshire that the precedent is laid down in Gilfry's Precedents, page 221, where a motion was made to take up a bill which had been indefinitely postponed at the previous session, and it was held by the Senate to be in order. The question was left to the Senate and it was held to be in order by the Senate.

Mr. GALLINGER. If the bill had been indefinitely postponed, how could it be taken up? It did not exist. That was a most extraordinary ruling, whoever made it.

Mr. FLETCHER. In Gilfry's Precedents it is given as follows:

JANUARY 28, 1869.

* * * * * * *

The President stated that the bill proposed to be taken up, having been postponed indefinitely by a vote of the Senate on the 25th of July last, at the last session, and returned to the House of Representatives, in which it originated, with the action of the Senate thereon, which he believed, by the uniform practice of the Senate, was regarded as a rejection of the bill, and that the bill, not now in the possession of the Senate, the motion to take it up did not appear to him to be in order, and that the effect of the indefinite postponement of the bill being involved in the question of order, he would prefer to have it decided by the Senate, and therefore submitted the question of order to the Senate: "Is the motion to take up a bill which has been indefinitely postponed by a vote of the Senate at a previous session of Congress in order?"

After a somewhat lengthy discussion the Senate decided, by a vote of 27 yeas to 18 nays, that the motion of Mr. Morton was in order. (See Cong. Globe, pp. 568, 569, 570, 590–593, 623–625, 665–667.)

Mr. SMOOT. That had been done at a previous session. It was not at the same session of Congress.

Mr. FLETCHER. That would only make the case stronger.

Mr. WARREN. It was also a House bill, as I understood the Senator.

Mr. SMOOT. It was a bill that came over from the House.

Mr. FLETCHER. I merely referred to it to show what the Senate has done.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. The Chair recognizes the right of the Senator from Oregon to withdraw his request. There is nothing before the Senate.

Mr. HITCHCOCK. If there is no further business, I was going to move that the Senate adjourn. I make that motion.

The motion was agreed to; and (at 2 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 8, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 7, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Washington, D. C., offered the following prayer:

Almighty Father, strong to save, be with all who ride in peril on the sea. Guard our ships and transports and enable us to overcome the threatening dangers of the elements and of our military enemy. Comfort those who are in anxiety and sorrow. Increase our determination for the right and our bravery to endure, to dare, and to do.

Of old Thou didst encourage the saints with unusual evidences of Thine approval. We are far from laying claim to be saints, dear Lord. Yet we sincerely and humbly believe that in our stand for justice and humanity we are supporting a cause that is precious to Thee. Give unto us, therefore, courage and cheer and tokens of Thine approval and signs of sure victory. We ask this in the name of Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

ADDITIONAL MESSENGER, HOUSE POST OFFICE (H. REPT. NO. 290).

Mr. PARK. Mr. Speaker, I present a privileged resolution.

The Clerk read as follows:

House resolution 240.

Resolved, That the Postmaster of the House be, and he is hereby, authorized to employ an additional messenger in the House post office, who shall be paid out of the contingent fund of the House at the rate of $100 per month during the remainder of the second session of the Sixty-fifth Congress.

Mr. PARK. Mr. Speaker, this is the same resolution introduced about 10 days ago, but was withdrawn at the request of the Committee on Appropriations, and amended according to their request.

Mr. WALSH. Will the gentleman yield?

Mr. PARK. Yes.

Mr. WALSH. Will the gentleman state the necessity for this additional messenger?

Mr. PARK. I can only state that the Postmaster said that he is necessary for the business of the office. The Postmaster appeared before the committee and made a complete statement, and the committee unanimously reported the resolution.

Mr. WALSH. It is the hope that the employment of this extra messenger will give us a more prompt delivery of mail matter and obviate the delays that have heretofore occurred?

Mr. PARK. It will have a tendency to do that.

Mr. WALSH. In what way?

Mr. PARK. By giving more help.

Mr. DOWELL. What position will this messenger occupy?

Mr. PARK. An assistant at the stamp and registry window, I understand.

Mr. STAFFORD. Will the gentleman yield?

Mr. PARK. Yes.

Mr. STAFFORD. This resolution, as I take it, is in lieu of the resolution that the Committee on Accounts reported providing for an additional register and stamp clerk, who was to receive a salary of $1,500?

Mr. PARK. Yes.

Mr. STAFFORD. I may say in the consideration of the legislative, executive, and judicial appropriation bill the subcommittee had occasion to call upon the Postmaster of the House, and it was agreed that this official should be appointed as a messenger rather than assistant to the clerk at the window for the sale of stamps and looking after registered matter. This is a substitute in lieu of the former resolution.

Mr. DOWELL. Does this in any manner relieve others of the work they are to do?

Mr. STAFFORD. No; it simply provides an additional clerk. The Postmaster stated that at times during the day there was such a large demand for stamps and registering matter and business connected with the parcel post that it was necessary to have two clerks at the window rather than one, and, while it was his desire to have an additional clerk at $1,500, it was the judgment of the committee that it could be done by a clerk at $100 a month.

Mr. DOWELL. And this messenger is to act in that capacity?

Mr. STAFFORD. It is proposed that he will act in that capacity.

The SPEAKER. The question is on the resolution.

The question was taken, and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 6361. An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3317. An act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia; and

S. 1735. An act to create an additional judge in the southern district of Florida.

ADAH B. SAUER (H. REPT. NO. 292).

Mr. PARK. Mr. Speaker, I present another privileged resolution.

The Clerk read as follows:

House resolution 238.

Resolved, That the Clerk be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Adah B. Sauer, widow of Charles L. Sauer, late an employee on the roll of the House, a sum equal to six months' compensation as a messenger on the soldiers' roll, and an additional amount, not exceeding $250, to defray the funeral expenses of said Charles L. Sauer.

The SPEAKER. The question is on the resolution.

The question was taken, and the resolution was agreed to.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2180. An act to approve mutual cessions of territory by the States of Wisconsin and Minnesota and the consequent changes in the boundary line between said States; to the Committee on the Judiciary.

S. 1004. An act to provide for a retirement system in the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

S. 1005. An act to regulate the salaries of keepers of lighthouses; to the Committee on Interstate and Foreign Commerce.

S. 993. An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 932. An act to provide for stock-watering privileges on certain unallotted lands on the Flathead Indian Reservation, Mont.; to the Committee on the Public Lands.

S. 934. An act authorizing the State of Montana to select other lands in lieu of lands in section 16, township 2 north, range 30 east, within the limits of the Huntley irrigation project and the ceded portion of Crow Indian Reservation, in said State; to the Committee on the Public Lands.

S. 936. An act to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes; to the Committee on the Public Lands.

S. 937. An act to amend an act entitled "An act to amend sections 2291 and 2297 of the Revised Statutes of the United States relating to homesteads"; to the Committee on the Public Lands.

S. 955. An act providing for noncontiguous homestead entries within the former Fort Peck Indian Reservation, Mont., of land of the character described in the enlarged homestead act of February 19, 1909; to the Committee on the Public Lands.

S. 44. An act granting additional rights to settlers on reclamation projects; to the Committee on the Public Lands.

S. 26. An act authorizing the cutting of timber for mining purposes by corporations organized in one State and conducting mining operations in another; to the Committee on the Public Lands.

S. 1555. An act to repeal the last proviso of section 4 of an act to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes, approved January 26, 1915; to the Committee on the Public Lands.

S. 95. An act to provide for agricultural entries on coal lands in Alaska; to the Committee on the Public Lands.

S. 102. An act relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices; to the Committee on the Public Lands.

S. 352. An act granting pensions to certain members of the former Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

S. 994. An act extending the benefits of care and treatment by the Public Health Service to seamen on vessels used in the service of the United States; to the Committee on Interstate and Foreign Commerce.

S. 1462. An act to establish a fog signal at the Port Washington Pierhead Light Station, Wis.; to the Committee on Interstate and Foreign Commerce.

S. 1463. An act to establish aids to navigation at Fond du Lac Harbor, Wis.; to the Committee on Interstate and Foreign Commerce.

S. 1849. An act permitting minors of the age of 18 years or over to make homestead entry of the public lands of the United States; to the Committee on the Public Lands.

S. 940. An act to provide for the payment for certain lands within the former Flathead Indian Reservation in the State of Montana; to the Committee on the Public Lands.

S. 1084. An act for the relief of J. G. Seupelt; to the Committee on the Public Lands.

S. 2886. An act for the relief of Albert O. Brown; to the Committee on Public Lands.

S. 2487. An act permitting Frances Mack Mann to purchase certain public lands; to the Committee on the Public Lands.

S. 3470. An act to amend section 35 of the Criminal Code of the United States; to the Committee on Military Affairs.

S. 3471. An act to authorize the Secretary of War to grant furloughs without pay and allowances to enlisted men of the Army of the United States; to the Committee on Military Affairs.

S. 3472. An act to authorize the Secretary of War to provide and issue distinctive buttons or badges to men drafted or volunteering for enlistment in the military forces who are exempted or rejected, and to provide a penalty for unlawfully wearing, procuring, or manufacturing the same; to the Committee on Military Affairs.

S. 3526. An act to amend section 11 of an act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

S. 935. An act for the relief of settlers on certain railroad lands in Montana; to the Committee on the Public Lands.

S. 302. An act authorizing the Secretary of the Navy to make donation of condemned naval guns and cannon balls to the John Wannebo Camp, No. 9, United Spanish War Veterans, Everett, Wash., to be placed in public parks; to the Committee on Naval Affairs.

S. 3446. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1918, and for other purposes," approved March 4, 1917; to the Committee on Naval Affairs.

S. 179. An act for the relief of Fred C. Konrad; to the Committee on Naval Affairs.

S. 2784. An act to authorize the purchase by the city of McMinnville, Oreg., of certain lands formerly embraced in the grant to the Oregon & California Railroad Co. and revested in the United States by the act approved June 9, 1916; to the Committee on the Public Lands.

S. 3225. An act to reserve as a part of the Oregon National Forest certain lands that were revested in the United States pursuant to the decision of the Supreme Court of the United States in the case of the Oregon & California Railroad Co. against the United States; to the Committee on the Public Lands.

S. 2315. An act to extend the time within which final proof is required to be submitted upon any lawful pending desert-land entry made prior to July 1, 1915, such extension not to exceed three years from the date of allowance thereof; to the Committee on the Public Lands.

S. 97. An act authorizing the exchange of certain lands in the State of Utah for the protection of the water supply of Salt Lake City; to the Committee on the Public Lands.

S. 94. An act to amend section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1902, and for other purposes," approved March 3, 1901 (31 Stat. L., p. 1133); to the Committee on the Public Lands.

S. 2931. An act for the relief of Thomas Sevy; to the Committee on the Public Lands.

S. 972. An act to authorize an exchange of lands with Henry Blackburn; to the Committee on the Public Lands.

S. 388. An act for the relief of Alfred Cluff, Orson Cluff, Henry E. Norton, William B. Ballard, Elijah Hancock, Mrs. Susan R. Saline, Oscar Mann, Celia Thayne, William E. Cox, Theodore Farley, Adelaide Laxton, Clara L. Tenney, George M. Adams, Charlotte Jensen, Sophia Huff, Peter H. McBride, David Edward Adams, Mrs. M. J. Ellsworth, and the heirs of J. H. Frisby; to the Committee on Claims.

S. 101. An act to authorize the consolidation of Government lands and of privately owned lands, and for other purposes; to the Committee on the Public Lands.

S. 3128. An act to amend section 1422 of the Revised Statutes authorizing additional pay for enlisted men of the Navy, and Marine Corps, detained beyond the expiration of their terms of enlistment; to the Committee on Naval Affairs.

S. 714. An act providing for an additional judge for the district of Arizona; to the Committee on the Judiciary.

S. 922. An act for the relief of Orion Mathews; to the Committee on Military Affairs.

S. 3403. An act for the relief of Paymaster Alvin Hovey-King, United States Navy; to the Committee on Claims.

S. 92. An act to authorize the Secretary of the Interior to issue patent for certain lands in the State of Utah to E. D. Partridge; to the Committee on the Public Lands.

S. 387. An act for the relief of John Flanigan; to the Committee on Claims.

S. 2865. An act for the suspension of payments on public lands by entrymen in the military or naval service of the United States; to the Committee on the Public Lands.

S. J. Res. 24. Joint resolution to permit of the disposition of certain lands in Montana ceded by the Crow Indians; to the Committee on the Public Lands.

S. J. Res. 104. Joint resolution authorizing the assistant to the Secretary of the Interior to sign official papers and documents; to the Committee on the Public Lands.

EUGENE J. HOLLAND (H. REPT. NO. 291).

Mr. PARK. Mr. Speaker, I present another privileged resolution.

The resolution was read, as follows:

House resolution 177.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Eugene J. Holland, clerk to Charles Martin, a Representative from the State of Illinois at the time of his death, October 29, 1917, the sum of $166.66, being an amount equal to one month's salary of a clerk of a Representative in Congress.

The SPEAKER. The question is on the passage of the resolution.

The resolution was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, before moving to go into Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill, I desire to submit a request for unanimous consent. The day before yesterday, when we adjourned, it was agreed that the general debate on the bill should continue for 2 hours and 10 minutes, 20 minutes of that time to be controlled by myself and 1 hour and 50 minutes by the gentleman from Wisconsin, Mr. COOPER. Since that time both of us have had requests for additional time. I ask unanimous consent that that unanimous-consent order be set aside and that the time for general debate be set at 5 hours; 2 hours and 50 minutes of that time to be controlled by the gentleman from Wisconsin and 2 hours and 10 minutes by myself.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the time for general debate upon the diplomatic and consular appropriation bill be extended so as to make it 5 hours, 2 hours and 50 minutes to be controlled by the gentleman from Wisconsin and 2 hours and 10 minutes to be controlled by himself. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, that, of course, is exclusive of the time granted to the gentleman from Connecticut, Mr. TILSON.

The SPEAKER. Certainly; that has nothing in the world to do with it. Is there objection?

There was no objection, and it was so ordered.

THE OLD SOLDIER.

Mr. WALSH. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio, Gen. SHERWOOD, may be permitted to extend his remarks in the RECORD by inserting therein two communications, one from the William McKinley Post, Grand Army of the Republic, of Canton, Ohio, and the other from the General Canby Post, at Hood River, Oreg. When Gen. SHERWOOD yesterday made the request to extend these in the RECORD I objected. Since that time I have found that the communications are of an exceptional order, and I do not think objection should be made to them.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the gentleman from Ohio, Mr. SHERWOOD, may be permitted to extend his remarks in the RECORD in accordance with his request made yesterday. Is there objection?

There was no objection.

The communications referred to are as follows:

WILLIAM MCKINLEY POST, No. 25, G. A. R.,
Canton, Ohio, February 3, 1918.

Hon. ISAAC R. SHERWOOD, M. C.,
Washington, D. C.

DEAR SIR AND COMRADE: William McKinley Post, No. 25, of which you were a member once, have been watching your conduct in and out of the Halls of Congress to bring a greater measure of relief to the old veterans who are striving to maintain homes of their own during these days of high cost of living. We have your remarks in the CONGRESSIONAL RECORD about the soldiers' homes and those who are compelled to go there and those who have been and are receiving benefits of these homes who have property, money, and even farms outside, besides their pension, to live upon. We commend your remarks along these lines and the fight that you are so gallantly making for the amelioration of the old "boys," who are now feeble and in ill health. Permit us to thank you on behalf of William McKinley Post, No. 25, Grand Army.

Yours in F. C. L.,

WILLIAM W. PUMPHREY,
HENRY R. PACKER,
CHAS. T. OLDFIELD,
Committee.

ALFRED GARNER,
Commander.

HOOD RIVER, OREG., *December 23, 1917.*

Gen. SHERWOOD,
House of Representatives, Washington, D. C.

DEAR SIR: Through the courtesy of the Representative from this district, Hon. N. J. SINNOTT, your bill (H. R. 6883) was received and read at the regular meeting of Canby Post, Grand Army of the Republic, yesterday.

The bill amending the pension law of May 11, 1912, meets with the hearty approval of the comrades of the post. We have many old and feeble comrades in this department who need help, and to whom the amendment, if it becomes law, will prove a blessing.

As adjutant of the post I was instructed to write both you and Mr. SINNOTT and tender the thanks of Canby Post for the deep interest both of you have always taken in the welfare of old soldiers.

Pardon me for not writing your initials. The name of Gen. SHERWOOD is known to every Union soldier living, but, like myself, probably not one in a thousand could call your initials.

Thanking you personally, I am,
Yours, truly,

SAMUEL F. BLYTHE,
Adjutant Canby Post, No. 16.

TORPEDOES.

The SPEAKER. The gentleman from Connecticut [Mr. TILSON] is recognized for 40 minutes.

Mr. TILSON. Mr. Speaker, the story is told of an old professor of Greek who had spent his long life in a somewhat thorough study of the dative case in the Greek language. When he came down to die and reflected upon the work of his life he expressed the one regret that he had scattered his efforts too much by not confining himself to the dative of cause. For a long time I have given considerable study to the subject of war munitions. For the most part my efforts have been directed toward the arms and ammunition used by our land forces. It might have been wiser had I continued to confine my labors to that rather ample field. However, the subject of my remarks to-day is so closely related to my pet subject that I may be excused for venturing to enter upon it. The awful disaster to the *Tuscania* yesterday makes it timely.

I purpose to talk to you on the torpedo. I shall not attempt to consider its tactical use or its place in the naval program, for I am not a naval man and do not feel competent to discuss the subject from that angle. I shall treat it as ordnance—a weapon, a projectile. The fact that water is the medium through which it is directed on its deadly mission is only incidental so far as my purpose in concerned.

For many months after the outbreak of the present war in Europe the world was flooded with a stream of publications called Red Books, White Books, Blue Books, Yellow Books, Orange Books, Gray Books, all sorts of books telling the causes of the war and trying to locate the blame for it. After reading all of these different books different people came to different conclusions. When the United States entered the war, we issued a Red, White, and Blue Book telling "Why America is in the war." There may be those so impervious to truth that even our book may not be accepted as conclusive. However, in my opinion, the cause of our being in the war now lies here in front of the Speaker's desk.

DESCRIPTION OF TORPEDO.

This is the afterbody, with engine and steering gear of a full life-size torpedo, though it is not alive, I assure you. The use of this death-dealing machine in a manner contrary to international law and in contravention of the long-established usage of civilized nations forced us into the war. By the courtesy of Admiral Earle, and by the help of Lieut. Commander Hoover at the navy yard here in Washington, this torpedo is here for the inspection and information of the membership of this House. I shall attempt to explain it briefly, though in large measure it explains itself.

This particular type of torpedo is 45 centimeters in diameter and 5.2 meters long. There has been a wise and well-directed effort to standardize torpedoes, especially as to diameter, so that they have been reduced to practically two sizes, 45 centimeters (a little less than 18 inches) and 21 inches. You will see how important this is when you consider the torpedo tubes and other launching problems. The largest torpedo now made is 21 inches in diameter and 21 feet long. These figures are easily remembered.

The head of this weapon, called the war head, is here [indicating]. It is filled with about 250 pounds of guncotton, T. N. T., or some other fiendish explosive. By far the greatest weight and length are here in the air flask [indicating]. It is a forging made of a very high grade of nickel steel, and costs in the rough-turned forging, without any finishing work, about 47 cents a pound. The forging for the largest type weighs about 3,300 pounds. The flask contains air under very high pressure, which, when heated, is the propelling force of the torpedo.

Here is the bulkhead [indicating] between the air flask and the afterbody, and to it are attached the engine and heating device.

This is the engine [indicating], and it is one of the finest pieces of mechanism made. It weighs about 100 pounds and develops about 150 horsepower.

This is the afterbody [indicating] and here inside of it is the gyro steering gear. Through the afterbody runs the shaft, or the two shafts, one running inside of the other.

Last of all come the two propellers [indicating] arranged tandem, but they are not twins, and they revolve in opposite directions. The slight difference between the two is made necessary by the different character of the water in which they work.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. TILSON. I yield for a question.

Mr. MOORE of Pennsylvania. Why are those propellers moved in opposite directions?

Mr. TILSON. In order to stabilize the torpedo. If you had but one propeller the reaction from the working of it would roll the torpedo over.

I have here a photograph of the launching tubes used on our destroyers. It was not practical to secure a photograph of the launching tube used in battleships and cruisers. I did have made a very fine photograph of the torpedo tubes used on submarines.

It was so fine, in fact, that the Navy censor declined to allow me to use it.

The single torpedo tube is used in the larger ships. It is below the water line, under the protection of the armor plate, and in the side of the ship.

Destroyers are practically the only boats that now use overwater tubes. It is too dangerous on the capital ships to have the torpedo exposed in this way, as I shall explain more fully in another connection.

I am very much disappointed in not having a picture of the torpedo tubes used on the submarines, but, as I have just explained, my photograph brought out every detail, so that the Navy censor was unwilling for me to make it public. There is a nest of four tubes built into the bow of the submarine, pointed in the same direction that the submarine is pointed, so that there are four torpedoes ready at all times to discharge.

Mr. HAMLIN. Will the gentleman yield right there?

Mr. TILSON. Yes.

Mr. HAMLIN. When a torpedo is projected from the tube, is it not the momentum with which it travels that holds it on a level course at a certain depth under the water or on top of the water? In other words, when it ceases traveling it would sink, and is it not the momentum that holds it up, or is there some mechanism that holds it on a level?

Mr. TILSON. There is a depth rudder, just the same as the rudder of any boat, except that it is horizontal instead of vertical.

Mr. HAMLIN. That is on the rear end of it?

Mr. TILSON. Yes. There is one horizontal rudder and one vertical rudder.

Mr. HAMLIN. What holds up the front end? Is it not the speed at which it travels? It is the momentum that keeps it on a level, is it not, or is it that air flask?

Mr. TILSON. The air flask helps to balance the torpedo in the water; but, as a matter of fact, it is so made as to sink when it stops.

Mr. HAMLIN. That was my understanding, and that it was the momentum of the torpedo that kept it going on the straight line.

Mr. TILSON. I do not so understand it.

Mr. HAMLIN. Then what keeps it from sinking before it stops if it is not the momentum that holds it on its level course?

Mr. TILSON. It is because it is balanced. It will lie like a log in the water.

Mr. HICKS. I rather think that torpedo will float at all times.

Mr. TILSON. It will, normally.

Mr. HICKS. I thought the gentleman said it would sink.

Mr. TILSON. It is made to sink. A war torpedo is made so that when it stops running it will sink.

Mr. HICKS. I beg to differ with the gentleman——

Mr. TILSON. There is a sinking valve for that purpose. If it floated on the surface after it stopped, it would be dangerous to all comers. It is so arranged that when the torpedo stops its sinking valve automatically opens and allows it to sink.

Mr. HICKS. I did not understand about the valve. The way the torpedo is constructed, it will float unless there is some device to make it sink?

Mr. TILSON. Oh, certainly.

Mr. HICKS. That is the point.

Mr. TILSON. Undoubtedly.

Mr. NEELY. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. NEELY. What is the motive power that turns that propeller?

Mr. TILSON. It is the compressed air in this air flask, heated to a high temperature, with water injected into it to form steam; superheated air, with the injection of water. The air flask contains the motive power to run this engine [indicating].

Mr. KNUTSON. When is the air put into the air flask, and when is it heated?

Mr. TILSON. The air is put into the air flask in advance, and it is not heated until after it starts on its journey, as I will show presently, or I can show it now, for that matter. When the torpedo is projected out of the launching tube by the force behind it, either black powder or compressed air, it enters the water. In sliding out of the tube this lever is tripped by striking against a projection on the launching tube. That sets the engine inside going, the heating device is lighted up to heat the air, and the air, which is under great pressure, is forced from the air flask through the engine. That is the way it works.

Mr. HAMLIN. How deep under the surface of the water can these torpedoes be projected from the submarine?

Mr. TILSON. They can be projected at practically any depth. Naturally they are set to aim at the most vital part of the ship, and the depth is determined somewhat by the size of the vessel at which the torpedo is aimed.

Mr. HAMLIN. Then, a submarine can fire these torpedoes even though submerged? It does not have to come to the top to fire them?

Mr. TILSON. Oh, no; not at all. It does not matter how deep it is when it fires the torpedo or how near the surface, because this rudder [indicating], controlled by the pressure diaphragm, will soon bring the torpedo up to the proper level or down to the proper level, as the case may be. It is determined by the depth for which it is set originally.

Mr. STEPHENS of Nebraska. How is it aimed under water?

Mr. TILSON. It is aimed by the aid of the periscope. The boat itself is aimed, because, as I have described to you, this nest of torpedo tubes is built right into and is part of the boat.

Mr. PARKER of New Jersey. Will the gentleman permit me to ask what keeps the torpedo upright and prevents it from getting on one side so that the wrong rudder comes into play?

Mr. TILSON. Gravity, in the first place.

Mr. PARKER of New Jersey. Is there more weight on one side than the other so as to keep it upright?

Mr. TILSON. Yes.

Mr. PARKER of New Jersey. I mean is there more weight on the bottom so as to keep it upright?

Mr. TILSON. Oh, yes; it balances the torpedo in a right-side-up position.

Mr. POU. Will the gentleman yield for a question?

Mr. TILSON. Yes.

Mr. POU. Would the gentleman prefer to complete his statement and then answer questions?

Mr. TILSON. Thanking the gentleman, I should like to proceed with the history of the development of the torpedo for a few minutes. I promise to be brief, and then I will submit to any questions which gentlemen may wish to ask me.

HISTORY OF DEVELOPMENT.

The development of the torpedo is a very interesting story, to which I shall refer briefly, but only to the comparatively recent part of it. In 1890 the Secretary of the Navy entered into a contract with John Whitehead & Co., of Fiume, Austria, under the terms of which that firm agreed to assign the Whitehead torpedo rights for the United States, on a royalty basis, to such firm or corporation in the United States as the Secretary of the Navy might select. The E. W. Bliss Co., of Brooklyn, N. Y., having agreed to equip a plant suitable for making the torpedo, was designated by the Secretary and acquired the rights accordingly. Lieut. T. C. McLean, on behalf of the Navy Department, and Mr. Frank M. Leavitt, representing the Bliss Co. proceeded to Fiume for the purpose of studying the weapon and its mode of manufacture.

WHITEHEAD TORPEDO.

The Whitehead torpedo of that day was a cigar-shaped affair carrying an explosive charge of guncotton in its head, which charge was exploded by contact with the target. It was propelled through the water by means of a three-cylinder engine known as the "Brotherhood" type. The motive power was compressed air carried in a strong steel storage flask occupying the middle body of the torpedo and extending about half its length. The driving engine was located in the afterbody and connected directly to the propeller shaft with two propellers arranged tandem, as in this one. One of the propellers was made to revolve in the opposite direction from the other by means of a system of gearing located in the tail of the torpedo. The reason for this arrangement is that if one propeller is used the reaction of the driving shaft will roll the torpedo over in the opposite direction. By having a second propeller turning the other way these forces are balanced.

The propeller shaft was made hollow and the exhaust air from the engine passed through it and clear of the torpedo abaft the propellers. A pair of horizontal rudders steered the torpedo down to the proper depth and kept it there throughout its flight.

The main driving engine was placed in a compartment of the afterbody, which was open to the sea, so that in operation the engine was submerged in water. This arrangement was made necessary by the fact that air in expanding through an engine has the property of losing heat, so that the engine in a short time would be frozen solid. The sea water supplied the necessary heat.

EARLY STEERING GEAR.

There was at that time no adequate means for directing the torpedo in a straight course. Two small rudders attached to the tail counteracted any marked tendency of the torpedo to deviate from the line, and the best position for these rudders

had to be established by a series of trial runs. This crude method would not have availed except for the fact that the effective range was not more than 800 yards.

In those early days the submarine had not been developed, nor had the submerged launching tube such as is now used upon battle ships and cruisers. The torpedo was launched from an overwater tube of practically the same type as that shown in this photograph. The launching tube may be described as a steel or bronze tube, having a rear door, mounted upon a swivel base, so that it may be trained upon the target. It somewhat resembles a breech-loading gun, though of course much lighter. The torpedo is placed within the tube and ejected by a light charge of powder or by compressed air. The powder charge is generally used in overwater tubes and compressed air in submerged tubes for obvious reasons. In order to start the engine of the torpedo a lever which operates the throttle valve extends through the shell of the afterbody, and as the torpedo moves out of the tube this lever strikes against a projection in the tube which opens the valve. The torpedo enters the water with its engine going and proceeds under its own power. Its horizontal rudders steer it down to the depth for which it is set to run and hold it at that depth until the engine stops at the end of the range. When headway is lost so that the rudders can no longer have control, the torpedo floats on the surface and can be removed.

SINKING VALVE.

In practicing with the weapon in time of peace there is of course no explosive charge used. Its place is taken by an equal weight of water. In a war shot, carrying the guncotton charge, should the torpedo miss its mark and not be exploded it would be a serious menace to friend as well as foe. A sinking valve is therefore provided, used only in an actual war shot, by means of which at the end of the run the torpedo is sunk.

The Whitehead torpedoes first introduced into the United States Navy had a length of about 11 feet and a diameter about the same as our present smaller type. It carried an explosive charge of 80 pounds and had an effective range of 800 yards at a speed of 26 knots. It was soon superseded by a larger type containing an explosive charge of 120 pounds with a speed of about 2 knots more at the same range.

During the years 1891 and 1892 the Bliss Co. equipped its plant and constructed 100 of these torpedoes, which were delivered to the Navy Department in 1893. The plant had a capacity of 100 torpedoes per year, this being the department's idea of the requirements of the Navy.

At that time expert naval opinion was very much divided in regard to the utility of the torpedo as a weapon of war. Perhaps a majority of naval men considered it little better than a pretty toy. The consequence of this widely prevailing sentiment was that the enterprise languished, and instead of the orders coming in for 100 a year, for which the company was equipped, they came in a desultory way; some years none at all.

The earlier cruisers in the service were equipped with overwater tubes, but these were discarded because the tactical value of the torpedo was not considered sufficient to equal the risk of disaster to the ship arising from a chance shot striking and exploding the air flask of a charged torpedo. The field of operation of the weapon became, therefore, restricted to the torpedo boats.

The combined result of all these adverse conditions would have relegated this weapon to the limbo of foregotten things had it not been for the introduction of three new factors which revived its spark of life. These were the submarine boat, the underwater launching tube, which enabled the torpedo to be kept below the water line under the protection of the armor plate and to be launched below water through the ship's side, and finally a new type of torpedo having a far greater range and efficiency.

OBRY GEAR.

While there had been no material advance in range during this period a decided improvement had been made by the introduction of a device for controlling the direction of the torpedo and insuring its traveling on a straight course. The "Obry gear," named for its inventor, an Austrian naval officer, consisted in the application of the gyroscope for the purpose of steering. In fact the gyroscope has made possible the present-day torpedo.

THE GYROSCOPE.

Mr. Leavitt, to whom I have already referred and upon whom I have drawn most freely for what I have been stating, says that the principle of the gyroscope seems intricate and mysterious to the lay mind, to which I fully agree. He also says that in reality, at least in so far as it is utilized in the torpedo, it is quite simple and easily understood. He admits that in its practical application there is much complex detail, which an examination of my exhibits here will prove. He insists that the general principle of the gyroscope is simple, so I shall insert here his explanation of it. "If a solid mass like a flywheel is revolved at high speed in any given plane of rotation, it will continue to revolve in that plane unless some outside force acts to deflect it. This seems to be a self-evident proposition, but it is the whole thing in a nutshell. If, therefore, we mount a flywheel in gimble rings within the torpedo in such a manner that it is absolutely free to turn in any direction and then spin it up to a high speed like a top, the torpedo may be turned in any direction, but the flywheel will remain in the same position as that in which it was spun up. It is exactly similar in this respect to the compass needle. The ship may be turned in any direction, but the needle still points to the north. Similarly, if our flywheel is spun up with its axis pointed toward the target it will continue to so point without regard to the direction which may be taken subsequently by the torpedo."

GYRO CONTROL.

Assuming the explanation of the principle to be thoroughly understood, he explains the application of the gyroscope to the steering mechanism as follows: "If the revolving flywheel is connected with the valve of the steering engine in such a manner that should the torpedo leave the original line in which it was aimed, thus changing its position in relation to the fixed position of the flywheel, a rudder is operated to cause the torpedo to turn in the opposite direction, it must needs travel in the direction in which the axis of the flywheel points."

The most important elements of the Obry gear may be described briefly under five heads. First, a flywheel mounted in gimble rings, very similar to the toy gyroscope sold on the street. Second, a mechanism for locking and holding it with its axis in the axis of the torpedo while it is being spun up. The torpedo being aimed at the target, the axis of the flywheel will be pointed in the same direction. Third, a mechanism which, at the instant the torpedo starts in the launching tube, spins the flywheel up to a high speed. Fourth, a mechanism which, after the flywheel has been spun up and before the torpedo is clear of the launching tube, withdraws the locking device, thus permitting the torpedo to turn in any direction without affecting the position of the flywheel which continues with its axis pointing toward the target. Fifth, a steering engine controlling the rudder and itself controlled by the position of the torpedo in relation to the position of the flywheel.

The Obry gear worked wonders for accuracy in direction and control, but added nothing to the range of the torpedo. In 1897 Mr. Leavitt began consideration of the subject of increasing the range and speed of the torpedo by heating the compressed-air charge. It was a well-known fact of physics that the ability of air to do work could be increased by the application of heat.

I do not know that the hot-air proposition would apply in the same way to our discussions here in the House, but it is so with the torpedo. [Laughter.]

Up to that time no means had been devised by which it could be practically accomplished in the torpedo. Other improvements were proposed, such as substituting the Curtis marine turbine engine for the old type of piston engine and a new design of gyro steering gear eliminating certain admitted defects of the Obry gear and better adapted for the longer range contemplated.

BLISS-LEAVITT TORPEDO.

Thus began the final stage of the evolution of the present Bliss-Leavitt torpedo now used by our Navy. Years elapsed before ideas and ideals became accomplished facts. Many minds, including naval officers and others, contributed to the final product. In my judgment, however, the highest credit of all is due to Mr. Leavitt and to the officers of the E. W. Bliss Co., who through evil as well as good report, through discouragement and threatened loss, persisted until success crowned their efforts.

Mr. WINGO. If the gentleman will permit in that connection, will the gentleman explain the principle of the mechanism by which they make what is called a curved shot? Take some vessels that have two tubes and they want to fire one torpedo at a ship over here and another torepdo at a ship over there and they have to set it at a given degree. Will the gentleman explain that?

Mr. TILSON. Yes; I shall be glad to explain it at this point in response to the very courteous request of the gentleman from Arkansas.

The first of the new torpedoes completed in 1899 contained an additional feature known as wide-angle fire. This arrangement enables one to shoot around the corner, as it were. The object is to enable the torpedo to be launched in a given direction, and upon its entering the water cause it to turn and run in any other desired direction. The value of this feature lies in the fact that the modern submerged tube can not be trained upon the

target, but is a fixture built into the ship under the water line. Consequently without the angle device, in order to bring the torpedo to bear on the target, it is necessary to maneuver the ship. With it the ship may be held on her course and the torpedo adjusted to turn and run in the desired direction.

To the lay observer these angle shots appear spectacular and somewhat mysterious. In fact, they are quite simple, if you have in mind the principle of the gyroscope. The flywheel is spun up with the axis pointed in the utimate direction desired. The initial launching force carries the torpedo in the direction in which the launching tube is pointed until the torpedo is clear of the ship. As this force is soon spent, the gyro control asserts itself and the torpedo responds to it by taking and holding the course upon which it is set.

HEATED-AIR CHARGE.

In this experimental torpedo no attempt was made to increase the efficiency through the agency of heat. Experiments in this direction were made with one of the old Whitehead torpedoes, the expense of the experiments being to some extent borne by the Government. Having become convinced by preliminary experiments that the system had merit, the Bliss Co. proposed that one of the Whitehead torpedoes be equipped with the new heating device. It was also agreed that a stated bonus above the contract price should be paid for each knot or fraction of a knot gained in speed due to the action of the heater, and that if no appreciable increase was obtained the company should remove the heating device and make no charge for the experiment. The trials resulted in an increase in speed of 4 or 5 knots at the 800 yards range.

You must remember, however, that naval experts generally were not at that time very enthusiastic advocates of the torpedo as a weapon. Some believed and so advised the Bliss Co. that they were wasting their money. The experiments were very costly and the outlook was so discouraging that for a year or two the matter was allowed to drop.

REAR ADMIRAL FISKE.

There were, however, a few officers of the Navy who took a different view of the matter. Prominent among these was Lieut. Commander Bradley A. Fiske, now rear admiral, retired. It was largely through his persistence that in 1901 an agreement was made between the Navy Department and the Bliss Co. under which the experiments were continued. Under this arrangement another torpedo embodying the heating device and other improvements was ready for trial in 1903. The board of officers conducting the test found "that the turbine torpedo under trial has an average speed of 30.28 knots at 1,200 yards range, which, considering the improvised character of the work and the novelty of many parts, is a remarkable performance."

In 1905 a new and larger type was decided upon having a diameter of 21 inches. The speed and range called for were 26 knots at 3,500 yards, but only 3,000 yards could be attained at the required speed.

While these developments were going on an English firm, Armstrong, Whitworth & Co., undertook to improve upon the heating device and finally succeeded in doing so, thereby adding to the possibilities of both speed and range.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Are all these improvements English and American inventions, and none of them German?

Mr. TILSON. It was, in fact, an Austrian that invented one of the most important features.

Mr. LONGWORTH. The gyroscope?

Mr. TILSON. Not the gyroscope, but the application of it.

Mr. LONGWORTH. Are these torpedoes the same as the Germans use?

Mr. TILSON. We do not know. We know the Germans used the Whitehead torpedo just the same as we did. We know they were and are working on it with all the ingenuity known to be possessed by that people. We know some of the results they have achieved with it, but they have managed to keep fairly secret just what the type is that they are using now. So far as we can ascertain by the uses to which we see them put, their range and accuracy, and so on, they do not in any way excel what we know we possess.

Gathering up all the improvements to date and all the results of prior experiments, still another torpedo was designed for which contracts were let in 1911. Two types were called for, one of about 18 inches diameter and 17 feet long, the other 21 inches in diameter and 21 feet long. In the latter part of 1911 the two torpedoes were tested. The smaller weapon showed a speed of about 33 knots at 4,000 yards range (since increased to upward of 35 knots) while the larger one covered 10,000 yards at a speed of over 28 knots.

The main factors which have contributed toward bringing torpedo performance up to its present stage may be classified, in the order of their importance, as follows:

First. Superheating of the air charge and the injection of water.

Second. Substitution of the turbine for the old type of piston engine.

Third. Development of a gyro steering gear capable of controlling the torpedo over the longer ranges.

Fourth. Enlargement in the dimensions of the weapon.

Fifth. Improvement in the quality of the steel of which the air flask is constructed, enabling higher air pressure to be carried.

Since the torpedo tests just referred to were made the range has been still farther lengthened and torpedoes of the 21-foot type are now constructed to run at least 12,500 yards. It would be rash to say that the end has been reached. If the fate of empires is to be decided by the performance of this weapon, it is safe to say that the limit of its effectiveness has not been reached.

Mr. RUSSELL. Will the gentleman yield?

Mr. TILSON. I yield to the gentleman from Missouri.

Mr. RUSSELL. The United States up to this time has not used any great quantities of these torpedoes, has it?

Mr. TILSON. You mean in this war?

Mr. RUSSELL. Yes.

Mr. TILSON. I do not understand they have had apportunity to use very many.

Mr. RUSSELL. Is there a very great quantity of them now being manufactured for probable use during the war?

Mr. TILSON. I understand that there is. In all the criticism we hear everywhere, I have not heard any criticism of the Navy in this regard. It is believed that the officers in charge of the Navy have taken the proper steps in this direction.

Mr. RUSSELL. Is there more than one factory engaged in making them?

Mr. TILSON. As I understand, they are made at the Washington Navy Yard, at the Newport Yard, and by the E. W. Bliss Co., of Brooklyn. I know that the Bliss Co. has considerable capacity.

Mr. RUSSELL. Can you state about the cost of the torpedo when complete and ready for use?

Mr. TILSON. I can state it only approximately, because, as the gentleman knows, prices for material and everything else are changing so that it is impossible to state accurately. They cost anywhere from $6,000 to $9,000 or $10,000 apiece.

Mr. RUSSELL. Can the gentleman give any estimate of the additional cost of discharging one?

Mr. TILSON. There is practically no cost of discharging them. This little cartridge [indicating] can discharge one, or a little compressed air.

Mr. STEPHENS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Certainly.

Mr. STEPHENS of Nebraska. I want to ask a question in regard to the range. You stated that the maximum range is about 12,500 yards.

Mr. TILSON. I said we had attained a range of 12,500 yards in tests. I am confident we have attained considerably longer range than that.

Mr. STEPHENS of Nebraska. I wanted to inquire if there is any real advantage in such a range as that in view of the difficulty of hitting the mark?

Mr. TILSON. There is. If there should be a convoy, for instance—a convoy that you can fire among—you would be willing to expend even an expensive weapon of this sort in order to take a chance of hitting one of the convoy.

Mr. STEPHENS of Nebraska. But doing that at that distance would be a wasteful proposition, would it not, because of the remote chance of hitting?

Mr. TILSON. Well, the torpedo is now so perfect that you feel rather certain of its going where it is aimed. There is no question about that. The only question is to find out just where to aim it; that is, to know at what time the ship you wish to hit will be in a certain place. There is the real difficulty.

The SPEAKER. The time of the gentleman from Connecticut has expired.

Mr. STEPHENS of Nebraska. Mr. Speaker, I ask that the gentleman's time be extended.

Mr. TILSON. I thank the gentleman, but I prefer to stop here and thank the Members of the House for their most courteous attention. [Applause.] Mr. Speaker, in order to answer the questions of gentlemen when asked, my remarks have

been somewhat disconnected. I therefore ask the privilege of revising, extending, and somewhat rearranging my remarks.

The SPEAKER. The gentleman asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill.

The motion was agreed to.

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, with Mr. HUMPHREYS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919.

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. HAMLIN].

The CHAIRMAN. The gentleman from Missouri is recognized for 10 minutes.

Mr. HAMLIN. Mr. Chairman, on day before yesterday, late in the afternoon, just before adjournment, the chairman of the Committee on Foreign Affairs, the gentleman from Virginia [Mr. FLOOD], made this statement as it appears in the RECORD:

Mr. Chairman, I want to say for the benefit of gentlemen who heard the clear and able speech of the gentleman from Missouri [Mr. HAMLIN] that I called on the State Department a moment ago, and they stated to me, through Mr. Woolsey, the Solicitor, that they had got Mr. HAMLIN's letter of yesterday and immediately took the matter up with the President, and the President had given authority to give Mr. HAMLIN all the information he desired; that they had prepared a letter this morning and sent it down, and it was supposed to be in Mr. HAMLIN's office at the time he was addressing the committee.

That statement is hardly fair to me. Of course, I know that the gentleman from Virginia was simply repeating information that he had got over the phone. However, the statement is not accurate. The truth is that as soon as I finished my remarks I went immediately and directly to my office in this building, and when I got there my secretary informed me that the State Department had just at that moment called up and said they had the information which I wanted ready and were sending it to me. That was around 4 o'clock or later in the afternoon. The information did not reach me until the next morning. It came to me in my mail, brought by the mail messenger.

I only speak of that because I do not want to be put in the attitude of pretending in my remarks on this floor that I had not got the information which I wanted when it might have been in my office at the very time. I repeat that it did not reach my office until the next morning. In fact, when I made that speech I did not know that the department would ever furnish it.

Mr. FLOOD. The statement I made intended to convey the idea that the letter had been sent to the gentleman; not that he had gotten it, but that it probably reached his office after he had taken the floor.

Mr. HAMLIN. Of course the gentleman did not mean to put me in a false light at all. I am quite sure of that. I only wanted to make this statement so as to make the actual facts clear. My somewhat desultory and innocent remarks seem to have been misunderstood in some quarters. I was not leveling criticism at anyone in particular; certainly not at the State Department as at present officered. I was seeking to call attention to the fact that some years ago there had been a practice in the department that I regarded as extremely pernicious and dangerous, that of spending money out of the emergency fund and other funds and covering these expenditures in settlement with the Treasury with these so-called secret certificates, so that the public could not know what this money had been expended for. I expressed the hope in my remarks the other day that when we got the information from the present administration of the State Department we would find that that pernicious practice had been changed. And I think I ought to say right here, in justification of the administration in charge of the department at the time that we made the investigation, the department being at that time presided over by a distinguished gentleman [Mr. KNOX] who is now a Senator from the State of Pennsylvania, that he, when his attention was called to these bad practices by our committee, sought to remedy and change the methods so as to put an end to them.

I feel that I ought to make this a little plainer in justice to Mr. KNOX and to the party that he represents. There is no politics in this. I spoke of the department expending $20,000 in 1909 to participate in the Lake Champlain celebration, and then covering those expenditures by these secret certificates, when there was, in fact, no secrecy about it. I have here the hearings that were held by our committee on that question, and I find that we subpenned Mr. Secretary KNOX and asked him to produce those vouchers. He declined to do so until he got permission from the President. He had us insert in the hearings a letter which he addressed to President Taft calling his attention to our request and asking permission to present the vouchers. In that letter, after detailing to President Taft the facts in regard to the appropriation and expenditure of the $20,000, he said:

I have been thus detailed in my explanation in order that the entire facts and circumstances might be clearly before you. In my judgment, it was improper to cover the account under section 291, and there was no sufficient reason to make a certificate to the effect that it was not advisable to specify the purpose for which said money was expended. The money was appropriated "for expenses of the proposed celebration." It was a specific appropriation for a specific purpose, and at most and under any proper theory all that it was necessary for the Department of State to ascertain was whether, as a fact, that amount of expenditure had been incurred, which seems to have been carefully ascertained from the vouchers on file. It does not seem to me that the money was expended for foreign intercourse. It was expended to encourage and aid a celebration in the United States of the discovery of a lake, around which were clustered historic memories and associations in which two other nations were concerned, and the fact that the United States extended an invitation for the representatives of these nations to be present did not make it international intercourse within the meaning of the statute. If Congress had indicated in the appropriation that it had appropriated the money for the payment of the expenses of the representatives of Great Britain and France, then to the extent that the appropriation was used for that purpose it probably would have been proper to cover the expenditure under section 291, but you will note that the appropriation as made was for the purpose of paying the expenses of the celebration and not the expenses of the guests invited by the United States, the fact being that the guests invited by the United States, like all other guests who were invited by the local authorities having in charge the celebration, incurred no expense except such as was paid by the celebration authorities themselves, and it was to enable the celebration authorities to pay all the expenses of the celebration that the appropriation was evidently made.

He then asked permission to present the vouchers and that permission was granted by President Taft. When he presented those vouchers to our committee, together with his letter to the President, I, as chairman of the committee, said to him:

Mr. Secretary, I certainly congratulate you upon getting around to our view of this matter.

Secretary KNOX. I had not the slightest hesitation in getting there when I got started.

The CHAIRMAN. We have certainly done some good if we have convinced you that those expenditures should not have been covered by secret certificates under section 291.

Secretary KNOX. There was no excuse for it whatever.

The CHAIRMAN. I do not hesitate to say, speaking for myself, that it was not so much this particular item as it was the principle of the thing for which I have been contending. We felt that you had a practice in the State Department of covering in settlement with the Treasury expenditures out of appropriations that ought not to be covered by certificates under section 291, and it was for the purpose of settling the question as to whether you could legally do that, that you have been called upon to produce these vouchers.

* * * * * * *

Secretary KNOX. Under the operation of that order no vouchers are passed under section 291 unless they are brought to me in a separate envelope printed on the back in legible type, "These vouchers are for the personal inspection of the Secretary of State," for the purpose of considering whether they are proper to be passed under section 291; they are not brought to me with the mail, and the chief clerk is directed to deliver them to my private secretary with instructions that these are vouchers proposed to be passed under section 281 and are to be handed to me personally, so that I am trying to do everything in my power at least to see that proper practice is followed.

The CHAIRMAN. I am very much obliged to you for that statement, and I will say, furthermore, that I am sure it is not the purpose of this committee to try to get hold of information that we ought not to have; but we had reached the conclusion—some of us at least—as I said awhile ago, that the practice in the State Department had been such that many dollars of the public money was being expended and information in regard to the expenditures denied to Congress and to the public that ought not to be denied to the public. I feel, of course, that Congress being the body that appropriates the money it is entitled to all the information as to how it is expended, and that if there is anything that ought to be kept secret we can keep it as well as anybody else. It will be noted at this point that the vouchers requested have been filed with this committee and are printed as an appendix to this hearing. Your disbursing officer was requested to produce before the subcommittee vouchers showing how the fund given to the State Department in 1906 to pay the expenses of bringing home criminals was expended and he declined to produce those vouchers. I assume that now you take no issue with the proposition that that fund ought not to have been covered by section 291 and would be willing to produce those vouchers?

I think that I ought also to say that Secretary KNOX told our committee that he had given orders that not one single dollar should be taken out of the secret fund and expended until every item of the expenditure was specified and laid on his desk and

his attention specifically called to it, so that it could be passed upon by him. That is what I spoke of the other day. I talked to Secretary Bryan, when he took charge of the department, about this same matter, and he told me he would follow the practice outlined by Mr. KNOX. To put a stop to that loose practice has been my only purpose for calling attention to this so frequently for some years past.

I know that the department must have a secret fund that they may expend and not be compelled to account for specifically, but I was astounded to find that they had fallen into the habit some years ago of covering by these secret certificates almost everything they chose and then saying to Congress and everybody else, "Hands off. We will not explain. We do not have to explain."

The other day when I spoke I was unable to give you the information as to the methods followed by the present administration of the State Department, but I am more than pleased to say now that in the statement which they have furnished me for the years 1912, 1913, 1914, 1915, 1916, and 1917, inclusive, and which I did not have the other day, they have kept separate the amount of money that they have expended for purely secret purposes, the expenditure for which has been covered in settlement with the Treasury by secret certificates, and the amount that they have expended from this fund that they have accounted for in the ordinary and usual way by filing vouchers, as all the other departments do, and can be seen by anyone interested. So I think there can be no criticism, I am glad to say, of the department since Mr. KNOX issued that order up to and until the present time. And I am hoping, with this matter being again called to their attention, the bad practice about which I have complained will never again prevail.

Mr. DENISON. How can the gentleman tell whether there could be any criticism unless he knows what is in those secret vouchers? Of course he must assume that those expenditures were proper.

Mr. HAMLIN. Of course, we have always got to assume that; but what I was specially emphasizing is that prior to the time when we made this investigation and called the attention of the department to this bad practice they never made any separation of the expenditures. They covered all that suited their convenience best by secret certificates under section 291, Revised Statutes. Now they are not doing that, I am glad to say.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. HAMLIN. I will.

Mr. COOPER of Wisconsin. If when peace is concluded we are to have no more secret diplomacy, can the gentleman think of any reason which would justify, in time of peace, the keeping secret of the purposes for which the public moneys are expended—any purpose whatever?

Mr. HAMLIN. I do not hesitate to answer that I think the necessity for that in time of peace is extremely small, and that is why our committee recommended that the appropriation for this found, some years ago when we were at peace with the world, be cut down from $20,000, the ordinary amount, to $50,000. It seemed to us that that was quite sufficient to meet any unforeseen emergency in times of peace.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. The gentleman said he was going to ask to extend something in the RECORD. I want to ask him a question in connection with that before leave is granted.

Mr. HAMLIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I should like to ask the gentleman what he proposes to extend in the RECORD?

Mr. HAMLIN. I am willing to put in, and glad to put in, among other things, the order issued by Mr. KNOX in relation to the handling of this fund. It is as follows:

REGULATIONS GOVERNING EXPENDITURES FROM THE APPROPRIATION FOR "UNFORESEEN EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE, AND TO EXTEND THE COMMERCIAL AND OTHER INTERESTS OF THE UNITED STATES."

1. Expenditures from the appropriation for emergencies will be made solely upon written authorizations signed by the President or by the Secretary of State, or, in his absence, by the Acting Secretary of State, in all cases prior to the making of an expenditure or the issuing of any instrument on placing a charge upon the appropriation.

2. All authorizations when submitted for signature shall set forth, except as hereinafter ordered to the contrary, (1) the purpose of the expenditure; (2) the rate of compensation if for services; (3) the period of employment or expenditure, if for a fixed term, or, when not definitely known, the approximate term; (4) the total charge to be made against the appropriation, if it can be ascertained, and if not, an approximate estimate; (5) the available balance of the appropriation at the time of authorization (the balance to be inserted in the authorization by the Chief of the Bureau of Accounts over his initials prior to the signing of the authorization by the Secretary of State).

3. Persons traveling or on special detail in connection with the objects of the appropriation, whose accounts are payable from the appropriation, shall receive reimbursement for actual, reasonable, and necessary expenses in addition to their regular compensation provided by law or regulation. Persons not in the employ of the Government may be given a stipulated rate of compensation and actual and necessary expenses, or a per diem in lieu of compensation and expenses according to the direction of the President or the Secretary of State in each case. A per diem allowance for expenses in addition to salary provided by law is prohibited. A copy of the appointment, designation, or contract in each case must be annexed to the account when submitted for approval.

4. The disbursement of moneys from the appropriation shall ordinarily be made by check, but cash payment may be made in those cases authorized by Treasury Regulations when the payment is made by the disbursing officer in person or by his deputy and the exchange of money and the receipt therefor is simultaneous.

5. When for any reason the President or the Secretary of State may deem it inexpedient in the public interest to make known the purpose or manner of a proposed expenditure from the appropriation, the authorization will be so drawn for the amount stipulated and the money will be paid over to the President or the Secretary of State upon the execution of a receipt therefor, which shall be filed as a voucher.

6. When presented for approval, all accounts for moneys chargeable to the appropriation shall have attached thereto the authorization in each case, and shall be itemized and supported by vouchers according to the usual practice required by law and the regulations of the Comptroller of the Treasury, except in cases where from the nature and method of the expenditure it is impracticable or inexpedient in the public interest to do so, and in such cases the personal certificate of the person expending the money may be accepted in lieu of vouchers in support of the account, when approved by the Secretary of State.

7. All accounts for moneys payable from the appropriation for emergencies that are not of a confidential nature shall be settled with the accounting officers of the Treasury by submitting the original paid vouchers in the same manner as expenditures from other appropriations, but such as may be considered confidential will be settled upon a certificate signed by the Secretary of State, or in his absence by the Acting Secretary of State, under section 291 of the Revised Statutes.

8. All authorizations, accounts, and certificates relating to the aforesaid appropriation will be presented for the signature of the Secretary or Acting Secretary of State through the Director of the Consular Service or such other officer as shall have been designated by the Secretary of State to supervise the finances of the department.

9. The authorizations given shall be numbered and filed numerically by the Bureau of Accounts and separate from the paid voucher, the number and date of each authorization being noted upon the account to which it relates.

10. All correspondence in relation to expenditures from the appropriation for emergencies shall be signed by the Secretary of State, or in his absence by the Acting Secretary of State.

These regulations will become effective on and after June 15, 1911.

P. C. KNOX.

DEPARTMENT OF STATE,
Washington, June 1, 1911.

Mr. MOORE of Pennsylvania. Mr. KNOX was then Secretary of State?

Mr. HAMLIN. He was then Secretary of State. I thought it was due to Secretary KNOX to make this statement.

Mr. MOORE of Pennsylvania. Secretary KNOX came before your committee and stated his disapproval of the system to which you have referred?

Mr. HAMLIN. He came before our committee in obedience to a subpœna issued to him, and after we had gone over this matter he agreed that we were right about it, and thanked us for calling attention to the practice and issued this order.

Mr. MOORE of Pennsylvania. Then it was Secretary KNOX who coincided with the gentleman's view on secret expenses?

Mr. HAMLIN. Absolutely.

Mr. MOORE of Pennsylvania. When the gentleman addressed the House day before yesterday he inserted a letter from Secretary Lansing, in which Secretary Lansing told your committee that he could not give you the information desired until he had conferred with the President, thus continuing the practice to which the gentleman objects.

Mr. HAMLIN. The gentleman from Pennsylvania [Mr. MOORE] must understand that the thing to which I have so long been objecting to was the manner of accounting for the expenditure of this money, and that is the thing on which Mr. KNOX and I seemed to agree. I did think the other day, and I am still of the same opinion, that the present Secretary was not justified in his attitude toward my request, for I asked not for the items for which the secret fund was expended but only for the amount expended each year. This could not be confidential.

Mr. MOORE of Pennsylvania. I compliment the gentleman for what he has done. I have no objection, Mr. Chairman.

Mr. FLOOD. Mr. Chairman, I yield one hour and a half to the gentleman from Virginia [Mr. GLASS].

The CHAIRMAN. The gentleman from Virginia [Mr. GLASS] is recognized for 1 hour and 30 minutes. [Applause.]

Mr. SWIFT. Mr. Chairman, I make the point of no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of no quorum present. The Chair will count.

Mr. FLOOD. Mr. Chairman, can we not have tellers?

The CHAIRMAN. The gentleman from Virginia can move that the committee rise.

Mr. FLOOD. I understand that the bell will be rung when we call for tellers.

The CHAIRMAN. The gentleman from Virginia can move that the committee rise.

Mr. FLOOD. I withdraw my demand, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. SWIFT] makes the point of no quorum. Eighty-four Members present; not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Booher	Fairchild, B. L.	Key, Ohio	Robinson
Britten	Fairchild, G. W.	Kiess, Pa.	Rodenberg
Butler	Flynn	Kreider	Rowland
Caldwell	Focht	LaGuardia	Russell
Campbell, Kans.	Fuller, Mass.	Lazaro	Sanders, La.
Campbell, Pa.	Gallagher	Lea, Cal.	Sanders, N. Y.
Candler, Miss.	Gard	Lee, Ga.	Saunders, Va.
Cannon	Garland	Lobeck	Schall
Capstick	Godwin, N. C.	McCormick	Scott, Pa.
Carlin	Goodall	McCulloch	Scully
Carter, Mass.	Gregg	McKinley	Shackleford
Chandler, N. Y.	Hamill	Maher	Sherley
Copley	Hamilton, N. Y.	Mann	Smith, T. F.
Costello	Haskell	Martin	Steagall
Crago	Hayes	Mondell	Stedman
Crosser	Heintz	Montague	Stiness
Curry, Cal.	Hollingsworth	Nicholls, S. C.	Sullivan
Dale, N. Y.	Houston	Olney	Templeton
Davidson	Hull, Iowa	O'Shaunessy	Vare
Dempsey	Husted	Polk	Watson, Pa.
Dewalt	Johnson, Ky.	Porter	Wilson, La.
Doolling	Johnson, S. Dak.	Powers	Winslow
Doughton	Johnson, Wash.	Price	Wright
Drukker	Jones, Va.	Ragsdale	Zihlman
Dunn	Kahn	Ramsey	
Edmonds	Keating	Randall	
Estopinal	Kelley, Mich.	Riordan	

Accordingly the committee rose; and Mr. HUMPHREYS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 9314, the Diplomatic and Consular appropriation bill, finding itself without a quorum, had caused the roll to be called, when 323 Members answered to their names, and he presented a list of the absentees.

The committee resumed its sitting.

Mr. FLOOD. Mr. Chairman, I now yield one hour and a half to the gentleman from Virginia [Mr. GLASS].

Mr. GLASS. Mr. Chairman, may I not, at the outset of what I shall presently say, appeal to the record of 16 years' service in the House to attest the assertion that I have never in all that time sought occasion nor availed myself of the privilege to speak here on any topic with the consideration of which I was not specially charged by reason of committee assignments? And now, when I am about to deviate momentarily from the rule, I would very sincerely regret to have it supposed for one minute that it was with any degree of engerness that I reached the conclusion to address myself to-day to a subject with which many of my collegues have much greater familiarity; but in which, I may venture to hope, no Member has a keener or more imperative interest. Indeed, it is a problem which comes home to the bosom of every American citizen, and while some Members of the Congress, by reason of long and intimate association with military affairs, are mentally trained in the technique and terminology and intricate details of our war-making establishment, and will, at an appropriate time, present and elucidate for us the things which we shall be asked to consider and approve, there are, nevertheless, some matters of such common knowledge and general concern that any of us might feel warranted in discussing them. It is a thing of this description that has recently arrested the attention of the country and it is upon this I am constrained to talk.

On the 19th day of January the chairman of the Committee on Military Affairs of the United States Senate made an address in New York City before an association called the National Security League, and among the deductions presented to the assembled audience, amid manifestations of applause, was that contained in the remarkable declaration that—

the Military Establishment of America has fallen down. There is no use to be optimistic about a thing that does not exist. It has almost stopped functioning, my friends. Why? Because of inefficiency in every bureau and in every department of the Government of the United States.

LIKE A FIRE BELL AT NIGHT.

Mr. Chairman, the country was aghast at that terrific impeachment of the Government of the United States. It was a passionate, a comprehensive, arraignment; and, coming from such a source in such circumstances, it startled the nervous system of the Nation as the clanging of a fire bell in the night. Instantly public interest became tense. Immediately it was realized that the Oregon Senator in that New York speech had done what Edmund Burke said he could not do; he had drawn an indictment of a whole people. I say the Oregon Senator had indicted a whole people, Mr. Chairman, because this is a representative Government, equally free from the impediments of heredity and the constraints of autocratic power. And if it truthfully may be said that the American people have erected a Government that fails to function in the face of imminent peril, what more accursed accusation could be written in the book of fate? If, with good reason, it may be charged that the people of the United States, with their constitutional freedom of speech and of the press, have been so indifferent to their liberties and so insensible of their own security as to commit "every bureau and department of Government" to incompetent hands, would we not better welcome, rather than resist, the invasion of Teutonic kultur? If what Senator CHAMBERLAIN said at New York is true, it denotes the irretrievable breakdown of democracy at a time when only the triumph of democracy in arms may compensate for the glorious oblation of men who have died and men who yet shall perish that heaven may be kind to those who hereafter will inhabit the earth. [Applause.]

ASPERITY? YES.

Was any Member of the Congress surprised that the President of the United States pursued the unconventional course of making swift and direct answer through the medium of the public press? I think the country would have been pained and disappointed had not the President, charged with the administration of the Government and the conduct of the war, taken the quickest way to reassure the American people. It was a grave situation that the Oregon Senator had created, one which could not endure hesitation or fine phrasing; and I venture to think the President met the exigency in pretty good degree. Asperity! Yes; there was asperity; but, Mr. Chairman, there come occasions when benignity itself is challenged to aid the right by assuming an aspect of reproof.

The President characterized the extraordinary indictment of the Government by the Oregon Senator as a distinct "distortion of the truth," and for convenient reference I shall here append the statement from the White House:

THE PRESIDENT'S STATEMENT.

Senator CHAMBERLAIN'S statement as to the present inaction and ineffectiveness of the Government is an astonishing and absolutely unjustifiable distortion of the truth.

As a matter of fact, the War Department has performed a task of unparalled magnitude and difficulty with extraordinary promptness and efficiency.

There have been delays and disappointments and partial miscarriages of plans, all of which have been drawn into the foreground and exaggerated by the investigations which have been in progress since the Congress assembled—investigations which drew indispensable officials of the department constantly away from their work and officers from their commands and contributed a great deal to such delay and confusion as has inevitably arisen. But by comparison with what has been accomplished, these things, much as they are to be regretted, were insignificant, and no mistake has been made which has been repeated.

Nothing helpful or likely to speed or facilitate the war tasks of the Government has come out of such criticism and investigation—I have not been consulted about them, and have learned of them only at second hand—but their proposal came after effective measures of reorganization had been thoughtfully and maturely perfected, and inasmuch as these measures have been the result of experience, they are much more likely than any others to be effective, if the Congress will but remove a few statutory obstacles of rigid departmental organization which stand in their way.

The legislative proposals I have heard of would involve long additional delays and turn our experience into mere lost motion.

My association and constant conference with the Secretary of War have taught me to regard him as one of the ablest public officials I have ever known. The country will soon learn whether he or his critics understand the business in hand.

To add, as Senator CHAMBERLAIN did, that there is inefficiency in every department and bureau of the Government is to show such ignorance of actual conditions as to make it impossible to attach any importance to his statement.

I am bound to infer that that statement sprang out of opposition to the administration's whole policy rather than out of any serious intention to reform its practice.

A GROSS PROVOCATION.

That is a distressing thing to be said by a man of exalted station about the utterances of a man of a little less distinguished rank. It is a condemnation in tenor and terms that may be justified, in propriety or in fact, only by the extremity of the offense and the indubitable necessity of drastic treatment. In this case was not the provocation inconceivably gross? Did not the sweeping charge of the Oregon Senator asperse indiscriminately the integrity of the administrative officials of the Government and invite popular suspicion and discontent? Was it not, indeed, calculated to create alarm among the timid everywhere and dejection even among the stout of heart who should very naturally impute to the speaker intimate knowledge of every detail in the sum of military preparation?

I can not say how the incident impressed other Members of the Congress, but I certainly experienced at first a feeling akin to personal affliction that the chairman of the Military Affairs Committee of the Senate, without warning or apparent justification of any kind, amid the felicitations and applause of adversary revilers and critics, should thus have bitterly assailed an administration of which he was a part, and, without distinction, have mercilessly pilloried as wretched incompetents grim veterans of the American Army who have spent their lives and expended their energies in the service of the country! [Applause.] And, Mr. Chairman, when an earnest quest for the truth carried me painstakingly to the end of nearly 2,000 pages of responsible testimony only to find revealed the utter insufficiency of proof to sustain the astounding censure distress gave place to amazement, and I wondered whether anything the President or anybody else could have said in resentment would have more aptly depicted the episode than what the President actually did say.

THE RECORD RIGHT.

We have been asked to search the record, Mr. Chairman, and it is to the record that I appeal. I have seen it with mine own eyes and with mine own ears have heard it expounded. From the testimony I have turned away, not with tears nor with trembling apprehension for the well-being of my own sons or the sons of other fathers, but with a firmer faith in my country, praising God for the quiet courage of the men and the ineffable fortitude of the women of America who are to win this war. [Applause.] And for those who impeach their fidelity and deride their capabilities and seek to decry or obscure their achievements we should invoke the imprecations of every loyal citizen. [Applause.]

"VICIOUS PATHOS."

Were every specification marshaled by the critics of the Government really founded in fact, all of them taken together would not expiate the offense of Mr. CHAMBERLAIN'S New York indictment. The incontestable facts do not at all justify his conclusions, but he must have recourse to utterly hostile inferences. Take the criticisms, for example, directed against the Ordnance Bureau with respect to artillery supply. The Government is blamed for an alleged shortage of guns and bitterly reproached for its momentary dependence upon our allies in the war. The criticism assumes the guise of pathos when it is said that our own impotency necessitated an appeal to poor, bleeding France for assistance. The United States, we are asked to believe, presents to the world the humiliating spectacle of taking from the depleted stock of a struggling comrade nation! But, Mr. Speaker, the pathos of the illustration but intensifies the vice of it. Who of us is not familiar with the facts? What Member of the Congress does not very definitely know that France is furnishing the American Army with guns, not because we sought to deplete her "meager stores" but because her chosen ambassadors and picked experts asked the privilege of arming our expeditionary force from her oversupplied arsenals. [Applause.] It was the wise thing for France to have proposed and the only effective thing for America to have done. [Applause.]

JOFFRE CALLED TO WITNESS.

Many of my colleagues will distinctly recall the memorable evening spent by some of us at the home, in this city, of an ex-ambassador to France when we had the privilege of hearing the accredited military and naval representatives of the French Government describe the situation and tell us what it was necessary for this Government to do. Marshal Joffre, for the army, and the French admiral, for the navy, talked to that company of Congressmen for three hours, telling them, cautiously, of course, what at the moment the finest experts of France were pointing out in elaborate detail to every important bureau of the American War Department. Placidly, and with characteristic military precision, Marshal Joffre warned against the folly of hurriedly attempting to throw into France an army of untrained and untested American troops. He pointed out how such a thing would violently disrupt trans-Atlantic traffic; how ships thus would be used which might more profitably be devoted to the transportation of necessary munitions and other supplies to the armies of the allies; how futile and inoperative an untrained army would be in France; how necessarily ignorant even our Regular Army was of modern instrumentalities of war, the character of which was changing even as the war raged. Warfare had been literally revolutionized since the Battle of the Marne, and by those who knew we had to be told the things that we did not know. All through the French marshal's talk there ran a particular thought as a thread through a woven garment; and that was the warning against heedless haste. It was suggested that but a single division of the best trained troops of the Regular Army should be then sent to France, with a complement of Artillery. This division was there to be divided into two divisions of the French strength for intensive training behind the lines of battle, to be prepared later to train intensively the American troops that should follow. It had not been the plan of our General Staff to send over troops so early. It had taken Great Britain two years to prepare an effective army. But the representatives of the French Government stressed the point that the presence of this small expeditionary force would heighten the spirit of France and correspondingly depress the morale of the adversary. And, oh, how true one part of this at least turned out to be.

The Secretary of War on last Monday told the pathetic story in his masterly statement before the Committee on Military Affairs of the United States Senate. Said he:

The people of France kissed the hems of their garments as they marched up the streets of Paris; the old veterans, wounded in this war, legless or armless, stumping along on crutches, perhaps, as they went up the streets of Paris with their arms around the necks of the American soldiers. Not a single man in that division was unaccompanied by a veteran. America had gone to France, and the French people rose with a sense of gratitude and hopefulness that had never been in them before.

[Applause.]

Mr. Chairman, in order to send even this contingent of troops from our pitiful little American Army it was essential to be assured of guns; and when it was suggested to Marshal Joffre that, having just entered the war, we had not immediate equipment, it was promptly replied that France had an overabundance; that her munition factories had caught up and exceeded the necessities of the French Army; that the gun wastage could not keep her arsenals to capacity; and that France could easily and would gladly supply the American expeditionary force. Marshal Joffre even suggested that this were better done by French than by American factories, since it would save the unavoidable delays, the pressingly needed cargo space, the tremendous cost of shipment, and other things which I do not now recall.

WAS CHAMBERLAIN IGNORANT?

Is it possible that the chairman of the Military Affairs Committee of the United States Senate did not come in contact with the French mission to this country and did not learn from the accredited agents of France the facts which I have here cited? Is it possible that Mr. CHAMBERLAIN was not advised of the testimony of Gen. Crozier before the Military Affairs Committee of the House of Representatives, in which the Chief of Ordnance, more explicitly than I could hope to do, presented these very facts in evidence to show the reason why France and Great Britain are supplying guns to our Army abroad? Is it because he was ignorant of these facts that he sought to have the country believe our Military Establishment is a myth? Is it because of gross ignorance of the truth that critics bemoan a condition which, in the circumstances, any discerning man must see is of tremendous advantage to France as well as to America? I hope it is ignorance, Mr. Chairman, because I would not like to shock my own imagination with the thought that any adversary of the Government is malevolent enough perversely to employ the fine sympathy of the American people for France in a prejudicial assault on the American Government. Yes; both France and Great Britain are supplying the American Army with guns; we are buying them and paying for them just as France and Great Britain bought munitions from us when they could not get them quickly enough or in sufficient quantities from their own factories. And the fact does not constitute an indictment of this Government. Rather is it a clear index of the purpose and a hopeful sign of the diligence which the War Department is applying to the situation. That the arrangement has worked well is convincingly evidenced by the fact that France and Great Britain have proposed its continuation for the current year, and Gen. Tasker H. Bliss, Chief of Staff of the American Army, has recommended such an agreement to this Government. This does not imply any abatement of our activities in this country, for we have already placed orders totaling $1,000,000,000.

THE ARMY SUPPLIED WITH ARTILLERY.

From it all we may deduce the comforting assurance that the War Department is more concerned to furnish the American Army in France with modern guns with which to train and fight than it is to haggle with ambitious statesmen over the source of supply. The thing which will most interest the American people and from which they will derive the greatest satisfaction is the fact that their Army on the battle front has modern guns—among the best in the world—guns that will destroy the enemy. This being the case, perhaps they may be persuaded to forgive the Secretary of War for getting these guns in the quickest possible way, at the least possible cost to the Government of the United States, with the least possible disturbance of the plans of the allied nations. And merely because the Secretary of War and his expert military advisers thus used their plain common sense in a perplexing posture of affairs, it is not to be inferred that the Congress of the United

States or the people of the country will be induced to credit the wild and foolish charge that the Government has broken down and needs to be frightened to its feet again by the distempered clatter of theatrical public men. [Applause.]

FRENCH OVERPLUS OF ARMS.

Here I shall put in the RECORD a statement by André Tardieu, former French high commissioner, now munition minister of France, showing conclusively how France welcomed the arrangements:

An important agreement has been concluded between the United States Government and the French high commissioner, M. André Tardieu.

According to said agreement the American Government adopts the two principal pieces of matériel of French artillery, the 75 millimeter field gun and the 155 millimeter rapid-fire howitzer.

The expeditionary corps of Gen. Pershing has received from the French authorities, on arrival, its field artillery, its rapid-fire heavy artillery, and its French artillery—which, of course, will accelerate its taking its place in the line.

At the same time the artillery production in France and in America has been organized so that the American Army of 1,000,000 men which is about to be recruited will receive without delay, as the units are formed, the necessary heavy and light guns.

The negotiations taken up for the first time at the end of May, between M. André Tardieu, French high commissioner; M. Gaune, chief of war munitions of the high commission; and Brig. Gen. Crozier, Chief of Ordnance, were characterized by two ideas.

On one hand the American Government wished to adopt the quickest solution, in order to realize in the shortest time the complete armament of its forces.

On the other hand, with great foresight they attached particular importance to realizing, for the American and the French Armies, called to fight on the same battle fields, uniformity of munitions, of such capital importance from a tactical point of view.

In view of these two desired aims, the French high commissioner was able, thanks to the development since 1916 of the machine equipment of our war munitions factories, to furnish Gen. Crozier with a detailed plan of industrial collaboration, which, by the united efforts of the French and American industries, will assure the complete realization of the American program.

The double certainty of rapid production and uniformity of munitions decided the United States Government, despite the incontestable value of its own matériel, especially that of the 3-inch field gun, of which the superior qualities are universally recognized, to adopt our 75 and our short 155.

The negotiations on these lines were rapidly completed: at the end of somewhat over one month they were concluded this week by a complete understanding, fixing the quantity and the price of the matériel to be furnished.

This understanding, susceptible of important further developments, is a precious proof of the esteem in which the most powerful industrial country of the world holds our engineers and our mechanical constructors. It has also a practical bearing of great value.

From the military point of view it is evident that uniformity of type of guns and munitions for armies fighting on the same battle fields is an appreciable guaranty of safety and efficiency. The supply and the volume of fire are thereby equally facilitated. Unity results spontaneously from identity of weapons. Finally all tactical results, obtained by the experience of three years of war, are without previous adaptation assimilated by the American Army.

From the industrial viewpoint the unity of effort created between the manufacturing plants of the two countries will produce happy results without precedent, not only during the war but also subsequently. Common action provides the best means of mutual acquaintance and for preparation of the close cooperation which it is desired to organize for the future.

From the financial standpoint it is possible to hope that the purchase by the United States of French artillery matériel will create an improvement in exchange, which under the existing relations of America and her European allies is as much to be desired by the United States as by France.

It is also likely that the adoption of the metric system, which has been officially requested by the American Bureau of Standards and which is much to be desired from the point of view of future Franco-American interests, may be thereby facilitated.

These are, briefly stated, some of the results, certain or probable of the agreement between the French high commissioner and the American Government.

The dominant note of the agreement lies in the proof it gives of the unshakable resolution of the American Government to achieve in the shortest time the maximum of military strength, and on the other hand it proves the intimate and active cooperation existing between the United States and France.

Mr. Baker, Secretary of War, and Gen. Crozier, Chief of Ordnance of the American Government, have given proof in this case of the broadest spirit of comprehension and decision and have succeeded in a few weeks in securing for the American troops artillery of the first order.

Our high commissioner at Washington speaks in unbounded praise of their cooperation with him.

MACHINE-GUN SQUABBLE.

Mr. Chairman, in support of the intemperate charge that the Military Establishment of the United States Government is a myth—that it has no existence—a charge contemptuously echoed only the other day by a German military expert in a German newspaper, the controversy over the Lewis machine gun and the Browning gun is revived, and in the very obvious attempt to discredit the Government and to "get Baker" the critics try desperately to convict the Ordnance Bureau of incapacity and the Chief of Ordnance of personal venom. I addressed myself to an examination of the evidence deeply prejudiced against Gen. Crozier; but there is not one particle of disinterested testimony in the hearings which does not abundantly acquit the Chief of Ordnance of blame. The final decision of the competitive tests between the two types of machine gun was delayed—the critics say inordinately delayed—but Gen. Crozier asserted, and the Secretary of War cheerfully assented, that the latter had full responsibility for the fact, so that the persistent contention that the personal pique of the Chief Ordnance Officer of the Government was responsible for the rejection of a superior gun, immediately available, has no evidence to sustain it. Moreover, the Lewis gun was not a superior gun. The preponderance of expert testimony to the superiority of the Browning gun for American use is overwhelming, and it is upon this fact that the Secretary of War relies to justify his opinion that the delay which was occasioned will be more than compensated by the superiority of the weapon secured.

The best experts are definite and emphatic in their judgment that the Browning is "the best machine gun in the world." The only prop on which the critics seek now to rest their case is the plea that the Lewis gun was immediately available, while deliveries of the Browning gun will be delayed; and they use this broken reed in face of expert testimony to the effect that in tests the Lewis gun "had utterly failed with American ammunition," which has tremendously greater pressure than British ammunition, and in face of the further fact that the Lewis gun was neither immediately obtainable nor remotely available for our operations in France. Indeed, Gen. Pershing sent word from Europe that the Lewis gun could not be used on his front for land fighting, and even the United States marines who went to France armed with this gun were rearmed with a different weapon.

But this is not important, Mr. Chairman, and the farthest thing from my thought is any desire to transfer the rival gun controversy to this Chamber. I pretend to no knowledge of machine guns. The whole point of what I am saying goes to establishing the fact that the Ordnance Bureau of the Government can not be discredited, even in this single detail, when we balance the testimony of experts against the self-interest of disappointed persons and the miserable bias of fretful politicians with a case to make out. One of the ablest arms manufacturers in the United States pronounced Browning as "probably the most remarkable gunmaker in the world," and expressed the belief that this opinion was shared "by every gun manufacturer in the world." So this is the kind of gun and the character of gunmaker with which and whom the Secretary of War dealt.

PERVERTING THE TRUTH.

Ah, but, they say, the testimony reveals that but nine Browning machine guns have been made, and the impression has gone abroad that the American Army has but nine machine guns to go up against the millions of Germany. Talleyrand tells us that language was invented to conceal our thoughts. I should hate to regard that as axiomatic. It is, of course, a witty French cynicism. But, at least, we do know that sometimes words are used to obscure the truth or skillfully employed to pervert it. The American Army in France has thousands of machine guns to go up against the enemy [applause]; it is as well equipped with machine guns as any army in Europe [applause]—perhaps better equipped than the German Army. And no set of malcontents should be permitted to deceive the people of this country into the disturbing supposition that our fighting forces in France are suffering in equipment of any kind. [Applause.]

On this very point Gen. Crozier said nearly two months prior to that extraordinary New York speech to which I have been referring:

I think here is the time to say something which I have not told the committee before in reference to these machine guns. Our number is so small, and the possibility of manufacture in this country was so limited, that when our troops went abroad we made, and were fortunately able to make, the same kind of an arrangement with the French Government with reference to the machine guns that we had made with reference to artillery, and we are getting from them quite a sufficient number of guns to arm our troops over there with the Hotchkiss type of the heavy gun and of the Chauchat type of the light guns.

ITCHING TO "GET BAKER."

All this raucous outcry apparently has its root, Mr. Chairman, in the itching desire to "get Baker." But it can not be done [applause], for the available expert testimony clearly indicates the discernment of the War Secretary. I venture to assert that no civilian could have been got in this country who, as head of the War Department in this emergency, could have exhibited a broader comprehension of policies or better have absorbed the multitude of details than Newton D. Baker. [Great applause.] It is absolutely convincing that delay, if any, occasioned by the retrial of machine guns and the selection of the Browning is much more than made up by the vastly superior qualities of the gun accepted. Talk to the contrary is mere inference—attenuated inference, amateur inference. It was not expected that deliveries of the Browning gun could be made before this spring, when they will be made in

ample time and quantities to supply our troops as they go abroad. It is by no means clear that haste could have been made had the department accepted the inferior gun; for every available American factory, when we entered the war, was crowded with contract work for foreign governments which engaged its output until past the date of the Browning gun decision. Experienced arms manufacturers insistently declared that no ultimate delay was involved in the discretion exercised by the Secretary of War under the advice of an Army board of high officers. And, aside from all this catching at pegs, the Secretary of War has pointed out that, owing to the decision, "for cogent reasons," to have the American troops cooperate with the French instead of the British the Lewis gun was not adapted for use by our land forces abroad. No such machine gun as the Lewis gun is used by the French and, as stated by the Secretary of War, it is "highly desirable, for military reasons, that the American Army should be organized and equipped as the French Army is organized and equipped." For aviation use and for training purposes, the Lewis gun has been ordered to the practical limit of available funds and is being made to the full increased capacity of the arms plant executing the contract. But, Mr. Chairman, the thing that can not too frequently be stressed—the real thing that the American people should know and will be glad to find out when we brush away the gossamer of excited declamation—is the solid fact so definitely stated by the Secretary of War last Tuesday, when he said:

All our units going to France will be completely equipped with what is taken with them and what is secured by them in France, and the organizations in training camps in this country will be supplied with sufficient weapons to acquire familiarity with them before going abroad.

In short, Mr. Chairman, all American troops in France are fully equipped, every unit going to France will be completely equipped, and every organization in training for France will have sufficient guns before going abroad to acquaint it with their use. That is the testimony; and over against it, on a stage set for the purpose, we have only the agitated exclamation of one public man that the American Military Establishment is a myth. [Applause.]

ARMY HAS FINEST RIFLES IN WORLD.

And they bring up the old rifle dispute, Mr. Chairman, and hang a complaint on that peg by seeking to have it appear that the Army experts did not know their business. Men like Scott, Chief of Staff at the time; Bliss, next in rank; Crozier, Chief of Ordnance; Kuhne, of the War College; Pershing, on his way to France, were unsafe advisers to the Secretary of War! They agreed without a single dissent, after a survey of the whole situation, to use the American Springfield rifle and, in conjunction with it, the English Enfield adjusted to American ammunition and modified as to the interchangeability of parts. It was also the unanimous recommendation of the arms manufacturers' experts. Of course, the change in the Enfield rifle took time; but, meanwhile, with 600,000 Springfields and 165,000 Krags in hand, the Army heads and experts judged that we could better endure the delay than to send our soldiers to France with a rifle dangerously defective—a weapon which Great Britain itself was arranging to radically alter when suddenly overtaken by war and which has been used chiefly for training purposes since the war began. It seems to be the idea of some distinguished gentlemen that we should have grabbed up any old instruments of warfare and sent a ragamuffin army across the Atlantic instantly to break the Hindenburg line. [Laughter.] They did not want us to have modern rifles, nor did they want us to have the best machine gun in the world. Their impatience ran away with their discretion.

I could wish every Member of the House would read the hearings on this point, that they might comprehend the question from the clear, cogent, conclusive reasoning of men of vision, men of great affairs, men of technical understanding, who know what they talk about when they talk. There was S. M. Vauclain, vice president of the Baldwin Locomotive Works, now a member of the Council of National Defense and chairman of the war industries board. I believe you know him, Mr. Speaker; I think he said you induced him to come to Washington. At all events, he is a manufacturer of long experience and a man of great ability, described at the hearings by Senator FRELINGHUYSEN as the real "driving force" in providing artillery and munitions. It is exhilarating to note his intimate knowledge of what is transpiring and to observe how sharply and completely he routed pertinacious critics of War Department operations.

NO APPRECIABLE DELAY.

On this rifle modification matter and the consequent delay charged, Mr. Vauclain was very explicit. He said:

I consider that the Ordnance Bureau was very wise in taking time to perfect this rifle. I think it is the finest rifle made to-day. I think it is a better rifle than the Springfield.

And, briefly explaining advantages of the change from the Enfield model, he said:

There is a great objection to using the rim cartridge in the field on account of jamming when you are working the shot in a rifle. These rifles now have rimless cartridges, the same as used by the Springfield rifle, interchangeable ammunition, absolutely no possibility of jamming in service. Their interchangeability is such that when we were putting English rifles together, if a man put 20 rifles a day together he thought he had done a good day's work. About 10 days ago one of our fitters put 128 of these rifles together, and 97 per cent of them targeted first shot. If this rifle was not of perfect design and perfectly made as to tolerance, it would be impossible for anybody to put 128 rifles together in 10 hours out of a miscellaneous heap of parts; so that I am satisfied that the rifles are an absolutely interchangeable piece of work.

Here I may add that the deliveries of these new model Enfields for the week ending February 2 were 42,932 and of the Springfields 7,900. And yet these hypercritics tell the country the Ordnance Bureau does not exist any longer.

Frustrated in the obvious desire to prove the inadvisability of the change from the technical viewpoint and "hell bent" on making out a case of disastrous delay, one of the hostile critics of the War Department asked Mr Vauclain how many rifles would have been produced had there been no change of model, to which the witness made the heartbreaking response, "Not one more than we have to-day." And again and again this great captain of industry, this "driving power" of the Government's artillery and munitions force, vindicated the efficiency of the Ordnance Bureau and confounded his inquisitors.

DRILLING RIFLES.

But it is contended that some of the cantonments had not rifles enough with which to train. Gen. Crozier, as I recall, contests this proposition. The Secretary of War was disposed to concede that there was unavoidable delay in deliveries, which had been corrected, however, or was in process of immediate adjustment when Mr. CHAMBERLAIN made his fierce attack on the Government by charging that the Military Establishment had ceased to function.

Gen. Crozier in his testimony pointed out that while every man in every camp had not been furnished a rifle, it is not customary for all the men to drill at the same time, and that, for training purposes, rifles could be used over and over again. Of course there was inconvenience. We should have witnessed a miracle had there not been minor troubles and delays of this sort. But would anybody who hears me be willing to say that an inconvenience of this kind, already subjected to remedial attention, could justify the chairman of a great military committee of the Congress in charging before a public audience an utter breakdown of our Military Establishment? Who of us does not recall that the pictorial papers and magazines of this country for many months after Great Britain had gone to war teemed with illustrations portraying British recruits marching in silk hats, in shirt sleeves, and workman's blouse, and drilling on England's commons with broomsticks and walking canes? Did any responsible public man in Great Britain, because of this, charge that the British military establishment was nonexistent? Mr. Chairman, did the fact here cited betoken incompetence or slothful pace? On the contrary, it seems to me that it signified an indomitable spirit—a spirit that found expression at Neuchapelle and Passchendaele and other battle fields which will literally crowd the glorious pages of history. And I apprehend that the American people will not be dismayed nor agitated nor made afraid merely because at some camps some recruits were a little while without rifles. Many things are required to make a soldier before putting a rifle in his hands, and we would better have been a few weeks without rifles than without men to train in the other minutæ and movements of war.

WHAT THE TRUTH REVEALS.

What the American people will desire to know, and what these hostile critics of the Government have been unwilling to tell them, but what the testimony itself abundantly reveals, is that no appreciable time, after our declaration of war, was lost in turning out rifles for the American Army. The people should know that, weeks before Mr. CHAMBERLAIN made his monstrous indictment of his Government, Gen. Crozier, Chief of Ordnance, repeatedly testified before the Military Committees of Congress that "no American troops are being sent to France who have not had rifles which they have been using for some time" prior to sailing. Again he testified that "the troops which thus far have gone to France, and those which will for some time go, are those of the Regular Army and National Guard," for a long time supplied with Springfield rifles for target practice; and then again, with earnestness and emphasis that are perfectly manifest, Gen. Crozier declared on the witness stand:

I wish to say to you that no United States soldier has been or will be delayed five minutes in reaching the theater of war because of the absence of modern rifles.

THE REASON FOR UNPREPAREDNESS.

But, Mr. Chairman, I earnestly invite the attention of the House to this point: Backed by an incontrovertible record of events, I assert that if there was a shortage of modern rifles, or even of dangerously defective weapons, the responsibility is not with the Bureau of Ordnance. I have read in the papers that somebody somewhere suggested that any half-witted American citizen might have foretold that this country would be drawn into the European war. I assume that it was upon this supposition that the Chief of Ordnance in the investigation before the Senate Military Committee was asked what his bureau had been doing from August 4, 1914, when Belgium was invaded. I infer that this question was prompted by the supposition that any half-witted citizen should have known we would enter the war and, therefore, that the Ordnance Bureau should have instantly increased its activities. I infer that it was upon this theory that Mr. CHAMBERLAIN in his New York speech was provoked to put the stigma of utter failure upon our military tentangers.

I do not agree that any half-witted citizen might have foreseen in 1914 our participation in this tragedy. I disagree for the reason that the major sentiment in this country was against entering the war and the President of the United States, with surpassing patience was ceaselessly endeavoring to avoid the calamity. The Congress of the United States was opposed to war; and we witnessed in this Chamber the remarkable spectacle, in 1915, after the *Lusitania* was sunk, of 152 Members of the House so determined to avoid participation in the struggle that they voted practically to abandon the indubitable rights of the country to sail its ships upon the high seas or to prosecute commerce with belligerent or even neutral nations. I disagree, because as late as the closing months of 1916 one of the great political parties of the country, to which Mr. CHAMBERLAIN belonged, reelected Woodrow Wilson President of the United States because, among other considerations, he had been wise and brave enough to keep us out of war, and could confidently be relied upon to do all that mortal man might honorably do to avert the horrible affliction. [Applause.] I do not know what was the attitude or what were the utterances of the Oregon critic in the presidential campaign—whether he applauded the President or censured him. But I do know, Mr. Chairman, that if the Oregon Senator in 1914 or 1915 or 1916 had the prescience to foresee that we should enter the war, the weight of his culpability is such as no good citizen would like to endure.

CHAMBERLAIN DID NOT FUNCTION.

Why did not the Ordnance Bureau function? Why were we short of modern rifles and heavy artillery? Let the Chief of Ordnance tell the story of how the Ordnance Department of the Government did function to the fullest extent of lawful permissibility. I shall put into the record—for it can do no harm—extracts from Gen. Crozier's testimony bearing on the subject. But in contemplating the sweeping indictment of his Government by Mr. CHAMBERLAIN the astounding thing to which I invite your attention right now is the fact that, with all his precognition, Mr. CHAMBERLAIN did not function. He was and is chairman of the Committee on Military Affairs of the United States Senate, with access to every particle of available information. In a large sense he held the purse strings upon military expenditures, because the Senate nearly always increases and rarely ever decreases appropriations. For a long time this Government has owned two arsenals, one at Springfield and the other at Rock Island. Ten years before the war the appropriation for small arms in these establishments aggregated $1,700,000; a year later, $1,778,000; a year later, $1,700,000—at a time when nobody in America could have dreamed of war. And yet in 1915, practically two years after Mr. CHAMBERLAIN had assumed the chairmanship of the Senate Military Committee, when for seven months war had raged in Europe, the appropriation for small arms had gone down to the pitiful mark of $250,000, and that, Mr. Chairman, so far as the record discloses, without one word of protest or even admonition from these adversary critics and calamity shriekers. Furthermore, the fires at the Rock Island Arsenal had long been out; how long I do not know. The arsenal at Springfield, where the best rifle in the world is made, was running at one-eighth of its capacity. The war had reached its trench-fighting stage, furnishing a fair inference of a protracted struggle. Kitchener had predicted that it would last three years. Notwithstanding these things, Mr. Chairman, the men who now affect preknowledge of future events did not increase by one dollar the trifling appropriation for small arms, but reduced it from the preceding year by nearly 50 per cent. The expert foremen and skilled artisans at the Government armories had been scattered and the forces disorganized and demoralized, so that later, when operations were resumed, the Ordnance Bureau had to get these people back by bidding high against private establishments engaged on munitions for foreign governments. Was Crozier to blame for that? Is this soldier to be assailed and his reputation destroyed by the cruel imputation of inefficiency leveled by the Oregon Senator at this New York meeting against every bureau and department of his Government? I protest, Mr. Chairman, it is not just; for Gen. Crozier, we are told, did not know the truth. The President did not know the truth. Secretary of War Garrison did not know the truth. Tardieu and Lloyd-George, great ministers of munitions of foreign governments, Scott and Bliss, Pershing and Kuhne—none of these knew the truth. Only this worldwise Oregon critic knew the truth, and at the critical moment he failed to function! [Laughter and applause.] With a moving picture of America at war before his eyes, with strong conviction in his mind, distressed by his very contemplation of our utter inefficiency, he permitted the small-arms appropriation of the American Congress in the very year that the *Lusitania* was sunk to go down to the contemptible figure of $250,000!

FUNCTIONED THE WRONG WAY.

And, Mr. Chairman, if the Oregon Senator was inspired to make that savage indictment of the Government in his New York speech by the supposition voiced by somebody that any half-witted American citizen should have known as early as August, 1914, that this country might be drawn into the European war, I cite a circumstance now that painfully accentuates his own responsibility for our lack of preparation. In the military appropriation bill which passed the House in 1915, long after the war began, there was an appropriation of $50,000 for motor trucks for the Army; but, trifling as was the sum, contemptible as it must have seemed to anyone who was reasonably certain that the United States was on the brink of war, the distinguished Oregonian had it cut to $25,000! With what result upon our activities at this time the House may judge from this extract from the testimony of Maj. Gen. O'Ryan, of the Twenty-seventh Division, Camp Wadsworth, who said, in speaking of the difficulties of training down there:

It is impossible for lack of mechanical transportation. For instance, we have not automobiles enough to haul wood from the depot to get it to our organizations.

And Maj. Gen. Greble, at Camp Bowie, testified that his division urgently required 245 motor trucks, but had not even 1. It required 46 motor cars and had just 1. The escort wagons, he testified, were drawn by mules, and Gen. Greble added:

If we do not get those things until we get abroad, why, we won't have trained motormen to look after them.

Talk about functioning! Here is an instance in which the distinguished Oregon critic of the Government functioned the wrong way. [Laughter and applause.] He knew we should go to war—any idiot could have foretold that—but he imagined that the surest and quickest way to win the war was to cut the appropriation for rifles to a negligible sum and have the escort wagons of the Army drawn by mules instead of being propelled by motors! [Laughter.]

But, Mr. Chairman, what about the half-witted Congress of the United States—the Sixty-fourth Congress, I mean? Could not we see, as late as August, 1916, that we should inevitably be drawn into this maelstrom of hell-fire? That was only eight months before we actually were drawn into it. Had not we sense enough to see so short a time ahead a thing which our Oregon critic had so surely seen three years before? And if we could, why did we not? Why did we deliberately sit here and make out a war program and make up a war budget to be extended over a period of three years, knowing that we would be at death's grapple in a little more than as many months? If it was so plain that we should go to war at any moment, why did we not compact the whole program into an emergency scheme, making every appropriation immediately available, and starting every factor and every facility of our national being into operation?

VICTIM OF THE THING WE HATE.

Oh, Mr. Chairman, the utter proneness of poor human nature to evade just responsibility and to reprehend in others the ugly things that most afflict our own records and dispositions! Why not be strictly honest with ourselves and brutally frank with the country? Let us tell the unhappy truth, which is that, for a century and a half, we have emphasized the single warning of Washington against "entangling alliances abroad" and sadly neglected his admonition about a sane preparation against war. We have hated militarism with such a holy hate that now we constrain heaven and earth to avoid becoming its victim. Our aversion to a large standing army is traditional and constitutional—bred in the blood and bone of successive generations. The whole policy of the Nation for all these years has been antagonistic to preparation. No one group of men is to blame.

No one political party above another is to be censured. If anything, some of the most frantic protestants against our plight share tremendously the responsibility for our condition, and conspicuous among these culpable critics are the distinguished gentleman who made that New York speech and the distinguished gentleman who led the applause of the unbridled indictment. [Applause.]

A WANTON CHARGE EXAMINED.

But because we were unprepared is no reason to infer that we are not being prepared; and being prepared, Mr. Chairman, at a pace that has amazed the European nations in arms. Gen. Crozier's testimony, and that of other witnesses, shows conclusively that there is no particle of excuse for the charge that the Ordnance Bureau was indifferent to passing events, that it was supine, that it did nothing to anticipate trouble, that it fell down and has ceased to function. The testimony is to the contrary, the facts are the very reverse; and the evidence and ascertained facts together would warrant a characterization of the charge as wanton.

Gen. Crozier declared that prior to the entry of this country into the war "a good deal of thinking was done, and a good deal of discussion had among officers as to the form of expansion in the event of war." A competent officer was "assigned to the task of getting additional personnel, looking up methods, ascertaining the means of getting reserve officers and of listing these officers." Months before the war the Chief of Ordnance "commenced to inventory the manufacturers of the country who would be capable of doing the kind of work required." Drawings were made of the things that would be needed in largest quantities, photolithographed, and sent out from the mailing lists supplied by technical journals. Letters were written to appropriate industries to get their capacity and to ascertain their willingness to accept contracts, and the replies were card indexed for reference when needed. As far back as the summer before the war Gen. Crozier detailed a West Point officer, momentarily freed from his academic duties, to aid with technical advice the advisory committee of the Council of National Defense in compiling kindred information. Said Gen. Crozier:

We got some valuable assistance from the General Munitions Board in selecting establishments with which to place some of our large orders. That was another function of that board—I mentioned one of them in the early part of my statement. Another function was to inform us as to where there might be found people who could probably do our work and would probably be willing to do it—people who had not been in the habit of bidding for Government work, but might have been making shafting and locomotive axles, or something of that sort, which was allied to our work, so that they probably could do ours. Those gentlemen, from their knowledge of the industries of the country, were able in a number of instances to deliver to us supplies of that kind and to save time in opening negotiations with them.

Gen. Crozier and his little staff informed themselves about the troubles of the European nations and studied these problems with a view to the avoidance of mistakes. The artillery supply tables contemplated a much larger proportion of shrapnel than shells; but the blunder of the British in that regard was escaped by reversing the proposition. After funds became available, under our three-year program, contracts were let as rapidly as plans could be effected. The closed armory at Rock Island, which had been kept closed in spite of Mr. CHAMBERLAIN's prevision of war was reopened, the scattered operatives who could be gotten back were recalled and others secured, and activities at both arsenals greatly increased.

But what did the three-year plan amount to, Mr. Chairman, to a man who considered as imminent the participation of this country in the war? It was insignificant; it was a mere bagatelle. Prior to 1916 no appropriation by Congress for field artillery was as large as $3,000,000. In July and August, of 1916, Congress under the three-year plan set aside $16,000,000. But did that reflect the expectation of Mr. CHAMBERLAIN or anybody else that we would in a few months enter this world war? The direct, crushing answer to the question is found in the fact that when we actually did declare war $171,000,000 was immediately appropriated, and four months later $225,000,000 was appropriated for field artillery. If $396,000,000 was required for this purpose when we entered the war, whereas a few months before we made available only $16,000,000, why did the military genius who indicted his Government in New York stand for this act of imbecility in Washington? He confessedly knew we were going to war; why did he not tell those of us who did not know that we were faltering with a grave question and making ill provision for a desperate situation?

CROZIER'S WARNINGS UNHEEDED.

It takes a great while to build guns; it has taken as long as seven years to design and turn out a great gun in Germany. Gen. Crozier, as far back as 1906, warned the Congress and the country of our utter lack of preparation, and for years successively repeated the warning. In January, 1911, he pointed out that we were "worse off in this matter of field artillery than in anything else," and warned that "in case of an emergency of any importance, the field artillery of the United States would be found positively insufficient." The emergency has come, and not even an appropriation of $16,000,000 immediately before going to war nor of $396,000,000 immediately after going to war can provide all the guns we need as we need them. The Congress can not evade its responsibility, and to attempt to shift it to the War Department and thus to discredit by a charge of inefficiency every branch and bureau of the Military Establishment is an unspeakable injustice.

Over against the harsh and cruel opinions of these political critics I give you the judgment of a great business man, whose technical and practical training and familiarity with events reflier of real value what he says on the subject. Mr. Vauclain, of the Baldwin Locomotive Works, member of the War Industries Board, in his testimony before the committee, said in response to a suggestion that the Ordnance Department is a little too slow and disorganized:

I have lived with them since the war started and I have not found them disorganized. I do not think we have the maximum of efficiency in any department just at present because all of these departments have had to be expanded so tremendously; but they have maintained an efficiency that has been surprising to me and very satisfactory. I do not think we have a single department, taking them as a whole, that is under 90 per cent efficient. I think when they get their full stride there will be no more efficient organization in the world than we will have.

If anything, there is ground for commendation for the manner in which the officers in the Ordnance Departments of the Army and Navy have arisen to the situation. It is a tremendous task. It is only those who have lived with it as I have lived with it, day and night, Sundays included—I have given my entire time to it—who can realize what a tremendous proposition it is.

I do not care how much time has been lost or apparently lost in the first few months, we could not have been possibly any further ahead.

ENORMOUS CAPACITY NOW.

There is a great deal more, to the same effect, from this man, described by Senator EHELINGHUYSEN as the "driving power" up there. Mr. Vauclain built for the British Government in this country and operated the greatest munitions plant in the world, and we may put a higher appraisement on his definite judgment than on the sensational clatter of politicians who would turn our attention from the battle field to the forum—because they stand in the forum. Asked if the Ordnance Department "appreciated the great necessity of speed in replenishing the supply of heavy artillery along the French border," Mr. Vauclain in December said:

We will have an enormous capacity in that line before we are three months older, and we not only have capacity enough to manufacture all the guns we need for ourselves, but to manufacture forgings and other stuff to send abroad.

At present there are over 600,000 tons of military supplies and of steel forgings lying on the wharves to be sent to France.

I could detain the House with citation after citation from other responsible sources to confirm what Mr. Vauclain says, but what is the use? The Secretary of War himself in his great and inspiring statement last week smashed the line of adverse comment from end to end.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman 15 minutes more.

OTHER FALSE CHARGES.

Mr. GLASS. Great outcry was raised about the texture and weight of the cloth supplied by the Government to the troops. I assume that this is another thing that prompted the distinguished Oregon Senator to indict the Government before that New York audience as inefficient in every bureau and department. It was said that the wool content in the uniforms had been diminished and shoddy introduced. The testimony established the incontrovertible fact that whereas, before the war, our 16-ounce melton uniform cloth was 75 per cent wool and 25 per cent cotton, it is now 100 per cent virgin wool, and thus that malicious disparagement was quickly disproved. [Applause.]

I assume that another reason for Mr. CHAMBERLAIN's sweeping indictment of his Government in New York was the charge that shoddy, or reworked wool, had been introduced into the overcoat and blanket fabrics of the Army. And so it had been; but why did not the critics have the frankness to tell the public that it was done with a view to conserving the wool supply available to this country? When we entered the war there was an embargo on wool shipments from Australia. Our European allies had contracted for large stocks. In this matter, as in others, we entered upon an almost preempted field. It was necessary to be cautious, but the expert testimony is convincing that had there been an overabundant supply of wool the introduction of shoddy into the coarser materials of the Army improved rather than impaired the product. Col. William M. Wood, of

Boston, formerly a member of the Council of National Defense, vouched for by Senator WEEKS, of Massachusetts, as "president of the largest manufacturing establishment in the United States," likewise president of the American Woolen Co., in a letter dated January 28 of this year, says the action of the Government in this particular deserves praise rather than criticism. He says that from 90 to 95 per cent of all the overcoatings made in the world, including some of the finest fabrics, contain a measurable quantity of reworked wool. I shall append the letter of Col. Wood here, in order that we may put the expert judgment of a great wool manufacturer against the amateur opinion of the men who asperse the Government without knowledge of the things they criticize.

ADVANTAGES OF SHODDY.

The recommendation of the manufactures committee to the Council of National Defense looking to the utilization of reworked wool is, in my opinion, worthy of consideration and not to be disparaged, as it has been in some quarters. Reworked wool can be introduced into fabrics which are used for overcoats and blankets so as to improve rather than impair their usefulness. It gives a better fitting property to the cloth, makes a warmer, closer, tighter fabric, provided a judicious proportion is used.

The manufactures committee, composed of patriotic and practical men, gave the Government their best judgment, based on the knowledge and experience acquired through years of effort in practical manufacturing, in recommending the judicious use of reworked wool.

I am willing to venture the statement that in the construction of from 90 to 95 per cent of all the overcoatings made in the world, including some of the finest fabrics, there is used a measurable quantity of reworked wool or shoddy, so that the prejudice which appears to exist against the use of this kind of raw material is unfounded and unjust under modern conditions of manufacture.

As confirming this, I may mention that all the heavier military cloth used for export in this country under specifications given by their respective Governments contains a large percentage of reworked wool.

DELAY OF CLOTHING.

It is charged—and I assume that this furnished the basis of Mr. CHAMBERLAIN's New York indictment—that there was delay in the delivery of blouses and overcoats to the cantonments. That is true. Gen. O'Ryan testified that his division, comprising 31,000 troops, had a shortage of 900 overcoats. Other officers testified to similar shortages. Undoubtedly there was delay—provoking delay. But, again I say, it would have been a miracle had there been no delays. In the first place, the estimates were for but 500,000 men, then 1,000,000, then 1,500,000. Contracts were promptly let, and the list of manufacturers secured to make these clothes fills 73 closely printed pages of the hearings. Orders were issued for over 2,000,000 overcoats and from April 1 to December 15, 2,090,000 were delivered or in process of delivery. There was delay, of course; but the critics magnify the fault and never tell the country any of the reasons for delay. They suppress the fact that time and again there were strikes among the mill operatives and the garment makers all over the country; that transportation was congested; and that other unforeseen and unavoidable things intervened. But, Mr. Chairman, when Mr. CHAMBERLAIN made his New York speech, I doubt if there was a cantonment in the United States that was not fully supplied with overcoats and blouses and other necessary equipage. Perhaps by that time Gen. Greble had gotten some motor trucks and could dispense with a few of his mules. So the departments here had functioned and were functioning, and the statement made by the Oregon Senator in New York had little, if any, justification in fact.

THE CAMP DEATH RATE.

I assume that Mr. CHAMBERLAIN's New York indictment of the Government was founded on the charge that base-hospital facilities at the cantonments were incomplete and that the space allowance for the enlisted men was insufficient and that, because of an insufficiency of clothing and because of overcrowding, sickness ensued and the death rate was increased. Of course, it is distressing that our boys away from home should have to die at all; and it is for the very reason that parents everywhere have a keen regard to this situation, and a tender solicitude for their absent sons, that any criticism should have a sure basis of fact and no element of exaggeration. Sadly enough there has been illness in camps, aggravated in some degree by temporary overcrowding. But even this, Mr. Chairman, produced no abnormal death rate. Contrasts are disagreeable and not always fair, but at least some indication as to the utter indefensibility of the attack on the Medical Department of the Army may be derived from the statement that the death rate of the city of Washington is 17 per 1,000 persons between the ages of 20 and 40 years, while the death rate at the Army cantonments has been 8.2 per 1,000; and this rate at the cantonments contrasted with the death rate from disease in the War with Spain is 8.2 as against 20 per 1,000. I do not cite this circumstance with any view to reviving the scandals of the Spanish War, but merely to point out that inefficiency has no politics and the camp casualties of a great war enterprise no party.

FAULTS EXAGGERATED, ACHIEVEMENTS SUPPRESSED.

To begin with, the recommendations of the Surgeon General were strictly adhered to by the Army boards in designing the camps, and in the second place the record shows that the instant overcrowding at two or three cantonments was reported orders were issued to correct the evil by the immediate shipment of additional tentage and the exercise of other proper activities. But if this fact was known it was carefully suppressed by the critics. Scrupulous pains were taken not to give the country this tranquilizing information and every effort made to agitate the country by magnifying the consequences of these initial difficulties.

QUESTIONS SATURATED WITH PRECONCEPTION.

The Surgeon General of the Army is a professional man of international reputation, knowing which the adversaries of the War Department did not dare assail him directly; but it was sought to have it appear that Gen. Gorgas was ignored in all of these matters. I have here in a New York newspaper what I assume is the full stenographic report of the examination of Gen. Gorgas, making five columns of fine print; and I trust the Members of the House will read the testimony and ascertain for themselves whether the spirit of many of the interrogatories reflected a desire to elicit only the truth and all the truth or were saturated with preconception and a desire to reach a fixed conclusion. Let me illustrate what I exactly mean. Gen. Gorgas was asked if he had been "consulted as to the location of these camps," and responded by saying "no." Now, that question suggested two considerations, one related to military ethics and the other went directly to the question of efficiency. Having established an apparent discourtesy to the Surgeon General, what was the next natural question to ask? Should not the Surgeon General have instantly been asked if he approved the location of the camps and if they were in healthy localities? That was the vital point; that is what the people of this country wanted to know. But no such question was ever asked Gen. Gorgas. The direction of the inquiry was instantly shifted, and but for a statement by Gen. Gorgas, voluntarily made later on, nobody could have ascertained from the examination that Gen. Gorgas unqualifiedly indorsed the location of every one of these cantonments as suitable and healthy. [Applause.]

It may be added that in the subsequent examination of the Secretary of War that official declared that a personal representative of the Surgeon General's office was on the Army board of three members which located every one of these camps. The country is made to believe that there was no heat in any of the hospitals at these camps, and that patients are exposed to the full rigors of winter, whereas Gen. Gorgas explicitly stated that while the steam-heating apparatus in some of the camps was uncompleted all of them meanwhile were heated by stoves. And so with the question of pneumonia. The Surgeon General of the Army was asked if the scarcity of clothing and the failure of steam heat had not started the ravages of pneumonia, and he literally startled his inquisitors by telling them that the greatest epidemic of pneumonia he had ever known occurred at Panama, in the Tropics, and that pneumonia was not necessarily produced by cold or exposure.

ANONYMOUS CHARGES CONSIDERED.

Let me give the House one other incident of this investigation tending to show the hostile nature of the inquiry and exhibiting the readiness in some quarters to take as a basis of inquiry anonymous and irresponsible and indeed incredible rumors. When Maj. Gen. O'Ryan was being catechized this extract from a letter was brought to his attention:

I have had the privilege of reading a letter to his mother by a neighbor of mine, now a soldier in camp at Spartanburg. While making no complaint for himself, among other things, he writes the following:

"It is very cold here and trench duty has become nothing but needless exposure of the men. The battalion that relieved ours had 29 men frozen in the trenches, mostly from the hips down, but one man had his face so badly frozen so that when they took his helmet off they took the face flesh with it. Two of the men have died and the others are in the hospital."

If doings like this are whitewashed under Gen. Gorgas's report of "Epidemics of pneumonia" or if any system of censorship aims to prevent men from protecting themselves from utterly unfit officers by reporting it, it would seem that investigation should not stop until the officers responsible are executed for murder.

Gen. O'Ryan was asked what he knew "about that condition," and with the fine spirit of a real man and a soldier, he made this biting answer:

I think it is the duty of anybody who can get that letter and can give us the name of that man, to do it, and let us try him.

[Applause.]

No such incident ever occurred. Gen. O'Ryan pronounced it the mere gibbering of a letter-writing recruit desiring to pose among his people at home as a hero or a martyr. He stated that, from September 1 to December 22, there had been 14

deaths at the Spartanburg camp, 4 of them were of men in a motor truck struck by a train, 2 from tuberculosis, 2 from diabetes, 4 from pneumonia, 2 from myocarditis. Fourteen deaths in four months out of 31,000 men, which, as Gen. O'Ryan pointed out, "is a health record that is almost incredible." [Applause.] But Gen. O'Ryan's severe denunciation of this wanton rumor is buried in a committee hearing, while these monstrous inventions, with a few pathetic incidents that are true, find their way under sensational headlines to the newspapers of the country.

A HIDEOUS NIGHTMARE FLAUNTED.

I wonder if that gruesome fable of men frozen stiff in the trenches of South Carolina was typical of the complaints which incited the Oregon Senator to charge an utter breakdown of the Military Establishment of the United States? If not so, perhaps it was the "confidential communication" that was borrowed by him from another distinguished Senator and which, between the two, was treasured for three weeks in their breast pockets and never brought to the attention of any military authority charged with the investigation of such incidents and the application of the punative code of the Army. [Applause.] It is strange, Mr. Chairman, that Gen. O'Ryan's frank intimation as to the obvious ethics of such cases did not operate to avert the shocking spectacle involved in the subsequent use which was made of the unhappy episode at Camp Doniphan, where a sick soldier is alleged to have been subjected to cruel neglect, resulting in death. The excuse given for not instantly demanding an inquiry by the War Department, with the object of redressing the fault, is that the letter was "confidential." That plainly is not true. The very text of the letter itself shows that it is not so. The avowed purpose of the letter was to prevent the recurrence of such an incident. It was written to be brought to the attention of the War Department through the medium of a public man of rank and influence. It expressly was not written to instigate or to fortify a theatrical public indictment of the Government as both inefficient and brutal. [Applause.] On the contrary, the writer of the letter categorically disclaims any such belief or desire. It was only after its receipt in Washington that the letter was given a malignant interpretation and devoted to a wanton attack on the Military Establishment of the country. [Applause.]

Mr. Chairman, it is difficult to think of this episode in a spirit of moderation. It is impossible to speak of it in temperate terms. To take a single pitiful, tragic case, the like of which has not occurred and probably will not occur at any other camp, and without affording the least opportunity of inquiry blazon it in the public prints to affright the minds and wring the hearts of American mothers with the fear that their sons may be the victims of an inhuman military system, is a thing so inconceivably gross as to make one shudder at the contemplation. [Applause.] As the father of sons who wear the uniform of their country, I protest against the flaunting of this hideous nightmare before my fireside; and, in the name of the women of Virginia and the Nation, I repel the evil suggestion contained in this astounding assault upon the military arm of the Government. [Applause.]

WHAT A CONTRAST!

Contrast the spirit of those responsible for this method of attack with the fine sympathy and patriotism of Mary Roberts Rinehart, whose letter to the Secretary of War is an epic. Mrs. Rinehart, once a trained nurse, now a virile author of note, has great familiarity with Army hospital conditions; and, resenting the intimation that the one pathetic incident relied on to stir antagonism to the Government is typical of the general situation at the cantonments, she wrote Mr. Baker, among other things, as follows:

I do feel that some step should be taken to reassure our women just now. It is only fair to them. It is cruel to allow every mother in the country to judge the medical care that will be given to her boy while in the service because here and there, in the chaos of our readjustment, men have been given responsibilities they are unable or unwilling to fulfill. That we have such men is more than a national misfortune. That they have been placed in positions of trust is a national calamity. But the mothers of the country should know in fairness to themselves that the number of such inefficients is small. We will not rest, we women, until they have all been removed. But that, I know, will be at once. It must be at once.

I have a son in an Army cantonment. He enlisted as a private. He would receive, if he became ill, exactly the same treatment as any other enlisted man in our new Army. And I should have not only no hesitation in placing him in the cantonment hospital, but I should do it with absolute confidence.

* * * * * * *

One hospital I know well. It is typical of other cantonment hospitals. It is under the same Army medical department direction as the others, and it is only right to assume that conditions there are representative. The same rules govern all these hospitals. The same sums are spent on them. The same system is followed. The food is the same, the supplies, the medical staff, the nurses.

And I have never seen a better war hospital than the one at Camp Sherman. I will go further, and say that in its operating rooms, its X-ray department, its eye and ear department, its nose and throat department, its dental department; in short, in its facilities for caring for every emergency and every weakness, it will bear comparison with any civilian hospital.

And what is true of the base hospital at Camp Sherman is true of the others.

I have watched the development of the war hospital system from the beginning, when I saw it first on paper in the office of the Surgeon General up to two weeks ago. I watched because it was a vital matter to me. I had a husband and a son in the service. I am like the other women of this country. I would be content with nothing less than the best. And I feel that we are on the way to the best.

Faithfully, yours,

MARY ROBERTS RINEHART.

[Applause.]

Mr. Chairman, I fervently pray God, in all my public career, to spare me such a reproof as the letter of that noble woman conveys to those who would prefer to hinder their Government by aspersion rather than to help it by counsel. But, sir, that is the way the inquisition has gone. Every delay, avoidable or unavoidable; every minor blunder, defensible or indefensible; every one of the few pathetic cases of neglect, explicable or inexplicable—all these have been arrayed and tortured into proof of a total collapse of this administration. The idle tittle-tattle of irresponsible camp spectators in this country have vied for grave consideration with the startling impartations of the British prime minister to an itinerant American Congressman abroad who, unable to contain the confidential revelations of the great man, quickly "leaked" in the presence of the Government's adversaries. [Laughter.] We see, too, the trail and hear the lamentations of disappointed contractors, and witness the insufferable spectacle of congressional Johnnie Hooks running through the camp crying, "Contracts! Contracts!" when men are dying on the seas and on the battle fields for human liberty. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. FLOOD. Mr. Chairman, I yield five minutes more to the gentleman.

A BIBLICAL ANALOGY.

Mr. GLASS. I have several times been told that the severest of these criticisms of the Government have emanated from gentlemen who protest an unaffected devotion to this administration, and by that I am reminded, Mr. Chairman, that once there was a lady in the play who protested too much. It also brings to me a vision of that memorable episode of the field of Gibeon, in the time of David, the King, when Joab met Amasa, whose face he caressed and whose body he despoiled. You remember the story. With the customary salutation of affection Joab, with his right hand, took hold of Amasa's beard and asked: "Is it well with thee, my brother?" And Amasa noted not the sword that was in Joab's other hand; and Joab smote Amasa under the fifth rib and laid his bowels in the dust! I might deduce from this scriptural incident that all salutations of personal esteem are not entirely unaccompanied by danger, but that is not the point of the recitation. The thing that chiefly interests me is the fact that the President of the United States has no beard, but has eyes keen enough to perceive the sword in the other hand of those who would savagely slash him in public rather than confer with him in confidence. [Applause.] The other thing about this biblical illustration which it is worth while to recall is the fact that pretty soon after that left-handed jab on the field of Gibeon Joab himself perished. [Laughter and applause.]

PRODIGIOUS ACHIEVEMENTS.

Mr. Chairman, as will have been observed, I have addressed myself so far solely to pointing out and answering some of the criticisms leveled at the Government. I have not intended to imply that no mistakes have been made. I have not meant to say that there have not been delays and inefficiencies and imperfections. There have been all of these, and had there not been the experience of this country in this war would have been vastly different from its experience in any other war, and vastly different from the experience of any other country in any war that ever cursed humanity. But I do mean to say, on the whole, that there have been marvelous achievements, and that we have done as well if not better than was thought possible in the circumstances. When I think of the stupendous nature of the task with which this Government was confronted I have literally a feeling of awe, and when I consider the prodigious progress that has been and is being made I wonder how it could have been done. The expansion in nearly every bureau and branch of the Government has been something almost inconceivable. Before the war the Chief of Ordnance had 10 officers on his immediate staff; now he has 700, nearly all drawn from civilian life, and his bureau has 3,000. For five years preceding the war the average expenditure of the bureau per day was $35,000; to carry out its program now the daily expenditure is $13,000,000. The office space of the bureau

before the war was 15,000 square feet; to-day it is 16 acres. So with other bureaus. In large degree the brains as well as the patriotism of the country have been mustered, and the war machine is getting its head of steam at a tremendous pace.

Some of these civilians who have come here to serve are men of great distinction in business and in the professions, men like Samuel McRoberts, executive manager of the National City Bank, head of procurement, and Guy E. Tripp, chairman of the board of directors of the Westinghouse Co., head of production, all working under the direction of that tested and accomplished soldier Brig. Gen. Charles B. Wheeler, Acting Chief of Ordnance, with an exceptional record in this country and in our insular possessions, himself surrounded by a corps of splendid young officers who have not their superior anywhere to be found.

There has been lack of coordination; there has been conflict of authority; there have been poutings and bickerings over rank and precedence; but still the machine is driving ahead. Its velocity will not be increased, but rather impeded, by perverse politicians pounding at its vitals as it goes along. [Applause.]

Not until the third year of the war could Great Britain venture to apply partially a conscription law. Not until a few months ago could Canada do it in opposition to the rebellious threat of one of its largest provinces.

The CHAIRMAN. The gentleman's time has again expired.

Mr. FLOOD. Mr. Chairman, as I have no more time, may I ask the gentleman from Wisconsin to yield some of his time?

Mr. COOPER of Wisconsin. I am very glad to yield the gentleman five minutes.

Mr. GLASS. I thank the gentleman.

It has not been done as to Ireland, and Australia has twice declined to attempt the system. And yet this Republic, with a clear realization of the situation, instantly applied the democratic method of selective draft, and the country responded with unparalleled spirit of patriotism. Ten million young men marched up and registered for enlistment. Such a thing never happened before in this or in any other country on the civilized earth. Great military cities, known as cantonments, were built almost overnight; and to these, without friction or hesitation, our boys went, offering their bodies and their lives in defense of human liberty. We have sent nearly ten times as many troops abroad as the French and English military missions had expected that we could do in the time required, and we have trained and are training an army far beyond the original estimates. This year we will have in France more than a million men. And what a stupendous work has been done over there in building great piers and wharves and miles of houses for the supply quarters of the Army! Six hundred miles of railroad reconstructed from ports to battle line, and a thousand other great things. Yet our Army is a myth!

Within the time at my disposal it would be impossible to enumerate in detail even the major items of this stupendous Military Establishment. That was done, in masterful fashion, by the Secretary of War on Tuesday of last week, and I wish every American citizen would read that compendium of things which the Government has done to prepare the Nation for this ordeal. And now to have men whose necks are sore from pulling against the tongue end of the war wagon stand up in public places and revile those who have done nothing but go forward is enough to excite popular indignation. Men who obstructed and voted against every shipping measure proposed by the Government have the audacity now to rage against our lack of shipping facilities. Men who wanted to put a stop to the industries of this country and who mercilessly flayed the munition manufacturers of America as murderers now affect alarm and indignation because the Government is not instantly supplied with guns and ammunition. Was it Napoleon or some other great general who said that "An army travels on its belly"? Let me read you this extract from the statement of the Secretary of War last week:

I want to make but one further observation on this general subject of the Quartermaster and Supply Department. I think it is not unfair for me to say that in the matter of provision of food, no army ever assembled anywhere was fed as regularly, as well, as nutritiously, as appetizingly, as this Army. I think you gentlemen of the committee, and surely the men at the War Department, will agree that, while there have been complaints about other things, the almost unanimous testimony, so far as I know the unanimous testimony of this Army, is that its food has been of the highest quality; that there has been no suggestion of defective quality or insufficiency in the quantity; that its preparation has been of the highest character, and, generally, the very great problem of food supply for this vast and hastily organized group of men has been carried out with most extraordinary success.

[Applause.]

What is true of this department is measurably true of nine-tenths of the Army bureaus; yet every branch of the War Department was comprehended in that incredible assault upon the Government of the United States, in which it was proclaimed to the world that the Military Establishment of the country is a myth.

BLOODGUILTY.

I suppose these expositors of calamity imagine that by these criticisms they wash their hands of the blood of American soldiers! Mr. Chairman, they will wash, and wash, and wash again to no purpose. "The damned spot will not out." Not all the waters of Abanah and Pharpar, rivers of Damascus, with those of Israel combined, could cleanse them of the offense nor obliterate the frightful consequences of their heedless speech. The address of the President of the United States in behalf of a just and permanent peace, to reach the German people in uncensored form, must be flung from aeroplanes at eminent hazard; but these prophets of disaster will have no restrictive audience in the central empires.

Almost at the very moment that Von Hertling had appointed to state his terms, at a time when internal tumult and doubt and distress, reaching out for peace, were threatening to topple thrones and banish dynasties, Mr. CHAMBERLAIN, without warning of any description, projects this astonishing attack on the government of his country!

The CHAIRMAN. The gentleman's time has again expired.

Mr. LONGWORTH. Mr. Chairman, the gentleman from Wisconsin has promised me 10 minutes, and with his permission I shall be glad to yield it to the gentleman from Virginia. [Applause.]

Mr. GLASS. That is, indeed, gracious, and I thank the gentleman.

Without qualification of any sort, in unmeasured terms of reprehension, indifferent alike to titled consequence and to subordinate degree, to epaulet or bar, the Oregon Senator comprehended the entire Government of the United States, in all its branches and bureaus, in an accusation of utter impotency! The Military Establishment, he said, was a myth—it was nonexistent! That's what Reventlow and Terpitz had been teaching. That's the doctrine with which the scornful masters of the German people had been solacing their discontent and quieting their fears of disaster.

How obliged to Mr. CHAMBERLAIN and his kindred spirits will the Kaiser and his kindred spirits be for thus publicly confirming their contemptuous estimate of American willingness and American capacity to fight for American freedom! Every soldier in the German trenches will read the amazing indictment; every peasant in the land will know that, speaking from a high and responsible place, charged with intimate knowledge and not inconsiderable power, this Oregon Senator openly proclaimed a shameful breakdown of this Nation in war. By this speech the declining morale of German citizen and soldier will be retrieved; their courage to hold fast and fight on will be inspired; their resolve to dictate terms on a victorious field will be renewed; the struggle may thus be long protracted. Who can not foretell the sequel to this? Thousands of American boys who might have escaped may be maimed in battle; other thousands who might have survived may find their last resting place in the plains of Flanders or on the heights of the Argonne. Yet these mad soothsayers of evil, with dramatic unction, imagine that they are acquitted of bloodguiltiness! [Applause.]

THE REAL VISION.

Why may we not, Mr. Chairman, have an end of these bickerings, these petty divisions, these perverse attempts to retard the Government in its great and pressing enterprises? Why may we not, in the place of these, bend every effort toward a unity of spirit and purpose to win this war? I have in mind an incident which I shall remember to my dying day, and I could very earnestly wish that I possessed the facility of speech impressively to depict it to the House. When the Congress had under consideration the selective-draft bill the governor of my State came to Washington for an interview with the President to protest against requiring Virginia boys to be drafted, instead of permitting them to volunteer. He also desired that State military units with a history and traditions dearly cherished should be permitted to retain their identity. A kinsman of J. E. B. Stuart, the greatest cavalry leader of the Confederacy, the Virginia governor, with all the sentiment and tenderness of an ancient Commonwealth in his vision, presented his case to the President with pathetic earnestness. When he had finished, the President, touched and gravely considerate, told Gov. Stuart that the one thing we most needed to realize just then was the fact that this is a Nation. It is not Virginia's war, he said, nor New England's war; not a war of the East or of the West or the North or the South. It is America's war. There should be intermingling of troops from all the States. We should submerge provincialism and sectionalism and party

spirit in one powerful flood of nationalism, which would carry us on to victory. The vision as the President saw and interpreted it was full of heart and inspiration.

And, Mr. Chairman, why may it not be so? Why may not the fathers and mothers of sons who are going across the seas to fight the great battle for freedom have the precious privilege of feeling that their boys are flanked on either side by a brave American comrade? What matters it whether he be from Massachusetts or Virginia, from Maine or Mississippi, from the Atlantic seaboard or the Pacific, from the Lake region or the Gulf, just so he be a true American soldier, willing to die for his comrades and his country. [Applause.] And when in the providence of God they shall come back and march in grand review, why may not all of us praise Heaven that, since they equally shared the perils of the struggle, equally they shall merit the honors and gratitude of this great united Nation? [Great applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOUSTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 128. Joint resolution granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917.

The message also announced that the Vice President had appointed Mr. FRANCE and Mr. HOLLIS members of the joint select committee on the part of the Senate, as provided for in the list of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield 30 minutes to the gentleman from Illinois [Mr. MASON]. [Applause.]

The CHAIRMAN. The gentleman from Virginia yields back three minutes of the time yielded him.

Mr. MASON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Without objection, it is so ordered. [After a pause.] The Chair hears no objection.

Mr. MASON. Mr. Chairman and fellow Members of the House of Representatives, "With malice toward none and charity for all," I desire to speak to my colleagues for a very few minutes upon the very live questions that confront our people. If we ever had any doubt that Sherman was right when he said war was hell, that doubt has been entirely removed in the past six months.

The offensive war of the uncivilized is for land and other things of value. The defensive war of the civilized nation is for the purpose of securing an honorable peace. While we must not let up one bit in our preparations and prosecutions of this war, it would be barbarism to refuse to discuss peace, and it is wicked and undemocratic not to allow everyone who is interested and who must bear the burden of tax and blood to speak their honest convictions as to what would be an honorable peace for our country. I see no profit in faultfinding, except where immediate correction can be made without interfering with our preparation for this war, and I regard it as unwise to discuss in party caucuses anything that affects the successful carrying on of this war, nor do I intend, if I can master myself, to indulge in party claims or party criticisms. I pray God that during this war we may be big enough to wipe out this middle aisle which separates an American Republican from an American Democrat. [Applause.] But I am told there is to be a new party formed, that which places upon its banner "No peace without victory." Of course, our President will not join that party, for his greatest message, a milestone in the march of civilization, was that message which declared for "peace without victory," and none of us who seek reelection need be afraid of that party, for those who are willing and anxious to continue to give the life of every American and every dollar of American money to transfer the territory of one nation to another will not be here to vote, they will have sacrificed their lives in the trenches of Europe.

You will remember that when the great Gladstone made the treaty of peace after the defeat of the British of Majuba Hill, Sir Michael Hicks Beach accused him of perfidy; that he had made a treaty of peace after the defeat of the English arms, and therefore lost prestige for the English arms. Gladstone was a Christian statesman, and his answer was:

The world knows that England can conquer South Africa, but we want the world to know that England can do right.

We want to do right in this war, and we will do right in this war. We will not abandon for one moment the league of honor in which we, with our coworkers, fight the Imperial Government of Germany, nor will the American people allow our coworkers to drag us into interminable and unending war to settle the ungodly intrigues of royalty 50 years ago. [Applause.] The people of the United States are patient, there will be no riots that will shake our Government, for they know that in the cool, quiet days of next November they will be permitted to speak upon questions of life and death about which heretofore they have been silent. We are torn asunder now with plans for a new war board. The Constitution of the United States that gave life to this Congress and to the President and to the Supreme Court provides the war board to be elected by the people, and every one of you gentlemen are elected as a member of the war board under this provision of the Constitution which provides that Congress should make, "Rules for the government and regulation of the land and naval forces" of the United States. If you have surrendered that power it is no time now to complain in the face of the enemy. As one of those who voted against war and opposed conscription for foreign service but pledged to the support of my country I say, so far as my observation goes in visiting the great cantonments, that the work of the Secretary of War has been marvelous and almost past belief. [Applause.] We knew, of course, when we declared war that there would be mistakes; that there would be graft and boodling, which is as natural a part of war as breath is to life. For God's sake let us quit fighting each other and fight the Kaiser. [Applause.] This is my theory in this war. I have great honor for the Secretary of War, though I do not know him. There is one thing my colleague from Virginia [Mr. GLASS] omitted to say. The Secretary of War had the courage to admit that he had made a mistake or delay, and he went about correcting it. You can trust a man like that. [Applause.]

We, being civilized and in the war only for the purpose of peace under the rule ought to look for peace at the first possible moment it can be had with honor.

The accomplishment of this peace is not solely an Executive problem, for, while the President is Commander in Chief of the Army and Navy, as I have stated, Congress should make rules governing the Army and Navy, because we are the Congress, and the people in the last analysis govern Congress, and if the people do not govern this one they will the next one. Action by Congress in these circumstances is not without precedent. I remember somewhere in my reading when an amendment was offered to an appropriation bill fixing the salary of a minister to a country that the President would not recognize, and it was offered on the theory that the Congress wished the President to know what the desire of Congress was.

In his last message the President of the United States—and he has frequently so demanded—said that the German people should speak, but of course he did not mean that the American people should not be heard on this great question. He expects that they will be heard, and the Congress should have the courage to demand to be heard for themselves and for the people. While his suggestions open an inviting field for discussion, the real thing that stands in the way of peace to-day—look it in the face, tell the truth about it; I know we are great for conservation here, but, for God's sake, let us quit conserving the truth and give out a little of that old-fashioned commodity—the truth is, that the thing that stands in the way of peace to-day, that peace that would solve all of these questions that confront us, and which have put us in trouble is what disposition shall be made of Alsace-Lorraine. Our French coworkers, God bless them, in this work are demanding that that territory, including the people—95 per cent of whom speak German and 80 per cent of whom are German—and the right to govern shall be turned over to our coworkers, and our good President is of the opinion that unless that is done Alsace-Lorraine will still stand as a menace to the peace of the world.

I beg leave, very respectfully—I may say humbly—and in the spirit of friendly counsel and not in the spirit of fault-finding, to say that the determination of whether the German or the French shall govern Alsace-Lorraine or whether they shall govern themselves, as suggested by the despised socialist, is not an American question. It is a question for the people of Alsace-Lorraine. The Republic of the United States was not born when that territory was taken by the French from the Germans, and nearly half a century has passed since the Germans took it from the French. And you gentlemen may canvass your districts from one end to the other and you will not find one father or mother who is willing to give their sons to settle a title of real estate in Europe. [Applause.]

I know you will meet constituents who will say, and you will meet editors who will write, that we will give every drop of blood in America to put Alsace-Lorraine back into France, but you will find that they safely stand under the American flag, with no danger of being conscripted into the trenches. And when an editor writes an editorial to the effect that he is willing to give every dollar to his country and every drop of your blood and mine, he is easily and cozily settled in the editorial sanctum, exposed to no danger beyond, possibly, the gout or apoplexy. [Laughter.]

Now, let us be fair with ourselves and let us be fair with our President. Let no man say that we do not love France. We do. When we hear the Marseillaise it brings a throb to our hearts like the sound of the Star-Spangled Banner. We know, however, those of us who have studied history, that the Franco-Prussian War was brought on by the Emperor of France, and it was brought on for conquest. Of course, the French people have established now a Republic, and we are more in sympathy with it. That happened during the war; but, as a matter of fact, it is only natural that they should want to see Alsace-Lorraine returned, and we would like to see it done. Anything that France wants we are for, but we want them to be for something that we are for. We do not want them to ask us to sacrifice the blood of American youth and break the hearts of a million American mothers to correct the brutality and blunders of the Kaiser and the Emperor 46 years ago. [Applause.]

But our President says if it is transferred back to France it will be the means of establishing peace. Now, again, very humbly and very respectfully, I can not reach that conclusion, and I must be allowed to think. I stood in the Place de la Concorde, in Paris, where that great monument has been erected by the French people to Alsace-Lorraine, and on the monument it says, "Taken from the French by the Germans," on such a date, "in 1871"; and below it says, "Retaken by the French on —— day of ——, in the year ——."

And that monument has stood there for more than 40 years, a menace and a threat of war and encouragement to Krupp and other munition makers to keep their guns ready to "go to it" at any time.

Now, my colleagues, if for any reason this valuable territory should be forced back into France, look at it reasonably. Do not get mad about it. I will not get mad at you when you stand up here and say you are willing to give all the blood of this country except yours for that purpose.

I do not want you to get mad with me. But look at it! Just look at it! If you move it deliberately and against the will of the people of Alsace-Lorraine back into French territory, that monument that is a standing threat of war, will not be written in French. It will be written in German and moved from Paris to Berlin, a continuing threat of war. I believe that if the poor, "despised" Bolsheviki could have his way for a few minutes and those people be given self-government and allowed to govern themselves, Alsace-Lorraine would be neutral territory and thereafter an island of peace, and so far as that land is concerned the world would be at peace. There need be no threatening monuments either in Paris or Berlin.

But, Mr. Chairman, I did not intend to discuss, and shall not discuss further, the solution of the greatest stumbling block in our way to an honorable peace, but simply to emphasize the fact that its disposition is not an American question. You, my colleagues, are the custodians of the Treasury of this country, you are the custodians of the blood of the American youth, and I, as one of your Members being willing to support this Government and support my country in this great war, will never vote to give the life of one American boy in a war of conquest, not one drop of American blood to settle questions in which the United States has no interest and not one American life to correct the blunders and brutalities of the Kaiser and the Emperor 50 years ago.

If any of my colleagues wish to settle this question, I recommend that they read an editorial in the world's greatest newspaper, which, of course, is published in Chicago. This paper has been the most warlike of any of the great papers, and shows it is in earnest by the actual enlistment at the front of its editors and employees. That great war newspaper early in October last stated editorially that the return of Alsace-Lorraine to France might be a part of "British war aims as well as part of French war aims, but that it was not a part of the war aims of the United States." Since the publication of the secret treaties between our allies we have discovered that when we went into the war for democracy, our good friends, the English, the Russians, and the French, had agreed just how our English cousins and our French brothers were to slice up Germany, and that noble democrat, the Czar of Russia, was to have a slice of Turkey. We have also learned by the publication of the secret treaties that if we were successful in our fight for democracy that the King of Italy, that great commoner, could turn down the Pope and become sovereign over the farmers of a part of Austria.

And some of you may be were surprised when you discovered that our good friend, the Mikado, who does not want to own land in this country or send his children to the schools of California and does not want the Sandwich Islands or the Philippine Islands and who while in our fight for democracy has not found it convenient to send a man or a ship to help us while we are helping him. I say some of you may have been surprised that our Japanese friends, while expecting our assistance in this fight for democracy, had a secret treaty with the great democrat, the Czar, whereby they were to fight your Uncle Sam in the Far East in case action should arise and we need the whipping. Mr. Chairman and gentlemen, I give all honor to our President. In the very outset of his message he says that America stands against these secret treaties, and I call attention to them not for the purpose of showing any camouflage covering our cry for democracy but for the purpose of appealing to you as Americans to determine what are American questions that we are willing to sacrifice the lives of our sons for.

I have stated the great war newspaper in Chicago has for its leading editorial Saturday, October 13, 1917, the following:

THE UNITED STATES AND ALSACE.

The restoration of Alsace-Lorraine to France may be a British as well as a French war objective, as proclaimed by British leadership. It is not an American war objective.

Sentimentally many Americans would be glad of a result that would give back these Provinces. But, regardlesss of sentiment, the American Government could not rightfully offer one conscripted soldier to this cause.

Alsace-Lorraine must offer a value in American prospects before the life of an American conscript could be justly spent in such an issue.

* * * * * * *

At least we are justified in thinking that it is not worth conscripted American soldiers. American sacrifices are for American values. Territorial adjustments in Europe concern us only as they may eliminate future war which may in turn involve us. If the return of Alsace-Lorraine meant that Germany would strive for 50 years to get it back, and in so striving put the world in hazard again, it were better that it remained under the German flag.

When the United States is safe—not when democracy is safe but when the United States is safe—the purpose of this war has been served.

Of course, this great war paper has published interviews by distinguished patriots of Chicago recommending the lynching of statesmen of my build [laughter], and for using the same argument that they use now. We have got a lot of brave fellows in America with their arms in the Treasury clear up to the elbows—fellows who call everybody a traitor who catches them stealing. Their mouths are thoroughly patriotic, but their legs are all pacifist. [Laughter.]

Mr. Chairman, again this great war newspaper has for its leading editorial Thursday, December 6, 1917, a clearly defined and well analyzed statement which shows the difference between fighting for the United States and fighting to help the downtrodden people of some other country. Let me read a few extracts from this truly great editorial:

THE UNITED STATES FIGHTS FOR THE UNITED STATES.

* * * Such things must be left to the individual selection of the citizens, to their consciences and sense of right. A nation must not compel citizens for other than the well-being of the nation to which they owe allegiance. The obligations of a citizen do not extend to other than his own nation. He may elect to further the cause of justice anywhere in the world, to fight for the downtrodden, and to be a champion of the weak, but no government founded upon fairness and trying to do justice to its citizens may force its citizens to give up their lives for other than the well-being and security of their own nation.

Therefore the United States seeks one thing in this war. That is the security of the United States. American volunteers by the million might go to war for Belgium, but no American conscripts could be employed in such a war unless the results of the war for Belgium would affect the United States.

* * * * * * *

Altruistically and philosophically we may be interested otherwise than as conditions and products of conditions affect the United States, but we can not rightfully conscript soldiers to fight to change conditions that would not affect the United States.

When we are hung with those who thought with us six months ago, we will have a lot of excitement and a lot of editors will be hanging on the other rung. [Laughter.]

I think, Mr. Chairman and colleagues, that you will understand what I mean when I call attention to the difference between giving the lives of our sons for American ideals and the forcing of American youth to settle the ancient wrongs and territorial boundaries of Europe.

The President talks about the restoration of Serbia and that the King must be placed back on his throne. We have not forgotten that Serbia lit the match that set the world afire. We have not forgotten the Serbian hospitality that murdered a man and his wife. We have not forgotten that the Emperor of

Austria made demands upon Serbia which were wicked and outrageous as punishment for these two murders. Both Kings are wrong, neither of them stood for democracy. [Applause.] But again I say to you it is against the American doctrine, it is against the interests of America to entangle itself or endanger its life, the life of this Republic, in seeking to adjust European differences. Both Webster and Clay supported a resolution tendering the sympathy of the United States to Greece in her great struggle for democracy, but both of them disclaimed any idea that it was a part of the American policy to make war on account of that question. This same doctrine is announced in this very newspaper that I have quoted from, that stood so strongly for the declaration of war and stands for the prosecution of war until the causes for which we went to war have been accomplished.

As to Serbia and Belgium, the belligerents agree to return the territory and the amount of money to be paid for restoration is not an American question. Our American lives must not be sacrificed to the juggernaut of a collection agency.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. MASON. Yes.

Mr. FLOOD. I would like to ask the gentleman, if he will permit, when an agreement was ever made to return that territory?

Mr. MASON. The gentleman misunderstood me. I think this is true. This does not come out of my time. Mr. Chairman, because the gentleman from Virginia controls the time, and I have only a few minutes.

Mr. FLOOD. I have only a few minutes' time.

Mr. MASON. Then I will answer you in this way: In substance there can be a meeting on every proposition made by our President, and any man who has studied diplomacy can see that there can be a meeting of the minds of the United States and Germany, except upon the proposition of the surrender by Germany of the control of Alsace-Lorraine; and if I had the time I think I could convince the gentleman of that.

But I insist we are not to be used to collect the money. Our blood is too sacred for that. Let me illustrate as to Belgium. Our allies demand not only a return of territory, but an indemnity. Germany may say, "I will give you one billion." Our friends may say, "We demand five billions." Are we to be still continued in the war year after year to make sure that those four other billions will be collected?

The killing of our sons will not bring back the Belgian sons, and our boys will be of more use to poor Belgium in shop or between the plow handles at home than they will be in European graves. [Applause.]

I insert the messages of our Presidents, beginning with Washington and ending with McKinley and Roosevelt, showing the fixed policy of our Government to keep out of European entanglements. I beg leave to quote first from John Adams's diary in 1782:

It is obvious that all the powers of Europe will be continually maneuvering with us to work us into their imaginary balances of power. They will all wish to make us a make-weight candle when they are weighing out their pounds. Indeed, it is not surprising, for we shall very often, if not always, be able to turn the scale. But I think it ought to be our rule not to meddle, and that of all the powers of Europe not to desire us, or perhaps even to permit us, to interfere if they can help us. The public negotiations and secret intrigues of the English and the French have been employed for centuries in every court and country of Europe. Look back to the history of Spain, Holland, Germany, Russia, Sweden, Denmark, Prussia, Italy, and Turkey for the last hundred years. How many revolutions have been caused? How many emperors and kings have fallen victims to the alternate triumphs of parties excited by Englishmen or Frenchmen? And can we expect to escape the vigilant attention of politicians so experienced, so keen-sighted, and so rich? If we convince them that our attachment to neutrality is unchangeable, they will let us alone, but as long as a hope remains in either power of seducing us to engage in war on his side and against his enemy we shall be torn and convinced by his maneuvers.

I also quote from Washington's Farewell Address, 1796:

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or ordinary combinations and collisions of her friendships or enmities.

Just a few words from Mr. Jefferson to the President in 1823:

I have ever deemed it fundamental for the United States never to take an active part in the quarrels of Europe. Their political interests are entirely distinct from ours. Their mutual jealousies, their balance of power, their complicated alliances, their forms and principles of government are all foreign to us. They are nations of eternal war. All their energies are expended in the destruction of the labor, property, and lives of their people. On our part never had a people so favorable a chance of trying the opposite system of peace and fraternity with mankind and the direction of all our means and faculties to the purposes of improvement instead of destruction.

One word from Mr. Madison to Mr. Monroe in 1823:

A participation in (a congress proposed by Mr. Canning for the settlement of the difficulties between Spain and her colonies) would not be likely to make converts to our principles, whilst our admission under the wing of England would take from our consequence what it would add to hers. Such an invitation, nevertheless, will be a mark of respect not without a value, and this will be more enhanced by a polite refusal than by an acceptance, not to mention that an acceptance would be a step leading us into a wildness of politics and a den of conspirators.

And a few words from President Monroe in 1824:

Separated as we are from Europe by the great Atlantic Ocean, we can have no concern in the wars of the European Governments, nor in the causes which produce them.

President John Quincy Adams, in 1826, says:

Compare our situation and the circumstances of that time (that of Washington's Farewell Address) with those of the present day, and what from the very words of Washington then would be his counsels to his countrymen now? Europe has still her set of primary interests, with which we have little or a remote relation. Our distant and detached situation with reference to Europe remains the same.

Mr. Van Buren, Secretary of State, to Mr. Moore, minister to Colombia in 1829:

It is the ancient and well-settled policy of this Government not to interfere with the internal concerns of any foreign country.

A word from Daniel Webster, Secretary of State in 1842:

And the perfecting of this system of communication among nations requires the strictest application of the doctrine of nonintervention.

President Fillmore claimed that in this doctrine of "neutrality and nonintervention the United States have not followed the lead of other civilized nations, but that they have taken the lead themselves and have been followed by others."

I refer you also to Secretary of State Cass, who in 1859 declined to interfere in Mexico, although he sympathized with the constitutional party.

I will not quote further, but recommend to the student of this well-established policy of noninterference Moore's Digest of International Law, volume 6, which includes opinions of many of the Secretaries of State and many of the Presidents, including messages from McKinley and Roosevelt. Just one sentence from President Roosevelt's message in 1904:

Ordinarily it is very much wiser and more useful for us to concern ourselves with striving for our own moral and material betterment here at home than to concern ourselves with trying to better the conditions of things in other nations.

We know we are at war and must go through. What does "go through" mean? We declared war for the freedom of the seas. That is now conceded by all belligerents in all propositions of peace. Does "go through" mean we shall let our children go cold and hungry, our people ground to death by taxation, that Great Britain, our coworker, may keep her "kill"? Shall we fill European graves with American youths that our Japanese coworkers may keep her democratic hold on German colonies?

Are we to continue to bear sacrifices? Are we to continue to bear what our boys yesterday received from a submarine? Are we to decide questions outside of American policies and outside of the interests of the United States?

We will "go through"; we will not stop, even while considering peace; but it is due the President that we let him know how our constituents feel, while he is considering these hard and new diplomatic questions. Every loyal man in America should speak. Some man husking corn in Illinois may have a good idea. Let us have it! Some man in the store, factory, or office may contribute to our needs. Some lone sentinel standing guard at night under the stars may give wisdom to our counsels. This city of Washington has no monopoly on brains and patriotism.

The closing words of the President's last message finds a responsive chord in every American heart. He said:

The hand of God is laid upon the nations. He will show them favor, I devoutly believe, only as they rise to the clear heights of his own justice and mercy.

It is for that mercy that I plead, mercy for the starving millions all over the world, not only for Belgium, France, and Germany, but for the cold and undernourished women and children of our own country; mercy for the American boys who have been forced into sickness and death in a foreign land; mercy for the unhappy mothers of our own land. One friend writes, speaking of his wife and of his son somewhere in France, he says:

Mary sets Jim's place at the table regularly. She knits and prays for him constantly and in the night calls to him in her dreams.

Mr. Chairman, there are hundreds of thousands—a million—Marys—mothers and sisters. They have some rights here. They are not cowards. They are not unwilling to sacrifice in defense of this land. They know, if they have been through

high school, that never before in the history of the United States have Americans been conscripted to settle ancient questions pending between other nations. They know as well as you and I that what our dear country has done for democracy outside of the United States, has been done by example and not by the sword. When the Bastille fell Lafayette sent the key to Washington, in no compensation for the sword, but on account of the illustrious example. The Statue of Liberty in the New York Harbor, was given by the French not because in their war with Great Britain we violated neutrality as laid down by Washington but because in all their struggle for self-government, when they made reprisal in one day for a century of kingly wrongs, they were fighting in the light of the American Declaration of Independence. In that light and by reason of our example, England, against whom we rebelled, has broadened into a constitutional government.

Kossuth, the Hungarian patriot, said here in Washington that in all his struggles he had before him our Declaration of Independence. Bolivar, who laid the foundation of self-government in South America, said he was led by the light of our Declaration of Independence, and all of the little republics that have sprung up and are prospering under the rule of self-government do it in imitation of the splendid example of our fathers and without the aid of the American sword.

I know that if you ask your constituents how they feel upon this question of giving American boys to settle a real estate title in Europe you will be branded as a pacifist, possibly as a traitor. Ask your people, and then let our President know. People are not for peace at any price, but for peace with honor.

In conclusion, Mr. Chairman and gentlemen, we went to war with an open declaration that we wanted no vengeance, no idemnities, but a demand for our ships—the freedom of the seas. That demand is answered by every proposition of peace made by all the belligerents conceding the freedom of the seas.

I believe that answer has been conceded by every proposition as to the terms of peace. We have had that victory. We have had a greater victory. We have seen the time come when the Kaiser has been obliged to consult the Reichstag before getting a man to accept the chancellorship of the Imperial Government of Germany. And I say to you, friends and colleagues, that the quicker we talk truthfully and fairly with our constituents, and the sooner we let the President know how the people feel about these things, the sooner we will have an honorable peace. Do not be afraid of being called a traitor or a pacifist. The people of all the world want peace, and it will come. Christ was a pacifist.

And seeing the multitudes He went up into a mountain, and when He was set His disciples came unto Him, and He opened His mouth and taught them, saying:

"Blessed are the merciful, for they shall obtain mercy.

"Blessed are the peacemakers, for they shall be called the children of God."

[Applause.]

Mr. COOPER of Wisconsin. I yield 20 minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] is recognized for 20 minutes. [Applause.]

Mr. FESS. Mr. Chairman, members of the committee, at a time like this, when the whole world is at war and when there are statements made from responsible authorities, especially holding responsible positions in the Congress of the United States, that raise questions of whether we are utilizing all of our powers to the best of our ability, it is rather a serious matter for anyone to offer anything that might seem to be criticism. When the war got in full motion I was somewhat concerned whether any criticism ought to be offered at all. I realized that no one ought to say anything that might give comfort to the enemy. So about 10 days ago, upon my own invitation and solicitation, I had an interview with one of America's greatest engineers, whom I happened to know personally very well, and I asked him whether, in his judgment, we were lax in what we were doing in the matter of war machinery. He said to me very frankly that the first thing that was needed is a large vision, so that we might comprehend what we were called upon to do, and also a facility that could utilize in detail our wonderful resources which were at hand. He took a piece of paper and graphically illustrated to me what he thought could be done and should be done by requiring a weekly checking up of all the war activities to insure coordination to avoid what seems to me the result of inefficient methods so apparent to anyone who is willing to look at the facts squarely. I frankly say to you that the interview was sought because of the coal order of Mr. Garfield that indicated to me that we lacked from the outset a full comprehension of the situation on the one side, and a marked inefficiency in management on the other.

Mr. Chairman, I asked for time enough to have read to the committee one of the most illuminating and informing statements, not from the pen of the engineer whom I have mentioned, but from a staff writer of one of the greatest Democratic newspapers in the world, in which the condition as it exists to-day is most graphically pointed out in a spirit of helpfulness and not of criticism, conceding the greatness of the problem presented by the war as well as the great work that already has been done by the War Department, but also the most remarkable fertility in suggestion of what ought to be done now that is not being done. Here is a good example of what character of criticism should be employed, pointing out the weakness, the reason why, and the method of correction. I therefore am going to ask the Clerk to read in my time one of the fairest and most able statements bearing directly upon this situation about which Senators have spoken during the past few days and to-day one of our distinguished colleagues has addressed the House. I ask Members to pay special attention to it because of its fairness and its wholesome criticism, and especially the suggestions by which we could have avoided what we are now suffering.

The Clerk read as follows:

[From the New York Times Magazine, Feb. 3, 1918.]

AMERICA'S HIT-OR-MISS WAR METHODS—CRITICISM OF THE SYSTEM CONTINUES AT WASHINGTON, BUT IT HAS SHIFTED TO A BROADER BASIS—LACK OF REAL COORDINATION ON SCIENTIFIC LINES.

Criticism of the War Department has not stopped with Secretary Baker's defense of the charges brought against his administration, as convincing as that defense was in certain parts. But the line of attack seems to be shifted from the multitude of "details of delay," as the Secretary called them, to what is supposed to be the underlying cause of the country's troubles in getting ready for war.

The newer form of criticism is remarkably free from an appearance of partisanship. It is not captious. It passes beyond overcoats and blankets and lack of hospital facilities to a greater fundamental lack, of which all the miscellaneous defects have been the inevitable results—the lack of an organization working on a basis of ascertained facts and on the engineering methods indispensable to quantity production. This diagnosis of the difficulty comes from the engineers and the experts working within the Government, some of them in the War Department itself, who make a point of finding no fault with what is wrong without being ready to suggest a remedy.

It is a matter of professional ethics with them not to uncover a hole before they know how to fill it up. They take into full account the great things Mr. Baker has accomplished in their outline of methods by which he might have accomplished more. But they take in departments other than the War Department in their criticism, for they say Mr. Baker alone could not have done much more than he has done without cooperation of other war activities. His failure to get such cooperation is attributed more to his course as chairman of the Council of National Defense than to his administration strictly within the lines of his own department.

Military preparation, industrial preparation, rail transportation, ship tonnage, coal production, and so on, have never marched in step with each other for a moment since the beginning of the war, and at this moment the country is suffering from an industrial jam. The jam has been growing since last summer, and even in its early stages it was sufficient to account for a large part of the delay in having soldiers properly equipped.

The country has talked a great deal about this being an industrial war, a conflict of factory power, of food production. The phrases themselves have become hackneyed before the public has learned what they mean. The word "coordination" has been worked threadbare in the oratory and the private discussion of the war. But there has been no coordination comprehensive enough to keep all the activities in touch with each other. The war machine has done too much of this and too little of that, has gone ahead too fast on some things and lagged too far behind on others, apparently oblivious to the fact that many of the things produced by speeding up were useless impedimenta until they could be used in connection with the things in the production of which there has been delay.

Such, in brief summary, is the criticism of the engineers of production, not merely of the War Department, but of the entire administration of the business of war.

"This war," said one of these engineering experts the other day in commenting on what he had seen from the inside, "should be a matter of quantity production, perfected as to the assembling of parts and not an accomplished fact until the finished product is delivered at the point where it is to be used. The finished product we have in mind is an American Army equipped for this sort of a war and delivered for use in France. The wide diversity of the industries and activities entering into the enterprise should not blind us to the fact that they are all vital parts of the same undertaking and that they should be in tune with each other as to time of delivery and putting together.

"The training of every soldier in every American camp and cantonment has a direct bearing on the mining of every ton of coal, the shearing of every sheep, the making of every pair of shoes, of every rifle, and with the laying down of every keel for a merchant ship. A regiment of soldiers held at an American port of embarkation because there is no troopship for them is of no use to France, no matter how well equipped it may be. A heap of blankets piled up in the factory because they can not be shipped are of no use to a lot of shivering soldiers in a remote camp, no matter how well the item of the blankets may look in a list of things that the Government has bought and paid for. There are no restorative qualities for a sick soldier in the cantonment contractor's blue-print plan of a base hospital. Gun carriages rushed ahead into the jam of commodities at the terminals long before there are guns for them will not help in the production of an American barrage on the west front. And so it goes, through all the long list of the parts to be produced for the finished product delivered and ready for use in France.

"Without forgetting for a moment that the American soldier is a human being with a soul and the inspiration of patriotism and loyalty, we must, for the purposes of this problem, think of him as a commodity as we think of his rifle as a commodity. The soldiers in the aggregate—that is, the man power—are also a commodity. So is railroad transport-

tation and sea transportation and storage space, as well as all the munitions and supplies. They are all useless unless brought together at the right time and at the right place. With its present organization the War Department, and the Government as a whole, has no adequate means for the assembling and the delivery of its product, no matter how much partial excellence or efficiency there may be in this or that separate line of the whole work.

"There is no way to accomplish such assembly and delivery other than the engineering way of treating the whole thing scientifically as a piece of quantity production, with one executive with full authority over all. The appointment of Mr. Stettinius as surveyor general of supplies does not give us the solution by any means. The man is all right; he has so proved himself in a place of real authority as supply purchaser in America for our allies, but the job made for him in our war administration is all wrong. He can survey and advise, but he can not do. He can be only one more barrier in the thick line of entanglements between our Army and the one man who has real authority, the President.

"It is not difficult to imagine even now what will happen when a man like Stettinius, without real power, tries to get results by persuasion from a man like Quartermaster General Goethals, if the two do not happen to agree. We will have another Goethals-Denman situation, with nothing accomplished.

"Goethals, too, is a powerful man in a place that has not got sufficient power, for no matter how aggressive he may be in getting supplies produced, he has no authority to control all the activities necessary to get those supplies assembled and where they belong at the moment they are needed. And there is nobody above him who has that power. With all his engineering skill, Goethals never could have dug the Panama Canal if he had not had full authority over many things essential to the digging.

"To be more specific, we need, literally, a quantity-production chart in the War Department that will enable some man to see every day and every hour just where we are in every activity, and that man must have authority to say, 'Hold back there'; 'Speed up here.' We have no such chart anywhere in the War Department or any other department.

"The Government, through its War Department, should assemble in front of that chart a board consisting of its Quartermaster General, its Chief of Ordnance, its Chief of Aviation, its Chief Engineer Officer, the Director General of Railroads, the Chief of Embarkation, a chief in control of labor supply, the head of the Shipping Board, the Fuel Administrator—in short, every chief executive who has control of the production of a commodity or a force that is vital to the prosecution of the war. Over all these there should be a chief with absolute power and answerable only to the President. And, subject only to this chief, the authority of each man on the board should be absolute in the production and purchase of the particular commodity or force for which he is held responsible. The time and quantity and delivery factors in the production of each of them must be determined by the chief of the board, acting solely with reference to what the chart shows the needs of the whole enterprise to be. There you would have your war production board and your priority board in one body, as they should be. It is impossible to make two controls, one for priority and one for production.

"An engineer's chart for such a purpose is the familiar thing of horizontal and vertical lines, the most graphic, illuminating thing in the world for trained executives, but something not sufficiently valued by idealists whose far vision interferes with their seeing the foreground difficulties in the road which they must travel to get where they want to go. But the chart has one line, at least, that is ideal. It is the vertical line on the extreme right of the picture. It shows the goal, what it is hoped to attain at a given time. It alone is not enough to hang a working plan on. The other vertical lines show the divisions of time into weeks, beginning with the line at the extreme left of the picture, which stands for the present moment, and then placed at equal intervals across the chart, approaching always to the right-hand line of the supreme achievement.

"The horizontal lines represent every line of production, of commodity or power that is to go into the finished product, the combination of all the products to be delivered in France for use at a given time; in other words, the American Army. The horizontal lines must be extended from left to right every week to show just what has been accomplished in each activity. In that way the production and priority board with its controlling chief will see at least once a week, in the true picture, just what is behind, just what is ahead, and will know what to lag and what to speed so that all these horizontal lines may proceed across the chart toward the vertical of the ideal, with some approach to a company-front formation.

"Take a simple hypothetical case for illustration. Suppose the horizontal line showing the assembling of man power in the camps is shooting too far ahead of the horizontal line that shows the production and delivery of overcoats and getting to the vertical line that marks a week in midwinter, while the overcoat line is only approaching a vertical line of late autumn. The chart will actually show the discrepancy. If the member of the board responsible for overcoats is not able to catch up immediately, the member of the board responsible for bringing men to camp is told by the chief of them all to lag the process of assembling men until the business of protecting them against cold and disease can be brought up to where it should be.

"What actually has happened in place of such coordination and working with ascertained facts has been a hit-or-miss method of carrying on the various processes without reference to the progress of each other and in accordance with hoped-for facts at some period in the future. It was decided to have so many soldiers at certain places at certain times. It was known that they would need overcoats, blankets, and warm uniforms at a certain time. Contracts were awarded for such equipment, and for a brief period of mild weather early in the days of National Army mobilization the country reveled in the statistics put out by the Bureau of Public Information on the millions of this, that, and the other thing contracted for. But the people who were getting the men together never knew at what rate the clothing that had been contracted for was being produced and delivered. The discrepancy between men and supplies was not realized till the former needed the latter and the latter was not forthcoming in sufficient quantity. A production and a priority board working with a chart would have avoided that situation.

"Alongside the quantity-production chart I would hang a map of the United States. It is fair to assume from the muddle we are in that such a map has not been studied sufficiently. Because of that neglect and of the lack of the comprehensive plan for quantity production we are now suffering from an industrial jam that is holding back every phase of war work. We have not called it by its right name yet. We have called it a coal shortage, which only suggests a part of the story. There was a coal shortage because of congestion of transportation and there was congestion of transportation because all freight trains and all coal trains were headed in the same direction to the same two or three ports of embarkation when we had a dozen other ports that were practically idle.

"The holding up of an entire fleet of supply ships on this side of the Atlantic loaded with goods needed abroad, because they could not be coaled, could have been avoided by having some of those ships loaded at the South Atlantic and Gulf ports. We would not have had the rail congestion if half of the commodities rushed to northern ports in a struggle of conflicting priority orders, and piled up on docks and in warehouses, had been sent over other routes to the southern ports. We would not have had the 15 workless days' order if the jam it was intended to relieve had been avoided by a scientific zoning system, whereby all of our rail and port facilities could have been used to the utmost.

"This discussion of the industrial jam and the flow back to the factories and the coal shortage and the need of a zoning system is all relevant to the matter of a production and priority board and a production chart, because the Director General of Railroads and the Fuel Administrator should be members of such a board and under orders of its chief, for without the fuel and the transportation the whole thing falls down."

Mr. FESS. Mr. Chairman, I want to take a minute to say that the statement which has just been read to me is a capital comment on a situation in which we now find ourselves, and it is also a recommendation of a sane method of relieving it. It is not crimination or recrimination. Its virtue lies in the strength of detection of wrongs and the substitution of remedies which know no personal pique, but strives only for public good. I do not believe that any member of the committee or the House can be justly charged with either careless conduct or willful motive who refuses to close his eyes to wrongs and demands that they be speedily righted. Neither will he be subject to any unpleasant criticism for pointing out what is known to exist which ought not to be and recommending something that can and should be. It is far better than any personal attack or meaningless generality urged against the statements of facts as to the condition of the War Department, which up to this time, so far as I can see, have not been answered.

Mr. Chairman, this raises what is now a leading question before the country. There seems to be an attempt to silence all criticism of methods now in vogue in the War Department. The charge is made that criticism in time of war is unpatriotic if not treasonable. Those who have pointed out specific facts of weakness are charged with bad motives. Epithets have been hurled against them as ignorant, demagogic, and lacking in love of country.

Mr. Chairman, innuendo is not argument, neither is sarcasm logic; neither is condemnation of a bad system answered by personal abuse of the one making the condemnation. Not all the invective of our modern Mirabeaus, nor all the impassioned oratory of our Patrick Henrys, nor all the eulogies of our Websters, graphically detailing the wonders and grandeur of our establishments, will answer the unvarnished and simple record of sickness and death of our youth called to the colors who have thus paid the penalty of national inefficiency before ever having the honor to fire a shot in defense of their country's honor, nor the hit-and-miss methods which see complete paralysis of the Nation's resources in the face of its greatest crisis. Such fatalities when the result of conditions uncontrolled or uncontrollable will be overlooked by the American people; but when controllable and yet defended on the basis that there have been no unnecessary blunders, in the face of the most startling testimony of conditions that must not be permitted to exist, the country will demand an accounting, and that soon. Instead of our silencing all criticism upon the assumption that all that can be known in war we know, and all that can be done we have done, the country's responsible administration should recognize its inefficiency and be willing to accept constructive criticism in the interest not only of a united country but of an efficient government capable and willing to make any sacrifice necessary to do and to die for national honor.

Undivided council is wisely sought when based upon freedom of expression by men of ability and responsibility, but it is the height of unwisdom if the result of either mediocrity or servility. In this supreme crisis this Congress must hold itself bound to commend the good and responsible and to condemn the bad. Otherwise the country will and should demand its place given over to men who will exercise this responsibility. This war must be fought to a successful ending, otherwise the blood and treasure will be in vain. I wish again to commend a study of the salient recommendations of the constructive builder, the engineer, in the confidence that improvements will be made even though their suggestion may come from those not in official circles and offered without solicitation, but in the interest of a common cause which must depend upon our very best of resource. Let the country lift its gaze for a moment from what it has done and take one glance at what it has not yet done but must soon do.

Mr. COOPER of Wisconsin. I yield 20 minutes to the gentleman from Minnesota, Mr. KNUTSON.

Mr. KNUTSON. Mr. Chairman, on the 7th day of January I addressed this House upon conditions as I found them at Camp Cody, N. Mex. As the result of my remarks the governor of Minnesota directed the safety commission of that State to visit Camp Cody and other camps where Minnesota soldiers are encamped and make a first-hand investigation. I desire at this time to send to the desk a report made by that commission on its return, which I ask to be read by the Clerk and printed in the RECORD. To this report I desire to supplement by inserting a portion of the report submitted to Gov. Harding, of Iowa, by the committee named by him to investigate the great number of complaints received as to the unfitness of the location occupied by Camp Cody for training purposes.

The Clerk read as follows:

REPORT ON CAMP CODY, DEMING, N. MEX., AND OTHER CAMPS.

Camp Cody is located at Deming, N. Mex. Three railroads, the Southern Pacific, the El Paso & Southwestern, and the Santa Fe, run into the city. Its population immediately before the establishment of Camp Cody was 3,000. Its present number of inhabitants is estimated at more than 6,000. The altitude is approximately 4,300 feet. The air in this locality is very dry. The rainfall is less than 12 inches annually. The sun shines on about 320 days of the year. There are no flies, mosquitoes, or insects of any kind, and the water is excellent. The temperature varies greatly. The nights are cool and the days are usually quite warm. During the winter months the temperature of the night and day ranges from 30° F. to 80° F. and during the summer months from 40° F. to 90° F., showing a difference of 50° between the day and night.

CONDITIONS IN CITY.

On account of the crowded conditions at Deming it is difficult for visitors to procure rooms, but through the kindness of the residents many houses of the city have been opened to those who can not be accommodated at the hotels. Local organizations are doing everything within their power to accommodate those visiting the camp. From a moral standpoint conditions could scarcely be better than they are at Deming. There is excellent cooperation between local authorities and the military police in the enforcement of the laws. Very few venereal diseases have developed since the location of the camp. The sale of intoxicating liquors is prohibited. The comparatively small size of the city makes it possible to detect and eliminate prostitution. Such organizations as the Young Men's Christian Association, the Knights of Columbus, and the churches of the city make provision for religious services. A local war board, known as the Deming War Service Board, which is doing good work in many lines, has been formed to assist in promoting wholesome recreation and entertainment for the soldiers.

CONDITION OF CAMP GROUND.

The ground upon which the camp is located is very sandy, and the dust and sand where the Minnesota boys drill are several inches deep. Nearly every man spoken to criticised the location on this account. It was said that the air at times becomes so filled with this sandy dust as to almost completely obstruct one's vision. The floors of the tents and buildings become covered with it in such quantities that it is impossible for the men to keep their quarters clean. On days when the wind is not blowing and the men are not drilling the air is clear and agreeable. Those living in the city would not be affected to as great an extent by the dust as are the soldiers, who must drill daily and who by marching through it are continually raising and inhaling it.

CONVENIENCES AND SANITARY CONDITIONS.

The capacity of the camp is approximately 30,000 men. The present number located there is 24,867. The tents are 14 by 14. Some of the Minnesota companies had eight men in each tent, but orders have been issued to reduce the number to five as soon as sufficient tents arrive. The water supply of the camp is good, but the sewerage is not what it ought to be. The open system has been installed for drainage purposes. The toilet facilities are very poor. Incinerators are used to dispose of all kitchen waste and such other matter as can be burned. The tents are heated by the burning of wood in small stoves. The lighting system for the most part is very inadequate. Electric lights were found in the hospitals, officers' tents, and mess halls, but candles, which were furnished for illuminating the tents of the men, did not give sufficient light. It was also reported that there was an insufficient amount of hose for extinguishing fires that might occur.

FOOD AND ORDNANCE.

The subsistence was very adequate. No complaints were made as to the meals in the mess halls. The men in most cases had sufficient uniforms and the facilities for cleaning their clothing were ample. About 75 per cent of the men were fully equipped with rifles, belts, and other required ordnance. The Minnesota Field Artillery Regiment had not been provided with sufficient field-artillery equipment.

NUMBER OF DOCTORS.

There are several infirmaries for the incipient cases and one base hospital composed of several buildings. The hospitals were of the pavilion type. There are 174 physicians and 33 dentists in the camp. If all the physicians were available for medical service, the proportion of doctors to the number of men would be approximately 1 to 143, and the proportion of doctors to the number of sick would be 1 to 47. Actually the proportion attending the sick is only about 1 doctor to 40 patients, as most of the doctors are engaged in administrative and other work.

NURSES.

There are 49 registered woman nurses. The proportion of these nurses to the number of sick is about 1 to 24. There are 225 male attendants at the hospital, and 1,546 privates in the Hospital Corps, most of whom are available for service, but inexperienced in this kind of work. The camp is in great need of more graduate nurses.

HOSPITAL EQUIPMENT.

The hospital lacks adequate sewerage, as the hospital buildings are not equipped with baths and other necessary plumbing fixtures. Improvements are being contemplated and some new materials to be used for this purpose are now on the ground. None of the wards appeared to be equipped with diet kitchens, essential to the serving of food in the best manner. The men in certain wards, such as the erysipelas ward, are too crowded. Nearly every sick Minnesota man visited said he received very kind and efficient treatment from both doctors and nurses. There was very little complaint about the hospital food or clothing. A few said that the food was cold and unfit to eat, and one or two stated that the quantity was not sufficient.

SICK AND DEATH RATE.

The total number of men at the camp at the time of our visit, as above stated, was 24,867. The total number in hospital and quarantine was 1,191, which, of course, includes many who were not seriously ill. The sick rate was 43 per thousand. This is the lowest since camp was organized. The maximum was 64 per thousand for the week ending January 4, 1918. The total number of deaths from all causes since the opening of the camp was 83. With the continuation of this proportion for one year, the annual death rate will be about eight per thousand.

KINDS OF DISEASES.

The different and prevailing kinds of diseases and the number afflicted therewith were as follows:

	Total in hospital on Jan. 18.	Total number cases from Aug. 26, 1917, to Jan. 18, 1918.
Pneumonia	138	263
Measles	33	1,254
Scarlet fever	8	
Erysipelas	34	90
Acute otitis (ear infection)	83	135
Pleurisy	45	61
Rheumatic fever	160	200
Meningitis	2	
Chicken pox	2	
Surgical cases	175	
Venereal	33	
Unclassified	438	

VENEREAL DISEASES.

Only about 2½ per cent of the 24,867 men are reported to have been afflicted with venereal diseases. A total of 41 had syphilis before going to the camp. No new syphilis cases were reported since camp was established. Six hundred and thirty-eight men had other venereal diseases before arrival at Deming. Only 19 cases were developed at Camp Cody up to January 1 this year. Reports, therefore, relative to the venereal disease situation have been greatly exaggerated.

OFFICERS.

The commanding general and his staff are very efficient and doing excellent work. There was some evidence to the effect that certain officers were manifesting a spirit of exclusiveness which tended to create a dissatisfied feeling on the part of those in the ranks. Such attitude on the part of the officers should be eliminated. This is poor time for the showing of such autocratic spirit. The medical officers in charge of the hospitals and performing other duties are high-class men. They are, however, working under certain handicaps, such as the inconveniences herein referred to, the difficulties due to the sand and dust, and the extreme variation between night and day temperatures, together with the lowered vitality of the soldiers occasioned by the necessary intensive training, to which most of the men were not accustomed before entering the camp.

COMPARISON BETWEEN DIFFERENT CAMPS.

The comparison of conditions at Camp Cody with others, such as those at Camp Kearney, near San Diego, Cal.; Fort Winfield Scott, in San Francisco; Camp Lewis, at American Lake, Wash.; Camp Pike, Little Rock, Ark.; Jefferson Barracks, St. Louis, Mo.; and Camp Dodge, Des Moines, Iowa, shows that the hospital and equipment at Camp Cody have been neglected by the responsible authorities. The hospital buildings at Camp Cody were inferior to those in other camps. At Camp Pike, however, some wards were overcrowded. As heretofore stated, the plumbing and sewerage facilities at the Deming camp are entirely inadequate and incomplete, while those of the other camps appeared to be adequate and complete. In all places visited, except Camp Cody, the diet kitchens were equipped so that they could be used for cooking and heating purposes, enabling the attendants to serve warm and proper food to the patients at all times. Except at Camp Cody, electric lights were furnished to all the men. At Camp Kearney no artificial heat is required. At Camp Lewis and Camp Pike the barracks are provided with steam heat. At Camp Cody each hospital ward has a hot-air furnace at each end of the ward, and the tents of the men are heated with stoves. The wood used in them must be shipped in from long distances, and apparently much expense is necessary. The operating rooms of the other hospitals were generally superior to those at Camp Cody, being more commodious, better lighted, and more elaborately equipped. The same can be said of the dental departments. Certain complaints about conditions at Jefferson Barracks were due to the overcrowded condition, which continued for one week. The capacity of the barracks is 4,500, while the number there for a short time was 16,000, but now reduced to less than 4,500.

COMPARISON OF HEALTH CONDITIONS.

In comparing the different localities as to health conditions it is apparent that the contagious diseases are found in about the same proportion. There is very little difference, proportionately, in the number of men who contract venereal diseases after they reach the camp. When, however, one considers such serious illnesses as pneumonia, acute otitis, inflammatory rheumatism, and erysipelas the comparison between the camps on the Pacific slope and Camp Cody, Camp Pike, and Camp Dodge makes it appear that the climatic and other local conditions have some effect in causing these particular diseases.

PNEUMONIA.

At Camp Cody there are now 188 men out of 24,867 afflicted with pneumonia. In Camp Kearney there are 61 men out of 25,000. At Fort Winfield Scott there is 1 out of 2,930. In Camp Lewis there are 35 out of about 34,000. There are therefore proportionately more than three times as many suffering from pneumonia at Camp Cody than at any one of the places on the western coast. At Camp Pike, however, the number of pneumonia cases was larger by far than at any other camp.

RHEUMATISM.

In Camp Cody there were 190 men out of 24,867 afflicted with rheumatism. At Camp Kearney only 15 out of 25,000. There were no cases reported at either Fort Winfield Scott or Camp Lewis.

ACUTE OTITIS.

Of those suffering with acute otitis (ear infection) there were 43 at Camp Cody and only a very few, following measles, at Camp Kearney. At Fort Winfield Scott there was one and none was reported at Camp Lewis.

ERYSIPELAS.

We found 34 erysipelas cases at Camp Cody, 3 at Camp Kearney, and none was reported at Fort Winfield Scott, and only 6 at Camp Lewis.

DEATHS.

The number of deaths at Camp Pike exceed the number at any of the other camps. The total number was not given to the members of the committee visiting this camp. At Camp Cody 83 men have died since the opening of the camp. At Camp Kearney, which opened about the same time with an equal number of men, 60 have died. At Fort Winfield Scott, out of the 2,900 drafted and recruited men located there, there were 2 deaths in the one month during which they have been stationed at this fort. At Camp Lewis, with the largest number of men, there have been 50 deaths.

DEDUCTIONS.

From these figures one is led to believe that the dust and sand, the high altitude, and extreme variation of day and night temperatures at Camp Cody are more conducive to pneumonia, rheumatism, acute otitis, and possibly erysipelas than the climatic conditions on the Pacific coast.

THE EFFECT ON PNEUMONIA, ACUTE OTITIS, AND RHEUMATIC FEVER.

The dust and sand, which irritates the nostrils and throat, causing tonsilitis and bronchial affections, appear to be the source in a large measure of pneumonia, acute otitis, and rheumatic fever. The inhabitants of Deming, who have resided there for years, have not been afflicted with these diseases to any great extent, but the residents are acclimated and do not come into contact with the dust and sand to the same degree as do the soldiers, who, as has already been stated, by their marching in large bodies are continually raising this fine sandy dust and compelled to inhale it.

THE EFFECT ON VARIATION IN TEMPERATURE.

The great variation between day and night temperatures, due to the high altitude, may also be responsible in a large measure for pneumonia and the bad throat conditions which are direct precedents of acute otitis and inflammatory rheumatism. The cold nights spent in tents by men who, during the day, have been very warm must have a bad effect upon their health. The unusually large number of cases of acute otitis and also of rheumatic fever which constitutes one of the most distressing and often permanently disabling of all diseases can be accounted for only by reason of the excessive number of tonsilitis cases due in all probability to the causes hereinbefore stated.

ERYSIPELAS.

Since the opening of the camp there have been 90 cases of erysipelas among the men. It is impossible to say why so many should have been afflicted with this disease unless in this connection also the sand and dust cause an irritation of the nose and face, which thus opens an avenue for infection. It is of course recognized that erysipelas is a contagious disease and the grouping together of so many men might also be responsible for this epidemic.

CONCLUSION AS TO CAUSE OF DISEASE.

While the medical men at Deming differ as to which condition is the greatest factor in causing the prevailing illnesses, it is our opinion that conditions heretofore stated must be responsible in a large measure for the great number of those diseases, which are found at Deming to a greater extent than elsewhere.

SOME OBJECTION TO ANY CLIMATE.

We heard of some objection to the climate in all the camps we visited except at Camp Kearney. At Deming it was the dust. At Fort Winfield Scott it was fogs. At Camp Lewis it was the rain, which has been falling nearly every day for months. At Camp Pike it was slush. At Camp Dodge it was snow and cold. There appear, however, not to be such bad results in the West as the diseases herein indicated as at Camp Cody and in some of the other camps. The Minnesota boys at Fort Winfield Scott were especially pleased with the San Francisco climate and with the conditions generally at this fort. About 90 Minnesota men were discharged on the day of our visit because of physical disability. The officers in charge complained on account of the negligent examination of the men by local doctors. At Camp Kearney, near San Diego, Cal., we heard nothing but favorable comments about the climatic situation. Since the opening of the camp the men there had not lost one hour on account of weather conditions.

UNLESS CONDITIONS ARE REMEDIED REMOVAL IS RECOMMENDED.

Our soldiers who are willing to make the supreme sacrifice are entitled to the best location that can be found. To refuse to select a proper and healthy site for their training, or to fail to keep the established camps in a sanitary condition, would be criminal negligence meriting the severest punishment possible. The largest number of Minnesota troops is located at Camp Cody. There are some at Camp Pike and a smaller number in San Francisco. Unless the sickness at Camp Pike can be reduced, and unless something can be done at Camp Cody to eliminate the dust by the adequate oiling of all the streets and the open ground of the whole camp, or to relieve in some other way the serious and disagreeable conditions above referred to, the troops should, in our opinion, be moved from these places to Camp Kearney, where there are ample facilities for locating a new camp and for the training of hundreds of thousands of men, if necessary, with proportionately much less expense and with greater possibilities for the saving of life and the prevention of disease.

J. A. A. BURNQUIST,
Governor and Chairman of Minnesota Commission of Public Safety.
CHAS. H. MARCH,
Vice Chairman of Minnesota Commission of Public Safety.
LYNDON A. SMITH,
Attorney General of Minnesota.
WALTER F. REHNOW,
Adjutant General of Minnesota.
O. W. HOLCOMB, M. D.,
St. Paul, Minn.

CODY CONDITIONS BETTERED—INVESTIGATORS REPORT IMPROVEMENT AT CAMP—SITE, ONLY, IS UNFAVORABLE—KENNEDY AND JEPSON, APPOINTED BY GOV. HARDING, FILE STATEMENT OF FINDINGS DURING VISIT TO NEW MEXICO ENCAMPMENT.

Administration of Army affairs at Camp Cody, Deming, N. Mex., where hundreds of Sioux City soldiers are stationed, yesterday was given the official "O. K." of the mission of investigators sent from Sioux City to Deming by Gov. W. L. Harding.

Only the location of the camp was criticized in the 10-page report which was submitted by J. L. Kennedy and Dr. William Jepson, the investigators, to the Sioux City chapter of the Red Cross and to the governor, and the criticism of that was moderately phrased as "not the most ideal."

The investigators noted a marked improvement in the condition in the camp and blamed the system rather than officers in charge for the situation as it existed there several weeks ago.

TEXT OF THE REPORT.

The report follows:

"To his excellency W. L. HARDING, governor of Iowa:

"Pursuant of your instructions under date of January 14, we proceeded to Camp Cody, at Deming, N. Mex., arriving there on the 26th instant, and the following morning undertook the inspection of the camp, having first received the consent of the commanding officer, Gen. Blackson, who placed at our disposal every opportunity to make such investigation as we deemed necessary in the fulfillment of our mission.

"In the fulfillment of our mission as set forth in your instructions we were guided by the impression that it was your desire that our investigation should be carried on with a view of determining the existence of conditions inimical to the health and welfare of the troops stationed at the camp.

"Social environment: The social environment of the camps, in so far as furnishing any factor deleterious to the morale or health of the troops, is all that could be well asked for. The city of Deming, with a population not in excess of 3,000, would normally present but a limited opportunity for vice, except such as would directly surround the liquor traffic. As trafficking in liquor has been abolished in the city and strict regulations exist against its introduction into camp, the amount of liquor finding its way to the troops must be limited to that which can be clandestinely introduced, and this, by reason of the care exercised to prevent it, must be most limited in quantity. Similarly, every effort is apparently exercised to prevent contact with such of the opposite sex as would lead to moral deterioration, which statement is supported by the records of the division surgeon's office, which shows that of 679 cases of venereal disease appearing among the troops, 660 were contracted in civil life and 19 from exposure since arrival at the camp, and over one-half of said 19 cases—namely, 12—occurred during the first month of the mobilization, a period when the machinery of protection had not reached its maximum of efficiency. In the light of the foregoing facts, it is believed that it may well be questioned if an equal number of men anywhere are leading a more moral life than the troops at this camp, certainly nowhere in civil life. The Y. M. C. A. and K. C. organizations and provided buildings at the camp supply the men with the needed recreational amusements. Such as were visited by us were well filled and the entertainment of good quality.

PHYSICAL ENVIRONMENT.

"Camp site: The camp is located in a level valley, altitude about 4,300 feet, surrounded by low ranges of mountains distant some 15 to 30 miles and more. The soil is composed largely of sand, much of which is shifted from place to place by the winds, which at times leads to such clouds of dust as to obscure from view only objects a short distance away, in consequence of which troop movements at times must be temporarily suspended. Personally, we had no opportunity of observing these sandstorms, but all oral evidence was to that effect, while the drifts of the fine sand about the sparse vegetation of mesquite and Yucca plants gave evidence of this sand movement; furthermore, the depths to which vehicles and the feet of men and animals penetrated the sand in many places gave evidence of the great sand and dust movement possible.

"That at times the sand and dust-laden air is a factor to some degree detrimental to the health of the troops seems to us a reasonable assumption based upon the fact that workers in dust in civil life are well recognized to be especially prone to pulmonary affections, pneumonia koniosis, in consequence of the damage done to pulmonary structures by the particles of foreign substances inhaled.

FLYING SAND CONTAMINATED.

"If the sand and dust is contaminated by pathogenic germs, the same may constitute an added factor of pathogenecity. That the soil must be contaminated from time to time by the excreta of animals and men when away from camp on maneuvers goes without saying, and as there has been no rainfall in amount sufficient to carry the organic material and germs away in surface water or into the soil to a depth where no longer capable of being carried about by the currents of air, the accumulations of five months, less such as have been destroyed by the sun's action, must at this time be present in the ever-shifting sand and dust.

"While the sun's action may suffice for the soil sterilization in the heated months of summer, it seems to us questionable whether the same holds true of the cooler months of winter.

"To the conception upon our part of sand infection and consequent aid infection at such times when moderate currents are produced, we would attribute in part the apparent tendency to infections in and about the respiratory tract.

"The question as of the degree of aid infection we reserve for a supplemental report.

CLIMATIC CONDITIONS IN CAMP.

"There is apparently nothing in the climatic conditions which would exercise a deleterious effect, unless it be the marked difference between diurnal and nocturnal temperatures increased in its effect by the rarity of the air, making it difficult for the men to adjust their clothing requirements to the changing needs.

"This difficulty would be accentuated when the men are undergoing marked physical exercise, especially at this altitude, as it is probably performed with more difficulty than in lower altitudes. The practically constant sunshine and aridity are in themselves beneficent.

"The water supply is abundant and of the best quality.

"Food: Our report upon the food, its preparation and serving, is based upon an examination of organizations selected at random by us. In our opinion, ample and wholesome food is issued to the men, perish-

able food being stored in company refrigerators after use. The food is well prepared by company cooks, who have been instructed in their duties, which is served to the men in mess halls, well heated and ventilated and equipped for the purpose. The food, as to quality and quantity, preservation and serving must leave little, if anything, to be desired, and nothing in connection therewith can act deleteriously to the health of the men.

QUARTERS OF THE SOLDIERS.

"The men's quarters consist of pyramidal tents, floored and with sides boarded up, heated with Sibley stoves, and adequately ventilated. Five men are quartered in each tent, which can not be in excess of the number which hygienic requirements would impose. Each man is now provided with a cot and four blankets, which number appears to be adequate to meet the men's needs in this respect. Inquiry of many men as to the adequacy of the bedding allowance elicited no complaints unless it be that the issue of additional blankets from time to time to meet the increasing needs with increasing cold was unduly tardy. We are of the opinion that the men can suffer but little, if any, from deficient shelter or bed clothing. There is, however, a possibility that the men may subject themselves to conditions in their tents which are not conducive to the greatest safeguarding of their health, in that they maintain heat in their tents until ready to retire, and possibly afterwards, until the wood burns up, with the result that their quarters when they retire may have a temperature of about 70° F., and as the fire goes out it will fall so by morning it may have dropped to nearly zero, as was the case while we were there. Under such conditions the men are either too warmly covered in the early part of the night or not sufficiently by morning. It is believed that it would be advantageous if the men were to retire in cold tents, so that when covering themselves for the night the temperature conditions might more nearly approximate those of the morning. Whether it would be practical to have the men retire in cold quarters, we may not say, as it would require that the men spend at least the latter part of the evening before retiring in the mess hall, so that their tent fires might be extinguished."

Mr. GLASS was given leave by unanimous consent to revise and extend his remarks in the RECORD.

Mr. FLOOD. Has the gentleman concluded?

Mr. COOPER of Wisconsin. Yes.

Mr. FLOOD. I thought that the gentleman would take up all the afternoon, and I was obliged to give 15 minutes time that I had promised to the gentleman from Illinois [Mr. RAINEY] to the gentleman from Virginia. I want to ask unanimous consent when we get into the House that Mr. RAINEY may address the House for 15 minutes to-morrow morning.

Mr. COOPER of Wisconsin. I might find some one that would want to use the balance of the time that I have. I will consent to the gentleman's request if the gentleman will agree that these men who are not here or some other person may have 15 minutes.

Mr. FLOOD. Very well. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HUMPHREYS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9314, the Diplomatic and Consular appropriation bill, and had come to no resolution thereon.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns this afternoon it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. STAFFORD. Reserving the right to object, I understand it is the purpose to take up the bill under the five-minute rule to-morrow.

Mr. FLOOD. Yes.

Mr. STAFFORD. I think there is no occasion to inconvenience Members by bringing them here that early, and I object.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that general debate on this bill may be concluded to-morrow in 30 minutes, 15 minutes to be controlled by me and 15 minutes by the gentleman from Wisconsin.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. LONDON. Reserving the right to object, the gentleman from Illinois [Mr. RAINEY] informed me that he was going to speak on the breaking up of the convention of Social Democrats in South Dakota. If he speaks on that subject, I want 5 or 10 minutes to reply. Will the gentleman make it 40 minutes?

Mr. COOPER of Wisconsin. Did the gentleman from Illinois [Mr. RAINEY] notify the gentleman from New York?

Mr. LONDON. The gentleman from Illinois was kind enough to let me know that he was going to speak on that subject and asked me to be present.

Mr. FLOOD. Then, Mr. Speaker, I make it 40 minutes, so that the gentleman from New York may have 10 minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent that general debate be limited to 40 minutes, he to have 15 minutes, the gentleman from Wisconsin 15 minutes; and if the gentleman from Illinois discourses on the North Dakota incident the gentleman from New York shall have 10 minutes. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FLOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 41 minutes p. m.) the House adjourned until to-morrow, Friday, February 8, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting a supplemental estimate of appropriation required by the Department of State to complete the arrangements and provide for the entertainment of the Fifteenth International Congress Against Alcoholism, to be held in the United States (H. Doc. No. 920); to the Committee on Foreign Affairs and ordered to be printed.

2. A letter from the Acting Secretary of Commerce, transmitting list of executive papers not needed or useful in the transaction of current business of the department and have no permanent or historical interest (H. Doc. No. 921); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KEATING, from the Committee on Pensions, to which was referred the bill (H. R. 9641) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 287), which said bill and report were referred to the Private Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 288), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution (H. J. Res. 235) granting to certain persons in the active war service an extension of time within which applications for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, reported the same without amendment, accompanied by a report (No. 289), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 8125) for the relief of James W. Kingon, and the same was referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAHER: A bill (H. R. 9642) to authorize the Secretary of Labor to provide housing for war needs; to the Committee on Labor.

By Mr. COOPER of Ohio: A bill (H. R. 9643) to provide for the traveling expenses of soldiers in the United States Army when on furlough; to the Committee on Military Affairs.

By Mr. JOHNSON of Washington: A bill (H. R. 9644) authorizing the Secretary of War to remove or dispose of timber on the Three Tree Point Military Reservation and the Fort Canby Military Reservation, in the State of Washington; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 9645) providing for the appointment of inspectors to take the state of the meters for the gas and electric light consumers of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 9646) to fix the price of gas in the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 9647) to provide for the issuing of circulating notes of the United States; to the Committee on Banking and Currency.

Also, a bill (H. R. 9648) fixing the maximum price of electric current to consumers in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. AUSTIN: A bill (H. R. 9649) for enlistment and appointment of officers in the National Guard, District of Columbia, during the period of the war; to the Committee on the District of Columbia.

By Mr. CARY: Resolution (H. Res. 245) to direct the Commissioners of the District of Columbia to report to Congress immediately what steps, if any, have been taken by them to enforce section 11 of an act approved March 4, 1913, entitled "An act to direct the Commissioners of the District of Columbia to bring a suit in equity in the Supreme Court of the District of Columbia to dissolve the corporation known as the Washington Gas Light Co."; to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 9641) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; committed to the Committee of the Whole House.

By Mr. ASHBROOK: A bill (H. R. 9650) granting an increase of pension to Andrew C. Patterson; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 9651) granting a pension to Marion Rosser; to the Committee on Pensions.

Also, a bill (H. R. 9652) granting a pension to Robert Donson; to the Committee on Pensions.

Also, a bill (H. R. 9653) granting an increase of pension to Hugh M. Costner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9654) granting an increase of pension to Abner D. Rutherford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9655) granting an increase of pension to Luther S. Campbell; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 9656) granting an increase of pension to Isaac S. Brundage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9657) for the relief of Benjamin F. Burch; to the Committee on Military Affairs.

By Mr. DECKER: A bill (H. R. 9658) granting an increase of pension to Uriah Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9659) granting an increase of pension to Franklin Hereford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9660) granting a pension to Elizabeth Munday; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9661) granting a pension to Colann Blakely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9662) granting a pension to Elizabeth J. Points; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9663) granting a pension to Henry Borghardt; to the Committee on Pensions.

Also, a bill (H. R. 9664) granting a pension to Samuel D. Lee; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 9665) granting a pension to Flora A. Hubbard and her minor children; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 9666) for the relief of Stephen J. Haff; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9667) granting an increase of pension to John M. Hall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9668) to correct the military record of Alfred J. Carter; to the Committee on Military Affairs.

By Mr. MANN: A bill (H. R. 9669) granting an increase of pension to Newell S. Lord; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 9670) granting an increase of pension to Isaac Boyce; to the Committee on Invalid Pensions.

By Mr. RUBY: A bill (H. R. 9671) granting an increase of pension to Lambert Conner; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 9672) granting an increase of pension to Warren F. Sherman; to the Committee on Invalid Pensions.

By Mr. CHARLES B. SMITH: A bill (H. R. 9673) for the relief of Nathan B. Wilber; to the Committee on Military Affairs.

By Mr. SWEET: A bill (H. R. 9674) granting an increase of pension to Alfred J. Skinner; to the Committee on Invalid Pensions.

By Mr. TAGUE: A bill (H. R. 9675) granting a pension to Stella Archer Simson; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 9676) granting an increase of Pension to Daniel Ault; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the grand jury of the United States district court at Juneau, Alaska, affirming their loyalty, and pledging their best efforts to bring the war to a successful termination; to the Committee on the Judiciary.

By Mr. DALE of New York: Memorial of the National Single Tax League, favoring legislation to raise Federal revenue through land-value taxes, and protesting against the Fletcher bill, appropriating $50,000,000 to pay landowners for what the club calls "legalized blackmail"; to the Committee on Appropriations.

By Mr. DALE of Vermont: Petition of the Vermont Dairymen's Association, favoring the bill authorizing an increased appropriation for the control and eradication of tuberculosis among live stock and food animals, and protesting against the removal of the tax on colored oleomargarine; to the Committee on Agriculture.

By Mr. FULLER of Illinois: Memorial of the Massachusetts Dairymen's Association, for repeal of the second-class postage provision of the war-revenue act; to the Committee on Ways and Means.

Also, petition of the La Salle Portland Cement Co., of La Salle, Ill., relative to improvement of inland waterways; to the Committee on Rivers and Harbors.

Also, memorial adopted by a convention of short-line railroads, relative to pending railroad legislation. Also a petition of the Westchester County (N. Y.) Commission of Safety, for the daylight-saving bill; to the Commission on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Petition of Vincent Veprek, Boston, Mass., requesting that the independence of the Czecho-Slovaks be recognized and a Czecho-Slovak State be organized; to the Committee on Foreign Affairs.

By Mr. GOODWIN of Arkansas: Petition of the Delta Shakespeare Club, of Lake Village, Ark., favoring the repeal of zone rates system of postage on second-class periodicals; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Resolutions of the Civic Club of Philadelphia, protesting against the zonal system as applied to postal rates for periodicals; to the Committee on Ways and Means.

By Mr. LINTHICUM: Memorial of Maryland State Board of Forestry, favoring S. 3344; to the Committee on Agriculture.

Also, petition of Oriole Branch No. 176, National Association of Letter Carriers, favoring H. R. 9414; to the Committee on the Post Office and Post Roads.

Also, petition of E. E. Jackson Lumber Co., Baltimore, Md., opposing the eight-hour law; to the Committee on Labor.

Also, petitions of P. Gallagher Realty Co. and J. A. Bokel Co., opposing repeal of zone system for periodicals, and of A. N. Fleagle, favoring such repeal; to the Committee on Ways and Means.

By Mr. RANDALL: Memorial of the Woman's City Club, of Long Beach, Cal., protesting against the zone postal amendment to the war-revenue bill; to the Committee on the Post Office and Post Roads.

By Mr. SANDERS of New York: Petition of citizens of York, N. Y., in public meeting, urging the passage by Congress of emergency war prohibition measures; to the Committee on Military Affairs.

Also, petition of the Ossian Church, Dansville, N. Y., urging the passage of emergency war prohibition; to the Committee on Military Affairs.

Also, petition of residents of Attica, N. Y., in mass meeting, urging the passage by Congress of a resolution to amend the Federal Constitution to prohibit polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petition of the congregations of the Methodist and Congregational Churches of Arcade, N. Y., urging the passage by Congress of national emergency war prohibition; to the Committee on Military Affairs.

Also, petition of Andrew Barber and 44 other residents of Greigsville, N. Y., urging the passage by Congress of immediate emergency war prohibition; to the Committee on Military Affairs.

Also, petition of Mr. J. W. Bray and 16 other gentlemen, urging the passage by Congress of an amendment to the Federal draft law permitting the sons of farmers to be furloughed for work on the farms during the summer; to the Committee on the Judiciary.

By Mr. SNYDER: Petition of various farmers in the thirty-third New York district for relief in the conditions surrounding the production of crops and the securing of adequate help; to the Committee on Military Affairs.

By Mr. STEPHENS of Mississippi: Papers to accompany House bill 8125, for the relief of James W. Kinzon; to the Committee on Military Affairs.

By Mr. TAGUE: Petition of William W. Cotton, forest commissioner, city of Newton, Mass., on Senate bill 3344; to the Committee on Agriculture.

SENATE.

FRIDAY, *February 8, 1918.*

Rev. J. L. Kibler, of the city of Washington, offered the following prayer:

O God, our heavenly Father, we come to Thee for Thy blessing. Realizing our position and our responsibility in the strife of the world to-day, we come to Thee for wisdom and we look up to Thee for Thy guiding hand. We are still dependent upon Thee, O God. Thou art the Creator of all worlds, the Ruler over all nations, and the Judge of all men. We humble ourselves therefore under Thy mighty hand and trust in Thy almighty power. May we seek our peace and safety, our successes and triumphs, only in harmony with Thy righteous laws. May Thy servants in the Senate to-day, in all their deliberations, reflect to the honor of Thy name in the accomplishment of Thy purposes, through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

NATIONAL PROHIBITION.

The VICE PRESIDENT. The Chair lays before the Senate the following communication, which will be inserted in the RECORD and placed on file.

The communication is as follows:

DEPARTMENT OF STATE,
Bismarck, N. Dak., February 4, 1918.

Hon. THOMAS R. MARSHALL,
President of the Senate, Washington, D. C.

DEAR SIR: Agreeable to a resolution adopted by the fifteenth legislative assembly in extraordinary session, I am inclosing a copy of resolution relating to the ratification of amendment to the Constitution of the United States regarding the manufacture, sale, and use of intoxicating liquors.

Yours, very truly,
THOMAS HALL,
Secretary of State.

UNITED STATES OF AMERICA,
Department of State, State of North Dakota.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby certify that the attached resolution is a true and complete copy of a certain concurrent resolution adopted by the fifteenth legislative assembly in extraordinary session beginning January 23 and ending January 29, in the year of our Lord one thousand nine hundred and eighteen.

Dated at Bismarck, N. Dak., on this 30th day of January, A. D. 1918.

[SEAL.] THOMAS HALL,
Secretary of State.

A joint resolution (H. R. 8) ratifying a proposed amendment to the Constitution of the United States of America. (Introduced by Mr. Harris.)

Whereas both Houses of the Sixty-fifth Congress of the United States of America, at the second session, by a constitutional majority of two-thirds thereof, made and passed the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States."

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

"ARTICLE —. SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by Congress."

Therefore be it

Resolved by the Legislative Assembly of the State of North Dakota, duly convened, That the said foregoing proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the legislative assembly of the State of North Dakota; and be it further

Resolved, That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the Secretary of State of the United States of America, at Washington, to the presiding officer of the Senate of the United States and to the Speaker of he House of Representatives of the United States.

Approved 4.45 p. m., January 28, 1918.

LYNN J. FRAZIER, *Governor.*

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a petition of Charles Herzer Camp, No. 22, of Dodge City, Kans., praying for the enactment of legislation granting pensions to widows and orphans of veterans of the Spanish-American War, the Chinese Expedition, and the Philippine Insurrection, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Kansas, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Kansas, praying for the enactment of legislation creating a pharmaceutical corps in the Army, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Kansas State Board of Agriculture remonstrating against the repeal of the present rate on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. TOWNSEND presented a petition of Forest Grange, No. 362, Patrons of Husbandry, of Big Rapids, Mich., praying for a repeal of the zone rate of postage on magazines, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Adrian, Mich., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a resolution adopted by the Merchants' Association of Cadillac, Mich., favoring the enactment of legislation raising the rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented petitions of Slovak League, Local Branch No. 167, of New Britain; of the Bohemian National Alliance of New Britain; and of the Bohemian National Alliance Branch of Norwalk, all in the State of Connecticut, praying for the liberation and unification of the Czecho-Slovaks of Austria-Hungary into one independent Czecho-Slovak State, which were referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Milford, Conn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. HENDERSON. I ask to have inserted in the RECORD a telegram signed by the mayor and a large number of prominent citizens of the mining district of Ely, in my State.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

ELY, NEV., *January 31, 1918.*

Senator CHARLES B. HENDERSON,
Washington, D. C.:

In common with the patriotic people of every community in this country, we are behind President Wilson to the limit. He should have an absolutely free hand in the conduct of the war. We oppose any legislation tending to hamper him in the slightest degree. We are likewise opposed to public investigations and public detailed criticisms at this time because of furnishing beneficial information to the enemy and material for publication in hostile countries, which will unquestionably prolong the war by giving people of those nations false impressions as to our unity of purpose. If investigations and criticisms must be had, we favor strict executive sessions. If any Congressman never makes mistakes, let him stand up. This is no time for public speeches denunciatory of the work of the administration in conduct of the war, but rather for the active aid and assistance of every patriotic citizen, including certain Members of Congress. Politics must not be allowed to interfere. This is going to be an unhealthy country

for those who even slightly serve the enemy or stand in the way of the people and their soldiers in winning this war by undivided and wholesouled support.

A. B. Witcher, mayor; Frank Callaway, rancher; Chas. S. Chandler, lawyer; Chas. A. Walker, lawyer; J. S. Bennet Telephone Co., superintendent; Alex. Baird, deputy mine inspector; C. A. Eddy, lawyer; Geo. P. Annand, postmaster; Mrs. W. R. Trusdale, postal clerk; C. J. McFadden, district judge; G. P. Boreman, lawyer; B. L. Quayle, lawyer; F. M. Clark, druggist; W. H. Bishop, jeweler; W. A. Leonard, editor of Record; A. C. Powell, deputy game warden; Miss R. Haney, postal clerk; V. J. Ruse, postal clerk; C. C. Waltmore, agent, Wells Fargo; Thomas F. Chambers, restaurant; Clyde Hatch, merchant; Ed. Wilson, merchant; R. H. Richardson, physician; P. J. Jackson, deputy sheriff; W. S. Holmquist, physician; J. M. Collins, justice of peace; Anthony Jurich, lawyer; W. E. Watson, carpenter; Geo. A. Whitely, district attorney; J. M. Lockhart, lawyer; Joseph V. Murphy, merchant (and a thousand more if necessary).

REPORTS FROM COMMITTEE ON PUBLIC LANDS.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 5489) to authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co., reported it without amendment and submitted a report (No. 255) thereon.

He also, from the same committee, to which was referred the bill (S. 3391) to authorize the Secretary of the Interior to issue patent to G. H. Beckwith for certain land within the Flathead Indian Reservation, Mont., reported it with amendments and submitted a report (No. 254) thereon.

INCREASE OF PENSIONS.

Mr. SMOOT. From the Committee on Pensions I report back favorably without amendment the bill (S. 3783) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers, who served in the Civil War and the War with Mexico," approved May 11, 1912.

I wish to give notice to the Senate that I expect to call up the bill just as soon as possible. In the meantime I shall either prepare a report upon the bill, as soon as I receive certain information from the Pension Bureau, or make a statement to the Senate in relation to the same.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3788) to pay certain taxes to the county of Stevens, State of Washington; and

A bill (S. 3789) to pay certain taxes to the county of Ferry, State of Washington; to the Committee on Indian Affairs.

A bill (S. 3790) providing for the establishment of a radio station on Unga Island, Alaska; to the Committee on Naval Affairs.

A bill (S. 3791) to aid in the erection of a monument to Indian Timothy at his grave near Alpowa, Asotin County, Wash.; to the Committee on the Library.

A bill (S. 3792) granting to the State of Washington public lands to aid in the construction and maintenance of public roads, to promote the study of forestry, to promote the study and development of horticulture, and to promote vocational education in the State of Washington; to the Committee on Public Lands.

By Mr. McNARY:

A bill (S. 3793) to provide for the leasing of lands in Alaska for stock breeding and other purposes; to the Committee on Public Lands.

By Mr. DILLINGHAM:

A bill (S. 3794) granting an increase of pension to Warren H. Rhoades (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3795) to secure greater cooperation between the United States Reclamation Service and irrigation districts organized under State laws; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. HALE:

A bill (S. 3796) granting an increase of pension to Hiram N. Brann; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3797) validating certain applications for and entries of public lands, and for other purposes; to the Committee on Public Lands.

FARM LABORERS.

Mr. JONES of Washington. I introduce a bill which has been prepared after consultation, as I understand, with the Secretary of Agriculture. It is rather crude, but it embodies an idea that I am in favor of. I do not know whether I favor the bill in all its particulars; so I desire to introduce it, by request, in order that it may have consideration by the committee and also by the department.

The bill (S. 3787) to provide competent farm laborers during the war, through Government training camps, and for other purposes, was read twice by its title and referred to the Committee on Agriculture and Forestry.

QUALIFICATIONS OF ELECTORS.

Mr. KENYON. I introduce a joint resolution providing for an amendment to the Constitution, and I want to intrude on the rules just enough to explain it.

Section 2 of Article I of the Constitution of the United States provides that—

The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

Mr. President, I think to those who have studied the question it is a matter of some interest and rather shocking that we have in this country at least seven States where men can vote for Members of the House of Representatives and electors to choose a President of the United States who are not citizens of the United States. That is up to the various States under this constitutional provision. Such a thing ought not to be, it seems to me. This amendment of mine will provide that section 2 shall be so amended that the electors of the States voting for Members of Congress must be citizens of the United States. At some later——

Mr. SMITH of Michigan. Has the Senator the names of the States that afford that opportunity to aliens?

The VICE PRESIDENT. There are nine of them.

Mr. KENYON. The Vice President says there are nine of them. He suggested that to me the other day. I followed it down and I found seven. The States I have found are Arkansas, Kansas, South Dakota, Nebraska, Missouri, Indiana, and Texas. The names of the two others might be supplied by the Vice President.

I trust that the Committee on the Judiciary will make a report on this amendment, so that we may start it going on its round through the States. It is time to correct the Constitution in this respect, and in the interest of Americanism, that men who vote for Members of Congress shall at least be citizens of the United States.

The joint resolution (S. J. Res. 130) proposing an amendment to the Constitution of the United States was read twice by its title and referred to the Committee on the Judiciary.

COMMISSION ON NAVY YARDS AND NAVAL STATIONS (H. DOC. NO. 1916, PT. 6, 64TH CONG., 2D SESS.).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Naval Affairs.

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress, Report No. 6 of the Commission on Navy Yards and Naval Stations.

WOODROW WILSON.

THE WHITE HOUSE, *February 8, 1918.*

TEACHERS' RETIREMENT BILL.

The VICE PRESIDENT. The morning business is closed.

Mr. HOLLIS. Mr. President, I understood that the Senator from Colorado [Mr. THOMAS] intended to address the Senate this morning. He is out of the Chamber for the moment. I wish therefore to move that the Senate proceed to the consideration of the bill (S. 3648) for the retirement of public-school teachers in the District of Columbia, with the understanding that when it is laid before the Senate, if the Senator from Colorado is here, we will give him an opportunity to speak. I make that motion.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire.

The motion was agreed to; and the Senate, as in Committee of the Whole proceeded to consider the bill.

Mr. HOLLIS. I am prepared at this time to explain the bill in as much detail as anyone may desire. I can give a synopsis of it in a few moments. If no one desires to have the bill read in

full, I will ask unanimous consent that the reading of the bill be dispensed with.

Mr. SMOOT. Mr. President, the Senator from Colorado [Mr. THOMAS] is in the Chamber, and I will ask him if he will not yield to me for about five minutes.

Mr. THOMAS. I do not see how I can yield when the Senator from Utah has the floor. [Laughter.]

A NATIONAL MONTHLY FAST DAY.

Mr. SMOOT. Mr. President, on Thursday, January 31, the junior Senator from Maryland [Mr. FRANCE] delivered a speech in the Senate that I wish every American citizen could read and I am sure could do so with profit. It was a remarkable statement, showing food conditions as existing in our country and they are such as to alarm the thoughtful.

Everybody recognizes that one of the most important things in this war is to secure food enough for the people of the world and in order to do so there must be some kind of systematic plan adopted for caring for the food and the saving of the same.

I wish to offer a suggestion, and I believe if adopted by the American people it will conserve the food of our country and will enable us to furnish our allies with the amount saved, and in so doing save the cost of the food and enable every man and every woman and every child in the United States to become the owner of at least one war-savings certificate and in many cases hundreds of them.

Mr. President, on April 8, 1916, while addressing the Senate, I called attention to the wicked waste of foodstuffs in America and to the fact that the American garbage can was the fattest in all the world and that the food consumption per capita in America was larger than that of any other country and nearly twice that of thrifty France. In speaking of the home and Nation, after showing that the increase of farm crops since 1899 had not kept pace with the increase of values, I said:

We must not forget that the influences that affect the family to a degree affect the Nation. In my opinion, waste and extravagance in their thousand forms are among the curses of the age, and no people upon the face of the earth is so guilty of both of these evils as our own American people. The people of the United States—I bar no class—have been living at a higher and higher standard for the last 15 years. The time has arrived when further advances in the mode of living must cease, and it is really desirous from every point of view for a retrenchment. * * * Extravagance and waste, which devour so much of the substance of the people, have much to do with the cost that is severely felt; that is, the cost to people of small means, who find it hard to get on in comfort with such incomes as they possess.

There is a fundamental principle of economics, so simple that it ought to be easily understood, and yet its significance is almost unheeded. It is this: Everything that goes to support life and to satisfy human wants must be continually produced for that purpose by human effort through the employment of capital and labor from the resources of nature. There is only what is thus produced to live upon; that is the supply. It is a question of how much is consumed in living, and it can not be more than the production, at least for any length of time. If products are squandered or wasted or thrown away after they are ready for consumption the supply will be diminished, while the demand remains the same and the cost of living will be higher than it would otherwise be. These are not questions of abstract theory, but are elementary facts within the comprehension of any ordinary man. We need to be reminded that whatever goes to waste and extravagance, which is reckoned in terms of money, is not a mere throwing away of dollars or depleting of bank accounts or getting away with inherited or accumulated property. It is using up the fruits of labor, which is going on from day to day. This is exceeding the supply of products and turning from the form of necessities and comforts to those of luxuries. It is largely the voluntary cost of high living that causes the involuntary cost of low living.

Increased production from the soil and the problem of properly feeding our ever-increasing members will tax the abilities of our statesmen.

That is from a speech I made in 1916.

This statement was made by me a little less than two years ago, and to-day we find the people of most of the nations of the earth on the strictest sort of rations and in many are actually suffering from hunger. We have in our own country a Food Administration, asking our people to observe meatless days, wheatless days, porkless days, and to stop the waste of all kinds of food. Their warnings should and must be heeded. Not only must we conserve the food supply, but we must put in effect in our lives the principle of saving in order to assist in the purchase of our Government's obligations issued to meet the unusual demands made upon it to successfully carry on the war and extend financial assistance to our foreign allies.

The American people are to be congratulated for the liberal way in which they have responded to every call made upon them by our Government having for its object the carrying on of the present world war. They have given lavishly to the American Red Cross to be expended in foreign countries for the comfort of our soldier boys and for help and assistance to the suffering on European battle fields. They have oversubscribed every issue of liberty bonds and have donated billions upon special appeals to alleviate the sufferings, sore afflictions, and hunger of millions of the people of the world. All this will remain long after the close of the war as an everlasting monument to American loyalty to country and liberality and friendship to and sympathy for God's suffering children. Notwithstanding all that has been done and, as some people say, sacrificed, the work has only begun. If this war should continue two years longer, I am afraid there will be a scarcity of food in the world and many of our own people will be compelled to go short in order to assist in feeding our Army and Navy and the armies and navies and people of other countries engaged with us in this the bloodiest war of history. The American people must be made to understand that the responsibility of seeing that hunger is not allowed to dishearten our allies or to compel neutral countries to seek the absolute necessities of life from our enemies rests upon us.

Realizing the dangers of the situation, I want to call attention to what I know, if put into practice, will greatly assist in relieving the anxiety for the future. For 75 years the Mormon Church has designated one day in each month as fast day, the first Sunday of each month being the day so set apart. The members of that church are supposed to fast on that day by refraining from partaking of any food for breakfast and the noonday meal. The object of the fast is twofold: First, an occasion for acknowledgment of divine blessings and a day to remember the poor; second, in the interest of hygiene and health, which every good physician will testify to as effective. It is understood by every member of the organization that the amount saved by the fasting is to be given to an organization known as the relief society, and that organization in turn sees to it that with the fund so given the poor do not suffer from want or hunger. Nothing is lost by the giver, but, on the contrary, he is enriched in health and increased love of his fellow man.

Our country is now engaged in a thrift campaign for the purpose of inspiring in the hearts of the people patriotism and a spirit of saving, in order that every man, woman, and child in America may become the proud owner of at least one war-saving certificate. Why not have a national fast day once a month? If every American citizen would abstain from eating two meals upon that fast day, if figured at an average of only 25 cents a meal, or 50 cents per capita per month, would mean a saving of $50,000,000 that could be invested in war-saving certificates, and at the same time the health of 100,000,000 Americans would be benefited; and, further, we would have more of the necessaries of life to send to the people of Europe now compelled to live on the shortest of rations. Remember that the fighting man must be fed whether he be an American, Englishman, Frenchman, Belgian, Japanese, or Russian! Without sufficient food it is next to impossible to maintain the morale of an army. Let us have a national fast day, and by so doing place every man, woman, and child in a position to assist our Government by purchasing thrift and war-saving stamps, sometimes called "baby liberty bonds."

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. BORAH. I should like to ask the Senator a question.

Mr. SMOOT. Certainly.

Mr. BORAH. I am not about to take issue with the Senator from Utah upon the question of fast days; but is that the remedy for the difficulty we are now facing? There is any amount of food in this country which is going to waste because we can not get it to the point where those who desire to use it can use it. I do not believe that there is any shortage of food in this country if it could be properly distributed.

Mr. GALLINGER. And properly harvested.

Mr. BORAH. Yes. Take just one item—and I suppose that it could be added to by any other Senator in the Chamber: We have 4,000 carloads of potatoes in our State that will perish within the next 30 or 60 days if means are not found at once for their transportation. There is no use to talk to the people of Idaho about being economical in the use of potatoes while that condition of affairs obtains. There is also any amount of corn that is rotting and wasting throughout the country. While I am not debating the proposition which the Senator from Utah has presented, the real difficulty now is, and has been in this country for the last 10 years, the lack of some kind of a marketing system, some method and means by which to get the products from the farms to the points of the centralization of population, where they are desired.

Another thing, if the Senator will permit me——

Mr. SMOOT. Certainly.

Mr. BORAH. When the selective draft law was passed it was said that one of the great objects of that manner of organizing an army was to prevent the men on the farms and certain other places from being taken, so that they would be kept in the places where they ought to be. Without assuming to criticize the method at all by which that law was put into operation, the fact is that the man on the farm has been taken

and the farms of the country are depleted of their labor. They are asked to speed up, but they have not the labor with which to speed up. The farmers stand ready and anxious to help—to increase their acreage—but they are without the labor necessary to do these things. The situation is entitled to serious consideration, and at once. If the next execution of the draft law is to be the same as the last, we are going to see a most pronounced decrease in the production of the farms.

The farmer's boy is just as willing to go to war as is any other boy in the community; indeed, I think the figures will show that; and there is no reason under the sun why he should be exempted from serving his country in the trenches the same as others; but this proposition and this situation must be met: If he is to be taken from the farm under the next draft, if the remaining boys out upon the farm are to be drafted, there must be some means by which to supply the places of those boys on the farm; otherwise we are going to have a crisis which, in my judgment, will be far more effective in breaking down our participation in the war than we at this time contemplate.

I know that in my State, for instance, the crop acreage has been already tremendously decreased; and if the draft law is executed without any program with reference to the labor situation, to supply the man who is taken from the farm, that acreage is going to be further greatly decreased hereafter.

Mr. President, I suggest these two things for the reason that, while I am not at all criticizing the view of the Senator from Utah as a general proposition, the immediate situation is one of transportation and of labor. I am aware the Labor Department is dealing with the matter, and I hope for the best, but I know the situation is imminent and serious.

Mr. SMOOT. Mr. President, in answer to the Senator from Idaho, I will state that so far as certain foods are concerned there is no question but the Senator's statement is absolutely correct. Transportation is something that presents a very difficult question so far as transportation to market of perishable crops of the West are concerned. I was not very much alarmed over the wheat situation until about two weeks ago, when I held a conference with Mr. Hoover in relation to the food situation of the country. Mr. Hoover has had a survey made of the country showing the amount of wheat on hand and also the amount of wheat there is in the entire world. At that time, figuring a saving of 25 per cent in the consumption of wheat in the United States under the plan already adopted, there would still be a shortage of about 30 per cent to feed America, our allies, and the neutral countries. Mr. Hoover stated at that time that the only way to do would be to restrict the use of all-wheat flour; that substitutes to the extent of 30 per cent would have to be used in the flour used by the American people. An order to that effect is now in force.

So far as labor is concerned, Mr. President, the Senator from Idaho is right in reference to the situation in the West. I think I called the attention of the Senate one day to the fact that when I was last at home I rode through miles of apple orchards and saw carloads of apples which had been frozen on the trees, for the reason that the farmers could not secure help to pick the same; in fact, some of the fruit growers told me that they had paid as high as $10 a day for labor, and when it reached that figure, even at the high price for which apples were selling, would not pay for the gathering and the boxing.

Mr. President, there are certain foodstuffs that must be conserved; they are vital to the feeding of our own people and the armies of the allies. The principal ones are wheat and meats of all kinds, and they are being transported just as fast as it is possible and to the amount which we can spare.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. SMOOT. Yes.

Mr. GALLINGER. I simply want to add this suggestion to what the Senator is saying: The labor situation is just as acute in the East as it is in the West, and some method must be found, if it is a possible thing, to secure more labor on the farms if we are going to secure sufficient crops to take care of our own people and supply those who are looking to us for help.

Mr. SMITH of Michigan. The farmer is discouraged.

Mr. GALLINGER. Yes; the farmer is discouraged.

Mr. SMITH of Michigan. And he does not know where to turn for relief.

Mr. GALLINGER. There is one suggestion I have heard made, though I do not know that it has been uttered in this Chamber. Therefore I think it is well enough to state it. It is that the young men in the camps might be furloughed when the season comes for planting, or, if they are in camp when the season comes for harvesting, be permitted to assist, if they are willing to do so. That may be a source of relief if it is carefully looked into and, possibly, carried out.

But I have another thought in my mind, which has been crystallized from some material that I have received and referred to the Committee on Agriculture and Forestry, and that is to get rid of the senseless opposition to oriental farmers, and let us have some of those men brought here; not coolies, but real farmers from China, because they have there some of the best farmers there are in the world. I presume, however, that the opposition of the labor unions will make it impossible to do that.

Mr. JONES of Washington. Mr. President——

Mr. SMOOT. I yield to the Senator from Washington.

Mr. JONES of Washington. I want to suggest also that one influence that is depriving the farmers of eastern Washington, where they produce a great deal of wheat, of their labor is that on the coast, especially where shipbuilding is being pressed—and very properly so and very necessarily so—wages are so high that they are attracting a number especially of the younger and more able-bodied men from the farms and the small towns. So the farmer is not only being depleted of his labor by the draft but by the inducement of these high wages in these necessary occupations. I wondered whether or not the Senator had considered any suggestion to meet this very imperative situation. It has got to be met in a different way than by providing for fast days, which are all right, of course, in themselves; but observing fast days will not plow any ground, will not plant any wheat, and will not harvest it, or anything of that sort.

Mr. SMOOT. It will save it.

Mr. JONES of Washington. It will save it after we get it produced, but we have got to produce it first before we can save it.

I must say, if the Senator will permit me, that I do not feel the necessity of carrying out the suggestion of the Senator from New Hampshire [Mr. GALLINGER]. Independent of the labor unions, I am not in favor of that proposal and will oppose it very strongly until we get in more desperate straits than we are in now. But here is one thing that has impressed itself upon me: Go about our towns, and especially our cities, and you will see many, many men congregated upon the streets at all times of the day doing absolutely nothing, and if you stand in front of some of the theaters of this town and other cities when the performances have concluded, you will find hundreds, and possibly thousands, of men coming out of those theaters, spending their time apparently in the afternoon doing nothing. We ought to devise some way by which this class of men can be made to work and do something toward the production of food. It seems to me that Congress ought to be able to devise something along these lines to make this class of people available for the necessary work of the Government.

Mr. SMITH of Michigan. Perhaps the proposal to enforce fast days ought to be made to reach them.

Mr. JONES of Washington. They ought to be made to fast unless they are made to work.

Mr. SMOOT. I will say to the Senator that I undertook to draw a bill to take care of just the class of people to whom he has referred by drafting them and compelling them to work. I prepared two or three drafts of a bill, after examining the State laws upon the question, and submitted them to the best attorney that I could reach. I discovered the trouble was that we could hardly segregate one class of citizens and compel them to work, because the Constitution of the United States will not allow that to be done under the prohibition against involuntary servitude.

Mr. JONES of Washington. Mr. President, in line with that, does it not occur to the Senator that we are getting very near to the point where we ought actually to draft or enlist every man and woman in this country, and then designate where they are needed and put them to work there, no matter what their occupation may be?

Mr. SMOOT. I am quite sure, Mr. President, if this war continues much longer, that policy will have to be resorted to. I think that we passed the other a day a bill authorizing the Secretary of War to grant furloughs to our soldiers without pay. Under existing law that can not be done. I understand the object of that bill, in case it becomes a law, is to allow the Secretary of War during the harvesting period to grant furloughs without pay to soldiers at the different cantonments who wish to offer their services to the farmers of the country to help the farmers not only in planting but in gathering their crops.

Mr. GALLINGER. Mr. President, the Senator means the soldiers in the camps and cantonments?

Mr. SMOOT. Yes; the soldiers in the camps and cantonments.

Mr. SMITH of Michigan. Soldiers are now being made use of in the forests of the West, and are being used at the regular

wage that is paid a forester outside of the Army, and a high wage.

Mr. SMOOT. Then the Government is paying him his regular Army pay also. I have heard of no such practice.

Mr. SMITH of Michigan. I do not think the Government is paying him the Regular Army pay. My information is——

Mr. SMOOT. It would have to under the law.

Mr. SMITH of Michigan. My information is that they are receiving the wage that is paid to civilians in the Forestry Service. Am I right about that, I will ask the Senator from Washington? Is it not true that soldiers who have been drafted into the Army are now doing service in the forests in aid of shipbuilding and are now drawing the civilian wage for that service?

Mr. JONES of Washington. I can not say; I am not advised about that matter.

Mr. SMITH of Michigan. I am quite sure that that is so, and that they are drawing a very high wage, and appropriately so. I am finding no fault with that.

Mr. SMOOT. Two months ago I made a suggestion that the soldiers in the camps and cantonments during the planting season and the harvesting season be allowed to assist the farmers. Gen. Crowder told me that a furlough without pay was impossible to grant; that the military authorities had no right under the law to grant furloughs without pay. As I have said, the other day a bill passed the Senate giving the Secretary of War the power to grant such furloughs, the object being to allow the soldiers in the various camps to assist the farmers during the planting and crop-gathering season.

Mr. REED, Mr. SMITH of Michigan, and Mr. GALLINGER addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. REED. I beg pardon, did the Senator from Michigan wish to speak at this time?

Mr. SMITH of Michigan. No; I was only going to interrogate the Senator from Utah, but as he has ceased speaking I will not prolong the discussion.

Mr. GALLINGER. Mr. President——

Mr. REED. I yield to the Senator from New Hampshire.

CONFERENCE OF REPUBLICAN SENATORS.

Mr. GALLINGER. Mr. President, as a preliminary to a few words that I will indulge in, I ask that the Secretary read the clipping which I send to the desk from the Washington Post of this morning, with the headlines.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

MINORITY TO FIGHT BILL—SENATE REPUBLICANS TO CONFER ON PLAN TO BEAT WILSON MEASURE.

A move toward concerted Republican opposition of the new administration bill proposing to give President Wilson blanket authority to reorganize and coordinate Government agencies, a speech in the House by Representative GLASS, of Virginia, denouncing critics of the Government and temporary suspension of Senate debate were yesterday's developments in the controversy over war machinery reorganization.

A conference to-morrow morning of Republican Senators—the first held since the United States entered the war—was called late yesterday by Republican Leader GALLINGER to consider the new bill President Wilson sent to the Senate Wednesday. Bitter opposition to the measure is expressed openly by Republicans and privately by several Democratic leaders. There were 25 signatures on the call for the Republican conference.

TO CONSIDER OTHER BILLS.

The Republicans also expect to consider joint action on the administration measure to create a war-finance corporation, which is being urged by Secretary McAdoo, and upon other administration legislation.

Mr. GALLINGER. Mr. President, I shall not take time to point out the numerous inaccuracies in that newspaper article, which doubtless has been sent to the newspapers of the country. I will, however, say that the Republicans have not called a conference to consider any particular measure or to plan any particular procedure concerning the bills that are to be considered. They have not decided to fight any bill. A conference has been called, as is usual, to exchange views on a variety of subjects. The record which the minority has made during the consideration of bills relating to the war is sufficient proof that they could not be induced to band themselves together as a party and act in that capacity in the consideration of any measure that may be brought before the Senate. They will, as our Democratic friends will, exercise their individual judgment when any measure, emanating either from a Member of this body or elsewhere, comes up for consideration; but that they have any purpose of doing what this newspaper extract says is absolutely absurd and without any semblance of truth.

H. H. HOGAN.

Mr. REED. Mr. President, I wanted to ask the indulgence of the Senate for a moment to see if I could not secure unanimous consent to take up Senate bill 3689. It is a little private bill authorizing the Postmaster General to cancel or re-form a contract for hauling mail in Kansas City. The contract was taken at a time when prices were very different from the present ones, and it is simply ruining a man who has only a few thousand dollars. This bill merely gives the Postmaster General authority to cancel the contract or to re-form it in a manner that is consistent with fairness.

Mr. SMOOT. Mr. President, if the Senator will yield, I should like to ask him if there are not thousands and tens of thousands of such cases throughout the United States?

Mr. REED. I have no doubt there are, but this case is one of peculiar hardship. The man, to use a common figure of speech, is literally hanging by his eyebrows on the very verge of bankruptcy, and unless the bill can be passed within a few days he will be bankrupted. I want, if possible, to give him an opportunity to save himself. He is a poor fellow who has saved a few dollars by hard work, has gotten a little bit ahead, and is now being ruined.

I ask unanimous consent to have the bill considered at this time.

The VICE PRESIDENT. Is there any objection?

Mr. OVERMAN. Mr. President, I want to say that I am not going to object to the consideration of the Senator's bill, but there is general legislation on this subject pending in the House of Representatives.

Mr. REED. I know there is.

Mr. OVERMAN. And if we pass this bill it will show the sense of the Senate that something should be done.

Mr. THOMAS. Mr. President, I shall not object. I should like, however, to ask the Senator if he expects that the bill will be opposed?

Mr. REED. I think not. If it is, I will not interfere with the Senator's address.

Mr. FLETCHER. Mr. President, I only want to say that I not only do not object, but I approve of the bill, from the Senator's statement. I know of my own knowledge of cases that are somewhat similar. I have in my own town a case very much like this, where the man will be ruined if he has to complete his contract. It seems to me the department ought to exercise and have power to exercise some discretion to relieve these cases. They are absolutely cases of good faith, where circumstances have arisen so that the contractors will be ruined if they have to continue their present contracts. I am glad to know that some general legislation on the subject is pending. It seems to me that the department ought to have a little leeway to adjust this sort of thing.

Mr. REED. Mr. President, I introduced two bills dealing with this matter. One is a bill for the relief of this particular individual and the other is a general bill. The bill for the relief of the particular individual has been reported out and is here. The other is not here yet. I hope to have it here in a day or two. I should like very much to get this one little bill through, for the reasons stated.

The VICE PRESIDENT. Is there any objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that, should the Postmaster General find as a fact that the screen-wagon contract of H. H. Hogan, of Kansas City, Mo., was entered into prior to the entrance of the United States into the war with Germany, and that the prices agreed to be paid in said contract are at the present time inequitable and unjust by reason of the increase in the cost of materials and labor employed in the performance of such contract, the Postmaster General is authorized, in his discretion, with the consent of the said H. H. Hogan and his bondsmen, to cancel the same or to readjust the terms of said contract in such manner as to relieve the contractor from the hardships being by him suffered on account of such increased costs and expenses.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CALLING OF THE ROLL.

Mr. THOMAS obtained the floor.

Mr. HOLLIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Gerry	Hollis
Beckham	Dillingham	Gronna	James
Borah	Fernald	Hale	Johnson, Cal.
Calder	Fletcher	Harding	Johnson, S. Dak.
Chamberlain	France	Hardwick	Jones, N. Mex.
Colt	Frelinghuysen	Henderson	Jones, Wash.
Culberson	Gallinger	Hitchcock	Kellogg

Kenyon	Nugent	Sheppard	Tillman
King	Overman	Sherman	Townsend
Kirby	Penrose	Simmons	Trammell
Lodge	Phelan	Smith, Ariz.	Vardaman
McCumber	Pittman	Smith, Mich.	Wadsworth
McKellar	Poindexter	Smith, S. C.	Warren
McLean	Pomerene	Smoot	Watson
Martin	Ransdell	Sterling	Williams
Nelson	Reed	Swanson	Wolcott
New	Robinson	Thomas	
Norris	Shafroth	Thompson	

Mr. McKELLAR. I wish to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on important business. I will let this announcement stand for the day.

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of illness in his family. This announcement may stand for the day.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. There is a quorum present.

WAR CABINET.

Mr. THOMAS. Mr. President, inasmuch as the investigation conducted by the Committee on Military Affairs has provoked considerable discussion relating to the prosecution of the war, and inasmuch as the public is to a large degree in possession of the results of that investigation, although no report has as yet been made by the committee, this is an appropriate time for discussing the general subject.

The disclosures of this committee have not surprised me. Indeed, I might say that I am surprised that no greater degree of inefficiency has been disclosed, not because the War Department has not been active and vigilant in the attempted discharge of its duties, but because of the enormous and almost insuperable difficulty of shaping in so short a time a war machine efficient, vigorous, and perfect under institutions like ours.

We are not a military people, Mr. President, and therefore we were not prepared for this war when we entered upon it. I am glad that that was so, because our main purpose in engaging in this war, in pledging our lives and our fortunes to its success, is to destroy militarism and sweep it from the earth forever. If in April, 1917, we had been thoroughly equipped on land and sea for a great offensive or defensive war, we would have been guilty of the very thing which impelled us to enter it and for the suppression of which we shall continue to wage it. Not being prepared, Mr. President, not being equipped except as our skeleton organization may be said to suggest equipment, and being compelled as rapidly as possible, urged to a great degree by the force of public opinion and, of course, the necessity for waging the war effectively as soon as possible, it was necessary to speed up all the departments, and particularly those of War and of the Navy. What has been done by the War Department, what has been actually accomplished, is told in the story of the Secretary himself, a story so replete with successful accomplishment, so remarkable in the general sweep of its effectiveness, that I am astonished, in view of the agencies at the command of that department and of the comparatively short length of time which elapsed between the declaration of war and the beginning of this investigation, at the progress it has made.

Bills have been introduced, one reported favorably from the Committee on Military Affairs and the other in the possession of that committee, which have been prompted by the disclosures of the investigation. It is not necessary, Mr. President, for me at this time to go into the details of these disclosures. Primarily it would be presumptuous for me to do so, since I have given but little time and attention to the sittings of the committee, partly because of absence and partly on account of the pressure of other imperative duties. Those details, however, have been given to the public by the committee. They have been stated somewhat exhaustively more than once on the floor of the Senate. Yet I think the specific instances of departmental failure which have been disclosed are not typical but sporadic. They are not characteristic, but occasional. And while they are to be deplored, as many of them are of a most serious character, they should not obscure our vision to the extent of imagining that they present a composite picture of universal and far-reaching inefficiency. We should bear in mind in their consideration at all times what has been done and what is being done, and at the same time, appreciating these disclosures, see to it that the machine is made as much more efficient, as effective, as possible.

And yet, Mr. President, some of the delinquencies cited have not been stated fairly. I do not, however, in the slightest degree desire to reflect even indirectly upon the sincerity or the earnestness or the motives of those who have discussed them.

If the student of history will compare the exposés of this investigation with the activities of the department in previous wars, and particularly in the Spanish War, he must conclude that it has made great progress toward efficiency since then, for as compared with the mistakes, aye, the crimes, which disfigured the prosecution of earlier wars, we have approached as near perfection as we can be expected in a country like ours, thrown suddenly into a war in whose prosecution it designs to bear the most conspicuous part. I think it is gratifying, historically, that up to this time we have found ourselves so well equipped, that we have accomplished so much, and that we are in process of accomplishing so much more toward that ultimate victory which must rest upon our arms.

Some of the mistakes and blunders, Mr. President, which have been charged to the general conduct of the War Department are neither mistakes nor blunders. On the contrary, they evidence the very best business capacity for which the department should be praised and not condemned. For example, it has been stated here not less than twice that the Secretary of War and his subordinates were compelled to apply to poor, bleeding France for our ordnance supply; that it is so inefficient, that its work of preparation has been so retarded, that it has been forced to ask that ally which has made the hardest and most desperate resistance to the German arms to take upon itself the added burden of supplying the American Army with its artillery.

Mr. President, the facts are that this arrangement was made at the suggestion, if not by the request, of the French Commission headed by Marshal Joffre, which visited this country in the spring of last year, and also by the British Commission as the result of their joint consideraton of the general situation. Is this action one to be condemned when it was inspired and recommended by those connected with the war from its inception and thoroughly competent to advise us as to our methods of preparation?

Mr. President, France has been bled white, but her industries have never flagged from the day when the German Armies invaded Belgium down to this good hour. On the contrary, its capacity for producing munitions of war has been constantly expanding, and certainly it is good business wherever it is possible to secure the equipment for our Army at the front. In the first place, it helps our allies when we give them the orders. In the next place, we save that much cargo space for other and perhaps equally important articles needed for the prosecution of the war. It stimulates industry at the front; it aids in supporting the noncombatants constituting the larger portion of the population of our allies; and, what is more, it makes for efficiency in the production and perfection of the products which we must utilize.

To charge the War Department with inefficiency and maladministration in that particular, Mr. President, is not only unjust and uncharitable, but it is unfounded. Of course, I want the members of the committee who have listened patiently to all of this evidence to correct me if, forsooth, I misstate the facts, either in whole or in part, in my reference to their proceedings and to the testimony which was elicited before them.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. I yield.

Mr. HITCHCOCK. I think there is force in some of the argument made by the Senator from Colorado that France and Great Britain both offered to supply our deficiencies in artillery and that there may have been some need for accepting those offers, but the Senator will realize, if he recalls the testimony, that those offers were made only because those countries saw our deficiencies, and saw that without their offers we would not be able to put an army in the field and supply it with the artillery and the machine guns.

Furthermore, I am sure the Senator can hardly argue that this saves cargo space, because much less cargo space is occupied in taking the finished product to France than in taking the raw material there of which the finished product is made.

Mr. BECKHAM. Mr. President——

Mr. THOMAS. I yield to the Senator from Kentucky.

Mr. BECKHAM. I do not agree with the statement made by the Senator from Nebraska [Mr. HITCHCOCK], for I do not think the testimony shows that France and England have been willing to furnish us with these supplies simply because they saw, as he says, that we were deficient in those products. As a matter of fact, both in France and England, the production of munitions has been brought to the highest point possible, and they have been producing munitions of war in many instances in excess of their current needs. Some of the witnesses before the committee stated that it was no burden upon the industries of those countries to supply us temporarily with our needs. Only recently the Chief of the Ordnance Department testified that in the matter of a certain very important munition of war the factories and industries in France were adequate to produce all

that the French Army needs now and all that we will need until about the 1st of October, and that it was no hardship whatever upon those French industries to supply us.

There is another point lost sight of, if the Senator will pardon me for calling attention to it. It is that so many of the industries in this country were engaged when we entered into the war and afterwards in the production of arms and munitions for the allies. It was certainly not good policy for us when we entered the war to stop that production which was going on for the benefit of the allies. There has been an agreement and an understanding among the French, English, and American commanders and officials in the matter of supplying arms and munitions and distributing them among the different armies, and it is a mistake, I think, to say that the French have in any way suffered or been deprived of a sufficiency of arms by the calls made upon them by our Army.

Mr. THOMAS. I am obliged to the Senator from Kentucky for the information which he has given the Senate upon the subject. I understand that the statement of the Chief of Ordnance was made yesterday before the committee, on which occasion he offered to exhibit telegrams showing that it was the desire of the French Government to furnish not only artillery but explosives up to some time in August or September.

Mr. BECKHAM. The 1st of October.

Mr. HITCHCOCK. I wish to state, however, that he said at the same time it was not possible for us to produce in America those things before that time.

Mr. THOMAS. I understand. I will come to that.

Mr. HITCHCOCK. Therefore he verified what I say, that their offer was merely to supply our deficiency.

Mr. THOMAS. Mr. President, the offer was to make good our possible deficiency, but it was not an offer that tended to deplete the French Army of supplies of a similar character. In other words——

Mr. BECKHAM. Let me correct the Senator from Nebraska.

Mr. THOMAS. I will yield in just a moment. In other words, the furnishing of heavy ordnance and artillery to the American Army in France did not impair the efficiency of the French manufacturers to the extent of stinting their manufacture of similar supplies for the French Army. I now yield to the Senator from Kentucky.

Mr. BECKHAM. The Chief of Ordnance did not say that we would not be able to manufacture and supply these things until October 1. He said, as I recall it, that by July 1 we would be supplying them.

Mr. HITCHCOCK. The Senator is mistaken. We are building the powder factory now, and will not begin to supply powder until August, and then only at one-third capacity. We shall not be able to supply gas shells in any quantity before fall.

Mr. BECKHAM. Before July.

Mr. HITCHCOCK. We shall begin in July on a very small scale, but it is not only that testimony but other testimony before the committee recited by me here formerly. Take the matter of machine guns. While we have provided for machine guns for the future not one-tenth of those machine guns will be delivered before fall. Therefore, of necessity, if we are to have machine guns they must come from some other source, and France volunteers to produce them.

Mr. BECKHAM. Did not the Chief of Ordnance say that in the matter of explosive shells there are more than enough to supply the needs of the French Army and our Army until the 1st of October?

Mr. HITCHCOCK. It has been said France has facilities for doing those things, and under those circumstances there is nothing for us to do but to accept those offers. I am not citing this to show that we shall be embarrassed but that we failed ourselves to produce them and are compelled to depend upon France.

Mr. THOMAS. We should have accepted that offer whether we were prepared to produce the articles ourselves or not, because it not only helps France and her civil population, but, I repeat with all due deference to my friend the Senator from Nebraska, it also saves cargo space, because much of the material is already upon the ground. Practically all of it must be, except perhaps the material needed for manufacturing the explosives or the French manufacturers could not comply with their contracts.

In that connection, Mr. President, I offer and ask to have inserted in the RECORD, without reading an Associated Press dispatch from New York, dated February 6, and published in the Washington Post of yesterday morning, containing an announcement by Mr. André Tardieu, the French high commissioner in this country, as to the ability of France to furnish and supply much of the material, the failure to produce which here is charged as one of the chief shortcomings of the Department of War.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

FRANCE PLEDGES GUNS—ARTILLERY FOR 500,000 AMERICANS BY JULY 1, SAYS TARDIEU—PERSHING HAS OVER 210,000—MILITARY EFFORT OF UNITED STATES "WONDERFUL AND SPLENDID"—JUST APPRECIATION OF RESULTS SHOULD BE STIMULANT, DECLARES FRENCH HIGH COMMISSIONER—DEVELOPMENT IN AVIATION "BEYOND ALL EXPECTATION"—FRENCH HAVE 4,725,000 MOBILIZED—HOLD 565 KILOMETERS.

NEW YORK, February 6.

Announcement that France will be able before July 1 to manufacture enough artillery to supply 20 American divisions, or approximately 500,000 troops, if the United States meanwhile adheres to an understanding by which France would receive the necessary raw material from America, was made here to-night by André Tardieu, French high commissioner to this country.

M. Tardieu made the statement also that there are in France to-day more American troops than comprised the American Army at the time the United States entered the war. At that time, he said the American Army contained about 212,000 officers and men.

The French official spoke at a dinner which was part of New York's celebration of the Jour de l'Alliance Française, which was observed throughout the United States and Canada to-day, the anniversary of the treaty between France and the American Colonies in 1778. Jules J. Jusserand, the French ambassador, also was a guest of honor.

RESULTS SHOULD STIMULATE.

Asserting that "secrecy ought to be a thing of the past, because our democracies want to know in order to will," M. Tardieu said that "just appreciation of the results achieved" by America in its war preparations "is a stimulant for effort, and nobody has the right to refuse to the American people this stimulant." The commissioner reviewed the nation's accomplishments and outlined what France had done in the way of manufacturing ordnance both for the United States and for France's other allies.

"We have in the line," he said, "about 15,000 guns of every caliber, and every day more than 300,000 shells are turned out by our factories. To get those guns, to produce those shells, we created an industry which did not exist before the war and which has enabled us not only to arm ourselves but also to arm our allies.

HOW FRANCE ARMS ALLIES.

"Without speaking of what we manufacture for you, and that is several hundred guns a month, we have during the past three years given to our allies in Europe 1,350,000 rifles, 15,000 automatic rifles 10,000 machine guns, 800,000,000 cartridges, 2,500 guns, and 4,750 aeroplanes. * * *

"The adoption without any modification of our various types of guns would certainly have saved some time to the benefit of American production, and some delays may be the consequence of the improvements you are looking for, always, and rightly at that, aiming at better results.

ARTILLERY SITUATION SAFE.

"But as we have agreed, it is understood that you should supply and transport to France the necessary raw materials; we will under such conditions be able, in France, to deliver to you before July 1 enough guns thoroughly to equip 20 of your divisions. The situation, therefore, is completely safe in that respect."

M. Tardieu described America's military effort as "wonderful and splendid," and asserted it had been "a surprise to the enemy."

"I have cooperated for nearly 10 months, hour by hour, with every part of your war organization," he said. "What you have done is magnificent, worthy of your allies, worthy of yourselves."

MORE THAN 200,000 IN FRANCE.

Alluding to the raising of the National Army, M. Tardieu declared that "no event of wider import has ever taken place since the beginning of the war." He continued:

"Thus your Government, with a clear and courageous view, has given you the strength of numbers, the first condition of military power. In April, 1917, you had 9,524 officers and 202,510 men. You have now 110,000 officers and 1,500,000 men, and the number of your men in France at the present moment is notably in excess of the establishment of your Army nine months ago."

France, he said, has taken "every necessary measure" so that America can complete in France the training begun here. Regarding aviation, American development has been "beyond all expectation," he declared. He outlined how America had helped the entente also financially and with shipping, food, and fuel—aid which he described as "immense and conclusive."

"Wherever, on special points," he added, alluding to his association with officials at Washington, "I believe that mistakes have been made, I say it frankly; the heads of the Cabinet or the heads of your departments know it from their own experience."

"I have the optimism of the satisfied," Mr. Tardieu said, discussing the situation generally, "and as long as I shall be here as the representative of my country I will ask from you every day a still greater effort. After 43 months of war our needs are huge indeed, and in order to supply them enormous sacrifices are required of you."

The speaker recalled that America, in order to equip its Army with guns and airplanes, called upon the allies for its immediate needs, at the same time inaugurating a program of American manufacturing.

WHY FRENCH AID WAS NEEDED.

"Some people in Europe as well as here," he said, "have been wondering why you should not in that respect have done everything by yourselves. This criticism shows that those people ignore, firstly, what time means in war, and, secondly, how infinitely complicated is the industrial war organization, which from the very start is required by the extensive production of ordnance and aviation. * * *

"I have drawn roughly the results of the military effort of the United States for a period of less than 10 months. I do not believe that any impartial man would say that this effort is now completed, but I declare that any impartial man must admit its wonderful extension and splendid achievements."

Money was the first aid needed by the allies, Mr. Tardieu went on, saying: "But it was not sufficient. Indeed, for lack of a general organization of production, the United States and the allies would have competed with each other in every factory, and sterility would have resulted from this anarchy.

PRAISES CENTRALIZED CONTROL.

"But in this respect I may state—and no one can be better informed than the representative of one of the allied countries—that the centralized organization realized for the allies by the War Industries Board and the War Purchasing Commission is excellent in every way. * * *

"During the month of December last the high commission called the attention of the Shipping Board to a crisis affecting very seriously our supply in gasoline and oil for the first two months of 1918. To-day the measures taken by the board allow me to state that this imminent peril is absolutely conquered for those two months.

COAL SUPPLIED TO SHIPS.

"Last January 17, when arriving in New York, I found 37 ships unable to sail for France on account of lack of coal; on January 18 the restriction orders for coal were issued by the Fuel Administration, and when I left New York on the 22d all our ships had coal.

"More recently I have found myself obliged, together with my allied colleagues, to draw the attention of Mr. McAdoo and Mr. Hoover to the insufficient arrival of cereals in the American ports. I am convinced that the measures which were immediately studied and decided upon unanimously will bring for the next month a decisive improvement. Their execution has already begun."

4,725,000 FRENCH MOBILIZED.

M. Tardieu reviewed what France is doing to-day. "Officers and soldiers mobilized on January 1, 1918, not including the native troops from the colonies and the workmen in the factories," he said, "amount to 4,725,000 men, of whom nearly 3,000,000 are in the army zone.

"The extent of the western front is 753 kilometers. Belgians hold 25, English 105, French 565. We hold, therefore, three-fourths of it. We have in front of us 80 German divisions; that means two-thirds of the German first-line troops and more than half of the German reserve divisions. The Germans do not intrust to any one of their divisions a front larger than 6 kilometers; ours often hold 9 kilometers each."

Ambassador Jusserand in his speech alluded to the determination of the allies to restore Alsace-Lorraine to France. "The Germans continued to say 'no,'" he said, "but we still say 'yes.'" He declared the Germans were past masters in the art of distorting history and had proven this in their writings on Prussian rule in Alsace-Lorraine.

"The Germans have issued many medals during the war," the ambassador concluded, "but when peace comes there is one medal only which the allies will strike, and that will bear but one word—'Liberty.'"

During the dinner Gen. Eli D. Hoyle, U. S. A., retired; Rear Admiral Colby M. Chester; and other Army and Navy officers were informed of the sinking of the *Tuscania*. None of them referred to it in their speeches.

Mr. THOMAS. I am not surprised, Mr. President, that we are not yet able to produce heavy artillery. I am not surprised that we are not yet able to produce powder to the capacity which may be demanded in the war. Those are patent facts, but who is primarily to blame for it? As far back as 1913 when, as a member of the Committee on Military Affairs, I first attended its sessions, as I have for every year since, we have been warned by the experts of the War Department not only of its inability to produce these very needed articles of equipment immediately but that it would take a long time to do so after its orders were placed.

Gen. Crozier has told us time and again that from the time of the placing of an order for heavy artillery to the time of its completion and delivery would require from 12 to 18 months. Now we—and I accept my share of the blame, if blame there be—should have heeded that and similar warnings, and should long ago have provided the means and enacted the legislation empowering the War Department to obtain this artillery and to place the orders for them. If we had done so, we should have had it in due season.

Our appropriations have materially increased year by year since the beginning of this great war, but these warnings were given long before then. They were repeated in 1915 and 1916, and not until Congress declared a state of war to exist between Germany and the United States did we actively cooperate with the War Department by enacting such legislation as enabled them to begin the gigantic task of improvising and equipping our Army.

So with powder. We have small manufactories, not sufficient, perhaps, even in time of peace. We have enormous private institutions producing explosives, but the combined product of both, when we consider outstanding contracts with the allies, is below the demand. This adds to the slow processes of the Government which has had to begin at the foundation to erect factories and secure the material for the manufacture of a sufficient quantity of explosives.

Instead of holding the War Department responsible for these things—I will say "wholly responsible"—we should be charitable enough to recognize and admit our own shortcomings in that direction.

Mr. HITCHCOCK. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. HITCHCOCK. I fully agree with the Senator from Colorado on that point; we are all responsible for whatever dereliction of duty there was up to the outbreak of the war; but when the war broke out, Congress made abundant appropriations, and yet the War Department, which is charged with the duty of producing powder and knowing that we lacked a million pounds of powder a day, has not begun until now the construction of the factories that ought to have been begun last spring. So, instead of having the powder now we shall not have the powder until next August, September, or October.

Mr. THOMAS. Mr. President, it would be a blessed thing for us all if our foresight were as good as our hindsight. We appropriated money after the declaration of war; and if appropriations could win the war, Germany would have surrendered long ago; but something must be done with that money, and must be done effectively and efficiently. It may be that the War Department has been derelict in postponing the erection of powder factories. If so that is an important item which the committee has disclosed. Yet when we consider the enormous task placed upon the shoulders of the departments, not the least of which was the mobilizing of an army and the building in different parts of the country of shelter, and which they must have before they could be properly mobilized; when we consider the thousand and one problems immediately confronting the heads of the bureaus, the wonder is that they have not made more mistakes; that they have not exhibited greater deficiencies than those which now confront us, and which, thanks to the committee, I am sure will be very soon rectified.

My own view is that our mobilization of troops was premature; but public clamor insisted upon the early centralization of these boys in their various camps, without taking note of the enormity of detail necessary to be observed and accomplished if they were to be well taken care of and properly provided for after their assembly. Recall the utterances of the public press during last summer and fall, its complaints and charges of delays attendant upon the mobilization of our drafted men, and tell me whether the public can well escape some responsibility for the inconveniences, the occasional shortage of clothing, and the sickness which some of them suffered.

Mr. President, these influences in a country like this are potent. If, instead of the September mobilizations, we had waited for six weeks—if the public would have permitted a delay sufficient to thoroughly complete and equip the cantonments—much of the suffering and many of the lives which have been lost would have been spared. Therefore, let the public take its share of this burden, for much of it is due to its thoughtless impatience.

Another complaint relates to the shortage of ships for transport. I can not say to what extent that may be chargeable to the War Department, but I know that the scarcity of ships is the one great weakness in our general scheme of preparation and of actual warfare. It may prove to be the Achilles heel of our armor; I hope not; but here again, Mr. President, the Secretary of War can not be wholly chargeable with inefficiency or disregard of his duty, unless it be that he failed to get all the ships that he could. Some far-seeing men in this country, among them the Secretary of the Treasury and a number of Members of this body at the time, perceived the vast importance of this problem away back in 1914 and 1915. As a result the Committee on Commerce reported a shipping bill, empowering the Government, through a corporation which it should control, to utilize the appropriations therein proposed for the purpose of purchasing neutral bottoms and of building ships. That bill failed, and it was defeated, Mr. President, by a filibuster upon this floor carried on by night and by day. Some Senators now clamoring for ships and finding fault with the War Department because we have them not spoke for 6, 10, 12, and 13 hours against that great measure, thus preventing a vote upon it. With the reasons actuating that filibuster I am not at present concerned; with the motives of the gentlemen who defeated the measure I am not concerned. They no doubt were as conscientious as am I, as earnest in the conviction that they were discharging their duties to themselves and their country as I am that they were not. I challenge no man's motives, Mr. President, upon this floor, in the absence of cogent proof regarding them.

But I am justified in calling the attention of the Senate to the very short statement made by the junior Senator from Massachusetts [Mr. WEEKS] having the filibuster in charge, on the 3d of March, 1915, within 24 hours of the time when the Congress then in session expired by limitation. He said:

Mr. President, when the shipping bill was originally proposed it was announced that there were two purposes intended to be attained by it—one to provide for a temporary necessity and the other for building up a merchant marine. I understand that the conference report which has been presented and which is now on the table has eliminated the provision for the first of those two purposes; in other words, we have now before us a proposition to go into the shipping business permanently, the Government owning and operating lines of ships. It is to that particular phase of the question to which I wish to address myself this afternoon at considerable length.

Before doing so, however, I want to call to the attention of those in charge of the bill the fact that there are many Senators who had prepared themselves to discuss this measure before it was sent to conference two weeks ago. I have been handed a list of those Senators, and I wish to furnish the list to the RECORD, so that there may be no question about the desire of Senators on this side to discuss the bill, especially because it is probable that on account of the limited time all of them will not be able to make the comments which they desire. The list includes Senators Burton, Root, Lodge, Oliver, Jones, Gallinger, Penrose, Townsend, Smoot, Lippitt, Poindexter, McCumber, Bristow, Cummins, Sherman, Clapp, Sutherland, Nelson, Sterling, Clark of Wyoming, Warren, William Alden Smith, and du Pont.

Those Senators have informed me that they wish to discuss the bill from one to several hours each, and I think that statement would justify—

At that point he was interrupted by the Senator from Florida [Mr. FLETCHER], who was compelled to withdraw the bill.

Mr. President, I would that the zeal for ships now so eloquently manifested by the junior Senator from Massachusetts had had its birth in the month of March, 1915.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Massachusetts?

Mr. THOMAS. I yield.

Mr. LODGE. If the Senator will permit me, since he has referred to the obstruction which led to the defeat of the shipping bill in 1915, as I said the other day, the controlling motive for the defeat of that bill was because it was known and believed that the purpose was to buy German ships and give $30,000,000 or $40,000,000 to Germany for them. I twice offered an amendment to exclude them, and twice that amendment was voted down. If the amendment had gone into the bill the bill would have passed, and everybody knows it.

Mr. LEWIS. Mr. President, will the Senator from Colorado allow me to interrupt him?

Mr. THOMAS. In just a moment. Mr. President, I do not know, nor does everybody know, that the bill would then have passed; on the contrary, I am satisfied that it would not have passed. The Senator having charge of the bill, the Senator from Florida [Mr. FLETCHER]—and I am sorry he is not here—had in his possession at the time and exhibited a statement from those having authority reciting that not a single ton of German shipping was for sale or could be bought; and, since the Senator has interrupted, I feel justified in asserting that the motives which prompted the defeat of that bill were two. One was that it committed the Government to the building of ships and the other that it would seriously injure, if it did not destroy, the monopoly of the coastwise traffic.

Mr. LODGE. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. LODGE. Mr. President, the Secretary of the Treasury in his hearing before the House committee stated in substance that it was the purpose to buy those ships. If there had been incorporated in that bill a provision against the purchase of belligerent-owned vessels—and I think I know something about the opposition to that bill—it would have passed; but an amendment incorporating such a provision was voted down twice at least. We could not get attached to the bill the provision that no belligerent-owned ships could be bought under the bill.

Mr. THOMAS. Mr. President, the RECORD, of course, will speak upon that subject.

Mr. LODGE. The RECORD will. I offered the amendment, and I spoke in regard to it.

Mr. THOMAS. I have no doubt the Senator offered such an amendment; I have no doubt that when he asserts that the bill would have passed under those circumstances, he says what he thinks is so. But I had some little information at the time also, for I stayed here night after night to aid in preserving a quorum and, if possible, to force the hand of the minority; and I am satisfied that the two causes which I have assigned are those which inspired the filibuster and led to the defeat of that measure.

I now yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, I thank the Senator from Colorado for yielding at this time. My desire was to address myself to the Senator from Massachusetts and to remind him of the reasons which were then advanced for the opposition to the shipping bill referred to by the Senator from Colorado; but they have been anticipated by the Senator from Colorado, who has specifically called attention to that which it was my intention to present. Therefore, it is not necessary for me to interrupt the Senator.

Mr. THOMAS. Mr. President, it did not require——

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. THOMAS. I yield.

Mr. POMERENE. It may not be uninteresting to recall the fact that at the time we were trying to pass that bill American merchants and exporters were obliged to pay an increase in ocean rates, ranging from 100 per cent to 1,200, 1,300, and 1,400 per cent over the rates which prevailed during normal times.

Mr. THOMAS. That is true, Mr. President; but, as I have said, it was not my purpose to enter into the reasons which defeated that bill. My purpose was to emphasize the fact that it was defeated, and that, if it had been enacted into law then, in my humble judgment, there would be no scarcity of ships now, but the Secretary of War, the Secretary of the Navy, the Red Cross, and all the other agencies that are so sadly in need of bottoms to-day would be abundantly supplied. So let us not look too closely at the mote in the eye of the Secretary of War, but consider as well the beam in our own.

I was about to say when interrupted that the absence of coordination and the diffusion of authority in the departments of the Government were not revealed by the Committee on Military Affairs. That is an evil hoary with age and sanctified by antiquity. Neither is it confined to the War Department; it is everywhere in official Washington; it is popularly and properly known as "red tape." Senators from the Western States knew all about red tape years before the Committee on Military Affairs began its investigation. To use a common expression, they are "up against it" whenever they deal with the Interior Department upon any subject, however simple. A man has to visit more bureaus, consult with more officials, and confer with more divisions over a little water right——

Mr. SMITH of Arizona. And then not get it.

Mr. THOMAS. Than is necessary either to build a battleship or equip an army. We know all about it, and I might say that it is not without some pleasure that we see our friends of the East brought occasionally in contact with it, because perhaps it may result in some measure or policy that will enable us to minimize if we can not rid the country of it entirely.

Red tape is due in large part to our methods of legislation and in large part, perhaps, to the genius of our Government. Our methods of appropriations, Mr. President, are specific; they are not general. A general appropriation bill, an appropriation bill relating to the departments, contains from 175 to 200 pages, and specific appropriations are made for everything, even for the clerks and the employees. In the administration of that sort of a law, with responsibility necessarily fixed for expenditures in the way which it provides, red tape will ensue as naturally as maggots from a decaying carcass.

Moreover, Mr. President, scarcely anyone either now or heretofore occupying ordinary positions in the departments goes on any other theory than that, unless he makes himself appear indispensable he may lose his place; consequently he conducts the business intrusted to his care in such wise as to make these complications inevitable.

What has been accomplished by the committee is simply a nearness of perspective. The country has been brought close to this evil through its investigations. It is a cancer, Mr. President, that should be cut from the body politic, and the sooner the better. To do so not only makes for efficiency but it makes for economy, for speed, both in plan and in detail. Now, it shows itself in the new as well as in the old agencies.

Take some of these new bureaus—the Food Commissioner's office, the Fuel Commissioner's office, and two or three others. Why, Mr. President, from 40 to 50 per cent of the employees are nothing on earth but supernumeraries. They draw their salaries, of course, but they accomplish nothing. Their appointment and ostensible employment is a part of that system which is now so evident in the War Department. I am not blaming anybody for it. I am not blaming any party for it. It is the inevitable outcome of the manner in which this Government has been operating, and it will continue, no matter what the report of the Committee on Military Affairs may be, no matter whether the bills which they propose to report shall be enacted or not, until vigorous and summary measures are taken to do away with it. It can not be done by creating additional boards or councils.

Mr. President, one of the great weaknesses of our form of government is the tendency to create boards and bureaus whenever we think anything is wrong and needs rectification. We discover the existence of some evil, or find difficulty in securing this, that, or the other needed reform or change; and we at once legislate another bureau into existence, give it power to employ another horde of officeholders, and are apt to find that instead of furnishing a proper agency to administer the thing desired we have merely created an additional nuisance and endowed it with an additional expense.

A war council would simply add another link to the bureaucratic chains which now bind us. It would thus immeasurably increase the distance between efficiency and responsibility. It would not only do that but from two to three months would be consumed in organizing it; and after its organization, in all probability, if any of us had business with it we would play the game of battledore and shuttlecock down there, just as we do now, with Senators and Congressmen as the shuttlecocks.

Mr. President, the Taft Commission, appointed during the administration of that President, carefully investigated the subject and made a very full report upon it. It was supported by many of the Senators who are now here. Its recommendations were of the best. It was about that time that the senior Senator from Rhode Island [Mr. Aldrich] announced that if efficiency could be introduced in the administration of governmental affairs some $300,000,000 per annum could be saved. What has Congress done with that report? Has anybody in either House attempted to make it effective? Has any Democrat or Republican or Socialist or member of any other party been sufficiently concerned in the subject to utilize the report and seek to make its suggestions effective? Not one. Now we are blaming the War Department because of the existence of evils which existed then, and which, if we had acted after the expenditure of a large sum of money to obtain this investigation and report, would have been largely minimized and possibly done away with them long ago.

Moreover, Mr. President, I am not at all certain that either a director of munitions or a war cabinet or both are essential to the efficiency of the War Department. We have neither with the Navy. It required no munitions director or war cabinet to make the Navy efficient. Yet to-day it is universally conceded, justly so, that the Navy is in a very high state of preparedness.

How times change, Mr. President, and how opinions change with them. Three or four years ago the most abused and villified man in the United States was the Secretary of the Navy. Every epithet that was printable was applied to him, the cartoonist went to the extreme of his genius to picture his inefficiency, his worse than uselessness. He was denounced as an impediment in the proper development of the Navy. His removal was demanded from many quarters. He stayed, fortunately for the country, and I believe some of his detractors, who are now critics of the War Department, draw contrasts between its inefficiency and the wonderful completeness of the naval machine. I took occasion to defend the Secretary of the Navy here at a time when every paragraphist in the country was heaping contempt and contumely upon his head. I tried then to show that he was doing his duty, and doing it well. Time has vindicated him, as, in my judgment, it will tend to vindicate the Secretary of War.

Mr. BECKHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Kentucky?

Mr. THOMAS. I yield.

Mr. BECKHAM. I would suggest to the Senator that in comparisons between the Navy Department and the War Department since we entered this war one fact should not be lost sight of. I agree with him in what he says about the Secretary of the Navy and his splendid achievements in that service; but it should be borne in mind that when we entered this war the Navy was already a very large organization. There has been comparatively only a small increase in the Navy. The increase in personnel sometime ago was something like 100,000 men. It was easier for the Navy Department to expand to this increase than it was for the War Department to expand to the enormous increase placed upon it.

Mr. THOMAS. That is undoubtedly true.

Mr. BECKHAM. When we entered this war we had a Regular Army of approximately 150,000 men, and the War Department was organized to take care of that many men. In less than a year's time since war was declared between this country and Germany the Army has been increased beyond a million. There are a million and a half men now in training and under arms. Such an expansion of course put upon that department an enormous strain, and it was to be expected that mistakes should be made and that disappointments should occur in such a tremendous task.

Mr. THOMAS. I thank the Senator for his suggestion, Mr. President.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. THOMAS. I do.

Mr. WARREN. I think, in addition to what the Senator from Kentucky has so well said, that he might mention the fact that the Navy was provided with extra funds much earlier than the Army. The regular annual naval appropriation bill for the year had something like $500,000,000 added to it in the Senate above what the House had proposed. This was quite a long time before we had appropriated and the funds were available on the other side for the Army.

Mr. THOMAS. I think that is true, Mr. President. My sole purpose in referring to the Navy is to emphasize the attitude which a considerable section of the public, and many who are now with the best of motives criticizing the efficiency of the War Department, then occupied toward the Navy. But, Mr. President, if this war council is to function as its sponsors propose, it must also take charge of an efficient department, the Navy, as well as an alleged inefficient department, the Army; otherwise it can not function; otherwise there will be a conflict of authority; otherwise it must be a failure ab initio; and yet that is precisely what the bill proposes to do.

Moreover, Mr. President, the efficacy of the scheme covered by this bill necessarily assumes the appointment of thoroughly competent and qualified men. They must be "distinguished men of proved ability." That is a very general term. A great many men might in the President's opinion measure up to the standards fixed by the law whom we would think undesirable, but he appoints them. Now, if he should appoint a man who should prove a failure, or three men who were not able to agree upon the general policies outlined in the bill itself, then the purpose of the bill must fail.

We must get back to the personal equation; and what warrant have we, Mr. President, in the event of the establishment of a war council, that the President's appointments will prove any more satisfactory than some he has already made for other positions? Many of these men have been very severely criticized here and in the House of Representatives—justly perhaps, but criticized nevertheless—Baker, House, Daniels, Garfield, Hoover, and that does not complete the list. It might be that the President would conclude to take some of these men and translate them from their present positions to seats around the war council table. Would anything be gained by that? When we consider that after all everything depends upon the man and that this bill merely adds another bureau, with all the expenses attendant upon it, with its numerous subordinates, why resort to it unless absolutely and overwhelmingly indispensable? Many Senators believe it is unquestionably. They may be right and I may be wrong; but I am unable to give my assent to the proposition.

Some legal problems are encountered by the proposed war council—which is not claimed as a new idea. If my recollection serves me right, the Constitutional Convention very seriously discussed the proposition of a privy council to aid the President and to share his authority and his responsibilities, and rejected it by an overwhelming vote, and for the very obvious reason, perhaps, that it tended to diffuse responsibility which in executive affairs, even in times of peace, should be concentrated as much as possible.

Mr. President, I have endeavored to find some adjudications regarding the powers of the President in times of war and as Commander in Chief. They are very few. The views of constitutional authors are equally sparse. It would seem that the war powers of the President, so nearly absolute and so very necessary, have been taken for granted, and as a consequence could not well become the subject of adjudication by the courts.

Mr. Hamilton, in No. 74 of The Federalist, disposes of the subject in a very short paragraph. He says:

> The propriety of this provision is so evident, and it is at the same time so consonant to the precedents of the State constitutions in general that little need be said to explain or enforce it. Even those of them which have in other respects coupled the Chief Magistrate with a council have for the most part concentrated the military authority in him alone. Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of the common strength, and the power of directing and employing the common strength forms a usual and essential part in the definition of the Executive authority.

In his homely but comprehensive way, Mr. Lincoln, speaking on this subject, once said:

> As Commander in Chief of the Army and Navy in time of war, I suppose I have a right to take any measure which may best subdue the enemy.

Mr. SMITH of Michigan. That was not homely.

Mr. THOMAS. That is the philosophy of the subject in a nutshell.

Mr. SMITH of Michigan. Yes; that is the reason why it is not homely; but I do not quarrel with the Senator about that.

Mr. THOMAS. I think the Senator's criticism is just.

Mr. SMITH of Michigan. I think that is a marvelous inspiration.

Mr. THOMAS. Let me say that it is the simple expression of Mr. Lincoln, who had a natural command of pure and perfect English that ranks him with those literary geniuses whose English prose are models of classic expression.

Mr. SMITH of Michigan. Meaningful English.

Mr. THOMAS. I can refer those who may be interested in the subject to Willoughby on the Constitution, volume 2, sections 713 and 715.

In Ex parte Milligan, Fourth Wallace, the Supreme Court took occasion to briefly express itself upon the subject; and except as this has been approved by subsequent cases, I think it is the one concrete expression of the Supreme Court regarding the war powers of the President, wherein the court distinguishes between the authority of Congress and the powers of the Executive:

> [Ex parte Milligan, 4 Wall., 139.]
>
> Congress has the power not only to raise and support and govern armies but to declare war. It has therefore the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and by the principles of our institutions.
>
> The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authorities essential to its due exercise. But neither the President in war more than in peace intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law.

During the Civil War, Mr. President, Congress by resolution in December, 1861, created what was called the "Joint Committee on the Conduct of the War." I suppose its ostensible purpose was to aid the President in the discharge of his difficult executive duties, but if one will refer to the diary of Gideon Welles, and accept his conclusions, he will discover that it was a meddlesome and continuing nuisance, interfering with the President in many ways and ending its career by summoning the Hon. Benjamin F. Butler before it to testify upon subjects regarding which he was at variance with the President.

Mr. President, I want to refer to the bill for a moment. I do so because of a query from the junior Senator from Pennsylvania [Mr. KNOX] regarding its context when the Senator from Missouri [Mr. REED] was discussing its first subdivision. The Senator from Missouri contended that the first paragraph on the second page unquestionably trenched upon the constitutional prerogatives of the President as Commander in Chief, whereupon the Senator from Pennsylvania called his attention to the recitals on the first page, and inquired whether under the provisions there found the bill was not within the power of Congress to enact. The Senator from Pennsylvania is one of the great lawyers of the generation and any query of his with regard to a legal proposition is always worthy of the highest consideration, and especially before it is rejected. The recital to which the Senator from Pennsylvania referred is, as follows:

> That there is hereby created a war cabinet, to be composed of three distinguished citizens of demonstrated executive ability, to be appointed by the President, by and with the advice and consent of the Senate, through which war cabinet the President may exercise such of the powers conferred on him by the Constitution and the laws of the United States as are hereinafter mentioned and described.

The query was whether the President might not utilize this as an agency which Congress could create for the discharge of his executive authority. It may be so, but, Mr. President, this bill either designs that the President must exercise his authority through that agency or it is practically innocuous. If the President may do as he likes about it, utilizing to its full or to its partial extent, or reject it entirely and use some other agency, why pass the bill? I must construe this word "may" as intending to mean "must" or "shall," that the President shall exercise the various prerogatives which are afterwards set forth in extenso through the proposed war cabinet, and through it only. If the President has a choice of agencies, if he may discharge this agency entirely and proceed on his own volition in other directions, then certainly we are not helping him at all. We may be exposing him to a hindrance in the sense that if compelled to utilize some other official, no matter what may be the reason, it may be the best of reasons, he will expose himself to public censure and criticism. Hence those who drafted the bill must have designed that the war cabinet when created should have supreme charge and control of the war, and this cabinet is authorized among other duties—

> To consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the existing war, and, in the manner hereinafter prescribed, to direct and procure the execution of the same.

In other words, the war cabinet is designed, must be designed, to exercise the power of not only supervising but directing the strategy and the tactics of the war, taking out of the hands of the President through his generals that supreme control of both which must be centered in a single head if disaster is to be avoided.

Many of the criticisms now being made, much of the fault now being found, many of the proposals that we must consider, the general feeling of unrest and dissatisfaction which unquestionably is prevalent in the country, merely indicate, Mr. President, that history repeats itself. In 1862 the President of the United States was subject to the same trials; his administration encountered the same vicissitudes; he endured much harsher criticism than has yet been made of the War Department or the President. But his patience and his patriotism sustained him serenely through it all to a triumphant victory, and his martyrdom brought bitter self-reproach to those who had so maligned and misunderstood him.

Mr. Lincoln had many critics. Probably none of them published diatribes at a dollar a word or indicted their bitter arraignments for hire. They have that at least to their credit. But he encountered the contentions and recriminations of Greeley, Phillips, Henry Winter Davis, Wade, Vallandigham, and a host of others who were then well known, but most of whom are now covered with the mantle of oblivion. The chorus of their counsels and criticisms was louder and more sustained than the present one, which, however, is young and vigorous.

Shortly after the Battle of Shiloh public indignation against Gen. Grant was so aroused that his removal was imperatively and insistently demanded, and in that demand Members of both Houses participated. The Battle of Shiloh was a very bloody one. The Union losses were tremendous. Grant was said to have needlessly sacrificed the troops and his head was demanded. The incident may be most appropriately recommended to many clamorous patriots of the present day. I read from Lamon's Recollections of Lincoln:

> A short time before the fall of Vicksburg great dissatisfaction became rife at Gen. Grant's tardiness in moving on the enemy's works. There was a pretty general feeling in favor of relieving Grant from his command and appointing some one who would make short work of that formidable stronghold of the enemy, and relieve the people from their state of anxiety. Mr. Lincoln had great faith in Gen. Grant. He was being constantly importuned and beset by the leading politicians to turn Grant out of the command. One day about this time he said to me, "I fear I have made Senator Wade, of Ohio, my enemy for life." "How?" I asked. "Wade was here just now urging me to dismiss Grant, and in response to something he said I remarked, 'Senator, that reminds me of a story.' 'Yes; yes?' Wade petulantly replied, 'It is with you, sir, all story, story! You are the father of every military blunder that has been made during the war. You are on your road to hell, sir, with this Government by your obstinacy; and you are not a mile off this minute.' I good-naturedly said to him, 'Senator, that is just about the distance from here to the Capitol, is it not?' He was very angry, and grabbed up his hat and cane and went away."
>
> Lincoln then continued to say: "To show to what extent this sentiment prevails, even Washburne, who has always claimed Grant as his by right of discovery, has deserted him, and demands his removal; and I really believe I am the only friend Grant has left. Grant advises me (Mr. Lincoln had never seen Gen. Grant up to that time) that he will take Vicksburg by the Fourth of July, and I believe he will do it; and he shall have the chance."

The author's reflections are equally pertinent:

> Had it not been for the stoic firmness of Mr. Lincoln in standing by Grant, which resulted in the speedy capture of Vicksburg, it is hard to predict what would have been the consequences. If nothing worse, certain it is that President Lincoln would have been deposed, and a dictator would have been placed in his stead as Chief Executive until peace could be restored to the Nation by separation or otherwise. Mr. Lincoln thus expressed himself shortly before his death: "If I had done as my Washington friends, who fight battles with their tongues at a safe distance from the enemy, would have had me do, Grant, who proved himself so great a captain, would never have been heard of again."

Another passage from this author, and from another chapter, acquaints us with what I hope is an extreme instance of the extent to which the animosity of Mr. Lincoln's opponents carried them:

> As illustrative of the amenities of language with which, at this epoch of his life, the Chief Magistrate of our Republic was habitually characterized, it will suffice to adduce such an expression as this, "That hideous baboon at the other end of the Avenue, whom Barnum should exhibit as a zoological curiosity." Mr. Lincoln's existence was so cruelly embittered by these and other expressions quite as virulent, that I have often heard him declare, "I would rather be dead than, as President, thus abused in the house of my friends."

Mr. President, criticism and denunciation have not yet transgressed the limits of propriety. I trust they will not; but if I can judge from the encouragement given in some quarters to bitter criticisms of public characters, not in the Senate but elsewhere, it is highly probable that before this year shall have ended the President will have endured many of the bitter experiences which so saddened the closing years of the greatest of our Presidents. Conscious, however, as was he of the rectitude of his purposes and the wisdom of his policies he will proceed unmoved, except as his own judgment shall dictate, to that victory as certain to come as it was finally achieved by the martyred President.

Mr. President, let us be as charitable as possible. The War Department has its defects but is not the only nonefficient factor of the war. Congress has made its contributions to the cause of inefficiency. Fortunately it enjoys one peculiar immunity. In the general scheme of the American Government there is no power which can investigate it except the electorate, which does so every four years, and acts accordingly; but no probing com-

mittee can sit in judgment upon it, cross-examine its Members, expose its misdeeds, or expose their motives save as it may itself assume the task. That may be for the best; I am not prepared to say that it is not; yet I affirm, Mr. President, if an inquiry could be officially made of the conduct of the Congress of the United States such as confronts the War Department a report might be made of our own shortcomings which, while not excusing, would certainly palliate those of the War Department.

Let me illustrate this by a supposititious inquiry and assume that the National Council of Defense, invested with the power of congressional investigation, has conducted one and made the following report of its findings to the President:

The PRESIDENT,
White House, Washington, D. C.

SIR: The National Council of Defense, in the discharge of their official duties, and urged by a widespread demand therefor, have investigated the course of congressional legislation regarding our Military and Naval Establishments, with a view of determining what has actually been accomplished during the past few years and what omissions, if any, are justly chargeable to that illustrious body. In making this investigation we have been prompted by motives which are free both from partisanship and personal feeling. We have been actuated by the highest motives of duty and patriotism, prompted by the necessity of service to the country, of repairing mistakes where they have occurred, and also to prevent their recurrence, if possible.

As a result of this investigation, we herewith submit a report of some of the conditions disclosed, together with a suggestive remedy which we believe is imperatively demanded by the perilous conditions now confronting the Nation. Let us, at the outset, assure you that the responsibility for the methods, or to be more accurate, the lack of them, by which legislation is proposed and enacted, and by which it can be retarded, although highly objectionable, and especially in times of war, can not be placed upon the shoulders of anyone or of any particular Congress. It is the deplorable lack of system and of coordination which is the growth of years, and due in a great part to deficiencies in the form and structure of our Government. It is possible to operate under it in times of peace. In times of war it should be set aside by the Congress itself, if possible; by the Executive if necessary.

Introduction of bills and resolutions by Members of both Houses is a daily practice. The aggregate number of these in the last Congress was approximately 30,000.

It would be difficult for a Member within the space of a session to read the titles of these bills, to say nothing of their contents. They were all printed at enormous expense and then referred to committees, after which 95 per cent of them are never heard of, although their authors waste much valuable time in endeavoring to secure some action upon them.

The committees to which bills are referred are large and unwieldy. The Senate committees are so composed that each Senator is a member of two or more important ones, although the business coming before each is sufficiently engrossing to demand the unremitting time and attention of every member thereof. Hence these committees and their chairmen are becoming more and more identical in authority and in purpose.

In the Senate there is no limit to discussion. An amendment to the rules adopted last March and designed to put a curb upon this practice has thus far proven innocuous. Action upon bills, however important, is therefore, in this body, obtainable only by unanimous consent.

The needs and interests of the respective constituencies of Representatives and Senators seem to be, and long have been, paramount considerations. Those of the National Government, except perhaps in times like the present, are therefore subordinated to such interests to a degree that it is perhaps not too much to say that there is no real national Representative or Senator in either branch of our legislative body in the true sense of that term. Given the consideration of a measure national in its scope in conflict with one affecting some of the Districts or some of the States and the demands of the latter are apt to determine the fate of the measure. Dependence upon constituencies, the desire for their approbation, and the fear of their disapproval are the paramount influences in determining national legislation.

It can readily be seen that the prime result of such conditions is to decentralize legislative action and compel compromise between diversities of interest and purpose as a condition precedent to any legislation however important.

This preliminary statement of general congressional conditions is deemed essential to an appreciation of the specific instances of congressional mistakes or failures to which we are compelled to call your attention, and which, in our judgment, are the fruitful causes of many of the disappointments thus far accompanying the development of our military program. It will be noted that the instances to which we refer have transpired since the beginning of the great European war. Perhaps the first tremendous fact confronting the United States immediately after the declaration of war by Germany against the allies was the absence of an American merchant marine. With its causes we are not now concerned. The need of supplying ships and supplying them immediately was then so apparent that a so-called shipping bill was favorably reported from the Senate Committee on Commerce, under the terms of which it was proposed that the Government should directly or indirectly begin the construction of ships and their purchase from neutral nations. This bill at once encountered the active and implacable opposition of a large minority of the Senate, which, for various reasons assigned, began and maintained a successful filibuster against it. Some of the opposing Senators indulged in oratory by day and by night until the Senator having charge of the bill was compelled on the afternoon of the 3d of March, and about 12 hours before the Congress expired, to withdraw it from further consideration. It is interesting at this juncture to read the statement of the junior Senator from Massachusetts on that occasion.

I have read it.

Had the bill then become a law, and it would have been enacted but for this filibuster, it is reasonable to assert that there would not have been that shortage of ships so painfully apparent during the past 12 months and which if it continues may result in national disaster.

In 1914, 1915, and 1916 the attention of the Congress was called by the Secretary of War to the necessity of strengthening the military arm of the Government, and making due provision for adequate equipment. A plan of Army reorganization worked out by the General Staff and recommended by the then Secretary of War was submitted to both Houses in 1915. Ample hearings were had before both committees, in which the chiefs and experts of the Army in great detail explained our pressing military needs and requirements, and particularly the need of a National Army. The Army bill of 1915 differed but little from that of its immediate predecessors. The Army bill of 1916 contained little, if any, provision for the raising and equipment of a Regular Army. Under section 56 of the Senate bill as proposed, such an army might have been improvised. It was vigorously attacked, however, and was kept in the bill by the Senate by a very slender majority. It was rejected in toto by the conference committee. On the other hand, the bill as enacted was devoted to the expansion of the State Militia, or National Guard, notwithstanding the vigorous protests of the Chief of Staff and of the War Department. It is not too much to say that the Army bill of 1916 was dictated to the Congress of the United States by the organized officers of the National Guard through a lobby composed of its officers and the several States and through the political power which it assumed to possess. But whatever the cause, the recommendations and efforts of the military authorities of the United States for organizing and equipping a large and efficient army in anticipation of our entering into the war proved wholly unavailing. The aggregate appropriation for that year considerably exceeded that of its predecessor, but much of it was devoted to the proposed expansion of the National Guard as units of the State and for their incorporation into the Regular Army as might be required in national emergency.

Although the demonstrated success of the submarine had by 1916 justified the declaration of Sir Percy Scott in 1912 that revenues thereafter spent in the construction of huge battleships would be money wasted, Congress in the naval bill of 1916 established a so-called naval program, of which the battleship and the battle cruiser were the chief features. Scant provision was made for submarines, torpedo destroyers, transports, and other craft absolutely essential in modern sea warfare. Fortunately, the Navy Department had not, when war was declared, begun the construction of the battleships provided in that act and stopped similar construction of similar vessels then under way and has devoted itself to the building of such war craft as the necessities of the war demanded. In justice to the Congress, however, it should be said that the program then adopted was recommended by the experts of the Navy Department. Congress, therefore, may claim in that exceptional instance the merit of duly considering the counsels of those having sufficient experience to speak by authority. With regard to the Army bills of 1915 and 1916, the council believes that if the recommendations of the department then made had been duly heeded by the Congress, the Army would have been sufficiently reorganized and equipped to have proceeded without further delay to the trenches in Europe immediately after the beginning of hostilities.

The need of explosives in modern warfare is obvious. Nitrates are the basis of all modern explosives, the natural supply of which is confined almost exclusively to the Republics of Chile and Peru. Our inability to secure our supply from those countries would mean disaster. Appreciating such a contingency, the junior Senator from Alabama endeavored long ago to secure the passage of a bill providing for the erection by the Government of a suitable plant for the manufacture of atmospheric nitrogen under processes well known and easily obtainable. This measure, so evidently essential to the national welfare, was bitterly opposed, largely on the ground that it committed the Government to the manufacture of a commodity which should be left to private enterprise. Not until our troubles with Mexico in the summer of 1916 confronted us for the time with the actual presence of war did it become possible to crystallize this important subject into the legislation of the country. Even then it had to be offered and was finally accepted as an amendment to the Army bill of August 29, 1916, something like a year subsequent to its first consideration by the Senate. Had this bill been promptly enacted into law upon its introduction, the structure contemplated by it would now be well toward completion and its product available for the manufacture of explosives in the very near future, thus enabling us to devote a large part of our importations from Chile to the use of our allies and to the fertilization of the soil.

The prime need of our country is money available to the Government for war purposes. It is the duty of Congress to supply this need by legislation. It entered upon the consideration of a revenue bill designed to greatly increase the public revenues in the month of April, 1917. On the 6th of October of that year the bill became a law. The committees of the respective Houses, and particularly the Senate committee, devoted not less than four months to its earnest consideration. Yet it is not too much to say that this law constitutes a reflection upon congressional intelligence. It is involved, complicated, and complex to a degree seldom encountered even in modern legislation. It possesses all the bewilderment, with none of the fascinations, of Alice in Wonderland. It can be worshiped with impunity, for there is nothing like it in heaven, on earth, or in the waters under the earth. Immediately after its enactment the Secretary of the Treasury appointed an advisory council or body, consisting of wise and experienced gentlemen, to investigate, explore, and penetrate this law with their combined intellectual processes and then tell him what his powers and duties under it were.

Mr. SMOOT. The Senator, I think, ought to give credit to the conferees on that bill for making it to a large extent as described by him.

Mr. THOMAS. This is the report of a committee investigating the Congress.

Mr. OVERMAN. What report is the Senator reading? I did not catch it.

Mr. THOMAS. I am reading from an assumed report of an investigation of Congress by the Council of National Defense:

These gentlemen have patiently, conscientiously, and constantly endeavored to perform this arduous, if not impossible, duty, thus far without success. We only know that in its possible operation the law rests much more heavily upon the small man than upon the large one; that if literally enforced it will compel the average individual to resort to perjury as a last and solitary refuge from bankruptcy. It would seem to an ordinary observer that with a century of experience of this sort of legislation to guide it, an intelligible, if not a satisfactory, revenue statute might have been enacted. To add to this unfortunate outcome of congressional action, there seems to be little, if any, disposition to take up the question and either repair or remedy this remarkable compilation of statutory sections. The amount of revenue to be derived from it is problematical.

It would seem that in view of the Nation's present needs and expenditures Congress would realize not only the importance but the essential necessity of enforcing economies whenever and wherever possible, and especially with regard to subjects which belong to times of peace rather than to times of war, but no such spirit has thus far manifested itself. Indeed, the tendency to extravagant financial legislation seems to be more pronounced than ever before. Bills for pensions, claims, rivers and harbors, increases of salary, increases of officeholders, and multitudes of other subjects requiring appropriations are daily introduced, and their aggregate crowds the capacity of the committee rooms. We have made no compilation of the aggregate amounts called for by these measures, but it is safe to say that the sum total would be quite as great as the ordinary expenditures in recent years of peace. Whether they shall be enacted into law is for the future to determine. We make no prediction concerning them, but apprehend that the pressure of political and local interest behind them will, as usual, be too great for the Congress to resist.

It is unnecessary to cite further instances of congressional delinquency. We have selected a few from the list which are typical. In our opinion the so-called legislative system, in so far as war legislation is concerned, has broken down for lack of coordination and concentration of responsibility. This can not continue without grave peril to the further and future prosecution of the war. We have suggested some legislation which, in our opinion, would meet the crisis and tide us over the difficulty, but we are not at all optimistic about its acceptance.

In the performance of a grave and serious but imperative duty, we therefore recommend to the President, in the exercise of his war powers as Commander in Chief of the Army and Navy and to the end that the present war may be vigorously and successfully prosecuted to an early termination, that a war tribunal be appointed, consisting of distinguished citizens of known experience, charged with the duty of summarily enacting all legislative measures deemed necessary and vital to the public needs and safety, to the end that delays, diversity, and decentralization in matters legislative shall cease and efficient organization as above suggested be substituted therefor. This council shall perform the duties of the Congress of the United States until six months after the present war shall have ended, as announced by the President of the United States.

I submit, with all due deference to the superior information of my colleagues, that the remedy suggested in this document for congressional delinquencies is not more drastic nor more extraordinary than that embodied in the proposed bill for the creation of a war cabinet.

Mr. President, if this is burlesque, it is a burlesque of fact; upon our shoulders rests much of the responsibility which is shifted to other departments. Would it not be well to make frank acknowledgment of it, close ranks with the War Department, and strive with mutual zeal for a better record for the future.

Mr. President, there is a political aspect not to the investigation but to its manner and results to which I feel justified in referring. In doing so I reflect upon no Senator whether he is a member of the committee or not.

I believe that this investigation has been beneficial. I believe that it has been conducted by gentlemen inspired by the highest motives of patriotism. I am glad it has been made. I hope it may not, as some think from its recent character, degenerate into a petty cross-examination of a distinguished official.

The political aspect to which I refer is external. Its influences may penetrate here in time. In referring to it, let me say that I do so in no spirit of complaint. If conditions were reversed and a Republican administration were in power, the constituents of this side of the Chamber would be similarly actuated. That is human nature. Politics is largely identical, whether it springs from Republican or Democratic sources. A partisan advantage is taken quite as eagerly by one of the great parties as by the other. Hence, I refer to this subject because I think it is pertinent to the discussion.

Mr. President, if the press is to be credited—and I very seldom credit it unreservedly—there is no question but that partisanship will take advantage of alleged as well as of actual delinquencies in the War Department and make them the subject of a fall campaign. The New York Times is a fairly conservative journal; in my judgment it is the best newspaper in the United States. It is independent, or at least as independent as a newspaper having convictions can be; it is nonpartisan, or as nearly nonpartisan as a great journal can in the clash and conflict of opinion be. I think it desires and strives to publish all of the news that is fit to print. In its Sunday supplement of February 3 appears an article upon the subject, from which I quote:

Baker as a campaign issue for the Republicans.—Their plan is no longer a secret, and next week's meeting of national committee will launch fight for control of Senate and House.

I shall not read the entire article, Mr. President; it is not necessary. I wish it bore the name of the writer.

Mr. BORAH. Mr. President, there is a very good reason why the article does not bear the name of the writer, for no responsible Republican would assume to attach his signature to that proposition, in my judgment.

Mr. THOMAS. Well, that may be the reason. Another reason may be that the present purpose is to surround with an atmosphere of anonymity all reference to political conditions; but, nevertheless, in view of some things that have been said upon this floor, not in this discussion; in view of the visit to this city at a most opportune time of the most vociferous and prominent of all the candidates for the Presidency—about whom I would say much more were he not reported to be seriously am inclined to think that this article is not entirely unreliable, ill—and in view of some of his statements on that occasion, I The article states:

The war issue for the Republicans in the campaign of this year will be based on the manner in which the Democratic administration, especially the War Department, has managed the war. That much has been decided upon, and the details will be perfected at the session of the national committee to begin in St. Louis on February 12, the first meeting of the full committee since that held immediately after the national convention which nominated Hughes in 1916.

In brief, the Republican campaign is to be based on a Nation-wide attack on the Democratic War Department as the chief national issue. It will be placed before all local and State issues in every congressional district in the country. The campaign material will be drawn almost entirely from the facts disclosed by the Democrats themselves in the recent investigations by Senate and House committees, the Republicans taking the position that they have little need of campaign textbook ammunition in addition to that furnished by the Democratic Senator from Oregon, GEORGE E. CHAMBERLAIN. They will base their fight on the assumption that it is the patriotic duty of the Republican Party to give the people an opposition majority in Congress that will compel more publicity and impose a greater check on mismanagement in the executive departments of the Government.

What the Republicans hope to accomplish is, specifically, the conversion of the present Democratic majority of 10 in the Senate into a Republican majority of 8. The least they expect to get in the Upper House is a Republican majority of 2.

Then follows a consideration of the political prospects and conditions of the various so-called doubtful States. We come now to a question put to a member of the Republican national committee:

What likelihood is there that the midterm political reaction of normal times and the other factors the Republicans are depending upon for victory next fall will be offset or more than offset this year by a feeling on the part of the public that there must be no politics whatever in war time?

"There is no likelihood, no possibility of anything of that sort happening," he answered. "The Republicans of the United States also have a patriotic duty to perform in this war, and that is to exercise their legitimate function as a party in opposition to the administration to reduce to the minimum the war mistakes of the administration. The war itself will not be an issue, there will be no un-American, no unpatriotic issue. The big issue will be mismanagement of the war by the Democratic War Department. We will win on that, and then use our restored power in Congress to compel better things.

"But suppose," the committeeman was asked, "our American troops get to France in large numbers; suppose they get their equipment and take over a sector of the fighting line and win a big victory against the Germans before the Congress elections of next fall? What will become of the mismanagement issue in that case?"

"It will continue to be a live and effective issue. If our troops get equipped and win a victory next summer it will be in spite of the present War Department, not because of it. No victory that may come to our armies at any time in the course of this war can offset the resentment of the public because of the men who have died from neglect and blundering before they could even get away from their training camps in America. The public will not stand for a long casualty list before there is a skirmish.

Then follows a criticism of deaths from overcrowding, and so forth. Then the gentleman, interviewed, is reputed to have said:

If we needed a cue in this matter, which we don't, there is an ample one in the action of a few of the Democrats themselves in the Senate—CHAMBERLAIN, of Oregon, and HITCHCOCK, of Nebraska. But these two men, with a few more of their party who may stand by them in the Senate, are not enough to meet the needs of the situation. No matter how hard these few truth-revealing Democrats may work, no matter how courageous they may be in the face of denunciation from the White House, they can not build up in Congress a sufficient barrier and check against a stupid War Department to protect the soldiers.

Not even an attempt at such a protection can be expected from the House of Representatives as it is constituted at present. The House is absolutely under the control of the President, and the President believes that Mr. Baker is the best Secretary of War we have ever had. The country never would have known of the blunders in the War Department, the blunders that have cost us many lives, if we had depended upon the House Committee on Military Affairs for the disclosures that have come from the Chamberlain committee in the Senate.

I might, Mr. President, refer to extracts from many other newspapers upon the same subject, but it would only burden the RECORD.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. I yield.

Mr. BORAH. Mr. President, I am a very humble member of the party to which the Senator from Colorado has referred——

Mr. THOMAS. On the contrary, the Senator from Idaho is one of its most distinguished members.

Mr. BORAH. And I have no authority to speak for the Republican Party, although I presume I have fully as much authority to do so as has the gentleman who is supposed to have been interviewed in the article from which the Senator has read; neither am I a prophet, but I merely venture to say that the conduct of the War Department will not be in any sense whatever an issue in the next campaign; that it will not be a part of the campaign conducted by the Republican Party or

by any other party which may meantime spring into existence. I think the Senator from Colorado ought to bear in mind that this article appears in what is known as the magazine part of the New York Times.

Mr. THOMAS. It does.

Mr. BORAH. And I want to record my conviction that the last that that article will ever be heard of will be when it appears here in the CONGRESSIONAL RECORD, so far as it relates to the policies of the Republican Party.

Mr. THOMAS. Mr. President, I am satisfied that if the Senator from Idaho could mold the policies and shape the action of the great party with which he affiliates such would be its course, but no one man forms the general policy of the great political organizations of the country.

I want again to reiterate that I am not speaking in a sense of partisan criticism of this situation and that if conditions were reversed I have no doubt the party to which I belong would seek the same advantage. It is the consequence of the situation, however, which prompts me to mention it.

Mr. BORAH. Mr. President, I am not criticizing the manner in which the Senator from Colorado is using this article. I am perfectly aware that neither myself nor any other individual or small group of individuals can control the policies of the party. That is the reason why I know that that will not be an issue in the next campaign. The gentleman who was interviewed in reference to that matter is undoubtedly one of those antiquated gentlemen who still believe that the policies of the party are framed by a committee or by some State central committee or national committee or something of that kind. Most of those people, fortunately, have passed out of existence, and they cut very little figure any longer. The policies in these times, when the people are having their attention riveted upon these affairs, will be shaped by the rank and file of the respective parties of the country, and the rank and file of the Republican Party would not for a moment submit to an issue which was based upon a discussion of a past incident in the task of preparing the country for this war.

Mr. THOMAS. Mr. President, the rank and file of the Republican Party are just as patriotic as I am; there is no question about that. The leaders of the Republican Party are just as patriotic as I am; but it is in human nature in all political campaigns to take advantage of those defects and those conditions which seem to make for success. Unless that were so there would be no campaigns in this country; there would be no discussion of issues. While I know that the Senator from Idaho feels and believes what he has said, I still contend that there is outside of the Senate a disposition to utilize these things for political success, else I would not be warranted in referring to them here at all.

Mr. POINDEXTER. Mr. President——

Mr. THOMAS. I yield to the Senator from Washington.

Mr. POINDEXTER. Mr. President, I want to get the view of the Senator from Colorado as to the propriety of making a political issue of the matter to which he has referred. The most important question before the American people is the conduct of the war. It so happens in our political system that the conduct of the war is under the control of one political party and that there is an opposition political party. When an election comes and the issue is presented to the people whether or not we are to retain in control of the Government the party and the President who have been responsible for that great trust during the preceding term, does the Senator maintain that it is improper to present to the tribunal of public opinion the question of the diligence and the efficiency which have been used by the party in power, or the lack of those qualities, in the conduct of the war? Is it not, as a matter of fact, the duty of the opposing party to make the issue, and have not the American people the right to consider the question in rendering their verdict in the election? I ask the question because I am not quite clear whether the Senator contends that that would not be a proper issue; and I am saying this, if the Senator will permit me just a word, entirely apart from the expression of any opinion as to the merits of the particular controversies which have recently been engaging the attention of the country.

Mr. THOMAS. I have twice said, Mr. President, that I thought it was perfectly proper and legitimate to use this material in the next campaign. I go further and concede that of all times an opposition party is needed in time of war—a strong, vigorous, patriotic, healthy opposition. We have it now, and I hope we will continue to have it. I mentioned the subject for the sole purpose of emphasizing one consideration, which is that when it shall appear to the public, as I am afraid it is now appearing, that the investigations which we are conducting are not devoted to the sole object of discovering deficiencies and correcting them; that we are going beyond the limit of official propriety; that, having exhausted our legitimate functions, the investigations should be concluded. I do not intend to reflect upon the present investigation, but I am aware of the gradually growing public sentiment that the protracted examination of the head of the War Department discloses a purpose to go further than the announced objects of the investigation when it began.

Mr. CHAMBERLAIN. May I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. THOMAS. Certainly.

Mr. CHAMBERLAIN. Mr. President, I think the Senator in making that statement, he being a member of the committee, ought to go further and say that the committee had the Secretary of War before it once and had practically completed his examination, and when he appeared again it was at his own request, and the examination was had in the manner that he requested. The second examination of the Secretary was, therefore, not had on the initiation of the committee.

Mr. THOMAS. That is undoubtedly true, Mr. President.

Mr. CHAMBERLAIN. Now, another thing, Mr. President——

Mr. THOMAS. Yet I am in receipt of telegrams, as I have no doubt other Senators are, protesting against what their authors think is an undue extension of the investigation.

Mr. CHAMBERLAIN. Mr. President, I want the Senator to put in the RECORD at the same time, as a member of the committee, that the Secretary of War appeared at the invitation of the committee only once, and that to suit his own convenience; and that the other times he appeared, and the only other times he appeared, were when he requested. Now, the Senator says——

Mr. THOMAS. The Senator ought also to put in the RECORD that the Secretary of War requested it becnuse of the Senator's speech here two weeks ago when the Senator contended that the War Department had broken down.

Mr. CHAMBERLAIN. Well, possibly that is true; but it was on his initiative, at any rate, that he came again; and if he is being persecuted it was at his own request.

Mr. THOMAS. I did not say that.

Mr. CHAMBERLAIN. I hope the Senator did not mean to be understood as saying that.

Mr. THOMAS. I did not; but I do emphasize the fact that a sentiment is arising in different parts of the country that such is the case, if I may judge from the information I have received.

Mr. CHAMBERLAIN. I will say to the Senator that that is not the information I have received. The Senator himself admits that the investigation has done good.

Mr. THOMAS. It certainly has.

Mr. CHAMBERLAIN. And I understand that the Senator does not disapprove of the investigations by the committees of Congress?

Mr. THOMAS. I do not disapprove of this investigation, so far.

Mr. CHAMBERLAIN. Now, does the Senator feel that when an investigation has been decided upon by a majority of a committee they ought to hesitate in the discharge of their duty by any fear that the result may create an issue for one or the other party?

Mr. THOMAS. I think that after a man has been examined and reexamined and cross-examined, and again examined, there is some justification for the outside view that its continuance is not designed to accomplish any good purpose.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. THOMAS. I yield.

Mr. LEWIS. May I ask the Senator from Colorado, as a member of the committee and as a Member of this body, does he not feel that if the investigation was to be set afoot for the purpose of obtaining information as to what the department was doing it would have been a proper proceeding to have called the Secretary of War as the first witness, that he might disclose all the information he had, instead of calling witnesses or permitting witnesses to testify who made him the object of attack, and calling him later, as if he were a defendant answering an indictment?

Mr. THOMAS. I will not pretend to answer that question.

Mr. CHAMBERLAIN. May I answer that for the Senator?

Mr. THOMAS. In just a moment. It would be unbecoming for me to answer it, because I was away at the time this investigation began, and I have attended comparatively few of the sittings of the committee. I yield now with pleasure to the chairman of the committee.

Mr. CHAMBERLAIN. Let me say to the Senator from Illinois that it was at the request of the Secretary of War himself that he was not called first. He preferred that the men under him,

the officers of the department, should appear and testify as experts before he was called, and we suited his convenience rather than our own with reference to calling the Secretary of War.

Mr. LEWIS. If the Senator from Colorado will pardon the interruption, may I ask the Senator from Oregon, knowing he is the chairman of the committee, did the Secretary of War, as the Senator understood him, make a request when this investigation had been decided upon that he be not called as the first witness, but that others be called rather than himself, and that he be postponed to the time that he was postponed to?

Mr. CHAMBERLAIN. I understood that that was the request of the Secretary of War—that he preferred to have the others called first.

Mr. LEWIS. But the chairman of the committee does not say that he knows that to be a fact, does he?

Mr. CHAMBERLAIN. I state it as my entire recollection of the matter. We called the Secretary of War at his suggestion after some of the other witnesses from the department had been put on the stand.

Mr. LEWIS. If the chairman says that he knows that from any conversation he had with the Secretary of War, that would close the question with me; but if the Senator tells it because he heard it from others, then he deduces it.

Mr. CHAMBERLAIN. No, Mr. President; I do not state things on the hearsay of others; I state things as facts. The committee acted as it felt it had a right to act, and it intends to proceed upon that line, I will say to the Senator from Illinois.

Mr. LEWIS. But the Senator did use the expression that "he understood," leaving the impression with me conclusively that he understood it from others or from rumor.

Mr. CHAMBERLAIN. I understood it from the Secretary of War himself.

Mr. LEWIS. That is important to me to understand. Mr. President, I thank the Senator from Colorado [Mr. THOMAS] for giving me this opportunity to have made plain what otherwise there would have been confusion in my mind about, for I confess to have carried in my heart a feeling that an injustice had been done the Secretary of War by having him put on trial and witnesses appear against him as though he had been a defendant, and practically impeached, before he was called and questioned as to his own department.

Now, Mr. President, with reference to the magazine article to which the eminent Senator from Colorado, in his very full and illuminating speech has referred, the Senator from Idaho [Mr. BORAH] has alluded to the fact that the expression on the part of the committeeman quoted in the article must not be taken as an expression of the party. May I call the attention of the Senator from Colorado to the fact that there is one great injustice done in that article, indicating to himself and to myself, how unfair such emanations may be? A picture is presented of the Senator from Idaho in the first part of the article, and he is called a critic of the administration. While the Senator from Idaho has differed with some of the measures of the administration, to speak of him as a critic of the administration or as being one of those who could be so designated is so unfair to him and so unjust that it may indicate to the eminent Senator from Colorado that the whole article may be entirely colored by a misapprehension of what Republicans will do.

Mr. THOMAS. Mr. President, "one swallow does not make a summer." I should not have referred to the subject at all if the article had been a solitary one, nor for any other purpose than as stated; and so that I may not be misunderstood I will restate it: It is that when investigations go to such a point that it indicates to the country at large that it is being pressed for other than the purposes for which it was ostensibly begun it has gone far enough. If I have said anything of a political character which indicated that my purpose in so doing was beyond that statement I am unaware of it.

Mr. President, let me refer briefly to some other matters, and I am through. I want to emphasize what I believe to be more serious problems, more sinister conditions, than any which have been disclosed by the Committee on Military Affairs, and to which I think our attention should be summarily directed by way of curative legislation, if possible.

I do not minimize any mistakes that have been made in the War Department; I do not regard them as trivial, and I am sorry they have been so characterized; but as compared with some other conditions confronting us many of them are comparatively unimportant. We need ships; the crying need of the situation is ships. As Lloyd-George says, "Ships, and yet more ships." The burden upon us is to furnish them if we can, and if we do not we may lose this war. That fact has been emphasized on this floor many times, and particularly by the senior Senator from North Dakota [Mr. MCCUMBER], who spoke here one morning to empty seats, revealing conditions that, to my mind, were startling, and emphasizing them by facts which can not be challenged. To be effective in this war we must go to the front with men and with material, of which there must be an endless and continuing procession of both until peace is declared—more men and more material, and yet more men and more material—a task that can be accomplished, Mr. President, only by securing bottoms for transportation. If there is a lack of energy in the building of vessels, the supply of it is our first and prime consideration. We may have in America, Mr. President, the best army in the world; it may be equipped to the highest degree and officered by men of the most conspicuous ability, and yet it will be absolutely useless either as a determining factor in this war or as any factor at all. There is only one way to get them where they will be made effective and where the might, the power, and the resources of this great Government may be used to end autocracy and make democracy safe for the world, and that is to build and navigate ships.

Now, Mr. President, if we can depend upon the statements of those who are ostensibly reliable, the conditions in regard to labor in the shipyards are deplorable. We are working but one shift in many of the yards, and in some instances that shift does not put in full time. We have plenty of men; we have plenty of material; and if the men we have would work as they ought to work in this crisis and work three shifts, 24 hours every day, including Sunday, that problem would be disposed of; but that, Mr. President, is not the situation. I read a statement a few mornings ago, made before the Committee on Commerce, which I suppose to be authentic, that at a certain shipyard on the Pacific coast men were not only working less than eight hours but threatened to strike because an enemy suspect was discharged. The facts were disclosed to them without avail, so this man was restored to his position so as to continue the work then under way. This, Mr. President, smacks strongly of treason.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I do.

Mr. HOLLIS. I hope the Senator will bear in mind the fact that that statement was an ex parte statement, made by a shipbuilder, and the other side of it has not yet been presented before the committee.

Mr. THOMAS. Mr. President, I hope it will be shown to be incorrect. That, however, is but one of the various instances to which I might refer, if I had the time, indicating a lack of interest in the workshops and shipyards of this country that constitutes the most sinister menace of the hour.

I have here an article clipped from yesterday morning's newspaper which gives me more concern than anything else connected with this subject. It is a purported statement of Mr. Charles Piez, the vice president and general manager of the Emergency Fleet Corporation, to the effect that at the present time the native-born American workman is not the mainstay of the shipyard, for he is there only in the proportion of 35 per cent of the men employed, and to the extent of 65 per cent we are forced to depend upon foreign-born labor.

Mr. President, it is humiliating—and yet I have no doubt it is true—that at this time, when our Nation is in the throes of the mightiest conflict in the history of civilization, when all that we have as a people and as a Nation is at stake, when our future existence as a Republic may depend upon an adequate supply of ships, only 35 per cent of the constructive work in the shipyards of the country is being done by Americans, and that we must depend upon foreign-born labor to the extent of the remaining 65 per cent for the attainment of that which is absolutely essential, or seems to be so, to our future existence. It is disgraceful; it is humiliating; it is intolerable, and something must be done, and done here, to bring Americans to a realizing sense of the impending crisis, to the end that they may be induced, of their own volition if possible, or forcibly if necessary, to do their duty on this mighty occasion.

Your sons are at the front, or are liable to be, and mine. There they can be effective for their country. Must their lives be sacrificed through lack of supplies due to deficiency in ships, due in turn to slackers calling themselves Americans mustering but 35 per cent in the shipyards?

Why, Mr. President, I sometimes wonder if in this country there really survives the old-fashioned sentiment called patriotism, that national spirit, that spirit of unity, without which no government can long endure.

Mr. President, many of the labor unions are doing their duty and doing it splendidly; perhaps the most of them. Railroad men, coal men, men in other lines of industry are giving the

best of their time and their energies to speeding up the necessary work of the war, but unfortunately many of them are not. Many seem to act upon the theory that the burning issue is not the German, but the scab, and suit their conduct to their convictions.

A recent address made to the boiler makers' convention by Mr. James O'Connell, its official head, well illustrates the fact. To an enthusiastic and applauding audience he said:

You are meeting now, my friends, and you will be expected before this convention adjourns to make a declaration as to what the position of the Brotherhood of Boiler Makers, Iron-Ship Builders, and Helpers of America is, so that the world may know. It is not a mere question of being behind President Wilson. That is a sort of catchy expression, a catch phrase, sounds nice. The question is, Are you behind yourself? If you are, you will say so before you leave here. * * * We took advantage of the situation as we found it abroad, and before war was declared by the United States we saw to it that organized labor was going to get proper recognition and that conditions of employment and standards of living would not be interfered with, would not be lowered. * * * Nothing can take place, nothing can be done, unless we are consulted and practically give our consent to it. * * * You have the shipbuilding, and we are not talking about getting a penny an hour increase now. * * * Now we are striking for dollars. We have forgot there is such a thing on the market as a penny any more. * * * Out on the Pacific coast * * * Seattle, Portland, San Francisco, all asking for dollars, $2 a day increase, $3 a day increase. It doesn't frighten anybody any more. * * * We are just coming together and going to get dollars now instead of pennies. Now, I want you to get it in your heads * * * to talk about dollars, not pennies, in your organization. * * * The opportunity is presented for the first time in the history of the United States Government, practically a union contract signed between the Government and the officers of the department and affiliated organizations, practically requiring that the shipbuilders of America come to Washington and put their feet under the table with the labor leaders to settle their troubles. Uncle Sam is paying the expenses of union committees to come to Washington and meet the employers. Isn't that a pretty good union agreement? That is only the beginning.

* * * * * * * * *

Now, I hope the Boiler Makers, in convention here, will get in their minds that beautiful thought of "more."

Suppose that the owner of a shipyard or munitions plant had made that statement. The whole country, Mr. President, would have risen in righteous denunciation. Indeed, they are accused, perhaps with justice in some directions, of taking advantage of their country's extremity to line their pockets. But unfortunately, Mr. President, if this wildly applauded speech can be taken as an expression of the attitude of this organization, it ranks with the most conscienceless profiteer in America:

Place your officers in a position to go out and demand and then back them up. Give them your united and undivided support. And in this crisis, instead of our organization being wiped out, instead of our power being lessened, we will come out after the war is over bigger and greater and grander and better understood than we ever were before.

Ah, Mr. President, there is too much of that spirit in this country now. I am a friend of union labor. I have stood by it in season and out of season whenever I could in conscience do so. I shall continue to do so. But at this time, Mr. President, there should be no thought of union, no thought of profit, no thought of anything except the country's insistent needs and requirements. [Manifestations of applause in the galleries.] Our boys across the sea are in peril of their lives. Their perils may multiply through lack of the needed equipment and ammunition. Every lover of his country, rich or poor, high or low, laborer or capitalist, should forget everything else and give his best and his all to that supreme need which towers above and beyond all other human considerations.

Mr. President, the Senator from Washington [Mr. JONES] this morning called attention to the fact that upon the streets of the great cities, and I think he instanced the city of Washington, one may see on any pleasant day literally hundreds of men apparently doing nothing, idling in the sunshine, patronizing the picture shows, ogling the pretty girls, indifferent to the country's condition, every one of them a consumer, and possessing a potential energy which the country should utilize if possible. Mr. President, we should authorize the Government, if it is necessary—and I believe it is—to take over and commandeer every shipyard in America and conscript every man around it, no matter what position he occupies, and lay its heavy hand upon these idlers, and compel them to do their share in the accomplishment of the great war program.

In the sweat of thy face shalt thou eat bread.

That is pretty good doctrine right now. The man who refuses to work should not be permitted to eat. If his services are needed, no difference what walk in life he occupies, nor what his view of the war may be, he should suspend, for the present at least, the consideration of minor conditions with a view to this supreme need, which, in my judgment, transcends all others. Without ships—the very foundation of our ability to take part in this war—we are as feeble and as helpless as any little Republic of South America.

I hope, Mr. President, that we will turn to the immediate consideration of this mighty subject and make it the prime purpose of our deliberations and of our favorable action. We take the young man whether he will or no, uniform him, put him in the ranks, and send him to the trenches. May we not take the man unaffected by the conscript laws and conscript him for the work at home, as much a part of the war campaign and as essential to its success as the soldier with gun in hand. If we hesitate to do the last we should not have done the first.

Mr. President, there were one or two other subjects connected with this general question to which I wish to advert. I have had the attention of the Senate, however, for three hours, and I am sensible of the fact that I have not only detained it unduly but that my strength is waning, therefore I shall not pursue the discussion further. I hope, however, that what I have said with regard to the need of an increased and continued activity in the workshops of the country, and particularly in the shipyards, will not be lightly dismissed. The Senator from North Dakota [Mr. MCCUMBER] three or four weeks ago introduced a bill covering the identical subject. It has been referred to the Committee on Military Affairs. We have not considered it because we are still investigating it. It should be taken up and acted upon favorably or we should report some measure of similar character. The Senator from Washington [Mr. JONES] has introduced a measure providing for the commandeering of all military clothing needed for our officers, who are and have been exploited by private dealers to their great disadvantage. These are subjects of consideration which Republicans and Democrats in their common patriotism, in their supreme realization of the crisis which we are facing, will, I am sure, unite to make the first business of this body.

TEACHERS' RETIREMENT BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3648) for the retirement of public-school teachers in the District of Columbia.

Mr. HOLLIS obtained the floor.

Mr. KENYON. Mr. President, several Senators who are not here desire to be present when the Senator from New Hampshire discusses this measure. If he is ready to proceed now, I should like to suggest the absence of a quorum.

Mr. HOLLIS. If the Senator will withhold that suggestion for a moment——

Mr. KENYON. I will.

Mr. HOLLIS. I have not located any opposition to this bill so far. I see that most of those who are favorable to the bill, who have spoken about it, are present. There may be some difficulty in getting a quorum this afternoon. I am very anxious to get the bill through, and if the Senator will have those Senators notified who want to be here it may answer the same purpose. I do not expect any opposition.

Mr. KENYON. I feel rather in honor bound to suggest the absence of a quorum, because two Senators asked me to notify them. I think we had better have a quorum.

Mr. HOLLIS. Very well.

The PRESIDING OFFICER (Mr. ROBINSON in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hardwick	New	Swanson
Beckham	Henderson	Norris	Thomas
Borah	Hitchcock	Nugent	Thompson
Chamberlain	Hollis	Overman	Tillman
Colt	James	Pittman	Trammell
Curtis	Johnson, S. Dak.	Ransdell	Vardaman
Dillingham	Kellogg	Robinson	Wadsworth
Fernald	Kenyon	Shafroth	Warren
France	Kirby	Sheppard	Weeks
Frelinghuysen	Lewis	Smith, Ariz.	Williams
Gerry	McKellar	Smith, Mich.	Wolcott
Gronna	Martin	Sterling	
Harding	Myers	Sutherland	

Mr. HARDING. I wish to announce the detention, at a hearing before the Committee on Commerce, of the Senator from Illinois [Mr. SHERMAN], the Senator from Florida [Mr. FLETCHER], the Senator from Minnesota [Mr. NELSON], and the Senator from New York [Mr. CALDER].

Mr. MYERS. My colleague [Mr. WALSH] is still detained from the Senate by illness.

Mr. MCKELLAR. I desire to announce the unavoidable absence of the senior Senator from Tennessee [Mr. SHIELDS] on business.

Mr. VARDAMAN. I desire to announce the absence of the junior Senator from California [Mr. JOHNSON] in attendance on the hearing before the Commerce Committee.

Mr. SUTHERLAND. I announce the absence of my colleague [Mr. GOFF] on account of illness.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. HOLLIS. Mr. President, the pending bill, which is known as the teachers' retirement bill for the District of Columbia, applies only to the District of Columbia, for which, as Senators all know, we act as the local assembly.

The bill was introduced a year ago in December by the Senator from Ohio [Mr. POMERENE] and referred to the Committee on the District of Columbia. By that committee it was referred to its subcommittee on education and labor, of which I have the honor to be the chairman. That subcommittee held hearings and considered the bill very carefully, improved it, as they thought, in many particulars, reported it favorably to the full committee unanimously, and by the full committee it was reported favorably to the Senate about a year ago, toward the end of the session, and we were not able to obtain action at the last session before adjournment.

The subcommittee that considered the bill and amended it in a few particulars was composed of the Senator from Virginia [Mr. MARTIN], the Senator from Maryland [Mr. SMITH], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Iowa [Mr. KENYON], and myself, being a fairly representative body from the Union, geographically considered. This year the bill was introduced by myself, and has been referred to the same subcommittee, and reported favorably to the Senate.

Mr. VARDAMAN. Mr. President, may I ask the Senator a question?

Mr. HOLLIS. I yield.

Mr. VARDAMAN. Has the full Committee on the District of Columbia considered that bill at all?

Mr. HOLLIS. My recollection is that a year ago the full committee did consider it, but I would not say that positively.

Mr. VARDAMAN. I am a member of that committee now, and it has not had a meeting at this session.

Mr. HOLLIS. That is true. The committee was polled, and more than a majority—I think 9 of the 14 members—reported favorably. The reason why the full committee did not meet was because the bill was carefully considered a year ago. I will say, of course, that if there is any objection by any Senator to having the bill considered because it has not been considered by the full committee, I should not feel at liberty to press it.

Mr. VARDAMAN. Mr. President, I desire to say that I know absolutely nothing about the bill. The bill was presented to me in this Chamber by the Senator from New Hampshire, who has it in charge, for my approval, prior to reporting the bill; and I withheld my approval of the bill, because I did not know anything about it. It had not been considered in committee, and personally I am opposed to any more pensions just now. I am not going to object to the consideration of the bill, however, if the Senate wants to consider it.

Mr. HOLLIS. I hope the Senator will remain in the Chamber and hear the bill discussed, and I hope its merits can be put before the Senate sufficiently so that he will feel that he can vote for it.

Mr. VARDAMAN. I want to say to the Senator that we have a very important hearing before the Commerce Committee, where we are now considering Hog Island, with all that the name implies; and I can not stay to hear the Senator's very able speech, because there is more involved in this other matter than would be involved in pensioning the teachers of the city of Washington for the next 100 years.

Mr. HOLLIS. I really believe that if the situation is as bad as the Senator says he would be justified in leaving the Chamber to attend the meeting of that committee.

This bill is modeled on what is called the contributory plan. That is, a certain amount is deducted from the salary of each teacher monthly to provide an annuity. To that, on retirement, the Government adds a certain amount, based upon the length of service of the teacher.

In order that the Senate may know something about the bill, I will now give a synopsis of it.

The first section provides that a sufficient amount shall be deducted each month from the teacher's basic salary, not to exceed 8 per cent, to provide, on retirement, a certain annuity.

Section 2 provides that the deductions are to be invested by the Treasury in bonds for the benefit of the teachers, and a board of investment is created, consisting of Treasury officials and two teachers, none of whom draw additional salary because of service on this board.

Section 3 provides that at the age of 62 the teacher may be retired at her own option or at the option of the Board of Education. At the age of 70 she shall be retired, unless the board for some particular reason thinks her services should be retained.

Section 4 provides that at the age of 52 the teacher, if disabled mentally or physically, may be retired.

Section 5 provides that when retired the teacher shall receive each month until her death a sum made up of two different accounts, the first being 1 per cent of the average basic salary for each year of service, and the second $6 for each year of service. To illustrate, a teacher retiring at 62, after 40 years of service, having had an average salary of $1,000 a year, would receive $10 multiplied by 40; that is, $400. That is 1 per cent of the whole thousand dollars is $10, multiplied by 40. Then she would get $6 for each year of service, which would be six times $40—$240—or a total salary of $640 a year. Of that amount, 63 per cent would be contributed by the teacher herself from her own savings and the remaining 37 per cent by the Government.

Section 6 provides that there shall be a minimum for the ages of 62 and 70 of $480, and for the age of 52 of $420.

Section 7 provides that $6 a year shall be paid from the District of Columbia appropriations, and that any deficiency in the annuity shall be so contributed.

Section 8 provides that credit may be given for service outside the District of Columbia not exceeding 10 years, and that the teacher must have been employed continuously in the District of Columbia since 52 years of age and for 10 years continuously prior to retirement.

Section 9 provides that if the teacher leaves the service before the age of 62, or before retirement, she shall receive her savings, with interest, in one lump sum.

Section 10 provides that in case of death the savings shall go to the family of the decedent.

Section 11 makes the act applicable to all teachers on the rolls of the District of Columbia in June, 1917.

Section 12 provides that continuance in the service after the passage of the act is declared to be consent to the provisions of the act.

Section 13 provides that teachers may be discharged as heretofore.

Section 14 gives certain definitions.

Section 15 gives directions for accounting and valuations.

Section 16 makes an appropriation of $50,000 for payments up to June 30, 1919, and $5,000 for the expenses of carrying out the system.

Section 17 provides rules and regulations to be provided by the Secretary of the Treasury, and section 18 provides that the annuity shall be exempt from attachment or execution for debt or taxes.

Mr. ROBINSON. Will the Senator yield?

Mr. HOLLIS. I yield.

Mr. ROBINSON. Is there any limitation in the bill on the length of time a teacher must have served before he or she may be entitled to the benefit of the act?

Mr. HOLLIS. Yes.

Mr. ROBINSON. What is that limitation?

Mr. HOLLIS. The teacher must have served at least 10 years in the District of Columbia continuously before the retirement to receive the benefit of the act. I will say that that provision was added at the suggestion of the Senator from Virginia [Mr. MARTIN] after the bill was introduced a year ago.

Mr. WOLCOTT. Mr. President——

Mr. HOLLIS. I yield to the Senator from Delaware.

Mr. WOLCOTT. The Senator in explaining the purport of section 8 said something to the effect that credit might be had for service outside the District. Will the Senator give more detail on that point?

Mr. HOLLIS. There will be very few teachers who will come in from outside the District, particularly at an advanced age. It would be some exceptional teacher, as a rule, who would be allowed to teach coming in from outside. The bill provides that where a teacher has taught 10 years in the District continuously before retirement she may have the benefit of not to exceed 10 years' service in some other part of the country in reckoning the amount that she is to receive. For example, if a teacher taught 20 years in Maryland and then came into the District and taught 10 years before her retirement, her annuity would be reckoned on the 10 years she had taught in the District plus 10 of the 20 years that she had taught outside the District. I will state that that provision was borrowed from most of the acts which have been passed in the United States. These acts have been passed in 33 States now. We limited it to 10 years and believe that that is wise.

Mr. ROBINSON. Mr. President——

Mr. HOLLIS. I yield to the Senator from Arkansas.

Mr. ROBINSON. Will the Senator state again the relative proportion of the fund that is to be contributed by the teachers and by the Government?

Mr. HOLLIS. It is not susceptible of exact measurement, but, based on experience in other States and on mortality tables, it is, roughly speaking, 60 per cent from the teachers and 40 per cent from the Government.

Mr. ROBINSON. Are the teachers in the District in favor of this legislation?

Mr. HOLLIS. They are, all except, I think, less than 1 per cent. Two or three teachers refused to sign.

Mr. ROBINSON. The contribution to the fund is compulsory?

Mr. HOLLIS. Yes.

Mr. ROBINSON. And not voluntary?

Mr. HOLLIS. Yes. I have done some work with the Committee on Civil Service on the general civil-service retirement bill. That bill as it has been framed to date and as it will be submitted to the Senate is based solely on contributions from the civil-service employees. I wish to point out the reason why school-teachers should be handled differently. In the first place, the civil-service retirement bill applies to all parts of the country. It will apply to a citizen of New Hampshire just as much as to a citizen of the District of Columbia. If employees are pauperized and come upon the community in the District of Columbia the District of Columbia would have to pay the entire support. If they should be pauperized in one of the States, then the State would have to support the person principally.

Mr. ROBINSON. Has the Senator investigated the question as to whether the compensation now paid teachers in the District of Columbia is adequate to enable them to make any saving out of their earnings, or is their entire salary required for maintenance?

Mr. HOLLIS. That is a very difficult question.

Mr. ROBINSON. As a matter of fact, the compensation paid teachers is somewhat inadequate as compared with the compensation paid persons in other spheres of activity requiring the same degree of intelligence, is it not?

Mr. HOLLIS. My own opinion is that school-teachers as a class are the best behaved, the most deserving, the most intelligent people in the community, and that they get smaller compensation for the services rendered than any other class. But I do not put it on that ground.

Mr. ROBINSON. I had not expected to put the Senator on record as to some of the comparisons he is making, but I am entirely prepared to agree with him in that particular.

Mr. HOLLIS. In a bill of this kind I can point out some distinctions, and there is a real distinction. If the ordinary clerk in a department is superannuated and can not do anything, he can at least sit at a window and look out and not do anyone any harm; but if a teacher is superannuated she is going to teach the little children in this District, and she will do them a positive injury. That is an injustice to the rising generation, something that the Congress of the United States ought to take into account. I mention these things to show why the committee felt justified in applying a little different standard in a teachers' retirement bill from the standard that has been adopted on the general bill.

I know there are Senators here who desire to speak, and whatever I have omitted they will fully cover. Unless there is some further question to be asked me, I yield the floor.

Mr. JOHNSON of South Dakota. Mr. President——

Mr. HOLLIS. I yield to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. I wish to ask the Senator a question. I understand the bill only applies to the District of Columbia.

Mr. HOLLIS. It only applies to the District of Columbia, and it would never apply to anything but the District of Columbia until we change our Constitution or become much more advanced than we are now. In fact, we would not have a right to pension teachers in any other place than the District of Columbia at present.

Mr. JOHNSON of South Dakota. I wish to ask another question. I did not quite understand the effect of the appropriation to be paid by the Federal Government.

Mr. HOLLIS. I should have stated that. It will be readily seen that the teachers who will be pensioned immediately, if you call it a pension, will not have contributed anything to the Government so far, and in order to get started and take up the plan, it will be somewhat expensive. The estimate by the Bureau of Efficiency is that for the first year the Government cost will be about $35,000. That amount will gradually increase until it reaches a maximum of about $175,000 in 25 years. It will then gradually decrease until it will be approximately $90,000—that is, if this plan had been in effect in the District of Columbia long enough to get the loaded expense fairly distributed and fully in operation the expense of the Government would be substantially $90,000.

Mr. DILLINGHAM. In this connection, I wish the Senator would state to the Senate the advantage that the subcommittee derived from the Bureau of Efficiency in working out the insurance feature of the bill, which I think is most admirable.

Mr. HOLLIS. The Senator from Ohio [Mr. POMERENE] will be able to state whether it is true, but I think the bill was prepared in the first place by the Bureau of Efficiency of the Government.

Mr. POMERENE. The members of the board of education and some teachers in connection with some members of the Bureau of Efficiency prepared the bill originally. It was presented to me by a member of the board of education, and I had a number of conferences with him. Then it was referred to the Committee on the District of Columbia, and later it was taken up by a subcommittee of which the Senator from New Hampshire [Mr. HOLLIS] was chairman.

Mr. HOLLIS. I thank the Senator. I can state that when the subcommittee considered the matter, which they did very carefully, the Bureau of Efficiency appeared by its head, I think, Mr. Brown, a very competent man and an accomplished statistician, and worked with us on the bill and advised us about it and gave us the figures on which the final provisions of the bill are based.

Mr. DILLINGHAM. I should like to add to the statement of the Senator from New Hampshire that after that was done I took the scheme and submitted it to a very eminent insurance actuary, who, after having given it very careful consideration, expressed his opinion that it was most admirably worked out. I think the bill has been drawn in such a way that no one can complain of the insurance feature of it; it is equitable.

Mr. HOLLIS. I think perhaps I ought to state that since the bill was reported by our committee a year ago it has been made the model for bills that are now in operation in the cities of Boston, New York, Pittsburgh, and Harrisburg. Mr. Brown has been called to those different parts of the country to advise about the bill; he has taken this bill as a model, and it has been substantially adopted in those communities.

I might say that 33 States now have a teachers' retirement plan, and for the RECORD I will read the list of States. In 21 States there are State-wide pension systems, as follows: Arizona, California, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Ohio, Rhode Island, Utah, Vermont, Virginia, and Wisconsin.

In the other States, which include Alabama, Colorado, Connecticut, Delaware, Pennsylvania, Kansas, Kentucky, Louisiana, Nebraska, Oregon, Tennessee, and West Virginia, the system affects only certain parts, usually the larger cities.

I ask unanimous consent that the reading of the bill may be dispensed with.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. POMERENE. Mr. President, before the bill is put to a vote I wish to say a word with regard to it. I feel that there is very great necessity for some legislation of this kind. I am in entire accord with what the Senator from New Hampshire has said in reference to the underpayment of the teachers generally. They have the most important work in the world to perform in the training of the minds of youth, and, generally speaking, after they have taken up the profession of teaching there is very little else open to them.

I do not myself know why teachers are so poorly paid. It is because of the fact that they are so poorly paid that I am willing to subscribe to one of the provisions of this bill. This pension, of course, is to be paid partly out of their own contributions and partly out of the public funds. As a statistician has estimated it, about 60 per cent will be paid by contributions and about 40 per cent out of the general fund.

I speak of this for this reason: I have been a good deal interested in the adoption of some plan looking to retirement from all branches of the civil service, and with the assistance of other members of the committee I think we have worked out a plan which is contributory in character. There are some students of this question who think that it should be wholly contributory, others who think that it should be partly contributory and partly at the public expense, and still others who insist that it should be wholly at public expense. If a plan for the retirement of Federal employees generally is adopted which is contributory in character, it is still going to cost the Government a very large sum of money, because there are many in the service of the Government who are so near the retirement age now that it would be impossible without great injustice to them to compel them to contribute enough to purchase a suitable annuity when they arrive at the retirement age. But after the plan is thoroughly established it will be upon a contributory basis only, and that is the extent to which

I feel that I can go when it comes to treating with Federal employees generally. However, I am quite willing to make the concession provided for in this bill for the teachers. Poorly paid as many of the Federal employees are, they are much better paid, considering the responsibility of the work, than are the teachers.

Mr. President, in view of the fact that I am supporting this plan which is partly contributory and partly at public expense I want it distinctly understood that I shall not favor that plan when it comes to the Federal employees generally. I feel that we need some retirement plan on the ground of superannuation, but in order to have my support as I now see it it must be entirely upon the contributory plan.

The VICE PRESIDENT. If there be no amendments offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADJOURNMENT TO MONDAY.

Mr. MARTIN. I move that the Senate adjourn until 12 o'clock meridian on Monday.

The motion was agreed to; and (at 3 o'clock and 50 minutes p. m.) the Senate adjourned until Monday, February 11, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 8, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Washington, D. C., offered the following prayer:

Lord God Almighty, let the sense of Thine omnipresence pervade this august Chamber to-day. From Thine omniscience lend wisdom. By Thine omnipotence increase our national prowess against Thy enemies and ours. And endue us as a free people with more and more of the spirit of Thine infinite love revealed to us in Jesus Christ. In the great war task before the departments of our Government help them to unite in planning the work and in working the plan. And in the civic mind adjust rightly that delicate balance of rights and duties, privileges and obligations, liberties and responsibilities, so that the social life and ideals of our country may be true.

We ask all this that we of to-day may put no reproach into our history, no stain upon our flag, no shadow upon our hopes. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE.

Mr. HICKS. Mr. Speaker, I ask unanimous consent that I may address the House for two minutes in order to read a patriotic poem by Mr. George Morrow Mayo, which I think is worthy of preservation.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes in order to read a poem. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. The poem is as follows:

Here's to the blue of the wind-swept North
When we meet on the fields of France;
May the spirit of Grant be with you all
As the sons of the North advance.

Here's to the gray of the sun-kissed South
When we meet on the fields of France;
May the spirit of Lee be with you all
As the sons of the South advance.

And here's to the blue and gray as one
When we meet on the fields of France;
May the spirit of God be with us all
As the sons of the flag advance.

[Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

An act (S. 3083) granting to the Lincoln Highway Association, incorporated under the laws of the State of Michigan, a right of way through certain public lands of the United States; and

Joint resolution (S. J. Res. 92) providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash.

ORDER OF BUSINESS.

Mr. ASHBROOK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ASHBROOK. Mr. Speaker, this is Private Calendar day. I understand, however, that the gentleman from Virginia [Mr. FLOOD] desires to complete the Diplomatic and Consular appropriation bill. We have three bills on the calendar, and have no objection to the completion of the Diplomatic appropriation bill, providing our rights are reserved, and I should like very much to call up these bills this afternoon when the appropriation bill is passed——

The SPEAKER. Suppose the appropriation bill does not pass, then what?

Mr. ASHBROOK. Then, Mr. Speaker, if the bill does not pass to-day, I am willing that our rights should be yielded——

The SPEAKER. The gentleman from Ohio asks unanimous consent that the pension bills follow immediately after the completion of the consideration of the diplomatic appropriation bill.

Mr. ALEXANDER. Mr. Speaker, the bill providing housing for the employees for shipyards in which vessels are being constructed for our merchant marine has been given a privileged status to follow the disposition of the Diplomatic and Consular appropriation bill, and I would not care to agree to any arrangement that would interfere with that. As I understand it, the gentleman from Ohio is reporting private pension bills, and they are in order to-day. It will only take about 30 minutes to dispose of them, and I would rather he would dispose of them now and then let the consideration of the diplomatic bill proceed.

The SPEAKER. Does the gentleman object?

Mr. ALEXANDER. I object to that arrangement.

Mr. JOHNSON of Kentucky. Reserving the right to object——

The SPEAKER. The Chair knows, but the gentleman from Missouri did object.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill.

Mr. ASHBROOK. Mr Speaker, reserving the right to object, I would like to inquire if an arrangement can not be made that these pension bills may be taken up the first thing after the passage of this appropriation bill and the housing bill.

The SPEAKER. That is exactly what the gentleman from Missouri objected to a moment ago.

Mr. ASHBROOK. No; my suggestion is that these private pension bills be taken up after the disposition of the appropriation bill and the housing bill.

Mr. DOWELL. Mr. Speaker, reserving the right to object——

Mr. STAFFORD. Mr. Speaker, may I suggest to the gentleman from Ohio that he defer his request until later in the day. There will be no difficulty, I think, in arranging to have the bills brought up for consideration either late this afternoon or to-morrow morning. I understand they will only take a half hour or so.

Mr. BORLAND. Mr. Speaker, let me make this suggestion to the gentleman from Ohio, that he ask unanimous consent to take up the bills at 5 o'clock, and they could probably be considered between 5 o'clock and 5.30.

Mr. FLOOD. Suppose the appropriation bill is not completed.

Mr. BORLAND. The chances are it will be completed; if not, it will go over.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow for the consideration of these special pension bills until 12 o'clock.

The SPEAKER. Maybe it will not take until 12 o'clock.

Mr. GILLETT. Mr. Speaker, I shall be obliged to object to that.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. ASHBROOK. Mr. Speaker, I would like to inquire of the gentleman from Virginia if he will not permit these bills to be taken up at 5 o'clock this afternoon.

Mr. FLOOD. Say 6 o'clock.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. WALSH. Mr. Speaker, I ask for the regular order.

Mr. DOWELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DOWELL. What is the reason we can not take them up this afternoon?

The SPEAKER. None whatever.

Mr. WALSH. Regular order, Mr. Speaker.

would be substantially $90,000.

I upon a contributory basis only, and that is the extent to which

The SPEAKER. The gentleman from Virginia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. FLOOD and Mr. STAFFORD. Division, Mr. Speaker.

Mr. DOWELL. Mr. Speaker, I raise the question that there is no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present.

Mr. ASHBROOK. I would like again to inquire of the gentleman from Virginia——

The SPEAKER. But the point of no quorum has been made.

Mr. ASHBROOK. If he will permit these bills to be passed——

The SPEAKER. Does the gentleman from Iowa withdraw the point of order?

Mr. DOWELL. I do not, unless the gentleman will withdraw his motion and permit these pension bills to be considered.

Mr. FLOOD. I will not do that.

The SPEAKER. Evidently there is no quorum present.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. It is an automatic call. The Doorkeeper will close the doors and the Sergeant at Arms will notify the absentees. Those in favor of the House resolving itself into the Committee of the Whole House on the state of the Union for the consideration of the Diplomatic and Consular appropriation bill, will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 136, nays 199, answered "present" 1, not voting 92, as follows:

YEAS—136.

Alexander	Ferris	Larsen	Rouse
Almon	Fess	Lazaro	Rowe
Anthony	Fisher	Lea, Cal.	Sabath
Bankhead	Flood	Lee, Ga.	Sanford
Barkley	Fordney	Lever	Saunders, Va.
Bell	Foss	Linthicum	Sears
Black	Garner	London	Shackleford
Blackmon	Garrett, Tenn.	Longworth	Sherley
Blanton	Garrett, Tex.	Lunn	Sims
Booher	Gillett	McCormick	Sisson
Borland	Glass	McLemore	Slayden
Brand	Goodwin, Ark.	Mansfield	Small
Burnett	Gordon	Martin	Smith, C. B.
Byrnes, S. C.	Gray, Ala.	Mays	Stafford
Byrns, Tenn.	Hamlin	Miller, Minn.	Stephens, Miss.
Candler, Miss.	Hardy	Montague	Stephens, Nebr.
Caraway	Harrison, Miss.	Moon	Sumners
Carlin	Harrison, Va.	Oldfield	Tague
Carter, Okla.	Heflin	Oliver, Ala.	Taylor, Ark.
Condy	Helm	Oliver, N. Y.	Temple
Collier	Holland	Padgett	Treadway
Connally, Tex.	Hood	Park	Vinson
Cooper, Wis.	Houston	Porter	Volstead
Crisp	Howard	Pou	Walsh
Decker	Hull, Tenn.	Price	Watkins
Dempsey	Humphreys	Quin	Watson, Va.
Dies	Jacoway	Ragsdale	Weaver
Dominick	James	Rainey	Webb
Drane	Johnson, Ky.	Rayburn	Welling
Dupré	Jones, Tex.	Reed	Whaley
Eagan	Jones, Va.	Robbins	Wilson, Tex.
Ellsworth	Kehoe	Robinson	Wingo
Elston	Kincheloe	Rogers	Wright
Evans	Kitchin	Romjue	Young, Tex.

NAYS—199.

Ashbrook	Cramton	Graham, Ill.	Knutson
Aswell	Currie, Mich.	Gray, N. J.	Kraus
Austin	Dale, Vt.	Green, Iowa	La Follette
Ayres	Dallinger	Greene, Vt.	Langley
Baer	Darrow	Hadley	Lehlbach
Barnhart	Denison	Hamilton, Mich.	Lenroot
Beakes	Denton	Haugen	Little
Beshlin	Dewalt	Hawley	Lonergan
Bland	Dickinson	Hayden	Lufkin
Bowers	Dill	Hayes	Lundeen
Brodbeck	Dillon	Helvering	McAndrews
Browne	Dixon	Hensley	McArthur
Brumbaugh	Doolittle	Hersey	McClintic
Burroughs	Dowell	Hicks	McCulloch
Butler	Dyer	Hilliard	McFadden
Campbell, Kans.	Elliott	Hoddleston	McKenzie
Campbell, Pa.	Emerson	Hull, Iowa	McLaughlin, Mich.
Canson	Esch	Hutchinson	Madden
Cantrill	Fairchild, B. L.	Igoe	Magee
Carew	Fairr	Ireland	Maher
Cary	Fields	Johnson, Wash.	Mapes
Chandler, N. Y.	Foster	Juul	Mason
Chandler, Okla.	Francis	Kearns	Meeker
Church	Frear	Keating	Merritt
Clark, Pa.	Freeman	Kelly, Pa.	Miller, Wash.
Classon	French	Kennedy, Iowa	Moore, Pa.
Claypool	Fuller, Ill.	Kennedy, R. I.	Moores, Ind.
Connolly, Kans.	Gallivan	Kettner	Morgan
Cooper, Ohio	Gandy	Key, Ohio	Morin
Cooper, W. Va.	Gard	Kiess, Pa.	Neely
Cox	Glynn	King	Nichols, Mich.
Crago	Good	Kinkaid	Nolan
Norton	Reavis	Smith, Mich.	Vestal
Osborne	Roberts	Snell	Volgt
Overstreet	Rodenberg	Snook	Waldow
Paige	Rose	Steele	Walton
Parker, N. J.	Ruby	Sterling, Ill.	Ward
Parker, N. Y.	Rucker	Sterling, Pa.	Wason
Peters	Russell	Stevenson	Watson, Pa.
Phelan	Sanders, Ind.	Strong	Welty
Platt	Schall	Sweet	Wheeler
Polk	Scott, Iowa	Switzer	White, Me.
Powers	Scott, Mich.	Taylor, Colo.	Williams
Pratt	Sells	Thomas	Winslow
Purnell	Shallenberger	Thompson	Wise
Raker	Sherwood	Tillman	Wood, Ind.
Ramsey	Shouse	Tilson	Woodyard
Ramseyer	Sinnott	Timberlake	Young, N. Dak.
Randall	Sloan	Towner	Zihlman
Rankin	Smith, Idaho	Van Dyke	

ANSWERED "PRESENT"—1.

Browning

NOT VOTING—92.

Anderson	Estopinal	Johnson, S. Dak.	Sanders, N. Y.
Bacharach	Fairchild, G. W.	Kahn	Scott, Pa.
Britten	Fairfield	Kelley, Mich.	Scully
Buchanan	Flynn	Kreider	Siegel
Caldwell	Focht	LaGuardia	Slemp
Capstick	Fuller, Mass.	Lesher	Smith, T. F.
Carter, Mass.	Gallagher	Littlepage	Snyder
Clark, Fla.	Garland	Lobeck	Steagall
Copley	Godwin, N. C.	McKeown	Stedman
Costello	Goodall	McKinley	Steenerson
Crosser	Gould	McLaughlin, Pa.	Stiness
Curry, Cal.	Graham, Pa.	Mann	Sullivan
Dale, N. Y.	Greene, Mass.	Mondell	Swift
Davidson	Gregg	Mott	Talbott
Davis	Griest	Mudd	Templeton
Dent	Hamill	Nelson	Tinkham
Dooling	Hamilton, N. Y.	Nicholls, S. C.	Vare
Doremus	Haskell	Olney	Venable
Doughton	Hastings	O'Shaunessy	Walker
Drukker	Henton	Overmyer	White, Ohio
Dunn	Hentz	Riordan	Wilson, Ill.
Eagle	Hollingsworth	Rowland	Wilson, La.
Edmonds	Husted	Sanders, La.	Woods, Iowa

So the motion was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. DOUGHTON with Mr. HAMILTON of New York.

Mr. GALLAGHER with Mr. DUNN.

Mr. SCULLY with Mr. HOLLINGSWORTH.

Mr. STEDMAN with Mr. TEMPLETON.

Mr. WILSON of Louisiana with Mr. GEORGE W. FAIRCHILD.

Mr. OLNEY with Mr. CURRY of California.

Mr. FLYNN with Mr. SNYDER.

Mr. TALBOTT with Mr. BROWNING.

Mr. CLARK of Florida with Mr. SIEGEL.

Mr. CROSSER with Mr. GARLAND.

Mr. DALE of New York with Mr. GOULD.

Mr. DENT with Mr. COPLEY.

Mr. DOOLING with Mr. GOODALL.

Mr. CALDWELL with Mr. STINESS.

Mr. DOREMUS with Mr. DAVIDSON.

Mr. EAGLE with Mr. BRITTEN.

Mr. ESTOPINAL with Mr. DRUKKER.

Mr. GODWIN of North Carolina with Mr. COSTELLO.

Mr. BUCHANAN with Mr. BACHARACH.

Mr. GREGG with Mr. DAVIS.

Mr. HAMILL with Mr. FOCHT.

Mr. HASTINGS with Mr. CARTER of Massachusetts.

Mr. LITTLEPAGE with Mr. GRAHAM of Pennsylvania.

Mr. LOBECK with Mr. GREENE of Massachusetts.

Mr. MCKEOWN with Mr. MCARTHUR.

Mr. NICHOLLS of South Carolina with Mr. GRIEST.

Mr. O'SHAUNESSY with Mr. KELLEY of Michigan.

Mr. OVERMYER with Mr. MCKINLEY.

Mr. RIORDAN with Mr. MCLAUGHLIN of Pennsylvania.

Mr. SANDERS of Louisiana with Mr. HEATON.

Mr. THOMAS F. SMITH with Mr. HUSTED.

Mr. STEAGALL with Mr. MOTT.

Mr. SULLIVAN with Mr. MUDD.

Mr. VENABLE with Mr. KAHN.

Mr. WALKER with Mr. ROWLAND.

Mr. WHITE of Ohio with Mr. SANDERS of New York.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. So the motion that the House resolve itself in the Committee of the whole House on the state of the Union for the consideration of the bill H. R. 9314, the Diplomatic and Consular appropriation bill, is rejected. The Doorkeeper will open the doors.

PENSIONS.

Mr. ASHBROOK. Mr. Speaker, I call up the bill H. R. 9612, an omnibus pension bill, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 9612) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The gentleman from Ohio asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The text of the bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John Blackburn, late of Company G, One hundred and forty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George A. Porter, late of Company G, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse R. Mercer, late of Company A, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Bowery, late of Company F, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Darius F. Bell, late of Company D, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael J. Breyfogel, late of Company C, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah E. Canton, widow of John Canton, late of Companies I and B, Eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Joseph C. Gluck, late of Company G, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Peter Z. T. Lane, late of Company K, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adaline L. Black, widow of John C. Black, late colonel, Thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of John M. Prouty, late of Company G, Twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Daniel Plotner, late of Company F, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Nortleet, late of Company F, Ninth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Preston Carver, late of Company C, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Morton, late of Company K, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph F. Martin, late of Company B, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Albert O. Dunning, helpless and dependent child of Lesner D. Dunning, late of the Provost Guards, Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Henry Cummings, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Francis M. Withrow, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Lanham, late of Company F, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Smallley, late an unassigned drafted recruit, tenth congressional district of Indiana, and pay him a pension at the rate of $24 per month.

The name of John Burns, late of Company I, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Isaac C. Pierce, late of Company L, Third Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John W. Swanson, late of Company H, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Harrington, late of Company K, One hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William C. Waddle, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William J. Girdler, late of Company C, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph D. Thach, late of Company A, Eleventh Regiment, and Company G, Ninth Regiment, Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Georgeanna McNatt Mills, former widow of William J. McNatt, late of Company D, First Regiment Delaware Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Abraham Gindlesparger, late of Company A, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morton A. Pratt, late of Company A, Third Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John H. Simison, late of Company F, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Brastus S. Russell, late of Company C, Fifth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas R. Henthorn, late of Company D, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Simeon C. Shields, late of Company G, One hundred and forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Smith, late of Company A, Sixteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eliza H. Cooley, former widow of Newton S. Parker, late of Company B, Eighth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Edward Lewey, late of Company A, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George W. Anderson, late of Company I, One hundred and eighty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew M. Graham, late of Company F, Eighth Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John McKinney, late of Company G, One hundred and forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Alonzo A. V. P. McCoy, late of Companies K and M, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Milton Smith, late of Company G, Eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James R. Harris, late of Company A, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert J. Clark, late of Company I, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Asa Gatton, late of Company A, One hundred and eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Winfield S. Port, late of Company H, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Alms, late of Company K, One hundred and seventy-seventh Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charlotte West, former widow of Edward A. Meeker, late of Company F, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William V. Farris, late of Company K, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William N. Green, late of Company I, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. W. Hicks, late of Company I, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George H. Kimball, late of Battery G, First Battalion Maine Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Baird, late of Company B, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William J. Beavers, late of Company G, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Esais Laukhuff, late of Company K, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of George S. Emery, late of Company A5, Sixteenth Regiment Vermont Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret E. Messing, helpless and dependent child of Henry J. Messing, late of Company G, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John W. Rawley, late of Company H, One hundred and fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Addison Blain, late of Company G, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of David F. Pierce, late of Company I, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Hunter, jr., late of Company F, Forty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sanford T. Chapman, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Saunders, alias "Sandy," late of Company A, First Regiment United States Colored Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos A. Haskell, late of Company E, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel Brummett, late of Company D, Seventh Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Blum, late of Company K, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marion F. Halbert, late of Company A, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Lane, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Edward R. Chapin, late of Company B, Fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of F. Hickman Hawkey, late of Company C, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Hammelmann, late of Company I, Second Regiment New York Mounted Rifles, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles W. Stanton, late of Company H, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John Brookins, late of Company H, Ninth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Belcher, late of Company A, Thirty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary V. Rainsberger, widow of Joseph D. Rainsberger, late of Company C, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Lewis Warley, late of Company D, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Hagen, late of Company E, One hundred and ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Romanes Binkley, late of Company I, One hundred and seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Nosler, late of Company I, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Effie C. Strout, widow of Reuben Strout, late of Company E, One hundred and forty-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Silas Flournoy, late of Company I, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John L. Mills, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver P. Barr, late of Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Thomas Croft, late of Company A, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Thomas, late of Company H, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Elias Shannon, late of Company K, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Jellison, late of Company H, Second Regiment Illinois Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Polly Kiff, former widow of Edson Murray, late of Company F, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of Theodore W. Goodsell, late of Company C, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Morton B. Fitts, late of Company C, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Hart, late of Company G, One hundred and first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William L. Saxon, late of the Thirteenth Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Strong, late of Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John G. Hearn, late of Company B, Twenty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Franklin M. Joines, late of Company H, Second Missouri Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah E. Dieffenbacher, widow of James G. Dieffenbacher, late of Company B, Fifth Regiment Pennsylvania Reserve Infantry, and pay her a pension at the rate of $25 per month.

The name of Arba H. Trufant, late of Company A, Twenty-ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin G. Young, late of Company C, Eighty-seventh Regiment Indiana Volunteer Infantry, and Company E, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lewis Pratt, late of Company K, Thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas C. Layton, late of Company E, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marion F. Willis, late of Company G, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Margaret A. Cooper, widow of Thomas W. Cooper, late of Company D, Fiftieth Regiment, and Company E, Fifty-second Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Samuel H. McCartney, late of Company E, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frances McCloe, widow of Edward S. McCloe, late of Company C, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Elijah Houghton, late of Company D, Eighty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Gibbs, late of Company D, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Roswell O. Spear, late of Company F, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willis Akles, late of Company E, Eighty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Littleton, late of Company F, Eighty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob H. Murdock, late of Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James K. Nichols, late of Company M, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Leonidas H. Oldfield, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac N. Rhodes, late of Company I, Fourteenth Regiment, and Company F, First Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel A. Bennett, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Marcellus F. Darling, late of Company L, Second Regiment United States Cavalry, and Company K, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frances Brady, widow of George Brady, late of the United States Navy, and pay her a pension at the rate of $25 per month.

The name of Carpenter Bennett, late of Company H, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William H. Adams, late of Company B, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Eli Clark, late of Company D, Thirty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Andrew Lydick, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elias Culbreath, late of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Llewellyn L. Johnson, late of Company I, One hundred and first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Sellers, late of Company A, Ninety-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas A. Peters, late of Company E, Eighth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Montgomery Z. Sweet, late of Company C, Eleventh Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ebenezer F. Spaulding, late of Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abraham G. Hendryx, late of Company A, First Regiment Illinois Volunteer Cavalry, and Company I, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles De Long, late of Company G, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben J. Smith, late of Company B, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Day, late of Company H, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Mason Gates, late of Company H, Fifth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Wood, late of Company E, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Henri Hart, late of Company A, Second Regiment New York Volunteer Heavy Artillery, and Company G, Twenty-sixth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram W. Covill, late of Company B, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Handy, late of First Independent Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John R. Worth, late of Company D, Twenty-third Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Annie Sangamo, widow of John Sangamo, late of Company M, Second Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of James P. Tanner, late of Company F, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catharine F. Reinart, widow of Franklin Reinart, late of Company B, Forty-second Regiment Pennsylvania Enrolled Militia, and Company H, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William C. Tanner, late of Company B, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James E. Merrifield, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob W. Burge, late of Company P, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Sidney Merifield, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jordan C. Hall, late of Company A, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Durrah, late of Company A, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mandell Wells, late of Company A, Twenty-eighth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George M. Burns, late of Company K, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Michael Young, late of Company A, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma L. Parker, former widow of William C. Parker, alias Charles Williams, late of Company I, Thirteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Henry B. Lake, late of Company H, Seventy-sixth Regiment, and Company E, Ninety-first Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Levi Miles, late of Company G, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Oliver Brier, late of Independent Battery E, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Baker, late of Company H, One hundred and fifty-eighth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward B. Lanning, late of Company K, Fifteenth Regiment New York Engineers, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Abraham D. Stouffer, late of Company L, First Regiment Potomac Home Brigade, Maryland Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anson Harding, late of Company G, Seventieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas R. Turnham, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Villion, late of Company D, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William R. Murphy, late of Company E, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hostin Litteral, late of Company D, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James E. Fields, late of Company K, Fortieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James H. Reeder, late of Company D, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Thomas L. Hewitt, late of Company E, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Christopher Scheets, late of Company C, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Burgher, late of Baud, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month.

The name of James E. Upham, late of Company C, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Tanner, late of Company H, Seventy-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Thomas McAndrews, late of Company D, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah J. Creighton, widow of Richard Creighton, late of Company D, Forty-third Regiment, and Company K, Seventeenth Regiment, Ohio Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of John Creighton, helpless and dependent child of said Richard Creighton, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah J. Creighton, the name of said John Creighton shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah J. Creighton.

The name of Peter L. Chapman, late of Twenty-fifth Battery, Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William R. Tingley, late of Company A, One hundred and sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of James Longmire, late of Company A, First Regiment Oregon Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harriet M. Green, widow of Levi Green, late of Company K, Sixth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Thomas H. Primrose, late of Battery B, New Jersey Volunteer Light Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Walker, late of Company I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Fesler, late of Company E, First Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Conrad, late of Company I, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hamilton T. Faris, late of Company H, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Dwight Simpson, late of Company I, First Regiment United States Veteran Engineers, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Silas C. Robbins, late of Company E, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. Evans, late of Company D, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William H. Nesbitt, late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 1102. John Blackburn.
H. R. 1310. George A. Porter.
H. R. 1345. Jesse R. Mercer.
H. R. 1392. George Bowery.
H. R. 1548. Darius F. Bell.
H. R. 1549. Michael J. Breyfogel.
H. R. 1825. Sarah E. Canton.
H. R. 1985. Joseph C. Gluck.
H. R. 2137. Peter Z. T. Lane.
H. R. 2217. Adaline L. Black.
H. R. 2268. John M. Prouty.
H. R. 2269. Daniel Plotner.
H. R. 2410. John Norfleet.
H. R. 2444. Preston Carver.
H. R. 2535. George W. Morton.
H. R. 2565. Joseph F. Martin.
H. R. 2678. Albert O. Dunning.
H. R. 3446. Henry Cummings.
H. R. 3494. Francis M. Withrow.
H. R. 3511. John W. Lanham.
H. R. 3529. James Smalley.
H. R. 3584. John Burns.
H. R. 3620. Isaac C. Pierce.
H. R. 3751. John W. Swanson.
H. R. 3720. George W. Harrington.
H. R. 4321. William C. Waddle.
H. R. 4326. William J. Girdler.
H. R. 4332. Joseph D. Thach.
H. R. 4522. Georgeanna McNatt Mills.
H. R. 4647. Abraham Gindespar-ger.
H. R. 4674. Morton A. Pratt.
H. R. 4679. John H. Simison.
H. R. 4684. Erastus S. Bussell.
H. R. 4929. Thomas R. Heathorn.
H. R. 4987. Simeon C. Shields.
H. R. 4979. Charles Smith.
H. R. 5004. Eliza H. Cooley.
H. R. 5026. Edward Lewey.
H. R. 5054. George W. Anderson.
H. R. 5150. Andrew M. Graham.
H. R. 5221. John McKinney.
H. R. 5284. Alonzo A. V. P. McCoy.
H. R. 5259. Milton Smith.
H. R. 5293. James R. Harris.
H. R. 5327. Robert J. Clark.
H. R. 5384. Asa Gatton.
H. R. 5484. Winfield S. Port.
H. R. 5549. George W. Alms.
H. R. 5734. Charlotte West.
H. R. 5748. William V. Farris.
H. R. 5751. William N. Green.
H. R. 5752. John L. W. Hicks.
H. R. 5821. George H. Kimball.
H. R. 5878. John L. Baird.
H. R. 5879. William J. Beavers.
H. R. 5905. Esais Laukhuff.
H. R. 5922. George S. Emery.
H. R. 5974. Margaret E. Messing.
H. R. 5981. John W. Rawley.
H. R. 5990. Addison Blain.
H. R. 6042. David F. Pierce.
H. R. 6051. David F. Hunter, jr.
H. R. 6096. Sanford T. Chapman.
H. R. 6205. George Saunders, alias "Sandy."
H. R. 6389. Amos A. Haskell.
H. R. 6390. Daniel Brummett.
H. R. 6415. Henry Blum.
H. R. 6430. Marion F. Halbert.
H. R. 6433. John R. Lane.
H. R. 6450. Edward R. Chapin.
H. R. 6455. F. Hickman Hawkey.
H. R. 6507. Charles Hammelmann.
H. R. 6588. Charles W. Stanton.
H. R. 6660. John Brookins.
H. R. 6810. Romanes Binkley.
H. R. 6835. Henry C. Nosler.
H. R. 6839. John Belcher.
H. R. 6851. Mary V. Rainsberger.
H. R. 6876. Lewis Warley.
H. R. 6877. James Hagen.
H. R. 6904. Effie C. Strout.
H. R. 6949. Silas Flournoy.
H. R. 6953. John L. Mills.
H. R. 7071. Oliver P. Barr.
H. R. 7072. Thomas Croft.
H. R. 7108. James Thomas.
H. R. 7120. Elias Shannon.
H. R. 7128. John Jellison.
H. R. 7293. Polly Kiff.
H. R. 7463. Theodore W. Goodsell.
H. R. 7484. Morton B. Fitts.
H. R. 7504. Robert Hart.
H. R. 7505. William L. Saxon.
H. R. 7558. William A. Strong.
H. R. 7576. John G. Hearn.
H. R. 7659. Franklin M. Joines.
H. R. 7672. Sarah E. Dieffenbacher.
H. R. 7686. Arba H. Trufant.
H. R. 7713. Benjamin G. Young.
H. R. 7719. Lewis Pratt.
H. R. 7744. Thomas C. Layton.
H. R. 7746. Marion F. Willis.
H. R. 7749. Margaret A. Cooper.
H. R. 7894. Samuel H. McCartney.
H. R. 7895. Frances McCloe.
H. R. 7902. Elijah Houghton.
H. R. 7903. William T. Gibbs.
H. R. 7910. Roswell O. Spear.
H. R. 7933. Willis Akles.
H. R. 7972. George W. Littleton.
H. R. 7973. Jacob H. Murdock.
H. R. 7977. James K. Nichols.
H. R. 8201. Leonidas H. Oldfield.
H. R. 8223. Isaac N. Rhodes.
H. R. 8385. Samuel A. Bennett.
H. R. 8406. Marcellus F. Darling.
H. R. 8431. Frances Brady.
H. R. 8445. Carpenter Bennett.
H. R. 8453. William H. Adams.
H. R. 8472. Eli Clark.
H. R. 8484. Andrew Lydick.
H. R. 8487. Elias Culbreath.
H. R. 8503. Llewellyn L. Johnson.
H. R. 8507. John Sellers.
H. R. 8538. Thomas A. Peters.
H. R. 8541. Montgomery Z. Sweet.
H. R. 8622. Ebenezer F. Spaulding.
H. R. 8651. Abraham G. Hendryx.
H. R. 8680. Charles De Long.
H. R. 8693. Reuben J. Smith.
H. R. 8697. John H. Day.
H. R. 8724. Mason Gates.
H. R. 8726. Benjamin F. Wood.
H. R. 8730. Andrew Henri Hart.
H. R. 8776. Hiram W. Covill.
H. R. 8795. James H. Handy.
H. R. 8803. John R. Worth.
H. R. 8811. Annie Sangamo.
H. R. 8851. James P. Tanner.
H. R. 8857. Catharine F. Reinart.
H. R. 8863. William C. Tanner.
H. R. 8866. James E. Merrifield.
H. R. 8867. Jacob W. Burge.
H. R. 8869. Sidney Merifield.
H. R. 8872. Jordan C. Hall.
H. R. 8873. James Durrah.
H. R. 8875. Mandell Wells.
H. R. 8892. George M. Burns.
H. R. 8893. Michael Young.
H. R. 8895. Emma L. Parker.
H. R. 8896. Henry B. Lake.
H. R. 8919. Levi Miles.
H. R. 8922. Oliver Brier.
H. R. 8940. James H. Baker.
H. R. 8961. Edward B. Lanning.
H. R. 8968. Abraham D. Stouffer.
H. R. 8993. Anson Harding.
H. R. 8997. Thomas R. Turnham.
H. R. 9011. John Villion.
H. R. 9012. William R. Murphy.
H. R. 9013. Hostin Litteral.

H. R. 9014. James E. Fields.
H. R. 9015. James H. Reeder.
H. R. 9019. Charles L. Hewitt.
H. R. 9042. Christopher Scheets.
H. R. 9046. Albert Burgher.
H. R. 9057. James E. Upham.
H. R. 9059. George Tanner.
H. R. 9062. Thomas McAndrews.
H. R. 9065. Sarah J. Creighton.
H. R. 9086. Peter L. Chapman.
H. R. 9087. William K. Tingley.
H. R. 9117. James Longmire.
H. R. 9121. Harriet M. Green.
H. R. 9174. Thomas H. Primrose.
H. R. 9197. John W. Walker.
H. R. 9214. John Fesler.
H. R. 9226. George W. Conrad.
H. R. 9227. Hamilton T. Faris.
H. R. 9240. Dwight Simpson.
H. R. 9277. Silas C. Robbins.
H. R. 9479. James R. Evans.
H. R. 9543. William H. Nesbitt.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Alonzo A. V. P. McCoy, late of Companies K and M, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. WALSH. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. Mr. Speaker, I desire to ask some member of the committee how it happens that in several of these items in the report the post-office addresses are given and in others they are not, so that there is no way to identify from what part of the country these men come?

Mr. ASHBROOK. Where an original pension is granted, the post-office address is given. Where it is an increase, the post-office address is not given.

Mr. WALSH. And that is uniformly the rule?

Mr. ASHBROOK. That is uniformly the rule.

Mr. WALSH. Mr. Speaker, I withdraw my motion.

The SPEAKER. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

The name of George S. Emery, late of Company A5, Sixteenth Regiment Vermont Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. ASHBROOK. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore (Mr. SAUNDERS of Virginia). The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ASHBROOK offers an amendment: Page 11, line 1, after the capital "A," strike out the figure "5."

Mr. ASHBROOK. It is a typographical error.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

The name of John R. Lane, late of Company I, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. ANTHONY. Mr. Speaker, is the Clerk reading the bill or just the names? I can not follow it.

The SPEAKER pro tempore. The Clerk is reading the names.

Mr. ANTHONY. I would like to have the bill read as it is written, so that we can follow it.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

The name of Mary V. Rainsberger, widow of Joseph D. Rainsberger, late of Company C, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

Mr. ANTHONY. Mr. Speaker, the Clerk is not reading the bill. I would like to ask that the bill be read.

The SPEAKER pro tempore. The Chair will state that the Clerk is reading the bill according to the usual practice in relation to these bills. If the gentleman from Kansas insists on all the details being read, of course the Clerk will be directed to read the bill in that way.

Mr. LANGLEY. Mr. Speaker, the phraseology of each paragraph is practically the same.

The SPEAKER pro tempore. The Chair understands that, and the Clerk is reading the bill according to the usual practice, but if insisted upon the Clerk will be required to conform to the request of the gentleman from Kansas.

Mr. ANTHONY. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Kansas moves to strike out the last word.

Mr. ANTHONY. The reason why I insist that the Clerk read this bill is that some of the Members of the House are trying to follow these pension bills in the effort to extract some little information from them, and if the Clerk glosses the reading over in this way it is difficult to follow it.

The gentleman from Massachusetts [Mr. WALSH] awhile ago asked a very pertinent question as to why the post-office addresses of the pensioners were not inserted in all these cases. I think the address should be inserted in each case, so that the pensioner may be identified. I was unable, however, to understand, from the gentleman from Ohio [Mr. ASHBROOK], why it was inserted in some cases and not in others, and why it would not be a good plan to insert it in every case, so as to aid in the identification of the pensioner.

Mr. ASHBROOK. I will say to the gentleman that the post-office address is inserted in an original pension for the benefit of the Pension Office.

Mr. ANTHONY. Would it not be a good idea to insert the post-office address for the information of the House?

Mr. ASHBROOK. That matter has been discussed here several times, some Members favor it and some believe it should not be, but it requires extra work for the clerk of the Pension Committee and for the examiner. A good many of these pensioners change their addresses frequently. I can see no reason for the change in the system.

Mr. ANTHONY. Well, all the more reason, because of the itinerant character of some of these pensioners that change their addresses so often it would be in the public interest that they give their post-office addresses, so that they can be identified by the community. It is charged that some cases reported out of this committee are not so meritorious, perhaps, as they should be, so that in order to protect the House and in order to protect the committee every means of identification possible should be thrown around these cases.

Mr. ASHBROOK. I will say to my friend that the report that accompanied the bill is full, and I believe it furnishes sufficient information.

Mr. ANTHONY. Does that give the post-office address of the pensioner?

Mr. ASHBROOK. I believe not.

Mr. ANTHONY. Then, in that particular the report does not clear up that point.

Now, Mr. Speaker, I want to continue along this line. I made a few remarks when the last pension bill was before the House, wherein I stated that I did not think these bills were being reported out by the committee in a manner that was exactly fair and equitable to the soldier population of the country, and also in a manner that was exactly fair and equitable to the membership of this House. I have since then caused to be made a little investigation in regard to the way these bills were being reported from the Committee on Invalid Pensions, and I am sorry to say that the result of that small investigation has been that it appears to me, and I believe it will appear to the membership of this House, that the Committee on Invalid Pensions, at least some of the members of that committee, are taking advantage of their membership of that committee to perpetrate a species of petty larceny in extracting the greatest possible number of these bills for their constituents.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes. Yes.

Mr. GARRETT of Tennessee. How long has the gentleman been a Member of the House?

Mr. ANTHONY. Ten years.

Mr. GARRETT of Tennessee. And is just now discovering that?

Mr. ANTHONY. No. It has been apparent to me all along that the evil has existed, but it is a growing evil. The fact that the evil exists is no reason why it should not be corrected now; and as one Member of the House I intend that it shall be corrected.

For instance, I want to call the attention of the membership to the fact that so far on the calendar in this short session of the House, one member of the Committee on Invalid Pensions has 18 bills reported out and passed by the House and now on the calendar. Another member of the Committee on Invalid Pensions has 17 bills, another 13 bills, another 18 bills, and that is the way it runs. The average number of bills which the entire membership of the House has received this session is perhaps 1, 2, or 3 per Member. I do not say that they should be apportioned to the membership, but I do say that the individual merits of each case should be considered by the committee, and the number of bills should be apportioned to the entire soldier population of the country, so that any soldier who is in necessitous circumstances can have an equal chance of having the merits of his case considered.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. ANTHONY. I ask for five minutes more, and then I will yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that his time be extended five minutes. Is there objection?

Mr. RUSSELL. Will the gentleman state the names of the members of the Committee on Invalid Pensions who have these bills?

Mr. ANTHONY. I do not care to do that. I do not think it will be necessary to do that. I wish simply to state the facts as they exist, and trust to the individual membership of the Committee on Invalid Pensions to see that that evil is corrected. Now, I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Is not the logic of the gentleman's argument that which some of us have heretofore tried to point out, namely, that the passing of individual bills ought to be abolished, and that we ought to pass a general law which would cover the cases?

Mr. ANTHONY. No; I think in some individual cases the necessity undoubtedly exists for a remedy by Congress; but as that power is now exercised by Congress, the merit of individual cases is not given the consideration it should have. Facts are not verified, and any soldier who prepares affidavits the validity of which is not even questioned by the committee, just so they are formally prepared, can secure a bill through the committee, if he stands close enough to favored Members of Congress. In my opinion that is wrong.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. ANTHONY. I will.

Mr. HOWARD. The gentleman remembers when we had the prolonged debate over the Sherwood dollar-a-day pension bill?

Mr. ANTHONY. I do.

Mr. HOWARD. Does the gentleman remember that the most formidable argument made on both sides of this House when that bill was under consideration was the statement that the Sherwood dollar-a-day pension bill would eliminate the necessity for a continuation of these private pension bills, which were unjust in the inequalities practiced by the committee?

Mr. ANTHONY. Yes; I remember that; but I want to say to the gentleman that the Sherwood dollar-a-day pension bill does not remedy the situation that confronts the soldiers of this country. Those with a long service get the proper remedy, but many others are not adequately taken care of. Remedying individual cases of this kind now largely depends on how closely the soldier may be acquainted with a member of the Committee on Invalid Pensions.

I say that instead of resorting to such methods for relief, this Congress ought to pass an adequate general pension bill which will put every soldier upon a fair, liberal, and equitable basis.

Mr. LANGLEY. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman, who is a member of the committee.

Mr. LANGLEY. I heartily agree with the gentleman's contention about the justice of general legislation giving all of them what a few get by special act. That has always been my contention. And let me say further that I think it would be fair for the gentleman to state in answer to the gentleman from Georgia [Mr. HOWARD] that when the Sherwood pension bill was under consideration, and when these arguments to which he refers were made, the conditions were entirely different from what they are now. Not only have the soldiers grown much older and, of course, more helpless but the cost of living is very much higher than anyone ever dreamed of then; and, in fact, we were then preparing to reduce the tariff, and the supposition and contention of our Democratic friends that the cost of living would go down.

Mr. ANTHONY. That is very true. I want to say, in addition, that this House in the last session passed a bill giving the widows of soldiers of the Civil War $25 a month. Yet there are a large number of veterans of the Civil War who gave splendid service in that war who are drawing much less than that.

Mr. KEARNS. I believe the gentleman from Kansas is a member of the Committee on Military Affairs?

Mr. ANTHONY. Yes.

Mr. KEARNS. I have had five or six bills in the gentleman's committee for three years and never have gotten action on one of them. Yet members of the gentleman's committee have told me that three of my bills, at least, have great merit. I would like to have one of them reported out.

Mr. ANTHONY. If they are for the relief of deserters or military offenders, it will be a long time before they will get my vote out of that committee.

Mr. KEARNS. You do report bills, however, favorably, do you not?

Mr. ANTHONY. The committee has reported some bills.

Mr. KEARNS. Yet you have not reported one of these.

Mr. ANTHONY. Mr. Speaker, there is one more observation I want to make. The Committee on Invalid Pensions ought to live up to the rules it makes. One of the rules made by the Committee on Invalid Pensions was that it would not consider an increase of pension by special bill for an inmate of a soldiers' home. As a matter of fact the Committee on Invalid Pensions has now reported special bills for members of soldiers' homes, introduced by members of that committee, violating that rule, while a bill introduced by any Member of the House not a member of that committee has that rule enforced against it. I have found that out.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ANTHONY. I ask unanimous consent for five minutes more.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. ASHBROOK. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I would like to say to my friend from Kansas that so far as I know and so far as the chairman of the committee [Gen. SHERWOOD] knows, and so far as the clerk of the committee, who is here, knows, not a case of that kind has been reported. If any such cases have been reported, the chairman of the committee will thank the gentleman from Kansas to point them out and give the name of the soldier so that we may investigate the case.

Mr. ANTHONY. I will say to the gentleman that I have six cases in one soldiers' home that I can furnish to the gentleman, where that rule has been violated.

Mr. ASHBROOK. If there is a case of that kind in this bill, if the gentleman will give me the name of the soldier I will move to strike it out.

Mr. ANTHONY. Oh, no; we do not want to strike it out. I want to say to the gentleman that the committee was wrong in the adoption of such a rule. [Applause.] By the adoption of such a rule you put a premium on the practice of soldiers to evade the rule, and it is now the practice for a soldier in a soldiers' home to leave that home before he applies to the gentleman's committee for an increase of pension. It is a common practice all over the country for soldiers when they get a promise from a Congressman to put through a special bill before the gentleman's committee, to leave the home so that they can evade the rule. The pension is granted and the soldier may then return to the home. That is what is going on in the country.

Mr. RUCKER. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. RUCKER. Soldiers at the soldiers' homes do not pay any board; they get their living from the Government?

Mr. ANTHONY. Yes.

Mr. RUCKER. Does the gentleman think they ought to be supported by the Government and get a pension, too?

Mr. ANTHONY. Most of the members of our soldiers' homes are in such a financial and physical condition that it is for them the last resort, and the men that go into these homes are for the most part the most deserving cases in the large class of soldiers that appeal to this committee for relief. I want to see these men put on an equality with those outside the home so that when they get a small increase of pension they can leave the home, as most of them desire to do, and live in their own home.

Mr. RUCKER. I think the gentleman is right as to the character of the soldiers who go to the homes, and in exceptional cases I think it would be right to give them a pension, but generally speaking I do not believe that a single man supported in the Soldiers' Home by the people of this country or those who are drawing a big salary from the Government ought to draw one dollar of pension.

Mr. ANTHONY. That may be the gentleman's belief. I want to express again the hope that the Committee on Invalid Pensions, when it reports the next bill, will place upon the bill the name of the member who introduced it and give the post-office address of the soldier, and if that is done I think the evils that we complain of will be largely done away with.

Mr. ROSE. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. ROSE. The statements made by the gentleman from Kansas are startling. I understood at the opening of the session that no Member would be permitted to present more than five applications or bills for pensions.

Mr. ASHBROOK. I would like to know where the gentleman got that information.

Mr. ROSE. From Members of the House.

Mr. ASHBROOK. The gentleman never got it from any member of the committee.

Mr. ROSE. I did not; but I acted on that proposition.

Mr. ASHBROOK. There is no such rule, and I want to say in good humor to my friend from Kansas that I wish he would meet with the Committee on Invalid Pensions; it meets every Monday morning.

Mr. LANGLEY. That is the trouble. Many of the membership do not keep in close enough touch with the details of the committee's work.

Mr. RUCKER. Mr. Speaker, I want to express a few views with reference to pensions. I will preface my remarks by saying that I am not one of those Members opposed to pensions. On the contrary, I am in favor of pensions, and liberal pensions. Mr. Speaker, I think an effort is being made in the direction of raising the general level of rates in the Sherwood pension act so as to give all, or substantially all, soldiers $50 a month. I have not hesitated to write men in my district—some of them infirm, feeble, poor, needy, and meritorious—telling them positively and emphatically that I would not support a bill of that kind. I repeat here that I am not in favor of a bill of that sort. I am anxious to extend help where help is needed and merited.

Mr. KING. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. KING. The gentleman from Missouri a moment ago said that he believed that no soldier in a soldiers' home should have a pension.

Mr. RUCKER. I did not say exactly that.

Mr. KING. Did the gentleman make an exception of where the support is entirely by State funds?

Mr. RUCKER. I would not make an exception if the soldier is supported by the public. I want to state that I said, or intended to say, that there may be cases—and no doubt there are cases—in which it is proper to grant a pension to a man in the soldiers' home, but, generally speaking, I am opposed to granting pensions to inmates of soldiers' homes.

Let me say that when this Congress asserts itself and it does the courageous thing and strikes from the pension rolls those who ought not to be drawing pensions, when they strike from the rolls rich men who have abundance of income, and cease taxing poor people to pay more pensions to men who ought not to ask for pensions at all, then I will be in favor of giving to those who ought to have it, $50 a month, if they need it. I am opposed to paying pensions out of the money taken by taxation from the poor people—men, women, and children—to millionaires. I am opposed to paying any pensions, in most cases, to those who occupy soldiers' homes. I would not, if I had my way—and, of course, I realize that I can not have my way—I would not pay pensions to men who are in Government service drawing salaries from $1,500 to $2,500 a year. Therefore, I will never support—unless I change my mind, and I do not think I will—a bill authorizing a general increase of pensions up to $50 a month as long as that increase would inure to the benefit of the rich who need no pensions. I concede that there are many men who rendered faithful service to the country, whose present condition merit at the hands of a grateful people recognition in pensions sufficient to protect them from want, and I favor great liberality in dealing with them.

Mr. SWITZER. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. SWITZER. Does not the gentleman think that Congress is in an absurd situation when it gives the widow of a Civil War soldier $25 a month and there are 200,000 Civil War soldiers now on the rolls drawing a pension of less than $25 a month?

Mr. RUCKER. That is an inconsistent thing. A soldier ought to have more pension, speaking generally, than a widow. I want to say another thing. It seems pertinent to say it now and call the attention of the Committee on Invalid Pensions to the fact. We are paying a good many million dollars in the way of pensions to people who live in foreign lands. They may have gone there in the employ of the Government——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RUCKER. I ask for three minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman?

There was no objection.

Mr. RUCKER. They may have gone abroad without any intent to change their citizenship, but they have stayed there, and I have no doubt that to-day there are men in nearly every country on earth drawing pensions out of money taken from the taxpayers of this land who have not gazed on the Stars and Stripes for 20 years, and it may be that they will never see the Stars and Stripes again unless it is when Pershing carries the flag across the line on the western front into Germany and plants it in Berlin. [Applause.] I am opposed to paying these men pensions.

Mr. LANGLEY. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. LANGLEY. I agree with the gentleman about giving preference in granting pensions to those who need them, but what does the gentleman mean by his statement that he is opposed to any pensions being paid to those who are now living in foreign countries? Is it because they do not live in this country, or on the ground that they do not need the pensions?

Mr. RUCKER. I am opposed to their drawing pensions, because they do not live here. When they turn their backs on the flag of this country I am in favor of stopping the pension.

Mr. LANGLEY. Oh, there are lots of pensioners in foreign countries who have not turned their back on the flag.

Mr. RUCKER. But they do not live in this country and ought not to be pensioned by those who do live here.

Mr. LANGLEY. But there are lots of loyal Americans who do not live in the United States. I do not think domicile is an infallible test of loyalty to the land of one's nativity.

Mr. RUCKER. But they ought not to draw pensions.

Mr. LANGLEY. I disagree with the gentleman on that as a universal proposition.

Mr. RUCKER. Of course the gentleman has that right.

Mr. AUSTIN. Mr. Speaker, I have no complaint or criticism to make of the action of the Committee on Invalid Pensions. I have unlimited confidence in the fairness, the justice, and the square dealing of the chairman of that committee, our beloved colleague, Gen. SHERWOOD, and his associates on the committee.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. GORDON. How many bills has the gentleman in this report?

Mr. AUSTIN. I have not a single one to my knowledge.

Mr. GORDON. The clerk of the committee just informed me that one-fifth of the bills in this report were introduced by members of the committee.

Mr. AUSTIN. Speaking for myself, I do not believe I have a single one in this bill. I think I had two in the previous bill, and the district I represent furnished more Union soldiers in proportion to population than any district in the United States. [Applause.] During the Spanish-American War my town, Knoxville, Tenn., stood next to New York City in the number of recruits, and the smallest county in my district, with a voting population of 2,200, furnished 500 private soldiers to the Army, and that section, including Knoxville, furnished the first and only volunteer regiment after the declaration of the present war; so I think I have a right to stand here and say something not only for the soldiers, but for this committee. And I resent the imputation of the gentleman from Ohio [Mr. GORDON] to attempt to discredit the Invalid Pension Committee with the membership of this House.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. WALSH. Is the gentleman in favor of all claims being passed on their merits?

Mr. AUSTIN. Certainly I am.

Mr. WALSH. Then the gentleman is not advancing or setting forth the glory of his district in past days as a reason why his district should be given any preference in the matter of pensions, is he?

Mr. AUSTIN. I am absolutely satisfied with the treatment my district is receiving at the hands of this committee.

Mr. CARTER of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. CARTER of Oklahoma. The gentleman is not only in favor of passing pension claims that have merit but he is in favor of passing all of them, is he?

Mr. AUSTIN. Of course, I favor every just and meritorious pension case or bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. AUSTIN. I want a little more time if I am to be continually interrupted. I yield.

Mr. MOORE of Pennsylvania. The gentleman is entirely satisfied with the treatment that his district receives?

Mr. AUSTIN. Yes.

Mr. MOORE of Pennsylvania. Is not that due to the manner in which the able Representative of that district presents these various cases to the Pension Committee?

Mr. AUSTIN. Oh, do not say "the able Representative." Do not make me blush in this public place.

Mr. MOORE of Pennsylvania. It is the consensus of opinion in the House of Representatives that the gentleman's district is exceedingly well served.

Mr. AUSTIN. I thank my generous colleague for his compliment. I am pleased to know that my colleagues have bills in this omnibus measure, and I am ready and willing to help them put it through. [Applause.] What I desired to ask the members of the Committee on Invalid Pensions is this question: What action do they contemplate taking during this session of Congress toward reporting a general bill to increase the pensions of the soldiers? There is not a Member of this House with a soldier constituency who is not daily receiving letters from old soldiers desiring to know if Congress contemplates reporting and passing a general bill to increase the pensions of soldiers. We all admit it is unfair to pass a general pension bill which gives the widows of the soldiers $25 and at the same time leave on the pension rolls thousands of men who rendered faithful and efficient service who are drawing less than $25. I think this committee ought to report a general bill which will at least give every soldier a minimum pension of not less than $30 a month. The American people will stand for it, approve it, and indorse it. [Applause.] I would cheerfully support a bill making the rate $50 per month for every old soldier who actually needs it. Now, I would be glad to hear from the gentleman from Ohio [Mr. ASHBROOK], a member of the Committee on Invalid Pensions.

Mr. ASHBROOK. I would say to my friend from Tennessee that a meeting has been called of the committee for next Monday to consider a general pension bill, and I believe that some sort of a general pension bill will be reported at this session.

Mr. AUSTIN. I want the information, because we are all in the dark, and we do not know how to answer the old soldiers. I wanted a public statement on the floor of the House, so that we would know what was going on, and could intelligently advise our constituents who are interested.

Mr. BLAND. Mr. Speaker, I would say to the gentleman that as a member of the committee I am also in touch somewhat with the sentiment in the Senate on the same question, and I think a bill will come out of the Senate and also one out of the House Invalid Pension Committee that will be satisfactory on the subject, and come soon. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. ASHBROOK. Mr. Speaker, I want to ask the indulgence of the House for just one moment. I regret that there is so much criticism on the part of some Members whenever one of these omnibus pension bills is reported, and I want to say to the House that the Committee on Invalid Pensions, so far as I know, and I believe I do know, acts fairly and impartially on these special pension bills. The trouble is that a great many Members of the House introduce bills, and then do not do anything more. They do not furnish the required evidence. When the omnibus bill is then reported out, they think they ought to have some items on the bill, but the fault lies at their own door. My good, sweet-tempered friend and colleague from Ohio [Mr. GORDON] has just left the Chamber, I believe, but he criticized somewhat the fact that the members of this committee were securing entirely too many bills themselves. The clerk of the committee informs me that there are 183 items in this omnibus bill. There are 17 members of the Committee on Invalid Pensions, and that of those 183 items members of the committee have 25.

Mr. RUCKER. Mr. Speaker, will the gentleman yield?

Mr. ASHBROOK. Yes.

Mr. RUCKER. In connection with the gentleman's statement, the effort of the committee is to be fair to the House, and in reply to some criticisms that have been made I want to say that I have no criticism of the Pension Committee whatever. I think it is fair to every Member of the House. The suggestion that all pension bills be passed is an absurd one; and while I fare as well as I ought to, I want to say to the House that the Committee on Invalid Pensions frequently turns down claims which I think are meritorious. I have had a number of them turned down, but I wanted to say that in vindication of the action of the committee.

Mr. ASHBROOK. I thank the gentleman.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. ASHBROOK. I will yield.

Mr. GREEN of Iowa. With reference to what the gentleman said a moment ago in regard to a general bill, in support of the inclination of the committee which he seemed to indicate, I want to call the attention of the committee and the House further to the inconsistencies and absurdities which result from the present condition. I do not want to make any complaint against the committee, understand, but a short time ago I had a bill before the committee, which was put in one of the omnibus pension bills, in which a soldier was granted only $24 a month. Now, he and his wife, even after the special bill was passed for them, will only get $24 a month. If the poor old soldier should die, his wife alone will get $25 a month. Now, I think we ought not to tolerate such inconsistencies and absurdities any longer. I hope the committee will hasten its intention and put through a general bill of some kind.

Mr. ASHBROOK. I can assure the gentleman that I believe some legislation will be reported out of the committee to the House.

Mr. KEARNS. Will the gentleman yield?

Mr. ASHBROOK. I yield to my friend from Georgia [Mr. HOWARD] first.

Mr. HOWARD. I thought the gentleman had yielded the floor.

Mr. KEARNS. The gentleman wants to make a speech and I want to ask a question.

Mr. ASHBROOK. Oh, no; he does not.

Mr. HOWARD. I have one in my system of about five minutes long.

Mr. KEARNS. I desire to ask the gentleman in regard to this pension bill being contemplated by the committee. What is the minimum pension that will be received by a soldier under that bill?

Mr. ASHBROOK. Well, I can not undertake to commit the committee, but I would say——

Mr. KEARNS. The gentleman's personal views.

Mr. ASHBROOK. I would say personally that I believe no pension ought to be less than $25 a month, which is the amount now allowed soldiers' widows.

Mr. KEARNS. Does not the gentleman think it ought to be $30 a month?

Mr. ASHBROOK. I have expressed my own belief that no pension should be less than $25 per month.

Mr. TOWNER. Will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Iowa.

Mr. TOWNER. I would like to ask the gentleman if there are not several general pension bills pending before the Committee on Invalid Pensions?

Mr. ASHBROOK. There is quite a large number.

Mr. TOWNER. And it is expected that the Pension Committee will have hearings next Monday on those several bills, is it not?

Mr. ASHBROOK. A meeting of the committee has been called for next Monday to consider these several bills, but there will be no public hearings.

Mr. TOWNER. I did not mean in that sense; I meant to hear Congressmen who had those bills pending.

Mr. ASHBROOK. Oh, certainly.

Mr. TOWNER. I have no bill pending, but I would like, if an opportunity were presented, to say something to the committee on that line. Will the opportunity be afforded?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended for five minutes.

The SPEAKER pro tempore. The gentleman from Iowa asks that the time of the gentleman from Ohio may be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. In other words, would it not be well for the committee to hear Members of Congress briefly upon that matter at this time?

Mr. ASHBROOK. Well, my judgment is that if the committee hears Members who have introduced bills, that it probably would be unwise to give a general invitation for Members to come before the committee. A number of Members have general pension bills pending. I think 15 or 20 bills are before the committee, and the Committee on Invalid Pensions will, without doubt, take up all of those bills and give them serious consideration.

Mr. TOWNER. I am very glad indeed to hear that statement made, as I am quite sure all Members of the House are. The conditions are such as to require, almost imperatively, action of a general nature and character at this session of Congress. I think the sentiment on both sides of the House is practically unanimous upon that proposition. Now, I wish to say one word before leaving my feet, however, in justification of the action of the committee. Throughout my experience with the committee, they have in every case acted upon the cases favorably which were really meritorious. I have no complaint to find whatever with regard to the action of the committee.

In my judgment, while they have not given nearly as many pension cases which I thought they ought which I have presented—because, of course, I have never presented anything but meritorious cases—they have always been, I believe, determined upon their merits.

Mr. ANTHONY. Will the gentleman yield?

Mr. TOWNER. With pleasure.

Mr. ANTHONY. I recognize the gentleman as being one of the fairest-minded men in the House, and a man whose opinion I admire very much.

Mr. TOWNER. I certainly thank the gentleman.

Mr. ANTHONY. I want to put a question to him. Does the gentleman think it is fair for the Committee on Invalid Pensions, for instance, to grant two bills to soldiers in your district when the neighboring congressional district, the Congressman of which may be on the Committee on Invalid Pensions, is granted 18 of those bills in the same time? Is that fair to the soldiers in the gentleman's district?

Mr. TOWNER. I would say this to the gentleman, if I may be allowed to make the statement, that I think there ought not to be 18 pensions granted in any one district in any one of these bills; but I think all of these bills should be determined not by the fact as to whether or not Members of Congress were entitled to them, but they should be determined on their merits. In other words, no Member of Congress should be granted a pension bill that is not meritorious merely because it is his turn.

Mr. HOWARD. Why should not even an excess of 18 pensions be granted to a district if they are meritorious?

Mr. ASHBROOK. Mr. Speaker, I yield to my friend from Michigan [Mr. JAMES], and then I will be glad to yield to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. I have great respect for his opinions in regard to these things, and I want to get some light on them if you will permit me to pursue my question. If there are 18 meritorious pensioners in a district that are suffering and are asking for a gratuity from their Government and having served on the battle field, why should there not be even 25 pensions granted in a bill if they are meritorious?

Mr. TOWNER. I agree with the gentleman in principle, but if the gentleman will give me his attention I think he will agree with me that we all know that a certain amount of these pensions are, as a matter of fact, granted every year.

Mr. HOWARD. That is the iniquity of it, too, is it not?

Mr. TOWNER. Let me say this to the gentleman very frankly, if in order not to overlap the amount that they thought could be expended on this class of cases there were 18 meritorious cases in any one district, and there was not the same number of cases in others, I would say, yes; let the 18 cases go.

Mr. ASHBROOK. I will yield to my friend from Michigan [Mr. JAMES].

Mr. JAMES. Is the gentleman going to give the same kind of consideration to a millionaire in regard to increasing his pension as to a man who is penniless, or is there going to be a proviso which will not take care of the man who does not need it?

Mr. ASHBROOK. I can not answer that question. Of course a general pension bill is general in its nature, and all soldiers would be included therein.

Mr. JAMES. And your idea is to have it apply to everybody? At the last session of Congress a bill came over here from the Senate and was considered at 10 o'clock at night. The bill had been introduced——

The SPEAKER pro tempore. The time of the gentleman from Ohio [Mr. ASHBROOK] has expired.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that it be extended three minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JAMES. It came over here at 10 o'clock one night. It had not been considered by your committee. An item was in there, introduced by the chairman of the Senate Pension Committee, which provided increase of pension for a man who was court-martialed in 1864 on five counts and sentenced to be shot by musketry, and then on account of political influence the sentence was commuted to about 30 years. Are you going to give that man an increase of pension, or are you going to provide for the taking care of those deserving pensions?

Mr. ASHBROOK. I do not think the House committee would grant that sort of a pension.

Mr. JAMES. I am not talking about the House bill. This bill was introduced by the chairman of the Pension Committee in the Senate.

Mr. ASHBROOK. I am just as much opposed as the gentleman is to that kind of a pension.

Mr. HOWARD. Mr. Speaker, I move to strike out the last word.

The remedy for the case that the gentleman from Michigan speaks of is to have a general review of that man's case, and shoot that fellow yet if he was guilty.

Let me say a word about the pension bills. If some of the younger Members of the House want to read an exposure of the iniquities of the private pension system, I respectfully refer them to the debates in the Sixty-second Congress, and especially the speeches made by the late lamented Congressman S. A. Roddenbery, of Georgia. He said everything that there was to be said, and from an impartial standpoint.

In five minutes it will be impossible for me to pay tribute to the abilities, to the activities, of these fair-minded men that are now on this committee. There has never been a better Committee on Pensions assembled under the dome of this Capitol since we have been a Nation than the present committee. They are impartial, they are just, and they try to do what is right between pensioners, but they can not do it under the system. I am dead against the whole business. It is wrong in principle from start to finish.

Now, let us see. Here are two cases. I have read the evidence in both of them. Here is an old gentleman by the name of Franklin M. Joines, 72 years old, and who was a private in the war. He served 1 year and 10 months, and he is now paid a pension at the rate of $21.50 a month. The medical testimony in this old fellow's case shows that he is suffering from a good many ailments that make him absolutely incapacitated to earn a living by his own labor. So they give him $40 a month. Now, remember that is my old friend Joines.

Right over on the next page here is my dear old friend Benjamin G. Young, 78 years old. He served exactly to the minute the same length of time as Joines. He is suffering from every complication known to medical science. [Laughter.] Not one has been omitted. Six years older, as poor as Job's turkey, not only an invalid, but a pauper, and the committee weighs all the evidence carefully, peruses the evidence with a microscope, and they go out and give my dear old friend over in Indiana $36 a month.

Mr. MADDEN. Will the gentleman yield?

Mr. HOWARD. With pleasure.

Mr. MADDEN. The gentleman said they perused the evidence and the affidavits in this case with a microscope. If they had done so, they might have enlarged upon the amount allotted.

Mr. HOWARD. Forty dollars is what they ought to have given this old man. I am going to introduce an amendment when they get to my old friend Young, and I am going to see that he gets that $4 a month additional, because he is six years older, he served the same length of time, he endured the same hardships, he suffers from the same infirmities, and yet the committee goes out and gives a younger man $4 more a month than they give this poor old fellow.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. KEY of Ohio. Mr. Speaker, will the gentleman yield to me right there?

The SPEAKER pro tempore. Does the gentleman yield, and to whom?

Mr. KEY of Ohio. I would like to ask the gentleman from Georgia a question.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. KEY of Ohio. I am not on this committee.

Mr. HOWARD. I know; but you are on the other.

Mr. KEY of Ohio. I would like to ask the gentleman if he has read the report and the evidence carefully, and whether it is not shown in the report that the soldier who has been granted a rate of $40 per month, while he might be younger, is confined to his bed a greater part of his time. And does not the gentleman feel that if a soldier is down and out, so to speak, he is entitled——

Mr. HOWARD. Why, he has got chronic trachoma of both eyes, and curvature of the spine, and every other thing. What else could a man have the matter with him unless he was kicked in the face by a mule? [Laughter.]

Mr. FLOOD. Which one was that?

Mr. HOWARD. My old friend Young.

Mr. KEY of Ohio. That man who is to get the $40 rate is confined to his bed, while the other man is not confined to his bed.

Mr. HOWARD. I am not taking these two cases merely. I am taking into consideration other cases. They are all alike. I claim that we should pay equally, and that exact justice should be done to these men on the evidence you gentlemen have had submitted to you. That is what we are passing on.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. LANGLEY. The gentleman is in error about the facts in these two cases. One of the most important elements in these cases is whether or not a man needs the aid and attendance of another person. In one of these cases he does, and in the other he does not.

Mr. HOWARD. One of the important elements is how many sons they have who can vote. That is one of the most important elements. [Laughter.]

Mr. LANGLEY. It may be so with the gentleman from Georgia, but I have never considered that. The old fellows are in need, and more so if they have no sons, and I want to help the needy.

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. HOWARD. Mr. Speaker, I ask for five minutes more. I have been interrupted so much that I could not say what I wanted to say.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield there?

Mr. HOWARD. Yes.

Mr. GOODWIN of Arkansas. My colleague speaks as though he were on intimate terms with his pensioner by calling this man Young his "old friend." Was the gentleman from Georgia a comrade in arms with Mr. Young? [Laughter.]

Mr. HOWARD. I will tell you. I come from the part of the country that fought these old fellows; my folks did. They did face the music, and these old fellows faced an army of as brave men as ever shouldered a musket. Now, if they served their flag and defended it courageously and discharged their duties conscientiously, at this late day when every infirmity that could be inflicted upon them has visited them, the gentlemen on these pension committees have got no right and they ought not to be given the power by an American Congress to discriminate between these old men and make fish of one and fowl of the other.

Mr. ASHBROOK. Now, Mr. Speaker, will my friend allow me a word right there?

Mr. HOWARD. That is the iniquity of your system. That is the reason it ought to break down. That is the reason why I prayed, when the Sherwood pension bill was passed—that it would break down. It ought to be stopped. I would cheerfully vote to-morrow morning for a general bill to pay all these old soldiers $50 a month in preference to having them dragged in here four or five times a year and having their cases hurriedly considered and having inequalities meted out to them. An injustice is done to them. Then, when the campaign comes on—let us be plain about this, gentlemen—here is my dear old Democratic friend running against my dear old Republican friend, and the issue is, "If you send me to Congress I will get that pension increased." The Democrat comes along and says, "You send me, and I will get you more money than the Republican got." That is the issue. It is a political football to play with.

Mr. ASHBROOK rose.

Mr. KEY of Ohio. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. ASHBROOK. I was endeavoring to get the gentleman to yield to me.

Mr. HOWARD. I will yield to the chairman, since he has much more superior knowledge of these bills than any other gentleman. [Laughter.]

Mr. ASHBROOK. I want to call my friend's attention to the fact that the soldier who received $40 served 1 year and 10 months, while the soldier who receives $36 served 1 year 1 month and 10 days. In addition to that the soldier who receives $40 requires the attention of a nurse, and he had a fractured skull. I think if the gentleman will carefully read the evidence in the two cases he will see that the soldier who is to receive $40 had a longer service and is worse off than the one who is to receive $36.

Mr. HOWARD. Well, I know some men who get along just about as well without any skull at all. [Laughter.]

But the question of inequality comes in here. That statement says that both these poor old fellows are down; they are bedridden; and you are discriminating against my old friend Young, and when that case is reached, as I said before, I am going to try to correct it if I can.

Now, there was some talk about these 17 or 18 cases coming in here, brought in by members of the committee. That is a perfectly natural thing. I had a similar experience, gentlemen, when I had the honor to serve on the Committee on Military Affairs two or three or four years ago. Because Members were on the Committee on Military Affairs they had brought to them many questions of clearing up desertions and putting soldiers in statu quo, on the list of the roll of honor, and putting on that roll an old man that ran like a scared cat and deserted his country and hid in a dry well and pulled the moss in on him during the conflict, and then wanted his record cleared. [Laughter.] I noticed that the members of the Committee on Military Affairs, from whereabouts these gentlemen existed, introduced more bills than all the balance of the House together. But that was natural.

Mr. MADDEN. They would get consideration?

Mr. HOWARD. Of course they would get better consideration and quicker consideration and more favorable consideration.

The SPEAKER pro tempore. The time of the gentleman from Georgia has again expired. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

The name of Benjamin G. Young, late of Company C, Eighty-seventh Regiment Indiana Volunteer Infantry, and Company K, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. HOWARD. Mr. Speaker, I move to amend, in line 2, on page 18, by striking out "$36" and inserting "$40."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amendment offered by Mr. HOWARD: Page 18, line 2, strike out $36 and insert $40.

Mr. HOWARD. Mr. Speaker and gentlemen, in support of my amendment I want to state to you that this is my old friend, Benjamin G. Young, of Indiana.

Now, gentlemen, this is a clear, clean-cut case of doing justice between these two men, and I want you gentlemen who have the report of this committee in your hands to turn to page 24 and page 35 of the report. You will see on page 34 the case of Franklin M. Joines, who is 72 years old, while this poor old man, Benjamin G. Young, is 6 years older.

The man who is 72 years old has a cracked skull, while this man 78 years old has a curved spine. Some of you medical men here—for instance, the distinguished gentleman from Illinois, Dr. FOSTER—can tell us which is worse, a cracked skull or a bent spine. [Laughter.]

Mr. FOSTER. It depends on the value of what a man has in his skull, does it not?

Mr. HOWARD. If it depended on the value of what a man has in his skull and what he has to protect by his skull, I know some folks who would be skull-less. [Laughter.] But that is not the question. It is a question that means a heap to this poor old fellow, and I appeal to you to open your hearts and vote for my amendment. Four dollars a month does not mean much to some of these bloated bondholders around here, but it means a heap to a poor old fellow over in the mountains of Kentucky or Tennessee, or the red hills of Georgia, who lives in a log cabin, and when he sees a piece of bread made out of flour, in the shape of a biscuit, puts a coal of fire on it to see if it will not crawl away like a terrapin, because it is so seldom that he sees one. Those are the fellows that this $4 a month means much to. It is an injustice and an inequality that ought to be corrected. I would like one time to see the ironclad rule of the infallibility of this distinguished committee defeated on the floor of this House. I will have something to say about the bill of the other gentleman from Ohio [Mr. KEY] when it comes in. He deals with a Spanish-American War veteran, but this gentleman is dealing with a class that are more infirm. They did not fight mosquitoes, like most of us did in the Spanish-American War, but they fought real men. In all sertousness, this is an injustice, and I ask you, gentlemen, to support my amendment and make the heart of our dear old friend, Benjamin G. Young, away over in the corn belt of Indiana, leap with joy at the news that a man who was not on the committee, a man who came from south of the Ohio and the Potomac Rivers, found his case stowed away among several others, presented it to the generous sunlight of the American House of Representatives, and that from all sections they rallied to his flagstaff and gave the old man this $4 a month. [Applause.]

Mr. ASHBROOK. Mr. Speaker, I dislike very much to oppose anything suggested by my charming and delightful friend from Georgia [Mr. HOWARD]. I dislike very much to oppose an increase in the pension of a worthy soldier; but in these two particular cases I want to invite the attention of the House to the fact that the soldier who is given the $40 served almost twice as long as the soldier who received the $36.

Mr. HOWARD. Excuse me, Mr. Speaker, I know the gentleman wants to be fair. He talks about "twice as long."

Mr. ASHBROOK. I said "almost twice as long." I qualified it by saying "almost." The $40 man served 1 year and 10 months and the $36 man served 1 year 1 month and 10 days.

Mr. HOWARD. I stand corrected. I misread it. I thought it was 1 year and 10 months in each case.

Mr. ASHBROOK. I want to say to the House that these bills are carefully prepared by an examiner detailed from the Pension Office. He goes carefully over the evidence submitted conscientiously and makes a fair, unprejudiced, and unbiased report; and the committee, unless it feels—as it seldom does—that an error has been made by the pension examiner as to the rating, accepts his recommendation.

I think it is a mistake to offer these amendments on the floor of the House. If such amendments are adopted and the bill is allowed to be amended on the floor of the House, in a very short time it will be an impossibility to pass an omnibus pension bill. And because the soldier who receives $40 served longer and requires an attendant, his case is a better one by far than that of the soldier who receives $36, and I hope the House will vote down the amendment offered by the gentleman from Georgia [Mr. HOWARD].

Mr. RUSSELL. The gentleman from Iowa [Mr. HULL] introduced this bill, did he not?

Mr. ASHBROOK. Yes.

Mr. RUSSELL. And so far as the committee knows he is perfectly satisfied with the action of the committee?

Mr. ASHBROOK. Yes.

Mr. HOWARD. Of course the gentleman from Iowa [Mr. HULL], who is a very active Member of the House, happens to be in some of the departments on official business, and I do not see him here at this moment, but if he were here I know he would be delighted to help in getting this old gentleman's pension increased. I do hope the House will agree to the amendment.

Mr. ASHBROOK. Let us have a vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia.

The question being taken; on a division (demanded by Mr. HOWARD) there were—ayes 35, noes 38.

Mr. HOWARD. I ask for tellers, Mr. Speaker.

Mr. ASHBROOK. I hope the gentleman will not do that.

Mr. HOWARD. I withdraw the demand. I will get the amount increased in the Senate, where all the increases are put on.

The Clerk read as follows:

The name of Samuel A. Bennett, late of Battery B, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

Mr. ASHBROOK. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 20, line 18, after the word "First," strike out the word "Regiment."

The amendment was agreed to.

The Clerk read as follows:

The name of Silas C. Robbins, late of Company E, First Regiment Minnesota Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. WALSH. Mr. Speaker, I move to strike out the word "Regiment" in line 20, page 31. This would seem to be the same amendment offered by the chairman to the item on page 20, line 18.

Mr. ASHBROOK. This is a regiment of Heavy Artillery, and the other was a battery of Light Artillery. This is correct.

Mr. WALSH. Mr. Speaker, I withdraw the pro forma amendment.

The Clerk read as follows:

The name of Clem Bolan, late of Company E, Twentieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. Can the chairman inform the committee how many of the cases included in this measure are cases of increase of pension and how many are original pensions which have heretofore been rejected by the Pension Department?

Mr. ASHBROOK. For soldiers' claims 2 are new, original, and 103 are increases. There are 15 original cases and 2 for helpless children.

Mr. WALSH. These facts do not appear in the report.

Mr. ASHBROOK. There is no summary.

Mr. WALSH. No summary of figures such as the gentleman has just given?

Mr. ASHBROOK. No.

The Clerk completed the reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ASHBROOK, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. KEY of Ohio. Mr. Speaker, I call up the bill H. R. 9506, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors. I ask that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Frank Smith, late of Company D, First Regiment Idaho Volunteer Infantry, and Company C, Thirty-sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Charles Devault, late of Company I, Ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Commodore H. Steele, late of Troop D, Second Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George V. Deacon, late of Companies F and K, Fifteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Henry C. Lichten, late of Company E, Eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George W. Rathman, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of John F. Hemsted, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Andrew S. Pope, late of Company M, First Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Pearley Rex Harbert (insane), late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $30 per month. Pay to the duly appointed guardian.

The name of Harry E. Snyder, late of Company H, Eighth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William D. Galligher, late of Troop F, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Ambrose R. Kinley, late of Company C, First Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Henry J. Hopkins, late of Troop H, Fourteenth Regiment United States Cavalry, and Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Silas J. Shumaker, late of Battery G, Fifth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Byron W. Kash, late of Company D, Thirtieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Hoyl N. Higdon, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Mathias Kennedy, late of Company K, Tenth Regiment United States Volunteer Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Thomas Regan, late of Company H, Second United States Infantry, Regular Establishment, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jacob A. Buffington, late of Company H, Fiftieth Regiment Iowa Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Leroy E. Cuckow, late of Company K, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Theodore J. Kountz, late of Company G, First Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Frederick E. Ogle, late of United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Edward F. Connors, late of Company D, Eighth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of James F. Connell, late of Company A, Eleventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Robert B. Bowie, late captain of Company A, Fifth Regiment Maryland Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Jesse H. Hutto, late of the United States Navy, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Lory M. Powell, late of Troop H, First Regiment United States Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Mack Rittenberry, late of Company A, First Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of James O. Singleton, late of Company B, Second Regiment Oregon Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Charles F. Russell, late of Company E, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of James E. Norman, late of Company A, First Regiment Alabama Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Gilbert R. Gardner, late of Company E, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Walter R. Taylor, late of Company G, First Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles D. Skirdin, late of Troop I, Fourth Regiment, and Troop I, Second Regiment, United States Cavalry, Regular Establishment, and Quartermaster's Department, and pay him a pension at the rate of $12 per month.

The name of Lewis J. Prime, late of the band, Nineteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Edward L. Eaton, late of Company K, First Regiment Maine Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Malvern E. Rodgers, late of Battery C, First Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Wheeler Smith, late of Company B, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John H. Dorsey, late lieutenant and assistant surgeon, Fourteenth Regiment Minnesota Volunteer Infantry, also major, Second Regiment Minnesota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Calvin J. Newman, late of Company A, Second Regiment West Virginia Volunteer infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of George Rice, late of Battery L, Sixth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Fred O. Hamilton, late of Company M, Fourth Regiment Missouri Volunteer Infantry, War with Spain, and pay him a pension at the rate of $50 per month.

The name of Fred Silvey, late of Company C, Forty-first Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Wharton, late of Troop M, First Regiment Illinois Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John Demcy, late of Company E, Seventeenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Bev Baker, late of Company A, Second United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Michael E. O'Donnell, late of Company E, Sixth Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Lewis Mulkey, late of Captain William Tom's company, Texas Rangers, Indian Wars, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Lang, late of Company I, Fifth Regiment Maryland Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Thomas M. McDonald, late of Troop A, First Regiment Kentucky Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of William N. Frost, late of Company H, Second Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Gauriel, late of Troop E, Second Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Claude Johnson, late of Company B, Seventh Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Dowdy, late of Company G, Second Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Paul Beyer, late of Company F, Third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Albert G. Norman, late of Company A, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Edward Brockway, late of Company I, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Harry Hirschensohn, late of Company H, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leslie Higgins, late of Troop B, First Regiment Kentucky Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Paul Heineman, late of United States Navy, Regular Establishment, and grant him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John R. Walder, late of Company B, Second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of George J. Schmidt, late of Company D, Fifth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Seaborn A. Frost, late of Company L, Ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Thomas Hamilton, late of Company D, Ninth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph F. Flynn, late of Company F, Sixty-ninth Regiment New York Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Sweeney, jr., late first lieutenant and adjutant, First Regiment Colorado Volunteer Infantry, War with Spain, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William Briney, late of Company L, Fourteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter F. O'Brien, late of United States Navy, and Company M, Fourth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a person at the rate of $12 per month.

The name of Stephen Hill, late of Company C, Twelfth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William W. Craxens, late of Hospital Corps, United States Army, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick E. Lamb, late of Company H, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Richard Gurney, jr., late of Battery F, Fifth Regiment United States Artillery, War with Spain and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The name of Charles V. Bradford, insane, late of Company B, Eighth Regiment United States Infantry, Regular Establishment, and pay him a pension of $30 per month. Pay to duly appointed guardian.

The name of Frank West, late of Company E, Twenty-third Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James Halloran, alias Charles O'Halloran, late of Company K, Twenty-second Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Kelly, late of Company I, Forty-first Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Hugh G. Smelcer, late of the Seventy-fifth Company United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of James Roberts, late of Company G, Forty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Benjamin F. Phipps, late of Company A, Twenty-ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Joseph L. Shields, late of Company C, Seventh Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Irving A. Hubbard, late of Hospital Corps, United States Army, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John Condon, late of Company A, Sixteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Charles E. Cullom, late of Company I, Fourth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Albert C. Schuman, late of Company D, Fifteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Lewis E. Force, late of Company G, Thirty-fifth Regiment Michigan Volunteer Infantry, War with Spain, and pay him a pension at the rate of $50 per month.

The name of Sally Speer Signor, widow of Matt Howland Signor, deceased, late captain and commander, United States Navy, Regular Establishment, and pay her a pension at the rate of $25 per month, and $2 per month additional on account of the minor child, Eugenia, of the said Matt H. Signor, until she reaches the age of 16 years.

The name of Michael Balenti, late of Troop G, Fourth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Whitney, late of the United States Navy, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Charles A. Booker, late of Company F, First Regiment Washington Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Herschel Spainhour, late of Company D, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The name of William A. Robson, late of Company D, Thirty-third Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of John W. Garten, late of the Sixty-fourth Company, United States Coast Artillery Corps, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Herman Mootz, late hospital steward Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of John H. Norris, late of Company H, Third Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of William A. Brown, late of the United States Marine Corps, United States Navy, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Clem Bolan, late of Company E, Twentieth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of James B. Shannon, late of Company I, Second Regiment Texas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas F. Dolan, late of the United States Navy, War with Spain, and pay him a pension at the rate of $17 per month.

This bill is a substitute for the following House bills referred to said committee:

H. R. 409. Frank Smith.
H. R. 588. Charles Devault.
H. R. 589. Commodore H. Steele.
H. R. 642. George V. Deacon.
H. R. 644. Henry C. Lichten.
H. R. 720. George W. Rathman.
H. R. 821. John F. Hemsted.
H. R. 847. Andrew S. Pope.
H. R. 860. Pearley Rex Harbert.
H. R. 922. Harry E. Snyder.
H. R. 995. William D. Galligher.
H. R. 1026. Ambrose R. Kinley.
H. R. 1065. Henry J. Hopkins.
H. R. 1071. Silas J. Shumaker.
H. R. 1143. Byron W. Kash.
H. R. 1193. Hoyl N. Higdon.
H. R. 1246. Mathias Kennedy.
H. R. 1459. Thomas Regan.
H. R. 1595. Jacob A. Buffington.
H. R. 1598. Leroy E. Cuckow.
H. R. 1818. Theodore J. Kountz.
H. R. 1892. Frederick E. Ogle.

H. R. 1955. Edward F. Connors.
H. R. 1956. James F. Connell.
H. R. 2036. Robert B. Bowie.
H. R. 2211. Jesse H. Hutto.
H. R. 2457. Lory H. Powell.
H. R. 2459. Mack Rittenberry.
H. R. 2682. James O. Singleton.
H. R. 2705. Charles F. Russell.
H. R. 2720. James E. Norman.
H. R. 2732. Gilbert R. Gardner.
H. R. 2855. Walter R. Taylor.
H. R. 2975. Charles D. Skirdin.
H. R. 3056. Lewis J. Prime.
H. R. 3112. Edward L. Eaton.
H. R. 3259. Malvern E. Rodgers.
H. R. 3386. Wheeler Smith.
H. R. 3401. John H. Dorsey.
H. R. 3478. Calvin J. Newman.
H. R. 3578. George Rice.
H. R. 3627. Fred O. Hamilton.
H. R. 3793. Fred Silvey.
H. R. 3817. William H. Wharton.
H. R. 4012. John Demcy.
H. R. 4149. Rev Baker.
H. R. 4196. Michael E. O'Donnell.
H. R. 4293. Lewis Mulkey.
H. R. 4301. Henry Lang.
H. R. 4388. Thomas M. McDonald.
H. R. 4393. William N. Frost.
H. R. 4598. John Gabriel.
H. R. 4623. Claude Johnson.
H. R. 4748. John Dowdy.
H. R. 4837. Paul Beyer.
H. R. 4906. Albert G. Norman.
H. R. 5021. Edward Breckway.
H. R. 5174. Harry Hirschensohn.
H. R. 5196. Leslie Higgins.
H. R. 5479. Paul Heineman.
H. R. 5491. John R. Wader.
H. R. 5619. George J. Schmidt.
H. R. 5662. Seaborn A. Frost.
H. R. 5773. Thomas Hamilton.
H. R. 5859. Joseph F. Flynn.
H. R. 5924. William H. Sweeney, jr.
H. R. 5932. William Briney.
H. R. 5968. Peter F. O'Brien.
H. R. 6174. Stephen Hill.
H. R. 6226. William W. Cravens.
H. R. 6394. Frederick E. Lamb.
H. R. 6452. Richard Gurney, jr.
H. R. 6554. Charles V. Bradford.
H. R. 6577. Frank West.
H. R. 6694. James Halloran, alias Charles O'Halloran.
H. R. 6746. James A. Kelley.
H. R. 6895. Hugh C. Smelcer.
H. R. 6907. James Roberts.
H. R. 6909. Benjamin F. Phipps.
H. R. 6920. Joseph L. Shields.
H. R. 6921. Irving A. Hubbard.
H. R. 7088. John Condon.
H. R. 7101. Charles E. Cullom.
H. R. 7199. Albert C. Schuman.
H. R. 7467. Lewis B. Force.
H. R. 7564. Sally Speer Signor.
H. R. 7583. Michael Balentl.
H. R. 7621. Joseph Whitney.
H. R. 7669. Charles A. Booker.
H. R. 7750. Herschel Spainhour.
H. R. 8040. William A. Robson.
H. R. 8129. John W. Garten.
H. R. 8375. Herman Mootz.
H. R. 8520. John H. Norris.
H. R. 8534. William Brown.
H. R. 8571. Clem Bolan.
H. R. 8711. James B. Shannon.
H. R. 9035. Thomas F. Dolan.

Mr. WALSH. Mr. Speaker, I move to strike out the last word. Can the chairman of the committee state how many of these claims are original and how many are increases?

Mr. KEY of Ohio. I can not give the gentleman that information. I came over to the House hurriedly this morning and did not have the clerk prepare a statement to that effect. I will say, as a general proposition, that the bills from our committee are original claims. As a rough estimate I should say that three cases out of every four are original claims.

Mr. WALSH. Mr. Speaker, I withdraw the pro forma amendment.

The Clerk read the last paragraph of the bill.

Mr. WILLIAMS. Mr. Speaker, I move to strike out the last word, and I ask unanimous consent to proceed for three minutes out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I merely rise to call the attention of the committee to a notable letter, a most patriotic and inspiring letter, written by an American father to his son, who is now serving under the British flag in a Canadian regiment in France. This young man, following the invasion of Belgium, tendered his services, as did thousands of other patriotic young men of this country, to the cause of the allies. He went over into Canada and volunteered, went with a Canadian regiment to the French front, where for many months he has distinguished himself as a brave and gallant soldier. On Christmas of this last year his father, a minister of the gospel, living at Paris, Edgar County, Ill., wrote to his son the letter which I have mentioned and which I ask the Clerk to read in my time.

The Clerk read as follows:

FATHER'S LETTER TO SOLDIER SON—NOBLE EPISTLE.

Here follows the copy of a letter Rev. H. M. Brooks mailed to his son, Homer Brooks, in the Canadian branch of the English Army:

"MY SON: This is the fourth Christmas you have been away from us. We all miss you; your friends often inquire about you. I am glad that you are still alive and able to fight the brutes. I am praying that your life may be spared to continue the work of fighting the beast. I do not pray that you may be spared and other boys taken. That would be selfishness. But I pray that you may do your whole duty. I want you to live like a soldier and die like a soldier, if need be. I want you to maintain all the traditions of those thousands of Americans who have given their lives for liberty. The place where lies the dust of an American is sacred, the place where an American falls is holy ground, for he fights only for liberty. Much as I would like to see you, I would not call you nor hinder you from your task. I want you to fight so long as you have breath, so long as you are able to pull a trigger, throw a bomb, wield a sword, or thrust a knife. I want you to stay with your task. Let there be no cessation on your part so long as there remains a brute to mutilate a child, to crucify an officer, to rape a girl, to murder an old man or woman, or burn out the eyes of the helpless.

"Hoping that you may be blessed with health and a disposition to fight to the last breath and that you will trust God, who is able and willing to care for you, and that you may be spared to finish your task and that you may return to us that we may see you again in this life, I am,

"Very kindly,

"H. M. BROOKS."

The pro forma amendment was withdrawn.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. KEY of Ohio. Mr. Speaker, I call up the bill (H. R. 9641) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Fred Tish, late of Company F, Seventh Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James O. Carroll, late of Company K, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Hopkins, late of Troop E, Fourth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Isaac Daniel Gibson, late of Troop C, Sixth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William Hopkins, late of Company F, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Pickens C. Cullum, late of Company I, Third Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Elizabeth A. Kells, dependent mother of Ralph W. Kells, allas Robert W. Kells, late of Company L, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Grant Barnett, late of United States Military Academy detachment of Cavalry, and Troop B, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Joseph Smolen, late of Battery F, Third Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Leo Tucker, late of Company M, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Peter Kanuk, late of Battery M, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William B. Smith, late of Company G, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jessie G. Frier, late of Company L, First Regiment Florida Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Noah P. Janes, late of Company I, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Michael P. Connaughton, late of Company E, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George W. Sanders, late of Company E, Third Regiment, and Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Charles H. Birley, late of Company I, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William A. Ellis, late of Company G, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Sommers J. Love, late of the Seventh and Ninth Companies of the United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Franklin C. Weaver, late of Company B, Tenth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles A. Walters, late of Company G, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Charles F. Burton, late of Company I, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Clyde A. Kilinger, late of Battery L, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

This bill is a substitute for the following House bills referred to said committee:

H. R. 513. Fred Tish.
H. R. 893. James O. Carroll.
H. R. 995. William H. Hopkins.
H. R. 1142. Isaac Daniel Gibson.
H. R. 1192. J. William Lambright.
H. R. 1772. William Hopkins.
H. R. 2208. Pickens C. Cullum.
H. R. 2991. Elizabeth A. Kells.
H. R. 3179. Grant Barnett.
H. R. 3399. Joseph Smolen.

H. R. 3434. Leo Tucker.
H. R. 3814. Peter Kanuk.
H. R. 5460. William B. Smith.
H. R. 5472. Jessie G. Frier.
H. R. 6059. Noah P. Janes.
H. R. 6667. Michael P. Connaughton.
H. R. 7412. George W. Sanders.
H. R. 7429. Charles H. Birley.
H. R. 7430. William A. Ellis.
H. R. 8126. Sommers J. Love.
H. R. 8127. Franklin C. Weaver.
H. R. 8316. Charles A. Walters.
H. R. 8535. Charles F. Burton.
H. R. 8536. Clyde A. Klinger.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Fred Tish, late of Company F, Seventh Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of James O. Carroll, late of Company K, Second Regiment Arkansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Hopkins, late of Troop E, Fourth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Isaac Daniel Gibson, late of Troop C, Sixth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William Hopkins, late of Company F, Thirty-eighth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of J. William Lambright, late of Troop H, First Regiment Ohio Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Pickens C. Cullum, late of Company I, Third Regiment Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Elizabeth A. Kells, dependent mother of Ralph W. Kells, allas Robert W. Kells, late of Company L, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Grant Barnett, late of United States Military Academy detachment of Cavalry, and Troop B, Ninth Regiment United States Cavalry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The name of Joseph Smolen, late of Battery F, Third Regiment United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The name of Leo Tucker, late of Company M, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Peter Kanuk, late of Battery M, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William B. Smith, late of Company G, Third Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Jessie G. Frier, late of Company L, First Regiment Florida Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Noah P. Janes, late of Company I, Eighteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

The name of Michael P. Connaughton, late of Company E, Sixth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of George W. Sanders, late of Company E, Third Regiment, and Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The name of Charles H. Birley, late of Company I, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William A. Ellis, late of Company G, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Sommers J. Love, late of the Seventh and Ninth Companies of the United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of $24 per month.

The name of Franklin C. Weaver, late of Company B, Tenth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Charles A. Walters, late of Company G, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $24 per month.

The name of Charles F. Burton, late of Company I, One hundred and fifty-eighth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Clyde A. Klinger, late of Battery L, First Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $17 per month.

Mr. WALSH. Mr. Speaker, I move to strike out the last word for the purpose of asking the chairman of the Committee on Pensions a question. Is it necessary before the Committee on Pensions will consider a claim for a pension under its jurisdiction that the claim should have been presented to the Pension Bureau and should have been rejected?

Mr. KEY of Ohio. Yes.

Mr. WALSH. The rule is the same then as with the Committee on Invalid Pensions?

Mr. WALSH. I can not presume to speak for the rules of the Committee on Invalid Pensions, but the Committee on Pensions has a rule that the claim must have been presented at the Bureau of Pensions and must have been rejected within a reasonable length of time—a year and a half or two years.

Mr. KEARNS. Mr. Speaker, I think that statement possibly is misleading. If the claim has ever been presented to the Pension Department and been rejected there because of no disability shown, then it is not necessary to present that claim at the Pension Department again, even if 15 years have elapsed.

Mr. KEY of Ohio. I had in mind and I took it for granted that the gentleman had in mind claims for increases.

Mr. KEARNS. If it is a claim for an increase, then it must have been heard within the last two years at the Pension Department.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9314, the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill, with Mr. HUMPHREYS in the chair.

The Clerk reported the bill by title.

Mr. FLOOD. Mr. Chairman, I will ask the gentleman from Wisconsin to use his time.

Mr. COOPER of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, as one of the small number of Congressmen who went unofficially to the battle fronts in France and Belgium last fall, I am glad to make use of the few moments tendered to me by the gentleman from Wisconsin [Mr. COOPER] for the purpose of presenting a few statements as to the cost of the great war in men. Later, when the pressure of business on the floor and in the committee rooms is not so great I hope to secure time in which to make some general remarks as a result of my observations in England, France, and Belgium.

It will interest the Members to know that while our party was abroad we were informed that during the short period while Belgium checked and delayed the German invasion France raised and equipped an army of more than 7,000,000 men. Think of it! France had a population at that time of 39,000,000. She succeeded in placing 7,000,000 men under arms. Her total man power—that is, men between the ages of 18 and 45—at that time was 9,000,000. Seven men out of every nine in France took up arms during the first weeks of the war.

Since that fateful day in 1914, when the German Empire started to force the world to its belief that might makes right, France has added 2,000,000 men to her first stupendous enrollment, so that her total enlistments have been 9,000,000, or as many as her total man power—18 to 45—at the beginning. That means that France has placed in her armies almost every boy who has become of military age since the beginning of the war.

What is the enlisted strength of France now? Mr. Chairman and gentlemen, France now has, or rather had, at the end of three years' fighting, 6,000,000 men in her army. And that 6,000,000 represented 92.34 per cent of her present man power. Is not that a most astonishing statement? Of all the men available for war purposes in France at the present time, 92.34 per cent are with the colors. [Applause.]

France had lost in killed at the end of three years 1,580,000 men, or 17.56 per cent of her total enlistment. In permanently wounded, the French loss is given at 921,328, or 10.24 per cent of her total enlistment. Her captured or missing amounted, at about the 1st of last July, to 696,548, or 7.74 per cent. I doubt if the people of the United States, even with the knowledge that has come during the raising of our own great Army, can realize what France has done in putting men into her army or comprehend the losses which she sustained in checking the invading army of Germany, and which she finally turned back 20 miles from Paris.

Mr. Chairman, Gen. Joffre, after retreating slowly from the frontier, fighting all the way, told his men to stand and die at the Marne. His brave soldiers stood, but they did not all die. They turned the Battle of the Marne into a victory and forced the Germans to fall back. And when the Germans fell back there began the retreat of monarchies before democracies, which continues and shall continue until victory is ours. [Applause.]

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes; with pleasure.

Mr. LONGWORTH. The statement as the enormous percentage of men placed by France in her armies is most interesting. Has the gentleman similar figures with reference to Great Britain?

Mr. JOHNSON of Washington. Yes.

Mr. LONGWORTH. I would like to hear the comparison.

Mr. JOHNSON of Washington. I shall be glad to state the figures, but before doing so I think we should remind ourselves that Belgium and France were forced to do nearly all of the fighting the first year. Belgium stood against the invading hordes until she was well-nigh exhausted, reduced to a fighting force of little more than 160,000 men, and, mind you, Belgium had a population of 7,600,000 and fighting men in proportion.

Then France took up the great struggle, and in one year wrote the greatest page ever written in history. The Battle of the Marne will stand out as the great decisive battle of the world. [Applause.]

England sent to France as quickly as possible most of her regular army—an expeditionary force of 160,000 men—the "contemptible little army," as the German Emperor called it. That army was almost annihilated. It fought at Mons and at the first battle of the Ypres, and helped to roll the invaders back from the Marne. One division went into battle 12,000 strong, with 400 officers. It came out 3,000 strong, with 50 officers. By the end of November hardly a man of England's "old" army was left. But France was saved. England's expeditionary force played its part in checking the carefully prepared and long-premeditated invasion.

Now comes the winter of 1914 and spring of 1915; England's Army wiped out, Great Britain unprepared, just as the United States was unprepared last spring. France fought on almost alone that winter and nearly all that next year. The men of France died and, perishing, saved Europe.

As quickly as possible Great Britain raised a large army. The figures show that the man power of Great Britain at the beginning of the war—that is, men between the ages of 18 and 45—was 12,000,000. The present man power is 11,000,000. The total men enlisted by Great Britain are 6,000,000, according to calculations made about the 1st of last August; the present men enlisted, 5,000,000. The present enlistment percentage of present man power is 45.45 per cent. Those figures include Great Britain and not the colonies. When we come to the list of men killed the colonies are included. The number given killed for Great Britain and the colonies is 298,988; in round numbers, 300,000. That is a percentage of the total enlistment of 4.98; seriously wounded, 177,224, or 2.95 per cent; captured or missing, 184,452.

Let me clear up a misunderstanding which prevails concerning Great Britain and the colonies. How often do we hear it said throughout the United States that the British Empire has raised a great army, but that England has held back her troops and permitted the troops of Canada and Australia to do the fighting and the dying. Ah, gentlemen, the troops of the colonies have fought gallantly and died nobly, but have not been sacrificed out of proportion to the troops of the rest of the British Empire.

Our party of Congressmen abroad had the pleasure of hearing Mr. Lloyd-George in the House of Commons pay a tribute to the armies of the British Empire, and in the course of his remarks he said that of the great armies furnished by the British Empire England had contributed 75 per cent and England had sustained 75 per cent of the losses.

To make the words of that distinguished statesman quite clear in this country I think it well to say that when one says Great Britain one means the British Isles; when one says Scotland one means Scotland; when one says England he means England alone, not Scotland, Wales and Ireland; and when one says the Empire one means the British Isles, the dominions, Australia, New Zealand, South Africa, and all the possessions that go to make the entire British Empire. In passing let me state that Canada had contributed to August 1 last between 700,000 and 800,000 men to the Empire's force, or fully five times as many as the original expeditionary force sent from England to France.

What a treat it was to hear Great Britain's prime minister that day in his tribute. He said that since the beginning of the war 13,000,000 men of Britain and her allies had crossed and recrossed the seas and that the losses at sea had been only 3,500, with 2,700 of these alone due to action of the enemy. Great Britain has guarded well her transports. That statement is of particular interest to-day, when we have just learned of the torpedoing of the British ship *Tuscania*, with 2,100 brave American soldiers on board, all of whom, except 200, have been snatched from the sea by intrepid British destroyers. [Applause.]

Mr. Chairman, there sits in the gallery of this House to-day a visitor from the district I have the honor to represent. She is the mother of three boys who are with our armies. One was on the *Tuscania*. She has no news from him.

Her heartstrings are drawn tight. Her eyes are dry. She hopes he has been saved; but if he has gone to his long rest, she said to me that she would rather have him there at the bottom of the sea than alive and a slacker. Oh, gentlemen, with such mothers and such sons the United States can not fail to do its full part.

Mr. Chairman, some statistics are obtainable as to the man power and losses of Germany. At the beginning of the war the man power of Germany—men from 18 to 45—was 14,000,000; present man power, 9,400,000. Total men enlisted since the war began, 10,500,000; present enlistment, 7,000,000; present enlistment per cent of man power, 74.47; the number of men killed in the German armies amounted to 1,908,800 last July.

Mr. LONGWORTH. What was the last figure?

Mr. JOHNSON of Washington. The number of Germans killed up to about July 1, as best as can be computed, is given as 1,908,800.

Mr. LONGWORTH. That is about as much as Great Britain and France together?

Mr. JOHNSON of Washington. Just about. The figures show Germany to have lost about 30,000 more, on estimates to July 1, last year. Since August 1 the losses to all forces have been very heavy, but have not been reported except by Great Britain, which lost in killed, captured, and wounded 370,000 men in August, September, October, and November of last year.

Mr. FORDNEY. How many have the Germans lost in captured?

Mr. JOHNSON of Washington. Up to about July 1 last, captured, 704,000; seriously wounded, 958,000. Austria has had heavy losses also. That nation has enlisted 7,000,000 since the war began and now has 4,000,000 enlisted, or 35.87 per cent of her man power. She has lost in killed 849,000; seriously wounded, 540,673; captured or missing, 833,000.

Mr. Chairman, I have a statement of interest to make concerning the great number of men lost by France. I stated that the statistics show the French loss in dead alone to have been 1,580,000. Russia lost in dead alone 2,000,000. The combined losses in dead of all the armies, allies and enemies, are 6,829,576. So France and Russia have sustained more than one-half of all the losses in dead from three years of war.

Germany's greatest loss at one place was at Verdun. It is estimated that one-third of all her casualties occurred in and close around that great French fort. The party of Congressmen were privileged to visit that famous fort and the battle fields about it. We went down the slope on the far side of Verdun Hill, and as we were climbing the slope of Souville Hill, next beyond, the French general in charge stopped us, not far from the sky line, and said: "Gentlemen, this is as far as the Germans came in their tremendous assault on Verdun in February a year ago under the Crown Prince. If all those who fell dead in that terrible assault and all of those who perished in that magnificent defense were here now, dead on the ground, their bodies would be piled five deep on these slopes."

As he spoke, the general, with a wave of his arm, covered all of the ground within range of the eye. He said further: "The Germans are estimated to have lost 600,000 men in dead alone. The French lost in dead 400,000."

Gentleman, as we stood on those blood-soaked hills we were saddened beyond measure. We were not witnessing a battle, although the French were firing artillery shells over our heads, and from the other side of Souville Hill exploding shells were being sent our way. We were stunned at the statements of war's cost in human life. Two military cemeteries were there—one near the fort and one nearer the town. We were told that these cemeteries contained the bodies of 10,000 soldiers—all that could be found of that enormous number of dead. The rest, gentlemen, were shot away, either blown back to the elements by that tremendous fall of artillery shell or else lost under the scarred and pock-marked earth, which has been churned and turned over and over again to a depth in many places of 30 feet.

And yet, in spite of these tremendous figures which I have presented concerning loss of life, the actual death rate, as shown by the mortality records of the war, is not more than 45 per 1,000 per annum, or a loss of life of about 1 in 22 each year. The Committee on Public Information here in Washington recently gave out this statement:

> Figures taken when the casualties were greatest in proportion to mobilized strength and combined with the highest proportion of deaths show losses to deaths from wounds and killed in action to be approximately 11 in every 1,000 of mobilized strength.

Mr. Chairman, one can not learn of these losses without being brought to deep reflection. One can not learn of the sufferings endured by Belgium without being saddened for a lifetime. One can not traverse the devastated portion of France and ever

expect to have that dreadful picture effaced from his memory. Our soldiers can not go and see and come back the same. Those whom God permits to return will come back to us saddened, deeply religious, and sympathetic for humankind as never before.

When one sees the horror of it all one cries out in anguish. One asks, Why must it be? Is it worth all the sacrifice? Yes; worth all that has been made and all that must be made. Oh, my friends, but for the heroism of Belgium, but for the sacrifices of France, but for the British Navy and the determination of Great Britain, but for the new vigor of Italy, but for the will of the United States to take up the fight for democracy in its last stand Prussia would now be mistress of Europe and by this very day have been hurling her spears at this hemisphere.

As we were leaving the Continent an aid to the King of Belgium gave us a little dinner in a shell-wrecked hotel in a Flemish town, which was even then being bombarded. The aid to Albert of Belgium proposed a toast to the President of the United States and the King of Belgium. The response was made by Representative STEPHENS of Nebraska. He spoke for all of the members of our party, and I believe that he spoke for all of the people of the great United States when he said:

> Now that the United States has drawn its sword, may that sword never be sheathed until the rights of these wronged peoples be restored to them and democracy made safe throughout the world.

[Applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, I yield five minute to the gentleman from Pennsylvania [Mr. McFADDEN].

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McFADDEN. Mr. Chairman, on Monday, February 4, the majority leader [Mr. KITCHIN] introduced in the House bill No. 9499, which is a bill prepared by the Secretary of the Treasury, to provide further for the national security and defense and for the purpose of assisting in the progress of the war and to provide credits, and so forth. Mr. Chairman, this bill was referred to the Ways and Means Committee of the House. It seems to me that this bill was referred to that committee in error. The bill is purely a banking proposition, and, in the opinion of many Members of the House, it should have been referred to the Banking and Currency Committee. The only claim that could possibly be put forward that this bill should be referred to the Committee on Ways and Means is that it carries with it some revenue legislation. I have carefully perused the bill and I fail to find wherein there is any revenue legislation in it. But in section 2 it says this:

> The capital stock of the corporation shall be $500,000,000, all of which shall be subscribed by the United States of America.

Mr. Chairman, I want to introduce a protest here against the reference of this bill. It would seem perhaps as if the Secretary of the Treasury, fearing opposition to this bill, saw fit to have it referred to the Ways and Means Committee. If the Secretary of the Treasury did that thing, and had that influence over the reference of a bill in the House, I think such action is subject to criticism.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. McFADDEN. I will yield for a question.

Mr. MOORE of Pennsylvania. Does the gentleman think taking $500,000,000 out of the Treasury of the United States is a revenue proposition?

Mr. McFADDEN. It is an appropriation, not a revenue matter.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether he has any reason to believe that the Committee on Banking and Currency, or a majority of the members thereof, were in any way unfriendly to this proposition of the Secretary of the Treasury?

Mr. McFADDEN. Well, it has been stated that perhaps there might be some opposition.

Mr. MOORE of Pennsylvania. Well, it has been observed that there will be some opposition to this measure. That has been publicly stated and some newspapers are editorially opposing it now, which, of course, have an influence when the time comes; but is there any reason to believe that a measure of this importance would not have been kindly received by the Committeee on Banking and Currency?

Mr. McFADDEN. None whatever. I believe that that committee is the proper committee and to it this banking legislation should be referred. Now, I do not care to yield further, I have only a few moments.

Mr. MADDEN. I would like to ask one question. Will the gentleman kindly yield to me?

Mr. McFADDEN. I will.

Mr. MADDEN. Does this corporation under the act, and the way in which it is to be organized, have the power to issue $4,000,000,000 of notes?

Mr. McFADDEN. It would.

Mr. MADDEN. Which would be a charge on whom?

Mr. McFADDEN. On the people of the United States.

Mr. MADDEN. Would it inflate currency to that extent?

Mr. McFADDEN. It certainly would.

Mr. Chairman, I desire to point out that if the business enterprises of this country are in need of additional fixed capital, which they can not now procure because of the fact that the United States is monopolizing the entire money market, that if because of this reason the usual channels are closed and these industries are necessary to win the war and the United States wants to help finance their legitimate needs that it should be done by direct loan to such extent as the Congress of the United States may deem necessary, in the same way that we are financing our allies now. But to create an institution that will have the power to issue its notes to the extent of $4,000,000,000, such notes to be made for a period of from one to five years, and gives the privilege of rediscount by the Federal Reserve System, and thus through this process permit the issuance of Federal reserve notes which circulate as money, is nothing but the worst kind of inflation and will lead to ultimate disaster and ruin. If these needs which this bill aims to cover are for capital requirement, they should be restricted to capital, and no increase of credit facilities should be permitted which will provide so much inflation. Capital or credit used for the purpose of permanent investment, consumption, or waste, always has and always will lead to inflation, but used for the production of useful and necessary commodities will have precisely the opposite effect.

Please bear in mind that it is the use to which credit is placed that counts. The banker who lends his borrowed capital for the purchase of a permanent investment not only causes inflation but he also weakens the entire credit system, and if such unsound banking practice as is provided for in this bill be carried on extensively by the banking institutions of the country it is bound to result in the breaking down of our credit system, so also if a banker sells credit for the purchase of something to eat, something to wear, or something to have pleasure with, the result will be the same. That is consumptive credit, and it is something that is practically prohibited in Europe to-day.

The strength of the Federal Reserve System to-day is brought about mainly by the fact that its assets are liquid; that is to say, the bank confines its investments exclusively to short-time investments—15, 30, 60, and 90 day paper—and in some instances a small amount of paper on six months' time and acceptances. Now, the provision in this bill would permit these 12 Federal reserve banks to take directly and indirectly notes of this war finance corporation drawn on a much longer time, namely, one to five years. If the entire $4,000,000,000 worth of this paper were to be placed with our Federal Reserve System, and I believe this would be the ultimate result, to that extent the liquid assets of the Federal reserve banking system would be tied up in a slow investment which would represent fixed capital and is directly contrary to the whole principle of the Federal Reserve System.

The Federal Reserve System provides ample relief for just such emergencies as the present. Through the rediscount privileges—and I would now emphasize the fact that merchandise in its passage from its point of production to its point of consumption may be drawn against by successive holders in good faith, and each transfer may be made the basis upon which discount may be obtained through our present system. I therefore argue that through this source ample currency can be solely issued and no inflation will ensue. If the industries are in need of $4,500,000,000 at this time, it will be better that the Congress vote it direct and forbid the rediscount of notes issued for capital purposes, such as these notes certainly would be.

I would suggest that if the administration believes that inflation of this character is necessary to finance the war, that the more direct way would be to issue United States notes direct. Why attempt to deceive ourselves. This bill is just as wild a scheme as the issuance of United States notes would be.

Mr. FLOOD. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. I yield back the time to the gentleman from Virginia.

Mr. FLOOD. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. RAINEY]

THE SOUTH DAKOTA SOCIALISTS AND THE CITY OF MITCHELL.

Mr. RAINEY. Mr. Chairman, on Friday of last week, at the demand of the national secretary of the Socialist Party, the gentleman from New York [Mr. LONDON] proceeded to read into the RECORD a story of the alleged breaking up of a State Socialist convention in South Dakota and the violent deportation of one of its delegates from the city of Mitchell, where the convention was held. The national secretary requested the gentleman from New York, and he read his request into the RECORD, to denounce, to "unmask the capitalist anarchists who are parading under the mantle of democracy," and to do it here in the Congress of the United States. The gentleman from New York proceeded then to do it by reading into the RECORD the statement of W. C. Rempfer, the deported delegate, and then continued, in obedience to the command of the national secretary, to denounce the alleged breaking up of this convention as a "dastardly act," as the "act of scoundrels," and then referred to "ignorant merchants and their clerks" who assume to act as censors and direct the breaking up of Socialist conventions.

I am not informed as well as some Members of this body as to the status of affairs in the great State of South Dakota, and I waited all day for some better informed Member of this body to explain on this floor the Mitchell incident and to defend the officials of that city and its citizens against the charges hurled against them from this high place. But no defense came. The next morning I myself wired the mayor of the city of Mitchell and asked him for the facts with reference to this occurrence. And I have received from him a letter which ought to be read into this RECORD, and I will proceed now rapidly to read it. It is as follows:

CITY OF MITCHELL, S. DAK., *February 2, 1918.*

Hon. HENRY T. RAINEY, M. C.,
Washington.

DEAR SIR: Your telegram dated February 2, 1918, received. I am sending to-night copies of our local papers and one paper from Rempfer's home town. These papers are in two bundles.

I was in Sioux Falls, attending a State council of defense meeting, on date of Rempfer incident in Mitchell. My chief of police telephoned to me that W. C. Rempfer was to talk in Mitchell in the morning of the 23d. I instructed the chief not to allow Mr. Rempfer to talk in Mitchell; not only to refuse him the use of the city hall for that purpose, but not to allow him to talk anywhere in the city. Mr. Rempfer was refused the privilege of speaking in Sioux Falls a few weeks prior to the occasion of his attempt to do so in Mitchell.

Gov. Norbeck of South Dakota had given instructions to not allow him to speak, on account of his unpatriotic utterances, anywhere in the State.

Mr. Rempfer chose a time for his Mitchell visit when the State council of defense meeting had been announced for Sioux Falls, and when he knew that the mayors of the cities of the State, chiefs of police, sheriffs, and other peace officers would be away from their respective places of duty to attend the council of defense meeting.

There was not one person who knew that there was to be a State Socialist meeting held in Mitchell. Not one paper published the call for such a meeting in our city. In my opinion it was to have been a Rempfer meeting, pure and simple. Should you desire information as to my personal responsibility for the foregoing statements, I respectfully refer you to Congressman CHARLES H. DILLON and United States Senator EDWIN S. JOHNSON, of South Dakota.

Thanking you for your inquiry, I remain,
Yours, very respectfully,

J. E. WELLS, *Mayor.*

From an examination of papers published in South Dakota, some of which were sent to me and some of which I obtained from the files of the Congressional Library, I find that this alleged Socialist convention did meet in the city of Mitchell on the afternoon of the 22d day of January and transacted its business. Mr. D. C. Bond, who was nominated at the convention as the Socialist candidate for Member of Congress from the first district, announced that a complete ticket was selected and that a platform was adopted. The next morning there came the order from the mayor of the city to prevent Mr. Rempfer from speaking, and the next morning, the morning of the 23d, the doors of the municipal hall were locked. Twelve or thirteen Socialists climbed over the transoms and opened the doors. When that happened the chief of police requested Mr. Bond to come down stairs and advised him as to the order he had received from the mayor and told him that the meeting could not go on with Mr. Rempfer as the speaker. The convention had finished its work; there remained nothing to do except to listen to the speech of a Socialist who had proven his disloyalty in the State of South Dakota. The Socialists then quietly left the hall. There was no lawless mob as the national secretary charges.

Mr. Rempfer was requested by the authorities to leave town, and he started for the train and got on the train, but as it started he got off and defiantly came back to town again, denouncing what he claimed to be an outrage against the Socialist convention and against free speech. At this time five gentlemen—their names are known to Mr. Rempfer—drove up in an automobile, put him in the automobile quietly and without the use of force, and took him 5 miles out of town and stopped in the road and said, "The road is good from here on to Ethan, 8 miles away. You walk the rest of the way and never come back to Mitchell." And he did. [Applause.] From Ethan he comfortably rode in an automobile the rest of the way to Parkston, where he lives, and there he loudly complained of his treatment, to such an extent that his bank—he seems to be a banker and a lawyer—the next morning was painted yellow by his fellow citizens of Parkston. The next afternoon on a train going through South Dakota there were 89 passengers who voted on the proposition as to whether or not it was wrong to take him out of Mitchell, and of that 89, 73 voted that it was right.

Now, I want to read from the platform adopted on this occasion by this alleged Socialist convention. After putting in the usual planks, to which no political party in any Republic in the world was ever opposed, the planks with which Socialists camouflage the real things for which they stand, they conclude as follows:

The foregoing are merely our immediate demands. They are only a beginning of our aims and missions. The overthrow of the present industrial system is what we stand for.

Now, the little amenities, the tolerance, extended in times of peace to the disturbers of the peace and to disloyal elements—and in this country the Socialists are a disloyal element—no longer prevail in time of war. There will be no more socialistic speeches made upon this floor that do not receive the reply they ought to receive here in this place. [Applause.]

This Mitchell convention, this platform, does not disavow the principles announced in the St. Louis platform of last April, upon which all the Socialists of the United States stand, except those who have been good enough Americans to repudiate it, a platform which denounces our entry into this war as a crime against this Nation and a crime against all the nations, a platform which discourses upon the exploitation of socialism in the United States, and then announces that Socialists will never take up arms except against their own exploitation. The most disloyal utterances that ever came from any political party in the United States are contained in the platform of the St. Louis convention of last April, and upon that platform they all stand. I have not heard my friend, the gentleman from New York [Mr. LONDON], disavow here or anywhere else the principles of the St. Louis platform. John R. Spargo, of Vermont, the greatest of all the American socialistic writers, is too good an American to be longer an American Socialist and to stand upon that platform, and he has withdrawn from the Socialist Party. [Applause.] The Socialist mayor of the city of Milwaukee is too good an American to be longer an American Socialist, and he has withdrawn from the Socialist Party and disavowed the St. Louis platform. [Applause.] Clarence Darrow, of Illinois, brilliant orator and great lawyer, is too good an American to stand on this Socialist platform. He is supporting the administration and supporting this war. [Applause.]

I have heard no disavowal from the gentleman, who represents all the Socialists in the United States in this body, of the principles of the St. Louis convention; not one. It is not sufficient to say that that platform was adopted in the heat of passion and that it was ill considered. Such a declaration as the St. Louis declaration, especially on the part of Socialists who desire longer to pose as loyal American citizens, must be denounced, and denounced in no sparing terms.

We have had on this floor in the immediate past a situation of legislative sabotage extending over an entire week of time. During that period of time the gentleman who represents here all the Socialists in this country indulged in a demand for roll calls, consuming one-sixth of the hours occupied in the legislative work of the sessions of that week in a useless calling of the rolls. Why, on Tuesday, the 22d day of January, the very day this alleged convention met up there in South Dakota, he called the roll on the question of going into the Committee of the Whole on the Agricultural bill. It took nearly an hour to do it. There were 344 yeas. Nobody was against it, and he knew that nobody was against it, and he voted for it himself. Now, if that is not legislative sabotage, if this is not the methods of the Industrial Workers of the World and of the Socialists injected into this body, I do not know what it is. [Applause.]

Not long before that he proposed to go into the districts of Members of Congress who refused to vote in time of war as they had voted in times of peace, to resign his position and show them up in their own districts; direct action this is—the direct action which the Industrial Workers of the World stand for, when they throw pieces of steel into the machinery of expensive sawmills in the forests of the Northwest. [Applause.]

On the day this alleged Socialist State convention for South Dakota convened, without public announcement, in the thriving, prosperous city of Mitchell, the State Council of Defense for South Dakota, presided over by the governor of South Dakota, convened in Sioux Falls. In order to indicate some of the problems with which the loyal citizenship of South Dakota and the peace officers have to contend in the present emergency I read from an address of Col. E. B. Harkins, of Aberdeen, S. Dak., at this meeting, as reported in the Daily Argus-Leader, of Sioux Falls, S. Dak.:

Many people through the State have no conception of the I. W. W. plots. We were called to trace them through the jungles of their eastern lairs. We found letters which were sent to the fire gang around the country, giving complete instructions how to use the phosphorus and linseed oil. Berg, the Aberdeen secretary of the I. W. W., was trailed. Packages of phosphorus were sent through the mails, the covers removed at Aberdeen, remailed there to Aberdeen. One package broke and the secret was out. Cyanide of potassium, enough to kill hundreds, was found.

GERMAN PROPAGANDA.

But it is the German-language newspapers that need our attention. Two editors were seized by the Government in Aberdeen Saturday. They had been sending over $30,000 to Germany through Bernstorff, and we have the latter's signed acknowledgment. We found two letters ready to mail in their office with $500 each for Germany. We do not know what it was for or where it came from, but we do know they did not give to the liberty loans, and they only gave $1 to the American Red Cross. In the office was a wrapped up American flag, hidden in a corner. In the home of one editor a picture of Bismarck, a picture of the Kaiser, and German dum-dum bullets were found. From the finger of the assistant editor of the paper the Government agents took a silver ring with the German cross on it and this inscription in German, "I give gold for this cross to show my loyalty to the fatherland." But did they give any gold for our country? I want to see the resolutions committee to-day take steps to have Congress suppress the German-language newspapers, and I do hope that not another one can be published in South Dakota—at least not another issue of the Deutsches Frei Presse.

I might in this connection call attention to the fact that Mr. Rempfer is regarded in South Dakota as being a leader among the Russian-Germans of Hutchinson County, in that State, who have been hindering the operation of the selective-draft law, and some of them, on account of their disloyal conduct and the bad advice they have been receiving, are at present serving prison terms, having been convicted in the courts of South Dakota for grave offenses.

The mayor of Mitchell and the peace officers of Mitchell have clearly discharged their duty and have executed the orders of the governor of South Dakota, evidently most wisely issued. I do not propose that they shall be called capitalist anarchists by the national secretary of the Socialist Party without some defense on this floor, and I deny that any convention in South Dakota has been broken up by a lawless mob. I never saw the mayor of Mitchell, S. Dak.; I do not know the peace officers of that city; I have no personal acquaintance with a single citizen of Mitchell; but I do know they are not scoundrels, as they have been denominated by the gentleman from New York on this floor, who claims to represent all the Socialists in the United States. I am speaking for the purpose of repudiating and characterizing as outrageous the terms applied to them on this floor by the gentleman from New York. They are not "ignorant merchants." The citizens of Mitchell, S. Dak., are loyal, patriotic, law-abiding citizens of a typically prosperous South Dakota city.

Not many years have elapsed since South Dakota was a border State, infested as border States were by a lawless element, and in those early days it became necessary sometimes to resort to strenuous methods in order to protect the lives and the property of the honest men who lived there; and during the period of this awful war we will find the communities of South Dakota ready to vigorously uphold the high ideals of American citizenship for which they stand, ready always to defend the flag, and I am not going to outrage them if they spew out from their midst disloyal elements.

Mr. Rempfer knows the names of the gentlemen, or can easily find out who they were, who saved him a part of his car fare on his journey back to Parkston. He has his recourse in the courts, but if I am able to judge aright, the sentiment in South Dakota toward him and toward other like disturbers, as expressed in the South Dakota newspapers, he will be amazed at the small size of the verdict he will be able to recover. He has not been injured by the people of Mitchell, S. Dak; his property interests are not there; but the people of that loyal South Dakota city do not propose to permit him, or men like him, to flaunt their disloyalty in the halls or in the streets of that beautiful city, and I do not blame them for feeling that way about it. If Mr. Rempfer and others representing the Socialist-Bolsheviki-I. W. W. element in South Dakota refuse to obey the requests of the police to "move on," there will always be found, I am sure, men of determination and courage who will see that the flag of this Republic is not defiled and trampled under foot in Mitchell, and what I have said of Mitchell will be true of every loyal community in this prosperous country of ours.

Sixty-six hours ago, as the sun went down, a great ship sailed into the waters of the Irish Sea, bearing on her decks 2,179 of the young men of America, and as the night closed in there came a shock which carried to all of them the news that a murderous projectile, fired by an unseen enemy, was plowing its deadly way through the very vitals of the ship.

From young officers there came the quick, sharp word of command which insured order, and on the decks of the slowly sinking ship the khaki-clad soldiers of the Republic quickly assembled, each man at his post of duty. In all human experience there is nothing so potent to chill the blood of brave men as a night alarm at sea, but these boys just out of the offices and factories and just from the farms of America stood like veterans on the deck as the great ship slowly sank. They could not fight back at an unseen, cowardly, treacherous enemy; but as the awful list to starboard commenced, while from high up on the upper deck there came the sharp crackle of the electric current which transmitted out over the waves the call for help, high above the crash of exploding boilers, above the crash of shattered lifeboats, above the noise of orders shouted through megaphones, above the shrieks of the dying, from 2,000 throats there rang out in grand swelling chorus through the winter night over the stormy sea, the national anthem of this great Republic—the defiance of the fighting men of America hurled at a cowardly foe. In that hour the iron entered their blood and they became—every one of them—grim, seasoned warriors, ready all of them to avenge the murder of the 44 boys who never had a chance to show how brave they were, and whose broken bodies on yesterday morning were washed up on the rockbound shores of the Irish sea.

We know now that our boys can stand shoulder to shoulder with the veteran warriors of Europe, doing their part in the battle for democracy. Whenever, over the ruined villages of northern France, the sun rises to kiss the flag of this great Republic, it will shine down upon the only army of a million men and more who have sailed across 3,000 miles of ocean to engage in a war not for conquest but a war for the rights of men.

It becomes the duty of those of us who are too old, and of those of our citizens who are too young to go to the trenches of France, to uphold here at home the traditions and the institutions for which our young men are ready to sacrifice their lives in this awful war, and the patriotic city of Mitchell, in the great State of South Dakota, will at all times when the boys are gone be able to discharge its full duty in the emergencies of this struggle.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from Texas [Mr. JONES].

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FLOOD. I yield 10 minutes to the gentleman from New York [Mr. LONDON].

The CHAIRMAN. The gentleman from New York is recognized for 10 minutes.

Mr. LONDON. Mr. Chairman, I am not going to make any attempt to analyze the Socialist program within these 10 minutes. There is entirely too much misunderstanding, too much prejudice, too much ignorance on the subject to be dispelled even by a man of my brilliance within the limit of 10 minutes. [Laughter.] I shall therefore on some future occasion during the general debate ask for an hour in which to discuss the fundamental principles of the Socialist philosophy. What I would like to say to the gentleman from Illinois [Mr. RAINEY] is this: I shall be happy to hear every Socialist speech that I may attempt to deliver replied to; but I ask one thing, and that is that a man who replies to it must know something about the subject.

Mr. RAINEY. I shall be glad to attempt to reply to any speech the gentleman makes.

Mr. LONDON. The gentleman started out his defense of the South Dakota disturbers of the peace by convicting that petty little mayor of Mitchell, S. Dak., out of the mayor's own mouth. The gentleman stated he was not familiar with the subject. The fact that he was not familiar with a subject did not evidently prevent him from discussing it. He has attempted

to discuss socialism. I am willing, for my part, to spend an hour each day in the next year in undertaking to teach him the principles of socialism. I expect to be able to convince him that the history of his own country, of the liberty-loving American people, teaches the unvariable lesson that only a country in which every man has an opportunity to live a full and free life, the life of a free man, is a genuine democracy.

And it will not take him long to discover that political democracy is worthless unless it strives toward industrial democracy. Industrial democracy is coming. Mightier men than the gentleman from Illinois will be incapable of successfully resisting that wave. The gentleman recites a plank from the platform of the South Dakota Socialists which speaks about overthrowing the industrial system. Of course, they advocate the overthrow of the industrial system, but how? Through legislation, through political education, through enlightening the masses. And that is the fundamental difference between a Socialist and an anarchist.

The man who breaks up peaceful meetings, the man who abuses his authority as a public official to prevent an American from speaking is an anarchist and a violator of the law.

Against that little mayor and his defender, the gentleman from Illinois, who did not have a word of disapproval of mob rule, I ask you to hear what President Wilson has to say. I read from a speech delivered by President Wilson before the convention of the American Federation of Labor at Buffalo in November, 1917. This is what he says about mob rule. Here is what President Wilson said:

> I have been very much distressed, my fellow citizens, by some of the things that have happened recently. The mob spirit is displaying itself here and there in this country. I have no sympathy with what some men are saying, but I have no sympathy with the men who take their punishment into their own hands, and I want to say to every man who does join such a mob that I do not recognize him as worthy of the free institutions of the United States.

Those are the words of the President of the United States, to whom the world listens to-day. But the gentleman from Illinois rejects the counsel of the President and takes for his authority the mayor of Mitchell, S. Dak.

The President, continuing, says:

> So I want to utter my earnest protest against any manifestation of the spirit of lawlessness anywhere or in any cause.
>
> Why, gentlemen, look what it means. We claim to be the greatest democratic people in the world and democracy means, first of all, that we can govern ourselves. If our men have not self-control, then they are not capable of that great thing which we call democratic government. A man who takes the law into his own hands is not the right man to cooperate in any formation or development of law and institutions, and some of the processes by which the struggle between capital and labor is carried on are processes that come very near to taking the law into your own hands.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. MADDEN. Does the gentleman read that language to mean a statement by the President of the United States that he objects to the enforcement of law by the law officer of any community in this country?

Mr. LONDON. I take it that the President means to say that the conduct of any man who abuses the law is reprehensible, that an officer who is the trustee of the law, and an executive officer of our administrative branch of the Government, should be the last person in the world to violate the law; and I submit it to be an elementary proposition that to prevent a person from speaking because he offended at some time in the past is wrong. The law provides a penalty for each offense. We have no right to assume that a person will keep on violating the law, and on that assumption prevent him from speaking.

Mr. MADDEN. Does the gentleman yield?

Mr. LONDON. Yes.

Mr. MADDEN. Does the gentleman adhere to the principles enunciated in the Socialist convention at St. Louis?

Mr. LONDON. I said to the gentleman that I will not attempt in 10 minutes to make clear my interpretation of the Socialistic attitude.

Mr. MADDEN. Then the gentleman does not deny his adherence to the policy laid down?

Mr. LONDON. I do not know how the gentleman from Illinois understands it. I shall make clear what I understand to be the proper attitude of the Socialist movement in this great crisis of the war. I am not bound to take either the reasoning or the language of the gentleman from Illinois.

Mr. MADDEN. I only asked the gentleman whether he believes in the policy laid down in the platform of the Socialistic Party in its convention at St. Louis. The answer to that is a very simple one.

Mr. LONDON. I will take an hour for the purpose of explaining the Socialist attitude on the war as soon as I get a chance, and the gentleman can not get me to attempt to enlighten him in two minutes on a subject that should take an hour.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. HAMLIN having taken the chair as Speaker pro tempore, a message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had, on February 8, 1918, approved and signed joint resolution and bill of the following titles:

H. J. Res. 174. Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, for lessening the expenses of the war, and restoring the loss caused by the war by providing for the employment of a discovery or invention called the "Garabed," claiming to make possible the utilization of free energy; and

H. R. 195. An act providing for the sale of the coal and asphalt deposits in the segregated mineral land in the Choctaw and Chickasaw Nations, Okla.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The committee resumed its session.

Mr. MADDEN. The gentleman refuses to deny his participation in the principles laid down?

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

> For secretaries in the Diplomatic Service, as provided in the act of February 5, 1915, entitled, "An act for the improvement of the foreign service," as amended by the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1917, approved July 1, 1916, to be immediately available, $339,355: *Provided*, That not more than $45,105 of said amount shall be used during the fiscal year ending June 30, 1918: *And provided further*, That secretaries in the Diplomatic Service shall hereafter be graded and classified as follows:

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph, and before presenting it I wish to make an inquiry whether in the consideration of this bill, and particularly of this paragraph and every one of the following items after line 15 down to line 2, page 4, they are to be considered as separate paragraphs?

The CHAIRMAN. The bill is a general appropriation bill, and will be considered by paragraphs.

Mr. STAFFORD. The Chair will notice that the following lines after the paragraph just read relate entirely to the matter affected by the paragraph under consideration. Of course, we can have the whole matter considered as one paragraph, or each line separately.

Mr. FLOOD. Let us have it considered all as one paragraph.

Mr. STAFFORD. Then, Mr. Chairman, I ask unanimous consent that the bill, beginning with line 4, on page 3, down to and including line 2, on page 4, be considered as one paragraph.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the bill, beginning with line 4, on page 3, down to and including line 2, on page 4, be considered as one paragraph. Is there objection?

There was no objection.

The Clerk read as follows:

> Secretary of class 1, $3,500;
> Secretary of class 2, $3,125;
> Secretary of class 3, $2,500;
> Secretary of class 4, $2,000;
> Secretary-interpreter of embassy to Japan, $3,600;
> Secretary-interpreter of embassy to Turkey, $3,600;
> Secretary-interpreter of legation to China, $3,600;
> Assistant secretary-interpreter to the legation to China, to be appointed from the corps of student interpreters, $2,000;
> Assistant secretary-interpreter to the embassy to Japan, to be appointed from the corps of student interpreters, $2,000;
> Assistant secretary-interpreter to the embassy to Turkey, to be appointed from the corps of student interpreters, $2,000;

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph just read. We have here an attempt upon the part of the committee to increase the salaries of the secretaries in the Diplomatic Service over that provided in the act of 1905 to the amount of $500 each for each respective class. Under that act the secretaries were divided into five classes ranging in salaries from $1,200 to $1,500 to $2,000 to $2,625 and $3,000. It is now proposed to drop the $1,200 class as the initial class, which has already been done in practice, and also to drop the second class of $1,500, and make the initial class $2,000. This increase by the committee has a more far-reaching effect than merely on the Diplomatic Service. It affects the policy of the Government as to whether this Congress should increase the salaries of the higher-priced officials to the extent of $500, and not only $500 from the beginning of the fiscal year, but as this bill provides, which is something unusual in the history of legislation on appropriation bills, that the increases shall take effect immediately upon the passage of the bill. I know of no instance in legislative enactment where we have provided for an increase in salary in an appropriation bill where the salaries are to become immediately effective and not at the beginning of the fiscal year to which the bill relates.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes; I yield to the gentleman from Iowa.

Mr. TOWNER. Is it not true this makes it permanent law?

Mr. STAFFORD. That is the purpose.

Mr. TOWNER. Because the provision is "hereafter."

Mr. STAFFORD. That is the purpose. It was a change of classification of secretaries which was established in the act of 1905 after full consideration by this House, and changing it in a most decided manner, not only by establishing the lower classes as I have indicated but making the initial salaries of $1,200 and $1,500, $2,000, and increasing all the subsequent grades $500. And more. It also provides for the creation of secretary interpreters at certain embassies, namely Japan, Turkey, and China, officers who are not now in existence, and they were to have a salary of $3,600. It also provides for assistant secretary interpreters at different embassies to receive $2,000 compensation, which positions are not created to-day.

Mr. FLOOD. Oh, yes.

Mr. STAFFORD. Did I understand the gentleman to make a remark?

Mr. FLOOD. Those are in the law now.

Mr. STAFFORD. I beg the gentleman's pardon; I may be in error as to their not being in the law as far as assistant interpreters are concerned.

Mr. MILLER of Minnesota. The name has been changed slightly so as to make it conform to the exact service, but there are no new places created or increases of salaries.

Mr. STAFFORD. There are increases of salary in the classification——

Mr. MILLER of Minnesota. Certainly, the gentleman is correct in that; but the gentleman was speaking about the secretary-interpreters to these various legations.

Mr. FLOOD. Mr. Chairman, this section is undoubtedly subject to the point of order, if the point is made against it. It is the enactment of a law. Under the act of 1915, not the act of 1905, as my friend from Wisconsin [Mr. STAFFORD] thought, the secretaries in embassies and legations were classified. There were five classes—1, 2, 3, 4, and 5.

Mr. STAFFORD. It is stated right here in the bill that it is the act of 1915, and it was merely an inadvertence on my part in describing it as being 1905. It only strengthens my position, because it is much more recent than I stated on the floor.

Mr. FLOOD. The first class get $3,000, the second class $2,670, the third class $2,000, the fourth class $1,500, and the fifth class $1,200. As the gentleman stated, it is a fact that the fifth class has not been utilized by the State Department for the past year or more. This recommendation for an increase was made on account of the extraordinary high cost of living in the countries to which these men are accredited. The gentleman can readily understand that the cost of living all over the world has gone up enormously since 1915. This enactment reclassifies the secretaries, abolishing the fifth class, and makes four classes, increasing each class $500 a year.

Mr. COX. Will the gentleman yield?

Mr. FLOOD. Yes, sir.

Mr. COX. The gentleman says this increase is designed to meet the increased cost of living. Are not these secretaries entitled to a part of the post fund that Congress appropriated last year to help them out?

Mr. FLOOD. They are entitled to it, and most of them get it. Those in belligerent countries and countries contiguous to belligerent countries get it now. The purpose of this is to permit the State Department to give it to all.

Mr. COX. We have no secretaries in belligerent countries, have we?

Mr. FLOOD. Neutral countries contiguous to belligerent countries, and this bill proposes to allow the State Department to make allowance to the secretaries——

Mr. COX. A minute more——

Mr. FLOOD. I want to say to the gentleman they did not think that was sufficient to meet the extraordinary cost of living at those places.

Mr. COX. The secretaries of class 1 last year received a salary of $3,000. This year you propose to give a salary of $3,500——

Mr. FLOOD. Yes.

Mr. COX. Can the gentleman give the committee how much of the post fund was paid?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I believe I yielded the floor and the gentleman from Virginia has taken the floor. I did not make any claim to the floor.

The CHAIRMAN. The gentleman reserved the point of order.

Mr. COX. How many of this class 1 got a part of the post fund last year, and how much did they get out of it? Does the gentleman know?

Mr. FLOOD. I do not know how many, because when you come down to consider the fact there are not a great many countries in the world, except in South America, that are not contiguous, and even some of those are contiguous, to some belligerent country. I suspect a large portion of them got some of it.

Mr. COX. Does the gentleman know how much allowance was made to each of them?

Mr. FLOOD. It depends upon the increased cost of living at the particular places. At Paris I think they got about 50 per cent of their salary.

Mr. COX. Is there any system of making these allowances based upon their salaries, or anything like that?

Mr. FLOOD. An investigation was made as to the per cent of the increased cost of living, and when that was ascertained, then that per cent of their salary was added from the post fund.

Mr. COX. That investigation, I presume, was made by our consul or ambassador?

Mr. FLOOD. Made by our State Department, and they acted, of course, upon information received from the ambassadors and ministers.

Mr. COX. Was the allotment then made by the State Department or by our foreign representatives abroad?

Mr. FLOOD. The allotment is made by the State Department. The information that the department had came, of course, from our representatives abroad; that is, the information as to the increased cost of living.

Mr. COX. Last year, if I recollect, this committee appropriated or recommended, and it finally became a law, a lump sum of something like $400,000 for this purpose?

Mr. FLOOD. Three hundred thousand dollars.

Mr. COX. Was all that sum used up?

Mr. FLOOD. Oh, yes.

Mr. COX. Now, then, the committee proposes to recommend something like $800,000?

Mr. FLOOD. Eight hundred thousand dollars; yes.

Mr. COX. I want to ask the gentleman if he does not feel that it would be fair to let these salaries alone and give these clerks the benefit of this post-allowance fund, so as to enable them to live there? In other words, not increase their salary, but give them a chance to live out of this post fund?

Mr. FLOOD. I will say frankly to the gentleman that my view of the increase of salaries—and I am giving my individual view, because my view did not agree with the majority of the committee—my view was that no salary ought to be increased during the war. I recognize, as every Member of this House must recognize, that something ought to be done for the gentlemen occupying these positions, owing to the increased cost of living, and that that should come out of the post-allowance fund, and when the war was over then we could take into consideration the question of these salaries on the broad ground as to whether they should be permanently increased or not. That was my individual view.

Mr. COX. Does the gentleman feel that his committee has been liberal in making a sufficient allowance in the post fund?

Mr. FLOOD. I think we made what was a sufficient post-allowance fund.

Mr. COX. Have you allowed substantially what the State Department recommended for you to allow?

Mr. FLOOD. I think so; yes. The recommendation from the State Department was that these salaries in class 1 should be increased to $5,000 a year. That matter was very thoroughly discussed by the Committee on Foreign Affairs, and they reached the conclusion it was too much, but that there ought to be some increase, and they voted to increase to $3,500.

Mr. COX. It strikes me, Mr. Chairman—and I do not want to do anything wrong here, and do not know anything about it except the report of the committee—that the chairman's position is well taken and that these salaries ought not to be increased while this war is going on. I am willing to vote, so far as I am personally concerned, any reasonable post fund that will take care of those people over there in order to meet these unusual conditions, but I am not in favor of increasing the salaries where they are now being paid $3,000 a year and up.

Mr. FLOOD. I assume from what the gentleman says that he or the gentleman from Wisconsin [Mr. STAFFORD] would want to make a point of order in reference to these salaries? Let me make this statement.

Mr. MILLER of Minnesota. Mr. Chairman——

Mr. FLOOD. Let me make this statement, and then I will yield to the gentleman from Minnesota.

In addition to the increased salaries in this item there is an amount of money carried for the purpose of adding 25 new secretaries, and something, I think, was said by the gentleman from Wisconsin about it being immediately available.

Mr. STAFFORD. Will the gentleman permit?

Mr. FLOOD. Yes.

Mr. STAFFORD. The report of the committee shows that the amount appropriated by the committee takes care of these increased salaries from the very time that bill becomes a law. It never has been done before.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may be allowed to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Chairman, this item also carries a provision for increasing the number of secretaries by 25 and an appropriation to pay their salaries from the time this bill becomes a law to the 1st of July, and then for the next year. And I trust that that part of the section will not be objected to.

Mr. STAFFORD. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. STAFFORD. There is no disposition on the part of anyone here, I take it, to cripple in any way the State Department in meeting the present exigencies, but it is believed by some that it is not a good time to increase salaries of high-grade officals.

Mr. FLOOD. I must say that I can not take issue with the gentleman on that point.

Mr. SISSON. Mr. Chairman——

Mr. FLOOD. I yield to the gentleman from Mississippi.

Mr. SISSON. I will state that I am heartily in sympathy with the position the gentleman takes in the whole matter. In the consideration of the deficiency bill that is now before our committee, the Secretary of State and others came before us and made a complete statement as to the condition of the foreign service, and it was unquestionably true that in some sections of the world, and especially in South America, to my great surprise, the cost of living has gone up more enormously than perhaps anywhere else. And the subcommittee of the Committee on Appropriations, dealing with this in a deficiency bill, thought it wise to take care of it by increasing the post allowance, so that the increased cost of living might be taken care of as a matter of administration throughout the State Department, so at those places where the cost of living was extremely high they might be cared for out of the post allowance, and the question of salaries of these men should wait, as the chairman of the committee suggests, until after the war is over and until everything settles down, but that we would not punish our representatives in the foreign service by not taking care of this enormous increase in the cost of living. So I agree with the chairman of the committee and with the gentleman from Indiana [Mr. COX], who has raised the question, that it can be best taken care of by a post allowance and as a matter of administration, rather than by a permanent increase of salary.

Mr. FLOOD. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. I wanted to take the floor when the gentleman from Virginia had completed, but not before.

Mr. FLOOD. I have finished.

Mr. MILLER of Minnesota. Then, Mr. Chairman, I ask to be recognized.

The CHAIRMAN. The Chair understands that a point of order has been made. The time on that has been consumed. Does the gentleman ask unanimous consent for five minutes?

Mr. MILLER of Minnesota. I do.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, I would like the attention of the chairman of our committee if I may have it. I sincerely trust that the distinguished and able chairman of our committee will not invite somebody to make a point of order on this paragraph, and I do not think he has done so.

Mr. FLOOD. I had no idea of doing that.

Mr. MILLER of Minnesota. I do not think he has done so, or intends to do so, notwithstanding what the gentleman from Mississippi [Mr. SISSON] has just said. I would be greatly honored if I could have the attention of the distinguished gentlemen who have criticized this—I refer to the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from Indiana [Mr. COX]. I ask unanimous consent to pause until I can have the attention of the two gentlemen I have referred to. I trust that neither of the gentlemen will make a point of order on this, and for two reasons. They are very serious ones. In the first place, the Department of State recommended that the first-class secretaries get a salary of $5,000.

Mr. COX. Mr. Chairman, will the gentleman yield there?

Mr. MILLER of Minnesota. And that the secretaries of class 2 get somewhat less than that, and on down. You will observe that the increase granted by the committee is extremely moderate, about 10 per cent, or less than 15 per cent; a little over 10 per cent, with the exception of the fourth class.

Now, there was a great deal said, and with much reason back of it, against any increase now. The suggestion was to wait until after the war is over. That would be true with respect to most things in this country, but we are now dealing with foreign affairs. Anyone conversant with conditions throughout the world knows that the cost of living is going to be high, abnormally high, not only during the continuance of this war, but for many, many years afterwards. That consideration was in the minds of the committee when it granted this very mild increase, which is about the same as you are going to give elsewhere in the service.

Now, one thing more. Many of these men are constantly being solicited to leave the Government service and are offered very attractive salaries by business concerns. That has come to be a serious matter in the State Department. These men much prefer to remain in the service of the United States—and I am speaking now of the whole of them—provided the compensation is reasonable. They do not ask as much as private concerns would give them, or anything nearly as much. They ask for enough to live on and to remain in the Government service. Unless we give them enough to live on, they are bound to leave. The evidence before the committee was that many of the best men are likely to leave the service at a critical time because they can not live on their salaries. I understand gentlemen say they can be taken care of out of the post allowance. That is true; but nobody knows what moment that post allowance will be cut off or may be inadequate. In fact at this very minute it is inadequate and there is a big deficit for the current year.

Mr. FESS. When the Secretary was asked if they would leave, and whether it was difficult to find men trained for the service, he answered unequivocally that it would be very difficult and that the service would suffer intensely?

Mr. MILLER of Minnesota. Yes; and common sense and the experience of us all would say it is impossible to replace them, because these men are not an ordinary class of men that you can pick up here and there and elsewhere. They are trained and skilled, all excepting those in class 4. A man in Petrograd or in London or in Paris or in Rome to-day who is a member of class 1 or 2 is worth his weight in gold for United States interests. Those men are invaluable when we have billions and national honor at stake.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. LONGWORTH. These are men who are put in charge of affairs now?

Mr. MILLER of Minnesota. Yes. I was just coming to that. They are really the men who do the business for Uncle Sam. They are handling matters of the most delicate nature and of most tremendous importance.

Now, gentlemen, I wish you could know how many of these men for three years and more have been working night and day and have been going down in their own pockets, so far as they had private means at their disposal, to pay their living expenses. I have had man after man tell me——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MILLER of Minnesota. They have gone down in their private purse, when they had a private purse at their disposal, time after time, more than half the time during the past three years, to pay their every-day living expenses.

Now, what influenced me strongly in favor of this moderate increase of $500, in the first instance, is the fact that in normal times, peace times, it is necessary to pay a man in charge of legation work, who is practically in charge of the embassy—in other words, a secretary of class 1—$3,500. No man called to the responsibilities, social and otherwise, of that position can live on $3,500 in any first-class country in the world in time of peace or in present times.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. I yield to the gentleman.

Mr. BORLAND. Are not these the men who are appointed after examination by the State Department and who enter upon this as a sort of career and are afterwards promoted from post to post?

Mr. MILLER of Minnesota. Absolutely.

Mr. BORLAND. And they enter upon it with the knowledge, do they not, of what the conditions in the service are?

Mr. MILLER of Minnesota. That is true, of course. That is always so. That is, we are not picking up a man here and there for a particular post. We are promoting the man from class to class as he advances in the service. The man knew the conditions of the service when he entered. That entrance into the service occurred doubtless when living was not half what it is now and what it will surely be during your time and mine.

Mr. BORLAND. That will be taken care of.

Mr. MILLER of Minnesota. You can not get a man to do that work for $1,500 a year. You can not find him, unless he is willing to make a great sacrifice to enter the Government employ and the Diplomatic Service of the Government.

Mr. HARRISON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. HARRISON of Mississippi. I would like to suggest that the British Government pays their men under the same class as our class 1, £900 and a house allowance of £200. That would be over $5,000. The German Government pays their officers of similar rank $6,000 and also a large allowance.

Mr. MILLER of Minnesota. I appreciate very much that which the gentleman from Mississippi has so pertinently inserted at this point. The United States, which is the greatest and richest country in the world, and is now facing the greatest crisis in its history throughout the world with international dealings, can ill afford to keep men on starvation wages in the performance of these services. I ask the gentleman not to make the point of order, because the amounts named are the lowest sums these gentlemen ought to have in peace times.

Mr. SLAYDEN. Will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. SLAYDEN. I would like to ask the gentleman, who seems to be uncommonly well informed about the matter, whether it is not true that conditions over there change with such lightning-like rapidity that what may be a reasonable allowance one year becomes inadequate the next year?

Mr. MILLER of Minnesota. That is true, and that is taken care of by the post allowance. These men are going to get more than $3,500; they must have more in order to live.

Mr. SLAYDEN. I happen to have a constituent attached to the embassy in Petrograd, or he is trying to be attached to it; I do not know whether it is moving or not; I had a letter from him recently, and he is longing for the fleshpots of home. He said it was quite impossible to meet his expenses there and contribute anything to the support of his wife. His wife remained in this country.

Lord Bryce said in an interesting book, written about South America, that the two most expensive capitals in the world were Buenos Aires and Petrograd, and he classed Washington as third. If that was true then, and he was speaking of normal peaceful times, how much more is it true now. Money in Russia has been decreasing in value by the excessive issue of paper money so that prices have been greatly advanced.

Mr. MILLER of Minnesota. I thank the gentleman from Texas for his statement.

Mr. COX. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. COX. I think the gentleman answered the question that I wanted to ask, whether or not if this is permitted to remain at $3,500, it is all that these secretaries will get, or will they still have to go to the post fund?

Mr. MILLER of Minnesota. They will.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. LINTHICUM. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Minnesota be extended 10 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that the time of the gentleman from Minnesota be extended 10 minutes. Is there objection?

There was no objection.

Mr. ROGERS. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. ROGERS. I wonder if the gentleman is familiar with the case of the secretary of class 2, who under the present law is getting $2,600, and who, during the recent illness of his minister, the chief of mission to a country contiguous to the German Empire, for about a year exercised all the duties and responsibilities of the minister? In view of that fact, which is not an isolated one, does not the gentleman think that we ought to pay a man on the basis of the duties which he so frequently has to perform, and for which we pay a minister $12,000 a year?

Mr. MILLER of Minnesota. I agree entirely with the suggestion made by the gentleman from Massachusetts.

Mr. HAMLIN. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. HAMLIN. In the case cited by the gentleman from Massachusetts, does not the clerk receive extra pay when he performs the duties of the minister?

Mr. MILLER of Minnesota. In some instances, yes; but not always.

Mr. HAMLIN. When he is designated to perform the services of his superior that is always done?

Mr. MILLER of Minnesota. Yes; it used to be the custom for the ambassador to leave for the week end three or four days, and during that time the secretary is not drawing any extra salary.

Mr. HAMLIN. But there is not much work going on when that is done.

Mr. ROGERS. My understanding is that the practice is to grant the extra allowance, which is equivalent to 50 per cent between the salary of the secretary and that of the minister, only when the minister is actually on leave. If he is ill at his home at the legation, even though the secretary may transact all the duties, the secretary receives no further compensation.

Mr. HAMLIN. I think they look after that and get leave granted the minister, so that the clerk can receive the extra compensation and that is all right. What I want to ask is this: Perhaps this increase ought to be made. I am not opposing the increase at the present time, for I am inclined to think it is warranted. But I do not like very well to make it permanent law. If the excuse for making the increase is the high cost of living in these abnormal conditions throughout the world, we all concede that conditions will return to normal after a while, and this makes it permanent law. You never heard of a salary being reduced. Why not strike out the word "hereafter"?

Mr. MILLER of Minnesota. As I endeavored to state a few moments ago, the main reason for making these salaries $3,500 in class 1, $3,025 in class 2, $2,500 in class 3, and $2,000 in class 4, is that the men ought to be paid these amounts in peace, in normal times. That is one reason why I am strongly for it. The gentleman from Indiana a moment ago desired information whether this will be all that they will get. It is not; they could not possibly live for that, and they will be given something more next year out of the post allowance, because in many places a single man can not live on $3,500.

Let me illustrate further. These gentlemen in class 1 are the ones that during the first year of incumbency of every ambassador are the men who do the work. The ambassador does not know the language or the customs or manners of the people. These are tried, true, and experienced men in charge, and during the subsequent years of the incumbency of the ambassador at that point the first secretary, and sometimes the second, is no small part of the brains that directs the difficult work of the embassy. That is not always true, but in a general way it is fairly true. Now and then a brilliant man, and we have some brilliant men now representing this Government abroad, shines out with great brilliancy and distinction and completely overshadows the secretaries beneath him, but that is not always true.

Mr. HAMLIN. This idea occurs to the gentleman: That if we are not very careful we may set a precedent of increasing salaries at this time that may plague us considerably when we come to consider the people here at home, victims of our extraordinarily high cost of living.

Mr. MILLER of Minnesota. That is all to be considered, but let me again repeat that the amounts named herein are not a bit higher, not one penny higher, than ought to be named for these classes of employees in peace, normal times. Let me speak of class 4. These men enter class 4 when they enter the diplomatic service, and then are promoted as experience and ability demonstrate their capacity for higher positions. Where

on earth are you going to get a man competent to represent the United States in a diplomatic post for less than $2,000 a year? That is the amount that you are paying the secretaries to your own selves right here, and you expect to get a man to go into the diplomatic service of the United States and make a life work of it, go abroad and live in a foreign country, and pay him the amount that you are paying your own secretaries at this hour. Can you afford to say that you will pay your own secretary $2,000 a year, and they are worth it, and you have made it permanent law, and I would even be willing to make it a little higher, and to say at the same time to men entering the Diplomatic Service that they have got to go abroad and serve this country and take their families with them for $1,500 a year? It can not be done. You will never get into the service of the United States in this highly important field the kind of men you want unless you at least give them $2,000—start out with that, and that is a starvation wage.

Mr. SLAYDEN. Does it not virtually force us to accept the rich young men who want to go into the service?

Mr. MILLER of Minnesota. That is precisely correct. By putting the figures down so low as the amount named you are closing the doors of opportunity to the worthy poor boys of this country—and they are the best we have—and opening those doors to just one class, and that is those with independent means, men who are capable of taking any of these positions, because the salary is but an incident of their lives. We can not afford to have the great country of the United States in its representation thus confined. So I ask with all the earnestness I can command, because I feel seriously about it, having observed conditions in the Orient and in Europe, that you permit these very modest and slight increases to be made.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. PLATT. Is it not the invariable fact that men enter this class 4 and then are promoted? The only secretary of legation I ever knew that I can think of went directly, as near as I can tell, into class 1 with a certain minister and went out with the administration.

Mr. MILLER of Minnesota. I never heard of a man entering class 1 who had not previously been in the Diplomatic Service.

Mr. PLATT. I am not sure that he had not.

Mr. FLOOD. Not since the law of 1915. The only way a man can enter the service now is in class 4.

Mr. STAFFORD. Of course, the lowest class is class 5, at $1,200, and the department does not recognize it. There is nothing in the law that prevents them from putting them in the higher class. They are doing it now. If they can not get desirable men at $1,500, which is the initial class, there is nothing to prevent them putting them in a higher class.

Mr. FLOOD. Oh, yes; the regulations in the department prevent that.

Mr. STAFFORD. But the report states that they do not observe the law.

Mr. FLOOD. They do not put any of them in the $1,200 class.

Mr. STAFFORD. There is nothing to prevent them from putting them in the higher class.

Mr. MILLER of Minnesota. They could not possibly do the work in class 1 or class 2.

Mr. STAFFORD. The department has the privilege of designating any class as the initial class.

Mr. MILLER of Minnesota. A man could not be put in class 1 or class 2, because he could not do the work.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent to speak for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Wisconsin. Mr. Chairman, I wish to direct the attention of the committee to some of the testimony that was taken before the Committee on Foreign Affairs on this particular paragraph. Here is what Mr. Phillips, of the State Department, said in speaking of young men looking forward to making the Diplomatic Service a career, as young men do in England and Germany and France, in which countries they have had, so it is said, the best diplomatic service in the world, and have made it such because of their habit of treating it as a service in which a man could ultimately make a life career. I read from the testimony taken at that time:

They see that the Government pays them $1,500 and asks them to go abroad into the expensive capitals of the world, and most of them say to themselves that it is unreasonable and that they can not meet expenses on such a salary. We don't want to raise the salaries so high as to make the salary in itself attractive, so that young men will enter the Diplomatic Service because of the salary offered. We want a reasonable salary that will even require some sacrifice on the part of the secretaries. We think $2,000, on entering the service, is reasonable. The increase in class 1 from $3,000 to $5,000 we ask in order to make the service as nearly as possible equal to our foreign competitors. For instance, the British Government pays their counsellors (their class 1 secretaries) £900—

That, of course, as every Member of the House knows, is practically $4,500—

plus a house allowance of £100 to £200. The German Government pays their officers of similar rank salaries of $6,000 and also very large allowances—house allowances and traveling allowances.

Mr. HARRISON. That applies during the war as well as peace times?

Secretary LANSING. This is their regular allowance. The Japanese service pays $6,000 plus extra allowances, so that we feel we are asking less than is paid by other countries to their officers.

Mr. HARRISON. Do you know whether those countries have applied the income tax in proportion to what we have in this country to those officers?

The CHAIRMAN. Yes, sir; the first secretary of the English Embassy here told me he got $2,500, and that $500 was taken in income tax, so that he really got only $2,000.

Secretary LANSING. Who is that?

The CHAIRMAN. The first secretary of the English Embassy here.

Secretary LANSING. I think I might add to this that one difficulty we have found under our present rate of salaries is that it puts a premium on men of independent means entering the service, for a man that has no other means of support than his salary can hardly afford to make any career of our Diplomatic Service.

That last paragraph of the testimony of Secretary of State Lansing is apropos of the suggestion made by the gentleman from Texas [Mr. SLAYDEN], that in certain places only American citizens of wealth can afford to enter our Diplomatic Service.

And, gentlemen, it is an extremely unfortunate thing that we have looked upon our foreign service as a place where positions can be held only by the rich. To-day it is practically impossible for a man to do justice to himself and be modest in meeting social exactions in any foreign country as an ambassador of the United States of America unless he is a man of independent means outside of his salary. That ought not to be, because there is great talent, possibly diplomatic genius, in the rank and file of our people and because of utterly inadequate compensation we have not a chance to get it into the service of the Government.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. COOPER of Wisconsin. I will yield.

Mr. MOORE of Pennsylvania. I want to inquire whether the item of transportation of diplomatic and consular officers, in going to and returning from their posts, page 7, tends to relieve this situation in any way?

Mr. COOPER of Wisconsin. Not at all. It costs just as much to live in Paris or Petrograd, after you get there, as it would if the transportation to those cities was free.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa rose.

Mr. COOPER of Wisconsin. Now, I want to say this: If the gentleman will pardon me for just a moment, I would like to have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. I want to call the attention of the committee to a bit more of testimony——

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes; I will yield at this point.

Mr. GREEN of Iowa. Which qualifications in general are required of these men who enter the service of which the gentleman is speaking?

Mr. COOPER of Wisconsin. He should be a well-educated man and have command of the languages of the country to which he is assigned. He must know the language of the country to which he is going.

Mr. FLOOD. In addition to his educational qualifications, he has to stand an examination?

Mr. COOPER of Wisconsin. Yes; he has to stand a rigid examination before he can enter the service at all.

Mr. FLOOD. And he has to stand an examination on a foreign language?

Mr. COOPER of Wisconsin. On a foreign language: yes. Now, in Mr. Phillips's statement, he said:

Mr. PHILLIPS. Under this item we are asking for two things: For 25 additional secretaries and an increase in salary of the old and the new secretaries. It has become perfectly clear, in spite of the fact that we have no longer any embassies in Berlin, Vienna, and Constantinople, and therefore that the secretaries ordinarily placed in those capitals have been distributed elsewhere, that we must have a considerable increase in the service, not merely a war increase. At the present time, of course, in addition to the secretaries we have to employ additional clerks for war duty, but when the war is over we feel perfectly satisfied that the new duties devolved upon this Government will make it essential to have very much larger staffs abroad.

And, gentlemen, I pause to say that he meets the vital point of this case in the next statement of his, which I am about to read, if we couple this statement with what I read a moment ago from the utterance of Secretary Lansing that under present

conditions poor young men are practically excluded from entering the service. Says Mr. Phillips:

It is the right time now to bring these young men into the service, because after the war is over the new duties coming on to the department will be enormous, and it seems wise that these secretaries should begin their training as soon as possible.

He says that it is the right time now to bring these young men into the service.

I believe, gentlemen, at this particular time we who are here to represent the taxpayers of the country should do our utmost to make the burdens upon their shoulders as light as possible; and yet I feel it also my duty, representing those taxpayers, to provide a reasonable increase in the salaries of those people who must go abroad to represent the country in order that all classes of our people, the rich and poor alike, may have an opportunity to enter this exceedingly important service. [Applause.]

Mr. ROGERS. Mr. Chairman, I ask to be recognized.

The CHAIRMAN. The gentleman asks unanimous consent that he may speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. Mr. Chairman, I think the points have been very thoroughly brought out by the Members who have spoken. There is just one further point I want to make, which I think has not been sufficiently emphasized. It was very clearly stated in the testimony submitted to the committee by the Assistant Secretary of State, Mr. Phillips. Mr. Phillips, as the Members of the House know, has been promoted to his present post from the Diplomatic Service. He was secretary of embassy at London and in China before he came to the State Department. In speaking for the secretarial side of the work of the Department of State he probably speaks with greater familiarity than any man in the United States. He emphasizes the importance of the increases in salary, not from the standpoint of the individual, but from the standpoint of the Diplomatic Service and of the Nation. Mr. Phillips says:

The Secretary has spoken about the necessity for raising the salaries of the secretaries in the Diplomatic Service. He mentioned that one of the chief difficulties with which we have to contend under the present schedule of salaries is that after a secretary of embassy or legation has been in the foreign service for seven or eight years and has reached class 1, commercial interests are naturally very anxious to secure him on account of the experience he had gained abroad. The fact is that many of the men whom we consider valuable men, and who have been in the service for a number of years, are being approached by commercial interests. They are tempted with high salaries, and then they come to the department and ask what they should do.

We beg them to remain in the service as a patriotic duty. They usually do remain if they have any independent means. But we have lost, and are continuing to lose, some of the best men we have. For instance, recently, within the last few years, we have lost six efficient secretaries on account of the low salaries. Four more excellent men are now remaining in the service only on account of the war. As soon as the war is over they will leave. They have all had offers from commercial interests.

In the Diplomatic Service, which in these days and in the days to come is increasingly to be charged with duties of the greatest moment and importance, we must pay these men a fair return for the services which they render. The State Department said that the salaries ought to be based on a salary of $5,000 for secretaries of class 1, and so on down. The State Department doubtless is dissatisfied with our recommendation that the salary of secretaries of class 1 should be $3,500, and so on down. We did not feel justified in going as far as the State Department said we ought to go in order to retain these men in the service. But we did think it was our duty, our duty to the country, not merely a matter of fairness to the secretaries themselves, that we should make a beginning to pay them a salary commensurate with the importance of the duties which they perform.

Mr. BORLAND. Will the gentleman yield?

Mr. ROGERS. I will yield.

Mr. BORLAND. I wanted to ask the gentleman to yield while speaking of secretaries being tempted by private offers. No scale of salaries that we could fix would entirely obviate that evil, as the gentleman well knows.

Mr. ROGERS. Undoubtedly.

Mr. BORLAND. And that is a thing that exists in every department of the Government to-day—that occasionally good men and experienced men are tempted away by the offer of high salaries by private interests. The gentleman recognizes that it would be virtually impossible to meet that condition either in the Diplomatic Service or in the Bureau of Standards or in any other department of the Government.

Mr. ROGERS. Of course that is true. But somewhere there is an amount which, while not a fair compensation to the man, will yet be a sufficient salary to enable him to feel that in fairness to himself and his family he can remain in the Government service. When the salary is so far below the essential expenditures of a secretary, of course, oftentimes in fairness to himself he can not remain in the service. We hope that these increases which are proposed in the bill, while not, in our opinion, adequate, will yet go far to meet the conditions complained of.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. COX. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COX. I rise for the purpose of reserving a point of order. Later on I think I will make it.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] has reserved a point of order. The gentleman from Indiana [Mr. COX] asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Now, Mr. Chairman, I may be wrong in my position, in my viewpoint, on this increase of salary. I trust I am not. I recognize that it is impossible, or, in other words, that a Member is out of order who undertakes to get on the floor of the House these days and to say one word in behalf of the men and women of this country who in a year from next June will have been called upon to raise $40,000,000,000. I recognize, Mr. Chairman, we are at this time the wealthiest nation upon the earth, but in recognizing that fact I recognize that this country has its own limitations, so far as wealth is concerned.

Now, it is perfectly evident that you might pay these secretaries $10,000 a year, but that would not hold them unless they wanted to stay there. They would go into private life if they were offered more money. The argument is made that these men must be paid salaries enough to justify them to stay in the service, otherwise we have got to go to the extremely wealthy men in this country to represent us as ministers and ambassadors abroad. Are not we at that parting of the ways to-day? Do we not to-day have to go to the wealthy men of this Nation and from them select our ambassadors? How are you going to get away from that condition, gentlemen, unless you reform world-wide conditions? Now, there may come a time after this war closes—I do not know—when all these salaries ought to be increased in order to meet world-wide conditions. There may come a time after this war closes that not only the salaries of these secretaries but every official from the ambassador on down representing our country in all the foreign countries ought to have their salaries adjusted to meet world-wide conditions.

Now, I am going to make a point of order, Mr. Chairman.

Mr. HARRISON of Mississippi. Will the gentleman yield?

Mr. COX. I will.

Mr. HARRISON of Mississippi. The gentleman is on the Appropriations Committee, I believe. Is the gentleman in favor of giving some precentage of increases to certain employees in the State Department as well as in the other departments of the Government?

Mr. COX. Oh, yes.

Mr. HARRISON of Mississippi. Does not the gentleman think if those employees here in the District, in the State Department, are entitled to a reasonable increase, men who work for the Government abroad are entitled to an increase?

Mr. COX. But the men who work in the State Department here have no opportunity to get to a post fund like the employees of the State Department abroad have.

Mr. HARRISON of Mississippi. The gentleman recognizes this to be a fact, that a man in the employ of the Government in a diplomatic relation abroad has to spend more money than clerks here in the city?

Mr. COX. He may. But whether he would or not, I do not know.

Mr. HARRISON of Mississippi. But the gentleman knows that by virtue of his position he would do that?

Mr. COX. He might. I do not know it. I was never abroad.

Mr. Chairman, I make a point of order against line 14, down to and including line 19, on page 3.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] has reserved a point of order on page 3, beginning with line 4.

Mr. COX. I make the point of order on the language from lines 14 to 19, inclusive.

The CHAIRMAN. Down to and including line 2, on page 4. Does the gentleman from Wisconsin make the point of order or withdraw it?

Mr. STAFFORD. I withdraw it after making the point of order to the words in lines 10 and 11, "to be immediately available." And I wish to say in that connection that it will not prevent the department from utilizing this amount, $45,105, as carried in the paragraph, for the employment of additional secretaries during the remainder of the present fiscal year.

The CHAIRMAN. What is the point of order now?

Mr. STAFFORD. On the words in lines 10 and 11, "to be immediately available," and those alone.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. At the outset of the discussion of this paragraph there was a point of order reserved?

The CHAIRMAN. There was.

Mr. MOORE of Pennsylvania: Then a point of order is now in order? It is not too late?

The CHAIRMAN. It is not. The gentleman is just making it, and the Chair sustains the point of order.

Mr. FLOOD. Now, Mr. Chairman——

The CHAIRMAN. Does the gentleman from Indiana [Mr. COX] make the point of order?

Mr. COX. I have made the point of order, Mr. Chairman, against line 14, down to and including line 19, on page 3, on two grounds, namely, first, it undertakes to make permanent law, and, second, it increases salaries.

The CHAIRMAN. The gentleman from Virginia, as I understand, concedes the point of order?

Mr. FLOOD. Yes. The gentleman from Wisconsin [Mr. STAFFORD] made another point of order.

The CHAIRMAN. The gentleman from Wisconsin made a point of order against the words in lines 10 and 11, on page 3, "to be immediately available."

Mr. FLOOD. I will ask the gentleman from Wisconsin this question: If I offer an amendment making $45,105 immediately available, will he have any objection?

Mr. STAFFORD. I have already stated to the gentleman that I do not make it against the proviso, so that amount, $45,105 now in the bill, to which no point of order was made, is immediately available during the remainder of the present fiscal year.

The CHAIRMAN. The Chair sustains it.

Mr. FLOOD. Now, Mr. Chairman, I move that the figures "$339,355," on line 11, be changed to "$256,000."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FLOOD: Page 3, line 11, strike out "$339,355" and insert in lieu thereof "$256,000."

Mr. MILLER of Minnesota. Mr. Chairman, I would like to make an inquiry. Is that the exact amount carried last year?

Mr. FLOOD. No.

Mr. MILLER of Minnesota. Does it not take care of the deficit that already exists and is represented by the $45,105?

Mr. FLOOD. That takes care of 25 new clerks.

Mr. MILLER of Minnesota. But it does not take care of that item. That is necessary to be immediately available.

Mr. FLOOD. It comes out of that.

Mr. MILLER of Minnesota. The $45,105, as it stands right now, is a deficit in the appropriation made for the year ending June 30, 1918.

Mr. FLOOD. No. The gentleman is mistaken about that. The $45,105 is put in there to pay the expenses of 25 additional secretaries from the time this becomes a law until the 1st of next July.

Mr. MILLER of Minnesota. That is to say, there is a deficit in the prospective expenditures this year, independent of any increases in the salaries of secretaries. What I want to inquire about is whether the amount the gentleman has named takes care of this expected deficit?

Mr. FLOOD. It does.

Mr. STAFFORD. Mr. Chairman, if the gentleman will permit, I think that the gentleman is in error. I wish to direct the Chairman's attention to the report on page 5. For the payment of 84 secretaries for the fiscal year 1919 it is estimated that $186,000 will be needed. For the employment of 25 new secretaries during that year $70,000 additional is necessary, making a total of $256,000, which is the amount of the appropriation which the gentleman has just submitted. Now, to provide for the employment of these 25 additional secretaries during the remainder of the present fiscal year there would have to be $45,105 added to that amount, as I take it, making a total of $301,105.

Mr. FLOOD. I move, then, to amend it by changing it to "$301,105."

The CHAIRMAN. The gentleman changes the amendment. The Clerk will report it.

The Clerk read as follows:

Mr. FLOOD moves to amend by striking out "$256,000" and inserting in lieu thereof "$301,105."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLOOD. The total will have to be changed.

Mr. COX. Mr. Chairman, what became of my point of order?

The CHAIRMAN. The point of order was sustained.

Mr. STAFFORD. Mr. Chairman, may I ask that the Clerk be authorized to change the total to the bill?

Mr. FLOOD. I make that request.

Mr. FOSTER. Is not the gentleman going to make the secretaries first fixed by law?

The CHAIRMAN. It goes out on a point of order.

Mr. FLOOD. The secretaries will go in. We have been carrying them at $3,000 and $2,625.

Mr. FOSTER. They are fixed by law?

Mr. FLOOD. Yes.

Mr. FOSTER. So that you do not need to put them in?

Mr. FLOOD. No.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RECEIVING INSTRUCTIONS AND MAKING TRANSITS.

To pay the salaries of ambassadors, ministers, consuls, vice consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions and in making transits to and from their posts and while awaiting recognition and authority to act, in pursuance of the provisions of section 1740 of the Revised Statutes, $65,000, or so much thereof as may be necessary.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. Mr. Chairman, I presume the consuls and vice consuls are paid through this appropriation, which looks small enough. I regret that a point of order should have been made against the paragraph just passed, and I trust that no such point of order may be made at any other point where it will affect the salaries of these worthy American representatives abroad.

We do not pay our consuls and vice consuls sufficiently to properly maintain themselves in their posts on the other side of the water. It is a standing disgrace to the United States that men presumed to speak for this great country of ours should be put into such a position with respect to those with whom they have to fraternize upon the other side, as to be ashamed of the backing they have back home.

I have knowledge of certain of our representatives over there now who are using funds apart from their salaries for the actual maintenance of themselves and their families and for covering certain expenses due to the increased cost of living, for which the United States Government does not provide.

Mr. TEMPLE. Mr. Chairman, will my colleague yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. TEMPLE. I would like to add that I have knowledge of a case in which men are going down into their own pockets for furnishing legations and embassies.

Mr. MOORE of Pennsylvania. I will say to the gentleman that I have accumulated information on that very point; and I am sorry a point of order has been made against an increase of the salary of American representatives abroad, which tends to embarrass them in the respectable and dignified position they must assume with regard to those with whom they have to deal.

Here are young men who receive less than the clerks who have safe berths here in the District of Columbia and elsewhere in the United States and for whose benefit we are constantly legislating. They are across the seas, over yonder, where everything is against them, where all is hostile, and where there are supposed to be the spokesmen of our Nation. Some of them have to send home for money to keep their expenses paid. I observe again that it is a disgrace to this Nation.

Mr. FLOOD. May I ask the gentleman a question there?

Mr. MOORE of Pennsylvania. Yes.

Mr. FLOOD. What would you propose as an increase of his salary?

Mr. MOORE of Pennsylvania. I would give them enough to live respectably, at least in a manner to comport with the other representatives with whom they must live.

Mr. FLOOD. How much in dollars?

Mr. MOORE of Pennsylvania. If a man was worth $3,000 or $4,000, I would not hold him down to $1,500, upon which he could not live.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FESS. If the Secretary of State, responsible for this service, would recommend upon his statement that $5,000 ought to be allowed, and the committee finally compromised on $2,500, do you think we would be justified on the stateemnt of the Secretary of State in giving anything?

Mr. MOORE of Pennsylvania. If the Secretary of State would make a recommendation for an increase of these salaries

and it came through the committee, I would vote for it, and I would do it because of my knowledge of the work that these men do. I have seen them in foreign countries living in second stories of houses for which they had to pay the rent, holding offices up there so that American citizens had to go up the side way to see them, while the representatives of England or Germany and other nations had fine buildings, with offices on the front thoroughfare, properly representing the dignity of their countries. I want to say again that it is a disgrace to require these young men, anywhere from 21 to 35 years of age and over, who must speak one, four, five, and some seven languages, even dead languages, that no Member of the House, perhaps, could speak, to exist abroad in these expensive times on a paltry $1,500 a year.

The pro forma amendment was withdrawn.

The Clerk read as follows:

CLERKS AT EMBASSIES AND LEGATIONS.

For the employment of necessary clerks at the embassies and legations, who, whenever hereafter appointed, shall be citizens of the United States, $488,000, to be immediately available.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. Last year this item carried $100,000. The appropriation carried in this bill is $488,000 for the employment of necessary clerks. I realize from the statement of the chairman that additional clerks are required at all embassies and legations by reason of our entry into the war and the additional legislation enacted by this Congress which has imposed additional burdens on the various embassies and legations, but I would like to inquire as to the need of such an extraordinary increase, amounting to nearly fivefold. And, further, as to how much is to be used during the remainder of the fiscal year and how much is estimated to be needed during the next fiscal year.

Mr. FLOOD. The gentleman will recall that the Appropriations Committee gave in an emergency deficiency bill $88,000, which is to be added to $100,000 in last year's bill. That was not found to be sufficient. The fund for this purpose is about exhausted now. That is, $188,000 has been used in seven months of the year, and it will take of this fund $150,000 more, making $338,000 for the present year, and this would be in addition to the hundred and thirty-odd thousand in the next year. The information the committee had from the Secretary of State and from his assistants, particularly Mr. Carr, chief of the Consular Bureau, was that they were short of clerks at the embassies all over the world; that it was absolutely necessary to have additional clerks in order to carry on properly the business of the embassies and legations. They furthermore said that this was the lowest amount that they could get on with.

Mr. STAFFORD. Does the gentleman say that the appropriation, including that in the deficiency appropriation bill, is about exhausted?

Mr. FLOOD. Yes.

Mr. STAFFORD. I made an inquiry of the deficiency subcommittee as to whether any estimate was included in the deficiency bill about to be reported, and they stated that there was not.

Mr. FLOOD. They expected that it would come out of this fund.

Mr. STAFFORD. I do not intend to make any point of order on the words "immediately available" because I appreciate that the department has to have this money.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I do this for the purpose of approving the appropriation. It is well that the Department of State should have this money in hand to employ extra clerks if it needs them to assist in this consular work. The American consuls over there have had a great deal to do.

Mr. STAFFORD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. STAFFORD. This does not refer to the clerks at the consular stations.

Mr. MOORE of Pennsylvania. It has to do with the Consular Service.

Mr. STAFFORD. No; it is for legations and embassies.

Mr. MOORE of Pennsylvania. Well, I will apply my remarks to the proper service. It makes no difference, so long as I get them in. The Secretary of State ought to have in hand sufficient funds to pay for the service he needs on the other side of the water. The gentleman from Wisconsin is a parliamentarian, but he may not be sufficiently versed in diplomacy to stop me while I am trying to get the facts before the committee.

Mr. STAFFORD. I do not claim to be a diplomat like the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. But the gentleman is a parliamentarian, everybody concedes that from the Atlantic to the Pacific Ocean. The appropriation ought to be made, I say, because we ought to uphold the hands of the consular agents on the other side of the water. When this war in Europe broke out, long before America began to participate in it, when this country was still neutral, these consuls had a great deal to do. Take a young man in some remote section of the Old World, where dead languages have to be spoken, where riots were breaking out, where massacres were occurring, where consuls and vice consuls were needed who were big enough to represent us, and then think of that $1,500 per annum. Why, some of them were not only charged with the American interests but had to take over the interests of the French nation and of the British nation, and they did it. How can these brilliant young men, speaking the language of the country to which they had been assigned by the United States, get along without living well and mingling with the good people? That is what they have to do in order to properly protect the interests of this Nation and those of the countries who intrusted the welfare of their citizens to their care. These young men with this great responsibility are not receiving as much compensation as we pay in Washington to some of our friends who come here and get into the departments through the civil service.

Mr. WALSH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WALSH. Some of these gentlemen gather statistics at times in relation to waterways?

Mr. MOORE of Pennsylvania. Probably they do. The gentleman from Massachusetts is humorous, but when he comes around to vote for that which his constituents most desire, he will be a better Representative even than he is to-day.

Mr. WALSH. I asked the question seriously and I hope the gentleman will answer it.

Mr. MOORE of Pennsylvania. The gentleman asked it seriously with the purpose of being humorous.

Mr. WALSH. Will not the gentleman answer the question?

Mr. MOORE of Pennsylvania. I presume the collection of waterways statistics is included in the duties of American consuls. So long as the gentleman persists I will say that statistics on European waterways are of great value to the United States at the present time.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield for a serious question?

Mr. MOORE of Pennsylvania. I yield.

Mr. McKENZIE. The gentleman is not on this committee?

Mr. MOORE of Pennsylvania. I am not, and that is the reason I am commenting on the bill. If I were on the committee I might be quiescent as some of the members of the committee are with respect to these things. They are bound by committee action. Not being on a committee, as the gentleman knows, a Member of the House can sometimes speak his mind to a committee, and I was saying that it is disgraceful to induce these young Americans to perfect themselves for this great national service, making themselves competent to take on their shoulders the care of the people of all the nations of the earth in time of war, and do it at the modest compensation of $1,500 a year. I am in favor of making a larger appropriation to a generous, open-hearted, patriotic Secretary of State, in order that through him justice may be done these young Americans who are serving their country abroad. Does the gentleman get the point?

Mr. McKENZIE. I get the point, and I want to ask the question. I want to ask the gentleman if he believes that the appropriations made in this bill are sufficient to take care of those young men of ours who are over there and have been compelled to borrow money?

Mr. MOORE of Pennsylvania. I do not. Judging from what they have already received I would say that these appropriations are not sufficient. That is the reason I regret we have been prevented by this point of order from putting them in position to obtain a decent living on the other side and to properly carry out the duties imposed upon them.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 4, line 17, after the word "States," strike out the figures "$488,000," and insert in lieu thereof the following: "$676,000."

Mr. MADDEN. Mr. Chairman, the reason I offer this amendment is due to the colloquy that took place a short time ago between the gentleman from Wisconsin and the chairman of the

committee. During the colloquy, it appeared that in the last appropriation bill $100,000 was set aside for this purpose, but later on $88,000 had been provided in the deficiency bill, making $188,000. And the chairman of the committee said that this $188,000 has already been expended and before the end of the present fiscal year $150,000 more is likely to be expended. The chairman of the committee said this $188,000 has already been expended, and for the present fiscal year $150,000 more is likely to be expended. That would make a total of $338,000 required for the conduct of this branch of the foreign service for the period ending June 30, 1918. That would only leave for the conduct of this service during the fiscal year 1919 $150,000. Now if it costs $338,000 to do this same work for the year 1918, it is fair to assume that it will not cost any less for the year 1919, and that is the year for which this appropriation is being made. So I submit that, according to the figures made by the chairman of the committee having charge of this bill, there ought to be $188,000 added to the figures already reported in the bill.

Mr. FLOOD. Mr. Chairman, may I interrupt the gentleman?

Mr. MADDEN. Yes.

Mr. FLOOD. I do not think the gentleman exactly caught my statement.

Mr. MADDEN. I heard exactly what the gentleman said, and I am analyzing what he said.

Mr. FLOOD. We appropriated $100,000.

Mr. MADDEN. That is what I said.

Mr. FLOOD. And there was a deficiency appropriation of $88,000. That makes $188,000.

Mr. MADDEN. That is what I said.

Mr. FLOOD. And I said it would take $150,000 to complete this year.

Mr. MADDEN. One hundred and fifty thousand dollars in addition to $188,000?

Mr. FLOOD. Yes.

Mr. MADDEN. That is exactly what I said. That will leave only $150,000 for next year.

Mr. FLOOD. No; it will leave $338,000.

Mr. MADDEN. No. The gentleman said, in response to the query of the gentleman from Wisconsin [Mr. STAFFORD], that it would take $150,000 in addition to $188,000.

Mr. FLOOD. Exactly.

Mr. MADDEN. To complete the work up to the 30th of June of this fiscal year.

Mr. FLOOD. And you take the $150,000 from the $488,000 and you will have $338,000.

Mr. MADDEN. The gentleman is mistaken. He said they had already expended $338,000. That must be deducted from the $488,000, leaving only $150,000.

Mr. FLOOD. We propose to appropriate $488,000, and of that we proposed to use only $150,000 during this present fiscal year, leaving $338,000 for the next fiscal year.

Mr. MADDEN. According to that calculation the gentleman is right, but that is not the statement he made before. I am making an analytical statement and commenting on it. If the gentleman's previous statement is correct, then he will need $188,000 added to the figures he has here. Of course, if his statement now is correct, you need only the amount of money here appropriated.

Mr. FLOOD. That is all.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MADDEN. Mr. Chairman, on the gentleman's statement I would withdraw the amendment.

The CHAIRMAN. The amendment has been voted on. The Clerk will read.

The Clerk read as follows:

Interpreter to legation and consulate general to Persia, $1,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out "$1,000" and make it "$999.99."

Mr. FLOOD. We accept the amendment.

Mr. MOORE of Pennsylvania. And in support of the amendment, Mr. Chairman—which I shall not vote for—I desire to observe that paying $1,000 to an interpreter who is capable of serving at the legation and consul general's office in Persia is a ridiculous figure. Any American boy who can master the English language first and the Persian language second ought to be permitted, in view of the expenses he incurs in living somewhere in Persia, to have a little more than $1,000 per annum. I would offer to make this salary $1,500 per annum, but I realize that the committee would make a point of order against it, in view of the record already established with regard to consuls, and therefore I can only offer to cut this salary down 1 cent, believing that whatever young man holds this position as interpreter for the legation and consul general in Persia will forgive me, in view of the fact that I am endeavoring to secure for him an increase of salary by reverse action.

I want to call the attention of the Department of State to the miserable salaries it pays men who have talents and ability. I want the country, through the Department of State and through Congress, to know that while we pay salaries running anywhere from $1,000 to $2,000 to all sorts of folks who come here to Washington hunting jobs and who work eight hours a day here we pay a miserable $1,000 to the brainy young American who can speak Persian and has resting upon him the responsibility of conducting business as between the Persian people and ourselves.

I call attention to this wretched salary of $1,000, because in the next paragraph I find that the brilliant young man who serves as interpreter to the legation and consul general at Bangkok, Siam, receives $1,500 per annum.

Possibly it is worth $500 more per annum to learn the Siamese language than it is to learn the Persian language; but, at any rate, that is a pitiable salary for a young man who has the qualifications of an interpreter at so responsible a post as this. I do not know whether these two young men, one at Teheran, Persia, and one at Bangkok, Siam, are American citizens or not. Probably they are not, because in the next paragraph, making provision for the 10 student interpreters to the legation to China, it is specifically provided that they shall be citizens of the United States. Now, think of it. These 10 young men who are going to serve their country as interpreters to the Chinese Legation and who must master the Chinese language are to get only $1,000 a year, and pay all their expenses.

Mr. ROBBINS. I want to ask if these are not native boys, and if it was not expected to pay them as such?

Mr. FLOOD. There is no requirement that this interpreter at the Persian Legation shall be an American citizen.

Mr. MOORE of Pennsylvania. I am glad the gentleman made that statement, because I think every one of them ought to be a citizen of the United States. There is another weakness of our Diplomatic and Consular Service, that we permit men in these foreign countries who are not citizens of the United States to occupy these important stations.

I almost forgot to say that my amendment, if carried, may save this young man a considerable sum in the way of income tax, but still I shall not vote for it.

Mr. COOPER of Wisconsin. Mr. Chairman, for the purpose of obtaining the floor I rise in opposition to the amendment. I have only a word to say. The gentleman from Pennsylvania [Mr. MOORE] made a remark which is of great force, when we reflect that the consular officers of the United States are not diplomatic officers—have no diplomatic functions—but are, at least in effect, only business agents. The consulates are great business agencies of the United States, and an interpreter interpreting for an American consul when business relations are discussed between a Persian customer and an Englishman, a Russian, and an American ought to be an American citizen.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. COOPER of Wisconsin. Yes.

Mr. SLAYDEN. Does the gentleman, out of his abundant knowledge, have any information as to the amount of service rendered at Teheran, the capital of Persia, where this young man is, or at Bangkok in Siam?

Mr. COOPER of Wisconsin. No; I can not say anything further than that in the publication New Europe the other day I saw what purported to be a synopsis of the secret treaty made by three or four of the belligerent countries, in which there was to be reserved to England the sphere of influence over Persia.

Mr. SLAYDEN. Yes. As a whole, Persia is probably important, and much more important to Great Britain than it is to the United States.

Mr. COOPER of Wisconsin. Therefore I do not know how much business Americans could do through the consulate at Teheran.

Mr. SLAYDEN. If the gentleman will permit, I think it is very likely that the State Department has fixed this compensation with some reference to the duties involved in the office—trying to make the punishment fit the crime, I suppose.

Mr. COOPER of Wisconsin. In reply to that suggestion I will say to the gentleman from Texas that it is not just compensation to pay a young American who obtains for himself a mastery of the Persian tongue which enables him with facility and accuracy to interpret conversation between business men of Persia and American citizens to pay him only $1,000.

Mr. SLAYDEN. Probably there are compensations. He can read Ali Baba in the original. There is some pleasure in that.

Mr. COOPER of Wisconsin. He ought to be paid according to the dignity of the position and the ability which its duties require.

Mr. HAMLIN. Will the gentleman yield for a question?

Mr. COOPER of Wisconsin. Yes.

Mr. HAMLIN. Does not the gentleman think this $1,000 paid to a native of Persia is in all probability a princely salary for a native over there?

Mr. COOPER of Wisconsin. It may compensate a native Persian, but it would not compensate an American.

Mr. HAMLIN. I agree with the gentleman in thinking that Americans ought to occupy these positions; but I presume this interpreter is not an American, and this salary is not being appropriated to pay an American, but a native.

Mr. COOPER of Wisconsin. My remark related simply to the suggestion of the gentleman from Pennsylvania that the interpreters at American consulates ought to be American citizens.

Mr. HAMLIN. I am very much in sympathy with the idea of paying just compensation; but does not the gentleman think we have overlooked one thing this afternoon in all this discussion as to increases in salaries? Is it not true that these boys in the Consular Service, and also the clerks, have a great incentive as well as a great opportunity presented to them for promotion to positions where the salaries will be increased as they are promoted throughout the service? The opportunities to get a better position and better pay puts them on a little different plane than it would the clerk who has no opportunity to go up.

Mr. COOPER of Wisconsin. Yes; but if the first year's salary is not sufficient to keep him one year, you are not going to get him into the service and take the opportunity for promotion.

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follow:

For 10 student interpreters at the legation to China, who shall be citizens of the United States, and whose duty it shall be to study the Chinese language with a view to supplying interpreters to the legation and consulates in China, at $1,000 each, $10,000: *Provided*, That the method of selecting said student interpreters shall be nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the legation and consulate in China so long as his services may be required within a period of five years.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk:

The Clerk read as follow:

Page 5, line 4, after the word "nonpartisan," insert the words "and in accordance with modern democratic standards."

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer this amendment because we are engaged in the great task of democratizing conditions generally in the United States and throughout the world. You will observe that I did not use any capital letter in the use of the word "democratic." I am trying to make it as democratic in the popular sense as possible. These appointments are supposed to be nonpartisan and "democratic" with a small "d," and they ought to be in accordance with the modern democratic standards; that is to say, they should be free from political influence in the United States, because their business will be to study the Chinese language and interpret it for American purposes at the munificent salary of $1,000 per annum. The tendency is to appoint Democrats—I am using the big "D" now—to office in the United States; that is to say, that is the tendency, particularly where we provide by law that the appointment shall be nonpartisan. [Laughter.] If we wanted to make democratic—little "d"—appointments in the United States—and this has a relative bearing upon such foreign appointments—we provide specifically that such appointments shall, in the broader sense, be democratic appointments, nonpartisan.

I am surprised, however, to see these words in a Diplomatic and Consular appropriation bill. It might be different if we were providing for the employment of 30,000 employees now coming to Washington to fill the departments. In such a case under modern conditions I would esteem the use of the word "nonpartisan" as dangerous. It is not so serious as it relates to appointments in the foreign service to interpret the Chinese language. American politics has little to do with that, so that it seems to me we can now well afford that these appointments shall be made in accordance with "democratic standards."

Mr. MADDEN. Will the gentleman state what he means by modern democratic standards?

Mr. MOORE of Pennsylvania. The methods of making appointments in the United States.

Mr. MADDEN. What are they?

Mr. MOORE of Pennsylvania. The methods that provide that only deserving Democrats need apply. [Laughter.] Now, boiled down to the very residuum in the crucible, it is useless to put the word "nonpartisan" into a bill if by continuing modern Democratic standards you mean to appoint any Republicans to office at all. It is not to be expected in providing by law that appointments shall be nonpartisan it will follow that any other than a good Democrat will be appointed.

Mr. GILLETT. Will the gentleman yield for a suggestion?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. GILLETT. I wish to suggest to the gentleman that he speaks of this method of appointing in the United States. I notice that he speaks of the minister to Siam, and I happen to know that the minister to Siam was appointed from the State of Connecticut, taken out of the office of the gentleman who was chairman of the Democratic State committee, which undoubtedly was sufficient to guarantee his excellence.

Mr. FLOOD. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FLOOD. Is the gentleman aware that the ambassador to Mexico is a Republican and the ambassador to Brazil is a Republican?

Mr. MOORE of Pennsylvania. I had not heard of that. Those appointments were made before it was proposed to introduce the word "nonpartisan" in this bill.

Mr. FLOOD. I will say to the gentleman that so far as the permanent Diplomatic Service is concerned——

Mr. MOORE of Pennsylvania. I can not quite understand why it is necessary to introduce the word "nonpartisan" in a Diplomatic and Consular bill.

Mr. FLOOD. I will say to the gentleman that he is mistaken about that. The word "nonpartisan" was put in the bill on the motion of the very able, determined, and somewhat partisan representative, the gentleman from Massachusetts [Mr. ROGERS]. It was the fight he made to have it put in, and the rest of the committee, Democrats and Republicans, were glad to support his motion.

Mr. MOORE of Pennsylvania. In view of the gentleman's statement that he has at last discovered a Republican who has been appointed to office by the present administration, why should the gentleman object to this amendment?

Mr. FLOOD. I want to say that this is the first time in my experience in connection with this bill that I have heard complaints from a Republican source that the permanent diplomatic establishment did not have Republicans in it. I have heard complaints from Democrats that there are no Democrats in it.

Mr. MOORE of Pennsylvania. I grant the gentleman that there may be a few Republicans still remaining in the service who have not yet been discovered.

Mr. FLOOD. I would say to the gentleman that the permanent Diplomatic Service is largely made up of Republicans, and what I mean by the permanent Diplomatic Service includes the secretary. The ambassadors and ministers of course come and go with each administration.

Mr. SLAYDEN. Oh, I beg the gentleman's pardon, they do not. I wish they did.

Mr. HAMLIN. They have not gone in this administration.

Mr. FLOOD. The custom is for the ambassador or the minister, when a new administration comes in, to tender his resignation, and it is generally accepted. In this administration some of them have been retained, certainly in some of the highest ambassadorial positions. They have been given to Republicans, such, for instance, as Mr. Fletcher in Mexico.

Mr. MOORE of Pennsylvania. I am wondering whether the Republicans that have been retained are these $1,000-a-year interpreters.

Mr. FLOOD. No; they are the $17,500-a-year ambassadors, and the secretaries whose salaries we attempted to raise to $3,500, but which went out on a point of order made by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Chairman, for the sake of historical accuracy, I wish the gentleman would insert there the gentleman from Indiana [Mr. COX].

Mr. FLOOD. The gentleman from Indiana.

Mr. MOORE of Pennsylvania. Will the gentleman name some of these Republicans who are retained at $17,500 a year?

Mr. FLOOD. There is the ambassador to Brazil, and the ambassador to Mexico, and secretaries all through the service. secretaries whom we call counselors, are nearly all Republicans.

Mr. MOORE of Pennsylvania. I am glad the gentleman has given us an opportunity to find out where to go in order to obtain these "nonpartisan" appointments.

Mr. FLOOD. I assure the gentleman these appointments in the State Department are nonpartisan.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. LINTHICUM. I would like to suggest to the gentleman that Mr. John W. Garrett, who was appointed by Mr. Taft, and who was afterwards transferred to Argentina, I believe now is in Belgium.

Mr. SLAYDEN. Oh, no; he is in Holland on a new appointment.

Mr. LINTHICUM. And was indorsed by a solid Democratic delegation of Senators and Representatives.

Mr. SLAYDEN. Mr. Chairman, I rise to announce my support of the proposition made by the gentleman from Pennsylvania [Mr. MOORE] to strike out the word "nonpartisan." I think it is humbuggery and hypocrisy. I would be glad to have the service put upon a frankly partisan basis. In the first place, I believe you will get superior men in it. I believe that when you get men fixed in the Diplomatic Service they become so obsessed with the value of forms and precedents and things of that kind that they magnify them into supreme importance when they are mere social trifles. The question was raised as to the politics of people now occupying high diplomatic positions. My information has been, and the gentleman from Wisconsin, my friend Mr. COOPER, always frank and sincere in his statements, corroborates it, that Mr. Reinsch, now occupying the important post of minister to China, is a Republican.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. SLAYDEN. Mr. Chairman, I move to strike out the last word. Mr. Fletcher, ambassador to Mexico, is a Republican and the ambassador to Brazil, Mr. Morgan, is a Republican, and there are others, some of whom may have been considered Democrats, but who, if the facts were known, hardly voted the Democratic ticket between 1896 and 1912. I do not like to have things declared to be nonpartisan and then run on a partisan basis. My objection is there are too many Republicans. I shall never kick if the Republicans come in and frankly and honestly say that this is a time when the places are going to be occupied by Republicans.

Mr. HAMLIN. They always do it, whether they say it or not.

Mr. SLAYDEN. I would like to hear them say it—be honest in their statements as well as in fact. Mr. Chairman, "nonpartisan" here means nothing. The gentleman from Pennsylvania is right. I think it is a wise amendment and I shall vote with him.

Mr. AUSTIN. Mr. Chairman, I am not interested in Republicans holding office under a Democratic administration. When we Republicans come back, as we are surely coming back in the next Presidential election, we will put all the Democrats out and place Republicans in their places and have a better Goverment—a better administration of both our foreign and domestic affairs. But I did not take the floor to discuss political matters. I was in the Consular Service prior to my election to Congress 10 years ago, and at that time the great fault I found with the service was that it did not provide sufficient pay for the clerical force in connection with the American Consular Service. The wages or the salaries were so low that Americans could not afford to leave home and take those places, and as a result our clerical service was practically in the hands of foreigners who had absolutely no interest in promoting our trade against the interests of their own country. They were interested alone in their salaries. They naturally favored their own country over ours. After my election to Congress I made several talks in the House here in favor of Congress increasing those salaries with a view of substituting Americans at every place where the American flag was represented in a foreign port, either by our ambassadors, ministers, or consular officers. At that time in the service many of our consular agents and vice consuls were not Americans, they were foreigners.

Mr. FLOOD. Will the gentleman allow me to interrupt him——

Mr. AUSTIN. I want to ask the chairman of this committee if under the splendid administration of the present Director of the Consular Service, Wilbur J. Carr, he is increasing this appropriation with a view of substituting everywhere Americans for foreigners?

Mr. FLOOD. We have been doing that for some years.

Mr. AUSTIN. How many foreigners have we to-day in the Consular Service of the United States?

Mr. FLOOD. I will ask the gentleman from Massachusetts if he recalls it.

Mr. ROGERS. If the gentleman from Tennessee will consult the hearings——

Mr. AUSTIN. Life is too short for that.

Mr. ROGERS (continuing). Pages 47 to 49 and 60 to 64, he will find the whole story. All consuls general are American citizens. All consuls are American citizens; of 306 vice consuls only 29 are not American citizens, and of the consular agents, of whom there are about 138 in all, 62 are not American citizens.

Mr. AUSTIN. Now, the clerks.

Mr. ROGERS. There is no provision of law requiring clerks to be American citizens, and I do not recall that there has ever been any testimony on that point offered before the Committee on Foreign Affairs since I have been a member.

Mr. FLOOD. I will say to the gentleman that we proposed a very large increase in the appropriation for clerks for consulates this year, and this is for the purpose of Americanizing the consulates, not only as to consuls, but clerks also.

Mr. AUSTIN. In two classes there are nearly 100 foreigners, not counting clerks, in the Consular Service. As the gentleman has been reading the hearings in reference to the Consular Service from 1861 down to date, ancient and modern history, can he tell us definitely how many foreigners are on the clerical rolls of the consulates of the United States?

Mr. ROGERS. I have no information whatever on that point.

Mr. AUSTIN. It strikes me that would be a subject of interest to the Committee on Foreign Affairs.

Mr. FLOOD. There are still some, but they are decreasing in number every year, and this year we put in the appropriation bill almost double the amount of last year to enable——

Mr. AUSTIN. Would the gentleman accept an amendment to this bill that none but Americans shall be appointed in the consular or foreign service?

Mr. FLOOD. Well, we would have to put in an increase of appropriation a great deal more than we have, for the reason that some of these consulates would not be able to get American clerks for what the department can afford to pay them out of the proposed appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. I ask unanimous consent that my time be extended for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent to speak for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. I would say to the gentleman that the policy of the committee has been for a number of years, under the leadership of the gentleman from Massachusetts [Mr. ROGERS], to Americanize the Consular Service, and we will continue to do it from year to year, requiring the different grades of consuls to be American, and ultimately this will be done as to the clerkships. And the department has been working on the question of the clerkships and have been trying to get Americans to accept the clerkships, when they can pay them such salaries as will justify Americans accepting these places. At some places the clerical work is so simple that they can not afford to pay a salary that would justify an American to accept the position. And I do not believe it would be wise now to put in a provision requiring all these clerks to be Americans until that matter has been carefully considered and the necessary amount of money for the purpose of entirely Americanizing the clerical force of the consulates has been ascertained definitely.

Mr. AUSTIN. Now, Mr. Chairman, to my certain knowledge for nine years we have been working on this proposition to eliminate foreigners as our clerks, vice consuls, and agents and substituting Americans for them. We read now a good deal about "speeding up," and I suggest that term to our State Department and to our honored members of the great Committee on Foreign Affairs, and ask them to speed up this affair, and in our day and generation let us feel and know that we have Americans on guard in every foreign port. And if there is a necessity for an additional consular officer or foreign consular clerk, this great, rich, and prosperous country can afford to make an additional appropriation, so that American interests will be safeguarded throughout the world by true and tried Americans.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. AUSTIN. Always.

Mr. MOORE of Pennsylvania. It being reported from abroad, privately, at least, that almost every neutral country is honeycombed with enemy spies, would it not be wise, as the gentleman suggests, that only Americans be put on guard where they have to deal with the affairs of the United States?

Mr. AUSTIN. I have no doubt the record will show that in Germany and in Austria, and in the other countries which we are now fighting, they have had their citizens in many American consulates. And we ought to stop it, and the sooner the better. There is no excuse or explanation for continuing this policy, which is against the best interests of America.

Mr. COX. Will the gentleman yield for a question?

Mr. AUSTIN. Yes.

Mr. COX. Does the gentleman know what has been the practice of foreign governments, so far as our country is concerned, and whether they have employed only their own people?

Mr. AUSTIN. There is not a country in the world which is as reckless as we are on any subject. We trust everybody, and Uncle Sam is a Santa Claus for everybody.

Mr. COX. I agree with the gentleman on that. I am asking for information.

Mr. AUSTIN. I do not know.

Mr. ROGERS. It is the practice of foreign governments which have legations and embassies in Washington, and, so far as I know, in their missions in other capitals of the world, to employ a larger proportion of foreigners than we employ in our legations and embassies abroad. An interesting bit of evidence on that point as to the practice of Germany is contained in the disclosures which are now being made in the World's Work, and which indicate how Count von Bernstorff was repeatedly betrayed from within his embassy by men who were American citizens. While we may approve of the result in that particular case, if the shoe were on the other foot, we would not indorse it.

Mr. AUSTIN. The gentleman from Massachusetts has given a better and stronger argument in favor of my proposition than I have made myself, namely, that the employment of foreigners by the German Government led to the betrayal of the German Government and their interests in this country. And history will repeat itself if we permit the same thing to go on under our Government. We will have our interests betrayed. And therefore I want to make an appeal to the Committee on Foreign Affairs to write something in the pending bill or to report a bill which will put an end to this folly, in the interest of the safety of the Republic and the extension of our trade in foreign lands.

Mr. ROGERS. Will the gentleman yield?

Mr. AUSTIN. Yes.

Mr. ROGERS. Of course, it does not follow that a man is going to be a loyal employee because he is an American citizen or that he is going to be disloyal because he is not an American citizen. But on averages, the United States would doubtless be vastly better off if its Diplomatic and Consular Service were completely Americanized. I am in absolute accord with the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. I suggest to the gentleman the undoubted fact that the State Department is exceedingly anxious to Americanize the American Consular Service from the top position down to the bottom position.

That takes time. The Committee on Foreign Affairs, under the leadership of the chairman, the gentleman from Virginia, has done a great deal in the last two years. We have eliminated a very large percentage of the foreigners who were acting as our vice consuls and consular agents. There is still a good deal of work to be done along that line. But the work is being done, and it will continue to be done just as fast as it is practicable.

Mr. AUSTIN. I just repeat what I said a moment ago. I have been engaged in the effort of trying to eliminate these foreigners now for nine years. If you could eliminate so many of them in two years, you could eliminate them all in the twinkle of an eye by bringing in here a bill requiring that only Americans be appointed to these positions. Your committee is on record as being in favor of that, because you say they have been endeavoring to do it for two years past. The State Department is also on record as being in favor of it. If it ought to be done, why should it take 10 years to do something so important as this, which could be done at one session of Congress.

Mr. ROGERS. The gentleman says life is not long enough to read the hearings had before the committee. Nevertheless those hearings are what the committee which reports the bill must rely upon. I should suggest to the gentleman from Tennessee that he read three or four pages of the testimony of Mr. Carr, the Director of the Consular Service, which deals thoroughly with this situation and shows what has been done in the last year and in the last two years.

Mr. AUSTIN. Mr. Carr can not do it all himself. It is the duty of the Committee on Foreign Affairs to bring in an appropriation bill with a provision to substitute Americans for foreigners. If I were to read the hearings until I should be black in the face, it would not furnish the information I desire, because I have called on the gentleman [Mr. ROGERS] to know the number now of foreigners who are in clerical positions in our Consular Service, and evidently that subject had not been discussed or brought out in the hearings on this bill. So I commend to the Committee on Foreign Affairs this suggestion, that this matter is all important, and I am going to call attention to it as long as it is unsettled, and I am going to try to stay here a long time. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, in view of the light that has been shed on this subject, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For 10 student interpreters at the embassy to Turkey, who shall be citizens of the United States, and whose duty it shall be to study the language of Turkey and any other language that may be necessary to qualify them for service as interpreters to the embassy and consulates in Turkey, at $1,000 each, $10,000: *Provided*, That the method of selecting said student interpreters shall be nonpartisan: *And provided further*, That upon receiving such appointment each student interpreter shall sign an agreement to continue in the service as interpreter to the embassy and consulates in Turkey so long as his services may be required within a period of five years.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I wish to inquire of the chairman of the committee what policy has been adopted by the State Department in withdrawing interpreters, clerks, and consuls in the countries with which we are at war, such as Germany, Austria-Hungary, Bulgaria, and Turkey?

Mr. FLOOD. The diplomatic and consular forces in those countries have been withdrawn. They have been withdrawn from Germany and Austria-Hungary, and from Turkey.

Mr. STAFFORD. Then at the present time none of these appropriations is being expended for these activities in these respective countries?

Mr. FLOOD. No.

Mr. STAFFORD. I assume the policy is to carry the appropriations so that on the cessation of the war the activity will immediately be resumed?

Mr. FLOOD. Yes.

Mr. STAFFORD. May I inquire what is the policy of the Government in so far as Bulgaria is concerned?

Mr. FLOOD. We have consular officers there. Our minister to Bulgaria is also accredited to other countries besides Bulgaria. We have no diplomatic representative in Bulgaria. We have consular officers in Bulgaria.

Mr. STAFFORD. They have not been withdrawn?

Mr. FLOOD. No.

Mr. STAFFORD. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. COOPER of Wisconsin. Mr. Chairman, how long does the chairman intend to run? Can we adjourn now?

Mr. FLOOD. Until 5.30 o'clock.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTINGENT EXPENSES, FOREIGN MISSIONS.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, repairs, postage, telegrams, furniture, typewriters, including exchange of same, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, San Francisco, and New Orleans, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized, $1,005,585.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. Here again we have a rather unusual increase of appropriations from $398,000 to $1,000,000. No deficiency is asked. Will the chairman of the committee inform the House the occasion for this abnormal increase in this item for contingent expenses?

Mr. FLOOD. Mr. Chairman, the principal item of increase is the matter of cables. Mr. Carr, for instance, who is in charge of the expenditure of that, says:

Mr. CARR. There is seemingly a large increase in the estimate. That appropriation last year was $398,585, but the first estimate which was submitted this year was $605,585. We have recently submitted a supplemental estimate raising the amount to $1,005,585. The reason

for that is this: The expenses paid from this appropriation for the fiscal year 1917 were $311,000; there was an additional sum of $132,000 that was paid for the same year from the so-called war relief fund, and which was provided for for the present year in the urgent deficiency bill of last fall. That would bring the total expense up to $443,000, without including the cost of telegraphing. The cost of telegraphing during the last year was $286,000, but the closest estimate I am able to make for this fiscal year, based upon the cost of telegraphing during the first seven months of this year, is about $540,000. We are asking that you increase this amount so as to include about $540,000 for telegraphing.

Mr. MILLER. What is the occasion for all this telegraphing?

Mr. CARY. The occasion for it is this: In the first place, mail correspondence is, for practical purposes, of no use. You never know when your letter is going to be delivered. Practically the entire important correspondence of the foreign service, and especially that part of the service stationed around the central power countries, is done by telegraph. That telegraphing covers all ordinary transaction of business; it covers agreements between the different Governments as to what they are going to do with respect to the war; it covers information as to what is going on; it covers what is being said in the press, as that is absolutely necessary to have; it covers economic information; and then there is also the enormous amount of telegraphing made necessary by reason of the fact that the diplomatic channel is the only channel through which certain classes of information can be transmitted with absolute certainty. We have to send many messages for the War and Navy Departments, the War Trade Board, the Shipping Board, and other establishments.

Mr. STAFFORD. As I understand, the department is obliged to communicate more and more by means of cable and telegraph, owing to the existing war, whereas formerly most of the communication was by mail.

Mr. FLOOD. Yes; the means of communication by shipping are so bad now that they have to communicate by cable.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUMPHREYS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the Diplomatic and Consular appropriation bill, H. R. 9314, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HASTINGS indefinitely, on account of illness.

INTOXICATING LIQUORS.

The SPEAKER laid before the House the following communication:

DEPARTMENT OF STATE,
THOMAS HALL, SECRETARY OF STATE,
Bismarck, N. Dak., February 4, 1918.

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

DEAR SIR: Agreeable to a resolution adopted by the fifteenth legislative assembly, in extraordinary session, I am inclosing a copy of resolution relating to the ratification of amendment to the Constitution of the United States regarding the manufacture, sale, and use of intoxicating liquors.

Yours, very truly, THOMAS HALL,
Secretary of State.

UNITED STATES OF AMERICA,
DEPARTMENT OF STATE, STATE OF NORTH DAKOTA.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota, do hereby certify that the attached resolution is a true and complete copy of a certain concurrent resolution adopted by the fifteenth legislative assembly, in extraordinary session, beginning January 23 and ending January 29, 1918.

Dated at Bismarck, N. Dak., on this 30th day of January, A. D. 1918.
[SEAL.] THOMAS HALL,
Secretary of State.

H. B. No. 8, a joint resolution (introduced by Mr. Harris) ratifying a proposed amendment to the Constitution of the United States of America

Whereas both Houses of the Sixty-fifth Congress of the United States of America, at the second session, by a constitutional majority of two-thirds thereof, made and passed the following proposition to amend the Constitution of the United States of America, in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States.

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"'ARTICLE —.

"'SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, is hereby prohibited.

"'SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"'SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by Congress.'"

Therefore be it

Resolved by the Legislative Assembly of the State of North Dakota, duly convened, That the said foregoing proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the Legislative Assembly of the State of North Dakota.

And be it further resolved, That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the Secretary of State of the United States of America at Washington, to the Presiding Officer of the Senate of the United States, and to the Speaker of the House of Representatives of the United States.

Approved, 4.45 p. m., January 28, 1918.

LYNN J. FRAZIER, *Governor.*

COMMISSION ON NAVY YARDS AND NAVAL STATIONS (H. DOC. 1946, PT. 6, 64TH CONG., 2D SESS.).

The SPEAKER laid before the House the following message from the President, which, together with the accompanying documents, was referred to the Committee on Naval Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress report No. 6 of the Commission on Navy Yards and Naval Stations.

WOODROW WILSON.

THE WHITE HOUSE, *February 8, 1918.*

THE LATE REPRESENTATIVE HILL—MEMORIAL EXERCISES.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent that Sunday, March 3, 1918, be set apart for addresses upon the life, character, and public services of Hon. EBENEZER J. HILL, late a Representative from the State of Connecticut.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that Sunday, March 3, 1918, be set apart for addresses on the life, character, and public services of the late Representative HILL. Is there objection?

There was no objection.

LEAVE TO EXTEND REMARKS.

By unanimous consent, Mr. LONDON was given leave to extend his remarks in the RECORD.

NITRATE PLANT AT MUSCLE SHOALS, ALA.

Mr. FLOOD, by unanimous consent, obtained leave to print in the RECORD the following concurrent resolution of the Virginia Legislature:

A concurrent resolution of the Virginia Legislature.

A resolution petitioning the President to proceed with the construction of the power dams at Muscle Shoals, Ala., so that this cheap power may be available for the production of fertilizer from the nitrate plants provided for, and for which $20,000,000 was appropriated by the Sixty-fourth Congress, and which are now building at that place.

Whereas in the long list of tremendous expenditures now being made to prepare for and carry on the present war, two programs only will have great permanent economic value to the Nation when the present war ends, namely, the building of an American merchant marine, but more especially the location and construction at Muscle Shoals, Ala., of large plants for the production of nitrates, which plants in peace times can be turned into the manufacture of fertilizers; and

Whereas the great contribution to the agricultural interest of the country in the operation of these nitrate plants in time of peace can only come through furnishing the farmers of the country not only an increased supply of nitrates, but by furnishing a more adequate and cheaper supply of nitrates combined with the phosphates from Tennessee located near by Muscle Shoals; and

Whereas the most economical and permanent production of fertilizers in times of peace from these nitrate plants, so wisely located at Muscle Shoals, Ala., can only be expected by the farmers of the country provided that the cheap water power at Muscle Shoals is made available and with the least possible delay: Therefore be it

Resolved by the house of delegates (the senate concurring), First, that we, the members of the Legislature of the State of Virginia, most earnestly appeal to the President to order the construction of the great dam and development of hydroelectric power at Muscle Shoals to be started at once, so that with this cheap power the great nitrate plants now being constructed there for war purposes can be operated at full capacity in times of peace in the production of cheap fertilizers and in order that these nitrate plants, with cheap water power, will come to the relief of the labor and fertilizer burdens now weighing so heavily upon American agriculture.

Second, that we hereby petition the United States Senators and Members of the House of Representatives from the State of Virginia to use their most earnest efforts and best influence to secure the consent of the President to as speedily as possible proceed with the construction of the great water-power dam at Muscle Shoals, in order that cheap hydroelectric power may be as promptly as possible available for the operation of these nitrate plants in the production of fertilizers when these nitrate plants are no longer needed for war purposes.

Third, that duly certified copies of this concurrent resolution be sent to each of the Senators and Members of the House of Representatives from the State of Virginia.

Agreed to by house of delegates January 30, 1918.

JNO. W. WILLIAMS,
Clerk House of Delegates.

Agreed to by the senate January 30, 1918.

O. V. HAUGER,
Clerk of Senate.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

A bill (S. 1735) to create an additional judge in the southern district of Florida; to the Committee on the Judiciary.

A bill (S. 3317) providing for the removal of snow and ice from the paved sidewalks of the District of Columbia; to the Committee on the District of Columbia.

ADJOURNMENT.

Mr. FLOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Saturday, February 9, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speakers' table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriation required for the War Department for the fiscal year 1918 (H. Doc. No. 922); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Labor submitting supplemental estimates of appropriation required for the Department of Labor for the fiscal year 1918 (H. Doc. No. 923); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 8684) granting a pension to Louis Settles, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follow:

By Mr. STEELE: A bill (H. R. 9677) authorizing the several district courts of the United States to appoint official stenographers and prescribing their duties and compensation; to the Committee on the Judiciary.

By Mr. SHERWOOD: A bill (H. R. 9678) to amend section 1 of an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War and the War with Mexico," approved May 11, 1912; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 9679) to provide for the retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. HAMLIN: A bill (H. R. 9680) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii unless the qualified electors thereof repeal the provisions hereof; to the Committee on the Territories.

By Mr. THOMAS F. SMITH (by request): A bill (H. R. 9681) to create a national board of water conservation, to define its powers and duties, and for other purposes; to the Committee on Water Power.

By Mr. HULL of Tennessee: A bill (H. R. 9682) to provide against the depreciation in the market prices of certain obligations of the United States on account of artificial causes; to the Committee on Ways and Means.

By Mr. BOOHER: A bill (H. R. 9683) to employ prison labor for the production of war supplies and to authorize their purchase by the Federal Government; to regulate the compensation and hours of prison labor and fix standards; to prohibit the purchase of war supplies manufactured by prison labor under private contract; to limit the effect of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by prison labor or in any prison or reformatory; and to equip the United States penitentiaries and the United States Army prisons and disciplinary barracks and the United States naval prisons for the manufacture of supplies for the use of the Government; for the compensation of the prisoners for their labor; and for other purposes; to the Committee on Labor.

By Mr. MAHER: A bill (H. R. 9684) providing for a survey from Gravesend Bay to Sheepshead Bay and Rockaway Inlet; to the Committee on Rivers and Harbors.

By Mr. SIMS: A bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWARD: A bill (H. R. 9686) to establish engineering experiment stations in the States, Territories, and the District of Columbia in connection with State-supported universities or engineering schools for the promotion of engineering and industrial research as a measure of industrial, military, and naval preparedness in times of peace or war; to the Committee on Education.

By Mr. BRITTEN: A joint resolution (H. J. Res. 238) assigning to the various war appropriating committees of the Senate and House two Army officers and two Navy officers whose duty shall be to make personal observations of the military and naval operations in Europe and report same to said committees; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 9687) granting an increase of pension to William R. Brummett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9688) granting an increase of pension to B. Cecil; to the Committee on Invalid Pensions.

By Mr. DUPRÉ: A bill (H. R. 9689) for the relief of Celeste Doussan Bisset; to the Committee on Naval Affairs.

By Mr. FOSTER: A bill (H. R. 9690) granting an increase of pension to Christopher C. Estes; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 9691) for the relief of John J. Buckley; to the Committee on Claims.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 9692) granting a pension to Leontine M. Cremerieux; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 9693) granting an increase of pension to George W. Justice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9694) granting a pension to Thirza M. Dolph; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 9695) granting an increase of pension to William B. Bowdle; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 9696) granting an increase of pension to Rensselaer F. Delmot; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 9697) granting six months' pay to Katharine Taylor Dodge, widow of Charles Dodge, captain, United States Army; to the Committee on Military Affairs.

By Mr. MOORES of Indiana: A bill (H. R. 9698) granting a pension to Olive K. Jeffries; to the Committee on Invalid Pensions.

By Mr. OSBORNE: A bill (H. R. 9699) granting a pension to Sarah A. Dow; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 9700) granting a pension to Hans W. Hansen; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 9701) granting an increase of pension to Joseph Vincent; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 9702) granting a pension to William C. Crockett; to the Committee on Pensions.

By Mr. STEELE: A bill (H. R. 9703) granting a pension to Edward F. Stewart; to the Committee on Pensions.

By Mr. TALBOTT: A bill (H. R. 9704) granting an increase of pension to Charles N. Emich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9705) granting a pension to Mrs. Louisa Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9706) granting a pension to William Mason Jones; to the Committee on Pensions.

Also, a bill (H. R. 9707) granting an increase of pension to John R. King; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9708) to remove the charge of desertion from the military record of Matthew Thomas; to the Committee on Military Affairs.

By Mr. VOIGT: A bill (H. R. 9709) granting an increase of pension to Eugene L. Haughton; to the Committee on Invalid Pensions.

By Mr. WHITE of Maine: A bill (H. R. 9710) granting a pension to John M. Flynn; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 9711) granting an increase of pension to Peter Jennings; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Chamber of Commerce of the State of New York, urging severe penalties for spies and enemy agents; to the Committee on the Judiciary.

Also (by request), petition and argument, protesting against the Borland eight-hour day for Government clerks; to the Committee on Agriculture.

Also (by request), memorial of Missouri State committee, medical section, council of national defense, indorsing House bill 8937; to the Committee on Military Affairs.

Also (by request), resolutions of the Socialist Party, Local Queens, requesting the President and the Congress of the United States to take action to bring about an armistice among the warring nations on the basis outlined by the de facto revolutionary Government of Russia; to the Committee on Foreign Affairs.

Also (by request), resolution of the Pittsburg Hungarian Club, expressing sincere loyalty to the Government of the United States; to the Committee on the Judiciary.

Also (by request), resolution of the Thomas J. Clarke Branch, Friends of Irish Freedom, asking Congress to go on record as favoring the political independence in the form of the Irish Republic; to the Committee on Foreign Affairs.

By Mr. CAREW: Resolution of the Association of Lithuanian Patriots of America, urging the recognition of a free and independent Lithuania; to the Committee on Foreign Affairs.

Also, memorial of the Chamber of Commerce of the State of New York, urging more stringent legislation against spies and enemy plotters; to the Committee on the Judiciary.

By Mr. CLARK of Pennsylvania: Petition of Dr. N. C. Campbell, E. L. Hanson, C. G. Brevilier, F. L. Camp, and 25 others, praying for the passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. CURRY of California: Petition of several city officers, well-known citizens, and other residents of Stockton, Cal., in favor of increased salaries of Government employees whose classification is that of watchmen and laborers in United States post-office buildings; to the Committee on the Post Office and Post Roads.

Also, petition of several residents of Stockton, Cal., in favor of the alien slacker bill; to the Committee on Immigration and Naturalization.

By Mr. DALE of New York: Memorial of the Chamber of Commerce of the State of New York, urging more stringent laws for the punishment of spies and enemy plotters; to the Committee on the Judiciary.

Also, memorial of Brooklyn Free Kindergarten Society, urging the creation of a kindergarten division in the Bureau of Education; to the Committee on Education.

By Mr. FOSTER: Resolution of the W. H. L. Wallace Post, No. 55, Grand Army of the Republic, of Centralia, Ill., urging increase of pension to $50 per month; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Memorial of the Chamber of Commerce of the State of New York, for more stringent laws for the punishment of spies and enemy plotters; to the Committee on the Judiciary.

By Mr. HAMILTON: Papers to accompany House bill 9474, granting a pension to George H. Roberts; also papers to accompany House bill 9583, granting an increase of pension to W. K. Wakefield; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: Petition of citizens of Oakmont, Pa., favoring constitutional amendment prohibiting polygamy; to the Committee on the Judiciary.

By Mr. ROGERS: Memorial of the Lithuanian Naturalization Club, Lowell, Mass., asking for the restoration of the political independence of Lithuania; to the Committee on Foreign Affairs.

By Mr. SNYDER: Memorial of the Chamber of Commerce of Utica, N. Y., praying for the conservation and development of the idle water power of the country; to the Committee on Rivers and Harbors.

By Mr. TALBOTT: Proof relating to pension of Charles N. Emich; also evidence in support of a bill granting a pension to Louisa Moore; to the Committee on Invalid Pensions.

By Mr. VARE: Memorial of State Board of Agriculture of Pennsylvania, supporting the Weeks bill for the embargo on the importation of plants; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 9, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Washington, D. C., offered the following prayer:

Our Father who art in Heaven, as we approach another Sabbath we realize that all the blemishes on the closing week have been caused by man. How strange it is! Thou hast made plain to us Thy requirements and indicated the things of shame, and given us the freedom to obey Thee. Yet blindly or willfully Thy children dishonor their relationship to Thee. Vouchsafe Thy forgiveness for aught that any here have said or done that is sinful. And grant Thy continuing grace to help us to become clean and to reconsecrate our all to Thee. Build us up in moral fiber and quicken us in spiritual keenness, that through the work and influence of even the least of us Thy purposes may be carried on toward fulfillment.

Extend the answer to our prayer to all our fellow citizens and our governmental and military enterprises; to our friends, the allies; and even to our enemies.

And from each of us persons here present may there rise to Thee the spirit of the prayer of Dr. Bethune:

O God:
Pardon what I have been;
Sanctify what I am;
Order what I shall be;
And Thine
Shall be the glory;
And mine
The eternal salvation;
Through Jesus Christ, my Lord.

Amen.

The Journal of the proceedings of yesterday was read and approved.

DESIGNATION OF SPEAKER PRO TEMPORE TO-MORROW.

The SPEAKER. The Chair designates the gentleman from Ohio, Gen. SHERWOOD, to act as Speaker pro tempore to-morrow.

WAR-RISK INSURANCE.

Mr. SIMS. Mr. Speaker, I move to consider House joint resolution 235, extending the time for filing applications for insurance in the War-Risk Bureau from February 12 to April 12, 1918. I will say that a similar resolution, exactly like this in every respect, Senate joint resolution 128, has been passed by the Senate, and I ask that that Senate joint resolution be considered in lieu of the House resolution.

Mr. STAFFORD. I assume that the gentleman asks to have the Senate joint resolution taken from the Speaker's table and considered in the House.

Mr. SIMS. Yes. Let me state briefly that the time for filing applications under the War-Risk Bureau bill expires on the 12th of this month. On account of many applications not being received from the soldiers in foreign lands, it is necessary to extend the time.

The SPEAKER. The gentleman from Tennessee asks to have Senate joint resolution 128 substituted for House joint resolution 235. Is there objection?

Mr. STAFFORD. Reserving the right to object, I assume that the request of the gentleman is to have Senate joint resolution 128 taken from the Speaker's table and laid before the House.

Mr. SIMS. That is the request, and I was about to explain why it was necessary.

The SPEAKER. The matter is before the House, and the request is to take from the Speaker's table Senate joint resolution 128 and substitute it for House joint resolution 235. Is there objection?

Mr. STAFFORD. Let the Senate joint resolution be read.

The Clerk read as follows:

Joint resolution (S. J. Res. 128) granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917.

Resolved, etc., That the time within which application for insurance may be made as set forth in section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, is hereby extended, with respect to every person in the active war service as to whom the time for making application would expire before the 12th day of April, 1918, so that every such person may make application for insurance up to and including the said 12th day of April, 1918: *Provided*, That nothing herein shall be construed to effect an extension of the automatic insurance provided for in the said section 401 beyond the 12th day of February, 1918.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

House joint resolution 235 was laid on the table.

QUESTION OF PRIVILEGE—IMPEACHMENT OF A. C. WOLFE.

Mr. NELSON. Mr. Speaker, I rise to a question of high privilege.

The SPEAKER. The gentleman will state it.

Mr. NELSON. I offer the following resolution.

The Clerk read as follows:

Resolved, That A. C. Wolfe, United States district attorney for the western district of the State of Wisconsin, be impeached before the Senate.

POLITICAL PERSECUTION.

Mr. NELSON. Mr. Speaker, during the past few months I might have risen to a question of the highest privilege. Under the Constitution, as a Member of the House, I might have impeached a district attorney, who, being a Federal official, permitted his office to be used by others in a manner that I will not now characterize. I prefer to state the facts, and then leave it to Members to pass judgment upon them.

I have not so risen, and I do not now rise, to press this resolution of impeachment for the present. I introduce it now merely that I may discuss the case under the rules of the House.

So far as his removal from office is concerned, it is reported generally in the press of my State that the Attorney General has called for his resignation and named his successor.

I dislike exceedingly to invoke the ponderous impeachment machinery of the Constitution in a matter personal to myself, and I am loath to do anything that would look like taking petty revenge. But had any other person in my district been the victim of this political conspiracy I would have urged a congressional investigation looking to impeachment without a moment's hesitation.

WHY STATEMENT MADE.

I have delayed making any public statement until this case was definitely determined in the courts. The time has now gone by within which a writ of error might have been sued out. I did not wish to try my case in Congress or in the newspapers, but before a judge and jury. I would not make this statement in the House now but for the fact that the judge, in the proper discharge of his duty, found the indictment against me so utterly unfounded in fact and law that he directed the motion to quash, which gave us no further opportunity to present the facts to a jury.

I shall, therefore, do so now, generally, in order that by placing the facts on record I may more fully vindicate my character, the good name of my son, and inasmuch as I am a Member of this body, vindicate so far the honor of the House.

JUDGE QUASHES AND SQUASHES.

The proceedings in the case were interesting but brief. They were over in 20 minutes. An able, unprejudiced, and upright judge read the indictment against myself and my son, asked a few questions about the alleged facts and the interpretation of the law, and thereupon, with caustic comments, he proceeded promptly, pertinently, and peremptorily to put the case out of court. He understood the animus of the case. He not only quashed the indictment; He also squashed the district attorney. I will now read the decision itself that disposed of the matter. The court said:

In view of the fact that there is nothing in the act of Congress and in the proclamation of the President which calls upon citizens of the United States domiciled abroad, either temporarily or permanently, to come home, and, in view of the fact that all the activities of the defendants, so far as appears from the indictment, were prior to the passage of the draft law, it seems to me that a demurrer to this indictment or a motion to quash must prevail.

You have the order, Mr. Clerk, leave to withdraw the plea of not guilty and to file a motion to quash; and upon consideration of the motion to quash, and having heard the arguments of counsel, etc., the motion will be granted and the indictment quashed.

PROCEEDINGS IN COURT.

Let me first briefly describe the scene in court and then quote from the official record, so that you may understand the situation as it presented itself to the mind of an upright judge.

The trial was set for the morning of January 8, but Judge Carpenter had telegraphed that he could not arrive from Chicago until 1 p. m. He arrived promptly at that hour.

Looking around the court room, I saw that my friends had come from far and near, but I could see but few present of those who had worked so industriously to bring about my ruin. Perhaps conscience had told them to stay away. I think they also anticipated the outcome, for it was generally understood that it was "politics."

It was soon apparent that the judge, tall, stern, and commanding, with strong intellectual features, knew his business. No time was lost. He was there for justice and not for politics. He went through the long drawn conspiracy indictment like a prairie fire, making inquiries of the district attorney as to certain parts, and then, commenting aloud, he referred to one part as "inducement" and to another as "camouflage." He knew the law thoroughly. He met the district attorney on every fact and without quibbling or evasion made him face the law.

When the motion for continuance was made by Mr. Wolfe, the court interrupted:

The COURT. I assume that some of these gentlemen here are prospective jurors. Is it customary in this district to make motions of this sort in the presence of the jurors?

I think if there is any place for these gentlemen to sit temporarily that the jurors may be excused during this motion.

The district attorney then read a long affidavit alleging that a Miss Elizabeth Sweets was ill; that her testimony was necessary to prove that some time in April, more than a month before the draft law was passed, Byron had said in her presence that he did not believe in war and would not go to war. The district attorney also set forth that he wished further time to enable the Government to find out whether Byron Nelson had crossed the line when on his honeymoon in the Rocky Mountains near Watertown Lakes.

Mr. Jackman, who, with Mr. Crownhart, represented us, pointed out to the court briefly how immaterial and irrelevant these facts were and how the district attorney had used this same excuse about Byron's crossing the line to put off his trial on his first arraignment before Judge Sanborn. Mr. Jackman further told the court that the only reasons Mr. Wolfe gave a few days before the day set for the trial were that he was busy and wished to look after post-office sites in Madison and Mineral Point.

We asked leave to file counter affidavits setting forth the facts, and then this colloquy took place:

The COURT. Do you raise an issue of fact here?

Mr. JACKMAN. I raise the question as to the ground of this continuance.

* * * * * * *

Now, furthermore, the court undoubtedly is not familiar with the hodgepodge of politics up in the good State of Wisconsin, perhaps, but the facts with reference to that are set forth in these affidavits. This case has more or less of a political complexion.

The COURT. Not when I am here.

Mr. JACKMAN. I understand.

The COURT. These defendants are just like anybody else, and the Government is just like any other person.

Mr. JACKMAN. But it is being used for that purpose.

The COURT. Who is using it?

Mr. JACKMAN. It is being used by the press and other parties who are in politics.

The COURT. If the press is going too far we will have them in here.

Mr. JACKMAN. Well, I think they ought to be.

* * * * * * *

After a brief discussion as to the way to take up these cases, the court said:

Why not dispose of the Nelson, jr., case?

Mr. WOLFE. The evidence we are trying to get on his coming into the territorial limits of the United States is material.

The COURT. He is not charged here with anything except that on the 5th of June he failed to register in Madison.

Mr. WOLFE. But there is a question of fact and law to be determined, whether if he does come within the territorial limits of the United States, whether or not it is his duty or whether it is obligatory on his part to register.

The COURT. He is not charged with that. The grand jury have not charged here that he failed within five days after he returned to this country to register somewhere. You charge him with failing to register on the 5th of June in Madison.

Mr. WOLFE. Well, it is his duty to register in Madison.

The COURT. No; he was absolutely exempt, if the statements in the newspapers are anywhere near true that he was out of the country at the time the law was passed; then by the President's proclamation he did not have to be here on the 5th of June.

Mr. WOLFE. Well, there is a question of law there that ought to be determined.

The COURT. Well, that should be disposed of in advance of the trial, it seems to me.

Mr. WOLFE. The question of law should be disposed of.

The COURT. Well, what is the question of law? He is charged with failing to register. Now, what is the question of law? He did not have to register here, because he was not in the country when the act was passed. * * *

Mr. WOLFE. The question of law could come up on a demurrer to this indictment.

The COURT. The indictment is perfectly good. I assume that when the defense comes they will show that he was out of the country on the 5th of June.

Mr. WOLFE. Yes.

The COURT. That settles that case.

Mr. WOLFE. Well, I would like to have the court hold open that argument.

The COURT. What is the legal proposition?

Mr. WOLFE. The legal proposition is that the act of Congress requires citizens of the United States to register regardless of any——

The COURT. Supposing he had been in Paris.

Mr. WOLFE. Well, I say that is a question of law I would like to argue to the court.

The COURT. You can not dignify it by calling it a question of law.

* * * * * * *

Mr. WOLFE. The President's proclamation could not exempt him under the act of Congress.

The COURT. What did the act say?

Mr. WOLFE. The act made it obligatory on all persons to register.

The COURT. How about those outside the country at the time?

Mr. WOLFE. There was a matter of convenience given them to register.

The COURT. Just read the terms of that exception, if you have it there.

Mr. WOLFE. I have the letter of the Attorney General [handing same to the court].

The COURT. It is the act of Congress we have got to go on here.

Mr. WOLFE. The act of Congress we contend made it obligatory on all citizens of this country to register.

The COURT. The Attorney General seems to state it very plainly here: "The President may prescribe not inconsistent with the terms of the act. This language, of course, absolutely covers male citizens residing abroad as fully and to the same extent as it does male citizens residing in this country. Such persons are subjects of the United States, and as such owe it allegiance."

There is no doubt about that. They may be compelled to perform military service, and while the obligation can not be enforced against them, whenever and wherever the Government can lay hands on them. Now, they could not force this regulation of registration on the 5th of June last, because the Government could not lay their hands on him. They did not. Now, he was indicted for failing to register here. He did not have to, because he was not here and could not. It was a physical impossibility.

Mr. Jackman thereupon called the court's attention to the law, the regulations, and the rulings of the provost marshal. I now quote from the record:

The COURT. Let us take the second case first. I will call the conspiracy case the second case.

Mr. JACKMAN. Yes.

The COURT. Now, Mr. Wolfe, will you state briefly the things charged by the grand jury against the father and son, the Nelsons here, that amount to a crime against the United States? Just what did they do or fail to do? Assume that the young man did not want to go to war; assume that he hoped to evade serving his country and taking that part in the representing of her affairs that most young men would want to take; assume all that, that was his state of mind, and that he deliberately went up to Alberta with the knowledge, perhaps, that such a law would be passed—the draft law—and that he got there, the draft law was passed, it had certain provisions for registration in this country which it was a physical impossibility for him to comply with; and assume he stayed there a certain length of time, and that his father encouraged him; assume that the father knew all of this, and they went closely together as fathers and sons frequently do and should. Assume all that. Now, what is it they have done that has violated a statute of the United States? You see, I have got to look at this thing absolutely unclouded by what seems to be a very unfortunate state of affairs in Wisconsin—a state of affairs which makes it necessary for a Federal judge of a sister State to come here and hear matters that properly belong in this court. As I say, I am looking at this absolutely unclouded. There is no such thing as politics in it. A citizen of this district has been charged with a crime. Is he guilty or not guilty? If he is guilty, he will be punished. If there is no crime charged in this indictment I am going to set him free this afternoon.

Mr. WOLFE. That is the only attitude the Government assumes in this case, none other. The reason that the Government or the grand jury, perhaps, preferred an indictment against JOHN M. NELSON and his son Byron Nelson, is this: After April 6, when a state of war was declared to exist between the United States and Germany, under the act of June 3, 1916, all persons between the ages of 18 years and 45 years were members of the militia of the United States, and all citizens under the law not only owed allegiance but were subject at any time to be called into active military service as soon as Congress took such steps as it deemed proper and necessary to call the men into active military service.

The COURT. Are they charged with conspiring to violate that law?

Mr. WOLFE. No.

The COURT. Or the registration law?

Mr. WOLFE. No; but that comes in connection with the duty——

The COURT. That is inducement.

Mr. WOLFE. I am calling the court's attention to that law to show that at that time, after April 6, both the father and the son owed his duty to the Government.

The COURT. Oh, you can assume that every citizen of the United States owed that duty without any act of Congress—every normal citizen.

Mr. WOLFE. Now, the facts—the facts as the Government expects to prove them—were these: That after the declaration of war Byron Nelson and his father, with others, entered into this unlawful agreement to have Byron Nelson evade any duty that he owed to the Government under this law and any regulation or law that would be passed thereafter.

The COURT. Is there any statute which makes it a crime to conspire together to violate some law to be passed in the future?

Mr. WOLFE. No; but I mention this as the agreement, and this agreement was a continuing agreement from that time on. It continued in force after the draft law was passed on May 18, 1917.

The COURT. Well, now, what overt act do you charge done by either one of the conspirators after the passage of the draft law or the registration law? Because under our statute of conspiracy now there must be some overt act in pursuance of the conspiracy or there is no crime.

Mr. WOLFE. In pursuance of that unlawful agreement and conspiracy——

The COURT. Let us take the case of Nelson, sr. What do you expect to prove that he did after that?

Mr. WOLFE. He continuously after that time advised by letter and telegram, advising his son, both here, while the son was here in Wisconsin and after he left Wisconsin and went to Canada, to leave the State of Wisconsin.

This statement is absolutely untrue. See statement that follows.

The COURT. This was before the law was passed.

Mr. WOLFE. Enter into a partnership, as he called it, marry this young girl now his wife, and take a trip for the Northwest; that this not only might be sufficient to be successful in this enterprise, but it would furnish argument later on which might prove successful in evading the draft law.

This telegram related wholly to his marriage. Mr. Wolfe misconstrues and distorts its whole meaning and purport. See statement following.

The COURT. That is, a law to be passed in the future?

Mr. WOLFE. Yes.

The COURT. Let us assume all that. We have passed that point. We have got the law passed by Congress. What was done after that to carry out the conspiracy?

Mr. WOLFE. After that he sent a telegram to Canada, and while in Canada advised him not to register—a number of telegrams—not to take any steps until he had received his letter and had received further notice, and in one telegram he specifically said not to register.

Here Mr. Wolfe fails to tell the Court that these telegrams were sent in September because he was trying to browbeat and bulldoze Byron. Not one sent before June 5, 1917.

The COURT. Well, aren't we brought right face to face with this proposition, that in the absence of a direct call from the President or the Congress of the United States to our citizens domiciled abroad, under the terms of this act were they obliged to return to this country?

Mr. WOLFE. Yes; under the terms of this act——

The COURT. Now, just a minute. We have a lot of foreign residents; we had them in Mexico, we had them in France, in Italy, some in Germany, and a great many in Canada and in Great Britain. Now, was there anything in that law that required a man to come home, in the absence of a direct request from the President of the United States acting through some regulation of Congress?

Mr. WOLFE. It did not require him to come home, but it required him to register if he was within the draft age.

The COURT. It required him to register in some county in this country, and blanks for that purpose could only be found in this country. No provision is made there for putting his registration in a foreign mail box.

Mr. WOLFE. That provision is not in accordance with the act of Congress, if such an interpretation should be placed on that provision.

The COURT. Well, what is there in the act of Congress that operates outside of the confines of this country?

Mr. WOLFE. This provision right here, section 2.

The COURT. Supposing Congress provided that any American citizen who violated the police regulations in a foreign city should be guilty of a crime. Do you think that law would be good?

Mr. WOLFE. Well, that is probably of a different character.

The COURT. Well, now, wait a minute. Congress is now legislating for somebody that is in a foreign country, one of our own citizens to be sure. Now, what is there in that act that requires the citizen in a foreign country to come back here?

Mr. WOLFE. This provision, in section 2, after speaking of the draft: "Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act."

Mr. JACKMAN. What are you reading from?

Mr. WOLFE. Section 2, page 73.

Mr. JACKMAN. Of the selective-draft law?

Mr. WOLFE. Yes.

The COURT. Is it your contention that applies to citizens of the United States residing in foreign countries?

Mr. WOLFE. It makes no exception.

The COURT. I am asking you.

Mr. WOLFE. Yes; that is my contention.

The COURT. Suppose we had some in Australia. Would the district attorney in Madison, Wis., indict them because they failed to register?

Mr. WOLFE. If they willfully tried to evade the act.

The COURT. It is willfully attempting to evade the act if knowing the existence of the act you fail to carry out its purpose or conform to its provisions.

Mr. WOLFE. This is the provision in this particular case: that a person who leaves this country for that very purpose of evading this act, or has gone, that he is in a position where he can not complain; but the act of Congress makes no exception, but says: "Such draft as herein provided shall be based upon liability to military service of all male citizens, or male persons not alien enemies who have declared their intention to become citizens, between the ages of 21 and 30 years, both inclusive, and shall take place and be maintained under such regulations as the President may prescribe not inconsistent with the terms of this act." Now, there is not any exception made.

The COURT. But there is so much to be found in the balance of the act which indicates that it is meant to apply only to those citizens of the United States that are within her jurisdiction, that I can not see the foundation for your argument.

Mr. WOLFE. Section 5 continues: "That all male persons between the ages of 21 and 30, both inclusive, shall be subject to registration in accordance with regulations to be prescribed by the President."

The COURT. Suppose Congress said that every male citizen of the United States should pay a tax of $2 a thousand on his money in the bank; would that apply to citizens of the United States that were domiciled abroad—I mean in the absence of some specific language—even if it could be done? Would the general language cover it? Of course this is an unusual thing. Nobody dreamed that a thing like this could happen in this country. Now, we must construe that act with reference to normal conditions.

Mr. WOLFE. Section 5 continues: "And upon proclamation by the President or other public notice given by him or by his direction, stating the time and place of such registration, it shall be the duty of all persons of the designated ages, except officers and enlisted men of the Regular Army, the Navy, and the National Guard and Naval Militia, while in the service of the United States, to present themselves for and submit to registration under the provisions of this act; and every such person shall be deemed to have notice of the requirements of this act upon the publication of said proclamation or other notice aforesaid given by the President or by his direction; and any person who shall willfully fail or refuse to present himself for registration or to submit thereto as herein provided shall be guilty of a misdemeanor."

Then it concluded with this proviso: "*Provided further*, That in the case of temporary absence from actual place of legal residence of any person liable to registration as provided herein, such registration may be made by mail under regulations to be prescribed by the President."

I submit that a person who, with the intent of that particular thing in view, leaves this country and goes to Canada and stays in Canada, as the indictment alleges, that he failed to register at any time after

that time—after June 5—that then he willfully violates the law, especially if he was able to comply with it. The regulations themselves that were issued, section 65, does not make any absolute exception, but uses the words "may be unable to comply with the regulations pertaining to absentees."

The COURT. What are the regulations? Just see what they are and how utterly impossible it would be for one in a foreign country to conform to those regulations, indicating, as I say, that the act of Congress was meant to cover only those citizens of the United States within the jurisdiction of the United States.

Mr. WOLFE. But supposing the Government would be in a position to show that after the issuance of those regulations Byron Nelson did enter the territorial limits of the United States, so that he was in the United States; then it became his duty under these regulations——

The COURT. But he is not indicted for that.

Mr. WOLFE. But he is indicted for failing to register at any time after June 5.

The COURT. Let's see [examining indictment].

Mr. WOLFE. "Or any time thereafter."

Mr. JACKMAN. The conspiracy limits the overt act up to the 15th of June.

Mr. WOLFE. The charge is, "So then and there"——

The COURT. I am sorry I can not listen and read at the same time.

Mr. WOLFE. Oh, I beg your pardon.

The COURT. Now, the charging part says that prior to the 15th of June and on the 6th of April, 1917, they conspired together for the purpose of evading the duty of the younger Nelson to do what he might thereafter be told to do by Congress. That is what this section on page 6 of the indictment amounts to; and the father advised him to go. Where in this indictment is the charge that he returned to the United States? (See statement following.)

Mr. WOLFE. It does not say that he did return to the United States.

The COURT. We have to test the legality of this document by what appears in the eight pages; not by any fact that the Government may have otherwise.

Mr. JACKMAN. May I——

The COURT. Just a minute. * * * I want to ask Mr. Wolfe to be sure and advise me if he has called my attention to every section of the act of Congress which has to do with the registration of citizens domiciled abroad, or is there—I suspect there is not—but is there a single clause in the act of Congress or a single section in the proclamation of the President which refers definitely to American citizens that are outside the jurisdiction of the United States and indicates that the act of Congress and the President's proclamation should affect them?

Mr. WOLFE. There is not a single provision that particularly mentions those persons.

* * * * * * *

Mr. WOLFE. But the way I construe this regulation it is a mere convenience to the person affected by this regulation. The duty to register is absolute, but for such persons' convenience this regulation was issued. I say that for this reason: That it seems to me inconceivable that Congress could have had in mind such a law that it would permit persons to come and go, leave the country and come back again without those persons being required to obey this law.

The COURT. Well, I presume that he is now registered, isn't he?

Mr. JACKMAN. Yes, sir.

* * * * * * *

The COURT. The only charging part in this joint indictment is that on and prior to the 15th of June and after the declaration of the state of war between the United States and Germany the defendants conspired and combined together that for the purpose of evading his duty as a member of the national forces of the United States and to avoid the performance of any active military service the said Byron C. Nelson should depart from the territorial limits of the United States and should go to the Dominion of Canada. Now, that you see, while it is very seductive to have the date the 15th of June in there, it is a sort of camouflage that makes us overlook for a moment just what these defendants really did, but when we get down a little further we find that all they did in pursuance of that conspiracy was to counsel the young man to depart the United States prior to the passage of the law, which we know was on the 18th of May. Therefore this all took place prior to the passage of the law, and that is the fact. What I want to find out is what they are charged with subsequent to that?

Mr. WOLFE. They are charged subsequently with a continuance of this agreement.

The COURT. Well, where is it? I can't find it.

Mr. WOLFE. It is in there.

The COURT. It says: "Having entered into the conspiracy and in furtherance thereof, the said Byron C. Nelson, upon the continued counsel and advice of his father, did continue to remain beyond the territorial limits of the United States from the 2d of May, 1917, and after the passage and approval of said act of Congress of May 18, 1917, and the proclamation of the President of the United States issued in pursuance thereof."

In other words, the father counseled the boy that once he was away to stay away. There is no charge here at all that he ever returned to the United States at any time. We get right back to the original proposition; that indictment charges the defendants with a conspiracy to violate a law to be passed at some time in the future by the Congress of the United States. That is the only definite thing in it.

Mr. WOLFE. And then the continuation of that advice after the law was passed.

The COURT. Advising him to stay there.

Mr. WOLFE. Advising him to stay there and not register as required.

The COURT. While he is over there. In other words, advising him that once he is out of the country that he can stay there.

Mr. WOLFE. Not to register, as we contend he must under this act.

The COURT. Nothing in that act from which we can anywhere near require the young man to register from a foreign port or from a foreign city—absolutely nothing.

Mr. WOLFE. In submitting that letter of the Attorney General, perhaps that more clearly states the fact.

The COURT. It is a very interesting letter, and, of course, is entitled to a great deal of respect, but I think he does not pass upon what I think is the controlling question in this case.

* * * * * * *

In view of the fact that there is nothing in the act of Congress and in the proclamation of the President which call upon citizens of the United States domiciled abroad, either temporarily or permanently, to come home, and, in view of the fact that all the activities of the defendants, so far as appears from the indictment, were prior to the passage of the draft law, it seems to me that a demurrer to this indictment or a motion to quash must prevail.

Mr. JACKMAN. Now, may it please the court, does that apply to both of these indictments?

The COURT. I do not know what the Government wants to do with this other case. As I said before, this indictment——

Mr. WOLFE. I suppose that the Department of Justice in Washington would like to have this matter heard before the higher court.

The COURT. It is a criminal case, and I am not familiar with it. Is there a statute here so that it can be reviewed?

Mr. WOLFE. Oh, yes; that is the reason I desired to have this put in a demurrer.

The COURT. It is a great deal better to do it in this way.

Mr. WOLFE. Because this is an important matter.

The COURT. Because if I should take this case away from the jury, as I undoubtedly would, being of this kind, then the Government could not appeal.

Mr. WOLFE. No; that was the point I made.

The COURT. So we will have a formal order here permitting the defendant to withdraw his plea of not guilty and demurring to the indictment or motion to quash.

Mr. JACKMAN. In the case of Byron C. Nelson and John M. Nelson——

The COURT. I think the other case I will leave for the Attorney General to dispose of by order of nolle pros, because, as I said before, it is a good indictment; you can not demur to it.

Mr. WOLFE. No; but it involves the same proposition of law.

The COURT. And it involves the same proposition of law and it involves the same facts.

Mr. WOLFE. And the Attorney General, I suppose, probably would like to determine that for himself; and if this is to be done this way, probably there ought to be a formal demurrer.

Mr. JACKMAN. I am now filing in the case of the United States *v.* John M. Nelson and Byron C. Nelson a motion to withdraw the plea of not guilty heretofore filed for the purpose of filing a motion to quash the indictment.

The COURT. That is all right.

Mr. JACKMAN. And I am now filing a motion to quash the indictment against Byron C. Nelson and John M. Nelson upon the ground that the indictment upon the face does not constitute facts sufficient to constitute a crime.

The COURT. That is just the same as a demurrer.

Mr. JACKMAN. I understand a demurrer is not proper.

The COURT. It is not under the equity rules, but I imagine that anything that properly raises the question and presents it to the court of appeals will be sufficient.

Mr. WOLFE. I would like to have the record in such shape so that the department——

The COURT. Oh, an exception will be preserved to the Government. I do not know as it is necessary.

Mr. WOLFE. No; it is not necessary, but I want to be in a position so that we can notify the Attorney General. In matters of this kind the United States attorney usually notifies the Attorney General, and the department determines whether——

The COURT. Whether they want to take it up or not.

Mr. WOLFE. Yes.

The COURT. The court of appeals is now in session in Chicago, and the record, I take it, would take less than a day to have printed.

Mr. WOLFE. But we have to get the ruling of the Attorney General before we take a step of that kind.

The COURT. You have the order, Mr. Clerk, leave to withdraw the plea of not guilty and to file a motion to quash; and upon consideration of the motion to quash, and having heard the arguments of counsel, etc., the motion will be granted and the indictment quashed.

Mr. WOLFE. And the Byron Nelson case——

The COURT. That will rest just the way it is. I will not dispose of that at this time.

Mr. JACKMAN. This young man is registered, and he has a large farm up there, and he is the active man in charge.

The COURT. Well, I think the Attorney General would not have any objection to his departing the jurisdiction of the court if the court did not. I certainly won't have any objection to his going back to Canada.

Mr. WOLFE. I haven't any.

Mr. JACKMAN. He is subject to a call at any time. Now, that case, as I understand, is to stand in statu quo.

The COURT. As I say, the Government may nolle this case in 2 days or 30 days, depending upon what happens to the other, because if the facts won't support the conspiracy case, they won't support the case against the boy.

Mr. WOLFE. They are all grounded on the same question of law.

The COURT. Yes.

This ended the case. The court adjourned. The judge was soon on his way back to Chicago. Newspaper men could hardly grasp, not to say write up, what had happened. Attorneys and clients alike could scarcely realize the full significance of the strange scene we had witnessed. Friends crowded around to shake our hands and to tell us with tears in their eyes how glad they were. Many denounced the persecution bitterly as "dirty politics." One thing is certain—I hope no friend of mine will ever go through an experience like it. In politics men do strange things, and I have gone through many campaigns where my political foes sought to win by using unfair means, but this far surpassed them all in heartless, unjust, and oppressive use of power.

THE BURDEN OF OUR OFFENSE.

Now what was the burden of our offense? My son has a father who is a Member of Congress. For this reason only he is singled out among thousands of Americans abroad of draft age for persecution. As his father is a Member of Congress, it is great stuff for sensational headlines. And that is my offense. Moreover, I vote as I think right, in the fear of God and not man, and, as it is suspected that I may be reelected, desperate means had to be resorted to, and were.

A district attorney was by various indirect and subtle means induced first to swear out a warrant, and then later to go be-

fore a grand jury that was influenced by unfriendly newspaper criticism, and ask for my indictment on a conspiracy charge under a distortion of the facts and an absurd statement of the law.

THE FACTS IN THE CASE.

Now, these are the facts in the case as we were prepared to prove them. I am president of the John M. Nelson Co. (Ltd.), and as such I am temporarily interested in a large farm in Canada. When I took hold of this project, more than five years ago, through my willingness to aid two brothers who had made unfortunate financial investments, I got so entangled with them that I had to get into this foreign business field far deeper than I had ever expected, in order to save them and myself from great financial loss. I thought that I was discharging a brotherly duty, but here was the beginning of this conspiracy.

During these five years in my connection with this farm I have learned some lessons. Among these I mention the fact that it is easier to get in than to get out of a foreign investment, and that farming by proxy 2,500 miles away through hired managers and workmen is not as profitable a business enterprise as to invite general envy.

Looking about, therefore, for some one upon whom I could rely to represent me I quite naturally turned to my son, now 24 years of age. Four years ago, with this thought in mind, I sent him to Canada to spend the summer. During his past three years at college I directed him to take up farm studies; and a year ago last fall when I returned to Madison, where he was attending the State University, I discussed with him quite fully our mutual understanding that he was to go to the farm after graduation in June to do farm work and to prepare himself as manager, so as to relieve me in large part of this burden.

Naturally, I thought that this was merely a family arrangement for sharing burdens and responsibilities, but according to the district attorney this was a continuance of this conspiracy.

HIS GOING NO SECRET.

In November, 1916, a graduate of the University Agricultural College by the name of P. C. Strelow was engaged by us as manager and Egbert Stondall and wife as assistant and cook on the farm. My son bought their railroad tickets for them, saw them off at the station, saying that he would be with them in the spring. After Mr. Strelow had been on the farm a month or two he reported to me that because of the drain upon men for the long war hired help would be high and scarce in Canada. He feared that he would have difficulty in getting the necessary labor to put in the crops. Thereupon, I wrote to my son, urging him to look up farm labor, so that we might send men there if needed; and I told him to arrange to take with him others when he went out in June after graduation.

In the meantime, Byron was enthusiastic over his going to Canada, not only because he wished to relieve me of this burden but also for the reason that the university physicians had told him the dry air would cure him of a throat trouble, and in our family circle it was thought that a few years on a farm would be most helpful, physically and otherwise, for his theological course. Byron had some years previously decided upon the ministry as his calling. With enthusiasm he discussed his going to Canada with all who would listen—his fellow students, his teachers, his relatives, and especially with the members of the family of the young lady whom he was engaged to marry.

If his going was the overt act in a conspiracy he certainly did not keep it secret; and at the trial a dozen witnesses were present to testify to the fact that his going to Canada was planned long before we ever dreamed that the United States would be drawn into the world war.

MARRIAGE PLANS AND WAR.

The district attorney failed to include a very notable person in this alleged conspiracy. In song and story he is called Cupid. He is the real culprit, for he put the secret service agents on the wrong scent.

During the month of August, 1916, Byron became engaged to a young lady with whom he had grown up and attended college. He became engaged with our consent and with the knowledge and consent of her parents. Formal announcement of the engagement was made in December, 1916, and was published in the papers of the city of Madison. It was no secret. His companions at the university all knew of it; the families knew of it; and their friends all knew of it.

It was arranged at the time that they should be married immediately after Byron's graduation from the university in the spring of 1917 and upon the completion of the contract which the young lady had for teaching in the Young Women's Christian Association at Indianapolis. She had graduated from the university in the spring of 1916. So the young folks planned, but "the course of true love never did run smooth" and great things were about to happen to disarrange their plans.

April 6, 1917, the United States went into the war.

STUDENTS IN WARTIME.

The events that preceded and followed the eventful day that the President read his message to Congress directing a declaration of war are known to us all. At the great universities of the land the students became restless and uneasy. My son wrote me that he could not study. No one was trying to do so. Good students who had formerly received high marks abandoned their work; companies were formed; the boys were drilling; the spirit of unrest permeated the classes.

APPEALS FOR FOOD PRODUCTION.

On the 14th of April the Hon. Emanuel L. Phillip, governor of the State of Wisconsin, issued a proclamation which was headed in the press: "Governor issues proclamation declaring man who works with hoe a patriot" and stating in substance that battles are won with bread and urged the farmers to plant every available acre of ground.

On April 16, 1917, President Wilson issued his "address to fellow countrymen," calling attention to the necessity for increased food supply and stating:

> Thousands, nay, hundreds of thousands of persons otherwise liable to military service will of right and of necessity be excused from that service and be assigned to the fundamental, sustaining work of the fields, factories, and mines, and they will be as much a part of the great patriotic forces of the Nation as the men under fire.

UNIVERSITY ACTION.

Following this and on the 17th day of April, 1917, the faculty of the College of Agriculture of the University of Wisconsin passed the resolution which reads as follows:

> Whereas there exists a marked shortage of the world's food supply and our Council of National Defense is looking to the agricultural colleges in this crisis for help in increasing State and National crop production, the faculty of the agricultural college of the University of Wisconsin recommends action as follows:
>
> That all senior, junior, and second year middle course agriculture students be released immediately from academic work for service in food-production campaign;
>
> That all students who normally graduate either now or at the close of the summer session be given their diplomas at the appropriate times if they enter at once upon and continue up to the time of graduation in food-production activities; and
>
> That any student, accepted for this service under the conditions specified below, may receive the total number of credits for which he is at present enrolled. Credit will not be necessarily given as for a particular course but when it is prerequisite for further work for the course later, for which he may receive additional credit. * * *
>
> Any student enrolled in this service in order to receive credit must continue in such service until the opening of the college of agriculture in 1917, unless excused by the committee hereinafter provided. He shall furthermore make such reports and present such evidence as shall be necessary to determine the character of the service performed to be such as to warrant credit. * * *
>
> It is also recommended that a committee to be known as the war council of the college of agriculture be appointed by the dean and that he shall be ex officio chairman of said committee. This committee shall administer the foregoing provisions and other pertinent matters. * * * It is further recommended that the faculty of the college of agriculture urge upon the other faculties of the university the seriousness of the food-supply situation and recommend to their consideration the possibility of such action as will stimulate the cooperation of individuals fitted to render specially valuable service in increase of food supply.

This resolution was printed and had wide circulation through the press in Wisconsin.

A few days later and on the 23d of April, 1917, the faculty of the college of letters passed the following resolution:

> *Resolved*, That the faculty of the college of letters and science recognizes the public-service character of agricultural work at this time and approves of the release of students from attendance during the remainder of the semester under conditions substantially the same as those adopted by the college of agriculture. The administration of this grant of absence is left with the executive committee of this college acting in conjunction with the appropriate committee of the college of agriculture.

This resolution was likewise given wide circulation.

On the 25th day of April, 1917, the regents of the university adopted the following resolution:

> *Voted*, That the action of the president of the university and the faculty in releasing members of the faculty and students of the university from their customary work in permitting them to work in the interest of better preparation for war in this State be approved.

STUDENTS RESPOND.

Immediately after the passage of the resolution by the college of letters and science my son, Byron, with about four hundred other students, made application to the proper authorities in the regular manner prescribed by the university faculty to be allowed to go on farms to work. The matter was taken up by the war council. He was granted permission to go on the farm. In the application he stated where he was going and what he expected to do. He filed his reports, sending them to the proper officers, down until the 1st of October, in compliance with the resolution of the faculty, and he was given his degree.

Furthermore, on the 10th of June, 1917, he received a letter from the president of the university which reads as follows:

> The university has decided to give an insignia to all students who take part in war service, whether military, food production, industrial, or otherwise. In accordance with this plan there is inclosed herewith a badge to which you are entitled.
>
> Very truly, yours, CHARLES R. VAN HISE, *President*.

This is the badge. It is of bronze in the form of a shield. In the center is the coveted initial W; around this W are the words "University of Wisconsin" and below in larger type "War service."

Previously my son's name had been published in the local newspapers on a "roll of honor."

LONG BEFORE LAW PASSED.

In response, therefore, to the appeals of the governor, the President, and other public men, my son, knowing the need of help upon the farm, after stating his purpose to me by letter and with my approval, under the direction of the university faculty offering him credits as if in attendance at the classes, left for Canada May 2, 1917, taking with him a friend and fellow student, William Chandler, to work upon the farm.

When Byron and Chandler left Madison for Canada they went for the good and sufficient reasons stated, and not as charged to avoid the draft. The draft law had not been passed. No one knew for certain that a draft law would be enacted. Certainly no one was advised as to the provisions of the regulations which were to be promulgated if the law passed, and therefore no one could possibly know the manner in which the draft was to take place.

YOUNG FOLKS WILL MARRY.

While, therefore, the war had not hindered but rather helped his going to the farm in Canada, Byron was nearly distracted over its serious disarrangement of his marriage plans. I voice a universally recognized truth when I say that no red-blooded boy at the age of 23 accepts with undisturbed emotions happenings, however grave, that threaten to postpone indefinitely his marriage day. My son was no exception to the rule.

He was frantic over the uncertainty of things. All sorts of rumors were afloat. He bombarded us with letters and telegrams—all about his marriage tribulations. One day I received a special-delivery letter and a telegram, because he had heard that Congress was about to pass a law prohibiting marriage by persons of military age until after the war. These telegrams the secret-service agents obtained and, of course, misconstrued. Sympathizing with the young folks in their distress, I at first advised marriage whenever her parents would consent, but subsequently, upon calmer consideration, I strongly dissuaded such a course, pointing out to the young folks how the newspapers would misrepresent their motives. In short, acting under the sober advice of the respective parents, and as the young lady disliked to break her contract as a teacher, they decided to postpone the marriage until after his return in June, if he was under the draft, as he expected, or if no conscription bill passed she would go to Canada to him, as they had fondly planned during the winter.

Subsequently it transpired, as I shall soon relate, that being a resident abroad, he was not required to register June 5, the time being wholly voluntary with himself, so upon the completion of her work as teacher, in order to save the loss of labor and the expense of his returning to the United States, and especially to keep his agreement with the university faculty to work on the farm until October, it was arranged that they be married in Lethbridge, Canada. Her parents attended the wedding, going from the farm to the Glacier National Park on a summer vacation. My son and his bride took a few days off for their honeymoon, and thereupon both returned to the farm, went to work, and remained there until he came back in October under circumstances which I shall state. At no time after he left the university on the 2d day of May, 1917, down until the time when he returned and registered was my son within the territorial limits of the United States.

BYRON TRIES TO REGISTER.

That my son did not go to Canada to avoid the draft, and that I did not direct him to do so, will now conclusively appear. Several letters were received by me at Washington from my son, asking what was necessary for him to do with reference to registering and urging us to keep him informed. I told my secretary, a Wisconsin man, subject to registration, to look up Byron's case as he attended to his own. When the President's proclamation was issued, providing for registration by absentees, I asked my secretary to go to the district board to procure a card for my son. As it takes six days for a letter to reach Spring Coulee, Alberta, Canada, from Washington, my son, without waiting for us, had written a letter to the county clerk of his home county asking that a registration card be sent him. His friend and fellow student, Chandler, had received a card from his father by mail. This card was shown Byron and Mr. Strelow, and on Sunday, May 27, Chandler filled it out. How this card was obtained under the regulations I do not understand. It was clearly contrary to the regulations for clerks to give out blank cards. Byron and Strelow sat down and each wrote a letter directed to the county clerk of Dane County, Madison, Wis., in which they stated in substance the facts called for in Mr. Chandler's card. Mr. Strelow took these letters, together with other letters written on the same date and the one inclosing the registration card of Chandler, and on the morning of the 28th of May mailed these letters at Spring Coulee, Alberta, Canada. Mr. Chandler's card reached his district board, but Byron and Strelow never received any response to their letters. At the trial this fact would have been proven by seven witnesses.

TOLD HE CAN NOT REGISTER.

In the meantime my secretary at Washington reported to me that he had obtained his card from the district board, but that he was unable to get any card for Byron, because of the fact that he was outside of the territorial limits of the United States. He said that he had been referred to the Provost Marshal's office, that he had made inquiries from that office, and had been informed that no card could be given him, for the reason that no provision had yet been made for the registration of Americans outside the territorial limits of the United States, and that consequently there was no method whereby they could register.

Three days later, the 25th day of May, in order to verify the statements of my secretary, I personally made inquiry from the office of the Provost Marshal General and was informed by the officer in charge exactly what my secretary had reported, and I was further advised that if I would look at section 65 of the regulations I would find that persons outside the territorial limits of the United States were not required to register until five days after their return to the United States.

I sent to my son a copy of the regulations, together with a statement as to what I had been told by the Provost Marshal's office.

If the writing of that letter and the sending of this information was a conspiracy, the Provost Marshal who framed the law and the regulations should have been indicted as the chief conspirator!

PROVOST MARSHAL'S RULES.

Later, on the 12th day of June, 1917, the Provost Marshal General issued what is known as Form 15, headed "Information as to registration of American citizens resident abroad," and to which form was signed the name of the Provost Marshal General. The first section of this form provides as follows:

> At the present time (June 12, 1917) the registration of American citizens resident without the jurisdiction of the United States is not compulsory.

After the newspaper reports with reference to the action of the district attorney at Madison had been called to my attention, I personally went to the office of the Provost Marshal General, and on September 1, 1917, I received a letter from the Provost Marshal General signed by Harry L. Watson, captain of the Seventeenth Cavalry, which reads as follows:

> With reference to the registration of persons residing in Canada or elsewhere without the jurisdiction of the United States, the statements contained in the bulletin, Form 15, hereto attached are still correct.

LAW AND REGULATIONS.

At the time of my inquiry at the Provost Marshal General's office, May 25, I was referred to certain sections of the registration regulations, and I examined these myself. Section 5 of the act of May 18 provides that all male persons between the ages of 21 and 30, both inclusive, shall be subject to registration in accordance with the regulations to be prescribed by the President. The latter part of the same section provides that—

> In case of temporary absence from actual place of legal residence of any person liable to registration as provided herein, such registration may be made by mail under regulations to be prescribed by the President.

In the registration regulations promulgated May 18, 1917, by the President, section 2 provides, among other things:

> These regulations pertain only to the registration of all male persons in the United States, the Territories, and the District of Columbia, between the ages of 21 and 30, inclusive, and are published for the direction and guidance of all concerned.

Section 6 provides that all correspondence relating to the execution of the act shall be addressed to the office of the Provost Marshal General.

Section 64 provides for the machinery whereby persons in the United States in States distant from their own State may apply to the proper officers in the county or city, but no provision is made of any kind in the regulations of the President in cases

Christian Association at Indianapolis. She had graduated from

officers, down until the 1st of October, in compliance with the resolution of the faculty, and he was given his degree.

written a letter to the county clerk of his home county asking

made of any kind in the regulations of the President in cases

where a person is outside the territorial limits of the United States.

Section 65 provides:

Registration of persons at sea or abroad: Male persons within the designated ages who, on account of absence at sea or on account of absence without the territorial limits of the United States may be unable to comply with the regulations herein pertaining to absentees, will, within five days after reaching the first United States port, register with the proper registration board, or as herein provided for other absentees.

My construction of these regulations and of the law at the time was in accord with the instructions received from the Provost Marshal, also a memorandum from the Secretary of War to the Secretary of State in which he says that registration on the part of citizens abroad has not been made compulsory, and the printed instructions to consuls by the Secretary of State, in which he informs them that registration on the part of citizens abroad is wholly voluntary.

This construction is further absolutely confirmed by the selective-service regulations prescribed by the President under date of November 8, 1917. Section 53 of these regulations provides, among other things:

Citizens or persons who have declared their intention to become citizens who have not hitherto registered on account of absence without the territorial limits of the United States are required to register within five days after their return to the United States.

Section 56, headed "Registration of persons residing abroad," contains, among other things, the following language:

Citizens and persons who have declared their intention to become citizens, residing abroad, are not required to register.

A REMARKABLE OFFENSE.

In short, Mr. Speaker, my son had gone to this farm in Canada before the draft law was passed, under the auspices of his university, responding to the call of the governor of the State and the President of the Nation to all patriotic citizens to produce food for the country and her allies, for which service my son received a letter of praise and an insignia in bronze from his university as a memento of his patriotism; yet he was indicted for a dereliction of duty, and I was indicted for transmitting to him rulings received from the Provost Marshal General, who was authorized to make such rulings by the President of the United States under the act of Congress.

NATURE AND PROGRESS OF CASE.

The question naturally presents itself, Why did the district attorney do it? Who were behind him, urging him on, and using him to accomplish their political ends? These questions have been put to me often by men who know that political persecutions of this kind are not carried on unless people in places of power or influence are back of them. I will, therefore, set forth the nature and the progress of this case in some detail.

WAR AND POLITICS.

I have the honor to represent the capital city, and I live at Madison, where the State capitol is located. It follows from this fact that in my home city are some goodly number of politicians, in and out of office, who take a lively interest in politics.

Some of these leading politicians, not friendly to me politically, served on the grand jury. The district attorney, of the opposite political party, was a stranger to me, but associated closely with my political opponents.

Until very recently there were only two daily papers in my home city, one of the opposite political party, and as such quite naturally takes a shot at me from time to time. The other used to be of my party and was edited by a friend, who turned against me because I did not fully share his views. He permitted my enemies to use his columns freely for hostile communications, and from time to time he directed his editorial batteries at me.

This hostility began soon after my vote on the so-called armed neutrality bill. A number of men who have been opposed to me in factional politics, representatives of the local public-service corporations and other financial interests, started an agitation that was taken up by this daily newspaper. This agitation resulted in organizing what they called the "Never-again Nelson Club," and these political enemies went so far as to have celluloid buttons made with the letters N. A. N. printed on them. This action was supposed to result from my vote against the armed neutrality bill.

As a result of this agitation the faculty of the university sent me petitions, a large parade was organized, lengthy resolutions were sent by wire, and generally the utmost pressure brought to bear to secure my vote for war. But I did not so vote.

After war was declared, it being now the question of being loyal to the law of the land and to the flag of our country, I supported, with one or two exceptions, the President's entire program. This fact was either carelessly overlooked or purposely ignored by these prejudiced people.

STIRRING UP SECRET SERVICE.

The opportunity that my political enemies were looking for presented itself in this way: During the month of August, 1916, this newspaper learned that my son, Byron, was in Canada; that he was not registered, and had recently been married. The account of his marriage was written up in a way to convey the suggestion that he had gone to Canada to escape the draft. This paper thereupon began to print statements alleged to come from the United States district attorney, Mr. Wolfe, with reference to my son being in Canada and not registered. These stories were continued from day to day, and finally the paper printed the sensational news item that the district attorney intended to swear out a warrant for my son's arrest.

Prior to that time, after war had been declared, a number of Secret Service men had been sent to Madison, the chief of whom was a Mr. Spencer. They sent a telegram to the Bureau of Investigation at Washington inquiring if my son had registered in the District of Columbia. I was called up over the telephone and gave them generally the facts that I have stated to you. Later, in answer to a letter, I sent the bureau a statement giving detailed information.

AT OFFICE OF ATTORNEY GENERAL.

A week or ten days later I learned from the Associated Press that the district attorney had sworn out a warrant for my son's arrest. I thereupon went to the Department of Justice to consult this Mr. Keen, with whom I had talked over the telephone. He took me up to the Assistant Attorney General, Mr. Fitts, who has charge of the criminal division of the department. After I had stated the facts to them, Mr. Fitts said:

Well, Mr. Keen, if this young man was in Canada more than two weeks before the law passed, how could he violate the law?

They asserted emphatically that the action of the district attorney had not been directed by them, and assured me that they would ask him to report on the case at once. Subsequently I presented a statement in the form of a letter to the Attorney General, stating the facts and the law in detail, citing the rulings of the Provost Marshal, the memorandum of the Secretary of War, and the instructions to consuls from the Secretary of State, and a copy of this letter was sent to the district attorney.

At my interviews with Mr. Fitts I found him frank, fair, and just. He gave me emphatically to understand that he failed to see how the district attorney could charge my son with violation of the law. He inquired of me who was back of this prosecution, advised me to go home, it being near the end of the session, to see who was stirring up the matter.

PATRIOTISM AND POLITICS.

My presentation of the law and the facts to the district attorney put an end to the persecution, so far as I could observe, for a period of six weeks. But during this time Mr. Wolfe and the secret-service agent, Mr. Spencer, were importuned by my political foes on the streets and over the telephone; newspaper reporters, unfriendly to me, came to interview them day after day on the Nelson matter, asking what they intended to do, and why they did nothing. Telegrams were sent to Washington to the Department of Justice by the chairman of the State Council of Defense for the State of Wisconsin, and by the secretary of the Dane County Council of Defense, urging the prosecution of my son. Both of these men have been for years members of a faction opposed to me. It is a most significant fact in this connection that on the 31st day of December, 1917, but a few days before the time set for the trial at Madison for conspiracy against Byron and myself that the chairman of the Dane County Council of Defense announced himself as a candidate for my seat in Congress. How much the chairman knew of the action of his secretary I can not say; but the fact is that the secretary telegraphed in the name of the Dane County council.

ANOTHER OPPONENT'S PLATFORM.

Previously another severe critic had announced his candidacy for my seat, using as a defense of his action an alleged newspaper interview. I present it here as an interesting specimen of the newspaper persecution I had to endure. The regular reporters of the newspaper associations were generally fair. I gave each of them a brief statement at the time the district attorney swore out his warrant against my son, showing his innocence of the charge. But two days later a reporter tried to interview my wife over the telephone on the subject of "conscientious objectors." She declined to be interviewed and told him to await my arrival. Upon my return home after a session of Congress this persistent fellow called me up. I told him that I would give out no interview. He said something offensive, and so I

promptly hung up the receiver. This is the dispatch that he sent out to the newspapers of the country and printed in my home paper:

WASHINGTON, *August 31, 1917.*

Congressman NELSON, Wisconsin, today said that both he and his son, whose arrest as a slacker is threatened by Government officials, are "conscientious objectors." Further, he admitted he gave his son advice to go to Alberta wheat farm to escape military service.

Not only did this false interview bring out a candidate for Congress against me but I was threatened by a very prominent lawyer of my home city until I had explained to him by telegram that the item was sheer fabrication. This is the telegram I sent:

Statement false, defamatory, illicious—a willful reporter's deliberate lie.

GETTING BEHIND GRAND JURY.

My statement of the facts and the law had also put a stop to the newspaper propaganda. Very little was published about the case. But on the 20th of October, a month and 20 days after Mr. Wolfe had sworn out the warrant, he announced to the reporters that the grand jury, then in session, had indicted my son on the same charge.

Just why the district attorney did nothing after learning of the provost marshal's ruling, having sworn out his warrant September 1, and then presented the matter to the grand jury more than a month afterwards, I never could understand unless it be that he could not withstand the pressure. At any rate, I had gone home for the brief vacation taken by Congress, and at once, upon learning of the indictment by a grand jury, I decided that the best course was to end the matter by telegraphing my son to return, to register, and then to demand an early trial. Without any warrant being served on him, he returned, registered, and was assigned the serial No. 4456 and order 1284 A in full compliance with the act of May 18, 1917, and section 5 of the President's regulations.

A plea of not guilty was thereupon entered and an immediate trial asked for, to which the district attorney refused his consent.

REPORTERS AND POSTPONEMENT.

After I had returned to Washington for the December session I learned from the newspapers, November 28, that the district attorney had also secured from the grand jury an indictment of me and my son for conspiracy. Before either of these indictments were served or before any intimation to either myself or my attorneys, and before these indictments were actually filed in the United States court, the district attorney called the reporters and gave to them a full statement with reference to the indictments. My attorney had surmised from his talk with the district attorney and the secret-service agent that they were also trying to get an indictment against me, for it was rumored at the courthouse that the one they were after was not the boy but the father. District Attorney Wolfe was specifically asked by my attorney if any action was taken by the grand jury against me that notice be given to my attorneys immediately upon the return of the indictment. The district attorney made the promise to do so, but he failed to keep his promise. My attorneys learned of my indictment from the newspaper reporters. Upon being told by the newspapers of the action of the grand jury I immediately went to Madison and my son again immediately returned from our farm in Canada, where he had gone with full permission and knowledge of the local draft board and of the United States district judge. A plea of not guilty was entered, and a motion made for an immediate trial, not only in the conspiracy case but the motion was also renewed for an immediate trial in my son's case. Again the district attorney refused to give his consent.

CASE SET FOR TRIAL.

However, District Judge A. L. Sanborn stated that we were entitled to a speedy trial; that he did not think it proper for him to sit in the case by reason of the fact that his son, John B. Sanborn, who is an attorney in the city of Madison, had advised with reference to these cases with Mr. Spencer, of the Secret Service; that, therefore, he would call in another judge, and that he would go to Chicago on the following day to ask Judge Carpenter, of the northern district of Illinois, to sit in the cases at as early a date as possible. This was done. The date was set for January 3, 1918. Again the information was given to the newspaper reporters by the district attorney's office before my attorneys were notified.

ON EVE OF TRIAL.

On the 28th day of December, 1917, in the afternoon, one of my attorneys called up the district attorney and asked which case he would try first, and as to the return of Mr. Strelow, the former farm manager, who was then stationed at Jefferson Barracks, Mo.

The motive for this inquiry was the fear on the part of my attorneys that the district attorney might fail to keep his promise to subpoena Mr. Strelow.

It was during this conversation that my attorneys first learned that the district attorney sought a further postponement of the cases. He asked them to agree to a continuance, stating as his reasons that he was busy; that he had some matters which the department wanted him to take up immediately; that he had to look up some matters with reference to the post-office sites at Madison and Mineral Point.

My attorneys informed me that these were the only reasons assigned for any adjournment of the trial until the afternoon of the 3d of January, the day set for the trial. On the grounds assigned, my attorneys refused to consent to any adjournment.

It developed subsequently that the district attorney had sent the secret-service man, Mr. Spencer, to Chicago to interview Judge Carpenter with reference to a continuance, and no notice of any kind was given either to me or my attorneys with reference to the matter.

Before the day set for the trial my son again returned from Canada, where he was acting as manager of the farm. I returned from Washington. Witnesses were subpoenaed on our behalf from long distances. Some Members of this body and a member of the Cabinet came from Washington, and the young man who had been manager of the farm during the month of June, 1917, now in the United States Army, was brought back.

My attorneys prepared affidavits to resist postponement, which we feared, for it meant not only great expense and loss of time, but also holding the case over my head in the courts indefinitely.

ONLY SPECTATORS.

The proceedings in court have been set forth. The district attorney made the motion to put the trial off; my attorneys asked leave to file and to read counter affidavits. The judge asked for the indictments and that ended the case. My son and I were not subjected to the humiliation of a trial. With our attorneys we sat as spectators enjoying the skill and courage with which the judge legally, if not literally, wiped the court-room floor with the district attorney and then threw him out of court. The judge presented the law. Mr. Jackman whispered to Mr. Crownhart immediately after the court had made his first comment on the indictment: "We will find ourselves out of a job here in a few minutes." We were not surprised. My lawyers and I knew that no upright judge would let a case of this kind go to a jury.

A DISTRESSING EXPERIENCE.

Mr. Speaker, I have undergone a most distressing experience in being indicted for crime. No one can understand who has not experienced it how distasteful is the notoriety; how trying it is to mother, wife, and children; how heartlessly cruel are some newspapers and reporters; how quickly a large part of the public condemns before conviction; how unpleasant it is to know that detectives dog your footsteps, ransack your telegrams, open your mail and the mail of your attorneys; but we were sustained by the consciousness of innocence, by the confidence and prayers of many friends, and by a firm faith in the overruling providence of Almighty God.

PERSECUTION.

Persecution is after all no great misfortune. It is the price we must often pay for a clear conscience. It comes to every man who dares to stand true to his convictions when others weakly bend to the varying storms that blow. Suffering and persecution brings out of us the best that is in us, and is the hour of trial that tests the love and loyalty of those we call our friends.

GOOD FRIENDS.

I wish now to express publicly my deepest gratitude to my colleagues, HENRY ALLEN COOPER, the dean of the Wisconsin delegation in Congress; to EDWIN Y. WEBB, chairman of the Judiciary Committee of the House; and to Albert S. Burleson, the Postmaster General of the United States, who were on their way to Wisconsin to testify in my behalf. Mr. Burleson called me up over the telephone on the morning after my indictment to assure me of his sympathy and sincere friendship. He tendered me his services in any way that I might require them. I assured him that all I desired was a speedy trial. He readily expressed his willingness to go to Madison as a witness, and he reached Chicago before I could inform him of the abrupt termination of the case.

But for the death of a member of his family Senator OSCAR UNDERWOOD would also have made the journey. He offered gladly to make a deposition as to my character, loyalty, and patriotism. Likewise our honored Speaker, CHAMP CLARK, who gave me a copy of a letter he had previously written denouncing this prosecution in the strongest possible terms, would have

made the trip to Madison, if he could have appointed a Speaker pro tempore for more than a day. How strong the ties are that we form in this body I have tested in my own experience, and the recollection of the devoted friendships of these men and others whom I can not name will never be effaced from my mind and heart as long as life shall last.

FINAL DEFEAT.

Defeated in court, my political foes sought to convey the impression in the newspapers by announcing an appeal that justice had failed, but as the Attorney General has refused their demand, their purpose to hold this charge over my head in the courts has failed. Now they must come out in the open; now they must reveal themselves, their candidates, and their false issues. I shall meet them fearlessly on my whole record. I have had in mind but one goal, the public welfare; to that goal I followed but one pathway and one principle—the truth and the right—and I have but one motive—love of my fellow men, love of country.

With a faith, therefore, firmly founded on the knowledge of the rectitude of my intentions, the sanity of my convictions, and the unselfishness of my efforts in the discharge of my duties as a Member of Congress, I shall again await, as often before, the verdict of approval of the supreme court which, under God, passes final judgment upon our records as public servants.

Mr. Speaker, I ask leave to withdraw the resolution.

The SPEAKER. The gentleman does not have to obtain leave. The gentleman withdraws the resolution.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3689. An act authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan at Kansas City, Mo.; and

S. 3648. An act for the retirement of public-school teachers of the District of Columbia.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9314, the Diplomatic and Consular appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Diplomatic and Consular appropriation bill, with Mr. HUMPHREYS in the chair.

The Clerk read as follows:

Emergencies arising in the Diplomatic and Consular Service.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word, and wish in this connection to make a parliamentary inquiry. I desire to know whether the paragraph that is about to be read ends with line 12, on page 9, or terminates on line 8. It will be noticed there is a proviso which directly affects the matter in the preceding lines, beginning on line 9.

The CHAIRMAN. The Chair would state that in his opinion the paragraph ends with line 12, page 9.

Mr. STAFFORD. Very well, I withdraw the pro forma amendment.

The Clerk read as follows:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service and to extend the commercial and other interests of the United States and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirements of section 291 of the Revised Statutes, $700,000, to be immediately available, together with the unexpended balance of the appropriation made for this object for the final year 1918, which is hereby reappropriated and made available for this purpose:

Provided, That in his discretion the President may employ part of this fund for payment for personal services in the District of Columbia or elsewhere, notwithstanding the provisions of any other law.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. We have two provisions here that are subject to points of order, that making immediately available this very large appropriation of $700,000 for an item where the appropriation last year was but $150,000, and the proviso leaving it in the discretion of the President to employ this fund for personal service in the District of Columbia or elsewhere, notwithstanding the provisions of any other law. I may say that in conference with the chairman of the Committee on Appropriations he advised me that the Department had not made any estimate for this service for the remainder of the present fiscal year, but that if it was urgently necessary it could be done when the urgent deficiency appropriation bill, which is to be reported in a few days to the House, would be considered in the Senate. I believe this appropriation of $150,000 has been increased by a deficiency appropriation running to several hundred thousand dollars already during the present fiscal year.

Mr. FLOOD. Mr. Chairman, the reason for this provision is that it is out of this fund that the State Department pays, to a great extent now, the secret service and proposes to pay all of the additional secret service that it will have to employ during the next year. That secret service, as the gentleman is aware, has done a remarkably beneficial work for this country and for our allies since the war began. This appropriation had been $200,000. Last year it was cut down to $150,000 upon the suggestion of the Secretary of State that he did not need any more than $150,000, but after this bill was passed last year the war broke out and a great deal more money has been needed in carrying on the secret-service work, and the secret-service work in the State Department is principally paid for from this fund.

Mr. STAFFORD. As I recall the testimony of Secretary Lansing, before the Committee on Appropriations, the President has allotted a considerable amount of the $100,000,000 emergency appropriation to the department for utilization for this very purpose of advancing the secret-service work and detecting spies and enemies of the Government.

Mr. FLOOD. He has; but the President dislikes to do that; and they prefer to have it in this appropriation, and in order to make it effective the Secretary stated to the committee that it would be necessary to have some men of high class employed in the District who would stay here for the purpose of giving direction to the secret-service force of the State Department, and he was exceedingly anxious that he be permitted to employ a few men here, and that proviso was inserted to meet the provision of law that prevented that very thing.

Mr. STAFFORD. Can we have the assurance of the chairman of the committee, because it has been a moot question between the respective Committees of Foreign Affairs and Appropriations as to whether any appropriation in the Diplomatic and Consular appropriation bills should be utilized for the payment of clerical services in the District of Columbia, that in case this proviso is allowed to remain in the bill and the war is ended when the next Diplomatic and Consular appropriation bill is under consideration, that he will eliminate this proviso?

Mr. FLOOD. I give the gentleman the assurance that if I am on the committee I shall vote to do that, and I believe that will be the action of the committee.

Mr. STAFFORD. Has the gentleman any serious objection to having the words "immediately available" stricken out? I am pressing the point of order largely upon the suggestion of the chairman of the Committee on Appropriations, who stated that it could be submitted to the Senate and presented as a part of the urgent deficiency bill. I desire in no wise to restrict in amount or activity the work of the State Department in ferreting out spies.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I would ask for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. When does the gentleman think that appropriation can be made?

Mr. STAFFORD. The urgent deficiency bill will be the next appropriation bill, I am informed, that will be brought in the House for consideration. It will be brought up very shortly and will likely pass before this bill is finally enacted.

Mr. FLOOD. Well, I think with that statement that there is no objection to striking those words out.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order, except as to the words "to be immediately available."

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLOOD. Mr. Chairman, I wish to offer an amendment. Page 9, line 6, strike out the word "final" and insert the word "fiscal." It is merely a typographical error.

The CHAIRMAN. Without objection, the amendment will be agreed to.

There was no objection.

The clerk read as follows:

Contribution to the maintenance of the International Bureau of Weights and Measures, in conformity with the terms of the convention of May 24, 1875, the same to be paid, under the direction of the Secretary of State, to said bureau on its certificate of apportionment, $2,895.

Mr. COX. Mr. Chairman, I move to strike out the last word. I ask unanimous consent, Mr. Chairman, for five minutes to speak on a subject not connected with this bill.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to speak for five minutes out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Mr. Chairman, there has been some complaint throughout the press of the Nation and probably on the part of parents of soldiers abroad in respect to mail not being properly delivered to them. In view of the very splendid speech made by the able gentleman from Massachusetts [Mr. ROGERS] the other day, a little later on in my remarks I am going to ask leave to incorporate a letter which I have received from the Postmaster General to a very large extent explaining the delay. Of course the Post Office Department makes no denial of the fact but what there are delays, and I am going to call upon every Member of this House to read his statement. In my opinion the Postmaster General has done everything that is humanly possible in order to get the mails promptly to the soldiers abroad. He has selected Mr. John Clark, formerly of Cincinnati, Ohio, to be director of postal affairs on our fighting front.

It has been my pleasure to know Mr. Clark rather intimately for 15 or 18 years. I am sure in five minutes' conversation with Mr. Clark any Member of this House would be impressed with Mr. Clark's greatness. I am sure that in one hour's interview with him in regard to postal facilities, he could convince any Member of the House that few and far between are the men in this country who know more about the mails than he does. Mr. Clark was selected for this work; he did not seek it himself. He was selected solely because of his great ability to do this line of work. He is not only over there in person, but his own boy is fighting in the trenches side by side with other soldiers, and, if I mistake not, another son is in a cantonment in this country. Now, I am informed that there has been no complaint about mails failing to reach our naval forces in European waters. The director of mails of England, over here a short time ago, informed our postal authorities that England had the same trouble that we are having now, and they had it for six months. The trouble comes, gentlemen, because the troops as yet are not stationary. They are moving from point to point and place to place. After these mails are delivered at the distributing place, wherever that may be, the mail is then taken charge of exclusively by the military branch of our Government, and I am not going to say, nor does the Post Office Department say, that even the military authorities should be blamed or criticized in failing to get the mail properly to the soldiers——

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. COX. In a moment—because our troops are being shifted from point to point and place to place, and it makes it very difficult to forward the mail to the addressees. Now I yield for a question.

Mr. MILLER of Minnesota. Do I understand that the mail from here to our soldiers in France goes to Paris for redistribution?

Mr. COX. Not quite all of it——

Mr. MILLER of Minnesota. I did not know——

Mr. COX. I do not think quite all of it, but a majority of it probably does.

Mr. MILLER of Minnesota. I should think it would be wholly unnecessary for any of it to go there.

Mr. COX. Now, when we consider, gentlemen, for a moment that the mail which reached Paris between the 21st and 23d of December comprised 30,000 sacks of field mail, which required 90 freight cars to carry that mail from port of landing to the final distribution, we begin to get some idea of the tremendous task the War Department is up against in order to get this mail over there. The criticism carried in the press of the country I think has mainly been directed against the Post Office Department. I say the Post Office Department is not criticizing the military branch of the Government and I am not criticizing it, far from it; but if there is any fault to be found, and I do not think there is any, even in the remotest degree it is in the military branch because of the incapacity to get mail to soldiers who are constantly being shifted from point to point and from place to place.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent to insert as a part of my remarks a letter which I received from Mr. Praeger, Second Assistant Postmaster General, a letter which he directed to Chairman MOON, of the Committee on the Post Office and Post Roads, and a resumé or explanation of the apparent delay of mail in reaching our forces abroad.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD by printing certain documents which he has indicated. Is there objection?

Mr. ROGERS. Mr. Chairman, reserving the right to object, I want to say that due to the great courtesy of the gentleman from Indiana [Mr. Cox] I was permitted yesterday to examine the material which he proposes to insert in the RECORD.

I think it is a valuable contribution to the somewhat voluminous literature on this subject, and I hope that it may go into the CONGRESSIONAL RECORD.

The CHAIRMAN. Is there objection?

Mr. MILLER of Minnesota. Reserving the right to object, I would like to ask the gentleman from Indiana [Mr. Cox] a question.

Mr. COX. Yes.

Mr. MILLER of Minnesota. It will take but a moment. Of course mail addressed by any person in the United States to a soldier in France is simply addressed to the soldier, care of the American Expeditionary Force; rarely, if ever, is the battalion, regiment, or company placed on the envelope. Sometimes it is.

Mr. COX. That is true.

Mr. MILLER of Minnesota. Now, naturally that must go into the hands of a competent military person in France or they would never know where the man was. There is no such individual in Paris who does know. Now, I just assume that if the Post Office Department is sending all this mail to Paris it then has to be sent to some other place, because there is no one in Paris that knows where those men are, absolutely no one. That can be said without qualification. They may know where some of them are, but there is no place where they really know except in the Division of Intelligence on the General Staff, in one place. It is a problem we know nothing whatever about, and I am interested to know that this gentleman, Mr. Clark, who is said to be a very competent man, is going over to take charge of it. But I would like to suggest this, that if the Post Office Department sends a man over to take charge of it, let him have complete charge of it and organize the Post Office Department over there so that it will take into contemplation the peculiarities of the situation. Even that would not explain the long delays in mail coming from that country here. May I give an illustration?

Mr. COX. Surely.

Mr. MILLER of Minnesota. I wrote a letter in Paris. I think it was about the middle of October. I arrived here on the 30th day of November, and I got here the very day that letter arrived in Washington. I did not start until the middle of November. Now, there was a month that was lost somewhere. Possibly the letter may have been in the censor's hands. If I understood the gentleman from Massachusetts [Mr. ROGERS] the other day, most of the mail coming from Europe here is coming with reasonable celerity.

Mr. COX. That is what the Post Office Department says.

Mr. MILLER of Minnesota. There are many instances, however, quite to the contrary, but it is the mail from here over there and not the mail from there here. What observation I was able to make is entirely in harmony with the very exhaustive study of the question made by the gentleman from Massachusetts [Mr. ROGERS], and is clearly set forth in the House. And I think the Post Office Department has a lot to do.

Mr. COX. Will the gentleman yield?

Mr. MILLER of Minnesota. I will be pleased to, but I do not know anything about the subject.

Mr. COX. I want to put this query to the gentleman: Has the gentleman taken this subject up with the postal authorities down here?

Mr. MILLER of Minnesota. No; because I have no personal interest in it.

Mr. COX. I will say this—and I think I can speak for the Post Office Department—they would not only court criticisms but inquiries from the Members of the House and take these questions up with the proper authorities, and I think the gentleman from Minnesota could probably get considerable information, if he would make an inquiry, that he would not like to put in the RECORD, such as I have with me now, and if I would put it in I would probably strike it out for fear we might get up some friction between the Post Office Department and the Military Establishment until the two lines of work are thoroughly worked out between the Post Office Department on the one side and the military branch on the other.

Mr. ROGERS. Will the gentleman yield for a question?

Mr. COX. Yes.

Mr. ROGERS. I have just come from a hearing which is being conducted by the Committee on Expenditures in the Post Office Department on this general question, and the testimony, apparently from men who are thoroughly familiar with the inside of the postal situation, indicates that the delay in a large measure occurs at the Chelsea terminal in New York City after the letters and packages come in from their various points of mailing and before they are put upon the steamer and destined to Europe. Has the gentleman any information to that effect?

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask for three minutes more.

The CHAIRMAN. The gentleman from Indiana asks for three minutes more, out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. ROGERS. This testimony continues that the delay involving censoring is sometimes a matter of weeks just in New York City before the letter or parcel starts on its way. Has the gentleman any information that is specifically directed to that phase of the situation?

Mr. COX. No; I have not. The Post Office Department does not seem to think the delay occurs there. We appropriated this year, as I recall now, $1,600,000 to take charge of our censorship bureau in the city of New York. I think if the gentlemen will read this statement that I am now putting in the RECORD they will find the Post Office Department clears itself of that charge.

Now, just one further thought. Some one stated here the other day that there were not enough postal employees abroad. There were not many who went over there in the first instance, probably less than 40, but in the last three weeks I think 26 additional have gone over, and it becomes a question of transportation to get the clerks in this country transported to France. So they are putting over there all the employees they can possibly get their hands upon and they can get transportation for to handle the postal affairs in France.

Mr. DILL. Will the gentleman yield?

Mr. COX. I will.

Mr. DILL. Does the matter to be put in the RECORD show the number of employees in the postal service in France?

Mr. COX. As I recall now by the evidence before the Committee on the Post Office and Post Roads, it was about 40.

Mr. DILL. I wondered wether what the gentleman is going to print would show the number.

Mr. COX. No; it does not show it. Since that time there have been some 25 or 30 who have gone over.

Mr. DILL. Does the gentleman know whether there has been any increase in the number of employees?

Mr. COX. Twenty-five or thirty have gone over in the last two or three weeks.

Mr. KEARNS. Is the Government experiencing any difficulty in finding means to transport 40 or 50 men to France?

Mr. COX. The transportation problem is a very serious one.

Mr. KEARNS. How, then, would they undertake to transport over there a million men, or 500,000 men, if they are having trouble in getting 40 or 50 over?

Mr. COX. The gentleman had better address that inquiry to the Secretary of War.

Mr. GREEN of Iowa. What explanation does the Post Office Department give for the enormous loss of packages sent over there?

Mr. COX. If the gentleman will read this statement, I think he will find that there are not many packages lost. Ordinarily a parcel-post package will not travel nearly as fast as a letter. A man over there gets a letter saying that a package has been sent. The package does not arrive at the same time as the letter, and the man writes back that the package has not come. There is a complaint. Before the department here can get out a tracer for that package, in many, many cases, to see where it was lost, a letter comes back from the receiver of the package stating that it has reached its destination all right.

Mr. GREEN of Iowa. I had a series of complaints from a number of parties, which indicated that quite a large percentage of the packages were lost.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana to extend his remarks as indicated?

There was no objection.

The matter referred to is as follows:

POST OFFICE DEPARTMENT,
Washington, February 7, 1918.

Hon. WILLIAM E. COX,
House of Representatives.

MY DEAR MR. COX: In view of the very great interest you have taken in the Army Postal Service abroad, I am transmitting herewith a copy of a letter, and its accompanying inclosures, which I have this day addressed to the Hon. JOHN A. MOON, chairman of the Committee on the Post Office and Post Roads, House of Representatives.

Yours, very truly,

OTTO PRAGER,
Second Assistant Postmaster General.

FEBRUARY 7, 1918.

Hon. JOHN A. MOON,
Chairman Committee on the Post Office and Post Roads, House of Representatives.

MY DEAR CONGRESSMAN: I am transmitting herewith some information on the handling of the expeditionary mails in France, which I think will interest you in view of the speech of Representative ROGERS, of Massachusetts.

We are sending more than a million letters and considerably more than a million pieces of parcel post and papers to the soldiers in France each month, and naturally there are complaints, especially in the first 60 days after arrival of the troops in the field. The extracts of letters I submit and the inspectors' reports show that these complaints arise only immediately after the arrival of each division sent abroad. Complaints about the mail first came from certain regiments of Regulars, the earliest troops sent across. The complaints from this source soon ceased. Next came complaints from certain units, such as Coast Artillery, Quartermaster Corps, and field clerks. Next, the railway engineers went across, and complaints were numerous and vigorous. Gradually they died out, and now we do not get one a week. Next, certain regiments from New England crossed to France, and numerous complaints followed. They have not yet ceased, as Representative ROGERS's letters show, but they are growing less. Since then the so-called rainbow division has gone to the front, and the Post Office Department is in the midst of complaints from that source, but it will pass over as soon as the division gets into a settled location and schooled in the handling of its own mail. Other divisions will go, and their mail communications will be temporarily disturbed. Does it not mean something that the Regulars are getting their mail, that the railway engineers no longer have reason to complain, and that the complaints of the later-arrived troops are already beginning to fall off?

Again, complaints about mail from the boys at the front to the dear ones at home are few and far between, less than a dozen a month, and these sometimes deal with the censorship delays, as is disclosed between the letter date within and the date of the postmark. The same force that is handling the mail to the soldiers is handling it from the soldiers. The difference is that the Post Office Department delivers the individual mail pieces into the hands of the addressees in the States, whereas it does not deliver mail to the addressees in France, but turns it over in bulk to the military authorities who distribute the mail to the individual soldiers. The mail passes out of the authority of the Post Office Department some time before it is delivered to the individual soldier. Is there no significance in the fact that the postal authorities in France who handle the mail going to shifting military units at the front is the same force that brings the mail back to the home folks without giving rise to complaints?

It is necessary to bear in mind certain facts to arrive at a conclusion about the mail service to the troops in France:

First. That the Post Office Department does not deliver the mail to the individual soldiers, but to the properly accredited military authorities in bulk just as it comes from the United States.

Second. That mail to the soldiers is not distributed in France, but is made up to companies in New York and Chicago, and these lead-sealed sacks are never opened after they leave New York until the military mail orderly opens them at the headquarters of the troops, when he delivers the letters, papers, or parcels to the individual soldiers. Only mail from the soldiers going to the United States is distributed by the postal clerks in France.

Third. That mail for the troops does not accumulate in any postal station, except such mail as the mail orderlies have not been able to deliver, or mail for such units as are on the move or whose location for war reasons the military authorities are not ready to disclose to the postal authorities.

Fourth. That mail for the troops is not sent to Paris except for such troops as may be located in Paris, but all mail for troops whose location has been furnished to the postal authorities by the commanding general of the lines of communication is sent from the port of debarkation direct to the points where the troops are located.

Fifth. That the mail is transmitted by every available steamer, by every available train in France, and should easily reach the regimental and company headquarters of the troops in from 15 to 30 days' time. The Post Office Department has no jurisdiction over the mail after the unopened sacks have been turned over to the military mail orderlies; but it is informed that the individual soldiers get their letters, parcels, etc., promptly, and that if there is any delay it is due to the fact that the soldier is not with his company at the time the mail arrives, or that the mail has been insufficiently or incorrectly addressed, or that the company itself shifted location shortly before the mail arrived.

The attached memorandum, with the excerpts from the inspectors' reports and from numerous letters of appreciation written by mail patrons who once bitterly complained about the service, may help to throw light on a subject so little understood.

Very sincerely, yours,

OTTO PRAGER,
Second Assistant Postmaster General.

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, February 7, 1918.

MEMORANDUM OF MAIL SERVICE TO FRANCE.

Many obstacles have been faced and overcome by the United States Postal Service in establishing and carrying on the present mail service to and from the American Army in France. This difficult war service has been operated to date as expeditiously and efficiently as could be expected under the circumstances. By adding rapidly to the force of postal experts in France and by bettering, as fast as possible, the system of distribution at our camps and bases in France, the military mail service has been steadily improving.

The charges of delay and nondelivery of mail of all classes from the United States to soldiers and officers of our forces abroad, made in the House of Representatives February 5 by the Hon. JOHN J. ROGERS, of Massachusetts, it is easily shown, relate to a comparatively small part of this military mail. Such delays as have occurred have been due in the main to conditions over which the post office has no control.

This statement is made in order that some of the difficult factors entering into this postal problem may be fully understood. It is true, as stated by the Postmaster General January 31 in answer to House resolution 232, that the time in transit of the bulk of the mail from the United States to units of our Army in France has been from 15 to 30 days. But it is likewise true that after passing into the hands of the military authorities the mail has to be distributed and often readdressed and remailed before reaching the addressees, a process not in postal hands and one into which delays have at times entered. And it is also true that units have been frequently moved, and that considerable time has elapsed, amounting in instances to two weeks, before the United States Postal Service in France for war reasons has been advised of the new address of the regiment or unit thus moved.

It is admitted that mail from France is reaching addressees in this country as promptly as the present conditions of ocean transportation permit. This statement, therefore, deals only with the outgoing military mail.

Letters, papers, and parcels addressed to American soldiers and officers in France are made up at special terminals at Chicago and New York into direct sealed sacks and pouches addressed by companies to regiments or other units. These sealed pouches and sacks go direct by the first available dispatch from Atlantic ports to the port of debarkation in France, and thence direct to the postal station in France nearest the camp of the unit to which they are addressed. Each regiment or unit sends a military truck to this postal station for its mail. The mail is taken by this truck from the postal station to the military post office of each unit.

The bulk of the Army mail from the United States does not go through Paris but is taken direct, as stated above, from the port of debarkation either by military trains or regular train service to the postal station.

The opinion expressed by the Hon. JOHN F. MILLER, of Washington, while interrogating Mr. ROGERS in the course of the latter's speech, that this mail passes through Paris and is delayed by congestion there was evidently based upon Mr. MILLER's observation of our large postal establishment in Paris. It is outgoing mail originating in Paris which is "worked" in Paris; not the incoming. A portion of the mail from the United States, consisting principally of that for special units, such as the Red Cross, the Aviation Service, the Medical Corps, Signal Corps, etc., all the general mail returned as undeliverable from postal stations near the American camps does go to or through Paris. Officers and men of the special services are liable to frequent change of assignment in our own Armies and in the armies of our allies. They are subject to call to any part of the line, from Italy to Belgium. Mail for them can be better and more expeditiously handled at Paris. The undeliverable letters pass through Paris to a special American postal station, where it is turned over to the Army and given what corresponds to "directory service."

The specific complaints cited by Mr. ROGERS class into two groups. The one group has to do with mail to members of the Medical and Signal Corps; the other, with mail addressed to New England regiments, the One hundred and first and One hundred and second and to the Rainbow Division. The reasons why mail to members of the Medical and Signal Corps is especially subject to delay are stated above. Officers and men in those particular services are transferred frequently, and entire units are often moved hurriedly. When a unit is moved, and this applies to Infantry and Artillery also, the Postal Service may not send mail for the units so moved to the new addresses until authorized to do so by the military authorities, as some of these movements of units have been part of secret plans. At times the Post Office Department has been compelled to continue sending mail to the old addresses, although postal men know the unit in question had been moved.

The complaints as to letters, papers, and parcels, addressed to New England troops, but repeat the experience of the department. When an American division lands in France, it is likely to be moved several times before being permanently placed in some one sector of the front. During this interval of movement through some three or four camps, the regular and prompt delivery of mail from the United States is not always possible. This is true both because of postal and military reasons.

Reports to the department show that frequently quantities of mail are received in France addressed to units not yet there. The senders, of course, can not have exact knowledge as to when the addressees, whom they suppose, or are informed, have sailed for France, may be expected to land there. Such mail is held until our Postal Service in France is advised by the military authorities of the address of the unit in question.

In his speech, Mr. ROGERS did not specify, in any one instance, whether mail, of which delay was complained, was properly addressed. The quantity of mail of all classes to our Expeditionary Forces, upon which the full military address—that is, name, company, and regiment, and branch of the service—does not appear, unfortunately is very large. All such mail must go to Army headquarters for "directory service."

Without in any way reflecting upon the Army, it is true that the actual delivery of letters to the addressee in France is in the hands of Army orderlies designated by their units for this purpose, and that these orderlies are not always efficient until they have had a training in the work. There should not be confusion between American postal stations in France and American military post offices in the field. In the former mail is not allowed to lie dead any length of time. If returned from Army field post offices to a postal station as undeliverable, or to be forwarded, mail is at once properly forwarded or sent to headquarters for directory service. Cases have been found by an American post-office inspector in which the orderlies at the field Army post offices did not handle their undeliverable mail as promptly as they should. It is proper to add here, also, that a number of highly trained postal men are in France and are endeavoring, to the best of their ability, to expedite the handling of mail, both at the postal stations in France and at the military post offices. There is no friction between the Army and the Postal Service; there is merely a condition to be met by cooperation and experience.

The Postmaster General stated on January 31, in response to House resolution 232, that letter mail clears entirely with every dispatch from New York, and that there has been very little delay at New York of parcel post or paper mail. That is true. It is also to be remembered, however, that vessels clearing from New York upon different dates are under special sailing orders and may arrive at the French port of destination on the same date. It is a fact that usually the mail arrives in France by a number of ships in lots varying from 5,000 to 15,000 bags and pouches. This presents a very large problem at the French port. It is a heavy undertaking to transfer these mails to trains, to route all of the bags and pouches properly, and to secure prompt dispatch. There have been difficulties in obtaining adequate labor and a sufficient number of hand and automobile trucks. The Post Office Department has done its utmost to surmount these difficulties and has succeeded beyond its expectations. Twenty-one thousands sacks of Christmas parcels for our soldiers abroad were dispatched from New York December 3 on one ship alone and arrived at a French port on December 20. All this mail was turned over from our 25 postal stations in France to the military authorities for delivery by December 24 and 25, as is shown by the following Associated Press dispatch from Paris on December 27:

FOUR CARS OF BELATED MAIL REACH TROOPS IN FRANCE.

"PARIS, DECEMBER 27.

"Four carloads of Christmas mail, which arrived at a French port from the United States, were forwarded to-day for delivery at the headquarters of the regimental units of the American expeditionary forces. The bulk of the Christmas mail, which consisted of 30,000 sacks and required 90 freight cars to move, was delivered at headquarters of the various units on or before Christmas Day, but a storm at sea delayed for three days the arrival of the mail sent forward to-day.

"Besides the mail delivered by the Army post office there were several carloads of large packages, each weighing more than 7 pounds, which were handled by the Quartermaster's Department."

The American Postal Service has been aided in reaching its high state of efficiency in the United States to-day by thorough consideration of complaints of inadequacy of service. When the complaints are found to be just, steps are taken to find remedies. Our present service in France is no exception. All complaints received are given thorough study by the proper postal officials. Following is a summarization of complaints which were referred to a post-office inspector assigned to the United States Army Postal Service. The text of the inspector's reports is given:

Subject: United States Army Postal Service in France. Complaints against the service.

POST OFFICE DEPARTMENT,
OFFICE OF INSPECTOR, ——— DIVISION,
Paris, France, December 4, 1917.

CHIEF INSPECTOR, *Washington, D. C.:*

In further reference to your letters of September 28 and October 2, transmitting a number of complaints relative to the alleged nonreceipt by addressees with the forces in France of letter and parcel mail, I have to submit herewith the correspondence in 18 of these cases which have been investigated by me. Twelve cases are still on hand, the answers to which have not been received, although ample time has elapsed. A subsequent report will be rendered on the cases still pending.

This report should be handed to the Second Assistant for his personal information. The results of the investigation show hardly without an exception that all mail has reached the addressees, and that the complaints are due wholly to ignorance of the prevailing conditions of slow transportation across the Atlantic and impatience on the part of senders and addressees. It is hoped that when the general condition of slow transportation is better understood throughout the United States that such complaints will cease or that the addressees will refrain from making a complaint until sufficient time has elapsed.

It is unnecessary to enter into detail in this report concerning each individual case, the file submitted as an exhibit fully explaining each complaint. The names and general details of each case are submitted, however, merely as a matter of record. A full idea of the complaint, however, will be obtained by reading each case. I suggest that the files in each case be retained at the department, and that if correspondence be had with the complainants that the result of the investigation be communicated only. This is suggested in order that the department may retain and be in possession of the files if needed at a later date for any purpose.

No. 1. Helmer J. Johnson, Sixteenth Infantry, wrote his mother that he was sending her money every month. His mother reported through Congressman J. H. DAVIDSON that she had never received any. Complaint was made as to the loss of mail, but investigation shows that Johnson never sent any money by mail, but made an allotment through the Army paymaster, which was handled in an entirely different manner.

No. 2. Mr. W. B. Clarkson, of San Antonio, makes complaint that he had sent his son, Lieut. W. P. Clarkson, of the Twenty-sixth Infantry, 10 parcels of cigarettes, and that his son reported he had received none of them. Investigation shows he had received to date eight packages of cigarettes and all were in good condition, and that he is now receiving all his mail. No reason to believe the other two parcels reported sent were lost, as they will be received in due time.

No. 3. Dr. V. J. Irwin, of Springfield, Mass., complains that his son, Corpl. Charles R. Irwin, of the Twenty-sixth Infantry, had not received any mail from home. The addressee advises that he received nine letters recently. He did not say how many he received before. No reason to believe any of his mail is lost.

No. 4. Mrs. J. McCurdy, of Chicago, complains that she has written to Pvt. H. E. McCurdy, of the Seventeenth Company, Fifth Regiment Marines, but he has received none of her letters. Pvt. McCurdy advises "I have every reason to believe I have received all mail sent me." No mail lost in this case.

No. 5. Frank R. Davies, of Sheepshead Bay, N. Y., complains that he has written to Pvt. Lester S. Davies, of the Quartermaster Department, but that the addressee has received none of his letters. Pvt. Davies advises me that he has received all of his letters up to date.

No. 6. Mrs. Annie J. Wharton, of Homewood, Ill., complains that she has written numerous letters to Lieut. James P. Wharton, Military Reserve Corps, who advises he has received none of her letters. Lieut. Wharton advises me that he has received 19 letters from her, and gives a list of them with dates. No delay and no loss in this case.

No. 7. Miss Kathryn M. Kehoe, of Brooklyn, N. Y., complains, September 12, that she has received only two letters from Pvt. John Addy, of the Eleventh Engineers, who left New York July 14. She hardly had time to receive more in that short time, as letters usually take 30 days. Addy says he has word from Miss Kehoe that she has received 6 of his letters. He says he received 24 from her. No loss and no reason for complaint.

No. 8. Miss M. Currier, of Haverhill, Mass, makes complaint that she has written to Patrick J. Lucey, of Company B, Fourteenth Engineers, and that he has received none of her letters. Lucey adyises that he has received all letters and parcels from her and that nondlare lost.

No. 9. Miss Vernitta Eves, of St. Louis, complains that Edgar Dennison, Twelfth Engineers, left the United States on July 26 and that by September 8 (45 days) she had heard from him only once. Some transports take 22 days to cross. She is therefore getting good service if she heard from him that quick, and should commend the postal department rather than enter a complaint. Edgar Dennison says he has received all letters from her. No loss and no reason for complaint.

No. 10. Mary E. Boyle, of Flushing, N. Y., makes complaint, under date of September 24, that she has been writing to Sergt. Thomas P. Connors, Eleventh Engineers, and has not received a reply. I communicated with Connors and he states he received a letter from Mary E. Boyle dated September 21, in which she stated she had received letters Nos. 1 and 2 from him. The complainant has, therefore, misrepresented the facts in her complaint. (See correspondence.)

No. 11. Mr. Frank Mahnke, of Brooklyn, N. Y., complains that he has written to his son, Pvt. W. Mahnke, Quartermaster's Department, but his son advises him that he has received no letters from home. Pvt. Mahnke advises me he has received three letters from home, one taking 20 and the other 30 days to reach him. He is getting good service, and there is no basis for complaint.

No. 12. Bernard White, of Watseka, Ill., complains that he has written to Irenus J. Feffer, of the Sixteenth Infantry, but that Feffer has not received his letters. Feffer advises he has received two letters from White recently.

No. 13. Mrs. D. B. Inman, of Havre de Grace, Md., complains that her husband, D. B. Inman, of the Medical Supply Depot, has received but one letter from her. Inman states his letters have been coming along very well during the past six weeks. One letter he received in 19 days and another in 34 days. The latter was due to infrequent sailings, the same thing happening to mail for postal headquarters and others. No mail lost and no basis for complaint.

No. 14. The complaint of Mrs. Virginia Neal, Tuscon, Ariz., has no bearing on the French service and should be investigated at Tucson, Ariz.

No. 15. R. D. Rhodes, of Newcastle, Pa., complains that some music sent him from France by Harvey Bush, Fifth Engineer Corps, not received. Our records show no Fifth Engineers in France. We have about 34 sacks of mail awaiting this regiment, which has been held some time. Correspond with R. D. Rhodes and ask him where Harvey Bush is and with what outfit.

No. 16. E. D. Weisard, of Pittston, Pa., complains he has not heard from his son in France. He does not know whether his son has written or not, but just thinks so. He does not give the name of his son, so nothing can be done here in France. I suggest writing to him from the department and asking him if he has heard.

No. 17. Representative Stevenson complains that Mrs. Harry E. Gladman, Washington, D. C., has not heard from J. L. Stoddart, of United States Army, Base Hospital 10, who advises others he has written her. He advises me he has written her three letters. I suggest investigation at Washington to see if she has not received these letters by now.

No. 18. Mrs. J. W. Fuller, of San Antonio, Tex., complains that letters and parcels sent to Lyda C. King, a nurse in Hospital 2, France, have not been received. Lyda C. King states she has received two letters and two parcels. It is not stated how many letters were written, so there is no way to tell here if any were lost.

When answers have been received to the other few complaints on hand a supplementary report will be submitted, but it is believed some will not answer, as they are receiving their mail and pay no further attention to the investigation.

(Signed) W. A. KENYON,
Post Office Inspector, U. S. Army Postal Service, France.

Eighteen complaints and correspondence submitted herewith.

PARIS, FRANCE, *January 17, 1918.*

CHIEF INSPECTOR,
Washington, D. C.:

I have to submit herewith a supplementary report to that submitted December 4, 1917, relating to complaints as to the alleged nonreceipt by addressees with the troops in France of letters and parcels. This report covers investigation in 18 separate cases. Numerous cases are still on hand, the answers to which have not been received. A subsequent report will be rendered covering cases still outstanding.

The investigation in the 18 cases submitted herewith shows without a single exception that all mail has been received by addressees. The complaints are due wholly to lack of knowledge of prevailing conditions or impatience on the part of the complainants.

The complete file is submitted in each case. In this report, however, only a general outline is given in each instance. I suggest that the files be retained at the department, so that we will be in possession of all the facts if needed at a later date for any purpose. If correspondence be had with the complainants, the result of the investigation only should be communicated.

No. 1. Gall & Lembke, New York City, made a complaint on Form 1510 that they mailed a parcel containing gold-filled spectacles, valued at $16.50, to Capt. E. R. McFarland, U. S. R., Signal Corps, France, but that he reports not having received them. Inquiry shows that Capt. McFarland has received the glasses in good condition. No loss.

No. 2. Myrtle Busan, of Pendleton, Oreg., complains she has written twice each week to Private Busan, Company F, Eighteenth Railway Engineers, France, but that he reports having received only two letters from her. He states that up to the present time he has received all of his mail.

No. 3. Mr. A. W. Hurley, Pawhuska, Okla., complains that if the 40 or 50 letters that he has written Capt Thomas D. Hurley, United States Army Ambulance Corps, he, Capt. Hurley, has received none of them. Addressee states that he has received so far 29 letters from members of his family. No doubt in due time he will receive all the mail sent him.

No. 4. John L. Fitzgerald, Pittsfield, Mass., complains that he has sent a parcel containing miscellaneous articles to Corpl. W. F. Fitzgerald, Company D, Fourteenth Railway Engineers, but that the addressee reports that he received only the razor and strop, with many articles missing. Addressee advises that the parcel was received in perfect condition with no loss. Absolutely no loss in this case.

No. 5. M. F. Kane, Shamokin, Pa., complains that he has written six letters and his friends nine letters to M. J. Kane, United States Army Ambulance Corps, Section 9, France, who reports having received none of them. Addressee states that he has received so far five letters from his father and five from his friends. No doubt he will receive all in due time. He complained of slow delivery of his mail upon first arriving in France. This delay is due, without doubt, to the fact that the United States Army ambulance service with the French and British have frequently had the numbers changed; also that all of this mail is handled by the American field office. Conditions in the mail room of the American field service in the early days of the war were not favorable, which no doubt accounts for the delay in the receipt of mail.

No. 6. Mrs. John S. Boyd, Pittsburgh, Pa., complains that John S. Boyd, Fifteenth United States Engineers, has failed to receive $10 in money which was sent him and also no packages of tobacco which have been sent him. The addressee advises that he has received the $10 and also all parcels sent to him.

No. 7. William Nash, Chicago, Ill., complains that he has sent W. E. Nash, section 58, United States Army Aviation Service, about one dozen packages and many letters, of which but one letter has been received. The addressee advises that the delay to his mail was due to his having been changed from section 10 to section 58, but that he is now receiving his letters regularly, and that he has received many parcels. He complains, however, that he has not yet received all the parcels which he believes have been sent him. These parcels will no doubt reach him in due time.

No. 8. Mrs. W. C. Strange, Columbia, S. C., complains that she has written on several occasions since September 1 to her husband, Capt. Willis C. Strange, quartermaster, United States Reserves, and that he has received no letters from her. Investigation develops that Capt. Strange has received 25 letters. He states that several letters are at present outstanding, according to numbers. This is not unusual, as some mails reach France earlier than those previously dispatched.

No. 9. Mr. John A. Longhenry, St. Claire, Pa., complains that John J. Longhenry, Company E, Twenty-sixth Infantry, has failed to get papers and packages sent him. The addressee states that he has received three packages and one paper since being in France. Apparently some parcels are still outstanding.

No. 10. Mr. Davis Brown, Albany, Ga., complains that his son, Lieut. Jerome H. Brown, Company L, Twenty-eighth Infantry, has failed to receive letters written to him. Lieut. Brown states that he is receiving his mail regularly now, but that packages mailed on October 19 and November 17 have not arrived. No doubt Lieut. Brown will receive packages in due time.

No. 11. Mr. A. C. Baker, New York, complains that his son, Pvt. Baker, Company F, Nineteenth Engineers, has failed to receive any letters or parcels sent him from home. Pvt. Baker states that he has received all mail from home, including the packages, which is in all about 50 letters and 5 or 6 packages, and that he has written his folks every time he has received mail.

No. 12. Miss Marion Baum, of Elizabeth, N. J., complains that she has written many letters and sent one package to Pvt. Clayton Lockwood, First French Mortar Battery, and that none of her letters or the package has been received by him. Lockwood states that he has received about 15 letters and 2 packages from her.

No. 13. Mrs. S. L. Littlefield, of Lanhershin, Cal., complains she has frequently written Leon M. Littlefield, Headquarters Divisional Supply Company, and that he has received one letter from her. He replies that he has received at least 12 or 14 letters and one package of tobacco and has answered every letter. No loss.

No. 14. Mr. L. L. Rea, Auburn, N. Y., complains that he writes Corpl. L. Earle Rea, Seventeenth Company, Fifth Marines, and that no letters have been received by the addressee. Corpl. Rea advises that during the last few months his mail has been coming regularly, and that he has received all that was coming to him.

No. 15. The family of Lieut. Mettis, Ordnance Department, United States Reserves, complains from Severville, N. J., that they have written him many letters, including one registered, and that none of them has been received by him. Addressee advises that he has received to present date 14 letters, including the registered. He also expressed his opinion that delay to mail is not due to the post office in France. This matter has been taken up in France with the Army headquarters.

No. 16. Mrs. S. W. Musselman, of Perkasie, Pa., complains that Paul F. Musselman, formerly assigned to Medical Department, Casual Seventh Regiment, Coast Artillery, has not received any mail whatsoever. Paul Musselman advises that he is now attached to the Sixteenth Infantry, and that he has received all of his letters to date. One package of mail of November 1 he claimed he has not received, but this package was not due in France yet, as ships have just lately arrived. There is no just cause for complaint.

No. 17. William Luers, Cincinnati, Ohio, complains letters have been sent every week to John M. Luers, Company D, Sixteenth Railway Engineers, and that none of them have been received by the addressee. Addressee states that all of his mail is now being delivered promptly.

No. 18. Mrs. S. S. Weidmeyer, of Brooklyn, N. Y., complains that she has sent about 24 letters, cigarettes, and candy to Sergt. Harry C. Weidmeyer, Battery E, Seventh Field Artillery, but that he has received none of them. Harry C. Weidmeyer advises that he has received to date 12 letters and one package. He gives his address as Battery B, while the complainant has been addressing his mail to Battery E, which no doubt accounts for loss of some of the letters. The failure to deliver is therefore not due to delinquency on the part of the Postal Service, but to failure to properly address the mail.

(Signed) W. A. KENYON,
Post Office Inspector,
United States Army Postal Service.

The above was not prepared with any thought of its publication. These reports in the above circumstances tend to show that in by far the majority of cases mail of all classes is reaching the addressees in France as promptly as could be expected.

Other such reports received by the department state that "a large number of letters are returned from the chief surgeon's office, the chief quartermaster, the chief signal officer, and other such staff corps, whose men are detached and located all over France"; that "the French railroad lines are taxed to capacity and their own soldiers' mail is sent by military freight trains"; and that most of the "complaints are due wholly to ignorance on the part of the complainants as to the conditions of transportation."

Since American soldiers went to France more than 100,000 bags and pouches of mail have been dispatched to them and safely landed in France without the loss of a bag or pouch. Considering the enormous quantity, bulk, and weight of this mail, complaints of loss, damage, and delay have been surprisingly few. It is to be remembered that this statement deals only with the relatively small quantity of which complaint has been made. Some delay and possibly some loss, as has been shown, is inevitable under the circumstances.

The complaints of poor service are given prominence, whereas the reports of good service do not reach the public. The department could array an enormous bulk of testimony from our military forces in France showing their satisfaction with the service. As has been stated, complaints are frequent upon the arrival of troops in France, but in very many cases, sometimes a few days after the complaints were written, the complainants write again to thank the Post Office Department and to say that their correspondents were receiving their mail, as is shown by the following synopsis of letters:

EXTRACTS FROM COMPLAINTS RECEIVED FROM PERSONS IN THIS COUNTRY AS TO THE NONRECEIPT OF MAIL BY MEMBERS OF THE AMERICAN EXPEDITIONARY FORCES AND EXTRACTS FROM SUBSEQUENT LETTERS ADVISING THAT MAIL IS BEING RECEIVED.

August 27, 1917, Mrs. Mary Kaplan, 212 West One hundred and eleventh Street, New York City, advised that her son, David Kaplan, arrived in France July 8 for service with the Quartermaster Department; that a number of letters had been written to him, but that in a letter from him dated August 5 he stated that he had not received a single letter from home.

September 7, 1917, Mrs. Kaplan again wrote the department advising that since her former letter "my son has acknowledged letters received from home."

August 31, 1917, the postmaster at Chicago wrote that Mr. W. P. Quinby, 69 West Washington Street, Chicago, the father of Sergt. William Quinby, of the Quartermaster Corps, desired information as to why letters addressed to his son could not be delivered, and inclosed envelopes returned to the father.

November 7, 1917, Mr. Quinby wrote the postmaster at Chicago that it appeared there was another Sergt. William Quinby in Paris, to whom his son's letters had been delivered; that when this William Quinby learned his son's address he turned the letters over to him, and "since that time there has been no trouble."

—

September 7, 1917, Rev. Charles Trowbridge, 402 Cattell Street, Easton, Pa., advised that up to August 10 his son had received only 10 of 24 letters that had been mailed to him and that all mail had been addressed in the same way.

September 30, 1917, Mr. Trowbridge again wrote the department stating "word has been received to-day from my son and he informs me that my letters to him are coming regularly, or were up to September 8, the date of his last letter to me."

—

September 24, 1917, Mary E. Boyle, Flushing, N. Y., advised that Sergt. Thomas P. Connors, Company A, Eleventh Railway Engineers, United States Army, American Expeditionary Forces, was not receiving mail.

October 5, 1917, Miss Boyle advised that "since writing you I have received word that Sergt. Connors received on September 4 a letter mailed from Flushing to him on August 11."

—

September 27, 1917, D. S. Middleton, Jeffersonville, Pa., advised that his son had been in France since June 16; that on the 15th of July candy was sent him and a week later more candy and razor blades, addressed as he advised; that these things had not been received.

October 12, 1917, Mr. Middleton advised that in a letter from his son dated September 16 he stated that he received the box of candy sent him July 15 and the razor blades (Sept. 14) sent him on August 16, but not the candy sent him on the same day. "I guess it takes a little longer to censor candy than it does razor blades."

—

September 28, 1917, V. J. Irwin, 351 Main Street, Springfield, Mass., advised of the nonreceipt of mail by his son with the American expeditionary forces.

November 3, 1917, Mr. Irwin advised the department that he had received a letter from his son stating that he received within three days four of the letters sent to him. The reason for the delay was that the regiment and company were omitted from some of the addresses, the censor having erased both on the first letter sent.

—

October 3, 1917, a telegram was received from John E. Frenning, Boston, Mass., advising that since July 1 at different times he had sent approximately 20 packages by parcel post to Jack and Alfred Frenning, also Oliver Beebe, care of 21 Rue Raynouard, Paris, from Belmont and Boston, Mass., containing over $150 worth of clothing, but that up to September 4 none had been received.

October 22, 1917, Mr. Frenning advised, "Received word last week from our two sons that they have received much of the parcel-post matter that was sent to them last July."

—

October 4, 1917, Mrs. John J. Fowler, Grahamles, Spring Lake, N. J., advised that mail for her son, "Sergt. John C. Fowler," addressed "Headquarters Company, Motor Truck Group, American Expeditionary Forces," was not being received.

October 17, 1917, Mrs. Fowler advised the department: "Thank you so much for your information regarding mail and parcel-post matter for the boys in France. I have the extreme pleasure of letting you know that this morning I was the happy recipient of a letter from my son saying that mail had been received all O. K. Thanking you for your interest and lovely letter."

—

October 6, 1917, Mr. Armstrong, of Armstrong & Demarest, Lafayette, N. J., wrote regarding the nonreceipt of mail by his son, G. P. Armstrong, addressed "care American Red Cross Ambulance, 7 Rue Francois Premier, S. S. U. 62, Paris, France."

October 18, 1917, Mr. Armstrong advised that his son had received the first two packages via parcel post.

—

October 13, 1917, W. John Crawford, Clifton Heights, Pa., advised that mail for his son, with the Seventh Field Artillery as a first lieutenant, Officers' Reserve Corps, was not being received. "I receive his mail very regularly, but he had not received any mail on the 24th of September."

October 22, 1917, Mr. Crawford advised that on the 29th of September his son received five letters, dated from September 2 to 12. "My last letter from him came through in 16 days."

—

October 22, 1917, L. F. Clark, care Aetna Life Insurance Co., Cincinnati, Ohio, advised that his father, Mr. John Clark, the postal agent in France, advised that he had received no word from home since his arrival in France.

November 22, 1917, Mr. Clark advised that "since receiving the information from you we have heard from him, and find that he is getting all the packages and letters regularly."

—

November 5, 1917, Justice Walter I. McCoy, District of Columbia Supreme Court, submitted to the department copies of letters written by him to the Secretary of War with reference to the nonreceipt of mail by his son, George B. McCoy, first lieutenant, Infantry, Officers' Reserve Corps, A. E. F. (par. B. C. M., Paris). Up to October 17 he had not received one letter from his family.

November 13, 1917, Justice McCoy advised that "we had a letter from my son this morning, dated October 22, saying that he had received several letters from Mrs. McCoy and myself and from others, the latest of which was dated September 27. I wish to thank you again for your attention to the matter."

—

November 12, 1917, the postmaster at Chicago submitted a letter from Arthur M. Heath, 1825 Seward Street, Chicago, advising that since August 29 at least 50 letters and 4 packages had been addressed to his son, "Lieut. Monroe Heath, unassigned, United States Army, Infantry United States Reserves, American Expeditionary Forces," and that under date of October 15 his son advised that he had not received any mail. In this letter he gave another address, "Infantry, United States Reserves, American Expeditionary Forces, B. C. M., Paris France." Request was made that attention be given the matter.

November 22, 1917, Mr. Heath advised "I wish to thank you * * * and to advise that we have received letters from our son, in which he states that he is now receiving mail, and at the time of writing had had a number of letters."

—

November 16, 1917, Hilton N. Brown, sr., care Indianapolis News, Indianapolis, Ind., advised: "We have utterly failed to reach by mail my son, Second Lieut. Hilton N. Brown, unattached, Field Artillery, United States Reserves, American Expeditionary Forces, via New York City." We have had letters from him dated as late as October 27, and up to that time he had not heard a word from this country since he sailed about the 1st of September. When we began to hear from him he advised us to send mail in care of "Field Artillery School of Instruction, American Expeditionary Forces," and packages were addressed in that manner.

December 1 Mr. Brown advises by telegraph: "My son is now beginning to receive letters, indicating communication lines are open. Thanks."

—

November 12, 1917, Miss Nettie White, 286 K Street, South Boston, Mass., advised of the nonreceipt of mail sent to Mr. Charles E. Ryan, Company B, One hundred and first Massachusetts Infantry, American Expeditionary Forces.

November 23, 1917, Miss White advised "Mr. Ryan has received some of my letters. Will receive all letters, I hope."

—

November 13, 1917, L. L. Rea, Auburn, N. Y., advised that in a letter dated October 27 from his son, Corpl. L. Earl Rea, Seventeenth Company, Infantry Battalion, Fifth Regiment, United States Marine Corps, he advised that he had not had a letter in six weeks. "We write him every week and sometimes several letters. We have sent him several packages and he has received but one."

November 30, 1917, Mr. Rea advised: "Am pleased to report that my son has advised that he has received a number of letters all in a bunch, and that he felt like a new man. I wish to thank you for your very kind letter to me. The spirit which ran through the letter and the information was most helpful to us all."

—

October 15, 1917, Mrs. Hedie MacDonald, Box 406, Marfa, Tex., advised that her husband, Pvt. John W. MacDonald, Quartermaster Corps, left for France on July 20, and that he was not receiving her letters.

October —, 1917, Mrs. MacDonald advised: "The letters to which I referred in my former letter have part been received so far."

—

November 1, 1917, David Brown, Albany, Ga., advised that his son, Lieut. Jerome H. Brown, Infantry Section, Officers' Reserve Corps, United States Army, Post-Office Box 703, American Expeditionary Force, reported that he had not received any letters from home, although he sailed from New York on September 7. "In our last letter received from him to-day he states that only one letter has been received at the training school which he is attending."

December 1 (?), 1917, Mr. Brown advises that some of the mail sent his son in September has been received, "and I trust, with your cooperation, that all of the mail will be forwarded to him promptly."

—

November 21, 1917, Mrs. George Brown, Box 267, Sutherland Springs, Tex., advised of the nonreceipt of mail addressed as follows: "Mr. Edwin Willingham, Headquarters Company 28, United States Infantry, American Forces, France."

December 14, 1917, Mrs. Brown advised: "Mr. Willingham has received the box you were having looked into which was sent September 14. He received it about the 19th of November."

—

December 1, 1917, Representative H. J. STEELE, of Pennsylvania, advised that Daniel McCarthy, of Easton, Pa., had informed him that his son, Corpl. Daniel McCarthy, Battery H, Sixth Regiment, Coast Artillery Guards, American Expeditionary Forces, had not received any of the mail sent him from home or from his friends in Easton.

December 5, 1917, Representative STEELE transmits a letter from Mr. McCarthy, in which he says that word has just been received from his son advising that he has received some of his mail.

—

November 22, 1917, the War Department transmitted a letter from Mrs. Marcus G. Evans, 953 Bryden Road, Columbus, Ohio, advising that about 20 boxes had been sent to her son, who landed in France August 20, also many letters; none received.

Later Mrs. Evans advised: "I wish to tell you how much I appreciate your kindness. I received a letter last week from my son, saying that the day before he wrote (November 6) he received five packages and three letters from me. I hope, through your efforts, he will receive the rest."

—

December 7, 1917, Mr. Rudolph Forster, The White House, advised that a friend of his had written that mail addressed to his son, J. W. McGrath, jr., Company E, One hundred and first Regiment Infantry, Twenty-sixth Division, American Expeditionary Forces, was not being received. The first package was mailed on September 27, and this had not reached him up to the 10th or 15th of November.

December 17, 1917, Mr. Forster quotes a letter from the friend dated December 14: "I want to say that I have just received word from the boy in France, and he has received two or three packages which I mailed him. I think that perhaps the others will reach him later."

—

December 6, 1917, F. A. M. Burrell, 1409 Albemarle Road, Brooklyn, N. Y., advised that his son, Harold A. Burrell, care Y. M. C. A., 31 Avenue Montaigne, Paris, was not receiving his mail.

December 12, 1917, Mr. Burrell advised, "I have just heard that my son, H. A. Burrell received the first package sent him on November 20. It was mailed in New York September 15.

December 21, 1917, Mr. Burrell advised that packages of tobacco and cigarettes sent to his brother, Charles S. Burrell, Sixth Battalion Canadian Troops, France, which he thought lost were beginning to arrive, and "I am finding the facts mentioned in your printed circular of November 27 are correct."

December 5, 1917, Charles V. Hilding, 307 Fourth National Bank, Grand Rapids, Mich., advised that mail for his brother, Pvt. Axel E. Hilding Company C, Sixteenth Engineers Regiment, American Expeditionary Forces, was not being received.

December 13, 1917, Mr. Hilding advised, "I am very glad to advise you that day before yesterday I received a letter from my brother informing me that he had received some mail and had also received one package of tobacco. While there has been considerable delay, yet it is pleasing to know that the matters finally appear to be reaching destination. Thanking you for your prompt attention."

—

November 23, 1917, the secretary to the governor of Massachusetts forwarded a communication from Miss Lillie Copeland, 74 Homer Street, East Boston, Mass., advising that her brother, Charles William Copeland, sailed for France the middle of September, that she had been writing to him about three times a week since he left, but that in his last letter, received November 20, he advised that he had received no mail since he left New York.

December 10, 1917, Miss Copeland advised: "I am pleased to inform you that I received a letter this morning from my brother, Sergt. Charles W. Copeland, Quartermaster Enlisted Reserve Corps, that he had received a letter from me which I sent in September. * * * With many thanks for your trouble."

—

November 14, 1917, A. C. Barker, 607 White Building, Buffalo, N. Y., advised that his son, a private in Company F, Nineteenth Regiment Engineers (Railway), with the American Expeditionary Forces, is not receiving his mail. "I have written him regularly every week since they sailed in August and sent him tobacco and parcel post for four consecutive weeks starting the first week in September, and his last letter, dated October 23, does not acknowledge the receipt of them, and he states he has not received same or word from us for two weeks."

November 28, 1917, Mr. Barker writes: "I humbly have to state that since writing you that communication I have received several communications from my son acknowledging several of our letters and parcel-post packages sent him the latter part of September."

—

November 13, 1917, the postmaster at Belton, Tex., advised that a patron of the office, Mrs. Harry O. Ware, advised that since September 8 she had been mailing letters regularly addressed to Harry Otis Ware, second lieutenant, Cavalry, United States Reserves, and that he had never received any of her letters.

December 7, 1917, the postmaster writes, "I desire to state that Mrs. Ware has informed me that such mail is now being delivered.

—

November 21, 1917, Mrs. Nora Forbes, Hoboken, N. J., advised that her son, Pvt. George S. Forbes, Headquarters Troop, First Expeditionary Division, A. E. F. (later Company A, Twenty-eighth Infantry, A. E. F.), arrived in France August 22 and advised her October 23 that he had received no word from her. She wrote three times a week and sent papers and parcel-post packages, but received no reply.

December 10, 1917, Mrs. Forbes advised: "I received a letter to-day from my son, and he wrote it November 19. He was delighted in getting a few of the first letters and papers from me, written in September. I feel confident that he will send us word of receiving the balance."

—

November 21, 1917, Mrs. J. Knox, 88 Lynch Street, Brooklyn, N. Y., advised: "My husband is a lieutenant in the Cavalry division and has been on the other side since September 8, and I have sent him at least 14 letters. He writes and says that he has not received any mail from me since he has been there," a letter having been received that day.

December 1, 1917, Mrs. Knox advised: "I have received a letter from my husband stating that he has received one of my letters."

—

September 14, 1917, C. Henry Stinson, 317 Swede Street, Norristown, Pa., advised that letters and parcel post addressed to his son, Robert Stinson, 21 Rue Raynouard, Passy, Paris, France, care of American Field Service, were not being received; also that the same condition applied with reference to mail for Francis Harley Sheatz, secretary Groupe Americaine, T. M. 526, Peleton C. Convois Autos; par B. C. M., Paris. A list of articles sent to Mr. Stinson was later provided.

October 25, 1917, Mr. Stinson advised: "I would say that my son has received two packages of tobacco and one of candy at his last writing, October 3. Two of them were gotten at the Rue Raynouard by one of his friends who went there and hunted through a large amount of mail matter that was lying there undelivered."

October 31, 1917, Mr. Stinson also advised: "The letters to my son and all first-class mail matter has been received by him, comparatively speaking, with regularity."

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December 3, 1917, B. F. Bourne, Cleveland, Ohio, advised that his daughter and two other young ladies, whose husbands are Volunteer officers in Europe, had been receiving cables and letters from their husbands, but that no letters or cables had been received by their husbands although they landed on the other side at least a month ago, or longer.

December 11, 1917, Mr. Bourne writes: "I beg to advise that on yesterday my daughter received a cable from her husband to the effect that he had just received a large number of our letters, indicating that the channels necessary to secure delivery of mail from this country to such officers are now open. * * * I take this occasion to thank you for the kind interest which you have shown in my request."

—

December 9, 1917, A. G. Lano, Annandale, Minn., advised that in a letter from his son, Sergt. Arthur R. Lano, Thirty-first Aero Squadron, American Expeditionary Forces, dated November 14, he advised that he had received no mail from home. "He has been in France since September 14, 1917."

December 17, 1917, Mr. Lano wrote: "I was to-day advised by my son that he has received his mail on November 23 and 24 * * *. I take great pleasure in thanking you for the interest you have taken in this matter."

—

November 27, 1917, Postmaster Seiph, of St. Louis, Mo., forwarded a letter from J. Carr Gamble, Third National Bank Building, St. Louis, Mo., advising that mail for his brother, Lieut. Clark R. Gamble, American Officers' Infantry School, A. E. F., France, was not being received, probably because such matter had omitted that part of the address, "American Officers' Infantry School."

December 17, 1917, Mr. Gamble advised: "I am pleased to inform you that my brother has received mail which was sent to him. His first letter was received November 25 and was mailed from St. Louis on October 3.

—

December 22, 1917, Representative KENNEDY, of Rhode Island, advised that Mr. C. D. McDermott, of Georgiaville, R. I., had complained to him concerning the nondelivery of mail to his son; that since October 29 he had written his son every week and had sent money, tobacco, and clothing, and that the son, Pvt. Charles D. McDermott, Company A, One hundred and first Regiment, United States Engineer Corps, had not received even a letter.

December 31, 1917, Representative KENNEDY, of Rhode Island, writes: "It gives me pleasure to inform you that Pvt. McDermott has received the first letter sent him by his parents. Word to this effect has been received by his father."

—

December 21, 1917, Mr. John Loughenry, Box 233, St. Clair, Pa., wrote concerning the nonreceipt of mail addressed to John J. Loughenry, Company C, Twenty-sixth United States Infantry, American Expeditionary Force, Paris; that he received his letters but not packages.

December, 1917, Mr. Loughenry advised that he had just received word from his son that he had received two of the five packages.

—

December 10, 1917, M. E. Golding, East Liverpool, Ohio, wrote that mail for his son, with the American Field Ambulance Service, in France, was not being received; that in a letter dated November 10, received December 9, he advised that he had received no money, although the father had sent several remittances.

December 27, 1917, Mr. Golding advised that he had word from his son stating that most of the mail complained about as being long overdue, some containing drafts, others having essential comforts, had most of it reached him. "Excepting some nonessentials, I think all mail has been delivered. I ought to say that by 'nonessentials' candies and suchlike are meant. And now his mother and I want to thank you for your prompt assistance and the comfort of your correspondence."

—

November, 1917, Miss Maude Jenkins, Ewing, Ind., wrote that Clifford V. Boofer, Twenty-ninth Aero Squadron, Signal Service Corps, Aviation Section, American Expeditionary Forces, was not receiving mail addressed by her to him.

December 20, 1917, Miss Jenkins advised that Mr. Boofer had received one letter from her.

—

December 17, 1917, Mrs. J. F. Lange, Harrison, N. Y., advised that mail addressed to her son, Pvt. John F. Lange, jr. (packages, papers, and magazines), was not being received.

December 27, 1917, Mrs. Lange advised that she had that morning received word that her son had received three of her letters, written early in October, and one package received December 5.

—

October 16, 1917, William T. Jennings, chairman committee on public safety, Harrisburg, Pa., advised as to the general unsatisfactory condition of mail service for his son who went to France from England about August 2; that no newspapers, which had been sent him regularly from June 28, had been received.

The case was put into the hands of a post-office inspector for investigation, who makes report on December 20, stating in part as follows: "On the 5th instant I again saw Mr. Jennings, when he informed me that he had recently heard from his son, who stated that a quantity of delayed mail had just been received by him, indicating that it had been accumulating at some point prior to receipt by the addressee."

—

November 15, 1917, Dr. D. L. Grayson, James Building, Chattanooga, Tenn., wrote concerning the nonreceipt of mail addressed to his son, Lieut. C. B. Grayson. He left this country somewhere in the neighbood of September 8, "and I think you will agree with me that from September 8 to October 25 is such a delay in the delivery of mail as should be given prompt attention. * * * I was yesterday in receipt of two letters from him, one dated October 16 and the other October 25. In the first letter he distinctly stated that he had received nothing of any source in this country whatever. His letter of October 25 makes no reference to the receipt of any mail." A letter dated December 13, from Mr. Grayson, indicates frequent changes in his son's address.

December 21, 1917, Dr. Grayson writes: "I beg to advise that in a letter received, dated November 25, from my son, he advises that he has begun to receive his mail, having on that date received three letters from us. He is greatly elated in consequence. Thanking you very much for the interest you have taken in this matter and assuring you of my appreciation thereof."

—

November 23, 1917, Mr. T. J. O'Donnell, 822 Ernest & Grammer Building, Denver, Colo., advised of the nonreceipt of newspapers addressed as follows: "Capt. Ottomar O'Donnell, Fifth Field Artillery, American Expeditionary Force." A box of confections mailed early in September had not been received when he wrote.

December 19, 1917, Mr. O'Donnell writes, "I am to-day in receipt of a letter from Capt. O'Donnell, dated November 26, in which he acknowledges receipt 'during the last week' of papers, packages, and letters sent between September 29 and October 27.

December 22, 1917, Mr. O'Donnell advised that in a letter dated November 16 from his son he acknowledged receipt of cigarettes, candy, and papers. "I assume now that conditions are adjusting themselves."

—

December —, 1917, Mrs. Rollin M. Thomas, Klemme, Iowa, advised that packages for her husband, Second Lieut. Rollin M. Thomas, V. O. R. C., Base Section No. 1, A. E. F., France, were not being received, although he had received most of the letters.

December 22, 1917, Mrs. Thomas advised, "Have just received word that the most important packages have reached Lieut. Thomas."

—

December 9, 1917, Mrs. E. G. Tomlinson, Fort Howard, advised that on September 28 she sent her husband, Lieut. E. G. Tomlinson, First Division Ammunition Train, Motor Section, Truck Company No. 2, A. E. F., a suit case containing various articles, and that she wrote to him daily, but that in his letters he complained of nonreceipt of mail.

December 26, 1917, Mrs. Tomlinson advised, "I received a letter from my husband and he tells me that he received the suit case, also 25 letters at one time, and it was not the fault of the post-office facilities that he was not receiving them on time. It was due to the fact of his being only one night in one town. Thanking you for your kind interest."

—

December 8, 1917, William D. Fullerton, Ottawa, Ill., advised that since the 12th of September some 25 letters had been forwarded to "Lieut. Charles B. Fullerton, U. S. R., unassigned, A. E. F." He sailed from Hoboken about the 13th of September. Up to the 10th of November he had received no mail except a bunch of newspapers mailed from Chicago.

December 24, 1917, Mr. Fullerton advised, "I have a letter from Lieut. Fullerton, U. S. R., Company K, Twenty-sixth Infantry, acknowledging receipt on December 1 of letter I mailed him October 19, and other mail. But letters mailed prior to October 19 had not yet reached him. It is apparent that some of his mail is still being held up at some point."

—

December 13, 1917, Miss Eva Blodgett, 527 Plainfield Street, Springfield, Mass., advised that Pvt. Fred C. Partch, Company M, One hundred and third United States Infantry, Fifty-second Brigade, Twenty-sixth Division, American Expeditionary Forces, had not received letters from her.

December 24, 1917, Miss Blodgett advised that Pvt. Partch had received some mail from home.

—

December 10, 1917, the postmaster at Dixon, Ill., transmitted copy of a letter from Sergt. Harold Lenox, Quartermaster Corps, National Army United States, Army Post Office 701, via New York, France, in which he advised his father (Nov. 12, 1917) that he had received no mail from home. The statement was made to the postmaster that a letter had been written him each week, giving the same address as that in his letter.

December 26, 1917, Ed. Lenox, Dixon, Ill., advised, "In reply to your letter, am pleased to say that Harold Lenox is now receiving mail, first on November 14. Thanks for your prompt attention and interest."

—

December 17, 1917, Mr. Pierce Timmie, 124 Elmwood Street, Woodhaven, Long Island, N. Y., advised that mail addressed to his brother, Pvt. Colin Timmie, headquarters Seventeenth Engineers, Railway, was not being received.

December 26, 1917, Mr. Timmie wrote: "In acknowledging yours of December 22, I wish to advise you that on Saturday last I received a letter from my brother in which he acknowledged the receipt of a letter I mailed him at the end of September. I wish to thank you for your prompt attention."

—

December 18, 1917, the postmaster at Manchester, N. H., advised that Arthur S. Brown, of Manchester, complained that he had sent 25 or more letters and packages to Howard Mark Brown, One hundred and fourth Field Hospital, One hundred and first Sanitary Train, Twenty-fifth Division, American Expeditionary Forces, and that none of these had been received by the addressee. He stated that this field hospital was formerly known as the Fourth Field Hospital.

December 27, 1917, Mr. Brown advises that Howard M. Brown received four letters "some three weks ago, but has not received any from me."

—

December 14, 1917, H. C. Zacharias, 231 Washington Lane, Johnstown, Pa., advised that September 24 he mailed to Pvt. Oliver W. Myers, Company C, Tenth Engineers Forestry Regiment, American Expeditionary Forces, a package containing various articles which had not been received by him.

December 19, 1917, Mr. Zacharias states that a letter has just been received from Pvt. Myers stating that the package reached him November 26, the date of his writing.

—

December 22, 1917, Mr. John H. Howard, Kingwood, W. Va., complains no mail reaches his son, First Lieut. F. C. Howard, Medical Officers Reserve Corps, United States Army, Two hundred and tenth Brigade, Royal Field Artillery, British Expeditionary Forces, France, stationed in France since August 1, 1917, and "well nigh a hundred letters" sent.

January 5, 1918, Mr. Howard states that he is communicating with The Adjutant General on the subject and that he received on January 5 letter from his son stating that 27 letters reached him at one time.

—

October 31, 1917, Mrs. G. W. Williams, Mercedes, Tex., states that according to letter dated London, October 10, her husband, with the American Expeditionary Forces, advises only two letters received from home, one dated August 12 and one August 26; believes some other "G. W. Williams" may have received rest of mail.

December 27, 1917, Great Britain, in reply to this department's letter on subject, advises that Mr. Williams states that all articles sent to him have been received.

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December 15, 1917, Senator C. S. PAGE, Vermont, transmits letter of complaint from Mrs. S. B. Clark, St. Johnsbury, Vt., that her son, with the American Expeditionary Forces in France, is not receiving letters from home. States that son writes: "Mother, I can not think why I don't get a word from home."

January 7, 1918, Mrs. Clark now states letter received from her son in which he says he received two letters from home about December 10. Hopes other letters have now reached him. Mail from him reaches here in about 17 days.

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December 22, 1917, Mr. Charles Bulda, inspector of buildings, West Hoboken, N. J., writes in behalf of Mrs. Martin Gould relative to her son, Sergt. George F. Gould, quartermaster, Engineers' Reserve Corps, American Expeditionary Forces, France, attached to Ninth Bakery Company, also addressed "Sergt. George F. Gould, Quartermaster Corps, Det., unassigned, care of General Headquarters, American Expeditionary Force," not receiving any mail from home.

January 4, 1918, Mrs. Gould advises receipt of letter from her son in which he says that all his mail has been received. Thanks to the department for consideration shown her.

November 28, 1917, Mrs. A. E. Gauerke, 519 Oak Street, Abilene, Tex., wants to know why newspapers do not reach her son, George Miller, Company A, Twelfth Regiment Railway Engineers, American Expeditionary Forces, France.

January 2, 1918, Mrs. Gauerke reports her son now "getting his papers all right."

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December 27, 1917, Mr. Gus O. Henderson, 79 Milk Street, Boston, Mass., transmits newspaper clipping stating that report that mail for American Expeditionary Forces is being held up is not true, and adds that if this is so, to explain why his son, Lieut. Elliott Henderson has not received a single letter from home since he landed in France, the latter part of September.

January 7, 1918, Mr. Henderson advises receipt of letter from his son dated December 8 stating he has received in one package 25 letters from home, "which includes practically all that have been written."

—

October 26, 1917, postmaster Delavan, Wis., reports complaint by Mrs. Frank W. Hall that letters sent to her husband, who is with the British Expeditionary Forces, are not reaching him.

January 7, 1918, postmaster Delavan, Wis., advised that Great Britain states Lieut. Frank W. Hall admits receipt of all correspondence and instructed to so inform Mrs. Hall.

—

December 28, 1917, Mrs. Fannie G. Horne, 360 East Two hundred and first Street, New York, states she sent, on October 3 package to her son, William J. Horne, Company F, Eleventh United States Regular Railway Engineers, American Expeditionary Forces, France, and one October 26, and three for Christmas, but from his last letter he has not received the first packages sent.

January 3, 1918, Mrs. Horne advises that her son writes, under date of December 5, acknowledging receipt of two packages and regrets any annoyance caused by her complaint.

—

November 26, 1917, Mr. Robert H. Dippy, Philadelphia, Pa., says he receives letters from his son in France, but at least 12 to 15 letters sent to France previous to November 1 have not reached addressee.

December 20, 1917, Mr. Dippy advises receipt of four or five letters from his son now stationed in Italy, but that only about three letters sent were received by his son.

January 5, 1918, Mr. Dippy advises receipt of five letters, dated from November 1 to December 14, in which his son says he received mail from this country sent during the month of October.

—

December 21, 1917, Mrs. Marc Thibault, 165 Nashua Street, Fall River, Mass., complains that her son, Alfred Thibault, Third Company, One hundred and first Ammunition Train, Twenty-sixth Division Motor Truck, American Expeditionary Forces, France, does not receive mail from home.

December 30, 1917, Mrs. Thibault advises word from her son that he now receives his mail.

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December 5, 1917, Miss Madeline M. Morrison, Palouse, Wash., states that letter from Lieut. J. J. Lippincott, Eleventh Engineer Regiment, American Expeditionary Forces, France, informs that none of her letters received by him.

December 30, 1917, Miss Morrison writes, "I am happy to report that in a letter written by him, November 15, he acknowledged the receipt of several of my letters which had just begun to come."

—

December 5, 1917, Congressman H. M. JACOWAY, Arkansas, transmits letter from Mr. Morris M. Cohn, Little Rock, Ark., stating that out of some 40 packages sent to his son, First Lieut. Louis M. Cohn, with the American Expeditionary Forces in France, only 2 have reached him.

January 1, 1918, Mr. Cohn advises arrival at destination of a number of packages addressed to First Lieut. Louis M. Cohn, Battery M, Sixth Regiment, Coast Artillery Corps, American Expeditionary Forces, and advises, "He reports the receipt of eight or nine packages."

—

December 7, 1917, Mrs. James H. Reynolds, 17 South Pine Street, Lock Haven, Pa., asks why mail does not reach her son, H. B. Reynolds, American Naval Base, Pauillac, Gironde, France.

December 28, 1917, Mrs. Reynolds reports that her son is now receiving his mail from the States and, "I am very grateful to you for attending to the matter for me, and if I can at any time be of any service to you I sure will be at your service."

—

December 6, 1917, Congressman AUGUSTINE LONERGAN, Connecticut, submits letter from Miss Agnes N. Kelly, Hartford, Conn., in behalf of Mr. Marcell Lavoie, 72 Camfield Avenue, Hartford, Conn., respecting mail sent to his son, Pvt. Edward E. Lavoie, One hundred and second Machine Gun Company, American Expeditionary Forces, France. Mail sent to his boy once a week, but none received.

December 30, 1917, Mr. Lavoie writes that he has recently received word from Pvt. Lavoie stating he has received the mail in question.

—

December 20, 1917, Hill, Clarke & Co. (Inc.), Boston, Mass., write that letters are being received from Second Lieut. Henry Ware Clarke, American Expeditionary Forces, detached service, France, but none received by him from home. Packages have also been sent, with same address.

December 30, 1917, Mr. C. A. Clarke reports, "I am pleased to say that up to November 28 Lieut. Clarke had received 1 letter and 1 package; but since then, within a week or two afterwards, he received 20 letters in one bunch. There are missing, however, about 30 letters and a dozen or more packages, some of them important * * * but now that he is definitely located with the Regular Army I imagine he will receive his mail regularly."

—

December 2, 1917, Miss Nellie C. Creeden, 59 Bellevue Street, Lowell, Mass., asks why mail does not reach some of her friends over in France with the One hundred and first United States Infantry.

December 30, 1917, Miss Creeden advises that her letter dated October 21 was received by the addressee, Sergt. Thomas J. McDermott, Company M, One hundred and first Infantry, American Expeditionary Forces, on November 17. His letters, dated November 29 and 30, have just arrived here.

December 28, 1917, Mrs. Frank R. Potter, Rural Delivery No. 6, Amsterdam, N. Y., states that her son was sent to France about September 8 and she just received word that no mail from any source had reached him since early in October. Christmas box sent him November 13, and wants to know whether it reached the addressee.

January 8, 1918, Mrs. Potter writes: "Pvt. Henry R. Potter received 17 letters on December 18, so am in hopes he will received his mail in future."

—

December 28, 1917, Mr. P. M. Collins, 92 Line Street, Somerville, Mass., asks in re nondelivery numerous parcels sent his brother, Pvt. George Collins, Company E, One hundred and first Regiment Infantry, Twenty-sixth Division Overseas, Fifty-first Brigade, American Expeditionary Forces, via New York. By letter dated December 1 he makes no mention of articles sent to him, and it is therefore concluded that none have reached him.

January 8, 1918, Mr. Collins advises receipt of letter from his brother stating that several packages addressed to him have been received.

—

November 16, 1917, postmaster, Asbury Park, N. J., advises complaint by Mrs. S. W. Hoffman, 703 Bond Street, Asbury Park, N. J., of nonreceipt of mail sent to her husband, First Lieut. S. W. Hoffman, Forty-seventh Company, Fifth Regiment United States Marines, in France.

January 8, 1918, Mrs. Hoffman writes: "Have received mail from Lieut. Hoffman. He also has received my mail. Thanking you for your interest."

—

December 19, 1917, Miss Ebba V. Anderson, 486 Elton Street, Brooklyn, N. Y., states that box containing knitted muffler and also letter sent about two weeks ago to her cousin, Carl H. Anderson, Fourteenth Engineers, Company E, American Expeditionary Forces, not received by him, as advised in his letter dated November 15.

January 10, 1918, Miss Anderson writes: "Since I last wrote you I received a letter from him stating he had received the package I sent him, also my letter. Thanking you * * *."

—

January 15, 1918, Mr. William H. Dechant, Reading Pa., states that his son, with the American Expeditionary Forces in France, in his last letter, dated December 14, advised the receipt of only one letter since he arrived in France November 3. He started for France about October 18, and 8 or 10 letters were written him since.

January 23, 1918, Mr. Dechant writes that he has heard from his son, who states he is receiving his letters and is in fine spirits.

—

November 13, 1917, Mr. Charles S. Turner, Wilkes-Barre, Pa., states that letters do not reach Lieut. Arthur H. Turner, Sixth Regiment, Marine Corps, American Expeditionary Forces, according to letters from him dated October 24 and 25, letters being mailed to him every day.

December 22, 1917, United States postal agent in France, respecting this case, advises that he took the matter up personally and has received a reply from Capt. A. H. Turner, stating that his letters are numbered consecutively and are being regularly received without any extraordinary delay. On January 22, 1918, the complainant, Mr. C. S. Turner, Wilkes-Barre, Pa., was advised of the postal agent's report.

—

January 24, 1918, Mr. J. B. Pratte, Bristol, Conn., complains no mail received from his son, Joseph V. Pratte, Company D, One hundred and second United States Infantry, American Expeditionary Forces.

February 2, 1918, Mr. Pratte writes: "I received four letters since January 30, dated January 2, 1918, and was very glad to receive them."

—

January 9, 1918, Miss Gertrude Peterson, San Francisco, Cal., advises word from Pvt. George L. Frye, Company A, Eighteenth Engineers, American Expeditionary Forces, that package mailed him October 11 by insured parcel post has not been received, but that two Christmas boxes mailed November 30 were received.

January 22, 1918, Miss Peterson advises the receipt of a letter from Pvt. Frye stating that package in question arrived, and thanks department for attention given her complaint.

—

January 5, 1918, Hon. AMBROSE KENNEDY, of Rhode Island, House of Representatives, transmits a letter from Mr. J. Frank Mara, Pawtucket, R. I., respecting nondelivery of mail to his son, Edwin M. Mara, Brigade Headquarters Detachment, Fifty-first Brigade, United States Field Artillery, American Expeditionary Forces. About 30 or 40 letters sent him, but not one received.

January 14, 1918, Mrs. J. Frank Mara reports receipt of letter from her son stating he had just received a letter from home dated October 9, 1917.

—

January 5, 1918, Ellen G. Greene, Pittsburgh, Pa., advises that her brother, Harold D. Greene, Company A, Twenty-sixth Engineers, American Expeditionary Forces, writes on December 15 that he has not heard from home since his arrival in France, letters being mailed him three or four times a week.

January 19, 1918, Ellen C. Greene states that her brother writes under date of December 28 that he has received several letters and packages from home.

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December 27, 1917, Mrs. E. C. Chambers, Portland, Me., states she has written several letters to her son, Pvt. George L. Bradbury, One hundred and first Regiment United States Engineers, American Expeditionary Forces, Company A, Twenty-sixth Division, and has received seven letters from him asking her to write.

January 24, 1918, Mrs. Chambers advises her son has received all letters mailed him.

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January 11, 1918, Mr. E. C. Cobb, Fremont, N. C., advises letters and packages sent since October 15 to Edgar E. Cobb, Aviation Section of the Signal Enlisted Reserve Corps, Second Aviation Instruction Center, American Expeditionary Forces, and that cablegram from him dated January 11 states he has not heard a word nor received a package.

January 17, 1918, Hon. GEORGE E. HOON, House of Representatives, writes on the same case.

January 19, 1918, Mr. Cobb writes: "Am pleased to inform you that Edgar E. Cobb has at last received mail from us."

December 21, 1917, Mrs. M. Goulden, Chicago, Ill., states she has written her son, Pvt. Lewis A. Goulden, Company G, Second United States Engineers, American Expeditionary Forces, about a dozen letters and sent him packages, but on November 15 he wrote saying nothing received and wonders what is wrong.

January 9, 1918, Mrs. Goulden writes: "I want to say my son has received two of my letters, and, of course, he feels better now."

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January 2, 1918, Mrs. John Hackett, West Allis, Wis., states her son, William J. Hackett, American Red Cross, Buffalo Motor Unit, American Expeditionary Forces, writes under date of December 12 that he has not received one word from home. About 20 letters and 6 packages sent him. Other members of the same unit seem to be getting their mail. Mrs. Hackett gives two addresses, one to American Red Cross, 79 Rue Laugier, Paris France, and one to Chateau des Halles, par Sainte Foy Largetieve Rhone, France.

January 23, 1918, Mrs. Hackett writes that her son, under date of December 24, advises he received some letters from home December 23 and two Christmas boxes.

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January 11, 1918, Mr. William P. Hill, Providence, R. I., complains letters to P. W. Hill, Battery A, One hundred and fiftieth United States Field Artillery, Sixty-seventh Brigade, Forty-second (Rainbow) Division, American Expeditionary Forces, do not reach him.

January 21, 1918, Mrs. Hill reports receipt of letter from Mr. P. W. Hill dated January 18, 1918, saying he received two letters from her and one from his brother; also papers and magazines.

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December 31, 1917, E. B. McGilvary, Madison, Wis., asks re nonreceipt of mail by his son, Paton McGilvary, American Aviation Detachment, American Expeditionary Forces, Italy. He heard from home before September 18 and not again until November 11, when he received two letters, one dated September 2 and one October 1.

January 14, 1918, Mr. McGilvary writes: "I am informed by my son that he has received the mail matter in question. Within the last few days I received a letter from him reporting that he had received on November 30 'quite a batch of mail.' I presume that what he had not received at the time I wrote he may have gotten since, now that communications seem to have become established again."

January 5, 1918, postmaster, Augusta, Ga., advises inquiry by Mr. William Frank re parcel mailed to his son, Corpl. William W. Frank, Marine Engineer Reserve Corps, American Expeditionary Forces, United States Army, base hospital No. 8, France.

January 15, 1918, Mr. Frank reports: "I made no complaint and have none to make, since all mail matter, letters as well as parcels, have been received by our son very regularly for the past three or four months; so also has his mail reached us promptly."

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December 18, 1917, postmaster, Columbus, Ohio, advises complaint from E. M. Heller, that city, that six parcels of tobacco, candy, etc., mailed between September 10 and December 1, addressed to Frank E. Heller, Company E, Fourth United States Army, Forty-second Division, Camp Mills, Long Island, N. Y., and to Company E, Fourth United States Army, American Expeditionary Forces, have not reached addressee, but first-class mail has been delivered.

January 18, 1918, postmaster, Columbus, Ohio, writes: "Beg to advise that Mr. Frank E. Heller now states all mail is being properly delivered to him," and that this information was obtained from A. E. Heller, the complainant.

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January 8, 1918, Mrs. Edna V. Weston, Edgartown, Mass., writes that letters to her husband, Lieut. A. D. Weston, Company A, Twenty-sixth Engineers, American Expeditionary Forces, mailed him from October 29 at the rate of six each week, have not reached him, according to letter received from him dated December 16.

January 20, 1918, Mrs. Weston writes that letter received from her husband advises that he received a bundle of mail on December 23.

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CHAMBER OF COMMERCE,
Bloomington, Ind., January 24, 1918.

MERCHANTS' ASSOCIATION OF NEW YORK,
Division of Mail Inquiry, New York, N. Y.

GENTLEMEN: In regard to your request for the chamber of commerce to furnish you a statement concerning the local mail service, we are pleased to submit the following brief report:

The past two weeks we have experienced the worst winter weather in the history of Indiana, the temperature being below zero nearly every day, and some days from 14 to 20 degrees below. In addition to this, the deepest snow ever known here has hindered all traffic. The wagon roads have been blocked for days at a time with miles of snowdrifts in many places on the level with the road fences, making transportation impossible, even on our main highway.

Our two railroads have also experienced great difficulty in running trains and are unable to make their regular schedules. For a few days all trains were annulled and on other occasions the trains were from 2 hours to 14 hours late, due to the deep snowdrifts on the tracks.

Any delay of mail in this locality has been due to the acts of Providence and not to the acts of the Postmaster General. We have heard no complaint from the business men, but, on the contrary, have heard many compliments on the prompt and efficient service rendered by the department even under adverse conditions of the weather. For instance, friends and relatives have mailed over 600 Christmas boxes to their soldier boys in France. Not one was lost so far as known, and the boys received their presents in time for Christmas.

Our local office is in charge of the most accommodating postmaster Bloomington ever had. He devotes his entire time to the duties of his office and does not permit politics to interfere with the efficiency of the service.

Very truly, yours,

(Signed) C. G. CREIGHTON,
Secretary-Manager.

The Clerk read as follows:

Contribution to the maintenance of the International Bureau of Weights and Measures, in conformity with the terms of the convention of May 24, 1875, the same to be paid, under the direction of the Secretary of State, to said bureau on its certificate of apportionment, $2,895.

Mr. DILL. Mr. Chairman, I move to strike out the last word. I want to say that it seems to me that the basis which

the President laid down in his address on peace, delivered to the House on the 8th of January, 1918, when he said that open covenants and open treaties were the first necessity, is a basis that can be indorsed not only by all Americans but by the free peoples of the world around. I do not believe history has ever shown a period when the world suffered so much from secret treaties and secret agreements as it has for the last three years and is now suffering. For that reason I ask unanimous consent to extend my remarks in the RECORD by printing certain documents and treaties recently published by the New York newspapers. They show what a wonderful work has been done by President Wilson since we entered the war in making this war really and truly a war for democracy and justice. By those treaties nations were to divide up conquered countries, but this Government's influence has been such that all that has been changed and the former territorial agreements renounced.

Mr. CHARLES B. SMITH. Reserving the right to object, I should like to ask how much space in the CONGRESSIONAL RECORD will be required to publish these treaties?

Mr. DILL. I do not know exactly; probably four or five pages. I do not think it will exceed that. I would not want to say definitely, as the documents were published in two or three installments in the New York papers. I am not certain; but not to exceed six or seven pages at most.

Mr. CHARLES B. SMITH. I have no objection to that, but I do not want to have three or four volumes put in.

Mr. STAFFORD. Mr. Chairman, in the absence of the gentleman from Massachusetts [Mr. WALSH], who is the censor of outside matter offered for printing in the RECORD, I ask the gentleman to withdraw his request for the present.

Mr. DILL. Mr. Chairman, these are Government documents of the Russian Government. If the gentleman from Massachusetts is not on the floor, that is his fault.

Mr. STAFFORD. I was busily engaged on another matter. Will the gentleman kindly inform the House again the character of the publication?

Mr. DILL. They are documents and communications to the Russian Government, which have recently been published, showing the secret treaties existing at the beginning of the war and before the war between the European nations.

Mr. STAFFORD. I withdraw the objection, Mr. Chairman.

Mr. BLACK. Does the gentleman have any fault to find, for instance, with the Italian treaty, by which our allies induced Italy to join them in the war against the Imperial German Government?

Mr. DILL. I may say to the gentleman that it is not for the purpose of criticism but for the purpose of furnishing information that I proposed to place these documents in the RECORD just as a matter of historic record. A number of Members have said they would like to read these documents if they were all collected in one place.

Mr. BLACK. Has the gentleman any assurance that this synopsis of these treaties is correct?

Mr. DILL. They are not synopses, but complete documents. They were given out by the Russian Government and published in the New York newspapers. I have no authenticated statement by the Secretary of State or by any of our own Government officials.

Mr. BLACK. Has the gentleman seen any acknowledgment by any of the allies that these treaties were in fact made?

Mr. DILL. No; I have not.

Mr. SAUNDERS of Virginia. What are these treaties?

Mr. DILL. They are a number of communications that during the war have been sent to the Russian Government, especially when the Czar was in power, and following his being deposed, and they have been recently published by the present Russian Government.

Mr. SAUNDERS of Virginia. Communications?

Mr. DILL. Yes; they were published in New York dailies some two weeks ago, I think.

Mr. SAUNDERS of Virginia. Were they authoritatively published?

Mr. DILL. As authoritatively as any treaty that is published in a newspaper.

Mr. SAUNDERS of Virginia. What I mean is, did they purport to be published on authority of any representative of the Government?

Mr. DILL. Oh, yes; they were given out by those in control of the Russian Government at the time of their publication in Petrograd.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DILL. I ask for two minutes more so that I may answer the questions of the gentleman from Virginia.

The CHAIRMAN. The gentleman asks that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. Have they been in anywise verified by the representatives of the Government on whose behalf they purport to have been issued?

Mr. DILL. Not to my knowledge. They were simply given out by the authority of the Russian Government. I do not think there is any denial of them.

Mr. SAUNDERS of Virginia. Would we not be filling up our RECORD then with matters whose authenticity may be questioned?

Mr. CHARLES B. SMITH. As I understand their authenticity has not been denied.

Mr. DILL. I do not think there is any doubt of their authenticity. There is only one complete treaty. The rest are largely discussions by ambassadors back and forth, referring to treaties.

Mr. SAUNDERS of Virginia. What is to be gained by their publication?

Mr. DILL. It is simply a matter of putting them in the RECORD in order that they may be available to the House and to the country.

Mr. HARDY. Will the gentleman yield for a question?

Mr. DILL. Yes.

Mr. HARDY. These documents were published by Lenine and Trotzky, were they not?

Mr. DILL. Yes.

Mr. HARDY. And published together with a lot of criticism of the allies.

Mr. DILL. There is no criticism in the statement of the treaties which I have.

Mr. HARDY. They were published purporting to have been discoveries from the secret archives of the Czar.

Mr. DILL. I think so; yes.

Mr. HARDY. The whole motive was to throw blame on the allies in connection with this war?

Mr. DILL. I do not think that, but rather to throw blame on the Czar for the way he handled the Russian Government.

Mr. SAUNDERS of Virginia. Is it the desire of the Government that this material should be published?

Mr. DILL. I do not know about that.

Mr. HARDY. My recollection is that they came out with a lot of criticism by the Bolsheviki.

Mr. DILL. That may be, but I simply proposed to insert the documents. It has been said they show a number of agreements, which, in fact, they do not show.

The CHAIRMAN. Is there objection?

Mr. BORLAND. Reserving the right to object——

The CHAIRMAN. The gentleman from Washington asks unanimous consent to insert some remarks in the RECORD by printing certain documents. Is there objection?

Mr. BORLAND. Reserving the right to object, these are what purport to be copies of secret treaties entered into by the authority of the Russian Government and some other Government—the German Government, for instance?

Mr. DILL. No; there are none with the German Government or with any of her allies among those I have seen published in this series.

Mr. BORLAND. They are treaties purporting to be entered into by the Russian Government with other countries?

Mr. DILL. Yes.

Mr. BORLAND. They are not official copies, but newspaper or unofficial copies.

Mr. DILL. I think that is true of all treaties published in the newspapers.

Mr. BORLAND. With some comments on them?

Mr. DILL. No; I have no intention of including any comments, other than my own comments to show how President Wilson has lifted the purpose of this war to a fight for real world democracy.

Mr. BORLAND. Irrespective of the fact that secret treaties may violate our policy of the Government, inasmuch as Russia is a friendly power and these are not official, does not the gentleman think that, while it might have its proper place in the press, it would not have a proper place in the official records of Congress?

Mr. DILL. Not necessarily. I do not see how any injury can be done by printing them in the RECORD when they are already common knowledge. We would be revealing no secrets; we would be simply setting forth the records as given out by the officials of the Russian Government.

Mr. BORLAND. It seems to me, with all deference to my colleague, that they hardly deserve to be placed in our RECORD. They might be referred to in speeches, but I hardly think that they should be published in the CONGRESSIONAL RECORD.

Mr. DILL. I did not intend to place them in the middle of the RECORD, but in an extension of my remarks. I might have

gotten time in general debate and read them, but I thought that I would save the time of the House, and they would be there for the reference of Members of the House. Then no mistake could be made as to what they contain. That was my only purpose.

Mr. BORLAND. I believe, Mr. Chairman, for the present I will object.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, line 25, strike out the figures "47,500" and insert "20,500."

Mr. STAFFORD. Mr. Chairman, never in the history of this moribund Commission on International Boundary between the United States and Mexico have they ever had such a large appropriation in the 13 years of its existence as that recommended by the committee to-day. We all know that when once these commissions are organized they are mighty hard to get rid of. This is another exemplification of that rule. In fact, the work has been so futile and of such little value that the predecessor of the present commissioner, a former noted, painstaking, industrious, and capable Representative of this House, the Hon. John Wesley Gaines, resigned from the commission because he found there was no work to perform. He was ashamed to accept the salary of $5,000, and in order to justify some work for the salary he was receiving, as I was informed, he wished to indulge in some irrigation project utilizing the waters of the Rio Grande. The commission has been in existence for 13 years, and we never have appropriated more than $35,000 for it. I can understand how a new commissioner coming into this position wishes to magnify the work and present estimates—as the commissioner from Tennessee, Judge Lucius D. Hill, has—of $90,000 for extensive work in the ever-changing river bed of the Rio Grande. But I respectfully submit to the committee that this is not the time to increase appropriations. It is true that $25,000 is not much these days, when we are appropriating hundreds of thousands and millions of dollars. It is true that this commission, if it wanted to engage in the survey of the Colorado River or other rivers down there, could expend hundreds of thousands of dollars, but it is a question whether this is an appropriate time to engage in this outside work, especially in view of the pressure upon the Treasury by reason of the war conditions.

Mr. SLAYDEN. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SLAYDEN. The gentleman says this commission—and I suppose he was speaking sarcastically, as I suppose he was in some other remarks he made——

Mr. STAFFORD. No; I was speaking seriously.

Mr. SLAYDEN. He said something about the survey of the Colorado and other rivers. Does not the gentleman know the importance of the Rio Grande, and the reason for this is to remove possibilities for international complications with another sovereignty? That is the importance of it.

Mr. STAFFORD. I cited the Colorado advisedly and not sarcastically, because I examined the hearings before the Committee on Foreign Affairs, which includes an estimate by this distinguished gentleman, who wants to branch out all of a sudden, and in that estimate I find a survey of the Colorado River, $25,000.

Mr. SLAYDEN. Well, I will withdraw my observation with regard to the Colorado River and ask the gentleman to confine his attention for the moment to that part of my question which touched the value of the Rio Grande River as the boundary line between the two sovereignties, Mexico and the United States.

Mr. STAFFORD. There is no question but that we should have some well-marked line between Mexico and the United States, but I think, and the gentleman from Texas knows far better than I do, because I never saw the ever-changing bed of the Rio Grande, that it will be difficult under all circumstances to establish a boundary line.

But the time is not opportune, I take it, to engage in this survey work when the Treasury is in such need of additional funds for war activities. This work has been postponed all these years. Some commissioners have found it to be needless. Gentlemen know full well that when we create these commissions it is a most difficult task, even after their work is completed, to get rid of them. In this exigency, why should we increase this appropriation? I have no objection to continuing this deserving Democrat in office. It is spoils, and has been spoils for years. Grant that, but why should we increase the appropriation when it is not necessary?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FLOOD. Mr. Chairman, the usually correct gentleman from Wisconsin [Mr. STAFFORD] is a little bit mistaken as to the history of this commission. It has been in existence a good while. It was brought into existence by reason of a treaty between this country and the Republic of Mexico. The first commissioner we had—and we had him for a long, long time—was an Army officer, Gen. Anson Mills, a most efficient man. He drew no salary from this appropriation. He was a retired Army officer and got the salary of a retired Army officer and rendered this service without getting any additional salary from the Government. Our distinguished ex-colleague, Mr. Gaines, was the secretary of this commission. There were two commissions then. He was the water commissioner and the secretary to the boundary commission under the treaty. Mr. Gaines did not resign because there was no work to do. An unfortunate circumstance occurred in reference to an estimate sent to Congress in reference to Mr. Gaines's salary, which irritated him, and for that reason he resigned, because he did not think the State Department had remedied that mistake quickly enough. Mr. Gaines had proposed to do extensive work, which did not meet with the approval of the Committee on Foreign Affairs. Recently Judge Hill has been appointed commissioner, and his corps of assistants has been filled, and he has been engaged in this work for the last year. During the time that Mr. Gaines was the secretary and the acting commissioner Mexico had no commission. Conditions have improved in Mexico since that time and she now has a commissioner, and that commissioner and our commissioner are at work trying to settle the boundary questions between this country and Mexico, so as to avoid in the future any international complications between these two countries. Judge Hill recommended the survey of the Rio Grande and the Colorado Rivers, with a view of finding a basis for a change in the treaty between these two countries. The boundary line is constantly shifting.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. SLAYDEN. Which Colorado was that? The Colorado of the West?

Mr. FLOOD. Yes.

Mr. SLAYDEN. Not the Colorado in Texas?

Mr. FLOOD. No.

Mr. SLAYDEN. The Colorado of the West runs into the Gulf of Mexico and is an international stream.

Mr. FLOOD. A part of the boundary line.

Mr. SLAYDEN. Yes; and the other is not.

Mr. FLOOD. No. I understood from what I gathered in the hearings that Judge Hill wanted to make a proposition by which a fixed boundary could be established instead of a varying boundary which varies with the shifting of the Rio Grande River, and for that reason he asked for $91,000. The committee cut that down to $47,500, as the committee thought that amount would enable them to do the work on the Rio Grande and postpone the work on the Colorado for the present, settle the question of these bancos in the present existing stream, and enable Judge Hill to make a report that the State Department could use as a basis for a new treaty. Twenty-two thousand five hundred dollars, which the gentleman has suggested, would keep this commission alive and pay the salaries, but it would not enable the commission to do the work essential to settle controverted matters between this country and Mexico and avoid international disputes in the future and lay a basis for a most sensible settlement of the question. I hope, therefore, that the gentleman will withdraw his amendment, or, failing that, that the amendment will be voted down and that we will give this commission a chance to make the investigations in the Rio Grande River and make a report to Congress at the next session, and at any rate enable the commission to keep down any irritating questions between this country and Mexico. We are not in position to encourage irritation with any of our neighbors or any other foreign nation.

Mr. SLAYDEN. Mr. Chairman, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the chairman of the committee if Mexico now has a commissioner on the ground?

Mr. FLOOD. It has; fully equipped.

Mr. SLAYDEN. Ready to cooperate with our commission in the work that is laid upon them?

Mr. FLOOD. Yes; it has a fully equipped commissioner and assistants.

Mr. KEARNS. Mr. Chairman, I move to strike out the last word. The gentleman from Indiana [Mr. Cox] made a very astounding statement just a few moments ago. He was discussing the delay in the delivery of our mails in France, and he

assigned as one of the chief causes the fact that we did not have a sufficient number of mail clerks in France to do this work. He said that up until some three weeks ago we had only about 40 clerks assigned to this duty, that the Government had made provision in the last three weeks to send over 26 more men, provided it could get the transportation facilities to send those 26 abroad. He said that the Government was experiencing difficulty in getting these men at this particular port in France which our mails all pass through. It seems to me that if the Government of the United States is experiencing a great difficulty in transporting 26 men to France, it is going to find it is more than a man's job to get a million men in the fighting line over there. If this statement of the gentleman from Indiana is true, or is based upon fact, I believe that the Senator from Oregon the other day ought to have gone a step further and said that not only had the War Department fallen down, but the Shipping Board and also the Navy had fallen down. I can not understand why it should be found to be a difficult matter to get 26 men to France, when the War Department is boasting of the fact that it is going to have a million and a half men in France by midsummer. If the gentleman's statement is true, I believe the people of the United States are justified in the belief that somebody connected with the War Department is indulging in a species of camouflage. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

BOUNDARY LINE, ALASKA AND CANADA, AND THE UNITED STATES AND CANADA.

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including the salaries of the commissioner and the necessary engineers, surveyors, draftsmen, computers, and clerks in the field and at the seat of government, rental of offices at Washington, D. C., expense of printing and necessary traveling, for payment for timber necessarily cut in determining the boundary line not to exceed $500, and commutation to members of the field force while on field duty or actual expenses not exceeding $3.50 per day each, to be expended in accordance with regulations from time to time prescribed by the Secretary of State, $60,000, together with the unexpended balances of previous appropriations for these objects: *Provided*, That hereafter advances of money under the appropriation "Boundary line, Alaska and Canada, and the United States and Canada," may be made to the commissioner on the part of the United States and by his authority to chiefs of parties, who shall give bond under such rules and regulations and in such sum as the Secretary of State may direct, and accounts arising under advances shall be rendered through and by the commissioner on the part of the United States to the Treasury Department as under advances heretofore made to chiefs of parties: *Provided*, That when the commissioner is absent from Washington on official business he shall be allowed actual and necessary expenses of subsistence, not in excess of $8 per day.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I notice two changes in existing law—one limiting the amount of daily expenses for subsistence of the commissioner to $8 a day, and increasing the per diem allowance to the field force from $2.50 to $3.50 per day. What is the purpose of the proviso as to the amount that may be expended by the commissioner when outside of the District on official business to $8 a day, which is in the nature of a limitation? Has the evidence disclosed that there has been a larger amount expended in the past, or at present is the amount lower than that of $8?

Mr. FLOOD. The amount is lower. The amount is $4 a day.

Mr. STAFFORD. What is the reason for allowing him $8 a day when in other branches of the service we only allow for subsistence, while traveling in the United States, $4 per day. We are met by the Secretary of Commerce in making claims on behalf of commercial attachés, commercial agents, to increase the per diem allowance for subsistence while absent from the country, and the committee has not so far acted favorably; in fact, the Secretary of Commerce has recently requested that the per diem allowance of our commercial attaché at Buenos Aires, the most expensive capital in the world, be increased to $7 per day, and here we are asked that this commissioner be allowed $8 per day.

Mr. FLOOD. Well, the reason for that is this: He is a commissioner of the United States, and goes up to these meetings where he meets the commissioner of Canada. He has to stop at a decent hotel, which the gentleman well knows he could not stop at on $4 a day, and he made the statement to the committee that during last year his expenses were $8 a day; that he could not hold them below $8, and he got reimbursed $4, and the committee thought it was fair to pay his expenses. The committee was impressed with the business ability and desire for economy on the part of this commissioner and the splendid work he had been doing, and they thought he ought to have a sum that would cover his actual expenses.

Mr. MILLER of Minnesota. Mr. Chairman, if the gentleman will permit, as I happen to be very familiar with the gentleman and the work of the commission, as it is nearly all performed on the boundary line between Minnesota and Canada, I sincerely trust that the gentleman will not insist on his point of order. The $4-a-day limitation heretofore is insufficient to pay a man's subsistence. This commissioner is frequently compelled to go to Canada, often to the capital, to consult with the commissioner from Canada. It is a matter of common knowledge that you can not even obtain a room at a hotel for $4 a day.

Mr. STAFFORD. Oh, Mr. Chairman, I will have to take issue with that statement. I happened to be a member, back in 1908, of a nonofficial commission that visited Canada, a commission to investigate the question of pulp and paper supply, and we stopped at the King Edward Hotel in Toronto, and the rates were only $3 a day.

Mr. FLOOD. Conditions have changed since then.

Mr. STAFFORD. Mr. Chairman, I hear that all around that conditions have changed and yet outside of Washington the hotel proprietors in Detroit, in Chicago, in my home city, in New York, are not charging more than they did prior to the war or during the war. In this city it is true visitors are held up in an outrageous fashion. The persons who visit here are held up to the very highest point the service will bear. A man reaches here at 11 or 12 o'clock midnight and they increase their rates up to as high as $5 and $6 for lodging, whereas the published rates were $1.50 for a room. It is an outrageous condition.

Mr. MILLER of Minnesota. Just a moment, if the gentleman will permit me to finish my statement. I know he wants to be fair. I would like to indorse all he has said about the hotel charges here in Washington. It has ceased to be keeping a hotel and it has come to be legalized highway robbery.

The Congress compels people over this country to come to Washington to transact public business and they of necessity are compelled to stop at hotels and there they are just simply robbed. There is no relationship of any kind whatever between the accommodations furnished and the charges made. In fact, I advise my friends who come here when they go to one of the three or four leading hotels that they bring enough money to buy the hotel, then stay the three or four days and sell. Their loss will not be greater than the sum they would have been compelled to pay had they stayed there and paid the ordinary charges. It is a crime. Conscience ended when the Washington hotel proprietor came into being. There ought to be a new crime designated to cover this offense and a law should be passed to punish such robbery. There ought to be a penalty placed upon such a practice. Now, then, having those conditions in mind, I would like to have the gentleman really reflect that 1908 is not 1918——

Mr. STAFFORD. Oh, Mr. Chairman——

Mr. MILLER of Minnesota. Let me finish this sentence. I was up to this point indorsing what the gentleman said. Hotel rates in Canada are double what they were; for instance, not room rent is doubled but it is very much advanced, probably 50 per cent, but café rates, meals, are more than doubled, and any man who leaves this country to go up to Ottawa, Toronto, or Montreal, wherever the commission happens to meet—it does not meet very often, and the amount involved is ridiculously small; it is only a few dollars a year, very few—is compelled to meet these increased prices.

Mr. FLOOD. I will say to the gentleman here that in the last fiscal year this commissioner was out of Washington 25 days, and the expense of that, charged to the Government, was $100. During the coming fiscal year he expects to have more conferences, owing to some additional work, and he estimates he will be out of the city on this mission about 60 days.

Mr. STAFFORD. The gentleman must recognize the danger of precedents. We are besieged in the Committee on Appropriations to increase the per diem allowance all the way from $4 to $8 a day. If we allow it to be established here——

Mr. FLOOD. Suppose we make it $6.

Mr. STAFFORD. I do not wish to appear parsimonious, and if the gentleman wishes to make it $6 I have no objection, although I think it should be lower.

Mr. MILLER of Minnesota. We ought to give him enough to pay his honest expenses. He can not live on $6 while traveling in this country or Canada, or in any other place, and I will defy

the gentleman from Wisconsin to ride on a train from here to Chicago or Milwaukee, and come back, and show that he lived on $6 a day. He can not do it and he knows he can not.

Mr. STAFFORD. The gentleman has challenged me to cite an instance. You can get a room in the city of Detroit, and I will take that as an example, in the Hotel Statler, as good a hotel as the gentleman from Minnesota or myself would wish to stop at, and certainly this commissioner would wish to patronize, with bath, at $2.50 a day. This gentleman not only gets his allowance for subsistence but he gets his allowance also for traveling expenses. I would not be so insistent on questioning this amount were it not that if we adopted it here we would have to adopt it in other activities of the Government. And this Congress is not ready to adopt a per diem allowance to its officials, no matter how high an estate they fill, of $8 a day.

Here is the Secretary of Commerce. He is now acting as one of the commissioners in determining the fisheries dispute between Canada and the United States. He is allowed only $5 a day. True, his expenses are much more, and he has to pay them out of his pocket. These are conditions which may have to befall some of our officials, because we have to adopt a standard for all. It may be hard upon some, but we can not make fish of one and fowl of another. We will have to have some general rule, and to increase the allowance to our officials from $4 to $8 a day is a jump that I do not think this Congress is ready to take.

Mr. MILLER of Minnesota. If the gentleman has completed, I would like to end the sentence I started and let us have this finished. The gentleman can not travel in the United States on $6 a day, and I know it and he knows it, and stop at the Hotel Statler or any other decent hotel in the United States. This man is required to go to Canada on a foreign service. He is not traveling inside the United States. I suppose it would be comportable with the gentleman's idea that this commissioner, representing the United States, should go to Canada, go to some commercial club, and ask to be directed to the cheapest room in town and say, "My country is so poor and so miserable, and thinks so little of having the boundary line properly placed, I have got to hunt the cheapest room in town; and please show me where I can eat at a dairy lunch." I do not know whether that represents the ideas of the gentleman or not, but it would appear so from what he says. I think this man who goes only occasionally as a commissioner, representing the United States in a foreign country, ought to be permitted to spend at least $8 a day, when the Canadians, who have an entire country less in population and wealth than the Empire State alone, give their man very much more than $8 a day for his subsistence—very much more.

Mr. HARRISON of Mississippi. Will the gentleman yield for a suggestion there?

Mr. MILLER of Minnesota. Certainly.

Mr. HARRISON of Mississippi. This bill carries for the court of China an appropriation of $10 a day for a judge, and I understand that under the law all Federal district judges now get $10 a day for expenses.

Mr. MILLER of Minnesota. That is correct.

Mr. STAFFORD. Will the gentleman allow me to correct his impression?

Mr. HARRISON of Mississippi. I will.

Mr. STAFFORD. While the law places a maximum amount of $10 a day, nevertheless in the administration of that law the judges return in many instances much less for expenses.

Mr. MILLER of Minnesota. Ten dollars is the limit.

Mr. HARRISON of Mississippi. This commission here gets as much as $10 a day.

Mr. SMITH of New York. This item says "not in excess of $8 a day."

Mr. MILLER of Minnesota. Let me add one thing further. This country has had commissions of all kinds representing it on a great variety of international questions. I do not want to reflect on the good work anybody else has done, but I leave it to the Members of this House who know if he has not done the best job for less money than has been done for Uncle Sam by any commissioner on a matter of this kind. He has performed a splendid service, has reduced his requests, almost cut them in two—about half this year of what they were before—and the job is just about done. For efficiency, industry, and all-around capacity he practically stands unique among the men who have been called to deal with foreign countries in behalf of the United States in matters of this kind.

Mr. WALSH. Who is this man?

Mr. MILLER of Minnesota. He is Mr. Barnard, a member of the Coast and Geodetic Survey, who was selected from that important body because of his high scientific and professional qualifications.

Mr. STAFFORD. I have nothing to withdraw after having made my statement. I would not object to this one person, except for the fear of a precedent, and I do not intend to have it established as a precedent for the reasons stated.

Mr. FLOOD. Does the gentleman make the point of order?

Mr. STAFFORD. I do.

Mr. HARRISON of Mississippi. Mr. Chairman, I want to argue the point of order. This is only a limitation on the amount appropriated here and is not subject to a point of order. It is true that in the past we have carried under this proviso only $4 a day for actual expenses, but that is merely a limitation on the amount appropriated, and I submit that it is not subject to a point of order. We limit the amount that can be actually expended for this particular work. I have not the general law here, although I tried to find it, but I do not think it is stipulated that it can not be more than $4 a day.

Mr. STAFFORD. Mr. Chairman, I am quite surprised and other members of the committee will be surprised that the distinguished member of the Foreign Affairs Committee should be so mistaken, and that he should say to the House that there has been carried in this item a proviso limiting the amount at $4 a day. If he will examine last year's appropriation bill he will find that there is no such proviso connected with this item, but if he will examine the general law he will find that there is a limitation placing the amount at $4 a day, carried in one of our appropriation acts, for subsistence where not otherwise provided by existing law.

Mr. HARRISON of Mississippi. I was looking for that statute. Has the gentleman got it at hand?

Mr. STAFFORD. I can easily get it from the Committee on Appropriations. We placed that limit on an appropriation bill some years ago to prevent the practice of allowing officials an unlimited amount in the way of expenses for subsistence.

Mr. FLOOD. I suggest to the gentleman that he withdraw his point of order, and I will offer an amendment making it $6 a day.

Mr. STAFFORD. I wish to be reasonable. I have no objection to that.

Mr. MILLER of Minnesota. I hope the chairman of the committee will not do that. Let us have this settled. If the gentleman wants to exercise his right—and any one man can do it—under the facts and circumstances that are plain and apparent, let him do it. I am willing to pass the hat around and take up enough to give this man a chance to live respectably in Canada.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. STAFFORD. I made the point of order.

Mr. FLOOD. I was going to move to substitute "six" for "eight."

Mr. HARRISON of Mississippi. I want to know if the gentleman from Wisconsin has withdrawn his point of order?

The CHAIRMAN. That is what the Chair is trying to ascertain.

Mr. STAFFORD. Is it the desire of the gentleman from Virginia to insert $6 and have that amount accepted by the committee?

Mr. FLOOD. Yes.

Mr. STAFFORD. Then I withdraw the point of order.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. STAFFORD. I withdraw it under that condition.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 18, strike out "$8" and insert in lieu thereof "$6."

Mr. MILLER of Minnesota. Mr. Chairman, do I understand the committee is really bound by this arrangement? Would it be considered a breach of faith if the committee should vote down this amendment and it should be left at $8? If the committee votes down the motion just made by the gentleman from Virginia, the point of order having been withdrawn, then, as I understand it, this gentleman will be able to travel to Canada and put up at a decent hotel and the amount will not be in excess of $8 a day.

Mr. LENROOT. In view of what has occurred, does not the gentleman think that if any member of the committee was opposed to this amendment he should have spoken before the gentleman from Wisconsin withdrew his point of order?

Mr. FLOOD. I should think so.

Mr. MILLER of Minnesota. I so stated, and asked the chairman of the committee not to consent to any such arrangement

and not to move to make it any lower. The reason I inquired was to find out if it would be considered a breach of good faith to vote down the amendment.

Mr. FLOOD. I hope the gentleman will let the $6 amendment be adopted. I think we will better serve the purpose we have in view in that way.

The CHAIRMAN. The question is on the amendment of the gentleman from Virginia, reducing the amount to $6.

The amendment was agreed to.

The Clerk read as follows:

For salary of one member of the permanent committee of the International Institute of Agriculture for the calendar year 1919, $3,000.

Mr. BLACK. Mr. Chairman, I move to strike out the last word for the purpose of speaking briefly of the work of the American representative at the International Institute of Agriculture at Rome, Italy. As most of us know, the American representative to this institute is Mr. David Lubin. In my opinion Mr. Lubin is one of the most eminent authorities on agricultural subjects, particularly on the marketing of agricultural products, in the world. A year or two ago Mr. Lubin appeared before our Committee on the Post Office and Post Roads and made a very illuminating statement and argument with reference to the marketing of agricultural products, the fundamental idea of his proposition being to place the consumer in our larger centers of population in communication with the producer out in the country. I hope the Members of the House when they have the opportunity to do so will take the time to study some of these observations that have been gathered by him in his experience and study in European countries. Recently Mr. Lubin sent to this country an urgent report upon the food situation as it affects the nations now engaged in the great war, and during my time I am going to ask the Clerk to read this statement of Mr. Lubin.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

FOOD FROM UNITED STATES VITAL TO ALLIES, IS WARNING—EUROPE'S CROPS MAY BE WORSE THAN LAST YEAR, DAVID LUBIN REPORTS—MAY CALL OUR WOMEN.

ROME, *January 22.*

"Food is the most important matter now before the allies," David Lubin, American representative in the International Institute of Agriculture, said to-day. "It is useless to deceive ourselves.

"It is necessary to feed our armies well, and in view of the increasing consumption of food and decreasing production we shall be unable to do this unless exceptional weather prevails this spring and unless extraordinary measures are applied.

"I am reporting to the State Department, and also to Congress, that Europe's crops may be worse than last year's, and that the mobilization of women of the United States for farm work may be necessary. We should also consider plans for devoting land in the 11 arid States to grazing purposes, so that the United States will be able to supply cattle for replenishment of the diminishing stocks.

"Our allies are depending upon the United States. Without its help they would reach a condition similar to that in Germany and Austria, in which there is merely food enough for the armies, with the civil population dying off."

Mr. BLACK. Mr. Chairman, does any Member of the House doubt the importance of the situation as outlined by Mr. Lubin in his statement? It is a matter of serious concern that the American people as a whole shall be thoroughly awake to the conditions as they exist. Our allies, who for nearly four long years have beat back with their treasure and their blood the most heartless and cruel military despotism that ever disgraced the annals of human history, must not be neglected in the hour of their mortal peril, and it is inconceivable to me that the people of the United States will fail to do their duty in this supreme hour. Will the American farmer do his duty? He will. But I doubt if it will be possible to speed up production in the United States of agricultural products very much, if any, in 1918 over that of 1917. There are many obstacles in the way, such as shortage of farm labor, high price of seed, unusual droughts, and so forth. But there is one thing which is entirely possible and which is capable of yielding great results, and that thing is an earnest and willing cooperation with the Federal Food Administration in its efforts to husband and conserve the food supply which we now have and will have as a result of 1918 harvests. The savings effected by one family obeying the regulations of the Food Administration is, of course, a small matter within itself, but when multiplied by 10,000,000 families it means a great deal and is the thing which stands between our success or failure.

If the voluntary methods thus far pursued in this important matter are successful, then all well and good. If they are not successful then this Congress must authorize stronger measures. The result must be had, and in accomplishing those results we can not afford to fail. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

INTERNATIONAL HIGH COMMISSION.

To defray the actual and necessary expenses on the part of the United States section of the International High Commission, arising in such work and investigations as may be approved by the Secretary of the Treasury, $25,000, to be expended under the direction of the Secretary of the Treasury.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the item just read.

The hearings and report disclose that this is a new activity to be undertaken by our already overburdened Secretary of the Treasury, Mr. McAdoo.

It is of a character of work that is performed and has been performed by the State Department and the Department of Commerce. It is now suggested to divide this work and its responsibilities still further by having this commission created as an adjunct to the Treasury Department under the immediate supervision of the Secretary of the Treasury. Its work, as testified before the Committee on Foreign Affairs by the former Assistant Secretary of State, Mr. John Bassett Moore, is to try to bring about uniformity of commercial regulations, uniformity of fiscal regulations, and uniformity of charges and treatment of commercial travelers. We have in the Department of Commerce a bureau that has been attempting to extend the commerce of the United States, to which bureau are attached commercial attachés and commercial agents. We appropriate hundreds of thousands of dollars for the extension of the commerce of the United States under the supervision of that bureau. We have under the Department of State a Bureau of Foreign Commerce. We also have divisions in that department relating to South American affairs, Latin American affairs, Central American affairs, and Mexican affairs. Now it is proposed to establish an independent bureau outside of these two bureaus, where the Government is already performing work of a similar character, and to have it connected with the Treasury Department. Unless some good reason can be assigned for the further differentiation and separation of this work from the two departments that are now performing kindred work, I shall be compelled to make a point of order.

Mr. STAFFORD. Mr. Chairman, just one word, unless the Chair is ready to rule.

The CHAIRMAN. The Chair would be glad to have the act read.

Mr. STAFFORD. Mr. Chairman, the gentleman from Virginia [Mr. FLOOD] predicates his entire case upon the act of February 7, 1916, which was an enabling act to assist the Secretary of the Treasury to confirm in fact the nine delegates of the American section that had been appointed by him at the first meeting of the American Financial Conference that was held in Washington in 1915, so as to attend the meeting that was to be held at Buenos Aires, Argentina, later in the year 1916. The whole phraseology of the act, which I shall read, bears out the contention that it was merely an enabling act, and to confirm the action of the Secretary of the Treasury in appointing the delegates that were to assemble at the financial conference to be held that year at Buenos Aires. Read it closely; even the first paragraph and the second show the temporary character of this legislation:

That the appointment of the nine delegates by the Secretary of the Treasury to represent the United States in the proceedings of the International High Commission to be held in Buenos Aires, Argentina, during the year 1916, in accordance with the action of the first Pan-American Conference held in Washington during the year 1915, pursuant to the provisions of an act of Congress approved March 4, 1915, entitled "An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916," be, and the same is hereby, approved and confirmed. Such delegates shall be known as the United States Section of the International High Commission, and shall cooperate with the other sections of the commission to take action upon the recommendations of the first Pan American Financial Conference, and the President is authorized to fill vacancies that may occur in the United States section of said international commission.

Mark you, in construing this act, we have to take all the act together. That is fundamental. I wish to read the second paragraph, which bears out the contention that it was merely temporary:

For the purpose of meeting such actual and necessary expenses on the part of the United States section of the commission that may arise from its work and investigations, or as may be incidental to its attendance at the meeting—

Not the meetings, but the meeting——

of the said International High Commission, the sum of $40,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury, to be immediately available, and to remain available until expended.

That was the meeting of the Pan American Financial Conference at Buenos Aires in that year, not the meetings, and was to give recognition to an action of the Secretary of the Treasury, for which he had no authority, when he took that action in 1915.

prior to the passage of this enabling act, whereby the appointment of those nine delegates was approved, and any vacancies that should occur before the meeting at Buenos Aires could be filled by the President of the United States. If the Treasury Department officials—and Dr. Rowe is an Assistant Secretary there—had believed that this was permanent, he would not have come before the Committee on Foreign Affairs and asked for permanent legislation as embodied in the proposed act printed in the hearings which has been read by the gentleman from Virginia [Mr. FLOOD]. True, that act is broader in its scope than the language carried in this bill, but there is no authorization for this International High Commission; there has never been any authorization in the Diplomatic and Consular appropriation bill in prior years since we passed the act of February 6, 1916.

Mr. CHARLES B. SMITH. Does not the gentleman realize that the Secretary of the Treasury in appointing the delegates originally had no authority of law whatever, and that that was the reason why he came before Congress to get the authorization?

Mr. STAFFORD. I remember the incident. He came before Congress to gain recognition, so that these delegates when they met at the second conference at Buenos Aires would have the authority to assemble there in that congress as a part of that section, but not to any succeeding congresses.

Mr. CHARLES B. SMITH. But that is the law, giving it a legal status.

Mr. STAFFORD. An act was passed in advance of the passage of the Diplomatic and Consular bill, passed in advance, so that the Secretary of the Treasury would have authority to send them down there and have an appropriation for that purpose prior to the assembling of the congress and prior to the passage of the Diplomatic and Consular appropriation bill.

Mr. FLOOD. May I interrupt the gentleman for a moment?

Mr. STAFFORD. I will be glad to yield.

Mr. FLOOD. We do not contend, and this provision does not provide, that there shall be any delegates to any future conferences. There has been but one Pan American Financial Congress and that was the one held in Washington in 1915; but it is a permanent commission, consisting of a few representatives from each of the Pan American countries, that was created by the financial conference which met here, and the creation of which, so far as the American section of it is concerned, was ratified and approved by act of Congress of February 7, 1916, and these gentlemen constitute the American section of the International High Commission now, and this provision is simply an appropriation to take care of their work and the salary of one or two clerks.

Mr. STAFFORD. While it is true there has been only one Pan American financial conference, there has been a provision carried in the Diplomatic and Consular appropriation bill providing for the holding a second Pan American Financial Conference——

Mr. FLOOD. Oh, no.

Mr. STAFFORD. I can give the gentleman——

Mr. FLOOD. That was not a conference; that was a meeting of this International High Commission.

Mr. STAFFORD. I can give the gentleman authority for that in his own appropriation bill.

Mr. FLOOD. I know that commission met here, but not a conference.

The CHAIRMAN. The Chair is ready to rule.

Mr. GILLETT. Mr. Chairman, if the Chair is ready to rule, I do not desire to detain him.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GILLETT. As acknowledged by the gentleman from Virginia [Mr. FLOOD], the Secretary of the Treasury had appointed nine delegates to represent the United States in the proposed International High Commission. He had appointed these nine delegates without any authority of law at all, and I suppose when it came to the determination of how they should be paid, he found there must be some authority of law.

Mr. FLOOD. They have never been paid anything.

Mr. GILLETT. Of course their expenses have to be paid.

Mr. FLOOD. The expenses; yes.

Mr. GILLETT. When the Secretary of the Treasury came to decide how it was to be paid he doubtless consulted the statute and found no authority. There has to be some authority, and this statute was enacted. It simply says that the nine delegates which he had already appointed to this International High Commission, appointed, as admitted, without any authority of law, that their appointment is ratified and approved. Now, he certainly did not appoint them as a permanent body, because, in the first place, we know he would not assume to, and in the second place, it says here he simply appointed them as delegates on this commission. Therefore, up to that clause there is no authority at all for holding that they are a permanent commission. This simply approves the appointment of the Secretary of these nine delegates on this commission, and whatever comes after that in this statute, which is depended upon, simply gives them the title and says that the President may fill vacancies. I can not see how there is the slightest shadow of a foundation for claiming that there is any permanent commission here established.

The CHAIRMAN. The Chair is ready to rule.

Mr. CHARLES B. SMITH. I would like to read the statement made by Dr. Rowe. I would like to have this put in for the benefit of the Members on the other side:

Mr. ROWE. The International High Commission was organized as the result of a resolution adopted by the Pan American Financial Conference of 1915. That conference was called by the President of the United States and was composed of officially appointed delegates by the Governments of Central and South America, with the exception of Mexico. Diplomatic relations with Mexico had not been resumed at that time, so that Mexico was not represented. The assembled official delegates adopted a resolution organizing the International High Commission, providing for the appointment in each country of a national section. The Governments in each country appointed these national sections, composed of nine members, with the minister of finance chairman of each section. The International High Commission has received the official recognition of all the Governments, in some cases directly through legislation, in other cases indirectly through appropriations made by national legislatures for the support of the commission. The International High Commission constitutes the permanent organization of the financial conference.

Mr. GOOD. Will the gentleman yield right there?

Mr. CHARLES B. SMITH. Yes.

Mr. GOOD. Will the gentleman put his finger on the statute of the United States that provides or indicates that this commission now exists? What the gentleman has read is that other Governments have recognized it. Our Government has only recognized it to the extent of making appropriations for one year, and all the statute does upon which the gentleman relies is to make an appropriation to enable the delegates to make investigation and then to attend a single meeting in 1916. So far as our statutes are concerned, there is not a single syllable that indicates that this commission has any life at all, so far as the Government of the United States is concerned.

Mr. CHARLES B. SMITH. I think the gentleman is entirely mistaken in my opinion. The law creates the commission.

Mr. GOOD. Point to the statute.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Wisconsin [Mr. STAFFORD] makes the point of order against the provision in the bill making an appropriation for the International High Commission on the ground that it is legislation on an appropriation bill not authorized by law. It is undoubtedly the practice of the House under its rules that a committee proposing legislation must show authority of law for the legislation to make it in order on an appropriation bill. The Chair has listened attentively to the arguments and the acts of Congress read bearing on the case. The gentleman from Virginia [Mr. FLOOD] contends that the Secretary of the Treasury appointed delegates to attend a convention, and that those delegates, in connection with delegates from other countries, organized this International High Commission. It is admitted that there was no provision of law authorizing the Secretary of the Treasury to appoint said delegates. Subsequently Congress passed a law ratifying the appointment by the Secretary of the Treasury of the aforesaid delegates and made an appropriation to pay their expenses while attending the conference. The gentleman from Virginia contends that in the act of Congress ratifying the appointment of such delegates, Congress approved their act in establishing the International High Commission and making it a permanent organization.

The Chair will ask if he has not correctly stated the position of the gentleman from Virginia? The Chair is of the opinion there has been no specific authority of law cited the Chair that authorizes the creation of a permanent high commission. The Chair does not believe Congress could be said by simply ratifying the appointment of delegates to a convention to approve the legislation of the convention to which the delegates were accredited unless Congress specifically so stated in the act itself. The Chair does not believe Congress will ever delegate its legislating functions to any other body or convention. Therefore the Chair is constrained to hold that there is no law authorizing the creation of this high commission; that the paragraph is new legislation and is not in order on an appropriation bill. The Chair sustains the point of order.

The Clerk read as follows:

The appropriation of $40,000 "For the purpose of defraying the expenses in Washington City incident to the Nineteenth Conference of the interparliamentary Union to be held in Washington in 1915, to be expended under such rules and regulations as the Secretary of State may prescribe," made in the act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and extended and made available for the calendar years 1916,

1917, and 1918, not having been expended, is hereby extended and made available for the calendar year 1919: *Provided*, That said sum may, in the discretion of the Secretary of State, be expended within the United States, but not elsewhere: *Provided further*, That an itemized account of all expenditures shall be reported to Congress.

Mr. LONGWORTH and Mr. FLOOD rose.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] is recognized.

Mr. FLOOD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

Mr. FLOOD. I will say, Mr. Chairman, as to that item, that there are a number of items of reappropriation in this bill.

Mr. STAFFORD. Let it be reported, so that a point of order may be made against it.

Mr. FLOOD. All right.

The Clerk read as follows:

Amendment offered by Mr. FLOOD: Page 21, after line 15, insert the following as a new paragraph:

"FIFTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

"Any unexpended balances of appropriations heretofore made for the Fifteenth International Congress against Alcoholism are hereby reappropriated and made available until expended."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. FLOOD. Mr. Chairman, I want to state that that item was not reported in this bill for the reason that the State Department made no suggestion in reference to it. These items we have just been over are items of reappropriation. The department did not suggest that this unexpended balance be reappropriated, because the construction of the Department of State was that the work had been going on, and they construed the language of the last appropriation bill to make a permanent appropriation of that amount. And so they did not make any suggestion that the unexpended balance be reappropriated. Subsequently I called the department's attention to that, and it was taken up by the State Department with the Treasury Department, and I was informed from the State Department that the Treasury Department thought the unexpended balance would have to be reappropriated or they could not pay warrants on the appropriation. And I think that this appropriation ought to stand on the same footing with these other reappropriations we are making. I am told by these gentlemen that just as soon as the war is over they expect to hold this conference against alcoholism.

Mr. STAFFORD. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. STAFFORD. Do I understand that the Fifteenth International Congress against Alcoholism, which was provided for in the last appropriation bill, did not meet?

Mr. FLOOD. It did not meet. I think it has been in three appropriation bills. It did not meet, and this is just to put it on the same footing with the Nineteenth Conference Interparliamentary Union that we have been making appropriations for.

Mr. STAFFORD. Of course, if it did not meet and have an opportunity to do the work that was expected of it, I, of course, can not see any reason they should be disappointed at holding a conference some time in the future. Of course, there might not be any occasion for holding it in accordance with the original intention, but it might be a ratification affair or some kind of a jollification affair. I will withdraw the reservation of the point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. FLOOD].

The question was taken, and the amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I would like to ask the chairman of the committee a question. This seems to be the fourth appropriation for this Interparliamentary Union. Has that conference ever taken place?

Mr. FLOOD. It never has.

Mr. LONGWORTH. Is it ever going to take place?

Mr. FLOOD. I am informed by my friend from Texas [Mr. SLAYDEN], who is chairman of the American section, that it will take place just as soon as the war conditions permit—at the end of the war.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

For salaries of consuls general, consuls, and vice consuls, as provided in the act approved February 5, 1915, entitled "An act for the improvement of the foreign service," $1,208,500. No portion of this sum shall be paid as compensation to vice consuls who are not American citizens: *Provided*, That if in any case the Secretary of State deems it impracticable immediately to secure a competent vice consul who is an American citizen, he may appoint or retain as vice consul and compensate from the fund a person not an American citizen until such time as he is able to designate a competent American citizen for such post. Every consul general, consul, and, wherever practicable, every consular agent shall be an American citizen.

Mr. GOOD and Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Will the gentleman from Virginia [Mr. FLOOD] state whether the language beginning on line 17, page 22, "no portion of this sum shall be paid as compensation to vice consuls who are not American citizens," is new?

Mr. FLOOD. No. We have carried that in the bill for some time.

Mr. MOORE of Pennsylvania. Why is that language made to apply to vice consuls only?

Mr. FLOOD. Because they were the only men in the Consular Service who were not American citizens at the time this provision was put in the law.

Mr. MOORE of Pennsylvania. Is there a provision of law against a consul being an alien?

Mr. FLOOD. I do not know that there is any law, but there are no alien consuls.

Mr. MOORE of Pennsylvania. Well, this matter was discussed at some length yesterday, and the expressions heard hereabouts were entirely in favor of having only Americans on guard in these places.

Mr. FLOOD. That is the view of the committee, unanimously the opinion of the committee, that there should be none. In the vice-consular branch of the service there were a good many men who were not American citizens, and this was put there to stop that practice, and to a very great extent aliens have been eliminated from the service. It is thought that in a few years they will be entirely eliminated.

Mr. MOORE of Pennsylvania. I do not know of any consuls that are not American citizens.

Mr. FLOOD. There are none.

Mr. MOORE of Pennsylvania. But some years ago I came in contact with a few vice consuls who were not citizens, and I did not think they should represent us.

Mr. FLOOD. I agree with the gentleman.

Mr. MOORE of Pennsylvania. I think all such officers should be citizens of the United States.

Now, one more question. Does the State Department have a secret service?

Mr. FLOOD. It has.

Mr. MOORE of Pennsylvania. Is provision made for the payment of secret-service agents in this bill?

Mr. FLOOD. We have a lump-sum emergency fund of $700,000.

Mr. MOORE of Pennsylvania. That covers the secret service?

Mr. FLOOD. Yes.

The CHAIRMAN. The pro forma amendment is withdrawn.

Mr. GOOD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. GOOD. Mr. Chairman, this provision under consideration presents a serious question which, it seems to me, ought to be settled by the executive departments. But if the executive departments can not settle it sooner or later it must be settled by Congress. I suppose that after this war is over no more important question will occupy our attention than that of extending our commerce abroad. This bill carries $1,208,500 for consular agents. The legislative bill carries, as I recall, somewhere between half a million dollars and seven hundred thousand dollars for the Bureau of Foreign and Domestic Commerce. This is the work our Secretary of Commerce is doing to extend our foreign trade.

A few days ago one of the members of the Committee on Foreign Relations appeared before the subcommittee on the legislative, executive, and judicial appropriation bill and made a very complete statement and an impressive one regarding the service. We were impressed with the fact that there is duplication in the work now being done by the State Department and the Department of Commerce through its commercial attachés.

Now, I submit that when people are being taxed to the limit, as they are to-day, that ought not to be. We ought not to have two men doing one man's work in any branch of the service. We ought to cut out every bit of duplication wherever we find it. I know that the committee to which I have referred wants to accomplish that very thing, and I am sure the committee reporting this bill wants to accomplish the same result; but it does seem to me that in all fairness to these two committees of Congress the Secretary of State and the Secretary of Commerce ought to get together on this proposition and agree upon a plan to cut out this useless waste, a waste admitted by both committees that have investigated it and admitted by everyone who makes a thorough and conscientious investigation of the subject.

We must extend our foreign commerce and we must extend it as we have never extended it before, when this war is over; and now it is time for Congress to set to work to cut out this duplication that has been forced upon us by these two branches of the service if they will not eliminate it for us. I do not know what amendments——

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit a question there?

Mr. GOOD. Yes.

Mr. COOPER of Wisconsin. Which one of the two Secretaries, in the gentleman's opinion, ought to have jurisdiction of the subject?

Mr. GOOD. That question came up when we first appropriated money for the commercial attachés. A rather novel proposition was advanced in that the commercial attachés were to be appointed by the Secretary of Commerce and accredited to the State Department, and as I recollect, Secretary Bryan said he thought there would be no conflict between the two departments. As to which one of these two great departments should have jurisdiction over carrying on our domestic business abroad and extending our foreign trade I am not prepared to say.

I only know that at the time the commercial attachés were created there seemed to be a need for them. The State Department was not taking all the action and doing all the work it should do to extend our foreign trade. Certainly the Secretary of Commerce is fully awake to the needs for this service. It is a great service; no one wants to cripple it; but we should eliminate duplication.

Mr. COOPER of Wisconsin. Of course, the gentleman knows that a consul has no diplomatic function. His position is that of a business agent. His business is commercial.

Mr. GOOD. That is also true with respect to the commercial attachés. Their business is thoroughly commercial.

Mr. COOPER of Wisconsin. But the commercial attachés were of an origin subsequent to the time when the consuls had this jurisdiction.

Mr. GOOD. But I think the gentleman will agree that both of these agencies, the consular agents and the commercial attachés, have duties that are similar and that are commercial rather than diplomatic. If these duties can not be performed by two separated departments without duplication, as has been claimed, they ought to be under one control, and Congress ought to know that there is no duplication of the work.

Mr. COOPER of Wisconsin. There is one more question I want to ask if the gentleman will permit.

Mr. GOOD. Yes.

Mr. COOPER of Wisconsin. Does not the gentleman think that the State Department has primarily to do with our foreign relations and ought to retain control of the consuls, and that the consuls ought to have jurisdiction over business affairs which relate to foreigners?

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. LONGWORTH. I do not think the statement of the gentleman from Wisconsin is exactly accurate. The consuls, in a sense, have a kind of diplomatic function. While they have not the right of personal access to a sovereign or government, whereby they would exercise in some degree a diplomatic function, they do represent the country diplomatically to a certain extent, so that if you are going to have a consolidation it ought to be under the State Department.

Mr. COOPER of Wisconsin. There is no function exercised by a consular officer that is in any sense of the word diplomatic.

Mr. LONGWORTH. But the consular officer often looks after the interests of American citizens, not particularly business interests, as the commercial attaché would do.

Mr. FLOOD. Mr. Chairman, the State Department has a thoroughly well-organized Consular Service, and, as the gentleman from Iowa [Mr. GOOD] says, the commercial attachés and commercial agents representing the Department of Commerce are not attached to our Consular Service, and yet are in foreign countries doing a duplicate work. I thoroughly agree with him that the work should be consolidated in one department. The State Department has a splendidly organized Consular Service, the best in the world, and that is the department that ought to have it.

Mr. LONGWORTH. I agree with the gentleman.

Mr. GOOD. I am not prepared to say which of these departments ought to have control of this work. The Secretary of Commerce is so admirably qualified to perform this work and is doing this work so efficiently that I should hesitate to deprive him of his duties unless I was satisfied that the State Department could do it better. When Congress made the appropriation providing for the commercial attachés it was on the showing made by the Secretary of Commerce that there was a work that the State Department was not performing, that our manufacturers were not able through the State Department to push their foreign trade to the extent that they felt they ought to push it and could push it, and therefore the appropriation was made by Congress. Congress agreed with the Secretary of Commerce.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last two words.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask the gentleman from Iowa [Mr. GOOD], who has just spoken, a question. Do I understand that the Committee on Appropriations is about to appropriate something like $700,000 or a million dollars for these commercial attachés?

Mr. GOOD. No. The entire appropriation for the Bureau of Foreign and Domestic Commerce, for commercial attachés, and work of that kind, as I recall, is something in excess of $500,000, and I had it in mind that it possibly ran up to $700,000.

Mr. MILLER of Minnesota. It would be, however, a fair statement that they ask and expect to get about half a million dollars?

Mr. GOOD. Yes; for the Bureau of Foreign and Domestic Commerce.

Mr. MILLER of Minnesota. Mr. Chairman, it seems to me we have exemplified here the vice that creeps into our governmental system every now and then, and I suppose always will, growing out of the desire of a department to extend its influence and activities as it sees opportunity for work to be done. As old as nations are is the custom of having representatives of a nation abroad throughout the world, looking after the business interests, looking after the purely international relations between the Governments, and looking after the citizens. It seems to me that the consular system of the United States must continue to exist, and the major part of its functions is commercial. Of course incidental to that everybody knows that the Consular Service throughout the world is performing a great deal of important work in looking after American citizens who travel abroad. In fact, any American citizen traveling abroad will find that he is able to communicate with the legation or embassy at only about one place in the entire country, whereas he finds consuls scattered throughout the region. And they are of the utmost value and importance not only to commercial America but to the citizenship of America in a thousand and one ways. I am surprised to find the extent to which the Department of Commerce has gone in the sending out of these commercial attachés. I had no idea that they were carrying it to the extent indicated by this great appropriation that they are asking for. Apparently, it is a very decided increase over that which they had in the beginning, and I heartily concur in the suggestion made that this work should all be done in one department. It seems to me there can be but one department, and that is the State Department. I am in agreement with the distinguished chairman of this committee [Mr. FLOOD] in his statement that our Consular Service has come to be a remarkably efficient one. It is continually being improved. If our Consular Service had the $500,000 or $700,000 which it is proposed to squander on these commercial attachés, the Consular Service could do all the work that the commercial attachés are expected to do, and vastly more and vastly better.

Mr. GOOD. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes; certainly.

Mr. GOOD. I do not want to be misunderstood. My statement is not that we appropriate $500,000 for the commercial attachés alone. It is for the entire Bureau of Foreign and Domestic Commerce. No such sum as that is appropriated for commercial attachés, but there are other employees abroad under the Department of Commerce. We were asked to eliminate the commercial attachés, but there is no provision in your bill taking them on. The gentleman certainly appreciates the great demand on our industrial and commercial interests that our trade abroad shall be extended.

Mr. MILLER of Minnesota. I can assure the gentleman that if his committee drops the commercial attachés the consular agencies of the United States will take over all the work they

are expected to do, as well as the work that they are doing, and do it at a very greatly reduced expenditure.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Certainly.

Mr. MOORE of Pennsylvania. Is it not a fact that the consular reports dealing with particular subjects relating to trade are turned over by the Department of State to the Department of Commerce, which gives publicity to them?

Mr. MILLER of Minnesota. It is only because the Department of Commerce——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MOORE of Pennsylvania. I move to strike out the last two words. This is a matter of great importance. The gentleman from Iowa [Mr. GOOD] has raised a question which is serious to both the State Department and the Department of Commerce. I have some knowledge of the organization of the commercial attachés connected with the Department of Commerce. They began in a small way. They were specialists sent out through the world with the view of bringing back to the United States information on certain special subjects. For instance, one man who was versed in cotton was sent into various countries to bring back reports as to what foreign countries were doing in cotton, and to inform the Department of Commerce as to the market for cotton throughout the world. Another, who had a specialty, which might be shipbuilding, was sent into foreign countries to ascertain what was being done in this direction, and he would very much better group that information by going as a specialist to various countries where shipbuilding was done than could a hundred consular agents who were reporting only for their particular localities.

Mr. STAFFORD rose.

Mr. MOORE of Pennsylvania. Does the gentleman from Wisconsin desire to ask a question?

Mr. STAFFORD. Only to point out that the gentleman is slightly in error when he refers to the work he has been describing as being undertaken by the commercial attachés. That work is undertaken by so-called commercial agents. The commercial attachés are some eight in all, located at the principal foreign capitals, and these commercial agents that the gentleman refers to are experts who travel through foreign countries examining trade conditions and then coming over here and making their reports.

Mr. MOORE of Pennsylvania. To the Department of Commerce, by whom they are sent out. Now, I question very much whether it would be the proper thing to turn over to the Department of State the collection of commercial statistics, or to rely upon it for their dissemination in the United States. Business men do not expect to go to the Department of State for information relating to trade conditions. Business men expect to go to the Department of Commerce. That was the purpose of the organization of that department—to ascertain trade conditions throughout the world and to disseminate that information to American merchants, manufacturers, and others concerned. The American consuls have a great deal to do besides the commercial work that is imposed upon them. Special inquiries are sometimes sent out and they are expected to make special reports, but that is apart from their general work. I would not want to see the commercial business turned over to the State Department, because we have turned that work over to the Department of Commerce. The business of the State Department is diplomatic. It has little to do with commerce as such.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. MILLER of Minnesota. What the gentleman says about experts now and then delegated by the Department of Commerce to do some special work and make a report thereon is undoubtedly correct; but does not the gentleman recognize a wide difference between that sort of an institution and a regular group of agents of the department in foreign countries, who are there permanently, year after year, assuming to do that general commercial business which our Consular Service heretofore has always done and is expected to do, and is all the time undertaking to do?

Mr. MOORE of Pennsylvania. If these men are supernumeraries, I am not justifying their appointment.

Mr. MILLER of Minnesota. That is exactly what they are.

Mr. MOORE of Pennsylvania. I am addressing myself to the point which was raised by the gentleman from Iowa [Mr. GOOD]. I do not think that information on commercial subjects and intended for the business world should go to the public through the Department of State. These matters should be handled by the Department of Commerce, which was created for that specific purpose.

Mr. GOOD. Mr. Chairman, I move to strike out, in line 17, page 22, the figures "$1,208,500" and insert in lieu thereof the figures "$1,000,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 17, after the word "service," strike out "$1,208,500" and insert in lieu thereof "$1,000,000."

Mr. GOOD. Mr. Chairman, as I recall, we appropriate $100,000 for the commercial attachés. It is admitted here by the members of this committee that the work done by the commercial attachés is duplication of the work of the consular agents. Therefore there is no use in doing it here. If the Department of Commerce is doing it, and doing it well, and started the work when the State Department was not doing it, there is no use for the Secretary of State hiring other agents in the Consular Service to do that same work. In addition to the $100,000 appropriated for the commercial attachés there is at least $125,000 expended attending their work. So we can safely cut off $208,500 and still accomplish the same thing.

Now, I do not want to hamper in the least this great work, for I realize the importance of extending our foreign trade, but I want to say that if the Secretary of State will not fight for a provision of this kind it is not worth having. The claims of duplication in this regard emanated from the State Department. Here he allows the Secretary of Commerce to come in and do the same work he is doing, and there is not a murmur from the Secretary of State, not a protest from the Secretary of State. It occurs to me that a man who will not fight openly to retain his jurisdiction will not put up much of a fight to extend our foreign trade. The only protest comes from the members of the committee that reported out this bill. They know that the duplication exists. They have called attention to it. That is not sufficient. The State Department having discovered that duplication exists in this regard, the Secretary of State and the Secretary of Commerce should get together, settle this question, and eliminate all duplication and pare down their appropriations.

Mr. FLOOD. Mr. Chairman, this seems to be a most remarkable proposition, to cut off the salaries of a great number of our consuls, vice consuls, and consular agents, or to reduce them, because the Committee on Appropriations of the House has established a new branch in the foreign service.

Mr. GOOD. The Congress authorized that branch of it, and not the Committee on Appropriations.

Mr. FLOOD. It came in in an appropriation bill.

Mr. GOOD. But it was discussed on the floor of the House.

Mr. FLOOD. Of course; but it started in an appropriation bill in the Appropriations Committee. If the Appropriations Committee, of which the gentleman is a member, had desired to get the advice of the Secretary of State and had invited him to appear before the committee, I have no doubt that he would have done so and given his advice; but I do think it is a criticism made against the Secretary of State that is not justified to say that he ought to come here and argue before a committee of Congress that another department of Government of which he is a part ought not to have such appropriations as that department has asked for.

Mr. GOOD. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. GOOD. Does not the gentleman know that it is the opinion of the Secretary of State that there is duplication in this class of work that is being performed by the two departments of the Government?

Mr. FLOOD. I do not know what the Secretary of State says, but I do know that we have had gentlemen who have been connected with the State Department before the Committee on Foreign Affairs and asked them the question, and they said that it was a delicate question and one they did not care to answer.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. LONGWORTH. The functions of a consular officer are very much wider than that of a commercial attaché, and the proposition of the gentleman from Iowa is to cut down the salary of the consular officers evidently to the extent that they are performing these functions.

Mr. GOOD. Oh, no.

Mr. FLOOD. That is the point I was going to make. We have a law fixing the salaries of the consular officers and this appropriation is to pay the officers in the field to-day, and the gentleman wants to reduce it so it would limit the appropriation to an amount insufficient to pay those consular officers.

Mr. GOOD. Of course I do not want to do that, but I want to ask this question: The gentleman has stated that a duplication exists; that we are wasting money. What is the gentleman's proposition to correct the evil?

Mr. FLOOD. I should say for the Committee on Appropriations to refuse to make the appropriation to the Department of Commerce for consular agents.

Mr. GOOD. Does the gentleman think we should do that when the last statement before the Appropriations Committee from the State Department was that there was no objection to the Secretary of Commerce doing the work which the Secretary of Commerce said was not being performed, and that the commercial and industrial interests of the United States demanded should be performed?

Mr. FLOOD. The gentleman understands that the Secretary of State would feel a delicacy in coming here and making a contest about such a matter. Such action would certainly degenerate into an unseemly contest between two departments of the Government. The responsibility is not on the Department of State or the Secretary, but upon the Appropriations Committee for making an appropriation for commercial attachés.

Mr. GOOD. Does the gentleman contend that the Secretary of State's feeling of delicacy would extend so far that he would be willing that hundreds of thousands of dollars should be taken out of the Treasury of the United States in the performance of duplicate work rather than to go to the Secretary of Commerce and say, "Let us settle this matter in a business-like way"?

Mr. FLOOD. I do not know; but we had a very distinguished gentleman, the Hon. John Bassett Moore, before our committee, and when we asked him in reference to this matter he said he did not care to take it up and discuss it because it was a delicate question between two departments of the Government, one of which he had been connected with.

Mr. BORLAND. Mr. Chairman, I desire to oppose the amendment. As I recollect it, the appropriation for these commercial agents was originally $50,000 and now has grown to $100,000. The appropriation carried in this bill for the consuls of the United States is $1,208,500. It is apparent that the work done by the consuls is not in any large measure the work done by the agents under the Department of Commerce. The amounts appropriated respectively for these services indicate that. I understand also that the consuls are located at posts usually in commercial cities, seaports and otherwise, where their territorial jurisdiction, even within the country in which they serve, is limited. Their work is fairly well defined, their position is sedentary, and must necessarily be so. There is very little real duplication of work between them and the work that is proposed to be done by these agents under the Bureau of Foreign and Domestic Commerce. The agents under the Foreign and Domstic Commerce Bureau are a counterpart of similar officials which originated, as I understand, under the plan of Germany when that country was first extending its commercial interests into South America, and which plan was afterwards adopted by Great Britain and to some extent by France and possibly by other countries.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. In just a minute. The purpose of these agents is not to duplicate the work of the consuls in any sense. They are to be accredited to the entire country, or possibly a group of countries, and are to be commercial experts from the United States, who make themselves familiar in the first place with the needs of that country in a commercial way, of the particular exports and products that can be used advantageously in that country, and the means of transportation and the best means of placing the product, and then places that information or themselves personally at the service of the American business man in this country. In other words, the agent is, as his name implies, the traveling representative of the entire business world of the United States, designed to acquire information which will be of service to all business men in this country in marketing their products in a foreign country. Manifestly a consul can do a very limited amount of that particular service. No doubt he can do some and in the past has done some, but in no sense does he take the place of these agents of the Department of Commerce. We are not intending to rely upon the Consular Service to secure foreign trade worth billions of dollars to the American business man. I yield to the gentleman from Massachusetts.

Mr. ROGERS. Mr. Chairman, I would like to ask the gentleman two questions. In the first place, is he aware that the commercial attachés of Great Britain or France or Germany, to which he has alluded, are all under the jurisdiction of the minister of foreign affairs in those countries?

Mr. BORLAND. No; and I do not know that that would cut any figure.

Mr. ROGERS. That has a very vital bearing on the question before the House.

Mr. BORLAND. I do not understand that the British Cabinet has a position similar to that of the Secretary of Commerce, unless it is the President of the Board of Trade, who is a member of the British Cabinet. He may be considered analogous in some way, or his functions may, to the Secretary of Commerce, but the functions of the British Board of Trade are more local, except where they are confined to navigation matters. I do not think they have what corresponds to our Department of Commerce, and I think the German Government possibly has from the operation of the Government and the way it extends its trade.

Mr. ROGERS. And also in France?

Mr. BORLAND. Possibly in France.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Chairman, the gentleman has explained very clearly the difference between the functions of the commercial attachés and the consuls. Will the gentleman explain the difference between the functions of the commercial attachés and the consuls general who have a jurisdiction as wide as the country to which they are accredited?

Mr. BORLAND. The same difference in less degree possibly occurs. The consul general has supervision over the consuls within his country, and, of course, he is in touch with the State Department as to the commercial conditions of that particular country, but he is not at the service of the business men except incidentally. He may, of course, render them great service in special cases, but his chief business is not to promote their interests.

Mr. ROGERS. I submit to the gentleman from Missouri that his chief function is to place himself at the service of the business men of the United States abroad, or doing business abroad, and that there can be no difference pointed out between the services performed by the commercial attachés and the services performed by the consul general.

Mr. BORLAND. I would point out to the gentleman that one of the most efficient governments in the world, and one which made a great success in extending its foreign trade for a decade or more prior to this war—the Government of Germany—found it extremely valuable and profitable to employ commercial agents.

Mr. ROGERS. Germany did that by making the commercial attaché a kind of super consul general. In other words, there was a chain of officers right down the line, all in one scheme of things. The difficulty with our problem is that we have two coordinate officers each responsible to two different Cabinet officers.

Mr. BORLAND. If all that is necessary is coordination, I might agree with the gentleman.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. GOOD. Mr. Chairman, I withdraw the amendment, and in withdrawing it I desire to state that I offered it knowing that if it should be adopted it might do some injury to this service. I am now satisfied that it would, and I withdraw the amendment. It was offered more to bring up this subject so that it might be discussed, and I will say to the gentleman from Missouri [Mr. BORLAND] that if he will talk with the Assistant Secretaries and the men in the Secretary of State's office he will find that not one of them will say there is any great difference between the commercial attachés and our consuls, and they will also tell him that there is a duplication of work. This claim of duplication emanates not from me but from the Department of State, but it comes in a diplomatic route. I want to say now to this committee that unless something is brought out in the next appropriation bill from this committee that will remedy this I think there will be some trouble along this line. It ought to be settled by the department and ought not to be settled by this committee.

The Clerk read as follows:

For 40 consular assistants, $75,425: *Provided*, That from and after the 1st day of July, 1918, the salaries of consular assistants shall be at the rate of $1,500 for the first year of continuous service, $1,650 for the second year of continuous service, $1,800 for the third year, and $2,000 for the fourth year of continuous service and for each year

thereafter, and section 1704, Revised Statutes, its amendatory act of June 11, 1874, and all other acts inconsistent with this provision are hereby so amended.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on this paragraph changing the salaries of our consular assistants. As I understand, the initial salary of a consular assistant at the present time is $1,000, and they are promoted by grades of $200 up to $1,800, which is the maximum. This provision makes $2,000 the maximum grade. I wish to ask this question of the gentleman, whether in these recommendations for increase of salaries he or his committee has considered the possible general recommendation that will be reported either in a provision on an appropriation bill or by a resolution providing for a horizontal percentage increase of salaries of all employees connected with the service?

Mr. FLOOD. We did not take that into consideration, because we did not think it would apply to these consular assistants.

Mr. STAFFORD. For instance, last year the horizontal per cent increase of 5 and 10 per cent applied to every person in the service, except postal employees, and it would have applied to them had it not been that the officers of the postal organizations, as I am informed, opposed the amendment that was added to the Post Office appropriation bill in the Senate, and it was stricken out in conference. Now, it is planned, as I understand it, to introduce a resolution or provision upon an appropriation bill providing for an increase of all in the service, both in the departmental and in the field service, certainly all salaries under $1,800, and very likely above. If we are going to grant the increases provided here the gentleman will give them double what they would ordinarily receive by the horizontal increase.

Mr. FLOOD. As I stated to the gentleman yesterday, I was opposed to an increase personally of any salary at this time and preferred to wait to have the salaries increased when the war ended, but this is an exception. These consular assistants render splendid service in consideration of the small amount which they get.

Mr. STAFFORD. I recognize there may be good grounds for an increase in their salaries, but if we are going to provide a $200 increase above the general law, giving an additional 5 and 10 or more per cent besides, it is just going beyond what you contemplate.

Mr. FLOOD. I will say to the gentleman I did not understand the provision to be proposed in an appropriation bill making a general increase would apply to the foreign service.

Mr. STAFFORD. I understand it would apply to all.

Mr. FLOOD. Of course, if that is the case it would increase these gentlemen more than the committee intended to increase them.

Mr. STAFFORD. I would not make the point of order if that was not in consideration, but I do not believe it was the intention of the chairman of the committee to increase them doubly.

Mr. FLOOD. We intended this to be the full amount.

Mr. STAFFORD. Mr. Chairman, under the circumstances, as the House will presently have an opportunity to pass upon the question of the percentage of increase in the rate of compensation for all those in the service——

Mr. FLOOD. That does not meet the situation with them.

Mr. STAFFORD. I will make the point of order.

Mr. BORLAND. Mr. Chairman, I trust the gentleman will not make that point of order, if the gentleman will yield a moment to me.

Mr. STAFFORD. I will reserve it at the request of the gentleman.

Mr. BORLAND. It is only contemplated, as the gentleman says, that a general resolution containing a horizontal raise shall be introduced, and possibly it will not meet with the approbation of the House when it is introduced.

Mr. STAFFORD. If the gentleman will permit, I can not agree with the gentleman at all in that. It is the almost unanimous sentiment, as I know, to bring in some resolution providing for a horizontal percentage increase of the salaries that the employees of the Government are now receiving.

Mr. BORLAND. If the gentleman will bear with me for a moment I will call attention to the fact that at a meeting of the employees last night they adopted a resolution providing for a commission to readjust and reclassify governmental employees, which, in my judgment, is a vast improvement in every way over a horizontal increase of salary, and if that commission is appointed to reclassify and readjust salaries, which I think is the only fair way to get at it, every one of these cases will be taken care of.

Mr. STAFFORD. I am not one of those, when every employee of the Government at the present time is faced with the dire necessity of paying higher prices for their living, who wants to postpone such increase until a commission reports. I have been too long in Congress not to know that a commission is resorted to as a means of postponement. [Applause.] I am in favor, and I believe Congress has committed itself to the consideration of this arrangement, and that this House is going to bring in a resolution providing for a horizontal percentage increase of salaries of every employee of the Government, whether in the legislative, executive, judicial, postal, or other branch.

Mr. FOSS. I want to say to the gentleman, if he will yield——

Mr. STAFFORD. I will yield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. That these consular assistants——

Mr. STAFFORD. My time has expired.

Mr. FOSS. I ask that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I want to say to the gentleman that these consular assistants are not to be confused with consular clerks. They are quite a different proposition entirely. These consular assistants are assigned to assist consuls in other countries, not employed here in the State Department in Washington, and therefore you should not compare them with clerks in the other departments.

They are entirely different from the consular clerks. The clerks in the departments here in Washington are not on the same basis at all.

Mr. STAFFORD. I will say to the gentleman in reply that I am well aware that these consular assistants are high-grade clerks that are promoted ultimately to the Diplomatic Service, and I would not make the point of order were it not for the horizontal increase that is contemplated for all the employees of the Government.

Mr. FOSS. There are only a few of these. There are only 40 in all of these consular assistants.

Mr. STAFFORD. The chairman of the committee said when they made this recommendation that they did not take into consideration the horizontal increase.

Mr. FLOOD. I want to say this, that I do not suppose the horizontal increase the gentleman speaks of would make the increase we propose here. This is the most efficient set of representatives we have abroad, and these men are expected to go there now for $1,000, and stay there for three years, and then they are increased $200 a year.

Mr. STAFFORD. Does the gentleman realize how difficult it is in a general bill providing for the horizontal increase of all our employees, to except certain employees? We have agents and consular agents, we have clerks, we have these assistants, who ought to be covered by reason of the increased cost of living, not only at home but abroad.

Mr. FLOOD. Of course, we have got to recognize that the cost of living all over the world has increased tremendously. Does the gentleman think we could get a man who was capable of performing the duty of a consular assistant, such a man as we would entrust with these important duties, for $1,000 a year, to go to one of these posts and stay there for three years before any chance of increase at all?

Mr. STAFFORD. I understand that they are increased $200 a year.

Mr. FLOOD. The rule is that they give him, first, $1,000, and at the end of two years $300, and then $200 more. And we propose to make a right considerable increase in this, because they are the worst-paid officials in the Government service at home or abroad.

Mr. GOOD. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. GOOD. Does the gentleman know the number of hours they serve every day, about?

Mr. FLOOD. I think they should serve as long the gentleman from Missouri [Mr. BORLAND] would require.

Mr. GOOD. Does not the gentleman think, inasmuch as we are fixing an eight-hour day for the clerks here at home, that these representatives abroad ought to be compelled also to serve eight hours a day?

Mr. FLOOD. I think so. The evidence before the committee was that they are very hard worked.

Mr. MILLER of Minnesota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. Is this discussion under the reservation of a point of order?

The CHAIRMAN. It is under unanimous consent the gentleman from Wisconsin is proceeding for five minutes.

Mr. STAFFORD. Mr. Chairman, if it were not for the fact that there is contemplated the introduction of a percentage increase, why I would not for a moment think of pressing the point of order. I will withhold it for a moment for the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Can I be recognized for five minutes?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. It depends on whether or not he withdraws the point of order.

Mr. STAFFORD. I withdraw it for the minute.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, the gentleman from Wisconsin a few moments ago made a speech that got the applause of the Members hereabouts who heard it. He talked very, very sweetly, and I had great hopes and expectations as to the result of that talk, but his words are no more than taken down by the Official Reporter than he changes. And there is no applause now in evidence when he is about to make the point of order. I think it is only justice, and small justice at that, that he be confronted with the enormity of the crime he is about to commit, and in order that I may contribute slightly to that picture before his eyes I speak these few sentences.

As the law now stands, a young man who wants to aspire to be a great representative of this great, rich country and go into a foreign field like Siberia, where they are now asking for new ones; into various parts of South America, where they are demanding new clerks; into China, where there is great opportunity for commercial expansion by the United States; and into other countries that might be named, and represent this great country with these great interests to be developed, can now receive that magnificent compensation of $1,000 a year. And there is not a girl that comes to this town now to work for Uncle Sam, if she is able to pick up a sheet of paper and lay it down without blotting it, and is not able to do another thing, but that is getting more than $1,000 a year the minute she starts. The increase proposed is to allow these young men that are going abroad $1,000.

Mr. FLOOD. The gentleman should state that they will have to stay in these divisions three years before getting an increase.

Mr. MILLER of Minnesota. I thank the gentleman. I trust the gentleman from Wisconsin is taking this to his tender heart. Now, it is serious, because you can not get men to go out and do it for $1,000. I know of instances during the past 18 months where men have started to enter this service and have quit because they could not go there and live after they got there. Now, these consular agents are men who are started in the service with the expectation that they will make good and eventually become consuls and perhaps consuls general.

You do not propose to give them money enough absolutely to keep the wolf from the door when they go to any parts of the world outside the United States. When the Secretary and his assistants were before our committee I propounded this inquiry: Having in mind all the needs of the foreign service of the United States, is not the greatest among them and the most insistent now to pay an increased compensation to the class of men mentioned in this paragraph? They said, "Yes"; that without an increase our system is practically paralyzed. This $1,000 was the amount named back in 1874, originally, as I understand it.

Mr. STAFFORD. Mr. Chairman, will the gentleman inform the House how many resignations have taken place in this service in the last fiscal year?

Mr. MILLER of Minnesota. I can not give the exact number, but I can assure the gentleman that a number have resigned.

Mr. CARTER of Oklahoma. How many resignations have taken place throughout the service? That is the question. Has the percentage been greater here than in the balance of the service or has it been any less?

Mr. WALSH. I will ask the gentleman from Minnesota [Mr. MILLER], who has recently returned from visiting some foreign countries, whether it is not a fact that $1,000 will go much further in foreign lands than it will go here at home, and if it is not true that the increase in the cost of living is not so great there as it is in the United States?

Mr. MILLER of Minnesota. That was true some years ago, but it is not true now.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MILLER of Minnesota. In many of the countries the cost of living has increased to a very much greater extent than it has increased in the United States—200, 300, 500 per cent in some places. My attention has been called here to the increased cost of living in the various countries. I might as well insert it now. In Italy it is 65 per cent; in Spain, 25 per cent; in Greece, 200 per cent; in Sweden, 225 per cent; in Denmark, 70 per cent; in France, 20 per cent; in the Netherlands, 60 per cent; and should any of these representatives go into the Russian countries they will find that it has increased several hundred per cent.

Mr. LONGWORTH. I will call the gentleman's attention also to the increased price of coal abroad.

Mr. MILLER of Minnesota. Yes. When I was in Paris it was $90 a ton, and was still going up.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. As I stated in my previous remarks, I predicted my objection to this increase in salary on the fact that we were preparing a resolution increasing the salaries of all the clerks now receiving below $1,800 to receive a percentage increase. I realize the difficulty confronted by the committee framing that resolution in excepting any branch of the service. I have had no intention to press the point of order against the increase of salaries in this item, but for that fact. I recognize that you secure a better class of employees by giving them higher initial salaries, so as to get a better class of applicants. I may be consulted in framing that percentage increase resolution, and if I am I will try to bear in mind excepting this class of employees. Therefore, Mr. Chairman, I will not press the point of order. [Applause.]

The CHAIRMAN. Does the gentleman reserve or withdraw the point of order?

Mr. LONGWORTH. He withdraws it.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order. The Clerk will read.

The Clerk read as follows:

To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular and diplomatic officers and officers of the United States Court for China in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $800,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. Mr. Chairman, this item, known as the post-allowance fund, to authorize the President to increase the allowance by way of additional compensation of consular and diplomatic officers, in its total this year amounts to almost one-half of the total appropriation for our diplomatic and consular officers. This bill carries a total of $534,500 for our diplomatic officers, and for our consular officers it carries an appropriation of $1,208,000; and here it is provided that we are to authorize an increased compensation to the extent of almost 50 per cent in the salaries of our diplomatic officers.

I have heard in times past, when the subject of providing embassies for diplomatic officers was under consideration that salaries paid by the United States were very much lower, as compared with those paid by foreign countries. Seventeen thousand five hundred dollars is the maximum amount paid to our ambassadors extraordinary and ministers plenipotentiary. Last year, Mr. Chairman, this item was restricted to those diplomatic and consular officers that were living in belligerent countries and countries tributary thereto. Now it is proposed to lift that limitation and make it apply generally to all, to the extent virtually of 50 per cent of the compensation of this force. I think it is incumbent upon the chairman of the committee to make some explanation of this extraordinary increase at one fell swoop in the salaries of all our diplomatic and consular officers. Last year only $100,000 was appropriated, and here $800,000 is asked.

Mr. FLOOD. The appropriation last year carried $200,000.

Mr. STAFFORD. I beg the gentleman's pardon; it was $200,000.

Mr. FLOOD. And the gentleman's Committee on Appropriations added another $100,000 to it, making it $300,000. We increased it to $800,000, because it was shown to the committee that it was necessary in order to take care of the living expenses of our diplomatic and consular officers abroad; not simply the diplomatic officers and consular officers alone, but in some cases the clerks as well.

Mr. STAFFORD. Will the gentleman permit?

Mr. FLOOD. Yes.

Mr. STAFFORD. The phraseology does not grant that authority to the clerks as well. It is limited solely to special allowances by way of compensation to consular and diplomatic officers.

Mr. FLOOD. Well, that embraces the clerks and the consuls and ministers and ambassadors and secretaries and all. They make an allowance to all of this force out of this fund. The gentleman will see that the salaries paid to all of these representatives, including the clerks, is nearly $3,000,000.

Mr. STAFFORD. But this item does not give authorization to pay increased salaries to clerks.

Mr. FLOOD. The diplomatic officers includes those.

Mr. STAFFORD. You do not mean to say that a clerk is a diplomatic officer?

Mr. FLOOD. Yes. Do you not think a secretary is a diplomatic officer?

Mr. STAFFORD. Oh, yes; a secretary of legation is well known to be a diplomatic officer, but not a clerk.

Mr. FLOOD. They make allowances to the clerks from this fund.

Mr. STAFFORD. Then they have made it, in my humble opinion, without authorization of law.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FLOOD. Even if the gentleman's construction of this item is the construction that would be adopted by the department handling it, still the gentleman sees that it is less than 50 per cent, or not much more than 50 per cent, of the amount paid in salaries to these officers at their posts now.

Mr. STAFFORD. The gentleman would not recommend in one bill an increase of the salaries of the officers of the Government 50 per cent when, in continental United States, we are not providing for any increases of salaries of officers?

Mr. FLOOD. The gentleman heard the statement made here yesterday that the secretaries and lower diplomatic officers at all our posts in France had been increased over 50 per cent during the past year, and the gentleman just heard the gentleman from Minnesota read a statement of what the increase was in the cost of living in the different countries of the world. I was with the gentleman in the position that the salaries of the secretaries should not be increased. The State Department, for instance, asked to increase the salary of the first secretary from $3,000 to $5,000. The committee recommended an increase to $3,500. That was stricken out, and the salary remains at $3,000. But the gentleman understood in our discussion yesterday that these very secretaries get from this fund $1,500 additional, making $4,500 a year for them; and the representatives of the State Department stated to our committee that these men just positively could not live in those countries unless they did that. Of course, there are some of these representatives who have independent means of their own and are not dependent upon their salaries, but there are others who are dependent upon their salaries, and they can not live on their salaries. I agree with the gentleman that the salaries ought not to be increased and that this post-allowance fund ought to be made large enough so that the State Department can during this temporary emergency increase the allowances to these officers.

Mr. STAFFORD. In that connection would the gentleman be willing that this authorization should exist merely during the pendency of the war?

Mr. FLOOD. Absolutely.

Mr. STAFFORD. There is no such limitation.

Mr. FLOOD. I know, but it was put in last year as a war measure.

Mr. STAFFORD. Last year the phraseology was different.

Mr. FLOOD. It was put in as a measure growing out of the existing war, and it was intended only as a war measure.

Mr. STAFFORD. Would the gentleman have any objection to inserting, after the words "special allowances," the words "during the pendency of the existing war and for six months thereafter"?

Mr. FLOOD. Not the slightest.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order and offer the following amendment.

Mr. CHARLES B. SMITH. Mr. Chairman, I should like to suggest to the gentleman from Wisconsin that that amendment would not seem to be pertinent, and I do not see what it would accomplish. This appropriation is for one year. I do not see any harm in it, but I do not see any possible good in it. I have no objection to it.

Mr. FLOOD. Let it go.

Mr. STAFFORD. I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 24, line 1, after the word "allowances," insert the following: "During the pendency of the existing war and for six months after its termination."

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to discuss the amendment. I favor it, but would like to ask the gentleman from Virginia [Mr. FLOOD] why it is preferred by the committee to recommend a lump sum of so large an amount for the benefit of these consular officers and others rather than give them a direct increase in salary?

Mr. FLOOD. The Department of State gathers from its representatives, ambassadors, ministers, and consuls to these various countries information as to the increased cost of living, and from this lump sum the attempt is made, as nearly as possible to add to the salaries of these men a sum sufficient to enable them to meet that increased cost of living. The cost of living is variable. It changes from time to time. The committee thought that was a better way to make an allowance to meet the increased cost of living than to increase their salaries.

Mr. MOORE of Pennsylvania. As to the increased cost of living I thoroughly agree with the gentleman, but Congress has always reserved to itself, or has usually reserved to itself, the right to fix these salaries, but in this instance, the only one I recall recently, we propose to turn over to the Secretary of State $800,000, with which he may favor one employee of the department and perhaps not favor another. That is to say, he may make a certain allowance to one man in a certain place, or he may make no allowance at all to another man in another place, which might breed a species of favoritism that would not work well.

Mr. FLOOD. Of course there might be some cases of injustice. I do not think there have been any. I do not think it would be possible to get through a general increase of salaries, and I do not think it would be advisable. I think any salary that is increased now will remain, and will be the salary after peace returns. It might not be a proper salary in normal times.

Mr. MOORE of Pennsylvania. Is it not a fact that leaving this appropriation as it is, this lump appropriation of $800,000, the Secretary of State has it in his power to reward one particular officer of the Government or to punish another?

Mr. FLOOD. Of course he would have that power, but it would be very difficult for him to do so without bringing severe criticism upon himself, because the apportionment is made according to a system. The reports are gotten from a place as to the increased cost of living at that place, and then make the apportionment of this fund and the allowance to the officers there upon that basis.

Mr. MOORE of Pennsylvania. Will the gentleman state what the practice was with regard to the smaller allowance made in last year's bill?

Mr. FLOOD. The same; and in France, for instance, it was stated before the committee that as far as the fund permitted they made an increase of 50 per cent to the officials in Paris.

Mr. MOORE of Pennsylvania. Was that a uniform increase?

Mr. FLOOD. Uniform to all the officials in Paris.

Mr. MOORE of Pennsylvania. In one particular country?

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. Suppose a man happened to be in Africa?

Mr. FLOOD. If the increased cost of living there was ascertained to be 25 per cent, they would undertake to increase the allowance by adding 25 per cent to the salary of the man there.

Mr. MOORE of Pennsylvania. Does that particular consul figure up his expenses in his cost of living and forward a statement of them to the department?

Mr. FLOOD. I will quote from the testimony of Mr. Carr, which makes it clear:

Mr. CARR. Just as we have been doing. I would get the officer's reports first, upon what it would cost him to live, standardizing the thing by making each officer report on certain definite items, such as rent, clothing, etc., and in addition to that I would make him furnish us with a statement, as in the past, of how much an apartment of five rooms will cost, and how much a pair of shoes such as he wears will cost, and how much suitable clothes will cost him, and so on down through the different items, including items of food. I would compare them with the estimate made last year and the estimates made the year before. I would corroborate them also, as far as possible, by the published official reports of each foreign Government. For example,

Great Britain every year issues reports showing the cost of living, with the variation of prices of food and so on, which are very helpful in checking up these reports. On the basis of that I would reduce his report. For instance, an officer at one time estimated that he required $2,000 for clothing for the year. I would cut that down to what seemed a reasonable amount.

They send in a statement of the cost of these articles for the period before we entered the war and the cost of them now, and the State Department puts officials to work to find out a proper basis based upon that information as to what the increase of cost of living is.

Mr. MOORE of Pennsylvania. And it is left wholly to the discretion of the Secretary of State?

Mr. FLOOD. It is based on that system, and the Secretary of State could not depart from that in the interest of any particular person without subjecting himself to detection and severe criticism.

Mr. MOORE of Pennsylvania. Without regard to politics, he could play favorites?

Mr. FLOOD. I suppose he could, but he would violate the proprieties of the situation and the decencies of his office, and, of course, no Secretary of State would do it.

Mr. CHARLES B. SMITH. Mr. Chairman, I move to strike out the last word. I want to say to the gentleman from Pennsylvania [Mr. MOORE] that the gentleman from Wisconsin [Mr. COOPER], a member of the committee, asked Mr. Carr, the Director of the Consular Service, why these salaries were not fixed instead of giving a lump-sum appropriation, and Mr. Carr said:

I should say under normal conditions that there would be no reason why that should be done. Under present conditions, however, I would prefer to see more adaptability to conditions. Congress should fix salaries, but this is not a salary per se. This is what we call a living allowance, which is added to the salary.

It is purely a matter of giving extra money to enable the foreign representatives to live.

Mr. MOORE of Pennsylvania. The gentleman has posted himself in regard to that. Is it or not a fact that consuls have been moved from place to place, involving increased expenses, for diplomatic or other reasons of the department not political?

Mr. CHARLES B. SMITH. I presume they have been transferred for diplomatic reasons. I do not think the State Department would remove them for any other reasons.

Mr. MOORE of Pennsylvania. Suppose it should be learned that one man was not quite efficient according to the requirements of the State Department, and they moved him to another place and did not make an allowance that he thought was sufficient for his proper maintenance?

Mr. FLOOD. Is the gentleman talking about consuls or diplomats?

Mr. MOORE of Pennsylvania. Consuls.

Mr. FLOOD. On account of politics?

Mr. MOORE of Pennsylvania. No; a man might be moved for several reasons. I have been advised that some have been moved and some men did not understand why they were moved. That involves expense; a man might have leased some property on which he would lose.

Mr. FLOOD. The department recognizes that. They ask in this bill for an allowance to pay their expenses when removed. They do move them for various reasons, sometimes because they have not proved efficient in a particular place and have moved them to another place with equal dignity and equal salary. I do not believe they do it for any other reason than for the good of the service. The officials may be mistaken about it, but the Director of the Consular Bureau is a distinguished Republican.

Mr. MOORE of Pennsylvania. Yes; he is a good man.

Mr. FLOOD. I do not believe he would move a man, except for the good of the service.

Mr. MOORE of Pennsylvania. What is desired here is to give the Director of the Consular Service the discretion to move these men back and forth to fill or refill the places?

Mr. FLOOD. He has that authority and discretion under the law that we passed 12 years ago. The only thing this item provides for is to enable him to supplement their salaries with an allowance which he bases on the increased cost of living.

Mr. MOORE of Pennsylvania. I assume that that is the real purpose of the appropriation.

Mr. CHARLES B. SMITH. Mr. Chairman, I think the gentleman is wrong in his belief that they are transferred for political reasons. The only appointments I have been able to get in the State Department was through Secretary KNOX.

Mr. MOORE of Pennsylvania. I think there have been cases—but we barred all that when the gentleman from Missouri [Mr. HAMLIN] made his statement the other day and produced Mr. Lansing as his best witness—there have been cases where the department has found that the incumbent did not come up to requirements, or for other reasons moved him from place to place.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I agree entirely with what the gentleman from Pennsylvania [Mr. MOORE] has said as to the unwisdom, generally speaking, of lump-sum appropriations. Public moneys ought to be expended for public purposes, and the legislature which makes the appropriations ought to define specifically those purposes. When I first came to Congress lump-sum appropriations were much more common than is now the practice. Gradually Congress has been putting a stop to that sort of thing. I should have opposed in the committee the incorporation of this paragraph in the bill had it not been for the statement made by Assistant Secretary Carr in respect to the very exceptional circumstances which now confront the country and the whole civilized world. Possibly these circumstances justify this exception, but as I say, generally speaking, Congress should not permit the turning over of great sums of money from the Public Treasury to be expended in the discretion of any executive officer. It is opposed to the whole theory upon which moneys ought to be appropriated in a free country. One great authority has said that those who appropriate the money ought to believe, although it is not always true, that the trustee having charge of money to expend will expend some portion of it for his own advantage, and, therefore, if you make the law strict to prevent that, you do injustice to no executive officer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were—ayes 21, noes 10.

So the amendment was agreed to.

The Clerk read as follows:

ALLOWANCE FOR CLERK HIRE AT UNITED STATES CONSULATES.

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $818,000.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman in charge of the bill for an explanation of this extraordinary item. We have been condemning an appropriation of $800,000 as a lump-sum appropriation, and here now comes an appropriation of $818,000 as a lump-sum appropriation. The other was to be expended for the diplomatic officers of the Government, and this is to be expended for clerk hire. What is the use of fixing clerk hire if we are to permit the Secretary of State to expend $818,000 in increasing that clerk hire?

Mr. FLOOD. Mr. Chairman, the number of clerks since the war began has enormously increased.

Mr. ROBBINS. This seems to be for just clerk hire; it does not mention additional clerks.

Mr. FLOOD. That is the whole item. It is for those we have now, and those we have taken in since the war began and those that we are going to take in.

Mr. ROBBINS. Did we not just increase the salaries of the clerks a while ago?

Mr. FLOOD. The clerks at embassies and legations.

Mr. ROBBINS. Is there any salary for clerks except what is fixed by the Secretary of State under this clause?

Mr. FLOOD. We have not fixed the salaries of clerks by law.

Mr. ROBBINS. Then this is an allowance that is made to each clerk, in the discretion of the Secretary of State, in addition to the allowance fixed by law for his compensation?

Mr. FLOOD. We have no other item for clerk hire at the consulate than this. This pays for all of the clerks at all of the consulates.

Mr. ROBBINS. And the amount that is paid is fixed by the Secretary of State?

Mr. FLOOD. Yes.

Mr. ROBBINS. Congress has not fixed it in any instance?

Mr. FLOOD. It never has.

Mr. ROBBINS. Does the chairman of the committee think that is a wise plan?

Mr. FLOOD. It has always been the custom. The number of clerks that you need at a consulate varies. Of course this is a larger appropriation than they have ever had before.

Mr. ROBBINS. How much does this exceed the last appropriation? I am advised that the last appropriation was only $493,000. This is almost twice as much as last year. Why is the increase so great?

Mr. FLOOD. The gentleman is correct about the amount carried in the appropriation bill last year being $493,000, but the representative of the State Department went before the Committee on Appropriations and in one of the deficiency appropriation bills obtained $325,000, and what the Foreign Affairs

Committee recommended and the Committee on Appropriations allowed is the amount that we have recommended in this bill.

Mr. ROGERS. Will the gentleman yield?

Mr. ROBBINS. In just a moment. How many clerks are there in the service?

Mr. FLOOD. Nobody knows; they are constantly changing.

Mr. ROBBINS. Well, I would suppose there would be changes, but how many were there last year? The gentleman knows that.

Mr. FLOOD. I do not know; but of course we could find out from the State Department exactly how many there were. I just never undertook to do it.

Mr. ROBBINS. Can the chairman of the committee, who is familiar with this bill, tell us the salary that is paid, either the highest salary or the average salary paid to clerks last year?

Mr. FLOOD. They range from $600 to $2,000.

Mr. ROBBINS. Two thousand dollars would be the highest paid last year, and that was paid under an allowance made by the Secretary of State in his discretion out of the lump-sum appropriation?

Mr. FLOOD. And then the amount authorized by the Appropriations Committee.

Mr. ROBBINS. How much?

Mr. FLOOD. Three hundred and twenty-five thousand dollars added to the amount, and that is carried in this bill this year.

Mr. ROBBINS. Then the $493,000 in the last bill and the $325,000 appropriated by the Committee on Appropriations you add together and make the appropriation in this bill?

Mr. FLOOD. Yes.

Mr. ROBBINS. What does the gentleman expect the Committee on Appropriations to do when it comes along to appropriate for this item?

Mr. FLOOD. We expect this to cover it all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBBINS. I ask for two additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. The expectation of the representatives of the State Department with whom we conferred was that this would cover the entire clerk hire.

Mr. ROBBINS. Can the gentleman assure the committee there will be nothing in the bill from the Committee on Appropriations to cover this item?

Mr. FLOOD. That is the supposition; of course it might be wrong. I can not assure the committee, as the gentleman suggested, because in these times no one can be certain of what the morrow will bring forth.

Mr. ROGERS. Will the gentleman yield on that point?

Mr. ROBBINS. Certainly.

Mr. ROGERS. The report of the committee, on page 14, shows one very important reason for this great increase:

Since the advent of the United States into the war it has been the policy of the State Department in every way to Americanize the clerical force.

That, of course, almost always necessitates a considerable addition to the salary of the clerical force, because it costs more to get an American citizen here, send him over there, and maintain him than it does to secure a foreigner who is simply picked up in a city where he is to be stationed, and I think the gentleman will agree that that expenditure of money is an extremely wholesome one, especially when the United States is at war.

Mr. ROBBINS. I agree with the contention, because my observation abroad is that there are many foreigners employed in this branch of the service.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question. While we are on this subject of consulates can the gentleman say what consulates are now owned by the United States Government?

Mr. FLOOD. No; I do not think we own any.

Mr. ROBBINS. The gentleman from Ohio means houses?

Mr. LONGWORTH. There are a certain number——

Mr. FLOOD. In the Far East we own some.

Mr. LONGWORTH. I withdraw the pro forma amendment.

The Clerk read as follows:

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (so much as may be necessary), repairs to consular buildings owned by the United States, postage, furniture, including typewriters and exchange of same, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agents in the transaction of their business, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized, $828,000.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee why this item is increased from $625,000, as carried in last year's bill, to $828,000 in this bill? What is the necessity for any such lump-sum increase at this time for items which are small in their amount? We only have one consular building or two, as has been just stated, in the Far East.

Mr. FLOOD. The gentleman sees a great many other important items contained in this—stationery and telegrams——

Mr. LONGWORTH. And rent.

Mr. FLOOD. And the telegraph service even with consulates has increased tremendously.

All of our business has to be carried on there by cable. The business is important, and the mails are not certain. We had an appropriation last year of $625,000 and an emergency appropriation of $28,000, and some other appropriations were added. The real increase is only about $75,000. So the increase is not as much as it appears; but it is very considerable, and due largely to the tremendous cable service we have.

Mr. ROBBINS. That would be only $653,000 last year. Now you increase it to $828,000.

Mr. FLOOD. You will see that last year we were engaged in war, but this work is increasing all the time.

Mr. ROBBINS. I beg the gentleman's pardon. That appropriation would not be made in contemplation of war last year.

Mr. FLOOD. We were not in war all the time.

Mr. ROBBINS. The appropriation would not be made in contemplation of war, and the appropriation was only $653,000 for the fiscal year.

Mr. FLOOD. We were in war the whole year.

Mr. COOPER of Wisconsin. Will the gentleman permit me to read a statement that was made in the hearings by Mr. Carr on this very point? It will answer completely the gentleman from Pennsylvania.

Mr. ROBBINS. I will be very glad to have it.

Mr. COOPER of Wisconsin. He says:

Contingent expenses of United States consulates—this is an apparent increase, although in reality it is not an increase, except about $75,000, and $28,000 of that was carried in the war relief appropriation and was taken over in the deficiency bill last fall by special deficiency appropriation into this, and then we put in $75,000 additional to allow for what we considered a normal increase, perhaps, in view of present conditions. Now I find I have left only about $70,000 unallotted balance to carry us through the rest of this fiscal year, and I have very grave doubts as to whether it is going to do that or not. In fact, I am afraid it will not. It may be that upon further examination we may have to submit a recommendation for a still further enlargement of that fund. The conditions are so abnormal that accurate estimates are next to impossible. One can only look a week or so ahead nowadays. It may be that we will have to ask for more money there. Saturday evening, Mr. Long, Third Assistant Secretary, spoke to me about diplomatic clerk hire allowance and said we had suddenly found that we were without a cent for this item beyond that which has been allotted up to June 30, with constant demands coming in by telegraph for clerks; and he asked me to submit to the committee the advisability of providing for about 50 clerks for the rest of the year, or $50,000. For clerk hire for the Diplomatic Service the estimate is $200,000, plus transportation expenses, which I estimate at about $20,000 for the rest of the fiscal year, or about $40,000 for the next fiscal year.

Mr. ROBBINS. That explanation is very complete, and also explains another matter that I heard the gentleman from South Carolina [Mr. RAGSDALE] speak about yesterday, namely, his wanting an extra clerk. I wonder where he is going to get him if we get these? I do not see the gentleman in the House now, but I would like to know where he proposes to get his extra clerk. However, the explanation answers my question.

Mr. RAGSDALE. Mr. Chairman, I wish to ask unanimous consent to revise and extend my remarks made on the floor of the House yesterday. I am doing this at the request of one Member that a part should be eliminated.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

Mr. ROBBINS. Reserving the right to object, I will not object if he answers the question as to where he expects to put his extra clerk, in view of the crowded condition of the State Department now.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For the erection at the city of San Salvador on ground presented by the Government of Salvador of a suitable building constructed of reinforced concrete for the use of the legation to Salvador, both as a residence of the minister and for the offices of the legation, and for the necessary furniture of the building, $40,000, or so much thereof as may be necessary: *Provided*, That the President is hereby authorized to accept on behalf of the United States the plot of ground graciously presented by the Government of Salvador as the site for the erection of a legation building or buildings.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

department has found that the incumbent did not come up to

propriation bills obtained $325,000, and what the Foreign Affairs

uates and consular agents in the transaction of their business, and payment in advance of subscriptions for newspapers (foreign and domestic) under this appropriation is hereby authorized, $828,000.

Mr. WALSH. Mr. Chairman, I reserve a point of order on the paragraph.

I would like to ask the chairman of the committee if estimates have been submitted by the Secretary of State to the Secretary of the Treasury as to the limit of cost on this building?

Mr. FLOOD. They recommended to Congress $25,000.

Mr. WALSH. That is the recommendation set out in the report of the gentleman's committee, but I desire to know if the Secretary of State has submitted to the Secretary of the Treasury estimates as to the limit of cost for this building?

Mr. FLOOD. I suppose they did—the $25,000.

Mr. WALSH. That fact does not appear in the report. I understand this building is designed to take the place of one which was destroyed by an earthquake in San Salvador in June of last year, and they have been occupying temporary quarters since that time. The report calls for an appropriation of $25,000 for the erection of a building, whereas the amount in the item calls for $40,000.

Mr. FLOOD. The Committee on Foreign Affairs decided to change the character of building recommended by the State Department from a frame building to a concrete building, and realizing that it would take more money, they made a larger appropriation.

Mr. WALSH. But there is no limit of cost fixed in this item in the bill, as is required by the statute. It says $40,000, but does not limit the cost at all.

Mr. FLOOD. Oh, yes; it does. That is all it appropriates. It does not appropriate anything beyond that.

Mr. WALSH. They could start to erect an $80,000 building under this item.

Mr. FLOOD. Oh, no.

Mr. STAFFORD. Oh, yes.

Mr. WALSH. I disagree with the gentleman, the chairman of the Committee on Foreign Affairs.

Mr. STAFFORD. Will the gentleman permit? Under this authorization, as there is no limit of cost, the work being initiated, it would enable on an appropriation bill further appropriations to any amount at all. Does not the gentleman believe it is advisable to place in here a limitation and limit the cost to not exceed a certain amount?

Mr. FLOOD. This is the way this character of item has been carried in other bills. We appropriated somewhat over $600,000 for the buildings at Shanghai, and they got the buildings for a great deal less than the items.

Mr. STAFFORD. There the Government was negotiating for certain established buildings, and we got them for less than the amount authorized for their purchase.

Mr. FLOOD. Here was an appropriation for Berne and other places. The gentleman might be right ordinarily. It occurs to me that probably we would have to make an additional appropriation for this building, because, my opinion is, that $40,000 will not build the character of a building we describe and furnish it.

Mr. STAFFORD. Of course $60,000 would be necessary for a concrete building. I do not know why the committee recommended an appropriation of $40,000, except as an initial appropriation.

Mr. FLOOD. The gentleman from Minnesota [Mr. MILLER], who is familiar with buildings of that character in Central America, thought that $40,000 would be sufficient.

Mr. STAFFORD. Has the gentleman from Minnesota any objection to placing a limit of cost, say, at $50,000?

Mr. MILLER of Minnesota. To be perfectly frank about this item, I want to say that no man on earth knows what it will cost to build a concrete building or even a wooden building at San Salvador under the conditions now existing. The proposal to build a wooden building presupposed that it should be constructed of California redwood, which has been found to be the only wood available that would not be destroyed by ants.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MILLER of Minnesota. It is practically impossible to get the California redwood, even in normal times, anywhere outside of this country, and it is a practical certainty that it could not be procured this year or next year or at any time within reasonable contemplation. I may add that it is very doubtful if California redwood would be absolutely immune from attack by the ants. Anyone knows that no kind of wood except that which is immune from the ants should be used; otherwise the wood would be honeycombed with the ants, and it would be only a question of time when the building constructed would fall as if it were made of sand.

I have a particular reason for asking for concrete, which I will explain in a moment. But before making that statement I desire to say that the statement that $60,000 was estimated for the cost of this building is not accurate. It is as accurate as it could be made from the hearings we had, but the gentleman will find, if he reads the hearing attentively, that the minister to Salvador thought it would cost about $60,000. At least somebody thought it might cost about $60,000.

Mr. STAFFORD. What is the decision of the committee as to the limit of cost on this embassy and legation building?

Mr. MILLER of Minnesota. I will come to that in a moment, if the gentleman is a little more patient.

Mr. STAFFORD. The gentleman is always patient.

Mr. MILLER of Minnesota. I think it can be built for $40,000. It may be, though, that it might cost $50,000. It will not probably cost $60,000. I have observed the buildings constructed by this Government in all its tropical possessions, in Hawaii, in the Philippine Islands, and also in Panama, and if we have arrived at any result through all our experience in the Tropics it is that we should not put a dollar in any kind of a building that is not constructed of reinforced concrete.

For instance, a reinforced-concrete building is not subject to destruction by the ordinary earthquake. In the Philippine Islands there have been constructed school buildings and provincial buildings of reinforced concrete, and, by the way, they do not think of building any other kind of a structure there. Many of those buildings are within an area where they have a hundred, or even three hundred earthquake shocks in a year. None of them have been damaged. Nor can anyone cite an instance where a properly constructed building of reinforced concrete has been injured in an earthquake region.

Besides that, reinforced buildings are the most sanitary of any kind of building that can be erected in the Tropics. Third, it is the coolest kind of building that can be constructed in the Tropics; and, fourth, they will last, and they are the only kind of a building that will last there. I do not care what kind of a wooden structure you erect, there are two things that will soon knock it down. First, the ants will eat holes in it and it falls. In the early years of our occupation of the Philippines we used wood in the construction of school buildings, and those buildings are now in ruins, and are not in use, because it is dangerous to put people in them. The other thing that knocks them down is the hurricane or the typhoon, that works havoc everywhere throughout the Tropics.

So that every consideration of common sense and experience requires that if we build a building of any kind in the Tropics that building should be of reinforced concrete, which is fireproof.

Mr. LONGWORTH. What is the value of the land that is given to us?

Mr. MILLER of Minnesota. That is problematical. The minister said that there was no exact method of determining the value, but he thought probably it was worth $6,000 or $7,000.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The gentleman from Massachusetts made a point of order.

Mr. FLOOD. It is not subject to a point of order.

Mr. MILLER of Minnesota. Mr. Chairman, I ask that the gentleman from Massachusetts be given five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks that the gentleman from Massachusetts may have five minutes more. Is there objection?

There was no objection.

Mr. FOSS. Mr. Chairman, with the permission of the gentleman from Massachusetts, I want to say that the minister said that this lot could be bought for about $9,000, in American money.

Mr. WALSH. Including the ants.

Mr. MILLER of Minnesota. Mr. Chairman, if the gentleman from Massachusetts will yield——

Mr. WALSH. I yield.

Mr. MILLER of Minnesota. I want to complete my statement. Under all these conditions the Government ought to build a permanent building, one that will be respectable and take care of all the business interests that we have at that point. It is proposed this building shall house the minister at San Salvador and also the consul general. In other words, the offices of both of these officials are to be inside the building.

Mr. WALSH. How numerous is the force of these officials?

Mr. MILLER of Minnesota. It is not large, if it was we could not possibly build a building for $40,000 or three times that. I think $40,000 or $50,000 will be sufficient to build it. Why can not we estimate it accurately? Because it is impossible.

First, because nobody has been building that class of buildings there; and, second, there is no class of workmen there qualified to do that kind of work. This was the suggestion that influenced me to reach the idea of adopting reinforced concrete. We have on the Panama Zone the most expert concrete workers in the world. We have a force under the engineering department of the Army under the government on the zone that has the largest experience of any people in the world in building buildings out of reinforced concrete for the Tropics, and I do not except the enormous experience the Government has had in the Philippine Islands, where hundreds of buildings have been constructed of that character. It seemed to me that we could easily take a force of these men to draw the plans, go to the point, and construct the building out of material sent to that country. I do not think that there is any question in the world but what that can be done, and I do not think the expense would be over $40,000, although it may be $50,000 or $55,000. I would not object to putting a limit of $60,000 on it.

Mr. STAFFORD. I think there should be a limit to the amount so that they could not run wild.

Mr. FLOOD. I have no objection to the limitation being put on. There never has been any question in regard to this. We have been making the appropriations for years in exactly the same language. The Shanghai building and the building at Berne were built last year, and the appropriation for the legation in Cuba was made in this language. In the authorization for the building at Costa Rica last year the same language was used. In these cases that was all that anyone in the Department of State or on the committee anticipated would be used. Some of us on the committee thought there would be more money used in this particular case appropriated for to-day on account of the lack of information as to the cost of reinforced concrete in San Salvador, but if the gentleman from Wisconsin desires to offer an amendment putting the limitation at $60,000 I shall not object.

Mr. STAFFORD. There ought to be some limit.

Mr. WALSH. Mr. Chairman, clearly what has been brought out in the discussion during the pendency of the point of order discloses that this item is subject to a point of order. The requirements of the statute are to the effect that a limitation must necessarily be placed in every appropriation which is made for these buildings; and, furthermore, that there shall be some estimates obtained and submitted by the Secretary of the Treasury to the Secretary of State prior to the appropriation being asked for. That has not been done in this case, and in these times, when we are having such great difficulty in housing and providing accommodations for those who work not only here in Washington in the various departments but in getting accommodations for those who work in the shipyards and other industrial activities in connection with this great war, it seems to me the matter of building a concrete residence or mansion for the location of our representative at San Salvador might well be deferred, and although the amount to be saved is small, yet it is worth while to save it. I understand that the gentleman from Wisconsin proposes to insert some language if the point of order is withdrawn limiting the appropriation.

Mr. FLOOD. What is the point of order?

Mr. WALSH. The point of order is, first, that it is new legislation, and, second, that it being new legislation it is not in accordance with the requirements of existing law.

The mere fact that other items in other measures have been enacted in appropriation bills heretofore, not in conformity with existing law, certainly is no justification for the enactment of this legislation in this form. However, if the amendment suggested by the gentleman from Wisconsin [Mr. STAFFORD] is acceptable to the distinguished chairman of the committee [Mr. FLOOD], I am willing to withdraw the reservation of the point of order. I understand the chairman is agreeable.

Mr. FLOOD. The gentleman will not make the point of order that the item is not authorized by law?

Mr. WALSH. And not in accordance with the requirements of existing law.

Mr. FLOOD. Do you make the other point?

Mr. MILLER of Minnesota. I understood that the gentleman would not make the point of order if we accept the proposed limitation of $60,000.

Mr. WALSH. If the limitation is incorporated in the bill, I am willing to waive the other point.

Mr. FLOOD. That is all right; but it is authorized by law.

Mr. WALSH. It is not authorized by law in this manner.

Mr. FLOOD. The appropriation is authorized by law.

Mr. WALSH. Of course the appropriation is authorized by law in a certain way and after certain things are done; but until those things are done there is no authorization for making the appropriation.

Mr. FLOOD. Now, will the gentleman from Wisconsin offer his amendment?

Mr. WALSH. I will withdraw the reservation of the point of order on the assurance of the distinguished chairman of the Committee on Foreign Affairs that the proposition to insert the limitation is acceptable to the committee.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. STAFFORD. Mr. Chairman, I offer an amendment, after the word "building," in line 22, page 26, to insert the words "at a limit of cost not to exceed $60,000."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 26, line 22, after the word "building," insert the following: "at a limit of cost not to exceed $60,000."

Mr. WALSH. Will the gentleman yield?

Mr. STAFFORD. I am glad to yield to my generous friend.

Mr. WALSH. I notice you increase this amount some $20,000. I want to ask if the purpose of that increase is to destroy some of those rapacious ants that they have down there in that country?

Mr. STAFFORD. I am not acquainted with the ant population. I will yield to the gentleman from Massachusetts, who is very alert, to go down there and see how many there are to be killed.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBBINS. Is it not necessary to change the amount of $40,000, on page 27, to conform to the amendment which has just been inserted on motion of the gentleman from Wisconsin?

Mr. FLOOD. No. This is the appropriation for this year. The other is the limitation on the total amount.

Mr. STAFFORD. The $40,000 is the amount that is available at the present time.

Mr. ROBBINS. The other is for the building?

Mr. STAFFORD. No; we appropriate $40,000 at the present time for this building and furniture. Later they may call upon us for subsequent appropriations, but under the existing authorization they can not ask for more than $60,000 in all. That is the purpose of the limitation usually carried in public building appropriation bills.

Mr. FLOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments and with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HUMPHREYS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RODENBERG, for 10 days, on account of important business.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, on Wednesday last the gentleman from Missouri, Judge ALEXANDER, by unanimous consent was granted leave to call up as a privileged matter the bill S. 3389, relating to housing facilities, after the passage of the Diplomatic and Consular appropriation bill. Monday next is District day under the rule. I therefore ask unanimous consent that after the disposal of Judge ALEXANDER's bill a day be given for the consideration of District business.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that at the conclusion of the consideration of the bill S. 3389, which the gentleman from Missouri [Mr. ALEXANDER] has made privileged, a day shall be given to the consideration of District business. Is there objection?

Mr. JOHNSON of Kentucky. The next day after the disposal of that bill.

The SPEAKER. The next day after the disposal of that bill, not to interfere with Calendar Wednesday or privileged matters. Is there objection?

Mr. MAPES. Mr. Speaker, reserving the right to object, can the gentleman from Kentucky tell us what legislation will be brought up at that time? Will it be the bill reported by the committee to fix the rents in the District of Columbia?

Mr. JOHNSON of Kentucky. The bill undertaking to stop profiteering in rents in the District of Columbia is the one that I propose to call up.

Mr. MAPES. That is the only one?

Mr. JOHNSON of Kentucky. That is the only one.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Sunday, February 10, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the chief clerk of the Court of Claims, transmitting list of cases dismissed by the court December 10, 1917 (H. Doc. No. 924); to the Committee on War Claims and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting, in accordance with the provisions of section 4 of the river and harbor act, a list of claims for damages which have been adjusted and settled by the Chief of Engineers and approved by the Secretary of War (H. Doc. No. 925); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting estimates of appropriations for marine hospitals and marine stations (H. Doc. No. 926); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 1854) to save daylight and to provide standard time for the United States, reported the same with amendment, accompanied by a report (No. 293), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, reported the same without amendment, accompanied by a report (No. 294), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 9100) to authorize the Secretary of War to grant furloughs without pay and allowances to enlisted men of the Army of the United States, and for other purposes, reported the same with amendment, accompanied by a report (No. 295), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 9163) to provide for reimbursement of actual expenses or flat per diem for enlisted men traveling on duty under competent orders, reported the same without amendment, accompanied by a report (No. 296), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 9098) to suspend for the period of the present emergency sections 45, 46, and 56 of "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes, reported the same without amendment, accompanied by a report (No. 297), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 8409) to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes, reported the same with amendment, accompanied by a report (No. 298), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 9571) to authorize the appointment of officers of the Philippine Scouts as officers in the militia or other locally created armed forces of the Philippine Islands drafted into the service of the United States, and for other purposes, reported the same without amendment, accompanied by a report (No. 299), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 9712) to prevent and punish the sale of Army and Navy uniforms to persons not authorized to wear them; to the Committee on the Judiciary.

By Mr. MILLER of Washington: A bill (H. R. 9713) granting pensions to honorably discharged soldiers and sailors in the military or naval forces of the United States during the Civil War, fixing the amount of the same, and making classifications thereof; to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 9714) for the purpose of limiting the activities of certain officers and employees of the Government; to the Committee on the Judiciary.

By Mr. GOODWIN of Arkansas: A bill (H. R. 9715) extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas; to the Committee on Interstate and Foreign Commerce.

By Mr. McKENZIE: A bill (H. R. 9716) to authorize the Secretary of War to lease and sublet land within military reservation camps, cantonment and aviation fields, and proving grounds for agricultural and other purposes; to the Committee on Military Affairs.

By Mr. FIELDS: A bill (H. R. 9717) to create a commission on illiteracy to be known as the American Illiteracy Commission; to the Committee on Education.

By Mr. EMERSON: A joint resolution (H. J. Res. 239) to waive certain requirements for citizenship from soldiers and sailors during the present war; to the Committee on Immigration and Naturalization.

By Mr. BARNHART: A joint resolution (H. J. Res. 240) to provide further for the national security and defense by securing to the Government of the United States an adequate supply of print paper at a fair price and by insuring a supply and equitable distribution at fair prices to the industries of the United States; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 9718) granting an increase of pension to Hiram J. Pitsenbarger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9719) granting an increase of pension to Henry C. Edminston; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 9720) granting an increase of pension to John M. Willoughby; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 9721) granting an increase of pension to Joseph L. Middleton; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 9722) granting a pension to Virginia Hill; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 9723) granting an increase of pension to Morris Springfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9724) granting an increase of pension to Henry D. Combs; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 9725) granting an increase of pension to Ruth McClay; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 9726) granting an increase of pension to Lewis Meskimen; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 9727) granting a pension to James P. Curtis; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 9728) granting an increase of pension to Sarah E. Jackson; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 9729) granting an increase of pension to Elizabeth Lucas Lapine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9730) granting a pension to Lena McLain; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 9731) granting an increase of pension to John Right; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9732) granting an increase of pension to Stinnett Bee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9733) granting an increase of pension to Charles W. Roper; to the Committee on Pensions.

Also, a bill (H. R. 9734) granting a pension to Ella V. Altmeyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9735) granting a pension to Bertha Margaret Watkins, Helen L. Watkins, James O. Watkins, and Dortha G. Watkins; to the Committee on Pensions.

Also, a bill (H. R. 9736) granting six months' pay to Fanny Appleby, mother of Robert W. Appleby, deceased, who served in Headquarters Company, Eighth Infantry, Ohio National Guard, border defense; to the Committee on Military Affairs.

By Mr. POLK: A bill (H. R. 9737) granting an increase of pension to John W. Lewis; to the Committee on Invalid Pensions.

By Mr. SCOTT of Pennsylvania: A bill (H. R. 9738) granting a pension to Dallas Mills; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 9739) granting a pension to Thomas A. Starrh; to the Committee on Pensions.

Also, a bill (H. R. 9740) granting a pension to Nels Christensen; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 9741) granting a pension to Isaac Holley, alias Isaac Holey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9742) granting a pension to Eva M. Bevier; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 9743) granting an increase of pension to Thomas E. Langdon; to the Committee on Pensions.

By Mr. STEVENSON: A bill (H. R. 9744) granting an increase of pension to Henry Langly; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9745) granting an increase of pension to Eli Abbott; to the Committee on Invalid Pensions.

By Mr. WHITE of Ohio: A bill (H. R. 9746) granting a pension to Maria Wilson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Civil Liberties Bureau, asking for a congressional investigation of wartime violations of constitutional right, mob violence, censorship, and the efforts to use the war to crush labor; to the Committee on the Judiciary.

Also (by request), resolution of the Corning (N. Y.) Clionian Circle, against the zone system for postage on periodicals; to the Committee on Ways and Means.

Also (by request), resolutions from the Ladies' Auxiliary of the Presbyterian Church, Cloquet, Minn.; Current Events Club, Madison, Ind.; Penelopian Club, Cadillac, Mich.; and the Business Men's League, Hot Springs, Ark., asking for the repeal of the periodical amendment to the war-revenue act; to the Committee on Ways and Means.

Also (by request), resolution of the Cleveland Tractor Co., objecting to the increased rates of postage on periodicals; to the Committee on Ways and Means.

By Mr. CAREW: Resolution of the Woman's Missionary Society of the United Presbyterian Church, Fort Morgan, Colo., asking for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. CARY: Petition of the Cleveland Tractor Co., and resolutions of Romeo Monday Club, Romeo, Mich.; Business Men's League, Hot Springs, Ark; Current Events Club, Madison, Ind.; the Ladies' Auxiliary of the Presbyterian Church, Cloquet, Minn.; Corning (N. Y.) Clionian Circle; and the Maryville (Mo.) Commercial Club, objecting to the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of M. Griswold, jr.; H. A. Nye; J. W. Burnett; and 20 others, praying for the passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Letter from the Cleveland Tractor Co., and resolutions from the following organizations: The Ladies' Auxiliary of the Presbyterian Church, Cloquet, Minn.; Penelopean Club, Cadillac, Mich.; the Woman's Missionary Society of the United Presbyterian Church, Fort Morgan, Colo.; Business Men's League, Hot Springs, Ark.; Current Events Club, Madison, Ind.; Maryville Commercial Club, Maryville, Mo.; the Sorosis Club, St. Peter, Minn.; Corning (N. Y.) Clionian Club; and the Romeo Monday Club, Romeo, Mich., all asking for the repeal of the second-class postage rates of the war-revenue act; to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of the State of New York, asking for the survey of the Delaware & Hudson and other abandoned canals, with a view to their use in transportation of coal; to the Committee on Rivers and Harbors.

Also, petition of William H. Walker & Co., Buffalo, N. Y., in favor of the immediate passage of the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

Also, petition of Lewis S. Pilcher, M. D., asking favorable consideration of House bill 9563; to the Committee on Military Affairs.

By Mr. ESCH: Petition of the rural mail carriers of Black River Falls, Wis., praying for an allowance covering necessary upkeep expenses; to the Committee on the Post Office and Post Roads.

Also, petition of the Cleveland Tractor Co., objecting to the increased postage rates for second-class matter in the war-revenue act; also resolutions of the same import from the Ladies' Auxiliary of the Presbyterian Church, Cloquet, Minn.; Penelopean Club, Cadillac, Mich.; Business Men's League, Hot Springs, Ark.; the Woman's Missionary Society of the United Presbyterian Church, Fort Morgan, Colo.; and the Corning (N. Y.) Clionian Circle; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of the Cleveland Tractor Co., and resolutions of the Penelopean Club, Cadillac, Mich.; the Ladies' Auxiliary of the Presbyterian Church, Cloquet, Minn.; Current Events Club, Madison, Ind.; the Sorosis Club, St. Peter, Minn.; the Woman's Missionary Society of the United Presbyterian Church, Fort Morgan, Colo.; Corning (N. Y.) Clionian Circle; and the Business Men's League, Hot Springs, Ark., objecting to the second-class postal provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. HAMLIN: Papers to accompany House bill 2094, a bill to pension John M. Jackson; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: Memorial of Romeo Monday Club, of Romeo, Mich., protesting against proposed postal increase on periodicals; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: Petition of Pittsburgh Methodist Episcopal ministers, favoring immediate war prohibition; to the Committee on the Judiciary.

By Mr. TAGUE: Petitions of Ladies' Auxiliary of the Presbyterian Church, Cloquet, Mich.; Penelopean Club, Cadillac, Mich.; Cleveland Tractor Co., Cleveland, Ohio; Corning Clionian Circle, Corning, N. Y.; Maryville Commercial Club, Maryville, Mo.; Sorosis Club, St. Peter, Minn.; Current Events Club, Madison, Ind.; Business Men's League, Hot Springs, Ark.; and Romeo Monday Club, Romeo, Mich., objecting to the increased rates of postage on periodicals; to the Committee on Ways and Means.

Also, memorial of Bohemian National Alliance, New York City, commending the President's war aims; to the Committee on Foreign Affairs.

Also, petition of the Woman's Missionary Society, Fort Morgan, Colo., and New England Association of Circulation Managers of New Bedford, Mass., opposing increased rates of postage on periodicals; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 10, 1918.*

The House met at 12 o'clock noon, and was called to order by Mr. SHERWOOD as Speaker pro tempore.

Rev. George Robinson, United States Army, retired, offered the following prayer:

Almighty God, our Heavenly Father, we recognize Thee as the author of life, the arbiter of our destiny. We thank Thee that Thou hast given life to men, that Thou art the former of our bodies, so fearfully and wonderfully made, and the Father of the spirits of all men. We thank Thee, too, that in these spirits of ours everywhere Thou hast implanted a longing for and a belief in a life beyond this life.

We thank Thee, O Lord Jesus Christ, who came from Heaven to give life and to give it more abundantly, that Thou didst confirm this hope and belief in the hearts of men, that Thou didst teach that Thou art the source of life, that Thou didst prove by Thy resurrection from the dead, and by infallible proofs to Thy disciples that Thou hadst risen, that this life was in Thee. This gives us hope in the death of those whom we love; and we pray Thee that on this occasion Thou wilt confirm this hope and this belief to each and every one of us. Do

Thou grant to her who has been caused so greatly to mourn the influence and the gift of Thy holy spirit, to put into her heart the sympathy of Him who once stood beside the grave and adown His cheeks coursed the tears of pity and of sympathy. He is the same yesterday, to-day, and forever. He can speak to wounded spirits. He can bind up broken hearts. We pray Thee that Thou wilt give to her the sympathy and comfort that she so much needs. And to all who mourn his loss, to all his friends, may there be spoken in this hour the warnings and the encouragement to live nearer to the Christ; and may we all take new devotion from these ceremonies to give our energies, especially in this great crisis of the world, to make all sacrifices necessary in order that we may finish the task that has been given to this Nation to do.

Thou, O God, art the power that worketh for righteousness on this earth. We believe that in this warfare we are in sympathy with Thee, and that Thou art in sympathy with us. Therefore we pray Thee that Thou wilt bless our efforts to bring to the earth peace, founded on righteousness and truth and justice. We ask all for Christ's sake. Amen.

THE JOURNAL.

The Clerk proceeded to read the Journal of yesterday.

Mr. ASHBROOK. Mr. Speaker, I move to dispense with the reading of the Journal.

The SPEAKER pro tempore. The gentleman from Ohio asks unanimous consent to dispense with the reading of the Journal. If there be no objection it will be so ordered.

There was no objection.

THE LATE REPRESENTATIVE BATHRICK.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. SHERWOOD, by unanimous consent,

Ordered, That Sunday, February 10, 1918, be set apart for addresses upon the life, character, and public services of Hon. ELLSWORTH R. BATHRICK, late a Representative from the State of Ohio.

Mr. ASHBROOK. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from Ohio offers a resolution, which the Clerk will report.

The Clerk read as follows:

House Resolution No. 246.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. ELLSWORTH R. BATHRICK, late a Member of this House from the State of Ohio.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolution was agreed to.

Mr. GORDON. Mr. Speaker, the death of ELLSWORTH R. BATHRICK was a striking example of the fact that no one can know when "the pale horse and his rider" will call to deliver the final summons to go hence to that final "bourne, whence no traveler returns."

In the prime of life and apparently in full health and vigor only a few months before, no one would have been likely to suggest that in the whole membership of this House he would be the next to pass away.

The recent large increase of the death roll in both the Senate and House, many of whom had not yet passed the meridian of life, furnishes startling evidence of that general law of mortality to which all mankind is subject, and leads us to reflect upon the solem fact that death comes like a thief in the night and that no one can foretell or forestall his coming.

The boast of heraldry, the pomp of pow'r,
And all that beauty, all that wealth ere gave,
Await alike the inevitable hour.
The paths of glory lead but to the grave.

Since the Sixty-fifth Congress convened in extraordinary session on April 2, 1917, four Senators and six Members of this House have departed this life, during a period of less than 10 months, a most significant commentary upon the uncertainty of human existence and the remorseless and persistent mortality among men before the devouring "scythe of Time."

Mr. BATHRICK had served two former terms in this House, in the Sixty-second and Sixty-third Congresses and, so far as my information extends, he enjoyed the friendship of every man with whom he came in contact during his entire public service. He was invariably cheerful and kindly in temperament and disposition and agreeable and friendly in his association with his colleagues. My service here began with his second term; and it is a great pleasure for me to record the fact that I heve never heard an unkind or unfriendly word spoken in Washington of or concerning Congressman BATHRICK. It is indeed true, as Tennyson has said—

Kind hearts are more than coronets,
And simple faith than Norman blood.

The House of Representatives, constituted as it is of men elected from every part of all the States of the Union, is more typical and representative of the whole people of the United States than any other body of our citizens can possibly be. The prejudices, faults, and frailties as well as the virtues and ideals of our people are found in the membership of this body. Unless thrown into daily contact and association by membership on the same committee, or by living at the same hotel, members of so large a body as this are unable to weigh fully or to judge fairly all the elements which make up the character of a colleague, and are therefore likely to judge harshly the faults and weaknesses of a fellow Member and to underestimate or entirely ignore many of his virtues and attainments which should be considered in forming a just estimate of his worth as a Member. Long service ultimately discloses a Member to the men who serve with him in his true character; but many men elected to this House serve not to exceed two or three terms, and their capacities are not fully disclosed or developed. Is not this an appropriate time and occasion for every Member to ask himself whether or not he has been hasty and premature in pronouncing judgment upon the character and capacity of a colleague whom he may not have fully known or understood? A rule of this House wisely prohibits a Member from arraigning the motives of one with whom he disagrees upon a question under discussion. Does not this rule suggest the proper attitude of mind and heart which each should maintain toward every other Member of the House? And ought not this to control the daily speech and conversation of Members, public and private, both on and off the floor?

The highest duty that Members of this House owe to their country, next to the obligation imposed by their oath of office, is to protect the character and dignity of this, the greatest legislative body on earth. We should perform this duty by a course of conduct both on and off the floor which will reflect no discredit upon it by reason of our membership in it, and by always remembering that the rights and privileges of Members are equal under the Constitution and the laws; by a strict observance of the rules and the equal rights of all Members; by the widest liberty of opinions and the utmost freedom to express them, and a courteous and charitable regard for the rights of those who may disagree with us.

In essentials—Unity.
In nonessentials—Liberty.
In all things—Charity.

As we pay this last tribute of respect to the memory of our departed colleague, let us renew our faith in and allegiance to our country, its Constitution, and the principles they were founded to perpetuate and defend. We are assailed by a foreign foe; but justice, liberty, and truth are mighty and must prevail, or government of the people for the people and by the people will perish from the face of the earth.

As public officials and as men, let us throw off all false pride and resolve anew to perform our full duty during the brief period of our sojourn here on earth, reminded, as we are, by this solemn occasion, of the brief and transitory character of human existence.

Oh why should the spirit of mortal be proud?
Like a fast-fleeting meteor, a fast-flying cloud,
A flash of the lightning, a break of the wave,
He passes from life to his rest in the grave;
For we are the same our fathers have been;
We see the same sights our fathers have seen;
We drink the same stream, we view the same sun,
And run the same course our fathers have run.

Mr. ASHBROOK. Mr. Speaker, I first became acquainted with ELLSWORTH R. BATHRICK during the campaign of 1910, when he was first elected to Congress. I was pleased with his personality then, and as the years passed on, as I learned to know him well, our friendship became strongly welded. I became his good friend and he became my good friend. I met him at Columbus, Ohio, at a meeting of the Democratic congressional candidates of the several districts in the State. I believe every one of the twenty-two candidates were present. No doubt all had at least a vain hope that they might be elected at the following November election; but I am sure that no one present, except our friend "BATH," as we affectionately called him, believed that he had a ghost of a chance to win in the nineteenth district. No one would have been foolish enough to hazard a thing of value, even at great odds, on his success. But he was elected, and, if I mistake not, overcame a Republican

majority of something like 13,000 and had the honor to be the first Democrat ever elected from that district. I believe he was one of the most successful campaigners in Ohio. I did not then understand how he could possibly be elected from such a strong Republican district; but when I became better acquainted with him, I understood why it was he overcame such great odds. The people knew him; they believed in his honesty of purpose and trusted him, and he never violated their trust. In these days politics cuts but little figure with the people. Their faith and trust in a man is far greater than their loyalty and adherence to party or platform.

He gave such satisfactory accounting of his stewardship here in the Sixty-second Congress that he was returned to the Sixty-third Congress. In the meantime, however, the State had been gerrymandered and he was thrown in a new district, which resulted in his defeat for the Sixty-fourth Congress; but his reputation as a legislator became better known in his new district when he was nominated for the fourth time, and he was elected to the Sixty-fifth Congress by a good safe majority. He came to Washington last spring, when the extra session was called, from a hospital in the Southland, and remained here faithfully during the nearly six months of that strenuous session, devotedly doing his duty and loyally upholding the President during the great world-wide war crisis forced upon us. He was not a well man. He knew it. One less brave and courageous would have sought environments more conducive to the restoration of his health. Doubtless, had he done so, he would have been alive to-day. During the months of that historic session I often urged him to go away and leave this terrible grind and try to recuperate his health. He refused all such friendly advice and remained at his post of duty. I would not say that he did not sacrifice his life on the altar of his country just as surely as the brave soldier who falls in the trenches. He did more than his bit, bravely and well, and his name will long be remembered and honored by a grateful people and a grateful country.

When the last session of Congress ended, on October 7, our good friend was hopeful that he would be ready for his duties at the regular session in December. I bade him good-by, not believing that it was for the last time; but

'Tis the wink of an eye, 'tis the draught of a breath,
From the blossom of health to the paleness of death.

The disease which had firm hold on him soon thereafter again brought him low, and, while everything possible was done by loved ones, skilled surgeons, and practitioners, he gave up the unequal fight with our common enemy at his home in Akron, Ohio, on December 22, 1917. While still in the prime of life, his useful and honored career was brought to an untimely end. Had he lived until the 6th of the following month he would have been but 55 years of age. I attended the service held at his home on December 27 last, in charge of his pastor, who was his next door neighbor and friend. Without paint or color he truthfully and beautifully gave honest expression of an intimate and personal acquaintance of many years. I would that I might merit as high tribute when that last sad hour comes to me, and to you, my colleagues, as was the eulogy pronounced for our friend. His remains were laid to rest in the beautiful cemetery of his home city.

Congressman BATHRICK was born in Oakland County, Mich., where he spent his young manhood. He had a varied and interesting career, often related to me; but I will speak only briefly of his service here. I might say, however, that it was his early ambition to be elected to Congress. That was his life's goal. I have heard many Members also declare that early in life they set stakes for a seat in Congress. High ambition, without doubt, is most helpful and valuable to all, as it was to him. Ambition spurs us to make the best of our talents and opportunities. He reached his goal and worthily adorned this, the greatest law-making body in the world. He fought valiently for the best interests of his district; but he was more than a Representative of the nineteenth Ohio district. He concerned himself for the general good of all the people.

I do not believe there are a half dozen Members of Congress to-day who are better informed on the subject of rural credits than was our late colleague. He studied the question deeply and devotedly. He believed in it. He talked it intelligently and insistently, and much of the credit for this law can be laid at his door, although the legislation was enacted during the Sixty-fourth Congress.

He was early an ardent advocate of a big Navy. Before war was declared by Germany on our allies his friends dubbed him "Battleship BATH" because of his intense concern in this now vital question. He had both brains and vision. He was a writer and author of no mean ability. His book, Please Don't Worry, is a gem worthy to adorn any library. Last summer he ran across some old manuscript written 25 years ago which was eagerly accepted by a prominent publication at so much per line. He had a fertile brain, a fluent tongue, a ready pen; but, best of all, a warm and sympathetic heart, a generous disposition. Void of deceit and hypocrisy he was steadfast and true to his friends. He was conscientious in his every act, open always to conviction, but when once firmly convinced that he was right was a most determined contender. He possessed so much to be commended and so little to fault, and his virtues so bedimmed his frailties, that I will ever hold in fond recollection the memory of my good friend, ELLSWORTH R. BATHRICK.

Mr. BARNHART. Mr. Speaker, "God moves in a mysterious way His wonders to perform," is a truism that more fully impresses us each succeeding year of our lives. I once passed through the ordeal of standing at the bedside of one very dear to me and day after day watching the peaceful ebb of a life of usefulness and happiness at a time when it seemed that the very fullness of life's possibilities ought to be shedding their radiance where the shades of death were surely falling. I looked about me and saw the hopeless and the friendless anxious to be called from their distress and despair. I saw the dissipated and the loafer—men and women living with no purpose except their own selfish pleasures or the gratification of base desires—and I saw the careless and the pampered reveling in daily nothingness. Then I compared the helpful and happy life going out with those which were to live on in helplessness and carelessness and uselessness, and I said, surely "God moves in a mysterious way His wonders to perform." And the wonder of taking the happy and the helpful and leaving the miserable and the slothful abides with me on and on, mysterious and incomprehensible.

So when I see a man like Congressman BATHRICK, in the very prime of life, and who has risen to a place of helpfulness for his fellow man, called by death, I look at fate and stand in mute bewilderment.

I knew Mr. BATHRICK well, but not intimately. I knew him as an industrious, conscientious man, who, when he made up his mind what he thought was right, fought for it with an open intrepidity always commanding, although not always persuasive. Was he industrious? Yes. Was he honest? Yes. Was he dependable? Yes. Was he moral? Yes. Was he true to his convictions? Yes. Was he fearless? Yes. Was he solicitous for the welfare of others? Yes.

What higher personal tribute, then, could we pay him? He was not a politician in the sense that he would sacrifice conviction for policy; and he was not a trimmer, setting his sails for every popular wind that blew. He had honest convictions and often expressed them in manner not conducive to disarming his opponents, but always with an earnestness that left no doubt of his sincerity and his devotion to his conclusions.

Such a man is always a benefactor to a community or to any assembly of people's delegates. He is never awed by place or power, and usually he is heedless of fame or oblivion. He goes ahead, out in the open, in sight of his people and his God, and does his best with the instruments of justice and logic with which his Maker has endowed him. And his pleans of praise will always be eloquent with plaudits of a free people who honor a man who has convictions and is not afraid to express them.

Mr. BATHRICK was primarily a business man, and he came to Congress as a Representative of a large business constituency in his home city of Akron. He talked much of the business and labor interests that he represented in the National Congress, and yet he was more than a business man—he was an humble philanthropist. He always had a ready offering for the "down and out" and the deserving in want. I have many times seen the Salvation Army lassies canvass crowds with their inverted tambourines, and they never appealed to BATHRICK in vain; and the professional beggar found him an easy mark. Moreover, he took much interest in the idealistic and the impressive in oratory and literature. I once told him of a wonderful word picture I heard a great man paint of the duty of human life and the end of it; and he asked me to please put it in manuscript form; and I did so, as I could best recall; and he often referred to it as a most impressive admonition for us to observe. It was a discourse on the importance of men and women honestly earning and saving money to be used in the world's work—in charity, benevolence, education, and assistance and relief of humanity generally. And after the speaker had gone into the realm of financial endeavor and pointed out the right and wrong of money making and money spending he said he always felt that the men and women who struggled hard to get dollars so as to hoard them for heirs to quarrel over after they had passed on, would better never have been born. For when money has been made and we have

accomplished most of our desires, "Watchman, what of the night?" After we have accumulated wealth, after we have surrounded ourselves with home and family and friends, after we have achieved distinction in professional or scholastic endeavor, and after we have stood in the leadership of men in social and political power; after all of these and probably many more accomplishments, there will come a day when we will weary of it all, and when that day comes we will lie upon a couch that has always furnished us refreshing rest, we will toss feverishly and fretfully about, we will be surrounded by the family and friends that have been our mainstay of strength always, and we will be attended by the most eminent medical skill our abundance of money can employ. But in the midst of these earthly agencies of help we will suddenly turn our backs upon it all and beseechingly implore:

Other refuge have I none;
Hangs my helpless soul on thee.
Leave, oh, leave me not alone,
Still support and comfort me.

Mr. BATHRICK often spoke of this reality, that must come to all of us, as one of beautiful conception for those who live right and one that should be impressed on everybody; and a man with such reverence and thoughtfulness for his final responsibility could scarcely be anything else in his heart than a noble type of upright citizen and American manhood.

And so, hail and farewell to another life we knew and which made its impress for better things in the world. In the hurly-burly of our busy lives frequently we do not see the high qualities in the lives of our friends many times until it is too late to show them loving appreciation and to give them the bouquets of gratitude which humanity owes to them.

Lord God of hosts be with us yet,
Lest we forget, lest we forget.

Mr. SWITZER. Mr. Speaker, the announcement of the death of our lamented colleague, the late Representative of the fourteenth congressional district of Ohio, came to me as a great surprise and left in its wake the deepest sorrow.

I had not been apprised of his long and serious illness, of which I later learned, and I therefore was wholly unprepared for the most unwelcome message. But this merely illustrates the usual human frailties and our general unwillingness to believe that the final summons ever hovers near.

It was my good fortune to have had more than a casual acquaintance with our deceased colleague, as we lived for quite a while at the same hotel during a part of the long session of the Sixty-third Congress. I well remember that during some of the monotonous periods of that session, when the House was marking time waiting on the Senate, we frequently enjoyed summer evening strolls upon the beautiful avenues and streets of the Capital City. On these occasions we freely spoke our minds upon the various public questions of the day and the current events. It was then that I became impressed with his comprehensive vision and analytical mind, as well as with his winning colloquial powers, and it was then that I learned to admire his independent thought and frank expression upon the topics of the day.

No party man was less hampered by party ties or partisan motives when approaching the discussion of a public question than Hon. ELLSWORTH R. BATHRICK; and when debate had ended and the time arrived for casting the final vote on a pending measure, no Representative of this or any other Congress was freer from party restraint or ever recorded a more sincere conviction.

He never allowed political expediency to interfere with or in any wise warp his judgment in the discharge of public duty; and wherever duty demanded his presence, whether in the halls of legislation or on the public rostrum in a political campaign or in some great civic movement, he never hesitated to courageously come to the fore and express his conscientious convictions, regardless of popular opinion.

A close observer and a diligent searcher for the truth, a student of social conditions, as well as exclusively political propositions, and quick to notice the evils flowing from many existing industrial, economic, and imperfect governmental conditions, his philosophical mind was ever at work devising some legislative scheme for their amelioration, a possible remedy for the passing wrong.

He was an indefatigable worker, and his well considered conclusions on matters public and private were highly prized and much sought after by his friends, both in and out of Congress. His work bespoke a promising legislative career.

But in the prime of manhood and in the middle of his chosen work his earthly career was suddenly ended by the grim reaper, whose deathly scythe is so swiftly and surely garnering the present generation, as well as it has the past, to the home of the fathers. His presence among us will be no more; his ever-generous welcome and hearty handshake will undoubtedly be missed; but our minds will often recur to his manly form and stately bearing, his clean and honorable life; and our memories will be frequently blessed with the recollection of his delightful company and inspiring association.

With these feeble tributes to his memory, and having an abiding hope that all may be well with those whom he sincerely cherished, especial the one nearest and dearest to his heart—his wife—we trust that his spirit may dwell in that land where pain and sorrow are unknown and joy and friendships never cease.

Mr. SNOOK. Mr. Speaker, it has been made plain by what my colleagues have said that in the death of ELLSWORTH R. BATHRICK the cause for which we as a people are fighting has lost one of its most active friends and supporters. It was not my pleasure to have the intimate acquaintanceship with him that has come to some of our colleagues, for I did not have the privilege of serving with him in the Sixty-second and Sixty-third Congresses. The first time I ever remember meeting him was in Ohio while he was a candidate for Congress in the campaign of 1910. The very first conversation I had with him impressed me that he was a man of courage and conviction. I came to know him better later, and after serving with him in the extra session of the Sixty-fifth Congress I believe I might be able to say that I came to know him as a friend.

The custom so long observed by the House, when one of its Members is taken away, to lay aside all work and pay respect to his character and achievement is to my mind one of the most fitting that it has ever instituted.

The association among Members, even from the same State, is not so close as I believe it should be to bring about that friendship which should obtain; a closer association would often lead to a knowledge of the aims and purposes of each other and result in much good to all of us. And yet, even with that want of close association which prevails in this body, one could not help being impressed with the personality of ELLSWORTH R. BATHRICK.

His habits of industry and the vigor and courage with which he expressed his views made one understand that he possessed a strong vitality; and therefore the news of his illness and death came as a shock and surprise to all of us. I shall always remember him from the picture impressed upon my mind by seeing him in action, pressing home with all the vigor he possessed the weight and force of some truth as it presented itself to his mind.

He was logical and forceful, and always stated his opinions with courage. He was kind and courteous to his friends and associates, but when engaged in a controversy over any question before the House he defended his views without fear and with a courage that commanded the respect of his associates.

A glance at his history as detailed in the Congressional Directory shows the successive steps by which he gained a seat in this body. First, farmer boy, then pupil in a country school, high school, and business college, with a post-graduate course in the school of experience as a business man.

I am sure you will agree with me if we could round out this brief statement of his achievement by the details from his own lips of what it cost in labor and sacrifice the story would be an inspiration to the young men of his district and the country.

In traveling the road which leads from the farm to the House of Representatives he learned in the school of experience that the obstacles necessary to be overcome could be removed only by making such sacrifices as were necessary to build a character that would stand every test. That he was successful in building such a character is proven by the fact that though he was a Democrat he was three times elected to Congress in a district where a great majority of the voters adhered to the policies advocated by the opposing party.

I have no doubt that it was the courage and the sincerity of the man that enabled him to gain and hold the confidence of his people. He was the type of man that the President had in mind when in one of his speeches he gave expression to this thought:

> We shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own government.

He was intensely loyal to his Government, for there was no man in the House who took a firmer stand in support of the conduct of the war. He had no patience with its critics, and always stood ready to make any sacrifice that might be necessary to bring the war to a speedy and successful conclusion. The death of a friend like this, just as he had reached the hour of his greatest opportunity for service, while life was full of promise for future achievement, brings one face to face with the greatest of

all mysteries and fills one with a longing for an answer to its challenge.

Shall we stop here and in anguish at our loss acknowledge that there is no solution and no hope for an answer? I love to believe that there is reason in the thought that comes to every one of us at this time; that surely all this toil and sacrifice have not been in vain; that somehow there will be found in God's infinite plan a way to give full expression to that which, on account of the brevity of life, he was able only partially or feebly to express.

Faith makes us bold to speak of this thought, but understanding is too feeble to aptly express it in language. Many have sought to illustrate it by turning to the laws of nature, and this method is now suggested to my mind.

This has been a bitter winter, though it has seemed to lay the icy finger of death on shrub and flower; yet even now we begin to feel the call of spring; "we know the manner in which she has stored up sunshine, leaves, and blossoms;" we know that the bulb and twig which now seem dead will answer to the call of life and deck themselves with leaves of rich green and flowers painted from God's own urn of infinite colors.

So the same faith leads us to believe that the life which failed to reach its full fruition here will blossom and bear full fruitage in a life to come. Nothing can fill the loss that comes to those whom he left to bear life's battles alone; yet to the afflicted there is solace and comfort in the thought I have tried to convey, which is so beautifully and clearly expressed by Whittier, the poet of faith:

But still I wait with ear and eye
For something grace which should be nigh;
A loss in all familiar things,
In flower that blooms, and bird that sings;
And yet, dear heart, remembering thee,
Am I not richer than of old?
Safe in thy immortality,
What change can reach the wealth I hold?
What chance can mar the pearl and gold
Thy love hath left in trust with me?
And while in life's late afternoon,
Where cool and long the shadows grow,
I walk to meet the night that soon
Shall shape and shadow overflow,
I can not feel that thou art far,
Since near at need the angels are;
And when the sunset gates unbar,
Shall I not see Thee waiting stand,
And, white against the evening star
The welcome of thy beckoning hand?

Mr. GARD took the chair as Speaker pro tempore.

Mr. OVERMYER. Mr. Speaker, the loss of our friend and colleague, Congressman BATHRICK, is the first death in the Ohio delegation in Congress since I have become a Member of the House. To me it seemed like the breaking of a circle, the loss of a member of our official family, the parting with a brother. I can still scarcely bring myself to realize that he is dead.

But I know the sad truth. I know it is so. Sorrowfully we filed past his coffin and looked for the last time on the features of our comrade and friend. Soon thereafter the words "earth to earth, dust to dust," were spoken over his grave and all that was mortal of ELLSWORTH R. BATHRICK was hidden from our view forever, and "the places that knew him shall know him no more."

We have assembled here to-day to pay our respects to his memory—a solemn and sacred duty, a duty that to be performed in keeping with the sentiments to which it gives rise must be done with bowed heads and hearts filled with humility. Our colleague has met that sublime and universal moralist—Death; that great teacher who speaks in a voice which none can mistake, who comes into our midst with a power which none can resist, and, despite our protests and our tears, our pleadings and our prayers, removes those whose words have been a cheer and whose presence has brought exultation. This stern messenger, this mysterious agent of Omnipotence, has come among our numbers and laid his withering hand upon one whom we had learned to honor and respect. Our colleague has gone the way of all the earth, with his good deeds left to cheer us onward and upward, his errors and shortcomings buried within the silent chamber to which his body was consigned.

But there is consolation in the thought that the influence of our friend still abides with us, even though he is no longer here; and to-day, as we contemplate upon the removal from our midst of our colleague and friend, we mourn his departure but glory in the presence of his benign influence. The influence of the dead upon the living is a powerful one. The relations between man and man cease not with life. The dead leave behind them their memory, their example, and the effect of their actions. Their influence still abides with us, their names and character dwell in our thoughts and in our hearts. Those whom we have loved in life are still objects of our deepest affections. Their power over us remains. They are with us in our solitary walks and their voices speak to us in the silence of midnight. The world is filled with the voices of the dead. They speak to us in a thousand remembrances, incidents, events, and associations; and the world is filled also with their labors. Almost all the literature in the world, the discoveries of science, the glories of art, the ever-enduring temples, the comforts and improvements of life—in fact, the very framework of society, the institutions of nations, the fabrics of empire—all are the works of the dead. By these they who are dead yet speak.

If this were not true the death of a person would be absolutely the end of that individual, just as the destruction of any earthly thing removes it from our thoughts. But the human body is more than clay. There is within that body a soul, something separate and apart from the body itself, which we love and cherish even after death. Not so with the destruction of earthly things. When the ingenuity of man raises before our eyes a twenty-story structure, we stand in awe and admiration and behold the beauties of that building with something akin to reverence; but when the flames and earthquake in their wrath reduce that stately structure to ashes and ruins we do not place upon that pile of brick and mortar a wreath of mourning. We console the owner in his loss but shed no tears of grief. But when we stand above the last resting place of one who in life was dear to us, we feel how keen was our loss in his death; and, as we place upon that grave sweet tokens of love and memory, we whisper to the soul that we feel is present "I love thee still!"

The sorrow for the dead is the only sorrow from which we refuse to be divorced. The love that survives the tomb is one of the noblest attributes of the human soul. Where is the mother who would willingly forget the tender infant that perished like a blossom from her arms, though every recollection is a pang? Where is the child that would willingly forget a tender parent, though to remember is but to lament? When grief and anguish are calmed into gentle tears of recollection, it may sometimes throw a cloud over the hour of gayety or throw a deeper shadow over the hour of gloom; but there is a voice from the tomb sweeter than song, a remembrance of the dead to which we turn, even from the charms of the living.

What a splendid time for meditation, then, it is when we call up in long review the history of the virtues and gentleness, the thousand endearments lavished upon us by departed friends, almost unheeded in the daily intercourse of intimacy. This is a good time for us to settle the accounts with our consciences for every past benefit unrequited and every past endearment disregarded. If you as a child have added a sorrow to the soul or a furrow to the silvered brow of an affectionate parent; if you as a husband have ever caused the fond bosom that ventured its happiness in thy arms to doubt one moment of thy kindness; or if you as a friend have ever wronged in thought or word or deed or have given one unmerited pang to any true heart that now lies cold, resolve henceforth to be more faithful to the living.

The desire to live is the strongest desire implanted in the human heart. In youth and middle life no struggle is too great for us to make in our effort to retain life. But as age advances this desire grows less and less insistent. God has a way of weaning us away from the desire to live. Our mental powers fail, the eyes grow dim, the limbs feeble, and our capacity for enjoyment of life grows limited, and then, indeed,

Death is beautiful as feet of friend,
Coming with welcome at our journey's end.

Our colleague had not reached that period in life when his usefulness was over. On the contrary, he was just at the zenith of his ability and power to do good. Why he was taken at this time we do not know; we only know he was taken. When our own summons shall come we do not know; that it will come we do know. Our plain duty then is to have our houses in order, to do all the good we can in every moment that is given us.

Concerning our colleague's religious views I know nothing. A man's professions are not always the fairest judgment of his character or faith. Basing my judgment of him upon a brief personal acquaintance and upon sentiments expressed by him in a published volume, I believe he most fairly represented the true spirit and teaching of the great Master, that spirit of charity for all mankind "which suffereth long and is kind, which thinketh not of itself but of the welfare and happiness of others."

In a small volume entitled "The Don't Worry Book," published by Mr. BATHRICK a few years ago, we find, among others, the following gems:

> In the remote past we began to live. The first birthday was far back, at some crossroad of time. The wonder-working matter of the ages, the teachings of savants, the clash and death grapple of armies, the upheavals of nature, the admixture of races, the inventions of man, and dispensations of God have shaped our course.
>
> Is it not the better plan to follow it calmly, making the most of what we are, and without futile rebellion?

Even beyond death, Hope holds out its promise. So do we follow on through the inexplicable labyrinth of life. Footsore and weary though we be, we must travel bravely on.

We know that sometime we shall enter into the deeper puzzle of the Realm of Silence, and when that hour arrives the messenger of the Shadowy King, clothed in the glorious garb of Hope, will take us by the hand and lead the way. But while we remain to tread the tortuous paths and the life-soul hungers for human things, it shall not be always in vain.

—

Above all, learn to forget. Forget the wrong, but be wary of he who inflicted it. Do not hate. It will give you more worry than the object of it. Forget all that is useless. It is the discarding of the dross of life, the casting aside of used timber to make way for the new.

Our lives should not be overcast by gloom of the past or future. Neither possesses the substance of the present. Both are mere reflections. The past should reflect the light of pleasant memories upon the present, and contemplation of the future should shed its rays of hope upon our to-day.

There is no shadow without light. Turn yourself around.

—

Disposing of yesterday as material only for pleasant meditation, center your mind upon to-day as the sole period of your activities. Resolve that you will absorb only the good and will discard the bad.

Having been loyal to resolution, lie down at night and sleep, gathering from the peace of slumber new vigor for brain and body. Sleep is the anodyne of tribulation. In the darkness of your chamber do not call upon the mind to see that which the eye can not.

—

Fortified in your endeavor by this valiant aid, don the armor of High Resolve and fare forth to the battlefields of life ready to receive or give blows in the conflict. It is childish to wish for triumph and fear defeat. It is cowardly to take whinings and whimper at losses.

—

Put the bricks on the wall to-day where, according to your best judgment, they should be. If the future brands your labor as error, still forget, still endeavor. Put aside puerile self-condolence for real or imaginary misfortunes. It is sufficiently weakening to have friends sympathize with us, but much more so when we sympathize with ourselves.

—

When you pity yourself, look about you and see the brave smiles upon the faces of those who have met with a fate worse than yours. There are millions of other human souls whose unsatisfied desires are as your own.

Bear in mind, Fate may be friend as well as foe. The condition which you worry about may be a kindly circumstance in the plot to be yet unraveled. There are other pages in the book of life which you have not read.

—

We must pay. Eternal Justice will keep a fair account, and we shall also be paid. For every pain we shall receive a joy, and they will be fairly measured.

Our accounts must balance in the great summary of deeds of kindness, of pleasant words, of selfishness, of intolerance.

—

Memory should be a golden cord, glimmering back to the vanished hours, connecting our hearts with the smiles of loved ones, with the exaltations of success, and the joy of conquered obstacles.

Forget the losses, the dark and rugged road, the storms, disappointments, and failures. Drive them from your mind into oblivion. Say unto them, as you would say to Satan: "Get thee behind me!"

Surely, my friends, the sentiments which I have just read, and of which Congressman BATHRICK was the author, are sentiments to which all of us can subscribe. To him a creed or a ritual would mean but little. But a broad faith in fundamentals, a belief in God and his fellowmen, practicing charity, dispensing cheer, building up hope, he presents a character based upon a firm and safe foundation; and I can testify that in his life he exemplified the sentiments he proclaimed. I shall remember ELLSWORTH R. BATHRICK as a courageous, able, sincere, manly man, a conscientious and honest public servant, a loyal and patriotic citizen, and a true friend. His death is his own victory; the loss is ours.

What is Death? 'Tis to be free!
No more to love, or hope, or fear—
To join the great equality.
All alike are humble there!
The mighty grave
Wraps lord and slave;
Nor pride nor poverty dares come
Within that refuge-house, the Tomb!

Mr. SHERWOOD. Mr. Speaker, ELLSWORTH R. BATHRICK belonged to that class known as self-made men. His educational qualifications were in the common schools, the high school, and the commercial school. Like all self-educated men, he was thoroughly practical and thoroughly imbued with that knowledge that counts best in the business and commercial world. During his three terms in Congress, Mr. BATHRICK made a record as a capable and successful Member and accomplished results in valuable and vital legislation not excelled by any Member of equal service since the Civil War.

It is conceded that a college education is a help to a public man, but not a necessary help to the highest achievements, either in law, legislation, or the broad domain of civics. To illustrate, George Washington, the foremost general and statesman in the epoch of the War of the Revolution, was very moderately educated. Gen. Grant, who, in his time, was the foremost man of all the world, was only moderately educated, except as a cadet of West Point Military Academy. Gen. Jackson, born in poverty and poorly educated, was twice President and the foremost man of two generations. Henry Clay, born poor, self-educated, was the foremost orator of his time and the idol of his party. Abraham Lincoln, born in a log cabin, who learned to read books at night by the light of a pine-knot fire, who in youth never saw the inside of a university, was the foremost statesman and the popular idol of his country.

This is a fitting time, on this sacred memorial day, to make the occasion an object lesson of value to the living.

Mr. BATHRICK's career as a young man, struggling against what seemed an adverse fate, should prove a valuable and a hopeful incentive to every poor young man with an ambition for an honorable career.

The brightest gleam of hope for the poor young man of to-day is the knowledge that the greatest men who have ever served or honored the high places of power in this Republic were born poor, with limited opportunities for a liberal education.

Few of Mr. BATHRICK's colleagues knew of his literary genius. That was because of his innate modesty. Let me tell the story, as it is fitting here.

About 25 years ago, when Mr. BATHRICK was a reporter on a Cleveland newspaper, he wrote the text of a very beautiful children's story, but was dissatisfied with it, and in his youthful modesty threw it into a trunk with a number of other papers; and there it lay for all these years until a couple of years ago, when he found it in looking over the accumulations in the trunk. He showed it to a friend jokingly, remarking about his literary ambition as a youth. His friend, however, was interested, and reading the manuscript was at once impressed with the beauty and literary merit of the story, and urged that he submit it to a publisher. Mr. BATHRICK was inclined to laugh away the idea, but the friend persisted, and, to oblige him, Mr. BATHRICK sent it to a New York publishing house. Shortly thereafter he received a letter highly commending the manuscript and suggesting a revision and expansion with the view to publishing it as a book. Mr. BATHRICK's health at that time was poor—this was during his first term in Congress—and he improved the opportunity afforded by a winter in Florida, where he was seeking to recover his health, in rewriting and supplementing the story. It was then sent to the publishing company, accepted, and only recently was published in book form. Mr. BATHRICK derived more real pleasure from this achievement, he confided to his friends, than from any success he had achieved in business or in politics. The story was a delightfully imaginative one, such as might honor the pen of Hans Christian Andersen or any other creator of those delightful children's stories.

For the above I am indebted to Mr. Carl D. Ruth, an accomplished Washington journalist and correspondent.

To write a successful children's story requires deep sympathy and kindly humane instincts. Our departed friend had these commendable qualities, added to an alert mind, a courageous determination to do his duty to his constituents, coupled with high practical ideals—all learned in the rugged school of experience.

On this sacred Sabbath day, in this historic Chamber, let us consecrate ourselves to that fervent patriotism, that high purpose to serve the people we are honored to represent with the fidelity and courage which characterized our departed friend—a colleague whose friendship added to our joys of living and whose example and character give us hope to achieve the best ideals in popular government.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution heretofore adopted the House will stand adjourned.

Accordingly (at 1 o'clock and 20 minutes p. m.) the House adjourned until to-morrow, Monday, February 11, 1918, at 12 o'clock noon.

SENATE.

MONDAY, *February 11, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the Father of our spirits, the Author of every good and perfect gift, with Thee we have to do, for Thou art the Judge of men, and our lives and destinies are in Thy hands. We recognize Thee; we acknowledge Thee to be the Lord. We pray that according to the precious promise of Thy word Thou wilt direct our steps. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore [Mr. SAULSBURY] assumed the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. VARDAMAN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 128) granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917.

The message also announced that the House agrees to the amendments of the Senate to House concurrent resolution 33, providing for the printing of extra copies of the Income-Tax Primer for the use of the Senate and House of Representatives.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9314. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919;

H. R. 9506. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors;

H. R. 9612. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 9641. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors.

The message also announced that the House had passed a concurrent resolution providing that the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 11th day of February, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them, in which it requested the concurrence of the Senate.

ENROLLED RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 128) granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, and it was thereupon signed by the President pro tempore.

JOINT MEETING OF THE TWO HOUSES.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (No. 35) of the House of Representatives, which was read:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 11th day of February, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. MARTIN. I move that the Senate agree to the concurrent resolution of the House of Representatives.

The concurrent resolution was agreed to.

PETITIONS AND MEMORIALS.

Mr. McCUMBER. I present a resolution from the North Dakota Branch of the Association of Collegiate Alumnæ, which I ask may be printed in the RECORD without reading. It is very short.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

GRAND FORKS, N. DAK., *February 2, 1918.*

Senator PORTER J. McCUMBER,
Senate Office Building, Washington, D. C.

DEAR SIR: At the regular monthly meeting of the North Dakota Branch of the Association of Collegiate Alumnæ, action was passed unanimously in favor of the Federal suffrage amendment, and the secretary was instructed to advise you of this action, which was as follows:

"*Resolved*, That the North Dakota Branch of the Association of Collegiate Alumnæ urge the Senate of the United States to pass the Federal suffrage amendment at this session of Congress in order to establish at home that democracy for which the men of this country have been called to fight abroad.

"*Resolved*, That the North Dakota Branch of the Association of Collegiate Alumnæ earnestly request that this resolution be presented to the Senate of the United States and that it be read into the CONGRESSIONAL RECORD."

The North Dakota branch urges you in particular, Mr. McCUMBER, to vote "yea" on the Federal suffrage amendment when it comes up for action in the Senate at this session of Congress, and also urges you to do all in your power to secure its passage in the Senate.

Will you please state what your attitude is in this matter and what you are willing to do for the passage of the Federal suffrage amendment at this session of Congress?

Very truly, yours,

MARY E. McCUMBER,
Secretary North Dakota Branch Association Collegiate Alumnæ.

Mr. JONES of Washington. I have a telegram from the Central Labor Council of Tacoma, Wash., representing 16,000 workers, protesting against the action of the Committee on Agriculture and Forestry upon the Borland amendment. I move that it be referred to that committee.

The motion was agreed to.

Mr. JONES of Washington. I also have a telegram from D. C. Imrie, president of Federal Employees' Union No. 9, of Tacoma, Wash., expressing disappointment at the action of the Committee on Agriculture and Forestry upon the Borland amendment, and also a telegram from Henry A. Monroe, president of the Federal Employees' Union, of Seattle, urging the nonadoption of the Borland amendment. I move that the telegrams be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PHELAN presented a petition of the Labor Council of San Francisco, Cal., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. THOMPSON presented a memorial of the Kansas Editorial Association, of Alma, Kans., remonstrating against any change in the present law relative to second-class postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. MYERS presented resolutions adopted by the Commercial Club of St. Ignatius, Mont., favoring an appropriation of $750,000 for work on the Flathead reclamation project, in that State, which were referred to the Committee on Indian Affairs.

Mr. TILLMAN. I present resolutions adopted by the Chamber of Commerce of Rock Hill, S. C., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolved: First, That the Chamber of Commerce of Rock Hill, representing the crystallized public opinion of this section of South Carolina, tenders to the President of the United States and those charged with the administration of public affairs, its sympathy in this time of profound national stress, its confidence in their ability and integrity of purpose, and pledges anew its loyalty to the Government of the United States and the great principles for which this world war is being fought.

Second. That the Hon. B. R. TILLMAN, the distinguished Senator from South Carolina, is requested to convey this expression of our sentiments to the properly constituted authorities at Washington.

Mr. LEWIS. I present a memorial from the Hungarian Union, of Illinois, pledging their loyalty to the Government, which I ask may be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. It will be so referred.

LINCOLN AND DEMOCRACY.

Mr. LEWIS. Mr. President, while I am on my feet may I, sir, give notice that I purpose in the morning, after the end of the routine business, to deliver a short address upon Lincoln and democracy in commemoration of the day, it being Lincoln's birthday?

RAILROAD CONTROL.

Mr. KELLOGG. Mr. President, I give notice that on Wednesday, after the close of the business of the morning hour, if opportunity permits, I shall address the Senate on the subject of the railroad bill, now pending before this body.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3299) authorizing the President to reappoint Maj. Chalmers G. Hall, retired, to the active list of the Army (Rept. No. 268);

A bill (S. 3433) requiring the Government to furnish uniforms to officers of the Army, and for other purposes (Rept. No. 256);

A bill (S. 3527) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885 (Rept. No. 257);

A bill (S. 3691) to provide for reimbursement of actual expenses or flat per diem for enlisted men of the Army traveling on duty under competent orders (Rept. No. 258);

A bill (S. 3693) to prescribe the personnel of the Army Nurse Corps, the qualifications for appointment and the method of

appointment therein, the pay, allowances, and leave of absence of members of said corps, and the conditions under which they may be retired (Rept. No. 259);

A bill (S. 3736) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct (Rept. No. 260);

A bill (S. 3779) to create in the Army the grades and establish the pay of first-class bugler and corporal bugler, to increase the pay of buglers, and for other purposes (Rept. No. 261); and

A bill (S. 3780) to authorize the appointment of officers of the Philippine Scouts as officers in the militia or other locally created armed forces of the Philippine Islands drafted into the service of the United States, and for other purposes (Rept. No. 262).

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 123) providing for the calling into immediate military service of certain classes of persons registered and liable for militray service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," reported it with amendments and submitted a report (No. 263) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 3797) validating certain applications for and entries of public lands, and for other purposes, reported it without amendment and submitted a report (No. 264) thereon.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, reported it with amendments and submitted a report (No. 267) thereon.

Mr. JOHNSON of South Dakota, from the Committee on Pensions, submitted a report (No. 265), accompanied by a bill (S. 3798) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 73. Abel H. Hall.
S. 139. Frankie Esselstyn.
S. 197. Samuel Breitigan.
S. 240. Edward Sweeney.
S. 331. Arthur Rose.
S. 477. Lucie Kellogg.
S. 588. William P. Robinson.
S. 675. William D. Harrington.
S. 687. Fannie H. Maffitt.
S. 765. Minnie H. Wolf.
S. 882. Charles E. Sanders.
S. 912. John M. Dikes.
S. 981. James W. McKay.
S. 906. Adam S. Bridgefarmer.
S. 1174. Charles H. Ferriss.
S. 1177. Van Ogle.
S. 1242. Reuben Waller.
S. 1443. Thomas M. Woods.
S. 1526. George M. Spencer.
S. 1569. Katharine E. Bocoskey.
S. 1989. Thomas S. Millikin.
S. 2040. William C. Campbell.
S. 2138. William J. La Rock.
S. 2172. Allen Russell.
S. 2193. Oscar M. Dreibelbiss.
S. 2237. Edmund G. Thompson.
S. 2288. Joseph W. Gay.
S. 2391. Emmett W. Fitzsimmons.
S. 2424. Charles E. Matthews.
S. 2472. Martha R. Sutton.
S. 2492. Hildur M. Phillips.
S. 2572. Joseph M. Love.
S. 2586. Leander Thomas.
S. 2592. Isaac F. Allen.
S. 2744. James M. Fitch.
S. 2763. John Ferris.
S. 2955. Esther Shields.
S. 2981. Elizabeth K. Cotman.
S. 2988. Francis J. Kearney.
S. 3097. Simeon Ely.
S. 3342. John A. D. Tharp.
S. 3343. Wesley H. Dick.
S. 3424. Julia Burger.
S. 3500. Leander Johnston.
S. 3591. Laura C. Slack.

Mr. JOHNSON of South Dakota, from the Committee on Pensions, submitted a report (No. 266), accompanied by a bill (S. 3799), granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 136. Melvina Coquillard.
S. 243. Henry Wenzel.
S. 245. Samuel S. Wilson.
S. 253. George Leadbeater.
S. 266. Samuel H. Brooks.
S. 273. George W. Bass.
S. 325. Charles E. Wilcox.
S. 333. Adam Eckert.
S. 335. Albert Boon.
S. 384. Albert S. Greene.
S. 394. John Burns.
S. 496. Robert Liddell.
S. 506. Amos Dickinson.
S. 508. Henry A. Dayton.
S. 513. Theodore C. Bates.
S. 583. John W. Marks.
S. 586. Alexander Reed.
S. 617. William L. Swiger.
S. 658. Thomas J. Denny.
S. 672. George W. Grigg.
S. 683. William L. V. Kite.
S. 688. Daniel B. Mills.
S. 690. William O'Callaghan.
S. 703. John Wones.
S. 767. Frederick S. Webber.
S. 880. Jerome McWethy.
S. 1012. Mary L. King.
S. 1179. James Campbell.
S. 1235. Edward Patrick.
S. 1237. William H. Wyckoff.
S. 1280. Hugh S. Ryan.
S. 1356. Harvey Johnson.
S. 1375. Myron Gillmore.
S. 1391. Marion A. Babcock.
S. 1404. Benjamin F. Brock.
S. 1439. Loreta Blevins.
S. 1467. Hannah McAdams.
S. 1470. Ferdinand Fetter.
S. 1488. John W. Hoyt.
S. 1491. John B. Donaldson.
S. 1500. John E. Clark.
S. 1508. William H. Patterson.
S. 1518. Clifford A. Lewis.
S. 1614. Georgianna Thomas.
S. 1615. Thomas J. Gafford.
S. 1664. Sarah J. Briles.
S. 1826. John A. Wise.
S. 1831. Rosa Flake.
S. 1833. John M. Holmes.
S. 1834. John E. Rogers.
S. 1837. William S. Reed.
S. 1851. Augustus A. Clawson.
S. 1858. Wesley B. Reed.
S. 1860. Homer E. Benton.
S. 1866. Milton Laird.
S. 1883. Nathan H. Ellis.
S. 1899. Walter E. Ellis.
S. 1950. George Engleman.
S. 1992. Thomas V. Malone.
S. 2025. George W. Flagg.
S. 2042. Albert H. Wood.
S. 2048. Thomas McCarty.
S. 2055. Henry J. Edge, alias Jason Edge.
S. 2062. Andrew West.
S. 2065. William A. Bodine.
S. 2067. George D. Abraham.
S. 2074. Uriah G. Williams.
S. 2077. John C. Emery.
S. 2078. William H. Tripp.
S. 2085. Alonzo Pendland.
S. 2087. Thomas M. Johnson.
S. 2092. James S. Gray.
S. 2096. Isaac Wharton.
S. 2102. Increase E. Watson.
S. 2127. Mark Whitney.
S. 2135. John W. Stokes.

thereafter, and section 1704, Revised Statutes, its amendatory act of June 11, 1874, and all other acts inconsistent with this provision are hereby so amended.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on this paragraph changing the salaries of our consular assistants. As I understand, the initial salary of a consular assistant at the present time is $1,000, and they are promoted by grades of $200 up to $1,800, which is the maximum. This provision makes $2,000 the maximum grade. I wish to ask this question of the gentleman, whether in these recommendations for increase of salaries he or his committee has considered the possible general recommendation that will be reported either in a provision on an appropriation bill or by a resolution providing for a horizontal percentage increase of salaries of all employees connected with the service?

Mr. FLOOD. We did not take that into consideration, because we did not think it would apply to these consular assistants.

Mr. STAFFORD. For instance, last year the horizontal per cent increase of 5 and 10 per cent applied to every person in the service, except postal employees, and it would have applied to them had it not been that the officers of the postal organizations, as I am informed, opposed the amendment that was added to the Post Office appropriation bill in the Senate, and it was stricken out in conference. Now, it is planned, as I understand it, to introduce a resolution or provision upon an appropriation bill providing for an increase of all in the service, both in the departmental and in the field service, certainly all salaries under $1,800, and very likely above. If we are going to grant the increases provided here the gentleman will give them double what they would ordinarily receive by the horizontal increase.

Mr. FLOOD. As I stated to the gentleman yesterday, I was opposed to an increase personally of any salary at this time and preferred to wait to have the salaries increased when the war ended, but this is an exception. These consular assistants render splendid service in consideration of the small amount which they get.

Mr. STAFFORD. I recognize there may be good grounds for an increase in their salaries, but if we are going to provide a $200 increase above the general law, giving an additional 5 and 10 or more per cent besides, it is just going beyond what you contemplate.

Mr. FLOOD. I will say to the gentleman I did not understand the provision to be proposed in an appropriation bill making a general increase would apply to the foreign service.

Mr. STAFFORD. I understand it would apply to all.

Mr. FLOOD. Of course, if that is the case it would increase these gentlemen more than the committee intended to increase them.

Mr. STAFFORD. I would not make the point of order if that was not in consideration, but I do not believe it was the intention of the chairman of the committee to increase them doubly.

Mr. FLOOD. We intended this to be the full amount.

Mr. STAFFORD. Mr. Chairman, under the circumstances, as the House will presently have an opportunity to pass upon the question of the percentage of increase in the rate of compensation for all those in the service——

Mr. FLOOD. That does not meet the situation with them.

Mr. STAFFORD. I will make the point of order.

Mr. BORLAND. Mr. Chairman, I trust the gentleman will not make that point of order, if the gentleman will yield a moment to me.

Mr. STAFFORD. I will reserve it at the request of the gentleman.

Mr. BORLAND. It is only contemplated, as the gentleman says, that a general resolution containing a horizontal raise shall be introduced, and possibly it will not meet with the approbation of the House when it is introduced.

Mr. STAFFORD. If the gentleman will permit, I can not agree with the gentleman at all in that. It is the almost unanimous sentiment, as I know, to bring in some resolution providing for a horizontal percentage increase of the salaries that the employees of the Government are now receiving.

Mr. BORLAND. If the gentleman will bear with me for a moment I will call attention to the fact that at a meeting of the employees last night they adopted a resolution providing for a commission to readjust and reclassify governmental employees, which, in my judgment, is a vast improvement in every way over a horizontal increase of salary, and if that commission is appointed to reclassify and readjust salaries, which I think is the only fair way to get at it, every one of these cases will be taken care of.

Mr. STAFFORD. I am not one of those, when every employee of the Government at the present time is faced with the dire necessity of paying higher prices for their living, who wants to postpone such increase until a commission reports. I have been too long in Congress not to know that a commission is resorted to as a means of postponement. [Applause.] I am in favor, and I believe Congress has committed itself to the consideration of this arrangement, and that this House is going to bring in a resolution providing for a horizontal percentage increase of salaries of every employee of the Government, whether in the legislative, executive, judicial, postal, or other branch.

Mr. FOSS. I want to say to the gentleman, if he will yield——

Mr. STAFFORD. I will yield.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. That these consular assistants——

Mr. STAFFORD. My time has expired.

Mr. FOSS. I ask that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I want to say to the gentleman that these consular assistants are not to be confused with consular clerks. They are quite a different proposition entirely. These consular assistants are assigned to assist consuls in other countries, not employed here in the State Department in Washington, and therefore you should not compare them with clerks in the other departments.

They are entirely different from the consular clerks. The clerks in the departments here in Washington are not on the same basis at all.

Mr. STAFFORD. I will say to the gentleman in reply that I am well aware that these consular assistants are high-grade clerks that are promoted ultimately to the Diplomatic Service, and I would not make the point of order were it not for the horizontal increase that is contemplated for all the employees of the Government.

Mr. FOSS. There are only a few of these. There are only 40 in all of these consular assistants.

Mr. STAFFORD. The chairman of the committee said when they made this recommendation that they did not take into consideration the horizontal increase.

Mr. FLOOD. I want to say this, that I do not suppose the horizontal increase the gentleman speaks of would make the increase we propose here. This is the most efficient set of representatives we have abroad, and these men are expected to go there now for $1,000, and stay there for three years, and then they are increased $200 a year.

Mr. STAFFORD. Does the gentleman realize how difficult it is in a general bill providing for the horizontal increase of all our employees, to except certain employees? We have agents and consular agents, we have clerks, we have these assistants, who ought to be covered by reason of the increased cost of living, not only at home but abroad.

Mr. FLOOD. Of course, we have got to recognize that the cost of living all over the world has increased tremendously. Does the gentleman think we could get a man who was capable of performing the duty of a consular assistant, such a man as we would entrust with these important duties, for $1,000 a year, to go to one of these posts and stay there for three years before any chance of increase at all?

Mr. STAFFORD. I understand that they are increased $200 a year.

Mr. FLOOD. The rule is that they give him, first, $1,000, and at the end of two years $300, and then $200 more. And we propose to make a right considerable increase in this, because they are the worst-paid officials in the Government service at home or abroad.

Mr. GOOD. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. GOOD. Does the gentleman know the number of hours they serve every day, about?

Mr. FLOOD. I think they should serve as long the gentleman from Missouri [Mr. BORLAND] would require.

Mr. GOOD. Does not the gentleman think, inasmuch as we are fixing an eight-hour day for the clerks here at home, that these representatives abroad ought to be compelled also to serve eight hours a day?

Mr. FLOOD. I think so. The evidence before the committee was that they are very hard worked.

Mr. MILLER of Minnesota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. Is this discussion under the reservation of a point of order?

The CHAIRMAN. It is under unanimous consent the gentleman from Wisconsin is proceeding for five minutes.

Mr. STAFFORD. Mr. Chairman, if it were not for the fact that there is contemplated the introduction of a percentage increase, why I would not for a moment think of pressing the point of order. I will withhold it for a moment for the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Can I be recognized for five minutes?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. It depends on whether or not he withdraws the point of order.

Mr. STAFFORD. I withdraw it for the minute.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MILLER of Minnesota. Mr. Chairman, the gentleman from Wisconsin a few moments ago made a speech that got the applause of the Members hereabouts who heard it. He talked very, very sweetly, and I had great hopes and expectations as to the result of that talk, but his words are no more than taken down by the Official Reporter than he changes. And there is no applause now in evidence when he is about to make the point of order. I think it is only justice, and small justice at that, that he be confronted with the enormity of the crime he is about to commit, and in order that I may contribute slightly to that picture before his eyes I speak these few sentences.

As the law now stands, a young man who wants to aspire to be a great representative of this great, rich country and go into a foreign field like Siberia, where they are now asking for new ones; into various parts of South America, where they are demanding new clerks; into China, where there is great opportunity for commercial expansion by the United States; and into other countries that might be named, and represent this great country with these great interests to be developed, can now receive that magnificent compensation of $1,000 a year. And there is not a girl that comes to this town now to work for Uncle Sam, if she is able to pick up a sheet of paper and lay it down without blotting it, and is not able to do another thing, but that is getting more than $1,000 a year the minute she starts. The increase proposed is to allow these young men that are going abroad $1,000.

Mr. FLOOD. The gentleman should state that they will have to stay in these divisions three years before getting an increase.

Mr. MILLER of Minnesota. I thank the gentleman. I trust the gentleman from Wisconsin is taking this to his tender heart. Now, it is serious, because you can not get men to go out and do it for $1,000. I know of instances during the past 18 months where men have started to enter this service and have quit because they could not go there and live after they got there. Now, these consular agents are men who are started in the service with the expectation that they will make good and eventually become consuls and perhaps consuls general.

You do not propose to give them money enough absolutely to keep the wolf from the door when they go to any parts of the world outside the United States. When the Secretary and his assistants were before our committee I propounded this inquiry: Having in mind all the needs of the foreign service of the United States, is not the greatest among them and the most insistent now to pay an increased compensation to the class of men mentioned in this paragraph? They said, "Yes"; that without an increase our system is practically paralyzed. This $1,000 was the amount named back in 1874, originally, as I understand it.

Mr. STAFFORD. Mr. Chairman, will the gentleman inform the House how many resignations have taken place in this service in the last fiscal year?

Mr. MILLER of Minnesota. I can not give the exact number, but I can assure the gentleman that a number have resigned.

Mr. CARTER of Oklahoma. How many resignations have taken place throughout the service? That is the question. Has the percentage been greater here than in the balance of the service or has it been any less?

Mr. WALSH. I will ask the gentleman from Minnesota [Mr. MILLER], who has recently returned from visiting some foreign countries, whether it is not a fact that $1,000 will go much further in foreign lands than it will go here at home, and if it is not true that the increase in the cost of living is not so great there as it is in the United States?

Mr. MILLER of Minnesota. That was true some years ago, but it is not true now.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER of Minnesota. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MILLER of Minnesota. In many of the countries the cost of living has increased to a very much greater extent than it has increased in the United States—200, 300, 500 per cent in some places. My attention has been called here to the increased cost of living in the various countries. I might as well insert it now. In Italy it is 65 per cent; in Spain, 25 per cent; in Greece, 200 per cent; in Sweden, 225 per cent; in Denmark, 70 per cent; in France, 20 per cent; in the Netherlands, 60 per cent; and should any of these representatives go into the Russian countries they will find that it has increased several hundred per cent.

Mr. LONGWORTH. I will call the gentleman's attention also to the increased price of coal abroad.

Mr. MILLER of Minnesota. Yes. When I was in Paris it was $90 a ton, and was still going up.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. As I stated in my previous remarks, I predicted my objection to this increase in salary on the fact that we were preparing a resolution increasing the salaries of all the clerks now receiving below $1,800 to receive a percentage increase. I realize the difficulty confronted by the committee framing that resolution in excepting any branch of the service. I have had no intention to press the point of order against the increase of salaries in this item, but for that fact. I recognize that you secure a better class of employees by giving them higher initial salaries, so as to get a better class of applicants. I may be consulted in framing that percentage increase resolution, and if I am I will try to bear in mind excepting this class of employees. Therefore, Mr. Chairman, I will not press the point of order. [Applause.]

The CHAIRMAN. Does the gentleman reserve or withdraw the point of order?

Mr. LONGWORTH. He withdraws it.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order. The Clerk will read.

The Clerk read as follows:

To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular and diplomatic officers and officers of the United States Court for China in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $800,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. Mr. Chairman, this item, known as the post-allowance fund, to authorize the President to increase the allowance by way of additional compensation of consular and diplomatic officers, in its total this year amounts to almost one-half of the total appropriation for our diplomatic and consular officers. This bill carries a total of $534,500 for our diplomatic officers, and for our consular officers it carries an appropriation of $1,208,000; and here it is provided that we are to authorize an increased compensation to the extent of almost 50 per cent in the salaries of our diplomatic officers.

I have heard in times past, when the subject of providing embassies for diplomatic officers was under consideration that salaries paid by the United States were very much lower, as compared with those paid by foreign countries. Seventeen thousand five hundred dollars is the maximum amount paid to our ambassadors extraordinary and ministers plenipotentiary. Last year, Mr. Chairman, this item was restricted to those diplomatic and consular officers that were living in belligerent countries and countries tributary thereto. Now it is proposed to lift that limitation and make it apply generally to all, to the extent virtually of 50 per cent of the compensation of this force. I think it is incumbent upon the chairman of the committee to make some explanation of this extraordinary increase at one fell swoop in the salaries of all our diplomatic and consular officers. Last year only $100,000 was appropriated, and here $800,000 is asked.

Mr. FLOOD. The appropriation last year carried $200,000.

Mr. STAFFORD. I beg the gentleman's pardon; it was $200,000.

Mr. FLOOD. And the gentleman's Committee on Appropriations added another $100,000 to it, making it $300,000. We increased it to $800,000, because it was shown to the committee that it was necessary in order to take care of the living expenses of our diplomatic and consular officers abroad; not simply the diplomatic officers and consular officers alone, but in some cases the clerks as well.

Mr. STAFFORD. Will the gentleman permit?

Mr. FLOOD. Yes.

Mr. STAFFORD. The phraseology does not grant that authority to the clerks as well. It is limited solely to special allowances by way of compensation to consular and diplomatic officers.

Mr. FLOOD. Well, that embraces the clerks and the consuls and ministers and ambassadors and secretaries and all. They make an allowance to all of this force out of this fund. The gentleman will see that the salaries paid to all of these representatives, including the clerks, is nearly $3,000,000.

Mr. STAFFORD. But this item does not give authorization to pay increased salaries to clerks.

Mr. FLOOD. The diplomatic officers includes those.

Mr. STAFFORD. You do not mean to say that a clerk is a diplomatic officer?

Mr. FLOOD. Yes. Do you not think a secretary is a diplomatic officer?

Mr. STAFFORD. Oh, yes; a secretary of legation is well known to be a diplomatic officer, but not a clerk.

Mr. FLOOD. They make allowances to the clerks from this fund.

Mr. STAFFORD. Then they have made it, in my humble opinion, without authorization of law.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. FLOOD. Even if the gentleman's construction of this item is the construction that would be adopted by the department handling it, still the gentleman sees that it is less than 50 per cent, or not much more than 50 per cent, of the amount paid in salaries to these officers at their posts now.

Mr. STAFFORD. The gentleman would not recommend in one bill an increase of the salaries of the officers of the Government 50 per cent when, in continental United States, we are not providing for any increases of salaries of officers?

Mr. FLOOD. The gentleman heard the statement made here yesterday that the secretaries and lower diplomatic officers at all our posts in France had been increased over 50 per cent during the past year, and the gentleman just heard the gentleman from Minnesota read a statement of what the increase was in the cost of living in the different countries of the world. I was with the gentleman in the position that the salaries of the secretaries should not be increased. The State Department, for instance, asked to increase the salary of the first secretary from $3,000 to $5,000. The committee recommended an increase to $3,500. That was stricken out, and the salary remains at $3,000. But the gentleman understood in our discussion yesterday that these very secretaries get from this fund $1,500 additional, making $4,500 a year for them; and the representatives of the State Department stated to our committee that these men just positively could not live in those countries unless they did that. Of course, there are some of these representatives who have independent means of their own and are not dependent upon their salaries, but there are others who are dependent upon their salaries, and they can not live on their salaries. I agree with the gentleman that the salaries ought not to be increased and that this post-allowance fund ought to be made large enough so that the State Department can during this temporary emergency increase the allowances to these officers.

Mr. STAFFORD. In that connection would the gentleman be willing that this authorization should exist merely during the pendency of the war?

Mr. FLOOD. Absolutely.

Mr. STAFFORD. There is no such limitation.

Mr. FLOOD. I know, but it was put in last year as a war measure.

Mr. STAFFORD. Last year the phraseology was different.

Mr. FLOOD. It was put in as a measure growing out of the existing war, and it was intended only as a war measure.

Mr. STAFFORD. Would the gentleman have any objection to inserting, after the words "special allowances," the words "during the pendency of the existing war and for six months thereafter"?

Mr. FLOOD. Not the slightest.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order and offer the following amendment.

Mr. CHARLES B. SMITH. Mr. Chairman, I should like to suggest to the gentleman from Wisconsin that that amendment would not seem to be pertinent, and I do not see what it would accomplish. This appropriation is for one year. I do not see any harm in it, but I do not see any possible good in it. I have no objection to it.

Mr. FLOOD. Let it go.

Mr. STAFFORD. I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 24, line 1, after the word "allowances," insert the following: "During the pendency of the existing war and for six months after its termination."

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to discuss the amendment. I favor it, but would like to ask the gentleman from Virginia [Mr. FLOOD] why it is preferred by the committee to recommend a lump sum of so large an amount for the benefit of these consular officers and others rather than give them a direct increase in salary?

Mr. FLOOD. The Department of State gathers from its representatives, ambassadors, ministers, and consuls to these various countries information as to the increased cost of living, and from this lump sum the attempt is made, as nearly as possible to add to the salaries of these men a sum sufficient to enable them to meet that increased cost of living. The cost of living is variable. It changes from time to time. The committee thought that was a better way to make an allowance to meet the increased cost of living than to increase their salaries.

Mr. MOORE of Pennsylvania. As to the increased cost of living I thoroughly agree with the gentleman, but Congress has always reserved to itself, or has usually reserved to itself, the right to fix these salaries, but in this instance, the only one I recall recently, we propose to turn over to the Secretary of State $800,000, with which he may favor one employee of the department and perhaps not favor another. That is to say, he may make a certain allowance to one man in a certain place, or he may make no allowance at all to another man in another place, which might breed a species of favoritism that would not work well.

Mr. FLOOD. Of course there might be some cases of injustice. I do not think there have been any. I do not think it would be possible to get through a general increase of salaries, and I do not think it would be advisable. I think any salary that is increased now will remain, and will be the salary after peace returns. It might not be a proper salary in normal times.

Mr. MOORE of Pennsylvania. Is it not a fact that leaving this appropriation as it is, this lump appropriation of $800,000, the Secretary of State has it in his power to reward one particular officer of the Government or to punish another?

Mr. FLOOD. Of course he would have that power, but it would be very difficult for him to do so without bringing severe criticism upon himself, because the apportionment is made according to a system. The reports are gotten from a place as to the increased cost of living at that place, and then make the apportionment of this fund and the allowance to the officers there upon that basis.

Mr. MOORE of Pennsylvania. Will the gentleman state what the practice was with regard to the smaller allowance made in last year's bill?

Mr. FLOOD. The same; and in France, for instance, it was stated before the committee that as far as the fund permitted they made an increase of 50 per cent to the officials in Paris.

Mr. MOORE of Pennsylvania. Was that a uniform increase?

Mr. FLOOD. Uniform to all the officials in Paris.

Mr. MOORE of Pennsylvania. In one particular country?

Mr. FLOOD. Yes.

Mr. MOORE of Pennsylvania. Suppose a man happened to be in Africa?

Mr. FLOOD. If the increased cost of living there was ascertained to be 25 per cent, they would undertake to increase the allowance by adding 25 per cent to the salary of the man there.

Mr. MOORE of Pennsylvania. Does that particular consul figure up his expenses in his cost of living and forward a statement of them to the department?

Mr. FLOOD. I will quote from the testimony of Mr. Carr, which makes it clear:

Mr. CARR. Just as we have been doing. I would get the officer's reports first, upon what it would cost him to live, standardizing the thing by making each officer report on certain definite items, such as rent, clothing, etc., and in addition to that I would make him furnish us with a statement, as in the past, of how much an apartment of five rooms will cost, and how much a pair of shoes such as he wears will cost, and how much suitable clothes will cost him, and so on down through the different items, including items of food. I would compare them with the estimate made last year and the estimates made the year before. I would corroborate them also, as far as possible, by the published official reports of each foreign Government. For example,

appointment therein, the pay, allowances, and leave of absence of members of said corps, and the conditions under which they may be retired (Rept. No. 259);

A bill (S. 3796) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct (Rept. No. 260);

A bill (S. 3779) to create in the Army the grades and establish the pay of first-class bugler and corporal bugler, to increase the pay of buglers, and for other purposes (Rept. No. 261); and

A bill (S. 3780) to authorize the appointment of officers of the Philippine Scouts as officers in the militia or other locally created armed forces of the Philippine Islands drafted into the service of the United States, and for other purposes (Rept. No. 262).

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 123) providing for the calling into immediate military service of certain classes of persons registered and liable for militray service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," reported it with amendments and submitted a report (No. 263) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 3797) validating certain applications for and entries of public lands, and for other purposes, reported it without amendment and submitted a report (No. 264) thereon.

Mr. GORE, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, reported it with amendments and submitted a report (No. 267) thereon.

Mr. JOHNSON of South Dakota, from the Committee on Pensions, submitted a report (No. 265), accompanied by a bill (S. 3798) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 73. Abel H. Hall.
S. 139. Frankie Esselstyn.
S. 197. Samuel Breitigan.
S. 240. Edward Sweeney.
S. 331. Arthur Rose.
S. 477. Lucie Kellogg.
S. 588. William P. Robinson.
S. 675. William D. Harrington.
S. 687. Fannie H. Maffitt.
S. 765. Minnie H. Wolf.
S. 882. Charles E. Sanders.
S. 912. John M. Dikes.
S. 981. James W. McKay.
S. 996. Adam S. Bridgefarmer.
S. 1174. Charles H. Ferriss.
S. 1177. Van Ogle.
S. 1242. Reuben Waller.
S. 1443. Thomas M. Woods.
S. 1526. George M. Spencer.
S. 1569. Katharine E. Bocoskey.
S. 1989. Thomas S. Millikin.
S. 2040. William C. Campbell.
S. 2138. William J. La Rock.
S. 2172. Allen Russell.
S. 2193. Oscar M. Dreibelbiss.
S. 2237. Edmund G. Thompson.
S. 2288. Joseph W. Gay.
S. 2391. Emmett W. Fitzsimmons.
S. 2424. Charles E. Matthews.
S. 2472. Martha R. Sutton.
S. 2492. Hildur M. Phillips.
S. 2572. Joseph M. Love.
S. 2586. Leander Thomas.
S. 2592. Isaac F. Allen.
S. 2744. James M. Fitch.
S. 2763. John Ferris.
S. 2955. Esther Shields.
S. 2981. Elizabeth K. Cottman.
S. 2988. Francis J. Kearney.
S. 3097. Simeon Ely.
S. 3342. John A. D. Tharp.
S. 3343. Wesley H. Dick.
S. 3424. Julia Burger.
S. 3500. Leander Johnston.
S. 3591. Laura C. Slack.

Mr. JOHNSON of South Dakota, from the Committee on Pensions, submitted a report (No. 266), accompanied by a bill (S. 3799), granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 136. Melvina Coquillard.
S. 243. Henry Wenzel.
S. 245. Samuel S. Wilson.
S. 253. George Leadbeater.
S. 266. Samuel H. Brooks.
S. 273. George W. Bass.
S. 325. Charles E. Wilcox.
S. 333. Adam Eckert.
S. 335. Albert Boon.
S. 384. Albert S. Greene.
S. 394. John Burns.
S. 496. Robert Liddell.
S. 506. Amos Dickinson.
S. 508. Henry A. Dayton.
S. 513. Theodore C. Bates.
S. 583. John W. Marks.
S. 586. Alexander Reed.
S. 617. William L. Swiger.
S. 658. Thomas J. Denny.
S. 672. George W. Grigg.
S. 683. William L. V. Kite.
S. 688. Daniel B. Mills.
S. 690. William O'Callaghan.
S. 703. John Wones.
S. 767. Frederick S. Webber.
S. 880. Jerome McWethy.
S. 1012. Mary L. King.
S. 1179. James Campbell.
S. 1235. Edward Patrick.
S. 1237. William H. Wyckoff.
S. 1280. Hugh S. Ryan.
S. 1356. Harvey Johnson.
S. 1375. Myron Gillmore.
S. 1391. Marion A. Babcock.
S. 1404. Benjamin F. Brock.
S. 1439. Loreta Blevins.
S. 1467. Hannah McAdams.
S. 1470. Ferdinand Fetter.
S. 1488. John W. Hoyt.
S. 1491. John B. Donaldson.
S. 1500. John E. Clark.
S. 1508. William H. Patterson.
S. 1518. Clifford A. Lewis.
S. 1614. Georgianna Thomas.
S. 1615. Thomas J. Gafford.
S. 1664. Sarah J. Briles.
S. 1826. John A. Wise.
S. 1831. Rosa Flake.
S. 1833. John M. Holmes.
S. 1834. John E. Rogers.
S. 1837. William S. Reed.
S. 1851. Augustus A. Clawson.
S. 1858. Wesley B. Reed.
S. 1860. Homer E. Benton.
S. 1866. Milton Laird.
S. 1883. Nathan H. Ellis.
S. 1899. Walter E. Ellis.
S. 1950. George Engleman.
S. 1992. Thomas V. Malone.
S. 2025. George W. Flagg.
S. 2042. Albert H. Wood.
S. 2048. Thomas McCarty.
S. 2055. Henry J. Edge, alias Jason Edge.
S. 2062. Andrew West.
S. 2065. William A. Bodine.
S. 2067. George D. Abraham.
S. 2074. Uriah G. Williams.
S. 2077. John C. Emery.
S. 2078. William H. Tripp.
S. 2085. Alonzo Pendland.
S. 2087. Thomas M. Johnson.
S. 2092. James S. Gray.
S. 2096. Isaac Wharton.
S. 2102. Increase E. Watson.
S. 2127. Mark Whitney.
S. 2135. John W. Stokes.

S. 2143. Melville N. Freeman.
S. 2148. George C. Bonney.
S. 2150. Algen S. Leach.
S. 2153. William W. Findley.
S. 2187. John Curles.
S. 2198. George Wells.
S. 2199. Derrick Huck.
S. 2227. Seth Bailey.
S. 2231. Abbie L. Lockwood.
S. 2344. Irvin M. Hill.
S. 2248. John W. McMillen.
S. 2249. Bradford G. Ostrander.
S. 2284. William A. Reeves.
S. 2285. Fred Eneker.
S. 2286. William Booth.
S. 2292. George Campbell.
S. 2304. William W. Daniels.
S. 2306. William Behre.
S. 2307. Charles F. Runyan.
S. 2337. John H. Denny.
S. 2365. Benjamin F. Sage.
S. 2369. Watkin H. Jones.
S. 2385. James Cummins.
S. 2392. George G. Laughead.
S. 2419. Scott Thompson.
S. 2428. Samuel C. Howe.
S. 2446. David I. Hain.
S. 2450. Joseph T. Lewis.
S. 2466. Lafayette Fasnaugh.
S. 2498. John V. Reed.
S. 2502. James M. Shuey.
S. 2505. Harry M. Sherman.
S. 2508. Henry Thomas.
S. 2519. William J. Seals.
S. 2520. Alexander D. Smalley.
S. 2560. Emery O. Pendleton.
S. 2561. Esburn Nutt.
S. 2563. Freeman D. Myrick.
S. 2565. Moses F. Hurd.
S. 2569. William E. Hayden.
S. 2577. Samuel McClure.
S. 2578. Henry McClure.
S. 2585. Michael O. Sullivan.
S. 2613. Patrick Walton.
S. 2621. Francis Mathews.
S. 2630. Amariah K. Wheeler.
S. 2636. Thomas J. Hargrave.
S. 2647. George O. Pearl.
S. 2664. Ina L. Murdock.
S. 2680. Daniel W. Shawhan.
S. 2689. Henry T. Snyder.
S. 2707. George H. Fogg.
S. 2720. Henry Lee Anderson.
S. 2723. John Openchain.
S. 2740. Seward Newtson.
S. 2743. Isaiah P. Watts.
S. 2752. Edward Sams.
S. 2815. Thomas G. Davison.
S. 2828. Nancy Hackleman.
S. 2832. John L. Rushton.
S. 2842. Charles W. Wormell.
S. 2847. Sylvanus Smith.
S. 2855. George W. Hall.
S. 2904. George W. Gilbert.
S. 2909. McHenry Smith.
S. 2915. John Acton.
S. 2927. Adrian J. Hayward.
S. 2930. Emma A. Hoskins.
S. 2940. George W. Thompson.
S. 2942. Milton N. Campbell.
S. 2944. Isaac N. Stotts.
S. 2949. William H. Woodward.
S. 2952. Richard B. Daniels.
S. 2953. Thomas Day.
S. 2961. Jared Wheeler.
S. 2963. George B. Gilbert.
S. 2966. John H. Annas.
S. 2976. Delos Neer.
S. 2989. George Murray.
S. 2990. Daniel H. Pettengill.
S. 2991. Josiah C. Tandy.
S. 2992. Addison S. Martin.
S. 3005. James Churchill.
S. 3012. Thomas Percival.
S. 3013. Joseph Martin.
S. 3016. Angus C. Burns.
S. 3017. Cornelius McGoff.
S. 3020. Nathaniel Wilt.
S. 3023. Joseph Smith.
S. 3084. Theodore M. Burge.
S. 3092. Carrie M. Smart.
S. 3093. Hiram B. Newlon.
S. 3094. John F. Brainard.
S. 3095. Isaac D. Rowden.
S. 3099. Edwin E. Baker.
S. 3100. Enos S. Whitcomb.
S. 3102. Chester R. Smith.
S. 3118. Horatio P. Smith.
S. 3134. Franklin Venable.
S. 3135. William H. Capshaw.
S. 3136. James H. Fontaine.
S. 3137. Thomas Fulkerson.
S. 3156. Michael H. Skinner.
S. 3166. William J. Smith.
S. 3167. John H. Bird.
S. 3168. William White.
S. 3169. Joseph P. Case.
S. 3170. Washington Richardson.
S. 3177. James Stuart.
S. 3179. Edwin S. Metcalf.
S. 3199. Daniel Vanscoy.
S. 3238. Luther L. Rewalt.
S. 3250. Margaret Dicks.
S. 3318. Benjamin F. Morse.
S. 3349. James M. Widener, alias James W. Foster.
S. 3350. William H. Isenberg.
S. 3351. Thomas K. Hastings.
S. 3361. William W. Thurston.
S. 3398. William W. Gordon.
S. 3407. John Dewire.
S. 3421. James M. Millirons.
S. 3447. George L. Danforth.
S. 3463. Chester S. Pease.
S. 3499. John D. Swift.
S. 3501. Theodore Routh.
S. 3502. Elisha D. Turner.
S. 3503. Arnold Bauer.
S. 3507. Sylvester Oatman.
S. 3565. Imogen P. Ingersoll.
S. 3568. Wilford Herrick.
S. 3581. Henry Newell.
S. 3592. George Crawford.
S. 3593. Lulu M. Joseph.
S. 3655. Charles D. Hanscom.

RAILROAD CONTROL.

Mr. CUMMINS. I present my minority views (S. Rept. 246, pt. 2) upon Senate bill 3752, commonly known as the railroad bill, and ask that they be printed.

The PRESIDENT pro tempore. That order will be made.

BILLS INTRODUCED.

By Mr. CHAMBERLAIN:

A bill (S. 3800) to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes;

A bill (S. 3801) to amend section 8 of "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917;

A bill (S. 3802) authorizing appropriations made for the national security and defense to be used for the purchase of real estate, or the use thereof, when such purpose is not specifically stated in said appropriations; and

A bill (S. 3803) authorizing the President during the existing emergency to sell war supplies, materials, and equipment heretofore or hereafter purchased, acquired, or manufactured by the United States; to the Committee on Military Affairs.

A bill (S. 3804) to provide for the regulation of stockyards, corrals, and other places where animals are collected or exhibited for public sale, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. SMITH of Georgia:

A bill (S. 3805) to establish engineering experiment stations in the States, Territories, and the District of Columbia in connection with State supported universities or engineering schools for the promotion of engineering and industrial research as a measure of industrial military, and naval preparedness in times of peace or war; to the Committee on Education and Labor.

By Mr. McCUMBER:

A bill (S. 3806) conferring jurisdiction on the Court of Claims to permit the Yankton and Cuthead Bands of Sioux Indians to intervene in the action of the Sisseton and Wahpeton Bands of Sioux Indians against the United States (Docket No. 337-1) and to hear, determine, and render judgment in said action in claims of Yankton and Cuthead Bands of Sioux Indians against the United States; to the Committee on Indian Affairs.

By Mr. THOMAS:

A bill (S. 3807) to appoint Col. D. L. Howell a brigadier general on the retired list (with accompanying papers); to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 3808) to amend an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1918, and for other purposes"; to the Committee on Post Offices and Post Roads.

By Mr. GALLINGER:

A bill (S. 3809) granting an increase of pension to Elijah C. Lawrence (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 3810) granting an increase of pension to Edward A. Hamner to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3811) granting an increase of pension to Matthew W. Clark (with accompanying papers); and

A bill (S. 3812) granting an increase of pension to Edward A. Rowley (with accompanying papers); to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3813) granting an increase of pension to Thomas B. Wiggin, jr.;

A bill (S. 3814) granting a pension to Clarence M. Smith (with accompanying papers);

A bill (S. 3815) granting a pension to Philomene Dawley (with accompanying papers);

A bill (S. 3816) granting an increase of pension to Andrew J. Martin (with accompanying papers);

A bill (S. 3817) granting an increase of pension to Charles J. Higgins (with accompanying papers);

A bill (S. 3818) granting an increase of pension to James J. Hamilton (with accompanying papers);

A bill (S. 3819) granting an increase of pension to Lydia Wixon (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3820) granting an increase of pension to Charles F. Marble; to the Committee on Pensions.

RAILROAD CONTROL.

Mr. CUMMINS submitted five amendments intended to be proposed by him to the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, which were ordered to lie on the table and be printed.

ADDITIONAL MESSENGER.

Mr. NELSON submitted the following resolution (S. Res. 204), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed, on and after the 4th day of March, 1918, to place on the Senate rolls a messenger for the minority at the rate of $1,200 per annum, to be paid from the miscellaneous items of the contingent fund of the Senate until the 1st day of July, 1918.

LOCAL RESULTS OF PROHIBITION.

Mr. JONES of Washington. Mr. President, I have a short statement from the Washington Star with reference to local results of prohibition. It is not a discussion of any particular proposition, but a statement of the facts as shown by the record of the first three months of prohibition in the District of Columbia. I ask that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

LOCAL RESULTS OF PROHIBITION.

Local prohibition has now been in force for three months, and the effect has already been noticeable in a diminution of the cases brought before the police court, according to figures compiled at police headquarters. These statistics show a decrease in arrests not only for intoxication but for offenses which often grow out of the use of intoxicants. Comparing the first three months under prohibition with the corresponding period of a year previous, the results are striking. There were in that time 1,064 fewer arrests for drunkenness under the Sheppard law than before it went into effect, 2,406 having been made during the "wet" November, December, and January and only 742 during the dry period.

But the most significant effect of the new condition appears in the comparison regarding arrests for offenses other than intoxication. Cases of disorderly conduct fell from 829 to 537 in this period, a reduction of 552; cases of assault fell from 423 to 205, or 218 less; housebreaking cases were reduced by 85—from 156 to 71; cruelty to animals caused 148 arrests before the "dry" law went into effect and only 77 afterwards, a reduction of 71; cases of carrying weapons fell from 47 to 39, or 8 less. The total reduction of arrests under these five headings is impressive—from 1,603 in the three months a year ago to 719 under prohibition, or 884 less. Combining all cases—intoxication and offenses often attributable to it—the result is a convincing showing of betterment—4,009 arrests under the "wet" conditions and 1,461 under the "dry" law, or a reduction of 2,548.

Considering that each arrest means work for the police, work for the court, and usually work for the custodians of those sentenced to imprisonment, and that each arrest also means loss of employment, loss of wages, and suffering for families, the net gain to the District economically is tremendous. Life and property are undoubtedly safer under the present conditions than before. If traffic in intoxicants from Baltimore were cut off, this showing on all counts would without question be much better. As it is Washington is distinctly the gainer through the enforcement of the Sheppard law.

HOG ISLAND SHIPPING PLANT.

Mr. VARDAMAN. Mr. President, it is my judgment, and I think my views are shared by every thoughtful American in or out of Congress, that the matter of most important and vital concern to this Republic at this time is the building of ships. To furnish the necessary supplies to sustain our allies in this war and provide adequate shipping facilities to carry the men and munitions for America to do the part assigned to her in this unfortunate war it will become necessary to bridge the Atlantic Ocean as it were with a chain of ships. America has the material. She has the man power to accomplish this herculean task, if our men shall go to work with the spirit of determination which the exigencies of this desperate emergency demand.

Much has been said in criticism of the laborers who refuse to do extra work at this time. We are told that instead of pulling wide open the throttle and moving with that enthusiasm and celerity which ought to characterize the efforts of every American citizen in the performance of his duty to the Nation at this time that they are inclined to hold back. I have no words of condonation for such conduct. It is unfortunate and, if willfully done, highly reprehensible. But I am inclined to think that the conduct which manifests a feeling of indifference to results on the part of the laboring men is due very largely to the greed, the grafting, the mercenary, the criminal profiteering on the part of capital, the possessors of which have vied with each other in their lip service to the Government. While these patriots for pelf are standing in the limelight of publicity proclaiming their willingness to do and to die if need be for the flag, they are receiving enormous profits from agencies which they themselves have put into operation and which are concealed from public view. The editorial from the Washington Post, which appeared in this morning's edition of that paper is pertinent, and I ask that it be read and printed in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

HOG ISLAND.

Witnesses appearing before the Senate Commerce Committee in the Shipping Board inquiry have told amazing stories of reckless extravagance in the construction of the Government's ship-fabrication plant at Hog Island, together with instances of glaring inefficiency. They have told that the price of the land upon which the plant is located was advanced 100 per cent in price within a year; of 1,200 loaded freight cars standing in the yards waiting to be unloaded, while workmen were idle and the country was staggering under a freight congestion that demanded every car available; of salaries doubled; of favoritism in contracts; of the original cost estimates vastly exceeded with the work but 60 per cent completed.

Inefficiency and profligacy of expenditures have run a race at Hog Island, it is claimed, with the result a tie. It is charged that the Emergency Fleet Corporation adopted a policy of noninterference, as a result of which this orgy of waste went on uninterrupted.

If the testimony adduced accurately represents conditions at the Hog Island yard, the inquiry undertaken by the Senate Commerce Committee has been amply justified. The country is entitled to know the facts, however disagreeable they may be.

The vital, urgent need for ships is understood by every American. The allies have impressed upon us the fact that they are more needed for the winning of the war than anything else America can produce. Everybody knows this, and knowing it everybody in official life and out of it understands that if there is one department of the Government in which efficiency is demanded above all others it is among those having charge of the construction of the ships which are to save this Nation.

Is it possible that under these conditions and with such tremendous responsibilities resting upon the United States men have dallied with this important work, have used the Hog Island project for profiteering, have trafficked in the honor and safety of the Nation? If it be true that buccaneers of business have profited unfairly in this matter, they should not be permitted to retain a dollar they have wrung from the Public Treasury, and their names should be written at the top of the scroll of infamy. The Commerce Committee should probe to the very bottom of the case and ventilate all the facts.

Mr. McCUMBER. Mr. President, may I ask the Senator a question? The editorial, I understand, is based upon testimony taken before the Committee on Commerce, which testimony shows, and shows conclusively, I think, that for this same land for which the Government paid $2,000 an acre there was an

agreement that a purchaser could have it for $1,000 an acre. It also shows that cranes were purchased by the Government for about $20,000 which were sold only a very short time ago for about $7,000.

We passed an act through Congress some time ago granting power to the administration to condemn the land and take it for the Government. We granted authority to condemn and take those cranes and any such property for what it was reasonably worth.

Now, will the Senator explain to us who is responsible for paying for this land three or four times what it is worth, and paying for those cranes from 300 to 400 per cent above their real value, when the authority was given the department to take them for what they were actually worth by condemnation, if necessary?

Mr. VARDAMAN. Mr. President, I should like to go into the discussion of this question. It is a long story of malfeasance and misfeasance, disloyalty, greed for gain, and pecuniary aggrandizement which the Commerce Committee I hope will bring to the attention of the American people. I have not words with which to condemn the loose method which has been employed in the building of that great shipping plant; but I can not oblige the distinguished Senator by going into a discussion of it now. It is not in order, and I am trespassing upon the time of the Senate to say what I have said and desire to say at this time. I arose simply to call attention to this transaction. A little later it will be my unhappy duty, or some other Senator's, to call the attention of the American people to this matter in all of its hideous nakedness.

Mr. President, I have infinite faith in the saving grace of the honesty and patriotism of the average American citizen. I believe that he loves his country with a devotion which will cause him to make readily any sacrifice necessary for the triumph of his flag and the preservation of American institutions. I believe the way to approach the average American laborer is to appeal to his patriotism, to tell him the truth, and let him know just what is demanded of him, and I believe he will do his bit with verve, energy, pluck, and pertinacity. Let him know that this is his country and that he is going to be secured a square deal and the part he is to perform in this emergency is for his own personal protection and the preservation of his Government for the good of his posterity. I would appeal to the better side of his character, to the lofty qualities of his soul.

I have no sympathy with the proposition to conscript labor. I have no sympathy with the sentiment that is being generally expressed that you can not trust without proscription the average American laboring man to perform his patriotic duty. And I will say further that you can not convert Caucasian men and women born of free parents into a vassal or a subject in one generation. You may force a man to remain in the shops a certain number of hours each day, but you can not compel him to work effectively.

He must be given a free hand; he must be treated as a citizen and not as a subject. It is his country and he is entitled to be consulted about the Government and what he himself should do. If the courts of the country should send a few of these patriots for pelf who are taking advantage of this desperate emergency to make money for themselves to the penitentiary, and if Congress should take from them the opportunity to rob and plunder the Public Treasury it will have a most wholesome and salutary effect upon the psychology of the masses. It will fire their patriotism and encourage them to heroic effort, which is necessary to meet the exigencies of the extraordinary situation.

If laborers have shown a disposition to lag when industry should characterize their conduct, it may be due to the fact that they see a few men high in business circles robbing and plundering the Government and taking advantage of war conditions to grow richer and richer still. If the ingenuity displayed in the matter of devising ways and means to get money out of the Public Treasury which has been shown by some of these plutocratic patriots of the Hog Island enterprise was displayed in the matter of building ships, we would have had an entire fleet constructed by this time.

THE LOCAL COAL SITUATION.

Mr. SHERMAN. Mr. President, I send to the Secretary's desk a news item cut from the Washington Post this morning. I ask unanimous consent for about two minutes to make a statement in reference to it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Illinois will proceed.

Mr. SHERMAN. The inclement winter has brought to the surface evidence of the operation of the rules of civilized society. I deem it worthy of preservation in some permanent form. Posterity mayhap will value this fleeting reminiscence as a corner stone from which to estimate improvement in future years. It will be a matter of profound satisfaction for future generations to know that the multitude gathered in Washington were not deprived of tobacco, theatrical entertainment, moving-picture shows, and the blessings of billiard halls while the coal shortage afflicted us.

The Washington public schools closed the afternoon of January 29, 1918, and remained closed until this morning, February 11, 1918, because no coal could be had. At least one Sunday since the fuel order was promulgated all the churches in Washington were closed to save coal. The saving of fuel of course was to win the war, so churches and schoolhouses suspended their activities as stated. During this period when no coal could be had for the institutions named, 65 moving-picture shows, 16 theaters, 1,567 cigar stores, and 171 billiard halls were open and doing business as usual except on heatless Mondays or Tuesdays.

The Washington Post of to-day contains the following news item announcing the opening of the public schools in this city to-day. I ask that the news item cut from the Washington Post of this morning announcing the opening of the public schools be printed in the CONGRESSIONAL RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

PUBLIC SCHOOLS WILL OPEN TO-DAY—COAL SITUATION CLEARS AND BUILDINGS HAVE ENOUGH FUEL.

All public schools in Washington will open this morning, according to an announcement made last night by Superintendent of Schools Ernest L. Thurston. No matter what the amount of future arrivals of coal will be, some of the schools, including all of the high schools, will remain open until June, Mr. Thurston said.

Mr. Thurston said reports showed that every school building in the District had a supply of coal on hand, enough to heat the building. On account of the seriousness of the coal situation in Washington, the public schools were closed January 29.

The warm weather yesterday greatly helped the situation. If the favorable weather continues this morning, Mr. Thurston does not expect any of the schools to be closed on account of disabled heating facilities.

District labor was used yesterday in hauling coal to the schools, and janitors of the schools worked until late at night firing the furnaces.

ADDRESS BY W. G. M. THOMAS, OF TENNESSEE.

Mr. SHIELDS. Mr. President, Hon. W. G. M. Thomas, one of the ablest lawyers of Tennessee and a profound student of governmental conditions, and who has given the causes which brought on this great war in which we are engaged careful study, recently delivered an address in Chattanooga, Tenn., which I believe it is to the interest of the country that it be given the widest publicity and be read by every American citizen.

I believe that Mr. Thomas in this able address has conclusively established, as we all believe, that this fearful war and unparalleled sacrifice of human life and treasure was deliberately brought about by the Imperial Government of Germany to effect a long-premediated dream and effort of world-wide conquest and dominion.

The comparison which Mr. Thomas makes of the autocracy of Germany and the unscrupulous, merciless, and inhuman practices which it is willing to adopt in order to carry out its purposes and the great principles of American democracy, conceived and established in this country and advocated and maintained by numerous great Americans, including our present Chief Executive, is one of the ablest presentations of these questions that has been made during the war. I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

The world has some acquaintance to-day with things of which it might have known, and of which it ought to have known many years ago. Antedating the month of July, 1914, it was not supposed to be a possible fact to deceive all the world a part of the time, or a part of the world all the time. Indeed, not until after this memorable month of that year were people outside the boundaries of Germany aware that the whole world had been deceived, and that a part of the world was still being deceived, but, since July, 1914, nine-tenths of all the globe and nine-tenths of the people of the globe have been engaged in a settled, determined course of action to convince the other one-tenth that it is not possible to deceive all the world all the time.

Unbelievable as it may appear to be, the world has had another revelation, namely, that the very easiest method of certain deception is to be found in the use of the palpably incredible—incredible truth presented openly in plain outline—and in exact detail and plan. And still another fact has been revealed—that Germany is the one conspicuous example in the art of this unique method of deception.

Antedating Austria-Hungary's ultimatum to Serbia, and the horrible consequences which followed that document, nowhere in the world, beyond German borders, was it even thinkable that any incredible fact or any number of incredible facts could be successfully used to deceive. So completely were people misled that they do not longer doubt that an easy and certain means of deception is the incredible dressed in unadorned simplicity.

For at least one-quarter of a century preceding the present war the reading public throughout the earth were buying and using German books. The student who aspired to scholarship felt moved to believe that to attain his ambition he must pass through a German university. German professors were called into chairs in institutions of higher

learning. That American schoolmen might possess the kultur of Germany, and that American youths might sit at the feet of German professors, universities in the United States and universities in Germany exchanged their professors. Everybody who visited Europe visited Germany. If his tour led him into a German city, he observed that a woman's right-of-way along a German sidewalk was subordinate that of the German Army officer. He observed, too, that at ticket windows the German Army and Navy assumed precedence over the line of civilian men, women, and children. A tourist in Germany witnessed the movements of German commerce and industry, and he found himself interested in the volume of business which appeared to render necessary so many important railway lines leading to the boundaries of Belgium and other border States.

It was quite incredible to the foreigner that railroads built prior to 1914 meant anything save Germany's peaceful progress and prosperity. It was unthinkable that these street scenes in Germany were anything more than mere isolated instances of rudeness on the part of German soldiers. It was unbelievable to students that there was any real harm in the rationalism and other "isms" found in the utterances of the German professors, and it was quite incredible to all readers that the German books and German spokesmen on law, and right and wrong, or on war and might and cruelty, meant anything more than irresponsible utterances of such a madman as a Nietzsche, or of such a panegyrist of the Hohenzollerns as a Treitschke.

To-day it is known to everyone that neither German books, nor professors, German soldiers, nor railways, betrayed Germany. Not one of these, in itself, nor all of them combined, betrayed Germany, for the incredible was discovered to be not a betrayer.

Since July, 1915, the world has been taught the new and novel lesson that the incredible is sometimes not at all incredible, and that these German scenes, these German professors, these German books, were pointing unerringly and with bold frankness to the present world war. Under the crimson light of three and one-half years of war, Germany now stands revealed. The incredible prior to 1914 is anything but incredible to-day and when we turn to the facts, we wonder how the world could have been misled.

OUT OF GERMANY'S OWN MOUTH.

"The Teutonic race is called to circle the earth with its rule," says Weltmann.

"If fate has selected us to assume the leadership in the kultur life of the peoples, we will not shrink from this great and lofty mission." (Paznatek.)

"The German soul is the world's soul. God and Germany belong to one another. The German soul is God's soul; it shall and will rule over mankind." (Pastor Lehmann.)

"He who does not believe in the divine mission of Germany had better hang himself, and rather to-day than to-morrow." (Chamberlain.)

"A good Providence watches over the fate of the German people, which is destined to the highest things on this earth." (Sonbart.)

"The German people is always right, because it is the German people and 87,000,000 souls." (Tannenberg.)

"We want to become a world people." (Meinecke.)

"Germany is the center of God's plans for the world." (Pastor Lehmann.)

"Germany will be the schoolmaster of all the world, as every German has a bit of schoolmaster in him." (Prof. Blume.)

"Might is right, and right is decided by war." (Bernhardi.)

"There is but one sort of right—the right of the stronger." (Lasson.)

"It is foolish to talk of the rights of others." (Peters.)

"Right and wrong are notions needed in civil life only." (Tannenberg.)

"Might is the supreme right, and the dispute as to what is right is decided by the arbitrament of war. War gives a biologically just decision." (Bernhardi.)

"What does right matter to me? I have no need for it. What I can acquire by force, that I possess and enjoy; what I can not obtain, I renounce. * * * I have the power to do." (Stirner.)

"The law of the strong holds good everywhere." (Bernhardi.)

"There is no legal obligation upon a State to observe treaties." (Lasson.)

"No right is so inviolable that it must not yield to necessity, and in action dictated by necessity there is violation of right." (Prof. Kohler.)

"No power is bound to sacrifice important interests of its own on the altar of faithfulness to her alliance." (Bismarck.)

"A State knows no arbiter and draws up all its treaties with this implied reservation * * * and is consequently entitled to repudiate its treaties." (Treitschke.)

"When a diplomat is guilty of obscuring facts in a diplomatic negotiation he is thinking of his country." (Treitschke.)

GERMANY AND WAR.

"Without war humanity would sink into materialism." (Moltke.)

"Nothing is more immoral than to consider and talk of war as an immoral thing. War is the mother of all good things." (Prof. Haase.)

"When one really meditates war, one must say no word about it; one must envelope one's designs in a profound mystery; then, suddenly and without warning, one leaps as a thief in the night." (Wirth.)

"The lessons of history confirm the view that wars which have been deliberately provoked by far-seeing statesmen have had the happiest results." (Bernhardi.)

"We must not think merely of external foes who compel us to fight. A war may seem to be forced upon a statesman by the condition of home affairs or by the pressure of the whole political situation." (Bernhardi.)

"Thanks to his [Bismarck's] diplomatic adroitness, he forced upon his adversaries the outward appearance of declaring war, while in reality Prussian-Germany was the assailant." (Stranz.)

"If Belgium takes part in this war, she must be wiped off the map of Europe." (Theuden.)

"Let us laugh with all our lungs at the old women in trousers who are afraid of war, and therefore complain that it is cruel and hideous. No; war is beautiful. Its august grandeur elevates the heart of man high above all that is commonplace and earthly." (Gottberg.)

"We have become a nation of wrath; we think only of the war." (Pastor Lehmann.)

"The German is a hero born and believes he can hack and hew his way through life." (Treitschke.)

"God culls us to murderous battles, even if worlds should thereby fall to ruins." (Pastor Francke.)

"War forms part of the eternal order instituted by God." (Moltke.)

GERMANY AND PEACE.

"We must not look for permanent peace as a result of this war. Heaven defend Germany from that!" (Schmitz.)

"Only over the black gate of the cemetery * * * can be read the words 'Eternal peace for all peoples.' For peoples who live and strive, the only maxim and motto must be eternal war." (Wagner.)

"The highest steps of kultur have not been mounted by peaceable nations in long periods of peace, but by warlike peoples in the time of their greatest combativeness." (Theuden.)

"Perpetual peace is a dream, and it is not even a beautiful dream." (Moltke.)

"We children of the future * * * do not by any means think it desirable that the kingdom of righteousness and peace should be established on the earth." (Nietzsche.)

"Whoever can not prevail upon himself to approve, from the bottom of his heart, the sinking of the *Lusitania*—whoever can not conquer his sense of the gigantic cruelty to unnumbered perfectly innocent victims * * * and give himself up to honest delight at this victorious exploit of German defensive power—him we judge to be no true German." (Pastor Baumgarten.)

"Not against our will were we thrown into this gigantic adventure. We willed it; we were bound to will it." (Harden.)

"Terrorism is seen to be a relatively gentle procedure, useful to keep in a state of obedience the masses of the people." (Hartmann.)

"Whoever enters upon a war in future will do well to look only to his own interests, and pay no heed to any so-called international law." (By a German, 1900.)

"It is a gratuitous illusion to suppose that modern war does not demand far more brutality, far more violence, and an action far more general than was formerly the case." (Hartmann.)

"I warn you against pity." (Nietzsche.)

"We hold that hardiness, violence, slavery, danger in the street and in the heart, secrecy, stoicism, arts of temptation and deviltry of all kinds; that everything evil, terrible, tyrannical, wild-heartlike, and serpentlike in man contributes to the elevation of the species just as much as the opposite—and in saying this we do not even say enough." (Nietzsche.)

"No sooner are airships invented than the general staffs set to work to devise methods of applying them to destruction." (Gumplowicz.)

"Much that is dreadful and inhuman in history, much that one hardly likes to believe, is mitigated by the reflection that the one who commands and the one who carries out are different persons—the former does not behold the sight, therefore does not experience the strong impression on the imagination; the latter obeys a superior, and therefore feels no responsibility." (Nietzsche.)

"The proud conviction forces itself upon us with irresistible power that a high, if not the highest, importance for the entire development of the human race is ascribed to the German people." (Bernhardi.)

"In our German people peaceful disposition and warlike prowess are so happily mixed that in this respect no other people on the earth can rival us, and none seems so clearly predestined to fight humanity on the way to true progress." (Lange.)

"Where in the whole world can a people be found who have such cause for manly pride as we? But we are equally far removed from presumption and from arrogance." (Pastor Rump.)

"Germany is the future of humanity." (Pastor Lehmann.)

"We must vanquish, because the downfall of Germanism would mean the downfall of humanity." (Pastor Konig.)

"That it will be German kultur that will send forth its rays from the center of our continent there can be no possible doubt." (Prof. Gierke.)

"It was given and assigned to us, and we read in it the original text of our destiny, which proclaims to mankind salvation or disaster, according as we will it." (Pastor Rump.)

"It was the hidden meaning of God that He made Israel the forerunner of the Messiah, and in the same way He has by His hidden intent designated the German people to be His successor." (Dr. Preuss.)

INSINCERITY OF KAISER.

On July 29, 1914, the Czar of Russia telegraphed the Kaiser: "A disgraceful war has been declared on a weak nation; the indignation at this, which I fully share, is immense in Russia." In reply to this wire the Kaiser said: "I can not consider Austria-Hungary's action 'disgraceful war.' Austria-Hungary knows by experience that Serbia's promises, when they are merely on paper, are quite unreliable. According to my opinion Austria-Hungary's action is to be looked upon as an attempt to secure full guarantee that Serbia's promises shall also be turned into deeds."

These are the German Emperor's own words, that a nation's signed engagement should never be unreliable—that it is not "a scrap of paper," that it should be turned into deeds, and that an attempt, even by force of arms, so to turn it is not 'disgraceful war.'"

Was the Kaiser sincere when he dictated this telegram? He sent it at a time when his Government was under written obligation, guaranteeing the independence and neutrality of Belgium; and here are some provisions of that agreement:

"Belgium * * * shall form an independent and perpetually neutral State. It shall be bound to observe such neutrality toward all other States."

"The territory of neutral powers is inviolable."

"Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral power."

"A neutral power must not allow any of the acts referred to * * * to occur on its territory."

"The fact of a neutral power resisting, even by force, attempts to violate its neutrality can not be regarded as a hostile act."

These words were more than the promise of Germany to Belgium; they were Germany's pledge entered into in writing. The Kaiser telegraphed the Czar that such a promise should not be unreliable—that it should be turned into deeds.

On August 4, 1914, less than a week after the Emperor's telegram to the Czar, the imperial chancellor, in a speech before the German Diet, said: "Gentlemen, we are now acting in self-defense. Necessity knows no law. Our troops have occupied Luxemburg and have possibly already entered on Belgium. The injustice—I speak openly—the injustice we thereby commit we will try to make good as soon as our military aims have been attained. He who is menaced as we are and is fighting for his all can only consider the one and best way to strike.

Here is Germany's official recognition of the Belgium treaty and of international law; and it is furthermore the official admission that Germany had breached that law, had ignored the rightful protests of Belgium, and that Germany's conduct was an act of injustice to Belgium. The sole excuse offered is that "necessity knows no law"; that a nation

when menaced "can only consider the one and best way to strike"; and that such consideration must be without regard at all to the breaking of pledges or to the rights of others.

At a later hour of August 4, 1914, the British ambassador to Berlin, with instructions from his Government that Germany must not disregard her contract with Belgium, called upon the imperial chancellor. "Just for a word—'neutrality'—a word which in war time had so often been disregarded—just for a scrap of paper—Great Britain was going to make war on a kindred nation," was the chancellor's reply to the ambassador.

Here is the German chancellor's measure of the value of a nation's engagement and of the force of the law of nations—"a scrap of paper"; and it can not be urged justly that this was an idle utterance of the chancellor for which he and his Government should be free of responsibility, for the record of fact traces the term used to the very highest authority in Germany.

GERMAN DIPLOMACY.

The use of the term, "a scrap of paper," and the German estimate of the virtue and integrity of a treaty did not originate with the chancellor. "Do not be ashamed," said Frederick II, "of making interested alliances from which you yourself can derive the whole advantage. Do not make the foolish mistake of not breaking them when you believe your interests require it. Above all, uphold the following maxim: 'To despoil your neighbors is to deprive them of the means of injuring you.' When he is about to conclude a treaty with some foreign power, if a sovereign remembers he is a Christian he is lost." Later, on April 11, 1847, in a speech from the throne, King Frederick William IV asserted that "All written constitutions are only scraps of paper," and, again, in 1862, when in a quarrel between Emperor William and the Prussian diet, he was reproached with his defiance of the law, he replied that he would do his duty as he saw it, without regard to "scraps of paper called constitutions."

It is quite impossible to assume that the Kaiser may have been ignorant of the use of these terms by former Emperors in 1847 and 1862, or of the Hohenzollern creed as stated by Frederick II; and all fair men must admit that on August 10, 1914, he did know that his chancellor had stated in the diet on the preceding August 4 that in the face of menace neither national obligation nor the dictates of justice need be given consideration; that imperial Germany "can only consider the one and best way to strike." The Kaiser knew that his war lords had marked Belgium as the one and the best way across which to strike France; he knew, and his war lords knew, that to move troops or munitions of war over the borders and into Belgium would be a breach of the Belgium treaty and a violation of Belgian territory, and that it would be an act of the most glaring injustice to that country and people. With all these facts before his eyes he penned with his own hand a telegram on August 10 to President Wilson, and he handed it to the American ambassador for transmission to Washington. In that message he restates, in substance, his telegram of July 29 to the Czar of Russia, that "the Serbian promises on paper should be fulfilled in reality," and he asserts in so many words that Germany's neutrality contract with Belgium "had to be violated on strategical grounds." In other words, the Kaiser telegraphed President Wilson on August 10 that no signed promise or covenant of the German Empire would be allowed to stand across the path of the science of projecting and directing Germany's military movements.

Unfortunately the Kaiser set up one standard for Serbia and quite another for Germany. In his telegram to the Czar he complains "that Serbia's promises, when they are merely on paper, are quite unreliable," and that Austria-Hungary had the right "to secure full guarantee that Serbia's promises shall also be turned into deeds;" and he states as much in his wire to President Wilson, but he lowers that standard—in fact, he strikes it to the ground—when he declared that "on strategical grounds" Germany had to march into Belgium, notwithstanding the injustice committed by the act.

Viewing these facts, drawn altogether from official pronouncements of four German rulers and a German chancellor, the level of German ethics is seen to be that her promises, even when on paper are both quite unreliable and subject to be broken at will; and, indeed, are not to be fulfilled if performance might prevent or hinder German military advantage; that Germany's contracts may be disregarded as "scraps of paper" if they be found to stand opposed to military aims; that in Germany "might makes right," and "necessity knows no law"; and that in Germany it is a maxim in morals that he who is menaced can only consider the one and the best way to strike; and this without regard to his own obligation or honor, or to the legal or moral right of the one against whom the stroke is directed.

THE WORLD AND GERMAN DOCTRINE.

The world will never bow down before or accept any such doctrine; it must be wholly repudiated and reversed; and the world war is being waged to reverse it. The war is much more than centralized power against representative government, much more than autocracy against the people; it is tyranny against freedom; it is brutal might against human liberty; it is wanton destruction against conservation; it is barbarism against civilization; it is savagery against humanity; it is unrighteousness against righteousness; it is the Iron Cross against the Red Cross; it is the spirit of Satan against God.

So long as Germany shall think it not "by any means desirable that the kingdom of righteousness and peace should be established on the earth," she will find the world against her. So long as she shall teach that "only over the black gate of the cemetery can we read the words, 'eternal peace for all people,'" she will be the world's enemy. So long as she shall continue in her expressed faith that "war is the mother of all good things," and that "might is the supremacy of right," she must find herself alone upon the earth. So long as it is the purpose of the Teutonic race "to circle the earth with its rule," just so long Germany will find no friend beyond her own borders. The Kaiser must lose his crown or else he must repudiate the Hohenzollern creed that national covenants are "scraps of paper"; that "to despoil your neighbors is to deprive them of the means of injuring you"; and that "when he is about to conclude a treaty with some foreign power, if a sovereign remembers he is a Christian, he is lost."

The purpose of Germany "to circle the earth with its rule" and her deeds of lawlessness and savagery are now known world wide. The black record is now open to all men. With unexampled patience and forebearance, the United States and her people bore much and suffered much; but longer patience became impossible when Germany made war upon our country and upon the freedom, liberty, and independence which Americans had gained for themselves, and under which they propose to live their own lives and to pass on to their children. America is defending their good heritage. America is defending more than this. "The object of this war," as President Wilson has stated it to all the world, "is to deliver the free people of the world from the menace and the actual power of a vast military establishment, controlled by an irresponsible Government, which, having secretly planned to dominate the world, proceeded to carry the plan out without regard either to the sacred obligations of treaty or the long-established practices and long-cherished principles of international action and honor, chose its blow directly and suddenly, stopped at no barrier either of law or of mercy, swept a whole continent within the tide of blood—not the blood of soldiers only, but the blood of innocent women and children also, and of the helpless poor—and now stands balked but not defeated, the enemy of four-fifths of the world."

Innocent and defenseless women and children have the right to security in the home, and an airplane that wantonly would wreck a home and destroy life is an assassin. Upon the high seas, ruthlessly and without warning, to sink a passenger ship and her human freight is deliberate murder. To drop from the air a bomb upon offenseless children in a schoolhouse is savagery. To mock all laws of war and humanity is superlative and barbarism. To fire upon the Red Cross is satanic.

SHALL NEVER RULE.

German "kultur" shall never rule over our land, and it must be assured that it shall not rule over any other land. It is a base falsehood that "might is right." A nation's word is not "a scrap of paper." Over against the German code that "it is foolish to talk of the rights of others" America sets up the Golden Rule—"Do unto others as you would have others do unto you."

A nation whose treaty agreement is not as binding as its bonds is not a nation with which honorable peoples care to deal. A nation whose accredited ambassador would act a network of intrigue among the people to whom he is accredited, and whose country would promote and decorate him in reward for his base service is a nation whose ways must be mended if it shall expect relations with respectable folks. A nation that would purposely, by shell or torpedo and without notice or warning, sink a merchant ship plying the high seas and leave the crew to their fate in the waves is an outlaw nation. A nation that would organize incendiarism and dispatch its paid agents to blow up industries ought to be put out of business. A nation that wills the oppression of Europe and that plots and schemes to extend its brutal might across the sea and over free America is a nation whose fendish lordship must and shall be met and stopped before it shall ever touch these shores.

A prince, whatever be his name or title, who would set in motion any such horrors is unfit to be the ruler of a free people; and a people who support such a prince are not free. A nation that would will injustice and harm to other nations is entitled to no place in the councils of men. Such a nation is a world menace, and any such a nation must be rendered powerless to exercise such a will, or else its people must be made to establish for themselves a very different form of government.

It is to defend our own people and country, and all peoples, against this German menace and to assure all the world that the horrors of the last three and a half years never shall happen again, that the United States and her 15 allies are standing against Germany. The whole history of America shows that our people never could be moved to take any other stand.

AMERICA'S RECORD.

In his farewell address Washington expressed the hope that "the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it."

Here is almost the prediction by America's first president that the people's happiness, under the authority and guidance of liberty, would some day become so complete that to America would be accorded the glory of recommending like liberty to the applause, affection, and adoption of every nation still a stranger to it.

Washington stated this in 1796, and it is more than a significant fact that in 1917—a century and a quarter later—America not only made such a recommendation world-wide, but, through President Wilson, the Nation declared that "the world must be made safe for democracy."

Twenty years antedating this utterance of Washington, the Declaration of Independence declared that all people possessed the free and independent right "to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them"; and that the people of America hold certain truths "to be self-evident; "that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed."

Here it is claimed, as an endowment of the Creator, that a people have the untransferable right of self-government—"the government," as President Lincoln expresses it, "of the people, by the people, for the people." Such form of government is the right of independence and liberty; indeed, it is independence and liberty; and America possesses each of the two because both, as Washington states it, "are the work of joint councils and joint efforts of common dangers, sufferings, and successes."

From the utterances and action of the German Government, and German Emperors and people, we have had to stoop low in order to see the level of their standard of conduct among themselves, and toward other nations and people; and now that America has recommended her own freedom and liberty to all the world, and, along with this recommendation, and to the exalted end that government of, by, and for the people may be made safe throughout the earth, has pledged the lives and the fortunes of her people, and her own sacred honor, it is with just pride that Americans may place their country's record alongside the record of the Nation's enemies. Indeed, the heart of every American, native or foreign born, should rise in gratitude and praise to Almighty God for His leadership and guidance from Washington to Wilson, and for His blessings upon us as a Nation and people. To-day, in this word holocaust, nine-tenths of the earth's area and inhabitants are standing with and on the side of the United States, battling for all these exalted, just, and righteous principles for which Americans have always stood, and for which, if need be, they have ever been ready to offer their lives.

WORDS OF AMERICA'S PRESIDENTS.

Washington wrote a page of the record in his farewell message to his countrymen: "Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruit

of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature."

Here are noble words and, indeed, the prophecy of Washington that, at no distant day, the United States would be a great Nation, and would give to the world an example of a people "always guided by an exalted justice and benevolence."

Can any sincere man, casting his eyes along the past years, and looking about him in these tremendous times, doubt the fulfillment of this prophecy?

President Jefferson adds this further word to the record: "We are firmly convinced, and we act on that conviction, that with all nations, as with individuals, our interests, soundly calculated, will ever be found inseparable from our moral duties; and history bears witness to the fact that a just nation is trusted on its word, when recourse is had to armaments and wars to bridle others."

President Madison says that it is a duty and privilege of Americans "to foster a spirit of independence too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others."

President Monroe: "National honor is national property of the highest value."

President J. Q. Adams: "Union, justice, tranquillity, the common defense, the general welfare, and the blessings of liberty—all have been promoted by the Government under which we have lived."

President Jackson: "Turning our eyes to other nations, our great desire is to see our brethren of the human race secured in the blessings enjoyed by ourselves, and advancing in knowledge, in freedom, and in social happiness."

President Lincoln: "This country, with its institutions, belongs to the people who inhabit it. * * * Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?"

President Grant: "In regard to foreign policy, I would deal with nations as equitable law requires individuals to deal with each other, and I would protect the law-abiding citizen, whether of native or foreign birth, wherever his rights are jeopardized or the flag of our country floats. I would respect the rights of all nations, demanding equal respect for our own."

President Garfield: "We can not overestimate the fervent love of liberty, the intelligent courage, and the sum of common sense with which our fathers made the great experiment of self-government."

"President Harrison: "We have not sought to dominate or absorb any of our weaker neighbors, but rather to aid and encourage them to establish free and stable governments resting upon the consent of their own people."

President Roosevelt: "Great privileges and great powers are ours, and heavy are the responsibilities that go with these privileges and these powers. Accordingly, as we do well or ill, so shall mankind in the future be raised or cast down. We belong to a young nation, already of giant strength, yet whose political strength is but a forecast of the power that is to come."

President Taft: "Our international policy is always to promote peace."

President Wilson: "I am proposing, as it were, that the nations should, with one accord, adopt the doctrine of President Monroe as the doctrine of the world; that no nation shall seek to extend its polity over any other nation or people, but that every people should be left free to determine its own polity, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful.

"I am proposing that all nations henceforth avoid entangling alliances which would draw them into competitions of power, catch them in a net of intrigue and selfish rivalry, and disturb their own affairs with influences intruded from without.

"I am proposing government by the consent of the governed; that freedom of the seas which in international conference after conference representatives of the United States have urged with the eloquence of those who are the convinced disciples of liberty; and that moderation of armaments which makes of armies and navies a power for order merely, not an instrument of aggression or of selfish violence.

"These are American principles, American policies. We could stand for no others. And they are also the principles and policies of forward-looking men and women everywhere, of every modern nation, of every enlightened community. They are the principles of mankind and must prevail."

Germany opposes these American principles; and Gumplowicz gives the basis of the opposition: "No sooner are airships invented than the general staffs set to work to devise methods of applying them to destruction"—the misuse of things.

Germany must be made to recognize a higher sense of moral and human responsibility. Her need is not less scientific knowledge, but such knowledge better directed and used. To paraphrase Bishop Candler: Germany must be taught, and she is about to be taught, that men and nations must be as pious as they are scientific and powerful, or they will be a peril to both themselves and others.

W. G. M. THOMAS.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

H. R. 9506. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 9612. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 9641. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 9314. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, was read twice by its title and referred to the Committee on Appropriations.

JOINT MEETING OF THE TWO HOUSES.

The PRESIDENT pro tempore (Mr. SAULSBURY in the chair). The hour having arrived at which, under the concurrent resolution, the Senate is to proceed to the Hall of the House of Representatives for the purpose of hearing such communication as the President of the United States may desire to make to the Congress, the order will now be carried out.

Thereupon the Senate, preceded by its Sergeant at Arms and headed by the President pro tempore and the Secretary, proceeded to the Hall of the House of Representatives.

At 1 o'clock p. m. the Senate returned to its Chamber, and the President pro tempore resumed the chair.

ADDRESS BY THE PRESIDENT OF THE UNITED STATES.

The address of the President of the United States this day delivered at a joint session of the two Houses of Congress is as follows:

Gentlemen of the Congress, on the eighth of January I had the honor of addressing you on the objects of the war as our people conceive them. The Prime Minister of Great Britain had spoken in similar terms on the fifth of January. To these addresses the German Chancellor replied on the twenty-fourth and Count Czernin, for Austria, on the same day. It is gratifying to have our desire so promptly realized that all exchanges of view on this great matter should be made in the hearing of all the world.

Count Czernin's reply, which is directed chiefly to my own address of the eighth of January, is uttered in a very friendly tone. He finds in my statement a sufficiently encouraging approach to the views of his own Government to justify him in believing that it furnishes a basis for a more detailed discussion of purposes by the two Governments. He is represented to have intimated that the views he was expressing had been communicated to me beforehand and that I was aware of them at the time he was uttering them; but in this I am sure he was misunderstood. I had received no intimation of what he intended to say. There was, of course, no reason why he should communicate privately with me. I am quite content to be one of his public audience.

Count von Hertling's reply is, I must say, very vague and very confusing. It is full of equivocal phrases and leads it is not clear where. But it is certainly in a very different tone from that of Count Czernin, and apparently of an opposite purpose. It confirms, I am sorry to say, rather than removes, the unfortunate impression made by what we had learned of the conferences at Brest-Litovsk. His discussion and acceptance of our general principles lead him to no practical conclusions. He refuses to apply them to the substantive items which must constitute the body of any final settlement. He is jealous of international action and of international counsel. He accepts, he says, the principle of public diplomacy, but he appears to insist that it be confined, at any rate in this case, to generalities and that the several particular questions of territory and sovereignty, the several questions upon whose settlement must depend the acceptance of peace by the twenty-three states now engaged in the war, must be discussed and settled, not in general council, but severally by the nations most immediately concerned by interest or neighborhood. He agrees that the seas should be free, but looks askance at any limitation to that freedom by international action in the interest of the common order. He would without reserve be glad to see economic barriers removed between nation and nation, for that could in no way impede the ambitions of the military party with whom he seems constrained to keep on terms. Neither does he raise objection to a limitation of armaments. That matter will be settled of itself, he thinks, by the economic conditions which must follow the war. But the German colonies, he demands, must be returned without debate. He will discuss with no one but the representatives of Russia what disposition shall be made of the peoples and the lands of the Baltic provinces; with no one but the Government of France the "conditions" under which French territory shall be evacuated; and only with Austria what shall be done with Poland. In the determination of all questions affecting the Balkan states he defers, as I understand him, to Austria and Turkey; and with regard to the agreements to be entered into concerning the non-Turkish peoples of the present Ottoman Empire, to the Turkish authorities themselves. After a settlement all around, effected in this fashion, by individual barter and concession, he would have no objection, if I correctly interpret his statement, to a league of nations which would undertake to hold the new balance of power steady against external disturbance.

It must be evident to everyone who understands what this war has wrought in the opinion and temper of the world that no general peace, no peace worth the infinite sacrifices of these years of tragical suffering, can possibly be arrived at in any such fashion. The method the German Chancellor proposes is the method of the Congress of Vienna. We cannot and will not return to that. What is at stake now is the peace of the world. What we are striving for is a new international order based upon broad and universal principles of right and justice,—no mere peace of shreds and patches. Is it possible that Count von Hertling does not see that, does not grasp it, is in fact living in his thought in a world dead and gone? Has he utterly forgotten the Reichstag Resolutions of the nineteenth of July, or does he deliberately ignore them? They spoke of the conditions of a general peace, not of national aggrandizement or of arrangements between state and state. The peace of the world depends upon the just settlement of each of the several problems to which I adverted in my recent address to the Congress. I, of course, do not mean that the peace of the world depends upon the acceptance of any particular set of suggestions as to the way in which those problems are to be dealt with. I mean only that those problems each and all affect the whole world; that unless they are dealt with in a spirit of unselfish and unbiased justice, with a view to the wishes, the natural connections, the racial aspirations, the security, and the peace of mind of the peoples involved, no permanent peace will have been attained. They cannot be discussed separately or in corners. None of them constitutes a private or separate interest from which the opinion of the world may be shut out. Whatever affects the peace affects mankind, and nothing settled by military force, if settled wrong, is settled at all. It will presently have to be reopened.

Is Count von Hertling not aware that he is speaking in the court of mankind, that all the awakened nations of the world now sit in judgment on what every public man, of whatever nation, may say on the issues of a conflict which has spread to every region of the world? The Reichstag Resolutions of July themselves frankly accepted the decisions of that court. There shall be no annexations, no contributions, no punitive damages. Peoples are not to be handed about from one sovereignty to another by an international conference or an understanding between rivals and antagonists. National aspirations must be respected; peoples may now be dominated and governed only by their own consent. "Self-determination" is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril. We cannot have general peace for the asking, or by the mere arrangements of a peace conference. It cannot be pieced together out of individual understandings between powerful states. All the parties to this war must join in the settlement of every issue anywhere involved in it; because what we are seeking is a peace that we can all unite to guarantee and maintain and every item of it must be submitted to the common judgment whether it be right and fair, an act of justice, rather than a bargain between sovereigns.

The United States has no desire to interfere in European affairs or to act as arbiter in European territorial disputes. She would disdain to take advantage of any internal weakness or disorder to impose her own will upon another people. She is quite ready to be shown that the settlements she has suggested are not the best or the most enduring. They are only her own provisional sketch of principles and of the way in which they should be applied. But she entered this war because she was made a partner, whether she would or not, in the sufferings and indignities inflicted by the military masters of Germany, against the peace and security of mankind; and the conditions of peace will touch her as nearly as they will touch any other nation to which is entrusted a leading part in the maintenance of civilization. She cannot see her way to peace until the causes of this war are removed, its renewal rendered as nearly as may be impossible.

This war had its roots in the disregard of the rights of small nations and of nationalities which lacked the union and the force to make good their claim to determine their own allegiances and their own forms of political life. Covenants must now be entered into which will render such things impossible for the future; and those covenants must be backed by the united force of all the nations that love justice and are willing to maintain it at any cost. If territorial settlements and the political relations of great populations which have not the organized power to resist are to be determined by the contracts of the powerful governments which consider themselves most directly affected, as Count von Hertling proposes, why may not economic questions also? It has come about in the altered world in which we now find ourselves that justice and the rights of peoples affect the whole field of international dealing as much as access to raw materials and fair and equal conditions of trade. Count von Hertling wants the essential bases of commercial and industrial life to be safeguarded by common agreement and guarantee, but he cannot expect that to be conceded him if the other matters to be determined by the articles of peace are not handled in the same way as items in the final accounting. He cannot ask the benefit of common agreement in the one field without according it in the other. I take it for granted that he sees that separate and selfish compacts with regard to trade and the essential materials of manufacture would afford no foundation for peace; neither, he may rest assured, will separate and selfish compacts with regard to provinces and peoples.

Count Czernin seems to see the fundamental elements of peace with clear eyes and does not seek to obscure them. He sees that an independent Poland, made up of all the indisputably Polish peoples who lie contiguous to one another, is a matter of European concern and must of course be conceded; that Belgium must be evacuated and restored, no matter what sacrifices and concessions that may involve; and that national aspirations must be satisfied, even within his own Empire, in the common interest of Europe and mankind. If he is silent about questions which touch the interest and purpose of his allies more nearly than they touch those of Austria only, it must of course be because he feels constrained, I suppose, to defer to Germany and Turkey in the circumstances. Seeing and conceding, as he does, the essential principles involved and the necessity of candidly applying them, he naturally feels that Austria can respond to the purpose of peace as expressed by the United States with less embarrassment than could Germany. He would probably have gone much further had it not been for the embarrassments of Austria's alliances and of her dependence upon Germany.

After all, the test of whether it is possible for either government to go any further in this comparison of views is simple and obvious. The principles to be applied are these:

First, that each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent;

Second, that peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game, now forever discredited, of the balance of power; but that

Third, every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival states; and

Fourth, that all well defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world.

A general peace erected upon such foundations can be discussed. Until such a peace can be secured we have no choice but to go on. So far as we can judge, these principles that we regard as fundamental are already everywhere accepted as imperative except among the spokesmen of the military and annexationist party in Germany. If they have anywhere else been rejected, the objectors have not been sufficiently numerous or influential to make their voices audible. The tragical circumstance is that this one party in Germany is apparently willing and able to send millions of men to their death to prevent what all the world now sees to be just.

I would not be a true spokesman of the people of the United States if I did not say once more that we entered this war upon no small occasion, and that we can never turn back from a course chosen upon principle. Our resources are in part mobilized now, and we shall not pause until they are mobilized in their entirety. Our armies are rapidly going to the fighting front, and will go more and more rapidly. Our whole strength will be put into this war of emancipation,—emancipation from the threat and attempted mastery of selfish groups of autocratic rulers,—whatever the difficulties and present partial delays. We are indomitable in our power of independent action and can in no circumstances consent to live in a world governed by intrigue and force. We believe that our own desire for a new international order under which reason and justice and the common interests of mankind shall prevail is the desire of enlightened men everywhere. Without that new order the world will be without peace and human life will lack tolerable conditions of existence and development. Having set our hand to the task of achieving it, we shall not turn back.

I hope that it is not necessary for me to add that no word of what I have said is intended as a threat. That is not the temper of our people. I have spoken thus only that the whole world

may know the true spirit of America,—that men everywhere may know that our passion for justice and for self-government is no mere passion of words but a passion which, once set in action, must be satisfied. The power of the United States is a menace to no nation or people. It will never be used in aggression or for the aggrandizement of any selfish interest of our own. It springs out of freedom and is for the service of freedom.

DISTRICT STREET RAILROADS.

Mr. JONES of Washington. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 203) was read, as follows:

Resolved, That the Public Utilities Commission of the District of Columbia be directed to furnish the Senate the following information:

First. How many new cars have the electric railway companies in the District of Columbia put on during the last two years?

Second. Have they put on any new cars during the last year; and if so, how many?

Third. Are they making any provision now for adding new cars to their equipment; and if so, how many, and when are they to be put on?

Fourth. What other steps are being taken by the electric railway companies to meet the congested traffic conditions of the present and the future?

Fifth. What steps has the Public Utilities Commission taken to meet the present street car traffic congestion in the District?

Sixth. Is the existing railway trackage adequate to meet the traffic requirements as they are now, and as they are likely to be for some time to come; and if not, what steps are being taken to increase such trackage?

Seventh. What action has the commission taken under the authority given it to secure "adequate" service by the street railways of the District of Columbia?

Eighth. What action has the commission taken under the authority given it "to require and compel" the street railways of the District of Columbia to comply with the provisions of law looking to the furnishing of adequate service by such companies?

Ninth. What suggestions has the Public Utilities Commission to make to Congress for meeting the present congested conditions of traffic on the railways of the District of Columbia?

Mr. GALLINGER. Mr. President, I do not object to the resolution, because I think it is a very important one, but I want to make an observation about the traffic situation in the District of Columbia. Two or three days ago I received a letter from a well-known citizen complaining of the great inconvenience people have in getting from the suburban portions of the District of Columbia to the central part of the city, and he urged that some immediate action should be taken, reminding me of the fact that for many years I served upon the committee, as chairman of the committee, and he thought I ought to immediately concern myself about it. My reply to him was substantially in these words: "I remember the time when the surface cars of the cities of New York and Boston were adequate to take care of the convenience and comfort of the traveling public. A time arrived when elevated roads in both those great cities became a necessity, and they were built. Time went on and the congestion on both the surface and the elevated roads was such that it was evident subways should be constructed, and they were constructed in both those cities and in other cities of the country; and even now in New York and Boston a man practically takes his life in his hands at certain hours of the day to get a seat or accommodation of any kind on either an elevated road or in a subway car."

My conclusion was, Mr. President, that the corporations serving the people of the District of Columbia at the present time are doing the best they can. They are under the control of the Public Utilities Commission. They have an expert here now studying the subject. I feel confident that they simply can not accomplish the purpose that they have in view, and that what ought to be done would be for the Public Utilities Commission or Congress itself immediately to consider the question whether it is not necessary for us to have subways to relieve the congestion. I do not imagine that any of us will agree that we should have elevated roads in the District of Columbia; but that we ought to have subways, and must have subways in the near future, is, to my mind, so conclusive that there is no need for discussing the subject.

The PRESIDENT pro tempore. The Senator from Washington asks for the immediate consideration of the resolution which has just been read.

The resolution was considered by unanimous consent and agreed to.

ALLOWANCES TO SOLDIERS' FAMILIES (S. DOC. NO. 711).

Mr. HITCHCOCK. Mr. President, I ask to have printed in the RECORD a letter from the Secretary of the Treasury in response to a resolution which I introduced concerning the payment of allowances to the families of soldiers and sailors. Complaint has been quite general that the family allowances have not been paid. The Secretary's letter shows that the payment of November allowances was completed January 14; that the payment of the December allowances was completed February 6; and that the payment of the January allowances is now going forward and checks are being sent out at the rate of between 40,000 and 50,000 a day. In order to give it as much publicity as possible, I ask that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TREASURY DEPARTMENT,
Washington, February 6, 1918.

The PRESIDENT OF THE SENATE:

SIR: In reply to Senate resolution 200, of February 5, asking to what extent, if any, allowances to soldiers' families for the month of November, 1917, have been paid, also to what extent they have been paid for the month of December, 1917, and also for the month of January, 1918, I have the honor to inform you that the mailing of November checks was completed January 14; the mailing of December checks was completed to-day, and the mailing of January checks to Navy dependents was completed to-day, and the mailing of January checks for the other branches of the service will begin to-morrow. These checks will be mailed at the rate of between forty and fifty thousand a day, and be completed on or before February 18.

Because of the distance of many of the soldiers from Washington the bureau is still receiving daily a considerable number of applications providing for allotments and allowances for the months of November and December. All such applications are given priority, and the payments for the two months are covered in one check.

While the war-risk insurance act was passed October 6, 1917, practically no applications for allotments and allowances were received prior to December 1, 1917. Up to the close of business to-day the bureau has received 1,170,458 applications. In 730,000 cases these applications showed that the soldiers had no dependents, and therefore no allotments were made, nor could any allowances be granted. Of the balance of 441,000 cases, awards were made in 426,000 cases and all checks for November and December and the Navy checks for January have been mailed, and the January checks for other branches of the service will be mailed before February 18, as stated above. These checks aggregate $16,500,000. In the remaining 15,000 cases it has not been possible to make payments because the applications were so incomplete as to require correspondence with the soldiers or with their beneficiaries. This correspondence is being conducted with the greatest expedition and every effort is being made to forward checks at the earliest possible moment.

Of the checks forwarded approximately 10,000 that could not be delivered have been returned by the Post Office Department because the dependents had moved and left no forwarding address, because the addresses given by the soldiers were not complete, or because the applications were written so illegibly that the clerks misread the addresses in preparing the records from which the checks were drawn. These cases are being handled with the greatest dispatch.

By the end of February the work of the bureau will be current so that checks will be mailed immediately after the close of the month for which the checks are due.

Respectfully,

WM. G. MCADOO,
Secretary of the Treasury.

MAJ. CHALMERS G. HALL.

Mr. OVERMAN. I ask unanimous consent for the present consideration of the bill (S. 3299) authorizing the President to reappoint Maj. Chalmers G. Hall, retired, to the active list of the Army. It is a bill reported from the Committee on Military Affairs this morning, and it is heartily indorsed by the War Department. It affects only one man, who wishes to go to France, and unless this bill is passed he can not go.

Mr. GALLINGER. Must he go immediately?

Mr. OVERMAN. He is ready to go, and he can not go unless this bill is passed.

The PRESIDENT pro tempore. The Senator from North Carolina asks for the present consideration of the bill he has indicated.

Mr. GALLINGER. Let it be read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to reappoint to the Cavalry arm as an extra number, with such rank as he would have had if he had never been retired, Maj. Chalmers G. Hall, of the United States Army, retired.

Mr. SMITH of Georgia. I should like to ask if the law does not already make provision for this case?

Mr. OVERMAN. The trouble is the law was limited in its effect to the 1st of October.

Mr. SMITH of Georgia. I merely wanted the information.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COST OF OFFICERS' UNIFORMS.

Mr. JONES of Washington. There was a bill, Senate bill 3433, reported by the chairman of the Committee on Military Affairs to-day relating to the purchase of soldiers' uniforms. I spoke to the chairman of the committee about calling up the bill, and he had no objection; but he is not here. He has one or two amendments that he desires to offer to the bill, to which I shall have no objection. I simply wish to say that I hope to call up the bill sometime this afternoon when the chairman of the

committee is here. He has been sent for, but I think he is engaged and can not be here just now.

Mr. GALLINGER. Mr. President, I think we are falling into a rather bad practice in having bills reported in the morning and within an hour called up for consideration, even before they are printed and on our desks. I do not know that I shall object to this bill, but I apprehended that a single day will not make any special difference about the matter, and that we ought to have an opportunity to read it before we are asked to consider it. I hope the Senator will let it go over until to-morrow.

Mr. JONES of Washington. I wish to say to the Senator that this is a bill concerning soldiers' uniforms, and——

Mr. GALLINGER. I am in great sympathy with the purpose of the bill.

Mr. JONES of Washington. I realize the force of the suggestion. So I shall not call it up this afternoon, but hope to be able to call it up to-morrow morning in the morning hour.

The PRESIDENT pro tempore. The morning business is closed.

RAILROAD CONTROL.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	New	Smoot
Beckham	James	Norris	Sterling
Borah	Johnson, Cal.	Nugent	Thomas
Colt	Johnson, S. Dak.	Phelan	Thompson
Culberson	Jones, N. Mex.	Pittman	Tillman
Curtis	Jones, Wash.	Poindexter	Townsend
Dillingham	Kellogg	Pomerene	Trammell
Fernald	Kenyon	Reed	Vardaman
France	Kirby	Robinson	Weeks
Gallinger	McCumber	Saulsbury	Williams
Gerry	McKellar	Shafroth	Wolcott
Gronna	McNary	Sheppard	
Harding	Martin	Shields	
Henderson	Nelson	Smith, S. C.	

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. SMITH of South Carolina obtained the floor.

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. SMITH of South Carolina. I do.

Mr. ROBINSON. This is a measure of very great importance, and I suggest to the Senator, if it will not interfere with his remarks, that the bill be read.

Mr. SMITH of South Carolina. That course will be agreeable to me.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission that during the period of such Federal control it shall receive as just compensation not exceeding an annual sum (herein called standard return), payable in reasonable installments, for each year and pro rata for any fractional year of such Federal control, equivalent as nearly as may be to its average annual railway operating income (including therein such income of lines acquired by, leased to, or consolidated with such carrier between July 1, 1914, and December 31, 1917) for the three years ended June 30, 1917, and in addition thereto an annual sum payable likewise in reasonable installments, reckoned at a rate per cent to be fixed by the President upon the cost of any additions or betterments, less retirements, or road extensions, made during the six months ended December 31, 1917. In the computation of such income, debits and credits arising from the accounts called in the monthly reports to the Interstate Commerce Commission equipment rents and joint facility rents shall be included. The standard return and the cost of such additions, betterments, or road extensions are to be ascertained by the Interstate Commerce Commission from the reports, books, and other pertinent data of such carrier and certified by it to the President. Its certificate shall, for the purpose of such agreement, be taken as conclusive of the amount of such average annual railway operating income and of such cost. Until otherwise ordered by the President, operating revenues may be received by the carriers as heretofore and expended by them, subject to the provisions of this act, as heretofore, but any net railway operating income in excess of such standard return shall be paid into the Treasury of the United States and placed in the revolving fund created by this act.

Every such agreement shall provide that any Federal taxes under the act of October 3, 1917, or acts in addition thereto or in amendment thereof, commonly called war taxes, assessed for the period of Federal control beginning January 1, 1918, or any part of such period, shall be paid by the carrier out of its own funds, or shall be charged against or deducted from the standard return; that other taxes assessed under Federal or any other governmental authority for the period of Federal control or any part thereof, either on the property used under such Federal control or on the right to operate as a carrier, or on the revenues or any part thereof derived from operation (not including, however, assessments for public improvements or taxes assessed on property under construction and chargeable under the classification of the Interstate Commerce Commission to investment in road and equipment), shall be paid out of the revenues derived from railway operations while under Federal control; that all taxes assessed under Federal or any other governmental authority for the period prior to January 1, 1918, whenever levied or payable, shall be paid by the carrier out of its own funds or shall be charged against or deducted from the standard return.

The President is further authorized to make in such agreement all reasonable provisions for the maintenance, repair, and renewals of the property for the depreciation thereof and for the creation of necessary reserve funds in connection therewith to the end that at the termination of Federal control the property shall be returned to each carrier in substantially as good repair and in substantially as complete equipment as at the beginning of Federal control and that all just and proper accounting and adjustments be made, due consideration being given to the standards of maintenance and depreciation used by each carrier during the three years ended June 30, 1917, and to the condition of the property at the beginning and at the end of Federal control.

The President is further authorized in such agreement to make all other reasonable provisions, not inconsistent with the provisions of this act or of the act of August 29, 1916, that he may deem necessary or proper for such Federal control or for the determination of the mutual rights and obligations of the parties to the agreement arising from or out of such Federal control.

If the President shall find that the condition of any nondividend-paying carrier was during all or a substantial portion of the period of three years ended June 30, 1917, because of nonoperation, receivership, or where recent expenditures for additions or improvements or equipment when not fully reflected in the net operating railway income of the said three years or a substantial portion thereof, or other undeveloped or abnormal conditions, so exceptional as to make the basis of earnings, hereinabove provided for, plainly inequitable as a fair measure of just compensation, then the President may make with the carrier such agreement for such amount as just compensation as under the circumstances of the particular case he shall find just.

SEC. 2. That if no such agreement is made, the President may nevertheless pay to any carrier while under Federal control an annual amount, payable in reasonable installments, not exceeding 90 per cent of the estimated annual amount of just compensation, remitting such carrier to its legal rights for any balance claimed to the remedies provided in section 3 thereof. Any amount thereafter found due such carrier above the amount paid shall bear interest at the rate of 6 per cent per annum, and any excess amount paid hereunder shall be recoverable by the United States with interest at the same rate.

SEC. 3. That all claims for just compensation not adjusted as provided in section 1 shall, on the application of the President or of any carrier, be submitted to boards, each consisting of three referees to be appointed by the Interstate Commerce Commission, members of which and the official force thereof being eligible for service on such boards without additional compensation. Such boards or referees are hereby authorized to summon witnesses, require the production of records, books, correspondence, documents, and other papers, view properties, administer oaths, and may hold hearings in Washington and elsewhere, as their duties and the convenience of the parties may require. Such cases may be heard separately or together or by classes, as the Interstate Commerce Commission or any board of referees to which any such case shall be referred may determine. Said boards shall give full hearings to such carriers and to the United States; shall consider all the facts and circumstances; and shall report as soon as practicable in each case to the President the just compensation, calculated on an annual basis and otherwise in such form as to be convenient and available for such agreement as is authorized in section 1. The President is authorized to enter into an agreement with such carrier for just compensation upon a basis not in excess of that reported by such board and may include therein provisions similar to those authorized under section 1. Failing such agreement, either the United States or such carrier may file a petition in the Court of Claims for the purpose of final ascertainment of the amount of such just compensation, and in the proceedings in said court the report of said referees shall be prima facie evidence of the amount of just compensation and of the facts therein stated.

SEC. 4. That the just compensation that may be determined as hereinbefore provided by agreement or that may be adjudicated by the Court of Claims shall be increased by an amount reckoned at a reasonable rate per cent to be fixed by the President upon the cost of any additions and betterments, less retirements, and upon the cost of road extensions to the property of such carrier made by such carrier with the approval of or by the President while such property is under Federal control: *Provided*, That there shall be no increase of compensation for any additions, improvements, or betterments constructed out of or purchased by the earnings for investment or surplus earned during the period of Federal control.

SEC. 5. That no carrier while under Federal control shall, without the prior approval of the President, declare or pay any dividend in excess of its regular rate of dividends during the three years ending June 30, 1917: *Provided, however*, That such carriers as have paid no regular dividends or no dividends during said period, may, with the prior approval of the President, pay dividends at such rate as the President may determine.

SEC. 6. That the sum of $500,000,000 is hereby appropriated out of the Public Treasury from any funds not otherwise appropriated, which, together with any funds available from any operating income of said carriers, may be used by the President as a revolving fund for the purpose of paying the expenses of the Federal control, and so far as necessary the amount of just compensation, and to provide terminals, motive power, cars, and other necessary equipment, such terminals, motive power, cars, and equipment to be used and accounted for as the President may direct, and to be disposed of as Congress may hereafter by law provide.

The President may also, on or in connection with the property of any carrier, make or order any carrier to make any additions, betterments, or road extensions necessary or desirable for war purposes or in the public interest. He may from said revolving fund advance to such carrier all or any part of the expense of such additions, betterments, and road extensions so ordered and constructed by such carrier or by the President, such advances to be charged against such carrier and to bear interest at such rate and be payable on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for any sums so advanced.

Any loss claimed to accrue to any carrier by reason of any such additions, betterments, or road extension so ordered and constructed may be determined by agreement between the President and such carrier; failing such agreement the amount of such loss shall be ascertained as provided in section 3 hereof.

From said revolving fund the President may expend such an amount as he may deem necessary or desirable for the utilization and operation of canals or for the purchase, construction, or utilization and operation of boats, barges, tugs, and other transportation facilities on the inland and coastwise waterways and may in the operation and use of such facilities create or employ such agencies and enter into such contracts and agreements as he shall decree in the public interest.

SEC. 7. That for the purpose of providing funds requisite for maturing obligations or for other legal and proper expenditures, or for reorganizing railroads in receivership, carriers may, during the period of Federal control, issue such bonds, notes, equipment trust certificates, stock and other forms of securities, secured or unsecured by mortgage, as the President may approve as consistent with the public interest. The President may purchase for the United States all or any part of such securities at prices not exceeding par, and may sell such securities whenever in his judgment it is desirable at prices not less than the cost thereof; any sums available from the revolving fund provided in section 6 may be used for such purchases.

SEC. 8. That the President may execute any of the powers herein and heretofore granted him with relation to Federal control through such agencies as he may determine, and may fix the reasonable compensation for the performance of services in connection therewith; and may utilize the personnel and facilities of the Interstate Commerce Commission and call upon members of such commission, or any of its employees, or employees of any department of the Government for such services as he may deem expedient. No such Federal official or employee shall receive any additional compensation for such services.

SEC. 9. That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President to take possession and assume control of any or all systems of transportation; and the President, in addition to the powers conferred by this act, shall have, and is hereby given, such other and further powers necessary or appropriate to give effect to the powers herein and heretofore conferred. The provisions of this act shall also apply to any carriers to which Federal control may be hereafter extended.

SEC. 10. That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act, or any other act applicable to such Federal control, or with any order of the President, be subject to all laws and liabilities as common carriers, whether arising under statutes or at common law; and suits may be brought by and against such carriers and judgments rendered as now provided by law. But no process, mesne or final, shall be levied against any property under such Federal control.

That whenever in his opinion the public interest requires the President may initiate rates by filing the same with the Interstate Commerce Commission. Said rates shall be fair, reasonable, and just and shall take effect at such time and upon such notice as he may direct, but the Interstate Commerce Commission shall, upon complaint, enter upon a hearing concerning the justness and reasonableness of so much of any order of the President as establishes or changes any rate, fare, charge, or classification of any carrier under Federal control, and may consider all the facts and circumstances existing at the time of the making of the rate. After full hearing the commission may make such findings and orders as are authorized by the act to regulate commerce as amended.

SEC. 11. That every person or corporation, whether carrier or shipper, or any receiver, trustee, lessee, agent, or person acting for or employed by a carrier or shipper, or other person, who shall knowingly violate or fail to observe any of the provisions of this act, or shall knowingly interfere with or impede the possession, use, operation, or control of any railroad property, railroad, or transportation system hitherto or hereafter taken over by the President, or shall violate any of the provisions of any order or regulation made in pursuance of this act, or of any other act concerning such possession, use, operation, or control, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not more than $5,000, or, if a person, by imprisonment for not more than two years, or both. Each independent transaction constituting a violation of, or a failure to observe, any of the provisions of this act, or any order entered in pursuance hereof, shall constitute a separate offense. For the taking or conversion to his own use or the embezzlement of money or property derived from or used in connection with the possession, use, or operation of said railroads or transportation systems, the criminal statutes of the United States, as well as the criminal statutes of the various States where applicable, shall apply to all officers, agents, and employees engaged in said railroad and transportation service while the same is under Federal control, to the same extent as to persons employed in the regular service of the United States. Prosecutions for violations of this act, or of any order entered hereunder, shall be in the district courts of the United States, under the direction of the Attorney General, in accordance with the procedure for the collection and imposing of fines and penalties now existing in said courts.

SEC. 12. That all pending cases in the courts of the United States affecting railroads or other transportation systems brought under the act to regulate commerce approved February 4, 1887, as amended and supplemented, including the commodities clause, so called, or under the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, and amendments thereto, shall proceed to final judgment as soon as may be, as if the United States had not assumed control of transportation systems; but in any such case the court having jurisdiction may, upon the application of the United States, stay execution of final judgment until the further action of Congress in respect of control of transportation systems by the United States.

SEC. 13. That the Federal control of railroads and transportation systems herein and heretofore provided for shall not continue longer than 18 months after the proclamation of peace terminating the war in which the United States is now engaged: *Provided, however*, That the President may, prior to July 1, 1918, relinquish control of all or any part of any railroad or system of transportation further Federal control of which the President shall deem not needful or desirable; and the President may at any time during the period of Federal control agree with the owners to relinquish all or any part of any railroad or system of transportation: *Provided further*, That the President may relinquish all railroads under Federal control at any time he shall deem such action needful or desirable. No right to compensation shall accrue to any owner from and after the date of relinquishment for property relinquished under authority of this section. But this act is expressly declared to be emergency legislation enacted to meet conditions growing out of war; and nothing herein is to be construed as expressing or prejudicing the future policy of the Federal Government concerning the ownership, control, or regulation of carriers or the method or basis of the capitalization thereof.

Mr. ROBINSON. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	Norris	Sutherland
Beckham	Harding	Nugent	Thomas
Borah	Hardwick	Poindexter	Thompson
Chamberlain	James	Ransdell	Tillman
Cummins	Johnson, S. Dak.	Robinson	Townsend
Curtis	Jones, Wash.	Shafroth	Vardaman
Dillingham	Kellogg	Sheppard	Watson
Fernald	Kenyon	Simmons	Wolcott
France	Lewis	Smith, S. C.	
Gallinger	McKellar	Smoot	
Gerry	New	Sterling	

Mr. SUTHERLAND. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of illness in his family. I will let this announcement stand for the day.

The PRESIDING OFFICER. The call of the roll shows that 41 Senators are present, not a quorum. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. ASHURST, Mr. JOHNSON of California, Mr. KING, Mr. MARTIN, Mr. SAULSBURY, and Mr. WARREN answered to their names when called.

Mr. OVERMAN, Mr. HENDERSON, Mr. HITCHCOCK, Mr. SWANSON, Mr. MCNARY, Mr. OWEN, Mr. UNDERWOOD, and Mr. SHERMAN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The Senator from South Carolina will proceed.

Mr. SMITH of South Carolina. Mr. President, I am sorry that because of the lunch hour there are so few Senators here, as I have been informed by those in authority to speak, that the settlement of the railroad question, now that the Government has assumed control of the railroads, is one of paramount importance, for the reason that it is seriously affecting the financial situation. The railroads, as we all know, through their property and their securities, are related to the financial and commercial world in such a vital manner that it is jeopardizing the whole interests of the country for this matter of determining their status under the new condition to be suspended.

Mr. President, I hope that as far as possible all other business and subjects of debate will be laid aside until a disposition is made of the bill. It is not that I am seeking to have passed a bill that I have in charge by virtue of my position as chairman of the committee, but it is because of the vital necessity to the Nation that this question, involving practically twenty billions of dollars, shall be settled.

The action precipitating the necessity of legislation on the part of the Senate has already been taken. The roads are now in the possession and control of the Government of the United States, while the property is still in the hands of the private owners. That situation creates uncertainty and doubt and is reflecting itself, at this crucial time in our history, in such embarrassment in the financial world that we ought to see to it that it is now disposed of at the earliest possible time; and I hope that the Senate may be able to continue the consideration of this bill until it shall finally act and determine what disposition it shall make of it.

Mr. President, some very vital principles were necessarily involved by this radical and, perhaps, unprecedented change from the system heretofore obtaining in the management of our common carriers. They are in part public property and in part private property. They have been operated by private individuals during all the time since their introduction into our economic life, and they are now operated by the public, with private individuals still maintaining their ownership. The whole question is so vast and so vital to us at this time that I sincerely hope we may expedite the consideration of this measure to its final conclusion without any unnecessary hindrance.

In order that we may get clear the viewpoint of a majority of the committee in considering the bill before the Senate, it is perhaps well to give some of the facts that have led up to and resulted in the Government assuming possession and control of these properties.

The policy of the Government in relation to the railroads, up to the time of assumption of control by the Government, was to encourage competition amongst the several railroads, at least so far as service was concerned. Governmental regulation properly began with the creation of the Interstate Commerce Commission by the act of 1887. Since the creation of the commission the regulation and control of railroads, particularly in reference to rate, has been progressive.

The original act of 1887 empowered the commission to order carriers to cease from any violation of the act and to award reparation for past injuries. In 1906 the act was further amended, giving the commission the power to prescribe maximum rates for the future and to prescribe divisions of through rates. In 1910 it was still further amended by giving the commission the power to suspend rates, upon its own initiative or upon complaint, pending the investigation of such rates as to their justness and reasonableness, and in 1917 the act was still further amended, for a definite period—that is, that it should be operative up till January 1, 1920, requiring the railroads to obtain permission of the commission before filing tariffs containing any increased rates.

From this series of progressive statutory regulations it will be seen that the railroads, so far as their revenues were concerned, were practically under the control of the Interstate Commerce Commission; that the income that they received for rendering service to the American public was practically in the hands of a Federal body constituted by Congress, to which were delegated certain legislative functions.

The outbreak of the war in Europe, even before the entrance of America into the conflict, created a vastly increased volume of traffic for the railroads. This volume increased as the war proceeded, until the war traffic, plus the domestic traffic in certain railroad districts, was taxing the facilities of the roads beyond their power to adequately handle it. The congestion in these districts reacted throughout the country, so that it seriously affected the movement of all classes of freight.

The New England States, being largely a manufacturing center, and the port of New York principally, also Baltimore and Philadelphia, being the outlet for this traffic, all lines converging to these points, both in the carrying of their raw material and their finished product to these ports. The result was that the mouth of the funnel, to use an illustration, was so blocked that empty cars could not be gotten out and loaded cars could not be gotten in, thereby affecting the entire traffic of the country.

In the hearings before our committee the difficulty that was testified to by most of those who appeared before us was not that there were not, perhaps, adequate railroad facilities for meeting the conditions that were upon us, but that the concentration of freight and traffic at certain points so tied up the facilities—cars, box cars, coal cars—that actually when they were emptied they could not be gotten out on account of the roads being so congested with other freight. To relieve this situation there was organized in Washington under the auspices of the Council of National Defense a subcommittee known as the Railroad War Board. This board consisted of certain railroad officials, whose object was to cooperate, as far as the law would allow, with the Government in mobilizing as best they might the traffic of the country in the emergency. The result of their efforts was not satisfactory, at least it did not give the relief that the circumstances imperatively demanded.

This failure, in part at least, grew out of the restrictive laws in the interstate commerce act, forbidding the pooling of cars and of freight. It also may be noted, in connection with the two restrictive powers above mentioned, that the interstate commerce act gave to the shipper the right to route his freight over whatever lines he chose. This also was an obstacle in the way of distributing freely and efficiently the traffic of the country.

On May 29, 1917, in what is known as the Esch car-service act, the Interstate Commerce Commission was given the power "whenever the commission shall be of opinion that the necessity exists for immediate action * * * at once, if it so orders, without answer or other formal pleading with the interstate carrier or carriers, and with or without notice herein with the making or filing of a report * * * to suspend the operation of any or all rules, regulations, or practices then established with respect to car service for such time as may be determined by the commission, and also authority to make such just and reasonable directions with respect to car service during such time as in its opinion will best promote car service in the interest of the public and the commerce of the people."

This enabled the railroads, in cooperation with the commission, without violation of law to utilize the car service more effectually. It did not, however, change the law in reference to the right of the shipper to route his shipments. This act was helpful and was utilized by the railroad commission to its fullest, but the situation still did not improve to the extent that the circumstances demanded. Therefore, the right of the shipper to route his freight still being in force, there resulted a continued congestion of traffic in the great centers for manufacture and export in spite of the Esch Act and in spite of the effort on the part of railroads. The shippers of the country naturally ordered from and shipped to during this emergency the points that they had been in the habit of using, and the routes and the rates established by the railroads under the supervision of the Interstate Commerce Commission had been utilized for a long period of time by them; they were familiar with them, had regulated their business according to them, and therefore, for commercial reasons, there was no change in the situation so far as routing over congested roads was concerned. The congestion at the great eastern termini and its resulting effects upon the entire traffic of the country still remained so acute that it was threatening both the war activities and the commerce of the entire country.

On August 29 Congress enacted the following:

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

On December 1, 1917, the Interstate Commerce Commission made the following report in reference to the situation. I assume at this point, Mr. President, that those who have appreciated the importance of this legislation and the gravity of the situation have acquainted themselves with the recommendations made by the Interstate Commerce Commission. Under the laws they were required from time to time to make such recommendations as they thought pertinent and proper, and they made a recommendation which, without reading, I ask to have incorporated in my remarks.

The PRESIDING OFFICER (Mr. WATSON in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

SPECIAL REPORT OF THE INTERSTATE COMMERCE COMMISSION.

WASHINGTON, D. C., *December 1, 1917.*

To the Senate and House of Representatives:

The act to regulate commerce requires the commission to transmit to the Congress such recommendations as to additional legislation relating to regulation of commerce as the commission may deem necessary. Under this mandate the commission submits the following special report, supplementing its annual report, with reference to transportation conditions as affecting and affected by the war in which the United States is now engaged.

The railroads of the country came into being under the stimulus of competition. From the outset their operation and development have been responsive to a competition which has grown with the growth of population and industry. This competitive influence has been jealously guarded and fostered by State laws and constitutions, as well as by the Federal law. The keenness of rivalry naturally drew to the front those who were quick to seize and resolute to retain every available point of vantage for their respective roads. Terminals, if confined to exclusive use, were not only of strategic importance, but profit-yielding assets. Out of competition grew rate wars, pooling, mergers, and consolidation into systems, as well as the rebating and other preferential treatment of shippers which the act to regulate commerce was primarily framed to prevent.

In that act the Congress, accepting the competitive principle as salutary, has thrown about it prohibitions against compacts for the pooling of freights or divisions of earnings of different and competing railroads, and, while the original act is but the nucleus of the act we now administer, that prohibition has remained unchanged.

But original act and successive amendments were alike framed in times of peace and for times of peace. They looked to protection of the shipper and the public against unjust or unfair treatment by the carrier and not to protection of the Nation and its commerce in time of war by utilization of all the forces and resources of its transportation systems to their fullest extent.

Since the outbreak of the war in Europe, and especially since this country was drawn into that war, it has become increasingly clear that unification in the operation of our railroads during the period of conflict is indispensable to their fullest utilization for the national defense and welfare. They must be drawn, like the individual, from the pursuits of peace and mobilized to win the war. This unification can be effected in one of two ways, and we see but two.

The first is operation as a unit by the carriers themselves. In the effort along this line initiated early in this year they are restricted by State and Federal law, and the idea is the antithesis of that which heretofore has controlled their activities. Their past operations have been competitive, although since the Hepburn Act, and especially since the Mann-Elkins Act, the prescription by this commission of reasonable maximum rates and charges for rail carriers subject to the act, and the exercise of its power to require abatement of unjust discrimination or undue prejudice, have in great degree restricted that competition to the field service. But whether or not perpetuation of the competitive influence is desirable under a system of Government regulation, it is

apparent that operation of our railroads as a unit involves the surrender by each of exclusive use of terminal facilities, surrender at times of profitable traffic to other carriers, and acceptance of less profitable traffic, with resultant loss of revenue, wherever economy of movement or greater freedom from congestion would dictate that course if the various carriers were in fact but one.

The alternative is operation as a unit by the President during the period of the war as a war measure under the war powers vested in him by the Constitution and those which have been or may be conferred by the Congress.

As bearing upon the alternatives thus stated it will be recalled that since the beginning of the war in 1914 the traffic offered to and moved by the railroads has increased enormously. Prior thereto there had been occasional periods of car shortage, usually restricted in territory, but it may be said that from 1907 down to 1916 the number of cars in the country exceeded the demand. This subject is treated in our annual report.

The sudden, unforeseen, and unprecedented demand for transportation occasioned by the war placed a strain upon the facilities and equipment of the railroads which they were not and are not prepared to meet. There was created a need for immediate and extensive additions to existing facilities and equipment. This need is coincident with demands upon capital, as well as upon labor, manufactures, and natural resources, such as we have never known. Important additions and betterments will require new capital.

The railroads propose essentially that we allow increases in freight rates of such magnitude that their increased earnings will attract investors by dividends declared or by the prospect of dividends in competition with securities issued by Federal, State, and municipal Governments, public-utility corporations, and industries organized and operating primarily for gain as distinguished from public service. Some of the latter have yielded large profits since the outbreak of the war.

An attempt to secure new capital would come at a time when the rising cost of living has made it difficult for those dependent for support upon their earnings to meet their current expenses; after the absorption by American capital of two-thirds of the American securities owned abroad prior to August 1, 1914, the railroad securities returned to this country alone amounting to from $1,700,000,000 to $2,000,000,000; after financing in this country of loans to our present allies; and after subscription for almost $6,000,000,000 of liberty loan bonds.

Even if the railroads had more money, the immediate construction of necessary facilities and equipment could not readily be effected. Labor is scarce and the cost is mounting. So with materials and supplies. Car and locomotive builders are largely engaged in producing equipment needed abroad, both by our allies and by our own forces in the conduct of the war. The steel and other materials needed for such construction, as well as the labor, are also needed in other phases of the conflict. Under such conditions and pending the acquisition of such additional facilities and equipment it is indispensable that those now in existence should be used to their fullest capacity, primarily for the uses which are most vital to the country's defense and welfare, but without unnecessary hindrance to the industry and commerce of our people, upon which their ability to contribute toward the success of the war so largely depends.

The act to regulate commerce was not enacted to meet such a situation. The carriers have the right to demand at our hands, and it is our duty to approve, just and reasonable rates sufficient to yield fair returns upon the value of the property devoted to public use after necessary expenditures for wages, fuel, and supplies, reasonable expenditures for maintenance, renewals, and betterments properly chargeable to operating expenses, and appropriate depreciation. Measured in dollars, the gross revenues of the carriers during the past and current fiscal year exceed any in their history. But what the dollar will buy in labor, material, and supplies is substantially less.

We are sensible of the vital and imperative need of the hour that our railroads shall not be permitted to become less efficient or less sufficient. We realize the gravity of a serious breakdown of our transportation facilities. It is unthinkable that this breakdown would be permitted if it could be prevented. Increased charges for carriage, if found necessary to take care of unavoidable increases in operating expenses, would not at this time bring new capital on reasonable terms in important sums.

In our opinion the situation does not permit of temporizing. All energies must be devoted to bringing the war to a successful conclusion, and to that end it is necessary that our transportation systems be placed and kept on the plane of highest efficiency. This can only be secured through unification of their operation during the period of the war.

If the unification is to be effected by the carriers, they should be enabled to effect it in a lawful way. To that end, in our judgment, the operation of the antitrust laws, except in respect of consolidations or mergers of parallel and competing lines, as applied to rail and water carriers subject to the act to regulate commerce, and of the antipooling provision of section 5 of that act, should be suspended during the period of the war, and until further action by the Congress. In addition, they should be provided from the Government Treasury with financial assistance in the form of loans or advances for capital purposes in such amounts, on such conditions, and under such supervision of expenditure as may be determined by appropriate authority. As a necessary concomitant the regulation of security issues of common carriers engaged in interstate commerce should be vested in some appropriate body, as has been recommended in our annual reports. The rights of shippers for reasonable rates and nondiscriminatory service under the present jurisdiction of the commission need not seriously be interfered with by such unified control. Some elastic provisions for establishment of new routes would probably be needed.

If the other alternative be adopted and the President operates the railroads as a unit during the period of the war, there should be, in our opinion, suitable guaranty to each carrier of an adequate annual return for use of the property, as well as of its upkeep and maintenance during operation, with provision for fair terms on which improvements and betterments made by the President during the period of his operation could be paid for by the carrier upon return to it of the property after expiration of that period.

HENRY C. HALL, *Chairman.*

Attest:

GEORGE B. MCGINTY, *Secretary.*

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. SMITH of South Carolina. I do.

Mr. CUMMINS. Did the Senator from South Carolina include in his request for printing the report of Mr. McChord, of the Interstate Commerce Commission? The Senator will remember that there were two reports—one made by the majority and the other by Mr. McChord.

Mr. SMITH of South Carolina. I did not incorporate that.

Mr. CUMMINS. I think it would serve a good purpose and be very well if the Senator would ask that the McChord report be printed at the same time.

Mr. SMITH of South Carolina. I will make that request, because I think in all fairness to the commission it should be included.

Mr. CUMMINS. It is in exact accord with what we have since done.

Mr. SMITH of South Carolina. Yes.

The PRESIDING OFFICER. Without objection, that will also be included in the RECORD.

The matter referred to is as follows:

WASHINGTON, D. C., *December 5, 1917.*

To the Senate and House of Representatives:

The special report of the majority of the commission leaves unsaid some things which should be plainly stated if prompt and sure relief is to be brought to the present transportation situation. That the lack of adequate railroad service, particularly in eastern territory, is serious at the present time and is a cause of grave concern for the coming winter months needs no demonstration. Everyone knows it who knows anything about present business conditions. That the industries of the country engaged in making war materials as well as those not so occupied require the very best service which can be given by the railroads is also clear. I fully concur in the statement of the majority report that "it is necessary that our transportation systems be placed and kept on the plane of highest efficiency," and also that "this can only be secured through unification of their operation during the period of war." But the majority report takes the position, at least by implication, that this unification may "be effected by the carriers" themselves. With that judgment I wholly disagree.

The carriers' cooperative effort at the present time is in charge of the "executive committee of the special committee on national defense of the American Railway Association." This committee in its public announcements calls itself the Railroad War Board. It is the fifth committee that the railroads have had in Washington to deal with the transportation situation since November, 1916. The first two of those committees were given no real authority, although the commission was advised by the executives that they had been given full power, or, as it was expressed in the case of the first committee, "all the power of the executives." These committees therefore were unable to cope with the situation despite earnest and praiseworthy efforts of their individual members, who were hampered by the unwillingness of certain railroads, acting under the restraint of executive influence, to carry out their instructions. These facts have been reported by the commission. (Car Supply Investigation, 42 I. C. C., 657.) In that report both the majority and the minority expressed the view that the situation could be improved by a committee of railroad officers to act in cooperation with this commission if the committee were given plenary power by all the railroads. In apparent response to that suggestion a third committee was sent to Washington, in January, 1917, but it also had not been given the promised power and was therefore not received. In February, 1917, a fourth committee was sent to Washington to enforce certain car-service rules. Not all of the railroads believed that these rules were workable, and hence the agreement giving power to this committee was incomplete and inadequate. With this experience behind it, the American Railway Association, on April 11, 1917, formed its special committee on national defense and centered the chief authority in its executive committee. The resolution by which this committee was formed recites that the railroads of the United States proffered themselves, with the Government of the United States, with the governments of the several States, and with one another, that during the present war they would—

"Coordinate their operations in a continental railway system, merging during such period all their merely individual and competitive activities in the effort to produce a maximum of national transportation efficiency."

It was understood that the coordination of railway operations in a continental railway system meant that cars would be used interchangeably and sent where they were most needed; that track and terminal facilities would be opened up to all railroads, so as to relieve congestion; and that locomotives would be at once requisitioned from some of the strong and less burdened railroads for use on the important lines which have been unable to give efficient service, largely because they were badly in need of motive power. Yet as late as November 24 the carriers' committee made an announcement from which the following is quote:

"The Railroad War Board to-day adopted revolutionary measures in order to relieve the congestion of traffic on the eastern railways. It directed that 'all available facilities on all railroads east of Chicago be pooled to the extent necessary to furnish maximum freight movement.' The effect will be that to the full extent that conditions render it desirable these railways will be operated as a unit, entirely regardless of their ownership and individual interests.

"The operating vice presidents of the eastern lines have been appointed a committee to operate as a unit all the lines involved, and have been given instructions and authority to adopt all measures which in their judgment may be necessary to relieve the present situation and assure the maximum amount of transportation.

* * * * * * *

"An important part of the plan adopted for the operation of the eastern lines is that of placing at their disposal the facilities of railways in other territories to such extent as may be necessary."

These measures—the pooling of cars, the operation of railways as a unit, the placing of facilities at the disposal of railways in other territories as needed—are essential steps in the coordination of railway operations "in a continental railway system," using the phrase of the resolution of April 11, but were not taken until November 24.

I do not wish to be understood as saying that the carriers' committee has not accomplished results, nor that the shippers have not cooperated with the carriers to get greater service from the available equipment, for the heavier car loading has been a very material factor of improvement. But our experience with railroad committees during the past year makes me believe that no voluntary committee can accomplish what the situation demands. One of the principal reasons is that the element of self-interest, the traffic influence, is a persistent factor in postponing and resisting measures that seek to disregard individual rights in the effort to secure transportation results as a whole. The "merely individual and competitive activities" and the established operating practices have their effect, despite directions or recommendations that have no sanction to enforce them except a voluntary agreement which is very general in character. There runs also in the activities of these committees the self-evident purpose to do whatever appears to be necessary to prevent the governmental authority from acting. For these and other reasons which it is not necessary to state I can not concur in a report to the Congress which apparently acquiesces in a continuation of control over the transportation situation by a committee appointed by the carriers themselves. The suggestions with reference to the antitrust laws, the antipooling provision of section 5 of the act, the desirability of Government loans for capital purposes, and the regulation of security issues undoubtedly have merit, but in my judgment their enactment into law will not make it possible for any committee appointed by the carriers to secure the full measure of transportation service which the present conditions demand.

The "unification" needed if our transportation systems are to be "placed and kept on the plane of highest efficiency" is the unification of the present diversified governmental control. At the present time there are several Federal agencies authorized by law to issue orders or directions with respect to transportation. This commission, by the car-service act approved May 29, 1917, was given very broad powers to issue summary directions with respect to the movement, distribution, exchange, interchange, and return of cars. The priority director, designated by the President for that purpose under the act approved August 10, 1917, is authorized to direct that traffic essential to the national defense shall be given priority in transportation, and he has made certain orders of that character. The transportation of troops and material of war, under the amendment to the act to regulate commerce approved August 29, 1916, is required upon the demand of the President to be given preference over all other traffic in time of war, and by direction of the Army and Navy Departments and the United States Shipping Board preference orders have been given for the transportation of a very large tonnage of war materials and supplies of all kinds. The administrations controlling fuel and food, to which adequate transportation is, of course, vital, have taken an active interest in the movement of those commodities through their appointed agents. Under this diversified control the carriers are not able to meet the requirements of the increasingly heavy tonnage which must be moved. In consequence the industries devoted to war purposes and those engaged in their normal business are suffering. There is no institution in which regularity of operation is more requisite than in transportation, but railroad operation is approaching a chaotic condition. A coherent plan must be worked out which shall provide for both the needs of the Government in the energetic prosecution of the war and the needs of general commerce. It is imperative that war material be given preference in transportation, but the financial sinews of war depend in large measure upon the successful operation of our manufacturing plants and business establishments.

I concur in the view that "the situation does not permit of temporizing," but I am convinced that the strong arm of governmental authority is essential if the transportation situation is to be radically improved. That authority must be unified to make possible action that is both vigorous and consistent. If the President elects to exercise the power given him under the act approved August 29, 1916, to take possession and assume control of the transportation systems, I believe that vastly improved transportation conditions can be promptly secured. For this course legislation assuring the carriers a fair return may be appropriate. If the President does not so elect, it is my judgment that the authority over the regulation of railroad operations now vested in the several agencies referred to, with such amplification as may be necessary, should be promptly centralized by act of Congress. All of the forces now at work upon the problem, including the carriers' executive committee and its numerous subcommittees, could be at once utilized under a single governmental administrative control.

C. C. MCCHORD, *Commissioner.*

Mr. SMITH of South Carolina Mr. President, on December 26 the President issued the following proclamation of governmental control of the railroads, together with an explanatory statement in reference thereto, which I presume all are familiar with, and, without reading, I ask that it be incorporated in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

GOVERNMENT CONTROL OF RAILROADS.

By the President of the United States of America.

A PROCLAMATION.

Whereas the Congress of the United States, in the exercise of the constitutional authority vested in them, by joint resolution of the Senate and House of Representatives bearing date April 6, 1917, resolved:

"That the state of war between the United States and the Imperial German Government which has thus been thrust upon the United States is hereby formally declared; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government; and to bring the conflict to a successful termination all of the resources of the country are hereby pledged by the Congress of the United States."

And by joint resolution bearing date of December 7, 1917, resolved:

"That a state of war is hereby declared to exist between the United States of America and the Imperial and Royal Austro-Hungarian Government; and that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial and Royal Austro-Hungarian Government; and to bring the conflict to a successful termination all the resources of the country are hereby pledged by the Congress of the United States."

And whereas it is provided by section 1 of the act approved August 29, 1916, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," as follows:

"The President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion, as far as may be necessary, of all other traffic thereon, for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable."

And whereas it has now become necessary in the national defense to take possession and assume control of certain systems of transportation and to utilize the same, to the exclusion, as far as may be necessary, of other than war traffic thereon, for the transportation of troops, war material, and equipment therefor, and for other needful and desirable purposes connected with the prosecution of the war:

Now, therefore, I, Woodrow Wilson, President of the United States, under and by virtue of the powers vested in me by the foregoing resolutions and statute, and by virtue of all other powers thereto me enabling, do hereby, through Newton D. Baker, Secretary of War, take possession and assume control at 12 o'clock noon on the 28th day of December, 1917, of each and every system of transportation and the appurtenances thereof located wholly or in part within the boundaries of the continental United States and consisting of railroads and owned or controlled systems of coastwise and inland transportation engaged in general transportation, whether operated by steam or by electric power, including also terminals, terminal companies, and terminal associations, sleeping and parlor cars, private cars and private car lines, elevators, warehouses, telegraph and telephone lines, and all other equipment and appurtenances commonly used upon or operated as a part of such rail or combined rail-and-water systems of transportation; to the end that such systems of transportation be utilized for the transfer and transportation of troops, war material, and equipment, to the exclusion so far as may be necessary of all other traffic thereon; and that so far as such exclusive use be not necessary or desirable such systems of transportation be operated and utilized in the performance of such other services as the national interest may require and of the usual and ordinary business and duties of common carriers.

It is hereby directed that the possession, control, operation, and utilization of such transportation systems, hereby by me undertaken, shall be exercised by and through William G. McAdoo, who is hereby appointed and designated Director General of Railroads. Said director may perform the duties imposed upon him, so long and to such extent as he shall determine, through the boards of directors, receivers, officers, and employees of said systems of transportation. Until and except so far as said director shall from time to time by general or special orders otherwise provide, the boards of directors, receivers, officers, and employees of the various transportation systems shall continue the operation thereof in the usual and ordinary course of the business of common carriers, in the names of their respective companies.

Until and except so far as said director shall from time to time otherwise by general or special orders determine, such systems of transportation shall remain subject to all existing statutes and orders of the Interstate Commerce Commission and to all statutes and orders of regulating commissions of the various States in which said systems or any part thereof may be situated. But any orders, general or special, hereafter made by said director shall have paramount authority and be obeyed as such.

Nothing herein shall be construed as now affecting the possession, operation, and control of street electric passenger railways, including railways commonly called interurbans, whether such railways be or be not owned or controlled by such railroad companies or systems. By subsequent order and proclamation, if and when it shall be found necessary or desirable, possession, control, or operation may be taken of all or any part of such street railway systems, including subways and tunnels; and by subsequent order and proclamation possession, control, and operation in whole or in part may also be relinquished to the owners thereof of any part of the railroad systems or rail-and-water systems, possession and control of which are hereby assumed.

The director shall, as soon as may be after having assumed such possession and control, enter upon negotiations with the several companies looking to agreements for just and reasonable compensation for the possession, use, and control of their respective properties on the basis of an annual guaranteed compensation above accruing depreciation and the maintenance of their properties equivalent, as nearly as may be, to the average of the net operating income thereof for the three-year period ending June 30, 1917, the results of such negotiations to be reported to me for such action as may be appropriate and lawful.

But nothing herein contained, expressed or implied, or hereafter done or suffered hereunder, shall be deemed in any way to impair the rights of the stockholders, bondholders, creditors, and other persons having interests in said systems of transportation or in the profits thereof to receive just and adequate compensation for the use and control and operation of their property hereby assumed.

Regular dividends hitherto declared and maturing interest upon bonds, debentures, and other obligations may be paid in due course; and such regular dividends and interest may continue to be paid until and unless the said director shall from time to time otherwise by general or special orders determine; and, subject to the approval of the director, the various carriers may agree upon and arrange for the renewal and extension of maturing obligations.

Except with the prior written assent of said director, no attachment by mesne process or on execution shall be levied on or against any of the property used by any of said transportation systems in the conduct of their business as common carriers; but suits may be brought by and against said carriers and judgments rendered as hitherto until and except so far as said director may, by general or special orders, otherwise determine.

From and after 12 o'clock on said 28th day of December, 1917, all transportation systems included in this order and proclamation shall conclusively be deemed within the possession and control of said director

without further act or notice. But for the purpose of accounting said possession and control shall date from 12 o'clock midnight on December 31, 1917.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done by the President, through Newton D. Baker, Secretary of War, in the District of Columbia, this 26th day of December, A. D. 1917, and of the independence of the United States the one hundred and forty-second.

WOODROW WILSON.

By the President:

ROBERT LANSING,
Secretary of State.
NEWTON D. BAKER,
Secretary of War.

STATEMENT OF THE PRESIDENT.

I have exercised the powers over the transportation systems of the country which were granted me by the act of Congress of last August because it has become imperatively necessary for me to do so. This is a war of resources no less than of men, perhaps even more than of men, and it is necessary for the complete mobilization of our resources that the transportation systems of the country should be organized and employed under a single authority and a simplified method of coordination which have not proved possible under private management and control. The committee of railway executives who have been cooperating with the Government in this all-important matter have done the utmost that it was possible for them to do; have done it with patriotic zeal and with great ability; but there were difficulties that they could neither escape nor neutralize. Complete unity of administration in the present circumstances involves upon occasion and at many points a serious dislocation of earnings, and the committee was, of course, without power or authority to rearrange charges or effect proper compensations and adjustments of earnings. Several roads which were willingly and with admirable public spirit accepting the orders of the committee have already suffered from these circumstances and should not be required to suffer further. In mere fairness to them the full authority of the Government must be substituted. The Government itself will thereby gain an immense increase of efficiency in the conduct of the war and of the innumerable activities upon which its successful conduct depends.

The public interest must be first served and, in addition, the financial interests of the Government and the financial interests of the railways must be brought under a common direction. The financial operations of the railways need not then interfere with the borrowings of the Government, and they themselves can be conducted at a greater advantage. Investors in railway securities may rest assured that their rights and interests will be as scrupulously looked after by the Government as they could be by the directors of the several railway systems. Immediately upon the reassembling of Congress I shall recommend that these definite guarantees be given: First, of course, that the railway properties will be maintained during the period of Federal control in as good repair and as complete equipment as when taken over by the Government; and, second, that the roads shall receive a net operating income equal in each case to the average net income of the three years preceding June 30, 1917; and I am entirely confident that the Congress will be disposed in this case, as in others, to see that justice is done and full security assured to the owners and creditors of the great systems which the Government must now use under its own direction or else suffer serious embarrassment.

The Secretary of War and I are agreed that, all the circumstances being taken into consideration, the best results can be obtained under the immediate executive direction of the Hon. William G. McAdoo, whose practical experience peculiarly fits him for the service and whose authority as Secretary of the Treasury will enable him to coordinate as no other man could the many financial interests which will be involved and which might, unless systematically directed, suffer very embarrassing entanglements.

The Government of the United States is the only great Government now engaged in the war which has not already assumed control of this sort. It was thought to be in the spirit of American institutions to attempt to do everything that was necessary through private management, and if zeal and ability and patriotic motive could have accomplished the necessary unification of administration it would certainly have been accomplished; but no zeal or ability could overcome insuperable obstacles, and I have deemed it my duty to recognize that fact in all candor, now that it is demonstrated, and to use without reserve the great authority reposed in me. A great national necessity dictated the action, and I was therefore not at liberty to abstain from it.

WOODROW WILSON.

Mr. SMITH of South Carolina. It will be noted that one of the recommendations of the Interstate Commerce Commission was closely followed in principle by the proclamation of the President. On December 28, through the Secretary of War, he formally took possession and control of the railroads of the country. As indicated in his proclamation, the operation of the roads under Government control was extended so as to include the entire traffic of the country as well as war material. It therefore became necessary to enact legislation in order to carry into effect the powers conferred by the act of August 29 and such other powers as were granted or implied in the declaration of war.

The bill under consideration was drafted by the administration and modified by the Interstate Commerce Committee of the Senate to meet the situation. The first essential point was what compensation would be offered to the railroads by the Government for the use of their properties while under Federal control and what should be the basis of computing this compensation. In the proclamation of the President, and in the bill drafted by the administration, it was suggested that the time of the taking over of the properties and the conditions existing when taken over should be considered, and that the earnings by the roads under war conditions should become the basis of their compensation during the war period or the tenure of the Federal control. Therefore it is proposed in the bill, in pursuance of this idea, that the three war years—the fiscal years of 1915, 1916, and 1917—be taken as the basis to determine the average earning of the roads during the war period and to make compensation in accordance therewith. This seemed to the committee to be a fair basis of compensation, when it is considered that while all other corporate enterprises, as well as individual enterprises, not being subject to Federal regulation in regard to rates and charges were the beneficiaries of the extraordinarily high prices obtaining during the war period, the railroads, under the rules and regulations of the Interstate Commerce Commission, authorized by the commerce act, could not during this period increase their revenues except as those revenues were increased by increased traffic and travel, entailing on the railroads an increased service in comparison with the increased revenues from that service. There was an increase granted in rates in certain instances in the eastern district, but in the main the roads were practically operating under antewar rates, and it is but just to say that though this increase was granted it was not put into operation in sufficient time to be reflected to any appreciable extent in the returns of the roads up to June 30, 1917, the terminus of the period contemplated as a basis for compensation, so that the compensation for the roads contemplated in the bill will not now reflect that increase in rates which was granted to them and which they would have enjoyed had they been left in possession of the property.

This basis of compensation is made to enable the President to enter into an agreement with the roads in lieu of all their lawful and constitutional rights, thereby avoiding the delays and difficulties that would necessarily result from attempting to ascertain what would be just compensation by due process of law.

It is believed, and confidently hoped, that the carriers will make the agreements, as provided in this bill, in order to avoid delay, and in order that the entire railroad and carrier facilities of the country may be utilized freely and whole-heartedly to meet the exigencies of the emergency that is now upon us. This contemplated compensation should appeal to the roads and the public in view of the fact that it is probable that this is approximately the amount that they would be likely to receive from a court decision.

The committee also gave due consideration to the financial situation that now exists and which influenced the committee in dealing with this subject of compensation. The basis of compensation is such as to guarantee to the security holders of these properties their usual interest and dividends, and to take care of such other obligations as they normally provide for, thus creating confidence in these securities and avoiding the embarrassment that might arise were they not secured at least at the rate that they had been receiving previous to and during the war.

The question of the real value of the property was not considered by the committee as a proper subject for this emergency legislation; that is, the committee took the facts as they appear in the reports to the Interstate Commerce Commission, filed in accordance with the law, as being the proper basis for them to act upon. The committee recognizes that the value of the properties is not definitely ascertainable. The Interstate Commerce Commission has not yet completed the valuation of the properties under the valuation act. From time to time the Interstate Commerce Commission has taken the investment in the properties, as stated in the annual reports, as providing the best basis available to show the trend of expenses and revenues in relation to the stated investment, and as representing the most accurate figure now available. The committee, therefore, in the absence of an accurate investment figure, has taken the aggregate net earnings of the properties as the basis to be applied under this act. In other words, the committee took the result of the railroad operations under the regulating power of Congress as a just basis to compute their compensation in time of this emergency. We did not think it was the time or the place to go into an exhaustive analysis to ascertain just what was the actual, real investment and what the roads might, as a result of that analysis, be entitled to. That would necessarily involve both time and litigation, and the result hoped for under this bill would have been made impossible.

The total property investment of all roads, as reported to the Interstate Commerce Commission, for the year ended June 30, 1916, was $18,156,659,872. Class 1 roads, or those having annual operating revenues of more than $1,000,000 and which receive approximately 96 per cent of the net operating revenue, had a property investment of $16,872,373,000, as of June 30,

1916. This includes the investment of their nonoperating subsidiaries. It is estimated that on June 30, 1917, this investment of class 1 roads amounted to $17,250,000,000.

Mr. THOMAS. May I interrupt the Senator for a moment?

Mr. SMITH of South Carolina. Certainly.

Mr. THOMAS. What does the Senator mean by the term "nonoperating" roads?

Mr. SMITH of South Carolina. That means the properties that are not actually used in operating activities. They have investments outside. The Senator, of course, will recall in his mind properties that are in no way actively employed in the railroad-operating activities. These class 1 roads receive about 95.87 per cent of the net operating revenues of all the roads, and the compensation provided for in this bill would approximate on their property $896,259,264 per year. On this basis the $896,259,264 for class 1 roads becomes when made to include all the roads of the country approximately $935,000,000 annually.

It might be well for me to state here that certain reports that have gone abroad are to the effect that the Government is now considering a bill that will commit it to an annual payment to the railroads of approximately $935,000,000, which is not correct.

Mr. SIMMONS. Is that the amount the Government would have to pay to the railroads?

Mr. SMITH of South Carolina. To the railroads if they took all the roads and made the compensation upon the basis that is suggested to be made to class 1 roads.

Mr. SIMMONS. That is based upon the prewar period?

Mr. SMITH of South Carolina. Yes.

Mr. SIMMONS. It has no reference to the value of the property out of which the money is earned?

Mr. SMITH of South Carolina. No.

Mr. SIMMONS. The question I want to ask the Senator is this: Suppose a railroad had no net earnings during the period which is made the basis of calculation, it would get no more than its earnings, though that might be less than the actual expense of operating the road.

Mr. SMITH of South Carolina. I will say to the Senator from North Carolina that there is provision made in another section of the bill for a basis of agreement with such roads as he has in mind.

Mr. SIMMONS. Suppose a railroad makes a million dollars after paying expenses——

Mr. SMITH of South Carolina. If the Senator will allow me, a little later I will come to that particular phase and see what provision the bill has made to take care of that situation.

Mr. SIMMONS. Of the deficit?

Mr. SMITH of South Carolina. Of the deficit.

Mr. SIMMONS. Very well.

Mr. SMITH of South Carolina. Of course, no definite figures can even be approximated until it is known definitely just what roads will be taken and operated under the act. There is a provision in the bill which gives the Government the right to make rejections of any road or roads up to July 1, 1918, after which time they can only be released during the period of the war by mutual agreement between the carriers and the Government.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. SMITH of South Carolina. I do.

Mr. CUMMINS. Before the Senator from South Carolina leaves section 1, which he has been discussing——

Mr. SMITH of South Carolina. I have not left it yet. This is just explanatory to another phase of section 1.

Mr. CUMMINS. I wish to ask the Senator a question. I do not know whether he has considered the matter very carefully or not, because it was not much discussed before the committee, but it will aid me in presenting the views which I intend to present during the consideration of the bill. I have a table in my office taken from the records of the Interstate Commerce Commission, comprising, I think, 17 roads or systems, just for illustration. These roads have now on hand more than $800,000,000, either in cash or in nonrailroad property. I do not know nor do I suppose anyone could discover just how they have invested these sums of money. This particular item has no reference, of course, to physical railroad property which is being used in rendering the people of the country the service which is rendered. My question is, Has the Government taken over as a part of the railroad property, in the case of these 17 or 18 railroads, the $800,000,000 which they now have on hand, not used in the operation of their systems of transportation?

Mr. SMITH of South Carolina. I will say frankly to the Senator that the hearings before the committee, the language of the bill, and the proclamation of the President do not contemplate taking over that property. I see the point that the Senator makes.

Mr. THOMAS. The act of August 29, 1916, would not permit it.

Mr. SMITH of South Carolina. It of course would become a factor in the argument that the Government is being taxed on the basis of property that they are not given the use of. I see the force of that.

Mr. CUMMINS. The question is not put in a disputatious way.

Mr. SMITH of South Carolina. I understand that.

Mr. CUMMINS. But it is really important for us to know whether the Government has taken over this vast sum of money which is now in the hands of the railroads.

Mr. SMITH of South Carolina. I understand that.

Mr. CUMMINS. I confess that it is a little difficult to reach a satisfactory conclusion upon the terms of the bill or upon the terms of the act of 1916. I think we shall be compelled to put an interpretation upon the law in that respect before we can advance safely toward a conclusion as to what is proper compensation. I would very much like to have the opinion of the Senator from South Carolina on that point. I say frankly that in my judgment neither the law of 1916 nor the bill we now have before us together with the action of the President puts this surplus or this money or property in the hands of the Government.

Mr. THOMAS. May I say a word here?

Mr. SMITH of South Carolina. I yield.

Mr. THOMAS. I was the author of the amendment to the act of August 29, 1916, which was quoted by the Senator from South Carolina a moment ago. I am not entirely familiar now with the exact phraseology that was used, but I certainly in preparing it had no intention of making it so operate as to invest the President with anything more than the power to control the possession of the physical property of the railroads for war purposes.

Mr. CUMMINS. I have always believed that to be the intent of the legislation and I think the language used was quite appropriate to express that intent, but it is claimed in some quarters that these railway corporations have been taken over as instrumentalities so that all their surplus and all their accumulations and all their profits, no matter whether necessary to the movement of traffic or not, have been taken over, and that we are awarding compensation to the corporations for all they have rather than for the instrumentalities of commerce in the way of transportation and service.

Mr. SMITH of South Carolina. I am sure the Senator has had presented to him tables showing the actual amount claimed to be invested in the physical property or in the operating property as contradistinguished from certain investments in nonoperating property, but the determination perhaps may be important before the conclusion of the consideration of this bill.

Mr. SIMMONS. If the Senator from South Carolina will permit me to interrupt him, the nine hundred million and odd dollars which the Senator spoke of a moment ago represented the net earnings of these railroads. Does that include the earnings from the nonoperating property to which he refers?

Mr. SMITH of South Carolina. No.

Mr. SIMMONS. It only includes the earnings of railroads proper, the physically operated railroad?

Mr. SMITH of South Carolina. Yes, sir.

Mr. WATSON. In regard to the phase of the subject which the Senator from Iowa [Mr. CUMMINS] has been discussing, the Senator from South Carolina will remember that the question as to whether or not cash in hand had been actually taken over by the proclamation of the President was dealt with by but one witness, as I now recall it, and he was Commissioner Anderson. My recollection is—if I am wrong the chairman will correct me—that his opinion was that cash in hand was not taken over nor were the other nonoperating properties. I recall that the question was asked him, for instance, as to the open ground north of the Senate Office Building, which, I think, belongs to the Baltimore & Ohio Railroad, "In your opinion was that taken over?" He said, "No; it was not." I recall also that it was the opinion of some of the railroad men who were present, as far as they were able to get any information on the subject, that that property was not taken over. But, on the other hand, my recollection is that the Director General has been construing the proclamation as placing in his hands that class of property also; that is, to pay the cash in hand.

Mr. SMITH of South Carolina. I am of opinion that before this debate is concluded I shall have a definite statement from those who are to take charge or who are now charged with the execution and administration of the law as to their construction of the point raised by the Senator from Iowa. What we are now

discussing in the bill, or the point to which I am addressing myself now, is the revenues the road received from operating activities, from which are to be subtracted the expenses incurred in such operation, and then the net is to be the compensation.

It is estimated that the net operating income of the roads in class 1 for the year ending June 30, 1917, was $1,020,800,000. In 1916 the net operating income of these roads was $984,872,959 and in 1915 it was $683,104,833. It will be seen by these figures that in the fiscal year ending June 30, 1917, they had earned approximately $36,000,000 more than in the year 1916 and $337,000,000 more than in 1915, so that the average for the three years, which approximates the compensation that might be paid, is $124,000,000 less than they earned during the fiscal year ending June 30, 1917.

Of course, it is a matter of mere speculation as to whether this increase, as reflected in the fiscal year 1917, would have been maintained, but the increase reflected in the returns of 1916 and 1917 makes it reasonable to suppose that they would have at least maintained the income of 1917. So that a majority of the committee believe that the basis of the proposed agreement was under the circumstances just.

Mr. CUMMINS. Mr. President, the figures which have just been stated by the Senator from South Carolina do not sound familiar to me, and I have given pretty close study to the subject. Unless there has been deducted from the net railway operating income of the year 1917 an estimate of the war taxes which the companies may be compelled to pay, the amount stated by the Senator, I think, is incorrect. I am sure he is in error with regard to the net railway operating income for 1915. I do not ask the Senator to recast his statement, but I could not allow it to stand without a suggestion that, as I understand the figures, they are not the ones that have been just reported by the Senator.

Mr. SMITH of South Carolina. Well, in justification of the quotation made by the Senator from South Carolina, I will state that these were the figures furnished me by the Interstate Commerce Commission as of yesterday. That commission is the final source of information, so far as I am concerned, and I will state also that the figures will be furnished to the Senator.

Provision is made in the bill, of course, to provide for such roads as are taken over as to which no agreement can be reached. That is the point to which the Senator from North Carolina called my attention.

Mr. THOMAS. Mr. President, the Senator from South Carolina is making a most intelligent and interesting exposition of one of the most important bills that ever came before the Senate or which ever will come before the Senate, and yet he is speaking to empty seats. In order, if possible, to induce Senators to remain and listen to this illuminating discussion, I again suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Johnson, S. Dak.	Norris	Smith, S. C.
Borah	Jones, Wash.	Overman	Smoot
Chamberlain	Kellogg	Pittman	Sterling
Culberson	Kenyon	Poindexter	Sutherland
Cummins	King	Pomerene	Thomas
Curtis	Kirby	Robinson	Thompson
Dillingham	Lewis	Saulsbury	Tillman
Fernald	Lodge	Shafroth	Trammell
France	McCumber	Sheppard	Underwood
Gallinger	McKellar	Shields	Vardaman
Gore	McNary	Simmons	Warren
Henderson	Myers	Smith, Ga.	Watson
James	New	Smith, Mich.	Wolcott

Mr. CURTIS. Mr. President, I desire to announce the absence of the Senator from New Mexico [Mr. JONES], the Senator from Arizona [Mr. ASHURST], the Senator from North Dakota [Mr. GRONNA], and the Senator from Idaho [Mr. NUGENT] on official business.

Mr. CUMMINS. I desire to say in behalf of the Senator from Wisconsin [Mr. LA FOLLETTE] that he is detained at home on account of illness in his family.

Mr. VARDAMAN. I desire to announce the absence of the Senator from Louisiana [Mr. RANSDELL], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. HARDING], and the Senator from California [Mr. JOHNSON] in attendance on the Committee on Commerce.

Mr. MYERS. My colleague [Mr. WALSH] is still detained from attendance upon the floor of the Senate by the state of his health.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on account of illness.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, there is a quorum present.

Mr. SMITH of South Carolina. Mr. President——

Mr. WATSON. Mr. President, before the Senator from South Carolina proceeds, will he allow me to interrupt him for a question?

Mr. SMITH of South Carolina. Certainly.

Mr. WATSON. I should like to ask whether or not, in the figures which the Senator gave, he was stating the aggregate for class 1 or for classes 1, 2, and 3?

Mr. SMITH of South Carolina. I was stating the aggregate in the one set of figures for all the roads, of course, but in the last figures of those roads which are reporting to the Interstate Commerce Commission there were included classes 1, 2, and 3.

Mr. WATSON. Well, does the Senator desire to modify those figures or to stand on them?

Mr. SMITH of South Carolina. I shall stand on them, subject to such modifications as further investigation may justify; in other words, the Senator from South Carolina desires to be thoroughly accurate in his statement of those figures; and if, upon examination, he finds that they should be modified to any appreciable extent, or to any extent, he will call attention to the matter.

To resume. Provision is made in the bill, of course, to provide for such roads as are taken over as to which no agreement can be reached. Section 2—and I will read section 2 in this connection, because it is directly connected with section 1 in forming a basis of agreement between the Government and the roads outside of the courts—provides:

> That if no such agreement is made, the President may nevertheless pay to any carrier while under Federal control an annual amount, payable in reasonable installments, not exceeding 90 per cent of the estimated annual amount of just compensation, remitting such carrier to its legal rights for any balance claimed to the remedies provided in section 3 thereof. Any amount thereafter found due such carrier above the amount paid shall bear interest at the rate of 6 per cent per annum, and any excess amount paid hereunder shall be recoverable by the United States with interest at the same rate.

It is also provided in section 3 "that all claims for just compensation not adjusted as provided in section 1 shall, on the application of the President or of any carrier be submitted to boards" or certain referees, who are empowered to require records, books, and correspondence, documents, and other papers, and after a full hearing of the case the President is authorized, upon the finding of these referees, to enter into an agreement with the carrier for just compensation upon a basis not in excess of that reported by such board, and may include therein provisions similar to those authorized under section 1.

In this section provision is also made for the Court of Claims to settle the amount of just compensation if the parties fail to agree.

The Government obligates itself, in the case of agreement, to keep the roads in practically the same repair as when taken over by the Government. It is provided that this may be done either by the roads out of their own funds or by the Government, as the particular case may require, but that records shall be kept in order that a just and fair settlement may be made and the extent to which the Government has kept its obligations be ascertained.

Provision is also made whereby any betterments and improvements may be taken care of by the roads, and the amount of compensation reckoned thereon, subject to the approval of the President, while such property is under Federal control. But it is provided that there shall be no increase of compensation for any additions, improvements, or betterments constructed out of or purchased by the earnings during the period of Federal control.

This is one of the difficulties that have presented themselves to the committee, and it is perhaps the most fruitful source of contention from some quarters. It is, in effect, that the railroads, out of their surplus, should not be allowed to make a capital investment of that surplus; that the railroads should be restricted in their earnings to a fair and reasonable percentage upon their actual capital investment; that fair and reasonable return to be an amount sufficient to pay the interest on their bonds and dividends on their stock, any amount above that to be denied in the rate making.

That theory might be all right, but in practice it amounts to this: Under our system of Federal control we have attempted to force competition in service by equalizing and rendering uniform, as far as possible, rates within competitive territory. This is absolutely necessary if we are to have competition of any sort. Let me illustrate: Four roads, I will say, run from Washington to New York; they are competing for the traffic; they can not compete in rates, because if preferential rates are given

to one road, then the others might as well go out of business, but the rates being made uniform they all compete for the business in service. It develops that road A gets twice as much traffic under the uniform rates as road B gets, and hence earns twice as much money as road B earns, and road A, therefore, earns a surplus beyond what would be a reasonable dividend and interest on the investment. If we lower the rate to road A in order that it may make a just and reasonable amount on the investment, we have still further increased its power to kill its competitor, because it will carry goods cheaper, while if we raise the rate to help road B we still further increase the surplus of road A. Now, the question arises if road A earns a surplus under conditions that we have created, and from which there seems to be no reasonable escape, shall it or shall it not be allowed to take this surplus which the circumstances have guaranteed and put it back into the property in the form of additions and betterments on which subsequently to charge another tax to the people? I confess that at this stage of my investigation of this question I can not see the difference between the money thus earned under rules and regulations that we have established and which when earned is being invested in further increasing the facilities of the property, and money not earned but borrowed from the bank invested in the property and being charged to it.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. SMITH of South Carolina. I yield.

Mr. KELLOGG. I should like to suggest to the Senator from South Carolina, as to the figures which the Senator gave on which the guaranteed income is based, that they are aggregate, and, I think, are arrived at in this way: The net operating income for 1917 was $1,020,800,000. That includes class 1 railroads, embracing railroads having an operating revenue of more than $1,000,000.

Mr. SMITH of South Carolina. That is correct.

Mr. WATSON. Is that for the calendar year?

Mr. KELLOGG. No; that is for the year ending June 30, 1917. Now, for the year 1916 the operating income was $984,872,959.

Mr. SMITH of South Carolina. Those are exactly the figures I quoted.

Mr. KELLOGG. And for 1915, $683,104,833. The average of those would amount to $896,259,264, but as this did not include all the railways——

Mr. SMITH of South Carolina. That is right.

Mr. KELLOGG. The Interstate Commerce Commission arrived at the total for all railways by applying a percentage to that and made the guaranty on that basis $935,000,000 in round figures.

Mr. SMITH of South Carolina. I made that statement.

Mr. KELLOGG. I did not know the Senator had done so.

Mr. SMITH of South Carolina. Yes; I made that statement, as will appear from the RECORD.

Mr. CUMMINS. Mr. President, I did not understand that the Senator from South Carolina limited his statement to class 1 roads.

Mr. SMITH of South Carolina. I did.

Mr. CUMMINS. I think when the Senator comes to review his remarks he will find that he omitted that qualification.

Mr. SMITH of South Carolina. I took pains, I thought, to call attention to the fact that class 1 roads received as compensation for their service about 96 per cent of the total, and therefore I proceeded upon that assumption, and stated that if all the roads were included the amount would be $935,000,000.

Mr. CUMMINS. The Senator stated in the majority report that it would be $945,000,000.

Mr. SMITH of South Carolina. Yes.

Mr. CUMMINS. And that amount would be increased from ten to fifteen million dollars by the added compensation for the increased investment after the 30th of June, 1917, and prior to the 1st of January, 1918.

Mr. SMITH of South Carolina. Yes. I will call the Senator's attention to the fact that the report was interpreted as facts, when it was really based upon the estimate of all the roads being taken in.

I am very sorry that the discussion on the point to which I have just adverted could not be heard by more of those who will have to vote on this bill, because it is one of the points of contention, and is one that will be perhaps debated more than any other in this bill. Because there was a difference of opinion, there was a provision put in this bill to this effect, as I have said, that there shall be no increase of compensation for any additions, improvements, or betterments constructed out of or purchased by the earnings during the period of Federal control. Of course, that will come up for discussion later. In section 5 it is provided——

Mr. CUMMINS. Will it embarrass or unduly divert the Senator if I ask him a question upon the point that he has just been discussing or stating?

Mr. SMITH of South Carolina. I shall be very glad to have the question asked.

Mr. CUMMINS. I should like those who are here to have it in mind. The Senator from South Carolina has very frankly and clearly stated the difficulty in railway-rate regulation. It is what everybody concedes to be an unsolvable problem in adjusting rates for transportation, namely, that two roads or three roads or four roads being competitive rates that will make one company excessively rich will barely pay the expenses of another. The Interstate Commerce Commission has found it utterly impossible to reduce the rates for the more favored companies to the point that would pay only an adequate return upon the capital because the consequence of doing so would be to destroy another road that must be maintained in order to serve the community through which it passes.

Now, one of the questions that the Senate will have to determine is this: Does this impossibility of adequate regulation on the part of the Interstate Commerce Commission pass over to the lawmaking body when it comes to ascertain the just compensation for the use of the several properties; in other words, must we award to the so-called favored company a compensation that will be vastly in excess of the amount required for adequate return upon the investment for the reasons that compel the Interstate Commerce Commission to do the same thing in rate making? That is one of the vital, cardinal points in this bill; and I interrupted the Senator from South Carolina only to suggest that the obstacles in the way of the Interstate Commerce Commission are not in our way. Those obstacles do not relate to the ascertainment of the values of the property or the value of the use of the property, and we are free to do what is just and fair and right, although the Interstate Commerce Commission in adjusting rates could not limit rates as to some companies so that only adequate compensation for the service would be paid.

I wanted the Senators who are here to understand clearly the point of view from which I look at the subject, and which I intend, before we have finished, to elaborate and emphasize as fully and completely as it is within my power to do.

Mr. SMITH of South Carolina. Mr. President, I do not think the point raised by the Senator, or raised by myself and spoken of by the Senator, is one that we can lightly disregard. I heartily agree with him that the prohibition under which the Interstate Commerce Commssion finds itself acting does not extend to this body. This body created that body and can modify at its will the rules under which its creature operates. But at this time, while we are in the throes of an emergency the like of which we will never see again, I do not think we can attempt to settle a question that pertains to times of peace without defeating the very purpose and object of this bill.

Railroad legislation was bad in times of peace, perhaps. I do not deny that it may have been. I am not committing myself one way or the other, because I have not had time to investigate this vexed and abstruse problem so as to get my bearings thoroughly. But I do maintain that this is not the time for us to undertake to settle problems that we inherit from peace times, which were perhaps bad then, as claimed by the Senator from Iowa, and have projected themselves into this emergency, calling for the most careful, painstaking readjustment, and final solution, for the reason, amongst others, that the personal equation is in this problem. I do not charge that the railroads are not as patriotic as other citizens; but I do state here and now that personal interest will, in spite of ourselves, affect us even in the discharge of the most sublime patriotic service, and if we attempt now to regulate the railroads as it is claimed they should have been regulated before the war period and should remain thus regulated after the war period, while we are debating that question here—necessarily without any reference to the war—it would defeat the purposes of the bill. The question raised by the Senator from Iowa is one of dollars and cents and not of service, in the crucial hour of America's travail. It is a question whether the commercial interests of America have been getting too much or too little service or whether the railroads have been getting too many dollars and cents. We are not discussing that now. We are discussing the service to be rendered by an indispensable element in our commercial life and how we can best get that service.

I am perfectly willing to leave that question for solution to a time when the shadow of impending disaster shall have passed, and then I will join the Senator from Iowa in solving what to my mind is the crux of the whole business—this very question

raised here; but I hope the Senator will understand that those of us of the committee who did not insist upon—who, in fact, opposed—entering into the discussion of that problem now did not do it because of a leaning toward the railroads or an indifference to the American people, the shippers. We did it because we recognized that even if it took $200,000,000 to pour on the machinery of personal interest in order to get the greatest efficiency, we would pour it on in the greater interest of efficiency during times such as these. That is what actuated me, and I believe it is what actuated other members of the committee.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. SMITH of South Carolina. I do.

Mr. KELLOGG. If the Senator will pardon me, I should like to suggest that the point raised by the Senator from Iowa, as I understood it, was that the Interstate Commerce Commission was embarrassed because it could not reduce the rates of some road fortunately situated, earning too much, because if it did a competitor less fortunately situated would not earn enough, but that that condition does not bind the Congress.

It is true that if the Congress could simply appoint a commission or refer each railroad to the court to try through years of litigation and determine as to each road just how much was reasonable as just compensation for the use, that could be done; but that court would never find out how much should be paid until the time of use had passed, and, as I remember, the Senator from Iowa did not offer any amendment that secured that equalization. If he did, I should like to see it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. SMITH of South Carolina. I yield.

Mr. CUMMINS. If the Senator from South Carolina will allow me, I will present my amendment in due time and will discuss it. It is sufficient to say now that, if adopted, it will save the American people about $200,000,000 per year as compared with the compensation proposed in the bill. But I can not allow the impression to go abroad that I desire to bring about a situation in which all these roads must have their damages assessed in a legal tribunal, although the machinery for that is provided in the bill.

I understand and recognize as well as anyone can the desirability of an immediate adjustment; but I do not believe that in order to secure an immediate adjustment it is necessary to authorize the President to make just such agreements as the railroad companies demand. I am not willing to assume that their willingness to do right must be either coerced or bought. I am not willing to assume that they will not go forward and cooperate with the Director General in the operation of these roads so that they will be as efficient as they can be made.

The Director General is operating these roads now. He is not waiting for this bill, and could not wait for it. We are doing nothing more than, first, providing a means for ascertaining what the just compensation is; and, second, authorizing the President to make an offer which may result in a voluntary agreement that will settle the whole matter.

I hope we will authorize the President to make an offer that can be, in justice and good conscience, accepted by the railroads; but, in order to arrive at that standard, we will not find it necessary to settle the great problem to which the Senator from South Carolina refers. All that we will have to do, and that we must do in any event, is to reach a conclusion with regard to a standard that will afford just compensation for the use of these properties.

The Senator from South Carolina and the majority of the committee felt that a standard which was equal to the average net operating income for the last three years would be just. I do not think so. I have proposed another standard that is just as easy to analyze and apply as the standard proposed in the bill as it originally came from the administration. We are compelled to reach a conclusion upon it. We can not postpone it. I think I shall be able to demonstrate, and, I hope, convincingly, to the Senator from South Carolina that the standard which we here adopt will, as applied to at least 86 of the railroads and railroad systems of this country, give them a compensation of nearly $200,000,000 per year more than they ought to have.

We must not forget, if the Senator from South Carolina will permit me, that when we make an arrangement that somebody shall receive money we at the same time make an arrangement by which somebody must pay money; and we have been looking altogether too much toward the satisfaction of those who are to receive the money, and altogether too little to the protection of those who are to pay the money.

I have not, and never have had, the very least doubt about the fidelity of the chairman of the committee. I know that he is just as wholly and thoroughly devoted to the public interest as I could claim to be, and I think that is true of every member of the committee. It is simply a difference of opinion. It will be fought out upon the floor of the Senate. I know that it will be fought out with complete recognition upon the part of every Senator of the integrity and uprightness of all other Senators. Let us make this, anyhow, an example of a debate in which there can be expressed difference of opinion without the least imputation concerning the motives of anybody who may be involved in the debate. I know that is the view of the Senator from South Carolina, and I intend to help him in every way I know how to preserve that atmosphere in this debate.

Mr. SMITH of South Carolina. I heartily concur in that.

In section 5 it is provided that without the prior approval of the President no roads under Federal control shall pay any dividend in excess of the regular rate of dividends during the year ending June 30, 1917. This was approved by the committee because of the possibility of serious market disturbances that might result from any abnormal increase of dividends on certain securities by railroads while under Federal control. They may have in hand a large surplus which they have under private control set aside for certain purposes that might not be needful while under Federal control, and in paying extraordinary dividends they might create a disturbance that at this time might be hurtful.

In section 6 a revolving fund of $500,000,000 is provided for to meet any expenses that the Government might deem necessary in carrying out to the fullest extent the purposes of Federal control.

And this $500,000,000 revolving fund might be added to by any one railway operating income in excess of the standard return.

The railroads under section 7 are authorized, with the approval of the President for purposes of reorganization in receivership or for meeting maturing obligations, and for other legal purposes, to issue such bonds, notes, equipment trust certificates, and other forms of securities as may be deemed consistent with public interest.

And the President is further authorized to purchase "all or any part of such securities at a price not exceeding par, and may sell such securities, whenever in his judgment it is desirable, at prices not less than the cost thereof." This is done in order to contribute to the stabilizing of the market and to avoid the dangers incident to such securities being allowed to be manipulated entirely by corporations or individuals during this period of necessary monopolization of financing by the Government.

Now, Mr. President, we come to the next question which, perhaps, gave the committee the greatest difficulty—the rate-making question. The trend of all regulation under the commission in reference to rates was to stabilize them, to make certain, as nearly as may be, rates and classifications and to eliminate the dangers of fluctuation. The whole rate structure as now obtains is so intimately interwoven with the commercial life of the country that a radical disturbance might result in disaster. It might create such confusion and embarrassment as a consequence as to jeopardize, if not destroy, the purposes of this bill. This has reference, of course, to the conditions in which we now find ourselves, the emergency that is now upon us.

It may be that the system and machinery of rate making is altogether wrong, that tares are in the wheat. The question is, Is this the time to eliminate them?

It is of course true that to avoid congestion or to remedy congestion, to mobilize and move the freight and traffic of this country expeditiously and satisfactorily it will become necessary to establish new routings and new rates. It may also become necessary to care for unforeseen increases and expenses to increase the revenue of the carriers by an increase of rates.

The difficulty presented therefore to the committee was that of the two conflicting principles—one to maintain as far as possible the stability of rates, the other to grant the power to change rates to meet the changed conditions incident to the emergency now on us. Therefore a compromise was reached as embodied in this bill, to the effect that the rules, regulations, classifications, and rates as now obtain in the tariffs filed with the Interstate Commerce Commission shall continue, except where the Director General deems it in the interests of the public and for the carrying out of the purposes of this war-emergency act, to initiate new rates and new routings to meet that condition. And in the event of a new rate and a new routing being initiated, upon complaint the Interstate Commerce Commission is still vested with the power to review the rates as heretofore and make their findings and orders as heretofore.

In other words, the progressive stages of the legislation regarding rate regulation had in the interest of rate stability

purchased by the earnings during the period of Federal control. My mind is the crux of the whole business. [illegible]

gradually taken away from the carriers in practical effect the power to initiate rates except upon the prior approval of the commission. That power is now restored to the Director General, subject, however, to the review of the Interstate Commerce Commission.

The bill provides—and to this I invite the attention of the Senators, and particularly the attention of the Senator from Iowa—that a railroad or railroads, system or systems, or any part thereof, may be rejected or released from Federal control prior to July 1, 1918, and it is probable that quite a per cent of the railroads will not be taken under Federal control. Some difficulty may arise as to the adjustment of the two rate-making forces that will then exist. The Interstate Commerce Commission will have jurisdiction, as now, over such roads as are not taken over, governed by the regulating statutes now existing, while a radical modification will be in existence in reference to the Government-controlled roads.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. SMITH of South Carolina. I do.

Mr. CUMMINS. I am very glad the Senator from South Carolina emphasized the point he has just made. He will remember, of course, that I was one of the members of the committee who did not accept the amendment which now appears in the bill; and the thought just suggested by the Senator was one of the reasons which compelled me to dissent from it.

I offered an amendment, out of which probably the compromise grew, which provided—and I shall offer it again on the floor of the Senate—that as to rates for general commerce, not rates for Government troops or Government property, the President should have no other power than is now exercised by the carriers. If that amendment had been adopted—as I hope it will be adopted when it comes to the Senate—the difficulty pointed out just now by the Senator from South Carolina would disappear, and we would not have two tribunals making rates for the transportation of property in general commerce.

Mr. SMITH of South Carolina. Mr. President, the reason why I called the Senator's attention to it was that this difficulty occurred to me in my investigations of this matter while I was preparing myself for the effort that I am now making. I was desirous that the Senate should know the problems sought to be solved in the bill; upon the Senate in part rests the responsibility of its ultimate solution. I shall not comment on this. I am calling attention to the fact that if, as now seems to be probable, a considerable per cent of the roads are left outside of Government control, they will, ipso facto, be under the jurisdiction of the Interstate Commerce Commission, while the balance of the roads, with which they cooperate and exchange freight and move and do the commerce of the country, will be under another jurisdiction.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Colorado?

Mr. SMITH of South Carolina. I yield.

Mr. THOMAS. It would seem that the simpler solution of that problem would be to provide in this bill that all the lines of transportation should be taken over and operated under one system by the Government.

Mr. SMITH of South Carolina. The alternative whether all shall be operated by the Interstate Commerce Commission or whether they shall all be operated by the Government is the question, it seems to me, that will appeal to the intelligence of this body.

Mr. CUMMINS. Mr. President, I want to say in that regard that I offered in the committee, and I have now presented to lie on the table of the Senate, an amendment which provides that there can be no competition between the Government and privately owned railroads. In other words, it provides——

Mr. THOMAS. Mr. President, I suppose the Senator means that there should be no competition. Of course there can not be, as a matter of fact.

Mr. CUMMINS. Well, I meant that there should be none, rather than that there could be none. It provides that as to any independent line—that is, a line not owned or operated or controlled by another line—if its trunk-line competitor is, or its trunk-line competitors are, taken over and operated by the Government, then this line shall also be taken over and operated by the Government and shall be entitled to all the benefits of the provisions of this bill. There is no other way of even approaching justice, in my judgment.

Mr. THOMAS. I think the Senator is right.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. SMITH of South Carolina. I yield.

Mr. POMERENE. I have a very distinct recollection of the amendment to which the Senator from Iowa has referred, and one of the very great difficulties that I had in passing upon it was to determine when the one road was in competition with the other. I should like to have the Senator advise the Senate, if he can, how many roads would be taken under that plan which would not be taken under the present bill, or how many would be left out.

Mr. CUMMINS. Mr. President——

Mr. SMITH of South Carolina. If the Senator will pardon me, I have only a few minutes more.

Mr. CUMMINS. Allow me to answer that question for a moment, because the Senator from Ohio has asked it as though it were difficult to answer. It is not.

Mr. POMERENE. I shall be very glad to hear the explanation.

Mr. CUMMINS. It is very, very easy to determine whether one railroad competes with another or with others for business. That is a question of fact which mere observation always settles. The other question which the Senator proposes, and which I suppose was not really directed to me, is, How do we know what roads have been taken over and what roads have not been? I can not answer that question. Because nobody knows what roads have been taken over. That is one of the difficulties about this whole thing up to the present time. There has not been a definite notice given to any railroad company in the United States that it has been taken over and its operation assumed by the Government. There have been general notices given to all the railroads, which, however, the Director General—and I can easily see how he reached that conclusion—declared were sent out as matters of form and were not intended to fix the attitude of the Government toward the properties owned by the companies to which the notices were sent.

Mr. POMERENE rose.

Mr. SMITH of South Carolina. I shall have to insist upon proceeding. I have only a few more remarks to make. However, I would like before leaving the point that is now at issue to call attention to the conclusion that seems to have been reached by some of the Senators, which is that it has had to throw the Government in entire control in the rate-fixing field with the commission. I should like to throw out this suggestion without comment for the Senators to be thinking upon pending such time as the final decision on that point. You must also take into consideration the purpose for which this bill was drafted. It is to keep the confidence of the shipping public in the stability of their rates as nearly untouched as may be. You and I can theorize, but you know and I know that there is no more terrific influence which can be brought to bear upon the machinery of commerce or finance than uncertainty as to the methods under which they are to do business, and as long as that is subject to violent fluctuation and uncertainty you are likely to paralyze the very sinews upon which this war is to be determined.

A majority of the committee agreed that the period at which Federal control should terminate should be 18 months after the declaration of peace.

This length of time was given because if between the cessation of hostilities and the termination of the 18-month period conditions should be obvious that demanded treatment, a sufficient time should be provided to meet the conditions thus arising.

Railroad operations during the war have made radical changes imperative to meet the emergency. Everything, every force and energy of the American people, should be held in readiness for the service of the Government in protecting itself and in maintaining its institutions.

Every necessary grant of power should be given to accomplish this purpose, and the powers thus granted should be used with all the wisdom and care that the executors and administrators of these powers can command. They should exercise these powers with the same care, hesitancy, and scrutiny with which we grant them, because the fate of the American people in the wise execution of these powers is precedent to the extension of still further powers.

The Nation is willing to sacrifice and is sacrificing whatever it is called upon to sacrifice for the supreme purpose in view; but it must be borne in mind that the sacrifices now made are for the successful prosecution of the war. When success shall come, as it will come, the problem of readjustment, of gathering up the lines that have fallen during this period of conflict, the prosecution of business upon the return of peace can not determined until that time. We are now meeting the abnormal conditions growing out of the war, and meeting them with principles radically opposed to the principles invoked and operated during times of peace.

Democracy is making the supremest sacrificate that can be made, temporary suspension of certain precious principles, in order that she may perpetually preserve those principles for her progress and development in times of peace.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. THOMAS. If there is no further important business before the Senate I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 12, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 11, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Washington, D. C., offered the following prayer:

Heavenly Father, new every morning is the love our wakening and uprising prove. Be with us in our conscious thought throughout the day. And renew within us our homage to Thee, our interest in our work, our fidelity to duty, our fealty to honor, and our loyalty to our country. As disciples of Jesus the Redeemer we ask these things. Amen.

The Journal of the proceedings of Saturday, February 9, and Sunday, February 10, was read and approved.

EXTENSION OF REMARKS.

Mr. SLEMP. Mr. Speaker, I ask unanimous consent to insert in the RECORD an article by Vernon C. Barker, entitled "The Criminal *v.* International Law."

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks by printing an article entitled "The Criminal *v.* International Law." Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. REAVIS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. REAVIS. To ask unanimous consent, Mr. Speaker, to extend my remarks by inserting in the RECORD a newspaper article written by the gentleman from Indiana [Mr. BLAND] concerning the trip to the Hawaiian Islands of the congressional party recently made.

The SPEAKER. The gentleman from Nebraska [Mr. REAVIS] asks unanimous consent to extend his remarks in the RECORD by printing an article written by the gentleman from Indiana [Mr. BLAND] on his observations in the Hawaiian Islands. Is there objection? [After a pause.] The Chair hears none.

JOINT MEETING OF THE TWO HOUSES.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 35.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 11th day of February, 1918, at 12 o'clock and 30 minutes in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. To reserve the right to object. I desire to ask the gentleman from North Carolina if he thinks so important a resolution as this should be considered with so few Members of the House here?

Mr. KITCHIN. Well, I rather think this could be considered and after that the gentleman could have a roll call if he desires.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

Mr. BARNHART. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Indiana makes the point of order that there is no quorum present. The Chair will count.

Mr. BARNHART. Mr. Speaker, I withdraw the point of order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 35.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Monday, the 11th day of February, 1918, at 12 o'clock and 30 minutes in the afternoon for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 128. Joint resolution granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917.

HOUSING FOR SHIPYARD EMPLOYEES.

The SPEAKER. The gentleman withdraws the point of order. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of Senate bill 3389.

Mr. ALEXANDER. Mr. Speaker, as I understand from the statement of the Chair, the House will go into the Committee of the Whole House on the state of the Union automatically on this bill?

The SPEAKER. The Chair made a mistake. The bill is to be considered in the House as in Committee of the Whole House on the state of the Union.

Mr. ALEXANDER. I do not understand——

Mr. GILLETT. Under what rule is it to be considered in the House?

The SPEAKER. Why, the ordinary rule. The Chair has got the thing wrong the second time. This bill is to be considered in the Committee of the Whole House on the state of the Union under the five-minute rule.

Mr. ALEXANDER. Mr. Speaker, the agreement, I think, was to this effect, that the bill be made a special order following the Diplomatic and Consular appropriation bill and that the House amendment by way of a substitute to the Senate bill should be considered as an original bill. There is only one section in the bill, and it was further agreed that it should be considered by paragraphs under the five-minute rule. I suppose it is in order to move to go into the Committee of the Whole House on the state of the Union for the consideration of this bill (S. 3389).

Mr. MADDEN. Mr. Speaker, I would like to ask the gentleman from Missouri a question, or rather to make a statement. While it was agreed that the bill should be considered under the five-minute rule that did not preclude the right of general debate on the bill.

The SPEAKER. That is exactly what the Chair would hold if he were presiding over the Committee of the Whole House on the state of the Union.

Mr. GILLETT. May I ask the gentleman a question?

The SPEAKER. The Chair will read the order:

On motion of Mr. ALEXANDER, by unanimous consent,

Ordered, That consideration of the bill S. 3389 shall be in order immediately after the final disposition of the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service, etc.; that the House substitute for said Senate bill (S. 3389) shall be considered in lieu thereof, as an original bill, and that said substitute shall be considered in the Committee of the Whole House on the state of the Union under the five-minute rule and read by paragraphs for amendments.

Mr. GILLETT. May I ask the gentleman from Missouri—the gentleman did not intend by that to cut off all general debate?

Mr. ALEXANDER. No; and before going into the Committee of the Whole House on the state of the Union I was going to ask unanimous consent that general debate in the Committee of the Whole House on the state of the Union may be confined to two hours, the debate to be upon the merits of the bill, half of the time to be controlled by myself and the other half by the ranking minority member, the gentleman from Massachusetts [Mr. GREENE].

Mr. GREENE of Massachusetts. Mr. Speaker, I have had a number of requests for time on the bill, and it was thought by those who have talked to me about it that they would like to have at least two hours of general debate.

Mr. GILLETT. Mr. Speaker, I think there would be no disposition not to agree that the debate be confined to the bill. I expect we would agree to that, but I think the gentleman would admit that on an important bill of this kind there ought to be a liberal amount of general debate if it was confined to the bill.

Mr. KITCHIN. If we are to have liberal debate under the five-minute rule, could we not compromise on an hour and a half on a side?

Mr. GILLETT. The gentleman says that the members of the gentleman's own committee want about two hours for general debate.

Mr. GREENE of Massachusetts. On my side of the House.

Mr. ALEXANDER. Mr. Speaker, I would like to conclude the consideration of the bill and pass it to-day, if possible, on account of the emergency; and I would be very glad if we could confine the general debate to an hour and a half on a side and have liberal debate under the five-minute rule.

Mr. GREENE of Massachusetts. I will agree to that. We want to get the bill through.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the debate in the Committee on the Whole House on the state of the Union be limited to an hour and a half and the debate confined to the merits of the bill, one half of the time to be controlled by the gentleman from Massachusetts [Mr. GREENE] and the other half by myself.

The SPEAKER. Is the gentleman asking for an hour and a half altogether?

Mr. ALEXANDER. An hour and a half on a side—three hours altogether.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that the general debate on this bill be limited to three hours, of which he will control an hour and a half and the gentleman from Massachusetts [Mr. GREENE] an hour and a half. Is there objection? [After a pause.] The Chair hears none. The House resolves itself into the Committee of the Whole House on the state of the Union for the——

Mr. MASON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MASON. I understood the gentleman to ask unanimous consent that the debate was to be limited to the merits of the bill.

The SPEAKER. Yes.

Mr. MASON. I did not so understand the Speaker. If so, I desire to object.

The SPEAKER. To what does the gentleman desire to object?

Mr. MASON. If the unanimous consent goes to the point of discussion as to the merits of this bill?

The SPEAKER. The unanimous-consent request was for three hours of general debate, an hour and a half to be controlled by the gentleman from Missouri and an hour and a half by the gentleman from Massachusetts [Mr. GREENE], and that debate be limited to the bill. Is there objection?

Mr. MASON. I object.

Mr. ALEXANDER. I think that the gentleman from Illinois can understand the imperative need of passing this bill as soon as possible.

Mr. MASON. I quite agree with you.

The SPEAKER. It is not debatable.

Mr. ALEXANDER. Mr. Speaker, I move that the general debate on this bill be limited to three hours.

Mr. WALSH. Mr. Speaker, a point of order.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I make the point of order that the motion is not in order. You can not do that by a motion.

The SPEAKER. Was the gentleman making a motion?

Mr. WALSH. Yes. He was attempting to do so.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] will take the chair.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The Chair will state that the House is now automatically in the Committee of the Whole House on the state of the Union pursuant to the unanimous-consent order. The gentleman from Missouri [Mr. ALEXANDER] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Chairman, it is now about 20 minutes after 12 o'clock, and in a very few minutes the President of the United States is expected to be here to address the House, and it will not be possible now in presenting this bill to have that attention which the importance of the subject demands.

Mr. KITCHIN. How much appropriation does the bill carry?

Mr. ALEXANDER. The bill carries an authorization of $50,000,000, to be expended in providing housing facilities at the shipyards of the United States at which ships are being built for the Government now.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. I have one question to ask. I wanted to know if he intended to press this bill in the excitement that is now on?

Mr. ALEXANDER. Oh, no. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 3389 and had come to no resolution thereon.

RECESS.

Mr. KITCHIN. Mr. Speaker, I move that the House stand in recess until 12.25 o'clock.

The motion was agreed to.

Accordingly (at 12 o'clock and 20 minutes p. m.) the House stood in recess until 12.25 p. m.

JOINT MEETING OF THE SENATE AND HOUSE.

At 12 o'clock and 26 minutes p. m. the Doorkeeper, J. J. Sinnott, announced the President pro tempore [Mr. SAULSBURY] and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the President pro tempore, and by their Secretary and Sergeant at Arms, entered the Chamber.

The President pro tempore took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

The SPEAKER. The Chair appoints on behalf of the House the following committee: Mr. KITCHIN, Mr. SHERLEY, Mr. WEBB, Mr. DIXON, Mr. MANN, Mr. GILLETT, and Mr. CANNON.

The PRESIDENT pro tempore of the Senate. The Chair on behalf of the Senate appoints Senators MARTIN, SIMMONS, ROBINSON, OVERMAN, GALLINGER, LODGE, and NELSON.

At 12 o'clock and 30 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk, amid prolonged applause.

The SPEAKER. Gentlemen of the Sixty-fifth Congress, I present the President of the United States. [Applause.]

ADDRESS OF THE PRESIDENT.

The PRESIDENT. Gentlemen of the Congress, on the eighth of January I had the honor of addressing you on the objects of the war as our people conceive them. The Prime Minister of Great Britain had spoken in similar terms on the fifth of January. To these addresses the German Chancellor replied on the twenty-fourth and Count Czernin, for Austria, on the same day. It is gratifying to have our desire so promptly realized that all exchanges of view on this great matter should be made in the hearing of all the world.

Count Czernin's reply, which is directed chiefly to my own address of the eighth of January, is uttered in a very friendly tone. He finds in my statement a sufficiently encouraging approach to the views of his own Government to justify him in believing that it furnishes a basis for a more detailed discussion of purposes by the two Governments. He is represented to have intimated that the views he was expressing had been communicated to me beforehand and that I was aware of them at the time he was uttering them; but in this I am sure he was misunderstood. I had received no intimation of what he intended to say. There was, of course, no reason why he should communicate privately with me. I am quite content to be one of his public audience.

Count von Hertling's reply is, I must say, very vague and very confusing. It is full of equivocal phrases and lends it is not clear where. But it is certainly in a very different tone from that of Count Czernin, and apparently of an opposite purpose. It confirms, I am sorry to say, rather than removes, the unfortunate impression made by what we had learned of the conferences at Brest-Litovsk. His discussion and acceptance of our general principles lead him to no practical conclusions. He refuses to apply them to the substantive items which must constitute the body of any final settlement. He is jealous of international action and of international counsel. He

accepts, he says, the principle of public diplomacy, but he appears to insist that it be confined, at any rate in this case, to generalities and that the several particular questions of territory and sovereignty, the several questions upon whose settlement must depend the acceptance of peace by the twenty-three states now engaged in the war, must be discussed and settled, not in general counsel, but severally by the nations most immediately concerned by interest or neighborhood. He agrees that the seas should be free, but looks askance at any limitation to that freedom by international action in the interest of the common order. He would without reserve be glad to see economic barriers removed between nation and nation, for that could in no way impede the ambitions of the military party with whom he seems constrained to keep on terms. Neither does he raise objection to a limitation of armaments. That matter will be settled of itself, he thinks, by the economic conditions which must follow the war. But the German colonies, he demands, must be returned without debate. He will discuss with no one but the representatives of Russia what disposition shall be made of the peoples and the lands of the Baltic provinces; with no one but the Government of France the "conditions" under which French territory shall be evacuated; and only with Austria what shall be done with Poland. In the determination of all questions affecting the Balkan states he defers, as I understand him, to Austria and Turkey; and with regard to the agreements to be entered into concerning the non-Turkish peoples of the present Ottoman Empire, to the Turkish authorities themselves. After a settlement all around, effected in this fashion, by individual barter and concession, he would have no objection, if I correctly interpret his statement, to a league of nations which would undertake to hold the new balance of power steady against external disturbance.

It must be evident to everyone who understands what this war has wrought in the opinion and temper of the world that no general peace, no peace worth the infinite sacrifices of these years of tragic suffering, can possibly be arrived at in any such fashion. [Applause.] The method the German Chancellor proposes is the method of the Congress of Vienna. We cannot and will not return to that. What is at stake now is the peace of the world. What we are striving for is a new international order based upon broad and universal principles of right and justice,—no mere peace of shreds and patches. Is it possible that Count von Hertling does not see that, does not grasp it, is in fact living in his thought in a world dead and gone? Has he utterly forgotten the Reichstag Resolutions of the nineteenth of July, or does he deliberately ignore them? They spoke of the conditions of a general peace, not of national aggrandizement or of arrangements between state and state. The peace of the world depends upon the just settlement of each of the several problems to which I adverted in my recent address to the Congress. I, of course, do not mean that the peace of the world depends upon the acceptance of any particular set of suggestions as to the way in which those problems are to be dealt with. I mean only that those problems each and all affect the whole world; that unless they are dealt with in a spirit of unselfish and unbiased justice, with a view to the wishes, the natural connections, the racial aspirations, the security, and the peace of mind of the peoples involved, no permanent peace will have been attained. They cannot be discussed separately or in corners. None of them constitutes a private or separate interest from which the opinion of the world may be shut out. Whatever affects the peace affects mankind, and nothing settled by military force, if settled wrong, is settled at all. [Applause.] It will presently have to be reopened.

Is Count von Hertling not aware that he is speaking in the court of mankind, that all the awakened nations of the world now sit in judgment on what every public man, of whatever nation, may say on the issues of a conflict which has spread to every region of the world? The Reichstag Resolutions of July themselves frankly accepted the decisions of that court. There shall be no annexations, no contributions, no punitive damages. Peoples are not to be handed about from one sovereignty to another by an international conference or an understanding between rivals and antagonists. National aspirations must be respected; peoples may now be dominated and governed only by their own consent. "Self-determination" is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril. We can not have general peace for the asking, or by the mere arrangements of a peace conference. It cannot be pieced together out of individual understandings between powerful states. All the parties to this war must join in the settlement of every issue anywhere involved in it [applause]; because what we are seeking is a peace that we can all unite to guarantee and maintain and every item of it must be submitted to the common judgment whether it be right and fair, an act of justice, rather than a bargain between sovereigns.

The United States has no desire to interfere in European affairs or to act as arbiter in European territorial disputes. She would disdain to take advantage of any internal weakness or disorder to impose her own will upon another people. She is quite ready to be shown that the settlements she has suggested are not the best or the most enduring. They are only her own provisional sketch of principles and of the way in which they should be applied. But she entered this war because she was made a partner, whether she would or not, in the sufferings and indignities inflicted by the military masters of Germany, against the peace and security of mankind; and the conditions of peace will touch her as nearly as they will touch any other nation to which is entrusted a leading part in the maintenance of civilization. She can not see her way to peace until the causes of this war are removed, its renewal rendered as nearly as may be impossible.

This war had its roots in the disregard of the rights of small nations and of nationalities which lacked the union and the force to make good their claim to determine their own allegiances and their own forms of political life. Covenants must now be entered into which will render such things impossible for the future; and those covenants must be backed by the united force of all the nations that love justice and are willing to maintain it at any cost. [Applause.] If territorial settlements and the political relations of great populations which have not the organized power to resist are to be determined by the contracts of the powerful governments which consider themselves most directly affected, as Count von Hertling proposes, why may not economic questions also? It has come about in the altered world in which we now find ourselves that justice and the rights of peoples affect the whole field of international dealing as much as access to raw materials and fair and equal conditions of trade. Count von Hertling wants the essential bases of commercial and industrial life to be safeguarded by common agreement and guarantee, but he can not expect that to be conceded him if the other matters to be determined by the articles of peace are not handled in the same way as items in the final accounting. He cannot ask the benefit of common agreement in the one field without according it in the other. I take it for granted that he sees that separate and selfish compacts with regard to trade and the essential materials of manufacture would afford no foundation for peace. Neither, he may rest assured, will separate and selfish compacts with regard to provinces and peoples.

Count Czernin seems to see the fundamental elements of peace with clear eyes and does not seek to obscure them. He sees that an independent Poland, made up of all the indisputably Polish peoples who lie contiguous to one another, is a matter of European concern and must of course be conceded; that Belgium must be evacuated and restored, no matter what sacrifices and concessions that may involve; and that national aspirations must be satisfied, even within his own Empire, in the common interest of Europe and mankind. If he is silent about questions which touch the interest and purpose of his allies more nearly than they touch those of Austria only, it must of course be because he feels constrained, I suppose, to defer to Germany and Turkey in the circumstances. Seeing and conceding, as he does, the essential principles involved and the necessity of candidly applying them, he naturally feels that Austria can respond to the purpose of peace as expressed by the United States with less embarrassment than could Germany. He would probably have gone much farther had it not been for the embarrassments of Austria's alliances and of her dependence upon Germany.

After all, the test of whether it is possible for either Government to go any further in this comparison of views is simple and obvious. The principles to be applied are these:

First, that each part of the final settlement must be based upon the essential justice of that particular case and upon such adjustments as are most likely to bring a peace that will be permanent;

Second, that peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game [applause], even the great game, now forever discredited, of the balance of power; but that

Third, every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims amongst rival states; and

Fourth, that all well defined national aspirations shall be accorded the utmost satisfaction that can be accorded them

without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe and consequently of the world.

A general peace erected upon such foundations can be discussed. Until such a peace can be secured we have no choice but to go on. [Applause.] So far as we can judge, these principles that we regarded as fundamental are already everywhere accepted as imperative except among the spokesmen of the military and annexationist party in Germany. If they have anywhere else been rejected, the objectors have not been sufficiently numerous or influential to make their voices recently audible. The tragical circumstance is that this one party in Germany is apparently willing and able to send millions of men to their death to prevent what all the world now sees to be just. [Applause.]

I would not be a true spokesman of the people of the United States if I did not say once more that we entered this war upon no small occasion, and that we can never turn back from a course chosen upon principle. [Applause.] Our resources are in part mobilized now, and we shall not pause until they are mobilized in their entirety. [Applause.] Our armies are rapidly going to the fighting front, and will go more and more rapidly. Our whole strength will be put into this war of emancipation—emancipation from the threat and attempted mastery of selfish groups of autocratic rulers—whatever the difficulties and present partial delays. We are indomitable in our power of independent action and can in no circumstances consent to live in a world governed by intrigue and force. [Applause.] We believe that our own desire for a new international order under which reason and justice and the common interests of mankind shall prevail is the desire of enlightened men everywhere. Without that new order the world will be without peace and human life will lack tolerable conditions of existence and development. Having set our hand to the task of achieving it, we shall not turn back.

I hope that it is not necessary for me to add that no word of what I have said is intended as a threat. That is not the temper of our people. I have spoken thus only that the whole world may know the true spirit of America—that men everywhere may know that our passion for justice and for self-government is no mere passion of words but a passion which, once set in action, must be satisfied. [Applause.] The power of the United States is a menace to no nation or people. It will never be used in aggression or for the aggrandizement of any selfish interest of our own. It springs out of freedom and is for the service of freedom. [Prolonged applause.]

At 12 o'clock and 40 minutes p. m. the President retired from the Hall of the House.

At 12 o'clock and 46 minutes p. m. the Speaker announced that the joint session had dissolved.

Thereupon the President pro tempore and Members of the Senate returned to their Chamber.

HOUSING FOR EMPLOYEES OF SHIPYARDS.

Mr. ALEXANDER. Mr. Speaker, I renew my request for unanimous consent that the general debate on this bill be limited to three hours, to be confined to the subject matter of the bill, one half to be controlled by myself and the other half by the gentleman from Massachusetts [Mr. GREENE].

The SPEAKER. The gentleman from Missouri renews his request for unanimous consent that the general debate on this bill be limited to three hours, one half to be controlled by himself and the other half by the gentleman from Massachusetts [Mr. GREENE], and that the debate be confined to the subject matter of the bill. Is there objection?

There was no objection.

The SPEAKER. The House automatically resolves itself into——

Mr. STAFFORD. Mr. Speaker, a question of order. How can the House automatically resolve itself?

The SPEAKER. Because of the rule, under a previous order of the House, printed on the first page of the Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Virginia [Mr. SAUNDERS] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, and otherwise acquire improved or unimproved lands, houses, buildings, and for other purposes, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 3389, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] is recognized.

Mr. ALEXANDER. Mr. Chairman, it is not my purpose to detain the committee long in the discussion of the provisions of this bill. This is a Senate bill that was referred to the Committee on the Merchant Marine and Fisheries on the 21st day of January. It has been given quite careful consideration by the committee, and was reported back to the House on the 4th day of February.

After considering the provisions of the Senate bill, various amendments were suggested in committee, and it was thought best to report to the House an amendment by way of a substitute for the Senate bill. A careful reading of the provisions of the Senate bill and a comparison with the provisions of the House substitute will disclose, I think, that there is no fundamental difference between the Senate bill and the House substitute.

In the House substitute we undertake to express more clearly and comprehensively the powers intended to be conferred by the Senate bill. Under the provisions of the shipping act the Shipping Board is given power to build ships. What are the implied powers of the Shipping Board under the express power conferred to build ships it is not necessary to speculate. The United States Shipping Board Emergency Fleet Corporation, in undertaking to carry out and exercise the powers conferred by the law, finds it necessary to provide houses for the workmen in our shipyards and we wish to remove every doubt as regards their power to do so. Just how the work may be done, whether the Government in the first instance shall buy the land, erect the houses, and rent them to the employees, or loan money to persons, firms, or corporations for that purpose, is a question the committee did not undertake to deal with, for the reason that the problems in the different shipyards are different; the local conditions are different, and the policy that might be best if applied to one shipyard might not be wise if applied to another.

You will note in subdivision (d) that we give the Emergency Fleet Corporation the power to loan money to persons, firms, and corporations, to be utilized in providing housing facilities for workmen engaged in building ships for the Emergency Fleet Corporation.

The committee discussed the question whether or not it would be practicable to place limitations on that power in the bill. Obviously it would be desirable if practicable. Representatives of the Emergency Fleet Corporation came before the committee and outlined their plans, which are quite comprehensive and businesslike, and if carried out I am quite sure will safeguard the interests of the Government so far as it is possible to do so.

We should not overlook the fact, however, that this is an emergency proposition; that these houses must be built as speedily as possible; that in some localities after the war the shipbuilding industry may not be as flourishing as it is now, the demand for houses may not be as great as now, and a loss will result to the Government. The Emergency Fleet Corporation does not know of any way to safeguard the Government against that possible loss. What we are interested in primarily is that this money shall be spent where the need is greatest and that it shall be economically spent; that waste will not occur in the expenditures for housing as it has occurred already in some shipyards, if not all of them, in other activities.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. Will it disturb the gentleman if I interrupt him now?

Mr. ALEXANDER. I yield.

Mr. MOORE of Pennsylvania. Has the committee given consideration to the advisability of providing in the law somewhere that contracts shall be awarded after advertising in the usual lawful way?

Mr. ALEXANDER. No; the committee has not, because the committee does not regard it as practicable to do so in view of the emergency and the uncertainties in the labor and material markets.

Mr. MOORE of Pennsylvania. I will say to the gentleman that some discussion has arisen, we might say advanced almost to the point of scandal, with regard to the awarding of contracts carrying a percentage plus commission, instead of having contracts awarded according to law, after advertisement. That

seems to have been an impediment in the way of the present Shipping Board's operations.

Mr. ALEXANDER. That is the most desirable plan, if it did not involve any delay. But these scandals, I will say, which have developed recently in connection with operations in certain shipyards, and especially Hog Island, can not be prevented unless the Emergency Fleet Corporation has direct and complete supervision and control over the expenditure of money, and I think that is what we all desire.

Now, if the gentleman will pardon me I will proceed. This bill provides—

That the United States Shipping Board Emergency Fleet Corporation is hereby authorized and empowered within the limits of the amounts herein authorized—

(a) To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees of shipyards in which ships are being constructed for the United States.

(b) To construct on such land houses and all other necessary or convenient facilities, upon such conditions and at such price as may be determined, and to sell, lease, or exchange such houses, land, and facilities upon such terms and conditions as it may determine.

In some instances it may not be necessary to acquire the fee simple title to the land, hence the bill provides that the board are authorized—

(c) To purchase, lease, requisition, or acquire by condemnation or otherwise any houses or other buildings, together with the land on which the same are erected, or any interest therein, and all necessary and proper fixtures and furnishings therefor; to manage, repair, sell, lease, or exchange such lands, houses, buildings, fixtures, and furnishings upon such terms and conditions as it may determine to carry out the purposes of this act.

(d) To make loans to persons, firms, or corporations in such manner and upon such terms as it may determine from time to time to provide houses for the employees of such shipyards.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. ALEXANDER. Just for a question.

Mr. DOWELL. How much is it anticipated by the committee will be used for these purposes?

Mr. ALEXANDER. The bill carries an authorization of $50,000,000. I think the survey made by the Emergency Fleet Corporation up to this time, if their plans are carried out, would involve an expenditure of less than that sum. I think their plans, as stated by Mr. Hurley in the hearings before the Committee on Commerce of the Senate, in the investigation of the Shipping Board, involves the expenditure of $35,000,000.

Mr. DOWELL. I think the gentleman did not get the meaning of my question. For the services just suggested by the gentleman, for the loaning to private persons to furnish equipment, how much will be required?

Mr. ALEXANDER. They have made no definite estimate yet. They can not say. The purpose is only to provide housing facilities at those shipyards where such facilities are absolutely necessary. If the difficulties can be solved by improving the means of transportation from the centers of population to the shipyards, it is preferable to do it in that way, because they recognize the probable loss in any investment made in housing facilities at the shipyards. But the problem is a difficult one. It had to be met in England. The testimony before our committee was to the effect that England has spent more than $700,000,000 to house employees, not only in the shipyards but in those centers where her war industries are being carried on.

Mr. GILLETT. I do not wish to interrupt the thread of the gentleman's argument, but I wish at some time he would tell us why this legislation is necessary. I supposed that the shipbuilding corporation already had the legal power. Of course, I appreciate that an appropriation is necessary; but I wondered if the gentleman would at some time in his remarks discuss the question of the lack of power now in the corporation and whether it is necessary to pass this bill to give them this power.

Mr. ALEXANDER. The only power the corporation has under existing law is to build ships.

Mr. GILLETT. And to establish shipyards.

Mr. ALEXANDER. Of course, their legal department has advised them, so I understand, that they may exercise all the powers necessary to carry out the power to build ships; but I question whether or not it was the intent of Congress to vest in them the comprehensive powers that are intended to be conveyed by this bill, and I have been advised to the effect that the counsel for the shipyards where some of these housing facilities are to be provided question the power of the United States Shipping Board Emergency Fleet Corporation, without the enactment of this legislation, to go forward in the development of this housing plan. It would certainly be unfortunate if there should be any question about it.

In every instance where it is practicable I would rather that the Emergency Fleet Corporation should loan the money to persons, firms, or corporations and let them provide the housing facilities. The plan suggested before the committee was that wherever practicable the shipyards would be required to provide the land, free and clear of incumbrance, and generally to invest at least 20 per cent of the total cost of the improvements. A small corporation would be organized for that purpose. The Emergency Fleet Corporation would provide that the stock in the corporation should be assigned to the Emergency Fleet Corporation. The Fleet Corporation would name the directors of the corporation. The money loaned would be secured by a first-mortgage lien on the land and all the improvements placed on the land. The Emergency Fleet Corporation would have control of the housing, the renting, and all the facilities. In other words, the purpose and intent is to provide the housing, but without any profit to the shipyards out of the housing proposition itself.

Mr. DOWELL. Will the gentleman yield for just one question there?

Mr. ALEXANDER. I yield to the gentleman.

Mr. DOWELL. Under this plan of loaning, is it the purpose of the committee, or do I understand the committee are entirely satisfied that all of this money will be returned again to this corporation making a loan, and if a loan is made that it will be entirely secure so far as the investment is concerned?

Mr. ALEXANDER. I think not, for this reason: A shipyard under contract to build ships is not willing to secure the Government by a first-mortgage lien not only upon the land on which the housing facilities are to be erected but on the whole of their shipbuilding plant. They are not willing to do that. They do not care to involve their shipbuilding plant proper in possible loss, but they are willing to purchase the land and give the Emergency Fleet Corporation a first-mortgage lien upon it, let the improvements be made with funds provided by the board, and finally in the liquidation, if it takes the land in order to make the Government whole, very well and good. But, as I say, that is one proposition that the Emergency Fleet Corporation is considering, and the committee did not think it practicable to write into the law all the provisions and limitations under which these loans should be made. As far as the hearings go, Mr. Flannery, who is the director of housing; Mr. Hurley, the president of the Emergency Fleet Corporation; and all officers who will be charged with the duty of carrying out the housing scheme directly interested are keenly alive to the importance of protecting the interests of the Government to the utmost. At the same time they are not unmindful of the fact that there will be ultimate loss to the Government unless improvements are made in communities that are growing, where the industry will not languish after the war, and where real estate values and the demand for houses will be stable or possibly increase.

Now, I will take just a few minutes to show the conditions at present. There are now about 180,000 men employed in the shipyards, according to a statement made before the committee by Admiral Bowles.

Mr. FOSS. How many shipyards are there?

Mr. ALEXANDER. One hundred and thirty-odd now devoted to building ships for the Government.

Mr. FOSS. Does this housing of employees provide for housing their families?

Mr. ALEXANDER. Mr. Flannery, director of housing, has that in view. It will be necessary to make provision for the employees and their families where the men are married; and where the men are unmarried they may be properly housed and cared for in clubhouses, or in some such way.

Mr. FOSS. Is it the intention to have the Shipping Board fix up some standard house to be built by private corporation or by the Government?

Mr. ALEXANDER. Yes. A housing commission has given great consideration to this question. Plans will depend on the location of the houses and whether or not we may expect them to be permanent in character after the war.

In New York, on Staten Island they have four yards close together. They employ about 5,500 men. They ought to employ from 11,000 to 12,000 to utilize their present facilities to their maximum capacity.

Now, it is the opinion of the Emergency Fleet Corporation that the problem may be solved in part by increasing the transportation facilities. But it is taking too optimistic a view of the situation to hope that ample provision for workmen in the shipyards on Staten Island will be made in that manner. It is very clear that an immense increase in the number of workmen must be made not only on Staten Island but at Bristol, Hog Island, Sparrows Point, and Newport News, and elsewhere or we cannot hope to turn out from four to five million tons of shipping this year, which is absolutely necessary if we are to provide for the loss of ships by enemy submarines and make ample provision for the increasing demand for ships to transport our troops and munitions of war and food supplies to the front.

At Sparrows Point, Md., where the shipyard is capable with its present output to work 7,000 men, we only have 3,500 men. If we could provide houses for 3,500 more men, says Admiral Bowles, manager of the division of steel construction for the Emergency Fleet Corporation, we could obtain 75,000 tons of shipping additional at Sparrows shipyard annually.

The Hog Island shipyard, in Pennsylvania just a few miles out of Philadelphia, must be provided with ample housing facilities to accommodate the workmen. That is a Government shipyard in which the American International Corporation is under contract to build for the Government a large fleet of ships. The same condition is true at Newark, N. J., where the Submarine Boat Co. is under contract to build for the Government.

At Bristol, Pa., another Government yard is being built under the direction of the Emergency Fleet Corporation. At Bristol the Merchant Ship Building Corporation is under contract with the Emergency Fleet Corporation to build fourteen 9,000-ton ships for the Government.

At Hog Island the American International Corporation is under contract with the Emergency Fleet Corporation to build fifty 7,500-ton ships and seventy 8,000-ton ships. They are now engaged in building the shipyard and providing the facilities as agent of the Emergency Fleet Corporation. Not a keel has been laid yet, but much material has been assembled. The cost of the work thus far has been enormous and the progress very far from satisfactory. The housing facilities must be provided for the workmen in this shipyard, and as soon as possible, if we can hope to have the necessary workmen when the yard is completed and the building of ships is begun.

At Newark, N. J., the Submarine Boat Corporation is under contract to build for the Emergency Fleet Corporation 150 5,000-ton ships. In all, 410 ships, with an aggregate tonnage of 2,945,000 tons, are under contract to be built at the three yards named. These contracts were let by the Emergency Fleet Corporation many months ago, and it is the hope that the building of ships may soon go forward at a high rate of speed and the building program planned for the present year may be completed within the present year. These contracts provide for what are termed fabricated ships of standard types; and when once the shipyards are ready the keels of ships may be laid and the ships pushed very rapidly to completion.

Mr. HUSTED. Will the gentleman yield?

Mr. ALEXANDER. Yes; with pleasure.

Mr. HUSTED. The gentleman said that England had loaned money to private corporations for this purpose?

Mr. ALEXANDER. I said that she had expended $700,000,000 for housing.

Mr. HUSTED. Loaned it to corporations?

Mr. ALEXANDER. There were different plans in different communities, and I would not undertake to state in detail what the plans were in each instance.

Mr. LINTHICUM. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. LINTHICUM. The gentleman stated that the shipyards were willing to purchase the land and give the Government a first mortgage?

Mr. ALEXANDER. Yes; in some places it may be more desirable to do so.

Mr. LINTHICUM. That would give a mortgage on the improvements, as well as the land.

Mr. ALEXANDER. The Government would hold a first lien on the land and improvements.

Mr. LINTHICUM: If the shipyards did not continue after the war, where would the Government stand?

Mr. ALEXANDER. That would be the Government's loss if there were no further demand for the houses and would be added to the cost of building the ships. We need the ships. That is the matter of prime consideration.

Mr. LINTHICUM. Speaking about Sparrows Point, I realize that housing facilities must be furnished them in order to get their full efficiency. They are building a repair shop for automobiles already near the shipyard at Sparrows Point which will employ three or four thousand men. Ought there not to be some provision for housing these people?

Mr. ALEXANDER. The emergency is to house people employed in building ships, and if other industries are being developed at Sparrows Point, so much the better, because our investment will be that much safer and there may be less loss at the end of the war.

Mr. WALDO. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. WALDO. Can the gentleman state what time it is going to take to erect these buildings? Are they going to be built immediately?

Mr. ALEXANDER. Not immediately. The plans are now under way and the building will begin as soon as authorized by Congress. It will take time, of course, to provide housing for an army of workmen.

Mr. WALDO. How long?

Mr. ALEXANDER. I can not state. We have seen some buildings go up in Washington as if by magic, to take care of the increased activities of the Government growing out of the war; if the buildings are of a temporary nature they can be built quickly. If more permanent, it will take longer. At Philadelphia, I am told, there are ample facilities. The house-building industry is dull all over the country at this particular time. Our information is to the effect that there will be plenty of skilled labor in the building trades available for that purpose.

Mr. HICKS. Can the gentleman inform the House how many ships at the present time have been built and turned out by the Shipping Board?

Mr. ALEXANDER. I can not. If the gentleman will turn to part 1 of the hearings before the Senate Committee on Commerce in the Shipping Board Emergency Fleet Corporation investigation, he will find the whole shipbuilding program from its inception, set out in great detail. I have not the time to go into it now.

Mr. LINTHICUM. This is a very important matter and I want to say that there was a gentleman in my office on Saturday who said he had a large number of houses a short distance from Sparrows Point upon which the Government had an option and that the Government had renewed the option, and yet they have not taken over the property. Is that because they are waiting the passage of this bill?

Mr. ALEXANDER. Yes; they have no power yet to take that property over.

Mr. LINTHICUM. I think there are a couple of hundred of these houses.

Mr. ALEXANDER. Obviously wherever houses are available, they want to take them over.

Mr. LINTHICUM. And they can not do it until this legislation is passed?

Mr. ALEXANDER. No.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. MILLER of Washington. Is there any provision for assisting in the housing facilities at navy yards where vessels are under construction?

Mr. ALEXANDER. I can not say whether there are any funds available for that purpose now or not; I do know that the Secretary of the Navy has the question under consideration. The Secretary of War has the same problem to solve, as it may be necessary to provide housing facilities at points where the Government has warehouses for munitions and supplies; but this proposition of the Shipping Board has been under consideration for three months past. They have advanced their plans as far as they can until this legislation is enacted, and hence it is important to enact this bill into law as speedily as possible. At a conference between the Secretary of War and the Secretary of the Navy, the chairman of the Shipping Board, and the Secretary of Labor a few days ago, at which were also present Senator FLETCHER, the chairman of the Senate Committee on Commerce, and myself, representing the Committee on the Merchant Marine, that whole question was brought up and discussed in an informal way. The Secretaries of War and the Navy called attention to their requirements, and if all the departments had coordinated their efforts in the first instance and one concrete proposition had been worked out and presented to apply to the Army and the Navy and the requirements of the Shipping Board, manifestly that would have been best, but that has not been done. The Shipping Board has done so, so far as the needs of the shipyards are concerned, and rather than incur delay and change the plan it was agreed all around that this proposition should go forward. We all agreed that the great problem of this war is ships with which to transport our men and munitions and foodstuffs to Europe and that the emergency brooks no delay. We can not provide ships unless we provide ample facilities to build the ships, and we can not provide ample facilities to build the ships unless we provide necessary housing for the workmen. I feel that to do so and to do it speedily will necessarily involve loss, loss in the sense that the Government will not get back 100 cents for every 100 cents spent in building

sons, firms, or corporations and let them provide the housing | ample provision for the increasing demand for ships to trans-

houses, but if we can meet the emergency, and if we can be assured of the expenditure of this money without unnecessary waste, the country will have reason to congratulate itself.

If I had time I would like to discuss conditions at the Hog Island shipyard. Perhaps they will be discussed before we get through. Up to this time great waste has obtained at Hog Island. The contract with the American International Corporation was in part framed by Gen. Goethals, but not consummated, and afterwards revised with the utmost care by Admiral Capps, who succeeded Gen. Goethals as manager of the Emergency Fleet Corporation, before signing. He thought he had safeguarded in every possible way the interests of the Government. He thought when he entered into a contract with the American International Corporation, the chairman of the board of directors of which is Mr. Frank A. Vanderlip, and whose president is Mr. C. A. Stone, of Stone & Webster that that was a guaranty that the contract would be honestly carried out on the part of the corporation as the agent of the Government, and I would be reluctant to say that the American International Corporation, which is the child of the National City Bank and of the subsidiary corporation directly engaged in building the plant at Hog Island, did not intend to carry out their contract in good faith and safeguard in every possible way the interests of the Government. But they have failed, signally failed, thus far to do so. But great waste is in evidence everywhere, and the manner in which the Government funds have been squandered is a public scandal, and I want to say that a member of our committee, the gentleman from Pennsylvania [Mr. EDMONDS], who lives in Philadelphia, got in touch with that rotten situation, and great credit is due to him for bringing it to the attention of the Shipping Board and the Senate investigating committee. I hope that the waste will stop and that the Government in the future will get full value for its expenditures. It may be well at this point to place in the RECORD information in regard to the American International Corporation taken from Moody's Manual, 1917 edition. It will be interesting to note the names of the officers and directors of that corporation and their standing in the financial world:

AMERICAN INTERNATIONAL CORPORATION.

Incorporated November 23, 1915, in New York, under a charter broad enough to authorise it to engage in any kind of business (except banking), subject to the restrictions provided by the laws of the States and countries in which it may operate. The main object of the formation of the corporation is to create facilities for the successful promotion of American commerce and business in foreign countries. It will be its endeavor to advance the interests of American overseas trade; to develop new enterprises abroad; to finance existing enterprises, and to take over, if offered, investments heretofore made by people in European countries. The corporation has its own representatives in Argentina, Great Britain, France, Russia, and China. While not controlled by the National City Bank New York, it is closely affiliated in interest and can avail itself of the experience that institution has acquired in the establishment of foreign branches. Under the powers conferred by the Federal reserve act the National City Bank has established branches in Argentina, Brazil, Chile, Uruguay the West Indies, Italy, and Russia, and plans are under way for the establishment of other branches in the principal financial centers of South America. Through the acquisition of the International Banking Corporation by the National City Co., the bank has branches in Japan, China, Philippines, Panama, Colombia, and India. The American International Corporation proposes to utilize the information gained through these branches to further the interests of American business and to give the initial impetus to American enterprise in fields not hitherto explored by it.

The following are some of the varied interests of the corporation:

Pacific Mail Steamship Co.: In connection with its associates, W. R. Grace & Co., the corporation in December, 1915, acquired control of the Pacific Mail Steamship Co. (See General Index.)

Allied Machinery Co. of America: In February, 1916, company acquired the entire capital stock (consisting of $100,000 common and $100,000 preferred) of the Allied Machinery Co. of America, which conducts an export business in machine tools, with its own offices in France, Italy, Switzerland, and Russia.

Uruguayan contract: In March, 1916, the American International Corporation, in association with Messrs. Stone & Webster and the Ulen Contracting Co., took a contract to construct waterworks and sewerage systems in the towns of Salto, Paysandu, and Mercedes, Uruguay. The corporation agreed to take $4,000,000 6 per cent gold bonds of the Uruguayan Government in payment for this work, which is now well under way.

Latin American Corporation: The importance of thoroughly investigating propositions in South America which have been presented, and the necessity of properly supervising the work during the construction period, led to the formation of the Latin American Corporation, in which the American International Corporation and Messrs. Stone & Webster are jointly interested.

Work in Russia: On August 31, 1916, Frederick Holbrook, an engineer and head of the Holbrook, Cabot & Rollins Corporation, was chosen vice president of the American International Corporation to represent its interests in Petrograd, Russia. The corporation has received orders from the Russian Government for a large amount of steel rails and other railway equipment.

Rosin & Turpentine Export Co.: This company was incorporated in June, 1916, to aid American manufacturers to investigate and develop the rosin and turpentine export business. In April, 1917, this company increased its capital stock from $300,000 to $800,000.

International Mercantile Marine Co.: During 1916 an interest was acquired in the securities of the International Mercantile Marine Co. (see General Index), which aided that company to discharge its receiver on October 6, 1916, and place its affairs in the hands of a board of directors.

United Fruit Co.: During 1916 the corporation also acquired an interest in the United Fruit Co. (See General Index.)

American International Terminals Corporation: In July, 1916, this company was formed with $100,000 capital for the purpose of studying the problems in connection with the development of the terminal facilities of the port of New York.

China Corporation and Siems-Carey Railway & Canal Co.: These two companies were organized in July, 1916, for the purpose of investigating the possibility of negotiating contracts for the improvement of canals and construction of railroads in China. The American International Corporation holds the controlling interest in these companies and the Siems-Carey Co., an engineering and contracting firm of St. Paul, Minn., the remainder. A contract was signed on September 30, 1916, with the Chinese Government for the construction of 1,100 miles of railway in China.

Carter, Macy & Co. (Inc.): In August, 1916, the American International Corporation became interested in this concern, an old established firm doing business in the importation and sale of teas and having offices in China, Japan, India, and Ceylon. The American International Corporation provided additional capital and acquired a controlling interest in the business, and in this manner acquired representation in the Orient.

New York Shipbuilding Co.: The corporation in November, 1916, purchased the entire property of the New York Shipbuilding Co., Camden, N. J., and invited the International Mercantile Marine Co., W. R. Grace & Co., and the Pacific Mail Steamship Co. to join in shipbuilding operations. A new corporation, the New York Shipbuilding Corporation, has been organized, in which the American International Corporation owns the controlling interest and the other two companies the remainder. In addition to $20,000,000 of contracts for ships under construction a contract has been received for the construction of two battleships for the United States Government for $22,000,000.

Capital stock: Authorized and outstanding, $40,000,000 common and $1,000,000 preferred ("managers' shares"); par, $100. Of the stock $25,000,000 common was set aside to be offered to stockholders of the National City Bank, New York, to an amount equal to their holdings of that institution's stock as of December 1, 1915. Subscriptions were to be made 10 per cent forthwith, 10 per cent January 15, 1916, and the remaining 80 per cent at the discretion of directors. Further installments of 10 per cent each were called payable June 9, July 10, and August 10, 1916, making the stock 50 per cent paid up. Preferred stock is entitled to receive out of surplus profits dividends at the same rate as that paid on common until 7 per cent shall have been paid or declared on both classes in any one year; thereafter preferred stock shall be entitled to receive one-fifth of any further distribution of surplus during that year and common the remaining four-fifths. Upon liquidation of the corporation and distribution of its assets, preferred shall be entitled to receive an amount equal to the par value thereof before any distribution is made on the common stock; then common shall be entitled to receive an amount equal to the par value thereof; after which preferred stock shall be entitled to receive one-fifth of the assets then remaining and the common the remaining four-fifths. Transfer agents: National City Bank, New York. Registrar: Farmers' Loan & Trust Co., New York. Listed on New York curb. Initial dividends of 75 cents per share on both preferred and common stocks were paid December 30, 1916.

Consolidated income account, year ended December 31, 1916: Earnings from operations, $3,337,450; miscellaneous expenses, $908,278; foreign and domestic taxes, $447,656; net earnings, $1,981,516; interest and dividends received, $502,427; total income, $2,483,943; dividends, $375,000; surplus for one year, $2,108,943.

Consolidated balance sheet, Dec. 31, 1916.

ASSETS.	
Investments, bonds, stocks, etc	$23,226,550
Furniture and fixtures	40,885
Cash and call loans	2,954,313
Merchandise inventories	2,167,515
Accounts receivable and advances	1,864,818
Interest accrued receivable	148,201
Unexpired insurance	2,851
Total	30,405,140
LIABILITIES.	
Common stock	24,500,000
Preferred stock	500,000
Accounts payable	2,960,339
Reserve for taxes	521,262
Surplus	1,923,539
Total	30,405,140

Consolidated statement of working capital, Dec. 31, 1916.

CURRENT ASSETS.	
Cash and call loans	$2,954,313
Merchandise inventories	2,167,515
Accounts receivable and advances	1,864,818
Interest accrued receivable	148,201
Total	7,134,847
CURRENT LIABILITIES.	
Accounts payable	2,960,339

Net working capital, December 31, 1916, $4,174,508.

Officers: F. A. Vanderlip, chairman of board; C. A. Stone, president; G. J. Baldwin, senior vice president; H. D. H. Connick, Philip W. Henry, Robert F. Herrick, Frederick Holbrook, William S. Kies, R. B. Sheridan, Willard Straight, R. P. Tinsley, vice presidents; Cecil Page, secretary; T. W. Streeter, treasurer; K. P. Clark, assistant secretary; Percy Mayes, assistant treasurer, New York.

Executive committee: F. A. Vanderlip, C. A. Stone, O. H. Kahn, Ambrose Monell, F. A. Rockefeller, T. N. Vail, William Woodward.

Directors: J. Ogden Armour, C. A. Coffin, W. B. Carey, Robert Dollar, J. P. Grace, R. F. Herrick, Pierre S. duPont, Otto H. Kahn, R. S. Lovett, Ambrose Monell, H. S. Pritchett, Percy A. Rockefeller, John D. Ryan, W. L. Saunders, J. A. Stillman, C. A. Stone, Guy E. Tripp, T. N. Vail, F. A. Vanderlip, E. S. Webster, A. H. Wiggins, Beekman Winthrop, William Woodward.

Annual meeting, first Wednesday in April.

General office, 120 Broadway, New York.

New York Shipbuilding Corporation (controlled by stock ownership): Incorporated November 28, 1916, in New York; successor to New York Shipbuilding Co. (see Manual for 1916, industrial and public utility volume, p. 3149). The entire property of the latter company had been

purchased in November, 1916, by the American International Corporation, in connection with the International Mercantile Marine Co., W. R. Grace & Co., and the Pacific Mail Steamship Co. The American International Corporation owns a majority of the stock of the new corporation. The arrangement between the four concerns participating in the enterprise provides that a certain portion of the capacity of the yard shall be devoted to the construction of ships for these companies at cost plus a percentage basis. Business is the manufacture and construction of ships, marine engines and boilers. The corporation has a large modern shipbuilding plant at Camden, N. J., the property including 163½ acres of land, with 4,700 feet of water front on the Delaware River. There are five shipways equipped and two additional large ways under construction.

Capital stock: Authorized and outstanding, 200,000 shares of no par value. A majority of the stock is owned by American International Corporation.

Bonded debt: $7,500,000 first sinking fund 5s; due November 1, 1946. Authorized, $25,000,000.

Officers: George J. Baldwin, chairman of board; S. M. Knox, president; H. A. Magoun, first vice president; N. de Taube, second vice president; J. T. Wickersham, secretary and treasurer; Cecil Page, assistant secretary; A. G. Connell, assistant secretary and assistant treasurer; A. D. Brigham, assistant secretary; Percy Mayes, assistant treasurer; H. J. Smith, assistant treasurer.

Executive committee: George J. Baldwin, P. A. S. Franklin, Lawrence H. Shearman.

Directors: George J. Baldwin, Joseph A. Bennett, P. A. S. Franklin, Joseph P. Grace, E. W. Harden, Robert E. Herrick, W. S. Kies, S. M. Knox, Ambrose Monell, William F. Morgan, James H. Perkins, L. H. Shearman, Charles A. Stone, E. P. Swenson, H. H. Wehrhane.

Annual meeting, third Wednesday in March, at 120 Broadway, New York.

General office, Camden, N. J.

(Moody's Manual of Railroad and Corporation Securities, 1917. Industrial section, pp. 74, 75, 76, 77.)

American International Corporation (see also statement on p. 74): Common stock listed—common stock of company was listed on New York Stock Exchange on July 5, 1917.

(Moody's Manual of Railroads and Corporations Securities, 1917. Industrial section, p. 2549.)

Mr. Chairman, I reserve the the balance of my time.

Mr. GREENE of Massachusetts. Mr. Chairman, in the consideration of this bill by the Committee on the Merchant Marine and Fisheries they spent considerable time before concluding to strike out the Senate bill and to report this bill as an amendment thereto. We spent time in looking it over in order to get what we thought was a reasonable and proper bill to meet the conditions that had been outlined by the Shipping Board, who came before us and told us what they thought they ought to have. I believe the bill as amended and as it is now before you is well drawn, and that it ought to be adopted. Of course, as you all know, I did not vote for the original creation of the Shipping Board or for the original appropriation of $50,000,000. I never have regretted my vote against that proposition. I believed at that time that the money would be wasted, and I have never seen any report of what has been done with that vast sum, and I believe it has been wasted and used up without any good result, except possibly to enable the Shipping Board to learn a little something about the shipping business.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. MOORE of Pennsylvania. I did not want to take any more of the time of the gentleman from Missouri [Mr. ALEXANDER], but I would like to get the opinion of the gentleman, who is the ranking Republican on this committee, as to the wisdom of incorporating in this bill somewhere a provision that would require contracts to be advertised in accordance with law rather than to permit them to be at the option and will of the holding corporations that have power to do substantially what they please when they get the Government's money.

Mr. GREENE of Massachusetts. Mr. Chairman, so far as I am concerned, I do not say that this bill ought not to be subjected to any amendment. Perhaps we did not go into it as far as we ought to have gone. I think there was a feeling that there was need of speeding up operations and building ships. If the gentleman from Pennsylvania desires to offer an amendment providing for action according to law I should interpose no objection. I should think, perhaps, it would be wise. We can not always get all of the wisdom in one committee.

Mr. MOORE of Pennsylvania. The gentleman has referred to waste.

Mr. GREENE of Massachusetts. Yes.

Mr. MOORE of Pennsylvania. The gentleman from Missouri has admitted there was waste, and that waste is due to the manner in which these contracts have been awarded, and it seems that now we are to appropriate $50,000,000 it will be up to us to put certain limitations in the bill which would prevent that waste if possible. We have heard no word of protest from the administration, so far as I can learn. They have simply permitted one corporation to pass this on to another corporation, and in the passage of this money and the contracts relating thereto, waste has occurred and unquestionably there has been extravagance, probably duplication of work and duplication of salaries and excessive salaries, and all that sort of thing.

Mr. GREENE of Massachusetts. I certainly shall not object if the gentleman wishes to offer any such amendment.

Mr. FARR. Was the waste due to ignorance or innocence or to profiteering?

Mr. GREENE of Massachusetts. Where?

Mr. FARR. At Hog Island.

Mr. GREENE of Massachusetts. Oh, I do not know anything about the propositions to which the gentleman from Pennsylvania [Mr. FARR] alludes. In the first place, I think that Hog Island is a poor place to put a shipyard if the statements made before the Senate Committee on Commerce are found to be facts. I have never been to Hog Island. It may be the best place in America to locate a shipyard. I certainly hope that it is if the money of the people is to be expended there.

Mr. MOORE of Pennsylvania. I will say to the gentleman in reply to that that it is in a very desirable situation. There may be some low land.

Mr. GREENE of Massachusetts. I have been told that considerable filling will be needed there. If the promoters spend their own money no one can complain.

Mr. MOORE of Pennsylvania. And other land would possibly need grading. But it is an eligible point for a shipyard and has a deep-water front.

Mr. GREENE of Massachusetts. We have got to handle this great proposition and we have got to go through with it and let us make the most of it. But let me say this, it has been brought to my attention there has been a yard established in New Hampshire on the Piscataqua River. This shipyard has made a contract or agreement, I do not know which, to build 18 vessels. Now, that shipyard can not build 18 vessels in time enough to take care of this war unless the war lasts for an indefinite time. I am further informed that the yard as located is obstructed by the Boston & Maine Railroad, which has a bridge extending across the water front. The information first given to me was that it had no draw and therefore the vessels could not get out, but worse than that, I was informed it had a draw in the railroad bridge, but the first vessel begun under the Shipping Board, or under whoever it was constructed, is 22 feet wider than the draw in the bridge. That is not good sense; I am sorry to have to say that it is not common business sense. It is a waste of money and I am sorry to have to record it. I was in hopes I would not have to say anything of the kind, but that is a fact that can not be denied, for I obtained the information from a gentleman from New Hampshire, a Member of this House, and he told me that the boat was 22 feet wider than the draw. Now, the vessel has got to be pared down or the draw widened before you can get the vessel out, and that is a very poor business operation.

Mr. ALEXANDER. Will my colleague yield?

Mr. GREENE of Massachusetts. Yes.

Mr. ALEXANDER. I was in conversation with Mr. Hurley, president of the Shipping Board Emergency Fleet Corporation, this morning, and I called his attention to the matter which my colleague [Mr. GREENE of Massachusetts] had called to my attention some days ago, and he did not seem to know just what the facts were. My colleague told me he has a shipyard at Fall River, where they can build ships, and I believe he stated to me that the Emergency Fleet Corporation is going to commandeer the material and take it somewhere else, and I called that situation to Mr. Hurley's attention, and I suggested they ought to annul the contract on that river in New Hampshire if it were true that they had not begun to build ships there and build them at Fall River or elsewhere where they have the material and facilities.

Mr. GREENE of Massachusetts. Let me state what was stated to me this morning by the gentleman from New Hampshire [Mr. BURROUGHS]. He was in New Hampshire over Sunday, and he tells me a vessel was there, and she was 22 feet wider than the opening in the draw. He told me that this morning because I asked him. I wanted to know whether it was true or not, and he says it is true. Now, the question of commandeering the gentleman speaks about, let me say a little something about that. I was in the Shipping Board trying to get some of these 18 vessels that can not be built in time to be of any account unless they build them somewhere else where there is a yard all fitted with ways, with men, and with housing, and with everything else that is necessary to build ships. I asked them to let me take three of those vessels to build—not let me take them, but to let the people of my district who have the yard, who have created this yard and put their capital into it and were ready to build the vessels at once—let them take three of those vessels. They said they would have to refer it to the legal department. They referred it to the legal department, and the legal department looked over the agreement with whoever this concern is up in New Hampshire—I do not know what

it is—and they found under the legal agreement they could not take any of these 18 vessels away from this ship corporation—I do not know whether it is public or private—but they can not take them away from them. Then I said, "Well, why not let the shipyard at Fall River, Mass., build three vessels? They can build them at once. They have a well-equipped yard and competent workmen." "Oh," he said, "we are making a survey of all the lumber interests of the country. We are going from the Atlantic to the Pacific to see where the lumber is, and when we find where the lumber is then we will know what we can do." "Well," I said, "the yard that is located in my city has the lumber." He asked me where it was, and I said that I could not tell, only that they stated they have the lumber. He said, "When we make this survey and find out where it is we will commandeer it damn quick." That was the answer.

Now, if that is the way the Shipping Board is going to do business, I will tell you it is pretty hard lines for any private individual or private corporation who wants to do business and to aid the United States to carry on the war to be met by newly fledged public officials in that spirit. I would not have said anything about that if the statement had not been made by Chairman ALEXANDER that the chairman of the Shipping Board had told him that he did not know anything about the width of the vessels now being built in New Hampshire, and he had not been able to get any information about it, but my information comes from a Member of this House who has his home in New Hampshire, and it is confirmed by Mr. WASON, a Member of the House from New Hampshire. These are facts that can not be denied. It seems strange that a copper-fastened contract should be made several months ago for 18 vessels by the Shipping Board at a place where there are no results, and the contract has such binding features that they can not amend any part of it and obtain quick results. Now, I have this feeling in my mind: I am a loyal Member of the United States House of Representatives. At the same time I am a Republican. I do not make any apology for that. Wherever I go, whether it is North, South, East, or West, I have never hesitated in declaring my political principles. I recollect 30 years ago I went to the city of Waco, Tex., and, naturally, having been a postmaster, I went to see the postmaster, and walked up the street with him, and when I walked up the street with him a man said, "You have got the only God damn black Republican there is in Waco." He happened to be postmaster of the city. That is all right. I was proud to walk up the street with him, and I continued to walk with him just the same. I am not talking politics; I am talking right out in this House. This country is in war and we have got to fight this war to the end and we have to unite in this war. We can not divide. We have got but one flag in this country, thank God, and that is the American flag. [Applause.] I do not know another.

Last year we had an exhibition of the Confederate flag in this city. I pitied those poor Confederate soldiers that came up here. They were old and decrepit. I did not blame them for carrying around the flag for which they fought, but when men and women in this city rode through the streets of Washington with Confederate flags waving I tell you it touched my patriotic spirit. It was something I did not like to see. And if I ever see a Confederate flag waving in this city before a banking house, as I did last year, before a business place, out of a private individual's house, I will put a bill into this House to test the patriotic spirit of this body and see whether or not the Confederate flag should not be kept in the States where they want to enjoy it and not here in the Capital of the Nation. To bring it in here at time of war was, in my judgment, a very serious mistake.

Now, I am in for pushing this war in which we are now engaged to the very limit, and for that reason I am going to support this bill. I believe it is necessary. As to the wisdom of the Shipping Board, I have some doubts.

Mr. FESS. Will the gentleman yield for a question?

Mr. GREENE of Massachusetts. Yes.

Mr. FESS. There is undoubtedly an immense amount of waste.

Mr. GREENE of Massachusetts. Yes, sir.

Mr. FESS. We hear it upon every hand, and the reply sometimes is a denial, but not often. At other times, and most frequently, the reply is, "We can not help it." I would like to have the opinion of the gentleman whether the waste such as I have seen in some of the cantonments and in one of the aviation fields, very near which I live, which is very palpable, and the waste that has been related to me but last night, up here at Hog Island, and another one suggested there in the flats of New Jersey, can not be avoided, or a good deal of it, or is it absolutely inevitable?

Mr. GREENE of Massachusetts. Well, if I should answer what I actually think, it seems to me it could be avoided. Notwithstanding all that, the gentleman from Ohio states we are going to put this war through. We have got to put it through, waste and all. We have got to spend the money and try and accomplish results.

Mr. FESS. I thoroughly agree with the Member, but it would seem——

Mr. GREENE of Massachusetts. If we talk about it and express our opinions about it, it may have some effect. I hope it will.

Mr. EDMONDS. Do you not think that this is a good evidence of what we would have if we had Government ownership?

Mr. GREENE of Massachusetts. I do. I believe Government ownership would be a serious mistake.

Mr. FARR. Does not the gentleman think the present management, under the presidency of Mr. Hurley, is doing everything it can to remedy these conditions, curtail the waste, and push the work?

Mr. GREENE of Massachusetts. I will tell you. It had been a long time since the Democratic Party was in power and they had not had any experience in handling great questions until since 1912, or very little experience; and as I said before they came into power, if they ever did come into power they would find such an immense country to take care of they would go wild over it. If they have not gone wild, I do not know much about wildness. It has been wildness personified and doubled over and over, and they have wasted money in every line. They can not help it, but of course we shall hold them to account for it politically. We are going to hold the Democratic Party responsible and the American people are going to hold them responsible. They have been unwisely extravagant. But we can not, as Republicans, withhold our support from the administration, because in time of war we must stand together.

Mr. ALEXANDER. The gentleman from Pennsylvania asks if this was not good evidence of what we would have if we had Government ownership. We are undertaking to carry out this shipbuilding program under the American International Corporation, a private concern, and, I might say in passing, a Republican concern, too.

Mr. GREENE of Massachusetts. It does not make any difference. If you have become entangled with unwise Republicans, string them up, every one of them, that prove themselves traitors in times of war. Any dishonest Republicans in time of war should be strung up if you find them, and if you find a dishonest Democrat, string him up just the same. I would not make any difference between them.

Mr. RAGSDALE. Does the gentleman think that the cause which he advocates, in view of the fact that the sons of Confederate veterans are now in the field fighting, and some of whom have gone down under the wave——

Mr. GREENE of Massachusetts. State your question.

Mr. RAGSDALE. I am only going to ask the question. Does the gentleman think it adds anything to the pleasure of their service or to the sacrifices on their part, for the gentleman to go out of his way and attack the flag of their fathers?

Mr. GREENE of Massachusetts. That is all right. I say that the Confederate flag has no place in the city of Washington, and I stick to it now and I should stick to it if every soldier should be so wise or unpatriotic as to desert the field of war on that account. We would get more men to fill their places. But I am not at all alarmed about that. The sons of soldiers who fought in the Civil War in either the northern or southern side of the struggle are not made of that kind of material.

Mr. RAGSDALE. I wish some unfortunate Members of the House were made of some of their kind of material.

Mr. GREENE of Massachusetts. I have been a Member here a long while and probably shall be a Member for a while longer, and I shall continue to have my views and to express them when I have occasion to do so, and I am not troubled about what the gentleman from South Carolina thinks about it. He can think what he pleases. We have got to have a free hand. This bill we have under consideration is something that I believe is necessary. I believe it ought to be enacted into law. I do not believe in Government ownership, but I do say this, that if the Government paid attention to its business as they ought to—the men who are representing the Government paid attention to their business as they ought to—they could do business very much better than the present results seem to foreshadow. There is but one man here who has been in public life longer than I have, and that is the gentleman from Illinois [Mr. CANNON]. I have had a wide experience in public life. I have had dealings with a great many people, and I never have found that under the Government-ownership plan there has been more efficiency than there would have been under the management of private individuals. But we have come to a place to-day where, if we look back a little over past history, we can see how a great

mistake was made in not adopting another policy. We undertook several years ago, in the early days of my membership in this House, to build up a merchant marine by subsidy. I do not make any apology about it. I believed in subsidies then. Subsidy is not offensive to me now. But we could not get any votes on the other side of the aisle, because they were afraid of subsidies. We could not get any votes in the western part of this country, because they said "We do not need any vessels. Our products are carried across the sea cheaper than they would be if the United States built up a merchant marine." They even went so far as to say that they could get their products carried abroad cheaper in foreign bottoms.

This war has demonstrated the fact that we do need a merchant marine. It has demonstrated the truth of the matter that I then believed in—and it is true—and what I then believed was that the freight on the crops raised in the West was not paid by the American farmer but by the foreigners who bought the products of the soil, and that is exactly the way it has been demonstrated, so that all who run may read. The price of freight is made before the products of the farmer leave this country, and the foreign buyer pays the freight, and, consequently, if we had a larger merchant marine we would have more competition and lower prices. We came very near several times to getting a proposition for an American merchant marine, but we had a lot of timid souls in Washington, in the House. They have been timid a long while. They have been timid in the Senate. I thank God I never had any timidity on the question of an American merchant marine, and I have none now. I am willing to forgive all their errors, as inefficient as I believe the Shipping Board has been, as efficient as I hope they may be by the experience they have had—I am willing to give them a chance to try to build some ships. But I do not like the spirit which says, "If you have any lumber for a yard in your city, we will commandeer it," with the added words, "damned quick, if we can find it." I think it is just as essential to keep up the private yards as it is to keep up Government yards, and I believe that private yards are a great deal more efficient. Private yards have built more vessels thus far than Government yards, and they will build more vessels during the war, and they will build them at less cost than any Government yard. I am willing that the whole record should be written out, the failure and all, whatever it may have been. Let it go to the country just as it is.

I am in favor of providing for the housing of employees, because it seems to me it is absolutely necessary to our getting any ships from these Government and possibly from some private yards, and if we can not get them in any other way, I am willing to get them in this way. We want and need the ships. If extra cost is added we will have to pay it.

We did not hesitate to raise money during the Civil War. People said we would repudiate the public debt after the war was over, but we never did. We paid 100 cents on the dollar in gold. We went back to the gold standard and reestablished it. We will do it again. But we have got to educate these people who are in power to-day, and that is costly. It is costing a great deal of money, and it is going to cost a great deal of money to build ships, and under their management they are not building ships according to the methods used by men who are experts in the building of ships. They ought to use other methods. It is not a time for argument, but a time for action and for speedy action, and notwithstanding all the failures and mistakes that have been made, I am ready to forgive and forget all that. But we want to create a spirit of loyalty.

Let me tell you a thing or two. Here on the Agriculture appropriation bill the other day we had an amendment put on requiring an extra hour on the part of the employees of the Department of Agriculture, with the design, as the gentleman from Missouri [Mr. BORLAND] said, of putting that on all the departments. If he would take the trouble to inquire himself at the different departments he would find there are few people limited to seven hours. A great many of them are not. They are working nights and Sundays and holidays, and they get no extra allowance for it. They have not gotten any extra allowance for it from the time of the Spanish War up to the present time.

It was a mistake to put that provision in the bill. It created a feeling that never should have been created. That amendment ought to have been wiped out before the bill left this House, but very few people knew anything about it. When the conference report comes back I hope the Borland amendment will be stricken out. It ought to be.

The gentleman from South Carolina [Mr. RAGSDALE] is disturbed because I do not want the Confederate flag waved in the Capital. For heaven's sake, have we not lived long enough to know that the Confederate flag went down at Appomattox? Gen. Grant treated his antagonist better than anybody ever did. But the flag went down at Appomattox, and I hope it will never be waved in Washington again. If we can not fight the present war with them we will fight it without them. Soldiers are loyal to the flag. These men have protested their loyalty to the flag. I want them to live up to their protestations and not flaunt that flag here in the Capital.

When we had the woman suffrage question up here we had a flag flaunted in front of the White House. I resented it then, and I resent it now. It was disgraceful then, and it is disgraceful still, and I feel that it was an insult to the public and to the President of the United States, and discreditable to every woman who advocated that method of obtaining woman suffrage. They should have given up that method of warfare, but they did not, and it got so disgusting that a few of the more sensible advocates of suffrage said, "We will not approve of that; we will induce them to retire from this unwise procedure." But at the same time it was a menace and an insult and ought not to have been allowed. I hope we will live long enough to see just one flag, and that flag the flag of the United States. I am in favor of this bill. [Applause.]

Mr. ALEXANDER. Mr. Chairman, the gentleman from Ohio [Mr. FESS] asked awhile ago how many ships had been completed. Admiral Bowles, when before the Committee on Commerce of the Senate on the 21st of December, submitted a table in which he gave a summary of requisitioned vessels completed since the date of requisition as 43, of a total dead-weight tonnage of 253,235 tons.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. MADDEN. How does the dead-weight tonnage compare with the live tonnage?

Mr. ALEXANDER. A ship of 5,000 gross tons would be rated at about 7,000 to 7,500 tons net.

Mr. MADDEN. So when you talk about a dead-weight ton, you would say a 5,000-ton ship was of 7,000 tons?

Mr. ALEXANDER. Five thousand tons gross would be equivalent to about 7,000 to 7,500 dead-weight capacity.

Mr. MADDEN. That is what I mean; so that, as a matter of fact, why do we not talk in the language that people understand when we talk about the tonnage of ships?

Mr. ALEXANDER. Admiral Bowles was asked that question by the Senate committee.

Mr. MADDEN. I will tell you why I ask that question. When we talk about dead-weight tons of ships, a great many people think that we are building so many million tons of shipping, when, as a matter of fact, we are building only about 60 per cent of that tonnage. It ought not to go out to the people in that form. Why do we not talk about the actual capacity of the ships that we are building instead of talking about something that people do not understand about?

Mr. ALEXANDER. That is what we are doing when we estimate it in dead-weight capacity, the actual carrying capacity of the ship. That question was asked of Admiral Bowles by the Senate committee, and he said it was a term which was common among shipping men, and which indicated the net carrying capacity of the ship.

Mr. MADDEN. They do not do it in any other country in the world except ours, and never in this country except when we are telling how many million tons of shipping we are going to build, and we have got the people to thinking we are going to build so many million tons when, as a matter of fact, we are only going to build about 60 per cent of that total.

Mr. ALEXANDER. No; we are estimating the tonnage in dead-weight capacity and not in gross tons. That is the only difference. Now, in the Senate hearings, beginning at page 125, is given a summary of the requisitioned vessels completed and retained by the Shipping Board, also those completed and reconveyed to former owners, and from page 127 to page 144 of the Senate hearings that information is given in detail, with a statement of the shipyards where these ships are being built. The total number of vessels with contract price is 304; dead-weight tonnage, 2,505,128 tons; total cost, $361,865,347; vessels constructed on cost-plus basis, 67; dead-weight tonnage, 550,880; total cost, $73,922,439; or a total of 431 vessels; dead-weight tonnage, 3,056,008 tons; total cost, $435,787,896.

These vessels are under construction in different shipyards in the country, and are in addition to those to be built at Sparrows Point, Hog Island, Bristol, and by the Submarine Boat Co. in New Jersey.

Mr. BUTLER. On what page of the Senate hearing is that summary?

Mr. ALEXANDER. The statement begins at page 127 and ends at page 142, part 1.

Mr. FARR. Will the gentleman repeat the total tonnage under contract?

Mr. ALEXANDER. That of the requisitioned ships, 431; total dead-weight tonnage, 3,056,008 tons; total cost, $425,787,896. These are ships being built in private shipyards all over the country.

Mr. FARR. They are being pushed rapidly?

Mr. ALEXANDER. Yes.

Mr. MADDEN. Will the gentleman yield for one further question?

Mr. ALEXANDER. Yes.

Mr. MADDEN. I should like to ask the gentleman to tell, if he can, how many ships have actually been completed and are ready to sail, if any?

Mr. ALEXANDER. I just gave the gentleman a summary of the commandeered ships.

Mr. MADDEN. I am talking about ships that are being built.

Mr. ALEXANDER. They have been built.

Mr. MADDEN. Not by us.

Mr. ALEXANDER. They have been built or are being built in American shipyards for the Government.

Mr. MADDEN. Yes; but I want to know how many ships have been built under the direction of the Shipping Board.

Mr. ALEXANDER. These have been commandeered, taken over, and built under the direction of the Shipping Board.

Mr. MADDEN. I understand that; but they were private contracts let by private people. Now, can the gentleman tell us what success or progress has been made by the emergency shipping organization? Have they built a single ship and got it out on the sea?

Mr. BUTLER. Completed?

Mr. ALEXANDER. If the gentleman will look at page 228 of the hearings, Admiral Bowles submitted a chart showing——

Mr. MADDEN. I would like to have the gentleman answer my question. The chart will not go into the RECORD, but the gentleman's answer will go into the RECORD.

Mr. ALEXANDER. I would not be able to say offhand. It may be that the hearings contain that information. If so, I will give it later

Mr. MADDEN. So that the gentleman in charge of the bill really can not tell the House and the country whether a single ship has been completed by the Shipping Board.

Mr. ALEXANDER. I think several ships have been completed and launched.

Mr. MADDEN. Not under the contracts let by the Shipping Board.

Mr. ALEXANDER. Yes; under contracts let by the Shipping Board.

Mr. MADDEN. Of course, I shall be glad if that turns out to be the case.

Mr. ALEXANDER. I think that is true.

Mr. MADDEN. I want to see the ships moving, and I am anxious to expedite their construction.

Mr. ALEXANDER. I think they are moving.

Now I yield 15 minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Chairman and gentlemen, this is a bill which was referred to our committee, and after hearing all the evidence offered by those in support of the bill and calling upon the department—that is, upon the representatives of the Shipping Board and Fleet Corporation—for a full presentation of the reasons for the bill the committee, without a dissenting vote, recommended its passage. It appeared to us from the hearings that this is the first great step taken by our Government toward housing the labor necessary to be employed in the production of the ships for the use of the Government. The Secretary of Labor came before us and suggested that it might be desirable to abandon this particular project and authorize a general housing program for all the labor in all the departments working for the Government. But the Shipbuilding Department of the Government had made a survey of its needs and necessities, had progressed toward some definite details as to what they needed, and to tear up their work and start again along broader lines seemed to us would require a reorganization, a reinvestigation, and a reexamination, and would have taken more time, and time was very much of the essence of our needs.

Mr. MADDEN. Would it interrupt the gentleman if I asked him a question at this point?

Mr. HARDY. No; I will yield to the gentleman.

Mr. MADDEN. I would like to ask the gentleman if he knows how many men it is intended to provide housing for under this bill?

Mr. HARDY. I can not say; I have a very poor memory for details. Judge ALEXANDER stated the number of yards where they are now attempting to build ships and those which are not running at the full capacity because they did not have housing facilities. In one yard, I think, there were 3,500 employees, and it had a capacity for 7,500 employees, but not the houses for them.

Mr. MADDEN. I can see the importance of providing housing facilities for men if we intend to expedite the building of ships, but what I want to know is whether the committee has ascertained how many men the Shipping Board expect to assemble in the shipyards for which housing provisions are made under this bill.

Mr. HARDY. If the gentleman undertakes to draw from me exact details, he will trip me up. I can not remember them; and, besides, the Government itself can not tell just exactly how many workmen they will have to build houses for. Admiral Bowles, in testifying before us, said that it might not take as much as $50,000,000 to house all the needed labor. He went on to say, furthermore, that the houses might be used sometimes interchangeably—for other purposes—as it might be convenient to use them for other branches of governmental industry, but at many shipyards they had a capacity for more men than they had houses for, and it was very essential, if we wished to speed up shipbuilding, to provide additional housing.

Mr. MADDEN. Will the gentleman let me interrupt him right there? The statement of Admiral Bowles would presuppose that the shipyards in which the ships are to be constructed are adjacent to other activities manufacturing supplies for the war?

Mr. HARDY. He illustrated by stating some of the uses of housing that had been made at Newport News. Some houses had been used for the Navy and some of the shipbuilding yards. This overlapping use of these houses may in a minor degree take place, but the essential thing contended for by Admiral Bowles was the need for a great many houses to be built for the purposes of the shipbuilding plant.

Mr. WELLING. How soon will these houses be available? How long did the department think it would take to construct them?

Mr. HARDY. I presume some will only take a short time and others will take longer. If they built temporary structures they could be put up in a night, perhaps. Some buildings are intended to be put on ground already owned by the shipyards and some on ground which is to be bought by a corporation organized by the Shipbuilding Co. This corporation will be practically organized without capital and officered by the members of the Shipbuilding Co. It will be administered without profit. They ask the Government assistance because when the work of building ships is over and the boom goes down there is sure to be a shrinkage in the value of some of the property, and the Government is expected to lose possibly 30 per cent of the investment. The shipbuilding companies are not willing to spend their own money for these temporary housings.

At the same time these corporations will be clothed with power to sell the houses, and if they are good houses for the community where they are and likely to be used permanently, many of them will be sold. The law department of the Emergency Fleet Corporation will see to drawing the contracts with the house building company in detail for the preservation of the lien of the Government, and the protection as far as possible of its interests generally.

Now, when this corporation that is organized for the building of houses has performed its functions and the shipbuilding yard is turned back to private purposes these houses will be on hand. Many of them will have been sold but many others perhaps unsold.

Mr. MADDEN. Will the gentleman permit another question?

Mr. HARDY. Yes.

Mr. MADDEN. Does the gentleman or any member of the committee know whether there is sufficient ground along any shipyards that have been established upon which to build these houses, or will the commission have to buy land or commandeer it?

Mr. HARDY. The gentleman will see from the phraseology of the bill, which was worded by the Shipping Board, that there may be occasion to buy land in order to put houses upon it. There may be houses located sufficiently convenient so that they can buy them. The Shipping Board is authorized to buy land, if necessary, in order to construct houses upon it, or to buy or requisition houses.

Mr. MADDEN. The reason I ask the question is that at Fort Sheridan for the accommodation of officers in the training camps they put up enough buildings in 10 days to accommodate 5,000 men. So if we had the ground I do not see why we should not be

able after the law is passed to put up buildings within two or three weeks.

Mr. HARDY. I think the gentleman is right on that. I see no reason to take a great while to build most of these houses.

Mr. EDMONDS. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. EDMONDS. That is to be done at Sparrows Point and Camden both, where they have land in the vicinity that they can put houses on.

Mr. HARDY. I think that answers one of the questions of the gentleman from Illinois [Mr. MADDEN]. At those two yards—at Sparrows Point and at Camden—they have the ground ready to be built on.

Mr. FARR. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. FARR. I understand that the Emergency Fleet Corporation will need about a quarter of a million more men to complete this work.

Mr. HARDY. Something like that; and, further answering the gentleman from Illinois [Mr. MADDEN], this bill in itself provides that if they need the land they can take it and adjust the payment for it later, so that no delay ought to be occasioned by that.

This is the first bill of this kind for housing laborers on Government work, and in the hearings before us it was stated time and again that England had long since resorted to the same method of taking care of the laborers employed in her war-making industries, and that she had expended up to now in housing her laborers engaged in war productions over $700,000,000. I hope there will be no occasion for us to go so largely into the expenditure of money for housing, because much of it must necessarily be lost when the war is ended. I hope most of our shipyards will be able to find in nearby towns, and through the increase of transportation facilities, housing enough to care for their labor, and so we looked somewhat into the question of improving transportation facilities. It is an essential necessity for the Government to provide housing facilities for the operatives to build these ships. Whether there is extravagance in building the ships or not, as some one said, we have got to have the ships, with or without extravagance.

Answering some of the remarks of my colleague, Mr. GREENE of Massachusetts, I want to digress far enough to say that this is not a question of Government ownership or private ownership. It would be the pot calling the kettle black for either private or Government ownership to try to get any credit out of the operation of the Hog Island plant. From all I can learn, the American International Corporation, that undertook the building of that plant, is a private corporation and they sublet to private corporations, and there must have been an orgy of extravagance at the expense of the Government all through the operations of the captains of finance and not through any Government-ownership processes. I only hope that in gradually settling down to the administration of the business affairs of this great department of the Government, that covers an expenditure hitherto unparalleled in the annals of Government history, it will come to be run with as little graft and as little extravagance as possible will be found, and that wherever it is found, the man guilty of it will be pilloried in the public estimation, whether he be Frank A. Vanderlip, chairman of the private organization that builds the Hog Island industry, or the most unknown Government employee that there is in the land. I want to see scandal banished from the contracts and conduct of the affairs of this war; and I do know that in private contracts that have been let for the building of ships, there can be no hurtful comparisons made with Government construction by those favoring private contracts, because ships that were being built for $40 and $50 per ton before this war began have been let to private contractors to-day, who say that it costs that much to build them, at from $160 to $200 per ton. I believe when the Government gets straightened out in the operation of these yards that it is superwising, it will demonstrate just what ships can be built for, and build them for that sum, and that that sum will be under the prices they are now paying private contractors.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. MOORE of Pennsylvania. I agree with the gentleman from Illinois that we want ships, and we do not want these orgies of extravagance at shipyards to which the gentleman from Texas refers, but what does the gentleman think of the proposition to provide in this bill that the contracts shall be awarded in accordance with law?

Mr. HARDY. The only objection I have to that is no concrete objection. It has simply not been presented to our committee. I do not know what objections there might be to it offhand, or at first blush as the darkey would say. It seems to me that it would be a good proposition if some limitation of cost could be framed. I can not think of any limitation that will prevent dishonesty or graft. That perhaps can only be done by faithful and efficient Government inspection and supervision. These houses must be built as rapidly as possible, and that situation might not give time for the offering of contracts under public competition and award.

Mr. MOORE of Pennsylvania. Of course it would require advertisement and notice.

Mr. HARDY. And time. It seems to me that the Emergency Fleet Corporation or the Shipping Board ought to be trusted to the extent of expending $100,000 here and $100,000 there to build essential necessities, without taking up time for advertising, so that I would hesitate to say that I would support an amendment of the kind the gentleman refers to, not having gone into it to see what the objections might be on the part of Admiral Bowles, who seems to be trying hard to draw something out of the Hog Island situation and to expedite our shipbuilding generally.

Mr. MOORE of Pennsylvania. I think that is true.

Mr. HARDY. If he is an honest man, if he is a good administrator, he could perhaps have these houses, especially the temporary ones, built both expeditiously and economically. I do not know about that. Generally I would be in favor of a public award, to the lowest bidder, for all Government contracts.

Let me say just one word more in answer to my good friend from Massachusetts, Brother GREENE. Fifty years have gone since the North and the South in splendid battle array drew swords against each other, and 50 years have passed since the last gun of that war was fired and the last battle flag of the Confederacy was furled. It is true, as the gentleman says, old soldiers last June walked down Pennsylvania Avenue bearing the flags of the lost cause and of the triumphant Union side by side. Good men all over the land have come to-day to recognize the fact that loyal, true, and noble sons of both the South and of the North each fought for what in their judgment was right. The expressions of the gentleman from Massachusetts do not voice the sentiments of the old soldiers or the best citizens of his own State; to them the rancors of 1861–1865 are dead. The name of Lee to-day sounds as sweet and his memory is as dear to the best manhood of the North as the name of Grant is to the best manhood of the South. Fifty years have passed, and that era that once stirred to strife the sections of our common country is to be followed by an era in which the sections join together under one banner in a struggle which dwarfs the other struggle in its magnitude and vies with it in the extolled grandeur of its consecration, and we trust will surpass it in its glory. If there is nothing else of good in God's providence that comes out of this horrible war, there will be this—that the love of brotherhood will cement again the North and the South, and no longer will there be a criticism because some son of the South still loves the memory, yea, and the flag of his fathers. To-day, except for some rare and strange case here and there, all bitterness is gone and every man, North and South, will salute the flag with one devotion and determination to bear it to victory on the fields of France, and every patriot echoing in his heart the Psalmist's song, "Behold how good and how pleasant it is for brethren to dwell together in unity," rejoices that we are marching to-day to the battle fields—the North, the East, the West, the South—without one dividing line. [Applause.]

Mr. GREENE of Massachusetts. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ALEXANDER. I yield the gentleman one minute more.

Mr. GREENE of Massachusetts. I just want to say that I made no mention of Gen. Lee; I made no mention of the Confederate soldiers. I never questioned their loyalty to their flag. The gentleman says the war has been over for 50 years. That is true; but I say now—and I do not say it with any disrespect to the South—that we ought to get under one banner. That is where we ought to get, and never have in this Capital two banners.

Mr. HARDY. If the gentleman will permit me, I will say we are under one banner. [Applause.]

Mr. GREENE of Massachusetts. That is all.

Mr. HARDY. I will say further down in the Southland the Stars and Stripes wave over a happy and united people——

Mr. GREENE of Massachusetts. We never questioned that.

Mr. HARDY. And that does not diminish our love for the flag that once was borne by Robert E. Lee.

Mr. GREENE of Massachusetts. That is all right; I know all about that.

Mr. ROBBINS. Mr. Chairman, I would like to ask the gentleman a question in regard to the legal features of this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROBBINS. I want to ask the gentleman one question.

Mr. ALEXANDER. I yield to the gentleman one minute for that purpose.

Mr. ROBBINS. I notice here this bill allows the condemnation of lands and houses. How are you going to condemn a house if it is in the possession of the owner and is used as a residence?

Mr. HARDY. Under the eminent-domain law I do not think there is any property that can not be condemned for the use of the Government.

Mr. ROBBINS. It says here in line 21, page 5, that you must have the State legislature's consent, and in Pennsylvania no land can be condemned that is in the possession of the owner.

Mr. HARDY. Oh, no. This law provides that we can take possession, without waiting the consent of the State, and adjust all that later.

Mr. ROBBINS. It applies to a house in the possession of the owner, used as a domicile.

Mr. HARDY. To meet that question we have a provision here put in the bill in line 20.

Mr. ROBBINS. There is a legal complication in Pennsylvania——

Mr. HARDY. We investigated that question, and found it would be thoroughly constitutional; or, at least, we believed so.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GREENE of Massachusetts. I yield three minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I shall not have much to say about the merits of the bill, but I think the paramount question to-day is the question of transportation, and if we are going to win the war we have got to be able to move the men and the supplies, and if we can not build the ships without furnishing housing facilities our imperative duty is to furnish those facilities. The question of how the contracts shall be let for the houses we decide to build is one that will have to be taken up by the administrative officers of the Government. If we could stabilize the prices of materials that enter into the construction of these houses and also stabilize the price of labor, the way to build the houses would be by contract; but as they are uncertain I apprehend that we are not going to be able to let contracts for any houses we decide to build, and so we will be obliged to go on and build them at cost plus. That, of course, will make them cost more than they otherwise would cost, and I do not believe that we will be able to-day to get any man to take a contract to build those houses at a stipulated price, because he would not know in advance what the conditions would be under which he would be called upon to operate, and the one thing I think we ought to do, and do quickly, is to insist upon the Shipping Board assembling a sufficient force of people to build a sufficient number of ships to carry the supplies and men to the other side. We have men ordered to the other side from time to time who are obliged to wait in New York three or four weeks after they get there before they can get a ship. We have ships that have gone abroad that have had to bring back part of their cargoes. That shows there is bad management somewhere, and we ought to have a management so scientific and systematic, filled with vigor, vision, and imagination, that they can see the things that are necessary to be done. The American people want the war brought to a successful conclusion, and they will not be satisfied with anything else.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. May I have one more minute?

Mr. GREENE of Massachusetts. I yield to the gentleman another minute.

Mr. MADDEN. I realize it is not easy to assemble a great force like the Shipping Board and the other departments of the Government are obliged to assemble in an emergency like this and have everything run smoothly, but we have had opportunity enough now to be able, with the right men at the head, to make an organization that will run and function and get results. We have not had it so far. We want results, results, results, and that is what everybody else wants, and until we begin to get results and get them at a reasonably decent cost, the American people are going to continue to doubt whether we are doing all we can to win the war in which we are engaged. [Applause.]

Mr. GREENE of Massachusetts. I yield 10 minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Chairman, ordinarily I am opposed to paternalism and, of course, this bill smacks of paternalism. But I do not see how it is possible for us to accomplish the building of these ships without something can be done comfortably to house and take care of the men who are working in the shipyards. After an investigation made by the committee I am convinced that the comfort of the employees and the care necessary to be taken of the labor is going to require us to pass a bill something like this, not only for shipyards but we probably will have to pass one for a great many of the munition plants. It is well known that necessity knows no law, so we have to sink all ideas or principles in a matter of this kind and take a position with reference to this matter where we can accomplish what we are trying to do quickly. There is no desire on the part of the housing commission of the Shipping Board to do any more than they absolutely have to do. I will say when they came first to Philadelphia they talked about building 7,500 houses. It has been reduced to 3,000 houses, not because they are going to build any less ships at this point, but because they plan that by opening up certain streets and advancing some money to increase railroad and street railway facilities they will be able to get along without as many houses as they at first contemplated they would need to have.

Foreign countries have recognized this condition. England has in one plant, the plant at Gretna, two villages, or two towns, you might call them, one at each end of the plant, and the plant, including the town, is over 12 miles long. Mr. Ackerman, who appeared before the committee, investigated this proposition and found that it was absolutely necessary, because it prevented the turnover in labor which was occurring at this plant before the houses were built.

It is said in some of our shipbuilding plants the turnover of labor is over 600 per cent, meaning that the average time a man spent at the plant was about 60 days. In Gretna, after building these houses, the turnover was less than 5 per cent. So you can see that building these homes is going to give the yards stable labor and going to make it contented with the conditions that exist there. In Gretna, England, they have schools and theaters, and everything has been built by the Government. Somebody asked a short time ago here whether the Government was selling these properties. I understand not. I understand the English Government is retaining these properties and intends to sell them at the close of the war, or they will possibly rent the plant as a whole, because their reconstruction committee is intending to utilize this plant for some manufacturing use after the war is over.

It was also noticed in Gretna that the increase in output was rather remarkable, and I would think that building these houses at our plants would increase our output. The work would be done by the Emergency Ship Corporation or by subsidiary companies. The contracts are to be drawn so that the Emergency Ship Corporation will control.

Now, they have two different plans in this bill, and that is one reason why we added section (d) to it. The first plan is that they propose to build on the ground owned by the ship corporation or a subsidiary company of the Emergency Ship Corporation. The corporation, or this subsidiary company of theirs, will own every particle of the property. Now, in the other case, the Emergency Ship Corporation proposes to make contracts with subsidiary companies, the companies composed of the officers of the different private shipbuilding yards, and these contracts will be so made that the Emergency Shipbuilding Corporation will control the handling of the money and also mortgage these properties up to the full extent so that they can get very nearly their money back.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. GREEN of Iowa. Can the gentleman inform us at how many different places the housing board expects to build these houses?

Mr. EDMONDS. At the present time they have in contemplation building at Newport News, Chester, Wilmington, Sparrows Point, Bristol, and Hog Island. Now, there are applications coming in from some other private concerns on the Pacific coast, I believe, and also from some up in New England. There is really no accurate idea as to how many places they will have to build houses. They do know if they want to take care of and prevent the turnover of labor they have got to do it at Bristol, at Sparrows Point, at Hog Island, and possibly at Newark. I forgot to mention Newark. They have the plans fairly well under way. They went over the plans with us, and it appears to us that they are trying to do everything they can to prevent as much loss as possible, because no man doubts that if we spend this money in this housing, eventually we will make a loss.

Now, in the case of the New York Shipbuilding Co., which was talked about before the committee, the attorney of the board spoke of a piece of ground that they owned upon which they wanted to build houses, and after they have given the ground

to the housing company, and the houses were erected under whatever plan they should agree upon, it was understood the Emergency Shipbuilding Corporation, or their subsidiary housing companies, should have a mortgage both on the houses and grounds. That ought to let us out fairly well in the deal. Undoubtedly the cost of building these houses is going to be 30 or 40 per cent more at the present time than in ordinary times. Whether we can get the money out of the houses eventually is simply a question as to whether they are built in advantageous locations or not.

Mr. GILLETT. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. GILLETT. How was it anticipated originally that these workmen could be provided with houses?

Mr. EDMONDS. It was thought originally, I believe, that facilities, railroad or trolley, could be made to bring them to these different points. I can call to mind that in the Hog Island plant they have two trolley roads going there and they also are running motor busses. And then we have two different railroads going into the plant. And yet they do not seem to be able to bring the men in time, and the delays in transprtation are so great that the men are discontented and do not stay long on the work.

Mr. STAFFORD. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. STAFFORD. From what distance is this corralled?

Mr. EDMONDS. From the city hall in Philadelphia to Hog Island is about 9 miles.

Mr. STAFFORD. Does the labor come from that radius of activity?

Mr. EDMONDS. I would say it does. The labor comes from all over Philadelphia. The houses in the Philadelphia project will be a mile or a mile and a half from the shipyards.

Mr. ALEXANDER. The gentleman might state what the city of Philadelphia is doing in cooperation with this work.

Mr. EDMONDS. The city of Philadelphia is doing whatever it can. They have advertised for a boulevard to run to Hog Island, on which there will be a two-track high-speed trolley, to enable the men to get to the works promptly, and they are prepared to perform all the necessary municipal work.

Mr. STAFFORD. In the progress of events in Philadelphia, how long does the gentleman think it will be before that boulevard, and trolley in particular, will be built?

Mr. EDMONDS. It was said by the members of the housing board that they thought it could be completed in about four months.

Now, to get back to the question of the gentleman from Pennsylvania [Mr. MOORE] in regard to dropping the cost-plus percentage on contracts, I would like to say this: Upon making an inquiry of Mr. Flannery, who is employed—not a dollar-a-year man—by the Shipping Board——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. EDMONDS. Mr. Flannery, as I say, is employed by the Shipping Board. He is not a dollar-a-year man. He is a manufacturer and has a factory in Pittsburgh. He is a business man. Mr. Flannery told me the other day—and the chairman of the committee was present—that it was his intention to use local talent to supply the labor for these houses, and the Government, through the Quartermaster's or some other department, would supply the material. He said that that was rendered necessary at this time because the Government in most places has commandeered all the sand and gravel and lumber. Therefore in order to get this material we would have to go to some of these departments and get it released, so that it could be supplied for the houses. He said his idea was, where he was going to build a couple of thousand houses, to divide it up among five or six contractors who were experienced in building houses.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Iowa?

Mr. EDMONDS. Certainly.

Mr. GREEN of Iowa. I would like to inquire whether the board has ever considered the matter of modifying these cost-plus contracts—say to allow 5 per cent, which was thought to be a reasonable amount, and then reducing the percentage as the cost advanced, so that there would be some object in reducing the cost?

Mr. EDMONDS. The contracts would not be given on the cost-plus plan. It would be so much to be paid to the man; whether he spent a million dollars or a hundred thousand dollars, he would get no more out of it than the agreed price. The idea was to employ the builder at such and such a price, and no more than that.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. STAFFORD. There have been in past times large building contractors in Philadelphia who have given themselves over to building large continuous rows of homes. Why does not private capital furnish homes at this island tributary to the navy yard?

Mr. EDMONDS. Because this location is not available at the present time. It will be in the course of three or four years, but it is not now. There is ground nearer the city where they would build in preference to building here.

Now, there are two classes of houses in prospect. First, they are going to build in a place where it is evident that these houses can not be sold afterwards. So far as I am concerned, I do not believe in the idea of the Government selling any of these houses until after the war. But that is a mooted question. Then they are going to build in a place where the houses can be sold afterwards, in a place nearer to permanent industry. They are to be five or six or seven room houses and are going to be built in attractive style, so that they would attract workmen. They believe when they build these houses they eventually will be able to sell them all off, because their venture stops with the war, of course.

Then they are going to build a type of frame house which will either be in a position to be torn down if they can not sell it, so the loss will not be so great. They also will build large clubhouses or hotels or boarding houses out of wood for single workmen. The other houses they are building are for married men, so that they can bring their families there. These clubhouses or lodging houses for single men will be of wood, so that if there is no use for them in the future at the plant they can be torn town and taken somewhere else, just as in the case of cantonments if we can not use them further.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. EDMONDS. I ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ALEXANDER. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HADLEY].

The CHAIRMAN. The gentleman from Washington is recognized for 10 minutes.

Mr. HADLEY. Mr. Chairman, the bill is essentially a war-emergency measure. It is intended to deal with facilities that are absolutely necessary, in the view of the committee, in connection with war production, and it is limited to the period of the war with Germany.

Of course, like many bills with which we are familiar which Congress from time to time has had to deal with, this bill deals with principles which would not be welcomed in time of peace or under ordinary conditions. But we have learned that we must treat emergencies as such, and deal with them as we face them according to the conditions.

Mr. WALSH. Mr. Chairman, will it trouble the gentleman if I ask him to yield?

Mr. HADLEY. Not at all.

Mr. WALSH. The gentleman states that this is a war-emergency measure. I desire to ask him what is going to be the situation if the Government is undertaking to construct, say, a thousand of these houses and they are partially completed and unfinished, and then peace should suddenly come? Where is that going to leave the matter? The authority, as I understand it, ends with the proclamation of the President. What will become of these structures and what would be the situation under the condition that I have indicated?

Mr. HADLEY. I understand the gentleman's question, I think. The purpose of the bill is to suspend the operation of the powers which are granted by its terms with the termination of the war. But all existing contractual relations or vested rights, as the case might be, would, under the authority of law, be perpetuated and effectuated and carried out. I do not conceive that there will be anything in this bill that would cut off a contractual or vested right when the war ceases, but the extension of the power which might be exercised now during the period of the war would be cut off at the conclusion of the war.

Mr. WALSH. Then the gentleman's view is that the powers and authority granted are war emergency measures, but the execution of the things undertaken to be done under those powers and authorities necessarily are not emergencies?

Mr. HADLEY. Necessarily the winding up of the investment, so far as the Government is concerned, between it and private parties which would arise under the execution of these powers would have to be effectuated in the ordinary transaction of business after the war closed.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. HADLEY. Yes.

Mr. ALEXANDER. The committee had that question under consideration, and we thought it unwise just at this time to say just how the business of this corporation should be wound up. We thought we would leave that to the Congress to determine after the war is over, when the conditions are met.

Mr. WALSH. I will not take up any more of the gentleman's time in asking for information.

Mr. HADLEY. The evidence before the committee disclosed, speaking generally, that the Council for National Defense had made a general survey of the housing situation throughout the country as applied to war industries generally, and that the Department of Labor had done the same, including the shipping situation; and it also disclosed the fact that the Emergency Fleet Corporation had devoted considerable time to the investigation of the situation as applied to its own activities. A coordination of all that testimony before the committee demonstrated that the necessity for labor in connection with war industries and the transportation of labor from one point to another had resulted in massing great numbers of workers at common points quickly and suddenly—points where there were no towns, no buildings—or, and in some instances where there were towns and cities, they had become so far overburdened as not to be able to meet the situation at all. The testimony also showed that the purpose of the Fleet Corporation is and has been to meet the situation first without housing, if possible, and that they had done that by means of transportation in many instances. Where they can relieve the condition by aiding in ferryboat service or in trolley-car service and other service in a supplemental way, the purpose of the corporation is to do that, and they resort to those means of relieving the local emergency in a given case only after having exhausted all the possibilities of local relief. It developed, as has been stated by a number of gentlemen who preceded me, that in many localities they were not able to give the necessary relief even through the medium of transportation. Where the center of activity is removed a considerable distance from a city of town, for instance, and transportation is not present, the housing demand is acute.

Secretary of Labor Wilson made a general statement before the committee, which it is interesting to note and from which I submit the following extract:

> Large numbers of those men that are being moved into the lines of industry for the production of war material are skilled men. They have been working heretofore under the conditions of living and under the standards of living that have obtained for skilled men. In bringing them into the communities, with the absence of housing facilities, it is difficult to get them to remain, the result of which is a tremendous turnover of labor. The turnover of labor is a matter, of course, of loss of efficiency. Not only is there a large turnover of labor, which causes a loss in efficiency, but there is also difficulty in getting men to accept employment in places where the housing facilities are insufficient.

And Admiral Bowles, in stating the reason for this legislation, made this statement:

> The reason that we have asked for the authority that is contained in this bill (S. 3259) is this: That we know that, in many cases, houses exist in the neighborhood of shipyards which, if we had the right to requisition—that is, the right to requisition the use of those premises—we would avoid the necessity for building houses to that extent, by using them for the homes of shipyard workers; and that power on our part will put the "fear of God" into the hearts of the real estate speculators who have bought up the property and are holding it at high prices in the neighborhood of all the shipyards in the United States.
>
> That would be a very valuable power to us; and I believe it would be exercised in many cases by the taking of the use of houses; not actually acquiring the title to them, but in acquiring the use of them, for which we would pay a fair rental, upon a basis that we could reasonably adopt, a basis of the value prior to any demand that had raised the prices in the immediate vicinity of the shipyards.

The legislation is necessary in order to vest in the Fleet Corporation the power to acquire title to real estate and other necessary property, a power that they do not have at this time. The only means by which the corporation has been meeting these extraordinary demands in the incidental way I have mentioned without this legislation is through the operation of some provision in the urgent deficiency bill of June 15, 1917. The attorney for the corporation who appeared before the committee expressed a doubt as to the authority to extend relief under that appropriation. I will not refer to the testimony, but he explained that it would be a strained interpretation of language to go further, if they had not already strained it, in fact, in going as far as they had gone.

Something has been said about the contract that is proposed to be made. The land may be taken by purchase, or by lease, or by condemnation. However the title is acquired, it may be that the Emergency Fleet Corporation will proceed to build the houses, or it may dispose of the land, and the laborers may build the houses through loans from the Fleet Corporation. A variety of conditions will arise according to the situation in the given locality. But the plan that they propose is for the shipyard company to create a holding company.

The CHAIRMAN (Mr. BANKHEAD). The time of the gentleman has expired.

Mr. HADLEY. May I have five minutes more?

Mr. GREENE of Massachusetts. How does the time stand?

The CHAIRMAN. The gentleman from Massachusetts has still remaining 36 minutes and the gentleman from Missouri 33 minutes.

Mr. GREENE of Massachusetts. I yield to the gentleman five minutes.

Mr. HADLEY. The stock in the holding company, of course, will be held by the shipyard company, and the plan of the Fleet Corporation is to deal directly with the holding company and to limit the transaction by provisions in the mortgage or by some side agreement. The plan contemplates security. I do not know that the bill specifically provides for the taking of security in connection with the proposed loans, but the plan that was contemplated before the committee, as the testimony showed, was that these loans should be secured upon the property of the holding corporation.

Mr. HARDY. That plan was stated by the attorney for the Shipping Board in very considerable detail.

Mr. HADLEY. Yes. I have it here.

Mr. HARDY. As to the kind of contracts he expected to draw.

Mr. HADLEY. Yes. The shipyard company would not desire to make a mortgage upon its own assets; but by limiting it to the assets of the holding company, of course when the transaction is complete there will be no liability outside of the assets of the holding company.

With the present conditions as to prices of labor and material and other contingencies surrounding the prosecution of business of this kind, the information of the Fleet Corporation was that the shipyard company would not take hold of this as a business proposition, but with the aid of the Government through the holding corporation, with its limited assets and the security upon the assets by the Government, which the Fleet Corporation intends to take, the result would be that the housing could be effected. I am satisfied from the testimony before the committee that the purpose of the Fleet Corporation in this respect is to expend only so much of the funds as are absolutely necessary to meet emergency demands, that they have a conservative plan in view for that purpose, and that it will be adequate to meet the situation if this legislation be enacted.

Now, whether it will take $50,000,000 or not is another question. I do not know how much of that sum will be required. There was some difference of opinion before the committee as to that. I will state frankly that the committee did not have any very definite specifications upon that subject. However, the request was made for that amount, and as you can see, looking the matter squarely in the face, there is ample reason for that.

With a 70 per cent increase of labor in the yards between October 1 and January 1 of this year it requires no stretch of the imagination to see that as the shipbuilding business evolves and develops during the present year and the labor of the country engaged in the industry is centered at these points the conditions in question will become more acute and no one can foresee how much money may be required to meet the situation.

Therefore I am in favor of adopting the request as made to the committee and the Congress through this bill and relying upon the checks which we have—this is only an authorization. It must be met by appropriation subsequently—there will be the judgment of the Fleet Corporation as a check upon it as well as that of the Committee on Appropriations and of the House when it deals with the subject of appropriations.

I am earnestly in favor of the passage of this bill because I deem it absolutely necessary to meet a demand which lies at the very foundation of our war program. All concede that the construction of ships is of the most vital importance at this time. We must have them as fast as men and money can supply them and multiply them as rapidly as possible. [Applause.]

Mr. GREENE of Massachusetts. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Massachusetts has 31 minutes remaining and the gentleman from Missouri 34 minutes.

Mr. ALEXANDER. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. PRICE].

Mr. PRICE. Mr. Chairman, it is hardly necessary to have had any debate, I think, on this bill, as it comes from the committee with a unanimous report. I believe it will meet the views of nearly all the Members of the House. There are 132 shipyards in this country building ships for the United States, employing on the 1st of January between 180,000 and 190,000 men.

The estimated capacity of these shipyards in labor can be brought up to five or six hundred thousand men if necessary by working on more than one shift. When the Shipping Board faced this problem they realized that it was necessary to greatly expand the labor, and in doing so found that it was impossible to get labor at some points where they were building ships because of the lack of houses. Many of these shipyards are now being constructed at points where the population is slim, where there are no housing facilities, and they have come to Congress for additional power, as they had not the power to build houses, specifically, and acquire land for this purpose.

I think no one will contend that the building of ships is not one of the fundamental things for winning this war. At the present time it is perhaps the most pressing necessity we have before us. The other day a noted Englishman, Sir Walter Roper Laurence, a distinguished commissioner of the late Lord Kitchener, was in this country, and gave out an interview in which he said that the three things he would impress on the American people was, first, ships. He put that at the head of the list. Second, he insisted on riveting attention in the minds of American soldiers in France to the fact that their country is behind them. It might be incidentally remarked that no more convincing argument that we are behind them could be made to our soldiers in France than that we are building ships for the purpose of sending them supplies. Third, that there can be no peace until the Prussian war machine is smashed. Again, the Prussian war machine can not be smashed until America gets into the war with all its power, and America can not get into the war with all its power unless we have ships, and have them quickly.

So that it becomes a paramount need, the need of this hour. This great Englishman says that if he had an American newspaper he would place at the head of its columns in great letters these three words: "Ships, ships, ships."

So that I think that not only Congress but the country realizes that our great need is ships. We all know that to build ships we must have men, and we know that if we employ labor they must live somewhere, and therefore we are undertaking in this bill to provide for that necessity.

At the present time we have about 180,000 men engaged in building ships. This very day we are starting a campaign all over the country to enlist men to build ships, and each State is asked to contribute a certain quota. My own State is asked to furnish 5,000 volunteers. It is found that at these shipyards we are not able to employ half of the men that are necessary, not more than half of the capacity of these yards. Take, for instance, Sparrows Point, in my own State of Maryland, which is one of the points where they contemplate the housing project, there is employed to-day 3,500 men. There can be employed at Sparrows Point 7,000 men; in other words, just double what we have if housing facilities can be provided.

Mr. FESS. Will the gentleman yield?

Mr. PRICE. Yes.

Mr. FESS. Does the shipbuilding industry require some special skilled labor which is difficult to get?

Mr. PRICE. I will say to the gentleman that it does require a great amount of skilled labor, but it developed before our committee that they had taken steps to drill men who are not skilled. To-day they have a school for that purpose where they take the unskilled mechanic and train him to take the place in the shipyard of a skilled workman as the building program develops.

Mr. FESS. I understood that the Vocational Education Board had been asked by the Emergency Building Corporation to assist them in this particular, but I did not know whether it was in action.

Mr. PRICE. It is in effect. Now, as I say, at Sparrows Point we could employ 7,000 men instead of 3,500 men, but there is no place for the men or their families to live, and the transportation facilities have been developed about to the point where they can be developed.

It is also stated in the testimony, in respect to this one particular case, that if these 3,500 other men can be employed at Sparrows Point it will mean an additional tonnage of 75,000 this year. In other words, by building these houses at this one shipyard we will be able to increase the tonnage for our transport service 75,000 a year. You gentlemen realize, as we all do, that that is important, and that the housing project is at the very foundation of our success in building ships, and unless we provide it we perhaps will fall very far short of what we should. The question has been raised here about contracts. I want to say to you, gentlemen, that this is a matter that requires haste, and we all know, as business men, that whenever we are called upon to perform a task in a hurry it costs more money; but do we stop? It is not a question of spending a few thousand dollars, more or less. That is not the question at issue to-day in America. The question at issue to-day in this country is to win this war, regardless of cost, and we should not stop to haggle about it or to amend this bill in any respect that will hamper us in carrying out the purposes for which it is intended.

It is contended and has been stated that the Secretary of War the other day made a very exaggerated statement which the facts did not justify—and his statements have been attacked in Congress—when he stated that we could transport a million men to France this year. The facts are developing and have developed that the Secretary of War knew what he was talking about. To-day we learn that we are adding to our transport service and find that we have acquired German ships interned in Peruvian ports, some 40,000 or 50,000 tons. It has also developed that the Secretary of War knew what he was talking about in that we are utilizing ships furnished by our allies, and it has been necessary that this statement be given out to the country in order that the people may realize that they are not being deceived. To-day the best talent in the country and in the countries of our allies is being utilized to round up the interned German ships all over the world.

We learn that France, one of our allies, has just completed negotiations by which 110,000 tons of German interned ships in Brazil have been added to the allied transport service.

We learn further that our ally, Japan, is relied upon to furnish a million tons additional for transport service in the Atlantic. There are in Chilean ports 165,000 and in Spanish ports 200,000 tons of interned German shipping, which no doubt will eventually be added to our merchant fleet. Besides, there are 500,000 tons of Dutch shipping which has been tied up in American ports which is to be released for our use.

These prospects, added to the two and one-half millions of tonnage now in the transport service, with the assurance by the Shipping Board of from three to five millions new tonnage this year, amply justified the Secretary of War in making the statement that we could place a million men in France in 1918.

It is time to stop faultfinding and expend our energies in winning the war, and we will win it. We must win it. We will win it with ships, and Germany will find that this great, resourceful Nation will put their submarines out of business in one way or another. If we can not eliminate them entirely, we will build or acquire more ships than she can sink. We shall not only transport our men, but we shall supply them and win this war for the freedom of mankind everywhere.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

By unanimous consent, Mr. PRICE was granted leave to extend his remarks in the RECORD.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, when the industrial expansion in certain directions necessary for the mobilization of our resources for the war activities was under way, it soon became apparent that the question of housing presented a serious problem and would necessarily engage the attention of the war-making machine. The first study on this subject was given by the committee on labor of the advisory Council of National Defense. That committee created a subcommittee on this subject, the chairman of which was Mr. Eidlitz. This subcommittee gathered information from all possible sources and also examined into the experience that England has had on the question of housing. Since the war has began it is a fact that England has actually expended up to the present time on housing for labor engaged in war industries $700,000,000, and at the present time there is under consideration a budget for that purpose amounting to $1,200,000,000, so that in a short time England

will have expended on housing the sum of about $2,000,000,000. No suggestion of housing on such a scale is made by anyone in this country, and I merely refer to it to show that the problem is a real one and is intimately associated with the successful development of our resources and the successful prosecution of the war. After the Eidlitz commission had gathered the material and made investigations and were ready to submit suggestions, it was determined that this subject might be handled by the Department of Labor, under the Secretary of Labor, and the War Labor Board which was created, of which Mr. John Lind is chairman, was given jurisdiction over the subject. They took the data that was gathered by the Eidlitz commission and proceeded to follow and supplement the investigations and the facts ascertained by that commission. In the meantime lack of housing in the shipbuilding activities, and specifically in several of the shipyards on the Atlantic coast, became pressing, and in the Emergency Fleet Corporation was created a department, of which Mr. J. Rogers Flannery was placed in charge, his title being director of housing, and that department in part using the information gathered by the Eidlitz commission and also the information supplementary to the Eidlitz activity gathered by the War Labor Board, after study of conditions in specific yards, came to the conclusion that immediate relief was necessary. They caused this bill to be drafted and introduced. The bill has been passed by the Senate and is now reported from the committee here. They contemplate solely to take care of the housing proposition as it relates to laborers in the shipyards constructing ships for the Government. They contemplate immediately to avail themselves of the powers granted by this bill at three yards—Sparrows Point, which has been spoken of, Hog Island, and Newport News.

Mr. WALSH. Did I understand the gentleman to include Hog Island in the three yards mentioned?

Mr. LEHLBACH. Yes.

Mr. WALSH. That is the yard in Philadelphia?

Mr. LEHLBACH. It is 9 miles below Philadelphia. That is the yard of the International Shipbuilding Corporation.

Mr. EDMONDS. That is in Delaware County, Pa., not in Philadelphia.

Mr. LEHLBACH. Yes; I said it was 9 miles below Philadelphia. In dealing with the question of housing generally it has occurred to me that where there are several governmental activities at the same point, including shipbuilding, the question of the necessity for and affording facilities for housing should not be dealt with by each department separately, but should be dealt with by the Government through cooperation of the various departments. In order to illustrate this general proposition, I would like to advert to the conditions in the city of Newark, which in part I have the honor to represent. They have there the Submarine Boat Corporation, which is constructing under contract fabricated ships. There are at present employed there about 2,500 men. When this plant is working to capacity Admiral Bowles states that he expects there will be employed about 15,000 men. Contiguous to the shipyard is a tract of land taken by the War Department, where there is being developed a quartermaster base for trans-Atlantic shipments. A good part of all the goods necessary for the support of the expeditionary forces in France is to be gathered there and shipped from there to Europe. When the warehouses and the necessary facilities are complete, it is estimated that possibly in the neighborhood of 30,000 men will be employed there, making in these two plants side by side in the neighborhood of 40,000 to 50,000 people employed directly on Government work. Now the city of Newark is absolutely without the facility to absorb the increase of labor to that extent. The housing question must be met, and necessarily must be met in a measure by the Government. The people of the city of Newark are willing to the extent of their ability to cooperate. This bill, of course, is simply for the Emergency Fleet Corporation and that corporation in the initial activities which it will be empowered to undertake intends only to take care of shipbuilders——

Mr. WALSH. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. WALSH. How much is the city of Newark willing to contribute in dollars and cents toward this project by way of cooperation?

Mr. LEHLBACH. The people of the city of Newark?

Mr. WALSH. Yes.

Mr. LEHLBACH. I understand a suggestion has been made that there will be no trouble at all as a starter of raising a million and a half dollars in the city of Newark among the private individuals and business houses, and what we want and what ought to be done when a condition similar to this is met anywhere in this country is not for the Emergency Fleet Corporation to proceed independently and provide for housing under a plan of its own for its immediate employees, and to have the Army under the Quartermaster's Department take steps for the housing of 30,000 or whatever number it may be of those employed in its activities and to have the various concerns that are under the supervision of the Government on war contracts independently to take care of the housing of their employees, but a proposition like this in a community like this ought to be treated as an entirety, and there ought to be cooperation between the Army, the Emergency Fleet Corporation, the board of trade or other agency through which public-spirited men, manufacturers, and men of finance may act in dealing with the question.

Mr. MADDEN. Will the gentleman yield?

Mr. LEHLBACH. I will.

Mr. MADDEN. The gentleman's idea is that this bill should be so amended as to make it a general housing proposition, and then allow the various departments to go to the Committee on Appropriations and get such appropriations as may be authorized under this bill for the activities in cooperation one with the other?

Mr. LEHLBACH. No; I would not amend this bill at all. I think the bill in its terms is broad enough to allow the Emergency Fleet Corporation to cooperate with any other department of the Government, or any private agency in dealing with the housing problem, and I think the bill ought to be passed because it has passed the Senate and will speedily, if passed here, become a law, and operations under it where they are of an extreme emergency character can be begun. But I think housing activities ought not to cease with this bill. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 11 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, it is my present intention to offer an amendment to this bill when the proper time arrives, the effect of which amendment would be to limit the percentage paid to contractors or subcontractors to whom any part of the work may be awarded. The expenditure of $50,000,000 even in war times is no small matter, and great waste can follow the expenditure of so vast a sum. While we make an exception in the matter of limitations on expenditures in war times, we should not, in my judgment, permit contracts to be so made as to encourage profiteering. If there are times when men should be patriotic and work at a reasonable figure for their Government it is when the country is in the throes of war and when it needs the assistance of its patriotic citizens. Some reference has been made to Hog Island during this discussion, and I am rather glad it has been. There is no question but that the site called Hog Island is a good site for a shipyard. It is located conveniently below the city of Philadelphia, very close to Fort Mifflin, and has deep water to the sea on the Delaware River. It is within easy access of the great fuel fields of Pennsylvania and the labor and material markets. It is located where everything conduces to the business of the shipbuilder. The Delaware River with its independent shipyards, prior to the outbreak of the war and since their having been commandeered by the Government, provided the largest shipbuilding activities in the United States. Since the Government has introduced new operations along the Delaware River it has become not only the greatest shipbuilding center in the United States but probably in the world. I question whether the Clyde to-day stands on a par with the Delaware River, so far as future prospects in shipbuilding are concerned. With such a record, no patriotic citizen of Philadelphia or Pennsylvania or of the States of New Jersey or Delaware, bordering on the Delaware River, would hesitate for one moment to put his stamp of disapproval upon waste and extravagance of Government money along the Delaware River in war time, no matter by whose authority that waste and extravagance had occurred. Much has been said before this about the manner in which the men who are supposed to "know how" to speed up shipbuilding operations have performed their work on contracts coming from the Shipping Board or the Emergency Fleet Corporation. There have been grievous complaints about the manner in which the work has been done. What we wanted was ships, but they speeded up in the matter of congestion of men and material, and they seem to have speeded up in the matter of the expenditure of extravagant sums of the Government's money. We want a great shipyard at this point, and my judgment is that, properly conducted under Admiral Bowles or any other efficient, honest manager, it will

be what we predict for it—the greatest shipyard in the United States. I am hopeful that the Shipping Board, no matter what has happened heretofore, is now putting itself in position to bring order out of chaos and establish at this point a yard of which the Government will be proud.

I intend, as I say, to offer an amendment to this bill to limit, if possible, the impediments to speed in construction that seem to have halted our operations thus far. Indeed, I wish such an amendment might be offered to other bills for the construction of cantonments and other great Government works where, with all allowances for the haste we desire, some extravagance has undoubtedly occurred. Men are prone to excuse extravagance and waste, and even graft in war times, for the sake of obtaining speed, but it is not the business of the legislature to atone or apologize for any one of these offenses. The legislator ought to put himself in position to hold up the department and make the department hold up the operator, manager, or contractor under its direction, to do the right and the honest thing. We can not as Members of the great National Legislature afford to stand for dishonesty or graft, even in war. Now, one of the troubles at this particular point was this: That the "men who knew how," and who got their contract from the Shipping Board, which had confidence in them evidently, was that they packed up everything, men and material, at this point, so as to impede their own progress. They helped to disorganize industries throughout the city of Philadelphia by offering unheard-of wages to all sorts of men and mechanics, drawing them from the legitimate industries and embarrassing existing plants that were also working on war orders. The effect upon other shipyards was to delay their operations and postpone construction. Instead of having a stabilizing influence on industries generally, they upset their own calculations and those of other concerns expected to cooperate with them. That is one point. Another point was this: They piled up lumber and material about that yard to such an extent that before the great freeze came there were hundreds, if not thousands, of cars on the tracks waiting to unload that did not unload. I had many complaints as to this. One of them went to the Shipping Board so long ago as November 27 concerning shipments of lumber that could not get through to legitimate purchasers beyond Hog Island, in Philadelphia and elsewhere, because the cars blocked the tracks, or in other instances could not be had to carry that lumber. The result was that when the freeze did come, and the demand arose all over the country for coal and for cars to carry coal, many of them stood upon the tracks at this point laden with lumber. The contractors—these men who "knew how," these men who were supposed to be efficient and drawing large salaries—apparently did not want to unload them.

Why? One of my correspondents tells me that he brought it to the attention of the Shipping Board that the demurrage on these cars standing on the tracks idle for weeks, and some of them for months, was charged up into the general contract price and included in the 10 per cent plus paid. So there was a premium, if that was true, upon the culpability of the contractor. The more he spent the more he wasted; the more extravagent he was, the more the Government paid him for that kind of service. That is the evil of the contract plus system.

I do not stand for crooks, whether they come from my city or your city, from my State or your State. I do not stand enthusiastically for the patriotism of the profiteer who takes advantage of the stress of his Government. I do not believe that you do, or that the Shipping Board does, or that any department in Washington wants to do so. But it seems to me proper to call attention to some of these things and to say that we can locate a little of the trouble for the coal shortage at the homes where the people have been freezing through two or three months past. We can locate a little of this responsibility for this extravagance, and perhaps we can trace some of it back to the law that Congress itself passed when it gave a vast sum of money in a lump to the Shipping Board and through it to the Emergency Fleet Corporation, and through it to certain building corporations, who eventually could pay exactly what they pleased to material men, to landowners, to workmen, to managers, and to advertising agents, and others, in such a way that the largest amount of money might be spent to obtain the largest possible commission. We ought to regulate that now if we can.

Gentlemen, this unlimited-expenditure method is a thing that Congress ought not to stand for. Neither the Senate nor the House should permit a bill to go through that will admit of conditions like those described. If departments be blind, due to an excess of patriotism and ardor in time of war, Congress at least should be careful.

The amendment I shall offer at the proper time will seek to limit the commissions paid to contractors and subcontractors to, say, 5 per cent on the direct cost of the work they shall do. I am not wedded to any particular figure, however. Let them bid in any way the department sees fit to have them bid, but let them fix a price for their work and let their commission be fixed upon that price. Let us have something better and fairer than the present system which holds up cars, increases congestion, involves demurrage, checks speed, and disorganizes other factories. Let those who go into this housing proposition understand that they will be fairly treated but that the Government is amply protected. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, it would have done the hearts of the Members of this House good to have seen, in Baltimore, Saturday last, thousands of shipbuilders from one of our shipyards parading through the streets of our city. They were a splendid lot of men, thoroughly trained and efficient in their work. Many of them have been trained for this work only since the war began, and are among the best shipbuilders which we now have.

Baltimore is doing everything within its power to meet this great emergency. Shipyards have sprung up in various sections, and at Sparrows Point the Bethlehem Steel Co. is spending millions of dollars in order to meet the demands of the Government. The housing question has been extremely severe in my city. We must realize that in addition to the great shipyards long ago established there has sprung up many others. Then there is the great Camp Meade, within 17 miles of the city, which occasions many people coming to our town to enter into business, and to do business with the camp.

Then there is the great Ordnance Department which has been established in that section known as Curtis Creek. Some 900 acres of land have been secured there, and on this tract immense buildings of concrete are being erected, which will require a large amount of labor.

Then there is Aberdeen, the great proving ground, on the Susquehanna and Chesapeake Bay. On certain mornings I have seen as many as 2,000 men leaving the city of Baltimore to go to that camp at Aberdeen. Then in addition to that there are the great repair shops at Canton, on Colgate Creek, just outside of the city limits. They are expending large sums of money to construct those repair shops, which are to employ two or three thousand men, where automobiles are to be assembled and shipped abroad and where repairs to machines are to be made.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Missouri?

Mr. LINTHICUM. Oh, let me finish these matters, and then I will be glad to answer questions. Then we have a depot for the Quartermaster General, where we gather the things to ship abroad to supply our troops. In addition to that we have Fort McHenry; and I want to say to this committee in reference to Fort McHenry, that that plant has been rapidly developed into a great hospital, and the identical buildings which this Congress was so good as to appropriate for are now completed, constituting a magnificent set of immigration buildings, and they are completed at the very time when we absolutely need them. They are now being converted into hospitals, and will accommodate some thousand beds when they are completed. They constitute a group of splendid buildings ready for occupancy at the very moment they are most needed. It seems almost as though we were looking into the future when we appropriated for those buildings.

Now, Mr. Chairman, I do not want to take up too much time on this subject, but——

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Maryland yield to the gentleman from Missouri?

Mr. LINTHICUM. I yield to the gentleman.

Mr. BORLAND. I am glad the gentleman has completed the enumeration of the activities centered at Baltimore. I want to ask him whether he does not think entirely too many of these activities have been centered in these eastern cities, causing this congestion of freight and labor and this shortage?

Mr. LINTHICUM. It is absolutely necessary to concentrate a large part of these things about the ports of the country. I have repeatedly tried to call attention to that and to the fact that the Atlantic ports furnish the gateways to the world.

Mr. BORLAND. Only about half of them are necessary at the seaboard.

Mr. LINTHICUM. That may be the gentleman's opinion. What we want is to get these things as near to the shipping point as possible, and the ports along the Atlantic seaboard are absolutely necessary for that purpose.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Certainly.

Mr. MADDEN. I was going to suggest to the gentleman that if the location of these factories had been distributed throughout the country the congestion would not have taken place and the assembled products could have been shipped to the ports for transportation to Europe just as easily as before.

Mr. LINTHICUM. I think that question has been abundantly answered by the experience of great business concerns of this country, that it is easier to ship parts, and that you can ship them more cheaply and better and more of them than by sending them to the point where you want them and there assembling the parts. The Ford industry is establishing assembling plants throughout this country. Does the gentleman think they would do that if they could do it cheaper otherwise?

Mr. MADDEN. They are not all assembled in Baltimore?

Mr. LINTHICUM. No; I assume they have established one for Chicago.

Mr. MADDEN. We would not then have to provide for housing. If they are distributed all over the country the cities could provide for the housing of the necessary workmen themselves.

Mr. LINTHICUM. You could not distribute the employees of the Bethlehem Steel Co.; that is the place where they need this housing. We could easily give work for 7,000 employees at those works alone. We are taking care of men there, but in order to do the work it is necessary to have the homes to bring these people to. I think we ought to provide at Sparrows Point just as substantial homes as practicable, homes that will last, because Sparrows Point is constantly growing, and has been growing for years. I have no doubt if the Government will put up the proper homes, economical and useful homes, at that point it can dispose of them, if need be, without the loss of much money, or with the loss of only very little money.

The reason why private building enterprise of consequence has not been going on in Baltimore is the fact that private builders can not get workmen and material. Private building has dropped off almost entirely on that account. The Government commandeers materials. It is on that account that private individuals did not build the necessary homes to house these workmen. Some people have attempted to build homes, and it has really almost worn them out to get the labor and material. When you go to the man who has contracted to furnish it he will say, "Yes; I had the lumber, but the Government came along and commandeered it, and you will have to wait." That is the case all along the line. Private builders can not get the workmen or the material, and the only thing that can be done is for the Government itself to take it up and do it.

Now, there is another point I want to take up. I notice that the press speaks of the fact that only 50 or 60 per cent of time is being secured from the workmen as a whole. That is partly because the laborers have not homes to live in. They are moved about from one point to another instead of being located at some particular plant. Some of it, I presume, is because some men are not working full time. Some men perhaps realize that they can live on three or four days' salary for a week, and such men do not put in full time. I think there ought to be a movement in this country which would impress upon the men who are not doing full work the folly of such conduct. They should understand that they are depriving the Government just as much by not giving it the proper amount of labor as the man who refuses to pay his portion of taxes for the support of the war; that a man who will not furnish the full amount of labor that he ought to furnish when the Government needs it so badly is injuring his country and injuring his neighbor just as much as the man who refuses to pay the full taxes. I think there are lots of people in this country who are not putting in full time, who are working perhaps only three or four days a week, who do not realize that they are doing wrong. They seem to think it affects only themselves. There ought to be some movement on foot to let every man know that this is a time when every hour of a workingman's day is needed and every full day's work is sorely needed, and that he ought to perform it in the discharge of his duty, not only to himself but to the country.

Many feel that when they have earned sufficient to live upon whether or not they work is a matter of their own concern and does not affect the Government. We should bring to the attention of all our people that the man who does not put forth every effort and give the proper week's work toward the production of this country is doing the same harm as the man who, having money, refuses to pay his taxes for the support of the Government enterprises.

Our people want to do the right thing. They want to give this Government every facility for the winning of this war, and I am sure that if we but bring it to their attention every effort will be put forth not only in the payment of taxes and in the production of food, but in giving full labor time, which are all essential elements to success.

The man who is physically and mentally capable of performing work is laying down on the job when he does not give a full week's work to whatever enterprise he is engaged in. The man who loafs is just as much a slacker as the man who does not perform his duty in the Army when called. He is just as much robbing the Government in this great crisis as the man who neglects or refuses to pay his proper proportion of taxes.

I want to see every man capable of doing good work, rich or poor, perform his part of the task of winning this war. The great artisans and laborers of our country, those who realize the responsibility resting upon them, are performing a full day's work and a full week's work, while some of our people, not realizing this situation and having sufficient upon which to live, are not performing their part. All must work and every man must be shown his duty in this great conflict.

Scripture tells us that "He who is not with us is against us" and "He who gathereth not with me scattereth." The man who is not performing his work when he is able to do it and is consuming the food of the country during his inactivity is not only not with us but he is against us in that he consumes that to which workers are entitled and which our allies so badly need.

Now, Mr. Chairman, in conclusion I want to say I sincerely hope this bill will pass. It ought to pass unanimously. I want to see these activities taken care of. But there are other governmental activities which also ought to be taken care of, and which certainly will have to come before us, because they have not the housing accommodations, and I am very sorry that this bill does not embrace all Government enterprises. I believe it ought to be done, and I am sure it eventually will be done.

Mr. FESS. Will the gentleman yield for one question?

Mr. LINTHICUM. Certainly.

Mr. FESS. Referring to the problem of labor, would it be at all feasible to employ conscription to secure labor in Government munition plants or in shipbuilding plants?

Mr. LINTHICUM. It might be; but I do not believe we ought to be compelled to resort to conscription for this purpose. I believe that when the laboring man is once brought to know that when he does not perform a full week's work he is depriving the Government of something it is entitled to just as much as the man who does not pay his proper taxes, he will perform the labor that he ought to perform. The whole trouble is that many men of this country do not realize it. It is a new doctrine. There are so many new doctrines and responsibilities continually arising that it is difficult to keep abreast with them.

Mr. ALEXANDER. I yield one minute to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Chairman and gentlemen of the House, the housing of men employed in the shipyards is a question that is not only very pressing in the East but it is also pressing in the West. It may be comforting to some of the Members of the House to know that the first ship completed for the Emergency Shipping Corporation was completed in the city of Seattle, in the far Northwest. We have in our city many, many thousands of men working in the shipyards, and we turned out a vessel for the United States Emergency Fleet Corporation in 5 months and 15 days from the time her keel was laid. I understand she is an 8,800-ton ship. I show to the members of the committee a photograph of the first ship turned out for the American Emergency Fleet Corporation, the steamer *City of Seattle*, which sailed on her initial liberty voyage on January 14, 1918. [Applause.]

Mr. ALEXANDER. I yield two minutes to the gentleman from Maine [Mr. WHITE].

Mr. WHITE of Maine. Mr. Chairman, I have a very keen appreciation that the discussion which has preceded has left very little of information to be imparted to the House on this question, and I take the floor chiefly to give further evidence of the unanimity with which this measure is supported by the members of the committee, and very briefly to summarize the considerations which lead me personally to approve of it. It seems to me that the justification, the compelling necessity, for this legislation is based upon two or three propositions. First is the need for ships. The call for tonnage to supply the men now across the water and for increasing tonnage for those who must go is persistent and insistent. Men, munitions, food, and clothes call in imperative tones for the exercise of American ingenuity and of every energy for the production of our ships. The duty is clear, and we must meet it as best we can.

The next proposition is that we must supplement the force of men now employed in our shipyards and increase the efficiency of that working force. There are some aspects of the situation which are disquieting. It appears that at the present time, or as of the 1st of January, we had approximately 180,000 men

employed in our shipyards, with the need for at least 300,000 men. It appears, too, that of the shipyards now at work 10 to 15 per cent are not working at their present capacity, and of more sinister significance is the fact that the present capacity of these yards is less than 50 per cent of their ultimate and contemplated production. We learn, too, that the turnover of labor is appalling, the average in the shipyards engaged in Government work reaching 600 per cent, a condition bespeaking industrial chaos and enormously impaired production, and for which lack of adequate housing and inviting surroundings is in no small degree responsible. It is this need of ships, a recognition of the unsatisfactory conditions in our shipyards, and the hope that this legislation will tend to stabilize, encourage, and inspire labor that lead me to give my cordial support to this measure and to express the hope of its speedy passage by the House.

Mr. ALEXANDER. I yield to the gentleman from Alabama [Mr. BANKHEAD] five minutes.

Mr. BANKHEAD. Mr. Chairman, in the early course of the debate the gentleman from Massachusetts [Mr. GILLETT] submitted an inquiry to the chairman of the committee [Mr. ALEXANDER] as to the necessity for this specific piece of legislation. He seemed to assume that if the amount of money required were appropriated under the provisions of existing law the Shipping Board would have authority of law to carry out the purpose vested by this bill.

The counsel for the Emergency Fleet Corporation, when he was before the committee, stated that one of the reasons why he was anxious to secure the enactment of this bill was to clear up that question of the specific authority. Another object in the passage of the bill is to suspend the existing law with reference to the requirement that in making appropriations of public money it shall not be expended until the written opinion of the Attorney General shall be had in favor of the validity of the title of land acquired. One of the provisions of this act suspends that feature. Another matter desired is to grant authority to requisition lands and houses, which is not conferred by existing law.

But, Mr. Chairman, the main purpose of my asking the courtesy of a few minutes was to read into the RECORD a part of the hearings before the committee, the statement of the counsel for the Shipping Board with reference to the minutiæ of the operations by which this money would actually be expended, because I think probably it will be instructive and illuminating to the committee. He stated:

> If I may describe now, gentlemen, the transaction we propose to use. In these cases where we lend the money the shipbuilding company will form a separate small company, the stock of which will be owned entirely by the shipbuilding company, and it will acquire the title, free and clear, to certain land that is suitable. In some cases the shipbuilding companies now own the land. The reason for having a separate company is one of convenience in keeping accounts, and it also has to do with a refusal on the part of the companies to make a corporate mortgage which would obligate the company and all its assets for the repayment of the loan. They take the position that they would not build houses at this time because of the expensive cost, the high price of labor, and the difficulty of getting materials, so that they are insisting upon having these separate companies.
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> Of course, our first direction to them is that they shall not make any money out of this housing business, and we shall use all of our ingenuities to see that they do not make any money out of this housing business, because this is a war measure, and we are putting money in in an unusual way, and we want to provide houses for these employees and not for the profit of any land-development company. There will be no salaried officers nor directors; there will be no commissions allowed in any way. The shipbuilding company will be allowed to have a 6 per cent return on its actual investment at cost that they can show by an actual audit of their books to us, and that is all.
>
> And then there are very interesting pay-off provisions of the mortgage that we will have. We propose to lend the money to these subsidiary companies at 4 per cent interest for 15 years, and, beginning with the fourth or fifth year, that they shall pay off 3 per cent on the principal. Now, bear in mind that it is a separate little company that is making this arrangement with us. We control the arrangement; we control the sale prices. We hope that all of these houses will be sold to the shipyard employees, and it is our intention to make the documents in such form as to facilitate sales. For instance, we mean to take a blanket mortgage for all of our advance, and that blanket mortgage will have a schedule of release values annexed to it, so as to each particular plot of land and house in that development there will be an ascribed value. We plan to replace that blanket mortgage if an employee comes along and wants to buy and to take a separate mortgage on that particular tract, so that that employee will get the benefit of a 4 per cent mortgage. He can not get it now at 6 or more per cent, and it will aid him to that extent in financing his own home. There will be practically a trivial amount of cash required for a man to acquire a house in any one of these developments, and we intend to see that they are sold off to employees just as fast as possible.

Mr. GREENE of Massachusetts. I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, in view of the disclosures that have recently appeared with reference to the contracts let by the Shipping Board at the Hog Island yard and some other shipping contracts I am sure that every Member of the House, including the members of the committee reporting this bill, feel reluctant to grant the power contained in this bill appropriating $50,000,000 for the purposes therein specified, practically without any restrictions. And yet we need ships. We need men to build them. We can not secure them unless we provide housing facilities for the men who are to build them. And I agree with the committee that it is not practical, probably, to provide any restrictions in this bill upon the expenditure of the money by the Shipping Board. But I believe, Mr. Chairman, that there ought to be some check not only upon the Shipping Board, but upon every other department of the Government, and I am hopeful that before we go on very much further we may have a general committee on expenditures to inquire into the expenditures that may be made under this bill and under other bills that we pass providing large appropriations.

With reference to the Hog Island yard, I have no hesitation in saying—and no man on either side of the aisle will deny—that if the committee on expenditures proposed last summer had been created millions of dollars would have been saved to the Government in the Hog Island yard. And not only would millions of dollars have been saved, but by this time keels for some ships would have been laid in the Hog Island yard where to-day there is not one.

I understand, as we all do, that the President objected to that committee because he thought it might be a reflection upon him. No one holds the President responsible for these almost criminal, or, if not criminal, reckless extravagances at Hog Island yard. The President of the United States can not be presumed to know all of these details. He is responsible for but one thing, and that is the appointment of the men who make these expenditures, and beyond that his responsibility can not go. It is no reflection upon the President that Congress is called upon to make appropriations to provide some means of investigation of how appropriations are expended by this board or by any other department of the Government.

The corporation having the contract for the Hog Island yard is to receive $6,000,000—for what? For furnishing, as they say, the "know how." In the testimony before the Senate investigating committee, the only "know how" that they have furnished the Government is knowing how to loot the Treasury, and they have been exceedingly successful in that.

Another phase of this matter which I wish to discuss is that housing facilities are necessary for shipyards, and not only for shipyards, but we will be called upon soon for housing facilities for many other plants of different kinds. This comes, in some part at least, by letting contracts—and I am not referring to shipyards, for I realize that they must be on the Atlantic and Pacific coasts and the Great Lakes—it is due to the fact that in letting the contracts no regard has been had in letting them as to the supply of labor in the vicinity of the plant where the contracts are to go. I hold in my hand a very interesting map, which gives the location of 2,381 firms that hold about 50,000 important war contracts. They are all congested in three or four States. [Exhibiting map.]

Is it any wonder, when you look at that map, that we have a congestion of transportation; that we have a congestion of labor and a failure of the coal supply? No contract involves the installation of any new plant, unless it be something in the nature of a shipyard, that must be on the coast, no new contract should be let in the future that would be located anywhere in this congested area. Everything in the way of a war contract that can be provided in the interior from this time on should be provided for in the interior. In that way we will solve in a large degree the question of transportation, we will solve in a large degree the question of labor. We have no shortage of labor in the interior. We have not labor enough in the States where congestion now exists, and the difficulty is going to increase day by day if the present policy is to be continued of centering war contracts in two or three States.

Mr. MADDEN. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MADDEN. The map which the gentleman presents is very illuminating. Is it the intention of the gentleman to have the map published in the RECORD?

Mr. LENROOT. I should be glad to have it published if I could. It was prepared by the Department of Statistics for the Council of National Defense on the 17th day of last January.

Mr. MADDEN. Mr. Chairman, in view of the fact that the map tells the story as no speech can, a story that everybody ought to know, I ask unanimous consent that, in connection with the speech of the gentleman from Wisconsin, that the map be published in the RECORD.

Mr. GREEN of Iowa. I suggest that we have some rule in reference to the publication of such matters.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the map produced by the gentleman from Wisconsin may be published in the RECORD in connection with his speech. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, I did not hear the gentleman as to the area this map covers.

Mr. LENROOT. The whole United States.

Mr. MOORE of Pennsylvania. And it shows the congested area.

Mr. LENROOT. It shows the location of each firm having a war contract.

Mr. MOORE of Pennsylvania. With all due respect to the gentleman from Illinois and the gentleman from Wisconsin, I think it would be absurd to provide for the building of ships in the interior of the country.

Mr. LENROOT. I stated specifically that I did not make any such contention. I excepted shipbuilding.

Mr. MOORE of Pennsylvania. We have the water on the coast. Why should not we give the work to firms who can build the ships where they can get them out?

Mr. STAFFORD. And we have mud flats, too.

Mr. MOORE of Pennsylvania. Yes; and some gentlemen would like to build them on the Rocky Mountains.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois to print this map in the RECORD in connection with the speech of the gentleman from Wisconsin? [After a pause.] The Chair hears none.

Mr. LENROOT. Mr. Chairman, I have only one thing to add, that in my opinion the letting of contracts in the future that involves the location of new plants, with the exception of ships, be placed in the interior, and if that is done it will help solve in part at least not only the question of transportation but the question of supply of labor as well.

Mr. COX. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. COX. The gentleman has hit the keynote of the whole situation. In central Indiana is the limestone belt of the United States. As the result of the failure to build buildings, the industry has practically gone to pieces. In one county in my district there are something like 7,000 skilled mechanics out of employment.

Machinery worth $20,000,000 is standing idle. The owners of these mills have come here and tried to get war contracts, but failed, although they offered to put in extra machinery. Men have their own houses and homes, there are splendid transportation facilities, but the men can not get a dollar's worth of these contracts.

Mr. LENROOT. The gentleman has correctly stated the situation. I think that in the letting of war contracts, no matter by what department it was let, there has not been given any consideration whatever to the supply of labor in the vicinity where the proposed contracts were to be fulfilled.

Mr. EDMONDS. I would like to ask the gentleman from Indiana, through the gentleman from Wisconsin, whether they have tried the bankers in New York?

Mr. COX. No; I do not know whether they have or not.

Mr. LENROOT. I believe that so far as Hog Island is concerned, the Shipping Board is now taking hold of that situation and are proceeding to clean it up as it ought to be cleaned up. The very fact that such a situation has existed, it seems to me, creates the necessity for the House of Representatives or Congress having some committee that will be able to assist not only the Congress and the public but these departments themselves in ferreting reckless extravagance such as has been practiced. [Applause.]

The map referred to in Mr. LENROOT's remarks follows:

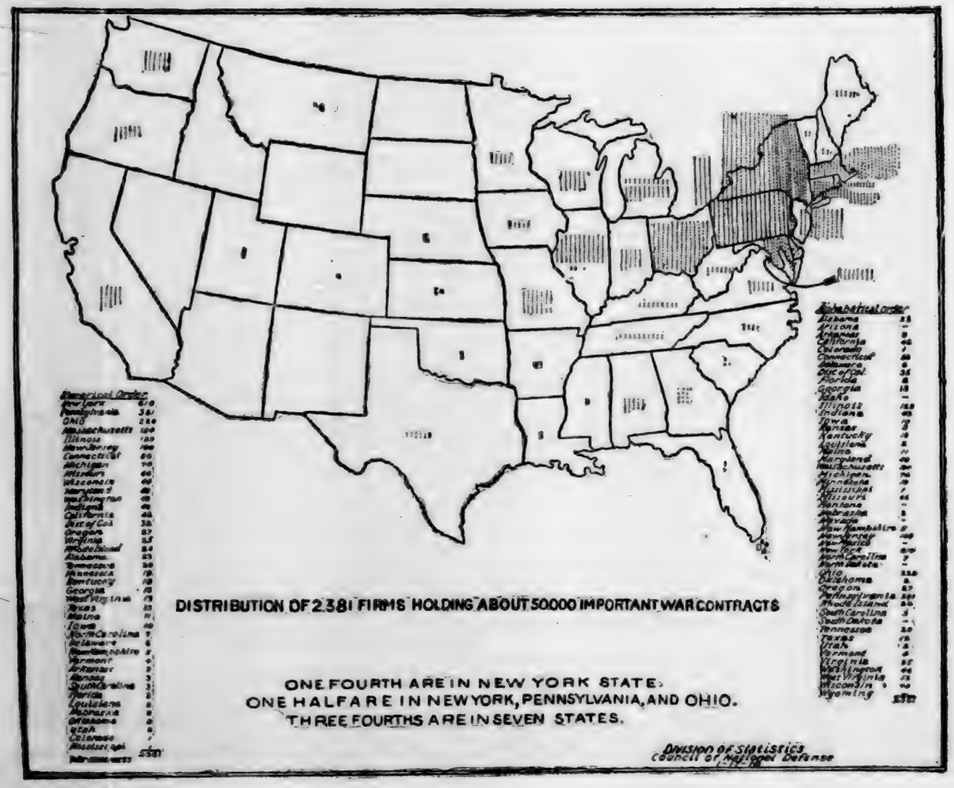

Mr. ALEXANDER. Mr. Chairman, I will occupy only a moment or two in concluding the general debate. I am very glad the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Illinois [Mr. MADDEN] have emphasized a condition existing at this time that might have been obviated by a wider survey of the resources of the country; but the criticism does not apply to the Emergency Fleet Corporation, because we can not build ships in the inland section of the country. They must be constructed on the seacoast or on the large rivers contiguous to the seacoast. The problem before us we all seem to realize. The turnover in labor at this time is so great that unless it is stopped we can not hope to carry out our shipbuilding program. If we can provide convenient and comfortable homes in which the workingmen may live, we will not only largely stop that turnover in labor, but the tendency will be to stabilize the labor cost of construction in shipyards. Now, one yard is competing with another by promise of increased pay and, in some instances, better housing facilities, and men are traveling from yard to yard, and the result is immense waste in time and cost of production. Then, too, the labor of the country ought to understand the nature of this problem and the importance of every man working six days in a week and being willing to make some sacrifice in order that we may provide ships, because ships are the prime factor in winning the war. Hence, if the contractors and laborers in cooperation will take a more patriotic viewpoint and be willing to make sacrifices, we may hope to have this program speeded up.

I mentioned the Hog Island shipyard as an example of the waste and extravagance at this time, and I felt it was due to the Shipping Board and the Emergency Fleet Corporation to say that in the first instance this contract was framed by Gen. Goethals when he was the manager of the Emergency Fleet Corporation. Later it came under the jurisdiction of and was revised by Rear Admiral Capps. Every effort was made to so frame that contract as to safeguard the interests of the Government, and when this great contract was let to the American International Corporation, composed as that corporation is of some of the most distinguished men in the country, great financiers, represented in every branch of industry, the board had reason to believe that the contract would be carried out in good faith and that there would be a minimum of waste and extravagance. But waste and extravagance have crept in, and it is not too late for Mr. Frank A. Vanderlip and his associates on the American International Corporation to correct the abuses and save to the country many millions of dollars of waste that seems to be inevitable unless the correction be made. Their patriotism and fidelity to a great cause are challenged by the country, and I hope they will look into conditions, and I also hope that Stone & Webster, one of the greatest contracting firms in the United States, now doing work for the Government in this country and in France, will feel it their duty to scrutinize this work at Philadelphia and, in cooperation with Admiral Bowles, undertake to correct the existing evil and restore to the Government the money that has been squandered by the subsidiary corporation under which these activities are being carried on.

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. GILLETT. The gentleman just spoke of Admiral Bowles. Is it true, as I have seen in the newspapers, that there has been a reorganization of the Shipping Board and that Admiral Bowles has been sent over to Philadelphia in charge of this particular work?

Mr. ALEXANDER. Yes; that is true. He has been placed in charge of that work, and he has taken up this pay roll at the Hog Island shipyard and undertaken to find out what men are necessary to the prosecution of that work and eliminate every unnecessary man.

Mr. EDMONDS. Admiral Bowles's headquarters are in Philadelphia, but he is going to take charge of all three Government yards—the one at Newark, the one at Bristol, and the one at Hog Island.

The CHAIRMAN. General debate is closed and under unanimous-consent agreement the House substitute for the Senate bill will be read by paragraphs for amendment under the five-minute rule as an original text. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc, That the United States Shipping Board Emergency Fleet Corporation is hereby authorized and empowered within the limits of the amounts herein authorized—

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I was not able to secure a few minutes under the general debate to express an idea that I want to express about this bill. We may as well regard these $50,000,000 as a part of the investment in ships made necessary as a part of the cost of construction, although, of course, it is reasonable to suppose that there will be a large percentage of salvage from the sale of these houses either during the continuance of the war or afterwards. It really represents a construction camp very much as we had at Panama at the time of the building of the canal, when it was necessary to house about 37,000 men on the Zone to construct suitable quarters for them that were comfortable and clean and sanitary. That is practically the condition that we have confronting us here. This bill, of course, has received the unanimous report of the committee and will be passed with probably not a dissenting vote. It is true also that these ships must be constructed at the seaports or on the tidewater rivers, and the places where they are to be constructed are not subject to very much criticism. But if a general bill comes to this House providing for a general system of housing construction we will have a right to inquire why there is any congestion of labor or shortage of housing facilities at particular industrial centers. The whole Delaware River is lined with munition factories—a very good place, undoubtedly, from many standpoints.

But we must recollect when the officers of the Army were consulted as to the proposed location of Government munition plants and Government powder factories, it was their report that no such plant should be located except between the Alleghenies and the Rockies. They farmed off a zone adjacent to the seacoast which they call the danger zone in which they expressly recommended no munition plant should be placed. Now we find that most of the Government work of all kinds is being done east of the Alleghenies. Now, there has been not only a shortage of labor, there has been not only a shortage of housing, there has been a shortage of fuel, there has been a shortage of food, there has been a congestion of transportation. The element of all these shortages is due to the fact that transportation of fuel, raw material, and food must occur across the Allegheny Mountains. These plants must be supplied in many cases with fuel. They are drawing their labor, they are drawing their raw material, they are drawing their food supplies across the Allegheny Mountains. There is no occasion for that. I want to say that while this bill is absolutely necessary, and not only necessary but haste is imperative because we have already been at war nearly a year, we ought not and can not at this time take up the question of a general housing plan. When we take up the question of a general housing plan we ought to know that we are confronted with a condition of the temporary construction of camps. We are not confronted with that condition of congestion of labor in certain centers which could be and should be and can be avoided.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment is withdrawn.

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out the last word. Mr. Chairman, what the gentleman from Missouri [Mr. BORLAND] has said is in large part true, but the work contemplated to be done under this bill can not be considered as closely analogous to the Panama Canal construction. That construction was entered upon with full knowledge that there would not be much salvage from the enterprise. The main purpose of that enterprise was to build houses for temporary purposes, but this measure contemplates that in large measure the houses constructed will be permanently used by ship workers. These houses are to be built, or purchased with direct reference to the desires and tastes of the men who are to occupy them. Hence the construction contemplated will be permanent, in large measure, and not temporary, or makeshift. The bill makes every provision for the houses to be constructed in a style that will be acceptable to the men who will occupy them.

Mr. ROBBINS. Will the gentleman yield for a question?

Mr. SAUNDERS of Virginia. Certainly.

Mr. ROBBINS. How could these buildings be permanent when this great emergency exists to build ships and find houses for the men? Is not the very thing we have to do is to build houses quickly for the men in order that they may construct ships speedily?

Mr. SAUNDERS of Virginia. It is certainly true that in many instances these buildings will be acquired for the purpose of temporarily housing the workmen, but the expenditure of the fund proposed is not confined to a scheme of hasty construction. That is not the contemplation of the bill at all, and while in some instances it may be necessary to put up buildings of a temporary character, in other instances buildings are contemplated which, as I said a moment ago, will be of substantial and permanent character. I was just on the point of saying that every provision is made in this bill, to enable the Fleet Corporation to secure the Government against loss, whether it sells, or leases buildings to the shipyard employees.

Mr. BORLAND. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. BORLAND. The gentleman will recall I expressly said there would be a large measure of salvage. But is it not perfectly apparent that if there were private dwellings in existence that could be used by the workmen, or if there were demands for them at all, that demand for private dwellings would be met by private capital and there would be no need for this bill?

Mr. SAUNDERS of Virginia. No——

Mr. BORLAND. The very fact of the existence of this bill shows there is no demand at that particular place for permanent buildings.

Mr. SAUNDERS of Virginia. The gentleman loses sight of some of the essential facts of the situation. This bill gives the Government the power to commandeer. The individual workman has, of course, no such power. He is often confronted with a situation in which the extravagant demands of real estate speculators make it impossible for him either to buy or build. But the Government is not hampered by any such limitation. If in the neighborhood of the shipyards, or of the plants related to the shipyards, in the course of ship construction there are any buildings needed by the Government, it can lay its hands upon them. This bill empowers it to do so. In that way the Government can meet this emergency in a fashion beyond the power of the individual worker. This is the essential difference between the Government, and the individual, in the situation that confronts us.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I take it that what is more necessary than anything else in order to have ships is to corral the men from the various industrial centers of the country where there is labor that can be obtained and bring them to the Atlantic or the Pacific or Lake ports where there are ships to be built. If housing facilities do not exist, then it is necessary to provide houses for them under these pressing conditions, so that they will remain at employment. If this were only a project to provide permanent homes, private capital of its own motion would invest, because there would be families to purchase them, but there is something more desired by this bill to meet the conditions, as I view it, from the testimony and the arguments presented here.

Not only is it proposed to advance money to these large corporations engaged in building ships, like the Bethlehem Steel Co., as I have heard stated it is proposed to advance $5,000,000 for the purpose of building houses tributary to some shipbuilding plant, but it is also necessary, if we are going to house these thousands of workmen, who are only too willing to go to any place in the country, that there should be some kind of quarters arranged similar to those at Panama, which will be sanitary, where they will find accommodations, so that they will not quit their employment after arrival and launching on their work.

Laborers throughout the country are willing to leave their homes, but they are not willing to leave their homes and live in a condition of serfdom. And one of the two purposes of the bill, as I view it, is to enable the Shipping Board, either directly or through subsidiary corporations, to build temporary quarters similar to those at the Canal. Even if those buildings were destroyed after the emergency has passed, it would be a good investment, because we must have ships, and in order to have ships we must have housing accommodations.

Hog Island is only 9 miles from the City Hall of Philadelphia. Why, if the labor in Philadelphia was plentiful and adapted to build ships it would not be necessary to equip buildings tributary to Hog Island. In Detroit, for instance, some employees working at the Ford Motor Co. travel 10 to 12 miles daily to the plant at Highland Park. Dodge Bros. to-day are erecting, 7 miles from the center of Detroit, a $50,000,000 plant to manufacture munitions. Immediately there will arise a community there calling for housing and the like, but notwithstanding that the labor will be drawn from all over the city. The problem is transportation, and that is the problem in Philadelphia, provided adequate labor was there. If we are going to make these yards efficient it is necessary to erect quarters that, in some instances, will be temporary and salvaged after the emergency has passed.

There are two purposes, as I view the bill. One is to advance large sums of money to the private ship-contracting company for the building of houses, just as the War Department is advancing it, as in the case of Dodge Bros. and other people, for the erection of plants. Some has been advanced in my own city on the condition that after the emergency is passed the plant will be appraised and the appraised value will be taken over by the private concern.

The other purpose is that if need be, to erect temporary quarters so that the labor that comes from the interior, where it can be obtained, will remain and do the work necessary to build these ships.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to oppose the motion of the gentleman from Wisconsin.

It seems to me that gentlemen are quarreling with somebody a little higher up than anyone on this earth. Their quarrel is with the Almighty. It was the good Lord Himself who located the oceans and the rivers just as they are and who fixed the mountains in their proper places. He did not locate the Atlantic Ocean up along the boundary lines of Wisconsin. That is true. He put Wisconsin up against the Great Lakes, just as He put Illinois against the Great Lakes; and He also erected a few barriers between the Great Lakes and the Atlantic Ocean. He left it to human ingenuity and congressional appropriations to cut out a canal or two from the Great Lakes to the Atlantic Ocean, if ships are to be built so far inland as to be gotten out to the ocean to fight the battles of the United States upon the high seas.

Mr. LENROOT. If the gentleman stays here long enough, does he not think that we will get that canal?

Mr. MOORE of Pennsylvania. Yes. If the gentleman stays by me long enough, we will get a canal connecting Chicago with the Atlantic Ocean.

Mr. FOSS. I would like to ask the gentleman if the States were created before the Lakes? He said the Lord put the Great Lakes up against Wisconsin.

Mr. MOORE of Pennsylvania. The Lakes first, of course. If we would be wise, we would cut a waterway from Chicago to the ocean. Then we could build ships at Chicago.

Mr. MADDEN. Well, the only ship that has been built that has gone to sea, except the one referred to by the gentleman from Washington a few moments ago, was built in Chicago.

Mr. MOORE of Pennsylvania. What was the name of that ship?

Mr. MADDEN. She had a name given to her after she went to sea.

Mr. MOORE of Pennsylvania. What was the draft of the ship?

Mr. MADDEN. She was launched in October.

Mr. MOORE of Pennsylvania. I have asked for the name. I have asked for the draft, and I ask for the beam, but the gentleman does not know. I wish he would produce his witness.

Mr. MADDEN. Does the gentleman doubt my veracity? [Laughter.]

Mr. MOORE of Pennsylvania. Not at all. But I doubt if the gentleman is seamanlike enough to tell the length, the beam, and the draft of this ship.

Mr. MADDEN. I do not assume to be in the shipbuilding business. If I were, I would have to confess my ignorance.

Mr. MOORE of Pennsylvania. The gentleman's maritime information is not confined to the Hennepin Canal.

Mr. MADDEN. Or on account of the fog that is on the intercoastal canal.

Mr. LENROOT. I wish to say to the gentleman from Pennsylvania that we have sent three ships to the ocean, and one of them is the *War Chief*, which has a tonnage of 3,500.

Mr. MOORE of Pennsylvania. But you sent them through an English canal?

Mr. LENROOT. Yes.

Mr. MOORE of Pennsylvania. You sent them through the Welland Canal. You had no American canal, because appropriations have not been voted to create an American waterwourse from the Great Lakes to the sea. I wish we had an American waterway. I want to get our ships out that way.

Gentlemen worry about the concentration of population in the East. There is the gentleman from Wisconsin [Mr. STAFFORD]. Like every other good thing, he began in the East. He settled there early. Every vestige of the gentleman's ancestry, to say nothing of his posterity, began in the East. He first saw the light of day there and then passed on west, finally locating in Wisconsin. The gentleman was educated in Philadelphia, along the gracefully sloping banks of the River Delaware. Why, then it was pristine territory, years and years and years ago; in fact, the memory of man runneth not to the contrary when the gentleman from Wisconsin was a resident of Philadelphia and studied law above the banks of the winding Schuylkill, which empties into the noble Delaware.

Mr. MADDEN. But he woke up and left. [Laughter.]

Mr. MOORE of Pennsylvania. Yes; he left, but he has been kicking ever since. The influence of the Delaware since then has grown; it has grown by leaps and bounds, due to the energy of the people living along its banks; it has grown until

Congress finally says, "This is our great commercial river; here shall we gather the men and the materials to build our ships, the ships that shall sustain us in war and the ships that shall carry our commerce in times of peace." That is a natural condition; you can not change it now. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

(b) To construct on such land houses and all other necessary or convenient facilities, upon such conditions and at such price as may be determined, and to sell, lease, or exchange such houses, land, and facilities upon such terms and conditions as it may determine.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 4, line 6, after the word "land," insert the words "for the use of such employees."

Mr. LENROOT. Mr. Chairman, this paragraph that is now pending does not limit the construction of these houses to the use of the employees.

Mr. ALEXANDER. I have no objection to that amendment.

Mr. LENROOT. I was about to state why it is very necessary to make a limit. It is not at all certain, in my judgment, whether we have any right at all to acquire land for the purposes that are named in this bill. In other words, it is a question as to whether it is a public purpose to provide homes for employees of a private shipbuilding company over which the Government has not control, and in connection with which the Government has no relationship except a contractual relationship with the shipbuilding company. We certainly ought to remove any doubt from that question so far as it is possible to do so by making it clear throughout the bill that anything that is authorized in this bill is limited to the use of the employees, and then we shall have to take our chances on its final validity when it gets into the courts, if it ever does.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. FESS. Mr. Chairman, this delectable rivalry that we had awhile ago between the dwellers on the Great Lakes and those upon the seacoast led me to believe that there might be something in the bill that would forbid the construction of houses anywhere except on the Atlantic seacoast. I have not found that limitation here, and I have been wondering whether I overlooked it. I should think that a bill of this sort ought to permit the construction of the houses wherever the Emergency Fleet Corporation would decide the necessity of housing exists in the locality of a shipyard or where it proposes to build a shipyard.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. FESS. I will.

Mr. SAUNDERS of Virginia. Look on page 6 for the definition of the word "shipyard." The gentleman will find something there broad enough for his widest desires in the respect indicated; a definition of the word "shipyard."

Mr. ROBBINS. Page 6, line 6.

Mr. FESS. I do not find any limitation whatever there.

Mr. SAUNDERS of Virginia. On page 6 in the definition of the word "shipyard," you will find nothing there that limits the activities of the shipyard. It is as wide as your widest aspirations.

Mr. FESS. That is what I thought.

But it was not on that point that I wanted to offer an observation. However, I would say that it would seem to me very wise to build these ships wherever they can be built, whether it be on an inland body of water or on a navigable stream with an outlet to the sea, or whether it would be on the chief bodies of water, because I do not understand that the size of the ship is limited to either a maximum or a minimum. We should build as rapidly as possible. In case the size or capacity of the outlet to the sea will not admit of a great vessel, let a smaller one be built if doing so will expedite the tonnage needs.

What I wanted, however, to say to the committee was in reference to the queries asked and answered a little earlier in the debate on the matter of extravagance. I do not think it is wise to allow the question of extravagance to stand in the way of construction if by so doing we defeat our purpose. I do not believe it is wise either to quibble over the amount to be paid for the raw material that goes into the vessel or the labor necessary to insure shipbuilding. Some time ago, in what now has become a historic controversy, we heard a great deal of discussion over the question whether we were not paying too much for this or that material. One figure in the controversy urged his justification of delay on the ground he had saved money. I think the business of first importance is to build the ships and to stop the quibbling in order that we can build them. By that I do not mean that there should not be common sense exercised, and of course there will be; but the one thing that concerns me is whether these numerous instances of such wretched extravagance as some of us have seen, which are said to be inevitable, can not be rectified or remedied? I mention this because it is creating a very bad spirit in the communities where it is carried on. For example, when we were trying to conserve and were urging the planting of every foot of ground to gardening, and especially to raise wheat, acres upon acres of growing wheat that would ripen very soon were destroyed by order of the authorities because it seemed to be in the way of doing a certain amount of Government work. The wheat was cut with a common mower, raked into windrows, and fire set to it in order to get it of the way for this particular work, when it would have been only a little while until it could have been harvested.

Mr. BORLAND. Would the gentleman mind telling us where that was and what was the Government work?

The CHAIRMAN (Mr. CRISP in the chair). The time of the gentleman has expired.

Mr. GILLETT. I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Ohio be extended five minutes. Is there objection?

There was no objection.

Mr. FESS. It is not a secret matter and is not a case that stands alone. I refer specifically to the Wilber Wright Aviation Field in my district, 5 miles from my home, where every day for a good deal of the time I had opportunity to observe the work.

Mr. BORLAND. I will say to the gentleman that there are a great many places where aviation fields could be laid out where there is no wheat at all. There is no necessity for taking a wheat field for that purpose.

Mr. FESS. That does not answer the question at all. It does not explain what was done. The Wilbur Wright field is the finest in the country and no one can have any complaint of the field. Some may offer the explanation that it would not do to allow growing wheat to stand in the way of expeditious preparation for this aviation field, because aviation is so very important and time is so imperative that we must not lose a week or a day. We must go on with it even if it entails destruction of crops, and most of us sympathize with that proposition, and would not object if it was really necessary, but other items lead me to believe that sufficient caution against waste was never prudently exercised. I will refer to one item: The man who had charge of the agricultural products that they attempted to save there—and he was the mayor of the leading town near by, a high-minded and responsible man—told me, among many other things, that he had a large amount of straw baled, and he had it taken into the barns in order to keep it from destruction by exposure to the weather. One day he found a force of men at work loading up the straw in one of the barns and removing it to the outside. When he said, "I have given no orders for this," and wanted to know why it was done. He was told by one of the men that he had been ordered by the representative of the Government to do it. When he went to the representative of the Government, about all he could get in explanation was, "Well, we have these teams here and they must not be allowed to remain idle." I will let you draw your own conclusions. If it be necessary to keep the teams from being idle, to undo what before has been done and ought to have been done, there is something radically out of order, and the least one can believe is that it presents a very bad situation. This came from a very responsible man, who came over to me at my home and asked me if I would not lay the matter before the Secretary of War. This was but one item of many others mentioned by him in his evidence of needless wastefulness. Now, mark you, there can not be any politics in this, as is so frequently charged whenever anyone not of the President's party calls attention to these things, because my informant is the Democratic mayor of the town, and he wanted to stop that waste, and asked me, in the interest of the public good, if I would not lay it before the Secretary of War. See, he felt convinced that the Secretary did not know about it. I should, in fairness, say I asked him to make for me a memorandum that I might lay it in detail before the Secretary. That has not been done. What I have related is only one incident of what goes on in the way of extravagance in all the building work of the War Department. One of the evil results to follow is it produces such a very bad feeling among the people who witness it.

They demand to know why the Government permits a thing of this kind at the very moment when conservation against waste is our loudest war cry. On that field were hundreds of teams. Many of them could not be worked constantly and thereby prevent loss of labor. Men had finished a certain part of the aviation field—it was built in units, one group working as a group here and another there—and they were not needed longer. To keep them would be wasteful; to let them go would entail some derangement. The contractor generally would let them go. It was necessary for him to lay off men every day after a specific period, but at times was cautioned against it. He told me that he was told by a man in authority, "When you dismiss men hereafter I want you to consult me about it. I want this work to go on uninterrupted and the men should be kept here, so that when the work is done they can all be dismissed and the work turned over to the Government completed."

This naturally was and is the ambition of all responsible Government construction work. The trouble is apparent. These men want results, they want them quick, and the cost seems no element worth consideration. This is the crying danger of all government. It sees no need of economy. It rather chides him who cautions against extravagance. What does the expenditure of a few dollars amount to, anyway? This practice is general to-day and the exigencies of the war are offered as an excuse for it all.

In the case just cited the Government's representative wanted a completed work and the men should be retained until it was accomplished, notwithstanding, my friend said, that many of these people had done their work and there was nothing more for them to do.

Mr. COX. Was this work being performed on a 10 per cent basis?

Mr. FESS. Yes.

Mr. COX. Then that explains it—the more spent the more money for profit.

Mr. FESS. I ought to say that there was a limit in the contract of some of these Government contracts beyond and above which they could not go in the sum total.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. My concern is not hypercritical nor to say mischievous things. My concern is to find out whether there will not be some way that we can stop this palpable waste in order to avoid a very serious spirit being developed among our own people as to the wastefulness of Government procedure.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FESS. Yes.

Mr. GREEN of Iowa. I will state that at the close of the bill I propose to offer an amendment protecting the contractor through advanced cost and at the same time put a premium not on extra expenditure but on saving instead of waste.

Mr. FESS. I am going to say this in conclusion, that while I opposed most seriously the bill creating the ship-purchasing corporation I opposed it on principle. I did not then, nor do I now, believe in Government ownership and operation if it could be done otherwise. I opposed it on principle, and yet this is war time and ships are the one great need. It is an emergency and this bill ought to be passed at once. The Government is the only agency by which it can be effectively done, and I shall support the bill on that basis. However, the Government should not deter the private yards from their utmost to assist in the program. I am not calling attention to these things other than as suggestions. If what I have seen, and what all of us know can be seen, in Government activities are to be the rule of Government ownership and operation, may God save this country from Government ownership and operation. [Applause.]

Mr. SAUNDERS of Virginia. Mr. Chairman, with reference to the remarks of the gentleman from Ohio I wish to say that whenever you give discretion, or confide large powers to any group of men you always take the chances of faulty administration. It is of course possible that in the administration of the great fund contemplated by this bill, that there may be a measure of waste. Both in the general debate, and later under the five-minute rule, suggestions have been made that something ought to be done to guard against the possibility of extravagance in the expenditure of the housing fund. The committee is ready and waiting to receive any suggestion, or consider any plan that will surround the expenditure of the vast sum proposed, with adequate safeguards against extravagance. The committee however realizes and the Members should realize that it is difficult to clothe an agent with large powers of discretion, for the purposes of securing speedy action, without incurring great danger that the powers confided will be abused. Under such circumstances there is always a chance, to use an old and homely phrase, that some one will fall down on the job.

Mr. FESS. Is there any way that these contracts might be let and be effectual other than on the additional per cent basis?

Mr. SAUNDERS of Virginia. I suppose there is.

Mr. FESS. Would not that be the best and the better way?

Mr. SAUNDERS of Virginia. If the gentleman thinks that some other and different way, than the plan proposed, will be a better way, then let him submit it in concrete form, and we can thrash it out. If the gentleman has anything better than what is proposed in the bill, the committee has an open mind.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. GREEN of Iowa. I will say to the gentleman that I have an amendment for that purpose which I think belongs more properly at the conclusion of the bill, where certain restrictions are placed on the operations of the board. My amendment will be in substance to this effect, that whenever any contract is let on the basis of compensation for the contractor, the cost to him, the compensation shall not exceed 105 per cent of that cost, unless there is also a provision that as the cost increases the percentage of profit shall decrease.

That is not stating it as well as I hope it is in the amendment, but this would permit him to have a higher percentage the lower he kept the cost down, and as he increased the cost beyond a reasonable amount, to be agreed on in the first instance, his percentage would decrease.

Mr. SAUNDERS of Virginia. I will say that under conditions, in order to secure speedy action, it is inevitable that chances of wasteful, even at times, prodigal expenditure, must be taken. Speed of execution, is of the essence in the work at home, as it always is in the theater of active hostilities. Given more time, and greater economies can be effected, but in many instances the work to be done is a hurry order. It is for the committee to determine whether, in the interests of a more economical administration, we will surround the discretion of the board with the safeguards which may indeed secure economy, but secure it by deferring the results sought to be secured. Of course in theory we are all agreed in our desire to see the largest measure of results secured in the most economical fashion, in the shortest span of time. Now what is the plan by which all of these desirable ends may be most efficiently secured?

Mr. STAFFORD. Mr. Chairman, I move to strike out the last three words. I wish to direct an inquiry to the chairman of the committee as to the reason for the committee placing authority in the board to exchange these houses that are to be built in addition to the authority for selling and leasing them?

Mr. ALEXANDER. Mr. Chairman, in framing the bill the committee undertook to do so in a way that would give the Emergency Fleet Corporation the same power that an individual should have in order to successfully conduct any business, and it may be desirable at some of these plants to make these exchanges, either of land or of buildings. For that reason we framed the language broad enough to meet any possible condition that may arise. I have no case in mind, but they may arise.

Mr. STAFFORD. Is it the purpose to vest authority in the board to exchange buildings that are constructed by the board for outside property, flat buildings, or any character of property, improved or unimproved, under that authorization?

Mr. ALEXANDER. I do not know what the board will do, but I imagine they would have power to do that if it is desirable.

Mr. STAFFORD. I am only inquiring as to whether they should have that power.

Mr. ALEXANDER. I think they should.

Mr. STAFFORD. I do not wish to restrict them. I can see the need of delegating authority to sell and lease, but whether they should have the power to exchange is doubtful in my mind.

Mr. ALEXANDER. Here is a situation that occurred to me: Say they have built houses under the provisions of the bill, and they may have power to sell these houses to workmen with families. A workman has bought a house, we will say, and it may be that another house would suit him better. He may have a large family. It may be that the house that he occupies would suit another workman better. If we can fix it so that the exchange may be made and the workman satisfied, the corporation should have that power, I think.

Mr. GILLETT. Mr. Chairman, as to what the gentleman from Ohio [Mr. FESS] and the gentleman from Virginia [Mr. SAUNDERS] said, I wish to add a word. It seems to me that I can put my finger on one source of this extravagance which is complained of. It may be because I am rather a crank on the notion that Congress ought to keep its grip in some way on these expenditures, but my feeling is that one ground, and

one of the principal grounds for these expenses, is that the appropriations have been made in lump-sums and not specifically, and so the board has absolute and uncontrolled authority to do as it pleases. In this bill, at the end, in the very last paragraph, there is an appropriation of $50,000,000 which goes to the Shipping Board. That, as I read it, is not an appropriation, but only an authorization, but it is an authorization to expend that money out of what they already have. They already have a lump sum of over a billion dollars, if I recollect rightly, at their absolute disposal; and that system, to my mind, inevitably leads to extravagance. The incident which the gentleman from Ohio cited in the aviation field was spent under the lump-sum appropriation of $640,000,000 which we gave for aviation. I appreciate that in war times we can not proceed upon the same lines as we can in time of peace. It may be necessary for us, and I presume it has been in some cases, to give lump-sum appropriations, but we ought always to keep some congressional superintendence over their expenditure; and if we must give lump-sum appropriations, why should we not have a committee of Congress that would have some scrutiny of the expenditure?

Why was not the other side willing to have a committee on expenditure; not a partisan committee, but a committee that would keep some watch over appropriations. To my mind that is one of the fundamental troubles. There is no committee on expenditures that has any power over the Shipping Board. If they did not already have this large lump-sum appropriation I suppose that this authorization which is made here of $50,000,000 would not give them the money, and they would have to come before the Committee on Appropriations, and that committee would demand from them some schedule, some facts, some statement upon which they plan to act. Of course, the theory is that we get speed by giving them an unlimited appropriation, but in this instance five months have elapsed since the contract was made with this shipbuilding company at Hog Island, and now after five months they are just waking up to what ought to have been apparent then as a fundamental and primary essential, namely, a place where the workmen may live. And yet they have gone along for five months and now they are just awakening to the fact that they can have shipyards but they can not get any product from them until they get an additional appropriation. And it seems to me an essential, which might have accelerated work and would, at least, check extravagance, that Congress by some committee should keep some guard and control over the expenditure.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

Mr. ALEXANDER. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

(c) To purchase, lease, requisition, or acquire by condemnation or otherwise any houses or other buildings, together with the land on which the same are erected, or any interest therein, and all necessary and proper fixtures and furnishings therefor; to manage, repair, sell, lease, or exchange such lands, houses, buildings, fixtures, and furnishings upon such terms and conditions as it may determine to carry out the purposes of this act.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I do this in order to answer the question of the gentleman from Virginia who I see has left the Chamber. He asked whether, Mr. Chairman, there was a better way to do this work than the method that is now adopted by the United States Government. Let me suggest that there are three well-known methods by which the large railroad corporations and large constructing corporations perform labor of the kind that is provided for in this bill; the first way is after due advertisement, giving the specifications of the work required—this method may not be applicable here where there is an emergency, although I think it can be used in most all of these contracts—and then to let the work by competitive bids to the lowest bidder who is equipped and experienced and capable of performing such work, and they pay him as the work proceeds, according to the amount of his bid, retaining 10 or 20 per cent as "retained percentage" until the contract is completed. That method has proven satisfactory in large contracts all over the world. The second method is what is known as the force method or "force account." There the railroad company or party desiring work done will pay to the contractor a certain amount or percentage on the wages of the employees, generally 5 per cent of the pay roll monthly. They will also pay in addition to such sum 10 or 15 per cent on the cost of equipment used in the work, which is the tools, shovels, horses, carts, steam shovels, engines, and whatever tools are used on the job, but the railroad company will keep on the job a timekeeper and checking clerk, or superintendent, and whenever a condition arises such as the gentleman from Ohio pointed out, as existed at the Wright Aviation Field out in the district that he represents, those men who finish their part of the work are immediately dismissed and there is no piling up of the pay roll by keeping idle men on the ground for the sake of increasing the percentage paid to the contractor. This is eliminated, safeguarded, and absolutely prevented. The third way in which great corporations and individuals also carry on their work, of course, is by their own employees under their own direction. Now, why does not the United States Government adopt one of those three methods which have worked so admirably with all the great railroads and all the great construction companies and large individual contractors in the United States? There is no reason why we do not do it, except the carelessness that has crept into our methods here, which has been criticized by the gentleman from Massachusetts, of appropriating lump sums and turning the money over to the contractor to be worked out in his own way and in his own time, without proper supervision upon the part of the United States Government. Let us adopt business methods about these things, and we will economize for the Government and bring about more efficient results. [Applause.]

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 12, after the word "buildings," insert "for the use of such employees."

Mr. LENROOT. That is the same amendment as in the previous paragraph, and I take it there is no objection to it.

Mr. ALEXANDER. I call attention to the fact that at the end of the paragraph in lines 17 and 18 we have language to carry out the purpose.

Mr. LENROOT. I understand it.

Mr. ALEXANDER. But I have no objection.

The question was taken and the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from Missouri if he does not think, in view of the fact that we have had a very strenuous day, and it is now 5 o'clock, and a great many of the Members who have been here all day have a lot of other work to do, it is not about time for the committee to rise.

Mr. ALEXANDER. Could we continue in session for 30 minutes longer?

Mr. MADDEN. Well, I do not think——

Mr. ALEXANDER. I am not sure but we might get through with this bill.

Mr. MADDEN. There is not one chance on earth of getting through it to-day, and I do not think we ought to try to get through.

Mr. ALEXANDER. If we continue in session for 30 minutes longer I will then move to rise.

Mr. MADDEN. There are a number of important amendments proposed to be introduced. The gentleman has the right of way to-morrow, and I wish to offer an amendment to-morrow, which I am not prepared to offer now. I suggest the lack of a quorum.

Mr. ALEXANDER. If there will be no objection to our meeting——

Mr. MADDEN. The gentleman ought to move to rise.

The CHAIRMAN (Mr. CAMPBELL). The Chair will count. The point of no quorum has been made.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, and had come to no resolution thereon.

GARBLED PATENT.

Mr. SAUNDERS of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS of Virginia. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from Mr. Giragossian to the Speaker of the House of Representatives. It is a letter that I think the Members of the House will find of interest. It is short.

Mr. GILLETT. What is the question?

Mr. SAUNDERS of Virginia. I ask unanimous consent to extend my remarks and as a part of the same to put in the RECORD a letter from Mr. Giragossian to the Speaker of the House. It is a short letter. I think the Members will find it of interest.

Mr. STAFFORD. Reserving the right to object——

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman from Virginia [Mr. SAUNDERS] if it has to do with the proposed invention of Mr. Giragossian?

Mr. SAUNDERS of Virginia. It has relation to that.

Mr. STAFFORD. Reserving the right to object, what is the general nature of the letter?

Mr. SAUNDERS of Virginia. Why, it is a sort of résumé of the possibilities under it and Mr. Giragossian's rights in respect to the first original invention. It asks no action on the part of the House.

Mr. CAMPBELL of Kansas. The President has already signed the bill?

Mr. SAUNDERS of Virginia. The President has signed the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letter referred to is as follows:

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR SIR: The passage of House joint resolution 174 by the United States Congress was, as it is, for me a most gratifying and obliging achievement. For that noble action, I am under the impression that it is my first and unneglectable duty to express the feeling of appreciation and gratitude which my heart fosters toward our Congress, although it is beyond my power to do so adequately. Happily, I am able to justify entirely the confidence reposed in me, and fulfill amply all expectations concerning my work.

I am impatiently anxious for the formation of the authorized commission of scientists who are to examine my invention; but, prior to that, it is indispensable that the question of the originality of my work must be distinctly defined, as it is prescribed in a clause of section 3, viz. * * * "that he is the first and original discoverer or inventor thereof." * * *

Some Members of the Congress gave me assurance that, after the passage of House joint resolution 174, the originality of my work can be legally settled to my satisfaction; therefore I did not persist in my objection to the amendment in the House which comprised the clause in question. Among other leading Congressmen, Hon. Judge H. C. CLAYPOOL, of Ohio, so advised; and I have followed their advice.

Of course we have to read and understand something beneficially different from the literal expression, as undoubtedly will be the purport of that clause. Otherwise it will be inconsistent with the aim and generous spirit of our Congress and contrary to the laws, practice, and conception of modern time.

It is said that the phonograph existed and was in use in China about 1,000 years ago. The turbine engine was used in Egypt centuries before the Christian era, and some discovered articles indicate plainly that the telephone was used in Egypt in ancient time. The above mentioned and many other things have been patented, and attempts have never been made to revoke any of them on account of some one else being the "first and original" discoverer of them.

In other words, if anyone can rediscover a means to temper copper or to preserve grain seeds for a hundred years or rediscover a process to render iron rustless, as it to-day exists in India, where an iron monument has for centuries remained rustless against the elements, or if anyone can put into practical use any such device, would he be prevented from patenting it, because all these things were known in Egypt or elsewhere?

According to the clause in question, the Government is not bound to protect my interest prior to the establishment of the originality of my work. Therefore it is essential to know how and when the commission has to decide or determine whether or not I am the original discoverer or inventor of the work in question.

Let us assume that after my successful demonstration, another person brought forward and submitted to the same commission an invention entirely identical with mine. How, then, have I to know that this identical invention is not stolen from me in some way, after my disclosure of my secret? It is plain that, in such a case, I would have either to renounce my right and surrender my invention or enter upon a lawsuit. No man can really predict the outcome of that legal contest.

In this connection it is rather significant that no sooner was a unanimously favorable decision reported upon the original resolution, on July 13, 1917, to the House of Representatives by its Committee on Patents than numerous persons came forward claiming that they have some invention which is the same or can do the same thing as I do claim that my work is capable of doing; and I have even been charged by some of them with stealing their inventions, etc.

Undoubtedly some of these claimants are sincere, but they are confused as to the issue, and others are "perpetual-motion" enthusiasts, who, by delusion, consider themselves on the brink of a great success. Therefore they struggle to gain time for the possible realization of their hopes.

And there exist also more numerous insincere claimants who are fond of publicity, and they claim or speak just in the manner of professional fortune tellers. They endeavor to connect to their claims or inventions anything known, as well as any possible fanciful idea, theory, or hypothesis. In doing so they strive to create a legal pretext or at least an opportunity to brag of their prior conception in the matter in the eventuality of my success.

In the face of such confusing circumstances it is well to reiterate once more, as I did before the House Committee on Patents, that I have made a discovery or invention by which unlimited energy can be produced without toil or without expense except for the usual wear and tear of machinery.

Or, in other words, one of my engines, placed on a railroad truck can drive the heaviest train that ever was moved by the most powerful double locomotives.

And my work can propel the most gigantic ship that ever floated on the sea faster than the same was ever driven by a series of powerful steam engines, while my work will operate without any fuel or expense for motive power.

It is hardly necessary to mention that my work can supply freely abundant motive power, heat, and light for every industry, farm, home, etc.

If there are any original discoverers or inventors whose works can produce energy, without equivalent labor or expense, as I do claim, let them come forward. If any man, or one of these claimants, really possesses such a thing, then, I should like to be the first to congratulate him. I would wish him to obtain every possible protection for his work. During the past 25 years my heartrending hardships and miseries for the achievement of my work have altogether destroyed my instinct of jealousy or envy against true inventors or discoverers. Therefore I will not only have no quarrel with them but even I can not stoop, for my own personal interests, to compete against any genuine inventor who has been or is in the service of suffering humanity.

Only my aim and struggle are to obtain a reliable safeguard against professional patent stealers, skilled and legal despoilers of inventors.

In addition to those professional despoilers of inventors, there is a vast and most powerful multitude of diverse composition and elements who are professed and relentless enemies of my work. The naturally merciless and unscrupulous characteristics of these intoxicated victims of envy and avarice make them prone to revenge themselves upon the author of any notable work by frustrating his consequent remuneration and depriving him of any moral credit.

To my deepest regret I am impelled to conclude that there are certain influential concerns or people who would exert every possible effort and despicable means for the prolongation of the war. Therefore they will resent any new factor that may substantially shorten the war, as my work can undoubtedly do. And it is admittedly certain also that many other special interests, as well as egotistic profession and scientists, will resent my work just the same in peace time.

While I am striving to get protection for my interests, the same clause, without necessary modification, surrenders me to the revengeful wrath and fury of those formidable enemies, and it gives a powerful weapon in the hands of their lawyers which they can twist in any manner that may suit their vicious objects.

As regards originality of inventions, it is generally well known and accepted that a person will be legally recognized as the first and original discoverer or inventor of a work if it may be patentable, viz, if the same is not already patented, or if it is not practically in public use.

If the patentee can not exercise his right by putting his work into actual utilization, then by the lapse of time another person may exploit it as his own work.

Thus any fruitless claim for an invention or discovery could not and should not have any legal merit, according to the precedents established in that respect. For example, wireless telegraphy was discovered by Dr. Loomis in this country, and, although it was patented, yet not being in public operation, Marconi had the right and privilege to put it, by some modification, into actual public use in his name and in behalf of his interest. This means that Mr. Marconi has been recognized legally as the first and original discoverer of wireless telegraphy.

On the contrary, there is no record in the past of any device which accomplished anything worth mentioning in the direction of my claim. From the highest scientists to the ordinary schoolboy, the occurrence of anything of this kind has never been known, and by a certain class of scientists also it is considered that the costless-energy problem will never be solved.

Before the House Committee on Appropriations, on January 25, 1918, in answer to a question concerning my work, Dr. S. W. Stratton said:

"Yes; we have had great numbers of those things, but you can never get one to show the apparatus. The moment he does you can show him right away where he is violating some physical law. All we want to do is to see the apparatus, and I venture to say that any $1,400 laboratory assistant or any physicist in the Bureau of Standards can riddle that thing in a minute; that is, if he could only see it. There is simply nothing to it."

Some other members of the Bureau of Standards also tried hard to induce some Members of the Congress not to support the House joint resolution concerning my work. They pretended, very politely pretended, to save them from unavoidable ridicule and disgrace which would follow from the inevitable failure of my work. They argued that any hope cherished for the success of producing energy without expense is positively foredoomed to disappointment, for the reason that they assume to know definitely that my claim is contrary to the law of nature.

Prof. W. F. Durand, too expressed more than once that he has the same conviction about my work. If my claim be realized, then he would say "nature reversed herself."

These well-known gentlemen, having occupied great positions in the service of the Government, would not, under any circumstances, express such an opinion of my work if there ever existed such a thing hitherto. Gentlemen in such positions and standing are well conversant and qualified to know of such a thing being in operation. Then, when I demonstrate practically my work and verify my claim beyond any possible cavil, I believe it will be the judgment of Congress, as well as of every intelligent man, that I am entitled to be at least legally recognized as the first and original discoverer or inventor thereof.

Furthermore, ever since last June the papers of the country have given wide publicity to this matter, yet not one of them came forward and reported the operation of such a thing. On the contrary, almost all of them behaved themselves very cautiously, and some of them openly ridiculed my claim, considering it a matter of impossibility.

At the same time I believe there is nothing in the records of the Patent Office of any patent issued to anyone which is practically performing the task that I claim my work is inherently destined to do. Therefore it is inconceivable that our Congress or Government will not in advance recognize my work as the only first and original discovery or invention, if it can fulfill the promised accomplishment.

Then, in the absence of real inventors in question, or if no man can fulfill the desire of our Government and the demand of the country, as well as of all the civilized world, for costless motive power, it is reasonable that I should be recognized in advance as the original inventor of my work, if I can successfully demonstrate it as authorized.

When any inventor applies for a patent, always and invariably the proper official of the Government in that line will search, as his duty, for evidence and decide whether that device is patentable or not. If the invention is patentable that means that the same kind of device is not already patented and is not in public operation or practical use. Then a patentee will be automatically and legally recognized as the first and original discoverer or inventor of the work in question. I sincerely expect that the same practice or rule will be applied to my work also in some different measure.

I wish that the Government and the public as well should be the judicial tribunal to conclude as to the originality of my work prior to the verification of my claim as designed. Thus I expect that the scientific commission's finding will include the originality of the work under the instructions of the Government given beforehand. Then nobody can, at least morally, challenge and charge the commission with partiality, favoritism, etc., in rendering their certificate and thus obscure my achievement.

I can not believe that the spirit of our Congress will tolerate or forgive that I should divulge the secret of my work to any person or commission so long as there exists a legal opportunity by which infringers can drag me into court in order to contest the originality of my work, or so long as there may be the faintest possibility that my work may be the prey of patent sharks, or that infringers may have a legal loophole to pounce upon me and to snatch the fruit of my lifelong struggle.

I am at the disposal of our Government at any time. If I may be commanded to select the authorized commission I am willing to do so when I am notified and given legal, unequivocal, and tangible assurance that I will be recognized as the original discoverer of my work as prescribed above. It is inconceivable that our Congress will tolerate the delay of the advent of this work on account of the fantastic claims or pulmistic phraseology of willful obstructors and impostors.

Nor would I myself procrastinate for a single hour, because I realize and admit that the postponement or withholding of this matter from the public, or at least from our Government, is the most heinous offense against our most sacred interests. I realize also that it is unforgivable to delay the advent of this matter and sacrifice it to formality, particularity, etc. Because it is qualified to be a decisive factor to shorten this war, it is undoubtedly a hideous crime against distressed warring nations to quibble on this matter and to become almost hysterically particular about the arrangement for its advent.

Undoubtedly the United States Congress and any personalities interested more or less in this matter will expect to hear at the earliest moment possible about the formation of the authorized commission, its procedure, and verdict. If any delay may happen in this respect it must not be attributed to the lack of my desire to act, but to my failure to receive the requisite assurance from the proper authorities of our Government.

I am going to write instantly in this respect to the Secretary of the Interior. It is my positive belief beyond any shadow of doubt that the Secretary of the Interior will do, as soon as practicable, all in his power for the fulfillment of the requisite legal assurance in question.

I beg, respectfully, that you would kindly submit this memorandum to the attention of our national Representatives, with the conveyance of my hearty appreciation and grateful thanks for their generous attitude concerning my work. I have the honor to remain,

Yours, very respectfully,

GARABED T. K. GIRAGOSSIAN.

FEBRUARY 11, 1918.

RELIEF OF MAIL CONTRACTOR.

Mr. BORLAND. Mr. Speaker, I rise to ask if the Chair will recognize me in the absence of the gentleman from Tennessee [Mr. MOON] to ask unanimous consent to take from the Speaker's table the bill S. 3689, and ask for the passage of the same.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to take from the Speaker's table——

Mr. GREENE of Massachusetts. Reserving the right to object, I would like to know what the bill is.

Mr. BORLAND. It is a bill, Mr. Speaker, that was passed by the Senate to relieve a mail contractor who has been carrying the screen-wagon service at a loss on account of the fact of having taken the contract some time before the war. And this bill gives the Postmaster General the right to readjust the contract with him so that they can go ahead with the service.

Mr. MADDEN. Reserving the right to object, I wish to say there is a bill under consideration in the committee in which there is a provision authorizing the Postmaster General to inquire into cases similar to the one mentioned in this bill, and to adjust the differences that may appeal to him as worthy of adjustment. And since that bill is pending the result of the consideration by the committee, I object.

Mr. BORLAND. I ask that the gentleman withhold his objection a minute. This bill has passed the Senate, and the passage of it at this time will stop the trouble that will go on from day to day.

The SPEAKER. Does the gentleman from Illinois [Mr. MADDEN] withdraw his objection?

Mr. MADDEN. No, sir.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 12, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to authorize temporary increased rank and pay for certain officers of the United States Coast Guard while operating as a part of the Navy during the period of the present war (H. Doc. No. 928); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of Commerce, submitting a supplemental estimate of appropriation required by the Bureau of Standards for standardizing and designing sugar-testing apparatus, fiscal year 1918 (H. Doc. No. 929); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the resolution (H. J. Res. 228) to provide notification of illness of soldier, reported the same with amendment, accompanied by a report (No. 300), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PADGETT: A bill (H. R. 9747) to provide temporary increased rank for officers of the United States Coast Guard while operating as a part of the Navy during the period of the present war, and for other purpose; to the Committee on Naval Affairs.

By Mr. DARROW (by request): A bill (H. R. 9748) to regulate the mode of bringing the record and proceedings before the Supreme Court or other reviewing court of the United States in proceedings for obtaining the review of the orders, decrees, and judgments of Federal and State courts; to the Committee on the Judiciary.

By Mr. VAN DYKE: A bill (H. R. 9749) for the purpose of preserving life at sea, and for other purposes; to the Committee on Military Affairs.

By Mr. DYER: A bill (H. R. 9750) to amend sections 10 and 37 of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 9751) validating certain applications for and entries of public lands, and for other purposes; to the Committee on the Public Lands.

By Mr. DILLON: A bill (H. R. 9752) to provide for rediscounting of certain county bonds by Federal reserve banks; to the Committee on Banking and Currency.

By Mr. FLOOD: A bill (H. R. 9753) to provide for the maintenance of the United States section of the International High Commission; to the Committee on Foreign Affairs.

By Mr. SULZER: A bill (H. R. 9754) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other protection to confine the waters of Lowell Creek within said town; to the Committee on the Territories.

Also, a bill (H. R. 9755) to grant title to the town of Petersburg, Alaska, of lands occupied for school purposes, and for other purposes; to the Committee on the Public Lands.

By Mr. PORTER: Resolution (H. Res. 247) for the investigation of the failure of the War Department to have identification tags on soldiers lost on the *Tuscania;* to the Committee on Military Affairs.

By Mr. DILLON: Joint resolution (H. J. Res. 241) to provide means for making certain Indians more competent in the administration of their affairs; to the Committee on Indian Affairs.

By Mr. KITCHIN: Concurrent resolution (H. Con. Res. 36) to print 500,000 copies of the war excess-profits tax regulations, No. 41; to the Committee on Printing.

Also, concurrent resolution (H. Con. Res. 37) to print 500,000 copies of the income-tax regulations, No. 33; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER of Oklahoma: A bill (H. R. 9756) granting an increase of pension to William M. Simms; to the Committee on Pensions.

Also, a bill (H. R. 9757) granting an increase of pension to Van Stuart; to the Committee on Invalid Pensions.

By Mr. CLASSON: A bill (H. R. 9758) for the placing of certain names upon the roll of the Menominee Tribe of Indians, and for other purposes; to the Committee on Indian Affairs.

By Mr. CONNELLY of Kansas: A bill (H. R. 9759) granting an increase of pension to Simeon D. Chelf; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 9760) granting a pension to William Leishing; to the Committee on Pensions.

By Mr. McCLINTIC: A bill (H. R. 9761) granting an increase of pension to William T. Leach; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 9762) granting an increase of pension to Leon P. Chesley; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 9763) granting an increase of pension to John Megehee; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 9764) granting a pension to Eliza Fought; to the Committee on Pensions.

By Mr. MUDD: A bill (H. R. 9765) granting a pension to Fred Hutsler; to the Committee on Pensions.

By Mr. POLK: A bill (H. R. 9766) granting a pension to Mary Vogel; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9767) granting an increase of pension to Pollard Appleby; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9768) granting an increase of pension to Joseph A. Parrett; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9769) granting a pension to Harriet J. Lawrence; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9770) granting a pension to Ruth R. Herrman; to the Committee on Pensions.

Also, a bill (H. R. 9771) granting an increase of pension to George Dempsey; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 9772) granting an increase of pension to William E. Sartin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9773) granting an increase of pension to William D. Bunch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9774) granting a pension to Mary J. McGuire; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9775) for the relief of the estate of John Stewart, deceased; to the Committee on Claims.

By Mr. SEARS: A bill (H. R. 9776) granting a pension to Ephriam P. Golden; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9777) granting a pension to Minnie L. Cahill; to the Committee on Pensions.

Also, a bill (H. R. 9778) granting a pension to Ambrose C. Walksmith; to the Committee on Pensions.

Also, a bill (H. R. 9779) granting an increase of pension to Joseph Wagoner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9780) granting an increase of pension to William F. Howard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9781) granting an increase of pension to William H. Thoms; to the Committee on Invalid Pensions.

By Mr. WHEELER: A bill (H. R. 9782) granting an increase of pension to William H. Mullen; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLARK of Pennsylvania: Petition of Edward Heuer; M. E. Grant; Hon. M. Liebel, jr.; L. Ray Sedelmeyer; August Wittman; F. E. Pelow; and Bernard Cochran, praying for the passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Resolution of the Chamber of Commerce of the State of New York, favoring Senator Calder's amendment to House bill 7237; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Resolutions of the Association of Lithuanian Patriots, asserting the confidence in the administration and asking that the independence of Lithuania be recognized; to the Committee on Foreign Affairs.

Also, petition of Frank S. Becker, Philadelphia, Pa., urging the passage of the Keating bill, House bill 7356, and favoring the creation of a civil-service court of appeals; to the Committee on Appropriations.

Also, memorial of the Baraboo Commercial Association, Baraboo, Wis., favoring House bill 9414, increasing salaries of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. GALLIVAN: Petition of Emmanual Barnes and 42 other citizens of Massachusetts, urging the passage of the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIARD: Papers in support of House bill 8657, for the relief of Richard A. Schwab; to the Committee on Claims.

Also, papers in support of House bill 8318, granting an increase of pension to James Gallagher; to the Committee on Invalid Pensions.

Also, resolutions adopted by Chamber of Commerce of Grand Junction, Colo., urging that the Colorado Midland and Denver & Rio Grande Railroads be made subject to Government control; to the Committee on Interstate and Foreign Commerce.

Also, resolutions adopted by the Longmont (Colo.) Farmers' Institute, urging that legislation be enacted that will enable the Food Administration to regulate the price paid to growers for sugar beets; to the Committee on Agriculture.

Also, resolutions adopted by the Colorado Springs (Colo.) Chamber of Commerce, indorsing the Walsh-Pittman leasing bill; to the Committee on the Public Lands.

Also, resolutions adopted by Silver State Lodge, No. 30, urging the Congress to refrain from action on legislation designed to place men engaged in transportation service under Federal workmen's compensation; to the Committee on Labor.

Also, letter from F. N. Crocker, of Denver, Colo., urging the passage of House bill 9414; to the Committee on the Post Office and Post Roads.

Also, resolutions adopted by the Pueblo Commerce Club, of Pueblo, Colo., urging the passage of House bills 1654 and 7356; to the Committee on the Post Office and Post Roads.

Also, letter from Leslie E. Hubbard, attorney general of the State of Colorado, indorsing Senate bill 18, providing for a department of education; to the Committee on Education.

Also, resolutions adopted by the Entre Nous Club, of Longmont, Colo., urging the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of C. H. Arbenz, of Denver, Colo., urging the admittance of osteopathic physicians to the medical corps of the Army; to the Committee on Military Affairs.

Also, petition of Daughters of Veterans, Department of Colorado and Wyoming, urging that Government aid be extended to blind Veterans of the Civil War; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Resolution of the Jacksonville (Fla.) Chamber of Commerce, urging Government improvement of the Florida Coast Line Canal; to the Committee on Rivers and Harbors.

By Mr. RAKER: Memorial of Mrs. E. A. Fotheringham, secretary, urging the repeal of the zone system; to the Committee on Ways and Means.

Also, resolution of the Mineola Tribe, No. 244, Improved Order of Red Men, urging the elimination of banquets and suppers by fraternal societies of the United States as a means of food conservation; to the Committee on Agriculture.

By Mr. ROGERS: Resolutions of the United Irish Catholic Societies, of Lowell, Mass., pledging loyalty to the President, asking that Ireland may be made politically independent, and thanking Miss Rankin for her efforts in behalf of the Irish; to the Committee on Foreign Affairs.

SENATE.

TUESDAY, *February 12, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we know that our greatest issues are before Thy Court, and that nothing that we can settle in this world will be settled right or settled at all until they are brought into harmony with Thy will, until they express Thy purpose in human government and in human life. So we ask Thee to guide us in the discharge of our most sacred and terrible duties as we face the issues of this day and of the days that are to come. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the merce.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Gronna	Jones, N. Mex.
Bankhead	Curtis	Hardwick	Jones, Wash.
Beckham	Dillingham	Henderson	Kellogg
Borah	Fernald	James	Kenyon
Colt	France	Johnson, Cal.	King
Culberson	Gerry	Johnson, S. Dak.	Kirby

Lewis	Overman	Sherman	Thomas
McCumber	Page	Smith, Ariz.	Thompson
McKellar	Pittman	Smith, Md.	Tillman
McLean	Poindexter	Smith, Mich.	Trammell
McNary	Pomerene	Smith, S. C.	Underwood
Martin	Ransdell	Smoot	Watson
Nelson	Robinson	Sterling	Weeks
New	Saulsbury	Stone	Wolcott
Norris	Shafroth	Sutherland	
Nugent	Sheppard	Swanson	

Mr. CURTIS. I was requested to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness in his family. I will let this announcement stand for the day.

Mr. SUTHERLAND. I desire to announce the absence from the Chamber of the senior Senator from Oregon [Mr. CHAMBERLAIN] on account of official business in the Committee on Military Affairs.

I desire also to announce the absence of my colleague [Mr. GOFF] on account of illness.

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. There is a quorum present.

AMERICA AND HER NATIONAL DEFENSE.

Mr. JAMES. Mr. President, I desire to give notice that on Thursday next, after the conclusion of the usual routine morning business, I hope to have the privilege of addressing the Senate upon America and her national defense.

WAR CABINET AND DIRECTOR OF MUNITIONS.

Mr. WEEKS. Mr. President, I should like to give notice that on Friday next, after the completion of the morning business, if other business does not prevent, I shall hope to address the Senate on the subject of the legislation proposed by the Committee on Military Affairs known as the war cabinet and the director of munitions bills.

LIST OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a list of causes referred to the Court of Claims by the United States Senate and dismissed by the court December, 1917, on motion of defendants for nonprosecution, which was referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

Mr. TILLMAN. I send to the desk a petition which I ask may be inserted in the RECORD without reading.

There being no objection, the petition was ordered to be printed in the RECORD, as follows:

CHARLESTON, S. C., *February 7, 1918.*

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

DEAR SIR: The following resolutions were adopted at meeting held under the auspices of the First Congressional District Branch of the South Carolina Branch of the National Woman's Party.

Resolved, That this meeting call upon President Wilson and the Democratic administration to give effective support to the national suffrage amendment by making it an administration measure and securing its passage in this session of Congress: Be it also

Resolved, That this meeting call upon the Senate of the United States to pass at once the Federal amendment: Be it also

Resolved, That this resolution be sent to the President; Vice President; Senator THOMAS MARTIN, Democratic leader of the Senate; Senator JACOB H. GALLINGER, Republican leader of the Senate, and to our Senators.

Respectfully,
First Congressional District Branch of the South Carolina Branch National Woman's Party, Susan P. Frost, chairman; Rachel Whaley Hanckel, corresponding secretary.

Mr. POINDEXTER. I present a memorial from the Legislive Federation of King County, Wash., and ask that it be printed in the RECORD.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

THE LEGISLATIVE FEDERATION OF KING COUNTY,
Seattle, Wash., February 5, 1918.

To the President and Congress of the United States:

The inclosed resolution was unanimously passed by the Legislative Federation of King County, at a regular meeting held February 4, 1918:

Resolved by the Legislative Federation of King County (representing some 15,000 women), in view of the existing war conditions, and as a matter of right and justice to all women, urges the unanimous passage of the Susan B. Anthony amendment, now before the Senate of the United States; be it further

Resolved, That copies of this resolution be sent to the President of the United States, to the Vice President, to the chairman of the Senate Suffrage Committee, and to the Senators from the Sate of Washington, who are requested to have the same read into the CONGRESSIONAL RECORD.

Signed, by order of Legislative Federation,
EMILY M. PETERS,
Chairman Federal Bills Committee.
ANNE B. STEWART.
L. ELLEN DAY.
ETTA BENSON.

Mr. PHELAN presented a petition of the State Rural Letter Carriers' Association, of Chula Vista, Cal., praying for an increase in the salaries of rural letter carriers, which was referred to the Committee on Post Offices and Post Roads.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSON of South Dakota:

A bill (S. 3821) for the relief of Thomas E. Philips (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 3822) granting an increase of pension to William Mulloy (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 3823) to provide temporary increased rank for officers of the United States Coast Guard while operating as a part of the Navy during the present war, and for other purposes; to the Committee on Naval Affairs.

By Mr. STERLING:

A bill (S. 3824) granting an increase of pension to Frederick Zimmerman (with accompanying papers); to the Committee on Pensions.

A joint resolution (S. J. Res. 131) authorizing the Secretary of the Interior to extend the time for the payment of annual installments on the purchase price for land in the Cheyenne River and Standing Rock Indian Reservations; to the Committee on Public Lands.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. McCUMBER submitted an amendment proposing to appropriate $676 to reimburse Benson County, N. Dak., for care of three insane Indians in the North Dakota State Insane Asylum, intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

REGISTRATION FOR MILITARY SERVICE.

Mr. NEW submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," which was referred to the Committee on Military Affairs and ordered to be printed.

AGRICULTURE IN TIME OF WAR.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD a series of resolutions adopted at a meeting in this city of representatives of 17 national farmers' organizations.

The PRESIDENT pro tempore. Is there objection?

Mr. SMITH of Arizona. I did not hear the request of the Senator from Oklahoma.

Mr. GORE. It is a request to print in the RECORD a series of resolutions adopted here in Washington last week by representatives of 17 national farmers' organizations.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

[Resolutions concerning a national policy for agriculture in time of war, adopted and presented to President Woodrow Wilson by the conference of farm organizations called for consideration of the farmers' relation to the national program for winning the war by the Federal Board of Farm Organizations and held in Washington, D. C., Feb. 6, 7, 8, and 9, 1918.]

WASHINGTON, D. C., *February 8, 1918.*

THE PRESIDENT:

Desiring earnestly to support and assist the Government of the United States in winning the war, we, representatives of the Federal Board of Farm Organizations and other farmers' organization, whose names will be found appended, including in all more than 3,000,000 organized farmers, have assembled in Washington to discuss ways and means for increasing the production of food at the coming harvest.

As set forth in the memorial of the Federal Board of Farm Organizations, submitted to you on January 22, 1918, a reduction in the amount of the coming crop is certain and unavoidable unless certain causes, all of them beyond the control of the farmers, are recognized and removed. We speak with all respect, but definitely, because we know the facts of our own knowledge, and because the time during which effective action can still be taken to increase the coming crop is short.

The chief obstacles which must be removed before the farmers of America can equal or surpass this year the crop of 1917 are:

1. Shortage of farm labor.
2. Shortage of seed, feed, fertilizers, farm implements, and other agricultural supplies.

3. Lack of reasonable credit.
4. Prices often below the cost of production.
5. The justified belief of the farmer that he is not regarded as a partner in the great enterprise of winning the war.

Farmers by themselves are powerless to remove these obstacles. Unless the Government grasps the vital seriousness of the situation and forthwith takes steps to help, a crop shortage is certain in spite of any and all things farmers can do to prevent it.

The Government, we understand, will spend some $4,000,000,000 to assist commercial enterprises to produce munitions of war. We approve of this action, recognizing that it is necessary. Assistance for food production in this crisis does not involve any such vast expenditure. But without such assistance, vigorously and promptly given, it will remain impossible for farmers to grow the crops required. The Government should not hesitate to assist in the production of one sort of supplies essential to win the war when it has already spent vast sums to assist in the production of others.

We deem it our duty to advise the Nation of these facts in order that the threatened danger may be minimized if not entirely prevented, and we respectfully suggest the following remedies:

1. As to labor, the parole of trained farm workers back to the farm, to remain there so long as their services are considered by the Government to be more useful in productive agriculture than in the Army. The last classification of registrants under the present selective draft, we are informed, is not being uniformly enforced, and in particular we understand that skilled farm workers, farm foremen, and bona fide farmers are being placed in class 1. We ask for such an interpretation of the rule as will make such cases impossible. We welcome the assistance of all organizations that are helping to furnish labor in the production of food, and we believe that their services should be employed as fully as possible.

We ask for such interpretation of the selective draft as will secure to the Nation the services of all of its citizenship where those services are of most value to the Nation, and for binding instructions to be issued to all boards to that effect. Especially do we ask that the definition of a skilled farm laborer be a man who is actually engaged in productive agriculture, and is supporting himself in it, without regard to college or university training.

2. As to farm supplies, provision should be made for furnishing to producing farmers who need them such seeds, feeds, fertilizers, and farm machinery at cost as may be actually necessary to maintain their production or to increase it within practicable limits. We urge the transportation of farm products and supplies by the most economic routes and the prompt movement of perishable crops in their season.

We urge that in carrying out the measures to win the war farmers' cooperative societies be given the same consideration that is given to other commercial organizations.

3. As to credit, steps should be taken by the Government to promote aggressively and in all practicable ways short-time loans to farmers for the purpose of financing the production of crops.

4. As to prices, should the policy of price control prevail, then we ask that it shall be applied as much to what the farmer buys as to what he sells, to the end that consumer and producer be protected from exploitation.

5. As to representation, we recommend the immediate appointment of a farm commission, to consist preferably of nine farmers actually engaged in the business, to be selected by the President from men representative of and satisfactory to the great farm organizations of America, and to report directly to him on all questions that affect the increase of agricultural production and distribution. Such a commission should be authorized to secure information from all Government sources, and all departments of the Government should be instructed to cooperate with it. It should be in uninterrupted session at the city of Washington, and provision should be made for necessary quarters and expenses by Federal action. The commission should be required, as its first task, to report at once upon all matters necessary in the immediate execution of recommendations Nos. 1 to 4 above.

Such a commission is needed first of all to give to the farmers of America a sense of partnership in the conduct of the war to which they have a right. The occasional consultation with farmers called to Washington or the occasional appointment of a farmer to a subordinate place does not amount to fitting participation in the conduct of the war on the part of one-third of the population of the United States, and all the more when that third produces the one form of supplies which is the most essential.

This plan would be in harmony with the procedure already adopted by the Government in other essential industries. The creation of such a commission would convince all farmers that their viewpoint was fully represented in Washington and always accessible to the President, and would inspire and encourage them as nothing else could.

Immediate and vigorous action is imperative.

FARMERS' ORGANIZATIONS WHICH PARTICIPATED IN CONFERENCE HELD IN WASHINGTON, D. C., FEBRUARY 6, 7, 8, 9, 1918.

Dr. H. Q. Alexander, Matthews, N. C., State president North Carolina Farmers' Union.
J. T. Anthony, Chestertown, Md., chairman executive committee, Maryland State Grange.
S. C. Armstrong, 517 Arctic Building, Seattle, Wash., Washington Farmers' Union.
T. C. Atkinson, Buffalo, W. Va., secretary legislative committee, National Grange.
C. S. Barrett, Lake Como, Fla., Farmers' Union.
Elwood Bolduston, Colora, Md., secretary Cecil Farmers' Club.
C. W. Booth, route 1, Nesperce, Idaho, Tri-State Terminal Co.
R. F. Bower, Campbell, Va., director Farmers' Union.
George H. Bowles, Lynchburg, Va., secretary Farmers' Union.
Fred Brenckman, Weatherly, Pa., legislative agent Pennsylvania State Grange.
E. A. Calvin, Houston, Tex., Cotton Growing States Official Marketing Board.
W. A. Cochel, Manhattan, Kans., Kansas State Agricultural College, Kansas State Live Stock Association, Kansas Improved Live Stock Breeders' Association.
Edwin T. Coman, 1827 West Ninth Avenue, Spokane, Wash., Grange and Farmers' Union.
R. D. Cooper, 110 West Fortieth Street, New York City, vice president National Milk Producers' Federation, president Dairymen's League.
E. R. Danielson, Lincoln, Nebr., State Board of Agriculture.
H. E. Darling, Bridgeport, Wash., Farmers' Union.
Gabriel Davidson, 174 Second Avenue, New York City, manager Jewish Agricultural and Industrial Aid Society.
A. C. Davis, Gravette, Ark., national secretary Farmers' Union.
William B. Davis, Cecilton, Md., Cecilton Community Club.
R. M. Day, Washington, Pa., legislative committee, Pennsylvania State Grange.
C. H. Dildine, Orangeville, Pa., executive committee, Pennsylvania State Grange.
O. E. Dornblaser, Cleburne, Tex., National Board of Directors of Farmers' Union.
A. A. Elmore, Cœur Value Hotel, Spokane, Wash., president Farmers' Union.
Oscar Erf, dairy department Ohio State University, Columbus, Ohio; Ohio State Dairyman's Association; Ohio Jersey Cattle Club; Ohio Holstein Association; Ohio Guernsey Club; Ayrshire Cattle Association.
C. H. Everett, Racine, Wis., Wisconsin Agriculturist.
Andrew L. Felker, State House, Concord, N. H., State Department of Agriculture.
M. C. Gaulke, Thompson, N. Dak., secretary Farmers' Grain Dealers' Association.
Charles Graff, Bancroft, Nebr., president Nebraska Improved Live Stock Breeders' Association.
George P. Grout, Duluth, Minn., president Minnesota State Dairymen's Association, member Minnesota State Guernsey Association, Minnesota Live Stock Breeders' Association, National Guernsey Association.
Dwight B. Heard, Phoenix, Ariz., member market committee, American National Live Stock Association; chairman Arizona State Council of Defense.
Charles W. Holman, Madison, Wis., National Conference on Marketing and Farm Credits.
C. H. Hyde, Alva, Okla., chairman farm labor and agricultural committee, Oklahoma State Council of Defense.
H. W. Ingersoll, Elyria, Ohio, president Ohio Dairymen's Association, president Ohio Milk Producers' Association.
Robert Irwin, Telstad, Mont., State Executive Board Farmers' Union.
E. Nelson James, Rising Sun, Md., president Rising Sun Milk Producers' Protective Association, director Interstate Milk Producers' Association.
E. F. Kelly, El Reno, Okla., Oklahoma State Board of Agriculture, Farmers' Union.
J. H. Kimble, Port Deposit, Md., president Farmers' National Congress.
A. L. King, Omro, Wis., president Wisconsin State Grange.
J. S. Kiemgard, Pullman, Wash., Washington and Idaho State Grange.
C. Larsen, State College, Brookings, S. Dak., South Dakota State Dairymen's Association.
Ed. C. Lasater, Falfurias, Tex., Falfurias Dairymen's Association.
George C. Leach, Aberdeen, N. C., North Carolina Farmers' Union, managing editor Farmers' Union Bulletin.
Charles A. Lyman, 340 Washington Building, Madison, Wis., general organizer N. A. O. S.; Wisconsin State Union, American Society of Equity.
Maurice McAuliffe, Salina, Kans., president Kansas Farmers' Union.
George McKelvey, Columbus Junction, Iowa, State organizer Iowa Farmers' Union.
Allan E. McLean, Bridgeport, Wash., county vice president Farmers' Union.
Ed. W. McNamara, Winfield, N. Y., Farm Bureau and Dairymen's League.
John A. McSparran, Furniss, Pa., master Pennsylvania State Grange.
Allan D. Miller, Susquehanna, Pa., legislative committee, Pennsylvania State Grange.
John D. Miller, Susquehanna, Pa., director Dairymen's League; executive committee, National Milk Producers' Federation.
J. H. Minch, Chalmers, Ind., president Indiana Farmers' Grain Dealers' Association.
C. H. Morris, North East, Md., Cecil County Farmers' Club.
W. J. Mozley, Dickinson, N. Dak., Farmers' Union; member State Council of Defense.
M. D. Munn, St. Paul, Minn., president American Jersey Cattle Club, Twin City Milk Producers' Association.
C. W. Nelson, Arctic Building, Seattle, Wash., Tri-State Terminal Co.
J. F. Niccolls, Winfield, Iowa, chairman State Executive Board, Iowa Farmers' Union.
J. J. Owen, State Department of Agriculture, Richmond, Va., Farmers' Union.
Gifford Pinchot, Milford, Pa., president Pennsylvania Rural Progress Association.
Joseph W. Pincus, 174 Second Avenue, New York City, secretary Federation of Jewish Farmers of America.
C. C. Price, Warwick, Md., Cecilton Community Club.
John R. H. Price, Warwick, Md., Cecilton Community Club.
Max Reiberg, Cullman, Ala.
Harris A. Reynolds, 4 Joy Street, Boston, Mass., secretary Massachusetts Forestry Association.
C. D. Richardson, West Brookfield, Mass., executive committee State Grange.
S. W. Ricords, Farmer, S. Dak., president South Dakota Farmers' Union.
Fred A. Rogers, Meriden, N. H., master State Grange.
J. G. Sanders, State Capitol, Harrisburg, Pa., secretary National Horticultural Inspectors' Association.
R. J. Schaefer, Appleton, Wis., Grange No. 225 of Wisconsin, board of directors Wisconsin State Holstein Association.
G. C. Sevey, Springfield, Mass., Massachusetts Food Production Commission, editor New England Homestead.
J. L. Shepard, Greensboro, Fla., president Florida Farmers' Union.
Mabel Shepard, Greensboro, Fla., secretary-treasurer Florida Farmers' Union.
J. W. Shorthill, York, Nebr., secretary National Council of Farmers' Cooperative Associations.
John A. Simpson, Weatherford, Okla., president Oklahoma Farmers' Union, president State Presidents' Association of Farmers' Union.
Leslie R. Smith, Hadley, Mass., master Massachusetts State Grange.
A. M. Spotts, Rising Sun, Md., Cecil County Farmers' Club.
R. J. Stephens, 1011 Rankin Building, Spokane, Wash., Farmers' Union and Grange of Washington, Oregon, and Idaho.
S. L. Stewart, Newburg, N. Y., executive committee Certified Milk Producers' Association of America.
H. E. Stockbridge, Atlanta, Ga., Farmers' National Congress.
E. M. Sweitzer, Shippenville, Pa., Farmers' Society of Equity.
A. V. Swift, Baker, Oreg., national vice president Farmers' Union.
L. J. Taber, Barnesville, Ohio, master Ohio State Grange.
J. M. Templeton, Cary, N. C., vice president North Carolina Farmers' Union.
T. W. Tomlinson, 518 Cooper Building, Denver, Colo., secretary American Live Stock Association.
E. J. Tuttle, Wellsboro, Pa., legislative committee, Pennsylvania State Grange.

Harvey Walker, Wilmington, Del., executive committee, Delaware State Grange.
James D. Weaver, Dawson, Ga., vice president Georgia Farmers' Union.
M. H. Welling, Tremonton, Utah, Farmers' Cash Union, Farmers' Society of Equity.
Wilfrid Wheeler, 136 State House, Boston, Mass., secretary State Board of Agriculture.
Frank B. White, 76 West Monroe Street, Chicago, Ill., Agricultural Publishers' Association.
Charles McCarthy, Madison, Wis., director National Agricultural Organization Society.

CABLEGRAMS BETWEEN MEXICO CITY AND BERLIN.

Mr. SHERMAN. Mr. President, I have prepared a statement which I ask may be printed in the RECORD, together with a copy of certain cablegrams between Carranza and the Kaiser.

Mr. SMITH of Michigan. I should like to have it read.

Mr. SHERMAN. I have no objection. I ask unanimous consent, then, that it be read by the Secretary.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

"Señor Carranza, by grace of the United States Government tituiar head of a more or less de facto Government of Mexico, by press reports recently congratulated the Kaiser on his birthday. The President of Mexico expressed his best wishes for the personal happiness of the Kaiser, whose savagery on land and sea have made his name and nation as execrated as the Turk. Emperor William by cable acknowledged the gracious message from our neighbor and took occasion again to refer to his direct and personal responsibility to the Deity, including submarines and practices in Belgium. He referred feelingly to the intimate relationship between Señor Carranza and his own helmeted self. Just how intimate this relationship may be arouses more than idle curiosity if we remember that the allies bought 60,000,000 barrels of oil from Mexico last year, part of which came to the United States.

"More than mere languid comment is provoked by reading the newspapers of Mexico City the morning of the publication of Carranza's message. They give on the front page in display-type headings the auspicious event with a picture of H. von Eckhardt conspicuously near the exchange of congratulations between the Kaiser and Carranza. The proximity of the picture and Carranza's message is unfortunate, because President Carranza expresses his best wishes for the prosperity of the Kaiser's great friendly nation. How his prosperity may be promoted by our winning the war is a pertinent inquiry, especially when the Kaiser fervently asks that the intimate relationship between them shall be so deepened and strengthened that it may result in a victorious peace. Such a peace is full of sinister menace for this country. I am moved to wish to do more than practice watchful waiting in view of the felicitations so recently exchanged between those two distinguished worthies. I subjoin the messages and ask that they be printed in full:"

"WARM BIRTHDAY MESSAGE REVEALS FEELINGS OF MEXICO'S CHIEF.

"LONDON, *February 6.*

"Venustiano Carranza, President of Mexico, sent a fulsome birthday message to Emperor William of Germany recently, according to Reuter's (Ltd.). President Carranza in this message said:

"'To your majesty, who celebrates his anniversary to-day with just cause for rejoicing, I have the honor to send my most cordial congratulations, and am pleased to express to you my best wishes for your personal happiness and that of your august family, as well as for the prosperity of your great friendly nation.'

"GREETINGS FROM PRUSSIAN DIET.

"AMSTERDAM, *February 6.*

"Replying to the birthday greetings sent him by the President of the upper house of the Prussian Diet, Emperor William sent the following by telegraph:

"'The intimate union of the Crown and the people, which I received as a sacred heritage from my fathers, dates from the hard times by which Prussia was trained for its world historic mission.

"'May these hard years of strenuousness, which I feel more deeply in consequence of the responsibility placed upon me by God, strengthen and deepen this intimate relationship, so that it may stand the test in the battles which still lie before us and in the great tasks which, after a victorious peace, we shall have to fulfill in an altered world.'"

Mr. BORAH. Mr. President, I do not understand just the object of having it read to the Senate.

Mr. SHERMAN. The object is to show that the policy of watchful waiting on the titular head of Mexico probably might not be applicable now. There were 60,000,000 barrels of oil taken out of Mexico by our allies last year, and, with these friendly congratulations on the birthday of the head of the German Government, I was disposed to think that the attention of the Senate as well as of the public ought to be called to these congratulatory messages.

Mr. SMITH of Michigan. It discloses a friendly feeling on the part of the Mexican Government toward the United States in our international difficulties! It shows the true feeling of Carranza in the present crisis and warns us to beware of his disposition to aid the archenemy of mankind in its effort to subjugate free people to its autocratic rule.

Mr. BORAH. I am not going to object; it has already been read. I only want to say that what these gentlemen say to one another is of no concern whatever to the Senate at this time.

Mr. SHERMAN. I think it is.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 11, 1918, approved and signed the following acts:

S. 3081. An act to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri; and

S. 3006. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes.

The PRESIDENT pro tempore. If there be no further routine business, the morning business is closed.

ANNIVERSARY OF BIRTHDAY OF ABRAHAM LINCOLN—OBSERVATIONS ON THE DEMOCRACY OF ABRAHAM LINCOLN AND THE EXTENSION OF IT BY WOODROW WILSON TO THE WORLD—AMERICA'S INFLUENCE ON THE GOVERNMENTS OF EARTH—THE DEFINING OF THE PARTICULAR FORM OF DEMOCRACY AMERICA IS FIGHTING TO ESTABLISH.

Mr. LEWIS. Mr. President, pursuant to a notice I gave yesterday, I find it agreeable to avail myself of the day, under the arrangement of the Senate, to present something that might be termed a treatise upon the course of democracy and its advance in the world as influenced by America. I do this, sir, under regis of the birthday of Abraham Lincoln, an occasion which we dwell upon with delight and memorialize with pride. Mr. President, I am just informed that I will be followed this morning by the eminent senior Senator from Minnesota [Mr. NELSON], who, I understand, expects to address himself to the personal life of the distinguished dead patriot. I will omit much of the subject of biography, knowing it will be dealt with in all the delicacy and finish that such phase of the subject could demand. For myself, Mr. President, I take the liberty, I may say, to impose somewhat upon the generosity of this body to present some thoughts that partake rather of the philosophy of government than obituary of the hero.

Mr. President, but for the circumstances surrounding us at this time I would not impose upon the hour to the extent I feel the present occasion justifies.

With the Senate's consent I submit on the natal day of Abraham Lincoln some views on the things for which he stood and for which America with Woodrow Wilson fights.

The faithful Judean on the festal day of his prophets turns his face to Jerusalem and dreams upon Jehovah.

The oriental, salaaming to the sun, cries out through the muezzin his Allah be praised.

America, worshiping the God of her fathers, turns upon each national memorial day to the memory of God's noblest offerings to man—America's blessed patriots.

Among the calendar days set aside for reverence by America's children is this, the 12th of February—the birthday of Abraham Lincoln—Illinois's greatest gift to civilization. Here in this Senate we offer up our tribute of memory and worship of virtue in commemorating Abraham Lincoln, the apostle of the liberty of man and the standard bearer of democracy to the world.

Sir, here for a moment we pause to reflect on the meaning of the word democracy as the world now knows it. Bacon, in Novum Organum, refers to the confusion made by not giving accurate import to words and to their understood meaning. Says the philosopher—

Men imagine that reason governs words, when in fact words react on the understanding. * * *

The solemn disputes of learned men about words and meaning have rendered philosophy inactive. It were better, says Bacon—

to proceed advisedly in the first instances and bring such disputes to a regular issue by a definition wholly expressed and clearly understandable.

The democracy implanted by Lincoln and advanced by Wilson is but the defining of nature's purpose to endow her mankind with equality of opportunity in all objects of life, to assure freedom of man in all pursuits of human existence, and to make sure full liberty to govern one's self by one's own will and to establish through the voice or vote of the people of any locality any form of government fitting to the needs of such people. This is the democracy heralded by Jefferson, established by Lincoln, and now forwarded by Wilson.

Mr. President, from the day when Thomas Jefferson inscribed in America's declaration of freedom that "All men are created equal" to the hour when Wilson cried out "Make the world safe for democracy," Liberty, the daughter of Democracy, has moved over the earth as an angel, lighting the housetops, shaking open the mountains, separating the hills, that all men may come forth from oppressed places to the valley of restoration and to the land of promise. Democracy is to-day justified of her children and Liberty is now vindicated by the progress of her sons.

It is in the United States of America that democracy has its hope for all future and republican government exhibits its success to inspire mankind. George Washington commanded his followers to the fight for freedom of man and liberty of nations. It was not opposition to England as a country or to kings as rulers that was the inspiration of the sacrifices of our Revolutionary heroes. It was against the system of persecution of man and oppression of country under the rule of kings that these sacred fathers pledged their lives, their property, and their sacred honor. In that contest America was triumphant and in her station as victor in the right and destroyer of the wrong she has become to be the envy of nations and the marvel of civilization. These United States stood sworn in presence of Heaven to keep this Republic the ideal of free governments and the model of triumphant democracy. Its object was to assure liberty to man, to provide justice to nations, and establish a refuge to oppressed mankind. This Nation has lived to fulfill the mission to which she was dedicated by her founders and to which she is pledged to her children. She is the first and to be the greatest free Republic of the earth. Full high against Heaven's outposts she tosses her banner as she trumpets her tribute to—

Flag of the free heart's hope and home
By angel hands to valor given.
Thy stars have lit the welkin dome,
And all thy hues were born in Heaven.

Forever float that standard sheet
Where stands the foe but falls before us,
With liberty's soil beneath our feet,
And freedom's banner waving o'er us.

Senators, no democracy was ever founded in any government of earth that did not have to fight to continue its existence or maintain its ideals. Hear Goethe proclaim to Prussia, "Those who have liberty must fight to keep it." The test of every free land that tries out its worthiness or unworthiness to exist as a government of freedom has been its willingness or refusal to fight and die for its faith. No government that has not exhibited a capacity to sacrifice all it has for the theory for which it was founded, and to prove its ability to protect and perpetuate the institutions it has created, has ever yet existed for a length of time sufficient to be recorded in history as having fostered liberty or transmitted democracy to men. No government has yet been accorded by civilization a place among the nations of the earth until it had first demonstrated its worthiness to administer justice by doing justice to itself, and then to prove its power in conflict to overcome its natural enemies, whether from within or without. Says Hegel:

The history of the world is not the theater of happiness—it is the arena of conflict as against a part of itself or to prove the worth of the whole of itself.

The first assault that is made on the establishment of liberty is from within. It comes from the conflict of ideals of government or from rivalry of aspiration of leaders for personal honors. With this storm weathered—this tide of internal sea beaten back or wooed by diplomacy and gentleness to silence—the next assault is of foes arising from without. This is the attack of those who from envy of success and achievement, or from fear of competition, seek to destroy the rising power to avoid the influence of its example, or to prevent the dethronement of autocracy through the privileges of liberty.

The Judean governments broke in sections upon form and ceremony of religious sacrifice, and turned to rend each other. Thus they were left as the prey to the assault from without. It came from Egypt, and the Jewish people wandered 40 years in bondage. Then, though restored, repeated their folly and were overcome by Rome, and Judea is a Province obeying Tiberius—

Greece for a season met her internal wars and repelled every uprising within and against ambition of leaders or conflict of ideals preserved her government as the Greece of Phidias and Pericles and the home of art and beauty sublime. But, enervated with ease, beguiled by riches, and decadent in morals, Greece became too selfish of her comforts to oppose the advance of the Macedonian Philip in his assault from without. The cry of Demosthenes, "On against Philip," the warnings of statesmen and patriots awakened no response. Greece, in the confidence which prosperity too often infuses, forgot patriotism and yielded to personal aggrandizement and fell before the advance of the foreign enemy and became a victim to world conquest.

In modern nations we need behold but two instances presenting examples opposing each other, but which serve as our lesson.

There was England. She bore and survived the revolution from within of Cromwell against the king, then in later days met the attack of Napoleon's legions from without. These she hurled back in defeat at Waterloo, and returned to her islands to enjoy what she hoped would be a peaceful growth of prosperity and democracy.

France gathered herself from the shattered places and defiled temples that had shuddered and fallen in the revolution against the Louis. But glorious as was the survival over herself, this France, confiding again to the allurement of royalty, became languid in her security and corrupted through internal conspiracies, and was no longer the France that rose above her revolutions. France, refusing to be awakened to her dangers, declined to be alert to the vigilance necessary to the preservation of liberty; France was assailed from without by those who were watching the hour when the indifference of France or her decadence could invite the conflict. The assault came from Imperial Prussia, and France endured the humiliation of crowning a German King in Versailles, the palace of French sovereigns. From this defeat France, though rising to a sublime height and restored once again to liberty, equality, and fraternity, is now embattered with every weapon of assault that brutality of war can devise, and this from without, and this again from the once successful Imperial Prussia—encouraged by one victory and its profits Prussia tries for another and its glory.

The United States—our land of promise to man—after overcoming every attack which tribulation could visit upon struggling freedom, sat herself down in peace and in happiness to enjoy the house of her fathers—when lo, she, too, must march the course of nations and endure the trials decreed upon liberty. She was beset from within, and from the conflict of ideas upon State's rights and national sovereignty, she was torn between the ambition of leaders, and was brought to the sacrifice by the spirit of secession—by the misguided zealots of one side and a disloyal selfishness of the other—would have prospered upon the Nation's divisions. Against these the faithful Union sons and the loyal southern patriots fought and endured, and despite every suffering and opposed by every secret conspiracy put afoot against her patriot President, who was tortured by every criticism, the sons of the Union persevered, and through the fidelity and sacrifice of her children—under the guidance of Heaven—the Union was preserved and this land transmitted to its people as the Republic of United States, invincible and immortal.

Yet she, too, our United States, must pass under the rod! For it is written in the sacred warning to nations, spoken through the Book of Luke, "For the days shall come upon thee that thine enemies shall cast a trench about thee and compass thee around and would keep thee in on every side." From without was destined the shock against us—from envy of our situation, from jealousy of our prowess, hatred was aroused in the heart of others and vengeance sworn upon an altar of swords. America's institutions of freedom, inspiring mankind to her example, and awakening oppressed lands to follow her course if they would know liberty, inflamed the souls of the royal rulers of Prussia with fear and fired them to war of destruction upon all that America stood for and was living for. This to Prussia was necessary that it might avoid American influence upon the hearts of the liberty-loving German people. It was to intercept this country in her march of progress and to defeat her purpose to overthrow governments of sword and scepter and establish in their stead as a rule of government the will of man, Imperial Prussia struck us from without with a blow that has killed our children, murdered our sons, and imperiled this Nation.

This assault from without now puts us to the test before the world that every nation that has aspired to freedom has had to meet from despots who live by the belief of a divine right of kings, and which have ever assailed liberty since the light of freedom broke upon nations. The drowning of our commerce, the shattering of our ships, the killing of our women and children, and the murdering of our sons were but the stroke of the destined sword held in the hand of fate for America. It was the coming sure event ordered to test us that we may be proven if we are true, that we shall be tried if we are worthy to be free. It was to hold up to the world whether the heart of selfishness or the soul of patriotism controlled our course and directed our destiny. The question is put before the world, to be answered only by our conduct, asking if we are a people who to avoid personal inconvenience and commercial loss would deliver our sons to death under the blow of kings and surrender our land to the oppression of tyranny. All civilization watches from its towers. All humanity hangs in suspense upon our resolve. Freedom herself is to live or

die by the hour which America chooses. Time itself is asking of Creation: Shall America's resolve be democracy or death, or surrender and shame?—

Hark, freemen, what say ye to tyrant's taunt?

Well, here in this place we reply. We hear the blood-bespattered war lords of Prussia call to America to yield; to give her money, her property, and her honor to the demand of Germany for indemnities. We hear the Prussian military masters call upon America to fall to her knees in submission and surrender her holy birthright of liberty to the tyrant's demand and lie in dishonor at the foot of the conqueror. In response, in reply, in answer, we remind the blood-maddened Kaiser that even while yet young and weak, as against the attack of another kingly German—George of England—this people, then poor in possession yet rich in righteousness, defied this King and brought him to his surrender at Yorktown and established young America, free from kings and victorious against the assault of oppressors. In that hour America reaped the glory of immortality.

We will tell him of the days when with but a Navy of birch bark we met the force of imperious Napoleon, the war colossus of his time, and beat back the assault upon the freedom of our seas and established for our mankind the right to traverse and enjoy the oceans of God for all time. More, here and now we will remind the Kaiser and his legions of helmeted princes that when in sectional delirium our children turned upon their own families and would have consumed each other in internecine strife, leaving the Republic a severed skeleton of its once glorious self—Heaven, true to its guardianship of our people, after the point where valor and sacrifice had been wholly proven, stepped between and with celestial decree commanded the children to stack their arms of war and clasp each other in the arms of love. Yea, even as against our own will, this God of nations saved us for ourselves, that the judgment of time should be fulfilled—one united America, loyal to itself, faithful to God, to be the hope of oppressed nations and the salvation of a war-shattered world. It is these, where North, South, East, and West, in one phalanx, present arms to its Commander in Chief, the President of the United States salutes the flag of its Nation, and beholding the return of all its sons to their father's house, exclaims after the order of Philip to King John:

Now that her princes are come home again, come the three corners of the earth in arms, and we shall shock them. * * * For this America never did and never will lie at the proud foot of a conqueror.

We will tell the Kaiser—yea, and to all the despots of earth proclaim, that this united and blessed land is America—the one land of all earth, that in all its time, under the custody of God never knew defeat. It is this land that is yet to be saluted by kings and emperors as the invincible and triumphant United States of America!

Mr. President, here in our land our people stand horrified at the perfidy of the German war rulers, in their deceit and betrayal of mankind through the pretense of cry for peace. Our Nation beholds that Germany while advancing to the United States with the speech of a truce—and in effect bearing a flag of peace—and while the propositions of peace advanced by the President of the United States are suspended in the balance by the reply terms and counter offers of Germany, and while both are being weighed in the hearts of our people, and confidence in German professions of peace and good will to man is being extended by America, Germany, with the stealth of a hidden assassin, and with brutality of a savage, steals upon the ships carrying the boys of American mothers to a French port and shoots them to death, drowning them in the frozen seas, and leaving them helpless to perish in their agonies as they sank in the ocean reddened with their blood. And this while the assassin was appealing to the world for consideration and crying to America for a friendship that should suspend attack while terms of peace were under deliberation. Let the world now know that this treachery of assassins, this murder under the cover of Christian advance, this stroke in the dark that killed the sons of this Republic while the people were yielding to the prayer of Germany for consideration, for all time ended any confidence that may have been given any Prussian promises or Prussian pretenses of peace and honor. Whatever prospect there was held out for peace in the German offer is now shown to have been a deception and ruse to murder, and ends forever the hope of a peace until Germany is beaten to where she obeys the instincts of humanity through fear and yields peace and gives justice through being crushed to where she is powerless for treachery and forced by helplessness to seek the mercy of mankind. If there is an American who now can do else than sacrifice every possession and every life to vindicate his Nation, and give victory her cause, may his tongue that would speak against her cleave to the roof of his mouth and his hand that would be lifted for his country's enemies wither at his side.

The hour calls to America, "Forward, Americans, avenge the cowardly murder of your sons!"

Thus we will demonstrate that we can live through the second stage that is inevitable to all nations in its struggle for freedom and the fight for justice. That we can meet the assault from without and overcome it as we have that from within, and come forth stronger and nobler, tried and truer, sublime in fidelity and victory—the pride of civilization and the wonder of the world. We will show to the earth where the name of commonwealth is past and gone over three fractions of the groaning globe, that

Still one great clime—of freedom
Which their fathers fought for and
Bequeathed—a heritage of heart and hand
And proud distinction from each other land—
Still *one great clime*—in full and free defense
Yet rears her crest, unconquered and sublime.

Senators, let us review for the joy the contemplation affords those nations of the earth which from darkness were awakened to the light of hope by the star of our Republic. Let us refresh ourselves in the joyous memory of those people who have come to enjoy liberty by the guidance of the United States and who now know justice for humanity from the inspiration and the aid of this first, true Republic of all time:

There is South America. Each and all of her lands and divisions this day free from oppression and her people, once bowed under the yoke of kings and emperors, now free to govern themselves by their own voice, their own will, and fulfilling the destiny that America had decreed for the peoples of the world through her example and her assistance—liberty of man and justice of nations. The islands of the sea, from Cuba to the Philippines, rescued from the hands of the despot, where they once bled in agony and drenched their doorways with the streaming tears of their waiting people. They to-day shout the pæans of liberty, their people walk with heads erect, no longer slaves but free men, while prosperity and liberty blesses them with its every endowment, and they stand before the earth equal to all men in all the present and equal to those who shall be hereafter the heirs of all the future.

Yea, China, after her soggy sleep of centuries, floundering in slavish submission, at last heard the call of America, and educated by the endowment of the United States in her gratuity and gift to China, as she returned the indemnity levied upon that confused country, that the money should go to the enlightenment of her people through public education, China, as a reward to America for this magnanimity, modeled her existence after the order of this young western mother, and in the form of a republic and in the spirit of a free government China struggles to obtain the stature of a free land with free men after the example and form of her inspiring friend, the Republic of the United States.

Russia, long in bondage of emperors and mortgaged to ignorance, her people yoked to serfdom through centuries of suffering and ages of oppression, turned and looked upon us and from the bosom of our magnanimity drew hope that it might live in freedom with justice. Russia, as one touched by the Divinity, broke its cerements of civil death, threw off its shackling coil, and as the children of Jove, sprung full-born in the arena of republics and reared itself to the height of American ideals, and Russia moved out to the command of liberty shouting "Death to tyrants." Surely all America will behold all these offsprings of her birthright throughout the world and say in this generation, "It was good to be here."

Mr. President, whatever riches America has amassed from her industry, whatever wealth gathered from her commerce, what harvests garnered from her fields—are all as but the least of offering compared to that which she brings to civilization in the growth of liberty, the perfection of justice, and the expansion of freedom which she has been able by her example and her power, through her religion and her generosities, to endow mankind. Other nations have risen in triumph of power and lived for a while in the glory of arms, but by the selfish achievement—conquest of country through the slash of swords—they have fallen. As these wrenched victory by strength and success by power, they but showed the way to the rival wherein to multiply and by these same standards prevail. That which was victor yesterday was the conquered of to-day, and thus one after the other the powerful nations of the world, resting only upon the achievement of riches, the multiplication of wealth, and the power of the sword, have broken and melted away, leaving nothing enduring to which mankind appeals as example to follow or the children of men turn to as gods to be worshiped or praised.

Hear Ruskin echoing this truth:

Riches of Tyre, Thebes, and Carthage; yea, I say also the once Rome and great Persia are left for our beholding in the periods of their decline. They are ghosts upon the sands of the sea. Theirs was power, riches, grandeur; much for a country—nothing for man. They rose; they shined, yea glowed, laughed, persecuted, and oppressed, and

then they died, and man asks not, where are they? nor cares that they live not among nations. As among men, there is to nations a justice of God and the vengeance of time.

Mr. President, refined civilization as it increases in its purpose of equality among men and justice to all peoples scorns the suggestion of accepting these dead nations of the past as models of national education or guides of personal conduct. The people of the modern world shun them and hold as their boast before earth how they disdain to pattern after them, and turning the face of all those that are new and hopeful to the one standard, approach the United States of America, and bowing in admiration, ask but to follow her past growth, hold her guiding hand, and walk beside her in the light of approving heaven.

Then who are they who misrepresent the purpose of democracy under Wilson that they may defeat all democracy to all men? These charge that America, under Wilson, would continue war to force Governments and people of foreign lands to take our form of government. Let the world know that as George Washington fought for democracy as a right to America and Thomas Jefferson proclaimed it as a necessity to mankind, while Lincoln made it his creed of emancipation for all color and all clime—so, too, Wilson fights for democracy as a right of the whole world. The promise of Wilson to "make the world safe for democracy" is no threat to make the world take democracy. It is but the assurance of the effort to give to the world its chance to take democracy. This war of America is the announcement that we, by our entrance into the conflict, will prevent any despot depriving any people from exercising their free will in rejecting despotism and choosing democracy. The United States does not fight to force any Government to adopt the theory of our Government, nor does the United States fight to force any foreign people to take our form of government against any form of government they may choose for themselves. But America does fight to prevent any foreign Government thwarting any land from enjoying democracy if it so wills by the voice of its own people. And this United States fights now and will ever fight to the expenditure of its last dollar and the sacrifice of every son, rather than submit to any monarch wresting our democracy from us, to the death of our liberty, and the end of our Republic.

How old, how sacred in years and teaching, is this noble creed.

Hear Cicero proclaiming to Rome to go out and aid the peoples foreign to her dominion to enjoy democracy and happiness, saying:

It is more consonant to nature to undertake the greatest labors and to undergo the severest trouble for the preservation and advantage of all nations, if such a thing could be accomplished, than to live in solitary repose surrounded with the allurements of pleasure and wealth. There are those who admit that regard for justice and liberty to the citizen for the benefit of his commonwealth, but deny that this regard ought to be extended in favor of foreigners. Such persons would destroy the society of the human race.

It was this theme which Edmund Burke took as the hope and succor of Britain when in her great hour of tribulation—when emperors of combined Europe threatened her hope of democracy—he, addressing the Lords and Commons, said:

My Lords, it has pleased Providence to place us in such a state that we appear every moment to be on the verge of some great mutation. There is one thing and one thing only that defies mutation—that which existed before the world itself—I mean justice—that justice which emanating from divinity has a place in the breast of every one of us—given us for our guide with regard for ourselves, and with regard to others and will stand after this globe is burned to ashes—our advocate or our accuser before the Great Judge, when He comes to call upon us for the tenor of a well-spent life.

Mr. President, surely this young Nation has proven worthy of the faith of her fathers and as being justified of her children. For this, in this hour of the Nation's peril, she presents herself as entitled to the union of support of all her citizens and to be given the love and comfort of every daughter, the sacrifice and life of every son. Let us believe that, as the Heavenly Father, viewing His celestial Son approaching the sacred water with which He was to be baptized, that he might present His example of cleanly righteousness to all earth, proclaimed: "This is My beloved Son, in whom I am well pleased." He, too, views our land, seeing it in all that it has lived through, beholding it for all that it stands for, and knowing its sacrifices and achievements that man may live in liberty, trumpets to earth His praise, exclaiming: "This is My beloved daughter, in whom I am well pleased."

Senators, as the worshipers make their pilgrimage to the sacred shrine of their gods for the revival of their faith and the refreshment of their souls, so here we assemble to pledge our devotion to free government and free men; to swear anew our allegiance to America and vow our eternal sacrifice of life, property, and sacred honor that liberty shall live and democracy survive. And so, rising over our foes, we rejoice to behold ourselves as the world acknowledges us, a just people, freed from every impulse of selfish gain, a Nation clean of every ignoble design, and a Republic offering all in sacrifice for justice to man and liberty to nations. Here we stand, as stand we shall, as the fulfilled promise of time and the realized hope of earth—America justified in the praise of men and glorified in the blessings of God.

Mr. President, at a later hour I shall make the appropriate motion for an adjournment. At this time I pause and yield to those who will follow me, expressing my very grateful thanks for the appreciation of the Senate. [Applause by Senators.]

LIFE AND CHARACTER OF ABRAHAM LINCOLN.

Mr. NELSON. Mr. President, inasmuch as this is the birthday of Abraham Lincoln, I will ask the indulgence of the Senate to make a few remarks in reference to his life and character.

The institution of slavery had made a cleavage among the white people of the South and given them a peasant class such as was not found among the people of the North. This peasantry, though poor, uncultured, and unlettered, was nevertheless in the essential make-up far superior in vigor and spirit to its counterpart in the Old World. It was patient, courageous, intensely democratic, and in many instances charged with a suppressed intellectual vigor that on great occasions, even under adverse circumstances, would assert itself and be in the ascendant. From the very loins of this class and as a crystallization of all the virile force and vigor that was in it came Abraham Lincoln—born the American peasant, died the American king. His parentage, home, and surroundings were of the humblest kind—scarce was there ever a humbler. His moral and intellectual environment was of the most primitive order—as primitive as the undeveloped region in which his early lot was cast. But the embryo of a great soul and a brave heart was in him; and so under inspiration from on high he grew untrammeled in the midst of the barrenness whence he sprang, as the straight and lofty pine grows in the stony cleft of the hoary and craggy mountain—slowly, surely, irresistibly, and heavenward.

His development from childhood to manhood, from a backwoodsman to a statesman, was a saga, simple in its unity, sad and somber in its texture, but inspiring and heroic in its outcome and results. From Nolin Creek to the banks of the Sangamon the path was winding and rough. A mother's love was given and found in a stepmother—the guiding star on a long and dreary journey. And that love, with which a man loves but once in his life, was buried in the grave of Anne Rutledge. From that moment love claimed and was given less and duty more, and from that moment he seemed dedicated and in training for the great task and mission that was to be his. Feeble minds assuage grief such as was his in the frivolous vanities of the world; but strong minds and heroic souls, though tried and chastened, seek relief and find rest in the surging, real, and relentless battle of life where the turmoil is the fiercest and the strife rages the hottest.

Lincoln was the true exponent and the living embodiment of this class, and at that time there was no moral or intellectual battle ground so interesting, grand, and inviting as the field of political controversy and evolution in the far West. Gifted and highly equipped by nature, trained and tempered in the scant school and the rude ways of the frontiersman, and chastened by the shadows and sorrows that had come upon him, he entered the arena a trained gladiator, qualified to do battle with giants, and there was no lack of real and aggressive giants to contend with in those days. But for want of a vital issue the struggle was for a time a mere skirmish at the outposts, a mere reconnoissance, the remote prelude to the great tragedy of the century. From the gloomy shadows and dark clouds, whence sprang our hero, came also in battle array the great anti-Christ slavery, defiant and eager for battle and conquest. Slavery, in her zeal and quest for vantage, protruded her advance guard into Kansas, and on its virgin soil was fought a veritable "Inkerman"—a battle of fierce, stubborn, and isolated skirmishes. And soon along the entire line from Kansas to the Ohio, and thence to the Potomac, there was a marshaling of forces, a skirmish fire, and a reconnoissance in force, that betokened a momentous and prolonged struggle. In these preliminary conflicts there were many able leaders; and Lincoln, though one of them, was not at first regarded as the foremost. But on the eve of the great battle none disputed his chieftainship of the mighty hosts of the North. He was the heart and soul of all our people, imbued with faith in them, in himself, in the cause, and in God.

Sad and serious were those day to all of us, but most of all to him, and it made him more serious and sad than ever. But from that great task and duty, entailed upon him by man and God, he shrank not; no, not one iota nor tittle; not even in those darkest of all days, when bolder and more aggressive men than he doubted and quailed. He was more hopeful and more confident than the most of us, because his faith was loftier and more boundless. And he ennobled the struggle and hallowed the cause of the Union by severing the last shackles of the bondsmen. He looms up to us over the vista of the passing years as the great spirit of that mighty whirlwind. God gave him to us to work out a great problem in the moral world. His task was Godlike. His life, his mission, and his death were those of a martyr. And he sanctified the Union to us and to our posterity for all time to come.

When can his glory fade?
Oh, the brave charge he made—
All the world wondered.

Mr. LEWIS. Mr. President, unless there are some other Senators who desire to address the Chair on this day, I move, in commemoration of the day and as a mark of tribute to the memory of Abraham Lincoln, that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 1 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 13, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 12, 1918.*

The House met at 12 o'clock noon.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Almighty God, Ruler of the universe, Father of all souls, we give thanks for this broad, fair land that contains our homes, our country, conceived in liberty and dedicated to the proposition that all men are created equal. We are grateful for every gain that has been made tending toward a fuller realization of human freedom, equality, and fraternity; for the line of men and women who from immemorial times have led onward, step by step, noble souls of high degree, irrespective of their origin, whether of the favored classes or of the common ranks, devoted to the good, the beautiful, the true, living or dying that the world might have life and have it more abundantly.

To-day we remember our Abraham Lincoln with praise in our minds and with surging thrills in our hearts. For his purity and simplicity, his ruggedness and gentleness, his firmness and kindness, his intellectual vigor and consecrated energy, his sorrowing winsomeness and lofty nationalism, his trust in God, and his love for humanity, we humbly thank Thee. May we be worthy of his life, his death, his memory. And because of his spirit, we thank Thee also, that to-day all sectional lines are fading—busy North and valiant South, the golden West and the storied East stand in the storm and pressure of world conflict as one, at the world's service, for the eternal right, Thy America. Make us all faithful to the best in our history and to the duties and sacrifices of the hour. Bless the living men who have followed Lincoln in the presidential office. We need the judicial mind of Taft. Deliver, we pray Thee, from his illness to further service Theodore Roosevelt. And God save our President Woodrow Wilson, statesman, spokesman, Chief in our own share of the huge world-task before us.

For our Nation as a whole, in memory of our saint and martyr Lincoln and in the spirit of Christians, we offer the prayer of the Hindu, Tagore, for his land:

"Let the earth and the water, the air and the fruits of my country be sweet, my God.

"Let the homes and marts, the forests and fields of my country be full, my God.

"Let the promises and hopes, the deeds and words of my country be true, my God.

"Let the lives and the hearts of the sons and daughters of my country be one, my God."

Thus "with malice toward none; with charity for all; with firmness in the right as God gives us to see the right," may we continue in domestic and inner peace and obtain blessedness from Thee. In the name of Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Young, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3299. An act authorizing the President to reappoint Maj. Chalmers G. Hall, retired, to the active list of the Army.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on February 11, 1918, approved and signed bills of the following titles:

H. R. 3135. An act to amend section 4 of the act entitled "An act to provide for an auxiliary reclamation project in connection with the Yuma project, Arizona";

S. 3081. An act to extend the time for the completion of the municipal bridge approaches, and extensions or additions thereto, by the city of St. Louis, within the States of Illinois and Missouri; and

S. 3006. An act to authorize and empower officers and enlisted men of the Navy and Marine Corps to serve under the Government of the Dominican Republic, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3648. An act for the retirement of public-school teachers in the District of Columbia; to the Committee on the District of Columbia.

S. 3689. An act authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan, at Kansas City, Mo.; to the Committee on the Post Office and Post Roads.

S. 3083. An act granting to the Lincoln Highway Association, incorporated under the laws of the State of Michigan, a right of way through certain public lands of the United States; to the Committee on the Public Lands.

S. 3299. An act authorizing the President to reappoint Maj. Chalmers G. Hall, retired, to the active list of the Army; to the Committee on Military Affairs.

THE TUSCANIA.

Mr. HICKS rose.

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. HICKS. I ask unanimous consent, Mr. Speaker, for two minutes to read a Canadian comment on the sinking of the *Tuscania*.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. HICKS. I read:

[From the Toronto Globe.]

THE TORPEDOED TUSCANIA.

Canada grips the hand of her big neighbor ally in profound sympathy and understanding. The United States, even before its gallant Army had opportunity to win distinction and honor on the field of battle, has been called upon to pay a serious war toll in brave lives. The torpedoeing of the transport *Tuscania*—the first success of underseas German barbarism against trans-Atlantic troopships—brings home to the great American Republic the grim realities of the struggle upon which its people have righteously and resolutely embarked. It is part of the price to be paid by nations noble enough to consecrate their best to the cause of civilization, counting not the cost.

This Dominion drinks deep of the draught of sacrifice in the same struggle. It extends the sympathy of understanding. It shares the sorrow that comes to stricken homes. It feels the same profound pride in the heroism of its sons. Canadians respond to the spirit of their stalwart cousin. They glory that in his grief his eye is clear, his mouth firm, and his jaw set. They know that Teuton terrorism has once more gone wrong in its cruel choice of would-be victims. They realize that this "fresh challenge to civilization" will tighten the determination of a strong and resolute people to carry on until the Thing is crushed and conquered.

[Applause.]

ORDER OF BUSINESS.

Mr. SIMS rose.

The SPEAKER. For what purpose does the gentleman from Tennessee rise?

Mr. SIMS. Mr. Speaker, I rise for the purpose of seeing if we can make a unanimous-consent agreement as to taking up the railroad-control bill, and I submit the following request: That the bill be taken up on Thursday, that general debate be limited to the subject matter of the bill and not to extend beyond Friday, and that upon the expiration of the general debate the bill be taken up under the five-minute rule and concluded if possible by Saturday night.

The SPEAKER. The gentleman had better leave off that last end of it.

Mr. JOHNSON of Kentucky. I shall be compelled, Mr. Speaker, to object to that, for the reason that already I have secured unanimous consent for the consideration of the anti-profiteering rent bill on the day next following the conclusion of the bill now under consideration, Calendar Wednesday excepted, and that brings us up to Thursday.

The SPEAKER. The Chair would like to ask the gentleman from Kentucky how long it will probably take on that bill?

Mr. JOHNSON of Kentucky. The detailed consideration of the bill can not be had until the general debate is over, and unless the general debate is limited I do not know how long it will take. I would be very glad to see general debate on it limited to two or three hours.

The SPEAKER. The gentleman from Tennessee had better make his request in the light of what the gentleman from Kentucky has just said.

Mr. SIMS. I will modify my request to that extent, Mr. Speaker, and that the House meet at 11 o'clock on Thursday.

Mr. GILLETT. I shall have to object to that.

The SPEAKER. The gentleman from Massachusetts objects.

Mr. GILLETT. I am willing that we shall meet at any time for general debate, but not for the regular business of the House.

Mr. SIMS. I suppose if the bill that the gentleman from Kentucky refers to is completed on Thursday he would not object.

Mr. JOHNSON of Kentucky. We can not go to the anti-profiteering rent bill to-day except by unanimous consent.

Mr. GILLETT. I think the housing bill will take not less than to-day. I do not think you can calculate on less than to-day for that.

Mr. JOHNSON of Kentucky. I am willing that we should use a part of to-day and part of Thursday.

Mr. GILLETT. First, there come to-day the Lincoln speeches, and then other business. That will finish to-day.

Mr. JOHNSON of Kentucky. I think we could have general debate begin when the Lincoln speeches are finished.

Mr. KITCHIN. The Committee on the Merchant Marine and Fisheries will resume the consideration of the housing bill after the Lincoln speeches to-day.

Mr. GILLETT. Mr. Speaker, I am perfectly willing to facilitate business, but I do not see any hope of taking up any legislation before Friday, except what is already provided for.

The SPEAKER. Why not have this railroad bill follow the bill of the gentleman from Kentucky, if the Chair may submit a suggestion?

Mr. SIMS. I am perfectly willing to do that.

Mr. KITCHIN. The gentleman from Kentucky may have something to say on that.

Mr. SIMS. I ask unanimous consent, Mr. Speaker, that the railroad-control bill be taken up for consideration immediately following the bill for which the gentleman from Kentucky already has unanimous consent, and that the House continue consideration of said railroad-control bill until it is finished.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I want to be accommodating, but the Committee on Appropriations is ready, whenever the House is ready to receive it, to present a deficiency bill, amounting to nearly a billion of dollars. It involves items that affect every department of this Government. There is no bill that can be more important, and therefore no order ought to be made that will seriously interfere with its consideration. If I can have assurance that on Monday, no matter what happens, this deficiency bill shall be taken up and continued until completed, I shall not object to any of these other arrangements; but I think we make very grave mistakes in tying up the House by special orders without proper vision touching what is coming afterwards, and from this time on I hope we will have very few special orders.

Mr. GILLETT. Mr. Speaker, I object to the request.

Mr. KITCHIN. One minute. We all want to facilitate the business of the House. Could we make this arrangement, to let consideration of the railroad bill begin on Thursday?

Mr. GILLETT. The District bill comes on Thursday.

Mr. KITCHIN. I mean on Friday, and on Friday, Saturday, and Monday, and then let the deficiency bill follow on Tuesday morning?

Mr. GILLETT. Why not take up the deficiency bill on Friday and finish that first?

Mr. KITCHIN. I will ask the gentleman from Kentucky [Mr. SHERLEY], the chairman of the Committee on Appropriations, how long he thinks it will take to pass the deficiency bill?

Mr. SHERLEY. I hope to put it through in two days. The bill will contain about 60 or 70 pages, and, as I say, it is a bill that carries about a billion dollars.

Mr. KITCHIN. It is one of those deficiencies the necessity of which we all recognize, of course, but it will not take any long debate.

Mr. GILLETT. The debate on it will be a good deal shorter than that on the railroad bill.

Mr. NORTON. Reserving the right to object, I wish to ask the chairman of the Committee on Appropriations relative to an item in the urgent deficiency bill for the support of Indian schools. There are a number of Indian schools which will be closed unless that bill is passed within a very few days. I expected the bill would be taken up and passed before this time. The Commissioner of Indian Affairs spoke to me about it several days ago. I hope it can be taken up and passed at the earliest possible time.

Mr. SHERLEY. I trust so, too; but if we could get some information from the Indian Department, it would expedite the consideration of these items more than anything I know of.

Mr. STAFFORD. Mr. Speaker, do I understand that the gentleman from Kentucky, chairman of the Committee on Appropriations, will have the urgent deficiency bill ready to take up in the House on Friday?

Mr. SHERLEY. The urgent deficiency bill has gone to the printer now. It can be presented to the full committee to-morrow, and can be put on the floor by Friday.

Mr. STAFFORD. May I make this suggestion to the leader of the majority, that unanimous consent be asked by the gentleman from Tennessee [Mr. SIMS] to take up the railroad bill immediately following the consideration of the urgent deficiency bill?

Mr. MADDEN. No; let us not make any agreement on that.

Mr. KITCHIN. Why not?

Mr. MADDEN. There may be something else in the way.

Mr. KITCHIN. What else of more importance could be taken up?

Mr. SIMS. The railroad-control bill itself carries an appropriation of $500,000,000, and it provides for the most important legislation that has been before this House since I have been a Member of it. After the committee has put in five weeks of hard work to get that bill ready, it does seem to me it should not be set aside by every bill that may come up, even though important. Of course, the deficiency bill is an important bill, but it is not as important as this one. Now, I submit a request for unanimous consent that we begin the consideration of the railroad-control bill on Monday next and continue it until finished.

Mr. GILLETT. The gentleman means, of course, after the completion of the urgent deficiency bill, does he not?

Mr. SIMS. Then I will submit the request amended in this way, that the railroad-control bill be taken up for consideration upon the completion of the urgent deficiency appropriation bill, whether that be Saturday or Monday, or any other day.

Mr. GILLETT. I have no objection to that.

The SPEAKER. The Chair calls the attention of all parties to the fact that next Monday is suspension day and Unanimous Consent Calendar day.

Mr. KITCHIN. This unanimous consent would displace that, if entered into.

Mr. GILLETT. The gentleman does not mean to displace Calendar Wednesday, of course?

Mr. KITCHIN. No.

Mr. SIMS. Do you mean to-morrow?

Mr. GILLETT. No; next week.

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that his railroad bill shall follow immediately after the conclusion of the deficiency bill, of course not to interfere with conference reports or privileged matters or anything of that sort.

Mr. SIMS. Or Calendar Wednesday.

Mr. MADDEN. Or any other calendar day, unless set aside.

The SPEAKER. Or the Monday calendar.

Mr. SIMS. I hope that will not be insisted upon.

Mr. MADDEN. Well, it will be.

Mr. SIMS. On unanimous-consent day you can dispose of every bill by objecting. Now, which is the more important, a few unanimous-consent bills or action on this great railroad-control bill? We can agree to substitute some other day for unanimous consent.

Mr. MADDEN. Get your unanimous consent to consider the bill first.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. Under the rule, of course, the House was entitled to Monday for District day. Under the unanimous-consent request of the gentleman from Kentucky [Mr. JOHNSON] the House agreed to give the District Committee the day following the completion of this pending bill. If that bill is completed during the middle of the afternoon, and the District bill is taken up, will that constitute the day for the District Committee?

The SPEAKER. Oh, the Chair thinks not. The order says the day following. Now, if Judge ALEXANDER gets through with his grist to-day, why, then the gentleman from Kentucky [Mr. SHERLEY] comes in with his appropriation bill the day after to-morrow.

Mr. MAPES. The bill will not then be taken up to-day.

Mr. KITCHIN. It can not be taken up to-day.

The SPEAKER. By unanimous consent the House can take up the Johnson bill immediately after this bill, but under the order it has made it could not take it up to-day, and to-morrow does not count, being Calendar Wednesday.

RELIEF OF MAIL CONTRACTOR.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 3689, authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan, at Kansas City, Mo., and consider the same in the House.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table Senate bill 3689 and consider it in the House. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I think the bill should first be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That should the Postmaster General find as a fact that the screen-wagon contract of H. H. Hogan, of Kansas City, Mo., was entered into prior to the entrance of the United States into the war with Germany, and that the prices agreed to be paid in said contract are at the present time inequitable and unjust by reason of the increase in the cost of materials and labor employed in the performance of such contract, the Postmaster General is authorized, in his discretion, with the consent of the said H. H. Hogan and his bondsmen, to cancel the same or to readjust the terms of said contract in such manner as to relieve the contractor from the hardships being by him suffered on account of such increased costs and expenses.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to ask the gentleman whether the House Committee on the Post Office and Post Roads has given any consideration to a bill of similar purport.

Mr. MOON. The House committee has reported to the House a bill which contains a section that would cover this very question, but this particular contractor, by reason of the low rate at which he contracted for the service, is in very great distress and is losing a large amount of money every day. I am advised that before we can get the bill, to which the gentleman refers, passed he will have lost all he has unless some adjustment can be made.

Mr. STAFFORD. Has the Postmaster General reported to the committee on this bill?

Mr. MOON. This bill was reported to the Senate, and the Senate passed the bill unanimously.

Mr. STAFFORD. That does not answer my question as to whether the Postmaster General has reported upon it.

Mr. MOON. The Postmaster General made no report; we have made no inquiry of the Postmaster General about it. This bill provides that the Postmaster General may, in his discretion, adjust the contract if the facts are such that, in his judgment, it is proper to adjust it.

Mr. STAFFORD. Another question: Whether the Postmaster General recommended the provision that is incorporated in section 4 in the omnibus Post Office bill authorizing him to readjust contracts on the star routes and for screen-wagon service.

Mr. MOON. Yes; the Postmaster General has all along suggested that for the relief of people that are in trouble. As a matter of fact, there is a law now in existence which gives him limited power to make adjustments of star routes.

Mr. STAFFORD. On yesterday a letter from the Postmaster General was submitted to me, in connection with this private bill, in which he states that this bill is not subject to as much criticism, as I recall the letter, as is the section that has been incorporated in the Post Office omnibus bill. I assumed from that letter that was written to Senator REED that he was opposed to this provision in the omnibus Post Office bill.

Mr. MOON. I did not know that the Postmaster General had ever been consulted—he has not by me—in regard to the provision in the omnibus bill. But I know as a matter of fact that the Postmaster General has favored all along the giving of discretion to the department to adjust the equities of parties in distress on account of conditions that could not be foreseen.

Mr. STAFFORD. It occurred to me that in giving special consideration to a private bill which has never been passed upon by the House committee that if we allow this bill to be considered under these circumstances we will be plagued by any number of similar bills that will be presented to us from day to day.

Mr. MOON. I do not think the apprehensions of the gentleman from Wisconsin are well founded, because there are not a great many instances where distress exists as in this case. This is a sort of an emergency proposition. We do not want to break the man.

Mr. STAFFORD. If I could have the assurance of the chairman of the committee that he will not present any further private bills of similar tenor until the general legislation is enacted, I would withdraw the reservation of the point of order.

Mr. MOORE of Pennsylvania. Mr. Speaker, is this a request for unanimous consent?

The SPEAKER. It is.

Mr. MOORE of Pennsylvania. Then I object.

Mr. MOON. Will the gentleman from Pennsylvania withhold his point for a moment?

Mr. MOORE of Pennsylvania. I will.

Mr. MOON. This contractor lives in the district of the gentleman from Missouri [Mr. BORLAND], and he knows the facts, and I would like for him to present them to the House.

Mr. MONDELL. Will the gentleman from Tennessee yield for an inquiry?

Mr. MOON. Yes.

Mr. MONDELL. I presume that this contractor is entitled to readjustment of his contract; but the gentleman from Tennessee is aware of the fact that there are hundreds of contracts which were entered into prior to the beginning of the war where the contractor is suffering great loss and hardship owing to the increased cost of everything. What is there in this particular case that so differentiates it from all other cases that it is necessary to take it up now and give relief in this one particular case?

Mr. MOON. I fully agree with the gentleman from Wyoming that if there are a number of these cases they ought to be adjusted. The Government of the United States, under the peculiar conditions that have arisen since the war began, I take it, does not want to press too hardly upon any of these people. We want to relieve your folks and anybody else. It is the desire of the committee to do that; and in answer to the gentleman from Wisconsin [Mr. STAFFORD], I do not think there will be any other legislation that is special; at least, I shall not favor any, because I want to press through the general measure at once. I understand from the gentleman from Missouri [Mr. BORLAND], in whose district this man lives, that there are peculiar equities in his behalf, and I feel that it is a matter of justice that this measure, which has passed the Senate, should be considered now. If this man is losing money by delay, we do not want the delay to occur. I will yield to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, we want this man to go ahead with his contract while he is still solvent. If this lasts much longer the man will become insolvent, and while he is still solvent the fair thing to do is to readjust the contract and let him go on with it. It is an important thing to Kansas City.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MOORE of Pennsylvania. Is it not a fact that the pneumatic-tube service which was introduced for the relief of post offices like this in Kansas City was put out of business by the screen-wagon service because it was supposed to be cheaper than the pneumatic-tube service?

Mr. BORLAND. I could not say about that. We have never had the pneumatic-tube service in Kansas City.

Mr. MOORE of Pennsylvania. Is it not a fact that the screen-wagon contractors have now got the pneumatic-tube service people down and that their property is practically confiscated; and if so, does it not come with bad grace to ask for relief from contracts which they can not perform?

Mr. BORLAND. I think there is no conflict there. We never have had the pneumatic-tube service in Kansas City.

Mr. MOORE of Pennsylvania. The screen-wagon man has put the pneumatic-tube man out, and now, finding he can not keep his contract, asks relief.

Mr. BORLAND. This man never put anybody out.

Mr. LITTLE. Mr. Speaker, reserving the right to object, I shall have to object unless the chairman of the committee can assure me that this whole business is confined to Kansas City, Mo., and does not enter Kansas City, Kans. Does this contract reach into Kansas City, Kans., or is it confined to Missouri?

Mr. MOON. It is confined to the contractor there, who is suffering under peculiar conditions.

Mr. LITTLE. The gentleman does not get me. The gentleman from Missouri [Mr. BORLAND] is from Kansas City, Mo., and he is not able to give me the positive information. There are two towns side by side there—Kansas City, Kans., and Kansas City, Mo. If this contract is only for Kansas City, Mo., it is not my purpose to object. I may not object, anyway, but I want to know more about it if it concerns Kansas City, Kans.

Mr. MOON. My information is that that is so, but I could not be positive.

Mr. LITTLE. I should have to object until I know whether it applies to the city that I represent or I learn more about it.

Mr. BORLAND. If it affects the gentleman's district, it would affect it favorably.

The SPEAKER. The Chair would like to make a parliamentary inquiry. [Laughter.] How did the gentleman from Missouri get the floor?

Mr. LITTLE. I am asking a question.

The SPEAKER. Or anyone else? [Laughter.]

Mr. BORLAND. I would be glad to yield, but I do not want to prolong the discussion.

Mr. GOOD. Mr. Speaker, will the gentleman from Missouri yield for a question?

Mr. BORLAND. Yes.

Mr. GOOD. The Government, through the Post Office Department, every four years enters into a contract for the supply of envelopes. About two years ago, when envelopes were comparatively cheap, it entered into a contract, running into hundreds of thousands of dollars, for all the envelopes of the United States. I am told that these envelopes sold to the Government to-day under that contract cost the contractor over $100,000 a year of actual loss. Does the gentleman intend to bring in bills to relieve people from actual loss in cases like that?

Mr. MOON. We hope to be able to do so, and I think the bill now pending, while it does not cover that exact question, can and ought to be amended so as to cover it.

Mr. GOOD. Does not the gentleman think we ought to bring in a general bill to include all of these items? If he is going to release one concern from a contract he ought to release all.

Mr. BROWNING. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. MOON. Then, Mr. Speaker, I request that this bill be sent to the Committee on the Post Office and Post Roads.

COLVILLE INDIAN RESERVATION.

Mr. DILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 92, to defer first payments upon homestead entries for lands in the Colville Indian Reservation, Wash., and consider the same.

The SPEAKER. The gentleman from Washington asks unanimous consent to take from the Speaker's table and consider Senate joint resolution 92, which the Clerk will report.

The Clerk read as follows:

Senate joint resolution 92.

Resolved, etc., That all first payments upon homestead entries heretofore made for lands within the boundaries of the south half of the Colville Indian Reservation in the State of Washington be, and they are hereby, deferred for the period of one year from the date upon which such payments become due.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I ask the gentleman to kindly withdraw that for the present.

Mr. DILL. Very well, I will withdraw it for the present.

PRESENTATION OF SERVICE FLAG TO THE SPEAKER.

Mr. EMERSON rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. EMERSON. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. EMERSON. Mr. Speaker and gentlemen of the House, this beautiful silk service flag which I hold in my hand was sent to me by some admirers of the Speaker of this House, in Cleveland, Ohio, with the request that I present it to him. His only son is in the service of the United States, and I assure you that it affords me very great pleasure to present this flag to the Speaker of this House. [Prolonged applause.]

The SPEAKER. Gentlemen of the House, I am deeply grateful to the gentleman from Ohio and the people of his city for presenting me with this flag. It is dear to the hearts of all of us, and the prayer of 110,000,000 free people is that it will never be lowered or trailed in the dust. [Applause.]

A large part of this day is set aside for memorializing Abraham Lincoln. He was born in the district of the Hon. BEN JOHNSON, of Kentucky, who so ably represents that old district, and the Chair will ask him to preside during these ceremonies. [Applause.]

Mr. ESCH. Mr. Speaker, I ask unanimous consent that I may have until Friday to present the minority views on the railroad bill.

The SPEAKER. The gentleman from Wisconsin [Mr. ESCH] asks unanimous consent that he shall have three days in which to present the minority views of the committee on the railroad bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FULLER of Illinois. Mr. Speaker, on this birthday of Abraham Lincoln I think we ought to have a full attendance of the House, and I make the point of order there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-five Members are present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Almon	Godwin, N. C.	Kiess, Pa.	Sanders, N. Y.
Austin	Goodall	LaGuardia	Scott, Pa.
Beakes	Gould	Lea, Cal.	Scully
Britten	Graham, Pa.	Lesher	Sherley
Caldwell	Gray, Ala.	McClintic	Sisson
Capstick	Gray, N. J.	McCormick	Sloan
Carter, Mass.	Gregg	McFadden	Smith, T. F.
Cary	Griest	Magee	Snyder
Chandler, N. Y.	Hamill	Maher	Sterling, Ill.
Chandler, Okla.	Hamilton, N. Y.	Mann	Sterling, Pa.
Crago	Haskell	Mason	Strong
Crosser	Hastings	Meeker	Sullivan
Curry, Cal.	Heaton	Miller, Minn.	Swift
Davidson	Heintz	Montague	Templeton
Dewalt	Helvering	Moores, Ind.	Tilson
Dooling	Hollingsworth	Nicholls, S. C.	Tinkham
Doremus	Hood	Nichols, Mich.	Treadway
Drukker	Humphreys	Olney	Vare
Dyer	Husted	Platt	Ward
Eagle	Hutchinson	Polk	Watson, Pa.
Estopinal	James	Powers	Weaver
Fairchild, B. L.	Johnson, S. Dak.	Ragsdale	Webb
Fairchild, G. W.	Jones, Tex.	Riordan	White, Ohio
Flynn	Kahn	Rodenberg	Wilson, La.
Focht	Kelley, Mich.	Rose	Young, N. Dak.
Gallagher	Kennedy, R. I.	Rowland	
Glass	Key, Ohio	Sanders, La.	

The SPEAKER. On this roll call 322 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agred to.

The SPEAKER. The Doorkeeper will unlock the doors.

LEAVE OF ABSENCE.

By unanimous consent, Mr. ASHBROOK was granted leave of absence for three days, on account of attendance of Assay Commission at Philadelphia.

RESIGNATION FROM A COMMITTEE.

The Clerk read as follows:

FEBRUARY 12, 1918.

Hon. CHAMP CLARK,
Speaker House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on War Claims.

Very respectfully,
W. B. WALTON.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

LINCOLN'S GETTYSBURG ADDRESS.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] is recognized to read Lincoln's Gettysburg address. [Applause.]

Mr. RUSSELL (reading)—

Fourscore and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that Nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate

a portion of that field as a final resting place for those who here gave their lives that that Nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate, we can not consecrate, we can not hallow this ground. The brave men, living and dead, who struggled here have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation under God shall have a new birth of freedom; and that government of the people, by the people, for the people shall not perish from the earth.

[Applause.]

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). The Chair recognizes the gentleman from Illinois [Mr. GRAHAM]. [Applause.]

ABRAHAM LINCOLN.

Mr. GRAHAM of Illinois. Mr. Speaker and Members of the House, 109 years ago to-day one of the world's greatest characters was born. A little shanty in the backwoods of Kentucky was his birthplace. Want was his godmother. Obscurity was his by inheritance. No pride and ceremony attended his humble birth. The lonely voices of the wilderness sang his only lullaby. The little family and the great outdoors and the mystic heart of nature, and that was all—and so was born Abraham Lincoln. Back toward antiquity stretches the path that mankind has followed. Here and there along the course stand mileposts to mark the way. Such an one was Abraham Lincoln. No other man of our race has so left his impress upon the world as he. No other man of our people has been so much of an inspiration to fairness and justice and national morality. Universal reverence attends his memory, an affectionate reverence shared, I may say, by many who remember with heartfelt pride and affection their fathers who fought against him in the conflict. [Applause.] He came of a stalwart race. He was descended from one of those stiff-necked English breeds that fled to the American wilds because they would not submit to an odious and hateful Government. The blood that was in him was the blood of the pioneer and the freethinker. His humble surroundings, the poverty and meagerness of his childhood days, his struggles with adversity, were the contributing causes that led to a firm and resolute character. The mighty forests, as yet unaltered by the woodman's ax, the untracked wilderness of the prairies, the sweeping currents of mighty rivers as they flowed through the virgin country to the sea, bred constancy and devotion and humanity and good common sense.

The times were ripe for a character of heroic mold. For 40 years this people had been trying to avoid the issue. Compromise and artifice and subterfuge had delayed the coming of the decision. Every statesman of the period had exercised his talent and wisdom to contrive some way the trial by fire might not be necessary. Washington and Jefferson dimly saw the crisis ahead of them. Jackson sensed it. Henry Clay saw its ominous shadow and by his talents avoided it for the time. Daniel Webster foresaw it. Stephen A. Douglas attempted again to postpone it. But it was coming, as every moral issue will come to a people in its time. A postponement, a palliation, simply brings in the end a greater weight of misery and catastrophe. Abraham Lincoln grew up in this atmosphere. The blood that was in him, the training of his early life, had inclined him to follow not the beaten paths of thought, but, with logic and directness, to press forward directly to the object to be attained. Thus out of the welter and maze of political thought and the shifting scenes of the times suddenly he stepped out as the champion of a strong, indissoluble Federal union, a nationalist, and became at once, as has been so aptly said of him by Henry Watterson, "the incarnation of the brain and soul of the Union." In a driving storm of political controversies, with the columns of the temple already toppling about him, he was chosen by the people as their Chief Magistrate.

The labors that confronted Abraham Lincoln were Herculean. The problems that had to be solved were problems that had never before been propounded nor had solution. He must create an army and navy out of nothing; he must rehabilitate the credit of the country and finance a war while the Treasury was empty and the people divided.

We of the present generation are engaged in the greatest war in history. Back through the dusty chronicles of the human race we read of the death and desolation of a thousand wars. Painfully and slowly, through blood and treasure and tears, has our race ascended from savagery. But in all the annals of man, there never before has been a contest when all the world was whelmed in the conflict. We have taken our stand in this struggle. We stand for right and justice and human liberty. As one man we take up our weapons and bare our breasts for the struggle that we would forbear, if we could, and yet, in the sight of God, and for the rights of free peoples, we dare not. We speak as one man. We have no divided counsels among us. The giant is girding on his armor; at the ruddy forge he shapes his sword. Woe to tyrants when he strikes! [Applause.]

But how different was the position of Abraham Lincoln. Solitary and alone he stood; the confederation of our fathers, the Union of States, was about to dissolve into its constituent elements. There was a great sentiment in the country favorable to his ideas, but he must consolidate and crystallize it and make of it a concrete force. He was denounced and upbraided in the House of Representatives. He was besieged by hordes of office-seekers, caring not so much for the preservation of the Union as for political perquisites. He was made the butt of every cartoonist. He was maligned and slandered by a thousand papers, not alone in the South but in the North as well. Horace Greeley, in the New York Tribune, thundered, "On to Richmond! On to Richmond!" and forced the catastrophe of Bull Run. "Let the erring sisters depart in peace," cried Greeley in every home in the North. "Save our boys; let us have peace, peace at any price," came from all sides. A storm of criticism descended upon him at every failure, at every check, and at every new sacrifice. Viewing the matter from the perspective of over half a century, we know how unjust such criticism is. Criticism should never be offered in time of war, unless it be constructive criticism, and such as may aid in the contest with the common enemy. By all this, the great, gentle spirit of Lincoln was troubled, but not shaken. He had but one goal ahead of him, and that the preservation of the Union. With unremitting zeal and serene confidence he went forward with his eyes upon this goal.

There were many who assailed his acts as unconstitutional. The calls for volunteers, the suspension of the writ of habeas corpus, the draft, and almost every other Executive act were denounced as violations of the fundamental law of the land. A profound believer in the maintenance of constitutional forms, he yet had ever before his eyes a higher object—the maintenance of the Union. If the Union were in danger, the constitutional forms must yield to the higher necessity. And so it should ever be. Constitutions are but the machinery men create to preserve established government, and if by human error the Constitution will not provide safety for a free people in extremity, then surely the safety of the people must be first provided for, and the people may be trusted to correct the constitutional error when the storm is passed and the State secure. Abraham Lincoln no doubt thought, when this storm of criticism broke about him—and I commend this thought to those critics to-day who continually decry the unconstitutionality of the measures we are taking for the Nation's safety—that it is better to have a country without a Constitution than to have a Constitution without a country. [Applause.]

When Abraham Lincoln took his seat he was confronted by chaos. The Treasury was bankrupt. On four occasions between Lincoln's election and his inauguration President Buchanan negotiated loans to pay the running expenses of the Government. The Regular Army consisted only of about 18,000 men, poorly equipped, scattered over the country. There were few munitions and supplies for an army in the country. The Southern States were in arms, led by resolute and talented leaders. A considerable element in the North was openly hostile to him. France and England were unfriendly. Of temporal power he had none. There was but one thing he could do, and he did it. With simple confidence in the cause he espoused, with serene faith and unfaltering trust he cried out to his people, "Come and help me, the Union must be preserved." [Applause.] And then they came, from the farm, from the forge, from the pulpit, and from the plow, the mighty Volunteer Army of 1860 to 1865. And just across the line the martial drum was calling, calling to the men of the Southland. And out of the North and up from the South came the flower of youth and chivalry and strength. There were the waving of bright flags, and the show of brave men, and the pomp and panoply of war; and then four cruel, bloody, desolate years; back and forth across the continent struggled the lines of blue and the lines of gray. Four sad and bitter years. But at the end there came a day when the roll of drums was dead and the clash of arms and tumult died as a storm that fades in the far-off sky. Then a breeze came from the sea, and it shook out the folds of one flag and it waved over all the land, a symbol of the Union of a mighty people, which, please God, shall endure. [Applause.]

This contest called for the best blood of our land. Each State gave the best it had. I know I may be pardoned if I allude, with

just pride, to the illustrious sons of my beloved Illinois—Palmer, and Logan, and Ulysses S. Grant. And some States gave to both. Virginia, the mother of Presidents, gave to the lost cause Robert E. Lee, the plumed knight of the Confederacy, and Jackson, he that stood like a stone wall; and to the Union she gave Scott and Samuel Phillips Lee, he who led the line with his ship, when Farragut roared from the rigging, "Never mind the torpedoes, go ahead," and Thomas, the Rock of Chickamauga. To-day, as with high emprise we strike for democracy and the right to live and be free, God grant that among our men under the Nation's flag, over there across the seas, there is another Grant, another Lee, another Thomas, another Stonewall Jackson. [Applause.] In this day of days, O Ruler of the destinies of nations, give us great leaders, for our cause is just, and must prevail! [Applause.]

In these latter days we are apt to forget our experiences and our necessities caused by the Civil War. President Lincoln freely asked and freely received great powers from Congress. He was authorized to use the Army and Navy as he thought fit; ample sums were voted to him to expend at his pleasure. He was authorized to take possession of and operate all the railroad and telegraph lines of the country, to impress their employees into the military service, to fix the compensation of the owners through a commission appointed by himself, and retain them as long as necessary. Under this act he did take possession of and operate 2,105 miles of railroad, located in 11 States, and built 641 miles of new road. He was authorized to call from the States all men between the ages of 18 and 45 as militia when he chose and to suspend the writ of habeas corpus whenever and wherever he desired. A draft act was passed giving broader powers than our present selective-draft act does. Thirteen loans were authorized by Congress at his suggestion, totaling approximately $2,500,000,000.

To me the most remarkable phase of Abraham Lincoln's life was the constructive side. He was a builder. Even in times of greatest stress, when the continuance of our institutions was being tried before the supreme court of the people, he was building for the future. In the very beginning of his administration he called to his side the strongest men and best counselors he might obtain in the land, irrespective of political complexion. To illustrate this, Edwin M. Stanton was in Washington criticizing the conduct of the war with fury and scorn and condemning the President as an "imbecile" when he was called to the Cabinet as Secretary of War. This was the same man who stood with bowed head and tear-wet face as the great spirit went out, and said in his anguish, "Now he is with the ages." The great war President called these men around him for constructive purposes, that, while destructive forces for the time held sway, they might not be permitted to disturb the foundations of national prosperity, greatness, and strength after that struggle was concluded. War is a degenerating process, and that nation is doubly wise that looks ahead to the period when the war shall end and shields and protects and defends its economic strength for that day. Abraham Lincoln did this thing. He had vision. He could see, through rifts in the clouds of war, the sun of prosperity shining and an era of economical and moral greatness dawning for the reunited Nation. A casual inspection of the legislation enacted during the Civil War illustrates this. A system of high and protective import tariffs was devised, a system that produced great revenues and developed the industrial resources of the country; the building of railroads across the country was induced by favorable land grants; the great homestead laws were enacted that developed the West and made an empire west of the Mississippi; national banks and banking were inaugurated. These and many other constructive measures were enacted and put into operation. While the war had been an immense drain upon the resources of the country, the constructive statesmanship of Abraham Lincoln and his Cabinet had so conducted the affairs of the Nation that at the close of the struggle this Nation stood on the firmest and most secure economic and financial foundation that it had occupied since the formation of the Government.

A war that teaches a people efficiency and economy and nationalism may not be an unmixed evil, but a war that destroys industry and tears down the foundations of economic greatness is a disaster. If anything is to be concluded from the history of the legislation I have briefly detailed, it is that while it is axiomatic that in times of peace we should prepare for war, it is doubly true that in times of war we should prepare for peace. [Applause.]

The war of the States passed, like an ugly dream. Then the Nation turned to bind up its wounds and prepare for the hopeful future. To those who pressed him for vengeance and punishment Abraham Lincoln turned smilingly and said in his homely phrase: "Let them come home." Had he lived, there would have been no reconstruction days, no Ku-Klux Klans. [Applause.] When the hand of a crazed and misguided fanatic struck him down, there died at once the savior of the Union and one of the best friends the South ever had. [Applause.]

A sorrowing people bore him home and buried him in the great prairies of his own Illinois, to rest there until the trump shall sound and time shall end. And his very ashes, so lying there, are a constant inspiration to every son of Illinois, aye, to every son of America, as the years go by, to stand for truth and justice and humanity. A thousand years may come and go; the snows of a thousand winters may fall upon his lowly resting place; the summer sun may awaken into smiling gladness the flowers that spring by his grave as the centuries pass; the stately granite above him may crumble and decay, but while men live and go their way Abraham Lincoln lives; his great, kindly, sympathetic heart finds answering throbs in the breasts of his beloved people. [Applause.]

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. BARKLEY] is recognized.

Mr. BARKLEY. Mr. Speaker, the nineteenth century is widely and properly known as the wonderful century. In all the sweep of human experience within the entire compass of the world's achievement no other century witnessed so great an advance in the diffusion of knowledge, the accumulation of wealth, the multiplication of mechanical inventions and scientific discoveries, the refinements of literature, or the expansion and acceptance of the principles of human liberty among the political governments of the world.

In that century of marvelous things and marvelous men no single year gave birth to so distinguished a list of men of genius and renown as did the year 1809. It may well be doubted whether any single year in history can record so impressive a group. In that year were born Chopin, the delicate, subtle, perfect artist, and Mendelssohn, whose melodies have soothed and inspired the hearts of men and women for three-quarters of a century.

Among this notable galaxy is Edgar Allan Poe, the unfortunate, gloomy poet whose verse is so free from the touch of commercialism and the vulgar worship of material success; and Oliver Wendell Holmes, whose refreshing wit and kindly philosophy never drained life of its faith in itself. In this year Lord Tennyson was born, destined to be freely acknowledged as the true Victorian poet of English literature.

In this celebrated company belongs also the name of Charles Darwin, the fearless and undaunted seeker after truth, whose intellectual searchlight, whatever our opinions of what it claimed to reveal, penetrated far into the hitherto unexplored recesses of scientific research.

In the realm of public life in the nineteenth century two great names stand out before the English-speaking world as stars of the first magnitude, both of whom were born in this same year 1809. One was William E. Gladstone, of England; the other, Abraham Lincoln, of America. Rich as it was in statesmanship, England produced no personality of greater gift or purity than Gladstone; and in America no man appeared above the political horizon more masterful in knowledge of his countrymen or more sagacious in the direction of great movements of the people than Mr. Lincoln.

It would be difficult to imagine a greater contrast in circumstance or human environment than that which gave form and vigor to the careers of these two marvelous men. Gladstone was born in the most fortunate and advantageous circumstances, in an old and cultivated society, with ample means of personal enrichment, and amid avenues of culture and refinement to which he had easy access. He was a student at Oxford at a time when great teachers deeply moved its staid conservatism. He entered public life on the eve of great national expansion. He was called again and again to the leadership of profound movements for the liberation of humanity. Bitterly assailed, fiercely opposed and denounced, he was nevertheless recognized as a great and unique personality, eager, enthusiastic, impetuous, and ardent alike in the pursuit of knowledge and the advancement of the welfare of his fellow man.

The life and work of Lincoln are commemorated in all parts of this continent with such sincere emotions of admiration and sympathy that I need not do more than recall by contrast the bleak surroundings of his childhood, the cramped and narrow circumstances of his youth, the absence of educational advantages or other conditions making success easy, his almost marvelous self-education, and the mysterious transformation of the self-taught circuit rider of the old frontier into one of the heroes of humanity.

On January 27, 1837, when only 28 years of age, Lincoln delivered an address upon the subject of "Ambition," in the course of which he used the following passage:

> Towering genius disdains a beaten path. It seeks regions hitherto unexplored. It sees no distinction in adding story to story upon the monuments of fame erected to the memory of others. It denies that it is glory enough to serve under any chief. It scorns to tread in the footsteps of any predecessor, however illustrious.

Among the able and distinguished group of men whom I have named, none came so close to the fulfillment of this description of the force and power of genius as did Mr. Lincoln himself.

No man, Mr. Speaker, can trace the pedigree of genius. It will not submit to analysis. It is as mysterious and illusive as the hidden forces of nature. Its light seems now and then to fade and disappear, only to reappear again after the lapse of generations, to illuminate the visions of groping and bewildered men. It was thus with Lincoln. No man need stop to explain the alchemy which transformed this backwoods, frontier boy into a cherished historical figure. It belongs to the phenomena of human experience.

And yet, much as has been said and written concerning his lowly origin, we must not therefore conclude that in his veins there was no heritage of heroic blood. We must not forget that through him and Daniel Boone, the frontier hero of the Kentucky wilderness, the same blood coursed from equally stout and dauntless hearts, for they were cousins. Lincoln was born of the stuff of which are made men of fiber and originality. For generations in his family there had been close contact with the soil as well as with the privations and dangers of pioneer life in Virginia, Kentucky, Indiana, and Illinois. His own life was spent upon the skirmish line of advancing civilization. He dwelt amidst the rustic philosophy of a new land and a new day, and from its inexhaustible storehouse he gathered around himself a homely wisdom which served alike to guide his neighbors and his country.

It is not strange that around his career there clusters so much of romance. It is not strange that young men and old, rich and poor, wise and ignorant, have sought to recover the broken threads of tradition out of which to weave the story of his life. It is not strange that books without number have attempted to trace and fathom the depth and meaning of his eventful life and the source of its inspiration. It is not strange that with increasing years we still hang upon the recital of each new story and the repetition of those that are old.

We know that he was an orator. We know that he moved hearts, and intellects he persuaded by the force of his own integrity. But where did he obtain his clear, facile speech? Where did he acquire that power of orderly and logical expression which made his speeches models of pure diction? Surely not from an extensive reading of many books. Not in the intellectual atmosphere of colleges or universities. We are told that he had rarely attended school, and that his early reading consisted mainly of the Bible, Æsop's Fables, Robinson Crusoe, Pilgrim's Progress, and Parson Weems's Life of Washington, which, however, had made a lasting impression upon his youthful mind. We are informed by one of his biographers that in his home he had practically no library, except a few books placed upon the center table, perhaps by Mrs. Lincoln herself, for ornamental purposes. But his passion for knowledge had driven him to invade every library within his reach, and with the accumulation of knowledge gathered from every book he mastered he combined also the power of expression. His speech was wonderfully clear, simple, and forceful, abounding in epigram, maxims, figures of speech, and telling illustration. To his earlier reading he added an intimate knowledge of Burns and Shakespeare, many of whose passage he knew from memory.

While he was himself an orator, he appreciated oratory in others and was frequently touched by the tenderness and pathos of other speeches. On February 2, 1848, Alexander H. Stephens, of Georgia, delivered a speech in the House of Representatives on the War with Mexico. After listening to this speech, Mr. Lincoln, who was likewise a Member of the House, wrote as follows to his partner, William H. Herndon:

> Mr. Stephens, of Georgia, a little, slim, pale-faced, consumptive man, with a voice like Logan's, has just concluded the very best speech of an hour's length I ever heard. My old, withered, dry eyes are full of tears yet. If he writes it out anything like he delivered it, our people shall see a good many copies of it.

He likewise read the great speeches made by others and the thoughts they expressed were frequently so caught up by the force of his genius that he redressed them in his own simpler language, and the people heard more readily and understood.

From what source also did he derive his great sympathy for and his unfailing knowledge of the people? Not from books. Not from an assumed superiority, though he was not unaware of his own great gifts. Not from the seclusive company of the intellectual aristocrats of his day. Not from all of these, but rather from his closeness to the heart of the world. He could not persuade himself to forget nor appear to overlook the humble and honest pioneers who were the companions of his youth. This noble spirit stands out in clear relief in his loyalty and sympathy in the defense of "Duff" Armstrong, whose father had been Lincoln's wrestling companion in the old days at New Salem. He was a distinguished exception to that sometimes erroneous maxim that "familiarity breeds contempt." He believed in the people, and from them he drew strength and courage because, with them, he kept his feet upon the earth.

So, Mr. Speaker, scanning the record of the majestic sweep of this prodigy of the wilderness from Nolins Creek to the Presidency of the greatest of the world's Republics, we pay tribute to the honesty, the courage, and the vision of Abraham Lincoln. We pay tribute to him in his childhood, so full of sadness and hard privation; in his youth, so buoyant and cheerful, so expressive of the ambitions and seemingly unattainable longings of a boy's heart; in his manhood, which grew out of the experience of circumstances so grim and unpromising. We pay tribute to his loyal friendship and to his public and private magnanimity of heart.

Men may differ, now as heretofore, over the degree of his greatness as a lawyer, but few there are who can not acknowledge his devotion to his matured conceptions of justice, for even sometimes in his pursuit of the jealous mistress of the law he "disdained the beaten path and sought regions hitherto unexplored" in his intensity of effort to bring into play the fundamentals of justice in the affairs of men.

It is easy to accommodate those who have flattered us and inflated our opinions of ourselves. It is expected that we shall repay in some measure the compliments and generosities of our friends; but it is hard for men in their weakness, jealousy, and egotism to forgive or favor those who deliberately injure or insult them through a presumption of superior social or intellectual attainments. To possess the quality of magnanimity is one of the sublime attributes of mind and heart.

The pages of history are filled largely with the records of selfishness, prejudice, ambition, cruelty, bigotry, intolerance, hatred, despotism, and tyranny which too often have marred the activities of men of great ability and responsibility. But we may search in vain the written page to find a sublimer example of magnanimity than that which characterized many of Lincoln's dealings with friend and foe. Some of these manifestations of broadness and lack of the spirit of revenge are so unusual as to have set him apart from among the commonplaces of his generation.

There is a story which has been told many times, but which will bear repetition here, which typifies his true spirit of magnanimity. It occurred in connection with his activities as a lawyer. There had been a famous lawsuit brought in the United States circuit court at Chicago, being the famous case of McCormick against Manny, for the infringement of a patent right. The case had been transferred for trial at Cincinnati as being more convenient for the judge who was expected to preside. The plaintiff, McCormick, was represented by the famous Baltimore lawyer, Reverdy Johnson, and E. N. Dickerson. The defendant had employed as his counsel George Harding, of Philadelphia, Edwin M. Stanton, and Abraham Lincoln. While Lincoln had acquired a State-wide reputation in Illinois as a lawyer, he had never seen either Harding or Stanton. He had undergone great preparation for the trial of this case, because not only the importance of the case, but distinguished counsel on both sides he regarded as worthy of his best efforts. Stanton and Harding were both in Cincinnati when Lincoln arrived and had taken rooms at the Burnett House, then a leading hotel in that city. When Lincoln arrived at the hotel Stanton and Harding were out and Lincoln awaited their return. He stationed himself at the entrance of the hotel where Stanton and Harding soon approached, greeted Lincoln with indifference, and passed on to their room. Upon reaching the room Stanton insisted that it would never do to let a man of Lincoln's type make an argument in the case. Mr. Harding described Lincoln as awkward and ungainly in appearance, his clothing entirely devoid of the tailor's art and in no particular suitable to his long, angular frame. He wore heavy boots and his appearance was very much like that of the average western farmer of that period.

Having determined that Lincoln should not be allowed to make a speech in the case, Stanton and Harding sought a method to break the news to Mr. Lincoln. Lincoln was finally sent for and informed that as there were only two lawyers on the other side of the case, they had determined that there could only be two speeches on their side, and that these two would be made by

Harding and Stanton. Mr. Lincoln replied, "Very well, gentlemen; I have here some suggestions which I had intended to use in my argument, which you are at liberty to use if you see fit," taking, as he spoke, a manuscript from his pocket and handing it to Harding. Mr. Lincoln soon left the room, and as soon as he was out Harding threw the manuscript into the waste basket unopened. Stanton referred to him as "A long, lank creature from Illinois, wearing a dirty linen ulster for a coat, on the back of which the perspiration had spotched wide stains that resembled a map of the continent." It is beyond doubt that this contemptuous treatment stung Lincoln. But he made no complaint, and notwithstanding he could not have forgotten it, he had the unparalleled magnanimity, soon after he became President, to make this man his Secretary of War. If any man can find a parallel to this in the history of any other great man in this or any other country, he will have made a discovery that is beyond my knowledge. It should be said to his credit that Stanton became the true, loyal, and devoted friend of Lincoln, was at his side when he crossed the river which separated him from the Great Beyond and gave utterance to the historic sentence, "Now he belongs to the ages."

These, Mr. Speaker, are the qualities which make his memory sacred to the Nation. These are the qualities which receive full praise from friend and foe alike. These are the qualities which illuminate his pathway through the stirring times in which he dwelt, and these are the qualities which, if he had lived, would have aided him in binding up the Nation's wounds and saved it from the orgy of corruption and outrage which it suffered at the hands of less skillful and less scrupulous men.

In reading the history of that period I have been many times unable to conceive the possibility of such patience as Lincoln exhibited in the face of clamor, jealousy, contempt, scorn, ridicule, and venality which were thrown into his face by those who were disconsolate over any management but their own. Vituperation, slander, vulgar invective, and the ingenuity of corrupt politics all connived at his downfall and sought to destroy the confidence of the people in his sincerity of purpose and in his ability to execute his purposes. He was referred to by widely known public men as "The baboon in the White House," and "The idiot at the other end of the Avenue." He was accused of treason and disloyalty, of incompetence, and lack of vision. With some he was too weak, with others too strong. He was even accused of having "ceased to function." The politicians became impatient and flaunted their distemper to seek a cheap notoriety. Senator Grimes wrote to Fessenden, "We are going to destruction as fast as imbecility, corruption, and the wheels of time can carry us." Even Stanton had written of "The painful imbecility of Lincoln." Then, as now, there were too many ununiformed majors and field marshals in Congress. Then, as now, there were too many self-seeking, ambitious men disgruntled because they were not in charge of the Government. Then, as now, there were too many smokeless military heroes who bemoaned, in characteristic fashion, the desolate fate of a Nation so benighted as not to recognize them as divinely anointed deliverers. Then, as will happen now, these marplots were confounded and the firm hand and patient spirit into whose keeping God had placed the destiny of a Nation stepped out into the full illumination of a world figure. [Applause.]

Three and fifty years have passed since the assassin's bullet prevented him from doing more than look, like Moses, into the peaceful realms of the "Promised Land." I have often tried to speculate upon the course of our history if this unhappy event had never happened. But speculation is as dangerous as prophecy, and I shall venture neither, except to voice the belief that the same patience and lofty conceptions of justice which guided his course in relation to other great problems would have determined his course in the process of binding up the Nation's wounds, of which he spoke in the second inaugural address.

Twice since the close of the Civil War our Nation has unfurled its flag and unsheathed its sword in behalf of human liberty. Twice a reunited Nation, rebaptized in the spirit of the fathers, has advanced in the pathway of the hordes of oppression, and as we look to-day upon our own fair land and other fair lands, threatened by spoliation, outrage, and slavery, we realize that our problems differ only in degree from those which confronted the founders and preservers of our national life and institutions. They kindled the light of liberty. It was theirs to fan and strengthen its flickering blaze until it could burn of its own force. Ours is the duty to prevent its being blown out entirely by the storms of organized rapacity and military despotism now seeking to overwhelm it. Not only is it our duty to see that what our forefathers fought and died to establish and preserve shall not be swallowed up in the gloom of eternal night on the shores of America, but as a part of the social and political fabric of the world, recognizing and ready to perform our share of the service and sacrifice, we must offer a ready and effective arm to those who are fighting for the things which we hold dear, some of whom helped us establish the liberty for which we now propose to fight.

It is fortunate that since the healing of the wounds and the elimination of the misunderstandings of the Civil War, one of whose central figures we recall to-day, we have been able to accumulate the forces necessary for the conflict. It is fortunate that in wealth we have outstripped other nations; that in morality and religion we have been leaders of modern thought and activity; that in education we have recognized the duty of the citizen and the State in their mutual relations; that we have coined our brain into the instruments of peace; and, since the conflict has come, that we have the ingenuity which will coin that brain into the agencies by which organized militarism and brutal autocracy shall be unhorsed and the great institutions of the world set again upon their feet.

It is therefore under circumstances like these that we pause for a while to-day, not in jollification, not in light-hearted festivity, but rather in a spirit of solemn consecration for the duties that press upon us and for the successful accomplishment of the things to which we all have set our hands. We had hoped that we might be permitted to run our course unhindered and unthreatened by the ambitions of European monarchs. We had hoped that we would not be compelled to draw the sword in defense of principles dear to the heart of all free people. But it could not be. Seeing our institutions and the inalienable rights of humanity threatened with annihilation, seeing the political structure which our forefathers had through bloodshed and hardship erected for us threatened with violation, we entered the conflict upon the only side where we could have felt at home, namely, the side of democracy and the rights of mankind; upon the side where Washington and Franklin and Jefferson and Jackson, Lafayette and Kosciusko would be; where Lincoln and Davis would be found if they were here to guide and counsel us. Yea, if I might recount the heroes and martyrs to human freedom throughout all the past, I would not fear to assert that our alignment in behalf of the preservation of human rights against the unscrupulous edicts and methods of a barbarism worthy of the Middle Ages would receive their approval and benediction.

It is in such a cause that we are to become the servants of humanity, the soldiers of liberty. As such we stand by Washington's side, partake of the glories of Old Hickory Jackson, and our faces shall brighten with the spirit of Lincoln, Grant, Davis, and Lee. As such may we resolve that the banner which Dewey left at Manila shall bring peace and hope to the bleeding hearts of humanity everywhere, and God grant that this banner may return to our shores as the unstained and unconquered emblem of a free and happy people.

But, Mr. Speaker, let us who are charged in these solemn days with the performance of high public duty remember that patriotism is something more than mere admiration for the beauties of the flag. Patriotism sinks into the soul and stirs it with a celestial emotion. It looks beyond the folds and colors and sees the hardship and heroic sacrifices which gave them birth and meaning. Patriotism is patient with the cries of the oppressed, but intolerant of the oppressor. Patriotism does not end where the lips begin, but yields up freely the devotions of the heart. For it countless millions have offered themselves upon the altar of their country, and it would not call in vain for the manhood of our times nor die for lack of true response.

If it be true that the spirits of the departed take note of the movements and emotions of living men, may we not believe that the great souls of Lincoln and Davis rejoice together in Paradise because the children of those who followed them now stand arm in arm and shoulder to shoulder under the sacred banner of a single allegiance, forgetting the misconceptions of past years, rejoicing alike in a common ancestry and in a common determination to make sure that the land which their children shall inherit shall be as courageous and as free as that which from their fathers came to them; and as we recall with swelling hearts their imperishable glory upon the battle ground of freedom, so shall those who follow us recount by the fireside's cheerful glow the unselfish devotion of the men of this day who keep burning and fan into brighter blaze the fires of human liberty.

Then let us put aside our littleness, our prejudice, our selfish ambitions, our lack of faith in the ultimate triumph of God's righteous purposes, remembering that impartial history will deal justly with those who serve and those who hinder. Let us upon whom has been bestowed the faith and confidence of

the people expand our souls and absorb the spirit of Abraham Lincoln when, in his second inaugural address, he said:

> With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.

In conclusion, may I paraphrase and apply to him the eulogy which he so beautifully and so fittingly accorded to Washington:

> To add brightness to the sun or glory to the name of Lincoln is alike impossible. Let none attempt it. In solemn awe pronounce the name, and in its naked, deathless splendor leave it shining on.

[Applause.]

The SPEAKER pro tempore. The gentleman from New York [Mr. LONDON] is recognized.

Mr. LONDON. Mr. Speaker, I intend to speak on Lincoln as a world force.

This Republic is very little understood by other countries, notwithstanding the fact that the most scholarly and the most authoritative works on American political institutions have been written by foreigners, such as De Tocqueville's Democracy in America; Goldwin Smith's The United States, an Outline of Political History; Bryce's American Commonwealth; Von Holst's Constitutional History of the United States; Ostrogorski's Democracy and the Party System in the United States, and similar works.

In European works on America emphasis is always laid on its great industrial development, on its factories, skyscrapers, and railroads. Statistical tables are presented, as if the greatness of America consisted in its bigness only. They fail to speak of the grandeur of America's soul, of America's inextinguishable love of liberty. They fail to speak of the great men to whom American life has given birth. They fail to see the America of the ideal, America the glorious, America the inspiring, America that has given martyrs and heroes to the world. And because the American people have always been in a fight against some wrong, and are in a fight to-day against the powers of evil outside of the country and inside of the country, men who do not know assume that the forces of evil have undisputed sway over the land.

I intend to present to you a short document which has been overlooked by many biographers of Lincoln, an address sent to Abraham Lincoln by the International Workingmen's Association. This was an association organized in England in 1863. It was the first serious effort to unite the working class of the various countries of the world. The moving spirit of the association was Karl Marx. As we read this declaration of the newly born international body we see that the American struggle for the emancipation of the slave found a response among all the liberty-loving elements of Europe. The address reads as follows. It must have been translated from some other language, because the English bears the evidence of translation. It is dated November 29, 1864:

> To ABRAHAM LINCOLN,
> *President of the United States of America.*
>
> SIR: We congratulate the American people upon your reelection by a large majority. If resistance to the slave power was the watchword of your first election, the triumphal war cry of your reelection is death to slavery.
>
> From the commencement of the titanic American strife the workingmen of Europe felt instinctively that the Star-Spangled Banner carried the destiny of their class. The contest for the Territories which opened the dire epopee, was it not to decide whether the virgin soil of immense tracts should be wedded to the labor of the immigrant or be prostituted by the tramp of the slave driver?
>
> When an oligarchy of 300,000 slaveholders dared to inscribe for the first time in the annals of the world "Slavery" on the banner of armed revolt, when on the very spots where hardly a century ago the idea of one great democratic Republic had first sprung up, whence the first declaration of the rights of man was issued and the first impulse given to the European revolution of the eighteenth century, when on those very spots counter-revolution, with systematic thoroughness, gloried in rescinding the "ideas entertained at the time of the formation of the old Constitution" and maintained "slavery to be a beneficial institution," indeed, the only solution of the great problem of the "relation of capital to labor," and cynically proclaimed property in man "the cornerstone of the new edifice," then the working classes of Europe understood at once, even before the fanatic partizanship of the upper classes, for the Confederate gentry had given its dismal warning that the slaveholders' rebellion was to sound the tocsin for a general holy war of property against labor, and that for the men of labor, with their hopes for the future, even their past conquests were at stake in that tremendous conflict on the other side of the Atlantic. Everywhere they bore therefore patiently the hardships imposed upon them by the cotton crisis, opposed enthusiastically the proslavery intervention—importunities of their letters—and from most parts of Europe contributed their quota of blood to the good of the cause.
>
> While the workingmen, the true political power of the North, allowed slavery to defile their own Republic, while before the negro, mastered and sold without his concurrence, they boasted it the highest prerogative of the white-skinned laborer to sell himself and choose his own master, they were unable to attain the true freedom of labor or to support their European brethren in their struggle for emancipation; but this barrier to progress has been swept off by the red sea of civil war.
>
> The workingmen of Europe felt sure that, as the American war for independence initiated a new era of ascendancy for the middle class, so the American anti-slavery war will do for the working classes. They consider it an earnest sign of the epoch to come that it fell to the lot of Abraham Lincoln, the single-minded son of the working class, to lead his country through the matchless struggle for the rescue of the enchained race and the reconstruction of a social world.
>
> Signed on behalf of the International Workingmen's Association, the Central Council:
>
> Longmaid, Worley, Whitlock, Blackmore, Hartwell, Pidgeon, Lucraft, Weston, Dell, Nicars, Shaw, Lake, Buckley, Osborne, Howell, Carter, Wheeler, Starnsby, Morgan, Grossmith, Dick, Denoual, Jourdain, Morissot, Leroux, Bordage, Bosquet, Talandier, Dupont, L. Wolf, Aldrovandi, Lama, Solustri, Kuppert, Ecearius, Wolf, Lessner, Pfander, Lochner, Taub, Ballifter, Ryperyaski, Hansen, Schanzenbeck, Smales, Cornelius, Peterson, Otto, Bagnagatti, Setocri; George Odgers, president of the council; P. V. Lubez, corresponding secretary for France; Karl Marx, corresponding secretary for Germany; C. P. Fontana, corresponding secretary for Italy; J. E. Holtrop, corresponding secretary for Poland; H. F. Jung, corresponding secretary for Switzerland; William Cremer, honorable general secretary, 18 Greek Street, Soho, London W.

In this message the representatives of the working class of the various European countries congratulate Lincoln upon his reelection, declare him to be the true representative of the working class, and express their confidence that with the abolition of chattel slavery there would be no hindrance to the genuine progress of labor.

They denounce the slaveholders, rejoice in the saving of the Republic, and point with pride to the fact that they had cheerfully accepted all the hardships caused by the cotton crisis, while some of the ruling interests of their own countries were suggesting intervention in favor of the slaveholders. They express the hope that with the elimination of chattel slavery the working class would be able to attain "the true freedom of labor."

I am not a hero worshiper. The heroes that history records represent an accumulation. They represent the efforts of the thousands and tens of thousands who preceded them. Lincoln would have been impossible without a Wendell Phillips, without a William Lloyd Garrison, without a Henry Ward Beecher, without a John Brown. In estimating the past it is hard to judge how much credit for the progress of mankind belongs to the fanatic, to the man with a single idea, and how much shall be apportioned to the credit of the statesman moderator, and how much of progress is due to the reactionary who by rejecting the very law of growth and by refusing to listen to a fresh voice stimulates the forward-looking man to renewed effort. It is impossible to determine, to separate, to conceive the parts that men play in the making of the world and in shaping its destiny. And when I present to my own mind the name and the form of Lincoln it is not so much because of the individual, because of the man who showed himself to be so tender, so loving, so free from prejudice. It is Lincoln, the embodiment of the ideals of a people, that means so much to me. And what a brilliant orator he was. His speeches are free from those long, interminable periods. He never used a polysyllable where a monosyllable will do. Genuine oratory is the telling of the truth in the simplest possible words, so that there shall be no veil of phrases between the speaker and the listener; and that was the oratory of Lincoln.

The oppressive conditions under which he grew up made it impossible for him to unfold into a great literary genius. The part he played in the history of the world will never be forgotten as long as men love liberty. Every people has the heroes it deserves. By idealizing our great men we but give expression to what we would like to be.

If one wants to understand the soul of the American people, let him study the heroes of America. And it is because of this that I join in paying tribute to one whose name will be associated forever with the struggle for liberty, with the struggle for the preservation of the Republic. Just imagine the state of affairs if we had two republics and two flags. Divided by a geographical line, each side with its own patriotism, each with its own prejudices against the other, each claiming that it was the better and it was the best, each fearing the other and arming against the other.

It was the saving of the Union, the emancipation of the chattel slave, that stirred all liberty-loving minds throughout the world into new action for liberty, and that struggle will go on forever. Mankind will never reach an ideal state, but shall ever strive for it. There is no finality in human effort, except perhaps in the grave. That is the only place where there is finality, and many believe that even there new life begins. To strive is to live. To live is to strive. Let us hold dear the name of Lincoln, for he represents the ideal of a great people. [Applause.]

Mr. Speaker, I ask leave to extend and revise my remarks.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

EXTENSION OF REMARKS—POSTAL CLERKS IN FRANCE.

Mr. COX. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter from the Second Assistant Postmaster General correcting a statement I made the other day on the floor of the House as to the number of postal clerks we have in France.

The SPEAKER. The gentleman from Indiana asks unanimous consent to insert in the RECORD a letter to correct his own speech. [Laughter.] Is there objection?

There was no objection.

HOUSING FOR EMPLOYEES OF SHIPYARDS.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the Alexander bill, and the gentleman from Virginia [Mr. SAUNDERS] will take the Chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill S. 3389. The Clerk will read.

The Clerk read as follows:

(d) To make loans to persons, firms, or corporations in such manner and upon such terms as it may determine from time to time to provide houses for the employees of such shipyards.

Mr. ROWE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. ROWE. Mr. Chairman, in the discussion which we had yesterday the bill which is before the House was very thoroughly explained. But there are just a few thoughts which I want to present to the committee in connection with shipping.

In the first place, at the beginning of the war in Europe in 1914 the world had in all kinds of shipping about 49,000,000 tons. In 1917, according to the last report we had from Lloyds, made in June, 1917, the world had about 45,000,000 tons of all kinds of shipping. In other words, in the two and one-half years the world had lost 4,000,000 tons, or about 8 per cent, of its shipping.

Now, prior to the starting of the war in Europe, in 1914, the world had been increasing its tonnage at the rate of about 5 per cent per annum, covering a period of 10 or 15 years. If that rate had continued, we would have 8,000,000 more tons of shipping added to what we had at the beginning of the war, so that there would have been about 57,000,000 tons of shipping in the world. That 8,000,000 tons, added to the 4,000,000 tons of actual loss, means a loss to the world at the present time of over 12,000,000 tons.

Now, prior to this war, to carry a given amount of freight between Europe and America, where the load was almost equally balanced, a certain amount of tonnage was required. In other words, the ship that left the United States or South America loaded for Europe returned from Europe to this country or to some South American port with an equal load. It required but a certain amount of tonnage to do that work.

Now, gentlemen, we have another situation. The freight is going but one way now. In other words, the ships leave the United States and South America loaded; they come back empty or almost empty. It takes twice as much tonnage to do the work with a one-way load.

Last year the shipping under the United States flag was about 6,000,000 tons and under the flag of England about 21,000,000 tons. In other words, our two nations had about two-thirds of the tonnage of the world.

The Shipping Board has let some contracts. Under the Denman administration contracts for about 252 wooden ships were let, and for 58 composite ships—partly wood and partly steel—and 70 ships of steel; and since Mr. Hurley became chairman of the Shipping Board they have let contracts for about 155 steel vessels. This total tonnage of ships in course of construction under the Shipping Board is about 3,123,000. It may possibly be 100,000 more at this present moment. The ships are in course of construction. Some will be finished this year, some will be finished next year.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. ROWE. Certainly.

Mr. MADDEN. Does the gentleman wish to convey to the House the information that the 3,000,000 tons of ships for which contracts have been let will be only partially finished this year and that part of them will have to go over until next year without being finished?

Mr. ROWE. I do.

Mr. MADDEN. So that instead of building 6,000,000 tons of ships, as the Shipping Board has announced to the American people, we will build, as I assume from the gentleman's statement, only about 1,500,000 tons this year?

Mr. ROWE. I think it will be something more than that.

Mr. MADDEN. How much more than that?

Mr. ROWE. I should say we are going to build three or four million tons of ships.

Mr. MADDEN. When?

Mr. ROWE. This coming year.

Mr. MADDEN. You mean this year?

Mr. ROWE. Yes.

Mr. MADDEN. I understood the gentleman to say a moment ago that part of the 3,000,000 tons of ships which are under contract would not be completed until 1919.

Mr. ROWE. That is correct. That is true, because many of these contracts are let 20 or more to one company, and only half or a third of that number is now in course of construction. We are apt to think, when we hear that a contract is let, that the construction of the ships is going on. It does not necessarily mean that.

Mr. MADDEN. Yes; I know that. I was rather surprised to hear the gentleman make two statements as to what we are going to do; one to the effect that we have let contracts for 3,000,000 tons, part of which will not be completed until 1919, and another statement that we would be able to build close on to 4,000,000 tons in 1918. I wish the gentleman would explain that.

Mr. ROWE. Not all the ships now contracted for will be completed during 1918, but others I hope will be contracted for that will be completed during 1918.

Mr. WINGO. Does the gentleman intend to cover the probable amount of shipping that will be built by England?

Mr. ROWE. No; I do not.

Mr. WINGO. Does the gentleman have any data on the amount of shipbuilding being done in England?

Mr. ROWE. The English people have speeded up very much in the construction of merchant vessels. When the war broke out between England and Germany in 1914 they turned nearly all their attention to naval vessels, and kept that up for a time, but during the past year they have made a desperate effort toward the construction of a merchant marine.

Mr. WINGO. Has the gentleman information showing the amount of new shipping constructed by England this year and that which is in process of construction that will be finished this year?

Mr. ROWE. No; I have no data here. It will be under 3,000,000 tons, and will probably not much more than take care of the losses which they will incur during the coming year.

Mr. WINGO. Does the gentleman believe they will make good their losses?

Mr. ROWE. I hope they will make good their losses.

Mr. LONGWORTH. When the gentleman says "build a ship," does he mean actual completion?

Mr. ROWE. I mean the completion, ready for service.

Mr. FESS. Will the gentleman yield for one further question?

Mr. ROWE. Certainly.

Mr. FESS. In reference to the amount of tonnage lost, I understood the gentleman to say about 4,000,000 tons.

Mr. ROWE. Yes; the net loss between 1914 and June, 1917, was about 4,000,000 tons. The actual loss was much greater than that. There were destroyed something like 6,000,000 or 7,000,000 tons, but there was constructed tonnage enough so that the actual shortage was about 4,000,000 tons.

Mr. FESS. Do the gentleman's figures give the amount of loss since the ruthless submarine campaign started about a year ago?

Mr. ROWE. No; I have not the figures here.

Mr. FESS. I wish to get at just what progress Germany's submarine campaign is making. They claimed they would sink a million tons a month, which would be 12,000,000 tons in a year. They have fallen away below that, and this loss of 4,000,000 tons, as I understand, takes in all since the war began.

Mr. ROWE. That is about what the net loss has been.

Mr. FESS. In the opinion of the gentleman, is the submarine still a serious danger that we are confronting?

Mr. ROWE. The submarine will not stop commerce, but submarine warfare is a serious danger. The submarines will probably destroy as much tonnage as England can construct in the coming year.

I would like to go just a little further with what I was saying about the tonnage that is in course of construction and that has been taken over by our own country. We have requisitioned in the neighborhood of 458 vessels. Practically all of these were in course of construction for England. They amounted in tonnage to 2,871,000 tons. This does not add one ton to the shipping of the world. Had England remained the owner of these vessels, they would have gone into the commerce of the world as much as they will in the possession of the United States. We have commandeered about 400 vessels, about half of which were in the course of construction, and that tonnage amounts to 2,500,000 tons. We have taken possession of 117 German and Austrian vessels, amounting to about 700,000 tons. So that we have now taken possession of completed vessels or have vessels in the course of construction amounting to about 9,000,000 tons of shipping.

Mr. MADDEN. Will the gentleman yield there for a question?

Mr. ROWE. Certainly.

Mr. MADDEN. What proportion of the 9,000,000 tons is in actual service and what proportion is in course of construction? That has some bearing on the question involved in this bill, I should think. At any rate it has some bearing on the attitude of the American people.

Mr. ALEXANDER. Will the gentleman yield?

Mr. ROWE. Let me answer this question first. I can not answer it absolutely, but it is in the neighborhood of about 3,000,000 tons.

Mr. ALEXANDER. We have now under the American flag in the over-seas trade between 3,750,000 and 4,000,000 tons of shipping.

Mr. ROWE. But that is not all under the Shipping Board.

Mr. ALEXANDER. It is under the American flag, doing service for ourselves and our allies.

Mr. ROWE. We have about three and one-half million tons all told in the over-seas trade.

Mr. MADDEN. So that of the 9,000,000 tons to which the gentleman refers there are 5,000,000 tons to be accounted for?

Mr. ROWE. Yes.

Mr. MADDEN. That are not able to go to sea yet?

Mr. ROWE. Yes. The Shipping Board recently said they hoped to produce 6,000,000 tons this year. According to Admiral Bowles, we have or did have 180,000 men on the 1st of January working upon shipping. Possibly we may have now 190,000 or 200,000 men. No one can tell how much shipping 200,000 men will produce. In the old time they frequently spoke of a man producing a ton a month of shipping. Conditions have very much changed, especially in steel construction, and now it would be much higher than that if the men were capable men.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HICKS. I ask unanimous consent that my colleague may have five minutes additional time.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his colleague's time be extended five minutes. Is there objection?

There was no objection.

Mr. MADDEN. I have information from expert shipbuilders which leads me to the conclusion that to build 6,000,000 tons of ships in a year would require 480,000 men.

Mr. ROWE. That is about the proportion.

Mr. MADDEN. So if we have only 180,000 men, it can be readily seen that we are not going to come anywhere near 6,000,000 tons.

Mr. HICKS. Will my colleague yield?

Mr. ROWE. Certainly.

Mr. HICKS. Is the gentleman prepared to state how many seamen are in training to man the ships launched in 1918?

Mr. ROWE. I am not prepared to state. I know we have schools in some parts of the country, but not near enough, I think, to provide the proper number of seamen.

Mr. HICKS. Does the gentleman care to say whether the crews should be naval crews or civilian crews?

Mr. ROWE. No; I am not quite prepared to take that position yet.

Mr. FARR. Will the gentleman yield?

Mr. ROWE. I will.

Mr. FARR. They are mobilizing an army of 250,000 men now in addition to those already in employment.

Mr. ROWE. That brings me to the thought that it is very easy to sit here in the House and talk about mobilizing shipbuilders. There are only a limited number of men that you can call shipbuilders. It is not like England and Scotland, where every man working on a ship is born and bred to the business; his father, grandfather, and great grandfather were shipbuilders, and there are an army of men in Great Britain who have served five years learning the trade and are ready to go to the work at any moment.

Mr. FESS. Will the gentleman yield?

Mr. ROWE. I will.

Mr. FESS. I want to ask the gentleman whether he wants to go into this particular phase of the matter. Recently we had a statement in one of the papers at Washington, purporting to be a comment by an officer in charge over in foreign waters, that so many of our sailors were of German extraction and German sympathy, and made some startling statements about how the appearance of a submarine was greeted, and so on. Does the gentleman have any desire to go into that thing? I would like to ask the question of somebody who is willing to make a statement.

Mr. ROWE. I should very much prefer not to go into that now, as it would take up all of my time. I should say that the chairman of this committee, the gentleman from Missouri [Mr. ALEXANDER], could answer that question.

Now, as I said, 180,000 men, or suppose there are now 200,000 men at this time, can not possibly produce more than 2,400,000 tons of ships. If we want more, if the men of this House and people of the Nation want more, we must go out and get these men. There are people in this country who say that they can not be had, but you must remember that shipping conditions have changed in this country. We have a body of men that are just fitted to build fabricated steel vessels. They are the structural steel workers of this country. They are the bridge builders of our Nation, and in that line, gentlemen, we have the men. I have seen a statement, on good authority, that the United States had a body of steel and iron structural workers equal to all of the rest of the structural iron workers of the world.

Mr. HARDY. Will the gentleman yield?

Mr. ROWE. I will.

Mr. HARDY. Is it not a fact that the shipbuilding, under this idea of fabricated vessels—that is, parts being assembled elsewhere—is rapidly undergoing a revolution, and that with the use of structural steel builders and this new method of building ships the production of ships may be greatly expedited?

Mr. ROWE. I hope the gentleman is correct. Not only have we the men who can do this work if we call them to it but we should stop building elevated railroads, subways, and bridges where not absolutely necessary to carry on the war.

Mr. FARR. What does the gentleman think of concrete ships and their possibilities?

Mr. ROWE. That has not been tried to any great extent, and do not let us make any change. We have made a change in the machine guns in this country with a great loss in time. We know what we can do with steel vessels; we know that we can construct them, and we have the mechanics to do the work. It is no time for experimenting

Mr. FARR. I meant concrete ships in addition to steel.

Mr. ROWE. Well, we must construct all we can. I want to call attention to the fact that while it is possible that we can get the men it will take time to get proper men.

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. MADDEN. I ask unanimous consent, Mr. Chairman, that the gentleman have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROWE. Admiral Bowles when asked the question said:

I should say we ought to get along with in the neighborhood of 300,000 men, but, of course, a good deal depends on the individual efficiency of the men, and if that continues the way it is going now—if that continues the way it is going along now—I do not know how many we will need.

The fact is, gentlemen, we have attempted to build ships rapidly, and we have rushed men to the yards. Some of them are good men, many of them are very inferior, and some of no use. They must be sorted. We want only the best men. If in a yard where we have a thousand men four or five hundred of those men are inefficient you will not get the work you could get out of half the number of thoroughly competent men.

Mr. MADDEN. In other words, the standard of efficiency will be based on the efficiency of the man of least ability?

Mr. ROWE. That is true. Now, I am in favor of the bill that is before the House. I am a conservative. I never dreamed, prior to going into this war, that I could favor a measure of this kind, purely paternal, but we need the homes for the men and we should build them at once.

Mr. KREIDER. Mr. Chairman, will the gentleman yield?

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. ROWE. I yield first to the gentleman from Pennsylvania.

Mr. KREIDER. Mr. Chairman, I assume the gentleman is more or less familiar with the actual facts as they relate to shipbuilding, and I desire to preface the question that I wish to ask by saying this: Some time ago, in the course of conversation, a shipbuilder stated to me that in his opinion quite a number of vessels were delayed because, first, the Government contracted for ships at a set price and later contracted for ships on a cost-plus basis, with the result that a number of ships that were contracted for on a set or fixed-price basis are partially completed but can not be fully completed because the contractors are unable to secure the materials to complete them, due to the fact that the cost-plus contractor has come in and is paying as much as $20 and $30 a ton more for the steel, and from $20 to $30 a thousand more for the lumber, and from $1 to $5 a day more for the labor. The result is that the contractor on a fixed-price basis is practically helpless, because the man having the lumber is going to ship it to the one who pays from $20 to $30 per thousand more for it, and the man having the steel will ship it to him also because he gets from $20 to $40 per ton more. The result is a number of partially completed ships, a tying up of shipbuilding facilities. Does the gentleman know whether this is a fact?

Mr. ALEXANDER. Will the gentleman verify his own statement, and put it up to the Shipping Board? That would be the common sense way to get at it.

Mr. KREIDER. I think I can, but I wanted to know whether the gentleman from New York knows anything about it.

Mr. ROWE. I am not familiar enough with conditions to answer that question.

Mr. PARKER of New Jersey. Mr. Chairman, this question of housing and the question of labor go along together. We want 500,000 skilled laborers, and, with skilled laborers and machinists required in every kind of work, it is going to be very hard to get them—harder, even, to train them. I desire to relate to the House some personal experience that I have just had in that regard when I visited the shipbuilding yards on the Clyde, near Glasgow, where I found that at least half of the workers were women. They were so short of machinery in this skilled iron trade that very many of the machines came from my own home town—from Gould & Eberhardt and other machine toolmakers—and many from other parts of the United States; but in those yards, where they are making iron ships, they have trained women to manage the lathe, to manage the plane, to manage the punch, to manage the big cranes that move the material from one end of the yard to the other, and women were doing all except the actual heavy man work of putting material together after it was made.

Mr. SANFORD. Were they doing it well?

Mr. PARKER of New Jersey. They were doing it well; and I will say, for the benefit of those who talk about unskilled labor bringing down the amount done, that the work in those yards was all done by piecework. The old rule had been day labor, but in the stress of war the laborers of Scotland had patriotically agreed that they would do the fighting and that the older men would do the work, and that the old rules of the union should give way to the introduction of women into the work. It is a nation at war, and this is only one of the signs of its existence. They tell me that there are 2,000,000 more women in profitable employment in England now than there were before the war. I have not verified those figures. I have seen the cordite works at another place, 12 miles long, with three different factories, manufacturing that high explosive in its various stages, beginning with the manufacture of sulphuric and nitric acid as well as guncotton, from the raw materials, from cotton from Chilian niter and from sulphur that is burned in the furnaces—I shall not go into the details—bringing out at the other end cordite in little strings that look like brown vermicelli. This was by day labor. The work is too dangerous to allow haste. Thirteen thousand of the 20,000 people employed were women. That brings us to the problem in this bill. If we are going to put the Nation into the war in that way, whole families in certain cases will have to be housed in family apartments.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. In a moment. Thousands and thousands of young girls have to be taken care of. It was a treat to find that that factory had been organized not by the old-fashioned military and naval authorities, but by mining engineers who had experience in America, in Chile, in Hindustan, in Australia, and South Africa, who had come there and seen the problem before them, as mining engineers do, who devised new means, and that, with respect to the girls, was this: There was established in front on the street a house of one story——

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. In the front was the matron's room. The next room was the kitchen and the next room behind was the meeting and dining room. Back of that house and reached by short, covered walks extended three one-story dormitories, we will say, about 25 by 100 feet. I do not know the exact size, but they were large enough to give room on each side for 16 small cubicles or half shut-off rooms, 6 by 8, or so, where the girl had her bed and what little furniture she needed, and had decorated it as her own. There under this matron those 96 girls were taken care of. They were under strict discipline, though it was a smiling discipline, because they could not stay unless they obeyed orders. There was in that town a theater, a moving-picture place, and a hall and all that. There was a central kitchen that furnished 20,000 full meals a day, and 5,000 others, and supplied raw food to the whole host of those that did their own cooking, and the food was sent them on a small narrow-gauge railroad. This plant was a perfect *Great Eastern* in itself, except that it cared for 20,000, all under one control. If we get to this sort of work where we have to employ the unskilled and train them in that way in our shipyard towns and factories, or wherever it may be, we will have to employ the same talent to get the same results and have the same special sort of houses. Therefore I am in favor of this bill. I now yield to the gentleman from Indiana.

Mr. COX. I want to ask the gentleman this question. In reading the hearings on this bill from Admiral Bowles, it seems he opposes the idea of working treble shifts, at least he is opposed to the idea of working at night. What were they doing over in England when the gentleman was there? Were they working in several shifts or working after night in the shipyards?

Mr. PARKER of New Jersey. I am not quite able to answer that question, for I was not there after nightfall, but I am inclined to think that in some parts they were, but I am not sure. I am only saying that is the mass of workers that they were getting, and if you have enough room there you can employ all during the daytime and do not need work but one shift. However, I do not know.

Mr. COX. I want to ask the gentleman—it strikes me that we should do something with this labor problem. I see by this morning's press dispatches that they are on strike in the city of New York again, demanding an increase from $4.60, I think, a day to something like $6 a day. Does not the gentleman think something ought to be done somewhere at some place along the line of stabilizing the price of this labor?

Mr. PARKER of New Jersey. I am only telling what I have seen. I have no opinion to give, except to say that I know from the newspapers only what was published, that there are strikes in some parts of England. But I know also that in those places which had the organizations I have seen there was not only no strike, but the workmen, men and women, were willing to do their work by the piece. Gentlemen, I thank you.

Mr. FESS. Will the gentleman yield for one question?

Mr. PARKER of New Jersey. Certainly.

Mr. FESS. Are we to understand from the facts the gentleman has given that we would espouse the plan of working the women of the country in these shipyards?

Mr. PARKER of New Jersey. I have no desire that any such thing should be done at all. I am only speaking of the hard necessities of war. When your men have gone to war and you need workmen for your trades you must take them from the patriotism of this country wherever you can find it. I hope that necessity will not fall upon us; if it does, I hope and know that America will respond. [Applause.]

Mr. ALEXANDER. Mr. Chairman, I understand there are to be some amendments offered to these paragraphs, and I ask the Clerk to read the next paragraph, so we can get on.

Mr. ROBBINS. Mr. Chairman, I have an amendment to this paragraph pending.

Mr. SHACKLEFORD. Let us vote on it.

Mr. ALEXANDER. Let it be read. I would like to make some progress with the bill.

Mr. ROBBINS. I asked for recognition before, but could not get it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 21, after the word "houses," insert the words "or furnish or aid in furnishing transportation facilities."

Mr. SABATH. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. ROBBINS. Mr. Chairman, this bill in the first subdivision (a) proposes to authorize the purchase or lease or acquisition of land improved and unimproved. In (b) it proposes to authorize the construction of houses on the land, and in paragraph (c) it proposes to authorize the acquisition or lease of houses or buildings, and in this paragraph it proposes to make loans to firms or corporations wishing to construct these houses. Now, last summer I made a journey from Philadelphia to Essington, where the Navy has established a hydroplane station; that is some 10 miles down the Delaware River, and I saw that the whole of the land along the river is taken up with buildings or factories of one sort and another. There are three lines of communication between this section and the city of Philadelphia—the Pennsylvania Railroad, the Baltimore & Ohio Railroad, and the street car line, and there is another, the Delaware River. I found these workmen employed in these manufactories journeying up and down to this point by these means——

Mr. EDMONDS. I would like to say the Reading Railroad, also.

Mr. ROBBINS. The Philadelphia & Reading Railroad had a branch; I did not know it carried passengers. Now, here is a proposition contained in this bill which is to erect houses to accommodate these workmen who are to be employed at Government shipbuilding plants and at the private plants located at Chester, Bristol, and Hog Island, which are owned by private companies. Now, it is going to cost the Government a lot of money to build these houses, and it is known all over the world that the city of Philadelphia is a city of homes, where the mechanics, working people, trades people, and people engaged in the great industries own their own homes. The laws of Pennsylvania have fostered and encouraged the building and loan associations so that it has been made possible for those people to acquire their homes upon monthly payments. Now, they live in the city of Philadelphia. They are attached to their schools, their churches, and neighborhoods, and what I propose by this amendment is to authorize this emergency corporation, to whom we are giving these large powers, to have one additional power—that is, to help the street railroads and the railroads and the river navigation, if necessary, by double-tracking those roads and increasing their facilities of the transportation of people down there to work in these industries, in which case I see no necessity for building these houses, because most of these men now own their own homes.

Mr. MADDEN. Will the gentleman yield?

Mr. ROBBINS. In just a moment. Because if we build these houses, it is going to take all summer, and we have learned in this debate that if there is any scarcity greater than another it is the scarcity of building material. Therefore the proposition I propose in this amendment is not to spend money on houses and incur the great delay incident thereto, but to improve the existing transportation facilities and take the men from the houses they already have in Philadelphia, from that great reservoir of skilled labor, the greatest in the world, and carry them down to these shipyards.

Mr. MADDEN. The gentleman, in a sense, proposes to commandeer the transportation facilities, does he not?

Mr. ROBBINS. No; I do not propose to commandeer them. I propose to allow the Government to double track that little street railway that I went down on, that gave service every 20 minutes on that hot July afternoon, and put on there a service every minute in the morning and evening, with trailers, so the workmen can go down there to work. Take the railroads that are running a few trains per day now and aid and improve their tracks to carry part of these men down there by railroad, and the Government would have not only security for every dollar it invests by liens on this railroad but would not waste money on houses of a temporary character.

Mr. MADDEN. Does the gentleman make any provision in his amendment for the return of the money advanced for the improvement of transportation facilities?

Mr. ROBBINS. No; I do not; because that is a business proposition. The money is to be a loan to these companies only. This Emergency Fleet Corporation has power in this bill to sell houses, to exchange, lease, and condemn, and it certainly would have the right to improve the tracks of these railroads or to put a boat on the river.

Mr. MADDEN. Would it still have the right to sell the tracks after it built them?

Mr. ROBBINS. It has the right to sell the real estate.

Mr. MADDEN. I do not think so.

Mr. ROBBINS. Yes. In the paragraph last above it has the right to purchase, exchange, sell, and lease land, fixtures, buildings, or furnishings. What broader power can any company have than that?

Mr. LENROOT. That refers to houses only.

Mr. ROBBINS. That is true.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania have five minutes more. Is there objection?

There was no objection.

Mr. LEHLBACH. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. LEHLBACH. Your amendment authorizes the shipbuilding corporation to lend money to trolley companies or other transportation companies?

Mr. ROBBINS. Aid them in furnishing transportation, yes.

Mr. LEHLBACH. Now, the Emergency Fleet Corporation, as a matter of fact, is negotiating in various parts where they have yards for improved transportation facilities. Now, I ask the gentleman this question: What prospect would the Emergency Fleet Corporation have to induce a transportation corporation to improve is facilities if the corporation knows that the Shipping Board is authorized to lend it the money to do it? Would there be any development on the part of the corporation itself, or would they sit still and say, "You give us the money"?

Mr. ROBBINS. No. I am speaking about a situation with which I am personally familiar. I am told there are 22 new corporations along the Delaware River below Philadelphia that have gone into various activities largely devoted to material for this war. There is the great Westinghouse plant, right near Essington, and there are these three shipyards, the Baldwin plant, and many others.

Now, in answer to the question of the gentleman from New Jersey [Mr. LEHLBACH], with that great population gathered there, while it is true it is devoted to war now, these people will always live there, and the Government investing money in these transportation systems will be investing money in aid of enterprises every dollar of which it is sure to get back into the Treasury of the United States. And in the debate all through this bill and in the report of the committee on this bill, I appeal to you as a business proposition, it is asserted and stated that the money that will be put in these temporary houses will be wasted, because after the war is over there will not be any value to them, or they will be of such a temporary nature that in a few years they will be gone, inasmuch as they may be built of stucco or of lumber, like these cantonments. The proposition here is to aid the Shipbuilding Board in the very thing it wants to do, namely, putting the workmen down at these shipbuilding plants quickly and accomplish the construction of the ships.

Mr. LINTHICUM. If the gentleman will permit, I think that the great difficulty would be in getting the cars to put on these railways. You may establish a schedule, but you will have to have the cars to carry the people. The Washington, Baltimore & Annapolis Railroad, on which they established Camp Meade, is willing to pay any price for cars, but they can not purchase them.

Mr. ROBBINS. If you can not get a few railroad cars, how can you build houses?

Mr. LINTHICUM. You can get a house quicker than you can get a railway car—a whole heap quicker.

Mr. STAFFORD. Has the gentleman from Pennsylvania made any inquiry as to whether the present interurban railway, operating to the south of Philadelphia along the Delaware River, has any difficulty in acquiring additional funds to increase its rolling stock and trackage?

Mr. ROBBINS. I have made no inquiry about that. I traveled over the road, and can say this, that the facilities were exceedingly meager.

Mr. STAFFORD. Has the gentleman further advice in regard to the territory south of Philadelphia, as to whether the interurban company at different points is at present making permanent improvements with the purpose of widening the roadway

so as to give better accommodations to that rapidly growing section?

Mr. ROBBINS. At the time I was there the service was both irregular and at long intervals

Mr. STAFFORD. I will say to the gentleman that I have traveled on occasions between Philadelphia and Washington, and I have noticed the improvements going on in the way of concrete bridges and the like between Wilmington and Philadelphia, for the purpose of widening the trackage and giving, I assume, additional conveniences in interurban communication.

Mr. BUTLER. Where did the gentleman see this? From the car windows?

Mr. STAFFORD. I did.

Mr. BUTLER. I can measure the ground for you. That is where I live.

Mr. ROBBINS. I got on this car in the subway at the Broad Street Station and traveled down to Essington. I did not notice any such improvements.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Chairman, a point of order has been reserved on this amendment, and I think unquestionably the point of order is good. If the gentleman from Wisconsin intends to insist upon it——

Mr. STAFFORD. I do so intend.

Mr. LINTHICUM. Mr. Chairman, I would like to have five minutes on it.

Mr. ALEXANDER. I will say this to the gentleman from Maryland, that the Committee on the Merchant Marine and Fisheries had this whole question under consideration, and we concluded that if it is desirable to give the board the power to purchase cars or otherwise to improve the transportation facilities it ought to be done in the proper and comprehensive way; and after considering the question the committee concluded it ought to be considered in a separate bill. For that reason the provision was not incorporated here.

Mr. BUTLER. Is it being treated separately?

Mr. ALEXANDER. I will say to the gentleman that there is a bill pending on the Senate Calendar now on that very question, and it may come to us at any day.

Mr. BUTLER. It is coming to the gentleman's committee?

Mr. ALEXANDER. I do not know.

Mr. BUTLER. I know it will have careful attention if it comes to the gentleman's committee.

Mr. ALEXANDER. If it comes to the Committee on the Merchant Marine and Fisheries it will receive proper care and attention.

Mr. BUTLER. Mr. Chairman, will the gentleman from Wisconsin withhold for a moment?

Mr. STAFFORD. Yes; I will withhold the point of order for a moment.

Mr. ALEXANDER. I may add that Admiral Bowles, in a telegram to me on Saturday, emphasized the necessity for legislation giving the Emergency Fleet Corporation power to commandeer these transportation facilities where they could not secure proper arrangements with the lines, and also to supply additional transportation facilities. When I received that telegram I took the matter up with Senator FLETCHER, chairman of the Committee on Commerce in the Senate, and urged him to have that bill passed through the Senate as speedily as possible. Since then I have received advices from Admiral Bowles stating that he had also wired Senator FLETCHER, urging the passage of the bill.

Mr. BUTLER. Mr. Chairman, of course, I know this country quite well; it is where I live. And, if my word is worth anything at all, I state it here that some better accommodations will have to be furnished to workmen in this vicinity. I do hope the measure will come before the committee of which the gentleman from Missouri [Mr. ALEXANDER] is the chairman. Unless some help will come from some source as big and strong as the Government, we will not be able to move our people there or away from there. Soon there will be no shelter for them. It is impossible now, with the small facilities we have, to move the workmen back and forth.

Mr. COX. What will be required, in the gentleman's opinion?

Mr. BUTLER. More railroads—more steam roads, more electric roads.

Mr. COX. Which would be the better?

Mr. BUTLER. I can not tell you that. But it is impossible to move the people without better facilities.

Mr. COX. How far is it?

Mr. BUTLER. Why, gentlemen, it is one continuous plant from Philadelphia 12 or 15 miles down the river. The steam railroads can not furnish the necessary facilities. I believe that most of the accommodations will have to come from electric roads. Assistance will have to come from some direction, and that very soon.

Mr. ALEXANDER. I hold in my hand a provision which, if enacted into law, would give the desired relief.

Mr. COX. If they had better transportation facilities, such as the gentleman from Pennsylvania has outlined here—better railroads—would that obviate the necessity of building these homes?

Mr. BUTLER. No. We should have them both. You can hardly conceive of the transformation, you might say, on the face of that part of the country. Some one spoke of the enormous factories that have been established there recently. There are 14,000 men employed in one concern alone, and that is the Remington Arms Co.; and alongside of it the Baldwin Locomotive Works is employing 20,000 men. I recall five years ago, when there was no place provided where workmen could live. I think of this busy community working in a factory nearly 20 miles in length fighting to reach their work and struggling to reach their homes in the evening.

Mr. COX. Where do they live now?

Mr. BUTLER. In my direction—up and down the river. There is the Westinghouse plant, about to employ 15,000 or 20,000 men. We do not know where the workmen are to live and how they are to reach the place or even bring with them the commodities of life. But I must not ask the time of this committee to describe the development of this part of our country. We all know of it. Nowhere on the earth's surface has there gathered so many industrial giants. The force and activities of a hundred thousand men will soon be employed here.

The chairman of the Committee on the Merchant Marine and Fisheries has made his promise, and I believe that promise will be made good and that the facilities will be supplied, and that this section of our country will have the attention of the Government.

Mr. STAFFORD. Mr. Chairman, we all recognize the need of transportation facilities everywhere, and particularly in that great industrial belt to the south of Philadelphia, down as far as Wilmington. I am not acquainted with what is being done by the Pennsylvania Railroad to relieve those conditions, but we know that the Pennsylvania Railroad has equipped electrically some of its lines leading out to the suburbs west and northwest of Philadelphia, but whether it has made provision for such interurban traffic to the south I am not advised. I am not particularly advised as to whether river accommodations by means of the Wilson Boat Line, plying between Philadelphia and Wilmington, with their 22-knot steamers, will meet the difficulty in the solution of this question, but I am convinced that this is too important a subject to be thrown into this bill without the deliberate consideration of the committee, and therefore I make a point of order against the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman reserve his point of order for a moment?

Mr. STAFFORD. Yes; I will reserve it for a moment.

Mr. MOORE of Pennsylvania. In support of what the gentleman from Wisconsin has said, and this is also supporting the gentleman from Missouri [Mr. ALEXANDER] as well, I desire to say that the Emergency Fleet Corporation does have plans covering the question of transportation. I have a letter from Mr. Piez, the general manager, on that point. He says:

> It is our intention to materially improve the transportation facilities.

One reason why he does not go into the plans is that legislation is necessary to enable them to fully announce their plans. They do not care to give out, in advance of legislation and congressional authority, these particular details. But the gentleman from Pennsylvania [Mr. EDMONDS], my colleague, in his statement yesterday, said what is the fact that the city of Philadelphia is cooperating in this matter and large amounts of money will be given in behalf of the city to develop these improvements. They will include water supply, sewerage, and municipal improvements of other kinds.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the amendment is not germane to the purpose of this bill.

Mr. LINTHICUM. I ask the gentleman to withhold his point of order.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. ROBBINS] desire to discuss the point of order?

Mr. ROBBINS. Mr. Chairman, I think it is quite germane to the purposes of this bill. That is the point the gentleman raises; that it is not germane to the purposes of this bill?

Mr. STAFFORD. That is the only point that can be raised.

Mr. BUTLER. Read the title of the bill.

Mr. ROBBINS. That would be all right in Pennsylvania, but the title of the bill is no criterion to what a bill here in Congress contains.

The amendment that is offered is to enable this Emergency Fleet Corporation to assist in furnishing transportation for these workmen. In the bill it is provided that this corporation is authorized and empowered to do as follows:

> (a) To purchase, lease, requisition, or acquire, by condemnation or otherwise, any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees of shipyards in which ships are being constructed for the United States.
>
> (b) To construct on such land houses and all other necessary or convenient facilities, upon such conditions and at such price as may be determined, and to sell, lease, or exchange such houses, land, and facilities upon such terms and conditions as it may determine.
>
> (c) To purchase, lease, requisition, or acquire, by condemnation or otherwise, any houses or other buildings, together with the land on which the same are erected, or any interest therein, and all necessary and proper fixtures and furnishings therefor; to manage, repair, sell, lease, or exchange such lands, houses, buildings, fixtures, and furnishings upon such terms and conditions as it may determine to carry out the purposes of this act.
>
> (d) To make loans to persons, firms, or corporations in such manner and upon such terms as it may determine, from time to time, to provide houses for the employees of such shipyards.

Now, it is true that these various provisions seem to refer to houses and lands and the acquisition of houses and lands; but the purpose of this bill is to aid in the acquisition of these houses and lands by purchase, requisition, or condemnation, we have heard all through this debate; that is, for the purpose of furnishing housing for the men who work in the shipyards. That is the ultimate purpose of the bill. We must take a broad view of it and look at what it is to accomplish. It is not a criminal statute that must be construed strictly. We are to construe it within the meaning and spirit of the law and the evil that is to be remedied, viz, lack of workmen. Now, one of the things we want, and the purpose is, to get men for these shipyards. If the transporting of these men will get them there as well as the housing of the men at the plants, then any means of taking them there would be as pertinent to the purpose of this bill as the building of a house at the plant. That is the purpose of this amendment; it is to authorize this Shipping Board either to house the men there or to bring them there by the aid of transportation lines.

The CHAIRMAN (Mr. SAUNDERS of Virginia). This bill is a housing bill. First: It authorizes the Emergency Fleet Corporation to acquire land by purchase, condemnation or otherwise. It contemplates the acquisition of land and the erection of structures on the land so acquired, whether by purchase, or condemnation: Second: It authorizes the disposition by the Fleet Corporation to lease, or sell on agreed terms to the shipwrights, or workers in the yards, the property that this act authorizes the corporation to acquire. It seems to me it must be manifest that an amendment which contemplates aid to, or the possible construction of railroads, is not germane to the manifest purposes of this bill, which are confined to affording certain definite housing facilities to the men who are to work in the shipyards. The Chair thinks the amendment is clearly out of order, and the point of order is sustained.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. LENROOT: Page 4, line 19, after the word "loan," insert "upon adequate security."

Mr. ALEXANDER. I have no objection to that amendment, Mr. Chairman.

Mr. LENROOT. I do not care to debate it if it can be accepted.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I can realize very well how in order to be able to construct ships which we need for the work we have to do we must construct the vessels where it is possible to move them to the sea; but I can conceive of a condition that might easily be worked out by those in administrative authority, so far as the letting of contracts for other purposes is concerned, so that all the congestion that we hear about might be avoided and no additional transportation facilities become necessary and no additional housing facilities be needed. It seems to me if the men who sit up the Avenue and have the power to determine to whom contracts shall be let would make a survey of the country, and as a result of that survey obtain information which would lead them to let contracts throughout the country, instead of two or three States of this country, all the difficulty that we are called upon to overcome would be met and vast sums of money would be saved to the Treasury. In addition to that we would have an efficiency 50 per cent greater than we have to-day. Our output could be largely increased in all lines. Contracts could be let for less money. The employment of men would be distributed all over the United States. Factories would not be depleted of the men they have now employed because of the necessity of bringing them to a central point somewhere. The industrial activities of the country would be conserved. Men would be enabled to work where they have been accustomed to work in all the great industrial centers of the country. As it is to-day contracts are let to only a few men in a few places. I do not suppose anything I say will have any weight with those who are charged with the responsibility of letting contracts. I wish I might be able to do something that would have weight with them. I think they ought to use their brains in the study of the question, rather than use their influence to favor friends, more of which I fear is being done than ought to be done for the good of the country. We are supposed to be fighting a war in which every American is engaged, but it is only a few of those Americans to whom favors are being granted. There ought not to be any favors granted to anybody. The burden ought to rest upon all alike, and the Treasury of the United States should be given some consideration by these men who are sitting in executive places with power to let contracts. We have a number of States in which it is possible to manufacture everything that is needed for the war. Many of these States have not been given any contracts at all, yet they are all called upon to pay the taxes. While the contracts are being let to a few people in a small area the people in other sections of the country are looking for employment. It is not right; it is not just to the war; it is not just to America; it is not just to the men who have volunteered to fight at the battle front. There ought not to be any discrimination anywhere. The attitude of the administration, or of those who speak for the administration in every activity, ought to be such as to be beyond criticism.

Mr. WHITE of Maine. Mr. Chairman, a newspaper article has just come to my hand that is so pertinent to the subject matter under discussion that I want to read into the RECORD a few paragraphs from it. It is from the pen of L. C. Bateman, one of the veteran newspaper men of Maine. It appeared in the Lewiston Evening Journal of my home city and deals with the shipbuilding conditions in the city of Bath. Here are located the yards of Kelly & Spear, Percy & Small, the Texas Steamship Co., the Bath Iron Works, and other plants, all working to their present capacity, all capable of greatly increased productivity, all needing men and further housing facilities. I read as follows:

> If "ships, more ships" is the cry from England and France it is reechoed in this little city by the sea.
>
> And to this is added the cry of "homes, more homes."
>
> What to do with the people now working in her yards has become a burning issue in Bath. And more and more men are wanted, but where, O where, can they be housed? Already every house in the city for rent is taken and the cry is for more. The Texas Co. has already built nearly 60 houses for their workmen and will soon build many more. These are taken as quick as they can be finished, but apparently the demand is not lessened. It is an overgrowing problem for which, as yet, there is no complete solution.
>
> Nobly the citizens of Bath are rising to the occasion. Homes of the rich are being opened to the common laborer and in this way the owners are doing their bit for the country.

Bath itself is the center of an area rich in ship lore and tradition. Only a few miles from this city was launched the first vessel built in an American yard to cross the Atlantic. A few miles eastward is the village of Damariscotta, the home of the *Flying Scud*, a sailing vessel maintaining for 24 hours a speed of more than 19 knots an hour, holding to-day, and in my judgment for all time, the blue ribbon of the sea. In Bath in 1762 was built the *Earl of Jute*, the first vessel of her class launched in the United States. Here in this same city there took the water the first American vessel sent to her grave by the wanton hand of Germany. For a century and a half the skill of her builders, the courage and the resourcefulness of her sailors and her skippers have carried the name and the fame of this little city by the sea to the four corners of the earth.

Her past, and her busy present, make a call to me for the enactment of this legislation, which I could not fail to hear even if I would. [Applause.]

Mr. GOOD. Mr. Chairman, a few days ago there appeared in the papers of Washington an interview with one of the officials of the Shipping Board criticizing the labor situation. I will not read all the criticism, but ask to insert it in the RECORD:

> SHIPBUILDING SUCCESS DEPENDS ON UNITED STATES WORKERS, PIEZ ASSERTS IN APPEAL.
>
> Responsibility for the success or failure of the Government's shipbuilding program was put on labor to-day by Charles Piez, vice president and general manager of the Emergency Fleet Corporation, in an appeal for shipyard workers.

"The Shipping Board has the necessary yards, the materials, and the money," he said. "All that is lacking is a spirit in the Nation that will send a quarter of a million American mechanics into the yards to give the best and most efficient work."

The fact that shipyards are working only one shift six days a week was characterized by Mr. Piez as "monstrous."

"If we are to keep ahead of the submarine campaign," said he, "we must run three shifts a day 52 weeks in the year." Mr. Piez's statement follows:

"Within 60 days huge Government yards will be completed, and soon thereafter more than 60,000 workmen will be required to furnish for them the three eight-hour shifts necessary if these yards are to turn out their ships according to schedule.

HAS 716 SHIPWAYS.

"The Shipping Board now has 716 shipways, 302 are for wooden ships and 414 are for steel construction.

"The yards in which they are established are working only one eight-hour shift per day, six days a week. This is monstrous. If we are to keep ahead of the submarine, we must run three shifts per day 52 weeks in the year.

"Our program calls for the construction in 1918 of eight times the tonnage delivered in 1916, at a cost of more than a billion dollars. The Shipping Board has the necessary yards, the materials, and the money. All that is lacking is a spirit in the Nation that will send a quarter of a million American mechanics into the yards to give their best and most efficient work.

"I am sorry to say at the present time the native-born American workman is not the mainstay of the shipyard, for he is there only to the extent of 35 per cent of the men employed, and to the extent of 65 per cent we are forced to depend on foreign-born labor.

"We all honor the men in uniform and the same honor must be given to the men who go to work in the yards. Just as the Navy is the first line of the British Empire, and just as Germany depends upon her submarines, so must America depend for victory upon the shipbuilders in the American yards. To the women of America I say: 'Send your men to the shipyard, for they will be doing there no less a service than in the Army or the Navy, and they will be returned to you safe and well paid, after having performed a duty that is a primal necessity of this war.'"

The interview, it will be observed, concludes with a statement that cast a reflection on the patriotism of the workingmen of America. Mr. Piez has only recently become a member of the board. I do not believe he knew the facts, for if he did he would not have made that statement. He is too big and too fair for that. Last summer when the building of some of the cantonments was completed, and one to which I have reference at Camp Dodge in Des Moines was finished, there were a great many carpenters thrown out of employment. I received, as did other Members of the House from my State, a great many requests from such laborers for work in shipyards, because newspapers had carried notices that the Shipping Board required a great many ship carpenters. On making inquiry I was referred to the Bureau of Labor, and the Bureau of Labor referred me to its office at St. Louis. I wrote the director there, and I have a letter written by the acting director at St. Louis, written to a man for whom I made some inquiry, in which he says, "You are informed that Mr. A. Peisang, Miami, Fla., wants two ship carpenters at 50 cents an hour; the Miami Yacht & Machine Works, same place, wants six ship carpenters at 62½ cents per hour; George J. Pilkington, same place, wants six ship carpenters at 62½ cents an hour. You should first correspond with these gentlemen before proceeding to the work."

Now, it is monstrous that this board has but one shift per day in February, when on the 20th day of November from the bureau of the Government intrusted to find these men it only knew of 14 places in the United States where ship carpenters were wanted.

That is not all; I tried to follow the thing up a little further and secure work for these carpenters, and I wrote to Mr. King, who is in charge of the Department of Labor Employment Bureau. He wrote under the date of November 20. His letter is very illuminating and a part is as follows:

ST. LOUIS, MO., *November 20, 1917.*

Hon. JAMES W. GOOD, M. C.,
Cedar Rapids, Iowa.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, in which, speaking of the matter of employment in the Government shipyards for ship carpenters, you state:

"Carpenters in this part of the country will be glad to accept employment if some reliable information can be furnished. I must confess that the information that has come from your office is not of the character that would warrant a laboring man to accept employment through your agency."

I must say that I, too, am not at all satisfied with the very meager information I have been able to obtain with regard to employment for ship carpenters. Almost daily I see notices or items in the newspapers to the effect that the building of ships is being greatly hampered by the scarcity of labor of one kind or another, and this office is using its best endeavor to get some definite information in the premises. To that end several weeks ago I addressed the following circular letter to the officers in charge of the United States Employment Service at every point in the United States where I understood shipbuilding to be in progress or is supposed to be in progress:

"From time to time the newspapers contain items to the effect that the building of wooden ships is being badly hampered by reason of the shortage of ship and other carpenters. Now, this office has a list of 52 ship carpenters and another of more than 1,400 house and general carpenters. If such are needed in your zone, and you will give me information as to the cities where needed, the approximate number of men required, the persons or firms to whom application for employment should be made, wages offered, price of board and lodging, whether or not transportation will be refunded, probable length of the job, and any other information that you think may be of interest to prospective applicants, I will undertake to pass the information to these carpenters. Information of a general character that is not specific, and especially that which does not indicate the wages to be paid, will be of but little value, as men can not afford to leave jobs that pay fairly well without knowing that they will get something that will justify the change."

In response to the above, we are just now getting a little information which is of a more definite character, as noted below:

Our office at Jacksonville, Fla., reports that for various reasons only a few ship carpenters can be used in that district at this time, specifying the builders to whom applications may be made, the number each can use, with pay per hour.

The office at Mobile, Ala., reports that it is awaiting information from the various shipyards in the district as to just what labor they will need, and as soon as the information is obtained, which will be within the next 10 days or 2 weeks, the matter will be taken up again and we will be advised just how far we can assist in furnishing the help required.

The office at Baltimore, Md., reports that only a very small number of ship carpenters can be placed at this time in Baltimore and vicinity, that transportation will not be advanced, and that it would not recommend any men coming to that point now, but adds there are two concerns which will need a large number of men in the course of the next 90 days, just as soon as their yards are completed, at which time the St. Louis office will be advised.

The Philadelphia office reports having all the ship or other carpenters needed in that district at the present time.

The Galveston office reports that a number of men of various trades are coming into that district from the different cantonments which have been completed, and that, while there is some demand for ship carpenters, carpenters, calkers, riggers, etc., labor troubles are anticipated, so that it will not be well to direct men to that district for a while.

The San Francisco office reports opportunities for less than 100 ship carpenters and some 200 boat builders, but say it is difficult to secure accommodations in the shipbuilding district, especially for men with families; also that advance authority should be secured before men proceed to that point for work.

The reports we have from other offices are of a similar character, all tending to show that there is not just at this time nearly so great a scarcity of labor as is indicated by the newspaper items. It is the experience of this office that in every case where reasonably good wages are offered, conditions being normal, there is no trouble whatever in getting a sufficient number of men to fill the plants.

Mr. King concludes from his investigation that the Shipping Board does not need any ship carpenters. The trouble is there was no teamwork between the Shipping Board, that wanted men, and the Department of Labor, that was intrusted to secure these men.

And now to show that there was no coordination at all between the Department of Labor and the United States Shipping Board I have but to read from the letter of Chairman Hurley, addressed to me under the date of November 20, in which he says:

There is now being developed a special shipyard employment service in connection with the Department of Labor and the Shipping Board. * * * There is a very great need for skilled mechanics—

and I am referred to another governmental agency by the chairman of the Shipping Board.

Why, think of it. Here is an officer of this organization now claiming that they have only enough men for one shift of eight hours a day and need enough for three shifts, and that it is monstrous because they can not get the labor. During all this time the Shipping Board had intrusted to the Department of Labor, for which we make large appropriations, the matter of securing labor for them. The Labor Department as late as the 20th day of November last had not received from the Shipping Board any request for ship carpenters at all. The situation is this: The Shipping Board greatly needs a large number of ship carpenters. The Department of Labor is given the task of getting the men. The Department of Labor says there is no demand for ship carpenters. The Shipping Board says ship carpenters are greatly needed and that it is monstrous that they do not respond.

Now, I have no sympathy at all for these men who are organizing to strike at this time under prices paid in these yards. Neither have I any sympathy for that department of the Government, or for an organization in the Government that seems to have been asleep for eight months and that has not attempted to secure its employees through the agency that it selected—has not attempted to secure the men which it claims to need, and now comes in after eight months and lays all the blame of its own dereliction upon the carpenters of the United States. I say it is unfair, and it ill becomes the Shipping Board to make these charges in the public press when the real dereliction is found in the Shipping Board itself.

Mr. ALEXANDER. Mr. Chairman, I think the gentleman from Iowa has gone far afield to criticize the Shipping Board. As I read that interview the other day the only fact in it that impressed me was the claim on the part of the person interviewed that we did not have enough men in the shipyards to work three shifts a day. Admiral Bowles, when he appeared before the committee, said it is not practicable to work three shifts a day in building ships. You can work three shifts in a factory where the engines are built and you may work three shifts where fabricated parts are made, but in the construction of the ship itself—the riveting of the plates, and so forth—he

says that the work is too hazardous to be done in the nighttime, no matter how good the artificial light may be. He gave it as his opinion that it would not be practicable to work men three shifts a day in that department of ship construction. This criticism has been made as applied to labor: On account of a large increase in the price paid for labor, the increase in the wage, there is a disinclination on the part of the men to work six days in the week, and there is a disposition not to work as hard as they might during the hours of labor. In other words, there is a disposition to get more men on the job and do less work, and they—contractors or builders—are not able to develop that high degree of efficiency that is desirable if we are going to speed up our shipbuilding program and turn out as many ships as we might if every man on the job does his best. How far that is true, I would not undertake to say; but the attitude of labor in this country, speaking of labor as a whole, has been patriotic, and I think as time goes on the workmen in these different plants, whether shipbuilding or munitions or other plants, will realize the necessity for intense individual efforts to speed up and to develop the highest degree of efficiency, and they can not express their patriotism in a more wholesome or practical way than by every man doing everything in his power during the hours of labor, for the wage he is getting, to give the Government the best possible service and do his part to turn out as many tons of ships as is possible. Now, answering the criticism of the gentleman from Iowa [Mr. GOOD], I may say comparatively few carpenters are used in constructing steel ships. The labor situation on the Pacific coast and in the South, where large numbers of wooden ships are being constructed, is not so acute as in the steel-ship industry, if I understand the facts right. I am glad to know it, if it is a fact, that there are enough carpenters for all purposes in the building of steel ships and the building of wooden ships, but I do not see where we are going to get by this carping criticism of every activity of the Government.

That certainly will not help us along. I do not think the Shipping Board is subject to this criticism. I am sure that Chairman Hurley is doing everything in his power possible to speed up this shipbuilding program, and Members of Congress can do much to help him if they will go to Mr. Hurley and state to him the facts within their knowledge, and if there are abuses, if there are defects in administration, if there is waste, I think you will find him ready in every possible way to correct the abuses, remedy the faults in administration, and to correct the waste. [Applause.]

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. TOWNER. I would like to ask the gentleman if he would state to the committee what particular plans have been formulated for securing the labor of the fabricated steel workers in the United States? That is the branch of the labor most needed, and I would like to have the gentleman state, if he can give us the information, what steps are being taken to secure that labor.

Mr. ALEXANDER. If the gentleman has read the papers in the last few days, I think he will have noticed that in different centers employment agencies are at work engaging volunteers for this work. But we have not the facilities yet, the housing facilities, and we can not care for the labor. The Emergency Fleet Corporation is trying to locate it. The men can not be called into the governmental employ now, but the labor is being located with a view to calling it into the service of the Government just as soon as we can take care of the men by providing adequate housing. The house-building industry throughout the country is not active now, especially steel construction.

Mr. TOWNER. Yes; and therefore it ought to be comparatively easy to secure these men if we can locate them.

Mr. ALEXANDER. That is true.

Mr. TOWNER. Has there been some sort of investigation carried on by the Emergency Corporation for the purpose of locating these structural steel workers?

Mr. ALEXANDER. Yes; and they are being enrolled all over the country, according to my information.

Mr. TOWNER. Is that being systematically done by the corporation?

Mr. ALEXANDER. I hope so.

Mr. TOWNER. It seems to me that that is absolutely essential.

Mr. GOOD. Mr. Chairman, I would state to my colleague that the letter of Chairman Hurley addressed to me under date of November 20 last states:

There is now being developed a special shipyard employment service in connection with the Department of Labor.

Mr. DEMPSEY. Mr. Chairman, it is conceded throughout this debate that there is a shortage of labor in the United States. It is equally plain that we are not going to obtain until 1919 the shipping which we figured on having in 1918. There is to be a labor shortage here much greater and much more disastrous than any to which the preceding speakers have referred. The spring is just opening. The commencement of farming is at hand. When I was home a few days ago and saw the men coming in from the farms, every man said to me that, in the county of Niagara, in the State of New York, one of the richest counties in the United States, where land is high priced, where the products are numerous and valuable, where the farmers have great incomes, there will be farm after farm in the richest towns which will go unplanted, and with this shortage of ships we will have the farmers looking into the camps and seeing about 1,200,000 men carried from 1918 to 1919, or, rather, from 1917 to 1919, in an unnecessarily prolonged period of training, with the farms unplanted, and later as the crops come on we will see them uncultivated, and later and most disastrous of all, when the rich fruitage of the farms which are planted comes in the fall we will see the harvest go to waste for want of men to gather it. Is there no remedy? Can anything be done to better this situation? It seems to me that there can be.

We are not going to be able to transport these 1,200,000 men across the sea this year and maintain them there with ammunition and guns, with supplies of all the various kinds which they would need. What can we do? The time of planting comes at various times in the United States. We can give these men short furloughs, beginning now for the extreme South and running along from time to time, as the season opens in the sections farther north, and we can send them for the planting times throughout the United States. We do not need to denude the camps at any time. There will always be one-half or one-third of the men there, enough to employ the officers who are in command, and then as the planting time ceases throughout the United States the camps will resume their full activities, and continue full and active until the harvest season comes.

And then again from the South and the North we can grant short furloughs to send these men in the full vigor of life, when one man can do the work of two, back to the harvest to help garner these rich crops to feed us and our allies.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. DEMPSEY. I will yield.

Mr. BANKHEAD. I want to ask the gentleman if he thinks, although I am very much in sympathy with his idea, that the soldier on furlough, occupying the new status that he does, with the halo of romance around him, would go back home and volunteer to make a profitable laborer on the farm for a short vacation?

Mr. DEMPSEY. I believe the soldier on furlough would be of twice the value of the ordinary man. I went to a military boarding school when I was 11 years of age. I went back to the farm in the summer for the seven years I was in the school. I was always ready, during the vacation, to do my part upon the farm. I believe that a man who returns from a camp will return revivified and strengthened by his military training. It will be like a vacation to him, and he will be ready, it seems to me, to do not only the work that he used to do but a great deal more work than he was doing before he left for military service.

Mr. BLACK. Will the gentleman yield for a question?

Mr. DEMPSEY. I will.

Mr. BLACK. Does not the gentleman think the important thing to do is for the men who are in civil life to go and put every bit of energy they have got into that endeavor and not expect us to call back our Army to do the work that ought to be done at home?

Mr. DEMPSEY. I do not believe the labor shortage will be settled for a year yet. I believe there will be a shortage in all branches. I believe in a year we will call in enough help from the women of the land, enough from the younger people of the land, so that we will do as they have done abroad not alone what we did before the war began, but I believe we will do it more efficiently, we will do more and we will do it better in every way. That is the experience in England and that is the experience in France. Labor there to-day is more efficient, happier, and more contented than it has ever been in the history of those countries, and we are going to find that here. I am suggesting simply that during the period when we are unable to send these soldiers abroad, when they remain in camp for a longer period than is necessary for their complete efficiency and training, when they can be spared for a few weeks during the planting season, and again for another few weeks during the harvest season, that they be permitted to be furloughed to return to this natural and useful avocation, which will be, next to fighting at the front, the most that any man can do to win this great world's war in which we are now engaged. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. DEMPSEY. I do.

Mr. FESS. I think there has been a general sentiment throughout the country that that may be done, that the furlough system will be used, and I have many letters on the subject, that they are expecting their own sons to be furloughed to be brought back to the farm. In case we can do that it would be especially effective on the farm, but that probably can not be done.

Mr. DEMPSEY. That could be done in cases where men have been sent, as it seems to me in all cases they should have been sent, to the camp which is the natural camp to which to send them, that which is relatively nearer the home as compared with other camps.

Mr. FESS. However, if the soldier had gone on to France he could not be furloughed?

Mr. DEMPSEY. No; we can not furlough a man abroad, and we do not want to furlough him.

Mr. FESS. This is likely to produce dissatisfaction on the part of the farmer who thinks his own son is coming back.

Mr. DEMPSEY. You will have some dissatisfaction with any course of conduct.

Mr. FESS. I agree that the gentleman's position is good.

Mr. DEMPSEY. But we have to do the best that can be done to obtain the greatest percentage of good and the smallest percentage of evil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I move to strike out the last word.

Mr. SAUNDERS of Virginia. Mr. Chairman, I ask that the gentleman having the floor may have five additional minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS of Virginia. The views that the gentleman has just expressed, while they do not seem to be particularly relative to the bill under consideration, meet my very hearty approbation. I have done a good deal of thinking along that line myself, but has the gentleman ever tried to get the military authorities to agree on such a proposition?

Mr. FESS. I have.

Mr. SAUNDERS of Virginia. Did he generally meet with great success?

Mr. FESS. No; I had a letter to-day refusing.

Mr. SAUNDERS of Virginia. Perhaps the gentleman from New York has worked out these ideas he has expressed in relation to furloughing these men.

Mr. DEMPSEY. I will tell the gentleman what occurred to me, if the gentleman will pardon me, as I have thought about this subject, as I have seen the Shipping Board lose a great deal of valuable time—and I am not saying that in a spirit of criticism, because I do not want to criticize—but I have seen, at any rate, that the expectation of the country that we would have enough shipping to send this one and a half million men across the water was going to be disappointed, and as I looked forward to the future and saw men at these camps serving a totally unnecessary time in preparation there——

Mr. SAUNDERS of Virginia. That is what I think.

Mr. DEMPSEY. Then I said there will grow throughout the country a sentiment which will demand that which I now advocate, and all I say now is that we accelerate that sentiment and bring it to bear upon those who have authority to grant the furloughs.

Mr. SAUNDERS of Virginia. Now I want to get at that. How does the gentleman propose to accelerate that sentiment? I have tried to accelerate a little of that sentiment with the military people and had a very small success along that line.

Mr. DEMPSEY. I should suppose, for instance, that gentlemen of this Congress would be able to influence the public press of their vicinity to advocate this idea in such a way that it would create a public sentiment in advance of the planting season, which would be so strong and so overwhelming that those who are in supreme command will feel constrained to order the furloughs to be granted.

Mr. SAUNDERS of Virginia. The very moment you start anything of that sort you will be met with the charge that you are interfering with a military system that you know nothing about or that you are disloyal. The military people would not do anything of that kind. I have in mind a young man from my district who is a shipwright and was in the service. How are you going to get him to be utilized for the purpose of shipbuilding? You apply to the military authority to get him out and see what will happen to him.

Mr. BUTLER. If the Shipping Board will ask for him, the Army will release him, for I have had that experience.

Mr. SAUNDERS of Virginia. Then I will come and confer with the gentleman.

Mr. DEMPSEY. In the first place, I do not believe we should indulge in undue criticism. I believe that we should take an optimistic view of conditions; that we should hope, not criticize. I do not believe the time has come in this country when free speech, when free expression of opinion, when it is meant to be constructive, when it is meant to be helpful, should not be indulged in. I do not believe that time has come, and I do not believe it will ever come.

Mr. SAUNDERS of Virginia. I have this case—and every Member has hundreds of them who has an agricultural district—of a farmer that has three sons. He owns a little farm. The farmer has an old wife, and they are 65 or 70 years old. All three of those sons are in one camp, and the farmer wants one of them to come home. But you make application to the department with an excuse of that sort and see what will happen. I want to know what the gentleman would do.

Mr. DEMPSEY. The individual case is a very different case from the collective one. The individual example is a totally different thing from trying to release soldiers for a specific duty which the whole country can see is necessary not alone for ourselves but for our allies. I believe that all that is necessary is the creation of a proper public sentiment. That will secure the result we all wish for from the generals who command our armies.

Mr. SAUNDERS of Virginia. I wish you would do that. I would like to take advantage of it.

Mr. DEMPSEY. I have found them very considerate and willing to do all they properly could do.

Mr. SAUNDERS of Virginia. They are very agreeable, but they never do anything.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman——

Mr. ALEXANDER. Mr. Chairman, it is now 4 o'clock and we ought to finish the consideration of this bill to-day. We all agree it is an emergency measure of the greatest importance, and while it is very instructive to discuss these other questions that are entirely foreign, yet I must insist that hereafter the discussion be confined to the subject matter of the bill.

Mr. STAFFORD. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

Mr. ALEXANDER. There are several other amendments to be considered. After we get through considering the bill and the amendments that may be offered, I have no objection to discussing everything under the sun. I suggest that we proceed to the discussion of this bill and amendments now.

Mr. STAFFORD. Mr. Chairman, I offer an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 4, line 19, after the word "corporation" insert: "But for no longer term than five years."

Mr. STAFFORD. Mr. Chairman, this paragraph vests this great authority in the Shipping Board to loan all or part of this $50,000,000 to any person, firm, or corporation without any limit whatsoever as to the length of term in which it is to be repaid. The framers of the bill admit that this is a very absolute power to be vested at any time, even in war time. I am in full sympathy with the policy of the committee that this money may be loaned to subsidiary corporations, but I am placing myself in the attitude of a director of one of these subsidiary corporations which is in need of money for the building of homes and can not get that money from private banks and wishes to have these buildings erected. They should be willing, as I view it, to accept the money for this purpose on the understanding that it should be repaid within five years. The argument may be made that they would wish to loan this money for a longer term so as to permit the workmen to pay it out during longer periods; but any corporation that really wishes to improve the facilities of its plant by having these houses erected, knowing that they can obtain this loan for five years, can arrange at the end of five years to obtain loans from private sources whereby the money can be returned to the Treasury.

There is this danger in all this legislation, that in these war times we will load down the Government with burdens that will haunt us for years and years to come. There should be some good ground advanced why the terms should be lengthened away beyond the period when the war is at an end. We should endeavor in every way possible to bring these paternalistic schemes to a close at a certain time after the conclusion of the war. The amendment does not limit it too drastically by making it a short period. I merely say five years, and certainly any corporation or any partnership which obtains the money for a five-year term can look forward to the time when that period comes to an end and make other arrangements to take up that loan—

that is all it is, in substance—rather than allowing the Shipping Board full freedom to make a loan for 15 or 20 or any other number of years. Some limit should be placed on this power in the Shipping Board to make these loans.

Mr. ALEXANDER. Mr. Chairman, I call attention to the testimony of Mr. Cuthell at the hearings outlining the plan the Emergency Fleet Corporation has under consideration. It is not simply the question of loaning money to a corporation. The Emergency Fleet Corporation may lend to a corporation or a firm or an individual. But at the same time we want to get that money back. We want to loan it in such form as will save the Government possible loss.

Mr. Cuthell said:

Of course our first direction to them is that they shall not make any money out of this housing business, and we shall use all of our ingenuities to see that they do not make any money out of this housing business, because this is a war measure, and we are putting money in in an unusual way, and we want to provide houses for these employees and not for the profit of any land development company. There will be no salaried officers nor directors; there will be no commissions allowed in any way. The shipbuilding company will be allowed to have a 6 per cent return on its actual investment at cost that they can show by an actual audit of their books to us, and that is all.

And then there are very interesting pay-off provisions of the mortgage that we will have.

I wish to call your attention to this further statement of Mr. Cuthell's:

We propose to lend the money to these subsidiary companies at 4 per cent interest for 15 years, and beginning with the fourth or fifth year that they shall pay off 3 per cent on the principal. Now, bear in mind that it is a separate little company that is making this arrangement with us. We control the arrangement; we control the sale prices. We hope that all of these houses will be sold to the shipyard employees, and it is our intention to make the documents in such form as to facilitate sales. For instance, we mean to take a blanket mortgage for all our advance, and that blanket mortgage will have a schedule of release values annexed to it, so as to each particular plat of land and house in that development there will be an ascribed value. We plan to replace that blanket mortgage if an employee comes along and wants to buy and to take a separate mortgage on that particular tract, so that the employee will get the benefit of a 4 per cent mortgage. He can not get it now at 6 or more per cent, and it will aid him to that extent in financing his own home. There will be practically a trivial amount of cash required for a man to acquire a house in any one of these developments, and we intend to see that they are sold off to employees just as fast as possible.

Now, speaking further about it, Mr. Cuthell figures that to build at this time will cost from 30 to 40 or 45 per cent more than it would cost in peace times, and hence to require an employee to buy, or to expect him to buy, a house on the present basis of cost, and not give him the time in which to pay his debt at the lowest rate of interest, would not only be unjust to the employee but would defeat the very purpose, which is to sell these houses to the employees on long time, on some amortization plan, in the hope that ultimately they will pay for them and provide themselves homes.

Hence the suggestion is made by Mr. Cuthell that this money should be loaned for 15 years. To loan it for five years would defeat its purpose and would make it impracticable, in the view of the attorney, Mr. Cuthell, and Mr. Flannery, the director of housing, to dispose of these houses to the employees at the different shipping plants.

Mr. HAYES. Mr. Chairman, will the gentleman yield there for a question?

Mr. ALEXANDER. Yes.

Mr. HAYES. I want to ask the gentleman if he does not expect that these houses that are proposed to be built will be only for temporary use? It is not to be supposed that all this shipbuilding activity is to continue after the war. That is not the intention.

Mr. ALEXANDER. It is not intended to build houses only of temporary kind. That would depend on the locality. In some of the communities it is not the intention to build houses of a temporary character.

Mr. HAYES. To what use are the houses to be put after the war?

Mr. ALEXANDER. Take, for instance, the yard at Hog Island, there are many other industries in the neighborhood, and the demand for these houses will continue after the war.

Mr. BUTLER. Yes; of course.

Mr. ALEXANDER. In a community like that it would not be wise for the Emergency Fleet Corporation to build temporary structures, because in that event they would be a total loss.

Mr. HAYES. Are all these places situated similarly to Hog Island?

Mr. ALEXANDER. They are not. In some instances they must be of a temporary kind, and after the war is over they may not have any value.

Mr. HAYES. That is what I supposed.

Mr. ALEXANDER. Hence, the reason for not placing any limitation upon the Emergency Fleet Corporation or the director of housing, so that they can meet the conditions in the several communities in a reasonable way, with a view not only to providing for housing but to protect the Government and to ultimately save as much as possible from loss we give them great latitude.

Mr. HAYES. But does not the gentleman think that after the Government has carried it for five years and it has been sold—one house to one workingman—there are plenty of building associations and other organizations where such a workman can get in and have his investment taken care of, without involving the United States for 15 years? Does not the gentleman think so?

Mr. ALEXANDER. Well, the Government has its money in the property.

Mr. HAYES. Surely.

Mr. ALEXANDER. The point is how to get the money out, and if that condition exists at the end of five years, I presume the Government will be glad to get its money out as quickly as it can. But for us to place a limitation in the law such as proposed may defeat the very purpose we have in view, and the result will be a large loss if the Government is forced to call in the loans at the end of five years.

Mr. BUTLER. Mr. Chairman, will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. BUTLER. Does the gentleman care to give the committee his idea whether the Government will entirely abandon that great big shipping plant there after the termination of this war?

Mr. ALEXANDER. I sincerely hope not. I hope we will build up a great American merchant marine.

Mr. BUTLER. I am afraid by the gentleman's answer to the question of the gentleman from California he might be misunderstood.

Mr. ALEXANDER. I hope the industry will continue.

Mr. HAYES. I would like to see an American merchant marine built up as much as anybody. I live on the Pacific coast. We are busy there now. But it is hardly to be expected that we will continue to manufacture ships after the war as rapidly as now. We can not do it. Therefore many of these houses must be of a temporary character.

Mr. ALEXANDER. That is true; but there are communities where the shipbuilding plants will be permanent in character, and the activities will go on after the war. Take the case of Hog Island. The shipbuilding industry is not the only industry in that immediate locality, and hence the Fleet Corporation may well consider that fact and provide for improvements permanent in their nature.

Mr. STAFFORD. What would prevent the individual owner from going to private sources and getting money at the end of five years? Those are subsidiary corporations, capitalized to-day for millions of dollars, and you are proposing to load down the Government for 15 years, not to be paid at any time before that.

Mr. ALEXANDER. I do not think so.

Mr. STAFFORD. There is no limit on the authority.

Mr. ALEXANDER. No; the gentleman's amendment is an unwise one, in my judgment.

Mr. STAFFORD. Business men on this side think it is eminently fair. My limit is five years.

Mr. ALEXANDER. I think if we want to save the Government money, and in view of the plan outlined by Mr. Flannery, the director of buildings, and Mr. Cuthell it will be unwise for us to place any limitation in the law. The Committee on the Merchant Marine, just like the committee here, were anxious to know just what the plans are, how they proposed to carry them out, and how they were going to undertake to protect the interests of the Government with the view to making the losses as small as possible, and we did not think it wise to hamper them too much. We all realize that there will be losses.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. STAFFORD. The gentleman, I believe, from his statement, realizes the need of some limitation. Would he have any objection to an amendment, say, fixing the time at 10 years? I believe 5 years is ample for the purposes of all who wish to borrow this money; but say 10 years.

Mr. ALEXANDER. Make it 15.

Mr. MADDEN. I think 10 years is more than it ought to be, but it certainly ought not to be over 10 years.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to modify my amendment and make it 10 years. I ask for a vote.

The CHAIRMAN (Mr. PRICE). The Clerk will read the modified amendment.

The Clerk read as follows:

Modified amendment offered by Mr. STAFFORD: Page 4, line 19, after the word "corporation," insert "but for no longer a term than 10 years."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by the Chairman) there were—ayes 24, noes 22.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Whenever said United States Shipping Board Emergency Fleet Corporation shall acquire by requisition or condemnation such property, or any interest therein, it shall determine and make just compensation therefor, and if the amount so determined is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined, and shall be entitled to sue the United States to recover such further sum as added to such 75 per cent will make such an amount as will be just compensation for the property so taken, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: Page 5, line 7, after the word "property," insert "or interest therein."

Mr. ALEXANDER. We accept that amendment.

Mr. STAFFORD. That is merely to make it a little clearer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word. I do not understand the provisions of this section of the bill. I want the chairman of the committee to explain why it is drawn in this way. It provides in the body of it here that when this property is taken 75 per cent of the compensation, as determined by the Emergency Fleet Corporation, shall be paid to the owner of the property and the remainder shall be recovered by a suit brought under section 24, paragraph 20, of the Judicial Code.

By referring to section 24 of paragraph 20 of the Judicial Code, as I find it on page 19 of the code, it provides this—and if the chairman of the committee is interested in this I would like to have him listen to this, because I think it is very important to get the bill right. I am in entire good faith, for I am in favor of this bill.

Mr. ALEXANDER. If the gentleman is addressing his attention to me, I will say that this provision has been enacted by this Congress in several bills relating to the condemnation of property for public use.

Mr. ROBBINS. I think probably you could improve this section. Section 24 of paragraph 20 of the Judicial Code provides that the Court of Claims shall have concurrent jurisdiction in all claims not exceeding $10,000. There may be many claims that will exceed $10,000, and in such cases this act will not apply. It says, and I read:

founded upon the Constitution of the United States or any law of Congress, or upon any regulation of an executive department, or upon any contract, express or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect to which claims the party would be entitled to redress against the United States, either in a court of law, equity, or admiralty.

Evidently that law is dealing with the Court of Claims. Then, here follows this provision, that, I think, makes this section absolutely unconstitutional. It does in Pennsylvania, and we have three shipyards that I hope will enjoy the benefits of this act, if it is passed, so I want it to be in such shape that it will work in Pennsylvania. This act provides at the close—

All suits brought and tried under the provisions of this paragraph shall be tried by the court without a jury.

Now, you are setting up a new method of adjudicating questions of damages. You are depriving the litigant of the right of trial by jury. You can not do that in the Commonwealth of Pennsylvania, and you can not do it generally in the other States of the Union.

Now, let us turn to the other provision. Why it should refer to two provisions of the Judicial Code, if one is good enough, I do not understand. But after referring to section 24, paragraph 20, it says, "and section 145 of the Judicial Code." We find that section on page 86 of the code, and that starts out as follows:

The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims (except for pensions) founded upon the Constitution of the United States or any law of Congress, upon any regulation of an executive department, upon any contract, expressed or implied, with the Government of the United States, or for damages, liquidated or unliquidated, in cases not sounding in tort, in respect of which claims the party would be entitled to redress against the United States either in a court of law, equity, or admiralty if the United States were suable.

How are you going to apply that statute in this case? This relates to the Court of Claims, and as a practical proposition, as the jurisdiction is given in this section of the judicial code, you have got to come to Washington to try the cases in the Court of Claims, and this means to drag men out of their home jurisdiction, in Pennsylvania, or Virginia at the Norfolk Navy Yard, or at the navy yard up in Boston, Mass., or wherever these houses are to be built. The owners of the property will have to come here to Washington to try their cases in the Court of Claims. Now, that is contrary to all legal procedure, and burdensome and expensive, and there is no necessity for it.

Mr. GOOD. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. GOOD. Is it not true that without this provision the claimant would have no place where he could bring a suit against the Government of the United States?

Mr. ROBBINS. I say the whole theory of this method of obtaining damages is wrong.

Mr. GOOD. It may be wrong, but what I want to direct the attention of the gentleman to is that it would not be unconstitutional, because at the present time the litigant would have no right to go into any court.

Mr. ROBBINS. He would have a right to go into the United States district court in the place where he lived. If he was a Hog Island man he could go to the district court in the city of Philadelphia, or if he was a Norfolk man he could go to the district court at Norfolk, Va., and try his case, and have a jury, and have the question of damages determined as it ought to be determined. That is the only way it can be determined.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BUTLER. I ask unanimous consent that my colleague may have five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks that his colleague have five minutes additional. Is there objection?

There was no objection.

Mr. ROBBINS. I think this is a good objection to this bill.

Mr. BUTLER. Will the gentleman allow me?

Mr. ROBBINS. Certainly.

Mr. BUTLER. In the last Congress we dealt very largely with this question, occupying nearly one-half day of this House, and they finally determined that this was the method by which damages should be recovered when property was taken from an individual without his consent. In the case of the armor-plate factory it was discussed.

Mr. ROBBINS. If you want to try a case relating to Hog Island or Bristol, why should you not be allowed to do so in the United States district court at Philadelphia, near by.

Mr. BUTLER. I contended then, as the gentleman does here, that the method we should adopt was the one that we have in Pennsylvania; but this House, by a large majority, decided otherwise and adopted this provision.

Mr. ROBBINS. Just let me finish this. There is a general act of Congress providing for the condemnation of real estate, the act of February 9, 1887. Therein it is provided—

that in every case in which the Secretary of the Treasury or any other officer of the Government has been, or hereafter shall be, authorized to procure real estate for the erection of a public building or for other public uses, he shall be, and is hereby, authorized to acquire the same for the United States by condemnation under judicial process whenever in his opinion it is necessary or advantageous to the Government to do so, and the United States circuit or district court of the district wherein such real estate is located shall have jurisdiction of proceedings for condemnation.

There is clearly a defined general statute providing for cases of this kind, and why go back and put it under two sections referring to the Court of Claims, one of which deprives the litigant of the right of trial by jury?

I want to call attention of the gentleman from Pennsylvania on this committee to this matter. You say you are going to provide housing facilities for the workmen employed at the navy yards located at Bristol, Chester, and Hog Island, all in Pennsylvania. If there is an owner of land located on the territory you are going to acquire by condemnation, you can not do it, because the constitution of Pennsylvania protects the right of such landowner. This is the constitution of my State:

SEC. 8. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured, or destroyed by the construction or enlargement of their work, highways, or improvements, which compensation shall be paid or secured before such taking, injury, or destruction. The general assembly is hereby prohibited from depriving any person of an appeal from any preliminary assessment of

damages against any such corporation or individual made by brewers or otherwise. And the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by jury according to the courts of the common law.

Now, if it is your purpose to prevent the three shipyards in Pennsylvania from getting any improvement under this act, you have handsomely provided for it in this bill, because the only clause in the bill under which you can proceed in a local court is one which says that you must determine it without the aid of a jury. The constitution of Pennsylvania steps in and says that you can not deprive a man of his property without the intervention of a jury.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. SAUNDERS of Virginia. Does the gentleman maintain that under the Constitution of the United States it is necessary to have a jury in respect to the ascertainment of damages in land condemnation?

Mr. ROBBINS. Yes; I do. I say you can not take land away from a man without a jury trial if he demands it.

Mr. SAUNDERS of Virginia. Will the gentleman refer us to the section that supports that contention?

Mr. ROBBINS. In the Constitution of the United States is the general provision—article 5 of the amendments adopted when the Constitution was adopted:

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life and limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation.

Mr. SAUNDERS of Virginia. We are all agreed on that.

Mr. ROBBINS. And under that there must be a trial by jury.

Mr. SAUNDERS of Virginia. Can you cite me to the law providing that an ascertainment of land damages by the court in proceedings in condemnation is not due process of law?

Mr. ROBBINS. That is the adjudication in the cases under this section of the Constitution.

Mr. SAUNDERS of Virginia. My friend can not maintain that proposition.

Mr. HAYES. Will the gentleman yield? Does the gentleman from Virginia maintain that due process of law would not include a trial by jury?

Mr. SAUNDERS of Virginia. Not at all. But there may be due process of law without trial by jury.

Mr. HAYES. Not where there is a demand for a jury trial.

Mr. SAUNDERS of Virginia. Oh, yes; in every case where the Constitution or statute or common law does not give the right to a jury.

Mr. HAYES. I would like to know where.

Mr. SAUNDERS of Virginia. In Virginia, for instance, and in many other States.

Mr. ROBBINS. Mr. Chairman, I would like permission to revise and extend my remarks.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROBBINS. I would like to ask the chairman of the committee why he did not adopt language that would put these condemnation proceedings under the act of the 9th of February, 1887, instead of this one in the bill?

Mr. ALEXANDER. The provisions cited here do not relate to condemnation proceedings alone. The provisions of section 24, paragraph 20, and section 145 of the Judicial Code, refer to the court or courts in which the suit may be brought for damages. Section 24, paragraph 20, provides that the United States district courts and the Court of Claims may have concurrent jurisdiction of claims of $10,000 or less. If the amount is in excess of $10,000 the suit must be brought in the Court of Claims. That is all that is involved in the statute referred to. First, the owner of the land and the agents of the Government undertake to agree on the value of the land. If they agree the total amount of the purchase price or the damage is paid direct. If they do not agree, then it is made the duty of the Government to pay to the owner 75 per cent of the sum and remit him to the courts to sue for the excess. The argument made by the gentleman from Pennsylvania [Mr. ROBBINS] it seems to me has no force or relevancy to the situation we are undertaking to deal with in this bill. We are not proceeding under the laws of the State of Pennsylvania; we are proceeding or will proceed under an act of Congress, if this bill becomes a law, and that too with due respect to the provisions of the Constitution of the United States that private property may not be taken for a public use without just compensation. This act provides a method by which that compensation may be ascertained, first, if possible, by agreement, and failing on agreement, then the Government may tender to the owner 75 per cent of the amount regarded by the agent of the Government as just compensation. The party then is remitted to his remedy in the district court of the United States if the amount be $10,000 or less, and if it be in excess of $10,000 he is remitted to his remedy in the Court of Claims. It will not do to say that his property has been taken without due process of law. Every step is provided for. His rights are safeguarded. The ascertainment of the damages, the method by which they may be ascertained may be different in the Federal court under this statute from the method in the State courts, but it will nevertheless be due process of law. A similar provision was written into the naval appropriation bill of 1915, under which the Government was authorized to commandeer great steel plants or munition plants and other great industries in this country in the event the Navy Department or the officers of these different industries were not able to agree upon what would be a reasonable price for their output, and I am told by the gentleman from Pennsylvania [Mr. BUTLER], who is a member of the Committee on Naval Affairs, that the provision in the naval appropriation bill was framed by the Department of Justice, presumably by the Attorney General.

Mr. BUTLER. Yes; by the Attorney General.

The Clerk read as follows:

That whenever the said United States Shipping Board Emergency Fleet Corporation shall requisition any property or rights, or upon the filing of a petition for condemnation hereunder, immediate possession may be taken by it of such land, houses, or other property, rights, and facilities, to the extent of the interests to be acquired therein, and the same may be immediately occupied and used, and the provisions of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended as to all land acquired hereunder.

Mr. ROBBINS. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 5, line 16, after the word "used," insert the following:

"*Provided*, That said corporation shall have authority to institute and conduct proceedings under the power of eminent domain in any State to acquire title to real estate located in such State, whenever necessary."

Mr. ALEXANDER. Mr. Chairman, on that I reserve a point of order. It is certainly not germane to this section.

Mr. ROBBINS. Mr. Chairman, the purpose of this bill is to acquire, by condemnation, lands that are located near shipyards, among others, which yards are not owned by the National Government, and the clause of the Constitution of the United States that confers the right of eminent domain seems to me to limit it to public buildings, works, and forts over which the United States has jurisdiction. This right to condemn that is vested by this act seems to extend it to other propery not owned by the National Government, and I think that in such case, in order to give this act strength, we should make it optional with the corporation to proceed in Pennsylvania—if the land involved be in Pennsylvania—or Virginia or Maryland in connection with the improvement that is to be erected. I do not think the Government under this bill as it is here worded has the right of eminent domain to condemn property that is not located in connection with shipyards owned by the National Government. It is a well-known principle that this right of eminent domain is one that rests upon statute. For instance, this is the fundamental principle which underlies that right:

One of the most firmly established principles of the law of eminent domain is that the burden is on the party seeking to exercise such power to show an express warrant from the legislature. The power of eminent domain will never pass by implication, and even when the power has been expressly granted the grant will be construed strictly against the grantee, and he will not be allowed to take the lands of another unless he acts clearly and unmistakably within the limits of his authority.

I cite this from Nichols on Eminent Domain. Where is there any authority in the Constitution of the United States to condemn, as is proposed in this act, lands for housing dissociated and disconnected with any other improvement that the National Government owns? I concede, and I believe the National Government would have, the right to condemn houses in connection with a shipyard that it owns, to extend and take ground to provide for that shipyard, but that is not this proposition.

That is not the kind of taking we are dealing with. We are dealing with a statute to which is applied the strictest construction known to the law, on the civil side of the court at least.

Mr. HARDY. The gentleman conceives that the Government of the United States would have no right to exercise the power of eminent domain to condemn property and build houses for cantonments for the temporary use or permanent use of its soldiers, having no other property in the neighborhood?

Mr. ROBBINS. That would be a complete unit, a unit in itself, for the military power, and that would be under the case of ex parte Milligan an exercise of the war power.

Mr. HARDY. Is it not simply condemning property for the use of the Government?

Mr. ROBBINS. Oh, no. There is the property as a whole that the United States would take under the war-making power which would be to complete a part of the armament and equipment for the national defense. Such are its cantonments. We propose here to do a different thing. You propose here to build houses alongside privately owned shipyards. Where is the power to do it? You have got to put your finger upon the statute, and you have not got the power. There is no implication of the right to condemn here.

Mr. ALEXANDER. When we enact this law——

Mr. SAUNDERS of Virginia. Does the gentleman think that the necessary power has not already been given to the Emergency Fleet Corporation?

Mr. ROBBINS. Well, you must show in the Constitution the right upon which you can found this act of Congress, because we are acting under delegated powers conferred on us by the States. We derive our power entirely from the Constitution.

Mr. SAUNDERS of Virginia. All that the gentleman's amendment will do will be to give this corporation authority to institute condemnation proceedings, is it not?

Mr. ROBBINS. In the State courts where the land is located. There is no question about it.

Mr. SAUNDERS of Virginia. Why should the corporation not proceed in the Federal courts? That is the appropriate and customery tribunal for proceedings by or against the Government.

Mr. ROBBINS. Because we have not got the right to do it, as I am trying to explain. It is a power which is outside and beyond the limit of the Federal Constitution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDY. Mr. Chairman, I ask that the gentleman's time be extended to answer a question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HARDY. Under this amendment which the gentleman proposes, whereby the corporation would have to proceed in the State courts with methodical and long-drawn-out litigation for the condemnation of this property, it seems to me the gentleman brings about this situation: First, that we could not take immediate possession at all——

Mr. ROBBINS. Let me correct the gentleman right there.

Mr. HARDY. And therefore the immediate purposes of the act would be defeated. Second, the Constitution does not allow the condemnation unless it is to be used in connection with some property already owned by the Government, and therefore we could not condemn. So the State of Pennsylvania, according to the gentleman's contention, would have to do without any of these improvements.

Mr. ROBBINS. I beg the gentleman's pardon. Under condemnation proceedings in the State courts, as soon as notice is given to the owner of the land within five days thereafter the petitioner can file a bond which when approved by the court passes the title at once and vests it in the corporation taking the property, and possession is taken at once. The litigation afterwards relates entirely to damages to be recovered on the bond. Therefore the quick and speedy way to acquire this title is to institute condemnation proceedings in the State court by the corporation or petitioner desiring to acquire the title to the land.

Mr. SAUNDERS of Virginia. If the gentleman will permit, I would like to ask him this question, because we want to make an issue, and this we can not do unless we find out what we respectively stand for. Does the gentleman contend that in spite of this statute should it become a law, and in spite of our powers under the war power, that in the State of Pennsylvania the Fleet Corporation will not have the right to proceed by way of condemnation in the district courts of Pennsylvania to acquire the property desired? Is that the gentleman's contention?

Mr. ROBBINS. Yes. They are up against private property owned by the people. It is not a complete unit. You are condemning houses there to be used by private corporations. The right of eminent domain does not give any such power as that.

Mr. SAUNDERS of Virginia. What does the gentleman refer to as a private corporation, the Fleet Corporation?

Mr. ROBBINS. No; to the shipyards. The shipyards at Bristol, Hog Island, Chester, are owned by private parties.

Mr. SAUNDERS of Virginia. We are not giving a private corporation the right of condemnation. The right of condemnation is afforded only to the Fleet Corporation.

Mr. ROBBINS. The gentleman misunderstands me. But there are private shipyards alongside of which you propose to condemn ground and erect houses by the General Government.

Mr. SAUNDERS of Virginia. Yes.

Mr. ROBBINS. Well, that is what I say.

Mr. SAUNDERS of Virginia. You understand, do you not, that it is proposed by this bill, to give the Fleet Corporation the power to condemn for war purposes, property related to the buildings that you have in mind?

Mr. ROBBINS. Yes.

Mr. SAUNDERS of Virginia. But your contention is we can not do it unless we authorize them to proceed in the courts of your State?

Mr. ROBBINS. Yes; proceed in the courts of the State. And there they would have a right to do it.

Mr. SAUNDERS of Virginia. How can we give any greater right by authorizing the Fleet Corporation to proceed in the courts of your State, afford a greater right than we can give it the right to proceed in the Federal courts that are created by virtue of the Constitution and are part of the Federal system? Is it your idea that we will derive our powers from the State constitution?

Mr. ROBBINS. No.

Mr. SAUNDERS of Virginia. That seems to be your contention.

Mr. ROBBINS. I suggest that the State court is the proper place in which to carry on the condemnation proceedings.

Mr. ALEXANDER. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. MONDELL. I am opposed to the amendment offered by the gentleman, but I do not intend to discuss it.

Mr. ALEXANDER. But I do, and I think it is my duty to discuss it.

Mr. MONDELL. I shall want to follow.

Mr. ALEXANDER. I would like to discuss it now, so that the two arguments may be together.

Mr. MONDELL. That is fairly satisfactory to me.

Mr. ALEXANDER. Now, the gentleman from Pennsylvania [Mr. ROBBINS] labors under the impression that there is no other way to condemn property for a public use except as provided by the laws of Pennsylvania. The constitution of every State in the Union prescribes that property may not be taken for a public use without just compensation, and the method by which property may be condemned for a public use is different in practically every State in the Union. We are undertaking to condemn property for the use of the Federal Government and as a war measure. It is just as important, in providing for the national defense, to provide ships and the facilities to build them as to provide armies and equip them. The Constitution of the United States says that property may not be taken for Federal use except upon just compensation. We have undertaken, having respect to that provision of the Constitution, to provide a method by which that property may be condemned, a Federal statute under which the property may be condemned for Federal use. Now, it would be unfortunate, indeed, if in every instance where it is necessary to condemn property for a Federal use we would be remitted to the remedy or process provided in the State. But this paragraph of the bill that the gentleman seeks to amend refers to the section of the Federal statute the provisions or requirements of which we seek to suspend in order to facilitate the work by taking immediate possession of the property, whether purchased or condemned, and not wait for the opinion of the Attorney General as to the title.

Now, section 355, to which reference is made in the paragraph, and the provisions of which it is sought to suspend, is as follows:

> No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be to such purchase has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, and which may not be in possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments, respectively.

Mr. STAFFORD. I know the gentleman has given a great study to this question. Can he state to the House the provisions of the statute which provides authorization to the National Government to condemn private property for the purposes of the Government?

Mr. ALEXANDER. We have never had a general statute—I state that simply on information—under which the Government may condemn private property for public use. The Congress at all times has undertaken to reserve that power and confer it only when it was to be exercised with reference to a specific case, as we are undertaking to do here. I think you will find——

Mr. STAFFORD. Then under what procedure will the Government go ahead and take this private property for public purposes?

Mr. ALEXANDER. Under the provisions of this bill when enacted, which authorizes the condemnation of property and provides how it may be done in the event the parties can not agree on the price——

Mr. STAFFORD. Oh, yes; but where is the procedure? It does not say in what court they shall proceed. The bill provides that in case the individual declines to take the award you offer, then the procedure follows; but there is no procedure fixed in the statute or any procedure authorized in this bill to go ahead under condemnation proceedings.

Mr. ALEXANDER. The gentleman is mistaken. The bill does authorize and fix the procedure. If the amount involved is less than $10,000, the United States district court and the Court of Claims have concurrent jurisdiction.

Mr. STAFFORD. As to claims?

Mr. ALEXANDER. As to damages. If the gentleman ever tried a condemnation suit in his life he would know that the issue is one of damages.

Mr. STAFFORD. I grant that.

Mr. ALEXANDER. Of course, if a railroad undertakes to condemn property for railroad purposes, they take the property first, and afterwards the amount of damages is ascertained.

Mr. STAFFORD. But there is a certain procedure laid down in that case. There is no procedure laid down here in the bill or under our statutes.

Mr. ALEXANDER. It is just the same. I refer you to the paragraph following paragraph 5.

Mr. ROBBINS. Mr. Chairman, may I ask the gentleman from Missouri a question?

Mr. ALEXANDER. All right.

Mr. ROBBINS. Is it not provided frequently in the statutes that the damages under condemnation proceedings shall be ascertained according to the laws of the State in which the condemnation proceedings were had? The gentleman from Virginia [Mr. SAUNDERS] says that would be an anomaly. But I want to cite the case of United States against Jones, One hundred and ninth United States Reports.

Mr. SAUNDERS of Virginia. If the gentleman from Pennsylvania will pardon me in that connection, that is not precisely what I said. I said it would be an anomaly for the Government to proceed in condemnation proceedings in a State court. The procedure in the Federal courts sitting in a State follows, as a rule, the procedure in that State, but the procedure of the State courts would not be paramount over procedure prescribed by Federal authority for the Federal courts.

Mr. ROBBINS. This case, the case of United States against Jones, arose in regard to taking a post-office site in the State of Alabama. That is in line with the amendment I suggested as being the provision which should be put into this bill. I quote from the opinion of the Supreme Court, on page 520:

> Whenever it became necessary to take private property, "the price to be paid shall be determined, and the title and jurisdiction procured, in the manner prescribed by the laws of the State of Alabama."

Mr. SAUNDERS of Virginia. You do not understand that that would require the Federal Government to proceed in the courts of Alabama?

Mr. ROBBINS. It makes it optional, and for this purpose. I have this decision before me. In the report of the committee which has been filed here, on pages 23 and 24, it is stated, when the chairman was asked whether he would use this power, that it is only to be resorted to as a power to prevent undue prices being put up by land speculators against the Government.

I want to make this bill clear as to their right to resort to condemnation proceedings in the State where the land is situated, or in the Federal court, so that this work will not be delayed, and it is in line with this decision of the Supreme Court of the United States that I have just cited.

Mr SAUNDERS of Virginia. Mr. Chairman, I wish to say just a word or two with respect to the legal questions that have been raised, and to restate a little more precisely the position that I hold, and which I think is held by the committee.

Speaking for myself, I am not acquainted with any case in which the Federal Government proceeded to condemn property for its own purposes in the courts of the State where the property sought to be condemned was located. So far as I am acquainted with such matters, the proceedings are taken in a Federal court.

With respect to our power to do what is proposed to be done under this bill, I wish to say that the Congress is certainly clothed with the power to enact legislation for the common defense. Congress has the right to declare war, to provide a Navy, to provide for the common defense, and to make all the laws necessary and proper to carry these powers into execution, and all other powers vested in it by the Constitution. This is a measure for the common defense. We propose to do certain things immediately relating to agencies that are being operated in the interests of national defense, and it seems to me that the position can not be successfully maintained that, when we are so legislating and proceeding under the general war power at a time when we are actually in war, we lack the power to prescribe precisely, not only for the condemnation of property by the United States to make effectual the common defense, but the procedure as well by which that property is to be acquired. The rights of all parties concerned are provided for in this bill.

It is not proposed to strip anybody of any substantial rights, or to take something for nothing. We propose to pay for every square foot of property acquired by the procedure contemplated. In order to expedite action—and certainly this is a time when expedited action is of the essence—it is provided that when proceedings in condemnation are once instituted, possession may be taken at once of the property desired in order that there may be no delay which would hinder the successful prosecution of the war aims of the Government. But we have not taken from any man the right to recover the fair value of his property. We give him the right to sue the Government in a court of compensation for whatever balance he claims may be due him in excess of the 75 per cent which has been appropriately ascertained. We pay over to him 75 per cent, and give him the right to sue for any balance that he may claim. Not only have we given the right to the landowner to do this, but we have amply provided for the protection of the rights of every citizen of the United States who may be affected by this legislation.

Mr. ALEXANDER. I will withdraw the point of order and let the committee decide it.

The CHAIRMAN. The question is on the amendment.

The amendment was rejected.

The Clerk read as follows:

> That for the purpose of carrying out the provisions of this act the expenditure of $50,000,000 is hereby authorized, and in executing the authority granted by this act the said United States Shipping Board Emergency Fleet Corporation shall not expend or obligate the United States to expend more than the said sum.

Mr. GREEN of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Mr. GREEN of Iowa offers the following amendment:
> Page 6, line 17, after the word "sum," strike out the period, insert a comma, and add the following: "nor shall any part of said sum be paid upon any contract for construction which provides that the compensation of the contractor shall be the cost of construction plus a percentage thereof for profit, unless such contract shall also fix the reasonable cost of such construction as determined by the United States Shipping Board Emergency Fleet Corporation and provide that upon any increase in cost above the reasonable cost so fixed by such board the percentage of profit shall decrease as the cost increases, in accordance with a rate to be fixed by said board and expressed in the contract: *Provided, however*, That nothing herein contained shall be construed to prevent said board from contracting for the payment of premiums or bonuses for the speedy completion of the work contracted for."

Mr. GREEN of Iowa. Mr. Chairman, I had hoped that this bill would contain some limitation upon the powers of this board with reference to contracts. Our experience has been so unfortunate, to say the least, when we have granted indefinite powers to boards and commissions to pay any sum that they wanted to pay, and to make any kind of contracts that they desired, that it is time some limitation was put upon their powers in this respect. I am unable to agree entirely with the gentleman from Massachusetts [Mr. GILLETT], who said yesterday that the evils from which we were suffering grew out of the fact that we had appropriated lump sums. I believe that under circumstances like those we have now in hand it is necessary to make lump-sum appropriations, but I believe that if the boards and commissions themselves will not put some restrictions upon these contracts which will in some way limit the

profits that may be derived under them it is time that this Congress did so. I agree entirely with the gentleman from Wisconsin [Mr. LENROOT] who said yesterday that if we had a committee upon expenditures, as was proposed in the last session—and I might say in this connection proposed by myself—a number of these contracts of which so much complaint has been made never would have been thought of; but we have not got such a committee, and it is time that something was done to restrict these profiteers. Gentlemen yesterday related the waste and extravagance that had occurred in building our cantonments, and waste and extravagance have simply run riot in connection with the Hog Island project. The ground of that shipyard cost two or three times what it ought to have cost, two or three times what it could have been purchased for a short time before the contract for purchase was made. Men have been employed in connection with this Hog Island project at salaries two, three, four, and sometimes five times what they were receiving before. Publicity agents were employed at a total something like $20,000, as I remember, to exploit the great virtues of the splendid management under which these ships were to be built at this project. I am glad to say that my understanding is that Mr. Hurley has since dispensed with some of these publicity agents, with relation to whom I might say also at this time that some of them had no opportunity whatever to attend to publicity or anything else except their own business in which they were already fully employed.

Mr. COX. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. COX. Has the gentleman read this evening's Star?

Mr. GREEN of Iowa. No; I have not got that far. I suppose there is an addition to this story.

Mr. COX. There is, and it is very interesting. A colonel by the name of Black, a former graduate of West Point at the public expense, I presume, its seems, got hold of 500 acres of land where one of these shipyards is located and only got $2,000 an acre for it. It was land that had only been appraised and assessed at $100 an acre. Other land in that vicinity had been sold for $500 an acre, and yet this patriotic Col. Black, of New York, somehow got $2,000 an acre for 500 acres of land, amounting to $1,000,000. That is patriotism.

Mr. GREEN of Iowa. There are a large number of patriots mixed up in this Hog Island project. The great object seems to have been to hog everything in sight.

Mr. COX. This colonel has hogged his share of it. [Laughter.]

Mr. MOORE of Pennsylvania. We have reached the point where we favor a change of name.

Mr. GREEN of Iowa. I do not think the name ought to be changed. It is altogether appropriate. I will say this, that so many of these cost-plus contracts have been let that it simply put a premium on graft and waste and encouraged extravagance.

Mr. BLACK. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLACK. Would it not be wise in the amendment to empower the Emergency Fleet Corporation to fix the limit of cost and not allow the contractor any compensation when the figures go beyond that limit of cost?

Mr. GREEN of Iowa. The difficulty with that, as I understand the board, is that the cost is daily advancing, so that at the time of the contract it would be impossible to fix a price as the work proceeded.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Now, Mr. Chairman, this amendment which I have offered, instead of providing an inducement for graft, for waste, and for extravagance, offers an inducement to perform these contracts as cheaply as possible. It provides, in the first instance, that a reasonable cost be fixed and determined at the time of the contract by the Shipping Board.

Mr. MADDEN. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MADDEN. As I read the amendment, I am inclined to think that under the language the Shipping Board would be obliged to let the work in competitive bidding.

Mr. GREEN of Iowa. Under my amendment? No.

Mr. MADDEN. That is the way it reads to me.

Mr. GREEN of Iowa. The amendment provides that in any contract if let on a basis of compensation plus cost——

Mr. MADDEN. How does the gentleman construe this language?—

Nor shall any part of said sum be paid upon any contract for construction which provides that the compensation of the contractor shall be the cost of construction plus a percentage thereof for profit.

That language would seem to prevent the Shipping Board from doing this work on a basis of cost plus.

Mr. GREEN of Iowa. "Unless," as the provision goes on to say——

Mr. MADDEN. Unless such contract shall fix a reasonable cost of such construction as determined by the United States Shipping Board Fleet Corporation.

Now, if the board could fix a reasonable cost in advance, they could only do that by stabilizing the cost of material and stabilizing the price of labor, and of course if they could do those two things then they could let the contract by competitive bids, but if they can not do either or both of the things it would be absolutely impossible to fix the price in advance. I am trying to get before the gentleman my view of the thing, so that he may explain it for the understanding of Members here.

Mr. GREEN of Iowa. The fixing of a reasonable price is in the option or in the discretion of the board. They can fix it at any sum, and it would be assumed that they would fix it at a reasonable price at the time the contract was made. It does not mean that they are to control prices, and would not have that meaning as a matter of law.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MOORE of Pennsylvania. Since the gentleman has obtained recognition and offered his amendment, I will not offer the 5 per cent amendment I had in mind. I would like to ask the gentleman whether the effect of his amendment would be to limit the discretion which seems to have existed heretofore to pay bonuses and increases of cost after work was commenced?

Mr. GREEN of Iowa. The amendment that I have offered would not eliminate that, but it would decrease the percentage of profit as the cost was raised, so there would be no inducement to increase the cost, but rather an inducement to decrease it, and it provides for fixing the reasonable cost at the time the contract is entered into.

Upon that a certain percentage could be paid under the provisions of my amendment. That is, that would be an absolute sum that the contractor would get in any event. If he exceeded that, his percentage would decrease in proportion to the increase of the cost.

Mr. MOORE of Pennsylvania. The amendment cuts out the cost-plus percentage, as we now understand it, does it not?

Mr. GREEN of Iowa. It does not absolutely forbid such contracts; but my amendment is drawn upon the theory that such contracts may be found to be necessary at times, and it proposes to so modify them that instead of offering a temptation to waste and extravagance which is offered in the ordinary form of these cost-plus contracts, there will be an inducement to economy.

Mr. MOORE of Pennsylvania. In other words, the amendment proposes to pay a premium to those who reduce the cost?

Mr. GREEN of Iowa. Yes. It limits the profit; and under it a contract could be so drawn that if extravagance and waste were permitted it would be at the expense of the contractor. For example, the contract could provide that if the estimated price was exceeded by 5 per cent the contractor would receive 5 per cent on that extra cost; if it was exceeded 10 per cent, 1 per cent of the excess; if exceeded 15 per cent, one-half per cent, and so on. The higher the cost mounted the less the contractor would get; but it would not stop the making of contracts, because the contractor would get his per cent on the estimated reasonable cost in any event.

Mr. MONDELL. Mr. Chairman, I rise to support the amendment offered by the gentleman from Iowa [Mr. GREEN]. I had in mind offering an amendment which absolutely forbid cost-plus contracts. I believe that such an amendment, if adopted, would not unduly hamper the Shipping Board in this construction, and I am of opinion that cost-plus contracts, if justified at any time, under any circumstances, are not necessary in connection with this work. But there seems to be some difference of opinion in regard to that, so I shall not at this time offer the amendment, but will support the amendment offered by the gentleman from Iowa. The amendment of the gentleman from Iowa provides that the Shipping Board shall make an estimate of cost as they do now in all these cases. Under that amendment they could enter into a cost-plus contract, but when the expenditure reached the estimated cost the percentage of profit would begin to decrease in such manner as might be provided for in the contract, taking away at least some of the temptations to increase the cost in order to secure added profits. I believe it would be a great improvement upon present methods.

We have had a very sad and unhappy experience under these cost-plus contracts. I think the first time they were suggested in the House in connection with an appropriation bill I expressed the opinion that we would have very great scandal under that kind of contract. I argued that it encouraged waste and extravagance and would lead to graft, and that it was very unwise to pursue such a policy. The outcome in the building of cantonments and particularly at the Hog Island shipbuilding plant, has certainly justified the fears I expressed when the matter was first considered in the House. Hog Island! What a prophetic soul was he who named it! Hog Island—a shipbuilding plant that was to cost $21,000,000 has cost $29,000,000 up to date and will cost $45,000,000, and not a keel laid, not a ship under way! Hog Island—where, according to the record so far, no one person has been able to get on the pay roll more than seven times or draw more than seven salaries! How many patriots have drawn more than seven salaries we do not know. We know that at least one man there has been so patriotic in his support of his Government that he has drawn seven salaries for his patriotic endeavors. Whether he did any work the record does not disclose—probably not, as it must have taken all his time to draw his seven salaries.

Mr. COX. What was the aggregate of the seven salaries?

Mr. MONDELL. I do not know, but as even a water boy who drew less than $5 or $6 a day seems to have been considered a piker, it must have been a fairly good sum. Hog Island! When all the land lay under a fearful condition of freight congestion, and from all parts of the country there was a cry for empties, for cars to carry coal, when in this city 5,000 homes, according to official statements, were cold and cheerless, without fuel in zero weather, when all over the land there were countless families, women and children, suffering for want of coal, then, and under these conditions, Hog Island had an average of 1,500 loaded cars standing on sidetracks, on each of which your Uncle Samuel paid $5 per day demurrage—$6,500 per day paid at Hog Island out of the Federal Treasury for demurrage on cars that could have been unloaded any day! And as the patriotic, high-minded corporation that had the contract was, I understand, getting 10 per cent on all costs, it was on that basis drawing into its pocket from the National Treasury every day $650 as its rake-off on the $6,500 per day that the Government was paying on demurrage. It was testified at the hearing that at one time there were over 3,500 loaded cars, all paying demurrage, I presume, and adding to the graft. According to the sworn testimony before the Senate committee, while these cars were lying on sidetracks with their loads, a third of the men under pay were not working because the material was not unloaded. Hog Island! Where one piece of work, estimated to cost $50,000, cost $660,000. Hog Island! Where every device criminal ingenuity could invent was practiced to increase costs to the Government and profits to grafters. Hog Island! What a libel the Saturnalia of graft that flourishes there is on honest swine. Men have been shot for less traitorous doings in times of war. Is it any wonder that we seek to prevent such unbridled graft in the future?

Mr. ALEXANDER. Mr. Chairman, yesterday under leave to extend my remarks in the RECORD I inserted a statement from Moody's Manual, edition of 1917, giving the names of the officers and directors of the American International Corporation, the agency selected by the United States Shipping Board Emergency Fleet Corporation to construct the shipbuilding plant at Hog Island and to build ships therein. They are men of national reputation in the financial world, and we might reasonably have expected under the present emergency, inspired by patriotism, they would have faithfully discharged their trust and protected the interests of the Government. I want to be just and say that I do not believe that Mr. Frank A. Vanderlip, who is president of the board of officers of the American International Corporation, had personal knowledge of these conditions, and I am optimistic enough to believe that as soon as he and the other high officers of the corporation have their attention called to conditions at Hog Island they will cooperate with Admiral Bowles in cleaning out the Augean stables and giving the Government a square deal.

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. ALEXANDER. Yes.

Mr. COOPER of Wisconsin. What is the reason that the president of that corporation, who lives in New York City, only 90 miles away from the shipyards, could not have been acquainted with conditions there and could not have gotten there in three hours?

Mr. ALEXANDER. As the gentleman knows, he is president of the National City Bank also.

Mr. COOPER of Wisconsin. He has been traveling all over the country in a private car. Why could not he have taken three hours to travel to that shipyard?

Mr. ALEXANDER. Well, he certainly has notice of the conditions at Hog Island now, and the duty devolves upon him and the other officers of the corporation to look into conditions and remedy them, and restore to the Government at least a part of this money which has been wastefully expended, and stop the graft that has become a scandal and a stench in the nostrils of honest men.

Now, I am in entire sympathy with the purpose of the gentleman from Iowa [Mr. GREEN], who offered the pending amendment. I would be reluctant to do anything or oppose any amendment the purpose of which would be to protect the Treasury against such waste as has been going on at Hog Island and the waste that has gone on in connection with building of cantonments.

Mr. BLACK. Will the gentleman yield for a question on that point?

Mr. ALEXANDER. I will.

Mr. BLACK. Does the gentleman think any man ought to accept as responsible a position as the president of a great concern like that and not devote some personal attention to the management of the corporation and have some personal knowledge of what is going on?

Mr. ALEXANDER. Mr. Vanderlip, I imagine, is connected with so many corporations in a responsible capacity that it would be impossible for him to give his personal attention to the details of all of them, and I assume he thought the responsible agents of the corporation would give the Government a square deal.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. ALEXANDER. Yes.

Mr. COOPER of Wisconsin. I am not acquainted with the president, and, of course, do not wish to attack him any more than the gentleman from Missouri, but does the gentleman from Missouri think it is part of his duty as chairman of this great committee to excuse in advance the officers of a corporation like that, who live within a few miles of it, practically all of them, and lay the blame upon their subordinates?

Mr. ALEXANDER. I do not want to excuse them.

Mr. COOPER of Wisconsin. The gentleman did excuse them.

Mr. ALEXANDER. Well, I did not intend to.

Mr. COOPER of Wisconsin. There has been in this country, if the gentleman will permit the suggestion, back for a generation or more, to my certain knowledge, too much of these excuses of men who are big and prominent, at the head of great corporations, and putting the blame on their subordinates. It is time the men who are in charge of corporations—the officers—should be held responsible for such outrageous doings as are going on at Hog Island.

Mr. ALEXANDER. I can understand why Mr. Vanderlip did not have knowledge of conditions up to this time, but I can not understand why he may not have knowledge of conditions now, and I am not disposed to excuse him unless he does his utmost to remedy them. And I do not say Mr. Vanderlip alone, but every officer and director of the American International Corporation as well.

Mr. MOORE of Pennsylvania. Mr. Chairman, in order to get the facts straight, is it not true that Mr. Vanderlip, who was president of the National City Bank, a very powerful New York corporation, recently resigned the presidency of that institution to enter the service of the Government at a dollar a year to sell war-savings stamps on behalf of the Secretary of the Treasury?

Mr. ALEXANDER. I did not understand he had resigned as president of the bank, but I do understand he has given a large part of his time, if not all of his time, to the purpose mentioned by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. I recall having read recently that Mr. Vanderlip did resign as president of the National City Bank, and that he did so, stating that he had put all financial interests behind him; that he proposed to dedicate his services to the Government of the United States; that he felt that the sale of the war-savings stamps was a patriotic duty and that he desired to "do his bit" in that way. His services were accepted, as I understand it, by the Secretary of the Treasury, with whom he has been cooperating from that time to this.

Mr. ALEXANDER. Now, with reference to this amendment, it provides:

Nor shall any part of said sum be paid upon any contract for construction which provides that the compensation of the contractor shall be the cost of construction plus a percentage thereof for profit, unless such contract shall also fix a reasonable cost of such construction as determined by the United States Shipping Board Emergency Fleet Corporation.

Now, as pointed out by the gentleman from Illinois [Mr. MADDEN], who is unquestionably one of the best business men in this House, how is the board to ascertain the cost of construction? The great difficulty is to ascertain such cost. I do not suppose there is a man in any department of the Government that does not realize the vice in the cost-plus plan, but can you determine what the cost of the material will be? Can you determine the cost of labor when the labor cost is shifting and increasing from day to day? How are you going to ascertain what it will cost to build a house? Will any reasonable contractor, having regard to his own welfare, agree to build a house for $2,500 without reference to the probable increased cost of material or the increase in the cost of labor, without undertaking to protect himself against those contingencies? I wish it were so. I wish these costs were stabilized. It might be done in peace times, but under existing conditions when costs are increasing from day to day that is the problem confronting the Government.

Mr. MONDELL. The gentleman knows, of course, the Emergency Fleet Corporation now and the War Board now make an estimate of the cost of all of these contracts. They do that, and that estimate, if it is not a part of the contract, is presented with the contract. It is supposed to be a guide. Twenty-one million dollars was the esimated cost of Hog Island. Now, why is it not entirely feasible to enter into a contract with the provision that when that estimated cost is reached the profit shall decrease as the cost increases further? Does not that give the very leverage that is needed to discourage increasing the cost?

Mr. ALEXANDER. Now, let me call the gentleman's attention to this fact: Suppose the Emergency Fleet Corporation does estimate the cost. They must get a contractor. He may say, "That is not a reasonable cost; you can not figure on what will be a reasonable cost to-morrow; you can not figure on the cost of material to-morrow; you can not figure on the cost of labor to-morrow. Hence, I am not going to take that contract with the provision in it that my profit shall be 5 per cent in excess of your estimate, because the increased cost of labor and material to-morrow may entirely wipe out that 5 per cent, and there will be no inducement for me to take the contract. I can not afford to take the chances." Of course, the Emergency Fleet Corporation may say, "We will pay you 25 per cent and make the margin wide enough." He may say, "I will take it on a cost-plus basis, based on your estimate, but I want the per cent large enough to cover any possible increase in the cost." And under this amendment they make it 5 per cent, 10 per cent, 15 per cent, 20 per cent, or 25 per cent, to meet that condition. Hence, while the purpose of this amendment, it does not solve the difficulty.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. ALEXANDER. Then the remedy would fail. Yes; I yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. So far as the steel is concerned, used in that Hog Island yard, the Government of the United States fixed the price absolutely and arbitrarily at $65 a ton. I heard a witness testify to that not more than half an hour ago, and he was one of the contractors.

Mr. MADDEN. There will not be any steel used in these houses.

Mr. ALEXANDER. There will be some hardware in the houses, of course, but the houses will not be of steel construction.

I am in entire sympathy with the purpose of this amendment, but I do not believe that if written in the bill it would militate against carrying out the housing scheme, if it unduly hampers the Emergency Fleet Corporation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent that he may have one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COX. The gentleman seems to think he is in sympathy with this amendment; at least, that it will work out. Does not the gentleman believe that it ought to go to conference, of which he will be a member, and be worked out there?

Mr. ALEXANDER. I am in sympathy with the principle of the amendment, but I do not believe this amendment is drawn along the proper lines to meet the conditions.

Mr. COX. That may be; but we have all the confidence in the world in the gentleman, because he will be a member of that conference committee, and we think it ought to go there and let it be worked out. We will not be deceived in you at all.

Mr. HARDY rose.

The CHAIRMAN. Does the gentleman from Texas desire recognition?

Mr. HARDY. Yes. I wish to make just a few observations.

The CHAIRMAN. The gentleman can move to strike out the last word.

Mr. HARDY. I do that. I believe that if any provision of this kind should be adopted, it should simply be a straight, unequivocal provision that there should be no cost-plus contracts. If that were done the corporations expected to be organized by the shipyards to carry out, at least in part, the purposes of this act would simply have to employ good superintendents who would go out into the market and hire labor and buy materials to construct these houses. The superintendent acting for the corporation which got the money from the Government would be paid a reasonable salary, and the only profit to anyone would be the salary of that superintendent. That, I think, would be the way I would build a house for myself at this time, since no contractor would perhaps make a bid to build for me without a wide and safe and more than safe margin to cover any fluctuation in prices of labor or material. Now, if any amendment is going to be adopted, I believe one ought to be adopted that would prohibit the cost-plus contracts.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. HARDY. Yes.

Mr. HELM. We notice here in Washington blocks of houses that seem to be standardized to a type. Would it be possible for the persons connected with this board to agree upon a certain type of house?

Mr. HARDY. Unquestionably that is contemplated. They will have one type for this location and another for that location, suitable for the climatic conditions and the other conditions.

Mr. HELM. Then they could let a contract for a certain number of houses of a certain distinct type?

Mr. HARDY. Yes; that is true. Mr. Chairman, I agree with what the chairman of the committee said a moment ago. No contractor will feel himself safe to contract for 50 houses, or whatever number it may be, at any given price per house, because he does not know what the rate of wages will be to-morrow, and he does not know what the price of lumber will be to-morrow, or the price of any other material. The fluctuation in the prices of everything that enters into the cost of construction is so great that you are either bound to rely on the honesty of your manager to give you fair measure for all you spend in construction or else you have got to pay a fixed sum for the completed job you want done, far in excess in all probability of its actual cost. If you had a good superintendent who could go out into the labor market and into the material market and honestly secure labor and materials as cheaply as he can get them, you would have to pay him a good salary, but that would result in the cheapest construction you could get. The cost-plus policy has demonstrated itself to be full of scandal and rottenness. [Applause and cries of "Vote!" "Vote!"]

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last two words.

Mr. MOORE of Pennsylvania. Mr. Chairman, all of us desire, of course, that some system shall be devised by which we can stop the waste and extravagance that have been referred to. Those coming from the vicinity of Hog Island, I think, feel that way; but so much has been said about that place and its proximity to the city of Philadelphia, particularly by the gentleman from Wyoming [Mr. MONDELL], that I feel a word or two should be said concerning the desire of the people there to have this work properly done.

We want ships. The people of Philadelphia and of Pennsylvania are intensely patriotic. They are shipbuilders. They have built ships systematically for more than a hundred years. They know how to build ships. The difficulty here was that people came in who had the reputation of "knowing how," but who up to the present time have succeeded largely in spending money. They have not built the ships. Now, we want the ships built.

That is the general feeling around about that vicinity. There is no disposition to keep up this continual scandal, due to waste and extravagance. There is every disposition to have that chapter closed, even if the Government has lost money through its contracts, whether made foolishly or otherwise. We want results that will be creditable to the Government as well as to the locality.

Of course there has been difficulty in getting labor to the point called Hog Island. It takes some time for a mechanic to go from Philadelphia 8 miles down to Hog Island or 8 miles up from Chester. It takes time for him to get over from Billingsport or Camden and get down to Hog Island and then get back home. That causes great loss of time and en-

ergy. To a certain extent it accounts for some of the confusion in the labor problem there. But the Shipping Board has taken notice of the complaints of citizens and of the critics of the present system, and it has taken the bit in its teeth recently. The exposures being made on the other side of the Capitol and the things said in this House may be doing good, but the Shipping Board has taken the bit in its teeth, as I have said, and promises better things. It has sent a competent, up-to-date shipbuilder to Hog Island to see that this wretched business is straightened out.

I am happy to say that Admiral Bowles is upon the ground now, and that one of the first things he has done—and he is proceeding up to date, without any flourish of trumpets—has been to dispense with the services of $10,000 a year advertising men who have aided, probably, in keeping facts from the public. I do not believe in press agencies that suppress the facts. The public ought to know what is going on, and Admiral Bowles has indicated that it shall know. He is dispensing with the services of those who have tended to muddy the waters. [Applause.] Now he talks about getting down to business. He says he is going to produce ships. Mr. Hurley, of the Shipping Board, and Mr. Vice President Piez, of the Emergency Fleet Corporation, say they mean business now and propose to stand by Admiral Bowles. That is the situation at this moment, and because of it we will hope for better things.

In order that some of the details may be better understood I desire to have printed in the RECORD a letter from the vice president of the Emergency Fleet Corporation, sent to me the other day in answer to some inquiries; one with respect to the change of name, one with respect to the matter of local improvements for the convenience of the workmen who are to locate in this vicinity, and another with respect to the various forms of amusement, entertainment, educational facilities, and so forth, that ought to be provided for so large a community. I ask unanimous consent to print this letter as a part of my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The letter is as follows:

UNITED STATES SHIPPING BOARD,
EMERGENCY FLEET CORPORATION,
Washington, February 7, 1918.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: Replying to your letter of January 27 to Mr. Hurley, which has been referred to me for reply, permit me to say that Admiral F. T. Bowles has recently been put in charge of the Government plants, with headquarters at Philadelphia. I am certain that he joins me in favoring a change in the name of the yard, "Hog Island" hardly being a proper appellation for the largest shipyard in existence. I am certain that if your constituents in Philadelphia desire the change, the officers of the Fleet Corporation will be very willing to lend their aid. Please bear in mind that the name now refers to the location of the yard and that it is the province of either the State or Federal authorities to make the change. Owing to its brevity "Hog Island" is likely to stick, particularly as the name of our agents, the American International Corporation, is too long to serve as a proper alternative.

Replying to your second paragraph, we are still awaiting the passage of the act authorizing an expenditure for housing and transportation of workers, and may be unable to finally close contracts until that act is passed. We have, however, definitely settled on a location in Philadelphia, the city having agreed to provide the necessary street, water, and sewerage improvements.

In regard to the third paragraph of your letter, it is our own feeling, and that of several of the members of the Senate committee now investigating the Emergency Fleet Corporation's affairs, that in all cases where the communities are large enough school facilities should be provided by the community and that amusement and social features should be left to private initiative.

The reports of housing plans at Hog Island have been rather exaggerated, because it is our intention to materially improve the transportation facilities and to reduce the number of houses to about two thousand. We have been rather chary of making this information public because, owing to lack of legislative authority, we were unable to promptly complete our plans and were unwilling on that account to make a general announcement of them. We hope, in the course of a few days, to have proper congressional authorization, and we shall be glad thereupon to furnish you any additional information that may be of use and value to your community.

Very truly, yours,

CHARLES PIEZ,
Vice President and General Manager.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. GREEN of Iowa. I would not ask even for this additional minute if this were not such an important matter; but I wish to call the attention of the committee to the fact that my amendment does not unduly restrict the Shipping Board. There is no difference in their powers to make the necessary contracts. If there is any fault whatever with this amendment, it is that it does not restrict the Shipping Board sufficiently. It follows what I have understood to be the general plan that has been used in some instances by Mr. Secretary Daniels in making contracts for the Navy. It is a process which results in a decrease of the profits, cutting down the unreasonable profits and preventing this outrageous profiteering which has been going on in cases like that at Hog Island.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. GREEN].

The question being taken, on a division (demanded by Mr. GREEN of Iowa), there were—ayes 21, noes 26.

Mr. GREEN of Iowa. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa demands tellers. All in favor of ordering tellers will rise and stand until they are counted. [After counting.] Sixteen Members, not a sufficient number.

Mr. GREEN of Iowa. The other side, Mr. Chairman.

Mr. BUTLER. The rule requires 20.

The CHAIRMAN. The Chair has not requested the other side to rise. One-fifth of a quorum of the Committee of the Whole is required. The amendment is lost.

Mr. ALEXANDER. I move that the committee do now rise and report the bill with the amendments, with the recommendation that the amendments be agreed to——

Mr. MOORE of Pennsylvania. I desire to offer an amendment. I hope the gentleman will withhold his motion.

Mr. ALEXANDER. I will withhold the motion.

Mr. MOORE of Pennsylvania. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 6, line 17, after the word "sum," strike out the period, insert a semicolon, and add the following:

"*Provided*, That the United States Emergency Fleet Corporation shall report to Congress on the 1st days of July and January of each year the names of all persons or corporations with whom it has made contracts, and of such subcontractors as may be employed in furtherance of this act, including a statement of the purposes and amounts thereof, together with a detailed statement of all expenditures by contract or otherwise, for land, buildings, materials, labor, salaries, commissions, demurrage, or other charges in excess of $10,000."

Mr. MOORE of Pennsylvania. Mr. Chairman, this amendment speaks for itself. It has been added to certain other bills when lump-sum appropriations were made, and in view of the criticism of this board it seems to me it ought to welcome a provision of law like this. It can readily make its return, stating to whom these contracts have been awarded, giving the names of the subcontractors, stating the purpose of the contract, the amount thereof, and giving in detail such expenditures as have been made in the way of commissions, salaries, and so forth, in excess of the sum of $10,000. It seems to me an amendment like this ought to be welcome to clarify the situation.

Mr. ALEXANDER. I have no objection to the amendment, unless it is covered by the existing law. The shipping act, section 12, in the last paragraph, provides——

Mr. MOORE of Pennsylvania. That pertains to the Shipping Board, and my amendment pertains to the Emergency Fleet Corporation.

Mr. ALEXANDER. I will not oppose the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment at the end of the paragraph.

The Clerk read as follows:

Insert at the end of the paragraph, line 17, page 6, the following: "That no portion of this sum shall be expended to make payment on so-called cost-plus contracts.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. ALEXANDER) there were—ayes 18, noes 24.

So the amendment was rejected.

Mr. ALEXANDER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 3389) to authorize and empower the United States

Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, and had directed him to report the same back with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. ALEXANDER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

There was no demand for a separate vote.

The amendments were agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was read a third time.

Mr. GREEN of Iowa. Mr. Speaker, I offer the following motion to recommit.

The Clerk read as follows:

Mr. GREEN of Iowa moves to recommit the bill with instructions to forthwith report it back with the following amendment:

Page 6, line 17 after the word "sum," strike out the period, insert a comma, and add the following: "nor shall any part of said sum be paid upon any contract for construction which provides that the compensation of the contractor shall be the cost of construction plus a percentage thereof for profit, unless such contract shall also fix the reasonable cost of such construction as determined by the United States Shipping Board Emergency Fleet Corporation and provide that upon any increase in cost above the reasonable cost so fixed by such board, the percentage of profit shall decrease as the cost increases in accordance with a rate to be fixed by said board and expressed in the contract: *Provided, however*, That nothing herein contained shall be construed to prevent said board from contracting for the payment of premiums or bonuses for the speedy completion of the work contracted for."

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. GREEN of Iowa) there were 25 ayes and 25 noes.

The SPEAKER. The Chair votes in the negative.

So the motion to recommit was lost.

Mr. GREEN of Iowa. Mr. Speaker, I make the point of no quorum.

Mr. ALEXANDER. Mr. Speaker, if the gentleman is going to issist on his point, the result of which would be to throw the passage of this bill over until Thursday, I prefer to accept the amendment. We can not with good grace criticize the Shipping Board for not speeding up its program.

The SPEAKER. The motion to recommit is rejected by the vote of the Speaker.

Mr. ALEXANDER. I ask unanimous consent to vacate the proceedings on the motion to recommit and take a new vote upon it.

The SPEAKER. The gentleman from Missouri asks unanimous consent to vacate the proceedings on the vote on the motion to recommit. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the motion to recommit was agreed to.

Mr. ALEXANDER. Mr. Speaker, by direction of the committee I report back the bill with the amendment, with the recommendation that it be agreed to.

The SPEAKER. The question is on agreeing to the Green amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: "An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes."

On motion by Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADJOURNMENT.

Mr. SAUNDERS of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 13, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriation required by the Engineer Department for the fiscal year 1918 (H. Doc. No. 930); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 7998) granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River, reported the same without amendment, accompanied by a report (No. 301), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITE of Michigan: A bill (H. R. 9783) to prevent and punish the desecration, defamation, mutilation, or improper use of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. WHEELER: A bill (H. R. 9784) incorporating the patrol drivers into the Metropolitan police department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HOWARD: A bill (H. R. 9785) to amend section 3173 of the Revised Statutes of the United States; to the Committee on Ways and Means.

By Mr. DARROW: A bill (H. R. 9786) allowing reduced rate of transportation for men in the military and naval service of the United States; to the Committee on Military Affairs.

By Mr. HARDY: A bill (H. R. 9787) to provide further for the national security and defense by making provision for the purchase of iron ore, coking coal, limestone, and other material, essential for the manufacture of iron and steel, and constructing, equipping, maintaining, and operating blast furnaces and steel plants and mills by the Government of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. MADDEN: Resolution (H. Res. 248) providing for the consideration of House bill 9414, entitled "A bill granting increased compensation to certain officials, employees, and laborers in the Post Office Department and Postal Service, and for other purposes"; to the Committee on Rules.

By Mr. BACHARACH: Resolution (H. Res. 249) directing the Committee on Military Affairs to make an investigation of the leasing of the hotel Cape May for hospital purposes; to the Committee on Rules.

By Mr. LUNN: Joint resolution (H. J. Res. 243) calling the attention of the American public to the patriotic opportunity of using thrift stamps for valentines on Valentine Day, Thursday, February 14, 1918; to the Committee on Ways and Means.

By Mr. SIMS: Joint resolution (H. J. Res. 244) authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9788) granting an increase of pension to Nelson Watkins; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 9789) granting a pension to Phedora J. Black; to the Committee on Invalid Pensions.

By Mr. BLAND: A bill (H. R. 9790) granting an increase of pension to John H. Ellett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9791) granting a pension to Thomas B. Perkins; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 9792) granting a pension to Henry N. Wilks; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 9793) granting an increase of pension to John G. Clark; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 9794) granting an increase of pension to William F. Thornberry; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 9795) granting a pension to John F. Joyce; to the Committee on Pensions.

By Mr. ELSTON: A bill (H. R. 9796) granting an increase of pension to Henry Clay Henry; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 9797) granting an increase of pension to Oscar P. Quiggle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9798) granting an increase of pension to Seth N. Byers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9799) granting a pension to Mathew N. Brown; to the Committee on Invalid Pensions.

By Mr. JONES of Texas: A bill (H. R. 9800) granting an increase of pension to John Benson; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 9801) for the relief of Mrs. Susie A. Van Kirk; to the Committee on Naval Affairs.

By Mr. MOORES of Indiana: A bill (H. R. 9802) granting a pension to Cinderella Jackson; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 9803) granting a pension to Stanley W. Lemley; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 9804) granting a pension to David A. Gage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9805) granting a pension to Emma Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9806) granting an increase of pension to Frederick Althaus; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9807) granting an increase of pension to Byron R. Russell; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 9808) granting a pension to Emri Sites; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9809) granting a pension to Seth J. Huron, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9810) granting a pension to Louisa F. Lucas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9811) granting a pension to David Phillips, alias Charles Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9812) granting a pension to Joseph W. Camp; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 9813) granting an increase of pension to George W. Downing; to the Committee on Invalid Pensions.

By Mr. SHOUSE: A bill (H. R. 9814) granting an increase of pension to Francis M. Truax; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 9815) granting a pension to Ann E. Davis; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 9816) granting an increase of pension to John C. Mitts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9817) granting a pension to George Starrh; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 9818) granting a pension to Eliza C. Spears; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9819) granting a pension to Isaac Holley, alias Hawley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9820) making appropriation for payment of balances due by readjustment of salaries of postmasters under existing law; to the Committee on the Post Office and Post Roads.

By Mr. STEENERSON: A bill (H. R. 9821) granting an increase of pension to Darius N. Shaw; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 9822) granting an increase of pension to Mattie L. Wade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9823) granting a pension to Louis T. Lutzio; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 9824) for the relief of George R. Gary; to the Committee on Military Affairs.

By Mr. WILLIAMS: A bill (H. R. 9825) granting an increase of pension to Joseph Wilson King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9826) granting a pension to William A. Phillips; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 9827) granting an increase of pension to Martha Wilson; to the Committee on Invalid Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 9828) granting an increase of pension to Lawson Ellsworth; to the Committee on Pensions.

By Mr. EMERSON: Joint resolution (H. J. Res. 242) to pay to Silas McElroy, of Cleveland, Ohio, the sum of $10,000 for injuries received while in the service of the Government; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Union No. 121, Long Island City, Brotherhood of Painters, Decorators and Paperhangers of America, asking that the United States bring about an armistice to bring about peace on basis suggested by revolutionary Russian Government; to the Committee on Foreign Affairs.

Also (by request), a resolution of the United Irish Catholic Societies of Lowell, Mass., asking that the political independence of Ireland be assured; to the Committee on Foreign Affairs.

Also (by request), resolution of the National Security League, urging that all espionage activities be placed in charge of one person appointed by and responsible to the President; to the Committee on the Judiciary.

Also (by request), resolution of the Noonday Luncheon Club of Joplin, Mo., against repeal of periodical postage rates amendment to war revenue act; to the Committee on Ways and Means.

Also (by request), memorial of the National Federation of Federal Employees, protesting against the Borland amendment; to the Committee on Agriculture.

Also (by request), petition of D. Clyde Snyder, Hagerstown, Md., urging increased salaries to post-office printers; to the Committee on the Post Office and Post Roads.

By Mr. BLAND: Evidence to accompany a bill granting a pension to James B. Perkins; also, evidence to accompany a bill granting a pension to John H. Ellett; to the Committee on Invalid Pensions.

By Mr. CARY: Resolution of the Merchants, Manufacturers, and Employers' Association, protesting against the periodical amendment to the war revenue act; to the Committee on Ways and Means.

Also, resolution of the National Security League, urging that all espionage activities be placed under one person, who shall be appointed by and responsible to the President; to the Committee on the Judiciary.

By Mr. DALE of New York: Resolutions of the Maryland State Federation of Women's Clubs, the Fortnightly Club, Sharon, Mass., the Entre Nous Club, Longmont, Colo., and the Community Association of Crawfordsville, Ind., protesting against the zonal system for periodical postage; to the Committee on Ways and Means.

Also, memorial of the Boston & Maine Minority Stockholders' Protective Association, submitting an amendment to S. 3385; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petition of Edwin B. Frost, director of the Yerkes Observatory, for the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Waukegan (Ill.) Chamber of Commerce for requiring second-class mail to pay the full cost of the service; to the Committee on the Post Office and Post Roads.

Also, petition of the Women's Club of Lake Placid, N. Y., for repeal of the increased rates of postage on periodicals; to the Committee on Ways and Means.

Also, petition of the Riverside Woman's Club, Riverside, Ill., against allowing grazing in the national parks and shooting in the national bird reservations; to the Committee on the Public Lands.

Also, memorial of the Illinois Commercial Association for the Chamberlain bill for universal military training; also, a memorial of the Merchants' Association of New York, for a board of war control and a director of munitions; to the Committee on Military Affairs.

By Mr. HAMLIN: Papers to accompany H. R. 9537, a bill to pension Sarah Haggard; to the Committee on Invalid Pensions.

By Mr. HILLIARD: Letter from Amanda N. Hamilton, of Greeley, Colo., urging the admittance of osteopathic physicians to the Medical Corps of the Army; to the Committee on Military Affairs.

Also, petition of Mile High Lodge, No. 680, Brotherhood of Railroad Trainmen, urging the Congress to refrain from action on legislation designed to place men engaged in transportation service under Federal workmen's compensation; to the Committee on Labor.

Also, petition of O. E. Johnston, of Leadville, Colo., urging the passage of H. R. 1654, providing for increase of pay for post-office clerks and letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. NOLAN: Petition of United Brotherhood of Carpenters and Joiners of America, Local Union No. 22, of San Francisco, Cal., and 12 citizens of San Francisco, Cal., favoring the Madden bill, H. R. 1654; to the Committee on the Post Office and Post Roads.

Also, petition of John Nyglicek, secretary Pacific coast division Bohemian National Alliance, San Francisco, Cal., favoring independence of small nations; to the Committee on Foreign Affairs.

By Mr. SMITH of Idaho: Papers to accompany H. R. 9740, to pension Nels Christensen; to the Committee on Pensions.

By Mr. SULZER: Petition of Igloo No. 16, Pioneers of Alaska, Ketchikan, Alaska, relating to suspension of eight-hour law in connection with fisheries industry; to the Committee on the Territories.

By Mr. TAGUE: Petition of the Woman's Club, Beaver Dam, Wis., on increased postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of the Fortnightly Club, Sharon, Mass., on increase in postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Joint Committee on National Representation for the District of Columbia on H. J. Res. 73 and S. J. Res. 64; to the Committee on the District of Columbia.

SENATE.

WEDNESDAY, *February 13, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in Thy divine providence we have been called in this place of the Nation's highest council, in the midst of times that are tense, that are tragic; times where words are carried by the winds to the uttermost parts of the earth, where records are written in blood. O do Thou give to us divine inspiration and wisdom for the duties that day by day present themselves to us, that we may perform our duties with an eye single to Thy glory, knowing that the welfare, happiness, and peace of the world must come at last into conformity to the will of God and as an expression of Thy purpose among men. Hear us in this our prayer, and lead us in the discharge of every duty. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

NOBEL PEACE PRIZE.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, at the request of the secretary of the Nobel Committee of the Norwegian Parliament, a copy of the circular issued by the Nobel Committee, furnishing information as to the distribution of the Nobel peace prize for the year 1918, which, with the accompanying papers, was referred to the Committee on the Library.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House had passed the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also transmitted to the Senate resolutions on the life and public services of the Hon. ELLSWORTH R. BATHRICK, late a Representative from the State of Ohio.

PETITIONS AND MEMORIALS.

Mr. McLEAN. I present brief resolutions adopted at a meeting of Hartford citizens held under the auspices of the Connecticut Woman Suffrage Association. I ask that they be printed in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

To Senator GEORGE P. McLEAN:

Resolutions adopted at a meeting of Hartford citizens, held under the auspices of the Connecticut Woman Suffrage Association on Friday, February 8, 1918.

Resolved, That this meeting call upon the Senate of the United States to pass the Federal woman suffrage amendment, thus insuring to our own country that democracy for which our men are fighting abroad. Be it also

Resolved, That this resolution be sent to Senator GEORGE P. McLEAN, and that he be requested to see that it is read into the CONGRESSIONAL RECORD.

Mr. McLEAN presented petitions of Local Branch No. 65, First Slovak Catholic Union, of Bridgeport; of Local Branch No. 508, First Slovak Catholic Union, of Bridgeport; of Local Assembly No. 9, Slovak Workers' Society, of Torrington; of Local Branch No. 452, National Slovak Society, of Torrington; of the Catholic Gymnastic Union Slovak Sokal, of Bridgeport; and of Local Branch No. 131, Slovak League, of Danbury, all in the State of Connecticut, praying for the liberation and unification of the Czecho-Slovaks of Austria-Hungary into one independent Czecho-Slovak State, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Connecticut Division of the woman's committee of the Council of National Defense, praying for the enactment of legislation to insure the planting of the tobacco lands of the country in foodstuffs as fast as may be done without injustice to the producer or disaster to a business heretofore recognized as legitimate, which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of Mansfield Center; of the Equal Franchise League of West Haven; and of the Trades Council of New Haven, all in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. PHELAN presented a petition of the Calaveras and Alpine Stock Association, of San Andreas, Cal., praying that a portion of the Yosemite National Park be thrown open for the use and relief of the stockmen of California, which was referred to the Committee on Public Lands.

Mr. THOMAS presented a memorial of sundry citizens of Miltonvale, Kans., remonstrating against the enactment of legislation to make it unlawful to deposit in the mails of the United States advertisements of alleged exposures of the secret work of fraternal orders, etc., which was referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of South Carolina presented resolutions adopted by the First Congressional District Branch of the South Carolina Branch of the National Woman's Party, favoring the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. TOWNSEND presented a resolution adopted by the New Century Club, of Detroit, Mich., favoring the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of sundry employees of the John Deere Plow Co., of Lansing, Mich., praying for the adoption of certain amendments to the espionage act, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Detroit, Mich., remonstrating against the enactment of legislation authorizing the President to coordinate or consolidate executive bureaus, agencies, and offices, and for other purposes, in the interest of economy and the more efficient concentration of the Government, which was ordered to lie on the table.

REGISTRATION FOR MILITARY SERVICE.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," reported it with an amendment and submitted a report (No. 269) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 3825) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917; to the Committee on Agriculture and Forestry.

By Mr. NEW:

A bill (S. 3826) for the restoration of the rate of pension formerly paid to Joseph O. Swigert (with accompanying papers); and

A bill (S. 3827) granting a pension to Clarence A. Murphy; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 3828) to authorize credits for enlistment in the naval service of the United States in the operation of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

By Mr. PHELAN:

A bill (S. 3829) granting an increase of pension to Isaiah Hutchison (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 3830) granting an increase of pension to John L. Daries (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3831) granting an increase of pension to George A. Gardner (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3832) granting a pension to John M. Honeywell (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 3833) to authorize Cole and Osage Counties, Mo., to construct a bridge across the Osage River; to the Committee on Commerce.

Mr. STONE. I introduce a bill to amend the act to provide revenue to defray war expenses approved October 3, 1917. It concerns particularly a part of the clause which deals with mines, oil, and gas wells. I am aware that bills raising revenue originate in the House of Representatives, but I desire, nevertheless, to introduce this bill and have it referred to the Committee on Finance, with a view of having it sent to the Treasury Department for the opinion of that department as to the merits of the bill.

The bill (S. 3834) to amend an act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, was read twice by its title and referred to the Committee on Finance.

By Mr. SMITH of Maryland:

A bill (S. 3835) to amend an act entitled "An act to vest in the Commissioners of the District of Columbia control of street parking in said District"; to the Committee on the District of Columbia.

By Mr. STONE:

A bill (S. 3836) granting an increase of pension to Joseph Vincent (with accompanying papers); and

A bill (S. 3837) granting an increase of pension to James H. King (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A joint resolution (S. J. Res. 132) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from $2 to $2.50 per bushel; to the Committee on Agriculture and Forestry.

PURCHASE OF OFFICERS' UNIFORMS.

Mr. JONES of Washington. Mr. President, day before yesterday there was reported from the Committee on Military Affairs the bill (S. 3433) requiring the Government to furnish uniforms to officers of the Army, and for other purposes. I wanted to call up the bill yesterday, but did not have an opportunity. It is a very short measure, and I do not think it will lead to any discussion. I ask unanimous consent for its present consideration.

Mr. SMOOT. Let the bill be read first, Mr. President.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That all uniforms, accouterments, and equipment required for any officer of the military forces of the United States shall be furnished and issued to such officers by the Government at cost price, under regulations to be prescribed by the Secretary of War, and the same shall be similar in quality and price for all officers of the same rank.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. CHAMBERLAIN. There are one or two amendments that I desire to offer to the bill. They are indicated on the copy I send to the desk, and I ask that the Secretary may read them. The only purpose is to make it apply to the Navy as well as to the Army.

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. In line 4, after the word "military" and before the word "forces," insert the words "or naval," so as to read "any officer of the military or naval forces of the United States."

The amendment was agreed to.

The SECRETARY. After the words "Secretary of War," in line 7, insert the words "and the Secretary of the Navy."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill requiring the Government to furnish uniforms to officers of the Army or Navy, and for other purposes."

WATERS OF THE COLUMBIA RIVER.

Mr. CHAMBERLAIN. Mr. President, I desire to ask unanimous consent to make a motion to reconsider the vote whereby, on September 11, 1917, at the first session of this Congress, the Senate indefinitely postponed the bill (S. 1484) ratifying the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, and that the bill may be restored to its former place on the calendar.

I asked the other day for unanimous consent to have the bill reinstated to the calendar, but I am sure that my position was wrong. I now ask unanimous consent for permission to file a motion to reconsider the vote indefinitely postponing the bill.

Mr. SMOOT. I think the proper course for the Senator to pursue would be to ask unanimous consent that the vote by which the bill was indefinitely postponed be reconsidered. I think under the rule of the Senate that is the way to proceed.

Mr. CHAMBERLAIN. I thought, in view of the fact that there was some objection to it the other day, some one might want to discuss the proposition. If it will hasten the matter, I make the request as the Senator from Utah suggests, and I hope it will be granted.

Mr. LODGE. That would restore it to the calendar, and I see no reason why it should not be done.

Mr. SMOOT. That would restore it to the calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon? The Chair hears none. The vote is reconsidered unanimously, and, upon the request of the Senator from Oregon, the bill goes to the calendar.

HOUSING OF SHIPYARD EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes.

Mr. RANSDELL. I move that the Senate disagree to the amendments of the House and request a conference on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. RANSDELL, Mr. MARTIN, and Mr. NELSON conferees on the part of the Senate.

RAILROAD CONTROL.

Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, which was ordered to lie on the table and be printed.

The PRESIDENT pro tempore. Morning business is closed.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the unfinished business, Senate bill 3752, the railroad bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. KELLOGG obtained the floor.

Mr. JOHNSON of California. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Gallinger	Henderson
Chamberlain	Curtis	Gerry	Hitchcock
Colt	Dillingham	Gore	Johnson, Cal.
Culberson	France	Hardwick	Johnson, S. Dak.

Jones, N. Mex.	Nelson	Sheppard	Swanson
Jones, Wash.	New	Sherman	Thomas
Kellogg	Norris	Simmons	Thompson
Kenyon	Nugent	Smith, Ariz.	Tillman
Kirby	Overman	Smith, Ga.	Trammell
Lodge	Page	Smith, Md.	Vardaman
McCumber	Phelan	Smith, Mich.	Watson
McKellar	Pittman	Smith, S. C.	Weeks
McLean	Pomerene	Smoot	Williams
McNary	Robinson	Sterling	Wolcott
Martin	Saulsbury	Stone	
Myers	Shafroth	Sutherland	

Mr. KIRBY. I desire to announce that the Senator from Florida [Mr. FLETCHER] is detained by illness.

Mr. GERRY. I wish to announce that the senior Senator from Kentucky [Mr. JAMES], the junior Senator from Kentucky [Mr. BECKHAM], and the Senator from Illinois [Mr. LEWIS] are detained on official business.

Mr. JONES of Washington. I desire to announce the necessary absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness in his family.

Mr. MYERS. My colleague [Mr. WALSH] is still detained from the Senate on account of the state of his health.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the Senator from West Virginia [Mr. GOFF] on account of illness.

Mr. McKELLAR. I desire to announce that my colleague [Mr. SHIELDS] is detained from the Chamber on business.

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. There is a quorum present.

Mr. KELLOGG. Mr. President, this bill involves the most far-reaching and momentous economic transition that has ever taken place in so short a time. What effect it will have upon our industrial and political structure no one, of course, can accurately tell, but judging from other nations and from the political experience in our own country, it can not be anticipated that it will meet with success. But the railroads have been taken over under the war power conferred upon the President and we are confronted with the necessity of making payment for the use of the property thus taken and rendering as effective as possible the operation under Government control. It may be said that as the roads have been taken over the advisability of so doing is no longer in issue. I think, however, as bearing upon the question of the continuance of the operation beyond the war, it is worth while for us to be fully informed as to the condition of the railroads, their accomplishment during the last year, and the necessity, if any existed, of taking them over to Government operation.

It is generally claimed that the railroads had broken down, were unable to handle the traffic of the country, and that it was necessary for the Government to take over the operation during the war.

I should like for a few moments to call the attention of the Senate to the actual condition of the railroads of this country and the reasons why they have not been able to handle all of the traffic, and what their accomplishments have actually been. I am not here to claim that our transportation system is perfect; that it can not be improved; or that the laws governing the railroads are all they should be. But when the public hopes, by the medium of Government operation, to cure all the evils resulting from transportation congestion, we are likely to be disappointed, and we should look the facts squarely and candidly in the face.

We have in this country, all in all, the best system of railroads in the world, the cheapest constructed, the lowest capitalization per mile—to be sure there are some exceptions to this statement, but I am speaking generally—the cheapest freight rates, and the best service, considering the varied conditions of climate, industry, and development, and the necessity for vast increase in transportation facilities to meet the rapid growth of the country.

Let us for a moment consider the reasons why the railroads, as is commonly said, have broken down and have been in the last few months unable to handle all traffic in the country expeditiously:

From 1907 to 1916 were years of depression in railroad business. Then came the tremendous stimulus, owing to the increase of our exports on account of the European war—an increase whereby our foreign commerce has increased from $4,258,504,805 in 1914 to over $8,953,335,185 in 1917. The increase in railroad traffic from 1915 to 1917 was nearly 50 per cent, or, stated in another form, was 135,164,000,000 ton-miles—that is, tons hauled 1 mile. According to the latest statistics available, this was equal to the entire railway transportation of the railroads of Canada, Germany, Great Britain, Russia, France, and Austria (excluding Hungary), which was substantially 137,928,000,000 ton-miles. In addition to this, the railroads have moved to cantonments and mobilization points, points on the Mexican border, and Atlantic and Gulf ports 2,052,418 troops in 36,735 passenger cars and 10,640 freight cars, assembled in 3,603 special trains. The passenger traffic has increased about 23 per cent in October this year over last, the mail about 6 per cent, the parcel post about 14 per cent, and express about 20 per cent for the year ended June 30, 1917, over the year ended June 30, 1916.

In speaking of the accomplishments of the railroads Secretary Baker said:

> I am happy, therefore, to join the Quartermaster General in pointing out the extraordinary service rendered by the transportation agencies of the country, and I concur also in his statement that "of those who are now serving the Nation in this time of stress there are none who are doing so more whole-heartedly, unselfishly, and efficiently than the railroad officials who are engaged in this patriotic work."

Again, commenting on troop movements, the Secretary said:

> This strikingly illustrates the patriotic cooperation of American rail roads with the Government and also the tremendous capacity of American railways.

It is not denied, however, that there has been tremendous congestion in certain sections of this country. This congestion is principally, if not entirely, in the district east of Chicago and north of the Ohio River and principally east of Pittsburgh, very largely on the lines of the Baltimore & Ohio, Pennsylvania, and other lines in their immediate territory. The reason is that in this great manufacturing and coal-producing country east of Chicago came the enormous increase in coal shipments—amounting, I believe, to about 50,000,000 tons this year over last year—iron and steel, and all manufactured products for use in the war. This congestion was further accentuated by the fact that the great body of shipping went through the ports between New York and Norfolk, and very largely through New York City, because the allied nations and the United States would not, and I have no doubt could not, send their vessels to some distant southern port, and by the further fact that there was an inadequate amount of shipping to take the traffic away when delivered at these ports. Furthermore, by the impressment of steamships engaged in the Atlantic coast traffic of the Southern Pacific Co., Ocean Steamship Co., and Mallory and Clyde Lines, the railroads have been called upon to transport 962,000 tons of freight in the last half of the calendar year which heretofore has been transported by water. The substantial closing up of the Panama Canal required the railroads to handle over 2,000,000 tons of freight between the Atlantic and Pacific which would otherwise have gone by water. To move this tonnage would require the monthly use of 46,200 freight cars and 619 locomotives.

There was undoubtedly a shortage of motive power and cars. The Interstate Commerce Commissioners not only testified but as a body reported (p. 20 of record) that from 1907 to 1916 the number of cars in the country exceeded the demand. Then came the increase of business in the latter part of 1916 and the tremendous increase in 1917, and cars and locomotives could not be purchased, principally for the reason that the Government compelled the locomotive manufacturers to divert engines for use in Russia and France and that steel could not be obtained for the construction of cars on account of the Government priority (p. 267 of record). Of course at that time this seemed to be necessary, and I have no doubt that the information the War Department then had warranted this action.

Another fact which has very much injured the service of the railroads is the loss of men through the selective draft and attractive offers by munition and Government plants. In some cases they have lost as high as 12½ per cent of their men, and the loss of efficiency is greater than this, because the best mechanics and the best men in the railway service have been taken.

One of the principal causes for the congestion is the Government priority orders. This appears by the testimony of the Interstate Commerce Commission, of the railroad executives, and the fact is well known to everybody in Government service. It is a most glaring example of abuse of governmental power, through separate branches of the service, in no way coordinated.

Senators will remember that on the 10th day of August, 1917, Congress passed a law to regulate commerce, providing as follows:

> That during the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic or such shipments of commodities as, in his judgment, may be essential to the national defense and security shall have preference or priority in transportation by any common carrier by railroad, water, or otherwise. He may give these directions at and for such times as he may determine, and may modify, change, suspend, or annul them, and for any such purpose he is hereby authorized to issue orders direct or through such person or persons as he may designate—

And so forth.

It was the understanding of Congress that after this time there would be but one power directing the preference and priority in transportation. As a matter of fact, instead of all of

the priorities going through Judge Lovett the War Department, the Navy Department, the Food Administration, and Fuel Administration were all issuing priority orders, not only through the heads of the departments, but commissary clerks and employees scattered all over the country were furnished with blue cards to place upon cars to denote a priority or preference shipment. But, beyond this, these employees gave the cards to manufacturers, and manufacturers making a Government preference of shipment not only used the cards for the Government but for themselves. I quote the statement of Commissioner Hall, on pages 54 and 55 of the record:

> Senator KELLOGG. To what extent have the priority orders which have been issued by the various departments of the Government interfered with or congested transportation? I notice by the report of Mr. McChord, a member of the commission, or, rather, his separate report, that there are several Federal agencies authorized by law to issue orders or directions with respect to transportation, and that they are exercising that power. Has that tended to congest traffic?
>
> Commissioner HALL. I think so; yes, sir.
>
> Senator KELLOGG. You mean that priority orders have been given by different departments of the Government which conflict or were unnecessary?
>
> Commissioner HALL. I do not mean any priority orders issued by the transportation priority director, by Judge Lovett; I do not mean that. I mean that in the War Department there are at least five bureaus or boards—I think Gen. Baker said 12 a few days ago—each undertaking to direct the kind of munition or supply that it is interested in which shall receive preference movement. Then there is the Shipping Board seeking preference movement for what it is interested in; and there is the Navy; and those things frequently conflict. More than that, there is a system in vogue of placing in the hands of a manufacturer who has a contract for furnishing supplies so-called envelopes that can be used to obtain preference, and those have been sometimes quite carelessly used, probably under officers who are looking after particular plants, with the result that the volume of movement under preference direction has grown to be very great.
>
> Now, I do not know it as a fact—if you will pardon hearsay, but it comes from a very good source—I understand that quite recently something like 75 per cent of what was moving on the Pennsylvania Railroad was moving under preference directions of some sort. Is that so, Mr. Patterson?
>
> Mr. PATTERSON. Yes, sir; east of Pittsburgh.
>
> Commissioner HALL. If you get 100 per cent preference, then it can all move right along; but where you get 85 per cent preference to be separated from the remaining 15 per cent it tends to produce congestion.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. KELLOGG. I yield.

Mr. LODGE. If it will not disturb the Senator, I understood him to say that the right to issue priority orders was exercised by the Fuel Administration, the Food Administration, and by the Shipping Board.

Mr. KELLOGG. Yes; and by the War Department and the Navy Department.

Mr. LODGE. I know about it as to the War and Navy Departments.

Mr. KELLOGG. That is what Commissioners Hall and McChord said.

Mr. LODGE. It is correct, then, according to the testimony before the committee, that the Food and Fuel Administrations and the Shipping Board were all equally entitled to issue priority orders?

Mr. KELLOGG. According to the testimony of Commissioners Hall and McChord they did do it, and there is other testimony to the same effect.

I send to the desk, and ask to have incorporated in my remarks at the end, as an appendix, the testimony of Mr. Kruttschnitt, from which I will read one sentence:

> You can imagine the state of mind of a yardmaster at a terminal, say, like Pittsburgh, when he was confronted with the freight covered by all of these blue envelopes, and covered by other orders giving priority of transportation to different commodities; he would be a fit subject for an insane asylum; he would not know how to get around his work.

The PRESIDENT pro tempore. Without objection, the matter referred to will be printed in the RECORD without reading.

Mr. KELLOGG. Mr. Kruttschnitt, a member of the railway executive war board, testified that the principal cause of the congestion was the cross hauling of coal—because under the act of Congress the shipper had a right to designate not only where the freight should go, but the route—and the priority and preference orders given by the Government. He testified that when the flood of preference envelopes threatened to overwhelm the railroads they appealed to Judge Lovett, the priority commissioner, for relief, but without avail. Many of these priority orders were absolutely unnecessary, each department of the Government struggling to get its own material shipped ahead of some other department. The result was that thousands of freight cars were rushed to a point and tied up because materials were shipped in advance of necessity.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. KELLOGG. I do.

Mr. POMERENE. I simply want to add, if I may, to what the Senator has already said, that one of the witnesses—I think it was Mr. Kruttschnitt—suggested that these tags were often given to manufacturers, and the manufacturers would place these tags on private shipments as well as on Government shipments.

Mr. KELLOGG. Yes; that is true. I have among my papers a report from an agent of transportation—I have forgotten what he is called—submitting copies of these envelopes that were reprinted and used, and notice was given that by telephoning to certain departments they could get all the envelopes they wished. For instance, 700 cars of material for construction of Government buildings in Washington stood upon the tracks for weeks because they could not be unloaded; anchors were shipped under priority orders for ships not yet built, and 1,000 cars were tied up carrying shipyard material—I believe it was for Hog Island——

Mr. GORE. Thirteen hundred.

Mr. KELLOGG. Thirteen hundred cars, I understand; which could not be unloaded and used faster than about 15 cars a day. It shows that a transportation system run by Executive orders, through noncoordinated departments, is an absolute impossibility. Now, as a matter of fact, in spite of the Sherman law and nonpooling law and the laws authorizing the shipper to designate the route, and in spite of priority orders unwisely issued, railroads did accomplish a great deal during the first six months of the war.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Oklahoma?

Mr. KELLOGG. I yield.

Mr. GORE. I wish to ask the Senator, before passing from the subject of priority orders, if it is his intention to state the English system with regard to priority orders?

Mr. KELLOGG. No; it was not my intention. The whole history of the English operations is available, and I think the Senate is pretty familiar with the subject.

Mr. GORE. If the Senator will permit me, I think it ought to go in at this point.

Mr. KELLOGG. I have no objection to the Senator stating it.

Mr. GORE. The English method, Mr. President, is this: They have selected a committee on priority of shipments, made up of representatives of the navy and army and other departments and organizations, including the industries of the country. It requires a unanimous vote on the part of this priority committee to grant a preferential order for shipment of any commodity; but in case of a deadlock the minister of munitions stands over and above the priority committee, with the power to unlock the situation and grant mandatory orders.

Mr. KELLOGG. I thank the Senator for the information.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. KELLOGG. I yield.

Mr. NORRIS. I came in after the Senator had started, but the suggestion made by the Senator from Oklahoma reminds me that it might be well to inquire at this point whether the law did not place all this power in the hands of the President?

Mr. KELLOGG. Yes.

Mr. NORRIS. So that it would not be necessary to have a committee. The President had power at any time, had he not, under the law to change the system in any way that he saw fit, by order, or to put some one person in charge and give him absolute control of it all?

Mr. KELLOGG. The President undoubtedly had authority under the act of August 10, 1917, to create a single priority agent. Now, I apprehend that the way this system developed was through action taken under authority of laws providing preference and priority for Government shipments. Apparently there was already in existence when the law was passed this system of obtaining preferences and priorities, and instead of abolishing the system in vogue and placing the power in the hands of one man or one board it was allowed to continue, and the enterprise of each one of these departments in obtaining priority and preference orders for their shipments was the result of the tremendous overburdening and congestion of the railroads.

It appears, as requested by the Council of National Defense, that they organized an executive committee of railway heads, to represent all the roads and to constantly sit in Washington, the expense of which was paid by the railroads. That with practically no increase of equipment and with a decrease of men they succeeded, by coordination, in handling 20.3 per cent more freight traffic in the first six months of the war—April to Sep-

Mexican border, and Atlantic and Gulf ports 2,052,418 troops in

priority in transportation. As a matter of fact, instead of all of

tember, 1917—than the corresponding six months of 1916, and 50 per cent over the monthly average of 1915. They greatly increased the car loading, car mileage per day, and train load—the resultant effect of which was that it increased the ton-miles handled per locomotive per month 16 per cent for the six months ending September 30, 1917, over the corresponding period of 1916.

Through the acquiescence of the public, and by the consent of the State commissions, 28,656,983 unnecessary passenger train miles were eliminated, resulting in the saving of 1,800,000 tons of coal per annum, a release of 570 locomotives, and 2,800 train and engine men for freight service.

This railway committee undoubtedly coordinated the facilities of various roads and enormously increased the amount of transportation. My own opinion is that it was unnecessary to take over the railroads for Government operation, and that transportation, in order to be most effective, must proceed in its usual and natural channels, without too much arbitrary interference. That all that was necessary for Congress to do was to authorize the President to appoint a director or agent of the Government, who should have authority to see that the railroads were operated as a unit, in order to facilitate, so far as possible, the transportation of those articles absolutely necessary to the life of the people and the prosecution of the war, and that if the transportation of any class of products or articles, such as luxuries, pianos, automobiles, and so forth, became inadvisable, this transportation could be stopped and preference given to necessaries for the Army and the public. That this could have been done without material injury to any of the railroads, but if they were injured by any such action a tribunal might have been created to assess the damage to be paid by the Government. As a general proposition, private management is far more successful and efficient than management through Government agencies. The railroads were undoubtedly hampered by certain laws and restrictions which should have been abolished. They should have been supported by Government authority to operate as a unit, to route freight over lines least congested, and to transport the largest amount of materials necessary for the maintenance of the public and of the Army. Bearing in mind that this congestion was simply in the eastern and northeastern territory, I am constrained to believe that as great service could have been obtained through the Government's cooperation as by taking over the entire railroad system of the United States and operating it as a Government institution. By allowing the railroads to operate their own property we would have maintained the personal interest and preserved the enterprise that goes with great organizations of this kind. One of the most valuable features of a railroad, as in all other private enterprises, is the organization and the personal interest that each employee feels, where there is an opportunity for promotion, and the highest position is within his grasp. By doing this I believe the Government would have obviated a guarantee to the railroads of an income by way of compensation for the use of the properties thus taken over. But the President and his advisers thought otherwise, and I bow to that decision, and I am going to do, as is my duty, everything I can to strengthen and facilitate the Government operation and to insure justice to the people and the railroads and the vast army of security holders vitally interested in this great measure.

There are three principal provisions of this bill to which I wish to invite the attention of the Senate, and in doing so I shall try to state with impartiality the facts and arguments pro and con which should appeal to individual Senators.

This bill was reported, after four weeks of testimony, argument, and careful consideration by the committee. It is not perfect, but under the circumstances it reflects the best judgment of the administration and the committee. There are three controlling propositions which I desire to discuss. First, the compensation to be paid the railroads; second, the manner of fixing and regulating rates; and, third, the duration of Government operation.

COMPENSATION TO THE RAILROADS.

With the varied conditions surrounding the earning capacity, capitalization, and financial strength of the railroads, a most difficult proposition is presented in prescribing a general rule or basis for compensation. The Army appropriation act of August 29, 1916, provides as follows:

> The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation or any part thereof, and to utilize the same to the exclusion as far as may be necessary of all other traffic thereon for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with emergency as may be needful or desirable.

I have cited this act in order that the attention of the Senate may be called to the fact that no compensation is there provided.

This act undoubtedly constitutes a valid exercise of the war power in the President, and the rules of law governing our action and the necessity of providing compensation for the use of properties during such Government operation are clearly defined by the Constitution and the decisions of the highest court of the land.

The act failing to provide the means and methods for determining compensation, the Constitution imposes an obligation to pay just compensation for the use. Unless such compensation is implied, the law would be unconstitutional. Congress has no power to provide what that compensation shall be. Now, remember this: We can not fix the compensation. Congress is powerless to do it. We can, however, prescribe a rule, the means, or the machinery by which a tribunal shall fix the compensation. As to each individual railway corporation or system of transportation owned and operated as one railroad, the question of what is reasonable compensation is a judicial one which may be determined first by an administrative officer or commission, with a right of appeal to the courts for final determination. It is, therefore, not only a legal necessity for Congress to provide the means for determining and paying a just compensation, but it is of the highest importance to the country that this should be speedily determined.

The property taken over represents a value of somewhere between fifteen and seventeen billions of dollars. It represents securities, stocks, and bonds in the hands of the public of substantially $16,500,000,000. The exact amount is difficult to determine by reason of what is known as intercorporate holdings. In making these figures the Interstate Commerce Commission has eliminated stocks of one road held by another, and has only given the amount of securities in the hands of the public.

Mr. THOMPSON. Mr. President, will the Senator permit a question?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. KELLOGG. I yield.

Mr. THOMPSON. Does that estimate include the short-line railroads?

Mr. KELLOGG. I believe it includes all railroads.

Mr. THOMPSON. All the railroads of the country?

Mr. KELLOGG. All railroads. As thus determined, the railroads represent a stock and bond issue of $16,710,000,000, as of June 30, 1916, and a book investment of $17,380,000,000, as of December 31, 1917. These figures have been furnished by the statistician for the Interstate Commerce Commission. The interest and dividends upon these securities come due at various periods during each year and must be paid in order to maintain the stability of this vast investment.

The President and the Secretary of the Treasury, and everybody who appeared before the committee, realized, and many of them urged with great force, the necessity (at this time of great strain on our financial institutions) of maintaining the security of this railroad investment. It is not a question of the Government maintaining the securities of any industry. The Government owes no obligation to maintain securities. It is a question, however, of the Government taking the property and using it for Government purposes, and the obligation to pay for the use and the duty of maintaining the stability of securities are coexistent. These securities in various forms are in the hands of millions of our citizens. There is scarcely a bank, trust company, savings bank, or insurance company in this country which has not a large investment, either as owner or pledgee of railway securities. It is estimated that 32½ per cent of the assets of the Connecticut savings banks consist of railroad securities, and undoubtedly a very large percentage of all the savings banks and insurance companies are in the same position. In 1915 it was estimated that $818,000,000 of railroad securities were held by mutual savings banks alone. A further decline in these securities (which ought to be the best investment in the country) would threaten a public disaster.

The committee was therefore faced with two propositions—either to create a tribunal to take up each railway separately and, upon a hearing, to determine the value of the use during Government operation, or to authorize the President to speedily agree with the railroads on some fair basis which would not involve long litigation, with a provision that if no agreement could be made with any railroad company the compensation should be determined by a tribunal to be appointed by the Interstate Commerce Commission, with a right of appeal to the Court of Claims.

You will readily see that if we had adopted the first proposition it would have been years before any tribunal could have thus determined the value of the use of each and every system of railroads and have arrived at a fair and reasonable rental value. The Government operation would have been ended long before

this could have been accomplished. In order to expedite this determination, the latter proposition was adopted by the committee, and the committee was unanimous in desiring some speedy determination of this question. It was, of course, impossible for the committee, as it is impossible for Congress, to take each road separately, hear testimony as to the value of its use, and fix a compensation. Nor could this be done legally.

The most we could do was to prescribe a plan with a maximum above which the President could not go.

Section 1 of the bill, in substance, authorizes the President to agree with the carriers and to guarantee to each an income, called the "standard return," not exceeding the average of the net operating income for the three years of 1915, 1916, and 1917, with an allowance of a percentum, to be fixed by the President, covering the cost of additions and betterments, less retirements and road extensions made during the six months between June 30 and December 31, 1917. (That is the three years ending June 30, and the President was authorized to allow a percentage upon the net betterments and additions made between June 30 last and December 31.) The Government to have all income above this guaranteed compensation and to maintain the properties in their present condition.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. KELLOGG. I yield.

Mr. CUMMINS. In order to discern clearly the point the Senator from Minnesota has just stated, that the Government is entitled to all the income above the amount named—that is, the guaranteed net operating income—did the Senator mean just that, or did he mean that the Government was entitled to all the operating income above?

Mr. KELLOGG. The net operating income, I should have said to be accurate. I thank the Senator. This basis was recommended by the President and his advisers, by the Secretary of the Treasury, and by the Interstate Commerce Commission. The President undoubtedly had the advice of the commission and other technical experts upon this question. The Interstate Commerce Commission has for years been dealing with the question of rates, gross and net income of railways, maintenance, betterments, and capitalization. No body of men in this country whose opinion could be taken is so well equipped to recommend an equitable basis for compensation as is the commission.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield?

Mr. KELLOGG. I yield.

Mr. CUMMINS. I was present at nearly every hearing of the committee on this subject, and I do not remember any recommendations of the Interstate Commerce Commission as such in behalf of the standard which was proposed by the President. One of the Interstate Commerce Commissioners had very much to do with the formation of the bill and undoubtedly recommended that standard, and I have no doubt that there are some other members of the commission who concurred with him, but I do not think that the commission has recommended any such proposition.

Mr. KELLOGG. Mr. President, I understand the Interstate Commerce Commission first made recommendations to Congress. During the session of the committee the chairman of the committee asked the Interstate Commerce Commission as a body to take the bill proposed by Mr. Anderson, one of the members, and to make criticisms and suggest any changes which they thought should be made. The commission did so as a body, and as I read their letter, which the Senate is entitled to read—I have not time to read it now—I take it to be a recommendation of this bill with the amendments they suggested, except as to one or two points upon which they declined to pass any opinion, one of them involving the question as to what body should regulate the rates. I have not time now to read that letter, and I shall ask to have the Senators themselves read it.

Mr. CUMMINS. I hope the letter will be read by Senators. I do not construe it in the way just stated by the Senator from Minnesota. I remember very distinctly that Mr. Anderson told the committee, it is my memory, that the question of compensation had not been considered by the commission as a commission, whatever might be the views of some of its individual members.

Mr. KELLOGG. That is true. When Mr. Anderson appeared before the committee and testified, he stated that he was not speaking for the commission. At that time the commission had not considered the question of compensation or the other provisions of the bill, but subsequently the chairman of the committee asked the commission to submit their recommendations in respect of the bill and this was done. Their report can be submitted to the Senate and will, no doubt, be so submitted by the chairman.

Mr. WATSON. That was after Commissioner Anderson had testified.

Mr. KELLOGG. It was after Commissioner Anderson had testified.

Mr. ROBINSON. I wish the Senator would follow that statement a little further. The Senator, of course, has read the letter. The commission did recommend the so-called standard return as a fair basis of compensation.

Mr. KELLOGG. They did not make any suggestion about that section at all. Now, under the interstate commerce act, the duty is imposed upon the Interstate Commerce Commission to recommend appropriate legislation to Congress from time to time, and the commission had previous to that time recommended that the railroads of the country be either taken over under Government operation or that Congress should change the law with respect to coordinating the railroads.

Mr. SMITH of South Carolina. If the Senator will allow me, the question as to the attitude of the Interstate Commerce Commission came up on the very point he is now making. A member of the commission acting in another capacity than as commissioner was instrumental in the draft of the bill as it came to us as an administration bill. The committee was anxious to know what was the opinion of the commission as to the bill, knowing that they perhaps were the best posted as to the matter in hand and were more competent perhaps than any other body to advise in respect of the proposed legislation, and in sending my request to them I asked that they make the report as an official body in reference to the bill. I, like the Senator who is now addressing the Senate on this subject, was of the opinion that where they did not recommend any change it was to be inferred that they acquiesced in the proposition as now contained in the bill, because, had they objected or had they reason to think that it was not the proper basis, it was manifestly their duty, as an official body asked for an opinion, to have stated what their objection might be.

Mr. CUMMINS. I will deal with the communication of the Interstate Commerce Commission later. I only want to make my own position clear now. I do not believe the letter contains any recommendation either expressly or inferentially upon the matter of compensation, and I know that one member of the commission has told me since that it was not the purpose—not his purpose anyhow—to make a recommendation with regard to compensation.

Mr. KELLOGG. The commission considered the whole bill and specifically excepted the provisions they did not wish to recommend, and I think from the reading of their letter the Senate will conclude that the fair inference is that it is a recommendation of the whole bill with the amendments suggested. The Senate, however, is entitled to the opinion of the commission.

Mr. President, I think it may be useful in determining whether the basis adopted by the committee was a fair one to consider the various bases suggested by different men who appeared before the committee and made recommendations. The committee heard representatives of commercial organizations, certain experts, members of the Interstate Commerce Commission, the Secretary of the Treasury, and anyone who desired to be heard.

BASIS OF VALUE OF STOCK.

Many bases were suggested to the committee and discussed by it, but while all have some good points, none seemed, on the whole, to be so reasonable and practical as the one adopted.

I say "seemed," for it was the opinion of the majority of the committee.

A basis suggested and discussed to some extent was that the market value of the stocks and bonds of all the railways be taken, allowing a percentage of income on this value. The objections to this plan were principally that the stocks fluctuate in the market and frequently do not represent the real value of the property, to say nothing about the value of the use. Stocks often reflect in the market the amount of the dividends, so that if a property was skinned to pay dividends the market price would be high and the real value and earning capacity much less.

Then also stocks depend often upon speculative values, a bull or bear market, and many other considerations not here necessary to mention. To illustrate: It appeared by an investigation by the commission that in 1912 the value of all the railroad stocks, as near as the commission could estimate it, was 110.08 per cent of par; in 1915, 94.6 per cent; and in 1917, 79.03 per cent, although the roads' gross and net earnings

vided.

[1] The Government operation would have been ended long before

continued to increase and were greater in 1916 and 1917 than in 1915.

I should remark here, of course, that the commission simply made this computation by taking the market value of those stocks quoted on the New York exchange, and of course it is not absolutely accurate. No computation could be made that would be absolutely accurate, but this is a fair indication of the value of the stocks.

Mr. CUMMINS. But if the Senator will permit me, there is another fact to be taken into consideration there, namely, that these market quotations, taking the high point and the low point in a year, did not include all the railroads' stock of the country, only those which were dealt in upon the New York Stock Exchange.

Mr. KELLOGG. That is true. I so stated.

Mr. CUMMINS. There are a great many of the poorer stocks that are not dealt in upon the exchange at all.

Mr. ROBINSON. It is also true that as to particular roads, it appeared in the hearings that when their earning capacity was greater their stocks were comparatively the lowest.

Mr. KELLOGG. Yes; because those roads being conservatively managed would pay a small dividend and would invest a large amount of their surplus in property. The stocks of such a road would be comparatively low, but as to a road that put all of its income into dividends, Wall Street estimated the value of the stock according to the amount of dividends. My recollection is, and I am speaking now from memory, that the commission's statement was based upon the par value of the railroad stocks listed on the New York Stock Exchange, and this was made up on the basis of about 75 per cent of all railroad stocks. It is a fair illustration, however, that as the earnings increased the value of the stock declined.

Then, again, no basis for payment of interest upon the value of the stocks could be determined by Congress, because many roads pay no dividends and others pay large dividends. The Congress could not determine the rate of dividend which would be a fair rental value of the property.

Some roads pay a moderate dividend and use the balance of their surplus for improvement of their property, and there is no uniform basis for such investments. If this basis was adopted, it would have to be determined by some official or body of officials pursuant to inquiry into each case.

BASIS OF ACTUAL VALUE OF PROPERTY.

Another basis considered was that the actual value of each railroad property be taken, fixing the rate of income on this value. This determination was impossible. As the Senate well knows, in 1913 Congress passed an act authorizing and directing the Interstate Commerce Commission to determine the physical valuation of property of common carriers, involving the cost of reproduction and the present value of each railroad. The commission has been working upon this for four years, but reported to our committee that it would be about three years before it could be finished, and that no property had yet been valued, so the commission could give us no real information as to the present actual value of railroad properties.

BASIS OF ORIGINAL CASH INVESTMENT.

Another basis suggested was that the amount of cash which had been invested in the railroads under the charters of each company be determined, paying a reasonable rate of interest fixed by Congress upon this cash investment. I think everyone knows that this is an impossible task. Many railroads were built in the early days by contracting companies, which companies received a lump sum in stocks and bonds of the railroad for the construction, and no one can determine the actual cost of such property. Again, many of these properties paid no interest or dividend to investors for many years. Some of them were foreclosed, went through receiverships several times, capitalization was reduced and additional money invested, and there is no way of determining the cost of property except from the books of the companies.

If the taking over of the property by the Government had been permanent, the problem would be much simpler, for a tribunal could be established to find the present value of all the property of each company, and the Government would pay the sum thus determined. But the taking over is only temporary. It is simply a taking over and use of the property during the war and for a reasonable period thereafter, and the problem is to determine the value of the use, and determine it as speedily as possible, because it will not do to allow this determination to be suspended by years of litigation.

There were many other suggestions, but the foregoing will illustrate the difficulties confronting the committee.

PLAN FINALLY ADOPTED.

Let us come now to a consideration of the plan finally adopted. There is reason in the proposition that property devoted to a public service is worth simply what it will earn. It may be earning too much, in which case the power of public supervision may rightfully and justly be invoked to reduce its earnings or to provide such rates for its service as will accomplish this end. But, after all, it can only be worth what it will earn to its owners, because it can not be disconnected from such use, for a railroad can not be scrapped and its material sold. It can not voluntarily cease to perform its public functions, whether it pays or not, and therefore the only way to use the property is to make it earn a net income.

There is also force in the argument that as all the rates are now being fixed by public authority, the earnings of the properties are the best evidence of the value of their use. I may say, in passing, that the Interstate Commerce Commission, in a report made within a year or two, stated that as the power to fix rates had been in the commission for something like 10 years they thought it was a fair conclusion to say that the rates now in force as a whole were fair and reasonable, and would be so considered by the commission. I am not saying that some of them are not too high. That would be the inevitable result in a vast rate structure such as we have in this country. I do not say that this is a conclusive rule, because undoubtedly some properties are earning more than a just compensation, taking into consideration alone the cost or value of the investment, while others are earning less. Some railroads are fortunately situated as to location, cost of construction, density of population, and other advantages which give them a large earning capacity, while other competing lines, less fortunately situated, do not earn a reasonable income on the investment. This is inevitable under our system of individual ownership and competition between railway lines. It grows out of a system and is a part of those great competitive activities which have made the development of this country the marvel of the age.

Another factor which must be taken into consideration is that the taking over is only temporary. A guaranty by the Government of a permanent income on an investment would be reasonable at a very much lower rate, like a Government bond. In such a case the Government not only agrees to pay the interest on the bonds, but to pay the principal also. In this case the Government simply agrees to pay a certain income during the indefinite period of Government control. The guaranty is only for the period of the war and a short time thereafter, and, therefore, it should, as near as possible, represent the earning capacity of the roads over a reasonable term of years. The President is authorized to agree with the railroads upon a guaranty of a maximum of the average net earnings of the years 1915, 1916, and 1917, ending July 1. This was as follows:

[Railroads of class 1 include all the railroads having a gross earning capacity of over $1,000,000.]

Net railway operating income for class 1 roads:

1915	$683,104,833
1916	984,872,959
1917	1,020,806,000
Average	896,259,264

The commission took railroads of classes 2 and 3, which involved a good deal of work, and made an estimate of one year, applying the same percentage of increase for 1916 and 1917 for the other years. The commission reported to us that the maximum guaranty which the President was authorized to make to all of the railroads in the United States was $935,000,000, which is about $100,000,000 less than their best year, namely, 1917.

Extending the above basis for arriving at the average net railway operating income so as to include classes 2 and 3, the average $896,259,264 becomes approximately $935,000,000 for all carriers.

To this should be added the income on investments in the property made from June 30, to December 31, 1917, estimated at $130,403,815, on which the President is authorized to allow interest. If 5 per cent is allowed, it would amount to about $6,500,000; total, $941,500,000.

Of course, out of this the railroads must pay their war excess-profits tax, which was estimated by the commission to be somewhere between fifty and ninety million dollars. Of course, this tax is borne by the stockholders. The railroads should be taxed exactly in the same manner as are all other corporations engaged in business in this country, and the war tax, of course, should be assessed against the stockholders, to be deducted from this net guaranty; and it is so provided in the bill. So the figures which I shall submit showing the per cent this guaranty represents upon the railway capital of the country and upon the book value of the railway assets of the country will include taxes before deduction. The gross figure of $941,000,000 is taken and applied to all the railroads in the country.

Mr. LODGE. Does that include the fixed charges?

Mr. KELLOGG. That is the net after taking out all charges.

Mr. LODGE. After deducting all fixed charges?

Mr. KELLOGG. That is the net operating income of the railroads—the average net operating income for the last three years after paying fixed charges.

Mr. LODGE. And paying interest?

Mr. KELLOGG. No; not after paying interest, but only after paying operating expenses. Out of this $941,000,000 the railroads must pay, first, their excess-profits tax; second, their interest; and third, whatever dividends they have averaged for the last three years. Then they must use whatever balance they have for the betterment or improvement of their property, and they can only pay the average dividends declared for the last three years.

Mr. GORE. What is the amount of the interest?

Mr. KELLOGG. The interest on their bonds is about $450,000,000.

Mr. SHERMAN. Are the local taxes, which amount to something like one hundred and thirty-five or one hundred and forty million dollars a year, deducted?

Mr. KELLOGG. The local taxes are part of their operating expenses, which are first deducted, but the Federal excess-profits taxes, of course, are not deducted, being paid by the stockholders.

Mr. STONE. Mr. President, did I understand correctly the answer of the Senator from Minnesota [Mr. KELLOGG] to the interpolation of the Senator from Oklahoma [Mr. GORE] to be that out of the nine hundred and odd million dollars of earnings payments of the interest on obligations of these railroads must be met?

Mr. KELLOGG. Yes; my recollection is—and I will correct it if I find that I am not speaking accurately—that the interest charges of the railroads are about $450,000,000, which comes out of this guaranty. The balance, after paying taxes, may be applied to dividends, betterments, and improvements, which I shall discuss later. The railroads annually have paid dividends from two hundred and fifty to three hundred and seventy-five million dollars. They have paid less in the last two or three years than they paid at an earlier period.

It is claimed by the railroads that the three years selected are not fair to them, because 1915 was an extremely poor year, and it is claimed by some members of the committee that they are more than fair, because 1916 and 1917 were very good years. It is true that in the year 1915 the earnings—with perhaps one exception, to wit, 1914—were the lowest since 1900, based on the net operating income to property investment or total capital obligations.

I am inclined to think, after consultation with the members of the Interstate Commerce Commission, especially with the expert statistician, that 1915 was the lowest year since the year 1900. I send to the desk, and ask to have incorporated in my remarks, a statement formulated by the Interstate Commerce Commission showing the relation of net operating income to property investment for the years 1900 to 1917. In 1915 it seems to have been 4.09 per cent; in 1914 it was 4.19 per cent; and the figures range all the way from that up to 6½ per cent in 1917. The percentage for 1917, however, is an estimate, because the reports of the railroads for the calendar year 1917 have not all been received.

I ask at this point that the table referred to may be placed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The table referred to is as follows:

RETURN ON PROPERTY INVESTMENT.

The annual report of Interstate Commerce Commission dated December 1, 1917 (pp. 36, 37), shows relation of operating income (not net operating income) to property investment as follows:

Years ended June 30—	Per cent.	Years ended June 30—	Per cent.
1900	4.52	1909	5.34
1901	4.66	1910	5.73
1902	5.02	1911	4.87
1903	5.19	1912	4.62
1904	4.83	1913	5.12
1905	5.10	1914	4.19
1906	5.58	1915	[1] 4.09
1907	5.61	1916	5.80
1908	4.78	1917 [2]	6.50

[1] Lowest in period. [2] Estimated.

Mr. KELLOGG. I also ask that there be incorporated in my remarks a memorandum showing the gross dividends paid by all the railroads of the country for the years 1912 to 1916, inclusive.

The PRESIDENT pro tempore. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

ITEM III.

Information called for: Table showing aggregate dividends paid by all railroads in each of the said years and average for the period stating each separately.

Modification: Can not be given for 1917. Would suggest that the aggregate only for all class 1 roads be given for each year 1912 to 1916, ending June 30, and the detail by roads for one year. Dividends declared, not actual payments, have been used as the only measure of the effect in the year's income account.

NOTE.—See note under Item I.

Aggregate dividends declared—Class 1 roads.

Year ended—	Amount.
Dec. 31, 1916 [1]	$306,070,530
June 30, 1916	281,936,371
June 30, 1915	259,909,530
June 30, 1914	376,098,785
June 30, 1913	322,300,403
June 30, 1912	339,964,855

[1] See accompanying statement, which includes similar information, by roads, for the year ended Dec. 31, 1916.

Mr. KELLOGG. It appears that in 1912 in round figures the railroads paid $339,000,000 in dividends; in 1914, which was a poor year, they paid $376,000,000, but of course the earnings which paid the dividends in 1914 were mostly made the year before; that in 1915 dividend payments went down to $259,000,000; in 1916 they amounted to $281,000,000, and for the calendar year 1916, $306,000,000. While the railroads were making more money in 1916 and 1917, they were manifestly putting more money into their property and paying less in dividends. To be sure, a great many of the railroads, standard lines, paid the same dividend year after year, like the New York Central, the Great Northern, the Northern Pacific, and the Pennsylvania. The latter paid 6 per cent, the Northern Pacific and Great Northern 7 per cent each, and the New York Central 5 per cent. Those were regular dividend-paying lines, but some roads did not pay dividends after the poor years of 1913, 1914, and 1915.

Mr. POMERENE. Mr. President, if I may be permitted a suggestion in that connection, in order that we may be able to give proper effect to any statement of net profits or of moneys that shall be passed to surplus, we must bear in mind that the purchasing power of the dollar or of that surplus to-day is only about 60 per cent of what it was a year or two ago. That was developed in the course of the hearings. There was some information given showing the relative cost of freight cars, of passenger cars, of locomotives, and it was demonstrated that the price of equipment of this kind is nearly twice what it was two years ago.

Mr. KELLOGG. That is correct. The $941,000,000 of net operating revenue to be used for the payment of interest and dividends and to provide betterments and improvements, of course, does not mean what it did a few years ago. So far as interest upon securities is concerned, it means the same thing, because the loser is the man who collects the interest; but, so far as dividends are concerned, of course the stockholder does not get actually as much as he used to get, and so far as betterments and improvements are concerned, it takes twice as much money to buy the material to improve the railroad to-day as it took five years ago. So we must consider that as a very important factor in this question. I do not think we should guarantee a greater income on that account, because everyone must bear his loss because of the depreciation of currency, and the committee did not take that into consideration in authorizing the guaranty; but the consideration suggested by the Senator from Ohio, however, is a very important factor.

Inability to get ships for the transportation of our products, and the effect of the war, greatly depressed railroad earnings. This is particularly true in Southern States, where the cotton crop could not be marketed and the railroads suffered very greatly on that account.

Another thing must be also considered in connection with this subject. The guaranty which this bill authorizes the President to make to the railroads as a maximum is the average of the net earnings for those three years.

We are not guaranteeing to each of the railroads the income that this maximum provides; we are simply providing a maximum, as I shall show later, beyond which the President can not go. He can go below that as far as he pleases, or as far as the railroads will accept it; and if any one railroad is receiving too much (as some very fortunately situated lines undoubtedly are, as I shall show you), the President is not required by this bill to guarantee the maximum amount; in fact, Congress could not provide for any maximum or minimum amount that should

be guaranteed to the railroads; we could simply provide that he should not make an agreement going above that amount. The railroads may or may not accept it, as they see fit. This would be fair to the railroads if the capital invested in 1915, 1916, and 1917 was the same as the capital investment during the time of the Government operation. But there was invested by the railroads between 1914 and 1916, $795,043,061. In other words, the capital which earned the income of 1916 was $795,000,000 more than the capital which earned the income of 1915; but it is the amount in dollars which we take, and we do not increase it to make up the extra capital which was invested in the lines. It is a fact also that between June 30, 1914, and June 30, 1917, the railroads invested in their properties $1,172,669,161. Considering the fact that 1915 was an extremely low year in net earnings and, further, that there had been an investment in the property of these large sums between 1914 and 1916, I am inclined to think that it is a fair offset to the very prosperous years of 1916 and 1917. A longer period than three years was suggested by some who appeared before the committee. There are objections to taking a long period, because, from year to year, there is an average investment in the railroads from $300,000,000 to $500,000,000, and unless the earnings of the earlier years were increased in proportion to the added capital, it would not be a fair basis for the value of the use during Government operation. The entire standard return, allowing nothing for betterments and improvements, is equal to 5.19 per cent on the property investment, as shown on the books of the railroads, amounting to $17,380,000,000, and it is 5.63 per cent on the total capitalization of all the railroads—that is, stocks and bonds—amounting to $16,710,650,327. As the average interest on the bonds of railroads is not quite as large as the 5.19 per cent or 5.63 per cent mentioned, if the interest was first deducted and all the balance applied on total stocks of railways, it would be more than this. Assuming the value of the property to be either the investment value shown on the books or the face of the stocks and bonds, of course, this return would be small, because it would allow no surplus for investment in betterments and improvements. It is said, however, that the investment in property, as shown on the books of the railroads, is entirely unreliable, and, to a great extent, this is undoubtedly true. It is a fact, however, that for the last 10 years the Interstate Commerce Commission has regulated the accounts of railroads so as to accurately show the amount invested in betterments, improvements, extensions, and new railway properties, and during that time $4,500,000,000, or a little over 25 per cent, of the entire book value of the railways, has been invested. It is a fact, more in early days than in late years, in the construction of railroads in the country, the book value, as shown by the accounts, was generally the face of the stock and bonds issued and that in many instances these stocks and bonds did not represent actual cash invested.

For instance, a construction company would be organized which would agree to build road A for so many bonds and so much stock; and everybody knows that in the early days usually the stock was a bonus for building the road. Much of the inflation introduced in railway accounts in this way has been eliminated through receiverships, foreclosures, reorganizations, and by additional money put into the properties. There are undoubtedly some railroads which are excessively overcapitalized, like the Chicago & Alton, Kansas City Southern, and other lines. No one denies that. There are many that are undercapitalized, and whether the most accurate investigation which can be made will show that the total value of railroad properties exceeds or is under total capitalization no one can tell. I might say that it is my own judgment that it will be found, if the railroads of this country are revalued, that their value is a figure not far from their present capitalization. As I say, there are many railroads—and I will mention a few of them—which are very much undercapitalized. There are those who advocate that railroads should be allowed 5 per cent or 6 per cent on the actual money invested, and that the Government should ascertain the exact or approximate investment. However, the public will never buy railroad stocks, subject to the fluctuations and hazards of such securities, when they realize more for their money by loaning it out on good security at an equal rate of income.

The railroad systems of this country, which were built before the country was settled and industries developed, would never have been built under such conditions. We must remember that European railroads were built after the country was fully settled and industry largely developed. With us the railroad was the pioneer, pushing its way into the wilderness before the country was settled and industries developed. I went to Minnesota 53 years ago by railway, steamship, stagecoach, and ox team. At that time there was not a mile of railroad west of the Missouri River. Yet in this short space of time, in the life of nations, that country has been developed, peopled with millions of progressive, virile men and women, traversed by lines of railroad, and filled with great centers of industry. Who believes this could have been done if the only reward the investors received would be 5 per cent or 6 per cent on the money invested, if the railroads should be fortunate enough to earn it, and nothing, if they were not? I am, and have been for many years, earnestly in favor of the Federal Government establishing a uniform system to regulate the issue of railway stocks and bonds. It would prevent such abuses as in the Chicago & Alton case, and others, and render such securities a better investment. But no one is going back to examine the accounts of railroads to determine how much of the stocks and bonds is represented by actual cash.

One of the serious problems encountered in this bill is that this standard return is not divided equally between all railroads so as to be a uniform payment on investment or capitalization. The net earnings of the roads vary, some pay no dividends and the dividend-paying roads vary a great deal; and it has been said before the committee that this guaranty would give some of the roads a very large income while others would receive a small one. As I have said before, this is the inevitable result of our competitive system of separate corporations and ownerships. Some, like the Burlington, the Pennsylvania, and other roads, have short lines, advantageously located, cheaply constructed through densely populated communities, yielding heavy traffic, while others are less fortunately situated, and rates which would yield one an exceedingly small income would pay the other a large one.

But, as I said before, we must not forget that this authorization to the President is merely of a maximum. He is not obliged to allow, and I suppose he will not allow, a railroad a guaranty which will give it an excessive income.

But if we are to concede that the earning capacity is not a reasonable basis for the value of the use of the properties, I know of no way to arrive at an accurate rental value without years of investigation and litigation. It is said that the standard return, after paying interest on the bonds of all the railroads in the country and after deducting an estimated $70,000,000 excess-profits tax, would pay about 7.15 per cent on the net capital stock; I mean net capital stock outstanding in the hands of the public. Before deduction of this excess-profits tax it would amount to about 8.26 per cent. But this, of course, would allow nothing for betterments and improvements, which represents one of the most important questions in railroad management. Every year the railroads in this country must spend millions of dollars in betterments and improvements in order to properly serve the public. Many of these betterments and improvements are such that they will not pay a return on the investment, such as new stations, elevation of tracks, safety appliances, elevated or depressed crossings, and very many other improvements. Take the Pennsylvania Railroad as an illustration. It appeared in the hearing that it has in the last 10 years invested about $350,000,000 out of surplus in betterments and improvements and about $150,000,000 out of new capital. Of these improvements the Hudson River tunnel and the New York Station, as well as the track elevations which that company has made to a very great extent, have undoubtedly cost more than $200,000,000; and yet these improvements would yield little, if any, revenue.

Now, that is true all over this country. The public is constantly demanding and is entitled to better stations, elevated tracks in cities, and so forth; yet those stations and those tracks do not yield any revenue at all to the company, and they should be paid for out of a reasonable surplus over and above a fair income to the stockholders.

Mr. SHERMAN. Mr. President, I assume that it will not break in on the course of the Senator's remarks if I make a suggestion at this point.

Mr. KELLOGG. Not at all.

Mr. SHERMAN. The Union Station at St. Louis is not permitted by the proprietary lines to pay anything more than maintenance. Dividends can not be paid on the vast expenditures in connection with that station. That has been decided, as no doubt the Senator is aware, in adjudicated cases, and the practice is followed very scrupulously by the proprietary lines.

Mr. KELLOGG. Why, Mr. President, in Chicago to-day they are preparing to erect a station, which is badly needed, at a cost of millions of dollars. It will not add a dollar of revenue to the railroads' earnings, and if we are going to maintain the great railroad systems of this country properly to serve the public they must be allowed something more than dividends upon their stock. One of the weaknesses of the English system has been that the English railroads have to a much greater extent than in this country paid out their entire income to

their stockholders. I do not say they have paid it all out, but they have paid out a very much greater per cent, and they have capitalized improvements and betterments until the English railways to-day are capitalized away beyond what is reasonable, and the stocks of English railways in the last 10 years have reflected in their downward course that bad practice of capitalizing improvements and property investments which will not earn any interest upon the cost.

Mr. WATSON. Mr. President, if it will not interrupt the Senator——

Mr. KELLOGG. Not at all.

Mr. WATSON. My recollection is that the English railroads are capitalized at $275,000 a mile and the American railroads at a shade under $70,000 per mile.

Mr. KELLOGG. I think the American railroads are capitalized at about $62,000 per mile.

Mr. WATSON. Yes.

Mr. KELLOGG. But I am not sure of those figures. I have, however, examined the railroad statistics of the world very carefully, and, generally speaking, our railroads are capitalized at less per mile than most of the railroads of the world.

Mr. SHERMAN. Mr. President, before the Senator leaves that item I should like to make this further suggestion: Referring to the cost of $274,000 per mile in England, text-writers and reports from Parliament say that the original cost was largely caused by getting authority from Parliament to build the roads. I should like to add that comparison and put it alongside the railroad conditions in our own country, showing that it is not as bad as it might appear to be.

Mr. ROBINSON. Mr. President——

Mr. KELLOGG. I yield to the Senator from Arkansas.

Mr. ROBINSON. The further statement ought to be made in that connection that most of the English roads, or practically all of them, are double-track or multiple-track, so that the comparison does not mean all that it would seem to mean upon the simple statement.

Mr. KELLOGG. No; it does not; but making an actual comparison per mile of track, of course our railroads cost very much less.

Mr. ROBINSON. Yes.

Mr. KELLOGG. These improvements and betterments which do not yield revenue can not or ought not to be capitalized, and a railroad must retain a surplus amount of income over and above a reasonable dividend to make such improvements. It is my opinion that it is much better railway economics that some surplus be allowed over and above reasonable dividends to make improvements and betterments, and not to allow those improvements to be capitalized.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. KELLOGG. I do.

Mr. CUMMINS. Will the Senator from Minnesota state exactly what he means by "capitalizing"?

Mr. KELLOGG. I think that if Congress would take the whole railway situation of the country, determine that the capitalization now is fair, or determine what is fair, and provide a system for controlling future capitalization, it should not permit those improvements made out of surplus and beyond reasonable dividends to be capitalized or used as the basis for increasing rates. That is what I mean, exactly.

Mr. CUMMINS. In connection with the point just stated it must be borne in mind that in Great Britain they permit stock to be issued for these betterments and improvements. In this country some roads issue stock for betterments and improvements made out of the earnings—some do not—but they all insist that the public shall pay rates that will return interest upon these added values. So the result is capitalization, no matter whether capital stock be issued for the values or not. So far as the public is concerned it is asked to pay for the added value, and I am very glad to hear the Senator from Minnesota say that he thinks the money that is contributed toward capital by those to whom service is rendered and out of which betterments and extensions are made should not be the basis for additional returns.

Mr. KELLOGG. I thank the Senator from Iowa. Of course we can not stop in this bill to work out any elaborate scheme of control of capitalization and rate regulation, and we have not attempted it. The bill does contain a clause, however, which I may ask the indulgence of the Senate at some later time to discuss briefly, that betterments and improvements made out of surplus during the continuance of the war or Government control shall not be used to increase the guaranteed rate of income. That is a question, however, I shall wish to discuss separately.

It is sufficient to say here that under this bill any part of the guaranteed income which the President may give to any railroad, over and above the rate of dividends invested in the property, can not be used during the Government control to increase the income of the railroad thus guaranteed.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. KELLOGG. I do.

Mr. CUMMINS. I shall not interrupt the Senator much further, but I think it would lead to a better understanding of the matter if I would point out that the part of the bill to which he refers, and which meets with my entire concurrence, is imperfect in that it saves the public from the additional imposition during the period of Federal control, but when the roads pass back to their owners then they are permitted to use these very betterments and extensions made out of the surplus as a basis for an increase of rates, and that is my objection to it.

Mr. ROBINSON. It may or it may not be. That is yet to be determined by Congress. That is for future determination.

Mr. CUMMINS. I suppose Congress will be of the same mind then that it is now, and that it will allow the railroads to have the surplus.

Mr. KELLOGG. It is sufficient to say we have tried to make this bill a bill to regulate the railroads during the period of Government control, leaving Congress to settle those important questions hereafter, and that is the way this provision was left. If Congress desires now and in this bill to determine a permanent policy I have no objection, but I wish to suggest that we had better keep out of the bill as much as possible our various theories of railroad operation and control, because I am quite aware that most of us believe that we can do it a good deal better than it has been done, or better than the railroad men themselves can do it.

Mr. President, there has been submitted a minority report by the senior Senator from Iowa [Mr. CUMMINS], and there appears in it a statement of how much this guaranteed return will give to certain railroads upon their stock. This is an important question which the Senate should fully understand. Those figures are made up in this way: The guaranteed return, assuming the President gives each road the maximum, and you then take from that road the interest on its bonds and apply all the balance on stock as a dividend—which no company has done in the past—would show in some cases a very large income. As to all the railroads in the United States it would show, as I said before, about 7.15 per cent after deduction of excess-profits tax, but many roads pay no dividend, and all of them apply a large sum, greater or less in each case, for betterments and improvements of their property.

I wish to call the attention of the Senate for a few moments to a statement in the minority report of the senior Senator from Iowa, which graphically illustrates how dangerous it is to rely on a statement, though accurate, made up from books without knowing all the circumstances surrounding it. While I shall not discuss each one of these railroads, I would like to call the attention of the Senate to a statement on page 9 of that report, which I beg the indulgence of the Senate to read. Reading from the minority report:

> I have referred to the larger systems, but, to emphasize both the excessiveness of the standard and the disparity it introduces, it may be well to suggest that the following will have for their stockholders—
>
> Now, note that it is made up by taking all the net earnings and applying them on the stock after paying interest on the bonds—

	Per cent.
Bessemer & Lake Erie Railroad Co	647.22
The Chicago & Erie Railroad Co	70.45
New York, Philadelphia & Norfolk Railroad Co	35.74
The Cumberland Valley Railroad Co	24.01
The Lehigh & Hudson River Railway Co	27.98
Charleston & Western Carolina Railway Co	21.67
Duluth, Missabe & Northern Railway Co	114.12
Duluth & Iron Range Railroad Co	38.27
Panhandle & Santa Fe Railroad Co	64.37
St. Louis, Brownsville & Mexico Railway Co	52.71
Colorado & Wyoming Railway Co	182.64

> The report continues:
>
> These are astounding facts which the majority of the committee seems to have either overlooked or ignored. It can not be possible that Congress will tax the people of the country, either through rates for transportation or through other impositions, to pay these returns upon capital stock, the most of which was issued in defiance of both law and morals.

I am sure the senior Senator from Iowa did not wish to charge the committee with being careless or callous to the wishes of the people of this country or to their interests. I wish to say that the members of the committee were familiar with these facts.

Now, Mr. President, I wish to read a letter, which I shall ask to have incorporated in my remarks without reading the whole

of it, calling attention to the actual capitalization and the real facts as to some of these roads. The letter is from M. O. Lorenz, statistician for the Interstate Commerce Commission, to whom I submitted the minority report. It is dated February 11, 1918. I will only read a part of it and ask that all of it be inserted in the RECORD:

In reference to certain roads showing a high return on capital stock, the following data from reports to the Interstate Commerce Commission are submitted.

The Bessemer & Lake Erie is said to earn 647.22 per cent. Here is what the statistician says:

This road owns but 8.81 miles of road, but it operates 205 miles. It operates the property of its two subsidiaries. The property of the three roads is reported as follows for the year ending June 30, 1916:

Bessemer & Lake Erie	$17,583,494
Pittsburgh, Bessemer & Lake Erie	27,329,801
Meadville, C. L. & L.	445,761
Total	45,359,056

The $4,745,332 proposed standard return for these three roads combined is a little more than 10 per cent of the above total property. It is obvious that the $500,000 of capital stock gives no indication of the value of the property.

The report this year shows the total bond and stock obligations of the subcompanies which this company operates under a lease to be about $38,000,000 and a book value of $51,000,000; and the Interstate Commerce Commission report for 1917 shows that they earned 9.45 per cent upon the property investment as it appears upon the books.

Mr. POMERENE. Has the Senator any reason to believe that the book valuation in that particular instance is an overstatement of the valuation?

Mr. KELLOGG. No; I have no reason to believe it, because the whole question of the rates on iron ore from Lake Erie ports to Pittsburgh was considered by the commission in three or four cases within the last two years, and the rates under which these earnings were made were fixed by the commission with a full knowledge of the capitalization and value of the property of this particular road and the other competing roads running from Lake Erie to Pittsburgh, where this road runs. This road does have an enormous earning capacity, and I am not saying that its earnings are not too large. I am inclined to think that they are very large, and I am inclined to think that the President will not make a guarantee equal to the amount of those earnings. He is not obliged to do that under this proposed law.

Mr. SMITH of South Carolina. What was the total outstanding stock of the Bessemer & Lake Erie?

Mr. KELLOGG. Twelve million four hundred and ninety-eight thousand eight hundred and fifty dollars ($12,498,850) in stock and $25,630,000 in bonds; but all those companies are in a holding company, and for some reason or other the men who control it thought it was only necessary to have a nominal stock of $500,000. That is the real fact, but I do not say it is not earning too much.

Now, the Chicago & Erie—

is a subsidiary of the Erie Railroad—

Quoting from letter—

With only $100,000 capital stock it reports a property investment for the 250 miles of road which it owns of $29,954,145 for June 30, 1916. Its proposed standard return of $228,186 is less than 1 per cent of this investment. This road owes the Erie on open account of nearly $10,000,000, and on this debt it pays no interest.

I will omit the New York, Philadelphia & Norfolk, the Cumberland Valley Railroad, and the Lehigh & Hudson River Railway Co., all of which are explained in the same manner. I will not tax the patience of the Senate to read them.

Mr. POINDEXTER. What were their earnings?

Mr. KELLOGG. The New York, Philadelphia & Norfolk earned 9 per cent on its investment, the Cumberland Valley Railroad earned 12 per cent, and the Lehigh & Hudson River Railroad earned 8.4 per cent. The Charleston & Western Carolina earned 5.8 per cent on its book value.

Mr. POMERENE. Before the Senator goes to that, may I ask him this question: Does the letter from which the Senator is reading cover all the railroads referred to in the minority report?

Mr. KELLOGG. No; it covers all of those classed as exorbitant in their earnings. On page 9 there is another list of railroads. I will mention a few of them when I finish. I am not going through the whole list, because the task is beyond my time and strength.

Take the Duluth, Missabe & Northern and the Duluth & Iron Range. I have been familiar with those roads since the first preliminary line was run through the wilderness. The Duluth, Missabe & Northern is a road which is said to earn 114.12 per cent on its capital. This is what the statistician of the Interstate Commerce Commission says:

The Duluth, Missabe & Northern shows a property investment on June 30, 1916, of $36,048,455. The proposed standard return is $5,377,214.

Dependent on iron ore traffic.

I wish to go further with that. Three years ago the Interstate Commerce Commission entered into an inquiry as to all iron-ore rates in Minnesota. The Senate probably knows that the greatest iron belt developed in the world lies from 60 to 100 miles north of Duluth and Two Harbors. The density of traffic on those roads is probably beyond anything ever known in this country. I have seen ore trains follow one another every five minutes upon those lines of railroad.

After an elaborate investigation lasting for more than a year the commission found the Duluth, Missabe & Northern to have a capital stock of $4,112,500 and bonds in the amount of $16,298,000, making a total of $20,410,500, and at the same time found the actual value of its property to be $28,464,955, at least $8,000,000 more than its total bond and stock liability, and I think anyone who will read the report of the commission will learn that the finding was exceedingly conservative.

Again, as to the Duluth & Iron Range Railroad, which is said to earn 38.27 per cent, it showed a property investment, on June 30, 1916, of $27,354,603. The proposed standard return is $2,398,945.

In this case the commission found that the Duluth & Iron Range had a capital stock of $3,000,000 and bonds in the amount of $12,651,000, making a total of $15,651,000. The commission found that the actual value of the property was $22,130,635, about $7,000,000 more than its total stock and bond liability.

Mr. SMITH of Michigan. When the Senator says the commission found the values, he refers to the physical valuation?

Mr. KELLOGG. Yes. It appears, as I understand it, that the State of Minnesota made a physical valuation of all its railroads, under the charge of a man whom the State authorities employed, which took several years. This physical valuation was in evidence before the commission and there was a vast amount of other testimony, and the commission found that for the purposes of this case the physical value of the roads was as stated. It is over $8,000,000 in one case and over $7,000,000 in the other more than the total stocks and bonds of the road.

Mr. SMITH of Michigan. One more question, if the Senator will permit me. Was that examination for the purpose of fixing a basis of taxation?

Mr. KELLOGG. A basis of rates for carrying iron ore.

Mr. SMITH of Michigan. Which were to be prescribed by the State?

Mr. KELLOGG. To be prescribed by the Interstate Commerce Commission, and the Interstate Commerce Commission fixed the rates. I do not say that the Duluth, Missabe & Northern, the Bessemer & Lake Erie, the Chicago & Erie, and the roads named in this list are not earning too much. I am not defending their earnings. They are so situated in relation to an enormous single kind of traffic that almost any rate which would yield an income over operating expenses would earn a big dividend on their stock, because the stock in nearly every case is merely nominal. But the answer to all that is this: It was impossible for the committee, and it is impossible for Congress, if it had the legal power to do it, to investigate each case and fix a guaranteed rental value of the property. It can not be done legally, nor is it within the compass of the time of Congress. So the committee was obliged to fix a maximum, beyond which the President should not go in making a guaranty. It was wise to give somebody the authority to make an agreement with all the great railroad systems in this country, because to appoint a commission or a court to try each case separately would take years, as everybody knows. We are in a great conflict. We must maintain the integrity of the railroads and insure earnings which will pay interest upon their vast securities, but we must at the same time see that the people of this country are not overtaxed and that the roads are not overpaid. So the power was vested in the President to make an agreement, simply providing a maximum. It may be said that it would be wiser to confer that power upon some board to inquire into each case. Some one must be trusted to determine the facts and make an agreement with the railroads, or litigation will result which will last for years, and it therefore seemed to the committee that it was wise to confer this power upon the President.

Now, then, if any of these lines of roads by reason of their fortunate situation are earning too much money on the rates prescribed by the commission, the President is not obliged to guarantee them this maximum, and I assume that he will not do it. They do not need a guaranty, but many of them have

competitors not earning an excessive income. Take the Pennsylvania Road: In 1916 it paid 6 per cent and earned 5 per cent more. In 1915 it paid 6 per cent and only earned six-tenths of 1 per cent more.

Take the New York Central: It pays 5 per cent on its stock. Some years it earns 5 per cent more, which it invests in property; and it is compelled to invest a large sum in its property from year to year—in nonrevenue-paying improvements to meet the demands of this great and growing country. If the President finds that these amounts are excessive, I assume he will not make the maximum guaranty.

Now, take the St. Louis, Brownsville & Mexico. I never heard of it until I saw it in the minority report. The statistician of the Interstate Commerce Commission reports as follows:

This road is reported as in hands of receiver in 1916. The high return on capital stock is explained by the fact that the capital stock was reported at $500,000, while the property investment appears as more than $15,000,000.

I ask that the letter entire may appear in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, February 11, 1918.

Hon. FRANK B. KELLOGG,
Senate Office Building.

MY DEAR SENATOR KELLOGG: In reference to certain roads showing a high return on capital stock the following data from reports to the Interstate Commerce Commission are submitted:

BESSEMER & LAKE ERIE.

This road owns but 8.81 miles of road, but it operates 205 miles. It operates the property of its two subsidiaries. The property of the three roads is reported as follows for the year ending June 30, 1916:

Bessemer & Lake Erie	$17,583,494
Pittsburgh, Bessemer & Lake Erie	27,329,801
Meadville, Conneaut Lake & Linesville	445,761
Total	45,359,056

The $4,745,332 proposed standard return for these three roads combined is a little more than 10 per cent of the above total property. It is obvious that the $500,000 of capital stock gives no indication of the value of the property.

CHICAGO & ERIE.

This is a subsidiary of the Erie Railroad. With only $100,000 capital stock, it reports a property investment for the 250 miles of road which it owns of $29,954,145 for June 30, 1916. Its proposed standard return of $228,186 is less than 1 per cent of this investment. This road owes the Erie on open account nearly $10,000,000, and on this debt it pays no interest.

NEW YORK, PHILADELPHIA & NORFOLK.

This road is controlled by the Pennsylvania Railroad, but its accounts are distinct. It owns all the road which it operates. Its property investment is nearly $11,000,000, on which the proposed standard return is a little over 9 per cent.

CUMBERLAND VALLEY RAILROAD CO.

This is also controlled by the Pennsylvania Railroad. With its two subsidiaries which it leases, a combined property investment for June 30, 1916, was reported amounting to $10,308,715. The proposed standard return is about 12 per cent of this amount.

THE LEHIGH & HUDSON RIVER RAILWAY CO.

This is a subsidiary of various coal roads. It reports a property investment of $6,247,586 for the year June 30, 1916. The proposed standard return is $525,315, or 8.4 per cent.

CHARLESTON & WESTERN CAROLINA.

This is a subsidiary of the Atlantic Coast Line. On June 30, 1916, it reported an investment in road and equipment of $8,275,090. The proposed standard return of $478,916 is 5.8 per cent of this amount.

DULUTH, MISSABE & NORTHERN.

Shows a property investment on June 30, 1916, of $36,048,455. The proposed standard return is $5,377,214.

Dependent on iron-ore traffic.

DULUTH & IRON RANGE.

Shows a property investment on June 30, 1916, of $27,354,603. The proposed standard return is $2,398,945.

Dependent on iron-ore traffic.

PANHANDLE & SANTA FE RAILWAY CO.

Controlled by Atchison, Topeka & Santa Fe. It operates most of its road under lease. The following is the property statement of the Panhandle & Santa Fe and its subsidiaries as reported for June 30, 1916:

Panhandle & Santa Fe	$5,039,771
Pecos & Northern Texas	14,725,881
Pecos River	1,399,588
Total	21,165,240

The proposed standard return is $1,341,585, or 6.3 per cent.

ST. LOUIS, BROWNSVILLE & MEXICO.

This road is reported as in hands of receiver in 1916. The high return on capital stock is explained by the fact that the capital stock was reported at $500,000, while the property investment appears as more than $15,000,000.

COLORADO & WYOMING.

This is an independent operating road. With only $100,000 capital stock, it claims a property investment of $4,705,021 on December 31, 1916. The standard return of $333,053 yields a little over 7 per cent on this investment.

The preceding, while independent of other roads, was incorporated in the interest of the Colorado Fuel & Iron Co., and the bonded debt is probably not in the hands of the public.

The high ratio of net income to capital stock shown for the preceding roads is correct according to the reports, but where the capital stock is nominal in relation to the total property operated or where the property is closely associated with a parent or controlling company, such a ratio is not indicative of the degree of the prosperity of the road.

Yours, respectfully,

M. O. LORENZ, *Statistician.*

Mr. THOMAS. I should like to know if the letter gives any information regarding the last of the roads on the list—the Colorado & Wyoming Railway Co.—which, according to the minority report, would receive under the arrangement of this bill 162 per cent. My inquiry is as to whether or not this letter contains any information with regard to that road.

Mr. KELLOGG. I shall read what the statistician says in regard to the Colorado & Wyoming road. I know nothing about it whatever beyond the information contained in this statement. It is an independent operating road, and it belongs to the Colorado Fuel & Iron Co., so Senator THOMAS says.

This is an independent operating road. With only $100,000 capital stock, it claims a property investment of $4,705,021 on December 31, 1916. The standard return of $333,053 yields a little over 7 per cent on this investment. The preceding, while independent of other roads, was incorporated in the interest of the Colorado Fuel & Iron Co., and the bonded debt is probably not in the hands of the public.

I have no knowledge of the road whatever, but, as I said before, if the earnings are too great, the President will not make the guaranty. We were obliged to adopt some plan to permit an agreement. In doing so it was thought wise to make a maximum above which Congress would not authorize the President to go. On the other hand, as to roads very unfortunately situated, there is an exception made, that the President may make a greater guaranty than the standard return. So with this maximum, and what we might call the power of declaring a minimum guaranty which we give the President, it is hoped that he may be able to work out, with his experts, an agreement with the great body of the railroads of the country, avoid litigation, maintain the integrity of their securities during the war, and maintain the railroads, so that when they are turned back to their owners they will be in as good condition as at the present time. There are many other roads named here, though I have not the time to consider them. The Burlington seems to be a conspicuous example, and it was mentioned many times before the committee. The Chicago, Burlington & Quincy is undoubtedly an advantageously situated road, running through a very rich country in the Central West and the great Mississippi Valley. Its capitalization is admittedly low. Its average earnings for the three years 1915, 1916, and 1917, on average book value or investment of $484,507,951, was 7.02 per cent. To be sure, I have no doubt, if you deduct interest on its bonded debt and apply all the balance of the Burlington income to a dividend on this $115,000,000 of stock, it will show undoubtedly the figures given by the senior Senator from Iowa [Mr. CUMMINS]. I have no reason to question those figures; I have not examined them; but I presume they are correct. The Burlington Road, however, pays 8 per cent, and has done so for many years. The balance is used and invested in its property, and I think wisely so, because it is one of the best systems of railroad in the country. The answer, however, to the proposition is that right alongside of it are other lines of road, running through the same territory, which compete with it under the same rates, and the earnings and guaranteed returns of those roads are not excessive.

Mr. SHERMAN. There is the Rock Island, for instance.

Mr. KELLOGG. Yes; there is the Rock Island. I presume the Rock Island has been badly managed and is not entitled to my sympathy. I do not deny that there are many roads in the country like the Rock Island and the Alton that have been badly managed. That is true in every line of business. I hope Congress will pass a law which I have advocated for many years and have asked the Interstate Commerce Commission to recommend to Congress, regulating the issue of stocks and bonds of railroads in one central authority of the Federal Government. Such action would make railroad securities a better investment for the public. It would also be better for the railroads. We can not, however, stop here to determine what in each case is a fair return to guarantee the railroads. I have the figures for all of the roads, and many of them are published in the hearings before the committee.

I know Senators will give this very important question most careful consideration. If the plan provided in the bill is not fair, of course the Senate will not adopt it. I wish to submit the facts as I understand them.

Another phase of this guaranty question is—and it should not be overlooked—that this is not a permanent taking whereby the Government guarantees a perpetual income on the securi-

ties of the railroad. What would be reasonable under such circumstances would bear little relation to what would be reasonable as a temporary taking. The Government is taking property out of the hands of the railroads during the war, and the railroads are taking the chances of traffic being diverted to water lines or from one railroad to another, of the personnel of their organizations being changed, and of their whole system of business being revolutionized. For any of the incidental damages that may accrue the Government is not liable.

It was stated by Mr. Anderson before the committee that the President might, in controlling the railroads, divert the traffic from one line to another; that he might establish water lines in competition, and thus injure some of the railroads; and that there ought to be compensation provided in that event. For that injury, however, we can not provide compensation. We pay the railroads a guaranteed income during the period of Government operation, and it must and will cover all injury, direct and incidental. If, when the roads go back, any of them have been thus injured, that is one of the risks of Government operation which they must assume.

My own judgment is that it is not a serious risk. My opinion is that if the roads had been left in the hands of their owners, with authority vested in the President to appoint a director who should regulate their operation during the war, with power to divert traffic to lines least congested and to coordinate all their facilities and equipment the injury any road would suffer would be small and would occur in only a few instances; we would thereby have avoided consideration of this very complicated question of guaranty. As I have previously said, however, the President and his advisers thought otherwise, and I bow to that decision. It is our duty to determine as best we can a fair and reasonable basis of guaranty.

The railroads have no claim against the Government for anything beyond the guaranteed earnings, if they accept this, or, failing to reach an agreement, what the court should finally determine is a fair and just rental charge.

I am taking very much more time than I should, and more than I had intended to take, but if the Senate will bear with me I should like to discuss briefly two more questions.

First, as to the rate-making power. This bill proposes to vest the ultimate decision as to the reasonableness of rates, both relatively and otherwise, in the Interstate Commerce Commission, a body provided by law which has long been in existence and charged with all railroad-rate regulation in interstate commerce matters.

There is no subject more vital to the industrial interests of this country than that of transportation. The time was when each city and village was supplied with nearly all of its products from the surrounding country and in turn the cities and villages furnished the country with the principal manufactured articles. That time has passed. The specialization of industry, the inventive genius of mankind, the introduction of rapid transit, the building of great manufactories, which absorbed the small industries of the villages and towns, have made all parts of the country and Nation, to a greater or lesser degree, interdependent. Transportation, therefore, is a subject vital to every individual and every business in the country, and while, of course, the amount of rates is important the most important thing is the relative reasonableness of such transportation charges. The great rate structure of this country has grown up under competitive influences. I do not mean so much competitive influences between railroads, although this has been an important factor, but competitive influences between communities, States, and different sections of the country. The merchants and manufacturers of Chicago compete with the merchants and manufacturers of New Orleans, St. Louis, Kansas City, Omaha, St. Paul, and Minneapolis. The cities of the Atlantic and Pacific seaboard compete with one another for the inland trade. A difference of 1 mill per ton per mile will make or break the railroad systems of this country, and a small increase or decrease in competitive rates, unless just and equitable, may ruin the merchants and business men of one city and build up those of another. And while I do not claim that the rate structure of this country is in all respects perfectly just and reasonable, it is an approximation which has come into existence through years of experience of railroad men, State and Federal railway commissions, and competitive influences, so that the farmers of the Mississippi Valley may place their products on the markets in competition with those in other sections of the country. To build this great structure has required the best ability of an army of traffic managers, rate experts, and of the Interstate Commerce Commission and its employees. It is appalling to say that because we are at war this entire rate structure, and the absolute power to change a rate, affecting the billions of dollars of railroad property and hundreds of millions of dollars of commerce shall be placed in the hands of one man, without right of appeal, be he ever so great and though he possess the wisdom of Solomon. It is not the business of an executive. The making of rates is a legislative and administrative function.

The legislature must lay down the rules for making rates; for instance, that they shall be just and reasonable and nondiscriminatory as between communities and individuals; and the legislature may then delegate to a board or an officer the power to inquire as to whether the rates comply with the legislative fiat, whether they are reasonable, just, and equitable, and if the board or person finds such to be the case, to establish the rate. Of course, this is axiomatic, and I am merely making the statement in order that I may base further argument upon it. Nothing is further from the business of a purely executive office. In no nation of the world is the making of rates in the hands of a single executive officer of the Government. There is no more reason for this power being delegated to one official, without the right of appeal, in times of war than there is in times of peace. The making of rates does not affect the operation of the roads. It is simply a question of compensation. The great majority of traffic is not Government troops and materials, but is private; and no country in the world, even as to Government railways, has ever delegated the power to fix rates to a single official. In Canada it is vested in a Canadian railway commission; in Great Britain, in the railway and canal commission; and in France a most elaborate system has been adopted. A rate may be originated by a company, but before taking effect it must be approved by the minister of public works. It is submitted to the prefects of the departments or the arrondissements and to the chambers of commerce of the districts affected. It must be passed on by a consultative committee consisting of a body of men created to investigate rates, composed of 150 members, including officials of States, representatives of agriculture, commerce, and industry, and a representation of senators and deputies. In Prussia there is a general advisory council and nine district councils, and in Austria-Hungary and Italy they have established similar bodies.

In every country the making of rates is considered of such great importance to commercial life that it is surrounded by the greatest safeguards; and yet it has been proposed, simply because we are at war, that we not only turn over the operation of all the railroads to the President but allow the President to delegate to some official the extraordinary power of making all rates. I have seen in the newspapers within the past few days a statement that the Director General intends to increase the passenger rates in a certain part of the country to deter traveling. I hope it is to Washington. He might accordingly advance freight rates to deter shipments, and without knowledge and consideration of the far-reaching effect might ruin thousands of business institutions. Everyone knows that the President himself can not give time and consideration to the matter of fixing rates. The proclamation in this case, in substance, provides that until further order the State and Federal commissions are to continue their functions. I think it is the duty of Congress to provide the tribunal which shall have charge of this question, necessarily quasi judicial in its nature. It might be remarked here that the Interstate Commerce Commission is an arm of the Federal Government.

It is especially important that this power be vested in a body which has for years been gathering information, which has an intimate knowledge of the vast and complicated rate structure, and is conversant with business conditions and needs throughout the country. I do not claim that the system now in vogue is not capable of improvement. I speak, however, from an intimate knowledge of the operation of the present system extending over a period of 25 years, and it is my opinion that the Interstate Commerce Commission has performed a function of inestimable value to the business interests of this country. I know of no shipper or railroad who would return to the system which existed before the establishment of the Interstate Commerce Commission. We can all remember when the system of rebates was the rule rather than the exception; when the small shippers, who were without influence, alone paid the rates, and when industries and towns were built up by reason of partiality and others destroyed for the same reason. It was the natural outgrowth and logical result of excessive competition and unlimited power vested in railroad managers. That condition, however, is now one of the past.

The Interstate Commerce Commission has performed a great public service in investigating commercial and industrial conditions; in compiling statistics with regard to practically every phase of railroad operation and management, in enforcing the laws affecting commerce, and in coordinating the rate systems throughout the country.

It is argued that the President is responsible for the operation of the roads, and therefore should be vested with the power to establish rates. As Executive head of the Nation, he is responsible for many of the activities of the country, especially during the present emergency, but it is also true that, under the law, he is not charged with the execution of all the various war powers, and I know of no problem which can be more properly submitted to a tribunal familiar with rate structure than that involving the establishment of and change in rates.

It is provided in this bill that in the event the President fails to reach an agreement with the railroads with regard to compensation the determination of that question shall be submitted to a board or boards of referees appointed by the Interstate Commerce Commission.

I am as desirous as any Senator in this Chamber to vest in the President all the power necessary for the successful prosecution of the war, and I have voted accordingly since becoming a Member of this body. Moreover, in the event there is any doubt of the necessity for so doing, I shall resolve that doubt in favor of the President; but I can not believe that the President will ever desire to exercise the power of fixing rates or that such power should be delegated to a single individual.

DURATION OF GOVERNMENT OPERATION.

I am very strongly of the opinion that this bill shall provide a definite time after the termination of the war when Government operation shall cease and that it should not be left to the uncertain result of future congressional action.

Under the extraordinary war power the President, by proclamation, took possession and assumed control under the law which authorized this to be done during the period of the war. Having thus acquired possession of the railroads, under a statute which only authorized the taking of possession during the war, the Director General of Railroads now comes before our committee and asks that this possession continue until Congress shall otherwise provide. I have no doubt that under the war power Congress may keep the railroads for a reasonable time after the termination of the war. But to keep them an indefinite time and pay rent therefor is obtaining property under false pretenses, so far as the American people are concerned.

There are many reasons which convince me that this is unwise. I am quite aware that it will receive the approval of those who believe in Government ownership and operation. They see, without squarely meeting the issue, an opportunity to get permanent possession of the railways and carry out their ideas, or to experiment with the railroads with this in view.

I must admit that I have had to revise my ideas a good many times since the beginning of this war, and it is our duty as Senators to meet these startling changes with the most liberal spirit. *Though I did not believe it was wise or necessary to take over the railroads, I am prepared to go to the full limit to make Government operation as successful as possible and to grant all the powers necessary to that end.* But I am not yet prepared to take a step that will vest such powers in Government-ownership advocates and force Government operation of railroads upon the people of this country. That question should be met by the American people squarely and fairly, unhampered by any other issue, and should the time come when the people of this country deem it wise to take over the railroads their mandate is final. I may support it myself, but I am not yet ready to do so. Why are the railroads taken for war-emergency purposes to be kept by the Government indefinitely, while campaign after campaign is waged over the question of Government ownership, where the President can, by vetoing a measure turning them back to their owners, require a two-thirds vote of Congress to return the property thus taken?

But as there are undoubtedly men who believe that any means of Government ownership and operation justify the end, I may be pardoned for considering for a moment the result of experience in Government ownership and operation. I believe there is no question that the result of experience has shown that Government operation of railways is more expensive, less efficient, and less beneficial to the people generally than private operation. We have a splendid system of railroads, with cost of construction and capitalization the lowest, in comparison, of the leading countries in the world, with the best equipment, the cheapest service, and, in most respects, the best service.

I do not say that it is all it should be, for I do not think it is. I remember very well a remark made by the late James J. Hill, who built the Great Northern Railroad through the wilderness to the coast. Only a few years ago he said "the railroads of this country ought to spend a billion dollars a year for the next 10 years," and I have no doubt that it is true.

The freight rates are very much lower in this country than in any other country except Japan. In some countries the passenger rates for all passengers carried are lower than in this country, but this is largely due to the fact that there they have third and fourth classes, which, on the Continent of Europe, constitute the greater part of the traveling. In Prussia, for instance, third and fourth classes constitute 95 per cent of the travel, and this, to a great extent, is true all over Europe, while in this country the extraordinary passenger service is equaled nowhere in the world.

It is true that in one respect our service is not as good as that of Great Britain, Prussia, and France, and that is in the number of accidents to employees and passengers. But this is principally due to the training of the employees. In those countries, under the law, there are severe penalties accruing in the event of errors and mistakes by employees, which are enforced. In Prussia, especially, the trains are in charge very largely of soldiers, trained to obey orders, whereas our people are reckless and careless and there is no reason to believe that there will be fewer accidents under Government operation than under private. It is impossible for me, in the time at my command, to go through all the statistics and comparisons between Government and private ownership operating side by side. But experience has undoubtedly shown in Canada, France, England, Austria-Hungary, Italy, Australia, and New Zealand that Government operation is less effective, less efficient, and more expensive and subject to all kinds of political interference. This is especially true in the countries where the railroad management is responsible to parliaments and congresses.

I should like to call the attention of the Senate to the report of Pierre Leroy Beaulieu, a French deputy, upon the experience of France in respect of Government operated railways and privately operated railways, and I ask that this article, commencing on page 21 and ending on page 25, be incorporated in the RECORD at the end of my remarks.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Without objection, permission is granted.

Mr. KELLOGG. I shall not stop to read it all, but I invite the attention of the Senate to a few sentences.

Mr. THOMAS. What is the date of it?

Mr. KELLOGG. This report was published in 1912. Quoting:

> A main argument used in Parliament in favor of transfer from the company to the State was that the company never did, and never could, earn its guaranteed dividend in full, still less the extra dividend which it would be entitled to if earned; that the company was accordingly a mere caretaker and not interested in financial results, and did not operate, and could not be expected to operate, with economy. The State, on the other hand, would have a direct interest in operating economically. That was the argument. Here are the facts: During the last 10 years of company management the State had to pay an average of $2,894,280 a year to meet its liability under the guarantee to make up the deficiency in net operating income.

In France all the private railroads receive a guaranteed income on their stock.

> During the first three years after the transfer, the sums it had to find under the same head were $6,753,320, $8,875,792, and $14,934,484, respectively. For the year 1913 the figure was $14,752,237.
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> Nor do these deplorable financial results tell the whole story. The service to the public was absolutely demoralized. * * * In the first place it is the abuse of formalism and red tape, with all the delays which follow and which are directly in conflict with commercial needs. In the second place, it is the lack of stability. The director and all the chiefs of the service change at the will of the ministers, whilst in the private companies the higher personnel is maintained a long time, fulfilling the same functions. It is next the political influence which enters into the choice and advancement of the personnel. It is, lastly, the lack of discipline which also results from the political influence at work. From the electoral point of view, the lower staff, being much more numerous, will always have much more power than the superior staff.
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> From all points of view, the experience of State railways in France is unfavorable, as was foreseen by all those who had reflected upon the bad results given by the other industrial undertakings of the State, such as the telephone, matches, and many others. The State, above all, an elective administration, can not be a good commercial manager.

Mr. SHERMAN. Mr. President——

Mr. KELLOGG. I yield to the Senator from Illinois.

Mr. SHERMAN. Before the Senator lays aside the part referring to French railways, does the report or article from which he quoted show that the State-owned railways of France kill more of their passengers, compared with the mileage, than the privately owned roads?

Mr. KELLOGG. I do not know.

Mr. SHERMAN. I have a number of tabulations for several years that indicate that such was the case.

They not only kill more passengers but they kill more of their employees, although a lower per cent of them.

Mr. CUMMINS. Mr. President, I want the Senator from Minnesota to know that I am not going to draw him into an argument with regard to Government ownership, or participate in an argument on that subject; but I want to ask him if it is not

true with regard to the Western Railroad of France, which is the one he has just been speaking about, that under private ownership and operation the road had been permitted to fall into such decadence and dilapidation that when the Government of France took possession of it it was necessary almost to rebuild it and reequip it, and that these facts furnish the reason for the increased cost to the State for the few years after the Government took possession?

Mr. KELLOGG. No; the facts were the contrary. The road was in worse condition afterwards than it was before, and its operating expenses immediately increased. The Senator I think, will find that he is entirely mistaken about that proposition.

Mr. CUMMINS. The operating expenses did increase—I know that—but if the Senator will examine a document that was presented to the joint committee of the two Houses investigating the matter of railway legislation and control I think he will find that the extraordinary expenses for the few years after Government possession were due to what we call, in railway parlance, deferred maintenance; that is, private management had allowed the property to run down.

One other question, and then I will not ask further questions.

The Senator stated that freight rates in the United States were lower than in any other country in the world except Japan. Will the Senator state what the rate upon a haul of 50 miles is in the United States as compared with the haul of the same commodity for 50 miles in Germany or in any other country?

Mr. KELLOGG. I can not give the exact rate, but I have compared the rates, together with the distance hauled, not only between this country and Germany, but between this country and Great Britain, France, Italy, and other countries. I have examined the statistics and the opinions of experts on this question, and so far as I have been able to discover they uniformly agree that, taking distances and all the conditions into account, the rates are very much lower in this country than in any other country, I believe, except Japan. There may be some minor exceptions.

Of course you have to take many things into consideration. In Great Britain the railroad rates cover the collection and delivery of shipments. That is one reason why Great Britain's freight rates are high; but when you disregard that feature all the experts, in my opinion, will agree that the freight rates in this country are lower than in any of the other leading countries in the world, excepting Japan.

Mr. CUMMINS. That is not my understanding of the facts, although I do not want to disparage our own railway system; but I venture to say that when reduced to a comparable basis—that is, when the length of haul is considered—our rates are as high as, if not higher than, those of any other country in the world.

Mr. KELLOGG. The Senator is entirely mistaken, and I will refer him to any number of experts who have examined and written upon the subject.

Over and over again has it been shown where railroads are nationalized operating expenses immediately advance, the number of employees is increased, and the efficiency is decreased. Political influence is exercised over construction, betterments, and extensions to meet the demands of the people, and, with the exception of Prussia and Japan, there is not a Government system in the world that pays its operating expenses and a fair rate of interest on the cost, and in many cases there are very large deficits. It is true that even the German States outside of Prussia do not make their railways pay, and the result in Austria has been exceedingly disappointing and disastrous. It may be asked, Why do so many European countries own their own railways? There are various reasons, some of them military, others because the Government had guaranteed the indebtedness and was compelled to take over the railroads or lose the investment, and, again, because the cost of construction was too great and income too uncertain for private enterprise. In Germany it was very largely military consideration. Bismarck was desirous of constructing and maintaining Prussian railroads in a system most advantageous for the handling of troops and Government materials in case of war, and vast sums have been spent to construct railway tracks for strategic military purposes. This is more or less true in other countries. In France some railroads were taken over, especially the western roads, because the Government had guaranteed the income and took the roads over to save its investment. This is true also in Italy, to a very great extent, and in some other countries. It may be well here to remark in passing that the Government guarantees dividends of from 7 to 13 per cent on all of the private railroads in France and reserves a division of profits over and above from 10 to 22 per cent. The following is a table which gives the information as of 1910, the last date available:

	Par value of stock (francs).	Rate of dividends guaranteed.	Revenue reserved to stockholders before division of profits.	Dividends paid.	Market price Nov. 25, 1910, per 100 francs.
		Per cent.	*Per cent.*	*Per cent.*	*Per cent.*
Nord	400	13.525	22.125	18.0	407
Est	500	7.10	10.10	7.1	475
Ouest	500	7.50	10	7.7	186
Orleans	500	11.29	14.49	11.8	265
P. L. M	500	11	13.59	11.2	244
Midi	500	10	12	10	225

But one of the most serious objections to Government ownership and operation is the political influence and pressure brought to bear. One of the difficulties with railroads of this country has been that in many instances they have been too valuable as a political asset. But this is nothing to what it will be if the Government takes over all the railroad properties, valued at more than $17,000,000,000, and makes Government employees of over 1,700,000 men.

One of the scandals of our Government occurs in connection with its appropriations for internal improvements, such as rivers and harbors, post-office buildings, drainage projects, and so forth, where Congressmen and Senators deem it perfectly legitimate to obtain any kind of an appropriation for the benefit of the people of their districts in utter disregard of whether it is necessary for the national welfare or not. If all railroads of the country were placed in the same category, improvements, extensions, and betterments to meet the demands of the people of the various communities would be obtained through political influence; the running of trains, freight and passenger, furnishing facilities, would be constantly subject to political pressure through Congressmen, Senators, and public men generally. It has already commenced and the people in this country are demanding that they have a right to have their Congressmen and Senators intercede with the Director General of Railroads in behalf of their particular section of the country. Their Senators and Representatives can not do otherwise than present these matters, and will not do otherwise.

I do not say that this is objectionable other than as to the system involved. The building of railroads to meet the great commercial conditions of a growing country ought not to be constantly the subject of political pressure.

But there is another serious objection. In turning the railroads over to Government operation the employees and officers will be divested of the incentive and enterprise essential to any great undertaking. To-day the highest positions with the railroads of the country are within the reach of the humblest boy in the service. I know most of the railroad presidents to-day controlling the destinies of this vast property, and they advanced from very humble positions, and the value of the organization of the railroad company is derived largely from motives of self-interest and individual enterprise which opportunity offers to every man in railroad employ.

Hope of preferment and opportunity are the guiding stars which have made this country foremost in the industrial and commercial fields of the world. Nationalizing the railways makes all of the men mere Government employees. There is no hope that they can reach the position of president of the railway and enjoy the power and influence which goes with that position. They are mere clerks. They lose interest and ambition. Men with capacity, ability, and authority to employ their own men could run the departments in Washington for very much less money and very much more efficiently. It is, of course, one of the things that go with a democracy. I do not wish to see it changed, except to see it bettered. I am not in favor of turning over the vast railways of this country merely to reduce men to the dependent influences of Government operation.

Mr. President, there is a rising tide of socialism to-day which threatens the foundations of representative democracy the world over. There are well-meaning men in its ranks. They believe that the millennium is coming and the Government can exercise the function of all private enterprise and all fields of human endeavor can be equalized.

Sir, it is an old, old dream, which the world has discarded again and again since the dawn of civilization. The best guaranty to the people of this country for their security of our institutions are those principles embodied in the Bill of Rights, which have been tried by the experience of ages and are firmly fixed in the Constitution of this land.

In times of stress and storm, when nations are struggling for their existence, when all the resources and forces of society must be marshaled for the supreme test, it is unwise, under the guise of necessity, to forsake the fundamental principles of government and of economics which lie at the foundation of all progress and organized society. Business and industry should flow, as far as possible, through its natural channels. Always remembering, however, that the lives and fortunes of the people are pledged for the liberty and welfare of the Nation.

APPENDIX A.

Mr. KRUTTSCHNITT. Well, this crosshauling, particularly of coal, was one of if not the controlling influence that has brought about this congestion on the eastern roads. There is absolutely no control of crosshaul. The War Board six or eight weeks ago—I think in the latter part of November—had a conference with the Fuel Administrator and called his attention to the waste of transportation by crosshauling of coal and recommended that he issue orders that would stop it, and he asked us if we would not work up a plan and submit it to him. We did so and submitted that plan, I think, early in December. It was very carefully worked up, after the fashion of the English plan, which you have no doubt seen, by which the routing of coal from one producing district to a consuming district is marked out; and the principle on which the maps were drawn was that any consuming district should get its coal, regardless of its wishes as to quality of coal, from the nearest coal-producing district. That, of course, cut off the crosshaul, but nothing has ever been done about it. We urged action on it, but no action has been taken.

Senator WATSON. You had no power to enforce action?

Mr. KRUTTSCHNITT. Oh, absolutely none.

The CHAIRMAN. To what extent did that prevail in other shipments? Have you mentioned coal as the principal one?

Mr. KRUTTSCHNITT. Well, coal was the principal one, because its tonnage is so great. No doubt the crosshaul existed as to other commodities, but the crosshauling was not as potent an influence in bringing about this congestion as the crosshauling of coal.

The CHAIRMAN. I thought perhaps you might have some figures to show or some data to give the committee in reference to munitions and supplies to be exported abroad.

Mr. KRUTTSCHNITT. I was going to come to that, but I will answer that question now, that the next most potent influence in bringing about this congestion was the indiscriminate use of a preference envelope by shipping agents of the War Department. At the beginning of the war, in conference with the Quartermaster Department of the United States Army, the railroads printed what they called a blue envelope, and freight on any waybill or bill of lading inclosed in the blue envelope, which was clearly marked "United States Government service," was given preference, it being understood by the Quartermaster Department of the Army that whenever that envelope was used there would be no question about the preference. If it was marked "Government service," it would be rushed. Now, the Army, because of the vast tonnage which it was shipping and the great number of officers charged with shipping freight, got to using those envelopes for a great deal of freight that did not require preference movement. In other words, if was used for everything that the Government bought and abuses crept in thus: We will say a manufacturer who was turning out 10,000 tons might have been turning out a thousand for the Government and 9,000 for the general public, yet he would get preference envelopes to use for the Government shipments and he would use these preference envelopes for his whole output.

Senator ROBINSON. That same system has prevailed in the shipments to a large number of cantonments throughout the country.

Mr. KRUTTSCHNITT. Of course the railroad was helpless. We can not go behind the blue envelope and investigate when the freight is tendered, covered by these bills of lading, asking, "Is this really Government freight? Is it vouched for by so and so?" You have got to trust the men to whom these preference envelopes are given, and if they will let them slip out so that Tom, Dick, and Harry can use them, the result is just what you have seen. One of the trunk lines estimated that 85 per cent of the total tonnage they were handling, including coal, was covered by these blue envelopes. You can imagine the state of mind of a yardmaster at a terminal, say, like Pittsburgh, when he was confronted with the freight covered by all of these blue envelopes and covered by other orders giving priority of transportation to different commodities, he would be a fit subject for an insane asylum; he would not know how to get around his work.

Senator ROBINSON. Everything that came in had a priority?

Mr. KRUTTSCHNITT. Pretty much everything; and it resulted in this, that if everything had preference, nothing had preference; it simply congested the roads.

Now, those two influences were the principal ones that have brought about the congestion on the roads east of Chicago and north of the Ohio and Potomac Rivers.

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Senator KELLOGG. On that question of priority orders, prior to the act of August 10, 1917, the interstate-commerce law provided "that in time of war or threatened war preference and precedent shall, upon the demand of the President of the United States, be given over all other traffic for the transportation of materials of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic; and in times of peace shipments consigned to agents of the United States for its use shall be delivered by the carriers as promptly as possible and without regard to any embargo that may have been declared, and no such embargo shall apply to shipments so consigned."

That was the law in existence as to the shipment of materials of war. Now, on August 10, 1917, the Congress passed a bill providing "that during the continuance of the war in which the United States is now engaged the President is authorized, if he finds it necessary for the national defense and security, to direct that such traffic or such shipment of commodities as in his judgment may be essential to the national defense and security shall have preference or priority in transportation by any common carrier, by railroad, water, or otherwise."

I am sure it was the intention of Congress to place in one hand the power to direct preference or priority of shipments, but, as I understand you, notwithstanding that the War Department and the Navy Department, the Food Administration and the Coal Administration gave indiscriminate preference orders.

Mr. KRUTTSCHNITT. The understanding of the War Board, Senator, was substantially your own; that is to say, we supposed that when that priority act was passed that the man charged by the President with administering his duties under the authority of the act would determine priority for everything. Prior to that we had been acting under the clause you read from the interstate-commerce act; that is, we simply took it for granted that officers of the War Department and the Navy Department, all of whom were under the President as Commander in Chief, were under his orders, and anything that those departments wanted shipped we ought to give preference to, according to that law, and even after the passage of that priority bill we continued doing that.

Now, when this flood of preference envelopes threatened to swamp us we had a meeting with Mr. Lovett, who was priority commissioner, and we told him of our troubles with the departments, particularly the War Department, because there were more men shipping and more goods shipped, and they were using these preference envelopes in such numbers that they were getting beyond our control. We asked him if he would not take charge and straighten that matter out, and he said that he did not understand that it came under him. We had quite an argument about it. We wanted him to help us to that extent, and he said he could not; that it did not come within his purview, and also, if I understood him correctly, that his duty was simply to establish priority of movements as between different commodities, and he could not undertake to say that some things should be shipped and some should not. However, he was so impressed with our difficulties that he said he would take the matter up with the Secretary of War, and he told us a few days after that that the Secretary of War recognized the difficulties under which we were laboring and would have the matter straightened out, but nothing was ever done until Mr. McAdoo took charge. When we explained the troubles with these preference orders he at once appointed Mr. Chambers to coordinate all shipping facilities of the Government, and Mr. Chambers is now performing those duties.

APPENDIX B.

EXPERIENCE OF STATE OPERATION IN FRANCE.

Here in broad outline is the story of the result of the transfer. In the five years, 1904–1908, before the transfer the gross receipts rose steadily from $37,084,000 to $42,145,000. In the five subsequent years, 1909–1913 (the war upset entirely the figures for 1914), the gross receipts rose from $42,333,000 to $48,701,000, a slightly greater rate of increase. In the five years before the transfer, the operating expenses rose from $20,796,000 to $28,388,000, this last figure being unduly inflated by the fact that, from the date the Chamber voted the acquisition of the railway, the staff became entirely demoralized. The first year after the acquisition the operating expenses were $30,304,000. The next year they were $34,921,000, and the year after, $39,454,000. In 1912 they had reached $41,800,000, and for 1913 they fell back to $41,478,000. In other words, to earn a net revenue increased by 21 per cent, the operating expenses increased by 100 per cent. The net revenue was never below $13,757,000 in the worst year of company rule. It fell to $5,352,000 after the Government had been in possession four years. The operating ratio, which had risen from 56.4 to 67.8 under the company, was for the next five years as follows: 72.7, 79.9, 87, 89.4, and 85.2. It is fair here to make a qualification. The operating ratio had gone up on all the French railways between the two periods. It averaged 50.3 for the other five great companies for the years 1905 and 1906, and 58.4 for the two years, 1912 and 1913. But a rise from 50.3 to 58.4 is one thing; a rise from 56.4 to 89.4 is quite another.

A main argument used in Parliament in favor of transfer from the company to the State was that the company never did, and never could, earn its guaranteed dividend in full, still less the extra dividend which it would be entitled to if earned; that the company was accordingly a mere caretaker and not interested in financial results, and did not operate, and could not be expected to operate, with economy. The State on the other hand would have a direct interest in operating economically. That was the argument. Here are the facts. During the last 10 years of company management the State had to pay an average of $2,894,280 a year to meet its liability under the guarantee to make up the deficiency in net operating income. During the first three years after the transfer, the sums it had to find under the same head were $6,753,320, $8,875,792, and $14,934,484, respectively. For the year 1913 the figure was $14,752,237.

Nor do these deplorable financial results tell the whole story. The service to the public was absolutely demoralized. There were several very serious and numerous smaller accidents, and the staff and the public got so frightened that the express trains on the main line, already the slowest in France, were decelerated down to a timing that had been abandoned as inadequate in 1896. In addition, a number of trains were suppressed altogether. Punctuality went to the winds. Commuters on the system in the suburbs of Paris were compelled by their employers to live elsewhere because of the unpunctuality of their arrival at their work. As for the service in general, one figure will suffice. Compensation for accidents, loss and damage, averaged some $400,000 or $500,000 a year in the last days of the company. In 1911 the figure was $2,045,291. The minister of public works himself publicly criticized the State administration as a "frightful fraud." And the Senate passed unanimously a resolution beginning, "The deplorable situation of the State system, the insecurity and irregularity of its workings."

M. Leroy-Beaulieu gives the reasons for the "deplorable situation" as follows: "In the first place, it is the abuse of formalism and red tape, with all the delays which follow and which are directly in conflict with commercial needs. In the second place, it is the lack of stability. The director and all the chiefs of the service change at the will of the ministers, whilst in the private companies the higher personnel is maintained a long time, fulfilling the same functions. It is, next, the political influence which enters into the choice and advancement of the personnel. It is, lastly, the lack of discipline which also results from the political influence at work. From the electoral point of view, the lower staff, being much more numerous, will always have much more power than the superior staff. It is always on the side of the former that many deputies will be systematically ranged. Above all, it is impossible to be at once controller and controlled. If one of the great French companies under private management renders poor service, the public opinion is not slow to move the public power, and as this has the means to bring pressure indirectly but in many ways upon the companies, they are led to reform. On the contrary, when complaints are made against the State itself, the administration, irresponsible, does not listen. Rather, it seems indignant that particular individuals or even large associations should dare to find that all is not perfect. 'I have not

seen without a certain astonishment,' said the minister of public works in the Chamber, 'the chambers of commerce criticise the actions of the State in its (their) reports upon the railways.' The same minister has dismissed an employee from his office who was at the head of a section of a passenger line which emitted protestations against the delays on the western state service in the Paris suburbs. When the minister was reproached in the Senate, he declared himself ready to do the same again. One may see how dangerous to the liberty of citizens the extension of the industrial régime of the State would be where the number of functionaries would be indefinitely multiplied and where they would no longer have the right to complain.

"From all points of view, the experience of State railways in France is unfavorable, as was foreseen by all those who had reflected upon the bad results given by the other industrial undertakings of the State, such as the telephones, matches, and many others. The State, above all an elective administration, can not be a good commercial manager. It works expensively, and is powerless before its employees. The experience which we have recently gained has had at least one result. It has provoked a very lively movement, not only against the repurchase of the railways, but against all extension of State industry. This result seems to me fortunate. I hope this opinion will be maintained, and that not only we but our neighbors may profit by the lesson of these facts."

M. Leroy-Beaulieu gives examples of what has happened under the various heads. "As for formalism and red tape," on the eve of the handing over of the railway to the State, there were 1,526 employees in the central office. Within three years the number had increased to 2,587. "The single service of the accountant general was increased by 70 persons directly after the repurchase." And this was due partly to political pressure and partly to excessive red tape. For example, in the Caen division, the preparation of the pay sheets, which under the company took 9 persons 3 days, or 27 days, under the State administration took 12 persons 6 days, or 72 days. "According to official documents, there are not less than 96 persons receiving a salary of more than $1,929.52 in the State system" as against 33 on the system of a neighboring company of much the same mileage but with much higher receipts. In the five years from 1908 to 1912, the total expenditure increased $105,573,770, of which $8,412,707 were for salaries and wages. In 1908, out of every $19.30 of receipts the company paid $7.24 in salaries and wages. In 1912 this figure was $9.70. The comparative figure for the five great companies is only $5.70. In 1910 per $192,952 of receipts the State railways employed 235 persons, the private companies 174.

Again, as the result of the great strike of October, 1910, the Chamber of Deputies voted a large all-round increase in the wages of the staff. Naturally, the staff thought there were shorter cuts to increases of wages than hard work. As a sample of want of ordinary business management on the financial side, the budget commission of the Chamber reported that it could not draw up a proper estimate for 1912 from lack of the necessary accounts. "The statements addressed to the budget commission by the administration were manifestly inaccurate. * * * The great part of the statements of receipts and expenditures were found to lack any sufficient justification. Thus as regards the expenditure upon personnel, the tables accompanying the statement only stated the numbers of workmen and staff and the amount of their salaries in round figures. * * * We wrote for further statements, more particularly the numbers of the personnel. * * * The minister replied (three years after the railway had been taken over) that the enumeration of employees had not yet been made. * * * This example suffices to show the trust that may be placed in the other parts of the budget estimate." This is not the opinion of an outside and unfavorable critic. It is the report of a committee of the Chamber of the same political complexion as its predecessor which voted for the purchase, based upon a draft drawn up by a deputy well known as an advocate of State ownership.

One story given by M. Leroy-Beaulieu is so striking as a sample of the highest quality of red tape that it deserves to be given at length. It is from a letter of a station master read in the Chamber of Deputies: "In the time of the western company, we station masters had orders to use the rolling stock as quickly as possible, and to send to a given station all that we did not ourselves require. Under the State all is changed. Every station master is forbidden to load any wagon without the orders of the distribution bureau of the district. This bureau is, as is well known, a new creation specially designed for the purpose of finding situations for so many more bureaucrats. Recently, having received two wagons loaded with horses, accompanied by an order to send these wagons to Caen after they were unloaded, I thought to do well by loading in these two wagons 200 sacks of grain which had been waiting in the sheds for several days to go to Caen. But alas, I did not know the bureaus of distribution. The next day I saw my two wagons return, and I received at the same time an order to unload them. I was reproved into the bargain for excess of zeal. I had to obey the order. That evening I sent the wagons empty to Caen. Next day I received two others, also empty, in which to load the grain."

Mr. McLEAN. Mr. President, the issue raised by the minority report offered by the Senator from Washington [Mr. POINDEXTER] is one of overshadowing importance, and it is an issue that will be paramount at the ballot box in the near future. As a member of the Committee on Interstate Commerce I feel it to be my duty to let my constituents know precisely where I stand upon the question of Government operation of the railroads of the country.

The only possible justification for the bill reported by the committee is the fact that it is a war measure. We are facing the probable necessity of sending millions of men to France, there to contend against the largest and most brutal and best-equipped army in history. We know that unless the fighting strength of our Army and the armies of our allies is sustained to the highest possible point of efficiency the result may be disaster in which the history of self-government will be written in failure and disgrace.

Regular and sufficient transportation is the great and prime necessity in the business of waging war, a necessity which can not be met without unity of action and perfect cooperation, and this, in turn, can not be had unless the power to secure it is placed beyond interference by private interests. As a war measure, therefore, I am willing to confer upon the President all the power and latitude of action necessary to enable him to make fair and reasonable agreements with the carriers for the use of their properties during the war emergency and for a period thereafter long enough to permit the carriers to readjust themselves to peace conditions.

To extend the operation of this act until Congress shall "otherwise order" would be to give to this law all the permanency and length of life that it is possible for Congress to give to any law, and considering the ease with which attempts to repeal this law could be delayed and ultimately defeated, I can not escape the conclusion that those who vote against fixing a time within which this act shall cease to operate vote for the permanent Government ownership of the railway systems of the country. Certainly those who favor Government ownership would have every advantage, and beginning from the day of the enactment of this law they would endeavor to convince the people of the country that Government regulation had failed and that the only possible solution of the problem must be found in Government ownership.

It is possible that the New York & New Haven Road and other roads in New England will prefer a permanent Government guaranty of their fixed charges and maintenance to a return to the old system of regulation by Congress and the Interstate Commerce Commission, but as far as the stockholders and the public are concerned they will be the losers in the long run, in my opinion. New England must import her raw materials from great distances, and the cost of transportation is a serious burden. Private initiative and ingenuity will reduce this cost, if it is given a breathing chance, much faster than will be possible if the roads are managed by Government employees selected because of their value to party managers on election day. It is my guess that a large percentage of the carriers of the country, smarting under the injustices inflicted by the system in vogue prior to the 28th of December, 1917, will join forces with the Government-ownership advocates of every name and nature, including Socialists and Bolsheviki, and those of us who disagree with them and want cheap, regular, and safe transportation would best begin to drill for the coming onslaught.

There is no economic distinction in the public service rendered by a common carrier and the public service rendered by the producer of other things which are necessary to meet public needs.

The producers of transportation render a great public service, but not as great as the producers of food or clothing. Justification for Government interference with the seller of transportation arises only when he secures a monopoly of his product and is in a position to exact extortionate prices, and precisely that same situation will arise whenever the producers of food and clothing and shelter find it possible to create a monopoly in their products. The fact that the railroad must first secure a charter, charged with certain duties to the public, and the further fact that this charter may be revoked or altered at any time has no significance.

The railroad is a prime necessity to the people. The Government, in order to meet this necessity, has given to the railroad companies the right to take land and construct its lines, demanding in return nondiscriminating rates and accommodations.

There are instances of large public grants to railroads, and there are instances of large public grants to other private enterprises. Millions of acres have been practically given away, and properly so, to the farmers who have settled the great West. In the East the railroads have had to pay two prices for the land they have purchased. The claim that railroad property, though private, is charged with obligations to the public from which other private enterprises are free is untenable, and it is just this fallacy that will bring consternation to those who later on may desire to stop before they cross the dead line of socialism.

All private property is charged with its obligations to the public, and those obligations are measured by the economic necessities of the body politic, whether they be imposed by taxes or by restrictive and punitive statutes.

In the present emergency the Government has not yet taken possession of the farms and mines, but it has fixed the prices of coal and wheat and steel; and let me remark in passing that this price fixing will end in lamentable failure unless it be liberal enough to insure constantly increasing production. You can not compel men to do business at a loss.

The war necessity may demand many sacrifices in life and property, but when you destroy the sources of income you insure the loss of the war.

England and France early saw the need of increasing production, and they did it in the one sure way. They made prices a secondary matter. England raised passenger rates 50 per

cent on the outbreak of the war, and she also realized that enough wheat at $3 a bushel would be much cheaper than no wheat at $2 a bushel. I do not care how patriotic the producers are, they can not produce at a loss for any length of time. If wages are high, the products of labor will be high. As we are all consumers and nearly all of us are producers, high prices can be endured if they are relative. If the Government fixes the price of a product so low that it will hazard the margin of profit, it will very soon be compelled to lower the price of the labor which goes into that product or the industry will collapse, and it has been the failure of Congress and the Interstate Commerce Commission to understand this elemental principle that has caused the alleged breaking down of the railroads.

President Hadley, of Yale, acting as chairman of the Railroad Securities Commission, added to his reputation as a prophet, honored both at home and abroad, in his report published in December, 1911. Let me quote one or two of his conclusions as to what would happen if the railroads were denied reasonable compensation for the service rendered:

> A reasonable return is one which, under honest accounting and responsible management, will attract the amount of investors' money needed for the development of our railroad facilities. If rates are going to be reduced whenever dividends exceed current rates of interest, investors will seek other fields where the hazard is less or the opportunity greater.
>
> Neither the rate of return actually received on the par value of American railroad bonds and stock to-day nor the security which can be offered for additional railroad investments in the future will make it easy to raise the needed amount of capital. The rates of interest and dividends to outstanding bonds and stocks of American railroads is not quite 4½ per cent in each case.
>
> The necessary development of railroad facilities is now endangered by the reluctance of investors to purchase new issues of railroad securities in the amounts required. This reluctance is likely to continue until the American public understands the essential community of interest between shipper and investor and the folly of attempting to protect the one by taking away the rewards of good management from the other.

We must not forget that the record of the railroads prior to their regulation by Congress and the States is a remarkable one. For years the building of railroads furnished a field of speculative adventure unequaled in history. For years the railroad was considered the chief material need of growing America. Railroad building became almost a mania. Great financial risks were taken. Millions were lost as well as made. It has been stated that the total investment in railroads has returned a dividend of less than 2½ per cent. With the completion of the Union Pacific and the great trunk lines of the East came the consolidation era. As the possibilities and the advantages of combination and cooperation in transportation became apparent extravagant prices were paid for the stock of competing and contributing lines. In the East trolley lines and terminals and hotels were bought and built at extravagant cost. Ambitious managers lost their heads in their eagerness to secure vertical and horizontal monopolies of everything that promised a profit. Discrimination in rates was the order of the day. To get a low rate one must "play poker with the local manager and let him win."

Naturally, the public did not take to this idea. The tide of popular sentiment turned against the carriers. The States created commissions whose sole duty it was to watch and regulate transportation by rail. The free passes that had been proudly exhibited by molders of public opinion as a mark of distinction were either returned or kept in an inside pocket. State legislators that had been the tools of the carriers found safety in a complete change of front. Finally, Congress took a hand and in due time the other extreme was reached. Rates were fixed and rate pooling was prohibited. Competition was made mandatory and combinations forbidden. The Interstate Commerce Commission has repeatedly recommended a repeal of the antipooling law, but Congress has never had the courage to do it. The Interstate Commerce Commission has conceded the justice of higher rates, which it has not had the courage to grant.

Putting aside for a moment the wicked things that managers of the railroads have done in the past, or would have done but for the interposition of the Government, what has the capital that has been put into the railroads done for the country, and what do the railroads themselves stand for to-day as a national asset? The 400,000 miles of track in the United States have been put down for less than half the average cost per mile in other countries. Transportation in the United States costs less than half the average cost in other countries. The wages paid are more than double the average wage in other countries. The average tonnage per car and the total tonnage per mile is greatly in excess of that in other countries. The regularity, safety, and comfort of the service provided by the American roads is far better than that of the roads in other countries. For every dollar that the railroads have taken from the public more than a dollar has been returned. Is it not time to quit visiting upon the railroads the sins of the nineteenth century and do to them as we would be done by?

If we want to get a fairly definite idea of the value of the railroads to the American people, suppose we try to imagine what would be the effect of their removal.

Our total wealth is estimated at $240,000,000,000. Of that total, the railroad investment is said to be about $20,000,000,000, or about 9 per cent. Is there anyone bold enough to believe that the United States would be worth half what it is to-day if the railroads were removed? Moreover, the railroads are owned by somebody. There are 43,000 women who own stock in the New Haven Road alone. Thirty-three per cent of the assets of the savings banks in Connecticut are invested in railroad bonds and stocks, and probably more than 10 per cent of the assets of the insurance companies.

There are more than a million men and women who own stock in the railroads of the country, and the railroads employ directly nearly 2,000,000 men and women. Assuming that the stockholders and employees are heads of families, we have at least 15,000,000 of people directly interested in the prosperity of the railroads, to say nothing about the 13,000,000 of people who have deposits in our savings banks, and the 40,000,000 life insurance policies in the country, in the safety and security of which railroad stocks and bonds are a very important item.

Why should the transportation companies be denied fair treatment under honest management? The average dividend paid by the railroads in the last 20 years is less than half the average dividend paid by the other great enterprises of the country, including banking institutions, manufacturing concerns, and mines.

In 1909 the average net return from railroad operations was 4.07 per cent, and the net income from manufacturing industries was 13.06 per cent.

Railway supplies and equipment—new cars, engines, and nearly everything that is required to sustain the roads and meet the increased demands upon their carrying capacity—costs nearly three times to-day what it did three years ago. Congress and the Interstate Commerce Commission have stubbornly refused to authorize or permit the railroads to charge self-sustaining rates, or to unify and consolidate control in the interests of economy. No business on earth could survive such treatment. The farmer who, for want of hay, put green goggles on his horse and fed him shavings was a magician in the solution of transportation problems compared with the American Congress.

And, after all, has it been the fault of Congress or the fault of a distorted public opinion which has sustained Congress in its efforts to teach the railroads to live without eating? If the American people will demand an intelligent regulation of railway rates when peace is restored, the carriers will meet every need at constantly decreasing comparative cost.

Why should the Government assume this colossal burden, a burden that will constantly increase in weight and finally result in constantly increasing cost of transportation?

Combination is an economic necessity, but we must remember that the success of all combination requires the fiercest internal competition.

The necessities of the war require the gathering together of millions of men in one great unit, but that unit would be a dead and contemptible thing if the individuals which compose it did not constantly seek to rival and excel each other in deeds of valor and loyalty. The units of the great Steel Corporation must constantly vie with each other in their efforts to reduce cost of production. Combination and competition are inseparable to the economic growth of any business. Competition within industrial units and the combination of those units will be mandatory if we are to successfully stand against the competition that will be forced upon us by the combinations of other countries, and the cost of transportation may be the controlling factor in that great struggle. Cheaper and yet cheaper transportation may be the only weapon that will win for America the commercial wars that are bound to come in years of peace. The clear outstanding fact that American roads, with all their handicaps, have reduced the cost of transportation to the American people to less than half that imposed in those countries where the carriers are owned or managed by public officials is a fact that can not be wisely disregarded.

The American railroad, belonging to class 1—that is, roads that handle a gross revenue of $1,000,000 or more, as classified by the Interstate Commerce Commission—carried in the year 1917, 409,000,000,000 ton-miles of freight, which is an increase of 135,000,000,000 tons over the year 1915, and this increase in itself was as great as the entire freight traffic handled by the railroads of Canada, Germany, Great Britain, Russia,

France, and Austria in 1917, and these countries have a population more than three times that of the United States.

In the first six months after the beginning of the war the American roads carried more freight than they did in the entire year 1906. A freight-train load in 1906 was 344 tons, and in 1917, 655 tons. Notwithstanding this astounding increase in tonnage, the rates were such as to prohibit an increase in net revenues.

Yet the roads did not neglect their duty to the public. From 1906 to 1916 the roads ordered an average of 2,846 locomotives per year and an average of 147,000 cars.

In the year 1917 the average gross earnings per ton-mile in the United Kingdom was 2¼ cents. Using this as a basis figure of 100 for comparative purposes, in Germany it was 1.37 cents; in France, 1.3 cents; Switzerland, 2.5 cents; and in the United States it was 0.71 cent, or 31 per cent of the British rate.

One of the reasons why the American roads have been able to live, notwithstanding the low rate at which they have been compelled to serve the public, is due to the fact that the roads are capitalized at much less per mile than the roads of other countries. The average per mile capitalization in the United Kingdom is $274,222; Germany, $120,874; France, $150,322; Switzerland, $133,255; United States, $66,447.

The minority report submitted by Senator POINDEXTER cites the New Haven road as a shining example of the folly of attempting Federal regulation under private ownership. It does not follow that because a good and much-needed bank is badly managed for a time that all the banks should be owned and run by the Government. The way the New Haven road has served the public, in spite of its misfortunes, is little short of miraculous, and the Senator who says that the present coal shortage in New England is the fault of the New England railroads is badly misinformed. The New York, New Haven & Hartford, the Boston & Albany, and the Boston & Maine roads, the three roads serving New England, transported 2,817,000 tons more of anthracite and bituminous coal into New England in 1917 than they did in 1916. The scarcity of coal and its grave consequences is largely due to the fact that the Government impressed the tugs which had customarily towed coal barges plying between New York, Philadelphia, Baltimore, and Hampton Roads to New England ports.

The wonder is that in view of the startling increase in labor cost and cost of equipment the great trunk lines of the country are not all in the hands of receivers.

Ties have increased in price 225 per cent since 1897; steel rails, 213 per cent; bar iron, 301 per cent; car brasses, 261 per cent; bridge timbers and stringers, 157 per cent. Freight cars that cost a thousand and eleven hundred dollars each in August, 1914, have doubled in price. Freight engines that cost from $28,000 to $32,000 each prior to August 1, 1914, now cost from $60,000 to $65,000, and this notwithstanding the Government has greatly reduced the price of steel.

The average freight rates per ton-mile, which in 1897 was 1.126 cents, was, in 1910, 0.977 cent.

The Government seems to have traveled upon the theory that the way for the railroads to survive the strain is to keep on increasing the total of an unprofitable business. If the shippers of the country had paid in 1910 the same average rate that was paid in 1870, they would have paid $3,000,000,000 more than they were compelled to pay.

Compensation for passenger service is still less satisfactory. Mr. Elliott, in his book on The Truth About Railroads, states that the passenger trains of the United States earned, on an average, for the year ending June 30, 1908, $1.27 per train-mile, while the average cost per train-mile, not allowing for taxes, was $1.47. A very large percentage of the passenger trains on the New Haven road are run at a loss.

In 1901 the Government received $100 for every $34.18 it paid the New Haven road for transporting the mails, and by 1911 the Government reduced this sum to $21.26.

I desire now to quote from the report of the Interstate Commerce Commission the following statement of the cause of the breakdown of the Boston & Maine:

> The financial strength of the Boston & Maine, which has been made manifest for more than half a century, was converted into a financial weakness in half a decade after passing into the control of men who had the reputation of being eminent financiers.
>
> There is reason for belief that this railroad in the hands of its former management would have continued to pay dividends and serve its constituency of passengers and shippers with reasonable rates and adequate facilities.

It is hard to account for such unfair and wholly unfounded statements. Every informed person knows that for many years before it was taken over by the New Haven the Boston & Maine paid dividends that were not earned. The New Haven road put tens of millions of dollars into the Boston & Maine, and so saved it from bankruptcy, and enabled it to serve the public much better than before it took possession. The stockholders have suffered the losses due to mismanagement, and they should have the sympathy of every fair-minded man. But the railroads have struggled on with marvelous courage and skill, and under decent treatment would soon rehabilitate themselves financially.

We are risking all now to make the world safe for democracy. Yet history tells us that there is no tyranny so hard to bear as the tyranny of the majority when it ceases to act intelligently. The torch of democracy can scorch as well as illumine. It can light the way with equal certainty to slavery or liberty. Majorities of men, like individuals, are prone to take the easier, if not the easiest, way. To avoid the agonies consequent upon a serious injury the young man takes his first morphine tablet. The doctor orders it and the result is miraculous. As the young man slowly recovers he finds it easier to continue to take morphine than to stop, and in a few years the very thing that saved his life kills him. Shall we, in this hour of great suffering and in order to relieve that suffering, encourage the formation of a habit that will destroy us later on? We have already contracted a habit that will lead to disaster if we are not very careful, and that is the taxing habit. Income and inheritance taxes constitute a double-barreled gun with which Congress can compel the rich and poor to stand and deliver into the Public Treasury every dollar they possess. If this habit is indulged in to an extent that will discourage the accumulation of wealth, if the taxing power results in reducing production, there will soon be nothing to tax, but if it consistently leaves to the individual a margin of gain sufficient to enable him to continue his business at a profit to himself—a possible reward large enough to stimulate him to risk his capital and his health in new and renewed endeavors to make three blades of grass grow where but one grew before, then the American people will be able to meet the colossal obligations incurred by the war and to insure an ever-increasing share to be expended for the benefit of the public.

But to return to the railroads. Why should we expect results very different from those which have inevitably inflicted Government ownership in other countries? In the Utopia of Government-owned railroads policies will be dictated by politicians. Employment will depend upon the favor of the Director General and his subordinates. Qualifications for service will depend on ability to get votes rather than ability to avoid accidents or secure regular and sufficient transportation. New lines of road will be paid for out of the annual congressional pork barrel. Rolling stock will soon compare favorably with the sorry rigs which the rural free-delivery carriers use to deliver mails. An utter lack of incentive and initiative will exist in every department. Incompetency and "red tape" and a rapidly increasing number of employees will inevitably result. The people will not only be taxed to pay the interest on the original cost of $20,000,000,000 but the annual deficits will constantly increase. In Italy, where the chief railways were nationalized in 1905, the number of employees increased within three years from 97,000 to 137,000, and the systems do not earn enough to pay one-quarter of the interest on the investment in them.

Canada has been in the railroad business since 1867. It has owned the Prince Edward Island road since 1873, and it has never earned operating expenses. The Intercolonial road cost the Government $237,000 a mile.

A committee appointed to investigate the construction of the National Transcontinental Railway, extending from Quebec to Winnipeg, 1,334 miles, reported that $40,000,000 had already been wasted and that the original estimate of $61,000,000 for the total cost would fall $170,000,000 short of the actual cost.

Mr. James Bryce, whose insight into such matters is unsurpassed by any living man, entertains the following opinion of the wisdom of putting the enormous railway systems of this country into the hands of the Government. He says:

> The railroads can hardly be taken over and worked by the National Government as are the railways of Switzerland and many roads of Germany and Austria-Hungary. Only the most sanguine State Socialist would propose to impose so terrible a strain on the virtue of American politicians, not to speak of the effect upon the constitutional balance between the States and the Federal authority.

As I intimated at the opening of my remarks, it is quite probable that the managers of the great transportation lines, circumscribed and crippled as their organizations will be at the close of the war, will beg the Government to buy their roads and end their sufferings. I put this question to the president of one of the leading roads of the country, and his reply was: "As an American citizen I am very certain that a time limit should be fixed, but as a railway manager I would welcome permanent Government possession and operation with a fair guaranty on the investment." I am already receiving postal cards from railway stockholders, all printed and exactly alike in terms, urging me to oppose a time limit on the operation of the carriers by the Government.

Again, it is even urged by those supporting the minority report that competing lines which do not pay should be helped out by those which do pay. The self-sustaining roads and the capital which went into them are to be compelled to stand and deliver to the roads that were built for the express purpose of compelling a prosperous competitor to buy them out. The advocates of this plan insist that the nonpaying roads are just as necessary to those who use them as are the self-sustaining roads to their patrons. Their idea seems to be that farmer A, who has a farm 100 or 1,000 miles from farmer B, or mechanic A, who lives 100 or 1,000 miles from mechanic B, should contribute toward the payment of B's railroad fare.

There are many instances where competing lines may combine advantageously, as was frequently done until the Government forbade it, but to compel the stockholders of a legitimate industry, first in the field, organized and constructed to meet a legitimate demand, to support a rival industry subsequently organized that can not get legitimate business enough to support itself, is to inaugurate a variety of statecraft approved by highwaymen only.

If the Government should confiscate and pay just compensation for all the roads, and own them as well as operate them, the upkeep and support of the weak roads would still fall heavily upon sections of the country which have no use for them whatever. We might satisfy the Constitution in this way, but the injustice would remain as declarative as ever.

It is claimed that, because the system in vogue prior to the 28th of December last was a failure, Government ownership is the only alternative. If it is true that the system which failed was clearly unintelligent and unjust, it would seem to be clear that an intelligent regulation of the railroads of the country, under private control, should be given a trial before we adopt a system which both experience and reason tell us will result in unsafe, irregular, insufficient service, to say nothing of the opportunities for political chicane and graft.

The present plan of Government possession under private management is a half-slave, half-free policy that can be justified only at a time when the life of the Nation itself is at stake. It has all the defects of Government ownership and none of the benefits of private management under private ownership.

It may be necessary to submit to this in order to win the war, and I shall vote for the bill as reported by the committee, but it will be neither justifiable nor necessary at the close of the war.

We are already experiencing some of the blessings of Government management of the means of transportation and production. As time goes on other delights will probably follow. If the samples which have been supplied by the heads of the executive departments are fairly representative of the remaining stock in trade, those of us who will need food and fuel to sustain life would best start for the banana belt early next fall.

I have tried to set forth some of the reasons which compel me to oppose Government possession and control of the railways "until Congress shall otherwise order." I hope the Senate will insist upon fixing a time limit. I hope the American people will give this subject the attention it deserves before it becomes a national issue at the polls.

Mr. TOWNSEND. Mr. President, I propose an amendment to the bill and ask that it be printed. I shall offer it later, not particularly with the idea of securing its adoption as a substitute for the bill, but because the measure was prepared outside of the Committee on Interstate Commerce; it contains several prominent features to which the committee gave particular attention, and after having read and reread it I am satisfied, as every Senator will be satisfied who reads it, that it does not convey in the best manner possible even the ideas which we have attempted to adopt. For the purpose of calling attention to that fact I offer an amendment which I shall propose later on.

The PRESIDING OFFICER (Mr. HENDERSON in the chair). The amendment will lie on the table and be printed.

Mr. SMITH of South Carolina. Mr. President, there being no other Senator who can go on this afternoon, as the chairman of the Committee on Agriculture and Forestry desires to run over some of the amendments in the Agricultural appropriation bill that will not be objected to, I ask unanimous consent that the pending bill be temporarily laid aside for that purpose.

Mr. SMOOT. Do I understand that the Senator from Oklahoma desires to have action taken on the amendments to the Agricultural appropriation bill?

Mr. GORE. I wish to take up the Agricultural appropriation bill and merely dispose of the unobjected amendments. Of course, if any amendment is objected to by any Senator it will be passed over.

Mr. SMOOT. We shall have to have a quorum here, because otherwise we could not know what amendments would be objected to. It seems to me that it is so late in the day now that the Senator had better call up the bill at some other time.

Mr. GORE. I think there are about as many Senators present as we generally have for the consideration of appropriation bills. I will say that if any amendment is agreed to and any Senator not present desires to have it considered open later, of course there will be no objection to going back to it.

Mr. SMOOT. If the Senator desires to have the bill taken up and read without action upon any amendments, I have no objection to that course.

Mr. GORE. I shall ask to have the formal reading of the bill dispensed with, of course.

Mr. SMOOT. I do not think there will be any objection to that; but it seems to me it would be quite unfair to Senators who have not had any intimation that the bill was to be taken up to-day to take it up at this hour and act upon the amendments.

Mr. GORE. I will say to the Senator that there are very few amendments which will arouse any opposition whatever, and there is no reason why we should not spend an hour or an hour and a half to-day in considering unobjected amendments. Of course, if the Senator desires to have a quorum present, that recourse is open to any Senator who chooses to make the suggestion.

Mr. SMITH of South Carolina. I request unanimous consent that the pending bill, the unfinished business, be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the unfinished business is temporarily laid aside.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask unanimous consent that the Senate proceed to the consideration of House bill 9054, the Agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. GORE. I ask that the formal reading of the bill be dispensed with.

The PRESIDING OFFICER. The Senator from Oklahoma asks unanimous consent that the formal reading of the bill be dispensed with. Does he desire to have the bill read for amendment?

Mr. GORE. Mr. President, has the request that the formal reading of the bill be dispensed with been acceded to?

The PRESIDING OFFICER. It has not been. Is there objection to dispensing with the formal reading of the bill? The Chair hears none, and it is so ordered.

Mr. GORE. That request being acceded to, I now ask that the consideration of the bill be proceeded with, and that unobjected amendments of the committee be first considered.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Mr. President, I do not know what amendments are objected to, I will say to the Senator from Oklahoma. Does the Senator now ask that the bill be read for committee amendments?

Mr. GORE. I have asked, and I understand the request was acceded to, that the formal reading of the bill be dispensed with—I mean the reading of the bill from beginning to end, word for word. That has been dispensed with. I now ask to proceed with the consideration of committee amendments. If any Senator objects to the consideration of any amendment it will, of course, be passed over.

The PRESIDING OFFICER. The Senator, then, means that the bill shall be read for committee amendments?

Mr. GORE. Yes, sir. I understand that important amendments ought not to be disposed of in the absence of so many Senators.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

Mr. GORE. I merely wanted the committee amendments stated.

Mr. THOMAS. I think the bill should be read for amendment. Of course the formal reading of the bill has been waived, but not the reading of the bill for amendment.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill.

Mr. GORE. Mr. President, it seems to me that the Senate has caught the meaning of the bill by the reading which has been had. I hope that we may now proceed with the consideration of committee amendments.

The PRESIDING OFFICER (Mr. KING in the chair). The Chair thinks that the Secretary is proceeding with the reading of the bill in an orderly and expeditious way and in conformity to the rule. Nine pages of the bill have already been read.

The reading of the bill was resumed.

The first amendment of the Committee on Agriculture and Forestry was, under the subhead "Bureau of Animal Industry," on page 13, line 19, after the word "authorities," to strike out "$250,000" and insert "$500,000: *Provided*, That hereafter the act approved May 29, 1884 (23 Stat. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia for immediate slaughter, in accordance with rules and regulations prescribed by the Secretary of Agriculture"; so as to make the clause read:

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State or county authorities, $500,000: *Provided*, That hereafter the act approved May 29, 1884 (23 Stat. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia for immediate slaughter, in accordance with rules and regulations prescribed by the Secretary of Agriculture.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. THOMAS. Mr. President, I notice that this amendment doubles the amount of the appropriation made by the bill as it came from the House, making the total $500,000. This sum is to be devoted to the investigation of "the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread," and so forth.

It is a remarkable fact in connection with legislation of this kind that the more money we appropriate for these researches and investigations, the more there seems to be needed with the recurrence of every year; in other words, the investigation and the research work carried on under previous appropriations does not seem to have accomplished anything. If it has, then certainly it is unnecessary to appropriate more money for the same purpose. If it has not, then it would indicate that the investigations and the researches have proven abortive up to this time, and further attempts in that direction will be equally so.

The sum of $250,000 is a small amount in these days of millions and billions, but still it is an item for which the Treasury must respond. I do not think we should now, unless it is absolutely necessary, increase the ordinary expenses of the Government in any direction; I think it wrong. We are spending more money than any nation engaged at war, and many times more money than we have ever been called upon to expend before. Certainly there should be some restriction upon the ordinary, every-day appropriations which affect our permanent expenditures and for which we would be obliged to legislate even in times of peace. I think this is as good a place as any to begin, and if $250,000 is not enough for this particular purpose, at least to attempt to put up with it and make it go as far as possible, so that if it should appear that some additional amount is necessary we can cover it in some deficiency bill.

Mr. CHAMBERLAIN. May I interrupt the Senator from Colorado?

Mr. THOMAS. I yield.

Mr. CHAMBERLAIN. In that connection, while we are increasing the appropriation for this purpose, does the Senator understand that in line 22 we are throwing down the bars for interstate shipment of cattle that have tuberculosis?

Mr. THOMAS. No; I do not think that is designed. Of course, my objection goes to the amount of the appropriation rather than to the proviso which follows it.

Mr. CHAMBERLAIN. But if it is necessary to increase the appropriation are we not running the risk of increasing the spread of the disease? I am not sure that I understand it.

Mr. THOMAS. That depends upon what is meant by the expression "to permit cattle which have reacted to the tuberculin test to be shipped."

Mr. SMITH of South Carolina. Mr. President, if the Senator from Colorado will permit me, I desire to say that, if he will read on, he will see that this interstate shipment is restricted to cattle which are to be slaughtered; that they are carried to the slaughter pen and are not allowed to be carried into another State, to be mingled with other cattle for dairy purposes.

Mr. THOMAS. The Senator from South Carolina will understand that my objection goes to the increased appropriation. With the effect of the proposed proviso I am not immediately concerned, although I think that the inquiry of the Senator from Oregon [Mr. CHAMBERLAIN] is most appropriate in connection with it.

Mr. CHAMBERLAIN. It seems to me, if the Senator please, that while we are increasing the appropriation to prevent the disease we are opening the bars to the spread of the disease by permitting the interstate shipment.

Mr. THOMAS. Of course, if that is so, then under all the circumstances the entire amendment should be rejected.

Mr. SMITH of South Carolina. If the Senator from Colorado will permit an interruption, let me call his attention to the fact that the Senator from New York [Mr. WADSWORTH], who seems to have been familiar with this disease and the conditions of its spreading, informed the committee that it was only when cows were confined in their stalls a larger part of the day on the ordinary dairy farm that this disease was found to be prevalent or to any appreciable extent contagious; that in the open country, where cattle graze all day practically, it has been discovered that the disease does not exist; but when they are condemned for the purpose of eradicating the disease they are taken to slaughter. The pure-food people claim that the little nodules formed by tuberculosis do not render the meat unfit for consumption, and that the cattle so infected may be shipped with impunity to the slaughter pen without any danger of spreading the contagion. The committee therefore thought that where a farmer had a herd which was condemned for milk purposes he should not be prohibited from getting the market value of the beef under the pure-food inspection; that if there was no danger of spreading the contagion by shipment he should be allowed to ship such cattle, specifically restricting such shipments for slaughtering purposes.

Mr. THOMAS. Mr. President, the experience of the Senator from New York upon that subject is quite considerable, and I should be disposed to accept his assurances in the absence of challenge on the part of some one who was equally well informed. I do not pretend to know anything about the matter. I cordially agree, however, with the Senator from Oregon [Mr. CHAMBERLAIN] that, if it should result in increasing the opportunity for the spread of the disease to be eradicated, the amendment ought to go out.

What I am concerned with is this constant tendency, in times of war as well as in times of peace, to increase our ordinary expenses. We ought to stop it.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. GORE. I wish to say that I agree entirely with the Senator from Colorado as to the general proposition he has just laid down. I think that we ought not to increase our ordinary expenditures, except where the necessity is urgent or overpowering.

The losses resulting in the United States annually from tuberculosis among cattle aggregate about $25,000,000. There is an undoubted requisition upon the food supplies of this country, and it was hoped that by increasing this appropriation we might arrest the progress of this disease and might in great measure conserve the cattle of the country against the ravages of tuberculosis. That is the justification which caused the committee to report this amendment. Of course, it is for the Senate to determine whether or not that reason is sufficient; but the necessity for increased food undoubtedly exists, and we entertained the hope that this might augment the available food supply of the country.

Now, with respect to the objection raised by the Senator from Oregon [Mr. CHAMBERLAIN], I may say that this amendment does not change the law as to the availability for slaughter of cattle reactors to the tuberculin test. It only changes the law as to interstate shipments. I have here a letter from the department recommending this amendment, which I will ask to have read to the Senate in a moment. In support of such a change in the law this case is cited in particular: Iowa cattle are generally shipped for slaughter either to Omaha, St. Joe, or Kansas City. Cattle in Iowa, within sight of Omaha, which have been infected with tuberculosis can not be shipped across the river to Omaha for slaughter, but must be shipped to some point in Iowa. There certainly is no sufficient reason why that should be done. This amendment undertakes to accommodate that situation. I will ask to have the letter from the department on this subject read to the Senate.

Mr. THOMAS. I yielded the floor, I thought, for the purpose of a statement only.

Mr. GORE. I did not so understand.

Mr. THOMAS. I am perfectly willing, however, that the letter should be read now.

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

The act of May 29, 1884, prohibits the interstate movement of diseased animals for any purpose. Animals which have been tested for tuberculosis and have reacted can not, under the law as it now stands, be shipped in interstate commerce to an official establishment for slaughter under Federal inspection. This situation very often works a hardship. For instance, the principal markets for Iowa cattle are Omaha, Nebr., or St. Joseph and Kansas City, Mo., but it is impossible to ship those which are affected with tuberculosis, even under appropriate regulations, across the border. Other instances could be cited where, because of State boundary lines, the tuberculin reactors can not legally be shipped to the nearest slaughtering point, which, in many cases, is only a few miles away. In order to avoid crossing the State line, and thus violating the act of 1884, they must be transported longer distances to slaughterhouses within the same State.

The department has received copies of resolutions recently adopted by the American Shorthorn Breeders' Association asking that the act of 1884 be amended so as to permit the return interstate of pure-bred animals which have reacted to the tuberculin test at destination. A number of State veterinarians, including those of Iowa and Kansas, also have recommended that the law be changed so as to authorize the interstate shipment to official establishments for slaughter of cattle which have reacted to the tuberculin test. At a conference of live-stock officials held in Chicago on December 3, 1917, it was the consensus of opinion that the law should be amended in these particulars.

The department knows of no good reason why the change suggested should not be made and hopes that the Senate Committee will give it favorable consideration. On the contrary, the officials of the Bureau of Animal Industry believe that the proposed amendment will be of definite assistance in the campaign against tuberculosis which has been inaugurated by the department. The movement of reactors would be permitted only in accordance with rules and regulations to be prescribed by the department, and every precaution would be taken, of course, to safeguard the live-stock industry.

It will be noted that a separate paragraph has been included in the present bill to cover the activities of the department relating to tuberculosis. This action was taken by the House committee in view of the growing importance of the work. Under the items "Inspection and quarantine" and "Diseases of animals" the department is now expending $132,618 in efforts to control or eradicate tuberculosis. As indicated in the report of the House committee, the department believes that it can effectively use $250,000, the amount included in the House bill, during the next fiscal year in the prosecution of the work.

Mr. THOMAS. Now, Mr. President, it will be observed that my objection goes to the increase of the appropriation for the purposes recited in the preceding lines. I do not understand that the proposed increase in the appropriation really affects the proviso that was inserted in the bill in connection with it and which might have been inserted in any other part of the bill with equal propriety.

Mr. GORE. There is no connection between the two.

Mr. THOMAS. There is no connection between the two. Now, if I thought that the doubling of this appropriation would result in a material increase in our meat food supply and that without it there would be no such increase, I would not oppose it for a moment; but when we consider that an appropriation for this specific purpose has been made year in and year out for an indefinite period of time and that the researches which were to be made concerning the disease to be eradicated have not resulted in any very material change in the situation, why should we at this time, when the Treasury is so hard put to it to meet the enormous expenditures of the Government, double the appropriation? I do not think we ought to do it.

Mr. WARREN. Mr. President——

Mr. THOMAS. I will yield to the Senator in a moment. I may say, in that connection, that there are other amendments which follow this which seem to me to be equally inexpedient at this time. I now yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, the amount is already too small at $500,000. In the committee I offered an amendment to add $750,000 to the $250,000 appropriated by the House, making the total $1,000,000 instead of the $500,000 which the amendment proposes to appropriate.

Mr. THOMAS. Perhaps my objection will result in an increase of the appropriation; I do not know. [Laughter.]

Mr. WARREN. It is a very important matter, and while the expenditure may not increase the number of cattle of the country, it will preserve and save a great many, and therefore increase the meat product.

The language added is that of the officials of the department. They evidently see the justice of it and ask us to change the law in regard to shipping across State lines of cattle which have reacted to the tuberculin test. I think the Senator from Colorado understands that, and I presume he needs no information from me; but now if there is the slightest indication of the presence of the germ cattle can not be shipped across a State line to a slaughtering establishment.

Mr. THOMAS. I did not raise any objection to that portion of the amendment; that objection was suggested by the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. WARREN. The disease, like the foot-and-mouth disease, is exceedingly destructive to cattle, and when its ravages reach the extreme, as has been the case sometimes in the past, there have been millions of cattle lost. It had been supposed that the disease was pretty nearly stamped out, but it has reappeared in a most virulent form. I therefore hope that neither the Senator from Colorado nor any other Senator will make any objection to the amount or to the language of the proviso, which has been added by way of amendment.

Mr. NORRIS. Mr. President——

Mr. THOMAS. Mr. President, I always like to agree with my friend from Wyoming, but I shall insist upon the appropriation made by the House. Of course, I know that tuberculosis of cattle is one of the diseases that are common to that class of live stock; I know that its eradication is very greatly to be desired; but I also know that up to this time there seems to be just as much apparent need for large appropriations for that purpose as there was 10 or 15 years ago. I am unable to perceive, therefore, the necessity for increasing it at this time, because I do not believe that by so doing the disease is going to be eradicated. I now yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, this particular amendment was added to the bill in the committee on my motion. I had no idea that the bill was going to be taken up to-day, because the railroad bill was before the Senate, and I am not prepared just at this moment to go into a full discussion of it.

Mr. GORE. I will say to the Senator from Nebraska that, if he so desires, the amendment can be passed over.

Mr. NORRIS. If there is going to be any serious objection to it, I should not like to have it acted on to-day. My own idea is that it is a very important amendment. As the Senator from Wyoming [Mr. WARREN] has suggested, this disease is reappearing, and cattlemen are anxious about it. The provision in the bill does not mean that the whole amount to be appropriated will necessarily be expended, but it is desirable to have the funds, so as to be ready for any emergency that may arise. In my judgment, at this time more than at any other, we ought to guard against anything that would interfere with the production of the meat supply of the country.

I have great sympathy for the Senator from Colorado in his opposition to large appropriations, and as a rule I fully agree with him. Of course, he is moved by the purest motives now in opposing this amendment; but, to my mind, there is no one other item of the bill of more importance, for the meat production of the country ought to be guarded jealously, and it will be guarded in one respect, at least, by this amendment.

The Senator from Wyoming said that he favored a much larger increase than was recommended by the committee in this particular amendment. I am satisfied from my conversation——

Mr. WARREN. Mr. President——

Mr. NORRIS. Just a moment. I am satisfied from my conversation with some of the cattle and meat producers of the country and from a large amount of correspondence I have had that there is a great deal of fear that unless we do make at least as liberal an appropriation as the committee has suggested we may later on, when it is too late, find that great damage has been done and the carrying on of the war has been really interfered with, because meat is one of the things of which there is a scarcity now.

Mr. THOMAS. Mr. President, before the Senator takes his seat will he inform me how many years we have appropriated money "for researches concerning the cause of the disease, its modes of spread, and methods of treatment"?

Mr. NORRIS. No; I can not answer the question directly. I suppose such appropriation has been made for a good many years and probably will continue to be made; but one of the difficulties in this case is that this disease, for instance, may break out in the East among the dairy herds, and as it is contagious it may then shift across the country and whole herds become infected with it. I assume that the department will exercise proper care and judiciously handle the money and not use it unless it is needed. It may be that it will not be needed; but I should like to have it where it can be used to meet whatever contingency may arise during the coming fiscal year.

Mr. THOMAS. Has the Senator any doubt that if this appropriation is made the department will exhaust it all?

Mr. NORRIS. Yes.

Mr. THOMAS. And that we will also be required to meet a deficiency caused by an inadequate appropriation?

Mr. NORRIS. Oh, I do not look for that. I do not think the Senator has any reason to believe that that will occur.

Mr. GORE. Mr. President, I will say that the appropriation bill for the current fiscal year carries a million dolars for the foot-and-mouth disease. The pending bill carries a million dollars for the foot-and-mouth disease. My understanding is that none of that will be used during the current year. Of course it is the hope of all of us that none will be used for the next fiscal year.

Mr. THOMAS. Why appropriate it, then, unless you are going to use it on two-legged animals instead of four-legged animals?

Mr. GORE. It is a sort of insurance fund.

Mr. NORRIS. I think so.

Mr. GORE. When the disease breaks out it is so virulent and violent that it must be met at once, and has to be stamped out at once, else the losses are out of all proportion to the amount that would have been required to stop it in its incipiency. I do not think it is a thing that we ought to dally with, particularly in times of this sort.

This is only 1 per cent of the estimated annual loss—$25,000,000. This increase is $250,000. If we save half a million dollars' worth of cattle by this increased appropriation of $250,000 we are still gainers by 200 per cent. If we should save the loss of several millions, of course the gain would be proportionate; and it seems to me that in times of this sort it is erring at least on the side of safety and conservation to have a provision of this sort in the bill.

Mr. THOMAS. Mr. President, it is quite evident that my objection may receive one vote. I doubt very much, from the trend of this discussion, that it will be very greatly augmented.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. THOMAS. I do.

Mr. KENYON. I want to suggest to the Senator from Colorado, in a kindly spirit and in the interest of economy, that he had better not stir up this matter, because the committee voted at one time to make the appropriation $750,000.

Mr. THOMAS. I have just stated that my objection probably would result in an increase of the appropriation.

Mr. KENYON. I think the Senator had better be careful. It might.

Mr. THOMAS. Well, it will not be the first time.

Mr. KENYON. It was only because of the protest that members of the committee made, saying that they would fight the matter on the floor, that the amount was put at $500,000.

Mr. THOMAS. Mr. President, in the last five or six years I have made a number of specific objections to items of increase in appropriations; and it is somewhat peculiar that in each instance almost every Senator who has interrupted me or spoken upon the matter has agreed with me upon the general proposition that we should economize, but they have always insisted that that was not the proper point to begin. Now, where are we going to begin unless we begin somewhere?

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Wyoming?

Mr. THOMAS. I do.

Mr. WARREN. Mr. President, the Senator from Colorado is always diligent in the line of economy, but of course he recognizes and must recognize that matters do change from time to time. We must recognize that some things that perhaps he may have opposed, that others have opposed, and that I have opposed along military lines it was not well to oppose at that time. We should have been better prepared.

The matter before the Senate at this time is largely a matter of preparation. We have here, on page 88, concerning the eradication of foot-and-mouth disease, in case of an emergency arising, and so forth, an appropriation of $1,000,000. There have been appropriations of from $1,000,000 to $2,500,000 annually for that purpose; and while one year there had to be a large deficiency appropriation after the first appropriation, in other years the appropriation has not been used in any large proportion, but it is there as an insurance.

Next to the foot-and-mouth disease, and almost as destructive, comes this matter of tuberculosis. I have no idea that the $500,000 would be expended, unless the disease develops a strong and virulent increase, and I did not have any idea when I asked that it might go to a million dollars that it would be expended unless we should receive an unexpected call to stamp out something that got so great a start that, unless immediately checked, even a million dollars would be but a moiety toward relief. I believe this is a direct matter of insurance, and, in view of the dangers that are surrounding us, it is not too much. I hope the Senate will take that view of it—that it is a matter of insurance—and will stand by the entire amount.

Mr. THOMAS. Mr. President, I am inclined to believe, from the discussion, that the Senator's hope will be realized. The Senator says that my experience ought to teach me, and it certainly does, that there is a change in many things as time goes by.

Mr. WARREN. The Senator must not apply that to himself alone, but to all of us.

Mr. THOMAS. I understand; but I notice that there is one thing that does not change, and that is the tendency always to increase House appropriations when bills come over to the Senate. That is one of the rules which, like time and tide, goes on forever.

Mr. WARREN. Has the Senator noticed how few changes we have made this time?

Mr. THOMAS. Yes; and I think the committee are entitled to considerable credit for not making as many as they generally do.

Mr. WARREN. In an experience of more than 20 years I have never known an Agricultural bill to come to the Senate with so few changes and so few additions as are made in this one.

Mr. THOMAS. Yes; I want to give the committee credit for that, and now I want to help them, I want to encourage them, by making some more reductions. As I have said, we should consider the prevailing state of the Public Treasury, the enormity of our public expenditures, and the vast increase of taxation. Senators, after a while you are going to hear from the poor devil who pays the taxes, and when he does speak he is going to speak in tones that will reverberate across the entire continent. He is a very patient animal, but there is a limit even to his patience; and as far as I can I want to demonstrate to him that we have saved him money wherever it is possible, especially in the matter of our ordinary expenditure.

While I am on my feet, Mr. President—for I am not going to stand here alone and make objections specifically to all these items—I want to call attention to an amendment here, on page 81:

> To enable the Secretary of Agriculture to install an experimental flour mill, baking and other apparatus, in order to investigate the milling and baking qualities of wheat and other grains, including the payment of rent in the city of Washington, $50,000.

Why, Mr. President, civilized people at least, and perhaps some who are uncivilized, have been experimenting with flour mills, with baking, and with apparatus for baking ever since the days when Abraham lived on the plains of Mesopotamia. If there is anything connected with the preparation of wheat flour as an edible substance by way of cookery or baking that has not been discovered by private enterprise and experiment, in God's name how are we going to find it out by building a mill here in the city of Washington and paying some other landlord $50,000 rent? To my mind, it would be so extraordinary in times of peace as to require comment; but now, when we have plenty of money, evidently, we seriously propose to expend $50,000 for experimenting in something that has been the subject of experiment for centuries. That, too, I suppose, will offer an instance where, while economy is good, we ought not to begin there.

If this is going to pass, let me suggest that an exception should be made of the operation of this mill on "wheatless days," because otherwise you may get into trouble with the Food Administration.

Mr. GORE. Mr. President, I appreciate both the good sense and the humor of the Senator from Colorado.

Mr. THOMAS. I do not think the Senator will vote with him.

Mr. GORE. I merely want to waive the discussion of this flour mill at this time. I do not want the Senator to conjure up too many——

Mr. THOMAS. I mention it now because I do not want to take the floor again if I can avoid it. I want to say now what I would say to-morrow, or later on to-day, when that amendment comes up.

Mr. GORE. Mr. President, when the amendment just referred to, touching a flour mill, comes up I think there will be argument at least tending to justify its presence in the bill.

Mr. THOMAS. Oh, I have not a particle of doubt of that.

Mr. GORE. I will merely make one observation at this time. The present method of grading wheat is based upon other points and other facts and factors than the flour-producing quality of the grain. It is the belief of the farmers of this country that the grades of grain ought to be based on the actual flour-producing capacity of the grain. It is their belief that it would save millions of dollars annually to the farmers of this country which they now lose merely on points of taste and fancy under the more or less artificial system of grain grading; and it is in the belief that that might be true that this appropriation is

incorporated in the bill. It is in the interest of the farmer and in the interest of the agricultural classes of this country. But, as I say, I do not wish to thrash out that subject at this time. It was recommended by the department, and adopted upon the very urgent recommendation of the department.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I have yielded to the Senator from Oklahoma. If he has finished, I of course yield to the Senator from North Dakota.

Mr. GORE. I have finished.

Mr. GRONNA. I do not want to interrupt the Senator. I thought the Senator was through.

Mr. THOMAS. Oh, I am perfectly willing to be interrupted.

Mr. GRONNA. I simply want to say for the information of the Senator from Colorado that only to-day I was asked by a delegation from three States—North and South Dakota and Minnesota—to go with them to the Secretary of Agriculture in the hope of remedying an evil which, instead of having been remedied, has been growing worse, namely, what the chairman of the committee has just stated, the grading of grain. If I had known that the Agricultural bill would be up this afternoon I should have had my samples of grain here, and I could have demonstrated to the Senator from Colorado that this is not a foolish thing.

I have in my office, Mr. President, a sample of grain grown on my own farm. The wheat is conceded to be a No. 1 hard wheat, but it contains 4.3 per cent of rye; and the Senator from Colorado will be surprised to learn that on account of that 4.3 per cent of rye it is graded No. 5 and it reduces the price 24 cents a bushel.

Mr. THOMAS. I assume the Senator knows that to be so?

Mr. GRONNA. Why, certainly I know it to be so.

Mr. THOMAS. Yes. It was not necessary, in order for the Senator to ascertain the truth of that fact, to build a mill here in Washington, at an expense of $50,000, for baking and other apparatus.

Mr. GRONNA. I was just coming to that. This delegation, which consists of the railroad commissioners of these three States, together with the appeal board of the State of Minnesota, deems it important enough to come here regarding it, and the Secretary of Agriculture said to this delegation to-day that he knew of no other way of making a just and honest standard than by a milling test. The Senator knows, of course, that providing this mill does not require the erection of buildings. The appropriation is simply for the purchase of machinery, which may be installed in a very small room. We have such a mill in the State of North Dakota in our agricultural department; but, of course, it can not be expected that the Secretary of Agriculture will take the word of the faculty of the Agricultural College of North Dakota.

Mr. THOMAS. He might go farther and fare worse.

Mr. GRONNA. The only way in which Mr. Brand, who is now fixing these standards, can have the information will be to have the machinery bought for grinding this wheat and the machinery for baking the flour, so that the producer as well as the consumer can get an honest deal. It is for the purpose of aiding the Agricultural Department in standardizing the grain.

I will say to the Senator that we raise in my State from 100,000,000 to 150,000,000 bushels of wheat annually. Taking the sample which I showed to the Agricultural Committee on last Saturday, and which I showed to the Secretary of Agriculture to-day, we have lost from 24 to 25 cents a bushel. That is a greater loss than the farmers of my part of the country are willing to stand.

Mr. THOMAS. If the Senator will pardon an interruption, I had labored under the impression that the improper grading was due to the manipulations of certain chambers of commerce and elevator men in other sections of the country.

Mr. GRONNA. That is true.

Mr. THOMAS. Not to the fact that the farmers and the Agricultural Department were not aware of the nutritious qualities embodied in the grain itself, a test of which must be made before a proper grading can be established.

Mr. GRONNA. That is true. That has been maintained, and it is true; but, if the Senator will permit me, under the standardization act which was passed here a year ago it is possible, if he will say 3 per cent of durum wheat is mixed with the best quality of hard wheat that it will reduce the grade of that wheat not one grade but three grades. There is not a miller in the United States who will not testify that the product of that wheat, although it may be mixed either with this durum wheat or with winter wheat is absolutely as good as if it were not mixed; and yet the farmer has to sell his grain for that reduced price.

The Senator will remember that when we passed the standardization act I objected to the words "foreign matter" going in. Those words, "foreign matter," apply not to what we call dockage, such as weed seeds, but to other grains. If there is rye in the wheat, the rye is foreign matter. If there is barley in the wheat, the barley will be foreign matter to the wheat, of course; and the farmer is not only docked for that foreign matter, and gets nothing whatever for it, but it reduces the price of his product.

Mr. THOMAS. I think there is no doubt about that, but I do not perceive how the proposed amendment either helps or hurts that situation. I think the Senator's objection to the insertion of the word "foreign" in the section of the law to which he refers should have been sustained, and that would have done away with the evil of which he now complains.

Mr. GRONNA. I want to assure the Senator in all seriousness that among these men who appeared before the Secretary of Agriculture to-day, and who are to appear before the President of the United States at 5.30 to-day on this very question, there is not one but that approved of this very provision in the bill. They are men who do know something about wheat, and they do know something about how the farmers of the Northwest have been robbed under the system which we have had.

Mr. THOMAS. I think there is no doubt about the fact that they have been robbed. I have sympathized with the fight which they have made, and I think that the legislation which we adopted tended—perhaps not as extensively as it should, but nevertheless tended—to cure that evil; and I am ready to vote for any additional legislation which will cure it. But, with all due regard to the distinguished gentlemen who have come here and who favor this measure, I do not see how the establishment of a bakery here is going to interfere with or affect, beneficially or otherwise, the things which they wish to accomplish. I would as soon expect this amendment to provide for a corps of officeholders to eat the bread and test its efficiency as it is baked. It would be as much a necessary part of the proposed remedy as the things which the bill does contain.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, if the object that the Senator thinks has been attained had in fact been attained, I do not think for a minute we would have voted to put in this amendment; but, as I understand, the object here was this, and if I am not correct the Senator from North Dakota will correct me.

Grain is now classified under certain standards. The price is fixed according to those standards. His contention and the view of the committee, as I understood it, was that the wheat that brings the lesser price on account of certain physical appearances has as great No. 1 flour-producing qualities as, and perhaps better than, some that are classified in the markets as higher grades.

Mr. THOMAS. I have not a particle of doubt about it.

Mr. SMITH of South Carolina. Now, the Government has standardized these grades of grain under the bill that we previously passed. The farmer's wheat is bought and sold upon its physical appearance. The farmers now ask that $50,000 be appropriated to enable the Government, in the interest of fair dealing, to grind and test under its own supervision samples of wheat of these standards taken from the great grain country or wherever you see fit to take them from, so that the Government may know of its own knowledge, by actual experiment here, where it has fixed the standards, whether or not the contention of the farmer is true that this wheat that is graded No. 2 is just as good as No. 1, to all intents and purposes, in bread-making qualities.

Mr. THOMAS. And the appropriation bill of 1919, Mr. President, will provide perhaps $100,000 for this identical purpose, and that of the next succeeding year will probably provide $250,000, and the next will provide for these baking establishments in all the agricultural schools of the States of the West, and we will have baking and milling establishments for corn and for barley and for rye and for all the other grains that are nutritious. This is simply the intrusion of the camel's head into the tent once more. It is going to pass, however. There is no question about that.

Mr. GRONNA. Mr. President, may I interrupt the Senator?

Mr. THOMAS. Certainly.

Mr. GRONNA. I want to assure the Senator that there will be no demand for any increase or for any extra appropriation. This is simply to provide a flour mill for scientific purposes, to be established in a little room which the Agricultural Department already has. It may not cost $50,000, but the Secretary thought he ought to have $50,000; and he said to-day to this committee: "I do not know of any other way in which to really ascertain the value and fix the standards than to adopt the amendment which I sent to the Agricultural Committee on last Friday or Saturday."

Mr. THOMAS. Oh, I know the Senator thinks that, and I do not think there will be any increase of appropriation or any continued appropriation, as far as he is concerned, but we must judge of these things by the history of similar innovations in our legislation in the past.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. I do.

Mr. SMOOT. I want to ask the Senator if the object of the mill is to change the grade of the wheat? Is that the object?

Mr. GRONNA. It is to enable those who fixed the standards to establish honest standards. That is the object.

Mr. SMITH of South Carolina. That is it.

Mr. GORE and Mr. PAGE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Oklahoma?

Mr. THOMAS. As was stated by a Senator here to-day, the Senator from Minnesota [Mr. KELLOGG], I am perfectly willing to yield to one Senator, but I can not yield to three. I yield to the Senator from Oklahoma.

Mr. GORE. Mr. President, I merely wanted to say that, as I understand it, the contention of the farmer is that we might just as well classify gold ore by its exterior appearance and by extraneous circumstances, and without reference to its gold content, as to classify grain by its exterior appearance or extraneous circumstances rather than by its flour-producing qualities.

Mr. THOMAS. I think that is true, but we classify gold by sampling it in private. We do not call upon the Government of the United States, in its Agricultural or other appropriation bills, to sample our gold ore.

Mr. GORE. I thought we had assay offices all over the country.

Mr. THOMAS. You have assay offices, but they do not sample ore. They purchase ore.

Mr. GORE. I thought they also tested it.

Mr. GRONNA. Mr President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. I do.

Mr. GRONNA. May I say to the Senator from Colorado that the Government of the United States now fixes the price upon the grain of the farmers by its standardization?

Mr. THOMAS. I understand that is true. My impression is that corn is now worth more than wheat, in some parts of the country, because of that fact. That is, they standardize wheat, but they do not standardize corn.

Mr. GORE. Relatively it is worth more everywhere, and absolutely in some places.

Mr. PAGE. Mr. President——

Mr. THOMAS. I will yield to the Senator from Vermont in a moment. Of course, this bill is going to require the employment of some more officeholders; and there never was an officeholder on earth, and never will be, including Senators of the United States, who will not do all he can while in office to make himself indispensable, and therefore secure of a life job. That of itself is going to result in repeated appropriations for this identical purpose, and for the other grains, as I have stated heretofore.

I now yield to the Senator from Vermont.

Mr. PAGE. Mr. President, I simply wanted to ask if the statement made by the Senator from North Dakota did not indicate that there was a wrong being done somewhere when wheat was classified at a grade which brings 24 or 25 cents a bushel less than standard No. 1 wheat when the real difference, perhaps, was not more than 4 or 5 cents a bushel?

Mr. THOMAS. There is no question but that the farmers of the Senator's State and other States have been robbed for the last quarter of a century through false standardization of their grain. There is no doubt about that.

Mr. PAGE. Is there not some way to remedy that wrong?

Mr. THOMAS. We have tried to do it by legislation, and I think we have fairly well succeeded. If our legislation is defective, let us remedy it. I am willing to vote for any system of standardization that the Senators from the wheat States of the Union desire.

Mr. GRONNA. Mr. President, if the Senator will pardon me, the consumer pays the highest price for the finished product—the flour. We know that.

Mr. THOMAS. There is no doubt about that.

Mr. GRONNA. If this difference in price were saved to the consumer, we would not complain; but we know absolutely that while this reduction is being made to the producer the consumer pays a price based upon the highest value of the grain.

Mr. THOMAS. Unquestionably.

Mr. PAGE. Is it not possible for the Senator from North Dakota to suggest some remedy for that?

Mr. GRONNA. This is a suggestion that will remedy it.

Mr. THOMAS. If I could believe that, Mr. President, I would not make any objection to it; but I am unable to perceive how it is going to affect it a particle. Of course that may be due to my ignorance and obtuseness. Probably it is.

Mr. GORE. Mr. President——

Mr. THOMAS. I yield to the Senator from Oklahoma.

Mr. GORE. Without meaning to interrupt the Senator, I merely want to say that I think the Senate has got to milling on this matter a little too soon, and I hope we will hark back to the item with regard to tuberculosis.

Mr. THOMAS. I think perhaps it is better to change from baking wheat to consumption.

The PRESIDING OFFICER. The question is upon the committee amendment, on pages 13 and 14, which increases the appropriation from $250,000 to $500,000, with a proviso.

Mr. THOMAS. Mr. President, I do not know that I am proceeding in parliamentary fashion; but if it is in order I wish to strike out the sum of $500,000 provided by the amendment, and I make a motion to that effect.

Mr. SMOOT. That object can be attained by simply disagreeing to the amendment.

Mr. MARTIN. I suggest that the Senator simply ask to have the amendment rejected.

Mr. NORRIS. Yes; just vote "no" on the amendment.

Mr. THOMAS. I accept the suggestion that we disagree to the amendment, by which I mean the figures "$500,000." I do not object to the remaining part of the proviso. It does not carry an appropriation this year, but it will next year.

The PRESIDING OFFICER. Does the Senator desire the committee amendment divided?

Mr. THOMAS. I do not want to suggest the absence of a quorum, so I would suggest that this matter go over until to-morrow.

Mr. GORE. Very well, Mr. President. If the Senator desires, I am willing to have that course taken.

Mr. THOMAS. I have reference, of course, to the part of the amendment which precedes the colon. There are really two amendments.

RAILROAD CONTROL.

Mr. SMITH of South Carolina. I ask that the unfinished business, Senate bill 3752, be laid before the Senate.

The PRESIDING OFFICER. The Chair lays the unfinished business before the Senate.

The SECRETARY. A bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

EXECUTIVE SESSION.

Mr. MARTIN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 14, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 13, 1918.

TARIFF COMMISSION.

Thomas W. Page, of Virginia, to be a member of the United States Tariff Commission, vice Daniel C. Roper, resigned.

COAST AND GEODETIC SURVEY.

Leo C. Wilder, of Vermont, to be junior hydrographic and geodetic engineer (by promotion from aid), vice W. H. Kearns, promoted, and

Aaron G. Katz, of New York, to be aid (by promotion from deck officer), vice G. H. Durgin, promoted, in the United States Coast and Geodetic Survey, Department of Commerce.

JUSTICES OF THE SUPREME COURT, TERRITORY OF HAWAII.

James L. Coke, of Honolulu, Hawaii, to be chief justice of the Supreme Court, Territory of Hawaii, vice A. G. M. Robertson, resigned. (Mr. Coke is now serving as associate justice of that court.)

Samuel B. Kemp, of Honolulu, Hawaii, to be associate justice of the Supreme Court, Territory of Hawaii, vice James L. Coke, nominated to be chief justice of that court. (Mr. Kemp is now serving as second judge of the Circuit Court, First Circuit, Territory of Hawaii.)

JUDGES OF THE CIRCUIT COURT, TERRITORY OF HAWAII.

William S. Edings, of Honolulu, Hawaii, to be second judge of the Circuit Court, First Circuit, Territory of Hawaii, vice Samuel B. Kemp, nominated to be associate justice of the Supreme Court, Territory of Hawaii. (Mr. Edings is now serving as judge of the Circuit Court, Second Circuit, Territory of Hawaii, at Wailuku, Maui.)

L. L. Burr, of Honolulu, Hawaii, to be judge of the Circuit Court, of the Second Circuit, Territory of Hawaii, vice William S. Edings, nominated to be second judge of the Circuit Court, First Circuit, Territory of Hawaii.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

To be first lieutenants.

First Lieut. William Charles Munly, Medical Reserve Corps, with rank from January 25, 1918.

First Lieut. Albert Elwood Pagan, Medical Reserve Corps, with rank from January 26, 1918.

First Lieut. Forrest Pitt Baker, Medical Reserve Corps, with rank from January 27, 1918.

First Lieut. Cole Blease Gibson, Medical Reserve Corps, with rank from January 28, 1918.

First Lieut. George William Rice, Medical Reserve Corps, with rank from January 29, 1918.

Capt. Royal Kendall Stacey, Medical Reserve Corps, with rank from January 30, 1918.

First Lieut. William Campbell Colbert, Medical Reserve Corps, with rank from January 31, 1918.

First Lieut. Ernest Leroy Wilson, Medical Reserve Corps, with rank from February 1, 1918.

First Lieut. William Stephen Culpepper, Medical Reserve Corps, with rank from February 2, 1918.

First Lieut. Charles Roland Glenn, Medical Reserve Corps, with rank from February 3, 1918.

First Lieut. Gordon Adams Clapp, Medical Reserve Corps, with rank from February 4, 1918.

First Lieut. Clive Paul Mueller, Medical Reserve Corps, with rank from February 5, 1918.

FIELD ARTILLERY ARM.

To be second lieutenant with rank from date of appointment.

Second Lieut. Ansel G. Wineman, Philippine Scouts.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

To be first lieutenants with rank from August 30, 1917.

Second Lieut. Dean I. Piper, Coast Artillery Corps, vice First Lieut. Homer A. Bagg, promoted.

Second Lieut. Otto M. Jank, Coast Artillery Corps, vice First Lieut. Cherubusco Newton, jr., promoted.

Second Lieut. Herman U. Wagner, Coast Artillery Corps, vice First Lieut. Walter Smith, promoted.

Second Lieut. Philip S. Day, Coast Artillery Corps, vice First Lieut. Hugh J. Knerr, promoted.

Second Lieut. George W. Hirsch, Coast Artillery Corps, vice First Lieut. George F. Humbert, promoted.

Second Lieut. Forrest C. Shaffer, Coast Artillery Corps, vice First Lieut. Reuben N. Perley, promoted.

Second Lieut. William R. Deeble, jr., Coast Artillery Corps, vice First Lieut. John H. Birdsall, promoted.

Second Lieut. Frank F. Reed, Coast Artillery Corps, vice First Lieut. Levin H. Campbell, jr., promoted.

Second Lieut. John W. Coffey, Coast Artillery Corps, vice First Lieut. Harold De F. Burdick, promoted.

Second Lieut. Frank C. Meade, Coast Artillery Corps, vice First Lieut. Philip G. Blackmore, promoted.

Second Lieut. Lawrence Dwight, Coast Artillery Corps, vice First Lieut. George I. Thatcher, promoted.

Second Lieut. Everett T. Brown, Coast Artillery Corps, vice First Lieut. Edwin F. Silkman, promoted.

Second Lieut. Clyde H. Morganthaler, Coast Artillery Corps, vice First Lieut. Cedric M. S. Skene, promoted.

Second Lieut. Willard M. Hall, Coast Artillery Corps, vice First Lieut. Edward Montgomery, promoted.

Second Lieut. Tracy C. Dickson, jr., Coast Artillery Corps, vice First Lieut. Stewart W. Stanley, promoted.

Second Lieut. Robert W. Hasbrouck, Coast Artillery Corps, vice First Lieut. Roy S. Atwood, promoted.

Second Lieut. Howard P. Faust, Coast Artillery Corps, vice First Lieut. Samuel F. Hawkins, promoted.

Second Lieut. John T. de Camp, Coast Artillery Corps, vice First Lieut. Charles Thomas Stahle, promoted.

Second Lieut. Wallace D. Collins, Coast Artillery Corps, vice First Lieut. Edwin J. O'Harra, promoted.

Second Lieut. Sargent P. Huff, Coast Artillery Corps, vice First Lieut. Alexander C. Sullivan, promoted.

Second Lieut. William H. Donaldson, jr., Coast Artillery Corps, vice First Lieut. Harold B. Sampson, promoted.

Second Lieut. Henry M. Black, Coast Artillery Corps, vice First Lieut. Clarence L. Gilbert, promoted.

Second Lieut. Willard D. Murphy, Coast Artillery Corps, vice First Lieut. Arthur E. Rowland, promoted.

Second Lieut. Council B. Palmer, Coast Artillery Corps, vice First Lieut. Lee R. Watrous, jr., promoted.

Second Lieut. John C. Hawkins, Coast Artillery Corps, vice First Lieut. Charles A. French, promoted.

TEMPORARY PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be lieutenant colonel with rank from July 9, 1917.

Maj. Lewis H. Rand, Corps of Engineers, vice Lieut. Col. Edgar Jadwin, appointed colonel in the National Army.

To be lieutenant colonels with rank from July 13, 1917.

Maj. Edward M. Markham, Corps of Engineers, vice Lieut. Col. Herbert Deakyne, appointed colonel in the National Army.

Maj. Thomas H. Jackson, Corps of Engineers, vice Lieut. Col. William P. Wooten, appointed colonel in the National Army.

To be lieutenant colonel with rank from July 14, 1917.

Maj. George B. Pillsbury, Corps of Engineers, vice Lieut. Col. Harry Burgess, appointed colonel in the National Army.

To be lieutenant colonel with rank from July 18, 1917.

Maj. Gustave R. Lukesh, Corps of Engineers, vice Lieut. Col. James B. Cavanaugh, appointed colonel in the National Army.

To be lieutenant colonels with rank from August 5, 1917.

Maj. John R. Slattery, Corps of Engineers, vice Lieut. Col. William Kelly, appointed colonel in the National Army.

Maj. Albert E. Waldron, Corps of Engineers, vice Lieut. Col. Edward H. Schulz, appointed colonel in the National Army.

Maj. Francis A. Pope, Corps of Engineers, vice Lieut. Col. John C. Oakes, appointed colonel in the National Army.

Maj. Gilbert A. Youngberg, Corps of Engineers, vice Lieut. Col. Sherwood A. Cheney, appointed colonel in the National Army.

Maj. Edward N. Johnston, Corps of Engineers, vice Lieut. Col. Frank C. Boggs, appointed colonel in the National Army.

Maj. Clarence O. Sherrill, Corps of Engineers, vice Lieut. Col. George B. Pillsbury, appointed colonel in the National Army.

Maj. Ernest D. Peck, Corps of Engineers, vice Lieut. Col. Lytle Brown, appointed colonel in the National Army.

Maj. George R. Spalding, Corps of Engineers, vice Lieut. Col. Harley B. Ferguson, appointed colonel in the National Army.

Maj. Elliott J. Dent, Corps of Engineers, vice Lieut. Col. James A. Woodruff, appointed colonel in the National Army.

Maj. William P. Stokey, Corps of Engineers, vice Lieut. Col. John R. Slattery, appointed colonel in the National Army.

Maj. Wildurr Willing, Corps of Engineers, vice Lieut. Col. Clarence O. Sherrill, appointed colonel in the National Army.

Maj. William A. Mitchell, Corps of Engineers, vice Lieut. Col. George R. Spalding, appointed colonel in the National Army.

Maj. Mark Brooke, Corps of Engineers, vice Lieut. Col. William J. Barden, appointed colonel in the National Army.

Maj. Laurence V. Frazier, Corps of Engineers, vice Lieut. Col. Edward M. Markham, appointed colonel in the National Army.

Maj. Harold C. Fiske, Corps of Engineers, vice Lieut. Col. Francis A. Pope, appointed colonel in the National Army.

Maj. Max C. Tyler, Corps of Engineers, vice Lieut. Col. Robert R. Raymond, appointed colonel in the National Army.

Maj. Ulysses S. Grant, 3d, Corps of Engineers (General Staff Corps), vice Lieut. Col. Earl I. Brown, appointed colonel in the National Army.

Maj. William H. Rose, Corps of Engineers, vice Lieut. Col. Ulysses S. Grant, 3d, retained in the General Staff Corps.

Maj. Lewis M. Adams, Corps of Engineers, vice Lieut. Col. James P. Jervey, appointed colonel in the National Army.

Maj. William D'A. Anderson, Corps of Engineers, vice Lieut. Col. Charles Keller, promoted.

Maj. Joseph H. Earle, Corps of Engineers, vice Lieut. Col. Meriwether L. Walker, appointed colonel in the National Army.

Maj. Thomas M. Robins, Corps of Engineers, vice Lieut. Col. William B. Ladue, appointed colonel in the National Army.

Maj. Roger D. Black, Corps of Engineers, vice Lieut. Col. Clarke S. Smith, appointed colonel in the National Army.

Maj. Theodore H. Dillon, Corps of Engineers, vice Lieut. Col. Spencer Cosby, promoted.

Maj. De Witt C. Jones, Corps of Engineers, vice Lieut. Col. William D. Connor, appointed colonel in the National Army.

Maj. Ernest Graves, Corps of Engineers, vice Lieut. Col. George M. Hoffman, appointed colonel in the National Army.

Maj. Francis B. Wilby, Corps of Engineers, vice Lieut. Col. James F. McIndoe, promoted.

Maj. Clarence S. Ridley, Corps of Engineers, vice Lieut. Col. Jay J. Morrow, promoted.

Maj. Alvin B. Barber, Corps of Engineers, vice Lieut. Col. George P. Howell, promoted.

Maj. Roger G. Powell, Corps of Engineers, vice Lieut. Col. Frederick W. Altstaetter, promoted.

Maj. John N. Hodges, Corps of Engineers, vice Lieut. Col. Lewis H. Rand, promoted.

Maj. James J. Loving, Corps of Engineers, vice Lieut. Col. Ernest D. Peek, appointed colonel in the National Army.

Maj. Edward D. Ardery, Corps of Engineers, vice Lieut. Col. Elliott J. Dent, appointed colonel in the National Army.

Maj. James G. Steese, Corps of Engineers, vice Lieut. Col. Wildurr Willing, appointed colonel in the National Army.

Maj. Roger G. Alexander, Corps of Engineers, vice Lieut. Col. William A. Mitchell, appointed colonel in the National Army.

Maj. James A. O'Connor, Corps of Engineers, vice Lieut. Col. Edward N. Johnston, appointed colonel in the National Army.

Maj. Lewis H. Watkins, Corps of Engineers, vice Lieut. Col. Amos W. Fries, appointed colonel in the National Army.

Maj. Gilbert E. Humphrey, Corps of Engineers, vice Lieut. Col. Charles W. Kutz, appointed colonel in the National Army.

Maj. Richard Park, Corps of Engineers, vice Lieut. Col. Albert E. Waldron, appointed colonel in the National Army.

Maj. Daniel I. Sultan, Corps of Engineers, vice Lieut. Col. Thomas H. Jackson, promoted.

Maj. Glen E. Edgerton, Corps of Engineers, vice Lieut. Col. Gustave R. Lukesh, promoted.

To be major with rank from July 9, 1917.

Capt. Clarence L. Sturdevant, Corps of Engineers, vice Maj. Lewis H. Rand, promoted.

To be majors with rank from July 13, 1917.

Capt. Earl J. Atkisson, Corps of Engineers, vice Maj. Edward M. Markham, promoted.

Capt. Richard T. Colner, Corps of Engineers, vice Maj. Thomas H. Jackson, promoted.

To be major with rank from July 14, 1917.

Capt. Robert S. A. Dougherty, Corps of Engineers, vice Maj. George B. Pillsbury, promoted.

To be major with rank from July 18, 1917.

Capt. Stuart C. Godfrey, Corps of Engineers, vice Maj. Gustave R. Lukesh, promoted.

To be majors with rank from August 5, 1917.

Capt. Francis C. Harrington, Corps of Engineers, vice Maj. John R. Slattery, promoted.

Capt. Cleveland C. Gee, Corps of Engineers, vice Maj. Albert E. Waldron, promoted.

Capt. John M. Wright, Corps of Engineers, vice Maj. Francis A. Pope, promoted.

Capt. John R. D. Matheson, Corps of Engineers, vice Maj. Gilbert A. Youngberg, promoted.

Capt. William H. Sage, jr., Corps of Engineers, vice Maj. Edward N. Johnston, promoted.

Capt. Charles J. Taylor, Corps of Engineers, vice Maj. Clarence O. Sherrill, promoted.

Capt. Edwin H. Marks, Corps of Engineers, vice Maj. Michael J. McDonough, appointed colonel in the National Army.

Capt. Earl North, Corps of Engineers, vice Maj. Curtis W. Otwell, appointed colonel in the National Army.

Capt. Albert H. Acher, Corps of Engineers, vice Maj. Ernest D. Peek, promoted.

Capt. Gilbert Van B. Wilkes, Corps of Engineers, vice Maj. George R. Spalding, promoted.

Capt. John C. H. Lee, Corps of Engineers, vice Maj. Paul S. Bond, appointed colonel in the National Army.

Capt. Frank S. Besson, Corps of Engineers, vice Maj. Elliott J. Dent, promoted.

Capt. Lindsay C. Herkness, Corps of Engineers, vice Maj. William L. Guthrie, appointed colonel in the National Army.

Capt. Albert K. B. Lyman, Corps of Engineers, vice Maj. William P. Stokey, promoted.

Capt. Frederick S. Strong, jr., Corps of Engineers, vice Maj. Wildurr Willing, promoted.

Capt. Daniel D. Pullen, Corps of Engineers, vice Maj. William A. Mitchell, promoted.

Capt. Carey H. Brown, Corps of Engineers, vice Maj. Mark Brooke, promoted.

Capt. Oscar N. Solbert, Corps of Engineers, vice Maj. Laurence V. Frazier, promoted.

Capt. Beverly C. Dunn, Corps of Engineers, vice Maj. Harold C. Fiske, promoted.

Capt. Donald H. Connolly, Corps of Engineers, vice Maj. Warren T. Hannum, appointed colonel in the National Army.

Capt. Raymond F. Fowler, Corps of Engineers, vice Maj. Robert R. Ralston, appointed colonel in the National Army.

Capt. David McCoach, jr., Corps of Engineers (General Staff Corps), vice Maj. Max C. Tyler, promoted.

Capt. James G. B. Lampert, Corps of Engineers, vice Maj. David McCoach, jr., retained in the General Staff Corps.

Capt. Philip B. Fleming, Corps of Engineers, vice Maj. William H. Rose, promoted.

Capt. John W. Stewart, Corps of Engineers, vice Maj. Lewis M. Adams, promoted.

Capt. Joseph C. Mehaffey, Corps of Engineers, vice Maj. William D'A. Anderson, promoted.

Capt. Paul S. Reinecke, Corps of Engineers, vice Maj. Joseph H. Earle, promoted.

Capt. Raymond A. Wheeler, Corps of Engineers, vice Maj. Thomas M. Robins, promoted.

Capt. W. Morris Chubb, Corps of Engineers, vice Maj. Roger D. Black, promoted.

Capt. Howard S. Bennion, Corps of Engineers, vice Maj. W. Goff Capies, appointed colonel in the National Army.

Capt. William C. Sherman, Corps of Engineers, vice Maj. Theodore H. Dillon, promoted.

Capt. Rudolph C. Kuldell, Corps of Engineers, vice Maj. De Witt C. Jones, promoted.

Capt. Roscoe C. Crawford, Corps of Engineers, vice Maj. Henry C. Jewett, appointed colonel in the National Army.

Capt. Earl G. Paules, Corps of Engineers, vice Maj. Ernest Graves, promoted.

Capt. Bradford G. Chynoweth, Corps of Engineers, vice Maj. Arthur R. Ehrnbeck, appointed lieutenant colonel in the National Army.

Capt. Milo P. Fox, Corps of Engineers, vice Maj. Francis B. Wilby, promoted.

Capt. John C. Gotwals, Corps of Engineers, vice Maj. Clarence S. Ridley, promoted.

Capt. Francis K. Newcomer, Corps of Engineers, vice Maj. Alvin B. Barber, promoted.

Capt. Charles F. Williams, Corps of Engineers, vice Maj. Roger G. Powell, promoted.

Capt. Gordon R. Young, Corps of Engineers, vice Maj. John N. Hodges, promoted.

Capt. Richard U. Nicholas, Corps of Engineers, vice Maj. James J. Loving, promoted.

Capt. James A. Dorst, Corps of Engineers, vice Maj. Edward D. Ardery, promoted.

Capt. Rufus W. Putnam, Corps of Engineers, vice Maj. James G. Steese, promoted.

Capt. Lunsford E. Oliver, Corps of Engineers, vice Maj. Roger G. Alexander, promoted.

Capt. William H. Holcombe, Corps of Engineers, vice Maj. James A. O'Connor, promoted.

Capt. James B. Cress, Corps of Engineers, vice Maj. Lewis H. Watkins, promoted.

Capt. Charles P. Gross, Corps of Engineers, vice Maj. Gilbert E. Humphrey, promoted.

Capt. Bernard A. Miller, Corps of Engineers, vice Maj. Richard C. Moore, appointed lieutenant colonel in the National Army.

Capt. Peter C. Bullard, Corps of Engineers, vice Maj. Ralph T. Ward, appointed lieutenant colonel in the National Army.

Capt. Brehon B. Somervell, Corps of Engineers, vice Maj. Thomas H. Emerson, appointed lieutenant colonel in the National Army.

Capt. Xenophon H. Price, Corps of Engineers, vice Maj. Robert P. Howell, appointed lieutenant colonel in the National Army.

Capt. Robert W. Crawford, Corps of Engineers, vice Maj. Robert S. Thomas, appointed lieutenant colonel in the National Army.

Capt. Frederick S. Skinner, Corps of Engineers, vice Maj. Harold S. Hetrick, appointed lieutenant colonel in the National Army.

Capt. Dabney O. Elliott, Corps of Engineers, vice Maj. Jarvis J. Bain, appointed lieutenant colonel in the National Army.

Capt. Allen P. Cowgill, Corps of Engineers, vice Maj. William A. Johnson, appointed lieutenant colonel in the National Army.

Capt. George F. Lewis, Corps of Engineers, vice Maj. Charles R. Pettis, appointed lieutenant colonel in the National Army.

Capt. Harrison Brand, jr., Corps of Engineers, vice Maj. Frederick B. Downing, appointed lieutenant colonel in the National Army.

Capt. Frederick W. Herman, Corps of Engineers, vice Maj. Julian L. Schley, appointed lieutenant colonel in the National Army.

Capt. John H. Carruth, Corps of Engineers, vice Maj. Edmund L. Daley, appointed lieutenant colonel in the National Army.

Capt. Oscar O. Kuentz, Corps of Engineers, vice Maj. Henry A. Finch, appointed lieutenant colonel in the National Army.

Capt. William E. R. Covell, Corps of Engineers, vice Maj. James F. Bell, appointed lieutenant colonel in the National Army.

Capt. Edwin R. Kimble, Corps of Engineers, vice Maj. Richard Park, promoted.

Capt. Joseph D. Arthur, jr., Corps of Engineers, vice Maj. Daniel I. Sultan, promoted.

Capt. Ernest F. Miller, Corps of Engineers, vice Maj. Glen E. Edgerton, promoted.

COAST ARTILLERY CORPS.

To be lieutenant colonels with rank from August 5, 1917.

Maj. Malcolm Young, Coast Artillery Corps, vice Lieut. Col. Lawrence S. Miller, appointed colonel in the National Army.

Maj. Laurence C. Brown, Coast Artillery Corps (Signal Corps), vice Lieut. Col. Earle D'A. Pearce, appointed colonel in the National Army.

Maj. Harry L. Steele, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. Laurence C. Brown, retained in the Signal Corps.

Maj. Thomas F. Dwyer, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. Harry L. Steele, retained in the Quartermaster Corps.

Maj. James B. Mitchell, Coast Artillery Corps (Inspector General's Department), vice Lieut. Col. Thomas F. Dwyer, retained in the Quartermaster Corps.

Maj. Alfred S. Morgan, Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. James B. Mitchell, retained in the Inspector General's Department.

Maj. Charles H. Hilton, Coast Artillery Corps (General Staff Corps), vice Lieut. Col. Alfred S. Morgan, retained in The Adjutant General's Department.

Maj. Edward L. Glasgow, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. Charles H. Hilton, retained in the General Staff Corps.

Maj. Percy Willis, Coast Artillery Corps, vice Lieut. Col. Edward L. Glasgow, retained in the Quartermaster Corps.

Maj. William F. Stewart, jr., Coast Artillery Corps, vice Lieut. Col. Sam F. Bottoms, appointed colonel in the National Army.

Maj. Joseph B. Douglas, Coast Artillery Corps (Signal Corps), vice Lieut. Col. Edwin O. Sarratt, appointed colonel in the National Army.

Maj. Hudson T. Patten, Coast Artillery Corps, vice Lieut. Col. Joseph B. Douglas, retained in the Signal Corps.

Maj. Edward Kimmel, Coast Artillery Corps, vice Lieut. Col. Frederick E. Johnston, appointed colonel in the National Army.

Maj. John R. Procter, Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. Arthur S. Conklin, appointed colonel in the National Army.

Maj. John B. Christian, Coast Artillery Corps (Signal Corps), vice Lieut. Col. John R. Procter, retained in The Adjutant General's Department.

Maj. Frederick W. Phisterer, Coast Artillery Corps, vice Lieut. Col. John B. Christian, retained in the Signal Corps.

Maj. Robert H. C. Kelton, Coast Artillery Corps, vice Lieut. Col. James F. Brady, appointed lieutenant colonel in the National Army.

Maj. Percy P. Bishop, Coast Artillery Corps (General Staff Corps), vice Lieut. Col. Thomas Q. Ashburn, appointed colonel in the National Army.

Maj. Henry J. Hatch, Coast Artillery Corps, vice Lieut. Col. Robert S. Abernethy, appointed colonel in the National Army.

Maj. Elmer J. Wallace, Coast Artillery Corps, vice Lieut. Col. Harold E. Cloke, appointed colonel in the National Army.

Maj. William F. Hase, Coast Artillery Corps, vice Lieut. Col. Philip R. Ward, appointed colonel in the National Army.

Maj. William R. Doores, Coast Artillery Corps, vice Lieut. Col. Samuel A. Kephart, promoted.

Maj. James F. Howell, Coast Artillery Corps, vice Lieut. Col. William Forse, promoted.

Maj. Jesse C. Nicholls, Coast Artillery Corps (Ordnance Department), vice Lieut. Col. Louis A. Burgess, promoted.

Maj. Henry W. Schull, Coast Artillery Corps (Ordnance Department), vice Lieut. Col. Jesse C. Nicholls, retained in the Ordnance Department.

Maj. Clifton C. Carter, Coast Artillery Corps, vice Lieut. Col. Henry W. Schull, retained in the Ordnance Department.

Maj. Stanley D. Embick, Coast Artillery Corps (General Staff Corps), vice Lieut. Col. James A. Shipton, promoted.

Maj. William H. Monroe, Coast Artillery Corps (Ammunition Train), vice Lieut. Col. Stanley D. Embick, retained in the General Staff Corps.

Maj. Leonard D. Waldron, Coast Artillery Corps, vice Lieut. Col. William H. Monroe, retained in Ammunition Train.

Maj. Ernest A. Greenough, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. William Chamberlaine, promoted.

Maj. Alexander Greig, jr., Coast Artillery Corps, vice Lieut. Col. Ernest A. Greenough, retained in the Quartermaster Corps.

Maj. James A. Ruggles, Coast Artillery Corps, vice Lieut. Col. Gordon G. Heiner, appointed brigadier general in the National Army.

Maj. Terence E. Murphy, Coast Artillery Corps, vice Lieut. Col. George H. McManus, promoted.

Maj. Harry W. Newton, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. James W. Williams, promoted.

Maj. Allen D. Raymond, Coast Artillery Corps, vice Lieut. Col. Harry W. Newton, retained in the Quartermaster Corps.

Maj. James R. Pourie, Coast Artillery Corps, vice Lieut. Col. Alston Hamilton, promoted.

Maj. John L. Hughes, Coast Artillery Corps, vice Lieut. Col. John C. Gilmore, promoted.

Maj. John W. C. Abbott, Coast Artillery Corps, vice Lieut. Col. Mervyn C. Buckey, appointed colonel in the National Army.

Maj. Harry T. Matthews, Coast Artillery Corps (Inspector General's Department), vice Lieut. Col. Joseph Wheeler, jr., promoted.

Maj. Harry C. Barnes, Coast Artillery Corps, vice Lieut. Col. Harry T. Matthews, retained in the Inspector General's Department.

Maj. Stephen H. Mould, Coast Artillery Corps, vice Lieut. Col. Johnson Hagood, promoted.

Maj. Louis S. Chappelear, Coast Artillery Corps (Adjutant General's Department), vice Lieut. George T. Patterson, promoted.

Maj. Granville Sevier, Coast Artillery Corps, vice Lieut. Col. Louis S. Chappelear, retained in The Adjutant General's Department.

Maj. Robert F. Woods, Coast Artillery Corps, vice Lieut. Col. Percy M. Kessler, promoted.

Maj. Albert C. Thompson, Coast Artillery Corps, vice Lieut. Col. Frank K. Ferguson, promoted.

Maj. Ellison L. Gilmer, Coast Artillery Corps, vice Lieut. Col. Malcolm Young, promoted.

Maj. John McBride, jr., Coast Artillery Corps, vice Lieut. Col. Clifton C. Carter, appointed professor, United States Military Academy.

Maj. Richard K. Cravens, Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. Stanley D. Embick, appointed colonel in the Signal Corps.

Maj. George O. Hubbard, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. Richard K. Cravens, retained in The Adjutant General's Department.

Maj. James M. Wheeler, Coast Artillery Corps, vice Lieut. Col. George O. Hubbard, retained in the Quartermaster Corps.

Maj. Harrison S. Kerrick, Coast Artillery Corps, vice Lieut. Col. Marcellus G. Spinks, detailed in the Inspector General's Department.

Maj. Frank J. Miller, Coast Artillery Corps, vice Lieut. Col. Percy Willis, promoted.

Maj. Philip S. Golderman, Coast Artillery Corps, vice Lieut. Col. Percy P. Bishop, detailed in the General Staff Corps.

Maj. Charles L. Lanham, Coast Artillery Corps, vice Lieut. Col. William E. Cole, appointed colonel in the National Army.

To be lieutenant colonel with rank from December 26, 1917.

Maj. George F. Connolly, Coast Artillery Corps, vice Lieut. Col. William F. Stewart, appointed colonel in the National Army.

To be lieutenant colonels with rank from December 29, 1917.

Maj. John S. Johnston, Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. Frederick W. Phisterer, promoted.

Maj. Joseph S. Hardin, Coast Artillery Corps (Quartermaster Corps), vice Lieut. Col. John S. Johnston, retained in The Adjutant General's Department.

Maj. Louis E. Bennett, Coast Artillery Corps, vice Lieut. Col. Joseph S. Hardin, retained in the Quartermaster Corps.

To be lieutenant colonels with rank from January 4, 1918.

Maj. George L. Hicks, jr., Coast Artillery Corps (Adjutant General's Department), vice Lieut. Col. Elmer J. Wallace, appointed colonel in the National Army.

Maj. Lynn S. Edwards, Coast Artillery Corps, vice Lieut. Col. George L. Hicks, jr., retained in The Adjutant General's Department.

INFANTRY ARM.

To be colonels with rank from December 8, 1917.

Lieut. Col. Paul Giddings, Infantry (Adjutant General's Department), vice Col. William H. Morrow, detailed in Ammunition Train.

Lieut. Col. Edward S. Walton, Infantry (Quartermaster Corps), vice Col. Paul Giddings, retained in The Adjutant General's Department.

Lieut. Col. Alfred T. Smith, Infantry, vice Col. Edward S. Walton, retained in the Quartermaster Corps.

To be colonels with rank from January 9, 1918.

Lieut. Col. Fred L. Munson, Infantry (Quartermaster Corps), vice Col. Henry J. Hunt, detailed in Ammunition Train.

Lieut. Col. Thomas M. Anderson, jr., Infantry, vice Col. Fred L. Munson, retained in the Quartermaster Corps.

Lieut. Col. John E. Hunt, Infantry, vice Col. William K. Jones, detailed in Ammunition Train.

To be colonels with rank from January 22, 1918.

Lieut. Col. Claude H. Miller, Infantry (Inspector General's Department), vice Col. Edward Sigerfoos, resigned commission as temporary colonel.

Lieut. Col. Harold B. Fiske, Infantry, vice Col. Claude H. Miller, retained in the Inspector General's Department.

To be colonel with rank from December 8, 1917.

Lieut. Col. Ira L. Reeves, Infantry, additional officer, on the date he would have been promoted to fill an original vacancy had he not been retired from active service.

To be lieutenant colonel with rank from January 9, 1918.

Maj. Edwin J. Nowlen, Infantry, additional officer, on the date he would have been promoted to fill an original vacancy had he not been retired from active service.

To be lieutenant colonel with rank from August 5, 1917.

Maj. Raymond Sheldon, Infantry, vice Lieut. Col. Alfred T. Smith, promoted.

To be lieutenant colonel with rank from December 21, 1917.

Maj. Edwin J. Bracken, Infantry, vice Lieut. Col. Thomas M. Anderson, jr., promoted.

To be lieutenant colonel with rank from January 8, 1918.

Maj. George W. England, Infantry, vice Lieut. Col. George M. Holley, detailed in The Adjutant General's Department.

To be lieutenant colonels with rank from January 9, 1918.

Maj. Clyde B. Parker, Infantry, vice Lieut. Col. John E. Hunt, promoted.

Maj. Alvin C. Voris, Infantry (Signal Corps), vice Lieut. Col. Austin A. Parker, detailed in The Adjutant General's Department.

Maj. Frank R. Curtis, Infantry (Signal Corps), vice Lieut. Col. Alvin C. Voris, retained in the Signal Corps.

Maj. Fred L. Davison, Infantry, vice Lieut. Col. Frank R. Curtis, retained in the Signal Corps.

Maj. George E. Kumpe, Infantry, vice Lieut. Col. Jennings B. Wilson, detailed in The Adjutant General's Department.

To be lieutenant colonel with rank from January 10, 1918.

Maj. Milo C. Corey, Infantry, vice Lieut. Col. Harry E. Comstock, detailed in Ammunition Train.

To be lieutenant colonels with rank from January 22, 1918.

Maj. Arthur M. Ferguson, Infantry (Adjutant General's Department), vice Lieut. Col. Harold B. Fiske, promoted.

Maj. De Witt W. Chamberlin, Infantry (Inspector General's Department), vice Lieut. Col. Arthur M. Ferguson, retained in The Adjutant General's Department.

Maj. Walter H. Johnson, Infantry (General Staff), vice Lieut. Col. De Witt W. Chamberlin, retained in the Inspector General's Department.

Maj. Robert G. Rutherford, jr., Infantry, vice Lieut. Col. Walter H. Johnson, retained in the General Staff.

Maj. Robert E. Grinstead, Infantry (Quartermaster Corps), vice Lieut. Col. Lochlin W. Caffey, resigned commission as temporary lieutenant colonel.

Maj. Albert S. Williams, Infantry (Adjutant General's Department), vice Lieut. Col. Robert E. Grinstead, retained in the Quartermaster Corps.

Maj. William B. Graham, Infantry (General Staff), vice Lieut. Col. Albert S. Williams, retained in The Adjutant General's Department.

Maj. Charles J. Nelson, Infantry (Quartermaster Corps), vice Lieut. Col. William B. Graham, retained in the General Staff.

Maj. E. Alexis Jeunet, Infantry, vice Lieut. Col. Charles J. Nelson, retained in the Quartermaster Corps.

Maj. Charles H. Danforth, Infantry, vice Lieut. Col. William S. Faulkner, resigned commission as temporary lieutenant colonel.

To be lieutenant colonels with rank from January 23, 1918.

Maj. Gideon H. Williams, Infantry, vice Lieut. Col. J. De Camp Hall, resigned commission as temporary lieutenant colonel.

Maj. Leonard T. Baker, Infantry, vice Lieut. Col. James M. Loud, resigned commission as temporary lieutenant colonel.

Maj. Charles S. Frank, Infantry (Quartermaster Corps), vice Lieut. Col. Davis C. Anderson, resigned commission as temporary lieutenant colonel.

Maj. Franklin S. Leisenring, Infantry (Quartermaster Corps), vice Lieut. Col. Charles S. Frank, retained in the Quartermaster Corps.

Maj. Charles F. Andrews, Infantry, vice Lieut. Col. Franklin S. Leisenring, retained in the Quartermaster Corps.

Maj. Allan L. Briggs, Infantry, vice Lieut. Col. Philip Powers, resigned commission as temporary lieutenant colonel.

Maj. James M. Petty, Infantry, vice Lieut. Col. Douglas Potts, resigned commission as temporary lieutenant colonel.

Maj. John B. Shuman, Infantry (Adjutant General's Department), vice Lieut. Col. Edward B. Mitchell, resigned commission as temporary lieutenant colonel.

Maj. Charles G. Lawrence, Infantry (Quartermaster Corps), vice Lieut. Col. John B. Shuman, retained in The Adjutant General's Department.

Maj. Frederic G. Kellond, Infantry (General Staff), vice Lieut. Col. Charles G. Lawrence, retained in the Quartermaster Corps.

Maj. William P. Kitts, Infantry (Inspector General's Department), vice Lieut. Col. Frederic G. Kellond, retained in the General Staff.

Maj. Walter Harvey, Infantry, vice Lieut. Col. William P. Kitts, retained in the Inspector General's Department.

Maj. Frank B. Davis, Infantry, vice Lieut. Col. Allen J. Greer, resigned commission as temporary lieutenant colonel.

Maj. Harry D. Mitchell, Infantry, vice Lieut. Col. Wilbur A. McDaniel, resigned commission as temporary lieutenant colonel.

To be lieutenant colonels with rank from January 24, 1918.

Maj. Ode C. Nichols, Infantry, vice Lieut. Col. William G. Fleischhauer, resigned commission as temporary lieutenant colonel.

Maj. Kirwin T. Smith, Infantry, vice Lieut. Col. Harol D. Coburn, resigned commission as temporary lieutenant colonel.

To be majors with rank from November 12, 1917.

Capt. Joseph E. Barzynski, Infantry (Quartermaster Corps), vice Maj. Anton C. Cron, resigned commission as temporary major.

Capt. Ben W. Feild, Infantry, vice Maj. Joseph E. Barzynski, retained in the Quartermaster Corps.

To be major with rank from November 13, 1917.

Capt. Bloxham Ward, Infantry, Detached Officers' list, vice Maj. Thomas C. Musgrave, detailed in the Signal Corps.

To be majors with rank from November 15, 1917.

Capt. Paul H. Clark, Infantry (Quartermaster Corps), vice Maj. Benjamin B. McCroskey, resigned commission as temporary major.

Capt. Thomas H. Lowe, Infantry, vice Maj. Paul H. Clark, retained in the Quartermaster Corps.

To be majors with rank from November 16, 1917.

Capt. James W. H. Reisinger, jr., Infantry, vice Maj. Thomas J. Rogers, promoted lieutenant colonel.

Capt. Rupert A. Dunford, Infantry, vice Maj. Charles A. Dravo, detailed in the Signal Corps.

To be majors with rank from November 17, 1917.

Capt. Charles C. Bankhead, Infantry, vice Maj. John M. True, resigned commission as temporary major.

Capt. John P. Adams, Infantry, detached officers' list, vice Maj. Charles L. Sampson, resigned commission as temporary major.

To be majors with rank from November 18, 1917.

Capt. Ira Longanecker, Infantry, detached officers' list, vice Maj. Thomas N. Gimperling, resigned commission as temporary major.

Capt. William C. Whitener, Infantry, vice Maj. John C. French, resigned commission as temporary major.

Capt. Frederick J. Ostermann, Infantry (Signal Corps), vice Maj. Rutherford S. Hartz, detailed in the Signal Corps.

Capt. William J. Connolly, Infantry (Quartermaster Corps), vice Maj. Frederick J. Ostermann, retained in the Signal Corps.

Capt. Everett D. Barlow, jr., Infantry, vice Maj. William J. Connolly, retained in the Quartermaster Corps.

Capt. Lawrence E. Hohl, Infantry, vice Maj. William W. Harris, jr., resigned commission as temporary major.

To be majors with rank from November 19, 1917.

Capt. James G. Boswell, Infantry, vice Maj. Harry Bissell, resigned commission as temporary major.

Col. Arthur D. Minick, Infantry (Ordnance Department), vice Maj. Fitzhugh L. Minnigerode, resigned commission as temporary major.

Capt. Paul R. Manchester, Infantry, vice Maj. Arthur D. Minick, retained in Ordnance Department.

Capt. Byard Sneed, Infantry, vice Maj. Bruce R. Campbell, resigned commission as temporary major.

To be majors with rank from November 20, 1917.

Capt. Oscar Westover, Infantry (Signal Corps), vice Maj. Sherburne Whipple, resigned commission as temporary major.

Capt. Martyn H. Shute, Infantry (Signal Corps), vice Maj. Oscar Westover, retained in the Signal Corps.

Capt. Fred A. Cook, Infantry, vice Maj. Martyn H. Shute, retained in the Signal Corps.

To be major with rank from November 21, 1917.

Capt. George G. Bartlett, Infantry, vice Maj. James B. Woolnough, resigned commission as temporary major.

To be majors with rank from November 22, 1917.

Capt. Henry B. Clagett, Infantry (Signal Corps), vice Maj. Allan R. Williams, resigned commission as temporary major.

Capt. Richard H. Jacob, Infantry, vice Maj. Henry B. Clagett, retained in the Signal Corps.

To be majors with rank from November 23, 1917.

Capt. Ralph A. Jones, Infantry, detached officers' list, vice Maj. William R. Scott, resigned commission as temporary major.

Capt. Hugo D. Schultz, Infantry, vice Maj. Charles W. Mason, resigned commission as temporary major.

Capt. Jacob E. Fickel, Infantry (Signal Corps), vice Maj. John B. Corbly, resigned commission as temporary major.

Capt. Jesse W. Boyd, Infantry (Quartermaster Corps), vice Maj. Jacob E. Fickel, retained in the Signal Corps.

Capt. Ebenezer G. Beuret, Infantry, vice Maj. Jesse W. Boyd, retained in the Quartermaster Corps.

Capt. Rush B. Lincoln, Infantry (Signal Corps), vice Maj. John B. Richardson, resigned commission as temporary major.

Capt. Walter F. L. Hartigan, Infantry, vice Maj. Rush B. Lincoln, retained in the Signal Corps.

To be majors with rank from November 28, 1917.

Capt. Bruce Magruder, Infantry, vice Maj. William E. Gillmore, detailed in the Signal Corps.

Capt. George H. Huddleson, Infantry, detached officers' list, vice Maj. Ira Longanecker, detailed in the Signal Corps.

To be major with rank from November 29, 1917.

Capt. George C. Keleher, Infantry, vice Maj. George E. Goodrich, detailed in the Signal Corps.

To be major with rank from November 30, 1917.

Capt. Harry H. Pritchett, Infantry, vice Maj. James W. H. Reisinger, detailed in the Quartermaster Corps.

To be majors with rank from December 1, 1917.

Capt. Edgar L. Field, Infantry, vice Maj. Charles B. Elliott, resigned commission as temporary major.

Capt. Earl C. Buck, Infantry, vice Maj. Edmund C. Waddill, resigned commission as temporary major.

Capt. Jere Baxter, Infantry, detached officers' list, vice Maj. Arthur M. Ferguson, detailed in The Adjutant General's Department.

Capt. A. Ellicott Brown, Infantry, vice Maj. Harry Hawley, resigned commission as temporary major.

To be majors with rank from December 4, 1917.

Capt. James M. Lockett, Infantry, vice Maj. Jacob W. S. Wuest, detailed in the Signal Corps.

Capt. Eugene Robinson, Infantry, vice Maj. William W. Bessell, detailed in The Adjutant General's Department.

To be major with rank from December 8, 1917.

Capt. Jesse C. Drain, Infantry, detached officers' list, vice Maj. Raymond Sheldon, promoted.

To be major with rank from December 10, 1917.

Capt. Alexander W. Chilton, Infantry, detached officers' list, vice Maj. Joseph F. Ware, detailed in the Signal Corps.

To be major with rank from December 15, 1917.

Capt. William E. Morrison, Infantry, detached officers' list, vice Maj. Alfred W. Bjornstad, promoted.

To be majors with rank from December 19, 1917.

Capt. Donald J. MacLachlan, Infantry, vice Maj. Resolve P. Palmer, detailed in the Signal Corps.

Capt. Charles H. Rice, Infantry, vice Maj. James G. Boswell, detailed in the Signal Corps.

To be majors with rank from December 21, 1917.

Capt. Irving J. Palmer, Infantry (Quartermaster Corps), vice Maj. Edwin J. Bracken, promoted.

Capt. Melvin G. Faris, Infantry, vice Maj. Irving J. Palmer, retained in the Quartermaster Corps.

To be majors with rank from January 8, 1918.

Capt. Alexander W. Maish, Infantry (Ordnance Department), vice Maj. George W. England, promoted.

Capt. William J. McCaughey, Infantry, vice Maj. Alexander W. Maish, retained in the Ordnance Department.

To be majors with rank from January 9, 1918.

Capt. Eugene R. Householder, Infantry, vice Maj. Clyde B. Parker, promoted.

Capt. Eugene Santschi, jr., Infantry, vice Maj. Fred L. Davidson, promoted.

Capt. William A. Ganoe, Infantry, vice Maj. George E. Kumpe, promoted.

To be major with rank from January 10, 1918.

Capt. Elmer F. Rice, Infantry, vice Maj. Milo C. Corey, promoted.

To be majors with rank from January 22, 1918.

Capt. Benjamin F. Castle, Infantry, vice Maj. Robert G. Rutherford, jr., promoted.

Capt. John W. Lang, Infantry, vice Maj. E. Alexis Jeunet, promoted.

Capt. George T. Everett, Infantry (Quartermaster Corps), vice Maj. Charles H. Danforth, promoted.

Capt. Henry H. Arnold, Infantry (Signal Corps), vice Maj. George T. Everett, retained in the Quartermaster Corps.

Capt. Walter R. Wheeler, Infantry, vice Maj. Henry H. Arnold, retained in the Signal Corps.

Capt. Barton K. Yount, Infantry, vice Maj. Clifford C. Early, resigned commission as temporary major.

To be majors with rank from January 23, 1918.

Capt. Denham B. Crafton, Infantry, vice Maj. Gideon H. Williams, promoted.

Capt. William E. Selbie, Infantry, vice Maj. Leonard T. Baker, promoted.

Capt. John L. Jenkins, Infantry, vice Maj. Charles F. Andrews, promoted.

Capt. Charles H. White, Infantry, vice Maj. Allan L. Briggs, promoted.

Capt. Alvin G. Gutensohn, Infantry (Signal Corps), vice Maj. James M. Petty, promoted.

Capt. Stanley L. James, Infantry, vice Maj. Alvin G. Gutensohn, retained in the Signal Corps.

Capt. John S. Sullivan, Infantry, vice Maj. Walter Harvey, promoted.

Capt. Bruce B. Buttler, Infantry, vice Maj. Frank B. Davis, promoted.

Capt. Evan E. Lewis, Infantry, vice Maj. Harry D. Mitchell, promoted.

Capt. Paul A. Larned, Infantry (Quartermaster Corps), vice Maj. Otis R. Cole, resigned commission as temporary major.

Capt. James H. Laubach, Infantry (Quartermaster Corps), vice Maj. Paul A. Larned, retained in the Quartermaster Corps.

Capt. George R. Harrison, Infantry, vice Maj. James H. Laubach, retained in the Quartermaster Corps.

Capt. Ralph W. Dusenbury, Infantry, vice Maj. James G. Taylor, resigned commission as temporary major.

To be majors with rank from January 24, 1918.

Capt. Thomas C. Spencer, Infantry, vice Maj. Ode C. Nichols, promoted.

Capt. Fauntley M. Miller, Infantry, vice Maj. Kirwin T. Smith, promoted.

Capt. Ray C. Hill, Infantry, vice Maj. Hiram M. Cooper, resigned commission as temporary major.

Capt. Patrick J. Morrissey, Infantry, vice Maj. Charles F. Caffery, resigned commission as temporary major.

Capt. Thomas M. R. Herron, Infantry, vice Maj. Frederick F. Black, resigned commission as temporary major.

To be major with rank from January 26, 1918.

Capt. John D. Reardan, Infantry, vice Maj. Walter S. Fulton, resigned commission as temporary major.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

COAST ARTILLERY CORPS.

To be first lieutenant with rank from September 18, 1917.

Second Lieut. David C. Kelly, Coast Artillery Corps, vice First Lieut. John A. Hoag, promoted.

To be first lieutenants with rank from October 24, 1917.

Second Lieut. Edward F. Chase, Coast Artillery Corps, vice First Lieut. Cris M. Burlingame, promoted.

Second Lieut. Robert A. Wheeler, Coast Artillery Corps, vice First Lieut. James Kirk, promoted.

Second Lieut. Catesby ap L. Jones, Coast Artillery Corps, vice First Lieut. James H. Johnson, promoted.

Second Lieut. William W. Savage, Coast Artillery Corps, vice First Lieut. John H. Lindt, promoted.

Second Lieut. Charles J. Schaefer, jr., Coast Artillery Corps, vice First Lieut. Bird S. DuRois, promoted.

Second Lieut. LeRoy A. Whittaker, Coast Artillery Corps, vice First Lieut. Stiles M. Decker, promoted.

Second Lieut. Harold W. Kramer, Coast Artillery Corps, vice First Lieut. Raymond G. Payne, promoted.

To be first lieutenants with rank from October 25, 1917.

Second Lieut. Harold P. Detwiler, Coast Artillery Corps, vice First Lieut. Archie S. Buyers, promoted.

Second Lieut. Clarence F. Hofstetter, Coast Artillery Corps, vice First Lieut. William A. Borden, promoted.

Second Lieut. John J. Vandenburgh, Coast Artillery Corps, vice First Lieut. Edwin B. Spiller, promoted.

Second Lieut. Paul S. Roper, Coast Artillery Corps, vice First Lieut. Alfred B. Quinton, jr., promoted.

Second Lieut. John S. Beck, Coast Artillery Corps, vice First Lieut. Francis J. Toohey, placed on the detached officers' list.

Second Lieut. Clarence G. DeSwarte, Coast Artillery Corps, vice First Lieut. Charles L. Kilburn, placed on the detached officers' list.

Second Lieut. Bradley B. Brown, Coast Artillery Corps, vice First Lieut. Harold A. Strauss, promoted.

Second Lieut. Mahlon A. Combs, Coast Artillery Corps, vice First Lieut. Cyril A. W. Dawson, promoted.

Second Lieut. Leslie A. Kibbe, Coast Artillery Corps, vice First Lieut. Hubert R. Harmon, detailed in the Aviation Section.

Second Lieut. Lawrence L. Clayton, Coast Artillery Corps, vice First Lieut. Robert H. Van Volkenburgh, promoted.

Second Lieut. Sanford D. Ashford, Coast Artillery Corps, vice First Lieut. John H. Jouett, detailed in the Aviation Section.

Second Lieut. William Mayer, Coast Artillery Corps, vice First Lieut. Charles M. Steese, detailed in the Ordnance Department.

Second Lieut. James L. Craig, Coast Artillery Corps, vice First Lieut. Frederick G. Dillman, promoted.

Second Lieut. Glenn H. Stough, Coast Artillery Corps, vice First Lieut. Manning M. Kimmel, jr., promoted.

Second Lieut. Charles E. Loucks, Coast Artillery Corps, vice First Lieut. Robert M. Perkins, promoted.

Second Lieut. Edmund B. Tazewell, Coast Artillery Corps, vice First Lieut. Lawrence B. Weeks, promoted.

Second Lieut. Hugh M. Cochran, 3d, Coast Artillery Corps, vice First Lieut. Stewart S. Giffin, promoted.

Second Lieut. Bruce W. Thayer, Coast Artillery Corps, vice First Lieut. Ward E. Duvall, promoted.

Second Lieut. Arthur C. Cox, Coast Artillery Corps, vice First Lieut. James B. Gillespie, promoted.

Second Lieut. Paul J. Hunt, Coast Artillery Corps, vice First Lieut. Belton O'N. Kennedy, transferred to the Field Artillery.

Second Lieut. Chauncey K. Smullen, Coast Artillery Corps, vice First Lieut. Francis H. Miles, jr., transferred to Field Artillery.

Second Lieut. Moses W. Pettigrew, Coast Artillery Corps, vice First Lieut. Herbert A. Dargue, transferred to Field Artillery.

Second Lieut. Harold H. Hilton, Coast Artillery Corps, vice First Lieut. Avery J. French, transferred to Field Artillery.

Second Lieut. Walter F. Kraus, Coast Artillery Corps, vice First Lieut. Frederick J. Williams, transferred to Field Artillery.

Second Lieut. Milton M. Levy, Coast Artillery Corps, vice First Lieut. William C. Harrison, transferred to Field Artillery.

Second Lieut. D. Marshall Taylor, Coast Artillery Corps, vice First Lieut. Walter H. Hess, jr., transferred to Field Artillery.

Second Lieut. Samson H. Rosenblatt, Coast Artillery Corps, vice First Lieut. Paul V. Kane, transferred to Field Artillery.

Second Lieut. Hugh N. Mavor, Coast Artillery Corps, vice First Lieut. Weir Riche, transferred to Field Artillery.

Second Lieut. George A. Woody, Coast Artillery Corps, vice First Lieut. Thomas J. Brady, transferred to Field Artillery.

Second Lieut. Maurice R. Gowing, Coast Artillery Corps, vice First Lieut. John S. Mac Taggart, transferred to Field Artillery.

Second Lieut. Geoffrey M. O'Connell, Coast Artillery Corps, vice First Lieut. James A. Pickering, transferred to Field Artillery.

Second Lieut. Lloyd W. Goeppert, Coast Artillery Corps, vice First Lieut. Joseph D. Coughlan, transferred to Field Artillery.

Second Lieut. Frank R. Rawson, Coast Artillery Corps, vice First Lieut. Robert N. Bodine, transferred to Field Artillery.

Second Lieut. Francis Bell, jr., Coast Artillery Corps, vice First Lieut. William C. Byrd, dropped.

Second Lieut. Harrison G. Overend, Coast Artillery Corps, vice First Lieut. Martin J. O'Brien, promoted.

Second Lieut. Arthur W. Gower, Coast Artillery Corps, vice First Lieut. Joseph C. Haw, promoted.

Second Lieut. Guy C. Smith, Coast Artillery Corps, vice First Lieut. Iverson B. Summers, jr., promoted.

Second Lieut. Otis C. Moore, Coast Artillery Corps, vice First Lieut. Clifford R. Jones, promoted.

Second Lieut. George C. Tinsley, Coast Artillery Corps, vice First Lieut. John B. Wogan, promoted.

Second Lieut. Arthur F. Gilmore, Coast Artillery Corps, vice First Lieut. Clesen H. Tenney, promoted.

Second Lieut. Thomas B. Hobson, Coast Artillery Corps, vice First Lieut. Frank E. Emery, jr., promoted.

Second Lieut. John T. Lewis, Coast Artillery Corps, vice First Lieut. Edward C. Wallington, promoted.

Second Lieut. Walter A. Upham, Coast Artillery Corps, vice First Lieut. Carl E. Hocker, promoted.

Second Lieut. Julian D. Conover, Coast Artillery Corps, vice First Lieut. Richmond T. Gibson, promoted.

Second Lieut. Ralph A. Grant, Coast Artillery Corps, vice First Lieut. Edward B. Hyde, jr., promoted.

Second Lieut. Alvah P. R. Conklin, Coast Artillery Corps, vice First Lieut. Herbert R. Corbin, promoted.

Second Lieut. William Q. Jeffords, jr., Coast Artillery Corps, vice First Lieut. Charles H. Chapin, promoted.

Second Lieut. Frederick W. Gilchrist, Coast Artillery Corps, vice First Lieut. William P. Cherrington, promoted.

Second Lieut. Samuel L. McCroskey, Coast Artillery Corps, vice First Lieut. Charles R. Finley, promoted.

Second Lieut. George A. Patrick, Coast Artillery Corps, vice First Lieut. Albert W. Draves, promoted.

Second Lieut. Horace H. Powers, Coast Artillery Corps, vice First Lieut. Benjamin S. Beverley, promoted.

Second Lieut. Walter C. Thee, Coast Artillery Corps, vice First Lieut. Carl L. Marriott, promoted.

Second Lieut. Gwynne G. McCaustland, Coast Artillery Corps, vice First Lieut. Hugh A. Ramsey, promoted.

Second Lieut. Wayne E. Davis, Coast Artillery Corps, vice First Lieut. Willis McD. Chapin, promoted.

Second Lieut. Oliver B. Bucher, Coast Artillery Corps, vice First Lieut. Carl S. Doney, promoted.

Second Lieut. Edgar W. King, Coast Artillery Corps, vice First Lieut. James de B. Walbach, promoted.

Second Lieut. John W. Dillard, Coast Artillery Corps, vice First Lieut. Richard M. Levy, promoted.

Second Lieut. Jesse K. Mattox, Coast Artillery Corps, vice First Lieut. Ellicott H. Freeland, promoted.

Second Lieut. Wallace E. Armstrong, Coast Artillery Corps, vice First Lieut. James C. Ruddell, promoted.

Second Lieut. Riley E. McGarraugh, Coast Artillery Corps, vice First Lieut. Joseph J. O'Hare, promoted.

Second Lieut. Fletcher H. Etheridge, Coast Artillery Corps, vice First Lieut. William G. Patterson, promoted.

Second Lieut. David Beale, Coast Artillery Corps, vice First Lieut. Frank C. Scofield, promoted.

Second Lieut. Charles T. Trickey, Coast Artillery Corps, vice First Lieut. Ferdinand F. Gallagher, promoted.

Second Lieut. Allan P. Bruner, Coast Artillery Corps, vice First Lieut. Barrington L. Flanigen, promoted.

Second Lieut. Edwin M. McGinnis, Coast Artillery Corps, vice First Lieut. Frederick W. Smith, promoted.

Second Lieut. Francis S. Swett, Coast Artillery Corps, vice First Lieut. Robert S. Barr, promoted.

Second Lieut. Arch C. Huston, Coast Artillery Corps, vice First Lieut. Charles J. Herzer, promoted.

To be first lieutenants with rank from October 26, 1917.

Second Lieut. Uric J. Mengert, Coast Artillery Corps, vice First Lieut. William M. Cravens, promoted.

Second Lieut. Hugo Dalsheimer, Coast Artillery Corps, vice First Lieut. John B. Martin, promoted.

Second Lieut. Richard W. Coward, Coast Artillery Corps, vice First Lieut. Edwin C. Mead, promoted.

Second Lieut. Edward T. Browne, Coast Artillery Corps, vice First Lieut. William T. Roberts, promoted.

Second Lieut. John O. Merrill, Coast Artillery Corps, vice First Lieut. Carl J. Smith, promoted.

Second Lieut. Horace C. Levinson, Coast Artillery Corps, vice First Lieut. Dugald Mac A. Barr, promoted.

Second Lieut. Percival S. Howe, jr., Coast Artillery Corps, vice First Lieut. James D. MacMullen, promoted.

Second Lieut. Miles W. Kresge, Coast Artillery Corps, vice First Lieut. Charles W. Bundy, promoted.

Second Lieut. Edwin S. Roscoe, Coast Artillery Corps, vice First Lieut. Charles D. Y. Ostrom, promoted.

Second Lieut. George W. Ricker, Coast Artillery Corps, vice First Lieut. Donald M. Cole, promoted.

Second Lieut. Edward S. Fraser, Coast Artillery Corps, vice First Lieut. James C. Hutson, promoted.

Second Lieut. Milton W. Pollock, Coast Artillery Corps, vice First Lieut. Francis A. Hause, promoted.

Second Lieut. Sumner T. Pike, Coast Artillery Corps, vice First Lieut. Edward E. MacMorland, promoted.

Second Lieut. Sealand W. Landon, jr., Coast Artillery Corps, vice First Lieut. Martin J. O'Brien, placed on the detached officers' list.

Second Lieut. Harold Connett, Coast Artillery Corps, vice First Lieut. Iverson B. Summers, jr., placed on the detached officers' list.

Second Lieut. Leslie Clyde, Coast Artillery Corps, vice First Lieut. John B. Wogan, placed on the detached officers' list.

Second Lieut. John M. Silkman, Coast Artillery Corps, vice First Lieut. Clesen H. Tenney, placed on the detached officers' list.

Second Lieut. John S. Jenkins, jr., Coast Artillery Corps, vice First Lieut. Frank E. Emery, jr., placed on the detached officers' list.

Second Lieut. Stanley R. Mickelsen, Coast Artillery Corps, vice First Lieut. Edward C. Wallington, placed on the detached officers' list.

Second Lieut. William LeRoy Hart, Coast Artillery Corps, vice First Lieut. Charles R. Finley, placed on the detached officers' list.

Second Lieut. Lawrence B. Morse, Coast Artillery Corps, vice First Lieut. Albert W. Draves, placed on the detached officers' list.

Second Lieut. George P. Lee, Coast Artillery Corps, vice First Lieut. Benjamin S. Beverley, placed on the detached officers' list.

Second Lieut. Ralph E. Glasheen, Coast Artillery Corps, vice First Lieut. Willis M. Chapin, placed on the detached officers' list.

Second Lieut. Earnest J. Oglesby, Coast Artillery Corps, vice First Lieut. James de B. Walbach, placed on the detached officers' list.

Second Lieut. Eugene M. Vigneron, Coast Artillery Corps, vice First Lieut. Richard M. Levy, placed on the detached officers' list.

Second Lieut. Carroll G. Riggs, Coast Artillery Corps, vice First Lieut. Joseph J. O'Hare, placed on the detached officers' list.

Second Lieut. Henry C. Meredith, Coast Artillery Corps, vice First Lieut. William G. Patterson, placed on the detached officers' list.

Second Lieut. Dana L. Barbour, Coast Artillery Corps, vice First Lieut. Frank C. Scofield, placed on the detached officers' list.

Second Lieut. Ralph Beatley, Coast Artillery Corps, vice First Lieut. Ferdinand F. Gallagher, placed on the detached officers' list.

Second Lieut. Max W. Thornburg, Coast Artillery Corps, vice First Lieut. Barrington L. Flanigen, placed on the detached officers' list.

Second Lieut. George W. Farnham, Coast Artillery Corps, vice First Lieut. Robert S. Barr, placed on the detached officers' list.

Second Lieut. Richard M. Kimball, Coast Artillery Corps, vice First Lieut. Charles J. Herzer, placed on the detached officers' list.

Second Lieut. Edwin F. Barry, Coast Artillery Corps, vice First Lieut. John B. Martin, placed on the detached officers' list.

Second Lieut. Eugene S. Taliaferro, Coast Artillery Corps, vice First Lieut. Oliver C. Stevens, placed on the detached officers' list.

Second Lieut. Robert A. Clyde, Coast Artillery Corps, vice First Lieut. Edwin C. Mead, placed on the detached officers' list.

Second Lieut. Andrew F. Patterson, Coast Artillery Corps, vice First Lieut. Carl J. Smith, placed on the detached officers' list.

Second Lieut. Forrest G. Tucker, Coast Artillery Corps, vice First Lieut. Dugald McA. Barr, placed on the detached officers' list.

Second Lieut. Howard T. Evans, Coast Artillery Corps, vice First Lieut. Charles D. Y. Ostrom, placed on the detached officers' list.

Second Lieut. Spessard L. Holland, Coast Artillery Corps, vice First Lieut. James C. Hutson, placed on the detached officers' list.

Second Lieut. William P. E. Ainsworth, Coast Artillery Corps, vice First Lieut. Francis A. Hause, placed on the detached officers' list.

Second Lieut. Herbert F. E. Bultman, Coast Artillery Corps, vice First Lieut. Edward E. MacMorland, placed on the detached officers' list.

Second Lieut. Donald F. McClure, Coast Artillery Corps, vice First Lieut. Leslie V. Jefferis, placed on the detached officers' list.

Second Lieut. Wilton B. Persons, Coast Artillery Corps, vice First Lieut. Stuart A. Hamilton, placed on the detached officers' list.

Second Lieut. Homer Case, Coast Artillery Corps, vice First Lieut. Howard F. Gill, placed on the detached officers' list.

Second Lieut. Edward P. Sykes, Coast Artillery Corps, vice First Lieut. Gerald R. Butz, placed on the detached officers' list.

Second Lieut. John V. Ray, Coast Artillery Corps, vice First Lieut. Joseph W. Barker, placed on the detached officers' list.

Second Lieut. Burleigh A. Lum, Coast Artillery Corps, vice First Lieut. Shuey E. Wolfe, placed on the detached officers' list.

Second Lieut. Wilbur S. Vaughan, Coast Artillery Corps, vice First Lieut. Carl C. Terry, placed on the detached officers' list.

Second Lieut. Reginald S. Fleet, Coast Artillery Corps, vice First Lieut. Edward A. Murphy, placed on the detached officers' list.

Second Lieut. Roland D. Hawkins, Coast Artillery Corps, vice First Lieut. Jep C. Hardigg, placed on the detached officers' list.

Second Lieut. Melzar M. Whittlesley, Coast Artillery Corps, vice First Lieut. George D. Davidson, placed on the detached officers' list.

Second Lieut. Roscoe P. De Witt, Coast Artillery Corps, vice First Lieut. Richard B. Webb, placed on the detached officers' list.

Second Lieut. John G. Murphy, Coast Artillery Corps, vice First Lieut. Jules E. Piccard, placed on the detached officers' list.

Second Lieut. Walter J. Collet, Coast Artillery Corps, vice First Lieut. Robert E. Phillips, placed on the detached officers' list.

Second Lieut. Joe J. Miller, Coast Artillery Corps, vice First Lieut. Edgar Nash, jr., placed on the detached officers' list.

Second Lieut. John Van A. Mackenzie, Coast Artillery Corps, vice First Lieut. Vincent B. Dixon, placed on the detached officers' list.

Second Lieut. Frank J. McSherry, Coast Artillery Corps, vice First Lieut. Wilmer S. Phillips, placed on the detached officers' list.

Second Lieut. George F. A. Mulcahy, Coast Artillery Corps, vice First Lieut. Otis A. Wallace, placed on the detached officers' list.

Second Lieut. Charles S. Hammond, Coast Artillery Corps, vice First Lieut. Edgar H. Underwood, placed on the detached officers' list.

Second Lieut. William B. Jones, Coast Artillery Corps, vice First Lieut. Horace L. Whittaker, placed on the detached officers' list.

Second Lieut. Cornelius S. Whittelsey, Coast Artillery Corps, vice First Lieut. James Q. Rood, placed on the detached officers' list.

Second Lieut. Carleton E. Saecker, Coast Artillery Corps, vice First Lieut. Evan C. Seaman, placed on the detached officers' list.

Second Lieut. Robert B. Adams, Coast Artillery Corps, vice First Lieut. Clarence E. Cotter, placed on the detached officers' list.

Second Lieut. Clarence C. Harshman, Coast Artillery Corps, vice First Lieut. James M. Evans, placed on the detached officers' list.

Second Lieut. Lewis J. Taylor, Coast Artillery Corps, vice First Lieut. Henry R. Behrens, placed on the detached officers' list.

Second Lieut. Pennock H. Orr, Coast Artillery Corps, vice First Lieut. Edison A. Lynn, placed on the detached officers' list.

Second Lieut. John K. Christmas, Coast Artillery Corps, vice First Lieut. Guy H. Drewry, placed on the detached officers' list.

Second Lieut. James M. Harris, Coast Artillery Corps, vice First Lieut. Alva F. Englehart, placed on the detached officers' list.

Second Lieut. Walter B. Littlefield, Coast Artillery Corps, vice First Lieut. Harold R. Jackson, placed on the detached officers' list.

Second Lieut. Philip H. Middleditch, Coast Artillery Corps, vice First Lieut. Walter F. Vander Hyden, placed on the detached officers' list.

Second Lieut. Wilfrid W. Montagne, Coast Artillery Corps, vice First Lieut. Elbert L. Ford, jr., placed on the detached officers' list.

Second Lieut. Donald B. Webster, Coast Artillery Corps, vice First Lieut. James L. Hayden, placed on the detached officers' list.

Second Lieut. George B. Roberts, Coast Artillery Corps, vice First Lieut. George S. Beurket, placed on the detached officers' list.

Second Lieut. Frank E. O'Neill, Coast Artillery Corps, vice First Lieut. Joel G. Holmes, placed on the detached officers' list.

Second Lieut. Banks G. Moreland, Coast Artillery Corps, vice First Lieut. William Sackville, placed on the detached officers' list.

Second Lieut. Monroe Warren, Coast Artillery Corps, vice First Lieut. Leroy H. Lohman, placed on the detached officers' list.

Second Lieut. James M. Ralston, Coast Artillery Corps, vice First Lieut. Christian G. Foltz, placed on the detached officers' list.

Second Lieut. Ransom D. Spann, Coast Artillery Corps, vice First Lieut. William W. Cowgill, placed on the detached officers' list.

Second Lieut. Donald G. Crowell, Coast Artillery Corps, vice First Lieut. Harry R. Pierce, placed on the detached officers' list.

Second Lieut. Arthur C. Hawkins, Coast Artillery Corps, vice First Lieut. Lawrence C. Mitchell, placed on the detached officers' list.

Second Lieut. Otto de Lorenzi, Coast Artillery Corps, vice First Lieut. James L. Keane, placed on the detached officers' list.

Second Lieut. Richard M. Kew, Coast Artillery Corps, vice First Lieut. John A. Messerschmidt, placed on the detached officers' list.

Second Lieut. Alexander G. Campbell, Coast Artillery Corps, vice First Lieut. Henry Linsert, placed on the detached officers' list.

Second Lieut. Ernest R. Campbell, Coast Artillery Corps, vice First Lieut. Donald L. Dutton, placed on the detached officers' list.

Second Lieut. Joseph G. Pringle, Coast Artillery Corps, vice First Lieut. Leland A. Miller, placed on the detached officers' list.

Second Lieut. John W. Card, Coast Artillery Corps, vice First Lieut. John B. Day, placed on the detached officers' list.

Second Lieut. Jack Phinizy, Coast Artillery Corps, vice First Lieut. Carl R. Adams, placed on the detached officers' list.

Second Lieut. Manly B. Gibson, Coast Artillery Corps, vice First Lieut. Byron T. Ipock, placed on the detached officers' list.

Second Lieut. Charles H. Hagelstein, Coast Artillery Corps, vice First Lieut. Raymond H. Schutte, placed on the detached officers' list.

Second Lieut. Huntington R. Hardwick, Coast Artillery Corps, vice First Lieut. Claude G. Benham, placed on the detached officers' list.

Second Lieut. Robert C. Jordon, jr., Coast Artillery Corps, vice First Lieut. Willard W. Irvine, placed on the detached officers' list.

Second Lieut. Malcolm S. Cone, Coast Artillery Corps, vice First Lieut. Charles S. Erswell, placed on the detached officers' list.

Second Lieut. Alvah E. Moody, Coast Artillery Corps, vice First Lieut. Lewis Merriam, jr., placed on the detached officers' list.

To be first lieutenant with rank from November 7, 1917.

Second Lieut. Robert K. Gooch, Coast Artillery Corps, vice First Lieut. Stuart W. Griffin, appointment terminated November 6, 1917.

To be first lieutenant with rank from December 5, 1917.

Second Lieut. Oliver N. Hollis, Coast Artillery Corps, vice First Lieut. Henry B. Holmes, jr., promoted.

To be first lieutenant with rank from December 10, 1917.

Second Lieut. Cranston B. Rader, Coast Artillery Corps, vice First Lieut. Arvid M. Pendleton, promoted.

To be first lieutenant with rank from December 25, 1917.

Second Lieut. Cedric E. Scheerer, Coast Artillery Corps, vice First Lieut. John R. Haviland, appointment terminated December 24, 1917.

To be first lieutenant with rank from December 28, 1917.

Second Lieut. Geoffrey Marshall, Coast Artillery Corps, vice First Lieut. Oliver C. Stevens, appointment terminated December 27, 1917.

INFANTRY ARM.

To be captains.

First Lieut. Sigurd J. Simonsen, Infantry, to be captain from December 1, 1917, vice Capt. Arthur M. Ferguson, detailed in The Adjutant General's Department.

First Lieut. Thomas G. Bond, Infantry, to be captain from December 2, 1917, vice Capt. James A. O'Brien, transferred to the detached officers' list.

First Lieut. John E. Haywood, Infantry, to be captain from December 4, 1917, vice Capt. William W. Bessell, detailed in The Adjutant General's Department.

First Lieut. Willis H. Hale, Infantry, to be captain from December 19, 1917, vice Capt. Otis K. Sadtler, detailed in the Signal Corps.

First Lieut. Noe C. Killian, Infantry, to be captain from December 19, 1917, vice Capt. Resolve P. Palmer, detailed in the Signal Corps.

First Lieut. Lindsay P. Johns, Infantry, to be captain from December 19, 1917, vice Capt. James G. Boswell, detailed in the Signal Corps.

First Lieut. Walter R. Mann, Infantry, to be captain from December 29, 1917, vice Capt. Howard Donnelly, detailed in Ammunition Train.

First Lieut. Henry W. Lee, Infantry, to be captain from December 29, 1917, vice Capt. George C. Bowen, detailed in Ammunition Train.

First. Lieut. Charles A. Shamotulski, Infantry, to be captain from December 29, 1917, vice Capt. Lathrop B. Clapham, detailed in Ammunition Train.

First Lieut. Sidney F. Mashbir, Infantry, to be captain from December 29, 1917, vice Capt. Henry C. Long, jr., detailed in Ammunition Train.

First Lieut. William P. Scobey, Infantry, to be captain from December 29, 1917, vice Capt. Metcalfe Reed, detailed in Ammunition Train.

First Lieut. William C. Moore, Infantry, to be captain from December 29, 1917, vice Capt. Otto A. B. Hooper, detailed in Ammunition Train.

First Lieut. Albion Smith, Infantry, to be captain from December 29, 1917, vice Capt. John C. Fairfax, detailed in Ammunition Train.

First Lieut. Le Roy Lutes, Infantry, to be captain from December 29, 1917, vice Capt. Bohun D. Kintoch, detailed in Ammunition Train.

First Lieut. Edwin D. Patrick, Infantry, to be captain from December 29, 1917, vice Capt. Paul W. Mapes, detailed in Ammunition Train.

First Lieut. Herman F. Kramer, Infantry, to be captain from December 31, 1917, vice Capt. Auswell E. Deitsch, detailed in Ammunition Train.

First Lieut. Clarence P. Evers, Infantry, to be captain from December 31, 1917, vice Capt. Thomas M. Hunter, detailed in Ammunition Train.

First Lieut. William H. Coacher, Infantry, to be captain from January 8, 1918, vice Capt. George M. Holley, detailed in The Adjutant General's Department.

First Lieut. Edward S. Johnston, Infantry, to be captain from January 8, 1918, vice Capt. Austin Allen Parker, detailed in The Adjutant General's Department.

First Lieut. John T. Henderson, Infantry, to be captain from January 9, 1918, vice Capt. Jennings B. Wilson, detailed in The Adjutant General's Department.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1917:

William R. Sayles, jr., and
Charles R. Train.

Lieut. Edgar G. Oberlin to be a lieutenant commander in the Navy from the 28th day of February, 1917.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 29th day of August, 1916:

Karl F. Smith,
Willis A. Lee, jr., and
Edwin Guthrie.

Medical Inspector Charles P. Kindleberger to be a medical director in the Navy with the rank of captain from the 15th day of October, 1917.

The following-named medical inspectors to be medical directors in the Navy with the rank of captain from the 1st day of January, 1918:

Arthur W. Dunbar and
Theodore W. Richards.

Surg. Joseph C. Thompson to be a medical inspector in the Navy with the rank of commander from the 23d day of May, 1917.

Surg. Karl Ohnesorg to be a medical inspector in the Navy with the rank of commander from the 15th day of October, 1917.

Surg. Frederick W. S. Dean to be a medical inspector in the Navy with the rank of commander from the 1st day of January, 1918.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 15th day of October, 1917:

William H. Short,
Herbert L. Kelley, and
Julian T. Miller.

The following-named surgeons to be medical inspectors in the Navy with the rank of commander, for temporary service, from the 1st day of January, 1918:

Clarence F. Ely,
Albert J. Geiger,
Perceval S. Rossiter,
Charles C. Grieve, and
John D. Manchester.

The following-named officers to be lieutenant commanders in the Navy, for temporary service, from the 1st day of January, 1918:

Howard H. Crosby,
George E. Brandt,
William C. Owen,
Francis T. Chew,
Francis Cogswell,
James McC. Irish,
John B. Staley,
Charles H. Davis, jr.,
Paul E. Speicher,
Arthur S. Carpender,
John L. Kauffman,
Robert A. Burg,
William D. Brereton, jr.,
Harrison E. Knauss,
William R. Munroe,
Schamyl Cochran,
Albert M. Penn,
William F. Gresham,
Robert O. Baush,
Paul H. Bastedo,
John C. Hilliard,
Philip Seymour,
Frank R. Berg,
Andrew D. Denney,
Charles M. Yates,
Stuart O. Greig,
James C. Van de Carr,
John C. Cunningham,
Jabez S. Lowell,
John F. Shafroth, jr.,
Karl F. Smith,
Ernest W. McKee,
Dallas C. Laizure,
Jules James,
John F. McClain,
John R. Beardall,
Achibald H. Douglas,
Rufus King,
Timothy J. Keleher,
Howard R. Mecleary, and
Willis A. Lee, jr.

The following-named officers to be lieutenants in the Navy, for temporary service, from the 1st day of January, 1918:

Leon S. Fiske,
Earl M. Major,
William F. Loventhal,
Paul R. Glutting,
Harold M. Horne,
Walter E. Borden, jr.,
Arthur T. Emerson,
Arthur C. Geisenhoff,
Grover C. Klein,
William F. Boyer,
Bartley G. Furey,
Willard A. Kitts, 3d,
Bertram J. Rodgers,
Carroll W. Hamill,
Clinton H. Havill,
Lew W. Bagby,
Byron S. Dague,
Lyman K. Swenson,
Frank E. Beatty, jr.,
Gail Morgan,
Woodbury E. Mackay,
Gilbert F. Bunnell,
Thorwald A. Solberg,
Clifford H. Roper,
Edward P. Sauer,
Augustus J. Selman,
John H. Carson,
Milton O. Carlson,
Robert B. Carney,
Arthur W. Radford,
George F. Martin,
John A. Vincent,
Bernard F. Jenkins,
Boyd R. Alexander,
Edward L. Ericsson,
Frederick B. Craven,
Richard R. Claghorn,
Edwin S. Earnhardt,
John M. Bloom,
John E. Williams,
Jesse L. Kenworthy, jr.,
Webster M. Thompson,
Albert E. Schrader,
Louis R. Vail,
William R. Casey,
Paul S. Goen,
Archibald E. Fraser,
Harry V. Baugh,
Dennis L. Ryan,
Andrew DeG. Mayer,
Arnold H. Bateman,
Charles G. Halpine,
Charles T. Joy,
John S. Watters, jr.,
Alva J. Moore,
Walter W. Webb,
Nelson N. Gates,
Henry L. Phelps,
Benjamin R. Holcombe,
Archer W. Webb,
Charles G. Berwind,
John E. Reinburg,
William L. Keady,
John A. Terhune,
Charles J. Wheeler,
Theodore T. Patterson,
John A. Sternberg,
George P. Brewster,
Samuel P. Ginder,
Henry B. Broadfoot,
Van H. Ragsdale,
John Wilkes,
Robert J. Walker,
Robert B. Twining,
Homer L. Grosskopf,
William P. Bacon,
Henry N. Fallon,
Wilbur W. Feineman,
Maxwell Cole,
Bruce P. Flood,
Henry J. White,
Oscar W. Erickson,
Gilbert W. Sumners,
Henry C. Merwin,
Fred D. Kirtland,
James M. Steele,
Arthur D. Burhans,

Casper K. Blackburn,
Amos B. Root,
Thomas D. Warner,
Paul W. Rutledge,
T. De Witt Carr,
Albert M. Rhudy, and
Charles P. Cecil.

The following-named officers to be lieutenants (junior grade) in the Navy, for temporary service, from the 1st day of January, 1918:

Michael Higgins,
George Crofton,
William J. Creelman,
Herbert E. Fish,
Walter S. Falk,
Barnett B. Bowie,
James J. Cullen,
John P. Richter,
John R. Burkhart,
John R. Likens,
Charles Franz,
Frank O. Wells,
Thomas W. Smith,
Bernhard Christensen,
Raymond L. Drake,
Henry Lobitz,
John Danner,
James F. Hopkins,
Charles Schonborg,
Walter J. Wortman,
Alexander Stuart,
William Derrington,
Frank D. Blakely,
James F. McCarthy,
Frederick T. Montgomery,
Harry Adams,
Henry Rieck,
John Sperle, jr.,
Constantine Clay,
Roderick M. O'Connor,
William Herzberg,
Jarrard E. Jones,
Zenas A. Sherwin,
Paul R. Fox,
Otto Boldt,
John B. Martin,
Arthur H. Hawley,
David W. Harry,
Charles S. Wolf,
George R. C. Thompson,
Olav Johnson,
Ole P. Oraker,
Byron C. Howard,
William S. White,
Francis G. Randall,
Franz J. M. Parduhn,
Henry I. Edwards,
Christopher Murray,
John P. Judge,
John C. Lindberg,
Birney O. Halliwill,
Albert Seeckts,
William C. Bean,
James A. Martin,
William H. Dayton,
Edward W. Furey,
Arthur W. Bird,
Willis Dixon,
Charles Allen,
Adolph Peterson,
William E. O'Connell,
Harry T. Johnson,
Harry N. Huxford,
Thomas James,
William Fremgen,
Daniel W. Nelson,
Joseph H. Aigner,
Clarence D. Holland,
Frederick T. Lense,
Axel V. Kettels,
John W. Merget,
Albert A. Hooper,
Harry Champeno,
George R. Veed,
Niels A. Johnsen,
Isidor Nordstrom,
Charles H. Foster,
James H. Bell,
John J. Clausey,
Charles H. Anderson,
Edward S. Tucker,
Charles Dunne,
George J. Lovett,
Walter Collins,
Frederick W. Teepe,
Edwin W. Abel,
Albert C. Byrne,
George L. Russell,
Orrin R. Hewitt,
Otto T. Purcell,
William R. Gardner,
Joseph R. Bradshaw,
George W. Fairfield,
William M. Miller,
Joseph C. Stein,
Louis F. Miller,
Robert M. Huggard,
Paul B. Cozine,
Earl F. Holmes,
John Atley,
Gregory Cullen,
Bertram David,
George Knott,
Thomas Macklin,
Richard O. Williams,
Michael Macdonald,
Charles S. Schepke,
George D. Samonski,
William O. King,
James E. Orton,
William Cronan,
Charles L. Bridges,
Arthure Langfield,
Albert Klingler,
John Ronan,
William Seach,
William T. McNiff,
Meade H. Eldridge,
Ernest R. Piercey,
William R. Buechner,
Bernhard Schumacher, and
Benjamin F. Singles.

Lieut. Maurice R. Pierce to be a lieutenant commander in the Navy, for temporary service, from the 18th day of January, 1918.

Lieut. Charles L. Best to be a lieutenant commander in the Navy, for temporary service, from the 23d day of January, 1918.

Lieut. (Junior Grade) Calvin T. Durgin to be a lieutenant in the Navy, for temporary service, from the 18th day of January, 1918.

Lieut. (Junior Grade) Humbert W. Ziroli to be a lieutenant in the Navy, for temporary service, from the 23d day of January, 1918.

Ensign Charles B. Babson to be a lieutenant (junior grade) in the Navy, for temporary service, from the 15th day of October, 1917.

The following-named chief warrant officers to be ensigns in the Navy, for temporary service, from the 1st day of July, 1917:

Charles B. Babson,
Thomas W. Smith,
William Derrington, and
Henry McEvoy.

Machinist Claude S. Padgett to be an ensign in the Navy, for temporary service, from the 15th day of August, 1917.

Boatswain Walter B. Buchanan to be an ensign in the Navy, for temporary service, from the 10th day of October, 1917.

The following-named officers to be ensigns in the Navy, for temporary service, from the 31st day of January, 1918:

William M. Fester,
Clarence E. Miller,
Homer E. Curlee,
Stuart L. Johnson,
Joe B. Cadenbach,
John L. Kershaw,
Patrick H. Foley, and
Harold D. Kent.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 31st day of January, 1918:

William J. Lowe,
Thomas F. Eagan,
Carl H. Forth,

William W. Funk,
Ivan E. Pitman,
Henry C. Vogt,
Vern W. McGrew,
Frank A. Jahn,
Gustave O. Kolle,
Robert N. Lockart,
Conrad L. Bayer,
Edward J. Sherry,
Richard E. Miegel,
William T. Crone,
Albert F. Holst,
Gilbert R. Whitworth,
Conrad E. Nordhus,
Arthur E. Redding,
Richard Higgins,
David R. Knape, and
Marcus L. Kurtz.

The following-named officers of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 31st day of January, 1918:

John F. W. Gray,
Gysbert V. S. Harvey,
James L. Lohrke,
Fred P. Ritchie,
John G. Kenlon,
Hancock Banning, jr., and
Enoch S. Farson, jr.

Ensign Michael Spring, of the National Naval Volunteers, to be an ensign in the Navy, for temporary service, from the 31st day of January, 1918.

The following-named officers to be rear admirals in the Navy, for temporary service, from the 1st day of February, 1918:

Joseph Strauss,
Edward W. Eberle, and
Robert E. Coontz.

The following-named officers to be captains in the Navy, for temporary service, from the 1st day of February, 1918:

Leigh C. Palmer,
Albert W. Marshall,
Thomas A. Kearney,
Dudley W. Knox,
Edward McCauley, jr.,
William L. Littlefield,
Earl P. Jessop,
Arthur Crenshaw,
Amon Bronson, jr.,
Harry E. Yarnell,
Arthur MacArthur,
David E. Theleen,
Arthur J. Hepburn,
Thomas C. Hart,
Cyrus R. Miller,
Orin G. Murfin, and
Luther M. Overstreet.

The following-named officers to be commanders in the Navy, for temporary service, from the 1st day of February, 1918:

David McD. LeBreton,
Andrew C. Pickens,
Nathaniel H. Wright (additional number),
Prentiss P. Bassett,
Husband E. Kimmel,
Robert A. Dawes,
Paul E. Dampman,
Clyde S. McDowell (additional number),
Paul P. Blackburn,
Charles C. Soule, jr.,
Charles H. Bullock,
Lawrence P. Treadwell,
Halsey Powell,
Forde A. Todd,
Cleon W. Mauldin,
Chester L. Hand,
Aubery K. Shoup,
Abram Claude,
Nathan W. Post,
William F. Halsey, jr.,
Roscoe F. Dillen,
Allen B. Reed,
Christopher R. P. Rodgers,
David W. Bagley,
Walter A. Smead,
Arthur C. Kail,
Clarence E. Wood,
Max M. Frucht,
Charles S. Joyce,
Ormond L. Cox (additional number),
Royal E. Ingersoll,
Herbert F. Leary,
Chester W. Nimitz,
Reuben B. Coffey,
Joseph V. Ogan,
Albert T. Church (additional number),
Logan Cresap,
John N. Ferguson,
Louis C. Farley,
Arthur C. Stott,
William C. McClintic,
Byron McCandless,
Roscoe C. MacFall,
Robert L. Irvine,
Bruce L. Canaga, and
Walter B. Woodson.

Pvt. Robert A. Barnet, jr., Marine Corps Reserve, to be a second lieutenant in the Marine Corps, for temporary service, from the first day of February, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 13, 1918.

TO BE ASSISTANT TREASURER.

Willard B. Vandiver to be Assistant Treasurer of the United States at St. Louis, Mo.

TO BE SOLICITOR OF THE DEPARTMENT OF LABOR.

John W. Abercrombie to be Solicitor of the Department of Labor.

APPOINTMENT IN THE ARMY.

Rev. James Thomas Moore to be chaplain.

PROVISIONAL APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants.

Harry A. Seymour,
Edward J. Oliver,
Ralph K. Fletcher,
Thomas R. McCarron,
LeRoy Warring Wilson,
Oscar Pence Hilburn,
Ray Archie Martin,
Thomas Franklin Troxell,
Thomas Entrekin Hibben,
Vance Lawton Richmond,
Earle Trask Loucks,
Alfred Dorrance Cameron,
Herbert Sutherland Havens,
Joseph Eldridge Pierce,
John Goldthwait Davis,
William Euart Gladstone Cooper,
George Hunter Passmore,
Wayne Marshall,
George Orenthus Allen Daughtry, jr.,
Eugene Joseph Minarelli Fitz-Gerald,
Frank Brevard Hayne, jr.,
Newton Gale Bush,
Paolo Hoffoss Sperati,
Alan Lindsay Hart,
Worden Henry Cowen,
Russell Lincoln Bonnell,
Harold Louis Morian,
LeRoy Welling Nichols,
Francis Dundas Ross,
Keith Francis Driscoll,
Harvey J. Silvestone,
Charles Martin Chamberlain, jr.,
Harry Barnes Sepulveda,
Sherman Lawrence Hougen,
Melvin Pratt Spalding,
Bernard Meredith,
Harold G. Johnstone,
Manoah Newton Swetnam,
William Fenton Newton,
Andrew Frederick Hassel,
Edward Reynolds Schauffler,
Louis Arthur Kuerzi,
Orlando Cobden Brown,
Frank Henry Hollingsworth,
Keelah Bouve,
Thomas Aloysius O'Brien,

Edward Andrew O'Malley, jr.,
Francis M. Fuller,
Sidney Abdill Sands,
Christian Allen Schwarzwaelder,
Allan Benjamin Clayton,
Howard Nichols Merrill,
George Stanley Victor Little,
Gordon F. Stephens,
William Mac Gregor Hall,
William Oscar Nelson,
Pierce Butler, jr.,
Albert Carder Ames,
Charles Lawrence Bolte,
William A. Moss,
Eugene Crehan Callahan,
William Howell Duncan,
John Bliss Brainerd, jr.,
Theodore F. Wessels,
Edward Law,
Sherman K. Burke,
Arthur J. McChrystal,
Reynier Jacob Wortendyke, jr.,
Malcolm Fraser Lindsey,
Willard Smith,
Jean Elsworth Nelson,
Kirkwood Duval Scott,
Horace Oscar Cushman,
William Maine Hutson,
Thomas Maury Galbreath, jr.,
Carter Glass, jr.,
Lambert Alexander Wood,
Thomas Phillips,
David Henry Finley,
Robert Sayre Fitz Randolph,
Eli A. Barnes,
Richard Francis Bailey,
Myron Morris Andrews,
Richard Stillings Hevenor,
Albert Edward Purchas, jr.,
Bryan Grimes Dancy,
Vinton Lee James, jr.,
William F. Campbell,
Louis Tulane Bass,
Charles J. Carey,
Stuart Cutler,
Elbert Gary Spencer,
John Reuben Boatwright,
Graeme K. Howard,
Lester Nelson Allyn,
Henry Lester Barrett,
Howard W. Sears,
Raphael Semmes,
Robert Edward McDonald,
Elmer R. Ames,
Thomas Samuel Morrison, jr.,
Raymond R. Tourtillott,
George Albert Hadd,
Leo Augustine Dunbar,
James S. Candee,
Joseph Purnell Cromwell,
Harry Mash Mayo, jr.,
Bernard P. Hoey,
Arleigh Lyle Willis,
Eustace Peabody Strout,
Wallace William Parker,
Ray Maxey Hare,
Walter Francis Mullins,
Henry Lord Page King,
Craig Parsons Cochrane,
Harry W. Koster,
Alfred James McMullin,
Eugene Elliot Pratt,
Julien Hequembourg Needler,
Frank Joseph Knell,
Gerald Leonard Marsh,
William A. Wieland,
John Conrad Cattus,
Edmond Sheppard Donoho,
Donald Newman Swain,
John Frank Mead,
Charles McFarland Petty,
Harold A. Black,
Robert Joseph McElroy,
George Philip Seneff,
Harry C. Boehme,
Russell G. Ayres,
William A. Wappenstein,
Charles H. Owens,
Carter Collins,
Clarence Earle Lovejoy,
William Ayres Gray, jr.,
Hays Matson,
George Edwin Abrams,
Clifton Rodes Breckinridge, jr.,
Charles McKnight, jr.,
Richard Lee Tayloe,
Albert D. Foster,
Ralph Eberlin,
Edward T. Harrison,
Donald P. Spalding,
Ercil D. Porter,
Warner Harwood,
Clyde Alexander Fowler,
Laurence Jerome Potter,
Claude Alfred White,
Brayton Wilbur,
John Franklin Farnsworth,
Chester Boothe Blakeman,
Henry Norris Bakken,
Archer L. Lerch,
Rodney S. Sprigg,
Milton W. Emmett,
John Arthur Pierce,
Wendell Lapsley Clemenson,
Jonathan W. Edwards,
William Hill Thomas,
Charles James Deahl, jr.,
Frank Macdonald Ogden,
Bruce Field Higgenbotham,
William Otway Owen,
Arcadi Gluckman,
Reginald Dunham Grout,
Dale Milton Hoagland,
Charles Augustin Campbell, jr.,
Maurice Webster Ocheltree,
Roy T. Rouse,
Ivan B. Snell,
Wendell Westover,
James Wilson Rice,
William Edgar,
Gustav Henry Lamm,
James Polk Gammon,
James Arthur Giacomini,
Henry K. White,
Alva William Snyder,
Ralph Pierce Van Zile,
Talbot Bass Fowler,
Matthew Francis Garvey,
Samuel Littler Metcalfe,
Frank Wilbur Halsey,
Kirby Green,
Myron Joseph Conway,
Harold Clifton Reed,
Samuel Hamilton Ladensohn,
Clyde Arthur Ames,
Irwin Lytle Lummis,
Joseph Glenn Babb,
Hollis Benjamin Hoyt,
Clarence Morrill Collord,
Russell Leamer McKown,
Frederick Wright Hackett,
Roy George Rom,
Fred H. Reynolds,
Van Courtright Walton,
Matthew Weaver Steele,
Lawrence Walter Marshall,
John August Otto,
Joseph Burton Sweet,
Walter David Luplow,
Carey Jarman,
John Horatio Helmer,
Sidney Preswick Howell,
Henrik Antell,
John Lionel Weeks,
Arthur Gustavus Levy,
Lewis R. Byington,
Cecil W. Borton,
Donald Finnerman,
Harper Allen Holt,
Leon Lightner Kotzebue,

Leander Ivon Shelley,
Arvid P. Croonquist,
James Edward Cole, jr.,
Roger Morton,
Gunther Orsinger,
Gregory Alexander Harrison,
Paul McCauley Boston,
Elmer Leroy Mott,
Thomas Reed Holmes,
Harold Whitcomb Batchelder,
Jay Hawenstine Cushman,
John Percy Redwood,
Robert Henry Engle,
Samuel Young Dinkins,
Roscoe Irwin Mac Millan,
Nicholas Dodge Woodward,
Henry Robert Horak,
James Francis Burke,
Henry Carroll Switzer,
William Kenneth Dickson,
Clarence Ames Martin,
Elmer John Croft,
Mark Gerald Brislawn,
Edgar Leon Noel,
Henning Linden,
Gerold Edward Luebben,
Thomas White Proctor,
Robert Francis Kelley,
George Jabez Leftwich, jr.,
Neely Powers,
Harrison Gardiner Reynolds,
Trevor Washington Swett,
George Read, jr.,
James Clayton Clements,
Charles Huntington Jacobs,
Hanford Mac Nider,
Alexander Dickson Wilson,
Edward Newton Wigton,
Eric Frederick Pihlgard,
Leslie N. Ross,
Arthur Warren Mudge, jr.,
Thomas Harry Nicholl,
James Leslie Hubbell,
Benjamin Hoyt Decker,
Walter Alexander Dumas,
Edwin Emerson Keatley,
W. R. Barksdale Stevens,
Earle Lucas Hazard,
Moses Taylor, jr.,
George Holladay McKee,
Leet Wilson Bissell,
William Blackburn White,
George Comfort Parkhurst,
Luther Wight Turner,
William Hornbeck Deyo,
Francis Wesley Dunn,
Don Magruder Scott,
Allen Wylie Cook,
Robert Edward Wysor, jr.,
Robert Dechert,
James E. Wharton,
William Ozman Wyckoff,
Carleton Smith,
Paul Conover Gripper,
Martin Dunlap Barndollar, jr.,
Raymond Clarence Alley,
Francis C. Lewis,
Lewis Simons,
James Harold Day,
James Moore Austin,
Albert Watson Vinal,
Paul Grattan Corker,
Hiram Russell Ide,
James Alfred Rogers,
Randolph Randall Brown,
Leon Roy Mead,
Harold Cyrill Conick,
Loren A. Wetherby,
James Joseph Coghlan,
Samuel Hazzard Cross,
Carl Unversacht Luers,
Bernard Butler McMahon,
Carlton Banigan,
Winchester Kelso, jr.,
George Edwin Fingarson,
Leaver Richardson,
Lawrence Mitchell York,
James Frank Lilley,
Elwood Miller Stokes Steward,
Herbert Leroy Scales,
Ernest Albert Rudelius,
Joseph Welch Emery, jr.,
William Lee Blanton,
Harold Eugene Sturcken,
Milton Petersen,
Gillette Hill,
Stuart Mortimer Firth,
Porter Pise Wiggins,
Eugene Willford Markey,
Barnard Pierce,
Robert Armstrong Cochran,
Proctor Calvin Gilson,
Paul Bacon Matlock,
Charles Wordsworth Nevin, 2d,
William Lambert Kleitz,
Orville William Harris,
Stanley Raymond Putnam,
Harold Dean Comey,
John Thomas Zellars,
Alexander Coldclough Dick,
Richard Alfred McClure,
Robert Kinloch Massie, jr.,
Twomey Michael Clifford,
Harry Andrew Welsch, jr.,
Tranny Lee Gaddy,
Dennis Joseph O'Toole,
Melvin Holmes Leonard,
Ben Corley Marable,
Arthur Adolph Weiskopf,
Francis Osborn Noble,
John Adams Ballard,
Harry Hood Martin,
Herbert T. Perrin,
Arthur Wallace Pope, jr.,
Joseph Bartholomew Conmy,
Emons Bert Whisner,
George Wesley Griner, jr.,
Hugh Tullock Mayberry,
Charles Duke Pearce, jr.,
Edward Dickinson McDougal, jr.,
Philip Wager Lowry,
Charles Paine Winsor,
John Doble,
Moses McKay Darst,
Robert Reese Smith,
Evan C. Dresser,
James Gates Carr,
Daniel Ely Farr,
Chester McNutt Woolworth,
Roland Malone Glenn,
Harry Staples Robertson,
Lawrence Moss Arnold,
Arthur Reynolds Knott,
Samuel O'Connor Neff,
Philip Edward Brown,
Olaf Phillips Winningstad,
Raymond Merlin Myers,
Paul Snowden Russell,
Herbert Coleman Smith,
Edward Nahum Mitchell,
James Albert Van Sant,
William Eugene Stanley,
Frank Shepherd Spruill, jr.,
George Arthur Davis,
Laurin L. Williams,
George Van Wyck Pope,
Edwin Manly Allison,
George Ellsworth Butler,
Edgar Lewis Clewell,
Herbert Arthur Buermeyer,
Leo Roy Moody,
William McLean Christie,
Leon Draper Gibbens,
Mark Merton Grubbs,
Robert Alexander Kinloch,
Joel Rankin Burney,
Franklin Prague Shaw,
Winfield Harrison Scott,
Arthur Gilles Davidson,
Harold Ashlyn White,

Campbell Nelson Jackson,
Joel Albert Fite,
James Alexander Black,
Clarence R. Peck,
Glenn Gordon Hall,
Charles Clifford Gillette,
Walace Eugene Hawkins,
Ralph Morton McFaul,
Forrest Prow Barrett,
Beal Hendrix Siler,
Emmett George Lenihan,
Edward Hines, jr.,
Bird Little,
Evan Charles Williams,
James Allan O'Neill,
Coulter Malcolm Montgomery,
Einar Walter Chester,
James Allen Griffin,
Guy Cummins McKinley, jr.,
Gordon Prescott Savage,
Harold Hugh McClune,
Kingsley Barham,
Lester Earl MacGregor,
Harold Peerson Gibson,
Lloyd Ross Besse,
Willard John Mason,
Percival Robert Bowey,
Hugh Merle Elmendorf,
William Nevin Given,
Charles Fearn Sutherland,
Lance Edward Gowen,
Edward Payson Hayward,
Gilbert Everhard Parker,
Francis Beeston Myer,
Arthur Seymour Nevins,
Gustave Villaret, jr.,
Horace Edward Watson,
Lester Austin Webb,
Royal Crosby Carpenter,
Edwin Sanders Van Deusen,
Robert Stanley Boykin,
Edward Morris Ford,
William Lawrence Phillips,
George Alfred Hunt,
Kenneth Gray Reynolds,
Robert Hardwick Warren, jr.,
Vyse Beckwith Whedon,
John Walcott,
Philip Harrison Condit,
John Ernest Dahlquist,
Russell Symonds Fisher,
Luther Kennedy Brice,
John Mitchell Dale,
Jack Edward Duke, jr.,
Tom Sherman Brand,
Charles Morris Ankcorn,
James Robinson Urquhart,
John Walter Saladine, jr.,
Morrill Watson Marston,
Morrison Chalmers Wood,
Alymer Bluford Atkins,
Robert Robinson,
John Dwight Fitley, jr.,
William Edward Bergin,
John Olis Crose,
Samuel Robert Epperson,
Leslie Fisher Tanner,
Frederick Levenworth Bramlette,
Benjamin Wilson Venable,
Myron Everhart Bagley,
John Lawrence Murphy,
John William Freels,
Eugene Faber Gillespie,
George Warren Setzer, jr.,
James Bragdon Mudge,
Allan Hanson Snowden,
Earl Leslie Renbstoff Askam,
Irvin Levi Swanson,
Philip Delano Richmond,
William Walter Timmis,
Gayle McFadden,
Burt Eugene Skeel,
Henry Augustus Brickley,
Thomas Patrick Barry, jr.,
Roger Wisner,
Merril Virgil Reed,
A. Pledger Sullivan,
Douglas Outlaw Langstaff,
Ralph Watson Hickey,
George Keyes Page,
Thomas Lewis Reese,
William Burbridge Yancey,
Leo James McCarthy,
Griffin Duff Vance,
Earl Franklyn Paynter,
Joseph Michael O'Grady,
Clifford Ruskin Wright,
Donald McGill Marshman,
John Scott Coleman,
Harrison Bruce Beavers,
Elbridge Colby,
Herbert Daskum Gibson,
Goulding Kumler Wight,
Harry Squire Wilbur,
Albert Sigfred Johnson,
Clarence Otis Black,
Paul Blassengame Robinson,
William Lamont Coulter,
Glen Elroy McCarthy,
Joseph Henry Hinwood, jr.,
Russell Fleming Walthour, jr.,
James Crawford DeLong,
Joseph Patrick Lawlor,
Timothy Asbury Pedley, jr.,
Charles Norton Owen,
Charles Russell Gideon,
Archie MacInnes Palmer,
Jack Breeden Chadwick,
John Raymond Bair,
James Sullins Varnell,
Arthur Ferdinand Dahlberg,
Russell Comstock Chapman,
Edwin Turner Bowden,
Eugene Mark Frederick,
Cassius Hayward Styles,
Fisher S. Harris,
Frederick John Slackford,
George Fisher Dashiell,
Ray Edison Porter,
Frank Exley Barber,
Julian Erwin,
John Earl Brannan,
George Washington Brodie, jr.,
Waldron Joseph Cheyney,
Edward Russell Jobson,
Albert Sidney Lewis, jr.,
Edward Seguin Couch,
William Joseph Devine,
Edward Huger Carpenter, jr.,
Charles Campbell Brooks,
Gordon Kaemmerling,
Francis Relyen Holmes,
William Volney Rattan,
Rosswell Eric Hardy,
Wilbur Copley Herbert,
Ross Martin,
Alexander McCook Craighead,
William Mason Smith, jr.,
James Mansfield Symington,
Herron White Miller,
Maurice Russel Fitts,
Marvin Rood Dye,
Emanuel Reyenthaler Wilson,
William Irving Truitt,
Lloyd Zuppann,
John Kirkland Rice,
Hammond Davies Birks,
James Holden Hagan,
Lester Smith Ostrander,
Edward Tannahill White,
Edward Allen Whitney,
Arthur Brinton Jopson,
Charles Paul Cullen,
Frederick Harold Gnarini,
Roscoe Bunyan Ellis,
John Albert Langan,
Jeremiah Emmet Murphy,
Edward Gibson Perley,
Frank Milton Conroy,
Charles Spurgeon Johnson,

Albert Ralph Boomhower,
Hugh Andrew Wear,
George Allan Miller,
David Loring, jr.,
Stockbridge Carleton Hilton,
James Dixin Everett,
Gordon Congdon King,
Jackson Roger Sharman,
Harvey Clark McClary,
Willard James Freeman,
Jay Melvin Fields,
George Anthony Horkan,
Samuel Craumer Thompson,
Harry Winant Caygill,
Emery St. George,
David Dean Barrett,
William Willard Burke,
Arthur Dudley Fay,
William Barney Pitts,
Thomas Harry Ramsey,
Paul Delmar Davis,
Lewis Burnham Rock,
Gaillard Pinckney,
Benjamin Franklin O'Connor,
Fred Currie Milner,
William Parks Driskell, jr.,
George Kenney Bowden,
Lloyd Wallace Georgeson,
Francis Marion Darr,
William Clarke Webster,
Francis Thomas Ward,
Frederick William Wendt,
William C. Thurman,
Robert Eviston Shideler,
Oliver William Fannin,
Charles Frost Craig,
Arthur Leland Turner,
Henderson Donaldson Emery,
Oscar K. Wolber,
Russell Slocum,
Karl Eugene Henion,
Thomas Lindsay Creekmore,
George Orial Clark,
William Carrington Stettinius,
Russell J. Potts,
William Hoover Craig,
John Rupley Schwartz,
Thaddeus C. Knight,
Ollie William Reed,
Frank Ewell Boyd,
Louis Wilsom Maddox,
Clark Olds Tayntor,
Ernest Eugene Stansbery,
Malvern Jesse Nabb,
Andrew Henry Hilgartner,
John Clyde Glithero,
Eugene Phillip Watkins,
Richard Noble Armstrong,
Philip John Sexton,
W. Fulton Magill, jr.,
Harry Curry,
Ethan Allen Hitchcock Shepley,
Otis Bearl Adams,
Millard Fillmore Staples,
Hugh Henderson Drake,
Joseph Herbert Kelleher,
Benjamin Risher Sleeper,
James Joseph Kelley,
Walter Byron Fariss,
Robert John Wagoner,
William Edgar Vernon,
Felix V. Embree,
William Thomas Makinson,
Clarence Ewir Allen, jr.,
George F. Herrick,
Joseph Williams McCall, jr.,
John Richard Hunneman,
Winfred Earl Merriam,
Laurence MacHatton Tharp,
Clive A. Wray,
Donald Potter Vail,
Thomas Brevard Steel,
Douglas Brooks Baker,
Harold Hunter White,
Thomas Watson Butler,
Everett Busch,
Frank Gordon Busteed,
Frank Laurie Scott, jr.,
John Wilbur Heisse,
Douglas Geoffrey McGrath,
Stephen Clough Peabody,
Max Bernstein,
Herschel Vespasian Johnson,
William Bernard Clark,
Stewart Darden Hervey,
James Lee Blanding,
Frank Joyce Pearson,
J. Gordon Hussey,
Lester Thomas Miller,
Leo Donovan,
George Edwin Kirk,
Frank Welch Hayes,
Vincent Rochester Bartlett,
Samuel Merrill Bemiss,
Richard Lawrence Holbrook,
James King Hoyt, jr.,
Julian Gilliam Hart,
William Murray Ledlingwell,
John Theodore Sunstone,
Arthur Bee McDaniel,
Harold Henry Schaper,
Randall Thomas Kendrick,
Percy McCay Vernon,
Samuel Ward Perrott,
Jay Albert Richardson,
Milton Whitney, jr.,
Emile James Boyer,
Harry Melvin Bardin,
Joseph Phocion Guillet,
Leander Forest Conley,
Paul Patrick Reily,
Peter J. Lloyd,
Paul Stuart Buchanan,
Cranston Gullatt Williams,
Lewis Berkeley Cox,
Theodore Morton Cornell,
Launcelot Minor Blackford,
Frederick Webster Deck,
Fernand George Dumont,
Stephen Young Mann,
Joseph Houston Payne,
George Elmer Braker, jr.,
Paul Vincent Kellogg,
Langdon Douglas Wythe,
John Osborne Flautt, jr.,
Giles Frederic Ewing,
Fred William King,
Ivy Winfred Crawford,
John Stone Fishback,
Robert Saxton Downing,
Clement Austin Reed,
George Mountford Hancock,
Jesse Benjamin Smith,
Selden Spencer Smith,
John Reed Hodge,
Arthur Richard Walk,
Leslie Egner Toole,
Lewis Aloysius List,
James Frederick Johnson, jr.,
Francis Murray Brady,
Eubert Harrison Malone,
Wayne William Schmidt,
Theodore Wright Crossen,
James Footville Butler,
Herbert Gerhard Peterson,
Truman Morris Martin,
Herman Livingston Rogers,
Veno Earl Sacre,
Warner Bernie Van Aken,
Richard Gardiner Plumley,
Charles Rexford Davis,
Cecil Leland Rutledge,
Theodore Christian Gerber,
Charles John McCarthy, jr.,
Robert William Duthie,
James Nathaniel McClure,
Garth Bly Haddock,
Maurice Thompson Moore,
Charles Hutchins McMahon,
Lawrence Leonard William Meinzen,

Courtland Marcus Hulings,
Alan Erlenborn,
George LeConte Ramsey,
John Johnson Albright,
Robert Jones King,
Raymond Edwin Vermette,
Alexander Adair,
Edward Strelcher Rothrock,
Grant Alexander Schlieker,
Raymond Joseph Hurley,
Elmer Ellsworth Stone, jr.,
Burnett Forrest Treat,
William Grant Hilliard, jr.,
Albert Cushing Cleveland,
Leslie Marshall Skerry,
Walter Carper Phillips,
Anthony Joseph Touart,
Henry Percy Gray,
Dan Harold Riner,
Robert Morriss Browning,
Malcolm Palmer Ball,
Arthur E. Easterbrook,
Gordon Cumming,
Raymond Boyd Jauss,
Thaddus Ernest Peterson,
Harry John Collins,
Edgar V. Maher,
Guy Blanton Hazelgrove,
George Anderson King, jr.,
Henry Paul Hollowell,
Chester Franklin Price,
Harley Martin Kilgore,
Richard Johnson Broyles,
Will Ellis May,
William Rinehart Jutte,
John Norris Zigler,
Herbert Clinton Smith,
Plautus Iberns Lipsey
Marshall Hood McCarthy,
Henry Ide Eager,
George Prather Van Ripper,
Edmund Serle Bell,
Archie Winning Hutton,
Charlton Mayer Theus,
Harold Reimers Bechtel,
Thomas Harry Frost,
Robert Ernest Archibald,
Harold Bayless Alexander,
Buhl Moore,
Jesse Faust Wentz,
Henry Donald Paton,
Felix Taber Simpson,
Chauncey Vernon Crabb,
Harry Joseph Rockafeller, jr.,
Frank Columbus David,
John White Easley,
Adrian Robert Brian,
Burton Loren Lucas,
Elijah Garrett Arnold,
Russell R. Riddell,
Walter Russell Ketcham,
George Stephen Wear,
Wilbur Fisk Littleton,
William Huger Labouisse,
Walter Throckmorton Scott,
Elizur Kirke Hart Fessenden,
John Emmett Curran,
John Wilson O'Daniel,
John Snader McCloy,
Frederick Winant, jr.,
Smith Goodwin Fallaw,
Harry Dalton Kendrick,
Howard Wallace Cowan,
Walter Eugene Perkins,
Evan Haynes,
Joseph Richard Busk,
Alonzo Loveland Johnston,
Andrew Lyman Cooley,
Harry Frank Thompson,
Leonard Corydon Barrell,
James Aloysius McCarthy,
Carl McKee Innis,
William Henry Allen,
William Ernest Paschal,
Faxon H. Bishop,
Benjamin Witwer Pelton,
Joseph William McKenna,
Lyman Hague Thompson,
Francis Aaron Cochrane,
Thomas Brounlee Longre,
Paul Leon Porter,
Thomas Cherrington Vicars,
Losco Lafayette McDaniel,
Stanley Joseph Grogan,
Henri Wolbrette,
Robert Brice Waters,
Lloyd Bidwell Jones,
Stonewall Jackson,
Hamilton Fish Armstrong,
Henry Carrington Jordan,
Robert Elting Woodward,
Gerald Preshaw,
William Kenyon Lloyd,
Harold Quentin Moore,
Reuben Samuel Parker, jr.,
Ward Rathbun Clark,
Charles Davis Jencks,
Warner Beardsley Gates,
Francis Scott Fitzgerald,
Max Albert Tuttle,
William Miller Bouknight,
Farlow Burt,
Warren Joseph Clear,
Philip Henry Didriksen,
Oscar Joseph Neundorfer, jr.,
Westwood Bowden Hays, jr.,
Henry Atwater Van Dyke,
Frederick Aloysius Norton,
Allen Williamson Talley,
Wellborn Saxon Priddy,
O. D. Wells,
Russell Thurston Fry,
William Baker Norris, jr.,
Lenoard Myrton Gaines,
Madison Percy Jones,
Ross Berry Smith,
Samuel Irvine Anderson,
Philip Rice Hough,
Walter B. Huff,
Merle J. Adams,
Jefferson Aloysius Healy,
Thomas Bennett Woodburn,
Thomas Kenneth Johnston,
James William Payne,
Arthur Paulfrey Terry,
William B. Wilson,
Stanley French Griswold,
John Thomas Dibrell,
Wilbur Thomas Hooven, jr.,
Edmund Jones Lilly, jr.,
Stephen David Lankester,
Oliver R. Hayes,
Daniel Hall Ripley,
Eugene Goldsmith Shrock,
Cornelius Edward Ryan,
Raymond William Miller,
Thomas Garlot Hannan,
Henry Gottfritz Young,
John Edwin Hull,
Charles Augustus Rawson,
James Franklin Corn,
Barkley Edward Lax,
Earle Edward Horton,
Carl Mark Rutan,
Thomas Francis Bresnahan,
John Campbell Cleave,
Koger Marion Still,
Alexander Hamilton Garnjost,
Herbert F. Thomas,
Donald Weldon Brann,
Samuel Joseph Arthur Kelley,
Arthur Arnold Baker,
Joseph Nathan Arthur,
Gilman Kimball Crockett,
Thomas Edison Roderick,
Wallace Alan Mead,
James Henry Howe,
James Sherman Medill,
John Jurey Howard,
James Kennedy Moorhead,

John Cleveland Robinson Hall,
Robert Artel Case,
Ray Winfield Harris,
John James Lyons,
Elbert Wilson Lockwood,
Charles Fuller Frizzell, jr.,
William Benjamin Oliver, jr.,
Robinson Earl Duff,
Leon Wilcomb Hilliard,
David Jenkins Ewing,
Walter Colen Blalock,
William Arthur Reid,
Hamilton Johnston,
Raymond Godfrey Lehman,
Irvine Callander Scudder,
John Russell Deane,
Richard Zeigler Crane,
George William Smith,
Hilliard Vincent MacGowan,
George Smith Berry, jr.,
Carl Harms Schroeder,
Guy Sidney Williams,
William Claude Briggs,
Christopher Sutton Robinson,
William Cadwalader Price, jr.,
Paul Samuel Beard,
Norman Bemis Chandler,
Richard Ogle Welch,
Richard Head Trippe,
Roswell Herbert Bill,
Harry Arthur Robinson,
Wright Helm Johnson,
George William Clover,
Francis Xavier Callahan,
Percy Lee Manefee,
Donald Bentley Doan,
Edwin Allan Smith,
Harvey Gwin Thomas,
Edward Walter Moses,
Richard Grant,
James Leftwich Harrison,
Roy Shedrick Meek,
Floyd C. Harding,
Rolfe Saunders Sample,
Wesley Clayton Thompson,
Charles Byron McColley,
Robert Edward Kennington,
Percy Lee Sadler,
George Luther Morrow,
Robert Weed Doye,
William Cecil Rymer,
Virgil Lourie Blanding,
George Franklin Ludington,
Henry Fletcher Martin,
Alan Grant Paine,
Irving Smith, jr.,
Frederic Clayton Stiles,
Eugene Raymond Vawter,
Charles Robert Woody,
Hugh Coy Courtright,
Evan Marshall Sherrill,
Wendell Tyng Smith,
James Wylie Arnold,
Bernard Franklin Hurless,
Dorsey Gooch Myers,
Louis James Hublas,
George Winslow Washburn,
Lynn Helm, jr.,
James Archibald Edmond,
Raymond Mathias Heckman,
Francis Robert Dunlop Holran,
Harold Tibbitts Gallager,
Allan Prescott Tappan,
Beverly Daniel Evans, jr.,
Robert Frayser Wilson,
Milton Jarrett Norman,
James Watson Porch,
John Henry Hildring,
William Jennings Davis,
Emory Adolphus Peek,
Edward Adolph Vosseler,
William Donald McMillin,
Arthur Breckinridge Wade,
James Gideon Kyle,
John Hurst Rodman,
William Dan Powell,
Hulsey Beall Cason,
Samuel John Cole,
Louis Patrick Tiers,
David Lamson Wood, jr.,
George Giltner Bell,
Edward Thorp Lane, jr.,
James Fairbank Smith,
William Charles Louisell,
Herbert Benjamin Wilcox,
Edward Russell White,
Harold Thompson Ammerman,
Paul Harwood Plough,
Jesse Eckard Whitt,
William Emanuel Goe,
Henry Seton,
William Leonard Ritter,
Robert Winchell Patterson,
Marion Herman Cardwell,
Charles Patterson Whiteman,
Joseph Atherton Richards,
Ellis De Vern Willis,
Gerald Fessenden Beal,
Charles Henry Sears,
Druid Emmet Wheeler,
Charles Royall Lugton,
Michael Johann Perret,
Charles Herbert Eypper,
Stewart Elvin Reimel,
Douglas Power Newell,
Kendall Jordan Fielder,
Frederick Page Geyer,
George Joseph Trimble,
William Curtis De Ware,
Hugh Donald Adair,
William Ellery Loring,
Lester Clinton Wing,
Joseph Robbins Bibb,
Joseph C. Behan, jr.,
Benjamin Hilsdon Bartholow,
Irving McNeil Ives,
John Raeburn Green,
Reginald R. Bacon,
James Danial Tucker,
Russell Conwell Snyder,
David Broome Van Pelt,
Harry Ezra Pond,
Harvey Allan Tonnesen,
Shuyler Bailey Marshall, jr.,
Neal Tuttle,
William Hubbell Emerson,
George Eddy Cook,
George Chalmers McDermid,
George Washington Young, jr.,
Pete Crisspell Black,
Eugene Hill Mitchell,
Leslie Harrod Blank,
Donald Stevens Grimm,
Benton Lamar Boykin,
Walter Michael Eugene Sullivan,
Kamell Maertens,
Raymond John Considine,
Allan James Kennedy,
John Clark Cutrer,
Clifton Rogers Gordon,
Martin Luther Howard,
Leo Joseph Farrell,
Bradford Seely Covell,
James Galt Elder,
Walter Shea Wood,
Frank Owen Stephens,
William Henry Quarterman, jr.,
Benjamin Brandon Bain,
Ira Clarence Eaker,
Tom Dunbar Halliday,
Paul Harrison Arthur,
Stanton Louis Bertschey,
Warren Miles Amerine,
Romeyn Beck Hough, jr.,
Henry Cowles Merritt, jr.,
Cheney L. Bertholf,
Dudley Edwards Bell,
Clarence Bovaird Nixon,
William Carl Glass,
Sidney Clifford,

Harry Lee Franklin,
Isham Rowland Williams,
Edwin L. Collins,
John Bestor Meriweather,
John Franck Dahringer,
Frank George Hinman,
Robert Edward Lee Cook, jr.,
Colbert Sullivan,
Grahame Molloy Bates,
Walter Rooke Evans,
Robert Quall Whitten,
Edward Reese Roberts,
Donald L. Bressler,
Walter Ernst Lauer,
Albert Hugh Dumas,
Paul Shober Jones,
Paul Thompson Baker,
Louis Samuel Nast Phillipp,
Albert Woodbury Emmons,
Robert Porter Bell,
Harold William Keller,
Edwin William Piburn,
James Clyde Williams,
James Johnston McCutcheon,
William Henry Clark, jr.,
Kenneth Stoddard Whittemore,
Albert Carl Maack,
Addison Leavens Martin,
Mack Morgan Lynch,
Henry Philip Folwell,
Robert Perry Mahon, jr.,
Judson Gordon Martell,
Frank Huber Partridge,
Franklin Knight Kennedy, jr.,
George Claiborne Royall, jr.,
Herbert Crittenden Segur,
Lynwood Herbert Smith,
Leo Vivian Cowin,
David Pinckney Powers,
Stewart Alexander McHie,
Robb Steere MacKie,
Derrill de Saussure Trenholm,
John Stafford Marion Cromelin,
Walter Raymon Gartin,
Michael Edmond Halloran,
Idwal Hubert Edwards,
Paul James Vevia,
Ralph Burnham Gibson,
Henri de La Chapelle,
James Barclay Smith,
Kenneth Victor Elliott,
Martin Sims Read,
Richardson Bronson,
Paul Steele,
Fred Thurston Marsh,
Luther Nathaniel Johnson,
Archibald Ralph Gordon,
Earle Rowe Spaulding,
Stanley Augustus Anderson,
Robert Emmett Cummings,
Philip Gerald Carroll,
Winter Davis Horton,
Harry Fayette Schoonover,
Francis Letcher Lafon,
Louis Simmons Stickney,
Tarlton Fleming Parsons,
John Bethea Stratford,
John Ralston Graham,
George Henry Gillin,
James Larkin Dikes,
Ben Curtis McComas,
Kenneth B. Gunn,
Maurice Garver Stubbs,
Boniface Campbell,
Cyril Kelly Richards,
Archibald Andrew Fall,
Vernon William Atkins,
Frank Romaine Schucker,
George Stewart Warren,
John Weeks Cunningham,
Roland Sylvester Dingley,
John Leo Davey,
Sam Berto Hearn,
William Goode Wilson,
Harry Walker Farmer,
James Martin Belwood,
James Patrick O'Reilly,
Henry Oscar Swindler,
Delos Grosvenor Smith,
Alfred Leslie Haig,
Haskell Allison,
Fred Othello Mills,
Herman P. Quentin,
George Downes Parnell,
Bruce Glenn Kirk,
William Dacre Hamilton,
Davis Jones,
Russell Skinner,
John Hager Randolph,
Bernard Amander Bingham,
Burwell Alexander Atkinson,
John Ashby Jones,
Norris Adron Wimberley,
Herbert Ralph Kerbow,
Lloyd Leander Boughton,
Stephen Edward Hurley,
Marquis George Eaton,
Gerald William Norman,
Robert Leonard Hooven,
Walton Alfred Elliott,
John Alexander Klein,
Arthur Harold Luse,
Clayton Seraska Whitehead,
William Arthur Swift,
John Edwin Grose,
Robert Creighton Wright,
Kilburn Roby Brown,
Carl Bullitt Rauterberg,
Everett Latimer Rice,
Lawrence A. Kurtz,
Leland Thompson,
Martin Stevenson Chester,
Francis Marion Dudley,
Marcel Henry Mial,
Clarence Allen Ludlum, jr.,
William Connor Samford,
Harry Reichelderfer,
Joseph Samuel Snyder,
Rufus Harold Milne,
Samuel Francis Cohn,
Alexander Russell Bolling,
Duncan Thomas Boisseau,
John Thomas Lucey, jr.,
James Leonard Garza,
Evan Jervis Morris,
Walter Brighton Davis,
Robert Francis Campbell,
John Dunbar Chambliss,
Lewis Charles Beebe,
John Augustus Rodgers,
Sam Murray,
Joseph Kilgore,
Lewis Church Chamberlin,
Horace Deming Wilce,
Thomas Newton Stark, and
Edward Hanson Connor, jr.

PORTO RICO REGIMENT OF INFANTRY.

To be second lieutenants.

Edgardo Vazquez, jr.,
Virgil Norberto Cordero,
Mario Cordero,
Timoteo Sapia,
Juan Luis Oliver,
Edwardo Andino Romanach,
Guillermo Geddes Latimer, and
Rafael Pirazzi.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

INFANTRY ARM.

To be captains.

First Lieut. Joseph P. Vachon,
First Lieut. Harry O. Davis,
First Lieut. Floyd Hatfield,
First Lieut. Earl Landreth,
First Lieut. Richard T. McDonnell,
First Lieut. Harold P. Kayser,
First Lieut. Basil D. Spalding,
First Lieut. Henry J. C. Humphrey,
First Lieut. Gordon W. Ells,

First Lieut. George L. Febiger,
First Lieut. Theodore W. Sidman,
First Lieut. Claud E. Stadtman,
First Lieut. Mitchell Hilt,
First Lieut. John B. Warfield,
First Lieut. Clarence R. Huebner,
First Lieut. Harold G. Lewis,
First Lieut. Frederick McCabe,
First Lieut. Morton L. Landreth,
First Lieut. Irving H. Engleman,
First Lieut. Clarence W. Emerson,
First Lieut. Frederick J. von Rohan,
First Lieut. Frederick Schoenfeld,
First Lieut. Earl J. Dodge,
First Lieut. Paul J. McDonnell,
First Lieut. Eustis L. Poland,
First Lieut. Curtis T. Huff,
First Lieut. Paul Hathaway,
First Lieut. Clarence F. Jobson,
First Lieut. Alfred R. Hamel,
First Lieut. Hardin C. Sweeney,
First Lieut. Eugene M. Landrum,
First Lieut. Arthur J. O'Keefe,
First Lieut. James A. Anderson,
First Lieut. Adelbert B. Stewart,
First Lieut. William F. Lee,
First Lieut. Donavin Miller,
First Lieut. George W. Teachout,
First Lieut. Clarence R. Oliver,
First Lieut. Frederick W. Huntington,
First Lieut. Howard J. Houghland,
First Lieut. Thomas J. Griffin,
First Lieut. Chester A. Davis,
First Lieut. Conrad L. Dennis,
First Lieut. Roland R. Long,
First Lieut. Arthur Van Dine,
First Lieut. Corday W. Cutchin,
First Lieut. Charles B. Oldfield,
First Lieut. Charles J. Allen,
First Lieut. John L. Dunn,
First Lieut. Raymond Wortley,
First Lieut. William B. Wynn,
First Lieut. Louis A. Welch,
First Lieut. Schiller Scroggs,
First Lieut. Charles A. McGarrigle,
First Lieut. Alexander P. Withers,
First Lieut. Orville E. Lewis,
First Lieut. Lonnie H. Nixon,
First Lieut. William F. Freehoff,
First Lieut. Shelby Ledford,
First Lieut. Austin A. Adamson,
First Lieut. Charles M. Crooks,
First Lieut. William G. Livesay,
First Lieut. Carl J. Lambeth,
First Lieut. Robert L. Christian,
First Lieut. William H. Crom,
First Lieut. George R. F. Cornish,
First Lieut. Delphin E. Thebaud,
First Lieut. George S. Clarke,
First Lieut. William F. Donnelly,
First Lieut. Adolph C. Weidenbach,
First Lieut. Fred McI. Logan,
First Lieut. Truman Smith,
First Lieut. Joseph W. G. Stephens,
First Lieut. Adolph Unger,
First Lieut. Richard K. Sutherland,
First Lieut. Shelby M. Tuttle,
First Lieut. Robert G. Moss,
First Lieut. Emil W. Leard,
First Lieut. Walter F. Adams,
First Lieut. Joseph N. Greene,
First Lieut. Sereno E. Brett,
First Lieut. Harry L. Reeder,
First Lieut. Jay E. Gilliflan,
First Lieut. Lester T. Gayle, jr.,
First Lieut. Turner M. Chambliss,
First Lieut. James N. C. Richards,
First Lieut. John F. Ehlert,
First Lieut. Theron G. Methven,
First Lieut. Francis M. Van Natter,
First Lieut. Paul L. Ransom,
First Lieut. Rice M. Youell,
First Lieut. James H. Holmes, jr.,
First Lieut. Manton S. Eddy,
First Lieut. Charles E. Moore,
First Lieut. Gabriel T. Mackenzie,
First Lieut. Erskine S. Dollarhide,
First Lieut. Barnwell R. Legge,
First Lieut. Alexander W. Dillard,
First Lieut. Edward M. Almond,
First Lieut. Charles P. Stivers,
First Lieut. Robert C. Van Vliet, jr.,
First Lieut. Charles L. Chaffee,
First Lieut. Bohun B. Kinloch,
First Lieut. Richard K. Smith,
First Lieut. Percy W. Clarkson,
First Lieut. Leo S. Gerow,
First Lieut. Stuart G. Wilder,
First Lieut. Harry I. T. Creswell,
First Lieut. Charles E. Purviance,
First Lieut. Lloyd H. Cook,
First Lieut. John T. Bossi,
First Lieut. Charles T. Senay,
First Lieut. Egmont F. Koenig,
First Lieut. Arthur H. Goddard,
First Lieut. Peter K. Kelly,
First Lieut. James A. Edgarton,
First Lieut. Lawrence J. I. Barrett,
First Lieut. Wendell H. Woolworth,
First Lieut. John R. Brooke, jr.,
First Lieut. Frank L. Culin, jr.,
First Lieut. Daniel S. Appleton,
First Lieut. Ralph E. McLain,
First Lieut. Ralph C. Smith,
First Lieut. Thomas S. Arms,
First Lieut. Raymond D. Bell,
First Lieut. Archelaus L. Hamblen,
First Lieut. William H. Humphreys,
First Lieut. Paul W. Mapes,
First Lieut. Robert C. Macon,
First Lieut. Frederic C. Dosé,
First Lieut. Stephen P. Jocelyn, jr.,
First Lieut. John D. Townsend,
First Lieut. Henry H. Worthington,
First Lieut. George L. Kraft,
First Lieut. John S. Switzer, jr.,
First Lieut. James C. Cook,
First Lieut. Allen F. Kingman,
First Lieut. Abraham Tabachnik,
First Lieut. William A. Rawls, jr.,
First Lieut. Hamilton K. Foster,
First Lieut. Constant L. Irwin,
First Lieut. Willis E. Comfort,
First Lieut. Leven C. Allen,
First Lieut. Joseph Quesenberry,
First Lieut. Robert O. Jones,
First Lieut. Oliver A. Hess,
First Lieut. Edward A. Allen,
First Lieut. Carroll M. DeWitt,
First Lieut. George L. Pepin,
First Lieut. Clarence B. Carver,
First Lieut. Jedediah H. Hills,
First Lieut. Edwin E. Schwien,
First Lieut. Dan D. Howe,
First Lieut. John E. Copeland,
First Lieut. Lloyd N. Keesling,
First Lieut. John H. Humbert,
First Lieut. Joseph L. Lancaster,
First Lieut. David R. Kerr,
First Lieut. Everett G. Smith,
First Lieut. Lyman S. Frasier,
First Lieut. Howard E. Hawkinson,
First Lieut. Julius A. Mood, jr.,
First Lieut. Sidney S. Eberle,
First Lieut. Joseph N. Dalton,
First Lieut. Charles N. Stevens,
First Lieut. James S. Bailey,
First Lieut. Henry C. Long, jr.,
First Lieut. William E. Lucas, jr.,
First Lieut. Victor Parks,
First Lieut. Walter A. Pashkoski,
First Lieut. Roscius H. Back,
First Lieut. Oscar F. Carlson,
First Lieut. Richard G. Tindall,
First Lieut. Roy L. Taylor,
First Lieut. Leander R. Hathaway,
First Lieut. German W. Lester,
First Lieut. Karl Engeldinger,
First Lieut. Francis A. Byrne,
First Lieut. Harry J. Selby,

First Lieut. Farragut F. Hall,
First Lieut. Orville M. Moore,
First Lieut. Walter R. McClure,
First Lieut. Charles E. Speer,
First Lieut. Baldwin Williams-Foote,
First Lieut. Edmund Wilhelm,
First Lieut. George H. Butler,
First Lieut. Frank C. Foley,
First Lieut. Leonard R. Boyd,
First Lieut. Withers A. Burress,
First Lieut. Arthur J. Hoffmann,
First Lieut. Harry L. Bennett, jr.,
First Lieut. Joseph J. McConville,
First Lieut. John C. Platt, jr.,
First Lieut. Thomas H. Ward,
First Lieut. Edward H. Nichols,
First Lieut. Lawrence B. Glasgow,
First Lieut. Alfred D. Hayden,
First Lieut. Melville W. F. Wallace,
First Lieut. Paul M. Ellis,
First Lieut. Kirk A. Metzerott,
First Lieut. Thomas E. Mount,
First Lieut. John P. Pryor,
First Lieut. Jewett C. Baker,
First Lieut. Robert B. Moore,
First Lieut. Charles W. Jones,
First Lieut. Edward H. Cotcher,
First Lieut. Robert S. Miller,
First Lieut. Paul N. Starlings.
First Lieut. Charles Porterfield, jr.,
First Lieut. Sevier R. Tupper,
First Lieut. Frank E. Royse,
First Lieut. Lawrence F. Stone,
First Lieut. Aaron J. Becker,
First Lieut. Wilson M. Spann,
First Lieut. James V. Ware,
First Lieut. Robert W. Brown,
First Lieut. James R. Manning,
First Lieut. Charles L. Steel,
First Lieut. Stuart R. Carswell,
First Lieut. Gilbert S. Harter,
First Lieut. John W. Cotton,
First Lieut. Ralph E. Wallace,
First Lieut. Lawrence W. Fagg,
First Lieut. Maury Mann,
First Lieut. Rupert L. Purdon,
First Lieut. Richard S. Jones,
First Lieut. William C. Hanna,
First Lieut. Leon G. Harer.
First Lieut. Edwin M. Scott,
First Lieut. Paul J. Dowling,
First Lieut. John H. Jones,
First Lieut. Rufus E. Wicker,
First Lieut. Charles L. Briscoe.
First Lieut. Hermann C. Dempewolf,
First Lieut. Frank E. Hinton,
First Lieut. Frank P. Tuohy,
First Lieut. John R. Hermann,
First Lieut. Louis T. Roberts,
First Lieut. James M. Palmer.
First Lieut. Ralph A. W. Pearson,
First Lieut. Alfred Millard.
First Lieut. Harry A. Ambs.
First Lieut. William H. Bittenbender,
First Lieut. Raymond H. Bishop,
First Lieut. James A. Summersett, jr.
First Lieut. Hugh C. Gilchrist, and
First Lieut. Allen T. Veatch.

To be first lieutenants.

Second Lieut. Charles A. Drake,
Second Lieut. James L. Ballard,
Second Lieut. Earl E. Major,
Second Lieut. Lloyd C. Parsons,
Second Lieut. Claudius M. Easley,
Second Lieut. Claude G. Hammond,
Second Lieut. Henry V. Dexter,
Second Lieut. Ted H. Cawthorne,
Second Lieut. Edward Harrah,
Second Lieut. Nelson Hill,
Second Lieut. Robert W. Corrigan,
Second Lieut. Richard H. Elliott,
Second Lieut. Robert H. Lord,
Second Lieut. Mose K. Pigman,
Second Lieut. Otto J. Endres,
Second Lieut. John J. Hannigan,
Second Lieut. Ruthford L. Herr,
Second Lieut. Herbert G. Esden,
Second Lieut. Norman Spencer,
Second Lieut. Hunter L. Girault,
Second Lieut. Rex W. Minckler,
Second Lieut. George A. Jackson,
Second Lieut. Roy F. Lynd,
Second Lieut. Hugo J. Endres,
Second Lieut. Wade H. Johnson,
Second Lieut. Robert C. Patterson,
Second Lieut. Francis W. Kernan,
Second Lieut. John N. McNaughton,
Second Lieut. Samuel I. Speevack,
Second Lieut. Maximilian Clay,
Second Lieut. Frederick S. Schmitt,
Second Lieut. Calvert H. Arnold,
Second Lieut. Clarence L. Morton,
Second Lieut. George S. Prugh,
Second Lieut. Homer F. Tate,
Second Lieut. Harold Montague,
Second Lieut. Kenyon H. Clark,
Second Lieut. Cyril M. Stillson,
Second Lieut. Richard H. Johnston,
Second Lieut. John B. Cockburn,
Second Lieut. George T. Fleet,
Second Lieut. Clifton M. Brown,
Second Lieut. Arthur Bloch,
Second Lieut. Edward J. Rasch,
Second Lieut. Walter B. Flynn,
Second Lieut. Otto W. Neidert,
Second Lieut. Edwin S. Beall,
Second Lieut. Ralph E Bower,
Second Lieut. Charles W. Ogden,
Second Lieut. Peter W. Ebbert,
Second Lieut. George L. Eberle,
Second Lieut. Marcus B. Bell,
Second Lieut. Henry Pascale,
Second Lieut. Frank R. Marston,
Second Lieut. George W. Swift,
Second Lieut. Lorraine D. Fields,
Second Lieut. Remington Orsinger,
Second Lieut. William S. Morris,
Second Lieut. Joseph W. Bollenbeck,
Second Lieut. Kenneth C. Bell,
Second Lieut. Arnold Michelson,
Second Lieut. Thomas F. Keasler,
Second Lieut. Monroe M. Friedman,
Second Lieut. Lee C. Lewis,
Second Lieut. Cyrus J. Rounds,
Second Lieut. John D. Forsythe,
Second Lieut. Samuel L. Alexander,
Second Lieut. Albert D. Johnson,
Second Lieut. Roger W. Morse,
Second Lieut. Leslie T. Lathrop,
Second Lieut. Andrew A. Cook,
Second Lieut. Lewis A. Maury,
Second Lieut. Dan W. Flickinger,
Second Lieut. Robert D. Porter,
Second Lieut. Ralph E. Richards,
Second Lieut. Chester G. Hadden,
Second Lieut. Ralph H. Wooten,
Second Lieut. Kenneth B. Bush,
Second Lieut. Donald C. Williams,
Second Lieut. Russell D. Barnes,
Second Lieut. Victor Patterson,
Second Lieut. Thorgny C. Carlson,
Second Lieut. Lyman C. Ward,
Second Lieut. James D. Brown.
Second Lieut. Harold C. McClelland,
Second Lieut. Robert C. Brunson,
Second Lieut. Walter E. Wynne,
Second Lieut. Norman L. Baldwin,
Second Lieut. Roger Howell,
Second Lieut. Kenneth McIntosh,
Second Lieut. Fred R. Wolff,
Second Lieut. Arthur C. Carlton,
Second Lieut. Robert V. Finney,
Second Lieut. Peter F. Connor,
Second Lieut. Philip D. Wessen,
Second Lieut. Clement D. Johnston,
Second Lieut. Edward J. Hardin,
Second Lieut. Harman P. Agnew,

Second Lieut. Floyd Lyle,
Second Lieut. Francis W. Stone, jr.,
Second Lieut. Don C. Faith,
Second Lieut. Charles B. Herrick,
Second Lieut. Raymond Orr,
Second Lieut. Thomas H. Austin,
Second Lieut. James W. Anderson,
Second Lieut. Edgar T. Fell.
Second Lieut. Archibald R. MacKechnie,
Second Lieut. Joseph B. Kilbride,
Second Lieut. Francis H. Wilson,
Second Lieut. Walter A. Mack.
Second Lieut. Arthur F. Williams,
Second Lieut. William H. Pender,
Second Lieut. John C. Kernan,
Second Lieut. Maxton H. Flint,
Second Lieut. Edward M. Bates.
Second Lieut. Edward J. Gorman,
Second Lieut. Charles S. Pettee.
Second Lieut. Elmer E. Hagler, jr.,
Second Lieut. Sidney H. Negroito,
Second Lieut. Gustav J. Braun,
Second Lieut. Frederick V. Burgess,
Second Lieut. Everett L. Upson,
Second Lieut. Walter R. Curfman,
Second Lieut. Don F. Pratt,
Second Lieut. Ralph E. Mooney,
Second Lieut. Willard A. Reddish,
Second Lieut. Ernest R. Percy,
Second Lieut. Marcellus L. Countryman, jr.,
Second Lieut. John C. Shaw,
Second Lieut. Harry L. Stoner,
Second Lieut. James M. Arthur,
Second Lieut. Donald Van P. Yewell,
Second Lieut. Asa F. Coleman,
Second Lieut. Charles J. McIntyre,
Second Lieut. Phillip M. Oviatt,
Second Lieut. Edwin H. Randle,
Second Lieut. Francis M. Rich,
Second Lieut. Edwin G. Watson,
Second Lieut. Leon F. Sullivan,
Second Lieut. Walter C. Armstrong,
Second Lieut. William B. Townsend,
Second Lieut. Hunter McGuire,
Second Lieut. Andrew L. Tucker,
Second Lieut. Steven V. Wilson,
Second Lieut. Edwin R. Rinker,
Second Lieut. John H. Gibson,
Second Lieut. George W. Gering.
Second Lieut. Cecil M. Neal,
Second Lieut. Jay W. Sechler,
Second Lieut. Walter E. Ditmars,
Second Lieut. Paul H. Darrington,
Second Lieut. John W. Spaulding.
Second Lieut. Sidney B. Scott.
Second Lieut. Ralph H. Countryman,
Second Lieut. Edwin E. Aldridge,
Second Lieut. Edwin B. Crabill,
Second Lieut. Reade M. Ireland,
Second Lieut. Edmund W. Hill,
Second Lieut. Alfred M. Shearer,
Second Lieut. James R. Campbell, jr.,
Second Lieut. Edward A. Mullen,
Second Lieut. James O. Tarbox,
Second Lieut. Harry F. Rusch,
Second Lieut. Raymond F. Edwards,
Second Lieut. Oren A. Mulkey,
Second Lieut. Charles C. Bond,
Second Lieut. Byron C. Brown,
Second Lieut. Forrest M. Harmon,
Second Lieut. Ralph C. Flewelling,
Second Lieut. Frank H. Terrell,
Second Lieut. Harold R. Priest,
Second Lieut. Jabez G. Gholston,
Second Lieut. Robert A. McClure,
Second Lieut. Frederick N. Vinson,
Second Lieut. Francis B. McCollom,
Second Lieut. Reginald D. Pappe,
Second Lieut. Joseph B. Wirt,
Second Lieut. Graham R. Schweickert,
Second Lieut. Norman P. Williams,
Second Lieut. Charles H. Riggin,
Second Lieut. Winfield W. Sipith,
Second Lieut. Milton R. Barclay,
Second Lieut. Harold C. Wasgatt,
Second Lieut. Wannie L. Bartley,
Second Lieut. Norman J. McMahon,
Second Lieut. Donald M. Bartow,
Second Lieut. Hilbert A. C. Jensen,
Second Lieut. Frank A. Pattillo,
Second Lieut. Paul L. Singer,
Second Lieut. Joseph L. Ready,
Second Lieut. James B. Scarr,
Second Lieut. Lloyd R. Rogers,
Second Lieut. Charles C. Ritcor,
Second Lieut. Earl C. Flegel,
Second Lieut. Abner W. Goree,
Second Lieut. Herbert B. Wheeler,
Second Lieut. Charles C. Nathan,
Second Lieut. Crittenden A. C. Tolman,
Second Lieut. William E. Tidwell,
Second Lieut. James K. Cubbison,
Second Lieut. Howard F. Ross,
Second Lieut. Arthur J. Lacouture,
Second Lieut. Clifford M. Olivetti,
Second Lieut. Josiah B. Mudge, jr.,
Second Lieut. Hugh S. Lee,
Second Lieut. Wilbur S. Elliott,
Second Lieut. Kirk E. B. Lawton.
Second Lieut. Neil S. Edmond,
Second Lieut Harold Haney,
Second Lieut. Tully C. Garner,
Second Lieut. Wilmer Brinton, jr.,
Second Lieut. Forrest M. Record,
Second Lieut. Luther W. Dear,
Second Lieut. Frederick C. Shantz,
Second Lieut. Martin D. McAllister,
Second Lieut. George W. Booth.
Second Lieut. William R. Colbern,
Second Lieut. Marcel A. Gillis,
Second Lieut. John W. Carroll, and
Second Lieut. Joshua S. Bowen.

CAVALRY ARM.

To be captains.

First Lieut. Herley C. Dagley,
First Lieut. Charles L. Clifford,
First Lieut. Gaston L. Holmes.
First Lieut. George W. Wersebe.
First Lieut. Milton R. Fisher,
First Lieut. John S. Jadwin,
First Lieut. Arthur P. Thayer,
First Lieut. Edward R. Scheitlin,
First Lieut. Edwin A. Martin,
First Lieut. Jay D. B. Lattin,
First Lieut. Frank G. Ringland,
First Lieut. John B. Harper,
First Lieut. Winchell I. Rasor,
First Lieut. Oliver I. Holman,
First Lieut. John J. John,
First Lieut. Harry B. Flounders,
First Lieut Grover R. Carl,
First Lieut. Hugh D. Blanchard,
First Lieut. James G. Monihan,
First Lieut. Anthony J. Kirst,
First Lieut. William G. Simons,
First Lieut. Rexford E. Willoughby,
First Lieut. John D. Austin,
First Lieut. John P. Kaye.
First Lieut. Cleo D. Mayhugh,
First Lieut. James W. Barnett,
First Lieut. John C. Mullenix,
First Lieut. Ross McCoy,
First Lieut. Howard C. Tobin,
First Lieut. John A. Weeks,
First Lieut. Walter E. Buchly,
First Lieut. Harold C. Mandell,
First Lieut. Lester A. Sprinkle,
First Lieut. Robert W. Grow,
First Lieut. Terrill E. Price,
First Lieut. William H. Kasten,
First Lieut. Edwin Rollmann,
First Lieut. Leon E. Ryder,
First Lieut. Richard L. Creed,
First Lieut. William M. Husson,
First Lieut. Harry L. Putnam.
First Lieut. Roderick R. Allen, and
First Lieut. Adolphus W. Roffe.

To be first lieutenants.

Second Lieut. Marion Cox,
Second Lieut. Hugh J. FitzGerald,
Second Lieut. David P. Minard,
Second Lieut. Paul J. Matte,
Second Lieut. Hugo P. Wise,
Second Lieut. Norman R. Hamilton,
Second Lieut. Robert R. Hawes, jr.,
Second Lieut. Joseph S. Robinson,
Second Lieut. Murray H. Ellis,
Second Lieut. Wolcott P. Hay,
Second Lieut. Joseph L. Lambert,
Second Lieut. Ralph W. Rogers,
Second Lieut. William P. Mediar,
Second Lieut. Lawrence A. Shafer,
Second Lieut. Thurlby M. Rundel,
Second Lieut. Charles B. B. Bubb,
Second Lieut. Paul E. McDermott,
Second Lieut. Gustav B. Guenther,
Second Lieut. William H. Skinner,
Second Lieut. Leslie F. Laurence,
Second Lieut. Horace W. Forster,
Second Lieut. Franklin C. Ketler,
Second Lieut. Charles Pope,
Second Lieut. Waldemar A. Falck,
Second Lieut. Carl J. Rohsenberger,
Second Lieut. Crawford M. Kellogg,
Second Lieut. James V. McDowell,
Second Lieut. Harry L. Hart,
Second Lieut. James H. B. Bogman,
Second Lieut. Robert H. Gallier,
Second Lieut. Percy S. Haydon,
Second Lieut. David J. Chaille,
Second Lieut. Albert E. McIntosh,
Second Lieut. Jefferson Kinney, jr.,
Second Lieut. Halbert H. Neilson,
Second Lieut. Leland C. McAuley,
Second Lieut. Carl R. Johnston,
Second Lieut. Dean R. DeMerritt,
Second Lieut. Charles B. Sweatt,
Second Lieut. John M. Sanderson,
Second Lieut. Charles W. Walton,
Second Lieut. James V. McConville, and
Second Lieut. Ralston D. Livingston.

FIELD ARTILLERY ARM.

To be captains.

First Lieut. Erwin C. W. Davis,
First Lieut. Emile G. DeCoen,
First Lieut. Arthur N. White,
First Lieut. Patrick L. Lynch,
First Lieut. Ivan N. Bradley,
First Lieut. John J. McCollister,
First Lieut. Frank A. Roberts,
First Lieut. William D. Alexander,
First Lieut. Herbert L. Lee,
First Lieut. Richard J. Marshall,
First Lieut. Ralph T. Heard,
First Lieut. Marcourt Hervey,
First Lieut. Francis W. Sheppard,
First Lieut. Robert W. Daniels,
First Lieut. John S. Winslow, and
First Lieut. George N. Ruhberg.

To be first lieutenants.

Second Lieut. Leon A. Des Pland, jr.,
Second Lieut. Charles W. McCleary,
Second Lieut. John L. Gammell,
Second Lieut. James W. Emerson, jr.,
Second Lieut. Ward H. Maris,
Second Lieut. Roderick S. Patch,
Second Lieut. Joseph W. Del Alamo,
Second Lieut. Richard W. Hocker,
Second Lieut. William McK. Dunn,
Second Lieut. Willard S. Simpkins,
Second Lieut. Rene J. LeGardeur, jr.,
Second Lieut. Corydon H. Sutton, jr.,
Second Lieut. Henry M. Ladd, jr.,
Second Lieut. Gustav E. Moe,
Second Lieut. Philip Ramer,
Second Lieut. Ozro F. Rideout,
Second Lieut. Floyd C. Marshall,
Second Lieut. Harris M. Findlay,
Second Lieut. Thomas F. Furness,
Second Lieut. Joseph L. Corcoran,
Second Lieut. Dana M. Hubbard,
Second Lieut. Clyde W. White,
Second Lieut. Preston S. Hoyt,
Second Lieut. Clifford A. Laflin,
Second Lieut. Willis W. Hubbard,
Second Lieut. Fairfax S. Landstreet,
Second Lieut. Floyd W. Stewart,
Second Lieut. Fairfax D. Downey,
Second Lieut. Bernard C. Law,
Second Lieut. George F. Downey, jr.,
Second Lieut. Andrew Carrigan, jr.,
Second Lieut. Harley Latson,
Second Lieut. John V. Thompson,
Second Lieut. Carl Z. Draves,
Second Lieut. Archibald D. Fisken,
Second Lieut. Samuel C. Holliday,
Second Lieut. Emory M. Hoover,
Second Lieut. William M. Garrison,
Second Lieut. Leon J. Paddock,
Second Lieut. Bryan C. Curtis,
Second Lieut. Henry L. Nicholls,
Second Lieut. Arthur N. Selby,
Second Lieut. Thomas H. McKoy, jr.,
Second Lieut. Walter A. Phillips,
Second Lieut. Stuart M. Canby,
Second Lieut. Harry Y. Stebbins,
Second Lieut. Edmond D. Margrave,
Second Lieut. Harry Darby, jr.,
Second Lieut. Samuel P. Griffitts,
Second Lieut. Joseph W. Loef,
Second Lieut. Charles B. Bonner,
Second Lieut. Arthur L. Warren,
Second Lieut. Thomas K. Vincent,
Second Lieut. Merritt H. Greene,
Second Lieut. William B. Weakley,
Second Lieut. William B. Tucker,
Second Lieut. Philip D. Tryon,
Second Lieut. Ary C. Berry,
Second Lieut. George Davidson, jr.,
Second Lieut. David L. Ruffner,
Second Lieut. Mark M. Serum,
Second Lieut. Louis H. Penney,
Second Lieut. Ross B. Warren,
Second Lieut. Addison H. Douglass,
Second Lieut. Arthur E. Fox, and
Second Lieut. Lewis A. Bond.

COAST ARTILLERY CORPS.

To be captains.

First Lieut. Frederick W. Smith,
First Lieut. Robert S. Barr,
First Lieut. Charles J. Herzer,
First Lieut. William M. Cravens,
First Lieut. John B. Martin,
First Lieut. Edwin C. Mead,
First Lieut. William T. Roberts,
First Lieut. Carl J. Smith,
First Lieut. Dugald Mac A. Barr,
First Lieut. James D. Mac Mullen,
First Lieut. Charles W. Bundy,
First Lieut. Charles D. Y. Ostrom,
First Lieut. Donald M. Cole,
First Lieut. James C. Hutson,
First Lieut. Francis A. Hause,
First Lieut. Edward E. Mac Morland,
First Lieut. Henry B. Holmes, jr., and
First Lieut. Arvid M. Pendleton.

PROVISIONAL APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Keith F. Driscoll, Infantry, to be second lieutenant of Cavalry.

Second Lieut. Joseph A. Nichols, Cavalry, to be second lieutenant of Infantry.

Second Lieut. Earle L. Hazard, Infantry, to be second lieutenant of Cavalry.

Second Lieut. James J. Roach, Cavalry, to be second lieutenant of Infantry.

Second Lieut. Leonard Lucado Mintgomery, Cavalry, to be second lieutenant of Infantry.

TRANSFER TO THE ACTIVE LIST OF THE ARMY.

Second Lieut. Charles W. Harris to the grade of captain in the Infantry Arm.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

To be captains.

First Lieut. William E. Shipp,
First Lieut. Calvin De Witt, jr.,
First Lieut. James M. Crane,
First Lieut. Lucien S. S. Berry,
First Lieut. Victor W. B. Wales,
First Lieut. Joseph M. Tully,
First Lieut. Pettus H. Hemphill,
First Lieut. Hugh Mitchell,
First Lieut. Robert LeG. Walsh,
First Lieut. Clarence S. Maulsby,
First Lieut. George S. Andrew,
First Lieut. Spencer A. Townsend,
First Lieut. Arthur M. Jones,
First Lieut. Thomas G. Peyton,
First Lieut. Junius H. Houghton,
First Lieut. Douglas J. Page,
First Lieut. James N. Caperton,
First Lieut. Charles C. Smith,
First Lieut. Harrison Herman,
First Lieut. William W. Dempsey,
First Lieut. Robert R. D. McCullough,
First Lieut. Chapman Grant,
First Lieut. Duncan G. Richart, and
First Lieut. Daniel A. Conner.

To be first lieutenants.

Second Lieut. Grayson C. Woodbury,
Second Lieut. Duncan G. McGregor,
Second Lieut. Thomas J. Heavey,
Second Lieut. Wallace F. Safford,
Second Lieut. Joshua A. Stansell,
Second Lieut. Raymond E. S. Williamson,
Second Lieut. David C. G. Schlenker,
Second Lieut. Harry T. Wood,
Second Lieut. Earl F. Knoob,
Second Lieut. Robert E. Symmonds,
Second Lieut. John R. W. Diehl,
Second Lieut. Rudolph D. Defehanty,
Second Lieut. William H. W. Reinburg,
Second Lieut. Elmer H. Almquist,
Second Lieut. Frank L. Carr,
Second Lieut. Frank E. Bertholet,
Second Lieut. Marion Carson,
Second Lieut. Rossiter H. Garity,
Second Lieut. Frank C. Jedlicka,
Second Lieut. Leo B. Conner,
Second Lieut. John B. Saunders,
Second Lieut. Arthur B. Custis,
Second Lieut. Desmond O'Keefe,
Second Lieut. Hal M. Rose
Second Lieut. Frederick J. Durrschmidt,
Second Lieut. Milton W. Davis, and
Second Lieut. John B. Bellinger, jr.

FIELD ARTILLERY.

To be first lieutenants.

Second Lieut. Thurston E. Wood,
Second Lieut. John M. Johnson,
Second Lieut. William O. Reeder,
Second Lieut. William K. Kolb,
Second Lieut. William R. Gerhardt,
Second Lieut. Theodore E. Buechler,
Second Lieut. Frederick E. Tibbetts, jr.,
Second Lieut. Samuel D. Ringsdorf,
Second Lieut. Redmond F. Kernan, jr.,
Second Lieut. Theodore L. Futch,
Second Lieut. Russell L. Meredith,
Second Lieut. William I. Wilson,
Second Lieut. Harold A. Cooney,
Second Lieut. John T. Knight, jr.,
Second Lieut. Miles A. Cowles,
Second Lieut. Lawrence McC. Jones,
Second Lieut. Gordon G. Heiner, jr., and
Second Lieut. Edward J. Wolff, jr.

COAST ARTILLERY CORPS.

To be captains.

First Lieut. Martin J. O'Brien,
First Lieut. Joseph C. Haw,
First Lieut. Iverson B. Summers, jr.,
First Lieut. Clifford R. Jones,
First Lieut. John B. Wogan,
First Lieut. Clesen H. Tenney,
First Lieut. Frank E. Emery, jr.,
First Lieut. Edward C. Wallington,
First Lieut. Carl E. Hocker,
First Lieut. Richmond T. Gibson,
First Lieut. Edward B. Hyde, jr.,
First Lieut. Herbert R. Corbin,
First Lieut. Charles H. Chapin,
First Lieut. William P. Cherrington,
First Lieut. Charles R. Finley,
First Lieut. Albert W. Draves,
First Lieut. Benjamin S. Beverley,
First Lieut. Carl L. Marriott,
First Lieut. Hugh A. Ramsey,
First Lieut. Willis McD. Chapin,
First Lieut. Carl S. Doney,
First Lieut. James de B. Walbach,
First Lieut. Richard M. Levy,
First Lieut. Ellicott H. Freeland,
First Lieut. James C. Ruddell,
First Lieut. Joseph J. O'Hare,
First Lieut. William G. Patterson,
First Lieut. Frank C. Scofield,
First Lieut. Ferdinand F. Gallagher, and
First Lieut. Barrington L. Flanigen.

MEDICAL CORPS.

Maj. William R. Davis to be lieutenant colonel.

TEMPORARY PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Hugh D. Wise to be colonel.
Maj. Hugh D. Wise to be lieutenant colonel.
Maj. Alfred W. Bjornstad to be lieutenant colonel.

To be majors.

Capt. Edwin J. Nowlen,
Capt. Sylvester C. Loring,
Capt. Jacob Schick,
Capt. Roy W. Ashbrook, and
Capt. Sam P. Herren.

CAVALRY ARM.

To be colonels.

Lieut. Col. James N. Munro,
Lieut. Col. William S. Valentine,
Lieut. Col. Henry C. Smither,
Lieut. Col. Roy B. Harper, and
Lieut. Col. Thomas A. Roberts.

To be lieutenant colonels.

Maj. Leonard L. Deitrick, and
Maj. Richard B. Going.

To be majors.

Capt. Chauncey StC. McNeill,
Capt. Frank K. Ross,
Capt. Herman Kobbe,
Capt. John A. Warden,
Capt. John B. Johnson,
Capt. Harold L. Gardiner, and
Capt. Claude DeB. Hunt.

To be captains.

First Lieut. Charles C. Smith,
First Lieut. Harrison Herman,
First Lieut. William W. Dempsey,
First Lieut. Robert R. D. McCullough,
First Lieut. Chapman Grant,
First Lieut. Duncan G. Richart,
First Lieut. Daniel A. Connor,
First Lieut. Harley C. Dagley,
First Lieut. Charles L. Clifford,
First Lieut. Gaston L. Holmes,
First Lieut. George W. Wersebe,
First Lieut. Milton R. Fisher,
First Lieut. John S. Jadwin,
First Lieut. Arthur P. Thayer,
First Lieut. Edward R. Scheitlin,
First Lieut. Edwin A. Martin,
First Lieut. Jay D. B. Luttin,
First Lieut. Frank G. Ringland,
First Lieut. John B. Harper,
First Lieut. Winchell I. Rasor,
First Lieut. Oliver L. Holman,
First Lieut. John J. Bohn,
First Lieut. Harry B. Flounders,
First Lieut. John C. Garrett,

First Lieut. Grover R. Carl,
First Lieut. Hugh D. Blanchard,
First Lieut. James G. Monihan,
First Lieut. Anthony J. Kirst,
First Lieut. William G. Simmons,
First Lieut. Rexford E. Willoughby,
First Lieut. John D. Austin,
First Lieut. John P. Kaye,
First Lieut. Cleo D. Mayhugh,
First Lieut. James W. Barnett,
First Lieut. John C. Mullenix,
First Lieut. Ross McCoy,
First Lieut. Howard C. Tobin,
First Lieut. John A. Weeks,
First Lieut. Walter E. Buchly,
First Lieut. Harold C. Mandell,
First Lieut. Lester A. Sprinkle,
First Lieut. Robert W. Grow,
First Lieut. Terrill E. Price,
First Lieut. William H. Kasten,
First Lieut. Edwin Rolman,
First Lieut. Leon E. Ryder,
First Lieut. Richard L. Creed,
First Lieut. William M. Husson,
First Lieut. Harry L. Putnam,
First Lieut. Roderick R. Allen,
First Lieut. Adolphus W. Roffe,
First Lieut. Ion C. Holm,
First Lieut. Robert C. Candee,
First Lieut. Joseph L. Phillips,
First Lieut. Kenneth McCatty,
First Lieut. Joseph W. Geer,
First Lieut. Edwin D. Morgan, jr.,
First Lieut. Leslie B. C. Jones,
First Lieut. Kramer Thomas,
First Lieut. James R. Finley,
First Lieut. Willard S. Wadelton,
First Lieut. Hale S. Cook,
First Lieut. John M. Jenkins, jr.,
First Lieut. Beverly H. Colner,
First Lieut. Albert D. Chipman,
First Lieut. Arthur H. Truxes,
First Lieut. Gordon J. F. Heron,
First Lieut. Carl C. Krueger,
First Lieut. Hugh M. Gregory,
First Lieut. Oron A. Palmer,
First Lieut. Stanley Bacon,
First Lieut. Samuel V. Constant,
First Lieut. William C. Chase,
First Lieut. Norman E. Fiske,
First Lieut. Donald O. Miller,
First Lieut. Richard D. Gile,
First Lieut. Wilson T. Bals,
First Lieut. Cyrus J. Wilder,
First Lieut. Harold C. Fellows,
First Lieut. John T. Pierce, jr.,
First Lieut. Henry H. Anderson,
First Lieut. George M. Herringshaw,
First Lieut. Thomas F. Limbocker,
First Lieut. Cornelius M. Daly,
First Lieut. Richard B. Trimble,
First Lieut. Arthur S. Harrington,
First Lieut. Frank L. Whittaker,
First Lieut. Philip H. Sherwood,
First Lieut. Robert S. La Motte,
First Lieut. George M. Gillet, jr.,
First Lieut. Arthur E. Pickard,
First Lieut. James F. Dewhurst,
First Lieut. Donald S. Perry,
First Lieut. Thomas S. Poole,
First Lieut. Frederick G. Rosenberg,
First Lieut. Frederick R. Lafferty,
First Lieut. Carl H. Strong,
First Lieut. Robert L. Beall,
First Lieut. Mende Frierson, jr.,
First Lieut. Arthur T. Lacey,
First Lieut. David W. Craig,
First Lieut. Edmund M. Barnum,
First Lieut. Thomas A. Dobyns, jr.,
First Lieut. John T. Minton,
First Lieut. William T. Haldeman,
First Lieut. Edward S. Bassett,
First Lieut. Edward F. Shaffer,
First Lieut. George M. Peabody, jr.,
First Lieut. Athael B. Ellis,
First Lieut. Harrie K. Delbey,
First Lieut. John W. McDonald,
First Lieut. Victor Kerney,
First Lieut. David H. Blakelock,
First Lieut. Rinaldo L. Coe,
First Lieut. Harold J. Duffey,
First Lieut. Jay K. Colwell,
First Lieut. Amory C. Cotchett,
First Lieut. Otis Porter,
First Lieut. Arthur C. D. Anderson,
First Lieut. Emory M. Mace,
First Lieut. Harry H. Dunn,
First Lieut. George L. Morrison,
First Lieut. Renn Lawrence,
First Lieut. Joseph A. Covington,
First Lieut. John L. Rice,
First Lieut. Nelson M. Imboden,
First Lieut. Randolph Dickins,
First Lieut. John N. Steele,
First Lieut. Eugene M. Dwyer,
First Lieut. Wharton G. Ingram,
First Lieut. Edward S. Monie,
First Lieut. Adrian St. John,
First Lieut. Frederick J. Holzbaur,
First Lieut. George H. Carruth,
First Lieut. Robert M. Carswell,
First Lieut. Walter C. Merkel,
First Lieut. Joseph M. Hurt, jr.,
First Lieut. George I. Speer,
First Lieut. Charles B. Duncan,
First Lieut. Ferris M. Augevine,
First Lieut. Julian W. Cunningham,
First Lieut. Sam G. Fuller,
First Lieut. Clinton A. Pierce,
First Lieut. Thomas M. Cockrill,
First Lieut. Delmore S. Wood,
First Lieut. Arthur Vollmer,
First Lieut. Otto B. Trigg,
First Lieut. George W. L. Prettyman,
First Lieut. Thomas M. Turner,
First Lieut. Horace L. Hudson,
First Lieut. Lawrence C. Frizzell,
First Lieut. Jean F. Sabin,
First Lieut. Robert F. White,
First Lieut. Henry D. Jay,
First Lieut. Ray L. Burnell,
First Lieut. Arthur W. Hartman,
First Lieut. John W. Berry,
First Lieut. Joseph N. Marx,
First Lieut. George Sawtelle,
First Lieut. Ray Harrison,
First Lieut. William F. Daugherty,
First Lieut. John T. Cole,
First Lieut. Stephen H. Sherrill,
First Lieut. Charles H. Gerhardt,
First Lieut. Walter H. Schulze,
First Lieut. Herbert C. Holdridge,
First Lieut. Albert C. Smith,
First Lieut. Nicholas W. L'sle,
First Lieut. Percy G. Black,
First Lieut. Albert C. Stanford,
First Lieut. Laurence B. Meacham,
First Lieut. Louis Le R. Martin,
First Lieut. William K. Harrison, jr.,
First Lieut. Josiah F. Morford,
First Lieut. Ernest N. Harmon,
First Lieut. Joseph S. Tate,
First Lieut. Arthur M. Harper,
First Lieut. John W. Confer, jr.,
First Lieut. Herbert N. Schwarzkopf,
First Lieut. Robert N. Kunz,
First Lieut. Charles S. Kilbourn,
First Lieut. Charles R. Johnson, jr.,
First Lieut. Bertrand Morrow,
First Lieut. Coalter B. Compton,
First Lieut. Folsome R. Parker,
First Lieut. Guy H. Dosher,
First Lieut. Cecil R. Neal,
First Lieut. Myer S. Silven,
First Lieut. William H. Symington,
First Lieut. Philip B. Fryer,
First Lieut. Donald C. Hawley,
First Lieut. Vernon L. Padgett,
First Lieut. Jay W. MacKelvie,
First Lieut. Francis T. Bonsteel,

First Lieut. William E. Barott,
First Lieut. Wallace F. Hamilton,
First Lieut. Frank Nelson,
First Lieut. William E. McMinn,
First Lieut. Edmund M. Crump,
First Lieut. Herman F. Rathjen,
First Lieut. Daniel J. Keane,
First Lieut. Milo J. Warner,
First Lieut. Le Roy Davis,
First Lieut. Anthony J. Tittinger,
First Lieut. Max D. Holmes,
First Lieut. Charles A. Ellis,
First Lieut. Dennis L. Sears,
First Lieut. Bankston E. Mattox, jr.,
First Lieut. Frank H. Barnhart,
First Lieut. John A. Moschner,
First Lieut. George E. Harrison,
First Lieut. Wesley J. White,
First Lieut. Alton W. Howard,
First Lieut. Nolan Ferguson,
First Lieut. Richard W. Carter,
First Lieut. Kenneth Rowntree,
First Lieut. George A. King,
First Lieut. James B. Lockwood,
First Lieut. Lionel L. Meyer,
First Lieut. Frederick H. L. Ryder,
First Lieut. John W. Weeks,
First Lieut. Theodore B. Apgar,
First Lieut. Jefferson B. Osborn,
First Lieut. Mortimer H. Christian,
First Lieut. Marcus R. Monsarratt,
First Lieut. Fabius B. Shipp,
First Lieut. James J. Cecil,
First Lieut. George A. Moore,
First Lieut. James M. Shelton,
First Lieut. Albert R. Kuschke,
First Lieut. George W. Gay,
First Lieut. Forsyth Bacon,
First Lieut. Ralph L. Joyner,
First Lieut. Roscoe S. Parker,
First Lieut. Heywood S. Dodd,
First Lieut. Kent C. Lambert,
First Lieut. George E. Huthsteiner,
First Lieut. Richard B. Lloyd,
First Lieut. Maurice Morgan,
First Lieut. Gilbert E. Bixby,
First Lieut. Eugene Burnet,
First Lieut. Charles F. Houghton,
First Lieut. Harry A. Buckley,
First Lieut. James E. Slack,
First Lieut. Culver S. Mitcham,
First Lieut. William O. Johnson,
First Lieut. Harold B. Gibson,
First Lieut. John D. Hood,
First Lieut. Charles S. Lawrence,
First Lieut. Melvin S. Williamson,
First Lieut. Evarts W. Opie,
First Lieut. Frank P. Stretton,
First Lieut. Paul Hurlburt,
First Lieut. Aaron Y. Hardy,
First Lieut. Earl B. Wilson,
First Lieut. Edmund J. Engel,
First Lieut. John E. Grant,
First Lieut. Jack M. Reardon,
First Lieut. Lewis Mesherry,
First Lieut. Lewis A. Weiss,
First Lieut. Francis E. Cheney,
First Lieut. Robert P. Mortimer,
First Lieut. Lee T. Victor,
First Lieut. Henry C. Caron,
First Lieut. William W. Powell,
First Lieut. Robert F. Merkel,
First Lieut. Carroll A. Powell,
First Lieut. Frank C. De Langton,
First Lieut. Ivan N. Waldron,
First Lieut. Carter R. McLennan,
First Lieut. Frederick Gearing,
First Lieut. Geoffrey Galwey,
First Lieut. Louis G. Gibney,
First Lieut. William D. Adkins,
First Lieut. John B. Hartman,
First Lieut. Harry C. Jones,
First Lieut. James E. Simpson,
First Lieut. Charles J. Booth,
First Lieut. William T. Hamilton,
First Lieut. Richard C. Boyan,
First Lieut. Edward K. Jones,
First Lieut. Harry P. Shaw,
First Lieut. Frederick F. Duggan,
First Lieut. Harry H. Baird,
First Lieut. Francis H. Waters,
First Lieut. William T. Bauskett, jr.,
First Lieut. Carlisle B. Cox,
First Lieut. Walter L. Bishop,
First Lieut. Donald R. McComas,
First Lieut. Liburn B. Chambers,
First Lieut. John W. Burke,
First Lieut. Charles W. Jacobson,
First Lieut. Edgar R. Garlick,
First Lieut. Henry P. Ames,
First Lieut. Richard F. Leahy,
First Lieut. Howard C. Okie,
First Lieut. William L. Gibson,
First Lieut. James L. Franciscus,
First Lieut. Eddie J. Lee,
First Lieut. Elmer P. Gosnell,
First Lieut. Raymond D. Adolph,
First Lieut. Donald A. Stroh,
First Lieut. Russell T. George,
First Lieut. Thomas C. McCormick,
First Lieut. Erskine A. Franklin,
First Lieut. Wallace H. Gillett,
First Lieut. Robert D. Thompson, jr.,
First Lieut. John E. Maher,
First Lieut. John E. Selby,
First Lieut. Arthur L. Marek,
First Lieut. Herbert E. Watkins,
First Lieut. Raymond L. Newton,
First Lieut. William R. Irvin,
First Lieut. Alfred L. Baylies,
First Lieut. Lathan H. Collins,
First Lieut. Ralph B. Skinner,
First Lieut. Candler A. Wilkinson,
First Lieut. Milton A. Lowenberg,
First Lieut. John A. Hettinger,
First Lieut. George A. Goodyear,
First Lieut. Paul H. Morris,
First Lieut. Francis E. S. Turner,
First Lieut. Guy D. Thompson,
First Lieut. George A. Parsons,
First Lieut. David W. Barton,
First Lieut. Martin R. Rice,
First Lieut. Philip C. Clayton,
First Lieut. Hans E. Kloepfer,
First Lieut. Edward A. Everett, jr.,
First Lieut. Herbert A. Myers,
First Lieut. Norman N. Rogers,
First Lieut. Temple E. Ridgely, and
First Lieut. Harry W. Maas.

FIELD ARTILLERY ARM.

To be captains.

First Lieut. Erwin C. W. Davis,
First Lieut. Emile G. De Coen,
First Lieut. Arthur N. White,
First Lieut. Patrick L. Lynch,
First Lieut. Ivan N. Bradley,
First Lieut. John J. McCollister,
First Lieut. Frank A. Roberts,
First Lieut. William D. Alexander,
First Lieut. Herbert L. Lee,
First Lieut. Richard J. Marshall,
First Lieut. Ralph T. Heard,
First Lieut. Harcourt Hervey,
First Lieut. Francis W. Sheppard,
First Lieut. Robert W. Daniels,
First Lieut. John S. Winslow,
First Lieut. George N. Ruhberg,
First Lieut. Armand Durant,
First Lieut. Thomas T. Handy,
First Lieut. Frank B. Tipton, jr.,
First Lieut. Stanley F. Bryan,
First Lieut. Oliver L. Haines,
First Lieut. Oscar I. Gates,
First Lieut. Gerald E. Brower,
First Lieut. William J. Jones,
First Lieut. Yarrow D. Velsey,
First Lieut. William B. Dunwoody,
First Lieut. Charles B. Thomas,
First Lieut. Oliver J. Bond, jr.,

First Lieut. Robert H. Ennis,
First Lieut. Benjamin E. Carter,
First Lieut. Henry B. Parker,
First Lieut. Francis Fielding-Reid,
First Lieut. Harold R. Ristine,
First Lieut. Edmund B. Edwards,
First Lieut. Oscar L. Gruhn,
First Lieut. Theodore W. Wrenn,
First Lieut. Harold W. Rehm,
First Lieut. John B. Pituey,
First Lieut. Clifford H. Tate,
First Lieut. Ottomar O'Donnell,
First Lieut. Oliver P. Echols,
First Lieut. Clement Ripley,
First Lieut. Edward M. Smith,
First Lieut. John O. Hoskins,
First Lieut. William Clarke,
First Lieut. Albert R. Ives,
First Lieut. Arthur Brigham, jr.,
First Lieut. William M. Jackson,
First Lieut. Joseph A. Sheridan,
First Lieut. Hugh C. Minton,
First Lieut. Charles W. Gallaher,
First Lieut. Laurence V. Houston,
First Lieut. Stacy Knopf,
First Lieut. James M. Garrett,
First Lieut. David M. Pope,
First Lieut. Eugene H. Willenbucher,
First Lieut. Louis C. Arthur, jr.,
First Lieut. John F. Hubbard,
First Lieut. Franklin M. Davison,
First Lieut. William E. Shepherd, jr.,
First Lieut. Robert M. Bathurst,
First Lieut. William H. Saunders,
First Lieut. Charles E. Hurdis,
First Lieut. Henry J. Schroeder,
First Lieut. James K. Tully,
First Lieut. John M Devine,
First Lieut. Harold A. Nisely,
First Lieut. James L. Guion,
First Lieut. George D. Wahl,
First Lieut. Basil H. Perry,
First Lieut. Ray H. Lewis,
First Lieut. Solomon F. Clark,
First Lieut. Augustus M. Gurney,
First Lieut. Oliver B. Cardwell,
First Lieut. William O. Butler,
First Lieut. Rex W. Beasley,
First Lieut. Frank Langham,
First Lieut. William F. Maher,
First Lieut. Walter F. Wright,
First Lieut. Sidney F. Dunn,
First Lieut. Louis W. Hasslock,
First Lieut. Breckinridge A. Day,
First Lieut. Paul C. Harper,
First Lieut. Joseph Kennedy,
First Lieut. George D. Shea,
First Lieut. John V. D. Hume,
First Lieut. Woodrow W. Woodbridge,
First Lieut. Gervas S. Taylor,
First Lieut. John G. Pennypacker,
First Lieut. Richard H. Schubert,
First Lieut. Edward F. Marx,
First Lieut. Wilbur C. Carlan,
First Lieut. George R. Rede
First Lieut. Gilbert P. Kearns,
First Lieut. Van Rensselaer Vestal,
First Lieut. John H. Carriker,
First Lieut. Peter P. Michalek,
First Lieut. William G. Gough,
First Lieut. Joseph A. Mulherrin,
First Lieut. Azel W. McNeal,
First Lieut. William B. Wright, jr.,
First Lieut. Victor H. Bridgman, jr.,
First Lieut. Wendell L. Bevan,
First Lieut. Henry J. Macpeake,
First Lieut. Frank W. Lykes,
First Lieut. Richard T. Guthrie,
First Lieut. Ittai A. Luke,
First Lieut. Roger Griswold,
First Lieut. Henry Lockwood, jr.,
First Lieut. Alan L. Campbell,
First Lieut. Oscar B. Ralls, jr.,
First Lieut. John R. Larkin,
First Lieut. Douglas R. Coleman,
First Lieut. George P. Winton,
First Lieut. George J. Downing,
First Lieut. Wallace W. Crawford,
First Lieut. Christiancy Pickett,
First Lieut. Rush H. Rogers,
First Lieut. John C. Adams,
First Lieut. Arthur C. Waters,
First Lieut. Ernest T. Barco,
First Lieut. Lester A. Daugherty,
First Lieut. Walter G. Witt,
First. Lieut. Joseph E. Takken,
First Lieut. Raymond J. Watrous,
First Lieut. Jerome J. Waters, jr., and
First Lieut. Thomas G. Hanson, jr.

COAST ARTILLERY CORPS.

To be majors.

Capt. Richard H. Williams,
Capt. Alfred M. Mason,
Capt. Kenneth C. Masteller,
Capt. Joseph Matson,
Capt. Francis H. Lincoln,
Capt. William H. Wilson,
Capt. Edward D. Powers,
Capt. Charles E. N. Howard,
Capt. Claudius M. Seaman,
Capt. Hugh J. B. McElgin,
Capt. Arthur L. Fuller,
Capt. Henry R. Casey,
Capt. David Y. Beckham,
Capt. Richard C. Marshall, jr.,
Capt. John O. Steger,
Capt. Rex Van Den Corput,
Capt. James A. Thomas,
Capt. James D. Watson,
Capt. Frank T. Hines,
Capt. James Totten,
Capt. Wesley W. K. Hamilton,
Capt. Benjamin H. Kerfoot,
Capt. Edward Canfield, jr.,
Capt. Arthur H. Bryant,
Capt. Edward M. Shinkle,
Capt. William R. Bettison,
Capt. Gordon Robinson,
Capt. Claude E. Brigham,
Capt. James Prentice,
Capt. Howard S. Miller,
Capt. William H. Menges,
Capt. Francis J. Behr,
Capt. John R. Musgrave,
Capt. Albert L. Rhoades,
Capt. William E. Murray,
Capt. Graham Parker,
Capt. Norris Stayton,
Capt. Richard Furnival,
Capt. Ralph D. Herring,
Capt. William E. De Sombre,
Capt. Glen F. Jenks,
Capt. Clarence B. Ross,
Capt. Richard H. Jordan,
Capt. James B. Taylor,
Capt. Brainerd Taylor,
Capt. Frank Geere,
Capt. Charles E. Wheatley,
Capt. Adam F. Casad,
Capt. John E. Munroe,
Capt. Walter K. Wilson,
Capt. Offnere Hope,
Capt. John O'Neil,
Capt. Owen G. Collins,
Capt. Frederic H. Smith,
Capt. Charles H. Patterson,
Capt. Lewis Turtle,
Capt. Clifford Jones,
Capt. Louis C. Brinton, jr.,
Capt. Paul D. Bunker,
Capt. Louis R. Dice,
Capt. William M. Colvin,
Capt. Henry W. Bunn,
Capt. Harry L. Morse,
Capt. Mark L. Ireland,
Capt. Charles R. Alley,
Capt. Lucian B. Moody,
Capt. Fulton Q. C. Gardner,
Capt. John W. McKie,

Capt. James B. Dillard,
Capt. Carr Waller,
Capt. David McC. McKell,
Capt. Matthew A. Cross,
Capt. Henning F. Colley,
Capt. Albert H. Barkley,
Capt. Walter Singles,
Capt. Follo F. Anderson,
Capt. Edward E. Farnsworth,
Capt. William T. Carpenter,
Capt. Frank H. Phipps,
Capt. Thomas Duncan,
Capt. Thomas M. Spaulding,
Capt. Benjamin H. L. Williams,
Capt. Halsey Dunwoody,
Capt. Le Roy Bartlett,
Capt. Robert C. Eddy,
Capt. Julius C. Peterson,
Capt. James F. Walker,
Capt. Ellery W. Niles,
Capt. Adelno Gibson,
Capt. John L. Holcombe,
Capt. James S. Dusenbury,
Capt. Lloyd B. Magruder,
Capt. Sidney H. Guthrie,
Capt. Nathan Horowitz,
Capt. Lloyd P. Horsfall,
Capt. Charles G. Mettler,
Capt. Charles B. Gatewood,
Capt. Joseph H. Pelot,
Capt. Morgan L. Brett,
Capt. Forrest E. Williford,
Capt. Earl McFarland,
Capt. Joseph A. Green,
Capt. Alexander G. Pendleton, and
Capt. John C. Henderson.

To be captains.

First Lieut. Martin J. O'Brien,
First Lieut. Joseph C. Haw,
First Lieut. Iverson B. Summers, jr.,
First Lieut. Clifford R. Jones,
First Lieut. John B. Wogan,
First Lieut. Clesen H. Tenney,
First Lieut. Frank E. Emery, jr.,
First Lieut. Edward C. Wallington,
First Lieut. Carl E. Hocker,
First Lieut. Richmond T. Gibson,
First Lieut. Edward B. Hyde, jr.,
First Lieut. Herbert R. Corbin,
First Lieut. Charles H. Chapin,
First Lieut. William P. Cherrington,
First Lieut. Charles R. Finley,
First Lieut. Albert W. Draves,
First Lieut. Benjamin S. Beverley,
First Lieut. Carl L. Marriott,
First Lieut. Hugh A. Ramsey,
First Lieut. Willis McD. Chapin,
First Lieut. Carl S. Doney,
First Lieut. James de B. Walbach,
First Lieut. Richard M. Levy,
First Lieut. Ellicott H. Freeland,
First Lieut. James C. Ruddell,
First Lieut. Joseph J. O'Hare,
First Lieut. William G. Patterson,
First Lieut. Frank C. Scofield,
First Lieut. Ferdinand F. Gallagher,
First Lieut. Barrington L. Flanigen,
First Lieut. Frederick W. Smith,
First Lieut. Robert S. Barr,
First Lieut. Charles J. Herzer,
First Lieut. William M. Cravens,
First Lieut. John B. Martin,
First Lieut. Edwin C. Mead,
First Lieut. William T. Roberts,
First Lieut. Carl J. Smith,
First Lieut. Dugald Mac A. Barr,
First Lieut. James D. Mac Mullen,
First Lieut. Charles W. Bundy,
First Lieut. Charles D. Y. Ostrom,
First Lieut. Donald M. Cole,
First Lieut. James C. Hutson,
First Lieut. Francis A. Hause,
First Lieut. Edward E. MacMorland,
First Lieut. Henry B. Holmes, jr.,
First Lieut. Arvid M. Pendleton,
First Lieut. Leslie V. Jefferis,
First Lieut. Stuart A. Hamilton,
First Lieut. Howard F. Gill,
First Lieut. Gerald R. Butz,
First Lieut. Joseph W. Barker,
First Lieut. Shuey E. Wolfe,
First Lieut. Frank J. Atwood,
First Lieut. Carl C. Terry,
First Lieut. Fred G. French,
First Lieut. Edward A. Murphy,
First Lieut. Jep C. Hardigg,
First Lieut. Dale D. Hinman,
First Lieut. George D. Davidson,
First Lieut. Robert E. Turley, jr.,
First Lieut. Richard B. Webb,
First Lieut. Moses Goodman,
First Lieut. Kenneth S. Purdie,
First Lieut. Jules E. Piccard,
First Lieut. Robert E. Phillips,
First Lieut. William R. Stewart,
First Lieut. Edgar Nash, jr.,
First Lieut. Vincent B. Dixon,
First Lieut. Wilmer S. Phillips,
First Lieut. Otis A. Wallace,
First Lieut. Edgar H. Underwood,
First Lieut. Howard S. Thomas,
First Lieut. Paul H. French,
First Lieut. Horace L. Whittaker,
First Lieut. Gordon de L. Carrington,
First Lieut. James Q. Rood,
First Lieut. James L. Hatcher,
First Lieut. Ira B. Hill,
First Lieut. Berthold Vogel,
First Lieut. Odes T. Pogue,
First Lieut. William Chason,
First Lieut. Evan C. Seaman,
First Lieut. Clarence E. Cotter,
First Lieut. Gordon B. Welch,
First Lieut. James M. Evans,
First Lieut. Cedric F. Maguire,
First Lieut. Edward E. Murphy,
First Lieut. Marshall M. Williams, jr.,
First Lieut. Henry R. Behrens,
First Lieut. Edward C. Seeds,
First Lieut. Edison A. Lynn,
First Lieut. Milton P. Morrill,
First Lieut. Guy H. Drewry,
First Lieut. Raphael S. Chavin,
First Lieut. John L. Scott,
First Lieut. Alva F. Englehart,
First Lieut. Harold R. Jackson,
First Lieut. Morris K. Barroll, jr.,
First Lieut. Walter W. Warner,
First Lieut. Walter F. Vander Hyden,
First Lieut. Ira A. Crump,
First Lieut. Elbert L. Ford, jr.,
First Lieut. Samuel H. Bradbury, jr.,
First Lieut. James L. Hayden,
First Lieut. Scott B. Ritchie,
First Lieut. George S. Beurket,
First Lieut. Burnett R. Olmsted,
First Lieut. Joel G. Holmes,
First Lieut. James A. Code, jr.,
First Lieut. William Sackville,
First Lieut. Leroy H. Lohmann,
First Lieut. Christian G. Foltz,
First Lieut. Aaron Bradshaw, jr.,
First Lieut. William W. Cowgill,
First Lieut. Harry R. Pierce,
First Lieut. Lawrence C. Mitchell,
First Lieut. Alexander H. Campbell,
First Lieut. Marvil G. Armstrong,
First Lieut. John R. Nygnard,
First Lieut. James L. Keane,
First Lieut. John A. Messerschmidt,
First Lieut. Benjamin Bowering,
First Lieut. Henry F. Grimm, jr.,
First Lieut. Henry Linsert,
First Lieut. Donald L. Dutton,
First Lieut. Leland A. Miller,
First Lieut. Arthur N. Harrigan,
First Lieut. Percy C. Hamilton,
First Lieut. Robert A. Laird,

First Lieut. Porter P. Lowry,
First Lieut. Joseph W. Hazell,
First Lieut. John B. Day,
First Lieut. Nelson Dingley, 3d,
First Lieut. Carl R. Adams,
First Lieut. Edward C. Lohr,
First Lieut. Byron T. Ipock,
First Lieut. George W. Hovey,
First Lieut. Ernest L. Bigham,
First Lieut. Raymond H. Schutte,
First Lieut. Carl R. Crosby,
First Lieut. Charles T. Halbert,
First Lieut. Claude G. Benham,
First Lieut. Roy D. Burdick,
First Lieut. Franklin A. Green,
First Lieut. Harrie J. Rechtsteiner,
First Lieut. Willard W. Irvine,
First Lieut. William D. Evans,
First Lieut. Clarence N. Winston,
First Lieut. Albert M. Jackson,
First Lieut. Lyle B. Chapman,
First Lieut. Joseph P. Kohn,
First Lieut. Robert J. Van Buskirk,
First Lieut. Frederick L. Topping,
First Lieut. Thomas R. Phillips,
First Lieut. Charles S. Erswell, jr.,
First Lieut. Lewis Merriam, jr.,
First Lieut. Fenton G. Epling,
First Lieut. Ross G. Hoyt,
First Lieut. William Mayer,
First Lieut. Hubert A. McMorrow,
First Lieut. Douglas G. Clark,
First Lieut. Vernon G. Cox,
First Lieut. Ralph G. Lockett,
First Lieut. John H. La Fitte,
First Lieut. Leon C. Dennis,
First Lieut. Clarence L. Stevens,
First Lieut. Caruthers A. Coleman, and
First Lieut. William F. Lafrenz.

WITHDRAWALS.

Executive nominations withdrawn from the Senate February 13, 1918.

CAVALRY ARM.

To be captains.

First Lieut. Ion C. Holm, Cavalry, from October 12, 1917, vice Capt. John A. Pearson, placed on the detached officers' list.

First Lieut. Robert C. Candee, Cavalry, from October 12, 1917, vice Capt. Olan C. Aleshire, placed on the detached officers' list.

First Lieut. Joseph L. Philips, Cavalry, from October 12, 1917, vice Capt. Kinzie B. Edmunds, placed on the detached officers' list.

First Lieut. Kenneth McCatty, Cavalry, from October 23, 1917, vice Capt. Stewart O. Elting, detailed in the Quartermaster Corps.

First Lieut. Joseph W. Geer, Cavalry, from October 23, 1917, vice Capt. Ben Lear, jr., detailed in the General Staff.

First Lieut. Edwin D. Morgan, jr., Cavalry, subject to examination required by law, from October 23, 1917, vice Capt. Morton C. Mumma, detailed in the General Staff.

First Lieut. Leslie B. C. Jones, Cavalry, subject to examination required by law, from October 25, 1917, vice Capt. William H. Cowles, detailed in the Inspector General's Department.

First Lieut. Kramer Thomas, Cavalry, from October 31, 1917, vice Capt. John Kennard, detailed in the Quartermaster Corps.

First Lieut. James R. Finley, Cavalry, from November 5, 1917, vice Capt. Orlando C. Troxel, died November 4, 1917.

First Lieut. Willard S. Wadelton, Cavalry, from November 5, 1917, vice Capt. Joseph M. Tully, placed on the detached officers' list.

First Lieut. Hale S. Cook, Cavalry, from November 5, 1917, vice Capt. John A. Berry, placed on the detached officers' list.

First Lieut. John M. Jenkins, jr., Cavalry, from November 5, 1917, vice Capt. Verne R. Bell, placed on the detached officers' list.

First Lieut. Beverly H. Coiner, Cavalry, from November 5, 1917, vice Capt. Mack Garr, placed on the detached officers' list.

First Lieut. Albert D. Chipman, Cavalry, from November 5, 1917, vice Capt. William C. Christy, detailed in the Quartermaster Corps.

First Lieut. Arthur H. Truxes, Cavalry, from November 5, 1917, vice Capt. Henry D. F. Munnikhuysen, detailed in the Quartermaster Corps.

First Lieut. Gordon J. F. Heron, Cavalry, from November 5, 1917, vice Capt. Leon M. Logan, detailed in the Quartermaster Corps.

First Lieut. Carl C. Krueger, Cavalry, subject to examination required by law, from November 5, 1917, vice Capt. James S. Mooney, detailed in the Quartermaster Corps.

First Lieut. Hugh M. Gregory, Cavalry, from November 5, 1917, vice Capt. Lindsley D. Beach, detailed in the Quartermaster Corps.

First Lieut. Oron A. Palmer, Cavalry, from November 6, 1917, vice Capt. Pearson Menoher, placed on the detached officers' list.

First Lieut. Stanley Bacon, Cavalry, from December 11, 1917, vice Capt. George B. Comly, detailed in The Adjutant General's Department.

First Lieut. Samuel V. Constant, Cavalry, subject to examination required by law, from December 19, 1917, vice Capt. Abbott Boone, detailed in the Signal Corps.

First Lieut. William C. Chase, Cavalry, from December 22, 1917, vice Capt. George A. Purington, detailed in Ammunition Train.

First Lieut. Norman E. Fiske, Cavalry, from December 29, 1917, vice Capt. John C. Montgomery, detailed in Ammunition Train.

First Lieut. Donald O. Miller, Cavalry, from December 29, 1917, vice Capt. Ralph I. Sasse, detailed in Ammunition Train.

To be first lieutenants.

Second Lieut. Vance W. Batchelor, Cavalry, with rank from October 12, 1917, vice First Lieut. Ion C. Holm, promoted.

Second Lieut. Truman E. Boudinot, Cavalry, with rank from October 12, 1917, vice First Lieut. Robert C. Candee, promoted.

Second Lieut. James R. Wood, Cavalry, with rank from October 12, 1917, vice First Lieut. Harrison Herman, placed on the detached officers' list.

Second Lieut. William J. Gallagher, Cavalry, with rank from October 12, 1917, vice First Lieut. Chapman Grant, placed on the detached officers' list.

Second Lieut. Charles Rudd, Cavalry, with rank from October 12, 1917, vice First Lieut. Daniel A. Conner, placed on the detached officers' list.

Second Lieut. James G. Strobridge, Cavalry, with rank from October 12, 1917, vice First Lieut. Harley C. Dagley, placed on the detached officers' list.

Second Lieut. Stephen Boon, jr., Cavalry, with rank from October 12, 1917, vice First Lieut. George W. Wersebe, placed on the detached officers' list.

Second Lieut. Harold G. Holt, Cavalry, with rank from October 12, 1917, vice First Lieut. Milton R. Fisher, placed on the detached officers' list.

Second Lieut. Walter Gunther, Cavalry, with rank from October 12, 1917, vice First Lieut. John S. Jadwin, placed on the detached officers' list.

Second Lieut. Roy V. Morledge, Cavalry, with rank from October 12, 1917, vice First Lieut. Arthur P. Thayer, placed on the detached officers' list.

Second Lieut. John W. Noble, Cavalry, with rank from October 12, 1917, vice First Lieut. Edward R. Scheitlin, placed on the detached officers' list.

Second Lieut. Herman R. Crile, Cavalry, with rank from October 12, 1917, vice First Lieut. Edwin A. Martin, placed on the detached officers' list.

Second Lieut. Joseph E. Torrence, Cavalry, with rank from October 12, 1917, vice First Lieut. John B. Harper, placed on the detached officers' list.

Second Lieut. Charles G. Hutchinson, Cavalry, with rank from October 12, 1917, vice First Lieut. James G. Monihan, placed on the detached officers' list

Second Lieut. Chester P. Dorland, Cavalry (Signal Corps), with rank from October 12, 1917, vice First Lieut. Anthony J. Kirst, placed on the detached officers' list.

Second Lieut. Ernest D. McQueen, Cavalry, with rank from October 12, 1917, vice First Lieut. Rexford E. Willoughby, placed on the detached officers' list.

Second Lieut. Archie E. Groff, Cavalry, with rank from October 12, 1917, vice First Lieut. John D. Austin, placed on the detached officers' list.

Second Lieut. George D. Wiltshire, Cavalry, with rank from October 12, 1917, vice First Lieut. John P. Kaye, placed on the detached officers' list.

Second Lieut. Alfonso F. Zerbee, Cavalry, with rank from October 12, 1917, vice First Lieut. James W. Barnett, placed on the detached officers' list.

Second Lieut. Jackson B. Wood, Cavalry, with rank from October 12, 1917, vice First Lieut. Howard C. Tobin, placed on the detached officers' list.

Second Lieut. Arthur J. Wehr, Cavalry, with rank from October 12, 1917, vice First Lieut. John A. Weeks, placed on the detached officers' list.

Second Lieut. Robert C. Scott, Cavalry, with rank from October 12, 1917, vice First Lieut. Lester A. Sprinkle, placed on the detached officers' list.

Second Lieut. Ernest F. Apeldorn, jr., Cavalry, with rank from October 12, 1917, vice First Lieut. Terrill E. Price, placed on the detached officers' list.

Second Lieut. John R. Evans, jr., Cavalry, with rank from October 12, 1917, vice First Lieut. Arthur C. D. Anderson, placed on the detached officers' list.

Second Lieut. De Lancey Bentley, Cavalry, with rank from October 24, 1917, vice First Lieut. Nelson M. Imboden, placed on the detached officers' list.

Second Lieut. William P. Rauch, Cavalry, with rank from October 24, 1917, vice First Lieut. Randolph Dickins, placed on the detached officers' list.

Second Lieut. John A. Garvin, Cavalry, with rank from October 24, 1917, vice First Lieut. Wharton G. Ingram, placed on the detached officers' list.

Second Lieut. Daniel D. Streeter, Cavalry, with rank from October 24, 1917, vice First Lieut. Edward T. Moale, placed on the detached officers' list.

Second Lieut. Randolph Russell, Cavalry, with rank from October 24, 1917, vice First Lieut. Frederick J. Holzbaur, placed on the detached officers' list.

Second Lieut. Brock Putnam, Cavalry, with rank from October 24, 1917, vice First Lieut. Joseph M. Hurt, jr., placed on the detached officers' list.

Second Lieut. Ieland L. Miller, Cavalry, with rank from October 24, 1917, vice First Lieut. Charles B. Duncan, placed on the detached officers' list.

Second Lieut. Edwin M. Sumner, Cavalry, with rank from October 24, 1917, vice First Lieut. Ferris M. Angevine, placed on the detached officers' list.

Second Lieut. William J. McChesney, jr., Cavalry, with rank from October 24, 1917, vice First Lieut. Sam G. Fuller, placed on the detached officers' list.

Second Lieut. Joseph Sheehan, Cavalry, with rank from October 24, 1917, vice First Lieut. Delmore S. Wood, placed on the detached officers' list.

Second Lieut. James M. Currin, Cavalry, with rank from October 24, 1917, vice First Lieut. Laurence C. Frizzell, placed on the detached officers' list.

Second Lieut. Thomas H. Green, Cavalry, with rank from October 24, 1917, vice First Lieut. Henry D. Jay, placed on the detached officers' list.

Second Lieut. William H. C. Grimes, Cavalry, with rank from October 24, 1917, vice First Lieut. George Sawtelle, placed on the detached officers' list.

Second Lieut. Russell C. Winchester, Cavalry, with rank from October 24, 1917, vice First Lieut. Ray Harrison, placed on the detached officers' list.

Second Lieut. James S. Rodwell, Cavalry, with rank from October 24, 1917, vice First Lieut. Charles H. Gerhardt, placed on the detached officers' list.

Second Lieut. Charles F. Choate, 3d, Cavalry, with rank from October 24, 1917, vice First Lieut. Walter H. Schulze, placed on the detached officers' list.

Second Lieut. Charles D. Ryan, Cavalry, with rank from October 24, 1917, vice First Lieut. Herbert C. Holdridge, placed on the detached officers' list.

Second Lieut. Nathaniel Holmes, Cavalry, with rank from October 24, 1917, vice First Lieut. Nicholas W. Lisle, placed on the detached officers' list.

Second Lieut. Kirk Broaddus, Cavalry, with rank from October 24, 1917, vice First Lieut. William K. Harrison, jr., placed on the detached officers' list.

Second Lieut. Paul Blackmer, Cavalry, with rank from October 24, 1917, vice First Lieut. Josiah F. Morford, placed on the detached officers' list.

Second Lieut. Herbert A. Suman, Cavalry, with rank from October 24, 1917, vice First Lieut. Ernest N. Harmon, placed on the detached officers' list.

Second Lieut. Harold de B. Bruck, Cavalry, with rank from October 24, 1917, vice First Lieut. Herbert N. Schwarzkopf, placed on the detached officers' list.

Second Lieut. Donald A. Young, Cavalry, with rank from October 24, 1917, vice First Lieut. Robert N. Kunz, placed on the detached officers' list.

Second Lieut. Hans C. Minuth, Cavalry, with rank from October 24, 1917, vice First Lieut. Charles S. Kilburn, placed on the detached officers' list.

Second Lieut. Edwin C. Gere, Cavalry, with rank from October 24, 1917, vice First Lieut. Charles R. Johnson, jr., placed on the detached officers' list.

Second Lieut. John M. Sweeney, jr., Cavalry, with rank from October 24, 1917, vice First Lieut. Mortimer H. Christian, placed on the detached officers' list.

Second Lieut. George G. Ball, Cavalry, with rank from October 24, 1917, vice First Lieut. Heywood S. Dodd, placed on the detached officers' list.

Second Lieut. Samuel C. Skemp, Cavalry, with rank from October 24, 1917, vice First Lieut. Maurice Morgan, placed on the detached officers' list.

Second Lieut. Jacob M. Carter, jr., Cavalry, with rank from October 25, 1917, vice First Lieut. Carter R. McLennan, placed on the detached officers' list.

Second Lieut. Thomas P. Hazard, Cavalry, with rank from October 25, 1917, vice First Lieut. James L. Franciscus, placed on the detached officers' list.

Second Lieut. Francis C. Dossert, Cavalry, with rank from October 25, 1917, vice First Lieut. Erskine A. Franklin, placed on the detached officers' list.

Second Lieut. George W. Ewing, jr., Cavalry, with rank from October 25, 1917, vice First Lieut. Herbert E. Watkins, placed on the detached officers' list.

Second Lieut. Crawford C. Madeira, Cavalry, with rank from October 25, 1917, vice First Lieut. Lathan A. Collins, placed on the detached officers' list.

Second Lieut. Charles P. Davis, Cavalry, with rank from October 25, 1917, vice First Lieut. John A. Hettinger, placed on the detached officers' list.

Second Lieut. Harry R. Kilbourne, Cavalry, with rank from October 25, 1917, vice First Lieut. Lloyd W. Biggs, placed on the detached officers' list

Second Lieut. Elmer E. Finck, Cavalry, with rank from October 25, 1917, vice First Lieut. William D. Savage, placed on the detached officers' list.

Second Lieut. Harry H. Semmes, Cavalry, with rank from October 25, 1917, vice First Lieut. Kenneth McCatty, promoted.

Second Lieut. Clifford A. Eastwood, Cavalry, with rank from October 25, 1917, vice First Lieut. Joseph W. Geer, promoted.

Second Lieut. Guy A. Russell, Cavalry, with rank from October 25, 1917, vice First Lieut. Leslie B. C. Jones, promoted.

Second Lieut. Fenton S. Jacobs, Cavalry, with rank from November 5, 1917, vice First Lieut. Beverly H. Coiner, promoted.

Second Lieut. Catesby ap C. Jones, Cavalry, with rank from November 5, 1917, vice First Lieut. Albert D. Chipman, promoted.

Second Lieut. Charles Wharton, Cavalry, with rank from November 5, 1917, vice First Lieut. Arthur H. Truxes, promoted.

Second Lieut. W. Dirk Van Ingen, Cavalry, with rank from November 5, 1917, vice First Lieut. Carl C. Krueger, promoted.

Second Lieut. Herbert V. Scanlan, Cavalry, with rank from November 5, 1917, vice First Lieut. Hugh M. Gregory, promoted.

Second Lieut. Sigurd von Christierson, Cavalry, with rank from November 5, 1917, vice First Lieut. Frank H. Barnhardt, placed on the detached officers' list.

Second Lieut. Kenneth O. Spinning, Cavalry, with rank from November 10, 1917, vice First Lieut. Louis Cansler, detailed in the Signal Corps.

Second Lieut. Curt E. Hansen, Cavalry, with rank from December 1, 1917, vice First Lieut. Richard N. Mather, dismissed.

Second Lieut. Vincent P. Ryan, Cavalry, with rank from December 2, 1917, vice First Lieut. Horace K. Havlicek, died December 1, 1917.

Second Lieut. Raymond C. Blatt, Cavalry, with rank from December 11, 1917, vice First Lieut. Stanley Bacon, promoted.

Second Lieut. Clinton de Witt, Cavalry, with rank from December 22, 1917, vice First Lieut. William C. Chase, promoted.

Second Lieut. Harold J. Adams, Cavalry, with rank from December 29, 1917, vice First Lieut. Norman E. Fiske, promoted.

Second Lieut. William B. Van Auken, Cavalry, with rank from December 29, 1917, vice First Lieut. Donald O. Miller, promoted.

Second Lieut. Harold Kitson, Cavalry, with rank from January 8, 1918, vice First Lieut. Merl J. Flatt, appointment terminated.

Second Lieut. John Boles, Cavalry, with rank from January 9, 1918, vice First Lieut. Alan B. Edson, appointment terminated.

INFANTRY ARM.

To be major with rank from November 29, 1917.

Capt. Harry H. Pritchett, Infantry, vice Maj. George E. Goodrich, detailed in the Signal Corps.

To be major with rank from November 30, 1917.

Capt. Edward L. Field, Infantry, vice Maj. James W. H. Reisinger, detailed in the Quartermaster Corps.

To be majors with rank from December 1, 1917.

Capt. Earl C. Buck, Infantry, vice Maj. Charles B. Elliott, resigned commission as temporary major.

Capt. Jere Baxter, Infantry, detached officers' list, vice Maj. Edmund C. Waddill, resigned commission as temporary major.

Capt. A. Ellicott Brown, Infantry, vice Maj. Arthur M. Ferguson, detailed in The Adjutant General's Department.

Capt. James M. Lockett, Infantry, vice Maj. Harry Hawley, resigned commission as temporary major.

To be majors with rank from December 4, 1917.

Capt. Eugene Robinson, Infantry, vice Maj. Jacob W. S. Wuest, detailed in the Signal Corps.

Capt. Jesse C. Drain, Infantry, detached officers' list, vice Maj. William W. Bessell, detailed in The Adjutant General's Department.

To be major with rank from December 10, 1917.

Capt. Alexander W. Chilton, Infantry, detached officers' list, vice Maj. Joseph F. Ware, detailed in the Signal Corps.

To be major with rank from December 14, 1917.

Capt. William E. Morrison, Infantry, detached officers' list, vice Maj. Alfred W. Bjornstad, promoted lieutenant colonel.

To be majors with rank from December 19, 1917.

Capt. Donald J. MacLachlan, Infantry, vice Maj. Resolve P. Palmer, detailed in the Signal Corps.

Capt. Charles H. Rice, Infantry, vice Maj. James G. Boswell, detailed in the Signal Corps.

To be captains.

First Lieut. Sigurd J. Simonsen, Infantry, to be captain from December 2, 1917, subject to examination, vice Capt. James A. O'Brien, transferred to the detached officers' list.

First Lieut. Thomas G. Bond, Infantry, to be captain from December 19, 1917, subject to examination, vice Capt. Otis K. Sadtler, detailed in the Signal Corps.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 13, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Washington, D. C., offered the following prayer:

O God, Father Almighty, from wicked intrigue and unholy sedition defend our country. Let our growth as a Nation be not merely an accruing of worldly wealth and potency, but in equal measure at least edify us in the things not seen but eternal.

We beseech Thee to give success to our fighting forces on sea, on land, and in the air; and to be with every individual man of them in office and in the ranks, and with every doctor, nurse, Red Cross worker, and laborer for moral health among our forces.

For ourselves personally, we beg Thee, let not our desires outrun conscience. Bar us from insidious fallacies of act as well as of thought. Steer a right course for us between our wistfulness and our power. And keep us in correct relationship to self, to our neighbor, and to Thee; that for us the dear Savior may not have lived and died in vain. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. Mr. Speaker, I rise to make a motion to change the reference of a bill. I move that the bill H. R. 9642, referred to the Committee on Labor, be rereferred to the Committee on Public Buildings and Grounds.

The SPEAKER. Has the gentleman authority to make that request from the committee?

Mr. CLARK of Florida. Yes; by direction of the committee I make the motion, and pending that I ask——

The SPEAKER. The Clerk will report the bill.

Mr. CLARK of Florida. Then I will not make the unanimous-consent request. I simply wanted the House to understand what it was.

The SPEAKER. The gentleman from Florida, by authority of the Committee on Public Buildings and Grounds, moves that the bill which the Clerk is about to report be taken from the Committee on Labor and rereferred to the Committee on Public Buildings and Grounds. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9642) to authorize the Secretary of Labor to provide housing for war needs.

Be it enacted, etc., That the Secretary of Labor, for the purposes of providing housing, transportation, and other community facilities for employees of the Government and for industrial workers engaged in industries connected with the national defense and security, and their families, is hereby authorized and empowered within the limits of the amounts herein authorized—

(a) To purchase, lease, construct, requisition, or acquire by condemnation or otherwise such houses, buildings, furnishings, improvements, facilities, and parts thereof as he may determine.

(b) To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land or any right, title, or interest therein, on which such houses, buildings, improvements, facilities, and parts thereof have been or may be constructed.

(c) To equip, manage, maintain, alter, sell, lease, exchange, or otherwise dispose of such lands or right, title, or interest therein, houses, buildings, improvements, facilities, parts thereof, and equipment, upon such terms and conditions as he may determine.

(d) To aid in providing, equipping, managing, and maintaining houses, buildings, improvements, and facilities by loan or otherwise to such person or persons and upon such terms and conditions as he may determine.

The Secretary of Labor may exercise any power and discretion herein granted, and may enter into any arrangement or contract incidental thereto, through such agency or agencies as he may create or designate.

SEC. 2. That whenever the Secretary of Labor shall purchase, lease, requisition, or acquire by condemnation or otherwise such land or right, title, or interest therein, or such houses, buildings, furnishings, improvements, facilities, and parts thereof, he shall make just compensation therefor, to be determined by him, and if the amount thereof so determined is unsatisfactory to the perron entitled to receive the same, such person shall be paid 75 per cent of the amount so determined and shall be entitled to sue the United States to recover such further sum as, added to such 75 per cent, will make up such amount as will be just compensation therefor in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code.

SEC. 3. That upon the requisition of or the filing of a petition for the condemnation hereunder of such land, or any right, title, or interest therein, or such houses, buildings, furnishings, improvements, facilities, and parts thereof, immediate possession thereof may be taken to the extent of the interest to be acquired, and the same may be occupied and used, and the provisions of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended as to all real estate acquired hereunder.

SEC. 4. That the word "person" used herein shall include any person, trustee, firm, or corporation.

SEC. 5. That the power and authority granted in paragraphs (a), (b), and (d) hereof shall cease with the termination of the present war with Germany.

SEC. 6. That for carrying out the provisions of this act, and for the administration thereof, the sum of $50,000,000 is hereby appropriated out of any funds in the Treasury not otherwise appropriated.

Mr. LONDON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONDON. Is this motion debatable?

The SPEAKER. It is not.

Mr. LONDON. Reserving the right to object——

The SPEAKER. The gentleman can not object.

Mr. LONDON. I ask unanimous consent to make a statement for one minute.

Mr. FLOOD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Virginia makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred gentlemen are present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina [Mr. KITCHIN] moves a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. On this call is the vote on the motion?

The SPEAKER. No; the vote is simply "present."

The roll was called, and the following Members failed to answer to their names:

Almon	Dyer	Knutson	Scully
Anderson	Edmonds	LaGuardia	Siegen
Ashbrook	Ellsworth	McCormick	Smith, Charles B.
Austin	Fairchild, Geo. W.	Magee	Snyder
Britten	Flynn	Maher	Steenerson
Brumbaugh	Godwin, N. C.	Miller, Minn.	Sterling, Pa.
Capstick	Goodall	Montague	Strong
Carlin	Gray, Ala.	Nicholls, S. C.	Sullivan
Chandler, N. Y.	Gray, N. J.	Olney	Temple
Classon	Hamilton, N. Y.	Padgett	Tilson
Coady	Haskell	Platt	Vare
Crosser	Hastings	Pratt	Venable
Curry, Cal.	Heintz	Rainsdale	Volstead
Davidson	Holland	Riordan	Ward
Davis	Hollingsworth	Rodenberg	Watson, Pa.
Dewalt	Hood	Rowland	White, Ohio
Dillon	Humphreys	Sanders, La.	Wilson, La.
Drukker	Johnson, S. Dak.	Sanders, N. Y.	Young, N. Dak.
Dunn	Kettner	Scott, Pa.	

The SPEAKER. On this vote 353 Members, a quorum, have answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

The question is on the motion made by the gentleman from Florida [Mr. CLARK].

Mr. NOLAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. NOLAN. I rise to make a point of order on the motion of the gentleman from Florida [Mr. CLARK] that his motion is not in order at this time. It is contrary to the practice of the House to interfere with a committee that has held hearings on the bill, and we have held extensive hearings on this labor-housing bill.

Mr. CLARK of Florida. Mr. Speaker, I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Does not the gentleman's objection come too late? The matter has already been considered and submitted.

The SPEAKER. The matter has not been considered and is not debatable. If the conditions as stated by the gentleman from California [Mr. NOLAN] are correct, this motion is not in order.

Mr. CLARK of Florida. Mr. Speaker, I want to be heard on that.

The SPEAKER. Does the gentleman dispute the fact? If so, the Chair will hear the gentleman.

Mr. CLARK of Florida. Mr. Speaker——

The SPEAKER. The Chair wants to find out before this argument starts whether or not it is conceded that the Committee on Labor has had hearings on this bill?

Mr. CLARK of Florida. I understand they have.

The SPEAKER. Then the point of order is well taken.

Mr. CRISP. Mr. Speaker, I want to be heard on that proposition.

Mr. CLARK of Florida. I would like to be heard.

The SPEAKER. If the gentleman will proceed, the Chair will hear him.

Mr. CLARK of Florida. Under the third paragraph of Rule XXIV, provision is made for the making of this motion immediately after the reading of the Journal upon any day. I will show the Speaker in the rulings, in the fourth volume of Hinds' Precedents, that Mr. Speaker Crisp, Mr. Speaker Reed, and Mr. Speaker CANNON have each one of them concurred in the opinion that this motion can be made until the bill is actually reported to the House.

The SPEAKER. Well, the gentleman will please read the authority.

Mr. CLARK of Florida. The question has been raised in a number of cases, and in section No. 4365, in the fourth volume of Hinds' Precedents, it says:

According to the later practice of the House the erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it.

On October 19, 1893, Mr. Joseph Wheeler, of Alabama, on behalf of the Committee on the Territories, presented for consideration the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

Mr. W. A. Stone, of Pennsylvania, made the point of order that the bill, not being within the jurisdiction of the Committee on the Territories, had been erroneously reported and was improperly on the calendar.

Mr. KITCHIN. Reported?

Mr. CLARK of Florida. Yes; and was improperly on the calendar.

The Speaker overruled the point, holding as follows—

And the Speaker was Mr. Crisp, of Georgia—

The reference of a public bill, as described by the rules, is different from that prescribed in regard to private bills. An erroneous reference of a public bill may be corrected any morning immediately after the reading of the Journal, either by unanimous consent or on motion of a Member representing the committee to which the bill has been erroneously referred or on motion of the committee claiming jurisdiction. And where a public bill has been suffered, even erroneously, to be considered by a committee and that committee has reported it back to the House, there is no way of raising the question of jurisdiction if the bill is a public bill.

On January 12, 1897, is another case, as follows:

During the call of committees, in the morning hour, Mr. Charles S. Hartman, of Montana, called up, when the Committee on Mines and Mining was called, the bill (H. R. 6780) to amend section 2335 of the Revised Statutes.

Mr. John F. Lacey, of Iowa, reserved the point of order that the bill should have been referred to the Committee on Public Lands and not to the Committee on Mines and Mining.

The Speaker, Mr. Reed, said:

The rules prescribe that if by any error or misunderstanding a bill has been sent to the wrong committee, it is the duty of the committee who desire jurisdiction to present the matter to the House for a change; and no question having been raised, and the committee having reported, the Chair thinks it is too late to raise the question.

And then again, in section 4370 of Hinds:

On January 15, 1900, the bill (H. R. 5042) to provide for improvements in the tax departments of the District of Columbia, which had been reported from the Committee on the District of Columbia, was called up for consideration, when Mr. William W. Grout, of Vermont, raised the question that the bill should have been referred to the Committee on Appropriations, as it carried an appropriation.

After debate the Speaker, Mr. Henderson, of Iowa, said:

The point of order made by the gentleman from Vermont, as the Chair understands, is that this committee—the Committee on the District of Columbia—has no jurisdiction over this bill because it contains an appropriation. It has been said by Speaker Crisp, Speaker Reed, and others that an erroneous reference of a public bill, remaining uncorrected, in effect gives jurisdiction to the committee. The House has had its day in court to have the erroneous reference corrected and has failed to do so. The Chair is of the opinion, therefore, that this matter is properly within the control of this committee, and that it is within the power of the House in considering the bill to determine whether to leave the appropriation in the bill or to strike the appropriation out of the bill and leave only the matters of general legislation.

That was after the bill was reported and was in the House and being considered. And I assert, Mr. Speaker, that there is not a single precedent in these books to show where any Speaker has ever held that a motion to change a reference was not in order up to the very moment that the bill was reported by the committee having charge of it and it was on the calendar. Even if it had been reported and had not been placed on the calendar the motion can be made, and it is in order to make it. I do not think, Mr. Speaker, that there is anything further to say on the point of order.

Besides that it has been suggested to me, Mr. Speaker, that if that were not the rule a Member, if he saw fit to do so, could introduce a bill, have it all understood, have a meeting of his committee, and conduct hearings, and thus deprive any committee of this House of jurisdiction simply by getting it to the committee and having a hearing started.

Mr. NOLAN. Mr. Speaker, the precedents cited by the gentleman from Florida are decisions rendered by previous Speakers of this House on an erroneous reference. Our contention is that there is no such thing here as an erroneous reference of this bill.

Mr. CLARK of Florida. Mr. Speaker, a point of order. The gentleman can not discuss the merits of the question, whether it is erroneous or not. It is not debatable.

Mr. NOLAN. I was calling attention to the fact that the precedents cited by the gentleman refer to an erroneous reference.

The SPEAKER. What does the gentleman say about these authorities that have been cited?

Mr. NOLAN. I will say this about it: If they are allowed to stand in this instance, there is no reason in the world why the Committee on Public Buildings and Grounds can not come in here and take away from the Committee on Military Affairs, or the Committee on Naval Affairs, or from every other appropriating committee of the House, its authority to appropriate for buildings for war purposes, and there is hardly a bill that comes into this House, or that has come into this House since we declared war, that has not contained some appropriation for building purposes in connection with war activities.

Now, this bill gives the Secretary of Labor the right to erect housing facilities, building activities in reference to war industries; and if the gentleman's suggestion is sound, there is not a committee of this House that is safe in the future, so far as making appropriations and provisions for building purposes are concerned. In other words, the Committee on Public Buildings and Grounds becomes supreme over the Committee on Appropriations, over the Committee on Military Affairs, and over the Committee on Naval Affairs, and every other appropriating committee of the House.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. Yes; I yield.

Mr. CANNON. It takes a majority of the House to take the bill from the Committee on Labor and refer it to the Committee on Public Buildings and Grounds. The only question I see is the question whether the motion is in order, the bill not having been reported to the House under the rules.

Mr. NOLAN. In support of the gentleman's motion, and against the point of order, he is citing certain precedents and rulings established by former Speakers of the House. My contention is that if that is good, sound logic, there is not a committee of the House that has the right to appropriate, or the right to authorize appropriations, that is safe during the period of the war, or at any other time, from a motion to rerefer after

hearings have been held; and my point is that the Committee on Labor has given consideration to this measure, it is about ready to report the bill, and would undoubtedly have reported it this morning but for the fact that the Secretary of Labor himself has been out of town and could not get before the committee.

The SPEAKER. The Chair is ready to rule. The House, of course, is the highest parliamentary authority, higher than any Speaker or than all the Speakers, and it takes a majority of this House present to make the transfer and the House has the absolute right to refer any bill to any committee. The authorities cited by the gentleman from Florida [Mr. CLARK] convince the Speaker that the point of order of the gentleman from California [Mr. NOLAN] ought to be overruled.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. Is it in order to amend the motion of the gentleman from Florida by moving that the bill be referred to the Committee on Appropriations, where under the rules it belongs?

The SPEAKER. Yes.

Mr. SHERLEY. Then I make that motion.

The SPEAKER. The gentleman from Kentucky offers to amend the motion of the gentleman from Florida by referring this bill to the Committee on Appropriations.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CRISP. Is the gentleman from Kentucky authorized by the Committee on Appropriations to make that motion?

The SPEAKER. Was the gentleman authorized by his committee?

Mr. SHERLEY. No. I did not make the request in that form, Mr. Speaker. I asked if it was in order, the motion having been made, to amend.

Mr. SAUNDERS of Virginia. I make specifically the point of order, Mr. Speaker, against that, that in order to be qualified to move this amendment he must come within the rule and be vested by the committee with the power to make it, just as much as to make an original motion.

The SPEAKER. The Chair thinks the gentleman from Virginia is right.

Mr. LENROOT. Mr. Speaker, may I be heard?

The SPEAKER. Heard about what?

Mr. LENROOT. About the question that the gentleman from Kentucky has raised.

The SPEAKER. Yes. The Chair will hear the gentleman.

Mr. LENROOT. I would like to call the attention of the Chair to the rule under which this motion is in order at all, and I submit to the Chair that the motion being then in order under the rule, it is within the province of the House to refer this bill to any committee that it sees fit.

The rule says, "Correction in case of error of reference may be made by the House, without debate, in accordance with Rule XI." Now, the House is not confined, if it sees fit to correct a reference, to the committee that makes the motion or asks for the correction. It is open to the House in the case of an erroneous reference to refer the bill to any committee that the House thinks it ought to be referred to under the general rules of the House, and therefore I submit that the amendment of the gentleman from Kentucky is in order.

Mr. SAUNDERS of Virginia. Mr. Speaker, I call attention to the fact that any Member can make this motion only when the proceeding is by unanimous consent. The rule provides that "correction in case of error of reference of a general bill may be made by the House without debate, in accordance with Rule XI, on any day immediately following the reading of the Journal, by unanimous consent, or on motion of a committee claiming jurisdiction." Hence the contention of the gentleman from Wisconsin can not be maintained with respect to the present situation, which is a motion for correction by direction of a committee claiming jurisdiction. No question of unanimous consent is presented.

If some other committee claims jurisdiction of this bill, and desires to assert its claim by an amendment to the pending motion, then the amendment should be offered by direction of, and under authority from, that committee. This amendment is nothing but another claim of jurisdiction, seeking to supersede the claim of the Committee on Public Buildings and Grounds. Of necessity it must stand precisely on the footing of the original motion, and the Member making it, is not in order, unless he speaks by authority and direction of his committee. Otherwise it is not the motion of a committee claiming jurisdiction.

Mr. SHERLEY. Mr. Speaker, I can not concede the proposition just made by the gentleman from Virginia [Mr. SAUNDERS]. It is perfectly manifest that there is a difference between a situation that arises after a matter gets before the House and what might be the situation when some one is endeavoring to get it before the House. Manifestly I would have no right to move a change of reference as an original proposition, except by instruction of my committee; but when the matter has been moved, why, then, I submit, as the gentleman from Wisconsin says, the motion before the House is subject to any proper amendment.

But I do not want to complicate this situation. The Committee on Appropriations is going to appropriate the money to deal with the situation, irrespective of where these bills go. I withdraw my motion.

The SPEAKER. The question is on the motion of the gentleman from Florida to take this bill away from the Labor Committee and refer it to the Committee on Public Buildings and Grounds.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. NOLAN. Division!

The House divided; and there were—ayes 173, noes 59.

Mr. NOLAN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from California asks for the yeas and nays. All those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Thirty-eight Members rising, not a sufficient number.

Mr. LONDON. Mr. Speaker, I ask for the other side.

The SPEAKER. The gentleman from New York demands the other side. Those opposed to taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Two hundred Members in the negative. Thirty-eight are not a sufficient number. The yeas and nays are refused, and the motion of the gentleman from Florida is agreed to.

LEAVE TO FILE VIEWS OF MINORITY.

Mr. TINKHAM. Mr. Speaker, I desire unanimous consent to file the views of the minority on H. R. 9248, which is to be considered to-morrow.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to file the views of the minority on the bill he names. Is there objection?

There was no objection.

CALENDAR WEDNESDAY—DEPORTATION OF CERTAIN ALIENS.

The SPEAKER. This is Calendar Wednesday. The unfinished business is the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of House bill 5667, to provide for the deportation of certain aliens, and for other purposes.

Mr. BURNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will say to the gentleman that there is an amendment pending not disposed of.

Mr. BURNETT. What is the amendment?

Mr. PARKER of New Jersey. My amendment.

The CHAIRMAN. The amendment offered by the gentleman from New Jersey [Mr. PARKER], which was pending when the House adjourned last Wednesday.

Mr. BURNETT. Mr. Chairman, I believe the gentleman from New Jersey had spoken on that amendment.

The CHAIRMAN. All debate on the amendment was exhausted.

Mr. RAKER. I move to strike out the last two words.

Mr. PARKER of New Jersey. I ask unanimous consent that the paragraph in which the amendment occurs may be read, so that the House may see the result of the amendment.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the paragraph of the bill affected by the amendment be read for the information of the House. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 1, line 3, after the words "that any alien," strike out the words "eligible by existing law to become a naturalized citizen"; also all of lines 4, 5, 6, 7, 8, and 9; and also the word "said," in line 11, after the words "exemption from"; also, on page 2, line 3, strike out "and shall as soon as practicable be deported"; also strike out all of line 4 and the words "and deportation" in line 11, so that as amended the paragraph will read:

"That any alien who by himself or by anyone else has heretofore claimed, or shall hereafter claim, exemption from selective draft on account of being an alien, shall forever be denied the right of becoming a citizen of the United States or of any of its possessions.

"Any alien who may have been exempted from said selective draft on account of his alienage prior to the passage of this act may, within 60 days after the passage of this act, withdraw such exemption and

submit himself to the operation of said selective draft, and in that event shall not be held to be within the operations of this section as to the forfeiture of citizenship. *Provided*, That the President is hereby authorized to make such rules and regulations as may be necessary to enforce the provisions of this section."

Mr. RAKER. Mr. Chairman, a parliamentary inquiry. Is not this amendment divisible?

The CHAIRMAN. Does the gentleman desire to be heard on the question?

Mr. RAKER. It seems so plain that it ought not to require any presentation, and I simply want the ruling of the Chair that it is divisible.

Mr. PARKER of New Jersey. I desire to speak on that point of order for a moment when the gentleman has yielded the floor.

The CHAIRMAN. Does the gentleman from California yield the floor?

Mr. RAKER. On the point of order; yes.

Mr. PARKER of New Jersey. I claim it is not divisible.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard?

Mr. PARKER of New Jersey. Only on the point of order. I say it is not divisible. I want to get rid of deportation, which is obviously applicable to only one class of aliens, those who are subject to military duty abroad against the Germans; this will leave only the bar to naturalization which is applicable to all aliens. The matter can not be fairly considered separately, because what I wish to do is to make this bill a complete bill as to barring all these aliens from naturalization. That does not come within any treaty, and if you include all the aliens that are here it does not conflict with the provision in many treaties called the most favored nation clause. We make a simple statement by this provision, that no man who is here who claims exemption from draft because he is a foreigner can hereafter become an American citizen. I have given notice that if my amendment carries I shall move an amendment at the end of the word "possessions" that he shall be barred from hereafter acquiring any interest in lands in the United States.

Mr. RAKER. Mr. Chairman, the very statement which the gentleman from New Jersey makes as to what he desires to accomplish shows that this amendment is divisible. He could move to strike out and insert an amendment to cover what he desires, but unquestionably the Chair will not hold that a man can not move to strike out all through the section a paragraph here, a sentence there, and a word here, and not have the amendment divisible.

Mr. SAUNDERS of Virginia. Mr. Chairman, why is not the motion divisible? The Chair is not concerned with what the gentleman from New Jersey seeks to accomplish, but with the rights of the House under parliamentary law with respect to his motion. He says that he has a certain definite object to be accomplished by his amendment, and if it is held to be divisible so that certain portions may be stricken out by a vote and in the results, are stricken out, then he will not attain that object. But the gentleman's object is not a parliamentary proposition. The parliamentary proposition with which the House is concerned is the right to fashion this bill according to its notion, conformably to parliamentary law. The gentleman has moved to strike out various sentences in a paragraph, embodying respectively different propositions. The House might be willing to strike out some of the sentences to which the gentleman's motion relates, and unwilling to strike out others. Why should the House be denied the right to do this? The House might not be willing to strike out all that the motion proposes to strike out, but might be perfectly willing to go part of the way and strike out some of the language proposed to be eliminated. Upon what principle of parliamentary practice or procedure can it be held that the right to a division of this motion should be denied? Any motion including more than one proposition may be divided, and the several propositions voted on seriatim.

Mr. PARKER of New Jersey. Did the gentleman ever have a motion to strike out that was divisible?

Mr. SAUNDERS of Virginia. I do not recollect that personally I ever had, but that does not affect the parliamentary right of a Member to demand a division. The question is one of parliamentary law, of fundamental principle in parliamentary procedure, not of my personal experience.

Mr. PARKER of New Jersey. The first paragraph is in one sentence, and you could not make any sense of it if you divide up the amendment. It is to strike out certain words in that paragraph, and that motion is not divisible. The motion as to the other paragraph would follow as a matter of course to strike out the words "and deportation," but the first paragraph is one sentence and you can not divide it.

Mr. SAUNDERS of Virginia. Mr. Chairman, when I make a motion to strike out certain words, is it not competent for any Member to move to amend by striking out certain language contained in my motion? This would be an amendment to an amendment, nothing more nor less.

Mr. WALSH. Will the gentleman yield for a question?

Mr. SAUNDERS of Virginia. Yes.

Mr. WALSH. Does the gentleman contend that this motion can be divided so as to permit a separate vote on each word to be stricken out?

Mr. SAUNDERS of Virginia. Oh no, not at all. The principle of divisibility applies only when the amendment, or other matter proposed to be divided for the purpose of voting, contains more than one distinct proposition.

The CHAIRMAN. The Chair is ready to rule. The Chair has looked into this in the limited time that he has had, and he is satisfied that the amendment is divisible. It strikes out language in four different places. One might be agreed to by the House and another defeated and still not interfere with the sense of the section. I see no reason why it should be held to be indivisible when it is to strike out language in four places.

Mr. RAKER. Mr. Chairman, I raise the point of order to the first amendment on the ground that the committee has already passed on that amendment. There was a motion made to strike it out and the House defeated the motion. That is the first amendment offered by the gentleman from New Jersey.

Mr. STAFFORD. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late. If the ruling of the Chair is to be followed, then it comes too late now for the gentleman from California to make the point of order that the original motion of the gentleman from New Jersey is not in order because the amendment has been debated. In last Wednesday's proceedings we debated this question for 15 minutes or half an hour. A point of order was reserved on the paragraph and it was overruled on that occasion. As soon as the Chair rules on the point of order I wish to make a parliamentary inquiry.

Mr. RAKER. Mr. Chairman, I made the point of order and the Chair overruled the point of order, and I came back here to-day with authorities to show that the Chair had misconstrued the law. He now holds that the motion to amend is divisible, and, therefore, my point of order against the amendment must lie. Therefore the first portion of the amendment can not be considered.

The CHAIRMAN. The Chair is ready to rule. The Chair is of opinion that the point of order made by the gentleman from Wisconsin [Mr. STAFFORD] must be sustained. This amendment was debated on Wednesday last, for 15 or 20 minutes, and the point of order of the gentleman from California [Mr. RAKER] comes too late.

Mr. STAFFORD. Mr. Chairman, I desire to submit a parliamentary inquiry. I would like to inquire of the Chair what are the four substantive propositions involved into which this amendment to strike out is divisible?

The CHAIRMAN. The Chair understands that the authorities have held that the grammatical construction and not the legislative intent controls. The first portion of the amendment is on the first page, beginning with the word "eligible," in line 3, and runs to the word "act," in line 9. The Chair understands the motion is to strike out that part of the section. That is the first substantive proposition.

Mr. BURNETT. Mr. Chairman, I move that all debate upon this amendment close in five minutes.

Mr. PARKER of New Jersey. Mr. Chairman, I thought my amendment had already been debated and that debate had been closed upon it.

The CHAIRMAN. Debate has been closed on the amendment. That was done when we adjourned on Wednesday last.

Mr. PARKER of New Jersey. Mr. Chairman, I ask for a vote on the various parts of my amendment.

Mr. FLOOD. Mr. Chairman, I ask unanimous consent to have the amendment again reported.

The CHAIRMAN. If there is no objection, the Clerk will report the first substantive portion of the amendment.

There was no objection, and the Clerk read as follows:

Page 1, line 3, after the word "alien," strike out the words "eligible by existing law to become a natural," and also all of the matter on lines 4, 5, 6, 7, 8, and 9.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. PARKER of New Jersey) there were—ayes 11, noes 38.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next portion of the amendment.

The Clerk read as follows:

Page 1, line 11, strike out the word "said."

Member to move to amend by striking out certain language con-

Page 1, line 11, strike out the word "said."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next part of the amendment.

The Clerk read as follows:

Page 2, lines 3 and 4, after the word "possessions," in line 3, strike out the words "and shall as soon as practicable be deported to the country of which he is a subject or citizen."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the remaining portion of the amendment.

The Clerk read as follows:

Page 2, line 11, after the word "citizenship," strike out the words "and deportation."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. PARKER of New Jersey. Mr. Chairman, may I ask the gentleman from Alabama [Mr. BURNETT] if he has any objection to the following amendment being offered: To insert on page 2, line 3, after the words "of its possessions," the words "and shall forever be denied the right of acquiring any interest or estate, legal or equitable, in any lands within the United States or any of its possessions." That strengthens the gentleman's bill, and I would like to offer that amendment if it is agreeable.

Mr. BURNETT. Mr. Chairman, I could not agree to that. I now call for the reading of my amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Page 1, line 3, after the word "alien," insert the words "whose status is such that he may become."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GRAHAM of Illinois. Mr. Chairman, I desire to offer a substitute for that amendment.

Mr. BURNETT. Let the substitute be reported.

The CHAIRMAN. The Clerk will report the amendment in the nature of a substitute offered by the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Mr. Chairman, before that amendment is read, may we not have the amendment of the gentleman from Alabama again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Alabama.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Strike out in the third line, page 1, the words "that any alien eligible by existing law to become" and insert in lieu thereof the words "that any alien a resident of the United States who under existing law could become eligible to become."

The CHAIRMAN. The question is on agreeing to the substitute.

Mr. BURNETT. Mr. Chairman, does the gentleman from Pennsylvania desire to be heard on his substitute?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BURNETT. I desire to be heard in reply to the gentleman.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, on Wednesday last I presented for the consideration of my colleagues a criticism upon the use of the words "eligible to become a citizen," and it is in furtherance of those views that I have now offered this substitute for the amendment which the gentleman from Alabama has offered.

My reasons are the same as those which were urged at that time. I do not think that his amendment cures the difficulty. The gentleman has intimated to me that the interpretation of the word "eligible" as explained at that time is correct. "Eligible" means qualified to become citizens, they must have the requisites necessary for citizenship, and he has simply substituted the words "status to become." Now, "status to become" does not change the effect a particle, because the status covers and includes a qualification of eligibility. Mine covered the ground of the objection and in addition inserts the words "and resident." I understand the State Department is very solicitous about people who are here from other countries attending our schools or colleges, and surely we do not want to pass an amendment that would make one who through accident was caught in the country a subject of the draft and inflict upon him the pains and penalties of the deprivation of becoming a citizen. The language which has been suggested by the substitute makes both points perfectly clear. First, it applies to a resident. It takes away the vicious effect of the language that is now in the bill, for under that language this bill could not apply to anyone until he was eligible to citizenship. The substitute language will protect every interest, and I offer it for the purpose of making the bill more perfect, so that I may be able to vote for it. The language of the amendment offered by the gentleman from Alabama does not cure the evil, and I respectfully call his attention to that fact. I wish to get the exact words, and will ask that the amendment be sent to me. The language of the amendment offered by the gentleman from Alabama is this, "whose status is such that he may become." What? A naturalized citizen. Well, now, is his status when he lands in this country such that he is qualified to be a naturalized citizen? His status means when he can come into court with his petition after having resided here for five years and then get his naturalization papers. The substitute covers this defect, for in it, if you adopt it, you will have provided that the act shall cover any alien, a resident of the United States, who under existing law could become eligible to be naturalized, thus clearing away all the doubt and all the difficulty connected with the question.

Mr. McKENZIE. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. McKENZIE. I am asking for information. Under the gentleman's amendment, of course, the matter of the definition of the word "resident" would be involved.

Mr. GRAHAM of Pennsylvania. Yes.

Mr. McKENZIE. Now, the question I have in mind is this: Suppose a man living in Canada desiring to avoid military service in Canada comes over to the United States, and in most of the States the matter of residence is limited to six months or one year, and so on. Now, suppose he stays five months in one place and moves to another place and stays there six months and then to some other place and stays five or six months, could not that alien absolutely avoid the law we are trying to pass?

Mr. GRAHAM of Pennsylvania. No. He could not, because he would become a resident. Resident will not, in its definition, cover a student who is here or a wayfarer who is sojourning in the country and caught by the exigencies of war conditions. But it would cover a man who comes and resides five months in one place or six months in another place, no matter how he might intend to evade the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I will ask that the gentleman be granted five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. GRAHAM of Pennsylvania. I have no desire to do anything more than to call the attention of my colleagues to the effect of these two amendments.

Mr. BURNETT. Mr. Chairman, the gentleman on last Wednesday—has the gentleman concluded?

Mr. LENROOT. I want to ask the gentleman from Pennsylvania a question.

Mr. GRAHAM of Pennsylvania. If there is no objection, I will be glad to answer any question.

Mr. LENROOT. I am interested in the gentleman's definition or interpretation of the word "resident," and I want to ask the gentleman whether residence is not a matter of intention?

Mr. GRAHAM of Pennsylvania. It may.

Mr. LENROOT. If the word "resident" is included, might not any alien say that it was never his intention to become a resident of the United States and the reason he had not made declaration was because he intended to return to his native land and therefore is he not entirely excluded from the operation of the bill?

Mr. GRAHAM of Pennsylvania. No; the gentleman is in error. Resident is not solely a question of intention. Residence is a question of fact, and if you could prove that a man has taken up his residence here by extraneous evidence he would come under the provisions of this bill.

Mr. LENROOT. Let me ask the gentleman this question: We have clerks employed here in the District of Columbia who may have been here several years. In the legal sense, does the gentleman think that because they may have been domiciled here for years that they are residents of the District of Columbia?

Mr. GRAHAM of Pennsylvania. Residents, yes; but not citizens. And if it were a State they could not become citizens without——

Mr. WALSH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. I desire to inquire if the debate upon this section was not closed by the committee on last Wednesday.

The CHAIRMAN. This is a different amendment.

Mr. WALSH. Was not debate closed upon this section?

The CHAIRMAN. The Chair thinks not, but upon the amendment offered by the gentleman from New Jersey.

Mr. BURNETT. Mr. Chairman, after listening to the discussion of this matter by the very able gentleman from Pennsylvania [Mr. GRAHAM] last Wednesday I was of the opinion there was much force in his suggestion.

I therefore asked the opinion of the Department of Labor, that has to construe these questions as to immigration, and submitted that very phase of it to them, and the suggestion that I have offered in my amendment is their suggestion, namely, "whose status is such that he may become a citizen by naturalization." The objection, and the only objection I have, to the amendment of the gentleman from Pennsylvania [Mr. GRAHAM] is the use of the word "resident."

Mr. GRAHAM of Pennsylvania. Will the gentleman allow me a suggestion?

Mr. BURNETT. Certainly.

Mr. GRAHAM of Pennsylvania. I am going to ask unanimous consent to strike out the words "resident of the" from the substitute and insert in lieu thereof "domiciled in the United States," accepting the suggestion of the gentleman.

The CHAIRMAN. Does the gentleman ask unanimous consent to make the change in his amendment?

Mr. BURNETT. Mr. Chairman, I have no objection to the unanimous consent, but I desire to oppose it in that form, because even the difference between domicile and residence is very shadowy in construction frequently, and it would be a dangerous thing. And the danger of it is that these fellows that are coming over are the very men we are wanting to send back or to make fight. They are the slackers. The objection I had to the Chamberlain bill as it was passed in the Senate was that if a man had not resided here for a year you could not conscript him.

Now, a part of the purpose of this bill is to get at these very fellows, and the Department of Labor, that will construe these matters of immigration and deportation, have recommended the words "whose status is such that he may become eligible," and it seems to me that it meets the whole trouble. And I am afraid when we inject this question of domicile and residence and draw those shadowy lines of definition that later on in its interpretation many questions will arise that will enable the very men that we are wanting to leave the country or force to fight to escape through that kind of loophole. And for that reason, Mr. Chairman, I object to that amendment and ask a vote on my own amendment.

The CHAIRMAN. Is there objection to the unanimous-consent request of the gentleman from Pennsylvania to modify his amendment? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Chairman——

The CHAIRMAN. The Chair will state that the debate on this amendment is now exhausted.

Mr. RAKER. I move to strike out the last word.

I desire to discuss the question presented by the gentleman from Pennsylvania [Mr. GRAHAM], viz, the meaning of the words "eligible by existing law to become a naturalized citizen of the United States." After hearing his discussion upon that phrase last Thursday, I went to the law library and gave as much investigation as I could to the subject, and the only place I find wherein the question is discussed is in relation to eligibility to office, to be elected to office, or to hold office. Now, there are two lines of decision. One is that a man eligible to office must be qualified at the time he takes the office and assumes the duties thereof. Another line of decision holds that he must be qualified at the time of nomination. The authorities are clear upon the question that a man eligible to become an officer may have a dozen disqualifications before the day he takes the oath of office and qualifies. For instance, in one of the Southern States a man could not be appointed judge if he held a county office. He held the district attorney's office. He filed his resignation as district attorney and in two minutes afterwards was appointed to the office of judge, and the supreme court of the State held that at the time of the taking office he was qualified, although but five minutes before was disqualified, though eligible to become judge, and when he resigned as district attorney he had removed the existing impediment and became fully qualified to hold the office of judge.

Now, I want to call the attention of the committee to this fact.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. RAKER. I yield for a question.

Mr. GRAHAM of Pennsylvania. All the interpretations of the word "eligible" sustain the view I have expressed, do they not?

Mr. RAKER. I think not; in particular as the word is used in this bill.

Mr. GRAHAM of Pennsylvania. Is it not true that the dictionary meaning of the word, as found in the dictionaries, sustains my view?

Mr. RAKER. No; I think not. "Eligible" does not stand alone. It is "eligible to become naturalized," and so forth.

Mr. GRAHAM of Pennsylvania. And is it not true that Bouvier's Law Dictionary gives the same meaning, namely, that when you are eligible to an office you must have all the qualifications that fit you for that office?

Mr. RAKER. Of course you can overcome it at the time you enter into office. But you may have a dozen qualifications, and if you are eligible at the time you are elected or appointed to the office that is what the word "eligible" means, as long as the statute provides as in this case. If it was "any alien eligible for final naturalization," then my friend from Pennsylvania [Mr. GRAHAM] would be correct, and there would be no doubt about it. But the language of this bill is "eligible under existing law to become." Now, a man when he comes to this country may have a dozen disqualifications. He may not have lived here long enough; he may not have been able to read and write——

Mr. McKENZIE. Will the gentleman yield right there for a question?

Mr. RAKER. I will.

Mr. McKENZIE. Is it not a fact that these words refer rather to the person or character of the man when he lands on our shores than to the conditions and qualifications thrown about him?

Mr. RAKER. Sure.

Mr. McKENZIE. The naturalization of the subject. You know and I know, without mentioning it, that there are certain peoples in this world who under our law are not eligible to citizenship.

Mr. RAKER. The gentleman is clearly correct in his statement.

Mr. WALSH. Will the gentleman yield?

Mr. RAKER. For a question.

Mr. WALSH. Will not this whole confusion and controversy be avoided by inserting language to make that first line read as follows?—

That any alien who has not become a naturalized citizen.

Mr. RAKER. No. I think not.

Mr. WALSH. Why not?

Mr. RAKER. I want to call the committee's attention to this fact, and there is no need of passing it over. You can not conceive language that will make this plainer if you consider in this connection the statutes in regard to the naturalization, namely, that a man who believes in assassination of public officials, and so forth, can not become eligible at the time he makes his application. A man who has committed a crime and is an alien, and applies for naturalization, can not become eligible for citizenship in the United States.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. The gentleman from California asks unanimous consent to proceed for three minutes more. Is there objection?

There was no objection.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield for a question?

Mr. RAKER. I yield to the gentleman for a question.

Mr. GRAHAM of Pennsylvania. Suppose an alien has filed his application to become a citizen and he comes up before the court. Inquiry is made as to whether or not he has been for five years a resident of the United States and for one year a resident of the State in which he makes his application, and it turns out that he has not been either. Will not the court say to him, "Sir, you are not eligible to become a naturalized citizen"?

Mr. RAKER. No. It is just the reverse. If he belong to the class that the law permits to be naturalized, if he has not been convicted of a crime, if he is of the proper age and comes under the other conditions, and comes to this country and lives here five years and has taken out his first papers and made the necessary showing upon his final hearing, the court would grant him his papers. But if he applies and has only been here two years, he is nevertheless eligible to become naturalized when he has lived here three years longer, when he can read and write, and when he is able to show that he is not in favor of assassinating public officials and complies with all the other

conditions. A man can never be eligible to become a naturalized citizen of the United States who believes in sabotage under the laws as they exist here to-day; and, no matter how long he has been here, he is not eligible to become a citizen of the United States if he believes in assassinating public officials. Therefore it means fundamentally the person himself, that has none of the disqualifications, may at some time in the future, when he complies with the law, be admitted to citizenship; and that is all the purpose and object and intent of this statute. I trust the committee will not mix it up by inserting other language that will make it hazy and uncertain, when it is just as plain now as the English language can make it that whenever a man is able to show the things that he can show he is then at that time eligible to become naturalized and become a citizen. But if there are any restrictions against him that he can not overcome, he never can be in a position to become eligible for naturalization and be finally naturalized.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. HAYES. Mr. Chairman, all this learned disquisition is very interesting, but it is not applicable to the present case. The confusion in gentlemen's minds arises from the fact that they do not understand the word "naturalization" as used in the naturalization law. The word "naturalization" does not mean just the granting of the certificate of citizenship by the court. Naturalization begins when a man declares his intention to become a citizen, just as a suit at law in my State, and I presume in the States of you all, does not consist merely in the appearance of the parties before the court and the adjudication of the issues and entry of judgment, but begins with the issuance of the summons. That is the beginning of the suit. So the beginning of naturalization is the declaration of the intention of the alien, and the whole proceeding is laid out in the naturalization law, which provides exactly what that declaration shall state—every step is provided, and it takes it all to make a naturalized citizen of the United States.

Mr. FLOOD. May I ask the gentleman a question?

Mr. HAYES. Yes.

Mr. FLOOD. What would be the objection, in the gentleman's opinion, to striking out, after the word "alien," the words "eligible by existing law to become a naturalized citizen of the United States," and let the section read: "Any alien who is a native or subject of a country that is engaged in war with Germany"?

Mr. HAYES. That includes students and everybody else.

Mr. FLOOD. Will the gentleman answer that question?

Mr. HAYES. I think that would cover more ground than we desire to cover in this case.

Mr. FLOOD. As at present drawn, it takes in students. You can exempt students. This would take in Japanese and Chinese who desire to become members of our Army.

Mr. HAYES. There is now no objection to their joining the Army. This does not prevent them. They do not have to claim their exemption if they do not want to.

The gentleman from Pennsylvania [Mr. GRAHAM] is usually—in fact, is always—very clear in his statements and very clear in his thought, and his confusion arises in this case because he has in mind the naturalization law that existed prior to the law of 1906, when a man had to live in this country for two years before he could declare his intention.

To-day he can declare his intention the minute he puts his foot on the soil of the United States, and then naturalization can begin; and therefore if he is eligible to naturalization at all, the moment he lands on our soil he is eligible to naturalization. When he makes his declaration the process of naturalization begins.

Now, if a man is a Chinaman, no matter how long he stays here, he is not eligible to naturalization, and can not make a declaration of his intention to become a citizen. And all this seeming confusion is caused because gentlemen do not understand what naturalization means. It means the whole process from the declaration of intention to the issuance of the certificate of citizenship.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. WALSH. If the contention of the gentleman from Pennsylvania [Mr. GRAHAM] is correct, before an American-born citizen could become President of the United States it would be necessary for him to be elected to that office?

Mr. HAYES. Rather. [Laughter.]

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. LENROOT. I would like to ask the gentleman this question: If the amendment of the gentleman from Alabama [Mr. BURNETT] were further amended by adding to it the words "comply with the naturalization laws and thereafter become," so that it would read "any alien whose status is such that he can comply with the naturalization laws and thereafter become a naturalized citizen of the United States," would not that clear it up?

Mr. HAYES. It does not need any clearing up. The words "eligible to naturalization" have a perfectly well understood meaning under the law, and they include the whole process of naturalization, and not merely the signing and delivery to the alien of a certificate of citizenship.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. HAYES. Yes.

Mr. GORDON. Is a person 24 years old eligible to be elected to the House of Representatives.

Mr. HAYES. Certainly not.

Mr. GORDON. Then I do not know how an alien who has been here less than the statutory time could be eligible to citizenship.

Mr. HAYES. He is eligible to become a naturalized citizen, if he is eligible at all, the moment he lands.

The CHAIRMAN. The time of the gentleman from California has expired. The debate on this substitute is exhausted.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. McKENZIE. Mr. Chairman, as I understand this proposition, these words should not be stricken from the bill, and the bill should stand exactly as it is now drawn. My understanding—and I think it is that of every man who has given this matter any consideration—is that in this war we have as our allies against the German Empire two classes of nations or people. One class are eligible under our law to become citizens of this country. The subjects of two of the other countries who are our allies in this war are not permitted under our law to become citizens of this country. Therefore they should be excluded from the provisions of this law, and the word "eligible" in the bill as it now stands protects those people and makes the law clear. Therefore I hope no amendment to this section will be adopted.

Mr. FLOOD. May I ask the gentleman a question?

Mr. McKENZIE. Yes.

Mr. FLOOD. Why should these people be excluded?

Mr. McKENZIE. As a man who believes in conscription, I do not believe in conscripting a man who has not the right to have something to say about this Government of ours.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. I ask for a vote.

The question being taken, the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The amendment was agreed to.

Mr. EMERSON. I have an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. EMERSON: Page 2, line 14, insert a new paragraph as follows:

"That any alien who enlists or is drafted into the military or naval service of the United States and waives his exemptions, serves his time of enlistment, and is honorably discharged, and is at least 21 years of age at the time of his discharge, shall, because of such service, become a citizen of the United States without complying with any of the naturalization laws, and may vote on his discharge papers."

Mr. BURNETT. I make a point of order against that amendment.

Mr. EMERSON. I should like to be heard on the point of order.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. BURNETT. I do not. It is not germane, and I want to say to the gentleman that that is the law now.

The CHAIRMAN. The Chair will hear the gentleman from Ohio.

Mr. EMERSON. Mr. Chairman and gentlemen of the House, I want to talk on the point of order. I understand that this bill punishes the alien who refuses to comply with our laws when he is drafted into the military service of the United States. Now, if you can punish a man for refusing to enter the military service of the United States, why can you not reward him when he waives his exemption and enters the military service of the United States? I can not see anything inconsistent about it. We say to the alien, "If you are drafted and you refuse to respond, you have got to leave the country and you can not become a citizen, and you can not do this and many other things."

Now, if we can do that in this bill, why can we not reward him when he does comply? I think we should. If any man ought to be rewarded it is the alien who has come here, who enlists in the service of the United States, or waives his exemption and enters the military or naval service, fights loyally through the war and is honorably discharged. He is entitled to all the advantages of citizenship and should have it.

Mr. GORDON. Will the gentleman yield?

Mr. EMERSON. Yes.

Mr. GORDON. Why is he entitled to a reward? Is it because he is not liable to render military service? Is that why you want to reward him?

Mr. EMERSON. No; I did not say that.

Mr. GORDON. Why do you want to conscript him, if he is not liable?

Mr. EMERSON. I say an alien who is willing to fight for this country, who enlists voluntarily, who waives his exemption, shoulders his musket, and goes to the front and offers his life for this country, is as good as any citizen of this country. I am willing to take that position, and I am a natural-born citizen; my father was, and my ancestors were for hundreds of years; but I am willing to accept the man who will shoulder his musket as an alien and go to the front and fight for this country.

If we are going to punish men for not enlisting we should reward aliens who do enlist or waive their exemptions. I believe the alien should do his part in the winning of this war, but I believe that the alien who volunteers his services or who waives his exemptions when drafted and enters the military or naval service of the United States, serves out his time and is honorably discharged, is entitled to citizenship. An alien who will fight for this country and is willing to die for this country, if need be, is entitled to the honor of being an American citizen. I know of no greater pledge of loyalty we could ask of an alien than to be willing to fight and die for this Republic. In this the hour of its greatest crisis, and the alien who is willing to do it should be crowned with citizenship. I would set aside all obstacles for an alien who would do this and admit him into the great brotherhood of American citizens. In my city a great many aliens have enlisted or waived their exemptions. I know of Jews, Italians, Bohemians, and many other nationalities in Cleveland who have enlisted in the military or naval service of the United States, and they deserve great credit for doing it.

The CHAIRMAN. The Chair is ready to rule. The point of order is made against this amendment, and after some investigation by the Chair he finds that the section provides for denying citizenship and for deportation, while this amendment provide for creating citizens and giving them the right to vote, exactly at cross-purposes with the section that it seeks to amend. The Chair thinks the point of order should be sustained. The amendment is out of order.

Mr. McCULLOCH. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH: Page 2, line 11, after the word "deported," insert

"*Provided*, That the local draft board shall call for service of such aliens liable to military service in the order of their original liability under the selective draft, and all such shall be called in the same order as they would have been called if no claim had been filed for exemption on account of alienage."

Mr. McCULLOCH. Mr. Chairman, thousands of aliens have already been exempted under the selective-draft law who were physically and otherwise qualified because they were aliens. I believe if this bill passes these aliens who have been exempted should be required to serve in the order that they would have been called if they had not filed their original claim for exemption under the alienage provisions of the law. This amendment will accomplish that result. It is somewhat different in its language from the amendment I offered on last Wednesday, and I believe if this amendment is adopted it will accomplish the result I have stated. We should see to it that the intention of Congress is made clear and that aliens are called in the order of their original liability. While the provision in the section giving the President the power to make rules and regulations may take care of the question in regard to their being called, or the order of their being called, yet I believe this amendment will make the intention of Congress clear and that it should be adopted. I have talked the matter over with the chairman of the committee, and I trust that he will see fit to express the views of his committee and himself before this vote is taken.

Mr. BURNETT. Mr. Chairman, the draft law as it now stands confers upon the President and the draft officials the right to make its rules and regulations. If we get this bill through in time, which I have been trying to do—if it gets in before the next call is made—I think the power is already vested in the Provost Marshal, under the authority of the President, to make this kind of a call. If the call is made, if this bill is passed in time, I hope there will be something of that kind. There is merit in the proposition of the gentleman from Ohio, but if we undertake to prescribe rules and regulations by which it shall be done I think there is danger of getting into confusion.

Mr. McCULLOCH. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. McCULLOCH. Does the gentleman mean to say that he does not expect aliens exempted in the first draft to be called?

Mr. BURNETT. They are in the fifth class now, under the ruling of the boards, where they claim exemption, but that does not divest the boards of the authority to change and put them in the first class. Under the provision "that the President is hereby authorized to make such rules and regulations as may be necessary to enforce the provisions of this section," I think all of that power is included. I think it ought to be left to the Provost Marshal to make the rules and regulations by which that shall be done.

Mr. McCULLOCH. Will the gentleman yield for another question?

Mr. BURNETT. Yes.

Mr. McCULLOCH. Does the gentleman say that the board has the power not to call those who have been exempted who have not been called?

Mr. BURNETT. It is an automatic power. I sympathize with the gentleman's purpose. I voted against conscription, Mr. Chairman, but, as it was passed, I believe it is unfair that our boys and the naturalized boys of this country should have to go off and fight and leave these fellows here to take their positions. The speech of the gentleman from Ohio the other day along the same line was a good one, as that to-day, and, instead of being criticized, as was done by one gentleman, I compliment my friend on the able manner in which he presented his views. [Applause.] Did I not believe that this matter is better provided for in the bill already, I should consent to the amendment which has been submitted by my friend from Ohio.

Mr. McCULLOCH. Will the gentleman yield further?

Mr. BURNETT. Yes.

Mr. McCULLOCH. Will the gentleman say that the bill as it now is will require all aliens to serve, regardless of whether or not they were exempted in the first draft?

Mr. BURNETT. It will require them to waive exemption or be deported.

Mr. McCULLOCH. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the following amendment.

Mr. JOHNSON of Washington. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Washington makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and three Members present, a quorum, and the Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Page 2, line 3, after the word "possessions," insert "and shall forever be denied the right of acquiring any interest or estate, legal or equitable, in any lands within the United States or any of its possessions."

Mr. BURNETT. I make a point of order against that.

Mr. PARKER of New Jersey. Will the gentleman reserve his point of order?

Mr. BURNETT. No; I will not. If it has come to a filibuster I want to get this bill through.

Mr. PARKER of New Jersey. I am not delaying the bill. This is not subject to a point of order, it is simply adding another penalty to the one we already have, and I think it is in order.

The CHAIRMAN. The Chair is of the impression that the amendment is in order, but the Chair will hear the gentleman from Alabama.

Mr. BURNETT. Mr. Chairman, there are two reasons why I think it is objectionable and subject to a point of order. In the first place it goes outside of the scope of the bill, which relates simply to naturalization and deportation. Another

thing, it invades the principle of State rights. The States alone can control the question of ownership of land, as many of the States have done. It seems to me that it is out of order in any bill, and is not germane or legitimate for Congress to enact such legislation. Certainly in that view of it it would be out of order.

The CHAIRMAN. On second thought the Chair believes that the amendment is out of order. Here is an authority in the Manual:

One individual proposition may not be amended by another individual proposition, even though the two belong to the same class.

This is adding another penalty to the same class, and the Chair holds it out of order.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 9, after the word "act" insert "and physically qualified therefor."

Mr. BORLAND. Mr. Chairman, I have always believed and still believe that this is not the way in which to get soldiers into the Army, by asking the aliens to enlist or else be deported. It has very much the appearance to me of an attempt to further accentuate the labor shortage in this country by deporting a lot of available labor, a thing which I believe is inimical to the best interests of the country at this time when we are facing a shortage in every branch of industry. This bill says to aliens, "If you do not enlist you will be deported." I realize that gentlemen say that it is going to scare the aliens into the service. They have provided that any man who is liable or subject to the selective draft and does not withdraw his exemption shall be deported.

Mr. WALSH. Will the gentleman yield?

Mr. BORLAND. In a minute. I want to open up my thought first. It says that any man who is subject to the selective-draft law, defining it, who does not withdraw the exemption shall be deported. As a matter of fact thousands of men may be subject to the draft law who would not be accepted if they were examined for service. We are put in the position of deporting possibly thousands of available laborers who never would be accepted for service in the Army, no matter whether they withdrew their exemptions or not.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. It simply accentuates the proposition that we are driving labor out of this country at the instance of some interest that is anxious to cut down the available supply of labor and enhance the price of labor during the present emergency. I yield to the gentleman from Massachusetts.

Mr. WALSH. Mr. Chairman, I desire to ask the gentleman if he contends that a citizen or alien with only one arm or one leg would be subject to the selective-draft law?

Mr. BORLAND. I understand that every man within the qualified ages is subject to the selective-draft law, but whether he be accepted for service depends upon the exemption board. I do not think there is any doubt about that proposition.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. Has the gentleman observed in the bill that the only exemption that the alien is required to withdraw is the exemption that he claims on account of being an alien?

Mr. BORLAND. That is all.

Mr. LENROOT. And that he has every other exemption that a citizen has?

Mr. BORLAND. He would have all the other exemptions under that; but if he does not withdraw the exemption of alienage, the remedy is that he shall be deported, regardless of his other exemptions.

Mr. DOWELL. Mr. Chairman, if he withdraws his exemption, he then stands precisely as an American who has not that same right for exemption?

Mr. BORLAND. Yes; he stands exactly as an American would who had submitted himself to the draft board; but suppose he does not withdraw his exemption. This law, if it operates as it says on its face, will deport him. I realize that the proponents of the law insist that they do not mean what the law says; they do not mean to deport any labor or drive any labor out of the country, or to accentuate the labor shortage on farms or in the mines, but I contend that is a necessary operation of their law, and the direct operation is not to get soldiers. The direct operation of the law is to accentuate the shortage of labor.

Mr. RAKER. The gentleman will concede that if a man withdraws his exemption that he is an alien, and he turns out to have one eye or one arm——

Mr. BORLAND. Oh, I think I have already answered that question.

Mr. RAKER. He would not be subject to be deported.

Mr. BORLAND. If an alien withdraws his exemption and submits himself to the draft board, and is afterwards rejected for other causes, of course he remains here; but suppose he does not withdraw his exemption and submits to being deported, how have we gained anything by losing that amount of labor? I want to ask that question of the gentleman from California. How are we gaining anything by driving laborers out of this country when we need them in every line of industry?

Mr. SABATH. How did the gentleman vote on the immigration law?

Mr. BORLAND. I voted against overriding the President's veto. I voted against any labor shortage. The gentleman and I, I think, were right about that. We ought never to have driven labor out of the country.

Mr. BURNETT. Mr. Chairman, I do not deem it worth while to reply to a speech that is in the interest of letting the alien laborers stay here and having the American laborer sent to fight. Therefore I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That after the expiration of 60 days from the passage of this act the President of the United States is authorized and empowered, under such rules and regulations as he may prescribe, to draft any alien in the United States to perform such mental or physical labor on the farms, in the manufacturing establishments, or other enterprises in the United States as he may deem necessary or proper: *Provided*, That the President may exempt from the draft authorized by this section such individuals or classes of aliens as he may believe for the best interests of the United States: *Provided further*, That the expenses of carrying out the provisions of this section shall be paid out of the Treasury of the United States.

Mr. BURNETT. Mr. Chairman, I move to strike out section 2.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama, to strike out section 2.

The question was taken, and the motion was agreed to.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that section 3 be renumbered section 2.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that its consideration be postponed until February 27.

Mr. LENROOT. Mr. Chairman, I make the point of order that that motion is not in order at his time.

Mr. FLOOD. Mr. Chairman, this is a preferential motion.

The CHAIRMAN. The Chair thinks this is a preferential motion. The question is on the motion that the committee do now rise.

Mr. FLOOD. Mr. Chairman, I would like to say a word on this motion, in favor of it.

Mr. WALSH. Mr. Chairman, I make the point of order that the motion is not debatable.

The CHAIRMAN. The Chair thinks it is debatable.

Mr. SLAYDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SLAYDEN. Is it ever in order for the Committee of the Whole House to instruct the House what to do?

Mr. DENT. This is a mere recommendation.

The CHAIRMAN. It is in order for the committee to rise and make a recommendation to the House.

Mr. DENT. And that is all there is to this motion.

Mr. WHEELER. Mr. Chairman, if this motion prevails, then it is up to the House whether it will consider the recommendation?

The CHAIRMAN. The Chair so understands.

Mr. WALSH. Mr. Chairman, I make the further point of order——

The CHAIRMAN. What is the point of order?

Mr. WALSH. I make the further point of order that this motion has previously been made in the committee and defeated, and it is not in order to renew a motion that has already been acted upon by the committee.

Mr. DENT. In reply to that, Mr. Chairman, it has not been made to-day. The rule provides that it can not be made on the same day. This motion was made last Wednesday, but it has not been made to-day.

Mr. WALSH. Mr. Chairman, in reply to the suggestion I would say that this motion was made upon a Calendar Wednesday, and that this is a continuation of that Calendar Wednesday that was started last week——

Mr. FLOOD. No; it is not. It is two Calendar Wednesdays.

Mr. WALSH. And that it is not a separate Calendar Wednesday.

Mr. FLOOD. The Chair has ruled, as I understand it.

Mr. HARRISON of Mississippi. I was going to cite the Chair to the ruling to which attention has been called, where it says:

And no motion to postpone to a day certain, to recur, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

This is not the same day or the same stage of the question.

The CHAIRMAN. The Chair understands that. The Chair understands, too, that a different rule has been applied upon rather a similar question, that is the question of consideration on Calendar Wednesday, and that two motions of that sort may be made to that question. The Chair is of the impression that this point of order should be overruled.

Mr. BURNETT. Mr. Chairman, I make the point of order that no debate is in order on this motion.

Mr. FLOOD. The Chair has ruled on that.

The CHAIRMAN. Decisions under the rule provide that this motion may be debated to a limited extent, but the debate must be confined to the advisability of postponing only. The merits of the bill can not be discussed.

Mr. BURNETT. Mr. Chairman, I move that all debate on this motion now close.

Mr. HARRISON of Mississippi. Mr. Chairman, I make the point of order that the Chair has recognized the gentleman from Virginia.

Mr. BURNETT. No; he has not.

The CHAIRMAN. The gentleman from Virginia has the floor. When he surrenders the floor the Chair will recognize the gentleman from Alabama to make that motion, but the gentleman from Virginia now has the floor.

Mr. FLOOD. Mr. Chairman, I want to argue this motion. I think it should prevail, and in support of it I desire to read a letter addressed this morning by the Secretary of State to the gentleman from Alabama [Mr. BURNETT], which I read with the consent of the gentleman from Alabama:

FEBRUARY 13, 1918.

Hon. JOHN L. BURNETT,
House of Representatives.

MY DEAR MR. BURNETT: Referring to House bill H. R. 5667, providing for refusal of citizenship in the United States or compulsory deportation of subjects of our co-belligerents who do not submit to compulsory military service in this country, I wish to state to you formally what I have said to you orally on previous occasions that the passage of this bill or its consideration at the present time by either House of Congress will interfer seriously with the progress of negotiations looking to the conclusion of conscription conventions with the entente powers. We are on the point of signing such conventions with Great Britain and Canada, and negotiations with Italy and France and other countries are proceeding rapidly. As the proposed conventions will attain by agreement with the powers the object of this bill without violation of treaties now in force and without subjecting their subjects to treatment which they can not but regard as harsh and unbecoming a country aligned with them in the present war, I would regard it as unfortunate if the negotiations were suspended or nullified by the passage of the bill mentioned.

I have, therefore, no other course open to me, as you know, but to ask you as chairman of the committee in charge of the bill to request suspension of consideration of this measure by the House for a short time in order that the outcome of the present negotiations with the entente powers may be determined. As we both have the same object in view, I am sure you will feel disposed to cooperate with me and with the Government in accomplishing it, if possible, in the manner which the President and the Senate have agreed upon as appropriate.

Mr. Chairman, it does seem to me that in the important international situation presented by this letter when the Secretary of State, who is negotiating at this minute treaties with our cobelligerents which cover the purposes of this bill, tells the House that the passage of this bill to-day would interfere with, if not nullify, these negotiations there should not be any hesitancy on the part of the House to vote for this motion. Now, those of us who have talked to the Secretary of State—and the gentleman from Alabama [Mr. BURNETT] is one of them—know how earnestly he feels about this matter and know how the entire State Department feel about it and how the representative of the War Department, who was in conference with us this morning, feels.

What the Secretary of State asked was a delay of two weeks, within which time negotiations could be concluded or put in such process of conclusion that the Members of the House would be satisfied that satisfactory conventions would be arranged with our cobelligerents. What we propose to do here if we pass this bill to-day is to deny the request of an executive department of this Government that is handling this delicate and important question, nullify the power of this department to accomplish the purposes of this bill in an orderly and friendly way, and deny a request for only two weeks' delay. No Member can justify his action in voting against this motion.

Mr. DENT. Will the gentleman yield for a suggestion?

Mr. FLOOD. Yes.

Mr. DENT. May I state to the gentleman from Virginia and to the committee that there is no notion on the part of the War Department to call the next draft within the next two weeks; that the draft that has been called is simply those men who were in the first draft, and the second draft would certainly not be called for some time hence; and it can not possibly do any harm to postpone.

Mr. FLOOD. Possibly it will not be called before May or June and there will be ample time, if these negotiations fail, for this House to take up this bill two weeks from now and pass it.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. Is not the gentleman aware that under the rules of the House if this postponement prevails we can not consider this matter on Calendar Wednesday two weeks from to-day?

Mr. FLOOD. The suggestion was made to the gentleman from Alabama that unanimous consent be asked for that, and, failing in that, we can get a rule. This House is master of its proceedings, and no rule can make it do wrong when it wishes to do right.

Mr. WALSH. This has nothing to do with the question of postponement. Under the rules of the House, as the gentleman is aware, if postponement prevails, it could not be considered two weeks from to-day.

Mr. FLOOD. There would be no trouble in the world in getting unanimous consent of this House if this reasonable request of the State Department is granted——

Mr. WALSH. That has nothing to do with the question of postponement.

Mr. FLOOD. I said there would be no trouble in getting unanimous consent to take it up two weeks from now.

Mr. HARRISON of Mississippi. That would be the action of the House to postpone it to a day certain for consideration——

Mr. LENROOT. We have no power to do it in committee——

Mr. HARRISON of Mississippi. If the House accepts the action of the committee——

Mr. WALSH. But we can not, as far as the rules of the House apply.

Mr. FLOOD. We can suspend the rules by a two-thirds vote, or we can get a rule. Do not beclouds an international question with parliamentary objection.

Mr. WALSH. This is not a motion to suspend the rules.

Mr. FLOOD. There will be no difficulty in getting unanimous consent of this House or a two-thirds vote of this House to take up this proposition two weeks from now, and if there is we can get a rule. This reasonable request of the State Department should be granted.

Mr. McCULLOCH. Will the gentleman yield?

Mr. FLOOD. No; I can not yield.

Here we are asked to pass a bill to-day that the legal advisors of the State Department and the Secretary of State tell us is in violation of the treaties with two of our cobelligerents. We are asked to do it without very much consideration, because this bill is not a well-considered measure. The second section of it has just been stricken out on a motion of its patron, the gentleman from Alabama [Mr. BURNETT], and it was only discussed here a few minutes on last Wednesday. Now, we are asked to violate treaties; we are asked to violate the principles of international law, that great body of laws which have grown up among civilized nations through the centuries, and for the upholding of which we are engaged in this great war; we are asked to violate the usages that have always existed between friendly nations in regard to the conscription of their respective nationals—all that Members may not postpone for two weeks an opportunity to cast a popular vote.

Mr. RUCKER. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. RUCKER. Can the gentleman inform the committee, if it is proper to do so, if the Secretary of State believes that these negotiations will be completed within two weeks?

Mr. FLOOD. The Secretary of State said this—and if I am not correct I will ask the gentlemen who were at the State Department with me to correct me—that the basis of these treaties was the British treaty. The Canadian treaty has absolutely been concluded, and in the British treaty there were a few words they had to adjust, and which they understood from a communication they had last night would be adjusted. The new British ambassador is here, and they are satisfied the British treaty will be concluded in a day or two. That will be the basis of all the treaties. The Secretary of State said he did not anticipate any trouble with Italy; that Italy and France were willing to enter into these conventions. He wanted to conclude this British treaty so as to make it constitute the basis

thing, it invades the principle of State rights. The States alone can control the question of ownership of land, as many of the States have done. It seems to me that it is out of order in any bill, and is not germane or legitimate for Congress to enact such legislation. Certainly in that view of it it would be out of order.

The CHAIRMAN. On second thought the Chair believes that the amendment is out of order. Here is an authority in the Manual:

One individual proposition may not be amended by another individual proposition, even though the two belong to the same class.

This is adding another penalty to the same class, and the Chair holds it out of order.

Mr. BORLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 9, after the word "act" insert "and physically qualified therefor."

Mr. BORLAND. Mr. Chairman, I have always believed and still believe that this is not the way in which to get soldiers into the Army, by asking the aliens to enlist or else be deported. It has very much the appearance to me of an attempt to further accentuate the labor shortage in this country by deporting a lot of available labor, a thing which I believe is inimical to the best interests of the country at this time when we are facing a shortage in every branch of industry. This bill says to aliens, "If you do not enlist you will be deported." I realize that gentlemen say that it is going to scare the aliens into the service. They have provided that any man who is liable or subject to the selective draft and does not withdraw his exemption shall be deported.

Mr. WALSH. Will the gentleman yield?

Mr. BORLAND. In a minute. I want to open up my thought first. It says that any man who is subject to the selective-draft law, defining it, who does not withdraw the exemption shall be deported. As a matter of fact thousands of men may be subject to the draft law who would not be accepted if they were examined for service. We are put in the position of deporting possibly thousands of available laborers who never would be accepted for service in the Army, no matter whether they withdrew their exemptions or not.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. It simply accentuates the proposition that we are driving labor out of this country at the instance of some interest that is anxious to cut down the available supply of labor and enhance the price of labor during the present emergency. I yield to the gentleman from Massachusetts.

Mr. WALSH. Mr. Chairman, I desire to ask the gentleman if he contends that a citizen or alien with only one arm or one leg would be subject to the selective-draft law?

Mr. BORLAND. I understand that every man within the qualified ages is subject to the selective-draft law, but whether he be accepted for service depends upon the exemption board. I do not think there is any doubt about that proposition.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LENROOT. Has the gentleman observed in the bill that the only exemption that the alien is required to withdraw is the exemption that he claims on account of being an alien?

Mr. BORLAND. That is all.

Mr. LENROOT. And that he has every other exemption that a citizen has?

Mr. BORLAND. He would have all the other exemptions under that; but if he does not withdraw the exemption of alienage, the remedy is that he shall be deported, regardless of his other exemptions.

Mr. DOWELL. Mr. Chairman, if he withdraws his exemption, he then stands precisely as an American who has not that same right for exemption?

Mr. BORLAND. Yes; he stands exactly as an American would who had submitted himself to the draft board; but suppose he does not withdraw his exemption. This law, if it operates as it says on its face, will deport him. I realize that the proponents of the law insist that they do not mean what the law says; they do not mean to deport any labor or drive any labor out of the country, or to accentuate the labor shortage on farms or in the mines, but I contend that is a necessary operation of their law, and the direct operation is not to get soldiers. The direct operation of the law is to accentuate the shortage of labor.

Mr. RAKER. The gentleman will concede that if a man withdraws his exemption that he is an alien, and he turns out to have one eye or one arm——

Mr. BORLAND. Oh, I think I have already answered that question.

Mr. RAKER. He would not be subject to be deported.

Mr. BORLAND. If an alien withdraws his exemption and submits himself to the draft board, and is afterwards rejected for other causes, of course he remains here; but suppose he does not withdraw his exemption and submits to being deported, how have we gained anything by losing that amount of labor? I want to ask that question of the gentleman from California. How are we gaining anything by driving laborers out of this country when we need them in every line of industry?

Mr. SABATH. How did the gentleman vote on the immigration law?

Mr. BORLAND. I voted against overriding the President's veto. I voted against any labor shortage. The gentleman and I, I think, were right about that. We ought never to have driven labor out of the country.

Mr. BURNETT. Mr. Chairman, I do not deem it worth while to reply to a speech that is in the interest of letting the alien laborers stay here and having the American laborer sent to fight. Therefore I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That after the expiration of 60 days from the passage of this act the President of the United States is authorized and empowered, under such rules and regulations as he may prescribe, to draft any alien in the United States to perform such mental or physical labor on the farms, in the manufacturing establishments, or other enterprises in the United States as he may deem necessary or proper: *Provided*, That the President may exempt from the draft authorized by this section such individuals or classes of aliens as he may believe for the best interests of the United States: *Provided further*, That the expenses of carrying out the provisions of this section shall be paid out of the Treasury of the United States.

Mr. BURNETT. Mr. Chairman, I move to strike out section 2.

The CHAIRMAN. The question is on the motion of the gentleman from Alabama, to strike out section 2.

The question was taken, and the motion was agreed to.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent that section 3 be renumbered section 2.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that its consideration be postponed until February 27.

Mr. LENROOT. Mr. Chairman, I make the point of order that that motion is not in order at his time.

Mr. FLOOD. Mr. Chairman, this is a preferential motion.

The CHAIRMAN. The Chair thinks this is a preferential motion. The question is on the motion that the committee do now rise.

Mr. FLOOD. Mr. Chairman, I would like to say a word on this motion, in favor of it.

Mr. WALSH. Mr. Chairman, I make the point of order that the motion is not debatable.

The CHAIRMAN. The Chair thinks it is debatable.

Mr. SLAYDEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SLAYDEN. Is it ever in order for the Committee of the Whole House to instruct the House what to do?

Mr. DENT. This is a mere recommendation.

The CHAIRMAN. It is in order for the committee to rise and make a recommendation to the House.

Mr. DENT. And that is all there is to this motion.

Mr. WHEELER. Mr. Chairman, if this motion prevails, then it is up to the House whether it will consider the recommendation?

The CHAIRMAN. The Chair so understands.

Mr. WALSH. Mr. Chairman, I make the further point of order——

The CHAIRMAN. What is the point of order?

Mr. WALSH. I make the further point of order that this motion has previously been made in the committee and defeated, and it is not in order to renew a motion that has already been acted upon by the committee.

Mr. DENT. In reply to that, Mr. Chairman, it has not been made to-day. The rule provides that it can not be made on the same day. This motion was made last Wednesday, but it has not been made to-day.

Mr. WALSH. Mr. Chairman, in reply to the suggestion I would say that this motion was made upon a Calendar Wednesday, and that this is a continuation of that Calendar Wednesday that was started last week——

Mr. FLOOD. No; it is not. It is two Calendar Wednesdays.

Mr. WALSH. And that it is not a separate Calendar Wednesday.

Mr. FLOOD. The Chair has ruled, as I understand it.

Mr. HARRISON of Mississippi. I was going to cite the Chair to the ruling to which attention has been called, where it says:

And no motion to postpone to a day certain, to recur, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

This is not the same day or the same stage of the question.

The CHAIRMAN. The Chair understands that. The Chair understands, too, that a different rule has been applied upon rather a similar question, that is the question of consideration on Calendar Wednesday, and that two motions of that sort may be made to that question. The Chair is of the impression that this point of order should be overruled.

Mr. BURNETT. Mr. Chairman, I make the point of order that no debate is in order on this motion.

Mr. FLOOD. The Chair has ruled on that.

The CHAIRMAN. Decisions under the rule provide that this motion may be debated to a limited extent, but the debate must be confined to the advisability of postponing only. The merits of the bill can not be discussed.

Mr. BURNETT. Mr. Chairman, I move that all debate on this motion now close.

Mr. HARRISON of Mississippi. Mr. Chairman, I make the point of order that the Chair has recognized the gentleman from Virginia.

Mr. BURNETT. No; he has not.

The CHAIRMAN. The gentleman from Virginia has the floor. When he surrenders the floor the Chair will recognize the gentleman from Alabama to make that motion, but the gentleman from Virginia now has the floor.

Mr. FLOOD. Mr. Chairman, I want to argue this motion. I think it should prevail, and in support of it I desire to read a letter addressed this morning by the Secretary of State to the gentleman from Alabama [Mr. BURNETT], which I read with the consent of the gentleman from Alabama:

FEBRUARY 13, 1918.

Hon. JOHN L. BURNETT,
House of Representatives.

MY DEAR MR. BURNETT: Referring to House bill H. R. 5667, providing for refusal of citizenship in the United States or compulsory deportation of subjects of our co-belligerents who do not submit to compulsory military service in this country, I wish to state to you formally what I have said to you orally on previous occasions that the passage of this bill or its consideration at the present time by either House of Congress will interfer seriously with the progress of negotiations looking to the conclusion of conscription conventions with the entente powers. We are on the point of signing such conventions with Great Britain and Canada, and negotiations with Italy and France and other countries are proceeding rapidly. As the proposed conventions will attain by agreement with the powers the object of this bill without violation of treaties now in force and without subjecting their subjects to treatment which they can not but regard as harsh and unbecoming a country aligned with them in the present war, I would regard it as unfortunate if the negotiations were suspended or nullified by the passage of the bill mentioned.

I have, therefore, no other course open to me, as you know, but to ask you as chairman of the committee in charge of the bill to request suspension of consideration of this measure by the House for a short time in order that the outcome of the present negotiations with the entente powers may be determined. As we both have the same object in view, I am sure you will feel disposed to cooperate with me and with the Government in accomplishing it, if possible, in the manner which the President and the Senate have agreed upon as appropriate.

Mr. Chairman, it does seem to me that in the important international situation presented by this letter when the Secretary of State, who is negotiating at this minute treaties with our cobelligerents which cover the purposes of this bill, tells the House that the passage of this bill to-day would interfere with, if not nullify, these negotiations there should not be any hesitancy on the part of the House to vote for this motion. Now, those of us who have talked to the Secretary of State—and the gentleman from Alabama [Mr. BURNETT] is one of them—know how earnestly he feels about this matter and know how the entire State Department feel about it and how the representative of the War Department, who was in conference with us this morning, feels.

What the Secretary of State asked was a delay of two weeks, within which time negotiations could be concluded or put in such process of conclusion that the Members of the House would be satisfied that satisfactory conventions would be arranged with our cobelligerents. What we propose to do here if we pass this bill to-day is to deny the request of an executive department of this Government that is handling this delicate and important question, nullify the power of this department to accomplish the purposes of this bill in an orderly and friendly way, and deny a request for only two weeks' delay. No Member can justify his action in voting against this motion.

Mr. DENT. Will the gentleman yield for a suggestion?

Mr. FLOOD. Yes.

Mr. DENT. May I state to the gentleman from Virginia and to the committee that there is no notion on the part of the War Department to call the next draft within the next two weeks; that the draft that has been called is simply those men who were in the first draft, and the second draft would certainly not be called for some time hence; and it can not possibly do any harm to postpone.

Mr. FLOOD. Possibly it will not be called before May or June and there will be ample time, if these negotiations fail, for this House to take up this bill two weeks from now and pass it.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. Is not the gentleman aware that under the rules of the House if this postponement prevails we can not consider this matter on Calendar Wednesday two weeks from to-day?

Mr. FLOOD. The suggestion was made to the gentleman from Alabama that unanimous consent be asked for that, and, failing in that, we can get a rule. This House is master of its proceedings, and no rule can make it do wrong when it wishes to do right.

Mr. WALSH. This has nothing to do with the question of postponement. Under the rules of the House, as the gentleman is aware, if postponement prevails, it could not be considered two weeks from to-day.

Mr. FLOOD. There would be no trouble in the world in getting unanimous consent of this House if this reasonable request of the State Department is granted——

Mr. WALSH. That has nothing to do with the question of postponement.

Mr. FLOOD. I said there would be no trouble in getting unanimous consent to take it up two weeks from now.

Mr. HARRISON of Mississippi. That would be the action of the House to postpone it to a day certain for consideration——

Mr. LENROOT. We have no power to do it in committee——

Mr. HARRISON of Mississippi. If the House accepts the action of the committee——

Mr. WALSH. But we can not, as far as the rules of the House apply.

Mr. FLOOD. We can suspend the rules by a two-thirds vote, or we can get a rule. Do not becloud an international question with parliamentary objection.

Mr. WALSH. This is not a motion to suspend the rules.

Mr. FLOOD. There will be no difficulty in getting unanimous consent of this House or a two-thirds vote of this House to take up this proposition two weeks from now, and if there is we can get a rule. This reasonable request of the State Department should be granted.

Mr. McCULLOCH. Will the gentleman yield?

Mr. FLOOD. No; I can not yield.

Here we are asked to pass a bill to-day that the legal advisors of the State Department and the Secretary of State tell us is in violation of the treaties with two of our cobelligerents. We are asked to do it without very much consideration, because this bill is not a well-considered measure. The second section of it has just been stricken out on a motion of its patron, the gentleman from Alabama [Mr. BURNETT], and it was only discussed here a few minutes on last Wednesday. Now, we are asked to violate treaties; we are asked to violate the principles of international law, that great body of laws which have grown up among civilized nations through the centuries, and for the upholding of which we are engaged in this great war; we are asked to violate the usages that have always existed between friendly nations in regard to the conscription of their respective nationals—all that Members may not postpone for two weeks an opportunity to cast a popular vote.

Mr. RUCKER. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. RUCKER. Can the gentleman inform the committee, if it is proper to do so, if the Secretary of State believes that these negotiations will be completed within two weeks?

Mr. FLOOD. The Secretary of State said this—and if I am not correct I will ask the gentlemen who were at the State Department with me to correct me—that the basis of these treaties was the British treaty. The Canadian treaty has absolutely been concluded, and in the British treaty there were a few words they had to adjust, and which they understood from a communication they had last night would be adjusted. The new British ambassador is here, and they are satisfied the British treaty will be concluded in a day or two. That will be the basis of all the treaties. The Secretary of State said he did not anticipate any trouble with Italy; that Italy and France were willing to enter into these conventions. He wanted to conclude this British treaty so as to make it constitute the basis

of the others; and while he did not say that he could get it through in two weeks, he did say that the negotiations had proceeded so far that he thought he could satisfy the gentlemen in that length of time; that they would be successfully concluded.

Mr. BUTLER. I would like to ask a question.

Mr. FLOOD. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. Can the gentleman inform us if the purpose of the proposed treaty will be to enable us to draft these men?

Mr. FLOOD. Oh, yes.

Mr. BUTLER. In other words, we will by this treaty obtain permission from the other countries to draft their subjects?

Mr. FLOOD. Their nationals, within the ages of their draft law, and not between the ages of our draft law, will be drafted into our Army by their consent, and there will be no friction between the enemies of Germany. The draft laws of our allies run to 40 and 45 years of age.

Mr. WALSH. Mr. Chairman, a point of order. The Chair has already ruled that the discussion of this motion to postpone is confined to narrow limits, and that it is not in order to discuss treaties and date of the next draft but to oppose this legislation on its merits. It should be confined to postponement.

Mr. FLOOD. I will observe the rule.

The CHAIRMAN. The gentleman from Virginia will confine himself to the narrow limits of postponement.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FLOOD. Yes.

Mr. MADDEN. If we postpone action on the bill that is pending before the House, and the Secretary of State is able to conclude the negotiations that are now pending between other countries and this country, will these negotiations when completed cover the conditions that are sought to be arrived at through this legislation?

Mr. FLOOD. Oh, absolutely. There is no question in the world about that.

Mr. MADDEN. Then there ought not to be any question about the postponement.

Mr. FLOOD. I do not think so.

Mr. McCULLOCH. The gentleman has confidently said that there will be no trouble about receiving unanimous consent for the consideration of this bill later. Is the gentleman aware that there are many men on this floor who are absolutely opposed to the drafting of aliens?

Mr. FLOOD. I do not think they will object.

Mr. JOHNSON of Washington. Is not the object to give the State Department an opportunity to conclude these treaties without being knocked down by one branch of the Congress?

Mr. FLOOD. The Secretary of State says it will be interfered with in its negotiations. And how can Congress justify itself when an executive department of the Government says to you that the passage of this bill to-day may nullify the negotiations that are being carried on, and which within a few weeks will be concluded, by which these aliens may be drafted into the Army? And you propose to-day to nullify negotiations and pass this law, which, if you do pass, a representative of the War Department stated to us, could not be effective because it was not workable.

Mr. RUCKER. Will the gentleman yield?

Mr. FLOOD. Yes.

Mr. RUCKER. In the ordinary course, how long does the gentleman think it would take to decide it?

Mr. FLOOD. The statement is made in this letter here that if either House of Congress passes this bill——

Mr. RUCKER. Would the proponents of this bill gain anything in point of time by passing it to-day?

Mr. FLOOD. I do not think so. I do not believe the Senate would pass it in that time. I hope it would not pass it at all. I believe it would stand by our treaties.

Mr. RUCKER. It seems to me that our duty is very clear.

Mr. FLOOD. I think so, too.

Mr. WALSH. I would like to inquire if these negotiations were commenced before this bill was drafted and had come before the House?

Mr. FLOOD. I am not prepared to answer that, but I suppose so. I know they were begun last fall, whether before this bill——

Mr. NOLAN. Mr. Chairman, a parliamentary inquiry.

Mr. WALSH. It was before this bill was up here?

Mr. FLOOD. Oh, yes.

Mr. NOLAN. Mr. Chairman, is the gentleman from Virginia [Mr. FLOOD] discussing this motion under the five-minute rule?

The CHAIRMAN. No. The gentleman from Virginia has the floor.

Mr. MOORE of Pennsylvania. Mr. Chairman, if I vote for postponement, will I be voting to sustain the administration or will I be opposing it?

Mr. FLOOD. You will be voting to sustain the administration.

Mr. MOORE of Pennsylvania. Then I will vote to sustain the administration.

Mr. WALSH. Mr. Chairman, I rise to a point of order that this is not in order.

Mr. HEFLIN. Mr. Chairman, I did not get to hear all this letter read. Does the letter state that if either House takes action on this matter now it will embarrass and hamper the administration in the treaty negotiations that are now pending?

Mr. FLOOD. It says it will probably nullify its efforts; it will not only embarrass the administration but nullify its efforts if either House takes action. [Cries of "Vote!" "Vote!"]

Mr. BURNETT and Mr. WALSH rose.

The CHAIRMAN. Does the gentleman from Virginia yield the floor?

Mr. FLOOD. No.

Mr. BURNETT. I want to know how long the gentleman is going to speak. I want to reply to him.

Mr. FLOOD. I was going to answer any questions that might be asked of me.

Now, gentlemen, this is a simple request. This motion does not kill this bill. Postponement is asked——

Mr. FARR. For how long?

Mr. FLOOD. For two weeks, in which we might conclude negotiations begun months ago with our cobelligerents.

Mr. BURNETT. If they do not do it, will the gentleman then withdraw his objection to this bill?

Mr. FLOOD. I will, at the end of two weeks, withdraw my objection.

Mr. BURNETT. If they do not conclude negotiations with whom?

Mr. FLOOD. Here within two weeks, if the gentleman from Alabama desires to bring this bill up again, I do not care with whom they have concluded negotiations and with whom they have not concluded negotiations, I will raise no objection to the consideration of the bill.

Mr. BUTLER. Mr. Chairman, will the gentleman permit a question?

Mr. FLOOD. Yes.

Mr. BUTLER. Will the gentleman agree to it with the Rogers amendment on it?

Mr. FLOOD. Two weeks from now?

Mr. BUTLER. Yes.

Mr. FLOOD. I will not vote for the bill without the Rogers amendment. I will not vote for a bill that violates a treaty, but beyond voting against it I will not oppose the bill.

Mr. BURNETT. How does the gentleman know that this is not putting this bill out of court? What assurance can he give that on this date two weeks hence—our day expires to-day—what assurance can he give to this House that two weeks from to-day the point of order will not be made that we are not in order?

Mr. FLOOD. I see before me gentlemen who are opposed to this bill from every standpoint, some opposed to it on principle. I will say here, facing these gentlemen, that I do not think there will be objection to unanimous consent; and if there is, a rule can be brought in two weeks from now making this bill in order.

Mr. SAUNDERS of Virginia. If we withdraw this bill now and go into the House, consent to a unanimous request can be given. We can try it out in the House.

Mr. BURNETT. Will the gentleman agree to so amend his motion that it will specify that on that day it shall be considered?

Mr. SAUNDERS of Virginia. That would not do any good at all. You could not by any action in the committee give to the committee on Calendar Wednesday any right that the rules say they can not enjoy, but we can try it out in the House.

Mr. FLOOD. We can come back into the Committee of the Whole.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Illinois?

Mr. FLOOD. Yes; I yield to the gentleman from Illinois.

Mr. McKENZIE. Mr. Chairman, I just simply wish to suggest as my thought to the gentleman from Virginia and the chairman of the committee [Mr. BURNETT] that it would be wise, in order to get a settlement of this question and to protect those of us who favor this bill, to move that the committee do now rise and go into the House and make this agreement, and then we will understand that if it is an agreement it will be binding.

Mr. FLOOD. It is practically the same thing.

Mr. McKENZIE. Otherwise an agreement in this committee will have no effect when we get into the House. I suggest that

that be done for the protection of those of us who would like to see this bill enacted into law.

Mr. SAUNDERS of Virginia. There can be no agreement in committee.

Mr. FLOOD. I will make this suggestion: That the gentleman from Alabama [Mr. DENT] withdraw his motion, with the understanding that when we come back into Committee of the Whole his suggestion will be carried out.

Mr. KITCHIN. If they can come to an agreement.

Mr. FLOOD. I suggest that the gentleman from Alabama [Mr. BURNETT] move that the committee rise now.

Mr. WALSH. I will not agree to it.

Mr. FLOOD. I suggest that the gentleman move that the committee rise now, and that we reach an agreement that the matter shall be taken up two weeks from now. Let us make the agreement in the House.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

Mr. WALSH. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. Has the motion to postpone been withdrawn?

The CHAIRMAN. It has been proposed to be withdrawn. There has been no objection to its being withdrawn.

Mr. WALSH. I desire to submit a preferential motion.

Mr. DENT. Mr. Chairman, I will ask unanimous consent temporarily to withdrawn my motion in view of the motion that my colleague from Alabama [Mr. BURNETT] will make. I ask for that now.

The CHAIRMAN. The gentleman from Alabama [Mr. DENT] asks unanimous consent to withdraw his motion. Is there objection?

There was no objection.

The CHAIRMAN. The motion is withdrawn.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Alabama moves that the committee do now rise. The question is on agreeing to that motion.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. WALSH and Mr. DOWELL demanded a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 91, noes 26.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes, and had come to no resolution thereon.

Mr. BURNETT. Mr. Speaker, under the statements made a few moments ago it was thought by a majority of the House that this matter should be postponed, without losing its preferential position, for two weeks. I therefore ask unanimous consent that this bill be made a special order for to-day two weeks hence, superseding Calendar Wednesday and all business on that day.

The SPEAKER. The gentleman from Alabama asks unanimous consent that this bill be postponed until two weeks from to-day, and that it be made a special order for that day, to take precedence of the regular Calendar Wednesday business. The Chair will state that if they get through with this bill on that day we will go on with the calendar.

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama a question. Before I ask it I want to state that I have no objection to the consideration of the bill on the date that he sets, or upon any other day when it may be properly reached; but I would like to ask the gentleman from Alabama if he would not be willing to consent to postpone the bill until two weeks from to-day, and then, in case the Secretary of State finds himself unable to complete the negotiations that are now pending, and he is willing to assure the House that one additional week will enable him to complete these negotiations, whether the gentleman would not be willing to postpone it another week?

SEVERAL MEMBERS. No!

Mr. BURNETT. Mr. Speaker, I could not agree to that. The chairman of the Committee on Foreign Affairs is so certain that something will be done at once that he has stated to the House that he will withdraw his objection to the consideration of the bill at that time unless something is done. Now, if there was probably going to be another postponement I would not agree to this one. The gentleman from Virginia [Mr. FLOOD] stated two weeks ago that there would be no unnecessary delay; that the agreements had been concluded with Great Britain and with Canada, and that they should be concluded with France and Italy within a short time. Yet we find to-day that they have not been concluded with Great Britain and Canada——

Mr. FLOOD. They have been concluded.

Mr. BURNETT. They have not been signed, and I will not agree to anything except to a postponement until Wednesday two weeks.

Mr. MASON. I rise to make a parliamentary inquiry, and beg leave to make a suggestion to the gentleman asking unanimous consent. I think the Chair intimated that if two weeks from to-day the bill is not concluded it will then be indefinitely postponed.

The SPEAKER. No; the gentleman did not understand what the Chair said. The Chair said that if this request of the gentleman from Alabama prevails, and two weeks from to-day we get through with this bill before the adjournment of the House, we will proceed with the regular Calendar Wednesday business.

Mr. DUPRÉ. May I make a suggestion to the gentleman from Alabama that may help to clarify the situation?

Mr. BURNETT. Certainly.

Mr. DUPRÉ. My suggestion is that the gentleman amend his request so as to get unanimous consent that this matter go over until Thursday, February 28, which would be only one day longer, and thereby eliminate the violation of the privileges of Calendar Wednesday. It seems to me that should help the situation.

The SPEAKER. Does the gentleman from Alabama accept that suggestion?

Mr. BURNETT. I do not, Mr. Speaker.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that this bill be postponed until two weeks from to-day, that it be made the special order for that day, shutting out the business of Calendar Wednesday, as far as it goes.

Mr. WALSH. Reserving the right to object, I should like to ask the gentleman from Alabama [Mr. BURNETT], the chairman of the Committee on Immigration and Naturalization, to state what new reasons were given him, in addition to those given when the motion was made to postpone this before, which impel him to ask now for a postponement.

Mr. FLOOD. Regular order!

Mr. BURNETT. Mr. Speaker, I have very serious doubts about the State Department being any further along two weeks from to-day than they are now, but it seems to me after the receipt of that letter read by the chairman of the Committee on Foreign Affairs [Mr. FLOOD], and the expressions that I get now from the House, to be the opinion of a majority of the House that this last chance ought to be given. They have been promising for six months, it is true. Now, we are giving them a last clear chance; and as to getting through on Wednesday, I think if gentlemen will stay here and vote, we will get through with it, because we will start in fresh and we will have that whole day, and I hope Members will agree to that. I have no pride of authorship in this bill, but I do not want to see the time come, next May or at any other time, when our boys will be called and these fellows sitting back here taking their jobs and refusing to fight with them. [Applause.] If the State Department can accomplish the same purpose, then I have no objection to their doing it, and I would rather they would.

The SPEAKER. Is there objection.

Mr. WALSH. Reserving the right to object, I should like to ask the chairman of the Committee on Immigration and Naturalization if he has received any assurances, personally or directly, from the Secretary of State in addition to the information contained in the letter read by the gentleman from Virginia [Mr. FLOOD]?

Mr. BURNETT. I was at the office of the Secretary of State this morning, and I want to say that no additional assurances were given me except those contained in that letter, as I recollect.

Mr. GOODWIN of Arkansas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GOODWIN of Arkansas. What would be the status of the bill if it should not be concluded and passed two weeks from to-day? Would the bill come up for consideration on the following day, Thursday?

The SPEAKER. According to the terms of this request, it would not.

Mr. KINCHELOE. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KINCHELOE. I understand that if this goes over for two weeks, and is not concluded on Calendar Wednesday, that will be the end of it. The inquiry which I desire to propound is

this: If the gentleman from Alabama should amend his request for unanimous consent by asking that it go over until Thursday, two weeks, the 28th, and if it is not finished on that day what will be the status of it on the day following?

The SPEAKER. It would be up in the air.

Mr. KINCHELOE. In what way?

The SPEAKER. Because if the bill was not finished on Thursday, unless made a continuing order, then whoever had business on Friday morning would get that business considered.

Mr. KINCHELOE. In order to make it a continuing order would it take a request at that time?

The SPEAKER. Of course it would, or you can make it now if you want to make it a continuing order.

Mr. BURNETT. I modify the request by asking that it be made a continuing order until finished. My request is that it be postponed until two weeks from to-day, and that it then be made the continuing order until disposed of.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent that this bill be postponed until two weeks from to-day—Calendar Wednesday, February 27—and made the special order for that day, to the exclusion of the regular business upon that Wednesday call as far as it goes; that if it is not finished on Wednesday it be the continuing order until disposed of, and that if it is finished on Wednesday, then that the House take up the regular Calendar Wednesday business for the remainder of that day.

Mr. BURNETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. As I understand, the bill will be taken up at the point where we leave off to-day?

The SPEAKER. Yes. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none. The Clerk will call the committees.

When the Committee on the Library was called,

Mr. SLAYDEN. Mr. Speaker, I call up House joint resolution No. 70, "authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States."

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the trustees designated in the will of Mrs. Harriet Lane Johnston for the erection of a memorial to James Buchanan, a former President of the United States, on public grounds of the United States in the city of Washington, D. C., in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW.: *Provided*, That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of said memorial.

Mr. WALSH. Mr. Speaker, I raise the question of consideration.

The SPEAKER. The gentleman from Massachusetts raises the question of consideration. The question is, Will the House vote to consider the bill?

The question was taken; and on a division (demanded by Mr. WALSH) there were—ayes 48, noes 42.

Mr. WALSH. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point that no quorum is present, and evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. The vote is on the question of consideration?

The SPEAKER. Yes; those in favor of considering the House joint resolution will, when their names are called, answer "aye," and those opposed will answer "no." The Clerk will call the roll.

The question was taken; and there were—yeas 213, nays 127, not voting 88, as follows:

YEAS—213.

Alexander	Brodbeck	Chandler, Okla.	Dewalt
Aswell	Browning	Clark, Pa.	Dickinson
Ayres	Buchanan	Claypool	Dies
Bacharach	Burnett	Coady	Dill
Bankhead	Butler	Collier	Dixon
Barkley	Byrnes, S. C.	Connally, Tex.	Dominick
Barnhart	Byrns, Tenn.	Connelly, Kans.	Dooling
Beakes	Campbell, Pa.	Costello	Doremus
Bell	Candler, Miss.	Cox	Doughton
Beshlin	Cannon	Crago	Drane
Black	Cantrill	Crisp	Dupré
Blanton	Caraway	Darrow	Eagan
Booher	Carew	Decker	Eagle
Borland	Carlin	Dent	Elston
Brand	Carter, Okla.	Denton	Evans
Farr	Igoe	Morgan	Small
Ferris	Ireland	Morin	Smith, C. B.
Fields	Jacoway	Mudd	Smith, T. F.
Fisher	Johnson, Ky.	Neely	Snook
Flood	Jones, Tex.	Nicholls, S. C.	Stengall
Foster	Jones, Va.	Nolan	Steele
Gallagher	Kehoe	Oldfield	Stephens, Nebr.
Gallivan	Kennedy, R. I.	Oliver, Ala.	Stevenson
Gandy	Kettner	Oliver, N. Y.	Sumners
Gard	Key, Ohio	Osborne	Swift
Garland	Kiess, Pa.	Overmyer	Tague
Garner	Kincheloe	Overstreet	Talbott
Garrett, Tenn.	Kitchin	Padgett	Taylor, Ark.
Garrett, Tex.	Knutson	Park	Taylor, Colo.
Glass	Kreider	Parker, N. J.	Thomas
Glynn	Langley	Phelan	Tillman
Goodwin, Ark.	Larsen	Polk	Treadway
Gordon	Lazaro	Porter	Van Dyke
Gould	Lee, Ga.	Pou	Venable
Gregg	Lesher	Quin	Vinson
Griest	Lever	Raker	Walker
Hamill	Linthicum	Rayburn	Walton
Hamilton, Mich.	Littlepage	Reed	Watkins
Hamlin	Lobeck	Robbins	Watson, Va.
Hardy	London	Romjue	Weaver
Harrison, Miss.	Lonergan	Rose	Webb
Harrison, Va.	Lunn	Rouse	Welling
Hayden	McAndrews	Rowe	Welty
Hayes	McClintic	Rowland	Williams
Heaton	McKeown	Rubey	Wilson, La.
Hedin	McKinley	Russell	Wilson, Tex.
Helm	McLaughlin, Pa.	Sears	Wingo
Hensley	McLemore	Sells	Wi
Hicks	Mansfield	Sherwood	Wright
Hilliard	Martin	Shouse	Young, Tex.
Holland	Mason	Sims	Zihlman
Houston	Mays	Sisson	
Hull, Tenn.	Miller, Wash.	Slayden	
Humphreys	Moon	Slemp	

NAYS—127.

Anderson	French	Lufkin	Scott, Mich.
Baer	Fuller, Ill.	Lundeen	Shackleford
Bland	Fuller, Mass.	McArthur	Shallenberger
Bowers	Gillett	McCulloch	Siegel
Browne	Good	McFadden	Sinnott
Burroughs	Graham, Ill.	McKenzie	Sloan
Campbell, Kans.	Graham, Pa.	McLaughlin, Mich	Smith, Idaho
Cary	Green, Iowa	Madden	Snell
Classon	Greene, Mass.	Mapes	Stafford
Cooper, Ohio	Greene, Vt.	Meeker	Steenerson
Cooper, W. Va.	Hadley	Merritt	Stiness
Cooper, Wis.	Haugen	Mondell	Sweet
Currie, Mich.	Hawley	Moores, Ind.	Switzer
Dale, Vt.	Hersey	Mott	Temple
Dallinger	Huddleston	Nelson	Templeton
Davis	Hull, Iowa	Nichols, Mich.	Thompson
Denison	Husted	Norton	Timberlake
Dillon	Hutchinson	Paige	Tinkham
Doolittle	James	Parker, N. Y.	Towner
Dowell	Johnson, Wash.	Peters	Vestal
Dunn	Juul	Powers	Volstead
Elliott	Kearns	Purnell	Waldow
Ellsworth	Keating	Ramsey	Walsh
Emerson	Kelly, Pa.	Ramseyer	Wason
Esch	Kennedy, Iowa	Rankin	Wheeler
Fairchild, B. L.	Kinkaid	Reavis	White, Me.
Fairfield	Kraus	Roberts	Wilson, Ill.
Fordney	La Follette	Rogers	Wood, Ind.
Foss	Lehlbach	Sanders, Ind.	Woods, Iowa
Francis	Lenroot	Sanford	Woodyard
Frear	Little	Schall	Young, N. Dak.
Freeman	Longworth	Scott, Iowa	

NOT VOTING—88.

Almon	Edmonds	LaGuardia	Sanders, La.
Anthony	Estopinal	Lea, Cal.	Sanders, N. Y.
Ashbrook	Fairchild, G. W.	McCormick	Saunders, Va.
Austin	Fess	Magee	Scott, Pa.
Blackmon	Flynn	Maher	Scully
Britten	Focht	Mann	Sherley
Brumbaugh	Godwin, N. C.	Miller, Minn.	Smith, Mich.
Caldwell	Goodall	Montague	Snyder
Capstick	Gray, Ala.	Moore, Pa.	Stedman
Carter, Mass.	Gray, N. J.	Olney	Stephens, Miss.
Chandler, N. Y.	Hamilton, N. Y.	O'Shaunessy	Sterling, Ill.
Church	Haskell	Platt	Sterling, Pa.
Clark, Fla.	Hastings	Pratt	Strong
Copley	Heintz	Price	Sullivan
Cramton	Helvering	Ragsdale	Tilson
Crosser	Hollingsworth	Rainey	Vare
Curry, Cal.	Hood	Randall	Voigt
Dale, N. Y.	Howard	Riordan	Ward
Davidson	Johnson, S. Dak.	Robinson	Watson, Pa.
Dempsey	Kahn	Rodenberg	Whaley
Drukker	Kelley, Mich.	Rucker	White, Ohio
Dyer	King	Sabath	Winslow

So the House voted to consider the resolution.

The following pairs were announced:

Until further notice:

Mr. SANDERS of Louisiana with Mr. MAGEE.

Mr. ALMON with Mr. STRONG.

Mr. RIORDAN with Mr. AUSTIN.

Mr. RAGSDALE with Mr. MCCORMICK.

Mr. SCULLY with Mr. HOLLINGSWORTH.

Mr. STEDMAN with Mr. LAGUARDIA.

Mr. WILSON of Louisiana with Mr. GEORGE W. FAIRCHILD.

Mr. FLYNN with Mr. HEINTZ.

Mr. MONTAGUE with Mr. RODENBERG.

Mr. ASHBROOK with Mr. CARTER of Massachusetts.

Mr BLACKMON with Mr. CHANDLER of New York.

Mr. BRUMBAUGH with Mr. DAVIDSON.

Mr. CALDWELL with Mr. CRAMTON.

Mr. CHURCH with Mr. DEMPSEY.

Mr. DALE of New York with Mr. CURRY of California.

Mr. CLARK of Florida with Mr. DYER.

Mr. CROSSER with Mr. EDMONDS.

Mr. ESTOPINAL with Mr. ANTHONY.

Mr. GODWIN of North Carolina with Mr. FESS.

Mr. GRAY of Alabama with Mr. BRITTEN.

Mr. HASTINGS with Mr. FOCHT.

Mr. HELVERING with Mr. COPLEY.

Mr. HOOD with Mr. GOODALL.

Mr. LEA of California with Mr. GRAY of New Jersey.

Mr. MAHER with Mr. KAHN.

Mr. OLNEY with Mr. KELLEY of Michigan.

Mr. O'SHAUNESSY with Mr. MILLER of Minnesota.

Mr. PRICE with Mr. MOORE of Pennsylvania.

Mr. HOWARD with Mr. HAMILTON of New York.

Mr. RAINEY with Mr. KING.

Mr. RANDALL with Mr. PLATT.

Mr. ROBINSON with Mr. PRATT.

Mr. RUCKER with Mr. SANDERS of New York.

Mr. SABATH with Mr. HASKELL.

Mr. SAUNDERS of Virginia with Mr. SMITH of Michigan.

Mr. SHERLEY with Mr. SNYDER.

Mr. STEPHENS of Mississippi with Mr. STERLING of Illinois.

Mr. STERLING of Pennsylvania with Mr. TILSON.

Mr. SULLIVAN with Mr. WARD.

Mr. WHALEY with Mr. WATSON of Pennsylvania.

Mr. WHITE of Ohio with Mr. WINSLOW.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The House will automatically resolve itself into Committee of the Whole House on the state of the Union.

Mr. STAFFORD. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. I would like to submit that this bill is erroneously on the Union Calendar. It involves no charge whatsoever on the Treasury. It is merely an authorization to confer upon the Chief of Engineers the right to accept a statue that is to be donated by trustees under the will of one Mrs. Harriet Lane Johnson.

The SPEAKER. The point of order is overruled. The gentleman from Kentucky [Mr. JOHNSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 70) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States.

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the trustees designated in the will of Mrs. Harriet Lane Johnston for the erection of a memorial to James Buchanan, a former President of the United States, on public grounds of the United States in the city of Washington, D. C., in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW.: *Provided* That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of said memorial.

Mr. SLAYDEN. Mr. Chairman, this resolution proposes to permit the erection in the city of Washington of a statue to the memory of James Buchanan, who was the fifteenth President of the United States. For that purpose his niece, Harriet Lane Johnston, provided in her will the sum of $100,000. Mrs. Johnston was President Buchanan's housekeeper while he was in the White House, and, I am told, made a very gracious lady of the White House and dispensed its hospitalities in a charming way. That sum of $100,000 has accumulated until now it is about $130,000 or $135,000. The Government of the United States is to be at no expense. The design of the monument must be acceptable to the Commission of Fine Arts, and the monument will be located in the city of Washington. Those are the terms of the resolution. I personally think it would be an ungracious thing for us to reject this offer on the part of this lady. I have talked to the members of the Commission of Fine Arts about it, and the designs submitted already indicate a high degree of artistic excellence. I would like to have the House agree to this unanimously as an act of grace. It costs us nothing. Some gentlemen in the House have informed me that they voted against its considerartion because they thought it was costing the taxpayers of the country $100,000, and that this was not an opportune moment for indulgence in expenditures of that kind. Their reasoning is perfectly sound. If that had been the case, I would have been with them and would have voted against its consideration, but that is not true. It does not cost us a cent.

It is guarded in every possible way to secure a work of art, and I hope that the House will by a practically unanimous vote permit the erection of this statue under the conditions laid down.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. WALSH. The gentleman states that this does not cost the Government a cent. It is true, however, that the Government allots a location on public grounds for the erection of a statue to former President Buchanan, which plot of ground might be occupied by a statue of some more distinguished citizen, some one who had rendered distinguished services to the country.

Mr. SLAYDEN. Mr. Chairman, I am not willing to discuss the politics of the period before 1860 with the gentleman. I think the effort to make politics out of this is an unfortunate thing. I think it would be an ungracious thing to refuse to accept this monument because Mr. Buchanan happened to be a Democratic President in trying times in the history of the country. It does not cost the Government anything, and if it is a work of art it will help to decorate the grounds and make them more pleasant to the eye of the residents and visitors to the Capital.

Mr. WALSH. Mr. Chairman, will the gentleman yield further?

Mr. SLAYDEN. Certainly.

Mr. WALSH. The gentleman speaks of an act of grace. He, I assume, means an act of grace to the heirs or descendants of the former President?

Mr. SLAYDEN. Perhaps I chose my words unfortunately. I think it is due to the memory of the gracious lady who presided over the White House, and I think it is due to the fact that the politics of that period have gone into the past forever, I hope, that at this time when Democrats as well as Republicans are doing their duty in the trenches in this great war, and I dare say there is no question of politics or previous political affiliations considered by the men who command them or by the men themselves. Within the last 10 days more than 25 young men from my district have been aboard a ship of war and in serious peril of their lives, and more than a dozen of them have lost their lives in going abroad to fight the battles of this country. Every one of them was a Democrat, and would you vote to refuse to recognize that service because of the fact that they are Democrats?

Mr. WALSH. Does the gentleman upon that argument and the statement that he is making wish to put this in the class of war measures?

Mr. SLAYDEN. Oh, no.

Mr. WALSH. Will the gentleman, without touching upon the politics of the situation in any way, briefly inform the committee what distinguished service this former President of the United States rendered to his country?

Mr. SLAYDEN. I do not intend to occupy the time of the House by doing any such thing as that, but I shall refer the gentleman to the works of Jeremiah Black, one of the greatest and most eminent lawyers in the country, one of the greatest and most eminent patriots the country has ever had, and I dare say the gentleman will find a vast amount of information in them. I yield the balance of my time to the gentleman from Maryland [Mr. LINTHICUM].

Mr. ROBBINS. Mr. Chairman, before the gentleman does that I desire to ask him a question. I am the head of a commission to build a monument in my district. In taking the matter up and investigating it we were informed that it was an inopportune time to erect structures of that kind, that labor that would be employed in getting out the stone and transporting material ought to be used in war activities, and we were discouraged. I want to ask the gentleman if he has made any investigation to find whether it would be practicable to do this thing at this time? I ask for information.

Mr. SLAYDEN. As a matter of fact, I think it will not be done right now. I doubt if it is ever done during the period of the war. I think it will be delayed if there is any competition found in the labor market. I am sure it will be.

Mr. ROBBINS. I was anxious to know whether the gentleman had investigated in reference to that, because we meet that situation.

Mr. SLAYDEN. I yield to the gentleman from Maryland, whose bill it is.

The CHAIRMAN. How much time?

Burnham	Curtis	Dent	Evans
Brand	Carter, Okla.	Denton	

Mr. MONTAGUE with Mr. RODENBERG.

Mr. SLAYDEN. Whatever time at my disposal he desires.

The CHAIRMAN. The gentleman from Texas has used five minutes. The Chair recognizes the gentleman from Maryland.

Mr. LINTHICUM. For how long?

The CHAIRMAN. Fifty-five minutes.

Mr. LINTHICUM. Mr. Chairman and gentlemen of the committee, there is very little I can add to what the distinguished gentleman from Texas [Mr. SLAYDEN] has said. This is a resolution to provide in the city of Washington a site for the erection of a monument to James Buchanan, a former President of the United States. The money has been provided by the will of Harriet Lane Johnston, his niece, the lady of the White House during his administration, who presided with great distinction and with the love and admiration of all. This money was provided first to erect a stone at the birthplace of Mr. Buchanan in Stony Batter, near Mercersburg, Pa. That has been done out of the income from the money.

There is now in hand sufficient to erect a monument to cost $100,000, the sum mentioned in her will. It is left to the Fine Arts Commission to select the design of the monument and approve the work. That commission says that they have already inspected the design which is in contemplation and have practically given it their approval. They have not yet settled upon a site, though it is their intention or their idea to place it in Meridian Park, and I understand there is to be a large basin in front of the monument to the memory of some other person. The control of the entire matter is absolutely left in the hands of the Commission of Fine Arts, and nothing can be done without their consent. The money is to come out of the Harriet Lane Johnston estate, and the Government is put to no expense whatever, unless you construe the site as such, as maintained by the gentleman from Massachusetts [Mr. WALSH]. Meridian Hill Park, as we know, will be an ideal location, and if that is selected it will be a splendid place for this monument. There is not much I can say, and if I should attempt to tell this body of distinguished gentlemen of the works of James Buchanan, of what he accomplished, it seems to me it would be like carrying coals to Newcastle.

Mr. Chairman, I appreciate, however, that there is to-day among the public a widely accepted opinion hostile to the memory of President Buchanan. I also appreciate that the task of correcting that opinion is a formidable one, yet I would feel recreant to my duty and to truth itself if I did not now raise my voice in protest against a grave wrong done an honorable gentleman.

The history of the period preceding the Civil War, as it now stands written, is all too highly colored by the passions and prejudices of that period. It is not to be compared with the history of the great conflict itself, for the history of the latter has been made just by a more critical study and by the appreciation of warriors who meet foemen worthy of their steel. Little is said now of James Buchanan prior to his turbulent term in the White House.

Mr. Buchanan had a long and distinguished career from the time he entered the Legislature of Pennsylvania in 1814 to the time of his retirement from the Presidency in 1860.

In 1821 he took his seat in this honorable body, making his first speech in support of President Monroe and of John C. Calhoun, his Secretary of War. For 10 years he labored here during Monroe's second term, the term of John Quincy Adams, and two years of Andrew Jackson's, of whom he was a strong supporter and personal friend. He was sent by President Jackson to Russia in 1833, and at St. Petersburg negotiated a commercial treaty with that great country.

In 1834 he was elected to the United States Senate and served for three terms. He was conspicuous in his support of President Jackson's financial policy, and likewise of Van Buren during his administration. Under Van Buren he declined the Attorney Generalship of the country, and in 1843 was elected for a third term to the United States Senate, his name being mentioned as Democratic candidate for the presidential nomination, at which time he refused.

He became Secretary of State under James K. Polk and decided many important questions; for instance, the establishment of the boundary between Oregon Territory and the British possessions, and the annexation of Texas, which resulted in the Mexican War.

When Mr. Taylor became President Mr. Buchanan retired to private life, but in 1852 he was the unsuccessful candidate for the Democratic nomination. He was appointed minister to England by President Pierce in 1853, and was recalled at his own request in 1855, being nominated for President by the Democratic national convention at Cincinnati, Ohio, June 4, 1856. After a fiercely contested election he was, when 66 years of age, elected President of the United States by 174 electoral votes as against 114 for John C. Fremont and 8 for Millard Fillmore.

If you behold a man standing on some mountain peak you know he did not light there, but he gained that dizzy height by ability, energy, perseverance, and strength. So it is in public life. If you behold a man President of the greatest Republic which the world has ever known, it is positive proof that he would not have gained that eminence without great ability and the love and confidence of his people. [Applause.]

Few men here to-day, few men in our history have longer stood the acid test of public service than James Buchanan. No weakling made that record; no coward nor incompetent could have kept the public favor for so many years.

Mr. Buchanan represented that element in our Government who fully believed in the sovereign rights of States, and who implicitly believed in the absolute property right in slaves. Let not the present-day moralist look askance at his beliefs. Remember rather that those beliefs were the beliefs of the founders of our Government. Those beliefs came down by birth and breeding to James Buchanan. If Buchanan was wrong in upholding them then the fathers were wrong in originating them. Remember that the doctrine of the sovereign rights of States came to him from the great Jefferson, and that it was Jefferson who wrote the Kentucky resolutions of 1798, which laid down the doctrine: "This Commonwealth is determined, as it doubts not its co-States are, to submit to undelegated and consequently unlimited powers in no man or body of men on earth." Remember as well that the Kentucky resolutions were followed by those of Virginia, drawn by Madison, which put forth a doctrine equally strong as those of Kentucky. Remember also that the Democratic platform of 1856, on which Buchanan was elected, reaffirmed the belief in and loyalty to the Kentucky and Virginia resolutions of 1798 and pledged the faith of its candidate to the upholding of the principle therein laid down. So with Buchanan's belief in the institution of slavery. His belief was based on the organic law of the land. He could look back and see the great founders of this country, many of them surrounded by their slaves. By every tenet he was born to, and by the plighted word of his party he was bound to, uphold the institution of slavery and the sovereign rights of States.

That in brief was the situation confronting President Buchanan in 1860. When the great party conventions met in that year the Democratic Party split on the slavery issue, and that party passed from the position of power it had so long held and became merely a protesting minority. It has well been said that "The wages of discord is defeat." For half a century the Democratic Party paid the penalty for discord, just as its successor in power is now and will continue to pay that penalty. When the Democratic split of 1860 opened the way for the success of the Republican Party, then for the first time was seriously considered the forming of a southern republic, then for the first time was the cry of secession raised with purpose deep to the point of menace. Up to that time no criticism had been made, nor can be made, of the administration of President Buchanan. It is on what he did or failed to do from the national election in November, 1860, to March 4, 1861, that he has been, as I firmly believe, most unjustly and most ungenerously condemned.

The first move of the Southern States was the South Carolina State convention, which on December 20, 1860, passed the ordinance of secession. What was President Buchanan's position and belief on secession? I quote from his last message to Congress in December, 1860:

> In order to justify secession as a constitutional remedy it must be on the principle that the Federal Government is a mere voluntary association of States, to be dissolved at pleasure by any one of the contracting parties. If this be so, the Confederacy is a rope of sand, to be penetrated and dissolved by the first adverse wave of public opinion in any of the States.
>
> In this manner our 33 States may resolve themselves into as many petty, jarring, and hostile republics, each one retiring from the Union without responsibility whenever any sudden excitement might impel them to such a course. By this process a Union might be entirely broken into fragments in a few weeks which cost our forefathers many years of toil, privation, and blood to establish. Such a principle is wholly inconsistent with the history as well as the character of the Federal Constitution. After it was framed with the greatest deliberation and care it was submitted to conventions of the people of the several States for ratification. Its provisions were discussed at length in these bodies composed of the first men of the country. Its opponents contended it conferred powers upon the Federal Government dangerous to the rights of the States, whilst its advocates maintained that under a fair construction of the instrument there was no foundation for such apprehensions. In that mighty struggle between the first intellects of this or any other country it never occurred to any individual, either among its opponents or advocates, to assert or even to intimate that their efforts were all vain labor, because the moment that any State felt herself aggrieved she might secede from the Union. What a crushing argument this would have proved against those who

> dreaded that the rights of the States would be endangered by the Constitution. The truth is that it was not until many years after the origin of the Federal Government that such a proposition was first advanced. It was then met and refuted by the conclusive arguments of Gen. Jackson, who in his message of the 16th of January, 1833, transmitting the nullifying ordinance of South Carolina to Congress, employs the following language:
>
> "The right of the people of a single State to absolve themselves at will and without the consent of the other States from their most solemn obligations and hazard the liberty and happiness of the millions composing this Union can not be acknowledged."
>
> It (the Union) was intended to be perpetual and not to be annulled at the pleasure of any one of the contracting parties.

Mr. Chairman, that is not the doctrine of a weak man. No one has ever spoken more clearly his devotion to the Federal Union. But while President Buchanan believed and strongly urged the preservation of the Union he was elected on a platform and pledged to the doctrine that no sovereign State should ever be coerced by force.

By honor he was bound and by belief he was restrained from attempting to coerce South Carolina to recede from her position and to return to the Union. Had he employed force to this end he would have been false to his trust, as he construed it, false to his party, false to the convictions and belief of a lifetime, and he then would have been worthy of censure without stint. President Buchanan sought to preserve the Union without the use of force. That is a true statement, but more clearly proved than this statement. President Lincoln sought to preserve the Union without the use of force. President Lincoln did not take the steps which opened hostilities. He waited, hoping to effect a reconciliation. Buchanan waited for the same high purpose. Buchanan failed in this as also did Lincoln, for war was inevitable. Buchanan's reasons for not using force were threefold.

First. His belief that force should not be used to coerce a sovereign State;

Second. The absolute impossibility of his gaining from Congress the right to use such force; and

Third. His conclusion as to the effect of the use of force on the perpetuity of the Union, which he expressed in these words:

> But, if we possessed this power, would it be wise to exercise it under existing circumstances? The object would doubtless be to preserve the Union. War would not only present the most effectual means of destroying it, but would banish all hope of a peaceful reconstruction. Besides, in the fraternal conflict a vast amount of blood and treasure would be expended, rendering future reconciliation between the States impossible. The fact is that our Union rests on public opinion, and can never be cemented by the blood of its citizens shed in civil war.

Does any man here say that was not a reasonable conclusion in the light of those days? Could any man at that time, any sane man, predict that the battle field at Gettysburg could witness the terrible slaughter of Pickett's charge in 1863 and in 1913 see the remnants of that gray army march again up that slope to grasp in brotherly welcome the hands of the boys in blue, their deadly foes of a half century gone? That, sir, is a miracle, and in Buchanan's time was unimagined. Shall we condemn the man for failing to prophesy that miracle? So Buchanan withheld his hand from the task. Just so did Lincoln until he saw the futility of it. Buchanan was at the end of his term, pledged to one course of action. Lincoln was coming in pledged to another course of action. Would any Member of this House seriously contend that an outgoing President is in duty bound to inaugurate the policies of an incoming President? It has never been done and would render the doer ridiculous. Yet had Buchanan even sought to do the things Lincoln was elected to do, yet even then the use of force without provocation against the seceding States could not have been his policy for Lincoln was not elected on any such program or platform.

There is, sir, no basis in reason for censuring President Buchanan. The only basis is in lack of knowledge of events and in bad temper. Buchanan was the end of the old order. It was destined to pass. He was its last exponent. Lincoln was the first of the new order. That came to stay. Buchanan is censured not so much for what he did or failed to do as for the fact that he was the last of his line of Presidents who upheld slavery and State rights.

The culmination of that great question of abolition which had been forming for half a century had been reached. The mooted question of the right of secession was once and for all decided in the negative by the court of last resort and we became an indissoluble Union of indestructible States, and as such are able to meet the task resting upon us to-day in the prosecution of this great war without a jar or disturbance to our machinery of Government. As I have said, Mr. Buchanan served in many capacities. His administration forms a part in the historical evolution of a country from a mere confederacy to a Union of strength and power unequaled in the world's history. It is but right that we should erect a monument to a man who came from the great industrial State of Pennsylvania.

Mr. KREIDER. Will the gentleman yield?

Mr. LINTHICUM. In just a moment. I think we ought at least to honor him in allowing the erection of this monument in the city of Washington when we have placed it under every safeguard in the hands of the Commission of Fine Arts. I now yield to the gentleman.

Mr. KREIDER. Does the gentleman know whether or not there is in the city of Washington at the present time a monument to James Buchanan?

Mr. LINTHICUM. I think not.

Mr. KREIDER. Do you know how many Presidents, from Washington down, have monuments erected in their honor in the city of Washington?

Mr. LINTHICUM. I do not think there are many of them. They are very few. But because we have been wrong in that it does not make this wrong. We ought to have more monuments to the great Presidents of this Republic. I wish we had more monuments to our great Presidents rather than some of these monuments around Washington of people who have never done anything for this country.

Mr. MILLER of Washington. As I understand, there was to be a bowlder in front of the monument, dedicated by some other person?

Mr. LINTHICUM. No; I said that in her will Mrs. Johnston provided for the erection of a monument at his birthplace, at Stony Batter, Pa., and my understanding is that it has already been erected at that place, near Mercersburg, Pa., and out of the income derived from the money the executor told me that the monument at his birthplace had been put there in accordance with Mrs. Johnston's instruction.

In conclusion, Mr. Chairman, let me say that Mr. Buchanan entertained the same views as all the South, much of the North, and even some New England parts agreed with his views on secession and nearly attempted it.

He was an honorable gentleman, an able and a faithful public servant. He served his country long and honorably. He but followed the beaten path of his predecessors back even to the great Washington himself, for his beliefs were the beliefs of the founders.

To deny to his memory now this offered tribute is to show a lack of knowledge of events and a spirit small and mean. If republics are ungenerous, let us for once lay aside this fault and be generous to this man who amid the most trying times worked and spoke to save the Union he loved. [Applause.]

Mr. LINTHICUM. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania, Mr. DEWALT.

Mr. LONERGAN. Will the gentleman yield to a question?

Mr. LINTHICUM. I will.

Mr. DOWELL. Mr. Chairman——

Mr. LONERGAN. If the gentleman will pardon me, I was recognized.

Mr. DOWELL. I desire to raise a question of order. The gentleman has no right to yield the time. The floor was yielded to him for the 55 minutes. He has no right under the rule to yield the time.

Mr. DEWALT. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

Mr. GARRETT of Tennessee. He was yielded the balance of the time by the gentleman from Texas [Mr. SLAYDEN].

Mr. DOWELL. The gentleman was yielded the time, and he has no right to yield it to the chairman any more than anyone else.

Mr. LINTHICUM. I have not yielded the floor yet. I have the right to yield the balance of my time to the gentleman from Texas [Mr. SLAYDEN].

Mr. DOWELL. That is the question I am raising, that he has no right to yield the time.

Mr. LINTHICUM. We need not have any controversy over the matter.

Mr. SLAYDEN. Mr. Chairman——

Mr. DOWELL. The question is, when time is yielded to a Member to occupy the floor, the gentleman who has the time yielded to him has no right under the rule to yield it to some one else. He must either occupy the floor or yield the floor.

The CHAIRMAN. The Chair will say that it has been the prevailing custom here to yield back the time to the chairman of the committee.

Mr. LINTHICUM. Mr. Chairman——

The CHAIRMAN. The gentleman will wait one minute. The Chair is ready to read the rule on the subject.

Mr. DOWELL. Mr. Chairman, the gentleman who had the floor, the chairman of the committee, had one hour. He could have yielded five minutes or any length of time to any Member, and then could have yielded during the hour and reserved the time and kept within the rule, but under the rules of the House he yielded the time to the gentleman who occupied the floor dur-

ing the balance of his hour, and he has no more to yield. The gentleman who occupied the floor has no right under the rule to surrender it to some other Member.

The CHAIRMAN. The Chair will say that the gentleman from Texas [Mr. SLAYDEN], the chairman of the committee, was recognized for one hour, and the Chair so stated. When the gentleman from Texas had used five minutes of that time he yielded to the gentleman from Maryland [Mr. LINTHICUM] such time as he might want. The Chair of his own motion stated that the gentleman from Maryland was recognized for 55 minutes, and so he was, and he could have used the 55 minutes if he had chosen so to do. The Chair holds that the gentleman from Maryland can yield back the remainder of his time to the gentleman from Texas, who is chairman of the committee.

Mr. LONERGAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Connecticut?

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CODY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. RANSDELL, Mr. MARTIN, and Mr. NELSON as the conferees on the part of the Senate.

STATUE OF JAMES BUCHANAN.

The committee resumed its session.

Mr. SLAYDEN. I yield to the gentleman from Pennsylvania [Mr. DEWALT] 10 minutes.

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, I would not for a moment take either the time or attention of this body were it not for the fact that James Buchanan came from the great State of Pennsylvania, in which I have the honor of living. I therefore deem it not only my privilege but, in part, my duty to advocate the passage of this measure, not as a political question but as a matter of honor and grace and dignity to the great State of Pennsylvania.

Why should there be any opposition to this? Why are there 128 votes cast in the negative? Is it because there is a political reason therefor? Has the time come now in this crisis confronting us, when men sitting on the right-hand side of this Hall shall be severed from those on the left by a political question, not dating now but dating back to the days of 1861? Let me say to those gentlemen that James Buchanan, honored son of Pennsylvania, was a Senator of the United States from that great State, that he was ambassador to Russia, ambassador to Great Britain, was the chairman of the Judiciary Committee of this House, and had an enviable and worthy record not only in the Senate but in the House of Representatives as well and in the foreign courts at which he was our minister. Why, then, this cavil? It certainly can not be a question of economy. It costs the Government nothing except the donation of the site. If there were an expenditure here of $100,000, or, if you please, of $150,000, I still would say it would be justified, because it would honor the memory of a man who served his country well.

We had a man in the State of Pennsylvania, Hensel by name, who was one of the greatest lawyers in the Commonwealth, a former attorney general of our State, who wrote a history of James Buchanan, and in that he gives this cogent sentence:

> I state it from the records and after examination thereof, and my opinion is concurred in by Judge Brown, of the Supreme Court, that if Abraham Lincoln had lived as President under the same circumstances and in the same trying times he would have done before the war what James Buchanan did, and that if James Buchanan had lived and been President when Lincoln was he would have followed the path of the illustrious Abraham Lincoln.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. DEWALT. Certainly, sir.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that some man whom he characterized as distinguished from the State of Pennsylvania had said that if Abraham Lincoln had lived before the war he would have done what James Buchanan did under the same circumstances?

Mr. DEWALT. No. Evidently the gentleman has mistaken my sentence, because I recognize the fact, if the gentleman did not, that Abraham Lincoln did live quite a long time before the war.

Mr. COOPER of Wisconsin. But they both lived at the time of the Kansas-Nebraska controversy and the controversy over the Lecompton constitution and other controversies of that day. One was for circumscribing of the limits within which slavery could exist in this country and the other took the opposite view.

Mr. DEWALT. I am not discussing the question of the limitation of slavery or the extension of slavery. I am discussing the broad proposition that in the unhappy circumstances that existed at that time Abraham Lincoln was trying to avert the war as much as he could, and James Buchanan was trying to do the same thing. Neither of them wanted to plunge this country into war; and Abraham Lincoln, the man whose birthday we celebrated yesterday, said, "I must save the Union. If I must free all the slaves, I will save the Union by freeing them all. If I must free some of the slaves, I must save the Union by freeing some. If I can save the Union by freeing none of the slaves, I would still save the Union." [Applause.]

That was the record of that statesman on the slavery question. I do not appeal for the passage of this resolution because I am a Democrat. I do not appeal for the passage of it because James Buchanan was a Democrat, but I appeal for it in this light: That great man, Abraham Lincoln, who, in my judgment, was the greatest President the country ever knew [applause], not excepting George Washington, had this immortal sentence, too, in his mouth, "With charity for all, with malice toward none, let us bind up the cruel wounds of this war." [Applause.]

Now, my friends, this is no time, in my humble judgment, to tear open again the wounds of the war of 1860 to 1865. In my humble judgment, gentlemen, as a Representative from Pennsylvania from the State whence this great statesman came, this is the time to make close the bonds of patriotism and to forget that there were Democrats and that there are Democrats, that there were Republicans and that there are Republicans, but to remember once and for all time that there are none but American citizens. [Applause.]

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. SWITZER. Do I understand the gentleman to say that if Abraham Lincoln had been President at the time James Buchanan was President, he would have followed the same course and would have done the same things?

Mr. DEWALT. I said, and I repeat it again, that Judge Brown, who is now the chief justice of the Supreme Court of Pennsylvania, who lives in the county of Lancaster, from which President Buchanan came, and that William Uhler Hensel, who was attorney general of the State of Pennsylvania, both gave the history of James Buchanan particular attention, and they assert in printed pamphlets, one of them being a Republican and the other a Democrat, that James Buchanan, in their judgment, pursued the same course that Abraham Lincoln would have taken under the same circumstances.

Mr. SWITZER. Regardless of their judgment, I do not believe it.

Mr. DEWALT. That may be, and your judgment may be more profound than theirs, although one of them is chief justice of the Supreme Court of Pennsylvania. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. LONERGAN. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. LONERGAN. Will the gentleman please state to the committee what memorial, if any, erected on public land of the city of Washington, was paid for out of private funds?

Mr. DEWALT. My dear sir, I wish I could give you the information. I would if I had it, but I do not have it, or I would give it to you.

Mr. CARY. I may answer as to one. The Polish monument to Kosciusko was paid for by the National Polish Association.

Mr. GILLETT. I could mention another—that of Daniel Webster.

Mr. SLAYDEN. Mr. Chairman, I would like to ask the gentleman leading the opposition to this measure to use some of his time now or all of it.

The CHAIRMAN. The Chair will recognize some Member in opposition.

Mr. WALSH. Mr. Chairman, if no other Member desires to oppose this measure, I desire to oppose it and control the time of the opposition.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts for one hour.

Mr. WALSH. I yield 10 minutes to the gentleman from Indiana [Mr. WOOD].

The CHAIRMAN. The gentleman from Indiana is recognized for 10 minutes.

Mr. WOOD of Indiana. Mr. Chairman, I think it most unfortunate that this proposal is laid before this House at this

time. As has been suggested by the gentleman from Pennsylvania [Mr. DEWALT], who just preceded me, that this is a time when all citizens of the United States should stand together, and when there should be nothing brought to the floor of this House that will have any tendency to strain that relation.

There is a fitness in all things and a time for all things. This is not a fit place to raise a monument to the memory of James Buchanan. It is not a fit time to suggest that a monument be built in the Capital of the Nation to James Buchanan. I am opposing this measure not because James Buchanan was from the State of Pennsylvania or because he was a Democrat.

I wish that this was a proposition to raise a monument to a really great citizen of the State of Pennsylvania and a great Democrat, and I would gladly support it; I wish that a proposal were had to raise a monument to Edwin M. Stanton [applause], who stood for the things that we desired, and which all Americans now stand for. I am opposing this not because James Buchanan was a Democrat and I am a Republican. But I wish it was a proposal to erect a monument to one of the greatest citizens this country has ever had, and one of the best Presidents it ever had, and when the future history is written of the greatness of Presidents he will stand high among them—Grover Cleveland.

The question has been asked, "What did James Buchanan do as President of the United States that warrants this distinguished honor?" I ask gentlemen who stand sponsor for this measure to answer that question. Were that question propounded with reference to Grover Cleveland, there are two things that he did, if no others, that would warrant the building of a monument to his memory as high as the Washington Monument now stands, for the service he rendered was most signal. He stood between law and order and disloyalty and disorder when he said to one governor in the United States, "You shall not longer conduct dishonorably the affairs of your State and interfere with the business of the Nation," and he sent the Army to Chicago to show a man who was trying to tear down this Government that the Nation was bigger than any State and that law should be preserved there.

Again he stood like a stone wall against those who would disgrace the Nation and reduce its finances to a scandal and a shame, and in favor of sound money that would save the country from dishonor.

So there is no politics actuating those who see fit to oppose this proposition. But, as I say, before any man's monument is placed in the city of Washington there should be a condition precedent that he should have rendered some signal service that would warrant the building of that monument. Any time before the disgraceful conduct of Benedict Arnold at West Point had the War of the Revolution closed, the name of Benedict Arnold would have stood high upon the record of fame for having done most signal service for the Colonies. He destroyed it all in a single moment. If James Buchanan had never been President of the United States, and if, by reason of the record that he made as minister to England and as minister to France, or the signal service that he rendered in the State Department as Secretary of State, a monument had been erected to him, then it might have been justified. But when this country was in its peril, when there were those without and within trying to undermine it and destroy it, what signal service did he then render? Again we ask the proponents of the measure to answer.

But it has been said that Abraham Lincoln would have preserved slavery if necessary in order to preserve the Union. That is true, so great was his love for the Union; but back of it all there was in the heart of Abraham Lincoln the lesson inculcated there when he went down the Mississippi River and saw a slave girl being sold from the auction block. He afterwards declared that he then took an oath before God that if he ever had the power he would strike that institution, and strike it damned hard. The time came, and he did strike it hard; he killed it. When Abraham Lincoln became President of the United States, if the continuance of slavery had been essential to the preservation of the Union he would have agreed to the continuance of slavery; but never at any time did Abraham Lincoln, for the purpose of averting that war, permit the arsenals of this country to be seized by the enemy, nor did he permit the vessels that we owned to be taken into far-away ports so that they could render no service whatever.

I say to you that it is most unfortunate that we are asked now to build this monument in these times of peril, when we are appealing to the youth of this country, when we are appealing to the young men of this country that they shall give their all upon the altar of their country if need be for the preservation of this great Government of ours and the world's democracy. This is the time, if you please, when we should point to monuments of men who by reason of their heroism have earned a place in fame or who are entitled to some recognition of this character. Every time we go up and down the avenue and look at the statue of that superb general of the War of the Rebellion, Gen. Hancock, a great Democrat, there is an inspiration in the breast of every young man, an inspiration, if you please, to dare and do for this country of ours. Had there been anything in the conduct of James Buchanan, had he shown any spine at the time when I say it did take courage for men to act, then might there be some reason for coming before us at this time with this project. But when he was called upon to exercise manhood, when it took courage, when it took great decision of purpose, and when it took daring, if you please, James Buchanan was found woefully wanting in the balance. So, I say it is an unfitting time. If this were a proposition to raise this monument to the memory of the woman who graciously discharged her duties as mistress of the White House during the four years that Mr. Buchanan was President of the United States, I would gladly support it, for it would be a gracious tribute to a noble woman and a tribute, if you please, to the gracious womanhood of the United States. [Applause.] But that is not the proposition. It is not to do honor to a man to whom honor is due. It is to do honor to a man who degraded and disgraced his place in the time of peril and in the time of his country's great stress. [Applause.] So, in the name of all those who stood for the Union when he was permitting it to be rent asunder and in the name of the soldiers living and dead who fought to preserve that Union, I protest against this measure.

Mr. WALSH. I yield 15 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I did not intend to speak upon this bill at all. I did intend to content myself with voting against it, upon the general proposition that I do not believe that Congress should ever give permission to anyone, even at their own expense, to erect a monument in the city of Washington unless the subject of that monument was a person who had rendered distinguished service to his country. But, in view of the statements that have been made as to the motives of those who will vote against this bill, I do believe that something ought to be said, and I do resent the insinuation made by the gentleman from Texas [Mr. SLAYDEN] that men who vote against this bill will vote against it because Mr. Buchanan was a Democrat. The gentleman ought to know better than that. He ought to know there is no Republican upon this side of the aisle who is not willing to honor any man deserving of honor, and to grant the same consideration to any man who has rendered distinguished service to the country, whether he be Democrat or whether he be Republican; and it is a slander of the Republican side to make any such intimation as the gentleman has made. Then he says, Why bring up these old issues? Well, I ought to ask in return, Why bring them up? Why have you brought this bill before this House? When a bill is brought before this House proposing to erect a statue to any man, have we not the right to ask what distinguished service that man has rendered that warrants the erection of a statue to him? You proponents of the bill have no right to answer that question by saying, "Oh, you must not ask that question, because he was a Democrat." We may honor Robert E. Lee for the splendid patriotism that he exercised from his standpoint when he, with his State, seceded from the Union. We may honor other distinguished men of the South who did likewise; but I want to say to you that it is a different proposition when you ask us to honor a man who came very near being a traitor to his country while in the presidential chair. [Applause.] Inasmuch as the proponents of this bill have chosen to place its consideration upon the ground that they have, it ought to be discussed upon its merits.

Mr. LINTHICUM. I want to say to the gentleman that this is my bill, and I placed it upon no such grounds. I think there are many Republicans here who are just as much interested in its passage as I am.

Mr. LENROOT. I am very glad to hear the gentleman say that; and yet, if I am not mistaken, the gentleman himself referred——

Mr. LINTHICUM. I beg the gentleman's pardon. I made no such statement.

Mr. LENROOT. The gentleman from Pennsylvania and the gentleman from Texas then did. Now, what were the distinguished services that Mr. Buchanan rendered for which he is entitled to a monument in the city of Washington. The gentleman from Pennsylvania [Mr. DEWALT], if I understood him correctly, stated that in his judgment if Lincoln had been President preceding the war, at the time Mr. Buchanan was President, the action of Mr. Lincoln would have been similar to that of Mr. Buchanan.

Mr. REAVIS. Will the gentleman from Wisconsin yield? I think the gentleman from Pennsylvania made that statement on the authority of some one else.

Mr. LENROOT. In making the statement I think he wished us to understand that that was his view of it.

Mr. REAVIS. I do not think that he made the statement in that way.

Mr. LENROOT. Well, I accept that correction.

Mr. GOODWIN of Arkansas. I do not think the gentleman from Pennsylvania made that statement for himself, but merely quoted the authority of a chief justice of his State, an eminent lawyer, who knew Mr. Buchanan.

Mr. LENROOT. That may be. Now, Mr. Chairman, I hold in my hand a copy of the International Encyclopedia, and in the article on James Buchanan, it is doubtless fair to him, and indeed anyone who reads the article would conclude that it is apologetic and defends him in so far as he can be defended, and I want to read one paragraph:

> In the Executive chair he was apparently subservient to southern politicians and allowed their threats of secession to influence his actions. After Lincoln's election Buchanan was more than ever anxious to stifle the slavery discussion, and in his last message to Congress pointedly charged the North with having brought about the existing crisis in national affairs by a discussion which had "produced its malign influence on the slaves and inspired them with a vague idea of freedom." While holding that the States had no right to secede, he added that the Nation had no power to prevent it; he said it could not employ force, except upon the demand of the lawful authorities of the State, and in South Carolina no such authority then existed.

Let me ask if Mr. Buchanan had continued to be President during the years that Abraham Lincoln served, would he have had one Union to-day?

Mr. LINTHICUM. May I ask the gentleman a question?

Mr. LENROOT. Yes.

Mr. LINTHICUM. I do not want to inject any politics into this.

Mr. LENROOT. There is no politics.

Mr. LINTHICUM. In the gentleman's opinion, what would Lincoln have done if he had been in Buchanan's position at that time? He would not have been in control of Congress, he could not declare war; what would he have done?

Mr. LENROOT. If Mr. Lincoln had been President of the United States during the time that Buchanan was President——

Mr. LINTHICUM. No; I am speaking about the last few months when the great controversy came up.

Mr. LENROOT. If the gentleman wants to know, if you read the history of the crisis that was brought on, it was largely because of the position that Mr. Buchanan took that this Nation had no right to prevent the Southern States from seceding by the use of force. What stronger argument could there have been, what stronger invitation could have been extended to the Southern States to secede than the position taken by Mr. Buchanan?

While we all have forgotten these issues that were then raised, while to-day there is no North and no South and there will not be in the future, you who like myself want to have these old issues forgotten ought not to pass this bill to erect a statue in Meridian Park recalling the almost treacherous conduct of a President of the United States during these times, a President that perhaps did more than any other single influence to bring about that civil war because of the position he took which cost hundreds of thousands of lives on both sides. The best thing we can do for the memory of James Buchanan is for the American people, North and South, to forget him as soon as possible. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I would like to have the gentleman from Massachusetts use some of his time, for I understand that some gentlemen on that side of the House have an engagement——

Mr. STAFFORD. Let me say that some gentlemen on this side have an appointment at the White House at 5.30, a delegation numbering 15 will be obliged to leave at 5 o'clock in order to keep the appointment. I was wondering whether we could not rise at that hour if we had not completed the bill.

Mr. LONGWORTH. The statement of the gentleman from Wisconsin excites my curiosity somewhat. Will he be more specific? [Laughter.]

Mr. STAFFORD. They occupy a different attitude than does the gentleman from Ohio, they are grangers.

Mr. NEELY. Mr. Chairman, I would like to make a suggestion that the gentleman from Wisconsin undertake to go on the gentleman from Ohio's bond for good behavior at the White House.

Mr. STAFFORD. Permit me to say that I am not honored by being invited or having business at the White House.

Mr. WALSH. Mr. Chairman, I am not fortunate enough to have spent hours and weeks delving in musty volumes for the purpose of glorifying the great Commonwealth of Pennsylvania nor for the purpose of doing a gracious act to a former mistress of the White House. And I can not speak with the authority and learning of the distinguished and, no doubt, wise judge of Pennsylvania, who is quoted here by the gentleman from Pennsylvania [Mr. DEWALT] as an authority in the House of Representatives upon the day following that which we set apart to do honor and reverence to the memory of our martyred President, the great Lincoln.

And so I lack the authority from having read deeply or delved wisely into written lore. But, sir, no matter who the man may be or what the authority is, to hold out here to us, representing the people of this Union, the idea that the great Lincoln, had he been President during the time that James Buchanan was President, would have followed a similar course borders on blasphemy. And apart from which side of Mason and Dixon's line we may come, we have a right to resent the expression of such sentiments. It has been said that this former President, as a Senator and Member of the Congress, as one of our ambassadors to foreign nations, rendered signal service to his country. I grant that that may be true, but this statue is to be erected to the memory of the President Buchanan, and who is there that will claim that he rendered distinguished service to the United States of America when he held that high office?

I recall having read somewhere that during his public career—and I believe while he was a Member of the coordinate branch of this Government, the great Senate of the United States—he gave expression to the view that 10 cents per day was sufficient for a laboring man. Yet here, in the midst of the world's greatest conflict, we are asked to stop in our deliberations, to pause in our legislation pertaining to this war, to give way for these few hours when more important measures are pending, in order that by our action we may authorize the setting apart of a tract of the public domain a most conspicuous site in the city of Washington to do a gracious act to a former mistress of the White House and to honor the great Commonwealth of Pennsylvania, but beyond and above all that to glorify one who for a term occupied the great office of President of these United States and whose career in that high office is dimmed and dulled by the patriotic courage and devotion displayed by his successor, the great emancipator, Lincoln.

Mr. Chairman, I desire to read a few words that were written upon another matter in December, 1859, during the term of this honorable public servant. In the play of Julius Cæsar I believe it is Anthony who says that Brutus was an honorable man, and so in the same way we might say that Mr. Buchanan as President rendered distinguished services. You will recall the John Brown incident. I wish to read to you words written in 1859, which are truly prophetic, written by one who is still in public life, and although he is of a different party than that to which I belong, I trust he may continue to remain in public life and render distinguished and honorable service in every sense of the word to the Government and people of the United States. The expression of views was contained in a communication reading as follows:

> To-morrow John Brown dies upon the gallows, the death of a traitor. Not a traitor to his country, his God, or liberty, but a traitor to a local regulation, recognized in this country as law. He dies, in a land where murderers go unhung, without even a murderer's sympathy. He dies a martyr to his heart convictions of right embedded by bitter experiences and made strong by the same power which hurries him into eternity. He dies; yet there will come a time in the future history of this country when the simple name of John Brown will receive more reverence from the Americans than that of Senator Douglas or President Buchanan or Gov. Wise. The one executed for the highest crime known to the law, the others favored recipients of the highest offices within the gift of a free people—the one the embodiment of nobility and guided by enthusiasm, the others traitors to the revolutionary idea of liberty, fawning sycophants, and timeservers. The only crime proved against John Brown was that of inducing slaves to leave their masters. He did not invade Virginia for rapine and murder, but to strike the shackles from the bondman and let the oppressed go free. Yet Virginia, noble, chivalric Virginia, thirsteth for his blood. The governor of this great State, a would-be President of this Republic, thirsteth for his blood.

It will be noted that reference is made in this communication to this man who rendered such signal and distinguished services as President of the United States. Mr. Chairman, those are words written to the Williams County Gazette, December 1, 1859, when but a youth of 24 years, by our gallant colleague, whose patriotism was shown on many a battle field during the great struggle, the distinguished, in every true sense of the word, gentleman from Ohio, Gen. SHERWOOD. [Applause.]

And I submit here that he was a true prophet, and that it ill becomes us in these serious times to take any action here whereby we shall put the seal of approval upon the official acts of that President, or whereby we shall elevate him to the same plane as that occupied by the immortal Lincoln, and to give

occasion to a revival of discussion of the course pursued by Buchanan and his unfortunate utterances and indecision. And yet they cry "politics"! I say, Mr. Chairman, that this question is broader than a political question. It is sought to dignify and glorify him whose course was such as to deserve then, and as time goes on to still deserve only the censure of silence. Oh, you may say that there is a great bequest pending here, and that unless some action is taken before the 1st of March that bequest will lapse. If that be so, then I say it is better for the Nation to get the benefit of the inheritance tax upon that bequest rather than that we should authorize the setting apart of this tract of land for the erection of this statue, and immortalize not only the individual as President but attempt to cloak with respectability and approbation his official career and what he stood for. Let there be no misunderstanding, let there be no chance for future historians and eminent judges from Pennsylvania, seeking to glorify a statesman or a near statesman, who may have happened to be born within the boundaries of that State—let there be no opportunity for them to say that the American Congress in order to be gracious and courtly to a former mistress of the White House, during the midst of the world's greatest war, in spite of the facts written indelibly in the pages of history during his term of service as a President of this Union, was lax in its efforts to further the great struggle in which we are engaged, and that we put the stamp of disapproval upon impartial historians and political writers; that we put our judgment above and beyond that of the judgment of the men who lived in those times; and that we say that the gentleman from Ohio, Gen. SHERWOOD, did not know of what he wrote, and that he proved to be a false prophet.

I contend, sir, we are warranted in concluding from the facts, the cruel, cold facts of history, that President Buchanan during his term of office skated near the edge of treason and indisputably he was a timeserver. And I ask, sir, that when this measure comes up for final action that this House will not stultify itself by authorizing the erection of this statue in this most conspicuous place at this time. [Applause.]

Mr. Chairman, I reserve the remainder of my time.

Mr. SLAYDEN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 35 minutes remaining.

Mr. SLAYDEN. How much has the gentleman from Massachusetts?

The CHAIRMAN. Twenty-eight minutes.

Mr. SLAYDEN. May I ask the gentleman from Massachusetts how many more speeches does he expect to have on his side?

Mr. WALSH. I expect one.

Mr. SLAYDEN. Only one more?

Mr. WALSH. Yes.

Mr. SLAYDEN. Well, Mr. Chairman, we have two more speeches. The gentleman from Pennsylvania [Mr. STEELE] wants a few minutes, and then I will let the gentleman from Massachusetts consume the balance of his time, and I have another colleague in the House who wants to speak on this subject; so now, if it is agreeable, I will yield 10 minutes to the gentleman from Pennsylvania [Mr. STEELE]. [Applause.]

Mr. STEELE. Mr. Chairman, I had not intended to take any part in this discussion, but several matters have arisen concerning the fair fame of one of Pennsylvania's distinguished citizens, and I feel it my duty to say something in defense of his memory. I am one of those who have no personal recollection whatever of the Civil War. I have none of the prejudices growing out of the Civil War. Two of my immediate relatives were officers in the Battle of Gettysburg. They were all what were then known as Douglas Democrats, and upon the slavery question in Pennsylvania sentiment was practically unanimous in opposition to slavery, so I think I can approach this question without any partisan feeling or prejudice or bias growing out of that era in the history of our country. James Buchanan was not the kind of man that he is attempted to be painted on the floor to-day. James Buchanan was a man of sterling character, of high moral principles, and he conscientiously served his country in all the positions he served at that time. He was born in Pennsylvania and descended from the old Scotch Presbyterian stock. He soon fought his way to the front as one of the prominent members of that distinguished bar. He served in the Pennsylvania Legislature for a number of years, and was soon elected a Member of the House of Representatives of the United States. As a Member of this body he soon distinguished himself and after a time became chairman of the Judiciary Committee of this House and served in that position for a considerable time. As a member of the Judiciary Committee of this House he rendered distinguished service to this House and to the country upon the memorable contest to strike out the celebrated twenty-fifth section of the judiciary act and fought that out to a conclusion.

Afterwards he became the representative of Pennsylvania in the United States Senate, and served there for a great length of time. He was then appointed minister abroad, was minister to the Court of St. James, was appointed minister to Russia, and afterwards became Secretary of State under President Polk. In all these positions no question was ever raised as to his ability, no question was ever raised as to his loyalty to the country, and it was only when the trying times came preceding the Civil War that, owing to the passions of that period, he was charged with many things by persons for which there was no real foundation. It had been a growing question for many years, from 1820 down to the outbreak of the rebellion. Was it a crime for Webster and Clay to vote for the compromise in 1850? Nobody has ever charged them with that, and one of them is honored with a monument here to-day in Washington, although he voted for the compromise at that time. You remember the tirade of abuse that arose at that time against Daniel Webster because he voted for the compromise. That same tirade of abuse followed when anyone took that position upon the slavery question about the time of the Civil War, and it is well known that early in the history of James Buchanan he personally asserted in a public speech that he delivered in the city of Lancaster his opposition to slavery. That was his personal principle, and he adhered to that as a political principle down to the time of his death.

Now, James Buchanan was a man of a kindly and peaceful disposition, not possessed of the strong character of Andrew Jackson in the Calhoun controversy or fitted to act in the severe way that a partisan agitator would act. His disposition naturally was to compromise differences and save the country from a period of bloodshed. Was it wrong for him to attempt to do that? In 1898 when the differences arose between ourselves and Spain did not President McKinley assume precisely the same attitude when he opposed the declaration of war as long as he could, and only when the sentiment was overwhelming on that subject accede to it? Was it disloyal at that time for Thomas B. Reed, the celebrated Speaker of this House, to oppose the declaration of war that was then made? I do not think anyone would accuse him of that. So when it comes down to the discussion of Mr. Buchanan whatever differences of opinion may arise as to the course he took at that time there is one thing that all unprejudiced historians who have examined into that question will agree upon at this time, and that is that his loyalty was beyond question. [Applause.]

Now, what objection, therefore, can be made to the erection of this monument at this time? Charges have been made here that would make it look as if Mr. Buchanan had been guilty of some act of disloyalty and of treason to the country. That, it seems to me, is the narrowest kind of partisan objection, and one which there is no real foundation in history to support. I maintain that whatever differences of opinion may exist as to the action of Mr. Buchanan, as to whether he ought to have taken this course or that course, there could be no question that he was entirely loyal to the Union and to the Government at that period of time. And, if that be true—and I do not think it can be questioned as a matter of history—then the objection that this money ought to be used in some other way at this time, or that the ground upon which the monument is proposed to be erected could be used for some other purpose, falls to the ground as the merest captious objection.

The monument does not cost this Government a single dollar. It is paid for entirely out of the estate of his niece, Harriet Lane Johnston, and while Members object to the erection of a monument to Mr. Buchanan and seem to be willing to erect one to the then mistress of the White House, I do not see how the two can be separated at all. For myself, it seems to me that it ought to be an act of grace on the part of this House, and we should be sufficiently broad minded, seeing that this is not going to cost the Government a penny, to do the proper thing under the circumstances.

Mr. GOOD. Will the gentleman yield?

Mr. STEELE. Yes, sir.

Mr. GOOD. Aside from the charges that have been made of the political consideration, the gentleman from Wisconsin [Mr. LENROOT] made one observation that seemed to me ought to have some weight with the House, and that is this, namely: Can we afford to permit persons to erect monuments in the city of Washington on public grounds to be paid for by private persons at all; and if we do follow that principle, is it not likely to happen that the person whose relatives have the most money will have the most magnificent monuments to their memory, irrespective of what service they might have rendered.

Mr. STEELE. As a matter of principle, as long as Congress retains control over the matter, I can see no objection to it.

Mr. FERRIS. Does the gentleman from Iowa think it very hard to distinguish between the ex-Presidents of the United States and ordinary citizens who might have money with which to build monuments?

Mr. GOOD. It had not been brought to my mind until the gentleman from Wisconsin [Mr. LENROOT] referred to that fact, but it did seem to me that the practice of permitting wealthy people to leave large sums for the erection of monuments, even though the monument might be erected to an ex-President, was not a wise provision, and we could better afford to pay for those monuments out of the Treasury of the United States and, therefore, have control over them. I was just asking the gentleman.

Mr. FERRIS. I was impressed with the gentleman's suggestion, as a rule, but I am also impressed with what the gentleman from Pennsylvania [Mr. STEELE] is saying, that this House need not throw itself into a frenzy about building a monument to any ex-President of the United States; I do not care whether he be Democrat or Republican.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SLAYDEN. Mr. Chairman, I extend the gentleman's time three minutes. And with the gentleman's permission, I would like to interrupt him long enough to make a statement.

Of course I do not know the entire history of the Capital as to the erection of monuments. There have been monuments erected here by contributions from the outside. The Kosciusko Monument was so erected and the Columbus Monument was erected very largely at the expense of private citizens, as was also the Daniel Webster Monument and others.

Mr. GARRETT of Tennessee. Will the gentleman permit a suggestion. The monument to ex-President Garfield was erected by the contributions of organizations outside. The erection of the monument to the founder of the Grand Army of the Republic, which stands at Seventh Street and Pennsylvania Avenue, was erected by contributions of organizations outside.

Mr. SLAYDEN. I will say that it is not the practice, and there has been no custom of the sort as apprehended by my friend from Iowa, and so far as my influence goes there will be none, although at this time there are pending on the calendar two bills authorizing monuments to be erected on ground to be selected by the Commission of Fine Arts, where the cost is to be provided by outside sources. One of these is at the instance of the great Methodist Church and the other at the instance of the Catholic Church. And I am inclined to believe that when those two measures come before this House the suggestion of the committee will be accepted without much controversy.

Mr. GOOD. The incidents that the gentleman referred to, as I understood him, were incidents where there was a sentiment throughout some portions of the country, at least, and the contributions were in response to that sentiment.

Mr. SLAYDEN. The point is that they were erected by private contributions.

Mr. GOOD. But were there any cases where the persons in their wills left provision to erect monuments?

Mr. SLAYDEN. No; no other was proposed except in the case of James Buchanan. That is unique.

Mr. STEELE. Mr. Chairman, I was about to reply to the gentleman when I was interrupted. My personal opinion is that so long as Congress retains control over the whole situation I can see no objection to it. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. SLAYDEN. Mr. Chairman, I will yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would rather love my fellow man than hate him. [Applause.] I would rather honor him than traduce him. [Applause.] I would rather forget his failings than remember them after his death. [Applause.]

I do not believe the Congress of the United States is made up of men who propose to put the stamp of opprobrium upon a former President of the United States. [Applause.] I do not believe it is wise to do so during the progress of an international war. [Applause.] I would not believe it proper for the sake of American patriotism to do it at any time. [Applause.]

George Washington was criticized in his day and ill was said of him. Yet, the man who would traduce him now would find it difficult to maintain the title of "patriot" in the United States.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GOODWIN of Arkansas. Was any man ever traduced more than the great Lincoln by his own people in his own time?

Mr. MOORE of Pennsylvania. I think no public man was ever traduced as Abraham Lincoln was traduced, as much abroad as he was at home; and yet I would like to see the American to-day, at home or abroad, who would question the right of Congress or of citizens to erect a memorial to Abraham Lincoln. [Applause.]

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. DEWALT. Yet, after all that traducing, when history is written as it is written now, is there any man in the country who is more bepraised and beloved than Abraham Lincoln? [Applause.]

Mr. MOORE of Pennsylvania. Absolutely none, as well by the people of the South as by the people of the North. [Applause.] The time has come for us to forget these differences of 100 years ago or of 50 years ago. [Applause.]

Mr. McLAUGHLIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I yield to my friend from Michigan.

Mr. McLAUGHLIN of Michigan. He is beloved now because what he stood for has been approved and justified. But is it not true that every complaint and criticism of James Buchanan has been magnified up to this very hour?

Mr. MOORE of Pennsylvania. Every criticism has been magnified?

Mr. McLAUGHLIN of Michigan. Every fault pointed to in his character and his record has been magnified, and the criticism of it has not been justified up to this hour?

Mr. MOORE of Pennsylvania. The fault has been magnified—yes—and for that reason I would be fair, as I would be patriotic, in dealing with this question. [Applause.] Read the sketches of James Buchanan and you read of no ordinary man. You read of one who was patriotic in the beginning and who lived his long public career with honor until criticism came. He closed that distinguished career—the first man of all the people of the United States—without a recorded blemish, except as to his judgment or as individuals had their opinions of him and the acts he performed. If this is to be the standard by which we are to judge our public men 50 years after their death, it would apply with distressing force to many of our illustrious forefathers, from George Washington down to the present time. We can pick flaws in the character and in the conduct of everyone of them, but it has been against public policy to do so; it has been against patriotic policy to traduce our public men, and I shall not be one to join now with others, whether I believed with James Buchanan in his time or not, to uphold to the scorn of the world one who had been dignified and honored as President of the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SWITZER. Does the gentleman say that our school histories traduce Mr. Buchanan?

Mr. MOORE of Pennsylvania. My time has expired; but I would say that, so far as I have observed, they do not.

Mr. SLAYDEN. Mr. Chairman, is the gentleman from Massachusetts [Mr. WALSH] going to conclude in one speech?

Mr. WALSH. I have more than one speech.

Mr. SLAYDEN. How much time has the gentleman left?

The CHAIRMAN. The gentleman from Massachusetts has 28 minutes left.

Mr. WALSH. I will yield eight minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. SLAYDEN. Mr. Chairman, how much time have we left?

The CHAIRMAN. Seven minutes.

Mr. SLAYDEN. It is my purpose to conclude in one speech. I will ask the gentleman from Massachusetts to use some of his time now.

Mr. WALSH. I yield eight minutes to the gentleman from Nebraska [Mr. REAVIS].

The CHAIRMAN. The gentleman from Nebraska is recognized for eight minutes.

Mr. REAVIS. Mr. Chairman and gentlemen, I am somewhat reluctant to speak upon this subject, because I have no desire to fan the embers of ashes that should be dead. I am speaking only because I happen to represent in part a State that, together with the State of Kansas, was the storm center of the period during which Mr. Buchanan served as President. We are not asked to grant permission for the erection of a monument to James Buchanan in any capacity excepting as President of the United States. Whatever service he may have performed previous to his induction into that office is lost sight of in the measure that is now presented to the House of Representatives.

Personally, I think the erection of monuments in the National Capital should be a matter of very careful concern to the Congress. I do not believe monuments should be erected here as a matter of grace to the lady who happened to be the mistress of the White House during his incumbency. I do not believe that permission should be granted to erect this monument because of the mere fact that he happened to be President of the United States. I believe that before a monument is erected in the Capital of this Nation the one to whom the monument is erected should have been responsible for distinguished service which would justify the action on the part of the Congress.

I can give you in a word the idea I have in mind by the relation of an incident that occurred to me in this city a number of years ago. I came here on some business before the Interior Department, and brought with me a red-headed, freckled-faced little lad who was very much interested in the monuments and statues that he saw in this beautiful city. He talked to me about them repeatedly. One day when I was called to the Department of the Interior I asked him if he could get along without me during the course of the day. With all the confidence of youth he replied that he could get along a good deal better without me than he could with me. I said, "Well, son, you have been very much interested in the statues that you have seen in the city. Now, while I am busy in the department I want you to find the statue in Washington that is erected to the man who made the most money, and when I come back to the hotel for dinner this evening I want you to tell me about it."

As we sat at the dinner table that evening I asked him, "What about the statue?" He said, "Father, I could not find it;" and I replied, "It is not here. It is not anywhere in this gray old world of ours, because the man whose memory is perpetuated in marble is the man who gave most to the world and not the man who took most from it."

I have listened during this debate for some man to tell me or to tell this body of some contribution that James Buchanan as President of the United States made to the United States that would justify us in erecting a statue to him in this city. I have heard that we should erect it as a matter of grace to the lady who left the money. I have heard that we should erect it because it will not cost the Government anything. I have heard that we should erect it because he was at one time President of the United States, but I have yet to hear any man detail a single item or a single circumstance in his life as President of this great Republic that would justify this action in erecting a statue to him at this time. The gentleman from Pennsylvania [Mr. MOORE] spoke in favor of this bill. The day of miracles is not over, because during all of his address he was applauded from the other side of the aisle, and I never saw it happen before during my incumbency in this House. [Laughter.] The gentleman from Pennsylvania grows very charitable, and says that Abraham Lincoln was traduced. He was, in the hour of his activity, but he is not traduced to-day; and the reason that the civilized world has made of Abraham Lincoln a patron saint is that he gave his life in trying to destroy the very thing that Jim Buchanan tried to foster. [Applause.] Gentlemen of the House, I doubt exceedingly the advisability of passing this measure. I doubt exceedingly the advisability of the House of Representatives granting its permission to erect in the Capital of this Nation a statue to one who as President sought to destroy the Nation. I do not believe that this permission should be granted.

I am reluctant to say what I have said, and I have said it only because I come from the State that was the storm center of the activity, the State that was cursed by appointees during Buchanan's presidency, who came there spreading the propaganda that had to be destroyed by the Union at the end of a four-year war. I do not believe we should erect a statue to a man merely because he happened to hold a great office. A statue should be erected to the personality of the individual, and not to the office, and the test should be what contribution did that individual make to the welfare of America or the world. Up to this time I have listened in vain for a single statement as to the contribution of President Buchanan either to the welfare of the Nation or to the race. I am opposed to this bill. [Applause.]

Mr. WALSH. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, I had not intended to take part in the debate on this measure until the gentleman from Pennsylvania [Mr. DEWALT] made what seemed to me an astounding statement. I refer to that utterance of his in which he asserted that Abraham Lincoln and James Buchanan held the same views of the Constitution—this, in effect, is what he said—and that under the same circumstances either of these men would have done what the other did in discharging the duties of the great office of President of the United States.

Now, nothing in my judgment—and I say this with all respect to my friend from Pennsylvania—nothing could be more wide of the truth than was that statement. That it is wholly unwarranted is shown by the unchallenged facts of history.

I respect a brave man; I respect Lee and Stonewall Jackson and the hosts of the Confederate Army, the great leaders and the rank and file who, believing that their first duty was to their respective States, went to the front offering their lives, if need be, in defense of what they thought was the right. I observe here a nod of approval from my friend, a brave Confederate veteran, the gentleman from Maryland, Mr. TALBOTT. But I do not admire, nor will I ever by my vote help to honor in the Capital of the Nation, the President who, after Abraham Lincoln had been elected to succeed him, wrote in his message to Congress in December, 1860, the words that I am about to read—words written as he saw approaching the storm that threatened to wreck the Republic, words which shocked and grieved lovers of liberty everywhere throughout the world. Said Mr. Buchanan:

> "Without descending to particulars, it may be safely asserted that the power to make war against a State is at variance with the whole spirit and intent of the Constitution. Suppose such a war should result in the conquest of a State; how are we to govern it afterwards? Shall we hold it as a province and govern it by despotic power? In the nature of things, we could not by physical force control the will of the people and compel them to elect Senators and Representatives to Congress and to perform all the other duties depending upon their own volition and required from the free citizens of a free State as a constituent member of the confederacy."

He declared this Nation to be a confederacy, although the Constitution adopted in 1787 superseded the articles of federation which had made the colonies a confederacy.

He continued:

> "But if we possessed this power, would it be wise to exercise it under existing circumstances? The object would doubtless be to preserve the Union. War would not only present the most effectual means of destroying it, but would banish all hope of its peaceful reconstruction. Besides, in the fraternal conflict a vast amount of blood and treasure would be expended, rendering future reconciliation between the States impossible."

And then he sat in his chair here in Washington and permitted one of his Secretaries to send the Navy to the South and another Secretary to send the Army and the munitions of war from the Government arsenals in the North to the South and to create a situation which when Abraham Lincoln, freedom's apostle, reached Washington seemed to many to be without hope. But in this tremendous crisis, what did Lincoln say?

> "My countrymen, one and all, think calmly and well upon this whole subject. Nothing valuable can be lost by taking time. If there be an object to hurry any of you in hot haste to a step which you would never take deliberately, that object will be frustrated by taking time; but no good object can be frustrated by it. Such of you as are now dissatisfied still have the old Constitution unimpaired, and, on the sensitive point, the laws of your own framing under it, while the new administration will have no immediate power, if it would, to change either. If it were admitted that you who are dissatisfied hold the right side in the dispute, there still is no single good reason for precipitate action. Intelligence, patriotism, Christianity, and a firm reliance on Him who has never yet forsaken this favored land are still competent to adjust in the best way all our present difficulty."

This far he had been pleading. Listen, now, to his noble, kindly words of warning:

> "In your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war. The Government will not assail you. You can have no conflict without being yourselves the aggressors. You have no oath registered in heaven to destroy the Government, while I shall have the most solemn one to 'preserve, protect, and defend it.'"

Lincoln did not quail. But when they seceded and attacked the Government he called for volunteers to preserve, protect, and defend the Constitution and save the Nation. Buchanan, had he then been in the presidential chair, would have said again

what he said in his message of December, 1860, before Lincoln came here, and nothing would have been done to coerce the seceding States. They would have gone, and this great Nation, dedicated by our fathers to the cause of human liberty, would have been rent in twain and one-half given over to the blackest despotism that ever cursed the earth. To this Republic, saved through those four awful years, the world has ever since looked; and looks to-day, for the influence and example which are sending liberty and the spirit of democracy around the world. But had Buchanan and not Lincoln then been in the White House our example would have been lost and lost forever. Buchanan's own words testify to the truth of my assertion. And they demonstrate how utterly mistaken was the gentleman from Pennsylvania [Mr. DEWALT] when he declared that under the same circumstances Buchanan would have done what Lincoln did. [Applause.]

Mr. SLAYDEN. Mr. Chairman, I would like to have the attention of the gentleman from Massachusetts [Mr. WALSH]. I understand that the gentleman has concluded his side with the speech of the gentleman from Wisconsin [Mr. COOPER]?

Mr. WALSH. I have no further speeches that I know of at present.

Mr. SLAYDEN. I thought we had an agreement as to that a few moments ago. I told the gentleman that I would have one more speech, and I understood the gentleman to agree to that—that we would conclude with these speeches.

Mr. WALSH. What does the gentleman propose to do at the conclusion of this speech?

Mr. SLAYDEN. To close general debate.

Mr. MADDEN. Mr. Chairman, is it the gentleman's intention to proceed to the consideration of this resolution under the five-minute rule after the general debate is closed?

Mr. SLAYDEN. I will say to the gentleman that I do not see any reason why we should not have a vote upon this to-night, or if we can bring it up to a vote and agree when the vote will be taken it will be satisfactory to me. I do not want to inconvenience the gentleman.

Mr. MADDEN. The gentleman certainly does not want to cut off the opportunity to offer amendments?

Mr. SLAYDEN. I probably would not be able to do that if I wanted to.

Mr. MADDEN. I suggest the wisdom to the gentleman of moving to rise after the close of general debate and taking this bill up under the five-minute rule on next Wednesday.

Mr. SLAYDEN. There are two or three other bills on the calendar.

Mr. GILLETT. It is so late I think that that could be done. We will want to have a roll call on this bill.

Mr. SLAYDEN. Very well. I shall consent to that. I now yield the remainder of my time to the gentleman from Illinois, the Nestor of the House [Mr. CANNON].

The CHAIRMAN. The gentleman from Illinois is recognized for 17 minutes.

Mr. CANNON. Mr. Chairman and gentlemen of the House, I have not heard all of this debate. I had no intention of saying a word touching this resolution; and yet as I have listened, first to one and then another, I felt that as I shall vote for the bill I ought to say a few words. I do not do it in temper; I do not do it to open up old sores. I do it because, as I understand the resolution, this statue is to be erected by virtue of the will of Harriet Lane Johnson, the niece of President Buchanan, somewhere on Sixteenth Street. I have lived for almost 82 years, and I have seen many things happen. I have read many platforms. I have heard many political speeches. I have seen great contests on the floor of this House. I have seen a great Civil War. I knew Lincoln personally, though I was not an intimate acquaintance of his; but I knew him, and I did not know President Buchanan and had no acquaintance with him; but just let me call your attention to the history of our country.

This Government has been in the course of evolution. We achieved our independence by a Revolution, then the Confederacy, then the Constitution, then John Marshall, the Chief Justice of the Supreme Court. Oh, we had a war then with England. We had a war with France; and the truth is we had a war with France and England both at the same time. It was not declared, but it was a war. We had embargoes; we had hot fights between the North and the South. While I was not living at the time, yet I can recollect the hurrah that was given, within my recollection, where it would bring on fights when people were called Blue Light Federalists. If I recollect and have read history properly—I think I am not mistaken—New England wanted to secede. I think it was in 1812 that the Hartford convention met, and way before that the doctrine of secession was talked of and approved.

I believe before that time Kentucky passed her resolution declaring the right of a State to secede, and from that time down to 1856, when James Buchanan was nominated as the candidate for President, there never was a national Democratic platform but what it contained a resolution indorsing the Kentucky and Virginia resolutions which spoke for the right for a State to secede. [Applause.] Buchanan was elected upon that kind of a platform. Thank God, Lincoln was elected, and, oh, thank God, thank God, you men who are Democrats on that side of the House, thank God that Lincoln was elected, and that you and your forbears failed. [Applause.] But yesterday in Virginia the legislature, held in the same hall as I read the news where the secession ordinance was passed, adjourned out of respect for Lincoln. Now, Stanton has been spoken of. He was in Lincoln's Cabinet. He was a Jackson Democrat, and a good Democrat, indorsing his policies. Stanton was also a member of Buchanan's Cabinet and was such member when Buchanan's term expired; he supported Buchanan in 1856 upon a platform that indorsed the Kentucky and Virginia resolutions. It is true he became a Union supporter of Lincoln and afterwards went into Mr. Lincoln's Cabinet. If I recollect aright, in 1862, succeeding Cameron. Since that time we have had reconstruction; since that time we have had war with Spain; since that time this great war is upon us. In the year 1812 New England and largely New York were not orthodox touching secession, and later on, my Democratic friends, you were not orthodox. Now Lincoln wanted to preserve the Union. We had a hard time in that great contest. The battle was on along the borderland, evenly divided. Kentucky and Missouri had full quotas in both armies. West Virginia had many men in both armies. In 1862 there was a decided revolution in Illinois, Indiana, and Ohio. In 1864 the northern Democracy met in Chicago, if I recollect aright, and adopted that platform, one plank of which declared the war a failure and demanding an armistice and a compromise. Lincoln was reelected. Say, did you ever go over to Arlington?

Oh, there is where the Nation's patriotic dead lie—generals, privates, fighting for the flag, who have crossed over—there is where they are buried. You know I rode with a man in the Navy some little time ago, and he said, "CANNON, there is where I am going to lie." I believe Westminister Abbey is where they bury their distinguished dead in England. They have had any amount of rebellions in that country. There the dust of patriotic and great men lie. The Westminister Abbey of this country, if it is found anywhere, is to be found over at Arlington, near Washington. Union generals and privates who fought and died, and who have died since, and generals and privates of the Confederate Army following their convictions are there buried upon Uncle Sam's land that Uncle Sam paid for, and paid for after the Civil War was over.

James Buchanan, as I read history, was a great man. He was ambassador to England. He was a Senator of the United States. I recollect very well the campaign of 1856. He was a great man, but he indorsed the Kentucky resolution and the Virginia resolution. He did not believe that he had that power to coerce a sovereign State. He did not want to see a State go, but he said that there was no power to coerce it. He was true to the platform of the Democratic Party upon which he was elected.

Mistaken? Yes. But, after all is said and done, he was President of the United States. Oh, I have sat here in the Chamber of the House of Representatives with hundreds of men who fought to the end for the success of the Confederacy.

There were some good things that came out of the war with Spain as well as some bad things. Sometimes some of us think that one of the bad things was the possession of the Philippines, but I will not discuss that matter. But that war did cement the North and the South. [Applause.] And while I disagree with my Democratic brethren upon this floor touching economic questions, and sometimes disagree with some or all on my own side of the House touching other questions, I am answerable to my constituency, and there is no man in this House or in the Senate but that has the same right as a Representative that I have. And I honor you, Republicans, and I honor you, Democrats.

Now, what is this proposition? As I understand it, Harriet Lane Johnston gives by her will $100,000 with which to erect this statue on Sixteenth Street, in Washington. I am not here to open up the wounds of the Civil War. I thank God for Lincoln. I abused the policy that Buchanan stood for with all the power that was in me during that great struggle. I can understand how Gen. SHERWOOD, whose letter was read here, could in 1859 have properly written it. And he afterwards made good

by his magnificent services. [Applause.] But he now sits on that side of the House——

Mr. SHERWOOD. Yes; and I am going to vote for the bill. [Applause.]

Mr. CANNON. My friend says he is going to vote for the bill. I can quite understand why gentlemen, without perhaps fully weighing the matter, might conclude that this would indorse the principles that James Buchanan stood for touching secession. I think now, as it is all behind us, and in view of all our magnificent history and great progress, it is not a very good policy to assume at this time; and it would not bear fruit even if you did not erect the statue there. When you criticize James Buchanan for his action and for his nonaction, and for his messages, you criticize one-third of the Northland that was cotemporary with him; and there were at least one-third of them that agreed with the South. And you criticize the Southland, too, that was substantially solid against Lincoln and the Union, but now for the Union and the flag.

Let the dead past bury its dead, and let us at this time stand shoulder to shoulder for success in our great world's war for free seas and against autocracy. [Long and continued applause.]

Mr. SLAYDEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House joint resolution No. 70, authorizing the erection on the public grounds of the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. DENTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. The gentleman from Maryland asks unanimous consent to revise and extend his remarks in the RECORD.

Mr. GILLETT. On what subject?

Mr. LINTHICUM. On the Buchanan monument.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SIEGEL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech made by my colleague, Mr. LAGUARDIA, at Milan, Italy.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, what is the speech that the gentleman wishes to insert in the RECORD?

The SPEAKER. A speech made by Mr. LAGUARDIA somewhere in Italy. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the alien-slacker bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD on the alien-slacker bill. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. SLAYDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Thursday, February 14, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Superintendent of the State, War, and Navy Department Building submitting supplemental estimates of appropriation required for the operation of the War and Navy office buildings in Henry Park for the fiscal year 1919 (H. Doc. No. 931); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Commissioners of the District of Columbia submitting revised estimates of appropriation required by the Militia of the District of Columbia for the fiscal year 1919 (H. Doc. No. 932); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting estimates of appropriation for the purchase of the site and the fireproof building being erected thereon for the use of the Treasury Department, together with an extension thereto, not yet commenced, known as the Arlington property (H. Doc. No. 933); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (S. 3402) to fix the age limits for candidates for admission to the United States Naval Academy, reported the same without amendment, accompanied by a report (No. 303), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3129) to provide for the disposition of the effects of deceased persons in the naval service, reported the same without amendment, accompanied by a report (No. 304), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3401) to authorize the President to reduce temporarily the course of instruction at the United States Naval Academy, reported the same with amendment, accompanied by a report (No. 305), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3406) to authorize the Secretary of the Navy to determine where and when there are no public quarters available for officers of the Navy and Marine Corps, reported the same without amendment, accompanied by a report (No. 306), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3445) to authorize the payment of gun pointers and gun captains while temporarily absent from their regular stations, and for other purposes, reported the same without amendment, accompanied by a report (No. 307), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 6982) to authorize and empower the Secretary of the Navy to enter into and contract for the construction of a line of railway from a point in the District of Columbia to Indianhead, Md., reported the same with amendment, accompanied by a report (No. 308), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3404) to authorize the President to drop from the rolls any naval or Marine Corps officer absent without leave for three months, or who has been convicted of any offense by the civil authorities, and prohibiting such officer's reappointment, reported the same with amendment, accompanied by a report (No. 309), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (S. 3130) to amend section 1570 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 310), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3400) to regulate the pay of retired chief warrant officers on active duty, reported the same with amendment, accompanied by a report (No. 311), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WALTON, from the Committee on the Public Lands, to which was referred the bill (H. R. 4240) for the relief of Alma Harris, reported the same without amendment, accompanied by a report (No. 302), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EVANS: A bill (H. R. 9829) to authorize the sale of certain lands to School District No. 28, of Missoula County, Mont.; to the Committee on the Public Lands.

By Mr. RAINEY: A bill (H. R. 9830) providing for the disposition of opium, its salts and derivatives, coca leaves, their salts and derivatives, and any other drugs seized by the United States Government in the enforcement of the provisions of the act of October 1, 1890, as amended by the acts of March 3, 1897, February 9, 1909, and January 17, 1914, or the act of December 17, 1914; to the Committee on Ways and Means.

By Mr. NORTON: A bill (H. R. 9831) to stimulate and encourage an increased production of wheat during the crop season of 1918 by amending section 14 of the food-control act, approved August 10, 1917, by fixing the guaranteed price of wheat for the crop of the year 1918 at $3 a bushel instead of $2 a bushel; to the Committee on Agriculture.

By Mr. SULZER: A bill (H. R. 9832) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town; to the Committee on the Territories.

By Mr. EVANS: A bill (H. R. 9833) to authorize the President of the United States to grant furloughs to enlisted men of the Army of the United States; to the Committee on Military Affairs.

By Mr. RAKER: Joint resolution (H. J. Res. 245) extending the privileges of the act of Congress, approved December 20, 1917, to homestead settlers and entrymen employed in shipyards, coal mines, transportation, munition plants, etc.; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL of Kansas: A bill (H. R. 9834) granting an increase of pension to James G. Johnson; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 9835) granting an increase of pension to John M. Thorn; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 9836) granting a pension to Joseph E. Rogers; to the Committee on Pensions.

Also, a bill (H. R. 9837) granting an increase of pension to Walter W. Bell; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 9838) granting a pension to Sarah Morrill, to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 9839) granting a pension to Ellen M. Davenport; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 9840) granting an increase of pension to James McNeal; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 9841) granting a pension to Charles B. Carlson; to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 9842) for the relief of George A. Cummings; to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 9843) granting a pension to J. M. Stewart; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 9844) for the relief of Welton W. Pratt; to the Committee on Military Affairs.

Also, a bill (H. R. 9845) for the relief of Elijah C. Putman; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9846) granting a pension to John E. McCoy; to the Committee on Pensions.

By Mr. KRAUS: A bill (H. R. 9847) granting an increase of pension to Nelson B. Pilcher; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 9848) granting an increase of pension to Mary Leahy; to the Committee on Pensions.

By Mr. POLK: A bill (H. R. 9849) granting an increase of pension to William G. Fearing; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 9850) granting an increase of pension to John C. Kauffman; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 9851) granting an increase of pension to Henry Crooks; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 9852) for the relief of T. J. Skellett; to the Committee on the Post Office and Post Roads.

By Mr. SELLS: A bill (H. R. 9853) granting a pension to Hess Elliott; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 9854) for the relief of Ellen Agnes Monogue; to the Committee on Claims.

By Mr. SWITZER: A bill (H. R. 9855) granting an increase of pension to Silas Litten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9856) granting an increase of pension to James N. Tewksbury; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 9857) granting an increase of pension to James T. Rollf; to the Committee on Invalid Pensions.

By Mr. TEMPLETON: A bill (H. R. 9858) granting a pension to Mame Cooley; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 9859) granting an increase of pension to Nelson White; to the Committee on Invalid Pensions.

By Mr. EMERSON: Joint resolution (H. J. Res. 246) to give a medal of honor to Capt. Horatio P. Kile; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AUSTIN: Memorial of the Abraham Lincoln Patriotic and Educational League, asking Congress to indorse these principles of the league: (1) To better the social conditions of the people; (2) to teach the life of Abraham Lincoln in the public schools; and (3) to make his birthday a national holiday; to the Committee on Education.

By Mr. CAREW: Memorial of Chamber of Commerce of the State of New York, relative to the survey of the Delaware & Hudson Canal; to the Committee on Rivers and Harbors.

Also, memorial of Chamber of Commerce of the State of New York, asking for uniform postal rates in the city of New York; to the Committee on the Post Office and Post Roads.

Also, memorial of the Association for an Equitable Income Tax, asking that the income-tax law be amended so that the burdens of the war shall be shared equitably; to the Committee on Ways and Means.

By Mr. CARY: Resolutions of the New Century Club, Wichita Falls, Tex.; the Fortnightly Club, Sharon, Mass.; the Lakeside Club, Manistee, Mich.; and the Woman's Club, Racine, Wis., asking for the repeal of the periodical postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of Joanna A. Royer, Mary Nash, Helen Golden, Edna Serr, Helen Burks, and 36 others, praying for the passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of James A. McKean, of the Brotherhood of Railroad Trainmen, opposing House bill 8172 and Senate bill 3385; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Woman's Club, Beaver Dam, Wis.; Woman's Club, Racine, Wis.; Merchants, Manufacturers, and Employers' Association, Stockton, Cal.; the Thursday Club, Bowie, Tex.; and the New Century Club, Wichita Falls, Tex., asking that the periodical-postage amendment to the war-revenue act be repealed; to the Committee on Ways and Means.

By Mr. DALE of Vermont: Petition of L. B. Jones and other employees of the customs service of Island Pond, Vt., favoring the passage of the so-called Keating bill, increasing the compensation of Federal employees; to the Committee on Appropriations.

By Mr. ELSTON: Resolution of the Woman's Christian Temperance Union of Berkeley, Cal., indorsing legislation to safeguard the morals of American soldiers in France; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Memorial of the National Security League, for coordination of the departments of Government in the matter of espionage; to the Committee on the Judiciary.

Also, petition of the National Federation of Federal Employees, opposing the Borland amendment for an eight-hour day; to the Committee on Agriculture.

Also, memorial of the Merchants, Manufacturers, and Employers' Association of Stockton, Cal., against the increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: Petition of citizens of Pennsylvania, favoring increased compensation of rural carriers and postal employees; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Protest of Rhode Island Mulespinners' Association No. 3, of Pawtucket, R. I., against any interference with plans of Secretary of War concerning Army movements; to the Committee on Military Affairs.

By Mr. LINTHICUM: Memorial of the Marine Engineers' Beneficial Association No. 5, Baltimore, Md., favoring House bill 7913; to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward C. Wilson, Baltimore, Md., favoring the Pyote legislation on behalf of the Indians; to the Committee on Indian Affairs.

Also, petition of Fred H. Taft, Baltimore, Md., opposing daylight saving and the Borland amendment; to the Committee on Agriculture.

Also, petition of George F. Prechtel, president of the Carriage & Toy Co., Baltimore, Md., favoring House bill 9414; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. John Rurrah, Baltimore, Md., and a memorial of the National Citizens' Creed Contest, urging the repeal of the periodical postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. OSBORNE: Petition of the Pacific Coast Division of the Bohemian National Alliance of America asking that the oppressed people of Bohemia be given their freedom when the new map of Europe is made at the close of the present war; to the Committee on Foreign Affairs.

By Mr. RAINEY: Petition of Capt. H. W. Leyhe and other steamboat officials of St. Louis, Mo., favoring larger compensation for steamboat inspection officials; to the Committee on the Merchant Marine and Fisheries.

Also, petition of A. C. Poole and other train dispatchers at Roodhouse, Ill., favoring larger compensation for train dispatchers; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES B. SMITH: Resolution of the New York Board of Trade, protesting against section 13 of the Sims bill and suggesting an amendment stating a definite time when Federal control shall cease; to the Committee on Interstate and Foreign Commerce.

By Mr. SNOOK: Resolutions of the Farmers' Institute at Convoy, Ohio, favoring effective prosecution of the war; to the Committee on Military Affairs.

Also, petition of David K. Stedman and 16 other comrades of Pioneer, Ohio, favoring an increase in the rate of pension to Civil War veterans; also a resolution of Bishop Post No. 22, Grand Army of the Republic, Defiance, Ohio, favoring the passage of the Smoot pension bill; to the Committee on Invalid Pensions.

By Mr. TEMPLE: Papers to accompany H. R. 9607; to the Committee on Invalid Pensions.

By Mr. VARE: Memorial of the Lumbermen's Exchange, Philadelphia, Pa., relative to the establishment of a board of war control; to the Committee on Military Affairs.

SENATE.

THURSDAY, *February 14, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray that the light of Thy divine truth may shine clear and strong upon every question that presents itself to our minds this day and that our hearts may be very responsive to the divine impression; that we may do all things according to the will of God. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. ASHURST and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	McCumber	Ransdell
Beckham	Hitchcock	McKellar	Robinson
Chamberlain	James	McNary	Saulsbury
Colt	Johnson, Cal.	Martin	Shafroth
Culberson	Jones, N. Mex.	Nelson	Sheppard
Cummins	Jones, Wash.	New	Shields
Curtis	Kellogg	Nugent	Smith, Ga.
Dillingham	Kirby	Overman	Smith, Md.
France	Knox	Page	Smith, Mich.
Gerry	Lewis	Pittman	Smith, S. C.
Hale	Lodge	Pomerene	Smoot
Sterling	Thomas	Trammell	Wolcott
Stone	Thompson	Vardaman	
Sutherland	Tillman	Watson	
Swanson	Townsend	Williams	

Mr. CURTIS. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is absent on account of illness in his family.

I wish also to announce the absence of the Senator from Illinois [Mr. SHERMAN] on account of illness.

I will let this announcement stand for the day.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. HENDERSON. I present brief resolutions adopted by the Women's Civic League, of Reno, Nev., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NEVADA WOMEN'S CIVIC LEAGUE,
Reno, Nev., January 29, 1918.

Hon. CHARLES HENDERSON,
Washington, D. C.

DEAR SIR: The following resolutions were adopted at a meeting of Women's Civic League at Reno, Nev., on January 29, 1918:

Resolved, That the members of the Civic League call upon President Wilson and the Democratic administration to give suppport to the national suffrage amendment by making it an administration measure, and securing its passage in the present session of Congress, at the time when the Government is calling for the indispensable service of the women in bearing the burden of war: Be it also

Resolved, That the members call upon the Senate of the United States to pass at once the Federal suffrage amendment, establishing at home that democracy for which the men of this country have been called to fight abroad; that this resolution be read into the CONGRESSIONAL RECORD as evidence of the activities of our leaders: Be it also

Resolved, That this resolution be sent to the President; Vice President; Senator THOMAS MARTIN, Democratic leader of the Senate; Senator JACOB H. GALLINGER, Republican leader of the Senate; to Senator JONES, chairman of the Woman Suffrage Committee; and to our Senators.

Yours, respectfully,
MINNIE FLANIGAN, *President.*
MRS. MILES KENNEDY, *Secretary.*

Mr. ROBINSON. I present resolutions adopted at a meeting of citizens of Fayetteville, Ark. I ask that they may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions adopted by citizens of Fayetteville, Ark., in patriotic assembly, February 1, 1918.

Whereas we recognize, in a measure, the magnitude of the work of organizing and equipping the fighting forces of our country and the multitude of new and intricate problems; and

Whereas we realize the limitations of human skill and human wisdom and human knowledge, and something of the terrible responsibility heaped upon our President and his Cabinet; and

Whereas we are aware, through the medium of the public press, of the actions, criticisms, and investigations by certain individuals in and out of Congress of the work, purposes, and plans of the United States Government with reference to the prosecution of the war, which have tended to disturb confidence in our leaders and to divulge important military secrets, to the aid and comfort of the enemy: Therefore be it

Resolved, That we, as citizens of Fayetteville, Ark., in mass meeting assembled, while recognizing the value of helpful, wholesome, constructive criticism, deplore the injection of anything in the nature of partisan strife into the discussion of our war measures or our plans for prosecuting the war, and that we express in the strongest terms our disapproval of any actions, accusations, and investigations which have a tendency to break down the confidence of the public in the wisdom, honesty, or patriotism of the men on whom rests the responsibility for the prosecution of the present war or which be the means of furnishing any information that might be of benefit or comfort to our enemy.

Resolved, That we express the highest degree of confidence in President Wilson, Secretaries Baker and Daniels, and pledge them our utmost loyalty, and urge that our Representatives and Senators be urged to cooperate with them to the end that their war plans may bring to speedy success this struggle for the safety of the democracies of the world.

Resolved, That copies of these resolutions be sent to President Wilson, Secretaries Baker and Daniels, and to Senators ROBINSON and KIRBY, and Congressman TILLMAN.

Approved in mass meeting.

W. S. CAMPBELL, *Chairman.*
THOMAS SHELTON, *Secretary.*

Mr. ROBINSON. I also present a telegram from the Business Men's League of Helena, Ark., which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

HELENA, ARK., *February 7, 1918.*

Hon. JOSEPH T. ROBINSON,
Senate Office Building, Washington, D. C.:

The disaster to American troops reported to-day impels this community to vigorously protest against continuation of public investigations disclosing secret plans of War Department and furnishing information to enemy agents that may lead to the murder of thousands more of our soldiers. German agents and partisan politicians are in same class. Our sons offering their lives and our citizens contributing

their money to help win the war demand that Congress support the personal bill of President Wilson and aid in prosecution of war instead of blocking it.

BUSINESS MEN'S LEAGUE OF HELENA, ARK.,
By E. M. ALLEN, *President.*

Mr. SMITH of Michigan. I have a telegram addressed to my colleague and myself which I should like to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

JACKSON, MICH., *January 22, 1918.*

Hons. WILLIAM ALDEN SMITH and CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.:

Domestic building and loan associations are entitled to exemption in the proposed bill to govern the issue of stocks, as the business is purely local and the money is used for the purpose of buying, building, and improving homes.

MICHIGAN BUILDING AND LOAN ASSOCIATION LEAGUE,
WILLIAM H. PECK, *President, Kalamazoo.*
IRVING B. RICH, *Secretary, Jackson.*

Mr. SHEPPARD presented a petition of the Fort Smith, Pauls Valley & Wichita Falls Highway Association and of the Pauls Valley Chamber of Commerce and Community League, of the States of Oklahoma, Arkansas, and Texas, praying for a system of national highways, which was referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented petitions of Local Branch No. 154, United National Association of Post Office Clerks, of Meriden, Conn., and Local Branch, National Association of Letter Carriers, of Bridgeport, Conn., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Catholic Gimnostic Sokol, of Meriden Branch of the Slovak League, and of the Catholic Slovak Union, all of Meriden, in the State of Connecticut, praying for the liberation and unification of the Czecho-Slovaks of Austria-Hungary into one independent Czecho-Slovak State, which were referred to the Committee on Foreign Relations.

He also presented petitions of Milford Branch of the National Woman's Party and of sundry citizens of Milford, Conn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. CURTIS presented a petition of Civil War veterans of Garden City, Kans., praying for an increase of pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of McPherson, Kans., remonstrating against the enactment of legislation making it a crime to deposit in the mails literature having for its purpose the exposure of oaths, rituals, and ceremonies of any or all secret or fraternal orders, which was referred to the Committee on Post Offices and Post Roads.

Mr. COLT presented memorials signed by 830 members of the congregations of Methodist Episcopal Churches of Rhode Island, remonstrating against the enactment of legislation authorizing the construction of railroad tracks directly opposite the Lucy Webb Hayes National Training School and the Sibley Memorial Hospital, in the city of Washington, D. C., which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Rhode Island, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. TOWNSEND presented a memorial of the congregation of the Bates Street Christian Reformed Church, of Grand Rapids, Mich., remonstrating against the enactment of legislation granting certain help and protection to secret societies, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Slovak League of America, No. 117, of Muskegon Heights, Mich., praying for the liberation and unification of their race into one independent Czecho-Slovak State, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Branch No. 1, National Association of Letter Carriers, of Detroit, Mich., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Grand Rapids Retail Grocers and Meat Dealers' Protective Association, of Grand Rapids, Mich., remonstrating against the repeal of rates on second-class postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the congregation of the Central Methodist Episcopal Church, of Lansing, Mich., remonstrating against the passage of the so-called daylight-saving bill, which was referred to the Committee on Interstate Commerce.

WOMAN SUFFRAGE IN GREAT BRITAIN.

Mr. SHAFROTH. Mr. President, I present a letter and ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION,
Washington, D. C., February 9, 1918.

Senator JOHN F. SHAFROTH,
Columbia Road and Twentieth Street, Washington, D. C.

MY DEAR SIR: Lest the press dispatch may not have come to your notice, I write to inform you that woman suffrage as a part of the representation of the people act became a law in Great Britain on Thursday, February 6. It applies to the women of England, Scotland, Ireland, and Wales. This is not a referendum, but a definite grant of the vote.

This action challenges the United States to make good her claim that she "fights for democracy."

The doubts, fears, and objections in regard to woman suffrage in Great Britain have been as bitter and obstinate as those in the United States, yet Great Britain, with vision clarified by her war sacrifices, has overcome them and done justice to her women. Shall the United States be less generous? Shall the States not be given the opportunity to act?

I also call your attention to the fact that the State Legislatures of New York and North Dakota have just passed resolutions asking the Senate to pass the suffrage amendment.

The world crisis demands that women shall have a voice in the problems so vital to the welfare of the human race. The Federal amendment is the only method by which the Nation can take action.

Yours, truly,
CARRIE CHAPMAN CATT, *President.*

Mr. SHAFROTH. Mr. President, I am gratified to receive the good news. I want to indorse every statement contained in that letter, and to express the hope that the Government, which in its Declaration of Independence first announced the principle that the just powers of government are derived from the consent of the governed, will soon pass the constitutional amendment granting equal suffrage to women.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POMERENE:

A bill (S. 3838) granting a pension to Emma J. Naylor; to the Committee on Pensions.

By Mr. KIRBY (for Mr. HOLLIS):

A bill (S. 3839) granting a pension to Katherine I. McGrath (with accompanying papers); to the Committee on Pensions.

A bill (S. 3840) for the relief of George A. Turbox; to the Committee on Military Affairs.

By Mr. THOMPSON:

A bill (S. 3841) granting a pension to Johanna McGee; to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 3842) fixing the term of service of Welton W. Pratt during the Civil War; and

A bill (S. 3843) fixing the term of service of Elijah C. Putman during the Civil War; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN:

A bill (S. 3844) granting an increase of pension to Israel Wood (with accompanying papers); and

A bill (S. 3845) granting an increase of pension to Jacob W. Kinsey (with accompanying papers); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 3846) granting an increase of pension to Sarah Whittle (with accompanying papers);

A bill (S. 3847) granting a pension to Alice Herch (with accompanying papers); and

A bill (S. 3848) granting an increase of pension to George F. Behymer (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3849) granting an increase of pension to John C. Mercer (with accompanying papers);

A bill (S. 3850) granting a pension to Nancy J. Bower (with accompanying papers);

A bill (S. 3851) granting a pension to Tom Pogue (with accompanying papers);

A bill (S. 3852) granting an increase of pension to Nathan L. Fritts (with accompanying papers);

A bill (S. 3853) granting an increase of pension to Edward G. Moore (with accompanying papers);

A bill (S. 3854) granting an increase of pension to William H. Henkle (with accompanying papers);

A bill (S. 3855) granting an increase of pension to Camm T. Sanders (with accompanying papers);

A bill (S. 3856) granting an increase of pension to John G. Fulton (with accompanying papers);

A bill (S. 3857) granting an increase of pension to Harvey Potter (with accompanying papers);

A bill (S. 3858) granting an increase of pension to Austin L. Myers (with accompanying papers);

A bill (S. 3859) granting an increase of pension to John Clopine (with accompanying papers);

A bill (S. 3860) granting an increase of pension to W. W. Lamb (with accompanying papers); and

A bill (S. 3861) granting an increase of pension to John W. Magann (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3862) granting an increase of pension to Frederick E. Sprague (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A joint resolution (S. J. Res. 133) authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured; to the Committee on Finance.

AMENDMENT TO RAILROAD-CONTROL BILL.

Mr. ROBINSON. I desire to offer an amendment to the pending bill, the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes. I ask that it be printed and lie upon the table. I call the attention of the chairman of the committee to the amendment. I will state that it is designed to reform and make clear certain language in the bill.

The VICE PRESIDENT. The amendment will be printed and lie on the table.

AMENDMENT TO POST OFFICE APPROPRIATION BILL.

Mr. LEWIS submitted an amendment providing that hereafter when emergencies or the needs of the service require letter carriers in the City Delivery Service and clerks and special clerks in first and second class post offices to work in excess of eight hours a day such additional services shall be paid for at a rate of 50 per centum higher than their salaries as fixed by law, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

WITHDRAWAL OF PAPERS—DANIEL A. WILLIAMS.

On motion of Mr. BORAH, it was

Ordered, That the papers accompanying Senate bill 275, Sixty-fifth Congress, first session, granting a pension to Daniel A. Williams, be withdrawn from the files of the Senate, no adverse report being made thereon.

THE COMMITTEE ON FINANCE.

Mr. SIMMONS submitted the following resolution (S. Res. 205), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

WAR CABINET.

Mr. KIRBY. Mr. President, I desire to give notice that I shall address the Senate briefly to-morrow morning after the Senator from Massachusetts [Mr. WEEKS] has concluded, relative to the war-cabinet bill.

The VICE PRESIDENT. The morning business is closed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 12th instant, approved and signed the following joint resolution:

S. J. Res. 128. Joint resolution granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917.

AMERICA AND HER NATIONAL DEFENSE.

Mr. JAMES. Mr. President, in a time of war those who hold positions of high station should be exceedingly careful as to their utterances. No matter how good the intention, some utterances made, not properly weighed, not properly measured, may be of far-reaching and disastrous effect.

SENATOR CHAMBERLAIN'S SPEECH.

I am going to call to the attention of the Senate and the country a speech made in New York by the chairman of the Military Affairs Committee of the United States Senate. It was a great gathering of citizens addressed by him. He was speaking not alone to those gathered there, but he was speaking to the people of America and to the world. In the course of a speech of some length he used these words:

Now, in conclusion—and I have only touched a few of the high spots—let me say that the Military Establishment of America has fallen down. There is no use to be optimistic about a thing that does not exist. It has almost stopped functioning, my friends. Why?

He is going to give you the reason now why the Military Establishment of America has fallen down.

Because of inefficiency in every bureau and in every department of the Government of the United States. [Applause.] We are trying to work it out. I speak not as a Democrat, but as an American citizen.

The Senator seems to make some strange and weird distinction between a Democrat and an American citizen. For myself, I have always believed that to be a good Democrat is to be a good American, and if I did not believe that I would sever at once my association and allegiance from that body.

In the course of this remarkable speech, concluded with this more remarkable utterance, the Senator diverted long enough to pay high tribute to the former President of the United States, Col. Roosevelt. He paid high tribute to former Senator Root. But throughout that speech not one word of tribute did he pay, indeed he did not mention, the name of that man whose name is upon the lips of all the people of the world, the Commander in Chief of the Army and Navy of the United States, Woodrow Wilson. Of course, I recognize the surrounding and attendant circumstances. There was the "King of the Jungle," the hero of San Juan Hill, the discoverer of the River of Doubt, and I imagine, though the distinguished Senator told us in the course of a speech upon this floor that he is not afraid of God, man, or devil, that he at least was given an aphasia by Col. Roosevelt and was unable to think of the name of the President of the United States.

But let us examine into the facts. Let us investigate and see whether there was any warrant for this unhappy and unusual utterance. There sat to his left Elihu Root, a distinguished lawyer, a great American. Perhaps the Senator had in mind the thought that Russia had fallen down and he had unconsciously substituted the name of the United States for Russia. The President sent Senator Root to Russia at the head of the mission from this country. He did all that a human being could do, but Russia failed, Russia fell down. Root was not to blame; he did, as I say, all that he could; but suppose, upon the other hand, that instead of sending Mr. Root as our representative abroad the President had selected Mr. Bryan; how this Chamber would have reverberated with criticism and anathema! They would have declared that he had sent abroad an orator and not a nation builder; but he sent a member and leader of the great Republican Party to Russia. After he failed, having done all he could, not from my lips shall fall one word of criticism of him.

THE MILITARY ESTABLISHMENT HAS NOT FALLEN DOWN.

But has the Military Establishment of the United States fallen down? Mr. President, we must look abroad, as I said in the beginning, to measure the effect of that speech. At the time it was uttered the fires of revolution had just begun to blaze in Austria; 500,000 hungry, war-torn workingmen were marching the streets of Germany crying for "peace without annexations, peace without indemnities."

Who can measure the mighty force of this utterance in the hands of the Kaiser—red lined upon every newspaper in the Empire, posted upon every billboard? "What is it, Kaiser?" "America, giant of the West; America, hope of the allies; America, hope of the world, has collapsed." "Who said it?" The chairman of the Military Affairs Committee of the United States Senate—no utterance of some irresponsible; no word that has filtered through the lines by a spy, but it is the deliberate utterance made by this man in this mighty station, that America has failed in this great war. Who can say, and who can measure, and who can weigh the mighty influence that these utterances had in quieting that revolution and in stopping the strike and sending those men back to work? I can hear the Kaiser say: "Trust me a little longer, just a while longer, and Germany will triumph over the world."

Of course I know that my good friend the Senator from Oregon [Mr. CHAMBERLAIN] did not intend that this speech should have that effect; but I am pointing out the danger of such utterances as this. Mr. President, the truth is that they

are not justified by the facts. Let us see if I can not demonstrate that. In the first place, my good friend the Senator from Oregon assumes the rôle of the efficient man, of the man who makes no mistakes, of the man who wants to correct the mistakes of the War Department; and yet in this short speech of 20 minutes he was forced to withdraw 90 per cent of his charges and subject the remaining 10 per cent to the terrific battle of dispute—90 per cent inefficient himself in a speech of 20 minutes does not proclaim him as the man without liability to make mistakes.

Of course America has made mistakes. We want to go back and live in the atmosphere a while before the war. This country was without an army. We all know that. When war was declared our Army did not number in both officers and men what the Army to-day numbers in officers alone. What did we have to do? In the first place we had to have an Army. How should we get it? We had to secure the Army partly by volunteers and that part was negligible and in the greater degree by the selective-draft system.

England for two years was without the draft; Canada only until recently was without it; Australia has twice refused it; and yet America, a great democracy as it is, did in the short space of 30 days what these old, staid, and tried Governments were unable to do in two years' time. We heard gloomy forebodings, we heard gloomy prophecy, we heard it said that America would not submit to the draft; and yet, when the time came and these brave men were called to the colors, 10,000,000 of them marched up and registered, willing to make the great sacrifice, that of their lives—all they had—for the country. It was done as quietly as we hold an uncontested election in America. Has a Military Establishment and a country fallen down that can do that?

But that is not all. Then came the sorting-out process; then came the exemption board appointments. Mr. President, I would be the last man in the world to inject politics into this war; God knows that, while I am a Democrat, I am also an American. I pay just tribute to the brave, patriotic men upon the other side of this Chamber who have stood by the country in its hour of peril, and who, I believe, will continue to stand by it. They are also in the other House; they are throughout America. What boots it for a party to win a political victory and to lose our liberty? What boots it for a political party to gain a victory with nothing to rule? So, Mr. President, when the President came to make the appointments of these various boards that should pass upon the exemptions claimed by men, it was submitted to the various governors in the States—Republican governors as well as Democratic governors. They appointed the various exemption boards, and those men walked up and made their claim for exemption. Think of it, Mr. President! The millionaire and the pauper, the prince and the peasant, the butcher and the merchant, the farmer and the lawyer were all called alike to the same service.

SELECTION OF CAMPS AND CONSTRUCTION OF CANTONMENTS.

Then, what happened? We have our Army on the way; we have to have cantonments for them; we have to have camps for them. Where are we going to get them? We had to do what? First, we had to select the sites. Of course, that was a contested matter; various ambitious cities wanted to be selected. Then after the sites were selected, the cantonments had to be built quickly, immediately, for the necessity was great, the war was on, and soldiers were wanted at the front. We let out the contracts—not according to the old system; it could not be done; we did not have time—to the various firms, according to a percentage basis, and, under the management of Col. Littell, the cantonments were erected, 16 of them in number. It took almost a billion feet of lumber to build them; it took almost a hundred thousand carloads of material to supply them; it took more than a hundred thousand men working and toiling to erect these cantonments. Roads had to be built, hundreds and thousands of miles of roads had to be built. These cantonments sprang up as if overnight.

Then came the Army to the camps. One million five hundred thousand men came to these cantonments, were transported over the railroads of the country, and not a life was lost. That does not look to me like the Government had ceased to function and had broken down.

Then what happened? The men had to be trained. We had to have physicians. We could not get them within the draft age. Thousands of fine country and city doctors laid down their lucrative practices, walked willingly to the standard of their country, and tendered their efficiency and their talents in the service in these cantonments.

Who can point me to any scandal connected with the exemption of men who were unworthy to be exempted? I have not heard of any. Probably there are some cases; I doubt not that is so; it would be impossible in the handling of 10,000,000 of these cases not to have something of that sort, but upon the whole it has been singularly and remarkably free of any scandal caused by influence or corruption.

Mr. President, of course, probably you might find one soldier, or two soldiers, or a dozen soldiers, or more, who perhaps were neglected in the camps; but who is it, pray tell me, who can guarantee the honesty and the humaneness of fifteen hundred thousand men? When Christ was upon earth he tried His hand upon 12, and we know the result. I want to stand here to-day, Mr. President, to defend the thousands of American doctors who have given up the comforts of home, who have given up a lucrative and growing practice back home, and have come to a greater service, for which the pay is hardly anything to be considered at all. Actuated by fine patriotism, these men deserve the highest praise, and I want to defend them from any intimation that they are not rising to the highest standard and the best traditions of their profession, both as men of science and patriotism.

GOOD CARE AND HUMANE TREATMENT OF SOLDIERS IN THE CANTONMENTS.

The Senator from Oregon read us a letter from a distracted and heart-broken parent. God knows my heart goes out to him; but, Mr. President, I want to say in all kindness that I do not believe that was the way to handle a question like that at a time like this. The soldier's name was not given to the Secretary of War; the Secretary of War, so far as I know, has never been able to secure the name of the soldier who was thus mistreated; but, Mr. President, the reading of that letter upon the floor of the Senate, creating the impression throughout America that that was the rule in these cantonments rather than the exception, did a great injury to the cause of our country. It distressed many a mother at home; it dampened the enthusiastic ardor and patriotic fervor of many a father back home, causing the inquiry to spring into their minds, "Has my country to which I am willing to render the great service been guilty of the mistreatment of my boys in the hour of their illness?"

I received a letter myself, Mr. President, only a short time ago in regard to the treatment of a soldier in the cantonment in my State, Camp Zachary Taylor. I want to say here and now that in that camp, having between 30,000 and sometimes 40,000 and probably 45,000 soldiers within its keeping, I probably know personally as many of the soldiers there as any other man in civil life, and I had never received one single complaint up to that time. The letter to which I have referred did not come from a soldier; it did not come from any of his kinsmen; it came from a personal friend of mine, telling me that it was reported that this boy had been neglected, telling me the county from which he came in Kentucky, and stating that by reason of the neglect he died. I did not read the letter upon the floor of the United States Senate that it might go out into the homes of Kentucky. I did not know the facts; my informant did not know the facts. I went down to the Secretary of War, and I said to him: "I want this case immediately investigated; I demand a court-martial, because a man who mistreats an American soldier mistreats me, and you, and every other American citizen." That case will be thoroughly and completely investigated. I also said to the Secretary that I wanted the severest punishment, if guilt existed, visited upon those who had neglected this soldier.

But, Mr. President, I know—we all know—that Mary Roberts Rinehart told the truth when she said that the soldiers in these cantonments were the best-cared-for soldiers in the world. I believe that to be absolutely true.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. JAMES. Certainly.

Mr. CHAMBERLAIN. I simply want to say that the names of those parties were given to the Secretary of War.

Mr. JAMES. Yes; but, if the Senator will pardon me, only after the Secretary of War wrote and pleaded with the Senator to give them. I am making no criticism. I am pointing out the facts. They were given finally. I do not know that both of them were given.

Mr. CHAMBERLAIN. Both of them.

Mr. JAMES. I accept the Senator's statement. Both of them were given, but it was after the Secretary of War wrote the Senator a letter asking for the letters, and after the Senator had made his speech upon the floor of the United States Senate, reading both of the letters.

OUR SOLDIERS IN FRANCE THE BEST-CARED-FOR SOLDIERS IN THE WORLD.

I picked up this home paper, published in the little town where I live. I find this letter in it, and I want to read it, because I want the mothers of America—for they are those

who bring the first true and lasting teaching of genuine patriotism to the infant mind—to know that their country is not neglecting their boys. I read from the Crittenden Record-Press of January 31, 1918:

Former City Marshal George E. Boston—

I know him well—

received the following letter from the George Wood Anderson Evangelistic Campaign, of Huntington, W. Va., in regard to his son, Wilbur, who is an American soldier, now somewhere in France:

HUNTINGTON, W. VA., *January 15, 1918.*

Mr. GEORGE E. BOSTON,
Marion, Ky.

MY DEAR MR. BOSTON: While in France I had the pleasure of meeting and talking with your son, Wilbur Boston, who gave me your address that I might be able to send you this short message.

He was nicely located and in fine health and spirits. He, with other soldier boys, has plenty to wear and to eat and is safely sheltered. Our Government is doing everything possible to safeguard the health and morals of our boys in France, and they are the best-cared-for soldiers in the world. I shall return to them the 1st of March.

The inclosed message written by him I trust may bring joy to your heart.

Cordially, yours,

GEORGE WOOD ANDERSON.

Permanent address, Bellefontaine, Ohio.

There the minister of God, the good man who is working among these boys, brings from France the news to a Kentucky father that his boy is with the soldiers of America there, and that they are the best-cared-for soldiers in the world. No; America's Military Establishment has not fallen down, nor have the departments ceased functioning.

UNIFORMS OF AMERICAN SOLDIERS 100 PER CENT VIRGIN WOOL.

But what else, Mr. President?

Why, when the Senator from Oregon was speaking I got the impression that the virgin wool that was in the uniform of the soldier had been cut down, and it distressed me greatly. I thought there must be some reason for it. But what are the facts? When we come to investigate it, we find that the uniform of the American soldier before this war was 75 per cent virgin wool and 25 per cent cotton. To-day it is 100 per cent virgin wool.

"Oh," they say, "there were some overcoats missing." Senators, take into consideration the mighty problem that confronted our country—drafting the Army, transporting soldiers, building the cantonments, securing hospital corps, and then, in addition to that, they had to have all of this material manufactured. They needed millions of overcoats, millions of uniforms, millions of shoes, hats, shirts, underwear, beds, wagons, trucks, vast tentage, artillery of all sorts, ammunition, and a thousand things were needed at once. Our manufacturing establishments were overwhelmed. We can easily see the great task facing America. That we met it as quickly and efficiently as we did is fairly the marvel of the world.

Every manufacturing establishment in the United States was already running overtime and crowded to the very limit, supplying our allies abroad. We could not go and take those contracts away from them. We could not go to them and say, "You must cease your manufacturing for those men that are already in the trenches, fighting a battle that is ours." In many cases the War Department had to go out and they had to secure various business associations to engage in the manufacturing of the necessary articles of equipment for these soldiers. We must also bear in mind that this shortage was in the Southern States, and, in addition, that this has been the most rigorous winter in the history of this Nation for 50 years. In many Southern States overcoats were not worn until January, at which time every soldier had an overcoat. You would think, from some of the statements, that all of the boys went to the cantonments without any overcoats at all; that they never had an overcoat before, and that they had to rely upon the Government to give them an overcoat; but at the very time the Senator himself was speaking every soldier in the American Army had an overcoat furnished by the Government of the United States.

HEALTH CONDITION OF ARMY THE BEST IN THE WORLD.

The honest truth is that the health condition of the American Army, notwithstanding they have gone through the most severe winter of a half century, is by far the best of that of any other army in the world.

The death rate from disease per annum of the American troops is 8 soldiers out of a thousand.

In the Spanish-American War the death rate per annum of the American Army from disease was 25 soldiers out of a thousand.

In the China-Japanese War the death rate per annum from disease was 15 soldiers out of a thousand.

In the Russo-Japanese War the death rate per annum from disease was 20 out of a thousand.

SUCCESSFUL WORK OF SENDING OUR SOLDIERS ABROAD.

Then we had to proceed to get these soldiers abroad. How must we do that? It is a mighty task. We did not have the ships. My friend from Nebraska [Mr. HITCHCOCK] was complaining of that. He is right. We have not as many ships as we ought to have and as we would have if the ship-purchase bill of 1915 had been written into law. Our shipyards would have been blossoming forth. They would have been organized. The ships would have been turned out daily. But then there were men who said they knew more than the President did; but the President was right then, as he is right to-day.

We have started transporting these soldiers. I was present at a dinner given in this city to Marshal Joffre. I betray no confidence, because it has been frequently told—I do not know whether my friend from Oregon [Mr. CHAMBERLAIN] was present or not; I do not now recall—but at that dinner, in conversation with Marshal Joffre, up almost to the hour of 1 o'clock, I heard him say that the most soldiers they needed in France at that time were 30,000. He would divide those into two divisions. He gave his reasons for it. Back at the time when Joffre came here the uppermost thought in his mind, as one of the high representatives of France, was that all they needed and wanted from America was enough soldiers to inspirit the French Army and to show the Germans that we were upon the side of democracy and of liberty.

What are the results? We started this work of sending these soldiers abroad. The Senator from Mississippi [Mr. WILLIAMS] calls my attention, and he is right, to the fact that Marshal Joffre also pointed out that the soldiers they wanted were the Regulars. He told us that this war had revolutionized all warfare that had ever existed before. He said it was kaleidoscopic in its changes; that what was efficient to-day was thrown into the scrap heap to-morrow; that as the battle raged the change in artillery, the change in the machine-guns and in various modes of attack and defense had to be made overnight; and he said in addition that he wanted the Regulars, because they were trained to marching orders, and that after they had the Regulars there they would have to put them in camps in France and train them for three months before they would be able to go into the trenches upon the fighting line. They would have to teach them how to use the gas masks; they would have to teach them how to throw these hand grenades; they would have to show them the various modes of warfare; and it would take three months of intensive training to prepare these soldiers in France before they could go upon the fighting line.

What are the facts? We have sent abroad, not 30,000, but many, many times, 30,000; not 100,000, but many times 100,000. Has a Military Establishment fallen down that can do a work like that?

But let us see a little further if it has fallen down. I want to read a letter that I have received from the Shipping Board:

UNITED STATES SHIPPING BOARD,
Washington, February 7, 1918.

Hon. OLLIE M. JAMES,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In accordance with your telephone request, I beg to advise you that upon the outbreak of war with Germany there were interned in United States ports and possessions 113 German and Austrian vessels, divided as follows: One hundred German and thirteen Austrian. Upon the seizure of these ships by the Federal Government it was discovered that practically all of them had been damaged to a greater or less extent in the machinery department. The damage in most cases consisting of willful destruction of the valve chest between the high pressure and intermediate cylinders, the intention being, apparently, to necessitate the making of new patterns and castings, which it was apparently expected must come from Germany. It was found, however, that repairs could be made by cutting out the damaged pieces and fitting neat graving pieces in the cylinders, properly secured and bolted, in which repairs electric welding was also found to be of great assistance. Repairs were thus effected contrary to the expectation of the Germans. The day following the declaration of war, a board of survey and consulting engineers, made up of experts in the ship survey and repair line, was appointed by myself in New York City, at the request of the Secretary of the Treasury. Within a month after the declaration of war one of the German ships so damaged was placed at the service of one of our allies for the purpose of carrying munitions and supplies, and from that date onward the ships were repaired as rapidly as possible up until July and August, at which time those on the Atlantic coast were all practically ready for service. Some of those on the Pacific coast were later in completing repairs.

On the Atlantic and Gulf coasts these ships were interned at various ports from Boston to Galveston. German ships were also interned at Pacific coast ports, in the Hawaiian, Samoa, and the Philippine Islands. Four German vessels were interned in the Canal Zone, which were only slightly damaged and were almost immediately put into service by the War Department. Two German vessels were interned in Porto Rico. Some of the vessels interned in the more out of the way places had to be towed to other ports to effect repairs. Five of those interned in the Hawaiian Islands were towed to the Pacific coast of the United States for repairs, and some of the Philippine ships were towed to Hongkong for the same purpose.

Shortly after these vessels were seized by the Federal Government nine cargo ships interned in South Atlantic ports were turned over to the Navy for repair at navy yards and for use by the Navy Department as supply ships. In July, by order of the President, 16 of the

high-speed passenger steamers were turned over to the Navy after repairs had been inaugurated under the supervision of the Shipping Board for completion of repairs by the Navy to complete repairs and be fitted out for transport purposes. The two ships interned at San Juan, Porto Rico, were seized by the Navy as prizes of war, as well as two of the ships in the Hawaiian Islands. Another ship which had been willfully sunk and abandoned at Charleston, S. C., was seized by the naval authorities as a wreck and repaired by them.

The total cost of repairs made on these ships to date by the Shipping Board are:

German	$5,257,223.61
Seven Austrians obtained by purchase	874,008.02
Total	6,131,231.63

Four German ships interned in Cuban ports were placed in the hands of the Shipping Board by that Government for operation, and repairs to these have been effected by the Shipping Board at New Orleans at a cost of $120,445.86.

From the accompanying lists it will be noted that 68 of the ex-German ships are now being operated by the Shipping Board, together with 7 ex-Austrian ships, which were obtained by purchase prior to the declaration of war against Austria. These have a total dead-weight tonnage of 448,565; total gross tonnage, 333,907; and total net tonnage, 213,603. In addition, it will be noted, as per the inclosed list, that there are 32 ex-German steamers being operated by the Navy having a total dead-weight tonnage of 280,462; total gross tonnage, 347,539; and total net tonnage, 297,614. It therefore appears that inclusive of the seven Austrian ships obtained by purchase the United States has gained by reason of the interned vessels 729,027 dead-weight tons, 681,466 gross tons, and 511,217 net tons.

Six of the interned Austrian steamers were purchased by private interests prior to the declaration of war against Austria, and one has been seized by the Navy Department for transport purposes.

Trusting that this furnishes you with the information desired, believe me to be,

Very truly, yours, JOHN A. DONALD, *Commissioner.*

MEMORANDUM FOR COMMISSIONER DONALD.

FEBRUARY 7, 1918.

In response to telephone inquiry by Mr. Morrill, I desire to submit the following figures in connection with German and Austrian vessels:

	To date.
Repairs to German vessels	$5,257,223.61
Repairs to Austrian vessels	874,008.02
Repairs to Cuban vessels	120,445.86
Purchase of Austrian vessels	7,831,026.70
	14,082,704.19

Very truly, yours, WM. L. SOLBAU, *Disbursing Officer.*

I also desire to have published the list of the various ships to which this letter refers.

The VICE PRESIDENT. Without objection, it will be so ordered.

The matter referred to is as follows:

Former German and Austrian ships owned by United States Shipping Board Feb. 1, 1918.

Name.	Dead weight.	Gross tons.	Net.	Speed.	Trade.	Service.
Adelheid	4,200	2,870	2,057		Italian	Italian Government.
Amphion, formerly Koln	8,970	7,409	4,665	13.5	Army	Army.
Andalusia	7,475	5,423	3,371		Pacific to Atlantic	Food.
Anna[1]	2,360	1,598	933	8	Porto Rico	A. H. Bull Co.
Araphoe, formerly Steinbeck (ship)	3,680	4,145	3,205	13	Pacific coast	Western Fuel.
Appeles, formerly Elsass	11,220	8,298	5,210	12.5	Army	Army.
Arcadia	6,400	5,453	3,412	9.5	do	Do.
Armenia	7,600	5,461	3,386	10	French	French Government.
Artemis, formerly Bohemia	11,173	8,413	5,247	13	Army	Army.
Ascutney, formerly Pisa	6,800	4,966	3,147	12	Italian	Italian Government.
Bavaria	5,900	3,888	2,466		Army	Army.
Black Hawk, formerly Rhaetia	7,490	6,599	4,141	12.5	Italian	Italian Government.
Cacos, formerly Elmshorn	7,900	6,022	3,761	11	Army	Army.
Chattahoochee, formerly Sachsen	12,320	8,232	6,307		French	Food Administration.
Chillicothe (ship), formerly Arnoldus Vinnen	2,200	1,860	1,782		Australian	Commonwealth of Australia.
Clara[1]	6,125	3,931	2,540	9	French	French Government.
Constantia	4,500	3,026	1,880		Repairing	Unassigned.
Cocos, formerly Longmann	2,025	1,960	1,218	12	Cuban	Munson.
Dora[1]	10,575	7,037	4,536	13	Russian	Russian Government.
Erny[1]	8,450	6,515	4,170	13	Army	Army.
Gen. O. H. Ernst, formerly Sachsenwald	5,380	3,564	2,259	11.5	Panama	Panama Railroad.
Gen. G. W. Goethals, formerly Grunwald	5,437	4,833	2,878	13	do	Do.
Gen. W. C. Gorgas, formerly Prinz Sigismund	5,530	4,564	2,926	11	do	Do.
Gen. H. F. Hodges, formerly Savoia	4,065	2,732	1,667	10	do	Do.
Hercules, formerly Bulgaria	13,040	11,440	7,218	11.5	Army	Army.
Ida[1]	7,200	4,730	3,093	12	French	French Government.
Isonomia, formerly Nassovia	6,020	3,901	2,474	10	New England coal	Fuel Administration.
Iosco, formerly Johanne	1,800	1,531	952		Philippine	Philippine Government.
Iroquois, formerly Wittekind	6,800	5,649	3,606	12	Army	Army.
Itasca, formerly Setos	8,150	6,126	4,550	10	do	Do.
Lucia[1]	8,609	6,735	4,386	10	do	Do.
Mateel, formerly Wiesand	600	499	292		Philippine	Philippine Government.
Minnow, formerly Neptune	300	197	131		Army	Army.
Moccasin, formerly Prinz Joachim	4,760	4,760	2,981	13	do	Do.
Monongahela, formerly Red Jacket, formerly Dalbek (bark)	4,150	2,723	2,544		Hawaiian	
Monticello	9,000	7,582	4,731	10	Army	Do.
Montauk, formerly Matador (bark)	2,214	1,463	1,355		Australian	U. S. & Ass. Co.
Montpelier, formerly Bochumal	10,000	6,128	3,721	11	Army	Army.
Mochuha, formerly Dreadnaught, formerly Kurt (bark)	4,950	3,109	2,875		Australian	McNear.
Muscoota, formerly Flying Cloud, formerly Ottawa (bark)	4,950	2,659	2,542		do	Do.
Nansemond, formerly Pennsylvania	15,002	13,332	8,526	13.5	Army	Army.
Neuse, formerly Mundeburg	6,800	4,406	2,876	10	Italian	Italian Government.
Nipsic, formerly Borneo	2,500	2,163	1,344		Philippine	Philippine Government.
Nyanza, formerly Esslingen	7,750	6,213	2,866	10	Army	Army.
Oconee, formerly Maia	4,286	2,554	1,634	8.5	Russian	Russian Government.
Orion, formerly Prinz Oskar	4,286	6,026	2,777	13	Italian	Italian Government.
Osage, formerly Semplo	7,424	4,756	2,953	10	French	French Government.
Olivant	5,800	4,014	2,926		do	Do.
Otseco, formerly Prinz Eitel Frederick	5,200	4,650	2,920	12.5	Italian	Italian Government.
Pawnee, formerly Harburg	6,850	4,471	2,837	12.5	Russian	Russian Government.
Pequot, formerly Ocean Isle	8,900	5,821	3,541	10	Army	Army.
Princess Matoika, formerly Princess Alice	10,500	10,981	6,929	15	Trans-Pacific	Pacific Mail.
Quantico, formerly Lyemoon	2,900	2,676	1,887	11	Trans-Pacific	Dollar.
Quinnebaug, formerly Poagtong	2,000	1,631	997		Philippine	Philippine Government.
Rajah	3,250	2,329	1,378	9	Chrome	Lavino.
Rappahannock, formerly Pommern	12,674	6,478	4,021	12	Army	Army.
Raritan, formerly Carl Diederichsen	1,600	1,343	774		Philippine	Philippine Government.
Sachem, formerly Coblenz	3,800	3,130	1,869	11	Repairing	Hawaiian.
Suwanee, formerly Mark	11,498	6,493	3,998	12	Army	Army.
Tacony, formerly Verdun, formerly Staatssekretar Kraetke	2,620	1,962	1,133		Cuban	New York and Cuba.
Teresa[1]	5,700	3,769	2,380	8	Army	Army.
Tioga, formerly Clara Jebsen	2,500	1,735	1,103		Philippine	Philippine Government.
Ticonderoga, formerly Camilla Rickmers	7,500	5,130	3,163		Army	Army.
Tippecanoe, formerly Holsatia	9,000	6,187	3,769	10.5	French	Food Administration.
Tonawanda, formerly Indra (bark)	2,700	1,746	1,613		Manganese	Bethlehem.
Tunica, formerly Sambia	7,600	4,785	3,011	10.5	Pacific to Atlantic	Food Administration.
Wabash, formerly Seneca, formerly Tubingen	8,000	5,672	3,312	10	do	United States Shipping Board.
Wachuset, formerly Suevia	6,160	4,336	2,601	10	Army	Army.
Wacouta, formerly Prinz Waldemar	3,400	3,135	1,831	12	Cuban	New York and Cuba.
Watauga, formerly Governor Jaeschke	2,200	1,738	1,045	11	Porto Rico	New York and Porto Rico.
Wyandotte, formerly Willehad	5,900	4,761	3,011	11	Army	Army.
Yadkin, formerly Clara Mennig	2,512	1,685	1,004	8	Italian	Italian Government.
Yasoo, formerly Marudo	2,200	1,514	902		Philippine	Philippine Government.
Yucca, formerly Portonia	4,256	2,777	1,244	7.5	Russian	Russian Government.
Yuma, formerly Dantzan	2,400	1,685	1,002		Pacific to Atlantic	United States Shipping Board.

[1] Austrian steamers.

Formerly German steamers owned and operated by United States Navy.

	Dead weight.	Gross.	Net.
Leviathan formerly Vaterland	15,000	54,281	23,548
George Washington	13,300	25,569	15,379
America formerly Amerika	20,765	22,621	13,637
Agamemnon formerly Kaiser Wilhelm II	8,700	19,360	6,353
Mount Vernon, formerly Kronprinzessin Cecilie	8,300	19,503	6,584
President Lincoln	19,810	18,167	11,171
President Grant	19,810	18,072	11,112
Covington, formerly Cincinnati	11,717	9,734	16,339
Von Steuben formerly Kronprinz Wilhelm	6,900	14,908	5,162
Aeolus, formerly Grosser Kurfurst	12,350	13,169	7,881
Mercury formerly Barbarossa	10,350	10,983	6,433
Pocahontas, formerly Princess Irene	10,353	10,893	6,443
Huron, formerly Frederick der Grosse	11,080	10,771	6,585
Powhatan formerly Hamburg	9,510	10,531	6,429
Susquehanna formerly Rheims	11,650	10,058	6,398
Artigone, formerly Neckar	11,000	9,935	6,209
Madawaska, formerly Konig Wilhelm II	6,850	9,469	5,761
Delaib, formerly Prinz Eitel Friedrich	8,200	8,797	4,812
Bridgeport, formerly Breslau		7,524	4,808
Ticonderoga formerly Carmilla Rickmers	7,500	5,130	3,163
Houston, formerly Liebenfels	4,500	4,525	2,800
Camden, formerly Kiel	9,761	4,494	2,872
Savannah, formerly Saxonia	6,930	4,424	2,782
Pensacola, formerly Nicaria	6,040	3,974	2,298
Quincy, formerly Vorwaerts	5,100	3,718	2,357
Newport News, formerly Odenwald	5,220	3,537	2,098
Long Beach, formerly Hohenfelde	1,967	2,974	1,887
Astoria, formerly Frieda Leonhardt	4,650	2,789	1,731
Bath, formerly Andromeda	3,978	2,554	1,545
Kittery, formerly President	1,600	1,849	924
Beaufort, formerly Rudolf Blumberg	2,600	1,769	1,077
Gulfport, formerly Lochsun	4,334	1,657	1,029

Mr. JAMES. Has a country fallen down that can do a thing like that? But let us examine a little further into that question.

REPAIR OF SHIPS THE GERMANS THOUGHT COULD NOT BE REPAIRED.

One of the greatest things that has been done by the Navy since the outbreak of the war was the repairing of the machinery of the big German liners that were interned at Boston, New York, and Norfolk, which are now in service transporting our troops to France. Without them we should be seriously embarrassed in getting our soldiers and supplies across the Atlantic. German ingenuity had been given the widest scope in an endeavor to so wreck the machinery of these ships as to defy repairs. The methods adopted and systematically carried out bore the stamp of a central direction, and so well was the work believed to have been done that opposite each item of the list found on one of the ships were the words, "Can not be repaired." German mechanism, German skill, and German devilitry made a list and put opposite each one of them, "Can not be repaired." Let us see what this "fallen-down administration" and Government did.

But here the Hun reckoned in true Teutonic fashion. He little thought that the same brain and the same brawn that will carry our arms to victory in Europe would put these ships in serviceable condition, and that the greater the difficulties the more determined are Americans to solve them. The result of the Navy's work in this matter challenges criticism.

Cylinders, valves, and other massive pressure parts of the engines of these ships were so badly smashed as at first to lead to the conclusion that nothing short of renewal would make them fit for service.

It looked like the German notation that they could not be repaired was probably true. It looked as if we would have to send to Germany to get the parts of machinery they thought they had so destroyed.

In fact, such a course of action had been decided upon; but shortly after this decision had been reached the ships were turned over to the Navy, and instead of renewing cylinders, which would have delayed their completion and render impossible the transport of our troops to France, the services of American engineers familiar with electric welding were enlisted and in a comparatively short time what appeared to be insuperable difficulties were quickly solved and every one of these commodious ships made ready for service.

As one writer has remarked:

> Under ordinary conditions, by methods dictated by the traditions of the ship-repairing fraternity, at least 18 months would have been required to place the looted vessels again in commission. * * * Fortunately, traditional methods were jettisoned. In their stead ideas new to the marine world were brought into play, and as a result by Thanksgiving Day all of the 109 German ships that fell into our hands in April were operating on the Atlantic under the American flag.

To what extent the devilish ingenuity of the Germans went may be inferred when I tell you that in some cases fire extinguishers were emptied and refilled with gasoline. They thought that when the ships went out to sea loaded with our brave soldiers, and the cry of fire went up, and they seized the fire extinguishers to hurl this fluid into the flames to put it out instead they would have gasoline that would add fury to the flames. German kultur! German mechanism! German ingenuity! Pipes apparently in good order were plugged, ground glass was put in the shaft bearings, and boiler stays sawed partly in two. Everything that Teutonic efficiency could suggest was done to prevent our use of these ships; but the officers intrusted with the important work of ferreting out the vandalism and correcting it were told that they must take nothing for granted, that the lives of our brave soldiers were at stake, and that no part was to be considered so unimportant as to be neglected. So well was the work of the Navy done that there has not been a single "comeback," and the ships are probably in better condition to-day than they were in 1914. To make sure that everything was thoroughly reliable before risking the lives of our troops in them each ship, after the customary dock trial, was sent to sea for a 48-hour trial in order to test the effectiveness of the repairs that had been made; and be it said to the credit of the skilled engineers who were concerned in the work that every repair has stood the test of strenuous winter service in the North Atlantic, and that in no case has there been the slightest evidence of weakness.

In the case of the giant *Vaterland*, the pride of the German fleet, the injury to her engines and boilers was thought to be such as to make her a hopeless wreck, and it is related that when her chief engineer left her to go to the internment camp on Ellis Island it was with the satisfied remark, "If they can make her go, I'll take off my hat to them." And they did make her go, and as we made the German commander take off his hat to the American mechanics so we are going to make the Kaiser hand his sword to Woodrow Wilson and to the allies in this coming struggle. We have not fallen down, my friends. And they did make her go, and so well did she go that on her shaking-down cruise over a distance of about 3,000 miles, with an untrained crew, this magnificent ship, happily renamed *Leviathan*, which had not been docked for more than three years, did so much better than she had ever done in German hands as to leave no doubt of her success as an American transport.

And so in this case, as in all others in which the Navy has participated, has the good name and fame of this great country been right worthily maintained.

Mr. President, I shall have something further to say of the Navy in a moment. I bring that to the attention of America to show that those in charge of this great war are working night and day. They have met and overcome German ingenuity, these masters of the sea, these gentlemen who thought no power could repair what they had wrecked.

I want to send word to the brave boys "somewhere in France," if they have been discouraged by the speech of my friend CHAMBERLAIN that America has fallen down. I want them to hear all America say, "No; we have not fallen down. Hold the fort, for we are coming, more than ten hundred thousand strong." I place these facts before the country because the country is entitled to know them.

GREAT ACCOMPLISHMENT BY THE NAVY.

But let us see what the Navy itself has done. Of course, in a great war like this, with probably hundreds of thousands of details in contracts and various things to be done, anybody can pick out a mistake. That is easy to do. Anybody can criticize. But let us not lose sight of the elephant while looking for a chip under his foot. Let us give credit where credit is due. Let us not dishearten Americans. Let us tell them the truth.

Just as our Army, which was not more than 200,000 when war was declared, is to-day 1,500,000, so the Navy, including reserves and marines, now constitutes a force of 330,000, more than three times as large as when war was declared. The enlisted strength of the regular Navy has increased from 64,680 to 189,000; the reserve force from about 10,000 to 72,000; the Marine Corps from 13,266 to 37,000. There are 15,500 National Naval Volunteers and 4,600 members of the Coast Guard in the naval service, and the Hospital Corps has grown from 1,600 to 8,000.

There are nearly four times as many vessels in service as there were a year ago. Between 700 and 800 have been taken over and converted into transports, supply and patrol vessels, submarine chasers, mine sweepers, and the various other types needed. A large number of submarine chasers have been built, many already in service. A number of vessels that were under construction have been completed and commissioned.

The 109 interned German ships have been repaired and all are in service, an addition of more than 700,000 tons, some of them being operated by the Navy and others by the Shipping Board. The repair of these vessels, whose machinery had been so badly damaged by the German officers and crews that they did not believe it could be repaired, was a triumph of American ingenuity and engineering skill and a credit to the Navy's

Bureau of Steam Engineering, under whose direction it was accomplished. The former *Vaterland*, now the *Leviathan*, the largest vessel afloat, and a number of the other German vessels of large tonnage are in use as transports. When the President last March issued his orders for the arming of American merchantmen for protection against attack by submarines the Navy immediately undertook the task of furnishing guns and crews of expert gunners to man them, and in a short time every American merchant ship that applied for it was armed. The battles of these armed guards with submarines, their work in the protection of American ships, forms one of the brightest chapters in this war.

The Bureau of Ordnance has armed more than 1,100 vessels, this including numerous vessels added to the Navy as well as merchantmen. Some idea of the work done by this bureau can be given when it is stated that the annual expenditures have increased from $3,000,000 to $560,000,000. Immense amounts of munitions and large numbers of guns have been furnished, new sources of manufacture being opened up to supply the demand. In addition, much new material has been developed, including depth charges, new submarine bombs, nonricochet shells, bomb-dropping sights, howitzers, guns for throwing depth charges, smoke-screen apparatus, heavier ordnance for aircraft and many other important designs which can not be disclosed at this time.

To man the large number of vessels added to the Navy and the merchantmen armed thousands of gunners were required. Every ship has been utilized as a school in gunnery and engineering and thousands of men have been trained as expert gunners and engineers. Especially gratifying progress has been made in marksmanship with guns of the smaller caliber used in fighting submarines, with a periscope as the target.

Immediately after the declaration of war steps were taken to organize and equip a flotilla of destroyers for foreign service. The first of these sailed in April, arriving at a British port May 4, since which time our destroyers have taken an active part in the antisubmarine warfare in the war zone. The force has been constantly augmented, and, in cooperation with the navies of our allies, has done effective service in convoying merchantmen and transports and combating the German U boats. The record made by our destroyers has won the warmest commendation of both the British and French Admiralties.

Before war was declared Admiral Sims was sent abroad, and since we entered the war he has been, as commander of our forces operating in European waters, in close cooperation with the officials of the navies of our allies. The visit of Admiral Henry T. Mayo, commander in chief of the battle fleet, to England and France, and the participation of Admiral William S. Benson, Chief of Naval Operations, in the war council which met in Paris, were of great value. The formation of the allied naval council, in which this country is now represented by Vice Admiral Sims, has proved an important step in bringing about closer cooperation among the naval forces of the allies.

The Navy organized and has operated the large transport service which is carrying our troops and supplies overseas for European service and has furnished the convoys which protect these vessels. How successfully this hazardous and difficult task has been carried out is shown by the very small losses in comparison with the large number transported among our troops taken across the Atlantic.

We all remember that before war was declared Germany sneeringly said, "You can not take your troops abroad; we will sink them." But not more than 100 out of all the thousands and thousands we have there have they been able to sink, and they have taken the lives of a very few of our soldiers.

The regrettable sinking of the British ship *Tuscania*, with the loss of more than a hundred American soldiers, was the first instance in which a ship carrying American troops to Europe has been sunk. Previously not a single American transport has been torpedoed going to Europe and only one, the *Antilles*, sunk returning. One other returning transport, the *Finland*, was torpedoed, but reached port under her own steam.

NAVAL TRAINING CAMPS AND NAVAL BASES.

To provide for the vast increase in the personnel of the Navy and Marine Corps, some 20 camps have been erected. Old training stations have been greatly enlarged and new ones created. The Great Lakes Training Station, at Chicago, which formerly provided for 2,200 men, now has accommodations for over 20,000. That is an example of how these stations have grown.

The Navy now has 95,000 men in training, the Marine Corps more than 10,000. In addition to the stations, many special schools have been created, like the radio school at Harvard, which now has more than 3,000 students. The training facilities have increased from provision for about 6,000 men to provision for more than 13,000.

America has not fallen down so far as this showing goes.

The acquisition of the Jamestown Exposition and Pine Beach properties at Hampton Roads, Va., provided for the creation of the Navy's first fleet-operating base, which is destined to be one of the greatest of its kind in the world. A camp for 10,000 men has already been erected and is in use. The base will include an aviation station, submarine base, large warehouses for fleet supplies and fuel, docks and piers, and every accommodation needed for the fleet.

ENLARGEMENT OF NAVY YARDS AND CONSTRUCTION OF DRY DOCKS.

Our navy yards are vast workshops, building, repairing, and converting ships, and they have been greatly enlarged; warehouses, foundries, and machine shops being erected, and all the facilities increased. Dry docks are in course of construction that will accommodate the largest vessels. New shipways are being added that will largely increase shipbuilding facilities and enable the Navy to build all types of war vessels in its own yards. The entire shore construction program being carried out under the direction of the Bureau of Yards and Docks, comprises a total cost of about $110,000,000. The number of civilian employees in navy yards has increased from 35,000 to more than 65,000.

The large projectile plant under construction at Charleston, W. Va., will be completed in a few months, and will be operated in connection with the armor-plate factory which is to be built at that point later.

NAVAL FLYING CORPS.

The Navy has erected its own aircraft factory at the Philadelphia Navy Yard, the keel of the first flying boat being laid 90 days after ground was broken for the erection of the factory. A very satisfactory type of flying boat has been developed; a new dirigible balloon designed and built, and a number of other improvements made in seaplanes and other aircraft. The Navy's Flying Corps has been largely increased in both personnel and material, and is doing effective service on the European coast as well as in this country. The first of the United States armed forces to land in France were the 100 naval aviators who arrived there on June 8.

RADIO STATIONS.

The United States now has the largest radio service in existence, this being operated under the Naval Communication Service. At the beginning of the war all the commercial radio stations in this country were taken over by the Navy. The new stations at Pearl Harbor, Hawaii, and Cavite, Philippine Islands, the most powerful in the world, have been completed. Direct radio service was recently instituted between this country and Rome, so that our radio service now covers the Atlantic and the Pacific, messages being transmitted quickly to both Europe and Asia. We also conduct a radio service to Alaska, and soon all the possessions of the United States will be connected by wireless.

This unprecedented increase in the Navy has been accomplished, these difficult and varied tasks performed without necessitating any change in its organization, which expanded easily and rapidly to meet every condition and demand.

EXPANSION OF THE NAVY.

The ability of the Navy, without friction or hurrying, to bring to bear its force rapidly and to increase it threefold in a short time [the increase is now practically fourfold]—

Said Secretary Daniels in his annual report for 1917—

is due to the system that had been built up in peace times and to the securing before the war of a larger building program, extending over a term of years, as well as to the authorization of an increased personnel. Internally the efficient organization working together for years as a trained team made the Navy Department's rapid expansion easy, though it taxed the strength and energy of every head of a department and the entire personnel on shore and in the fleets. The spirit among the officers, among the enlisted men, among the skilled mechanics, among the trained civilians, was so united and their service so willing and their capacity so extraordinary that the Navy Department has marched abreast, all seeking to make the Navy's deeds worthy of its traditions. The years of drilling and practice, of close cooperation in planning and thinking, were evidenced in the readiness and quickness with which the Navy moved when the command rang out. Ships were manned without an hour's delay. Those in reserve were fully commissioned. Expert gunners lost not a moment when ordered as armed guards on merchant ships. Every man was zealous to find his place and prove the stuff he was made of, and most of them asked the place of danger.

Nor is it alone to the purely military side of the Navy that we feel we may point with justifiable pride. This war, more than any other war, has been an affair of business as well as of fighting. Supplies, equipment, transportation, all have called for the highest degree of efficiency and intelligence in order that the fighting arm might be sustained. The Navy is fortunate in having during the past four years so improved its business methods and its purchasing system as to be able to meet the tremendous and sudden demands of war time without having found it necessary to alter its existing machinery in anything save an increase in personnel sufficient to handle the vast volume of business which now constitutes a day's work.

Such, Mr. President, is the showing of the Navy of the United States. What American is not proud of it? But the same warfare that is being waged to-day upon Secretary of War Baker was waged until recently upon Secretary of the Navy Daniels. Let me call to your attention the fact that on the 24th day of July, 1917, the Navy was attacked upon this floor. I undertook to defend it. In the course of a colloquy the senior Senator from Pennsylvania [Mr. PENROSE] made this startling and remarkable statement, which I read from the CONGRESSIONAL RECORD:

Mr. PENROSE—

Speaking to me—

Will the Senator permit an interruption? For the last time I want to deny that I am attacking the American Navy or anybody else. I am introducing a resolution of inquiry.

Mr. JAMES. You just admitted that you were attacking the Secretary of the Navy.

Mr. PENROSE. No; I said I have a right to attack him if I choose. I want to state here to the Senator and to the country that, in my opinion, the administration of the Navy Department and the War Department is marked by an indecision and inefficiency which will rapidly become a national scandal and which I intend to have investigated in some way at an early opportunity.

In July last, the leader of the other side—but, thank God, not a spokesman for that side—said he was going to have the Navy of America investigated; that it had become a national scandal! Let me read you what another distinguished Republican Member of the other side said:

Mr. KENYON—

Who was abroad and saw with his own eyes, who was in the trenches and who knows what service our force is performing abroad, when he came back, in an interview with the New York World, said this:

In this era of criticism no criticism has been made of our Navy—

He evidently considered that the statement which I have just read from the remarks of the senior Senator from Pennsylvania was not a criticism—

In this era of criticism no criticism has been made of our Navy. Lloyd George a few days ago congratulated America on the splendid efficiency of her Navy. Let no one say that we have done nothing in this war. We have helped to destroy the submarine. Our Navy is doing some of the most essential work of the war. All honor to the boys of the American Navy, to the work of Admiral Sims, and to the splendid efficient Secretary of the Navy, Josephus Daniels.

I put that wonderful record of splendid, triumphant achievement of the Navy, unrivaled by any country in the world, against the unsustained criticism of the Senator from Pennsylvania.

Mr. SMITH of Michigan. Mr. President, will the Senator from Kentucky permit an interruption?

Mr. JAMES. Certainly.

Mr. SMITH of Michigan. The compliment paid to the American Navy was, of course, a timely and well-deserved one; but it may not be inappropriate for us to pay a compliment to the British Navy, which since the war began has transported 13,000,000 men across the seas and has lost but 2,700.

Mr. JAMES. Mr. President, I would not say one word to detract from the glory that is due England; no word of invidious comparison or criticism will escape my lips. She has done heroic and wonderful service, and I hope that no member of Parliament has sought to plant the seed of distrust in the heart of her people by saying that she had not done this or that she had not done that, or that she had not rendered efficient service.

FRANCE NOT "BLED WHITE" AND NOT IMPOSED UPON BY AMERICA.

But, Mr. President, the Senator from Oregon in the course of his speech—and, to my mind, the most unfortunate part of it—talked about France being "bled white." In order that I may do him no injustice I will read just what he said:

Mr. President, the Secretary of War, in his general statement to the country—which was carefully written and prepared—tells us that $3,200,000,000 have been appropriated for the Ordnance Department and contracts have been let for $1,677,000,000; all of which is true. But the Secretary fails to tell us, Mr. President, in his statement to the country, and it only comes out in the course of a cross-examination, that America stands to-day unprepared, so far as ordnance is concerned. I challenge anybody to read the testimony and come to any other conclusion. Poor, bleeding France, my friends—bled white, not only for her own life and for the liberty of her own citizens but for America as well—is to-day furnishing our troops as they arrive in France the necessary heavy ordnance and machine guns for aircraft and for ground service. Why, Mr. President, if we relied upon the Ordnance Department in this emergency to furnish our troops with the heavy ordnance—and this is largely a war of artillery to-day—the war would be over before we ever got to the front.

Why, there is testimony, if I correctly remember it, before the Military Affairs Committee that along some of these fronts the cannon—and heavy cannon, if you please—are located 5 yards apart for a distance of 6 miles; and yet America, this great and magnificent country, is dependent upon poor France to deliver the ordnance! Did France agree to deliver it in order to win over reluctant America? Did she agree to furnish it in order to encourage and hearten America?

Mr. President, I can imagine no more unfortunate or unjustified utterance than that. France "bled white!" America imposing upon her! Mr. President, for more than 125 years in every school in this land we have taught our little children to love dear old France. There is not an inch of her soil or a drop of her blood that is not held in the deepest affection by America. France "bled white!" That is a German expression. She is not bled white; she holds 560 miles of that bloody western front at this hour, and the reddest blood that courses through any veins in the world runs through the veins of the French people—not white, but red, blood-red.

But what is the charge? You would think from the Senator's speech that we trafficked with France as to whether we would go into this war and that the condition upon which we went into it was that France would furnish us with ordnance, light and heavy artillery. America went into this war for the highest ideals known among nations and among men. She went into the war not only to make the world safe for liberty, but to make America safe for citizens of the United States. America went into this war for the old, dearly loved, and historic right of the freedom of the seas. Germany had ruthlessly murdered our citizens, she had fired upon and sunk our unarmed merchant vessels, she had sent to their death brave American seamen and citizens without an opportunity given them either to surrender or to fight. She had planted bombs in our factories, she sought to dismember the Nation by throwing us into war with Mexico and Japan, promising as spoils a part of this great Republic. I resent the insinuation that my country entered into the war trafficking with France as to whether she would go into it upon the condition that France would furnish us ordnance, when the records show—and I will produce them—that the agreement which France made with us to supply ordnance was made months after we had gone into the war. I know my dear, amiable friend CHAMBERLAIN did not see the danger of that sort of an utterance. A man ought never to speak when he is angry; his vision is not clear; he does not measure and weigh the importance of his statements. I have the contract here:

Washington, 14th of July, 1917—

Now, here is how we happened to get artillery from France. It is perfectly clear, absolutely plain, and it was the only sensible thing to do. France by reason of putting into her army so many millions of men had to erect great manufacturing establishments to supply the army with artillery. France came to us; we did not go begging France; we did not go trafficking with France; we did not make a condition with France upon our entry into the war, but the high commissioner of France came over here and this is what happened:

In the early part of last summer I concluded an arrangement with the French commissioner in Washington, Mr. André Tardieu, following an invitation from the commission—

That is, the French commission—

to place orders for artillery and artillery munitions in France, for the manufacture of a considerable supply of 75 millimeter field guns and 155 millimeter howitzers for the American forces in France. The supply ordered was more than sufficient to equip our troops with these pieces as rapidly as they would arrive in Europe, and the amount of ammunition for them was in accordance with the French practice as developed by the war. The feeling of the French authorities in regard to this transaction is best expressed by the following notice for the French press, prepared by the high commission in Washington and handed me by Mr. Tardieu.

The statement I have just read was made by Gen. Crozier, Chief of Ordnance of the United States, before the Senate Military Affairs Committee on December 31, 1917.

Now, here is the agreement. This statement was given out for the French press and prepared by Mr. Tardieu, the French high commissioner in the United States:

[Translation.]

WASHINGTON, *July 14, 1917.*

An important agreement has been concluded between the United States Government and the French high commissioner, Monsieur André Tardieu.

According to said agreement the American Government adopts the two principal pieces of matériel of French artillery, the 75-millimeter field gun and 155-millimeter rapid-fire howitzer.

The Expeditionary Corps of Gen. Pershing has received from the French authorities, on arrival, its field artillery, its rapid-fire heavy artillery, and its French artillery, which of course will accelerate its taking its place in the line.

At the same time the artillery production in France and in America has been organized so that the American Army of 1,000,000 men which is about to be recruited will receive without delay, as the units are formed, the necessary heavy and light guns.

The negotiations, taken up for the first time at the end of May, between Monsieurs André Tardieu, high French commissioner; Monsieur Ganne, chief of war munitions of the high commission; and Brig. Gen. Crozier, Chief of Ordnance, were characterized by two ideas.

On one hand, the American Government wished to adopt the quickest solution, in order to realize in the shortest time the complete armament of its forces.

Hurrying to the front, not delaying the war—

On the other hand, with great foresight they attached particular importance to realizing for the American and the French Armies, called to fight on the same battle field, uniformity of munitions, of such capital importance from a tactical point of view.

In view of these two desired aims, the French high commissioner was able, thanks to the development since 1916 of the machine equipment of our war munit ons factories, to furnish Gen. Crozier with a detailed plan of industrial collaboration, which, by the united efforts of French and American industries, will assure the complete realization of the American program.

The double certainty of rapid production and uniformity of munitions decided the United States Government, despite the incontestable value of its own matériel, especially that of the 3-inch field gun, of which the superior qualities are universally recognized, to adopt our 75 and our short 155.

The negotiations on these lines were rapidly completed. At the end of somewhat over one month they were concluded this week by a complete understanding fixing the quantity and the price of the matériel to be furnished.

This understanding, susceptible of important further developments, is a precious proof of the esteem in which the most powerful industrial country of the world holds our engineers and our mechanical constructors. It has also a practical bearing of great value.

From the military point of view, it is evident that uniformity of type of guns and munitions for armies fighting on the same battle fields is an appreciable guaranty of safety and efficiency. The supply and the volume of fire are thereby equally facilitated. Unity results spontaneously from identity of weapons. Finally, all tactical results obtained by the experience of three years of war are without previous adaptation assimilated by the American Army.

I shall not read all of that statement, but I will incorporate it in the RECORD, showing that this contract was made between the United States and France because France had a surplus supply of ordnance, of light and heavy artillery, and could give it to our soldiers at once and put them into the fighting line much more quickly.

The remainder of the statement of M. Tardieu, the French high commissioner in the United States, is as follows:

From the industrial viewpoint, the unity of effort created between the manufacturing plants of the two countries will produce happy results without precedent, not only during the war but also subsequently. Common action provides the best means of mutual acquaintance and for preparation of the close cooperation which it is desired to organize for the future.

From the financial standpoint it is possible to hope that the purchase by the United States of French artillery matériel will create an improvement in exchange, which, under the existing relations of America and of her European allies, is as much to be desired by the United States as by France.

It is also likely that the adoption of the metric system, which has been officially requested by the American Bureau of Standards, and which is much to be desired from the point of view of future French-American interests, may be thereby facilitated.

These are, briefly stated, some of the results, certain or probable, of the agreement between the French high commissioner and the American Government.

The dominant note of the agreement lies in the proof it gives of the unshakable resolution of the American Government to achieve in the shortest time the maximum of military strength, and, on the other hand, it proves the intimate and active cooperation existing between the United States and France.

Mr. Baker, Secretary of War and Gen. Crozier, Chief of Ordnance, of the American Government, have given proof in this case of the broadest spirit of comprehension and decision and have succeeded in a few weeks in securing for the American troops artillery of the first order.

Our high commissioner at Washington speaks in unbounded praise of their cooperation with him.

We may add that the first French guns arrived last week in the United States, and that the Artillery School of Saumur has been placed at the disposal of the American Army for training purposes.

And, as the Senator from Ohio [Mr. POMERENE] says, of course, that will save transportation.

I can imagine with what fine satire some of our friends who are prone to criticism would have attacked us if we had refused to accept this. Suppose we had said, "No; we are going to manufacture them ourselves. We are going to ship them abroad." I can imagine some of our friends rising and saying, "How foolish. Instead of taking guns across, you could take to them meat and bread and supplies that they sorely need. They have got the guns already there. They can supply you with them. You can get them cheaper from them than you can make them here. You are loaning France hundreds and hundreds of millions and up into the billions of dollars. She can pay back some of her loans by supplying you with this ordnance, and she was willing to do it, and you would not accept it. She offered to do it, and you refused it." Because America did the sensible thing—and every fair-minded man is bound to admit it—we are attacked here upon the floor and asked, "Did France do that to invite us into the war?"

Let us see a little further upon this question of the Military Establishment of America breaking down.

MR. TARDIEU'S COMPLIMENT ON OUR MILITARY PREPARATION.

I have here a speech made on February 7, 1918, after the unfortunate utterance of the senior Senator from Oregon [Mr. CHAMBERLAIN]. It was made by the French high commissioner. Let us see what he says:

Mr. Tardieu described America's military effort as "wonderful and splendid," and asserted it had been "a surprise to the enemy."

Alluding to the raising of the National Army, Mr. Tardieu declared that "no event of wider import has ever taken place since the beginning of the war." He continued:

"Thus your Government, with a clear and courageous view, has given you the strength of numbers, the first condition of military power. In April, 1917, you had 9,524 officers and 202,810 men. You have now 140,000 officers and 1,500,000 men, and the number of your men in France at the present moment is notably in excess of the establishment of your Army nine months ago."

Against the unprepared utterance—as the Senator tells us his speech there was—which the Senator made, which he can not sustain, and was forced to withdraw 90 per cent of it, and undertook to defend part of it, I place the statement of this man, representing the heroic Government of France, who has been here, who has carte blanche in all of the departments of this Government. He says America has done wonders.

France, he said, has taken "every necessary measure" so that America can complete in France the training begun here. Regarding aviation, American development had been "beyond all expectations," he declared.

Warriors of the sky! America has exceeded all expectations in her aviation preparations, not fallen down—

He outlined how America had helped the entente also financially and with shipping, food, and fuel—aid which he described as "immense and conclusive."

"Wherever on special points," he added, alluding to his association with officials at Washington, "I believe that mistakes have been made, I say it frankly, the heads of the Cabinet or the heads of your departments know it from their own experience."

"I have the optimism of the satisfied," Mr. Tardieu said, discussing the situation generally, "and as long as I shall be here as the representative of my country I will ask from you every day a still greater effort. After 43 months of war our needs are huge indeed, and in order to supply them enormous sacrifices are required of you"—

So said High Commissioner Tardieu in speaking of the military preparation of America. The Senator from Oregon says there is no use in being optimistic about something that does not exist. This high commissioner is satisfied, and he has the satisfaction that optimism gives.

"Some people in Europe, as well as here," he said, "have been wondering why you should not, in that respect, have done everything by yourselves. This criticism shows that those people ignore, firstly, what time means in war—

That is, not manufacturing our own guns, taking the surplus over there—

and, secondly, how infinitely complicated is the industrial war organization which, from the very start, is required by the extensive production of ordnance and aviation. * * *

"I have drawn roughly the results of the military effort of the United States for a period of less than 10 months—

Listen to this statement—

"I do not believe that impartial man would say that this effort is now completed but I declare that any impartial man must admit its wonderful extension and splendid achievements."

LORD NORTHCLIFFE'S VIEW OF AMERICA'S MIGHTY WAR MACHINE.

That is not all. I have other witnesses that I shall call. America has not ceased to function. According to this high authority, the Military Establishment has not fallen down; and if there are any disheartened people in America let them take courage. These critics exist now as they did in the days of long ago. They are no newcomers.

But let us go a little further.

I hold in my hand an article written for the newspapers of this country and copyrighted by the Public Ledger Co., of Philadelphia. They are articles by Lord Northcliffe, the representative here of Great Britain. I shall not read the first article; it is too long. I shall print it in the RECORD immediately following the conclusion of my speech; but I will read the headlines:

PHILADELPHIA, *September 16.*

The Public Ledger to-morrow will print the following article written by Lord Northcliffe. The second and concluding article will appear Tuesday. They are printed simultaneously in the London Times, the London Daily Mail, and the Washington Post.

Here are the headlines:

Swift, unexpected action characterizes United States in war, declares Lord Northcliffe. British high commissioner reviews growth of war machines in America, expressing surprise at the quick results obtained through Nation's system of deliberating carefully and striking suddenly.

The other article is headed:

Intensity of America Shows in its Mighty War Machine, Declares Lord Northcliffe. Vast Accomplishment in Air Service Campaign Praised by British Commissioner, who Describes Wonderful Progress Made by the Government in Enacting War Measures. Believes United States System will Defeat Prussians.

I shall only read the concluding paragraph of this last letter and include the balance immediately at the conclusion of my speech. Here it is:

It is easy to say that many of these things might have been done a couple of years ago, but democracies do not work in that way. Even after the war had begun we in England spent almost two years in discussing whether we should have equality of sacrifice in regard to military service, and Canada was still debating the question until a few days ago. Each nation has to make its war preparations after its own fashion.

No nation seems to learn much from any other. The American war machine is being built in the American way. Maybe it will have its faults, but for all that it is the mighty sledge hammer that will pulverize Prussianism. The Americans are getting to war with all the virility and intensity of a very forceful people.

That is the utterance of Lord Northcliffe.

TRIBUTE TO PRESIDENT WILSON.

But, Mr. President, our friend, the Senator from Oregon [Mr. CHAMBERLAIN], after telling us that the Military Establishment had fallen down and had ceased to function, after paying, as I have said, great compliments to the other guests, at last, at another dinner in the same city, thought of the President of the United States, and here was what he said. This is copied from the New York Times:

Senator CHAMBERLAIN paid tribute to President Wilson when he called him the premier of all the statesmen of the world, leading others in thought as no other one man.

And yet, just a short time before that, the Government over which he presided had ceased to function, and there was a falling down of the Military Establishment, and in addition to that there was inefficiency in every department!

Why, of course the Senator could not have meant that, for he beholds the United States Treasury under its Federal Reserve System standing as unshakable and secure as the Rocky Mountains do. Under the old system a Wall Street rumor could throw the Nation into panic. Under this new system a world's war does not shake it. I submit to these gentlemen who are such willing critics of the President of the United States that they had better read the history of the country, and they will find out that America has never yet deserted, and never will desert, the Commander in Chief of the Army and Navy of the United States.

SAVING OF MILLIONS IN PURCHASE OF SUPPLIES.

I have here a statement, which I shall not take the time to read, which was supplied to me. I shall incorporate part of it in my speech. It shows that under the system of the War Department millions and millions of dollars have been saved to the people of the United States of America in the purchasing of supplies.

A ROMAN VIEW OF IMPEDIMENTS IN WAR.

Mr. President, when I listened to these critics I was struck with this, which was sent to me by a Member of Congress:

A WAR 2,000 YEARS AGO.

Lucius Æmilius Paulus, a Roman consul, who had been selected to conduct the war with the Macedonians, B. C. 168, went out from the senate house into the assembly of the people and addressed them as follows:

"In every circle, and truly, at every table, there are people who lead armies into Macedonia; who know where the camp ought to be placed; what posts ought to be occupied by troops; when and through what pass Macedonia should be entered; where magazines should be formed; and when it is proper to engage the enemy, when to lie quiet. And they not only determine what is best to be done but if anything is done in any other manner than what they have pointed out, they arraign the consul, as if he were on his trial. These are the great impediments to those who have the management of affairs, for everyone can not encounter injurious reports with the same constancy and firmness of mind as Fabius did, who chose to let his own authority to be diminished through the folly of the people, rather than mismanage the public business with a high reputation. I am not one of those who think that commanders ought never receive advice; on the contrary, I should deem that man more proud than wise, who did everything of his own single judgment. What, then, is my opinion? That commanders should be counseled chiefly by persons of known talent; by those especially who are skilled in the art of war, and who have been taught by experience; and next, by those who are present at the scene of action, who see the country, who see the enemy, who see the advantages that occasions offer, and who embarked, as it were, in the same ship, are the sharers of the danger.

"If, therefore anyone thinks himself qualified to give advice respecting the war which I am to conduct, which may prove advantageous to the public, let him not refuse his assistance to the state, but let him come with me to Macedonia. He shall be furnished by me with a ship, a horse, a tent, and even with his traveling charges. But if he thinks this too much trouble and prefers the repose of a city life to the toils of war, let him not, on land, assume the office of a pilot." (Livy, Book XLIV, ch. 22.)

And so it is and ought to be in America. Let those who criticize come to Macedonia, and they will be supplied with a ship and a horse, and a gun, and they can have an opportunity to see at first hand, and display under daring conditions and circumstances their real knowledge of warfare.

THERE SHOULD BE NO POLITICS IN THE WAR.

But a speech was made by the Senator from New York [Mr. WADSWORTH]. I regretted to see this. I am sincere in this statement. I have a sympathetic feeling for the Senator from New York. He made a speech here advocating the passage of certain bills to take control of the war machinery of the country, which, as is well known by the public, are opposed vigorously by the President of the United States. The Washington Post on February 9, 1918, had this article:

HOUSE VACANCIES GIVE G. O. P. HOPE—REPUBLICANS LAY PLANS TO WIN DISTRICTS IN NEW YORK.

The Republican congressional committee at a conference held in the minority caucus room last night decided to make a vigorous campaign to win in the special election in New York March 5 to fill four vacancies from the greater city.

Acting on the recommendation of the subcommittee in charge of the campaign the general committee decided to have the speech of Senator WADSWORTH, delivered on the reorganization of the Army, distributed in these districts as a campaign document. This subcommittee is composed of NORMAN J. GOULD, chairman; Representatives WINSLOW, of Massachusetts, and GEORGE S. GRAHAM, of Pennsylvania. Mr. GOULD left at midnight for New York, where he will hold a second conference with local leaders to-day to complete organization for the campaign.

Should the Republicans win two of the districts in the special election, they will retain a plurality of 4 votes over the Democrats. The House now stands Democrats, 209; Republicans, 212; scattering 8; vacancies, 6.

I regretted to see that, Mr. President. I will tell you why. In a time like this we need a united American people back of the Commander in Chief of the Army and of the Navy of this land; and, of course, whoever attacks the Commander in Chief of the Army and the Navy of America will have the whole-hearted support of every pro-German, of every spy, of every pacifist, of every enemy of America, who will rally behind him because they want to break down the great directing force of this war.

I have read his speech. This article says there are four candidates who are going to stand on it as a platform. Mr. President, I do not believe it will hold them up.

Mr. President, so far as this war is concerned to me it has no politics. I have served hundreds of Republican soldiers in Kentucky as willingly, enthusiastically, and efficiently as I have served Democrats. I will continue to do this. They are fine Americans and no party spirit shall be shown in any way by me in service to these men. They are entitled to the best that I can give, and they shall have it.

ABRAHAM LINCOLN AND WOODROW WILSON.

During the Civil War, when the fate of a Nation was trembling in the balance, there appeared at the White House one day some gentlemen from the West. They were much excited and troubled about the commissions or omissions of the administration. President Lincoln heard them patiently, and then replied: "Gentlemen, suppose all of the property you were worth was in gold and you had put it in the hands of Blondin to carry across the Niagara River on a rope"—Blondin was a great tight-rope walker of his day—"would you shake the cable or keep shouting out to him, 'Blondin, stand up a little straighter; Blondin, stoop a little more; go a little faster; lean a little more to the south?' No! You would hold your breath as well as your tongue, and keep your hands off until he was safe over. The Government," said Abraham Lincoln, "is carrying an immense weight. Untold treasures are in their hands. They are doing the best they can. Don't badger them. Keep silence and we'll get you safe across."

President Wilson walks the tight rope, it stretches across the sea with its wreck and dead. He holds in his hands the richest treasure ever lodged in the keeping of one man since God said let there be light. The treasure is our very life, our liberty, our institutions, our homes, our firesides, our all. Gentlemen, let me plead with you—plead with all Americans—do not shake the rope. Do not badger him. Do not heckle him. Do not annoy him. He will make the journey safely over this ocean of blood and peril. Keep silence! Hold your tongues!

There were men in Washington's day who said they knew and he did not know; and in the distress of Valley Forge they tried to displace him as Commander in Chief of the Armies of the land. But the soldiers, with their bloody feet upon the frozen earth—those brave men, God bless them, with their flintlock rifles and coonskin caps—stood by Washington and American liberty blossomed into being, and Washington waved in triumph the conquered sword of Cornwallis.

The critic was in existence in Lincoln's day—patient, strong, great Lincoln. They thought they knew more about running the war than he did. They heckled him; they annoyed him; they shook the rope; but the flowers had not withered upon his new-made grave when the triumphant American Army marched down this Avenue.

So gentlemen, take courage, you critics. I can stand you upon each other's shoulders, and President Wilson will tower above you all like Washington's Monument towers above the foundation in which its granite base is laid.

The day will come in the Providence of God when our victorious Army, with America solidly back of them, will come back home in triumph and march down this same great Avenue, panoplied with the flowers and love and tears and pride of all America, in review before Woodrow Wilson, the man whom not only America trusts, but the civilized world trusts. Liberty will be safe and Americanism will be secure. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair will make the usual but useless admonition, that the occupants of the galleries must be silent.

APPENDIX.

SWIFT, UNEXPECTED ACTION CHARACTERIZES UNITED STATES IN WAR, DECLARES LORD NORTHCLIFFE—BRITISH HIGH COMMISSIONER REVIEWS GROWTH OF WAR MACHINES IN AMERICA, EXPRESSING SURPRISE AT THE QUICK RESULTS OBTAINED THROUGH NATION'S SYSTEM OF DELIBERATING CAREFULLY AND STRIKING SUDDENLY.

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PHILADELPHIA, *September 16.*

The Public Ledger to-morrow will print the following article written by Lord Northcliffe. The second and concluding article will appear Tuesday. They are printed simultaneously in the London Times, the London Daily Mail, and the Washington Post.

By Lord Northcliffe.

This September, 1917, sees the beginning of the growth of a war machine unequaled in the world's history. The machine is being built in the American way. As I watch the process I am reminded continually of the method by which Americans build their skyscrapers, whose roots are deep down in the rock that forms the island on which New York stands.

In watching the building of a skyscraper the uninformed observer feels that the thing will never begin. For some time there is a blasting of rock, crowds of men appear with strange machines, and nothing much seems to happen. Then gradually but surely a great steel skeleton arises. The progress does not seem to be as rapid as it might be until suddenly the passer-by finds to his astonishment that the exterior walls of the seventeenth or thirtieth story are finished, the lower stories being yet in skeleton form. There is another delay, and lo! the skyscraper suddenly finished and housing ten or fifteen thousand busy workers. The American war machine is being built in the same way.

GIANT GIRDS ON HIS ARMOR.

From the staid British point of view the process is sometimes bewildering. There are delays, tolerances, repetitions of European war blunders, criticisms, arguments, extravagant optimism, and grave underestimations. Sometimes at the end of a long day one looks back on the morning and can see no progress. But at the conclusion of every six days there is not only an advance but sometimes a leap. The great giant of the West slumbered more or less uneasily for the first two and a half years of the war. He eventually woke with some unwillingness. To-day he is up and about and doing. He is girding on his armor and fashioning the club that should end the rule of despotism in Europe.

STREETS FILLED WITH KHAKI.

Lookers-on and critics here in the United States were astonished to find that, almost without public notice, conscription came into being. Having arrived, it works as smoothly as though it had been in use since the Declaration of Independence. Again the giant pauses a while and people begin to wonder what he is doing, but meanwhile the streets become filled with khaki. The stern-looking business men and professional beauties of photographers' shops are replaced by clean-visaged officers and nurses. The parks are busy from dawn to dark with men in shirt sleeves at drill. Those trying to make business appointments by telephone find that so and so has gone to France or to the officers' training camp at Plattsburg or elsewhere. The war hourly becomes more and more a part of the visible public life.

My American home is some miles out of New York City. When I took up my residence there in June last there were no signs of war about me. I went to Washington and returned after the space of a few days. A vast camp, as big as ours at Witley in Surrey, appeared at my doors as though it had grown by magic. This camp is not on the map, so to speak; it is not one of the great cantonments that are being built with lightning speed. Of these soldier cities there are now 16 finished, or nearly so. They are no mere camps. There is a permanence about them which makes it difficult to realize that they are built in two score of days. A number of them are being erected wisely in the sunny and comparatively stormless South, where the soldiers, more especially the flying men, will be in full training during the whole winter.

CAMP CITIES PROVE EFFICIENCY.

Let me describe one of these cities in the words of an English eyewitness, one of the 16 cities which will accommodate the first installment (687,000 men) gathered by conscription. These cities are tangible proof of the efficiency of American methods of organization applied to war making. We asked and obtained permission to see one of the most rapidly finished. It happened to be 2,000 miles from New York City. It did not seem to concern those who extended the very cordial invitation to us that the journey was a long one; it is regarded here as we in England look upon the journey from London to Newcastle or London to Glasgow. We were particularly interested in the construction, because it is the result of the activities of a great firm not unknown in England, Stone & Webster, whose ramifications extend not only through the United States but to most parts of the world in the form of the international corporation.

TEN THOUSAND WORKMEN GET BUSY.

Early in July there lay 3 miles outside San Antonio, Tex., a stretch of ground covered with a difficult kind of scrub or brush. On the 6th of July there appeared an army of between nine and ten thousand workmen of every known nationality, directed by young Americans of the Harvard and Yale type. The 10,000 arrived in every kind of conveyance, in mule carts, farm wagons, horse cabs, motors, and huge motor vans. At the end of the day's work, when the whistle had blown, the scene resembled that of the eccentric, elaborately staged cinematograph film. Together with the army of 10,000 men came many kinds of semiautomatic machinery. The hard concrete roads of the United States are now made by machinery with a thoroughness and permanence which should attract attention in Europe. In this new town outside San Antonio 12 miles of roll, 25 miles of road, 31 miles of water pipes, 30 miles of sewer were accomplished in 45 days.

FROM 1,200 TO 1,300 BUILDINGS.

The scale of wages is as surprising to Europeans as the energy expended. The average wage for all and sundry exceeded $25 a week, carpenters getting $6.50 daily. Nearly all material had to be brought from what appear to us vast distances. As often as not the thermometer stood at 100°, yet the daily photographs taken by the contractors show that progress was continuous, until on August 25 a considerable part of the city was ready for occupation. The strongly and comfortably built huts are all provided with heating arrangements for the winter, and baths, hot and cold, are attached to each building; there are vast stores and office blocks, several post offices, a huge bakery, laundry, stables for 1,300 horses and mules, hospitals, schools; in all, between 1,200 and 1,300 buildings.

And what has been done in Texas was being done simultaneously in 15 other parts of the country.

PROMPTLY CLOSES SALOONS.

Although Long Island is so close to New York and is one of the most fashionable country-house districts in the United States, the site chosen for Yaphank, the great camp on Long Island, gave as much trouble as any other. A forest had to be cut down and the roots blasted out of the soil. Furthermore, the work was hampered by mosquitoes to a degree that will be understood by those who have disturbed virgin soil in new places. They have a prompt, unexpected way of doing things in this country, which is pleasingly refreshing. One morning I read that all saloons within 5 miles of Yaphank had been closed. Nothing more said about it; no discussion preceded the matter; there were no abstruse calculations as to compensation. The United States is at war; saloons are not good for war; close them. That's all there was to it.

POLICE ORDER ENDS PACIFISM.

These are a good-natured but a drastic people. One of their great war accomplishments is the stamping out of sedition. When I first arrived here it was common to see knots of rather bored-looking persons at street corners round a wildly gesticulating man standing on what I believe is known as a soap box. I noticed the number of these orators grew. I stopped one evening to listen to one of them in the negro quarter; he was talking a lot of excitable rubbish. In one part of his discourse he evinced unexpected sympathy for the down-trodden Irish farmer, who is notably, by the way, among the most prosperous of farmers. The American giant paused one day in his war preparations, issued some kind of police order, and there was an end to pacifism. Armed men in special motor cars ended it.

A shrewd British friend of mine who has lived here many years remarked the other day that it took a long time to get Uncle Sam into war, but it may take a much longer time to get him out. Already, after barely five months of preparation, the United States has close upon 1,500,000 soldiers undergoing intensive training for their task. The Regular Army was brought up to its full strength, 300,000, by voluntary enlistment. The National Guard, a State militia, was filled up by the same means until it numbered 500,000. Then came the ballot for conscripts under the conscription act; this gave between 600,000 and 700,000 more.

For the training and upkeep of this force, and for the provision of all that it will require in the field, sums of money have been voted which make one's brain reel. For airplane construction, $640,000,000 has been appropriated. Upon merchant shipbuilding, $1,134,500,000 is to be spent. A naval appropriation of $350,000,000 for the building of destroyers has been commenced. One armor plate and projectile plant at South Charlestown will soak up $22,000,000. In all, the war expenditure of the United States already amounts to well more than $8,000,000 a day and loans to allies account for another $12,000,000 every 24 hours. The war machine gathers momentum as it travels. Its ramifications are bewildering. Scarcely a day passes without some fresh and startling proof of its force.

ACTION LIKE SMASHING BLOW.

The American characteristics in war seem to me to be two: Firstly, what looks like undue deliberation, and, then, before you are ready for it, like a bolt from the blue, a smashing blow. We know so little of the United States in Europe that probably not one reader in a score will understand that the Democrats (radicals) are in office and the Republicans (conservatives) are in opposition. The system so far is rather like our own, but the head of the Nation is a President whose character appears to me to be a mixture of Scottish caution and tenacity, with American unexpectedness.

BANGS DOWN EMBARGO.

Witness the reply to the Pope. Cables from Europe contained mealy-mouthed meanderings from continental newspapers, outlining all kinds of suggested temporizing replies to his holiness. Suddenly came an altogether unexpected bang from the White House at Washington; the whole miasma of pacifism and all the rantings from soap boxes were at an end. My Republican friends, naturally critical of persons and things Democratic, shared the Nation-wide joy in the President's reply.

As with the well-meant papal peace offerings, so with the embargo. Well-meaning Europeans statesmen for so long provided the German armies with materials for making shot and powder and with food through greedy and gain-loving neutrals. The American mind wondered why. I went one day to have a look at an American transport sailing for Europe, in which the soldier boys clustered like bees in swarming time. Incidentally, my guide showed me a great number of neutral ships loading up with grain for Germany. There came another bang from the big gun at Washington. The ships are still here.

I should not be surprised if they eventually helped to carry food to the American Armies in France and to Belgium. I am very certain they will not carry one grain of wheat to Germany. The right of neutrals to prolong the war is not conceded by the United States. The American mothers who are sending their boys to face submarines in the Atlantic and high explosives in the trenches have no sloppy sentiment for Sweden or Spain. They are sorry for Holland, but the motto "America first," though not, perhaps, always suited to an alliance, is undoubtedly a formidable war weapon when put into operation with the drastic suddenness characteristic of American mentality in war time.

INTENSITY OF AMERICA SHOWS IN ITS MIGHTY WAR MACHINE, DECLARES LORD NORTHCLIFFE—VAST ACCOMPLISHMENT IN AIR-SERVICE CAMPAIGN PRAISED BY BRITISH COMMISSIONER, WHO DESCRIBES WONDERFUL PROGRESS MADE BY THE GOVERNMENT IN ENACTING WAR MEASURES—BELIEVES UNITED STATES SYSTEM WILL DEFEAT PRUSSIANS.

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PHILADELPHIA, *September 17.*

The second and concluding article by Lord Northcliffe on "The Americans at war," which will appear to-morrow in the Public Ledger, the London Times, and the London Daily Mail, follows:

By Lord Northcliffe.

The Americans, who are becoming almost as critical of themselves as we English have always been of ourselves, often ask whether there is not observable a lack of enthusiasm in the public demeanor toward troops parading or departing. The same criticism has been made continuously in Great Britain in regard to our people and our army. It is quite true that an ordinary baseball game, or an association football match at home, is more provocative of cheering and other forms of applause than the parading of troops. Pictures of soldiers departing in the old wars make us believe that they were surrounded by enthusiastic crowds. That does not appear to be the case now in any one of the belligerent countries in which I have been since August, 1914. Even the more excitable Italians go to this war with gravity and sobriety. The only really vociferous acclamation to troops that has come under my notice was in a neutral country whose callous pro-Germanism has made it a byword among nations. A cynical American who watched with me a squadron of cavalry passing at the trot and being vigorously applauded by that neutral crowd remarked, "The last thing these people mean to do is fight."

THOROUGHLY IN EARNEST.

American troops, whose physique is at present much the best in the war, are regarded by their onlookers with interest, affection, and pride. Their mission is far too serious a one for wild hurrahing, such as was heard during our South African and their Spanish War. Summed up in one word, the attitude of the American people and their soldiers seems to me to be earnestness. If any other word be necessary, thoroughness might be added. I have only to mention the wonderful Red Cross fund and the great organization which is behind it to illustrate my thought.

The world has heard in the last few days of the evolution of what is known as U. S. A. or liberty air engine. The story of the development of this practical and now tested motor sums up many of the most marked traits in the American war character. It is the product of enthusiasm put to the right purpose.

BUYS MOTOR CAR FOR $1,000.

There is probably no more highly organized industry in the world than the manufacture of American motor cars. The keen competition that has enabled Americans, rich and poor alike, to have automobiles has been backed by cooperation and standardization among the rival producers, which has intensified simplicity and eliminated waste. It is because of this that I am able to purchase for my own use here an excellent four-seated landaulette for $200 ($1,000), with electric lighting installation and self-starter. I have the choice of a number of types at that price, and everything.

The methods of the motor-car industry, which have given such marvelous results, are being adopted in regard to the air engine. Early in July I was invited to the Bureau of Standards in Washington to see the engine just after it had arrived from Detroit. In a room adjoining the bench on which the motor rested was a machine for reproducing mechanical drawings, or blue prints, by a highly ingenious form of rapid rotary printing. These drawings are being sent in thousands to makers of automobiles and parts of automobiles all over the United States.

ENGINEERS UNITE EFFORTS.

The young men who had accomplished the construction of the engine were the leading designers and engineers of the great competing motor-car and motor-van makers. All trade rivalry had been set apart and they had thrown their united efforts into a magnificent piece of teamwork which will enable the United States to turn out air engines almost as rapidly as Mr. Ford multiplies his wonderful little cars.

It is not pretended that these air engines are of the same quality as the best English or French war models. It was wisely foreseen here that the construction of motors so delicate would demand the training of thousands of skilled hand workers. Time is a vital factor in the situation; therefore it was resolved to produce an engine that can be manufactured in part in a thousand workshops and assembled at certain given points, as is done in Germany with her submarines. It is an engine designed for a certain specific air program, the nature of which the Germans will learn in due course.

Together with the manufacture of the air motor, which has now been tested in long flights at various altitudes, goes on the training in flight of a large number of eager and capable young men. Almost every steamship arriving from Europe brings more and more skilled air teachers from the war zone—French, American, and English. Flying grounds in the United States are being extended continuously. They range now from Camp Borden, in Canada, where young British officers are training American and Canadian fliers, to San Antonio, in Texas. Instruction in flying can continue without ceasing, owing to the choice of so many suitable, because almost windless, climates for the camp installations.

The enthusiastic outpourings of air amateurs and their cries of "100,000 airplanes" have made a good many persons skeptical as to American participation in the air fighting. But behind all that talk is already a vast accomplishment. The solid foundation has been laid of an air service backed by virtually illimitable man power and machine power. Its fruits will be shown as suddenly as came conscription. Movement is going on as rapidly as possible, in view of the thoroughness with which everything is being done. There has been a complete liaison with the air services of France and England. The models of the latest French and English machine are here. While no time has been lost, most careful consideration has been given to a definite plan of campaign.

I wish I could say as much with regard to the speed of American shipbuilding. I have already expressed my opinion, which is shared by many persons here, that so long as the allied Governments hide the truth as to the real nature of the submarine danger the burning enthusiasm which Americans are putting into their air service will be lacking in the American shipyards.

This, however, is the only direction, so far as I have been able to judge, in which more might be done than is being done at present. I arrived in the United States during the second week of June. I have kept a diary of war happenings. Those who take the trouble to read it will find that the pace has been accelerating every week until during the last seven days we have been made acquainted with a series of war measures which would seem to be almost beyond the national power of digestion. Here are the events I have noted down since I landed:

DIARY OF WAR HAPPENINGS.

June 12: Senate approves bill giving the President the power to embargo exports to neutral countries which might find their way to Germany (power which the President has now vigorously used).

June 20: The Federal Trade Commission proposes to the President that the coal problem be solved by the creation of a Government agency to control production and transportation. (Coal controller appointed since.)

June 22: The President signs an Executive order creating an exports council, to direct exports so that they will go first where most needed.

June 26: Coal operators, representing both anthracite and bituminous industries, meet with Government officials at Washington and agree to establish a fixed lower price.

July 7: The Senate passes an amendment to the food bill prohibiting the manufacture and importation of whisky during the war.

July 9: President Wilson issues a proclamation placing the export of specific commodities (coal and fuel oils, flour and meal, meats and fats, iron and steel, arms and ammunition, etc.) under Government control.

July 11: President Wilson issues a proclamation setting forth the guiding principles in price regulation; he especially condemns shipowners for exacting exorbitant freight rates.

July 14: The House passes the bill appropriating $640,000,000 for the construction and operation of a vast fleet of airplanes.

July 24: The Senate Committee on Finance is informed by Secretary of the Treasury McAdoo that $5,000,000,000, in addition to previous estimates, will be required to carry the war to June 30, 1918.

FOOD-CONTROL BILL SIGNED.

August 10: The President signs the food-control bill and appoints Herbert Hoover as Food Administrator.

August 12. Food Administrator Hoover makes public his plans for stabilizing the price of wheat. A fair price for the 1917 harvest to be determined by a committee headed by Harry A. Garfield, president of Williams College.

August 19: New regulations by the Bureau of War-Risk Insurance require merchant ships sailing across the Atlantic to be armed, painted to reduce visibility, provided with smokeless fuel, and equipped with appliances for producing smoke clouds to escape torpedo attack.

August 24: Congress asked to vote $1,134,500,000 for the construction of 1,270 merchant vessels.

August 28: Naval appropriation of $350,000,000 announced for the building of destroyers.

August 29: Decided to develop the internal waterway traffic of the country to relieve the railways and to create huge fleet of lake and river ships.

WHEAT PRICE FIXED

August 30: The President fixes the price of wheat.

August 31: Two million persons in New York witness the parade of National Guard regiments about to go into training camp.

September 1: Announced that the embargo on food exports will be rigidly enforced and that no neutral country need expect any autumn shipments of wheat.

September 2: Letter of President Wilson published declaring intention "to oppose the organized and dangerous efforts of those who hide, disloyalty behind a screen of specious phrases."

September 4: President Wilson marches at the head of the young men of Washington chosen by ballot for the National Army.

FIRST QUOTA GOES TO CAMP.

September 5: First quota of conscription men called up and sent into camps all over the country.

September 6: Congress passed the $11,538,945,000 bond-issue bill.

September 8: Prosecution announced against Socialist leaders on charges of plotting against the country and offending under the espionage act.

September 9: Anticonscription meeting broken up by the police in New York.

September 10: Senate passes war-revenue bill carrying an aggregate tax of $2,406,670,000.

September 11: National supervision of the money market announced in order to make country "panic proof." Arrest reported of the staff of a German-language paper at Philadelphia on charges of treason.

September 12: Mr McAdoo explains to the Senate defense committee the necessities for the $11,000,000,000 war-credit bill.

September 13: Final successful test of "Liberty air engine" announced.

WILL PULVERIZE PRUSSIANISM.

It is easy to say that many of these things might have been done a couple of years ago, but democracies do not work in that way. Even after the war had begun we in England spent almost two years in discussing whether we should have equality of sacrifice in regard to military service, and Canada was still debating the question until a few days ago. Each nation has to make its war preparations after its own fashion. No nation seems to learn much from any other. The American war machine is being built in the American way. Maybe it will have its faults, but for all that it is the mighty sledge hammer that will pulverize Prussianism. The Americans are getting to war with all the virility and intensity of a very forceful people.

During the delivery of Mr. JAMES's speech.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Senator from Kentucky will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The SECRETARY. A bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

After the conclusion of Mr. JAMES's speech,

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. SMOOT. Mr. President, I understand there are a number of Senators who desire to be present when the Senator from Iowa [Mr. CUMMINS] will take the floor and speak on the pending bill. For that reason I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Fernald	Henderson	King
Borah	France	James	Knox
Chamberlain	Gallinger	Johnson, Cal.	Lewis
Cummins	Gronna	Jones, N. Mex.	Lodge
Curtis	Hale	Jones, Wash.	McCumber
Dillingham	Hardwick	Kellogg	McKellar

McNary	Pittman	Smith, Ga.	Tillman
Myers	Poindexter	Smith, Mich.	Trammell
Nelson	Pomerene	Smith, S. C.	Vardaman
New	Ransdell	Smoot	Watson
Norris	Robinson	Sutherland	Williams
Nugent	Shafroth	Swanson	Wolcott
Overman	Sheppard	Thomas	
Page	Simmons	Thompson	

The PRESIDING OFFICER (Mr. MYERS in the chair). Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. CUMMINS addressed the Senate. After having spoken, with interruptions, for about two hours,

Mr. TOWNSEND. Mr. President——

Mr. CUMMINS. I desire to say a word in response to the Senator from South Carolina [Mr. SMITH].

Mr. TOWNSEND. I was just going to suggest that I take it the Senator from Iowa is not going to finish his speech tonight, and as he has been talking a long while, and evidently is somewhat weary, we might take an adjournment now. It is approaching the hour of 5.

Mr. STONE. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. STONE. It is, of course, a matter subject to the pleasure of the Senator from Iowa, but if he is about to close for the day I should like to have an executive session instead of an adjournment. Will that be agreeable to the Senator from Iowa at this point?

Mr. CUMMINS. Oh, yes.

WAR TRADE BOARD (H. DOC. NO. 934).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Commerce and ordered to be printed.

To the Senate and House of Representatives:

As required by the provisions of section 6 of the "Trading with the Enemy Act," approved October 6, 1917, I transmit herewith reports of the Bureaus of Enemy Trade and of Imports, showing the proceedings had by the War Trade Board during the year ending December 31, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *14 February, 1918.*

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 15, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive communications received by the Senate February 14, 1918.

CALIFORNIA DÉBRIS COMMISSION.

Col. Charles L. Potter, Corps of Engineers, for appointment as a member of the California Débris Commission provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Lieut. Col. Richard Park, Engineers, National Army.

REGISTERS OF THE LAND OFFICE.

Christopher C. Davidson, of Springfield, Mo., to be register of the land office at Springfield, Mo., vice John H. Bowen, term expired and resigned.

Clarence R. Bierly, of Minot, N. Dak., to be register of the land office at Minot, N. Dak., vice Fremont F. Fritz, term expired.

RECEIVER OF PUBLIC MONEYS.

Gratton D. Little, of California, to be receiver of public moneys at Eureka, Cal., his term having expired. (Reappointment.)

APPOINTMENT IN THE ARMY.

QUARTERMASTER CORPS.

Brig. Gen. Isaac W. Littell, Quartermaster Corps, National Army, to be brigadier general, Regular Army, from February 12, 1918, vice Brig. Gen. Abiel L. Smith, retired from active service January 3, 1918.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be first lieutenants with rank from August 30, 1917.

Second Lieut. Joseph I. Cohen.
Second Lieut. Henry A. Barber, jr.
Second Lieut. Robert A. Willard.
Second Lieut. John M. Erwin.
Second Lieut. William B. Carswell, jr.
Second Lieut. Wilson G. Bingham.
Second Lieut. Charles C. Bartley.
Second Lieut. Robert MacD. Graham.
Second Lieut. Rudolph F. Whitelegg.
Second Lieut. Loyd Van H. Durfee.
Second Lieut. John H. Norton.
Second Lieut. William W. Paca.
Second Lieut. John T. B. Bissell.
Second Lieut. Charles A. Mahoney.
Second Lieut. George S. Eyster.
Second Lieut. Henry R. Anderson.
Second Lieut. William McC. Chapman.
Second Lieut. Kenneth P. Murray.
Second Lieut. Roger W. Stembridge.
Second Lieut. Norman McNeill.
Second Lieut. Glen H. Anderson.
Second Lieut. Bryant E. Moore.
Second Lieut. Leo V. Warner.
Second Lieut. Howard A. Deas.
Second Lieut. Henry W. Bobrink.
Second Lieut. Onslow S. Rolfe.
Second Lieut. Louis A. Freeman.
Second Lieut. Henry P. Gantt.
Second Lieut. Jesse B. Matlack.
Second Lieut. Julius E. Schaefer.
Second Lieut. Theodore D. Schmidt.
Second Lieut. Parry W. Lewis.
Second Lieut. Edward W. Timberlake.
Second Lieut. Vincent N. Taylor.
Second Lieut. William W. Jenna.
Second Lieut. William R. Fleming.
Second Lieut. Paul W. Cole.
Second Lieut. Francis P. Simpson.
Second Lieut. Harry C. Barnes, jr.
Second Lieut. Robert J. Hoffman.
Second Lieut. Clare W. Woodward.
Second Lieut. John S. Mallory.
Second Lieut. Frederick D. Sharp.
Second Lieut. William S. Barrett.
Second Lieut. Paul R. Goode.
Second Lieut. Harry N. Rising.
Second Lieut. Josephus B. Wilson.
Second Lieut. Henry C. Demuth.
Second Lieut. Lowell M. Riley.
Second Lieut. Edwin C. Maling.
Second Lieut. George D. Watts.
Second Lieut. Emil Krause.
Second Lieut. Robert L. Bacon.
Second Lieut. Walker G. White.
Second Lieut. Earle E. Sarcka.
Second Lieut. Edwin J. House.
Second Lieut. Arthur C. Purvis.
Second Lieut. James J. Hea.
Second Lieut. Edgar B. Moomau.
Second Lieut. Frank S. Long.
Second Lieut. Carlisle B. Wilson.
Second Lieut. William E. Whittington.
Second Lieut. Harold L. Milan.
Second Lieut. Robert A. Bringham.
Second Lieut. Horace Harding.
Second Lieut. Earle A. Billings.
Second Lieut. Royal H. Place.

TEMPORARY PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

To be colonel with rank from January 24, 1918.

Lieut. Col. Clarence N. Jones, Field Artillery, vice Col. Lewis S. Ryan, resigned.

To be colonel with rank from January 25, 1918.

Lieut. Col. Frederick B. Hennessy, Field Artillery, vice Col. Howard L. Landers, resigned.

To be colonel with rank from February 6, 1918.

Lieut. Col. Laurin L. Lawson, Field Artillery, vice Col. Edward A. Millar, appointed brigadier general in the National Army.

To be colonel with rank from February 7, 1918.

Lieut. Col. John W. Kilbreth, jr., Field Artillery, vice Col. Tiemann N. Horn, appointed brigadier general in the National Army.

To be lieutenant colonels with rank from January 24, 1918.

Maj. Walter S. Sturgill, Field Artillery, vice Lieut. Col. Harold W. Huntley, resigned.

Maj. Sherman Miles, Field Artillery (General Staff Corps), vice Lieut. Col. Clarence N. Jones, promoted.

Maj. Cortlandt Parker, Field Artillery, vice Lieut. Col. Sherman Miles, retained in the General Staff Corps.

To be lieutenant colonel with rank from January 25, 1918.

Maj. Richard C. Burleson, Field Artillery, vice Lieut. Col. Frederick B. Hennessy, promoted.

To be lieutenant colonel with rank from February 6, 1918.

Maj. Joseph R. Davis, Field Artillery, vice Lieut. Col. Laurin L. Lawson, promoted.

To be lieutenant colonel with rank from February 7, 1918.

Maj. John R. Starkey, Field Artillery, vice Lieut. Col. John W. Kilbreth, jr., promoted.

To be major with rank from January 8, 1918.

Capt. Horace H. Fuller, Field Artillery, vice Maj. Maxwell Murray, appointed lieutenant colonel in the National Army.

To be major with rank from January 21, 1918.

Capt. John M. McDowell, Field Artillery, vice Maj. Webster A. Capron, appointed lieutenant colonel in the National Army.

To be majors with rank from January 24, 1918.

Capt. Raymond E. Lee, Field Artillery, vice Maj. Walter S. Sturgill, promoted.

Capt. Jason McV. Austin, Field Artillery, vice Maj. Cortlandt Parker, promoted.

To be major with rank from January 25, 1918.

Capt. Belton O'N. Kennedy, Field Artillery, vice Maj. Richard C. Burleson, promoted.

To be majors with rank from February 6, 1918.

Capt. Burton O. Lewis, Field Artillery (Ordnance Department), vice Maj. Joseph R. Davis, promoted.

Capt. Herbert R. Odell, Field Artillery, vice Maj. Burton O. Lewis, retained in the Ordnance Department.

To be major with rank from February 7, 1918.

Capt. Clyde A. Selleck, Field Artillery, vice Maj. John R. Starkey, promoted.

To be captain with rank from January 8, 1918.

First Lieut. Bertram N. Rock, Field Artillery, vice Capt. Horace H. Fuller, promoted.

To be captain with rank from January 21, 1918.

First Lieut. Alexander S. Quintard, Field Artillery, vice Capt. John M. McDowell, promoted.

To be captains with rank from January 24, 1918.

First Lieut. Marcus A. S. Ming, Field Artillery, vice Capt. Raymond E. Lee, promoted.

First Lieut. Lewis E. Goodrich, Field Artillery, vice Capt. Jason McV. Austin, promoted.

To be captain with rank from January 25, 1918.

First Lieut. Victor R. Woodruff, Field Artillery, vice Capt. Belton O'N. Kennedy, promoted.

To be captain with rank from February 6, 1918.

First Lieut. Robert W. Yates, Field Artillery, vice Capt. Herbert R. Odell, promoted.

To be captain with rank from February 7, 1918.

First Lieut. Dan C. Schmahl, Field Artillery, vice Capt. Clyde A. Selleck, promoted.

PROVISIONAL APPOINTMENTS BY PROMOTION.

INFANTRY ARM.

To be first lieutenant with rank from September 11, 1917.

Second Lieut. William F. Johnson.

To be first lieutenants with rank from October 4, 1917.

Second Lieut. Earle T. Decker.
Second Lieut. Uel Stephens.

To be first lieutenants with rank from October 9, 1917.

Second Lieut. Jack A. Nichols.
Second Lieut. George E. Kraul.
Second Lieut. Peter A. Ryan.
Second Lieut. Archie D. Cameron.
Second Lieut. Ray W. Miner.

To be first lieutenants with rank from October 24, 1917.

Second Lieut. Harry A. Seymour.
Second Lieut. Edward J. Oliver.
Second Lieut. Ralph K. Fletcher.
Second Lieut. Thomas R. McCarron.
Second Lieut. Le Roy W. Wilson.
Second Lieut. Oscar P. Hilburn.
Second Lieut. Ray A. Martin.
Second Lieut. Thomas F. Troxell.
Second Lieut. Thomas E. Hibben.
Second Lieut. Edward R. Schauffler.
Second Lieut. Louis A. Kuerzi.
Second Lieut. Vance L. Richmond.
Second Lieut. Orlando C. Brown.
Second Lieut. Frank H. Hollingsworth.
Second Lieut. Earle T. Loucks.
Second Lieut. Alfred D. Cameron.
Second Lieut. Keelah Bouve.
Second Lieut. Herbert S. Havens.
Second Lieut. Joseph E. Pierce.
Second Lieut. John G. Davis.
Second Lieut. William E. G. Cooper.
Second Lieut. Thomas A. O'Brien.
Second Lieut. George H. Passmore.
Second Lieut. Wayne Marshall.
Second Lieut. George O. A. Daughtry, jr.
Second Lieut. Edward A. O'Malley, jr.
Second Lieut. Eugene J. M. Fitz-Gerald.
Second Lieut. Francis M. Fuller.
Second Lieut. Frank B. Hayne, jr.
Second Lieut. Newton G. Bush.
Second Lieut. Paolo H. Speratt.
Second Lieut. Alan L. Hart.
Second Lieut. Worden H. Cowen.
Second Lieut. Russell L. Bonnell.
Second Lieut. Harold L. Morian.
Second Lieut. Le Roy W. Nichols.
Second Lieut. Francis D. Ross.
Second Lieut. Keith F. Driscoll.
Second Lieut. Sidney A. Sands.
Second Lieut. Harvey J. Silvestone.
Second Lieut. Christian A. Schwarzwaelder.
Second Lieut. Charles M. Chamberlain, jr.
Second Lieut. Allan B. Clayton.
Second Lieut. Harry B. Sepulveda.
Second Lieut. Howard N. Merrill.
Second Lieut. Sherman L. Hougen.
Second Lieut. Melvin P. Spalding.
Second Lieut. Bernard Meredith.
Second Lieut. Harold G. Johnstone.
Second Lieut. Manoah N. Swetnam.
Second Lieut. William F. Newton.
Second Lieut. Andrew F. Hassel.

To be first lieutenants with rank from October 25, 1917.

Second Lieut. George S. V. Little.
Second Lieut. Gordon F. Stephens.
Second Lieut. William MacG. Hall.
Second Lieut. William O. Nelson.
Second Lieut. Pierce Butler, jr.
Second Lieut. Albert C. Ames.
Second Lieut. Charles L. Bolte.
Second Lieut. William A. Moss.
Second Lieut. Eugene C. Callahan.
Second Lieut. William H. Duncan.
Second Lieut. John B. Brainerd, jr.
Second Lieut. Theodore F. Wessels.
Second Lieut. Edward Law.
Second Lieut. Sherman K. Burke.
Second Lieut. Arthur J. McChrystal.
Second Lieut. Reynier J. Wortendyke, jr.
Second Lieut. Malcolm F. Lindsey.
Second Lieut. Willard Smith.
Second Lieut. Jean E. Nelson.
Second Lieut. Kirkwood D. Scott.
Second Lieut. Horace O. Cushman.
Second Lieut. William M. Hutson.
Second Lieut. Thomas M. Galbreath, jr.
Second Lieut. Carter Glass, jr.
Second Lieut. Lambert A. Wood.
Second Lieut. Thomas Phillips.
Second Lieut. David H. Finley.
Second Lieut. Robert S. F. Randolph.
Second Lieut. Eli A. Barnes.

Second Lieut. Richard F. Bailey.
Second Lieut. Myron M. Andrews.
Second Lieut. Richard S. Hevenor.
Second Lieut. Albert E. Purchas, jr.
Second Lieut. Bryan G. Dancy.
Second Lieut. Vinton L. James, jr.
Second Lieut. William F. Campbell.
Second Lieut. Louis T. Bass.
Second Lieut. Charles J. Carey.
Second Lieut. Stuart Cutler.
Second Lieut. Elbert G. Spencer.
Second Lieut. John R. Boatwright.
Second Lieut. Graeme K. Howard.
Second Lieut. Lester N. Allyn.
Second Lieut. Henry L. Barrett.
Second Lieut. Howard W. Sears.
Second Lieut. Raphael Semmes.
Second Lieut. Robert E. McDonald.
Second Lieut. Elmer R. Ames.
Second Lieut. Thomas S. Morrison, jr.
Second Lieut. Raymond R. Tourtillott.
Second Lieut. George A. Hadd.
Second Lieut. Leo A. Dunbar.
Second Lieut. James S. Candee.
Second Lieut. Joseph P. Cromwell.
Second Lieut. Harry M. Mayo, jr.
Second Lieut. Bernard P. Hoey.
Second Lieut. Arleigh L. Willis.
Second Lieut. Eustace P. Strout.
Second Lieut. Wallace W. Parker.
Second Lieut. Ray M. Hare.
Second Lieut. Walter Francis Mullins.
Second Lieut. Henry L. P. King.
Second Lieut. Craig P. Cochrane.
Second Lieut. Harry W. Koster.
Second Lieut. Alfred J. McMullin.
Second Lieut. Eugene E. Pratt.
Second Lieut. Julien H. Needler.
Second Lieut. Frank J. Knell.
Second Lieut. Gerald L. Marsh.
Second Lieut. William A. Wieland.
Second Lieut. John Conrad Cuttus.
Second Lieut. Edmond S. Donoho.
Second Lieut. Donald N. Swain.
Second Lieut. John F. Mead.
Second Lieut. Charles McF. Petty.
Second Lieut. Harold A. Black.
Second Lieut. Robert J. McElroy.
Second Lieut. George P. Seneff.
Second Lieut. Harry C. Boehme.
Second Lieut. Russell G. Ayers.
Second Lieut. William A. Wappenstein.
Second Lieut. Charles H. Owens.
Second Lieut. Carter Collins.
Second Lieut. Clarence E. Lovejoy.
Second Lieut. William A. Gray, jr.
Second Lieut. Hays Matson.
Second Lieut. George E. Abrams.
Second Lieut. Clifton R. Breckinridge, jr.
Second Lieut. Charles McKnight, jr.
Second Lieut. Richard L. Taylor.
Second Lieut. Albert D. Foster.
Second Lieut. Ralph Eberlin.
Second Lieut. Edward T. Harrison.
Second Lieut. Donald P. Spalding.
Second Lieut. Ercil D. Porter.
Second Lieut. Warner Harwood.
Second Lieut. Clyde A. Fowler.
Second Lieut. Laurence J. Potter.
Second Lieut. Claude A. White.
Second Lieut. Brayton Wilbur.
Second Lieut. John F. Farnsworth.
Second Lieut. Chester B. Blakeman.
Second Lieut. Henry N. Bakken.
Second Lieut. Archer L. Lerch.
Second Lieut. Rodney S. Sprigg.
Second Lieut. Milton W. Emmett.
Second Lieut. John A. Pierce.
Second Lieut. Wendell L. Clemenson.
Second Lieut. Jonathan W. Edwards.
Second Lieut. William H. Thomas.
Second Lieut. Charles J. Deahl, jr.
Second Lieut. Frank M. Ogden.
Second Lieut. Bruce F. Higginbotham.
Second Lieut. William O. Owen.
Second Lieut. Arendl Gluckman.
Second Lieut. Reginald D. Grout.
Second Lieut. Dale M. Hongland.
Second Lieut. Charles A. Campbell, jr.
Second Lieut. Maurice W. Ocheltree.
Second Lieut. Roy T. Rouse.
Second Lieut. Ivan B. Snell.
Second Lieut. Wendell Westover.
Second Lieut. James W. Rice.
Second Lieut. William Edgar.
Second Lieut. Gustav H. Lamm.
Second Lieut. James P. Gammon.
Second Lieut. James A. Giacomini.
Second Lieut. Henry K. White.
Second Lieut. Alva W. Snyder.
Second Lieut. Ralph P. Van Zile.
Second Lieut. Talbott B. Fowler.
Second Lieut. Matthew F. Garvey.
Second Lieut. Samuel L. Metcalfe.
Second Lieut. Frank W. Halsey.
Second Lieut. Kirby Green.
Second Lieut. Myron J. Conway.
Second Lieut. Harold C. Reed.
Second Lieut. Samuel H. Ladensohn.
Second Lieut. Clyde A. Ames.
Second Lieut. Irwin L. Lummis.
Second Lieut. Joseph G. Babb.
Second Lieut. Hollis B. Hoyt.
Second Lieut. Clarence M. Collord.
Second Lieut. Russell L. McKown.
Second Lieut. Frederick W. Hackett.
Second Lieut. Roy G. Rom.
Second Lieut. Fred H. Reynolds.
Second Lieut. Van C. Walton.
Second Lieut. Matthew W. Steele.
Second Lieut. Lawrence W. Marshall.
Second Lieut. John A. Otto.
Second Lieut. Joseph B. Sweet.
Second Lieut. Walter D. Luplow.
Second Lieut. John H. Helmer.
Second Lieut. Sidney P. Howell.
Second Lieut. Henrick Antell.
Second Lieut. John L. Weeks.
Second Lieut. Arthur G. Levy.
Second Lieut. Lewis R. Byington.
Second Lieut. Cecil W. Borton.
Second Lieut. Donald Timerman.
Second Lieut. Harper A. Holt.
Second Lieut. Leon L. Kotzbue.
Second Lieut. Leander I. Shelley.
Second Lieut. Arvid P. Croonquist.
Second Lieut. James E. Cole, jr.
Second Lieut. Roger Morton.
Second Lieut. Gunther Orsinger.
Second Lieut. Gregory A. Harrison.
Second Lieut. Paul McC. Boston.
Second Lieut. Elmer L. Mott.
Second Lieut. Thomas R. Holmes.
Second Lieut. Harold W. Batchelder.
Second Lieut. Jay H. Cushman.
Second Lieut. John P. Redwood.
Second Lieut. Robert H. Engle.
Second Lieut. Samuel Y. Dinkins.
Second Lieut. Roscoe I. MacMillan.
Second Lieut. Nicholas D. Woodward.
Second Lieut. Henry R. Horak.
Second Lieut. James F. Burke.
Second Lieut. Henry C. Switzer.
Second Lieut. William K. Dickson.
Second Lieut. Clarence A. Martin.
Second Lieut. Elmer J. Croft.
Second Lieut. Mark G. Brislawn.
Second Lieut. Edgar L. Noel.
Second Lieut. Henning Linden.
Second Lieut. Gerold E. Luebben.

To be first lieutenants with rank from October 26, 1917.

Second Lieut. Thomas W. Proctor.
Second Lieut. Robert F. Kelley.
Second Lieut. George J. Leftwich, jr.
Second Lieut. Neely Powers.
Second Lieut. Harrison G. Reynolds.
Second Lieut. Trevor W. Swett.
Second Lieut. George Read, jr.
Second Lieut. James C. Clements.

Second Lieut. Charles H. Jacobs.
Second Lieut. Hanford MacNider.
Second Lieut. Alexander D. Wilson.
Second Lieut. Edward N. Wigton.
Second Lieut. Eric F. Pildgard.
Second Lieut. Leslie N. Ross.
Second Lieut. Arthur W. Mudge, jr.
Second Lieut. Thomas H. Nichell.
Second Lieut. James L. Hubbell.
Second Lieut. Benjamin H. Decker.
Second Lieut. Walter A. Dumas.
Second Lieut. Edwin E. Keatley.
Second Lieut. W. R. Barksdale Stevens.
Second Lieut. Earle L. Hazzard.
Second Lieut. Moses Taylor, jr.
Second Lieut. George H. McKee.
Second Lieut. Lett W. Bissell.
Second Lieut. William B. White.
Second Lieut. George C. Parkhurst.
Second Lieut. Luther W. Turner.
Second Lieut. William H. Deyo.
Second Lieut. Francis W. Dunn.
Second Lieut. Don M. Scott.
Second Lieut. Allen W. Cook.
Second Lieut. Robert E. Wysor, jr.
Second Lieut. Robert Dechert.
Second Lieut. James E. Wharton.
Second Lieut. William O. Wyckoff.
Second Lieut. Carleton Smith.
Second Lieut. Paul C. Gripper.
Second Lieut. Martin D. Barndollar, jr.
Second Lieut. Raymond C. Alley.
Second Lieut. Francis C. Lewis.
Second Lieut. Lewis Simons.
Second Lieut. James H. Day.
Second Lieut. James M. Austin.
Second Lieut. Albert W. Vinal.
Second Lieut. Paul G. Corker.
Second Lieut. Hiram Russell Ide.
Second Lieut. James A. Rogers.
Second Lieut. Randolph R. Brown.
Second Lieut. Leon R. Mead.
Second Lieut. Harold C. Conick.
Second Lieut. Loren A. Wetherby.
Second Lieut. James J. Coghlan.
Second Lieut. Samuel H. Cross.
Second Lieut. Carl U. Luers.
Second Lieut. Bernard B. McMahon.
Second Lieut. Carlton Banigan.
Second Lieut. Winchester Kelso, jr.
Second Lieut. George E. Fingarson.
Second Lieut. Leaver Richardson.
Second Lieut. Lawrence M. York.
Second Lieut. James F. Lilley.
Second Lieut. Elwood M. Steward.
Second Lieut. Herbert L. Scales.
Second Lieut. Ernest Albert Rudelius.
Second Lieut. Joseph W. Emery, jr.
Second Lieut. William L. Blanton.
Second Lieut. Harold E. Sturcken.
Second Lieut. Milton Petersen.
Second Lieut. Gillette Hill.
Second Lieut. Stuart M. Firth.
Second Lieut. Porter P. Wiggins.
Second Lieut. Eugene W. Markey.
Second Lieut. Barnard Pierce.
Second Lieut. Robert A. Cochran.
Second Lieut. Proctor Calvin Gilson.
Second Lieut. Paul B. Matlock.
Second Lieut. Charles W. Nevin, 2d.
Second Lieut. William L. Kleitz.
Second Lieut. Orville W. Harris.
Second Lieut. Stanley Raymond Putnam.
Second Lieut. Harold D. Comey.
Second Lieut. John T. Zellars.
Second Lieut. Alexander C. Dick.
Second Lieut. Richard A. McClure.
Second Lieut. Robert K. Massie, jr.
Second Lieut. Twomey M. Clifford.
Second Lieut. Harry A. Welsch, jr.
Second Lieut. Tranny L. Gaddy.
Second Lieut. Dennis J. O'Toole.
Second Lieut. Melvin H. Leonard.
Second Lieut. Ben C. Marable.
Second Lieut. Arthur A. Weiskopf.
Second Lieut. Francis O. Noble.
Second Lieut. John A. Ballard.
Second Lieut. Harry H. Martin.
Second Lieut. Herbert T. Ferrin.
Second Lieut. Arthur W. Pope, jr.
Second Lieut. Joseph B. Conny.
Second Lieut. Emons B. Whisner.
Second Lieut. George W. Griner, jr.
Second Lieut. Hugh T. Mayberry.
Second Lieut. Charles D. Pearce, jr.
Second Lieut. Edward D. McDougal, jr.
Second Lieut. Philip W. Lowry.
Second Lieut. Charles P. Winsor.
Second Lieut. John Doble.
Second Lieut. Moses McK. Darst.
Second Lieut. Robert R. Smith.
Second Lieut. Evan C. Dresser.
Second Lieut. James G. Carr.
Second Lieut. Daniel E. Farr.
Second Lieut. Chester McN. Woolworth.

PROVISIONAL APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants with rank from October 9, 1917.

Sergt. George E. Kraul, Company L, Fifteenth Infantry.
Sergt. Peter A. Ryan, Quartermaster Corps.
Corpl. Archie D. Cameron, Company A, Fifteenth Infantry.
Pvt. (First Class) Ray W. Miner, Medical Department.
Pvt. (First Class) Jack A. Nichols, Quartermaster Corps.

APPOINTMENTS IN THE NAVY.

Medical Director William C. Braisted to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear admiral, for a term of four years, from the 11th day of February, 1918.

Brig. Gen. George Barnett to be major general commandant of the Marine Corps for a period of four years from the 25th day of February, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 14, 1918.

ASSISTANT SECRETARY OF WAR.

Benedict Crowell to be Assistant Secretary of War.

AUDITOR INTERIOR DEPARTMENT.

David C. Reny to be Auditor for the Interior Department.

AIRCRAFT BOARD.

Howard E. Coffin to be chairman of the Aircraft Board.
Richard Howe to be a member of the Aircraft Board.

PUBLIC HEALTH SERVICE.

Asst. Surg. Walter Matthew Jones to be passed assistant surgeon.

Asst. Surg. William Howard Slaughter to be passed assistant surgeon.

Asst. Surg. James Gayley Townsend to be passed assistant surgeon.

POSTMASTERS.

ILLINOIS.

Frederic A. Perkins, Canton.

KENTUCKY.

J. B. Cray, Millersburg.
Cora Singleton, Waynesburg.

NEBRASKA.

Anton J. Ruyicka, Belgrade.
Charles P. Davis, Bladen.
D. A. Berkey, Davenport.
C. G. Fritz, Hooper.
J. E. Scott, Osmond.
Charles H. Mohr, Plainview.

NEW YORK.

Ira Baker, Amagansett.

RHODE ISLAND.

S. Martin Rose, Block Island.
Charles J. Baron, Centerdale.
George W. Jenckes, Slatersville.
Reuben A. Gibbs, West Barrington.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 14, 1918.*

The House met at 12 o'clock noon.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Lord God Almighty, with all reverence we pray; down with autocracy and all special class privilege—all the world's Hohenzollerns and Junkers; and long live our American Republic and all other democracies and the growing power of the people's will throughout the world. Save us from mere futile theorizing; but under the sense of Thy universal Fatherhood may we approximate and finally realize the universal brotherhood of man.

To this end cooperate with us in our public work to-day. In the name of Jesus of Nazareth, amen.

The Journal of the proceedings of yesterday was read and approved.

TAXES ON CERTAIN INCOMES, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering a bill (H. R. 9248) the title of which is "A bill to prevent extortion, to impose taxes on certain incomes in the District of Columbia, and for other purposes"; and pending that motion I would like to come to some agreement with the gentleman from Massachusetts [Mr. TINKHAM] as to some reasonable limit on general debate.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. TINKHAM. Mr. Speaker, I would like to ask the honorable Representative from Kentucky what he thinks a reasonable time would be?

Mr. JOHNSON of Kentucky. I would like about an hour and a half on this side.

Mr. TINKHAM. I should think two hours here would be sufficient.

Mr. JOHNSON of Kentucky. The gentleman, I think, ought to be willing for an hour and a half on a side.

Mr. GILLETT. Do you expect to divide the time with the men on this side who are favorable to the bill?

Mr. JOHNSON of Kentucky. Yes; I expect to. I expect to spend a portion of the time myself in explaining the bill, and after I have done that and answered such questions as I am able to answer I will yield to anybody, and especially to gentlemen on that side who are in favor of the bill.

Mr. GILLETT. One gentleman on this side, I understand, is in a judicial attitude, partly for and partly against the bill, and he would like to have 30 minutes.

Mr. JOHNSON of Kentucky. That is the gentleman from Michigan [Mr. MAPES]?

Mr. GILLETT. Yes.

Mr. JOHNSON of Kentucky. I would suggest that I have an hour and a half, and the gentleman from Massachusetts [Mr. TINKHAM] an hour and a half, and the gentleman from Michigan [Mr. MAPES] half an hour.

Mr. MAPES. Mr. Speaker, reserving the right to object, as the gentleman from Kentucky and the gentleman from Massachusetts will recall, this bill was discussed very little in committee, on the theory that we would have a chance to discuss and debate the bill on the floor of the House. It is one of the most important bills, so far as the District of Columbia is concerned, that has been presented to the House in many moons. I know of several Members who have expressed a desire to discuss it. It does not seem to me that that is going to give any time commensurate with the importance of the measure.

Mr. JOHNSON of Kentucky. The general debate would lead us up to nearly 4 o'clock under the proposed arrangement.

Mr. GILLETT. The time to which it will lead, it seems to me, ought not to determine the reasonable amount of debate on it. I think we ought to debate it reasonably.

Mr. JOHNSON of Kentucky. I am quite sure of that.

Mr. GILLETT. We do not want to waste time, of course.

Mr. JOHNSON of Kentucky. In determining the time for general debate, we must recognize the fact that we have only to-day.

Mr. GILLETT. Does the agreement give us only to-day?

Mr. JOHNSON of Kentucky. That is my understanding of it, that we have only to-day.

Mr. STAFFORD. Of course, if the bill is not finished to-day the gentleman will have the privilege of bringing it up on next District day.

Mr. JOHNSON of Kentucky. Yes; I will have the privilege of bringing it up on the next District day.

The SPEAKER. What is the gentleman's proposition?

Mr. JOHNSON of Kentucky. I propose that I have an hour and a half and that the gentleman from Massachusetts [Mr. TINKHAM] may have an hour and a half, and the gentleman from Michigan [Mr. MAPES] half an hour.

Mr. GILLETT. The gentleman from Massachusetts says he would rather have two hours, and then he will accommodate the gentleman from Michigan. He would rather have it that way.

The SPEAKER. The gentleman from Kentucky, pending the motion that the House resolve itself into Committee of the Whole House on the state of the Union, asks unanimous consent that the debate be limited to three hours and a half.

Mr. JOHNSON of Kentucky. I will ask the gentleman from Michigan that if he himself does not use the 30 minutes provided for him he would let me have part of it instead of letting the gentleman from Massachusetts have it all.

Mr. MAPES. So far as I am concerned, I would be very glad to.

The SPEAKER. Now, what is the gentleman's request?

Mr. JOHNSON of Kentucky. That I have control of one hour and a half of the time, and that the gentleman from Massachusetts control two hours of the time, but that he give the gentleman from Michigan [Mr. MAPES] half an hour, and if the gentleman from Michigan does not use that entire half hour he divide it equally between the gentleman from Massachusetts and myself.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the debate be limited to three hours and a half; that he shall control one hour and a half and the gentleman from Massachusetts two hours, and out of that two hours the gentleman from Massachusetts will yield 30 minutes to the gentleman from Michigan [Mr. MAPES], who will have the right to parcel it out to suit himself, and if he does not use it all up he will divide the remnant equally between the gentleman from Massachusetts and the gentleman from Kentucky. Is there objection?

Mr. RUCKER. Mr. Speaker, reserving the right to object—and I do not want to object—I would like to prefer a unanimous-consent request.

The SPEAKER. On this subject?

Mr. RUCKER. No; to put in the RECORD a resolution of a bank in my district declaring that from this time to the end of the war it will pay interest on deposits on monthly balance to the Red Cross, and pay all dividends accruing to the bank to the Red Cross without declaring to the stockholders anything of the proceeds.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The question is on agreeing to the motion to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] will take the chair.

Mr. MASON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MASON. I rise on the question of a lack of a quorum. I make the point of no quorum.

The SPEAKER. The gentleman from Illinois makes the point of no quorum. The House has already gone into Committee of the Whole.

Mr. MASON. It has not gone yet.

Mr. GARRETT of Tennessee. The Speaker had called the Chairman to the chair.

The SPEAKER. That is what the Chair was deciding. The gentleman from Illinois can raise the point of no quorum in the committee. Of course there is a difference in the number required to make a quorum, but the Chair can not help that.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes, with Mr. RUCKER in the chair.

Mr. MASON. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. JOHNSON of Kentucky. Mr. Chairman, pending that, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum present. The Chair will count. [After counting.] Eighty-nine Members present—not a quorum.

Mr. HAMLIN. Mr. Chairman, I call for tellers on that.

Mr. WALSH. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. What is the gentleman's point of order?

Mr. WALSH. That the Chair has decided that there is not a quorum present and can not use tellers to ascertain that fact.

Mr. HAMLIN. We can have tellers to determine whether there is a quorum present.

The CHAIRMAN. There is not a quorum present. The Clerk will call the roll. The Doorkeeper will lock the doors. The Sergeant at Arms will notify absentees.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Ashbrook	Francis	LaGuardia	Platt
Austin	Gandy	Lesher	Porter
Bacharach	Garland	Lever	Riordan
Beakes	Glass	Lundeen	Rodenberg
Bell	Godwin, N. C.	Lunn	Rowland
Capstiff	Goodall	McCormick	Sanders, Ind.
Capstick	Gray, Ala.	McLaughlin, Mich.	Sanders, La.
Connally, Tex.	Gray, N. J.	McLaughlin, Pa.	Scott, Pa.
Crosser	Harrison, Miss.	Maher	Scully
Curry, Cal.	Hastings	Miller, Minn.	Shouse
Davidson	Heintz	Montague	Snyder
Dent	Hollingsworth	Mudd	Sterling, Ill.
Drukker	Hood	Neely	Sullivan
Dunn	Humphreys	Nicholls, S. C.	Taylor, Colo.
Dyer	Hutchinson	Nichols, Mich.	Vare
Edmonds	Johnson, S. Dak.	Olney	Ward
Fairchild, G. W.	Kahn	Osborne	Wilson, La.
Flynn	Kehoe	Padgett	Winslow
Foss	Key, Ohio	Phelan	Zihlman

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUCKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 9248 found itself without a quorum; whereupon he caused the roll to be called, when 350 Members answered to their names, and he reported the names of the absentees, to be printed in the Journal.

The committee resumed its session.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I believe this bill has been so recently reported, and so few Members have had an opportunity of knowing its provisions, it would be better to have the bill read.

Mr. JOHNSON of Kentucky. I suggest that every gentleman will have a chance to read the bill while I am talking.

Mr. STAFFORD. They all want to pay attention to the gentleman when he speaks.

The CHAIRMAN. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the term "real estate" as herein used shall be construed to include lands, buildings, parts of buildings, houses, dwellings, apartments, rooms, suites of rooms and every other improvement or structure whatsoever on land situated and being in the District of Columbia.

The word "person" when used in this act shall be construed to include individuals, partnerships, joint-stock companies, associations, corporations, societies or bodies corporate.

Any word in this act importing the masculine gender shall be construed to extend and be applicable to females or artificial persons or bodies.

The terms "income from real estate" as herein used shall be construed to include all amounts received for the daily, weekly, monthly, or yearly use or occupancy of real estate or for any part of any of such periods of time.

SEC. 2. That, in addition to other taxes imposed by law, there is hereby levied and shall be assessed, collected, and paid to the District of Columbia an annual tax of 100 per cent upon so much of the income from real estate of every person, whether resident or nonresident of said District, received from and after December 31, 1916, as exceeds the deductions herein allowed. For the purpose of ascertaining the amount of income subject to said tax, there shall be deducted from the gross income reported as herein provided so much thereof as equals the average amount charged for the use and occupancy of the same property for the same or a corresponding number of days, weeks, months, year or 18 months, or for any part of any of such periods of time, in, of, or during the 18 months immediately preceding September 30, 1916, plus 10 per cent thereof additional, except in cases where the property was rented or leased "furnished" during the period before September 30, 1916, entering into the computation, and is rented "unfurnished" during the taxable period, in which cases the said additional deduction shall not be allowed.

If no such income was charged or received during said period of 18 months, then the deduction from such gross income shall be an amount equal to 10 per cent of the value of the property producing the income including furniture, if any, as determined by the assessor of the District of Columbia.

In cases where the property was rented "unfurnished" for the period before September 30, 1916, used in the said computation, and is rented "furnished" during the taxable period, then the additional deduction from such gross income shall be increased to 15 per cent.

If the real estate producing the income has been materially improved since September 30, 1916, there shall be an additional deduction from such gross income of an amount equal to 10 per cent of the actual cost of such improvements: *Provided*, That no such deduction shall be allowed for the cost of repairs made necessary or desirable by the ordinary wear and tear of rented or leased property.

No other exemption or deduction from such gross income shall be allowed. It is the intent and purpose of this act to tax at the rate herein fixed so much of every income from real estate as exceeds the deductions specifically authorized by this section.

SEC. 3. That, on or before the 10th of July, 1918, a true and accurate return under oath shall be made by each "person" subject to said tax, or his authorized agent, to the assessor of the District of Columbia, setting forth specifically the gross amount of such income from all separate sources accrued during the period from December 31, 1916, to June 30, 1918, and the deductions to which he may be entitled under this act; and the said taxes thereon, computed as provided in section 2, shall become due and collectible on or before September 1, 1918. And on or before the 10th of August, 1918, and of each and every month thereafter a true and accurate return under oath shall be made by each "person" subject to said tax, or by "his" authorized agent, to the said assessor, setting forth specifically the gross amount of such income from all separate sources accrued during the next preceding month, together with a statement of such deductions. If any person subject to said tax fails to make any such return at the time herein fixed, or makes, willfully or otherwise, a false or fraudulent return the assessor of the District of Columbia shall make the return from his own knowledge or from such information as he can obtain through testimony or by any other means; and the return so made shall be sufficient for all purposes of this act. To the amount of the tax due upon all returns so made by the assessor there shall be added a penalty of 50 per cent of the tax; but if it shall appear that the failure to file the return or the making of a false return was due to an unavoidable or excusable cause the said penalty may be abated by the Commissioners of the District of Columbia. It shall be the duty of said commissioners to prepare and furnish to each taxpayer making application therefor printed forms on which such returns shall be made. The said tax and all penalties thereon shall constitute a superior lien on the "real estate" from which the income has been derived, and shall be assessed and collected by the same officers, at the same time, except as herein otherwise provided, and by similar proceedings as other taxes on real and personal property in said District.

SEC. 4. That if any person or agent subject to said tax fails to file his return as and when herein required, or offers to file a return which, in the opinion of said assessor, is erroneous, false, or fraudulent, the said assessor shall be empowered to examine the books, papers, and accounts of such person and to summon him or any other person having possession, custody or care of books, papers, and accounts relating to the business or income of such person, or the lessee, or any other person, to appear before him and produce such books, papers, and accounts at a time and place named in the summons, and to give testimony and to answer interrogatories under oath respecting any subject relating to the said income or the return thereof.

SEC. 5. That all leases, contracts, and agreements, expressed or implied, providing for the payment of any larger amount of money, or at a higher rate, than that fixed by the deductions herein allowed, for the use or occupancy of any "real estate," are hereby declared to be contrary to public policy and unenforcible; and any person who shall hereafter pay for the use or occupancy of any "real estate" any amount of money, or at a rate exceeding that fixed by such deductions, may sue therefor in the municipal court or in the Supreme Court of the District of Columbia, without regard to the amount in controversy, and in such action shall be entitled to recover of the person receiving such excess, or his agent in the transaction, double the amount thereof and the costs of suit, including a reasonable attorney's fee of not less than $50; but no such action shall be instituted more than five years after the termination of the lease or other agreement under which such payments were made.

SEC. 6. That the provisions of this act shall not apply to any income from real estate, the amount of which was fixed by lease, contract, or agreement made before October 1, 1916, and which was not subsequently increased except as stipulated in such lease, contract, or agreement.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized and directed to make all reasonable and needed rules and regulations for the enforcement of this act.

SEC. 8. That this act shall remain in force until one year after a treaty of peace between the Imperial German Government and the Government of the United States of America shall have been concluded.

The CHAIRMAN. The gentleman from Kentucky [Mr. JOHNSON] has one hour and a half.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe that this is one of the many very important bills before Congress. Here, at the Capital of the Nation, a condition exists which, I believe, does not exist anywhere else in all the civilized world. I do not believe, however, that it will be necessary for me upon this occasion to be compelled to show to the House that extortion in its most infamous form is being practiced to an extent never practiced anywhere before, because I believe that the membership know of this condition without my telling them of it. However, I will devote at least a small portion of the time allotted to me for the purpose of inviting attention to some particular instances of extortion. I have in my hand a letter dated February 11, 1918, from an Army officer at present located in the District. Before I read the letter, however, it might be best for me to say that opposition to the passage of this bill to stop rent profiteering comes from three sources:

First, from some gentlemen upon the floor of this House who, I am sorry to say, seem willing that it should continue.

Another source of opposition is the real estate men of the city. I can understand their opposition, particularly when I know that they and their clients are the profiteers.

Another source of opposition is the Evening Star, which since I have been in Congress has been the apologist for many things that are absolutely wrong. In former instances where the interests of the Government clerks were at stake, this paper has

defended the Government clerks. For that I praise it. But in this instance the Washington Star is confronted by a double question—the Government clerks upon one side, to whom it wishes to sell its papers, and the real estate men upon the other side, from whom it receives hundreds of thousands of dollars every year in the way of pay for advertisements.

In taking its choice between the Government clerks whose pennies it takes for subscriptions and the real estate people who contribute thousands to the maintenance of the paper, they forget the Government clerks and go to that side of the question which furnishes the largest revenue. This paper, as every one of you knows, during the last few days has taken the position, indirectly at least, that this profiteering should not be interfered with; and when it takes that position it means that the profiteering must come from the Government clerks and those who pay their pennies to support the paper; and that those who furnish it hundreds of thousands of dollars in the way of advertisements shall go untouched.

Now I will read a letter, as I said, from an Army officer. It is inddressed to the editor of the Evening Star, and says:

DEAR SIR: There has been a great deal of editorial comment in your paper lately concerning the pending House bill to punish extortion in the District—very little news or comment on the bill itself. If the Star is a newspaper, why not give as much publicity to the bill as you do to attacks on it, or on the Government's prosecution of the war?

There is one gem of humor in your editorial of Friday evening, February 8, which deserves a place among the classics with Josh Billings's and Joe Miller's best; it is: "Wealthy newcomers are competing with one another in the tender of tempting rental offers," etc.

Poor Washingtonians, tempted beyond their power of resistance; but how about the newcomers who are not wealthy, who are poorer by 50 to 80 per cent than we were before we came to help, who have walked the streets in vain for weeks to find a few small rooms for less than $100 a month?

Look at the tempting (?) offers made by the new landlords in your own paper, then find out the original rent, and push down this veil of hypocrisy and try to help cure a very real evil which anyone who has eyes can see.

The Government asks for new landlords, as it asks for new soldiers, to make a sacrifice, not a fortune.

Yours, truly,

Mr. ALEXANDER. Did the Evening Star publish that letter?

Mr. JOHNSON of Kentucky. I looked in the Star and did not find it.

Mr. Chairman, last night I took a Washington Star of yesterday and looked over a few of the rent advertisements. Under the head of "Furnished rooms for rent" I found 107 advertisements. Out of these 107 advertisements only 17 gave the price at which the room was to be rented. What does that mean? That means that they were ashamed or afraid in the face of this Congress to publish the exorbitant rates that they intend to demand of those who have come here to help win the war.

Under the head of "Rooms wanted" there were 28. Why do these 28 people who have come to Washington to do their bit have to advertise for rooms when 107 rooms are right here before their faces advertised for rent? The answer is, that the prices are too high; that they are not able to pay them, and consequently they themselves put advertisements in the same paper, seeking quarters within the reach of their poor purses.

In yesterday's Star, under the head of "Furnished rooms," 14 apartments were advertised, and out of those only 5 have the audacity to state the prices. But that is not all. In the same paper 16 people advertised for rooms or apartments right by the side of these 14 apartments which were advertised for rent. Is it not reasonable to suppose that these people who are advertising for apartments have gone to see the advertised apartments, but could not get them because the price was beyond their reach? We have a concrete case where the secretary of the gentleman from Ohio [Mr. GORDON] tried to get a room, and one of the principal real estate agencies in town would not let him go and look at a room until he deposited $35. When he went and looked at it he found that he could not live in it, and this scoundrel refused to give him back the $35 or any part of it. If rumors be true and I hope they are, as a result of a grand jury investigation, the United States marshal in a few days will wait upon this particular gentleman. [Applause.]

Rents in Washington are well known to all. I see in the Star here that there is a good chance for a Government clerk on a $900 salary to get three rooms in Massachusetts Avenue at $300 a month. I see another place where he can get two rooms—a small room and a kitchenette, for $80 a month. Here is another place on Connecticut Avenue where he can get two rooms for $200 a month. Here is another place, an apartment of two or three bedrooms, from February 20 to June 15, at $300 a month.

Mr. SMITH of Idaho. Has the gentleman any information what these apartments rented for a year ago?

Mr. JOHNSON of Kentucky. I have not. I did not see these advertisements until last night. Here is another apartment, furnished, for $125 a month; another at $160; another at $250; another at $300; another at $250; another at $250; another at $250; another at $150; and a very modest apartment, within the reach of every Government clerk, at $2,000.

Mr. WINGO. What is the gentleman reading from?

Mr. JOHNSON of Kentucky. From the Washington Evening Star.

Mr. TAYLOR of Arkansas. Do these prices include board?

Mr. JOHNSON of Kentucky. No; simply the rent of the rooms or apartments. I have in my hand a clipping handed me by the secretary of the gentleman from Ohio, Mr. GORDON, in which rooms are advertised for rent in the city of Cleveland, a city of 800,000 inhabitants.

Here is a furnished flat for $40 a month. Here is one at Forestdale, three rooms and a bath, first floor, furnished, $25 a month; another, five rooms and bath, completely furnished, with a piano, $35 a month. These are houses, not rooms. Here is another house of five rooms and a bath for $25. Another place, six rooms and a bath, furnished, $30 a month.

Mr. MOORE of Pennsylvania. In what city are these lower rents?

Mr. JOHNSON of Kentucky. Cleveland, Ohio.

Mr. MOORE of Pennsylvania. Does not the gentleman think it is worth the difference to live in Washington? [Laughter.]

Mr. JOHNSON of Kentucky. If the gentleman had said Philadelphia instead of Washington, I might have agreed with him.

Mr. SMITH of Michigan. Rockefeller lives in Cleveland, does he not?

Mr. JOHNSON of Kentucky. I believe it is difficult to determine just where Mr. Rockefeller does live. Here is another house, of seven rooms, at $40; another adjacent to Edgewater Park, eight rooms, two baths, large porch, and sun porch, $85. Another six-room house, with a furnace and garage and garden, $18 a month. Here is another of eight rooms, well furnished, for $45 a month. Here is another, an apartment, for $20 per month. That illustrates, in short order at least, the difference in rent between this city and the city of Cleveland.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. TINKHAM. I desire to ask the honorable Representative from Kentucky if he does not believe there are places, apartments, and rooms that can be obtained in Washington of a different sort than the advertisements in the Star show, of the same kind that the advertisements or the newspaper articles show can be had in Cleveland, and for the same price?

Mr. JOHNSON of Kentucky. I do not.

SEVERAL MEMBERS. No! No! No!

Mr. TINKHAM. Does he not think there are apartments and rooms that can be had for $45 a month in Washington?

Mr. JOHNSON of Kentucky. I have seen some advertisements recently in the Washington newspapers to that effect, and I have talked with people who have gone to see them, and without exception every one of them has told me that when he got to the place where the room was advertised he found that the price had been raised. I have a letter here with me, which I do not find for the moment, which tells of this instance. Two Government clerks in Washington were renting a house at $75 a month. Others came on, and three others, making five all told, saw an advertisement of a house for $250 a month, furnished. They concluded they would rather go to this house at $250 a month and all five families go into it—whether they had families or not I do not know—but all five of these clerks at least, and divide the rent. When they went to see the house which was advertised in the newspaper at $250 per month, what did the woman tell them? She told them that she had raised her price from $250 a month to $1,000 a month, or $8,000 for eight months. I have that statement in writing with me, signed.

Mr. BENJAMIN L. FAIRCHILD. Possibly she did not like their appearance.

Mr. JOHNSON of Kentucky. It was their pocketbooks that she did not like, else she would have closed the deal with them at $250 a month. This letter further states that the combined salaries of the five men did not amount to $1,000 a month.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. SMITH of Michigan. Can the gentleman tell how many vacant houses there are in the city of Washington that are for rent?

Mr. JOHNSON of Kentucky. No; I can not; but I believe from what I have gathered that most of those that are for rent are beyond the reach of the pocket of the man who is brought here to do his bit in this war.

Mr. SMITH of Michigan. Every paper carries a list, does it not?

Mr. JOHNSON of Kentucky. I just read a long list.

Mr. MOORE of Pennsylvania. It is patent that a clerk who earns $1,200 a year or thereabouts can not pay $1,000 a month rent for an apartment.

Mr. JOHNSON of Kentucky. But these people would have him pay it.

Mr. MOORE of Pennsylvania. To whom does the gentleman think these apartments are rented at these large figures?

Mr. JOHNSON of Kentucky. I can tell of one instance where a man found himself in a $75 a month house, with a sick wife and a sick child. He was getting $2,400 a year. The rent was raised on him from $75 a month, if my memory serves me correctly, to $250 a month. He could not go out with a sick wife and child into the snow and the storm, and he went beyond his salary and into his savings and paid it, and for this month the same man is asked $350 for the same premises.

Mr. MOORE of Pennsylvania. That is unfortunate and reprehensible.

Mr. JOHNSON of Kentucky. And by this bill I am after the reprehensible part of it.

Mr. MOORE of Pennsylvania. Is it not a fact that a great many men have been invited to come to Washington, men of wealth, some of them, to work for a very little compensation, who can afford to pay these large rents for apartments and houses, and is it not due to the fact that they are ready to pay these prices that the people of Washington that have property to rent have gotten on to the fact that they can get them?

Mr. JOHNSON of Kentucky. Something of that is true. I heard of an instance—in fact, a real estate broker told me—where a man here had a house worth about $35,000, and a man offered him $16,000 a year rent if he would get out and surrender it to him. I have no more sympathy for the one than I have for the other.

Mr. MOORE of Pennsylvania. I wonder whether the man who owns the property can be held under the gentleman's bill for asking any price he sees fit for his property.

Mr. JOHNSON of Kentucky. I do not care what he asks, but if this bill passes it will stop the practice of profiteering in the District of Columbia. [Applause.]

Mr. MOORE of Pennsylvania. The question with me is whether some responsibility does not rest with the man who is willing to pay these exorbitant prices, and who thus contributes to the general increase in rates all over the District.

Mr. JOHNSON of Kentucky. I think he is culpable, also.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

I would like to ask this in connection with the articles read from the newspaper, whether the responsibility rests with the owner of the property or with a speculator who is readvertising these places for rent?

Mr. JOHNSON of Kentucky. I shall come to that presently.

Mr. FOCHT. I wish the gentleman would. I know of instances where apartments have rented for $30 and sublet for $125. I think we should get at the right person.

Mr. JOHNSON of Kentucky. I shall come to that later on. Among the many letters that I have received is one from a gentleman complaining of an extortionate raise in his rent. He is in the life insurance business here in Washington, and he hails from the city of the gentleman from Massachusetts, Boston.

Here is a complaint which has reached me, of Mrs. M. E. Parkins, who lives on Euclid Street. She has a landlord by the name of Saunders, and she has been paying $50 a month rent, and he has raised her rent to $100 a month and has been to see her and urged her to sublet the property at $200 a month, saying that he was doing some of that sort of renting. Here is an extravagant, outrageous thing. In looking over the letter hastily, without reading it all, I find a complaint from Massachusetts Avenue, that the landlady has 93 people, some girls sleeping three in a room, and charges $37.50 each, and the letter says:

I think somewhere there are only one or two in a room.

The $37.50 includes board, and that is high, including the number of people who are forced into one room. This same woman has the Kaiser's picture in her bedroom, and that is going some.

I have here another communication, where the writer says that his rent has been increased 450 per cent. Here is another, whose rent has been increased from $35 to $40. Here is another, where the rent has been raised from $15 to $40. And here is a letter from a man who says that he has four sons who have gone to the front, and his rent has been raised about 100 per cent. He says in his letter that he and his family, to the fullest extent that they can do so, have been buying the smaller denominations of liberty bonds and the war stamps, and that he prefers to give whatever money he has to spare to that good cause rather than to the profiteering landlords of the District of Columbia. [Applause.] Here is an instance where more rent is paid for one room in a house than the landlord pays for the whole house. Here is another instance of an increase of 100 per cent, and here is one where the rent has been increased from $50.50 to $75. Right there, why the 50 cents? I have asked that question, and they tell me it is to cover water rent. And I see they raised one poor widow's rent from $51.33 a month to $100.

I asked her what the $1.33 a month was for, and she said: "That is to pay the water rent." I said, "What does your water rent amount to?" She said she did not know. I then wrote a letter to the Commissioners of the District of Columbia and asked them what the water rent was for premises 1207 First Street NE., or NW., I am not sure which, and they wrote me that the basis of the water rent was $4.50 a year, but that excess water had been used and for one year they had charged these premises $9 and something a year and another year $7 and something, and for another year $7 and something. I asked for the next preceding three years, and found that poor woman had been compelled to pay $16 a year water rent, when her landlord was paying only $7 and $9 for that service. That much money was being stolen from this woman, and I would be glad to see a grand jury get hold of that case and somebody punished. [Applause.]

Here is a communication which says Mr. Gill was paying $43.50 per month, and they put the 50 cents on; the lease expires October 1, 1918, and he was not allowed to sublet his apartment; his wife died and he surrendered the lease to the real estate agents, Shannon & Luchs. Mrs. Peters called on the real estate agent and was told the rental would be $150 a month.

Here is a communication from a man who complains of his rent having been raised on his storehouse something like 50 per cent, and he asks the very pertinent question why it is that Congress permits his landlord to increase the rent upon him when the law forbids him increasing the price of the foodstuffs which he must sell from this storehouse. [Applause.]

Here is a communication from another whose rent has been raised three times in the last nine months; and from another who has been raised 100 per cent; and here is another, and I have indorsed on the back of the envelope that while his sons are in the service the rent has been extortionately increased. Here is another case of a raise of 150 per cent.

Mr. SLOAN. Will the gentleman yield at that point?

Mr. JOHNSON of Kentucky. I will.

Mr. SLOAN. I am very much interested in what the gentleman is saying, and I would like to ask him, Is it not a fact that the owners of these properties contribute to the District of Columbia only one-half of taxation for the support and protection of their property. Is not that the rule?

Mr. JOHNSON of Kentucky. The people of the gentleman's State and mine, and of every other Member of this body, bear their own tax, and then, in addition, pay half of the expenses of the District government.

Mr. SLOAN. One other question. Has the gentleman any figures—I think they would be very interesting—to compare the valuation fixed by the taxing authorities on these various properties with these rental amounts? I think the gentleman will find that the rentals now being charged on a good deal of this property for a year or so are more than the valuation on these properties fixed for assessment purposes. Is not that the fact?

Mr. JOHNSON of Kentucky. I have not gone over those figures, but I fear the gentleman is correct.

Mr. SLOAN. I would like for the gentleman to look into that.

Mr. MEEKER. Will the gentleman yield for a question before he goes beyond the point brought out by the gentleman from Nebraska calling attention to the fact that property owners pay half the taxes and the Government the other half—that is considered a fair deal——

Mr. JOHNSON of Kentucky. I do not think so.

Mr. MEEKER. The Government certainly occupies enough territory here at the present time that it should bear the burden.

Mr. JOHNSON of Kentucky. We are getting into a question now that is entirely foreign to the subject under discussion; but I do not believe the gentleman is at all familiar with the extent to which the Government owns property in the District of Columbia.

Mr. BURNETT. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. BURNETT. Does the bill of the gentleman provide for the extortionate increases by hotel people?

Mr. JOHNSON of Kentucky. It does, and I will come to that later.

Mr. BURNETT. And may I ask the gentleman, does the bill provide for a case of this kind, where a hotel man permits an elevator to remain out of commission for a week or 10 days and

guests have to walk up and down the stairway for that length of time?

Mr. JOHNSON of Kentucky. No; it does not.

Mr. BURNETT. I call the gentleman's attention to the fact that I have a "feeling" knowledge of a case of that kind. [Laughter.]

Mr. GREENE of Vermont. If the gentleman will permit, I would like to call his attention to the fact that a great many hundreds of Army officers have been ordered by the War Department to come to this city for duty. They do not come here from choice. And finding that there are no quarters such as are usually provided by the Government for such officers, they have been obliged to pay these rents; and so they, too, have been imposed on outrageously when they come here to serve their country in time of war.

Mr. JOHNSON of Kentucky. In answer to that I will say to the gentleman that only a few days ago the Comptroller of the Currency called me up and said that he had knowledge, coming to him only the day before, of where the War Department, I believe it was, had called a man here from Norfolk, Va., an official, to be consulted relative either to the war or naval conditions down around the Chesapeake Bay. That man, I say, living at Norfolk, was a public official. As such, under the law he was allowed $5 a day for travel and sustenance. When he arrived in Washington at 11 o'clock at night and went to the Raleigh Hotel to sleep from then until 7 o'clock the next morning they demanded of him $10 for a room—more than $1 an hour for a bed. He then went to the Harrington Hotel, and there they did let him sleep until morning for $6, a dollar more than the Government allowed both for his eating and sleeping.

Mr. GREENE of Vermont. May I also suggest to the gentleman that there are a good many young second lieutenants who are ordered to this city for duty, and that they are allowed under the law for commutation of quarters $12 a month for a room; and one has only to compare the prices which are charged by these highbinder landlords to see where they come out with their salary.

Mr. JOHNSON of Kentucky. Now, Mr. Chairman, I come to the minority report signed by three gentlemen of the committee.

Mr. FESS. Will the gentleman yield to just one observation? Referring to what the gentleman from Vermont [Mr. GREENE] said, I would like to make a statement concerning a high-salaried gentleman who was brought here from New York City. I speak of it because he happens to be a personal friend of mine. He was brought from New York City, from a salary of $5,000 a year in a very responsible position, and took, on his own choice, a first lieutenancy—and the gentleman will understand the salary. He was loaned from New York to the War Department here. He rented quarters at $55 a month and brought his family to Washington. He has been notified that his rent at the end of a certain period will be raised to $75, and also there has been a suggestion of a raise to $90 to follow. And under a peculiar arrangement that was not anticipated in New York the loaning has ceased, and instead of his salary being made up, as was promised originally, it will not be made up. But here is a gentleman who is serving the country, a high-minded, splendidly educated, well-trained man, at $2,000 a year, who will have to go off into some place where he can get living quarters that will enable him to live within his salary. I think that is one of the most outrageous things that I know of, leaving out the rest of us who suffer likewise.

Mr. DOWELL. Has the committee made any effort to ascertain whether it would be impossible to compel landlords to clean some of the snow and ice from the sidewalks of the city of Washington?

Mr. JOHNSON of Kentucky. No. The committee has not gone into that subject yet.

As I was saying when I yielded to the gentleman from Ohio, I wish to discuss the minority report signed by three members of the Committee on the District of Columbia.

Mr. DECKER. The gentleman said he would refer to the question of sublessees.

Mr. JOHNSON of Kentucky. I will later.

Mr. LINTHICUM. I thought the gentleman was going to take up the hotel question.

Mr. JOHNSON of Kentucky. I will take that up later.

The minority report, signed, as I said, by three gentlemen of the committee, was written, I am quite sure, by the gentleman from Massachusetts [Mr. TINKHAM]. In that minority report he says:

The undersigned believe that most of the alleged improper increases of rentals sought to be eliminated by the bill will not be prevented by it.

If the gentleman's surmise is correct, then I am quite sure he would be willing to withdraw his objection to this bill. I know beyond surmise that the real estate people here would withdraw their objection to it and let the bill go to final passage if it does not stop profiteering.

Mr. BARKLEY. Will my colleague yield?

Mr. JOHNSON of Kentucky. I will.

Mr. BARKLEY. Does this bill provide for cases where property has not heretofore been rented, private homes?

Mr. JOHNSON of Kentucky. It does; and I will come to all that if I can be given the opportunity.

Mr. BARKLEY. I want to call the gentleman's attention to one instance where an employee of the War Department a few days ago was brought to Washington, and he heard of two rooms and a bath that were for rent. He went out to the private home and asked what they wanted for them, and the lady told him she did not have to rent them, that she did not need the money, but she wanted to help the Government out; that she understood the Government was in a tight place for rooms, and she was willing to take $275 a month for these two rooms and bath.

Mr. GORDON. A month?

Mr. BARKLEY. Yes; a month.

Mr. GORDON. She was "doing her bit." [Laughter.]

Mr. JOHNSON of Kentucky. That is a fair sample of local patriotism.

The minority report further says:

The enforcement of the provisions of the bill, if passed, would lead to grave injustices and greater abuses than now maintain, and, finally, that the present policy of the Government of the United States to obtain greater housing facilities for both business and residential purposes in the District of Columbia would be retarded, if not defeated.

He says further:

The other novel principles of law contained in the bill, if passed, are unsound and without precedent—

And so forth. Yes; the provisions of this bill are without precedent, and they have to be, in order to meet an extortionate condition which has never had a precedent since the beginning of time. [Applause.]

In the report written by the gentleman from Massachusetts he says:

The bill will affect about $200,000,000 worth of real estate and about $15,000,000 worth of personal property in the nature of furnishings and fixtures in the District of Columbia.

Now, in one part of this report the gentleman from Massachusetts says that the property owners themselves are not guilty of this extortion, but that their tenants are, and that if their tenants should not pay the income tax of 100 per cent that is provided for in this bill, and that payment should be made a lien upon the real estate, then the owners of the property would suffer and the tenants who sublet it would not. But does not the gentleman say that the bill involves $15,000,000 worth of furnishings? And God knows that with $15,000,000 worth of furniture the owners are amply indemnified.

Further along in the minority report it is stated that the bill is ambiguous in some respects. It may be. I do not claim to be a Daniel Webster or from Boston. It is not only possible, but probable, that something has been overlooked in this bill. If so, I welcome amendments in the way of correction. But God knows I do not want the money lenders to write the usury laws of the land; neither do I want the rent profiteers to write the laws concerning the rental of property in this District. [Applause.]

Mr. CRISP. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Certainly.

Mr. CRISP. My colleague was just calling attention to the provision in the minority report that this would be an injustice to the landlords if their tenants sublet the premises. Is it not true and is it not the regular form, of all leases within the District——

Mr. JOHNSON of Kentucky. I am coming to that——

Mr. CRISP. That the landlord must consent to the subleasing?

Mr. JOHNSON of Kentucky. Yes; but I am coming to that.

I am taking the minority report section by section as I go along, and in that it is stated that the value of these properties must be taken according to their "assessed" value. The gentleman from Massachusetts will see upon careful reading of the bill that in that he is mistaken; that the assessor, under certain conditions, fixes values, but he fixes them for the purposes of this bill, and not for taxation. In order that that may be perfectly clear, since it does not seem to be clear to the mind of the gentleman from Massachusetts, I will offer an amendment to clarify it when we reach that place in the bill.

The gentleman also says in his minority report:

The bill plainly proposes not only to take from the owner of real estate all of the rentals in excess of these amounts from the date of the passage of the bill, but all the rentals in excess of these amounts which have been paid to the owner from the 31st day of December, 1916, to the date of the passage of the bill.

It seems that that part of the bill is not ambiguous at all. The gentleman understands it. That is exactly what I propose to do by the terms of this bill.

Again he says:

The device by which any greater rentals than those allowed by the bill are to be prevented is by the provisions in section 2, that any charge or payment made in excess of these rates and percentages shall be taxed at the rate of 100 per cent and paid to the District of Columbia.

The gentleman understands that aright. I propose by this bill to tax all extortion to the extent of 100 per cent of it.

Further along he says:

It is freely admitted by the proponents of this bill that neither in America nor in foreign countries is there any precedent for it, so far as is known. It is also admitted that the tax of 100 per cent is without any precedent in any American statute or that of any foreign land, so far as is known.

The objections to the bill as drawn are most profound.

I suspect that the gentleman did not understand quite clearly those to whom he refers, and he did not do so if he referred particularly to me. Take the case of whisky. It costs 40 cents a gallon to make, and you have got a tax on it now of about 800 per cent. There are other things that are taxed accordingly. The present income tax of the United States taxes some parts of great fortunes to the extent of 66⅔ per cent. Under this bill the landlord is permitted to go 10 per cent above the prices of 1916, and after that all is taken in the way of taxation. I am not quite sure that I am exactly right in drafting the bill to permit them to have that 10 per cent.

Mr. LONDON. Mr. Chairman, will the gentleman yield there?

Mr. JOHNSON of Kentucky. I do.

Mr. LONDON. On the subject of the experience of other countries, I understand that New South Wales has passed a similar law, except that they have established a special court which has the power to determine the amount of rent which is to be paid, and that England and France have been tackling this very problem.

Mr. JOHNSON of Kentucky. The gentleman from Massachusetts in his report says that the terms of the bill do not apply to hotels and boarding houses. But I say they do, provided the hotel is run upon the European plan. But the bill does not reach the hotel or the boarding house that is run on the American plan. That is where the room and the board are furnished under one price. But I have prepared an amendment to the bill, which I will offer at the proper time to make a distribution of the price paid between the room and board.

There is one part of the minority report to which I wish to invite particular attention, and that is where the gentleman from Massachusetts says:

The rates of taxation upon real estate of the same kind, or used for the same general purposes, are unequal, which is a violation of the first principle of every measure of sound taxation. Under the terms of the bill, if a piece of property were occupied previous to September 30, 1916, the rate then charged plus 10 per cent fixes the income, which in turn fixes the amount of the tax, or if the property were unoccupied or not built at that time, then the assessed value fixes the income, which in turn fixes the amount of the tax; and if, by chance, the property were a boarding house or hotel where room and board were charged in gross amount, that property under the bill would escape taxation, as no provision of the bill covers property so used; so that in one block there well might be three owners of real estate; one with his income and, consequently, his tax fixed on the basis of what he was charging for rental the 30th day of September, 1916, and 10 per cent more; another with his income and, consequently, his tax fixed on the basis of 10 per cent of the assessed valuation; and a third, providing room and board in gross amount, not coming within the terms of the bill. This plainly would be unconstitutional, as taxation of the same kind of property must be equal and at the same rate, and not discriminatory.

Now, this is not a tax upon real estate. The three houses in the same square of which the gentleman speaks are not taxed at all, but the income from those three houses is uniformly taxed. Bear in mind that it is the "income" that is taxed and not the "real estate."

Mr. LONGWORTH. Will the gentleman yield for a question for information?

Mr. JOHNSON of Kentucky. I yield to the gentleman from Ohio.

Mr. LONGWORTH. How would the amount to be charged be determined for rooms in a hotel which has been recently built and has not been rented?

Mr. JOHNSON of Kentucky. I provide for that in the bill.

Mr. LONGWORTH. The gentleman simply provides that an amount of rent equivalent to 10 per cent of the assessed value may be charged, but that would not provide for the particular charge against certain rooms.

Mr. JOHNSON of Kentucky. Oh, yes; each room is to be taken separately.

Mr. LONGWORTH. How could the gentleman determine that? His bill provides only that where no rent has ever been charged for a building a rent equivalent to not more than 10 per cent of the assessed value of the property may be charged.

Mr. JOHNSON of Kentucky. No; I did not say "assessed" value.

Mr. LONGWORTH. Of the value to be determined——

Mr. JOHNSON of Kentucky. By the assessor.

Mr. LONGWORTH. That might be workable in the case of one single building; that is to say where there was only one rent charged for the whole building.

Mr. JOHNSON of Kentucky. At the end of each month the books of the hotel can be gone over to see what they collected for the rooms during the whole month and apply that to the cost.

Mr. SNOOK. Mr. Chairman, do I understand the gentleman to say that this provision on page 2, in lines 11 and 12, covers the question of subletting?

Mr. JOHNSON of Kentucky. Read it, please.

Mr. SNOOK. It is—

That, in addition to other taxes imposed by law, there is hereby levied and shall be assessed, collected, and paid to the District of Columbia an annual tax of 100 per cent upon so much of the income from real estate of every person, whether resident or nonresident of said District, received from and after December 31, 1916, as exceeds the deductions herein allowed.

Mr. JOHNSON of Kentucky. It is an income tax, no matter by whom it is received.

Mr. SNOOK. Do I understand the gentleman to say that it covers the question of subletting?

Mr. JOHNSON of Kentucky. Certainly. If the one who sublets gets a revenue from it, that revenue is the income which is taxed.

Mr. SNOOK. Yes; but let me point out to the gentleman that the case of subletting is a rental for mixed property, for the use of the room and the personal property in the room.

Mr. JOHNSON of Kentucky. The bill takes care of that.

Mr. SNOOK. Where is that?

Mr. JOHNSON of Kentucky. My time is running now. If the gentleman will read the bill he will find it. If not, I will find it for him.

Mr. KEARNS. Will the gentleman yield for this question? I do not believe the gentleman understood the question of the gentleman from Ohio [Mr. LONGWORTH]. For instance, here is a hotel which cost half a million dollars to build. We will say it has 200 rooms in it. Some of those rooms are renting for $1.50 a night.

Mr. JOHNSON of Kentucky. I never heard of such here.

Mr. KEARNS. We will say for illustration some are renting for $5.

Mr. JOHNSON of Kentucky. That is not up to the price they are charging.

Mr. KEARNS. Five dollars a night?

Mr. JOHNSON of Kentucky. I just recited an instance where a gentleman could not get a room at the Raleigh for less than $10 from 11 o'clock at night until next morning.

Mr. KEARNS. Suppose they rent one room for $17. That is a good room. They have a more expensive room for $25 per night. I never heard of any such prices as that and I can not deal with those figures, but I am using that for an illustration. How are you to know that a room that rented for $15 per month is renting for 10 per cent of the cost of construction and furnishing of that one identical room?

Mr. JOHNSON of Kentucky. Oh, that is dead easy. There is not a house in Washington, there is not a house in any city of consequence that is not erected on the cubic-foot plan.

Mr. KEARNS. That is the way you arrive at it, do you not?

Mr. JOHNSON of Kentucky. I do not know how the assessor would arrive at it, but that would be the first step I would take.

Mr. LINTHICUM. May I ask the gentleman a question for information?

Mr. JOHNSON of Kentucky. My time is running.

Mr. LINTHICUM. We want to get all the information we can on the subject, and I think the gentleman ought to give it to us.

Mr. JOHNSON of Kentucky. My time is so short I can not answer every question.

Mr. LINTHICUM. We will have to get it from some one. Is the provision on page 3, line 5, the one which covers hotels that have not been in operation heretofore?

Mr. JOHNSON of Kentucky. I will ask the gentleman to read it.

Mr. LINTHICUM. Do I understand that such a hotel would only be entitled to receive 10 per cent upon the valuation placed upon the property?

Mr. JOHNSON of Kentucky. New hotels.

Mr. LINTHICUM. How about the service that they render?

Mr. JOHNSON of Kentucky. They get paid for that forty times over in the restaurant.

Mr. LINTHICUM. No; I mean the service they give to the rooms—bell boys, chambermaids, and so forth.

Mr. JOHNSON of Kentucky. The profit allowed for that is quite ample, except from the standpoint of the millionaire.

Mr. LINTHICUM. Ten per cent upon the valuation placed upon the property?

Mr. JOHNSON of Kentucky. Yes.

Mr. LINTHICUM. In my town we expect to receive 10 per cent upon real estate, to provide for taxes, repairs, and so on.

Mr. JOHNSON of Kentucky. That will pay it and more.

Mr. LINTHICUM. And that is for the house itself—not for any service whatever.

Mr. KEARNS. I am intensely interested in this, and I am going to vote for the gentleman's bill whether it will cure this evil or not, because I am in sympathy with any attempt to stop these highbinders of Washington. I would like to see some provision put in this bill that would require putting into each hotel room a statement of what the lessee of that room ought to pay per night for that room.

Mr. JOHNSON of Kentucky. I have seen that in a number of hotels, and I believe it ought to be done here.

Mr. KEARNS. Could you put that in this bill?

Mr. JOHNSON of Kentucky. I believe it ought to be done.

Mr. KEARNS. I would not know, if I was going to rent a room, and neither would the gentleman, whether I was being charged an exorbitant price for that room.

Mr. JOHNSON of Kentucky. I always inquire before I take a room.

Mr. KEARNS. Then if they should tell you, "This room is worth $3" or "this room is worth $5" you would know.

Mr. JOHNSON of Kentucky. I believe the suggestion made by the gentleman is a good one.

Now, the gentleman from Massachusetts [Mr. TINKHAM] says this bill is unconstitutional. I ask the attention of the House to the question of constitutionality. The Constitution of the United States says:

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

Until quite a few years ago it was a novel proposition to me that a State could not pass a law impairing the obligation of contracts, while the Congress of the United States could. Now, I lay down the broad principle that while a State, under the Constitution of the United States, can not enact a law impairing the obligation of contracts, the Congress of the United States can do so. And it has done so in many instances.

I have before me a number of decisions relative to the limitation of the power of the State, and I find this language used:

This clause is a limitation on the legislative power of the State, whatever form it may assume.

And then:

The United States are not included within the constitutional prohibition which prevents a State from passing laws impairing the obligation of contracts.

There are a large number of opinions cited to sustain that. Then I have a case decided by Mr. Justice Brewer, where in the opinion this language is used——

Mr. LITTLE. Will the gentleman please give the volume and page?

Mr. JOHNSON of Kentucky. It is in the Federal Reporter, volume 105, page 297:

We deem it wholly unnecessary to indulge in any extended discussion of the question which has been raised whether the act of Congress aforesaid impairs the obligation of contracts and is for that reason void. First, because the inhibition against the exercise of such a power which is contained in section 10, Article I, of the Federal Constitution, is not addressed to the National Legislature but to the legislatures of the several States.

Mr. MADDEN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MADDEN. I heard the gentleman's suggestion a few moments ago that owners of buildings that have not been occupied would not be permitted to collect rent to the extent of more than 10 per cent of the cost of the building. Has the gentleman thought about the fact that there is 5 per cent depreciation on buildings every year?

Mr. JOHNSON of Kentucky. Yes; but I do not believe it.

Mr. MADDEN. That is true.

Mr. JOHNSON of Kentucky. I live in a house that has been built nearly 100 years, and it is about as good now as it ever was.

Mr. MADDEN. But there has been a lot of money expended for repairs.

Mr. JOHNSON of Kentucky. A new roof put on now and then.

Mr. MADDEN. It probably averaged 5 per cent of the value or cost.

Mr. JOHNSON of Kentucky. Seventeen years ago I built a building on a piece of property in my town for business purposes, and the repairs on it have not been one-half of 1 per cent.

Mr. MADDEN. That may be true in that instance, but the average depreciation runs about 5 per cent.

Mr. JOHNSON of Kentucky. I know that people who want big rents claim that, but I do not believe it. No house is all gone in 20 years.

Now, another objection in the minority report is the claim that the landlords are not guilty of extortion; that their tenants alone are guilty of it. I have read you instances in the paper where the landlords are the guilty ones. Now, let me invite your attention to this fact: I do not know a landlord in this city who has ever leased a piece of property to anybody that did not include in that lease a clause that the property should not be sublet without the written consent of the landlord. Therefore I say the landlord is particeps criminis when he permits his tenant to sublet at an extortionate rate.

Mr. BENJAMIN L. FAIRCHILD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BENJAMIN L. FAIRCHILD. Does the gentleman want the House to understand that in case of a house leased by a tenant for the purpose of keeping a boarding house that the lease prevents him from letting rooms without the consent of the landlord?

Mr. JOHNSON of Kentucky. That is what the lease says, and I will tell the gentleman why they are more particular about it now than they were before. It is on account of the Kenyon anti-red-light district law, which provides that under certain circumstances the furnishings with the property is forfeited if prostitution is permitted to go on there; and the landlords are extremely particular to see who goes into their houses as tenants. I say that if this bill becomes a law these selfsame landlords will see who their subtenants are in order that extortion shall not be practiced.

Mr. BENJAMIN L. FAIRCHILD. Does not the gentleman know that hundreds of houses in the city of Washington are originally leased by tenants for the purpose of running them as rooming and boarding houses, that they lease them for that purpose, and that it is a part of the lease that they are permitted to use them for that purpose?

Mr. JOHNSON of Kentucky. I beg the gentleman's pardon, but my time is running rapidly.

Mr. BENJAMIN L. FAIRCHILD. The gentleman stated that all the leases in the District of Columbia had that clause against subleasing, but the gentleman is mistaken. The common sense of any Member of the House will show that no man who rented a house for the purpose of renting rooms in the house would consent to that.

Mr. JOHNSON of Kentucky. There are some gentlemen who lack common sense, but that does not reach the question. If this bill is passed it will stop profiteering.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Briefly.

Mr. COOPER of Wisconsin. The gentleman from New York who interrupted the gentleman from Kentucky was not very clear in his statement. The lease specified was a lease from the landlord to a tenant for the purpose of a rooming house. That tenant could not sublet it to another tenant for the purpose of a rooming house without the consent of the landlord.

Mr. BENJAMIN L. FAIRCHILD. But he could rent rooms in the house without consulting the landlord.

Mr. COOPER of Wisconsin. Exactly, and that is the gentleman's mistake. The landlord picks out a good man for a tenant who will see that the character of the house is kept up. He could not sublet it to another tenant without the consent of the landlord.

Mr. BENJAMIN L. FAIRCHILD. No.

Mr. JOHNSON of Kentucky. Mr. Chairman, so much of my time has been taken by questions and arguments of other gentlemen who can get in later under the five-minute rule, that I feel that I must decline to yield for further questions or for statements by other gentlemen.

Mr. LINTHICUM. I want to ask the gentleman one question for information.

Mr. JOHNSON of Kentucky. No; I can not yield.

Mr. LINTHICUM. But the gentleman has all of the information and is unwilling to give it.

Mr. JOHNSON of Kentucky. That is an unwarranted statement, in the face of my having just stated that I do not have time. Anyway, I could not give the gentleman a high-school education in five minutes.

Mr. LINTHICUM. I will ask that the gentleman's time be extended.

Mr. JOHNSON of Kentucky. But that can not be done. I decline to yield. I had hoped to be able to take up this minority report and go through it item by item, but I find I shall not be able to do that in my time, and I shall jump now over to the fourth objection urged by the minority report, which is as follows:

Fourth. No distinction is made in the bill between real estate which is let or leased bare of service and heat and those which are let and leased with service and heat; yet the same rate of increase, namely, 10 per cent, is only allowed for each; nevertheless, since September 30, 1916, maintenance and supplies have increased 30 per cent or more in the District of Columbia, coal over 100 per cent, with a great decrease in quality, and the cost of services also has greatly increased. To fix an arbitrary figure the same for both classes of property is unfair and discriminatory. The cost of all maintenance, supplies, and services are advancing and undoubtedly will advance during the continuance of the war; yet the bill fixes, irrespective of these increases, past, present, and future, a rigid limitation on the income until a year after the war has come to an end.

I do not know of any coal that has been increased 100 per cent in price. I have been buying coal right along in small quantities, and I have not heard of any such advance. Along in 1916 and 1917 I paid about $8 a ton for coal, and I have not paid higher than $9.25 for coal this winter, and I have bought it in the public market and from whomsoever I could get it. But the gentleman says there is no distinction made between real estate which is let or leased bare of service and that let or leased with service—that the 10 per cent applies to both. I am perfectly willing the gentleman shall offer an amendment to limit the increase in the rent to 7½ per cent for houses where no service is rendered, and let the 10 per cent apply to those where the service is rendered.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. TINKHAM. At this time I desire to ask the honorable Representative from Kentucky whether he would accept as a substitute for this bill a bill of general application against profiteering in the United States, limited to soldiers, sailors, and all employees of the Government?

Mr. JOHNSON of Kentucky. I would suggest to the gentleman that we better take a bird that is in hand and then go later to those in the bush. When he introduces a bill of that character I shall help him pass it.

Mr. TINKHAM. Then, I offer——

Mr. JOHNSON of Kentucky. Oh, no; the gentleman can not offer a substitute now and have it read in my time.

Mr. TINKHAM. As I understand it, I have the promise of the honorable Representative from Kentucky to support such a bill.

Mr. JOHNSON of Kentucky. You have my promise to support a bill prohibiting profiteering anywhere on God's green earth. [Applause.]

But while we have this question up, applying to the District of Columbia, the gentleman should not put himself in the predicament of saying that unless we can get it for all the rest of the United States we should permit this gouging to be done right here in the Nation's Capital.

Mr. Chairman, in a short explanation of the bill, I desire to say that there are three kinds of years in the District of Columbia. There is the calendar year, the fiscal year, and the rental year. The rental year in the District of Columbia commences on the 1st of October and ends on the last day of the next succeeding September, making one year. The rental year of 1916, which was a normal year, has been taken as a basis for rent. This bill allows a 10 per cent increase in rentals on the basis of the rentals of 1916. Three different kinds of propositions are covered in the bill, one for premises that were renting unfurnished in 1916; another for those that were rented furnished; and one for buildings that were vacant in 1916. Then another proposition undertakes to deal with houses rented since September 30, 1916. I expect when the time comes to offer an amendment to cover the objection raised by the gentleman from Massachusetts [Mr. TINKHAM] that apartments or houses in which service is rendered should have more increase than houses in which no service is rendered. I shall offer an amendment at the proper time to take care of that.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I shall have to decline to yield, as my time has nearly expired.

In this matter great minds have turned out to run in the same financial channel. The mind of the author of the minority report, the mind of the real estate dealer, and the mind of the editor of the Washington Star all are in keeping, and each runs in accord with the other. There is almost no difference between the minority report, the statements which the Real Estate Brokers' Association has furnished, and the newspaper articles in the Star. There is practically no difference among the three.

Mr. TINKHAM. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. TINKHAM. Does the gentleman know whether the minority report was written first?

Mr. JOHNSON of Kentucky. I do not.

Mr. TINKHAM. Or in what order the articles were written, the minority views, the report of the Real Estate Exchange, and the newspaper articles?

Mr. JOHNSON of Kentucky. I have not the remotest idea as to which was written first. Neither have I any opinion at all as to whether there was any conference among those who wrote the different opinions.

Mr. TINKHAM. Might it not be that the minority, having written their report, the report being so sound and so intelligent, that it was approved by the board and also by this independent newspaper?

Mr. JOHNSON of Kentucky. That not only is possible, but highly probable, because when the gentleman announced that he was going to write a minority report he said he was going to do it in a Boston-like way.

In other words, he meant that that report would come from the intellectual metropolis of the universe.

I regret more than I can tell to be compelled to realize that the gentleman from Massachusetts [Mr. TINKHAM] is not with me in this fight for justice, mercy, and our country's flag.

He and I have served in former Congresses and upon the same committee.

If I recall correctly, in all committee matters, save one, practically we have been of one mind.

When I returned to Washington in December, after several weeks of arduous committee work at East St. Louis, I learned that the gentleman, out of a spirit of patriotic adventure, had gone to the battle front in Italy. I was disappointed in not finding him here. I missed the grasp of his hand and also his cheerful smile and radiant face, but I took abundant consolation out of the fact that my personal friend was making history. In my wakeful dreams of pleasant things I was soothed with the thought that when I went back to Kentucky I might gather my children's children about my knees and tell them to tell their children's children that the close, intimate friend of their ancestor had gone to Italy during the bloodiest war known to man, and there had fired the first American gun against Prussianism and for the liberty of the world.

Yet, when day after day, week after week, I saw this profiteering monster grow into frightful proportions and rear its defiant head over the Capital City of our Nation, in our Nation's hour of need; when I saw this hideous thing plunge a thousand hands into the pockets of those who here are toiling to feed, to clothe, to arm, and to succor our gallant boys over there; when I heard its shameless voice drive their mothers and sisters from the shelter into pitiless storm; when I saw this beast of avarice and extortion prey upon the thousands who came here, each to do his bit in the patriotic cause; when I saw these men and women, boys and girls, turned away and sent back to their homes in the States that this ravenous thing might feed even upon the bones of our heroic dead, I even prayed that the gentleman from Massachusetts [Mr. TINKHAM] might hasten back, if not himself to fire the first gun, at least to give aid to my feeble efforts to strike down the gluttonous rent profiteer.

At last the welcome message was flashed through space that this all but modern Horatio had saved the day—had laid down his sword made bloody in freedom's cause at the bridge—and was returning to his native land to join the chorus, "My country 'tis of thee, sweet land of liberty."

As he sailed, from each of the seven hills of historic Rome there came a thousand voices chanting the first words of Virgil's Æneid:

Arma virumque cano, etc.

(I sing of arms and a hero who, first, exiled by fate, came from the coast of Troy to Italy and the Lavinian shore, etc.)

Gibraltar passed the joyous tidings westward. At the Azores binoculars swarmed to the shores, and some youthful Joaquin Miller megaphoned out: "Sail on! sail on! brave Congressman; sail on, and on!"

As the voyage proceeded the world was bulletined that hundreds of German U-boats had ducked to the bottom of McGinty's Sea under his menacing and glaring periscopical gaze.

At last American shores were reached. He hied himself to the intellectual metropolis of the universe and then took up his triumphal march to the Capital City. Imagine my surprise and disappointment when I found that, apparently, at least, something of his patriotism had been lost in a storm at sea, and that

the local profiteers called him "Friend," notwithstanding the fact that his country, following somewhat the thought of Miller, the poet, was saying:

> The profiteers grow mutinous day by day;
> The clerks grow ghastly wan and weak.
> The paid clerk with bowed head gray
> In faltering accents tried to speak.
> What shall we say, brave Tinkham, say,
> If the profiteers in armies drawn,
> Assail us at the break of day?
> Why say, Charge on! Charge on! Charge on! and on!

Mr. Chairman, I reserve the remainder of my time, and I ask the Chair how much time have I remaining?

The CHAIRMAN. The gentleman has six minutes. Does the gentleman reserve the remainder of his time—the six minutes?

Mr. JOHNSON of Kentucky. I do.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. SAUNDERS of Virginia having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, was received.

TAXES ON CERTAIN INCOMES IN THE DISTRICT OF COLUMBIA.

The committee resumed its session.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TINKHAM] is recognized for two hours.

Mr. TINKHAM. Mr. Chairman, when I was at the front the principle which was most discussed, the policy which the soldiers were carefully taught to adopt, was when you shoot hit the mark, and I say to the honorable Representative from Kentucky that the trouble with his bill is that it does not hit the mark. He shoots, but he does not hit what he aims at. Who is there in the United States, except the beneficiaries, who are not opposed to unfair profiteering, and even they in their secret hearts are ashamed of it. I am as much opposed to unfair profiteering in war times as the honorable Representative from Kentucky, and I will ardently support any reasonable, sane, practical bill which prevents unfair profiteering in rents or in food or in any other human necessity, and I shall offer at the appropriate time a bill which is very much simpler, very much more practical, and which will be of general application in the United States, to prevent the very kind of unfair profiteering which the honorable Representative from Kentucky attempts by this bill to prevent, but does not. The bill which I shall offer will be one of general application, and if no one interposes the point of order that it can not be substituted upon a local bill it will then be adopted by this House and go to the Senate.

The bill reads as follows:

> A bill prohibiting any person, lessor, or sublessor from making a larger charge for rooms, apartments, houses, hotel rooms, etc., than the rate charged for such rooms, houses, or dwellings on the 1st day of December, 1917.
>
> *Be it enacted, etc.*, That no person, lessor, or sublessor of a dwelling house, hotel, room, apartment, boarding or lodging house shall charge for the use and occupation of the same by soldiers or sailors of the United States, or any employee, officer, or official connected with the naval, military, or civil service, or any person engaged as laborer, employee, or otherwise in manufacturing or other industry producing ships, food, fuel, munitions, equipment, clothing, supplies, or any other article or thing used by the Government in any capacity during the existence and continuance of the present war with Germany, a larger charge for rental than the rate which was charged for similar rooms, houses, or dwellings on the 1st day of December, 1917. Any person violating this act shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $500.

Instead of trying to reach by the very effeminate method of taxation the evil of unfair profiteering, as proposed by the honorable Representative from Kentucky, I, coming from virile Massachusetts, will propose a virile remedy for unfair profiteering, making it a crime not only in the District of Columbia but throughout the United States. [Applause.] Now, Mr. Chairman, before I begin the discussion of the bill now before the committee I want to say one word——

Mr. MOORE of Pennsylvania. Before the gentleman goes on——

The CHAIRMAN. Does the gentleman yield?

Mr. TINKHAM. I do.

Mr. MOORE of Pennsylvania. Does the bill the gentleman suggests propose to penalize those who charge rents in excess of those charged in preceding years?

Mr. TINKHAM. There is no penalizing except by way of a tax upon anything in excess of 10 per cent of what the rents were on the 30th of September, 1916, in the bill now before the committee.

Mr. MOORE of Pennsylvania. That is a date prior to our entry into the war?

Mr. TINKHAM. Yes; that is prior to our entry into the war.

Mr. MOORE of Pennsylvania. What does the gentleman think of the idea of averaging those rates for three years prior to the war?

Mr. TINKHAM. Well, it would come nearer to working equity, but I should prefer that a substitute bill be drawn for this——

Mr. MOORE of Pennsylvania. I submit that making a comparison for a series of years would perhaps be more equitable than fixing an arbitrary date.

Mr. TINKHAM. It would be more equitable.

Mr. REED. May I ask what the arbitrary date was, 1916 or 1917?

Mr. TINKHAM. September 30, 1916.

Mr. REED. I understood the gentleman to say 1917.

Mr. MOORE of Pennsylvania. I was referring, since attention was called to it, to the substitute offered by the gentleman from Massachusetts, and I understood the gentleman's bill proposed to compare the high rate now charged with the rates which were charged on a given date preceding the war.

Mr. TINKHAM. That is true. I thought you referred to the bill now before the committee.

Mr. MOORE of Pennsylvania. I was referring to the bill the gentleman said he had introduced.

Mr. TINKHAM. I said I proposed to introduce a substitute to this bill.

Mr. MOORE of Pennsylvania. I asked the gentleman whether he had considered the advisability of making his comparison with the three years preceding the war the average rate paid for three years preceding the war ins end of fixing an arbitrary date as he has in the draft of the bill?

Mr. TINKHAM. I had not considered it.

Mr. MOORE of Pennsylvania. That is the method that is followed abroad, as I understand it, and it is a method that has been adopted by the Ways and Means Committee in the revenue bill. That is to say, a prewar period has been fixed. The gentleman could ascertain, if he cared to do that, a fair rental charge by averaging the three years' charge preceding the war.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. GARRETT of Tennessee. The bill that the gentleman proposes to offer as a substitute he concedes is subject to a point of order?

Mr. TINKHAM. I concede it is subject to a point of order.

Mr. GARRETT of Tennessee. Why does not the gentleman draw a substitute that would apply to the District and not be subject to the point of order?

Mr. TINKHAM. Mr. Chairman, I have a second substitute bill here, applying alone to the District of Columbia, if a point of order is raised against my first substitute bill of general application, but it seems to me that a technical rule of parliamentary law should not be invoked if it is possible for us to pass a law here of general application in the United States to unfair profiteering. I am firmly of the belief, as long as this matter of great importance is before us, we should pass a law of general application rather than limited application to the few feet of land here in the District of Columbia.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. LONGWORTH. I presume the committee had extensive hearings on this important bill, did it not?

Mr. TINKHAM. Mr. Chairman, there were no hearings on the bill. It was discussed for perhaps an hour and a half in full committee. No amendments were made to the bill as originally introduced, except two textual amendments, and it is, in that condition and after that history, sent here to be considered by us.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question?

Mr. TINKHAM. Yes.

Mr. JOHNSON of Kentucky. In answer to the question just asked by the gentleman from Ohio [Mr. LONGWORTH], I will say that the Real Estate Brokers' Association, through a special committee, came to me, as chairman of the committee, and said they did not want public hearings. At the time a reporter from one of the local newspapers was in the room, and they even asked him to go out while they discussed the matter with me. They said on both of their visits to me that they wished to discuss it with me instead of with the whole committee. Now, I do not know what the reasons were, but I apprehend they did not want a discussion of it because those here in the city who had been extortioned upon would also come and be heard on the other side of the question.

Mr. KELLEY of Michigan. Will the gentleman from Massachusetts yield?

Mr. TINKHAM. I will.

Mr. KELLEY of Michigan. I understand that the gentleman's bill—the one that he proposes to offer as a substitute—applying to the District of Columbia——

Mr. TINKHAM. The one I proposed applies to the United States.

Mr. KELLEY of Michigan. In the event that objection is made to that he proposes to offer a similar one applying to the District of Columbia?

Mr. TINKHAM. Yes.

Mr. KELLEY of Michigan. Has the gentleman thought what authority Congress might have to fix rentals directly in the District of Columbia or anywhere else?

Mr. TINKHAM. That is, applying his question to the bill now before us, but not my bill——

Mr. KELLEY of Michigan. The bill that you propose to offer is a bill to fix the rentals directly. This is a bill to regulate by taxation, which everybody might concede at once Congress would have full authority to pass, but the bill which you propose is a bill to fix rentals in the District of Columbia; and what constitutional warrant would Congress have to do that?

Mr. TINKHAM. Well, of course, I think some of the laws which we have passed since the war began would have been unconstitutional before the war, but to-day are not unconstitutional. I think some of the laws that we pass to-day are undoubtedly, and may be declared, unconstitutional. On the other hand, I believe wherever possible war-time legislation is going to be sustained by the Supreme Court, and if we can fix the price of food, and that is constitutional; if we can fix the price of other commodities, and that also is constitutional, I do not see why we can not fix the price at which real estate can be leased or let. However, I do not say that any of this legislation is constitutional.

Mr. MASON. Mr. Chairman, will my colleague yield for a moment?

Mr. TINKHAM. I will.

Mr. MASON. I think it is due to the chairman of our committee to call his attention to the fact, which was called out in answer to this question of the gentleman from Ohio [Mr. LONGWORTH], that the board did ask for a hearing before the committee, and there was a misunderstanding as to the date. The Committee on the District of Columbia met in order to hear them yesterday morning, as I remember it, or the day before, and it seems from a letter which I have received, and I have no doubt the chairman has received, that there was a misunderstanding as to when the hearing was to be had, and the committee, with the chairman, waited patiently half an hour for them, certainly 20 minutes, and they did not appear, and so we adjourned. Since that, and as a member of the committee, I have received a letter asking for a hearing and I have sent that to the chairman. I thought that was due to the members of this association who wished to be heard.

Mr. JOHNSON of Kentucky. If the gentleman from Massachusetts will permit, I will say that long prior to the occasion to which the gentleman from Illinois [Mr. MASON] has just referred the committee of the Real Estate Brokers' Association came to see me twice and not only argued the matter with me orally but submitted a lengthy typewritten communication. I do not know at all, but I suppose that other members of the committee and other Members of the House were furnished with that. But concerning that I have no knowledge. But they did say most plainly that they did not want open hearing; and then on yesterday morning, when there was a misunderstanding as to the time for the hearing, they indicated that the subcommittee of the real estate brokers only were to come.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KEARNS. It is not very usual that the robber wants an open hearing, anyhow, is it?

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. LONGWORTH. Mr. Chairman, I will say that my question was propounded not with any intention to embarrass the committee. I know nothing about the real estate brokers. I am in sympathy with the object sought to be accomplished by the bill, but it seems to me, on a very brief review of the bill, that there are a number of unworkable features in it, and I asked the question only to bring out the fact whether or not the bill had been carefully considered and the sections gone over with care. It was only for that purpose that I asked the question. It would seem that the bill was rather hastily considered. The bill is of the most vital importance.

Mr. JOHNSON of Kentucky. Yes; the bill is of the most vital importance, and I will say to the gentleman that I spent two or three weeks in writing and rewriting it, and I believe if the time were at hand so that the features of it could be explained the gentleman would not find a single place in it where it is not workable.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from Pennsylvania?

Mr. TINKHAM. I do.

Mr. FOCHT. Mr. Chairman, in justice to the gentlemen who are interested in connection with the Real Estate Brokers' Association, I happen to know, by reason of the fact that he was a former resident of my district, the president of this association, and he asked me, as a member of the District Committee, several days ago, if I would attend the hearings to be held by the committee yesterday morning. I told him if I was well enough I would, and I went to the meeting and found that he and his friends of the Real Estate Brokers' Association did not appear. Then I received this letter. In justice to him and others I would like to have the letter read so that the House will understand that at least he, over his signature, as well as others, did desire a hearing.

The CHAIRMAN. Does the gentleman from Massachusetts yield for that purpose?

Mr. TINKHAM. I do.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> REAL ESTATE BROKERS' ASSOCIATION,
> *Washington City, D. C., February 2, 1918.*
>
> Hon. B. K. FOCHT,
> *House Office Building, City.*
>
> DEAR MR. FOCHT: The writer evidently misunderstood the chairman of the House District Committee as to the day the special committee of this association was to be heard.
>
> All arrangements were made by us to appear Thursday, this week, at 11 o'clock. We exceedingly regret the error and sincerely trust you were not greatly inconvenienced thereby.
>
> We have asked Hon. BEN JOHNSON to arrange the hearing for a later date, and hope that the bill will not pass this week so that we may be afforded an opportunity.
>
> This is a serious proposition.
>
> Thousands of residents and nonresidents own Washington real estate who will be considerably damaged if the present bill, H. R. 9246, becomes a law.
>
> Yours, very truly, CHARLES W. FAIRFAX,
> *President.*

Mr. FOCHT. Mr. Chairman, will the gentleman yield me a moment, please?

Mr. TINKHAM. Yes.

Mr. FOCHT. As expressive of the fact that I am in accord with the view that we have just had from the gentleman from Ohio [Mr. LONGWORTH] I wish to say that I think we are all seeking to attain but one desirable object, and that is to dispose of the profiteer, and I expect to vote for a measure that will do justice to the people who come here to rent houses and remain here. Yet in a measure as important as this is, with so many untold millions involved, with so many questions as to the constitutionality of it involved, it seems to me it would be only a matter of fairness and justice, from my viewpoint, inasmuch as the business men here have asked for a hearing, that we grant such hearing or hearings. And so I hope, Mr. Chairman, that this bill will be recommitted and that these men in the Real Estate Brokers' Association who desire to be heard may be given a hearing. I hope the gentleman from Kentucky will not object to this proposal, since it involves no more than justice and fair play.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman from Massachusetts will permit——

Mr. TINKHAM. Yes.

Mr. JOHNSON of Kentucky. Speaking for those from whom extortion has been demanded and taken, and not for the real estate owners and profiteers, I ask the gentleman from Pennsylvania [Mr. FOCHT] to recall my statement to the effect that the committee of the Real Estate Brokers' Association, of which his correspondent, Mr. Fairfax, is president, came to the Committee room and told me that they wished to present their arguments to me alone, and not to the committee——

Mr. FOCHT. Of course, that is in contradiction to the letter. That is up to somebody else to decide——

Mr. JOHNSON of Kentucky. And handed me the argument in typewritten form which they wanted to present.

Mr. FOCHT. Then they changed their minds as to the form.

Mr. JOHNSON of Kentucky. They changed their minds as to the extent of the delay sought in the interest of profiteering.

Mr. FOCHT. If you do not expect to pass this bill to-morrow, do you not think it would be fair to grant their request?

Mr. JOHNSON of Kentucky. I hope we may pass this bill to-day. [Applause.]

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. RAGSDALE. I think it would be but fair that I should state here a little incident of which I have personal knowledge. I have some personal acquaintance with Mr. Fairfax, which is very slight, but I am quite sure he is a gentleman of the highest character. I was in his office on Tuesday to discuss a little matter with him, and he told me that his committee expected to come before the House Committee on the District of Columbia on Thursday, and asked me to be present. He told me they had made an engagement, expecting to come before our committee on Thursday, and I called his attention to the fact that that was the very day on which the bill would be taken up here for consideration.

Mr. JOHNSON of Kentucky. If the gentleman will permit, I will say in that immediate connection that I, too, told Mr. Fairfax over the telephone that the bill would come up for consideration on Thursday, and that the meeting of the committee on that morning would interfere with my getting my papers together for the purpose of arguing the matter on the floor of the House. I suggested that they come over Wednesday morning, and I sent out notices to all the members of the committee to be there on Wednesday morning, and I thought Mr. Fairfax understood that the meeting was to be on Wednesday morning and not on a morning that would postpone the consideration of the bill.

Mr. RAGSDALE. I am quite sure Mr. Fairfax expected the meeting to be held on Thursday, because he so informed me; and I told him that the bill was coming up on the floor of the House on Thursday; and I remember his saying, "Then you will come fresh from your hearing there to the floor of the House to consider it."

Mr. JOHNSON of Kentucky. If the gentleman will permit me, I will say that I believe Mr. Fairfax was honestly mistaken about it.

Mr. BENJAMIN L. FAIRCHILD. That is the point. There was a misunderstanding between the committee and Mr. Fairfax as to the date of the hearing.

Mr. JOHNSON of Kentucky. There is no doubt about that.

Mr. BENJAMIN L. FAIRCHILD. And as a result there has been no hearing.

Mr. JOHNSON of Kentucky. There has been no hearing beyond the hearing that they said they wanted. They asked for two different hearings before me. They said they did not want any hearing before the committee; that they wanted to discuss the matter with me alone.

Mr. BENJAMIN L. FAIRCHILD. As a member of the committee, I regret that I have not been able to join in the majority report, because there is an evil here in the District that ought to be corrected. Now, I ask the chairman of the committee, in all fairness, whether it is not due to the purpose we have in mind to accomplish, due to the interests here in the District of Columbia, and also due to the other members of the District of Columbia Committee, that this bill be referred back to the committee in order that we can bring in, after due investigation and consideration, a bill that will accomplish the purpose without injustice to anybody except the profiteers?

Mr. JOHNSON of Kentucky. In answer to the gentleman I will say that unless this bill did really stop profiteering, the Real Estate Brokers' Association and the property owners here would not be objecting to it in the least. In addition to that, I am opposed to one day's delay while these robbing methods continue. [Applause.]

Mr. BENJAMIN L. FAIRCHILD. We want to accomplish the results, and I believe the chairman of the committee realizes that although there may be some people in Washington who are subject to the criticisms he makes about the profiteers, there are Members of this House and members of his own committee who are just as desirous as he is to have this evil corrected, and because they want it corrected would like to have a proper consideration of the proposition. [Applause.]

Mr. JOHNSON of Kentucky. Does not the gentleman think he is getting consideration of it now?

Mr. BENJAMIN L. FAIRCHILD. No.

Mr. JOHNSON of Kentucky. The gentleman has ample opportunity to consider it right now.

Mr. MOORE of Pennsylvania. Will the gentleman from Massachusetts yield?

Mr. TINKHAM. I will.

Mr. MOORE of Pennsylvania. I have in my hand the bill which the gentleman from Massachusetts [Mr. TINKHAM] proposes to offer as a substitute, and I call his attention to the fact that the date he fixes when the penalty shall go on for excess charges is the 1st of December, 1917. My recollection is, and I think the facts bear it out, that rents were at their very highest point December 1, 1917. I rather like the gentleman's draft but think the date he has fixed is wrong.

Mr. TINKHAM. I think it is a little irrelevant to discuss anything in relation to a bill which not only has not been offered but which the action of the House may prevent from being offered or discussed.

Mr. MOORE of Pennsylvania. I thought it was the gentleman's intention to offer it.

Mr. TINKHAM. I said at some subsequent time, if it were possible.

Now, Mr. Chairman, before I discuss what I believe are the demerits of the bill before the committee, I want to say just one word in relation to a number of statements made by the honorable gentleman from Kentucky [Mr. JOHNSON]. He stated that there were three classes of people who were opposed to his bill, and one of the classes he denominated as men who are willing to have unfair profiteering continue. I think if I offer my bill it will show that I am as fully opposed, if not more so, to unfair profiteering in the District and the United States than he is, if my sincerity of purpose is questioned, which is something to which I am utterly unused. I have only opposed this bill because I believe, as I have explained previously in my remarks, that it does not hit the mark, that it does not accomplish its purpose, because it is futile to pass legislation which either will not effect its purpose or will be declared unconstitutional.

The gentleman said in his remarks that The Evening Star, which I consider the most influential newspaper in Washington, was not opposed to profiteering. I do not believe any American newspaper can be defended properly and as well defended by a Member of Congress or a member of any other public body as it can defend itself, and I am sure I am not audacious and bold enough to come forward as the champion of the Star in its defense; although I do think it is fair to bring to the attention of the House the article published in the Star on February 8, on the front page, in which it says in large headlines:

> No war extortion by profiteering, whether in rentals, food, or fuel, here or anywhere else in the United States.

Mr. JOHNSON of Kentucky. Will the gentleman yield right there?

Mr. TINKHAM. In a moment I will; not now. In the same article, in large type, down the column, is the statement, in discussing the bill now before the committee:

> Of course the aim of the legislation is not to collect any kind of tax, but to punish and prevent profiteering in rentals. This purpose is sound, wholesome, and in the public interest.

And there is not a Member of this Congress, and there is not a decent newspaper in the United States, or a citizen of the United States, who is not against unfair profiteering in time of war. All the minority of the District Committee wants is a bill which will effect the purpose of preventing unfair profiteering, and it does not believe that the measure reported by the committee will prevent it. I think I will be able in a few moments this afternoon to demonstrate the reasons.

Mr. JOHNSON of Kentucky. If the gentleman will yield just there.

Mr. TINKHAM. I will yield now.

Mr. JOHNSON of Kentucky. I will say that I too clipped from the Star the same article that the gentleman has just read. I did not have the time to get to it, but I wished then and I wish now to invite attention to that article, and that it opens by declaring that there has been no profiteering, but agrees that there ought to be some remedy if it is done.

Read it as you did a moment ago, the three top lines.

Mr. TINKHAM (reading)—

> No war extortion by profiteering, whether in rentals, food, or fuel, here or elsewhere in the United States.

Mr. JOHNSON of Kentucky. There is the broad statement that there is none going on. [Laughter.]

Mr. TINKHAM. I suppose an article must be taken in whole as well as in part, and surely it should be examined aside from the headlines. Now, it says below what I read before:

> Washington will welcome equitable legislation which prevents landlords from extorting excessive rentals from District tenants.

And then it suggests equitable amendments that might be made to the bill. I do not think that the interpretation put upon the headlines by the honorable Representative from Kentucky is fair. I do not think that the Evening Star meant that there was no unfair profiteering going on now in Washington, but it meant that there should not be extortion here by profiteering, and a reading of the article will convince anyone that that is so.

Now, Mr. Chairman, let us take up the provisions of this bill. This is what is before us, and not the question whether there were hearings or were not hearings, or whether there are low rentals in Cleveland or high rentals in the District of Columbia.

The question is whether the bill we are discussing would prevent unfair profiteering in rentals in the District of Columbia, and whether it should be passed.

The minority says that—

> most of the alleged improper increases of rentals sought to be eliminated by the bill will not be prevented by it; that the utter novel principles of law contained in the bill, if passed, are unsound and without precedent; that the enforcement of the provisions of the bill, if passed, would lead to grave injustices and greater abuses than now maintain; and, finally, that the present policy of the Government of the United States to obtain greater housing facilities for both business and residential purposes in the District of Columbia would be retarded if not defeated.
>
> The bill will affect about $200,000,000 worth of real estate and about $15,000,000 worth of personal property in the nature of furnishings and fixtures in the District of Columbia.
>
> The bill, reduced to its simplest terms, proposes to fix all rentals for real estate of every kind and nature or used for whatsoever purposes in the District of Columbia at the same rentals paid for it on the 30th day of September, 1916, and to allow only an increase above these rentals of 10 per cent.
>
> The law as proposed is to be retroactive to September 30, 1916, and to continue in effect until a year after the ending of the war.

That means that a man who has received a rental which was fair and just, so far as the law is concerned, at the time, and has spent the money, will have to return that amount to the District treasury. It does not seem to me that that is quite the fair thing, to allow by law certain charges to be made, and then, 15 or 20 months afterwards, declare it unlawful and deprive him of that which he has received as lawful income. Such legislation is intolerable in a land which proclaims itself the model for justice and fairness.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. JOHNSON of Kentucky. I will say that it is not my construction of the bill that any contract is made void—it is possible for it to be made voidable—but in this way the courts do not have to decide the question whether it is against public policy, for the bill makes extortionate rents against public policy.

Mr. HUSTED. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. HUSTED. As I understand the bill, it fixes taxation on all rentals paid since September 30, 1916, which are in excess of the amount fixed by the bill.

Mr. TINKHAM. That is true.

Mr. HUSTED. Assuming that a lessee receives an excess rental, his lease has expired, and he has left the District. The owner of the property was unable to recover that excess rental from him. Does the bill provide that the owner of the property will have to pay the excess rental, and if he does not, will a lien be imposed on his property? That is the way I read the bill.

Mr. TINKHAM. I think that construction can not only be read into it, but it is a plain provision of it.

Mr. ROGERS. Will the gentleman yield?

Mr. TINKHAM. Yes.

Mr. ROGERS. There is a provision in the bill that 10 per cent may be added to the amount of the rentals which had been charged prior to September 30, 1916.

Mr. TINKHAM. That is correct.

Mr. ROGERS. Would the landlord be permitted to exact 10 per cent from his tenant for the period between September 30, 1916, and the date of the passage of this act, as well as for the future?

Mr. TINKHAM. There is no such provision in the bill.

Mr. MADDEN. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. MADDEN. There is a provision in the bill which says not to exceed 10 per cent of the cost of the building may be charged for rental. In fixing that percentage of rentals which is to be allowed, has the committee taken into consideration the depreciation of the building during the period for which it is to be rented, and have they taken into consideration the likelihood of the building being vacant for any given part of the period, and have they taken into consideration the amount of taxes that are to be paid; and if they have not, how much of the 10 per cent would come to the owner of the building, assuming that he was not able to charge more than 10 per cent on the cost?

Mr. TINKHAM. Mr. Chairman, as I stated before, the consideration of the bill was limited to about an hour and a half. There were no public hearings; there was very little discussion of anything but pure details and technicalities, and it was reported out with the two amendments that you see in the report, which are purely textual changes. In other words, the committee did not consider any other question in relation to this bill, and it could not do so on a bill as complicated as this in an hour or two.

Mr. LONGWORTH. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. LONGWORTH. I do not know whether the gentleman was present this morning when I asked the gentleman from Kentucky a question for information. Under the provisions referred to by the gentleman from Illinois a number of new hotels are being built here and are not completed. After the date of completion, who is going to determine what the various rooms in those hotels shall be rented for, and how can it be determined?

Mr. TINKHAM. Mr. Chairman, the honorable Representative from Ohio [Mr. LONGWORTH] has suggested one of the many difficulties in relation to the application of the bill to produce the results desired by its author. In relation to such a problem as he has raised, the facts and arguments are these: This bill provides that if an apartment house has been constructed since the date prescribed in the bill—the 30th of September, 1916—there can be a gross charge only of 10 per cent—10 per cent on whatever its assessed value may be. The question arises immediately, How is the assessed value of these apartments—and I understand that that is the gist of the question—to be assessed or levied or divided in relation to the total assessment of the property? The only answer that has ever come from the author of the bill is that you can divide any piece of property up into cubic feet, and by the number of cubic feet you can fix what the value or rental proportionately should be. Then you would run into this difficulty immediately: On each floor, wherever situated in the building, the same number of cubic feet would be held to be of the same value. That, as we all know, is impossible. There are rooms of the same number of cubic feet which have a number of windows, others which have a southern exposure, others on floors that are more desirable, and you could not divide up your house fairly and properly on a cubic-foot basis and then say what you could charge in fairness for each piece in relation to the entire amount of the assessment in order to reach your 10 per cent gross upon your assessment. That is one of the very profound defects, it seems to me, in the workability of the bill.

Mr. LONGWORTH. I assume that under this provision a hotel, for instance, that was worth $1,000,000 would be allowed $100,000 a year—that is, to charge a number of rents which, added together, would produce $100,000 a year.

Mr. TINKHAM. Yes.

Mr. LONGWORTH. Does the gentleman think that any hotel could run on that basis, when you consider the cost of upkeep, of service, and so forth?

Mr. TINKHAM. I no more think that would be possible than I believe this is a practicable bill or that it will stop unfair profiteering.

Mr. ROGERS. Mr. Chairman, will the gentleman yield again?

Mr. TINKHAM. Yes.

Mr. ROGERS. Is it not possible that a hotel could reach the result which it would desire by charging the lodger for the night a price which should include a basis breakfast in the morning? Would not the hotel then be enabled to free itself of the provisions of this bill?

Mr. TINKHAM. Mr. Chairman, that is another difficulty with the bill; and it is pointed out in the minority report that there is absolutely no provision for covering by this tax or this law a hotel or boarding house, or even an apartment house, which sells food besides its space. They are not even included; they are excluded by the very terms of the bill. That is another reason why the minority felt it should oppose the bill, in order either that the bill might be referred back to the committee or rectified from its foundation up, or some substitute which would be more effective passed by the House.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I do.

Mr. SANFORD. The gentleman recognizes one apparently good thing about the bill, does he not, that it undoubtedly gives to every Member of Congress who has become a tenant this year a cause of action by which he could get some of his money back to enable him to pay his income tax? [Laughter.]

Mr. TINKHAM. I hope no one will be influenced by that fact.

Mr. SANFORD. I assure the gentleman I would not; but I wanted to ask him if that is not a fact.

Mr. TINKHAM. I think that might be possible.

Mr. HUSTED. Adverting to the retroactive feature of this bill, am I correct in assuming that the owner who receives the excess rental over and above the amount allowed by the bill, and who pays it through the income-tax provisions of the bill, is also liable to pay twice the amount again to the persons from

whom he received the rental, plus $50 attorney's fee in each case and the cost of the suit? In other words, is it possible under this bill for a landlord who has received this excess rental to be compelled to pay not only the full amount of the excess to the Government, but also to pay back twice the amount of the excess to the persons from whom he received it, plus an attorney fee of $50 in each case and the cost of the action in each particular case?

Mr. JOHNSON of Kentucky. Mr. Chairman, I will say to the gentleman that that is the deliberate intention of the draftsman of the bill. I purposely wrote that into the bill so that that very thing might be done.

Mr. TINKHAM. May I ask the honorable Representative from Kentucky if he means that if after September 30, 1916, an amount in excess of the 10 per cent had been charged, this bill requires, according to his interpretation, that money could not only be turned over into the treasury of the District of Columbia, but also allows the man who received it, who has received it before we have legislated, before it has been declared to be illegal, to be penalized by twice the amount that he received?

Mr. JOHNSON of Kentucky. I will say to the gentleman in answer to that that in drafting the bill I had two ideas in view. One was to treat this along the lines of the present income-tax law of the United States—that is, to make them pay these heavy penalties in the way of income tax—and then, next, to follow the laws relative to national banks concerning usury; that is, to make them pay back double the extortion they have taken, and also to allow an attorney's fee. I am extremely anxious that both should be done. I want to collect everything back that the extortioner has taken from these unfortunate people.

Mr. TINKHAM. I would like to ask this question: Does the gentleman know of any law passed by any State or by the United States in relation to usury or extortion which provides that any person who has taken a larger rate than was allowed by the law before the new law was passed should be penalized by the provisions of the new law—punished for something which was legal under the law and the Constitution at the time the transaction occurred?

Mr. JOHNSON of Kentucky. That might not be constitutional if the law were made by a State, but I do insist that it would be constitutional if made by the National Legislature.

Mr. TINKHAM. I did not ask concerning its constitutionality, but whether there was any precedent. It is unthinkable that there should be or that such a provision should be contained in any law. I did not know that the bill went as far as that. It makes it all the more objectionable.

Mr. JOHNSON of Kentucky. That is exactly what I tried to write, and then I put in in addition a minimum attorney's fee of $50 to be taxed as costs in order to protect the poor people, so that they could find a lawyer who will go after these robbers and get this money back from them.

Mr. STEVENSON. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. STEVENSON. I certainly did not understand the gentleman from Kentucky. I agree with the gentleman from Massachusetts, that I did not understand the gentleman from Kentucky as I understand the bill. The bill says:

> And any person who shall hereafter pay for the use or occupancy of any real estate, etc.

You do not propose to go back and collect that back which they paid last year, as I understood it from the gentleman's statement?

Mr. JOHNSON of Kentucky. I wish to say, since my memory has been refreshed, that at first I wrote the bill in the way I have just explained, and I had forgotten that subsequent to that I made a change, so we will have to rely upon the bill to speak for itself in that respect. But I would be very glad, indeed, to see done that which I thought had been done.

Mr. STEVENSON. Then I also desire to ask, because I am bothered about that question, how the committee proposes to validate the imposition of an income tax on incomes from real estate which is in the District of Columbia and not the incomes of real estate elsewhere. How do we get around the equality clause of the Constitution, and also, how they propose to get around the fact that they tax incomes from real estate alone—and do not tax it from anything else. Those are questions I want to hear something about before I vote.

Mr. TINKHAM. Mr. Chairman, those are some of the questions I would like to have answered.

Mr. STEVENSON. I thought possibly the gentleman was prepared to answer.

Mr. TINKHAM. I am not prepared to answer those questions, because I am strongly opposed to the bill as being unsound and not effecting its purpose. I asked the honorable Representative from Kentucky in committee how he was going to get the bill under the income-tax clause of the United States Constitution, which is a clause of general application to the United States, and then limit the application of the power to the incomes of the people of the District of Columbia. He said that that was easily done by the bill, and he thought it was constitutional. Perhaps it is, I do not know, but the deeper you go into the bill, I think, the more you can raise questions to show that it is unsound. Now, this question of the constitutionality of the taxation is raised in the first objection of the minority report, which says:

> The objections to the bill as drawn are most profound.
>
> First. The rates of taxation upon real estate of the same kind, or used for the same general purposes, are unequal, which is a violation of the first principle of every measure of sound taxation. Under the terms of the bill, if a piece of property were occupied previous to September 30, 1916, the rate then charged plus 10 per cent fixes the income, which in turn fixes the amount of the tax, or if the property were unoccupied or not built at that time, then the assessed value fixes the income, which in turn fixes the amount of the tax, and if by chance the property were a boarding house or hotel where room and board were charged in gross amount, that property under the bill would escape taxation, as no provision of the bill covers property so used; so that in one block there well might be three owners of real estate; one, with his income and consequently his tax fixed on the basis of what he was charging for rental the 30th day of September, 1916, and 10 per cent more; another, with his income and consequently his tax fixed on the basis of 10 per cent of the assessed valuation; and a third, providing room and board in gross amount, not coming within the terms of the bill. This plainly would be unconstitutional, as taxation of the same kind of property must be equal and at the same rate, and not discriminatory.
>
> Second. Section 2 establishes and levies a tax upon all excess above the fixed percentage of rentals in the bill; yet section 5, lines 11-13, declares any contracts or agreements made whereby the tax could be collected "are hereby declared contrary to public policy and unenforceable." In other words section 2 establishes a tax by the Congress of the United States and in the same law the contracts from which the tax grows and out of which the tax can be levied are declared to be "contrary to public policy and unenforceable."

I do not know, Mr. Chairman, quite how to denominate a situation of that kind. I do not believe there is any bill that has ever been presented to the Congress which established a tax and then makes the tax illegal. It surely is quite anomalous and can not be sound legislation.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. TINKHAM. I will.

Mr. HOWARD. Suppose this tax was uniform within the District of Columbia. The gentleman would not then contend it was unconstitutional, because Congress has exclusive and peculiar jurisdiction over the District of Columbia that it has not in other parts of the country.

Mr. TINKHAM. My answer to that question——

Mr. HOWARD. If it were uniform, that is the point.

Mr. TINKHAM. I have just criticized the bill as not giving uniform taxation to the District, and the question a few moments ago was raised as to the constitutionality of applying the income tax under the income-tax provision of the Constitution and applying it only to the District of Columbia, and I have the query whether perhaps there is not an element of unconstitutionality in that phase of the bill.

Mr. HOWARD. As the bill is written, I do not think the gentleman will contend that anything but incomes from realty is taxed and the imposition of taxes is put upon incomes under the provisions of the bill as written is uniform.

Mr. TINKHAM. In the District, but not throughout the United States, and that is the question whether you can impose——

Mr. HOWARD. The gentleman would not contend that it was necessary to make this bill constitutional?

Mr. TINKHAM. I say there is a query about it.

Mr. HOWARD. Does not the State of Massachusetts impose an income tax and also the Government of the United States?

Mr. TINKHAM. Yes.

Mr. HOWARD. And it imposes it uniformly within the confines of the State of Massachusetts?

Mr. TINKHAM. It imposes its taxes in Massachusetts under its own constitution.

Mr. HOWARD. Yes.

Mr. TINKHAM. The only way the tax is imposed in the District of Columbia on incomes, as I understand it, is under the general income-tax clause of the Constitution, which must apply to the entire United States.

Mr. HOWARD. Will the gentleman contend that this Congress would not have the right, if it saw fit, as a tax measure, to provide for an additional tax to the present income tax uniformly throughout the United States and the District of Columbia?

Mr. TINKHAM. I think it might; yes.

Mr. HOWARD. Then it has the right to impose this tax if it is applied uniformly.

Mr. MEEKER. Will the gentleman yield?

Mr. TINKHAM. I will yield in a moment. I did not raise the question of the constitutionality of the tax on that ground.

Mr. HOWARD. If the gentleman will permit, the gentleman from South Carolina [Mr. STEVENSON] did raise that very point, and the gentleman concurred in his reasoning.

Mr. TINKHAM. I said it might be so.

Mr. STEVENSON. Will the gentleman yield one minute, inasmuch as I have been brought into this?

Mr. TINKHAM. I will.

Mr. STEVENSON. I raised the question because I wanted to get a little light, and I did also raise the question on this taxing of incomes derived in the District of Columbia from only one species of property and not taxing all of them equally and excluding income derived from all other. I ask now if such is not a discriminatory tax?

Mr. HOWARD. If the gentleman from Massachusetts will yield, I would like to answer the question of the gentleman from South Carolina. Will the gentleman yield?

Mr. TINKHAM. I will not. I yield to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. I would like to ask to what extent, inasmuch as the gentleman from Georgia is referring to the State of Massachusetts as an illustration, the State of Massachusetts under its constitution would think of putting such a special tax on the citizens of Boston alone and letting the others go free? Would that be considered constitutional?

Mr. HOWARD. I will answer the question, if the gentleman from Massachusetts will permit. Boston could impose any tax it saw fit as a revenue measure if it was given the right under the constitution to do it, but the State could not tax one city in the State of Massachusetts one way and another city in another way.

Mr. TINKHAM. I think it is conceded that you can not fairly and constitutionally omit certain classes of real estate and include other classes of real estate in a tax measure and those that were included be fixed at different rates.

Now, the third objection found by the minority is as follows:

> Section 3, page 5, lines 14-16, provide that "the said tax and all penalties thereon shall constitute a superior lien on the 'real estate' from which the income has been derived." Section 1 defines the words "real estate" "to include lands, buildings, parts of buildings, houses, dwellings, apartments, rooms, suites of rooms." This would allow a tenant or lessee against the will or wish of the owner to charge the owner's property with a lien, which is utterly indefensible. If the lien can be imposed upon the property by the lessee or tenant, he can put the excess money subject to the tax in his pocket and let the owner pay the tax, which does not stop the evil, because the greatest of the alleged abuses of increased rentals have come through contracts made by lessees with their subtenants. If the bill, when it became law, were construed to apply only to owners of property because no property should be subjected to a lien except by act of the owner, then the greatest of the alleged abuses as indicated would not be reached. If the bill, when it is passed, were construed to allow the lessee or tenant to create a lien upon the property of the owner, no responsible landlord would let a house or building to people who let rooms, as he would not want to run the risk which the bill would impose upon him and his property, which in turn would reduce rooming facilities in Washington when they are most needed.
>
> The bill only provides for the collection of the tax in the way indicated.

Mr. PAIGE. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. PAIGE. I have been very much interested in this discussion, and I would like to ask my colleague which he thinks will be the easiest, to carry out the provisions of this law or to win the war?

Mr. TINKHAM. I shall have to be frank and say, Mr. Chairman, that I do not know.

Now, the answer by the majority of the committee to the third objection of the minority and in the debate which has just occurred was that all leases in the District of Columbia contain a clause saying that the consent of the landlord must be obtained, and therefore if the consent of the landlord must be obtained he was charged with knowledge, and if his tenant practiced extortion he should be held. But nearly all small property and nearly all lodging houses, as distinguished from apartment houses, are not let by landlords upon formal leases. That is true in the District of Columbia and it is true in all of the large cities of the United States. Large buildings, apartment houses that are of large value, are let, it is true, on leases, and very often it is the custom to require that the tenant—that is, the lessee—must obtain the consent of the landlord to sublet. But there are thousands of houses, tens of thousands of houses, perhaps, worth no more than from $6,000 to $10,000, or $12,000, or $15,000, where there are no leases, and that is true in the District of Columbia. Now, where there are no leases, so far as this bill provides, a tenant against the will and without notice to his landlord, can charge the property with a lien. So the third contention of the minority, it seems to me, is properly sustained.

Mr. SNOOK. Will the gentleman yield?

Mr. GOULD. Mr. Chairman——

Mr. TINKHAM. I will.

Mr. SNOOK. The chairman of the committee, the gentleman from Kentucky [Mr. JOHNSON], stated——

The CHAIRMAN. To whom does the gentleman from Massachusetts [Mr. TINKHAM] yield?

Mr. GOULD. Mr. Chairman, I make the point of no quorum.

Mr. SNOOK. The gentleman from Kentucky stated that the income tax——

Mr. GOULD. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from New York makes the point of no quorum. The Chair will count.

Mr. GARRETT of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. A point of order, Mr. Chairman. I rise to a point of order. The gentleman can not state a parliamentary inquiry during the ascertainment of a quorum.

The CHAIRMAN. The point of order is well taken. The Chair has counted 59 Members present, and the Clerk will call the roll.

Mr. GARRETT of Texas. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Texas rise?

Mr. GARRETT of Texas. I make the point of order that the gentleman is out of order, because he can not take another Member off his feet in the midst of his speech.

The CHAIRMAN. The Chair may be inaccurate in his ruling, but it has been held that he can. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Estopinal	LaGuardia	Rubey
Anthony	Fairchild, G. W.	Lea, Cal.	Sabath
Ashbrook	Fields	Lenroot	Sanders, Ind.
Austin	Flynn	Lever	Sanders, La.
Beakes	Francis	Littlepage	Schall
Bell	Freeman	Lunn	Scott, Pa.
Brodbeck	Gandy	McArthur	Scully
Butler	Gard	McCormick	Sears
Byrnes, S. C.	Garland	McLaughlin, Mich.	Shackleford
Capstick	Godwin, N. C.	McLaughlin, Pa.	Shallenberger
Chandler, N.Y.	Goodall	Magee	Siegel
Collier	Gordon	Maher	Slemp
Copley	Graham, Pa.	Mann	Small
Costello	Gray, Ala.	Miller, Minn.	Smith, C. B.
Crago	Gray, N. J.	Mondell	Snyder
Crisp	Greene, Vt.	Montague	Stedman
Curry, Cal.	Hastings	Morin	Steenerson
Dale, N. Y.	Hayden	Mudd	Sterling, Ill.
Davidson	Hayes	Neely	Sterling, Pa.
Davis	Heflin	Nicholls, S. C.	Strong
Dent	Heintz	Olney	Sullivan
Dill	Hollingsworth	Peters	Tillman
Dooling	Hood	Platt	Vare
Dowell	Houston	Pou	Ward
Drane	Hull, Iowa	Price	Watson, Va.
Drukker	Humphreys	Rainey	Webb
Dunn	Johnson, S. Dak.	Rankin	Welling
Dupré	Johnson, Wash.	Riordan	Wilson, La.
Dyer	Jones, Va.	Robinson	Wood, Ind.
Edmonds	Kahn	Rodenberg	Woodyard
Esch	Kincheloe	Rowland	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. RUCKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes, and finding itself without a quorum, he had caused the roll to be called under the rule, and 305 Members had responded, and he furnished a list of absentees to the Clerk for printing in the RECORD.

The SPEAKER. The committee will resume its sitting.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TINKHAM] is recognized.

Mr. SNOOK. Mr. Chairman, will the gentleman yield?

Mr. TINKHAM. I yield to the honorable Representative from Ohio.

Mr. SNOOK. When I was interrupted by the roll call I was endeavoring to ask the gentleman a question. The distinguished chairman of the committee [Mr. JOHNSON of Kentucky], as I understood him, in his argument said that the provisions of this bill applied to cases of subleasing. For illustration, let

me put a concrete case. If a person leased an apartment and then furnished it with furniture completely and leased it for the years 1916 and 1917 for $100 a year and then increased the rent to $200 a year for the present year, where is there any provision in this bill that applies this income tax to a rental of that kind?

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman let me answer in one word?

Mr. TINKHAM. I do not object to the honorable Representative from Kentucky answering it.

Mr. JOHNSON of Kentucky. The answer is that all incomes derived from unfurnished real estate in excess of 10 per cent are taxed.

Mr. SNOOK. I will point out that this income is not entirely received from real estate. It is income from mixed property, from real estate and personal property combined, and the definition of "real estate," as set out in the first paragraph of the bill, does not cover it.

Mr. JOHNSON of Kentucky. But the gentleman will see there is a clause in the bill that takes care of furnished apartments. There the owner is allowed 15 per cent, whereas the owner is allowed only 10 per cent advance for unfurnished apartments.

Mr. SNOOK. Is that in cases where they have not rented them before?

Mr. JOHNSON of Kentucky. I think it applies to the whole situation.

Mr. TINKHAM. Now, Mr. Chairman, the fourth objection of the minority is as follows:

No distinction is made in the bill between real estate which is let or leased bare of service and heat and those which are let and leased with service and heat; yet the same rate of increase, namely, 10 per cent, is only allowed for each; nevertheless, since September 30, 1916, maintenance and supplies have increased 50 per cent or more in the District of Columbia, coal over 100 per cent, with a great decrease in quality, and the cost of services also has greatly increased.

Criticism was made during the debate that the price charged for coal in the District had not increased 100 per cent. Perhaps it has not. My information was—the best I could obtain—that it had; but for the sake of the argument I am willing to correct the statement there made and admit it is wrong, if it is, and say that there has been an increase in the price by 50 per cent. It will not affect the validity of the objection against the bill now being made by me.

Further:

To fix an arbitrary figure the same for both classes of property is unfair and discriminatory. The cost of all maintenance, supplies, and services are advancing and undoubtedly will advance during the continuance of the war; yet the bill fixes, irrespective of these increases, past, present and future, a rigid limitation on the income until a year after the war has come to an end.

It seems to me, Mr. Chairman, the statement in the report is clear enough. It does not discriminate between property which supplies no services, heat, and so forth, and property which supplies much services, heat, and so forth, and yet the limitation of return is the same, which means that the person who owns property and does not render services, heat, and so forth, will receive more of an income under the bill, if it is passed, than the person who has the same character and kind of property who is supplying services, heat, and so forth, and who has had to pay and will have to pay an increasing amount for these things.

Mr. JOHNSON of Kentucky. The gentleman understood me there that I was going to offer an amendment as to that.

Mr. TINKHAM. Now, the fifth reason why the bill, according to the minority report, should not be passed in its present form is that——

Under the terms of the bill no distinction is made between residential and business property. The Government has made contracts with owners of business property which this bill would make void. Legislation which makes void contracts and agreements entered into in good faith and voluntarily before the passage of the bill is a vicious exercise of legislative authority, if it is constitutional.

Now, I do not say that it is unconstitutional. I rather think contracts, under the Constitution, can be made void that have been entered into in good faith, so far as the United States laws are concerned, so that I lay no emphasis on that element in the objections to this bill. But we contend further in the minority report that—

The effect of the bill, if passed, must be to prevent the renting of property of this class, whereas the policy of the Government has been to promote the leasing of such property for the use of its own departments and that of its contractors, who are coming to the District of Columbia in increasing numbers. Many of the owners of such property, if their leases were automatically canceled by this law, might demand their property back, not being satisfied with the return allowed under the bill and the conditions imposed by it.

The sixth objection to the bill is as follows:

There is always a serious and profound objection to making legislation retroactive. In relation to this particular measure, it can be said that this is unusually true. Many people in the District of Columbia, who, since September 30, 1916, leased their residential property at advances in excess of those allowed by the bill and with the assurance of the increased income, and have made new arrangements for themselves and families by agreements and leases, with the understanding of what their income would be, would have their arrangements seriously affected, although their agreements and leases, both with their tenant on the one hand, and their landlord on the other, were made in good faith and would be most unfair to them.

Mr. Chairman, the seventh objection to this bill found by the minority is as follows:

Section 5 does not plainly state that the landlord as well as the tenant can avoid the lease if made in excess of the stipulated rates, even although such a lease is declared against public policy and unenforceable. If the tenant or lessee has the right to avoid his lease made since September 30, 1916, the landlord should plainly have the same right, in which case many landlords, if compelled to take lower rentals, might take back their property.

This would include Government property—that is, property leased to the Government—of which there is much in the District of Columbia leased since September 30, 1916.

Now, the eighth objection is that—

In section 3, page 4, lines 16 and 17, a return must be made to the assessors every month. This feature is not only vexatious but would cause a large increase in the cost of maintenance of the assessor's office.

I would like to ask the honorable Representative from Kentucky if he knows of any other law under which a monthly return is made? If so, I should be pleased to be informed of it.

Mr. JOHNSON of Kentucky. No; I do not; and I provided for monthly returns instead of annual returns so as to give these profiteers just as much trouble as possible. [Laughter and applause.]

Mr. TINKHAM. The ninth objection of the minority is that—

The rentals for the District of Columbia on the basis of 1916 as a standard as taken in the bill are distinctly unfair, as 1916 rentals were very low. There were 8,000 to 10,000 vacant houses during that year, owing to the attraction of many of the population to munition factories and to other employment outside of the District. In many of the poorer sections of the District of Columbia rents have not been increased over the 1916 standard, but if this bill is passed it might well be a suggestion and incentive to the owners of this class of property to increase their rentals over those now in vogue by 10 per cent.

The tenth objection is that—

An extensive campaign is being made among the residents of the District of Columbia to house new Government employees who are coming here to the District in large numbers. With such a law in effect as proposed many residents would undoubtedly refuse their facilities, as they would not desire to run the risk of becoming involved with such a law as is proposed in this bill.

Now, Mr. Chairman, only one word in closing, and that is this, that the minority of the Committee on the District of Columbia are as sincerely desirous of stopping unfair profiteering in the District of Columbia, or in any other part of the United States, as the majority, or the honorable Representative from Kentucky, Mr. JOHNSON; but they do not want to pass a bill which they believe is not only unconstitutional, in at least one of its phases, but unworkable, and which will not produce the results which are believed by both sides to be desirable. I therefore believe that one of three courses should be followed in relation to this bill: As no hearings were given and only an hour and a half given to the consideration by the committee, it should be referred back to the committee for reformation, or——

Mr. JOHNSON of Kentucky. Will the gentleman yield just there?

Mr. TINKHAM. I will.

Mr. JOHNSON of Kentucky. Would the gentleman advocate giving burglars and thieves a hearing in preparing laws to stop them from their practices?

Mr. TINKHAM. Mr. Chairman, I do not know how to reply to that question. I am frank to say. I am going to let it remain in the RECORD exactly as it was spoken, without any reply.

Mr. SMITH of Idaho. Mr. Chairman, I understand the people interested in this bill had an opportunity to be heard and declined to appear before the committee.

Mr. TINKHAM. That is not so.

Mr. SMITH of Idaho. Did not the chairman so state?

Mr. JOHNSON of Kentucky. I say most emphatically that Mr. Fairfax and the other gentlemen who came to me with their written objections to this bill said that they wanted to come to me alone with them, and not before the committee, and they came twice.

Mr. FOCHT. All right, Mr. Chairman. We have just had read into the RECORD a letter from Mr. Fairfax, in which he said they did want a hearing.

Mr. JOHNSON of Kentucky. I thoroughly agree with the gentleman as to that feature of it. They wanted a hearing to-day.

Mr. FOCHT. They want a hearing, and this House ought to do them the justice to let them be heard.

Mr. JOHNSON of Kentucky. They want all the hearings that will make delay, and they do not want any more hearings.

Mr. FOCHT. As far as Mr. Fairfax is concerned, I resent the impeachment that he is other than a reputable gentleman, and asks only fairness.

Mr. BENJAMIN L. FAIRCHILD. In all fairness to Mr. Fairfax, the chairman of the committee will agree that subsequent to the date when the chairman had that conversation with Mr. Fairfax about a conference with the chairman alone, there was an endeavor between the chairman and Mr. Fairfax to fix a date for a hearing.

Mr. JOHNSON of Kentucky. Either yesterday or to-day.

Mr. BENJAMIN L. FAIRCHILD. And they supposed it was for this morning, and there was a misunderstanding between the two, and as a result there was no hearing.

Mr. JOHNSON of Kentucky. I have not intentionally said anything reflecting on Mr. Fairfax, and I agree with everything you say about him.

Mr. BENJAMIN L. FAIRCHILD. There has been no hearing, because of a misunderstanding about the date.

Mr. JOHNSON of Kentucky. There was no hearing yesterday, because of a misunderstanding between Mr. Fairfax and myself; but Mr. Fairfax was before me with a number of other gentlemen upon two previous occasions, when we sat for hours at a time discussing the bill.

Mr. FOCHT. But there was no hearing before the committee.

Mr. JOHNSON of Kentucky. It was not my fault, because they came and asked to see me alone, and I saw them, according to their request.

Mr. TOWNER. Will the gentleman yield to me?

Mr. JOHNSON of Kentucky. I will.

Mr. TOWNER. I would like to ask the chairman of the committee a question. It seems to me that perhaps a matter vastly more important than the desire of the persons who may be interested in this legislation is the question as to whether or not it is constitutional and right. The gentleman knows well—better than almost anybody else on the floor of the House—that the limitations on the powers of Congress with regard to taxation in the District of Columbia are exceedingly ill-defined. Congress is the legislative body of the District of Columbia, and yet constitutionally there are no statements affecting the powers of Congress to tax the people of the District of Columbia. Now, whether the ordinary constitutional limitations apply, or whether common-law limitations, which are still greater and more strict, will apply in a case of this kind, I confess that I have not had time or opportunity to examine. This is such a novel piece of legislation, does not the gentleman from Kentucky think that it would be advisable that at least final action on it should go over until Members of Congress have an opportunity to give the matter more consideration?

Mr. JOHNSON of Kentucky. I will say, if I may be permitted, in answer to the gentleman from Iowa, that only a few years ago a bill was before Congress which some of the ablest minds in both branches of Congress pronounced to be unconstitutional. The President of the United States, in my judgment one of the greatest lawyers in the country—President Taft—vetoed the bill because he thought it was unconstitutional, but since then the Supreme Court of the United States has decided that it was constitutional. I think these people ought not to be permitted to rob the citizens of this District one day while the discussion goes on as to whether it is constitutional or not.

Mr. TOWNER. The gentleman's statement in regard to the matter only emphasizes the fact that I stated a moment ago as to the uncertainty of the constitutional powers of Congress as to taxation in the District of Columbia. I agree with the gentleman that no one should be allowed to rob anyone else in the District of Columbia for a single day longer, but the gentleman is too good a lawyer to desire, I am sure, questionable legislation to be passed when it may result in not accomplishing what he and we all desire, the prevention of extortion, because it may be unconstitutional.

The CHAIRMAN. The gentleman from Massachusetts has three minutes remaining.

Mr. TINKHAM. Mr. Chairman, if this bill is not recommitted to the committee, the next course which should be pursued is to substitute a bill which I will propose at the proper time for this measure, which I think will correct the evil and accomplish much better than the bill that is before the committee in its present form what the honorable Representative from Kentucky desires to have accomplished. I think the bill as it is now presented to us is vicious and should be defeated. [Applause.] Mr. Chairman, I reserve two minutes of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. RUCKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3433. An act requiring the Government to furnish uniforms to officers of the Army, and for other purposes.

TAXES ON INCOMES, DISTRICT OF COLUMBIA.

The committee resumed its session.

Mr. JOHNSON of Kentucky. Mr. Chairman, how much time has the gentleman from Massachusetts used?

The CHAIRMAN. The gentleman from Massachusetts has 32 minutes remaining.

Mr. TINKHAM. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, there has been some discussion about the question of hearings on this bill before the committee. There were no hearings on it. The bill was introduced January 25, as will be seen by reference to the date on the bill. The Committee on the District of Columbia voted to report it out on February 1, at the first meeting of the committee after it was introduced. After the committee had voted to report the bill out, a motion was made and carried to have hearings on it, but no hearings have been had.

I am in favor of the purpose sought to be accomplished by the bill, as stated in the report of the committee, namely, to stop the practice of extortion and profiteering in rents in the District of Columbia. As far as I am concerned, I am not at all alarmed about its not being a proper function of the Government to do so; but as to the constitutionality or unconstitutionality of this particular bill, I shall leave that for others to discuss and shall confine myself to a discussion of it upon its merits, regardless of the constitutional question.

Everyone knows of the crowded condition of the city and the difficulties involved in securing proper housing facilities within the District on reasonable terms, or, as a matter of fact, on any terms at all, for the greatly increased number of Government employees coming to Washington since the declaration of war; and no doubt everyone here has heard of instances where the rent for houses and apartments has advanced to an enormous and outrageous extent, although it is only fair to say that disinterested people of responsibility who have investigated the conditions declare that such increases are by no means universal.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MAPES. I yield to my colleague from Michigan.

Mr. SMITH of Michigan. I have heard it reported that before the 1st day of the coming August the number of clerks in the different departments on account of the war activities will be increased by 20,000.

Mr. MAPES. I have seen substantially that same statement. The committee held no hearings and has no official information to present to the House. Congress should, however, do all that it can and take whatever action is necessary to prevent the possibility of extortion or profiteering in rents in any case.

The pending bill, however, in order to be made workable and in order that it may not aggravate the housing difficulties in the District, which it, of course, proposes to relieve, ought to be amended in some important particulars.

All price-fixing legislation of whatever nature is important and deserves careful consideration. As a member of the Committee on the District of Columbia, I regret that that committee did not see fit to give legislation of so great importance more consideration and perfect this bill or report one which represented the consensus of opinion of at least a majority of the members of the committee after mature and careful deliberation.

There has been something said about the time this bill was considered in the committee. It so happened that I looked at my watch on the morning that the committee met as I stepped into the committee room. It was 20 minutes of 11 at the time, and the committee had not then been called to order. I looked at my watch after it had adjourned, and it was not quite 20 minutes of 12; so that the committee was in session a little less than one hour. During that time the chairman had read the bill, there had been several aye-and-no roll calls of the committee, and whatever consideration was given to the bill and

its different provisions was given within that time, a trifle less than one hour.

Mr. BENJAMIN F. FAIRCHILD. Had the bill been considered by any subcommittee?

Mr. MAPES. It had only been introduced about a week before, and the committee had not considered it at all.

Mr. BENJAMIN F. FAIRCHILD. Neither the committee or a subcommittee?

Mr. MAPES. Neither the committee nor any subcommittee. The bill was voted out of the committee at one session of less than one hour's duration without any adequate opportunity being given for amendment or discussion 10 days before it could possibly be considered under the rules in the House. One of the apologies for this action was that the bill could be considered, discussed, and amended in the House, although that, of course, is the duty of a committee and might more appropriately have been done for several days by the committee in this instance without losing any time or without delaying the passage of the bill a single hour. In fact, it would in all probability have expedited its final passage through the House. At any rate it would not then have been necessary to convert the House into a standing committee.

The matter of rent is so intimately connected with the shortage of houses, apartments, and rooms to house the people constantly coming to Washington, and apparently in increasing numbers as the war continues, that the two can not be separated in any proper consideration of the subject.

Tuesday the House passed a bill reported by the Committee on the Merchant Marine and Fisheries, which had already passed the Senate, authorizing an appropriation of $50,000,000 to enable the Government, through the Shipping Board, to buy and build houses for the employees of the shipyards.

The chairman of the Committee on Labor of the House has introduced a bill prepared and recommended by the Department of Labor authorizing an appropriation of another $50,000,000 for the purpose of enabling the Government, through the Secretary of Labor, to buy or build houses for employees of the Government generally and for industrial workers engaged in industries connected with the national defense and security and for their families during the war.

Mr. Whitaker, one of the experts who testified at the hearing before the Committee on the Merchant Marine and Fisheries during the consideration of the bill reported by that committee at the instance of the Shipping Board, testified that his "study of this question of housing dates back over 20 years, and so far as this immediate project is concerned"—that is, the proposition of housing the employees of the shipyards—"it dates back," he continues, "to when I was asked by the War Department to draft a program on account of some serious difficulties in the production of munitions. * * *

"Since that time this project has passed through a great many stages. The Council of National Defense have had two separate committees at work; they have held a great many hearings and taken a great mass of testimony."

And yet the Committee on the District of Columbia, without, I dare say, a member who has ever given the subject any special consideration, solves the problem for the District of Columbia in less than one hour's time. Why should these other agencies of the Government be permitted to waste their time and ability in such a manner when the District Committee could solve their difficulties for them so promptly?

The conclusion reached by the Shipping Board and the Secretary of Labor after consideration of the subject is that the Government should build houses and keep down the rents by increasing the supply and fixing a reasonable rent for the Government houses.

The pending bill may provide an effective method of keeping down the rents within the District, but there are other questions of equal importance involved which ought to be considered if the great influx of Government employees on account of the war is going to be properly housed. The man who is out looking for a place to sleep these cold winter nights is as much concerned over finding a place to stay as he is over the price he has to pay after he finds it, and it is fair to assume that the owners of real estate will find little in this bill to encourage them to increase their housing facilities to relieve an already overcrowded condition.

Personally I believe that in addition to any bill limiting the charges for rent some action will have to be taken by the Government to build accommodations for the people within the District of Columbia similar to that proposed by the Shipping Board and the Secretary of Labor. The housing facilities are already greatly inadequate and it is estimated that upward of 20,000 additional Government employees will come to Washington during the current year, as my colleague from Michigan [Mr. SMITH] states.

In this connection it seems to me that people who are not Government employees or who have no business with the Government ought to keep away from Washington at the present time. The housing facilities are too limited and the number of people who are actually obliged to be here is so great that the city ought not to be made a resort for the retired and pleasure seeking part of society during the war. Before coming here they may well ask themselves whether they have the moral right to come and preempt the already grossly inadequate supply of housing and hotel accommodations, thereby depriving the necessary Government employees of them. In my opinion they have had more to do in causing the greatly increased rent and other living expenses within the District than anything else. With more money than discretion they come to Washington and are willing to pay temporarily almost any price for furnished houses or hotel accommodations.

The pending bill proposes to take a sort of prewar period of 18 months prior to September 30, 1916, to determine the normal or fair income from rents on property within the District and then to levy a tax, to be paid to the District of Columbia, of 100 per cent on all above 10 per cent that the gross income from rent since December 31, 1916, exceeds the gross income from rent for an equal period of time during the prewar period, that is, the 18 months prior to September 30, 1916. In other words, if the income from rent since December 31, 1916, or any part of such time is more than 10 per cent greater than it was for an equal period of time during the 18 months prior to September 30, 1916, this bill proposes to tax and collect all of such excess from and after December 31, 1916, until one year after the signing of the treaty of peace between the Imperial German Government and the Government of the United States.

All leases and agreements to pay more than the 10 per cent paid during the prewar period are declared to be against public policy and unenforcible, and in addition to the tax of 100 per cent the bill authorizes any person who shall pay more than the 10 per cent received during the prewar period after the passage of the act to sue and recover double the amount thereof and the costs of suit, including a reasonable attorney's fee of not less than $50.

It is safe to conclude that if this bill is enacted into law no one will accept for the rent of his property within the District more than 10 per cent over what he received during this prewar period. If he does he will be required to pay back to the District government and his tenant three times the amount—100 per cent to the District government and 200 per cent to the tenant—in addition to costs of suit and an attorney's fee of not less than $50.

Mr. HILLIARD. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. HILLIARD. What effect would that have on the real estate men?

Mr. MAPES. I think it would stop the increase of rentals in the District, as I have stated.

Mr. HILLIARD. That is the present purpose of the legislation, is it not?

Mr. MAPES. I have so stated in my remarks.

The bill provides that the 100 per cent tax to the District government shall date back to December 31, 1916. There was some criticism about the retroactive features of the income-tax provisions proposed in the war-revenue bill of last year. They were finally stricken from that bill, but they did not compare with the retroactive features of this bill. In addition to this 100 per cent tax provided for in this bill, the owners of real estate within the District have paid or must pay under the general law the same income tax for last year as anyone.

Allowing the prewar period to remain as the 18 months prior to September 30, 1916, for the purpose of arriving at the proper rent, the 100 per cent tax ought not in good conscience to apply to any income received prior to December 31, 1917, and the bill should be amended in that respect. With that amendment this provision would still date back to the first of this year and would reduce rents at once to the normal level of the prewar period plus the 10 per cent allowed by the bill, and would accomplish what the bill aims to accomplish, namely, the reduction of rents.

One of the principal abuses as far as this rent question is concerned is the rerenting of leased apartments by tenants. They lease an unfurnished apartment, put a little furniture in it, and rerent it at a greatly advanced price, in some cases several times the amount received by the owner or the original lessor. It seems to me there is more or less uncertainty as to whether the

bill covers lessees and sublessees and that it should be amended so as to clearly include them.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. CAMPBELL of Kansas. Did the committee ascertain the amount of subletting that is now being done in the District?

Mr. MAPES. It did not. The committee held no hearings, as I said before.

Mr. CAMPBELL of Kansas. Held no hearings on the bill?

Mr. MAPES. Held no hearings on the bill.

Mr. CAMPBELL of Kansas. I do not know, but I think it would be interesting for the House to know the amount of subletting that has been done at enormously increased rents. I have been told that the owner who makes a lease has had very little to do with the enormous rents that are being charged up to the tenants who are occupying the property, and that the vice is in the subletting. A few hundred dollars' worth of furniture is put into an unfurnished apartment and that is leased for sometimes three times the amount of the original rent.

Mr. MAPES. I think every Member of the House has heard of a great many instances of that kind. How general it is I have no way of telling.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MAPES. Yes.

Mr. KELLEY of Michigan. In the case which my colleague cites, of a subtenant furnishing an apartment and leasing, this bill presumes to make the excess tax a lien against the real estate. What does my colleague think of that as a legal proposition?

Mr. MAPES. I am just about to discuss that.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. MAPES. For a brief question. My time is limited.

Mr. JUUL. In the matter of the retroactive features of the bill as discussed by the gentleman, does the gentleman want that the people who have safely deposited the result of their extortion in the banks should get away with it, and that what we have suffered, if we have suffered, to date should be forgiven and forgotten?

Mr. MAPES. I doubt whether there was very much of this excessive charging for rent prior to a very few months ago, and my suggestion is that the retroactive provision date back to December 31, 1917.

Mr. JUUL. I can give the gentleman a case where people remaining in a place were boosted 60 per cent in the rent from one month to the next.

Mr. MAPES. And I dare say that that was only a short time ago, perhaps since December 31, 1917. It is of course indefensible. If the bill should pass it would immediately reduce the rent to the prewar rent, which is the purpose of the bill.

The owners of real estate complain that the tax is made a lien upon the property, even though the lessee and not the owner is the profiteer, but the interests of the owner can probably be safeguarded in this respect, for the future at least, by the clause usually inserted in leases against subletting without the consent of the owner.

It is impossible, however, to justify or reconcile the retroactive feature of the tax in so far as this practice of subletting at greatly advanced rates is concerned, assuming that it covers it with the provision of the bill which makes the tax a lien on the property. The owner must pay the tax to protect his property, even though he received no benefit from the excessive rent, and no matter how much he may have regretted the action of his tenant in rerenting at the advanced rate, and even though the original lessee, the only profiteer in the case, may be wholly irresponsible and now out of the jurisdiction of the District. The constitutionality of this feature of the bill may well be questioned. Can one man's property be taken to redress the wrong of another? But this provision goes still further—it levies a retroactive tax on the income of one man not subject to taxation at the time or during the period for which it is levied and makes that tax a lien on the property of another.

Those who have been making a disinterested study of the housing conditions in the District say that one of the real problems is to prevail upon the residents of the District who have not heretofore done so to open their homes and to rent one, two, or three rooms to the employees of the Government. It seems to me that the provisions of the bill are unworkable, as far as the renting of an individual room in a home is concerned, and would tend to keep people from doing this very desirable and much-needed thing rather than to encourage them to do it. No legislation should be passed which would have that effect or tendency, and the bill should be amended so as to exempt private families who are willing to thus open their homes.

The bill provides that in case no income was received from property during the prewar period of 18 months prior to September 30, 1916, the owner shall be allowed a gross income equal to 10 per cent of the value of the property producing the income, including furniture, if any, "as determined by the assessor of the District of Columbia," before the operation of the 100 per cent tax. That provision would be unworkable as far as the renting of an individual room in a private family is concerned. It would not be practicable to secure a separate valuation of the separate rooms throughout the District, and a roomer in a private home ought not to be required to pay 10 per cent of the value of the entire place for a single room.

The value of the property as determined by the assessor of the District of Columbia is made the basis of calculation, but the bill does not state whether by that is meant the present assessed valuation or whether the assessor is to make a special valuation in order to carry out the provisions of the act. If it means the present assessed valuation, then it must be remembered that real estate within the District is now assessed at two-thirds of its actual value, not its full value. Two-thirds of 10 per cent is 6⅔ per cent, so that the bill actually allows the owner of real estate who wishes to rent property now that was not rented during the prewar period to receive a gross income of 6⅔ per cent only on the actual value thereof. Of course the net income would be less than that, how much less depending upon the nature of the property and the uses to which it is put.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield for a statement there?

Mr. MAPES. Yes.

Mr. JOHNSON of Kentucky. I have already said that it was not the purpose of the bill to base this 10 per cent or 15 per cent upon the appraised value, and inasmuch as several gentlemen have read the bill in that way, I have already said that I have an amendment prepared to take care of that situation; but even if that were the case the assessed valuation is three-thirds, and then only two-thirds of it are taken for taxing purposes.

Mr. MAPES. I congratulate the chairman on having changed his attitude from what he assumed in the Committee on the District. I am glad to see that he is now proposing certain amendments to the bill which I think will improve it.

Mr. JOHNSON of Kentucky. If the gentleman had heard all of my remarks, he would have heard of another amendment that I proposed to offer.

Mr. MAPES. I heard those statements. I only regret that the gentleman did not see fit to have the committee consider them and put those and other amendments in the bill.

Mr. JOHNSON of Kentucky. I did not want all the teeth taken out of it.

Mr. MAPES. There might have been some teeth put in, as far as some provisions are concerned.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there?

Mr. MAPES. Yes.

Mr. MADDEN. The net income from the property would be this much less. Under the revenue law 4 per cent depreciation is allowed on all property, but the average depreciation per annum on building property is 5 per cent. That is the average experience. The taxes in the District of Columbia are 1½ per cent. That makes 6½ per cent. The average vacant period for a building is 2½ per cent. That makes 9 per cent. So that in the best circumstances all the owner of the property would get would be 1 per cent.

Mr. MAPES. All of those matters have to be taken into consideration.

Mr. JOHNSON of Kentucky. Will the gentleman permit me to interject a remark right there?

Mr. MAPES. I am sorry, but I have only a few minutes left.

Mr. JOHNSON of Kentucky. Just one second. That depreciation of 5 per cent a year would make the house absolutely valueless after it was 20 years old.

Mr. MADDEN. Almost every house has to be reconstructed at the end of 20 years.

Mr. JOHNSON of Kentucky. It has not in our section of the country.

Mr. MAPES. If this provision should go into effect unchanged, there will be little inducement for private enterprise to build additional housing accommodations within the District with the practical certainty of a material reduction in the income to be derived therefrom as soon as the war stops, and limited to a gross income of 6⅔ per cent on the capital invested for the period of the war, uncertain and indefinite as that period is.

Another clause in the bill states that in case the property was rented unfurnished during the prewar period and is rented furnished during the taxable period, the owner is allowed an

increase of 15 per cent before the application of the tax of 100 per cent.

It should be borne in mind that the law exempts from assessment and tax furniture within the District to the value of $1,000. If the value of furniture is $1,000 or less, there is no record of it at all in the assessor's office. That being the case, if the present assessment system is to prevail, it is safe to say that no new furnished apartments will be rented within the District unless the furniture in them exceeds in value $1,000, because no allowance in computing the income could be made for such furniture.

What is to be done with the large apartment houses containing a great number of suites of rooms, a part only of which may have been rented during the prewar period? Are the owners to be limited to the 10 per cent over the income which they received during the prewar period on a part only of their buildings, or are they to be allowed a gross income of 10 per cent of the value of the property as determined by the assessor of the District of Columbia, as in the case of property not rented during the prewar period, or are they to receive an increase of 10 per cent over the prewar period for the rooms rented during that time and 10 per cent of the value of the property as determined by the assessor for those not rented during the prewar period? Will it not be an interminable, if not an impossible, job for the assessor to determine the value of the individual rooms or suites of rooms in the houses and apartments throughout the District?

If the clause "the valuation of the property as determined by the assessor" means the present valuation, then the bill is unworkable, because there is now no separate valuation of individual rooms or suites of rooms or of furniture unless the value thereof exceeds $1,000. If it means that the assessor is hereafter to determine the value of these individual rooms and suites of rooms for the purposes of the act, then the bill creates positions for a great many deserving Democrats in the assessor's office.

These are some of the practical difficulties that will be met in the operation of the provisions of the bill if it is enacted into law as it now reads. Others will readily suggest themselves to anyone who studies the bill.

Congress has created since this war started several agencies to fix the price of different commodities. The President, through the Fuel Administration, is authorized to operate mines, distribute coal, and fix its price. Through the Food Administrator he is authorized to regulate the distribution and fix the price of a great many food products. One way of solving the rent problem would be to have a board appointed to fix the rent of property within the District of Columbia. If the bill goes into effect, there should be created a board of some kind to put it into practical operation.

Mr. RAGSDALE. Will the gentleman yield?

Mr. MAPES. I have very little time left.

Mr. RAGSDALE. For only one question. On these various boards that would be created, would not there be some Democratic appointments and enjoy the objection made by the gentleman to the other created?

Mr. MAPES. I am not making any objection to the bill on that ground. I am only calling attention to the fact.

Mr. RAGSDALE. Oh, yes.

Mr. MAPES. It does not make sufficient provision for the changed conditions now prevailing within the District over those of normal times. People are occupying a great deal less space than formerly. There are more people in an apartment. Where one person formerly had a room, two or three are now occupying it. I have heard of an instance where there were as many as five now in a room formerly occupied by one, and of another case where a father and mother and two grown children were occupying an apartment in one of the leading apartment houses of the city composed of only one room and a bath. If the owners in such cases are obliged to rent their places for the same income as they received during the prewar period, it is safe to say that many of these people will be obliged to move out into the street. The owners can get the prewar price without any trouble by accommodating only the same number of people that they did in the prewar period. After we pass this bill we may have to supplement it with additional legislation compelling the owners to open their places for rent and telling them how many they may or must put into a given place.

Limiting the charge for rent to 10 per cent over that received during the prewar period in all cases where the property is used for practically the same purposes as it was during the prewar period will not work a hardship upon anyone, but some allowance ought to be made for those cases where the property is put to a different use or where conditions have materially changed.

An amendment to the bill should be adopted providing for the creation of a rent administrator or board with authority to change the rates provided for in the bill under changed conditions where the facts justify it, but requiring the rates fixed in the bill to remain until and except they should be changed by said rent administrator. I shall introduce an amendment of that kind, and I believe its adoption would do away with many of the objectionable features of the bill.

Mr. RAGSDALE. Will the gentleman yield for another question?

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Massachusetts has two minutes remaining.

Mr. TINKHAM. Mr. Chairman, I rise to offer a preferential motion.

Mr. CAMPBELL of Kansas. Mr. Chairman, while the time was fixed, can not we have the time extended so that the gentleman may finish his remarks?

Mr. JOHNSON of Kentucky. I am perfectly willing for the gentleman from Michigan to conclude his remarks. He has two minutes now.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TINKHAM. Mr. Chairman, I have two minutes, and I yield them to the honorable Representative from Michigan.

The CHAIRMAN. The gentleman is recognized for two minutes more.

Mr. MAPES. I thank the gentleman.

The fact remains that a great many people eligible for Government work and who have been recommended for appointment in the different branches of the service are restrained from accepting appointments on account of the excessive rents now being charged in the District. Others who come here in good faith to accept Government positions return to their homes because they are unable to obtain places to live within their means, and a great many Army men with limited incomes are assigned to duty within the District. These men are obliged to live here.

Something must be done to relieve the situation. The interests of the Government require it. I do not believe that anyone should be allowed to take advantage of the necessities of the Government and the conditions brought about on account of the war to profiteer in rents within the District. I am in favor of limiting the charge that can be made and of stopping any excessive rents, and I believe that to do so is a proper function of the Government. I hope this bill will be amended so as to be made more workable in its practical operation. There is more to the rent and housing question than the bald provision that you can charge so much and no more for rent, but as this is the only bill now before the House for consideration I shall give it my vote, but before being called upon to do so I hope it will be amended in several important particulars.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. MAPES. I yield.

Mr. SMITH of Michigan. I would like to inquire whether or not there could not be a rent administrator just as well as a Food Administrator or some other? Did the committee consider such a thing as that?

Mr. MAPES. The committee had no time to consider it, as I have said.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe I have six minutes remaining.

The CHAIRMAN. The gentleman has six minutes.

Mr. JOHNSON of Kentucky. Mr. Chairman, the gentleman from Ohio [Mr. LONGWORTH] and several others have inquired about the revenue of a hotel building which may have been built since the time fixed by this bill for commencing the tax.

These sums were based upon the idea in the construction of the bill that the limit was 10 per cent on them. There are two limits as to a furnished building, one of 10 per cent and one of 5 per cent, aggregating 15 per cent. The 15 per cent would apply to the furnished apartments or rooms of a hotel.

Mr. LONGWORTH. If the gentleman will pardon me, no allowance is made by this bill as to any different class of buildings. There might be one class of building in which the cost of upkeep is slight, and there would be no question as to servants, laborers, and so forth.

Mr. JOHNSON of Kentucky. I was seeking uniformity in drafting the bill.

Mr. LONGWORTH. Does the gentleman believe that in a hotel as it is run nowadays that a 15 per cent margin on the

cost of the investment would be sufficient to allow the hotel to run?

Mr. JOHNSON of Kentucky. I believe it is far more equitable than what they are charging. The gentleman from Michigan [Mr. MAPES] a few moments ago referred to the possibility of somebody having to go into a room in each and every house and determine its rental value. We know what rooms in a particular house rented for prior to September 30, 1916, and we know what rooms in the same locality and of practically the same description should bring. They should bring what the other rooms brought in 1916.

I regret that the gentleman from Michigan suggested politics in the assessor's office as coming from the District of Columbia Committee.

This is the eighth year of my chairmanship of that committee, and I do not believe politics has ever yet entered the committee, and I do not believe the gentleman can recall a single instance where it has.

Mr. MAPES. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MAPES. I think the gentleman from Kentucky has misconstrued my reference to that. I did not say there was any politics in the committee, but inevitably, if this bill is enacted into law, there must be a greatly increased force in the assessor's office in order to take care of the assessments that the bill provides.

Mr. JOHNSON of Kentucky. I take the position that there will not have to be a single increase, because the minute this bill passes this extortion is going to stop, and the force, therefore, will not have to be enlarged.

And, besides that, during Wilson's administration, shortly after the beginning of which Democratic commissioners went into office, there has not been a single removal of anybody in the assessor's office, except one man, who was guilty of fraudulent and corrupt practices.

Mr. MAPES. Will the gentleman yield a little further?

Mr. JOHNSON of Kentucky. I will.

Mr. MAPES. The bill provides for statements and affidavits to be filed with the assessor's office monthly during the operation of the act until one year after the war closes, and they must be filed upon the basis of the assessed valuation of the property.

Mr. JOHNSON of Kentucky. I do not think so at all. I do not think the gentleman has read the bill correctly.

Mr. MAPES. And it will necessarily take a lot more of employees.

The CHAIRMAN. The time has expired. The Clerk will read.

Mr. TINKHAM. Mr. Chairman, I rise to offer a preferential motion.

The CHAIRMAN. There is no more motion pending. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the term "real estate" as herein used shall be construed to include lands, buildings, parts of buildings, houses, dwellings, apartments, rooms, suites of rooms and every other improvement or structure whatsoever on land situated and being in the District of Columbia.

Mr. TINKHAM. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TINKHAM. To offer a preferential motion. Under the rules I can offer a preferential motion at any time, as I understand it.

Mr. JOHNSON of Kentucky. Mr. Chairman, without knowing what the motion is, I reserve a point of order on it.

The CHAIRMAN. The Clerk will report the motion offered by the gentleman from Massachusetts.

The Clerk read as follows:

Mr. TINKHAM moves that the committee do now rise and report the bill to the House with the recommendation that further consideration be postponed until February 25, 1918.

Mr. JOHNSON of Kentucky. I make a point of order against that.

The CHAIRMAN. The gentleman will state it

Mr. JOHNSON of Kentucky. The Chair will rule on the point of order.

Mr. RAGSDALE. Mr. Chairman, I move to lay that motion on the table.

Mr. JOHNSON of Kentucky. Mr. Chairman, I withdraw the point of order and ask for a vote.

The CHAIRMAN. The gentleman from Massachusetts [Mr. TINKHAM] moves that the committee rise and report the bill back to the House with the recommendation that further consideration of the bill be postponed until February 25.

The question was taken, and the Chair announced that the Chair was in doubt.

Mr. TINKHAM. Division, Mr. Chairman.

The committee divided; and there were—ayes 25, noes 36.

Mr. TINKHAM. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-five gentlemen are present, not a quorum. The Clerk will call the roll.

Mr. HAYES. Mr. Chairman, I make the point of order the roll can not be called in the Committee of the Whole.

Mr. WALSH. Mr. Chairman, I ask for the regular order. The Chair directed the roll should be called, and the Clerk should proceed.

The CHAIRMAN. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anderson	Gallivan	McCormick	Sanders, N. Y.
Anthony	Goodall	McKenzie	Schall
Ashbrook	Goodwin, Ark.	McKinley	Scott, Pa.
Austin	Gould	McLaughlin, Mich.	Scully
Beakes	Graham, Pa.	McLaughlin, Pa.	Sims
Borland	Gray, Ala.	Maher	Small
Brodbeck	Gray, N. J.	Mann	Smith, C. B.
Caldwell	Gregg	Miller, Minn.	Snell
Capstick	Hamill	Mondell	Snyder
Caraway	Hamilton, Mich.	Montague	Stedman
Carter, Mass.	Hamilton, N. Y.	Mott	Stephens, Nebr.
Chandler, N. Y.	Harrison, Miss.	Mudd	Sterling, Ill.
Clark, Fla.	Hastings	Neely	Sterling, Pa.
Collier	Heintz	Nelson	Strong
Copley	Hollingsworth	Nicholls, S. C.	Sullivan
Costello	Hood	Nolan	Talbott
Curry, Cal.	Howard	Olney	Towner
Davidson	Humphreys	Parker, N. Y.	Vare
Denison	Johnson, S. Dak.	Platt	Voigt
Dooling	Johnson, Wash.	Porter	Walton
Drukker	Kahn	Pou	Ward
Dunn	Kennedy, R. I.	Powers	Wason
Dyer	Key, Ohio	Price	Waston, Va.
Edmonds	King	Ramsey	Webb
Estopinal	La Follette	Randall	Welling
Fairchild, G. W.	LaGuardia	Robinson	White, Ohio
Fess	Lea, Cal.	Rodenberg	Wilson, Ill.
Flood	Lee, Ga.	Rowland	Wilson, La.
Flynn	Lever	Russell	Winslow
Fordney	Littlepage	Sabath	Woodyard
Francis	Lundeen	Sanders, Ind.	
Freeman	Lunn	Sanders, La.	

Thereupon the committee rose; and the Speaker having resumed the Chair, Mr. RUCKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 9248) to prevent extortion, impose taxes upon certain incomes in the District of Columbia, and for other purposes, and finding itself without a quorum, he had caused the roll to be called, whereupon 304 Members had responded to their names, and he submitted a list of absentees for printing in the RECORD.

The SPEAKER. The committee will resume its sitting.

The committee resumed its sitting.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to make a statement to the committee, consuming about one minute.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. A large number of Members of the House now present were not present when this roll call commenced. The gentleman from Massachusetts [Mr. TINKHAM] made a motion to postpone the consideration of the bill. A vote was taken on the motion, and the motion was lost, but less than a quorum voted. Whereupon the gentleman from Massachusetts made a point of no quorum. It is my desire now to have a vote taken on the motion made by the gentleman from Massachusetts, and when that vote has been taken I will make a motion that the committee rise.

The CHAIRMAN. The question now is on the motion of the gentleman from Massachusetts [Mr. TINKHAM], which the Clerk will report.

The Clerk read as follows:

Mr. TINKHAM moves that the committee do now rise and report the bill to the House, with the recommendation that the further consideration of the bill be postponed until February 25, 1918.

The CHAIRMAN. The question is on agreeing to the motion.

The question was taken, and the chairman announced that the "noes" seemed to have it.

Mr. JOHNSON of Kentucky. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 7, noes 102.

So the motion was rejected.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUCKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9248) to prevent extortion, to impose taxes upon certain incomes in the District of Columbia, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRAY of Alabama, for 10 days, on account of important business.

To Mr. KEHOE, for the day, on account of illness.

To Mr. SANDERS of Indiana, for two days, on account of important business, at the request of Mr. PURNELL.

URGENT DEFICIENCY BILL (H. REPT. NO. 315).

Mr. SHERLEY, by direction of the Committee on Appropriations, reported for printing, under the rule, the bill (H. R. 9867) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June thirtieth, nineteen hundred and eighteen, and prior fiscal years, on account of war expenses, and for other purposes, which was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GILLETT. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Massachusetts reserves all points of order on the bill.

REPORTS OF WAR TRADE BOARD FOR 1917 (H. DOC. NO. 934).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Senate and House of Representatives:

As required by the provisions of section 6 of the "Trading with the enemy act," approved October 6, 1917, I transmit herewith reports of the Bureaus of Enemy Trade and of Imports, showing the proceedings had by the War Trade Board during the year ending December 31, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *February 14, 1918.*

HOUSING OF SHIPYARD EMPLOYEES.

Mr. ALEXANDER. Mr. Speaker, I desire to call from the Speaker's table the housing bill (S. 3389), with House amendments, to insist on the amendments, and agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Missouri asks that Senate bill 3389, with House amendments, be taken from the Speaker's table, and that the House agree to the conference asked by the Senate. The Clerk will report the bill by title.

The Clerk read the title of the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved lands, houses, buildings, and for other purposes.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. ALEXANDER, Mr. HARDY, Mr. SAUNDERS of Virginia, Mr. GREENE of Massachusetts, and Mr. EDMONDS.

PERSONAL EXPLANATION.

Mr. ALMON. Mr. Speaker, being called away by the serious illness of my son at Camp Wadsworth, I asked a friend to secure leave of absence for me for the 12th and 13th of this month. He neglected to do so, and I desire to make this statement in explanation of my absence on the 12th and 13th.

LEAVE TO EXTEND REMARKS.

Mr. GREENE of Vermont. I ask unanimous consent to extend my remarks in the RECORD by printing an article from the Army and Navy Register, written by Admiral Clark, of the Navy.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. KITCHIN. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p. m.) the house adjourned until to-morrow, Friday, February 15, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. YOUNG of Texas, from the Committee on Agriculture, to which was referred the joint resolution (H. J. Res. 231) authorizing the Secretary of Agriculture to certify to the Secretary of the Treasury for payment, and the Secretary of the Treasury to pay, the appropriation for the Georgia Experiment Station, of the State of Georgia, under act of March 4, 1917, for the fiscal year ending June 30, 1918, to the board of trustees of the Agricultural and Mechanical College, of the State of Georgia, and for other purposes, reported the same with amendment, accompanied by a report (No. 312), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHALLENBERGER, from the Committee on Military Affairs, to which was referred the bill (S. 2917) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the nationnl defense, and for other purposes," as amended by the act approved May 12, 1917, etc., reported the same without amendment, accompanied by a report (No. 313), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOON, from the Committee on the Post Office and Post Roads, to which was referred the bill (S. 3689) authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan, at Kansas City, Mo., reported the same without amendment, accompanied by a report (No. 314), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9275) granting a pension to Edwin D. Goodell, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLANTON: A bill (H. R. 9860) to provide for the common defense and general welfare by conserving and increasing the production of food, leather, and clothing, through furnishing immediate needed relief to drought-stricken portions of the States of Texas, Colorado, and New Mexico, Kansas, Nebraska, North Dakota, and South Dakota, preventing by the immediate advancement for necessary feed the impending starvation of several million head of cattle and other valuable live stock; and by advancing needed means for supplies, feed for teams, and seeds for planting, thus making provisions for the cultivation of thousands of productive farms, which otherwise would be uncultivated and nonproductive in 1918; and appropriating therefor money hereafter reimbursable; to the Committee on Agriculture.

By Mr. KELLEY of Michigan: A bill (H. R. 9861) to prohibit the importation of goods, wares, merchandise, and materials from the German Empire under certain conditions; to the Committee on Ways and Means.

By Mr. SHERWOOD: A bill (H. R. 9862) increasing rates of pensions of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. HILLIARD: A bill (H. R. 9863) to amend section 224 of the Revised Statutes of the United States, relating to certificates of discharge; to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 9864) to amend section 3 of the Judicial Code in respect to the western district of Virginia; to the Committee on the Judiciary.

By Mr. EVANS: A bill (H. R. 9865) to authorize the sale of certain lands to school district No. 28 of Missoula County, Mont.; to the Committee on Indian Affairs.

By Mr. OSBORNE: A bill (H. R. 9866) authorizing and directing the Secretary of the Interior to grant to the Los Angeles County flood-control district the use of certain public lands in California, and granting rights in, over, and through the Angeles and Santa Barbara Forest Reserves to the Los Angeles County flood-control district; to the Committee on the Public Lands.

By Mr. SHERLEY: A bill (H. R. 9867) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes; committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 9868) granting a pension to Anna Baird; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 9869) granting a pension to Carrie C. Fry; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 9870) granting a pension to Albert N. Oakleaf; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 9871) granting a pension to Albert Beiro; to the Committee on Pensions.

By Mr. COADY: A bill (H. R. 9872) for the relief of sundry building and loan associations; to the Committee on Claims.

By Mr. COPLEY: A bill (H. R. 9873) changing the naval record of Clarence A. Richards, for the administration of the pension laws; to the Committee on Naval Affairs.

By Mr. CRAGO: A bill (H. R. 9874) granting a pension to Harry W. Conn; to the Committee on Pensions.

By Mr. DENTON: A bill (H. R. 9875) granting a pension to America F. Roberts; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 9876) granting an increase of pension to Henry A. Kline; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9877) granting an increase of pension to William Haines; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 9878) granting an increase of pension to Michael Ingram; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 9879) granting an increase of pension to Joseph Brown; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 9880) granting a pension to Helen M. Warren; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 9881) for the relief of Capt. Fred S. Johnston; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 9882) granting an increase of pension to James H. Layne, jr.; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 9883) granting an increase of pension to Daniel W. Butt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9884) granting an increase of pension to Oliver M. Mahan; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 9885) granting an increase of pension to Charles H. Dalrymple; to the Committee on Invalid Pensions.

By Mr. LEA of California: A bill (H. R. 9886) granting an increase of pension to Mervell J. Hibbard; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 9887) granting an increase of pension to De Lafayette S. Wynn; to the Committee on Invalid Pensions.

By Mr. OVERMYER: A bill (H. R. 9888) granting an increase of pension to Charles Fortescue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9889) granting a pension to Sarah C. Francis; to the Committee on Invalid Pensions.

By Mr. ROSE: A bill (H. R. 9890) granting a pension to Frances J. Dixon; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 9891) granting an increase of pension to James C. Stevenson; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 9892) granting a pension to Charles A. Swander; to the Committee on Pensions.

Also, a bill (H. R. 9893) granting a pension to Lulu M. Lehman; to the Committee on Pensions.

Also, a bill (H. R. 9894) granting a pension to Fred G. Pettigrew; to the Committee on Pensions.

Also, a bill (H. R. 9895) granting a pension to Charles C. Studley; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 9896) granting an increase of pension to Lewis M. Cales; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Association of American Medical Colleges, favoring the Owen amendment to Senate bill 1786; to the Committee on Military Affairs.

Also (by request), petition of members of the Friends of Irish Freedom, urging favorable action by Congress on the Rankin resolution for Irish independence; to the Committee on Foreign Affairs.

Also (by request), resolutions of the Lakeside Club, Manistee, Mich.; the Community Association of Crawfordsville, Ind.; the Romeo Monday Club, Romeo, Mich.; the Sorosis Club, St. Peter, Minn.; the Woman's Club, Racine, Wis.; and the Woman's Missionary Society of the United Presbyterian Church, urging the repeal of the second-class postage rates of the war-revenue act; to the Committee on Ways and Means.

Also (by request), memorial of Public Ownership League of America, favoring Government ownership, as well as operation, of the railroads; also a memorial of Columbia Lodge, No. 174, International Association of Machinists, favoring permanent Government control of transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. ANTHONY: Petition forwarded by Dr. Clyde Gray, of Horton, Kans., and signed by A. J. Thompson and other members of Company B, One hundred and thirty-seventh Infantry, Camp Doniphan, Okla., favoring the passage of House bill 5407; to the Committee on Military Affairs.

By Mr. CAREW: Resolution of the security holders of the Boston & Maine Railroad, relative to the effect of Federal control of that road; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Resolutions of the Woman's Missionary Society of the United Presbyterian Church, Fort Morgan, Colo., and of the Maryland State Federation of Women's Clubs, favoring the repeal of the periodical postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of Martin L. Schauble, Axil Ekslund, William A. Shurrager, H. H. Jarvis, and 18 others, praying for the passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Resolution of the New York Antivivisection Society, protesting against compulsory inoculation of soldiers; to the Committee on Military Affairs.

By Mr. ELSTON: Petition of several hundred citizens of Alameda County, Cal., urging the passage of House bill 7356, known as the Keating bill; to the Committee on Appropriations.

By Mr. FULLER of Illinois: Petition of A. H. Karn and other citizens of Peru, Ill., favoring legislation for universal military training; to the Committee on Military Affairs.

Also, memorial of the Maryland State Federation of Women's Clubs, opposing increased rates of postage on periodicals; to the Committee on Ways and Means.

By Mr. GALLIVAN: Resolution of the Massachusetts State Board of Trade, favoring the loading or unloading of ships of high explosives at such distance from our shores as to minimize the hazard; to the Committee on Naval Affairs.

By Mr. HILLIARD: Resolutions adopted by the Community Association of Crawfordsville, Ind.; College Hall Library Club, of Sherman, Tex.; the Woman's Club of Beaver Dam, Wis.; and the Fortnightly Club of Sharon, Mass., protesting against the increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of Mrs. Edmond E. Eckels, of Greeley, Colo., urging the admittance of osteopathic physicians to the Army; to the Committee on Military Affairs.

Also, petition of W. R. Callicotte, of Denver, Colo., urging the passage of measures designed to increase salaries of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. KEATING: Petition of citizens of Colorado, asking for amendment of the rural-credits law; to the Committee on Banking and Currency.

By Mr. KENNEDY of Rhode Island: Petitions of Methodist Episcopal Churches of Providence, R. I., protesting against passage of Senate bill 3476, providing for a railroad track crossing

First Street into square No. 673 in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. LUFKIN: Telegram from Hon. Leslie K. Morse, mayor, of Haverhill, Mass., urging opening up of old canals to assist in relieving the coal situation; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGEE: Petition by many residents of Route 2, La Fayette, Onondaga County, N. Y., favoring passage of national emergency war prohibition bill; to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: Resolutions of the Lumberman's Exchange of Philadelphia, favoring the creation of a board of war control and a director of munitions; to the Committee on Military Affairs.

Also, memorial of Central Labor Union of Philadelphia, favoring legislation increasing the pay of postal clerks and carriers; also resolutions of the same organization opposing the Postmaster General's attitude toward labor organizations; to the Committee on the Post Office and Post Roads.

Also, resolution of the Vero Commercial Club, urging Government control of the Florida Coast Line Canal; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY: Petition of George Thornto, Pawtucket, R. I., protesting against interference with the efforts of Secretary Baker; to the Committee on Military Affairs.

By Mr. SANFORD: Papers to accompany House bill 9138, granting increase of pension to Daniel Lawlor; to the Committee on Pensions.

Congressional Record

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SECOND SESSION

OF THE

SIXTY-FIFTH CONGRESS

OF

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PROCEEDINGS AND DEBATES OF THE SIXTY-FIFTH CONGRESS
SECOND SESSION.

SENATE.

FRIDAY, *February 15, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray that we may be led through the hours of this day without sin, that Thou wilt give to us divine inspiration to follow that which Thou dost mark out for us, and that at the close of the day we may look back upon the service we have rendered with a conscience void of offense toward God and man. Bless our Nation. Prosper us in all of our work. Hasten the day for the reestablishment of peace and brotherhood in the world. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House insists upon its amendments to the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ALEXANDER, Mr. HARDY, Mr. SAUNDERS of Virginia, Mr. GREENE of Massachusetts, and Mr. EDMONDS managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. COLT. I present a resolution adopted by the General Assembly of the State of Rhode Island, which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

[State of Rhode Island, in general assembly, January session, A. D. 1918.]

Resolution indorsing the so-called daylight-saving bill now before Congress and urging the Senators and Representatives from this State to give it their cordial support.

Whereas the contingencies of war have brought renewed attention to the demand for changing hours of time standards; and

Whereas the various European countries now at war have adopted such changes in time standards known as daylight saving; and

Whereas the pronounced saving in artificial lighting and in the use of fuel and the greater opportunity for recreation on the part of the people will be obtained by the adoption of daylight saving, so called: Therefore be it

Resolved, That the General Assembly of the State of Rhode Island hereby urges upon the Congress of the United States that it pass such legislation as may achieve the desired results; and be it further

Resolved, That the Senators and Representatives in Congress from Rhode Island be, and they hereby are, requested to use their efforts to obtain the passage of said legislation, and the Secretary of State is hereby instructed to forward a copy of this resolution to our Senators and Representatives in Congress.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
PROVIDENCE.

I hereby certify the foregoing to be a true copy of the original resolution approved by His Excellency, the governor, February 8, 1918.

In testimony whereof I have hereunto set my hand and affixed the seal of the State of Rhode Island this 11th day of February, in the year 1918.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. SMITH of Michigan. I have a telegram from the Chamber of Commerce of Lansing, Mich., making certain suggestions regarding the pending railroad bill, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LANSING, MICH., *February 13, 1918.*

Hon. WILLIAM ALDEN SMITH,
Washington, D. C.:

Referring to the pending railroads compensation bill, the Lansing Chamber of Commerce does not feel that it is necessary and is therefore opposed to any provision that will take from the Interstate Commerce Commission and State commissions any part of the jurisdiction they now have over freight rates. We are also in favor of fixing a definite time when the control of the railroads shall again pass into the hands of their private owners and we express the hope that you will advocate amendments not inconsistent with the above.

LANSING CHAMBER OF COMMERCE.

Mr. SMITH of Michigan. I also have a series of resolutions from the Chamber of Commerce of Traverse City, Mich., bearing upon the same subject, which I ask may be printed in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolutions adopted by the Board of Directors of the Traverse City Chamber of Commerce.

Whereas the Hon. William G. McAdoo, Director General of the Railroads of the United States, recently testified before a committee of the United States Senate that certain small lines of railroads which were not necessary to the Government for the conduct of war operations may be released from Federal management and control; and

Whereas preceding legislation has established no differentiation between trunk lines and the smaller lines, and has placed both the trunk lines and their feeders under the jurisdiction of the Interstate Commerce Commission, and subject to its rules and regulations, and to all Federal statutes for the regulation and control of railroads; and

Whereas the operating expenses of the said smaller lines have been largely increased to comply with the requirements of Congress and the Interstate Commerce Commission; and

Whereas release of the smaller lines from Federal operation and control will work great loss and damage to them, depreciate their credit, increase the difficulty of procuring cars to move tonnage, and bring many of them into dire financial straits; and

Whereas, under orders of the Director General of the Railroads, the right of routing freight has been taken away from the shipper and put in the hands of the railroad company with instructions that such freight must be routed via the shortest open route, which said instructions will result in the loss of certain revenue to the smaller lines, and thus increase the already severe burden placed upon them; and

Whereas the railroads of the United States form a great circulatory system, and disruption of any part of the system causes a general reduction of efficiency on the part of the entire system, as has been amply illustrated by the congestions prevailing at certain centers during the past 12 months; and

Whereas industries valuable to the Government in the prosecution of the war are located on many of the smaller lines, and any failure on the part of said lines to furnish service to said industries located on their tracks and dependent upon them will not only work a local hardship to the communities affected but will work a national hardship in delaying preparations for war: Therefore be it, and it is hereby,

Resolved, That the board of directors of the Traverse City Chamber of Commerce respectfully urges and requests that the said smaller railway lines of the United States be continued under Federal management and control in the same measure and degree as the trunk lines and be accorded the same degree of protection and credit; and be it further

Resolved, That copies of the above resolution be forwarded to the Hon. William G. McAdoo, Director General of the Railroads of the United States, and to the members of the Michigan delegation in Congress.

TRAVERSE CITY CHAMBER OF COMMERCE,
W. J. HOBBS, *Secretary.*

Mr. STERLING. I send to the desk a letter from Mr. Charles H. Eyler, secretary of the Farmers' Grain Dealers' Association of South Dakota in relation to the pending bill, and especially to that provision of the bill relating to rates. I ask that it may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SIOUX FALLS, S. DAK., *February 11, 1918.*

Hon. THOMAS STERLING,
Washington, D. C.

DEAR SIR: At the present time Congress is asked by the administration to enact a railroad bill. Very much care should be taken to protect the shippers' interests as well as the railroads. We must concede the logic of one-man control to a certain extent in war time, but there is always danger of establishing precedent that would destroy the rights guaranteed by a republican Government.

Our association asks that the Interstate Commerce Commission retain the same jurisdiction over rates as in the past. We are more than glad as loyal Americans to bear the inconveniences of war operation of our railroads, but hope that we will have the same right of appeal to a body of disinterested men in the future as in the past.

We ask you as our representative to use your influence to have this embodied in the new law.

Very truly, yours, FARMERS' GRAIN DEALERS' ASSOCIATION, CHAS. H. EYLER, *Secretary.*

Mr. GRONNA. I have a letter from the secretary of the Votes for Women Club of Grand Forks, N. Dak., transmitting a resolution of the club. It is a very brief letter, and I ask that it be printed in the RECORD without reading.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GRAND FORKS, N. DAK., *February 11, 1918.*

Senator A. J. GRONNA,
Senate Office Building, Washington, D. C.

MY DEAR MR. GRONNA: At a special meeting of the Votes for Women Club of Grand Forks, held in the city hall, Saturday evening, February 9, resolutions were passed urging our Senators at Washington to do all in their power to bring about the passage of the Federal suffrage amendment.

A special vote of thanks was passed to you for your support of the cause in the past and expressing appreciation for your work in our behalf at the present time.

Will you please present the following resolution to the United States Senate and request that it be read into the CONGRESSIONAL RECORD? We would appreciate this very much:

"*Resolved*, That the Votes for Women Club of Grand Forks, N. Dak., call upon the Senate of the United States to pass at once the Federal suffrage amendment, establishing at home that democracy for which the men of this country have been called to fight abroad."

We thank you very much for attending to this for us, and we would be glad to know in what issue of the CONGRESSIONAL RECORD we shall be able to find this resolution.

Very truly, yours, MARY E. MCCUMBER,
Secretary of the Votes for Women Club.
Grand Forks, N. Dak.

Mr. HITCHCOCK. I present a communication from the Nebraska State Railway Commission and ask to have it printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

LINCOLN, NEBR., *February 11, 1918.*

Senator G. M. HITCHCOCK,
Washington, D. C.:

We protest proposed basis of compensation to railroads under Government operation as excessive. Railway operating income plus income from other sources give percentage returns on capitalization of three principal roads in this State as follows: North Western, 12.04; Union Pacific, 14.14; Burlington, 25.63. Suggest limitation to regular dividends of last three years. By all means, strike words "reasonable compensation" from first section of bill. They surrender all that has been gained in rate regulation. We also protest giving the President power to initiate or make rates; should be left where it now is.

NEBRASKA STATE RAILWAYS COMMISSION.

Mr. GALLINGER presented a petition of John E. Perley, jr., Post, No. 37, Grand Army of the Republic, Department of New Hampshire, of Laconia, N. H., praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. PHELAN presented a petition of Pacific Coast Division of the Bohemian National Alliance, praying for the liberation and unification of their race in Bohemia after the war is ended, which was referred to the Committee on Foreign Relations.

CLOTHING FOR AMERICAN SOLDIERS IN FRANCE.

Mr. SWANSON. There has been some difference of opinion disclosed in the discussion as to the supply of clothing to our soldiers in France. I have a letter which gives specific information on that subject from a most eminent and respectable citizen of Norfolk, and I desire that the portion of it appertaining to that subject may be read for the information of the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

NORFOLK, VA., *February 13, 1918.*

Hon. CLAUDE A. SWANSON,
United States Senate, Washington, D. C.

DEAR SIR: Having repeatedly read in the public prints statements made by certain persons in the Senate and House regarding our troops not being supplied with proper clothing, etc., I avail myself of the opportunity of quoting you an extract from a letter just received from my nephew to his mother.

His regiment, the Eleventh United States Engineers, joined the English battle line, and he is now in a hospital from a wound received in the fight:

"I am sorry you are shipping some underclothes, as you write, because I have tried to tell you that I did not want them. I have no place to keep them and much less any use for them. We are issued all that we can possibly need, and we can't throw away issued ones when they are dirty, as they all have to be accounted for."

OFFICERS' ALLOWANCES IN THE FIELD.

Mr. JONES of Washington. Mr. President, I am receiving quite a number of letters with reference to commutation affecting the officers of the Army. I see the chairman of the Committee on Military Affairs here, and I wish to ask him a question for information that I may use in writing to people interested.

It is stated that under the law and custom of the military department officers are in effect penalized when they go to the front. In other words, it is suggested that, taking two men, each of them a colonel, located here at Washington City, they are given an allowance of $12 a room for seven rooms. In other words, they receive $84 a month as room rent, we might say. Then, if Col. A is taken from here to the trenches in France he loses that allowance, his family are not furnished quarters, and whatever expense is necessary to get them quarters he must pay out of his own pocket. In other words, he is penalized for going to the front, while Col. B, who stays here, continues to draw this allowance.

I wish to ask the chairman of the Military Committee if that is correct?

Mr. CHAMBERLAIN. Mr. President, it is substantially correct as the Senator has stated.

Mr. JONES of Washington. I simply want to suggest that I hope the Committee on Military Affairs will take care of a situation like that. It seems to me that it is very unfair and very unjust.

Mr. CHAMBERLAIN. If the Senator will permit me, I will say that after the Senator talked to me about this matter yesterday I looked into the question and had prepared a statement that I desire to submit to the Senate and have placed in the RECORD. The statement will show what the officer is required to furnish at his own expense under the regulations of the department and the estimated cost of each item.

Mr. JONES of Washington. I wish to suggest to the Senator that my inquiry does not go to the uniforms at all.

Mr. CHAMBERLAIN. I am going further. I was going to elucidate that, but I wanted to show the Senator what the expenses were.

Mr. JONES of Washington. I am glad to have that information, too.

Mr. CHAMBERLAIN. In addition to that, I have had prepared the monthly pay of an officer with troops and the monthly pay of an officer in Washington, the difference in salary, and the percentage of reduction, so that it will give the Senator the information he asks for.

Mr. JONES of Washington. It covers the allowances, and so on?

Mr. CHAMBERLAIN. Yes.

Mr. JONES of Washington. Commutation of quarters, heat, and light?

Mr. CHAMBERLAIN. We will take, by way of illustration, a second lieutenant. His monthly pay when he is in the line with the troops is $141.67. His monthly pay in Washington, because of commutation of quarters, is $173.66, a difference of $31.99 between the salary he gets with the troops and the salary he gets here in Washington. There is a reduction of 18 per cent if he goes out to serve his country in line. The reduction varies according to rank from 18 per cent to 25 per cent. The Senator took a colonel by way of illustration. His monthly pay with the troops is $333.33. His monthly pay in Washington, which includes commutation of quarters, and so forth, is $444.14. The difference in salary, then, between active service and inactive service is $110.81, or a reduction of 25 per cent when he goes out to perform service.

The Senator himself introduced a bill to meet this situation, and the Secretary of War has also prepared a bill that will meet the condition and allow commutation of quarters in the field. That bill was acted upon by our committee this morning and will be in due course reported out. So I think that will answer the question which the Senator asked, and will meet the situation. The statement referred to is as follows:

"List of articles and the minimum cost of each a dismounted Army officer is required to have by section 4, 'Regulations for the Uniform of the United States Army' (Special Regulations, No. 41), and 'Information as to Uniform and Equipment for Officers in France,' headquarters of American Expeditionary Forces November 16, 1917. Total minimum cost is $646.90:

Estimated cost.

1 basin, canvas	$1.00
1 bedding or clothing roll	12.50
1 belt, Sam Browne	7.50
1 belt, waist	.50
4 blankets, olive drab	24.00
1 pair boots, rubber, hip	5.00
2 suits, woolen, at $45	90.00
2 suits, medium, at $35	70.00
1 bucket, canvas	2.25
Canteen, with cover and strap	4.50
1 cap, service	4.00
1 chair, camp	2.75
12 collars, white linen	2.50
1 comfort	5.00

1 compass	$1.90
6 pairs cuffs, white linen	2.40
1 cup	.25
4 pairs drawers	8.00
1 field glass	30.00
Flashlight and extra batteries	1.75
Fountain pen, paper, envelopes	3.50
1 pair gloves, leather	3.50
2 pairs gloves, woolen	4.00
12 handkerchiefs	1.50
1 hat, service	5.50
4 shoe laces, extra pair	.40
1 lantern or lamp	4.50
1 pair leggins, leather	15.00
1 pair moccasins	2.50
Notebook and pencils	1.50
1 overcoat, olive drab	45.00
1 pair overshoes, arctics	2.75
1 pistol, belt, and holster	30.00
1 portfolio, leather	5.00
2 shirts, woolen	10.00
6 shirts, cotton or linen	12.00
2 pairs shoes, high	22.00
Slicker, leather or fleece lined	45.00
6 pairs stockings	6.00
1 sweater, sleeveless	4.00
2 tags, identification	1.00
Toilet articles	15.00
1 toque, knitted	2.50
6 towels	6.00
1 tub, canvas or rubber	18.00
4 undershirts	8.00
1 vest, leather or flannel	10.00
1 watch	25.00
1 whistle	1.00
1 trunk locker	10.00
1 cot	4.50
1 mess kit	3.50
Miscellaneous articles	25.00

"At least one-half of an officer's equipment must be replaced each year, and the above list does not consider 'dress' equipment for town wear. Officers also are required to furnish their own food, which adds about $32.50 a month to the above; he also must have bed linen, and his laundry bill will approximate $5 a month.

"I herewith submit a table of salaries of officers on duty with troops in the field and the comparative salaries of officers on duty in Washington, the latter receiving commutation of quarters, heat, and light, which is not paid to officers on duty with troops, which shows that officers on duty with troops in the United States receive from 18 to 25 per cent less than officers of like grade on duty in Washington. Officers on foreign duty receive an additional 10 per cent. Officers with troops in this instance are considered to be on duty at Camp Meade, Md., a few miles distant:

Grade.	Monthly pay with troops.	Monthly pay, Washington.	Difference in salary.	Per cent reduction.
Second lieutenant	$141.67	$173.66	$31.99	18
First lieutenant	166.67	212.79	46.12	22
Captain	200.00	259.74	59.74	23
Major	250.00	323.27	73.27	23
Lieutenant colonel	291.67	378.83	87.16	24
Colonel	333.33	444.14	110.81	25
Brigadier general	500.00	614.01	114.01	19
Major general	666.66	794.36	127.70	19

"It must be remembered that the United States Army officers on duty with troops in the field must provide quarters, and subsistence for their dependents in town, as they are not allowed to have them at cantonments or in the field, as well as officers on duty in town, and it is an established fact that such an arrangement is much more expensive than living with one's family.

"Attention also is invited to the fact that Army officers are to-day paid under a schedule framed in 1908 and under conditions existing at that time. Government statisticians have estimated that since 1913 alone living expenses have increased more than 43 per cent.

"The Judge Advocate General of the Army has held that the act of Congress of February, 1907, contemplated the payment to officers of the Army of $12 per month for each room they did not receive from the Government or were furnished by the Government to live in under a schedule which provided that a general should be furnished 11 rooms; a lieutenant general, 10; major general, 9; brigadier general, 8; colonel, 7; lieutenant colonel, 6; major, 5; captain, 4; first lieutenant, 3; and a second lieutenant, 2 rooms. To this it was provided that officers should receive heat and light or be paid in lieu thereof a sum based on climatic conditions.

"Congress, in adopting the pay schedule of May, 1908, which is the governing factor in the computation of officers' salaries at present, had before it the former schedule, and, it is understood, purposely made the salaries of officers low that they might receive the commutation for quarters, heat, and light.

"Many officers have been compelled to resign, I am advised, since the outbreak of war because they could not support themselves and families on the salary received, and many others, whose services would be of inestimable value to the country in the present crisis, have refused to don the uniform for the same reason."

Mr. JONES of Washington. I am very glad the committee has acted. I know the committee has been very busy, and it has not been because it did not recognize the situation that it has not acted before. I have received quite a number of letters in reference to the matter and I wanted to get the facts.

Mr. NEW. Mr. President, in this connection I might say that in the closing days of the special session, either in the first few days of October or the last few days of September, I introduced an amendment to the war-risk insurance bill providing for the payment of commutation of quarters just as is provided for in this bill. I went to the Secretary of War at that time and urged the acceptance of that principle. At that time he was very much opposed to it and declined to give it his approval and the influence of the department was exerted against it when my amendment was considered.

At this time the Secretary of War has changed his view evidently, and he is not only in favor of the allowance but sends to the committee a letter three or four pages in length in which he employs exactly the argument that I employed to him several months ago in endeavoring to get him to accept the principle. I was in favor of it then, and I am in favor of it now.

I very much hope that the bill will pass when it is considered, because I think it eminently just, but in the meantime these officers have been without this just allowance for at least five months, when they might have had it had that amendment been accepted at the time it was offered.

The VICE PRESIDENT. If there are no further petitions or memorials, reports of committees are in order.

QUARTERS OR COMMUTATION TO COMMISSIONED OFFICERS.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, submitted a report (No. 270), accompanied by a bill (S. 3863), to provide quarters or commutation thereof to commissioned officers in certain cases, which was read twice by its title.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3864) to add certain lands to the Minam National Forest, Oreg.; to the Committee on Public Lands.

By Mr. WEEKS:

A bill (S. 3865) to authorize credits for enlistment in the naval service of the United States in the operation of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

A bill (S. 3866) granting an increase of pension to Arthur G. Bosson; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3867) granting a pension to Catherine Grace (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 3868) to carry out the findings of the Court of Claims in the case of Frank S. Bowker (with accompanying paper); to the Committee on Claims.

A bill (S. 3869) granting an increase of pension to Levi R. Gray (with accompanying papers); and

A bill (S. 3870) granting an increase of pension to Ellison Gilbert (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3871) granting an increase of pension to Edgar Taylor; to the Committee on Pensions.

CALLING OF THE ROLL.

The VICE PRESIDENT. Morning business is closed.

Mr. JONES of Washington. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	Johnson, S. D.	McLean
Bankhead	Gallinger	Jones, N. Mex.	McNary
Beckham	Gerry	Jones, Wash.	Martin
Chamberlain	Gronna	Kellogg	Nelson
Colt	Hale	King	New
Culberson	Harding	Kirby	Nugent
Cummins	Hardwick	Knox	Overman
Curtis	Henderson	Lewis	Page
Dillingham	Hitchcock	Lodge	Pittman
Fletcher	James	McCumber	Poindexter
France	Johnson, Cal.	McKellar	Pomerene

Saulsbury	Smith, Mich.	Swanson	Vardaman
Shafroth	Smith, S. C.	Thomas	Wadsworth
Sheppard	Smoot	Tillman	Warren
Shields	Sterling	Townsend	Weeks
Simmons	Stone	Trammell	Wolcott
Smith, Ga.	Sutherland	Underwood	

Mr. CURTIS. I desire to announce that the Senator from Illinois [Mr. SHERMAN] is detained on account of illness.

The VICE PRESIDENT. Sixty-seven Senators have answered to their names. There is a quorum present.

WAR CABINET AND DIRECTOR OF MUNITIONS.

Mr. WEEKS. Mr. President, I have delayed making any comments in the Senate relating to the examination of the operations of the War Department until the investigation, which was undertaken in December, had been substantially completed. I now wish to submit some remarks in advocacy of the constructive legislation proposed by the Committee on Military Affairs as a result of its investigations—the war-cabinet bill and the bill providing a centralized head of purchasing. In order to make these comments intelligently, it seems to me I can not do otherwise than point out to the Senate some of the reasons for proposing this legislation and why members of the committee believe these bills should pass.

Before the convening of Congress in December, and since the beginning of the war, members of the committee have received a great number of complaints and criticisms against the manner in which the War Department was conducting the preparations for our participation in this great conflict. Naturally complaints have come to all Senators, but a much greater number have come to members of the Committee on Military Affairs. These complaints can be divided into three classes: First, those coming from disappointed contractors or seekers for Government work. Second, those coming from young men who have enlisted or been drafted into the military service and who found themselves living under conditions to which they were unused, unfamiliar, and to which they did not readily adjust themselves. Third, those criticisms which seemed on their face to furnish evidence of a failure on the part of some one to do something which should have been done.

No member of the committee expected to find perfection in the operations of the War Department under the trying conditions existing during the past 10 months It was not humanly possible to take the military organization we had at the beginning of the war, expand it to many times its original size, and bring it to what it is to-day without making mistakes. The same thing would be true of any enterprise of a business character, for anyone familiar with business operations must realize that the failure of individuals to comprehend a situation or measure up to it necessarily means mistakes in carrying out even the best digested plans. I do not place any great reliance on individual failures or cases indicating errors due to the human equation, but when such failures are of sufficient number in any particular activity to demonstrate a lack of proper planning, coordination, systematic effort, or careful supervision, then they become an indictment of that particular activity.

The question will naturally be asked: Could not and would not these mistakes be corrected without an investigation by a congressional committee? My answer would be that undoubtedly changes for the better would be and have been made in some instances; in fact, I know of many changes experience has demonstrated as desirable, and those changes are being made from time to time whenever the requirement develops. But it should be said further in answer to that inquiry that it is always more difficult for the person or organization conducting an activity to see mistakes than for others to do so. The reason for this is that a manager is naturally prejudiced in favor of the policy followed as a result of his judgment, and he inherently feels it incumbent upon him to defend his action against any criticism. This is well illustrated by an interrogatory made of the Secretary of War at one of the hearings of the Military Committee. When asked if there were things undertaken or carried on by his department since the beginning of the war which could have been done better he replied somewhat flippantly, in effect, that he did not know all the men in the world and therefore could not pass on their capabilities. When he appeared before the committee the second time, the Secretary had modified this position, for he said:

> And we look back over the past and realize that there have been delays and that there have been shortcomings; that there have been things which might have been done better. In so great an enterprise it is impossible for frankness not to find those things.

Undoubtedly the second statement is exactly correct. I want to repeat that many improvements have been made in the operations of the department during the last 10 months, but at the same time it is impossible to expect a department whose head makes such a statement as the one to which I first referred to make many changes which an outside investigation have shown to be necessary, for his answer is in effect an omnibus apology.

It has been charged that the action taken by the committee resulted from personal or political bias, and the committee has even been criticized for taking officers and officials from their normal employment for examination purposes. I think it is proper for me to say that never in my experience in the House of Representatives or the Senate have I seen a congressional investigation so devoid of partisanship, so little, in fact, that it was negligible up to the time the proposed bills were introduced. There has been no attempt or desire to crucify anyone or anything. On the contrary, the investigation has been conducted upon the principle that the people have a right to examine and regulate the administration of their Government, and that they should exercise that right whenever it seemed best for them to do so. Speaking for myself, I wish to say that I am in favor of a continuation of the exercise of that right whenever anything incident to the war, or otherwise, develops which seems to justify an investigation; and evidently the Secretary of War is in agreement with that position, for he said at his second appearance before the committee:

> I do not need to urge that your committee, that the Members of the Senate and the Members of the House, that every citizen in this country, official and unofficial, from the highest to the lowest, realize that this is their enterprise, not quite so much as it is mine in the sense of responsibility, but their enterprise, and to ask from you and from them every suggestion, every criticism, every constructive thought that occurs to any of you, and I ask you when shortcomings are pointed out to you, whether they be well founded or whether they be not well founded, that you will instantly convey them to me, so that by the processes which the department has I may search out where blame is to be attached, where remedies are to be applied, and where strengthening and improvement of the organization are possible.

That is exactly the position of the committee, and I submit to the Senate that that could not be done satisfactorily unless the committee examined these complaints, sifted out those which had no sound basis, and presented the balance of them to the department, either through recommendation of legislation or in some other way. Incidentally, I may say, that a great many of the suggestions developed as a result of the committee hearings have been adopted or are in process of adoption by the War Department at this time.

The committee has not found everything wrong in the War Department; it has found many things to commend, and it should be a just cause of pride to all of us that so much has been accomplished in the preparation of our armies to take their place at the front. To a considerable extent, this is due to the ready response made by the high-class business men of the country, who rallied to the support of the Government in the emergency following the declaration of war on Germany and have performed, frequently under most trying circumstances, most important and absolutely essential service. I do not believe the affairs of the War Department could have been conducted with anything like the same degree of success if these men had not come to the rescue of the Government. I refer particularly, of course, to the advisory commission and its many subcommittees.

Neither would it be fair to unreservedly criticize the many activities conducted by officers of our Army. I shall refer to some of them in a critical way, but I want to say that in dealing with matters with which they are familiar, and which their military training has qualified them to conduct, the officers of the Regular Army have performed their duties well. I have no doubt a more thorough investigation of many other bureaus of the Army would demonstrate the same thing.

Neither do I wish to unjustly or unreservedly criticize the head of the War Department. He has had to deal with a multitude of questions during his incumbency, the disposal of many of which heartily meet my approval. It would require too much time to enumerate the favorable comments I might make. The Secretary has done that effectively in his speech made to the committee on January 28, 1918. No investigation would have been undertaken if there had not been criticism, and it was to find out whether such criticisms were justified and whether corrections could be made to better the service that led the committee to undertake the investigation. If I were to criticize the Secretary of War personally, it would be that he has undertaken to do too many things himself, some of which, at least, might have been attended to by subordinates, and that he has been too open to access to people who might have had their needs provided for through some subordinate officer, leaving him too little time to deliberate over the many larger problems coming before his department. If I were to make a further criticism, it would relate to his temperamental relationship to war. Doubtless he himself would admit that he is a pacifist by nature. For example, he is even now opposed to universal military training, one of the benefits we ought to get out of

the great sacrifices we are making; and I can not divorce myself from the conclusion, based on his own testimony, that he has been inclined to plan for the prosecution of the war—and this condition has to some degree permeated the department—on the basis that we are 3,000 miles from the front instead of hastening preparation with all the vigor we would exercise if our borders were the battle front.

ORDNANCE BUREAU.

During its investigations the committee has examined officers of the Ordnance Bureau, officers and civilians connected with the Quartermaster's Bureau, the office of the Surgeon General, the Aviation Service, and some other less important branches of the military service. I think it proper to call to the attention of the Senate a few of the salient features of the results of this examination. The Bureau of Ordnance for the last 16 years has had at its head one of the ablest officers in the Army. Speaking personally, I have had a great admiration for Gen. Crozier. He was promoted to the rank of brigadier general and placed at the head of the Ordnance Bureau because of his generally recognized fitness, and in most respects he has borne out the prophecy of his early career. It is not his fault that much earlier action was not taken to provide a larger amount of artillery than we now have. It is true that even if the recommendations he has so many times made had been adopted we would still have been in a weaker position than we should, but his record shows that he has frequently urged appropriations for the Ordnance Bureau very much larger than his immediate superiors in the department or Congress have been willing to grant. The truth is, as he states himself, the fault is with the country, which has not always been correctly informed and has been inclined to listen to the arguments of those statesmen who have been, during the past 25 years, figuring how much highway or some other local improvement could be constructed from the appropriation to build a battleship or furnish the War Department with suitable artillery. It can not be denied that the failure of the many attempts to properly prepare the country for war when the sentiment of the country was not sufficiently favorable to do so is now costing us an expenditure of billions of dollars which might have been saved if a systematic, thoughtfully carried out program had been followed and our action based to some degree on the military preparations of other Governments, for the money expended in normal times would have provided a much larger return. Now exorbitant prices must be paid for everything required to provide for the present emergency.

Having said this much in justification of Gen. Crozier's position—and I might say more—I feel that it is necessary to call to the attention of the Senate some of the conditions for which he is partially responsible. At the beginning of the war the Government owned about 600,000 Springfield rifles and about 180,000 Krag rifles, for which latter there was no suitable ammunition; in fact, such Krag ammunition as we had was very old and probably dangerous. The Springfield rifle is of the highest type, and, speaking roughly, it is probably fair to say there is no better rifle in the world, although it has not the longest range; but I do not think the range of the rifles used in the present war has any material influence on results. The question which immediately developed, however, was with reference to an additional supply of rifles sufficient to meet our needs. I think those responsible may properly be criticized for their conclusion in this matter.

The War Department found it necessary to adopt one of two courses—either continue the manufacture of the Springfield type or take advantage of the facilities for manufacturing rifles developed in this country as a result of the European war and adopt the rifle used by Great Britain, or some modification of it. The ammunition used by the British is not like our Springfield ammunition, and that is also true of the French ammunition. It was finally decided to manufacture the Lee-Enfield rifle, the one being made in the United States for Great Britain, but changing it so that our ammunition could be used. Before the necessary changes could be made two months had passed, and supplying our Army with rifles has been delayed by at least that time. I think I will show that the delay has been much longer than two months. It is true that it is absolutely essential that an army should use but one kind of small-arm ammunition, but the question naturally arises whether it would not have been better to have manufactured the Lee-Enfield British type for service abroad and use the Springfield rifles we had on hand for training purposes at our camps. If this had been done, we would have supplied our Army with rifles in a much shorter time.

Small arms are manufactured in two Government arsenals, and by running them in two shifts of 10 hours a day they have a combined maximum capacity of about twelve hundred rifles per day. I wish to recall to the Senate that on August 29, 1916—the national defense act was passed in June—an appropriation was made for the manufacture of rifles and pistols, which justified running to their full capacity both of our armories. The one at Rock Island, Ill., had been closed down, and the other at Springfield, Mass., was manufacturing only about 75 rifles a day. After the passage of this appropriation bill, an order was given to start up these foundries, but so ineffectively was it carried out that the Rock Island Arsenal, which had been closed down, did not turn out a single rifle until June 23, 1917, or almost a year after the national defense act was passed and 10 months after the appropriation was made for that purpose. In the meantime there had been a slight increase in the output of the Springfield Arsenal, but when we declared war the total output from the latter arsenal was comparatively small.

British rifles had been manufactured in this country at Eddystone, Pa.; Ilion, N. Y.; and New Haven, Conn.; and as soon as the change in type could be made these foundries commenced turning out the Lee-Enfield rifle, so modified that our ammunition could be used. While manufacturing for the British Government these foundries had attained a combined capacity of 6,000 rifles a day. Two months before we declared war they had commenced reducing the number of their employees in proportion to the completion of the work they then had in hand, and as it required something over two months to entirely complete their British contracts, they did not succeed in turning out anything like their full capacity of the new type rifles until very recently. If they had been immediately employed to turn out the British rifle at the rate of 6,000 a day from the time we declared war, we would now have practically 1,800,000 rifles of that type, which, with the 600,000 Springfields on hand for drill and target purposes in this country, would have been amply sufficient to arm all of our forces with the required number of rifles. There were some questions relating to our ammunition, which were arguments in favor of making the change, but all of these arguments in favor of the change did not commence to overcome the advantage of immediately providing the largest supply of rifles possible—a rifle which has served England satisfactorily during three years of actual warfare.

I have discussed this matter in considerable detail, because it illustrates the point I wish to make relative to the management of the Ordnance Bureau. Its head had been engaged in technical matters all his life. He had constantly sought—justifiably so in ordinary times—for the best the market could produce, and in this case he was unwilling to modify that standard of perfection even though a modification would have greatly hastened the production of a satisfactory arm and one which would have answered all our purposes.

In order that the Senate may be fully informed upon this subject, I shall give the number of rifles which have been produced since our declaration of war up to and including December 31, 1917:

Manufactured at the Springfield Armory	87,324, or	350 per day.
Manufactured at the Rock Island Arsenal (from June 23, 1917, when the first delivery was made)	17,060, or	115 per day.
Manufactured by the Endystone Co	128,124, or	500 per day.
Manufactured by the Winchester Co	78,538, or	300 per day.
Manufactured by the Remington Arms Co	34,414, or	100 per day.
Total output	345,460, or	1,365 per day.

During that time, if we had continued the manufacture of the British rifle, we could have manufactured at least 6,000 a day, a total of about 1,500,000, or more than four times as many as were actually produced, all of which shows that not only was two months lost in making changes necessary to permit the use of American ammunition, but it has taken many months to reach a quantity production equal to the capacity of these plants when we engaged in war.

The result of delays incident to preparation immediately before the war and in commencing our activities after the declaration of war in matters relating to machine guns, light artillery, and middle heavies is even more deplorable than that relating to small arms. The national-defense act of June, 1916, provided for a five-year program in the manufacture of ordnance, and included an appropriation of $12,000,000 for machine guns, but it was not until December 14 that 4,000 Vickers guns, tripods, and spare parts were ordered, and not until April, 1917, that 1,300 Lewis guns were ordered. I do not intend to discuss the long-drawn-out controversy about the Lewis gun. Possibly Gen. Crozier is right in his claim that the gun did not function satisfactorily until after our declaration of war, but it had been used during the previous two years by the English to good advantage, and it was very easy to obtain evidence that the gun was giving satisfaction. There is a very considerable plant in the United States at Utica, N. Y., engaged in the manu-

facture of these guns, and I think that plant should have been enlarged without delay and as many guns as possible turned out at once, even if a better gun would be provided later on. Incidentally, we have lost a great deal of time in changing this plant, which was manufacturing guns for British ammunition, to manufacture a gun to use American ammunition. After many trials and investigations it was decided to manufacture Lewis guns for aircraft purposes, and orders were given for these guns late in the fall of last year, but no Lewis guns are even now being manufactured for ground service.

Mr. WADSWORTH. Mr. President, will the Senator suffer an interruption just at that point?

Mr. WEEKS. I shall be very glad to.

Mr. WADSWORTH. It so happens that three days ago I visited the Savage Arms plant at Utica, and I spent three hours in going through it. That plant is now turning out 100 Lewis machine guns per day, an average rate of 3,000 per month. That production might have been started earlier in the summer.

Mr. WEEKS. That illustrates very clearly, Mr. President, the point that I am trying to make. We delayed giving orders for our equipment and failed to take advantage of all the facilities available to furnish it.

It was finally decided to manufacture for ground service what is known as the Browning gun, an untried weapon in actual service, but a gun which promises well in the tests that have been made. None of these rifles, however, can be delivered until March of this year, and those of the heavier Browning type not until May of 1918. It is absolutely essential that infantry regiments in these days have a very considerable number of machine-gun companies, and our troops will be handicapped more or less by this failure to act promptly in providing some kind of machine gun. I will put in the RECORD at this point a table showing the number of machine guns we had on hand at the beginning of the war—a pitiful showing:

Two hundred and eighty-two Marlin automatic machine guns, caliber .30, model of 1904.
One hundred and forty-eight Colt machine guns, caliber .30.
Three hundred and sixty-three Lewis machine guns, caliber .303.
Six hundred and sixty-six Benét-Mercié machine rifles, model of 1900.

Although we have had a very good 3-inch gun in the United States it was decided to adopt the French 75-mm. gun. I will put in the record at this time a table showing the number of guns and carriages we had on hand at the beginning of the war, including the 4.7 howitzers—another pitiful showing:

3-inch guns and carriages	528
4.7-inch guns and carriages	64
6-inch howitzers and carriages	8
3.8-inch howitzers and carriages	28
4.7-inch howitzers and carriages	108
3.8-inch guns and carriages	8
2.95-inch mountain guns and carriages	80

I want to particularly call attention to the delays incident to undertaking this work. I have already called attention to the time when the order was given to manufacture the Vickers and Lewis guns. The orders for other heavier artillery were not given until some time subsequent. Gen. Crozier testified that he was delayed somewhat by lack of appropriations, which were made in June, 1917, but he also testified that no attempt was made to use any part of the hundred millions of dollars of the emergency fund given the President until August, 1917, or perhaps in the month of September, when $35,000,000 was placed at the disposal of the Ordnance Bureau. That enabled making the contracts before the appropriation bill of October, 1917, was passed.

The natural query coming to one's mind after examining all this testimony in detail is why there should have been any material delay after the declaration of war in making contracts to carry out the program authorized in the national defense act? It will be remembered that this was provided in five parts. Preparations had to be made for placing the activities for the first part, and they had been placed, so that by multiplying that by four it would not seem that it would have taken any particular time to take the next step; and yet months passed—precious months, as has been demonstrated by the unpreparedness of our troops.

During the examination the chairman of the committee asked this question:

And yet between the appropriations of 1916 and June, 1917, practically nothing was done toward construction. I am still not satisfied with the explanation you made about the delay.

Gen. CROZIER. Senator, what I shall have to say to you, then, is that I am not satisfied either, and I was not satisfied at the time.

The CHAIRMAN. Who was responsible?

Gen. CROZIER. The Secretary of War.

The CHAIRMAN. Somebody is responsible, and I want to find out who.

Gen. CROZIER. The Secretary of War has to be responsible. That is to say, the program of treatment of the subject of machine guns, coming finally to the fear of May, 1917, was a program which was adopted by the War Department; it was prescribed by the Secretary of War, who took a personal interest in the subject, and was not the program of the Ordnance Department.

I need not dwell longer on this subject than to refer to the dates when orders were given for the manufacture of the different classes of artillery with which our Army is to be provided, and I wish to insert in my remarks a list of the contracts and the dates on which these contracts were made.

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

List of principal items purchased by Field Artillery section since declaration of war.

P. O.	Firm.	Material.	Quantity.	Date.
26	Bethlehem Steel Co	75-mm. gun carriage	4	May 12, 1917
13	do	do	340	May 18, 1917
17	do	do	268	May 21, 1917
12	New York Air Brake Co.	do	400	June 8, 1917
154	France	do	48	July 2, 1917
134	do	do	572	July 9, 1917
367	Willes-Overland Co	do	2,927	Dec. 1, 1917
320	France	do	448	Nov. 28, 1917
106	Rock Island Arsenal	3-inch carriage limber	108	Apr. 9, 1917
14	Bethlehem Steel Co	do	496	May 18, 1917
2	A. C. & F. Co	do	661	June 6, 1917
220	do	do	880	Aug. 22, 1917
18	Bethlehem Steel Co	do	268	May 21, 1917
154	France	do	48	July 2, 1917
134	do	do	572	July 9, 1917
320	do	do	448	Nov. 28, 1917
342	A. C. & F. Co	do	2,053	Nov. 5, 1917
0	do	75-mm. gun caisson	3,348	June 5, 1917
218	do	do	2,409	Aug. 24, 1917
15	Bethlehem Steel Co	do	800	May 18, 1917
154	France	do	48	July 2, 1917
134	do	do	572	July 9, 1917
343	A. C. & F. Co	do	14,598	Nov. 5, 1917
7	do	75-mm. caisson limber	3,348	June 6, 1917
219	do	do	2,409	Aug. 24, 1917
16	Bethlehem Steel Co	75-mm. caisson limber	800	May 18, 1917
154	France	do	48	July 2, 1917
134	do	do	572	July 9, 1917
348	A. C. & F. Co	do	14,598	Nov. 5, 1917
3	do	75-mm. battery wagon	333	June 5, 1917
224	do	do	200	Aug. 28, 1917
344	do	do	1,338	Nov. 5, 1917
34	do	75-mm. forge limber	333	June 5, 1917
225	do	do	200	Aug. 25, 1917
345	do	do	1,338	Nov. 5, 1917
36	do	75-mm. store wagon	333	June 5, 1917
222	do	do	200	Aug. 24, 1917
346	do	do	1,122	Nov. 5, 1917
35	do	75-mm. store limber	333	June 5, 1917
221	do	do	200	Aug. 24, 1917
347	do	do	1,122	Nov. 5, 1917
434	Maxwell Motor Co	75-mm. 2-horse battery reel	1,640	Nov. 28, 1917
125	Walter Scott	4.7-inch gun carriage	350	July 12, 1917
1—	Rock Island Arsenal	do	184	July 23, 1917
409	Studebaker Corporation	do	500	Dec. 8, 1917
10	A. C. & F. Co	4.7-inch carriage limber	433	June 6, 1917
387	Maxwell Motor Co	do	479	Nov. 28, 1917
9	A. C. & F. Co	4.7-inch gun caissons	1,848	June 5, 1917
402	Ford Motor Co	do	901	Dec. 5, 1917
155	French Government	155-mm. howitzer carriage.	24	July 2, 1917
135	do	do	295	July 9, 1917
313	Cornell Bradley Co	do	990	Oct. 29, 1917
311	Mosler Safe Co	do	1,221	Nov. 1, 1917
327	French Government	do	186	Nov. 14, 1917
366	Standard Steel Car Co	do	250	Nov. 21, 1917
155	French Government	155-mm. howitzer carriage limber.	24	July 2, 1917
135	do	do	295	July 9, 1917
327	do	do	186	Nov. 14, 1917
451	Maxwell Motor Co	do	2,448	Nov. 28, 1917
155	French Government	155-mm. howitzer caisson	24	July 2, 1917
135	do	do	295	July 9, 1917
402	Ford Motor Co	do	8,937	Dec. 5, 1917
240	French Government	155-mm. gun carriage	48	Aug. 9, 1917
310	Minnesota Steel & Machinery Co.	do	1,388	Dec. 2, 1917
327	French Government (by cable).	do	72	Nov. 14, 1917
66	Midvale Steel Co	8-inch howitzer carriage	80	May 14, 1917
239	Watertown Arsenal	9.5-inch howitzer carriage.	250	Sept. 1, 1917
331	Standard Steel Car Co	do	994	Nov. 16, 1917
399	J. G. Brill Co	6-horse reel and cart	1,100	Oct. 27, 1917
386	do	do	1,250	Dec. 15, 1917

Mr. WEEKS. As a further comment of delays which have taken place, about 5,000 of the 75-mm. guns and carriages have been ordered. Small orders were placed throughout the summer, but the main order to the Willys-Overland Co., for 2,927, was not made until December 1, 1917. The same thing is generally true of other guns and gun parts. For instance, the largest order for 3-inch carriage limbers was given to the American Car & Foundry Co. on November 5, 1917. Nearly three-fourths of the 75-mm. gun caissons were provided for in an order on the same date, November 5, 1917, and so on down through the list. Instead of being made in May and June, or possibly in July,

these contracts were very largely made in November, many of them as late as December. It seems to me that a realization of the necessity to have acted promptly would have produced a very different result.

It is true that testimony has been submitted to show that we have made arrangements with France for artillery of various calibers for the year 1918, and it is represented that this arrangement was suggested by the French Government. Whether or not this is so, on account of the delays to which I have briefly referred we could not have provided any considerable amount of artillery for ourselves before the end of this year. But even under these circumstances it seems to me to be very doubtful wisdom to have to depend on France, where there must be an active demand for the employment of every mechanic in providing the requirements in that country. We have a much larger supply of labor than either England or France, especially skilled labor, and it should not have been necessary for us to depend on those countries for this assistance, or, at least, to nothing like the extent we find it necessary.

One of the most acute and dangerous situations developed by the committee's investigation relates to providing a suitable supply of powder.

I want to say, Mr. President, that in all cases where officials of the department or officers of the Army appeared before the committee they were advised that if there were anything of a confidential character in their testimony which should not be included in the public record it should be reserved for executive session. As far as it is possible for me to do so I have limited the citations I shall make to the public record, because it would be manifestly unwise to discuss a confidential matter on the floor of the Senate. I say that at this time because the powder situation is one that can not be discussed in great detail, and I have left out all figures in my reference to it.

Powder can not be readily obtained in England, France, or Italy; indeed, those countries have been, and are at present, drawing on the United States for their supplies. It would not be justifiable, in my opinion, for me to give detailed figures relating to this subject, but I can say without impropriety that about half of the capacity to manufacture in the United States is under contract to our allies, and our total capacity is not more than half our probable needs for the year 1918. Yet no definite step was taken to provide this additional capacity until the month of December, when construction of one unit of an additional supply was undertaken, and within 10 days the construction of another unit was also undertaken. However, if both of these units were in full operation and we had full use of the present capacity, we would still probably be providing for less powder than we will need this year. Of course, the correctness of this statement depends somewhat on the number of troops we have in action.

I can not state too strongly my impression based on the testimony submitted to the committee that there has been gross neglect in providing this absolute requirement, a neglect which would be almost fatal to our war plans if they were not also hampered by the shipping situation.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. WEEKS. I do.

Mr. TOWNSEND. May I ask whether Congress had provided the money necessary for securing the amount of powder that we needed?

Mr. WEEKS. Mr. President, I do not recall in detail the appropriations; but the Senator from Michigan will remember that we provided in the spring of 1917, before the declaration of war, an appropriation of $100,000,000 for emergency purposes, and, substantially speaking, that appropriation was not expended; so that the money was available for such purposes as the construction of powder plants, purchase of ordnance, or any similar use.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. WEEKS. I do.

Mr. WARREN. I assume that the Senator means the $100,000,000 which was given to the President?

Mr. WEEKS. I am speaking of that now. I do not remember about the detailed appropriation for powder in the appropriation bill.

Mr. WARREN. The $100,000,000 was to be controlled by the President?

Mr. WEEKS. Absolutely; and there is nothing on record to show that any request was made for a part of this fund for that purpose.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. WEEKS. I do; yes.

Mr. TOWNSEND. I was a member of the Appropriations Committee at the time. My memory is that the appropriations asked for by the department for powder and other Army supplies were always granted.

Mr. WEEKS. Mr. President, it would have been the height of folly to have failed to grant a request of the department for funds to provide powder. I can not imagine that any Senator would interpose an objection of any kind to such a request.

It must be remembered that powder plants can not be constructed in a few months. It requires many months, and we can not expect supplies from the plants now under construction until the campaign of this year has been well advanced, and then only a moderate quantity; indeed, these plants will not be able to operate to their full capacity this calendar year.

A similar conclusion is justified in the failure to provide chlorine, toluol, and other absolutely necessary materials. The testimony, however, is much too confidential to discuss on the floor of the Senate.

QUARTERMASTER BUREAU.

The examination made by the committee of the Quartermaster Bureau developed that much excellent work had been done, but many failures, which might have been avoided, were made. The head of that bureau has labored under the disadvantage of not being a trained quartermaster, but a commissary, with which service he had been connected until the amalgamation of the Paymaster, Quartermaster, and Commissary Departments a few years ago. In the particular line in which he has been trained too much praise can not be given him. I think it fair to say that there is no substantial complaint against the food furnished the Army; indeed, I have not heard or seen a complaint which could not be directly charged to some local condition, and the rationing of our men has, on the whole, been a tremendous success. Gen. Sharpe is entitled to the credit for this result.

The purchasing of supplies, however, has not in all respects been handled satisfactorily, and would have been distinctly otherwise, in my opinion, if it had not been for the assistance rendered by the Committee on Supplies; but that assistance involved complications—differences between the Quartermaster's Bureau and the Committee on Supplies—and in many cases a failure to obtain good results. It ought to be said, however, that there has been an enormous enlargement in the number of officers connected with both the Ordnance and Quartermaster's Bureaus, and that, necessarily, it took time to secure suitable men and train them for their duties. But the same delay in getting under way and in giving contracts is found in the Quartermaster Department that I have instanced in connection with the activities of the Ordnance Bureau. For example—and I will only give one instance, because it is typical—it was, of course, known as soon as war was declared that overcoats for the entire number of men enlisted or drafted would be required before the cold weather, and yet contracts for but 152,000 overcoats were made in April, but 50,000 in May, and, in addition to that, about a million and a half between the 1st of June and the 1st of September. The deliveries of these overcoats, however, were put at such dates that they could not possibly have been received in time to even furnish a million men with overcoats before cold weather. For example, 1,632 were to be delivered in May, 15,700 in June, 80,000 in July, 150,000 in August, 350,000 in September, 340,000 in October, 170,000 in November, and 250,000 in December, or a total of 1,357,332, or less overcoats than we had men in the service on the 1st of January of this year. This indicates that some of our men, either those under arms or those in the noncombatant forces, could not possibly have been supplied with overcoats in time to prevent the suffering which has undoubtedly resulted from this neglect.

Senators should recall that men doing duty at night require overcoats during the month of September in almost all sections of the country. It is not safe to say that even if these overcoats had been supplied before the 1st of December there would not have been suffering on account of failure to furnish them earlier.

This illustration is not unlike others which may be instanced; in fact, technicalities of one kind or another prevented our using all the facilities we had at hand. Great clothing centers were not employed in the slightest degree in manufacturing clothing for the Army. Not a contract was let in Rochester, N. Y., or in Newark, N. J., which are among the most important clothing centers in the United States. I do not find that any contract of any considerable amount was let to a manufacturer of clothing west of the Allegheny Mountains. There were some small purchases to make up our requirements made in a few

western cities, but there were not more than 50,000 overcoats purchased from these sources. If there had been a planning board to give consideration to the letting of these contracts, they would have been distributed throughout the country, especially in those places where other work was not being done, and where labor could easily be obtained and properly housed.

The experience of the American Uniform Co., of New York, is not unlike that of many other manufacturers. This concern, which had manufactured 500,000 uniforms for the British Army within a period of 60 days, and had ample capital and suitable facilities for doing the work, was refused contracts on account of technicalities which seem almost absurd when we consider that our men, as a result of such neglect, failed to receive warm clothing before the cold weather came on. In their endeavors to obtain a contract, which was finally refused on the ground of insufficient capital, although they had one of the best lists of stockholders, containing many men of very high financial rating, and a capital of $750,000, they were hampered in every way. To give an example of the situation, I quote what took place at the quartermaster's office in New York. The representative of the company received this information in reply to interrogatories by the manager of the uniform company. The quartermaster said:

The uniform company must own the shops. I asked him if this meant to own the building in which the shops were located. He said no, but that a lease from the landlord of the building would be required. I asked him whether this would not be satisfied by taking a lease from the present tenant, and he said that he would look on this with disfavor. I then asked him if the uniform company must own the machinery in the shop. He said yes. I pointed out that in some cases special machinery was leased. He said that in such cases a lease direct from the licensing company would be required. I asked him whether there was any objection to leasing the machinery from the present owner of the shop, and he said that he would look on this with disfavor.

In other words, instead of stretching a point to get a large manufacturer interested in making uniforms, every possible obstacle was placed in the way of the company receiving a contract. Whether there was personal animosity or other similar reason I am not able to say; but it is pretty nearly a disgraceful development that every attempt was not made to get our men warmly clad before the winter weather.

This uniform question brings out the most unsavory development which has taken place since the investigation commenced.

I feel that inasmuch as there has been so much comment in the press regarding this matter, I should bring it to the attention of the Senate. It is known as the Base Sorting Plant arrangement. In its inception undoubtedly the method used was wise, because the Government was furnishing the cloth from which the uniforms were to be made, and there was a natural desire that the clippings belonging to the Government should be used for governmental purposes; but in connection with carrying out this arrangement—and perhaps he was its promoter—there appeared on the scene one Samuel Kaplan, of New York, who soon became connected with the committee on supplies and within a very short time—not much more than a week, according to the evidence—obtained a contract for the sorting of these rags at 6 cents a pound, the contract being let to the Base Sorting Co., of New York, a company organized for this purpose with a capital of $5,000, of which $10,000 was paid in. One of the three active men in the Base Sorting Co. was a brother of Kaplan. Other rag dealers soon became active and insistent that a suitable arrangement had not been made, and the result was a modification of the contract so that only a half a cent a pound profit should be paid to the Base Sorting Plant. Later on, the agitation being continued and those connected with the company evidently becoming frightened, they offered to do the sorting for nothing; and in December, as a result of an investigation made by the Equipment Bureau, the Secretary of War canceled the contract altogether.

At the time this contract was made there was another contract let, which presumably has also been canceled——

Mr. HARDING. Mr. President——

The PRESIDING OFFICER. Will the Senator from Massachusetts yield to the Senator from Ohio?

Mr. WEEKS. I yield.

Mr. HARDING. If it will not interrupt the Senator, I will ask him if he has noted in the press the dismissal from service in the Army of the officer who interfered with the contract?

Mr. WEEKS. I read that in the morning paper. I was going to refer to it.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. WEEKS. I yield.

Mr. THOMAS. If the Senator will permit an interruption, I noticed that article myself this morning, and as the result of it I have addressed a letter to the Secretary of War asking for particulars connected with the dismissal of Capt. Pereless, with a hope that I may be able to lay the information before the Senate to-morrow morning.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Will the Senator from Massachusetts yield to his colleague?

Mr. WEEKS. I yield.

Mr. LODGE. Who gave the first contract at 6 cents a pound to Kaplan?

Mr. WEEKS. The committee on supplies. Kaplan, while not a member of that committee, was a member of the subcommittee of the committee on supplies.

Mr. LODGE. Who was at the head of the commission?

Mr. WEEKS. Mr. Eisenman. I should say that Mr. Rosenwald, of the Sears, Roebuck Co., a member of the advisory commission, is the chairman of the committee on supplies. Mr. Eisenman, of Cleveland, Ohio, is the vice chairman of the committee on supplies and had this particular matter in charge.

Mr. GALLINGER. Will the Senator permit me?

Mr. WEEKS. I yield.

Mr. GALLINGER. Will the Senator state how long the contract ran at which 6 cents a pound was paid?

Mr. WEEKS. It was an indefinite contract, as I remember, but contained the usual provision made in Army contracts permitting its cancellation.

Mr. GALLINGER. The Senator does not quite understand me. How long a time did this arrangement continue before it was changed from 6 cents a pound to half a cent a pound?

Mr. WEEKS. It continued two or three months, as I recall.

Mr. GALLINGER. Could the Senator state approximately how large the profit received was?

Mr. WEEKS. I shall do so, because I want the Senate to know the facts.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Will the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WEEKS. I yield.

Mr. HITCHCOCK. If the Senator would like to insert it in the RECORD, I have here the data relating to that contract in a compact form.

Mr. WEEKS. I will ask unanimous consent to insert the data in the RECORD.

Mr. HITCHCOCK. I can read it in this connection.

Mr. WEEKS. Very well.

Mr. HITCHCOCK. July 26 Mr. Eisenman sent to the Quartermaster's Department a letter from Kaplan giving plans for Government control of clippings.

August 9 Eisenman recommended raising the profit from one-half cent per pound to 1 cent per pound.

August 21 Eisenman was advised that a company had been formed, with Mr. Ira A. Kaplan as president.

August 22 the contract was signed.

September 13 Eisenman left contracts for sale of condemned clothing and blankets to Base Sorting Plant for execution with the Quartermaster General.

September 20 the contract was signed.

November 14 one of the dissatisfied rivals, Mr. Leuthner, called the attention of the Secretary of War to the fact that the contract was outrageous and would result in a profit of $400,000 on clippings. The Quartermaster's Department immediately began to investigate.

December 3 Eisenman sent a proposed supplementary contract reducing the profit on clippings back to one-half cent per pound.

December 8 Eisenman forwarded offer from Base Sorting Plant from the same concern to cut off the other nominal one-half of 1 per cent profit.

December 19 the Quartermaster General canceled both contracts and gave the 30 days' notice to take over the plant. The testimony shows that contracts were duly entered into first at 5½ cents, then at 6½ cents, and then dropped from 6½ to 5½, from 5½ to 5, and finally when an investigation was had the contract was canceled by the War Department.

Mr. WEEKS. I was about to say when interrupted that at the time this contract was made there was another contract let which presumably has also been canceled, although the Military Committee could not seem to obtain the evidence that this had been done. This latter was a contract to take over all of the condemned material from the Army, including blankets, uniforms, overcoats, and so forth. This contract was made at 5 cents a pound. While the company was operating on the 6 cents a pound basis it made money at the rate of $400,000 a year on the first contract. It was easily demonstrated that the work could be done for 1½ cents a pound. If the second contract had not, or has not, been canceled, the profits, according to the testimony of

Capt. Pereless, Quartermaster Corps, United States Army, would run into the millions of dollars.

I do not believe that any member of the committee on supplies, referring now to Mr. Rosenwald and Mr. Eisenman, knew what it cost to sort rags, although it would seem that they should have found out before making such a contract. Certainly the rag dealers knew, and the fact that a man connected with the committee on supplies, or a subcommittee, should have been instrumental in bringing about such a contract, his brother being one of the officers of the company given the contract, another brother being connected with two comparatively small woolen mills, the only mills manufacturing for the Government which have been commandeered, and having still another brother of draft age who suddenly left the country before the passage of the draft act and who has not returned, surrounds the whole enterprise and the name with a kind of cloud which leaves an extremely bad impression. I wish to absolve, however, the committee on supplies from any responsibility in this matter, except it does seem to me that before making such a contract the committee should have learned the real cost of doing such work and made a businesslike contract.

This also brings up an important question in regard to the manner of making purchases of Army supplies. In most cases, except in contracts for shoes, the contracts were not made as a result of competition. It was claimed that conditions were such that this could not be done, but, leaving out the contracts for shoes, the total contracts made by this bureau during the months beginning with the declaration of war and up to the 1st of January aggregated about $700,000,000. It is worth noting that the Paymaster's Bureau of the Navy continued its policy of the past, and all contracts were made as a result of competition, the bureau having expended $300,000,000 without any difficulty in supplying the requirements of the Navy by following that system. While I do not claim that excessive prices were paid—indeed, it would be almost impossible to determine whether or not they were—contracting without competition is contrary to law and to every business precedent governed by prudence. It also involves some serious situations. For instance, the blankets which were furnished to the Government ranged in prices from $2.75 to $6.50. If he wishes to, one may assume that in each case the Government got its money's worth; but it can be easily assumed also that excessive prices were paid for some of these blankets, and certainly those purchased at the lower prices were of pretty poor quality. For instance, Gen. Greble, the commandant of the National Guard encampment at Fort Worth, Tex., testified that although his men had three blankets apiece they suffered exceedingly with the cold, and it was necessary to put in an emergency order to buy puffs. Twenty-five thousand were purchased for his camp. In other words, in many instances there was no standard of quality fixed or businesslike method followed in making purchases.

I wish to comment on the blanket question in passing. According to the evidence we have purchased 19,000,000 blankets. Gen. Pershing says that a man in the trenches will require nine blankets a year. Therefore if we had a million men in the trenches we have already purchased blankets enough for two years. But if the men are in camp they do not need half as many blankets as they would in the trenches. As more than half of our men up to this time and for the larger part of this year will be in camp, it would seem that we have bought blankets enough to last our forces from two to four years. That may be a wise provision in looking ahead, but, on the other hand, it must be remembered that manufacturing capacity which might have been utilized for some other purpose has been used in manufacturing blankets and quite likely delayed other necessary production. That is another point in favor of a planning board, to look ahead and determine these questions before action is taken.

It should be said that some requirements of the Government were so much greater than facilities to furnish them that competitive buying would not have been desirable. This is particularly true of the purchase of duck. The capacity of the manufacturers of this material was thirty times less than the requirements of the Government, and it was necessary to go out and develop facilities for providing this cloth. I do not intend to criticize the failure to purchase duck by competition, or of any other article where the facilities for its supply is less than the requirements of the Government.

At the first examination of the Secretary of War I, and I think others, got the impression that the camps had been supplied with all the requirements needed by the troops which had not been transferred to Europe. Later on he modified this statement by saying that the rush requirements of the troops had been supplied; but to show the extent of the failure to promptly supply troops under the program adopted by the War Department I wish to call attention to the testimony of Maj. Gen. Greble. Gen. Greble appeared before the committee December 28, 1917, and in some detail stated the failure to supply his camp at Fort Worth, Tex.

It must be remembered that this is a National Guard camp, that the National Guard was called into the service in July, and that, therefore, the testimony he gave represented conditions something like six months after his men had been mobilized. Gen. Greble, in answer to the inquiry whether his camp was properly equipped, gave this testimony:

The following is a list of present shortages expressed in percentage on the more important articles of equipment: Rifles, 59 per cent short; bayonets, 65 per cent short; pistols, 86 per cent short; cartridge belts, 59 per cent short; machine guns, none on hand (20 Colts shipped)—

Mr. SMITH of Michigan. What was the date?

Mr. WEEKS. December 28, 1917—

automatic rifles, 88 per cent short; 3-inch guns, 88 per cent short; 6-inch howitzers, none on hand; trench mortars, none on hand; 1-pounder cannon, none on hand; Artillery harness, 92 per cent short; horse equipment, 81 per cent short; Infantry equipment (this includes haversacks, first-aid pouches, and canteens), 78 per cent short; small-arms ammunition, 75 per cent short; Artillery ammunition, 90 per cent short.

In discussing the question of other equipment he furnished us the following information:

OFFICE OF DIVISION QUARTERMASTER,
Camp Bowie, Fort Worth, Tex., December 23, 1917.

Memorandum to commanding general.

1. The following is my estimate of the amount of transportation required to properly equip this division that is to be furnished by the Quartermaster's Department:

Item.	Total required.	On hand.	Necessary to equip.
Wagons, escort	405	362	43
Rolling kitchens	116		116
Carts, ration	113		113
Carts, water	109		109
Motor cars	46	1	45
Motor trucks	245		245
Trucks, technical supply	12		12
Rolling kitchens, trail-mobile	10		10
Motorcycles with side cars	105		105
Bicycles	259		259
Spring wagons (for Artillery regiment)	7		7
Water carts, trail-mobile (for sanitary trains)	6		6

JOHN P. HARSON,
Major of Infantry, National Army,
Division Quartermaster.

If any Senator thinks that is an individual instance and should not be given too much importance, I call to the attention of the Senate a letter, dated as late as January 13, from the captain of a company at one of the western camps. I will read a portion of it. The writer says:

I have no canteens, no ammunition belts, no haversacks, no pack carriers, no bayonets for Enfields, no automatic rifles, no grenades, no rifle grenades, no pistols, no alidades, no sketching boards, no field glasses, no gas masks.

In other words, the statement, inadvertently, I think, which has given the country the impression that these camps were fully supplied is not correct. The camps are not supplied, and very largely so because of the reason I assigned earlier in my remarks—entirely unjustifiable delays in making contracts to provide these necessities.

I think that probably this condition is an exaggeration of the shortages at many of the National Guard camps; but if this is true of a National Guard camp, how much more acute was it likely to be at a National Army camp, where the men were mobilized two months later. They had no equipment as did the National Guard before being called into the service. An examination of the dates of orders given for much of this equipment, which would have been furnished promptly if contracts had been made immediately after the declaration of war, shows the extent we have been delayed in enabling our Army to fit itself for service abroad. Many of these articles should have been furnished in their entirety early in the fall, but there were cases like that of cartridge belts, a very simple article, contracts for which were not given until long after they should have been delivered.

AVIATION.

I have suggested that the committee examined developments in the Aviation Service. On the whole, the evidence shows that this development has been carried on intelligently and systematically. While the actual number of machines constructed does not compare favorably with impressions given the public, not, perhaps, by those responsible, but by others, it is represented that from now on production will be comparatively rapid. As far as any evidence submitted to the

committee shows, the motor constructed for these airplanes has met all requirements and tests. At present it would seem that if there is any failure in the development of the Aviation Service, it will be due to the supply of spruce, and I hardly think entirely satisfactory arrangements have yet been made for this purpose. I say this with a good deal of hesitation, however, because there is evidence that much less progress has been made than should have been. I want to add that we can never be sure a machine is going to work well because it does so in practical tests. There may be unsatisfactory developments in the Aviation Service which can not be foreseen at this time.

Quite likely the Military Committee will feel it incumbent on itself to follow up this particular investigation from time to time to be sure that everything is being done to provide this very important facility in waging war; in fact, from the strictly military standpoint, I believe it is the most important agency we are furnishing. I have great hopes that our supplementing the efforts of the allies in providing airplanes will have a very marked effect on the successful prosecution of the war.

MEDICAL BUREAU.

I have also referred to the examination of the Surgeon General's Office and regret that a clean bill of health can not be given this essential branch of our Military Establishment. It is one of the best illustrations that can be found to demonstrate the lack of careful planning ahead. If somebody had really been thinking about the requirements of this great emergency, it could not have been possible that the building of hospitals at the camps or cantonments would have been delayed, or, in fact, not undertaken as soon as any construction was commenced. Yet, the construction of hospitals for the National Guard divisions was not undertaken until the month of September, a considerable time after they had gone into camp, and many of them are not completed at this time. None of these hospitals have steam heat, some have no hot water, and a very considerable number have been for months lacking the commonest equipment necessary to hospital facilities. No sewerage systems in some of them, not even bedpans until very recently, and in more or less instances the rooms in which examinations of patients were made had no heat, although necessarily a man must be exposed for a considerable time during such examinations.

As I said in the beginning, I do not believe in placing any particular reliance on individual cases of neglect in such matters. Quite likely a considerable number of doctors have been taken into the service who were inexperienced and in some cases absolutely incompetent, but it is apparent that there are not enough doctors for our needs or sufficient nurses. If there were, it could not be possible that such a case as was recently brought to my attention in connection with the Walter Reed Hospital, in this city, could happen. At that hospital a man was placed in the measles-suspect ward on Sunday, removed Monday noon, and did not see a doctor again until Wednesday morning, although he was suffering acutely from a disease which should have been promptly treated.

As far as the National Guard camps are concerned, all the hospital arrangements have been delayed and neglected. Maj. Gen. Greble, commanding the Fort Worth, Tex., camp, reported to at least four officials of the War Department during the month of September that unless prompt action were taken there would be sickness and demoralization in his camp. Almost immediately afterwards he was sent to Europe, and did not return until November, but, notwithstanding his protests against these conditions, no action was taken to remedy them until the 15th of November. By that time the camp had become a vast hospital. Of the 25,000 men in this cantonment, 8,000 were at one time or another in the hospital during the month of November. The capacity of the hospital is 800 men, and at one time it had to accommodate eighteen hundred patients—a hospital with no sewerage system and lacking in pretty nearly every medical requirement. It is not surprising that there were 200 deaths within a short time at that camp and numbers of the men so inadequately treated that their recovery is a matter of weeks and months.

All of these instances are important illustrations of a failure to develop a definite plan before the men were ordered to the colors. While such failures are not by any means universal, they are of sufficient number to warrant their being brought to the attention of the public and to stimulate the officers of the War Department to correct them and prevent their recurrence; indeed, there can be no question that much of the sickness and many of the deaths at these cantonments were due to insufficient clothing and inadequate hospital facilities.

Now, I want to point out how far we have fallen behind other countries in this respect. Here is a quotation from the proceedings of the House of Commons. The undersecretary of state for war was asked about mortality, and the suggestion was made that an investigation be ordered of the condition of the troops at Salisbury Plain.

Mr. LODGE. What date was that?

Mr. WEEKS. The answer indicates that it was very recent. This is the answer of Mr. Tennant:

> The annual ratio per 1,000 was for the Salisbury Plain district during the period of September 1 to the 31st of December, 325.4 admissions to the hospital; deaths, 1.88.

That would indicate a number of deaths not exceeding 5 per thousand per year. The number of deaths at our camps exceeds 8 per thousand per year, 5 is about the ratio for men who have been examined of the age of our drafted men, and Mr. Tennant adds:

> Both those ratios are lower than those for peace time, and in those circumstances I can not see any necessity for the appointment of a committee to investigate.

TROOPS IN EUROPE.

Mr. President, the question has arisen about the number of troops we have in Europe. Of course, I am not going to say how many American troops there are in Europe, although I know, but the suggestion has been made by those in high authority that we have done very much better in this respect than we anticipated, based on plans made during the fall months. I want to say in reply to that—because I do not think it fair to give the public a wrong impression about what we are doing—that on the 1st day of October I had a conversation with the Secretary of War, who told me the number of troops we had in Europe or on the way there, what the plans of the department were, and what he believed the department could do in the future. The number of troops now in Europe is exactly 54 per cent of the number that would have been there on February 15, if those plans had been carried out. I do not say that in the way of criticism of the Secretary of War, but I do say it as an answer to the impression given the public that we have been accomplishing more in getting troops to the other side than was anticipated by the officials of the department. It is distinctly unwise to give the public such an impression. It is almost equally unwise to give the public the impression that we are doing less than we are, or hold up to criticism those things which should not be criticized; but, as far as possible, without exposing military secrets, the public should be given the truth in matters of that kind.

The Senator from Kentucky [Mr. JAMES] yesterday, in his forceful address, in speaking of the number of troops abroad, said that we had not 30,000 men over there but many, many times that number; that we had not a hundred thousand men over there but many, many times that number. "Many" means numerous; it does not mean twice that number but several times that amount. I can say to the Senator from Kentucky and to the Senate that the word "many" does not apply to his description in any respect. When he says "many," it entirely deludes the public and is so erroneous that it should be corrected.

Incidentally, Mr. President, I listened with a great deal of interest to the Senator from Kentucky. Many of the things which he stated are true, but they had been stated more definitely by the Secretary of War in his testimony before the committee. I am glad the Secretary of War and the Senator from Kentucky said them, because they pointed out the things the War Department has done, and the Secretary of War made some explanations for the things which had not been done. It is right that the public should know that, but no one denies that our draft law has worked well, that we repaired the German ships expeditiously, or several of the other propositions the Senator from Kentucky discussed at considerable length.

He also instanced the fact that the French and British commissioners had extolled our war preparations. Does any Senator think that the commissioners from our allied countries would make public criticisms of what we were doing? If they were going to say anything—and they may have felt it incumbent upon them to do so—necessarily what they would say to us would be flattering to our vanity or, at least, would incline that way.

There was one other point raised by the Senator from Kentucky to which I desire to refer for a moment—a delicate subject which should not be discussed in detail in public. He referred to the failure of the Root mission to Russia, not with any desire to reflect on the head of that mission or any member of it, I take it, but to indicate that even as competent a man as Mr. Root had failed to obtain results. Most of us do not know

about the details of our relations with foreign countries; we are not members of the Foreign Relations Committee; we can not know the facts; and we could not discuss them in public if we did; but in that particular case I want to suggest to the Senator from Kentucky, if he can do so, that he look at the files of the State Department and determine for himself whether everything was done that could have been done which would have enabled the mission headed by Mr. Root to have been successful. I think he will find that others than the members of the Root mission were responsible, at least to some degree, for the failure of the success of that mission.

Mr. SMITH of Michigan. Mr. President, that is a very modest statement; but the Senator leaves it in a very indefinite situation. I was almost tempted to inquire whether he meant Senators to infer that the recommendations of that commission had not received proper attention at the hands of the executive department?

Mr. WEEKS. If the Senator from Michigan is curious on that subject—and I think every Senator should be—and will examine the records of the State Department, I think he will find that the recommendations of that mission were not carried out.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. WEEKS. I yield.

Mr. STONE. I think it is rather an unfortunate statement to say that the State Department had not done its duty with respect to the Root mission. The Senator himself says that it raises a subject which can not be discussed on the floor of the Senate, and then makes a statement of fact which might be contradicted; and who knows who is right? The Senator ought not to bring a question before the Senate which he himself says it is improper to discuss on the floor of the Senate, and make an assertion of fact like that.

Mr. WEEKS. Mr. President, I did not bring the subject to the floor of the Senate. The subject was brought to the floor of the Senate by the Senator from Kentucky [Mr. JAMES] in his speech of yesterday.

Mr. STONE. The Senator brought this particular matter before the Senate.

Mr. WEEKS. I brought this particular matter to the attention of the Senate to indicate that the Root mission was not, in my judgment, entirely responsible for the failure which was instanced by the Senator from Kentucky; and I said, and I repeat, that, in my judgment, it is not proper for me to go into any further details.

Mr. STONE. Then it ought not to have been referred to.

Mr. LEWIS. Will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Illinois?

Mr. WEEKS. With pleasure.

Mr. LEWIS. May I ask the Senator from Massachusetts has he some information on the point that, after recommendation was made by the Root mission on certain lines, they themselves, upon further investigation, qualified it and, out of their sense of conscientious duty, sent in other recommendations directly opposed to the one which the Senator says was not complied with?

Mr. WEEKS. No; I have not.

Mr. LEWIS. May I ask the Senator, if he gets an opportunity to do so, to investigate whether or not there were not two reports—one from the head of the mission, Mr. Root, and then another by Mr. Russell—in which there was such a divergence of views that they finally decided that the whole matter should be submitted to the department for subsequent action, and that there was never submitted, and does not now exist, a concrete recommendation of any kind?

Mr. WEEKS. I shall be very glad to leave this whole question to the consideration of the proper Senate committee, and I hope its members will consider it.

SHOES.

It is not necessary to instance every failure on the part of the War Department to act promptly to indicate that there have been many such failures, but this investigation is the only way to so forcibly bring them to the attention of the Secretary of War that such conditions will not continue; in fact, the committee could not know many of the things which have been developed by the investigation. Take, for example, the question of fitting Army shoes. There is very little doubt that the shoe now being furnished the Government is a good one. They have been contracted for in a businesslike way, and there is no criticism on that score, but the sizes of shoes manufactured as a result of the specifications sent the shoemakers are substantially the sizes which have been the standard since the Civil War. Some minor changes have been made, but, practically speaking, nothing has been done to make these sizes suitable to present requirements. Yet there has been the greatest difficulty to even get this matter considered by the War Department.

Shoemakers and others interested in this subject have devoted time and energy to the question of properly fitting soldiers with shoes, and as long ago as October, 1916, an examination was made of the soldiers at El Paso, Tex. This investigation developed that out of 30,359 men examined 21,585 were found to be fitted with shoes one-half to three and a half sizes too short. This evidence was brought to the attention of the department, but nothing was done. In August, 1917, as a result of tests made at South Framingham, Mass., 81.7 per cent of the men measured were found to be wearing shoes from one-half to three and a half sizes too short. If this is true—and it has not been denied by any officer of the War Department—it means that more than a million of the men we have in uniform are wearing shoes improperly fitted and too small for them. There is no question about the desirability of properly fitting our men with shoes if we expect the highest possible efficiency.

Since August, 1917, various attempts to get this matter adjusted have failed, or partially so, and I am informed that at this time tests are being made under the direction of the War Department. But let us consider the result of this failure. Since the declaration of war we have ordered 21,000,000 pairs of shoes, basing the orders on specifications which resulted in an error in 80 per cent of the sizes purchased, or, if not, there had been neglect on the part of the officers responsible for fitting the men to that extent. During these tests the fact was developed that at one encampment there were 7,000 pairs of shoes of sizes too small for any of the men on duty there.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. WEEKS. Yes.

Mr. POMERENE. Did I understand the Senator to state correctly that there was an error in 80 per cent of the shoes?

Mr. WEEKS. That is the testimony before the committee.

Mr. POMERENE. What is the nature of that error?

Mr. WEEKS. The shoes are too short.

Mr. POMERENE. That is, that only 20 per cent of the shoes that have been ordered can be worn by our soldiers?

Mr. WEEKS. No; I do not mean that, but I mean that, as the men are fitted, 80 per cent of the men are wearing shoes that are too short, as demonstrated by the result of special tests. A final test is now being made by the War Department.

The people of the country may reasonably expect that our soldiers shall be correctly fitted with shoes, and that any system which permits such a serious failure to properly fit them should be at once eliminated.

The Surgeon General agrees that this condition should be corrected and the Quartermaster General agrees that it should be done. There is no dissent on the part of anyone, yet for months, certainly for 15 months, attempts have been made to correct this situation, and nothing whatever has been done except to issue an order—not one providing an accurate standard for fitting the men—which very slightly modified one or two sizes. A change in this condition may not have been brought about by a munitions minister; indeed, it could and should have been brought about by the officers of the department, but how are such changes to be made unless investigations demonstrate the necessity and, as a result of such investigations, the Secretary of War insists that those responsible take proper action?

This is one of the details which has come to the attention of the Secretary of War. He has passed it down the line, and while both the Surgeon General and the Quartermaster General agreed to the accuracy of the situation, nobody has followed it up and made the changes which should be made.

Mr. WADSWORTH. Mr. President, I was going to ask the Senator to relate to the Senate, as an illustration of how simply the whole thing could have been cured, the incident of the Marine Corps. When the attention of the Marine Corps was brought to a somewhat similar situation, and a device was presented to them to make it practically impossible to put a shoe on a soldier's foot which did not fit him, the Marine Corps adopted it in 10 days.

Mr. WEEKS. To those who criticize the activities of the Military Committee and question the value of the investigation I give this instance, and others of importance could be added, to show how valuable and necessary it is to develop an outside pressure which will result in internal action.

Mr. President, I want to add a word relating to that subject which I should not ordinarily do. Day before yesterday a great metropolitan journal took occasion to say that the reason three

Senators, including myself, were pushing these investigations was because of our failure to get contracts for our constituents. In my case I instanced this particular activity. My activity has consisted in writing two letters, one to the Quartermaster General and one to the Secretary of War. The man who brought the matter to me was Mr. Bliss, the president of the Regal Shoe Co., a man of the highest character, who is not doing any business for the Government, has not done any, has not sought any, and has told the Government that he does not wish to do it, but that he would do it if necessary. In these investigations, which were undertaken by Mr. Bliss months before the declaration of war, he has brought out many of these facts; and in trying to correct them he has developed a little device the purchase of which for the whole Army would probably cost four or five hundred dollars. I have no doubt Mr. Bliss would be glad to give them to the War Department, because he is a responsible man, financially and otherwise.

It may be necessary to attempt to assassinate reputations in order to prevent investigations of things that need investigating. As far as I am concerned, I care nothing particularly about this charge against me, but I bring it to the attention of the Senate to show the straits to which somebody is put, and that certainly the "galled jade is wincing" in finding it necessary to occupy three columns of the first page of a great metropolitan journal with such stuff as that to which I have referred.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. WEEKS. I do.

Mr. SMITH of Michigan. It may not be inappropriate to say that they are wasting their fire on the Senator from Massachusetts, who is as far beyond their criticisms and above the criticisms of the average caustic critic as any man in this Chamber.

COAL SUPPLY.

Mr. WEEKS. Mr. President, no better illustration of the benefits which might accrue from a war cabinet or planning board, whatever it may be called, can be found than the coal situation in the United States. It is a particularly pertinent illustration, because the condition is one confronting us to-day. Six or eight months ago it was apparent to the close observer that this condition would develop, and I wish to apply the illustration directly to New England. About seven months ago members of the Massachusetts committee on public safety and myself devoted much time in trying to bring to the attention of the authorities in Washington the fact that New England, whose industries are running at a greater speed than ever before, would probably require five or six million tons of coal in addition to the normal supply. Nothing was being done to supply this requirement. On the other hand, the Secretary of the Navy was withdrawing tugs and other coal-transportation facilities for naval uses. He had a perfect right to do so; in fact, it was probably his duty. Our naval representative in Europe was calling on him for certain classes of tonnage, and it was his duty to supply those needs. He commandeered vessels wherever he could find them, not with an intent to injure any industries—in fact, he avoided doing so as far as it was possible—but it is not the business of the Secretary of the Navy to look after the New England industrial situation. It is his business to operate his department, and he did what any man in his place would have done in all probability. He commandeered shipping which in normal times was used in transporting from one to two million tons of coal to New England, so that instead of increasing the coal-carrying capacity it was deliberately decreased, and everyone knew it.

We could not get the Shipping Board to correct this situation. Those in charge recognized its existence, but no practical step was taken to substitute other shipping for that taken by the Navy Department. In the final analysis, the advisory commission concluded that if the shortage of coal developed as was anticipated it would be necessary to divert railroad transportation facilities sufficiently to supply the need. We all know how this possibility has failed, and to-day there are cities in New England with only two or three days' coal supply on hand. Mills largely engaged in manufacturing for the Government are being closed down, and this is in addition to the industrial concerns closed down by the ill-judged and ill-timed order of the Fuel Administrator.

Let me demonstrate two or three examples of the utter folly of this order:

Plant 1. The coal consumed by this plant for the five days from January 11 to 15, inclusive, was 457,265 pounds. The coal consumed during the five days the plant was shut down—January 18 to 22, inclusive—was 300,050 pounds, a saving of 157,215 pounds. The requirements for the shut-down days were to keep the plant heated, pipes from freezing, and prevent destruction of material in process of construction or otherwise. In other words, this plant was able to save about 15 tons of coal a day, which at $7 a ton would be $105 a day. In that particular plant the loss in wages to the employees was about $7,000 a day, and the loss in production, without figuring any profit, was in excess of that amount. This plant had sufficient coal on hand to keep its employees engaged and to give them full compensation for their services.

Plant 2. This concern employs 1,800 hands and shows the following result for the four-day shutdown: Coal saved, 325 tons, which is about 66 per cent of the normal consumption, a saving in dollars of about $2,275. More than one-half of the capacity of this plant was manufacturing supplies for the Government. The loss in production aggregated over $100,000, and the loss in wages to employees to over $15,000.

Plant 3. This is a very large manufacturing industry employing 8,000 hands. It had coal on hand sufficient to continue its operations until April 1. By shutting down there was a saving of 76 tons of coal a day, or about $532. It was necessary to burn 56 tons of coal a day to keep the plant warm and prevent the spoiling of stock in process. The actual loss to the company for the days shut down was about $12,000, without figuring any profits. The employees lost about $15,000 a day in wages, and, as I have said, much of the output of this plant is subject to hurry orders from the Government and some parts of it is manufacturing wearing apparel immediately needed by men at the camps.

I do not think it necessary to add more illustrations of the result of the situation which has developed, of the failure to prepare for it, or the absolute unbusinesslike way it has been handled in the immediate past. But what would have been done if we had had a war cabinet or planning board? It would have taken up the consideration of the coal situation last summer, learned the actual production, the actual requirements of the various sections of the country, the actual available transportation facilities, and would have provided for the situation in such a way that the present crisis would absolutely have been prevented. But there was no one to do this. The President did not have the time or the information to warrant his doing so, the heads of the various bureaus and departments were looking after their own special affairs, and there was such a lack of coordination in our governmental activities that this situation did not receive proper consideration. I undertake to say that if this matter had been handled systematically and as a result of careful planning we would not have the present coal crisis, much of the suffering resulting from this condition would have been prevented, tens of millions of dollars would have been saved, and there would not have been the delay in supplying the needs of our soldiers apparent on every hand as a result of the closing-down order.

WOOL.

Another illustration of the lack of cooperative and concentrated effort, and quite as apparent an example as the coal situation, is that relating to wool. It is important that this product be controlled by the Government to insure a suitable supply of wool for the clothing for our soldiers. It will be a difficult problem to obtain this wool supply at reasonable prices unless the Government takes such action. We produce something less than 300,000,000 pounds of wool a year in the United States and use more than three times that amount, our additional supply largely coming from South America and Australia. The wool supply of the world is not increasing but the population of the world is doing so, and even in normal times the demand for wool is such that the price is gradually increasing. One of the perfectly apparent certainties resulting from a declaration of war was that there would be an immediate increase in the price of wool, and that unless something were done to control the situation the price would become exorbitant. In order to give the Government control of the situation as far as they were able to do so, the Boston wool dealers—and Boston is the largest wool center in the United States—the day after the declaration of war offered the Government their entire holdings at the going price, or the price the day war was declared. It has been suggested that this would have allowed the wool dealers a profit. Undoubtedly it would, but the profit had been earned, and their offer indicates that they did not wish to take advantage of any necessity of their own Government. It was a highly patriotic step taken by one of the best associations in the United States.

This offer was not accepted, and the investigations do not disclose in detail just what happened to it. Various people had heard of it, but nobody seemed to be willing to take the responsibility of saying the offer was declined. Later, in the month of July, the Boston wool dealers again offered the Government

one-half of the supply they had on hand, presumably the balance being contracted for by those manufacturing for the Government. In the month of September the Wool Growers' Association offered the Government its entire supply at going prices. The only definite testimony as to what became of these offers came from the Secretary of War. He stated that he had referred the question of purchasing wool from the growers' association to the raw-material division of the War Industries Board, but did not hear anything more about it. What statement could be a greater indictment of the handling of an important element in the prosecution of the war than this reference to the wool situation?

It has been said on good authority that the loss to the Government in not taking advantage of the April offer, the July offer, the growers' offer, and purchasing the imported wool available at that time would aggregate $150,000,000. It is difficult to determine whether this amount is relatively accurate, but certainly the loss in not taking advantage of the April offer of the Boston wool dealers was as much as $15,000,000, for at that time they had on hand 50,000,000 pounds of wool of all kinds.

I refer to this particular subject not so much to show what has not been done, but to enable me to express the opinion that the wool question should be given immediate consideration. In the extreme Southwest the shearing has already commenced, and in the ordinary course of conducting that business, if it is not already the case, the wool will drift into the hands of dealers, and it may be impossible to control the situation unless concerted action is taken. The Government should control the entire wool supply, using what it needs for its own purposes and turning the balance over to private consumption. Whatever may be the difference of opinion as to the merits of all-wool clothing and clothing containing a certain percentage of shoddy, there will be universal agreement that if there is to be any depreciation in the quality of cloth it should not apply to the clothing of the men doing our fighting. We civilians should wear the clothing of lesser warmth and value, and it is my judgment that this question can not be adequately controlled if action is not taken by the Government at this time. Of course, I am not referring to the failure of last year, nor will the action I urge correct it. That failure would not have been possible if we had had a planning board or war cabinet to consider such questions and determine suitable governmental action.

HOUSING.

Another illustration in favor of the war-cabinet bill. Stability of labor is the first necessity in providing for rapid construction. The concentration of the work being done for the Government is one of the alarming features of the present situation. It is reported that 86 per cent of the war activities of the Government are concentrated in a section east of Pittsburgh, bounded on the north by Massachusetts and on the south by Virginia. This necessitates a large additional force of trained mechanics in that particular region, and in order to get these mechanics they must be provided with the best living conditions possible—schools, churches, places of recreation, and housing as well. Some of the largest activities are being carried on in sections which can not possibly provide suitable accommodations for the additional labor required. The result is that men come to these places, work a short time, or until they get enough money to take them back to their homes, preferring the lower wages in the sections where they have always lived to undergoing the hardships forced upon them in the localities where their services are so greatly needed.

Shortly after the beginning of the war the housing shortage in certain sections of the country developed to such an extent that it became an obstacle to industrial production, and as far back as last June this subject was discussed. Farseeing men could not help recognizing the inevitable result of the conditions surrounding our war industries. The Committee on Emergency Construction attempted to handle it, the Council of National Defense held hearings, a housing committee was appointed and presented a report, but all of these actions were advisory. These committees had no power to act, and their efforts, therefore, were fruitless.

In the meantime the Shipping Board has actually undertaken housing in a few places, but it was not until the 14th of January of this year, when all housing matters were placed under the jurisdiction of an Advisory Council of Labor with Mr. John Lind at the head, that the first real constructive step was taken. The practical way to handle this question is through centralized control, preferably by one man, who should be given full power in the administration of any appropriation made for this purpose.

Three of the points where the housing difficulties are greatest are Quincy, Mass.; Hog Island, near Philadelphia; and Norfolk, Va. At the Fore River Shipbuilding Co., which is located at Quincy, Mass., the usual number of employees is about 3,000. There have been employed there within the past year as many as 11,000, and that number of men is required to continue the work of the Fore River Co. at its maximum capacity. However, it has been impossible, on account of the limited housing facilities, to keep the men there, and I am told that at the present time there are 3,000 less men employed than when the number was at the maximum. I have had an opportunity to witness the results of this situation—overcrowded transportation facilities on every hand, dangerous crowding in some instances, and conditions existing which can not be considered humanely decent in many respects. There are instances where numbers of men are living in one room, or in very restricted quarters, and the work at Fore River and Squantum, where a new plant is being constructed, must necessarily lose a considerable part of its efficiency, and the best results can not be obtained unless additional housing facilities are provided.

The Hog Island situation is another example of the same condition, only it is an entirely new development. The transportation facilities to Hog Island are such that it is absolutely essential to have housing constructed there in order to carry on the work expeditiously. As far as I have been able to learn, no effort has been made to develop the transportation facilities, and no steps of a practical nature have been undertaken to construct the housing necessary if we are going to secure the labor required at the largest shipbuilding plant being constructed in the United States.

The situation at Norfolk is none the less acute. There is ample testimony to show that the work there—and there is a vast amount of work being done in that neighborhood—can not be carried on with anything like the best results unless this question is settled at an early date. All the instances I have suggested relative to this subject simply bear out the fact that if somebody with power to act had been looking ahead and investigating the placing of contracts, undoubtedly contracts would have been distributed over a wider area, relieving the congestion and concentration of these activities, and lessening the acuteness of the housing situation. But whether or not this would have been done, those who were planning for providing the Government's requirements would not have had their attention distracted from this important element in the situation, and six months ago we would have had a definite plan suggested by the War Cabinet, submitted to the President, approved by him, and in active operation.

The testimony from all sides on this subject is the same. Before the Senate Commerce Committee on the 10th of January, Mr. Homer L. Ferguson, president of the Newport News Shipbuilding Co., one of the ablest constructors in the United States, stated: "I have been trying for nine months to get housing at Newport News and have talked to governmental officials until I am sick of the subject."

I also have a communication from Mr. Otto E. Sovereign, of the Aladdin Co., of Bay City, Mich. He states that his company has given 10 years' practical experience to this subject and yet have been unable to get any attention to their representations in Washington. The reason they have been unable to get any attention—and these are but two instances of any amount of testimony that can be submitted on the subject—is because there has not been anybody here with power to act.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Washington?

Mr. WEEKS. I do.

Mr. JONES of Washington. I want to state to the Senator that I think the very next day, or at any rate within two days, after Mr. Ferguson testified before the Commerce Committee definite arrangements were made through the Shipping Board to undertake housing operations at Newport News; so that they had authority, but apparently they had not been able to get them to exercise it until the matter was brought up in the committee.

PRIORITY ORDERS.

Mr. WEEKS. Senator KELLOGG, in his speech on the railroad bill yesterday, spoke of priority orders, and what he said illustrates very well the lack of a responsible head in connection with any particular activity. He stated, if I understood him correctly, that there were five bureaus in the War Department, one in the Navy Department, one in the Shipping Board, one in the Fuel Department, and one in the Food Department giving priority orders. In other words, nine different kinds of priorities which had to be adjusted by railroad managers. Of course, in a sense, that would be physically impossible, and it created a confusion and delay which greatly impaired the efficiency of the service. If there had been one head controlling priority

orders to act as a clearing house for the requirements of the different bureaus, all of this could have been avoided.

ORGANIZATION.

When we turn to the question of organization, the investigation made by the Committee on Military Affairs has, to my mind, completely demonstrated the fact that it was impossible to expand our Military Establishment to a great war force without developing weaknesses in the methods followed or providing for intermediate steps preparatory to perfecting the organization. England, to a lesser degree France, and other nations not prepared for war found it necessary to follow a similar course. The War Department could not have accomplished what it has during the last 10 months if it had not had the assistance of the advisory commission and its subordinate committees; but all of these activities at best were but makeshift and simply pointed the way to the organization which should be made. In the final analysis, the greatest requirement in the war administration is a perfect organization. Each department has to too great an extent been run as a distinct unit, and, in many respects, entirely without any reference whatever to the requirements or activities of other branches of the Government. This has produced confusion, increases in the expense of maintenance, and entirely unnecessary delays.

When the Secretary of War was before the Military Committee he was asked if there were things which could be done by the War Department to stimulate the service so that it would be able to do more effective work. He replied that he did not know of anything he could suggest, for whenever the soundness of a change was demonstrated to him he acted at once. That sounds wise and efficient, but it is the difference between waiting until you meet a problem which may require months to prepare for and having a deliberating body looking months ahead, finding that problem, and preparing a definite plan for its solution when it develops. Many activities can not be provided for in a day, week, or month. It requires a long time to erect plants, make necessary additions to plants, or design and construct machinery, and unless we provide a planning board to consider these important questions there will inevitably be delays and failures.

The changes recently made in the organization of the War Department will improve the efficiency of that service. There is no doubt about this fact, and I am glad to put myself on record to that effect. The machinery proposed, however, which was so graphically described and shown on the charts used by the Senator from New York [Mr. WADSWORTH] during his address in the Senate a week ago, has a fatal weakness. There is no real head in the case of the munition proposition or a general planning board provided. The branches of the tree, speaking of the purchaser of munitions, seem to be all right, but the trunk is not there. And if this situation were understood by the country as well as it is by those who have been examining the War Department there would be an insistent demand that now, when we have the opportunity, we create an organization as nearly perfect as possible.

I believe the Military Committee has had no other desire in criticizing the failures in the War Department brought about by inefficiency and procrastination than to correct them by inaugurating a practical organization of the war administration on a basis coordinating and concentrating every agency of the Government, making efficient and effective the scores of activities of the various departments, bureaus, boards, and commissions. Of course, there will be individual failures in such an organization, but this organization would be just as necessary to efficiency if every person connected with the Government were a genius. Real efficiency is impossible unless all of these undertakings are carried on as a result of a coherent plan devised and controlled by a central agency.

The President can not be this central agency except after examination and thorough investigation. He must necessarily be devoting his energies to the larger problems of our international relationship. The Secretaries of the departments can not be this agency. It should require every moment of their time, every ounce of their decision, and all their capacity to properly administer the affairs of the branches of the Government over which they preside. Take, for example, the case of the Secretary of War. I think his door has been wide open to everyone who had any business with him. He has to attend meetings of the various boards with which he is connected, and it is physically impossible for him to devote the time necessary to working out definite plans for solving the great number of problems arising in connection with our prosecution of the war. The records of the Council of National Defense and of the advisory commission show that they hold weekly or fortnightly meetings at which many of these problems are considered. Sometimes the urgency of departmental work prevents the attendance of the heads of the various departments at important meetings of these committees. We are told that Cabinet meetings are infrequently held and are usually of short duration, and after going through the entire list of boards and commissions it is apparent that there is no central body to carefully consider all the requirements of the Government or prepare any concrete plan of action.

Moreover, in addition to the Cabinet, the Council of National Defense and the Advisory Board, and so forth, and so forth, and so forth, we have at least four new creations of importance—Fuel, Food, Shipping, and Transportation Commissions. The heads of these commissions do not meet the Secretaries of the departments except upon comparatively rare occasions at meetings of what is known as the superwar council, a new creation and one without any power. The meetings of this council are, in effect, simply discussions and produce no practical results.

I have said that the failure to centralize these activities has produced extravagance. It is hardly necessary to go into details to demonstrate the correctness of this assertion. All of the testimony before the committee bears out the statement; indeed, how could it be otherwise even under the revised plan of the Secretary of War? Under this plan we will be purchasing supplies for the War Department through at least five different agencies. In addition to that, purchases are being made for the allies, for the Shipping Board, for the railroads, and for the Navy. In the plan of the Secretary there is coordination, as far as the War Department is concerned, up to a certain point, however much one might deprecate the fact that a colonel of Infantry has been put at the head of this activity, to whom four major generals are subordinate. Col. McRoberts, formerly vice president of the National City Bank, of New York, is purchasing agent for another bureau; and just recently another man has been appointed to assist in purchasing supplies for the War Department, in all probability the best-fitted man in the United States for such a task. I refer to Mr. E. R. Stettinius, of the firm of Morgan & Co., of New York.

When Morgan & Co. undertook purchases in this country for Great Britain in the beginning of 1915, what did it do? Naturally, it adopted the course any good business firm would follow. Not having in the firm or connected with it an entirely suitable man for such service, it looked about and found a man who seemed to promise to fill the requirement. This man was Mr. Stettinius. It developed that he was the right man in the right place. He did the work well, so well that he not only gave entire satisfaction to the British Government but was made a member of the firm of Morgan & Co. If he had failed, another man would have been found in the shortest possible order. That is the course followed by a business firm. What does the War Department do under these circumstances? It wants to accomplish exactly the same result as the British Government, although its purchases will not perhaps be larger than those of England during 1916, for it is interesting to note that during the years 1915, 1916, and 1917, Mr. Stettinius purchased $4,000,000,000 of supplies for the English Government. The department creates an organization such as I have described, looks about and adds to it Mr. Stettinius, not as its head, for which position he has demonstrated his capacity, but uses him under the title of surveyor general of supplies. Even the Secretary of War can not tell just what this means. The testimony indicates that he is subordinate to Col. Peirce; and yet, he is not only the adviser of the colonel but of the Secretary as well. He is a kind of court of last resort in an advisory capacity, but he has no authority whatever. In other words, apparently the very man required for the situation has been obtained, but that man can not accomplish results. He is in an impossible position, and the administration is throwng away an opportunity to make an effective organization and the one personality that would be sure to make the organization effective.

In our conduct of the war the President occupies in this country a position similar to that occupied by Mr. Lloyd-George in Great Britain. He must necessarily be the clearing house and the final authority in every action taken. He is the Commander in Chief of the Army and Navy. His constitutional authority makes him Commander in Chief of all our military forces, and while it has been suggested that the proposed war-cabinet bill is unconstitutional, I believe every lawyer will agree that any constitutional authority conferred on the President can not be lessened or added to by an act of Congress. As a matter of fact, however, the President does not fill the position occupied by Mr. Lloyd-George in Great Britain. Mr. George presides over the war cabinet, and although he does not give his entire time to that service he is present at its meetings every day of the week and frequently presides at meetings several times a day, for the majority of the members of the British War Council have no portfolios and devote all their time to the consideration of plans

for furthering the prosecution of the war. The authority of the war council extends to all departments of the Government, to the armies in the field, the fleet, and to every form of industry; and in this way in planning for the army or navy the industrial requirements of the nation are given proper consideration

I do not mean to suggest that the war council directs the operations of the Army or the Navy or that the proposed war cabinet would do so in this country. It should have nothing whatever to do with matters relating to military or naval operations like the direction of the Army or the operations of the fleet. Those matters are essentially under the control and jurisdiction of the heads of those departments; but the overhead matters, like making plans and considering industrial questions, would come under the jurisdiction of the war cabinet, which would, in turn, report to the President and every act of which would be subject to his approval. No other body now in existence, or which can be organized, would be able to do this. The Council of National Defense can not, the Advisory Commission can not, and the War Industries Board can not.

Senators advocating these measures have been charged with partisanship, but the country should not fail to note that this investigation has been conducted for nearly two months, has given consideration to a great number of important subjects, and there has not been the slightest partisan bias in its deliberations. Not a question indicating partisanship was raised until the President deliberately injected politics into the situation by an attack upon the chairman of the committee and the committee itself, which the chairman represents, and by calling to the White House many Democratic party leaders, not for consultation purposes but to insist that a discussion of this question on the floor of the Senate be prevented if possible. This latter statement, of course, is based upon current gossip, but as far as I can learn it has never been denied.

Here is a vital question to consider. Have we come to such a pass that the action of the most important committee in Congress at this time is to be forbidden by the President of the United States as far as he is able to do so? He need not necessarily approve, and he has the power to disapprove, this legislation if it ever reaches him, but it is vital to free speech and independence of action of a coordinate branch of the Government that such a position as has been taken by the President be resented by every Member of this body. Almost immediately after this interview at the White House opposition developed not only to the hearings of the committee but to the legislation proposed. There was a cleavage in the committee, and the very member who moved to report out the munitions bill became arrayed against any legislative action. I submit to the Members of the Senate opposed to this legislation whether they had seen any attempt at partisanship on the part of any member of the committee until it was injected into the activities of the committee by the President himself?

The majority in this Chamber may be forced into a refusal to adopt the committee's propositions. There is every evidence that the greatest effort is being made to bring this about, but I want to say that if action is prevented in such a way it is unwise even from the lowest standpoint these matters can be considered—that of strengthening one's political party. These measures may not be adopted now, but they are fundamentally right and should pass, although their aim may be partially accomplished by the twistings and turnings being made in the War Department, and which I presume will continue to be made, since the Military Committee commenced its investigation.

Let me call to your attention a partial list of changes which have been made in the organization during the last two months, most of which I believe have resulted from the investigation made by the Committee on Military Affairs:

1. A modification and practical elimination of the Advisory Commission.
2. Dissolution of Committee on Supplies.
3. The discontinuance of the operations of the Board to Control Labor Standards.
4. Change in the Chief of the Bureau of Ordnance and the reorganization of the bureau.
5. Change in the Chief of the Quartermaster Bureau and a reorganization of that bureau and its methods.
6. The appointment of a superwar council, which includes the members of the Council of National Defense and the heads of the Food, Transportation, Shipping, and Fuel Commissions.
7. The appointment of a council of war in the War Department.
8. Adoption of a plan for reorganizing the purchasing system of the War Department.
9. Under this plan the appointment of Col. McRoberts as the ordnance purchasing agent.
10. The creation of the position of surveyor general of supplies, and the appointment of Mr. Stettinius to that place.
11. The forwarding of additional clothing to furnish delinquencies in equipment of the camps. Orders for this action were sent by telegraph.
12. The appointment of a board to control shipping—Messrs. Franklin, Raymond, and Guthrie.
13. The appointment of the Chief of Staff to serve at the War Department instead of in Europe, as had been done.
14. And the press now states that the President is to recommend that the War Industries Board be given more definite powers.

There may be other changes, but the ones I have enumerated are sufficient to indicate that things have been moving in the War Department, and undoubtedly they have been stimulated by the activities of the Military Committee.

The committee could have added greatly to the evidence in favor of the legislation it proposes; in fact, I have been unable to find any approved business man connected with the activities of the Government who does not believe this legislation is essential to the proper conduct of the war. Among those who have given evidence are Mr. Willard, until recently the head of the War Industries Board, and who has been connected in an important way with the activities of the Government since a considerable time before the beginning of the war. The chairman of the committee asked Mr. Willard this question: "There may be no desire on the part of the Navy to cooperate with you in this. Suppose they withdrew from it at any time?" Mr. Willard replied:

> Then it would not work, of course. Secretary Daniels and Secretary Baker have both said that they would cooperate. The weakness of the plan is that if they did not cooperate, or if a problem of some kind should develop which the departments as now organized did not seem to be able to deal with promptly and efficiently, then the President should have authority to say that this man who represented him at the head of the War Industries Board should have full authority to take that matter up and deal with it promptly. With that arrangement I do not see any reason why this will not work, but it is lacking now in that one definite thing.

Another efficient member of the War Industries Board, also associated with the activities of the Government since the Advisory Council was formed, is Mr. Bernard Baruch, of New York. Let me give you exactly what he says on the subject:

> But I would have this: I would have a man at the head, and I would have the President authorized to give that man such authority at any time as the situation seemed to require so he could take over all or any part of it, but I do not think it would be wise for him to take over all of it.
>
> Senator WADSWORTH. I see. Have you any observations to make of a general or particular character, with respect to the business organization herein laid out or which might be used?
>
> Mr. BARUCH. As I understand it, it is an effort to lessen competition and to centralize purchasing and procurement, and in that I indorse it as a step in the right direction.
>
> Senator WADSWORTH. Do you think it goes far enough?
>
> Mr. BARUCH. No, sir.
>
> Senator WADSWORTH. Would you care to say to the committee in what respect it does not go far enough, and enlarge upon that?
>
> Mr. BARUCH. It may go far enough, as far as this department is concerned.
>
> The CHAIRMAN. As at present constituted?
>
> Mr. BARUCH. Yes.
>
> The CHAIRMAN. In what other respect do you think the general plan should go further?
>
> Mr. BARUCH. I think that the purchases should be centralized in one agency, directly under the President, and not as a Cabinet officer.
>
> Senator WADSWORTH. Not as a Cabinet officer?
>
> Mr. BARUCH. I do not think that is necessary, because I look upon this as a war measure and one that should cease with the war.

One of the most important witnesses in favor of this legislation was Mr. Gifford, a director of the Committee on National Defense. No man has been more intimately associated with every class of business man or the work of the Government during the last 18 months than he. In his testimony relating to this subject he was asked this question by the chairman of the committee:

> Do you think there should be a central head?
>
> Mr. GIFFORD. Yes, sir; I do. I am now referring, however, wholly to the war industries situation and not to those other activities of the Council of National Defense.
>
> The CHAIRMAN Did you see the program mapped out by the Secretary of War for coordination?
>
> Mr. GIFFORD Yes, sir; I have seen it.
>
> The CHAIRMAN. Is there anything lacking about that to make it a perfect system?
>
> Mr. GIFFORD. Nothing but the power to carry it into effect. The Council of National Defense has no power.

And he goes on to explain that in the plan suggested by the Secretary the one thing that is lacking is a central organization with power in addition to the plan proposed.

Mr. Vauclain, the President of the Baldwin Locomotive Works, has also been one of those who have been here during the last 18 months and has done sterling work for the Government. In connection with his appearance before the committee regarding

another phase of the investigation he was asked these questions by Senator WADSWORTH:

Senator WADSWORTH. To come back again to my proposition, so as to be clear about it, that question of confidence in the judgment of men who go out and negotiate for this material for artillery or powder or munitions—I do not want to misquote you at all, and correct me if I am wrong—your judgment is that things would work better and we would make our decisions quicker and get started quicker if those men who do the negotiating did not have to submit their proposals to the consideration of boards of three or four or five men?

Mr. VAUCLAIN. Certainly.

Senator WADSWORTH. You believe in single head executives?

Mr. VAUCLAIN. I do.

Senator WADSWORTH. You think there should be a man in charge, for instance, of what you are in charge of, and a man in charge of another thing and another thing, etc., without the interposition of consulting boards?

Mr. VAUCLAIN. Yes, sir.

Senator MCKELLAR. And clothed to act by authority of law?

Mr. VAUCLAIN. I think he should be a regular officer of the Government.

Senator MCKELLAR. A statutory officer.

Mr. VAUCLAIN. Yes, sir.

One of the members of the House mission to Europe, who gave very much consideration to the details of handling the war questions in Europe, wrote me, without solicitation, on the announcement of the introduction of these bills, as follows:

JANUARY 19, 1918.

Hon. JOHN W. WEEKS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: My recent trip to England and France, when I was a member of Col. House's mission; my observations here, where I am a member of the priorities committee; and a good deal of continuous thought about the matter make me entirely sure that this situation should be reorganized and that there should be in substance a war cabinet of, say, five men, who should have no executive function and whose whole job should be to determine the program, war and otherwise; that is to say, should determine the war program and how far it can go because of other needs.

It should work closely with the supreme war council on the other side, so that it would be the body which should determine what this country is to do. It should also inform the supreme war council of what this country could do, so that the demands formulated by the supreme war council would be possible of fulfillment.

There should also be a supply department, which should be executive, and preferably should deal with the entire question of military supply. It should not build ships, either mercantile or Navy, but should furnish the materials to the shipbuilding plants. It probably should not take over the operation of Navy ordnance plants or Army arsenals. They are only a drop in the bucket anyway.

I realize that there has been an enormous amount of discussion about this matter and that you have been in the thick of it. The thing that has struck me in most of the reports of the discussions that I have heard has been that the emphasis has been on the munitions department rather than on the war cabinet. I think that they are both important, but the war cabinet is the more important. An inefficient department of supply or departments of supply can do better if the demand is formulated and they are told what they have got to supply than the best supply department in the world can do if it does not know what it is called upon to supply.

The supply department, when it is created, should have simply a supply function. It should not have anything to do with the formulating of demand.

The service men can be of great value in the formulating of demand. It is a military question, and one which ultimately they must decide, although, possibly, they had better act as advisors of the members of the war cabinet. The supply end, which is a job of mobilizing industry, can better be done by civilians and as a civilian organization.

I hope you will excuse me for butting in, but I am afraid the influence is getting put on the least important of the two things which are being so much agitated to-day.

Yours, very truly, _____.

Mr. Howard Coffin, originally a member of the Naval Board appointed by Secretary Daniels to consider important naval questions some time before the beginning of the war and later a member of the Advisory Commission, in addition to serving on the War Aircraft Board, testified in the strongest terms in favor of the director-of-munitions bill and the war-cabinet bill. I have not his testimony before me.

For many months the United States Chamber of Commerce has had a committee considering war questions, the membership of which includes: William Butterworth, president of Deer & Co., of Moline, Ill.; John H. Fahey, former president of the United States Chamber of Commerce of Boston; Harry A. Wheeler, former president of the United States Chamber of Commerce of Chicago; Homer L. Ferguson, president of the Newport News Shipbuilding & Dry Dock Co.; Charles Nagel, former Secretary of Commerce and Labor; Lewis E. Pierson, former president of the American Bankers' Association and chairman of the board of directors of the Irving National Bank, New York. This committee was organized on June 12, 1917, and has been substantially giving its time to war questions since that date.

The following extracts I shall give from its report will indicate the position the committee has taken on this subject. Mr. Catchings, its chairman, greatly impressed us with his clear statement as to the desirability of legislation of the kind proposed by the Military Committee. This war committee reported to the Chamber of Commerce of the United States as follows:

When, on July 13, your committee stated in a war bulletin that there was need for a central agency to control the procuring of war materials and supplies, to formulate programs, to reach decisions, to stop debate, and to take decisive action, your committee was but making public statement of views held by many officials of the Government and others in intimate contact with the situation.

* * * * * * *

Toward the end of July the need of centralized authority and responsibility in connection with the procuring of war supplies and materials was recognized in the appointment of the War Industries Board. Unfortunately, the statutory power and responsibility to make war purchases remained scattered in the various Government departments. This has made it necessary for the War Industries Board, in its efforts to secure coordination, to rely only upon the common desire and purpose of all Government officials.

In a bulletin issued on August 10 your committee pointed out that the War Industries Board had no authority to decide inevitable differences of opinion between independent activities or to formulate policies subordinating one war-time activity to another. Furthermore, the bulletin stated that, not being an official department of the Government engaged in procuring war materials and supplies, the War Industries Board was not in a position to plan and execute broad programs to meet the great industrial problems of the war.

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"*Resolved by the representatives of American business, met in war convention*, That all war buying should be assembled under the control of one board or executive department; and be it further

"*Resolved*, That this war-supply board or department should be given full power to procure war supplies to the best advantage to the Government as to price, quality, and delivery, and in a way to maintain essential industrial life without disturbing social and economic conditions, including the power to fix prices not only to the Government but to the public on essential products and to distribute output in a manner to promote the national defense and the maintenance of our industrial structure; and be it further

"*Resolved*, That Congress be hereby requested to pass such statute as may be necessary to give the President of the United States all power necessary to concentrate in this manner the resources and the industrial energy of our country toward winning the war; and be it further

"*Resolved*, That the national chamber do its utmost to make effective the purposes of these resolutions."

* * * * * * * *

1. It is clear that without our efforts and resources the war can not be won.

2. With the experience of both friend and foe to guide us, we continue to rely upon the executive organization inherited from the times of our peaceful isolation, reenforced only by the Food Administration, the Fuel Administration, the War Trade Board, and the committees and boards formed under the Council of National Defense, the principal one of which is the War Industries Board. There has been created no department of munitions or war supplies, war-supply board, or similar agency of whatever name, able to bring about centralized control or cooperation between the various Government activities engaged in procuring war materials and supplies.

3. We are forced to the conviction that disaster is inevitable unless prompt provision is made to centralize the control of the industrial energy and material resources of the country.

No attempt has been made to get associations or individuals to take any action in regard to the war cabinet or munitions bill; but this has been done by some organizations, and notably by the Merchants' Association of New York, which on February 2 passed resolutions favoring the passage of both bills. This is one of the largest and most representative business organizations in the United States. These resolutions not only point out what this association believes are the existing conditions but do not mince words in describing in detail the belief that both of these measures should be passed. Among other things, they say:

There is imperative need for a controlling head, directly under the President, to decide upon policies, subject to the President's approval; to prepare a general program; to define the part to be taken in such program by every subordinate department; to supervise, control, and coordinate all their operations; and, in general, to perform the functions of a general manager in a great business corporation.

And, speaking of the President's connection with this legislation, they say:

It is not proposed to deprive him in the slightest degree of any of his constitutional powers, but simply to place at his command an agency which can devote itself exclusively to a mastery of such details and to the supervisory work necessary for effective operation.

The association then points out seven deficiencies of the many it has noticed. They are as follows:

1. That there is conflict of jurisdiction between the War, Navy, Marine, Shipping, Fuel, and other departments.

2. That the President has so many matters of fundamental importance pressing upon him that he is physically incapable of supervising in detail the functions of these departments.

3. The fuel supply of the Nation has fallen short because no effective coordination with transportation facilities has been effected.

4. Building of ships has been held up for the same reason—lack of proper transportation and fuel transportation.

5. The labor supply for shipbuilding has been shortened by failure to provide necessary housing accommodations for workmen.

6. Factories which might have been employed upon essentials have been employed upon the production of munitions and supplies which can not possibly be used for a year to come.

7. The activities of these factories is urgently needed in the production of other material at once.

One of the notable features of the present situation is the virulence used in attacking those who favor this plan. They are referred to as plotters, mischievous meddlers, and even as servitors of the enemy. Every means of false suggestion has been used to discredit a sincere and loyal attempt to make a change which will materially increase the efficiency of our war administration.

Let us see a little more definitely what the war-cabinet bill really means. Its purpose is to authorize an agency, which we have never had and have not now, to prepare programs to carry on the war. In a little more detail, it will advise and formulate plans and policies, and under the direction of the President will procure their execution. It will coordinate and direct, under the control of the President, all the functions of government. It will consider and determine, subject to the President's approval, every difference that may arise between departments or agencies of the Government. This organization would be a clearing house which would consider every phase of a situation and report to the Commander in Chief, who would then exercise his powers as such over the activity involved.

It has been claimed that it would reduce the present Cabinet officers to the positions of clerks. There is no justification for this claim, because they would administer their departments exactly as in the past; but whenever there was a conflict of authority, or whatever differences might develop, the question would be considered and brought to the attention of the President for his action. The war cabinet would be the President's staff—a staff not unlike a military staff—looking after the matters relating to his command and reporting to him the results of its investigations.

It has been charged that Congress is meddling in the war and trying to curtail the authority of the President. The President will name these men; Congress will not do so, and there is no possibility that it will furnish a means for Congress to interfere with any activity over which it has no jurisdiction. Can it be possible that the President will be embarrassed by such a cabinet, as he has suggested he would be? It would seem as if he would be embarrassed to a greater extent by a perpetuation of the disjointed system which now exists, a system which has failed to produce ships, notwithstanding the shipping plans; which has failed to deliver sufficient fuel, notwithstanding the unbounded coal supply we have; which has been responsible for a failure to protect our soldiers against sickness and furnish them with suitable clothing. We are the inventors and leaders in aeroplanes, and yet we have no aeroplanes. We have the greatest steel works in the world, and yet we have few guns. We lead the whole world in automobile manufacture, and yet we are just commencing to obtain motor trucks; and the worst of all, the system we have had is responsible for camp hospitals not having heat, water, or sewerage.

Congress has resolved that every resource of the country shall be devoted to the successful prosecution of the war, and as far as possible this pledge has been fulfilled. Can anyone claim that it is not the duty of Congress to see that the resources it has provided are so expended that a consummation of the purposes for which they are given is insured? How are we to know that this is being done in a manner satisfactory to the Congress and the people of the country unless investigations are held and the details of the work of the administration scrutinized? Moreover, we owe everything to our men on the other side and to those on this side training to take their place at the front. They are to be plunged into the vortex of the most deadly military operations men have ever had to encounter. Every conceivable device to kill, maim, and torture is in operation on that great battle front. What excuse can we make to our soldiers if we are neglectful of their security, their comfort, and, in the final analysis, their lives? The loyal man in the United States is not he who complacently assumes that everything is as it should be, who is willing to accept general statements for detailed information, but on the contrary is the one who is ever alert to do and to see that there is done not our bit but our very best. We owe this to our fighting forces, our country, and to ourselves, and should not be diverted from that course by unreasoning or uninformed criticism from anyone, whatever his position may be.

RAILROAD CONTROL.

During the delivery of Mr. WEEKS's speech,

The PRESIDING OFFICER. The Senator will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

After the conclusion of Mr. WEEKS's speech,

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. KIRBY obtained the floor.

Mr. POMERENE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Johnson, S. Dak.	Overman	Smoot
Borah	Jones, Wash.	Page	Sterling
Calder	Kellogg	Pittman	Sutherland
Cummins	Kenyon	Poindexter	Swanson
Curtis	King	Pomerene	Thomas
Dillingham	Kirby	Ransdell	Thompson
Fletcher	Knox	Reed	Tillman
France	McCumber	Robinson	Townsend
Frelinghuysen	McNary	Shafroth	Trammell
Gallinger	Martin	Sheppard	Underwood
Gronna	Nelson	Shields	Vardaman
Harding	New	Smith, Ga.	Wadsworth
Henderson	Norris	Smith, Mich.	Williams
Johnson, Cal.	Nugent	Smith, S. C.	Wolcott

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness in his family. I ask that this announcement may stand for the day.

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Fifty-six Senators have answered to their names. There is a quorum present. The Senator from Arkansas will proceed.

Mr. KIRBY. Mr. President, I find it necessary, as a member of the Military Affairs Committee who was present during the investigations before that body, to reply to some of the unjust criticisms and assertions, assertions and criticisms not warranted by the disclosures made by the testimony before that committee. Especially is this true with reference to certain statements made by the Senator from Nebraska [Mr. HITCHCOCK], the Senator from New York [Mr. WADSWORTH], and the Senator from Massachusetts [Mr. WEEKS].

I had intended this morning to limit my discussion to the provisions of the war-cabinet bill and the bill introduced by the Senator from North Carolina [Mr. OVERMAN] to improve the existing War Department machine, but I believe the condition requires that other statements shall be noticed, and briefly I am going to refer to them.

In the first place, the criticisms do not take into account the difficulties that had to be encountered, and the main purpose of most of the criticism, it seems to me, is to attack and embarrass the administration rather than to complain of the inefficiency of the War Department. I do not attempt to justify inefficiency anywhere on the part of any man. When we declared war we undertook the mightiest enterprise in the annals of time, to wage successful war 3,000 miles across the sea, with an Army that had not been raised to be transported in ships that had not been built, against an enemy that must be fought in the air, on the earth, under the earth, and under the sea, a powerful enemy that had whipped the other great nations of the Old World to a standstill.

No other nation in the history of the world, no nation upon the face of the earth now, no nation but ours was equal to such a task.

The things already done in its accomplishment have been so great as to stagger the belief of our own people and to challenge the wondering admiration of the allied nations.

The difficulties were indeed great. We had no battle field of choice, were without an army except an insignificant handful of trained men, and were not permitted to choose the field of operations for our Army, as had been done in wars heretofore. No; we must fight yonder in France on the battle line already fixed, almost stationary, where the allied forces and the enemy are intrenched, and we must first cross 3,000 miles of ocean in which lurk the deadly submarines that brought about the war.

We could not fight except on the sea, where no enemy battleships could be encountered, until we could get the consent of the other nations to land our Army upon their shores. It is easily perceived that the allied nations, in a death grapple with the enemy, successfully resisting his advance into their country, would not allow us at once to take an active part in their vast operations or turn over part of the battle line to us, inexperienced in this new method of warfare. So changed have become the conditions of fighting in this war that our own officers even, regardless of their rank and experience in the service, were absolutely without knowledge or experience of how the campaigns must be conducted and the warfare must be waged.

These were the difficulties that confronted us at the time we went into this war. Now, what has been done? When war was declared the small machine that had controlled our little Army, insignificant in numbers, and provided for its maintenance, began to expand and reach out to accomplish a task the like of which had never before been dreamed of. The great captains of industry and finance, the ablest merchants in the marts of trade, the most powerful leaders of American labor, the most resourceful men in the professions were all called in conference and responded instantly, voluntarily placing all

their ability and wisdom acquired from experience at the Nation's service. Surveys of the Nation's resources, industrial and financial; of its raw materials, manufacturing capacity, transportation facilities; surveys of the world's supply of products necessary to be used in arming, equipping, maintaining, and feeding our armies and those of the allied nations were made.

These volunteer and advisory agencies, in conjunction with the War Department, found new sources of supply of raw materials, developed new sources of manufacture, and mobilized the Nation's resources and powers.

What has been the result? In less than nine months an army of a million and a half men has been assembled, fed, clothed, housed, uniformed, and equipped, and several times more men than we had in our Regular Army when war was declared are already yonder in France, fully equipped, trained, on the battle front and capable, in the estimation of France, of successfully resisting and defeating the invading enemy and holding the battle line. That has been done up to now.

There has been criticism of some of these volunteer agencies. It is unwarranted and unjust in a large respect. It has been said that their procedure was necessarily unfair; that the Government had to expect a man who was interested in a particular line of manufacture or industry to serve here for the Government, frequently dealing with his own concern, and not give his own private industry the advantage. In other words, it was said if this man's personal interest conflicted with the public trust reposed in him he would necessarily not serve well two masters, and that the Government interest was more likely to suffer than that his own private interests should be permitted to do so. The familiar legal principle is invoked that a man should not be put in a position where his actions in the performance of the trust would conflict with or affect his individual and private interests. The law scrutinizes closely all such transactions, but allows them to stand when they appear to be fair.

It was unfortunate that able men who only understood the conditions and how to supply the munitions for the Government could not be found outside of the industries and manufactories which had to be dealt with in their procurement—unfortunate for the men, since it subjected them to criticism, regardless of the fairness of their transactions and their great benefit to the Government.

That has been the criticism against these volunteer organizations and boards; but no single particle of testimony has been brought out in the investigation which discloses any crooked transaction by any of these boards anywhere, and I challenge the Senator from Nebraska or the Senator from New York or the Senator from Massachusetts to point out the evidence, if such there is in existence. It is not there. It never has been there.

There was a supply committee, and it is said they have contracted with certain corporations and not with others. The supply committee had this sort of a condition confronting it: There were only 12 or 15 manufacturing institutions in the United States that had been taking Government contracts. The demand was so great and the supply was insignificant of material, both the raw material and manufactured products, that they found it necessary to suspend the public letting of contracts. Why? The public letting of contracts was intended, of course, to protect the Government by encouraging competition in bidding and preventing awarding of contracts at too high a price.

There could be no competition, however, under the condition existing—the law of supply and demand was eliminated when the demand was so great and there was no supply; it was deficient, inadequate, short—did not exist. It was in future to be manufactured. The law of supply and demand had been put aside, was gone, was not operating any more. Then what could be done? You could not have competitive bids for the immediate supply of materials and products not in existence, and for which the manufacturing capacity of the country was inadequate. No; these things had to be developed.

This committee, composed of men expert in the manufacture of things that had to be supplied, made a survey of the manufacturing capacity of the country, found it inadequate, encouraged the extension of some plants, the conversion of others, and the operation of all to maximum capacity for supplying the Government's needs. They standardized the fabrics, determined the amount required, and allocated it to all the different manufacturing concerns in quantities proportioned to their capacity. They engaged all that could be interested. They fixed the price that should be paid for the materials to be manufactured where possible and a reasonable price for the manufactured product, and employed the services altogether of about 300 manufacturing plants where heretofore the Government had only used about 12.

What has been the result? The Army has been clothed, uniformed, and supplied with shoes, blankets, and tents, which could not otherwise have been done.

The further charge was that the committee had violated the law in refusing to advertise for bids. The law requiring the advertising for bids was properly suspended by an order duly made, and it was done in order that the supply might be increased, that the goods might be had, and that the Government should not be robbed by those who had the control of the deficient supply that was on hand. That was the reason which actuated the supply committee. Had they continued to issue the advertisements for bids, showing there was so great a demand for certain kinds of material, those who had the short supply there was on hand would have increased the price outrageously, to the Government's injury. That would have been done unquestionably. That has been the experience in all lands. The committee thought that was the best business ability that could be exercised, and they used it for the benefit of the Government.

The matter is strikingly illustrated in a cartoon by T. E. Powers I picked up the other day. It appeared in the Arkansas Gazette, and I noticed it also in the Washington Times of the same date. It shows strongly the point and the grasping greed the supply committee attempted to outwit in doing what it did. There are two sets of three pictures each in the cartoon. The first illustrates the Food Administrator talking to the consumer, saying "Now, fish is good food. You ought to eat fish and help win the war, that the Army may have meat." The fish dealer, standing under a sign, "Fish 6¼ cents a pound," hears the conversation. The next morning the man says to his wife, "You need not bother about a roast to-day; I will get some fish. Fish is good food, and we can conserve the meat supply and help our Army and the armies of our allies." When he reaches the fish dealer's he finds fish marked $9 a pound, and is shown a fish as big as his finger at four and a half dollars.

The next pictures show the Food Administrator telling the man to help win the war by eating corn bread, so that we shall have more flour and a better grade of food for our allies, as well as our own troops. The corn-meal seller, with a sign over his door, "8 cents per pound," hears the conversation. The next day the man says to his wife, "I will go down and get some of this corn meal. It is fine, and we can help the Government and conserve the food supply." When he reached the place where they sold corn meal there stood a great big dealer in the front door, under the sign changed to "Corn meal, 80 cents a pound." No wonder the would-be purchaser collapsed, fell dead.

That is a very clear illustration of the condition that had to be met, and that was met successfully, by the supply committee and these other committees by cutting out the advertisements for bids and the awarding of contracts.

Yes; but it is asked, Did not this man Eisenman, the chairman of the supply committee, permit a contract to be made with one Kaplan, who had a brother in the National Council of Defense, for a base sorting plant—a rag plant, if you please—where they were to collect all the rags that were cut from the cloth from which the uniforms were being manufactured in different cities, widely situated, in one particular place and sort and get them ready for sale? I understand that was done. What about this rag plant? The Government had never operated one before. Always heretofore all the clippings that had been cut from all the cloth that had been manufactured into overcoats and into uniforms and into soldiers' clothes had been given free of charge to and kept by the manufacturers of the uniforms. They never had been preserved. It never had been expected they could be of any benefit to the Government. But at this time, here was so much cloth that was being cut out into these clippings and into these rags that was not put into uniforms that this committee said, "We ought to have a base sorting plant; we ought to collect and save these rags." Why? Because this is valuable material. They can be cut up and worked into some of these fabrics that must be made, as "reworked wool," and it is worth 50 cents a pound as reworked wool to put into these different fabrics. Now, these different clothing manufacturers who made the uniforms and overcoats lived in 5 or 6 or 10 or 15 different cities, as New York, Chicago, Cleveland—they were far separated. Then they located this base sorting plant at New York, where the rags were collected. They called before this branch of the committee, before the plant was authorized, the people who were dealers in rags to ascertain what it would cost to collect and assort the rags.

From what they were able to learn they concluded about 6 cents a pound would be a price that would allow a reasonable, fair compensation for the service. The rags were worth, when assorted, anywhere from 30 to 40 to 60 cents a pound, to be used as "reworked wool."

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. WOLCOTT in the chair). Does the Senator from Arkansas yield to the Senator from Utah?

Mr. KIRBY. I yield.

Mr. SMOOT. Was there any evidence before the committee that it was worth 6 cents a pound to assort those rags?

Mr. KIRBY. Yes; they said——

Mr. SMOOT. I wish to say to the Senator that any man who said it was worth 6 cents a pound to assort rags knew nothing about what he was talking about. All they had to do was to write to any woolen mill in the United States and they would have found that not only the sorting of rags of one color is not worth more than 1 cent, but that to sort the white from the colored is worth not to exceed 1 cent and a quarter a pound.

I have had millions of pounds of such rags assorted, and I never paid more than a cent a pound for assorting rags. These rags were of one grade of cloth. It seems to me that anybody who would testify that it was worth 6 cents a pound to assort such rags ought to have his head fixed.

Mr. KIRBY. I regret exceedingly that they did not call the Senator from Utah in reference to this rag-sorting cost, because he seems to know about it.

Mr. SMOOT. If the committee had done so, I should have been able to have informed them.

Mr. KIRBY. I have said that I regret exceedingly that it was not done.

They stated that the testimony before them showed that the profit would not be great at that price, and the Government would have a saving, in any event, of the difference of between 6 cents agreed to be paid for collecting and sorting and 40 to 60 cents a pound, which the rags were worth for reworked wool. They had to be collected from the different places where the clothing was being manufactured. There was also a provision put in the contract that the profits, even, should be limited to not more than 1 cent per pound, and finally to not more than one-half a cent. The matter of price was subject to audit and adjustment by a provision in the contract, just like in all of the contracts of the Government. What was the result? There was an audit made; there was an adjustment made; and the profit was reduced to half a cent a pound. Finally the contract was canceled and nothing whatever—no profit at all—was paid.

That is the condition as it has actually developed. The Government has the Base Sorting Plant; the Government has saved all of the money that these collected rags were worth—from 40 to 60 cents a pound for reworked wool that heretofore had been given absolutely free of charge to the manufacturers of uniforms.

Mr. POMERENE. That was done; and as soon as it was discovered that excessive profits could be made the Government changed the system?

Mr. KIRBY. My attention has been called—and I thought I made that statement—to the fact that as soon as it was discovered or intimated that the profit would be excessive there was an audit and an adjustment of the amounts to one-half cent a pound, and finally the contract was canceled and nothing was paid. It is not shown by a particle of testimony that this man Eisenman or any man on his committee had a single particle of interest, financial or otherwise, in the operation of the Base Sorting Plant. It cost nothing to assort the rags therefore no profit was paid therefor, and the testimony has come to us just in this way. That is what has been done. It was shown also that the men on the Council of National Defense who were interested in the operation of this plant, or rather who had relatives interested in the plant, did not have anything to do with the letting of the contract for its operation nor with the establishment of the plant. Nobody has questioned that statement. The Government has not only not been injured, but greatly benefited by the establishment of the rag plant.

I want to say to Senators that the performance of this committee has been very great; it has been most efficient and has been without expense to the Government so far as the talent employed was concerned, and I want to put into the RECORD here to-day as a perpetual memorial to the vastly beneficial and unselfish service these patriotic men rendered the Government in our time of need the memorandum report of that committee made to the Secretary of War. I ask leave to include it, without reading, in my remarks as a part thereof.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report referred to is as follows:

DECEMBER 29, 1917.

MEMORANDUM FOR THE SECRETARY OF WAR SUBMITTING STATEMENT OF THE FUNCTIONS AND ACTIVITIES OF THE COMMITTEE ON SUPPLIES OF THE COUNCIL OF NATIONAL DEFENSE.

The committee has been subdivided into the four following sections: Woolen goods, cotton goods, knit goods, and shoes and leather.

WOOLEN GOODS SECTION.

This section has devoted itself to the business of assisting the Quartermaster Department in purchasing woolen fabrics for Army use, having in mind three main objects:

1. Quantity: It became evident very early that enormous quantities of woolen cloth would be required. While at the outbreak of the war less than a dozen mills had been accustomed to bidding on Government contracts, we have secured the cooperation of over 300 mills, comprising nearly all the larger establishments and most of the smaller ones that were adapted to manufacture Government fabrics.

We have investigated the productive capacity and equipment of all the woolen mills in the country. It is safe to say that not more than 10 per cent of the mills adapted to such work are not now engaged in the manufacture of fabrics suitable for military use.

Additional purchases in very large amounts, many of them on very short notice, have been made for a number of foreign governments, and in no case have these been allowed to interfere with our own requirements.

We have purchased over 19,000,000 blankets, over 20,000,000 yards of overcoating, and over 20,000,000 yards each of shirting flannel and suiting, involving an expenditure of over $345,000,000.

2. Quality: With the assistance of the cooperative committees of the two associations of woolen manufacturers specifications have been made with the view of maintaining the quality of the Government fabrics and increasing the sources of available supply. While many emergency purchases were made of fabrics not strictly according to specifications, due to urgent and immediate calls from various departments, we have now thoroughly standardized the fabrics which are being manufactured by the different mills.

3. Price: From April to the present time prices of raw materials have advanced from 30 to 40 per cent, supplies from 25 to 100 per cent, and labor at least 20 per cent. In spite of this advance in the cost of manufacturing this committee has been able to obtain all the fabrics required at prices less than 10 per cent over those prevailing in April, while for the past four months it has paid a fixed and uniform price for each of the standard fabrics.

General: It has been necessary to go into a wide field of operation in placing these huge contracts. We have secured for American manufacturers the release of large quantities of foreign wools, the exportation of which the British authorities were reluctant to permit. We have also obtained the consent of the British Government to the release of nearly 78,000,000 pounds of Australian wool for military uses, at a saving of over $25,000,000. We have arranged for the securing of much necessary machinery and many supplies needed in the manufacture of this tremendous yardage. We have written hundreds of letters of inquiry and advice to many different manufacturers, have consulted with them personally on manufacturing problems, and have endeavored with the loyal and valuable cooperation of the woolen industry to place its resources at the services of the country.

A careful survey of the situation leads us to believe that we have greatly increased the production, standardized the quality, and saved many millions of dollars in the purchase of woolen fabrics.

THE BASE SORTING PLANT.

There is attached hereto a copy of a certified report, marked "Exhibit A," from Messrs. Loomis, Suffern & Fernald, of New York City, on the Base Sorting Plant.

The men selected for the task of arranging the business of collecting together the rags resultant from the cutting of Government woolen goods were selected because of their fitness and for the same reason that other men have been selected to perform the necessary functions in carrying to a successful conclusion our part in the war. Up to some four or five months ago the Government contractors who were making clothing for the Government from materials furnished to them by the Government, retained as a gratuity all of the rags resulting from the cutting of goods. These, in turn, were sold by the manufacturers of clothing to the many rag dealers in the trade at prices that before the war ranged from 25 cents to 28 cents a pound—up to 40 cents a pound and above since the war. In order to stabilize the price on all woolen materials it became necessary in the refinement of the job to stabilize the price of all the fundamentals that went into the manufacture of the goods. Thus it became necessary to stabilize the price of wool substitutes and shoddies, these for the most part being made from rags and clippings remaining from the goods that were cut for Government uniforms. Since the Government now owned all of the remnants and rags resulting from the manufacture of uniforms, it became necessary to establish a medium whereby these rags could be concentrated or brought together in one spot. Uniforms for the Government are made in Boston, New York, Brooklyn, Philadelphia, Chicago, San Francisco, St. Louis, and many other points. The gentlemen comprising the base sorting plant were asked to perform this function for the Government because of their technical knowledge of the business, so that the redistribution of these rags to the cloth manufacturers could be made in the best and most intelligent manner. A maximum price was thus established upon these cuttings and sold by the Government to the cloth and blanket manufacturers at a uniform price, approximately 10 cents a pound below the market. The resulting saving to the cloth and blanket manufacturers was deducted from the price of the goods sold to the Government, thus giving the Government, first, the advantage of millions of dollars in the savings of the clippings, and, second, in the resulting savings from the price per yard on cloth and blankets the Government purchased from those manufacturers. The saving thus far in these operations has been almost a million dollars, and the plan contemplates and will save to the Government many millions of dollars more in the future.

It has also eliminated any incentive for clothing manufacturers to use extravagantly the Government cloths, and this saving will be a very large item.

It has stabilized the price of reworked wools, checking a rise of 60 per cent from April last and reducing this figure to 45 per cent, holding it at this point since July last and to this day. This also has been a very large saving to the Government.

It has also prevented the profiteering in these reworked wools by those engaged in that industry.

The base sorting plant is run by three of the most competent men in the industry and without any compensation whatsoever and without any profit. All accrued profits from the very organization of this plant belong to the Government without any charge for services of these men and without profit to anybody but the Government.

The Base Sorting Plant is now and has been since its inception under the absolute supervision and control of the depot quartermaster at New York City and the War Department.

THE USE OF RECLAIMED AND REWORKED WOOL.

Reclaimed and reworked wool has been used in conjunction with virgin wool in the manufacture of 30-ounce melton and 3-pound blankets, and has resulted, on orders placed since May 1, in a saving of over $31,000,000 by the Government. It has conserved wool to the extent of at least 70,000,000 pounds. It has saved the Government a calculable amount of over $24,000,000 and an incalculable amount due to the lessening of the demand for raw wool to the extent of 25 per cent of this country's wool clip. In addition, the benefits derived in consequence of the comparatively earlier delivery of cloth and blankets because of the use of reclaimed and reworked wool can not be expressed in terms of dollars and cents.

The opinion of the Bureau of Standards, Department of Commerce, to wit: "The importance of new wool fiber as distinguished from reworked wool and mixtures in fabrics has been greatly exaggerated" is very interesting to note.

As a matter of fact, mixtures prepared in accordance with current United States Army specification for blankets and 30-ounce O. D. melton are superior in heat retentive qualities to similar cloth produced from the best grades of wool now available—i. e., quarter-blood wools. The reason for this superiority is found in the greater felting quality of reworked wool, resulting in a more complete filling of the interstices which exist in all cloth.

COTTON GOODS.

Since May this section has studied the markets and needs of all the Government departments for cotton cloth, bandage cloths, blue and brown denims, duck of all kinds and weights, pajama cloths, hospital gauze, domets, flannelettes, and various other fabrics. It has listed all available duck machinery and has made recommendations covering over 250,000,000 yards of goods; has opened up new sources of supply for duck from tire fabric makers, carpet makers, and cotton mills not ordinarily on fabrics for which there was such urgent need.

It has stimulated production, advised as to technical procedure, acted as the advisor of the priorities committee on all textile matters, has equitably allocated huge quantities of paulin duck over the duck trade secured for the Government prices running uniformly below—and often far below—the market, coordinated in so far as possible cotton goods purchases made by the different Government departments, and now in addition to the above is, at the instance of the War Industries Board, deciding as to the distribution of certain grades of duck, on which there is a shortage, to the civilian trade.

It is also handling all waterproofing contracts for the Quartermaster Corps.

KNIT-GOODS SECTION.

The quantities of gloves, underwear, and other knit goods needed by the Army was largely in excess of the machine capacity of the country. As a result it has been necessary to open up new sources of supply and to greatly increase the output of present mills in order to meet the requirements. In addition the specifications have in many instances been changed, so that to-day the goods ordered are of a much better and warmer quality.

To give a clear idea of the vast quantities bought, and particularly of the short space of time in which the purchases were accomplished, a table of purchases to date of the principal articles, together with the amounts purchased to October 6, 1917, follows:

	Purchased to Oct. 6, 1917.	Purchased to Dec. 28, 1917.
Drawers, winter	13,309,813	25,150,332
Undershirts, winter	10,572,692	21,084,053
Gloves, woolen	4,600,697	11,349,664
Stockings, wool, light weight	11,621,534	31,754,353
Stockings, wool, heavy	7,922,088	21,130,088
Toques		2,825,000

In addition to the above, large quantities of cotton drawers, undershirts, and stockings have been purchased.

SHOES AND LEATHER.

It has been our effort to assist the Government in the expert knowledge necessary to make purchases in the most efficient manner. This necessitated the cooperation of shoe manufacturers, tanners, and all those producing the essential supplies in order to secure quantity and quality at a fair price, necessitated the standardizing and redrafting of specifications, and further needed the incorporation of a new type of shoe more adequate for present-day war requirements.

In recommending the purchases of approximately 21,000,000 pairs of leather shoes, we call attention to the following:

a. Our plan of a combination of competitive bidding for part and a fixed price for part has made a saving to the Government of $1,632,000 over the plan of strictly competitive bidding for the entire amount.

b. In order to eliminate speculation on the purchase of materials, options were obtained on leather and supplies and guaranteed to the manufacturers at a fixed low price. This policy has permitted a net saving of approximately $4,000,000.

c. Original specifications called for calf, veal, or kip. We recommended a change to side leather, which was adopted, thereby increasing wearing service and resulting in a saving to the government of $806,000.

d. Believing an army shoe made with a drill lining was unsuitable for war requirements, we recommended a new model unlined shoe, which was adopted, and which has been more serviceable in every respect at a reduction in cost, thereby permitting a saving of $496,000.

e. Total savings from the above suggestions approximated $6,934,690.

Realizing the importance of prompt delivery, the following figures are of interest:

	Receipts.	Estimated requirements.
	Pairs.	*Pairs.*
Received to—		
Sept. 1, 1917	2,833,656	1,751,000
Oct. 1, 1917	4,344,725	2,792,000
Nov. 1, 1917	6,915,834	4,101,000
Dec. 1, 1917	8,896,939	4,826,000
Expected—		
Jan. 1, 1918	10,611,789	5,581,000
Feb. 1, 1918	11,756,989	6,373,000
Mar. 1, 1918	14,259,989	7,196,000
Apr. 1, 1918	15,795,989	
May 1, 1918	19,341,989	
June 1, 1918	20,842,989	

RUBBER BOOTS AND ARCTICS.

In the recommending of purchases of rubber footwear we have taken advantage of the total daily productive capacity of the country, and have recommended purchases of the best quality produced at exceptionally low prices for delivery in accordance with our needs in quantities as follows:

	Pairs.
Four-buckle arctics	2,476,000
Hip rubber boots	1,500,000
Short rubber boots	735,000

MATERIAL FOR THE REPAIRING OF BOOTS AND SHOES.

Having in mind the repair of leather and rubber footwear in this country and in France we have recommended large purchases of the necessary materials for the deliveries needed at very low competitive prices and have done so after most careful consideration and investigation. In this connection we have put under specification, have recommended, and will complete recommendations within a few days, for approximately 10,000,000 pairs of leather tap soles, 7,000,000 pairs of heel lifts, and 6,000,000 pairs of top lifts, and all other necessary materials in similar proportions.

CANVAS LEGGINGS.

After making a most careful investigation of existing conditions we have recommended and are about to recommend purchases of approximately 11,000,000 pairs of canvas leggings, having optioned the materials and allotted same to successful bidders in quantities in accordance with the size of their contracts.

LEATHER GAUNTLETS.

In a similar manner we have recommended and are about to recommend the purchases of approximately 2,500,000 pairs of gauntlets.

PURCHASES FOR ALLIED NATIONS.

Pursuing the same general policy we have outlined purchases for Great Britain, France, Belgium, and Russia on the following articles, totaling approximately $40,000,000: Leather shoes, four-buckle arctics, hip rubber boots, short rubber boots, and materials for the repair of leather shoes.

In outlining these allied purchases we did not allow materials or deliveries of the finished product to in any way interfere with the needs of our own Government.

Recommendations according to the above approximate $190,000,000. These have been made only after most careful investigation and exhaustive study.

MISCELLANEOUS.

Cots: Purchases were authorized and made of 2,107,056 cots, of which 1,132,056 were canvas Army cots; 975,000 all-steel cots. The committee was instrumental in effecting the substitution of the superior and more economical all-steel cot.

Aviators' clothing: We were requested by the Signal Corps early in September to assist them in the clothing requirements for aviators, and make recommendations as to where their requirements could best be taken care of, both as to price and deliveries.

All official requests for such information have been taken care of to date, and all contracts completed with the exception of recommendations made December 20. The amount of contracts, placed and completed, amount, in round figures, to half a million dollars.

STATISTICS AND PRODUCTION.

This department was instituted in May, 1917, soon after the committee was authorized by the Secretary of War to assist the Quartermaster Corps in the purchase of certain items of clothing and equipage. The first work of this department was the collection from all available sources of the data necessary to the work of the committee on all contracts existing on May 1 on the items in which the committee was interested, together with the recording and summarizing of the same data on all contracts placed after May 1 on the recommendation of the committee.

Early in June the system of recording data was in full operation and the work of installing a production or "follow-up" system was commenced. At the same time the department started a system of charts, presenting graphically the relation between estimated requirements, contracts places, etc.

The necessary forms and blanks for the follow-up work were started in July, and all contractors were at once notified to report to the committee on forms supplied them for the purpose, first, of deliveries made to date on each contract and thereafter weekly on the weekly shipments made on each contract.

The information thus obtained was tabulated and has been used as a basis for all follow-up work intending to increase deliveries and by the various purchasing divisions of the committee in determining the size of new contracts, etc. Weekly reports were also obtained from the various quartermaster depots which were used as a check on the reports of the different contractors.

By August 1 the foundations of our present system were established, and since that time the system has been expanded as additional articles have been added to the list on which the committee was asked to advise.

Our work may now be divided into three main divisions, with the following principal subdivisions:

1. Contracts:
   (a) Authorizations from Quartermaster General.
   (b) Contracts placed.

2. Production:
   (a) Weekly report of each contract.
   (b) Status of each contractor.
   (c) Delinquencies and speeding up of production.
3. Statistics:
   (a) Weekly report of work of committee.
   (b) Charts.

How the work of this department has been increased can be shown by the following comparisons:

Original number of articles handled by the committee	19
Present number of articles handled by the committee	142
Number of contracts placed before May 1, 1917	625
Number of contracts placed between May 1 and Dec. 22, 1917 (approximately)	4,650

The money value of these purchases totals approximately $800,000,000, and the cost of the adjudication of this immense volume of business has been less than $20,000.

Every effort is used, with the assistance of the various members of the committee, to prevent delinquencies and to hasten production. Any shortage of deliveries must be adequately and immediately explained, and overproduction is urged through letters, telegrams, and personal interviews. The total number of letters sent and received to date has been approximately 80,000 and of telegrams approximately 10,000.

From all the various reports received we are able to tell at any time what has been accomplished by this committee, and our present status is shown by the attached weekly report.

GENERAL.

It has been necessary for this committee to give some preference orders to manufacturers under section 120 of the act of June 3, 1916, in order to insure priority to Government contracts.

A number of lawsuits and contemplated legal actions arising between civilian contractors and manufacturers and calculated to throttle the effectual delivery of merchandise to the Government have been amicably adjusted.

More than 100 manufacturers, leaders in their respective lines, in conferences with several hundred others, have assisted in the careful study of quartermaster specifications, resulting in skilled revision and modernization. The elimination of middlemen has been largely accomplished.

Satisfactory results have been achieved in assisting the Finance Bureau of the Quartermaster Department in expediting payment to contractors. We have in many instances taken advantage of cash discounts never before contemplated in Government purchases.

We have cooperated with the various agencies functioning on the settlement of labor difficulties.

We have zealously attempted to assist those doing business with the Government by consistently directing all inquiries, which have been voluminous.

The efforts of this committee have been helpful in securing fuel, machinery, raw materials, railroad and express facilities for those Government contractors entitled to assistance.

Mr. KIRBY. Mr. President, this committee, as has been heretofore said, dealt in about $800,000,000 worth of goods in about four months, in about 4,500 separate transactions, averaging about 200 orders a working day, of $4,000,000 in amount; wrote about 80,000 communications and sent 10,000 telegrams. It did this in the short period of time in which it was operating. The great men who were on this Council of National Defense and who had nothing to do with the activities of this particular supplies committee—Mr. Willard, the president of this great railroad company, and Mr. Gifford, who was acting as the director of the Council of National Defense; Mr. Catchings, the chairman of the Chamber of Commerce of the United States, and some of the other men who are in that class, who were in constant touch with the conditions—said that, with the help and assistance of these volunteer agencies, we were able to go forward twice as fast, to accomplish twice as much, as would otherwise have been done, and at only one-half the expense to the Government that must have resulted otherwise. That is what these other men who are in touch with this condition thought about it.

Well, it is said that some of the blankets are not as good as they ought to be. The blankets have been manufactured and bought according to specifications made by the department and furnished to this particular agency for guidance. The blankets which were not the best were doubtless bought because of the emergency created by the unusual winter and because the best other blankets had not been properly distributed. All of this cloth was manufactured and delivered, however, in time for it to have been manufactured into uniforms, allowing seven weeks for the manufacture of uniforms, in time to have reached the soldiers before the winter came on.

The Senator from Massachusetts [Mr. WEEKS] said that some American clothing company was not treated fairly in the allocation of these contracts for the manufacture of cloth into uniforms. This particular company which he complains about not being fairly treated did not have any plant that it could convince the Government of its ability to manufacture; it did not own the plant; it did not own the building; it was more of a broker going out to secure these contracts and to sublet or farm them out. They were sort of sweatshop manufacturers who were going to work in that way.

The Government said, "No; we do not allow these contracts to go to any manufacturer who does not comply with the sanitation and health laws of the State where his manufactory is situated." That was the reason that some of these fellows did not get contracts. That, however, did not delay the manufacture. The uniforms were manufactured in time to have gotten to all the cantonments when needed if they had been properly distributed and winter had not arrived in unusual severity and a month early. But the voluntary organization had nothing to do with the manufacture of the uniforms. That is the condition along that line.

Would it have been done better if we had had the war cabinet which Senators are talking about here to-day? What difference would it have made under the circumstances? There is no possible inference or reason to be drawn from these occurrences that would call for the support of a war-cabinet bill, which takes the conduct of the war out of the hands of the President of the United States, the Commander in Chief of the Army and Navy, and puts it into a cabinet that is proposed by the Congress, and whose authority is absolutely defined and fixed in the bill.

Mr. KING. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. KIRBY. Yes.

Mr. KING. I should like to ask the Senator from Arkansas whether there was the slightest evidence before the committee that any member of this great organization of which he is speaking used his high position for private gain or for the advancement of the interest of any particular person or corporation with whom he was remotely, directly, or indirectly connected?

Mr. KIRBY. There was not one particle of evidence to justify that sort of inference.

Mr. KING. Or could any such conclusion be drawn from any of the evidence before the committee?

Mr. KIRBY. Not further than an inference that might arise from the fact that this man Kaplan, who was in charge of operating the Base Sorting Plant, or who inaugurated it, was of kin to a member of the Council of National Defense, who was not even on the supplies committee, and the fact that there was more paid, or rather agreed to be paid, than, as afterwards developed, the service was worth.

Before I forget it, I desire to say that the only complaint made by responsible men or manufacturers before our committee about the manufacture of cloth and fixing the price was made by some gentlemen who had great capacity for manufacturing, who manufactured fine woolens and fine cloths for the making of officers' uniforms in the allied and other armies overseas. They did not say that the price fixed by the committee for the manufacture of cloth was too high, but they said the price fixed by it was so low that they could not make a profit at all on it in their mills, which they used for the manufacture of this other cloth; that they could not afford to manufacture it at the price. That was the chief criticism by anybody who was in a position to know about it. But the committee was able at the prices fixed to get all the needed cloth manufactured.

Mr. KING. May I ask the Senator from Arkansas another question?

Mr. KIRBY. Certainly.

Mr. KING. Was there any evidence before the committee which tended to show that any of the articles constituting this $800,000,000 expenditure, to which the Senator referred, cost the Government more than they would have cost if a different method of handling the business had been adopted or if these civilian employees or the men who volunteered their services had not been giving their services, and the work had been discharged solely by the department or the officers of the Government? Would the articles purchased have been obtained cheaper than the cost that the Government was compelled to pay?

Mr. KIRBY. There was no testimony that would indicate that such was the fact; there was not a particle of testimony to that effect. There was this sort of a proposition: It was stated that the Navy was able to procure its supplies, and was able to procure its fabrics and uniforms by advertising for bids, and it was asked why the Army had not been able to do the same thing by competitive bidding. Then it straightway developed that no good could have resulted to the Government from competitive bidding when there was no supply of the things to be purchased on hand; when the supply had to be manufactured, and new sources of supply found and developed. The Navy, in the last analysis, has done well, admirably, but that fact has been unfairly used throughout this investigation in disparagement of the War Department and its agencies. Daniel Willard, when he testified, was asked, "Do you not think that the War Department would have done better if it had an organization like the Navy," replied, "The Navy is a small machine in comparison with the War Depart-

ment." It was then insisted that the work might have been done just as well or better; that the Navy was about one-third or one-fourth as large as the War Establishment, but Mr. Willard said, "It does not appear that way. I am told the War Department is eight or nine times as large now. * * * As it comes through the clearance committee, the Navy Department there, we will say, is 10 or 15 per cent, and the Army is all the rest of it."

When Mr. Baruch was asked the same question, what did he say? He said:

"Yes; the Navy has done well, but the Navy is a small, compact organization, which was already in the market; and it was allowed to go out and dip into the stores of manufactured supplies without consulting the convenience or the necessities of the other departments."

Mr. JOHNSON of South Dakota. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from South Dakota?

Mr. KIRBY. Yes.

Mr. JOHNSON of South Dakota. I desire to ask the Senator from Arkansas if it is not his belief that Members of Congress would bring about greater efficiency, get along faster, bring about better results, serve the Congress and the Government better and the soldiers better, if they would take these specific complaints directly to the War Department and demand an immediate investigation and report on them, rather than bring them onto the floor of the two Houses of Congress at this critical time?

Mr. KIRBY. I think there is no doubt but that it could be better done in that way.

Mr. WILLIAMS. But then they would not have a chance to make a speech.

Mr. KIRBY. Yes; that would not furnish a man an opportunity to make a speech.

I regard it, Mr. President, as most unfortunate that the Committee on Military Affairs, of which four members have spoken here and one in New York, did not reduce to writing its findings from the testimony given and the disclosures made. I insisted that that be done. It was not done. If it had been done, the statement could never have been made by the Senator from Nebraska that "by the 20th of January the committee, with practical unanimity, decided that drastic action was required, and thought, instead of bringing the testimony before the Senate and denouncing the particular officials who were inefficient or incompetent, that it ought to bring in a bill that would provide a remedy and relieve the conditions." There was no such unanimity of opinion in that committee, and I deny the statement. It could not have been made if my suggestion had been followed out. I have insisted that that sort of a report ought to be made instead of bringing all these things out on the floor of the Senate and laying them before the people, each man insisting that the committee's investigation disclosed a certain condition, when everybody else on the committee is disagreeing to the statement so made.

I want to mention the matter of rifles, about which complaint has been made. The Senator from New York [Mr. WADSWORTH] said that there was a lack of foresight, a lack of vision, in not making rifles back yonder in 1916; that one of the Government's arsenals was absolutely idle; that smoke no longer ascended from its chimneys; that operations there had been abandoned; and that the other factory was not run to full capacity in 1916. The War Department was blamed for this inactivity, for this lack of foresight, for this lack of vision and lack of preparation for a war that was to come in April of the next year. Lack of preparation in 1916! When we were fighting out and winning a political campaign upon the issue that we had been kept out of war and that there was no necessity for the country going into war! They are blaming the War Department for not having anticipated that sort of a condition when there was no appropriation made for carrying out any sort of a program, if it had been instituted. The appropriation for small arms for that year, I understand, was only $250,000; at any rate, it was about one-tenth of what it had been several years prior thereto. Is there any lack of wisdom or lack of foresight under the circumstances? Yet the department is criticized severely because of that.

They talk about the shoes that were manufactured. They do not contend that the right kind of shoes have not been manufactured; they do not say that the shoes have not been manufactured as the War Department specifications provided they should be manufactured, but they say 80 per cent of the shoes manufactured are too small for the soldiers who are to wear them. I do not believe that. If all the experts in the world should come here telling me that 80 per cent of the soldiers of this Army of 1,500,000 are wearing shoes two or three sizes too short for them I would say it is not true; it is contrary to human experience; it is contrary to the physical facts and not to be believed. A soldier can not wear shoes two sizes too short for him; he can not march in them; he can not get around in them; and he can not fight in them. That is said to be a great shortcoming in the War Department that might have been remedied by a war cabinet. How? How would it have been remedied by a war cabinet?

A coal shortage has developed and that is charged to the administration of the Secretary of War, although he had nothing to do with it, I understand, so far as the activities of the department were concerned. It is but a criticism of the administration for not having foreseen the conditions. It is a criticism of the administration for not having been able to forecast the weather for the last year, and to ascertain long in advance that there would be such a spell of winter weather as has not occurred in this country for years, that would block transportation, and would keep the coal supply on hand from being distributed to the consumers who were in need of it. All that is charged up to the War Department; and it is said it might have been remedied had we had a war cabinet.

Mr. KING. Mr. President, will the Senator permit me another question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. KIRBY. Certainly.

Mr. KING. One of the most frequent criticisms urged against the policy which has been pursued by the War Department is found in this, that, instead of letting all contracts to the lowest bidder, the contracts have been given for cost plus a given per cent, ranging from 10 per cent down, in no case more than $250,000 profit to be allowed on any one contract. I desire to ask the Senator whether the investigation shows that, as the result of that character of contracts, the Government has suffered any disadvantage, or whether, if competitive bidding had been resorted to, the results which have been desired could have been so successfully, so efficiently, or so cheaply consummated?

Mr. KIRBY. Mr. President, in answering that I will say that we had before us the facts in connection with the whole development of cantonment building. The testimony does not disclose that the Government has been fleeced or robbed because of extortionate prices charged for the work done. The testimony does disclose that there was no possibility on earth of having these cantonments built by competitive bidding. There are no concerns in the United States that could have undertaken and completed so great a task or project in the time that it had to be done with the capital it had on hand. It was a physical impossibility. Therefore, the Government said, "We will pay you so much cost plus so much per cent if the expenditure reaches a certain amount, cost plus so much per cent if the expenditure reaches a certain other amount, and cost plus so much per cent if the expenditure reaches a certain other amount, but in no event, regardless of cost, shall you ever have more than $250,000 because of any single improvement." The testimony disclosed that the overhead expenses of these great construction concerns are from 2 to 3 per cent—that is the estimate of overhead expense—to enable them to get ready, go on the ground, and manufacture the particular articles or undertake the particular construction work. The percentage of profit that has been paid to the construction companies for the erection of these cantonments, taking them all into consideration, does not amount to more than 2½ or 3 per cent on the entire contract price. They could have been constructed under different conditions at far less expense to the Government, but they all had to be constructed at the same time and within about four months, and it could not have been done by any other method than the one pursued. That was what the evidence before the committee disclosed.

It has also been said that, if we had had a more efficient medical department, we would have had the hospitals sooner completed. There was no order issued to hold up or delay the construction of hospitals. The contracts were all let together, and it was intended that all the buildings should be constructed along together. The contractors built certain sections and certain portions of these cantonments to the exclusion of certain others. It may be that they had to build the hospitals with more care; I do not know as to that; but some of them were not completed at the time the men were expected to be mobilizing. These cantonments had to be finished in two or three months, and they were finished in that time. That has been accomplished. Could a war cabinet have done better? My own personal judgment now is, since I have seen the whole picture, that probably we did not need any cantonments. Having seen all there was to see of the conditions as they have been brought out concerning these things in our country and the billeting of

our soldiers in France, it is probable that if we had said, say, to a small town above Little Rock in my State, "You have one company; get up two; you have enough room there to house two companies and take care of them;" and then we had said to another town, "You take four"; to another, "You take five"; and then, as these men were trained, gradually bring them together in one place or send them on to France and have them finish their training there. It might have been that we could have saved money in that way. Our soldiers are not in cantonments and camps in France to-day; they are billeted out among the people. They sleep in a loft here; they sleep in a barn or storeroom there; they sleep wherever they can properly and safely be taken care of; but our hospitals in France are the best in the world. We had to construct the hospitals which have been erected over there, and that is the kind we have there at the front. There has been some delay in the construction of hospitals at the cantonments in this country. They may not have been constructed as early as they could have been if something else had been neglected, but the death rate per thousand, even in the cantonments, is less than it is in civil life.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Ohio?

Mr. KIRBY. I yield.

Mr. POMERENE. If I may make a suggestion, I have heard some criticism on the floor of the Senate with reference to the hospital conditions in the South. The cantonments were placed in the South largely because, as I understand, it was thought that the climate was milder, and for that reason it was a more desirable place to locate the cantonments; but the South this year has been in the grip of winter just as the North has been, and some of the Senators who have criticized the Government for not having proper hospitals at the cantonments in the South last summer were complaining very bitterly because the cantonments were located in the South and because the soldiers were not left in the New England States and elsewhere for the purpose of training. I refer to this to indicate how very easy it is to find fault with the things which other people are doing.

Mr. KIRBY. Mr. President, the hospital condition in the cantonments is not bad; it has not been shown to be bad. There is a difference between the camps and the cantonments. It was not expected that a hospital would be placed at the National Guard camp in Texas of which Gen. Greble is in command. It was thought that the soldiers of the National Guard stationed there were reasonably well seasoned; that they would go down there and remain in their camp and that a tent hospital, a field hospital, would be all that would be necessary for the men in that camp under the conditions that usually exist in that section; but the weather, as the Senator from Ohio has said, has been unusually rigorous; the thermometer there has fallen below zero, a thing that I remember to have occurred but once before in my whole life up to now, and I live farther north than the camp in Texas.

As to the location of the cantonments and camps the Surgeon General swore that they were all well located except one; that there was no objection from a sanitary or hygienic standpoint to the location of any cantonment but one, and that that objection had been shortly removed. They were located under medical supervision and after consultation, not with the Surgeon General's office, but with the particular branch of the Army medical service of the department that located them.

They complain of the powder-manufacturing facilities not being adequate and say that we will not be able to manufacture all the powder that we probably will need; that we are not making all the poison gas that is expected to be used in our explosive shells "over there," and they say that it is because we do not have a war cabinet. They do not say that we have not enough powder; no man has dared to stand on this floor and say that the disclosures before the committee reveal the fact that we have not all the powder we can use or that we will use for this whole year. It is true we have had to buy some of our shells in France, and they talk about "poor, bleeding France." Do you know that the testimony as it comes to us about that proposition shows this, and nothing more? France said to us, "We have mobilized and centralized our industries for the manufacture of munitions until we will have to demobilize them unless the employees are furnished more to do, unless we can supply you with explosives. We have more than we can possibly use; our manufactories are already organized and operating to a great maximum capacity and output, and unless you let us manufacture your shells and ammunition of a particular kind we are going to be in distress, because we must slow down, and our workmen will be out of employment; there will be nothing for them to do." That is the reason for purchasing from France, to improve conditions for France as well as to supply our needs in the shortest time in the most practical and businesslike way. The same reason holds also for procuring our big guns and certain types of machine guns that Gen. Pershing decided were best adapted for our own use in battle. We bought those guns from our allies, who had them to spare, because they were the kind we needed and we could get them when we needed them, delivered where they were to be used. They could not be manufactured by us here in time, anyway, and the fact that they have not been is no criticism of the efficiency of the War Department. If we could have manufactured them all on time, it had been better in any event because of the shortage of shipping to buy where no ships were needed for delivery.

As to supplying chlorine and gas, about which complaint is made, we have already made arrangements until October 1 for our supply of explosives and poison gas; they are coming along, and are being supplied, and we have made arrangements to construct—and their construction is actually under way now—plants to take care of the condition from then on. What more could have been done by a war cabinet? The Nebraska Senator criticized unsparingly all activity in any way responsible for the condition for producing supplies and munitions that are absolutely indispensable and having them delivered at the ports for shipment when there were not sufficient ships provided to carry such supplies without delay. He insisted that all the energies of the Government should have been directed rather to the construction of shipping and not the preparation of the supplies and munitions which had had to wait for the ships. That certainly is a peculiar view, supported by neither reason, sense, nor sound judgment. It had been a beautiful spectacle indeed to have constructed the ships to the exclusion of the manufacture of the supplies, absolutely necessary for the support of our own and the allied armies, which had to be carried whether we had constructed ships or not. It was the intention, of course, and every energy of the Government that could be brought into activity for the purpose was started for the completion of both projects. Had it been done otherwise it might have resulted only in having newly constructed ships lying idly at the wharf waiting the manufacture of supply cargoes. Such view also leaves altogether out of consideration the prospect that we should be able to procure ships enough from our allies and by purchase from neutral nations to carry such munitions that had to be supplied.

Mr. President, I can not recall all of the little criticisms which have been made. I did not expect to reply to any of them; I did not know the testimony before the committee was going to be used and distorted in the particular way in which it has been made use of. I have tried, however, to reply to everything that I thought ought to be mentioned that has not been correctly reflected before the Senate according to the testimony and disclosures brought out in the investigation of the committee.

Now, let us see about the war cabinet. What is the expert opinion of the necessity for it? The Secretary of War says, "I think that with this organization as it is now completed"—and there are over 15,000 men in this organization; there is that much talent being employed—"I think with this organization as it is now completed, from the experience of the past improvements can be made that will enable it to perform the service better than any other organization that can be effected at this time." The War Industries Board, which is criticized, has at the top the Secretary of War, the Secretary of the Navy, the Secretaries of other departments, and men connected with various industries, and in each particular line there is one man who is at the head and who has supreme authority all down through that particular branch, with the President over all. Those men are all on the War Industries Board. The Secretary of War thought that by adjustment and conference and agreement it could handle all the problems that will come before this board to be dealt with. Why? Because the members have all the authority; there is this man in his field, and that man in his field, and another man in his field; we have it all there—the entire field—and all the improvement that could be suggested by Willard; that could be suggested by Baruch; that could be suggested by Gifford; that could be suggested by Catchings, the chairman of the United States Chamber of Commerce; that could be suggested by Coffin, of the Air Board—all the improvement that could be suggested was that the machine might be improved and made more nearly perfect if there was statutory authority vested in one man to perform certain particular functions of combination of agencies or activities.

Some one asked him—Willard—if he thought this man ought to be a member of the Cabinet. He said, "No." Some one asked if he thought he ought to be put over the Cabinet. He did not know whether he ought to be put over the Cabinet or not.

I will read you just what these men said.

Mr. Willard, in reply to the question about whether or not this man ought to be a Cabinet official, said:

I have never thought of it in that connection. I do not think he needs to be, certainly, and his only function would be to procure something that the other agencies had failed to procure in the most satisfactory way.

Senator WARREN. But his authority would be supreme in that particular thing in the procurement of that particular thing?

Mr. WILLARD. Yes; and I think he should be. As it is to-day, if anything is to be procured for the Government, it must be done by certain departments and can not be done anywhere else, not even by the President. There ought to be an agency that could deal quickly with that, and that agency should be a man reporting to the President—

That is what he thought about it—

Senator KIRBY. With supreme authority?

Mr. WILLARD. Yes; when called upon to act; but I would not turn it all over to him at once, you understand. I would not turn it over to him at all unless it developed that it was necessary. (R., 1825.)

That is what he thought about the operation of this war-making machine. He was here in the course of its construction and saw all these things being done, and he was on the advisory commission of the Council of National Defense, and all departments in the War Department reported to him any and all information that he asked for, that he might be kept in touch with everything. He discussed it with the other members of the advisory council, and that is what he said to our committee.

Mr. POMERENE. He was the chairman of the advisory commission?

Mr. KIRBY. Yes. Let us see what else he said:

I do not think there can be any objection to this particular plan.

That was the plan of the War Department, as outlined on the charts on the wall here when Senator WADSWORTH spoke. They asked him specifically about it as now organized and he said:

The objection that is made to the war ministry, as it is understood, is this: We have got a large plan working, with 15,000 men pretty well organized. We have put a lot of good strong civilians in there. Now, to go and change it all at once would make more or less confusion and it is not necessary if you arrange to take care of any defects that may develop in this plan—

The plan is there, the machine is there, it is in operation, and he does not think it ought to be changed except to have some authority that might remedy a defect if one developed—

It is not necessary now to do the thing that is in mind when you speak of a war minister because we have done away with the necessity in some way, but with this plan that we have we have got to put something in between to prevent competition in articles that are short and to develop supplies of raw material and finished products. A war industries board can do that, and if it has the standing that it would have if the head of the board reported to the President and had his authority from the President this plan I believe will work just as well, and I would prefer it to the arrangement of a minister of munitions. (R., 182[illegible].)

That is what he said about it—

I think the organizations that have been formed are the organizations that he would use, because I think they have been made efficient. What duties he should take over I do not think you should prescribe in the first instance.

This statement is in line with the Overman bill.

What duties he should take over I do not think you should prescribe in the first instance.

He thought that you should not limit it by authority of statute here. The power should be elastic; it should be plenary; it should be in the hands of the Commander in Chief of the United States of American in the war, that he might use it only if necessary, and that it ought to be sufficient for any condition that may develop.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. KIRBY. Certainly.

Mr. WADSWORTH. Does not the Senator know that that is exactly what the munitions bill does—leaves it entirely with the President, with plenary powers?

Mr. KIRBY. I am talking about the war-cabinet bill and the Overman bill now.

Mr. WADSWORTH. Was not the Senator quoting Mr. Willard?

Mr. KIRBY. I was.

Mr. WADSWORTH. Mr. Willard was talking about the munitions bill in his testimony.

Mr. KIRBY. I read just what Mr. Willard said, and it is from pages 1822, 1825, and 1826.

Mr. WADSWORTH. When Mr. Willard testified, no war-cabinet bill had been introduced. It was not under discussion. He was speaking of the director-of-munitions bill.

Mr. KIRBY. I am reading his testimony, and the Senate may put its own construction upon it.

I do not think you should say a man should be appointed with authority to do a lot of things. I think if you authorize the President—this has grown out of my experience on the board—if you authorize the President to say that a man at the head of war industries shall have authority to do such things as the President may delegate to him from time to time, that will cover everything that is necessary, and he will only take over those activities that are necessary to be taken over. It is not necessary to take over all the purchasing.

This is with reference to the munitions suggestion here:

Perhaps only a small part of it will have to be taken over, but there will come important questions from time to time—perhaps the question of powder supply, possibly the question of nitrate supply, perhaps of forgings—some particularly important things may come up which may not be going along as it should under the existing organization, and in that instance let the President have authority to say that that matter shall be transferred to this individual. (R., 1822.)

He said he did not favor the creation of a civilian authority to take over those activities.

Mr. Baruch said:

It seems to be in the minds of many to destroy many of the splendid things that have been done, but in my opinion it would not be necessary, and I must concur with Mr. Willard and say that whereas there may be things, and there are things, to criticize, there has been a lot done.

The CHAIRMAN. I do not think the committee feels that all of this system should be abolished.

Senator W. * * *

Mr. BARUCH. As I said, a great many of these agencies are in the right direction, but they have not gone far enough, and they ought to go further so as to have this definitely fixed in this individual acting under authority, because all of the authority should be given to the President; that is, a man who is responsible. (R., 1840.)

That was his view of it.

As a matter of fact, this agency would be established so when the war is over it drops away, and it leaves the Navy, which we are all proud of—they have no task compared with what the Army has, and it was an older organization and received more money, and there were a good many reasons why it should be where it is. It would, it seems to me, be wrong to let the Navy go out and take its supplies here and there. For instance, a question which you very seldom hear discussed, is the question of chemicals which enter not only into explosives and food, but into the very clothes and everything you have got on you. There is trouble there in competition. They require large quantities for ammunition, and the Navy needs ammunition, and they have got to go out and get their supplies. It should not be right that they could go out and dip in here and dip in there without respect to the other departments of the Government or the allies. These things stretch out into innumerable things, which must be centralized somewhere. [R. 1843–44.]

Now I want to read you what Mr. Gifford said and Mr. Catchings. This is from Mr. Gifford's testimony:

My view would be that if the President had the power to appoint a director on the War Industries Board, I would prefer one man. I would prefer a one-man board, where direct executive work could be done. Then, if it were made possible by Executive order, we will say, for the President to transfer from the War Department, the Navy Department, or the Shipping Board, any purchasing committee which it might develop should properly be centralized from those departments into this section, as the scheme works along, we would transfer such things as had to be centralized, such as steel, for instance. No one questions, for instance, that steel will have to be centralized. It will have to be centralized somewhere. We can not have it handled by the Army, the Shipping Board, the Navy, and our allies. If they could be transferred out of the various departments and put under direct war industries, you would have a workable organization that would not be so comprehensive and so detailed as to break down in its functioning, and yet you would obtain the object of taking care of

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these vital needs, which I call the war industries. [R. 1864–5.]

Senator KIRBY. This top man would have to have sufficient information about the productive capacity and the supplying capacity to know all about the needs, as well as the power to do the thing after he knew.

Mr. GIFFORD. He is obviously the one man in the Government to know the whole productive capacity of the country. You can have 15 bureaus of the Government all learning about the total capacity of the country, but the thing must be dealt with as a unit. They must all look to Washington or some individual man or board.

Mr. Gifford was asked, "Do you not think the ministry of munitions in England is a desirable thing to copy here?" He said, "No; do not follow that as your ideal," and then he read into the record these criticisms of the munitions board in England:

This article says, on the subject of purchases for the Government, that the subject has received the attention of the Associated Chambers of Commerce of England, and a memorandum has been prepared which has been submitted to the various ministers:

"The council desires to record its opinion that such diversity of control, which permits competitive purchasing, does not make for economical and efficient national production. They are informed that orders for supplies are placed by the ministry of munitions, the Admiralty, the war office, and the air board, acting as the chief services, and that each of these has separate departments, which operate, frequently without consultation, in competition with each other."

He said, "I think we can do better than that," and they are bottoming this upon the war board or munitions board in England.

Now, I am going to read from Mr. Catchings's testimony and then quit.

Mr. Catchings, too, was in favor of an elastic central power that might be exercised when power was needed; that might be put in operation by the President and might stop on any particular line when the necessity no longer existed for its use.

He said:

I want to say in connection with a sudden change that it has never seemed to us at any time that a sudden change should be made, but that these various organizations should be taken over under another control. We certainly should regard it as most unfortunate if the splendid buying organizations that have been created, particularly such an organization as the Bureau of Supplies and Accounts, should be disturbed; but in our judgment there is no reason why that bureau should not be responsible to a man who was responsible for the activities of other bureaus and buying departments, so that he could bring about a common connection and singleness of purpose between them.

The CHAIRMAN. In other words, you would not wipe out any of the organizations, but would leave to the central power—whatever you might call him—the authority to absorb, to utilize, and to eliminate as he saw fit.

* * * * * * * *

Mr. CATCHINGS. It seems to us, sir, that it is quite unthinkable in this enormous enterprise, of such a vital nature and difficulty, to consider destroying what we have. You must use what you have and build up from it. You can not stop fighting the war while we create an organization. [R. 1901.]

Every man there whose experience was such as to bring him in contact with the organization of the war machine, and who had seen its development and its operation, who was capable of forming an opinion, said that was the only improvement he could suggest in the organization as it now existed. The Overman bill provides that the President shall appoint this man for the exercise of this elastic power; that he shall report directly to the President, and that he shall remedy any particular condition that seems to be wrong, using all other departments and agencies in all other departments where it is necessary to do so. That bill will remedy any possible defect that can be conceived to exist along that line.

Now as to the war-cabinet bill: If the President is capable of conducting this war as Commander in Chief of the Army of these United States, he ought to have granted to him all the power of the Nation that he thinks necessary to be used. We have said he is capable. The people have said so. The people of these United States implicitly believe so. This war-cabinet bill, as proposed, would take away from him the function of being Commander in Chief of the Army, and of carrying on the campaigns as he thinks they ought to be conducted. I say that the war cabinet proposed, with its fixed authority and its fixed jurisdiction and with the right to do the things that are proposed to be given it to do by the bill that has been introduced, would conflict with the operations of the departments of the Government by the President of the United States as Commander in Chief, and that it could not but result in confusion and injury to the conduct of any possible plan of conduct of the war. No wonder that the President has objected to this; and the necessity for it is not shown to exist. What could have been done that has not been done?

Mr. President, I have only discussed the matter along the line of criticism. I did not intend to do anything but discuss the two measures when I started out; but I believe, on the whole, that remarkable things have been accomplished by the agencies that have already been developed; that it was not possible to do these things without making a few mistakes, without a plan miscarrying here and there. Having seen the entire investigation, with my experience in the past in weighing testimony, with my experience in the past in deciding controversies and cases, I believe that there is no particular thing or things done or left undone that can be pointed out that should condemn this war machine as inefficient. I believe that all has been done, and reasonably well done, that was humanly possible under existing conditions since war was declared by these United States. If anything has not been done that ought to have been done, a war cabinet could not have remedied it, in my opinion; and I believe in future if there is necessity for improving this machine that the agencies provided by the Overman bill will do it without confusion, that they will do it without disorganization or interruption of a machine that has done all these things so well, and can do all things necessary to be done better in future for having done them in the past.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

RECESS.

Mr. SMITH of South Carolina. Mr. President, several Senators who intend to discuss the railroad bill have intimated that they desired to make such preparation. In view of the importance of the bill, the absence of a number of Senators, and the difficulty at this time of securing the attendance of a sufficient number to give the matter the attention that it deserves, I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 3 o'clock and 15 minutes p. m.) the Senate took a recess until to-morrow, Saturday, February 16, 1918, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 15, 1918.*

The House met at 12 o'clock noon.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Our Father which art in Heaven, we thank Thee for the historic religious ideals that find freedom in our Nation and that are zealously serving our needs to-day; for Judaism, with its ancient glory of the law and the prophets; for Catholicism, with its organization and conservation; for Protestant Christianity, with its differences, its unities, and its openness. Unite us all under the flag for world justice, humanity, and kinship

By the lips of Thy Son Thou hast said, "Many are called, but few are chosen." Let the myriads in our Nation hear and answer the call to political, industrial, financial, and domestic loyalty; and let the few chosen to plan and to lead, as the Members of this House be wise in counsel and true to their grave responsibilities. In the name of Jesus the Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. GREGG, by unanimous consent, was given leave of absence for three days, on account of illness.

RESIGNATION FROM COMMITTEE.

The SPEAKER laid before the House the following communication:

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Accounts.

Sincerely, yours, CHRISTOPHER D. SULLIVAN.

The resignation was accepted.

H. H. HOGAN.

Mr. MOON. Mr. Speaker, I ask unanimous consent to consider in the House the bill (S. 3689) authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan, of Kansas City, Mo.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to consider the bill S. 3689.

Mr. COX. Let it be reported, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That should the Postmaster General find as a fact that the screen-wagon contract of H. H. Hogan, of Kansas City, Mo., was entered into prior to the entrance of the United States into the war with Germany, and that the prices agreed to be paid in said contract are at the present time inequitable and unjust by reason of the increase in the cost of materials and labor employed in the performance of such contract, the Postmaster General is authorized, in his discretion, with the consent of the said H. H. Hogan and his bondsmen, to cancel the same or to readjust the terms of said contract in such manner as to relieve the contractor from the hardships being by him suffered on account of such increased costs and expenses.

The SPEAKER. Is there objection?

Mr. CANNON. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of no quorum, and the Chair will count. [After counting.] Sixty-seven Members present, not a quorum.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following-named Members failed to answer to their names:

Anthony	Currie, Mich.	Fuller, Mass.	Humphreys
Austin	Curry, Cal.	Godwin, N. C.	Husted
Bacharach	Dallinger	Goodall	Hutchinson
Benkre	Darrow	Graham, Pa.	Ireland
Bland	Davidson	Gray, Ala.	Johnson, S. Dak.
Bowers	Drukker	Gray, N. J.	Jones, Va.
Britten	Dyer	Green, Iowa	Kahn
Campbell, Kans.	Eagan	Gregg	King
Capstick	Eagle	Hamilton, N. Y.	LaGuardia
Carter, Mass.	Elsworth	Haugen	Little-page
Clark, Fla.	Fairchild, B. L.	Helgts	Lunn
Coady	Fairchild, G. W.	Hollingsworth	McCormick
Cooper, Ohio	Flynn	Hood	McLaughlin, Pa.
Copley	Focht	Houston	Maher
Costello	Francis	Huddleston	Mann

Miller, Minn.	Purnell	Scott, Pa.	Vare
Moores, Ind.	Ragsdale	Scully	Venable
Neely	Robinson	Slemp	Voigt
Nelson	Rodenberg	Smith, T. F.	Ward
Nicholls, S. C.	Rucker	Sterling, Ill.	Webb
Nichols, Mich.	Sabath	Strong	Wilson, La.
Nolan	Sanders, Ind.	Tinkham	Wilson, Tex.
Platt	Sanders, La.	Van Dyke	Winslow
Price			

The SPEAKER. On this call 335 Members have answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 3433. An act requiring the Government to furnish uniforms to officers of the Army or Navy, and for other purposes; to the Committee on Military Affairs.

ELECTION TO COMMITTEE.

Mr. KITCHIN. Mr. Speaker, I nominate for election the gentleman from New Mexico, WILLIAM B. WALTON, as a member of the Committee on Irrigation.

The SPEAKER. The gentleman from North Carolina nominates the gentleman from New Mexico, Mr. WILLIAM B. WALTON, to be a member of the Committee on Irrigation.

The question was taken, and Mr. WALTON was elected.

H. H. HOGAN.

Mr. MOON. Mr. Speaker, I renew my request for the consideration of the bill S. 3689, authorizing the Postmaster General to cancel or readjust the screen-wagon contract of H. H. Hogan, at Kansas City, Mo.

The SPEAKER. Is there objection?

Mr. DOWELL. I object.

URGENT DEFICIENCY BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9867) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARNER in the chair.

The Clerk reported the title of the bill.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Mr. Chairman and gentlemen of the committee, presenting, as chairman of the Committee on Appropriations, the first bill from that committee since it fell to my lot to succeed the distinguished gentleman from New York, Mr. Fitzgerald, I believe that I may be pardoned for saying just a very few words outside of the bill proper. There has been in this country from time to time, and especially recently, considerable agitation for what is generally spoken of as a budget system for the consideration of the financial affairs of the Nation. Unfortunately we have always been more or less under the tyranny of phrases, and, as a result of that loose thinking that sometimes seems to be a national characteristic, many people speak about a budget system without any realization of what is involved, and much criticism that is unintelligent is leveled at Congress, and much praise is given administrative suggestion because of the supposed failure of Congress to institute a budget system.

I shall not to-day take time to go elaborately into this subject. I hope at a future day to speak concerning it at length, but I do want to say a few words touching the recommendation that has been made by the President of the United States in favor of one appropriating committee of the House, and also touching the broad aspect of a budget. Personally I have always favored a concentration of appropriating power, but I do not consider that that represents in any degree an adequate remedy or anything more than a step toward a budget consideration, and I have not sought to press it at this time because of the tremendous tasks that are placed upon Congress and the Government in connection with the prosecution of this war. To undertake a reform of that magnitude, a reform that did not meet with the universal acquiescence of the House, would have been simply to cripple and not help in the presentation of great financial bills. No man at this time desires to be chairman of the appropriating committee carrying the power to appropriate for all departments unless he could have behind him the support of the entire membership of the House. To have undertaken that reform, even though a majority of this Congress favored it, and then to have been faced with a minority that was opposed to and sullen because of such a change would have been to so cripple the efficiency of the committee having charge of appropriations as to have practically destroyed it; and realizing that, it would have been folly on the part of the chairman of the Committee on Appropriations now to urge that reform. But I am not willing that the absence of any action should be construed as a permanent acquiescence in the present system.

But even the putting of all power into the hands of the Committee on Appropriations or any other committee would of itself be of little value unless it was accompanied, first, by the presentation of estimates from the administrative branch of the Government in budget form, and second, the consideration by the Congress of those estimates in their totals, as well as in their separate details.

It is a simple fact that there is nothing required except an Executive order in order immediately to put into effect an administrative consideration of estimates from a budgetary standpoint. At present all estimates are made by the heads of the various departments, and they go to the various Cabinet officials, who in turn give them to the Secretary of the Treasury, who transmits them to Congress. He transmits them without any power to review them to change them, but simply as the messenger through which they reach Congress. Nothing is needed except the desire of a President—and this has been true always—to have consideration at his council chamber of those estimates as they come from the various departments in their relationship to each other, and the giving to the Secretary of the Treasury the power to act as a real financial head of the Government with power to supervise and control the estimates of the various departments. And until that reform is undertaken by the administrative end of the Government no real budgetary system can be put into effect. That fact should be borne in mind by those who are so free unintelligently to criticize the Congress of the United States. [Applause.]

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MADDEN. If the budget system were in effect to-day and this committee was called upon to report simply on the request of the department under the budget system, this bill would carry $523,572,000 more than it does.

Mr. SHERLEY. Not necessarily. Congress would not have to vote all that was asked, simply because asked, as a result of a budgetary consideration by the administrative officers.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. I do not want to be diverted into too long a talk on this question, because I have so much to present in connection with the bill. I yield briefly.

Mr. MONDELL. My recollection is that President Taft at one time made something of an effort along this line. I do not know whether he had a Cabinet consideration of estimates or a personal consideration by the President.

Mr. SHERLEY. Every President has had a certain consideration by the Cabinet and by himself of the estimates made by the different departments in their relation to each other, but there has never been a Secretary of the Treasury with the power to revise and control the estimates of other departments. I called attention, in a speech made a number of years ago during the administration of Mr. Taft, to the effort that was made by John Sherman as Secretary of the Treasury to obtain just that power and the opposition it met with from every other Cabinet official, an opposition which served to prevent the reform being adopted.

Mr. LENROOT. Mr. Chairman, will the gentleman yield for a question?

Mr. SHERLEY. Yes.

Mr. LENROOT. The gentleman stated that he believed that it would not be wise to have the appropriations in the hands of one committee so long as there was an active minority opposed to it. I assume those views are limited to the duration of the war.

Mr. SHERLEY. Unquestionably. I did not mean to make it so broad as to say that because there was always somebody objecting that therefore it should not be done; but I did mean to say that at this time to undertake a reform of that magnitude without the general consent of everybody would be to simply confuse and not clarify the situation.

Mr. LENROOT. I thought that was what the gentleman had in mind.

Mr. SHERLEY. And as a practical man I tried to recognize that situation. The true idea of a budget is one that requires the consideration of expenditures in their relationship not simply to the merit of the activity proposed but also the relative merit of one activity as compared to another, and this consideration in its relationship to the fundamental one of the ability of the country properly to stand the taxation necessary to pay for the expenditures made. In other words, in peace times, after determining the desirability of expenditures, the amount of them that are to be made should be determined by the burden that they will place upon the Nation.

But in war times just the converse of that proposition becomes true as to the large expenditures, because in time of war you have to consider not what you properly can do, but what you must do. We make appropriations at this time of war not with regard to the burden that they will place upon the people of America, but we make them with regard to the requirements of prosecuting and winning the war and because that is superlative every other consideration must give way. So there is an entirely different relationship in regard to expenditures in war times than what they are in peace times, and the need for a budget in a peace-time sense does not exist in war time.

Now, there is another matter in connection with the budget that is very important for the Congress to consider whenever we get to a period where consideration can be given to other than war matters. No man trusts an agent that he can not control. Under our system of government the legislative branch does not control the administrative agents of the Government. We can deny them moneys, but except to a very limited sense we have nothing to do with the selection of the various agents who carry out the various policies. If a member of the Cabinet is carrying on work in an unsatisfactory way to the Government, Congress has no control over him, or rather has no control by which he can be removed and other of its choice selected. It can simply express its lack of confidence by refusing moneys, but the President alone can determine the personnel. Now, the result of that has always been, and probably always will be, to cause a certain amount of friction between the legislative and administrative ends of government, and as a result of that the legislative end has undertaken to prevent what it thought would be abuses of power by constant limitations and by classifications and enumerations, so that our supply bills have become so detailed that the committees dealing with them and the Congress dealing with them spend days and weeks and months in consideration of details that ought not to concern Congress at all, because just to the extent that the Congress is forced to give its time annually to little details—the number of clerks, the salaries they shall be paid, and the internal organization of this bureau and that bureau—just to that extent will it cease to have a voice in the great policies of the Government. And that is what has been happening for the past 40 years in America.

More and more Congress spends hours and days of debate touching clerks' salaries and less and less touching the great policies of the Nation. If this body, the responsible representative body in a true democracy, is to have the power it ought to have, it must have time to deal with the big things and not the need of dealing with the small things. Now, in order that that may happen we must have a reform in the methods of governmental bookkeeping. At present your governmental bookkeeping is for one purpose, and one purpose only, and that is to prevent embezzlement or misappropriation of funds, and it performs that service exceedingly well, but it performs no other. All of your appropriations are so made and your bookkeeping accounts so kept that they serve only in preventing Smith or Brown from spending money for some purpose other than that for which it was appropriated, but do not require or show economy of expenditure. There is no system by which the legislative body could take the expenditures of a previous period and from them determine whether they have been economically or wastefully expended; and as a result, in order to ascertain that, we go through a cross-examination of individuals that amounts at times to a severe grilling of them and frequently without obtaining any real result. When we find some abuse we come in and recommend a particular provision prohibiting the doing of something that we think brought on the abuse and we tie the hands, or try to tie the hands, of an incompetent administrative officer, and then wake up a few weeks afterwards and find we have also tied the hands of all the good administrative officers as well and that the bad administrative officer has usually found some method of circumventing the prohibition that we placed upon him. I remember a great speech made by Roosevelt some years ago in which this was the dominant thought, that you can not tie a man's hands and prevent him from doing harm without at the same time preventing him from doing good.

Now, our Government was built in the beginning upon the theory that all power would be abused and that the only remedy for the abuse of power was so to divide it as to prevent anyone from doing much harm, and, incidentally, we succeeded as well in preventing a great many people from doing much good, and if it was not for the practicability of the people of America in overriding mechanical obstacles that are constantly put in their way we would have more difficulty than we have. Now, if you will get a system so you can know whether an administrative officer is well or badly performing his functions, then the remedy will be not to curtail his power, but to cut off his head when he does not deliver. [Applause.] When he fails to show that he is an efficient officer let him go into the discard and let some man of capacity take his place. [Applause.] That is the tendency of all modern government everywhere except here on this floor and in national matters.

Mr. MADDEN. What suggestion has the gentleman to offer?

Mr. SHERLEY. The whole tendency of modern governmental thought is to put responsibility and power together, and then the people, knowing who is responsible, know how to remedy matters when things go wrong.

Mr. MADDEN. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MADDEN. What is the gentleman's remedy; how is the gentleman going to reach the question that he is talking about now; how is he going to get control over the executive branch of the Government through the Congress so as to compel them to be efficient, economical, and effective?

Mr. SHERLEY. Part of it can not be done without a great change in our organic law. Part of it can be done by one of the suggestions I have just made, and that is a system of bookkeeping that will enable committees to see what has been done in the previous year without going through the labor that we go through now. We have to examine into everything now in order to find out anything that may be wrong. A proper system of cost keeping, a modern system, whereby you find what it costs to perform a given activity would enable a committee reviewing the activities of the Government for any previous period to determine whether it had been economically done or not, and then when it found it had not been so performed, it could very easily deal with that particular situation, and it would not have to spend the time it now does in going into every detail. It could then appropriate moneys in lump sums very much larger than we have done in the past.

There has grown up an idea, that I shared here for many years, that it was the wise thing for Congress to appropriate money in great detail specifying and limiting power of administrative officers. It was the prevalent idea of the committee of which I am a member, and particularly the prevalent idea of the then distinguished clerk of that committee, Mr. Courts, and yet it is an idea that is fundamentally wrong, because it is bound to lead, as it is leading, to worse and worse confusion.

One result is that a good administrative officer has to ask for more money for each purpose than he would have to ask as a total for all purposes, because he is limited and tied, and has no leeway. So what I would like to see is a reform in the methods of keeping the accounts, whereby the committees could check up their activities and fix responsibility, and then we could appropriate money in large sums; and that part of the appropriation which is mechanical could be made each year as it is made in most governments, by a few lines of legislation, without a rewriting of so many clerks of Class A, B, C, and D, and free Congress from spending its time with little, insignificant things. We have reached a time and place in the world's affairs where the Congress of the United States must consider bigger matters than simply the pay of a particular clerk and a particular department.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. SHERLEY. Yes; I yield to the gentleman.

Mr. KELLEY of Michigan. The gentleman was discussing in a way the responsibility of Cabinet officers to Congress. I had a letter the other day from a gentleman who is quite a student, and who suggested in his letter that a change ought to be made whereby Congress, by a vote of lack of confidence in a Cabinet officer, would automatically vacate that office. Would the gentleman think that such an arrangement as that, patterned somewhat after the English system, would be a remedy for what he suggests?

Mr. SHERLEY. Perhaps so, though it carries with it more changes than just what the suggestion indicates.

Mr. ROSE. Will the gentleman yield?

Mr. SHERLEY. In just a moment. I would welcome giving Cabinet officers certain days on the floor of the House of Representatives, and I would do it for two reasons—not only to give

the Cabinet officer an opportunity to present his case in the open, but I would also do it because it would give to Congress an opportunity to explode a great many false reputations that have existed in America for a great many years past. [Applause.]

Mr. ROSE. I would like to ask the gentleman if by what he has just said he intended to convey the idea that he favors great appropriations rather than enumerating the causes for which the money is appropriated?

Mr. SHERLEY. No; I do not. I mean to say that when you have a system of bookkeeping by which you can tell when a man is not only disregarding the purpose for which moneys are given, but also when he has expended them unwisely and extravagantly, that then we can afford to appropriate in large sums with less specification, because every administrative officer will know that on his head rests the responsibility of having those moneys properly expended and that he can not hide or shirk that responsibility.

Mr. ROSE. In what manner then would you bring before the Congress the items making up the appropriations asked for?

Mr. SHERLEY. I would bring them as we are bringing some now, but by the reform we would not be doing it without Congress knowing anything about it half the time. Dozens and dozens of items are being carried in great lump sums, and have been carried in years past, because if we were to specify all of them we would simply do nothing else. Take ordnance, and you vote a thousand million dollars to ordnance officers to expend. Even in the old days you voted five to ten millions of dollars to them in three or four lines. Now, you had to trust those officials in the expenditure of those appropriations. And then you would turn around and specify to the last degree how many people these ordnance officers should have as clerks in their offices. You gave them the control over millions and millions, and said, "You are not worthy of being trusted to say whether you ought to have five or seven clerks in the administration of that fund." And if you can get folly worse than that, I have yet to see it. And you did it without any system of bookkeeping and report to Congress whereby you could tell how well or poorly the work was being done and only by examinations that a few committees occasionally made as to some expenditures did you learn some of the facts that ought to be plainly shown by periodical statements.

What has been the result? When the great war broke there happened just what I prophesied three years ago would happen, namely, a breakdown at the desk of these administrative officers, not because they were inefficient, not because the Government was not efficient in the sense that term is used ordinarily, but because Congress had refused for years to give a sufficient corps capable of expending quickly and dealing with a great matter such as was thrust upon it. And every man who wants to be honest must admit it. And yet there is always a tendency here to blame the other man for failures and never to look into our own hearts to see how far we are to blame for those things.

But I do not desire now to deal further with the subject of the budget. I hope to make to the House some time a speech at some length dealing with that alone. However, I did not want as chairman of the committee to present my first bill and totally ignore this very important subject.

I desire now to address myself to the bill. It is one of great magnitude. It is a bill that carries in the way of cash an authorization for more money than used to be expended in the entire running of the Government for a fiscal year. In other words, as a matter of deficiency, to make up the things that were overlooked or could not be anticipated, we are now appropriating more money than we formerly appropriated for the entire conduct of the Government for a year. And that is but an illustration of this great essential fact, that should be borne in the minds of all men in responsible place, that the most difficult thing that has come to a public man now, to-day, is to keep a proper perspective, to realize something of the magnitude of affairs in the great drama that is being played and of which he is a part.

I could stand on this floor for hours and speak nothing that was not literally true, and speak nothing that was not critical of the prosecution of this war; and yet my speech would be false. And I could stand here for a day and speak of nothing that was not complimentary and to the credit of the administration of this war, every word of it being true, and yet my speech would be false. And so it is very easy for gentlemen to find things that are wrong. It is very easy to enumerate what seems a great many things that are wrong and thereby conclude that everything is wrong, and yet the facts, the real facts, would not warrant it, because the only way to judge is to judge not of some, but all, to know not simply the truth, but all the truth, if you are going to pass real judgment upon what has been done.

Now, perhaps at no place in this Government does there come in the course of time more information, scattered and from many directions, but still more information touching the prosecution of this war, than at the committee table of the Committee on Appropriations, because that committee last fall made all the war appropriations, and this year it has had to consider, as it always has considered, deficiencies; and in considering deficiencies, of necessity you have had to consider the various activities of the different departments. Men get impressions as the result of months of testimony and talk with many men. I have some impressions touching this war and touching the country's condition. There are so many men who have volunteered to play the rôle of critics and of panegyrists that it does not seem necessary for me to adopt either rôle, and I shall not attempt it to-day. But it may not be amiss if I should state what to my mind consitutes the great problem in the efficient prosecution of this war and on the doing of which will depend from now on how well or how badly we play our part. Three words describe three things involved, and they are all intimately linked together—ships, cars, storage.

The latter, people have not thought a great deal of, and yet it is one of the things that has served to accentuate the difficulties relative to the other two. If you have a superabundance of cargo space, and if you have a rail transportation system more than adequate, storage becomes a negligible proposition. But to the extent that either rail transportation or ocean transportation is deficient, to that extent does storage become of the first importance, because if it be deficient it simply serves to put an added burden upon rail and ocean transportation and to make even greater the deficiency in those two branches.

Now, that is what has occurred in large measure in connection with this war. This country has not had for the past 10 years or more an adequate transportation system—rail transportation system—and it was perfectly apparent to every thoughtful man—and if you will hunt through the files of debates here and of speeches elsewhere you will find that time and time again attention has been called to the fact—that whenever this country got into the full tide of prosperity and of economic development and of output the rail transportation would prove totally inadequate. Well, the rail transportation was not only called upon to deal with what might be called the output of ordinary good times, but it was required to deal with an expansion such as the country had never known. We had been expanding in manufacture here in America before we went into the war, and since to an extent never dreamed of before, and that in turn has made an output vastly greater—a tonnage output—than what existed shortly prior to that, when there had been a lessening of industrial activity in the country.

In connection with that absence of rail transportation facilities was an antiquated system of storage and of wharfage and port facilities. We never have had for many decades a great ocean carrying fleet, the reasons for which are manifold, and I will not now undertake to speak of them; but everyone was conscious of the fact that the country was sorely lacking in ships, and, of course, with the tremendous falling off of tonnage caused by the depredations of the U-boats the tonnage of the world has become inadequate, and of necessity that presented a problem of first importance.

Now, we had the railroads unequal to their burden; we had unequal storage facilities, and we had a lack of ships.

This was not any particular person's fault; certainly it was not any political party's fault that has been in power only the last few years. But as a result of it, railroad cars became warehouses and piers became warehouses; sheds and piers that were meant to be used for the loading and unloading of freight were used as warehouses for the storage of freight, and there began to pile up thousands and thousands of tons of freight at our eastern seaboard. The situation was made worse by virtue of several other matters. The industrial activity of this country, speaking by and large, is confined in one geographical section. In a big sense the East, the Northeast, and a little section of the Middle West represent the great manufacturing section of America, and as a result of it, it was natural that for an immediate, quick output you had to go into that section.

What has been the result? The result has been that you have placed in three or four States of the Union the great majority of the war orders of the Government. You have added congestion there and a burden there upon transportation that served to disrupt and interfere with transportation everywhere else. That involved your fuel problem. It brought a problem so acute that it was necessary to turn in and take drastic action relative to the use and transportation of coal.

I hold in my hand an outline map of the United States. Gentlemen will see a lot of dots at different places which indicate various contracts for war material that have been placed in America. What does it show? It shows that out of twenty-three hundred odd firms, holding about fifty-odd thousand important war contracts of the Government, a fourth are in New York State, half are in New York, Pennsylvania, and Ohio, and three-fourths are in seven States. Is it any wonder that you have a labor problem that is involving the best thought of America in order that these factories may continue their output without diminution?

Is it any wonder that you got a congestion of freight as a result of that? And yet that was not altogether a matter that could have been prevented.

Mr. HARDY. Will the gentleman yield?

Mr. SHERLEY. I yield to the gentleman from Texas.

Mr. HARDY. In the gentleman's opinion does not that same condition accentuate the housing problem that is now one of the important questions confronting the Government?

Mr. SHERLEY. Why, yes. That was part of what I meant by the labor problem.

Mr. HARDY. In other words, we ought to try to decentralize some of this Government industry?

Mr. SHERLEY. That is easier to say, perhaps, than to do.

Mr. WILSON of Illinois. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. WILSON of Illinois. Before the gentleman gets away from this subject of storage in railroad cars, has he any information as to the number of cars that are now held on side-tracks as warehouses?

Mr. SHERLEY. No; I have not. I was unable to go into that detail. I am afraid I have gone into so much detail now in the hearings that I am liable to make the mistake that I was accusing the Congress of making—thinking too much of little things and not enough of big ones.

Mr. WILSON of Illinois. Let me say, I have read somewhere that there were 700,000 cars held for storage purposes.

Mr. SHERLEY. I do not really know, and, of course, the number would change from day to day. My understanding is that there has recently been a very great relief of the situation, due to the drastic action that was taken in connection with fuel; and I know from a talk I had not later than this morning that the conditions at the seaboard are very greatly improved, and that steps are actually being taken which warrant the assertion that that situation, to the extent that it is solvable—because there are certain conditions which you can not change—is being solved.

Mr. SNYDER. I should like to say to the gentleman, however, that I have just come back from central New York, and the embargo conditions up there are exactly the same as they have been for the past five or six weeks. There has been practically no relief there.

Mr. SHERLEY. That may be; but again I suggest that you have to look at the whole picture and not at one part of it. You can take a dime and hold it close enough to your eye to shut out the entire horizon.

Mr. FOSS. Will the gentleman yield?

Mr. SHERLEY. I yield to the gentleman from Illinois.

Mr. FOSS. Does not the gentleman think a mistake has been made in shipping goods from the point of production down to the eastern seaboard before they were ready to put them on board the ships, thereby congesting a large amount of goods in the East here?

Mr. SHERLEY. In some measure that is true.

Mr. FOSS. Thereby necessitating the building of these warehouses.

Mr. SHERLEY. In a measure that is true. Yet it is only fair to say that some of the very manufacturing firms in the gentleman's country and elsewhere have been insisting that they be permitted to ship goods so as to get them out of their way so that they could go on producing others. It is so easy to stand here looking backward and say, "This, that, or the other thing should have been done"; but we all learn by experience. One of the real problems has been to coordinate production with transportation facilities, both by rail and by water, and in turn to coordinate transportation facilities with men—with men at the front.

The critic in one breath wants to know why you do not put more men across the water. He rarely knows how many men are there, or how many men are going, but the less he knows about either fact the more he cries out, "Why are they not going across the water?" And then in the next breath he wants to know why on earth you congest the freight at your ports of embarkation. The men who go across the water determine the amount of freight that has to go to the coast and how fast it has to go there. These things are tied together in such a way that it is not easy to solve them. Now, there is in this bill an appropriation of $100,000,000, with a contract authorization of $50,000,000, for the purpose of acquiring storage facilities on the Atlantic coast and in the interior. Gen. Goethals, who is now in charge of the Quartermaster's Department, and is also an acting member of the staff in charge of storage, came before the committee with a proposition looking to the expenditure of that amount of money. He very frankly stated that he was not prepared to give to the committee all of the details of that proposal, but as a member of the New York Port and Harbor Development Commission he had become familiar particularly with conditions there, and he and other gentlemen were making studies of conditions generally, and he said it was perfectly apparent that that amount, and probably a greater amount of money, would be needed in order to create the proper storage facilities. I want to say in passing that some of this work is going on now, and that this remedy is not awaiting the passage of this bill, for which I am glad.

Mr. SMITH of Michigan. Is the storage problem acute on foreign shores?

Mr. SHERLEY. There is a problem there, but it is separate from what I am talking about now. I shall be glad to speak of it a little later.

The committee did not undertake to limit or to tie the expenditure of this amount of money. We were not in a position, and I do not think Congress is in a position, to determine where and how the storage facilities should be acquired; but we propose, in the voting of this money, that the administrative officers may have the means, and then upon them will rest the responsibility of supplying the country with proper storage facilities. The plan as stated by Gen. Goethals was only tentative, and therefore was subject to some revision, and I understand informally has received some revision. It looked to 30 days' storage capacity at the coast and six months' or less capacity in the interior. That is tied to a plan touching transportation of troops abroad, and I do not feel that I ought to undertake to enumerate in detail the amount of material and supplies that they should carry with them; but it is hoped and believed that this will result in giving us such storage facilities as will make unnecessary undue delays in transportation by rail or by boat. It requires but a moment's thought to realize that if in the loading of a vessel you take two or three days longer than you ought, or if in the unloading of it you take two or three days longer than you ought, you have to just that extent reduced the number of ships you have in over-seas transportation, and to any extent that you can accelerate the loading and unloading of ships, to that extent you have added to your tonnage, because you make more trips possible with the same ships.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MOORE of Pennsylvania. Did the committee consider the wisdom or unwisdom of concentrating this storage business at one port along the coast of the United States?

Mr. SHERLEY. No; the committee did not. The committee did not believe—perhaps that is putting it too broad—but I do not believe I have sufficient capacity or the time to qualify me to pass upon that matter. The statement was made in the hearings that in a large measure six different ports would be developed for the use of the Government.

Mr. MOORE of Pennsylvania. There is a general impression that the concentration of the war business of the country at one port has been responsible for much of our transportation difficulties.

Mr. SHERLEY. That is true, and it is also true that that impression usually represents nothing but the selfishness of a locality not favored. There is an impression abroad that there is too much shipbuilding in Philadelphia. I do not share that belief, but that is the impression caused by the greed of other localities that would like the business; and it is that same sort or narrow viewpoint that makes men complain, without looking at the whole picture, because their locality does not happen to be the favored locality.

Mr. MOORE of Pennsylvania. There may be some natural advantages elsewhere, apart from other reasons. Why should other points, like Charleston, Savannah, Norfolk, Jacksonville, Baltimore, Boston, and Philadelphia be left out of consideration?

Mr. SHERLEY. In the first place, the gentleman has assumed a premise which I do not think exists, and, in the second place, if I was able to answer him I would know the whole problem, and I do not. I do not know what place ought to be used; I

have not the information and could not get it short of six months' study.

Mr. MOORE of Pennsylvania. It has been said here—the gentleman did not say it—that as much as $25,000,000 might be spent in extending the storage facilities at one port.

Mr. SHERLEY. I would not be at all surprised, and I have no doubt it would be justified. If the gentleman will permit, I will read him the ports that are going to be used. I will say this, further, to him, that, whether he likes it or does not, you can not possibly take away the primacy of New York as a great port of embarkation. You can not do it, not simply because of the port, but you can not do it on account of the trade conditions and the rail conditions and a lot of other things that can not be changed overnight. It may be, and probably is, exceedingly unfortunate for war purposes that there grew up in America transportation methods and systems and ports and cities without relationship to war needs, but they have; and, these facts being so, we can not run away from them, and men who start to criticize ought to remember them in their criticisms.

Mr. MOORE of Pennsylvania. Will the gentleman pardon me for one more question?

Mr. SHERLEY. Now, I do not mean my answer to apply personally to the gentleman from Pennsylvania——

Mr. MOORE of Pennsylvania. I understand that. I did raise the question of the wisdom of this concentration. It seemed to me a fair question whether it is wise, from a governmental viewpoint or from a military standpoint, to concentrate all shipping business at one place. The possibility of the enemy making an attack on that point adds to the seriousness of the question.

Mr. SHERLEY. I question whether that is a matter that the Committee on Appropriations could decide. I do not think it could come to a wise conclusion, for it has not the means. I read from the hearings, page 503, where Gen. Goethals says:

> In the general scheme, as I have outlined it, we contemplate using Boston, New York, Philadelphia, Baltimore, Norfolk, Newport News as a part of the Norfolk scheme, and Charleston.

I am assuming that Gen. Goethals and the gentlemen associated with him, men distinguished for their achievements in private business life, have worked out a scheme that is proper and practicable. If they have not, we are that much to the worse; but I am satisfied that a better one can not be worked out by legislative enactment.

Mr. HARDY. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. HARDY. Does not that scheme involve practically the utter neglect of every port west of the Mississippi River and, in fact, west of Florida?

Mr. SHERLEY. Yes; I think it does, in a large measure.

Mr. HARDY. Would not that leave the transportation that ought naturally to come down the western section of the country for export, leave it unprovided for, and tend to congest—the very thing that the gentleman complains of?

Mr. SHERLEY. No; I think not; and for the very plain reason that if the gentleman will take a map and draw the distance from Galveston or New Orleans to France, then draw a line from Charleston, one from Baltimore, one from Philadelphia, one from Boston, I think he will get his answer, bearing in mind that the longer a ship takes to go across the sea the less number of trips it can make.

Mr. HARDY. But if you are so congested with freight in the eastern ports that you can not get the ships unloaded, you have destroyed your transportation.

Mr. SHERLEY. Of course, if you can not move it out of New York, you had better move it at New Orleans, but this $150,000,000 is to make it more expeditious to move it to these various ports and to get it across the water.

Mr. SNYDER. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. SNYDER. I was in New York the other day talking with quite a number of men on this very subject, and they said that there was a considerable quantity of munitions passing through New York that they would be glad to have passed through the port of Philadelphia.

Mr. SHERLEY. All I can say, and I do not want to seem discourteous—as I may seem to have been in my desire to be emphatic—I think this problem will be worked out by those who have the time and who have the information very much better than we can hope to work it out on the floor of Congress.

Mr. LONGWORTH. Before the gentleman leaves this subject of unloading ships, I want to say that he may recollect the statement of the gentleman from Minnesota [Mr. MILLER], which came under his personal observation, that the unloading of a ship of steel goods at a port in France took 60 days.

Mr. SHERLEY. That is possible, and one of the reasons was that in the loading of that ship on this side it was loaded without any real knowledge of the problem of unloading it, or, even if the knowledge existed, without the facilities to get it loaded properly.

Mr. LONGWORTH. That ship could probably have made two complete trips in that time.

Mr. GREENE of Vermont. Mr. Chairman, if the gentleman will permit me, I think that one of the problems that the War Department now has under serious consideration is the unloading of ships across the water, and that, too, is complicated by the fact that their port facilities are very limited.

Mr. SHERLEY. I am aware of that, and we are carrying moneys for that in this bill. Part of the moneys being provided for the Engineer Department are for the purpose of improving facilities abroad in the unloading of ships and in the transportation and movement to the front of the munitions that go there. That illustrates another proposition, that the same men who now as critics complain about the lack of port facilities in France are the same distinguished gentlemen who insisted upon putting fighting men on the front, and who interfered by their agitation with the orderly plan of developing facilities for handling troops before you put the troops there in great mass. You can not eat your cake and have it, too. You can not do certain things except at the expense of other things, and there has been much childish and unreasoning criticism by men who have insisted on a thing being done without realizing that when done it prevented something else of equal or greater importance. But that is to be expected because we are dealing with big matters that are beyond the ken of most of us, and mistakes necessarily are made, and mistakes are imagined when they are not made.

I want to pass now from this desultory statement, touching what I believe to be, as I have stated, the most important phase of our war problem, to a consideration of the details of the bill itself. The estimates as submitted to Congress amounted in the way of appropriations and authorizations to $1,635,792,341.64. The total of the amount of appropriations and authorizations granted is $528,572,259.18 less than that sum. The amount of direct appropriations is $907,397,259.18 less than the amount of direct appropriations requested, and the amount of authorizations granted is $378,825,000 more than the amount of authorizations requested. That means that we have very greatly cut the amount of money appropriated and we have considerably increased the amount of contract authorizations.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to proceed for one hour more, in the hope that I shall not use it all.

Mr. LONGWORTH. I would like to ask unanimous consent that the gentleman may continue until he concludes his remarks.

Mr. SHERLEY. I hope to do that within one hour.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for one hour more. Is there objection?

There was no objection.

Mr. SHERLEY. As I stated, we have increased the authorizations and decreased the cash, but we have decreased both authorizations and cash by more than $500,000,000. It is proper that some general explanation should be given of so marked a cut as that. Let me say in advance that that cut, in the judgment of the committee, is made without in any sense impairing in the slightest degree the efficient prosecution of the war. No moneys anywhere were denied for any purpose that it was believed were necessary for the prosecution of the war, and no member of the committee permitted any belief or hope as to an early termination of the war to control him in voting, because, manifestly, no more fatal mistake could be made than to undertake to act upon the belief that the war might end at an earlier period than the facts may warrant.

Mr. MADDEN. How does the gentleman account for the wide difference of opinion between the executive heads of the Government and the committee on the matter of the amount of money needed?

Mr. SHERLEY. I am going to explain that in a moment. Two hundred and ninety million dollars of that cut is represented in a clothing estimate, which was not allowed for this reason. But little if any of that money will be needed prior to the 1st of July, and this bill is a deficiency bill to make provision for the needs of the various departments up to July 1.

Mr. MADDEN rose.

Mr. SHERLEY. In just a moment. I think I will anticipate the question. The Army and the Navy have a right to incur deficiencies to any amount necessary in connection with clothing and are ordering and have ordered all the clothing that is believed necessary. Therefore, the giving of this amount would have no value in speeding up in the slightest degree the matter

of clothing, and it was thought desirable that the actual amount that should be necessary to pay the clothing bill should be left to the consideration of the Committee on Military Affairs, that deals with it under our present system, in connection with the Army bill, or if by chance later on it is necessary to consider it as a deficiency, there will be of necessity another deficiency bill, when the Appropriations Committee could do so more accurately than now, so we just cut it out of this bill entirely. I now yield to the gentleman.

Mr. MADDEN. In view of the general information that is in the possession of everyone to the effect that most of the men in the cantonments have only one suit of clothes and only one pair of shoes, it would seem as if it would be very wise to allow the money so that they could pay for the shoes and the clothing they have to have in order to supply the needed clothing to the men who are already short.

Mr. SHERLEY. It would seem so, if either of the gentleman's statements was warranted by the situation, but they are not in my judgment. I do not think conditions are anything like what the gentleman states touching either shoes or clothing, but if they were the refusal of an appropriation of this money would not interfere one iota with the procurement of one shoe or one shoe lace or one coat or button on a coat, and if the gentleman will think for just a moment touching the power that exists in the Army and Navy to incur deficiencies for clothing purposes he will realize that my statement is true.

Mr. MADDEN. I realize that, if the gentleman will allow me, but at the same time they ought to be paid for the things they supply.

Mr. SHERLEY. They will be. Their bills will not come in until after July. I have not heard of any clothing manufacturer who was not being paid if his bill was properly presented and audited. There is plenty of cash in the Treasury available for that purpose now. Now, to go on with the items showing cuts. Armories and arsenals, there was a cut of two and a half million dollars, and that is due to the elimination of certain matters which on reconsideration by the department were not pressed at this time and do not represent any real denial of moneys for any needed facilities. Transportation of the Army was cut $70,000,000, and it was cut that amount because of facts which were presented touching the probable transportation of men. It was not believed the amount was needed that was asked to the extent of $70,000,000. That is necessarily an estimate. Nobody can estimate accurately, but it had to be based somewhat upon the transportation that had taken place during the past six months and on the estimate of the next six months. Obviously, the amount for transportation the first six months would not be needed in the second because of the cost the first six months of assembling of all of our present Army, but if more moneys are needed for that purpose it will be met as needed. There is some transportation that can be a matter of abuse, and it was thought wise that Congress should appropriate what seemed to be a sufficient amount without putting moneys at the disposal of the department beyond what was needed.

Mr. TILSON. Will the gentleman yield?

Mr. SHERLEY. I will.

Mr. TILSON. Does this transportation money apply to the moving of enlisted men between now and the 1st of July?

Mr. SHERLEY. Yes.

Mr. TILSON. Is the gentleman taking into consideration the possibility of the next draft being earlier than the 1st of July?

Mr. SHERLEY. Yes. That was part of the theory on which the whole item was based. Whether we have made a correct conclusion is difficult to say, but that item was presented, as I recall, by Col. Daly, of the War Department, and the cut that we made represents an agreed judgment of his and the committee, and if it be an error it is one that will be corrected without difficulty.

Mr. TILSON. As a matter of fact, I was trying to get at whether the gentleman had any information or whether it is possible at this time to tell whether the draft would be made the 1st of May or the 1st of July, and that might make a large difference in this item.

Mr. SHERLEY. My impression is, and I would not like to say it was more than an impression, that it contemplated that a draft would be made prior to July. Of course, not the calling in of all of these men but some portion of them. But that is just an impression, and I may be in error, because the gentleman will appreciate there is a lot of testimony that goes out of one's head.

Mr. TILSON. I am perfectly aware that it is not probably known by anybody whether that will be done at one time or another.

Mr. SHERLEY. Storage and shipping facilities. There is a cut there of $35,000,000, and that was really due to a duplication in large measure of estimates. I have spoken of the appropriation of $100,000,000 with $50,000,000 authorization to the Quartermaster General for this purpose. His estimate was made after some estimates had been made and submitted in detail for storage at various places, and the bigger scheme swallowed up the smaller, and this $35,000,000 was deducted.

There were construction items under the quartermaster, $85,000,000. Some of them represented real cuts where the committee did not believe that the amount was needed. For instance, I recal an item of $2,000,000 for painting cantonments. The committee thought if provision was made for painting the outside of the cantonments and a certain amount of interior work it was all that was necessary, and we did not need to spend all the money that was asked for painting both inside and outside of these wooden buildings as a manner of preservation of them, particularly in view of the fact that nobody at this time was in a position to say for how long these cantonments would be used. There was an item of heating of garages for motor vehicles, $3,000,000. The committee did not allow it because before this bill can become a law and long before these heating plants could be had, the weather itself will make unnecessary any heat for the garages. Now, this coming winter it may be necessary to heat some of these garages to prevent freezing both of water and gasoline in the tanks of many of these motors that are housed there and to enable men to work in them. But that was a matter which could go over. It was not so pressing as to be work that needs to be done now, as contemplated in a deficiency bill that provides only to July 1. There were some repairs at some camps which were cut, some items as to repair shops, where we did not think that a sufficient case was made to warrant the increase of facilities at those camps in that particular. There was a cut of a half a million in the operation of camp utilities. There was a request for an additional cantonment of $8,185,000 and a cantonment for Ordnance personnel of $4,460,000 that were eliminated because there was nobody at this time prepared to state where they were to be and when they were needed.

There was a cut touching refrigerator plants of $5,000,000, because that is carried in the lump-sum appropriation touching storage facilities There was for military posts and exchanges a cut of $250,000; barracks and quarters, seacoast posts, a cut of $2,200,000, which represents that much error in the presentation of the estimates, which were checked up and caught up by the gentleman presenting the estimates and the committee.

In the Medical Department there has been an allowance practically of everything that is asked.

The Army Medical Corps figured originally, I believe—or perhaps it might be more accurate to state that provision was originally made—for a 3 per cent capacity in hospitals at the various camps and cantonments—3 per cent of the total capacity of the camps and cantonments. The Surgeon General's Department seemed to believe that 5 per cent is now necessary in order to make assurance doubly sure against the sickness that might arise in connection with the training of men in these various camps and cantonments. They also estimated on the basis of 5 per cent capacity to take care of in this country the troops that might be overseas and facilities of 20 per cent capacity to take care overseas of the troops there. The Navy has a large program in the way of hospital facilities, and the Marine Public Health Service have another one. If it related to anything except the health and lives of the boys that are fighting for their country, this committee would have recommended, I have no doubt, considerable cuts in those estimates. It is not always that you find a highly skilled medical officer who also is a fine business man. And the problem confronting the committee in connection with these estimates was not an easy one. We solve it by allowing what was asked, because that solution was along the line of safety for the lives and health of the boys. And perhaps that is about as explanatory a statement as can be made touching the estimates submitted by the various medical departments of the Government.

Mr. TILSON. I wish to ask in regard to just one detail. Does the gentleman's bill carry anything for sewage for hospitals at the National Guard camps?

Mr. SHERLEY. My impression is that it does.

Mr. TILSON. My observation in those camps leads me to believe that that was the thing most needed of all, namely, the sewage disposition from the hospitals of National Guard camps.

Mr. SHERLEY. It carries everything that the medical men are able to think of.

Mr. SHALLENBERGER. Is it all contained in this medical department?

Mr. SHERLEY. There are some $18,000,000 contained in the way of construction, repairs, and enlargements of hospitals for the Army. There is quite a considerable sum, several millions of dollars, in the way of enlargement of marine hospitals, under

the Public Health Service, and quite a sum in this regard for the Navy. There are the items that are carried under the head of barracks and quarters, and water, sewers, roads and streets, and things of that kind, that would also relate directly or indirectly to matters of sanitation. Then there are certain items touching sanitation of areas outside of camps under the Public Health Service.

Mr. SHALLENBERGER. I just observed that the items referred to were not in the medical department.

Mr. TOWNER. I notice in the item of water and sewers at military posts the appropriation is over $13,000,000. I will ask the gentleman if that includes cantonments?

Mr. SHERLEY. It includes more than that. These are items that have been allowed. I say "allowed," but it does not very much matter whether the committee thought it ought to be allowed or not. The money has been spent and the thing done, and we are simply paying the bill. I am not saying that in criticism. It is already spent, and ought to have been done, because these things were things of first importance, but manifestly when it came to the committee as a proposition of money spent we had no option as to whether we would vote it or not.

There has been estimated here $36,424,175 under the various heads of barracks and quarters, waters and sewers, regular supplies, roads, walks, wharves, and drainage, construction and repair of hospitals, at the 16 cantonments, and there had been under the similar heads a total of $18,353,194 at the various 16 camps. Then there are a number of items under the same head that relate to work done at other places outside of these 16 cantonments and 16 camps.

Mr. TOWNER. Those are included in other items in the bill?

Mr. SHERLEY. No. "Barracks and quarters" is only carried once in the bill, and it represents money used for cantonments and camps, and also for other purposes. There was submitted to the committee, as the result of a suggestion made at the hearing last fall, a table that undertook to segregate and group these matters, and it is from that table that I have been endeavoring to read.

Perhaps there are some other cuts that ought to be enumerated as being of sufficient magnitude to deserve attention at this time.

In the Provost Marshal's office there was a cut of $2,000,000. That $2,000,000 was a cut because of a request of that amount to reimburse the President's fund, and that brings up a subject that it is well to speak of generally. The President very properly, as occasion arose from time to time in various departments, has advanced moneys to carry on necessary activities. As a very good illustration of that, the War-Risk Insurance Bureau was created by an act of Congress, passed a few days, or a week, maybe, before Congress adjourned. Of necessity no adequate provision could be made by Congress for taking care of that organization. It has grown and is growing, and will continue to grow, by leaps and bounds. It was necessary for the President to advance $500,000 to be used for that bureau in the employment of clerks and procurement of space, and other purposes incident to the organization of the bureau.

So in the case of the Provost Marshal's office, $2,000,000 was advanced; in other bureaus, lesser sums. In some instances, as in these two, requests were made for us to appropriate sums in order that that fund might be reimbursed. The committee concluded not to do that in any instance presented here, not in the slightest as a criticism of the President's use of the fund, for so far as it has come to the attention of the committee there has been no disposition on the part of the Executive to give funds indiscriminately and without thought; but because of a realization that of necessity the President could not watch all of the details, and that it was not intended that the $100,000,000 fund should be a revolving fund, always to be kept at that amount, but was given for the purpose of meeting exigencies as they arose, and that if subsequently there came such a diminution of it as to make it desirable the President should be voted additional sums, Congress would unhesitatingly do it. This Congress and any Congress will always vote to the President of the United States the moneys necessary to meet situations such as this when the country is engaged in war; and, to the great credit of the country, it has never had a President that did not deserve that confidence at the hands of the legislative branch of the Government. [Applause.] But just as a matter of keeping track of things, in order to prevent departments undertaking to get from the President moneys and then spending them without getting the viewpoint of Congress at all, and then coming to Congress and asking that the money be given back by which it could reimburse the President, the committee thought it wise not to recommend such sums, and has not done so.

That explains that cut of $2,000,000 in connection with the Provost Marshal's office.

In the Food and Fuel Administrations there was a cut of $250,000. That is a joint fund, and while both Mr. Garfield and Mr. Hoover expressed the belief and the desire that the fund should be separated and the two departments carried separately in the future, and while the committee believed that that is a proper thing to do, it did not feel like doing it in a deficiency bill when in a few weeks the matter will come up for a more minute examination in connection with the sundry civil bill. We cut the amount asked for because we believed that they did not need the full amount asked. It was not cut with the idea of restricting their activities, but certain estimates were made on the basis of an increased salary roll for a six months' period. This bill will not become a law until, at the best, about four months before the end of the period. Manifestly in many instances there should have been a cut of one-third in connection with salaries and expenses of that sort. In that way will be explained many of these cuts.

Now, there are a great number of other items that come from all the different departments of the Government. It is a time when the war, like charity, is made to cover a multitude of sins, and when a department, whether it has any relationship to the war or not, is glad to take war as an excuse for getting moneys for increasing its activities. So far as we could we tried to check those things, and where we thought moneys were being asked that were not necessary we cut them.

There were certain deficiencies that were perfectly patent. There is quite a deficiency here in regard to soldiers' homes, which was allowed in its entirety. It grew out of the increased cost of food and fuel. It did not require very much of argument to convince anybody who has to pay his own bills that it was costing the Government more money to pay its bills in regard to both food and fuel, and those matters became matters of mathematical calculation in large measure.

There was an estimate of $6,000,000 to furnish seeds to the farmers of the country at cost. That was submitted to the committee and was cut $2,000,000. It was cut $2,000,000 because of a belief that with the $2,500,000 which they have available, and which was voted them last fall, and with the $4,000,000 which will be made available through the passage of this bill they would have as large a fund as was needed. That fund is a revolving fund. One of the questions that came up was how far they would be able to turn over the money. Manifestly they will begin buying right away the seed, and manifestly they will have to sell that seed very shortly, the time being shorter or longer according as the planting season is earlier in one section and later in another section. To a limited extent seeds sold where planting is very early will be sold early enough for the money obtained from those sales to be again used in the purchase of new seeds, and to that extent the fund can be made to go further than its total would indicate. Just how far that may be it is impossible to tell. But believing that there would be some of that, and believing that the estimates proposed were based on a belief a little more gloomy than the facts warranted, because there is always too much rain, or too little, and the weather is never quite right for farming, and things are always going wrong, and still do not always go quite as badly wrong as folks think [laughter], the committee felt warranted in making the reduction indicated.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield there?

Mr. SHERLEY. Yes.

Mr. SMITH of Michigan. I will say to the gentleman that in October out in Michigan it rained 28 days out of 31.

Mr. SHERLEY. I have no doubt of that, and I have no doubt that the frost has killed all the fruit. It always does. [Laughter.]

Mr. SMITH of Michigan. I can say to the gentleman that it has killed a good deal of the wheat.

Mr. SHERLEY. I recognize that; and because it was a concrete situation we undertook to deal liberally with the department. There are sections where the selection and adaptation of certain kinds of wheat and cotton and sorghum are such as to make difficult the procurement of the proper kind of seed, and it is perfectly manifest that the Government must now go into this activity. I also believe it likely that the Government will not lose anything by this expenditure, and that the sales of these seeds shall be as the law contemplates they should be, at such price as to cover the cost of procurement and the actual distribution cost and overhead charge. I would not ordinarily like even this plan of State socialism, but facts are facts, and facts are stubborn things, and we are doing many things now in this war that I hope and believe none of us will be doing or wanting to do, unless it be my distinguished friend from New York [Mr. LONDON], in the days that will come after peace is declared.

Mr. SMITH of Michigan. I am sure that the action of the committee in this regard will be appreciated very much by the farmers, who are trying under these circumstances to produce

sufficient crops to serve the needs of the country. But I would like to inquire whether it would be proper for the gentleman to state how the seed will be sold, so that the farmers can avail themselves of it. Will it be sold by the Secretary of Agriculture direct to the farmer or will it be placed in seed houses in the different States so that the purchases can be made through them?

Mr. SHERLEY. Well, we did not go into the question fully as to the method of distribution. We did make an inquiry which I think is interesting, and which I think the gentleman will enjoy reading, touching the method of acquiring information as to the amount of seed needed and the method of procurement of the right sort of seed for sale and distribution. I assume that the Agricultural Department will through its own agencies undertake to distribute this seed.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman permit a question?

Mr. SHERLEY. Certainly.

Mr. GARRETT of Tennessee. I suppose it would be very much like the system developed about the distribution of nitrate of soda?

Mr. SHERLEY. I would assume that is true.

Mr. SMITH of Michigan. Yesterday I addressed a letter to the Secretary of Agriculture, asking about the matter the gentleman has referred to.

Mr. SHERLEY. I am sure you will get more accurate and fuller information from the Secretary than from me.

Mr. TEMPLE. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. TEMPLE. Is it expected to get the bill through both Houses and signed in time for use of the seed in the spring-wheat planting?

Mr. SHERLEY. I hope to get it through the House by Saturday, and I hope it can be passed through the Senate within a week. There is $2,500,000 now that the Secretary has, and, of course, it can be used for the immediate needs, pending these other moneys. Now, gentlemen, I have already taken more time than I expected to. I want to speak to the committee about one matter of great importance.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. SHALLENBERGER. I want to ask a question about the policy of the committee. I observe that it has reduced the immediate appropriation, but granted quite liberal authorizations. Is not that unusual in a deficiency bill, to grant such authorizations?

Mr. SHERLEY. Yes; it would be; but this is not a usual deficiency bill. What I mean is that many of the deficiencies are of a different character. We are making contracts in large sums. For instance, the engineers wanted $140,000,000. We gave them $70,000,000 in cash and $70,000,000 authorization, and we did it upon this theory, that while it was necessary for the Engineer Department to be in a position to incur obligations of the Government and let contracts for the procurement of locomotives, rails, and other facilities, amounting to a total of $140,000,000, by no possibility could the bills be presented by July 1. In that connection I will say that the Engineer Department has unpledged a free balance of $114,000,000—and we gave them $70,000,000 more, making $184,000,000 cash, which is more money than they can possibly need to pay bills between now and July 1, and other appropriations could be made afterwards without now tying the Treasury. It is an unfortunate thing to tie the Treasury by positive appropriations to any greater extent than necessary. That was the general policy the committee followed.

Mr. SHALLENBERGER. Then the authorizations are for contracts between now and July 1?

Mr. SHERLEY. Yes; while it is a continuing authorization, we were advised that they expected to enter into the contracts before July 1.

Mr. SHALLENBERGER. The same department asked the Military Committee for $800,000,000 for the year beginning the 1st of July.

Mr. SHERLEY. Yes; but the committee did not undertake to deal with matters that will probably come before the gentleman's committee touching the fiscal year 1919.

Mr. WHALEY. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. WHALEY. Is the nitrate of soda fund to be made a revolving fund?

Mr. SHERLEY. Yes; and the reason for that was developed from a statement contained in a letter from the Secretary of Agriculture, that while there was some uncertainty whether he would be able to get ships in order to get additional nitrates, still it was desirable that the fund should be a revolving fund during the war. The committee, realizing that that was true, felt warranted in presenting legislation to that extent, and it is contained in the bill.

Now, gentlemen, one of the problems that confronted the committee, and which was the most difficult in many ways of solution, was the problem in connection with the building program for the District of Columbia. I said awhile ago that it was very much easier to look back and see mistakes than to look forward and see needs. I think one of the big mistakes that Congress made—and perhaps nobody was more responsible for that mistake than myself, unless it was the distinguished gentleman from New York, Mr. Fitzgerald—was that instead of building 1,000,000 square feet of space last year in Henry Park we ought to have built three or four million square feet. We probably would have been denied the request if we had come in with a suggestion of that kind, but that is what ought to have been done. We ought to have taken certain land then available and placed on it buildings to the extent of three or four million square feet of space, and as a result of that we would have had a building plan that would have been more uniform, more permanent, and more desirable than what has taken place and what is now going to take place.

Mr. MADDEN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MADDEN. Has the War Department, or whatever department has jurisdiction, lived within the estimate of the cost of $2,000,000?

Mr. SHERLEY. Not entirely; there has been put into this building a sprinkler system in order to lessen, as far as practicable, the danger of fire.

Mr. MADDEN. They would not be able to get insurance unless they did.

Mr. SHERLEY. They do not have any insurance, but it is to lessen the fire danger. By virtue of that fact and some other minor things there have been expenses which will carry the cost of the building over $2 a square foot, which was the estimate, to $2.16 a square foot; and, so, to that extent they have not kept within their appropriation. But that is less than we can build wooden buildings for to-day. In the items we are carrying in the bill for wooden buildings we are figuring on a basis of $2.25 a square foot.

Now, there is at present, occupied by various departments of the Government, 3,826,511 square feet of rented space, or, rather, there was on the 1st of January. This matter changes from day to day and it will keep a man busy to keep up with the changes, but the committee sent out a series of questions to every department and has compiled information as to that data touching rentals. For that space the Government is now paying $1,764,019.40 annual rental. The space obtained lately is costing a dollar or more a square foot. Now, the estimate of space needed by the departments prior to July 1 is 2,109,761 square feet, and that means net.

Mr. SLOAN. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. SLOAN. As to the value of buildings occupied by the Government, can the gentleman state about what percentage of the value of the building is paid in rentals?

Mr. SHERLEY. No; I can not state from my knowledge what that would be. We are paying now, I should say, what a president of a railroad many years ago described as "all the traffic will bear." It is so much higher in some instances that you do not like to think of the extortion.

But they have asked all that they could get, and are still prepared to do so. There is figured as additional space after July and up to the next July of 2,316,270 square feet. The committee has presented a proposal here that has one vice. It is inadequate, but again the committee tried to keep within what would seem to a good many people reasonable bounds. I say inadequate because if this war continues for more than this year, the expansion is going to be away beyond even what that table indicates.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MADDEN. Of course, if these buildings are of a temporary character, or even if they be of a permanent character, they could be so laid out as to extend them without any additional expense in the cost per cubic foot, so that if you prepare for just what you know you need now and you lay your plans for additions that may meet the future needs you would be perfectly safe.

Mr. SHERLEY. I agree with the gentleman, if we do that, but unfortunately we think we do it when we do not. Right now the departments are being handicapped, seriously handicapped, for the lack of at least a million square feet of space, that ought to be available this moment, and that is understating the situation. But you know it is hard for men to expand in their minds

as fast as events expand for them, and we did not want to bring in here a proposal that looks too extravagant.

Mr. MADDEN. Sometimes what looks to be the most extravagant is the most economical.

Mr. SHERLEY. That is true.

Mr. MADDEN. Has the gentleman been able to obtain any information as to the length of time it will require to complete the character of buildings the committee recommend for construction?

Mr. SHERLEY. Yes; I am going into all that detail in a moment, which I hope will give the gentleman the information he desires. What we are proposing is that there shall be erected in Seaton Park—and Seaton Park is that part of the Mall that lies immediately to the east of Henry Park, and Henry Park is that part of the Mall where these buildings that were ordered built last year now are, at Sixth and D Streets—that at Seaton Park there shall be constructed one concrete building of 270,000 square feet, and when I speak of square feet I am speaking of gross, not including the walls, but gross in the sense of including halls and other space not used commonly as offices. It is inside wall floor space.

Besides this 270,000 square feet of concrete in Seaton Park, we propose also 370,000 square feet of wooden buildings, all to be three stories in height, the wooden buildings to be of the same style as the buildings now in Henry Park, and the concrete building to be reinforced concrete of a plain design, three stories high, and, of course, entirely fireproof. Then, just beyond the present Henry Park buildings to the west it is proposed to put up a wooden building of 300,000 square feet of space. That would make in that part of the Mall an addition of 940,000 square feet of floor space. The reason for putting one concrete building there was this: Those buildings in Henry Park are now largely used, not entirely, by the ordnance people. Practically a third of those buildings are reserved for the use of the Navy, and they are to give that up under the new plan, which proposes building them a concrete building at Seventeenth and B Streets, to which I shall come in a few moments.

It is evident that the ordnance people will eventually need all of the present space at Henry Park, and will need, in addition to that, considerable concrete space for the certain protection of their records, their drafting force, and drawings. I do not believe that there is any real fire risk in the sense of danger to human life in connection with those buildings. The policing of those buildings, the fire protection in the way of the sprinkler system and otherwise is such, together with the character of the building, which would enable, in case of emergency, the rapid emptying of them, even in case of fire, that there would be no great danger to the people stationed within them.

But there is a fire risk in connection with the records. The people could get out but the records would not get out, and there would be as much delay by virtue of the destruction of certain classes of drawings and records as could possibly come to us in the prosecution of the war. It is therefore highly important that we should have a concrete building there, and if it was not because of the time involved I should favor building only concrete buildings from now on. But the War Department needs immediately a great deal of space. They have stated that if we could supply very shortly some six or seven hundred thousand square feet of space, that that would take care of the acute phase of the situation until we get further relief from the concrete buildings that we are proposing, and so it was planned in this way.

It is proposed at Seventeenth and B Streets—and that is right across from the Pan American Union Building—to place two buildings, one for the Army and one for the Navy, running west toward the river, that shall have a total floor space of 1,775,000 square feet, 940,000 square feet to be for the use of the Navy and 835,000 square feet for the use of the Army. The Navy Building will be sufficient to take care of all of the Navy activities with its prospective expansion, save only that space now occupied in the Navy Annex and for which they have a lease of some years. It might even take care of that, if need be, and that lease might be transferred for the use of other departments. As a result of building these buildings they state that they are able and willing to stay in the present quarters, crowded though they are, and to immediately release for the use of the Army the approximately 300,000 square feet, gross area, down at Henry Park, and so the plan contemplates their release of that and the immediate use of it—it ought to be ready in a few days—by the Army. By this plan the Navy subsequently can, and will, release practically all of the space it now has in the Army and Navy Building for the use of the State Department, which is greatly in need of additional space. After completion of all the buildings here proposed there should be such release of rented space by the Navy and War Departments as would enable other bureaus to be better accommodated, but we have made no certain provision for a number of these, and later adjustments will need to be made of available space. We have made no provision for Treasury needs, but an estimate has been submitted for taking over the Arlington Hotel site and erecting a 10-story building. It came in too late for our consideration, even should the committee desire to consider it.

The estimated cost of the concrete buildings is $3 a square foot. The salvage when these buildings shall have been removed, as eventually they will be removed, will be practically nothing. In other words, what you get for your machinery, windows, sashes, electric fixtures, and other matters that are the subject of salvage will probably not be more than what it will cost for the removal of the concrete buildings.

The cost of the wooden buildings will be $2.25, as best we can figure it. I hope it will be a little under that. As I stated a few moments ago, the Henry Park buildings are going to cost now, with the deficiencies added to them, $2.16. The salvage on the wooden buildings will probably be about 25 cents, so as to make about $2 net for the wooden buildings as against $3 net for the concrete buildings. I think it is important that the committee should keep those figures in mind. The cost is as 2 to 3. Now, these figures were arrived at by consultations with the officer in charge of public buildings and grounds and consultations with the Superintendent of the Capitol, consultations with Gen. Goethals—though I ought to say, in justice to him, that his statement was simply a general statement as to cost without going into the details—and by consultation with the Bureau of Yards and Docks of the Navy, and consultation with one of the officials of the Treasury Department in connection with public buildings. They represent what ought to be the outside cost. The Navy people have actually built concrete buildings at a square-foot cost of $2.50—I mean, under modern conditions at present prices.

Mr. MOORE of Pennsylvania. Did they do that by advertising for their materials according to law?

Mr. SHERLEY. I can not answer that, as to whether they did it in this instance or not in that way, but they did it for that figure. It is done largely by having the cheapest kind of construction and by having a plan that makes your ground floor practically rest upon the ground, not requiring the support for it that would be required for the other floors. If there has to be some stepping, owing to the grade, they estimate that the price would run, at the outside, to $3.08, and anywhere between $2.50 and $3.08 is what is figured would be the cost, dependent upon the character of the ground, the amount of grading that would have to be done, the levels that the buildings were to attain, and matters of that sort. The committee took $3 in order to be safe, and it is proposed that these two concrete buildings shall be built under the direction of the Navy Department. The Bureau of Yards and Docks of the Navy has probably had more experience in concrete buildings than any people outside of the Army engineers in connection with Panama, and river and harbor work, which is rather different work from this. It is believed that it will take from three to five months as the minimum and maximum to build the wooden buildings, and from four and a half or five months to seven months as minimum and maximum for building the concrete buildings. Of course the amount of building of concrete, if it was increased very much more, might delay quite a bit the finishing of all of the work, because the assembling of the sand and gravel and concrete and the steel for reinforcement, and all of those things, go to delay construction, as you gentlemen appreciate without my stating it.

Mr. MEEKER. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MEEKER. Is it possible for these concrete buildings to be so constructed that the department can be getting into them before their completion?

Mr. SHERLEY. Partly; but these buildings are going to be three-story buildings only in height. They are made three-story buildings for several reasons, but, among others, to hold down the cost, to prevent the need of elevators, and for quickness of completion. Now, it is possible that part of them may be done, or one building may be done sooner than the other, but I am giving you the outside figures touching the program.

Now, some of these buildings are being put on the Mall and some of them on the park area. I could stand here and give you 20 good reasons why you ought not to build on either the Mall or the park if I was hunting simply reasons to criticize a building program, and when I got through somebody might ask me what I would do in lieu of that, and I might have some difficulty in answering that. No one wants to see either the Mall or the parks of Washington disfigured. No one desires to do it for the sake of doing it; but no one with appreciation of

the needs of the Nation is going to stop to consider parks in connection with the prosecution of this war. So the committee has no apology to make for proposing to build upon these public areas. The Mall as we have known it is gone forever. I hope that some day will come a bigger and a better one. Some day there may come a scheme whereby we will bring the Mall into the life of the city instead of having it as it is now, and make Pennsylvania Avenue a street to be proud of, a street to rival Princess Street in Edinburgh, with a park on one side and beautiful buildings on the other. But the Mall at present is gone, and the old Mall, spacious in the days of the driving of horses, is to-day so narrow as to be nothing more than a green setting for a few public buildings that are in it; and the great park development of Washington is coming in the Potomac, and the connecting that with Rock Creek, and the driveways that will be measured in many miles instead of in squares.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. SMITH of Michigan. It occurs to me from the location of the buildings that the gentleman has mentioned that there will be a great congestion. Was that considered by the committee?

Mr. SHERLEY. I will come to that in a moment. It was considered. If there is any difficulty in connection with this matter that we have not considered, we are not conscious of it, because it was a very difficult problem.

Mr. MADDEN. And the gentleman had to consider transportation facilities in all this?

Mr. SHERLEY. Yes. Of necessity that also had to be considered. That is one of the determining factors, the proximity to our Government activities, because there is no thing that breeds a waste of time more than scattered activities whereby the man in charge would have to spend half a day in traveling from one place to another. The buildings that will be put at Seventeenth and B Streets will be, by virtue of their bulk, really attractive looking buildings. I think everybody was agreeably surprised at the appearance of those buildings in Henry Park. We had been told that they were going to be so ugly that when they proved not to be that ugly we were rather agreeably surprised.

Now, without adding to the cost there can be made ornamentations of the two faces, that on Seventeenth Street and that on B Street of the first building, and on one face of the second building on B Street, such as will take away from them any ugly appearance. The height is not sufficient to dwarf the Lincoln Memorial, and they do not go far enough back to do it. It took a good deal of nice planning to get buildings of sufficient area and yet so constructed that they would not go back too far toward the Lincoln Memorial or too far to the south to obstruct the vista that should be had of the Lincoln Memorial. The base of the Lincoln Memorial will be almost as high as the roof of these buildings, and in order that we might not again have the unreasoning hysteria touching smokestacks, a hysteria and propaganda of supersensitive art critics of the country which resulted in the inexcusable delay of a power plant that is much needed now, we propose to have the power plant of these buildings next to the brewery on the river, and if it can detract any from the beauty of the brewery we are not aware of the fact. I now yield to the gentleman from New Jersey.

Mr. PARKER of New Jersey. I have always been very much struck with the fact that the most beautiful view back of the White House was toward Arlington, and I want to know whether any of these buildings have been placed so as to interrupt that view?

Mr. SHERLEY. They have not. One of the proposals that was made was to use the ellipse, that is the loop beyond the rear of the White House. That was rejected. Another proposal was to put the buildings in an L shape around the Monument, occupying some of the space that is now occupied by the swimming pool there. That was thought undesirable, and impracticable except at great expense in the construction because there used to be a great pond there, and it meant a lot of filling, and the spreading of your bases over a very much larger area.

Mr. PARKER of New Jersey. My recollection is that the Lincoln Memorial is nearly in line with the portico in the rear of the White House and Arlington.

Mr. SHERLEY. No.

Mr. PARKER of New Jersey. With the house at Arlington.

Mr. SHERLEY. No; it is not. Here is the White House. Here is the Ellipse. Here is the Washington Monument, and Arlington is off here [illustrating on map].

Mr. PARKER of New Jersey. To the left of that?

Mr. SHERLEY. Here is the Lincoln Memorial.

Mr. PARKER of New Jersey. That is more in the direction of Arlington.

Mr. SHERLEY. Here is where these buildings will be put.

Mr. PARKER of New Jersey. I think it would interfere with that vista, and I wish the gentleman would look at it——

Mr. SHERLEY. I have several times.

Mr. PARKER of New Jersey. The gentleman does not think that the view from the rear of the White House toward Arlington is interrupted by these buildings?

Mr. SHERLEY. I am answering the gentleman that it is not, in my judgment. Existing buildings would interrupt the view if it be as the gentleman thinks. Here is the Pan American Building. This here is a new building, and this is a building under way, and there is another one under way here. Here is another building proposed. All of this area which ought to have been taken last year and on which should have been placed one great series of large buildings of concrete has been taken by various departments on account of the need and covered with wooden buildings. These proposed buildings could not of necessity interfere with the view of Arlington. That would not be interfered with, if it be not interfered with already by the buildings that are there.

Now, some one inquired, and it was a proper inquiry, in connection with transportation facilities. Well, it looks like no matter where we live or work we have to walk if we want to be on time. But assuming that the street car companies will have waked up to their obligations and deal with them adequately, the places selected do not present difficulties as great as would be had if they were put elsewhere. It is proposed now that one of the electric street car lines shall come down—it now comes down Pennsylvania Avenue and on G Street—it is proposed that it shall make a loop in here and strike Virginia Avenue, and then come on back and up again so that all of these buildings would be within two or three squares of that car line. They are now within a few squares of the Pennsylvania Avenue line and have only a couple more squares from the F Street line on Seventeenth and H.

Mr. SMITH of Michigan. Will the gentleman pardon just one more question?

Mr. SHERLEY. Certainly.

Mr. SMITH of Michigan. And then I will subside. Was the housing proposition considered at the time that these buildings were located?

Mr. SHERLEY. The gentleman means the housing of employees?

Mr. SMITH of Michigan. The housing of employees.

Mr. SHERLEY. Yes; that has been thought about.

Mr. SMITH of Michigan. Because there are now bills being considered requiring hundreds of millions of dollars for the housing of employees here and elsewhere.

Mr. SHERLEY. I have thought a great deal about it, and I think the committee has thought about it somewhat. I believe that it is going to be desirable to build on some areas between the Capitol and the Union Station some women's hotels of concrete, which can be built there from plans which I have seen, I believe, at a cost of $500 a room, and each of these buildings contemplates about 1,500 rooms capacity, with the proper parlor floor, and perhaps a gymnasium or swimming pool included in it.

I think that it is essential that this Government should do something looking particularly to the housing of some of the women employees of the Government.

Mr. SMITH of Michigan. I am glad to get the gentleman's idea.

Mr. SHERLEY. I say "women employees," because the necessity of the situation that confronts them is more difficult than that which confronts men. Men who are worth their salt can usually find somewhere to sleep and take care of themselves, and if all the clerks, both women and men, would consider somewhat living over in the Southeast instead of everybody trying to congest up in the Northwest, they would help to solve a great deal of the problem in connection with the housing of employees. But something ought to be done in regard to the women employees, and I hope there may. We did not go into it to present any real plans to the House at this time. We have presented a plan——

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent for 10 minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. We have not undertaken to bring out a plan for the housing of employees.

Now, I think I am warranted in asking this of the House: Even though this building plan does not represent just what the individual Member might have thought desirable, to bear in

mind that it is the result of a month of very hard, conscientious work. It represents the judgment of the committee, and when I say the judgment of the committee, I mean that. It represents not simply the judgment of the majority members, but equally of the minority members. It is the most practical thing we could work out.

These buildings ought to be, to the extent that they can be, built of concrete, for two reasons, both of them important. First, the absolute security to life and property; and, second, buildings sufficiently permanent, though not intended to be kept for all time, as will take care for a few years after the war closes of all of the needs of the departments; because we are never going back to the old condition that we knew in Washington. You will never go back to the old size of governmental activities. You will never see the Washington that you knew three or four years ago. There will go up in this city, from selfish interests, a great cry to immediately build great monumental buildings that will take considerable time, and in the meanwhile to tear down anything that they can tear down, in order to continue the very profitable business that was illustrated in a rent account of $1,700,000 for 3,000,000 square feet of floor space, much of which is not office space at all, but really storage space.

The committee felt that it would be derelict in its duty if it did not present to the House a building program that had enough permanency to give the Government some little leeway and not hold it subject to the greed of men renting space to it. If we have erred, we have erred on the side of conservatism. We would rather not have had to go on the park areas at all. But if you take the areas that are full of buildings now and tear them down, laying aside the cost of acquiring the land, you will postpone by a month, two months, or three months the procurement of these buildings; and time is money now. Therefore the committee presents this in the hope that it may have the approval and indorsement of the Committee of the Whole.

Mr. LONGWORTH. I would like to ask the gentleman a question concerning a subject in this bill on which he has not touched. I observe there is a deficiency appropriation for heavy cannon. If I recall correctly, we appropriated last year something like $2,100,000,000?

Mr. SHERLEY. The gentleman is mistaken in his assumption. There is an item of $676,000 under the head of "Field artillery," which he assumes is for heavy cannon. In point of fact, it is for mortars.

Mr. LONGWORTH. That is correct, but it is "For purchase, manufacture, and test of mountain, field, and siege cannon."

Mr. SHERLEY. That is just the generic term. You must permit a little camouflage even in the description of matters of this kind.

Mr. LONGWORTH. I wanted to ask the gentleman if he could state approximately the condition of the manufacture of cannon to-day?

Mr. SHERLEY. Well, I think I could. I would rather not.

Mr. LONGWORTH. The gentleman would prefer not to do so?

Mr. SHERLEY. I would prefer not to do so. In the first place, because it is difficult to trust one's memory, and, for a better reason, that I do not think it is desirable to go into the detail of it. I will say this to the gentleman, however, which I think will perhaps answer his question. I do not believe that there will need to be any slowing up of the activities of the war by virtue of an inability to get heavy field artillery. Now, I presume that is what the gentleman wanted to know?

Mr. LONGWORTH. Yes, incidentally; but it occurred to me, having appropriated $2,100,000,000, the House ought to have some information, if the gentleman would think proper, as to the state of the development—how many guns are in process of manufacture and when it is expected that they will be delivered.

Mr. SHERLEY. I have within reach a detailed statement not only of that but of nearly every other activity. I do not feel warranted publicly in stating that. I will be glad to give the gentleman such information for his own use as I may have.

Mr. LONGWORTH. That will be perfectly satisfactory.

Mr. MADDEN. Members of the House ought to be able in some way to get the information.

Mr. SHERLEY. I think that is true, and I think most of the gentlemen can get the information who undertake to get it for their own use. But I am not willing to take the responsibility on this floor of making public details of that kind.

Mr. MADDEN. I am not asking the gentleman to do that.

Mr. SHERLEY. I know he is not. But I would be glad to give the gentleman personally any information I can at any time.

Mr. MADDEN. I will be delighted to have it. While I want to do everything I can to promote the success of the war, at the same time I want to have some intelligent conception of why I am doing it.

Mr. SHERLEY. Well, I will answer the gentleman as to that phase of it now. He is not being asked to spend any money in connection with field artillery proper, and therefore a knowledge of that schedule is not necessary for a determination of his duty on this bill.

I thank the gentlemen of the committee for their generous consideration. [Applause.]

Mr. GILLETT. Mr. Chairman, I am not a member of the subcommittee that framed this bill, but in the absence of some of the other members I did sit more or less with the committee, and the chairman very courteously consulted me about some of the items. I agree with my distinguished friend who preceded me in the opinion that it is a well-digested bill. The gentleman from Kentucky [Mr. SHERLEY] in his very elaborate and thorough speech voiced my sentiments, and I am in full accord with him. Although its size shocked us, or would have shocked us six months ago, yet we are getting accustomed to it, and it is a bill which I think we must all unite in supporting and passing.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. LONGWORTH. Speaking of the size of the bill, I read an interesting statement this morning concerning the cost of various wars. This bill is almost identically the amount of the cost of the war between Great Britain and South Africa, which lasted for two years.

Mr. GILLETT. Now, Mr. Chairman, I take advantage of the liberty of general debate for a few minutes to call attention to an incident which happened last week on one of the very few days when I was not present. It was an extension of remarks by the gentleman from Oklahoma [Mr. FERRIS]. I am sorry to see that he is not present at this time, but I notified him this afternoon that I should make some comments upon it, and he has had every opportunity to be here.

The gentleman from Oklahoma [Mr. FERRIS] asked unanimous consent to extend his remarks, and under that unanimous consent he published what I presume some of you have read, an editorial which was a glorification of the Democratic Party and denunciation of the Republican Party. The whole tenor and purpose of the editorial was to convey the impression that the recent investigations and disclosures and the criticisms of the War Department were a part of a Republican campaign preparatory to the next election.

Now I think that was a most unfair and improper use of the privileges of extension, because I think you gentlemen on that side will admit that during the whole of the last session, and during this session, we on this side of the House have studiously abstained from any action or from any debate which could be construed as criticism of the administration. I know for myself that has been the rule of action, and, as far as I know, on this side of the House it has also been the invariable rule of action.

I do not think that the gentleman from Oklahoma, or any other gentleman on that side of the House, would have spoken the words which are here inserted in the RECORD in that editorial; they would have been ashamed to. There is nothing at all improper in it as an editorial. It is one of that kind of partisan outbursts which all party organs indulge in at election time and which undoubtedly most of us in elections and on the stump indulge in—abuse of the other party and glorifying our own party, although perhaps this distorts the truth more than usual. But at this time and under these circumstances I think it was very unfair for the gentleman from Oklahoma to put it in the RECORD.

Mr. MADDEN. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. MADDEN. And it is particularly unfair in view of the fact that it gives it the franking privilege.

Mr. GILLETT. Mr. Chairman, yes, I presume the reason the gentleman put it in the RECORD was that probably out in the wilds of Oklahoma there was some disturbance and worry about the criticisms of the administration which were being made, and the gentleman thought that by having something which he could frank and which would stir up partisan bitterness amongst his political supporters there he would divert their attention from the real facts and make them think this was a Republican political scheme. Whereas I am sure you gentlemen know that in this House nothing has happened upon which to base such a charge.

Mr. SLOAN. In the request for leave to extend, does the gentleman advise the House of the nature of the proposed extension?

Mr. GILLETT. No; I think the gentleman's manner of securing his leave to print was as objectionable as what he printed.

A few days before he obtained his leave he rose in the House and made this request:

> Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.
>
> The SPEAKER. Is there objection?
>
> Mr. WALSH. Mr. Speaker, reserving the right to object, on what subject?
>
> Mr. FERRIS. I want to print a short editorial on the war, peace, and against war.

Mr. Chairman, that "short" editorial, as he describes it, occupies over two of the wide columns of the CONGRESSIONAL RECORD in small print! He calls that a short editorial, and I venture to say that 90 per cent of the editorials which are published in the country are far shorter than that. He obviously wished to minimize it. Then he speaks of its subject as "Peace and against war.' I do not like to use the language which naturally comes to my mind in describing that statement, but I shall leave it to the House to read that editorial and see whether "Peace and against war" fairly describes it any more than the expression "short" describes the length of the editorial.

Mr. ROBBINS. On what day was that printed?

Mr. LONGWORTH. Monday, February 4, and is on page 1793.

Mr. WALSH. Mr. Chairman, I desire to ask the gentleman if this editorial which appears in the RECORD appears as a result of that request?

Mr. GILLETT. No; he did not print it then, because the gentleman objected; but a few days after that, at the end of the session, when as you know very few Members are here, after there had been a debate in which the gentleman from Oklahoma [Mr. FERRIS] had taken part, at the end of the session the gentleman from Oklahoma again rose and again requested to extend his remarks in the RECORD. This was on a different day, a few days later. Of course, the membership of the House presumes, as we know is always presumed, that when a man who has just made remarks rises and asks permission to extend that it is for the purpose of extending those particular remarks, and I have no doubt that when the gentleman rose and asked to extend his remarks in the RECORD everybody assumed that, and it may possibly have occurred to the gentleman himself that they would assume that. Nobody then objected, and the gentleman then printed this "short" editorial on "Peace and against war." As I say, I think the manner in which the gentleman inserted the matter in the RECORD is as objectionable as the matter itself.

Generally Members of the House trust each other, and as a rule the Members of the House do not take advantage of each other, but we all know that there are occasionally men who have to be watched. I never supposed the gentleman from Oklahoma, for whom I always have had great regard and respect, was in that class, and I am sorry and disappointed to find both what he has done and the manner in which he did it.

The minority has carefully ascertained from such partisan debate as is illustrated by this editorial, and we have in a measure departed from what is ordinarily the province of a minority. The normal province of a minority is to criticize. It is always good for the Government that there should be an alert, active minority, ready to criticize and watch what is being done by the majority. It conduces to good administration. But under the extraordinary circumstances of this session the minority was faced by two alternatives. Should we follow the ordinary course of a minority, should we criticize and oppose the majority and the administration, or under the very peculiar circumstances which now exist, appreciating that the prosecution of this war was the one thing that both majority and minority were bent upon, should we ignore the ordinary practice of the minority, although we did see frequent acts of the administration which we did not approve—should we openly criticize them or remain silent? I have thought it my duty under the present circumstances to depart from and abandon the ordinary conduct of a minority, and instead of criticizing lend my best efforts to the support and assistance not only to the majority of this House but to the administration, to hold up its hands, and to increase its strength and popularity as far as I could.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. LONGWORTH. In substantiation of the gentleman's argument, may I call his attention to the fact that on the conscription measure, which was more necessary than any other in the proper prosecution of this war, the draft law, the support the President received on this side of the House as compared with the support he received on the Democratic side was in the ratio of 3 to 1.

Mr. GILLETT. Mr. Chairman, I have avoided even pointing out such facts as that here. I do not wish to raise any question of partisanship, and I have not. I think on the Democratic side of the House, as well as on ours, there has been no attempt to criticize us or excite our partisanship. We all know that these investigations which have been made, the investigations of the War Department and the disclosures and the criticism which followed, were not made by a partisan Republican committee, but were made by Democratic committees. The disclosures were brought forward by Democratic committees, and the criticisms have been made more by Democratic Members of Congress than by Republican Members of Congress. Therefore for the gentleman from Oklahoma [Mr. FERRIS] to inject into this House a charge of that kind is I think entirely uncalled for and is worthy of criticism. Of course the results of these investigations are still pending. Just what a Member of the minority ought to do under the circumstances doubtless we have all of us found difficult to decide. I get letters from my constituents, as I presume you all do, of two different tenors. Some letters are complaining of existing conditions, are complaining of the great powers of the administration and its abuses, and are demanding criticisms and change. On the other hand, I have some letters urging me to continue to support the administration, and I had one yesterday which went so far as to ask me to support the administration and to support every recommendation, general and specific, which the President should make.

If we are to do that, we might just as well resign. That, of course, means that we are never to express our own opinions but we are always to express the opinions which come to us from the White House. I do not suppose any Member on either side of the Chamber would pretend that was a proper attitude for us to take. Now, for myself, I have the greatest admiration for the occupant of the White House. I think in one respect his conduct has been absolutely above all criticism, and our Nation is to be congratulated that he is there and that he is our spokesman in the state papers which he has issued. [Applause.] It seems to me that as the man who is voicing the opinion of the United States, the man who is the spokesman for the whole people and who is placing our case before the world, he has been as nigh perfect as could be hoped from humanity. [Applause.] In that I yield him honor and praise and unstinted admiration. In the past his wonderful facility in epigrams has sometimes led him to make those which were unfortunate, but since this war began he has been a superb spokesman for the whole American people. But although we admire him in that capacity, I do not suppose it follows that we, as Members of a coordinate branch of the Republic, are bound to think that he is perfect in every other act that he performs. I do not believe it necessarily follows that his selection of agents, his judgment of men, is perfect. I do not believe it follows that his administrative ability is perfect or that his judgment of organization is always beyond criticism. And it seems to me in those matters we must follow our own judgment and perform the duty which has been imposed upon us by our constituents. Now, these investigations which have been made—not by Republicans, but which have been made by Democratic committees—these investigations have borne fruit. Until they were made there was no suggestion in the War Department, for instance, that there should be any changes at all; but, following these investigations, changes of organization have already been inaugurated in the War Department, and whether they may effect good, I am very sure they can not do harm and make it any worse. Of course no mere organization of itself would insure good results. Any personnel can spoil any organization. You must have an efficient man for chief responsibility in order to make any organization effective. But at the same time a good organization with the same personnel will achieve vastly better results than a poor organization. And these investigations have apparently produced changes of organization which I believe will be for the better, and indeed the President apparently up to the time of these investigations did not believe that any reorganization of the department was necessary, although such reorganization was urged and agitated in Congress.

These disclosures were made upon the very heels of these investigations, and now the President comes to Congress and asks it for absolute power to make a reorganization of his department. He does not say to Congress, "You were intrusted by the Constitution with the power of organization of departments, and I would be glad to have you reorganize them." He does not even suggest to Congress what reorganization he would like, what reorganization Congress under its constitutional powers should effect; he simply asks us to abandon all our constitutional rights and to pass them over to the President and allow him to make any reorganization he desires. That may be the wisest plan, but I think any Congress would be somewhat slow in adopting such a plan as that. Now, there is another instance where it seems to me——

Mr. BORLAND. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. BORLAND. The gentleman recalls that we gave a former President power in a similar way to reorganize the customs service as being about the only practical way by which that service could be reorganized. We permitted the President to reorganize and redistrict the country for customs purposes and abolish quite a number of customs offices.

Mr. GILLETT. Yes.

Mr. BORLAND. That is upon the theory that if we by legislative act should try to abolish any customs office we would get into a great many difficulties that could not be solved in a legislative way. Does not the same principle apply to reorganizations of other departments—that it could be better carried out on a general comprehensive plan than by piecemeal work by Congress?

Mr. GILLETT. Does the gentleman think the best way to reorganize the departments is to give the President the power to reorganize as he pleases.

Mr. BORLAND. I certainly do.

Mr. GILLETT. Well, that is where——

Mr. BORLAND. There exists overlapping authority, and the President, as head of the executive department of the Government, can curtail a great deal of that overlapping authority and produce a great deal better results than——

Mr. GILLETT. He can under the present law.

Mr. BORLAND. I am not so sure.

Mr. GILLETT. That is where the gentleman is mistaken, because if he will look at the law, he will see that under the recommendation of the Bureau of Efficiency—if that is the right title—the President can already make very extensive reorganizations. And, if the gentleman will recall, the reason we intrusted the reorganization of the customs service to the President was not because the Executive was especially qualified to do it, but because of the fact that it affected interests in this House; because that was a matter which spread all over the country, and combinations were made in the House to prevent such reorganization

Mr. BORLAND. Did not we realize that it was practically impossible to abolish a single customhouse by action of this House?

Mr. GILLETT. Not a single customhouse, but many.

Mr. BORLAND. And therefore it was necessary to have the President deal with the entire proposition.

Mr. GILLETT. But that has no application, for instance, to such a thing as a department of munitions—no application at all.

Now, another matter which has been suggested to the House by the President, on which it seems to me Members of Congress ought at least to hesitate before following such a suggestion as my correspondent made, is the recent bill which was introduced by the leader of the majority and referred to the Ways and Means Committee, in which one man, the Secretary of the Treasury, is given power over a fund of $500,000,000, with authority to issue notes for $4,000,000,000, by which he shall practically finance this war, and which gives him power to practically close any large industry in the country.

Now, that may be wise; but what impressed me in that bill, I wondered at the assurance of the administration in asking that the Secretary of the Treasury, subject to the approval of the President, should have the power to appoint a board of directors, not to be confirmed by the Senate, but to be appointed by himself, the salary to be fixed by himself up to an amount not exceeding $12,000, and then this board appointed by himself and with the salary fixed by himself could at any time be dismissed by him. He appoints them, he has the power of dismissal, and he has the power of fixing their salary. And yet that great organization, which would be but a puppet of the Secretary of the Treasury, will have the whole business of the country in its grasp. When an administration comes before Congress and asks such authority it seems to me that Members of Congress on both sides of the House might well consider carefully the merits of the question and whether or not authority of that kind should be granted.

Mr. ROBBINS. Who prepared such a bill as that?

Mr. GILLETT. It is prepared by the administration. I can not tell who, but it is sponsored before the committee by the Secretary of the Treasury, its chief beneficiary. All I know is that it is presented as an administration bill, giving the Secretary of the Treasury, who I do not think has the entire confidence of the business world, these unheard of powers.

Now, we on this side have not been backward in giving the President authority. We ought not to be. I recognize that in a time of war the President ought to have very large powers. We certainly have given generously to the administration since this war began powers far beyond what any President of the United States ever exercised. And I for one expect to continue to grant powers which I deem necessary—not everything, it seems to me, that an administration may ask—but I expect to continue in the future, as I have in the past, to join with that side of the House and loyally grant every dollar which we think he can wisely spend, and to give all the powers which we think are necessary for the prosecution of the war, and to suppress all partisan feeling as far as possible.

But if we granted everything the administration asked this very appropriation bill before us would be $500,000,000 bigger than it is. The Committee on Appropriations has cut out of it $500,000,000 which was asked, not because we did not wish to grant the administration everything which we thought they could possibly use, and not from any criticism of the departments in their estimates, but because errors were found—places were found where large amounts could be cut down without any injury to the Government. And therefore, as I say, by refusing to simply blindly grant the requests of the administration we have cut out of this bill $500,000,000. And last summer we cut out—I do not remember how much, but I venture to say $1,500,000,000 from the requests that were then made. I do not mean, of course, that that is all saved. Very much of it is postponed, very much of it is uncertain; but, at any rate, for the time being it makes the expenses so definite that you can compare them with the receipts and be able to calculate upon the necessary revenues.

Mr. TOWNER. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. TOWNER. In these eliminations which have been made, cutting out the $500,000,000 from the estimates of the departments, the committee unanimously, without any division, recommends the elimination?

Mr. GILLETT. Certainly.

Mr. TOWNER. So that the eliminations have the approval of both sides of the House?

Mr. GILLETT. Certainly. There never has been since the beginning of this war any partisan division. I think always the Appropriations Committee has been less subject to partisanship than any other committee. But there never has been since the beginning of this war, to my knowledge, the slightest partisan division in the membership of that committee. I am happy to say that the majority of it treat the minority with just as much consideration as if they belonged to their own party, and I think we have tried to cooperate with them, and we have given the administration every dollar which we thought it could wisely expend.

I noticed in the paper last night, in large headlines, that the President had ordered an investigation of the Hog Island yard. Why, my friends, that shows again that Congress ought not entirely to sit here as a rubber stamp for the administration and that the action of our committees is useful, because some weeks ago in this House the Committee on the Merchant Marine and Fisheries, by unanimous vote I believe, and certainly by no partisan vote, went to the Committee on Rules and asked them to give a rule for the investigation of conditions at Hog Island.

Mr. GARRETT of Tennessee. Will the gentleman permit a question?

Mr. GILLETT. Yes.

Mr. GARRETT of Tennessee. I know the gentleman desires to be accurate.

Mr. GILLETT. I certainly do.

Mr. GARRETT of Tennessee. The request as it came to the Committee on Rules was not a request for the investigation. It was a request that the Committee on Rules consider a resolution. Subsequently the author of the resolution came before the Committee on Rules and withdrew the request.

Mr. GILLETT. Yes. And I can tell the gentleman, and he probably knows, why he withdrew it. I see no difference in the gentleman's statement and mine, for the gentleman, I am sure, will admit the purpose was for a rule allowing the Committee on Merchant Marine and Fisheries to investigate. The reason why that request was withdrawn was that a member of the Committee on the Merchant Marine and Fisheries had a consultation with the chairman of the Shipping Board and told him the facts which that committee wished to investigate and the scandals which they thought existed, and the chairman of the Shipping Board asked that he be allowed to make the investigation himself first. And on that assurance the Committee on the Merchant Marine and Fisheries did not press their request. But they took the initiative. They had made the request and the chairman of the Shipping Board undertook to make an investigation, and therefore they withdrew their request for an investigation. That was several weeks ago, I think, and now last night the paper said, as if it was a new

thing, "The President has ordered an investigation of the Hog Island scandal."

Mr. GARRETT of Tennessee. I will say to the gentleman, if he will permit, that I do not know anything about the conference between the gentleman from Pennsylvania [Mr. EDMONDS] and the head of the Shipping Board, Mr. Hurley; but Mr. Hurley appeared before the Committee on Rules and stated that he could see no objection whatever to the investigation; that the investigation which had been carried on by the Senate had been very helpful to the board and he did not oppose in any way action by the Committee on Rules. Nor did the Committee on Rules at any time oppose any investigation. There never was any feeling about the matter.

Mr. GILLETT. Exactly. I did not mean to intimate that there was. It was amicably agreed that the chairman of the Shipping Board should make an investigation. I simply use this as an illustration here. So there was something useful that the action of a committee of Congress effected, and that is the attitude which I have assumed on these investigations.

The comments on these investigations are what I object to in that article. These investigations that have caused so much disturbance throughout the country did not originate in partisan feeling. They originated in Democratic committees. Of course, it is always a question to be considered in a war whether you are going to do more good by making an investigation and bringing out disclosures and thereby disquieting the people than by not making the investigation; whether you will do more good and at the same time obtain better results, and whether the obtaining of better results is going to be more important than to excite distress and disquiet among the people. I have felt that it was not for us in the minority to take that responsibility. But I do believe myself that the result of these investigations, judging from the changes that apparently are contemplated by the administration in the War Department, has been helpful.

But I have wandered far afield from what I intended, and that brings me back to my text, this insertion in the RECORD by a gentleman on that side of the House of charges that I do not believe any man on that side of the House would have wanted to stand up in his seat and make himself, and I think it is unworthy of the gentleman and unwise and objectionable, and I hope it will not be repeated. [Applause.]

The CHAIRMAN (Mr. GARNER). The time of the gentleman from Massachusetts has expired.

Mr. GILLETT. I yield to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that he did not happen to be in the Chair when the gentleman from Illinois [Mr. CANNON] was through, but he is informed that the gentleman from Illinois yielded to the gentleman from Massachusetts such time as he might desire.

Mr. GILLETT. He did.

The CHAIRMAN. That was 20 minutes. The Chair permitted the gentleman from Massachusetts to run over that time.

Mr. GILLETT. When the Chair said my time had expired I asked to be recognized in my own right, and I thought that after that I was talking in my own right.

The CHAIRMAN. Does the gentleman desire to yield some of his time?

Mr. GILLETT. I desire to yield to the gentleman from Wyoming.

The CHAIRMAN. How much time?

Mr. ROBBINS. Mr. Chairman, how is the time divided in this debate? Is there any limit on it?

The CHAIRMAN. No; only the general rule.

Mr. GILLETT. The gentleman from Kentucky [Mr. SHERLEY] consumed two hours and a quarter. I understood the gentleman from Kentucky to say that he hoped to read the bill to-night.

Mr. SHERLEY. I think we can read the bill for an hour to-night.

Mr. GILLETT. I yield to the gentleman from Wyoming [Mr. MONDELL] the balance of my time.

The CHAIRMAN. That is 45 minutes. The gentleman from Wyoming is recognized for 45 minutes.

Mr. MONDELL. Mr. Chairman, on a previous occasion, when we were considering an appropriation bill, I stated, speaking for myself, but I think expressing the views of the members of the committee, that I could not say even in regard to a bill relative to the details of which I might be much more familiar than I am with this bill, that all of the sums proposed to be appropriated were necessary or essential.

The duty of the committee is to scrutinize with care the estimates submitted, and in time of peace the duty of the committee is to guard with very jealous care the Federal Treasury, and to resolve any doubts that they may have in their minds in favor of the Treasury rather than in favor of the estimates. But in time of war the committee is compelled to adopt a different attitude toward estimates. Its first duty is to see that no sums asked for and necessary, or likely to be necessary, for the prosecution of the war are withheld, and in case of doubt it is the duty of the committee to resolve the doubt in favor of the Government, in favor of the estimates and the opinions of the men who present them.

That is what the committee has done in this bill, as in the case of all other bills that have come before the committee since the war began. It is true there has been a reduction in many of the estimates, more apparent than real in some cases, all of which illustrates how much more careful and thorough and painstaking committees of Congress sometimes are than the gentlemen who prepare estimates, because I believe that the men who appeared before the committee in support of the estimates will admit that after the matter had all been thrashed out and the committee had reached a decision the committee had made a better guess as to the amounts they would be likely to need, even from the standpoint of abundance, than they themselves had made in the original estimates.

Not a necessary dollar has been withheld. Of that I am assured by the gentlemen on the subcommittee who are much more familiar with the items than I can be, and I feel confident of that from what knowledge I have personally of the items in the bill.

The Republican Party, whatever else may be said about it, whatever sins of omission or commission it may have been guilty of as an organization, has beyond all question and controversy been ever and always a party of patriotism. [Applause.] There has never been any question about that in the mind of any honest, unbiased, and unprejudiced well-informed person. The Republican Party during this war is simply marching true to form [applause]; simply pursuing its historic policy; simply maintaining its unvarying and unvaried attitude of patriotism and support of the Government and administration. [Applause.]

Now, the gentlemen on the other side are doing likewise. But it makes a good deal of difference, when you come to all of these matters of legislation and appropriation, whether those who are suggesting and asking for and are to administer and use them are of your own political household of faith or whether they are of another political household. No matter how good a patriot a man may be, if he is a good citizen and worth his salt he is also a partisan, using the term in its proper and best sense, and there is always an inclination to follow your own administration wherever it may lead and whither it may wander, no matter how far afield. There is likewise always a temptation to criticize the opposition, and it is a temptation that within proper lines and limitations should be yielded to, so far as opposition and criticism may be helpful and useful in the establishment of proper policies in the wise development of administrative measures and the economical expenditure of the public money.

As the Republican Party began, so it will continue, so far as this war is concerned and all other wars in which we may ever be involved. It may make other mistakes in other times, but if it remains true to the principles on which it was founded, and which have ever actuated the overwhelming majority of its membership, it will always be found supporting the Government, holding up the arm of those in authority, maintaining the dignity of the Nation, and standing for the honor of the flag. These are somewhat trying times for a patriot, particularly one not of the administration party, but also, I may say in passing, at times for those of the administration party; for revolution succeeds revolution, either in proposal or performance, more rapidly under this flag and in these days than anywhere under popular government. Starting out at the beginning of the war with a Constitution that limited and restricted the powers and prerogatives of Congress, we have been compelled to take a view of the great palladium of our liberties that justified us in granting extraordinary powers to those in control. No sooner do we make one extraordinary grant of power, which seems the very apex and pinnacle, than we are asked to grant other powers that loom so mountain high that the first enactment is as a molehill in comparison. We are asked now, or will be shortly, not only to grant autocratic powers to the President beyond those legally held by any prince or potentate under the sun—we have already done that—but we will be asked to grant powers to reorganize the governmental structure in a way that would leave the President the most unlimited autocrat that the world has seen in many a long day. It may be that a part of these things ought to be done. I am not at this time expressing an opinion.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Does the gentleman desire that last statement to stand fully—to reorganize the entire structure of the Government?

Mr. MONDELL. The administrative structure, perhaps I should have said.

Mr. GARRETT of Tennessee. The Executive.

Mr. MONDELL. Not the judicial structure.

Mr. GARRETT of Tennessee. Nor the legislative.

Mr. MONDELL. Well, the legislative structure seems for the time being—and I am not saying that in a criticizing way—to exist only for the purpose of placing autocratic power in the Executive. There is no necessity for changing the legislative structure, so long as the legislative machinery works along the lines of the Executive will in all of these propositions intended to promote executive and administrative power. I thank the gentleman for correcting me, or giving me an opportunity to make a little more clear what I had in mind. And I will say to the gentleman that I am not making any promises or predictions on my own behalf as to what my attitude with regard to these propositions should be. I am simply referring to their very extraordinary character, a character that a short time ago would have shocked us all, but we are getting gradually accustomed to proposals that in other times would have been calculated, as we then viewed the matter, to make the Goddess of Liberty up yonder on the Dome of the Capitol totter on her lofty pedestal. I hope the lady is herself becoming accustomed to these changes, even as we are, because I would not want to have the Dome endangered, or that splendid emblem of liberty unsteady on its foundations.

Mr. SHERLEY. She is used to exalted attitudes.

Mr. McKENZIE. If the gentleman will permit, is it not a fact that the Republican Party always having stood for and believed in a strong, centralized government, the members of that party received a less shock from some of these proposed reforms than our Democratic brethren, who have always taken the opposite view?

Mr. MONDELL. I think the gentleman is right about that to a certain extent, though we have not stood for an autocratic Government.

Mr. SHERLEY. Does the gentleman's remark, being translated, mean that he is willing to do that in time of peace, when there is no excuse for it?

Mr. MONDELL. That is not so much a matter of party as it is of personal temperament. The gentleman from Kentucky [Mr. SHERLEY], without intending to do it, has cast something of a reflection on these revolutionary performances. Having so far considered, and, finally, with some reluctance, approved and embraced them as necessary in war, I would not venture now to criticize them.

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. SLOAN. Are the gentleman from Ohio, the gentleman from Iowa, and myself correct in drawing this conclusion from the profound and philosophic discussion of the gentleman from Wyoming, that there is any general or comprehensive surrender of the Executive jurisdiction of this country?

Mr. MONDELL. I have heard some suggestions that were a little startling, but I think that is the most startling of them all. Has there been any surrender of Executive jurisdiction? Well, not that anybody has heard of.

Mr. MADDEN. Was that a question or a comment?

Mr. MONDELL. A question in the form of a comment, and the questioner knew the answer. Certainly there has been no surrender of Executive jurisdiction, and more power is asked for, and, within certain limits, perhaps it should be granted.

Mr. TOWNER. The inquiry was suggested by the gentleman from Tennessee [Mr. GARRETT] as to whether or not the bill to which the gentleman refers was any interference with the powers of the legislative department. I want to call attention, just by way of illustration——

Mr. GARRETT of Tennessee. Will the gentleman permit?

Mr. TOWNER. Did I misunderstand the gentleman from Tennessee?

Mr. GARRETT of Tennessee. I did not say anything about the bill. I referred to the statement of the gentleman from Wyoming.

Mr. TOWNER. I accept the amendment. Just by way of illustration I should like to call the gentleman's attention to the fact that the bill which we have under consideration makes an appropriation for transportation of the Army of $125,000,000. Is it not true that if the powers are granted to the President which he desires, he might transfer that appropriation of $125,000,000 from the transportation of troops to, for instance, the Indian Service or any other service that he desired?

Mr. MONDELL. I think that is undoubtedly true.

Mr. TOWNER. And that would be an entire abrogation to the Executive of appropriations which are specific?

Mr. MONDELL. Assuming that the new organization, or reorganization, or consolidation sought would involve, as I think it logically would, lump-sum appropriations, that is entirely true. In other words, we could not well appropriate for several branches of the public service under certain heads, and under certain jurisdictions and control, if we had a provision of law whereby all present organizations might be wiped out and those distinctions cease.

Mr. TOWNER. But I will say to the gentleman that that is not left only to inference, because, as I understand the bill, and as it has been published and proposed, it allows the President to transfer these funds by an Executive order, if he so desires.

Mr. GARRETT of Tennessee. Only for the purposes for which they are appropriated, I think.

Mr. MONDELL. Now, while it is true that we, as a party, and gentlemen on both sides, have given the Government all the funds and all the authority and all the man power necessary for the conduct of the war, and shall continue to do so, it is also true that within certain lines, intended to be helpful and constructive, we can not, even while the war is in progress, entirely absolve ourselves from the duty of reasonable criticism. That should be limited to those things which will, as the gentleman from Illinois so well stated a moment ago, be helpful and useful in bringing about reforms.

Mr. LONGWORTH. May I ask the gentleman if another bill recently introduced in Congress, to form a war corporation with $500,000,000 capital, to be administered by one man, has had the benefit of the gentleman's perusal?

Mr. MONDELL. I must say that I am reserving the shock which I expect to receive when I carefully peruse that bill to a later day.

Mr. LONGWORTH. I think the gentleman, in referring to the bill introduced into another body as being a very great grant of power and authority, will find when he examines this bill more carefully that it confers, on another gentleman it is true, but a member of the family, a far greater power than that which shocked his judgment.

Mr. MONDELL. I think that is probably true, because when in a great industrial country you give control over practically all the industries of the country, you not only grant a most extraordinary power, affecting every individual in the country in his business and in his opportunity to gain a livelihood, but, in addition to that, you place in the hands of the officer who is granted that power, a political power so great that it is altogether possible that it might be so used as to perpetuate a man or party indefinitely. I think that is one of the things that should be very carefully considered, because I hope gentlemen on the Democratic side are no more disposed than gentlemen on the Republican side to create conditions in this country under which men will be greatly tempted to use extraordinary power and authority for the purpose of perpetuating their control. I hope we are all of us willing to take our political chances, and we all realize that it is better for our country that no party shall be so fortified and intrenched that the siege guns and the mortars of an outraged citizenship can not dislodge it from its trench lines and its citadel. [Applause.]

But I am not going to criticize unless I think it will be helpful to better conditions. It requires considerable restraint to withhold criticism when in times like these there is so much that is subject to criticism, but I propose to do it as far as possible and never indulge in criticism except as I hope it may be helpful.

Mr. GREEN of Iowa. Will the gentleman yield before he goes to another topic?

Mr. MONDELL. I will.

Mr. GREEN of Iowa. What does the gentleman think of the practice of a government—I am not speaking of this Government now—in trying to build up public opinion through organs created and managed by itself, as the German Government has done by its control of the press and its publication of articles which originate entirely with the Government, and of course which finds everything the Government does highly satisfactory and worthy of the highest merit?

Mr. MONDELL. I think there will be no disagreement on the proposition that there is very great danger in a press official or otherwise controlled politically by a government by an administration. There is an appropriation bill which we passed regularly through this House that for years has carried legislation which I had some part in framing intending to restrain and control the effort to build up public sentiment favorable to a certain kind of administration. That was in time of peace. We are in war now, and, while I personally think we may be overdoing the matter of official publicity, I think some of it has been helpful and useful in certain lines, and I am not disposed to criticize it, although I do feel that it has gone far afield. Of course, when I say this I do not intend to include the three publicity agents at Hog Island, one drawing a salary of $10,000,

one at $7,500, and one $6,000 a year, whose duty it was to camouflage the situation and cover with an ambuscade of rhetoric and misinformation the patriotic gentlemen who were drawing seven salaries in the alleged behalf of the launching of a merchant marine.

Mr. SLOAN. If the gentleman will yield, I am somewhat concerned about the question submitted by the gentleman from Iowa [Mr. GREEN], and I would like to know if he can give the relevancy of that question. I did not understand that there were any publications of that kind in America, and if there are not why take up European government practices as if there were such here in America?

Mr. MONDELL. Well, whatever the facts are let us, for the sake of the argument, assume there are not. [Laughter.]

But there are some things that ought to come out, there are some things that have come out, in regard to some of our cantonments, and shipbuilding, and all that sort of thing, and it is proper they should come out, and they have come out largely through the efforts of Democrats. They have come out in a way I hope may be helpful. You can not properly charge the man at the head of affairs with responsibility for these things. Some of them are perhaps inevitable in times of enormous expansion. The thing to do, when we find them, is to punish the men who are guilty in order that they shall no longer cast discredit on men in authority and bring dishonor to their Government.

There was a cloth-sorting contract made here some time ago. A certain gentleman named Eisenman, of the Council of National Defense, had something to do with it. A gentleman named Pereless, who, it seems, is an organization expert from New York, was invited down here and put in charge of a bureau or division for the reclamation of waste materials. He was given a captain's commission. In due course of time it became his duty to examine into this sorting contract, this contract under which certain gentlemen were to take old uniforms, I believe, and make them over or utilize them as best they could. I know little about the contract. In the course of his service Capt. Pereless made an investigation into this contract. He was called to testify in regard to it before a Senate committee. It is claimed by those who pretend to know that the Government has saved a great deal of money, several millions, by reason of the contract having been annulled or modified. Capt. Pereless was a captain, but he is a captain no longer. He was honorably discharged, it is true, as a man who had so well served his Government should be, but the captain did not want to be separated from the public service. He desired to serve.

He had asked to be put on the inactive list in order that he might secure service somewhere else under the Government, because I assume his service in the particular bureau to which he had been assigned was not altogether pleasant after he had made the investigations and revelations referred to. Instead of a transfer he got a discharge. I commend that particular case to the gentlemen who are responsible under the administration and for the honest conduct of affairs. It may have been entirely proper, but it would be a very unhappy thing at this time of crisis, when we need all of the honest men and all of the careful, painstaking men, and all of the fearless investigators we can get to guard the Government against waste and looting and fraud—it would be most unfortunate in this juncture if it should become known or believed that when men do what they believe to be their duty they soon find themselves separated from the public service and returned to private life. It would be a very sad and unfortunate thing for the country if we should arrive at that condition of affairs, and I hope that some one will investigate that discharged, which is referred to on the first page of one of the morning papers of this city.

Mr. LONGWORTH. May I suggest to the gentleman that he read into his speech the examination in that case?

Mr. MONDELL. I will be glad to do so, if the House will give me that privilege. The portion of the article in the Washington Post of this morning relating to Capt. Pereless's examination is as follows:

SAVED UNITED STATES ABOUT $2,000,000.

On December 29 he was summoned as a witness before the Senate Military Committee, and described at length the investigation into the sorting plant, the cancellation of which saved the Government about $2,000,000. The following is the verbatim report of a portion of the testimony, taken from the official committee report:

"Senator McKELLAR. In your dealings with Mr. Eisenman, was he much interested in this control, retaining this control, through the Base Sorting Plant?

"Capt. PERELESS. Well, he was very anxious not to have the contract annulled.

"Senator McKELLAR. What did he say about it?

RECALLS EISENMAN'S WORDS.

"Capt. PERELESS. I only spoke to him once, when I delivered a letter to him in which the Quartermaster General advised him the contract would be annulled, and he seemed to think it would be a very great mistake and a bad thing for the Government; that the Government could not carry on that sorting themselves. He asked me who I reported to and where I got my orders, and he said he would show me where I got my orders.

"Senator McKELLAR. That he would show you where you got your orders?

"Capt. PERELESS. Yes, sir.

"Senator McKELLAR. In other words, he felt offended that you should have brought in any such notice.

"Capt. PERELESS. He probably did not feel I had any authority for doing it, although I had the letter signed by Gen. Sharpe.

"Senator McKELLAR. And he threatened you for your action in the matter?"

TRANSFER REFUSED HIM.

After this, in January, Capt. Pereless presented a plan for the reorganization of the conservation division, which was not acted upon. Two other men were placed in charge of the reorganization, and Capt. Pereless, who found himself deprived of the opportunity to do the work for which, as an expert, he had been requested to come to Washington, asked to be returned to the inactive list of the Officers' Reserve Corps, with the intention of being assigned to duty in another branch of the service.

Instead, Capt. Pereless received orders giving him an honorable discharge from the Army and dismissing him from the service.

He protested against this discharge, stating that he desired active duty elsewhere. That request was denied.

Naturally the incident has aroused much interest in the Army in view of the testimony of Capt. Pereless before a committee of the United States Senate, where he was summoned to inform Senators of conditions within the department with which he has had to do.

Mr. Chairman, so much for my preface now. I want to discuss an item in the bill, and I may ask the gentleman in charge of the time for a few minutes more in which to discuss it.

Mr. MADDEN. I would like to read the real story if this is but the preface.

Mr. MONDELL. A provision was inserted in the national-defense act which became a law the 17th of last August for a revolving fund of two and a half million dollars, which was to be used for the purpose of purchasing, sorting, storing, and selling seeds for cash. Under that appropriation a large amount of seed corn was secured and a considerable amount of wheat, barley, rye, some cotton, and other seed, and is being distributed and sold. The Department of Agriculture has asked for an additional sum of $6,000,000 for the same purpose. The committee has reported $4,000,000 for that purpose. At the proper time I shall ask to increase that amount to $6,000,000, the amount of the estimate, and shall seek to modify the language somewhat by providing that these seeds in addition to being sold at cost for cash may also be sold on credit not to exceed one year with approved security of local business organizations. I think there is no item in this bill more important in its way than that. Of course, when you are at war the most important items are for guns and powder and uniforms, but at the same time we must sustain the men in the field and we must sustain the populations at home, and we need to encourage agriculture. The item in question has served a useful purpose. It has enabled the department to purchase the seeds and the department is now selling them and will continue to do so. It has obligated the Government in practically the full sum—two and a half million dollars—but can use considerably more.

But so far as a considerable part of the country is concerned, this fund is not available in a satisfactory way so long as the sales must be for cash. There has been a good deal of agitation at one time or another, there always is from time to time when we have droughts, freshets, and that sort of thing, for the free distribution of Government seed. I am one of those who believe we ought to be very careful about making free distributions. They are not very likely to be equitably or wisely distributed. It is not a good thing to get the people to thinking that Uncle Sam is a liberal, not to say spendthrift, father, who can pick dollars off of bushes along the road and hand them out wherever they think they need them. The people of the country, the farmers of the country, hard up as some of them are, are not paupers. I think they want to pay for what they receive. But let me illustrate the condition in a territory some three or four hundred miles wide and stretching from the Canadian border to the Gulf, including the States from Texas north to North Dakota, parts of some eight or nine States. Over a considerable portion of most of those States we have had a condition of drought, very severe in Texas, equally so in some parts of Montana, less severe and less trying in other sections in between. In my own State of Wyoming for a number of years past we have had in several counties local organizations of bankers, merchants, and stockmen who have obligated themselves for a sufficient sum of money to furnish seeds to those who needed them and were unable to purchase and pay cash for them. These local organizations have sold these seeds at cost. They have loaned the money without interest or with a very small interest charge, and in most cases, I believe, they have been successful in securing the return of the loan, all or a very great portion of it.

reorganization, or consolidation sought would involve, as I publicity agents at Hog Island, one drawing a salary of $10,000,

But there is a condition up there now under which it is more difficult than it ever has been in the past for these local organizations to handle the situation. There are many reasons for that, which I have not the time to discuss, but that such is the fact is known to all of the people of that section. My thought is this: That if we could provide that this fund, or seeds purchased with it, might be loaned on approved security given by business organizations, we could very quickly secure those organizations and thus furnish seeds for which those organizations should become responsible. We might thus very promptly distribute among the farmers of such sections the rye, wheat, sugar-beet seed, potatoes, corn, kaffir corn, millet, and cotton, which they must have if we are to have the maximum production of that great western country. My thought is that the Secretary of Agriculture might call upon such local organizations to inform him as to the amount of money needed in their counties, for instance, assuming the county as the unit of organization for the purpose of securing seed. Local organizations in my State know what is needed, because they have been in the business in the past. The question would be asked of such local organizations, To what extent will you guarantee the Government the return of the funds—$5,000, $10,000, $15,000, or $20,000—covering the cost of seed needed in that locality by those unable to pay cash? These local organizations could very quickly place before the Secretary statements showing their financial responsibility. They would provide the agency through which the seeds could be distributed. They would be distributed wisely and well through such agencies, because the organization that distributed them would be responsible for the return of the money. I think within 30 days throughout all this section where this help is needed organizations of that kind could be provided.

Of course, where no such help is needed such an organization would not be forthcoming. Where it was needed, public sentiment and the disposition of the business people of the community to meet the needs of the community would immediately lead to the formation of such organization. In my State there are, I believe, several of them that could within a week place before the Secretary every needed evidence of their responsibility. He could furnish them the seed——

Mr. ROBBINS. Will the gentleman yield?

Mr. MONDELL. In a moment. Or he could allow them to secure the seeds, giving them the necessary credits, and very promptly the machinery could be put in motion that would get into each section the seed that is needed. Before I yield to the gentleman, may I speak on a line of thought I have in mind? It may be said, if you are to do this in the territory you describe, why not do it everywhere. Because there is this difference in the situation: The country I have mentioned——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Will the gentleman yield me 10 minutes additional?

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that the gentleman may continue for 10 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the gentleman from Wyoming may continue for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I thank the gentleman. I yield to the gentleman from Iowa.

Mr. TOWNER. I was going to make the suggestion that the gentleman ask for time in his own right.

Mr. MONDELL. Why are we asking this kind of aid in that particular section? Because it is a new country; because we have little accumulation of capital. In the older communities of the country, although there may be farmers just as needy as they are in these sections, and no doubt there are, there are men with capital who can handle these matters, who can furnish credit, whereas we are in a position where we lack capital. We lack the capital we have had in past years which has been extending this credit.

Mr. ROBBINS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. ROBBINS. Is it not a fact that the great difficulty with the American farmer to-day is lack of labor more than lack of seed?

Mr. MONDELL. Well, there is a lack of labor, and there will be a lack of labor; but I do not think we should decline to aid the farmer in securing the seed that he is willing to plant because of the fact that there may be difficulty either in the planting or the harvesting of it. No farmer, as my friend understands, will ask for seed unless he feels reasonably assured he will be able to gather the harvest. No association such as those I have suggested will guarantee repayment except in communities where they feel reasonably confident that there will be labor enough to gather the harvest. And you would be surprised how the people of a community rise to a situation like this.

The young boys, the girls, the old folks, the clerks, people in all employments give their help in time of need to gather the crops, and to a considerable extent in the planting of them and in the tending of them. I come from a country which mainly gave its quota before the draft, and so we were stripped of the stalwart young fellows early in the conflict. And yet we got along pretty well. I do not think any of our crops were lost because of the lack of labor, but it required the aid and help of everybody in the community. And the communities rose to the occasion. Of course, we brought in help from all directions and we paid perfectly fabulous prices.

Mr. ROBBINS. The trouble with Pennsylvania is this: The State Grange at a session last week passed resolutions from data obtained from members to the effect that they needed 210,000 laborers on the farms of Pennsylvania within the membership of the grange.

Mr. MONDELL. I think that is true, and I think that is a matter we should attend to. What I am interested in now is to get seed, because if we do not have the seed where it is needed there will be no crops. You probably do not have that difficulty, but the gentleman from North Dakota [Mr. BAER] knows the situation in his State, as I know it in mine, and that we need the seed, and our people need the aid in securing the seed, and they will be able to pay for it, and local organizations will volunteer to become responsible for the return of the funds and for the handling, administration, and distribution of the seed. All we want is a little credit.

Mr. BAER. Does not the gentleman think that this would bring more valuable results if it were loaned to the farmers on credit to enable them to get food and grain and cotton for our allies than to put it in these vast reservoirs out there where the farmers have not sufficient credit and it will not do any good? That is, if the grain is in the elevators and they have not the cash to buy, it will not do them any good.

Mr. MONDELL. Whatever benefits may follow from other assistance and other help and come from other sources, here, it seems to me, is an opportunity to loan the Federal credit in a way that will certainly bring immediate returns in increased crop production, and it can be done in a way that will guarantee the return of the moneys without loss. Under a procedure of that sort, which is very simple, the Secretary of Agriculture could let it be known that he stood ready to hear from these voluntary associations, not to exceed one in a county, business associations of men who were responsible as to the amount they were willing to guarantee in repayment on seed, and in a very short time the machinery could be set in motion and the seed furnished.

This is a tremendously important thing. I have been hearing from my people for months in this matter of seed. I have said to them that I did not believe that Congress was disposed to make a free-seed distribution; that I doubted the wisdom of that sort of thing.

But there is a way to do it, expeditious, certain, comparatively simple, and I am sure in a great many communities in the State which my friend represents there are volunteer associations of business men and stockmen who would be willing to take this matter up.

Mr. BAER. Does the gentleman's constituents ask for free seed? It is my understanding that my constituents would not take free seed if they could get them. They do not want to be an object of charity. They want to borrow the money to get seed.

Mr. MONDELL. Coming to think of it, I think those people who have suggested free seed come from just over the line; I do not have in mind anybody from Wyoming who has made that suggestion. [Laughter.] But they want an opportunity to plant their fields. They have gone through trying times of drought, and the country is new, and capital is exceedingly limited, and the banks are small.

Mr. COX. How about the labor supply?

Mr. MONDELL. I discussed that with my friend from Pennsylvania awhile ago. If the farmer does not feel that he has labor to plant the fields, he will not want to buy seed, and if a local association that is responsible for the repayment does not believe that the farmer can plant, cultivate, and harvest, it will not help him get the seed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired. All time has expired. The Clerk will read.

Mr. DILLON. Mr. Chairman, I ask for recognition. I want to speak about 15 minutes.

Mr. SHERLEY. We have had 4 hours and 20 minutes of debate, exactly divided between the two sides. That is very

liberal debate. I hope the gentleman will not prolong the general debate at this time.

Mr. DILLON. I would like to have only 15 minutes.

Mr. SHERLEY. If the gentleman does that, other gentlemen will want time. I do not want to be discourteous to gentlemen, but I am anxious to make progress on the bill.

Mr. DILLON. I have been in attendance for the last four weeks, and I was unable to get a hearing before the Committee on Agriculture. I ask for 15 minutes.

Mr. GILLETT. This morning, before any time for debate was fixed, the gentleman from South Dakota had asked for 15 minutes, and he was assured he would get it.

Mr. SHERLEY. Very well. In view of that fact I shall not object.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to address the committee for 15 minutes. Is there objection?

There was no objection.

Mr. DILLON. Mr. Chairman, it is constantly asserted that the live-stock market is controlled by the packers. Do these profiteers fix the price the producer is to receive and the price the consumer is to pay? It would seem so.

The cattleman ships his cattle to the stockyards. Wherever the stockyards are located the packing houses have their plants. The buyers of live stock each morning fix the price to be paid for live stock. There is but one price, one lone bidder, and the owner must accept the price offered. Otherwise, he must ship back home, and his losses are beyond repair.

If he ships to another market he finds the same packers, the same profiteers, ready for the big bargains that are to fall into the combination net. They divide among themselves, on the basis of percentage, the live stock coming into the market. They likewise divide the territory and each packer has the exclusive right to sell in his territory. They fix the price for the farmer's stock and likewise the price that the consumer of finished products must pay. Thus they control both ends of the market.

In order to perfect their control they own the market places, stockyards, refrigerator cars, and cold-storage plants. They have driven out of business the small operators who formerly operated slaughterhouses. The local dealer in order to insure a steady supply must now buy from the big packing establishments.

By their combination they control the meat supply from the stockyards to the consumer. No independent operator can break through the operations of these profiteers, who are entrenched behind the market places, the packing plants, the cold-storage plants, and the ownership of the refrigerator cars. They control every artery of trade in these products. In addition to the meat products, they control, in the same manner, all the by-products of the industry, such as lard, hides, fertilizer, and so forth.

The packers, the produce speculators, and the jobbers are in absolute control of all of the instrumentalities of the market. There are 75 cold-storage plants in New York City and 48 in Chicago. In these two large cities are found a combination of food profiteers fixing the selling price of the product in the hands of the producer and likewise fixing the price that the consumer must pay.

The Butter and Egg Board of Chicago fixes the daily price for eggs, butter, and poultry. They gamble in future delivery just the same as is done in the grain products. When these articles are plentiful they fix the price the producer is to receive, and then they buy all the available supply providing for future delivery. Through these gambling devices the price may be forced up or beaten down at the will of the profiteer.

The sale of fictitious eggs is constantly going on in these markets. The honest sale of eggs has almost become a mere incident of the business in these markets. Recent investigation in Chicago disclosed the appalling fact that 4,000 carloads of eggs that had never had any existence were bought and sold on the Chicago Board of Trade.

Every time fictitious eggs are sold the sale is registered and aids in the fixing of prices for the real commodity. On every sale of these fictitious eggs the price is forced up one-half cent to 1 cent per dozen. It is said by one writer that these profiteers on the easter egg trade alone took $6,000,000 of excess profits.

Herbert Hoover, before the Senate Committee on Agriculture on June 19, 1917, made the following statement:

> Thousands of men in this country who never owned a commodity in their life have bought canned goods, flour, wheat, and every food commodity to speculate for the rise.

He further stated:

> Practically the entire wheat supply to Belgium is to-day imported from the United States, and, despite the extraordinary costs of transportation, the price of bread is 60 per cent of the price in New York City. A large portion of the wheat in France comes from this country, and yet the price of bread is, again, 40 per cent below our own. In England, where food control was started too late, the price is 30 per cent below our price, and in Canada, again, we see a lower range of prices to the consumer than in our own country, although the producer realizes the same price.

John J. Dillon, former commissioner of foods of New York State, says the food exchanges are "gambling dens."

It is said that New York City food profiteers one week in November, 1916, on the item of eggs alone, took a toll of $1,000,000. These eggs were purchased at about 17 cents per dozen and sold at 60 to 70 cents per dozen, after having been held for months. Investigation shows that it costs 2 cents per dozen to hold eggs for 10 months.

It is estimated that the people of New York City would save $10,000,000 on eggs, $7,000,000 on live poultry, and $10,000,000 on dressed poultry annually by establishing municipal cold-storage plants. Apples are sold in the fall of the year for three to five dollars per barrel. The consumer later pays twelve to fifteen dollars for the same apples.

The earnings of Armour & Co. in 1914 were $7,509,000, while in 1916 they were $20,100,000. Swift & Co. earned in 1914, $9,450,000, in 1916 they earned $20,465,000. In 1914 the United Fruit Co. earned $2,264,000 and in 1916 they earned $11,943,000. This is what the profiteers are doing to the producer and the consumer.

During the canning season, when the price is at the lowest point, the jobbers buy all the product of the plants engaged in canning fruits and vegetables. After the season is over they fix their own price by gentlemen's agreements and the consumer is forced to pay the price the combination fixes. There is no real competition in the jobbing trade on food products.

On account of market conditions vegetables and fruits frequently sell on the market at high prices while the supply is so great that it is rotting on the farms. The food speculators would rather destroy produce than lower the price to the consumer. Our system of distribution has broken down. From all parts of the country comes a demand for some new method of distribution to take the place of the inefficient, worn-out method now in use.

The middlemen have taken possession of the market places and converted them into veritable gambling dens. Nothing except the lash of public opinion will drive them from these public places. The producer must carry his products closer to the consumer, and the consumer must get in closer touch with the producer. Cooperative buying agencies and cooperative selling agencies is one solution of this difficult problem. Through these agencies the profiteer can be eliminated.

It is doubtful if any one can defend the present market system. It is doubtful if a system of markets can be successfully regulated by law. Cooperative methods, if they can be properly financed, ought to remedy the evils existing in our market system. If success can not be acquired along cooperative lines the people will ultimately demand Government control and ownership of cold-storage plants, terminal markets, and public warehouses, operated either by State or National Government. When so operated the gambling dens, the combination of profiteers, and speculators in food products will be eliminated in favor of the producer and consumer. Give the farmer an honest market and he will produce the food. [Applause.]

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Yes.

Mr. WILLIAMS. I suggest to the gentleman from South Dakota that if some of these profiteers who are robbing the people were put in the penitentiary, where they belong, it might help the situation also.

Mr. DILLON. I think it would. I think it ought to be done.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

COUNCIL OF NATIONAL DEFENSE.

For expenses of experimental work and investigations undertaken by the Council of National Defense, by the advisory commission, or subordinate bodies; for the employment of a director, secretary, chief clerk, expert, clerical, and other assistance, equipment and supplies, including law books, books of reference, newspapers, and periodicals; subsistence and travel, including the expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the advisory commission or subordinate bodies; rent of offices and grounds; repairs and upkeep of buildings occupied by the council; and printing and binding done at the Government Printing Office, $250,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. Mr. Chairman, I was unfortunate not to hear the very able speech of the chairman of the Committee on Appropriations, the distinguished gentleman from Kentucky [Mr. SHERLEY], so that I do not know just to what extent he went into some of these various items, but I desire to ask him with reference to this particular appropriation, and to inquire just

what experimental work is being conducted, and whether it comprehends activities by some of the various subcommittees or advisory bodies relating to war problems or tests made of materials used by the War Department?

Mr. SHERLEY. The gentleman means tests by the Council of National Defense?

Mr. WALSH. Yes; under this item.

Mr. SHERLEY. I do not recall that there was any testimony touching the activities of the council in the way of experimental work. There is being done quite a bit of experimental work of a very valuable character by the Bureau of Standards, and some of that may have come about through direction of the council, but I think it more likely to have come as the direct result of the War Department's suggestions or requests.

Mr. WALSH. Would that come out of that appropriation?

Mr. SHERLEY. No. The language that has struck the gentleman is simply the language that was used in the first instance touching the Council of National Defense, and this $250,000 is largely for the pay of employees and clerks of the various committees under the Council of National Defense. The gentleman will find in the hearings a very interesting account by Mr. Gifford, the director of the Council of National Defense, touching its existing organization and touching the elimination of committees—the subsidiary committees that grew up under the advisory commission. The gentleman will recall that it is both a council and an advisory commission.

Mr. WALSH. Yes.

Mr. SHERLEY. There has been some criticism in the past of the advisory committees because they were composed of men largely representing industries with which they were supposed to deal. Most of these committees have now distributed their duties and the organizations which speak for these industries have no governmental connection. Those former committees have largely been eliminated. The gentleman will find an interesting statement along that line.

Mr. WALSH. This general reorganization that has been effected, I suppose, is set forth in the hearings?

Mr. SHERLEY. There is an attempt by question and answer to give a clear view of the existing relationship of the council and the subsidiary committees to the organization. It is set out in some detail. The statement by Mr. Gifford is a very creditable one. He made a very enlightening statement.

Mr. WALSH. I understand he is still the director?

Mr. SHERLEY. He is still the director.

Mr. WALSH. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The gentleman's pro forma amendment is withdrawn.

Mr. BLACK. Mr. Chairman, I want to ask the gentleman a question right there. What limit is there on the item of subsistence in this paragraph? Is there any limitation by law as to how much could be allowed per day from this amount?

Mr. SHERLEY. Four dollars' per diem allowance in lieu of subsistence or $5 of actual expense. That is the law.

Mr. BLACK. That is the law, and they could not exceed that amount?

Mr. SHERLEY. That is my understanding.

Mr. BLACK. It would not be necessary to put in any limitation?

Mr. SHERLEY. I think not. I think at some time we shall have to enlarge that limitation of $4 in connection with certain classes of people, because I think it is not covering their actual expenses in some instances; but I think the limitation as it exists applies to the council without need of further legislation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS.

The limitation upon the amount which may be expended for office rent in the District of Columbia for the fiscal year 1918, contained in the naval appropriation act approved March 4, 1917, is increased from $1,500 to $2,332.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I rise to obtain information from the chairman of the committee as to whether the subcommittee made any provision or any inquiry as to allowing additional rental to the Vocational Educational Board?

Mr. SHERLEY. No; we did not.

Mr. STAFFORD. There is a bill pending in the House granting them additional authority for rental purposes in the District of Columbia, and I wished to know whether the committee took any action on that subject.

Mr. SHERLEY. We did not, because there was nothing formal before the committee. A gentleman called informally to see me touching the matter to which the gentleman from Wisconsin refers. That bill, in my judgment, ought not to become a law, because it would take all the funds that they have available for this purpose. Something undoubtedly ought to be done in connection with taking care of their rent situation, but the committee did not and ought not to consider matters that do not come before them in the regular way. At the time I had the talk with the gentleman I suggested that the way that matter would probably be considered would be by the submission of a proper estimate; and I still think that is the way to have it considered.

Mr. STAFFORD. The gentleman recognizes the need of some authorization to this board to provide authority for them to pay for their present quarters.

Mr. SHERLEY. They have an actual deficiency and it will have to be paid; but there are some things in connection with that situation that I think are not altogether to be commended. The committee did not feel that they ought to deal with the matter without a formal request.

I will say further, in reply to the gentleman, that there are a number of things that will probably have to be picked up in the Senate. The committee found itself in a situation where, if it was to report the bill at all, it had to draw a dead line touching new estimates. We could be considering this bill yet if we had permitted the departments to continue to send estimates down; so we finally served notice that estimates that came in thereafter fell outside the dead line and that they would have to be taken up in the Senate.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

DEPARTMENT OF STATE.

For additional employees in the Department of State, $50,000: *Provided*, That not more than four persons shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee kindly explain the reason for granting to the Department of State this additional $50,000 for clerical services here in the District of Columbia?

Mr. SHERLEY. A part of it was for the purpose of providing for the continuation of the pay of employees that they now have. A part of it represents an increase in the number of such employees. Broadly speaking, the situation is this: The State Department has had and will continue to have a very great expansion under present conditions, and it was important that they not only have additional clerical help, but that to a limited extent they have additional high-paid help, and therefore the provision is carried that not more than four persons may be employed hereunder at a rate of compensation exceeding $1,800 per annum. The reason for this is that there is a certain character of confidential work, the gathering together of intelligences that come to the Government not only through the State Department but through naval and military sources, and work in connection with the War-Trade Board, that require men of very high grade, who could not be expected to be obtained for $1,800.

Mr. STAFFORD. I assume that these employees are to be engaged in clerical work? Or will they be employed in other capacities?

Mr. SHERLEY. Most of them will be clerks, except these four, who will be engaged in work of a good deal higher order than just purely clerical work. And as I stated, a large part of it will be in connection with the handling and arranging of the intelligences that are received through the State, military, naval, and other agencies of the Government, and which the gentleman will appreciate is a matter of first magnitude and value at this time.

Mr. STAFFORD. We have had this very problem under consideration in connection with the framing of the legislative appropriation bill. The estimate in that connection is for $120,000 and the revised estimate for the next fiscal year is $264,000. The phraseology is somewhat different, and I was wondering whether there is any need of having it in the form of additional employees. As carried in the estimate for the legislative bill the phraseology is "for additional clerical services, to be expended in the discretion of the Secretary of State."

Mr. SHERLEY. As I recall, the request before the subcommittee of which the gentleman is a member was to change the language in which the estimate was originally submitted into language corresponding with this which is now carried in this bill.

Mr. STAFFORD. That may be.

Mr. SHERLEY. I think the gentleman will find that is the situation.

Mr. STAFFORD. I have a note on my copy of the bill, making some suggestions along that line, but I do not recall distinctly whether we were to strike out "clerical services," and just say "additional employees."

Mr. SHERLEY. I think it was desired that we should use the language employed herein.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

The Clerk read as follows:

Post allowances to consular and diplomatic officers: To enable the President, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances by way of additional compensation to consular and diplomatic officers in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $400,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I notice that the committee has extended the authority of the existing phraseology in the diplomatic bill so as to authorize the Department of State to increase the salaries of the consular and diplomatic representatives at all posts rather than the authority, as conferred in the last Diplomatic and Consular appropriation bill, to our consular and diplomatic officers of a belligerent country and countries adjacent thereto.

Mr. SHERLEY. This language is in exact accord with the Diplomatic and Consular appropriation bill as it passed the House. The reason for the change in that bill and in this was this: The need was not confined simply to belligerent countries and to nonbelligerent countries designated heretofore. For instance, there are South American countries where the condition is more acute than it is abroad in the warring countries and countries adjacent to the warring countries. A statement presented by the State Department was of such unquestioned need that we could not do otherwise. For instance, it developed in one instance that there was a loss on exchange of 25 per cent. In other words, the salary of the man stationed there was reduced 25 per cent by the exchange loss. We simply allowed a sum that, in the discretion of the Secretary of State, might enable him to equitably deal with these people.

Mr. STAFFORD. Did the Secretary of State advise the committee whether he intended to pursue a uniform policy in all countries with reference to the salaries of diplomatic and consular representatives?

Mr. SHERLEY. No; I do not know that it is possible to pursue a uniform course. I do say that it would be dependent on the actual situation and need. There are some places where a very slight increase might be necessary, or none at all, and there are other places where there would have to be a large allowance made. There was no way of our undertaking to determine the matter except by general consideration of the situation and the appropriation of a sum that would not permit of great extravagance and yet would relieve the situation.

Mr. STAFFORD. In the bill which passed the House last Saturday, the Diplomatic and Consular appropriation bill, there is an authorization of $800,000, which is virtually 50 per cent of the salaries paid to the consular and diplomatic officers.

Mr. SHERLEY. I think the gentleman is mistaken in his figures.

Mr. STAFFORD. I have the bill here.

Mr. SHERLEY. Not mistaken in the amount of $800,000, but the amount of the salaries to the consular and diplomatic officers—it is more than $1,600,000 I think.

Mr. STAFFORD. I will give the gentleman the figures carried in the bill. There is $534,350 to ambassadors and ministers, and for consular officers, $1,208,500.

Mr. SHERLEY. There are quite a number of other officers that the gentleman has not enumerated.

Mr. STAFFORD. This phraseology only goes to post allowances for consular and diplomatic officers.

Mr. SHERLEY. The post allowance does not mean that it is limited simply to the salaries of consular and diplomatic officers. It relates to other employees of the embassy.

Mr. STAFFORD. Is the phraseology broad enough to warrant that?

Mr. SHERLEY. I think so, unquestionably. We have been acting under it, and we appropriated $100,000 for officers in China and $200,000 for officers of belligerent countries at the last session.

Mr. STAFFORD. I wish to have the gentleman's opinion as to whether this phraseology carried in this bill, as well as in the Diplomatic and Consular appropriation bill, is broad enough to allow an allowance to others than the consular and diplomatic officers.

Mr. SHERLEY. Yes; it says for post allowances. That means for the post; it does not mean for consular and diplomatic officers alone.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask for three minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks for three minutes more. Is there objection?

There was no objection.

Mr. FLOOD. The secretary to the embassy and legation is a diplomatic officer?

Mr. STAFFORD. Yes.

Mr. SHERLEY. It is a post allowance and not to consular and diplomatic officers alone. In other words, the allowance is to the post. It is not simply to increase the salary of the diplomatic officer and the consular officer, but also for his employees at the different posts.

Mr. LONGWORTH. Does that include the minister or the ambassador?

Mr. SHERLEY. It might include him, but in point of fact it was not intended to include him.

Mr. LONGWORTH. Does it include him, and have any of these salaries been raised?

Mr. SHERLEY. Not that I know of, but the language is broad enough to deal with all of them.

Mr. LONGWORTH. They certainly ought to be, and I would be glad to know that some of them had been included.

Mr. FLOOD. It has not been paid to the minister or to the ambassador.

Mr. STAFFORD. If the gentleman will read the qualifying language after the title he will find that the phraseology is limited to make special allowances by way of additional compensation to consular and diplomatic officers in order to adjust their official income to the ascertained cost of living at posts to which they may be assigned.

Mr. SHERLEY. I think the word "officers" there means clerks, as well as diplomatic and consular officers.

Mr. STAFFORD. It does not say "officer"; it says "officers."

Mr. SHERLEY. "Officers" means more than simply the head officer. The clerk is an officer within the meaning of this.

Mr. STAFFORD. I would not construe the word "clerk" to be an officer.

Mr. SHERLEY. It has been so construed. The gentleman can be perfectly sure that if that were not true the State Department would have asked for a change of language.

Mr. STAFFORD. I am glad to have the statement of the gentleman that this authorization means not only, as it apparently does on its face, to provide additional compensation to officers, but that it can be used also for the secretarial force or the clerical force.

Mr. SHERLEY. They need it more than the others.

Mr. STAFFORD. I know that, but there is no provision in express language covering their cases.

Mr. SHERLEY. I think it does cover their cases.

Mr. LONGWORTH. The gentleman from Virginia [Mr. FLOOD] says these are never paid to the ministers or ambassadors.

Mr. FLOOD. I say it has not yet.

Mr. LONGWORTH. Therefore it must be paid to the clerks and secretaries.

The Clerk read as follows:

For washing and hemming towels, purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters; flower-garden, street, and engine hose; lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps and repairs of same, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, toilet paper, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, street car tickets not exceeding $250, advertising for proposals, and for sales at public auction in Washington, D. C., of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, $3,500.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

I notice in this item and in one or two other items in the bill, an amount specified for street car tickets. I wish to ask if it is the practice to pay the street car transportation of the employees in these departments, or for what purpose these street car tickets are used?

Mr. SHERLEY. That is the usual language carried in the regular appropriation. The enumeration was to prevent the amount being exceeded, and simply applies to those cases where messengers or employees are sent on official business and are given street car tickets for that purpose. It is not the practice nor should it be the practice to pay the car fare of employees generally.

The Clerk read as follows:

For salaries of officers and employees, $1,268,000; furniture, equipment, and supplies, including not exceeding $100 for street car tickets, $121,000; traveling expenses, including not exceeding $4 per diem in lieu of subsistence, $24,000; telegraph and telephone service, $4,800; stationery and miscellaneous expenses, including subscriptions to periodicals, $20,000; printing and binding, $60,000; rental of quarters, $40,000; in all, $1,537,800.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. In order to ask the chairman of the committee if this appropriation is to cover a deficiency in salaries of officers and employees, in addition to the appropriation which was made when that bureau was authorized?

Mr. SHERLEY. Yes. The money that was appropriated then would not have carried it to any extent. Two hundred and fifty thousand dollars was given, and they have had $500,000 from the President, which I spoke of in my general address, and which they asked to have returned, but which we are not returning. This sum of $1,537,800 is to carry them up to July. I think this ought to be said about the War-Risk Bureau: They have had a very unusual task. It is no small matter to organize a bureau to deal with a million or more of men in the service, to arrange the allowances that should be made to dependents under the law, to take care of the insurance phase of the law, and to carry on the other activities that existed under the old law relative to insurance of ships and crews. They are getting under way and have now gotten out all of the November and December checks. They have been aided in their organization by the Bureau of Efficiency. The hearings disclose some of the problems and some of the waste that they have undertaken to meet. They have been seriously handicapped by lack of space, and they should and will have, I hope, before we are through, housing capacity in a fireproof building.

They are now scattered around through the National Museum and a number of other places. They have been doing an efficient work, considering their difficulties. The committee allowed them all that they thought they could properly expend between now and July 1, because we believed that everybody in this Congress and this country wanted to make sure the prompt and efficient payment of moneys to the dependents of the boys who were at the front. We have not tried to restrict them unnecessarily. We hope we have supplied them with funds enough for them to go forward economically and take care of this work.

Mr. WALSH. Can the gentleman state the number of employees in this very important bureau?

Mr. SHERLEY. They have about 1,700 now. The gentleman will find in the hearings a detailed statement as to the number and compensation of employees at that time. They expect to have about 1,200 more employees.

Mr. TREADWAY. Will the gentleman allow me to state that it so happened that I made an inquiry of the department on that very question last Saturday, and at that time they had over 2,000 employees and had issued $7,000,000,000 of insurance.

Mr. SHERLEY. The gentleman's information is a month later than mine. I, of necessity, have to speak of the date of the hearing, and that was about a month ago. At that time they had 1,700.

Mr TREADWAY. I had the information last Saturday night, and they had then over 2,000.

Mr. WALSH. I am indebted to the gentleman from Kentucky for the information he has given and agree with him that there should be no desire to be parsimonious in the allowance to this bureau. And I am also very much interested to learn that the delay in sending out these checks is being obviated, because I have had several communications and inquiries in reference to the allotment to soldiers, and I understand the delay——

Mr. SHERLEY. I think they are catching up very rapidly, and they expect to be able to stay current. I want to say another thing that may interest the gentleman. I suggested during the hearing, and probably it had been suggested before, that it was greatly desirable that every soldier should have a number that he should always retain, and that the attempt to classify him by name, regiment, company, State, or locality would end necessarily in confusion. That prophecy was more than verified by the very unfortunate loss of life recently in connection with the sinking of one of our transports.

It is my understanding now that the War Department proposes, in connection with the Bureau of War-Risk Insurance, to give a number, which shall remain the same always, to all of our men in the service.

Mr. WALSH. And that will be done for the military branch of the service, for identification for all purposes.

Mr. SHERLEY. The same number will be used always and will make a perfect identification.

Mr. WALSH. I withdraw the pro forma amendment.

The Clerk read as follows:

For additional clerks from March 1 to June 30, 1918, inclusive, at rates of compensation as follows: Clerks—1 of class 4 and 1 of class 1; in all, $1,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee if any request was made from the Secret Service Division of the Treasury for an appropriation to permit that division or branch of the department to increase its force of secret-service men. I understand that they do not have a very large force of men, and that a great deal of the so-called secret-service work is being performed by the bureau in the Department of Justice, and upon inquiry which I have made from time to time of the Treasury Department they stated that they are not able to increase their force because the appropriation is so limited.

Mr. SHERLEY. They did not ask in this bill for anything of the kind. They asked for $1,500, which was based on the additional clerks needed from January to June 30, and we gave them $1,000, because this bill will not become a law before March, and, figuring at the rate of four months instead of six months, it makes $1,000.

Mr. WALSH. Does the gentleman know in connection with any other measure which may come from his committee whether there is any proposition to increase the number of employees in that bureau?

Mr. SHERLEY. My impression is there is an increase asked in the sundry civil bill.

We increased their number slightly last year, and as far as I understand there is a request for an increase now.

Mr. WALSH. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

The unexpended balance of appropriation of $100,000 contained in the deficiency appropriation act approved October 6, 1917, for repairs, alterations, and extensions of certain buildings and their equipment belonging to the United States on squares No. 226 and No. 228 in the city of Washington, is made available for the repair, alteration, and extension of such buildings and their equipment belonging to the United States on square No. 227, in the city of Washington, as the Secretary of the Treasury may designate, to fit them for temporary use by the Treasury Department.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Will the gentleman state where these buildings are located?

Mr. SHERLEY. These buildings are located catacorner from the Treasury Department at Fifteenth Street and Pennsylvania Avenue, and extend southerly. There are three squares of buildings there. The old Poll Theater is on part of it. And in that connection I want to say for the benefit of the gentleman and the committee that there has been submitted to the Congress an estimate from the Treasury Department looking to the acquirement of the Arlington site and the erection there of a building for the housing of the Internal Revenue Bureau and the War-Risk Insurance Bureau.

Mr. WALSH. The Hotel Arlington?

Mr. SHERLEY. Where the old Hotel Arlington was. That estimate came to the committee too late for it to give it consideration, and it is too important a matter to be acted on without full hearing and consideration. The proposal is for an expenditure of about $4,200,000, which would acquire the land and give us a 10-story building and an annex.

Mr. WALSH. Will the gentleman permit an interruption? Is not there a building in the process of erection?

Mr. SHERLEY. There is, but it is only in process of erection, and this would acquire the ground and take over the contracts and the fabricated steel—some 80 or 90 per cent of which is already fabricated—and may offer the solution of the housing needs of the Treasury Department, because the proposals made in this bill for buildings are not sufficient to take care of the Treasury needs.

Mr. WALSH. That would be a fireproof building?

Mr. SHERLEY. A permanent building.

Mr. NORTON. As to the building that is going up on the Arlington site now, south of the University Club, has the contract been made for the rent of that by the Government?

Mr. SHERLEY. No; I was just saying that an estimate had been submitted by the Treasury Department asking for an appropriation of $4,200,000 for the acquiring of the property and taking over of the contract for certain portions of the material, and erecting that building to some 10 stories in height.

Mr. NORTON. The building that is now being put up there is being put up, I understand, by private parties, with the expectation of renting it, though, to the Federal Government.

Mr. SHERLEY. I do not know anything about their expectations. There has no assurance been given of any kind, and there is no authority as yet for the rental of it.

Mr. WALSH. Will the gentleman permit? Is it being built as an office building or as a hotel? I refer to this building that is in the course of erection.

Mr. SHERLEY. It started out originally as a hotel, I think, but is now being erected as an office building.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the pro forma amendment.

In the committee this afternoon we had up the subject, and perhaps the chairman of the committee made investigations in his subcommittee as to the Government taking possession of the property to the west of the Poll Theater that for a number of years has been occupied by a moderate-priced hotel. That property would be suitable, I would say, for office purposes, and no testimony has ever been advanced by any of the Treasury officials as to whether that property was available for office purposes or not.

Mr. SHERLEY. I will say to the gentleman that I have made no personal investigation, but it is my understanding that the Treasury Department did, and reported that the size of the rooms and the character of them were such as not to make it worth while to take over the property. It is under a lease, which can be canceled, of course, but I think there is a 30-day limit to it. Now, personally, I know nothing as to the property. I understand the rental is a fair rental as rentals went in the old days, and that the property is not of such a character as to lend itself readily to use by the Government for office purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Detroit, Mich.: Attendants' quarters building, $31,500.

Mr. WALSH. Mr. Chairman, might I inquire of the chairman of the committee when he expects the committee to rise?

Mr. SHERLEY. I will say to the gentleman that I hope very shortly to move to rise. I thought we might run through some of these Treasury items, which would carry us to the District of Columbia items, and the committee could then rise. That will probably take five minutes, unless we strike something that is a matter of controversy, in which event I will move to rise then.

The Clerk read as follows:

New York (Stapleton): Remodeling old white house for attendants' quarters, psychiatric units, female nurses' quarters, ambulance house, junior medical officers' quarters (temporary), temporary hospital ward unit, and approach work; mechanical equipment, including refrigerating plant, telephone and bedside call systems, $256,500; miscellaneous furniture and equipment, $45,000; in all, $301,500.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. Can the gentleman from Kentucky state what the general policy of the department is with reference to the extension and remodeling of these marine hospitals?

Mr. SHERLEY. It was to provide for an increase of 744 beds in the marine hospitals. There has been an increased demand upon the marine hospitals, aside from the demands that would come incident to the war. Under our compensation law governmental employees who are injured are eligible to treatment in such hospitals, and then the growth of the merchant marine and the growth of the naval service have put added demands upon the marine hospitals.

The Public Health Service presented plans for the improvement of a number of marine hospitals. The gentleman will find them enumerated throughout the bill. We allowed them, with a cut of practically 10 per cent that was made because there were certain items in connection with officers' quarters and attendants' quarters that seemed to us to be extravagant. I recall that at Boston, Mass., it was proposed to build a $16,000 frame house of eight rooms. The committee thought that a little skill would enable them to build an eight-room frame house for less than $16,000. They considered the matter carefully, and were led to believe that the necessary quarters can be provided without spending so much money from the Treasury. We feel sure that can be done.

Mr. WALSH. Can the gentleman state whether the extension or remodeling of these marine hospitals was induced by a possible demand owing to the return in the future of men injured in the service?

Mr. SHERLEY. Yes. There has been a presidential order making the marine hospitals open for the use of the Navy, and I have no doubt that if the need should arise they could be used for the Army as well, and probably will be.

Mr. WALSH. I assume that in this remodeling it is an attempt to modernize the equipment?

Mr. SHERLEY. It is in a sense; but the gentleman will find the details set out under each heading. The purpose largely was to increase bed capacity.

Mr. WALSH. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

Mr. TREADWAY. Mr. Chairman, I would like to ask the gentleman from Kentucky how much longer he desires the committee to sit before he will move to rise?

Mr. SHERLEY. I just stated that if we could read until we reached the heading, "District of Columbia," on page 18, I would move to rise. It will take only a few minutes.

Mr. TREADWAY. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ENGRAVING AND PRINTING.

For engravers' and printers' materials and other materials except distinctive paper, miscellaneous expenses, including paper for internal-revenue stamps, and for purchase, maintenance, and driving of necessary motor-propelled and horse-drawn passenger-carrying vehicles, when, in writing, ordered by the Secretary of the Treasury, $400,000, to be expended under the direction of the Secretary of the Treasury.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I wish to inquire as to what is the reason for authorizing the purchase of passenger-carrying vehicles under the Bureau of Engraving and Printing?

Mr. SHERLEY. That is just the usual language. It is the current language. This $400,000 was not for commercial vehicles at all.

Mr. STAFFORD. That was the purpose of my inquiry, whether it was planned to authorize the bureau or the Director of the Bureau of Engraving and Printing to purchase a passenger-carrying vehicle.

Mr. SHERLEY. It was not. If we had changed the language it probably would mean the opening of a new account on the Treasury books.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

District of Columbia.

Mr. SHERLEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9867) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. JONES of Texas for 10 days, on account of serious illness in his family.

NOBEL PEACE PRIZE FOR 1918.

The SPEAKER laid before the House the following letter:

DEPARTMENT OF STATE,
Washington, February 11, 1918.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: At the request of the Secretary of the Nobel Committee of the Norwegian Parliament, I have the honor to inclose herewith, for the information of the House of Representatives, a copy of a circular issued by the Nobel Committee furnishing information as to the distribution of the Nobel peace prize for the year 1918.

I have the honor to be, sir,
Your obedient servant,
ROBERT LANSING.

[Det Norske Stortings Nobelkomité. Nobel Committee of the Norwegian Parliament.]

NOBEL PEACE PRIZE.

All proposals of candidates for the Nobel peace prize, which is to be distributed December 10, 1918, must, in order to be taken into consideration, be laid before the Nobel Committee of the Norwegian Parliament by a duly qualified person before the 1st of February of the same year.

Any one of the following persons is held to be duly qualified: (a) Members and late members of the Nobel Committee of the Norwegian Parliament, as well as the advisers appointed at the Norwegian Nobel Institute; (b) members of Parliament and members of government of the different States, as well as members of the Interparliamentary Union; (c) members of the International Arbitration Court at The Hague; (d) members of the commission of the Permanent International Peace Bureau; (e) members and associates of the Institute of International Law; (f) university professors of political science and of law, of history, and of philosophy; and (g) persons who have received the Nobel peace prize.

The Nobel peace prize may also be accorded to institutions or associations.

According to the Code of Statutes, section 8, the grounds upon which any proposal is made must be stated and handed in along with such papers and other documents as may therein be referred to.

According to section 2, every written work to qualify for a prize must have appeared in print.

For particulars qualified persons are requested to apply to the office of the Nobel Committee of the Norwegian Parliament, Drammensvei 19, Kristiania.

LEAVE TO EXTEND REMARKS.

Mr. EAGLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a communication addressed to the President and to the Members of Congress by the executive committee of the Socialist Party of the United States under date of February 9, 1918, and a copy of my reply thereto.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by printing an address by the executive committee of the Socialist Party of the United States to the President and Congress and the reply of the gentleman from Texas to the same. Is there objection?

There was no objection.

Mr. BLACK. Mr. Speaker, I ask unanimous consent that my colleague [Mr. JONES of Texas] be permitted to extend his remarks in the RECORD by printing a letter recently addressed to the Committee on Foreign Affairs.

The SPEAKER. Whose letter?

Mr. BLACK. The letter of my colleague [Mr. JONES of Texas].

The SPEAKER. The gentleman from Texas [Mr. BLACK] asks unanimous consent that his colleague [Mr. JONES of Texas] be permitted to extend his remarks in the RECORD by printing a letter written by him to the Foreign Affairs Committee. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, upon what subject?

Mr. BLACK. It is a short letter in reference to a peace resolution introduced last August.

The SPEAKER. Is there objection?

Mr. WALSH. I object.

ADJOURNMENT.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Saturday, February 16, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the treasurer of the Washington-Virginia Railway Co., transmitting report of the Washington-Virginia Railway Co. for the year ending December 31, 1917 (H. Doc. No. 935); to the Committee on the District of Columbia and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting deficiency estimate of appropriation required by the United States Public Health Service for the fiscal year ending June 30, 1918, for maintenance and ordinary expenses of the Quarantine Service (H. Doc. No. 936); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Public Lands, to which was referred the Senate joint resolution (S. J. Res. 104) authorizing the assistant to the Secretary of the Interior to sign official papers and documents, reported the same without amendment, accompanied by a report (No. 316), which said bill and report were referred to the House Calendar.

Mr. HAMLIN, from the Committee on the Territories, to which was referred the bill (H. R. 9802) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town, reported the same without amendment, accompanied by a report (No. 317), which said bill and report were referred to the House Calendar.

Mr. LANGLEY, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 7758) to increase the rate of pension allowed to Army nurses, reported the same without amendment, accompanied by a report (No. 318), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCLINTIC: A bill (H. R. 9897) to authorize the contesting and cancellation of certain homestead entries, and for other purposes; to the Committee on the Public Lands.

By Mr. DENT: A bill (H. R. 9898) to establish in the Coast Artillery Corps of the Regular Army an Army mine-planter service; to the Committee on Military Affairs.

Also, a bill (H. R. 9899) authorizing appropriations made for the national security and defense to be used for the purchase of real estate, or the use thereof, when such purpose is not specifically stated in said appropriation; to the Committee on Military Affairs.

Also, a bill (H. R. 9900) authorizing the President during the existing emergency to sell war supplies, materials, and equipment heretofore or hereafter purchased, acquired, or manufactured by the United States; to the Committee on Military Affairs.

Also, a bill (H. R. 9901) to give indemnity for damages caused by American forces abroad; to the Committee on Military Affairs.

Also, a bill (H. R. 9902) to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

Also, a bill (H. R. 9903) to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 9904) to amend present laws restricting the purchase and distribution of military stores and supplies, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 9905) to provide quarters or commutation thereof to commissioned officers in certain cases; to the Committee on Military Affairs.

By Mr. TINKHAM: A bill (H. R. 9906) providing that post-office laborers be allowed a concompetitive examination for promotion; to the Committee on Reform in the Civil Service.

By Mr. GOULD: A bill (H. R. 9907) providing commutation of quarters for officers of the Army during the period of war; to the Committee on Military Affairs.

By Mr. ROWE: A bill (H. R. 9908) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. CANNON: Resolution (H. Res. 250) for the relief of Mary M. Savoy; to the Committee on Accounts.

By Mr. EMERSON: Joint resolution (H. J. Res. 247) to investigate the Brude lifeboat; to the Committee on Naval Affairs.

By Mr. O'SHAUNESSY: Memorial of the General Assembly of the State of Rhode Island indorsing the so-called daylight-saving bill now before Congress, and urging the Senators and Representatives from that State to give it their cordial support; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Memorial of the General Assembly of the State of Rhode Island, indorsing the so-called daylight-saving bill now before Congress and urging the Senators and Representatives from that State to give it their cordial support; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Memorial of the General Assembly of the State of Rhode Island, indorsing the so-called daylight-saving bill now before Congress and urging the Senators and Representatives from that State to give it their cordial support; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DILL: A bill (H. R. 9909) granting a pension to Thomas W. Atchley; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 9910) granting an increase of pension to John Short; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 9911) granting an increase of pension to John A. J. Hicks; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 9912) granting a pension to George B. Trayes; to the Committee on Invalid Pensions.

By Mr. GLYNN: A bill (H. R. 9913) granting an increase of pension to Sanford E. Chaffee; to the Committee on Invalid Pensions.

By Mr. HEATON: A bill (H. R. 9914) granting an increase of pension to George Joseph; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 9915) granting an increase of pension to Harry E. Bryan; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 9916) granting a pension to Carl N. Hubley; to the Committee on Pensions.

Also, a bill (H. R. 9917) granting a pension to Stephen K. Hamilton; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 9918) granting a pension to Zebulon R. Campbell; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 9919) to correct the military record of Darius Atkinson; to the Committee on Military Affairs.

By Mr. TAYLOR of Arkansas: A bill (H. R. 9920) granting a pension to Mary A. Himmah; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 9921) granting an increase of pension to Daniel Keene; to the Committee on Invalid Pensions.

By Mr. WASON: A bill (H. R. 9922) granting an increase of pension to Francis Roy; to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 9923) for the relief of John McW. Ford; to the Committee on Public Lands.

By Mr. WHITE of Ohio: A bill (H. R. 9924) granting an increase of pension to John P. Bateman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9925) granting an increase of pension to Thomas R. Thompson; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Irishwomen's Council, asking for the recognition of the independence of Ireland in the form of an Irish republic; to the Committee on Foreign Affairs.

Also (by request), resolution of the Grand Army of the Republic, favoring legislation giving American citizenship to aliens who serve in the Army or Navy; to the Committee on Immigration and Naturalization.

Also (by request), resolution of the Grand Army of the Republic, requesting the enactment of legislation for the return of the remains of those soldiers and sailors who may die abroad; to the Committee on Military Affairs.

Also (by request), resolution of the Grand Army of the Republic, asking for the passage of a bill providing for the payment of pensions monthly instead of quarterly; also a resolution of the same organization, asking for increase of pension to Civil War Veterans and aid to blind veterans; to the Committee on Invalid Pensions.

By Mr. CARY: Resolution of the Twentieth Century Topic Club, asking for the repeal of the periodical postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of Mrs. Margaret Walthauser, Mrs. Louise Lang, Mrs. S. Althof, and 18 others, praying for the passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DILL: Petition of citizens of Spokane, Wash., asking for the passage of House bill 5581; to the Committee on Military Affairs.

By Mr. ESCH: Papers in support of House bill 9898, granting a pension to Sarah Morrill; to the Committee on Invalid Pensions.

By Mr. FOSTER: Petition of citizens of Oblong, Ill., protesting against granting second-class postage on any zone basis; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of Dr. F. A. Eastman and 60 other citizens of Rockford, Ill., opposing the zone system for second-class mail; to the Committee on Ways and Means.

By Mr. GALLIVAN: Resolution of the New York Antivivisection Society, protesting against compulsory inoculation of soldiers; to the Committee on Military Affairs.

Also, petition of H. M. McLarin, president of the National Federation of Federal Employees, against the Borland eight-hour amendment; to the Committee on Agriculture.

Also, petition of George F. Washburn, president Massachusetts Real Estate Exchange, favoring legislation for Federal acquisition of railways and canals to transport coal from mines near coast to all points along Atlantic coast; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of New York: Affidavits to accompany House bill 9841, granting a pension to Charles B. Carlson; to the Committee on Pensions.

By Mr. HILLIARD: Resolutions adopted by the Woman's Club of Racine, Wis., and by the New Century Club of Wichita Falls, Tex., urging the repeal of that section of the war-revenue act increasing postage rates on periodicals; to the Committee on Ways and Means.

By Mr. STINESS: Resolution of the General Assembly of Rhode Island, indorsing the daylight-saving bill now before Congress, and urging the Senators and Representatives from Rhode Island to give it their support; to the Committee on Interstate and Foreign Commerce.

By Mr. TILLMAN: Resolution of a mass meeting held in Fayetteville, Ark., expressing loyalty to and confidence in the administration, especially in its conduct of the war, and deploring that criticism of the war management which has been of a destructive character; to the Committee on Military Affairs.

SENATE.

SATURDAY, *February 16, 1918.*

(*Legislative day of Friday, February 15, 1918.*)

The Senate met at 11 o'clock a. m.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. CUMMINS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Henderson	Overman	Tillman
Chamberlain	James	Saulsbury	Townsend
Colt	Johnson, Cal.	Shafroth	Trammell
Culberson	Johnson, S. Dak.	Sheppard	Underwood
Cummins	Jones, N. Mex.	Smith, Mich.	Vardaman
Curtis	Jones, Wash.	Smith, S. C.	Warren
France	Kellogg	Smoot	Watson
Gallinger	Knox	Swanson	Weeks
Hale	Lodge	Thomas	Williams
Hardwick	McCumber	Thompson	Wolcott

Mr. JAMES. I wish to announce that my colleague [Mr. BECKHAM] is detained on official business.

The VICE PRESIDENT. Forty Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. McNARY, Mr. NEW, Mr. OWEN, Mr. POINDEXTER, Mr. REED, Mr. ROBINSON, Mr. SHIELDS, Mr. STONE, and Mr. SUTHERLAND answered to their names when called.

Mr. SUTHERLAND. I wish to state that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent owing to illness.

Mr. FRELINGHUYSEN, Mr. ASHURST, Mr. HARDING, Mr. HITCHCOCK, Mr. KING, Mr. KIRBY, Mr. STERLING, Mr. MARTIN, and Mr. NORRIS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

Mr. JOHNSON of California. I wish to announce that on Tuesday next after the routine morning business, with the consent of the Senate, I shall speak to the pending bill and the demonstrated necessity for Government ownership.

Mr. SMITH of South Carolina. Mr. President, it is very evident that for the time being at least the attention of Senators is given to certain hearings, investigations, and so forth, and Senators are going to committee rooms rather than appearing on the floor of the Senate. So it is almost impossible for us to keep a quorum here, at least to keep enough Senators here to justify business in debating the pending measure.

I wish to give notice now that on Monday next I shall make an effort to have some definite time fixed at which we shall get a vote on this bill. It seems to me that if the procedure we have followed up to the present is to be kept up, it might be a very good plan to adjourn the Senate until the work of the investigating committees has ceased.

Mr. THOMAS. Or adjourn sine die.

Mr. SMITH of South Carolina. As the Senator from Colorado suggests, it might be very well to adjourn sine die and let the business of the country be transacted in the committee

rooms. But be that as it may, it is useless to try to keep up this procedure that seems to be more or less a farce.

If the Senate is convinced as to the merits or demerits of this bill, I think we can conserve time and it would be of benefit to the country by bringing it to a vote. It is the most important measure that has been before this body in a generation or longer, and it is not receiving the attention that its importance entitles it to receive. I shall attempt to bring the matter to a close at the earliest possible time by a vote.

Mr. JONES of Washington. Mr. President——

Mr. SMITH of South Carolina. I yield to the Senator from Washington.

Mr. JONES of Washington. I wish to suggest to the Senator that the very moment we agree upon a time to vote then we shall not have anyone here to listen to the discussion.

Mr. SMITH of South Carolina. Then it will not change the situation.

Mr. JONES of Washington. I wish to ask the Senator if he does not think it would be wise for the Senate to revoke the permission that we have granted committees to sit while the Senate is in session, especially when such an important measure as this is under consideration?

Mr. SMITH of South Carolina. I think that is a splendid suggestion, but I am still of opinion that if Senators would really realize—not know, for perhaps they do know, but realize—the importance of this measure and the importance of an early determination of it they could suspend some of the hearings. I am of opinion that we have gotten into the habit of paying more attention to something that is sensational than to the fundamental principles to which we as Senators ought to devote ourselves.

Mr. OWEN. Mr. President——

Mr. SMITH of South Carolina. I yield to the Senator from Oklahoma.

Mr. OWEN. I wish to make a suggestion to the Senator from South Carolina. If the Senate would agree that a certain number of hours should be set apart for the consideration of this bill, and the Senate would order the committees to withhold their hearings within that period, the Senate in that way might have the presence of its membership to hear the discussion, and especially if we should have an agreement that speeches should not exceed 30 minutes, so that the Senate would not be exhausted by very long speeches but would still be able to get the different points of view of Senators on the floor.

Mr. SMITH of South Carolina. The suggestions indicate that there is a necessity for having some understanding. So I give notice now that on Monday I shall make an effort to have some definite time fixed at which we can vote upon the bill.

Mr. VARDAMAN. Will the Senator allow me to make a suggestion?

Mr. SMITH of South Carolina. Certainly.

Mr. VARDAMAN. There are a number of subcommittees at work to-day. One of which I am a member will probably finish its work this afternoon. If the Senate should adjourn until Monday and the Senators are given notice that the rule permitting committees to sit during the session should be revoked for the purpose of inducing the Senators to attend upon the deliberations of the Senate pending the consideration of the bill now before the Senate, I think it would result in a full attendance Monday morning and meet with the approval of Senators generally. I realize the necessity for immediate action upon the pending bill. It is a measure of far-reaching importance and ought to be passed upon at the earliest possible moment, and the suggestion I have made is for the purpose of facilitating its passage.

Mr. SMITH of South Carolina. Mr. President, time is too precious to waste, I do not say waste any of the arguments, but to waste any more time in the process of getting to some kind of an end of this matter. I do not think that I shall ask for any adjournment until Monday. I will let the debate take its course, even though it requires Senators to speak to empty benches, and I repeat that on Monday I shall make an effort to have a day fixed for a final vote.

Mr. CUMMINS. Mr. President, I desire to say a word to the chairman of the committee before he takes his seat, in view of the notice he has given. There is no Senator who is more anxious than I am to facilitate the disposition of this bill, and no Senator deplores more than I do the fact that the majority of the Members of the Senate are sitting in committees where they think their work is imperative. But we shall have to choose between work in committees and work on the floor of the Senate. If Senators are free and do not choose to occupy their seats, that is a privilege that they must be permitted to exercise. But a very large part of the Senate is not free. It is sitting in committees considering important legislation, and it is perfectly absurd and indefensible for the Senate to have under consideration a bill of this character and permit its important committees to sit for the consideration of measures which demand the attention of Senators elsewhere.

I have said this as a prelude to the suggestion that notwithstanding my great desire to speed the disposition of this bill there will be no unanimous consent to fix a time to vote upon the bill until there has been a fair opportunity to debate it upon the floor of the Senate, and there will be no fair opportunity to debate the bill until these committees cease their sittings and are at liberty at least to attend the sessions of the Senate.

Mr. OWEN. Mr. President, it seems to me in order to get the attention of Senators to the proceedings of this body it might be arrived at by setting apart a certain number of hours each day in which the bill would be debated and during which time the committees would be requested by the Senate not to sit but the Members to attend the sessions of the Senate. It is a very important bill, and I think Senators ought to debate it and ought to hear it debated; but without any plan it is obvious that the committees will go on as they have in the past, and if the members of those committees are not present to hear the discussion of the bill Senators feel that they ought to repeat things which they have said before as they get the different membership present. If we could get the Senate together to consider this bill within a certain number of hours each day, it could be debated to the satisfaction of every Member of the Senate and at the same time the Senate would really hear the discussion.

Mr. CUMMINS. That is precisely in the line of my suggestion.

Mr. OWEN. Can we not reach some plan?

Mr. CUMMINS. If the committees would meet in the morning and the Senate not meet until 2 o'clock and divide the day in that manner, it would be perfectly satisfactory, I am sure, to everyone. But without thinking of myself or of any other member of the committee, it is not fair to the Interstate Commerce Committee, to the chairman of the committee, who has devoted a great deal of time to this subject, to allow him to bring forward a bill and have it considered under such circumstances as to prevent any full or fair consideration of it.

If an arrangement can be made through which a day can be divided in that way, I shall be perfectly content; but I am not willing that the bill shall be voted upon with the greater number of Senators occupied in their committee rooms and so occupied that they can not possibly be here. I do not know whether or not they could get excused to come here to vote upon the bill. It may be that they might be relieved for that one act.

Mr. THOMAS. Mr. President, it seems to me we are wasting a good deal of time over a subject which, however long we may discuss it, will not amount to much. I think the attendance of Senators in the Chamber is just about as numerous when committees are not sitting as when they are sitting. I know of no manner in which Senators can be compelled to remain here unless we change our rules. We might close our cloakrooms, and possibly the restaurant, and by that means shut off all other places of entertainment and make those who are not attracted here by the speeches come here for want of a place offering better opportunities for entertainment.

The fact is that Senators do not and will not remain here during the discussion of important measures, except occasionally, and the sessions of the committees and the absence of those sessions neither of them in my judgment affects the average attendance of Senators upon the floor during the discussion of bills. So let us go on and discuss this measure and reach a vote as soon as we can.

Mr. NORRIS. Mr. President, there is a great deal of force in what the Senator from Colorado [Mr. THOMAS] has said. It may be that we would not have much of an attendance on the floor if committees were not in session, but there are Members of the Senate who want to hear this debate and who do have important committee hearings which they also desire to attend. There ought to be an arrangement, at least for those who want to hear the discussion, to be able to be here without neglecting some other important business.

I thought yesterday, when we took a recess until 11 o'clock this morning, it was breaking in without any notice on arrangements that had already been made for hearings before some committees at least; that if the Senate met at 11 o'clock it would interfere with those. I have no objection to meeting at 11 o'clock if some other arrangement is made about committee meetings or if we could have some notice that that was going to happen in a week from now.

I desire, however, to state what actually occurred this morning in the Committee on Agriculture. The Committee on Agriculture is having hearings which are vitally important, or I think they are vitally important, on the question of the conservation of food and production of food, which will go as far as anything else in winning this war. We have been meeting in that committee and running our sessions up until 12 o'clock with those hearings. Yesterday the committee adjourned at 12 o'clock to meet this morning and expected to run until 12 o'clock. In the meantime the Senate took a recess until 11 o'clock. That meant that those hearings were interrupted. Members of the committee were over there—I was among the number—anxious to hear the most interesting discussion of a witness who was giving us some extremely valuable information as to the condition of the live-stock and the grain-producing sections of the country. Some of us at least wanted to be here. It is impossible, however, to be at both places at the same time. The Senate took its action after the committee had adjourned, and at 11 o'clock to-day there was before the committee a man from Oklahoma——

Mr. OVERMAN rose.

Mr. NORRIS. In just a moment I will yield to the Senator. The president of the Farmers' Union of the State of Oklahoma, one of the most interesting witnesses, a man who is well informed, was giving us in concise language valuable information, which every Senator would be glad to read if he could not be there and hear it; but when the Senate met at 11 o'clock we had to leave in the midst of his testimony. It was not fair to those who desired to get this information; it was not fair to those who desired to be present at the hearings and who also desire to hear this debate. Now I yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, I desire to say, along the line of what the Senator from Nebraska [Mr. NORRIS] has been saying, that no notice was given of the intention of the Senate to meet at 11 o'clock this morning, and that in the Committee on Appropriations we had under consideration one of the great appropriation bills.

Mr. NORRIS. Exactly.

Mr. OVERMAN. At 11 o'clock, the usual time, not knowing that the Senate had taken a recess until 11 o'clock this morning, a meeting of the committee was called; but as soon as we got that notice, we adjourned the committee.

Mr. NORRIS. Exactly.

Mr. OVERMAN. There ought to be some notice of such intention on the part of the Senate, so that the chairmen of committees should be aware of it when they call meetings of committees.

Mr. NORRIS. Certainly. What the Senator says merely bears out what I have stated. I wish to say that the witness before our committee, to whom I have referred, had made arrangements to go away to-day, as he had a right to do, because we understood the committee would be able to continue in session until 12 o'clock, at least, yet because of the action of the Senate here yesterday all of these matters have been interfered with.

Mr. MARTIN. Mr. President, I merely wish to say a few words. I shall not occupy the Senate five minutes.

I think it is known to all Senators that the Director of Railroads is very much embarrassed by the want of the legislation contemplated by the pending bill. He called me over the telephone and told me that he was delaying matters; that the whole business of railroad traffic was impeded, hindered, and delayed because of the lack of legislation that was absolutely necessary for him to carry out the purposes for which the railroads were taken over. I think the primary consideration should be with the Senate to speed this bill. I think everything ought to give way for it, and that it ought to be kept continuously before the Senate. The debate ought to be allowed to proceed in order to reach a vote as early as possible.

I am not suggesting that there should not be debate. The bill is a very important measure and Senators ought to debate it. I am not attempting to suggest that it should not be debated, but I do suggest and I do appeal to Senators to give the fullest opportunity for debate in order to speed this bill to a final vote.

I do not myself believe that any time will be gained by undertaking to change the long-accustomed usages of committee meetings. Committees will adjourn to enable their members to be in the Senate when they can do so. The Appropriations Committee had the diplomatic bill before it this morning, and it adjourned the consideration of that bill in order that its members might be on the floor of the Senate to hear the discussion of the railroad bill. I think other committees will do the same. I do not believe it would be wise to change or attempt to regulate the hours of committee meetings. I think all we can do is to keep the railroad bill continuously before the Senate and to speed its passage as far as possible. I feel that that is urgently important. I think if we will go along in the old beaten path Senators who want to be present and hear the debate can be here, just as the members of the Appropriations Committee adjourned their session so as to be present in the Senate Chamber this morning. I do not believe we shall gain any time by attempting to coerce committees by new regulations to which they are not accustomed. To just let the debate proceed, keep the bill before the Senate, and get a vote as soon as possible is what I think should appeal to every Senator on the floor.

Mr. CUMMINS. Mr. President, I recognize the difficulty of carrying forward a discussion of the apparently uninteresting subject proposed in the bill now before the Senate. It would be a fitting tribute to the occasion if some one of my distinguished associates upon the other side of the Chamber were to move for an adjournment in order that our minds might be composed and in order that we might gradually prepare ourselves for the consideration of the questions which are before us. I am not saying this in any malicious or ill-natured spirit, for I understand perfectly that for a little while at least it is necessary that most of the Senators shall be absent from the Chamber; and I premise what I have to say with the suggestion that if presently there are no great number of Senators who take any interest in this matter I shall move to adjourn until we are better prepared to discuss the vital things that are proposed in the bill.

Day before yesterday I listened with profound interest to the eloquent homily delivered by the Senator from Illinois (Mr. LEWIS), a distinguished member of the committee which reported the bill under consideration, upon liberty, justice, independence, the equality of opportunity, and the perpetuity of democracy throughout the world. What does it avail us to thrill, as we all did, under the utterance of these lofty sentiments unless we are willing to carry into legislation the principles which he so beautifully expressed? And I am waiting with a good deal of interest to see whether he and the other members of the committee who listened to him as I did are willing to enact justice as well as proclaim it.

Why should we erect a statue to liberty, to freedom, to equality, and then at once close and lock the doors to the opportunity declared by our forefathers, and to fortify which and to perpetuate which we are now summoning all the energy of all the people of the United States?

These abstract conceptions of democracy, of equality, of justice are recognized by all people and have been recognized by all nations during all times; but the difficulty has been that we arise from the worship of the shrine of these exalted conceptions and immediately proceed to enact injustice; not consciously, for I am not suggesting a conscious purpose on the part of any Senator or any Member of Congress to do injustice. I am only calling to your attention the fact that it is infinitely easier to eulogize justice, democracy, liberty, equality, than it is to enforce these noble sentiments through the legislation which alone can secure them for the people of the country.

A few hours ago I received a letter from a distinguished educator of my State, a man who, I am sure, feels none of the prejudice which is supposed to exist against wealth or property; and I intend to take the liberty to read it, for it is very brief. He says:

> I understand the Senate will pass a bill guaranteeing the railroads an income equal to the average of the past three years. I know we do not do this for the men whom we drafted. Why are the railroads treated better than our soldiers? An answer will be appreciated.

How would you, fellow Senators, have answered the letter I have just read? How would you have distinguished the difference between taking the man from his ordinary avocation and the compensation which his energy and ability command and taking the property which he might have theretofore accumulated? There is a difference. But I mention the letter for the purpose of emphasizing the thought which is uppermost in my mind as we continue the consideration of the bill which proposes high compensation to the railroad companies whose properties have been taken over by the Government.

I answered him by saying that under our Constitution every citizen owed to his country, without compensation, without reward, his life if it became necessary to take it, but that under the same Constitution when the Government took property for the defense of the Nation it must pay just compensation for it. Whether this distinction can be defended in the court of original reason it is not for me to say, but it is pertinent here when we remember that we are about to offer compensation for railroad property of 10, 12, 15, and 20 per cent per year upon all the capital which the owners of the property have invested in its creation and construction. Whatever may be the necessities of warfare, and ours are very great at this time, there is nothing in our Constitution, noth-

exercise. But a very large part of the Senate is not free. It is sitting in committees considering important legislation, and

I desire, however, to state what actually occurred this morning in the Committee on Agriculture. The Committee on Agri-

keep the railroad bill continuously before the Senate and to speed its passage as far as possible. I feel that that is urgently

ever may be the necessities of warfare, and ours are very great at this time, there is nothing in our Constitution, noth-

ing in our traditions, nothing in our civilization, which warrants the compensation proposed in the bill before us.

I shall confine myself at this time to the question of compensation for the use of the property which the Government has taken over and is now operating. I intend to prove—and I use the words deliberately and reflectively—that the compensation proposed in the bill is about $200,000,000 annually more than it ought to be, more than it need be, in order to fulfill the highest standard of the law and of the Constitution.

The bill proposes that the Government shall remain in possession of the properties of which it has assumed control for 18 months after the war shall have ended. None of us can predict with certainty the period of the war, but it is conservative, I think, to suggest that the bill means Government possession and operation for at least four years. The aggregate overpayment which this measure offers is, therefore, about $800,000,000. I intend to show that this vast sum is to be taken each year from the people, who are already overburdened, and to be given to the railway corporations without a shadow of right, reason, or justice.

There is but one precedent in all history for the proposal contained in the first section of the bill now before the Senate. It will be found in the Scriptures, and may be thus quoted, although I am not entirely sure of the literal accuracy of the quotation; but somewhere in the Holy Writ it is said—not approvingly, I am glad to know—

To him who hath shall be given, and from him who hath not shall be taken away, even that which he seemeth to have.

Mr. ROBINSON. Mr. President, I would ask the Senator from Iowa if he is sure of the accuracy of his Scriptural quotation, if he is attempting to quote Scripture?

Mr. CUMMINS. I said that I was not absolutely sure of the literal accuracy of the quotation, but I will risk something upon its substantial accuracy.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I yield to the Senator from Pennsylvania.

Mr. KNOX. If the Senator will yield to an expert upon the subject, I will give him the quotation accurately.

Mr. CUMMINS. There is no man in the Senate to whom I would appeal more readily than to the Senator from Pennsylvania in order to know just what the Bible says upon any question.

Mr. KNOX. That is a just acknowledgment, which I very much appreciate; but the concluding line of the passage which the Senator from Iowa has quoted is "from him shall be taken away even that which he hath." The word "away," I think, is used, but the word "seemeth" is not in the quotation.

Mr. CUMMINS. I felt that way, but I might as well confess now to the Senator from Pennsylvania that I have recently read that verse of the Scriptures, and I think the word "seemeth" is in the verse.

Mr. KNOX. Mr. President——

Mr. CUMMINS. I am afraid the Senator from Pennsylvania has not read the modern version or the modern translation of the Bible. I am afraid since his boyhood he has not consulted that Book very much or he would know that the word "seemeth" is there.

Mr. KNOX. I should like to say, Mr. President, that I not only insist that I am correct, but that I would not have ventured to have undertaken to correct the Senator from Iowa if he had not just a few moments ago disavowed that he had recently looked the quotation up.

Mr. CUMMINS. I did not disavow that.

Mr. KNOX. That was the impression made on my mind.

Mr. CUMMINS. I said I was not sure of the literal accuracy of my quotation. Mr. President, might I ask the Secretary of the Senate to produce his Bible, and to read that verse in the Scriptures?

Mr. GRONNA. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. I yield to the Senator from North Dakota.

Mr. GRONNA. I think the Senator from Iowa might have said that this was stated by the Master in the Sermon on the Mount; and while the Senator from Pennsylvania (Mr. KNOX) is correct according to the Gospel of St. Matthew, the Senator from Iowa is correct according to the Gospel of St. Mark.

Mr. CUMMINS. Mr. President, it is evident that the Senator from Pennsylvania never got further than the first book of the New Testament. It really is an unimportant thing, but I should be very glad if the desk would give to the Senate the full and accurate version of this quotation.

The PRESIDING OFFICER. The Chair will say to the Senator from Iowa that the Senate seems to be without a Bible.

Mr. CUMMINS. No matter, Mr. President, what the variation in memory may be with regard to the Bible, the thought is that it is the way of the world to give to those who have and to take away from those who have not the little they are struggling to keep. It is from that standpoint I mention the only precedent of any high authority for the proposal made by the majority of the committee.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. If the Senator will allow me, in behalf of the committee and for myself, before he begins a discussion of the proof that we are likely to pay or that we are going to pay the railroads $200,000,000 annually more than they are rightfully entitled to, I presume he means by that that we are now going to continue to allow the roads to earn out of their property $200,000,000 that they have been earning and have not been forbidden by any law to earn and by any process to earn any less, and that the proof which he will bring is, in effect, that for all the times of peace up to this emergency they have been earning that amount or a pro rata amount upon the property.

Mr. CUMMINS. Mr. President, the Senator from South Carolina has a glimmering, at least, of the thought in my mind, although he does not express it just as I should. I think he will clearly perceive the basis of the statement I made a few moments ago as I proceed with my argument, and I tell him now, and I tell the Senate now, that every fact which I shall use upon the point just made will be found in tables that have been prepared by and been furnished to me by the Interstate Commerce Commission or the statistical bureau of that body, with this exception, that I take one fact from the report of the majority of the committee, now so ably represented by the Senator from South Carolina.

Mr. SMITH of South Carolina. I should like to ask the Senator just a question. The Senator can not say, and he is not saying, that the committee in this proposed law is allowing the railroads $200,000,000 annually more than they were making before this war period?

Mr. CUMMINS. I do not.

Mr. SMITH of South Carolina. That is the point I was making.

Mr. CUMMINS. I do not make any such assertion, although I may accompany what I said with the statement that, in my judgment, we are allowing the railroads nearly $200,000,000 more than they would earn during the next few years if the property were to remain in their possession and under their control.

Mr. President, the question presents an issue so big in principle and so tremendous in consequences—for its consequences are not confined to the mere payment of the money, vast as the sum is, during the period of Federal control—that no Member of Congress can escape it. No matter what we may do here, it will be settled finally in the highest forum of a free country.

Although I am conscious that I repeat some things that have already been said, in order to preserve continuity, I refer to the way in which the question arose and the manner in which it comes before this body. In 1916, as a part of the military appropriation bill of that year, we passed a provision which authorized the President in time of war to take possession, to assume control, and to operate the systems of transportation in the United States in order to more effectively prosecute the war. Let it be distinctly understood as I proceed that I have no criticism of that legislation; it meets my hearty approval, as it did when it was adopted by Congress. Let it be also understood that I have no objection to the act of the President in taking possession of the railroads of the United States. I am willing, and I am desirous, of making that control as effectual and as complete as it is possible to make it.

The Senator from Minnesota [Mr. KELLOGG] yesterday recited very graphically, and I think very correctly, the things that had been accomplished by the railway companies in order to make their properties more efficient since the war began. There is not a single word which he uttered respecting the loyalty of the railway managers and their sincere desire to render all the assistance which they could render to the Government in its hour of peril to which I do not heartily subscribe. I think that the railway managers of the country from the 7th of April, 1917, until the 28th of December of that year when they were relieved of their responsibility by the action of the Government, accomplished almost a miracle in the better use and in the

higher coordination of the transportation facilities of this country in order to meet the imperative and supreme needs of the Nation.

At the same time, I was of the opinion from the beginning—and observation and experience have only strengthened the conviction which I entertained—that it was not within the power of the railway companies to do the things which this country required to be done under the conditions which confronted and surrounded us. If there had been nothing more in the problem than the mere handling and movement of engines and cars, I agree with the Senator from Minnesota that the organizations already in charge of these great enterprises could have handled and moved the cars and the traffic more efficiently than it is possible for the Government to do in the first hours of the transition, because there is a confusion incident to the change which only time can remove, and some of us are not sure that even time will obliterate the difficulties and embarrassments under which the Government must act. But there was one obstacle, fatal, insuperable, which the railway management could not overcome; there was one thing which the railway companies could not do, no matter how loyal their officers and managers were and no matter how efficient they might have been. That thing was the operation of the transportation instrumentalities of this country as a unit. That obstacle was the impossibility of treating the railroads of the United States as a single system, ignoring all corporate interest or selfish advantage. It could not have been expected and, of course, was not accomplished. Nor could the obstacle have been overcome by the repeal of the antitrust law with regard to the railroads, nor by the repeal of the antipooling provision of the interstate commerce act, because, even if the railway companies had been free to agree with each other respecting the disposition of traffic, the movement of trains, and the division of earnings, there still would have remained the natural, the inevitable desire upon the part of those who were responsible to the bondholders and stockholders of any given company to work for them as against the whole world. There was but one way to mobilize all the transportation facilities of the United States, and that was to brush aside, to eliminate every interest which the railway companies had, except the interest to serve their country.

It is for this reason that I stated in the minority views which I had the honor to present, that my only criticism of the administration was that it had not taken possession of the railways of the country immediately after the declaration of war, precisely as Great Britain did. Great Britain entered the war on the 3d or 4th day of August, 1914, and on the same day or the day following the Government took possession of all the railways of Great Britain. I modify that by saying all the railways of England, Scotland, and Wales, and within a few weeks thereafter assumed the same possession of the railways of Ireland. Great Britain knew, just as we ought to have known, that when it was desired to put into the service of the Government, shorn of every other interest, all the transportation facilities of a great country, we must remove an obstacle which could not be removed by the voluntary arrangements or agreements of the railroad companies themselves. I would have been far better satisfied if on the 8th day of April, 1917, the President had done what he did upon the 28th of December, 1917, for, if the transfer had then been accomplished, some of the chaos which is incident to a change so mighty in its character could by this time have been overcome, and we would be enjoying at this moment a more efficient transportation service than we now enjoy.

I think, too, that it is to be regretted that in the act of taking the railroads the proclamation of the President, which evidenced the purpose of the Government, was not more specific and definite. We do not know what railroads have been taken over.

There is no human being who knows how much of the 250,000 miles of American railways is now in possession of the Government. There has been no action on the part of the Government with respect to any one system or any one railway that has not been taken with regard to every railway in the country; and the director general declared before our committee that the notices, giving an account of the President's proclamation, which were sent out to all the railway companies of the United States, were not to be construed as a declaration upon the part of the Government that the companies or railroads to which these notices were sent had been taken over. Nobody knows at this moment whether the 1,800,000 men who are now operating these properties are working for the Government or are working for their respective corporations. Nobody knows whether the millions of dollars which are pouring every day into the treasuries of these companies belong to the United States or whether they belong to the railway corporations. There is great danger of a destruction of the morale of the service in view of this unfortunate uncertainty.

I mention these things, Mr. President, not for the purpose of arraying myself in opposition to the administration with regard to its action in the matter, but as expressive only of my regret that the action was not sooner taken and was not more certain and definite in its character.

Mr. KING. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. KING. It is rather presumptuous upon the part of a Senator who is not a member of this important committee and who has not had the advantages that have accrued from listening to the testimony offered in the hearings to make any suggestions with respect to the question which the Senator is now discussing; but does it not seem to the Senator that his criticism of the taking over of all of the railroads and his suggestion that the morale of the service is now deleteriously affected is rather unfair and unwarranted? Could the President have acted other than in the manner in which he did act? Was it not better, and was it not the only way, to take all of the railroads, and then, by a policy of exclusion, remit to private management and control again those that were found to be unnecessary for the public defense?

As I understand, if the Senator will pardon me further, in taking over the roads there has been no attempt to interfere with the management of the roads. Directors, presidents, and superintendents have been left in control, and the employees are as they were prior to the 26th day of December, 1917. There is a constructive possession by the Government, not an actual physical one, and nothing has been done by the Government to interfere with the operation of the roads under the control of those who in the days and years passed have been controlling and operating them. So I ask does not the Senator think that his criticism is rather too severe in respect to this course of procedure?

Mr. CUMMINS. It might be said, Mr. President, that my criticism is immaterial, but it is not severe. The Government knew or, from my standpoint, ought to have known when possession was taken of the transportation systems of the country, that they must all be taken. It is a figment of the imagination, I think, to insist that the Government may go forward gradually and ascertain just which of these railroads it desires to continue to operate. If the Government were taking possession of the railroads for military purposes only, there would be much weight in the suggestion just made by the Senator from Utah; but the Government has taken possession of these railroads for all purposes. The direct service to the Government is very small as compared to the service rendered in general commerce. General commerce must go forward. It must continue unabated, and we hope with accelerated vigor. All the railroads, or all the competitive railroads at least, are necessary in order to carry this commerce; and I am not a believer in the theory which apparently prevails in some quarters that the Government ought to take possession of a little part or even a large part of the entire system and exclude a great number of properties which depend for their existence and for their maintenance upon the continued relation with the properties that may be taken over by the Government. That is a difference in view.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I yield to the Senator from Arkansas.

Mr. ROBINSON. In order that I may get more accurately the viewpoint of the Senator from Iowa on this subject, does the Senator feel that the Executive should be required to take over a road or a system that he does not need?

Mr. CUMMINS. I do.

Mr. ROBINSON. The Senator is aware of the fact that in some sections of the country—in many large areas, perhaps—there is not that pressing need for Federal control and operation of railway lines that exists in the East; and the Senator feels that if the President takes over one railroad he should be required to take over all? Do I understand the Senator correctly?

Mr. CUMMINS. No. The Senator from Arkansas knows my view upon that subject——

Mr. ROBINSON. I am not sure that I do.

Mr. CUMMINS (continuing). Because I have introduced an amendment which covers my thought in the matter. I do not want to discuss that amendment at this time.

Mr. ROBINSON. I understand.

Mr. CUMMINS. I referred to the action of the President in a purely preliminary way, in rather a historical way.

be very glad if the desk would give to the Senate the full and accurate version of this quotation.

relieved of their responsibility by the action of the Government, accomplished almost a miracle in the better use and in the

they belong to the railway corporations. There is great danger of a destruction of the morale of the service in view of this unfortunate uncertainty.

a purely preliminary way, in rather a historical way.

Mr. ROBINSON. If a road is constructively taken over—and I think the Senator will understand what I mean by that—notice is given that it is taken over, but no interference is in fact put into operation by the Executive. In that case would any legal damage accrue to that railroad by reason of the alleged constructive taking over?

Mr. CUMMINS. I do not think any legal damage occurs.

Mr. ROBINSON. Then what would be the harmful effect of giving the Executive the opportunity of making the necessary investigation to satisfy himself as to just what lines are needed, if the constructive taking of the property does not work any legal damage to the railroad?

Mr. CUMMINS. Mr. President, I attempted to say a few moments ago that I thought the railroad systems of this country must be considered as a unit when the Government is operating them, and that is the one reason which made it necessary for the Government to take them from the possession of their owners and submit them to public operation. If that reason did not exist, then, in my judgment, the President has acted without authority.

Mr. ROBINSON. If I correctly understand the Senator's viewpoint, it is that if the Executive takes a line of railroad he should also be required to take all competing lines.

Mr. CUMMINS. That is my opinion. I do not intend to discuss that in connection with section 1, however.

Mr. ROBINSON. I understand. I only asked the Senator that question because at this time he was, as I construed his remarks, criticising the Executive for the manner of the taking.

Mr. CUMMINS. I am sorry that a mere expression of difference of opinion with regard to the best way in which to have proceeded is to be construed as a criticism. I do not look upon it as a criticism. I do not want to stand in the attitude of criticising a policy in which I thoroughly believe; but I hope I may be at liberty, without offense, to express the notion that it would have been more effective and more just if the action of the Government had covered the properties which are necessarily affected by the action.

Mr. ROBINSON. I will say to the Senator, and then I will not interrupt him further on this point, that my use of the word "criticism" was exactly in that sense. I assumed that the statement that the taking over could have been accomplished in another way was at least an implied criticism; but I did not use the word "criticism" in any objectionable sense, and, of course, I concede the Senator's right——

Mr. CUMMINS. I hope the Senator from Arkansas will understand that all I am trying to do is to reach the truth of this matter, and that I intend to treat every difference of opinion with the utmost toleration. I so often need indulgence of that kind myself that I am not inclined to bear very hardly upon those who may differ from me about it.

Mr. ROBINSON. I hope I have not said anything to imply that the Senator from Arkansas has any other desire or any other purpose in connection with the matter. I concede the Senator's right and his duty to express his views.

Mr. CUMMINS. Passing from the act of 1916, which is the origin of the authority which has been exercised by the President, permit me to say, Mr. President, that the next visible step taken in this course was in the proclamation of the President, issued, I think, on the 28th day of December, 1917. I have already indicated my view of that act on the part of the President. I think he had reached a time or confronted conditions of a character which made it absolutely necessary to do the thing which he did; and the logical outcome of the thing he did was to take possession of the entire transportation system of the country, because he proposed, and the Government now proposes, to render general service to the people of the United States in the transportation of their persons and their properties, entirely removed from the mere prosecution of the war or the transportation of war material.

Having introduced it in this way, I call your attention to the first section of the bill, for it is this section which gives rise to the question I am discussing. The part of it upon which I desire to comment reads:

> That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation—

I beg you to note that the word "railroads" is not in the act of 1916. It is not in the proclamation of the President. It is not in the statement issued by the President which accompanied the proclamation. It was inserted in the bill by the Committee on Interstate Commerce, and I think very unfortunately inserted. I might as well explain it now, although it has nothing to do with the compensation that is to be agreed upon between the railroads and the country. It is unfortunate because it permits a railroad which is owned and controlled by another railroad to enter the Court of Claims and secure what the Constitution denominates just compensation for the use of that particular road, although it has been fully compensated for in dealing with the system of which that railroad is a part.

As an illustration, take the Union Pacific road as the system, and the Oregon Short Line Railroad as one of its parts. The Union Pacific Railroad owns the stock of the Oregon Short Line. There may have been a recent consolidation; I do not know. It owns practically all of the stock of the Oregon Short Line. So far as the business done over the continuous rails which stretch from Omaha to Portland is concerned, the Union Pacific can determine just what division of those earnings shall be made. It can give the Oregon Short Line a mileage division, or it can give it a larger or a lesser part of the earnings upon through business, and substantially all of the business is of that character. The Union Pacific enters into an agreement with the Government under the standard that is here proposed, reaping the full benefits of the earnings of all its properties. The Oregon Short Line says: "We will not enter into any agreement with the Government. We will appeal to the condemnation tribunal here created, and finally to the Court of Claims, and secure an award with respect to the value of the use of our properties," although every beneficial use of that property has passed to the Union Pacific, which has already entered into an agreement with the Government.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. KELLOGG. I should like to ask the Senator from Iowa if it is not a fact that the committee inserted the word "railroads" in order to cover a case of this kind: There may be some single short-line railroad not connected with any interstate system of roads, and the committee thought it would be wise to use the word "railroads" so that if the President saw fit to take over that line the President could do it. It was not put in there, as I understand, for any purpose of the kind now mentioned by the Senator, and this is the first time I have ever heard that mentioned. Is it not a fact that in the case mentioned by the Senator—the case of the Union Pacific and the Oregon Short Line, the President is not obliged to make any arrangement with the Union Pacific unless the Oregon Short Line comes in as a part of the system, and the roads have no rights whatever that the President is not willing to give them?

Mr. CUMMINS. Mr. President, I entirely acquit the committee of any design to enhance the sum which we are called upon to guarantee to the railway companies by the introduction of the word "railroads"; and I am quite willing to accept the view just stated by the Senator from Minnesota as to the reason in the minds of the members of the committee when that word was inserted. I only say that it is capable of indefinite abuse. When you remember that the Pennsylvania Railroad Co., for instance, has within it more than a hundred railway corporations—I think I am very much beneath the number, possibly—when you remember that the Great Northern and the Northern Pacific own all the stock of the Chicago, Burlington & Quincy Railroad Co.; when you remember that the Southern Pacific Railroad Co. controls, through stock ownership or leases, practically all the railroads in the southwestern part of the country, you can easily see how the use of a word of this kind, employed for a perfectly proper purpose, may be used for a very improper purpose. I was only commenting on it as I passed, because I think before we have finished the bill we ought in some way to limit the compensation of these properties which are parts of a system already under an agreement with the Government.

I proceed with the reading, although I am bound to say that I think when the Senator from Colorado [Mr. THOMAS] in 1916 used the term "systems of transportation" he had a more accurate and comprehensive view of the thing to be accomplished than the Senators who put into the bill subsequently the word "railroads."

> That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission that during the period of such Federal control it shall receive as just compensation not exceeding an annual sum (herein called standard return), payable in reasonable installments, for each year and prorata for any fractional year of such Federal control,

> equivalent as nearly as may be to its average annual railway operating income (including therein such income of lines acquired by, leased to, or consolidated with such carrier between July 1, 1914, and December 31, 1917) for the three years ended June 30, 1917, and in addition thereto an annual sum payable likewise in reasonable installments reckoned at a rate per centum to be fixed by the President upon the cost of any additions or betterments, less retirements, or road extensions, made during the six months ended December 31, 1917.

It is, Mr. President, to the standard of compensation declared in that part of the section which I have read to which I especially object. I happened to receive a few days ago a circular letter issued by Carpenter & Co., of Washington. It is typical of a great many circular letters that are being issued concerning this bill and I want to read a very little part of it. It begins:

> DEAR SIR: If you contemplate investing in any of the standard railroad or industrial stocks on the New York Stock Exchange, the inclosed list, showing present and past earnings, will no doubt be very interesting.
>
> There is every reason to believe that the legislation outlined by President Wilson will be carried into effect at an early date and earnings of railroads guaranteed as indicated by the double stars, consequently such roads as Union Pacific, Reading, Atchison, Great Northern, Northern and Southern Pacific are particularly attractive.

I need not read more of this letter, and I produce it only for the purpose of showing the effect which this proposed legislation is producing in the minds of those who are interesed in the selling and buying of railway securities.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield to the Senator.

Mr. KELLOGG. I should like to ask the Senator if he thinks a circular letter sent out by a broker to sell stock is a fair piece of evidence to submit to the Senate as to the reasonableness of any bill?

Mr. CUMMINS. The letter that I submit is perfectly fair, for I shall prove before I am through that all the statements made in the letter and in the circular attached to it are based upon irrefutable facts, and after all it is the public estimate of what given legislation will do for a particular interest that is valuable when we come to consider the public mind. Attached to this letter there is a circular which is dated New York, January 25, 1918. It is headed:

> The record below of earnings includes those of many railroad issues to date. The double stars after figures given indicate the net earnings that would be allowed if plans now carried by bills pending in Congress on railroad control are finally approved.

I may say here that the bill before us has increased to some extent the guarantee proposed by the railway companies as compared with the bill which was originally introduced.

> Atchison—

Meaning the Atchison, Topeka & Santa Fe.

Mr. WATSON. If the Senator will yield——

Mr. CUMMINS. Certainly.

Mr. WATSON. In regard to that statement, I presume the Senator refers only to the increment between June 30, 1917, and December 28, 1917.

Mr. CUMMINS. It is to that part to which I refer, and I am not criticizing that part of it either.

Mr. WATSON. No, I understand.

Mr. CUMMINS. But nevertheless it is a fact that the compensation has been increased since the bill was introduced.

The Atchison is dignified and distinguished by two large stars, which declares that its earnings upon stock as guaranteed by this bill will be 12 per cent. The Baltimore & Ohio has also two stars after its name, and it is said that the guaranteed earnings will be 7 per cent; the Chicago & North Western, also designated by two stars, earnings 10 per cent. This is of course upon capital stock. The Chesapeake & Ohio, 8 per cent; the Delaware & Hudson, 11 per cent; Great Northern, preferred, 10 per cent; Illinois Central, 11 per cent; Louisville & Nashville, 15 per cent; Norfolk & Western, 14 per cent; New York Central, 11 per cent; Northern Pacific, 10 per cent; Reading, 9 per cent; Southern Pacific, 11 per cent; Union Pacific, 14 per cent. There are others of less consequence which I need not read.

Mr. President, I can not agree with the Senator from Minnesota that estimates of the character I have just read are either immaterial or unimportant. There are no shrewder——

Mr. WOLCOTT. Mr. President——

Mr. CUMMINS. I will yield in just a moment. There are no shrewder or more intelligent observers in the country than those who are engaged in the business of buying and selling railway stocks, and when it is known that Wall Street looks upon this bill from the standpoint I have just indicated we may be very sure that the country at large will view it in practically the same way. I now yield to the Senator from Delaware.

Mr. WOLCOTT. Mr. President, as illustrating what seems to me to be the utter unreliability of such a statement, gotten up by stock brokers who may be actuated by a purpose to bull a certain line of stock, I should like to call to the Senator's attention something that came under my observation, I think it was last year. I used to curiously follow some of these estimates and see how they panned out. I recall that one railroad was for weeks listed in such a circular as earning 8 per cent on its stock. I observed when the actual report got out that the railroad was earning 1 per cent. The experts in that case were about 7 per cent off.

Mr. CUMMINS. The Senator from Delaware is very unfortunate. I suppose he was easily misled. I said a moment ago I intended to prove that these statements were correct by the reports of the Interstate Commerce Commission, and while in some instances there is a slight variation, in some instances they are a little too high and in some instances they are too low. I instance it only to show that upon the basis that we are preparing for this country those who are to deal in these stocks in the future understand what we are doing for the railway companies. I have not as yet come to that part of my argument in which I shall attempt to analyze whether we ought to pay them 10, 12, 15, or 20 per cent or not. I will come to that a little later on, but I am trying to hammer in, if I can, and if it can not be hammered in before an uninterested Senate it will be hammered in before an interested country, that in time of war, in time of dire distress, in a time when every man must give to his country all he has and all he is, when unselfishness ought to prevail, we are proposing to give to the railway corporations of this country a reward upon their capital stock never before dreamed of in the avarice of public utility capital.

The Senator from Minnesota [Mr. KELLOGG] said, and said correctly, that this bill does not require the President to make an agreement with each railroad employing the standard which we authorize. Technically, Senators, that is true. Practically, it is a direction to the President to make agreements with these railway companies upon the basis which we are here establishing.

We all know the atmosphere which surrounds the whole subject at this time. We are told that the railway stocks and the railway bonds must be strengthened and fortified in the markets of the country. We are told that the confidence of the people in their soundness must be increased and deepened. We are told that if the railway companies were compelled to resort to legal proceedings in order to ascertain the just compensation for the use of the property the financial and commercial fabric of the country would totter and fall, and we were told before the committee in substance that if we did not enter into contracts of this character with the railroad companies they would resort to legal procedings; that the only way in which we could secure the cooperation of the railway companies of the country was to establish the standard that is proposed in this bill. I have no doubt, although I do not know, of course, that they have communicated the same purpose to the President and to the Director General. Personally, I do not accept their statements in that regard. Personally, I believe that if we would offer to them fair and just compensation, so that they must endure some of the consequences of the war and incur some of the perils and the hazards of the greatest disaster that ever fell upon mankind, they would accept it as loyal citizens, convinced that a lesser compensation than the bill proposes is, under the circumstances, fair and just. But whether they would or no affects me not at all. I desire to offer to them and pay to them a compensation that will be the full measure of the Constitution, the full measure of equity and justice and fairness as between the people who are to pay the money and the people who are to receive it; and when such an offer is made I believe that the railway companies will accept it. But they will take, of course, all they can get. That is one of the attributes of human nature, and we must not expect any other attitude on their part.

Recurring to the suggestion that this is but an authority to the President not to exceed a compensation ascertained in the manner described in section 1 of the bill, I desire to show, if I can, what the President's view is about it. I have no disposition whatever to conceal the authorship of this part of the bill. As reluctant as I am to differ from the President in this respect, my duty compels me to differ and I desire that Senators shall know that the President has become convinced that this is the proper standard of compensation. In his proclamation through which he assumed the possession and control of the properties he said—this is dated December 26, 1917—

The director shall, as soon as may be after assuming such possession and control, enter upon negotiations with the several companies looking to agreements for just and reasonable compensation for the possession, use, and control of their respective properties on the basis of an annual guaranteed compensation above accruing depreciation and the maintenance of their properties, equivalent, as nearly as may be, to the average of the net operating income thereof for the three-year period ending June 30, 1917; the results of such negotiations to be reported to me for such action as may be appropriate and lawful.

In the statement of the President which accompanied the proclamation he said:

Immediately upon the reassembling of Congress I shall recommend that these definite guarantees be given: First, of course, that the railway properties will be maintained during the period of Federal control in as good repair and as good equipment as when taken over by the Government; and, second, that the roads shall receive a net operating income equal in each case to the average net income of the three years preceding June 30, 1917.

In his message to Congress which followed shortly thereafter the President repeated this view and explicitly recommended that he be given authority to agree with the several railway companies so that each of them will receive an income ascertained according to the standard described both in the proclamation and the statement.

With this history of the development of the matter there can be no question with regard to the views of the President respecting compensation, and I assume that if the authority here expressed be granted he or the Director General will enter into agreements with these railway companies guaranteeing to them the net income which I have described. It is utterly impossible for him to differentiate between the railroad companies. It would take as long for the President to ascertain what is just compensation for each of these properties as it will require the Interstate Commerce Commission to do the like thing. We all know that when this bill is passed, if it is passed in its present form, there will be a general offer to the railway companies of an agreement to pay the sums of money ascertained in the manner set forth in the first section of the bill, and some of the railway companies will accept the offer, and that will constitute the agreement between them and the Government.

Mr. President, it is not agreeable or pleasant for me to differ from the President in this or any other matter. I understand the weight of the burden which he is bearing. I can appreciate the responsibilities which now rest upon him, and the Lord knows that I have no other purpose in my heart than to be of the utmost assistance to him in the cruelest hour through which mortal man ever lived. But it seems to me that I can best help him to bear his responsibilities by bearing my own.

This is not an Executive function. This is a legislative question originally, and the man who blindly follows the recommendation of the President, granting to him all the deference that we can pay and ought to pay to our leader in this great conflict, and repudiates his own sense of justice upon a question which is not for the President to decide but for us to determine, is not only false to his duty to the people of this country, but he is shrinking from a responsibility that his oath imposes upon him.

Whenever the President in a matter which pertains to the military movements and the military preparation of the United States in order to successfully carry on the war puts his judgment before me I shall follow it, unless I am so clearly convinced of its unsoundness as to make it impossible to accept it. It is not only my desire, but it is my highest pleasure to do so. But with regard to the compensation which shall be paid for these properties, of which he is already in possession and which he is already operating, and of which he will continue to hold possession and continue to operate, my judgment can not be influenced by his. The compensation has no reference to the prosecution of the war. Whether we give the railway companies a billion dollars in round numbers, which is here proposed, annually for the use of their property, or whether we give them $750,000,000 or $500,000,000 annually, as I propose, can not in the slightest degree affect the strength of the United States in the war.

If I believed that the President knew more about the subject than the Members of the Senate know I might feel differently. But here are Senators who have given a score of years or more to the study of these economic problems, and it is no reflection upon the President or upon the Director General to declare that the Senate knows more about adequate compensation for the use of the railroad properties of this country than either of them can know. There is no disloyalty to the President in considering this subject from an independent standpoint, and I, at least, must so view it.

The Senator from South Carolina [Mr. SMITH] in opening this discussion indicated that those of us who felt that the compensation proposed in the bill was excessive were endeavoring to introduce some new or untried theory in public affairs. Mr. President, I can not so look upon it. The only new, untried thing is the standard of compensation proposed in the bill. Never before in the history of economics has a suggestion of that kind been made with regard to public utility property. I modify that statement because that is the basis upon which Great Britain is operating and rewarding her railroad properties.

I might just as well turn for a moment to Great Britain, although I shall deal with it more in detail later, in order that we may know what Great Britain did and what her action accomplished for her railway property. The day after the war Great Britain took over the possession of her railroad property. There was no agreement made at that time between the Government of Great Britain and the railroads of Great Britain. No one suggested making any agreement between the public and these railway companies.

Mr. THOMAS and Mr. WATSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa yield, and if so to whom?

Mr. CUMMINS. I yield first to the Senator from Colorado.

Mr. THOMAS. I wish to inquire whether the action of Great Britain was not based upon a preexisting statute?

Mr. CUMMINS. It was based upon the statute of 1871. I now yield to the Senator from Indiana.

Mr. WATSON. I wish to ask the Senator from Iowa if his statement does not cover the time previous to the taking over, and if shortly after the taking over they did not arrive at an agreement as a basis of compensation?

Mr. CUMMINS. No; as I understand the record made there, and as it was introduced before our committee, the consent of the railway companies of Great Britain with regard to compensation was not asked. The act of 1871 under which the Government took possession of the railroads in 1914 was not substantially different from our act of 1916, and made no provision for compensation other than the general statement that when the power exercised under it did take place the compensation was to be made. When on the 4th day of August, I believe, 1914, the council in Great Britain determined it was necessary to take over the railroads and they were taken over, the operating body, the directors appointed by the law, and who were in existence at the time they were taken over, simply published a statement that for the week following—and I want to mark that because it is one of the things that we will presently have to consider in this bill—for one week the Government would take over the railroads of the country and would pay or guarantee the net income for 1913; that is, guarantee the net income that was earned in 1913 with some modifications that were to be made by a consideration of the earnings for the first six or seven months of 1914.

Mr. KELLOGG. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I would like to ask the Senator from Iowa if the reason of that was not because under the law they could not be taken over except for one week at a time?

Mr. CUMMINS. I am not complaining because our Government did not take them over for one week at a time.

Mr. KELLOGG. I understood the Senator's statement was that the Government of Great Britain only made the guarantee from week to week.

Mr. CUMMINS. That is all.

Mr. KELLOGG. It was because they could not take the railroads over except from week to week.

Mr. CUMMINS. Precisely, and we would be a great deal better off if we could only guarantee an income for one week, because then we would be at liberty to pay the compensation from time to time in accordance with changed conditions. But we propose to authorize the President to enter into an agreement that may extend for 10 years.

Mr. POMERENE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has just made a statement that in his judgment it would be better to have taken over these roads from week to week.

Mr. CUMMINS. No, I did not intend to say that if I did say it.

Mr. POMERENE. I certainly understood the Senator to say it would be much better to take them over from week to week. If the Senator did not make such a statement——

Mr. CUMMINS. What I said, or meant, was that it would be better if the compensation was determined from week to week.

Mr. POMERENE. What is the difference?

Mr. CUMMINS. There is a great difference.

Mr. POMERENE. There would be 52 times as many controversies to settle as there would be by determining it in advance.

Mr. CUMMINS. That might be a great advantage. If the first agreement pays $200,000,000 more than ought to be paid it would be quite advantageous to make another.

Mr. POMERENE. That is an assumption without a statement of fact, in my judgment.

Mr. CUMMINS. I can not answer for the judgment of the Senator from Ohio. It is my judgment that it does.

Mr. POMERENE. I realize that. The Senator now makes a statement that it is $200,000,000 too high. In his statement submitted here it is stated that it is $175,000,000 too high. I do not refer to this in a critical way, but I do mean to infer from the statement I have made that it is physically impossible for any Senator, or anybody, on the information we have now, to determine to a farthing what would be fair compensation.

Mr. CUMMINS. The Senator from Ohio, I think, is not quite fair in that statement. I agree that it is a matter of judgment within fair limits respecting compensation, but if I were to propose that the railroads of the country should be paid only $100,000,000 a year I think no one would question that the compensation would be inadequate. If the Senator from Ohio would propose that the compensation should be $2,000,000,000 per year I think most people would assert that it is excessive. So we can reach limits beyond which, or under which, the common judgment of mankind repudiates the proposal.

Mr. POMERENE. Even though I think that the Senator from Iowa is extreme in his view—and he perhaps will think I am after I shall have made my statement—I am quite sure that he would never suggest making the compensation $100,000,000; neither would I make the compensation $2,000,000,000.

Mr. CUMMINS. And what the Senator from Ohio has just said is the very pith of this whole argument. I think it is plain that the compensation of $965,000,000 in the aggregate is obviously shocking and excessive. I believe that nine men out of ten will so believe. When I say in my minority report that the compensation is $175,000,000 more than it should be, I recognize that there may be a variation of five or eight or ten or twenty million dollars among men who look at the subject from the standpoint that I occupy. The compensation can not be reduced to an absolute mathematical accuracy, especially with the information which we now have.

But I proceed with Great Britain, because great strength is given to this bill by the assertion continually made that we are simply following the practice of Great Britain, and that we are not doing any more for our railway companies in this bill than Great Britain did for hers in the act of the council to which I have referred. I repeat that Great Britain is not bound for more than one week at a time by the standard of compensation which she has created; she is at liberty to revise, modify, or amend it whensoever she pleases. But that is not the principal thought in my mind.

Mr. WATSON. Mr. President, just a moment, if it will not interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. WATSON. Is it not a fact that there was an agreement between the Government of Great Britain and the railroads that were taken over that they were to receive a standard return, equivalent to their average annual return of 1913, less a certain bonus paid to labor?

Mr. CUMMINS. I do not remember that there was any agreement. There was a general assent to and acceptance of the order of the British Government, and there was an agreement subsequently with regard to certain bonuses that grew out of an advance in the wages of the men employed. The increased wages were assumed by the Government in lieu of the elimination of the modifications in the original order concerning the net earnings for the first seven months of the year 1914; but the efficacy—the binding effect—of the order of Great Britain, so far as compensation is concerned, does not depend upon the assent of the railways of Great Britain.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I should like to call attention to a fact, and perhaps he can correct me if I am wrong. My impression is that the act of 1871, as subsequently modified by the act of 1888 and some other modifications of that act, made certain railroad officials a part of the military organization. The relation was such that they had certain titles or rank in regard to the service that they might assume in time of war, so that when war did occur the railroads, under the act looking toward the functions to be discharged by them, almost automatically went under Government operation without the legislation which we have necessarily to pass.

As was mentioned by the Senator from Minnesota (Mr. KELLOGG), they took the year 1913, and it was so stated in the report furnished our committee, as being the more prosperous, because 1914 up to the time when the war broke out, had shown a deficit in railroad earnings by virtue of the war. They took 1913 as the basis; they took the first six months, with the modification that the first six months of one year and the first six months of the other year should ultimately be the standard. They found that the first six months of 1914 showed a deficit, and that was abandoned. They then took the flat standard of 1913. Later on the Government assumed all the extra charge that came from the increase of the pay of the railroad employees; they took it off the railroads, and did not charge them with any of the extra pay which they granted to the employees, but still gave the roads their standard return of 1913.

Mr. CUMMINS. Mr. President, the statement of the Senator from South Carolina is substantially correct, although I do not understand that the assumption on the part of the Government of the bonus given to the railway men had quite the basis which is stated by the Senator. The one was set off against the other. However that may be, it is not material to what I am attempting to put before the Senate.

Without any agreement on the part of the railroad companies—because, as stated by the Senator from South Carolina, under the act of 1871 as followed by that of 1888, an act of subsequent years—there was created what was known as a railway executive committee. It was composed of the general managers of the principal railways of Great Britain. It was headed by the president of the Board of Trade, a Government body exercising a Government function. The very moment that the council issued the order for the possession of the property, the Board of Trade and the railway executive committee had possession, not of a part, but of all the railways of the kingdom, with the exception of Ireland, and proceeded to operate those properties as employees of the Government and not of their respective corporations. They were all, and are all, officers in the army of Great Britain, holding appropriate rank and being directly and properly responsible to the Government for every act which they perform. The Government fixed the compensation that should be paid to those railways as the net earnings of 1913; that is, the Government guaranteed the net earnings of that year. Why? Because it believed that the net earnings of that year fairly represented the value of the use of the property; not because the net earnings of any public utility property furnishes a standard for the value of that property, but because the amount which the Government would guarantee under that standard was believed by the officers of Great Britain to be fair and just compensation for the property so taken over.

What did it do for the owners of the railway properties of Great Britain? That is the point universally ignored in citing the action of Great Britain as a precedent for the standard announced in this bill. What did this guarantee do for the bondholders and the stockholders of the British railroads? The argument has been conspicuously silent with regard to that subject up to this time; but let me now suggest that the guarantee given or announced by Great Britain for the English railways paid the interest upon the bonds of those railways and less than 3½ per cent upon the stock of the railway companies. Great Britain is now paying, on an average, 4 per cent upon the railway bonds and 3½ per cent upon the railway stock.

Mr. President, if it had been proposed to do that for the railways of the United States, my voice at least would not have been lifted up in protest against the bill. I am willing to pay those railways of the United States which my amendment covers 25 per cent more, aye 40 per cent more, upon their stock than the British Government has guaranteed to pay or now pays upon the British railways' stock. How idle it is to hold up Great Britain as the example which we ought to follow at this moment and to conceal the fact that Great Britain is paying her railway stockholders less than one-third what it is proposed by this bill to pay to American railway stockholders.

Mr. KING. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. KING. If it is not in the order that the Senator intends to discuss the matter, I hope he will say so, and pretermit the answer that I should like until he reaches the particular point in his argument; but the point I had in mind was this: We have in this country, in the State constitutions and in the National Constitution, a provision that private property may not be taken for public use except just compensation shall

be made. The Government, it seems to me, may not take my house or the Senator's store or any property that he has, personal or real, for war purposes or for any governmental purpose without paying just compensation. In ascertaining what would be just compensation, the courts have laid down very precise rules, and the value of the use may be very readily determined. Does the Senator differentiate between the public utilities corporation and private property? If the Government, as I have said, takes the Senator's store or property for war purposes it makes compensation for it, and that compensation is determined by the value of the use. If the Government only takes it temporarily and uses it, it pays the value of that use as just compensation. If the Government takes a railroad in which the Senator is interested, takes the use of it during the period of the war, is a different rule to be applied in determining the value there than would be applied in determining the value of the use of the property owned by private individuals? If not, then does it not come down to the proposition that the Senator is arguing, that, if the Government takes the use of public utilities property, a different standard is to apply in the courts in determining the value than if the Government takes the property of private individuals or the use of it during the period of the war?

Mr. CUMMINS. Undoubtedly, as is recognized by all the courts, I think. The Constitution applies to public utility property just as fully and completely as it does to private property. We can no more deprive a railway company of the use of its property without making just compensation for it, than we can deprive the owner of purely private property of its use without making just compensation for it, but when we come to determine what just compensation is for the use of public property—public in the sense that it is devoted to a public use—a very different rule applies than is invoked for the determination of the same question with regard to private property.

I did not intend to deal with this question at this time, but I am quite willing to divert myself a moment to answer it. When one invests his money in a public enterprise, such as the creation of a public highway for the purpose of furnishing to the people of the country transportation facilities, he agrees that he will exact no more for the service rendered than a fair return upon his investment—some people say upon the value of the property which he creates—but, if the principle is carried out to its end, the two statements are the equivalent of each other. He agrees that he will not make a fortune out of the use of the property; that he will be content with a fair and reasonable return. When one invests money in a purely private enterprise, he makes no such agreement; he is at liberty to make all the profit which he can make without any restriction whatsoever; and in estimating the value of the use of his property, or in estimating the value of the property itself, if it be taken, then the court must take into account his privilege of making unlimited profit out of the property if the property is adapted to the acquisition of such profit. It is not so with public property, and the sooner we reach a sound conclusion on that very vital and important inquiry, the sooner we will be able fully to appreciate our duty respecting this bill.

Mr. WOLCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I yield.

Mr. WOLCOTT. Can the Senator inform the Senate how the yield to the British railways, under the Government guarantee of 3½ and 4 per cent as I understood the Senator to say, compares with the yield to the same stockholders for the year prior, say to the assumption of control by the Government?

Mr. CUMMINS. My recollection is that the year 1913 was a comparatively good year for the British railways, and that the guarantee of the net earnings for that year gives to the stockholders of the British railways all that they were getting before, and possibly more.

Mr. WOLCOTT. The point I should like to have enlightenment upon, if the Senator can give me light upon it, is as to whether the British Government gave to the railways a guarantee such as to reduce to the security holders their yield from their securities, or did the British Government see to it by the guarantee that they should get the same return they had been receiving during the prior year?

Mr. THOMAS. Does the Senator mean the securities or stocks?

Mr. WOLCOTT. Stocks.

Mr. CUMMINS. I have said that the Government would pay, or supply if there was a deficiency, the net earnings of the railways as shown in their operations for the year 1913.

Mr. WOLCOTT. By which the stockholder would get the same yield that he had been getting. Now, if that be true, would not this be the parallel in this country—that our Government should give a guarantee to the railroads of a sum sufficient to enable the railroads in this country to pay to their stockholders the same amount of return they had been receiving during prior years?

Mr. CUMMINS. I do not think it would be parallel, because the returns in this country might be excessive; they were not excessive in Great Britain; but, so far as I am personally concerned, I am very, very willing that the Government shall guarantee the interest upon all the bonds and guarantee all the dividends that have been customarily paid in the past. That, however, is not the question in issue; the question is, whether the Government shall guarantee the interest upon all their bonds and nearly twice the dividends that have heretofore been paid?

Now, I do not want there to be any misunderstanding upon that point. The railroads in Great Britain have followed what I regard as the honest and just course in railway operation, namely, they do not collect from the people who employ their service more than is necessary to pay interest upon their bonds and dividends upon their stock, and a very small dividend, too, and some of them do not get that much. Our railroads charge the people of this country enough to pay interest upon their bonds, dividends upon their stock, and enough to build their railroads besides. That is the difference between the English custom or practice and the American custom.

During the year 1913 the net earnings of the English railways did not result in an excess or surplus after paying interest and dividends of more than, if I remember it, one-tenth of 1 per cent. It would delight me if the Senate would accept with regard to surplus the outcome of the English plan. I have offered, and will presently explain, an amendment which affects 86 roads in the United States, embracing a little more than half the railway mileage, roads which move about 75 or 80 per cent of the traffic, which will reduce the guarantee proposed in the bill, as nearly as can be estimated, $183,000,000 per year, and yet pay all the interest upon all the bonds issued by these companies and pay, as well, their habitual customary dividends upon the stock, varying from 5 per cent to 10 per cent.

I do not want any one to get the impression that I desire to reduce this compensation with regard to dividend-paying roads below the point that will enable them to maintain their securities in full and complete strength and give them a standing in the markets of the country that will command the utmost confidence. I am complaining about the surplus which we are guaranteeing for the railroads in the United States. Great Britain did not guarantee any surplus; the English railroads have never collected any surplus, and, in my judgment, railways ought not to collect a surplus from their rates for transportation, except a surplus that will tide them over a lean year now and then.

Mr. WOLCOTT. Mr. President, will the Senator allow me to interrupt him further?

Mr. CUMMINS. I yield.

Mr. WOLCOTT. I am trying to get at the basis of the Senator's reasoning. I understand that he is perfectly willing to allow the railroads enough of a yield to pay the interest on their fixed securities—bonds—and a dividend equivalent——

Mr. CUMMINS. Equivalent to the dividend that they have been regularly paying.

Mr. WOLCOTT. A dividend equivalent to that which they have been regularly paying in the past. Now, does the Senator think it is a legitimate item to allow the railroads a sort of surplus account to take care of depreciation?

Mr. CUMMINS. Mr. President, the Senator from Delaware must be aware that depreciation is taken care of before net income is reached at all.

Mr. WOLCOTT. That is by the Government, the Senator means?

Mr. CUMMINS. No, by the railroads. The railroads charge off, and have the right to charge off, every year a certain depreciation of their property, and for many years they have done it under rules that have been promulgated by the Interstate Commerce Commission. This depreciation becomes a part of the expense of operation and maintenance, and is taken care of before they reach net income. Of course, the Government will take care of depreciation. This bill provides that the Government must return these properties to the railroad companies in as good condition as they were when taken, and the Government must maintain them, and must charge off annually a suitable and adequate sum for depreciation.

Mr. WOLCOTT. I understand that. I am not at all familiar with the allowances made to the roads by the Interstate Commerce Commission. Do I understand from the Senator that the Interstate Commerce Commission in the accounts filed with the commission allows the railroads credit for current depreciation? Has that been the practice?

Mr. CUMMINS. Certainly. The railroads are not at all agreed about the amount; and the Interstate Commerce Commission does not prescribe a fixed rule as to the percentages, but each railroad not only has the right to charge off the current depreciation of its property, but it is its duty to do so, a duty that is enforced upon them by the Interstate Commerce Commission. The charges for depreciation in the accounts vary from 1 per cent to 6 per cent each year. But, however that may be, the depreciation is fully protected in the operating expenses of the railroads, as I shall presently show.

At this time I am only concerned in leaving the proper impression with regard to the British treatment of railways. There is a great system—small compared with ours, of course, but doing an immense business—I think comprising more than 20,000 miles of single track, with a far greater percentage of double track, triple track, and quadruple track than we have in our country; a great system, serving one of the most energetic and successful countries in the world. When Great Britain takes that system, it simply says: "We will guarantee you enough to pay you the interest upon your bonds," which is about one-half per cent less in Europe than the average interest upon American railway bonds, "and enough to pay an average of 3½ per cent upon the stocks that are outstanding." That is all that Great Britain has done in awarding just compensation for the use of that vast property.

Great Britain was conscious that all the people of that country must bear the burdens of the war in which she was engaged; and I am only endeavoring to fasten upon the minds of the Senate and the country the idea that when our Government takes possession of our railroads, in the midst of a world-destroying war, of the outcome of which no human being can be certain, we remove from this property all the peril, all the hazard of the war; we lift it up out of the chaos and the confusion and the fluctuations of all other business; we say to these companies: "No matter what may happen to other properties in the United States, no matter how values may decline, no matter how profits may disappear, no matter what sacrifice must be made in order to maintain the Union, we will see that you shall receive each year a certain income upon the value of your property."

The Government of this country has already asked the people to loan to it, I think, five billions of dollars; and between now and the 30th of June, as we were told, it is likely that it will ask our people to loan it the further incomprehensible sum of ten billions of dollars. It asks them to give, from what they have, these incalculable amounts and to receive from it a promise that at the end of the period named in the bond they will accept the principal, and in the meantime will accept 4 per cent per annum; and the people loyally and gladly are coming to the rescue of the Government and are furnishing it credit in a way unknown to any other period of the nation, and all they ask is 4 per cent. Yet in the midst of this loyal scene, in which the people of America are striving with each other in order to exhibit their loyalty and their desire to help in the time of stress and strain, in comes this bill, which declares that with a Government guarantee which makes the payment of the sum guaranteed as certain as the continuance of the Government itself, in the face of all these circumstances and perils and dangers, these same men who are staggering under the burden of loaning their Government money at 4 per cent shall guarantee to the stockholders of the railways of the United States from 10 to 20 per cent upon the par value of their securities. It is a monstrous proposal.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. I do.

Mr. SMITH of South Carolina. If the Senator will allow me, I think in all fairness he ought to call attention to the fact that the Government took over these roads. They did not come in of their own volition. They would have had to bear the vicissitudes of the changing war conditions, and were bearing them until the Government, of its own volition, took them. The Government is now just proposing to give them what was the result of the vicissitudes up to the time that it took them.

The railroads, as I say, did not come in of their own volition. We took them over, and under the due process of law the committee attempted to find out what they had been earning under the very vicissitudes that the Senator remarks upon.

The Government might take over a horse that belonged to me that was worth, say, $200. It can not foretell what that horse may be worth to-morrow. It may die, but the Government must pay me according to the value of it at the time the Government took control. The record from the Interstate Commerce Commission shows that what we are allowing the railroads out of their earnings is what they were earning when we took them, not when they volunteered to come and asked us to take them, and demanded this as a recompense.

Mr. TOWNSEND. Mr. President——

Mr. CUMMINS. I desire to say a word in response to the Senator from South Carolina [Mr. SMITH].

Mr. TOWNSEND. I was just going to suggest that I take it the Senator from Iowa is not going to finish his speech to-night, and as he has been talking a long while, and evidently is somewhat weary, we might take an adjournment now. It is approaching the hour of 5.

[At this point Mr. CUMMINS yielded the floor for the day.]

Saturday, February 16, 1918.

Mr. CUMMINS. Mr. President, so much time has elapsed since I suspended my argument upon the measure under consideration that I may be permitted to restate very briefly the subject under discussion. I am considering the first section of the bill reported by the Interstate Commerce Committee. It gives to the President the authority to enter into agreements with the various railway companies of the country for the compensation which they are to receive during Federal control for the use of their properties. The compensation mentioned in the section, and which the President is authorized to agree to pay, is the average net operating income of these companies during the three years ending June 30, 1917.

I had mentioned the fact that the President had reached the conclusion, evidently long before this legislation came before Congress, that the standard which I have mentioned, and which is found in the section, is the proper standard of compensation. He so declared in the proclamation under which the Government assumed possession and control of the properties; he reiterated it in the statement which accompanied the proclamation; and he again expressed it in his message to Congress immediately after the holiday recess. We have a right, therefore, to assume that, if the authority specified in section 1 is conferred upon the President, he will enter into agreements with these companies upon the basis I have suggested. Moreover, the Director General in his appearance before the committee argued at very considerable length for the standard that is here set up. I am not suggesting this in a critical way; I am mentioning it only to make it absolutely sure that, if we do give the President the authority to enter into these contracts of the character which section 1 prescribes, he will exercise the authority, for his conclusion upon that subject is now fixed and, I believe, unalterable.

I think the compensation recommended by the President—and I say it with all the deference in the world to him—is excessive. I think it introduces into governmental railway operation the same abominable profiteering which disfigures other fields of governmental activity. There is one thing that the people of this country will not endure. Loyal, as they are, enthusiastic, as they are, determined, as they are, to carry on the war to a successful end, they will not tolerate the general practice of creating fortunes out of the war. There is such universal indignation against the practice that I need but mention it in order to command the assent of every Senator and every citizen of the Republic. If we want a united, determined, aggressive citizenship, we must take care that the burdens of the war are fairly and equitably distributed and that those who have the power to profiteer shall not be given the opportunity to satisfy their cupidity and their avarice. I want Senators to remember that it is just as important to secure the cooperation of the great body of the people, as it is to strengthen and fortify the railway securities. I think I do not disparage or depreciate or diminish the value or importance of the latter, but the former must be borne in mind in the consideration of every question which distributes money, collected from the people, among those who may render service to the Government.

Do not imagine that I have any prejudice against the railway companies. I am a law-abiding man; I believe in order and regularity. I am still clinging to the Constitution amidst the waves of war. I have not yet given up that ark of safety for the American Republic. It would have commanded my instant assent if this bill had provided that the value of the use of the various railroad properties of which the Government takes possession should be ascertained by an impartial tribunal, preferably the Interstate Commerce Commission, which has at its

command, and has now in its records, a very large part of the information necessary speedily to arrive at a just result. I would have been glad if from the judgment of the Interstate Commerce Commission, or any other impartial tribunal, there could have been a proper appeal to the courts, in order that the judiciary of the land might utter the last word upon this vital subject; and with the judgment so determined I would have been absolutely content. I would have been glad also if in the meanwhile the President could have been given the power to advance to the railway companies whatever may become necessary to enable them to properly protect their securities; and finally, whatever balance there may be, whether in favor of the Government or in favor of the railways, could be fairly adjusted. This would have been a just, orderly way in which to have ascertained the value of these properties and to have secured a judgment with regard to the value of the use of these properties.

Every citizen of the land would have been content if that proceeding had been adopted. We have just that proceeding here, but we have it accompanied with an authority to the President to enter into agreements with these companies, agreements which shall take the place of and be a substitute for the proceedings which arrive in a legal way at the result we are seeking; and I want you to bear in mind all the time that it is only with respect to the authority that we are proposing to give to the President that I have any question. I assert that the standard that we are erecting here for him furnishes to these companies, or some of them, an excessive compensation, and that if we make contracts of this character we will be subject to all the criticism that is now poured out upon the profiteering which has been so prevalent in many activities of the Government.

Mr. KENYON. Mr. President, may I ask my colleague a question?

Mr. CUMMINS. I yield.

Mr. KENYON. I am asking purely for information, because I believe my colleague probably knows more about this subject than any other man in Congress.

This standard that we give to the President leaves it with the President, as I understand, to determine whether or not he shall do this, whether or not he shall come to this standard; or, if he can come to an agreement with the railroads to pay less, he then can do it; can he not?

Mr. CUMMINS. He has the power to do it, the legal authority to do it; but he has stated that this is the compensation which he thinks ought to be given to these companies.

Mr. KENYON. That is, in his address to Congress? Is that the statement of the Senator?

Mr. CUMMINS. In the proclamation, in the statement which accompanied it, in the message which he delivered to Congress after the holidays, and through the Director General in his testimony before the committee.

Mr. KENYON. That is the question that has been troubling me—whether we are authorized to assume that the President will grant this compensation which the Senator thinks is excessive; and I agree with him in that. The President, of course, may change his mind.

Mr. CUMMINS. At least it would be safer not to invest him with the authority, if we are clearly of the opinion that it does provide for an excessive compensation. At least, so I view it.

Mr. KENYON. And yet, if the President should become convinced that the compensation was excessive, he could of course change his mind and not reach the high standard which the bill allows him to reach.

Mr. CUMMINS. He has the abstract authority to reduce the compensation.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. KELLOGG. I should like to say to the Senator, if he will permit me to interrupt him, that while the President did recommend in his message and the Director General testified that he thought this the proper standard, it was all in the light of its being a maximum; and I am informed by the men who will execute it, who appeared before the committee, that it is simply a maximum, and that the President expects, with his advisors, to treat it as such, and, in cases where the maximum would be too much, not to grant it.

Mr. CUMMINS. Mr. President, I am not in the confidence of the advisors of the President or the Director General. I do not know what they intend to do; but so far as I am concerned I do not intend to give the President the power to do wrong if I can prevent it. I do not intend to give the Director General the authority to pay more than ought to be paid if my vote and my voice can prevent the granting of that authority. I can not understand how any Senator can satisfy his conscience, if he believes the standard is wrong and ought to be reduced, by conferring the authority upon the President in the hope that he will not exercise the power that is given to him.

As I said in the very beginning, I have no desire to interfere with the responsibilities of the President. He must bear them. They are heavy, onerous, and he has my sympathy every moment of the day, and will have my assistance upon every occasion. But I can help him best by bearing my own responsibilities, and so can you; and if you believe that this standard is excessive, then it is your duty to limit his authority within the fair bounds of reasonableness.

Let another thing be understood: The amendment which I shall offer to the first section, and which I am really discussing as I move forward with the proposition itself, is applicable to 140,000 miles of single-track railway. It is applicable to a little more than one-half of the railway mileage of the country; but within that one-half are the great monopolistic systems which have in the past oppressed, through excessive rates, the people of the country, and have accumulated more than under any fair adjustment of rates they should be permitted to accumulate. There are 110,000 miles of the 250,000 miles in the country to which my amendment does not apply at all, and I pause here to say that in my judgment the standard of the bill not only does not give to those railroads an excessive compensation, but I believe that in some cases it will give them less than just compensation.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. My understanding—and I should like to have the Senator correct me if I am wrong—is that in those cases of which the Senator is speaking now, where the President believes that the basis of payment would not bring a sufficient return, he has power to increase it; has he not?

Mr. CUMMINS. The two classes are not entirely the same. That is, the paragraph to which the Senator refers says that as to any nondividend-paying carriers he may do whatever he pleases; but there are some roads that pay small dividends, and that would be included within the 110,000 miles which I mentioned a moment ago that would not be included within the paragraph which the Senator has before him.

Mr. NORRIS. Does the Senator include in those 110,000 miles the nondividend-paying carriers?

Mr. CUMMINS. All of them.

Mr. NORRIS. All of them?

Mr. CUMMINS. They are all included.

Mr. NORRIS. As to those, at least, the President has authority to make an agreement that would give them a reasonable and fair rate?

Mr. CUMMINS. He has.

Mr. NORRIS Under the bill as it stands now, if they did not get any dividends in those three years, he can pay them what he thinks is a fair return?

Mr. CUMMINS. They are not exactly the same. I pick out of all the mileage of the country those roads and those systems whose net income, as compared with stock capitalization, is more than 5 per cent, and apply the standard of my amendment to them and no others; so that the amendment which I will propose, if adopted, will not change the bill in any respect in so far as concerns the 110,000 miles of railway which represent in a broad way the weaker and the poorer lines.

With that statement, I now ask the attention of the Senate to the proof which I said in the beginning I would produce. But before I do that, Mr. President, I desire to print as part of my remarks and at the proper place a table concerning the net earnings of the English railways which was introduced before the committee, and about which I spoke day before yesterday when I was discussing this question. It is found on Part V of the hearings, on page 965. It shows, with regard to nearly all the British railways, the net earnings for the year 1913. In other words, it shows the return which Great Britain has guaranteed to her railways; and I only repeat that her guarantee is substantially 4 per cent upon the bonded indebtedness of the railways, and 3½ per cent upon the stock of the railways. That is the standard which Great Britain thought it was fair to use in the compensation of her railways; and I say again that I am not only willing to go as far as Great Britain did in compensation, but I am willing to double the amount awarded by Great Britain to the shareholders.

There being no objection, the table above referred to was ordered to be printed in the RECORD, as follows:

Railways in United Kingdom whose gross receipts for the year 1913 exceeded £1,000,000.

[Authority: Railway returns of the United Kingdom for the year 1913.]

Name of road.	Gross receipts.	Ordinary stock.	Preferential stock.	Guaranteed stock.	Total stock.	Dividends on ordinary stock.	Dividends on preferential and guaranteed stock.	Total dividends.	Rate of dividend (per cent).	Net income.	Fixed charges.[1]	Net income less fixed charges.	Rate of return (per cent)
Great Central	£5,929,558	£10,658,020	£17,185,428	£3,382,061	£31,225,509	.....	£866,076	£866,076	2.77	£2,218,921	£1,253,885	£965,336	2.77
Great Eastern	6,015,142	15,362,886	14,731,708	6,094,627	36,189,221	£384,072	825,228	1,209,300	3.34	2,177,330	954,385	1,222,945	3.38
Great Northern	6,743,119	23,454,250	19,759,520	3,435,740	45,649,510	788,838	910,910	1,699,748	3.72	2,463,016	700,189	1,762,827	3.86
Great Western	15,431,412	36,695,210	11,936,348	25,555,191	74,185,749	2,284,451	1,874,577	4,159,028	5.61	5,929,084	1,574,657	4,354,377	5.87
Lancashire & Yorkshire	6,505,150	18,821,470	29,104,816	2,596,012	50,522,298	846,966	1,019,267	1,866,233	3.69	2,602,111	713,811	1,888,300	3.71
London & North Western	16,323,621	42,840,095	27,873,631	15,100,406	85,864,132	3,002,306	1,718,962	4,721,268	5.50	6,334,535	1,512,792	4,821,803	5.62
London & South Western	5,414,019	22,139,814	18,700,226	707,980	41,088,020	851,199	738,526	1,589,725	3.81	2,190,502	595,021	1,595,481	3.88
London, Brighton & South Coast	3,534,118	10,447,085	10,121,672	1,955,860	22,524,617	548,472	603,876	1,152,348	5.12	1,534,911	378,445	1,156,466	5.16
Midland	15,129,136	78,195,397	63,988,974	18,083,560	160,273,931	2,638,194	2,069,951	4,708,145	2.94	6,362,738	1,434,787	4,927,951	3.07
North Eastern	11,315,139	32,038,605	16,273,797	8,503,295	56,813,697	2,242,142	991,040	3,233,188	5.69	4,434,008	914,869	3,540,099	6.23
North Staffordshire	1,058,978	3,594,650	3,317,483	1,170,000	8,082,133	179,732	158,024	377,756	4.18	441,288	95,071	346,217	4.28
South Eastern & Chatham Railway Companies managing committee	4,800,598	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
London, Chatham & Dover	.....	11,259,282	7,878,832	122,313	19,260,427	.....	331,107	331,107	1.72	816,193	483,253	332,940	1.73
South Eastern	.....	10,049,230	12,286,385	1,784,300	24,119,915	401,969	533,940	935,909	3.88	1,416,960	483,537	933,423	3.87
Total England and Wales	98,381,981	314,633,994	253,158,820	88,587,345	656,400,159	14,166,341	12,641,490	26,807,831	4.08	38,937,867	11,189,702	27,748,165	4.24
Caledonian	5,129,155	35,569,251	11,528,437	9,268,154	59,363,847	646,311	968,183	1,614,494	2.72	2,334,041	707,851	1,626,190	2.74
Glasgow & South Western	2,012,737	12,654,790	5,491,091	2,260,450	20,406,331	314,052	301,962	616,014	3.02	825,568	229,969	595,599	2.92
North British	5,254,607	21,579,157	27,575,987	.....	49,155,144	437,361	1,078,830	1,516,191	3.08	2,427,282	857,725	1,569,557	3.19
Great Northern of Ireland	1,191,286	4,049,930	1,749,035	869,270	6,668,264	242,997	104,730	347,727	5.21	457,631	105,788	351,843	5.24
Great Southern & Western	1,630,765	5,479,800	1,693,765	898,184	10,072,749	266,276	184,193	450,472	4.47	716,018	215,362	500,656	4.96
Total United Kingdom	113,600,532	394,966,966	304,198,105	103,881,403	802,066,494	16,073,338	15,279,391	31,352,729	3.91	45,098,407	13,306,397	32,392,010	4.01
Per cent of gross receipts of all railways in United Kingdom	95.60	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

[1] Includes interest on loans, debenture stock, and miscellaneous fixed charges.

Gross receipts of all railways as follows: England and Wales, £109,938,244; Scotland, £13,512,712; Ireland, £4,533,137; total, £123,174,131.

Mr. NORRIS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator, in referring to the bonded indebtedness of the British railroads, says that the British Government has guaranteed practically 4 per cent. Does he mean that they have fixed in the guaranty a definite per cent——

Mr. CUMMINS. Oh, no.

Mr. NORRIS. Or does he mean that they are paying whatever interest those bonds bear, and that that amounts to practically 4 per cent?

Mr. CUMMINS. The latter is what I mean. The 4 per cent is an average of the interest.

Mr. NORRIS. The guaranty provides for the interest on the bonds, whatever it may be according to the terms of the bonds?

Mr. CUMMINS. No; the English agreement was to guarantee the net earnings of the year 1913, the year before the war. The net earnings did pay 4 per cent upon the bonds and 3½ per cent in substance upon the stock, and that is the amount which Great Britain pays.

Mr. NORRIS. Do not the bonds bear a specific amount on their face?

Mr. CUMMINS. I do not know. Some of them bear 3½ per cent interest, some of them 4½, but the average is about 4.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. KELLOGG. Did I understand the page referred to by the Senator to be page 965 of volume 5 of the RECORD?

Mr. CUMMINS. Some one has taken that volume from my desk.

Mr. KELLOGG. Very well. That shows that the rate of return was 4.4 per cent, and that the dividend that they paid on their stocks the previous year was 3.91 per cent, if that is the table to which the Senator refers.

Mr. CUMMINS. The table shows what it shows. My statement with regard to the aggregate guarantee is derived from the testimony of Mr. Julius Kruttschnitt as well as the testimony of Clifford Thorne, both of whom have computed the returns that were made under the English guaranty.

Mr. SMITH of South Carolina. Mr. President, will the Senator allow me at this juncture just to read a brief statement taken from the British report and printed in a memorandum submitted to the Committee on Interstate Commerce relative to the Government control of railroads in Great Britain in its financial aspect with relation to the railway employees? It was prepared by the Legislative Reference Division of the Library of Congress, and printed for the use of the Committee on Interstate Commerce. It is just a few lines which, if the Senator will allow me, I should like to read, right on this point.

Mr. CUMMINS. Very well.

Mr. SMITH of South Carolina. It says:

> 1913 a "banner year." The general opinion in railway, engineering, and investing circles at the time the terms of compensation were announced was, that "the Government has been generous." The year 1913 had been a "banner year," marking "the high level of prosperity" of the British railways since the beginning of the century. The average dividend rate upon the total ordinary capital (excluding nominal additions), whether or not ranking for dividend, had been higher in 1913 than for many years previous. The Investors' Review has declared that "as 1913 was a very good year, taken all around, the shareholders have not much to grumble about." The Scottish railways responded at once to the new situation which the agreement brought about, by making the dividend announcements which, because of the uncertainty due to the war and to the assumption of control by the government, had been postponed.

Mr. CUMMINS. I was stating a fact, not endeavoring to explain it.

Mr. SMITH of South Carolina. The point I was making was that the railroads have postponed any dividends on their stock and after they made the agreement with the Government they immediately resumed payment of dividends on their stock.

Mr. CUMMINS. That fact is entirely irrelevant and immaterial to the point I am making. I am trying to show what Great Britain did for her railways, which was a guarantee of net earnings for the year 1913, and I have endeavored to point out what those net earnings were in order to show what return upon capital Great Britain allowed to the bondholders and the shareholders of her railways.

I ask the Senate now to look with me for a moment upon what the proposed guarantee will do, if it were accepted by all the railroads. I do not know that it will be accepted by all the railroads. I think it is more than likely that some of the weaker railroads will insist upon their reward in legal proceedings, but I am very sure that all the great systems of railways in the United States will eagerly accept the offer. But let us assume now that they will all accept the offer of a guaranteed operating income, the average of the three years just passed.

According to the terminology of the reports required by the Interstate Commerce Commission the net operating income of a railroad is the sum which remains of operating earnings after deducting the expenses of operating, maintenance, taxes, and the like. A great many roads have other sources of income, and to those sources I will presently make some reference. They are outside of the present arrangement, and these roads will be possessed of these incomes in addition to the guaranteed sum which the Government proposes to pay.

The majority report says that the aggregate guarantee for all the railroads is $945,000,000. I say in frankness that that is a few million dollars, very few, however, more than I had estimated as the guaranteed amount of the average net income, but I will, as I ought, accept the view of the majority of the committee in that respect.

We undertake also to pay in addition to the $945,000,000 per year a fair per cent upon the increase in the value of the property between the 30th of June, 1917, and the 1st of January, 1918. This increase is estimated by the majority of the committee at from ten to fifteen million dollars. I will assume the lower of the two amounts. We then reach an aggregate guarantee—and if one road does not get it another one will—for all the railroads of the United States of $955,000,000 annually.

Let us see what that will do for the capitalization of all the railroads of the United States. As shown by the report of the Interstate Commerce Commission filed in the hearings the par value June 30, 1917, of all railway bonds, eliminating duplications, was $10,021,730,075. Is there any dispute about that? If there is I should like to hear it made now.

There were outstanding on the 30th of June, 1917, $10,021,730,075. The people who hold these bonds have agreed with the railway companies with regard to the returns upon their part of the capital or capitalization. No matter what we do, the bondholders who own this vast sum in securities will neither receive more nor less. Their return is fixed by agreement.

Mr. President, the annual interest charge upon the bonded debt of all the railroads in the United States for the year ending June 30, 1917, was in round numbers $400,000,000. As I remember it, as reported by the Interstate Commerce Commission, it was $405,000,000. There was some interest upon floating debt or unfunded debt which I need not mention at this time. It would make no difference in the results which I shall read.

Deducting $400,000,000 required to pay the interest upon all the bonds held by the public or eliminating duplications, all the railroads, considering them as one, would have at the end of the first year of this guarantee $550,000,000 available for their shareholders or their stockholders.

Now, do not let us misunderstand the meaning of that situation. I do not say that these railway companies would distribute $550,000,000 in dividends. They have not done that in the past and I have no reason to believe that they will do it in the future. But these companies will have of the Government guaranty $550,000,000 available for shareholders, money that can either be used for dividends, for an increase in the value of the property, or for the extinguishment of debt, or some other capital account. In any event, it inures to the benefit of the stockholders. It is their money and they can use it as they desire.

A very simple computation, the simplest in the world, shows what we are guaranteeing upon an average for all the railways in the United States, and I am treating them now as one company, remember. We are guaranteeing 8.5 per cent on all the stock of all the railroads in America, and that without taking into consideration the other sources of income which many of these companies have, and which will swell the power of the railway companies to return dividends to or construct property for their shareholders.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. KELLOGG. Where does the Senator get his figures for that statement?

Mr. CUMMINS. Which statement?

Mr. KELLOGG. That 8.50 per cent on all the stock not including the corporate income.

Mr. CUMMINS. The Senator must have noticed where I got it.

Mr. SMOOT (to Mr. CUMMINS). You did not give the aggregate.

Mr. CUMMINS. I beg pardon; I think I omitted one element there, and then the Senator can make his inquiry. I have already shown the interest charge. I now come to the stock. The aggregate par value June 30, 1917, of the capital stock of all railroads, eliminating duplications and omitting some of the very small roads which do not report, was $6,314,570,554.

Mr. KELLOGG. That is a correct statement.

Mr. CUMMINS. Does the Senator say that is not correct?

Mr. KELLOGG. It is a correct statement of the amount of stock outstanding. But the experts of the commission furnished the figures which I quote, which show that the interest on bonds is $450,000,000 instead of $400,000,000, and that the total dividend, if all the income, both corporate and net operating income was applied to the stock, would be only 8.26 per cent.

Mr. CUMMINS. The statement is wrong, that is all, in my judgment; or if that statement is right then the Interstate Commerce Commission has made a different one to the committee. I do not pretend to reconcile all these figures. I say that the Interstate Commerce Commission filed with our committee a statement which showed that the interest paid upon all the bonds outstanding on the 30th day of June, 1917, was $405,000,000, and all we need to do is to recur to the report in order to verify what I have said.

I have not included in my computation the interest upon the unfunded debt, the current debt, nor do I think it ought to be included.

That is a varying sum paid from month to month, and the debt existing in one part of the year may be entirely discharged in another part of the year. The Senator from Minnesota will observe that I confine my statement to the interest upon the bonded debt, and upon this statement I reaffirm that the United States, if it gives this authority, is authorizing the guaranty of a sum that, aside from all other sources of income, will be the equivalent of 8.5 per cent upon all the stock of all the railroads——

Mr. NORRIS. Mr. President——

Mr. CUMMINS. Even if my figures were modified in the way suggested by the Senator from Minnesota, and I have had no opportunity, of course, to examine those figures because they were not put before the committee. They were evidently furnished recently and may be accurate, but I should like to have an opportunity to examine them, because there is nothing so deceptive as figures.

Mr. SMOOT. There is a difference of only one-quarter of 1 per cent.

Mr. CUMMINS. It makes so little difference anyhow that the disparity is a negligible matter. I yield to the Senator from Nebraska.

Mr. NORRIS. I think it would be interesting if the Senator has the figures if he would tell us, in connection with the figures he has just given, how much revenue the railroads have derived in the same fiscal year from other sources.

Mr. CUMMINS. I can not give that accurately because I have it combined with the net operating income in another connection.

Mr. NORRIS. Could the Senator give it approximately?

Mr. CUMMINS. I think it is something like fifty millions of dollars.

Mr. KELLOGG. If the Senator desires it I will state that the statistician of the Interstate Commerce Commission says that the total corporate income outside of net operating income amounts to $150,000,000, and the obligations for net rentals paid is $119,000,000.

Mr. KING. Will the Senator allow me?

Mr. CUMMINS. Of course, I am very glad to have the Senator from Minnesota answer the question, but I have not examined the table.

Mr. NORRIS. If the Senator will permit me, it occurred to me when the Senator was giving the figures that he was omitting one item which would not apply to all roads, but to a great many roads, the amount of income from the sale of public lands, etc. I suppose it is not included.

Mr. CUMMINS. No.

Mr. NORRIS. With some roads that would be quite a large item, so much so that it would have quite an effect upon the income.

Mr. CUMMINS. Mr. President, I will presently, when I come to consider the railroads which are affected by the amendment which I will propose, show precisely the combined income guaranteed by the Government, that is, the net operating income and the income from other sources, not separated but combined, in order that there may appear precisely what each of these companies will have at the end of each year of Federal control for the benefit of their stockholders. I yield to the Senator from Utah.

Mr. KING. I was about to suggest to the Senator from Iowa that the figures just submitted by the Senator from Minnesota [Mr. KELLOGG] seem to be based entirely upon incomes derived from operating roads or leased roads. There is considerable income that is derived from other property than what might be denominated strictly railroad property, for instance, coal companies, hotels, a large quantity of real estate, and that would swell considerably the figures submitted by the Senator from Minnesota.

Mr. CUMMINS. Possibly so. I have not examined the table, so I am not able to advise upon it.

Mr. President, no matter whether the percentage suggested by the Senator from Minnesota or the percentage which I have named is correct, either is intolerable. Either will inflict an injustice from which this country will never recover, because we are taking now a step which involves something more than the mere ascertainment and payment of just compensation for a limited period.

Mr. President, remember that more than one-half the capital stock was issued originally in defiance of both law and morals. Remember that more than one-half of it—and I am not now imagining, I am stating the result of investigation after investigation that has heretofore been carried on—more than one-half of the capital stock was issued without any consideration whatever paid to the railway corporation or corporations which issued it. I do not assert that the present holders of the railway stock have paid nothing for it; I do not know; but I do know that a large part of it is absolutely baseless, so far as consideration is concerned. And so we are proposing here to guarantee to all this great mass of inflated, watered capital stock an annual return of more than 8 per cent upon its face par value. It may be that action of that kind can be defended, but hitherto I have not heard anyone with sufficient temerity to undertake its defense.

Mr. SMOOT. Was that upon the par value or the market value?

Mr. CUMMINS. The 8.5 per cent is upon the par value. This showing, however, does not represent the full iniquity of the proposal. I have been considering now the effect of the guaranty upon the railway stock of all the railroads without discrimination as between them. I shall now separate these railroads into two classes. I intend now, after setting aside companies operating 110,000 miles of the railways of the country which I think this bill does not guarantee more than they should receive, to ask your attention to 86 systems of railway which represent 140,000 miles of single track, and which carry from 75 to 80 per cent of the traffic of the country, and I want you to consider what this guaranty will do for them, for I do not want to withdraw one single farthing from the proposed guaranty so far as the weaker and poorer railroads are concerned. I would add to the guaranty rather than diminish it, not in the aggregate, but as to particular properties.

I will at this point read the amendment which I had printed, because I think that in discussing what we are about to do for the railways covered by my amendment we ought to carry in our minds the change which the amendment suggests. The amendment is to be added after the word "included," on line 17, page 2, of Senate bill 3752, and reads as follows:

Provided, That the standard return to any such carrier whose average rate of net income to capital stock for the years aforesaid has been more than 5 per cent shall not exceed the net railway operating income for the calendar year 1917 after deducting therefrom the amount available out of earnings for investment and surplus: *Provided further*, That the last preceding limitation shall not be employed so as to reduce the net income (above all operating expenses, taxes, interest, and all other fixed charges) of any such carrier below the amount required to meet each year the regular dividend accruals on all capital stock outstanding December 31, 1917. The surplus over and above the standard return as so computed shall be paid into the revolving fund hereafter created, and such part thereof as may be necessary shall be used in additions, betterments, and extensions to said property. All of said property constructed out of, or purchased by the same, shall belong to, and shall be held in trust for, the public, and no return to any railway company shall ever be paid thereon.

If you will turn to the minority views which I submitted you will find on pages 7 and 8 a table which names the railways that will come within the amendment which I have proposed, and whose standard return will be affected by the amendment. These railway companies or systems are 86 in number and, as I have more than once said, they comprise about 140,000 miles of single-track railway. The table to which I have referred, the original of which I hold in my hand, was prepared by the Bureau of Statistics of the Interstate Commerce Commission. I accept it implicitly, for I believe that it states in each instance the exact truth.

Taking up the table, I call attention, first, to the Pennsylvania Railroad Co. The proposed standard return, that is the return of the bill, the net operating income of the company for the three years which have been taken as the test, is $46,764,485. The average net income for the three years ended June 30, 1917, was $44,534,939.

The statement of those two sums of money requires me now if I can, to explain what these terms "net railway operating income" and "net income" mean, as they are employed by the Interstate Commerce Commission and as they are used in the reports made by the railroad companies. I do this because it would appear from the statement that the proposed standard return of net operating income is larger than the average net income for these years. It is larger because in the column of average net income for the three years ending June 30, 1917, the interest upon all debts has been deducted, whereas in the proposed standard return—that is, the average net railway operating income—the interest upon indebtedness has not been deducted. On the other hand, the income from other sources than mere railway operation has been carried into the item $44,534,939, and "net income" shows not only the net railway operating income but the net income from other sources, less the interest that has been paid both on bonds and the general indebtedness.

I think that it is worth while, Mr. President, at this point to explain just what these terms mean. I have before me the preliminary Abstract of Statistics of Common Carriers for the year ended June 30, 1916, which was issued by the Bureau of Statistics of the Interstate Commerce Commission, and is an official document. It is the last one of its kind that has been printed. I will take the Pennsylvania Railroad as an instance, in order that we may fully understand how these things are computed.

I pass the assets and liabilities, that is, the balance sheet, and come to the income account for the year. The first item in the income account for the year is $220,113,358. That represents the railway operating revenue. The next item is $155,278,979. That represents the railway operating expenses. That includes all the expenses of operation of every kind, maintenance of all kinds, all salaries from that of the president to that of the section hands, all wages, all supplies, everything that enters into the operation of the railway. That leaves a net revenue from railway operation of $64,834,379. There is then mentioned "Railway tax accruals." Those are the taxes for the year and the uncollectable railway revenue; and those two items are deducted from the net revenue, which leaves $57,460,639. That is the railway operating income of the Pennsylvania Railroad. There are certain adjustments of a minor character named in the bill that I need not mention. That is the railway operating income, and it is what remains of the operation revenue after the deduction of all expenses, including taxes.

Now, we come to quite a different aspect of the matter. We come, now, to what is known as nonoperating income and nonoperating expenses. Let us see what they are. I will not read the amounts attendant upon them. Omitting the three items which are taken in under this section, which do not really make very much difference in the outcome—and I will not pause to explain why they are taken in—the first item of credit in the nonoperating income is the income from lease of roads; the second is miscellaneous rent income; the third is nonoperating physical property; another is the dividend income; and that I desire to impress upon the minds of all Senators who are here. The Pennsylvania Railroad Co. receives in dividends from other railroad companies, and possibly from other properties, too, $15,450,308. Then, income from funded securities, income from unfunded securities, and accounts, and all other nonoperating income.

Now, we come to the debit balance in nonoperating revenues. First, we have hire of freight cars, rent of locomotives, rent for other equipment, joint facility rent—these are taken into the bill as a part of the railway operating income; but they are so small, and they so nearly balance each other, that it makes no difference in the outcome—rent for leased roads. The Pennsylvania Railroad Co. paid during the year covered by the figures $10,128,558 as rent for roads which it leased. Then, the miscellaneous tax accruals, separately operated properties, interest on funded debt, amounting to $11,763,357, and interest on unfunded debt, amounting to $262,487, all other income deductions, and so on.

Those two classes of items were balanced up, and they then were carried into the operating income which I have already described, and the outcome was that the net income of the Pennsylvania Railroad Co. for that year was $53,733,439. That was the amount that the Pennsylvania Railroad Co. had for its shareholders; that was the amount that it could use in any way it saw fit for the benefit of the owners of the property and all the property that is included within their capitalization.

Now let us see how it used that money. In the first place, it paid $2,002,198 to sinking fund. That, of course, is to retire, I assume, some obligations in a certain time. That is a direct payment upon capital, of course, and is for the benefit of shareholders. Next, dividend appropriations of income. It paid $29,952,222 in dividends for that year. The third item is income appropriated for investment in physical property; that is to say, it took of its net income that belonged to its shareholders, $15,000,000 and more, and instead of dividing it as dividends among the stockholders it bought property for the

stockholders or constructed property for the stockholders but it was none the less an earning for the shareholders. Then, the next item is miscellaneous appropriations of income, $2,267,414.

After paying the dividend of 6 per cent—for that is the dividend of the Pennsylvania—and after putting fifteen and a half million dollars in new property and after putting two and a quarter million dollars in some other kind of property, it still had remaining undistributed and undisposed of $3,990,260 as the result of the year's operation, and when it added that to the surplus which it had accumulated in former years it had at the end of the year, after all expenses and charges and interest and dividends, and after it had taken nearly $18,000,000 for the purchase of new property, it had with which to begin the year, a surplus of $29,541,830, being the accumulation of that year and of previous years.

I have gone carefully into this and somewhat in detail, and I know in a wearisome way, but I think it is due to the members of the Senate who care to acquaint themselves with the subject, who care anything about the enormous burden that we are assuming, to know what is meant by "railway operating income," and what is meant by "net income," and what the two combined will do for the stockholders, as well as for the bondholders of the railway companies.

With that explanation I take up again the table furnished me by the Interstate Commerce Commission.

If the guaranty which is proposed in this bill is given, the stock of the Pennsylvania Railroad Co. will earn in each year of Federal control 8.92 per cent. In stating that I am assuming that the income of the property from other sources—that is, outside of the operating income—will be the same that it has been in the three years that are past.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I yield.

Mr. THOMAS. May I ask the Senator if that includes the interest on the bonded debt?

Mr. CUMMINS. The interest upon the bonded debt has all been taken out, as well as all other debts.

Mr. THOMAS. Then the eight and odd per cent is net?

Mr. CUMMINS. The 8.92 per cent is net—net to the stockholders.

Mr. THOMAS. After the payment of the bonded interest?

Mr. CUMMINS. After all expenses of operation, maintenance, depreciation, taxes, fixed charges and interest are paid; and that will be true of each one of these companies which I am about to name.

Mr. KING. Mr. President, would that include the war taxes, too?

Mr. CUMMINS. It does not include the war tax. I suppose the Senator from Utah has reference to the war tax of 1917.

Mr. KING. October, 1917.

Mr. CUMMINS. It does not include that. We all have to bear our war taxes. Certainly I do not want to guarantee these companies against their war taxes.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. If I correctly gather what the Senator has said, the Pennsylvania Railroad Co. under this proposed arrangement would net nearly 3 per cent more than they have been able to net under their unrestricted management in normal times?

Mr. CUMMINS. No.

Mr. SMITH of Michigan. Well, 2.7 per cent.

Mr. CUMMINS. I think that is hardly right, because the Pennsylvania Co. has been earning these amounts in the past.

Mr. SMITH of Michigan. Yes; but, notwithstanding all that, it is proposed by this bill to give them a sum in excess of what they would earn in ordinary, normal times; is it not?

Mr. CUMMINS. I think that is the proposal, if you qualify it by saying "ordinary, normal times." I am not asserting that we are proposing to give to the Pennsylvania Railroad Co. more than it earned during the year 1916.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. SMOOT. My colleague [Mr. KING] asked the question as to whether this covered war taxes. I doubt very much whether there are more than two or three railroads in the United States that will have to pay war taxes under the present law. They do have to pay the increased surtax; but as far as the excess-profits tax is concerned, I think there are only two railroads in the United States that will pay any excess-profits tax. The Pennsylvania will not have to pay any.

Mr. STONE. The New York Central would.

Mr. SMOOT. The Union Pacific would.

Mr. CUMMINS. I think the Senator from Utah is probably right; but, however that may be, the taxes for the first half of the year 1917, whatever they may be under the act of 1917, are not deducted as expenses from the operating revenue.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. I wish the Senator in this connection would tell us how the average income for the three years mentioned in the bill compares with the average income of the railroads in normal times.

Mr. CUMMINS. If the Senator will tell me what he regards as normal times it will be easier for me to answer the question.

Mr. NORRIS. Well, before the war. I want to know, and I think the Senate would like to know, how the income of the three years that have been selected for the average compares with the income of 10 years preceding.

Mr. CUMMINS. I am just estimating it, but I think the average of the 3 years would be $150,000,000 a year more than the average for 10 years.

Mr. NORRIS. Then is it true that the three years selected are practically the most profitable dividend-paying years in the history of railroading in this country?

Mr. CUMMINS. The years 1916 and 1917, with practically all the railroads, and certainly as to the aggregate, show a net operating income very far in excess of any other years in the history of the country. For instance, the net operating income of all the railroads for 1916 was, in round numbers, $1,050,000,000. For the year before, 1915, the same net operating income was only about $755,000,000. The net operating income for the year 1917 is about one billion and forty million dollars. I am speaking in round numbers; I do not remember the exact sum. But those two years go far beyond any other year in amount. I think it is true that there are some years in which the rate of return upon what they call their book value was larger, or as large, anyhow, as during the year 1917; but so far as amounts are concerned, there are no years comparable with 1916 and 1917.

Mr. JOHNSON of South Dakota. Mr. President——

Mr. CUMMINS. I yield to the Senator from South Dakota.

Mr. JOHNSON of South Dakota. I understood the Senator to answer the question of the Senator from Colorado that the net income of this particular road, the Pennsylvania, was something over 8 per cent after all deductions had been made, of course, of the interest on bonds and various other things. That is true, is it?

Mr. CUMMINS. I said the net income which we will guarantee. In other words, we guarantee an operating income for the Pennsylvania Railroad; and that operating income carried into its net income will pay on all the stock of the Pennsylvania Railroad 8.92 per cent.

Mr. JOHNSON of South Dakota. Another question: That is regardless of the amount of bonds. Suppose, then, that a railroad should be built at a cost of $25,000 a mile, and they should immediately turn around and bond that road for forty or fifty thousand dollars a mile, as has been done at various times. Would not the net income which they receive be that much more proportionately on that part of the income than the difference between the bonds and the actual cost of the road?

Mr. CUMMINS. It would be if that had been true of any past transaction of the Pennsylvania Road. Of course, our guaranty to the Pennsylvania Road would not cover the issuance of bonds in the future, because we have that within our control.

Mr. JOHNSON of South Dakota. I only speak of it in a general way, wishing to get that matter clear in my mind.

Mr. CUMMINS. The New York Central Railroad will be guaranteed 12.96 per cent upon its capital stock.

The Baltimore & Ohio will be guaranteed 5.83 per cent.

The Pennsylvania Co., as distinguished from the Pennsylvania Railroad Co., will be guaranteed 11.92 per cent.

The Philadelphia & Reading Railway Co. will be guaranteed upon its stock 25.70 per cent.

The Delaware, Lackawanna & Western Railroad Co. will be guaranteed 32.90 per cent upon its stock.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. HITCHCOCK. I should like to understand to what extent these companies will be permitted to pay dividends to their stockholders out of these profits.

Mr. CUMMINS. There is a subsequent provision in the bill that without the consent of the President they shall pay no larger dividends than they have been in the habit of paying heretofore.

Mr. HITCHCOCK. Then in the case of the Pennsylvania Road, for instance, which has been paying 6 per cent, as I recall, it will not be permitted to pay the 8½ per cent to which the Senator has referred?

Mr. CUMMINS. I do not know. They will not be permitted to pay it without the consent of the President.

Mr. HITCHCOCK. With the President's consent, then, they might be permitted to distribute all of these earnings in dividends?

Mr. CUMMINS. Oh, yes; precisely.

The Michigan Central Railroad is guaranteed an income that will pay 18.48 per cent upon its capital stock, and I suppose a large part of the stock of the Michigan Central is owned by the New York Central.

The Central Railroad of New Jersey is guaranteed an income that will pay 20.25 per cent upon its stock.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa further yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. HITCHCOCK. One more question: Will the Senator from Iowa state whether the President also has authority to require the investment of some of the surplus earnings in betterments on the roads?

Mr. CUMMINS. The bill provides that he can require railroad companies to better and improve their properties; but, of course, if they do, then we have to begin to pay interest upon that.

Mr. HITCHCOCK. Not during the operation of this bill.

Mr. CUMMINS. Surely, unless they are taken out of earnings.

Mr. HITCHCOCK. I am assuming that they are taken out of earnings. Take the case of the Pennsylvania for a concrete case. The Government, under this bill, guarantees a net operating earning of 8½ per cent, is it?

Mr. CUMMINS. 8.92 per cent.

Mr. HITCHCOCK. 8.9 per cent. If the President simply permits them to earn their 6 per cent dividend as heretofore, and requires them to put into betterments the remaining 2.9 per cent, will they be permitted to have guaranteed earnings on that additional amount invested in betterments?

Mr. CUMMINS. This bill provides that so long as the Government is in possession of the property the compensation shall not be increased on that account if the betterments are made out of earnings.

Mr. HITCHCOCK. Yes.

Mr. CUMMINS. But instantly the roads are returned to their owners, then they begin to charge the public rates that will make returns upon these added values. But I want the Senator from Nebraska to bear in mind that what I am trying to do is to take that 2.92 per cent, in the case of the Pennsylvania Road, and put it into the Treasury of the United States, unless the Director General or the President uses it in the betterment and in the improvement of the property so far as the public needs may require. We have reached a time when it seems to me that if the payment of 6 per cent upon all the capital stock of the Pennsylvania Railroad Co., and the payment of all the interest upon all its indebtedness together constitute fair and just compensation for the use of the property under all the circumstances, it should be for the Government to take this surplus and use it in the development and betterment of the property; and when it is returned to the Pennsylvania Road, if it ever is returned, let us return it under such conditions that the company will not be permitted at any time to charge the public for a return upon values so created.

Mr. HITCHCOCK. One other question: Under the construction which the Senator from Iowa desires to put upon this law, or under the form in which he desires to put it, would the railroads during the next year earn as much and receive as much as they received during the average of the past three years?

Mr. CUMMINS. Mr. President, one can only conjecture about that. The business of the United States may collapse at any moment. There seems to be a disposition to limit the business of the United States now to such businesses as are absolutely necessary to carry on the war. If that policy is pursued, it is perfectly apparent that the volume of traffic will very greatly diminish, and the revenues of these railroads will be very much less.

Mr. HITCHCOCK. The Senator has misunderstood my question. Suppose the bill is amended to suit his views: I ask him then whether the guaranty which he would make would give as great compensation to the roads for the next year as they have received for the average of the last three years?

Mr. CUMMINS. It would not. That is the very thing I am complaining about—that we are guaranteeing these roads their average income under rates that ought to shock the mind of any man who gave examination to the subject; rates that were only permissible because it was necessary to maintain them in order to enable 200,000 miles of the railways in this country to survive. We have been compelled to enrich the Pennsylvania, the New York Central, the C., B. & Q., the North Western, the Union Pacific, in order that other and less favored or less fortunate competitors might live.

Mr. HITCHCOCK. Then the fact is that the Senator from Iowa proposes in this bill to regulate and reform the railroad incomes of the United States.

Mr. CUMMINS. No. I am proposing to give them a great deal more than they ought to have. I can not understand the mind of any man who believes that these railroads ought to have the income of the last three years just because they have earned such an income in the last three years. That to me is a proposal that is much more mysterious than any of the problems of the tariff with which we have struggled in times gone by. I do not believe that simply because the railways have earned these sums of money in the last three years therefore they are entitled to earn them in the future. I do not believe that the earnings of a railway property form a measure for estimating or determining the value of the railway property. The earnings for the last three years would indicate that the railroad property of the United States was worth more than $21,000,000,000. I do not believe it. I do not think that there has been $12,000,000,000 of independent capital invested in the railway properties of the United States, and I for one intend, so long as my strength endures, to protest against the proposed capitalization of excessive earnings and the unearned increment; and that is what this bill is intended to accomplish.

Mr. HITCHCOCK. Mr. President, I do not want the Senator to assume that I am out of sympathy with his position.

Mr. CUMMINS. Oh, I understand it.

Mr. HITCHCOCK. There is much justification for it; I live in a State in which the prosperous railroads earn very large returns upon their investment; but I wanted to get clearly before the Senate whether the Senator proposes in this bill, which is an emergency measure and a war measure, to really reform the railroad earnings of the country as a permanent policy.

Mr. CUMMINS. Not at all. I propose to offer them what I regard as just compensation for the use of their property.

Some people seem to think that in the emergency, because the United States is struggling for its life, because we are about to call upon all the energies of the people to support our armies and our navies, now is the appropriate time to give the railroads a great deal more than they ought to have. There seems to be an impression that everybody should suffer but the railway companies in the distribution of our burdens. I would very much rather give the railroads this income in time of peace than in time of war. I might find it possible to justify these exactions if we were going forward in a normal way with an opportunity for earnings and profits such as we formerly enjoyed; but I have a good deal of contempt for the profiteers in the conflict in which we are now engaged.

Mr. STONE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. STONE. As I understand the Senator, he objects to the earnings of the railroads he names. His remarks may be applicable to all railroads, but I refer to those he names. He thinks they have been earning unusual, rather what I may characterize as abnormal, profits during the years 1916 and 1917, and that that ought not to be made the basis for compensation to the railroads for the use of their properties during the remainder of the war. If it be true that during the years he mentions, embraced in the period of the war, these earnings have been made by the railroads named, and if it is to be presumed, as I submit it may reasonably be presumed, although I am not arguing the question one way or the other, that like earnings could be made by the same railroads during the current year and the next year, if the war goes on, then during the time while the Government has possession of the railroads I am a little puzzled to know why the capacity earnings of the railroads during the period of the war should not be made a fair basis of compensation for that period.

The bill limits the occupation and control of the railroads to the period of the war, or substantially that. I ask the Senator to inform me if the Pennsylvania or the New York Central or

any other railroad earned a certain per cent of profit out of its total business during the years 1916 and 1917, a war period, and could earn in reasonable expectation a similar per cent during the remaining years of the war, whatever it may be, why that would not be a fair basis of compensation for the time we are to have control of the properties.

Mr. CUMMINS. Upon the basis of the question of the Senator from Missouri, why should we guarantee anything? Why not let the roads earn what they can and let them take what they earn. As far as I am concerned, I am quite——

Mr. STONE. But the Government is going to operate the railroads.

Mr. CUMMINS. I know, and that is it precisely. Our whole thought seems to be for the railroads. Here are the railroads in the midst of war and the Government thinks they ought to be managed under the direction of the Secretary of the Treasury. All the officers of the companies are retained, all the employees of the companies are retained. We are guaranteeing to the presidents and managers of these big companies their tremendous salaries. We are guaranteeing to all these officers, and I have no doubt they have earned their money in times past, the compensation which they have formerly received, and I commend that spectacle to the Senator from Missouri when he comes to argue this matter elsewhere. But I am willing to do that if the railroads will take their chances. Give each railroad what it earns under Government direction——

Mr. ROBINSON. Mr. President——

Mr. CUMMINS. And if a railroad does not earn anything let it suffer, and if another railroad earns very much let it profit. But we are proposing to make certain what is uncertain. It is just the difference between a Government bond and the note of a speculator without fixed responsibility. You can not——

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arkansas?

Mr. CUMMINS. In just a moment. You can not float one at the same rate of interest that you float the other. I yield to the Senator.

Mr. ROBINSON. The Senator from Iowa has asked what is the necessity for a Government guarantee to the railroads, and he has indicated——

Mr. CUMMINS. No; before the Senator from Arkansas begins, what I stated was in view of the question put by the Senator from Missouri [Mr. STONE]. I understand the necessity of guaranteeing an income and I believe in guaranteeing an income.

Mr. ROBINSON. Very well, but certainly the plain indication of the Senator's question was that Congress was doing an injustice to the public in making any guarantee at all, for he followed the question with the declaration that he was willing that the railroads under Government control and operation should be left to earn what they could and to receive what they earned. The Senator now states that he did not intend any such implication.

Mr. CUMMINS. No, I hope I did not say anything of that kind. The Senator from Arkansas misunderstood me. The Senator from Missouri was propounding a question and wanted to know why we could not guarantee the earnings which these companies would receive in the years of the war and for 18 months thereafter, and I said that I was willing that they should receive those earnings, but I hope the Senator from Arkansas did not understand that I am so insane as to think we ought not to accompany this transition with a guarantee.

Mr. ROBINSON. If the Senator will permit me, I repeat, the implication which I thought was contained in his answer to the question of the Senator from Missouri, and his declaration was that he was willing that the railroads should be left to earn what they could and to receive what they earned without a Government guarantee; so no guarantee should be made.

In this connection, with the Senator's permission, I will state that the unified operation of the railroads under Federal control will undoubtedly very materially affect the earnings of all the railroads under that control. It will enable some of the railroads to earn very much more than they would have earned under private control and it will prevent many of the railroads from earning as much as they would under private control, and therefore arises the necessity for a Government guaranty of some kind.

Mr. CUMMINS. The statement of the Senator from Arkansas is unanswerable. It would be in the last degree unwise for the Government to assume the direction of the railroads of the United States without making provisions for the necessary income for the railroads. I was simply suggesting that if this bill was founded upon the assumption that the railroads would earn these sums of money in the next two or three years it must be borne in mind that their capacity to earn is conjectural. No human being can determine what they will earn. The whole commercial fabric of the United States may collapse long before the period of Federal control ends. Commerce may diminish, but the pay of the railroads goes on just the same. The guarantee of the Government is binding upon us no matter what may be the consequences of the war.

If I may proceed with this table, I notice that to the Bessemer & Lake Erie Railroad Co. we propose a guarantee in the sum of 647 per cent upon its stock, upon the Chicago & Erie 70 per cent, upon the Hocking Valley 11.94 per cent.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield.

Mr. POMERENE. The Senator has referred to the Bessemer & Lake Erie Railroad Co. and the guarantee of 647 per cent on the capital stock. Can the Senator inform us as to the amount of capital actually invested in that company?

Mr. CUMMINS. I can not, but——

Mr. KNOX. Mr. President——

Mr. CUMMINS. I think I can tell you.

Mr. POMERENE. If I may interrupt the Senator, the Senator from Minnesota [Mr. KELLOGG] the other day in his very able argument gave us a statement of the property valuation of that company. I do not remember the number of million dollars, but assuming that the property statement was correct the earnings of that company would only be about 10 per cent on the investment.

Mr. KNOX. Mr. President, I happen to know a good deal about the Bessemer & Lake Erie Railroad. It is not a railroad in the ordinary sense at all. It is a mere incident to the Carnegie Steel Co.'s business. It is a road built to enable them to carry their own ore from Lake ports to Pittsburgh, so that they might operate their mines in the Minnesota regions more economically than if they had their ore hauled by the Pittsburgh & Lake Erie Railroad. It was owned entirely within the Carnegie Steel Co. and capitalized at only $500,000, although it operates property worth in the neighborhood of thirty-five or forty million dollars. The earnings are not at all excessive. They do not represent hundreds of per cent; they represent practically a little less than 10 per cent upon the entire capital invested. Those figures are very misleading because of that fact.

Mr. CUMMINS. Mr. President, I am not to blame for the deception in the figures. I am simply reading from the report made by this company to the Interstate Commerce Commission.

Mr. KNOX. I only state the facts. The report does mislead; I do not say the Senator does but the report misleads, because there is no analogy between that property and other railroad property.

Mr. CUMMINS. I quite agree with that. It is a very smaller matter. It is a small railroad.

Mr. KNOX. It is, however, just as well to have it correct.

Mr. CUMMINS. I think if that railroad stood alone it would hardly be worthy of comment, and I only read it in order to indicate the application of a rule of the sort that I am opposing.

I turn now to other railroads in the table, to which I shall often refer. The Illinois Central Railroad will be guaranteed a net income of 11.33 per cent upon its capital stock; the Louisville & Nashville an income of 16.75 per cent; the Norfolk & Western an income of 12.51 per cent; the Atlantic Coast Line 10.80 per cent. I shall only mention a few of the principal companies in order that the full significance of what we are doing can be understood.

I turn to the western district and find that our guarantee together with other income which the company possesses will furnish to the Atchison, Topeka & Santa Fe a return of 9.70 per cent upon its capital stock. The Chicago & North Western will be guaranteed an income of 10.18 per cent; the Chicago, Burlington & Quincy, 22.05 per cent; the Minneapolis, St. Paul and Sault Ste. Marie, 12.09 per cent. So I might proceed naming all these railroads which compose the 140,000 miles which my amendment will affect. It is sufficient to say that the average guaranteed income upon capital stock in the eastern district is 11.48 per cent; the average in the southern district is 12.37 per cent, and the average in the western district is 9.96 per cent. Of course these averages are applied only to the roads which have in the last three years earned a net income of more than 5 per cent upon the capital stock.

Mr. President, I have presented the effect of this bill with a great deal of earnestness and at very great length. The subject, I think, interests the people of this country more than any other matter. It is obvious that when these incomes are guaranteed, when wages are increased, as they will be, when the cost of operation increases as it must, the rates which are to be paid by the people of the country for the transportation of their commerce will also be increased.

I think that is the purpose of those who originated the plan which we are asked to approve to increase rates for transportation. There has been a struggle for years, intense, comprehensive, to increase rates. Those who have desired increases have been but partially successful. Whenever the Government guarantees the income which is here proposed, that struggle will have ended in victory for the carriers and these properties will be returned, if they ever are returned, to their owners burdened with a system of rates which will impose unreasonable, unfair taxes or impositions upon the people of the country who are least able to bear their burdens.

I can not avoid the conclusion that we are here proposing to pay for the use of this property at least $175,000,000 per year more than just compensation for its use. I have endeavored to show why my mind tends toward that conclusion. I shall offer an amendment which will not interfere with the payment of interest upon the railway securities, which will not interfere with the payment of any dividends that have heretofore been paid, whether it be 5 per cent or 8 per cent, but which will, when applied to these 86 systems and railroad companies, reduce our guaranty substantially $175,000,000 per year.

Remember that we are undertaking to maintain the properties. We are undertaking to finance them. If enlargements should be necessary, we are undertaking to so deal with them that at the end of the period of Government control they shall be returned to their present owners in as good condition as they now are. All that the owners will lose will be their use in the meantime, and, Senators, if the catastrophe through which we are now passing, if in this world-wide and world-destroying struggle the railway properties can enter and emerge in full complete condition, ready again to perform their service for commerce and receive while they are passing through this ordeal all the interest upon their bonds and all the dividends upon their stock guaranteed and insured by the Government, they ought to be content. To do more for them is to encourage and establish a system of profiteering which the people of the country will condemn and repudiate.

I wonder that the railway owners of the country are not wise enough, have not vision enough, to look forward to the end of this war. We will win the war. No matter how long the struggle may continue we will win the war; but the vital conflict in the interest of the American people will be confronted after the war. I can not help but think that the owners of these vast properties would be wiser if they would recall what is now transpiring in Russia. It would seem to be instructive if they would remember what is moving beneath the surface in Germany. It would help them, I am sure, to a sound judgment if they would look across the sea upon the unrest which is disturbing Great Britain. It is idle to think that America can escape the influences of that great movement sweeping over the earth.

I, for one, as I said before, believe in property; I believe in law; I believe in order; I believe in the Constitution; and I should like to do something to strengthen American institutions against the shock which they are sure to experience. We can not fortify ourselves against that vital moment by taking from the people of this country the money which is proposed in this bill and paying it to the railway corporations.

Mark my words, that the multitudes of America will believe that we are taking from them $175,000,000 annually more than they ought to pay. Remember what I say, that in the days to come they will decide that we have taken from them this vast sum of money and without reason, or without justice, or without necessity have transferred it to coffers already overflowing with riches. I beg the Senate not to do it. If it values stability, if it desires peace and content among the people, if it wants to preserve the love and the affection and the enthusiasm of the people of this country, so that we can press forward with all our strength to a world victory for justice and order, let us not do this unjust thing.

Mr. President, I ask that the table which I referred to as having been prepared by the Interstate Commerce Commission may be printed as a part of my remarks.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection the request of the Senator from Iowa will be granted.

The table referred to is as follows:

INTERSTATE COMMERCE COMMISSION,
DIVISION OF STATISTICS,
Washington, February 5, 1918.

The statement covers Class I operating roads whose ratio of average annual net income to capital stock was over 5 per cent for the three years ended June 30, 1917. The totals, by districts, are as follows:

District.	Proposed standard return (A).	Railway operating income for the year ended June 30, 1917, modified as in standard return (D).	Net income less dividends and sinking fund appropriations for the year ended June 30, 1917 (E).	Modified standard return under the proposed amendment (F).	Difference between standard return in S. 3332 and modified standard return.
	(b)	(f)	(g)	(f)-(g) (h)	(b)-(h) (i)
Eastern	$371,692,362	$397,529,552	$376,861,278	$320,828,725	$50,863,637
Southern	193,931,967	128,147,658	62,824,878	65,272,780	25,659,187
Western	293,314,252	341,618,298	104,227,284	237,391,724	72,249,528
Total	871,978,641	767,295,508	243,963,420	498,304,229	173,674,412

In compiling the data consolidations, reorganizations, etc., were not given consideration, as to analyze all such cases would consume more time than was available. It is probable that the omission would not materially affect the totals.

Statement showing for the roads named certain figures based on interpretations of Senate bill 3232 and of the proposed amendment, compiled from data as returned in the annual reports of the carriers named to the Interstate Commerce Commission.

Road.	Proposed standard return. (A.)	Capital stock actually outstanding. Average for the three years ended June 30, 1917. (B.)	Average net income for the three years ended June 30, 1917. (C.)	Average per cent of net income to capital stock. (d)÷(c).	Railway operating income for year ended June 30, 1917, modified as in standard return. (D.)	Net income less dividends and sinking fund appropriations for the year ended June 30, 1917. (E.)	Modified standard return under the proposed amendment. (F.) (f)−(g).	Difference between standard return in S. 3332 and modified standard return. (b)−(h)
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
EASTERN DISTRICT.								
				Per cent.				
Pennsylvania R. R. Co	$48,764,485	$499,195,367	$44,734,034	8.92	$67,948,734	$14,475,083	$33,473,651	$15,290,834
New York Central R. R. Co	51,811,241	249,678,124	32,267,799	12.93	48,188,923	21,259,822	26,928,990	16,882,242
Baltimore & Ohio R. R. Co	25,433,074	219,809,812	12,265,229	5.63	28,148,11	2,367,379	25,780,931	1,652,143
Pennsylvania Co	14,850,556	80,030,003	9,337,853	11.02	13,957,572	754,656	13,612,444	1,238,122
Philadelphia & Reading Ry. Co	15,928,605	42,481,730	10,916,875	25.70	17,413,452	6,057,921	11,375,531	4,553,452
Delaware, Lackawanna & Western R. R. Co	15,855,114	43,220,400	13,893,850	32.00	16,841,813	6,064,744	9,477,069	7,378,045
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co	10,195,615	67,544,723	4,508,966	6.75	13,361,543	1,270,345	10,195,615	
Lehigh Valley R. R. Co	11,063,601	60,608,000	7,169,999	11.83	10,734,431	1,029,290	9,725,295	1,338,303
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co	9,985,939	87,027,200	8,098,902	8.93	11,781,922	6,589,013	5,192,935	4,792,131
Michigan Central R. R. Co	8,090,779	18,735,400	2,163,464	13.48	8,558,841	1,301,115	7,177,726	913,053

NOTE A.—Based on the average annual "Railway operating income," plus or minus the net debits or credits of hire of equipment, equipment rents, and joint facility rents, for the three years ended June 30, 1917. Railway operating income is railway operating revenues less railway operating expenses, railway taxes and uncollectible railway revenues.

NOTE B.—Represents the average annual par value of common and preferred stock outstanding and not held by or for the issuing company, for the three years ended June 30, 1917.

NOTE C.—"Net income" is "Railway operating income" plus nonoperating income and minus deductions for interest, rents, and certain other fixed charges.

NOTE D.—Based on the latest available figures which are used for illustration only. (See also Note A.)

NOTE E.—Represents "Net income" as reported, less appropriations from income and surplus for sinking and other reserve funds and for dividends. It is possible that it may have been appropriate to consider other items in arriving at this figure, but to expedite the work only the two items mentioned were used.

NOTE F.—In some cases it is possible that the amount shown will need to be increased to provide for the regular dividends, because of fluctuations in nonoperating income items. Where the figures are the same as shown in column (b) the amendment is not understood to supersede the original provisions of the bill.

Statement showing for the roads named certain figures based on interpretations of Senate bill 3632 and of the proposed amendment, compiled from data as returned in the annual reports of the carriers named to the Interstate Commerce Commission—Continued

Road.	Proposed standard return. (A.)	Capital stock actually outstanding. Average for the three years ended June 30, 1917. (B.)	Average net income for the three years ended June 30, 1917. (C.)	Average per cent of net income to capital stock. (d)÷(c).	Railway operating income for year ended June 30, 1917, modified as in standard return. (D.)	Net income less dividends and sinking-fund appropriations for the year ended June 30, 1917. (E.)	Modified standard return under the proposed amendment. (F.) (f)−(g).	Difference between standard return in S. 3632 and modified standard return. (b)−(h).
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
EASTERN DISTRICT—continued.				*Per cent.*				
Central R. R. Co. of New Jersey	$9,313,973	$27,436,800	$5,556,775	20.25	$9,724,793	$2,093,157	$7,631,641	$1,682,332
Delaware & Hudson Co.	7,415,150	42,502,600	5,437,547	12.79	9,354,377	115,649	6,238,728	1,176,422
Philadelphia, Baltimore & Washington R. R. Co.	3,661,608	25,571,000	2,941,156	11.50	4,406,575	1,891,996	2,513,579	1,146,029
Pittsburgh & Lake Erie R. R. Co.	9,051,636	31,981,200	7,537,923	23.56	9,542,435	[1] 1,665,137	9,051,636	.....
Elgin, Joliet & Eastern Ry. Co.	2,867,702	10,000,000	945,239	9.45	2,605,512	[1] 22,438	2,626,953	239,782
Maine Central R. R. Co.	2,970,826	18,190,317	1,605,075	8.82	3,257,175	696,689	2,560,486	410,340
Buffalo, Rochester & Pittsburgh Ry. Co.	3,276,410	16,500,000	1,560,021	9.45	3,510,448	597,541	2,912,907	363,503
Bessemer & Lake Erie R. R. Co.	4,745,332	500,000	3,236,080	647.22	4,821,261	2,234,014	2,587,247	2,158,085
Chicago & Erie R. R. Co.	228,186	100,000	70,449	70.45	148,213	109,131	[1] 117,342	345,528
Hocking Valley Ry. Co.	2,665,004	10,999,500	1,313,129	11.94	3,370,767	1,747,785	1,622,982	1,042,022
West Jersey & Seashore R. R. Co.	956,867	10,317,983	691,139	6.70	995,075	141,920	853,155	103,712
Central New England Ry. Co.	1,470,698	8,547,200	717,566	8.40	1,513,731	615,118	898,613	574,995
New York, Philadelphia & Norfolk R. R. Co.	998,311	2,500,000	893,508	35.74	1,175,032	711,121	463,911	534,400
Rutland R. R. Co.	1,026,227	9,150,300	575,651	6.29	1,124,184	518,904	605,280	415,949
Bangor & Aroostook R. R. Co.	1,557,656	4,079,067	337,808	8.28	1,746,135	391,823	1,354,312	203,344
Cumberland Valley R. R. Co.	1,261,041	5,333,550	1,280,684	24.01	1,554,960	1,116,564	442,405	819,536
Kanawha & Michigan Ry. Co.	1,376,255	9,000,000	991,665	11.02	1,447,115	704,126	742,989	633,266
Lehigh & New England R. R. Co.	1,155,024	6,000,000	819,722	13.66	1,177,287	345,779	833,508	321,516
Chicago, Terre Haute & South Eastern Ry. Co.	926,804	4,300,000	234,751	5.46	1,231,092	449,810	781,282	145,512
Lehigh & Hudson River Ry. Co.	525,315	1,340,000	374,915	27.98	525,791	217,843	307,948	217,367
Monongahela Ry. Co.	583,175	3,800,333	352,800	9.28	615,154	259,927	355,227	227,948
Cincinnati Northern R. R. Co.	322,799	3,000,000	288,573	9.62	377,721	219,907	157,817	164,982
Port Reading R. R. Co.	169,236	2,000,000	182,547	9.13	42,971	[1] 103,337	149,308	19,928
Detroit & Toledo Shore Line R. R. Co.	462,061	1,428,000	348,020	24.37	462,298	239,805	222,493	239,568
Buffalo & Susquehanna R. R. Corp.	593,465	7,000,000	496,202	7.09	743,001	299,820	443,181	150,285
Staten Island Rapid Transit Ry. Co.	329,703	500,000	160,119	32.02	168,563	187,868	256,431	73,272
Detroit & Mackinac Ry. Co.	313,624	2,950,000	218,978	7.42	342,555	157,735	184,820	128,804
Total Eastern district	271,832,392	1,593,322,780	182,921,748	11.48	287,529,552	76,861,276	206,636,725	65,205,667
SOUTHERN DISTRICT.								
Illinois Central R. R. Co.	$18,672,920	$109,288,114	$12,393,882	11.33	$22,710,792	$13,459,104	$9,250,688	$7,411,332
Louisville & Nashville R. R. Co.	17,598,852	72,000,000	12,058,800	16.75	22,731,889	12,062,423	10,669,465	6,849,387
Norfolk & Western Ry. Co.	20,862,895	138,580,857	17,342,919	12.51	24,183,243	10,498,407	13,684,835	7,178,060
Chesapeake & Ohio Lines	13,285,327	62,786,000	5,848,431	9.31	15,633,259	5,473,253	10,160,017	3,105,310
Atlantic Coast Line R. R. Co.	10,259,314	68,751,700	7,424,404	10.80	12,714,215	5,375,338	7,337,877	2,921,437
Central of Georgia Ry. Co.	3,462,885	20,000,000	1,878,570	9.39	4,388,315	1,937,392	2,420,923	1,041,962
Nashville, Chattanooga & St. Louis Ry.	3,217,945	15,994,831	2,175,425	13.60	4,436,754	2,804,134	1,632,621	1,585,324
Mobile & Ohio R. R. Co.	2,591,017	6,016,800	883,957	14.75	3,142,328	1,241,731	1,900,597	690,420
Cincinnati, New Orleans & Texas Pacific Ry. Co.	3,285,028	5,443,400	2,448,928	44.99	4,970,321	3,315,131	1,655,190	1,629,838
Florida East Coast Ry. Co.	2,858,295	10,836,333	1,090,321	10.06	4,007,115	2,174,754	1,832,361	1,025,934
Alabama Great Southern R. R. Co.	1,741,801	11,210,350	1,364,245	12.17	2,420,082	1,220,663	1,199,419	542,382
New Orleans & North Eastern R. R. Co.	1,016,703	6,000,000	646,449	10.77	1,368,821	571,537	797,284	219,419
Richmond, Fredericksburg & Potomac R. R. Co.	1,195,007	4,315,067	979,486	22.70	1,508,012	558,470	949,542	245,465
Georgia Southern & Florida Ry. Co.	516,777	3,768,000	222,196	5.90	747,190	353,353	393,837	122,970
Charleston & Western Carolina Ry. Co.	478,916	1,200,000	260,036	21.67	583,845	308,983	275,162	203,754
Gulf & Ship Island R. R. Co.	600,705	7,000,000	373,070	5.33	615,872	296,856	318,016	282,689
Alabama & Vicksburg Ry. Co.	333,781	2,100,000	360,784	17.18	497,285	272,453	224,832	108,949
Washington Southern Ry. Co.	499,026	4,000,000	348,641	8.72	730,923	504,627	226,296	272,730
Atlanta & West Point R. R. Co.	259,820	2,463,600	292,922	11.89	387,782	273,114	114,668	145,152
Western Railway of Alabama	294,904	3,000,000	251,851	8.39	398,619	179,446	219,173	75,731
Total	100,921,987	551,745,052	68,636,910	12.37	128,147,658	62,874,878	65,272,780	35,659,207
WESTERN DISTRICT.								
Atchison, Topeka & Santa Fe Ry. Co.	$38,139,099	$332,323,327	$32,230,091	9.70	$43,078,082	$20,209,304	$22,865,778	$15,272,281
Southern Pacific Co.	38,377,277	272,725,233	17,983,726	6.60	43,883,903	2,187,028	38,377,277	.....
Chicago, Milwaukee & St. Paul Ry. Co.	27,214,831	233,235,167	14,336,613	6.15	27,978,372	186,287	27,214,831	.....
Chicago, Burlington & Quincy R. R. Co.	34,040,162	(G)110,839,100	(G)24,444,045	(G) 22.05	(J)40,616,182	(H)22,283,311	18,332,871	15,687,291
Chicago & North Western Ry. Co.	23,451,674	157,591,852	16,040,315	10.18	26,184,551	7,562,445	18,622,135	4,829,539
Great Northern Ry. Co.	28,754,713	249,381,885	24,021,687	9.63	28,910,903	6,514,493	22,393,413	6,358,303
Northern Pacific Ry. Co.	30,383,334	247,982,000	24,287,781	9.87	34,943,547	10,954,428	23,989,119	6,394,205
Union Pacific R. R. Co.	23,744,051	321,835,100	31,018,328	9.64	26,103,263	6,295,077	19,813,189	3,930,862
Minneapolis, St. Paul & Sault Ste. Marie Ry.	11,637,004	(G)37,810,200	(G) 4,571,790	(G) 12.09	(J)11,847,688	(H)2,611,881	9,235,807	2,401,197
Oregon Short Line R. R. Co.	10,243,359	100,000,000	9,381,016	9.38	12,781,039	12,068,105	712,934	9,530,425

[1] Deficit or reverse item.

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NOTE B.—Represents the average annual par value of common and preferred stock outstanding and not held by or for the issuing company, for the three years ended June 30, 1917.

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NOTE G.—Figures based on the two years ending June 30, 1915, and June 30, 1916.

NOTE H.—Year ended December 31, 1916.

NOTE J.—Partly estimated.

NOTE K.—Figures based on the two years ending June 30, 1916, and June 30, 1917.

Statement showing for the roads named certain figures based on interpretations of Senate bill 3632 and of the proposed amendment, compiled from data as returned in the annual reports of the carriers named to the Interstate Commerce Commission—Continued.

Road.	Proposed standard return. (A.)	Capital stock actually outstanding. Average for the three years ended June 30, 1917. (B.)	Average net income for the three years ended June 30, 1917. (C.)	Average per cent of net income to capital stock. (d)÷(c).	Railway operating income for year ended June 30, 1917, modified as in standard return. (D.)	Net income less dividends and sinking-fund appropriations for the year ended June 30, 1917. (E.)	Modified standard return under the proposed amendment. (F.) (f)−(g).	Difference between standard return in S. 3632 and modified standard return. (b)−(h).
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
WESTERN DISTRICT—continued.				*Per cent.*				
Texas & Pacific Ry. Co. (Rec.)	$4,145,821	$38,755,110	$2,548,330	6.58	$5,768,676	$4,349,712	$1,418,964	$2,726,857
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	4,955,248	29,815,000	2,854,452	9.57	5,460,301	1,439,690	4,020,611	934,637
Duluth, Missabe & Northern Ry. Co.	5,377,214	4,112,500	4,693,088	114.12	7,150,468	1,059,334	5,377,214	.....
El Paso Southwestern Co.	(J) 4,256,395	(G)25,000,000	(G) 2,190,198	(G) 8.76	(J) 6,112,390	(H) 2,082,092	4,030,298	226,097
Houston & Texas Central R. R. Co.	1,732,973	10,000,000	1,088,368	10.88	2,901,747	2,276,369	625,378	1,107,595
Duluth & Iron Range R. R. Co.	2,398,945	5,333,333	2,040,987	38.27	2,633,753	606,835	2,026,918	372,027
Fort Worth & Denver City Ry. Co.	1,904,975	9,243,800	1,297,029	14.03	2,564,989	1,330,242	1,234,747	670,228
Panhandle & Santa Fe Ry. Co.	1,341,385	604,500	389,097	64.37	1,983,820	1,013,527	970,293	371,092
St. Louis, Brownsville & Mexico Ry. Co.	990,237	500,000	263,544	52.71	2,046,814	1,231,316	815,498	174,739
Chicago, Rock Island & Gulf Ry. Co.	(J) 961,648	(G) 469,000	(G) 83,685	(G) 17.84	(J) 1,273,057	(H) 46,112	961,648	.....
Bingham & Garfield Ry. Co.	1,299,862	6,171,667	1,405,681	22.78	1,812,940	38,582	1,299,862	.....
Louisiana Western Ry. Co.	903,918	3,360,000	802,684	23.89	1,372,421	1,286,784	85,637	817,281
Nevada Northern Ry. Co.	885,023	2,000,000	879,907	43.99	1,231,472	203,722	885,023	.....
Vicksburg, Shreveport & Pacific Ry. Co.	347,524	4,999,300	299,634	5.99	(J) 628,981	390,599	229,382	118,852
Houston East & West Texas Ry. Co.	377,627	1,920,000	234,199	12.20	584,755	450,559	134,196	243,431
Cripple Creek & Colorado Springs R. R. Co.	(K) 369,737	737,000	171,612	22.67	539,520	134,395	369,737	.....
Colorado & Wyoming Ry. Co.	333,053	100,000	162,636	162.64	415,503	106,133	309,370	23,683
Wichita Valley Ry. Co.	353,169	1,020,000	117,896	11.56	346,526	12,974	333,952	19,217
Arizona & New Mexico Ry. Co.	302,651	2,770,000	237,614	8.58	468,199	130,742	302,651	.....
Total	220,214,262	2,210,635,611	220,076,073	9.96	341,618,298	104,227,284	237,004,724	72,209,538

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Mr. ROBINSON obtained the floor.

Mr. POMERENE. Mr. President, I know that the Senator from Arkansas has given a great deal of very careful thought to the bill now pending before the Senate and I feel that Senators ought to hear what he has to say. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KING in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	New	Smoot
Beckham	Henderson	Norris	Sterling
Borah	Hitchcock	Nugent	Stone
Calder	James	Overman	Sutherland
Chamberlain	Johnson, Cal.	Page	Swanson
Cummins	Johnson, S. Dak.	Phelan	Thomas
Curtis	Jones, N. Mex.	Pittman	Tillman
Dillingham	Jones, Wash.	Poindexter	Trammell
Fernald	Kellogg	Pomerene	Vardaman
Fletcher	Kenyon	Robinson	Wadsworth
France	King	Saulsbury	Watson
Frelinghuysen	Knox	Shafroth	Weeks
Gallinger	McKellar	Sheppard	Williams
Gronna	McNary	Simmons	Wolcott
Hale	Martin	Smith, Mich.	
Harding	Myers	Smith, S. C.	

Mr. McKELLAR. I desire to announce that the Senator from Kansas [Mr. THOMPSON] is detained on official business.

The PRESIDING OFFICER. Sixty-two Senators having answered to their names, the Chair announces that a quorum is present. The Senator from Arkansas is recognized.

Mr. ROBINSON. Mr. President, I express the hope that Senators whose other duties will enable them to do so will remain in the Chamber during the brief time that I shall attempt to discuss two matters connected with the bill under consideration.

In all that has been said by the Senator from South Carolina [Mr. SMITH], the Senator from Minnesota [Mr. KELLOGG], and the Senator from Iowa [Mr. CUMMINS] concerning the importance of this measure I heartily concur. Considered from the standpoint of property values involved and the economic issues which are in part, if not wholly, determined by the bill, it is perhaps more far-reaching than any other measure that has come before the Congress.

It is not necessary to argue the wisdom of promptly disposing of the issues raised by the pending legislation. That must be apparent to every Senator. I do not mean to imply that undue haste should occur in determining such important questions as we now consider, but it may with propriety be asserted that all unnecessary delay should be avoided, and the questions now at issue should be determined just as quickly as their importance and nature will permit.

The Director General is very anxious that Congress shall act, for it is necessary to arrange as soon as practicable for certain funds in connection with the maintenance, the depreciation, and the operation of the carriers under his control. It is desirable to end, in so far as legislation can do so, the existing uncertainty as to the status of the railroads and the policy of the Government in the operation of them and to take such action as may be necessary to prevent loss and inconvenience to the carriers and to the public resulting from the lack of necessary arrangements for maintenance and indispensable improvements.

Furthermore, the financial plans and policies of the administration can be much more readily formulated and consummated; the enormous funds necessary to be secured through liberty loans and otherwise for the requirements of the Treasury in the prosecution of the war can be much more readily obtained when the vexing questions connected with this legislation have been answered and the purpose and policy of the Government respecting the control and operation of transportation lines have been definitely fixed by law.

This bill providing for the operation of transportation systems while under Federal control and for just compensation to their owners should be kept before the Senate until disposed of. It ought not to be laid aside for the consideration of appropriation measures or other bills, however important, unless of a very emergent nature.

It is not my intention to undertake at this time a discussion of all the important controverted subjects connected with the bill. I prefer rather to pursue a course which I hope will be helpful to some Senators who desire to understand that feature of the bill immediately under consideration, namely, section 1, relating principally to the authorization of agreements between the Government and the railroads in settlement of the compensation due the owners for the taking of their property by the President. I shall direct my remarks for the pres-

ent principally to the subject of "Compensation." Before entering upon a discussion of this fundamentally important feature of the bill it may not be undesirable to discuss another topic concerning which the Senator from Minnesota [Mr. KELLOGG] has expressed an opinion contrary to that asserted by the Senator from South Carolina [Mr. SMITH] and the Senator from Iowa [Mr. CUMMINS].

SOME OF THE REASONS FOR FEDERAL CONTROL.

The Senator from Minnesota [Mr. KELLOGG], in his very able and instructive address on this bill delivered on Wednesday last stated that in his opinion it was unnecessary and unwise for the Federal Government to take possession of and to operate the railroads; that all justifiable ends could have been as readily accomplished through private control and operation under the supervision and counsel of a central authority, the Director General.

The Senator from South Carolina [Mr. SMITH] has forcefully informed the Senate of the reasons requiring the Government to take over the roads and operate them, and the Senator from Iowa [Mr. CUMMINS] has reinforced his position in this regard, expressing the opinion that the Executive should have acted when the war began, and that the only important mistake was in too long delaying action under the act of August 29, 1916.

I believe, and shall attempt to demonstrate, that Federal control and operation were necessary, indeed, almost unavoidable, and that the President acted wisely in not exercising the powers conferred upon him by Congress to take over the railroads and operate them in a time of war until the necessity for such action had been recognized by public opinion. For the Government to take possession of and use the railroads was a very radical step, involving it in great liabilities and responsibilities. And it does not seem to me to be a proper subject of censure or criticism that the Chief Executive was not hasty in exercising the very extraordinary authority.

The Senator from Minnesota [Mr. KELLOGG] does not, in my opinion reflect the prevailing judgment among other well-informed students of transportation conditions in the United States when he declares that it was unnecessary and unwise to take over and operate the railroads during the present war. His legal knowledge, his broad experience and devotion to the public interest give force to any opinion he may express, but it seems to me that the weight of the argument is against his contention. With no disposition to assert myself as an authority on the subject, I take the liberty of summarizing briefly some of the arguments which, to my mind, conclusively justify the taking and operation of the railroads by the Government under existing conditions.

During recent years railroad extensions and construction have not kept pace with the requirements of commerce. It would not be profitable to enter upon a discussion of the reasons for the partial suspension of railroad building in the United States during late years. It is the fact which is important in this debate. While traffic was constantly and rapidly increasing, railroad extensions and equipment were not being provided in proportion. With the outbreak of the war, transportation requirements, particularly on the lines approaching the Atlantic seaboard, were greatly increased. The railroads seemed unable correspondingly to increase their facilities. In this address I lay no blame upon them for this.

While many lines in other parts of the country promptly transported the freights tendered them, the railroads in the East, particularly those which reach our greatest seaport, became overcrowded, resulting in thousands of freight cars being used for warehouse purposes. The inability of ships sailing from New York Harbor to obtain coal, added to other embarrassments to shipping, accentuated the difficulties until the congestion became appalling.

It became apparent that one practical means of relief could be found in the diversion of freight. This could not be legally accomplished under private control, the law giving to the shipper the privilege of routing his freight. The Federal Government operating the roads could disregard shippers' routings and send the freight over any line.

Moreover, the rerouting of freight materially affects the operating revenues of the carriers and implies the necessity for pooling earnings, which can not legally be done under private control. Even if the antipooling sections of the law had been repealed, railroads operating under a competitive system, which has been regarded as one of the fundamental features of private control and operation, would not be able promptly to effect voluntary arrangements which would deprive one road of its normal business for the benefit of a competing carrier.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Minnesota?

Mr. ROBINSON. I yield to the Senator from Minnesota.

Mr. KELLOGG. I wish to say that in that regard I agree with the Senator. I do not wish to be understood as disagreeing on that proposition. Government direction was undoubtedly necessary to accomplish that, because under the present law the railroads themselves could not bring about that result.

Mr. ROBINSON. I think the Senator's statement adds strength to the argument which I am attempting to make, and I thank him for it.

It should be remembered that at the time the President took possession of the railroads the military operations of the Government were being greatly embarrassed. Troops, supplies, and munitions destined for the battle front were being delayed both on the railroads and at port. Only the strong arm of the Government could clear the lines, hurry necessary fuel to the ships, and hasten the transportation of soldiers and supplies to France. Unified control was partially accomplished through the railroads war board, a voluntary organization composed of some of the best and ablest railroad men in the Nation while the carriers were yet under private control. The service which this board rendered was in many respects admirable and highly commendable, but the board could not make or repeal law, and, most important of all, it could not remove the natural obstacles to unified operation created by the desire and obligation of every railroad manager to secure for his line all the business he could obtain.

Under Government control it is possible to make common use of all tracks, facilities, and equipment. This could not be legally done under private control.

Under private control it was not possible to distribute efficiently cars and motive power, and in consequence some roads were at times over supplied, while others were unable to obtain a sufficiency. Under private control when freight was diverted by the action of the war board, it probably constituted a violation of law and gave rise to many difficulties which do not arise under Federal control.

Furthermore, the railroad representatives were fearful of a decline in railroad credit. They claimed to need the financial support of the Government to sustain and stabilize railroad securities, in the absence of which the railroads were threatened with ruin.

Before the President exercised the powers conferred upon him by the act of August, 1916, the public had generally come to anticipate the taking over and operation of the roads by the Government, and I believe the wisdom of his action has been disclosed by events which have already occurred and will be further vindicated in the future.

Whatever may be our views concerning the wisdom and necessity of Federal control, it is an accomplished fact that the President, under the authority of Congress, has taken possession of the railroads and is operating them through the agency of the Director General. The taking possession of the roads and the use of them by the Government creates a legal liability on the part of the Government to the owners to pay for the use of the property taken.

THE NATURE AND EXTENT OF THE GOVERNMENT LIABILITY.

I shall now briefly speak of the nature and extent of the Government liability. This legislation is framed upon the theory that the Government's possession and use of the railroads is merely temporary, and that, therefore, the true legal measure of "just compensation" is not the value of the property taken, but is the value of its use. The Congress can not declare, as has been heretofore stated in the debate and as every Senator probably understands, what constitutes just compensation. It can not determine the amount due the railroads and provide a fixed sum by appropriation. Under the Constitution, the question as to what constitutes just compensation is a legal question, to be determined by the courts after a consideration of all the facts and circumstances. The Congress can not even instruct or direct the courts to embrace or exclude elements of value, nor can it restrict them in determining the amount of just compensation due. If the Congress could impose upon the courts a direction as to what facts should be considered and what elements of value should be embraced in determining the question of just compensation, it could effectually confiscate property and thus defeat the very purposes of the constitutional provision that "private property shall not be taken for public use without just compensation." I maintain, notwithstanding the prolonged and, to my mind, in some respects erroneous argument of the Senator from Iowa, that the standard return is the best and fairest basis for agreement as to just compensation that has been suggested, for the all-controlling reason that it

approximates closely the legal measure of the amount recoverable at law.

Mr. President, the Government's obligation is to pay to the railroads what is due them for the use of their property. Congress can not deprive the carriers of the right to receive compensation for the use of their property taken and used by the Government. Certainly no Senator would desire to do that. The Congress can provide the means and the tribunal for determining the amount of compensation to be paid for private property taken for public use, but it can not restrict or circumscribe the power of the tribunal to determine the amount of compensation to be paid. The standard return provided for in this bill—namely, the average annual railway operating income for the three-year period ended June 30, 1917—constitutes a just basis for an agreement respecting just compensation. Some have claimed that the compensation which may be obtained under this standard return is too little, while others, including the Senator from Iowa, have asserted that it may be entirely too much.

Every Senator who has discussed this subject has expressed the opinion that it is both desirable and necessary to enact legislation to enable the President to make agreements with the railroads, and thus avoid the necessity for litigating the question of compensation in the courts. This proposition seems self-evident. If the railroads of the country should be remitted in the first instance to the courts for a determination of the question of just compensation, it would require the talent, the energy, and the resources of many of the best men of the Nation for many years before these disputes could be settled. In addition to this, it would lessen the efficiency of the transportation systems and weaken the Government in the conduct of the war. It must be admitted by all that it is desirable to provide for settling the question of compensation out of court. Of course, the Congress can not take away from the railroads the right to litigate the question. We can not compel any carrier to enter into an agreement. We must provide a means for determining judicially the amount of compensation due any carrier for the taking and use of its property by the Government. It follows that any agreement provision, to be acceptable, must be of such a nature that it is likely to be availed of, both by the Government and by the carriers. It would be futile to spend our time in formulating a method for settling out of court these disputes if the provisions of the law enacted by Congress were such that in all probability the railroads would not take advantage of them, but would prefer to take their remedy through judicial process.

The chief value of the standard return is that it approximates the actual amount of compensation which a court would in all probability award a carrier upon a trial of its case. It is necessary and advisable that any agreement provision which we write in this bill should have that characteristic. Since the railroads can not be deprived of the right to sue for compensation and have a court pass upon the amount due, it would be absurd to deny to them approximately the amount to which they would be plainly entitled under the law. It seems to me to be the wise course to so write this bill that the railroads can obtain without litigation approximately what they would be likely to get through litigation, and if we do this, in all probability the carriers will enter into an agreement; if we fail to do this, they will likely decline to enter into agreements, and will resort to the courts for their remedy.

It is my purpose now to attempt to show that the provision in this bill respecting compensation through voluntary settlement between the President and the carriers is fair and just, and approximates the basis upon which the courts would determine it. If I can establish this proposition, I will be entitled to have your favorable action concerning this provision.

The primary and fundamental element which a court will consider in determining the value of the use of property, is its earning capacity. I do not mean to imply that other elements do not enter into the subject, or to assert that other facts should not receive due consideration. I merely say that the principal thing in determining the value of the use of property is its earning capacity. The carriers had established their earning capacity under Government regulation and supervision. A system of rates which determines the amount of their earnings has been in operation with the approval of the Government as just and reasonable, and this system of rates has been recommended as a fair basis for present and future charges. That is to say the Interstate Commerce Commission has fixed the rates, and recommended to Congress that the rates so fixed be determined legislatively as fair and reasonable.

Prior to the passage of the act to regulate commerce in 1887 the power of the railroads to make rates was unlimited. Few legal restrictions, especially of a Federal nature, existed on the authority of a carrier to charge any rate it desired. With the act of 1887 began the period of regulation which extends to the present. The act of 1890, commonly called the Sherman Antitrust Act, the act of 1906, and the act of 1910 constituted an evolution in the regulation of the railroads through Federal agency. Gradually the power of the Federal regulating body was increased and extended until now it may be said that the Interstate Commerce Commission has the power to make and determine rates.

The railroads blame upon overregulation by the Interstate Commerce Commission and State commissions many of the deficiencies in railroad affairs. Their representatives assert that the Government, through the Interstate Commerce Commission, has pursued a niggardly policy which has prevented them from making sufficient earnings to adequately provide extensions, additions, and equipments. I do not subscribe to this declaration without material modification.

The standard return is based upon the average annual earnings for the three-year period ended June 30, 1917. These earnings were made under Federal regulation, under rates fixed and controlled by a Federal agency, the Interstate Commerce Commission.

What would be the legal effect of this in a judicial proceeding to determine just compensation? In my opinion, the earnings of the railroads under rates fixed by the Government agency would not be conclusive of just compensation. Evidence would be admitted to show that the earnings which the Government permitted were inadequate to meet the requirements of the constitutional provision as to just compensation, or, on the other hand, that they were in excess of just compensation. The rate-making power, within certain limitations, is, of course, a legislative power. It would be perfectly competent for the legislature to adopt toward the railroads a policy which would enable them to realize very great profits, profits in excess of the measure of the value of the use of their property when taken by the public. The principal limitation upon the legislative power to make rates is that they shall not be confiscatory. A rate which is not confiscatory may not, however, be compensatory in the true sense of that term. It would undoubtedly be competent to show as an evidence of the value of the property or its use the earnings of the railroads under Government regulation. In all probability a court would give great weight and credence to this evidence.

It is not only true that the standard return approximates the legal basis for just compensation, but it is also the most convenient plan that has been suggested for adjusting controversies concerning compensation. It involves the use of terms, records, and accounting systems of the Interstate Commerce Commission.

Some difference of opinion has been expressed as to just what items should be embraced in the standard return.

Apparently all are agreed that it should include operating revenues, operating expenses, railway tax accruals, and uncollectible railway revenues, but there is considerable difference of opinion as to whether other items should be included. The present bill as amended includes "equipment rents" and "joint facility rents." In determining the standard return it is well to know something of the details of the character of the Government operations, what changes will be effected in existing methods and practices, and the purpose of the Government in providing the standard return, or any other, for that matter.

During the course of the remarks of the Senator from Iowa [Mr. CUMMINS] the question arose as to what is the necessity or justification for the Government to make a guaranty to the railroads. I attempted then to explain briefly the justification for this proposal. Under Government operation and control it will be the policy to affect very materially the business of the carriers operated by the Government. Some of the railroads will no doubt have their business very materially increased, while others will experience a great falling off in the traffic which they carry.

It may with propriety be assumed, first, that the Government will so conduct the railway operations as to affect the net income of individual carriers, and perhaps of the carriers as a whole, and the net income will very likely be quite different from what it would be under private operation.

Second, the Government desires to be just and fair, both to the public and to each individual carrier whose property is taken over, and it, therefore, desires to establish a basis for the standard return that will not favor one carrier as against another.

Third, as to the roads taken over and operated, the Government will receive the income and make or authorize the expenditures so far as the income items included in the standard return are concerned, and it will further guarantee to each of such carriers a definite amount, retaining the surplus income, if any, and providing from other sources for any deficit there may be, and, further, that the carriers, individually, will be re-

sponsible for receipts and expenditures involving income or other items not included in determining the standard return.

If these assumptions be correct, every item of income that may be affected in one way or another by Government operation should be included in arriving at the standard return. Of course, it is not necessary to carry this idea to the extreme. It is the opinion of the best experts I have consulted that in practically all cases justice will be done if the standard return outlined in the proposed bill is adopted.

Some of the reasons justifying these conclusions are embraced in the following suggestions:

EQUIPMENT RENTS.

The term "equipment rents" includes not only hire or rent of freight cars but also of locomotives, passenger cars, floating equipment, and work equipment. As to most roads the item of greatest importance is "hire of freight cars." The credit to this account represents amounts receivable by an owning company for the use of its freight cars leased or interchanged, and the debit represents amounts payable by the using carrier for the use of freight cars of other carriers leased or interchanged and for the use of freight cars of individuals and companies not subject to the act to regulate commerce. Taking the carriers as a whole, the balance is always a debit. As to freight cars interchanged among carriers in the United States, the debits and credits should equal each other, but freight cars are frequently leased from individuals or companies that do not report to the commission, in which case there would be a debit with no corresponding credit. The payments made for the use of private freight cars are also a debit, with no corresponding credit. There is a large interchange of freight cars with Canadian roads and some interchange with Mexican roads; and as the roads in these foreign countries do not report to the Interstate Commerce Commission the car interchange may affect the balance either way, depending upon the ownership of the cars interchanged. There is also a negligible amount of income received by the carriers for freight cars rented to industrial concerns, logging roads, and so forth, that do not report to the commission and for which there is no corresponding debit.

Rents from locomotives and passenger cars are largely between carriers, although either the debits or credits to income may be affected by rentals received or paid to companies which do not report to the commission or at least do not report as steam roads. For example: A carrier might rent a locomotive to or from an industrial concern or a logging road, neither of which reports to the commission, or it might rent a passenger-train car to or from the Pullman Co. which does report to the commission, but not as a steam railroad. Floating equipment is perhaps generally rented from individuals or concerns other than steam railroads so that in the railroad account the balance as a whole would probably always be a debit. The amounts received and paid from the use of work equipment are of minor importance, and perhaps represent in most cases payments among steam railroads, so that the debits and credits should be approximately equal.

The Government operations will undoubtedly affect the use of equipment. The Government may send to Canada or to Mexico a greater number than usual of the cars owned by the carriers of the United States, thus increasing the rental credit, or it may so conduct operations that a greater number than usual of cars of the Canadian or Mexican roads may be used on the lines of our carriers, thus increasing the rental debit; it might require the railroads to rent a greater number of units of floating equipment or to release units now in use by the steam railroads; it might require the Pullman Co. to turn over all or certain of its cars for use by the steam railroads as their equipment rather than Pullman equipment; it might change the rate or the basis for the allowance to private freight-car owners for the use of their cars, thus affecting the amount of such payments; and it might, so far as some carriers are concerned, entirely change the movement of freight using some lines exclusively for passenger service and others for freight service.

The effect upon the total, however, is of little importance as compared with the effect upon the income of individual roads. It is conceivable and, indeed, quite probable that locomotives may be transferred from southern and western roads to eastern roads. If the item "rent for locomotives" be omitted in arriving at the standard return, the eastern roads, it would seem, will individually be required to pay a rental for such of these locomotives as they may use, and this will be an expenditure chargeable to income, for which no provision for reimbursement will have been made. The use of the locomotives, however, will not benefit the eastern carriers, because their returns from freight and passenger service will have been fixed on the results of operations during past years. In this case the eastern roads would be the losers and the southern and western roads the gainers.

In case the Government should make a freight road of one carrier and a passenger road of another, the income of these two carriers from rent of equipment might be affected in exactly opposite ways—one might be benefited and the other damaged.

It may be said with conservatism that to omit the one item of "equipment rents" from those included in determining the standard returns may result in bankrupting fairly prosperous roads, unless, of course, means be adopted to prevent the injustice that may fairly be expected to result.

JOINT-FACILITY RENTS.

It is a matter of general knowledge that the gross rental for joint facilities—facilities used in common by two or more carriers—is in part an operating expense and in part a rent proper. In some leases the contract stipulates for the use of the joint facilities at a rate per ton, per car, per mile, or some lump-sum basis, the payment including not only rent (income) but maintenance and operation as well. In other leases the contract stipulates that the income item of rents based upon a percentage rate applied to the cost of the facilities as well as to the expenses of maintenance and operation shall be divided upon a tonnage or per car basis. It is, therefore, evident that no hard and fast rule can be laid down for the separation of the rental feature from the operating feature, nor for the apportionment of the rental feature between the users of the facility. In the case of the first arrangement mentioned, the joint-facility rent is not a fixed amount nor does it appear to bear any relation to the capital invested. As a matter of fact, it is what is left after expenses have been provided for, maintenance and operation being apportioned as closely as can be determined to actual cost. The rent necessarily depends largely upon the volume of traffic handled. For this reason it should be accorded the same treatment as operating expenses and not burden the income of a road with expenses from which it will derive no revenue and, conversely, relieve the income of a road of expenses traceable to the traffic of that road.

The result in the aggregate, and consequently the amount involved in the Government guarantee will not be appreciably affected since the debits to the income of the lessee roads will practically equal the credits to the income of the lessor roads. For this reason the amount paid by the Government will not be appreciably affected if joint-facility rents are included in the standard returns. However, the inclusion will prevent many cases of injustice to carriers which might otherwise arise.

LEASED ROAD RENTS.

Some experts claim that "leased road rents" should not be included in the standard returns, for the reason that they are not a measure of the carrier's operations.

MISCELLANEOUS RENTS.

The items included in miscellaneous rents are relatively unimportant, and in most cases will not be seriously affected by Government operation. Consequently these items need not be included in the standard returns.

Thus the standard return approximates the measure of compensation to which the carriers are legally entitled and at the same time will prevent unfair discrimination in the amount of compensation to be paid individual carriers. It is also consistent with existing methods of accounting prevailing among the railroads and in the Interstate Commerce Commission and will, therefore, present little technical difficulty in ascertaining the sums to be paid under such agreements as may be made.

In the event no agreement is made the amount of just compensation due may be investigated by boards of referees who will report their findings to the President. He may then agree with any carrier upon any sum as compensation not in excess of the amount found due by the board of referees.

As already stated the provisions in the bill authorizing agreements are designed to afford a fair and speedy method of determining out of court controversies concerning compensation.

If no agreement is made based upon the findings of the referees, either the President or the carrier may institute a proceeding before the Court of Claims for the determination of the amount of compensation and in such proceeding the report of the referees is made prima facie evidence of the amount due.

Considering all the facts and circumstances, it appears that the provisions in this bill relating to the amicable adjustment of compensation due the carriers are fair to both the public and the railroads.

If the railroads had continued in private operation it is quite probable that the amount which the public would have been required to pay for transportation would have exceeded the amount that will be paid to the railroads under Federal control. I do not believe any well-informed person will assert that there existed at the time the Government took possession of the railroads any considerable probability of a substantial reduc-

tion in the early future of railroad rates. On the contrary, it appears quite probable that if the Government had not taken over the roads an increase in rates might have been made. Since the standard return represents an average for the three-year period, which embraces one lean year and two prosperous years, as to railroad earnings, it is not unfair and it does not appear likely that the railroads would voluntarily relinquish all claims for compensation or the right to have the amount of compensation due them determined by legal process, for sums manifestly less than could be recovered in court.

THE STANDARD RETURN COMPARED WITH OTHER PLANS FOR COMPENSATION.

No other plan has been suggested which, in my opinion, so nearly as the standard return meets the requirement of fairness and justness to both the public and the carriers.

AVERAGE MARKET VALUE OF RAILROAD STOCKS.

It has been suggested that the average market value of railroad stocks for a fixed period constitutes a better basis.

The evidence disclosed that the market value of railroad stocks bears little relation to the earning capacity of the roads, or, for that matter, to the value of the railroad property used for carrier purposes.

The market value of railroad stocks is influenced, if not controlled, by many other conditions. In some notable cases when the earnings of a road have been at their maximum the stocks have sold at a much lower price than at other times when the earnings have been far less.

Take another instance: When a railroad management has "skinned" the property, that is, has stinted expenditures for maintenance, depreciation, betterments, and extensions, and has declared substantially all earnings in dividends, the stocks have found high values on the markets.

Furthermore, railroad stocks, as everyone knows, have been the subject of speculation and manipulation and do not, therefore, furnish a fair or stable basis to determine the value of the use of the property upon which they are supposed to be based.

In illustration of the unfairness which would result from basing compensation upon the market value of railroad stocks I cite the testimony of Mr. Kruttschnitt, at pages 293 to 296 of the hearings. I will read a portion of his testimony.

Mr. Kruttschnitt was asked by the Senator from Iowa [Mr. CUMMINS] this question:

It is something the company can do whatever it likes with. In other words, I did not contemplate compelling the railway companies to divide their compensation among the shareholders in dividends if they did not desire to do it. We are dealing with the railway companies which own the property.

Mr. Kruttschnitt had been asked by the Senator from Ohio [Mr. POMERENE] some time previously his opinion concerning the proposal to base the compensation upon the average market value of railroad stocks, and here is his reply:

Well, it seems to us that if you impress or commandeer—which is what the Government has done—the use of these properties from the owners that you should pay a fair return on the value of the properties and not on market prices of stock, which are notoriously fickle, follow no law whatever, and are subject to violent fluctuations, sometimes for a reason that can be assigned, and more frequently for reasons that no man can assign.

The best test of the value of the use of the property which the Government takes is, of course, the return or income which the owners have been getting from it before the date of impressment, and my views yesterday were directed to that feature of compensation. Now, if you take the commission's estimates or statements to this committee of the market value of stocks, over a certain period which they worked up, I think, at your request——

Senator CUMMINS. In that respect I hope Mr. Kruttschnitt will take into account the fact that the total furnished by the commission is of comparatively little value, because for the three years that it names it simply takes the high point and the low point for the year and makes an average of the two. A fairer average of the market value of stock would require an enlarged basis.

Mr. KRUTTSCHNITT. Quite right. I did not know how it was arrived at. I simply got it off these statements. If they are not reliable, I do not think it is worth while to waste any of the committee's time in argument on it, except to say if they had been reliably gathered, and if they had multiplied the total bonds and stock issued by these prices, you would have gotten for the years in question—which I think were 1912, 1916, and 1917—values which were highest in 1912, lower in 1916, and still lower in 1917. In the interval values of the property have increased largely from 1912 to 1917. In other words, making the multiplications, you will find that the valuation of the properties derived from the multiplication of the average cost of stocks and bonds by their amounts would represent $1,600,000,000 less in the latter period than the former; yet in the interim $2,000,000,000 more money has been put into the property, so it shows how misleading such a plan of deducing value would be.

In answer to a further question Mr. Kruttschnitt made this statement:

Now, to take some concrete examples, I will cite Southern Pacific stock, as it is our own stock, and I am more familiar with it than any other. Southern Pacific stock sold about 10 years ago at its maximum, which was $128 or $130. It sold a couple of weeks ago at $75, a fall of 55 points—$55 a share.

In the same period the Southern Pacific Co. put $400,000,000 of new money—actual cash—into its property.

Senator POMERENE. In what period?

Mr. KRUTTSCHNITT. In about 10 years; and increased its property values by about 50 per cent.

Senator POMERENE. What do you mean by that?

Mr. KRUTTSCHNITT. I mean that, using approximate figures of 10 years ago, the property values of the Southern Pacific properties were $800,000,000 and to-day about $1,200,000,000. Now, the actual cash put in the property increased about 50 per cent, and the market quotations of the stock fell 55 points on 130—that is, 42 per cent. The money put in the property increased 50 per cent, and the market value of the stock decreased 42 per cent.

Further on he made this statement, after reading which I will proceed with my argument:

I cite that to show that without any increase in the amount of stock the market quotations have little or nothing to do with the intrinsic value. Remember, market quotations apply to a very small fraction of the stocks of conservative companies. There is a certain amount floating around that is bought and sold, but the great mass of the stock of the companies is held for investment and is not on the market. The price would no doubt be very different if the entire stock were on the market.

Mr. Kruttschnitt is one of the best informed men concerning railroad matters and especially railroad finances in the United States.

Another plan which is merely a modification of that just discussed is that the Government should pay to the carriers the amount of interest on their indebtedness and their regular dividends. The objection to this plan is threefold. It would not be acceptable to the railroads. Few, if any, agreements would be made under it, and the whole subject matter would be remitted to the courts. As I have already said, it is useless to authorize agreements that will not be made, and it is the part of wisdom to permit agreements that ought to be made and probably will be entered into.

This objection of itself, if well founded, is of course conclusive.

However, a second objection exists in the fact that this plan would penalize conservative railroad management and capitalize or place a premium on reckless railroad financing. Managements which have strained every effort to pay dividends, carriers which have been negligent in the matter of improvements, additions, equipments, extensions, and maintenance in order to pay large dividends would receive more compensation than others which have been properly managed and, while only declaring small dividends, have kept up, improved, and extended their properties.

In the third place I think this proposition is open to the objection that it makes no adequate provision for the future as to maintenance.

Of course it could be modified so as to embrace a guaranty for adequate maintenance, but that is not contemplated in the proposition as submitted.

A representative of the railroad brotherhoods suggested that the compensation contemplated in the standard return provided for in this bill be paid until the Interstate Commerce Commission could determine the actual investment of the property for carrier purposes, and that when the commission had determined the same compensation be based upon a reasonable percentage of this investment.

It is to be noted that this proposition recognizes and accepts for temporary purposes the standard return. Mr. Prouty, who has had the direction of the valuation of the physical properties of railroads, stated to the committee that it would probably be three years before the work as to any of the carriers would be finally determined. This fact, of course, renders the suggestion inapplicable at present. Moreover, it involves a very important controversy concerning which there exists very great difference. The committee did not deem it advisable to inject into this bill the long-standing and far-reaching dispute concerning what constitutes the correct basis of value as to railroad property and as to railroad rates.

The total amount of compensation which the President is authorized to agree upon with the carriers under the provisions of this bill can not be definitely stated for two reasons: First, it is not yet known what carriers will be retained under Federal control; and second, we can not now determine what amounts may be paid to roads under agreements made between the carriers and the President in exceptional cases.

The Senator from Minnesota [Mr. KELLOGG] has, however, stated the total amount which the President is authorized to agree upon with all the carriers as accurately as the subject is capable of being stated. It is as follows:

Net railway operating income for class 1 roads.

1915	$683,104,833
1916	984,872,950
1917	1,020,800,000
Average	896,259,264

The Interstate Commerce Commission has made an estimate which will bring this total, if all roads in classes 2 and 3 are embraced in the agreement, to $935,000,000, approximately $100,000,000 less than the amount received by them in 1917. The commission also estimates investments by the carriers in their property made during the period between June 30 and December 31, 1917, at $130,403,315. If the President should fix the rate at 5 per cent this would amount to $6,500,000, making the total $941,500,000. After deducting interest on debt, war taxes must be deducted to find the amount available for dividends.

THE BRITISH PLAN OF COMPENSATION TO RAILROADS WHILE UNDER GOVERNMENT CONTROL.

In criticizing the authorization in this bill for agreement as to compensation as too favorable to the railroads the Senator from Iowa [Mr. CUMMINS] made a comparison between the British plan for compensation to railroads while under Government control and that contemplated in this bill.

I was so astonished at some of the statements which he made that I asked for a copy of the notes of his remarks.

On page 33 of these remarks, as submitted to me by the official stenographer, the Senator from Iowa is quoted as making the following statement:

> There was no agreement made between the Government of Great Britain and the railroads of Great Britain. No one suggested making any agreement between the public and these railway companies.

In answer to a question of the Senator from Indiana [Mr. WATSON], if shortly after the taking over an agreement was not arrived at as a basis of compensation, the Senator from Iowa [Mr. CUMMINS] made the following statement:

> No; as I understand the record made there, and as it was introduced before our committee, the consent of the railway companies of Great Britain with regard to compensation was not asked. The act of 1871, under which the Government took possession of the railroads in 1914, was not substantially different from our act of 1916, and made no provision for compensation other than the general statement that when the power exercised under it did take place the compensation was to be made. When on the 4th day of August, I believe, 1914, the council in Great Britain determined it was necessary to take over the railroads and they were taken over and the operating body, the directors appointed by the law and who were in existence at the time they were taken over, simply published a statement that for the week following—and I want to mark that, because it is one of the things that we will presently have to consider in this bill—for one week the Government would take over the railroads of the country and would pay or guarantee the net income for 1913. That is, guarantee the net income that was earned in 1913, with some modifications that were to be made by consideration of the earnings for the first six months or seven months of 1914.

This statement is totally at variance with the record as I understand it. I have before me a copy of the British act entitled "The regulation of the forces act, 1871." In section 16 of that act there is a clause expressly authorizing agreements between the Government and the carriers as to compensation. I will read the provision:

> There shall be paid to any person or body of persons whose railroad or plant may be taken possession of in pursuance of this section, out of moneys to be provided by Parliament, such full compensation for any loss or injury they may have sustained by the exercise of the powers of the secretary of state under this section as may be agreed upon between the said secretary of state and the said person or body of persons, or, in case of difference, may be settled by arbitration in manner provided by the lands-clauses consolidation act, 1845.

So, in answer to the assertion of the Senator from Iowa that no agreement was asked and no agreement was authorized in that statute, I read the statute itself. It is not only true that the act authorized agreements as to compensation, but on September 15, 1914, it was announced that the Government and companies had come to an agreement.

This agreement, although amended six months later, and again modified in certain important respects, is still the basis of the financial arrangement between the Government and the railways.

THE TERMS OF THE AGREEMENT.

The terms of the agreement are briefly stated as follows:

> His Majesty's Government have agreed with the railway companies concerned that, subject to the undermentioned conditions, the compensation to be paid them shall be the sum by which the aggregate net receipts of their railways for the period during which the Government are in possession of them shall fall short of the aggregate net receipts for the corresponding period of 1913. If, however, the net receipts for the first half of 1914 were less than the first half of 1913, the sum payable is to be reduced in the same proportion. This sum, together with the net receipts of the railway companies taken over, is to be distributed amongst those companies in proportion to the net receipts of each company during the period with which comparison is made.
>
> The compensation to be paid under this arrangement will cover all special services, such as those in connection with military and naval transports rendered to the Government by the railway companies concerned, and it will therefore be unnecessary to make any payments in respect to such transports on the railways taken over.

In addition to the net receipts of railways proper the Government guaranty extended to the net receipts of six classes of enterprises when owned by railway companies included in the agreement. These six classes all follow:

First, omnibuses and other passenger vehicles not running on a railway.

Second, steamboats.

Third, canals.

Fourth, docks, harbors, and wharves.

Fifth, hotels, restaurants, refreshment rooms, and cars.

Sixth, other separate business carried on by the companies.

Thus it will be seen, the statement of the Senator from Iowa to the contrary, that the law of Great Britain did authorize an agreement between the railway companies and the Government touching the compensation. It will also be observed, notwithstanding the statement of the Senator from Iowa, that the agreement was in fact entered into, and under the terms of that agreement the Government not only guaranteed, with certain modifications, the net income of the railroads for 1913, which was the best year they had ever known, but it also guaranteed six other classes of business which had no immediate relationship to the carrier business.

I repeat, it is apparent that under the agreement entered into by the British Government with the carriers immediately after they were taken over the Government not only guaranteed the net income for the year 1913 as modified by the comparison with a portion of the year 1914, but it also guaranteed noncarrier business of six classes in which the railroads were engaged, including hotels, refreshment rooms, and cars. In addition to this the Government received free transportation of troops and supplies and assumed the payment of 25 per cent of the bonus to railroad employees. I have not undertaken to work out a comparison between this British guaranty and the guaranty contemplated in this bill, but it is perfectly apparent that the statements of the Senator from Iowa to the effect that no agreement was entered into between British railroads and the British Government is error.

Mr. CUMMINS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. CUMMINS. I did not say that the law of 1871 did not authorize an agreement. It not only authorized an agreement, but it provided a tribunal for determining differences in case no agreement is made. I did say that the compensation was fixed by the Government without an agreement. I may have been in error in that statement, although I understood it to be true at the time I made it. What was in my mind was that immediately after the 4th day of August, when the British Government took possession of the railroads, it promulgated the basis of the compensation that it would pay to the railroads, and there was no agreement at that time. I had not seen the document which the Senator from Arkansas is now reading at the time I made the statement, but it is quite apparent from its terms that there did finally come an agreement between the Government and the railroads that embodied the order which was originally made. In so far I am quite willing to acknowledge the error of my statement.

Mr. NORRIS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Nebraska.

Mr. NORRIS. I am interested to know what was the actual compensation fixed. The Senator refers to a particular year. What was the dividend paid during that year?

Mr. ROBINSON. I am going to discuss that. It follows as a logical sequence to what I have just referred, and if the Senator will permit me, I will take it up in the order I had intended. It will be only two or three minutes before I reach it, if that long.

It may be mentioned in this connection that the railroads of Great Britain are standardized; that dividends and interest rates are lower in Great Britain than in the United States; and that the British guaranty can not furnish a reliable basis of comparison as to what should be the guaranty in the United States.

Now I am coming to the point that the Senator from Nebraska [Mr. NORRIS] has just asked me about. I am going to discuss now briefly dividends under British control.

DIVIDENDS UNDER BRITISH CONTROL.

On page 49 of the stenographer's notes of his remarks the Senator from Iowa [Mr. CUMMINS] made this further statement with respect to dividends paid under British control of railways:

> Great Britain is now paying on an average of 4 per cent upon the railway bonds and 3½ per cent upon the railway stock.

It is not my purpose to undertake an analysis of the British system of control of railroads, but if an argument against this bill is based upon the practice of our ally concerning the operating of railroads by public authority, it is essential that the material facts upon which that argument is based be accurately stated.

The proviso in the agreement as to compensation providing for a proportionate reduction of the amount to be paid by the Government to the railways of the net receipts of the companies for the first half of 1914 were less than the net receipts of the first half of 1913 was withdrawn January 1, 1915. Thereafter the sum which the Government guaranteed the companies as net receipts were to be equal to their aggregate net receipts for 1913, subject to a deduction amounting to one-fourth of the first general bonus.

Subsequently the Government made a concession in a supplementary agreement providing for the payment to the railways as from August 4, 1914, of interest at the rate of 4 per cent upon capital expended upon new works that have been brought into use since December 31, 1912.

In Great Britain the Government not only guaranteed a reasonable per cent on the money invested in the railroads after the beginning of the war but it extended its guaranty back to the 1st of January, 1913, or December 31, 1912.

Early in 1916 the Government made a concession and acknowledged its liability in respect of such maintenance work as in the ordinary course of events would have been undertaken, but which, owing to the war, was being deferred. The Government finally conceded its liability not only for what the deferred maintenance work would cost at ordinary prices but for the probable increased cost of the work occasioned by higher prices of labor and material.

Thus it is to be seen that the agreement is not fully stated when it is merely expressed as a guaranty of the income for 1913, the Government in effect guaranteeing a much larger sum. The agreement was understood by the public to guarantee the net receipts of the railroads for the year 1913, and it was regarded by the railroads as liberal for the reason that 1913 had been a "banner year," marking "the high level of prosperity" in railroad operations.

The Government of the United States contemplates taking in this bill as the basis of its standard return the average annual railway operating income for a three-year period, which embraces one lean and two fat years as to railroad operations. The Government of Great Britain based its standard return, if you will call it that, upon the net income for the most profitable year the railroads of Great Britain had ever known. This guaranty resulted in a falling off of dividends as to the 25 principal railroads of Great Britain.

As to the average dividend paid in 1913 by these railways—and I am talking now only of the 25 principal railways of Great Britain; as to other roads, I have not the figures, except as they are embraced in the table presented this morning by the Senator from Iowa, which I assume to be correct—but speaking now of the average dividends for the 25 principal railways of Great Britain, the average paid in 1913 is said to have been 5.06; in 1914, 4.65; in 1915, 4.60; and in 1916, 4.65 per cent. The reduction in dividends was due in part, at least, or in some cases, to the necessity for strengthening reserves.

While the net receipts of the 25 companies in 1916 show a marked advance over the preceding year the dividends paid were substantially the same, the increase in net receipts being absorbed by increasing the reserve.

Notwithstanding that the prices of British railway stocks had fallen off during the four-year period preceding the war and were unusually low during the conflict the prices of these stocks have substantially declined since the summer of 1914.

Considering the fact that the British railroads are capitalized at approximately $300,000, while American railroads are capitalized at something like $62,000 per mile, and having in mind the further facts that British railroads have long been standardized, and that interest and dividends are considerably lower in Great Britain than in the United States, no fundamental objection in principle can be urged against the plan in this bill to guarantee the average annual operating income for the three-year period ended June 30, 1917, as compared with the British plan guaranteeing the net receipts of the railways for 1913 with certain modifications.

Every Senator understands that under our Constitution the power of Congress does not extend to the determination of the question of the amount of just compensation and that no provision of law can deprive the owners of railroad property of the right to have a judicial determination of the amount due them. We can impose increased burdens of taxation, and if the war continues this will probably occur. However much we may admire the spirit of liberality and however anxious we may be to encourage all persons and all industries to voluntarily contribute to the common welfare in this period of emergency, we can not require the owners of property to devote it to the public use for less than its actual value. Our obligation under the Constitution is to provide for the payment of such sums as will reimburse the owners of the property for the injury which they will sustain by reason of the Government use of their properties.

The maximum which the railroads claim would be the receipts for 1917. Their representatives have insisted that the standard of compensation as proposed is unfair and inequitable in that it is based upon the operating revenues for the year 1915, which was undoubtedly an abnormal and unprofitable year as to railroad operations. Nineteen sixteen and seventeen were very profitable years. It would be of great value to the railroads to be relieved from the possibility of misfortune and a consequent loss of revenues and the decline in the value of their securities. And to obtain this boon they should, of course, be willing to relinquish some part of the maximum claim which might be asserted.

It seems clear that while the standard of compensation authorized in this bill permits a reasonable and generous latitude to the President in making agreements with the railroads, it will also give him the power to safeguard the public against injustice and extortion in individual cases where to grant the maximum might prove excessive. The President will not make agreements which he regards as subservient of the public interest and the discretion to refuse to enter into an agreement and thus to remit the carriers to the courts for remedy will enable him to make adequate provision for the protection of the public interest in exceptional cases which Congress can not take notice of because of lack of time and the necessary information.

That I understand is the policy of the Director General.

Mr. President, repeatedly during the course of his remarks, the Senator from Iowa referred to the fact that the question as to what compensation shall be paid to the railroads by the Government for the taking and use of their property during the period of Federal control will be and must be finally determined in another forum. He suggested in his remarks to the Senator from Missouri [Mr. STONE] that the Senator from Missouri would have an opportunity to answer to the people of Missouri and the people of the United States for his consenting to this guarantee of the standard return.

Mr. President, questions as to what constitutes due compensation are not under our system of Government tried by elections. The Senator from Iowa is a great lawyer, and he knows that they are not. Questions as to what constitutes due compensation under the Constitution of the United States are determinable in the courts of the country. The Senator from Iowa ought not to try to intimidate Senators in the discharge of their duties in attempting to arrange a fair provision for agreement by threatening them with carrying this subject into politics.

But I say to the Senator from Iowa that I think he is wrong. I think he is insisting on writing into this bill terms authorizing an agreement that will not be accepted. I think if the standard he proposes be written into the law the whole subject will be made the matter of litigation.

So far as I am concerned, I think I am doing right, and I am ready to accept his challenge whenever he throws the gauntlet before me. It would be unfair to submit in an election the question of just compensation to voters who have to pay that compensation. There is not a judge, there is not a lawyer in the world who would not recoil with amazement from such a suggestion.

I propose in this instance to do my duty as I see it to the public, and I think I am doing that when I am arranging for them to receive transportation during this war period for less than it would cost them during a time of peace, notwithstanding the fact that the cost of materials has risen and that the labor wage has risen and will continue to rise. Under the terms of this agreement the public will receive transportation for less than they were paying before the war began, and that is the answer to the argument of the Senator from Iowa.

Mr. THOMAS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Colorado.

Mr. THOMAS. I have listened to the Senator's argument with a great deal of interest, but it seems to me that it assumes that all of the great roads or railroad systems that are to be taken over by the Government have been profitable within the years that are fixed as the standard for just compensation.

Mr. ROBINSON. No.

Mr. THOMAS. What I want to ask the Senator is his view as to the effect of this proposed standard of compensation upon railroads or railroad companies which in this interval were either in the hands of receivers or operated without any profit whatever.

Mr. ROBINSON. Mr. President, in reply to the question of the Senator from Colorado, I will state that there is a provision in the bill which authorizes the President to make any agreement he chooses in case he finds that the condition of any non-

dividend-paying carrier, as the bill is now written, was so exceptional during the whole or a substantial portion of the three-year period by reason of nonoperation, receivership, or the fact that the investments in property were not fairly reflected in the operating revenue or for any other abnormal cause. The provision is very broad. If the President finds that by reason of any of those things the standard of return provided for in the bill is plainly inequitable as a means of just compensation to such roads, he is, I say, authorized to make any agreement that he chooses with that road.

Mr. THOMAS. I do not recall that provision in the copy of the bill which I have.

Mr. ROBINSON. It is in the bill, I say to the Senator.

Mr. THOMAS. I am not questioning that.

Mr. ROBINSON. I will read it.

Mr. THOMAS. I do not recall it in the copy of the bill that I read last night.

Mr. ROBINSON. It is on page 5 of the bill, commencing with line 1, and I will read it:

If the President shall find that the condition of any nondividend-paying carrier was during all or a substantial portion of the period of three years ended June 30, 1917, because of nonoperation, receivership, or where recent expenditures for additions or improvements or equipment were—

I read it "were"; it is printed in the bill "when"—

not fully reflected in the net operating railway income of the said three years or a substantial portion thereof, or other undeveloped or abnormal conditions, so exceptional as to make the basis of earnings, hereinabove provided for, plainly inequitable as a fair measure of just compensation, then the President may make with the carrier such agreement for such amount as just compensation as under the circumstances of the particular case he shall find just.

Mr. CUMMINS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. CUMMINS. The paragraph just read by the Senator from Arkansas relates only to nondividend-paying carriers, and gives the President with regard to those railroads the authority to pay more than the standard return described in the bill.

Mr. ROBINSON. And also the authority to pay less.

Mr. CUMMINS. It was intended to give him the authority to pay more.

Mr. ROBINSON. Yes; certainly; or to pay something where nothing had been received during the three-year period.

Mr. CUMMINS. Precisely.

Mr. ROBINSON. Those that have not been in operation, of course, would not have any standard return.

Mr. CUMMINS. I have no objection to that; I think that is a very wise provision, because there are many railroads concerning which the standard return would not be just compensation. I think that all were convinced of that; and my remarks, of course, were devoted entirely to the other class of railroads.

Mr. ROBINSON. I will state to the Senator from Iowa that that is the reason that I have laid no emphasis on the provision to which the Senator from Colorado has referred. I, too, was confining my remarks principally to the provision the Senator from Iowa discussed.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Nebraska?

Mr. ROBINSON. I yield to the Senator from Nebraska.

Mr. NORRIS. While the Senator is on that subject, I should like to inquire, if some road should not come under the provision the Senator has read, but still was paying a dividend that was so small that anybody could see that it was inadequate, what provision does the bill make for payment in such a case; for instance, if a road, instead of being a nondividend-paying road, is paying 1 per cent, which everyone concedes is not enough?

Mr. ROBINSON. No roads have done that. I will say to the Senator from Nebraska that the record does not disclose that there are any roads within that class. The committee proceeded upon the theory that the railroads might very well be divided into two classes in respect to dividends, namely, dividend-paying roads; that is, those roads which pay what is called a regular dividend and nondividend-paying roads—roads which do not pay any regular dividend.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. KING. As I understand the Senator, there is no purpose on the part of the committee in this proposed legislation to transmute a road which pays an irregular and a small dividend into a regular dividend-paying road, or, at least, to give that road the same compensation as would be given to roads that had been making large earnings and had been paying dividends in a regular way?

Mr. ROBINSON. Oh, certainly not. The clause that I have just read, in response to the question of the Senator from Colorado, was designed to meet cases where the subject matter would have to be litigated, unless some provision of that sort were inserted. There are many roads, for instance, that were not operated for a substantial portion of the three-year period. There are others that are just beginning operations; there are a number that have been in receiverships, where the standard would not be applicable for many reasons that are recognized, and the purpose of the provision is to enable the President to agree with the roads that are in an exceptional class and that can not for one reason or another accept the standard return. Of course, as to a road that has been operating at a loss, if such there be, the Government, if it takes the property, would have to pay something, and the President is given the power to determine that.

Mr. SMITH of South Carolina. Mr. President——

Mr. ROBINSON. I yield to the Senator from South Carolina.

Mr. SMITH of South Carolina. I think, before the Senator from Arkansas passes from the argument in favor of the action of the committee in fixing the standard return, that attention ought to be called to the fact that the statistics show that the standard return we propose to give the roads is practically the return they received under the rates which were in operation before the war began.

Mr. ROBINSON. I have said that; I have argued that at length. I have alleged that the standard return is based upon the revenue that they earned under governmental regulations fixed by the Interstate Commerce Commission. I went into that subject very fully, as I thought.

Mr. KING. The Senator did so at the outset of his remarks.

Mr. SMITH of South Carolina. Probably I was diverted for a few moments or was compelled to leave the Chamber for a short while.

Mr. ROBINSON. I think if the Senator will take the trouble to read the portion of the remarks I made while he was out he will find it.

Mr. President, I am very grateful to Senators for the very courteous attention with which they have listened to me concerning this subject. It is a difficult one. If one were to follow his natural disposition, it would probably be to pay the railroads just as little as possible, but, under my oath as a public officer and in consideration of what I conceive to be my duty, I must not attempt willfully to deprive the railroads of what they are entitled to, and at the same time I must not seek to impose upon the public an unfair burden.

The supreme crisis which now confronts civilization will probably be passed within the next six months. Every student must recognize the necessity for marshaling our resources and more forcefully applying our energies. Along almost 500 miles of battle front a conflict will likely soon begin which may determine the fate of civilization.

The railroads of the country are a material and necessary factor in the successful prosecution of this war on the part of the United States. We must operate them during the war under unified control; we must speedily hasten to France the troops and supplies which are necessary to enable us successfully to maintain this combat. This measure is a part of the administration war program. It has been found necessary in the public interest, and the administration and the public await with anxiety the final disposition of this bill.

Mr. CUMMINS. Mr. President, there are two statements made by the Senator from Arkansas to which I desire to make a very brief reply. He has questioned the propriety of a remark which I made more than once during the course of my argument respecting the character of the issue which we are now settling. I hope the Senator from Arkansas did not understand that I even intimated that a settlement of this question by the courts or through legal proceedings was subject to review in a political forum. I tried to make it very clear that I desired full compensation to be paid to the railway companies, and that the best way in the world to ascertain what that compensation is, or ought to be, was by resort to legal tribunals, and that with the result or with the award that might be made by these tribunals every good citizen of the land must be content, and by them he must abide. The suggestion I made was with regard to agreements concerning compensation, and that presents a political question—not a partisan but a political question. The wisdom or unwisdom of making a particular agreement with the railway companies concerning compensation is one which belongs to the people of this country, and they will finally settle it. I did not assume, of course, that the conclusion reached by any Senator or the vote cast by any Senator would be influenced by anything save his own conscience and his own judgment. I have so high an opinion of the discrimination of the Senator from Arkansas that I wanted to make that distinction perfectly clear. I know that he must appreciate the difference between the two things.

In the second place, he has stated several times that the system of rates under which the earnings of the railway companies of the United States had been accumulated in the last three years is a system of rates established by the Government. I can not concur in that statement; it is, in my judgment, inaccurate. The Government has never established a system of rates; the Government has the power, through the Interstate Commerce Commission, to revise, upon complaint or upon its own motion, rates which have been initiated and established by the carriers. It has no further or other power in that respect, and the Interstate Commerce Commission has not at any time established the generally prevailing rates for the movement of commodities throughout the United States. It has passed from time to time upon complaints, either upon the part of a shipper or some one else interested, upon the reasonableness of certain rates, and it has passed from time to time, upon the application of the railway companies, upon the propriety of an increase in certain rates; but it is not accurate to declare that the rates which have been established and which have been effective in the United States have been established by the judgment of the Government. They have been established by the judgment of the carriers, subject only to revision, under proper circumstances, by the commission.

EXECUTIVE SESSION.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

Mr. THOMPSON presented a petition of Reno Post, No. 83, Grand Army of the Republic, Department of Kansas, of Nickerson, Kans., praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of the Board of Medical Registration and Examination of the State of Kansas, praying for the enactment of legislation to provide for the creation of advanced rank for the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Retail Merchants' Association, of Osawatomie, Kans., remonstrating against the repeal of the second-class postage rate, which was referred to the Committee on Post Offices and Post Roads.

Mr. GRONNA. I present a concurrent resolution of the special session of the Fifteenth Legislative Assembly of the State of North Dakota, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE,
February 11, 1918.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota and keeper of the great seal thereof, do hereby certify that the annexed copy of a concurrent resolution duly and regularly adopted by each branch of the Fifteenth Legislative Assembly of the State of North Dakota, as appears from the official journal of the house and senate of the said legislative assembly, has been compared by me with the official journal of the house and senate of the said legislative assembly in this department, and that the same is a true copy thereof, and of the whole of such record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol, in the city of Bismarck, this 11th day of February, A. D. 1918.

[SEAL.]

THOMAS HALL,
Secretary of State.

Joint resolution. (Introduced by J. F. T. O'Connor, of Grand Forks.)

Whereas the House of Representatives of the United States has passed a proposed amendment to the Constitution of the United States extending equal suffrage to the women of our Nation; and

Whereas the proposed amendment is now before the Senate of the United States for consideration; and

Whereas all the political parties in the State of North Dakota have declared in their platforms for equal suffrage; and

Whereas equal suffrage has been indorsed by the President of the United States: Therefore be it

Resolved by the House of Representatives of the State of North Dakota (the Senate concurring therein), That our Senators in Congress be urged to vote for the equal suffrage amendment; and be it further

Resolved, That copies of the resolution be sent to our Senators and Representatives in Congress, to the President of the United States, and to the Secretary of State for the United States of America.

Mr. GRONNA. I present a concurrent resolution of the Fifteenth Legislative Assembly of the State of North Dakota, which I ask may be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

STATE OF NORTH DAKOTA,
DEPARTMENT OF STATE,
February 11, 1918.

To all to whom these presents shall come:

I, Thomas Hall, secretary of state of the State of North Dakota and keeper of the great seal thereof, do hereby certify that the annexed copy of a concurrent resolution duly and regularly adopted by each branch of the special session of the Fifteenth Legislative Assembly of the State of North Dakota as appears from the official journal of the house and senate of the said special session has been compared by me with the official journal of the house and senate of the said special session of the Fifteenth Legislative Assembly in this department, and that the same is a true copy thereof and of the whole of such record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State at the capitol in the city of Bismarck, this 11th day of February, A. D. 1918.

THOMAS HALL,
Secretary of State.

Concurrent resolution introduced by woman's suffrage committee—a concurrent resolution to the Federal Congress and the Senators and Representatives therein from the State of North Dakota concerning the Susan B. Anthony national amendment.

Be it resolved by the Senate of North Dakota (the House of Representatives concurring therein), as follows:

Whereas there is now pending before the National Congress of the United States an amendment to the Federal Constitution known as the Susan B. Anthony national amendment; and

Whereas the Legislative Assembly of the State of North Dakota believe that the same should be submitted to the States of this Union as an amendment to our Federal Constitution: Now, therefore, be it

Resolved, That the State of North Dakota, through its legislative assembly, does herewith respectfully petition and urge the National Congress of the United States to favorably consider and early approve the said Susan B. Anthony national suffrage amendment; and be it

Resolved, That the secretary of state be instructed to send a copy of these resolutions to the Senators and Representatives of the State of North Dakota in Congress.

Mr. PHELAN presented a petition of Labor Council of San Francisco, Cal., praying for an increase in the salaries of all civilian employees of the Government, which was referred to the Committee on Appropriations.

Mr. CALDER presented a petition of the Alumnæ Association of Vassar College, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. KELLOGG presented a petition of sundry citizens of St. Paul, Minn., praying for the repeal of section 209 of the war-revenue act, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. PHELAN, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 758) to increase the productive agricultural area of the United States by the reclamation of arid and swamp lands, reported it with amendments and submitted a report (No. 271) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, reported it with amendments and submitted a report (No. 272) thereon.

He also, from the same committee, to which was referred the bill (S. 279) authorizing the Secretary of the Interior to issue patents in certain cases to missionary or religious organizations, reported it without amendment and submitted a report (No. 273) thereon.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 921) for the relief of James Duffy, reported it without amendment and submitted a report (No. 274) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 3802) authorizing appropriations made for the national security and defense to be used for the purchase of real estate, or the use thereof, when such purpose is not specifically stated in said appropriations (Rept. No. 275);

A bill (S. 3800) to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes (Rept. No. 276);

A bill (S. 3803) authorizing the President during the existing emergency to sell war supplies, materials, and equipment heretofore or hereafter purchased, acquired, or manufactured by the United States (Rept. No. 277);

A bill (S. 3801) to amend section 8 of "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917 (Rept. No. 278);

A bill (S. 121) to prevent the desecration of the flag of the United States, and to provide punishment therefor (Rept. No. 279); and

A bill (S. 3528) to suspend for the period of the present emergency sections 45, 46, and 56 of an act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, and for other purposes (Rept. No. 280).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 3872) appropriating the sum of $2,000, to be used under the direction of the Yakima Tribal Council for expense in presenting Indian matters to the Government officials in Washington City or in the employment of attorneys to assist them in securing information relative to tribal rights and property; to the Committee on Indian Affairs.

By Mr. HALE:

A bill (S. 3873) granting a pension to Isabel Wardwell (with accompanying papers); to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3874) providing medals for certain persons; and

A bill (S. 3875) for the promotion of Col. William A. Simpson, United States Army, retired; to the Committee on Military Affairs.

A bill (S. 3876) granting a pension to Jennie Magee; and

A bill (S. 3877) granting a pension to Leonora Forney; to the Committee on Pensions.

By Mr. JOHNSON of California:

A bill (S. 3878) to fix the compensation of certain employees of the United States; to the Committee on Appropriations.

By Mr. HENDERSON:

A bill (S. 3879) for the relief of the Overland Trust & Realty Co., of Reno, Nev.; to the Committee on Public Lands.

A bill (S. 3880) to extend the franking privilege to the officers of State councils of defense; to the Committee on Post Offices and Post Roads.

By Mr. MYERS:

A bill (S. 3881) to provide for the sale of isolated tracts of enlarged-homestead land; to the Committee on Public Lands.

By Mr. SUTHERLAND:

A bill (S. 3882) for the relief of Killian Delabar; to the Committee on Claims.

A bill (S. 3883) granting a pension to Harrison Pierson; to the Committee on Pensions.

A bill (S. 3884) to regulate the salaries of fourth-class postmasters; to the Committee on Post Offices and Post Roads.

GRAND CANYON NATIONAL PARK.

Mr. ASHURST submitted an amendment intended to be proposed by him to the bill (S. 390) to establish the Grand Canyon National Park in the State of Arizona, which was referred to the Committee on Public Lands and ordered to be printed.

THE COMMITTEE ON THE CENSUS.

Mr. SHEPPARD submitted the following resolution (S. Res. 206), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Census of the United States Senate be, and it is hereby, authorized to employ an additional clerk, at the rate of $100 per month, to be paid out of the miscellaneous items of the contingent fund of the Senate, for a period lasting until the end of the present session of the Congress.

ADDRESS BY RAINBRIDGE COLBY.

Mr. FLETCHER. Mr. President, I have a copy of a very impressive address by Mr. Bainbridge Colby, a member of the Shipping Board, on the rapid and continued construction of merchant vessels. I ask that it be referred to the Committee on Printing with a view to having it printed as a public document.

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Without objection, it will be so ordered.

WOMAN SUFFRAGE.

Mr. THOMPSON. I present in the form of a petition a short editorial appearing in the Washington Evening Star regarding woman suffrage. I ask unanimous consent that it may be printed in the RECORD, to be considered in connection with that important subject when the resolution providing for the submission of the national amendment is before the Senate for final action.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MOVING TOWARD SUFFRAGE.

Both of the national committees having declared in favor of Federal woman suffrage, the two parties stand aligned on this issue on equal terms. The other day the executive committee of the Democratic Party voted 5 to 2 in favor of suffrage, while a poll of the full national committee showed 23 for and 14 against the Anthony amendment and 6 unreported. The Republican national committee at St. Louis has just adopted a resolution virtually to the same effect, commending the votes of those Republican Members of the House who favored the amendment. These declarations must have an effect upon the Senate, which is soon to vote on the proposed constitutional amendment. Converts to the cause are being reported from time to time, though not identified, for the campaigners for the women's cause are shrewd enough to keep their "captures" undisclosed to prevent pressure from the other side. It is known that the situation is very close, and the fact that no move is being made at present to bring the resolution to a vote suggests that its advocates are not quite sure of having yet the necessary two-thirds. Suffrage, however, can not be indefinitely postponed. It is bound to win eventually, so why not now?

BUREAU OF EFFICIENCY (H. DOC. NO. 901).

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

As required by the acts of Congress approved March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1916, to October 31, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *16 February, 1918.*

ADJOURNMENT.

Mr. MARTIN. I move that the Senate do now adjourn.

The motion was agreed to, and (at 3 o'clock and 20 minutes p. m.) the Senate adjourned until Monday, February 18, 1918, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate February 16 (legislative day of February 15), 1918.

CONSULAR SERVICE.

CLASS 8.

Ralph H. Bader, of Virginia, now vice consul and interpreter at Teheran, to be a consul of class 8 of the United States of America.

Thomas H. Bevan, of Maryland, now a consular assistant, to be a consul of class 8 of the United States of America.

William W. Brunswick, of Kansas, now vice consul at Havre, to be a consul of class 8 of the United States of America.

Algar E. Carleton, of Vermont, now vice consul at Hongkong, to be a consul of class 8 of the United States of America.

Felix Cole, of the District of Columbia, now vice consul at Archangel, to be a consul of class 8 of the United States of America.

Harris N. Cookingham, of New York, now vice consul at Barcelona, to be a consul of class 8 of the United States of America.

Paul H. Cram, of Maine, now vice consul at Cette, to be a consul of class 8 of the United States of America.

Raymond S. Curtice, of Pennsylvania, now vice consul and interpreter at Seoul, to be a consul of class 8 of the United States of America.

J. Preston Doughten, of Delaware, now vice consul at Calcutta, to be a consul of class 8 of the United States of America.

Stillman W. Eells, of New York, now vice consul at Hamilton, Bermuda, to be a consul of class 8 of the United States of America.

John A. Embry, of Florida, now vice consul at Odessa, to be a consul of class 8 of the United States of America.

Robert W. Harnden, of California, now vice consul at Seville, to be a consul of class 8 of the United States of America.

Samuel W. Honaker, of Texas, now vice consul at Johannesburg, to be a consul of class 8 of the United States of America.

Paul R. Josselyn, of Iowa, now vice consul and interpreter at Tientsin, to be a consul of class 8 of the United States of America.

Robert L. Keiser, of Indiana, now vice consul at Sao Paulo, to be a consul of class 8 of the United States of America.

Irving N. Linnell, of Massachusetts, now vice consul at Vancouver, to be a consul of class 8 of the United States of America.

Leland B. Morris, of Pennsylvania, lately vice consul and interpreter at Smyrna, now on detail in the Department of State, to be a consul of class 8 of the United States of America.

Charles Roy Nasmith, of New York, now a consular assistant, to be a consul of class 8 of the United States of America.

Harold B. Quarton, of Iowa, now a consular assistant, to be a consul of class 8 of the United States of America.

Raymond P. Tenney, of Massachusetts, now assistant Chinese secretary to the American legation at Peking, to be a consul of class 8 of the United States of America.

Hugh H. Watson, of Vermont, now vice consul at Liverpool, to be a consul of class 8 of the United States of America.

George W. Young, of Maryland, lately vice consul and interpreter at Aleppo, now on detail at Bordeaux, to be a consul of class 8 of the United States of America.

TEMPORARY PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

To be first lieutenants with rank from August 30, 1917.

Second Lieut. William R. Gerhardt, Field Artillery, vice First Lieut. Erwin C. W. Davis, promoted.

Second Lieut. Theodore E. Buechler, Field Artillery, vice First Lieut. Emile G. De Coen, promoted.

Second Lieut. Frederick E. Tibbetts, jr., Field Artillery, vice First Lieut. Arthur N. White, promoted.

Second Lieut. Samuel D. Ringsdorf, Field Artillery, vice First Lieut. Patrick L. Lynch, promoted.

Second Lieut. Redmond F. Kernan, jr., Field Artillery, vice First Lieut. Ivan N. Bradley, promoted.

Second Lieut. Theodore L. Futch, Field Artillery, vice First Lieut. John J. McCollister, promoted.

Second Lieut. Russell L. Meredith, Field Artillery, vice First Lieut. Frank A. Roberts, promoted.

Second Lieut. William I. Wilson, Field Artillery, vice First Lieut. William D. Alexander, promoted.

Second Lieut. Harold A. Cooney, Field Artillery, vice First Lieut. Herbert L. Lee, promoted.

Second Lieut. John T. Knight, jr., Field Artillery, vice First Lieut. Richard J. Marshall, promoted.

Second Lieut. Miles A. Cowles, Field Artillery, vice First Lieut. Ralph T. Heard, promoted.

Second Lieut. Lawrence McC. Jones, Field Artillery, vice First Lieut. Harcourt Hervey, promoted.

Second Lieut. Gordon G. Heiner, jr., Field Artillery, vice First Lieut. Francis W. Sheppard, promoted.

Second Lieut. Edward J. Wolff, jr., Field Artillery, vice First Lieut. Robert W. Daniels, promoted.

To be first lieutenant with rank from October 25, 1917.

Second Lieut. Addison H. Douglass, Field Artillery, vice First Lieut. John S. Winslow, promoted.

To be first lieutenants with rank from October 26, 1917.

Second Lieut. Arthur E. Fox, Field Artillery, vice First Lieut. George N. Ruhberg, promoted.

Second Lieut. Lewis A. Bond, Field Artillery, vice First Lieut. Armand Durant, promoted.

Second Lieut. Robert A. B. Goodman, Field Artillery, vice First Lieut Thomas T. Handy, promoted.

Second Lieut. Devereaux C. Josephs, Field Artillery, vice First Lieut. Frank B. Tipton, jr., promoted.

Second Lieut. Henry M. Rees, Field Artillery, vice First Lieut. Stanley F. Bryan, promoted.

Second Lieut. John G. Paul, Field Artillery, vice First Lieut. Oliver L. Haines, promoted.

Second Lieut. James T. Brinckerhoff, Field Artillery, vice First Lieut. Oscar I. Gates, promoted.

Second Lieut. William G. Cummings, Field Artillery, vice First Lieut. Gerald E. Brower, promoted.

Second Lieut. Harold T. Brotherton, Field Artillery, vice First Lieut. William J. Jones, promoted.

Second Lieut. Larkin W. Glazebrook, jr., Field Artillery, vice First Lieut. Yarrow D. Vesely, promoted.

Second Lieut. Samuel D. Smoley, Field Artillery, vice First Lieut. William B. Dunwoody, promoted.

Second Lieut. Charles F. Neave, Field Artillery, vice First Lieut. Charles B. Thomas, promoted.

Second Lieut. Robert W. Wilson, Field Artillery, vice First Lieut. Oliver J. Bond, jr., promoted.

Second Lieut. Donald H. Brown, Field Artillery, vice First Lieut. Robert H. Ennis, promoted.

Second Lieut. Ralph de P. Terrell, Field Artillery, vice First Lieut. Benjamin E. Carter, promoted.

Second Lieut. Stephen B. Ives, Field Artillery, vice First Lieut. Henry B. Parker, promoted.

Second Lieut. Robert F. Webb, Field Artillery, vice First Lieut. Francis Fielding-Reid, promoted.

Second Lieut. William G. Lasch, Field Artillery, vice First Lieut. Harold R. Ristine, promoted.

Second Lieut. Miller H. Pontius, Field Artillery, vice First Lieut. Edmund B. Edwards, promoted.

Second Lieut. Fritz A. Nagel, Field Artillery, vice First Lieut. Oscar L. Gruhn, promoted.

Second Lieut. Adrian J. McDonald, Field Artillery, vice First Lieut. Theodore W. Wrenn, promoted.

Second Lieut. John E. Hartigan, Field Artillery, vice First Lieut. Harold W. Rehm, promoted.

Second Lieut. John L. Handy, Field Artillery, vice First Lieut. John B. Pitney, promoted.

Second Lieut. Edgar A. O'Hair, Field Artillery, vice First Lieut. Clifford H. Tate, promoted.

Second Lieut. Stephen Mahon, Field Artillery, vice First Lieut. Ottomar O'Donnell, promoted.

Second Lieut. Addison B. Green, Field Artillery, vice First Lieut. Oliver P. Echols, promoted.

Second Lieut. John R. Shepley, Field Artillery, vice First Lieut. Clement Ripley, promoted.

Second Lieut. Roger A. Sanford, Field Artillery, vice First Lieut. Edward M. Smith, promoted.

Second Lieut. Kenneth L. Holmes-Brown, Field Artillery, vice First Lieut. John O. Hoskins, promoted.

Second Lieut. Oliver B. Cunningham, Field Artillery, vice First Lieut. William Clarke, promoted.

Second Lieut. Harvey E. Ragland, Field Artillery, vice First Lieut. Albert R. Ives, promoted.

Second Lieut. Charles H. Burchenal, Field Artillery, vice First Lieut. Arthur Brigham, jr., promoted.

Second Lieut. Robert E. Crotty, Field Artillery, vice First Lieut. William M. Jackson, promoted.

Second Lieut. Wilton Lloyd-Smith, Field Artillery, vice First Lieut. Joseph A. Sheridan, promoted.

Second Lieut. Frank C. Delaney, Field Artillery, vice First Lieut. Hugh C. Minton, promoted.

Second Lieut. Pell W. Foster, jr., Field Artillery, vice First Lieut. Charles W. Gallaher, promoted.

Second Lieut. Kennedy Hassenzahl, Field Artillery, vice First Lieut. Laurence V. Houston, promoted.

Second Lieut. Arthur P. Patterson, Field Artillery, vice First Lieut. Stacy Knopf, promoted.

Second Lieut. Robert P. Reynolds, Field Artillery, vice First Lieut. James M. Garrett, promoted.

Second Lieut. Philip G. Hodge, Field Artillery, vice First Lieut. David M. Pope, promoted.

Second Lieut. Dennis P. McCarthy, Field Artillery, vice First Lieut. Eugene H. Willenbucker, promoted.

Second Lieut. Albert Tate, Field Artillery, vice First Lieut. Louis C. Arthur, jr., promoted.

Second Lieut. Le Count H. Slocum, Field Artillery, vice First Lieut. John F. Hubbard, promoted.

Second Lieut. John H. Shelton, Field Artillery, vice First Lieut. Franklin M. Davison, promoted.

Second Lieut. Louis H. Lathrop, Field Artillery, vice First Lieut. William E. Shepherd, jr., promoted.

Second Lieut. John Van H. Challiss, Field Artillery, vice First Lieut. Robert M. Bathurst, promoted.

Second Lieut. Junius S. Roberts, Field Artillery, vice First Lieut. William H. Saunders, promoted.

Second Lieut. Frederic W. W. Graham, jr., Field Artillery, vice First Lieut. Charles H. Hurdis, promoted.

Second Lieut. Joseph R. Estabrook, Field Artillery, vice First Lieut. Henry J. Schroeder, promoted.

Second Lieut. Harold D. Finley, Field Artillery, vice First Lieut. James K. Tully, promoted.

Second Lieut. Leo Joseph Vogel, Field Artillery, vice First Lieut. John M. Devine, promoted.

Second Lieut. James P. Kelly, Field Artillery, vice First Lieut. Harold A. Nisely, promoted.

Second Lieut. Richard B. von Maur, Field Artillery, vice First Lieut. James L. Guion, promoted.

Second Lieut. Harold T. Deeds, Field Artillery, vice First Lieut. George D. Wahl, promoted.

Second Lieut. Millard L. Hamaker, Field Artillery, vice First Lieut. Basil H. Berry, promoted.

Second Lieut. John B. Fidlar, Field Artillery, vice First Lieut. Ray H. Lewis, promoted.

Second Lieut. Wilbur B. Sumner, Field Artillery, vice First Lieut. Solomon F. Clark, promoted.

Second Lieut. Douglas Henry, Field Artillery, vice First Lieut. Augustus M. Gurney, promoted.

Second Lieut. John A. Graves, Field Artillery, vice First Lieut. Oliver B. Cardwell, promoted.

Second Lieut. Hastings S. Morse, Field Artillery, vice First Lieut. William O. Butler, promoted.

Second Lieut. George M. Schurman, Field Artillery, vice First Lieut. Rex W. Beasley, promoted.

Second Lieut. William E. Corkill, Field Artillery, vice First Lieut. Frank Langham, promoted.

Second Lieut. Charles D. Brown, Field Artillery, vice First Lieut. William F. Maher, promoted.

Second Lieut. Lester M. Kilgarif, Field Artillery, vice First Lieut. Walter F. Wright, promoted.

Second Lieut. Henry W. Krotzer, Field Artillery, vice First Lieut. Sidney F. Dunn, promoted.

Second Lieut. James B. Catlett, Field Artillery, vice First Lieut. Louis W. Hasslock, promoted.

Second Lieut. Robert L. Randol, Field Artillery, vice First Lieut. Breckinridge A. Day, promoted.

Second Lieut. Douglas L. Crane, Field Artillery, vice First Lieut. Paul C. Harper, promoted.

Second Lieut. Melville H. Rood, Field Artillery, vice First Lieut. Joseph Kennedy, promoted.

Second Lieut. Thomas L. Chalmers, Field Artillery, vice First Lieut. George D. Shea, promoted.

Second Lieut. Harry N. Blue, Field Artillery, vice First Lieut. John V. D. Hume, promoted.

Second Lieut. Fredric H. Timmerman, Field Artillery, vice First Lieut. Woodrow W. Woodbridge, promoted.

Second Lieut. James H. McHenry, Field Artillery, vice First Lieut. Gervas S. Taylor, promoted.

Second Lieut. Alford J. Bardford, Field Artillery, vice First Lieut. John O. Pennypacker, promoted.

Second Lieut. Gurney L. Smith, Field Artillery, vice First Lieut. Richard H. Schubert, promoted.

Second Lieut. John M. Franklin, Field Artillery, vice First Lieut. Edward J. F. Marx, promoted.

Second Lieut. George S. Goodspeed, Field Artillery, vice First Lieut. Wilbur C. Carlan, promoted.

Second Lieut. Amos E. Carmichael, Field Artillery, vice First Lieut. George R. Rede, promoted.

Second Lieut. Raymond H. Seagle, Field Artillery, vice First Lieut. Gilbert F. Kearns, promoted.

Second Lieut. John V. Anderson, Field Artillery, vice First Lieut. Van Rensselaer Vestal, promoted.

Second Lieut. Leon C. Swager, Field Artillery, vice First Lieut. John H. Carriker, promoted.

Second Lieut. Henry W. Wiley, Field Artillery, vice First Lieut. Peter P. Michalek, promoted.

Second Lieut. Walter Rompel, Field Artillery, vice First Lieut. William G. Gough, promoted.

Second Lieut. Winfred C. Green, Field Artillery, vice First Lieut. Joseph H. Mullherrin, promoted.

Second Lieut. Marion I. Voorhes, Field Artillery, vice First Lieut. Azel W. McNeal, promoted.

Second Lieut. Algernon S. Coleman, Field Artillery, vice First Lieut. David H. Trevor, detailed in the Signal Corps.

Second Lieut. Leslie W. Devereux, Field Artillery, vice First Lieut. William B. Wright, jr., promoted.

Second Lieut. Robert F. LaBarron, Field Artillery, vice First Lieut. Victor H. Bridgman, jr., promoted.

Second Lieut. Edgar G. Crossman, Field Artillery, vice First Lieut. Wendell L. Bevan, promoted.

Second Lieut. James H. Boyd, Field Artillery, vice First Lieut. Henry J. MacPenke, promoted.

Second Lieut. Ralph K. Learnard, Field Artillery, vice First Lieut. Frank W. Lykes, promoted.

Second Lieut. Pitt F. Carl, jr., Field Artillery, vice First Lieut. Richard T. Guthrie, promoted.

Second Lieut. David W. Potter, Field Artillery, vice First Lieut. Ittai A. Luke, promoted.

Second Lieut. John H. Gardner, jr., Field Artillery, vice First Lieut. Roger Griswold, promoted.

Second Lieut. Earl C. Ewert, Field Artillery, vice First Lieut. Henry Lockwood, jr., promoted.

Second Lieut. Donald D. Demarest, Field Artillery, vice First Lieut. Alan L. Campbell, promoted.

Second Lieut. David J. Fitzgerald, Field Artillery, vice First Lieut. Oscar B. Rall, jr., promoted.

Second Lieut. William C. Chanler, Field Artillery, vice First Lieut. John R. Larkin, promoted.

Second Lieut. Ralph W. Hahn, Field Artillery, vice First Lieut. Douglas R. Coleman, promoted.

Second Lieut. Orrin P. Kilbourn, Field Artillery, vice First Lieut. George P. Winton, promoted.

Second Lieut. Robert E. Jacobson, Field Artillery, vice First Lieut. George F. Downing, promoted.

Second Lieut. John T. Clancy, Field Artillery, vice First Lieut. Wallace W. Crawford, promoted.

Second Lieut. Richard A. Miller, Field Artillery, vice First Lieut. Christiancy Puckett, promoted.

Second Lieut. Winthrop W. Leach, Field Artillery, vice First Lieut. Rush H. Rogers, promoted.

To be first lieutenant with rank from November 3, 1917.

Second Lieut. John W. O'Harrow, jr., Field Artillery, vice First Lieut. John C. Adams, promoted.

To be first lieutenants with rank from November 5, 1917.

Second Lieut. James B. Dick, Field Artillery, vice First Lieut. Arthur C. Waters, promoted.

Second Lieut. Carol S. S. Kennedy, Field Artillery, vice First Lieut. Ernest T. Barco, promoted.

To be first lieutenants with rank from November 13, 1917.

Second Lieut. Dan Cummins Kenan, Field Artillery, vice First Lieut. Lester A. Daugherty, promoted.

Second Lieut. Joseph A. Martz, Field Artillery, vice First Lieut. Walter G. Witt, promoted.

To be first lieutenant with rank from November 22, 1917.

Second Lieut. Andrew S. Messick, Field Artillery, vice First Lieut. Joseph E. Takken, promoted.

To be first lieutenant with rank from November 25, 1917.

Second Lieut. Lee B. Goff, jr., Field Artillery, vice First Lieut. Raymond J. Watrous, promoted.

To be first lieutenant with rank from December 5, 1917.

Second Lieut. Kenneth S. Wallace, Field Artillery, vice First Lieut. Jerome J. Waters, jr., promoted.

To be first lieutenant with rank from January 2, 1918.

Second Lieut. Ralph Heatherington, Field Artillery, vice First Lieut. Thomas G. Hanson, jr., promoted.

To be first lieutenant with rank from January 8, 1918.

Second Lieut. Eugene B. Ripley, jr., Field Artillery, vice First Lieut. Bertram N. Rock, promoted.

To be first lieutenant with rank from January 21, 1918.

Second Lieut. Thornton Davis, Field Artillery, vice First Lieut. Alexander S. Quintard, promoted.

To be first lieutenants with rank from January 24, 1918.

Second Lieut. Frederick M. Williams, Field Artillery, vice First Lieut. Marcus A. S. Ming, promoted.

Second Lieut. Harry B. Routh, Field Artillery, vice First Lieut. Lewis E. Goodrich, promoted.

To be first lieutenant with rank from January 25, 1918.

Second Lieut. William E. Farthing, Field Artillery, vice First Lieut. Victor R. Woodruff, promoted.

To be first lieutenant with rank from February 6, 1918.

Second Lieut. Jackson H. Boyd, Field Artillery, vice First Lieut. Robert W. Yates, promoted.

To be first lieutenant with rank from February 7, 1918.

Second Lieut. Noel Noyes, Field Artillery, vice First Lieut. Dan C. Schmahl, promoted.

POSTMASTERS.

ALABAMA.

Walter H. Speegle to be postmaster at Hartsells, Ala., in place of Elizabeth Simpson. Incumbent's commission expired May 20, 1917.

Leon M. Stevenson to be postmaster at Roanoke, Ala., in place of W. Z. East. Incumbent's commission expired November 13, 1917.

ARIZONA.

Leslie C. Jolly to be postmaster at Clarkdale, Ariz., in place of Otto Janssen, resigned.

Mary E. Brown to be postmaster at Parker, Ariz., in place of Allen W. Bryant, resigned.

John W. Brown to be postmaster at St. Johns, Ariz., in place of C. Scheele. Office became presidential April 1, 1917.

CALIFORNIA.

Jennie F. Curry to be postmaster at Camp Curry, Cal., in place of David A. Curry, deceased.

Janet D. Watson to be postmaster at Tahoe, Cal., in place of Herbert S. Watson, resigned.

Susan M. Sigler to be postmaster at Universal City, Cal., in place of Frederick Donaghy, deceased.

COLORADO.

William M. Kintner to be postmaster at Swink, Colo., in place of David M. Fox, resigned.

FLORIDA.

Walter B. Leonard to be postmaster at Hastings, Fla., in place of Charles E. Kettle, resigned.

ILLINOIS.

Patrick H. Fitzgerald to be postmaster at Tiskilwa, Ill., in place of Addie M. Chenoweth, deceased.

KANSAS.

Henry Mattison to be postmaster at Mount Hope, Kans., in place of W. E. Mattison, deceased.

KENTUCKY.

H. Otto Razor to be postmaster at Salt Lick, Ky., in place of E. Thurston Royse, deceased.

LOUISIANA.

Clifford C. Anderson, jr., to be postmaster at Lake Arthur, La., in place of W. G. Chapman. Incumbent's commission expired April 28, 1917.

Edwin H. Hall to be postmaster at Mooringsport, La., in place of M. M. Bonham, resigned.

Maggie E. Jones to be postmaster at Ringgold, La., in place of Maggie Tooke. Office became presidential October 1, 1917.

MISSOURI.

Robert S. Harriman to be postmaster at Pilot Grove, Mo., in place of Edverda Barnes, resigned.

NEW JERSEY.

Francis J. Imlay to be postmaster at Allenhurst, N. J., in place of R. Crawford. Office became presidential July 1, 1916.

Clark P. Kemp to be postmaster at Little Silver, N. J., in place of George E. Borden, resigned.

J. Edward Harned to be postmaster at Woodbridge, N. J., in place of John F. Ryan, resigned.

NORTH CAROLINA.

Roy E. Wilder to be postmaster at Spring Hope, N. C., in place of Joseph S. Stallings, resigned.

NORTH DAKOTA.

Swain G. Northfield to be postmaster at Edinburg, N. Dak., in place of Andrew C. Jensen, declined.

OHIO.

William H. Wisman to be postmaster at New Paris, Ohio, in place of Harry D. Collins, resigned.

OKLAHOMA.

Fred O. Weldon to be postmaster at Comanche, Okla., in place of Jessie A. Tucker, resigned.

John L. Rogers to be postmaster at New Wilson, Okla., in place of Roy M. Mobley, resigned.

Victor A. Schiefelbusch to be postmaster at Sand Springs, Okla., in place of Lee B. Fitzhugh, resigned.

Joshua W. Anderson to be postmaster at Talihina, Okla., in place of James N. Ross, resigned.

TENNESSEE.

Cleveland M. Reames to be postmaster at Somerville, Tenn., in place of J. N. Maxwell. Incumbent's commission expired June 10, 1917.

VIRGIN ISLANDS.

W. S. Lee to be postmaster at Charlotte Amalie, Virgin Islands.

WYOMING.

Minnie C. Corum to be postmaster at Encampment, Wyo., in place of W. H. Wolford, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 16 (legislative day of February 15), 1918.

APPOINTMENTS IN THE ARMY.

QUARTERMASTER CORPS.

Brig. Gen. Isaac W. Littell to be brigadier general.

MEDICAL CORPS.

To be first lieutenants.

William Charles Munly,
Albert Elwood Pagan,
Forrest Pitt Baker,
Cole Blease Gibson,
George William Rice,
Royal Kendall Stacey,
William Campbell Colbert,
Ernest Leroy Wilson,
William Stephen Culpepper,
Charles Roland Glenn,
Gordon Adams Clapp, and
Clive Paul Mueller.

FIELD ARTILLERY ARM.

Ansel G. Wineman to be second lieutenant.

PROVISIONAL APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

To be second lieutenants.

George E. Kraul,
Peter A. Ryan,
Archie D. Cameron,
Ray W. Miner, and
Jack A. Nichols.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

INFANTRY ARM.

To be captains.

First Lieut. Sigurd J. Simonsen,
First Lieut. Thomas G. Bond,
First Lieut. John E. Haywood,
First Lieut. Willis H. Hale,
First Lieut. Noe C. Killian,
First Lieut. Lindsay P. Johns,
First Lieut. Walter R. Mann,
First Lieut. Henry W. Lee,
First Lieut. Charles A. Shamotulski,
First Lieut. Sidney F. Mashbir,
First Lieut. William P. Scobey,
First Lieut. William C. Moore,
First Lieut. Albion Smith,
First Lieut. Le Roy Lutes,
First Lieut. Edwin D. Patrick,
First Lieut. Herman F. Kramer,
First Lieut. Clarence P. Evers,
First Lieut. William H. Coacher,
First Lieut. Edward S. Johnston, and
First Lieut. John T. Henderson.

To be first lieutenants.

Second Lieut. William F. Johnson,
Second Lieut. Earle T. Decker,
Second Lieut. Uel Stephens,
Second Lieut. Jack A. Nichols,
Second Lieut. George E. Kraul,
Second Lieut. Peter A. Ryan,
Second Lieut. Archie D. Cameron,
Second Lieut. Ray W. Miner,
Second Lieut. Harry A. Seymour,
Second Lieut. Edward J. Oliver,
Second Lieut. Ralph K. Fletcher,
Second Lieut. Thomas R. McCarron,
Second Lieut. Le Roy W. Wilson,
Second Lieut. Oscar P. Hilburn,
Second Lieut. Ray A. Martin,
Second Lieut. Thomas F. Troxell,
Second Lieut. Thomas E. Hibben,
Second Lieut. Edward R. Schauffler,
Second Lieut. Louis A. Kuerzi,
Second Lieut. Vance L. Richmond,
Second Lieut. Orlando C. Brown,
Second Lieut. Frank H. Hollingsworth,
Second Lieut. Earle T. Loucks,
Second Lieut. Alfred D. Cameron,
Second Lieut. Keelah Bouve,
Second Lieut. Herbert S. Havens,
Second Lieut. Joseph E. Pierce,
Second Lieut. John G. Davis,
Second Lieut. William E. G. Cooper,
Second Lieut. Thomas A. O'Brien,
Second Lieut. George H. Passmore,
Second Lieut. Wayne Marshall,
Second Lieut. George O. A. Daughtry, jr.,
Second Lieut. Edward A. O'Malley, jr.,
Second Lieut. Eugene J. M. Fitz-Gerald,
Second Lieut. Francis M. Fuller,
Second Lieut. Frank B. Hayne, jr.,
Second Lieut. Newton G. Bush,
Second Lieut. Paolo H. Sperati,
Second Lieut. Alan L. Hart,
Second Lieut. Worden H. Cowen,
Second Lieut. Russell L. Bonnell,
Second Lieut. Harold L. Morian,
Second Lieut. Le Roy W. Nichols,
Second Lieut. Francis D. Ross,
Second Lieut. Keith F. Driscoll,

Second Lieut. Sidney A. Sands,
Second Lieut. Harvey J. Silvestone,
Second Lieut. Christian A. Schwarzwaelder,
Second Lieut. Charles M. Chamberlain, jr.,
Second Lieut. Allan B. Clayton,
Second Lieut. Harry B. Sepulveda,
Second Lieut. Howard N. Merrill,
Second Lieut. Sherman L. Hougen,
Second Lieut. Melvin P. Spalding,
Second Lieut. Bernard Meredith,
Second Lieut. Harold G. Johnstone,
Second Lieut. Manoah N. Swetnam,
Second Lieut. William F. Newton,
Second Lieut. Andrew F. Hassel,
Second Lieut. George S. V. Little,
Second Lieut. Gordon F. Stephens,
Second Lieut. William MacG. Hall,
Second Lieut. William O. Nelson,
Second Lieut. Pierce Butler, jr.,
Second Lieut. Albert C. Ames,
Second Lieut. Charles L. Bolte,
Second Lieut. William A. Moss,
Second Lieut. Eugene C. Callahan,
Second Lieut. William H. Duncan,
Second Lieut. John B. Brainerd, jr.,
Second Lieut. Theodore F. Wessels,
Second Lieut. Edward Law,
Second Lieut. Sherman K. Burke,
Second Lieut. Arthur J. McChrystal,
Second Lieut. Reynier J. Wortendyke, jr.,
Second Lieut. Malcolm F. Lindsey,
Second Lieut. Willard Smith,
Second Lieut. Jean E. Nelson,
Second Lieut. Kirkwood D. Scott,
Second Lieut. Horace O. Cushman,
Second Lieut. William M. Hutson,
Second Lieut. Thomas M. Galbreath, jr.,
Second Lieut. Carter Glass, jr.,
Second Lieut. Lambert A. Wood,
Second Lieut. Thomas Phillips,
Second Lieut. David H. Finley,
Second Lieut. Robert S. F. Randolph,
Second Lieut. Eli A. Barnes,
Second Lieut. Richard F. Bailey,
Second Lieut. Myron M. Andrews,
Second Lieut. Richard S. Hevenor,
Second Lieut. Albert E. Purchas, jr.,
Second Lieut. Bryan G. Dancy,
Second Lieut. Vinton L. James, jr.,
Second Lieut. William F. Campbell,
Second Lieut. Louis T. Bass,
Second Lieut. Charles J. Carey,
Second Lieut. Stuart Cutler,
Second Lieut. Elbert G. Spencer,
Second Lieut. John R. Boatwright,
Second Lieut. Graeme K. Howard,
Second Lieut. Lester N. Allyn,
Second Lieut. Henry L. Barrett,
Second Lieut. Howard W. Sears,
Second Lieut. Raphael Semmes,
Second Lieut. Robert E. McDonald,
Second Lieut. Elmer R. Ames,
Second Lieut. Thomas S. Morrison, jr.,
Second Lieut. Raymond R. Tourtillott,
[illegible] George A. Hadd,
[illegible] A. Dunbar,
[illegible] S. Candee,
[illegible] Cromwell,
[illegible] Mayo, jr.,
[illegible]
Second Lieut. Edmond S. Donoho,
Second Lieut. Donald N. Swain,
Second Lieut. John F. Mead,
Second Lieut. Charles McF. Petty,
Second Lieut. Harold A. Black,
Second Lieut. Robert J. McElroy,
Second Lieut. George P. Seneff,
Second Lieut. Harry C. Boehme,
Second Lieut. Russell G. Ayers,
Second Lieut. William A. Wappenstein,
Second Lieut. Charles H. Owens,
Second Lieut. Carter Collins,
Second Lieut. Clarence E. Lovejoy,
Second Lieut. William A. Gray, jr.,
Second Lieut. Hays Matson,
Second Lieut. George E. Abrams,
Second Lieut. Clifton R. Breckinridge, jr.,
Second Lieut. Charles McKnight, jr.,
Second Lieut. Richard L. Tayloe,
Second Lieut. Albert D. Foster,
Second Lieut. Ralph Eberlin,
Second Lieut. Edward T. Harrison,
Second Lieut. Donald P. Spalding,
Second Lieut. Ercil D. Porter,
Second Lieut. Warner Harwood,
Second Lieut. Clyde A. Fowler,
Second Lieut. Laurence J. Potter,
Second Lieut. Claude A. White,
Second Lieut. Brayton Wilbur,
Second Lieut. John F. Farnsworth,
Second Lieut. Chester B. Blakeman,
Second Lieut. Henry N. Bakken,
Second Lieut. Archer L. Lerch,
Second Lieut. Rodney S. Sprigg,
Second Lieut. Milton W. Emmett,
Second Lieut. John A. Pierce,
Second Lieut. Wendell L. Clemenson,
Second Lieut. Jonathan W. Edwards,
Second Lieut. William H. Thomas,
Second Lieut. Charles J. Deahl, jr.,
Second Lieut. Frank M. Ogden,
Second Lieut. Bruce F. Higginbotham,
Second Lieut. William O. Owen,
Second Lieut. Arcadi Gluckman,
Second Lieut. Reginald D. Grout,
Second Lieut. Dale M. Hoagland,
Second Lieut. Charles A. Campbell, jr.,
Second Lieut. Maurice W. Ocheltree,
Second Lieut. Roy T. Rouse,
Second Lieut. Ivan B. Snell,
Second Lieut. Wendell Westover,
Second Lieut. James W. Rice,
Second Lieut. William Edgar,
Second Lieut. Gustav H. Lamm,
Second Lieut. James P. Gammon,
Second Lieut. James A. Giacomini,
Second Lieut. Henry K. White,
Second Lieut. Alva W. Snyder,
Second Lieut. Ralph P. Van Zile,
Second Lieut. Talbott B. Fowler,
Second Lieut. Matthew F. Garvey,
Second Lieut. Samuel L. Metcalfe,
Second Lieut. Frank W. Halsey,
Second Lieut. Kirby Green,
Second Lieut. Myron J. Conway,
Second Lieut. Harold C. Reed,
Second Lieut. Samuel H. Ladensohn,
Second Lieut. Clyde A. Ames,
Second Lieut. Irwin L. Lummis,
Second Lieut. Joseph G. Babb,
Second Lieut. Hollis B. Hoyt,
Second Lieut. Clarence M. Collord,
Second Lieut. Russell L. McKown,
Second Lieut. Frederick W. Hackett,
Second Lieut. Roy G. Rom,
Second Lieut. Fred H. Reynolds,
Second Lieut. Van C. Walton,
Second Lieut. Matthew W. Steele,
Second Lieut. Lawrence W. Marshall,
Second Lieut. John A. Otto,
Second Lieut. Joseph B. Sweet,
Second Lieut. Walter D. Luplow,
Second Lieut. John H. Helmer,
Second Lieut. Sidney P. Howell,

Second Lieut. Henrick Antell,
Second Lieut. John L. Weeks,
Second Lieut. Arthur G. Levy,
Second Lieut. Lewis R. Byington,
Second Lieut. Cecil W. Borton,
Second Lieut. Donald Timerman,
Second Lieut. Harper A. Holt,
Second Lieut. Leon L. Kotzbue,
Second Lieut. Leander I. Shelley,
Second Lieut. Arvid P. Croonquist,
Second Lieut. James E. Cole, jr.,
Second Lieut. Roger Morton,
Second Lieut. Gunther Orsinger,
Second Lieut. Gregory A. Harrison,
Second Lieut. Paul McC. Boston,
Second Lieut. Elmer L. Mott,
Second Lieut. Thomas R. Holmes,
Second Lieut. Harold W. Batchelder,
Second Lieut. Jay H. Cushman,
Second Lieut. John P. Redwood,
Second Lieut. Robert H. Engle,
Second Lieut. Samuel Y. Dinkins,
Second Lieut. Roscoe I. MacMillan,
Second Lieut. Nicholas D. Woodward,
Second Lieut. Henry R. Horak,
Second Lieut. James F. Burke,
Second Lieut. Henry C. Switzer,
Second Lieut. William K. Dickson,
Second Lieut. Clarence A. Martin,
Second Lieut. Elmer J. Croft,
Second Lieut. Mark G. Brislawn,
Second Lieut. Edgar L. Noel,
Second Lieut. Henning Linden,
Second Lieut. Gerold E. Luebben,
Second Lieut. Thomas W. Proctor,
Second Lieut. Robert F. Kelley,
Second Lieut. George J. Leftwich, jr.,
Second Lieut. Neely Powers,
Second Lieut. Harrison G. Reynolds,
Second Lieut. Trevor W. Swett,
Second Lieut. George Read, jr.,
Second Lieut. James C. Clements,
Second Lieut. Charles H. Jacobs,
Second Lieut. Hanford MacNider,
Second Lieut. Alexander D. Wilson,
Second Lieut. Edward N. Wigton,
Second Lieut. Eric F. Pihlgard,
Second Lieut. Leslie N. Ross,
Second Lieut. Arthur W. Mudge, jr.,
Second Lieut. Thomas H. Nicholl,
Second Lieut. James L. Hubbell,
Second Lieut. Benjamin H. Decker,
Second Lieut. Walter A. Dumas,
Second Lieut. Edwin E. Keatley,
Second Lieut. W. R. Barksdale Stevens,
Second Lieut. Earle L. Hazzard,
Second Lieut. Moses Taylor, jr.,
Second Lieut. George H. McKee,
Second Lieut. Lett W. Bissell,
Second Lieut. William B. White,
Second Lieut. George C. Parkhurst,
Second Lieut. Luther W. Turner,
Second Lieut. William H. Deyo,
Second Lieut. Francis W. Dunn,
Second Lieut. Don M. Scott,
Second Lieut. Allen W. Cook,
Second Lieut. Robert E. Wysor, jr.,
Second Lieut. Robert Dechert,
Second Lieut. James E. Wharton,
Second Lieut. William O. Wyckoff,
Second Lieut. Carleton Smith,
Second Lieut. Paul C. Gripper,
Second Lieut. Martin D. Barndollar, jr.,
Second Lieut. Raymond C. Alley,
Second Lieut. Francis C. Lewis,
Second Lieut. Lewis Simons,
Second Lieut. James H. Day,
Second Lieut. James M. Austin,
Second Lieut. Albert W. Vinal,
Second Lieut. Paul G. Corker,
Second Lieut. Hiram Russell Ide,
Second Lieut. James A. Rogers,
Second Lieut. Randolph R. Brown,
Second Lieut. Leon R. Mead,
Second Lieut. Harold C. Conick,
Second Lieut. Loren A. Wetherby,
Second Lieut. James J. Coghlan,
Second Lieut. Samuel H. Cross,
Second Lieut. Carl U. Luers,
Second Lieut. Bernard B. McMahon,
Second Lieut. Carlton Banigan,
Second Lieut. Winchester Kelso, jr.,
Second Lieut. George E. Fingarson,
Second Lieut. Leaver Richardson,
Second Lieut. Lawrence M. York,
Second Lieut. James F. Lilley,
Second Lieut. Elwood M. S. Steward,
Second Lieut. Herbert L. Scales,
Second Lieut. Ernest Albert Rudelius,
Second Lieut. Joseph W. Emery, jr.,
Second Lieut. William L. Blanton,
Second Lieut. Harold E. Sturcken,
Second Lieut. Milton Petersen,
Second Lieut. Gillette Hill,
Second Lieut. Stuart M. Firth,
Second Lieut. Porter P. Wiggins,
Second Lieut. Eugene W. Markey,
Second Lieut. Barnard Pierce,
Second Lieut. Robert A. Cochran,
Second Lieut. Proctor Calvin Gilson,
Second Lieut. Paul B. Matlock,
Second Lieut. Charles W. Nevin, 2d,
Second Lieut. William L. Kleitz,
Second Lieut. Orville W. Harris,
Second Lieut. Stanley Raymond Putnam,
Second Lieut. Harold D. Comey,
Second Lieut. John T. Zellars,
Second Lieut. Alexander C. Dick,
Second Lieut. Richard A. McClure,
Second Lieut. Robert K. Massie, jr.,
Second Lieut. Twomey M. Clifford,
Second Lieut. Harry A. Welsch, jr.,
Second Lieut. Tranny L. Gaddy,
Second Lieut. Dennis J. O'Toole,
Second Lieut. Melvin H. Leonard,
Second Lieut. Ben C. Marable,
Second Lieut. Arthur A. Welskopf,
Second Lieut. Francis O. Noble,
Second Lieut. John A. Ballard,
Second Lieut. Harry H. Martin,
Second Lieut. Herbert T. Perrin,
Second Lieut. Arthur W. Pope, jr.,
Second Lieut. Joseph B. Conmy,
Second Lieut. Emons B. Whisner,
Second Lieut. George W. Griner, jr.,
Second Lieut. Hugh T. Mayberry,
Second Lieut. Charles D. Pearce, jr.,
Second Lieut. Edward D. McDougal, jr.,
Second Lieut. Philip W. Lowry,
Second Lieut. Charles P. Winsor,
Second Lieut. John Doble,
Second Lieut. Moses McK. Darst,
Second Lieut. Robert R. Smith,
Second Lieut. Evan C. Dresser,
Second Lieut. James G. Carr,
Second Lieut. Daniel E. Farr, and
Second Lieut. Chester McN. Woolworth.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. David C. Kelly,
Second Lieut. Edward F. Chase,
Second Lieut. Robert A. Wheeler,
Second Lieut. Catesby np L. Jones,
Second Lieut. William W. Savage,
Second Lieut. Charles J. Schaefer, jr.,
Second Lieut. LeRoy A. Whittaker,
Second Lieut. Harold W. Kramer,
Second Lieut. Harold P. Detwiler,
Second Lieut. Clarence F. Hofstetter,
Second Lieut. John J. Vandenburgh,
Second Lieut. Paul S. Roper,
Second Lieut. John S. Beck,
Second Lieut. Clarence G. DeSwarte,
Second Lieut. Bradley B. Brown,
Second Lieut. Mahlon A. Combs,
Second Lieut. Leslie A. Kibbe,
Second Lieut. Lawrence L. Clayton,
Second Lieut. Sanford D. Ashford,
Second Lieut. William Mayer,

Lieut. Max W. Thornburg,
Lieut. George W. Farnham,
Lieut. Richard M. Kimball,
Lieut. Edwin F. Barry,
Lieut. Eugene S. Taliaferro,
Lieut. Robert A. Clyde,
Second Lieut. Andrew F. Patterson,
Second Lieut. Forrest G. Tucker,
Lieut. Howard T. Evans,
Lieut. Spessard L. Holland,
Lieut. William P. F. Ainsworth,
Herbert E. E. Burgman,

Fleet,
Hawkins,
Second Lieut. Parry W. Lewis,
Second Lieut. Edward W. Timberlake,
Second Lieut. Vincent N. Taylor,
Second Lieut. William W. Jenna,
Second Lieut. William R. Fleming,
Second Lieut. Paul W. Cole,
Second Lieut. Francis P. Simpson,
Second Lieut. Harry C. Barnes, jr.,
Second Lieut. Robert J. Hoffman,
Second Lieut. Clare W. Woodward,
Second Lieut. John S. Mallory,
Second Lieut. Frederick D. Sharp,
Second Lieut. William S. Barrett,
Second Lieut. Paul R. Goode,
Second Lieut. Harry N. Rising,
Second Lieut. Josephus B. Wilson,
Second Lieut. Henry C. Demuth,
Second Lieut. Lowell M. Riley,
Second Lieut. Edwin C. Maling,
Second Lieut. George D. Watts,
Second Lieut. Emil Krause,
Second Lieut. Robert L. Bacon,
Second Lieut. Walker G. White,
Second Lieut. Earle E. Sarcka,
Second Lieut. Edwin J. House,
Second Lieut. Arthur C. Purvis,
Second Lieut. James J. Hea,
Second Lieut. Edgar B. Moomau,
Second Lieut. Frank S. Long,
Second Lieut. Carlisle B. Wilson,
Second Lieut. William E. Whittington,
Second Lieut. Harold L. Milan,
Second Lieut. Robert A. Bringham,
Second Lieut. Horace Harding,
Second Lieut. Earle A. Billings, and
Second Lieut. Royal H. Place.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. Dean I. Piper,
Second Lieut. Otto M. Jank,
Second Lieut. Herman U. Wagner,
Second Lieut. Philip S. Day,
Second Lieut. George W. Hirsch,
Second Lieut. Forrest C. Shaffer,
Second Lieut. William R. Deeble, jr.,
Second Lieut. Frank F. Reed,
Second Lieut. John W. Ceffey,
Second Lieut. Frank C. Meade,
Second Lieut. Lawrence Dwight,
Second Lieut. Everett T. Brown,
Second Lieut. Clyde H. Morganthaler,
Second Lieut. Willard M. Hall,
Second Lieut. Tracy C. Dickson, jr.,
Second Lieut. Robert W. Hasbrouck,
Second Lieut. Howard P. Faust,
Second Lieut. John T. de Camp,
Second Lieut. Wallace D. Collins,
Second Lieut. Sargent P. Huff,
Second Lieut. William H. Donaldson, jr.,
Second Lieut. Henry M. Black,
Second Lieut. Willard D. Murphy,
Second Lieut. Council B. Palmer, and
Second Lieut. John C. Hawkins.

Second Lieut. William W. Pace,
Second Lieut. John T. B. Bissell,
Second Lieut. Charles A. Mahoney,
Second Lieut. George S. Eyster,
Second Lieut. Henry R. Anderson,
Second Lieut. William McC. Chapman,
Second Lieut. Kenneth P. Murray,
Second Lieut. Roger W. Stembridge,
Second Lieut. Norman McNeill,
Second Lieut. Glen H. Anderson,
Second Lieut. Bryant E. Moore,
Second Lieut. Leo V. Warner,
Second Lieut. Howard A. Deas,
Second Lieut. Henry W. Bobrink,
Second Lieut. Onslow S. Rolfe,
Second Lieut. Louis A. Freeman,
Second Lieut. Henry P. Gantt,
Second Lieut. Jesse B. Matlack,
Second Lieut. Julius E. Schaefer,
Second Lieut. Theodore D. Schmidt,
Second Lieut. Parry W. Lewis,
Second Lieut. Edward W. Timberlake,
Second Lieut. Vincent N. Taylor,
Second Lieut. William W. Jenna,
Second Lieut. William R. Fleming,
Second Lieut. Paul W. Cole,
Second Lieut. Francis P. Simpson,
Second Lieut. Harry C. Barnes, jr.,
Second Lieut. Robert J. Hoffman,
Second Lieut. Clare W. Woodward,
Second Lieut. John S. Mallory,
Second Lieut. Frederick D. Sharp,
Second Lieut. William S. Barrett,
Second Lieut. Paul R. Goode,
Second Lieut. Harry N. Rising,
Second Lieut. Josephus B. Wilson,
Second Lieut. Henry C. Demuth,
Second Lieut. Lowell M. Riley,
Second Lieut. Edwin C. Maling,
Second Lieut. George D. Watts,
Second Lieut. Emil Krause,
Second Lieut. Robert L. Bacon,
Second Lieut. Walker G. White,
Second Lieut. Earle E. Sarcka,
Second Lieut. Edwin J. House,
Second Lieut. Arthur C. Purvis,
Second Lieut. James J. Hea,
Second Lieut. Edgar B. Moomau,
Second Lieut. Frank S. Long,
Second Lieut. Carlisle B. Wilson,
Second Lieut. William E. Whittington,
Second Lieut. Harold L. Milan,
Second Lieut. Robert A. Bringham,
Second Lieut. Horace Harding,
Second Lieut. Earle A. Billings, and
Second Lieut. Royal H. Place.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. Dean I. Piper,
Second Lieut. Otto M. Jank,
Second Lieut. Herman U. Wagner,
Second Lieut. Philip S. Day,
Second Lieut. George W. Hirsch,
Second Lieut. Forrest C. Shaffer,
Second Lieut. William R. Deeble, jr.,
Second Lieut. Frank F. Reed,
Second Lieut. John W. Ceffey,
Second Lieut. Frank C. Meade,
Second Lieut. Lawrence Dwight,
Second Lieut. Everett T. Brown,
Second Lieut. Clyde H. Morganthaler,
Second Lieut. Willard M. Hall,
Second Lieut. Tracy C. Dickson, jr.,
Second Lieut. Robert W. Hasbrouck,
Second Lieut. Howard P. Faust,
Second Lieut. John T. de Camp,
Second Lieut. Wallace D. Collins,
Second Lieut. Sargent P. Huff,
Second Lieut. William H. Donaldson, jr.,
Second Lieut. Henry M. Black,
Second Lieut. Willard D. Murphy,
Second Lieut. Council B. Palmer, and
Second Lieut. John C. Hawkins.

TEMPORARY PROMOTIONS IN THE ARMY.

INFANTRY ARM.

To be colonels.

Lieut. Col. Paul Giddings,
Lieut. Col. Edward S. Walton,
Lieut. Col. Alfred T. Smith,
Lieut. Col. Ira L. Reeves,
Lieut. Col. Fred L. Munson,
Lieut. Col. Thomas M. Anderson, jr.,
Lieut. Col. John E. Hunt,
Lieut. Col. Claude H. Miller, and
Lieut. Col. Harold B. Fiske.

To be lieutenant colonels.

Maj. Edwin J. Nowlen,
Maj. Raymond Sheldon,
Maj. Edwin J. Bracken,
Maj. George W. England,
Maj. Clyde B. Parker,
Maj. Alvin C. Voris,
Maj. Frank R. Curtis,
Maj. Fred L. Davison,
Maj. George E. Kumpe,
Maj. Milo C. Corey,
Maj. Arthur M. Ferguson,
Maj. De Witt W. Chamberlin,
Maj. Walter H. Johnson,
Maj. Robert G. Rutherford, jr.,
Maj. Robert E. Grinstead,
Maj. Albert S. Williams,
Maj. William B. Graham,
Maj. Charles J. Nelson,
Maj. E. Alexis Jeunet,
Maj. Charles H. Danforth,
Maj. Gideon H. Williams,
Maj. Leonard T. Baker,
Maj. Charles S. Frank,
Maj. Franklin S. Leisenring,
Maj. Charles F. Andrews,
Maj. Allan L. Briggs,
Maj. James M. Petty,
Maj. John B. Shuman,
Maj. Charles G. Lawrence,
Maj. Frederic G. Kellond,
Maj. William P. Kitts,
Maj. Walter Harvey,
Maj. Frank B. Davis,
Maj. Harry D. Mitchell,
Maj. Ode C. Nichols, and
Maj. Kirwin T. Smith.

To be majors.

Capt. Joseph E. Barzynski,
Capt. Ben W.-Feild,
Capt. Bloxham Ward,
Capt. Paul H. Clark,
Capt. Thomas H. Lowe,
Capt. James W. H. Reisinger, jr.,
Capt. Rupert A. Dunford,
Capt. Charles C. Bankhead,
Capt. John P. Adams,
Capt. Ira Longanecker,
Capt. William C. Whitener,
Capt. Frederick J. Ostermann,
Capt. William J. Connolly,
Capt. Everett D. Barlow, jr.,
Capt. Lawrence E. Hohl,
Capt. James G. Boswell,
Capt. Arthur D. Minick,
Capt. Paul R. Manchester,
Capt. Byard Sneed,
Capt. Oscar Westover,
Capt. Martyn H. Shute,
Capt. Fred A. Cook,
Capt. George G. Bartlett,
Capt. Henry B. Clagett,
Capt. Richard H. Jacob,
Capt. Ralph A. Jones,
Capt. Hugo D. Schultz,
Capt. Jacob E. Fickel,
Capt. Jesse W. Boyd,
Capt. Ebenezer G. Beuret,
Capt. Rush B. Lincoln,
Capt. Walter F. L. Hartigan,

Capt. Bruce Magruder,
Capt. George H. Huddleson,
Capt. George C. Keleher,
Capt. Harry H. Pritchett,
Capt. Edgar L. Field,
Capt. Earl C. Buck,
Capt. Jere Baxter,
Capt. A. Ellicott Brown,
Capt. James M. Lockett,
Capt. Eugene Robinson,
Capt. Jesse C. Drain,
Capt. Alexander W. Chilton,
Capt. William E. Morrison,
Capt. Donald J. MacLachlan,
Capt. Charles H. Rice,
Capt. Irving J. Palmer,
Capt. Melvin G. Faris,
Capt. Alexander W. Maish,
Capt. William J. McCaughey,
Capt. Eugene R. Householder,
Capt. Eugene Santschi, jr.,
Capt. William A. Ganoe,
Capt. Elmer F. Rice,
Capt. Benjamin F. Castle,
Capt. John W. Lang,
Capt. George T. Everett,
Capt. Henry H. Arnold,
Capt. Walter R. Wheeler,
Capt. Barton K. Yount,
Capt. Denham B. Crafton,
Capt. William E. Selbie,
Capt. John L. Jenkins,
Capt. Charles H. White,
Capt. Alvin G. Gutensohn,
Capt. Stanley L. James,
Capt. John S. Sullivan,
Capt. Bruce B. Buttler,
Capt. Evan E. Lewis,
Capt. Paul A. Larned,
Capt. James H. Laubach,
Capt. George R. Harrison,
Capt. Ralph W. Dusenbury,
Capt. Thomas C. Spencer,
Capt. Faunt-le-Roy M. Miller,
Capt. Ray C. Hill,
Capt. Patrick J. Morrissey,
Capt. Thomas M. R. Herron, and
Capt. John D. Reardan.

CORPS OF ENGINEERS.

To be lieutenant colonels.

Maj. Lewis H. Rand,
Maj. Edward M. Markham,
Maj. Thomas H. Jackson,
Maj. George B. Pillsbury,
Maj. Gustave R. Lukesh,
Maj. John R. Slattery,
Maj. Albert E. Waldron,
Maj. Francis A. Pope,
Maj. Gilbert A. Youngberg,
Maj. Edward N. Johnston,
Maj. Clarence O. Sherrill,
Maj. Ernest D. Peck,
Maj. George R. Spalding,
Maj. Elliott J. Dent,
Maj. William P. Stokey,
Maj. Wildurr Willing,
Maj. William A. Mitchell,
Maj. Mark Brooke,
Maj. Laurence V. Frazier,
Maj. Harold C. Fiske,
Maj. Max C. Tyler,
Maj. Ulysses S. Grant, 3d,
Maj. William H. Rose,
Maj. Lewis M. Adams,
Maj. William D'A. Anderson,
Maj. Joseph H. Earle,
Maj. Thomas M. Robins,
Maj. Roger D. Black,
Maj. Theodore H Dillon,
Maj. De Witt C. Jones,
Maj. Ernest Graves,
Maj. Francis B. Wilby,
Maj. Clarence S. Ridley,
Maj. Alvin B. Barber,
Maj. Roger G. Powell,
Maj. John N. Hodges,
Maj. James J. Loving,
Maj. Edward D. Ardery,
Maj. James G. Steese,
Maj. Roger G. Alexander,
Maj. James A. O'Connor,
Maj. Lewis H. Watkins,
Maj. Gilbert E. Humphrey,
Maj. Richard Park,
Maj. Daniel I. Sultan, and
Maj. Glen E. Edgerton.

To be majors.

Capt. Clarence L. Sturdevant,
Capt. Earl J. Atkisson,
Capt. Richard T. Colner,
Capt. Robert S. A. Dougherty,
Capt. Stuart C. Godfrey,
Capt. Francis C. Harrington,
Capt. Cleveland C. Gee,
Capt. John M. Wright,
Capt. John R. D. Matheson,
Capt. William H. Sage, jr.,
Capt. Charles J. Taylor,
Capt. Edwin H. Marks,
Capt. Earl North,
Capt. Albert H. Acher,
Capt. Gilbert Van B. Wilkes,
Capt. John C. H. Lee,
Capt. Frank S. Besson,
Capt. Lindsay C. Herkness,
Capt. Albert K. B. Lyman,
Capt. Frederick S. Strong, jr.,
Capt. Daniel D. Pullen,
Capt. Carey H. Brown,
Capt. Oscar N. Solbert,
Capt. Beverly C. Dunn,
Capt. Donald H. Connolly,
Capt. Raymond F. Fowler,
Capt. David McCoach, jr.,
Capt. James G. B. Lampert,
Capt. Philip B. Fleming,
Capt. John W. Stewart,
Capt. Joseph C. Mehaffey,
Capt. Paul S. Reinecke,
Capt. Raymond A. Wheeler,
Capt. W. Morris Chubb,
Capt. Howard S. Bennion,
Capt. William C. Sherman,
Capt. Rudolph C. Kuldell,
Capt. Roscoe C. Crawford,
Capt. Earl G. Paules,
Capt. Bradford G. Chynoweth,
Capt. Milo P. Fox,
Capt. John C. Gotwals,
Capt. Francis K. Newcomer,
Capt. Charles F. Williams,
Capt. Gordon R. Young,
Capt. Richard U. Nicholas,
Capt. James A. Dorst,
Capt. Rufus W. Putnam,
Capt. Lunsford E. Oliver,
Capt. William H. Holcombe,
Capt. James B. Cress,
Capt. Charles P. Gross,
Capt. Bernard A. Miller,
Capt. Peter C. Bullard,
Capt. Brehon B. Somervell,
Capt. Xenophon H. Price,
Capt. Robert W. Crawford,
Capt. Frederick S. Skinner,
Capt. Dabney O. Elliott,
Capt. Allen P. Cowgill,
Capt. George F. Lewis,
Capt. Harrison Brand, jr.,
Capt. Frederick W. Herman,
Capt. John H. Carruth,
Capt. Oscar O. Kuentz,
Capt. William P. R. Covell,
Capt. Edwin R. Kimble,
Capt. Joseph D. Arthur, jr., and
Capt. Ernest F. Miller.

COAST ARTILLERY CORPS.

To be lieutenant colonels.

Maj. Malcolm Young,
Maj. Laurence C. Brown,
Maj. Harry L. Steele,
Maj. Thomas F. Dwyer,
Maj. James B. Mitchell,
Maj. Alfred S. Morgan,
Maj. Charles H. Hilton,
Maj. Edward L. Glasgow,
Maj. Percy Willis,
Maj. William F. Stewart, jr.,
Maj. Joseph B. Douglas,
Maj. Hudson T. Patten,
Maj. Edward Kimmel,
Maj. John A. Procter,
Maj. John B. Christian,
Maj. Frederick W. Phisterer,
Maj. Robert H. C. Kelton,
Maj. Percy P. Bishop,
Maj. Henry J. Hatch,
Maj. Elmer J. Wallace,
Maj. William F. Hase,
Maj. William R. Doores,
Maj. James F. Howell,
Maj. Jesse C. Nicholls,
Maj. Henry W. Schull,
Maj. Clifton C. Carter,
Maj. Stanley D. Embick,
Maj. William H. Monroe,
Maj. Leonard D. Waldron,
Maj. Ernest A. Greenough,
Maj. Alexander Greig, jr.,
Maj. James A. Ruggles,
Maj. Terence E. Murphy,
Maj. Harry W. Newton,
Maj. Allen D. Raymond,
Maj. James R. Pourie,
Maj. John L. Hughes,
Maj. John W. C. Abbott,
Maj. Harry T. Matthews,
Maj. Harry C. Barnes,
Maj. Stephen H. Mould,
Maj. Louis S. Chappelear,
Maj. Granville Sevier,
Maj. Robert F. Woods,
Maj. Albert C. Thompson,
Maj. Ellison L. Gilmer,
Maj. John McBride, jr.,
Maj. Richard K. Cravens,
Maj. George O. Hubbard,
Maj. James M. Wheeler,
Maj. Harrison S. Kerrick,
Maj. Frank J. Miller,
Maj. Philip S. Golderman,
Maj. Charles L. Lanham,
Maj. George F. Connolly,
Maj. John S. Johnston,
Maj. Joseph S. Hardin,
Maj. Louis E. Bennett,
Maj. George L. Hicks, jr., and
Maj. Lynn S. Edwards.

FIELD ARTILLERY ARM.

To be colonels.

Lieut. Col. Clarence N. Jones,
Lieut. Col. Frederick B. Hennessy,
Lieut. Col. Laurin L. Lawson, and
Lieut. Col. John W. Kilbreth, jr.

To be lieutenant colonels.

Maj. Walter S. Sturgill,
Maj. Sherman Miles,
Maj. Cortlandt Parker,
Maj. Richard C. Burleson,
Maj. Joseph R. Davis, and
Maj. John R. Starkey.

To be majors.

Capt. Horace H. Fuller,
Capt. John M. McDowell,
Capt. Raymond E. Lee,
Capt. Jason McV. Austin,
Capt. Belton O'N. Kennedy,
Capt. Burton O. Lewis,
Capt. Herbert R. Odell, and
Capt. Clyde A. Selleck.

To be captains.

First Lieut. Bertram N. Rock,
First Lieut. Alexander S. Quintard,
First Lieut. Marcus A. S. Ming,
First Lieut. Lewis E. Goodrich,
First Lieut. Victor R. Woodruff,
First Lieut. Robert W. Yates, and
First Lieut. Dan C. Schmahl.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named lieutenant commanders to be commanders:

William R. Sayles, jr., and
Charles R. Train.

Lieut. Edgar G. Oberlin to be a lieutenant commander.

The following-named lieutenants (junior grade) to be lieutenants:

Karl F. Smith,
Willis A. Lee, jr., and
Edwin Guthrie.

Medical Inspector Charles P. Kindleberger to be a medical director with the rank of captain.

The following-named medical inspectors to be medical directors with the rank of captain:

Arthur W. Dunbar and
Theodore W. Richards.

Surg. Joseph C. Thompson to be a medical inspector with the rank of commander.

Surg. Karl Ohnesorg to be a medical inspector with the rank of commander.

Surg. Frederick W. S. Dean to be a medical inspector with the rank of commander.

The following-named passed assistant surgeons to be surgeons with the rank of lieutenant commander:

William H. Short,
Herbert L. Kelley, and
Julian T. Miller.

The following-named surgeons to be medical inspectors with the rank of commander, for temporary service:

Clarence F. Ely,
Albert J. Geiger,
Perceval S. Rossiter,
Charles C. Grieve, and
John D. Manchester.

The following-named officers to be lieutenant commanders for temporary service:

Howard H. Crosby,
George E. Brandt,
William C. Owen,
Francis T. Chew,
Francis Cogswell,
James McC. Irish,
John B. Staley,
Charles H. Davis, jr.,
Paul E. Speicher,
Arthur S. Carpender,
John L. Kauffman,
Robert A. Burg,
William D. Brereton, jr.,
Harrison E. Knauss,
William R. Munroe,
Schamyl Cochran,
Albert M. Penn,
William F. Gresham,
Robert O. Baush,
Paul H. Bastedo,
John C. Hilliard,
Philip Seymour,
Frank R. Berg,
Andrew D. Denney,
Charles M. Yates,
Stuart O. Greig,
James C. Van de Carr,
John C. Cunningham,
Jabez S. Lowell,
John F. Shafroth, jr.,
Karl F. Smith,
Ernest W. McKee,
Dallas C. Laizure,
Jules James,
John F. McClain,
John R. Beardall,
Archibald H. Douglas,

Rufus King,
Timothy J. Ketcher,
Howard B. Mecleary, and
Willis A. Lee, jr.

The following-named officers to be lieutenants for temporary service:

Leon S. Fiske,
Earl M. Major,
William F. Loventhal,
Paul R. Glutting,
Harold M. Horne,
Walter E. Borden, jr.,
Arthur T. Emerson,
Arthur C. Geisenhoff,
Grover C. Klein
William F. Boyer,
Bartley G. Furey,
Willard A. Kitts, 3d,
Bertram J. Rodgers,
Carroll W. Hamill,
Clinton H. Havill,
Lew W. Bagby,
Byron S. Dague,
Lyman K. Swenson,
Frank E. Beatty, jr.,
Gail Morgan,
Woodbury E. Mackay,
Gilbert F. Bunnell,
Thorwald A. Solberg,
Clifford H. Roper,
Edward P. Sauer,
Augustus J. Selman,
John H. Carson,
Milton O. Carlson,
Robert B. Carney,
Arthur W. Radford,
George F. Martin
John A. Vincent,
Bernard F. Jenkins,
Boyd R. Alexander,
Edward L. Ericsson,
Frederick B. Craven,
Richard R. Clagborn,
Edwin S. Earnhardt,
John M. Bloom,
John E. Williams,
Jesse L. Kenworthy, jr.,
Webster M. Thompson,
Albert E. Schrader,
Louis R. Vail,
William R. Casey,
Paul S. Coen,
Archibald E. Fraser,
Harry V. Baugh,
Dennis L. Ryan,
Andrew DeG. Mayer,
Arnold H. Bateman,
Charles G. Halpine,
Charles T. Joy,
John S. Watters, jr.,
Alva J. Moore,
Walter W. Webb,
Nelson N. Gates,
Henry L. Phelps,
Benjamin R. Holcombe,
Archer W. Webb,
Charles G. Berwind,
John E. Reinburg,
William L. Kendy,
John A. Terhune,
Charles J. Wheeler,
Theodore T. Patterson,
John A. Sternberg,
George P. Brewster,
Samuel P. Ginder,
Henry B. Broadfoot,
Van H Ragsdale,
John Wilkes,
Robert J. Walker,
Robert B. Twining,
Homer L. Grosskopf,
William P. Bacon,
Henry N. Fatton,
Wilbur W. Feineman,
Maxwell Cole,
Bruce P. Flood,
Henry J. White,
Oscar W. Erickson,
Gilbert W. Sumners,
Henry C. Merwin,
Fred D. Kirtland,
James M. Steele,
Arthur D. Burhans,
Casper K. Blackburn,
Amos B. Root,
Thomas D. Warner,
Paul W. Rutledge,
T. De Witt Carr,
Albert M. Rhudy, and
Charles P. Cecil.

The following-named officers to be lieutenants (junior grade) for temporary service:

Michael Higgins,
George Crofton,
William J. Creelman,
Herbert E. Fish,
Walter S. Falk,
Barnett B. Bowie,
James J. Cullen,
John P. Richter,
John R. Burkhart,
John R. Likens,
Charles Franz,
Frank O. Wells,
Thomas W. Smith,
Bernhard Christensen,
Raymond L. Drake,
Henry Loblitz,
John Danner,
James F. Hopkins,
Charles Schenborg,
Walter J. Wortman,
Alexander Stuart,
William Derrington,
Frank D. Blakely,
James F. McCarthy,
Frederick T. Montgomery,
Harry Adams,
Henry Rieck,
John Sperle, jr.,
Constantine Clay,
Roderick M. O'Connor,
William Herzberg,
Jarrard E. Jones,
Zenas A. Sherwin,
Paul R. Fox,
Otto Boldt,
John B. Martin,
Arthur H. Hawley,
David W. Harry,
Charles S. Wolf,
George R. C. Thompson,
Olav Johnson,
Ole P. Oraker,
Byron C. Howard,
William S. White,
Francis G. Randall,
Franz J. M. Pardulin,
Henry I. Edwards,
Christopher Murray,
John P. Judge,
John C. Linberg,
Birney O. Halliwill,
Albert Seeckts,
William C. Bean,
James A. Martin,
William H. Dayton,
Edward W. Furey,
Arthur W. Bird,
Willis Dixon,
Charles Allen,
Adolph Peterson,
William E. O'Connell,
Harry T. Johnson,
Harry N. Huxford,
Thomas James,
William Fremgen,
Daniel W. Nelson,
Joseph H. Aigner,
Clarence D. Holland,

Frederick T. Lense,
Axel V. Kettels,
John W. Merget,
Albert A. Hooper,
Harry Champeno,
George R. Veed
Niels A. Johnsen,
Isidor Nordstrom,
Charles H. Foster,
James H. Bell,
John J. Clausey,
Charles H. Anderson,
Edward S. Tucker,
Charles Dunne,
George J. Lovett,
Walter Collins,
Frederick W. Teepe,
Edwin W. Abel,
Albert C. Byrne,
George L. Russell,
Orrin R. Hewitt,
Otto T. Purcell,
William R. Gardner,
Joseph R. Bradshaw,
George W. Fairfield,
William M. Miller,
Joseph C. Stein,
Louis F. Miller,
Robert M. Huggard,
Paul B. Cozine,
Earl F. Holmes,
John Atley,
Gregory Cullen,
Bertram David,
George Knott,
Thomas Macklin,
Richard O. Williams,
Michael Macdonald,
Charles S. Schepke,
George D. Samonski,
William O. King,
James E. Orton,
William Cronan,
Charles L. Bridges,
Arthure Langfield,
Albert Klingler,
John Ronan,
William Seach,
William T. McNiff,
Meade H. Eldridge,
Ernest R. Piercey,
William R. Buechner,
Bernhard Schumacher, and
Benjamin F. Singles.

Lieut. Maurice R. Pierce to be a lieutenant commander for temporary service.

Lieut. Charles L. Best to be a lieutenant commander for temporary service.

Lieut. (Junior Grade) Calvin T. Durgin to be lieutenant for temporary service.

Lieut. (Junior Grade) Humbert W. Ziroli to be a lieutenant for temporary service.

Ensign Charles B. Babson to be a lieutenant (junior grade) for temporary service.

The following-named chief warrant officers to be ensigns for temporary service:

Charles B. Babson,
Thomas W. Smith,
William Derrington, and
Henry McEvoy.

Machinist Claude S. Padgett to be an ensign for temporary service,

Boatswain Walter B. Buchanan to be an ensign for temporary service,

The following-named officers to be ensigns for temporary service:

William M. Fester,
Clarence E. Miller,
Homer E. Curlee,
Stuart L. Johnson,
Joe B. Cadenbach,
John L. Kershaw,
Patrick H. Foley, and
Harold D. Kent.

The following-named enlisted men to be ensigns for temporary service:

William J. Lowe.
Thomas F. Eagan,
Carl H. Forth,
William W. Funk,
Ivan E. Pittman,
Henry C. Vogt,
Vern W. McGrew,
Frank A. Jahn,
Gustave O. Kolle,
Robert N. Lockart,
Conrad L. Bayer,
Edward J. Sherry,
Richard E. Miegel,
William T. Crone,
Albert F. Holst,
Gilbert R. Whitworth,
Conrad E. Nordhus,
Arthur E. Redding,
Richard Higgins,
David R. Knape, and
Marcus L. Kurtz.

The following-named to be ensigns for temporary service:

John F. W. Gray,
Gysbert V. S. Harvey,
James L. Lohrke,
Fred P. Ritchie,
John G. Kenion,
Hancock Banning, jr.,
Enoch S. Parson, jr., and
Michael Spring.

The following-named officers to be rear admirals for temporary service:

Joseph Strauss,
Edward W. Eberle, and
Robert E. Coontz.

The following-named officers to be captains, for temporary service:

Leigh C. Palmer,
Albert W. Marshall,
Thomas A. Kearney,
Dudley W. Knox,
Edward McCauley, jr.,
William L. Littlefield,
Earl P. Jessop,
Arthur Crenshaw,
Amon Bronson, jr.,
Harry E. Yarnell,
Arthur MacArthur,
David E. Theleen,
Arthur J. Hepburn,
Thomas C. Hart,
Cyrus R. Miller,
Orin G. Murfin, and
Luther M. Overstreet.

The following-named officers to be commanders, for temporary service:

David McD. LeBreton,
Andrew C. Pickens,
Nathaniel H. Wright,
Prentiss P. Bassett,
Husband E. Kimmel,
Robert A. Dawes,
Paul E. Dampman,
Clyde S. McDowell,
Paul P. Blackburn,
Charles C. Soule, jr.,
Charles H. Bullock,
Lawrence P. Trendwell,
Halsey Powell,
Forde A. Todd,
Cleon W. Mauldin,
Chester L. Hand,
Aubery K. Shoup,
Abram Claude,
Nathan W. Post,
William F. Halsey, jr.,
Roscoe F. Dillen,
Allen B. Reed,
Christopher R. P. Rodgers,
David W. Bagley,
Walter A. Smead,
Arthur C. Kail,

Clarence E. Wood,
Max M. Frucht,
Charles S. Joyce,
Ormond L. Cox
Royal E. Ingersoll,
Herbert F. Leary,
Chester W. Nimitz,
Reuben B. Coffey,
Joseph V. Ogan,
Albert T. Church,
Logan Cresap,
John N. Ferguson,
Louis C. Farley,
Arthur C. Stott,
William S. McClintic,
Byron McCandless,
Roscoe C. MacFall,
Robert L. Irvine,
Bruce L. Canaga, and
Walter B. Woodson.

Robert A. Barnet, jr., to be a second lieutenant in the Marine Corps, for temporary service.

POSTMASTERS.

KENTUCKY.

Barbara A. Hogue, Benham.
C. E. Barnett, Earlington.
Sarah W. Simms, Springfield.
Lewis P. Martin, Wayland.
Samuel F. King, Winchester.

MINNESOTA.

Erick L. Silndee, Adams.
Frank W. Zaffke, Backus.
Joseph S. Stearns, Campbell.
Charles G. Leppla, Fort Snelling.
C. Edward Sarff, Keewatin.
P. Andrew Bromstad, Milan.
Walter L. O'Neill, Remer.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 16, 1918.*

The House met at 12 o'clock noon.

The Rev. William Couden, of Washington, D. C., offered the following prayer:

Dear God, our loving Father in Heaven, "Thou hast made us for Thyself and our souls are restless until they find their rest in Thee." Comes to us once more the fleeting, precious moment when we are wont to enter into communion with Thee through the gate of prayer. Be it for us a shelter from care and a retreat for peace, cleansing, and preparation. Banish from us our sin, our worldliness, our unbelief. Grant unto us in the stress of many conflicts and the clamor of many voices serenity of spirit and steadfastness to truth. Keep ever before us the cross of Christ, the sign of his sacrifice and triumph, the emblem of Thy love for us, the measure of our value to Thee, the symbol of our possible service to each other, and the mark of our eternal hope. And to-day and all our days, dear Lord, help us "that by the practice of those things we know to be true we may be led forward to a knowledge of those things we can not now comprehend." Through Jesus Christ, our Lord, amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States, by Mr. Sharkey, one of his secretaries, was received.

PERSONAL EXPLANATION.

Mr. JOHNSON of Kentucky. Mr. Speaker, I will be glad if the House will indulge me not to exceed three minutes.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Speaker, in the Evening Star of yesterday I find the following:

Chairman JOHNSON, in his policy of legislation by slander, has attempted to beat down all criticism or suggested amendment of the details of his bill by slurring sweepingly not only the Star but all Washington real estate men, representing all local landlords, and even his fellow Representatives who had the audacity to attempt to improve his bill. Of the committee representing the Real Estate Brokers' Association, Chairman JOHNSON says: "They and their clients are the profiteers."

I should apply the short and ugly word to that, Mr. Speaker, but I shall refrain from doing so, and simply say that the newspaper maliciously has garbled what I said, and has put me in a position of saying what I did not say. I did not refer in that connection to the Real Estate Brokers' Association, but instead to "real estate men" other than to that association. Further along the newspaper says:

In deprecating a hearing of the association's committee, he says: "Would the gentleman advocate giving burglars and thieves a hearing in preparing laws to stop them from their practices?"

Now, Mr. Speaker, what I did say will be found on page 2112 of the RECORD, and it is this:

But in this instance the Washington Star is confronted by a double question—the Government clerks upon one side, to whom it wishes to sell its papers, and the real estate men upon the other side, from whom it receives hundreds of thousands of dollars every year in the way of pay for advertisements.

Now, what I said referred to the "real estate men" and not to those of the Real Estate Brokers' Association who came to see me about the matter. Concerning the gentlemen who compose the special committee of the Real Estate Brokers' Association I have no word of criticism, but instead words of commendation. Mr. Wardman is one of those gentlemen, and never yet in any of the correspondence that has reached me, or the telephone messages, or people who have come to see me, have I heard anybody charge him for profiteering; but, on the other hand, I have heard people say that he has protested against it, and would not permit people in his apartments to do so. Of Mr. Fairfax I have never heard any criticism. I never heard a word against Mr. Story. On the other hand, I have heard words of praise of him.

If the Star or anybody else has so distorted my remarks or has misunderstood my remarks as reflecting upon any of these gentlemen, I regret it exceedingly. If I have been so unfortunate as to have my remarks susceptible to that sort of construction, I regret that. If, in the excitement of debate, I have said anything reflecting on these gentlemen, I certainly am most sorry for it and apologize to them for it.

Now, there is another place, on page 2124 of the RECORD. The gentleman from Massachusetts [Mr. TINKHAM] was saying:

Now, Mr. Chairman, only one word in closing, and that is this, that the minority of the Committee on the District of Columbia are as sincerely desirous of stopping unfair profiteering in the District of Columbia, or in any other part of the United States, as the majority, or the honorable Representative from Kentucky [Mr. JOHNSON]; but they do not want to pass a bill which they believe is not only unconstitutional, in at least one of its phases, but unworkable, and which will not produce the results which are believed by both sides to be desirable. I therefore believe that one of three courses should be followed in relation to this bill: As no hearings were given and only an hour and a half given to the consideration by the committee, it should be referred back to the committee for reformation, or——

Mr. JOHNSON of Kentucky. Will the gentleman yield just there?

Mr. TINKHAM. I will.

Mr. JOHNSON of Kentucky. Would the gentleman advocate giving burglars and thieves a hearing in preparing laws to stop them from their practices?

There I was simply inquiring whether or not the gentleman would be willing to go beyond the Real Estate Brokers' Association in the hearings, or whether he would consent to let the profiteers come there and take up the time and delay the hearings on the bill. I meant nothing more than that. And yet the Evening Star, in its ugliness, has put me in the attitude of applying that language to the Real Estate Brokers' Association, when I never intended to do so, and the writer of that article knew, when he garbled what I said, that he was doing so for the purpose of misrepresenting me.

NOTIFICATION OF ILLNESS OF SOLDIERS.

Mr. REAVIS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 228, to provide notification of illness of soldiers.

The SPEAKER. The gentleman from Nebraska asks unanimous consent for the present consideration of House joint resolution 228, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That in all cases where an enlisted man or officer of the United States Army is admitted to an Army hospital in continental America on account of a dangerous injury or disease, and in all cases of admission for slight illness or injury and the same becomes dangerous after such admission, immediate notice shall be given to the nearest relative of such enlisted man or officer under such rules and regulations as the Secretary of War may prescribe.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, as I understood the reporting of the resolution——

Mr. FOSTER. Mr. Speaker, I want to reserve the right to object.

Mr. STAFFORD (continuing). The Clerk read the committee amendment instead of the original resolution.

Mr. SHERLEY. Mr. Speaker, I feel constrained, in view of the necessity of getting through with the deficiency appropriation bill to object to the consideration of such matters at this time.

The SPEAKER. The gentleman from Kentucky objects.

Mr. REAVIS. Will the gentleman reserve his objection?

Mr. SHERLEY. No; it is because I do not want to take time that I am objecting, not because I am hostile to what the gentleman desires.

Mr. REAVIS. If there was any intention of time being taken on the resolution——

The SPEAKER. It is not debatable.

Mr. FERRIS. Mr. Speaker, I rise to a question of personal privilege.

Mr. DOWELL. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present. Evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Clerk will call the roll. The Sergeant at Arms will notify the absentees. The Doorkeeper will close the doors.

The Clerk called the roll, and the following Members failed to answer to their names:

Alexander	Drukker	Jones, Tex.	Sabath
Austin	Dyer	Kahn	Sanders, Ind
Bacharach	Eagan	Kennedy, Iowa	Sanders, La.
Beakes	Edmonds	Kettner	Schall
Beshlin	Estopinal	Kless, Pa.	Scott, Mich.
Black	Fairchild, G. W.	LaGuardia	Scott, Pa.
Bowers	Farr	Linthicum	Scully
Britten	Fess	Lobeck	Siegel
Brodbeck	Flynn	McCormick	Sims
Browning	Francis	McLaughlin, Pa.	Smith, T. F.
Brumbaugh	Glass	Magee	Stephens, Nebr.
Burroughs	Gould	Maher	Sterling, Ill.
Butler	Graham, Pa.	Mann	Strong
Byrnes, S. C.	Gray, Ala.	Meeker	Sullivan
Cantrill	Gray, N. J.	Miller, Minn.	Swift
Capstick	Greene, Mass.	Morin	Talbott
Caraway	Griest	Mudd	Templeton
Carew	Harrison, Va.	Neely	Vare
Church	Hastings	Nelson	Ward
Clark, Pa.	Heaton	Nicholls, S. C.	Wason
Coady	Heintz	Nichols, Mich.	Webb
Cooper, Ohio	Hensley	Parker, N. Y.	Wheeler
Costello	Hollingsworth	Platt	White, Me.
Cox	Hood	Riordan	Wilson, La.
Curry, Cal.	Hull, Iowa	Rodenberg	Winslow
Dallinger	Husted	Rose	Wood, Ind.
Davidson	Hutchinson	Rouse	
Dooling	Johnson, S. Dak.	Rowland	

The SPEAKER. On this call 319 Members have answered to their names, a quorum.

Mr. SHERLEY. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

PERSONAL EXPLANATION.

Mr. FERRIS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to proceed for 20 minutes in reference to a personal matter.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for not to exceed 20 minutes. Is there objection?

Mr. GILLETT. Mr. Speaker, on what subject?

Mr. FERRIS. I want to make some remarks upon the gentleman's speech of yesterday concerning myself.

Mr. GILLETT. I have no objection.

The SPEAKER. Is there objection?

Mr. GREEN of Iowa. Mr. Speaker, reserving the right to object, I shall not object, but I hope that the other side will be as liberal on similar occasions.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I desire simply to say that the gentleman has the right to take the floor as a matter of personal privilege, and, wanting to expedite the consideration of the deficiency bill, I believe this is the best way to do it.

Mr. GILLETT. Mr. Speaker, I would like to know what right he has as a matter of personal privilege?

Mr. SHERLEY. I think clearly under the precedents there is enough there to take at least 20 minutes' time in argument.

Mr. GILLETT. I am perfectly willing that the gentleman should have the time.

The SPEAKER. The gentleman is recognized for 20 minutes.

Mr. FERRIS. Mr. Speaker, I am not ordinarily thin skinned, and I am not thin skinned now. I have a consciousness that I did no wrong in inserting that article, and I have it now. The gentleman from Massachusetts [Mr. GILLETT], the leader on the Republican side, thinks that I made an error in incorporating an editorial in the RECORD of February 4, it being a signed editorial by ex-Gov. Martin H. Glynn, of New York. It was not a fugitive article at all; it was signed at both ends. The headline said it was an editorial by Martin H. Glynn, and it was signed by him at the bottom. That brings the issue squarely. I think I made no mistake. The gentleman thinks I did. I ask that the Clerk, in my time, read the editorial, and then the House can see who is right and who is wrong about it.

The SPEAKER. Without objection, the Clerk will read.

Mr. GILLETT. Mr. Speaker, that editorial has been printed in the RECORD once, and I ask whether it is fair to have it printed again in this manner?

Mr. FERRIS. It is the only way that we can arrive at what is right and what is wrong. The gentleman says I inserted it wrongfully.

Mr. GILLETT. I said it was objectionable.

Mr. FERRIS. The gentleman said more than that.

Mr. GILLETT. I should like to know what I said.

Mr. FERRIS. I am very fond of the gentleman, and he has been liberal and generous to the House and he has not been overly partisan unless this is evidence of it, and I think the gentleman will do me the fairness to say that I have not been.

Mr. GILLETT. I agree to that.

Mr. FERRIS. I have as many friends on the Republican side as on the Democratic side, and I am not dealing in petty matters.

Mr. GILLETT. I simply wish to say that I was sorry yesterday to feel obliged to say what I did about the gentleman.

Mr. FERRIS. Let us have the article and we will see who is right.

Mr. GILLETT. I shall not object.

Mr. COOPER of Wisconsin. Mr. Speaker, what is the article that is to be read? The same one——

The SPEAKER. The article is an editorial or a circular letter, or something of the sort, written by ex-Gov. Glynn, of New York.

Mr. NORTON. Mr. Speaker, it is already in the RECORD.

The SPEAKER. The Chair understands that perfectly well.

Mr. COOPER of Wisconsin. If it is already in the RECORD, I object.

Mr. FERRIS. The gentleman can not object; it is in my own time, and I will not yield further.

Mr. WALSH. He can object.

Mr. FERRIS. I will read it myself.

Mr. WALSH. Mr. Speaker, I object to that.

Mr. FERRIS. The gentleman can not object to that.

Mr. WALSH. Mr. Speaker, I rise to a point of order.

The SPEAKER. What is the point of order?

Mr. WALSH. That under the rules of the House the gentleman can not read an article written by somebody else in his own time, if objection is made to it.

Mr. FERRIS. I do not think that objection is well taken and I do not yield.

Mr. WALSH. I cite Rule XXX.

Mr. CARTER of Oklahoma. Mr. Speaker, I make the point of order the gentleman from Oklahoma is reading from the CONGRESSIONAL RECORD.

The SPEAKER. Everybody knows that.

Mr. WALSH. Section 891, Mr. Speaker, on page 423——

Mr. FERRIS. Mr. Speaker, I do not want this taken out of my time.

The SPEAKER. It will not be taken out of the gentleman's time. Will the gentleman cite his authority?

Mr. WALSH. It is a note under Rule XXX.

The reading of papers other than the one on which the vote is about to be taken is usually permitted without question (citing Hinds' Precedents, vol. 5, 5258) and a Member in debate usually reads or has read such papers as he pleases, but this privilege is subject to the authority of the House if another Member objects.

The SPEAKER. On what page is that language?

Mr. WALSH. Section 891.

The SPEAKER. The Chair knows, but what part of the page?

Mr. WALSH. It is a foot note of this section 891, at the beginning of the paragraph of section 891. It further says:

This principle applies even to the Member's own written speech or a report which he proposes to have read in his own time or to read in his place.

I submit, now, that if objection is made——

The SPEAKER. The question is to be decided by vote of the House without debate whether this paper be read or not. Shall it be read?

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. GILLETT. Division, Mr. Speaker.

The SPEAKER. The gentleman from Massachusetts demands a division.

The House divided; and there were—ayes 137, noes 101.

The SPEAKER. The Clerk will read the article.

The Clerk began the reading of the article.

Mr. FERRIS. Mr. Speaker, I want my request read, too, so it will show all the proceedings that there occurred.

The Clerk read as follows:

Mr. FERRIS. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS extended his remarks by inserting the following:

IT BECOMETH AND BEHOOVETH MR. WADSWORTH, MR. LODGE, MR. CHAMBERLAIN, MR. ROOSEVELT, AND ALL THEIR PHONOGRAPHIC CULT TO CHIRP LIKE A CRICKET, NOT ROAR LIKE A LION.

[An editorial by former Gov. Martin H. Glynn, of New York, in the Times-Union, Albany, N. Y., Jan. 28, 1918.]

To-day the people of this country can be divided into two camps.

Those who wanted war at any price.

And those who hoped for peace, if peace could be maintained without the sacrifice of national honor.

Now, we are at war and we have the astonishing anomaly of the leaders of the "war buzzards" trying to gnaw the vitals out of our Commander in Chief, while the great majority of those who stood for peace while peace spelled honor are upholding the President's hands as Aaron and Hur upheld the hands of Moses in his battle with Amalek.

The present volcanic attack against the war policies of President Wilson is no haphazard incident. It is a well-laid plot, nicely trained and strategically timed. Its purpose, no matter how secretive its sponsors, how insinuating its methods, how seductive its arguments, is to give the Republican Party a majority in the next House of Representatives and to pave the way for a Republican President in 1920. From a political point of view this may be tolerable; from a patriotic aspect, in a national crisis like this, it is odious and detestable.

The business of the Nation to-day is to win the war, and the political leaders, who for party gain or personal aim lay the slightest obstacle in the way of the happy consummation of this business, clothe themselves in a diabolical livery and surround their political machinations with a brimstone scent, a sulphurous odor offensive to the people who revere patriotism in politics but abhor politics in patriotism.

For months Col. Roosevelt has been injecting politics into the war through his articles in the Kansas City Star and Metropolitan Magazine. With craft and caution he has planted a bomb, intended to blow President Wilson out of political existence, and in this "Guy Fawkes" plot he has had the unctuous assistance of Senator LODGE, of Massachusetts, and the crafty support of Senator WADSWORTH, of New York. But cunning and unctuousness can not win a contest like this. The mountain of truth is too big to be discolored by such daubing brushes, the facts too potent to be minimized by impish dissimulation or distorted by cunning castigation.

The Bible says he who draws the sword shall perish by the sword. Well, Roosevelt and his followers first drew the political sword in this dispute, and with their assumptive valor they should not cry for quarter before the blade of their own rapier.

For 16 years before the present Democratic administration the Republican Party was the custodian of the welfare of this Nation, and in all these 16 years it did but little to put this country on a basis of adequate preparation for war. Grover Cleveland started the American Navy on its way to imperial strength, but Theodore Roosevelt, as President of the United States, inaugurated a naval program that curtailed the Cleveland policy. Great as our Navy is to-day, it would be far greater still if the policy of Cleveland had prevailed and the plans of Roosevelt buried in the bottom of the sea. And as it was with the Navy, so was it with the Army, for Theodore Roosevelt left the Army of the United States weaker than he had found it seven years before.

No sooner, however, had Woodrow Wilson, with his panoramic view of the history of the world in peace time and in war time, his thorough knowledge of Democratic aspirations and economic possibilities, his sympathy with the masses and his consideration of the classes—no sooner had he become President of the United States than the wheels of progress were set in motion to equip this Nation as years before she should have been equipped for the solution of pressing national problems and the handling of contingencies of an international nature.

The rehearsal of all the legislation of President Wilson to carry out this progressive program would be superfluous here. The world knows it by heart. It insures him a splendid place in the annals of statesmanship. It is the unmistakable triumph of the democratic yearning with which the heart of mankind throbs and pulses to-day. And it carried Woodrow Wilson to wonderful victory in 1916 against an avalanche of money and a labyrinth of intrigue.

[Laughter on Republican side.]

His Federal reserve-bank law, which Mulhall, the famous English economist, said was of more worth to the world than the Panama Canal, saved this country, with the advent of the war, from the most stupendous panic in history and enabled us to ride the tumultuous waters of "world-war" finance with hardly a squeak or a tremor of our old ship of state. Without this Federal reserve bank to-day the United States would be grinding and pounding on the rocks of disaster.

Nor is this all.

From a vision almost prophetic came the Federal revenue bill which wrung a lordly portion of governmental revenue from internal taxes instead of from tariff imposts which under the baneful influence of war dwindled to a sum insufficient to provide lubrication for our gears of Government, let alone provide fuel for the Treasury boiler that makes the wheels of national life go round.

Our national experience since the war started must carry conviction to every fair-minded American that for these two measures alone we owe an ineffable debt of gratitude to the wisdom and statesmanship of Woodrow Wilson.

And of our military realm we have the self-same tale.

Theodore Roosevelt may indulge himself in all the weird juggling of language that pleases his fancy; he may inoculate himself in such inspirational riot of emotional frenzy as may give fire to his tongue and flare to his imagination; but the fact remains undeniable, ineffaceable, irremovable, that in two years of ante bellum days Woodrow Wilson did more to put our Army and our Navy on a footing of war than both William Howard Taft and Theodore Roosevelt did in the whole 11 years of their supine reign.

[Laughter on Republican side.]

During these two years preparedness for a possible war was pushed by President Wilson as fast as the sentiment of the country would permit and quite as fast as even the most violent of his present-day critics then deemed expedient or politic.

Suddenly, however, conditions created by the autocratic dogmatism of Germany disregarding treaties and throwing promises to the winds, hurled us into the seething whirlpool of war. Then the very men who had been at the helm of the ship of state for 16 years, the men whose policies had weakened the Army and stunted the Navy, began to howl because we could not equip a million men overnight and put them in the trenches of France in a day. They forgot the experience of England; they forgot the experience of France; they forgot their own neglect of our martial strength; they forgot everything but their own personal advertisement and their own political advancement.

Mythology tells us that Minerva sprang full-armed from the mind of Jupiter, and despite the fact that the age for mythological miracles has passed, these acrimonious critics demanded that the United States whittle rifles out of the air and by some sort of prestidigitorial art transform a million civilians into full-trained soldiers between the sinking and the rising of the sun. What these critics had failed to do in 16 years, they insist that Woodrow Wilson should do in 16 days. The wind listeth in the night, the dew falls, the stars come out, the moon works her magic charm, and behold at dawn a full-grown mushroom whitens the lawn where at sunset only an embryonic stalk snuggled in the grass. This is the kind of marvel, this the kind of impossible legerdemain that Col. Roosevelt and his school demand should be duplicated in our military world. They demand that an invincible Army be created overnight out of wind and dew, starlight and moonshine. But they fail to provide the Aladdin's lamp with which to work the miracle; they fail to furnish the necromantic art wherewith to ram into a night the task of a decade.

And this miracle, too, they demand in the teeth of the hoary-headed truth that from the days of Washington, Franklin, and Adams this Nation has set its face against a militaristic policy. A large Army, a potential Military Establishment, has been the ghost that has given this country sleepless nights for 140 years—a factitious ghost, perhaps; but nevertheless a ghost hypnotic in its influence and awesome in its sway. And the Navy, too, has been hampered by a short-sighted sentiment of the great interior part of the country whose congressional Representatives persistently opposed large naval appropriations from fear of retrenchment against the "home-town" projects of their own native heaths. For this ingrained repugnance to a big Army, an adequate Navy, neither the Republicans of to-day or the Democrats of to-day are to blame. The fault lies at the door of the predominant sentiment of the Nation since 1776. And as we have sown; so to-day we reap.

Gen. Winfield Scott, one of the world's greatest soldiers, compressed an historic situation in a nutshell when he said, "Republics are never prepared for war."

The business of Republics is peace; the business of autocracies is war. Autocracy lives by the sword. The father and grandfather of Frederick the Great said so; Frederick himself said so; and so saith the Kaiser, and the Crown Prince, too.

A love and a craving for peace, however, form the very genesis of a republic. To this genesis republics are true; from this genesis republics depart only at the call of honor or the command of necessity.

Hence it is, though critics may forget, the people remember, that in eight months of war the United States, under the leadership of Woodrow Wilson, has done twice as much, and even more, than England and France did in the corresponding period of time. The accusations, the exaggerations, the fabrications, the distortions of supercilious censors and envious-fanged contemners of the Wilsonian policies wear such a flimsy gossamer covering as to expose this political plot in all its naked hideousness.

We make no claim that the administration has created sunbeams out of cucumbers or performed feats beyond the pale of human possibility, but we do maintain that its efforts have ben amazing, its accomplishments beyond compare in the history of modern warfare.

We have not whipped the Kaiser yet, but we will whip him if calumniating critics do not dampen the fires of enthusiasm or grease the tracks whereon must ride our national chariots of war. We have more men in France to-day than Roosevelt knows or Germany suspects, and a million more are waiting for the ships.

We have an Army so well cared for that the death rate in our ranks for the four months ending January 1, 1918, averaged only 7.5 per thousand—a death rate, mind you, less than the death rate for men of a like age in peaceful avocations at home. Compare this with the death rate of 20.14 per thousand under the good old Republican rule of the days of the Spanish-American War. Compare these figures, and then applaud the Roosevelt charges if you can!

True, we have made some mistakes, but in the magnitude of our undertaking some mistakes were inevitable, unavoidable. In balance though with the wondrous achievements these mistakes have been trivial and not worthy of the attention of the men who minimize their talents by trying to magnify molehills into mountains.

And furthermore, unlike the Spanish-American War, in which Mr. Roosevelt was a king-pin:

We have no Army contract scandals.

We have no embalmed-beef horrors.

[Laughter on Republican side.]

We have no fat old generals going to war in carriages and leading battle charges from easy rocking chairs.

We have no unpleasant gossip about the appointment of political generals and society admirals.

[Laughter on Republican side.]

We have no round-robin letters from presumptuous and inferior officers demoralizing discipline and exalting self.

In the face of these facts the wild rantings of Roosevelt and his fellow political conspirators are boomerangs, pestilential to the ears and revolting to the sensibilities of others, but harmful only to the men who hurl them. On the estimation of thoughtful people these critics make no indelible impression. They may ruffle the surface of the pool of comment, but they stir not the depths of public opinion. And with Roosevelt, Lodge, and Wadsworth as the chief creators of this curtain of camouflage political fire, fed by the tissues of ambitious misrepresentation, fanned by the sinister winds of political oratory, there stalks

forth from memory's closet the skeleton of Alger's embalmed beef with its concomitant stench; there looms into view the commander of the United States forces in Cuba, too fat to ride a horse, going into battle in a carriage, and lolloping in a portable bathtub while our soldiers had no medicines to conquer tropic ills; there looms into view this self-same commander of the United States forces in Cuba fighting his battles from the sensuous folds of a soporific hammock, while through the stupidity and carelessness of an inefficient military medical force our soldier boys found typhoid fever more deadly than bullets from the Spanish guns.

And so, in view of these verities which no political manipulation can snatch from history's page; in view of the official funeral-hued glories and the official scarlet-tinged scandals of the Spanish-American War; in view of Alger's embalmed beef of odoriferous memory; in view of inferior ships purchased by the Government at superior prices; in view of the stigma and disgrace that typhoid fever killed more of our soldiers than Spanish bullets sent to their graves; in view of the cable which Dewey cut to save the Navy from the malefic influence of Republican politics at Washington; in view of Army contracts which brought a blush to the cheek and rage to the heart of the Nation; in view of the attempt to deprive Schley of his share of glory in the Santiago victory; in view of the papier-maché generals created as a sort of "iron-cross" reward for services rendered the good old Republican Party on many a bloodless field of politics; in view, in fine, of the bathos and the pathos of flagrant Republican mismanagement in the Spanish-American War, it becometh and behooveth Mr. Wadsworth, Mr. Lodge, Mr. Chamberlain, Mr. Roosevelt, and all their phonographic cult to chirp like a cricket, not roar like a lion.

MARTIN H. GLYNN.

[Applause.]

Mr. FERRIS. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The gentleman has three minutes remaining.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FERRIS. I do not yield, and I want to say two or three words——

Mr. FORDNEY. The gentleman will pardon me.

Mr. FERRIS. I do not yield.

Mr. FORDNEY. I am not addressing the gentleman.

Mr. FERRIS. The gentleman is using my time.

Mr. FORDNEY. The gentleman had 20 minutes and the gentleman has used 23 minutes in reading the article, according to the clock. I do not object to the gentleman's having all the time he wants, but he has used 23 minutes in reading the article.

Mr. FERRIS. The gentleman has forgotten that there was some time consumed outside of my time.

The SPEAKER pro tempore. There was a certain amount of time taken in a wrangle that has to be deducted from the accurate time.

Mr. FORDNEY. But, Mr. Speaker, that time was not consumed out of any portion of the 23 minutes that the Clerk consumed in reading the article. I do not object to giving the gentleman all the time he wants, but 23 minutes was consumed in reading the article by the Clerk, according to the clock.

The SPEAKER pro tempore. The gentleman from Oklahoma has three minutes remaining.

Mr. FERRIS. Mr. Speaker, I did not keep the time, and I assume the Chair kept the time correctly, as he always does. I want to say that on February 4, in the regular way, standing right over there, after speaking to the leader of my party on my side about it, I asked unanimous consent to extend my remarks, which was granted, by printing that article. Now, that is a partisan article, of course——

SEVERAL MEMBERS (on the Republican side). Oh, no!

Mr. FERRIS. Oh, well, I did not expect the Republican side to approve of what I am saying; neither did I expect them to approve that article.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. FERRIS. I do not. From the plaudits or jeers made to the article, I do not expect to have their approval.

I am merely trying to state the history. I asked it in the usual way; it was carried in the usual way. I handed it to the Clerk in the usual way, and it was printed in the usual way, and I am very sorry that the Republican Party are getting so thin-skinned that they can not admit of an article printed as an editorial, not a fugitive article, but a signed article, by the ex-governor of the Empire State of the Republic, who has been a Member of this House. [Applause on the Democratic side.]

Mr. GILLETT. Mr. Speaker, I ask unanimous consent for five minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Speaker, I stated yesterday, and I repeat to-day, that I regretted very much to offer any criticism of the gentleman from Oklahoma, whom I have always respected. The criticism I made, and which he has not in the slightest answered, was that in this branch of Congress, where both sides of the House have during this war absolutely, so far as I know, ignored politics, have tried to put aside partisanship, and have by their speeches and their actions worked together, the gentleman from Oklahoma [Mr. FERRIS] for the first time printed an article which I do not believe any man on that side would have gotten up and read as his own, and thus for the first time he projected partisanship into the proceedings of this House. That was what I objected to in the matter. I said as an editorial it was all right, but as a speech on this floor I thought it was objectionable.

The gentleman has not been quite candid with the House in what he has just said.

Mr. FERRIS. State where I am uncandid.

Mr. GILLETT. The gentleman says that he asked in the ordinary way. The gentleman first got up a few days before he finally received permission to print and asked permission to extend his remarks in the RECORD. The gentleman from Massachusetts [Mr. WALSH], reserving the point of order, asked him on what subject, and the gentleman said:

I want to print a short editorial on the war—peace and against war.

You gentlemen have heard the "short" editorial.

Mr. FERRIS. That was several days prior.

Mr. GILLETT. Exactly. It was the same editorial, was it not?

Mr. FERRIS. It was the same editorial.

Mr. GILLETT. And, Mr. Speaker, the gentleman was refused consent to print that "short" editorial on "Peace and against war." Then, a few days later, after he had discussed a question before this House, he got up, when the House was about to adjourn, and asked unanimous consent again.

Mr. FERRIS. Will the gentleman yield right there?

Mr. GILLETT. Certainly.

Mr. FERRIS. The gentleman certainly does not want to do an unkind thing. He is the leader of too great a party to do that.

Mr. GILLETT. I want to present the facts fairly to the House.

Mr. FERRIS. I have the RECORD right here. I had made no speech of any sort, except to help get through some little bills from the Public Lands Committee two or three hours prior to that.

Mr. GILLETT. It may have been; but it was that afternoon.

Mr. FERRIS. How can the gentleman attach any importance or any relation to a general request to extend remarks? It had no relation in my mind or in fact. There were three or four hours between the request and when I had said a word. It was not a set speech in any sense. I was helping to get through some little bills.

Mr. GILLETT. If the gentleman says he did not think of it, I acquit him of it.

Mr. FERRIS. That is true.

Mr. GILLETT. As you all know, on this side of the House it has been the custom that objection is made unless we know of the subject; but you know, when a man has been making a speech, even if it was delivered before the House an hour before, it is customary to assume that the gentleman is seeking to extend his remarks on that speech, and, I venture to say, that was the reason no objection was made.

Mr. FERRIS. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. FERRIS. I read the gentleman's remarks, and he is repeating what he said in his speech, that I had made anything like a speech——

Mr. GILLETT. You did.

Mr. FERRIS. No; I did not. I replied only to some remarks about some Oregon bill. I had no interest in it, except getting through some little bills from my committee. What the gentleman says might be true if I had really made a speech, but I did not want to make any remarks on those little bills. I cared nothing about them. I was merely answering questions and making a few short statements to help others with their bills.

Mr. GILLETT. I acquit the gentleman from any purpose of intent to deceive the House, but I do think that was what prevented this House from objecting. I wish to ask the gentleman if he considers that a short editorial, and if he considers "Peace against war" a fair description of it?

Mr. FERRIS. Let me read. The facts do not hurt anybody. I will just say, in a word, if it came from anybody else but the gentleman I would not have paid any attention to it. I do not want to be considered thin-skinned about these matters. I have such regard for the gentleman that a statement like his speech yesterday really touched me a little, and I think I am justified in consuming a few moments of time.

Mr. GILLETT. Certainly; and I wish to give the gentleman an opportunity.

Mr. FERRIS. The gentleman goes back and finds where on February 1 I asked unanimous consent.

The SPEAKER pro tempore (Mr. GARRETT of Tennessee). The time of the gentleman from Massachusetts has expired.

Mr. FERRIS. I ask unanimous consent, Mr. Speaker, that the gentleman from Massachusetts may have five minutes more. I used some of his time.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. FERRIS. The first time I asked this permission was, on page 1692 of the RECORD, on February 1, just before the adjournment. This is what I said:

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, on what subject?

He objects to all extensions of remarks.

Mr. GILLETT. He objects to extensions and putting in extraneous matter. That is not a fair statement. He does not object to all.

Mr. FERRIS. I read further:

Mr. FERRIS. I want to print a short editorial on the war—peace and against war.

There is a dash there, after "war." Then, after that, it says "peace and against war." I do not recall saying the last, although I may have said it. But that editorial is on the war. [Laughter.]

Mr. GILLETT. Does the gentleman think that that is a fair characterization?

Mr. FERRIS. It is what you are trying to forget. I expect. That is all in that place there. Now, three or four days later, on February 4, just before adjournment and after the day's proceedings had expired, this happened:

Mr. FERRIS. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the RECORD.

There is nothing clandestine and nothing mysterious about that. It is simply the usual course; nothing more, nothing less.

I read further:

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS extended his remarks by inserting the following.

I did not even express approval or disapproval of the article, so that I can not understand why the gentleman should object. [Laughter.] I could express approval in part now. In the midst of jeers over there I will do it.

Mr. GILLETT. Now, Mr. Speaker, I wish to submit it to the candid judgment of this House—to that side of the House as well as this side of the House—whether it was candid on the part of the gentleman. And, by the way, I have now been shown the remarks which the gentleman made on that day, which consumed nearly a column of the RECORD, which he thought amounted to so little.

Mr. FERRIS. Oh, no; it is not a column.

Mr. GILLETT. It is more than half a column of the RECORD on that same day when the gentleman made the request and it was granted.

Mr. FERRIS. The gentleman is not fair in that assumption or right in the facts.

Mr. GILLETT. There it is, on page 1674.

Mr. FERRIS. On a bill from my committee, responding to a criticism by Dr. FOSTER, two or three hours before this request was made.

Mr. GILLETT. The gentleman is mistaken on that. On page 1674 that appears, and he made his request on page 1678.

Mr. FERRIS. There are five pages intervening.

Mr. GILLETT. Four or five pages. Now, as to these details, Mr. Speaker, I think the House is fully master of the situation, and therefore I submit——

Mr. CALDWELL. Mr. Speaker, I call for the regular order.

Mr. GILLETT. I submit it to the candid judgment of both sides of the House whether that was not an objectionable editorial, and whether the gentleman's manner in making the request for the publication of "a short editorial on peace and war" was fair and candid to this House. [Applause.]

URGENT DEFICIENCY BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency bill.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GARNER] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9867) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9867, the urgent deficiency bill. The Clerk will read.

The Clerk read as follows:

Buildings: For repairs and improvements to school buildings and grounds and for repairing and renewing heating, plumbing, and ventilating apparatus, and installation of sanitary drinking fountains in buildings not supplied with same, $20,000.

Mr. WATSON of Pennsylvania. Mr. Chairman, I would like to ask whether these increased expenses in the public schools were brought about by the increased number of pupils, caused by the increased number of the floating population in Washington?

Mr. SHERLEY. There were a couple of items, generally speaking, in which that was a factor. The one that has just been read grew out of the extra cost of the repairs that had been authorized.

Mr. WATSON of Pennsylvania. There were a number of items grouped together in large sums.

Mr. SHERLEY. A good deal of that was due to fuel. The increased cost of fuel and the increased amount of fuel has greatly increased the expense of running the schools.

Mr. WATSON of Pennsylvania. Is there any rule or restriction as to a boy or girl attending the schools? Must they reside here a certain number of weeks?

Mr. SHERLEY. There is a rule or provision of law against attendance unless pupils are residents for a certain number of weeks, but we did not go into that.

Mr. WATSON of Pennsylvania. I was wondering whether it was on account of the increase of pupils.

Mr. SHERLEY. That was the case in a number of items—one or two of them—but, broadly speaking, that was not a determining factor.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Barracks and quarters, seacoast defenses: For construction of temporary barracks and quarters at seacoast posts for the accommodation of officers and enlisted men of the Coast Artillery, including heating and lighting apparatus, water and sewer systems, plumbing, roads, walks, wharves, and drainage, $3,505,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. TREADWAY. Mr. Chairman, in reference to this item and various other items throughout the bill for construction purposes I would like to make some inquiry as to whether the committee has any information regarding the methods under which those contracts for construction have been let. This matter has been called to my attention in correspondence, as it has been called to the attention of all, I think, in the press, that the large plants are being constructed principally by a few large contractors. The method is on the cost-plus principle, which, as I understand from builders, is the simplest in the world and the easiest to make money out of, in that the contractor himself takes absolutely no responsibility. There is a limit, of course, in the construction of the cantonments as to the amount the contractor should make out of one job, but if you follow the line of those various contracts it appears that comparatively few contractors have these jobs, in spite of the large number of buildings recently constructed.

I am credibly informed that even concerns are granted contracts that did not exist at the time of making the contract and go so far as to organize after the contract is let to a few individuals. At the present time nearly all construction throughout the country is stopped other than for governmental purposes. Where we find that formerly a large number of bids were offered in competition for contracts those concerns have practically been put out of business by the fact that all interest centers on Government construction.

Now, it seems to me that, in fairness to the maintenance of business arrangements throughout the country, these other concerns—I believe possibly not as large as those to whom the contracts have been let, yet nevertheless fully capable of carrying on such work as the construction of these temporary buildings—ought to have a chance.

Therefore I would like to know under what supervision those contracts are let, what the conditions are, who controls them, and why the smaller bidder does not have the same opportunity to get contracts under this cost-plus method as some of the largest concerns. You can probably count on the fingers of one

hand the actual concerns doing the business. They may do it under some subsidiary company and get a different title, but nevertheless there are few very large corporations with great financial backing that are actually controlling this rapid construction on the part of the Government. Therefore I think it perfectly right and proper that the committee should have some information as to who actually lets these contracts. I have known of men coming here trying to get information about specifications, and they have been shuffled around from one board to another, from one place to another, from one man to another, without meeting anyone in a responsible position who would actually give them the desired information. I am not offering this in the line of criticism, but I do think it is a matter on which we ought to have information.

Mr. SHERLEY. Mr. Chairman, there is no difficulty about the gentleman or anybody else having the information who takes the trouble to read the hearings previously had and printed and the present printed hearings. There has been much talk and much misinformation and much criticism with little reason about the waste and cost and excessive profits that have been made in connection with the building of cantonments.

The gentleman will find on pages 474 and 475 of the hearings tables setting out the exact amount of money paid to contractors for building the various cantonments and camps. You will find in the hearings of last fall the exact form in detail of the contract under which the work was performed. You will find that for the cantonments the percentage of fee paid runs all the way from 3.67 per cent, which I think is the maximum, to 2.20, which I believe is the minimum, an average of 2.84 per cent for the cantonments. For the camps the average was 6.88. For embarkation camps it was 3.11, 4.07, 6, 7.06, and 7 per cent. No contractor for any work received a fee in excess of $250,000.

Now, I have no doubt it is true that there have been a limited number of contractors, though the number is very much greater than three or four or five, which would be what you could count on one hand, and the reason for that is perfectly patent. The doing of this work was more important than the distributing of it among our various constituents. It was infinitely more important to get the work done than that contractors located here, there, or elsewhere should get the job; and men charged with the responsibility of getting work of great magnitude done within a very restricted time would naturally turn to and seek out those men of sufficient magnitude and reputation to be a guarantee of the work being done, men who had existing organizations capable of being expanded quickly to take care of this character of work. The fact that the work has been done in the time in which it has been done is pretty good evidence of the wisdom of that policy. This, I think, is likely to be true touching the new work, that where the department has found a contractor who has made good, who has done work promptly, efficiently, and economically, the natural inclination will be to give that man, with a going organization, contracts for doing work of the same type, rather than to go through the process of educating a new contractor and a new organization.

The gentleman asked about 18 questions in five minutes and I am trying to cover them in five minutes. The contracts are let through the Quartermaster's Department, and the construction has been under the direct charge of former Col. Littell, now Gen. Littell, of the United States Army. He has been advised from time to time——

Mr. CAMPBELL of Kansas. Will the gentleman state the personnel of those who let the contracts?

Mr. SHERLEY. The man who is responsible is Gen. Littell.

Mr. CAMPBELL of Kansas. Is he the person who lets the contracts?

Mr. SHERLEY. He is, as I understand it; but he has been advised in the past by a subsidiary committee under the Council of National Defense. I can not state from memory, but the gentleman will find in the hearings of last fall a full statement as to that fact.

Mr. CAMPBELL of Kansas. That is an independent committee outside of the War Department?

Mr. SHERLEY. No; it is not an independent committee outside of the War Department. It is a committee under the Council of National Defense.

Mr. CAMPBELL of Kansas. That is what I meant.

Mr. SHERLEY. But there are representatives of the War Department on that committee as I recall.

Mr. CAMPBELL of Kansas. What I wanted to get was the personnel of the board which lets the contracts.

Mr. SHERLEY. All of that was gone into at great length last year, because there was a great deal of criticism about it, and the statements were made that contractors were going to make exorbitant profits, and among other things the statement was made that it was excessive to pay 10 per cent, and the assumption was that 10 per cent would be the amount. In point of fact in connection with the cantonments, which constituted the big work, the percentage on the average was less than 3 per cent, and I doubt if work has ever been done anywhere of that magnitude on a percentage basis lower than what is shown to have been the actual result in this case.

The CHAIRMAN. The time of the gentleman has expired. Debate on this motion under the rules of the committee has been exhausted.

Mr. TREADWAY. I should like to speak in opposition to the gentleman from Kentucky.

Mr. GREEN of Iowa. I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Wisconsin [Mr. FREAR] some time ago made quite an extensive speech in support of the project for a budget system. While I am inclined to favor this project I do not think it will do away with deficiency bills or bills of this character. In times of war like these inevitably emergencies will arise without the fault of either the committee or the Government. It will be impossible in advance to prepare for all of these emergencies which through the exigencies of war come upon us. So we have this large deficiency bill at this time. I might, however, make one suggestion which I think would have something to do with reducing the amount of deficiencies in the future, and that is in the line of the remarks of the gentleman from Massachusetts who spoke a moment ago [Mr. TREADWAY].

Contractors who come here have the greatest difficulty in many instances in finding where the man is to whom they should submit their bids or their proposals. The consequence is that, not being able to find out where these proposals should be submitted, contracts are made on the open market by Government officials, or perhaps made with some kind of competitive bidding, but very much above the price at which other parties were willing to furnish the same or even better goods. The engineers' office here, or at least one branch of the engineers, has a most excellent system in that respect. It posts up in the offices, upon a large board, where anybody can plainly see it, the prices which it has been paying for articles and the articles which it needs and ought to have, and for which it seeks prices in the future. Under this system it could list bids which would be obtainable of the articles or goods desired and the prices heretofore paid by the various Government departments, which in a number of instances, I have found, has been up far above the market price; not intentionally, perhaps, but because they did not come in contact with all the parties ready to furnish the articles and desirous of furnishing them if they only knew to whom they could go.

I learned only the other day that a gentleman who wanted a contract for making detonators for fuses, as an instance of how the departments are coordinated, after being shoved around from pillar to post, found who was thought to be the proper man to submit bids to, and that man told him that the Government had no need for anything of the kind; that the contracts had all been let. He went away, but afterwards saw a business man of his acquaintance, who told him that he was sure there had been a mistake, and upon going around he found another official, who told him that that was just what they needed and had to have, and what they were willing to pay a good price for.

Matters of this kind are inevitable as long as there is so much haste in furnishing articles for which the need is great. But, at the same time, if some system was adopted whereby it would be easy for parties to come here and find the articles they wanted and what prices the department would pay, a great amount would be saved to the Government.

I understand that the Secretary of War has properly issued an order that there shall be no concealment of prices paid for the different articles. The Secretary of War, of course, has nothing to conceal and the department has nothing to conceal; but at the same time there has been a great difficulty on the part of contractors, and I myself had great difficulty, in finding out prices paid for some particular articles at an earlier date. I assume from the action of the Secretary of War that that was something he did not and would not approve. Mr. Chairman, I withdraw the pro forma amendment.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last two words. I would like to secure a little more information along this same line from the chairman of the committee, who has been so kind in his explanation to me. This matter came to my attention through the fact that on a number of occasions a very large contractor in my neighborhood had not been able to secure any opportunity to so much as figure on a propo-

sition. There is no question about the ability of this concern in the way of big contracts. Some of the largest mills in western Massachusetts and large hospitals have been built by this concern, but on inquiry here in Washington they could not get any information. They could not find to whom to apply either for specifications or for necessary data on which to so much as suggest themselves as possible contractors. They have had correspondence and interviews with the committee of Council of National Defense, or a subcommittee, and were told that there was no question as to their reputation or ability, and when the opportunity was offered they would be given a chance to bid, but that opportunity never came. Now, the reason why I would like to know, and they would, because it is not so much that these other men get the work, but here is a large concern, capable of doing this work, as hundreds of others are throughout the country, and they are losing their organization, they are losing skilled workmen, who are going somewhere else for employment, and when the war is over they will be absolutely disorganized in taking up the line of work they had previously performed.

The gentleman referred to the fact that this matter is in the hands of Gen. Littell, and he states that in all probability this same method will be continued in future contracts. If that is true, that the authorities only desire to have the very largest contractors to be considered in letting contracts, why do they not tell the contractors outright that they have no chance whatever for getting any Government work? That would be treating them fairly instead of, in the slang expression, "passing the buck" and let them think they are going to have a chance. According to the information from the chairman, this same method will continue. In fairness to similar concerns to the one to which I refer capable of carrying out a big contract, why should not they be told that they may cease their efforts to get some of this Government work?

Mr. WALSH. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. WALSH. Does my colleague understand or contend that Gen. Littell has anything to say as to whom contracts shall be awarded?

Mr. TREADWAY. I am so informed by the chairman of the committee. The men that have been here have gone to subcommittees and to the Committee on National Defense, assuming that they had the authority. That is one line that I am trying to get information on, but the chairman of the committee informs us that Gen. Littell has all the responsibility. Just where the Committee on National Defense comes in, what methods Gen. Littell pursues, just why none of these large corporations can get a look-in seems to me to be a subject worthy of consideration. But it seems to me that we should get information before the smaller contractors that there is no use in their applying for work if the scheme the chairman of the committee states is to be adopted by the department.

Mr. McKENZIE. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. McKENZIE. The gentleman from Massachusetts must have misunderstood the chairman, although I did not hear his statement, that Gen. Littell has the entire responsibility for all of these contracts. As I understand it, Gen. Littell is the man who executes the contracts, does the paper work, but the decision as to whom the contract shall be let to is made by this subcommittee of the Council of National Defense. Gen. Littell has no more to say about it than has the gentleman from Massachusetts.

Mr. TREADWAY. The gentleman's idea is that Gen. Littell is the rubber stamp to the Council of National Defense.

Mr. McKENZIE. Yes.

Mr. TREADWAY. That is not the information imparted by the gentleman from Kentucky, chairman of the committee.

Mr. CAMPBELL of Kansas. Mr. Chairman, I understand that Maj. Starrett is the man who reads the bids and passes upon them; that Maj. Starrett has a brother in the firm of George A. Fuller Co., and that perhaps is the reason why the friends of the gentleman from Massachusetts could get no contract.

Mr. STAFFORD. Mr. Chairman, will the gentleman permit me to ask a question of the gentleman from Kansas [Mr. CAMPBELL]?

Mr. TREADWAY. I yield the floor for that purpose.

Mr. STAFFORD. I would like to inquire whether this Maj. Starrett, of whom the gentleman speaks, is a member of that large construction company known as the Starrett-Thompson Construction Co.?

Mr. CAMPBELL of Kansas. I have heard that that is true. I am simply giving what has passed as rumor around through the Chamber.

Mr. STAFFORD. Has the gentleman any authoritative information as to the total amount that has been parceled out to these large construction companies? I know that Stone & Webster have had large contracts for constructing buildings at the Rock Island Arsenal, and in various parts of the country. Has the gentleman or the chairman of the committee any information as to the total amount of contracts that have been parceled out to these very large construction companies?

Mr. SHERLEY. Mr. Chairman, I prefer to answer in my own time.

Mr. STAFFORD. I am seeking information.

Mr. CAMPBELL of Kansas. I have no definite information on the subject.

Mr. TREADWAY. Mr. Chairman, if I may be allowed, I would like to say that my general criticism is not directed to the single idea that the gentleman from Kansas [Mr. CAMPBELL] expresses. I am looking at it from a broader point of view than one particular firm. The person or persons who have authority over letting contracts ought to announce—if that is their policy—that only the few largest concerns will be given consideration in assigning Government work.

Mr. SHERLEY. Mr. Chairman, I do not think that what I said a few moments ago quite bears the construction placed upon it by the gentleman from Massachusetts [Mr. TREADWAY] and by the gentleman from Illinois [Mr. McKENZIE]. I stated then, as I state now, the man primarily responsible and who signs the contract is Gen. Littell; and I take it that a man who signs a contract is responsible, and he can not get rid of that responsibility by saying that somebody else told him to do it. I never heard of any such rule in court or out of court, in Government or out of Government. The man who is responsible now is Gen. Littell. The man who advised him in the past and who presumably is advising him now is Maj. Starrett. The old committee, which was under the Council of National Defense as it was first organized, was entitled "Subcommittee on Emergency Construction and Contracts," and was composed of W. A. Starrett, chairman; C. M. Lundoff; M. C. Tuttle; Maj. William Kelley, of the office of the Chief of Ordnance; F. L. Olmstead; and J. B. Talmadge, secretary. I stated yesterday that a great many of these subcommittees had been abolished under the reorganization. The present member of the committee of the Council of National Defense dealing with emergency construction and contracts is Maj. W. A. Starrett. Who is under him I do not know. I am glad the gentleman from Kansas [Mr. CAMPBELL] has stated what he has touching Maj. Starrett. I have been told, not in an official way and I do not know how accurately, that he was a member of the Starrett Construction Co., but has not been for some four years, and while it is true that his brother has membership in the Fuller Construction Co., I have never been able to find anybody who was prepared to present anything definite touching the wrongful use of any power that Maj. Starrett may have. Either there is something wrong or there is not. If there is something wrong I hope that anybody in this House or elsewhere who has facts and not rumor will take the responsibility of presenting the matter to the Congress and to the Government, because I am sure that nobody in the Government, legislative or administrative, desires anything to continue that is wrongful. This is what frequently happens. Men in various sections of the country come on here desiring to do work that they are not competent for, but no man has yet been created so modest that he recognizes his inability to do a thing, and he insists that he and his concern can do it, whether they can or not. If he does not get the consideration that he thinks he ought to have he goes away declaring that there is an inner group that controls things.

There may be. I have no information touching it. For myself, when the war broke out I adopted this rule, that I would not recommend any human being for any contractual relationship with the Government of any kind or character, and that rule I have kept. This committee did not have opportunity or time, nor was it its function, to go into this sort of inquiry. We have published here in the hearings heretofore the character of the contracts. We have published the cost and the amount that has been paid these people, and I understand that this whole matter is now the subject of inquiry by other committees that have more direct jurisdiction of it. I hope the gentleman from Kansas [Mr. CAMPBELL], in view of the necessary inference to be drawn from the statement that he has made, will follow it up so that he will be in a position to either tell the House that he thinks there is no basis whatever for believing that Maj. Starrett is giving contracts because of those who are of kin to him or of former or present business association, or that he will show wherein it is being done, in order that we may correct the abuse.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. I have had very little to do or experience with those who have the responsibility of making contracts. I have, however, had a little experience in that regard in one case. Some gentlemen came here from my State believing they were equipped and qualified through their eastern connections to take Government contracts of considerable size, and they asked me to present them to the men who had charge of these matters. I was in position to testify that these gentlemen were high-minded and conscientious men, and I presented them to Maj. Starrett. They were treated with consideration. I was impressed with the fact that the officer in question seemed to have had a good deal of experience and probably understood his business.

Mr. CAMPBELL of Kansas. May I ask whether Maj. Starrett is a Regular Army officer?

Mr. MONDELL. I know nothing of Maj. Starrett except the fact that he is connected with the Council of National Defense and that he is chairman of the board that makes recommendations in the matter of contracts. I do not know anything about his antecedents, but he impressed me as a courteous, capable gentleman.

Mr. KINKAID. Will the gentleman yield for a question? Is it the major or his brother who is at the head of this commission that is giving out contracts? I understand there are two Starretts.

Mr. MONDELL. The Maj. Starrett I refer to is, as I understand it, the chairman of a board under the Council for National Defense, whose duty it is to recommend to the War Department the granting of contracts.

Mr. TREADWAY. May I ask the gentleman a question in that connection?

Mr. MONDELL. I yield to the gentleman.

Mr. TREADWAY. Are those contracts in the ordinary business form that building concerns would receive if they were bidding for contracts, and have they a regular form of specifications?

That is what I am trying to get at and that is the line of inquiry I was asking the chairman of the committee when his thought went to the gentleman from Kansas [Mr. CAMPBELL] in his reply rather than to me. I would like to get some idea, some knowledge of the form of contract, the method of letting a contract, the kind of competitive bids that may be asked, and the various business methods pursued by the department. If it is by Maj. Starrett, I would like that information.

Mr. MONDELL. My understanding is that many contracts—I do not know what proportion of them—are not let under competitive bidding, but are given out on the cost-plus basis to firms or corporations agreed upon, recommended and approved by the gentlemen in the War Department to whom they make their recommendations.

Mr. SHERLEY. If the gentleman will yield, I think it was testified before the committee that the identical character of contract that was printed in the hearings last fall touching this work is being used now. The gentleman will find on page 578 of the hearings in connection with the urgent deficiency bill of last fall the contract in which all the details of it are set out, fixing the rental, fees, and the contractor's fees, and all the details of the contract.

Mr. TREADWAY. I shall be glad to look at that a little.

Mr. MONDELL. That is the cost-plus method, as I understand it.

Mr. SHERLEY. Yes.

Mr. MONDELL. And I understand most of these contracts are of that character——

Mr. TREADWAY. May I repeat my question——

Mr. MONDELL. And they are not by competitive bidding.

Mr. TREADWAY. May I repeat my question to the gentleman from Wyoming, if he has any information as to the principle on which these favored contractors are selected? That is at the bottom of the thing.

Mr. MONDELL. I have very little information, but I am very glad to give the House the benefit of what little information I have, and that arose out of this one particular case. I was impressed with the bearing of Maj. Starrett and his apparent knowledge of the matters that he had in charge. I, however, received this impression. The department naturally desires to secure contractors for this Government work who have large going administrative and technical organizations, and that kind of a concern generally is a busy concern, doing a good deal of work, and under the theory that I think somewhat prevails in making the recommendations, it occurred to me that a large concern which would be able to present evidence of its ability to do extensive work and do it speedily, a concern that had a large organization, might have an advantage over a concern with a small organization which had not been doing a large amount of work. It might be the fact, however, that the smaller concern, with its smaller organization ready and willing and prepared to put all of its energy and all of its experience in a particular work, might, as a matter of fact, be better prepared to carry out a given contract than a big concern which might make a better showing. While I did not go into the matter carefully enough to express a definite opinion, my notion is that in a matter of this sort there might be a temptation to lean upon the big concerns with their very considerable organization, large capital, and proven ability to do work, to the exclusion of a smaller outfit or organization, even though the smaller organization might be quite as well prepared and in a more favorable situation to perform a particular work than the larger corporation or organization in view of their other responsibilities.

Mr. TREADWAY. May I ask the gentleman if he does not think as a good business proposition, looking into the future, that these smaller concerns, absolutely reputable and capable of doing the smaller jobs, should be given consideration in view of the conditions that are likely to appear after the war is over if these smaller concerns become entirely disorganized?

Mr. MONDELL. I think it is undoubtedly true; there will be no disagreement on that point.

Mr. KINKAID. Will the gentleman yield for a suggestion?

Mr. MONDELL. Now, on that point, any organization that proves to the officials in charge that has business standing and ability and engineering force and an organization that will enable it to carry on that kind of work, ought to be considered. I have not enough information on the subject to say that they are not considered. I did get the impression that there might be a disposition to lean upon the larger corporations, and larger organizations by reason of the general showing they could make of financial responsibility, of large undertakings and accomplishments—large going organizations. A portion of all this equipment so useful and essential in a big piece of work might, however, be required or utilized on other Government work which they had secured or on private work. However, I assume all these things are taken into consideration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KINKAID. Will the gentleman yield?

Mr. MONDELL. If I might have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I yield to the gentleman from Illinois [Mr. McKENZIE].

Mr. McKENZIE. Is it not a fact that the one consideration that the Counsel of National Defense or Gen. Littell had to be controlled by, and the only one that they should give consideration to at all, was to get this work done and done as speedily as possible, and the question of justice or injustice to a small contractor or favors to a large contractor were not elements that enter into the matter at all? And that in doing the thing that they should have done, is it not a fact that this complaint might just as well arise and yet these men do their duty?

Mr. MONDELL. Of course, the first and essential thing is to have the work done as speedily and as economically as possible.

Mr. KINKAID. If the gentleman will permit, I want to say in justice to the administration——

Mr. MONDELL. Will the gentleman be very brief?

Mr. KINKAID. Yes. To my personal knowledge, Maj. Starrett, from the very start of the application in a certain instance, where a contract of the kind was in contemplation, gave very friendly consideration to a comparatively small firm, a relatively small organization, and the contract is going to be let, and is being let to that very firm by Gen. Littell on the recommendation of the chairman, Maj. Starrett.

Mr. MONDELL. I am very glad to have that testimony. I have no thought of criticising in the matter of the selection of the people to whom the contracts are let. It is very evident, however, that one of the greatest corporations, one, I take it, that was a great and going concern with an enormous amount of capital behind it and which no doubt made a splendid showing, is the corporation that seems to have most completely fallen down and furnished the country with the most astounding scandal that has grown out of the war.

Now, so much for that. About these cost-plus contracts, it may be possible that it was necessary to enter into that kind of a contract in some cases, but we have had an unhappy experience under them. I fear we will continue to have. It seems to me they ought to be limited to the cases of the direst necessity. There are some men and a great many women, probably a ma-

jority of them, who are virtuous by reason of their love of virtue and a high sense of obligation to themselves and their God and their fellow men. But with the many men, my opinion is that to whatever extent they may be honest from the dictates of conscience, their inclination to honesty arises more out of the very patent fact that in the main honesty is the best policy; that virtue brings its own reward, and the way of the evildoer is, in the long run, a sad way. The affairs of mankind are conducted largely in view of those facts and considerations. When you change the system of doing things in the world, based on our knowledge of human nature, and adopt a system that holds out encouragement and incentive to waste, extravagance, the padding of pay rolls, the increasing of cost, and practices of every sort and kind that an evil mind can invent and an easy conscience carry out; when you base your business on that sort of rule and policy there can be but one outcome. The cost-plus contract does not reward virtue, honesty, economy, and fair dealing, and practices based on considerations of justice and fair dealing to the Government and the people. It rewards extravagance; it rewards increases of cost; it rewards waste; it rewards all of those things that ought to be avoided in all business transactions. No policy that does this can be commended or produce good results.

Mr. CAMPBELL of Kansas. Mr. Chairman——

Mr. SHERLEY. Mr. Chairman, I do not want to unduly restrict debate, but I think in view of the fact that there is nothing pending there has been quite a little talk, and I would like to go on with the reading of the bill.

Mr. CAMPBELL of Kansas. May I have five minutes?

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] asks unanimous consent that the debate on this paragraph and amendments thereto close in five minutes. Is there objection?

Mr. STAFFORD. The chairman of the Committee of the Whole offered that motion. [Laughter.]

The CHAIRMAN. There is no objection, and the gentleman from Kansas [Mr. CAMPBELL] is recognized.

Mr. CAMPBELL of Kansas. Mr. Chairman, I think it unfortunate that contracts of this character should be recommended by anyone who is related in any way with persons connected with the construction companies to whom the contracts are let. It was for that reason that I raised the question here a moment ago as to the relationship of Maj. Starrett to these construction companies.

I have never met Maj. Starrett. I do not know whether he is a Regular Army officer, or whether he belongs to the Provisional Army, or what his relations are to the title that he bears, but I think it unfortunate for the War Department that he should be selected to pass upon contracts let to the Starrett Construction Co. or the George M. Fuller Construction Co. The Fuller Construction Co. has many contracts for the construction of these cantonments. The gentleman from Illinois [Mr. MCKENZIE] asked the gentleman from Wyoming [Mr. MONDELL] if it was not the purpose in the letting of these contracts to have the construction pushed to an early completion. That should be the intention, but the contractor does not push the construction to an early completion, but purposely delays for the purpose of increasing the cost of the construction.

Mr. SHERLEY. If the gentleman will permit right there, the form of contract is such as to make a maximum, and it is to his interest to get the work done as quickly as possible.

Mr. NORTON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Not out of these five minutes. But the fact is that the bosses tell the men not to hurry while the contractor is within the maximum cost. They tell the men, "Do not take that 8-foot board there; saw 8 feet off of this 16-foot board. Men stand around waiting to go to work from 8 o'clock in the morning until 2 or 3 o'clock in the afternoon, without doing anything, and complaining that they have not been put to work. They are told they have no complaint; that they are getting their pay.

I talked with a captain in an Army cantonment, who showed me the steam radiator in his room. It is a small radiator. It had been set up in his room by two plumbers and two helpers, and they were three days making the connection. He was waiting in the hallways and other places while these men were putting in all this time in setting up this radiator, a work that any plumber or any plumber's helper could have done in 20 minutes, and it was only completed when the colonel ordered that that radiator be placed and placed immediately.

There are men down here within the reach of the voice of some of the men who speak in this House, on this side of the Potomac River, wasting time during the freezing weather instead of rushing the construction of the buildings on which they are at work. I have talked with men to and from their work, who were not doing a half day's work, but with a full day's pay, doing it with the full knowledge of the overseer or the men representing the contractor.

These are things that ought not to be overlooked. These are matters that are of common knowledge throughout the country. Farmers, carpenters, plumbers, business men of every character, who have visited these cantonments and have seen the manner in which they are constructed, know that there has been a waste of the employees' time and a waste of the public money, and they attribute the waste of time and the waste of money very largely to the cost-plus contract.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

QUARTERMASTER CORPS.

Mileage: For mileage to commissioned officers, members of the Officers' Reserve Corps when ordered to active duty, contract surgeons, expert accountant, Inspector General's Department, Army field clerks, and field clerks of the Quartermaster Corps, when authorized by law, $3,000,000.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the employment of clerks in the departments.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks as indicated. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Provided, That no part of the appropriations for the Quartermaster Corps shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose.

Mr. NORTON. Mr. Chairman, I desire to strike out the last word of the paragraph.

The CHAIRMAN. The Clerk is in the middle of the paragraph on page 33.

Mr. NORTON. I desire to discuss the paragraph that has just been skipped over.

The CHAIRMAN. The Clerk will finish the reading of the paragraph.

The Clerk read as follows:

Henry C. Chappell: The accounting officers of the Treasury are authorized and directed to pay to Henry C. Chappell, of New London, Conn., from proper appropriations of the Quartermaster Corps the sum of $58.50 paid by him for advertisements published in newspapers soliciting enlistments in the Quartermaster Reserve Corps of the Army for service in a motor-truck company of the Quartermaster Corps.

Mr. NORTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from North Dakota moves to strike out the last word.

Mr. NORTON. Mr. Chairman, I desire to call the attention of the committee to the item for the purchase of horses and mules for the Quartermaster's Department. I would like to ask the chairman of the committee how much is intended to be used for that purpose?

Mr. SHERLEY. None of it; none of the amount carried in this bill is in connection with the purchase of horses or mules.

Mr. NORTON. The provision is such that all or any part of the $26,000,000 appropriated under the item may be used for that purpose?

Mr. SHERLEY. If the gentleman will permit, what happens is simply that we carry the regular language that is carried in the Army appropriation bill, and technically the money is available for any of the purposes enumerated, but the testimony discloses that it is not asked for that purpose at all.

Mr. NORTON. None of it is estimated for that purpose?

Mr. SHERLEY. No.

Mr. NORTON. I desire to say to the committee and to the members of the Committee on Appropriations that there has come to my particular notice the manner in which horses have been purchased for the Army. Most of the horses, or a large part of the horses, purchased for the Army during the last year have been purchased in the Northwest. There the Army has been following the practice of purchasing these horses chiefly from contractors and horse dealers instead of from horse growers and farmers. In my own particular section of the country a very bad policy, to say the least, was followed last fall and last summer in the purchase of horses and mules for the Government by the Quartermaster's Department of the Army. The usual practice was to give to some middleman or horse dealer a contract to furnish the Government with 100 horses at a fixed price. The price for Cavalry horse weighing 900 to 1,050 pounds being

$165 and the price for light-artillery horses weighing 1,100 to 1,350 pounds being $185 a head.

The man holding that contract then advertised that there would be a Government inspection at a certain town. The Government inspectors appeared there to examine the horses. In most cases the contractor had purchased no horses. They were on the day advertised for the inspection brought in by farmers and by horse growers and inspected on the ground by the Government inspector. For any horse that passed the Government inspection the contractor received the Government price as fixed in the contract. These contractors in turn paid the farmers from $90 to $115 for the cavalry horses they turned over to the Government and from $125 to $140 for the light artillery horses. For the cavalry horses the contractors received from the Government $165 a head and for the light artillery horses $185 to $190 a head.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. GREEN of Iowa. Do I understand the gentleman to say that there was a Government officer at that time to pass upon them, so that the contractor took no chances on the horses?

Mr. NORTON. In many cases they absolutely took no chances whatever, excepting the chance of taking and cashing the warrant that was given by the officer representing the Quartermaster's Department at the close of the sale.

Last fall I made some personal inquiry into the methods of purchasing horses for the Government. I asked the quartermaster's department at Fort Keogh, Mont., why at these inspections farmers were not advised by the officer representing the Government what price was being paid by the Government for the horses accepted by the Government. On different occasions the Army officers conducting these inspections had refused to tell farmers who had asked them the price the Government was paying for their horses. I was told by the captain in charge at Fort Keogh that his officers making this inspection were not permitted by the War Department to give out this information. Some weeks ago I made inquiry at the Quartermaster General's office here in Washington why farmers and horse growers were not told at these inspections the price the Government was paying for the horses accepted, and I was informed that it would be contrary to the rules of the Quartermaster's Department to announce, at an inspection of this kind or in a purchase of this kind, what the Government was paying for the horses. As a result, the contractor in many, many cases, without investing a dollar, made a profit of from $35 to $70 on each horse delivered to the Government.

I believe, gentlemen, that those engaged in the horse-raising industry of the country should be given a fair consideration and a square deal by the Government. I believe that if the Government is going to pay those high prices—and they are relatively high prices for horses—the men to receive the benefit of these prices should be the farmers and horse growers who sell them for use by the Government instead of the middlemen, who perform a very small service between the farmers and horse growers and the Government. The practice that is now in vogue in the Quartermaster Department for buying horses is that the Government will make purchases direct from farmers where the farmers agree to deliver to the Government or some shipping point on a railroad at least one carload of horses. In such case the Government will not pay within $20 a head of what it will pay to a regular contractor for the same kind of horses; that is, in any case the Government protects the contractor to the extent of $20 a head for each horse. Even under this arrangement few horses are bought direct from farmers. In practice the plan is being worked out about like this: A number of farmers get together in a community and agree to deliver to the Government one or more carloads of horses at a price of $20 a head less than is being paid by the Government to private contractors. At the same time they request the Quartermaster Department having charge of their section of the country to send an inspector to examine and pass on the acceptance of the horses they have to offer for sale to the Government. A date for the inspection is set by the Quartermaster Department. On this date the farmers bring in their horses for inspection. Often they have brought in two and three hundred horses without having any of them accepted by the officer representing the Quartermaster Department. In many cases Army officers have refused to accept these horses direct from farmers and horse growers, but in such cases there usually have been present at these inspections private buyers who bought many of the horses shown at sacrifice prices and had no difficulty in later disposing of them to the Government on contracts. I believe that the very bad practice and policy pursued by the Quartermaster Department in purchasing horses for the Government should be thoroughly investigated by the Committee on Appropriations when the appropriation for the purchase of horses comes up again.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

Transportation of the Army and its supplies: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including members of the Officers' Reserve Corps, enlisted men of the Enlisted Reserve Corps, and retired enlisted men when ordered to active duty, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to officers and enlisted men on discharge; for payment of travel allowance as provided in section 126 of the act approved June 3, 1916, to enlisted men of the National Guard on their discharge from the service of the United States, and to members of the National Guard who have been mustered into the service of the United States and discharged on account of physical disability; for payment of travel pay to officers of the National Guard on their discharge from the service of the United States, as prescribed in the act approved March 2, 1901; for travel allowance to persons on their discharge from the United States disciplinary barracks or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane after transfer thereto from such barracks or place, to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of the necessary agents and other employees, including per diem allowances in lieu of subsistence not exceeding $4 for those authorized to receive the per diem allowance; of clothing and equipage and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment; of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage, tolls, and ferriages; for transportation of funds of the Army; for the hire of employees; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large and shall be accepted as in full for all demands for such service; *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *And provided further*, That nothing in the preceding provisos shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant acts; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, other vehicles, and motor-propelled and horse-drawn passenger-carrying vehicles, as are required for the transportation of troops and supplies, and for official, military, and garrison purposes; for drayage and cartage at the several depots; for the hire of teamsters and other employees; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans, $125,000,000: *Provided further*, That $75,000 of the appropriation hereby made shall be available for additional pay of employees on harbor boats, quartermaster service, in lieu of subsistence.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. I wish to inquire of the chairman of the committee whether any change in the authorization law as to the compensation of railroads or other transportation lines is embodied in the paragraph under consideration?

Mr. SHERLEY. No. It is the same as the current law.

Mr. STAFFORD. I wish to inquire further if the gentleman can give the information as to the total amount that has been paid to railroads of this country for the transportation of troops up to the present time, since the war began?

Mr. SHERLEY. No, sir; we have not that. The gentleman will appreciate that in considering these items we did not undertake to cover the whole field that the item would by its language seem to cover; but we would ask what the moneys were for, and then confine ourselves to an inquiry in that particular. The committee did not raise the question of pay to

railroads, and the need of such an inquiry did not suggest itself to the committee.

Mr. STAFFORD. Was this proposal submitted to the committee during its deliberation, that officers and enlisted men who are obliged to pay for travel in making trips to their homes, or the like, should be exempted from the 8 per cent tax levied by the war-revenue act?

Mr. SHERLEY. No such suggestion came to the committee.

Mr. STAFFORD. It has been called to my attention, and I think the Congress would have exempted the soldiers if the matter had been called to its attention when we were considering the war-revenue act, that that tax of 8 per cent on railroad tickets should not be levied and collected from officers and enlisted men when they travel and pay for that travel out of their own funds. It is just merely an additional burden placed upon them. But as the committee has not given it consideration, I do not feel inclined at the present moment to offer an amendment that might be subject to a point of order and might provoke discussion. I rose largely to inquire how much had been paid to the railroads. Of course, we are paying them fabulous amounts, and necessarily paying large amounts.

Mr. SHERLEY. No such question was considered by the committee.

Mr. MADDEN. I may say for the information of the gentleman from Wisconsin [Mr. STAFFORD] that as far as this tax is concerned each officer who travels has a right to sign an exemption certificate on every fare that he pays, and does not have to pay the tax.

Mr. STAFFORD. That does not apply to the enlisted men who return from cantonments and camps to their homes on furlough.

Mr. MADDEN. I think it does. I am not sure.

Mr. STAFFORD. I have been given different information. I do not think any one of us would wish to tax the transportation that the soldiers pay when they are making these week-end trips from their cantonments and camps to their respective homes. I withdraw the reservation of the point of order.

Mr. COOPER of Wisconsin. I reserve the point of order only for the purpose of asking one question of the chairman of the committee.

Mr. SHERLEY. Of course this paragraph is not subject to a point of order, but I am glad to give the gentleman any information I can.

Mr. COOPER of Wisconsin. Then I move to strike out the last word. I should like to inquire of the chairman what property it is which is included within the provisions of lines 17, 18, and 19—

Where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant act.

Can the chairman of the committee indicate in a general way just what that is?

Mr. SHERLEY. Frankly, I will say to the gentleman that this language has been carried in the military appropriation bill for a great many years. I have not had occasion to inquire into the reason of it, and I am unable to advise the gentleman touching it.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Barracks and quarters: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Coast Artillery; for constructing and repairing public buildings at military posts; for hire of employees; for rental of the authorized allowance of quarters for officers, including members of the Officers' Reserve Corps when ordered to active duty, on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available, including enlisted men of the Regular Army Reserve, retired enlisted men, and members of the Enlisted Reserve Corps when ordered to active duty; of grounds for cantonments, camp sites, and other military purposes, and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at military posts as may be approved by the Secretary of War; for wall lockers in permanent barracks and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents, and for the National Guard when called or drafted into the service of the United States, $52,151,604.

Mr. ANDERSON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANDERSON offers the following amendment: Page 39, line 12, after the words "United States," strike out the rest of the paragraph and insert: "and for the inclosure and completion of the recreation stadium at Camp Cody, N. Mex., and athletic equipment therefor, $52,166,604."

Mr. SHERLEY. I reserve a point of order on the amendment.

Mr. ANDERSON. Mr. Chairman, I do not think it is at all certain that the amendment is subject to a point of order. However, I appreciate that under the circumstances under which this bill is being considered I must in any event appeal to the chairman of the committee for amiable consideration of the amendment.

The amendment which I have offered is intended to provide a fund of $15,000 for the completion of the recreation stadium at Camp Cody, N. Mex., and the inclosure thereof, together with athletic equipment therefor.

Every one who knows anything at all about the cantonment at Camp Cody knows that the conditions under which the soldiers are obliged to live are very different from those under which they live in any other cantonment. The camp is located in practically a desert of fine volcanic ash-like sand. It is subject to terrific winds. These winds occur very frequently, and when they do occur they raise clouds of this fine volcanic dust which make it practically impossible for men to be out of doors. A recreation stadium has been erected at Camp Cody——

Mr. JUUL. How did the Government come to locate this cantonment at that point?

Mr. ANDERSON. That question has been up a great many times in the House. I am unable to answer the gentleman's question.

Mr. JUUL. I take it the conditions are as the gentleman has stated, but how did they come to put the cantonment there?

Mr. ANDERSON. I can not answer that question. The conditions are as I have stated. They have been found by Members of this House who have visited that camp. They have been found to be as I have stated by members of the public-safety commissions of the States of Minnesota, Nebraska, and Iowa. There is no question about those conditions. As I say, they have a stadium there now, but they have not the funds with which to inclose it. There is no liberty theater there. They can not use the stadium at times when these great wind storms occur. The result of it is that some thousands of dollars' worth of smilenge books that have been sent to the troops at Camp Cody are absolutely worthless. They have no place where they can use them. They have no place where they can have athletic meets or any sort of recreation. At one time they had a tent there, but these terrific winds that come so frequently blew the tent to pieces. If they are to have any recreational or athletic or educational facilities at all these facilities must be of such a character that they can be inclosed to shut out these terrific wind and dust storms. I appeal to the gentleman from Kentucky to permit this amendment to go on this bill.

Mr. SHERLEY. Mr. Chairman, the point at which the amendment is offered, without regard to other reasons, makes it clearly subject to a point of order. This is a barracks and quarters paragraph. We are carrying moneys for the purpose of increasing the recreational facilities at the various camps and cantonments. The gentleman's appeal should be to the War Department and not to the Appropriations Committee. We think when this bill passes, they will have sufficient money to take care of all proper needs touching the recreational facilities at camps.

Mr. ANDERSON. Will the gentleman point out to me where in this bill provision is made for such a proposal as I have submitted?

Mr. SHERLEY. Under military post exchanges there is a provision, although the gentleman ought not to ask me where to amend the bill.

Mr. ANDERSON. I am not asking where to amend the bill, I think it is in order here.

Mr. SHERLEY. Jesting aside, we tried to give the War Department funds sufficient to deal properly with the recreational phases of camp life. We suspected that if we were subject to criticism it would be because we had been too liberal.

Mr. ANDERSON. How much does the bill carry for this purpose?

Mr. SHERLEY. I think something over half a million dollars.

Mr. TILSON. The gentleman will find it on page 41 of the bill, $550,000.

Mr. ANDERSON. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. without objection, the amendment is withdrawn.

There was no objection.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same; construction and repair of general hospitals and expenses incident thereto; additions needed to meet the requirements of increased garrisons, temporary hospitals in standing camps and cantonments; and, during the fiscal year 1918, for the alteration of permanent buildings at posts for use as hospitals, construction and repair of temporary hospital buildings at permanent posts, construction and repair of temporary general hospitals, rental of grounds and rental and alteration of buildings for use for hospital purposes in the District of Columbia and elsewhere, including necessary temporary quarters for hospital personnel, outbuildings, heating and laundry apparatus, plumbing, water and sewers, and roads and walks for the same, $18,000,000.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from Kentucky if in the hearings it was disclosed that this amount of money will put the hospital service at the Army cantonments in such shape as to justify a belief that every facility needed for the proper care of the men will be afforded.

Mr. SHERLEY. In reply to the gentleman, I will say we gave them everything they asked for, and apparently they have asked for everything they could think of. [Laughter.]

Mr. MADDEN. There was no disposition on the part of the committee to restrict them in these funds?

Mr. SHERLEY. The committee did not restrict them.

Mr. MADDEN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Military post exchanges: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost, in the operation of the act approved May 31, 1902, for the rental of films, purchase of slides, supplies for and making repairs to moving-picture outfits, and for similar and other recreational purposes at training and mobilization camps now established or which may be established hereafter, to be expended in the discretion and under the direction of the Secretary of War, $550,000: *Provided*, That not more than $25,000 of this appropriation may be expended for personal services and no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. ANDERSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 41, line 24, after the figures "$550,000," insert:

"*Provided*, That of this sum $15,000 may be used in the completion and inclosure of the recreation stadium at Camp Cody, N. Mex., and equipment thereof."

Mr. ANDERSON. Mr. Chairman, I do not care to discuss the matter further. I have said all that I care to say about it.

Mr. SHERLEY. Mr. Chairman, I do not think the amendment ought to be adopted. I do not think it ought to be adopted, altogether aside from the merits of the proposal. If we commence the practice on an appropriation bill of this kind of specifying and indicating to the department what sums shall be spent at certain places, we will have confusion worse confounded. The committee tried to be generous. There is to be expended for the comfort and recreation of the soldiers in camps and cantonments more money than was ever expended by any other people at any time for such purposes. I do not say that because of objection to doing everything practical for their comfort, but the amount of money being spent there, the voluntary contributions and funds given by governmental action are large as sums go even in these days. The committee tried to be reasonably generous with the recreation board. We gave them a patient hearing; we went over their figures, having in mind the money they had available and the moneys that are being contributed by various charitable associations. If this particular matter of which the gentleman speaks is as desirable as his statement would lead us to believe, there ought to be funds within the amounts that have been appropriated to take care of it; but for Congress to indicate and direct that it should be so expended would be setting a precedent that would be fraught with great evil in the future.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word. I would like to say to the gentleman from Kentucky that I was at Camp Cody last fall, and the boys at that camp are without any form of recreation. The various National Guard regiments stationed at that camp had regimental funds upon which they drew to erect this stadium, but the funds became exhausted before the building was completed. It can not be used at the present time because it is not inclosed. Anyone who has been at Camp Cody will understand that all buildings at that place must be inclosed, owing to the frequent and severe sand storms which rage in that section of the country with painful regularity.

There is great need at Camp Cody for some form of recreation. I am almost under the impression that the War Department has entirely forgotten Camp Cody. There is nothing being done at that place for the comfort of the boys, and even the hospital is neglected, according to reports from several who have visited the camp. While I realize that there is a great deal of merit in what the able gentleman from Kentucky says, yet something should be done to take care of the situation.

I visited several cantonments last fall, and every camp visited had very good facilities for entertaining the boys, except at Camp Cody. I was at Camp Cody in November, and they then had a large tent which was used for entertainments, but a severe storm tore it from gudgeon to stern and the boys are absolutely without any form of entertainment—even picture shows—at the present time. I sincerely hope Mr. ANDERSON's amendment will prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. ANDERSON) there were 16 ayes and 21 noes.

So the amendment was rejected.

The Clerk read as follows:

The appropriations made herein for "Regular supplies, Quartermaster Corps," "Barracks and quarters," "Waters and sewers at military posts," "Roads, walks, wharves, and drainage," "Construction and repair of hospitals," "Shooting galleries and ranges," "Barracks and quarters, seacoast defenses," and "Military post exchanges" shall continue available until December 31, 1918.

Mr. WILLIAMS. Mr. Chairman, I move to strike out the last word of the paragraph, and offer the motion for the purpose of making a few observations on the way some of the money we are appropriating so generously and lavishly is being expended by those in authority.

Among the various items of money appropriated in the section of the bill just read is one for the Quartermaster's Department, and I think this amount, with amounts formerly appropriated for this department, is ample and sufficient to warrant a proper and humane care to the soldiers now serving in the various camps and cantonments who are so unfortunate as to be visited with either sickness or death. I am sure it has been the intention of Congress to furnish every dollar necessary or in any way required to enable the War Department to give the very best of care and attention, including proper medical treatment, to our brave boys now in training, and in case of death to give them decent burial. Congress has done its full duty in this matter.

From divers complaints which have been addressed to me and to other Members of Congress from camps where Illinois soldiers are stationed, I am fearful that the money so generously appropriated by Congress for this purpose is not being in all cases properly and efficiently expended. I make this statement with great reluctance and sincere regret, but am impelled to do so from a profound sense of duty. I speak of this matter now because of a telegram I received this morning, signed by Dr. Sam W. Latham, State senator of Illinois, and by Hon. George W. Bagwell, State mine inspector for the eleventh district of Illinois. This telegram reveals deplorable conditions at Camp Zachary Taylor, and states a most painful and distressing event that has lately transpired there affecting an Illinois soldier and his family and friends. I read the telegram:

ELDORADO, ILL., *February 14, 1918.*

Representative THOMAS S. WILLIAMS,
Washington, D. C.:

John Alvey, a private from Saline County, in service at Camp Taylor, contracted pneumonia, from which he died. The grieved parents visited Louisville, Ky., and ordered the body shipped home. When the body arrived and the lid was lifted for the friends and relatives to see the last of the remains, imagine their surprise to find the corpse to be that of a negro. The people of Saline County wish to enter a vigorous protest against such preposterous inefficient conduct of our business. We appeal to you, as chosen Representative of the people, to take immediate and strenuous action to correct this deplorable manner of handling the Nation's affairs. We are ready to furnish proof of this statement, and letter follows explaining in detail. For the sake of Illinois and her wonderful, patriotic people, get busy.

SAM W. LATHAM,
State Senator, Fifty-first District.
GEORGE BAGWELL,
State Mine Inspector, Eleventh District.

The name of the soldier is Ferdinand L. Alvey instead of John Alvey, as stated in the telegram just read.

I desire to insert an article appearing in the Daily Register, of Harrisburg, Thursday, February 14, 1918:

TERRIBLE MISTAKE AT CAMP TAYLOR—BODY OF NEGRO SENT HERE INSTEAD OF THAT OF FERDINAND ALVEY.

Harrisburg experienced a shock Thursday morning, the sadness of which is hoped will never be repeated.

As was feared by readers of the Daily Register when it announced in its issue Wednesday that Ferdinand Alvey had grown worse, the popular and respected young man died at that cantonment following an attack of pneumonia, the latter having been brought on by a series of complications.

Mrs. John Alvey, mother of deceased, was at the bedside when her boy breathed his last. She accompanied the remains to this city, arriving Thursday morning. Rude & Templeton immediately transferred the body to their undertaking rooms and many relatives and friends gathered to take an anxious look at their departed associate.

Imagine the shock, the surprise, when the casket revealed the body of a dead negro instead of that of the popular Ferdinand Alvey. Such was the case, and the weeping of the relatives was almost more than the most hearted men could bear.

The casket contained the death certificate, the undertaker's certificate, and the shipping certificate, showing the same to contain the body of Ferdinand Linden Alvey, aged 24 years, giving causes of death and other necessary information. Just where the mistake was made is not known. The undertakers here soon got the wires hot with inquiries to Camp Taylor and the Louisville undertakers.

Where the body of the mourned Ferdinand Alvey is is not known, or was not as we went to press with this paper. The stricken parents, the relatives, and friends have the profound sympathy of the entire community in their sad affair.

Just before the Daily Register went to press a telegram was received from Camp Taylor stating that the mistake was made and the body of the colored soldier boy shipped out before it was detected. The body of Ferdinand Alvey will leave Camp Taylor this afternoon at 5 o'clock and will arrive here Friday morning.

Mr. Chairman, this is a most shocking thing, resulting from a negligence so barbarously cruel and inhuman as to be almost unbelievable, a negligence criminal and inexcusable, demanding stern and speedy punishment.

Saline County, where this occurrence has taken place, is a small county in southern Illinois, whose citizenship is comprised largely of farmers and laboring people. These people are intensely loyal and have demonstrated their sterling patriotism in many ways since the beginning of the war. They have patriotically met every call made upon them. In the Young Men's Christian Association drive last fall the quota for Saline County was $6,000. Patriotic meetings were held in various parts of the county, and when the campaign was over it was found that $22,000 had been raised.

In each of the liberty loan campaigns they have oversubscribed their quota, as they did in the call for funds for the Red Cross.

They have not only shown their intense loyalty and love of country in meeting these material demands, but they have ungrudgingly given their loyal sons to the national cause. After the declaration of war and before the passage of the selective-draft law hundreds of brave young men from this county voluntarily enlisted and entered the Military Establishment of the Government. You will find them in the Regular Army, in the National Guard, in the Marine Corps, in the Aviation Corps, in the Medical Reserve Corps, in the Navy, and in every branch of the service.

These people, as do the people throughout all of southern Illinois, stand unreservedly and unitedly behind the Government in this hour of stress and storm, and are willing to give their all in the cause of justice and human liberty. But, Mr. Chairman, they demand, they have the right to demand, that their sons who don the uniform and go forth to fight under the flag, to live or die as God shall will, shall receive humane treatment from their Government. They demand this both for the living and for the dead.

This brave young man, Pvt. Ferdinand Alvey, who died wearing his country's uniform, was entitled to decent burial. His good father and mother, who had given him up as a sacrifice on the altar of freedom, and who had sorrowfully journeyed from their home in Illinois to Camp Taylor to be with him in the last sad hour, and had made arrangements with those in authority to have his body shipped back to the old home that he might have Christian burial at the hands of mourning relatives and friends of his youth and young manhood, should have been spared having a thing so tragic, so cruel, so gruesome, so criminally and brutally careless visited upon them by a Government to which they had made a gift so precious.

Mr. Chairman, I can say no more. Words fail me. The telegram I have just read tells the whole story and reveals a condition of such gross inefficiency and carelessness, such culpable neglect of duty, such brutal inhumanity, as to be almost inconceivable in a Christian Government.

I am not unmindful also of the outrage and great wrong done the young colored soldier and his people and friends. I am not informed as to who he was or his station in life. He died, however, wearing his country's uniform and was entitled to decent and humane burial. No doubt his good old mother, somewhere, perhaps, in a cabin in the mountains of Kentucky, maybe in an humble home in southern Indiana or Illinois, received a shock similar to that experienced by the father and mother of Ferdinand Alvey when the body of some one other than her own son was delivered to her door.

I have had other specific cases of inefficiency and neglect brought to my attention, of course not so horrible as this. I have quietly taken them up with those in authority when I could. I have made no comment. I have put nothing in the RECORD, and have carefully refrained from criticizing the War Department, appreciating the tremendous burden this war imposes on public officials in every branch of the national service. I would add nothing to the burden now being carried by any public official. I want above all things our great country to emerge victorious out of this awful struggle. Liberty, public law, our peace and security as a great people, are at stake in the conflict. We must win, and I have no respect for any man who would add one ounce to the great burdens already borne by those who are conducting the great conflict. But we can not stand for criminal inefficiency, for brutal inhumanity, in these matters. I consider it my patriotic duty to speak out in matters of this kind.

This is a terrible thing. I denounce it and those responsible for it, whoever they may be. I denounce it in the name and in the memory of Private Ferdinand Alvey, who is gone; I denounce it on behalf of his grief-stricken father and mother; I denounce it on behalf of a million and a half of his comrades now wearing the uniform; I denounce it in the name and on behalf of the great State of Illinois that gave this gallant young man to the service of the Nation, and had a right to expect for him humane treatment in life and decent burial in death.

Mr. SHERLEY. Mr. Chairman, there is no one who will not agree in its entirety with the statement of the gentleman from Illinois [Mr. WILLIAMS]. That sort of thing ought to be impossible at these camps and cantonments. I do not know anything about the facts which the gentleman relates, but I assume that he has brought them to the attention of the War Department and that a proper inquiry will be made. Certainly a condition that permits such mistakes to be made is a condition the sooner remedied the better. Yesterday I called attention to the desirability of numbering every soldier in the service in order that he might have a permanent identification that would be positive and quick and sure under all conditions. That suggestion I personally made myself nearly two months ago, to both the War-Risk Insurance Bureau and to The Adjutant General. I am glad to say, as I said yesterday, that I understand that an order has been issued for the numbering of every man in the service, giving each a number that he will retain under all conditions, and which ought to make more certain his identification; but even without that, it is hard to find excuse for such a mistake as the gentleman speaks of. I trust that there may be found some explanation that at least will show that the abuse will not continue any further.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I would like to say just a word anent the suggestion of the chairman, made yesterday, that all of our soldier boys should bear a definite number. I do this in view of a matter which is very painful to me in connection with the loss of the *Tuscania*, whereby five soldier boys living near my home went down to a watery grave. Some of the bodies have been recovered. This morning I received a letter from the father of one of those boys, a touching communication referring to the loss of his only son, and I think it is not amiss for me to read it to this House:

MILWAUKEE, WIS., *February 13, 1918.*

Hon. WILLIAM H. STAFFORD, M. C.,
Washington, D. C.

DEAR SIR: I thank you very much for your prompt reply to my message in regard to my son who was on board the *Tuscania*. As we have still received no word about him we fear he is among the lost. He was our only son, but we gave him willingly in the service of his country, our great regret being that he was not able to render more effective service before his life was taken.

We do not like to impose upon you, but if you can do anything toward helping us to find out whether his body was found and identified, and if so, where he was buried. We presume it would be impossible to have his body returned to us during the duration of the war, but if we know where he is perhaps we could get some one to look after his grave until this horrible war is over, and then we could go to see him and it might be possible to have his body brought home.

Anything you can do for us will be greatly appreciated. Thanking you, I remain,

Yours, truly, H. H. PETERSON.

I took the question of burial and disinterment up with the Cemeterial Division of the Quartermaster Corps. The representative of that division informed me that early in the war they recommended to the higher authorities that every one of our soldier boys should not only have an identification number, but two identification tags, with their name attached, to be worn by them, so that there would be no question whatever that in case of death they could be identified. This officer admitted that those boys who went down on the *Tuscania* did not have any identification number, the explanation being that they were not yet assigned to any definite branch of the service.

Five of these boys are from Milwaukee, from my own district, and I have been daily calling up The Adjutant General's office to try to ascertain whether any information has been received as to whether they are still among the missing. The names of

two were listed in the telegraphic dispatches of the Associated Press as having been buried somewhere on the Scottish coast. The representative of the Cemeterial Division assures me that no bodies during the existing war can be brought back, that in France the bodies of those unfortunates who die in battle or by reason of disease have their graves marked in every case and a record is kept of the burial through a regular organization. He also informed me that the Quartermaster Corps undoubtedly is making a record as far as they can of those unfortunates of the *Tuscania* who are being buried in graves along the Scottish coast.

The case of Harry E. Peterson, which I have just cited, had a peculiar significance to me, because he was a West Division High School boy and from my district, a classmate of my nephew, who knew him well. He was a fine type of character. The sentiment that is expressed in this letter is grandiloquent of the devotion and resolve of the father and mother who have lost their all in the ill-fated sinking of the *Tuscania*. [Applause.]

The Clerk read as follows:

PANAMA CANAL.

CONSTRUCTION.

For continuing the construction and equipment of the Panama Canal, to be expended under the direction of the governor: For completing Dock No. 6 at Cristobal, $593,190, to continue available until expended; and the limit of cost fixed by the sundry civil appropriation act approved July 1, 1916, is increased from $1,500,000 to $2,093,190.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from Kentucky whether it is because of the increased cost of labor and materials that the increased cost of this improvement here is suggested, or whether it is caused in large part by the increase in the character of the improvement?

Mr. SHERLEY. No; it is the actual increase of cost. It is a deficiency. The money that is allowed for this purpose was not sufficient to finish the entire superstructure at all, but simply to finish the foundation. The estimates were made, however, in 1916, and the increased cost in structural steel and other materials going to make the piers is responsible for this deficiency.

Mr. MADDEN. So that the language of the estimate limiting the cost was due in large measure to the fact that the material required to be used in the improvement has increased in price since the estimate was made?

Mr. SHERLEY. Yes. This dock is a duplicate of a number built down there within the limit of cost heretofore, but the increase in the cost of material makes this deficiency.

Mr. TILSON. Mr. Chairman, I rise in opposition to the pro forma amendment simply to ask the gentleman from Kentucky as to why this No. 6 Dock at Cristobal is lagging behind the others?

Mr. SHERLEY. It was started late.

Mr. TILSON. Is it an extra dock or part of a plan that was originally laid out?

Mr. SHERLEY. Well, there was a plan that contemplated at one time this dock to be built, and perhaps docks have yet to be built, but the policy was to build these docks somewhat as traffic demanded them, but they were not all undertaken at one time. This dock was undertaken very much later than the others, and that is the reason for the deficiency.

Mr. TILSON. It got caught in the high-price times?

Mr. SHERLEY. Yes.

The Clerk read as follows:

Provided, That the superintendent, assistant superintendent, and chief engineer of the State, War, and Navy Department Buildings shall serve in similar capacities in connection with these buildings.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word to ask the gentleman from Kentucky, the chairman of the committee, a question. Are these buildings mentioned in line 22, page 47, the $2,000,000 concrete buildings that were appropriated for last summer?

Mr. SHERLEY. Not concrete buildings, but the $2,000,000 frame buildings which were built down in Henry Park.

Mr. COOPER of Wisconsin. Are the employees carried in this paragraph all the employees in these buildings?

Mr. SHERLEY. This is simply for the maintenance of the force.

Mr. COOPER of Wisconsin. Simply for the maintenance of the force?

Mr. SHERLEY. Yes.

Mr. COOPER of Wisconsin. How many employees, approximately, are there employed there? Does the gentleman know about how many?

Mr. SHERLEY. I think there will be over 8,000 when they are all fully completed and filled. I do not recall the exact number now.

Mr. JUUL. Mr. Chairman, I move to strike out the last word. I desire to ask the gentleman from Kentucky a question. In line 12, page 48, are mentioned 3 forewomen, at $300 each, and 60 at $240 each. Now, what I want to ask. Is that all the compensation that these 60 women secure from the Federal Treasury for one year's work, $240?

Mr. SHERLEY. This is all the salary paid them for the part of the day's work that they give to the Government.

Mr. JUUL. Of course, I do not know, Mr. Chairman, what portion of their time they give to the Government.

Mr. SHERLEY. I was just going to tell the gentlemen that they are charwomen and give a certain part of their time in scrubbing and cleaning the buildings. That is the rate of compensation that has been carried for a number of years past. They, of course, are benefited now and will be benefited by an increase in the salary of employees generally that has been and might be enacted by Congress and which is in contemplation.

Mr. JUUL. Will these women get a percentage of the increase in addition to the sum here mentioned?

Mr. SHERLEY. They would get whatever increase is made for employees, and, presumably, if it was a percentage increase they would get that percentage on the sums named here.

Mr. JUUL. I have not figured it out, but it is about 50 or 60 cents a day, and out of that they have to pay 10 cents car fare. And if the gentleman has not absolutely made up his mind to amend his own bill, I certainly will not attempt to do it. I think they should be paid somewhat better than that.

Mr. SHERLEY. The gentleman may be quite right, and yet "the gentleman from Kentucky" is also quite right in not having the bill amended. And I will explain why. The whole policy of this bill is to deal with deficiencies and not carry increases of salary, which can and should be taken up in a different form. Now, just as the amendment that was offered a while ago by the gentleman from Minnesota [Mr. ANDERSON] might have merit as a substantive proposition, standing alone, yet it would have been a legislative mistake, because it would have set the practice of enumerating an expenditure of funds for particular purposes, where that discretion ought to be left with the department. Now, in this case, if we were to undertake to increase these compensations which the gentleman thinks are too small, it would practically open this bill for increase of compensation everywhere along the line. The result would be that one group of men one day, dealing with the matter and another group another day dealing with it, would do all sorts of grotesque things, and instead of being order there would be confusion worse confounded.

Mr. JUUL. If the gentleman will permit me, I ask, if he wants to be liberal, would it not be better if Congress would be a little bit grotesque and occasionally interfere with the chairman of the committee, rather than to ask women in the city of Washington, with prices as they are to-day, to work for $240 a year?

Mr. SHERLEY. Nobody is asking them to do that. The gentleman assumes this is compensation for their entire time.

Mr. JUUL. That is what I am trying to find out.

Mr. SHERLEY. I have stated that they are only giving limited time of each day.

Mr. WHEELER. How much time do they put in each day?

Mr. SHERLEY. About two hours.

Mr. JOHNSON of Kentucky. If I may be pardoned, I made some inquiry into the subject a year or two ago, and I ascertained that charwomen in the House Office Building got their pay there, and then went over to the Library and did some things there and got their pay; and some of them even went downtown and did cleaning and got their pay there.

Mr. WHEELER. I assume that many of these women are women with families, and only devote a part of their time to the work?

Mr. SHERLEY. Manifestly, I can not answer that.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words, for the purpose of giving the gentleman from Illinois some information.

Mr. SEARS. Mr. Chairman, I move to strike out the last word. If I understood the chairman, this appropriation of $67,466.67 is simply for maintenance force?

Mr. SHERLEY. Yes.

Mr. SEARS. Does this building have a separate electric-light plant or are the lights furnished by the city?

Mr. SHERLEY. It is buying light from the Potomac Electric Power Co.

Mr. SEARS. I notice in this bill, Mr. Chairman, thay have one chief electrician at $1,400 a year and three assistants at $1,200 a year each. It strikes me the committee has been rather liberal in providing for this building.

Mr. SHERLEY. In point of fact, if the gentleman will permit, I think the mistake is that we have really underestimated some of the help that is going to be needed there, as I think the gentleman will agree if he will examine it and compare it with

any other building in Washington. These three buildings are grouped and are larger than the War and Navy Building, the Treasury Building, or most of the buildings with which the gentleman is familiar. They asked for six electricians and assistants, and we cut them to four.

Mr. SEARS. Mr. Chairman, I simply want to make this observation. I am satisfied the chairman has cut it, and I am also surprised that the cut was made. This may be unusual in the city of Washington, but some of the Members of this Congress have had experience at home in running electric-light plants lighting an entire city, and no such expense as that would be considered for one moment by the citizens of any town or by any Member of Congress if they knew they were employing a chief electrician and two assistant electricians to look simply after the light in a building, when anybody who knows anything about electricity to-day knows that there is nothing to do but replace a light now and then. I am satisfied this would not be indorsed by our constituents. I have hoped that after this war a wave of economy will strike the country and that we would get back to earth once more and cease taxing our own people so much in order that people can hold good jobs in the city of Washington.

Mr. SHERLEY. I am very much gratified at the disposition of economy on the part of the gentleman from Florida [Mr. SEARS] and I hope it will prove contagious generally. However, his conception of the duties of these electricians is inadequate, I think. Their duties amount to something more than replacing worn-out electric lights with perfect ones. I think it only fair to say that there is a million square feet of floor space. There are special electrical systems for checking up the guards of this building and for fire-alarm purposes, which at this time are matters of great importance. There are many other duties that fall to the lot of these people. But I do not want by what I am saying to discourage the gentleman or anybody else from an awakened spirit of economy.

Mr. MADDEN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MADDEN. As a matter of fact, there is only $5,000 of this sum to be paid to electricians.

Mr. SHERLEY. Of course, nobody had any idea——

Mr. MADDEN. But I think the impression of the gentleman was that the whole $67,000 was being paid to electricians.

Mr. SEARS. I did not intend to convey that impression. There are also two painters.

Mr. MADDEN. And two painters can not do the work required there, and five painters or ten painters can not do it.

Mr. SEARS. Perhaps not. I never painted a day in my life; but two electricians can look after it.

Mr. MADDEN. I think the figures of the Committee on Appropriations will be so low that they will be found to be inadequate.

Mr. SHERLEY. I frankly stated to the House that a mistake had been made in this force and there will have to be an increase in it.

Mr. MADDEN. Surely there will.

The Clerk read as follows:

TEMPORARY OFFICE BUILDINGS.

For two three-story temporary office buildings of reinforced concrete with wings 60 feet wide, one for the Navy Department to contain approximately 940,000 square feet and one for the War Department to contain approximately 825,000 square feet, to be erected under the direction of the Secretary of the Navy in Potomac Park west of Seventeenth Street and south of B Street, beginning with the Navy Department Building at a point not less than 235 feet west of the westerly curb line of Seventeenth Street and 50 feet south from the southerly curb line of B Street and extending southerly not more than 620 feet from the said B Street curb line and westerly to a point not beyond the easterly building line of Twenty-first Street, including electrical equipment and a temporary heating plant for both buildings, to be located south of D Street and west of Twenty-fifth Street, with necessary connecting mains, $5,775,000.

Mr. CLARK of Florida. Mr. Chairman, I desire to make a point of order against this paragraph.

I make it upon the ground, Mr. Chairman, that the construction of this building has not been authorized by law, and upon the further ground that the appropriation is not to continue or to complete a work already begun or in progress.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard?

Mr. SHERLEY. Mr. Chairman, I trust the gentleman may reserve the point of order for a minute.

Mr. CLARK of Florida. I am perfectly willing to do that, and I will say to the gentleman that if he will let it go over—and we can not dispose of the bill to-day, anyhow—until Monday, I will reserve it.

Mr. SHERLEY. There is not any doubt that the matter is subject to a point of order if the gentleman wants to take the responsibility of making the point of order.

There is nothing more important to this Government at this time than the construction of these buildings as quickly as possible. The committee has not sought to take jurisdiction of this matter for the sake of having jurisdiction. We have all the work we can do, and then some, and we are not hunting new work for the Committee on Appropriations. But when situations are acute, when situations that affect the prosecution of the war come forward, that committee will in the future, as in the past, endeavor to deal with them; and for us not to have brought in these matters would have subjected the committee to criticism of the most severe kind. In the event the gentleman from Florida desires to make the point of order, I shall, of course, ask the Committee on Rules to bring in a rule making in order this important paragraph.

Mr. SEARS. What is the immediate necessity for the passage of this proposition? Is it lack of office space?

Mr. SHERLEY. Yes; lack of office space. The lack is so acute that to-day there is serious embarrassment in the efficiency of the various corps of the War Department and other departments of the Government.

Mr. SEARS. Then there is a lack of space?

Mr. SHERLEY. There is.

The CHAIRMAN. Does the gentleman from Florida [Mr. CLARK] insist on his point of order?

Mr. CLARK of Florida. Mr. Chairman, so far as the urgency of this matter is concerned, the Committee on Public Buildings and Grounds, which has jurisdiction of this subject, could have heard this matter and could have brought in this matter authorizing it at any time.

I am making the point of order, Mr. Chairman, simply to preserve the jurisdiction of the committees of this House. If it is not proper that the Committee on Public Buildings and Grounds should have jurisdiction to authorize these buildings, then the House ought, by rule, to take the jurisdiction away from it and give it to the Committee on Appropriations or some other committee.

It would have been as easy to have submitted the proposition to the Committee on Public Buildings and Grounds as to take it to the Committee on Appropriations. I do not see that any time has been gained by taking it to the Committee on Appropriations. We have been here since the beginning of the session of Congress, and our committee has been ready at all times to attend to business.

I want to say further, that while this building may be urgent, when I was a member of a public-buildings commission, composed of six Representatives and six Senators and three outside officials, representatives of the War Department and Navy Department came to that commission and represented that if they could get a million square feet of space it would be ample for the overflow of these two departments during the war, and we gave it to them. Now, without consulting us further, without even going before the Public Buildings Commission before it expired by limitation, or going before the Committee on Public Buildings and Grounds, an appropriation is brought in here authorizing the construction of 2,500,000 more square feet of space for these same people, and I submit that the orderly way to dispose of these matters is to go to the proper committee having jurisdiction of them and having those committees investigate them. We have investigated all these other matters. Those matters of public buildings have all been submitted to us, and they have had plenty of time to present this proposition. It is not right, upon the plea of urgency, to take jurisdiction from committees in this way, and I therefore make the point of order.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

For two three-story temporary office buildings of the type erected in Henry Park, one to be located in Seaton Park (north) between Four-and-a-half and Sixth Streets and south of Missouri Avenue and to contain approximately 370,000 square feet and one to be located on the Mall between Seventh and Eighth Streets and B Street north and B Street south and to contain approximately 300,000 square feet, and for a three-story temporary office building of reinforced concrete to be located in Seaton Park (south) between Four-and-a-half and Sixth Streets and north of Maine Avenue and to contain approximately 270,000 square feet, including heating and lighting and the necessary connections, to be erected under the direction of the Secretary of War for the use of the War Department, $2,377,500.

Mr. CLARK of Florida. Mr. Chairman, I make the point of order to that on the same ground.

The CHAIRMAN. The point of order is sustained. Without objection, the point of order will also be sustained to lines 5, 6, 7, and 8, because they no doubt pertain to that same paragraph. The Clerk will read.

The Clerk read as follows:

The maintenance and protection of all of the foregoing temporary buildings when completed shall be under the supervision and direction of the officer in charge of public buildings and grounds.

The CHAIRMAN. Without objection, the point of order will be sustained to that paragraph.

Mr. SHERLEY. Mr. Chairman, the Committee on Appropriations, in considering the deficiencies which have been presented to the House, had to consider, among other things, the need of additional clerks, and they had to consider questions of rent; they had to consider the various activities of the Government. It was only by a consideration of these matters that that committee or any other committee could intelligently arrive at the needs of the Government touching additional buildings in the District of Columbia. It followed of necessity that if we were to examine intelligently into matters pertaining to additional clerks, matters pertaining to rent, matters pertaining to the activities of the Government, we had also to consider the matter of new buildings, where to be located, and the extent of them.

I repeat, the Committee on Appropriations has not sought to interfere with the jurisdiction of any other committee, but the Committee on Appropriation is impressed with the fact that more important than the prerogatives of committees is the prosecution of this war, and it indulges in the fond hope that that viewpoint will be somewhat concurred in by the House of Representatives. The putting out of this bill of these provisions, if continued, will result in many days of delay in connection with the building program that is now pressing, and which is so pressing that I have been not only in daily but frequently hourly communication with the various departments, they begging that they be allowed to proceed with some of the building program without waiting for the authorization of Congress.

The building commission of which the distinguished chairman of the Committee on Public Buildings and Grounds speaks went out of existence in December. Manifestly the Committee on Appropriations could not lay before a commission that no longer existed matters that might have pertained to it when it did exist. And I repeat that I shall ask the House—not as a matter of sustaining the Committee on Appropriations, not as a matter of taking anything away from the Committee on Public Buildings and Grounds, but as a matter of first necessity to the Government in the prosecution of the war—to make these items in order by a rule, so that the House may have a chance to pass upon the wisdom of the proposals here submitted.

Mr. CLARK of Florida. May I ask the gentleman a question?

Mr. SHERLEY. Certainly.

Mr. CLARK of Florida. It is true that the Public Building Commission has gone out of existence, but does not the gentleman think that when a matter is submitted to his committee that clearly belongs to another committee, the proper thing would be to refer the gentleman submitting it to that other committee?

Mr. SHERLEY. Frankly, and I say it to the gentleman in all kindness, I do not believe that it would be possible, and that without regard to personnel, for the Committee on Public Buildings and Grounds, without going largely into the scope of the whole deficiency bill, to arrive at a determination touching the building needs here in Washington now, because the situation now is not a normal one. Oh, the gentleman may smile, but if the gentleman had worked as I have worked and the members of my committee have worked for more than a month past in trying to correlate the number of employees that are to be in the departments, now and subsequently, to the amount of space that is here—if he had sent out to every department of this Government a request, and had had a return as to the space that is being used, the rents that are being paid for it, and the amount of space that they expect to use, then he would have found that there is something more than simply a building program, as ordinarily understood, for the consideration of a committee dealing with the matter.

Mr. CLARK of Florida. I should like to ask the gentleman how he makes a deficiency out of this matter at all.

Mr. SHERLEY. I do not make a deficiency out of it as regards money. I make a deficiency out of it as regards the things needed, and in this war the important thing is to get a result and not consider simply the desires and the prerogatives of various and sundry individual Members and of committees.

Mr. CLARK of Florida. Mr. Chairman, if the gentleman will permit me, I think the Committee on Public Buildings and Grounds is as thoroughly patriotic a committee as the Committee on Appropriations.

Mr. SHERLEY. Unquestionably. It is not a question of patriotism, and nobody is suggesting that.

Mr. CLARK of Florida. And I want to say further that I think, without any reference to the question of coordination, and the question of deficiencies here and there, the Committee on Public Buildings and Grounds are as capable of dealing with a building of this character, and we would do it just as promptly. But this item has no place on a deficiency bill to start with, because it is not a deficiency and does not relate to a deficiency.

Mr. SHERLEY. That would be true of the building program that took place last year. That would be true of any building program that would now be submitted. It would not be a deficiency in the sense of money, but it would be a deficiency in the other sense, and the gentleman is putting a construction very much narrower than the facts warrant upon what constitutes deficiencies within the jurisdiction of the Committee on Appropriations. Now the concrete fact is that if this is not carried here there will be a delay of weeks in this important work.

Mr. JUUL. I desire to ask the gentleman from Kentucky another question. Is not the gentleman from Kentucky reversing himself now?

Mr. SHERLEY. That may be. I am not conscious of it.

Mr. JUUL. In his discussion with the gentlemen of the Building Committee a little while ago the gentleman from Kentucky ruled that a matter of a little new work down at Camp Cody where the sand storms occur was entirely out of order. Is not this a complete reversal of what the gentleman ruled before?

Mr. SHERLEY. I do not see it.

Mr. JUUL. That was a new appropriation.

Mr. SHERLEY. Well!

Mr. JUUL. This is new work.

Mr. SHERLEY. Well!

Mr. JUUL. It should have gone to that committee. You ruled properly that you could not take up this matter, because it was new legislation.

Mr. SHERLEY. The Chair ruled that way. The gentleman from Kentucky did not and can not pass on that question here.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Northwestern Branch, Milwaukee, Wis.: For subsistence, $31,000;
For household, $45,000;
For repairs, $2,000;
In all, $78,000.
Eastern Branch, Togus, Me.: For subsistence, $5,000;
For household, $30,000;
For farm, $1,000;
In all, $36,000.

Mr. COX. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee whether these increases are due to the increased number of inmates in these homes or to the increased cost of living?

Mr. SHERLEY. They are practically due to the increased cost of supplies in the way of fuel and food and forage.

Mr. COX. Not much of it, then, is due to the increased number of soldiers?

Mr. SHERLEY. In only one place, as I recall, was that a factor.

Mr. COX. Where was that—in Indiana?

Mr. SHERLEY. In the Pacific Branch.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Transportation: For travel allowance of enlisted men discharged on account of expiration of enlistment; transportation of enlisted men and apprentice seamen and applicants for enlistment at home and abroad, with subsistence and transfers en route, or cash in lieu thereof; transportation to their homes, if residents of the United States, of enlisted men and apprentice seamen discharged on medical survey, with subsistence and transfers en route, or cash in lieu thereof; transportation of sick or insane enlisted men and apprentice seamen to hospitals, with subsistence and transfers en route, or cash in lieu thereof; transportation of enrolled men of the Naval Reserve Force to and from duty, with subsistence and transfers en route, or cash in lieu thereof; apprehension and delivery of deserters and stragglers, and for railway guides and other expenses incident to transportation, $2,000,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Can the chairman of the committee inform me if this $2,000,000 item for travel allowance to enlisted men, and so forth, which by special provision is made to include the Naval Reserve Force, also includes the Coast Guard personnel, which has been taken over by the Navy Department under the act combining the Life-Saving Service with the Revenue-Cutter Service?

Mr. SHERLEY. If the gentleman will permit, these services have been taken over by the Navy, and the appropriations for the Coast Guard are first available. If they are not sufficient, the moneys would be paid out of the naval appropriations.

Mr. WALSH. Then the gentleman thinks this language is broad enough to permit that?

Mr. SHERLEY. Yes. There is an express statute which says that that shall be done. These services, when they come within the naval service, are subject to the rules that appertain to the Navy.

Mr. WALSH. But I was interested to know why this paragraph made special mention of the Naval Reserve.

time than the construction of these buildings as quickly as [illegible] be sustained to that paragraph.

Mr. SHERLEY. The Naval Reserve are in a different class from the Coast Guard Service. There was formerly a special fund for the Naval Reserve, and in order to discontinue that practice they were expressly enumerated here.

Mr. WALSH. One further point. What is meant by "stragglers"? This provision says "deserters and stragglers." Are those men that have wandered off?

Mr. SHERLEY. A straggler is a man who has overstayed his leave, and yet is not strictly a deserter.

Mr. WALSH. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Contingent, Bureau Yards and Docks: For contingent expenses and minor extensions and minor improvements of public works at navy yards and stations, $2,000,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. Can the chairman state the distinction between contingent expenses of the Bureau of Yards and Docks and minor extensions and minor improvements and the repairs and extensions under the previous item? Can the gentleman state whether these are permanent improvements or extensions made necessary by war emergency?

Mr. SHERLEY. They are funds that overlap; there is no line of distinction.

Mr. WALSH. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

Hampton Roads, Va., naval operating base: For additional for payment of compensation for property taken over under the authority contained in the deficiency appropriation act approved June 15, 1917, $55,072.25, or so much thereof as may be necessary.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Can the chairman state whether this is the item that provides for the purchase of a part of the old Jamestown Fair exposition grounds?

Mr. SHERLEY. Yes; this is a part of it.

Mr. STAFFORD. What progress was made toward the Government getting title to all the tract, and whether it was necessary to resort to commandeering. There was considerable opposition to the plan suggested and there was a compromise agreed upon whereby the act went through the House.

Mr. SHERLEY. Under the act as it passed Congress the President was authorized to take possession and did take possession of this land. A commission was created to determine the amount of compensation to be paid the owners. The commission made its report. That report has been acquiesced in by a certain number of the property owners and the compensation accepted. By a certain other number it has been rejected, and under the law three-quarters of the price so fixed is to be paid them and the balance left as a matter of suit. There were 22 claimants who declined to accept the award.

Mr. STAFFORD. Can the gentleman give the acreage or the extent of the property that they control?

Mr. SHERLEY. I can not give it from memory, but the gentleman will find it in a report made, known as the report of the Board for Acquiring a Naval Site at Hampton Roads, Va. He will find what he seeks in that report and a great deal more which is set out there. The effect of the act of Congress is going to be, I fear, that instead of saving money we will spend a little more than the price agreed to by the House conferees of the Appropriation Committee in conference with the Senate conferees which the House rejected and for which it substituted a provision under which this action is now taken.

Mr. STAFFORD. It was stated privately that the arrangement agreed to by Congress would result in a greater amount being paid for the land than was originally provided. We had rather a tentative assurance by the Representative of that district—of course, not binding—that the owner of the principal part of that land would adhere to his original proposition and accept the price and not attempt to withdraw from the original price agreed upon.

Mr. HOLLAND. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HOLLAND. The gentleman is mistaken about any tentative agreement that the owners would accept the price. When the original proposition was made to accept $1,400,000, that proposition would have gone through because certain business men of Norfolk were practically standing behind it and practically guaranteeing that the Government might have the property at that price, but there was no such understanding when that proposition was declined.

Mr. STAFFORD. When Congress changed the terms so as to allow the Government to commandeer immediately, did the commercial interests or any other interests withdraw from their part of the understanding, throw up their hands, and say, "Now Congress has determined another course, we will not assist to get the property at the original figures."

Mr. HOLLAND. The people are willing that the Government should have the property at a reasonable and proper figure.

Mr. FLOOD. All that was discussed on the floor was that when the offer made by the people was not accepted, then it in all probability would be thrown into court. Certain owners of a part of this property were not disposed to accept the amount offered for it as a whole.

Mr. STAFFORD. The owners of what part of the property? Were they the owners that had purchased the original site of the exposition grounds and the owners of the larger part?

Mr. FLOOD. No; the owners that we were talking about were the owners of the small lots, little dwelling houses.

Mr. STAFFORD. Mr. Chairman, of course I would not rise to criticize the action of any small owner, but I understood that the owners of the larger tracts were desirous of getting rid of their holdings, and what I want to know is whether they adhere to a gentleman's agreement and allowed the property to be handed over to the Government.

Mr. FLOOD. There was absolutely no gentleman's agreement. They offered the property at so much, and the Government declined to take it and instituted another method of procedure.

Mr. STAFFORD. Mr. Chairman, as I recall, the Government appropriated sufficient money to pay them for the property at that figure?

Mr. FLOOD. Not at that figure. It was $1,250,000, not $1,400,000.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Can the gentleman from Virginia give the House any information as to how much of that original tract is now in possession of the Government by purchase from the owners?

Mr. FLOOD. No.

Mr. SHERLEY. I can give the gentleman the information. Seventeen claimants to property in the Pine Beach tract have formally advised of their rejection of the valuation on the property claimed by them. The valuation of the property claimed by these 17 parties as found by the board amounts to $205,865. Five claimants within the exposition site tract have formally advised the board of their rejection of the value placed on their property. The total value found for the property held by these five parties amounts to $465,586. The total amount of the awards to these 22 claimants that have formally rejected the values found for their property amounts to $671,451.

Mr. STAFFORD. Can the gentleman give us the total amount of the awards by the board of all of the property?

Mr. SHERLEY. This may answer the gentleman's inquiry. Assuming that all of the claimants other than these 22 will finally accept the valuation found for this property, it will amount to a payment to them of $751,454, which amount, added to the $503,588.25, will make the total amount necessary to carry out the provisions of the act of $1,255,072.25.

Mr. STAFFORD. Then the substituted provision of the House reducing the original authorization from $1,400,000 to $1,200,000 is a saving to the Government of in the neighborhood of $150,000?

Mr. SHERLEY. The amount that I have read will be the amount necessary to pay upon the basis of the acceptance of the three-fourths—75 per cent. They then go into court, and if they obtain a greater sum than the award, the amount may run over $1,400,000.

Mr. STAFFORD. Do I understand that the total awards for the 22 claimants is $671,000, or is that merely the 75 per cent of their award?

Mr. SHERLEY. The total amount awarded is $1,422,935. That is $22,935 more than the agreement contemplated paying under that first arrangement.

Mr. STAFFORD. And with the risk of an additional allowance being awarded by the court?

Mr. SHERLEY. In case they succeed in the court in getting amounts greater than the awards.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. SABATH. Mr. Chairman, I move to strike out the last word with the intention of asking the chairman of the committee a question. I notice there is an appropriation of $2,750,000 for

hospital construction. I would like to know how much of that will be expended or is intended to be expended for hospitals at the Great Lakes station?

Mr. SHERLEY. It has all been expended. Seven hundred and seventy-five thousand dollars of it went to Chicago.

Mr. SABATH. Has this all been expended?

Mr. SHERLEY. Yes; this is to take care of deficiencies.

Mr. SABATH. All of it?

Mr. SHERLEY. All of it.

Mr. SABATH. I do it because I am informed that between 55 and 60 per cent of the enlistments are made down there for the Navy, and I notice they have from 25,000 to 35,000 men stationed there most of the time, and they need a great deal of room.

Mr. SHERLEY. There has been considerable increase in bed capacity on the part of the Navy hospitals, and this is to pay the bills.

Mr. SABATH. That is all right.

The Clerk read as follows:

The total limit of cost of the five Coast Guard cruising cutters, fixed at $2,250,000 by the naval appropriation act approved March 4, 1917, is increased to $3,500,000: *Provided*, That if in the judgment of the Secretary of the Navy the most rapid and economical construction of the foregoing vessels can be obtained thereby, he may contract, within the limit of cost herein named, for the construction of said vessels upon the basis of actual cost plus a reasonable profit to be determined by him.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. What progress has been made, if the chairman knows, in the construction of these Coast Guard cutters?

Mr. SHERLEY. None. No work has been done and no work could be done on the kind of cutters they now want within the limit of cost now fixed. So they came and asked for an increase, to enable them to get cutters of a little bit wider beam, I think, and greater length, in order that they might be more seaworthy and carry heavier armament and be of greater value in connection with their use as patrol boats, and so forth. I will say to the gentleman that the committee went rather exhaustively into one phase of this matter. There seemed some question as to whether we should be appropriating money for additional Coast Guard cutters at a time when there was an apparent scarcity in yards and in labor in connection with the building of ships. It was insisted, however, both by the Coast Guard Service and the Navy, that we could have these ships built in yards not now being used and that would not be otherwise used in connection with any of the shipbuilding program, and they felt that it could be done without interfering with the labor supply; that these ships represented a type that was badly needed, and they urged both from the standpoint of the Coast Guard Service and the standpoint of the Navy's need in connection with the war maneuvers that the ships be authorized, and the committee finally acquiesced in their recommendations.

Mr. MADDEN. One of the reasons why I rose to inquire about this item was that, if I recall, a year ago when these boats were originally appropriated for it was indicated there was urgent need for their immediate construction, and I was rather curious to know why we waited a year before we began the construction of any of the boats then authorized.

Mr. SHERLEY. They said they could not get the work done for the money. This is the second time we have increased the limit of cost.

Mr. MADDEN. Could they not have started part without starting all?

Mr. SHERLEY. Except each one had to be built within a certain amount, and the amount was too small.

Mr. MADDEN. I see.

The Clerk read as follows:

Midshipmen's store fund (reimbursable): The Secretary of the Navy is authorized to advance to the midshipmen's store fund at the Naval Academy the sum of $50,000, under "General account of advances," said sum to be used for the purchase of stores and to be accounted for in the same manner as is provided for the midshipmen's store fund in the act approved May 13, 1908, and to be repaid into the Treasury not later than December 31, 1919.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. Does this item mean we are running a farm down here somewhere in Maryland for the purpose of furnishing milk for the midshipmen at Annapolis, at the Naval Academy?

Mr. SHERLEY. That is the situation.

Mr. MADDEN. And the farm is being run as a distinct institution separate and apart from the Naval Academy, and all the supplies that are raised on that farm, including milk, are sent to the Naval Academy and to no other place?

Mr. SHERLEY. They have a dairy herd there that they have been maintaining for the purpose of supplying the academy with milk, and the very great increase in the number of midshipmen at the academy, and also a desire to somewhat enlarge the herd at this time, made it desirable that they obtain this sum of money which is reimbursible out of the midshipmen's store fund, which fund was not now large enough to permit this draft to be made upon it at this time.

Mr. MADDEN. So, as a matter of fact, the midshipman's store fund will be chargeable with the amount of this appropriation in any event?

Mr. SHERLEY. It will be, and the result of this action is simply to permit the money to be advanced.

Mr. MADDEN. It is simply an advance?

Mr. SHERLEY. Yes.

The Clerk read as follows:

For support of Indian day, boarding, and industrial schools, in addition to the general and specific appropriations made for that purpose in the Indian appropriation act for the fiscal year 1918, $250,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be expended upon improvements or used to increase the compensation of employees: *Provided further*, That except for pay for superintendents and for transportation of goods and supplies and transportation of pupils, not more than $200 shall be expended from appropriations made in this act for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less than 100 pupils, in which case the Secretary of the Interior may authorize a per capita expenditure not to exceed $225: *Provided*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average attendance for the entire fiscal year and not any fractional part thereof.

Mr. CAMPBELL of Kansas, Mr. WALSH, and Mr. MADDEN rose.

The CHAIRMAN. The gentleman from Kansas.

Mr. CAMPBELL of Kansas. Mr. Chairman, I move to strike out the paragraph beginning on line 8, page 67. There is much of it subject to the point of order, and if this item is justified it ought to stay in and ought not to go out on a point of order. Therefore I have raised the question directly as to the merits of the proposition. The question was presented to the Committee on Indian Affairs, but no information that would justify such an appropriation was submitted by the Bureau of Indian Affairs, and I would like to know whether or not the Committee on Appropriations had specific information justifying this appropriation?

Mr. SHERLEY. We would not have made it if we did not think so. It came before the committee by virtue of a direct reference, which is to be found in House Document No. 721, to prevent the Indian schools from being closed up this winter.

Mr. CAMPBELL of Kansas. Was there a showing made of the amount necessary for the support of any school?

Mr. SHERLEY. A detail of it was not made in all instances because of a lack of time to obtain the information. It was made as to a number and as to the rest it was safeguarded by the language which was put in this bill which would prevent the money for keeping the schools open from being used for the purpose of increasing salaries or for other purposes that might be questionable. Now, the sole purpose of this fund, and the sole purpose that it can be used for, is in connection with the maintenance of schools as they are now being run. If the gentleman thinks we ought to permit Indian schools to be closed and the Indian children to be sent home at this time, why, his motion is right.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I do not think so. I do not think the Congress or the Committee on Indian Affairs or this committee should permit any Indian schools to close for want of sufficient funds to maintain them, but I do believe that when a department asks for money upon a statement that it is needed to continue a school for the remainder of the fiscal year that they should state exactly how much they require for that particular school before getting the appropriation.

Mr. SHERLEY. Oh, I agree with the gentleman, but at the same time I do not want the Indian children to suffer by virtue of our failure to act. For instance, I notice that at the Haskell Institute in Kansas there is $18,000 needed in order to enable that school to continue.

Now, I submit to the gentleman that even if we did not have all the detailed information that we ought to have and that we would like to have, and had not safeguarded the funds the way we have, we are warranted in appropriating money in order that the school in Kansas shall not close and those Indian children shall not be taken out of school.

Mr. CAMPBELL of Kansas. I am glad the gentleman mentioned the Haskell School in Kansas. I would take the responsibility as a Member of this House, a member of the Committee on Indian Affairs, and as a citizen of the State of Kansas, and interested in the Indians, of stating to the chairman of the Committee on Appropriations that Haskell will not close if this bill does not include the item referred to.

Mr. SHERLEY. That may be, but even notwithstanding——

Mr. CAMPBELL of Kansas. And the pupils there will not suffer and the school will not suffer.

Mr. SHERLEY. Notwithstanding the gentleman's generous willingness to assume responsibility, I still insist that Congress would not be warranted, in view of the representations made before the committee in reference to appropriating some moneys. We diligently tried to get all the information possible, and I do not mean in anything I am saying to excuse the Indian Department for not being in a position to afford more information than they have. But in the last analysis we are faced with a situation which, on the basis of the best evidence that we could obtain, is this: That without this money being voted these schools, most of them, will have to close. Now, we safeguarded the fund and prevented it from being used, under the guise of that need, for other school purposes. For Congress not to vote the money seems to me would be to do an inexcusable thing.

Mr. CAMPBELL of Kansas. Could any bureau representing any department in Washington make a blanket covering of that sort for a claim unsupported by any details and get away with it?

Mr. SHERLEY. Oh, yes; they could.

Mr. CAMPBELL of Kansas. And get away with it? If all of the committees were as generous as the gentleman from Kentucky now appears——

Mr. SHERLEY. Of course, they could not get away with it. The gentleman from Kansas will distinguish between matters relating to teaching of children in schools and other matters that might simply relate to routine of departments in importance.

Mr. WALSH. Will the gentleman from Kansas yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. Does not this item take care of the situation which was mentioned the other day by the gentleman from one of the Dakotas [Mr. NORTON] when he called attention to the fact that several of these schools would be obliged to discontinue?

Mr. SHERLEY. There has been tremendous pressure brought to bear upon the committee by Members of the House touching this matter.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. CAMPBELL] has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent for five minutes in my own right.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. What I want is information. I have no objection to this if it has merit.

Mr. SHERLEY. The gentleman from Oregon [Mr. HAWLEY] came to the committee and wrote us touching the matter. There were any number of gentlemen that pressed the matter and from their representations the committee was forced to believe that these schools would be closed if the moneys were not appropriated. We did our best. We held this bill for sometime trying to get all the detailed information that we thought we ought to have from the Indian Commissioner. But the failure to get it would not have justified us in simply ignoring the item as a whole. We have safeguarded it by the language that is contained in the paragraph.

Now, the proposition is plainly before the committee. If they feel because of a desire to punish somebody that may not have been as efficient in the management of these matters as they should be that they should shut off these schools, this is the way to do it. But I am more concerned in the Indian children than I am in taking a slap at the Indian Department.

Mr. CAMPBELL of Kansas. I am not basing this inquiry upon the inefficiency of the Indian Department, although I do think the Indian Bureau ought not to have supported a claim like this without some detailed information.

Mr. SHERLEY. I am not quarreling with that statement, but I am dealing with the facts.

Mr. CAMPBELL of Kansas. And I do not believe that the school referred to by the gentleman from Kentucky, at Haskell, would be closed if this bill were not to carry this item.

Mr. SHERLEY. If the gentleman is sure of his facts and wants to reduce this amount by $18,000, so as to exclude that sum for the Haskell School, I shall not object.

Mr. CAMPBELL of Kansas. But the appropriation is not itemized.

Mr. SHERLEY. It is. We have got that item in the very statement that was presented to the House—House Document No. 721. And I repeat, if the gentleman desires to reduce the item by $18,000, on his assurance to the House that he has the personal knowledge it is not needed for the Haskell Institute, I will not object.

Mr. CAMPBELL of Kansas. I have the belief that it is not needed by the Haskell Institute.

Mr. SHERLEY. Now, it is up to the gentleman.

Mr. MADDEN. Mr. Chairman——

Mr. SHERLEY. I yield to the gentleman from Illinois. I hope as soon as this matter is finished to move that the committee rise.

Mr. MADDEN. That was what I was going to ask.

Mr. SHERLEY. I will ask for a vote on the amendment, and then we will rise.

The CHAIRMAN. To how much of the paragraph does the gentleman direct his motion to strike out?

Mr. MADDEN. His motion is to strike it all out.

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] moves to strike out the paragraph. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9867) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes, and had come to no resolution thereon.

APPOINTMENT OF SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Chair appoints Mr. BARNHART, of Indiana, to preside to-morrow.

ADDRESS OF THE PRESIDENT FEBRUARY 11, 1918.

The SPEAKER. The message that the President read to the House last Monday by inadvertence was not referred to any committee. It is now referred to the Committee on Foreign Affairs and ordered to be printed.

UNANIMOUS-CONSENT CALENDAR.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent that the order making next Monday unanimous-consent day be dispensed with.

Mr. GILLETT. I understand this bill will not take probably the whole day, and unanimous-consent business, I think, ought to be provided for. If there is a balance of the day they should have it.

Mr. SHERLEY. I am perfectly willing to put my unanimous-consent request in this form: That this bill be the order for Monday, and upon its conclusion, if it shall be then concluded, the remainder of the day be devoted to the Unanimous-Consent Calendar.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the pending bill shall have the right of way on Monday, notwithstanding Unanimous-Consent Calendar, and so forth, or as much of Monday as is required to finish this bill, and if there is any time left over it will return to the Unanimous-Consent Calendar. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to ascertain if possible whether an agreement can be reached as to the time of adjournment on Monday. We might run along on this bill to half past 4 and the remainder of the day would be a very inadequate time to devote to the Unanimous Consent Calendar, not amounting to more than an hour or to a half hour.

Mr. SHERLEY. I expected to finish this bill to-day, and under normal circumstances we would have finished it; but other matters came up. But I think we ought to be able to dispose of this bill on Monday in two or three hours.

Mr. STAFFORD. The discussion of the bill might be prolonged.

Mr. CANNON. We can adjourn at any time Monday.

Mr. SHERLEY. If we do not get unanimous consent, then we can provide another day. We have got to push along bills now if we are not to get into a jam later on. I think the committee ought to bear in mind that the very thing that all of us want to avoid—a late adjournment—is going to be absolutely certain unless we get these supply bills over to the Senate speedily.

Mr. STAFFORD. I have no objection to this bill taking precedence of the regular order of business on Monday. The only question in my mind is the feasibility of making the order that the rest of the day, which may be only an hour, shall be taken up by the Unanimous Consent Calendar. I would rather have a full day given over to that business. But I will withdraw my objection to his request, in view of the gentleman's statement.

The SPEAKER. The gentleman from Wisconsin withdraws his objection, and it is so ordered.

ADJOURNMENT.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 43 minutes p. m.), in accordance with the order previously made, the House adjourned until to-morrow, Sunday, February 17, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State, submitting a supplemental estimate of appropriation required for the State Department for the relief and protection of American seamen for the fiscal year 1918 (H. Doc. No. 937); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State, submitting a supplemental estimate of appropriation required by the State Department for emergencies arising in the Diplomatic and Consular Service for the fiscal year 1918 (H. Doc. No. 938); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, submitting a supplemental estimate of appropriation for salaries of draftsmen in the Bureau of Ordnance for the fiscal year ending June 30, 1919 (H. Doc. No. 939); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROUSE: A bill (H. R. 9926) to enable the Post Office Department to bond its officers and employees; to the Committee on the Post Office and Post Roads.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 9927) to provide for the construction of a waterway from the Ohio River to Lake Erie; to the Committee on Rivers and Harbors.

By Mr. HAYDEN: A bill (H. R. 9928) to amend section 4 of the act entitled "An act to regulate commerce," approved February 4, 1887, as amended June 18, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: A bill (H. R. 9929) to repair, remodel, and modernize the public building at Providence, R. I., known as the old post-office building; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 9930) increasing rates of pensions of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 9931) to amend the Judicial Code to permit appeals and writs of error from orders refusing to remand cases to State courts; to the Committee on the Judiciary.

By Mr. DENT: A bill (H. R. 9932) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

By Mr. LA FOLLETTE: A bill (H. R. 9933) requiring the incorporation of eleemosynary societies and associations, or persons not organized as societies and associations when soliciting money for charitable aims and purposes in the Nation at large, and for other purposes; to the Committee on the Library.

By Mr. HAYDEN: A bill (H. R. 9934) authorizing a right of way for the transportation of water for improvement of grazing and the development of the live-stock industry upon public and national forest lands in Arizona; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9935) granting an increase of pension to George W. McCurdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9936) granting an increase of pension to Riley Wiggins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9937) granting an increase of pension to John Hagaman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9938) granting a pension to Mary A. Kiplinger; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 9939) granting a pension to Annie Ridgeway; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 9940) granting an increase of pension to David L. Buchanan; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 9941) to correct the military record of Second Lieut. Van Buren S. Reber; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 9942) granting a pension to Deniver Moore; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 9943) granting an increase of pension to Isaac C. Masson; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 9944) granting an increase of pension to James Wakefield Carver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9945) granting a pension to Edward A. Brewer; to the Committee on Pensions.

By Mr. SHOUSE: A bill (H. R. 9946) granting a pension to Mary A. Blake; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 9947) granting an increase of pension to Burton M. Goins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9948) granting a pension to John T. De Hart; to the Committee on Pensions.

Also, a bill (H. R. 9949) granting an increase of pension to Henry Merida; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9950) granting an increase of pension to Rufus C. Davidson; to the Committee on Pensions.

By Mr. TILSON: A bill (H. R. 9951) for the relief of A. H. Holloway; to the Committee on Claims.

By Mr. WALTON: A bill (H. R. 9952) granting an increase of pension to Albert N. Hopkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9953) granting a pension to John C. Thompson; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 9954) granting an increase of pension to Chester E. Kyte; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of Company B, Irish Volunteers, thanking Miss RANKIN for her efforts in behalf of Ireland, and urging Members of Congress to vote for the Rankin resolution; to the Committee on Foreign Affairs.

Also (by request), resolution of the New York City Federation of Women's Clubs, favoring the formation of an osteopathic corps in the United States Army; to the Committee on Military Affairs.

Also (by request), petition of citizens of Stockport, Ohio, urging the increase of pensions of Civil War veterans to $50 per month; to the Committee on Invalid Pensions.

Also (by request), resolution of the Association of National Advertisers (Inc.), asking for the repeal of the zonal scheme of periodical postage rates; to the Committee on Ways and Means.

By Mr. CAMPBELL of Pennsylvania: Resolution of the Montour Presbyterian Church, Oakdale, Pa., urging the adoption of an amendment to the Constitution of the United States forbidding polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also, petition of the letter carriers and many other citizens of Duquesne, Pa., favoring increased salaries to postal employees and urging the passage of the Madden bill; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of H. M. McLarin, president of the National Federation of Federal Employees, opposing the Borland eight-hour amendment; to the Committee on Agriculture.

Also, resolutions of the Community Association of Crawfordsville, Ind., and the Woman's Club, Beaver Dam, Wis., asking for the repeal of the periodical postage amendment of the war-revenue act; to the Committee on Ways and Means.

Also, memorial of Slovak League, Local Branch No. 20, and the petition of George Filipek, Cudahy, Wis., asking for the formation of an independent Czecho-Slovak State; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of the New York State Forestry Association, favoring S. 3344, establishing an adequate plant quarantine; to the Committee on Agriculture.

Also, petition of Russell S. Fowler, M. D., Brooklyn, N. Y., and resolutions of the Brooklyn Surgical Society, urging the passage of Senate bill 3748 or House bill 9563, advancing the rank of medical officers in the Army; to the Committee on Military Affairs.

Mr. SHERLEY. Now, it is up to the gentleman.

his objection, and it is so ordered.

By Mr. EMERSON: Resolution of Post 84, Veterans of Foreign Wars, concerning pension increase for veterans of the Civil War; to the Committee on Invalid Pensions.

Also, resolution of the City Council of Cleveland, Ohio, concerning the liberation of the Bohemians and Slovaks; to the Committee on Foreign Affairs.

Also, resolution of the City Council of Cleveland, Ohio, concerning Government ownership of telephone and telegraph systems; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petition of H. M. McLarin, president of the National Federation of Federal Employees, opposing the Borland eight-hour amendment; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of Dover, N. J., for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, resolution of the New York Antivivisection Society, opposing the compulsory inoculation of soldiers; to the Committee on Military Affairs.

By Mr. HILLIARD: Petition of Julia D. Ferris, of Denver, Colo., urging the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

Also, petition of Snowy Range Lodge, No. 30, Brotherhood of Railroad Trainmen, urging the Congress to refrain from action on legislation designed to place men engaged in transportation service under Federal workmen's compensation; to the Committee on Labor.

By Mr. MERRITT: Evidence to accompany House bill 9917, granting a pension to Stephen K. Hamilton; to the Committee on Invalid Pensions.

By Mr. ROUSE: Petition of citizens of Erlanger, Ky., and vicinity, asking Congress to provide for the appointment of a chaplain for every 1,200 men in the Army; to the Committee on Military Affairs.

By Mr. TILSON: Petition of Woman's Committee of the Council of National Defense, for planting tobacco lands in foodstuffs; to the Committee on Agriculture.

Also, petition of Meriden (Conn.) War Bureau, in favor of resolution for drafting of aliens; to the Committee on Immigration and Naturalization.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 17, 1918.*

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore [Mr. BARNHART].

Rev. George Robinson, D. D., chaplain United States Army, retired, offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth. Who hast set Thy glory above the heavens.

When I consider Thy heavens, the work of Thy fingers; the moon and stars which Thou hast ordained: What is man, that Thou art mindful of him? and the son of man, that Thou visitest him? For Thou hast made him a little lower than the angels, and hast crowned him with glory and honor. Thou madest him to have dominion over the works of Thy hands. Thou hast put all things under his feet. All sheep and oxen, and the beasts of the field; the fowls of the air and the fish of the sea.

But Thou hast not only thus been mindful of man in his creation, but Thou hast been wonderfully mindful of him in his redemption! Not with silver and gold, not with all the mines of earth or the depths of every sea, could one soul of man be redeemed. The price of man's redemption must be taken from off the throne of God itself, the gift of His only begotten and well beloved Son, to become incarnate, and by a death shameful and cruel at the hands of men He came to save, atone for our sins.

O Lord, our God, we thank Thee for the life of this man in whose memory this service is held; for his devotion to his country, in his young manhood following the flag and offering his life to help to save the life and integrity of the Nation; for his service in the enactment of laws in State and national legislatures, and the interpretation and application of the laws of the land in a judicial position. May the memory of these services for his fellow men be a solace to the dear ones who most greatly mourn his loss as husband and father, and may the loving, pitying One speak the words of comfort to their hearts which no human voice can speak.

Again, in this hour of sorrow, would we lift our hearts in behalf of the land we so ardently love. O Lord Jesus, when Thou wert approaching Thy Gethsemane and Thy Calvary, Thou didst pray, "Father, save me from this hour!" So thousands of hearts in this land have prayed that our country might be saved from this time of trial. But Thou, O Christ, in submission to the divine will, didst immediately add "But for this cause came I unto this hour." So it may be that for this cause, the cause of truth, of righteousness, and the true liberties of the nations of the earth, our Nation in the fulness of its prosperity has come to this time. And as Thou didst further pray "Father, glorify the name," so we believe that we have a right to pray Father in heaven, make this Nation glorious in the great cause to which it has set itself; that it may help to soon bring again to this troubled earth a peace which shall be founded on righteousness and truth, and justice for all that dwell on the earth.

In the name of the Lord Jesus Christ. Amen.

The SPEAKER pro tempore. The Clerk will read the Journal.

Mr. DIXON. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent that the reading of the Journal be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the special order for this service.

THE LATE REPRESENTATIVE COMSTOCK, OF INDIANA.

The Clerk read as follows:

On motion of Mr. DIXON, by unanimous consent,

Ordered, That Sunday, February 17, 1918, be set apart for addresses upon the life, character, and public services of Hon. DANIEL W. COMSTOCK, late a Representative from the State of Indiana.

Mr. DIXON. Mr. Speaker, I offer the following resolutions.

The SPEAKER pro tempore. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 251.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. DANIEL W. COMSTOCK, late a Member of this House from the State of Indiana.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The question was taken and the resolutions were unanimously agreed to.

The SPEAKER pro tempore. The Chair will first recognize the gentleman from Indiana, Mr. ELLIOTT, the successor of the deceased.

Mr. ELLIOTT. Mr. Speaker, in these days of sorrow and tribulation, when the world is on fire and we are daily called upon to witness scenes of carnage and suffering such as the world has never before been called to look upon, it is hard for us to realize, living as we do so far from the scene of conflict, what this war means to this world. It is impossible for us to conceive of the untold suffering which war brings to the nations which are engaged in it. Men who have gone through the terrible scourge of fire and blood and endured hardships and the sufferings of the late Civil War can, perhaps, in a measure, realize what it all means.

While we are now most intensely interested in the daily reports of the present war and are engaged with our own troubles connected with the terrible conflict now raging in Europe, we should not forget that we, as a nation, owe a debt of gratitude to the veterans of the Civil War which we can never repay. But while this is true it is our duty to do what we can while the few survivors are living to lighten their burdens and make their pathways brighter, sweeter, and happier; and as they one by one pass to that undiscovered country from whose bourne no traveler ever returns, it is our duty and our pleasure to render to their memories that measure of love and respect which their service to our country so richly entitles them to receive.

It is, therefore, a privilege and an honor to-day to pay this last small tribute of our love and esteem to the memory of a distinguished citizen of my native State, my friend and predecessor in this House.

The sixth congressional district of Indiana has produced some very distinguished and honorable statesmen in its day, among them Oliver P. Morton, the great war governor, who was one of President Lincoln's stanchest supporters, and whose bust now adorns the Hall of Fame adjacent to this Chamber. It has from time to time been represented in this honorable body by men whose fame was as wide as the Nation, and none was more beloved and respected in the community in which he lived than DANIEL WEBSTER COMSTOCK. His early life was not spent in luxurious ease; but he, like thousands of our best men, was brought up to work for his livelihood under the honest and frugal discipline which prevailed in the homes of the good old

Quaker stock from which he descended. And it was from these sturdy ancestors that he inherited that sterling honesty and respect for the rights of others which characterized his whole life and enabled him to live through a long, busy, and honorable public career, untarnished and unchanged by his contact with the world.

He received a collegiate education at Ohio Wesleyan University, graduating in 1860, at the age of 20. He studied law and was admitted to the bar of the Henry circuit court at Newcastle, Ind., in 1862. Mr. COMSTOCK entered politics at an early age and was elected district attorney for the eleventh common pleas district of Indiana in 1862. He entered upon the duties of his office, but shortly afterwards resigned his office and, like thousands of other patriots of his time, answered his country's call, enlisting as a private in the Ninth Indiana Cavalry, although he had been offered a commission as a lieutenant. From a private he was promoted from time to time, by reason of his bravery and valiant services, and served as sergeant major, first lieutenant of Company F, captain of Company C, and subsequently was detailed as acting assistant adjutant general of the First Brigade, Seventh Division of the Military Division of Mississippi. He was honorably discharged from the service in 1865. He served his country faithfully and well as a soldier.

While in the Army Mr. COMSTOCK was cited for distinguished gallantry for rescuing, under fire, a wounded superior officer. While his regiment was covering a retirement one of the officers was shot and fell from his horse. Facing the enemy's fire Mr. COMSTOCK returned to his stricken comrade's side, picked him up, and rode away with him to safety.

After the war was over Mr. COMSTOCK married Miss Josephine A. Rohrer, who with their two daughters, Elizabeth and Clara, and their son, Paul, survive him. His military spirit was inherited by his son, who is now a major in the National Army, and who bids fair to shed additional luster to his father's honored name.

Mr. COMSTOCK's career as a lawyer was that of the average successful country lawyer. He enjoyed the confidence and respect of his community at all times, and was the possessor of a clientage as good as the average lawyer of his community. He served as city attorney for the city of Richmond, was elected prosecuting attorney for Wayne County, Ind., for two terms. He was elected judge of the Wayne circuit court twice, being nominated without opposition both times for that office on the Republican ticket, which in that county was equivalent to election. He served as circuit judge for about 12 years, and resigned to take a seat on the appellate bench of Indiana, serving in that capacity for about 15 years, and retiring in 1911. His legislative career consisted of a term of four years in the Indiana State Senate, and he was elected a Member of the Sixty-fifth Congress, serving in that capacity a trifle over two months. It is said that it had been his life's ambition to serve his country as a Member of Congress, but fate willed that his career in Congress should be short. His services to his country in a legislative capacity were limited, and his best services were rendered as a citizen, soldier, and jurist.

Mr. COMSTOCK was honored in the last years of his life by his comrades of the Grand Army of the Republic by election to the position of grand commander for Indiana. In all of the many positions of trust reposed in him by a grateful people he made good and rendered to his constituents faithful service, and after a long and well-spent life he went to his eternal rest, loved, honored, and respected by all who knew him best. [Applause.]

The SPEAKER pro tempore. The gentleman from Indiana, Mr. DIXON, is recognized.

Mr. DIXON. Mr Speaker, for the third time during the course of my congressional service we have held exercises such as these upon the death of Indiana Members of Congress. Three Members of our State delegation have died in service during that time. First Abraham Lincoln Brick, the young and brilliant representative from South Bend; then our talented and gifted Senator, Benjamin F. Shively; and now DANIEL WEBSTER COMSTOCK, our learned jurist and legislator. Each was taken in the midst of useful public service.

It is a custom of this House that those who have died in service as Members here should have accorded them some memorial of the personal regard and esteem felt by those who were associated with them.

To-day we turn aside from the routine of legislation and give voice to our mingled feelings of sorrow and respect for our late lamented colleague and friend.

Mr. COMSTOCK was born December 16, 1840, at Germantown, Ohio, and at the age of 20 graduated from the Ohio Wesleyan College, at Delaware, Ohio. After his graduation he located at New Castle, Ind., and entered the struggle for a practice in his chosen profession, the law. While but 22 years of age, he had so successfully proven his ability as a lawyer that he was elected district attorney. While occupying this position he resigned the office and enlisted in the Ninth Indiana Cavalry. His faithful service as a soldier and his ability, energy, and courage were promptly recognized by his superior officers, and he was from time to time promoted, and when honorably discharged from the Army, September 2, 1865, he was acting adjutant general of the First Brigade, Seventh Division, of the Military Division of Mississippi.

His military service ended, he returned to Indiana, and in 1866 removed to Richmond; and until his death, over 50 years later, May 17, 1917, continuously resided there. In 1867 he was married, and his widow and three children survive him. The same year of his removal to Richmond he was selected as city attorney. A few years later he was elected prosecuting attorney, and held the office for four years, 1872 to 1876, and his faithful discharge of its responsibilities and multifarious duties gave ample assurance and promise of the capable and conscientious manner in which he performed the duties of the higher office he was later called to fill. He was industrious and studious, and these qualities, together with strict integrity and fidelity to his client, enabled him to establish a large and profitable practice. He was respectful to the court, courteous to his opponent, and frank and open in his argument to the jury, and with these exceptional qualities combined it is not surprising that he succeeded in his profession.

In 1878 he was elected to the legislature of his State as a senator, and rendered honorable and faithful service during the four years he occupied that office. Later he was elected judge of the Wayne circuit court, and after a service of six years was reelected. In October 1896 he resigned as judge of the circuit court to accept a judgeship on the Indiana appellate court. This position he filled with honor to his State until January 1, 1911, a period of over 14 years.

As a jurist he had the respect and confidence of the bar and of the people, and his decisions were always made after careful study, mature deliberation, extensive examination of authorities, and with an honest purpose to render a just decision.

In 1913 he was selected as department commander of the Grand Army of the Republic, Department of Indiana. This position was of special interest to him, and he enjoyed its opportunities for service to his comrades. He came into personal relationship with the soldiers of our State and renewed the friendships formed in his Army life. He was always ready and anxious to render service for his comrades, and they had for him the highest respect and esteem. In 1916 he was elected as a Representative in Congress for the sixth congressional district and entered upon the discharge of its duties March 4, 1917.

Scarcely had he begun the work of his congressional service when he was called by death from his busy, active, and useful life. His services were so short that but few had the opportunity to know him intimately. Brief as that service was, he showed independence in action, individuality, and a fixed purpose to follow his matured judgment in matters of legislation. Many important matters were considered during his brief service, and while slow to determine his course, yet he never hesitated to support the policy his judgment led him to believe was best. The wishes and opinions of others were considered, but never controlling.

In every position he occupied in official life, whether in early manhood as prosecuting attorney or city attorney, whether in middle life as a senator in the State legislature or as circuit judge, whether in later years as judge of the appellate court or as a Member of Congress, he so performed the duties of his trust that his record was without a blot or blemish.

Our departed friend, a soldier in war and a leader of the Grand Army in time of peace, has passed into the invisible land. Many thousands of his soldier comrades preceded him and thousands more are following him rapidly on that solemn march. The ranks of the soldiers of the Civil War are being rapidly diminished by death. But a few more years and the last of these brave men will be laid to rest and the history of their deeds be but a sacred memory; but while they are mortal, their deeds are immortal and will be forever cherished in the recollections of a grateful people.

As a member of the congressional committee appointed to attend the funeral of our late colleague I was deeply impressed with the high esteem in which Judge COMSTOCK was held by his neighbors, as evidenced by their sorrow when they turned out to pay their last tribute to their friend.

The people of his city had honored him in life, and they did not fail in his death to breathe the tenderest sentiments of affection and sympathy over his remains.

The most accurate test of a man's character is the estimation in which he is held by those who knew him longest and best. No higher tribute can be paid to a man than to be able to truthfully say of him at the end of a long life that he had held until the end the affection and confidence of his neighbors.

We to-day attest our esteem for our late colleague DANIEL WEBSTER COMSTOCK. We point with a just pride to a record of an honorable, honored, and patriotic man. We admire his record as a citizen, a soldier, a jurist, and public servant. [Applause.]

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana, Mr. DENTON.

Mr. DENTON. Mr. Speaker, it was my fortune to have been quite well acquainted with Judge COMSTOCK. I appeared before him quite frequently when he was a judge on the bench of the appellate court of Indiana, and I also frequently met him in a social way. I found during my acquaintance with him that we were both graduates of the same college, the Ohio Wesleyan University, and this established a bond of friendship between us which continued till the time of his death. He was a lovable character and always the perfect gentleman, and one always felt better after meeting him. In his work on the bench he was honest and conscientious and sought to get at the justice of a cause instead of deciding it on legal technicalities. His long service on the bench of the Indiana appellate court, which continued past the period of life when most men have retired on account of age, shows the confidence and esteem in which he was held by his fellow citizens, as well as the vigor of his mind.

I had frequent occasion to meet him and talk with him in the early part of the extra session of this Congress, and there was a certain bond of friendship and mutual sympathy between us from the fact that we were partners in distress, both going through the experiences that fall to the lot of a new Member. He was intensely patriotic and loyal, and evinced an interest in public affairs far beyond that shown by most men of his advanced age. He was one of the most faithful attendants in the House and could always be found on the floor, listening intently whenever anything was going on affecting the interests of the country during those strenuous days following the entrance of America into the world war. Indeed, I have no doubt he shortened his life by his faithful and intense application to his duties in the strenuous days of the early part of the last session of Congress, the most strenuous, let us hope, that this Nation will ever experience.

He has fought a good fight, has served his country well and faithfully, and died in the harness. He met his end as he would have wished to—fighting for his country in the hour of her supreme crisis, forgetting partisanship for the time being, and remembering only that he was an American. All honor to his memory. [Applause.]

The SPEAKER pro tempore. It seems especially fitting that this audience should be composed so largely of young men wearing the uniform of United States soldiery, indicative of their readiness to go forth and defend the principles of freedom and liberty that have made our country all that it is, and it is especially appropriate that here in this assembly of Members of Congress are two comrades of the deceased Member, men who have already contributed of their life and substance and made their sacrifice to the cause of liberty. Of these two I shall now recognize the gentleman from Ohio, Gen. SHERWOOD, and then Comrade OSBORNE, of California.

Mr. SHERWOOD. Mr. Speaker, I presume I knew Col. COMSTOCK as well, if not better, than any Member outside of his own State delegation. I met with him on several Grand Army occasions. I was with him at a very notable dinner, perhaps as notable as was ever held in the Capital, given by Senator PAGE, of Vermont, to the 12 oldest men in Congress. At that dinner there was more ancient history, perhaps, recited, and as much patriotic history as at any gathering ever held in this Capital.

I can not arise to-day and speak to the memory of an old comrade without growing reminiscent. Of the four hundred and thirty-five Members of this House of Representatives, I believe there are only three soldiers here who now survive the Civil War—HOLLINGSWORTH, of Ohio; OSBORNE, of California; and myself. It is a sad reflection that after all of these passing years perhaps we are nearing the end of the service of the men who served in that great war, and I can not help but call up some of those memories to-day.

I can see to-day the red clay roads of northern Georgia, hot and baking under the July sun. I can see long lines of dusty blue pass by with tattered banners, and under their slouch hats I can see the hardy and stern features of stalwart men. I can see the fresh earth of the battle fields and the unburied dead. I can see Atlanta from behind her black-mouthed cannon, and on her bold green hills I can hear the roar of two hundred thousand muskets. And I can see Atlanta from a nearer view—I can see above her domes and steeples the flag of my country and of yours. And if I look back over these one hundred and ten days of skirmish and battle I can see the graves of forty thousand of our brave comrades.

We know what this war cost. It was the most peculiar war in all history. It had features that attached to no other war, either before or since. In all the armies of the Union, numbering 2,212,272 men from first to last, I never heard of a soldier who went insane. It was a cheerful war. Now, if you will examine the statistics in Berlin and Paris of the soldiers of Germany and of France—I have not the statistics of England—you will find that 5 per cent of all the soldiers that have been in for a year in those terrible trenches have gone insane.

Every man who stood behind a gun in our war knew just what he was fighting for. And another feature of the war was that it was one where the soldiers on the march and around the bivouac fires at night sung patriotic songs of their own composition. That never happened before in any war on this continent or on the Continent of Europe. In the seven years of the American Revolution they did not have a patriotic song except Yankee Doodle, and the words of it are very simple. It is the music that made Yankee Doodle popular, so well adapted to the fife and the drum. In the War of 1812 there were no patriotic songs sung that were written by a soldier; and the only one written was written by Francis Scott Key, the Star Spangled Banner, which was not sung until the close of the war and was never sung in the war by a soldier. The record of the Mexican War does not show a single patriotic song that was sung. In the War of the Rebellion we had over one hundred patriotic songs.

And one of the other peculiarities of our war was that every soldier was in sight. The trenches were only waist deep. In the war in Europe the armies are out of sight.

Col. COMSTOCK in his career illustrated the average career of the American soldier. There was more determination, more continuity, in that war than in any war of all time. Let me illustrate. On the 4th of November, 1864, our army was marching to that desperate struggle at Franklin, Tenn. It was presidential election day. Tickets then were printed. We did not have the Australian ballot. The Ohio soldiers were allowed to vote. The tickets had been sent to me for my regiments, the One hundred and eleventh Ohio and the One hundred and eighteenth Ohio. We were on a forced march that day. I rode back to the rear and secured an ambulance, and I appointed three private soldiers to go in that ambulance as judges of the election. I took an old camp kettle and put it in the ambulance to receive the ballots, and when we halted, as we used to do, about every eight miles, allowed the soldiers to vote. And we counted the votes that night by the light of a bivouac fire. Now, this was in the darkest period of the Civil War. It was only in the preceding August that Abraham Lincoln wrote a letter, and that letter is now in existence, expressing the feeling that he was not going to be reelected. He was discouraged about the universal gloom that hung over this country. I wanted to give you this to illustrate the courage, the fortitude, of the soldiers at that time. In the whole regiment, one-third of whom were Democrats, with a Democrat, Gen. McClellan, running for President, there were only seven votes against Abraham Lincoln. [Applause.]

We have never had in this country too many men of heart and brains and morals and courage in public life, and at no period in our history have men of this type been more needed than now. No time in our history has there ever been a more urgent demand for just men of courage, patriotism, and ability on the floor of Congress.

Col. COMSTOCK was a soldier and jurist of this type.

It was our own poet of patriotism, Fitz-Greene Halleck, who wrote, in Marco Bozzaris, this pathetic and heartrending couplet:

> Come to the bridal chamber, Death!
> Come to the mother's when she feels
> For the first time her first-born's breath!
> And thou art terrible!

But more terrible is the loss of a fully equipped man, mentally and morally, because his loss is not only to the family, the wife, the child, but to the State. The one loss to the other is as

the rosebud compared with the full-blown rose, grown fragrant and beautiful in God's sunshine. And the example of a well-rounded man, of power and influence for the good of his fellow man, does not attach to the newborn child.

One of the greatest of Athenian philosophers said:

> Most of all, fellow citizens, if your sons ask whose example they shall imitate, what will you say? For you know well it is not music, nor the gymnasium, nor the schools that mold young men. It is much more—the public proclamation, the public example. If you take one whose life has no high purpose and crown him in the theater, every boy who sees it is corrupted. Beware, therefore, Athenians, remembering posterity will rejudge your judgment and that the character of a city is determined by the character of the men it crowns.

Two thousand years have elapsed since this classic was uttered, and it is still vital and valuable. The hope and ambition of our young men of to-day is fostered and fed by the character of the men the people of this Republic send into our highest legislative body. Col. COMSTOCK's example is a potent teacher to the young men of his district and his State. Example teaches without a tongue. It is silent, but his action for good is more forcible than words, however eloquent.

And I must not fail to commend Col. COMSTOCK's patriotism. He won his promotions in battle, but his patriotism was in harmony with the humane theory that the future of this country depends more upon the virtue and purposes of the people than upon a bannered army with shotted guns.

In the throes of human contention and fierce ambition came that mighty conflict of 1861–1865, from which a new Nation was born, and now, after long years, when the bitterness of strife has vanished and we can calmly recount the common deeds of valor and devotion, the immortal flower song of the young English poet, James Collins, of over a century and a half ago, comes as a sweet solace to blossom in our hearts and lives:

> How sleep the brave who sink to rest,
> By all their country's wishes blest?
> When spring with dewy fingers cold
> Returns to deck each hallowed mold,
> There honor comes a pilgrim gray
> To bless the turf that wraps their clay.

Never before has there been such a spectacle in all the ages, since history was born in the womb of the dead centuries, as when on Memorial Days, with the rose and the lily North and the lotus and the magnolia South the men who wore the blue and the men who wore the gray clasp hands in fraternal kinship, remembering that God is good, and consecrating themselves to fraternity and unity and a mighty future. [Applause.]

Mr. OSBORNE. Mr. Speaker, while I had known of the high character and exalted reputation as a jurist of Judge DANIEL WEBSTER COMSTOCK, of Indiana, for many years, it was not my good fortune to make his personal acquaintance until I met him in this Chamber in April last. I had known that Judge COMSTOCK was one of the four Union soldiers of the Civil War elected to the Sixty-fifth Congress; that he held a place of very great respect in the national membership of the Grand Army of the Republic, and I had written him from my home in California that I was looking forward with anticipations of pleasure to meeting him personally.

That pleasure was realized on this floor on the historic 2d day of April, 1917, when the Sixty-fifth Congress met in the extraordinary war session.

Judge COMSTOCK's personality was most prepossessing. It was marked by geniality, kindness, and frankness of thought and expression. It was easy to see why he commanded such universal respect and affection.

During the few months that we were privileged to enjoy his membership of the House of Representatives, it was my custom to exchange views with him almost daily on the grave questions then before Congress. His mind was rich in the fruits of study, knowledge, and experience, and his heart glowed with the same unquenchable fires of patriotism and love of country which inspired him in his young manhood to serve his country as a gallant cavalryman in the Ninth Indiana. I am glad to acknowledge that I received from his fine intelligence and lofty national ideals many inspiring suggestions as to the best service which might be rendered to our country in the present time of stress and war.

I am glad that I knew Judge COMSTOCK. I admired and loved him while living. Our American Nation is enriched by the lives of men like him. The memory of his exalted character, his services in the tented field, and later as a learned jurist and wise legislator, is a glorious part of our heritage as American citizens. Wise, brave, and honest friend and comrade, hail and farewell! [Applause.]

Mr. ELLIOTT took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from Indiana, Mr. BARNHART, is now recognized.

Mr. BARNHART. Mr. Speaker, to have been a soldier who fought in defense of his country and fought in such a way as to merit promotion from the ranks to commanding officer, and a citizen who was elected district attorney, prosecuting attorney, circuit court judge, appellate court judge, department commander of the Grand Army of the Republic, and Congressman, is a substantial and unusual reward of merit for any man. Add to these honors the esteem of a community which knew him for half a century and the love of a devoted family and you have a word picture of a typical Indiana citizen—DANIEL WEBSTER COMSTOCK.

Unfortunately for me, Mr. COMSTOCK's service in Congress was of such short duration that I had only a passing acquaintance with him, but I saw and heard enough of him to most favorably impress me with his earnestness and his patriotism. While old in years he was new in Congress, and therefore he did not actively participate in proceedings while here, but when he did speak he commanded marked attention and profound respect, for the membership saw in him the pronounced elements of a good man and a ripe scholar.

> It will matter little in the day of judgment—
>
> Says the author of John Inglesant—
>
> by what name you have been called, whether Catholic or Protestant, Jesuit or Jansenist, Jew or Gentile. These and similar things are mere accidents of birth and circumstance. But it will matter greatly whether, having chosen your part, you follow it faithfully to the end.

Abraham Lincoln once said:

> I am not bound to win, but I am bound to be true; I am not bound to succeed in all that I undertake, but I am bound to live up to what light I have; it is my duty to stand with anyone who is right, stand with him as long as he is right, and part with him when he goes wrong.

My brief acquaintance with Mr. COMSTOCK leads me to believe that his standard of life was in harmony with both the foregoing tests of good citizenship, and if I am right in this estimate his career as husband, parent, citizen, soldier, jurist, and statesman is a more eloquent eulogy on a life well spent than any I could pronounce.

But in these times, when the life of our Nation is in danger and a cruel war is raging, the soldier phase of the deceased's life record furnishes special inspiration for encomium. War is a dreadful thing, and the man who quits the peaceful pursuits of life and happiness to bare his breast to the shafts of death for his country's sake, emblazons his own glory on the scroll of fame. He says good-bye to home and family and friends; he lays down his well-begun endeavor to make a financial success of life in such a way that he is sure to be loser when he returns; he braves the danger of physical hardships, disease, homesickness, and injury or death at the hands of the enemy, and does it without any hope of reward, except the consolation in the coming years that he did his duty.

And I wonder if we who remain at home fully appreciate the sacrifice a man makes who goes forth to fight for his country. I doubt it. I see too many evidences that some of us want to make money out of the country's misfortune which necessitates the dying of soldiers at the front. I see evidences that many of us refuse to make any sacrifices of money or pleasure or comfort to show our fighting legions that we are arm in arm with them in self-sacrifice, that they may be as comfortable, healthy, and safe as possible. A famous general and celebrated humanitarian has declared that we ought to quit our social pleasures until we are sure that the lives of our soldier boys are out of danger and that we ought not to dance and "high-fly" socially while the brutal dagger of an enemy is being aimed at the hearts of our boys and the blight of destruction of liberty is darkening the sunshine of life itself. Oh, if we could only realize what the old soldiers, like the one we honor here to-day, know of the horrors of war, not only on battle field but in the suffering ever after by those who are touched by its dreadful brutality, we would more fully appreciate the blessings of life in a land of the free. Most of us live in an air of self-asserted divine right, oblivious of the fact that our splendid country and its matchless institutions are such as the result of misery and death in many hard-fought battles for freedom. This is no time for pleasure seeking and money grabbing by those who do not have to fight; and if DANIEL COMSTOCK were on this floor with his comrades and colleagues to-day, he would join them in emphatically approving what I am saying.

I know what it is to say farewell to a manly boy as he leaves for the front. On a lovely morning last summer I arose in a home made such only in name by a visitation of death,

and accompanied a splendid young fellow to a railway station where he was to take an early morning train for the far West to enter upon the gruesome but patriotic duty of drilling men to fight to kill in order that our country may live. I was greatly inspired by his cheerful courage in leaving his boyhood home, of so many pleasant memories, to go, God knows where, to risk his life that others may live free from oppression. And when the train came I said to him: "Good-by, fine boy, God bless you and keep you and bring you back in the full spirit of honor and manhood taught you by your mother." And when I saw him comfortably seated in the train I entered my auto and drove home. And as I went the black gloom of despair seemed to engulf me until I suddenly aroused to the realization that to our principles of liberty I owed the happiness and prosperity of me and mine, and I said, with an unction of soul never before felt:

Our Father's God to Thee,
Author of Liberty,
To Thee I sing.
Long may our land be bright
With Freedom's holy light;
Protect it by Thy might,
Great God, our King.

At Mr. COMSTOCK's funeral, at Richmond, Ind., I heard many tributes from neighbors and friends to his splendid citizenship and his earnest patriotism. I heard a former illustrious Member of this House, Hon. Henry W. Johnson, give eloquent public testimony to Mr. COMSTOCK's worth to his community and to his country, and I saw a great concourse of people bow in silent resignation to the inevitable as Mother Earth closed over all that was mortal of our beloved colleague. And as we turned and slowly started back, to serious responsibilities for the living, we all silently and reverently invoked the benediction:

Peace to his ashes and honor to his memory.

[Applause.]

The SPEAKER pro tempore. The gentleman from Indiana, Mr. WOOD, is recognized.

Mr. WOOD of Indiana. Mr. Speaker, I shall never forget the first time I saw Judge COMSTOCK. It is now more than a quarter of a century ago. It was at Indianapolis, the occasion being a Republican State convention. His personality and his figure were so marked that you would pick him out, no matter how large the concourse of people. Tall, straight as an Indian, with high cheek bones, aquiline nose, and prominent features, to my mind he was a present-generation representation of the old Roman tribune; and throughout his long life, active as it always was, he maintained that same activity of body up to the very time of his death. The last time that he ever visited this Capitol he walked up here from his hotel, the Dewey, on the morning of that day, and as I saw him coming into the House Office Building he seemed to walk with all the agility of young manhood.

His type is rapidly passing; and, as has been suggested here, in his passing is to be found a most forceful reminder—with what a heavy hand mortality has laid itself upon the survivors of the Civil War! For a long time after the close of the Civil War this body was dominated by the veterans of that war, and for many years thereafter they were a power in the legislation of this country. One after another they have passed away until to-day there is a very small remnant of them left. There were five elected to the Sixty-fifth Congress. Two of them are gone. I am happy to find here to-day, paying tribute, two of those who remain. Not long will it be until the veterans of the Civil War with us will be only a memory.

Indiana contributed to that great conflict 224,000 men. Five thousand of them answered the last call last year. But 18,000 now remain. Every 15 minutes of time announces the death of a soldier of the Civil War. So, as I say, not long will it be until with us they will be only a memory.

Throughout his long career Judge COMSTOCK was most active in the affairs of life. Very nearly one-half of his lifetime was spent in public office, in the discharge of public duties; and to my mind it is one of the greatest tributes that can possibly be paid to his manhood that he should have been so highly respected not only by the people of the community in which he lived, and honored by them, respected not only by the State to which he gave so much, and signally honored by that State, but at last respected by the United States.

True, he was permitted to give only a small measure of his time and ability to the Congress of the United States. Yet what little he did give was evidence of the fact of his willingness to do and his capacity to perform. On the three or four occasions when he spoke before this body upon questions that were of most vital importance and concern to the country he was listened to with attentive ears, and the words of wisdom that came from his lips found lodgment in the hearts of the men he addressed, because of the sincerity which they well knew prompted their speaking.

Throughout all the busy life of DANIEL W. COMSTOCK there was ever with him that natural human desire for companionship, for the mingling with his fellow men, and his friendships were strong and true. When I went to Richmond to attend the funeral I saw among those who came to pay the last tribute of respect Judge Joseph M. Rabb, of Logansport. They were old friends; they had been soldiers together and jurists together, friends ever; and I thought if ever there was a true tribute of respect paid, it was paid by Judge Rabb, for he had traveled far to pay this tribute. Many a time have I been regaled in listening to those two men, bantering each other with good-natured jokes and jests, and the bright humor and sharp repartee that passed between them was ever a delight.

The tribute that was paid to Judge COMSTOCK by Henry U. Johnson, one of the most eloquent men that the State of Indiana has ever produced, and one of the most eloquent men whose voice was ever heard in this Chamber, on the occasion of the funeral exercises in Richmond, I thought was most remarkable. It was not one of those fulsome tributes that are too often paid to the memory of men who are dead, but it was a recital to those old friends and neighbors and acquaintances of Judge COMSTOCK's life as it was, as it had been spent among them, and as they all knew it; and I felt that here is a tribute to a man that should be cherished forever by those of his kindred and friends left behind, for it was a most worthy tribute to a splendid character.

As that day we wended our way through the winding streets of that beautiful cemetery where we laid him away to rest among those who had passed before him, of his friends and acquaintances, I felt that it was a most fitting receptacle for all that was mortal of our colleague and friend. There we laid him in the shade of two forest trees that will stand as vigils over his grave for many years to come, and through their boughs a requiem will be chanted to his memory by each passing breeze. There he rests, and rests well, after long years of active service. He died as all of us should wish to die—in the full possession of an active body and strong mentality. Death at such a time is a fitting crown to life. [Applause.]

Mr. BARNHART resumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from Indiana, Mr. MOORES, is now recognized.

Mr. MOORES of Indiana. Mr. Speaker, DANIEL W. COMSTOCK was a fine type of the first generation of children born in what had been the old Northwest Territory. The pioneers who came across the Alleghenies to build homes in the wilderness were the sturdy, adventurous sons of the most vigorous of the old colonial stock. They came in almost equal numbers from the northern and southern colonies and were men of courage, force, and determination, and largely of good education. In their associations in their new homes they were not in any way sectional, but from the very first intermarried with families of pioneers who had come from colonies far removed from their own places of birth. Many of the pioneers had served in the American Revolution, as had also the fathers of most of the others.

Judge COMSTOCK was born in 1840, at Germantown, midway between Dayton and Hamilton, Ohio, and was the son of a reputable physician, Dr. James Comstock, of a colonial family famed for its achievements in medicine, chemistry, and physics, born in Connecticut, himself the son of a soldier of the Revolution. The mother, Mary Wade Croke, a native of Virginia, was the daughter of Richard Croke, a native of Ireland, who came of a family of lawyers and jurists justly eminent in the English and Irish courts from the time of King Henry VIII.

DANIEL W. COMSTOCK was graduated in 1860 from Ohio Wesleyan University, at Delaware, Ohio, where he was contemporary with the poet John James Platt, for years librarian of the National House of Representatives. A year later he located in Indiana and was admitted to the bar. In the summer of 1862 he was elected district attorney for the common pleas, and shortly after was tendered by Gov. Morton a commission in the Volunteer forces, which he refused on the ground that he had assumed the duties of prosecutor. The reverses of the spring of 1863, however, convinced COMSTOCK that his duty to the Nation was more urgent than that he owed his State, and, willing and glad to respond to the call for more men, he resigned his office and enlisted as a private in a veteran regiment, the Ninth Indiana Cavalry. His regiment was a fighting one, and was many times in action on the battle field. By rapid successive promotions he became sergeant major, first lieutenant, and captain in the line, and after the end of the war served for several months as brigade assistant adjutant general of the Seventh Division of the Military Division of Mississippi. Finally, discharged September 18, 1865, he returned to Indiana, took up law practice in Richmond, and married the wife who now survives him. Almost at once he was chosen city attorney of Richmond, and was elected prosecuting attorney in 1872 and again in 1874. He represented Wayne County in the State senate from 1878 to 1882. In 1884 he was elected circuit judge, and served for 12 years, resigning in 1896 to accept a seat on the bench of the appellate court of the State, where he served until January, 1911, having been elected three times a judge of the appellate court of Indiana. He was department commander of the Grand Army of the Republic for his State in 1913, and in 1916 was elected Representative in Congress from his district, which his party had not previously carried for years.

It is the privilege of few men to give as many years to the service of their communities, the State, and the Nation, as was the fortune of our late associate. As soldier, lawyer, legislator, and jurist, he served conspicuously, faithfully, and creditably, for practically the entire period of his manhood, by a clean life, zealous devotion to duty, and sterling honesty, avoiding even the breath of scandal or the suspicion of wrongdoing.

From the story of his life the first and greatest lesson to be learned is that of service.

At the very outset of his career in his chosen profession, honored by being given an office which offered a most enviable opportunity for achieving distinction in his profession, he cheerfully gave it up to go to the front as a common soldier, although, at a time when men were not so sorely needed, he had refused military command. Entering as a raw recruit a veteran cavalry regiment, the jest and byword of his more experienced comrades, he had the good fortune to be sent almost at once into one of the fiercest battles of the Civil War and to carry off from the field of battle under a steady fire from the enemy the body of his commander, wounded almost to the death. Repeated acts of heroism during a campaign of rather more than a month of hard fighting won for the recruit his first promotion, and the others speedily followed in the rapidly changing panorama of the latter months of the war. Such was the esteem in which he was held by the people of his city, his county, his circuit, his district, and his State that Judge COMSTOCK met a constant demand for public service, and was given scant opportunity to take rank in his chosen profession, the law.

He was a man of fine presence, with courteous and engaging manners. His opinions as a judge were clear and concise, without any attempt at rhetorical expression; they briefly stated the facts, the issue, and the principles of law involved in the decision, with abundant and apt reference to authority. He never criticized counsel, nor did he inject into his opinions lengthy discussions of broad legal questions in only a general way applicable to the matters at issue. They were as a rule of little interest even to lawyers, but in form and expression they were ideal.

He was a ready, fluent, and forcible speaker, but never wearisome; and his oratory possessed imagination and poetic expression. During his short service in the House he spoke but three times, and then briefly—on April 14 (page 673), supporting the emergency bond issue; on April 27 (page 1405), advocating the enlistment of volunteers in preference to conscription; and on May 3 (page 1774), supporting an amendment to the espionage bill. From his speech of April 27, I quote:

Having grown up in the belief that one who makes to his country the offering of his life should live ever after in its grateful memory * * * the impression formed in youth has been emphasized by reading. * * *

On fateful fields of the Republic monuments are erected, on which are raised, in bronze and marble, figures of the volunteer soldier and sailor, in honor of the defenders of our common country—not to the conscript. The volunteer system has been characterized on the floor of the House as archaic, and even as vicious.

High praise has been given to the Volunteers of 1861. They were volunteers, without distinction of age or sex. On both sides of the line men, women, and boys entered into honorable rivalry in aiding the cause in which they believed.

"The wife whose babe first smiled that day,
The fair young bride of yester eve, and matron gay,
And aged sire, all saw loved warriors haste away,
And deemed it sin to grieve."

The result of that spirit, the hearty discharge of duty, converted an age which had become commonplace and sordid into one of heroism and self-denial.

Archaic is of Greek origin, and means old. I admit the charge. The immortal 300 who defended the famous pass; Horatius, who held the bridge; Curtius, who threw himself into the breach to save his country; the young American who fired the shot heard "round the world"; the heroes of Concord and Lexington; the men who fought with Warren at Bunker Hill; the victors at Kings Mountain; those who gave the Hornets Nest its name; Francis Marion, the swamp fox; the illy fed, illy clothed, and poorly paid men who constituted an army—an army in name only—and followed the Father of his Country through the vicissitudes of the Revolution until privileged to see the banner of the proud mother country lowered to her victorious and rebellious sons; and the brave men who died in defense of the Alamo were volunteers. It has been truly said that all our wars, practically, have been fought and won by volunteers. All that is past—it should not be forgotten. * * *

In the great war in which we are engaged we are going to furnish, either as volunteers or conscripts, or as both, all the men necessary to its successful prosecution. In essentials we are all standing by the President; and the only question now is, Shall the army be raised by the volunteer or conscriptive system? All are agreed as to the end, but differ as to the means. * * *

A reference to the first American, the only Washington, always awakens interest and commands respect. This is due to the fact that we cherish his memory with religious gratitude. In whatever position or attitude history presents him, we look upon him with veneration and affection. As just as Cato, without his austerity, as brave as Caesar, without his sinister ambition, what views he expressed upon any subject are accepted as almost conclusive. The letters of the great Washington read by my distinguished friend from California on the subject must be read in connection with the times and conditions under which they were written. That time was when the country was impoverished, when Tories were busy in conspiracies and work against the colonies and the future of the struggling Republic looked dark. Bad men were sowing dissensions in the colonial ranks, attacking even the character of their unselfish leader, challenging his integrity as a man, and denying him merit as a soldier. Such conditions do not exist here. * * *

Certainly it is proper to take into account the spirit of the men, as soldiers, who offer without compulsion to serve, and those whose service is enforced. Heretofore we have thought it worth while to permit men to volunteer and serve their country as units, continuing the associations of civil life; boys that grew up on adjoining farms, perhaps attended the same school, to continue the associations in the same regimental and company units. It has worked well in the past. The proposed conscription does not contemplate the continuance of these relations; and men and boys, however intimate and close their associations were, may be separated and sent to widely different fields.

Service in war in defense of our representative Government is a duty, but it need not be devoid of sentiment. With the service, if we would make it most effective in connection with the discharge of duty, may also go along the amenities of war, the comradeship growing out of mutual toil and suffering; the "martial courtesy which lends to danger grace, to valor pride"; relieving and mitigating its sad offices. * * *

To-day we mourn one ripe in years, who, after a long life devoted to the service of others and crowded with honors, has been taken for higher duties. In life he had our trust, our utmost confidence in his integrity, our love—and we shall long remember him as a brave, modest, courteous, kindly, Christian gentleman.

Of him we can say as a great poet said of one of our greatest captains:

Glory and honor and fame and everlasting laudation
For our captains who loved not war, but fought for the life of the Nation;
Who knew that, in all the land, one slave meant strife, not peace;
Who fought for freedom, not glory; made war that war might cease.

Glory and honor and fame; the beating of muffled drums;
The wailing funeral dirge, as the flag-wrapped coffin comes;
Fame and honor and glory; and joy for a noble soul,
For a full and splendid life, and laureled rest at the goal.

* * * * * *

But better than martial woe, and the pageant of civic sorrow;
Better than praise of to-day, or the statue we build to-morrow;
Better than honor and glory, and history's iron pen,
Was the thought of duty done and the love of his fellow men.

[Applause.]

Mr. FAIRFIELD. Mr. Speaker, the splendid tributes of respect that have been paid to the memory of Judge COMSTOCK by gentlemen who knew him but confirm the impressions that were made upon my mind in a very brief association with him in this House. Perhaps the strangeness that is common to us all when first we are permitted to enter the House, drawn from a continental area representing 100,000,000 of people, was as strange to him, though aged, as to us, for every new experience puts a new stamp upon a man, and no sooner is it given than it seems as if the whole concourse of events had been directed to that end. My first meeting with our colleague was in Indianapolis, just a few weeks before the assembling of Congress—simply a passing touch; and yet, having known something of his public career, I became immediately interested in his personality.

When he came here his striking figure challenged the attention of all. The gentleness of his manner, the kindly quality that characterized his speech, together with the care with which he uttered his judgments, signified to me that the habits of his life had been the habits of a thoughtful man. No doubt all of us in these times are moved with any allusions to the soldier life. I can understand that all the things that draw men together are experienced by the soldier. A common thought, a common interest, a common suffering, a common sacrifice, are the things that tie men close together. To my mind there has been to-day the thought of the deeper current that ran through his life history. I was but a child of five when the Civil War broke out. To me it is scarcely a memory. Indistinct, far away, as if from another age, there comes a slight memory of

troops parading and of having been led by my father in safety beside the cavalry, and then I remember, too, on two or three other occasions indistinctly how my childish heart was stirred by martial music and the tramp, tramp, tramp of the boys as they marched away.

The years that have intervened, however, have made incarnate some of the phases of that mighty struggle, and the recent experiences in my home have intensified and deepened the significance of it all. When that call came from President Wilson in our recent Mexican trouble, out from my own home one young man, strong, and loving liberty, gave himself to his country only to come back to be carried out to the hill beyond the town to wait the Resurrection Morn. Ah, men, I have counted it an honor that his grave should be marked with a simple stone that is given to the private. The deeper current had run through the thought of that young man's life, and he and the older man would not have been strangers had they met here on the floor of this House. It was fortunate that DANIEL W. COMSTOCK was permitted to have a part in that great struggle in the great Civil War, to be a determining factor in seeing to it that the principles which have made this Government possible in perpetuity were made safe by the sacrifice of his time, his talent, and the endangering of his life.

The name of Oliver P. Morton has been mentioned upon the floor of this House to-day. In one of the keenest fought political battles of all the stress of that war Oliver P. Morton went before the people of our State and said:

> The Constitution and laws of the United States operate immediately and directly upon the individual and not upon the State and as if there were no States intervening.

He succeeded in that conflict and no doubt DANIEL W. COMSTOCK worked to the end that that principle might obtain in human government; and after the lapse of more than 50 years to be permitted upon this floor to vote for bills that make it possible that this war shall be efficiently conducted was but a vote in harmony with the convictions of a lifetime. Fortunate, indeed, was his entrance into the Congress of the United States. He was wise, careful, dignified, kind, gentle—one of the old school; aged, indeed, but not decrepit, but retaining the fierce fires intellectually of his youth, held by the firmness of his judgment and directed effectively in the doing of his duty.

May I not in passing say that perhaps the aged are not appreciated as they should be? I know no benediction like that of the young man coming close to the man of age, worthy, of high ideals, strong and yet tempered by his experiences—no greater benediction can come to any young man. So I have sought to know the older men of the House, perhaps reckoned among them, and yet with more than twenty years between Mr. COMSTOCK and myself. May we not prize to-day the opportunity to have listened to the recounting of the experiences of his life. We have come here from strangely differing communities. We have known each other for but a short time, and yet the membership of this House has been tied together by a common experience, by the mighty responsibilities that have been put upon the individual Members, in a way that could not have occurred probably in several sessions. I felt a little diffident even about speaking to-day, because I had not known Mr. COMSTOCK. But after having heard gentlemen talk who knew of his career I shall feel that in a sense I knew him. I felt, even in the short acquaintance, that I could learn to love and respect permanently the life that was behind him, because he bore in his attitude toward men and in the manner in which he addressed this House evidence of a cultivated mind and a gentle spirit.

The SPEAKER pro tempore. Under the special order authorizing these services, the House now stands adjourned.

Accordingly (at 1 o'clock and 32 minutes p. m.) the House adjourned to meet to-morrow, Monday, February 18, 1918, at 12 o'clock noon.

SENATE.

MONDAY, *February 18, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we pray for the spiritual uplift that will fit us for the duties of this day and of this office. Our words carry far in this place, and the influence of passion and purpose and principle touches many lives. Fit us for the sacred and solemn obligations that have come upon us in the Divine Providence. May our work be pleasing in Thy sight. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Friday, February 15, 1918, when, on request of Mr. JONES of Washington and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	New	Sterling
Bankhead	Hitchcock	Nugent	Stone
Beckham	Hollis	Page	Sutherland
Calder	Johnson, S. Dak.	Penrose	Swanson
Chamberlain	Jones, N. Mex.	Phelan	Thomas
Culberson	Jones, Wash.	Pittman	Thompson
Cummins	Kellogg	Poindexter	Tillman
Curtis	Kendrick	Pomerene	Townsend
Dillingham	Kenyon	Robinson	Trammell
Fernald	King	Saulsbury	Underwood
Fletcher	Knox	Sheppard	Vardaman
France	Lodge	Shields	Warren
Frelinghuysen	McCumber	Simmons	Watson
Gallinger	McKellar	Smith, Ga.	Weeks
Hale	McNary	Smith, Mich.	Williams
Harding	Martin	Smith, S. C.	Wolcott
Hardwick	Nelson	Smoot	

Mr. BECKHAM. I wish to announce that my colleague [Mr. JAMES] is absent on account of illness.

Mr. SUTHERLAND. I desire to announce that my colleague [Mr. GOFF] is detained by illness.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, transmitted to the Senate resolutions on the life and public services of Hon. Daniel W. Comstock, late a Representative from the State of Indiana.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting a schedule of useless papers on the files of the Department of the Interior, which have no permanent value or historical interest, and requesting action looking to their disposition. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints the Senator from Maryland [Mr. FRANCE] and the Senator from New Hampshire [Mr. HOLLIS] the committee on the part of the Senate. The Secretary will notify the House of Representatives thereof.

PETITIONS AND MEMORIALS.

Mr. KNOX presented a petition of the Lumberman's Exchange of Philadelphia, Pa., praying for the enactment of legislation providing for a board of war control and a director of munitions; which was referred to the Committee on Military Affairs.

He also presented petitions of the Single-Tax Club, of Pittsburgh; of the Women's Trade Union League, of Philadelphia; of the Central Labor Council, of Pittsburgh; and of the Get-Together Club, of Pittsburgh, all in the State of Pennsylvania, praying for the submission of a Federal suffrage amendment to the legislatures of the several States; which were ordered to lie on the table.

He also presented a petition of the Woman's Fortnightly Review, of Mount Lebanon, Pittsburgh, Pa., and a petition of the Shadyside United Presbyterian Church, of Pittsburgh, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Pennsylvania State Board of Agriculture, praying for the enactment of legislation to prohibit the importation of nursery stock into the United States in order to prevent the introduction of insect pests and plant diseases; which was referred to the Committee on Agriculture and Forestry.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Spokane, Wash., praying for the adoption of universal military training; which were referred to the Committee on Military Affairs.

Mr. CURTIS presented a petition of George H. Thomas Post, No. 18, Grand Army of the Republic, Department of Kansas, of Ottawa, Kans., praying for universal military training, which was referred to the Committee on Military Affairs.

He also presented a resolution of Reno Post, No. 183, Grand Army of the Republic, Department of Kansas, of Nickerson, Kans., praying for an increase in the pensions to veterans of the Civil War, which was referrred to the Committee on Pensions.

He also presented a memorial of the Retail Merchants' Association, of Osawatomie, Kans., remonstrating against the repeal of the advanced second-class postage rates; which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Kansas Day Club, of Topeka, Kans., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. McLEAN presented a petition of the Bohemian National Alliance of New Britain, of sundry Lithuanian citizens of Waterbury, and of sundry Lithuanian citizens of Naugatuck, all in the State of Connecticut, praying for the liberation and unification of the Czecho-Slovaks of Austria-Hungary into one independent Czecho-Slovak State, which were referred to the Committee on Foreign Relations.

He also presented a petition of the State Council of Defense, war bureau, of Meriden, Conn., praying for the drafting of all aliens representing the countries of our allies and of military age on the same conditions and under the same regulations that apply to American citizens, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry citizens of Fairfield, Hartford, New Haven, Tolland, Middlesex, Windham, and New London Counties; of the Equal Franchise League of Madison; and of sundry citizens of Milford, all in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the board of supervisors of San Diego County, San Diego, Cal., praying that transportation instead of money pay be issued to tubercular persons among the soldiers who are discharged from service at Camp Kearney, San Diego, so as to insure their returning to their home State instead of remaining in California, which was referred to the Committee on Military Affairs.

EDWARD W. WHITAKER.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 2646) for the relief of Edward W. Whitaker, reported it without amendment and submitted a report (No. 281) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BECKHAM:

A bill (S. 3885) granting an increase of pension to Calloway Simpson;

A bill (S. 3886) granting a pension to W. H. Odum; and

A bill (S. 3887) granting an increase of pension to Samuel F. Kelly; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 3888) for increasing the efficiency of Army bands; to the Committee on Military Affairs.

By Mr. SMITH of Michigan:

A bill (S. 3889) granting an increase of pension to Merritt S. Harding; and

A bill (S. 3890) granting an increase of pension to Hiram Corbin (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3891) granting an increase of pension to Henrietta Archer Forbes (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3892) to amend and reenact section 5200, Revised Statutes of the United States;

A bill (S. 3893) to amend and reenact section 5239, Revised Statutes of the United States;

A bill (S. 3894) to amend and reenact section 5147, Revised Statutes of the United States;

A bill (S. 3895) to regulate the allowance of overdrafts by national banking associations and to provide penalties for its violation;

A bill (S. 3896) to amend and reenact section 691a of chapter 18, subchapter 7, of the Code of Laws of the District of Columbia;

A bill (S. 3897) to amend and reenact section 713 of chapter 18, subchapter 10, of the Code of Laws of the District of Columbia;

A bill (S. 3898) to require cashiers and other officers of a national banking association handling its funds to give bond and to prevent its officers and employees from making erasures on the books of the association;

A bill (S. 3899) to repeal the sixth section of an act approved July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes";

A bill (S. 3900) to amend and reenact section 5172 of the Revised Statutes of the United States;

A bill (S. 3901) to authorize national banking associations to establish and maintain branches;

A bill (S. 3902) to provide a penalty for obtaining loans or credit from a national banking association based on false statements;

A bill (S. 3903) to amend and reenact section 5137, Revised Statutes of the United States;

A bill (S. 3904) to amend and reenact sections 5222 and 5230, Revised Statutes of the United States;

A bill (S. 3905) to amend and reenact section 5209 of the Revised Statutes of the United States;

A bill (S. 3906) to amend and reenact sections 5136 and 5139 of the Revised Statutes of the United States;

A bill (S. 3907) to provide for the consolidation of national banking associations;

A bill (S. 3908) to regulate deposits received by national banking associations, to prescribe maximum rates of interest to be paid depositors, and to regulate issuance of certificates of deposit;

A bill (S. 3909) to amend and reenact sections 5235 and 5236, Revised Statutes of the United States;

A bill (S. 3910) to prevent usury, provide penalties for its violation, and for other purposes; and

A bill (S. 3911) authorizing national banks to subscribe to the American National Red Cross (with accompanying paper); to the Committee on Banking and Currency.

By Mr. JOHNSON of South Dakota:

A bill (S. 3912) granting a pension to William W. Keyser (with accompanying paper); to the Committee on Pensions.

RAILROAD CONTROL.

Mr. ROBINSON. I submit an amendment to the pending railroad bill affecting the subject of compensation. To the amendment I call the attention of the chairman of the committee, the Senator from South Carolina [Mr. SMITH], the Senator from Iowa [Mr. CUMMINS], and I desire particularly to call the attention of the Senator from Minnesota [Mr. KELLOGG] to it. I ask that the amendment be printed and lie on the table. I will state that the effect of the amendment is to eliminate from the authorization for compensation the amount alleged to have been invested in railroad property in the six-month period ended December 31, 1917.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

Mr. McLEAN submitted an amendment intended to be proposed by him to the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, which was ordered to lie on the table and be printed.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, which was ordered to lie on the table and be printed.

GUARANTEED PRICE OF WHEAT.

Mr. THOMPSON submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 132) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from $2 to $2.50 per bushel, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WEEKS submitted an amendment proposing to appropriate $866,389.68 to pay the State of Massachusetts, being the amount of judgment rendered by the Court of Claims April 11, 1917, in favor of the State for war expenses, and so forth, intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WATSON submitted an amendment providing that in addition to salaries paid to rural letter carriers they shall be paid $36 a year per mile for each mile or major fraction of a mile over and above 24 miles, and so forth, intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. FLETCHER, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of the bill (S. 6733, 64th Cong.) for releasing and quitclaiming of all claims of the United States to arpent lot No. 26 in the old city of Pensacola, Fla., there having been no adverse report thereon.

request of Mr. JONES of Washington and by unanimous consent, | to the Committee on Post Offices and Post Roads.

DISCHARGE OF CAPT. ARTHUR E. PERELESS.

Mr. THOMAS. Mr. President, I send to the Secretary's desk and ask to have read a letter received yesterday from the War Department in reply to an inquiry which I made on Friday last regarding the circumstances attending the discharge of Capt. Pereless from the Army.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

WAR DEPARTMENT,
Washington, D. C., February 16, 1918.

DEAR SENATOR THOMAS: The Secretary of War is away from Washington on an inspection tour for several days, and I take the liberty of forwarding to you immediately a copy of a memorandum just received for him from the Acting Quartermaster General regarding Arthur E. Pereless, concerning whom you recently inquired.

Cordially yours,
RALPH A. HAYES,
Private Secretary.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, February 16, 1918.

MEMORANDUM FOR THE SECRETARY OF WAR.

The discharge of Capt. Arthur E. Pereless from the Quartermaster Reserve Corps had no relation, directly or indirectly, to the testimony which Capt. Pereless gave before the Military Committee of the United States Senate. It is not, and has never been, the policy of the Acting Quartermaster General, to discipline any officer for the testimony before a committee of either branch of Congress.

On the other hand, the Acting Quartermaster General desires that committees of the Senate and the House shall have access to any information which may be desired, and no restrictions are imposed upon any officer called upon to testify.

Capt. Pereless was honorably discharged for reasons entirely and solely due to service considerations. It was necessary to reorganize, among other divisions of this office, the conservation division, with which Capt. Pereless was connected.

Examination of the qualifications of Capt. Pereless disclosed that he lacked the efficiency considered necessary for the performance of the duties with which he was charged. That Capt. Pereless realized the situation is shown by the fact that he himself notified a subordinate of the Acting Quartermaster General that he had tendered his resignation as an officer of the Army, which resignation an examination of the records disclosed had not been submitted in writing; and further in a letter dated January 22, 1918, signed by him and addressed to the Acting Quartermaster General, Capt. Pereless stated:

"As the necessary appointments have been made for the organization and carrying on of the Conservation Division, the necessity of my further services is no longer apparent, and I request that I be returned to the inactive list, Quartermaster Reserve Corps. The duties which I abandoned in New York, the return to which is still open to me, justify me in making the above request, as under the circumstances I do not feel that the financial sacrifice involved in the change is any longer required."

The Acting Quartermaster General does not regard it as good policy, in view of the need of officers, to make transfers to the inactive list. The extensive duties of the Quartermaster Department demand the use of every officer holding a commission and available for service. An officer assigned to the inactive list is dead weight, which no up-to-date business organization should carry.

Therefore the Acting Quartermaster General decided to pursue in the case of Capt. Pereless the policy observed in similar cases, viz, to direct his honorable discharge, and to appoint in his place an efficient officer capable of carrying on the important work of the Reclamation Division. This was done under date of January 30. Under date of February 14, in answer to a letter from Mr. Pereless, dated February 1, requesting that the order for his honorable discharge be changed so as to transfer him to the inactive list of the Quartermaster Reserve Corps, this office expressed the policy adopted as follows:

"Referring to your letter of February 1, in which you make request to be returned to the inactive list of the Quartermaster Reserve Corps, you are advised that your discharge was recommended because your services were no longer required. This office will follow the policy established of discharging all Reserve and National Army officers whose services are no longer required, rather than to return them to the inactive list."

GEO. W. GOETHALS,
Acting Quartermaster General.

ENLISTMENT OF AMERICAN BOYS IN BRITISH ARMY.

Mr. KNOX. Mr. President, I depart from my usual custom by asking to have the following telegram read from the desk and the privilege of making a remark or two relative to the subject.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

PITTSBURGH, PA., *February 17, 1918.*

Senator P. C. KNOX,
Washington, D. C.:

Joseph Barbour, age 14; Reed Miller, age 14; both under the name of Clayton; and Francis McKnight, age 16, under name of Semple, recruited by local British Army office, and spirited to Canada Saturday night. Will reach Windsor, Nova Scotia Tuesday. Mr. Heinie, local recruiting officer, refuses to take action. Have them stopped and returned at once, at Montreal, probably this evening. All are sons of American citizens. Copy of this message also sent to Secretary of State.

G. H. BARBOUR.
WM. MCKNIGHT.
A. W. MILLER.

Mr. KNOX. Mr. President, I have had this telegram read not because I have any apprehension about the action that this Government will take under the circumstances. Indeed, I saw the Secretary of State this morning and his indignation was equal to my own, and he will take up this matter at once with the British Embassy, who I have no doubt will cooperate with him in securing the return of these children to their homes in the city of Pittsburgh.

My sole purpose is thus publicly to bring to the attention of foreign recruiting officers within the United States the fact that the privilege we extended to them last summer to open recruiting offices to enlist their own nationals does not extend to kidnapping American children. A child 14 years of age and three of 16, members of reputable families in our city, were enlisted, and the recruiting officer, after their age and citizenship had been brought to his attention, refusing to extend any relief——

Mr. POINDEXTER. Mr. President, I should like to inquire of the Senator from Pennsylvania whether these boys voluntarily offered their services to the recruiting officer?

Mr. KNOX. Mr. President, I have had read to the Senate all the information that I presently possess, but I propose to cover that point in a moment. The law always has been until the act of August 7, 1917, was passed, that it was a criminal offense for foreign Governments to open a recruiting office in the United States even to enlist their own nationals. The policy of Governments has always been that within their borders offices for the replenishing of the army of a foreign power should not be set up; but under the circumstances of this war we decided that it was wise to give our allies an opportunity to reach their own nationals within the United States by permitting them to open recruiting offices. But we reenacted the old law in that statute even by a proviso which said that no American citizen should be enlisted for the purpose of being sent out of the country under the provisions of this law, and there is a penalty prescribed of $1,000 and not more than three years' imprisonment for this offense.

I do not know to what extent these children were participants in this matter. All I know is, the fact that they were of these tender years was presented to this foreign recruiting officer, and he declined to facilitate their return or enter into any effort to have them returned.

If the facts are as alleged in this telegram, it is my intention to bring the matter to the attention of the Attorney General and insist upon prosecution, because it is worth while to give notice that the privileges we have extended to foreign countries shall not be abused, and abused in this flagrant manner.

RAILROAD CONTROL.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of Senate bill 3752, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. THOMPSON. I submit an amendment to the pending bill, which I ask may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. POMERENE. Mr. President, it is my purpose to discuss briefly, if I may, the pending measure. I purpose to address myself principally, first, to the method of compensation which is provided for in the bill as it was reported by the committee; secondly, the substitute plan offered by the distinguished Senator from Iowa [Mr. CUMMINS]; and, thirdly, section 13, relating to the time during which the Government shall continue to operate these roads.

I hope the Senate will pardon me if I take just a few minutes, perhaps, to repeat some things which have been said during the last week in the discussion of this bill.

I realize, as every Senator does who has given any attention to this measure, its involved character, and the impossibility of determining to a nicety a rule of just compensation. This all grows out of the fact, largely, that we can not anticipate what the future will bring forth. We do not know what the valuation of the property of the railroads is. In fact, whatever estimates are made upon that subject by any man, no matter how much careful attention he may have given to it, are the sheerest guesswork.

It has already been developed in the discussion of this bill that, while the traffic of the railroads has been increasing, the equipment of the roads has been decreasing. In classes 1 and 2 of the railroads, which include all that had an income over and above $100,000, in 1915 there were 64,205 locomotives; in 1916 there were 62,909 locomotives; and there was substantially no increase during 1917, though we have not been able to

get the figures for that year. So from 1915 to 1916 there was a net loss in locomotives of 1,206.

During the year 1915 there were 2,346,932 freight cars; in 1916 there were 2,289,513 freight cars; a net loss in one year of 57,419 freight cars.

Mr. KELLOGG. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. POMERENE. I yield to the Senator.

Mr. KELLOGG. I should like to ask the Senator as to the list of locomotives. The figures which he has given I believe to be perfectly accurate; but is it not true that the decrease in the number of locomotives to some extent is due to the fact of scrapping the smaller classes of locomotives, the new locomotives being of a larger capacity, although undoubtedly there has not been as great an increase in locomotives as there should have been?

Mr. POMERENE. There may be some truth in the statement. I want to impress particularly upon the Senate—and this is my purpose in giving these figures—the fact that if we are going to be just we must deal rather liberally with the railroads than stingily at this particular time.

In 1915 the total passenger cars were 54,766; in 1916 they were 53,730, a net loss in that one year of 1,036. The increase in the traffic has been tremendous. Immediately after the war 631 railroads, with a total mileage of 262,000, coordinated the operation of their roads here in Washington for the purpose of increasing their efficiency, and the railroad authorities advise us that during the six months from April to September, 1917, the traffic per month exceeded the average per month during 1916 by 20.3 per cent, and the average per month for the year 1915 by 50 per cent; or, to put it in another way, the tonnage for the whole year 1917, based upon the experience for six months, shows a total ton-mileage of 409,405,000,000, an increase of 135,164,000,000 ton-miles over the business of 1915.

This increase from 1915 to 1917 represents a total service in excess of all the railroads of Canada, Germany, Great Britain, Russia, France, and Austria, excluding Hungary, with a mileage of 178,542, and serving a population of 323,000,000.

These railroad officials present the facts showing the increase in railroading in another way and perhaps more forcefully. In the first six months after we entered the war the railroads handled as much freight as they did during the entire year 1906. In 1906 the average freight train carried 344 tons; in the six months following the declaration of war they carried 675 tons. Or, to present their case in still another way, if the traffic for these six months in 1917 had moved in the same average trainload as in 1906, 96 per cent more freight-train service would have been required.

Senators, I realize that when we begin to discuss the subject of railroads we are touching a topic that arouses resentment and sometimes unfairness in dealing with it.

One of the best informed railway men in this country testified before the Interstate Commerce Committee that the total value of the railroad property of this country amounted to one-seventh of the total wealth of the country. My belief is that that statement is somewhat exaggerated, but suffice it to say the total par value of the railroad stocks plus the par value of the bonds amounts in the aggregate to $17,336,300,619. But whether the ratio between the railroad wealth of the country and the total wealth of the country is one-seventh or one-tenth or one-twelfth, it presents one of the most tremendous propositions that ever commanded the attention of the Senate.

Mr. FLETCHER. Mr. President——

Mr. POMERENE. I yield to the Senator from Florida.

Mr. FLETCHER. If I may interrupt the Senator, the Senator has stated in a general way the total par value of railroad stock and the total par value of bonds. I should like to inquire if the Senator has gone into the question of the actual value of the stock and the actual value of the bonds; in other words, how much water is there in this stock and in these bonds?

Mr. POMERENE. Mr. President, the question is a very pertinent one, and I shall discuss it later on. I will pause long enough now, however, to say that there is no man in the United States who has accurate, definite, or intelligible knowledge upon that subject.

Mr. SMITH of Michigan. Mr. President, if the Senator will pardon me, the bond value which the Senator in his statement places at par is, of course, par whenever the obligor is called upon to pay the securities. No matter how much the bonds may fluctuate in the open market between the time of their issue and the time of maturity, the fact remains that at maturity they are at par and the roads issuing them can not escape their payment, or at least adjudication upon that theory.

Mr. POMERENE. That is true.

Mr. President, I have no apology to make for the shortcomings of the railroads. I realize that they have done things in the past that they ought not to have done and left undone many things they should have done; I realize that in the past they have overcharged communities; that they have evaded taxes; that those who were in authority in the roads manipulated their stocks and the roads themselves to their own benefit and to the prejudice of the public; but, in my judgment, the Congress of the United States ought not to approach this subject now as if it were going to penalize the railroads, as they are at present organized for the wrongs which they committed many, many years ago.

When we speak of the railroads we must remember that the railroads of this country are owned by the people of this country. I have taken the pains to get a few figures indicating the extent to which the people are interested in this subject. I have received these figures from the Secretary of the Interstate Commerce Commission.

The reports of steam roads of class 1, those having an annual operating revenue of more than $1,000,000, for the year ending December 31, 1916, show the following: Number of stockholders, 503,833; number of shares held, 69,865,859 estimated of a par value of $100. Senators will note that this does not include the holdings of stock in railroads of class 2 or class 3. Those figures have not been furnished.

The number of bondholders is not shown in the reports of the carriers.

Mr. STONE. Mr. President, I am trying to follow the Senator. He says that the railroads of class 1, which embrace railroads with an annual operating revenue of over a million dollars, have an ownership representing sixty-nine million——

Mr. POMERENE. Their stock is owned by 503,833 shareholders.

Mr. STONE. Shareholders to that number, with a total holding of $69,000,000?

Mr. POMERENE. No; 69,000,000 shares.

Mr. STONE. Sixty-nine million shares?

Mr. POMERENE. Yes; and on a basis of $100 per share.

Mr. STONE. Well, what character of roads are in classes 2 and 3?

Mr. POMERENE. Class 2 embraces roads that have annual net operating revenues of less than $1,000,000 and over $100,000.

Mr. STONE. Will the Senator cover them in his statement?

Mr. POMERENE. I do not have those figures; they have not been furnished me.

Mr. STONE. And class 3?

Mr. POMERENE. Class 3 includes those that have annual operating revenues under $100,000.

Mr. STONE. Well, they altogether are rather small in the aggregate, I imagine?

Mr. POMERENE. I should think so; yes.

Mr. SMITH of Michigan. If the Senator will pardon me, in the holdings the Senator, of course, includes those holdings which belong to insurance companies?

Mr. POMERENE. I assume so. I will have something to say in just a few moments on that subject.

In connection with the preceding it should be stated that while the gross amount of railway capital stock in the United States is over $9,000,000,000 the net amount not held by the railway companies was, on June 30, 1916, $6,314,570,354.

I am also furnished with the following extracts from Railway Statistics of the United States of America for the year ending December 31, 1916, prepared by Slason Thompson, of the Bureau of Railway News and Statistics:

Returns to this bureau for the year ended December, 1916, from 482 companies, operating 250,233 miles of line, report the number of stockholders at the last election prior to that date as 522,095. This is a decrease of 13,310 from the number reported six months before from a smaller mileage. It also marks the first recession in the number of stockholders in American railways since the bureau began its annual compilations.

As there are approximately 20,000 stockholders in the smaller operating companies, and two years ago the nonoperating roads reported 82,846 stockholders to the commission, it is apparent that the ownership of railways in the United States rests in the hands of approximately 620,000 stockholders.

The distribution of railway bonds is probably more general than that of railway stocks. Of course, not taking into account duplications, there must therefore be something over a million of individuals who are either owners of stock or owners of bonds.

At a meeting of the National Association of Owners of Railroad Securities held at Baltimore last May it was reported that the railroad securities owned were as follows:

By individuals outright, numbering about 1,000,000, owning over $10,000,000,000.

By life insurance companies, with 46,000,000 of policies in force, representing a total of $1,550,000,000.

By savings banks, with 10,000,000 depositors, representing $837,000,000.

I refer to these figures for this reason: We are not dealing fairly with this subject if we are going constantly to keep in mind the excesses of the railroads in the past and forget the fact that the railroads of this country are owned, directly and indirectly, by over a million people, and that these securities are in the hands of savings banks and insurance companies and in private safe-deposit boxes.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. POMERENE. I do.

Mr. SMITH of Michigan. If it will not interrupt the Senator, I think his statement is a very modest statement when he states that number of owners directly and indirectly. I have seen the statement made, and apparently with considerable authenticity, that considerably over 10,000,000 people are directly and indirectly interested in railroad securities.

Mr. POMERENE. Mr. President, I may say to the Senator from Michigan that I prefer to understate rather than to overstate the facts.

Mr. SMITH of Michigan. Mr. President——

Mr. POMERENE. Let me finish just this one thought, and then I will yield. I do it for the purpose of at least attempting to impress upon the minds of Senators that when they pare to the bone, they are striking at the savings of more than a million people in this country.

Mr. SMITH of Michigan. Mr. President, I only wanted to say to the Senator that the source of my information is the source from which he has just quoted, namely, this Baltimore convention of railroad owners. I am well within bounds when I say that as the outgrowth of that convention, and the exchange of views therein made, it was shown that considerably over 10,000,000 people are directly and indirectly, as policyholders of insurance companies, and so forth, interested in this class of securities.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. POMERENE. I yield to the Senator.

Mr. WEEKS. I want to add to what the Senator from Michigan has said relating to that subject that I think the statement made by the Senator from Ohio is much too modest to conform to the facts. The number of savings-bank depositors in the country would indicate that probably the Senator from Michigan is quite right in the statement that there are 10,000,000 people in the United States who are directly interested in railroad securities.

Mr. POMERENE. As I have said before, I am disposed to accept the statement made by the Senator from Michigan and the Senator from Massachusetts; but in view of the returns which were made to the Interstate Commerce Commission I modified it, or stated the fact as I did.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. POMERENE. I do.

Mr. CUMMINS. I think the statement might be very much enlarged. Directly or indirectly, there are 100,000,000 people in the United States who are interested in railroad securities. But I ask the Senator from Ohio whether he understands that it is proposed by any one to reduce the compensation provided in this bill so that it will affect the interest upon bonds or the customary dividends upon stocks?

Mr. POMERENE. Mr. President, if the Senator from Iowa—whose views are, I think, somewhat extreme—will bear with me a little while I will try to make myself perfectly clear as I go along.

The railway operating income for class 1 roads for the year 1917 was $1,061,814,427. For 1916 it was $1,024,381,299. For 1915 it was $716,476,186, the average being something over $934,223,970, which represents the proposed standard contained in section 1 of the bill. Some of the railway people insisted that we should use as the standard of compensation during the period of Government control the earnings of the year 1917. Others proposed as a method of compromise the use of the average earnings for the years 1917 and 1916, eliminating the earnings of 1915. Mr. Kruttschnitt, before the Interstate Commerce Committee, made the statement that if the average earnings for the years 1916 and 1917 were used as a standard for compensation it would give to the railroads of the country $100,000,000 annually more than they would get if we used the standard based upon the average for the three years.

The interest on the bonded debt of the railroads annually amounts to about $400,000,000. The dividends paid to the stockholders in 1915 were $259,809,520; in 1916, $281,936,371; and for the fiscal year 1917 I do not have the exact figures, but they amount to over $300,000,000. If we were to pay to the railroads during the first year the same dividends that the railroads paid during the last year, and the interest account was the same, there would still remain a sum of about $200,000,000 which would go to surplus.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Ohio will allow me, I have just gotten from the Interstate Commerce Commission a memorandum on the very point that he now has under discussion. It states that in connection with the table furnished the Senator from Iowa and others as to the probable $200,000,000 that would be available for surplus it must be borne in mind, among other things, that the amount of outstanding stock will be that of 1918, and that no average can be taken in that respect, and that the probabilities are that the outstanding stock would be larger than any average for the three years; and that computation was made upon the basis of the average outstanding stock for three years, which is manifestly incorrect.

Mr. POMERENE. The Interstate Commerce Committee sought to get information relative to the market value of stocks and bonds from the Interstate Commerce Commission. We were unable to get this information complete or exact. The Interstate Commerce Commission, however, gave us the following information concerning stocks of steam roads which were quoted on the New York Stock Exchange for the years indicated, as shown by the Financial Chronicle.

The par value of the stocks quoted for the year 1912 was $4,574,587,200; for 1915, $4,741,422,100; and on December 14, 1917, $4,790,851,200.

I wish Senators to note the market value of these stocks.

For 1912 the market value was $5,035,839,506; for 1915, $4,485,433,601; and on December 14, 1917, $3,786,001,000.

Now, note the percentages of the market value to par value.

In 1912 the percentage of market value to par value of these stocks was 110.08; in 1915, 94.60; and on December 14, 1917, 79.03.

The par value of the stocks quoted, according to the Interstate Commerce Commission, as above given, constitutes 79.34 per cent for 1912, 75.00 per cent for 1916, and 75.87 per cent for 1917 of the total par value of stocks for all steam roads—classes 1 and 2 and nonoperating subsidiaries—in the hands of the public. The market value of these stocks was determined by striking an average between the highest and the lowest quotations during the year, as shown by the Financial Chronicle. This average was assumed to be a mean quotation for the year, and was applied to the par to obtain the market value.

It is interesting to observe that while these stocks in 1912 were quoted at 110.08 per cent, or 10.8 per cent above par, in 1917 they were quoted at 79.03 per cent, or 20.97 per cent below par—a shrinkage from 1912 to 1917 of 31.05 per cent.

The Interstate Commerce Commission also gave us the following par and market values of stocks for 1912, 1916, and 1917:

The par values of stocks of all steam roads—classes 1 and 2 and nonoperating subsidiaries—in the hands of the public on June 30 were as follows:

Nineteen hundred and twelve, $5,766,093,888; 1916, $6,314,570,354; and 1917, though larger in sum, for the purposes of this argument they are estimated at the same amount.

The market value of these same stocks, determined by applying the percentage in the first table referred to, was as follows:

Market value, 1912, $6,347,316,152; 1916, $5,973,583,555; but in 1917 they had shrunk to $4,990,404,951.

The commission also furnished us the par value and the market value of the railroad bonds, and these valuations apply to issues of $10,000,000 or more outstanding.

The par value of the bonds quoted for 1912 was $5,466,000,870; for 1916, $5,705,932,750; and December 14, 1917, $6,127,816,350.

The market value of these bonds in 1912 was $5,080,923,953; in 1916, $5,086,381,475; and December 14, 1917, $5,156,623,981.

The percentage of the market value of these bonds to the par value in 1912 was 93.12 per cent; in 1916 89.14 per cent; and on December 14, 1917, 84.15 per cent.

The par value of bonds of all steam roads for 1912 was $9,321,506,762; for 1916, $10,021,730,075; for 1917, $10,021,730,075 (estimated).

The market values for these same years were as follows: 1912, $8,680,187,097; 1916, $8,033,370,195; and 1917, $8,433,285,862.

Now, as to the comparative value of all these stocks and bonds, the par value of all the stocks and bonds of these same classes of railroads for 1912 was $15,087,600,650; the market value, $15,027,503,249. For 1916 the par value was $16,336,300,429, the market value $14,906,953,748; and in 1917, though the par value of the stocks and bonds was $16,336,300,429 (estimated), the market value was only $13,423,600,813.

Senators should note that the par value of the stock and bonds for the year 1917 is estimated to be the same that it was in 1916. It certainly is not less in amount. So the par value of these stocks and bonds increased between 1912 and 1917 $1,248,699,779, and notwithstanding this increase in the par value of these stocks and bonds the market value of the same stocks and bonds decreased from 1912 to 1917 $1,603,812,436.

Mr. President, the other day a very distinguished lawyer and business man was in my office discussing this very subject, and he told me that a few days before he had seen the balance sheet of one of the great colleges of the country. The college authorities had bought certain railroad stocks of a high class at $1.13. At the time he saw the balance sheet these stocks had fallen to less than 60 cents. If we will remember this decline in market values as affecting the financial conditions of the business institutions of the country, the insurance companies, the savings banks and savings societies, we can understand what this tremendous shrinkage in values means.

We talk about the payment of a "just compensation" by the Government to the railroads for the use of their property, and I have yet failed to find anyone who does not believe that a "just compensation" should be paid. But we differ radically when we try to determine the rule by which this shall be done or what in fact shall be a just compensation. If I were to be guided by the argument which I have heard here on the floor of the Senate, I would come to the conclusion that we has. forgotten entirely that we were dealing with the public, but thought we were dealing solely with some railroads that had robbed communities in the past. But let us see how far we can go in determining the question as to what is a just compensation, and I want briefly to discuss the law.

Mr. SMITH of Michigan. Mr. President, will it annoy the Senator if I express the hope which I had that after he had demonstrated the tremendous shrinkage in the values of railroad securities and stocks he would give his judgment as to the causes for that shrinkage?

Mr. POMERENE. Yes; I have considered that, but I had not intended to go into the causes. I was going to treat the present state as an established fact without going into those details, because this legislation deals with an established condition which we hope to improve.

Thus far in the argument we see that while the traffic of the roads has very materially increased, and promises to further increase in the future, the equipment of the roads has declined and values of railroad securities have shrunk to a point where the safety of financial institutions has been threatened.

It is the purpose of those who are opposing the bill, as evidenced by the several amendments proposed by the Senator from Iowa, to refuse to allow the railroads anything over and above the dividends that they declared during the past year. The title to all moneys earned over and above these dividends are to be passed to the Government. The Government is to have authority to invest these earnings, over and above these dividends, either in railroad property or turn them into the Treasury. And if these funds are thus invested in property connected with the roads earning them, or other properties, they are not to be capitalized, the improvements are to belong absolutely to the public, and there will be no returns to the company because of these investments. In my judgment, the Congress has no authority whatsoever to adopt such a course of action in fixing compensation to be paid. While these roads are public utilities, and as such are subject to the control of Congress under the commerce clause of the Constitution, they are, nevertheless, private property. True, they are owned by corporations, but the stock in these corporations is owned by individuals, and a certificate of stock which each stockholder has in a company represents his interest in that property just as surely as a fee-simple deed represents his interest in the property that he owns.

And now I think it will be conceded that, so far as the exercise of eminent domain is concerned, there is little or no distinction between the seizing and taking over of individually owned property and railroad owned property. The fifth amendment to the Constitution of the United States provides—

nor shall private property be taken for public use without just compensation.

The President, under the authority of Congress, has taken over the railroads, and every student of the subject must admit that the Government is not only in honor bound but legally bound to pay to the owners a "just compensation."

I shall beg the indulgence of the Senate while I refer to the opinion of the Supreme Court in Monongahela Navigation Co. versus United States, One hundred and forty-eighth United States, 312. Congress had authorized the Secretary of War to purchase at a given price the upper lock and dam and its appurtenances, belonging to the Monongahela Navigation Co., a Pennsylvania corporation. If he could not make a voluntary purchase he was authorized to begin condemnation proceedings for this property, but the act of Congress provided that in estimating the sum to be paid the franchise of said corporation, which was derived from the State of Pennsylvania, was not to be taken into consideration or estimated. The efforts of a voluntary purchase failed. Viewers were appointed, who reported the value of the lock and dam, but it did not take into account "the franchise of the company to collect tolls."

That is what some of our very good friends are forgetting now, to take into consideration the rights which the commerce act and the Interstate Commerce Commission have given to these railroads to collect toll. The navigation company having received its franchise from the State of Pennsylvania, constructed at great expense locks and dams and had a right to charge tolls for carrying traffic. The right to take property is not denied, but this right is accompanied by a corresponding duty to pay a just compensation for it. In the act referred to, Congress exercised the right to determine the measure of damages. The Supreme Court held this to be a "judicial and not a legislative question."

Says Mr. Justice Brewer:

It does not rest with the public taking of property, through Congress or the legislature, its representative, to say what compensation shall be paid, or even what shall be the rule of compensation. The Constitution has declared that just compensation shall be paid and the ascertainment of that is a judicial inquiry.

So all we can do here as a legislative body is to establish a rule for the guidance of the President beyond which he shall not go. We can not force these railroads to accept this plan.

In discussing this question further, the learned justice says:

The value of property, generally speaking, is determined by its productiveness—the profits which its use brings to the owner.

So in determining what is just compensation we must take into consideration what were the profits that these railroads earned, if any, immediately prior to their being taken over by the Government.

Again, Mr. Justice Brewer said:

The value (of the property) therefor is not determined by the mere cost of construction, but more by what the completed structure brings in the way of earnings to its owner. For each separate use of one's property by others the owner is entitled to a reasonable compensation, and the number and amount of such uses determine the productiveness of the property, and, therefore, largely its value.

The Legislature of Pennsylvania had granted the Monongahela Navigation Co. the right to use this property and fixed the terms thereof—

The prices which may be exacted under this legislative grant of authority are the tolls, and these tolls, in the nature of the case, must enter into and largely determine the matter of value.

So if we apply the logic of the case from which I am reading to the present bill, after the Interstate Commerce Commission has fixed these rates, presumably at least until they are set aside, and, presumptively, they are just and reasonable, we must take them into consideration in fixing a "just compensation" for the property taken.

On page 336 the learned justice says:

And if that property be improved under authority of a charter granted by the State, that the franchise to take tolls for the use of the improvement, in order to determine the just compensation, such franchise must be taken into account.

So we must take into account the rates which have been fixed by the Interstate Commerce Commission and the profits therefrom.

Because Congress has the power to take the property, it does not follow that it may destroy the franchise without compensation. Whatever is the true value of that which he takes from an individual owner must be paid to him before it can be said that just compensation for the property has been paid. And what is true in respect to the condemnation of property for a post office is equally true when condemnation is sought for improving a natural highway.

If we were condemning a building for the purpose of a site for a post office, would it not be proper for the jury and the court which was passing upon the question to take into consideration the rental of that property? So also when it comes

to a determination of the rent which the Government must pay for these railroads we must consider their earnings.

And now let us apply the reasoning of the case just cited to the railway legislation now under consideration. Some of these properties have been earning 5, 6, and 8 per cent, a few of them 10 per cent, on their capital stock, and a very few others very much more. They are charging rates for traffic which have been found to be fair and reasonable by the Interstate Commerce Commission and by the several State commissions. Until these rates shall have been changed by this organization or the Government the owners of the railways will continue to make these charges. They were making them at the time the President stepped in and took control under the act of Congress. And the question is, What is the value for the use of these roads? How are we to determine it? Shall it be controlled by the mere ipse dixit of a few men who may have some extreme views on the subject of railroad control or Government ownership which they have never been able to force upon the public? Shall just compensation be determined in harmony with the principles of legislation and sound railroad management and as reflected by railroad earnings, or shall they be determined by some principles, right or wrong, which have never found expression by any Government tribunal having jurisdiction thereof? We are not the sole arbiters of this so-called "insoluble question," as it was referred to the other day by the Senator from Iowa. We may as a legislative body reduce rates either by direct legislation or indirectly through the action of the Interstate Commerce Commission, but we can not appropriate profits already earned or injure or destroy franchise rights which have already vested. These profits, if earned on franchises authorizing earnings, are private property, and we must pay for them a just compensation and the courts will determine the amount thereof, if it can not be adjusted by negotiation.

And now, sirs, if a property has been earning 25 per cent for its owners, whether corporate or individual, it seems to me that the burden of proof is on those who contend for the right to reduce it to 6 per cent to show the method whereby it can be done. Neither can the Government take these surplus earnings and invest them in betterments and say to the railroads, "You shall have neither the title to these betterments nor be permitted to have the earnings thereof." While the railroads of the country have been permitted to make certain charges, if, by reason of increased business or efficient management, they may be able to earn a little more than some of their neighbors, is that a reason why we should confiscate them or appropriate them for public use?

The Senators who take that position overlook this fact. Assume, for the sake of the argument, that a railroad under current rates established by the Interstate Commerce Commission is earning a bare 6 per cent for dividends. It is reaching out trying to serve the community. By means of its efficiency, perhaps by means of the industry of its officers and employees, it increases the traffic so that the stockholders can get 7 per cent. Have they violated their duty to the public or their duty to the stockholders? Are they to be penalized because they are serving a greater number of the public than they did before? If that is to be the rule which is to control railroad management, then when railroad companies get to the point where they earn a bare 6 per cent it would be most natural for them to sit back in their easy chairs and let the road go to wreck.

Mr. President, the total stocks and bonds, as I have heretofore stated, amount to $17,336,300,619. You will pardon me for repeating it, because I want to make my point perfectly clear, if I can. Upon that great aggregation of property there is paid each year $400,000,000 of interest on bonds and $300,000,000 in dividends on stocks. The total net average earnings during the three years 1915, 1916, and 1917 was a fraction over $900,000,000, but for the sake of argument let us say that it amounted to an even $900,000,000. That leaves $200,000,000 to go to the surplus.

What should be done with this? The Senator from Iowa tells us that it is taking from the people $200,000,000 to which the roads are not entitled. There is not any man living who can tell me whether a given amount of earnings is excessive or not, unless he can first tell me what the value of the property is. The total of the stocks and bonds of the railroads is $17,000,000,000. Who knows whether it is too low or too high? No one knows; but the Senator from Iowa says that $200,000,000 is excessive. Now, let us analyze the situation and see whether he is justified in drawing that conclusion.

We have a bureau connected with the Interstate Commerce Commission that has been working for three years to value the railroads, and they tell us that it will take three years more to complete the work. Judge Prouty was before our committee. He has charge of this valuation. I was anxious to get from him a judgment, if I could get it, as to what was the probable value of these railroads. You would think, if there were any man in the whole United States who could give us a fair judgment as to what the probable value of the railroads is that Judge Prouty could do it; but he would not even venture to guess at it. I do not want to misrepresent this matter; I want to get it just exactly as it came from his lips, and so I will read his statement. He was asked by the Senator from Iowa:

From your long experience on the Interstate Commerce Commission and your subsequent work as the head of the Bureau of Valuation will you please state to the committee whether it can place reliance upon the property investment account as shown by the reports of the railway companies?

Mr. Prouty answered—

Now, the investment accounts of the railway companies of this country are absolutely unreliable. In some cases it is pretty near the fact and in other cases nowhere near the fact. The investment account as a rule balances with the stock and bond issues. That is not an invariable rule, but it is a pretty general rule. The railroads have adjusted their investment account so as to take care of their securities.

Take, for example, the investment account of the Kansas City Southern, the cost of reproduction there was perhaps $50,000,000; their investment account was some $90,000,000, as I remember it. We may take some other railroad where the investment account would run pretty close to the cost of reproduction, and I expect you will find cases where the investment account would be less than the cost of reproduction. We have not found any cases of that sort yet.

Later in the examination I asked the following question:

Senator POMERENE. Would you care to venture an opinion as to what was the probable actual value of these railroad properties?

Mr. PROUTY. Senator, that would be the wildest sort of a guess.

He has been studying this proposition and doing nothing else for over three years, and up to date that bureau has completed the valuation of but three roads. There are between 600 and 700 systems of railroads in this country. This man, the best-informed man in the United States on that subject, when asked for an opinion, says:

That would be the wildest sort of a guess. I would not object to giving an opinion if there was any basis for it; but there is absolutely no basis for that opinion.

And yet, while the ablest man in the United States on this subject tells us that he can not give us the value of this property, my very good friend from Iowa, for whom I have the profoundest respect so far as motives are concerned, and most often so far as his judgment is concerned, has not yet ventured to give the Senate an opinion of his own as to the value of these roads, and yet he charges that those who champion the method which is contained in the committee bill are guilty, as it were, of some high crime or misdemeanor because they say that they are willing to give to the railroads a compensation which is $200,000,000 more than the distinguished Senator from Iowa is willing to give.

If I were to say to Senators, "Guess at the value of these railroads," and one should guess $16,000,000,000, another should guess $18,000,000,000, and another should guess $19,000,000,000, and assume, for the sake of the argument, that the actual value is $16,000,000,000, the Senator who guessed $19,000,000,000 would only be $3,000,000,000 out of the way, or, in other words, three-sixteenths out of the way. That would be a pretty fair guess; but, if instead of these properties being worth $16,000,000,000, the amount of their stock and bonds, they were, in fact, worth $19,000,000,000, 6 per cent interest on the difference, namely, $3,000,000,000, would be $180,000,000, within $20,000,000 of this excessive amount which the Senator from Iowa claims we are proposing to pay for the use of this property. It is not possible for any living man to tell whether this amount is excessive or not until he first knows what the investment is.

Mr. HOLLIS. Mr. President, will the Senator from Ohio yield for a question?

Mr. POMERENE. I yield.

Mr. HOLLIS. I am very much interested in the Senator's address, and I should like his opinion, for he has studied the problem and has heard the testimony. As I understand the bill, it does not provide that the President shall agree with the railroads for the maximum amount stated in the bill, so the President might, by negotiation, if he were able to get a lower rental fixed by the railroads, fix a lower amount than the maximum. I should like the Senator's opinion as to whether the President is likely to try to get a smaller compensation fixed than the maximum which is provided in the bill.

Mr. POMERENE. Mr. President, the Senator from New Hampshire is asking a question which it is impossible for me to answer. Frankly, I do not know; but knowing the President as I do, I am confident that if he found that the standard here was too high as to any of these roads, he would not take the money of the public and turn it over to these companies or their stockholders.

The Senator's question suggests this further thought to me. Let us assume, for the sake of the argument, that here is a railroad that has been earning during the last three years an

average of 8 per cent, that another railroad has been earning 6 per cent on the average, and another railroad 10 per cent on the average, what should be the position of the directors of those roads, or of the lawyers advising the directors of them, when it comes to weighing their responsibility to the stockholders whose money and whose property is in their keeping? I recognize the fact that 6 per cent is a pretty fair return, if it is guaranteed and is continued on for an unlimited time, but it is one thing to determine the rule for guidance for his own individual conduct with respect to his own individual property, and it is another thing when in the capacity of a trustee he is acting and advising for his cestui que trust.

I am satisfied that we might go at the present time to the four corners of the earth and it would be absolutely impossible for us to get a statement now as to the actual value of the railroad property. The other day when I picked up a copy of the minority report submitted by the senior Senator from Iowa and saw his statement of the dividends which were paid by some of these railroads on their capital stock, I confess that I was somewhat shocked; but a little further careful examination into the facts of the case demonstrated conclusively that the information he had given was misleading. I want to say, lest I be misunderstood, that of course the Senator from Iowa would not purposely mislead, but he was misled by some of the statisticians.

The able Senator from Minnesota [Mr. KELLOGG] took up some of the more extreme cases and gave us some additional facts which cast additional light upon this subject. In order that the RECORD may show them in a more concise form I want to repeat: According to the statement submitted by the Senator from Iowa, the Bessemer & Lake Erie Railroad Co. earned for its stockholders 647.22 per cent on its capital stock of $500,000, but he failed to call attention to the value of the road. The property of this road, however, for the year ending June 30, 1916, had a valuation of $45,359,056; in other words, this railroad, which was represented as earning 647.22 per cent on its capital stock, only earned on the property investment a little over 10 per cent.

The Chicago & Erie Railroad, which the Senator from Iowa claims to have earned 70.45 per cent on its capital stock, in fact earned less than 1 per cent on its property investment.

The New York, Philadelphia & Norfolk Railroad Co., which he claims earned 35.74 per cent on its capital stock, in fact only earned 9 per cent on its proposed standard return on the property investment.

The Cumberland Valley Railroad, which he claims earned 24.01 per cent on its capital stock, in fact on the property investment only earned 8.4 per cent according to the proposed standard return.

The Lehigh & Hudson River Railway Co., which he says earned 27.98 per cent on its capital stock, on its property investment is only earning 8.4 per cent under the proposed standard.

The Charleston & Western Carolina Railway Co., which he claims earned 21.67 per cent on its capital stock, in fact only earns 5.8 per cent on its property investment under the proposed standard return.

The Duluth, Missabe & Northern Railway Co., according to the figures of the Senator from Iowa, earned 114.12 per cent on its capital stock, while in fact on its property investment it would earn under the proposed standard return 14.93 per cent.

The Duluth & Iron Range Railroad Co., according to his statement, earned 38.27 per cent on its capital stock, while on its property investment under the proposed standard return it would earn 8.76 per cent.

The Panhandle & Santa Fe Railroad Co., which he claims earned 64.37 per cent on its capital stock, will earn under the proposed standard 6.3 per cent.

The St. Louis, Brownsville & Mexico Railway Co., which he claims earned 52.71 per cent on its capital stock, which is reported at $500,000, while the property investment appears as more than $15,000,000, earns on the actual property investment 1.757 per cent.

The Colorado & Wyoming Railway Co., which he says earned 162.64 per cent, under the proposed standard return would only earn a little over 7 per cent.

The Senator from Iowa followed the Senator from Minnesota in an elaborate speech. He has neither denied nor qualified any of these facts as given by the Senator from Minnesota, and I shall assume, therefore, that they state the truth and can not be denied.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. POMERENE. I do.

Mr. HOLLIS. The Senator is giving some very interesting statistics as to these roads. Take a concrete case. The Senator states that the capital stock of a certain railroad is $500,000, while the valuation or the capital actually invested is $15,000,000. Will the Senator indicate where that extra value comes from?

Mr. POMERENE. I can only indicate. Special examinations into property values, and so forth, were made by the Interstate Commerce Commission, at least as to some of these roads, so as to determine the fairness or unfairness of rates.

Mr. STONE. Well, Mr. President——

Mr. POMERENE. Pardon me a moment; and it turns out that one of these roads which I now have in mind, the Bessemer & Lake Erie, is substantially a privately owned road, used for the purpose of transporting ore from Lake Erie ports to the furnaces and coal and coke from the Pittsburgh district to the Lakes, and that its property was valued by the Interstate Commerce Commission at $45,359,056.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. POMERENE. I yield to the Senator from Missouri.

Mr. STONE. What constitutes capital stock is easily ascertained.

Mr. POMERENE. Surely.

Mr. STONE. What constitutes actual capital invested in the property is more difficult to ascertain. I do not care to press an inquiry as to individual cases. The Senator's data may not be sufficient to cover the particulars of all these cases; but just what does the Senator mean in the distinction he makes between authorized capital stock and actual investment in the property? Secondly, I should like the Senator to tell me—I may be the only Senator here who needs to make the inquiry, but I make it—just what he means by the standard of value upon which the Government is to make compensation?

Mr. POMERENE. By the standard return or value we mean as determined by the first section of this bill, which authorizes the President, if the bill becomes a law, to strike an average of the earnings for the fiscal years 1915, 1916, and 1917, and then to enter into an adjustment with these railroads which shall not be in excess of that average.

The Senator asks me about the property investment of these companies. Many of these companies have invested a large amount of money in their properties which is not represented by the capital stock. To illustrate, one of the busiest little roads in the country is the Bessemer & Lake Erie, with a capital stock of $500,000; but the investigation—and there was a special investigation made as to the value of that property—showed that it had an investment there of $45,000,000 and over.

Mr. STONE. In what way represented?

Mr. POMERENE. By the right of way, rolling stock, and so forth. The Senator from Missouri, perhaps, was not in the Chamber the other day when the junior Senator from Pennsylvania [Mr. KNOX] rose and stated that he had organized that company for the owners, and that they owned 8 or 9 miles of railroad. I do not pretend to be exact as to its length, but they operated over 200 miles of railroad, and they had this tremendous investment in the form of rolling stock and other equipment which was necessary to carry the iron ore from the lake ports down to the furnaces in and about Pittsburgh and coal and coke from the coal regions up to the lake for shipment to the Northwest. I have in mind in my own State an instance where a large property, amounting in value to three or four hundred thousand dollars, a manufacturing plant, was owned by a corporation with a capital stock of only $10,000. At that time, under our constitution, we had a double stock liability, and those who had their money invested were quite willing to run the hazards of the business, but they did not care to incur the double stock liability if failure should come on.

So that it does not necessarily follow that there is any relation whatsoever between capital stock and the money or property invested. It is true that some years ago, before the Interstate Commerce Commission and the State public utility commissions were organized, many of these companies were overcapitalized. Of course, that is an offense against good, sound financing, but that is a thing of the past. These railroads, however, have continued to grow in value, and while my distinguished friend, the Senator from Iowa, suggests, for instance, that the Pennsylvania Railroad Co. is now earning something over 8 per cent on its capitalization, I venture to say that he can not give an intelligent guess as to what is the actual value of its property, and therefore is not in a position to say whether the earnings of the road are excessive or not.

Mr. STONE. Mr. President, when the Senator says "the actual value," he means the actual investment in the property?

Mr. POMERENE. Perhaps we can distinguish between the two, and perhaps we can not. If, by "investment," we mean simply the actual money that has been placed in it, that may be the value, and it may not. There is the increased value of these terminals all the while. It may be that the increase in value comes out of undistributed surplus. It may be that it is a so-called unearned increment. I do not know; but we can not by any present legislation cure all the ills that railroad flesh has been heir to in the last half century without doing great injustice to present innocent stockholders or bondholders.

Mr. HOLLIS. Mr. President, will the Senator yield further?

Mr. POMERENE. I yield.

Mr. HOLLIS. The question that is evidently disturbing the Senator from Missouri, as it is disturbing me, is this: Where has the additional capital investment come from?

Now, it occurs to me that it may come from three sources. One, as suggested by the Senator from Ohio, is perhaps the unearned increment, the increased value of the right of way, terminal facilities, real estate, or anything that it may own. In the second place, it may arise from money borrowed on bonds and invested in the property, and that would be good business—to borrow money at 4 or 5 per cent and put it where it may earn 10 or 15 per cent. But the third, and probably the greatest, source of this increased capital is earnings of the past that have not been paid out in dividends, but have been reinvested in the property.

I will ask the Senator if that is not correct?

Mr. POMERENE. Mr. President, I think the Senator has substantially stated the sources of this increase; and I am not prepared to say to-day, as a fundamental principle of railroad economics, that it is either right or wrong to capitalize surplus earnings. It may be that we will get to the point where we will not want that done; but this is not the time to write in the statute books all these economic reforms, however dear they may be to the ideas of some economists. It must be borne in mind that although during the last few years the railroads have done more business than ever before, and although their earnings during the last two years are greater in dollars and cents than ever before, their equipment to-day is less; and notwithstanding these great earnings the market value of the stocks and bonds has depreciated from 20 to 30 per cent—enough to wipe out the surplus of many of the great financial institutions of the country. Permit me to say, with all due respect, that it is our duty, if we can, to stabilize the value of these securities and not pare down to the bone.

Now, let me call your attention to another matter.

The Senator from Iowa [Mr. CUMMINS] made the statement that under this proposed plan we would pay $200,000,000 more than we ought to pay. I have indicated pretty clearly that neither he nor anyone else can give us the valuation of this property, so that he can not tell whether we are paying too much for it or not; but assuming, for the sake of the argument, that the value of these properties is substantially the par value of the bonds plus the par value of the stock, that would make the valuation $17,336,300,619.

It is clear that in some instances the actual investment is less than the par value of the stocks and bonds. In others they are approximately equal. In some others the property is in excess of the stocks and bonds. Assuming that the property value of the roads is equal to the stocks and bonds, then this so-called excessive $200,000,000 which the Senator from Iowa contends the Government will pay under the plan of the committee bill would only amount annually to 1.15 per cent of the entire investment. Admit that to be so; we speak of $200,000,000 as if it were a tremendous sum, and it is; but when you distribute that $200,000,000 over the entire property investment, it only means 1.15 per cent of the total value.

But, Senators, I want to present this at another angle, if I may.

When we speak of a given sum of money we can regard it as a pretty good yardstick by which to determine values during normal times. But if, perchance, the purchasing value of the dollar has decreased, then it is not so safe a guide. Now, let me give you some facts indicating the increases in the cost of railroad supplies. These figures were presented to us in the committee. Assume the value of these different articles during the year 1897 to be $100, and make that a standard of comparison:

Bridge timbers, in 1897 valued at $100, in 1908 were valued at $157 and in 1917 at $175.

Railroad ties, in 1897 valued at $100, in 1908 were valued at $175 and in 1917 at $225.

Steel rails, valued in 1897 at $100, in 1908 were worth $149 and in 1917 $213.

Bar iron, in 1897 worth $100, in 1908 was worth $139 and in 1917 $301.

Car journal bearings, worth $100 in 1897, in 1908 were worth $124, and in 1917, $261.

Heavy freight engines, which before August, 1914, cost from $28,000 to $32,000, 18 months prior to these hearings in January of this year cost $46,000. The builders' estimated cost during the past year was $85,000. Due to the price fixing of steel, the railroads expect to get these engines at $60,000 to $65,000. In other words, they cost now substantially twice as much as they did before August, 1914.

Freight cars, that cost before August, 1914, $1,000 to $1,100, since the price of steel was fixed are quoted at $2,350.

Oil-tank cars, which before the war cost $1,200 to $1,400, now cost $3,300 to $3,600.

Mr. STONE. Mr. President, if the Senator will yield——

Mr. POMERENE. I yield.

Mr. STONE. May I ask the Senator if the railroads have been increasing their equipment to any appreciable degree on the higher-priced commodities and cars since the prices have gone up to the heights mentioned?

Mr. POMERENE. No, Mr. President. In many instances they have attempted to make the increase, and perhaps have made some increases. I can not give the Senator exact information on that subject. Suffice it to say that they have let their contracts for a large number of locomotives; but the locomotive builders were not able to furnish them even at these high prices, because under the direction of the Government they were furnishing locomotives to Great Britain, France, and Russia for war purposes.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. POMERENE. I yield.

Mr. SMITH of Michigan. I did not hear the Senator say anything about the increased cost of fuel.

Mr. GALLINGER. Or labor.

Mr. SMITH of Michigan. Or labor. Has the Senator touched upon that question?

Mr. POMERENE. Mr. President, I have not touched upon that question, but I think we are all pretty well aware that the cost of fuel has been very much higher than it was prior to the beginning of the war, and wages in many branches of the service have been advanced.

Mr. SMITH of Michigan. I presume the facts to be that some of the railroads had laid in large quantities, in fact their normal supply, of fuel, perhaps at a slightly increased cost; but in most instances I have a very strong impression that the scarcity and the high price of fuel seriously affected the question of cost.

Mr. POMERENE. It has affected the railroads just as it has affected every other industry.

Mr. GALLINGER. Mr. President, the Senator's figures comparing the cost of railroad material between 1897 and 1917 rather startled me; certainly two or three items did. Could the Senator, without trouble, read from his notes the difference in the cost of steel rails during that period?

Mr. POMERENE. I did not give the exact figures; I was giving percentages. Assuming the price in 1897 to be $100, in 1908 the price would be $149 and in 1917, $213.

Mr. GALLINGER. I thank the Senator. I was laboring under a misapprehension. I thought he was giving the cost per ton.

Mr. POMERENE. No.

Mr. GALLINGER. But, as a matter of fact, the price has more than doubled during that period?

Mr. POMERENE. It has more than doubled.

Mr. CUMMINS. Mr. President——

Mr. GALLINGER. It occurred to me that if it was the cost in dollars some explanation ought to be given, because it startled me to think that such an increase could possibly have occurred.

Mr. POMERENE. I yield to the Senator from Iowa.

Mr. CUMMINS. The increase in the cost of material is well known, but I ask the Senator whether it is not true that the net railway operating income for the year ending June 30, 1917, was not the largest in the history of the roads?

Mr. POMERENE. There is no question about it. The Senator is correct.

Mr. CUMMINS. That being true, the future increase in the cost of these materials or supplies, whatever they may be, so long as the Government has control, will not affect the standard return at all, will it?

Mr. POMERENE. I think that is correct.

Mr. SMITH of Michigan. If the Senator will pardon me——

Mr. POMERENE. I yield.

Mr. SMITH of Michigan. Has the Senator any information going to show that the expenditure for betterments and upkeep has been as large as in the previous years?

Mr. POMERENE. I have no data on that subject at all, but it has been large.

Mr. SMITH of Michigan. Then the Senator desires the statement to stand that notwithstanding the tremendous increase in the cost of supplies and of fuel and of labor and the practically stationary rate for their income, they have made more net profits under such circumstances than in any preceding period?

Mr. POMERENE. Mr. President, if I have not already made it clear I want it understood that my comparison was based upon the fiscal years 1915, 1916, and 1917. There has been a tremendous increase in the amount of traffic on the eastern roads. Since that time there have been considerable increases in the price of wage and the price of railroad supplies. I am not able to state what that effect will be upon the net returns since June 30, 1917, but I think they will show a substantial decrease.

Mr. CUMMINS. Just a question there. No matter what those increases may have been, they do not affect the amount which the Government guarantees to the railroads?

Mr. POMERENE. After the agreement is entered into they do not.

Mr. CUMMINS. It is true, is it not, that we have proposed as a standard the average of the three years 1915, 1916, and 1917, and when that standard is applied to the earnings of those years a certain fixed amount is reached which we guarantee, and so far as all the period after July 30, 1917, is concerned the Government bears the increase in the cost of supplies and materials, no matter what it may cost——

Mr. POMERENE. I can make that perfectly clear in a word, if the Senator will allow me.

Mr. CUMMINS. I felt sure the Senator from Michigan did not fully understand the Senator from Ohio.

Mr. POMERENE. If the bill becomes a law and the President agrees to pay a given rate—$100 per year—during the period of Government control, it will have to pay that $100 per year whether the price of coal or iron or steel goes up or down. I think that states the situation. The purpose of it is to arrive at some sort of an agreement which will be fair to the railroads and put an end to this uncertainty.

I have gone into the question of prices, and so forth, more particularly with this purpose in mind, among others, that we speak of allowing the railroads an excessive sum, and when we measure it by the value of the things that the railroads have to buy it is not half as much as it seems.

Now, Mr. President, there is just another thought.

Mr. STONE. If the Senator will pardon me——

Mr. POMERENE. Certainly.

Mr. STONE. I am still in a state of confusion about one thing after listening to the Senator from Ohio and the Senator from Iowa. The basis of the Government compensation, called the standard basis or return, rests upon the average of the last three years. Is that correct?

Mr. POMERENE. That is the rule. That is the yardstick that we authorize the President to take up.

Mr. STONE. To measure the compensation by?

Mr. POMERENE. Yes; that is, he may not go above that.

Mr. STONE. As I caught the argument of the Senator from Iowa, the greater part of which I had the pleasure of listening to and a part of which I was deprived of hearing for reasons beyond my control, his argument was that the Government compensation would be based for the average year of the three years upon capital stock, while the Senator from Ohio contends that instead of that it shall be predicated upon the actual value of the property, and the Senator cited some striking examples. Now, I want to know just what the bill means in that respect.

Mr. POMERENE. I can make my position clear. As far as the Senator from Iowa is concerned, I am sorry the Senator from Iowa was not present to hear the part of the argument referring to this subject. I do not think I misstated his position, and I am not going into the argument now, except to say that the difference, in brief, between the Senator from Iowa and myself is this: He states that after paying all expenses and the interest on the bonded debt under this standard contained in section 1 of the bill we will be paying the railroads too high a return on the capital stock. My contention is that neither he nor I nor anyone else in the United States has any accurate notion as to what the value of these railroads is.

Assuming, for the sake of the argument, that the valuation is somewhat near the sum total of bonds plus stock, then the return which the Senator from Iowa says is excessive when based upon capital stock will be very much less when based upon property investment, if stock and bonds represent anything like the amount of property invested. But we must agree that many of these railroads are overcapitalized. Some of them have a capitalization which, with the bonds, represent the substantial value of the roads. There are still others that have property accounts, actual investments, in excess of both stocks and bonds. That, I think, will indicate the difference between the Senator from Iowa and myself.

Mr. President, I want to say just a few words with respect to the time the Government control shall terminate. I refer particularly to section 13 of the bill. The bill as originally presented to the committee provided that Government control should last during the period of the war and until such time thereafter as Congress might otherwise direct. The bill as reported to the Senate by the committee in that behalf provides that it shall not continue longer than 18 months after the war terminates.

I recognize the fact that there is a wide difference of opinion not only among members of the committee but among Senators and others as to what we should do after the war is over. I personally would have preferred that we end Government control within six months after the war ends. My belief is that no matter how badly the railroads may have conducted themselves in the past we are to deal with them as they now are. Congress could not take over the railroads at all except as a war measure, and, in my judgment, that means during the period of the war, and at least for a reasonable time thereafter; beyond that we should not attempt to go. The railroad companies and their stockholders and their bondholders and the entire United States are interested in this subject, and, while the railroads in many respects have not done what they ought to have done, my belief is that they have played a great part in the development of this country and the men, women, and children who have their money invested in these railroads have a right to be dealt with fairly, even at the hands of Congress.

That which depressed the value of stocks and bonds was the uncertainty of the future so far as Government control was concerned. If the roads should break down, what would the Government do? Would it do nothing and leave them to the tender mercies of war conditions, thereby crippling transportation and depressing the values of these securities? Or would the Congress do something to help them and thereby assure to them a reasonable return while the Government was controlling them and directing traffic?

I am not here to discuss the question of Government ownership or private ownership or the merits or demerits of either system. I care not from what standpoint we look at this question, whether it be from the standpoint of the advocate of Government ownership or from the standpoint of one who insists upon private ownership and control. What does honor require us to do with these railroads? They are not Congress's property; they belong to the stockholders and the bondholders. Are we doing the right thing when we take possession of these roads through the exercise of the war arm of this Government, and at the same time to say to them and those interested financially in them, "Oh, yes; we took your property as a war measure, and now that we have it we will do with it as we choose?" Ought we keep these railroads until some other Congress that believes in interminable and unlimited debate shall determine when we will let go? That is the proposition. What effect would such a course have on the value of these securities? Let me illustrate.

Suppose, for the sake of the argument, that we have a large corporation. Perhaps by reason of differences of opinions among the stockholders it has been thrown into the hands of a receiver. Or it may be for some other cause. The receiver holds the property. Stockholders and bondholders are interested in it. The officers of the corporation are also interested in it. If they have real estate rented the tenants are interested in it. All these people want to know whether the tenants shall continue to occupy the premises; and if so, for how long. They want to know whether the principal and interest on the bonds are to be paid; and if so, when? And the stockholders want to know whether they are going to get dividends or not. Perhaps those interested want to sell their bonds or their stock, and when prospective purchasers go to inquire they find the company and its property are involved in endless litigation. No one can tell when the end of that litigation is going to come and no one will buy either the bonds or the stocks or rent that property so long as there is that uncertainty about it. Does it not affect values?

Now, apply that thought to the bill here before us. Some men may be interested in Government ownership and think that this will be an opportunity by which to bring it about. Other men, because they may have some feeling of distrust with respect to private control or may want to get even with railroad companies, may want to delay legislation. Some Senators who are abso-

lutely confident of the soundness of their views concerning principles of legislation to be enacted and yet may never be able to get anybody else to agree with them will be interested in holding up this legislation and preventing its final disposition. Meanwhile the railroad organizations do not know what to do. The stockholders do not know whether it is to be Government control or private control, and the bondholders know nothing about it. Is there anyone who will take the position that, beheaded by all these uncertainties, we are adding anything to the value of these stocks and bonds?

But whether it does have that effect or not, if these railroads belonged to the common criminals of this country they have the right to know what their Congress is going to do with their property.

It seems to me—and I say it with due respect to the very able men who differ from me—I have not yet heard one sound reason in favor of an unlimited control for an unlimited time of these railroads, particularly when we have taken them over as a war measure. If it is the judgment of the majority of the Senators here and of Congress that Government control should be continued or that we should have Government ownership, do not the principles of common fairness and honesty suggest that the Congress shall tell them now what they are going to do so that they may get their house in order? Those, briefly stated, are my reasons for fixing a limit for Government control now in this bill.

Mr. STONE. May I ask the Senator to give me his well-matured opinion—I use that expression because of the study he has given to this measure—as to the scope and meaning of the concluding clause of the bill?—

But this act is expressly declared to be emergency legislation enacted to meet conditions growing out of war; and nothing herein is to be construed as expressing or prejudicing the future policy of the Federal Government concerning the ownership, control, or regulation of carriers or the method or basis of the capitalization thereof.

Now, just a word before the Senator answers. Does the Senator interpret that as a suggestion or legislative intimation of Government ownership or of Government capitalization of railroads? I have some views upon that point which I am not going to express now, but having entered as we have upon this universal program of governmental control, I have an apprehension that when we come out of it we will be faced with one of two alternatives, namely, the taking over of the railroads into absolute Government ownership, or a capitalization of the railroads in order to protect the great interests involved; and in order that these great transportation facilities may be conducted with the greatest possible efficiency in the public interest. I anticipate that sort of an issue.

The question I ask the Senator, however, is whether this concluding paragraph is not a suggestion to the Congress and to the public that some such thing as that might be done, and at least that the doing of that thing is not antagonistic to the judgment of the honorable committee reporting the bill.

Mr. POMERENE. Mr. President, I can of course only give my own view about it, and I am not quite sure that I shall be entirely accurate in my statement of the facts. The bill as presented originally provided that Government control should continue during the war and until Congress should otherwise direct. That of itself, in the judgment of some members of the committee, had a suggestion of continued future Government control, or, it may be, of Government ownership. There were in the committee, and have been ever since I have been a member of it, many men of many minds. I understood the purpose of this language was to make it perfectly clear that by the enactment of this law the Congress would not be committing itself to any one of these policies which might have been in the minds of Senators. I think that fairly states the meaning of that language, at least as I understood it.

Mr. WATSON obtained the floor.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Hale	King	Phelan
Borah	Harding	Kirby	Pittman
Calder	Hardwick	Knox	Poindexter
Chamberlain	Henderson	McCumber	Pomerene
Cummins	Hitchcock	McKellar	Ransdell
Curtis	Hollis	McLean	Reed
Dillingham	Johnson, Cal.	McNary	Robinson
Fernald	Johnson, S. Dak.	New	Saulsbury
Fletcher	Jones, N. Mex.	Norris	Shafroth
France	Jones, Wash.	Nugent	Sheppard
Freilinghuysen	Kellogg	Overman	Simmons
Gallinger	Kendrick	Owen	Smith, Ga.
Gore	Kenyon	Page	Smith, Mich.
Smith, S. C.	Thomas	Vardaman	Williams
Smoot	Thompson	Wadsworth	Wolcott
Sterling	Tillman	Warren	
Stone	Trammell	Watson	
Sutherland	Underwood	Weeks	

Mr. BECKHAM. I desire to announce that my colleague, the Senator from Kentucky [Mr. JAMES], is absent from the Senate on account of illness.

The PRESIDING OFFICER. Sixty-nine Senators having answered to the roll call, there is a quorum present. The Senator from Indiana will proceed.

Mr. WATSON. Mr. President, from the financial standpoint this is the most colossal proposition ever presented to any legislative body in the history of the world.

It involves $18,000,000,000 in property.

It involves securities of an almost equivalent amount, which enter into, if indeed they do not form the basis of, the financial stability and the commercial prosperity of the Nation.

It involves taking this vast property from the hands of those who made it and those who own it and committing it to the operation and control of the Government.

It involves transferring the authority to make rates from the legislative to the executive branch of the Government.

And, if the time limit set forth in the last section be stricken out, it may prove to be the first step in the Government ownership of all the transportation facilities and all the methods of communication of the entire land.

And, therefore, we are warranted in the assertion that this measure wears features more extraordinary if not, indeed, more startling than any hitherto met with in the legislative annals of the world.

THE AMERICAN PRECEDENT.

Senators, this is not the first time in our history that the exigency of war has called forth legislation of this character. In our civil conflict it became necessary, in the judgment of the President and of Congress, to take over the railroads as a matter of military necessity, and to that end Congress in 1862 enacted the following statute:

Be it enacted, etc., That the President of the United States, when in his judgment the public safety may require it, be, and he is hereby, authorized to take possession of any or all the telegraph lines in the United States, their offices and appurtenances; to take possession of any or all the railroad lines in the United States, their rolling stock, their offices, shops, buildings, and all their appendages and appurtenances; to prescribe rules and regulations for the holding, using, and maintaining of the aforesaid telegraph and railroad lines and to extend, repair, and complete the same in the manner most conducive to the safety and interest of the Government; to place under military control all the officers, agents, and employees belonging to the telegraph and railroad lines thus taken possession of by the President, so that they shall be considered as a post road and a part of the Military Establishment of the United States, subject to all the restrictions imposed by the rules and articles of war.

* * * * * * *

SEC. 3. *And be it further enacted*, That three commissioners shall be appointed by the President of the United States, by and with the advice and consent of the Senate, to assess and determine the damages suffered or the compensation to which any railroad or telegraph company may be entitled by reason of the railroad or telegraph lines being seized and used under the authority conferred by this act, and their award shall be submitted to Congress for their action.

SEC. 4. *And be it further enacted*, That the transportation of troops, munitions of war, equipments, military property, and stores throughout the United States shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint; and all rules, regulations, articles, usages, and laws in conflict with this provision are hereby annulled.

And I especially call your attention to the latter portion of section 5 of said act, which provides:

That the provisions of this act, so far as it relates to the operating and using said railroads and telegraphs shall not be in force any longer than is necessary for the suppression of this rebellion.

And, sir, while we are legislating in accordance with a portion of this precedent it might be equally wise for us to follow it all.

Mr. President, a glance at section 1 of this act shows that it granted wider powers than those conferred by the pending bill; for by it the President was not only authorized to take over all the railroads of the country, but also all the telegraph lines as well; and not that alone, but to place all the property thus taken under military control and to make all the operatives of both these systems Federal employees.

It will be observed that section 3 of this act authorizes the appointment of a commission to determine the question of compensation and that their decision was to be reported to Congress for their action. However, this could have been intended only as preliminary or tentative, because the right of appeal to the court could not have been denied in that case or in this instance.

But, Senators, so fearful were the eminent men who composed that Congress of the exercise of autocratic powers by the President; so jealous were they of the rights and prerogatives of the legislative branch of the Government, and so

determined were they to cling to what they regarded as the real fundamentals of our institutions that, in 1863, they passed the following resolution limiting the powers granted by the act just cited:

Resolved, etc., That an act entitled "An act to authorize the President of the United States in certain cases to take possession of railroad and telegraph lines, and for other purposes," approved January 31, 1862, shall not be so construed as to authorize the construction of any railroad, or the completion of any line of road, the greater part of which remained uncompleted at the time of the approval of said act, or to engage in any work of railroad construction. And so much of said act as authorizes the President of the United States to extend and complete any railroad is hereby repealed.

So that at all events we have a conspicuous precedent in our own history for the general principle involved in this legislation.

THE PRESIDENT'S AUTHORITY.

Mr. President, all the features of this bill are of sufficient importance to demand a most diligent study on the part of every Senator, but the three distinctively important sections are the first, which defines the standard rate; the tenth, which designates the rate-making authority; and the thirteenth, which fixes a limited time on governmental control. These excited the most prolonged debate in the committee and they will doubtless arouse the greatest interest here.

The President did not take possession of the railroads under the general war powers of the Constitution, but pursuant to an act passed by Congress on the 29th day of August, 1916. Section 1 of that act provided in part that—

The President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system, or systems of transportation, or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other travel thereon, for the transfer or transportation of troops, war material, and equipment—

Then followed this generalization—

or for such other purposes connected with the emergency as may be needful or desirable.

It is idle for us to discuss whether or not he was authorized by the provisions of this act to take complete possession of all the transportation systems of the country for all purposes. In my judgment he was not so authorized. But he has otherwise construed the act; he has taken such possession, and therefore a discussion of his power to do so would at this time be wholly academic.

In his proclamation notifying the country that he had taken possession of the railroads he said:

I have exercised the powers over the transportation systems of the country which were granted me by the act of Congress of last August, because it has become imperatively necessary for me to do so.

And, as if further to show that he derived his authority from this statute, he recited in another clause of his proclamation that he took possession and assumed control through Newton D. Baker, Secretary of War, as is provided in the act just quoted, thus conclusively showing that, in his judgment, he derived his authority to act through the law of August 29, 1916.

Construing his authority as complete, he has taken possession of the railroads; he is now operating them through the Director General; he has construed the act of Congress as sufficiently broad to clothe him with this power; and therefore any further discussion of his right to do so can throw no light on or add anything of value to the pending measure.

A FEW FUNDAMENTALS.

Before beginning a detailed discussion of section 1, I desire to cite a few elementary principles, the very announcement of which will obtain for them a ready acceptance by all:

First, the railroad properties of the United States are privately owned. It is not intended by this measure to expropriate the owners. The Government does not seek to transfer the title. All this act provides is that the President shall take possession of the railroads and control and use them for all purposes. If we were seeking the title to these properties, it would be necessary for us to pay the owners their full value; but we are taking only the possession, control, and use of the transportation systems of the country, and, therefore, all that we are seeking to do by this legislation is to furnish a method of determining a just compensation for what we take.

It will not be forgotten, of course, that under the fifth amendment to the Constitution private property can not be taken for public purposes without just compensation; and this legislation is sought in order that the whole question of compensation may be amicably determined, if possible, without litigation; and yet, if such settlement can not be reached, providing the proper tribunal to finally determine it.

Senators, we are all familiar with the principle that Congress has no power to determine the measure of just compensation. That is exclusively a judicial function and must be finally settled by the courts alone.

After the President had taken over the railroads and it became necessary to compensate the owners for the property thus wrested from their hands, two courses were open to Congress: First, to commit the whole subject to the courts, by an appropriate resolution, and permit the entire question of compensation to be determined without any further legislative action. Second, to designate some outside authority—as in this case, the President—and confer upon him power to agree with the railroads as to the measure of just compensation. Congress might confer upon him unlimited power, but this bill does not go so far; it only provides a maximum beyond which he may not go. It merely sets forth terms upon which he may trade with the railroads and upon which they may agree, so that the whole question can be settled without litigation.

If the President and any railroad agree as to the terms of just compensation for taking over its property, then the question is settled as to that road. If the President and any one road can not agree, then a tribunal is established for the determination of the question, and under the provisions of the Constitution recourse may be had to the courts as a last resort in the adjudication of the issue.

SEVERAL BASES.

Mr. President, during the progress of the hearings before our committee several suggestions were made as to a proper basis for computing just compensation. One was that the market value of all the stocks and bonds of all the railways should be taken as a basis, and that a percentage of income on this value should be allowed to the railroads.

The objection to that was twofold: First, because stocks very often do not represent the real value of the property, and, secondly, because they so frequently and so violently fluctuate in price and are so often subject to manipulation and speculation that they could not form a sound basis upon which to determine the value of the use of the property they represent.

A second basis proposed was that the actual value of each railroad property be taken and that the rate of income on this value should be fixed by this act. The all-sufficient answer to that was that the war would probably be over before we could ascertain the value of each railroad property. A commission has been working on that problem for some years and it will be at least another year before their labor can possibly be concluded. Therefore this suggestion could not be adopted.

Another proposition was that we should provide for a reasonable rate of interest on the original cost of construction plus the money actually invested that was derived from the sale of securities.

I regard this as an absolutely illogical proposition, because it is impossible of achievement. Nobody knows, and nobody ever can ascertain, the original cost of construction, and that alone renders impossible the adoption of that basis.

The plan proposed in this bill appeared to us to be the most feasible and the most practical under all the circumstances. It is not ideal, but nothing ideal should be asked at this time. The railroads have been taken over, compensation must be made, legislation can not be long delayed, and therefore this plan was agreed upon as the best under all the circumstances to properly compensate the owners as well as to fully protect the Government.

JUST COMPENSATION.

Mr. President, this measure authorizes the President to offer each railroad as a just compensation for its possession, control, and use:

First. An annual payment equal to the average yearly income of that road for the three years ending June 30, 1915, June 30, 1916, and June 30, 1917.

Second. In addition thereto an agreed rate per cent on the cost of all improvements, approximately $130,000,000, made between June 30, 1917, the end of the fiscal year, and December 28, 1917, the date of taking over the roads.

Third. To guarantee the maintenance of the road at its present efficiency during the period of Government control.

Fourth. An agreed rate per cent on all betterments made during the operation of the road by the Government.

In addition to these stipulations other inducements to the roads to accept these terms are provided.

Section 6 authorizes the President to order additions or improvements to any road, as in his judgment they may be needed, to be paid for, if necessary, out of the revolving fund provided by this measure, and to be later accounted for in accordance with some plan to be hereafter agreed on.

Section 7 provides that any carrier may, in order to meet its financial obligations, issue such additional securities as will enable it to do so, and authorizes the President to buy such securities, if in his judgment it may be necessary. Thus we see that the President is authorized to make all needful av-

Frelinghuysen	Kellogg	Overman	Simmons
Gallinger	Kendrick	Owen	Smith, Ga.
Gore	Kenyon	Page	Smith, Mich.

prerogatives of the legislative branch of the Government, and so

rangements, through agreement with the various roads, to operate and maintain and finance all the transportation systems of the country as a nationalized unit, and thus insure the greatest possible results for the purposes of war.

And so, Senators, at the very threshold of this discussion we are confronted with this question. Are the terms authorized by this bill insufficient or more than sufficient to guarantee full compensation to the roads for their possession, control, and use during the period of the war?

It should be borne in mind throughout this discussion that Congress is not seeking to adopt an inelastic rule of just compensation, but that it is only authorizing the President to trade with the roads and is establishing a maximum limit beyond which he may not go in making the trade. Is the rule herein provided unfair? Is it unjust either to the Government or the stockholders?

The senior Senator from Iowa [Mr. CUMMINS], as well versed on this question as any man in the Republic, has argued with great force that the President will, as a matter of course, pay the railroads the amount of the standard return herein provided, and has argued that some of these returns are unjustifiable. Mr. President, all we can do is to look to the language of the bill to determine the authority of the President in this connection. It expressly provides that the President is authorized to guarantee as just compensation to any carrier making operating returns to the Interstate Commerce Commission an amount "not exceeding an annual sum" payable each year.

Whether or not the return received by any railroad is too high or too low depends upon the opinion of the man pronouncing judgment; but we have every reason to believe that, if the President shall conclude that for the past three years some of the railroads have been paying out to their stockholders unwarranted dividends, and that therefore the amount they would receive under the provisions of this bill would also be unwarranted, he could deal with that railroad in accordance with the facts and provide for a return that, in his judgment, would be justifiable. In other words, the President is not compelled by the terms of this bill to pay the maximum herein provided, but it is a matter of discretion with him as to how far he shall go, within the limits herein established, in making an agreement with each railroad. We have no right to prejudge his decision by declaring in advance that it will be otherwise than as just as can be made under the existing conditions.

Is the rule herein provided unfair? Is it unjust to either the Government or the stockholders?

It may somewhat illuminate the subject to remember that in 1914 the Government of England took over the operation of their transportation systems, and, in fixing a measure of just compensation, they guaranteed to the railroads an equivalent for the net operating income for the year 1913, with certain modifications, that having been the most prosperous one in the history of those systems in that country.

The Government there, as would the Government here under this authorization, took all the revenue above the standard return, and so satisfactorily has the plan operated that the Government will no longer publish the returns received from this source.

Under the ruling of our Interstate Commerce Commission class 1 includes all the railroads of this country whose annual operating income exceeds a million dollars. The average property investment on all the railroads of that class in the United States for the three years ending June 30, 1917, totaled $16,873,832,797. Their average net railway operating income for the three years amounted to $896,259,264, or 5.31 per cent on the property investment.

The aggregate property investment of all the railroads of all classes on the 31st day of last December amounted to approximately $18,000,000,000, and the average income of all these roads for the three years ending June 30, 1917, was substantially nine hundred and forty millions, or about 5.25 per cent. This sum is the maximum amount that may be paid to all the railroads that are to be retained in accordance with the proclamation of the President, and may largely be reduced by agreement.

For it has not yet been definitely determined what roads will and what roads will not be operated by the Government, and, under section 13 of this bill, the President has until the 1st day of July, 1918, to determine that question; but whatever they may be, this measure if enacted into law practically guarantees as a maximum the average dividend declared by such roads as are taken over as were paid for the last three years, and therefore this average return for all of the railroads of practically 5.30 per cent on the investment certainly can not be held to be extravagant; and, as herein provided, other arrangements can be made by the President and any railroad that paid no dividends in the period covered by the standard return, and a less sum may be paid to any road that has been distributing extravagant dividends.

ANOTHER STATEMENT.

The 38 railway systems of the eastern district are of tremendous importance to the country. They comprise something more than a fourth of the mileage and do a much larger proportion of the business. Here the great congestion early occurred and has ever since continued, and here the great burden of the country's transportation falls.

I shall not weary the Senate with a recital of figures, but shall content myself with a few generalizations that I believe will explain the situation quite as fully as an imposing array of statistics.

Taking the annual income of these roads for the last 15 years and comparing that income with the average rate authorized by this measure, it will be found that with most of these roads and for most of the years in that period the average return exceeded the average provided by this bill. I will give but a few instances to emphasize this statement:

The average annual return for the Delaware, Lackawanna & Western was greater for 9 of the last 15 years than the average return authorized by this law.

For the Detroit & Mackinaw it was greater for 12 years, for the Hocking Valley it was greater for 9 years, for the Lehigh Valley it was greater for 13 years, for the Maine Central it was greater for 5 years, for the New York Central it was greater for 2 years, for the Pennsylvania it was greater for 10 years, for the Pere Marquette it was greater for 4 years, for the Reading it was greater for 4 years, for the Wabash it was greater for 5 years, for the Toledo, St. Louis & Western it was greater for 10 years, for the Wheeling & Lake Erie it was greater for 7 years.

So that, so far as the average per cent authorized by this bill is concerned, certainly no one can claim that it is at all unreasonable.

ANOTHER WAY OF STATING IT.

The average per cent of net operating income on the property investment of these 38 roads for the three-year period ending June 30, 1902, was 5.37; for the three-year period ending June 30, 1905, was 5.51; for the three-year period ending June 30, 1908, was 5.70; for the three-year period ending June 30, 1911, was 5.47; for the three-year period ending June 30, 1914, was 4.68; for the three-year period ending June 30, 1917, was 5.31; and thus it will be seen that the average return for the three-year period ending June 30, 1917, the period of the standard return provided in this bill, was less than the average return for any other three-year period, save one, in the last 18 years. Viewed from this standpoint the rate herein proposed can not be fairly criticized as being extreme.

The average annual return on all the railroads of the United States was greater for 1902, 1903, 1905, 1906, 1907, 1910, 1916, and 1917 than the average for the three years under the provisions of this bill, and therefore it can not be fairly claimed that the per cent of returns authorized by this proposed legislation is unreasonable, or that it is unjust to either the railroads or the Government.

SOME COMPARISONS.

Compared with returns upon investments in other fields of industry, the one here contemplated is even meager, made so because railroads are subject to governmental regulations, while the others are not.

It is generally known that it takes $5 of railroad investment to produce $1 of earnings. Bituminous coal mining produces $2 gross revenue for every dollar of capital invested; anthracite mining, 60 cents; packing-house products, $3.39; milling, $2.48; oil refining, $1.30; cotton manufacturing, 56 cents; wool manufacturing, 98 cents; automobile manufacturing, $1.32; glass furnaces, 80 cents; rolling mills, 37 cents; canning and preserving, $1.33; the railroads, 20 cents; and thus it will be seen that, as compared with the earning capacity of capital in other investments, the provisions of this bill can not be said to provide for an exhorbitant guarantee to railroad investors.

VALUE OF USE.

It was argued with great force before the Committee on Interstate Commerce that the value of the use of what the Government took over is what the compensation should be, a proposition that, from the legal standpoint, is sustained by all the courts, and that is what the committee has attempted to approximate in its authorization to the President to trade with the roads.

But the argument was carried still further, the contention being that the value of the use of the property at the very time it was taken over is the real measure of its value, and that this sum, once ascertained, should be reflected in this bill.

I do not agree with this contention. It is quite true that it would be unfair to take the value of the use in 1915 as the measure of compensation for the roads taken over in 1917, for an expenditure of $2,000,000,000 was made on the roads between June 30, 1915, and June 30, 1917; but it is equally unfair to ask that the value of the use at the very time of the taking over should be the determining factor in fixing just compensation for the reason that unusual conditions caused an immense increase in the traffic of the country just at and before that particular time.

If one were seeking to buy the establishment of Woodward & Lothrop or Parker & Bridget he would not be content to take the value of the trade the last two weeks before Christmas in order to ascertain the financial returns of the institution, for common knowledge would teach him that there is a great volume of trade at just that particular time. He would be compelled, in order to ascertain the real value of either store, to take the receipts for a series of months, or even years, before he could arrive at a just conclusion as to the real value of the property.

The same is true of the railroads. It is manifestly not unfair to take the traffic and the profits and the financial status of these carriers for a three-year period in order to ascertain the value of the use taken by the Government, for in this adjustment of the standard return the amount of money appropriated since 1915 is thus accounted for and its revenue-producing ability is not lost sight of. This method of determining the standard return seems to me to be entirely justified on every reasonable hypothesis.

ADDITIONAL GUARANTY.

I am well aware of the fact, Mr. President, that in addition to the return per cent above set forth, the President is authorized to guarantee the upkeep of each railroad taken over and to maintain its equipment at its present standard of efficiency. To do this he is authorized to use part of the revolving fund herein established, or he may use the surplus earnings of the roads over and above the standard return, which, under the provisions of this bill, go into the Treasury.

Senators, this may seem as if we were seeking to deal with the railroads in most generous fashion, and yet, when carefully analyzed, the compensation is by no means extravagant. It must not be forgotten that the average annual rate of 5.31 per cent guaranteed the railroads by this bill is net return, with only taxes to be deducted. Assuredly if the Government takes over the roads and allows them but 5.31 per cent, the average return on investment for three years, and then requires them to maintain their own properties at their maximum efficiency out of those earnings, certainly no one will assert that that is a fair rate.

Assuredly the roads should be permitted to at least preserve their present financial status while being operated by the Government, and it is certainly most desirable that investors in railroad securities should not be placed in a worse position now than they were under private management.

Senators, I make bold to say that, even though the amount guaranteed by this bill were extravagant, yet it is far better for us to deal generously with these properties than it is to plunge the entire transportation system of the United States into litigation that will inevitably last throughout many months.

Senators, the President has taken over these properties; he has dispossessed the owners; they no longer have the right to operate their own roads; they are debarred from the privilege of reaping the reward of their own industry and frugality; they can no longer draw dividends on their own investment, save as it is guaranteed by the Government. These people who, through a series of years, have invested their savings in railroad shares, now that the use and possession of their property have been forced from them, are entitled to a fair compensation, and especially in view of the fact that the returns for many years have been rendered legal by the action of the Interstate Commerce Commission. The railroads have not made the rates; the railroads have not fixed the returns on invested capital; that has been the work of the Interstate Commerce Commission, the deputy of Congress for that purpose, and therefore the returns through all these years have been legalized by an agency of the Government.

Shall it be said, therefore, that a comparison with those rates is an unfair one? Shall it not rather be assumed that past rates are just and reasonable and that the present law should authorize at least as great a return as those heretofore permitted, yea, enforced by the Interstate Commerce Commission?

Undoubtedly there will be something of inequality in the results obtained under the operation of this bill. Undoubtedly some railroads will be paid more and some may be paid less than they are fairly entitled to receive. If we were working out an equitable scheme for all the future and had abundance of time in which to complete the task, we should undoubtedly be able to device more impartial plans and arrive at juster conclusions.

But it must constantly be borne in mind that this is a war measure, that it is hasty legislation, that it is forced upon us by extreme conditions, and that the ideal under such circumstances is impossible of accomplishment.

WHAT IS REALLY PAID.

As above stated, the net average railway operating income herein provided for class 1 roads amounts to $896,259,264. Adding the average net operating income for classes 2 and 3 the maximum guaranty which the President is authorized to make all the railroads of the United States under the provisions of this act is $935,000,000, and this is approximately $100,000,000 below their income in 1917.

The President is authorized, in addition to the above, to agree with the railroads upon a rate per cent on all investments made between June 30, 1917, the end of the fiscal year, and December 31, 1917, the time of taking over the railroads. That sum is approximately $130,000,000. If the President and the roads should agree upon a 5 per cent basis, that would amount to $6,500,000. Adding that to the $935,000,000 above set forth and the maximum sum on which the President and the railroads can agree, under the provisions of this bill, is thus seen to be $941,500,000.

But, Mr. President, it must not be forgotten that out of this sum the railroads pay their excess-profits tax, which Commissioner Anderson testified to our committee would be between $50,000,000 and $90,000,000. This bill provides that that sum should be deducted from the payment made to the railroads, because the stockholders in the railroads must pay their excess-profits tax the same as those in any other line of business.

From that sum must also be deducted the interest on the bonds, which amounted last year to approximately $450,000,000.

Mr. President, in 1912 the railroads paid approximately $339,000,000 in dividends; in 1914, $376,000,000; in 1915, $259,000,000; in 1916, $281,000,000; and in 1917, approximately $300,000,000.

It is quite true that gross incomes for 1916 and 1917 were much higher than for previous years, but because of the vastly increased expenses of operation, including cost of equipment and higher wages, the net income was but slightly greater than for previous years.

It is worthy of remark also, to which attention has been called by the Senator from Ohio [Mr. POMERENE], that the purchasing power of a dollar at this time is not over 60 per cent as great as it was in 1914, and this should be taken into account in estimating the surplus.

And, Mr. President, it will not be forgotten by those who are taking an interest in this legislation that the stockholders will receive not more than their average dividend for the last three years, and that all surplus over and above such average dividend is to be either put back in the road, returning the dividend in the form of betterments, or else turned into the Treasury to become public money.

NECESSARY TO AVOID LITIGATION.

Senators, the railroads are not compelled to accept any terms ordered by the President. They have their rights. They are protected by the Constitution and the law of the country. This property is theirs, and they can not be dispossessed without just compensation; and, therefore, it is better for us, under existing circumstances, to deal generously with these roads than to have $18,000,000,000 of securities plunged into litigation, with all that that means to the finances of the country at the present crucial time.

We know that the Secretary of the Treasury contemplates an immediate bond issue running into the billions. Will anybody contend that the Government can sell these bonds when $18,000,000,000 of securities that form the foundation of our financial stability are rendered insecure by litigation? Is it the part of wisdom to drag these vast properties into court and thus to shake the very foundations of our financial strength and our monetary stability in order to drive a hard bargain with the owners of the railroads?

For myself, I would rather pay more than they are worth than to involve them in litigation, than to suspend them in midair, than to unstabilize the value of these securities, than to strike fear to the hearts of all their holders, than to cast a shadow over the whole financial problem of the country at a time so perilous.

In my judgment, we can not afford to delay the immediate settlement of this problem. We should deal with a generous hand with these roads rather than have them seek the courts to adjudicate their claims.

It is the hope of the committee that the terms offered in this bill will be accepted by practically all the roads, and that the entire matter can thus be amicably disposed of in a comparatively short time and without litigation. It is either that or else drag them all into court and plunge them all into litigation, and thus tie the hands of those who are endeavoring in this extreme crisis to deal with the great financial problems that confront and complex us.

This is no time for extreme measures in the financial world. This is no time to foster doubt, to create distrust, to incite dissensions. Rather should we exert ourselves to the utmost to maintain peace here and to promote harmony in all the fields of domestic activity.

Ten billions of liberty bonds must soon be sold or we shall fail in our great task; and in order to make sure the success of this Herculean undertaking we must stabilize these railroad securities, and all others based on them, and thus sustain the confidence of all our people in the financial stability of the United States.

RATES REASONABLE.

I am not unmindful of the fact that complaint is made because some railroads have received much larger sums as earnings and have paid much heavier dividends than others, but this has resulted because of the legal necessity imposed upon the Interstate Commerce Commission to make rates uniform throughout the country.

Let us suppose that there are two roads running through the same territory, and that one of them, for various reasons, secures and handles the burden of the traffic, receives the heavier returns, and pays the larger dividends. If the rate be raised in order to stimulate the earning capacity of the other road, the returns of the first road are thereby rendered all the greater and the dividends all the larger; whereas, on the other hand, if the rate be lowered in order to prevent the more successful road from distributing such large dividends, then the weaker road is still further crippled or rendered altogether useless and the successful road is left without any competition whatever. This will always be true while rates must be kept uniform and competitive.

Senators, this is the direct result of the legislation of past years compelling competition and forbidding the pooling of either traffic or earnings.

UNEQUAL REVENUE.

It is undoubtedly true that some railroads have earned and distributed greater dividends for the last few years than others, but this is no time to remedy this evil, if evil it be. This is no time to readjust the whole rate system of the country; nor should anyone seek to take advantage of the present situation to attempt to equalize earnings and adjust financial inequities. This inequality of earning capacity, of receipts and dividends, has grown up under the direct supervision of the Interstate Commerce Commission. The whole system has been legalized, and I submit that this is no time to attempt to remedy all the evils that have been evolved out of so complex a fabric as the railroad corporations of this country.

Rather let us have the roads operated as they are, let the dividends be paid as they have been, and then at the close of the war we can by appropriate legislation cure the defects and remedy the evils that are now so apparent to us all. This is a war measure, and it is not intended to be remedial legislation.

During the progress of this discussion the dividends paid by certain roads have been recited as showing the unfairness of this legislation and the injustice done the people because of the sums that will thus be paid to these corporations.

But, sir, I submit that it can not be fairly argued that the mere volume of business transacted by each road or the aggregate dividends it pays to its investors is evidence of the unfairness of the rates on its traffic or of unjust methods in its dealings.

Fortunately, we are not left to the wide field of conjecture in the determination of this question, for the courts have decided this very point time without number and the line of authority is unbroken on this issue.

In the case of Cotting against Kansas City Stock Yards Co. (183 U. S. Courts), the Supreme Court, speaking upon this very point, quite forcefully and cogently says:

Pursuing this thought, we add that the State's regulation of defendant's charges is not to be measured by the aggregate of his profits or determined by the volume of his business, but by the question whether any particular charge to an individual dealing with him is, considering the service rendered an unreasonable exaction. In other words, if he has a thousand transactions a day and his charges in each are but a reasonable compensation for the benefit received by the party dealing with him, such charges do not become unreasonable because by reason of the multitude the aggregate of his profit is large. The question is not how much he makes out of his volume of business, but whether in each particular transaction the charge is an unreasonable exaction for the service rendered. He has a right to do business. He has a right to charge for each separate service that which is reasonable compensation therefor, and the legislature may not deny him such reasonable compensation and may not interfere simply because out of the multitude of his transactions the amount of his profits is large. Such was the rule of the common law even in respect to those engaged in a quasi public service independent of legislative action. In any action to recover for an excessive charge, prior to all legislative action, who ever knew of an inquiry as to the amount of the total profits of the party making the charge? Was not the inquiry always limited to the particular charge and whether that charge was an unreasonable exaction for the services rendered?

In Canada Southern Railway Co. v. International Bridge Co. (S. App. Cas., 723, 731) Lord Chancellor Selborne thus expressed the decision of the House of the Lords:

It certainly appears to their lordships that the principle must be, when reasonableness comes in question, not what profit it may be reasonable for a company to make, but what it is reasonable to charge to the person who is charged. That is the only thing he is concerned with. They do not say that the case may not be imagined of the results to a company being so enormously disproportionate to the money laid out upon the undertaking as to make that of itself possibly some evidence that the charge is unreasonable with reference to the person against whom it is charged. But that is merely imaginary. Here we have a perfectly reasonable scale of charges in everything which is to be regarded as material to the person against whom the charge is made. One of their lordships asked counsel at the bar to point out which of these charges were unreasonable. It was not found possible to do so. In point of fact, every one of them seems to be, when examined with reference to the service rendered and the benefit to the person receiving that service, perfectly unexceptionable according to any standard of reasonableness which can be suggested. That being so, it seems to their lordships that it would be a very extraordinary thing indeed, unless the legislature had expressly said so, to hold that the persons using the bridge could claim a right to take the whole accounts of the company, to dissect their capital account, and to dissect their income account, to allow this item and disallow that, and, after manipulating the accounts in their own way, to ask a court to say that the persons who have projected such an undertaking as this, who have encountered all the original risks of executing it, who are still subject to the risks which from natural and other causes every such undertaking is subject to, and who may possibly, as in the case alluded to by the learned judge in the court below, have the whole thing swept away in a moment, are to be regarded as making unreasonable charges, not because it is otherwise than fair for the railway company using the bridge to pay those charges, but because the bridge company gets a dividend which is alleged to amount at the utmost to 15 per cent. Their lordships can hardly characterize that argument as anything less than preposterous.

And it is worthy of observation that this same principle runs through all the decisions of the courts on the point in question. And so the mere fact that some railroads have distributed larger dividends than other railroads is no reason why at this time we should seek to equalize those inequalities or to rearrange those inequities, and especially when these have been already legalized by the action of the Interstate Commerce Commission.

ANOTHER VIEWPOINT.

Take the Chicago, Burlington & Quincy Railroad, cited by the Senator from Iowa as having distributed 26 per cent as dividends on its earnings. What does that argue? Simply that that road, either because its builders had the foresight to construct it through a better freight and passenger producing territory than its competitors, or because the country it serves has since become a more productive one for traffic, partly due doubtless to the railroad itself, or because it handles freight and passengers more swiftly and more safely, or because of the efficiency of its advertising force, or because of the intelligent activity of its business-getting organization, or because of certain economies practiced, or because of all these reasons combined, that that road has been able to make more money than its competing line and therefore has paid larger dividends to its stockholders. But it must not be forgotten that that has all been done under governmental regulation. It has all been accomplished under the direct supervision of the rate-making authority. Is that any reason why those dividends should now be denied to those investors? Does that furnish a rational basis for arguing that these people should be refused the same rate of return on their investments under this form of governmental control that they received under the last form of governmental control?

I am not unmindful of the contention that these roads are quasi-public corporations; that their very existence depends upon a franchise granted by the public; that they, to a limited degree, exercise governmental functions, as in the right of eminent domain; and that therefore they are entitled to earn nothing but a fair per cent, say, 5 or 6 on the investment made. In fact, we are now hearing the novel doctrine announced that if the Government decides to take over the title to all the railroads and enter upon a period of Government ownership it will not be necessary to pay the stockholders the value of the property in order to expropriate them, but that all they are entitled to receive is a fair rate of interest on the original cost of construction and the capital that has since been added from the sale of securities. This means that the shareholders are entitled to no portion of the earnings, and that if they have denied themselves dividends in order to put these earnings back into the property by way of betterments, nevertheless the Government is entitled to all the increased value of the property from such invested earnings and that the stockholders have no right to share with it in that increment.

I grant you, sir, that if in the future we are to operate all the railway systems of the country as one unit under governmental control, an equal return will be just and equitable, but I can not concede that as to the past, where practically the entire success of railway operation was wrought, and the whole value of the property was developed, by capable management.

Mr. President, I believe that it is a fallacious doctrine of economy that holds that all there is to any business is the capital invested and the labor employed. Rather, I believe that every successful enterprise rests upon the three elements of capital, labor, and management.

We all believe that capital is entitled to a fair return; we are all well aware of the economic truth that the wages paid labor are the surest barometer of a nation's prosperity and the best evidence of a nation's abiding welfare; but, nevertheless, management can not be left out of the calculation in accounting for the success of any enterprise.

We are all constantly pouring out our heartfelt tributes of praise to our gallant soldier boys and stand ready to support them with all the resources of this mighty land; but yet, sir, we look to the general to lay out the plan of campaign and to manage the forces we place at his disposal. We pay the general $8,000 a year and the soldier $300 not because the private is less patriotic or less essential to warfare or less deserving of our love, but because we depend so much upon management to fight battles and win victories.

Capital is always plentiful and can be had on good security at reasonable rates; labor is always abundant and can be had at fair wages; and in the vast majority of instances failure is traceable not to the lack of either of these elements, but to the absence of successful management. Is this third essential, therefore, to be denied all participation in the profits of the concern? Even with the railroad company dependent upon a public franchise, is the successful management by which it has been built up through many years not to be taken into account in ascertaining its earning capacity?

Let us suppose two roads running through the same general territory, obtaining franchises from the same authority, having substantially the same earning capacity. The managers of one pay large dividends and apply only a small portion of the revenues to the upkeep of the property, just enough to insure its profitable operation. The managers of the other, however, pursue a different course. They pay only a fair dividend and year after year expend all the undivided profits on the roadbed, sidetracks, terminals, improved cars and engines, and, in general, take a just pride in betterments.

In the one instance the earnings have been distributed to the stockholders and have been expended for personal use; in the other, a good part of them are here, in tangible form, in the improved condition of the property. Shall there, then, be no distinction between them, if the Government is to take over their roads? To so argue is to penalize thrift and good management and economy and to place a premium on carelessness and selfishness and inefficiency.

But it is answered that this leveling of the earnings of all the roads is rendered both necessary and just because they are essentially creatures of the Government and can not even exist without a franchise.

Senators, we have a measure pending in this body now that will compel practically every business in the entire country to secure a license to do business from the Secretary of the Treasury. So that, if it become a law, permission granted under its provisions will virtually constitute a franchise, a Government license to engage in the business specified. Simply because such license or franchise is granted, will anyone say that each enterprise thus licensed shall receive the same return on its capital as every other enterprise, or that each shall realize the same dividends as every railroad is to receive under this act, or that none of them shall be entitled to receive more than 6 per cent on their investment?

I know, Mr. President, that here is the place that various schools of thought in this country step in. As to the railroad property, the members of those schools announce that capital plus management are entitled to but a small percentage of the earnings so long as private ownership is endured.

When confronted with the argument that other concerns, not dependent on the Government for a franchise, are permitted to earn much larger dividends on the capital invested, they at once assert that the Government should either license or take over all properties, so that there should be an absolute level of earnings allowed by the State in all enterprises and on all investments, as the only way in which to promote a just and lasting equality among men. This is the inevitable conclusion of their doctrine; the sure result of their theory followed to its logical finality.

Mr. President, I am as much opposed to the extreme individualist as I am to the extreme collectivist, but, nevertheless, I still insist that whenever you destroy individual initiative, whenever you take away the individual incentive to self-betterment; whenever you undermine the individual desire to accumulate and to progress, you bring the whole of the people to the dead level of a blighting and mildewing mediocrity and strike a blow at the very vitals of a republican form of government.

AUTHORITY TO MAKE RATES.

Mr. President, the next important question involved in this controversy grows out of and is based upon section 10 of the pending measure. It confers upon the President of the United States power to initiate rates, subject to revision upon complaint by the Interstate Commerce Commission.

It can not be denied that rate making per se is a legislative function and does not fall within the purview of the Executive authority. I could very well wish myself that there were no exigency like that which confronts us, but the fact remains that there is and that extreme measures are always necessary in order to successfully cope with extreme conditions.

Congress has the sole right to fix rates. This power has been recognized by the courts over and over again, and there is no break in the uniformity of the decisions on this point. Personally, I should never consent to transfer this authority except upon the most exigent necessity, but I have reached the conclusion, not indeed without difficulty, that the present situation warrants this change.

This bill is a war measure. It deals with an unusual situation, and therefore confers unusual power. It bestows upon the President an authority that but very few would dream of placing in his hands in a time of peace, but it is essential that the railroads should be nationalized, that the entire transportation system of the country should be operated as a single unit, that waste should be eliminated, that congestion should be relieved, that expenses should be curtailed, that everything essential to the successful conduct of the war by this country should have just precedence, and that in order to meet the great demands now made upon us there should be a perfect coordination of the various railroad systems of the United States. This means, of necessity, that their control and operation should be placed in the hands of the executive department of Government. The Congress can not run the railroads; the judiciary can not run the railroads; and while in a time of peace the authority to make rates should remain lodged in the legislative branch of the Government, yet in order to properly and certainly finance the operations of all the railroads, under the provisions of the pending bill, it seems to me that there is no escape from the conclusion that it must be done by the executive branch of Government alone.

The President by the provisions of this act is authorized to guarantee the roads a fixed dividend, to insure the maintenance of every railway system at its present efficiency, and if necessary for the good of the service to finance improvements, betterments, and additions. He is thereby rendered directly responsible for the financial outlay, and per force should be entitled to the financial income. If he is to meet these responsibilities he is entitled to the surplus earnings or those that rise above the standard level herein described. It may be necessary, therefore, to successfully carry out this vast project, for him to raise the rates, and he should be given the power to assume the initiative in this undertaking.

COMMISSION FINAL ARBITER.

Even under these conditions the right of final decision is reserved for the Interstate Commerce Commission, and it is probable that the body of rates they have established will be very slightly disturbed, and certainly not at all, unless under pressure of an imperative necessity.

In this connection I desire to read a recommendation made by the Interstate Commerce Commission itself, as recorded on page 78 of the 1916 report. It shows that they then regarded the body of rates so perfect that they recommended that it be permanently established by legislative enactment. They say:

All rates, fares, and charges have been open to complaint for a period of more than 10 years, within which the commission had power to fix the future maximum rates. For a period of more than six years all proposed increased rates have been subject to protest and suspension before becoming effective. Obviously there should come a time when as to the past the general level of the rates and the relationship of rates should be fixed as reasonable. We are convinced that the best interests of the entire public, of the system of governmental regulation

of rates, and of the railroads will be served by the enactment of a statute which as of a specified date fixes the existing interstate rates, fares, classifications, rules, regulations, and charges as just and reasonable for the past, and which provides that after that date no change therein may be made except upon order of the commission.

And thus, Senators, unless spurred on by an imperative necessity it is not probable that the President will change the body of rates that is the result of such patient study and such deliberate thought as the present ones, based as they are upon three decades of experience and observation by trained and competent men.

And so in order to perfectly coordinate these vast systems of transportation; in order to operate them as a nationalized unit; in order to successfully cope with the financial problem presented, I can see nothing threatening to either the railroads or the Government, much less revolutionary, by the adoption of section 10 of the pending measure.

THE TIME LIMIT.

Those who insist on continuing the governmental control of the railroads herein granted for an indefinite time base their contentions on three grounds: First, that if a limit to such control be fixed Congress may not pass such legislation as will be required to return the properties to private management; second, that the Government should continue to control the railroads in the future and that the policy hereby inaugurated should be permanent; third, that this is but the first step toward Government ownership which should become the permanent policy of the country.

The all-sufficient answer to the first contention is that the 18 months herein prescribed is ample time for Congress to provide for the return of these properties to private management. What right have we to assume that the Congress that will be in existence at the close of this war will not understand their duty, or understanding it, fail to do it? We have every reason, on the contrary, to believe that Congress will meet the imperative demands of the time and enact whatever legislation and establish whatever system of control may be required for the future operation of the railroad systems of the country. To say otherwise is to assert that representative form of government is a failure and that the very democracy that is leading the world in the present fight for its fundamental principles has broken down, and that I shall not believe.

In simple truth, Senators, we can enact adequate legislation for this very purpose, and with this very end in view, before the close of this war and, in my judgment, 6 months instead of 18 would have been ample for both the Government and the railroads to prepare for a return of the possession, control, and use of these systems to their rightful owners.

GOVERNMENTAL CONTROL.

Mr. President, as to the second suggestion, I desire to say I do not believe that the railroads of this country will ever be permitted to return to the old competitive system which we have compelled them to pursue for the last 30 years. I do not believe they should be permitted to return to that system. I believe that they will be nationalized; that they will be operated as one transportation system; that they will not be compelled to compete; that they will be permitted to pool their traffic and their earnings; that useless lines will be abandoned; that all the property and all the equipment which every railroad has heretofore provided for its own operation and its own use, will be used in common by all the other railroads in the nationalized system. I believe that the Government will control and finance this unit, and that private ownership will be continued in the future as in the past. In other words, complete governmental control with private ownership of the property controlled.

I shall not at this time enter upon an extended argument of this theory, but shall take advantage of the first opportunity presented to fully express my views to the Senate on this vital question.

Suffice it in this place to say that the tremendous success achieved by the Railway War Board in the nine months of their control is a most forceful illustration of what can be done under a unified railroad system properly managed. Influenced by this example it may safely be predicted that the American people will never permit the American railroads to return to the old system of competition. I believe that it is gone forever; that the Sherman antitrust law, so far as it affects railroad combinations, will be repealed; that antipooling laws, directed at railroad operations will, in so far as they affect the transportation systems of the country, be abrogated, and a plan will be adopted which will give the Government practical control of American railroads, without the weakness and the inefficiency incident to Government ownership.

THE THOUGHT HABIT OF THE PEOPLE.

It is very strange that, when almost anything of an unusual nature occurs in the finances of this country, something that momentarily retards prosperity or interferes with the orderly procession of events, there are a vast number of people who are ready to lay the cause of it all at the doors of the railway managers of the country.

This has come to be the fixed impulse of the American people. In many of its phases that mental state is doubtless right, but in others it is unquestionably wrong, for it frequently strikes at the railroads because of the known fact that they have been guilty of so many grievous wrongs in the years gone by.

Everybody knows of the vast peculation incident to railway finance; of the manipulation of stocks by those to whose keeping they were committed by confiding investors; of secret rebates granted to favored corporations; of the tremendous evils growing out of interlocking directorates; of the sinister and underhanded methods, star-chamber processes, and dark-alley plans inaugurated and consummated by many railroad corporations in the days gone by. These crying evils naturally resulted, first, in a protest, and then in a storm of indignation, and then in restrictive legislation lasting through a series of years, resulting in the application of the Sherman antitrust law to railroad combinations; of antirebate laws; of railway-rate regulation; of widening the powers of the Interstate Commerce Commission; of the formation and increasing activity of State regulating bodies.

It finally became exceedingly popular to assault the railroads, and every legislature in the country had a body of reformers whose sole claim to fame was the number of bills introduced seeking to strike at the railroads or at railway management. There were, indeed, many giant evils to be dealt with, but those who wanted sensibly to reform them were outdistanced by the vocative demagogue, who simply desired to take advantage of the popular feeling against railroads for his own self-advancement.

Naturally under these conditions the pendulum swung too far in the opposite direction, and presently the railroads found themselves with ever-increasing wages, with ever-advancing prices, with constantly diminishing revenues, and yet with importunate demands of the public that they should increase their facilities and improve their equipment and handle both freight and passengers with swifter facility; and all this continued until the railroads became helpless in the presence of this unfriendly condition of the public mind. And in the meantime, be it said to the credit of the railway management of the country, they had so improved their property that—

Nowhere else were tracks and track structures capable of sustaining such heavy loads; nowhere else were there locomotives of such great tractive power or capable of so economically turning coal into train miles; nowhere else were there freight cars strong enough and large enough to concentrate a tonnage within so few trains or without such short lengths. Where, in short, railway trains moved loads far in excess of the capacity of railway trains of other countries, and, as the efficiency of the railway trackage is limited by the number of the trains that can be passed over it, this has produced the result that, per dollar of investment, American freight movement far exceeded that of all other lands. In consequence in part of this high state of mechanical development and of this remarkably efficient management the American railways, at the beginning of the present war, were performing all their service at far the lowest charges anywhere known and were being more largely utilized than those of any other nation.

RAILROAD FINANCES.

Under these conditions, pressed as they were between the upper millstone of increasing expenses and the nether one of decreasing revenues, the railroads came as early as 1912 to a place where they earned less than 6 per cent upon the value of property which they used and operated in the public service. When the investing public became aware of this situation they declined longer to buy railroad securities. They became fearful of the financial future of the railroads, because the investor would no longer invest in railroad securities.

It was announced by James J. Hill many years ago, and later reechoed by other railway managers, that a billion dollars a year would be needed for many years to come to meet all the requirements of railway construction and efficiency in this country. And yet in 1916 only $64,101,000 was obtained by the railroads and since January, 1915, only $91,535,000—this exclusive of refunding, and more could not be had.

It is well known to all that as far back as 1905 and 1906 first-mortgage bonds of the highest class sold at an average price of 103, and now those same bonds are selling at an average price of 84. It was recently heralded in the New York papers that the New York Central issued a hundred million debentures bearing 6 per cent interest, an unusual mark for securities of that grade. In 1916, when the stock of that railroad was above par, it offered to its old stockholders twenty-five millions of new stock at par, but its managers were unable to place this sum and the offer was withdrawn. To-day that stock sells at 75.

The simple truth is that all regulated investments have steadily declined in value and in dividend-earning capacity, while unregulated industries have flourished untouched by the hand of the

Government, and this has naturally led all capital to seek investment in unregulated securities.

To illustrate, in 1894 there were 110 railways listed on the New York Stock Exchange; in 1904 there were 102; in 1914 there were 92; in December, 1917, but 88.

In 1894, 22 of those listed were selling at par; 38 in 1904; 22 in 1914; and but 14 in 1917, while at the same time, on the other hand, unregulated industries increased perceptibly in both respects and their securities were freely taken at desirable rates. This shows the waning confidence of the investing public in railroad securities, caused by insistent regulations, amounting at times to almost strangulation, by the perpetual hammering by all commissions to satisfy the demands of the shipping public, by vastly increased cost of operation, and by knowledge of the fact that railroads were not permitted to earn dividends that would justify the investment.

And, Mr. President, this chaotic condition of railway finances all the more certainly justifies the pending legislation and all the more clearly points the way outlined in this bill.

GOVERNMENT OWNERSHIP.

But, Senators, Government control is not Government ownership, although the two are frequently confounded in the public mind; and although they are used interchangeably by many bodies in drafting resolutions, in reality they are as wide apart as the poles.

Government control means the adoption of a plan that would enable the Government to have charge of the operations and the financing of all the roads without being compelled to buy them. Government ownership would necessitate the purchase of all the property, valued at approximately eighteen and one-half billions of dollars. It would at once deprive the States of something more than a hundred and fifty millions by way of taxation. In Indiana the railroads paid, in 1917, $5,888,000 in taxes, State and local, on a valuation for taxation of $240,000,000, or approximately 11.6 per cent of the total assessed valuation on the property in the State for taxation. The elimination of this great sum would seriously cripple other forms of industries, that would be compelled to bear this increased burden of taxation under Government ownership. Proper governmental control would not involve this relinquishment.

If the Government owned the railroads they would be directly administered by the President and his Cabinet; but I am persuaded that it would be far preferable that some plan should be devised that would mean advisory control, exercised very much as England is handling its railroads to-day.

PRIVATE MANAGEMENT.

Governmental control will undoubtedly enable the railroads of the country to handle all the traffic in any time of peace and practically all of it in this time of war. It is not necessary that a policy of Government ownership should be adopted in order to secure this desired end. This is conclusively proved by the results of private management since the formation of the Railway War Board, on the 11th of April, 1917, six days after we plunged into this struggle.

Mr. BORAH. I wish to ask the Senator if I understand him to be in favor of Government control even in time of peace?

Mr. WATSON. Yes, sir.

Mr. BORAH. The same as we are now assuming it in time of war?

Mr. WATSON. No; I would not say the same; but, as I said just a moment ago, I do not care to enter at this time upon a full discussion of the plan that I have in my own mind, and even that has not been worked out to its final detail——

Mr. BORAH. I did not desire to interrupt the Senator, but the statement was rather interesting.

Mr. WATSON. I do not know whether or not the Senator honored me with his presence a few moments ago when I went over that at some length, not in detail but as a generalization.

What was the situation that confronted these five gentlemen who composed that board at the time of our declaration of war?

THE COAL SITUATION.

It will be remembered that in June, 1917, Secretary Lane called a number of gentlemen together to a conference in Washington for the purpose of consulting with Mr. Peabody, who had charge of that department of the Council of National Defense that had to do with the production and distribution of coal. They agreed on a price of $3 a ton at the mine. Immediately thereafter Secretary Baker announced that that sum was too high, and that he would not consent to pay it for Army purposes. Secretary Daniels subsequently made the same announcement with reference to the Navy. Shortly thereafter Dr. Garfield was made Fuel Administrator, and he also announced that that price was too high and advised the people of the country to wait for cheaper coal. I am not saying this for the purpose of animadverting upon the conduct of these gentlemen, but I am only arguing as to what produced the great congestion under which the country suffered during the last year. This produced two results, both of which were unsatisfactory: First, private consumers did not buy, and winter came on and found their bins empty. As the cold weather approached and they found that prices were not to be reduced, there began a wild scramble for coal which resulted in the railroads attempting to meet the transportation demands and largely aided in bringing on the worst congestion in railroad traffic ever known in this country.

Second, it resulted in many large concerns, which were not hopeful of lower prices, buying in large quantities and thus preparing for the future, so that in reality the coal problem was not so much one of transportation as of distribution.

Take, for instance, the domestic sizes of anthracite. There is really no excuse for an increase in the consumption of that product, except the ordinary growth of population; and yet it is known that very many communities received fully a third more than ever before. This meant that the railroads hauled the coal, but that certain persons bought and stored it and there was not a general distribution.

About this time a very great number of vessels engaged in coastwise trade were commandeered by the Government for trans-Atlantic uses, and a number of others, whose owners were attracted by the hope of great profits, also entered the cross-ocean service. This threw a greatly increased tonnage on the railroads for immediate transportation. Seventy-five per cent of the population of New England is located within 50 miles of tidewater and, very naturally, the heaviest movements of coal from the West Virginia field ought to be, and under ordinary conditions is, by water. Yet, notwithstanding the increased demand for coal at Boston, the railroads were compelled to carry a very greatly increased quantity, because of the diversion of vessel tonnage from this service.

It was stated before our committee that one railway in 1916 had carried a million tons more than in 1915, while the tonnage carried by water was 650,000 tons less than in the previous year.

In addition to that, the Interstate Commerce Commission required all railroads touching on the Great Lakes to dispense with the boats which they had operated to and from the ports they reached, and this greatly reduced the available tonnage for the movement of coal on the Great Lakes, and thus added to the burden of the railroads; and so the unfortunate coal situation increased tremendously the congestion that occurred in the fall of 1917 and that has continued throughout the winter months.

ANOTHER CAUSE.

From September, 1914, to August, 1915, practically 2,000,000 tons of freight were handled by the Atlantic and Pacific ports through the Panama Canal. When the war broke out the attractive rates on steamships for trans-Atlantic trade induced these carriers to drop the canal route and enter the cross-ocean business; and in this way 2,000,000 tons of freight were thrown on the already overburdened railways. To handle this amount requires every day 46,000 cars and 619 locomotives, and this further added to the congested condition of the railroads.

PRIORITY ORDERS.

One of the most potent influences in producing this congestion was the indiscriminate use of the preference envelope by shipping agents of the various departments. Under the direction of the Quartermaster General's Department the railroads printed what they were pleased to call a blue envelope, and freight on any bill of lading inclosed in one of these envelopes and marked "United States Government service" was given preference.

Mr. Kruttschnitt, president of the Union Pacific, thus portrays the results:

Now, the Army, because of the vast tonnage it was shipping and the great number of officers charged with disposing of its freight, used those envelopes for a great deal of freight that really did not require preference movement.

In other words, it was used for everything the Government bought and a very large quantity that it had not. Say, for instance, that a manufacturer was turning out 10,000 tons of freight, 1,000 tons of which was for governmental uses. Now, not only that 1,000 tons obtained preference, but preference envelopes were also used by the manufacturer for the other 9,000 tons as well. This practice continued until on the Pennsylvania Railroad in the Pittsburgh region fully 85 per cent of the entire tonnage was shipped under Government preference.

Every article consigned to any officer of the United States, all the war material ordered by our allies on their own account, all raw material and supplies of every character for the manufac-

tured product intended for any of the entente Governments, together with all shipments of troops, of whom more than 2,000,000 were transported within a few months, were supposed to be moved, at least required to be moved, on priority orders.

Because of the anxiety of the American Government to meet the exigent demands of the occasion and our great haste to aid our allies, we rushed thousands of carloads to the seaboard cities, particularly New York, Boston, and Newport News, that could not be properly cared for. There was an utterly inadequate number of ships to carry so great a tonnage across the ocean; there was no storage capacity equal to caring for such shipments, and, therefore, thousands of cars were left upon the sidetracks and were used as warehouses for storage purposes. But a short time ago one country alone had supplies stored at different seaports along the Atlantic in excess of its ability to carry over the ocean for the next seven months. It was stated before our committee that the total freight now awaiting transportation at all these ports amounted to 2,000,000 tons. It is thus apparent that all these supplies were rushed to the seaboard in advance of necessity; that thousands of cars were used as warehouses to store this tonnage until such time as it could be transported, and that thereby the transportation system of the country was most injuriously affected.

Of course, it is quite manifest that where everything is preferred nothing is preferred, and yet the endless congestion resulting from this system, together with the direct orders from the priority board, could not fail to bring about just such a bewildering condition as the one that has retarded industry and produced much suffering throughout the country during the last few months.

ANOTHER PLAN.

Mr. President, if I had been formulating this bill I would have provided for the appointment of a board of five to have charge of the railroads under Government control, hoping that the President would have been induced to appoint the five really strong and capable men who composed the railway war board that took charge of the railroads under the most unfavorable conditions conceivable and wrought the most marvelous results. Immediately after our declaration of war this board was selected by an appropriate resolution passed by the railroad presidents of the country, and, to use the language of Mr. Fairfax Harrison, chairman of the board—

Following the adoption of this resolution 631 railroads, comprising 202,000 miles of line in the United States, immediately coordinated their activities, and for eight months have been operated as a unified continental system.

I challenge the world to show equal results under anything like similar circumstances.

He further says:

Quoting the chairman of our central department: "By this act this great railway system with all its facilities was made to serve the Government in this crisis as completely as if it had owned them, and at the same time the Government was spared the expense of buying the roads and the responsibility and labor of managing them."

And in not one single instance was a request that they made refused or an order that they issued disobeyed.

And it is most significant that this organization was purely voluntary and was not required by any legislative enactment.

By increasing the tonnage pulled by every locomotive; by a system of intensive loading by means of which the amount put in each car was increased 5 per cent; by means of the increase of train miles made by each locomotive and by each car each day; by means of laying off excess passenger service; by means of transferring 100 engines from the southwestern district to the congested eastern district; by means of using the railroads as one system and routing freight regardless of pay to the railroad used; by means of diverting freight from New York and Boston to southern ports; by all these and other methods they increased the ton-miles per month per locomotive 1,094,800, or 16 per cent, and also augmented the ton-miles per freight car 14,670, or 14.2 per cent over the preceding year. In reality, this added 4,897 locomotives and 339,497 freight cars to the equipment of the carriers.

Two thousand eight hundred and forty locomotives and 141,475 freight cars, on the average, were ordered each year between 1907 and 1914. This additional equipment, therefore, was equivalent to the immediate delivery, without cost, of one year and nine months' locomotive orders and two years and four months' car orders.

Mr. President, it is worthy of comment that all this was done in the face of the fact that railroads could get no more money for additional equipment; that although they had large orders for locomotives and cars, they could get none of them made because of the demands of the Government on all steel mills; that locomotives and cars already built were commandeered by the Government and sent to Russia and France; and that they were compelled to, and were enabled to, bring about this tremendous increase in traffic solely by the management of the railways as a unified system.

FURTHER RESULTS OF PRIVATE MANAGEMENT.

For the calendar year 1915, the roads of classes 1 and 2 carried 309,965,120,264 revenue ton-miles; in 1916, 365,760,988,679; and in 1917, the vast total of 409,403,341,005. In the same time the same roads made 33,298,921,845 passenger miles in 1915, 35,186,307,900 in 1916, and over 36,000,000,000 in 1917.

To visualize it in another way and use the language of Mr. Kruttschnitt:

Now, if we estimate the ton mileage for the entire year from the ton mileage for the half year by doubling it, we would have the astounding total of 469,000,000,000, which is an increase of 135,000,000,000 over 1915. These figures really convey nothing to the mind unless we get some way to picture them. We can form this picture thus: According to the last available statistics of the railroads of Canada, Germany, Great Britain, Russia, France, and Austria, excluding Hungary, those nations having populations of 323,000,000 souls and 178,000 miles of railroads, the entire freight traffic handled by the roads of all these countries only equals the increase of the traffic handled by United States roads in 1917 over 1915.

And that increase alone amounted to more than the entire tonnage handled by the railroads in 1906.

Mr. President, is anyone so bold as to state in the presence of these stupendous statistics that it is necessary to have Government ownership of the railroads of this country in order to handle the peace traffic of the Nation? Mr. Kruttschnitt does not think so, for he specifically stated that if the railroads could have the same kind of cooperation in peace that they have in war there would be no trouble in managing the peace traffic of the United States, even though the tonnage were largely increased.

Mr. Hall, chairman of the Interstate Commerce Commission, in his testimony before the Interstate Commerce Committee, in answer to the question, "Wherein did the railroad managers fail to bring about perfect coordination?" answered:

I have not suggested that they did fail.

He further said, and his testimony is exceedingly valuable on the point at issue:

The carriers by rail in this country have been called upon to take care of the traffic that they have been accustomed to have, plus the traffic that no longer moves in part or in whole by water, plus the demands from across the sea growing out of the war, plus the later demands incident to our great expenditures in preparation for doing our part on that side, and plus also the movement of something like 2,000,000 of men to various cantonments, plus the transportation of all material that went into the construction of those cantonments and of entire supplies for those cantonments. They have had to respond to the activity of the Shipping Board, and to do so many, many other things that any attempt to enumerate them would be vain. But it is a perfectly tremendous increase in traffic moving very largely along certain of these main-line routes that was met in part by a campaign for increased loading which has yielded very remarkable results, and for prompt loading and unloading, which has also yielded very remarkable results; and I think it is safe to say that there has been a greater degree of cooperation between shippers and carriers since we got into this war than at any time in the history of railroad operation in this country.

Who is there to say, in the presence of these facts, that it is essential for the Government to own the railroads, with all that that means to our institutions, in order to take care of the traffic of the country?

It is worthy of remark, Mr. President, that Commissioner McChord, in his testimony before the Interstate Commerce Committee, was not willing to say that the railroads had failed even under the stress of war. In that connection he simply said:

I do not concede that the carriers could not have relieved the situation.

Further on in his testimony this question was asked:

In other words, your opinion is that if they had nationalized the roads, as they might have done, they themselves under their management could have directed and managed the roads so that they could have handled the traffic?

And to this he answered:

I think so.

It is perfectly manifest that Government ownership is by no means essential to moving the peace traffic of the country, when in reality the war traffic could, in all human probability, have been successfully handled by private management under private ownership had a little more time been given in which to do it. When private management can so handle the railroads as a coordinated unit as to increase the traffic 20 per cent over what it was in 1916 and 50 per cent over what it was in 1915, is there any reason to doubt that it could successfully handle the peace traffic of the country?

Mr. President, I in nowise disparage the efforts of Mr. McAdoo when I say that he has not handled the railroads any more wisely or any more effectively than the Railway War Board. If it be said that in the six weeks of management under his control the weather has been exceedingly bad, it must be stated by way of offset that the weather was also very severe for some time before he took control, as the testimony before the committee conclusively shows.

Mr. George N. Shriver, vice president of the Baltimore & Ohio Railway Co., testifying on that point before our committee, in answer to a question as to whether or not traffic conditions were improved at the time of his testimony over what they had been before, said:

I doubt very much if they are improving, because we have had a spell of the most severe winter that we have ever experienced, so far as I know, in this whole eastern territory, particularly along the line of the Ohio River. Places where ordinarily you will get no lower temperature than, say, 20° above, for a week past and for a great deal of the period since December 1, have been showing 4°, 5°, and down to 12° below zero. For instance, at points like Cincinnati and Dayton, where they ordinarily are not prepared for severe winter weather, engines froze up in the roundhouse; and there has been a great deal of that. Now, when those engines freeze up it takes longer to get them shaped up again for service. If I may put it in this way, ordinarily we may have five days of very severe winter weather that suspends things for a few days, but these difficulties can be overcome in another week. This winter we have had 30 or 40 days of continuous severe weather, and it will take time to overcome the effects, because we can not make repairs as quickly as we could before, and the number of engines out of service is greater.

This statement was made on the 9th of January, as shown by the hearings. So it can not be said that Mr. McAdoo's management of the railroads has failed because of the weather, any more than it can be charged that the management of the Railway War Board failed because of the weather. It is perfectly obvious that when the tremendous demand for coal is lessened far less of that product will be carried, and all other products will have a larger opportunity for transportation.

Mr. McAdoo will probably accomplish results, because he is largely operating through the gentlemen who so successfully managed the railroads and because he has formulated no new policy and adopted no new scheme, but has contented himself with following out the suggestions heretofore made by them, and which they would have followed out had they been left in control. I regard this as very wise on his part, for he definitely stated before our committee that he had no great knowledge of railroad management.

I cite these facts and make this argument not because I am in favor of returning to the old system of private management, but to show that Government ownership is not necessary in order to take care of the railway traffic of the country.

My objection to returning wholly to private management is that in the time of peace the railroads might not be operated as they were under the Railway War Board; that the old competitive methods might be readopted; and that all the old systems, with all of their evils, might again be foisted upon the public. Therefore I favor such public control as will preserve the good and prevent the evil of private management and at the same time avoid the dangers and pitfalls of Government ownership.

No wonder that the Railway War Board won the unstinted praise of the President, of the Secretary of War, of the Quartermaster General, and of all others familiar with their great work. They accomplished their prodigious task amidst unparalleled difficulties, and they consummated their great work voluntarily, undriven by law and uncompelled by statute, actuated solely by motives of patriotism.

Even under these extreme conditions that management brought the railroads to that high degree of proficiency that they handled this vast amount of freight and these great numbers of passengers at less expense than they ever had been handled by any other railroad system on earth. The average gross earnings per ton-mile of freight in the United Kingdom was 2¼ cents; and, using that as the basic figure of 100 for comparative purposes, in Germany it was 1.37 cents, or 60 per cent of that of the United Kingdom; in France it was 1.03 cents, or 57 per cent of that of the United Kingdom; in Switzerland it was 2½ cents, or 111 per cent of the British rate; and in the United States it was 0.71 cents, or only 31 per cent of the British rate; and it ought not to be forgotten that all this was brought to pass by private management of privately owned railroads.

WHAT GOVERNMENT OWNERSHIP MEANS.

Senators, the Government ownership of railroads will undoubtedly be immediately followed by the Government ownership of the telegraph and telephone systems and express companies. We have already gone to great lengths in experiments with Government ownership. We have a Government-owned railroad in Alaska; we have a Government-owned nitrate plant; we have a Government-owned armor-plate plant; we are erecting two Government-owned munition plants, in my judgment, without any authority of law; we have a Government-owned merchant marine; and we are so far committed to that policy that it is time for us to pause long enough to see whither we are drifting as a Nation.

I believe that Government ownership of all methods of transportation and all means of communication, adding 4,000,000 of people to the pay roll and converting them into Federal employees, would ultimately result in the destruction of our form of Government. Undoubtedly it means a letting down in efficiency, it means a lowering of all the standards of effectual workmanship, and it means a vastly increased outlay of money for a vastly inferior service. Everyone who is familiar with the operations of the governmental departments knows that to be true.

FIRST STEPS IN SOCIALISM.

Government ownership is not in itself the adoption of socialism, but it is the first step in the socialistic program. Mr. Morris Hillquit, late candidate for mayor of New York on the Socialistic ticket and one of the foremost leaders of this cult, as one of its most voluminous writers, and who therefore speaks with authority, in his work Socialism Summed Up, page 25, thus sets forth the definite aims of the Socialist propaganda:

Stated in more concrete terms, the Socialist program requires the public or collective ownership and operation of the principal instruments and agencies for the production and distribution of wealth—the lands, the mines, railroads, steamboats, telegraph and telephone lines, mills, foundries, and modern machinery. This is the main program and the ultimate aim of the whole Socialist movement and the political creed of all Socialists of every school. It is the unfailing test of Socialist adherence and admits of no limitation, extension, or variation. Whoever accepts this program is a Socialist, whoever does not is not.

Individual Socialists may differ in their individual socialist conceptions. They may come to the Socialist ideals by various routes, they may disagree on every question of method, but they are all in accord on the main subject of the movement. The common complaint about the numerous varieties of socialism springs from a superficial knowledge of the Socialist philosophy. As a matter of fact, no political party has ever advanced as definite, consistent, and uniform doctrines as those of international socialism.

Sir, this is in direct line with the announcement of the final purpose of socialism by all the Socialists of the world from Karl Marx and Frederick Engel, who collaborated and produced what is known as the Communist Manifesto, which is the Bible of Socialism, the two stars of the socialistic firmament down to this hour.

I am opposed to indefinite extension of Government control, because it opens up the way for, if indeed it is not intended by many as the first step toward, Government ownership. Certainly it is in complete harmony with the purpose of all Socialists, national and international, the force that is asserting itself so tremendously in all nations at this time.

Public ownership means other millions working for the Government; it means the extension of civil service over this vast number of citizens; it means that the civil-service system, regardless of its merits in the past and of the high purpose of those who conceived and those who have since enforced it, is quite likely to fail because of the power it will be required to exercise; it means the inescapable temptation to use this force as a political machine, to raise the wages of all employees before election, and to use all the other means of control and methods of subordination known to the American people, and sometimes used by politicians in the stress of a campaign.

I do not believe that we, as a Nation, can stand that strain. I do not believe we should place such dangerous power in the hands of any man. I do not believe that we should confer such extreme authority over such a vast number of American citizens upon any individual. It is contrary to the very purpose of our theory of government.

If we take the first step along this socialist highway, who so wise as to prophesy what the last may be? Aye, who so bold as to deny what the next will be? Unquestionably, Mr. President, we are face to face with the settlement of this stupendous problem, and we should not commit ourselves even to the first of its doctrines without preparing to accept them all or to fight them all, for, if we inaugurate this program, in the end it will all be forced upon the country and, in my judgment, forced upon it to the destruction of our form of Government.

Mr. President, if we have in this country Government ownership of railroads, telegraphs, telephones, and express companies, immediately the demand will come to take over the mines; in fact, we are told that the administration is even now preparing to take charge of the mines and of the oil fields. This may now be, or may hereafter become, necessary as a war measure; but, sir, if the control of all these public utilities shall continue in the time of peace, as it is now proposed that the authority invested by this bill shall, there is the gravest danger that any President, backed by the power his position naturally gives him over the press and over the people, and backed by all the tremendous agencies he can use for the formation of public opinion and the vast influences he can bring to bear for the creation of public sentiment, might make himself the Chief Executive of this country so long as he chooses to do so, and that would ultimately mean the overthrow of the form of Government created by the fathers and preserved to us by the countless sacrifices of

succeeding generations. Therefore, I am opposed to the first step of that program.

Senators, there is a lion at the door. Shall we open it wide and run the risk of restraining his savage fury after he is in, or shall we not rather close the door and keep him on the outside and make sure that we shall be saved from his power?

I am decidedly in favor of the time limit imposed in this bill. There is no occasion for further extending it. The Congress in existence at the close of this war will meet the exigencies of the occasion. The American people will demand that this question be dealt with wisely and patriotically and bravely, and the American Congress will heed that demand.

I early offered an amendment providing for a six months' limitation on governmental control after the proclamation of peace. The committee has seen fit to extend the limit and, while I very much prefer the shorter period, yet I am content to see the latter imposed. I am unalterably opposed to having these vast powers conferred for a longer period than the occasion which requires their creation.

All the other authority conferred upon the President is for the period of the war. This, too, is a war measure. There is no possible justification for it on any other theory. The President's proclamation recites that this step is taken because of the compulsion of war; he sets forth specifically that he took this action under the statute of August 29, 1916, which is nothing but a war enactment and wholly for war purposes; this very bill recites that this legislation is rendered necessary as a war proposition.

Why, then, should not the powers it bestows cease at a specified time after the war? On what theory can it be definitely extended? Who is willing to contend that it is necessary, in order to win this war, to permit Mr. McAdoo or any other man to control the railroads long after the war shall have ceased? Mr. President, this limitless control smacks too much of personal politics to secure my vote.

STILL GREATER AUTHORITY.

Senators, the Overman bill now pending before this body confers upon the President unheard-of powers, many of which to my mind are entirely unjustifiable, but the most reprehensible feature of that measure, in my judgment, is the one that provides that this autocratic authority shall continue for one year after the termination of the war. Why this provision? Why seek in that measure, as in this, to perpetuate power asked to prosecute war into the days when there shall be no war? These are war powers. They are asked for war purposes. They are not constitutional, they are not in harmony with the spirit of our institutions, they are irreconcilably opposed to every theory of our Government, aye, they are un-American, on any other hypothesis. They have no place in our peace establishment and every patriot should cry out against these efforts to take advantage of the extreme necessities of war to seize unlimited authority to be used for some purpose in the days of peace.

Sir, I am willing to confer upon the President—any President—all the power necessary to win this war; I have voted for several measures the necessity of which I doubted, because he stated that the authority sought was essential to the successful prosecution of this conflict, and I shall so vote in the future when my judgment is convinced; but, sir, I am not yet convinced that in order to win this war it is necessary to confer upon the President these tremendous powers for a period of peace long after this conflict shall have ceased.

There may be slight justification for some such action in connection with the pending bill, because legislation is necessary before the roads are turned back to their owners, but no such excuse can be offered for the Overman bill. That but shows a sheer desire for war power for peace purposes, and for one I shall never vote to confer it. It is asked because of the war; it arises wholly out of the necessity of this conflict; and, if granted, it should all cease with the ending of this conflict.

Mr. KELLOGG. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. WATSON. Certainly.

Mr. KELLOGG. Is it not a fact that all the terms and conditions under which the railroads are to be handled during the war are settled by the legislation before we take them, and all money advanced to the railroads can be secured by the President under the arrangement for loaning the money; and therefore, unless the American people see fit to change entirely the policy of control of the railroads after the war, in times of peace, there is no necessity for any legislation to turn back the roads to their owners?

Mr. WATSON. Mr. President, I would very largely agree with the Senator. In the main, his contention is justified by the facts. There might be some legislation required, but I do not think it is essential that we should argue that proposition at this time.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana further yield to the Senator from Minnesota?

Mr. WATSON. I do.

Mr. KELLOGG. I asked Mr. McAdoo if he could name any act of the Legislature that was necessary, and he was unable to do so; and nobody yet has named it.

Mr. ROBINSON. Mr. President, will the Senator from Indiana yield to me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. WATSON. Certainly.

Mr. ROBINSON. Of course, Mr. President, it would be impossible now to determine what legislation will be necessary then; otherwise, the Congress could enact it now. Will the Senator from Indiana yield further?

Mr. WATSON. Certainly.

Mr. ROBINSON. The Senator from Indiana, in a previous portion of his remarks, has stated that in his opinion it will be necessary for Congress to pass some very important legislation to fix the status of the railroads in the future, when the period of Federal control is terminated. He has outlined in part a plan which is very far-reaching in its importance and consequences, and he has stated that the plan is not completely formulated in his own mind.

I think it is agreed, Mr. President, by most of the members of the Committee on Interstate Commerce, that legislation of very great importance touching this subject will be necessary; and that fact is emphasized by the fact that, so far as I am informed, no Senator has advocated the immediate return of the railroads to their owners at the conclusion of the war. So far as I know, every Senator has proposed that some period should elapse following the war before that should occur. Some have said six months, others a year, others a year and a half, and some two years. So far as I know, no Senator has claimed that in all probability conditions will be such that the properties should be returned to their owners immediately following the close of the war.

I thank the Senator from Indiana for yielding to me.

Mr. WATSON. Mr. President, of course if the roads are to be turned back to be operated as they have been hitherto, no legislation will be required; but if it be thought desirable to change the system so that there shall be some sort of governmental control in order to unify and nationalize the various transportation systems of the country, then, perforce, there must be something of legislation. It depends altogether upon the viewpoint of the person expressing the opinion. I have very great respect for the judgment of my friend from Minnesota [Mr. KELLOGG]. I know full well his views on this subject. He and I do not quite agree as to the future, and therefore there is something of disagreement between us as to the policy which will be necessary at the conclusion of the war, and yet our views are not essentially different.

But I must conclude, because the hour is growing late.

AMERICAN STABILITY.

Senators, at the beginning of this conflict I did not believe that a complete upsetting of our whole peace establishment would be necessary to enable us to do our part in this momentous conflict. I believed then that, acting as a republic, and not as an autocracy, we could utilize all our forces and mobilize all our resources, and then, in solid phalanx, in unbroken array, we could move onward, right onward, to the accomplishment of our mighty task.

But, sir, events have decreed otherwise, and circumstances have compelled the abandonment of that policy. But, now that we have chosen a different course, in order to properly array ourselves for this conflict, let us resolve that it shall be made known to the world that we have enacted all the unusual legislation passed by Congress since we were dragged into this conflict wholly for the purposes of war; that we have not, by the enactment of these laws, abandoned to the slightest degree any of the fundamental principles of our Government; but that by this course we are only seeking to emphasize those principles among our own people and to give to the other nations of the earth the shining example of a democracy in action, of a republic at war for the preservation of the sacred ideals of the Union.

And to that end let us firmly resolve that, with the proclamation of peace, the President shall surrender all the vast powers willingly conferred upon him by an aroused people, because of the exigent necessities of war; that this Nation shall return to the kind of Republic founded by the revered fathers of the Union; and that we shall reestablish, upon foundations too

secure ever to be threatened, the three independent and coordinate branches of government, and thus best give to the world the example of a republic whose people can defend it in the time of war, and whose citizenship can govern it in the days of peace.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. WATSON. I do.

Mr. LODGE. The Senator described very forcefully—and his whole speech was one of great power—the congestion at New York and Boston. I think those were the two ports he named.

Mr. WATSON. Yes.

Mr. LODGE. I have been engaged, with others, in investigating the coal situation; and in that connection I should like to ask the Senator whether he thinks the congestion at those two great ports has been materially relieved by closing factories in Maine and sawmills in Louisiana? [Laughter.]

Mr. WATSON. Mr. President, I think the question answers itself.

Mr. STONE. Mr. President, I offer an amendment to the pending bill, and ask to have it printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of South Carolina. Mr. President, I have seen those who are interested, so far as speaking on the bill is concerned, and I should like now to have some definite time fixed at which we may get a vote on the bill. Before I ask for a unanimous-consent agreement, I want to read a communication sent me by Mr. McAdoo. He says:

> May I take the liberty of expressing the hope that the Senate may soon be able to take action upon the pending railroad bill?
>
> I can not overemphasize the urgent necessity for prompt action in this matter. This is the time of the year when the railroads should be placing orders for essential equipment and making preparation for those improvements in their facilities which will enable them to meet the great and urgent demands for transportation for which they now not only have insufficient motive power and equipment but in many cases inadequate facilities. It is a great task to do the required work in time to get the benefits this year. It is my earnest conviction that every day's delay in setting this work forward is imperiling the success of the war, limiting the industrial efficiency and jeopardizing the general prosperity and welfare of the country. We can not go forward with many matters of vital moment until the pending railroad bill becomes a law.

Mr. President, I now ask unanimous consent that not later than 5 o'clock on the calendar day of Thursday, February 21, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendments that may be offered, and upon the bill through its regular parliamentary stages to its final disposition, and that after the hour of 3 o'clock on the calendar day of Thursday, February 21, no Senator shall speak more than 10 minutes on any amendment or on the bill itself.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Nebraska?

Mr. SMITH of South Carolina. I yield.

Mr. NORRIS. Does not the Senator believe he ought to make that request to-morrow? It will be difficult, perhaps, to get the necessary quorum at this hour. We will have to have a call of the roll.

Mr. SMITH of South Carolina. I am aware of that fact; but I think we will serve a good purpose by securing the agreement this afternoon. I am sure there will be a quorum, because there are numbers of Senators here now, and I am sure they are perfectly willing to consent to the time limit I have proposed, because I have canvassed as carefully as I may the Senators present in order not to shut off anyone who desires to discuss the bill. That gives us three whole days, and all the Senators that I have seen are perfectly willing to have that time fixed.

Mr. NORRIS. Mr. President, I should like to suggest another thing to the Senator. I think he ought to provide in his request that commencing at some time—I am not particular when; I would not care if it commenced to-morrow—the speeches shall be limited to a certain time, say 10 minutes, and that that shall run on for a day or so. In that way the debate will wear itself out. We have always found a great many objectionable features when we had a time fixed for voting on everything. Unnecessary time is devoted to the consideration of some amendment, and amendments will be proposed at the last hour, and nobody will have an opportunity even to explain them.

Mr. SMITH of South Carolina. Mr. President, for that very reason I did not think it wise to put any restriction on the debate until an hour or two before we begin to vote on the bill with a view to its final passage, because amendments will be offered, the proponents of which will want to explain them at more length than 10 minutes would permit. Having had now several days of debate on the three essential features of the bill, I hope the Senator will let us have this unanimous-consent agreement; and then, if on Tuesday or Wednesday it should transpire that it would be to the best interests of expedition to limit the debate, by that time, during those two days, we certainly will know what amendments are to be offered, and we then can take further action with a view to limiting the debate. But I do not want at this time to limit the debate. The Senator himself has indicated his desire to make some remarks on the bill.

Mr. NORRIS. I am ready to make them now. I shall be glad to make them this afternoon, Mr. President. If, however, the Senator goes ahead with his request for unanimous consent, of course that means that nothing more will be done to-day, even if we finally secure the agreement.

Mr. SMITH of South Carolina. I am not so sure about that.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. SMITH of South Carolina. I yield.

Mr. CUMMINS. I do not intend to object to voting on the bill at 5 o'clock on Thursday; but that agreement ought to be accompanied with a provision or an understanding that the bill will be kept before the Senate all the time between now and then and that votes upon amendments may be taken at any time when no one desires to discuss them further. I am entirely unwilling to go up to 5 o'clock Thursday afternoon, and then, without any debate or a word, vote upon all the amendments which may be on the table. I have observed that that is the very best course in the world to bring about utter confusion.

There are certain amendments that are to be offered to the bill. They have been printed—some of them, at least—and I should like to have an understanding with the chairman that we shall go right along this afternoon as long as he pleases and all day to-morrow, and that when an amendment is offered to the bill and debate is no longer desired upon it then we shall have a vote upon that amendment, and that we shall not wait until Thursday afternoon to have it.

Mr. SMITH of South Carolina. That is perfectly agreeable to the chairman of the committee, and I hope it will be to the Senate, because I hope that to-morrow afternoon we can begin to take up whatever amendments may be offered, consider them on their merits, and vote on them before we begin to consider any other amendment. If we could put that in the form of an agreement, I should be glad to do so; but I hardly think it could be done.

Mr. CUMMINS. I am perfectly willing to trust the chairman of the committee to carry out that policy if he understands that that is the course to be pursued and if the Senate has notice of it. They must know that there are likely to be votes upon important amendments to the bill at any time between now and 5 o'clock Thursday.

Mr. SMITH of South Carolina. Let that be understood now. Let Senators be notified that the chairman of the committee will use all of his power to put that course into operation.

Mr. ROBINSON. The right ought to be reserved to lay the bill aside temporarily, by unanimous consent, in the case of some emergent matter. I suppose the Senator from Iowa would not object to that.

Mr. CUMMINS. Oh, I do not want to tie it up so that it could not be laid aside on any account.

Mr. SMITH of South Carolina. But I should like to say, Mr. President, that it is the intention of the chairman of the committee to keep this bill constantly before the Senate until the time of its final disposition. I want to have the Senate recess from time to time, so that no other business will intervene except such matters, as those stated by the Senator from Arkansas, that may be of such necessity that we would have to temporarily lay aside this measure to dispose of them.

Now, Mr. President, I renew my request for unanimous consent, with the understanding that the amendments shall be voted on in their order as they come up, and that not later than 5 o'clock on Thursday afternoon we shall proceed to vote on the bill and the amendments to the final disposition of the bill.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Michigan?

Mr. SMITH of South Carolina. I do.

Mr. TOWNSEND. I dislike very much to take the position of opposition to anything that may be asked by the chairman of the committee of which I am a member. I feel, however,

with the Senator. In the main, his contention is justified by Union; and that we shall reestablish, upon foundations too

that it is a mistake for him to call up this matter this evening. The Senator from Nebraska [Mr. NORRIS] is ready to speak to-night. He wants to go on and finish. We are making headway. There are not very many more Senators who desire to speak. I can conceive of no good that can be accomplished by fixing the date at this time and I can conceive of some harm.

Now, I desire to speak on the bill. I have been trying to find an opportunity for several days; not that I care so much about the RECORD, but there are some things that I should like to speak about, and I should like to speak to the Senators. I know that I would have no one present—I may have no one anyway—if we should agree now to take this vote on Thursday. If that is done, not a single Senator who is not obliged to be here will come here to-morrow or the next day.

We are making rapid progress as we are going at present, and if the Senator will withhold that request until there seems to be some obstacle in the way of progressing rapidly I think better progress will be made. If, for instance, we are through and nobody wants to go on there will be no question about getting consent to that proposal.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, we have thoroughly tested out and demonstrated the fact that whether you fix a time limit or whether you do not fix a time limit, the Senate is not going to come in here and listen to these debates. It has not done so. It did not do so when my persuasive voice was lifted here to discuss the initial features of this bill. [Laughter.] There was hardly anybody here, and if they did not hear me they would not be apt to be persuaded——

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. SMITH of South Carolina. I do.

Mr. STONE. If the Senator from Michigan will permit me, if it is understood, in accordance with the agreement reached between the Senator from South Carolina and the Senator from Iowa, in colloquy, that any amendment may be called up at any moment to be voted upon, I ask the Senator from Michigan if he does not think that will have a tendency to keep Senators closer to their duty here on the floor of the Senate?

Mr. TOWNSEND. Mr. President, my experience with these unanimous-consent agreements has not been very satisfactory. If I thought it would expedite the consideration of this bill, I would yield; I would even yield the desire that I have to express my views on this subject; but I do not believe it would. I have seen nothing that indicates any desire or disposition to block the passage of this bill. Of course, there have been times when nobody was ready to go on, and we would adjourn or pass to something else; but if the Senator insists upon holding the bill before the Senate, I am sure we will come to a vote by Thursday afternoon. I do not believe there is any doubt about it.

Mr. SMITH of South Carolina. What is the objection to agreeing to it, then?

Mr. TOWNSEND. The objection I have stated before—that it serves notice on every Senator that he need not come. For instance, we are spending time at the present moment in discussing this matter. It is going to require a roll call, with the possibility that we may not get a quorum. Meanwhile, if this time limit had not been proposed, the Senator from Nebraska [Mr. NORRIS] would have made his speech this evening, and we would have made that much progress.

Mr. NORRIS. And you would have gotten rid of me.

Mr. TOWNSEND. And we would have gotten rid of the Senator from Nebraska. [Laughter.] Therefore I am going to ask the Senator to withhold that request at least until to-morrow.

Mr. SMITH of South Carolina. Mr. President, I want to suggest to the Senator that the agreement or understanding that seems to have been reached that any amendments that come up will be voted on when the discussion of them ceases will in all probability guarantee the presence of more Senators on the floor than just to let this debate go on without any idea when you are going to stop it. Senators have not been here, and they are not going to be here; but if it is understood that to-morrow and next day any amendments that may be offered will be disposed of, Senators will be here to see whether or not the amendments meet their approval. That is the understanding, and I shall attempt to hold the Senate in all respects to that understanding.

Now, it will take only a few minutes to call the roll, and it will take only a minute, then, to get unanimous consent; and then, if we have time this afternoon, and the Senator from Nebraska [Mr. NORRIS] desires to go on this evening, I am sure that he will have as good an audience as could be expected to-morrow morning, under the circumstances. So I hope the Senator will not object.

Mr. TOWNSEND. Very well; go ahead.

Mr. SMITH of South Carolina. Mr. President, I now renew the request for unanimous consent.

The PRESIDING OFFICER. The Senator from South Carolina has presented a request for unanimous consent. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Cummins	Kirby	Pittman	Stone
Curtis	Knox	Pomerene	Thomas
Fletcher	Lodge	Ransdell	Tillman
France	McKellar	Robinson	Townsend
Gallinger	Martin	Saulsbury	Underwood
Hale	New	Sheppard	Vardaman
Harding	Norris	Smith, Ga.	Wadsworth
Henderson	Nugent	Smith, Mich.	Watson
Jones, N. Mex.	Overman	Smith, S. C.	Wolcott
Kendrick	Page	Smoot	

The PRESIDING OFFICER. Thirty-nine Senators are present—not a quorum. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. HOLLIS, Mr. JOHNSON of South Dakota, Mr. KELLOGG, Mr. OWEN, Mr. POINDEXTER, Mr. SIMMONS, Mr. STERLING, Mr. SUTHERLAND, and Mr. WILLIAMS answered to their names when called.

Mr. HOLLIS. I was requested to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] is absent on official business.

Mr. SHAFROTH, Mr. FRELINGHUYSEN, and Mr. GRONNA entered the Chamber and answered to their names.

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness in his family.

Mr. TOWNSEND. I announce the absence of the senior Senator from Washington [Mr. JONES]. He has been called to one of the departments on official business.

Mr. KENYON, Mr. PENROSE, Mr. MCNARY, Mr. SWANSON, Mr. SHIELDS, and Mr. BECKHAM entered the Chamber and answered to their names.

Mr. BECKHAM. I desire to announce that my colleague [Mr. JAMES] is detained on account of illness.

Mr. SUTHERLAND. I wish to announce that my colleague [Mr. GOFF] is detained by illness.

The PRESIDING OFFICER. Fifty-seven Senators are present. There is a quorum. The Secretary will read the proposed unanimous-consent agreement.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 5 o'clock p. m. on the calendar day of Thursday, February 21, 1918, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 2752, a bill to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, through the regular parliamentary stages to its final disposition; and that after the hour of 5 o'clock p. m. on said calendar day no Senator shall speak more than once or longer than 10 minutes upon the bill or more than once or longer than 5 minutes upon any amendment offered thereto

The PRESIDING OFFICER. Is there objection to the agreement proposed by the Senator from South Carolina?

Mr. SMITH of Georgia. Before consent is asked, I should like the Secretary to read again the latter part of the proposal.

The PRESIDING OFFICER. The Secretary will read the unanimous-consent agreement.

The Secretary again read the proposed agreement.

Mr. SMITH of Georgia. I wish to ask the Senator from South Carolina if he will not consent to a modification——

Mr. SMITH of South Carolina. Let me say——

Mr. SMITH of Georgia. One moment; let me finish my suggestion. I ask the Senator if he will not consent to a modification which will permit at least five minutes' debate upon any amendment that may be offered at any time? We have often under such an agreement had amendments offered where all discussion was cut off, so that it has been embarrassing to Senators to vote upon them. I do not intend to object. I do not intend to obstruct the passage of this very important measure.

Mr. SMITH of South Carolina. The Senator was not present when it was asked by the Senator from Iowa [Mr. CUMMINS] that beginning to-morrow and going on until we reach a vote a Senator shall call attention to an amendment offered, and it shall then be discussed and disposed of; that each amendment as it comes up shall be discussed and then disposed of on its merits, so as to meet the very difficulty the Senator from Georgia suggests.

Mr. SMITH of Georgia. But the provision of the consent agreement permits amendments to be offered as late as 5 o'clock on Thursday.

Mr. SMITH of South Carolina. They will not be of very much importance if they are withheld until that time.

Mr. SMITH of Georgia. I hope the Senator is right.

Mr. SMITH of South Carolina. I certainly am.

Mr. SMITH of Georgia. I think it is unwise to make one of these consent agreements that does not permit at least some discussion of an amendment after it is offered.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from South Carolina?

Mr. POINDEXTER. I understand the Senator from Georgia is not going to object.

Mr. SMITH of South Carolina. The Senator from Georgia is not going to object.

Mr. SMITH of Georgia. No; but I do urge the Senator from South Carolina to put in the agreement a provision to give an additional length of time—it would be very brief—and it would guarantee not to have amendments put to a vote upon which nothing could be said.

Mr. SMITH of South Carolina. How about beginning at 2 o'clock?

Mr. SMITH of Georgia. If we would begin on Thursday and limit debate all day Thursday, we would probably get through with the amendments.

Mr. SMITH of South Carolina. Would not from 2 o'clock until 5 o'clock give sufficient time? That would give three hours. I ask that the agreement be changed in that respect, unless there is objection.

The PRESIDING OFFICER. Without objection, the agreement will be so modified.

Mr. POINDEXTER. Mr. President, I desire to be heard. I am not at all objecting. I remember a few weeks ago, when we had the water-power bill before the Senate and had a unanimous-consent agreement shutting off all debate after a certain hour, a great many amendments suggested themselves to different Senators during the final consideration of the bill, but there was no opportunity presented to say one word in explanation of them. That is a very unsatisfactory condition of affairs in regard to any important bill. It is impossible for any very great delay to occur under a five-minute rule. If we limit the debate on each amendment to five minutes, we can dispose of the bill within a very reasonable time.

Mr. SMITH of South Carolina. That is what is being done. It is limited from 2 to 5 o'clock.

Mr. POINDEXTER. No; you propose to cut off all debate after 5 o'clock.

Mr. SMITH of South Carolina. It is now modified to read from 2 until 5.

Mr. POINDEXTER. Then you will have cut off any opportunity even to explain an amendment after 5 o'clock.

Mr. SMITH of South Carolina. The Senator from Iowa [Mr. CUMMINS] made the suggestion that from now on, whenever an amendment was offered, that that amendment should be considered and finally disposed of. It seems to me that that is a very good proposition. Of course, that would induce Senators to be present until the bill was disposed of. The Senator has observed that we have not had a very full house during the discussion of the bill.

Mr. POINDEXTER. Yes; I have wondered several times why the Senator did not ask for a vote on the bill during the time when we did not have any attendance for the consideration of the matter. It seemed to me the Senate was ready to vote at that time.

Mr. SMITH of South Carolina. No.

Mr. POINDEXTER. It would be much better to force the matter to a decision when the interest in it is lagging rather than to let the debate run for a number of days with the understanding that no action is going to be taken on it. It is rather an encouragement to Senators to absent themselves. We should not then fix a time and lay down an iron-bound rule and cut off every opportunity of expression in regard to a feature of the bill or any question which may suggest itself in regard to it.

Mr. SMITH of South Carolina. That we have not done in this case because we shall have Tuesday, Wednesday, and Thursday after all the debate we have had. There is ample time provided to offer amendments and speak to the amendments. Then from 2 o'clock until 5 o'clock on Thursday any other amendments that may suggest themselves to Senators can be discussed under the 10 and 5 minute rules.

Mr. POINDEXTER. What reason has the Senator for objecting to a five-minute speech upon an amendment?

Mr. SMITH of South Carolina. That is provided for in the unanimous-consent agreement.

Mr. POINDEXTER. I beg the Senator's pardon. After the hour of 5 o'clock there will be no opportunity to be heard.

Mr. SMITH of South Carolina. Then we are to vote. We have got to have some definite period at which to start to vote, and I thought three days was ample time for the discussion not only of the bill, which has been discussed at length, but also of any amendments that might suggest themselves. I know of but two or three Senators who want to speak on the bill at any length.

Mr. POINDEXTER. If the Senator will strike out the words "without further debate" and leave the limitation of five minutes, I shall not object.

Mr. SMITH of South Carolina. Then the debate would be absolutely interminable as now.

Mr. JONES of New Mexico. Mr. President, I have on a few occasions been embarrassed by the very condition suggested by the Senator from Georgia and the Senator from Washington and I had almost resolved that I would never consent to a unanimous-consent agreement for a final vote upon any measure in which I had any interest unless a Senator who offered an amendment should have at least five minutes in which to explain it. I think if this consent agreement was followed by a proviso that after 5 o'clock any Senator offering an amendment might have five minutes in which to explain its purport and that the chairman of the committee should have five minutes in which to reply it would obviate the difficulty which is in the minds of some Senators.

Mr. SMITH of South Carolina. If the Senator from New Mexico will allow me, the pending bill does not partake of the nature of most bills. The difficulty to which he refers does not arise on this bill. The principles are comparatively simple so far as this legislation is concerned. We have three days in which amendments may be offered, discussed, and disposed of. Then, on the last day, from 2 o'clock until 5 o'clock, the opportunity is given of offering amendments and speaking 10 minutes on the bill and 5 minutes upon any amendment.

Mr. JONES of New Mexico. I think the Senator will recall, however, that under a similar agreement the time was occupied upon one or two amendments and finally other amendments were offered and there was absolutely no opportunity to explain them. It seems to me that a Senator should have a right to offer an amendment at any time he wants and that he should have an opportunity to explain for at least five minutes what his amendment means.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. POINDEXTER. I object.

Mr. SMITH of South Carolina. I have modified the agreement and I think it will meet the objection raised.

The PRESIDING OFFICER. Does the Senator from Washington withdraw his objection?

Mr. POINDEXTER. I object to the proposal as it now stands. I will hear what the new proposal is.

Mr. SMITH of South Carolina. I have modified the agreement so that it will read:

through the regular parliamentary stages to its final disposition on said calendar day. No Senator shall speak more than once or longer than five minutes upon the bill or any amendment offered thereto.

Mr. POINDEXTER. Let me say——

Mr. SMITH of South Carolina. That is the calendar day. We can stay until midnight and a Senator will have five minutes to speak upon every amendment.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. POINDEXTER. I should like to say to the Senator that I do not object to a speedy disposition of the bill and in regard to this particular proposal I have no objection if you limit the debate to five minutes to each Senator upon the bill and upon each amendment to the bill from to-morrow; but I do object to fixing a time for a final vote on the bill without an opportunity up to the time the final vote is taken to explain an amendment within a limitation of five minutes' time.

Mr. SMITH of South Carolina. Does not the Senator think this does that?

Mr. POINDEXTER. No; it does not. It fixes a time when all debate shall be cut off—that is, at the end of the calendar day. I object to it.

The PRESIDING OFFICER. Objection is made.

Mr. POINDEXTER. If the Senator desires to propose a unanimous-consent agreement limiting, as I said before, all debate to five minutes on the bill and on each amendment to the bill I shall have no objection.

Mr. SMITH of South Carolina. But the proposition of the Senator is not to fix any time at all. I have heard those propositions before. It is no matter of concern to me except the exigencies that those who are in charge say is upon us to expedite this matter. Those of us who have been here for some length of time know the tendency of interminable debate. It

seems to me that it is nothing but reasonable that we shall take the calendar day of Thursday and let the debate run on and let those who offer amendments discuss them without limitation until Thursday, and then from 2 o'clock in the afternoon until 12 o'clock that night anyone who offers an amendment can have an opportunity to discuss it for five minutes. That is what I was attempting to meet. I just wanted a definite time at which we would know when we would dispose of the bill. There are three whole days in which any amendment can be offered and anyone can debate it, and then from 2 o'clock until midnight on Thursday any amendment may be discussed under the five-minute rule.

Mr. POINDEXTER. It is not necessary, Mr. President, in order to dispose of the bill to stay here until midnight of Thursday or of any other day. I do not think we have arrived at the stage of the consideration of this bill when it is necessary to stay here all night to dispose of it.

Mr. SMITH of South Carolina. I think not; I merely used that by way of illustration.

Mr. POINDEXTER. I think it could be disposed of much earlier than that, for it is now before the Senate; and when there is no one here on the floor insisting on speaking, the Senator can call for a vote on the bill or on any amendment that may be pending.

Mr. SMITH of South Carolina. If the Senator will allow me——

Mr. POINDEXTER. It could be readily disposed of by limiting the debate after a certain time—the time to be fixed to suit the chairman of the committee—to five minutes upon the bill and any amendment to it.

Mr. SMITH of South Carolina. As the Senator will remember, the proposed agreement says not later than the time indicated. There are a number of Senators here who think we will dispose of the bill before then. The agreement does not say that at that particular time the bill shall be voted on and disposed of, but "not later" than that time. I am of the opinion that we will get through with it without the five-minute limitation, if the Senator will allow the request for unanimous consent to be agreed to.

Mr. POINDEXTER. I object.

The PRESIDING OFFICER. Objection is made.

EXECUTIVE SESSION.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 19, 1918, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 18, 1918.

CALIFORNIA DÉBRIS COMMISSION.

Col. Charles L. Potter, Corps of Engineers, to be a member of the California Débris Commission.

COAST AND GEODETIC SURVEY.

Leo C. Wilder to be junior hydrographic and geodetic engineer.

Aaron G. Katz to be aid.

CONSULAR SERVICE.

CONSULS OF CLASS 3.

John A. Embry.
Austin C. Brady.

NAVAL CUSTOMS OFFICER.

John B. Nash to be naval officer of customs in customs collections district No. 4.

RECEIVERS OF PUBLIC MONEYS.

Burre H. Lien to be receiver of public moneys at El Centro, Cal.

Joseph Allen to be receiver of public moneys at Visalia, Cal.

George Weaver to be receiver of public moneys at Durango, Colo.

John W. Cloyd to be receiver of public moneys at Sterling, Colo.

Juan N. Vigil to be receiver of public moneys at Santa Fe, N. Mex.

Ashley G. Dawley to be receiver of public moneys at Elko, Nev.

Alexander X. Campbell to be receiver of public moneys at Guthrie, Okla.

REGISTERS OF LAND OFFICES.

John E. Robbins to be register of the land office at Elko, Nev.

Robert R. Wilson to be register of the land office at Dodge City, Kans.

POSTMASTERS.

GEORGIA.

A. L. McArthur, Cordele.
Alice B. Bussey, Cuthbert.
Teressa G. Williams, Greenville.
George W. Dansby, Rockmart.
Marion Lucas, Savannah.
H. O. Crittenden, Shellman.
Annie P. Harper, Stillmore.
Vivian Humphreys, Stone Mountain.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 18, 1918.*

The House met at 12 o'clock noon.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Creator and Lord of sun, moon, and stars; assailed at times by the Psalmist's misgiving we cry, What are man and his transient affairs to Thee? Yet we know of Thy ever-creative imminence in the earth, for Thou art everywhere. And even the humblest of us is subject to the insistent claims of the moral law. And we have the sure testimony of thousands that Thou wilt keep him in perfect peace whose mind is stayed on Thee. Move our faith to Thee, O God, faith in Thy boundless care for us and our importance to Thee. And anchor us to right endeavor with that hope that maketh not ashamed.

In the solemn hush of night; in the broad light of day, with its manifold temptations; in all our sorrows, fears, and joys; and in our present view of a world brokenhearted, drenched in tears, crimson with blood, choked by smoke and hatred, let us glimpse often, we entreat Thee, the unfading glory of Thy majesty and know the changeless decrees of Thy throne and feel the heart-throbs of Thy tender but conquering love.

Let us not deny Thee by despair nor forsake Thee by our shame. But let us expect great things from God and attempt great things for God.

Through Him who yielded his place in heaven and emptied himself of all pride that we might be exalted; who became poor that we might be rich; who took upon Himself the likeness of sinful flesh that we might obtain the spirit; who died that we might have life everlasting. Amen.

The Journals of the proceedings of Saturday, February 16, 1918, and Sunday, February 17, 1918, were read and approved.

LEAVES OF ABSENCE.

By unanimous consent, leaves of absence were granted to—

Mr. BOOHER, indefinitely, on account of sickness in family.

Mr. BLACKMON, for four days, on account of official business for the Government.

Mr. TAGUE, for 10 days, on account of illness at home.

UNITED STATES BUREAU OF EFFICIENCY (H. DOC. NO. 901).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, was ordered printed and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

As required by acts of Congress approved March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1 1916, to October 31, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *16 February, 1918.*

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Public Buildings and Grounds may be permitted to sit during the sessions of the House to consider the $50,000,000 housing bill.

The SPEAKER. The gentleman from Florida, chairman of the Committee on Public Buildings and Grounds, asks unanimous consent that his committee may be permitted to sit during the sessions of the House to consider the $50,000,000 housing proposition. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, is that the bill that was taken from the Committee on Labor?

Mr. CLARK of Florida. Yes. We are engaged in hearings now.

The SPEAKER. Is there objection?

There was no objection.

RAILROAD LEGISLATION.

Mr. SIMS. Mr. Speaker, I ask unanimous consent for two minutes in order to have read a letter from the Director General of Railroads, Mr. McAdoo.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to have a letter from the Director General of Railroads McAdoo read. Is there objection?

There was no objection.

The Clerk read as follows:

WASHINGTON, *February 16, 1918.*

MY DEAR JUDGE SIMS: May I take the liberty of expressing the hope that the House may soon be able to take action upon the pending railroad bill?

I can not overemphasize the urgent necessity for prompt action in this matter. This is the time of the year when the railroads should be placing orders for essential equipment and making preparation for those improvements in their facilities which will enable them to meet the great and urgent demands for transportation for which they now not only have insufficient motive power and equipment but, in many cases, inadequate facilities. It is a great task to do the required work in time to get the benefits this year. It is my earnest conviction that every day's delay in setting this work forward is imperiling the success of the war, limiting the industrial efficiency, and jeopardizing the general prosperity and welfare of the country. We can not go forward with many matters of vital moment until the pending railroad bill becomes a law.

With warm regard, I am,
Cordially, yours,
W. G. McADOO.

Hon. T. W. SIMS,
Chairman Committee on Interstate and Foreign Commerce, House of Representatives.

URGENT DEFICIENCY APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9867, the urgent deficiency appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the urgent deficiency appropriation bill, with Mr. GARNER in the chair.

The Clerk read as follows:

Not to exceed $50,000 of the funds derived from the sale of timber from the Red Lake Indian Forest, Minn., under authority of the act of May 18, 1916 (39 Stats., p. 137), may be expended by the Secretary of the Interior in the logging, booming, towing, and manufacturing of timber from burned-over areas at the Red Lake Agency sawmill and in the reimbursement from the said timber receipts of the amounts expended from other Indian tribal funds in the prosecution of such work.

Mr. CAMPBELL of Kansas. Mr. Chairman, I reserve a point of order on the paragraph just read.

Mr. SHERLEY. All right.

Mr. CAMPBELL of Kansas. I do so for the purpose of inquiring the necessity of including this in a deficiency appropriation bill. It is clearly legislation authorizing the Secretary of the Interior to rotate a fund, contrary to the policy of the Indian Bureau and of the Committee on Indian Affairs for years. We have never permitted the Indian Office to rotate funds of this character.

Mr. SHERLEY. It was not done to make a rotation fund. The reason for it is simply to enable them to cut some timber that has been burnt over, and that will be lost if it is not marketed within a reasonable time. The statement was made that under existing law they did not have any authority to cut this timber, and there did not seem to be any reason why the burnt timber should not be cut and marketed, therefore the committee made the authorization.

Mr. CAMPBELL of Kansas. I make the point of order.

Mr. SHERLEY. On what ground does the gentleman make the point of order?

Mr. CAMPBELL of Kansas. On the ground that it is legislation.

Mr. SHERLEY. If the Chair please, it is work that is already under way. They have been cutting some of this timber.

Mr. CAMPBELL of Kansas. Oh, no; the Indian Office has never had any authority, and the Secretary of the Interior has never had any authority to rotate funds as proposed in this bill.

Mr. SHERLEY. This does not make a rotating fund. That is not the effect of the language. There has been authority given and timber has been cut. If the Chair will indulge me a moment I will find the statute and read it.

Mr. CAMPBELL of Kansas. Oh, yes; the Secretary has been authorized to cut timber, but the money has been converted into the Treasury and appropriated in the regular way. I have no objection to permitting them to go ahead and cut this timber and put the money into the Treasury, and provide for its appropriation in the usual way, but I shall make a point of order against the legislation proposed.

Mr. SHERLEY. I do not know what the gentleman means by "the usual way." This is the usual way, and is simply extending the operations to this burnt-over area.

Mr. CAMPBELL of Kansas. No; he is permitted to use the fund arising from the sale of this timber.

Mr. SHERLEY. Of course, to cut more of it. And why should he not?

Mr. CAMPBELL of Kansas. Because we have never permitted that sort of thing to be done.

Mr. SHERLEY. Why should it not be done? Can the gentleman state any reason why, at a time when the Treasury is being burdened, we should further burden it by a direct $50,000 appropriation?

Mr. CAMPBELL of Kansas. It happens to be a very large subject, and it is an unwise policy to permit any department of the Government to do this.

Mr. SHERLEY. I would rather have the reason than the conclusion of the gentleman. What is the reason it is unwise?

Mr. CAMPBELL of Kansas. It is unwise because it permits a department of the Government to cut timber and sell it and get the money for it, and use this money as it may see fit, using it as a rotating fund, under the discretion of employees. It is a dangerous policy.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. STAFFORD. Do I understand that the gentleman's objection is only to the last three lines of the paragraph? The gentleman, I take it, has no objection to allowing $50,000 of funds derived from the sale of timber to be used for this purpose? It is only to the last three lines, I believe, that the gentleman is raising his objection. The lines that I refer to are the following:

And in the reimbursement from the said timber receipts of the amounts expended from other Indian tribal funds in the prosecution of such work.

If those lines were eliminated, would the gentleman have any objection to the remainder?

Mr. CAMPBELL of Kansas. That would leave it less objectionable.

Mr. STAFFORD. As I understand, the gentleman's objection would then be removed, because they would be limited to a fund of $50,000 derived from the sale of timber, for this purpose, instead of taking the $50,000 out of the General Treasury. This would take the $50,000 from funds that would be derived from the sale of timber on this reservation. I should think that would be satisfactory.

Mr. SHERLEY. If the Chair please, I am prepared to discuss the point of order. In the Indian appropriation bill for 1916 the Secretary is expressly authorized to obtain sawmills and cut lands, and use the interest on the funds derived from the sale of the timber, and this language occurs:

After the payment of all expenses connected with the administration of these lands—

And that includes the lands involved here—

as herein provided, the net proceeds therefrom shall be covered into the Treasury of the United States to the credit of the Red Lake Indians and draw interest at the rate of 4 per cent per annum. The interest on this fund may be used by the Secretary of the Interior in such manner as he shall consider most advantageous and beneficial to the Red Lake Indians. Expenditure from the principal shall be made only after the approval by Congress of estimates submitted by the said Secretary.

Now, an estimate has been submitted by the Secretary. It is regularly before Congress, has been regularly presented to the committee, and by the committee to the House, and it is up to the House to determine whether it wants to make the appropriation or not. The point of order clearly does not lie. I will send the statute to the Chair.

The CHAIRMAN. Will the gentleman from Kentucky answer this question——

Mr. SHERLEY. Certainly.

The CHAIRMAN. As the Chair caught the reading of the statute it provided that the interest should be used as a revolving fund.

Mr. SHERLEY. Yes.

Mr. CAMPBELL of Kansas. I beg pardon, but——

The CHAIRMAN. Just a moment.

Mr. CAMPBELL of Kansas. I aided in the preparation of that statute, and I do not think it bears the construction placed upon it by the gentleman from Kentucky.

Mr. SHERLEY. Of course the statute speaks for itself, as all statutes do.

The CHAIRMAN. If the Chair may be permitted to ask the gentleman from Kentucky a question——

Mr. SHERLEY. Certainly.

The CHAIRMAN. Is it the position of the gentleman from Kentucky that the interest authorized by this statute can be utilized by the Secretary of the Interior as he may deem proper?

Mr. SHERLEY. It is so stated in express terms.

The CHAIRMAN. Is there any evidence that the $50,000 proposed to be appropriated here is a part of the interest?

Mr. SHERLEY. No; but if the Chair will permit, the very next line says that the principal can be used upon estimates submitted by the Secretary and upon appropriation by Congress, and that is just what we are doing.

The CHAIRMAN. Was there an estimate submitted for this?

Mr. SHERLEY. There was an estimate submitted in due course.

Mr. CAMPBELL of Kansas. That does not come within the spirit of the law. The money derived from the sale of this timber is placed in the Treasury as other funds are placed in the Treasury, and appropriated in the same manner as other funds. If it were appropriated out of the funds placed in the Treasury as the result of the sale of these lands they would not need to refer to it at all.

The CHAIRMAN. The Chair would like to call the attention of the gentleman from Kansas to this language.

After the payment of all expenses connected with the administration of these lands as herein provided, the net proceeds therefrom shall be covered into the Treasury of the United States to the credit of the Red Lake Indians.

That does not have to be appropriated by Congress, and then it says:

Expenditure from the principal shall be made only after the approval by Congress of estimates submitted by the said Secretary.

This seems to come within that provision, Congress having reserved to itself the right to state how the principal shall be used.

Mr. CAMPBELL of Kansas. The intention is to place the money in the Treasury and have it appropriated in the regular way, and it is not necessary to refer to it, as in the first part of this paragraph, as money derived from the sale of this timber. It is in the Treasury to the credit of the Indians and may be appropriated on estimates from the Secretary of the Treasury.

The CHAIRMAN. The gentleman concedes that estimates have been sent in for this item?

Mr. CAMPBELL of Kansas. I assume that they have been.

Mr. SHERLEY. There is no doubt about that.

The CHAIRMAN. The point of order is overruled.

The Clerk read as follows:

For the examination and classification of lands requisite to the determination of their suitability for enlarged homesteads, stock-raising homesteads, public watering places, and stock driveways, as required by the public-land laws, $150,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understand the appropriation of $150,000 for the examining and classification of lands requisite to the determination of their suitability for enlarged homesteads is not limited to the Territory of Alaska?

Mr. SHERLEY. No; it has no relation to Alaska at all. It relates to lands in a homestead act which we passed which requires their classification before they shall be open to homesteaders. There are several hundred thousand now waiting to go on these lands, and there has been a very insistent demand that the work should go forward.

Mr. STAFFORD. I withdraw the pro forma amendment.

The Clerk read as follows:

For temporary and auxiliary clerk hire and for substitute clerk hire for clerks and employees absent with pay at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $1,800,000.

Mr. GILLETT. Mr. Chairman, many statements have been made in this House about the trouble with the mails going to our soldiers in France. This morning it happens that I received three letters much in the line of others which I have received. One was a little different, because it refers particularly to Christmas boxes. It said that in November the War Department issued a circular stating that any box weighing not over 20 pounds marked "Christmas box" and addressed to a soldier in France and sent so it would be received in New York on or before December 5 would be delivered free of charge on Christmas morning in France. He says that he sent two boxes—one on November 27 and one on November 29—so they had plenty of time to reach New York before December 5, and that they did reach there, and yet 10 days ago he learned from a friend who had received a letter from his son, written on Christmas day, that he had received no box from home, though he had received several parcel-post packages from other people. Neither of the boxes, which were of considerable value, arrived at all. He said that the value of the boxes was considerable, but the main cause of regret is the disappointment of the boy in France.

I have also received a letter from a lady, who says:

I am writing this letter to call your attention to the mail service to the boys in France. My brother left Massachusetts in September and writes me a letter, dated November 29, that he has received only one letter from the good old U. S. A. I have written 15 letters, and his mother has sent him still more. We sent him three packages, none of which he has received. He writes that he is very lonesome (he is only a boy) and very much worried because he does not hear from home.

In the same mail I received another letter of the same purport. It says:

My son has been in France since the first part of December, and from that time to this we have sent him a Christmas box, mailed letters, two or three a week, sent newspapers once or twice a week, magazines, knitted articles—such as helmets, scarfs, sweaters—cigarettes, candy, fountain pen, and things too numerous to mention. I received a letter from him yesterday, dated January 27, and up to that time from the last part of December he had not received any of the many things sent.

I state these things in corroboration of the many statements which have been made in the hope that the Post Office Department will increase its efforts to remedy these shameful miscarriages.

The Clerk read as follows:

The proceeds heretofore or hereafter received from the disposition of nitrate of soda under the appropriation of $10,000,000 contained in section 27 of the act approved August 10, 1917, shall be credited to the said appropriation of $10,000,000 and be available for the purposes authorized in the said action during the period of the existing war as defined by section 24 of the said act.

Mr. GREEN of Iowa. Mr. Chairman, I reserve a point of order, to ask the chairman what special reason there is for inserting this here.

Mr. SHERLEY. The reason was that it came to the attention of the committee that the Agricultural Department had obtained a certain amount of nitrates which had been disposed of; that there was a demand for very much more than that. And while the Agricultural Department was not certain whether it would be able to get additional ships or not, if it could get the ships it was desirable to have this money available for the procurement of the additional nitrates for agricultural purposes. It further appeared that an amendment to this effect was placed on the Agricultural bill in the Senate; that the matter was agreeable to the Agricultural Committee of the House, and it was put up in here rather than in the Agricultural bill to make it available earlier should the contingencies arise which might make it necessary.

Mr. GREEN of Iowa. That was the very point I was coming to. It seemed to me this was a matter that ought to come within the jurisdiction of the Committee on Agriculture.

Mr. SHERLEY. We would not have touched it except with the understanding that it was acceptable to the chairman and, as I said, to the committee, and that a similar provision was pending to the Agricultural bill in the Senate.

Mr. GREEN of Iowa. Well, it seems to me——

Mr. SHERLEY. The gentleman from South Carolina [Mr. BYRNES] was the mover in the matter and I think could give the gentleman even fuller information than I can, but that is my understanding, I will say to the gentleman.

Mr. GREEN of Iowa. Well, Mr. Chairman, I do not think this provision ought to be contained in the bill. My understanding is that the Agricultural Committee will shortly come in with another bill——

Mr. SHERLEY. I suggest the gentleman let the matter be passed for the present.

Mr. GREEN of Iowa. I would ask then unanimous consent that this matter may be passed for the present——

Mr. SHERLEY. With the point of order pending?

Mr. GREEN of Iowa. With the point of order pending.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that this item be passed temporarily with the point of order pending. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

For additional for procuring, storing, and furnishing seeds as authorized by section 3 of the act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917, including not to exceed $5,000 for rent and personal services in the District of Columbia, $4,000,000, which may be used as a revolving fund until June 30, 1918.

Mr. NORTON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 76, line 8, after the figures "$4,000,000," insert:

"*Provided*, That the Secretary of Agriculture may sell the said seed to farmers on security approved by the Secretary and under rules and regulations prescribed by him."

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on the amendment.

Mr. NORTON. Mr. Chairman, there has been a great deal of discussion throughout the country during the past two months in regard to Congress making an appropriation for encouraging the sowing of the largest possible acreage of grain crops next spring. In the hearings before the Committee on Agriculture held a few days ago, Food Administrator Mr. Herbert C. Hoover stated that in his judgment it was advisable for the Government at this time to do everything possible to encourage the sowing of the greatest possible acreage of spring wheat next spring. He stated at the hearing that it was quite evident that there was going to be a shortage of wheat in the country this year, and as all winter wheat had already been sown the only thing that could be done now to increase the acreage of wheat would be to encourage the sowing of a greater acreage of spring wheat. There are a number of districts in the country where there was a crop failure of spring wheat last year that can be greatly helped out if the Secretary of Agriculture is given by Congress the right to sell seed wheat on time to farmers who will put it in and increase the crop of spring wheat. My amendment provides that this wheat can be sold on time, on security approved by the Secretary of Agriculture, and under rules and regulations prescribed by him.

Mr. FLOOD. Will the gentleman yield for a question?

Mr. NORTON. I will.

Mr. FLOOD. What is the suggestion of the gentleman as to where this wheat will be stored and sold?

Mr. NORTON. It should be stored in and sold from the local elevators in the communities where it is to be sown. I will say, as far as the needs of my State are concerned I believe they have been already largely taken care of. Recently the Legislative Assembly of North Dakota met in special session and amended and extended the provisions of the county seed-bonding law of the State. Under the provisions of this amended county seed-bonding law the need for seed in my State can be pretty well taken care of. There is, however, need in many parts of the country for the legislation which my amendment proposes. Its adoption would largely increase the acreage of spring wheat to be sown next spring in Montana, Wyoming, and North and South Dakota.

Mr. FLOOD. Now, is the proposition to have the Government buy this wheat and send it to each county in those States and have from here a distribution of seeds?

Mr. NORTON. The purpose of my amendment is this, to permit the Secretary of Agriculture, where seed can not be obtained in any other way by farmers who are prepared to sow the seed properly to sell seed to them on time and under rules and regulations prescribed by him to safeguard the Government. I have talked the matter over with the Secretary, and I am certain that in the administration of the provision proposed by my amendment he will be very conservative. He would, I am sure, only authorize the sale of these seeds on time when and where the carrying out of this policy would greatly encourage sowing a greater crop acreage next spring and where the sowing of this increased acreage would be likely to benefit the whole Nation through a large addition to our total food supply at the next harvest.

Mr. GOOD. Will the gentleman yield?

Mr. NORTON. I will.

Mr. GOOD. Now, in exercising that privilege he will, of course, grant credit only to the farmer who could not get credit locally?

Mr. NORTON. Certainly.

Mr. GOOD. Then he is granting credit to people who are not entitled to credit from a financial point of view, and as a result the Government would have in a short time bills against every bankrupt farmer who wanted to buy wheat?

Mr. NORTON. Oh, I do not think that is so. I will say this to the gentleman: I think the need for an increased supply of foodstuffs is so great in this country at the present time that the Government would be well justified in adopting the policy of advancing money on time to supply seed to be sown in agricultural districts of the country where, under ordinary circumstances, good crop yields will be returned much more than sufficient in value to pay all the expenses for the seed furnished and for the sowing, harvesting, and marketing of the crops.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I rise to oppose the amendment, and I would like to have a little time.

The CHAIRMAN. The question is on the point of order. Does the gentleman desire to be heard on the point of order, or does he desire to discuss the merits of the proposition? The Chair is ready to rule.

Mr. SHERLEY. I am willing to reserve the point of order.

Mr. GOOD. Mr. Chairman, I am opposed to the amendment of the gentleman from North Dakota. I am afraid that the committee has gone further in this respect in granting an appropriation of $4,000,000 for the purchase of seed in this emergency than it ought to have gone. At any rate, it has appropriated ample. The proposition smacks a little too much of paternalism to suit me, and I represent an entirely agricultural community. I would do nothing to hamper this great industry. I have read with interest the extended hearings on this subject, and there is not a word with regard to a shortage of wheat seed; not a word with regard to the need of cotton seed; not a word with regard to the shortage of barley seed or flax seed; certainly not a word as to the need of peanuts; and the Secretary of Agriculture came before the committee and said that because of the cold season last year, especially in the Northwest and Middle West, there was a great amount of soft corn, in some localities the moisture being as high as 80 per cent, and in but a few was the moisture as low as 20 per cent. And the department has felt that the farmers in the corn belt were going to have trouble in buying suitable seed corn for the spring planting. We have here an estimate of the Secretary of Agriculture to purchase seed. His estimate is as follows:

Purchases of seed that are being made under the provisions of section 3 of Public No. 40, $2,500,000.

Crop.	Estimated quantity to be purchased.	Estimated cost, including all overhead charges.	Purchases commenced.	Purchases must conclude.	Sales commenced or will commence.	Sales to date, Jan. 31, 1918.	Sales must conclude.	Estimated receipts from sales available for reuse in purchasing of seed, spring of 1918.
THE SOUTHWEST (TEXAS).								
Corn ..... bushels	25,000	$75,000	Oct. 15, 1917	Mar. 1, 1918	Jan. 15, 1918	$5,372.63	May 1, 1918	$15,000
Cotton ..... do	162,150	290,000	Jan. 15, 1918	do	Feb. 15, 1918	(1)	do	15,000
Sorghum seed, kafir, milo etc. ..... pounds	3,100,000	310,000	Jan. 7, 1918	Apr. 1, 1918	Jan. 10, 1918	400.00	do	15,000
Peanuts ..... bushels	107,500	215,000	Jan. 15, 1918	do	Feb. 15, 1918	(1)	do	10,000
		890,000						55,000
NORTHWEST (MONTANA AND NORTH DAKOTA).								
Barley ..... bushel	104,000	337,500	Jan. 2, 1918	Apr. 1, 1918	Mar. 15, 1918	(1)	May 1, 1918	17,000
Flax ..... do	60,000	210,000	Feb. 1, 1918	do	do	(1)	do	10,500
Oats ..... do	250,500	250,500	Jan. 2, 1918	do	do	(1)	do	12,500
		800,000						40,000
NORTHERN PART OF CORN BELT.								
Corn ..... bushels	175,000	610,000	Feb. 1, 1918	Apr. 1, 1918	Mar. 1, 1918	(1)	May 1, 1918	39,500
SOUTHERN PART OF GREAT PLAINS.								
Sorghum (including grain sorghum and sweet sorghums) ..... pounds	7,000,000	200,000	Feb. 15, 1918	Apr. 1, 1918	Mar. 15, 1918	(1)	May 1, 1918	10,000

[1] None.

Now, the Department of Agriculture proposes to spend the sum of $4,000,000, as follows:

Plan of expenditures under the proposed emergency item of $6,000,000 for the purchase and sale of seeds.

Crop.	Estimated quantity to be purchased.	Estimated cost, including overhead charges.	Purchases to commence—	Purchases must conclude—	Sales commenced or will commence—	Sales to date.	Sales must conclude—	Estimated receipts from sales available for reuse in purchasing seed, spring of 1918
FOR THE SOUTHWEST, INCLUDING TEXAS AND NEW MEXICO.								
Sorghums ..... pounds..	5,000,000	$500,000	Feb. 15, 1918	Apr. 1, 1918	Mar. 1, 1918	.....	May 1, 1918	125,000
Cotton ..... bushels..	270,000	500,000	....do.....	....do.....	....do.....	.....	....do.....	25,000
Pe nuts ..... do....	125,000	250,000	....do.....	....do.....	....do.....	.....	....do.....	12,500
Total	.....	1,250,000	.....	.....	.....	.....	.....	162,500
FOR THE NORTHWEST.								
Oats ..... bushels..	750,000	750,000	Feb. 15, 1918	Apr. 1, 1918	Mar. 1, 1918	.....	May 1, 1918	37,500
Barley ..... do....	214,000	375,000	....do.....	....do.....	....do.....	.....	....do.....	18,750
Flax ..... do....	35,700	125,000	....do.....	....do.....	....do.....	.....	....do.....	6,250
Total	.....	1,250,000	.....	.....	.....	.....	.....	62,500
FOR THE NORTHERN CORN BELT.								
Corn ..... bushels..	30,000	1,500,000	Feb. 15, 1918	Apr. 1, 1918	Mar. 1, 1918	.....	May 15, 1918	75,000
Soy bean ..... do....	120,000	600,000	....do.....	....do.....	....do.....	.....	....do.....	30,000
Navy beans ..... do....	60,000	600,000	....do.....	....do.....	....do.....	.....	....do.....	30,000
Total	.....	2,700,000	.....	.....	.....	.....	.....	135,000
FOR THE SOUTHERN PART OF THE GREAT PLAINS.								
Sorghum ..... pounds..	8,000,000	800,000	Feb. 15, 1918	Apr. 1, 1918	Mar. 1, 1918	.....	May 15, 1918	40,000
Grand total	.....	.....	.....	.....	.....	.....	.....	299,000

Let us look at this estimate, $750,000 with which to purchase seed oats. We never had a better oat crop than we had last year throughout the length and breadth of the United States, and every bushel is suitable for seed. And yet at a time when oats were selling around 60 cents a bushel it is proposed to buy them for a dollar a bushel and sell them to the farmer at a dollar a bushel when the farmers can buy the seed oats for much less. There is something out of joint here.

What else did he propose to do? In time of war he intended to spend $250,000 for the purchase of seed peanuts. Not a word in the hearings with regard to peanuts. Is there a scarcity of peanuts for seed? No one has said there was, so far as I can know. If there is, ought we not to have heard something about it? Why, then, should our Government loan $250,000 to permit the Secretary of Agriculture to buy peanuts?

Now, I know nothing about the cotton situation, and yet the Secretary of Agriculture proposes to purchase $200,000 worth of cotton seed. Is there a shortage? If so, to what extent does it exist? How far would $200,000 worth of cotton seed go to relieve the situation in the South if there is a demand for cotton seed because of poor seed or of shortage?

Take it in my own section. It is proposed now, in the face of a great shortage, to purchase only 50,000 bushels of seed corn. That amount of seed corn is not enough to plant the corn in two of the counties of my district. I doubt if it is enough to purchase enough for one. And at the same time they propose to buy 125,000 bushels of soy beans, and anybody who knows anything about that part of the country knows that there is not one farmer in a hundred growing soy beans. Is this an attempt to deprive the corn farmer of seed corn and force soy beans on him instead?

Now, what is the situation? There appears to be a total lack of comprehensive knowledge with regard to these seeds, the needs of the country so far as the things in which there is a shortage are concerned. There was a good reason to do something for seed corn in the corn belt, because we had the poorest crop of corn so far as quality is concerned that we ever had, and business men and farmers and bankers look with some apprehension on the coming spring so far as having a quality of seed that can be relied on is concerned. Throughout Illinois and Indiana and Iowa and Missouri and Nebraska, in those corn States, what did these men do? The farmers organized through their local agents, and with the aid of the banks and business houses and manufacturers they took a census of the corn that was suitable for seed purposes. In my own State the governor required a comprehensive survey to be made, and those reports are coming in, and all the corn of last year that is suitable for seed corn is being located and conserved, and the corn of last year that matured so that it would make good seed corn is being set aside. The business man and the farmers and the bankers are doing that work. And this fund will go to but a very limited extent to relieve that situation. What is true in Iowa I conclude to be true in the corn belt.

Mr. REAVIS. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman.

Mr. REAVIS. Has not that survey disclosed that, generally speaking, the 1917 crop is unfit for seed corn in that locality?

Mr. GOOD. The survey, according to a dispatch that I saw from one county in my State, and it is a representative county, showed that there was about 2 to 5 bushels per school district of shortage, taking into consideration the corn that was raised last year that was suitable for seed. I think this estimate includes the corn of the 1916 crop that had been preserved and could be used for seed.

Mr. REAVIS. What I am trying to learn is this: Is practically all the seed corn suitable for your locality confined to the 1916 crop?

Mr. GOOD. I think a great deal of it is; but there is some good seed corn in the 1917 crop.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. NORTON. I take it the gentleman knows that at the present time the Food Administration is trying, by regulations which it is putting into force, to reduce the consumption of wheat during the coming six months in this country 30 per cent, and that this policy is being resorted to on account of the great needs of this country and our allies for wheat and wheat products. I take it the gentleman knows that, as far as it now can be seen, there is going to be a large shortage in the wheat crop of this year. Would the gentleman, then, be opposed to having the Secretary of Agriculture given the right to furnish seed wheat on time to farmers in districts where they could not otherwise secure seed, if on being so supplied with seed wheat they would plant it, care for it, and harvest it and add greatly to the Nation's total wheat supply for this year?

Mr. GOOD. No; if they could not otherwise get it; but there is no community in the whole United States that is so unpatriotic that would not respond and furnish the funds to purchase seed wheat to seed every acre of available land, and the gentleman knows it; and the gentleman knows that in his own State——

Mr. NORTON. If what the gentleman asserts is true, then if the authority proposed by my amendment is given the Secretary of Agriculture he would find no occasion to use it.

Mr. GOOD. I think there might be very good reason for some activity on the part of the Department of Agriculture, but I think we are going too far, and even with this reduced appropriation, I think perhaps it is more than it ought to appropriate for the purchase of seeds whether there is a shortage or not. I am for the provision, but I think that we ought not to extend Government agencies in this direction; we should limit this authority. We are purchasing cotton seed and peanut seed and oats. At the time this estimate was made oats were selling for about 60 cents a bushel. Farmers could buy them for that sum. And it is here proposed to pay $1 a bushel, and they will cost that amount plus costs of administration.

And I notice in the estimates for storage it is proposed to spend considerable for storage here in the District of Columbia. There is no need for storing a bushel of corn, or peanuts, or anything of that kind here in the District of Columbia. The need is in the localities where they raise these things, and therefore need the seed for the coming spring.

Mr. NORTON. I quite agree with the gentleman in that. Will the gentleman yield?

Mr. GOOD. I do not believe the Government ought to go into the business of extending credit to the farmers for these purposes, and I do not believe the farmers of the United States want it. Under all the circumstances not a dollar should be expended for peanuts, and not a dollar for other seeds, except where there is actual shortage in certain localities.

Mr. SLOAN. Mr. Chairman, the fact that the Government might stand to lose something in granting credit by furnishing seed for these people in the Northern States in order to increase the wheat raised is not conclusive to my mind. The Government has undertaken to encourage the farmers of the Northwest to produce food in large quantities, and the Government can not expect to go the whole way in the matter of encouragement unless it will take some risk itself.

Throughout the States of Iowa, Nebraska, Illinois, and other States people who feed cattle have responded to the appeal of the Government to place every possible pound of meat upon each brute for the purpose of having a large food production. They patriotically went into the markets last fall and bought feeders at from 10 to 12 cents a pound. Now, after they have fed them at large expense high-priced grain and hay, they are unable to get much, if anything, more than the price that they paid per pound. Everybody who ever fed a steer knows that means a large loss to every owner of every finished steer. On present market prices there is a loss of from $10 to $30 on every finished steer. In common with many of my neighbors, in obedience to the appeal of the Government for a maximum of meat production, I am finishing some at a loss; the lighter ones will probably pay out.

So if the Government of the United States is asking the farmers to increase their acreage of wheat, we know that the only opportunity now is to increase the spring-wheat area. If the Government is asking the farmers to increase their acreage, it should not be so finicky about the possibility of suffering a small loss.

I do not think the people in my State would profit much by the amendment suggested by the gentleman from North Dakota [Mr. NORTON]. That is a newer State, confined largely to spring wheat, while our State is a dual wheat State—winter and spring. From statements I heard made by men living in North Dakota, as well as by Representatives here on the floor, it appears that there are large areas up there which will go unsown unless some substantial aid is given. The mere fact that the Government is running a little risk when it is asking that a great risk shall be run by the farmer who will furnish the land and the toil is to me not conclusive. The amendment of the gentleman from North Dakota should prevail.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to oppose the amendment.

This paragraph proposes to give $4,000,000 to the Secretary of Agriculture for the uses of a revolving fund in connection with the procuring, storing, and furnishing of seed, on the ground that it may be necessary as a war-emergency measure. This item may be all right at the present time, but it looks like an entering wedge for a larger distribution of seed concerning which a propaganda is sweeping over the Northwest and certain other sections of the country. I regret to make this comment in the absence of the gentleman from North Dakota [Mr. BAER], who seems to be the leading exponent of this new idea, and who has introduced a bill which has been widely commented upon throughout the country, particularly in the country press; but his bill appropriates $50,000,000 for the purchase and distribution of seed, for which the Government is to take the promissory notes of such selected farmers as are fortunate enough to get the seed on these terms.

I think it well to call attention to the importance of the bill introduced by the gentleman from North Dakota [Mr. BAER]. It is a bold and radical departure from the existing order. Section 4 of his bill, which has been widely commented upon in the country press, provides that the money therein appropriated shall be expended by the Secretary of Agriculture in the purchase of seed and grain in connection with the necessary expense incurred in carrying out the provisions of the act, and that the grain and seed shall be sold and distributed to the farmers and stockmen mentioned at a price not to exceed the cost to the Government, the purchaser to give a promissory note therefor, payable one year from date, to the Treasury of the United States, and bearing interest at 4 per cent per annum.

Now, this project is being widely discussed. It is proposed to reach into the Treasury of the United States in these times of war and take out $50,000,000 to buy seed to be turned over to certain stockmen, farmers, and ranchmen in certain States on the strength of promissory notes.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. There is no evidence that they are to have collateral property. Yes; I yield to the gentleman from Nebraska.

Mr. SLOAN. Is not the United States advancing now at least 30 per cent to certain manufacturing concerns to obtain supplies that they deem of importance to the winning of this war, and is there anything more important than the matter of production of food for the winning of this war?

Mr. MOORE of Pennsylvania. I have heard that the administration is sanctioning certain advances to manufacturers and munition makers and others for the purpose of producing munitions of war.

Mr. SLOAN. You have heard that?

Mr. MOORE of Pennsylvania. Yes; I have heard, I may say, almost the whole story in committee.

Mr. HELVERING. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HELVERING. That is by virtue of the law passed by the last Congress.

Mr. MOORE of Pennsylvania. I presume it is by virtue of law, war-emergency law, otherwise the administration would not have followed this method. But the method is subject to abuses even during the war.

I have little to say about the question of lending or advancing 30 per cent to munition manufacturers, except that in that case there is property upon which the Government may fall back to recoup its losses. I presume the administration is wise enough to protect itself in regard to advances thus made for the purpose of hastening war preparations. But I question whether we have that protection in connection with this $50,000,000 seed proposition. We have there only the individual promise to pay. We have run wild in the matter of expense due to the war. We have advanced and loaned money to munition makers for the production of war material, and we have aided the farmers, but I doubt whether we have yet arrived at that stage of paternalism in the United States where we are prepared to use the tax money of the people to make advances to men who have only something in prospect to redeem their promises.

Mr. HOWARD. Mr. Chairman, it may take a great war to shake the reactionary and stand-pat proclivities of my good friend from Pennsylvania [Mr. MOORE]. He is treating this proposition very lightly. I believe the most serious condition that confronts the United States in any of its present activities in preparation for this war is the crop of 1918.

I want to tell the gentleman something about the section of the country that produces a good deal of foodstuffs as well as practically all the cotton that goes to clothe the people of this country. Those big northern contractors who have been sent down there to build these great Government works—and it looks now as if nobody could build anything in that country except one of these fellows from away off, and mighty few local contractors can do anything in that country—they come down there and they utterly disregard how they gather labor. They do not care if they take every hand off of a man's farm. They do not care how much they disrupt a man's business, just so they get the labor they want. Now, what is going to happen? In the first place, since December, 1916, up to the 31st day of December, 1917, 112,000 negroes left the State of Georgia alone. They were attracted by the high prices paid for labor in the great civic centers. The draft came along—very properly—and it has taken a great many of the boys off of the farms.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MOORE of Pennsylvania. That is the difficulty in the factories. They have taken them out of the factories in a larger percentage and have disorganized them.

Mr. HOWARD. That is true; but here is a proposition to increase the supply of food, and I assume that Napoleon was right when he said that an army travels on its stomach. I am

trying to show you that this Government has got to do radical things to encourage the production of food for this year, and you can not wait until April or May to do it. You have got to do it now, and, in my judgment, you can not give the farmers of this country any too much encouragement to produce food. Some of you gentlemen were very anxious to fix a price on cotton that would not pay for the cost of planting. I will venture the prediction now that if they use every available man and every available mule in the South to put cotton seed into the ground there will not be 9,000,000 bales of cotton produced in the South in the year 1918.

Mr. KNUTSON. Will the gentleman yield for a question?

Mr. HOWARD. Yes.

Mr. KNUTSON. Does the gentleman think there is any more reason for fixing the price of wheat than there was for fixing the price of cotton?

Mr. HOWARD. Not any, if you fix a minimum. What was the use to fix a price on wheat if you did not fix the price of the manufactured product somewhere? What is the use of fixing a price on raw cotton if you turn your cotton mills loose to charge 40 or 50 cents a yard for cotton cloth? When we fix a price on cotton we are going to save the people of this country from paying exorbitant prices for the manufactured cotton, because we are going to fix a price on that, too, on a cost-plus basis. Mark that prediction.

Mr. KNUTSON. I will say to the gentleman that he had better ask the President why the consumers have not been looked after.

Mr. HOWARD. The consumers are being looked after; but the trouble about this whole war is, in some quarters—and it is pretty well distributed over the country—that there is a good deal of patriotism exhibited when there is a dollar of profit in it; and if you can fix some plan to stop the profiteers from operating right now during this war, and will present it to this Congress so that we can act on it, so as to stop it, the Washington Monument will not be as high as an ant hill by the side of the monument that the people of this country will erect to your memory. Now, you get busy and see what you can do. [Applause.]

Mr. KNUTSON. Well, I am not President.

Mr. HOWARD. Thank the Lord for that.

Mr. GILLETT. Mr. Chairman, I do not come from an agricultural district. At the same time I believe that next to the need of ships our greatest need, and the most disquieting situation to-day, is the production of food for this coming year. So I think everything we can do which is going to stimulate food production we ought to do. I heartily acquiesce in this proposition of the committee, and my only fear is, as the gentleman from Iowa indicated, that it is not large enough or rightly proportioned to accomplish the purpose intended. But as there is a revolving-fund proposition wrapped up in it, it may be that it will achieve more than I expect. From all I can learn, it seems to me that what is troubling the farmers and preventing their setting out for an enormous production of foodstuffs this year is not only the lack of seed but a fear of the lack of labor. And it seems to me that we ought also—although perhaps that is a matter exclusively within the power of the administration—to provide, just as far as we can, that a labor supply shall be given to the farmer, because he is not going to buy seed and sow seed if he does not think he can reap the crops when they mature. As I understand it, last year enormous crops lay and rotted simply for lack of labor to harvest them. I think the remedy is either by arranging the draft law so that farm laborers shall not be taken or by paroling men from our cantonments to go back to the farms, so that the farmers can have the skilled labor which they need to harvest the crops, and therefore stimulate the farmers to plant this spring.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. MOORE of Pennsylvania. Is it not true that the shortage of labor which troubles the farmer also troubles the shipbuilder?

Mr. GILLETT. Yes.

Mr. MOORE of Pennsylvania. And is it not true that the shipbuilder is just as important in this war as the producer of food?

Mr. GILLETT. I said at the beginning that it seemed to me that to-day the first instance where we are likely to fall down is on shipping, and next on food, but the trouble has been, I think, that a large part of the farm labor, even before the draft, was drawn away from the farm by the attractiveness of the wages paid by munition factories and shipyards; so that even before the draft began the farmer had a very small quota of labor compared with what he had before and compared with what he needs.

Mr. MOORE of Pennsylvania. The gentleman certainly would not take labor away from the shipyards or from the great industrial establishments and send it back to the farms again?

Mr. GILLETT. I said the only proposition that occurred to me, or the easiest one, is to send the experienced farmers from the cantonments and the National Guard camps.

Mr. NORTON. That is just exactly the point, that the men are being drawn from the farms to the shipyards where they are paid from $6 to $15 a day, and a man can not afford to stay on the farm and raise wheat at $2.20 a bushel. The farmer who raises that wheat can not afford to pay more than $2 a day for help.

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. GREENE of Vermont. I think the administration already has in mind some military proposition looking toward the possibility of utilizing the Army for industrial purposes, or a part of it, when occasion may demand, and legislation to that effect is under consideration.

Mr. GILLETT. I am much obliged to the gentleman; I am not in the secrets of administrative legislation as much as is the gentleman from Vermont.

Mr. GREENE of Vermont. I would accept that as a compliment if I thought there was a compliment in it.

Mr. TILSON. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. TILSON. The gentleman understands that it has not been the draft that has drawn the men away from the farms but the allurement of higher prices elsewhere.

Mr. GILLETT. But the draft also.

Mr. TILSON. The figures show that the percentage of men drawn away from the farms and inducted into the military service has been almost negligible. The percentage has been very small. I call the gentleman's attention to the report of the Provost Marshal General. The real point is that they have been drawn away from the farm to these other places that pay them very much better than they were ever paid on the farm. There has been little difficulty from the draft itself.

Mr. GILLETT. Of course, we recognize that the farmer can not pay larger prices and still sell his produce at a profit, and therefore he is tempted not to increase production to the point that the country needs.

Mr. TILSON. That is true.

Mr. CANNON. Mr. Chairman, I would be glad if the Chair would inform the committee what the matter is now pending before the committee.

The CHAIRMAN (Mr. SAUNDERS of Virginia). It is an amendment to which a point of order has been reserved.

Mr. CANNON. I demand the regular order.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. I gave notice when the bill was taken up that I would offer an amendment to this section, and I desire to offer an amendment as a substitute to the amendment now pending against which the point of order is reserved. Can I offer that amendment now with the point of order reserved?

The CHAIRMAN. The regular order has been called for. Does the gentleman from Illinois insist on his demand?

Mr. CANNON. Oh, no; Mr. Chairman, let the brethren talk. [Laughter.]

Mr. SHERLEY. Mr. Chairman, I insist on the point of order. Section 3 of this law provides:

> That whenever the Secretary of Agriculture shall find that there is or may be a special need in any restricted area for seeds suitable for the production of food or feed crops, he is authorized to purchase or contract with persons to grow such seeds, to store them, and to furnish them to farmers for cash, at cost, including the expense of packing and transportation.

I make the point of order.

The CHAIRMAN. The paragraph in the bill is in aid of section 3, the food survey law. That provides that the Secretary shall sell for cash. The amendment provides that the Secretary shall have authority to sell it for credit. That is an enlargement of the power of the Secretary; it is legislation on an appropriation bill and is out of order. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I offer my amendment as a substitute for the paragraph.

Mr. LINTHICUM. Mr. Chairman, I have an amendment to the paragraph. Would not that come in ahead of the amendment of the gentleman from Wyoming?

The CHAIRMAN. An amendment to perfect the paragraph comes in ahead of the substitute.

Mr. LINTHICUM. I do not know whether it is to perfect the amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

> After the word "fund," line 4, page 76, add "and a like revolving fund of $4,000,000 to loan for the purchase of machinery."

Mr. SHERLEY. Mr. Chairman, I make a point of order to that.

Mr. LINTHICUM. Will the gentleman reserve his point of order?

Mr. SHERLEY. I will reserve it.

The CHAIRMAN. That involves the same point that the Chair has already ruled upon.

Mr. LINTHICUM. Mr. Chairman, it has been said that what the farmer needs is more labor, that although we may buy them the seed or sell it to them, yet if they have not the labor to do the work they can not produce the crops. It is manifest to anybody who knows anything about a farm that if we have the proper machinery we can produce larger crops with a much smaller amount of labor. There are many farmers in the country who would put in more crops, purchase seed, and raise more for the American people, but they are absolutely unable financially to purchase the machinery necessary to carry on the farm according to modern ideas. My amendment would help them in this way. You could lend the man the money to buy the seed, or purchase seed and sell it to him, and at the same time you could lend him the money or purchase machinery and sell it to him on time, so that he could produce a larger crop. If we have proper machinery on the farms we can do the labor with one-third less men than heretofore necessary on the farm. While the large majority of farmers able to purchase the machinery and do so, and raise large crops, there is a certain class who are absolutely afraid of debt, as afraid of debt as a man is of fire. These timid, though capable, farmers are the ones I wish to reach.

Mr. SMITH of Michigan. What kind of machinery would save one-third of the labor on the farm at the present time?

Mr. LINTHICUM. Small tractors, drills, etc.

Mr. SMITH of Michigan. We have already got them.

Mr. LINTHICUM. I am talking about the farmer who has not them and who has not the money to purchase them.

Mr. HOWARD. He can not buy Ford tractors now.

Mr. LINTHICUM. There are a lot of other good tractors besides Ford tractors.

Mr. KNUTSON. Will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. KNUTSON. Does the gentleman know of any small farmers who have felt warranted to put in tractors?

Mr. LINTHICUM. I think a small tractor could be used in a small field.

Mr. KNUTSON. You have to have at least 80 acres to make it pay.

Mr. LINTHICUM. Oh, no; I own farms myself, and you can use a tractor on a 10-acre field to advantage. I have used them.

Mr. KNUTSON. I am a farmer.

Mr. LINTHICUM. Why, a small tractor can be used to advantage on an acre of ground.

Mr. MOORE of Pennsylvania. If the gentleman were representing a bank to which a request for money to buy tractors had been made, what sort of security would the gentleman require?

Mr. LINTHICUM. I want to say that I have represented clients and that I have loaned money to farmers all of my life. I have loaned it to them on their individual promissory notes, and also with an indorsement, and I have yet to find a farmer who refused to pay his bills when he was able to do so. I find they are nearly always able to meet these demands. I do not know that we should compel land security. A farmer can often raise half or third of the money necessary for the machinery, and the balance can be loaned on chattel mortgage on the machinery.

Mr. MOORE of Pennsylvania. Would the gentleman put the Government in the position of providing a fund of $4,000,000 with which to buy machinery to give to farmers, taking as security for it their promissory notes?

Mr. LINTHICUM. I should not want to lend it to all farmers on promissory notes, but I think that there are many farmers to whom the Government can safely lend $4,000,000 in small sums with which to buy farm machinery.

Mr. MOORE of Pennsylvania. Would the gentleman do the same thing for a man who came forward and said, "I would like to build a mill, or engage in an industrial enterprise, but I have no money"?

Mr. LINTHICUM. We are doing it to-day. Did not the gentleman vote the other day to put up houses, investing the sum of $50,000,000, for workers at the mills?

Mr. MOORE of Pennsylvania. We did not vote on the bill, but I would do it because of an emergency of war, as represented by the President.

Mr. LINTHICUM. Does the gentleman not look upon food as just as much an emergency of war as munitions?

Mr. MOORE of Pennsylvania. Yes; I do; but I would like to have some assurance that the food was going to be produced. Cotton, for instance, is not food, yet cotton seed are provided for here.

Mr. LINTHICUM. I think that if you leave it to the farmers and give them proper support, you will have that assurance.

Mr. FARR. We have appropriated millions of dollars for the enlargement of plants for the building of aeroplanes. Farm tractors and other labor-saving machinery would greatly add to the production of food so greatly needed, and the Government could be very helpful in doing this.

Mr. LINTHICUM. Certainly; and we are lending in every way for manufacturing munitions and housing and for building aeroplanes, and I think $4,000,000 could be easily risked to let the farmers produce larger crops.

Mr. NORTON. Does not the gentleman base his amendment on a war emergency?

Mr. LINTHICUM. Absolutely.

Mr. KNUTSON. Would the gentleman accept an amendment so that city dwellers could get tractors with which to plow their gardens?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. SHERLEY. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Mr. MONDELL offers the following substitute for the paragraph beginning on line 21, page 75:
>
> "To enable the Secretary of Agriculture to meet the emergency caused by the need for food and seed crops by purchasing or contracting with persons who grow seeds suitable for the production of food crops and to store, transport, and furnish such seed to farmers for cash at approximately the cost of the same or on credit with approved security of financial or business organizations guaranteeing the same, $6,000,000, and this fund may be used as a revolving fund until the Secretary of Agriculture determines that no such emergency exists, and the Secretary of Agriculture is authorized to pay all such expenses, including rent, and to employ such persons and means in the District of Columbia and elsewhere and to cooperate with such State authorities or local organizations or individuals as he may deem necessary."

Mr. SHERLEY. Mr. Chairman, on that I reserve the point of order.

Mr. MONDELL. Mr. Chairman, the item for which we are providing a deficiency originally was $2,500,000, and out of a proposed appropriation of $6,000,000 the committee has granted four. This provides for the purchase of seeds and their sale at cost. It is a splendid provision of law. Much good has been accomplished under it, but there are conditions in the western country that make it impossible for people in considerable areas out there to avail themselves of this opportunity to buy for cash. The Agricultural Department very properly objects to selling to individual farmers on credit, but in our country for years past we have in almost every county voluntary organizations of bankers and business men who have guaranteed $5,000, $10,000, $15,000, $20,000, or whatever sum was believed to be necessary for seeds. They have guaranteed this amount of seed purchased by the farmers, and I think there has scarcely been a case where the sums borrowed have not been returned. My amendment increases the item in the bill to the amount of the estimate, increasing it by $2,000,000, and provides that the seeds may be sold for cash or they may be sold on credit on approved security of responsible organizations. In other words, the Secretary of Agriculture could take advantage of these organizations in the various sections of the country where conditions of drought—lack of accumulated capital—render it difficult to secure the capital with which to pay cash for these seeds. He could communicate and negotiate with those associations and distribute such quantity of seeds in the community as these associations, bankers, business men, stockmen, and farmers would obligate themselves to pay for.

Those associations would be very glad to distribute the seeds. They would see that they only got into the hands of those who would pay for them. The Government would be safeguarded, first, by the supervision of these responsible people, and then by the fact that they themselves were responsible to the Government for payment. We have a very considerable area of western country that has been subjected to exceedingly severe drought conditions. Our country is not one of accumulated capital. Local organizations are finding it more and more difficult to advance the money for seeds. We need seeds; we need increased agricultural production. We have great areas there

where potatoes can be grown in increased quantities, sugar beets, wheat, and rye. The Secretary would not take advantage of this provision in old communities where there are accumulations of capital and where the people locally should obligate themselves to aid those who are needing seeds. It could be utilized in all that territory from west Texas which has been suffering so severely, on north to Montana, where last year they had a dreadful condition of drought among the new settlers who have no accumulations of capital and who are not in position to pay cash, and the banks in those communities are not so situated that they can advance these sums. We are lending aid and assistance in every direction for the prosecution of the war. Here is a sound business proposition. I do not wonder the Secretary of Agriculture does not want to go into the business of loaning to individual farmers. My provision is one under which the Secretary would only have to deal with organizations here and there, perhaps one in a county.

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. I do.

Mr. SLOAN. Would the gentleman be willing to accept an amendment to add to "financial or business," "business or farmers' organizations"?

Mr. MONDELL. I would be delighted to do that. I used the terms I did, knowing that my amendment would go out on the point of order, to make it very clear to the Secretary of Agriculture and others whom we need to persuade to change their minds. That we were expecting them to depend only upon very reliable people, not that farmers are not just as reliable as the folks in town, but I suggested business organizations, bankers, and business men to emphasize the business nature of these organizations. Yes, organizations of bankers, business men, and farmers, such that the Secretary shall know that they are reliable and responsible. In our country it has been in the main the large stockmen and larger farmers helping out with the bankers and business men. Mr. Chairman, this item will go out on the point of order, but I am proposing another amendment reducing the appropriation under the Holman rule, which should not go out on the point of order. That will be offered after the point of order is made and sustained to this item.

The CHAIRMAN. Does the gentleman from Kentucky insist upon his point of order?

Mr. SHERLEY. I do.

The CHAIRMAN. The point of order is sustained.

Mr. MONDELL. Mr. Chairman, I have an amendment pending, which I offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Substitute offered by Mr. MONDELL for the paragraph beginning on line 21, page 75, and ending on line 4, page 76:

"For additional for procuring, storing, and furnishing seeds as authorized by section 3 of the act entitled 'An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products,' approved August 10, 1917, including not to exceed $5,000 for rent and personal service in the district of Columbia, $3,999,000, which may be used as a revolving fund until June 30, 1918, and the seeds secured and purchased out of this appropriation may be sold to farmers for cash at their approximate cost, or on credit with approved security of responsible organizations guaranteeing the repayment of same."

Mr. SHERLEY. Mr. Chairman, I make a point of order on the amendment.

The CHAIRMAN. The point of order is made to the amendment.

Mr. MONDELL. Mr. Chairman, the amendment fairly comes within the Holman rule. It is in the language of the item as it is in the bill, reduces the appropriation $1, and provides that these seeds may be sold on credit with approved security to certain organizations. The gentleman from Kentucky has not pointed out in what way the language is subject to the point of order.

Mr. SHERLEY. I did not want to interrupt the gentleman's argument.

Mr. MONDELL. I desire to know what the gentleman's point of order is.

Mr. SHERLEY. Why, that it is legislation on an appropriation bill and therefore not in order.

Mr. MONDELL. Legislation, Mr. Chairman, is in order on an appropriation bill under certain conditions if it reduces expenditures—the amount carried in the bill—which this does.

Mr. SHERLEY. If the gentleman has concluded his argument, I will be glad to present the reasons why I do not think it comes within the Holman rule.

Mr. MONDELL. I would like to hear the reasons, and I am very sure the Chair would.

Mr. SHERLEY. Of course, I did not want to interrupt the gentleman, and that is the reason I permitted him to continue ad libitum.

Mr. MONDELL. I do not want to take up the time of the committee unnecessarily.

Mr. SHERLEY. Now, Mr. Chairman, the reason that the matter is subject to the point of order is because the legislative part of it does not in any sense result in a reduction of the expenditure. If the gentleman's broad contention was true all you would have to do touching any amendment to make it in order would be to reduce by 1 cent any money item in a bill, then add whatever language you pleased, and, according to the gentleman's contention, you would thereby be reducing the expenditure. But the rule was not made for that sort of a case. The rule is that for an amendment to be in order under the Holman rule it must be of such a character as to result in a reduction of salaries or expenses or the general amount carried in the bill. Not even the ingenuity of the distinguished gentleman from Wyoming, exerted in a cause that is most dear to his heart, that of the farmer, is sufficient to enable him or anybody else to show that selling on credit instead of for cash will save money to the Government of the United States, and I submit the matter is manifestly subject to the point of order.

The CHAIRMAN (Mr. SAUNDERS of Virginia). The situation developed by this amendment is as follows: The amendment first proposes to reduce the amount carried in this paragraph. That is perfectly competent under parliamentary law. In addition it is proposed for legislation to accompany the reducing portion of the amendment. But this legislation has no sort of relation to the proposed reduction. It is perfectly competent to legislate on an appropriation bill, provided the legislation proposed necessarily effects a reduction; but it is just as plainly incompetent to propose a reducing amendment to an appropriation bill a motion which can be made at any time without reference to the Holman rule and then undertake to attach to this motion legislation which does not effect the reduction and is not in any wise related to it.

Now, that is the situation presented by the amendment of the gentleman from Wyoming [Mr. MONDELL], and his amendment is plainly out of order. The point of order is sustained.

Mr. GOOD and Mr. MORGAN rose.

The CHAIRMAN. The gentleman from Iowa, a member of the committee, submits an amendment, which he will send to the desk and the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GOOD: At the end of line 4, on page 76, insert the following:

"*Provided*, That no part of said sum shall be used for the purchase of seeds of any kind except in cases where the Secretary of Agriculture shall find there is a shortage of seed of such variety."

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on that.

Mr. GOOD. Mr. Chairman, I do not desire to do anything to cripple the Department of Agriculture in this regard. I do not want to do a thing that will prevent the largest possible production of agricultural products, but I want to say frankly and earnestly that I am amazed at the statement of the Department of Agriculture with regard to what they did with the $2,500,000 appropriated for this purpose and what they now proposed to do with the $6,000,000 asked for.

I have objected to river and harbor appropriations because they were trades, and I am opposed to this because it seems to be on the same kind of a basis. For instance, under the $2,500,000 appropriation we find the Secretary purchased, for Texas, corn, $75,000; cotton, $290,000; sorghum, $310,000; peanuts, $215,000—or $890,000. Then for the Northwest—Montana and North Dakota—barley, $339,500; flax, $210,000; oats, $250,000—or $800,000, the same amount that was given to Texas; and then corn for the Northwest. And, mind you, in these hearings the only thing that is pointed out by the department where there is an actual shortage is in corn; and yet all the rest of the corn-producing part of the country outside of Texas was only given $610,000. Six hundred and eighty-five thousand dollars were spent by the department for corn seed, the only seed mentioned by the department where there is an actual shortage, but $215,000 was spent for peanuts. Are we going to win this war by raising peanuts? There is not a word here that there is a shortage of peanuts or that the peanut seeds are defective; yet the Secretary of Agriculture, out of this appropriation of $6,000,000, is asking for peanuts $250,000, in addition to the $215,000 already spent for such purpose. Not a word that there is a shortage of cotton seed, and yet he wants $500,000 for cotton seed. Not a word that there is a shortage of sorghum seed, and yet he wants $500,000 for that.

Now, I know nothing about a shortage of these seeds. There may be a shortage. But I want to say that the man, I care not what his position may be, who will say that there is a shortage in the United States of oat seed, that the yield in the United States is poor, does not know what he is talking about; and

yet they propose here to spend of the $6,000,000 estimated for, $750,000 for oat seed where there is no shortage at all.

Now, what does the amendment accomplish? It does not strike down by a single penny the power of the Secretary of Agriculture to purchase seed, but it does provide he shall not use this fund except to purchase seed where there is a shortage, and he will determine where there is a shortage. That is just what we want to accomplish; and yet under the administration of that law we are not accomplishing that at all. We are giving certain sections of the country, whether there is a shortage or not, the benefit of this revolving fund and the right to purchase seed where there is a shortage, and I am opposed to it. I think the amendment ought to be adopted, for I think we ought to put a limitation on the use of this fund. I do not believe it is subject to a point of order.

Mr. SLOAN. One word. You have "variety" there where you should have "kind" or "species."

Mr. GOOD. I ask to modify the amendment by putting in the word "kind" instead of "variety."

The CHAIRMAN. Without objection, the request of the gentleman will be agreed to.

There was no objection.

Mr. SHERLEY. Mr. Chairman, notwithstanding the amendment appears in the form of a proviso and a negation, it is, in point of fact, an affirmative statement, and, being affirmative, is legislation and subject to a point of order. As I caught the reading of the amendment, it provides that no part of this money shall be expended unless the Secretary shall find that there is a shortage. Now, the law under which the provision is made provides for the expenditure whenever in the judgment of the Secretary of Agriculture there may be a special need. This requires the Secretary to spend the money if there is a shortage, and whether there is any need or not.

Mr. GOOD. Does the gentleman think there could be a need for seed if there was not a shortage?

Mr. SHERLEY. Oh, manifestly, yes. Although I am not a farmer, I can imagine that situation. There may not be a shortage of seed and yet a considerable shortage in the right kind of seed, and therefore a need to get the right kind of seed. And manifestly the question of need, ability to acquire, the seed within the time and at the place and locality, and the price, are the things which determine the Secretary's action, whereas the gentleman would want him to buy seed whenever there was a shortage of seed.

Mr. GOOD. I do not want to do anything in this regard that I think would in any way interfere with the proper administration of this law.

Mr. SHERLEY. I am sure of that.

Mr. GOOD. The gentleman knows, and I am sure will agree with me, that when we adopted this legislation and gave the Department of Agriculture a fund of $2,500,000 with which to purchase whenever in the opinion of the Secretary there was a bad need for it in any restricted area, and there was a shortage of seed of certain kinds, and in order to bring up our production to the highest possible point, the Secretary would thereby be enabled to furnish those particular areas with that kind of seed.

Mr. SHERLEY. That may be true, but the point I am making, Mr. Chairman, is that while the language is disguised in the form of a limitation, in point of fact it is not a limitation but an enlargement.

Mr. GILLETT. It seems to me, if the gentleman will yield a moment——

Mr. SHERLEY. Certainly.

Mr. GILLETT (continuing). He seems to suggest compulsion. There is no compulsion.

Mr. SHERLEY. It permits it, and the law does not. The law only permits the Secretary to do it when he shall find a need. This permits him to do it whenever there is a shortage. There may be a shortage without a need.

Mr. GILLETT. And there may be a need without a shortage.

Mr. SHERLEY. Oh, yes; but I am arguing the parliamentary law proposition.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. GILLETT. As I understand it, the gentleman's argument is that the words "need" is smaller than the word "shortage" and embraces less.

Now, it seems to me it is clearly the other way. The law at present says that the Secretary shall do it if there is a need. The amendment offered by the gentleman from Iowa provides that it shall only be done in case of a shortage, so that it seems to me it is clearly a limitation, because it does not strike out the present existence, but provides that—

No part of this fund shall be used for the purchase of seeds except in case the Secretary of Agriculture shall find there is a shortage of seed.

Mr. SHERLEY. That is just it. It requires the doing of an affirmative act by the Secretary before the money is expended. That is not a limitation in a negative sense.

Mr. GILLETT. The Secretary now is required by an affirmative act.

Mr. SHERLEY. I know; but what you are trying to do is, in an appropriation bill, under the guise of a negation, to require an affirmative action on the part of the Secretary of Agriculture, and that is not permitted.

Mr. GILLETT. Under the guise of a limitation.

Mr. SHERLEY. You have to have an actual negation and not simply, under the guise of "*Provided*," to carry an affirmative action.

Mr. GILLETT. It will be a limitation if it reduces.

Mr. SHERLEY. The gentleman is invoking the Holman rule with a limitation. This has nothing to do with the Holman rule. The rule is that a provision to be in order on an appropriation bill, changing the language, must be a limitation upon the power conferred. For instance, you can provide that where an appropriation was made for the purchase of a certain ship, "*Provided*, That it could not be expended for a ship of greater tonnage than a certain amount." That would be a limitation. But if you said, "*Provided*, That it shall not be expended until the Secretary of the Navy shall determine that a ship is of a certain tonnage," then you are legislating. It can be made in order, but it is not in order.

Mr. GILLETT. Now the Secretary of Agriculture can do it, provided there is a need. This says he shall do it provided there is a shortage.

Mr. SHERLEY. It says he shall not do it "except when he shall find," and so forth, which is an affirmative proposition

Mr. GILLETT. It can easily be said "except when there is a shortage."

The CHAIRMAN. May the Chair ask the gentleman from Massachusetts a question?

Mr. GILLETT. Certainly.

The CHAIRMAN. Is it intended in the language proposed that the discretion of the Secretary shall be enlarged or reduced?

Mr. GILLETT. Reduced.

Mr. SHERLEY. That operates, then, in changing existing law.

Mr. GOOD. Mr. Chairman, the act of August 10, 1917, which authorizes an appropriation of this kind, provides that "Whenever the Secretary of Agriculture shall find that there is or may be a special need in any restricted area for seeds suitable for the production of food or feed crops, he is authorized," and so forth, requiring of the Secretary of Agriculture the affirmative determination of the needs of the various localities with regard to seed for food and forage crops or anything of that kind.

Now, take the case in a certain community; there may be an ample supply of seed. There may be no shortage at all. Yet John Jones may need some that he does not possess. In that case the Secretary of Agriculture can go into a community and buy for John Jones 100 bushels of oats and turn them over to him, when in that very community there is no shortage at all.

The amendment which I offered simply provides that it shall not be used except where the Secretary of Agriculture shall find there is a shortage. How can the Secretary of Agriculture determine the needs of a man unless he determines whether or not there is a shortage in this or that man's oat or corn bin? If he has more corn than he can plant and otherwise use, he does not need it, does he? And so in the determination of the very things provided for by law are the things he must determine under my amendment. He must determine whether or not there is a shortage in every man's crib. If that is not true, then I do not understand the English language.

Clearly, Mr. Chairman, the amendment is a limitation on this appropriation. I do not care to take up the time of the House, because if it is thought that I am asking the Secretary of Agriculture to do something in addition to what he is authorized to do, I will offer an amendment in another way and remove, so far as I can, that objection. I do not think it subject to a point of order, and I do not now think it is subject to a point of order.

Mr. NORTON. Mr. Chairman, I desire to be heard on the point of order. I believe the point of order should be sustained. I believe the amendment is clearly subject to a point of order, because it is new legislation, for if enacted it would completely nullify the provision of section 3 of the act of August 10, 1917, which provides:

That whenever the Secretary of Agriculture shall find that there is or may be a special need in any restricted area for seeds suitable for the production of food or feed crops he is authorized to purchase or

contract with persons who grow such seeds to store them and to furnish them to farmers for cash, at cost, including the expense of packing and transportation.

If this amendment, which limits the right of the Secretary of Agriculture to purchase when there is a shortage of a particular kind of seed, were enacted, then in the case of the oat crop, if there was a larger production of oats in the country than there was the year prior, or whatever year the comparison is to be made with—and that is not clear in the amendment—then the Secretary of Agriculture would have no right to purchase any oats, although there might be a large need for seed oats in some restricted districts of the country. The object of section 3 of the act of August 10, 1917, was to permit the Secretary to purchase kinds of seed of which there may be a surplus or a shortage grown and to have these seeds supplied to restricted area where there was a failure or shortage of crops last year and where a supply of the seeds is needed.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. GREEN of Iowa. Just for information, I want to inquire as to the words, "which may be used as a revolving fund." Is that in the present law?

Mr. NORTON. No.

Mr. GREEN of Iowa. Then I do not see the application of the Holman rule. How can this be added without considering the Holman rule, I can not understand.

Mr. CARTER of Oklahoma. The Holman rule requires a limitation.

Mr. NORTON. I believe, Mr. Chairman, the adoption of the amendment of the gentleman from Iowa [Mr. GOOD] would clearly change this provision of the present law and that, accordingly, the amendment is subject to the point of order that it is new legislation upon an appropriation bill.

Mr. GOOD. The whole provision is subject to a point of order, and being subject to a point of order, this amendment can not be. We are amending the law here, making this a revolving fund.

Mr. SHERLEY. Where are we amending the law?

Mr. GOOD. My attention was just called to it.

Mr. SHERLEY. That may be so, but it does not make it so.

Mr. GOOD. The language is, "Which may be used as a revolving fund until June 30, 1918."

Mr. SHERLEY. The law permits it. We are not changing the law.

Mr. GOOD. Where does the law provide that? The law does not provide for that at all. Section 3 says nothing about a revolving fund. The whole provision is subject to a point of order.

Mr. SHERLEY. We have the right to appropriate for the seed, and to reappropriate up to June 30 on a deficiency bill.

Mr. GOOD. But you make it a revolving fund.

Mr. SHERLEY. We do; but that is not subject to a point of order.

Mr. GOOD. But it is legislation, is it not?

Mr. SHERLEY. No; I think not.

Mr. GOOD. What was it put in for if it does not give additional power? The gentleman well knows that when the money came back into the Treasury for the sale of 100,000 bushels of corn, it could not be paid out again——

Mr. SHERLEY. Unless we appropriated it.

Mr. GOOD. Unless we appropriated it.

Mr. SHERLEY. But the gentleman assumes that we have no right to appropriate for its use and reuse up to July 1.

Mr. GOOD. I think you are legislating when you make it a revolving fund.

Mr. SHERLEY. I do not care to delay the bill. I really do not care what is done with the point of order. I will deal with the merits of the proposition.

The CHAIRMAN. A new question is raised in this connection. Of course, it must be apparent that if the paragraph proposed to be amended is itself subject to a point of order, then no point of order will lie against the amendment.

Mr. MADDEN. The language of the present paragraph, that is the original law, to the extent that it makes this a revolving fund—does that make the paragraph of the bill itself subject to a point of order?

The CHAIRMAN. The Chair was just going to say that a new suggestion is introduced, that the paragraph itself to which the amendment is proposed is subject to a point of order.

Mr. SHERLEY. If the Chair please, the very act itself provides for a revolving fund of two and a half million dollars up to June 30, and that is all we do.

Mr. GOOD. But here we are appropriating $34,000,000 and making that available.

Mr. SHERLEY. That is the deficiency phase of it that makes it in order on this bill.

The CHAIRMAN. Where is the section to which the gentleman refers?

Mr. SHERLEY. The second paragraph of section 8 on page 2 of the act approved August 10, 1917.

The CHAIRMAN. Where is the language cited by the gentleman from Kentucky?

Mr. SHERLEY. The language is—

For procuring, storing, and furnishing seeds, as authorized by section 3 of this act, $2,500,000, and this fund may be used as a revolving fund until June 30, 1918.

If we have the right to appropriate it up to July 1 we have the right to appropriate for its reuse up to July 1. There is no limit under section 3 as to the amount that can be appropriated. The fact that we reappropriate it, but limit it always to July 1, keeps it within the rule.

Mr. GOOD. Mr. Chairman, I think the gentleman from Kentucky is right in that regard. I have examined the act, and I do not believe that anything can be claimed in regard to that matter; but I still insist that the amendment is not subject to the point of order.

Mr. Chairman, I ask unanimous consent to withdraw the amendment and to offer one which I think will be unobjectionable.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Will the gentleman send his amendment to the desk to be reported?

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 76, line 4, after the word "eighteen," insert the following: "*Provided*, That no part of said sum shall be used for the purchase of seed of any kind except where there is a shortage of seed of such kind in the respective districts."

Mr. SHERLEY. Mr. Chairman, I shall not raise a point of order, but I want to be heard on the merits of the proposition.

The committee had from the Secretary of Agriculture a very full statement touching what was proposed to be done with the moneys that he had obtained and that he hopes to obtain. Perhaps there were some matters which we did not cover that we might have covered, but I submit to this House that not even as good a farmer as the distinguished gentleman from Iowa [Mr. GOOD] is in a position to know as well as the Secretary of Agriculture what the need is. Now, there may be, and frequently will be, cases in which there is need to supply seeds where there is not a shortage, because the determination of a shortage is a determination of the entire quantity of seeds over the country at large, whereas the determination of the need is by the act itself limited to restricted areas, and it is easily conceivable, and in point of fact is true, that there are places where there is great need, and yet there is no shortage in the kind of seeds. Take corn, for instance. There is great need of a certain character of corn to be had for planting in certain areas, but there is no shortage of corn for planting. You can find enough corn to plant. You might not find the kind of corn desired. But after all, laying aside those matters, what is the use of this House undertaking to quibble about this language? In the last analysis you have got to trust the intelligence and the patriotism and the judgment of the Secretary of Agriculture and those who act under him, and it is folly to undertake to put language in here that may simply serve to hamper him, and which can not make a wise man out of him.

Mr. NORTON. Nobody questions his patriotism.

Mr. SHERLEY. It is not simply a question of patriotism, but it is a question of judgment. How are you by legislation going to give wisdom to men? If the Secretary of Agriculture has not wisdom enough to expend this money without this limitation he has not wisdom enough to spend it with the limitation, and everybody here knows that is the fact.

Now, the committee has tried to take a reasonable course between the extremes of this House, between men who wanted us to furnish seed free or to furnish it on credit, which would amount in many instances to furnishing it free, and some gentlemen who seem to object to seed being furnished because some of the seed is of a certain character and going to certain sections of the country. There is nothing in the appropriation that restricts the Secretary and compels him to buy peanuts. The plan as outlined is a tentative plan based upon information that the department has. The gentleman from Iowa [Mr. GOOD] says there is no need for oats. I submit that the Secretary of Agriculture would not have submitted the table he has, touching the need of oats for planting, unless there was an actual need, and he is in a position to know more about it than the gentleman from Iowa. I say that with all proper respect for him. Now, let this committee be sensible in the legislation

that we pass. We properly could determine questions of amount. The gentleman does not seek to limit the amount of money, but he seeks to put a limitation on the bill that will either be meaningless or will serve to handicap the Secretary in ways that can not now be foreseen, and that ought not to be adopted by the House.

Mr. GREEN of Iowa. Mr. Chairman, I am very much surprised at one argument made by my friend from Kentucky [Mr. SHERLEY], who is one of the most logical, if not the most logical, gentlemen in the House. He says that we ought to trust to the judgment of the Secretary of Agriculture to make proper expenditures in this line, to give the Secretary authority to use this money wherever he will. If we followed that line of argument everywhere, we would not make anything but lump-sum appropriations.

Mr. SHERLEY. I beg the gentleman's pardon; I never said anything of the kind. There are limitations in the law, but the limitation the gentleman is trying to put on has no basis in reason.

Mr. GREEN of Iowa. I am not inclined to agree with my friend on that point any more than I am on the other. Now, take the matter of oats. My colleague [Mr. GOOD] has shown that we have an abundance of oats in the country of the finest quality. There is no need of this appropriation unless there is actual shortage of seeds, and, as I say, there is an abundance of that seed in this country.

Mr. NORTON. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. NORTON. Take an area of 20,000 square miles in Montana and Wyoming. There was not a bushel of oats raised in that section last year. Although there is a surplus in the country, might not there be an urgent need of oats in that restricted district?

Mr. GREEN of Iowa. In one sense there might; but the farmers in my district need money. I need money myself. A Member at my side asks, "How much?" More than I get. But I know of no reason why the Treasury should supply that need.

Mr. NORTON. The trouble is that it is impossible for these people to get the seed there.

Mr. GREEN of Iowa. That ought to be taken care of in a different way. As far as that is concerned, it comes back to the same point. Here are farmers that need money; that is what they need instead of seed. The gentleman from Dakota says that that ought to be supplied out of the Treasury, and the argument of the gentleman from Kentucky comes to the same thing.

Mr. SHERLEY. If the gentleman will permit, he knows that the law provides that seeds shall be sold for cash, and the amendment provides that the seed shall not be supplied if there happens to be in the country at large enough seed for the needs of the country. One of the difficulties that exists to-day is getting the seed in time to certain localities, and the kind of seed needed, irrespective of the shortage or supply of the country at large.

Mr. GREEN of Iowa. If the gentleman will permit me, I think I know something about the oats business, because I come from a section where they raise an enormous amount of them. I am very familiar with that subject, being from an agricultural section. I know there is plenty of good seed oats, if people have the cash to buy it.

Mr. TOWNER. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. TOWNER. Might there not be in the locality mentioned by the gentleman from North Dakota a shortage of seed in that locality, and would it not be within the discretion of the Secretary of Agriculture to supply that shortage under the terms of the amendment offered?

Mr. GREEN of Iowa. If there was a genuine shortage, it could be supplied under the terms of the amendment.

Mr. NORTON. The amendment does not provide for a shortage in any particular district; it says a shortage of that kind of seed.

Mr. TOWNER. That is true, but it would apply under the general terms of the act in a particular locality. It does not say a general shortage all over the country. If there is a shortage or need in any particular locality, it would authorize him to supply the shortage under the gentleman's amendment.

Mr. NORTON. I would not so interpret it.

Mr. GREEN of Iowa. We can not, Mr. Chairman, trust these matters to the judgment of any man, except where we are compelled by war's emergencies. Especially is this true when reason and our own judgment point out limitations which should prevail. I hope the amendment of my colleague will be adopted.

Mr. MONDELL. Mr. Chairman, returning to the gentleman from Iowa the bouquet handed by him to the gentleman from Kentucky, and which he is entitled to, for there is no more logical gentleman on the floor of the House ordinarily, I do not catch the logic of the argument he just made. Of course somewhere in the country there are seeds; otherwise we would be in a very bad way, indeed.

This appropriation was originally made on the theory that there was not a proper distribution of seed; that there were large areas in which seed had not been grown and where seed was difficult to secure, and we loaned the credit of the Federal Government to the farmers for the purpose of securing seeds where seeds could be obtained and transporting them and selling them to the farmers where they were not to be had. That is the purpose of the legislation. Whether it was wise or necessary to do that is a matter of opinion.

But we assumed that it was necessary to do it, or we would not have done that thing. Now, the gentleman from Iowa [Mr. GOOD], if I understand his amendment at all, would prevent the purchase and sale of seed if anywhere in the country there were seeds obtainable. He speaks about oats. Of course every farmer in Iowa ought every year to come to Wyoming or Montana to buy his seed in order to get good oats; not the light, fluffy stuff that grows down there, that a whiff of wind will carry beyond the barnyard out into the field. Our purpose of this legislation is to enable the Secretary of Agriculture to go into the regions where they really grow good solid oats that weigh 38 to 42 pounds to the struck bushel and take them into Iowa, where, I am told, they frequently grow oats that weigh about 20 or 25 pounds to the heaped bushel.

Mr. TOWNER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TOWNER. The gentleman's statement regarding conditions in Iowa can——

Mr. MONDELL. Oh, well, I will make it Indiana; I do not see anyone from Indiana present. [Laughter.]

Mr. TOWNER. The gentleman's statement is a sufficient explanation.

Mr. MONDELL. I know that the gentleman from Iowa does not want to hamper the Secretary in utilizing this fund. It may be that the Secretary has not made as wise a distribution as we think he should have made of the money, but we hope in that case that the fault will be rectified under the new appropriation.

This ought to be amended so as to allow the Secretary to sell this seed to organizations that will guarantee the repayment of the money. That is what we ought to do, but if we are not to do that we at least should not hamper the Secretary. We ought to enable him to go into the regions where there are good seeds, where they are plentiful. For instance, as I said a moment ago, go into the mountainous part of Wyoming and get his oat seed.

Mr. GOOD. Can he get oats there now?

Mr. MONDELL. In some parts of that country they are short. We want a better distribution of them, and that is what is proposed under this bill. I am sure that any limitation would hamper the Secretary and would not secure the distribution that ought to be had.

Mr. NORTON. Mr. Chairman, a parliamentary inquiry. Has the point of order been made?

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments thereto close in five minutes.

Mr. GOOD. I should like to have five minutes.

Mr. SHERLEY. Oh, we have already had an hour upon this.

Mr. GOOD. I have not had any time on this amendment.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that debate upon this paragraph and all other amendments thereto close in five minutes.

Mr. MORGAN. Mr. Chairman, I have an amendment that I desire to offer.

The CHAIRMAN. Is there objection?

Mr. MORGAN. Mr. Chairman, I object.

Mr. SHERLEY. Then I move that all debate upon this paragraph and all amendments thereto close in 10 minutes.

Mr. MORGAN. I have an amendment that I desire to offer.

Mr. SHERLEY. That gives the gentleman five minutes for his amendment.

Mr. MORGAN. I would not like to be restricted in that way. Give me 10 minutes.

Mr. SHERLEY. Then, Mr. Chairman, I ask unanimous consent that all debate upon the paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that debate upon this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. NORTON. Mr. Chairman, a good deal has been said about the logic of the statements of the gentlemen who have discussed this amendment. Permit me now to call the attention of the committee to the logic of the amendment. The amendment is as follows:

Provided, That no part of said sum shall be used for the purchase of seed of any kind except where there is a shortage of seed of such kind.

That is, no part of this sum can be used to purchase any seed in any place except where there is a shortage of seed. It seems to me the place to purchase seed by the Secretary of Agriculture would be a place where there is a surplus of seed rather than where there is a shortage. This amendment precludes him from purchasing any seed except in some place where he can find there is a shortage of seed of that particular kind. If that is logic in the amendment the committee can make the most of such logic by voting down the amendment. It is simply ridiculous as it now stands. What the gentleman who proposed the amendment probably wishes to accomplish is to provide that the seed shall only be allowed to be purchased by the Secretary of Agriculture when there is a shortage in certain restricted districts. The amendment as it now stands would preclude the Secretary from purchasing seed except in a place where there was a shortage of seed. As the amendment stands, of course it can not be and should not be accepted by the committee. If the amendment were to the effect that the provision should limit the Secretary to purchasing seed when there is a shortage, that should not be adopted unless it should limit the Secretary to purchasing seeds and supplying them when there is a shortage in a particular restricted district. That is exactly what the provision as it is in the bill would allow. It allows the Secretary to purchase the seed and to supply it where there is a need for it. The amendment should be defeated.

Mr. GOOD. Mr. Chairman, I shall ask to modify the amendment by adding in the words "in any restricted area," so that it will obviate all the objection made by the gentleman from Kentucky [Mr. SHERLEY]. I do not wish to do anything that will hamper or embarrass the Department of Agriculture. I have high regard for the Secretary of Agriculture, but I want to say that no Secretary of Agriculture could go into the details of administration of a fund of this kind, and the hearings show that the Secretary in administration of the fund relied upon some of the bureau chiefs with regard to all of these matters, and some of these bureau chiefs differed from him very materially in some of the matters that came before the committee. It is estimated here to use $750,000 with which to buy seed oats, and if the Secretary investigates the matter he will find that there is no shortage of seed oats. When this estimate was made it was made upon the basis of a dollar a bushel, when the market price of oats in Chicago at that time was about 54 cents. Does anyone think that the farmers of North Dakota or Montana are foolish enough to pay a dollar a bushel, the amount required here by this bill and the amount which the Secretary paid for oats when oats were selling for between 50 and 60 cents in the open market?

I offer the following amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the amendment offered by Mr. GOOD, add the following: "in any restricted area," so that it will read:

"*Provided*, That no part of said sum shall be used for the purchase of seed of any kind except where there is a shortage of seed of such kind in any restricted area."

Mr. MORGAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

Page 70, strike out the period after the word "eighteen" and insert a semicolon and the following:

"*Provided*, That no portion of the amount herein appropriated shall be used except when seeds purchased thereby shall be sold to farmers upon credit."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that.

Mr. SHERLEY. I reserve the point of order.

Mr. MORGAN. Mr. Chairman, as the point of order is reserved, I shall first make a few remarks with the idea that the amendment offered is in order. I do not think there is any question but that the amendment is in order.

Mr. SHERLEY. Mr. Chairman, the gentleman realizes that his time is running.

Mr. MORGAN. I am to have 10 minutes.

Mr. SHERLEY. I thought the gentleman was undertaking to discuss the point of order.

Mr. MORGAN. I want time in which to discuss the point of order also.

Mr. SHERLEY. Then the gentleman would have 10 minutes additional. I am not willing that he should do that. I am willing to reserve the point of order for 10 minutes in order that he may discuss the merits of the proposition if he desires.

Mr. MORGAN. All right, thank you.

The CHAIRMAN (Mr. GARNER). The gentleman is recognized for 10 minutes and under the unanimous-consent agreement will occupy 10 minutes in the discussion of both the point of order and the merits of the amendment.

Mr. MORGAN. This provision in this bill appropriates $4,000,000. Under the so-called food-control act these funds must be used in selling seeds to farmers for cash. First, I wish to address a few words to the chairman in a discussion of the point of order. My amendment does not limit the amount of money expended, but does limit the purpose for which it may be used. In other words, under my amendment no portion of this $4,000,000 can be used except in selling seeds to farmers on credit. Now, the fact that my amendment may change the existing law does not make it subject to the point of order. For instance, I will read here from Hinds' Precedents, volume 4, page 639:

The question arose as to whether this is a limitation merely. If so, the amendment is in order. If not, it is out of order. It is maintained that this amendment changes existing law. In a sense every limitation changes existing law. If any specific condition is mentioned under which an appropriation is to be withheld, that is, pro tanto, a change of existing law, at least to the extent that the whole or a part of the appropriation can not be expended unless the condition is complied with.

Now, then, under my amendment not one single cent of this $4,000,000 can be used unless it is used to sell seeds to farmers on credit. The entire $4,000,000 might be saved to the Government. My amendment restricts or limits the use of money. Hence it is in order as a limitation. That has been ruled in many cases.

My amendment provides that no portion of the $4,000,000 appropriated under this paragraph shall be used except that which is used in the purchase of seeds to sell to the farmers on credit. This is clearly a limitation of the use of the money appropriated, and hence it is a limitation which is in order as an amendment to an appropriation bill. It may be said that my amendment changes existing law, and is therefore out of order. But I have quoted a decision from Hinds' Precedents, volume 4, page 639, which clearly points out the fact that every limitation changes existing law. My amendment is therefore not objectionable on the ground that it changes existing law. There are many authorities which might be cited sustaining my view of the proposition.

Assuming, therefore, that my amendment is not subject to a point of order, I wish to discuss somewhat the merits of my amendment. It is well to have in mind the history of this question. It came up when the food-survey bill was before Congress during the last session.

House bill 4188, Sixty-fifth Congress, first session, became a law August 10, 1917, and as introduced by Mr. LEVER and as it passed the House, contained in section 4 of said bill the following paragraph:

That whenever the Secretary of Agriculture shall find that there is or may be a special need in any restricted area for seeds, suitable for the production of food or feed crops, he is authorized to purchase, grow, or otherwise procure such seed, to store them, and to furnish them, by sale or otherwise, to farmers on credit or other terms at cost, including the expense of packing and transportation.

The foregoing provision did not become a law. The provision was modified in the Senate as is found in the act which became a law in section 3 thereof, which is as follows:

That whenever the Secretary of Agriculture shall find that there is or may be a special need in any restricted area for seeds, suitable for the production of food or feed crops, he is authorized to purchase or contract with persons to grow such seeds, to store them, and to furnish them to farmers for cash, at cost, including the expense of packing and transportation.

For myself I was greatly disappointed that the Senate amended this bill limiting the Secretary of Agriculture in furnishing seed for farmers to sell for cash only. That, in my judgment, was a very grave mistake. I thought so then. Time has confirmed my original view.

The object of the law is expressed in its title, "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products. The food-control act, which was a companion measure to the food-survey act, was "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the

distribution of food products and fuel." No one can read the titles to these bills without being impressed with the idea that one of the chief purposes of these bills was to stimulate and encourage the production of food products. This could be accomplished chiefly by two ways, namely, by increasing the acreage planted and by enlarging the yield per acre. In sections of the country where the farmers have had good crops there would be no demand for the Secretary of Agriculture to furnish seed to the farmers, either for cash or on credit. But it would be altogether different in any section of the country where there had been a failure of crops and where the farmers would not have the seed nor the cash to pay therefor, and could not command the credit necessary to purchase a sufficient amount of seed.

When the food-control bill was before the House I sought to have it amended so as to provide an ample fund to enable the Secretary of Agriculture to furnish the farmer seeds on credit. With this in view, as shown by the CONGRESSIONAL RECORD of June 22, 1917, page 4426, temporary binding, I offered the following amendment:

That, as a further means of stimulating the production of necessaries, the President, in his discretion, is hereby authorized to loan to the farmers of the United States, through such governmental agencies as he shall direct, a sum of money not to exceed $50,000,000, upon such terms, conditions, and security, and at such rates of interest, as he shall prescribe, and which, in his judgment, shall be necessary to assure an adequate supply thereof, and the sum of $50,000,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, and to be available immediately.

That amendment was ruled out of order. Whether that ruling was correct or not, it was certainly unfortunate that some provision was not made, either in the food-survey bill or in the food-control bill, whereby the farmers of the United States in drouth-stricken regions could not have been furnished seeds on credit at a low rate of interest.

It should be borne in mind that the Secretary of Agriculture already has a fund of $2,500,000 which he may use as a revolving fund in furnishing seeds to farmers for cash. This would appear to be ample capital for use of the Secretary of Agriculture so long as he does a seed business on a cash basis. I doubt the advisability of increasing the capital for this purpose when it appears to be ample already.

Furthermore, to increase the appropriation of funds to be used by the Secretary of Agriculture in selling seeds to the farmers for cash seems to be a species of deception to the farmers of the country. The word has gone forth that the appropriation to aid the farmers in purchasing seed is to be increased from $2,500,000 to $6,500,000. This is held out as a great favor to the farmers. But I do not so regard it. A farmer who can pay the Secretary of Agriculture cash for seed can pay cash to any dealer or any owner for such seeds. The poor farmer who has neither cash nor credit can not deal with the Secretary of Agriculture. The rich farmer, who has the cash, or who has credit, can purchase his seed from the Secretary of Agriculture. We are therefore helping the farmers who need no help, and we are refusing aid to those who need it. This is a wrong principle.

Mr. SHERLEY. Will the gentleman yield?

Mr. MORGAN. I will.

Mr. SHERLEY. I understand the gentleman wants to strike out this appropriation?

Mr. MORGAN. No, sir; not if I can get it properly amended; but I do not regard it of much value to the farmers or as a means of increasing food production. I do not want to be severe, but I look upon this proposition to sell seeds to farmers for cash as a proposition wholly without merit. When we sell for cash, we are doing no more than any dealer will do.

Mr. SHERLEY. Oh, well, does not the gentleman know it is not sold for cash alone but also at cost. That is not what the profiteer would do. [Applause.]

Mr. MORGAN. Well, there might be a slight advantage there, but the advantage will go only to rich and well-to-do farmers who do not need it. More than that, the Secretary must go into the market and buy his seeds from dealers; he must pay the market price; dealers can buy them as cheap as he can. The farmers will save little through purchasing from the Secretary.

I do not want to be critical, but, in my honest judgment, this provision is worthless to the farmers of the United States. Now, I think my amendment is in order. If it is adopted it would perhaps save all of this $4,000,000, and it should be saved unless it can be used in some way that would benefit the farmers of the United States, who need the help, not the rich farmers, not the farmers who have the cash to pay, but the farmers who are poor and needy. Last season out in western Kansas, Nebraska, and Oklahoma the farmers wanted seed wheat. Their wheat had been a failure. They had no seed. They had no money. The local banks had not the means to finance them. Seeding a wheat crop is an expensive proposition. The Secretary of Agriculture could not help them. He could sell only for cash. For months our farmers were appealing for help. So today, in the spring-wheat States, the farmers in many localities have not the cash to buy seed wheat. We know the need of an increased production of wheat in 1918. But the National Government refuses to help these farmers to secure seed on credit. It is a mistake. It is poor policy. If the farmers of the winter-wheat States could have purchased seed wheat on credit last fall, millions of additional acres of wheat would now be growing in the fields. If the Federal Government will now furnish the farmers in the spring-wheat States seed wheat on terms of credit, the acreage in wheat will be largely increased and millions of additional bushels of wheat will be produced.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained, and the question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MONDELL offers the following amendment: Page 70, line 3, after the comma, strike out the figures "$4,000,000" and insert in lieu thereof "$3,999,000, and the seeds purchased hereunder may be sold for cash at cost or on credit with approved security of responsible organization guaranteeing repayment and assuming the expense of distributing the seeds amongst the farmers."

Mr. SHERLEY. Mr. Chairman, I make the point of order on that.

Mr. GOOD. Mr. Chairman, I wish to be heard on the point of order. I am opposed to the amendment; but a few minutes ago, when this act of August 10, 1917, was discussed, I find I was in error when I made the statement that the provisions of this appropriation, providing that it shall be used as a revolving fund until June 30, 1918, were in order. Now, if the gentleman from Kentucky [Mr. SHERLEY] will look at the act——

Mr. SHERLEY. Mr. Chairman, all debate except on the point of order is ended.

Mr. GOOD. I am talking about the point of order.

Mr. SHERLEY. Well, all right. I did not so understand the gentleman.

Mr. GOOD. The act of August 10, 1917, provides in section 3 that—

Whenever the Secretary of Agriculture shall find there is or may be a special need in any restricted area for seed suitable for the production of food or feed crops, he is authorized to contract with persons to grow such seeds, to store them, and to furnish them to farmers for cash, at a cost including the expense of packing and transportation.

That ends the provision so far as the permanent law is concerned. Now, the gentleman from Kentucky [Mr. SHERLEY] referred to section 8 of the same act, but section 8 was an appropriation and enlarged the provision of law found in section 3. It enlarged the provisions of section 3 and it dealt with that provision. Is it possible that if this Congress should pass an appropriation unauthorized, or add to an appropriation and use language by which we enlarged existing law, that in all succeeding Congresses it would be in order to offer appropriations carrying the enlarged provisions? Nowhere in the permanent law is there a provision for a revolving fund, but when the Congress considered that appropriation later on it added to the provisions of section 3. So when we put in this provision, which may be used as a revolving fund until June 30, 1918, we did enlarge upon the provisions of the act to which I have referred. The provisions, so far as they refer to that act, were only for that fund and for no other fund, for that specific appropriation, and that appropriation went further than the provisions of the law giving the Secretary of Agriculture the right to create this fund and to purchase these seeds. I suggest, therefore, to the Chair that the whole provision that we have been discussing is subject to a point of order and, being subject to a point of order and the point not having been made, the amendment offered by the gentleman from Wyoming is in order.

Mr. MONDELL. Mr. Chairman, the argument made by the gentleman from Iowa [Mr. GOOD] is sound; but, further, the amendment is not subject to a point of order, because it comes clearly under the Holman rule. I offered an amendment a short time ago which came under the Holman rule, under some rather extreme decisions that have been rendered under that rule, decisions that I have not approved, but decisions which would have warranted a favorable decision on the amendment I then offered. I did not urge them because I think there is danger of

going far afield under the Holman rule. The gentleman from Kentucky [Mr. SHERLEY] objected to that amendment, because while I did reduce the amount carried in the bill the additional language did not relate directly to the reduction and did not of itself retrench expenditure.

Now, if the chairman will listen to me, I will point out to him the difference between that amendment and this one.

This amendment comes under the Holman rule, first, because it actually reduces the amount of money in this bill; second, because it reduces expenditures under the bill by providing that when these seeds are sold on credit they are to be upon the security of organizations that guarantee the repayment and bear the expense of distributing the seeds. Clearly my amendment not only reduces the amount of money carried in the bill, but it would further retrench expenditures whenever the seeds were sold on credit. If the seeds are sold for cash, matters would stand as they now do in the bill; but if they were sold on credit there would be a retrenchment of expenditures, because the department would be relieved of the expense of distributing the seeds. The organizations I have in mind and have proposed are organizations in the county seats, let us say, of the counties, of farmers and bankers, of stockmen and business men, who guarantee repayment, and who themselves take the responsibility of seeing that the seeds are distributed.

The CHAIRMAN. Will the gentleman permit a question there?

Mr. MONDELL. Yes.

The CHAIRMAN. If no provision was made for the seeds to be sold on credit and there could be no retrenchments?

Mr. MONDELL. If no——

The CHAIRMAN. In other words, your amendment provides only for retrenchment in case they are sold on credit?

Mr. MONDELL. Yes. That part of my amendment which reduces the amount brings it under the Holman rule. The balance follows and is connected with it and in itself reduces expenditures.

As a matter of fact, the amendment as I offered it would be in order if it did not reduce the appropriation carried in the bill a dollar, because the additional provision in itself would retrench expenditures by providing that if these seeds were sold on credit they must be sold on the credit of an organization which would distribute the seeds. That would reduce expenditures by shifting the work of distribution of the seeds. It is clearly not subject to a point of order.

The CHAIRMAN. Does the gentleman from Kentucky desire to be heard?

Mr. SHERLEY. Just a word. There are two positions taken by the two distinguished gentlemen. One is that the original paragraph being subject to a point of order, and no point of order having been made against it, any amendment germane to it is in order. The answer to that is a denial of the premises, and I deny that the original proposition as contained in the bill is subject to a point of order.

Mr. MONDELL. I do not take that attitude.

Mr. SHERLEY. The language of the law on which all of this is based is found not only in paragraph 3, but in the so-called food-survey law in its entirety. In section 8 there is a provision carrying $2,500,000 as a revolving fund for the fiscal year 1918.

Now, the gentleman from Iowa temporarily forgot that this is a deficiency bill to supply additional money where moneys already supplied are not sufficient. To say that where $2,500,000 were supplied as a revolving fund for this purpose it would not be in order to increase for the same purpose as a revolving sum that amount is simply to say that no deficiency is in order on a deficiency bill.

Now, touching the argument of the distinguished gentleman from Wyoming——

Mr. GOOD. Mr. Chairman, will the gentleman yield right there?

Mr. SHERLEY. Certainly.

Mr. GOOD. Then, following that line of argument, I suppose the gentleman would say that the words of the provision here which provides for a revolving fund are surplusage, and the money can be used as a revolving fund as a deficiency under that?

Mr. SHERLEY. Whether surplusage or not, they do not change or enlarge the scope of the previous appropriation at all.

Now, touching the point made by the distinguished gentleman from Wyoming [Mr. MONDELL], the language of his amendment is this: He reduces the appropriation by $1,000 instead of $1, and then provides that "the seed purchased hereunder may be sold for cash at cost or on credit with approved security of responsible organizations guaranteeing repayment and assuming the expense of distributing the seeds among the farmers," and then he makes this assumption, that inasmuch as he provides for securing the value of the seeds that are sold on credit, he is thereby safeguarding the Treasury. That would be true if——

Mr. MONDELL. I did not understand the gentleman's statement.

Mr. SHERLEY. That would be true if we were now going to sell on credit without any safeguarding, but in point of fact we are not going to sell on credit at all. The mistake which the gentleman falls into is in assuming that the reduction of an appropriation in any amount is sufficient to enable you to put in any legislative provision you want under the Holman rule, whereas, as I stated a while ago to another occupant of the Chair on another amendment offered by the gentleman, this is the real rule and should be borne in mind, that to come within the Holman rule the language which is submitted and which is a change of existing law must of itself be such as to result in a reduction of expenditure.

Mr. MONDELL. And that is exactly what my amendment does.

Mr. SHERLEY. No. The reduction of expenditures comes by virtue of reducing the amount, but not by virtue of the legislation you tack on afterwards, and that is a distinction that is as wide as a barn door.

Mr. MONDELL. I beg the gentleman's pardon. That is exactly what it does do. There is to be no loan unless there is to be a saving to the Treasury through distribution by the organizations that guarantee the loans. Surely there is a saving there.

Mr. SHERLEY. No. The saving that comes to the Treasury, if any, comes—and, of course, in point of fact, there would not be—but assuming that——

Mr MONDELL. The gentleman would not say that the distribution of the seeds would not cost the Government anything?

Mr. SHERLEY. Under the paragraph as originally presented $4,000,000 was appropriated. Under it as proposed by the gentleman there is to be $3,999,000 appropriated. That is the extent of the saving. All your limitation after that has nothing to do with the saving.

Mr. MONDELL. On the contrary, Mr. Chairman, if the Chair will allow me, the item would be in order, in my opinion, if there was not a reduction in the amount of the appropriation, because of itself it contemplates a retrenchment in expenditures. The law now provides for the sale of these seeds for cash. There is a change of law authorizing their sale on credit, and providing they are sold on credit with the security of organizations that not only guarantee the return of the money, but assume all of the expense of distributing the seed. In other words instead of the Secretary going to the expense of distributing $10,000 worth of seed among 500 farmers, this association assumes all that cost. There is a retrenchment, clearly a retrenchment. We have organizations in our country that do that very thing. They guarantee the repayment from the farmers, distribute the seeds among them, and collect the money.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Commercial attachés. To enable the Secretary of Commerce, in his discretion and in accordance with such regulations as he may prescribe, to make special allowances during the balance of the present fiscal year by way of additional compensation to officers and employees of the commercial attaché service, in order to adjust their official income to the ascertained cost of living at the posts to which they may be assigned, $9,000.

Mr. FLOOD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Virginia reserves a point of order on the paragraph.

Mr. FLOOD. Mr. Chairman, I would like to ask how many commercial attachés we have?

Mr. SHERLEY. There are 11, I think.

Mr. FLOOD. What salaries do they get?

Mr. GREEN of Iowa. Does not the distinguished gentleman, the chairman of the Committee on Foreign Affairs, know?

Mr. SHERLEY. The one at Buenos Aires gets $8,000; the one at Copenhagen, $5,000; at Lima, $4,500; London, $5,000; Melbourne, $4,500; Paris, $5,000; Petrograd, $6,000; Peking, $6,000; Rio de Janeiro, $5,000; Tokio, $5,000; The Hague, $3,500.

Mr. FLOOD. I suppose this item is to supplement the salary of those 11 officers.

Mr. SHERLEY. It is to do for these men exactly what we did for the gentlemen attached to the diplomatic and consular offices of the Government abroad, after consulting with the representatives of those departments.

Mr. FLOOD. I think it is very proper, owing to the increased cost of living and the high price of exchange, to make this allowance, and I shall not make the point of order, though the item is subject to a point of order, as the gentleman from Kentucky

will admit. But I do not think that these attachés ought to be under the supervision and control of the Department of Commerce. It results in a duplication of work and in a lessening of the value that these attachés would otherwise be to the commerce of this country. At the proper time I want to make a suggestion to the House with reference to this matter and show that our entire foreign service should be under one department of the Government, and that the State Department, the branch of our Government through which the United States speaks in its relations with other governments.

Mr. ROGERS. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. ROGERS. Has the gentleman any information as to how the salaries of the State Department officers with respect to post allowances compare with the salaries of these commercial attachés, as just read by the gentleman from Kentucky?

Mr. FLOOD. I do not know, because I do not know what post allowances were given to the Department of Commerce for the benefit of these attachés for the other part of this year; that is, the part of the fiscal year other than that which is to run between now and the 1st of July. Can the gentleman from Kentucky tell us if this is the first post allowance that they have had?

Mr. SHERLEY. This is the first allowance that has been made to these commercial attachés.

Mr. FLOOD. I do not think it would be as large a per cent as the Diplomatic and Consular representatives received under the post-allowance fund of the Diplomatic and Consular appropriation bill.

Mr. ROGERS. Is it not probably true that the salaries of these commercial attachés are higher than the salaries of the officers in the State Department, whom the State Department think it is necessary to aid by giving them a post allowance?

Mr. FLOOD. Oh, yes; very much higher. I do not think there are any diplomatic and consular officers who get this post allowance who have as large salaries as some of these commercial attachés.

Mr. SHERLEY. There are 10 clerks in addition to these 11 attachés.

Mr. FLOOD. They get $1,500 a year.

Mr. ROGERS. Is this $9,000 apportioned among the clerks as well as the attachés?

Mr. SHERLEY. That is as I understand it.

Mr. ROGERS. The appropriation for the force of commercial attachés is $100,000, is it not?

Mr. SHERLEY. I think that is correct.

Mr. FLOOD. It is $100,000.

Mr. ROGERS. Is a portion of that sum expended for expenses of the officers themselves?

Mr. SHERLEY. For office rent, traveling expenses, and so forth.

Mr. ROGERS. But not for living expenses in any case?

Mr. SHERLEY. No, sir.

Mr. FLOOD. These attachés should be a part of our foreign service under the jurisdiction and control of the Secretary of State. This has been so ever since they were created and is more so now than ever, and will become more so than now after the war is over and our tremendously developed commercial interests have to be fostered and protected.

Here are 11 foreign agents, and there should be more of them, who should be the commercial experts of our embassies and legations and important advisers of the Secretary of State, owing their appointments and making their reports, without any reference to the embassies and legations or the Secretary of State, but to a department of the Government which should confine its activities to our domestic commerce.

The war has changed the entire nature of the functions to be performed by the Department of State and the Department of Commerce in relation to foreign trade and brought it back to what it was intended to be by the founders of our Government.

Owing to the necessarily close relationship between the commercial and political questions involved in international trade few transactions of importance in a governmental way are concluded independently of the direct or indirect aid of the Department of State.

The entire export and import trade of the country is under the control of the War Trade Board, the chairman of which, the Hon. Vance C. McCormick, is the representative of the Secretary of State on that board.

The action of that body is creating day by day conditions that must be dealt with by the Department of State through the diplomatic corps in Washington and through our embassies, legations, and consulates abroad. The most important and necessary treatment of these questions is diplomatic and a function of the State Department, and can not be otherwise. Anyone who has any dealings with these matters must understand this.

It is generally conceded that the free play of economic forces after the war will lead to economic disturbances and in many places to economic failure. These conditions will apply to foreign countries all over the world and will call for the intervention of the Department of State and under its direction of the diplomatic and consular offices in foreign countries.

The problems of international commerce have ceased to be, and will probably not again for many years be primarily functions of a domestic department of the Government. Each and everyone will henceforth, as it is now, be interwoven with the political relations of the United States with foreign nations.

It seems important, therefore, first, that the Department of State should be enlarged to meet the requirements of the changed conditions, and to make it possible to give adequate and intelligent attention to the political interests of the United States in future international relations and to the problems of individual Americans, and to give adequate and expert attention to all commercial questions having a political bearing.

We already have an administrative organization in the department, and political divisions, charged with the duty of studying and dealing with the political relations of the United States and foreign nations, but we have not a sufficient provision for handling the commercial functions with which that department will of necessity be charged after the war ends. This provision should be made and this need supplied. We should begin by transferring these attachés to the Department of State and coordinating all of our foreign activities.

Germany, Austria, France, Italy, and Great Britain have been for months making careful preparations for trade after the war. In Great Britain several officers are studying Austria, others are studying the Balkan States and the Ottoman Empire, Italy, Russia, and other States in the most exhaustive manner.

The United States should act promptly in this matter through the State Department under its Bureau of Trade Advisors, to which end it should greatly increase and enlarge this bureau, and enable it to do this work so that America and Americans will not neglect the opportunities that will come to us after the war.

Second, the foreign agents of the United States must be placed under the control of the department of Government through which the United States speaks in its relations with other nations.

We have heretofore had a body of agents abroad representing various departments—Treasury, War, Navy, Agriculture, Commerce, and Labor. The agents of the War, Navy, and Labor Departments have been attached to, and, in most cases, have not conflicted with, the embassies, legations, and consulates. The agents of the Treasury and Agriculture have, as a rule, not been attached to diplomatic and consular offices, and the results have not, as I am informed, been very satisfactory.

The commercial attachés of the Department of Commerce, while attached to the embassies and legations, have of necessity had to deal with subjects which were interwoven with the daily work of the embassies and legations, and conflicts of jurisdiction and opinion have been unavoidable. I believe they have resulted in confusion and trouble; overlapping of functions, and duplications of work have been frequent. I learn that attachés have often been engaged upon work which might better have been done by consuls, when other work of the embassies of the highest commercial importance remained undone because of the lack of control of the attaché on the part of the ambassador. On the other hand, attachés have sent home political reports not through the State Department, and of which, I presume, the Secretary of State had no knowledge.

A divided control of activity in the foreign field ought no longer be permitted, because successful relations, political and commercial, require concentrated, systematic effort, which can be secured by having only one directing force at home. This is the course followed by Great Britain, France, Japan, Germany, and other great commercial countries.

Each embassy, legation, and consulate should be made a center of activity not only for gathering information and administering American laws but also for making the local people understand the ideals, motives, abilities, and resources of the United States.

The commercial attaché should be the commercial expert of the embassy or legation dealing with matters of important commercial policy and tendency, the adviser of the ambassador on all commercial subjects, and the aid of the Secretary of State in averting governmental activities of a commercial nature unfavorable to the United States. No commercial attaché can be made of much value except he be made the spokesman of the ambassador, and no head of an embassy will assume responsibility for members of the embassy staff who are not under his

own direction and that of the department of which he is a member.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

Military research: To enable the Bureau of Standards to cooperate with the War and Navy Departments by providing the scientific assistance necessary in the development of instruments, devices, and materials, and the standardization and testing of supplies, including personal services and rental of quarters in the District of Columbia and elsewhere; the erection of temporary structures; books of reference and periodicals; and all other necessary items not included in the foregoing, $250,000, to continue available during the fiscal year 1919.

Mr. TOWNER. Mr. Chairman, I desire to call the attention of the House to the exceedingly valuable services that are being rendered by the Bureau of Standards. I think there is no other bureau of the Government that is now rendering any more valuable service to the Government in the war preparations than is the Bureau of Standards. It would not be possible for me now to take the time to call the attention of the House to the many ways in which the Bureau of Standards has been assisting in the war work. As an illustration, let me call attention to what they have been doing in aid of aero construction, the determination of standards and types, and the general work of preparing our air service. Their assistance has been exceedingly valuable in almost every stage of the work. In the developments and modifications that have been made of the liberty motor, and especially in the development of the materials that are to be used in the manufacture of aircraft, the Bureau of Standards has rendered invaluable service. It was supposed that mahogany was the only wood which could be used for the construction of propeller blades. By the work of the Bureau of Standards the fact has been developed that a good many of our native woods may be used, upon proper tests, so that we shall have no difficulty in finding within the confines of our own country all the necessary materials for that purpose. It was supposed that nothing except linen could be used for the covering of the wings. It has been determined by experiments made by the Bureau of Standards that cotton may be made almost, if not entirely, equal to linen for this purpose if properly prepared. So I might call attention to a great many things that the Bureau of Standards is doing.

If this appropriation is made, it will enable the Bureau of Standards to cooperate with the War and Navy Departments in their work in many regards.

Mr. Chairman, the whole subject of the bringing together of the various forces of the Government in our war work is, of course, now of pressing and vital importance. So many propositions have been placed before the people and before Congress for the reorganization of the various departments, for their consolidation, for the taking away from the President of his power as Chief Executive of the United States and as Commander in Chief of our Armies and Navies—a proposition which I think is absolutely unconstitutional—that this subject of the bringing together of the executive powers of the Nation and of all our industrial and productive forces to the prosecution of the war is, of course, primarily and immediately the great duty of Congress. That subject I desire to discuss somewhat in detail.

A WAR CABINET.

Mr. Chairman, the proposal to establish by act of Congress a superior war council or war cabinet to direct the war is so revolutionary and would effect such a radical departure from our present constitutional system as to demand most serious consideration. It is my belief, first, that the proposition in the form presented is unconstitutional; second, that it is unnecessary and unwise.

EXECUTIVE POWER OF THE PRESIDENT.

The Constitution provides, Article XI, section 1, paragraph 1:

The executive power shall be vested in a President.

The President is the sole possessor of what the Constitution describes as the executive power. Congress may confer upon heads of departments, upon Secretaries whom we denominate members of the President's Cabinet, certain administrative and executive duties, but these are recognized as being subordinate to the supreme power of the President, and are to be exercised under his direction and control.

Thus in the act of Congress establishing the War Department it is provided:

The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the department in such manner as the President shall direct.

In the act establishing the Department of the Navy it is provided:

The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the Naval Establishment.

It will be observed that in these grants of power to the heads of departments Congress has been careful not to impinge in the slightest degree upon the supreme executive authority of the President. The Secretary of War shall perform such duties as the President shall intrust to him, and in the manner the President shall direct. The Secretary of the Navy shall execute such orders as he shall receive from the President.

The heads of the departments are thus made the assistants, the aids of the President. They are not granted original or plenary power. To the various departments are committed the several kinds of administrative activities. But Congress has never sought to divest the President of his supreme executive authority or to confer upon any individual, or department, or "Cabinet" any part of the constitutional executive prerogatives. Congress may say, and does say, that to a certain department shall be committed the consideration of a certain class of related administrative matters, and as the aid and assistant of the President, who is the sole source of the executive authority and the final arbiter of all executive controversies, the head of such department may exercise certain subordinate executive functions. But Congress has never sought to confer supreme or original executive authority upon any individual, or department, or "Cabinet."

Congress has created from time to time, as they were needed, the executive departments of the Government. It has transferred part of the functions of one department to another. It has taken parts from several existing departments and committed such parts to a new department which it created. All this is necessary and proper. Indeed, it is the accepted and orderly procedure, which has never been contested or challenged.

But the proposition now engaging public attention is far different. It assumes that Congress has the control and management of the executive functions of the Government, which the Constitution has committed to the President, and without changing the Constitution it proposes to divest the President of a large part of his executive authority and confer it upon a new body unknown to our Constitution and hitherto unknown to our laws. It also proposes to divest the President of his control of the heads of departments and confer such control upon the new "superior war cabinet."

The Constitution does not provide for a cabinet. It refers to "executive departments," and assigns duties to the "heads of departments." It also gives the President authority to require of these "heads of departments" "opinions in writing." Thus inferentially the Constitution recognizes the exercise of subordinate executive functions by the "heads of departments." But Executive authority is not conferred upon them. It is exercised in subordination to and under the direction of the President, upon whom alone all Executive power is conferred. The Constitution also recognized the advisory duties of the heads of departments, and in this capacity that they shall constitute what we term the President's Cabinet. But that in still larger measure is dependent on the President for its existence and activity. The heads of departments may or may not be the President's advisers. The President is not obliged to consult them. If he asks for their advice and they give it, he is not compelled to follow their advice. He may consult them when he desires so to do, and only then. He is compelled to hold no Cabinet meetings, and he may consult with any one or any number, or all of his Cabinet, as he shall determine. He is not limited to the members of the Cabinet for his advisers; he may consult with anyone he chooses, and he may act on such advice as against the advice of the entire Cabinet if he shall so determine.

The supremacy of the President in the exercise of Executive authority over any power that can be conferred by Congress on heads of departments or others has been many times upheld by the courts. Thus it was held in Wilcox v. Jackson (13 Pet., 498), that the President speaks and acts through the heads of departments in reference to the business committed to them. To the same effect is United States v. Cutler (2 Curt., C. Cis., 617); Lockington v. Smith (Pet., C. Cis., 466). Congress may impose independent duties upon heads of departments when not repugnant and only to the extent that they are not repugnant to the supreme executive authority conferred by the Constitution on the President. (Kendall v. United States, 12 Pet., 524.)

Cooley, in his great work on constitutional limitations, says:

There would be this clear limitation upon the power of the legislature to prescribe rules for the executive department; that they must not be such as under pretense of regulation divest the Executive of, or

preclude his exercising, any of his constitutional prerogatives or powers. Those matters which the Constitution specifically confides to him the legislature can not directly or indirectly take from his control.

It would be within the jurisdiction of Congress to withdraw powers already conferred upon the head of a department. It could confer upon any or all of them additional powers subordinate to the President. But it can not under the guise of coordinating executive powers grant to a body which it creates powers superior to the powers of the President or take from him any of the powers conferred upon him by the Constitution.

POWERS OF THE PRESIDENT AS COMMANDER IN CHIEF.

The Constitution provides, Article XI, section 2, paragraph 1:

The President shall be Commander in Chief of the Army and Navy of the United States.

The directness and simplicity of this provision of the Constitution leaves nothing to speculation or conjecture. On the President is conferred all the powers of control and direction of both the Army and Navy. Congress may declare war, but the President wages war. Congress may "raise and support armies," it may "provide and maintain a navy," but it can not command them. The power of the President as supreme commander is independent and absolute.

Mr. Chief Justice Chase well and clearly expressed the line of demarcation between the powers of the President and of Congress in military affairs in Ex parte Milligan (4 Wall., 2):

Congress has the power not only to raise and support and govern armies but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of forces and the conduct of campaigns. That power and duty belong to the President as Commander in Chief. The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authority essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law.

Mr. Willoughby, in his late work on the Constitution, says:

Through or under the orders of the President all military operations in times of peace as well as of war are conducted. He has within his control the disposition of troops, the direction of vessels of war, and the planning and execution of campaigns.

With Congress lies the authority to lay down the rules governing the organization and maintenance of the military forces, the determination of their number, the fixing of the manner in which they shall be armed and equipped, the establishment of forts, hospitals, arsenals, etc., and the voting of appropriations for all military purposes.

To the same effect speaks Von Holst in his work on constitutional law:

In war the entire technical direction of affairs is incumbent upon the President. Congress has only to decide whether there shall be war and what means it will grant the President with which to conduct the war; but how the war declared by Congress shall be conducted by the means granted by it is the exclusive affair of the President. Congress may criticize, may express wishes, may pass resolutions, but it can prescribe absolutely nothing to the President, even though his acts and omissions be fraught with political consequences of the most preeminent importance.

It was held in Swain v. United States (28 C. Cls., 173) that the constitutional power of the President to command the Army and Navy and that of Congress "to makes rules for the government and regulation of the land and naval forces" are distinct. Congress can not by rules and regulations impair the authority of the President as Commander in Chief.

SUPREME AUTHORITY CAN NOT BE GIVEN A WAR CABINET.

It is proposed and earnestly advocated in the press and elsewhere to establish a "superior war council," to which shall be committed the conduct of the war. It is to be above the Cabinet, and to it is to be committed much of the power of the President. There is need, it is said, of a central control in order to secure unity of action. To secure this the control now vested in the President and his Cabinet is to be transferred to the new "war cabinet," and the President is to be "relieved" of most of his powers as Commander in Chief of the Army and Navy. Legislation is proposed to create a "war cabinet" to be composed of "three distinguished citizens of demonstrated executive ability." This "war cabinet" shall have authority to "consider, devise, and formulate plans and policies, general and special, for the effectual conduct and vigorous prosecution of the war." It is also given authority "to direct and procure the execution of the same." It is also given power to "direct and control" all "executive departments, officials, and agencies of the Government" in so far as may be necessary, in its judgment, "for the effectual conduct and vigorous prosecution of the existing war." By this simple procedure the President and Cabinet are relegated to the rear and the "war cabinet" is to assume supreme command.

It would seem that the mere statement of the scheme would show how impossible it would be of enactment or of operation. The proposal is to create an executive body which shall have supreme executive authority. The Constitution provides: "The executive power shall be vested in a President." The proposal is to give authority to the newly created "war cabinet" to formulate "plans and policies" to carry on the war, and "to direct and procure the execution of the same." The Constitution provides: "The President shall be Commander in Chief of the Army and Navy." The proposal is to give the "war cabinet" power to "direct and control" all the executive departments. The Supreme Court of the United States declares that the President speaks and acts through the heads of departments. It is declared that in order to secure a "central control" and unity of action the conduct of the war should be committed to three persons rather than to one. Justice Story in his Commentaries on the Constitution says:

Of all the cases and concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. Unity of plan, promptitude, activity, and decision are indispensable to success, and these can scarcely exist except where a single magistrate is intrusted exclusively with the power. Even the coupling of the authority of an executive council with him in the exercise of such powers enfeebles the system, divides the responsibility, and not infrequently defeats every energetic measure.

It is entirely unnecessary to quote this apt and authoritative statement in order to convince the American people of the excellence of their present constitutional system. The history of the Nation throughout 129 years of eventful and glorious experience under it is a sufficient answer to the proposal that it should now be revolutionized and overthrown. It does not need technical knowledge nor even a particular study of our fundamental law to show that the proposition both in spirit and letter is unconstitutional. The avowed purpose, the central idea of the proposal, is in contravention of the Constitution. In its provisions and by its terms it violates the Constitution. As suggested by the press and as proposed in legislation it is unconstitutional.

A "NEW WAR CABINET" UNNECESSARY.

Never before has any serious attempt been made to substitute a new cabinet to control the present Cabinet. Never before has it been proposed to take from the President the direct control of the heads of departments. If merely a change in the personnel of the present Cabinet is desired, that can be secured without creating a new body. It is proposed that the President shall appoint the new cabinet; he may change the present one. He may dismiss peremptorily any or all of his present Cabinet and appoint any whom he may select to fill their places. It is entirely unnecessary, therefore, to create a new Cabinet because of dissatisfaction with the personnel of the present Cabinet.

I have endeavored to show that Congress has no power to usurp or transfer the prerogatives of the President as Commander in Chief of the Army and Navy. Under existing conditions the President, as Commander in Chief, may be and should be in constant communication and consultation with the General Staff and the war chiefs of both the Army and Navy, as well as with the heads of those departments. He is thus placed in close touch with the technical war work—the planning of campaigns, the movements of troops and ships, the assignment of units, and all those matters which he must consider as Supreme Commander of the Nation's forces on land and sea. The relation for consultation and advice between the President and the Army and Navy is maintained by direct contact between the President and the General Staff and the heads of military departments. To attempt to create an intermediary body which shall be given power to control and direct both the operations of the Army and Navy, and the activities of the departments is clearly unconstitutional. It is also unwise and unnecessary.

NEW DEPARTMENTS.

The tremendous expansion of the activities of the Government occasioned by the war demands a corresponding enlargement of governmental machinery. Our present system provides for such enlargement without changing our form of government. Whenever the growth of the Nation and the increase of governmental activities have required we have created new departments of the Government. We started with 3, we now have 10. Departments have been added from time to time to keep pace with the development of the country. Additions are made whenever the existing machinery is inadequate to meet the increased requirements for effective administration. In this way the demands of 100,000,000 people have been as easily and satisfactorily met as were the demands of 3,000,000. In this way not only ordinary requirements but extraordinary requirements can be satisfied without violating the Constitution or abandoning our normal and safe procedure. If because of the war our governmental activities have so increased that the present departments can not satisfactorily and with the desired efficiency meet existing de-

mands, new departments should be added. These new departments need not be continued for longer than the war, if they shall be no longer required. There is no reason why, being established to meet an emergency, they should not be abolished when the emergency shall cease to exist.

A DEPARTMENT OF TRANSPORTATION.

There should be established a department of transportation, with a Secretary, who shall be a member of the President's Cabinet. Perhaps such legislation should not be enacted at this time, because of the President's action in taking over the railroads and the appointment of a director. But conditions thus created are necessarily temporary and legislation will soon be required. The immense importance of transportation by land and sea and the intimate relation it has with all governmental activities in the prosecution of the war require that the chief of this great branch of the Government service shall be the head of a department with the necessary authority and a seat in the Cabinet.

It would appear that the time has come when the department of transportation should be established, not only to meet the demands occasioned by the war but as a permanent departmental establishment of the Government. Transportation, including steam and electric railways, conveying both passengers and freight; steamboat and barge traffic in our rivers, lakes, and canals; shipping of all kinds, engaged in both the coastwise trade and in foreign commerce, requires coordination and governmental supervision and control of the highest character and with power and responsibility such as can only be obtained by placing such supervision and control in a department of the Government. If the railroads should be returned at the close of the war to their former status, their relation to the Government which will have been established during the war will be so close and the responsibilities which will have been assumed by the Government so large as to require a separate department. If Government ownership, in whole or in part, shall be instituted at the close of the war, the demand for departmental control will be imperative. In any event, it is time the United States should do as other great nations have done—make transportation one of the great administrative departments of the Government.

DEPARTMENT OF MUNITIONS.

There also should be established a department of munitions, with a secretary who shall be a member of the President's Cabinet. This department should be established at once, and should go out of existence at the close of the war. There are at least two reasons why the present departments have been found inadequate to meet expectations and secure the degree of celerity and efficiency demanded by the present crisis. One reason is that the requirements for increased service have been so tremendous that the present organization of the departments have been overwhelmed with the pressure. We have been so confident in our fancied security that no preparations for a large Military Establishment have been made. Neither have we even gone so far as to provide for an enlargement to meet a possible contingency or a great emergency. For this all parties, all Government officials, and the people themselves are responsible.

To meet the unexpected and unprepared-for emergency the administration has put forth its utmost efforts. It has a really creditable record of accomplishment when the defects of the system are considered. The blame, if blame is merited, attached because of a failure to realize the inadequacy of our present system to meet the emergency and a want of readiness to admit that deficiency and to take prompt and effectual measures to remedy the defect. It will not help matters, however, to propose and insist on unconstitutional methods of remedy. Neither shall we accomplish what we all desire—a reorganization that will secure efficiency—if we merely protest and complain. Constructive criticism is of value, but mere faultfinding will not help, but harm.

The other reason for the failure to reach expectations is that we have not realized that preparation for war is of two kinds, one military and the other pure business; and that to commit the business of preparation to military men is as unfortunate as it would be to commit military operations to business men. In peace times it was possible to leave the organization and management of our Military Establishment in the hands exclusively of the officers of the Army and Navy. Among them could be found men with sufficient business capacity to care for the limited business concerns of the departments. But when war came and with it the demand for the speedy arming and equipment of millions of men, the business part of the organizations grew to such enormous proportions as to be beyond the capacity of the officers to properly and expeditiously handle. They were not educated for business, they were educated for war. They had selected military not business careers. They had been commissioned because of military ability, not because of business capacity. Some of them have developed unexpected business facility, but there is not enough of those thus endowed. It has been found that the undertaking is too large for the equipment.

How large that undertaking is we have been slow to realize. To fully clothe and equip 2,000,000 men for modern warfare, to send them 3,000 miles across the sea, and to maintain them there till victory shall come is a task never before even contemplated by any nation in the world. To accomplish it will require the organized and mobilized productive and industrial capacity of all our 100,000,000 of people. We must bring production to an unprecedented volume in every line of agriculture, of mining, and of manufacture. We must bring all our transportation systems under a unified and nationalized control. We must tender to the Government the entire activities of the country, systematized and made effective, if we would win the war.

Great Britain faced the same problem when it was called to war. It found that its military establishment was not organized to carry on successfully the military and at the same time the business work of the war. Early it separated these great branches of war work, leaving to the military establishment the work of caring for purely military matters, and transferring to a new department the purely business portions of preparation and support. It created a new place in the cabinet and established the ministry of munitions. Under Mr. Lloyd-George, who was appointed head of the new department, the productive and industrial forces of the nation were organized for war, and almost from the day when this was done efficiency and accomplishment were secured. What has been accomplished in Great Britain under their present system has been not only satisfactory, it has excited the wonder and admiration of the world.

What Great Britain has done we should do. Her difficulty then is our difficulty now. The remedy she applied we should use. Fortunately such action would be in exact accordance with our constitutional system. We have established new departments in the past whenever needed. That time has come now. Such action will effect no disruption of our system. It need occasion no delay. It will allow our War and Navy Departments to give their entire energies to securing men and ships, to train the men and man the ships, to transport troops and arms and ammunition and supplies across the seas, to plan campaigns, and to develop the military policies and operations which shall most speedily bring us victory and a lasting peace. Most of the activities of both the Army and Navy Departments are now devoted to hunting for sources of supply, to making contracts, to arranging for transportation and deliveries, to discussing prices, and other purely business transactions. Under the new system it would only be necessary for the War and Navy Departments to make their requisitions, and the business of securing the arms and ammunition according to the plans and specifications and at the time and place specified would be given the department of munitions, a purely business organization composed of business men.

DEPARTMENT OF WAR SUPPLIES.

There should be established a department of war supplies, with a secretary, who shall be a member of the President's Cabinet. This department should be established at once, and should go out of existence at the close of the war. To this department should be committed the procurement for the Army and Navy on requisitions therefor all classes of war supplies other than those included under the term munitions, including food, feed, fuel, medical and surgical stores, uniforms, tentage, barrack utensils, autos and trucks, horses and mules, and all other supplies of that class.

Under the authority of the Council of National Defense numerous independent boards have been created, to which have been committed many of the war activities. These boards have no power to contract or to bind either the producers or the Government. They are advisory only, and their action is subject to the approval or disapproval of the department. These independent boards, composed in large part of persons serving without salary, have rendered in most instances patriotic and valuable service. They have been, however, a serious impediment to efficiency and expedition. Their service has been at times clouded with the charge of self-interest. They are manifestly a temporary expedient, and the time has come when they should be eliminated. The men who have served on them, who have demonstrated their ability and fitness, should be made the heads of bureaus in appropriate departments and be given authority commensurate with the importance of their work.

Thus within the jurisdiction of the department of transportation should be placed the Interstate Commerce Commission, the Shipping Board, the committee on shipping, the Emergency Fleet Corporation, the Board to Determine Priority in Transportation, and the coordinating committee on exportation.

To the department of munitions should be given jurisdiction now exercised by the War Industries Board, the Munitions Standards Board, the Aircraft Board, and the Advisory Committee for Aeronautics.

To the department of war supplies should be committed the Food Administration, the Fuel Administration, the War Trade Board, the committee on supplies, the committee on raw materials, and all the so-called purchasing committees of the Council of National Defense.

In this way, and in this way only, as I believe, can coordination of the war activities of the Government be obtained. To secure efficiency, expedition, and economy of expenditures there must be authority and responsibility. The prevention of duplication of work is important. The bidding against each other of the departments and bureaus should not be allowed to continue. The necessity of the immediate abandonment by the departments of red tape, circumlocution, and unnecessary routine is apparent to all. The kaleidoscopic changes that are almost daily bulletined from the War Department are none of them calculated to cure these evils. Efforts made by the department to eliminate, as far as possible, red-tape methods will undoubtedly help. But the great necessity, and the one the department seems unwilling even to consider, is that the department be relieved of the purchasing business. This for some unaccountable reason it is unwilling to relinquish. It would seem as if the officers who compose the personnel of the department would be glad to be relieved of the embarrassing duties for which they are so illy fitted and in the performance of which no credit can attach to them. It would appear that being educated for the purpose they would desire to devote their attention to purely military problems and be relieved from business routine and office drudgery. It might be expected that their desire would be for active service in the field where their qualifications fit them to serve with distinction and where now they are so much needed. When the demand for officers educated to train recruits for service and to command troops in the field is so great and the supply is so small it is difficult to justify holding West Point graduates to positions as office clerks, in the performance of purely business transactions.

With the organization of the new departments for war service the war cabinet so earnestly desired may be secured. With the President at its head, it would consist of the Secretary of War, the Secretary of the Navy, the secretary of transportation, the secretary of munitions, and the secretary of war supplies. With the absorption by the new departments of the present independent boards practically all the war activities would be represented in such a war cabinet. Meeting daily, as do the European war cabinets, all the work essential to progress could be considered and correlated. Unity of action, speed in accomplishment, and effectiveness in execution would thus be made possible. The Constitution is not violated under this method of reorganization. The President is not deprived of his power. The War and Navy Departments would be strengthened for real war work, and the heads of these departments could give to the greater problems of the war the consideration necessary and which is impossible while they are burdened with duties others can better perform. Big men, in whom the Nation would have confidence, could thus be given the great work of carrying on the war and could be placed in closer relationship for conference and advice with the President. The reorganization necessary would be very moderate. As compared with the changes in administration methods and personnel that have taken place in other countries engaged in the war, it would be inconsiderable. Entire reorganizations of the cabinets of Great Britain, Germany, France, Austria-Hungary, and Italy have occurred many times during the war. They have made without hesitation the changes found necessary to meet the increased demands of Government work occasioned by the war. We should not wait until failure to meet the extraordinary demands by existing machinery shall lead us to more drastic and dangerous measures.

I have endeavored to show that an attempt to deprive the President of his constitutional powers as the head of the executive departments of the Nation and as Commander in Chief of the Army and Navy is unconstitutional and unwise.

I have tried to point out that the creation of a war cabinet as an independent body is practically impossible, and that by the creation of the three new war departments of transportation, munitions, and war supplies, and the appointment of "three distinguished citizens of demonstrated executive ability" as the heads of these departments, together with the Secretaries of War and the Navy, would give the President a war cabinet, as a natural consequence and on a constitutional basis.

I have sought to show that this proposition is not revolutionary, will not be a mere experiment, and need cause no embarrassment to the President or to the departments affected by the proposed changes. Above all, that it will cause no delay and will assist and facilitate the great work of carrying on the war.

It is only necessary further to say that whatever the machinery provided, that whoever may be called to the Nation's service, even if the action taken be considered unwise, and even if we believe the persons in service inefficient, our duty is done when we use our best endeavor to correct what we believe to be the defect. If suggestions are not followed, if the remedies advocated are not adopted, we are not thereby relieved from doing all that we can to support the prosecution of the war with the men and the measures which are provided. It would be unfortunate if honest endeavors to correct defects were unavailing. But it would be still more unfortunate if because such advice is not taken any one should either remain indifferent or in opposition to the vigorous prosecution of the war. That object should be and remain our supreme desire and duty whatever the means provided and whoever shall remain in or be called to the service of the Government.

Mr. BORLAND. Mr. Chairman, I move to amend by striking out, in line 8, page 77, the words "personal services and."

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BORLAND: Page 77, line 8, after the word "including" strike out the words "personal services and."

Mr. BORLAND. Mr. Chairman, this bill contains a great many provisions for increases of the clerical forces. I do not intend to offer to this appropriation bill any amendment in regard to the hours of service in the departments, because it is a deficiency bill and, of course, temporary in its character. But the fact that it does provide for so many increases in the clerical force simply accentuates the unfortunate situation in which we have gotten in employing a large number of people for a short day's work and attempting to provide office space and housing for that excessive number.

Now, in this particular paragraph these personal services are probably more imperative than any other paragraph in this bill. I simply want to call attention to the fact that the way, in my judgment, to remedy the evil of an excessive number of employees in Washington is, if a resolution comes before the House to provide for a general increase and classification of salaries for the employees, to provide in that resolution for the increase of the working hours from seven hours to the standard eight-hour day.

If that is not done it will be necessary to append the amendment to each appropriation bill as it comes through the House. In order that there may not be any sidestepping of the eight-hour proposition I intend to offer it to every appropriation bill as it goes through the House. I hope the amendment will remain in the Agricultural appropriation bill as it has gone through the House and receive the approval of the Senate.

It seems that this simple business proposition has produced a great deal of bitterness in the District of Columbia. One Herostratos undertook to acquire fame by burning down the temple of Diana at Ephesus, but he failed to acquire fame. That man was a piker. He ought to come to Washington and attempt to change the hours of Government clerks to eight hours a day, and he would acquire fame enough to last him for the rest of his life. [Laughter.] Strange to say, that simple business proposition, which receives the assent of every assemblage of American citizens outside of the District of Columbia, has produced intense bitterness in the District, and I regret that exceedingly.

Mr. MORGAN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MORGAN. I have some protests by some organizations against the gentleman's proposition. I understood the gentleman to say that it met with universal approval.

Mr. BORLAND. Yes; there is a propaganda operating from Washington to get organizations throughout the country to send protests to Senators and Representatives. I have received some of those protests, and I have answered them in this way: I have telegraphed each one "You are jeopardizing your own just claims for consideration in Congress by interfering in a matter of the greatest discrimination and injustice in the District of Columbia." That is the only answer to be given them, and when they look into the matter they will conclude, as the organizations in my district have, not to help perpetuate the abuse of a short day in the District of Columbia.

As I say, the proposal has stirred up a great deal of bitterness in the District, and I regret it; but that does not change my opinion of the legislative power or the legislative duty of Congress to correct the abuse. It does seem to me that it is an imperative thing during the extreme shortage of labor all over the country, when we are bringing thousands of young

people here as we are in this bill, to attempt to perform Government service in the District of Columbia, and thereby increase the shortage of labor of the business men and the farmers throughout the country, making it more difficult for them to speed up, making it more difficult for them to produce supplies for the Army, making it more difficult for people to pay taxes which are exacted of them; when we are doing that we must look well to these appropriations for personal services in the District of Columbia. Mr. Chairman, I withdraw my amendment, and I ask leave to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE, by unanimous consent, was given leave to extend his remarks in the RECORD.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike out the last word, and I ask to proceed for a few minutes out of order. Yesterday in my mail came a remarkable letter, which I think is worthy of mention in the Halls of Congress of the United States and also of being called to the attention of the country. I live in the city of Charlotte, Mich. It is a city of 5,800 inhabitants. Of course we are all proud of our home towns, our district, our State, and our country. I have lived there for 50 years, all of my active life, and while there has been a great change there have been no conditions like the present times from many standpoints. That city readily purchased its share of liberty bonds. It subscribed nearly double the amount of its allotment. It has subscribed liberally to the Red Cross, the Young Men's Christian Association, and all over the city are active workers in the prosecution of the war.

Recently they were asked to subscribe to the war savings and thrift stamps. They have two splendid organizations in the city—the commercial club and the community association—both composed of active, determined business men, well united. When the call went out by the Secretary of the Treasury of the United States to sell $2,000,000,000 worth of these stamps a survey was made of the town; it was divided into small districts and two persons appointed in each district to look after the sale of these stamps. And I am pleased to say here upon the floor of this House, in the Congress of the United States, the greatest in the world, that every man, woman, and child in that city purchased a war stamp or a thrift stamp. [Applause.] We are all proud of that up in our city. That was splendid; but may I particularly mention the fact that Charlotte, Mich., was the first city in the United States where every citizen—man, woman, and child—purchased a liberty stamp under this call. [Applause.] It proves not only that the patriotism of that city is 100 per cent but it also proves that the people residing in that splendid little city are alive to the work in hand; that they are doing their share to win the war; that they not only subscribe their funds but gave of their time and ability to this work. After their plans were perfected within three days every man, woman, and child had their names down on the list and opposite the name was the number and amount of the stamps purchased by that individual.

Mr. MOORE of Pennsylvania. This is a remarkable circumstance which the gentleman is relating. Where did this occur?

Mr. SMITH of Michigan. At Charlotte, Mich. That city is also remarkable in its citizenry. It has only two colored families. They are highly respected and good citizens. There is only one Chinaman. He said at first that he would not buy a stamp for 25 cents. When asked why he said, "Me pay $5." And he paid the five.

Mr. TREADWAY. May I ask if that Chinaman is naturalized?

Mr. SMITH of Michigan. No; but he is naturalized enough to put up his money, which is not done by some in other cities who are naturalized and who ought to do it. [Applause.] Then there is one Italian. The rest are splendid American citizens, working together harmoniously and industriously to do their part to win the war.

The work is going on. The determination and resolution shown in that city is illustrative of the district I represent. I say for my district, and I say for the State of Michigan, that not only did we meet our share of the liberty loan of $2,000,000,000, but we also oversubscribed the liberty loan of $5,000,000,000, and we will pass on to the next liberty loan, and the next, as long as the necessity of the war requires it. We are ready to do the work in hand, whatever is necessary in defending our country, our homes, and our honor. [Applause.]

The Clerk read as follows:

Gauge standardization: To provide by cooperation of the Bureau of Standards, the War Department, the Navy Department, and the Council of National Defense, for the standardization and testing of the standard gauges, screw threads, and standards required in manufacturing throughout the United States, and to calibrate and test such standard gauges, screw threads, and standards, including necessary equipment, rental in Washington, and elsewhere, erection of temporary structures, offices expenses, books of reference and periodicals, personal services in the District of Columbia, and in the field, and all other necessary items not included in the foregoing, $75,000.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. In line 22 I see the words—

and standards required in manufacturing throughout the United States.

Does that refer directly to the standards employed by the War and Navy Departments, or in general manufacturing? It seems a very broad term. I am aware that at the beginning of the war we were very short of standard gauges for all kinds of necessary war equipment, but it does not seem to me that that phraseology would directly apply to this deficiency. Therefore I would like to inquire whether it is expected that it would apply directly to War and Navy needs, and also whether it is looking toward the establishment of a sort of bureau and storehouse for these gauges for future use?

Mr. SHERLEY. No; it is looking to the standardization of the gauges used in connection with war needs. They have a master gauge that is made the basis of measurement for the others. It is not with the idea of having any great supply of jigs, gauges, and dies out there.

Mr. TREADWAY. But it is intended to have a master gauge that could be kept indefinitely.

Mr. SHERLEY. Yes.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Is there not a typographical error in line 2, page 78? Should not that word "officers" be "office"?

Mr. SHERLEY. Yes. I move to amend, in line 2, page 78, by striking out the word "officers" and inserting the word "office."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 78, line 2, strike out the word "officers" and insert in lieu thereof the word "office."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Public utility companies: To enable the Bureau of Standards to make investigations urgently needed by public utility companies in order to improve their efficiency and adjust their methods of operation to meet the changed economic conditions incident to the war, and to aid State and municipal administrative officers and the management of publicly owned utilities in adjusting standards of service when necessary to meet present conditions, including personal services in the District of Columbia and in the field, $50,000, to continue available during the fiscal year 1919.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. Is not a good deal of the work designated here to come under the Bureau of Standards being handled at the present time under investigations of the Department of Labor?

Mr. SHERLEY. Nothing of this sort at all. This is to make certain investigations touching the manufacture of gas, so as to save some by-products for the use of the Government in making explosives. Gas in many localities is now manufactured of a different quality from what was used in time of peace, and that is done in order to save a larger amount of by-products that there is a scarcity of needed in the manufacture of explosives. This is to further study and help in that work.

Mr. ROBBINS. Mr. Chairman, I move to strike out the last word in order to ask a question. In line 7, on page 78, there is a provision for testing and investigating the use of scales and mine cars used for weighing and measuring coal dug by miners. In western Pennsylvania that is done by the Bureau of Mines located in Pittsburgh, where they have a large building containing a laboratory and a number of experts who do that work. Is it proposed to remove that work from Pittsburgh, where it is near the mines and where every person can have access without travel expenses, down here to Washington to the Bureau of Standards?

Mr. SHERLEY. No; it is not proposed to do any such thing. It is to send out and test mine scales which they have found in many instances to be defective.

Mr. ROBBINS. The provision is all right, and it ought to be carried, but the thought that strikes me there is that it would be duplicating the work that the Bureau of Mines in Pittsburgh is doing for the bituminous coal region in western Pennsylvania.

Mr. SHERLEY. No. It is proposed to test the scales where they are.

Mr. ROBBINS. That is exactly what they do from the Bureau of Mines at Pittsburgh. They send out a man wherever there is a complaint made and they test the scales.

Mr. SHERLEY. The statement was made before the committee that they have discovered a great deal of false weighing, and that the purpose of this money was to enable the bureau to cooperate with the States in establishing standard

weights by which the State governments could test the various scales used in their respective States, and it serves to decentralize and take from the Federal Government and put where it belongs on the State government the doing of this highly important work.

The Clerk read as follows:

DEPARTMENT OF LABOR.

To enable the Secretary of Labor to advance to wage earners transportation to such places as may be deemed necessary for the purpose of securing employment in connection with the prosecution of the war, $250,000, which may be used as a revolving fund until June 30, 1918: *Provided*, That advances hereunder shall be so made as to insure the return to the Treasury of sums so advanced: *Provided further*, That an accounting shall be kept of the operations under this paragraph which shall include as to each person transported the following: Name, occupation, starting point and destination, shipyard, factory, or other place for which transported, and amount of advance made.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph just read. I wish to inquire of the chairman of the committee whether it is proposed under this authorization to advance money to laborers in general regardless of whether they are to be employed by the Government or whether it is to be limited to a class or extended to all laborers who may in any way be employed in advancing the Government's interests?

Mr. SHERLEY. It is my understanding it is not limited in the sense that they are to be employed directly by the Government, but it is expected to be used only in those cases where the employment is necessary in connection with work done for the Government in the prosecution of the war, and that it is a war measure, seeking to deal with an acute situation that now confronts the country. The gentleman will recall that the other day, in speaking in general debate, I called attention to the fact of how there had been congested in certain States three-fourths of all war contracts and in one State—the State of New York—one-fourth of them. Now, that of necessity has resulted in a tremendous need of laborers in certain localities way beyond the power of those localities to furnish, and the testimony clearly showed the needs of some governmental action being taken looking to help the men who were unemployed to go to places where employment waited them and where their labor was much needed in order to carry on activities in connection with the war.

Mr. STAFFORD. Has any plan been evolved by the Department of Labor as to the method of securing the return of the funds advanced as provided by this paragraph?

Mr. SHERLEY. The detail of it has not been worked out. The bureau dealing with this particular matter has recently been organized and enlarged, and the suggestions contained herein were the suggestions which originated with the subcommittee dealing with the bill and were put there with the idea of safeguarding as far as possible the expenditure of this money.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed out of order for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the House, I desire to call the attention of Members who are interested in the subject of farm labor to an anonymous letter I received from a senior student at the Alabama Polytechnic Institute a few days ago, which to my mind presents a rather practical suggestion along this line. I realize that it has no place under the provisions of the pending legislation, and probably can not under any circumstance come within the purview of congressional action, yet it is a matter that I think ought properly be called to the attention of the House. In my time I read the letter:

AUBURN, ALA., *February 2, 1918.*

Hon. WM. B. BANKHEAD,
Washington, D. C.

DEAR SIR: Complying to your letter of request, beg to say that at this critical moment and needy time for more food, warrants the best efforts of all Americans who can produce anything for the table or for feeding live stock, which means a table necessity in the end.

There are many young men who are still in the colleges and universities of the United States that have not yet been rushed to the "colors." In view of the fact that the seniors will have gotten all the funds mentais by April 1, I believe there should be a provision made allowing these institutions to graduate the senior classes April 1, provided these men will sign pledges to go home and engage in farming, or they may be employed by the Government to engage in some emergency food-producing activity. I feel that this pledge should be signed for at least 10 weeks from April 1. Owing to the great conflict that is pending between the great nations of the world, I believe the food production within the United States this season determines the destiny of this and the allied countries.

We are interested in the success of our country, first of all, to such extent as to be willing to make any sacrifice necessary to win in the great struggle that is now pending, because we believe that we are right. Yes; we are willing to help feed our soldiers who are in the trenches or elsewhere, even though we do it at a sacrifice at any cost.

I am a member of senior class, Alabama Polytechnic Institute, Auburn, Ala., finishing in four departments June 12. My home is in your district—

Here is one of the things which impressed me about this letter—

I am 36 years of age but my heart and my interest is for this country. Yes; I can plow a mule or two mules this season if it will tide this country over a tottering bridge.

May we note any provision leading to this end?

Respectfully,

A MEMBER OF SENIOR CLASS,
ALABAMA POLYTECHNIC INSTITUTE,
Auburn, Ala.

Now, gentlemen, I do not know how it is in other States, but in the State of Alabama we not only have a very fine agricultural and mechanical college, with an attendance of some 1,000 or 1,500 students, but also in each congressional district there is a district agricultural school with a large number of students. And one of the suggestions made here, in view of the fact that the students who attend these agricultural schools in Alabama are, as a matter of fact, boys who have been reared upon farms and who have practical actual knowledge of farm labor and farm conditions, if some means could be devised, even by suggestion, to the presidents of these institutions in the different States by the Members of Congress, although it would not aggregate a very enormous number of farm laborers, yet it would amount, indeed, to several thousand of the most efficient and best young men of the country who might sign a pledge to work from April 1 for 10 weeks or longer, providing they were allowed to be graduated at their colleges, to go home and render most efficient and splendid service by filling up in some measure at least the shortage in farm labor. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that we may return to page 48, and that lines 21 to 25, page 48, lines 1 to 25, page 49, lines 1 to 8, on page 50, all inclusive, may be restored to the bill for the consideration of the committee. On Saturday the point of order was made to these provisions.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to return to pages 48, 49, and 50, to restore the language contained in lines 21 to 25, on page 48, line 1 to 25, on page 49, and lines 1 to 8, on page 50. Is there objection?

Mr. CLARK of Florida. Reserving the right to object, Mr. Chairman, I want to state that I made the point of order on Saturday against these two items because they were clearly subject to the point of order, and it was so held by the Chair, but I want to state to the committee that the Committee on Public Buildings and Grounds on Saturday considered it and to-day considered it again, and we are clearly of that opinion and the House seemed to be of that opinion. We have made the point of order, Mr. Chairman, purely and solely for the purpose of attempting to preserve the jurisdiction which the rules of the House has given us, believing that those rules ought to be maintained and preserved where jurisdiction is clearly defined, but understanding that this matter has already been gone through with by the Committee on Appropriations, and having been appealed to by those interested as to its urgency, knowing, of course, that a reference of the items now to our committee may delay the matter, although we could, of course, dispose of it in a very few days, but there would have to be another appropriation bill brought in to carry it out, and in order not to stand in the way we have decided that we will not press the objection.

I want to say this, however, Mr. Chairman, that this is not to be considered as any precedent whatever. We are not intending to concede in the slightest degree that we have not full and complete jurisdiction over the subject matter, and I want to give notice that hereafter we shall certainly insist on points of order against items of this character. I do not think, and our committee does not think, that it is any effort on the part of anybody to reach out and take jurisdiction that does not belong to them. The trouble is that these department officials get up a lot of data when they want certain legislation, and in order to run along the shortest route, as they take it, go to the Appropriations Committee, and file this data, which ought to go to some other committee. And it seems to me the whole House ought to be interested in preserving the jurisdiction of the respective committees and let these department officials and everybody else understand that they must go in the orderly way, to the proper committees in the House, in

order to get legislation which they think is advisable and proper.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. GREEN of Iowa. Did the gentleman's committee go into the merits of this proposition? It seems to me, from what I will have to admit is a cursory examination, that this appropriation is to be used for buildings not good enough for permanent buildings.

Mr. CLARK of Florida. I will state to the gentleman that our committee has not examined into the question at all. We have never considered it from any point except the question of jurisdiction. All the data and all the facts have been placed before the Committee on Appropriations. Those gentlemen have investigated it, and for any information about it the gentleman will have to apply to them. I know nothing about the merits of the proposition.

Mr. GREEN of Iowa. Here are $8,000,000 to be spent on temporary buildings, built of reinforced concrete, which, of course, will have to have heavy foundations and all that. They can be built for much less and answer the purpose.

Mr. CLARK of Florida. I will say to the gentleman that we have already spent over $2,000,000 on buildings of the same character and for the same purpose.

I want to make this remark in passing. Last year when these buildings on Sixth Street were contemplated the representatives of the War and Navy Departments stated to the Public Buildings Commission that they wanted 700,000 square feet of space to take care of the overflow of the two departments; that they had made a careful survey, and that space would answer their purposes. We gave them one million and some fifty-odd thousand square feet, and before that building was completed and occupied the same gentlemen are back to Congress asking for appropriations of over $8,000,000 for two and one-half million square feet additional to the million square feet in the first building. Now, as I say, that probably is needed.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. CLARK of Florida. In just a moment.

I hardly think the Appropriations Committee would have consented to have it go in the bill unless it was needed, but it shows these gentlemen who make calculations as to what space is needed have made a sad mistake in this instance, to say the least of it. They have not made the careful surveys that somebody ought to have made.

Now I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Did not the gentleman's committee take up the question with any of the departments interested in order to ascertain the number of employees that are to be provided for as covered by this item?

Mr. CLARK of Florida. No, sir.

Mr. CAMPBELL of Kansas. You have not had any information?

Mr. CLARK of Florida. We have not investigated it at all, because it has not been before our committee.

Mr. CAMPBELL of Kansas. I notice there is nothing in the hearings as to the total. I presume the Committee on Appropriations was satisfied informally as to the necessity for the item. There is nothing in the hearings about it.

Mr. CLARK of Florida. I suppose the chairman of the Appropriations Committee could give the gentleman that information. We have made no investigation at all.

I just want to say in conclusion, Mr. Chairman, that this is in the nature of notice that we are going to consent and not raise any objection to this, because it has progressed as far as it has, and we do not care to obstruct; but hereafter we intend to insist strictly on our rights under the rules of the House.

The CHAIRMAN. Is there objection?

Mr. LENROOT. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from Florida a question. The gentleman speaks about 1,000,000 square feet having been provided. Were those for temporary quarters?

Mr. CLARK of Florida. They were understood to be such.

Mr. LENROOT. What was the cost of that 1,000,000 square feet?

Mr. CLARK of Florida. Something over $2,000,000.

Mr. COOPER of Wisconsin. Mr. Chairman, reserving the right to object, I take it that there is no one in the House, on either side of the center aisle, that wishes to delay unnecessarily for one moment the enactment of legislation that will tend legitimately to the prosecution of this war. I know that I shall not press any point of order, although one would lie against this provision. But in view of the great amount of money that is asked for, $8,152,500 in two lump-sum appropriations—one of $5,775,000 and one of $2,377,500—one sum to be turned over to the Secretary of the Navy, to be spent under his supervision nominally, although, as a matter of fact, it will be impossible for him to give personal supervision to the expenditure; and the other sum to be turned over to the Secretary of War, to be expended under his supervision nominally, although, as a matter of fact, we all know that he is so occupied with the enormous demands of his office that he can not give these expenditures his personal supervision. And after all that by way of parenthesis, I add this: That we ought to insist before we vote this through that there be a demonstration before this Chamber of the necessity of such an enormous expenditure for temporary buildings.

Last summer, as the House will recall, there was quite a spirited debate on the proposal made in the bill which was then in charge of the gentleman from New York, now not a Member of the House, Mr. Fitzgerald, for $2,000,000 with which to put up temporary frame buildings. I thought that $2,000,000 worth of lumber put into temporary buildings would cover all the vacant space, practically, that there is in the city of Washington; but they expended it all, and now they want only the modest sum of $8,000,000 additional for temporary structures, making in the aggregate approximately $10,500,000 for temporary structures.

Now, the conditions prescribed in the lines included within the motion of the gentleman from Kentucky [Mr. SHERLEY], the distinguished chairman of the committee, are very general in their character. They mention only the area of the buildings, with very little more. They define their location with reasonable precision, but practically $8,000,000 is turned over to the discretion of two men, and neither of them can give the expenditure his undivided attention or anything approaching his undivided attention.

Now, relying upon the judgment of my friend from Kentucky, the members of the committee—and, by the way, I do not understand that the full Committee on Appropriations took this testimony. It seems so from the record, which tends to show that the testimony was taken only by a subcommittee of five; and I notice, in looking through the list of the names of the subcommittee, the name of one whom I have hardly seen here at all since January. That leaves but four, and all of these facts together make it necessary, I think, that as cautious legislators we should require full and detailed statements, which will demonstrate the necessity for an appropriation like this for temporary buildings.

Mr. ROBBINS. Mr. Chairman, will the gentleman permit a question before he takes his seat?

Mr. COOPER of Wisconsin. Certainly.

Mr. ROBBINS. I understand these temporary buildings that were authorized down on the old Pennsylvania Depot square, or depot site, were increased beyond a million feet beyond what Congress authorized. Is that true or not?

Mr. COOPER of Wisconsin. I do not know.

Mr. ROBBINS. What is the necessity of using this park and cutting down those trees when there is a wide space between here and the Union Station with no trees on it? The parks should be used in connection with the beautifying of the city of Washington.

Mr. LENROOT. Mr. Chairman, I reserve a point of order, and I think before that matter is settled the committee is entitled to know what information the members of the committee can give to the House as to the necessity of this appropriation.

Mr. SHERLEY. There is no desire on the part of anybody to take snap judgment of the House. I assumed that instead of now undertaking to debate the matter on request the debate would come up naturally in the discussion of the restored paragraphs.

Mr. LENROOT. If the point is not reserved, and the committee is not able to give the fullest information desired, it would not be the fault of the committee.

Mr. SHERLEY. The gentleman misunderstood my request. I did not request that the matter be considered in the bill in the sense of having been approved by the Committee of the Whole. I suggested that it be restored to the bill for the consideration of the Committee of the Whole. I do not want to mislead the gentleman. If my request should be acquiesced in, it would result in putting the matter into the bill for the consideration of the committee.

Mr. CAMPBELL of Kansas. Beyond the point of order?

Mr. SHERLEY. With the idea that the point of order would not be made. There is no use in doing a foolish thing. The point of order has been made. The idea was to put the provisions in for consideration. It would be in order to strike out or amend, or anything else.

Mr. LENROOT. I would like to have some information as to what the million square feet cost, and why this should cost so much more.

Mr. SHERLEY. I made a very full statement to the House in my opening statement, and I am more than willing to do it again. As a matter of convenience, I will take the floor now.

Mr. LENROOT. Very well. If the gentleman can give the information, I will withdraw my point of order.

Mr. SHERLEY. I have enough responsibilities. If I can not demonstrate to this House the merits of the proposition, it ought to go out.

Mr. LENROOT. I have no objection.

Mr. SISSON. Mr. Chairman, I feel that this statement should be made in view of the understanding I have had, representing the Committee on Appropriations, with the gentleman from Florida [Mr. CLARK], the chairman of the Committee on Public Buildings and Grounds. It might not be amiss to make a short statement as to how this matter got into the appropriation bill at all.

As was suggested by the gentleman from Wisconsin a moment ago, there was quite a little controversy over the building at Sixth Street, on a part of the Mall, which, I believe, is about completed—on the square where the old Pennsylvania depot used to be. At that time the subcommittee was requested to take this matter up on account of the very urgency of the need of space for clerks. The matter was taken up at that time by the chairman of the Committee on Appropriations with the chairman of the Committee on Public Buildings and Grounds, with the idea that if they had no objection to its being considered in our committee, that committee could have a hearing and report a bill which would then be in order on the appropriation bill, and not delay the matter. The chairman of the Committee on Public Buildings and Grounds and the chairman of the Committee on Appropriations, each representing his respective committee, agreed that it would be better to put it, as an urgent matter, in the urgent deficiency bill. Buildings of that character had been carried prior to that as urgent deficiencies.

Now this subcommittee on deficiencies has been called upon to begin the erection of some permanent buildings not authorized by law. Your subcommittee and the full committee declined to consider the matter at all, on the ground that our jurisdiction would only be limited to this item, on account of its great urgency. Technically we have no jurisdiction of the matter, even under that state of the record, but in view of the pressing need and the necessity of making provision for the thousands of clerks that are being assembled and brought to Washington with no place for them at present in which to work in the various offices, this necessity was represented to the committee, and there was no understanding at that time between the respective committees as to these items. It was my understanding—not the understanding of the chairman of the Committee on Appropriations, nor did any member of the committee understand it that way—but it was my understanding that as to these temporary buildings they might be considered as urgent deficiency items and cared for by items in the bill.

Now, in addition to all of that matter, there was a commission that had to be consulted. Your subcommittee not only consulted among themselves and with the full committee, but we consulted with the members of the Senate who had handled this matter, consulted with the Superintendent of the Capitol Building and Grounds, and consulted with the gentleman who has charge of public buildings in the War, State, and Navy Building, and had them all there. All the propositions were presented to the committee; and one or more trips were made by your subcommittee, and one trip with the representatives of the Senate, with those two respective architects representing the two departments of the Government, and after quite a good deal of delay we thrashed out all of the differences. That accounts for this item being in the bill. If it should be considered and passed by the Committee on Public Buildings and Grounds, it would then have to come to the Committee on Appropriations for the appropriation.

So this in no sense of the word can be considered as any precedent for the Appropriations Committee taking jurisdiction of public buildings.

Mr. CAMPBELL of Kansas. What I have been particularly interested in is the showing that was made to the committee as to the necessity for housing this large number of additional employees.

Mr. SISSON. I was not intending to go into that feature at this time.

Mr. CAMPBELL of Kansas. That is the important feature.

Mr. SISSON. I was simply carrying out an agreement which I had with the chairman of the Committee on Public Buildings and Grounds that this statement should be made by me, so that it might not be considered as being any precedent or any waiver of jurisdiction on the part of the Committee on Public Buildings and Grounds for this committee to consider items of this kind. Your subcommittee and your full committee realized thoroughly that we have no jurisdiction of these matters, and I have no doubt that from the chairman of the Committee on Appropriations clear on down through the entire committee we would have been delighted to wash our hands of this entire matter and let the Public Buildings and Grounds Committee handle it and fix it so that the appropriation might be made.

Mr. TREADWAY. Will the gentleman yield?

Mr. SISSON. Certainly.

Mr. TREADWAY. I understood the gentleman from Mississippi to state that he consulted with two architects, representing the War and Navy Departments.

Mr. SISSON. No; with Mr. Woods, Superintendent of the Capitol Building and Grounds, who has certain buildings and grounds under his jurisdiction, and who is, by the way, a member of this building commission, as well as Col. Ridley, of the State, War, and Navy Building, who is the superintendent of those buildings and grounds.

Mr. TREADWAY. Then I misunderstood the gentleman about the two architects?

Mr. SISSON. These are the two men. Mr. Woods is an architect, and Col. Ridley also. I did not mean any outside architects.

Mr. TREADWAY. I was endeavoring to find out a little more in detail along the line of the inquiry I made a few days ago—has the committee seen any plans and specifications, so as to know on what method the contracts were to be let?

Mr. SISSON. All our consultation was with officials of the Government.

Mr. WHEELER. I wish to know whether the department recommends reinforced concrete; and if so, why is it necessary to have that material for a temporary building?

Mr. SHERLEY. If the gentleman will permit, I think we can get at this whole matter very much more orderly when we get to the consideration of the merits of it.

But, answering now the gentleman's inquiry, the reinforced-concrete proposal came before the committee as the result of two suggestions—one made by the War Department for a concrete building down near Henry Park and one from the Navy Department, who desired a concrete building for themselves. But the determination rested finally with the committee, and was based on the fact that the difference in cost between concrete and frame was not sufficient in our judgment to make worth while the taking of the risk to life and property involved in further housing people in wooden structures.

Mr. WHEELER. Will these buildings be fireproof?

Mr. SHERLEY. Yes; the concrete will not only be fireproof, but will be as permanent as time, if you want to leave these buildings. They are spoken of as temporary, not with the idea that they will soon wear out, but simply with the idea that these are not the places that would be selected for permanent buildings in the sense that that term is used ordinarily.

Mr. WHEELER. Will the floors and sills be of concrete?

Mr. SHERLEY. All concrete.

Mr. WHEELER. No wooden framework whatever?

Mr. SHERLEY. Flooring and framework and walls and roof of concrete. I will try to give the House the details in a few moments.

Mr. SISSON. In order to conclude my statement and not detain the committee, so that we may get down to the merits of this proposition, so far as I am personally concerned I agree heartily with the statement made by the chairman of the Committee on Public Buildings and Grounds [Mr. CLARK of Florida] that the jurisdiction of these two committees should be kept absolutely separate, as the rules indicate; and it is only under the pressing necessities of the present that the rule ought ever to be violated. So far as I am personally concerned, I can only speak for myself, but as a member of the subcommittee I will say that these matters shall not be considered, if I can help it, except after consultation with the chairman of the Public Buildings and Grounds Committee or any other committee that may have proper jurisdiction over a matter that might be included in a deficiency bill.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. SISSON. Certainly.

Mr. COOPER of Wisconsin. What induced the committee to insert the provision regarding these structures being built of reinforced concrete, when the $2,000,000 buildings down here are of wood?

Mr. SISSON. It is quite a long story, but I can tell the gentleman in a word. A great many of the clerks and employees in the Navy Department will have to deal with the drawings for

the building program of the Navy, and if you did not have buildings reasonably safe from fire it would be absolutely disastrous if those plans and specifications were destroyed. The hearings were complete and the testimony was overwhelming that unless we were in a position to build them fireproof vaults, or a place where they could keep these documents and drawings, it would mean disaster if there was a fire.

Mr. COOPER of Wisconsin. Inasmuch as the Government for about 12 years has owned the land from Pennsylvania Avenue to the Mall, down near Fifteenth Street, containing now, as then, many buildings that are nothing but eyesores to that part of the city, why did you not propose to put these new structures there?

Mr. SISSON. The question of time entered into that. We would have to destroy the buildings that are there now, all of which are going to be used for office space anyway. A good many of these buildings are already being occupied. Some buildings are being constructed. As I understand, these buildings will probably be occupied by the Internal-Revenue offices.

Mr. COOPER of Wisconsin. It looks like a rather serious proposition to put $8,000,000 of buildings into a magnificent park.

Mr. SISSON. It is a most serious business and there is no question about it, but the subcommittee and the full committee in considering this matter found there was no other alternative.

Mr. COOPER of Wisconsin. Does the gentleman say that the full committee considered the bill?

Mr. SISSON. The full committee only considered the statement made by the chairman of the committee, but his statement was very full. They had all the maps before the committee, but had no witnesses there.

Mr. COOPER of Wisconsin. In other words, the full committee heard the statement of a witness who had heard the witnesses.

Mr. SISSON. The full committee heard the statement of the chairman of the committee.

Mr. COOPER of Wisconsin. And he had heard the witnesses.

Mr. SISSON. The hearing was what the full committees have at times when the subcommittee has investigated the testimony of witnesses; the subcommittee reports to the full committee, and until the full committee was satisfied they would continue the investigation.

Mr. COOPER of Wisconsin. I was only prompted to ask the question because the gentleman said that the full committee had approval of the findings of the subcommittee, and as far as that is concerned I understand from the gentleman's own statement that the full committee knew nothing about the testimony at all except as the chairman came in and gave a synopsis of it.

Mr. SISSON. I did not intend to make any other statement than that it was reported by the subcommittee and was considered by the full committee, and there was no objection to it.

Mr. WALSH. Mr. Chairman, this matter has been stricken from the bill on a point of order. I wish to reserve the right to object. I understand an agreement has been made between the committee reporting this bill and the chairman of the Committee on Public Buildings and Grounds, who made the point of order, and that there is some objection apparent, or some desire on the part of certain gentlemen to learn more about this item before the matter is reinserted in the bill. It seems to me that the statement as to the necessity, and as to the information which the committee procured on this matter, ought to be made before the item is put back into the bill. If it is, then there need not be any discussion of the item at that time, and further time in discussion will be saved. I ask that the chairman of the committee make his statement as to the necessity of this item at this time, and unless that is done I think objection should be made to putting the item back in the bill, and I am willing to make the objection.

Mr. CANNON. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. CANNON. The matter has been very fully investigated and the gentleman from Kentucky did make a full explanation in his opening speech, although I think there were not over 40 or 50 Members present. Now, if the point of order is withdrawn and the matter considered on its merits, unless the merits are so strong as to convince the committee, I am satisfied it will be rejected by the committee. But suppose under the gentleman's plan we spent three or four hours in the consideration of this and everyone favored it but one Member and he objected? We would lose all that time. It seems to me that we can trust the Committee of the Whole in the premises. Later on we would have to do it when the Committee on Public Buildings and Grounds should report. I believe that the inquiry in the committee disclosed that time is of the essence and that prompt action is required.

Mr. WALSH. Mr. Chairman, I will say in reply to the gentleman from Illinois that I think this method of mine would save time. The chairman of the committee could outline the matter briefly from facts ascertained the need for this legislation and then that being demonstrated there could be no objection to restoring the item to the bill. We would then be in a position to proceed with the discussion of the matter and close up the discussion of the entire bill within a few minutes.

Mr. CANNON. With this difference, that the majority after discussion would agree or disagree to it, and under the gentleman's plan one man after the discussion could defeat action.

Mr. WALSH. As he can now?

Mr. CANNON. Precisely. Here is a condition that has got to be met if we do our duty, and why can not gentlemen trust the committee now to consider and let the majority act.

Mr. FESS. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. FESS. In case this item goes out on a point of order, can not the Rules Committee make it in order?

Mr. CANNON. In the event the majority should ratify the rule, but that would lead to further delay.

Mr. FESS. It is likely to go in anyway, is it not?

Mr. CANNON. I do not know how that may be; I can not tell. When a majority of the Rules Committee would report a rule, and a majority after discussion should adopt a rule, then it would be in order. This situation has got to be met either by a report from the Committee on Public Buildings and Grounds or upon this report made by the Committee on Appropriations. It seems to me that we now have as much leisure to determine the merits of this matter as we will have at any time.

Mr. WALSH. Mr. Chairman, reserving further the right to object, I would like to ask the gentleman from Kentucky if he prefers to repeat his statement regarding the matter now or after it has been restored to the bill.

Mr. SHERLEY. I will say frankly to the gentleman that it seems to me the orderly thing is to do as we would if the point of order had not been raised and the matter was up like any other provision in the bill. I will say frankly to the House that if we can not show the need of these buildings they ought not to be built.

Mr. WALSH. Mr. Chairman, I do not object.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The paragraph has been read and is now restored to the bill.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry. Have we passed the Department of Labor paragraph?

The CHAIRMAN. Yes; on page 81.

Mr. MOORE of Pennsylvania. I desire to discuss that paragraph a moment.

The CHAIRMAN. The gentleman is rather late. We passed page 81, and the gentleman from Kentucky asks unanimous consent to return to his item.

Mr. MOORE of Pennsylvania. That is the reason I was thrown out. I want to discuss the labor paragraph for a moment.

Mr. SHERLEY. There will be an opportunity for the gentleman to take five minutes in the discussion of it later if he desires.

Mr. MOORE of Pennsylvania. Very well.

Mr. SHERLEY. Mr. Chairman, there were two proposals in connection with the building proposal that ought to be kept distinct, one relating to concrete buildings and one relating to wooden buildings.

I shall endeavor to repeat somewhat what I undertook to say to the House in presenting the bill several days ago as to what actuated the committee. There is not a great deal of testimony in the hearings touching the matter. That was not intentional, but came about in this way. It became apparent in the early consideration of the bill, from the letters that were being sent to me as chairman of the committee, the requests that were being made by various departments, and the statements being made by the heads of departments, that there was need of a great deal of space in Washington. It was also exceedingly difficult to get from anyone a statement that matched up with anybody else's statement, because the situation was shifting from day to day. So the committee did what it thought was better than undertaking to take some representatives of the various departments, cross-examine them touching their needs unconnected with other departments, and thus come to a conclusion. It had prepared, through the courtesy of Mr. Brown, the head of the Bureau of Efficiency, a list of questions which

it sent out to every department in the Government, asking it to state the amount of space they now had other than that which was Government owned, the rent they were paying for it, the amount of space they would need prior to the 1st of July, and the amount of space they would need subsequent to the 1st of July. Those reports came in in great detail and constitute a stack of papers a foot high. They have been summarized in the statement which I read from the other day, and from which I shall again read to the committee. These reports gave much more of detailed information than we could have obtained in days of cross-examination. The summarized statement showed that there was now being occupied by various departments of the Government—that is, there was as of the 1st of January—we had to fix a date which these returns should be for, so that we could get some uniformity—3,826,511 square feet of space in this city for which the departments were paying a rental which at an annual rate would amount to $1,764,019.40.

Mr. COOPER of Wisconsin. Is that exclusive of the department buildings?

Mr. SHERLEY. That is exclusive of the Government-owned buildings altogether. The statement shows further that these various departments would need prior to the 1st of July, 1918, 2,109,761 square feet of space, and that of the space now used there was to be vacated only 174,409 square feet. So that practically there were 2,000,000 feet of space they said they needed prior to the 1st of July. Then a statement was given as to the amount of space that would be needed after the 1st of July, additional to what has been mentioned, and that totaled 2,316,270 square feet of space. So that if you take the figures at their face it would show an expected need prior to July of next year of four million four hundred thousand and odd square feet in addition to what we are renting, and we are renting now 3,800,000 square feet of space. The moment you get figures that large you do not have to go into details as to how much each department wanted to know perfectly well that all and more than what is being proposed here would be needed by the departments, and particularly you did not have to have testimony to ascertain this fact, because man after man had testified to it, and it was common knowledge that all of the available space in the District of Columbia is now being used. Men are hunting opportunity to find space that is rentable, without regard to the very high prices that have to be paid.

It was perfectly apparent also to anyone who knew the expansion that was taking place in the Government, as shown by estimates that were being made for additional clerical hire, to say nothing else, that these departments were going to expand tremendously. For instance, the War Department used to have on its regular rolls 1,600 employees. It has now upon its temporary rolls 9,000 employees, and the Ordnance alone have now 4,718 employees and estimate that there will be needed in the fiscal year 1919, 4,000 additional employees. It had submitted a formal estimate for an immediate need of about 1,300,000 square feet of space, and it claimed an additional need for next year of over 2,000,000 square feet. The result was that the committee knew, as the slightest consideration will demonstrate, that all of this space would be needed, and more too, and particularly it knew that if we were not to be held up and continue after the war to have to pay the extravagant rentals we are now paying for these 3,800,000 square feet which we are now occupying as rented space we would have to greatly enlarge the building program.

The proposition, then, came down to two questions—the character of buildings that should be put up and where they should be put up. A good deal of criticism had been leveled at Congress because of the erection of temporary buildings of wood. Particularly was there expressed a fear upon the part of the various departments of housing their valuable records in wooden buildings. So much was that so that the Ordnance people had submitted a separate estimate for a concrete building, that was pending before the committee, and the Navy Department testified that it did not desire to be housed in temporary wooden structures. The War Risk Insurance Bureau had urgently pressed upon the committee the need of a fireproof building for the preservation of its records. The committee therefore made some inquiry as to cost, and it developed in connection with the testimony of Commander Parsons, of the Navy Department, that the Navy had constructed buildings for $2.50 a square foot, made of concrete, which were entirely fireproof, and that they were just finishing a storage building over in New York that would average at that figure.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that I be permitted to continue for 10 minutes longer.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to continue for 15 minutes.

Mr. CANNON. Make it until he concludes his remarks.

Mr. STAFFORD. Very well.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Kentucky may proceed until he concludes his presentation of the matter. Is there objection?

There was no objection.

Mr. SHERLEY. They were very urgent, and requested they be given permission to construct on the ellipse a building which would contain something over 900,000 square feet of space, and which they said would enable them to put all of their now scattered departments into one building and greatly increase the efficiency of the departments.

The State Department was urging its need for 100,000 square feet of space, and particularly the desirability of obtaining additional space in the Army and Navy Building. It developed informally that if the Navy Department obtained the building it required the State Department in large measure could be taken care of in the space the Navy would relinquish in the Army and Navy Building.

On cross-examination of Commander Parsons it developed that the type of building that he desired to build on the ellipse, and which he thought he could build for $2.50, would be a three-story, reinforced concrete building, and that the cheapness of construction would depend somewhat upon the lay of the ground, which would enable them to build a building the ground floor of which would be practically a concrete pavement resting on the ground, and would not need the supports that would be necessary in the upper stories, and thereby very greatly lessen the cost; that a three-story building could be built without any elevators, and that it could also be built within a time limit such as to afford the relief now urgently sought. The moment that came before the committee I think all of us were struck with this fact, that we were having to pay $2.25 for frame. If we could build for $3 of concrete—testimony had developed afterwards that if the ground was not ideal the price would range from $2.50, which was put as the minimum, to $3.08, which was put as the extreme outside limit—if we could build for $3 as against $2.25 for frame, that we were hardly justified in risking either the safety of the people who would work in such buildings or the papers and property which would be housed there, and that it was desirable where we could to build of concrete, if we were not so hurried for time as to make it necessary to build wooden buildings. The committee then undertook to determine where we could best build the amount of space that ought to be built.

It was then found we could put at Seventeenth and B Streets, on the ground that is immediately south of the Pan American building and running to the west, two concrete buildings three stories high that would give a floor space of 920,000 square feet in one building and 835,000 square feet in the other; that we could put in Seaton Park, which is just this side of Henry Park, where the temporary buildings which were authorized last year have been constructed, two buildings—one of 270,000 square feet and one of 300,000 square feet. Then, we could put just west of the present buildings another building that would contain 370,000 square feet. We concluded that if we made one of those buildings of concrete it in time would give to the Ordnance people, who are now occupying two-thirds of the Henry Park buildings, enough fire-proof space to take care of their most important papers and probably take care of their entire need in that regard, and by building the other two buildings of wood we could get, with the remaining one-third of the Henry Park buildings, which the Navy was willing to give up immediately and which had been reserved for them, some 900,000 square feet of space in a few months, and thereby take care of the immediate pressing needs of the Army, and that it could wait for the additional space it would need until the completion of the big concrete buildings. The Navy was willing to wait in order to get into one building of concrete. So the plan worked out in that shape. Now, the basic things that this committee ought to consider are these——

Mr. COOPER of Wisconsin. Will the gentleman yield for one question right there?

Mr. SHERLEY. Certainly.

Mr. COOPER of Wisconsin. The buildings which are to go west of Seventeenth Street are opposite the Pan American Union Building?

Mr. SHERLEY. Yes.

Mr. COOPER of Wisconsin. And they are concrete. They go south from that street that is next to the Pan American

Union building. Do they cut across that line of small trees which runs from Seventeenth up to the Lincoln Memorial?

Mr. SHERLEY. I think they do take in the first row of small young trees which have been planted there, but they do not go far enough south to interfere with the vista of the Lincoln Memorial; and that was one of the things we tried very carefully to safeguard, that the buildings should not be of such bulk as to extend too far to the south or too far west and obscure or hide the Lincoln Memorial, because, manifestly, none of us desire to do that.

Mr. COOPER of Wisconsin. It is my understanding—the gentleman will know, I suppose—that they were elms brought from England, and that these double rows or trees, one on the north side and one on the south side, which is to have a roadway between, are English elms, and I hope that these buildings will not go down and destroy these trees.

Mr. SHERLEY. I think these elms can be removed without difficulty and I hope they will be removed. Manifestly we had to move forward and we could not find any space where there were not some trees to be sacrificed.

Mr. ROBBINS. Will the gentleman yield?

Mr. SHERLEY. In a moment. May I say in passing I do not believe there is any man in this House who has a greater love for a tree than I have, or any man who regrets more the necessity of going upon the park areas than I do, but the situation was such as to force that to be done. I now yield to the gentleman.

Mr. ROBBINS. In connection with the question of taking trees last year I raised that same question, and I was assured that the trees growing in Henry Park would not be taken, but I observe some of them have been cut down. Why not occupy the space between the Capitol and the Union Station on which no trees are growing, for instance, the Southern Railway Building which is occupied by the War Department and the Union Station occupied by the War Department?

Mr. SHERLEY. There are a number of reasons. In the first place they are totally inadequate. They would not begin to give this amount of space unless you went high in the air, and the moment you get high in the air with a frame building you tremendously increase the risk to life and property from fire. The moment you go high in the air in regard to a concrete building, you tremendously increase both the cost and time of construction. Of course, you have to put elevators in and to build an entirely different type of building.

Now, I want to say this to the committee, as to how we tried to safeguard prices:

The gentleman from Wisconsin [Mr. COOPER] very properly spoke of the fact that here was some $8,000,000 that was proposed being spent under the War and Navy Departments, and without limitation. Of course, those sums have ceased to be big sums as sums go now. We are voting to be spent by these various departments sums that make these negligible, but aside from that the discretion is not very great that is put in these departments, because we vote moneys to build a certain quantity of floor space, which is predicated upon a fixed price.

Now, the price as to frame buildings is $2.25 a square foot, and as to concrete it is $3 a square foot, and they are required to erect buildings of approximately the amount of area we have indicated for the price we have named. And if the gentleman will simply take the amount named for each of these buildings and divide it by the square feet of floor space, they will find it works out approximately with the wooden buildings $2.25 and the concrete buildings $3.

Mr. MADDEN. Of course, the heating apparatus is not included.

Mr. SHERLEY. That includes heating, but not the power for creating the electric light.

This was not blind figuring. We had actual figures as to frame buildings. The buildings in Henry Park would have cost about $2 a square foot if they had been built exactly for what we appropriated, but the need of putting in a sprinkler system and some other additions made their cost run to $2.16 a square foot.

Since they were started there has been an increase in the price not only of lumber but of labor, which is making buildings that are now being erected up back of the Pan-American and Daughter of American Revolution Buildings cost $2.20 to $2.25 a square foot; and we figured on that. As to the concrete buildings, we had the statements of Commander Parsons, and a statement from Gen. Goethals, though the latter statement was simply a general one contained in a letter saying that he thought they could be built for $3 a square foot; but Parsons's statement was the result of some detail work. It was checked over by Mr. Elliott Woods, the Superintendent of the Capitol, and it was further checked over as to the heating side of it by an officer of the Treasury Department, in the Bureau of Public Buildings and Grounds. So we undertook to check one man against the other to ascertain what the cost of the concrete would be, and we knew by actual experience what the cost of the frame buildings would be.

Now, it seems to me there are three propositions for the committee to consider: First, is it desirable to build wooden buildings as against concrete, having in mind a cost of $2.25 as against $3? And I ought to say in passing that in the salvage of the concrete you would probably obtain nothing; that the cost of removing concrete would eat up the value of the fixtures, and so forth, that might be salvaged. As to frame buildings, you could probably save about 25 cents a square foot. So that the net cost of these buildings when finally removed would be in one instance $2 and in the other $3 a square foot.

Mr. MADDEN. Will the gentleman allow me to make a suggestion?

Mr. SHERLEY. I will.

Mr. MADDEN. I would like to suggest that in the construction of the floors of these concrete buildings there ought to be a wooden floor over the top of the concrete, or some other kind of covering, that will prevent the dust that arises from the disintegration of the concrete by the movement of people in the room; otherwise they will have a lot of people in there who will have their lungs full of the concrete dust, which will be a source of great danger to those who will be working in there. I speak from personal and practical experience as a builder, and I think that that ought to be taken very carefully into account, and either have these floors asphalted or covered with some kind of material that will not admit of disintegration arising in the form of dust and getting into the lungs of people who are working in these rooms.

Mr. SHERLEY. I am glad to have the suggestion of the gentleman, and in reply I have only to say this, namely, that the $3 figure, I think, is sufficient to give leeway to take care of that kind of thing as it should be taken care of, and I presume that Commander Parsons, of the Bureau of Yards and Docks, who impressed the committee as a man who knew his business, will know how to deal with these mechanical and physical conditions.

Mr. MADDEN. Except I think we ought to see that they deal with them.

Mr. SHERLEY. Now the real question is, Shall we try it and put up buildings for $2 a square foot, and subject to the risk of fire loss, as against fireproof buildings at $3 a square foot?

Mr. BUTLER. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. BUTLER. By expending $1 more we will insure the lives of the people who have to work there and also preserve these public records?

Mr. SHERLEY. We build an absolutely fireproof building.

Mr. BUTLER. That is worth it.

Mr. SHERLEY. There is another thing that controlled the committee in that regard. When this war is over you are not going to see Washington the city we knew prior to the war. It is never going to contract back into anything like its former size. There is going to be for many years afterwards the need of a great deal of office space, and for all time there is going to be the need of a great deal more office space than in the old days prior to the war.

Now what will happen? If you have only frame buildings, immediately there will come great pressure to have them torn down right away in order that none of the 3,800,000 square feet of space that we are renting at extravagant figures shall be vacated. Every financial influence and every bit of greed that exists in the District of Columbia will be put with all its weight, under one excuse or another, to force the Government to tear down the frame buildings, because they will say, "These things are terrible fire hazards and risks," and while the Government is building the monumental buildings that are permanently to house the departments the rentals will continue to run.

Now, it seemed the part of wisdom for Congress to build buildings of sufficient stability of character and permanency not to be there always but to be there for a sufficient length of time to enable us to adjust ourselves to the situation that will arise after the war is over, and not put us at the mercy of these private owners of property. A use of these buildings for six or eight years, or even a less period, will justify in the saving in rentals the entire expenditure.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. CAMPBELL of Kansas. In connection with the use of private buildings, will the construction provided for in this appropriation obviate the necessity of taking over such buildings as the Arlington Hotel Building or the new hotel just across the street from the Treasury, which, it is reported, is to be taken over for office purposes?

Mr. SHERLEY. I will answer the gentleman by saying that the space we are here providing is not, in my judgment, sufficient to take care of all the needs of the Government now, including the Treasury needs. I do not think it will be sufficient for that. I believe we are only providing space sufficient to take care of the Army needs and the Navy needs, with perhaps a little bit of leeway for some of the departments that are intimately associated with those two.

Mr. CAMPBELL of Kansas. Has the gentleman from Kentucky information as to whether or not any of the departments of the Government contemplate taking over that new Washington Hotel?

Mr. SHERLEY. I have not heard about that at all. But there is a definite estimate submitted by the Treasury Department for $4,200,000 for the purpose of buying the Arlington Hotel site and erecting upon it a 10-story building, to be used as an annex to the Treasury Department.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. SMITH of Michigan. Are the wooden buildings that the gentleman has described similar in character to the wooden buildings that have been built for the Food Administration and the Fuel Administration?

Mr. SHERLEY. They are, except that they are three story instead of two story.

Mr. SMITH of Michigan. Can the gentleman tell us anything as to how they were built?

Mr. SHERLEY. They were built out of moneys allotted to them by the President, or otherwise available.

Mr. SMITH of Michigan. What was the cost?

Mr. SHERLEY. I think some of them in the first instance may have cost about $2, but those now in course of erection are costing $2.25.

Mr. SMITH of Michigan. How are these concrete buildings to be erected? On the contract plan or the cost-plus plan?

Mr. SHERLEY. I assume what would happen would be this, that Commander Parsons, of the Bureau of Yards and Docks of the Navy, would let contracts for the construction of those buildings.

Mr. SMITH of Michigan. By contract?

Mr. SHERLEY. I presume by contract. He knows the price they ought to cost.

Mr. SMITH of Michigan. I am very much in favor of the contract plan.

Mr. SHERLEY. He knows the details of it, and we had the details before the committee.

I want to be perfectly frank with the committee. I am not a builder. I do not know what the cost is, except as experience here has shown us; but we took the testimony of the best men we could find, and I do not think we missed it as to what these buildings are to cost.

Mr. SMITH of Michigan. I think the gentleman's explanation is very full.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. COOPER of Wisconsin. The gentleman from Kentucky will remember that last summer we made a very considerable appropriation for the erection of an annex building for Treasury purposes beside the Belasco Theater. What has become of that?

Mr. SHERLEY. The plans of that building have been drawn up, but the contracts have not been let, and when the Superintendent of Public Buildings under the Treasury was before the committee he was asked about that, as he was subsequently asked by telephone as to whether he was prepared to submit his estimates of appropriations to carry out that authorization. We learned that the bids would not be invited for some weeks yet; that there was no need for this bill to carry funds in that regard. So that is the condition.

Mr. COOPER of Wisconsin. That is to be a permanent building?

Mr. SHERLEY. Yes; that is to be a permanent building, to be connected by an underground passageway with the Treasury.

Mr. COOPER of Wisconsin. About the Washington Hotel the gentleman says he has no knowledge?

Mr. SHERLEY. I have heard nothing of that.

Mr. COOPER of Wisconsin. Is there anything more needed in this city than additional hotel accommodations?

Mr. SHERLEY. I think not. There is a lot of this space now, 3,800,000 square feet of space, that ought to be released by the Government for two purposes: First, because of the high price it has to pay for the space; and, second, that space ought to be used for the purposes for which it was originally created—hotel space and accommodations to people who come here, and to the employees who have to live here.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. FESS. What proportion of this 3,800,000 square feet will be vacated when these buildings are constructed?

Mr. SHERLEY. I can not answer that question.

Mr. MADDEN. The gentleman did answer it some time ago; 174,000 square feet.

Mr. SHERLEY. I was going to say this, that the statement that is presented showed that they expected to release 174,000 square feet, but I believe and hope that with the consolidation of a lot of these various departments in these new buildings, a great deal of this most expensive space can be given up, and, of course, when the war shall have ended and we have gotten past the peak, which we have not yet reached, there ought to be a giving up of a great deal of this space and full use made of the buildings which we are undertaking to build now.

Mr. FESS. There is a probability of a growing demand. Is there any probability that that growth will continue?

Mr. SHERLEY. My judgment is that if the war continues for a couple of years this building program is going to be laughed at and looked upon then as being as inadequate as last year's program is laughed at and looked upon as inadequate now.

In other words, while we debate, the activities of the Government and the growth of these departments are such as to make your figures antiquated; and one of the difficulties we had was that we were never able to keep the thing straightened out. From day to day a department would tell informally that they needed so many thousand square feet, and then they would hurry down to my room and tell me afterwards that they were mistaken and ask me not to tie them to that, because they had discovered that they were going to need so much more, representing increases sometimes of 30, 40, or 50 per cent. The result was that we ceased to try to work out just the amount of space that was necessary. We brought in a proposition that we knew was conservative, that was well within what is at present needed.

Mr. FESS. Then we ought not to be surprised if we are told within a year from now that none of this space has been vacated?

Mr. SHERLEY. In my judgment, if the war continues an additional year this Congress will be confronted with the necessity of additional buildings.

Miss RANKIN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Miss RANKIN. Did your committee consider an appropriation for temporary quarters for women employed by the Government during the war?

Mr. SHERLEY. We did not consider it as a committee. I personally have given some thought to it, as I stated the other day. It has been apparent, I think, to all of us who have followed the expansion of the Government and to those of us who have simply looked at the city as we came back and forth to and from the Capitol, that provision would have to be made, particularly for housing women employees who are coming in, to enable them to have suitable accommodations; but nothing is suggested in this bill and nothing is now proposed to be done by the Committee on Appropriations with reference to that matter.

Now, gentlemen, I do not know that I can add any more to what I have said.

Mr. COOPER of Wisconsin. I should like to ask one question.

Mr. SHERLEY. Certainly.

Mr. COOPER of Wisconsin. The proposed building down in Potomac Park, opposite the Pan American Building, will have no street car facilities very near it?

Mr. SHERLEY. I do not think that is quite the situation, if the gentleman will permit. It is proposed to extend the Pennsylvania Avenue line, which now turns and goes down on G Street, so as to make a loop; and, in fact, it is now being extended down to and on to Virginia Avenue. That will bring that car line within two or three squares, at the outside, of these buildings.

Mr. COOPER of Wisconsin. I did not know that was being done.

Mr. SHERLEY. And the other car line, at Seventeenth and H Streets, is considerably less than a mile away—less than half a mile from the nearer end of these new buildings. The buildings themselves will extend a considerable distance.

We looked at a great many sites. We went down on this ground. We considered all the places that were suggested. We do not present this as being an ideal solution. We present it as being the most practical solution that the committee were able to work out, and we ask those who would be critical of it

to present an alternative as good or better before they undertake to deal this work.

Now, I do not want to take time to read a letter that I received just two days ago from the Secretary of War, begging that he be authorized to go ahead, without waiting upon Congress, because of the present need for building space. I can only say to the committee and ask them to believe me when I say that there has not been a day for the past month when I have not had from one to three calls from different departments urging and begging that something be done about the building program, and that we permit them to go ahead with this work in order that they may not be further handicapped. Now, that is the situation. It has not been a pleasant thing to do. It has not been an easy thing to do, but we would have been derelict in our duty if we had not come to you with a proposal that we thought would help to solve the thing.

Mr. COOPER of Wisconsin. I will say to the gentleman from Kentucky, and he knows well, that the facts demonstrate how little Congress looks ahead in the matter of appropriating for the Government. It is only a few years ago, comparatively speaking, that all the property between the Botanic Garden and Fifteenth Street, clear down to the Treasury Building, could have been purchased or condemned by the Government for less than $10,000,000.

Mr. SHERLEY. I agree with the gentleman.

Mr. COOPER of Wisconsin. For $9,000,000 and a fraction, and a bill actually passed the Senate providing for it, but that bill was stopped here and never passed the House.

Mr. SHERLEY. There is a better illustration than that. If we had simply had the wisdom last year to have taken all the ground lying back of the Pan American Building, the Continental Memorial Hall of the Daughters of the American Revolution, and the Red Cross Building, running on back to the Government naval hospital, which might have been bought for approximately $1 a square foot, and had put on that ground concrete buildings, we would have had a solution of this problem for some time to come.

Instead of that, these bureaus and departments—the Fuel Administration, the National Defense Council, the War Trade Board, and all these other bureaus—have gone on getting a little piece here and there, building, building, and building, while Congress did nothing. That is the situation, for which my committee, perhaps, is as much to blame as any, because last year we undertook to deal with the matter and did not deal with it adequately.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. TOWNER. Illustrating the fact that these increases are likely to continue, as the gentleman says, it is only necessary to call attention of the committee to the fact that when the estimates were made for the department for the $2,000,000 temporary buildings it was supposed that only about 700,000 square feet would be required, and instead of that Congress erected 1,000,000 feet, and now we see how inadequate that is.

Mr. SHERLEY. I thought then that we were cutting our cloth pretty short, but the fear was with the committee then, and is with the committee now, of coming in here with a proposal that seemed too extravagant. We appreciated the fact that there would be a tendency on the part of Members of Congress to criticize what looked like an extravagant proposal, and so last year the chairman of the committee and the committee following him proposed only the building of 1,000,000 square feet.

Mr. TOWNER. And that exceeded the estimates made by about 300,000 square feet?

Mr. SHERLEY. It exceeded definite estimates, but we could then see a great deal more was coming. I shall be glad to explain further, if I can, any other details of this matter. I trust that the committee may accept the judgment of the Committee on Appropriations.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. BARNHART. Is it the attitude of the Committee on Appropriations to assume further responsibility of taking over to itself the construction of the housing questions that are now coming up for employees of the Government?

Mr. SHERLEY. I will say, speaking for myself, and I have no right to speak for anyone but myself, that if anyone desires to take over the building program in the future I wish him Godspeed, and I shall not interfere with him taking it, providing action is had.

The only reason for the committee acting at this time was not with the desire to interfere with the Public Buildings and Grounds Committee, not with the idea of adding to the power or jurisdiction of the Committee on Appropriations, but because there came inevitably and tied to the proposals for the expansion of these various departments the question of housing them. It was urged upon the committee, and urged with such force that we dare not disregard without being derelict to our duty, the request that this bill be made the medium for affording relief from a situation that was intolerable.

Mr. BARNHART. It could have gone through in the regular way in these two months and a half of the duration of Congress, in which time the matter might have been submitted to the proper committee and have been considered and reported out with an authorization in the regular way.

Mr. SHERLEY. I presume the other committee could have taken jurisdiction and could have acted, though, as I stated on Saturday, I do not think any committee could fully examine all angles of this matter without covering practically the scope that we had to cover in the deficiency bill; but, in any event, that is behind us now.

Mr. BARNHART. In any event, it would seem to be consistent with these departments when they do come to Congress that they should go to the committee that is duly authorized to take up these questions and consider them.

Mr. SHERLEY. I want to simply say in response to that that I do not control the departments, and have not invited estimates from them touching any matters and do not expect to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the investigation authorized by the deficiency appropriation act approved April 17, 1917, to be conducted by the Committee on the District of Columbia, or a subcommittee thereof, $5,000, to continue available during the Sixty-fifth Congress.

Mr. SANFORD. Mr. Chairman, I make a point of order to the paragraph just read.

Mr. SHERLEY. I submit, Mr. Chairman, that the gentleman is too late, and it is not subject to a point of order.

Mr. SANFORD. I was on my feet attempting to get recognition by the Chair.

The CHAIRMAN (Mr. WEBB). I think the gentleman from New York was in time; he was trying to get recognition.

Mr. SANFORD. I want to ask the chairman of the committee to cite the authority for this appropriation. The burden is upon him to show the law authorizing the item.

Mr. SHERLEY. In the deficiency appropriation act of April 17, 1917, there is this language:

That after the passage of this act the members of the Committee on the District of Columbia, or a subcommittee thereof appointed by the present chairman of said committee, be, and are hereby, authorized to continue the investigation directed by House resolution 229 of the Sixty-fourth Congress, and the expenses for the purpose as provided in House resolution 256, Sixty-fourth Congress, out of the contingent fund of the House, a sum not exceeding $7,500 in addition to the unexpended balance of amount heretofore authorized.

Now, Mr. Chairman, I submit that that is not simply an appropriation out of the contingent fund but is a direct authorization as a matter of law, not by a resolution of the House as has been the practice frequently in the past, but an actual declaration of law whereby the committee is authorized to continue the work and certain funds made available. They came before the committee with the statement that the funds were exhausted and asked additional appropriation under the authority in the language I have read. The committee had only the discretion of determining whether or not to vote the money.

Mr. SANFORD. Mr. Chairman, there is no question but that the Appropriation Committee in this act of 1917, so long as there was no point of order made to the item, could insert in an appropriation bill a provision assigning for this purpose a definite sum of money out of the contingent fund of the House. Of course, if a point of order had been made the item would have been stricken out. It is significant that they appropriated the money from the contingent fund, over which they had no jurisdiction. They did not provide for a permanent bureau of the Government to continue until some act of Congress was passed, but they provided for this investigation "after the passage of this act." These words do not reveal any intention to create a permanent institution. Such an institution could have been established so that in each appropriation bill an item could be carried for this work; but the words used are: "After the passage of the act." They did not say "hereafter this committee shall be permanently authorized to do so and so," or words to that effect. It can not be said that under Rule XXI this appropriation is authorized as a continuance of a public work—the only theory on which the chairman could claim that it ought to stay in the bill—it can not be said that this is a continuance of a public work or object because it has been repeatedly held by different chairman that these public works or objects that are entitled to continuance without any authority refer to tangible

things, like buildings or something of that kind. I call the Chair's attention to the provision in the rules, page 363:

By public works or objects already in progress (within the meaning of this rule) are meant only things of a tangible nature like buildings, roads, etc., and not duties of officials in executive departments or the continuance of a work indefinite as to completion and intangible in nature, like the gauging of streams.

If this provision was for the completion of some definite object, a building or a structure, it could, of course, be contended that that original authority in an appropriation bill would give authority to continue bringing in an appropriation to carry it to completion.

But this appropriation is merely, according to the appropriation bill in which it appears, an appropriation of a sum of money not exceeding $7,500 to enable this committee to continue certain investigations that were authorized back in 1916. It is worth while to note, too, that the item now in the appropriation bill before us is a change of law, because in the act of 1917 the appropriation is out of the contingent fund, and now the Appropriation Committee has changed it and provided, not for setting aside a sum out of a contingent fund but providing for an appropriation out of the General Treasury. That is a change of existing law; but I think the important consideration is the object sought by this appropriation, that it is not a continuing object; it is not an object that ought to be continued under this rule; and is not a thing especially excepted by this rule. I think there is no authority for the provision.

Mr. SHERLEY. Mr. Chairman, what the object may be is not a matter for the Chair to determine. The language expressly declares what the appropriation is for, and the language in the pending bill is exactly similar to the authorization contained in the deficiency act of last year. It was not simply in allotment of money out of the contingent fund, but was a declaration of law. Whether that was intended is not for me to say, but the effect of it was to create a law on the statute books which says that after the passage of the act this committee shall do certain things that were authorized, and then gave them the money to carry out the doing of that. When the money ran out there was presented the question of a deficiency, and that question was the question that came before the committee. I will be very glad to speak in justification of the appropriation on its merits when the Chair has decided the point of order.

The CHAIRMAN (Mr. WEBB). The Chair was under the impression first that this legislation was enacted by a former Congress, but I find now that the law was passed by the last session of the present Congress, and this being the case the appropriation seems to be entirely in order during this Congress. The language has some "earmarks" of being permanent legislation, but the Chair does not pass on that question now.

Mr. SHERLEY. I suggest also that it was done at the last session of this Congress.

The CHAIRMAN. Therefore it seems to be a continuing appropriation, at least during the life of this Congress.

Mr. CAMPBELL of Kansas. If the Chair pleases, it is not the intention of the Chair to hold it is a continuing appropriation, but is an authorization for an appropriation?

The CHAIRMAN. As long as this Congress lasts, at least, it is a continuing authorization for an appropriation. As the gentleman from Kansas suggests, it is only a continuing authorization.

Mr. CAMPBELL of Kansas. It may be an authorization for an appropriation, but it can not be construed as a continuing appropriation.

The CHAIRMAN. The Chair holds that it meant to be an authorization during the life of this Congress; possibly longer, but I shall not pass on that point. Any appropriation made under this law during this Congress would certainly be upheld during the life of this Congress, and therefore the Chair overrules the point of order.

Mr. SHERLEY. Now, Mr. Chairman, I desire briefly to make this statement in justification of the action taken by the committee. As the result of the activities of the Committee on the District of Columbia in checking the accounts between the District of Columbia and the Federal Government there has been recovered for the Federal Government sums that in the aggregate run over $2,000,000.

Prior to the Sixty-fifth Congress there was recovered in connection with the Government Hospital for the Insane $719,535; relief of poor account, 1879, $3,825; error, deduction from revenue, 1897, $8,952; interest paid on last two items, $2,810; Washington Market Co., part rental, $166,012; Washington Market Co., future rentals $202,500; interest on 3.65 bonds, $586,067; and the Government Hospital for Insane, $282,754; or a total prior to the Sixty-fifth Congress of $1,972,458. Recovered during Sixty-fifth Congress on account of court fines in United States cases the sum of $235,750, or a total of $2,208,209. There was an additional indebtedness ascertained and reported to the Committee on Appropriations in December, 1917, on account of construction and equipment of District jail, $125,000, and loan made by act of April 18, 1874, of $97,740, or a total of $222,740. Incomplete investigation indicates that there will be further recoveries of some $360,000.

Mr. MADDEN. Will the gentleman yield?

Mr. SHERLEY. Now, in the face of that showing, the committee did not feel warranted in denying this very small amount of money for the continuation of this investigation.

Mr. MADDEN. The committee concluded after its investigation that the expenditure of this $5,000 would result in yielding to the Treasury of the United States some $300,000 or $400,000.

Mr. SHERLEY. That was the conclusion on the presentation made to us by the chairman of the Committee on the District of Columbia.

Mr. MADDEN. Certainly, if that can be brought about, it is well worth the expenditure of $5,000.

Mr. SANFORD. Mr. Chairman, it is not my purpose to say anything, because I really have not an opinion as to the merits of this question. I do, however, wish to call to the attention of the committee what the action of Congress has been on this subject.

The gentleman from Kentucky [Mr. SHERLEY] says that what he has said is only to be understood as justifying the action of his committee. Of course, it must occur to everyone of us that if a committee of this House is to authorize the expenditure of public moneys out of the contingent fund that action should not come at the instance of the Appropriations Committee. At the close of the last Congress the House gave particular attention to that very subject and to the continuance of this appropriation, which has been running since 1916. Since that time this committee has spent considerable sums of money in investigating the bookkeeping between the Federal Government and the District of Columbia, and at the close of the Sixty-fourth Congress this matter was presented in detail and the House, by a very large vote, on the very last night of the session, and after considering all of the facts, voted against a continuance of this expenditure.

It is not my purpose to say that this money is not wisely spent. I can only say as a member of the Committee on Accounts that I do not know how it is spent; nor is it a matter of my concern; but I do think it is a matter for the concern of the Congress that moneys that are spent in this way by committees of Congress should be spent in a manner that can be said to be duly authorized.

Mr. SHERLEY. If the gentleman will permit——

Mr. SANFORD. It does not seem to me that these expenditures are duly authorized when they are brought in here originally as items in a deficiency bill. I do not approve of that method of doing business. In the first place, there is a vast sum of money, I do not know how much, that is appropriated annually for the support of what we call the Auditor for the State and Other Departments, a public officer, a public bureau of the Government, especially created to do this work. For a committee of Congress to come in here and say that that public bureau of the Government has authorized somebody to run through that $2,000,000 and not have an investigation of it, on its face shows a bad performance of public business. If the auditors of the State and of other departments are not doing their public duties, they should be removed from office. If they are permitting anybody to take $2,000,000 of the public funds, then this very committee, that has been operating since 1916, should make a report to this Congress, and with the facts before us we should act. I do not believe in letting anybody run away with $2,000,000 or more——

Mr. SHERLEY. If the gentleman will permit, it is not a question of what the present auditors are doing, it is a question of what has happened in the past, and this has been a checking up that has resulted in recovering a large amount of money. Now, the plain facts speak for themselves, and in view of the statements made we were warranted in presenting to the House an appropriation of $5,000, not out of the contingent fund but out of the Treasury of the United States, to carry on this work.

Mr. SANFORD. Will the gentleman let me say to him in answer to that, so far as I know, no facts appear. The gentleman has read a statement of large and appalling figures but with this committee at work since the time it was authorized, in 1916, in the last Congress, if we want to see the facts appear, those facts should appear in the report of that committee; but there is no report of that committee.

Mr. SHERLEY. I know how the facts appear, because the Committee on Appropriations have carried the provisions, as

they are carrying them now, which charge to the District of Columbia the difference and credit it to the Government of the United States.

Mr. SANFORD. I know those facts may appear to the gentleman and his committee.

Mr. SHERLEY. They are in the law. They ought to appear also to the gentleman, if he will read the law.

Mr. SANFORD. They ought not to appear to the gentleman in the sense in which the chairman of the committee speaks. Also, if this committee has accomplished this purpose and these results, those results should appear in the report of the committee. I think it is a bad policy to allow a committee of this Congress from time to time to continue the expenditure of public money for doing a public work of this kind without having its results appear in a formal report. I believe investigating committees should be appointed occasionally by this Congress, but when appointed they should report and the Congress should know what they are doing, and it should know from their own statements. The same statement the gentleman makes now was made in the Sixty-fourth Congress, and since that time I have seen no report of the committees. I do not wish to be considered as occupying the position of criticizing anything that has been done by this committee or by this subcommittee; but inasmuch as this item for a long time was carried out of the contingent fund of the House, I think when the House refused to carry it further, if it were to be taken up again, it should have been taken up by the appropriate committee, which is the Committee on Accounts.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $12,000.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Page 81, line 18, after the sum "$12,000" insert the following: "to continue available during the fiscal year 1919."

Mr. SHERLEY. Mr. Chairman, that relates to the item for folding speeches and pamphlets. Some of this expenditure will be after July 1. The amendment is to make it available during the next fiscal year.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of the Clerk: For two additional telephone operators from March 1 to June 30, 1918, inclusive, at the rate of $900 per annum each, $600

Mr. SANFORD. Mr. Chairman, I make the point of order to this item.

The CHAIRMAN. The gentleman from New York makes a point of order on the item.

Mr. SHERLEY. Mr. Chairman, I think the matter is subject to a point of order, but I would like to make this statement to the gentleman as to why it is carried in the bill.

Mr. SANFORD. I will reserve the point of order.

Mr. SHERLEY. This provision has already passed the Senate, and representations were made to the committee that there was a great complaint touching the telephone service that was being secured, and that the number of calls coming in and going out of the Capitol and the office buildings had tremendously increased. The head operator of the exchange testified that it was impossible to do the work with the force which she had available, and from the experience that the Members themselves had had it became apparent that there was need of additional operators. For that reason we felt warranted in presenting it to the House, realizing that it was subject to a point of order.

Mr. SANFORD. Does not the gentleman think that this item would just as speedily be taken care of by the Committee on Accounts by providing that the operators should be taken care of out of the contingent fund of the House?

Mr. SHERLEY. No. The Committee on Accounts has no jurisdiction over the employees of the House except as they are paid from the contingent fund.

Mr. SANFORD. This is out of the contingent fund.

Mr. SHERLEY. This paragraph appropriates directly out of the Treasury. The gentleman is making the contingent fund cover too much.

Mr. SANFORD. I hope the chairman of the committee will not say that. The work which I have to do on the Committee on Accounts is not great at all. It is almost ridiculous in amount.

Mr. SHERLEY. I do not want to be disagreeable. What I mean to say is that the question of the employees of the House is not one that rests with the gentleman's committee except when they are paid from the contingent fund. I do not think that the gentleman should be sensitive about how this item is carried. It is carried here for the convenience of the membership of the House. It is probably subject to a point of order. If anybody desires to make it, all right.

Mr. SANFORD. I do not feel sensitive. On the contrary, I feel that the employment of these telephone operators belongs to the Committee on Accounts, in spite of all that is said to the contrary. I believe that they could be paid out of the contingent fund, and should be paid in that way.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Office of the Public Printer: For five additional clerks, at the rate of $1,000 each per annum, from April 1 to June 30, 1918, inclusive, $1,250.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. It is presumed that these five additional clerks will have something to do with the CONGRESSIONAL RECORD, and that is the subject that I want to draw to the attention of the committee at the present time.

This Congress has been passing some extraordinary laws and will pass a number of others, and I have found in frequent conversation with constituents and others who come to me that the public generally is not advised as thoroughly as it ought to be about the importance of some of these laws. The other night in a small conference I drew attention to the fact that a bill was shortly to be considered which contemplated an appropriation of $500,000,000, with authority to expand an incorporation to the $4,000,000,000 limit, and that it would have control of the issue of all future bonds and stocks. Several gentlemen said they had never heard of the proposition. It was new to them. It startled them, and they wanted to know more about it. That is the trouble with the average citizen of the United States. He does not follow the proceedings of Congress as he ought to do. They do not read the CONGRESSIONAL RECORD. Of course all of them can not get on the list.

My quota of the CONGRESSIONAL RECORD, for instance, is exhausted, but I am constantly in receipt of inquiries from all over the district as to additional copies. I find on inquiry today that the CONGRESSIONAL RECORD itself, even to the limited issue of 30,000 or 35,000 copies, is not being sent out from the city of Washington.

You gentlemen who sit here and make interesting speeches and take the trouble to dig out important data—as important for the country as it is for the Congress—may be amazed to know that the information which goes into the CONGRESSIONAL RECORD has not been sent to your constituents for more than two weeks. The CONGRESSIONAL RECORD has not been going to Texas since the 1st of February. It has not been going to California since the 1st of February, and I may add, since the gentleman from New York is interested, that it has not been going to New York since the 1st of February. Even the newspaper offices are not getting it; and to that extent what is going on in Congress is not known to the people of the United States, except we rely upon the necessarily meager but competent reports of our friends in the press gallery.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Illinois.

Mr. MADDEN. But while the Public Printer is unable to send out the CONGRESSIONAL RECORD on account of a desire to save paper, the Bureau of Information and all the departments are running press bureaus at the cost of the people, and sending unlimited quantities of printed matter all over the United States.

Mr. MOORE of Pennsylvania. The gentleman is making a part of my speech and doing it better than I can. I intended to call the attention of the other side of the House to that, that hundreds of thousands of various publications issued by the Bureau of Information are going all over the United States, and——

Mr. GORDON. Mr. Chairman, will the gentleman yield there——

Mr. MOORE of Pennsylvania. And probably clogging the mails, while that one vehicle of authentic information to the people of the United States, the CONGRESSIONAL RECORD, is not going out at all.

Now I yield to my friend from Ohio.

Mr. GORDON. Has the circulation of the CONGRESSIONAL RECORD through the mails been stopped by the post-office censor?

Mr. MOORE of Pennsylvania. I have been unable to ascertain, but I do know that the post-office censor has been stopping the use of the mails to various publications, some of them socialistic, to be sure; but various publishers throughout the country have been complaining that the mails have been denied to them because what they publish is not satisfactory to the Postmaster General. Now, the question naturally arises as to whether too much information is going into the CONGRESSIONAL RECORD to suit the authorities.

Mr. GORDON. I have noticed that there has been a little socialistic trend to some of the speeches printed in the RECORD. Does the gentleman know whether that has had anything to do with the stopping of it?

Mr. MOORE of Pennsylvania. I do not know, but there is free speech in the CONGRESSIONAL RECORD, on both sides of all questions, and all sides of every question, and that ought to go to the public. Members of Congress can here, and, perhaps, here only, speak fully and freely upon public questions. This is because of the limitations and censorship that prevail in other directions.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. CAMPBELL of Kansas. I ask unanimous consent that the gentleman's time be extended one minute. I want to ask him a question.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from Pennsylvania be extended one minute. Is there objection?

Mr. WALSH. Reserving the right to object, I think he ought to have a longer extension than that, because there are other gentlemen who would like to ask him questions. I ask that his time be extended five minutes.

Mr. BARNHART. Mr. Chairman, if I can get the floor I can explain this thing in two minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Now, I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. It has been stated by the gentleman from Pennsylvania that the CONGRESSIONAL RECORD is not now being circulated through the mails.

Mr. MOORE of Pennsylvania. The CONGRESSIONAL RECORD should not be suppressed. It is the one great reliable vehicle of information by which Members can express themselves to their constituents and to the country.

Mr. CAMPBELL of Kansas. But the gentleman states that it is not being circulated through the mails. I assume that that is to save space in the transportation facilities. Does the gentleman's information disclose a statement that is being circulated that literally tons of printed matter containing speeches made by a Cabinet officer are now being circulated in the trenches in France?

Mr. MOORE of Pennsylvania. I have heard that one use of our aeroplanes was to carry material over Germany and drop it there.

Mr. CAMPBELL of Kansas. This is not for the use of Germany or Germans. This is for the use of American soldiers who will be at home to vote in 1920.

Mr. MOORE of Pennsylvania. I do not know that, but have heard that millions of speeches have recently been printed and are to be circulated. Soldiers may be getting some of them in anticipation of the election.

Mr. WALSH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. WALSH. Does not the gentleman know that the reason for the suspension of the printing of the full number of copies of the daily RECORD is because of the shortage of the kind and quality of white print paper that is used for that publication, and does he not know that recently a new supply has been secured, and that now the back numbers of the CONGRESSIONAL RECORD are being sent out?

Mr. MOORE of Pennsylvania. If that is true that will help to explain the situation, but I call the attention of the gentleman to the fact that the Government Printing Office is running full tilt printing all kinds of publications for the departments and sending out more than the average Member of Congress can comprehend.

Mr. WALSH. Just one further question. Are not these highly intelligent communities which the gentleman has mentioned—Philadelphia, Texas, and New York——

Mr. MOORE of Pennsylvania. The gentleman had better include Boston.

Mr. WALSH. And Boston and Cape Cod, these places that the gentleman mentions as having been deprived of this publication, are they not getting along pretty well without it?

Mr. MOORE of Pennsylvania. They may have gotten along very well, but I wish to say that some inquiries have come from the vicinity of Cape Cod as to why the RECORD did not appear with the daily objections of the gentleman from Massachusetts [Mr. WALSH]. [Laughter.]

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman from Kansas asserts that tons of the speeches of a certain Cabinet officer are going over to our soldiers in France. Can the gentleman explain, when we can not get letters or packages to the soldiers in France, how this kind of literature is enabled to go there?

Mr. MOORE of Pennsylvania. I am not sure that this is a postal question. The gentleman from Iowa raises the important point that the post office is involved in this proposition. It may be or may not be. It is true that the post office does have time and facilities to deliver a great variety of speeches. If rumor be true, one of them is by a former governor of New York, which got into the RECORD a few days ago under conditions described here yesterday. It was a partisan speech by a vigorous Democrat.

Mr. BARNHART. Mr. Chairman, the explanation of this much ado about nothing consists in the fact that the paper on which the daily RECORD is printed is a 35-pound quality of paper not used for printing anything else in the Government Printing Office. It is paper that is tough but very light.

Mr. HAMILTON of Michigan. It needs to be tough. [Laughter.]

Mr. BARNHART. It has to be tough. [Laughter.] It is contracted for by the year, and by reason of the very severe storms and railway blockade the shipment of paper has been tied up on railway sidings. The Government Printing Office and the Public Printer came before the Committee on Printing with the proposition that either we should run out of paper entirely and have to suspend the publication of the RECORD altogether or stop printing that part that went out by mail from Washington, until the blockade was broken. The blockade has been broken, the delayed paper is coming in, and the RECORDS are now going out day after day. The daily RECORD is being printed in numerical order and is being sent out as rapidly as possible.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BARNHART. Yes.

Mr. MOORE of Pennsylvania. Is not the CONGRESSIONAL RECORD printed on the same kind of paper as are the President's addresses?

Mr. BARNHART. No; this paper for the temporary RECORD is a paper used for this purpose only.

Mr. MOORE of Pennsylvania. Do not they use the same kind of paper for the addresses of certain Cabinet officers now being widely circulated?

Mr. BARNHART. I do not know, but think not.

Mr. MOORE of Pennsylvania. Is it true that hundreds of thousands of those addresses are being circulated and that they find paper for that purpose?

Mr. BARNHART. The Bulletin is printed on a heavy quality of paper of which the Government has an abundance, but we could not use it for the RECORD on account of the great bulk resultant.

Mr. HAMILTON of Michigan. Might not the suspension of the RECORD, which the gentleman refers to, have a very beneficent effect on the committee by curtailing debate on the floor of the House and elsewhere? [Laughter.]

Mr. BARNHART. My friend from Michigan is frequently right, and I think he is in this case.

The Clerk read as follows:

For equipment, material, and supplies for distribution of public documents, $750.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I notice that this item is for the distribution of public documents, and it seems that public documents, if printed, should be distributed. Of course, complaint is occasionally made if the CONGRESSIONAL RECORD is not sent out containing the debates and proceedings of Congress, and I think perhaps the criticism offered by the gentleman from Pennsylvania [Mr. MOORE], that the RECORD had not been sent out, was in this instance well taken, but the reason for its suspension has been given by the gentleman from Indiana [Mr. BARNHART]. It happens that during the period that the publication of the RECORD

was suspended during the last two weeks certain criticisms were directed from the floor of the House at certain governmental activities at a place called Hog Island; and it is a shame that the people of Pennsylvania were deprived of learning what had been said here about those activities and how they impressed the Members of this House. And so, in view of what has been said by the gentleman from Indiana [Mr. BARNHART], I am sure that the gentleman from Pennsylvania rejoices that his constituents and the constituents of his distinguished colleagues from that great Commonwealth are not longer to be kept in darkness as to what we in the American Congress think of the disclosures that have come from investigation of the governmental activities at that very busy and well-known point.

Mr. MOORE of Pennsylvania. Mr. Chairman, I rise to oppose the pro forma motion. It is true the Hog Island shipyard is being built near Philadelphia. It is being constructed by the Government, or by contractors acting under direction of the Shipping Board, and is destined to be the greatest shipbuilding plant of the country. It is located on the Delaware River, where all that is hoped for it may be easily realized. For whatever scandal attaches to the work thus far, Philadelphia is not responsible. Whatever Philadelphia has done in furnishing men and material is highly creditable and as patriotic as the gentleman from Massachusetts could desire. For whatever is discreditable I shall have to refer the gentleman from Massachusetts to the "big brains" from New York and Boston, who secured the contracts and who may advise him as to "the ways that are dark."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That all branches of the government of the District of Columbia shall be considered a governmental establishment for the purposes of section 7 of the deficiency appropriation act approved October 6, 1917.

Mr. FESS. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Kentucky a question, whether there has been any provision or likely to be made with reference to facilities for the Federal Board for Vocational Education?

Mr. SHERLEY. I will say to the gentleman that when we finish the reading of the bill I propose to ask unanimous consent to return to page 3 for the purpose of inserting a provision making $3,995 of their funds available for payment of rent here in the District of Columbia.

The Clerk concluded the reading of the bill.

Mr. GREEN of Iowa. Mr. Chairman, on page 75 there was a point of order pending, interposed by myself, to the first paragraph under the heading "Department of Agriculture." I desire to withdraw that point of order.

The CHAIRMAN. The gentleman from Iowa withdraws his point of order.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent to return to page 3 of the bill for the purpose of offering an amendment after line 25, as follows.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to return to page 3 of the bill for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SHERLEY: Page 3, after line 25, insert the following:

"Federal Board for Vocational Education: Not to exceed $3,395 of the appropriation contained in section 7 of the act entitled 'An act to provide for the promotion of vocational education, etc.,' approved February 23, 1917, shall be available for the rental of quarters in the District of Columbia for the said board from the date of its organization until June 30, 1918."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9867, the urgent deficiency bill, and had directed him to report the same back to the House, with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not the Chair will put them en gross. [After a pause.] The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossement and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOUSING OF SHIPBUILDING EMPLOYEES.

Mr. ALEXANDER. Mr. Speaker, I present for printing under the rule a conference report on the bill (H. R. 8289) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improve, or unimproved land, houses, and buildings, and for other purposes.

EXTENSION OF REMARKS.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address which I delivered to a gathering of Federal employees on Friday night last.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing an address he delivered last Friday night to Government clerks. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, the gentleman has made so many speeches on the subject of the Government clerks that I would like to know in what respect this differs from the others and whether it justifies printing in the RECORD.

Mr. BORLAND. I do not believe it would enlighten the gentleman from Illinois. It might enlighten other Members.

Mr. MADDEN. Then I object.

The SPEAKER. The gentleman from Illinois objects.

LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. MILLER of Washington, from the 20th to the 26th of February, for the purpose of making patriotic addresses.

Mr. OLIVER of Alabama, at the request of Mr. ALMON, for three days, on account of important official business.

SOLDIERS AND SAILORS' CIVIL RIGHTS BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House do now adjourn.

Mr. WEBB. Mr. Speaker, I hope that the gentleman will withhold that for a moment. I would like to send a bill to conference.

Mr. SHERLEY. I have no objection, but I was requested by the majority leader to adjourn the House without the consideration of unanimous-consent requests.

Mr. WEBB. This is not an ordinary unanimous-consent request. I want to send a bill to conference, and I know the majority leader has no objection, in view of the demand for this legislation.

The SPEAKER. What is the request?

Mr. WEBB. That the bill H. R. 6361, known as the soldiers and sailors' civil rights bill, be taken from the Speaker's table, that the Senate amendments be disagreed to, and ask for a conference.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to take this bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none. The Chair announces the following conferees.

The Clerk read as follows:

Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the House meet at 11 o'clock to-morrow, in order to begin the consideration of the railroad bill.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. SHERLEY. Mr. Speaker, I renew my motion.

ADJOURNMENT.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 19, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Postmaster General

submitting a supplemental estimate of appropriation required by the Post Office Department for mail bags and equipment, Postal Service, for the fiscal year 1918 (H. Doc. No. 940); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Secretary of War submitting an urgent-deficiency estimate of appropriation required by the Engineer Department for the fiscal year ending June 30, 1918 (H. Doc. No. 941); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Secretary of the Interior submitting a proposed clause of legislation for inclusion in the urgent-deficiency bill, authorizing certain increases in compensation of employees at St. Elizabeth Hospital for the fiscal year 1918 (H. Doc. No. 942); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy submitting supplemental estimates of appropriation required by the Naval Establishment for the fiscal year 1919 (H. Doc. No. 943); to the Committee on Naval Affairs and ordered to be printed.

5. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Black River and Renton Harbor, Wash. (H. Doc. No. 944); to the Committee on Rivers and Harbors and ordered to be printed.

6. A letter from the Secretary of the Treasury, transmitting tentative draft of provision for inclusion in sundry civil appropriation bill to authorize the purchase of vehicles for use of the Public Health Service (H. Doc. No. 945); to the Committee on Appropriations and ordered to be printed.

7. A letter from the Secretary of the Interior, transmitting lists of documents and files of papers which are not needed or useful in the transaction of the current business of the department and have no permanent value or historical interest (H. Doc. No. 946); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

8. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Port Watsonville Harbor, Cal., and Santa Cruz Harbor, Cal., including a breakwater (H. Doc. No. 947); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

9. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting supplemental estimates of appropriation required by the Department of Commerce for the fiscal year 1918 (H. Doc. No. 948); to the Committee on Appropriations and ordered to be printed.

10. A letter from the Secretary of the Treasury, transmitting copy of a communication from the President submitting estimates of appropriations received from the chairman of the War Trade Board, years 1918 and 1919 (H. Doc. No. 949); to the Committee on Appropriations and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Labor submitting supplemental estimates of appropriations required by the Department of Labor for the fiscal year 1918 (H. Doc. No. 950); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Labor submitting supplemental estimates of appropriation required by the Department of Labor for the fiscal year 1919 (H. Doc. No. 951); to the Committee on Appropriations and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9942) granting a pension to Deniver Moore; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4964) granting a pension to Mrs. Nannie A. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8035) granting an increase of pension to James Lynch, late a member of the United States Marine Corps; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DILL: A bill (H. R. 9955) granting certain lands to the State of Washington for park purposes; to the Committee on the Public Lands.

By Mr. MAPES: A bill (H. R. 9956) to provide for the building of houses within the District of Columbia for Government employees and others; to the Committee on the District of Columbia.

By Mr. HARRISON of Virginia: A bill (H. R. 9957) to define necessary skilled labor engaged in necessary agricultural enterprise for the purposes of the selective draft, and to provide for the deferred classification of such labor; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 9958) to increase the efficiency of the Quartermaster Corps; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 9959) increasing rates of pension of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 9960) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war; to the Committee on the Territories.

By Mr. VENABLE: A bill (H. R. 9961) for the education and relief of the Choctaw Indians of Mississippi; to the Committee on Appropriations.

By Mr. ALEXANDER: A bill (H. R. 9962) to amend sections 12 and 13 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917; to the Committee on Military Affairs.

By Mr. DENTON: A bill (H. R. 9963) to divide the judicial district of Indiana into divisions, and for other purposes connected therewith; to the Committee on the Judiciary.

By Mr. OSBORNE: A bill (H. R. 9964) authorizing and empowering the President of the United States, within his discretion, to appoint, by and with the advice and consent of the Senate, any officer of the Regular Army, either on the active or retired list, who entered the volunteer service in April, 1861, and so continued until November, 1865, and attained the grade of major of Volunteers, to the grade of brigadier general on the retired list; to the Committee on Military Affairs.

By Mr. FLOOD: A bill (H. R. 9965) to define necessary skilled labor engaged in necessary agricultural enterprise for the purposes of the selective draft, and to provide for the deferred classification of such labor; to the Committee on Military Affairs.

By Mr. BAER: A bill (H. R. 9966) to provide further for the national security and defense and to further assure an adequate supply of food and feed by stimulating agriculture and by providing means for the purchase of seed and feed, and for other purposes; to the Committee on Agriculture.

By Mr. CALDWELL: A bill (H. R. 9967) for the improvement of Newtown Creek, N. Y.; to the Committee on Rivers and Harbors.

By Mr. SHOUSE: A bill (H. R. 9968) to amend and reenact sections 5235 and 5236, Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. LANGLEY: A bill (H. R. 9969) increasing rates of pensions of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Pennsylvania: A bill (H. R. 9970) to provide for the appointment of an additional district judge in and for the western district of Pennsylvania; to the Committee on the Judiciary.

By Mr. LEVER: A bill (H. R. 9971) to provide further for the national security and common defense by the conservation of foodstuffs, feeds, and materials necessary for the production, manufacture, and preservation of foodstuffs and feeds; to the Committee on Agriculture.

By Mr. POU: Resolution (H. Res. 252) making in order certain items of appropriations in House bill 9867; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 9972), granting a pension to Elizabeth L. M. Miller; to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 9973) granting a pension to D. J. Sheedy; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 9974) granting an increase of pension to W. Y. Richardson; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 9975) granting a pension to Ann F. Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9976) granting an increase of pension to Salinda Ragsdale; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 9977) granting an increase of pension to Henry C. Fuson; to the Committee on Invalid Pensions.

By Mr. GEORGE W. FAIRCHILD: A bill (H. R. 9978) granting an increase of pension to Gilbert Joslin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9979) granting an increase of pension to Charles H. Peck; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 9980) granting a pension to George W. Houston; to the Committee on Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 9981) granting a pension to Emma L. Randall; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 9982) granting an increase of pension to Mortimer L. Woodward; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 9983) granting an increase of pension to Jerry McIntosh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9984) granting an increase of pension to Oliver R. Kazee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9985) granting an increase of pension to William Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9986) granting a pension to Clark P. Hoskins; to the Committee on Pensions.

Also, a bill (H. R. 9987) granting an increase of pension to Cornelius Meek; to the Committee on Pensions.

Also, a bill (H. R. 9988) to correct the military record of Samuel Spaulding; to the Committee on Military Affairs.

Also, a bill (H. R. 9989) granting an increase of pension to Jane Hampton; to the Committee on Pensions.

Also, a bill (H. R. 9990) granting an increase of pension to William P. Darton; to the Committee on Pensions.

Also, a bill (H. R. 9991) granting an increase of pension to James Collins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9992) granting an increase of pension to Lemuel Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9993) granting an increase of pension to Allen Furler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9994) granting an increase of pension to Joseph Halcomb; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9995) granting an increase of pension to Anderson Boyd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9996) granting an increase of pension to Valentine S. Brewer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9997) granting an increase of pension to Washington Combs; to the Committee on Invalid Pensions.

By Mr. McKEOWN: A bill (H. R. 9998) granting an increase of pension to Isabella Kennedy; to the Committee on Invalid Pensions.

By Mr. NELSON: A bill (H. R. 9999) granting a pension to the widow of Frederick Stolcolp; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 10000) for the relief of the Overland Trust & Realty Co., of Reno, Nev.; to the Committee on the Public Lands.

By Mr. SHOUSE: A bill (H. R. 10001) granting an increase of pension to Joseph W. B. McClintock; to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 10002) granting an increase of pension to Michael Ham; to the Committee on Invalid Pensions.

By Mr. STEVENSON: A bill (H. R. 10003) granting an increase of pension to Emma L. Green; to the Committee on Pensions.

By Mr. THOMAS: A bill (H. R. 10004) granting an increase of pension to Edmon Wade West; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10005) granting an increase of pension to Andrew R. Wade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10006) granting an increase of pension to Thessalonica Parrish; to the Committee to Pensions.

Also, a bill (H. R. 10007) granting an increase of pension to John W. Ramey; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 10008) granting an increase of pension to Edwin Pugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10009) granting an increase of pension to Philip Bergman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10010) granting an increase of pension to Henry Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10011) granting an increase of pension to Charles Caddy, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10012) granting an increase of pension to Emma S. Phelps; to the Committee on Pensions.

By Mr. WASON: A bill (H. R. 10013) granting an increase of pension to Myron Rand; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 10014) granting an increase of pension to Isaac L. Randall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10015) granting an increase of pension to Hezekiah E. Hawver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10016) granting a pension to John J. Ludwig; to the Committee on Pensions.

Also, a bill (H. R. 10017) granting an increase of pension to William Bannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10018) granting an increase of pension to William T. Bedford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10019) to renew and extend certain letters patent; to the Committee on the Public Lands.

By Mr. WOODYARD: A bill (H. R. 10020) granting an increase of pension to Samuel Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Memorial of the Religious Publicity Service, New York City, favoring the appointment of more chaplains in the Army; to the Committee on Military Affairs.

Also, resolution of the Federated Trades Council of Milwaukee, opposing some of the present proposed limitations aimed at labor and the rights of the laborer; to the Committee on Labor.

Also, resolutions of the Farmers' Cooperative Grain Dealers' Association, asking that the Interstate Commerce Commission be allowed to retain its power in rate hearings and regulations and opposing the guaranty by the Government of a certain dividend to the stockholders of railroads; also, a memorial of the various organizations of railroad employees, urging that no definite time be fixed for the return of the railroads to their owners; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Railway Mail Association, tenth division, Wisconsin branch, asking for increased compensation for railway mail employees; also, a memorial of the same import from the Railway Mail Association, tenth division, Illinois branch; to the Committee on the Post Office and Post Roads.

By Mr. DALE of New York: Memorial of the United Mine Workers of America, indorsing Senate bill 2854; to the Committee on Immigration and Naturalization.

Also, petition of J. L. Brownlee, Pittsburgh, Pa., favoring the Kelly bill for Federal acquisition of natural resources; also, the memorial of the various organizations of railroad employees, opposing the naming of a fixed date at which the railroads will be returned to their owners; also, a resolution of the Farmers' Cooperative Grain Dealers' Association, favoring the retention of powers of the Interstate Commerce Commission and opposing the guaranteeing to railroad stockholders a certain dividend; to the Committee on Interstate and Foreign Commerce.

Also, petition of Lewis L. Young, Brooklyn, N. Y., protesting against the Borland eight-hour amendment; to the Committee on Agriculture.

By Mr. DALE of Vermont: Resolution of the Board of Trade of Brattleboro, Vt., favoring the passage of the Madden bill to increase the compensation of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Petition of the letter carriers of the North Halstead Postal Station, Chicago, Ill., favoring H. R. 9414, the Madden bill; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of the United Mine Workers of America for S. 2854; to the Committee on Immigration and Naturalization.

Also, memorial of the Ladies' Auxiliary of the Presbyterian Church of Cloquet, Minn., urging the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. GALLIVAN: Resolution of the Farmers' Cooperative Grain Dealers' Association against taking from the Interstate Commerce Commission its powers in rate hearings and regulation, also against assuring a certain dividend to the stockholders of the railroads; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Massachusetts Dairymen's Association protesting against any change in the present laws relating to the manufacture, or sale of, or tax on oleomargarine; to the Committee on Agriculture.

By Mr. GORDON: Resolution of the council of the city of Cleveland, Ohio, urging legislation immediately to take over the operation of the telephone and telegraph systems of the country; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the council of the city of Cleveland, Ohio, urging the recognition of Bohemia-Slovak State; to the Committee on Foreign Affairs.

By Mr. HAMILTON of Michigan: Petition of the members of the Three Rivers (Mich.) Auxiliary Conference Women's Home Missionary Society, protesting against the passage of S. 3476, to allow the construction of railroad tracks in square No. 673, Washington, D. C.; to the Committee on the District of Columbia.

By Mr. LONERGAN: Petition of Woman's Committee, State Council of Defense of Connecticut, for the diversion of tobacco lands in the United States to the cultivation of foodstuffs; to the Committee on Agriculture.

By Mr. MOORE of Pennsylvania: Resolutions of the Philadelphia Maritime Exchange, indorsing the action of the Miami convention of the Deeper Waterways Association; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY: Memorial of the Bohemian National Alliance, State of Connecticut, urging the United States to assure the formation of an independent Czecho-Slovak State; to the Committee on Foreign Affairs.

Also, memorial of the Woman's Christian Temperance Union of Rhode Island, favoring the prohibition bill for the Hawaiian Islands; to the Committee on the Judiciary.

Also, memorial of Railway Mail Association, first division, Providence branch, favoring increased compensation to railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, memorial of Newport Horticultural Society, favoring S. 3344, prohibiting the importation of nursery stock; to the Committee on Agriculture.

By Mr. PRATT: Petition of William Longwell, Joseph Maloney, and sundry other citizens of Bath, Avoca, and Buffalo, N. Y., favoring universal military service; to the Committee on Military Affairs.

Mr. STEELE: Memorial of the Methodist Ministers' Associations of Hazleton, Pa., and surrounding districts, protesting against Senate bill 3476, authorizing the running of railroad tracks across First Street, in the city of Washington; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Gymnastic Slovak Lokol of Bridgeport, Conn., in behalf of Bohemian independence; to the Committee on Foreign Affairs.

By Mr. VARE: Memorial of the United Mine Workers of America, approving Senate bill 2854; to the Committee on Immigration and Naturalization.

Also, memorial of Philadelphia Maritime Exchange, indorsing resolutions of Atlantic Deeper Waterways' Association; to the Committee on Rivers and Harbors.

Also, memorial of Central Labor Union of Philadelphia, denouncing attacks made against organized labor by the Postmaster General; to the Committee on the Post Office and Post Roads.

SENATE.

TUESDAY, *February 19, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we are here petitioners before Thy throne. Day by day we meet obligations and responsibilities that we dare not meet alone, and we seek Thy guidance and blessing. We come to Thee with no complaint, but we come with the joy of being yet unsatisfied, of believing that Thou hast larger things for us in our individual life and in our Nation. We pray Thee to lead us on in the ever-unfolding plan of the Divine will until we shall see Thy purpose accomplished in all the earth. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WEBB, Mr. CARLIN, and Mr. VOLSTEAD managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 9867) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. MYERS. I have a short memorial from the Montana Legislature, which is now in session, to the Congress of the United States. I ask that it may be read.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

HELENA, MONT., *February 16, 1918.*

To the honorable Senate and House of Representatives in the Congress of the United States assembled:

Whereas the Fifteenth Legislative Assembly of the State of Montana, meeting in extraordinary session in response to a proclamation of the governor calling this body together for the consideration of measures necessary to a successful prosecution of the war, among which, of primary importance, is a bill providing for loans at low rates of interest to needy farmers for the enhancement of agricultural production in the State: Now, therefore, be it

Resolved, That the Fifteenth Legislative Assembly of the State of Montana hears with grave concern the reports from Washington of the intention of Congress to reduce a contemplated appropriation of $750,000 toward the completion of the Flathead Reservation irrigation project, in western Montana, to $250,000, and does hereby go on record as in favor of, and registers its wish for an appropriation of, $750,000 for said project; and it is further

Resolved, That a failure of the Congress of the United States to make such appropriation of $750,000 would be violative of the best interests of this Nation, a great discouragement to the farmers and to the farming interests of Montana, thereby resulting in decreased production in one of the most fertile sections of the State of Montana and, being prompted by a consideration for the best interests of this Nation and the State of Montana, demands favorable action by the United States Congress of an appropriation of $750,000 toward the completion of the Flathead Reservation irrigation project; and it is hereby ordered that a copy of this resolution be telegraphed to the Speaker of the House of Representatives, the President of the United States Senate, with the recommendation that it be read before both bodies and referred to the proper committees.

J. F. O'CONNOR,
Speaker of House.
W. W. McDOWELL,
President of Senate.

Mr. PHELAN presented a memorial of the chamber of commerce of Riverside, Cal., remonstrating against any repeal of the advanced rates on second-class mail matter; which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented a petition of the Connecticut State Branch of the United National Association of Post Office Clerks, of New Haven, Conn., praying for an increase in the salaries of postal employees; which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Swedish Independent Club, of New Britain; of the Equal Franchise Club, of Middletown; and of sundry citizens of New Haven, Hartford, and Woodmont, all in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States; which were ordered to lie on the table.

THE CONGRESSIONAL RECORD.

Mr. GALLINGER. Mr. President, I beg the indulgence of the Senate for a moment to ask a question that concerns what I think is a very important matter.

I am receiving letters from constituents in different parts of my State saying that they have not received a copy of the CONGRESSIONAL RECORD since the 1st day of February. I made inquiry and found that, in consequence of the shortage of paper—at least, that is the reason given—the sending of the CONGRESSIONAL RECORD outside of the District of Columbia has been entirely discontinued. Mr. President, to me this is a very important matter. The CONGRESSIONAL RECORD is, I think, the only uncensored publication that we have at the present time, and certainly the people ought to have the privilege of reading it.

I presume there is a shortage of paper, perhaps to such an extent that some action of this kind becomes necessary unless

a remedy is found; but, to my mind, there is a remedy in sight. I yesterday, through the mail, received the publication I hold in my hand. It is entitled "The Wholesale Prices from 1900 to 1918," printed. A great corps of high-salaried men have been traveling over the country formulating tables of wholesale price from 1900 to nearly two years ago. The tables by the Department of Labor, one of the chief offenders in printing statistics of little account to anybody except to men engaged in collecting antiquarian literature, are absolutely worthless. Nobody reads them. If anybody does read them, they get no information, because the wholesale prices have changed enormously from 1916 to 1918. Yet we are spending, I do not know how much money—hundreds and hundreds of thousands of dollars annually—in publishing these books, which simply exploit some department or bureau of the Government, uselessly using up paper to such an extent that we find ourselves unable to secure paper enough to print the CONGRESSIONAL RECORD for the information of our constituents.

Mr. President, I have before me a long list—I am not going to read it—of publications that are of very little account to the people of this country or to any interest of the Government. The title of the last one I am going to read. It is not a very large book. It is entitled "The Pirates of the Deep: A Story of the Squid and Octopus." Mr. President, in publishing that document, I do not know whether the Committee on Printing acted upon it or not, but the whole list of publications I have here are almost as unimportant as that; and we are printing all these books and documents and using up the paper at the Government Printing Office, and then we come to a point where the constituents of mine to whom I send the CONGRESSIONAL RECORD, and who are interested in it and who read it—many of them every word of it—write me that they have not received a copy since the 1st day of February.

Mr. President, I would like to have the Senator from Utah [Mr. SMOOT], who is a member of the Joint Committee on Printing, which committee, I believe, is responsible for this order, to tell the Senate if he does not think that some means ought to be devised whereby the evil I complain of may be remedied.

Mr. PENROSE. Before the Senator from Utah goes on I should like to ask the Senator from New Hampshire whether he would not be willing to except from the general tenor of his remarks a publication entitled "Through Costa Rica, the Magnificent, with a Motor Car."

Mr. GALLINGER. Yes; that is one of them. I have in my list several others equally as absurd.

Mr. LODGE. I suppose it is contributory to the war.

Mr. PENROSE. It is contributory to the war, I expect.

Mr. SMOOT. Mr. President, the Joint Committee on Printing asked for bids upon paper as usual for the coming year, and they were to be opened the latter part of January, the 25th, as I remember it. Ordinarily we have dozens of bids for the furnishing of paper such as the CONGRESSIONAL RECORD is printed upon. This year we received but one bid, and that bid was an irregular one and could not be accepted under the law. We purchase millions of pounds of that class of paper, and we find ourselves in this position: That we have men traveling over the country where there is a paper plant begging them to make paper similar to the paper that the Congressional Record is printed upon. It is absolutely impossible at present to secure paper sufficient to furnish more than 5,000 copies of the RECORD daily. We can not get it from any source that is known to any committee or to the trade itself.

Not only that, Mr. President, but we are required to pay over 100 per cent more than we have had to pay in the past for this kind of paper.

Mr. GALLINGER. If the Senator will permit me, is it not possible to stop the printing of some of these worthless books and documents and use that paper for the purpose of printing the CONGRESSIONAL RECORD?

Mr. SMOOT. I am coming to that, I will say to the Senator.

Mr. GALLINGER. I am very glad the Senator will touch on that point.

Mr. PENROSE. Will the Senator permit one interruption? For instance, an exception might be made in this war crisis of the document entitled "Narcotic Plants and Stimulants of the Ancient Americans." [Laughter.]

Mr. SMOOT. Mr. President, referring to the question as to whether we can stop the printing of a great many of the public documents that are printed to-day and that every Representative and every Senator knows ought not to be printed I will say that we are compelled to print so many of all public documents ordered. The documents that have been referred to by the Senator this morning are mostly departmental documents.

We appropriate so much money to each one of the departments of the Government for printing purposes. The Joint Committee on Printing have nothing whatever to say in relation to what shall or what shall not be printed by the departments; and of late the departments have not only spent all the money that has been appropriated for their use for printing, but we find them coming to Congress and asking that the same documents be printed as public documents. Thank fortune, so far we have withheld favorable action upon such requests, but the pressure is becoming greater and greater every year, and if the Senate and House are not on their guard we will begin to print them as public documents.

Mr. GALLINGER. They are constantly asking us to do it, are they not?

Mr. SMOOT. Every day we are asked to do it. The list that was presented by the Senator from New Hampshire I hope he will put in the RECORD. It is only just a bare percentage of what is going on in the departments. I could bring into the Senate Chamber a pile of documents that would block the aisles. They never ought to have been printed, and the practice ought to be stopped.

Mr. PENROSE. I should like to ask the Senator whether he thinks these documents are read? Are they ever read by anyone?

Mr. SMOOT. Not one in a hundred. Not only that, but I now say to the Senate of the United States, if they want to stop this wicked waste of public money, pass the printing bill that we have had before the Senate for the last eight years; but because there are heads of some of the departments of our Government opposed to it, because they think it limits their power to print everything that they desire, and they come to Congress and appeal to Senators and Representatives to vote against it and prevent its passage. So far they have had power enough to do it.

Mr. KENYON. I should like to ask the Senator if the printing bill has not been passed by the Senate?

Mr. SMOOT. I will say to the Senator we passed the bill through the Senate twice, and I think it was passed once during the latter days of a session in the House of Representatives, but at no session of Congress have we been able yet to pass it in both Houses.

Mr. KENYON. When it passes the Senate it does not pass the House, and when it passes the House it does not pass the Senate?

Mr. SMOOT. That has been the history for eight years, I will say to the Senator.

Mr. KENYON. And that bill is now in the House?

Mr. SMOOT. The bill now is in the House, and we hope that it will receive consideration by the House first, and if it is considered by the House, as far as I am concerned, if it is within my power, I am going to compel the Senate to vote upon the question as to whether it will take the bill up for consideration.

Mr. KENYON. The Senator will have plenty of help in getting the bill up.

Mr. SMOOT. I want to say, if the bill had become a law four years ago, there would have been a saving of nearly a million dollars a year, and with paper the price that it is to-day, we would save $2,500,000 per annum. That is in printing alone, and stop to think that under the present law all these worthless documents have to be sent to all the designated libraries of the country, and at the end of the year they are returned to Washington and they are piled up and sold as old paper, not a hundred thousand copies of them, but millions of copies of them.

Mr. REED. Mr. President——

Mr. SMOOT. I yield to the Senator from Missouri.

Mr. REED. I came in while the Senator was speaking, and he may have touched on the matter I want to mention. I wanted to ask the Senator what his opinion was as to the vast amount of printed material which is being sent out by the newly organized bureaus to newspapers in all parts of the country? Is it not a fact that there are publication bureaus that are maintained at the expense of thousands of dollars a month for the mere purpose of sending out a sort of newspaper propaganda?

Mr. SMOOT. The Senator says thousands of dollars a month. I want to say to the Senator that it is thousands of dollars daily. I understand there is one bureau that spends $5,000 a day.

Mr. VARDAMAN. May I ask the Senator what that bureau is?

Mr. SMOOT. Mr. Creel's bureau. I have not examined into the details of the expense of that bureau, but I have been informed by men who say they have that it is costing the Government of the United States nearly $5,000 a day. I think it ought to be investigated if that is the case.

But coming back to the RECORD, this order never would have been issued if it had not been absolutely necessary. I am in

hopes that we can find some of the paper plants in the United States that can make this class of paper and will make it for the Government in sufficient quantities so that we can at least publish the CONGRESSIONAL RECORD. But I will say to the Senate now, and particularly to the Senator from New Hampshire, that it became absolutely necessary to limit the issue to 5,000 copies daily.

Mr. President, there is only one other thing that I want to say at this time. I want to appeal to the Senate that in the future please do not ask that newspaper articles be put in the RECORD. Please keep the RECORD just as clear from all matter outside of what occurs upon the floor of the Senate as it is possible to do. I know that Senators do not realize that every printed page in the CONGRESSIONAL RECORD when paper was at its ordinary price cost the Government of the United States $39 and some odd cents, and to-day the cost is over $50. We hardly stop to think of that, but we ought, at least now that we can not get sufficient paper from any part of the United States for the purpose.

Mr. GALLINGER. Mr. President, in justice to the Senate itself I ought to say that a large proportion of the documents that I have before me have been printed by the departments and not by order of the Senate or by the House of Representatives. To my mind the extent to which paper is being used and the funds of the Government exhausted by the departments in printing documents that are of no earthly account is approaching a scandal, and the Committee on Appropriations ought this year to scan very carefully the appropriations that are made to the departments for that purpose, and see if we can not in that way make a saving sufficient at least to let us have the CONGRESSIONAL RECORD for circulation among the people of the country who want to examine it. I quite concur in the suggestion made by the Senator from Utah, as he was about closing his remarks, that we ought to save the space of the RECORD also by keeping out of it as much extraneous matter as possible.

I do not know how many pages the CONGRESSIONAL RECORD for the last session of Congress will make when it is bound, but I venture to say that it will be ten times as many as the CONGRESSIONAL RECORD had 10 years ago. We are swelling that printed volume year by year; it takes paper to print it; and as a result of these extravagances, as I look upon it, we are face to face with the fact to-day that a constituent of any Senator who wants to see the CONGRESSIONAL RECORD in order to ascertain what Congress is doing is denied that privilege on the ground that the paper is being exhausted in other directions, and that we can not get a sufficient supply with which to print the record of our daily doings as a Congress. We hear the cry that "pitiless publicity" is something the people have a right to demand, and then we close the only avenue the people have of knowing what their servants in the two Houses of Congress are doing.

Mr. FLETCHER. Mr. President, I quite agree in general with my colleagues on the Committee on Printing. I think there has been no lack of diligence on the part of the Committee on Printing in reference to their action in recommending documents to be printed. I do not know of any useless document in favor of the printing of which the committee has reported at all. In fact, we have been very careful to scan everything submitted to the committee, and to avoid printing anything that did not seem to be absolutely meritorious in every respect and to pertain to matters pending before Congress. There has been no waste in that regard.

But I agree also with the statement that the printing bill ought to have been passed by Congress. It would have meant an enormous economy, a saving of something like a million dollars a year. That matter has been before the Senate. The Senate is not to blame, perhaps, although we ought to have gotten to that bill before and ought to have passed it. I hope that will yet be done.

The matter of the RECORD, however, is quite important, and I have myself been getting inquiries from people who were on my mailing list for the RECORD, who want to know why it is not coming to them. I have had to explain to them the reason. In that connection I think it is fair to give the Senate just what has taken place. On January 30, 1918, I wrote the Public Printer as follows:

CONGRESS OF THE UNITED STATES.
JOINT COMMITTEE ON PRINTING,
January 30, 1918.

The PUBLIC PRINTER,
Government Printing Office.

DEAR SIR: The committee has received numerous inquiries as to when the bound edition of the CONGRESSIONAL RECORD for the first session of the Sixty-fifth Congress will be completed, together with the index, and made available for the use of Members of Congress. The early completion of this RECORD is most essential for the use of Congress, and I believe it ought not to be delayed any longer than is absolutely necessary.

Kindly advise me when the bound edition will be ready, together with the index.

Respectfully, yours,
DUNCAN U. FLETCHER,
Chairman.

On February 1 the Public Printer replied:

GOVERNMENT PRINTING OFFICE,
February 1, 1918.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In response to your inquiry of January 30, 1918, as to when the bound edition of the CONGRESSIONAL RECORD of the first session, Sixty-fifth Congress, will be completed, together with the index, and made available for the use of Members of Congress, the following is respectfully submitted:

Owing to shortage of stock (48-inch rolls 35 pound stock) by failure of delivery, due to transportation, the bound edition was stopped in order that the stock on hand could be used for the daily issue only, and for no other purpose. There is now in transit more than 200 rolls of this stock, part from the Champion Coated Paper Co., of Ohio, and part from the Bryant Paper Co., of Michigan. In relation to these deliveries every effort has been made to have same delivered. The matter was and is still being pushed to the utmost with the car service of the Interstate Commerce Commission, who are in charge of transportation.

The orders now on the road date from December 4, 1917, to the Champion Paper Co., a total tonnage of 500,000 pounds, of which less than 100,000 pounds have been delivered. Orders have been placed with the Seaman Co. for the Bryant Mill of a total tonnage of 500,000 pounds. Of the latter but 40,000 pounds, or one carload, has been received. Information has reached me that five carloads are in transit. Latest advices are that these cars are held up at Sandusky, Ohio.

On hand in the Government Printing Office at this time there are 40 rolls, about a three days' run of a medium-sized RECORD.

Under the circumstances, unless we receive some of this tonnage now under way, the publication of the daily RECORD will be jeopardized, although I am in hopes that stock in transit will be received.

As soon as sufficient stock is in this office the bound edition will be completed in about 15 days. There is now completed six and one half volumes of the bound edition, with one and one half volumes, including the index, to complete the edition.

May I suggest this thought for your consideration if stock is not received: The printing of but sufficient copies of the daily RECORD to meet the wants of the Washington deliveries. Other deliveries to be made up when sufficient stock is at hand.

Respectfully, yours,
CORNELIUS FORD,
Public Printer.

On February 5 I replied as follows:

CONGRESS OF THE UNITED STATES.
JOINT COMMITTEE ON PRINTING,
February 5, 1918.

The PUBLIC PRINTER,
Government Printing Office.

DEAR SIR: I am pleased to acknowledge receipt of your letter of February 1, 1918, in response to my inquiry concerning the delay in printing the bound edition of the CONGRESSIONAL RECORD for the first session of the Sixty-fifth Congress and advising me as to your difficulty in obtaining the paper stock for the use of the Government Printing Office.

I am sure the Joint Committee on Printing will be very glad to cooperate with you in every way possible to obtain sufficient paper for the printing of the necessary Government publications. If we can be of any assistance to you in this regard at any time do not hesitate to call upon us.

I think your suggestion in regard to printing only a sufficient number of copies of the daily RECORD for official distribution in Washington for the time being is a good one, and unless the delivery of sufficient paper to assure the printing of the RECORD is now in sight I would suggest that you take the matter up immediately with the committee as to whether to temporarily discontinue the printing of the daily RECORD for outside distribution. I believe it would also be well to temporarily discontinue the printing of all other publications that are not immediately necessary, the paper for which could be used for more essential publications. If you have any suggestions or recommendations to make in this regard I am sure the committee would be very glad to consider them.

The printing of necessary publications ought to be safeguarded in every possible way, and at the expense of such publications as may be discontinued for the time being.

Respectfully, yours,
(Signed) DUNCAN U. FLETCHER,
Chairman.

It will be noted that on February 5 we advised the Public Printer to discontinue the publication of all other matters not necessary, and, if the stock was so low as to require it, to discontinue the publication of the CONGRESSIONAL RECORD for delivery outside of Washington. On February 7 he came to see me about this matter, pointing out that with the stock on hand it looked as if every day we might not have enough even to print a sufficient number of copies of the CONGRESSIONAL RECORD for Congress. We discussed that matter, and he then wrote me as follows:

OFFICE OF THE PUBLIC PRINTER,
Washington, February 7, 1918.

MY DEAR SENATOR: Relative to my talk with you regarding curtailment of the number of copies of the daily CONGRESSIONAL RECORD and in answer to your esteemed favor of the 5th instant, wherein you suggest the matter of temporarily discontinuing the printing of the daily RECORD for outside distribution, I respectfully submit the following:

The wisdom of printing sufficient copies of the daily RECORD for Washington City deliveries has enabled the Public Printer to get out the daily RECORD for the past few days, although but 5,000 copies were printed.

There is now on hand but 28 rolls of this stock available for RECORD use, and if the RECORD on any day is exceptionally large this amount will be used up. However, a conference between the Director General of Railroads and myself yesterday will, I am in hopes, relieve the situation. There are in transit 214 rolls from the Champion Coated Paper Co., of Hamilton, Ohio, which have been en route since December 26, 1917. There are also en route 188 rolls from Kalamazoo, Mich., since January 14. At the conference yesterday all information was furnished the Director General and a promise to move this stock and get same into this office was made. It was also promised that all other stock would receive immediate consideration and orders were issued to that effect.

Under the circumstances, I am in hopes that within a few days we will be able to print the regular edition of the RECORD with sufficient stock on hand to complete the issues which have been run short.

In relation to temporarily discontinuing the printing of all other publications that are not immediately necessary, orders along that line have been issued and all employees in charge of the work have been notified.

Respectfully, yours,

CORNELIUS FORD,
Public Printer.

Hon. DUNCAN U. FLETCHER,
Chairman Joint Committee on Printing,
Washington, D. C.

So that is the cause of the discontinuance of the printing of the RECORD for outside distribution; and, as Senators will see, it was plainly necessary for that step to be taken; but we are assured by the Public Printer that the paper stock is in transit, and surely it ought to be here within the next few days. The copies which should have been printed and distributed will be made good and the distribution will take place in the regular order as soon as we have the stock on hand with which to print a sufficient number of copies of the RECORD.

I put this correspondence in the RECORD in order that it may explain the whole situation.

Mr. PENROSE. Mr. President, I am very glad that the Senator from New Hampshire [Mr. GALLINGER] has called the attention of the Senate to this abuse, which is rapidly reaching the proportions of a scandal. I have objected frequently on the floor of the Senate to making the RECORD look more like a copybook from a telegraph office or a small country post office than a dignified legislative record, owing to the apparently irrepressible habit of some Senators to have inserted in the RECORD letters from obscure constituents expressing their views on different matters. I have also objected, to the point of making myself objectionable, to the practice of having frivolous and ephemeral articles published as public documents. I have taken the liberty to protest when the chairman of the Committee on Printing has had printed nearly every utterance of Mr. David Lubin and other articles of similar importance.

The situation, Mr. President, has reached a point, so far as Pennsylvania is concerned, when I am having these documents returned to me. Only yesterday I received a letter from a very prominent gentleman in Philadelphia, calling my attention to a document which had been sent to him by a Government department, and expressing his astonishment that a document of such useless character should be sent to anyone of average intelligence. Upon another occasion, a few days prior to the communication referred to, I received a protest from a manufacturer, calling my attention to the publications of the Department of Commerce, Bureau of Census, which department is sending broadcast through Pennsylvania reports of the census of manufactures, dated 1914. Surely——

Mr. GALLINGER. Has the Senator a copy of it there?

Mr. PENROSE. I have a copy here in my hand of the report relating to petroleum refining, dated 1914. Surely there can be no very great value to this cumbersome compilation of figures when conditions have changed as rapidly since 1914 as they did change for a hundred years prior to 1914.

Here is one of my most recent communications in this connection:

PHILADELPHIA, PA., *February 5, 1918.*

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.

MY DEAR SENATOR PENROSE: My company has received in to-day's mail a report headed "Department of Commerce, Bureau of the Census, Sam. L. Rogers, Director, Census of Manufactures: 1914, Pennsylvania."

I can hardly conceive of a more useless expenditure of time and money than is represented by this pamphlet. Coming at this time, when economy is the watchword of the day, it is most discouraging to have placed before one such a concrete example of inefficiency.

The report, of course, goes into the waste-paper basket, as it has no place in our files.

Yours, truly,

SYDNEY THAYER,
Secretary Henry Bower Chemical Manufacturing Co.

Mr. SMITH of South Carolina and Mr. THOMAS. Regular order!

The VICE PRESIDENT. If there be no further petitions or memorials, reports of committees are in order.

REPORTS OF COMMITTEES.

Mr. HITCHCOCK. For the senior Senator from Oregon [Mr. CHAMBERLAIN], who is detained from the Senate by illness, I report from the Committee on Military Affairs with amendments the bill (S. 3778) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, and I submit a report (No. 282) thereon.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 3439) for the relief of certain homestead and desert-land entrymen, reported it with amendments and submitted a report (No. 284) thereon.

He also, from the same committee, to which was referred the bill (S. 2975) for the relief of Katherine Macdonald, reported it with an amendment and submitted a report (No. 283) thereon.

THE COMMITTEE ON FINANCE.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 205, submitted by Mr. SIMMONS on the 14th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Finance or any subcommittee thereof, be, and hereby is, authorized during the Sixty-fifth Congress, to send for persons, books and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be pending before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recess of the Senate.

GUARANTEED PRICE OF WHEAT.

Mr. GORE. From the Committee on Agriculture and Forestry I report the joint resolution (S. J. Res. 132) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from $2 to $2.50 per bushel, with an amendment, and I submit a report (No. 285) thereon.

Mr. KENYON. Mr. President, I should like to say as to that report that I am a member of the Agricultural Committee, but the joint resolution was taken up for final action while I was not present. I do not want it to be understood that the committee is unanimous in making that report. I think some of the members of the committee have not made up their minds as to the measure. I will inquire if the chairman has presented the report as the unanimous report of the committee?

Mr. GORE. Oh, no; I made no reference to the vote by which it prevailed in the committee.

Mr. KENYON. I shall not feel bound by the report of the committee when the matter comes before the Senate.

Mr. GORE. I understand the Senator from Iowa reserves the right to oppose the measure.

Mr. POINDEXTER. Mr. President, I should like to inquire of the Senator from Oklahoma whether the joint resolution he has just reported provides for a minimum price to the farmer?

Mr. GORE. In answer I will say that it does change existing law. The existing law provides that the minimum guaranteed by statute is to be applied at the principal interior primary markets. The joint resolution just reported amends existing law by making the basic market the farmers' local market or the local elevator.

Mr. POINDEXTER. Mr. President, I do not desire to detain the Senate now on this matter, but when the joint resolution comes up I hope the Senator will bear in mind that principle—that the object to be attained in fixing a minimum price, as I understood the object when the original law was passed, was to increase the production of wheat in the country by guaranteeing a minimum price to the man that raised the wheat; but the application of the old law has failed of that purpose. Fixing certain primary markets in certain parts of the country and not fixing them in other great sections of the country gave a certain minimum price to the farmers in one place and denied it to the farmers in other places, and in those other places it cost the farmer more to produce the wheat than in the sections where he got the benefit of the law. The starting point of fixing or guaranteeing a minimum price should be—and if I understand the statement made by the Senator from Oklahoma, that is the purpose and will be the effect of the joint resolution which he has just reported—the basis and starting point of the prices which will be paid for wheat and for flour ought to be the price which is received by the farmer who produces the wheat.

Mr. NORRIS. Mr. President, before the Senator takes his seat will he permit me to suggest to him that the law fixing the price of wheat at $2 a bushel was made by its terms to apply only to the crop produced in the year 1918. That has not yet been produced, of course. This joint resolution amends that law. It has no application, and the law that we have already

passed has no application, to the price of the 1917 crop that we are now using. The existing price of wheat now was fixed not by virtue of a statute of Congress but by the Food Administration, by reason of its power to control the price on account of buying such a large amount of wheat for the allies in this country. So that the price that exists at the present time was not fixed by virtue of a definite statute, and this has no application to existing prices.

Mr. ASHURST. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Arizona will state his point of order.

Mr. ASHURST. I wish to interrupt the proceedings long enough to introduce a bill. I ask unanimous consent, out of order, to introduce a bill. [Laughter.]

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. GALLINGER. Let us have the regular order.

The VICE PRESIDENT. If there be no further reports of committees, bills and joint resolutions are in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. HITCHCOCK (for Mr. CHAMBERLAIN, by request):

A bill (S. 3913) to authorize the Secretary of Agriculture to accept $2,100 from the Pelican Bay Lumber Co., and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. ASHURST:

A bill (S. 3914) authorizing a right of way for the transportation of water for improvement of grazing and development of the live-stock industry upon public and national forest lands in Arizona; to the Committee on Public Lands.

By Mr. McCUMBER:

A bill (S. 3915) to reimburse Benson County, N. Dak., for money expended in the care of three insane Indians; to the Committee on Indian Affairs.

By Mr. PENROSE:

A bill (S. 3916) granting an increase of pension to Marie G. Harding;

A bill (S. 3917) granting an increase of pension to Henry O. Bender; and

A bill (S. 3918) granting an increase of pension to Daniel Kennelley (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 3919) for the relief of Laura E. Graves; to the Committee on Public Lands.

A bill (S. 3920) granting a pension to Louise Jonas Block (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 3921) granting a pension to Nora B. Higgins; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 3922) for the relief of Kny-Scheerer Corporation; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 3923) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains, to submit to the Court of Claims certain claims growing out of treaties and otherwise; to the Committee on Indian Affairs.

GUARANTEED PRICE OF WHEAT.

Mr. SHAFROTH submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 132) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from $2 to $2.50 per bushel, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—THOMAS R. POOLE.

On motion of Mr. NEW, it was

Ordered, That the papers accompanying Senate bill 6127, Sixty-fourth Congress, second session, granting a pension to Thomas R. Poole, be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILL REFERRED.

H. R. 9867. An act making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

RAILROAD CONTROL.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of South Carolina. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3752, the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. JOHNSON of California. Mr. President, I have been delighted with the announcement by the President that hereafter there will be no secret diplomacy, and his policy of addressing Congress from time to time in the open forum of the world meets with a cordial and enthusiastic response in every democracy. This new departure of our President marks an epoch in world history, and its future beneficent consequences can not at the moment be accurately measured. The policy is one of necessity which applies not only to diplomatic relations with a foreign power but with even greater force to what transpires within our own borders. I advert briefly to the subject because I deprecate the undemocratic and un-American suppression and repression which characterized the first months of our entrance into war, and which yet obtai.. in some circles. Last year the slightest difference of opinion, earnestly and patriotically expressed, even an embarrassing inquiry, was met with the epithets "disloyal" and "pro-German." The most just criticism was answered by denunciation and anathema. Recently the epithets "pro-German" and "disloyal" may have been exchanged for "partisan."

The idea last year seemed prevalent, and to find sanction with various individuals and in a large part of the press, that absolute silence and submission without complaint to any deficiency or injustice were the only measure of loyalty. If any individual, with highest motive, sought to lay bare a wrong, forthwith he was charged with lending aid and comfort to the enemy. I will not subscribe to the doctrine that either in peace or in war, legitimate, honest, and conscientious suggestion or criticism may not be indulged. This Government yet belongs to all its people, and they are entitled to know not only how, diplomatically, the Government deals with the nations of the earth, but to know as well the internal policies which yet control the Republic situated within the boundaries of the United States; and beyond this, they are entitled to know what intimately concerns their property and their lives.

Disloyalty and treason can not thrive in the light. Neither can incompetence, that strong ally of failure. Official suppression and concealment are as vicious as the secret diplomacy and private bargaining which President Wilson so justly condemns. The pretense that the people can not be told the truth is the artifice of incompetent men who are afraid to face the test of public scrutiny. No man, of course, is entitled unjustly to criticize nor to indulge in unbridled license of expression. The real test of criticism is whether it is just or unjust. If consciously unjust, it should subject him who utters it to the contempt of all. If just, it vindicates itself. When the time comes that Members of Congress, the supposedly popular branch of the Government, must refrain from utterances designed to render patriotic service, because those utterances are at variance with the views of either official or majority, the end has come to our democracy, and the Congress no longer performs a useful service to the people.

The various recent investigations have been of incalculable benefit. They have remedied some concrete deficiencies, but they have performed the fundamental service of finally permitting a modicum of free expression. I will not refer to the investigations of the Military Committee, of which you have heard so much, and concerning which you are well able to judge. I happen to be a member of the Commerce Committee which conscientiously has been engaged in the endeavor, by investigation, to aid in the shipping problem of the Nation. In the course of that investigation many constructive things have been accomplished, and some things have been unearthed which required the bright light of publicity to remedy them. The chairman of the committee and the leader upon the other side of this Chamber, in 24 hours, brought about with one of the large shipping yards of the country the solution of the housing question—the most important question connected with the building of ships. They did this after it had been testified before the committee, by one of the best known and most highly respected of our shipbuilders, that he had been striving for many months to accomplish the result which they accomplished in as many hours.

In one of the contracts entered into by the Government—that with the American International Co.—a state of affairs beggaring description has been developed. The evidence demonstrates a wild saturnalia of extravagance, a brilliant phantasmagoria of patriotic pretense. And the pity and the shame of it are that those who, with a cheerful and almost studied disregard for every principle of economy, are wasting the money of

taxpayers are some of the great captains of industry of the Nation.

I have read recently the utterances of some of those responsible for those conditions, and, singularly enough, they unctiously express as great patriots their sorrow that such disclosures should be made public, and, as lugubriously they shake their heads, they exclaim that publicity of the delinquencies is giving aid and comfort to the enemy.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Missouri?

Mr. JOHNSON of California. I do.

Mr. REED. If it will not interrupt the Senator, I wanted to ask him if he thought that a man by telling of a swindle on the Government was giving aid and comfort to the enemy, just how the act of the man who swindled the Government ought to be classified?

Mr. JOHNSON of California. It is just this policy which has grown up in the last few months that would preclude ever publicity concerning the man who had swindled the Government, because nothing must be said, nothing must be written, nothing must be told during this crisis that somebody may think reflects upon somebody else in official position.

Mr. REED. I think I was unfortunate in making myself understood. The point I am trying to get from the Senator is this: Assuming it to be true that to tell the fact that the Government has been swindled gives aid and comfort to the enemy, then what is the character of the act of the swindler? How does his act affect the enemy? Is it not somewhat worse to do the thing than it is to tell about it?

Mr. JOHNSON of California. The Senator's query, Mr. President, points the moral.

Inefficiency, incompetency, and worse flourish in darkness. Truth and publicity are the remedy and the corrective. Secrecy between a people and their government is the most mischievous element in national life. Lloyd-George in a recent speech told England that a nation which is not virile enough to hear the truth about itself is not a first-class power. Clemenceau said to France that he believed self-governing people fight better when they have a full knowledge of the actual situation. Ours is the only democracy which pursued the policy—I hope now almost at an end—of fearing its people and considering them so lightly that it dared not take them into its confidence.

The man who sits supine and silent with a knowledge of wrongs requiring exposure and detection, of inefficiency necessitating correction—the man who, convinced that acts or policies retard our success and endanger the lives of our loved ones, and yet advocates these policies and acts—these are the disloyal Americans, and these are the men who really aid and comfort the enemy.

I am not speaking now in behalf of any particular criticism or even for criticism itself. I merely protest against the set phrases "pro-German," "disloyal," and "partisan," which have been so indiscriminately applied to the men patriotically differing from those who assume themselves to be the sole exponents of the thought of the Nation. I have no desire to fill the rôle of critic. At best, that rôle brings dubious fame and rouses bitter resentment, and unjust criticism long continued reacts and destroys the critic.

Some first for wits, and then for poets passed.
Turn critics next, and prove plain fools at last.

May the day have gone by forever when an American citizen shall be precluded by fear of denunciation and the epithet of "disloyalty" from expressing his honest and his patriotic sentiments.

Recently I ran across the following jingle of Mr. Montague:

There's a shortage of corn and a shortage of wheat,
A shortage of fish and a shortage of meat,
A shortage of sugar, a shortage of shoes,
A shortage of ships and a shortage of crews,
A shortage of coal and a shortage of coke,
A shortage of pine and of spruce and of oak,
And we can't help believe, from the trend of events,
That there's, somewhere or other, a shortage of sense.

There'll be shortage of cash when the taxes are due,
Maybe shortage of work in a fortnight or two;
There'll soon be a general shortage of light,
And a shortage of cheer through the dark winter night,
There'll be shortage of patience to bear all our ills,
Yet there never will be any shortage of bills,
But still through the darkness we'll grumblingly grope;
For as yet there is not any shortage of hope.

We'll grumblingly grope, as we mentioned before,
And pray for the day of a shortage of war,
We'll kick and complain and we'll murmur and moan;
At every new shortage we'll grievously groan,
But even though everything looks mighty blue,
We know all the while that we'll see the thing through,
We may be quite fussed, but you'll please to observe,
That we've never had ever a shortage of nerve.

Rather humourously, in a small way, the writer endeavors to depict the American mental attitude of to-day. We will grumble and growl and fuss about the difficulties in our path and the obstacles we encounter. We will feel a bit of irritation now and then at restrictive measures, but underlying all, there will never be a loss of American pluck or of the American spirit which has characterized our Nation since its birth. Whatever may be our faults of expression, however the act of the moment may trouble or annoy, America, with spirit unafraid and undismayed, a Nation yet undefeated, will play the game and see it through, until American arms are triumphant and American victory won.

The so-called railroad measure under discussion involves not alone present governmental financial relations in respect to the railroads, but is of far-reaching and transcendent importance in determining what our future policy shall be.

I can not agree with the rate of compensation prescribed by the bill. I am in full accord with the views expressed by the Senator from Iowa upon the floor of the Senate and so ably set forth in his minority report. Not only do I agree with the Senator from Iowa that the compensation to be accorded the railroads of the Nation for their use during the war is unfair and unjust, and, because of the crisis, indefensible, but I would now take the inevitable next step in Government control of our railroads, and do whatever might be essential to make that Government control permanent Government ownership, or, at least, leave the way open so that immediately upon the termination of the war we might follow to its logical conclusion what already we have partly done.

The Senator from Iowa has demonstrated so completely the injustice of the terms of the present bill in fixing the rate of compensation to be paid to the railroads that perhaps it is supererogation to say more in concurrence or confirmation; but, at the risk of being prolix and repetitive, I wish to record my condemnation of the too generous treatment of the railroads of the country at the expense of our taxpayers.

Specifically, I speak now only of important phases, eliminating detail. The bill provides that the President shall make agreements with the railroad companies guaranteeing incomes to them equivalent to the average annual railway operating income for three years ending June 30, 1917. What this means in dollars and cents to the people of this country must be understood by them in order that they may know its iniquity. It means that the interest on the outstanding bonds of the railroads will be paid in accordance with the interest rates now fixed; it means, in addition, that upon the stock of the railroads of the country will be paid by the Government of the United States something in excess of 8 per cent per annum; it means that this percentage in excess of 8 per cent per annum is paid upon *all* the stock of *all* the railroads; it means that this percentage—and I am speaking only of the minimum—shall be paid by the people of the United States not only upon the legitimate issues of the stock of railroad corporations, but upon every issue of stock that has been illegitimately issued; it means that upon every watered issue that has been wrung from the people of the United States in the past, that represents not a dollar of value nor a penny of real investment, we pay in excess of 8 per cent per annum; it means that during this time of crisis and of peril, when the supreme sacrifice is demanded of those we love, and the maximum service from those who remain at home, that we pay upon watered stock, estimated at almost 50 per cent of the total stock of these corporations—stock representing nothing but the greed and the avarice of railroad magnates—this huge dividend. And that the amount of dividend may be understood I read again the table of percentage which will thus be paid to the railroads of the country, quoted last week by the Senator from Iowa, and which stands here uncontradicted and unchallenged:

	Per cent.
The Pennsylvania Railroad Co	8.92
The Pennsylvania Co	11.92
The New York Central Railroad Co	12.06
The Philadelphia & Reading Railway Co	25.70
Delaware, Lackawanna & Western Railroad Co	32.90
Michigan Central Railroad Co	18.48
Central Railroad Co. of New Jersey	20.25
Philadelphia, Baltimore & Washington Railroad Co	11.50
Hocking Valley Railway Co	11.94
Illinois Central Railroad Co	11.33
Louisville & Nashville Railway Co	16.75
Norfolk & Western Railway Co	12.51
Chesapeake & Ohio lines	9.21
Atlantic Coast Line Railroad Co	10.80
Central of Georgia Railway Co	9.39
Nashville, Chattanooga & St. Louis Railway	13.00
Mobile & Ohio Railroad Co	14.76
Cincinnati, New Orleans & Texas Pacific Railway Co	44.99
Florida East Coast Railway Co	10.06
Chicago & Northwestern Railway Co	10.18
Chicago, Burlington & Quincy Railroad Co	22.05
Minneapolis, St. Paul & Sault Ste. Marie Railway Co	12.09
Chicago, St. Paul, Minneapolis & Omaha Railway Co	9.57

	Per cent.
Atchison, Topeka & Sante Fe Railway Co	9.70
Southern Pacific Co	6.60
Chicago, Milwaukee & St. Paul Railway Co	6.15
Great Northern Railway Co	9.63
Northern Pacific Railway Co	9.87
Union Pacific Railroad Co	9.64

The justification for this procedure has been voiced most eloquently and ably by the Senator from South Carolina, the Senator from Minnesota, the Senator from Arkansas, and the Senator from Ohio. They assert, rather persuasively and plausibly, that the railroad companies earned this income in the three years preceding the time of their seizure by the Government, and that, therefore, these earnings for the three years prior furnish a just mode of determining their compensation. This would not be so in time of peace, and in time of war it is much less so. Upon what theory is the maximum of sacrifice demanded of all the rest of the Nation and the maximum of compensation accorded to our railroads? Not only this, but the years that have been taken for the determination of the remuneration of the railroads constitute two years that were the most profitable during their whole existence. It is quite true that 1915 was not so profitable, but 1916 and 1917 were the most remunerative in their history. When the Congress dealt with the excess-profits tax its basis of computation was upon three prewar years—1911, 1912, and 1913; and if any three years were to be adopted as measuring railroad earnings it would seem to be more just that three prewar years be taken, as in the case of the excess-profits tax, rather than two war years of maximum and extraordinary profit. But I insist that such a mode of determining what shall be paid to the railroads is at this time grossly unjust to the entire taxpaying public.

A fair return, of course, should and must be paid, but in time of war the highest possible profit ought not to be paid the railroads. Men go to the trenches to-day for $30 per month, men whose earning capacity in the past three years has been infinitely greater than that sum. We do not stop to inquire how much these human beings have earned in the past three years. We say to them, "Your country demands you. You must, if necessary, die, and your country considers not at all your earning capacity of the past nor your possibilities of the future." In the name of patriotism we send these young men, as is just, to fight the battles of the Republic. We give them the pittance of $30 per month. If any man upon this floor suggested that their earning capacity for the past three years should be the measure of their compensation in this time of crisis he would be laughed to scorn. When we deal, however, with the great railroad companies of the Nation we do not ask ourselves what is the minimum the Nation should pay and what sacrifice should those who own the railroad companies make in time of war, but we gravely and seriously base our computations upon the highest earning power of the companies during the very war in which we are now engaged. Moreover, these earnings for two years of the period from which we compute the amount to be paid were accumulated in part by gross neglect on the part of the railroad companies of their tracks and their equipment. I read from an epitomized newspaper report of Interstate Commerce Commissioner R. C. McChord to Director General McAdoo, published the day before yesterday:

> Thousands of crippled freight cars, accumulated through the winter because of gross neglect of railroads in making repairs, occupy miles of tracks in eastern rail centers and are largely responsible for car shortage and traffic congestion, according to a report made to-day by Charles C. McChord, Interstate Commerce Commissioner, to Director General McAdoo.
>
> These reports, based on first-hand investigations by a corps of trained inspectors, cover the six weeks' period since the Government assumed operation of the railroads and indicate that one of the most critical ills of rail transportation under private management was the sidetracking of cars needing repairs. * * *
>
> These cars could have been repaired quickly during the winter if the railroads had made proper preparations for covered repair tracks, according to railroad administration officials.

Again, the payment of this vast sum to the railroads proceeds as if the railroads were efficiently and thoroughly performing their function, but, it must be remembered, they were utterly unable to perform their tasks and that it was only after they had demonstrated conclusively their inability as public carriers to render the proper service to the public and to the Government that the Government finally seized them. We pay, therefore, not alone a grossly excessive sum, but we pay as well substantially for services unperformed and for a work which, admittedly, the railroads could not do.

The compensation prescribed by the bill is fixed presumably upon the theory that that amount would be earned by the railroads if they had continued their services and if they had never been taken by the Government. It indeed has been asserted that the income of the various companies during the period of the war would have been equally as great as that during the three years preceding June last, and that, therefore, the amount the measure allows to them is reasonable and just. But this is not so. The railroads broke down. They were unable to perform their work. They could not meet war's emergency. If the Government had not taken them, with war's limitations upon them, they could not possibly have earned during the remaining period of the war any such income as they were able to make prior to our entry into the war. The burden was too great for them. They shifted that burden to the Government. The Government now assumes all of the burden of the transportation companies and performs all their tasks—tasks which, admittedly, the transportation companies could not perform, and then the Government generously pays the corporations for the burden it thus assumes. Imagine a going concern transacting a profitable business. Suddenly an emergency arises which this concern can not meet and it breaks down and no longer performs its business or its functions. You, who alone are capable of carrying on its business, assume control. All the risks, all the burden, and all the expenditures you assume. Would you for the use of that concern which could not perform its task, which surrendered to you its function, pay as rental substantially the highest income that had been earned by this broken-down concern during its prosperity and success? Not only do we permit these railroads to capitalize our generosity—and many of them do capitalize it by issuing against land grants and our gifts bonds and stocks—but by this bill we pay interest upon our own generosity and munificence.

Nearly every Senator upon this floor has gone to his constituents and has asked them—those well-to-do and those of slender store—to invest in liberty bonds. We have pleaded in the name of patriotism and in the name of the common ties that bind us for the perpetuity of our institutions, and that our ideals may yet exist, that our people lend to the Government in its crisis their lifetime savings at 4 per cent interest. Nobly the response has been made by high and low, rich and poor, alike. Four per cent upon liberty bonds to the patriotic, to those who answer their country's call. More than double 4 per cent—three and four times that sum in reality—to railroad owners who in the Nation's crisis have been unable to perform their task.

The men who have loaned the Nation their savings in liberty bonds are quite content with the interest prescribed by the Government. You do not ask them if their money in the past three years has earned 6 or 8 or 10 per cent. And you do not inquire whether they, during the course of this war, could upon the very money they have given the Government receive returns of 6, 8, 10, or 12 per cent. We all know that in many parts of the country to-day interest rates are such that double the amount paid by liberty bonds could be obtained for the money the people have placed in these bonds. We are not interested in any such facts as these when the ordinary citizen is concerned; but, with a gentleness and a tenderness that do infinite credit to our benevolence and generosity, we deal in a different mode with our railroad corporations. The ordinary citizen is paid a flat rate of 4 per cent on his money. The corporation upon its stock, which might have earned more in the past, but admittedly could only earn less in the future, is paid, substantially, the highest possible rate it might have earned, based upon its greatest prosperity in the past, although that rate could not have been earned in the future.

The proclamation of the President taking over the railroads, and stating the sums to be paid, was promulgated on the 27th day of December, 1917. Here are the stock exchange quotations of some of the railroads affected by the order for December 26, the day before the order was made, and December 27, when it was known that the Government was to take the properties:

	Dec. 26.	Dec. 27.
Atlantic Coast	83½	92
Atchison	78	87
Baltimore & Ohio	38¾	55
Chesapeake & Ohio	42¾	47
Great Northern	80	85
New York Central	68½	71
Northern Pacific	76	85
Pennsylvania	42½	45½
Reading	67¾	70½
Southern Pacific	77	84
St. Paul	36¾	49
St. Paul (pfd.)	63½	81
Delaware & Hudson	92	100
Union Pacific	103¾	112

There is the story, Senators.

The increase in these various stocks has been substantially maintained since December 27, and, undoubtedly, with the passage of this bill, there will be another upward tendency.

But our 4 per cent liberty bonds on December 26 were quoted at substantially 97, and on February 14 the second fours were quoted at 94.80. Our 4 per cent liberty bonds, held by our people, have been very gradually, but none the less certainly, declining. The railroad stocks, upon the announcement of the intention of the Government to take the railroads and pay the sums described in this bill, soared above what they had been for many, many months. We pay an exorbitant rate to the railroads, and greatly increase the value of their stocks; we pay to patriotism on liberty bonds 4 per cent, and the value of the principal we take steadily lessens.

A favorite pastime with legislators now is to find justification for any legislative act in England's example. Of course, when England's example demonstrates a firmness in dealing with vast interests and great profits quite at variance with our mode, England offers neither parallel nor precedent. When we sought to tax heavily war profits, we showed conclusively that England was taking 80 per cent of war profits. Those who desired in our taxation scheme a measure of immunity for these profits saw nothing either compelling or persuasive in England's example. In this debate I have heard stated repeatedly—and it is the fact—that England's mode of computation is similar to that suggested here, but the analogy then ceases. In actual compensation England pays upon railroad stocks between 3 and 4 per cent—a vastly different payment from that we are asked to make. I recognize the difference in the English systems and ours and how much is included within Britain's measure; but, granting all that may be said in that behalf, actually England pays upon the outstanding stock of its transportation systems between 3 and 4 per cent. I would not have had the temerity to have cited the British law unless the proponents of the bill had first adverted to it. The actual computation under the English law deprives our friends on the other side of whatever consolation obtains from having an English precedent.

It has been insisted repeatedly that the rate prescribed in the bill is merely permissive and a maximum which may by agreement be fixed. Literally this is so, but in the light of the facts the argument is wholly specious. The rate prescribed by the bill was stated by the President in his first proclamation taking over the railroads. It was stated again in his message to Congress upon the subject. It was stated in the investigation of the committee by the Director General as the scheme of settlement which would be adopted, and it was inserted in the bill pursuant to these recommendations and statements. We need, therefore, in order to determine whether this specific rate will be paid, take the President's proclamation, his message and recommendation to Congress, and the Director General's plain enunciation of his intention.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. FRANCE in the chair). Does the Senator from California yield to the Senator from Nebraska?

Mr JOHNSON of California. I do.

Mr NORRIS. Might I suggest, also, to the Senator from California that the proponents of the bill on the floor of the Senate have argued that such a rate of compensation was just and fair?

Mr. JOHNSON of California. Yes; but in the same breath, it will be recalled these gentlemen, while saying that that rate was just and fair, have also said to us, "Ah, but it is only a maximum, and it may never be fixed although it is just and fair."

Mr. NORRIS. Yes.

Mr. JOHNSON of California. So you may take your choice of the arguments and give to them just exactly the credence which they merit.

Mr. NORRIS. Mr. President, it seems to me that when the proponents of this bill so argue, they themselves are answering their own argument, that it is only a maximum rate, and that they know and they expect this rate to be put in active operation.

Mr. JOHNSON of California. Mr. President, the distinguished Senator who has just interrogated me seems to labor under the delusion that in dealing with great interests and railroad properties, there must be some sort of logic, but I think, Mr. President, the history of railroads for all past time will demonstrate that logic is a secondary consideration.

I would not wish to be unjust to the railroads of the Nation, and I have listened with varying emotions to the eloquent appeals that have been made in their behalf upon this floor, but, in our scrupulous care to see that justice is done to the railroads of the Nation, let us do justice to the people as well.

Strangely enough, some of the advocates of the present measure have quite earnestly disagreed with the President's policy in taking over the railroads, and have endeavored to demonstrate that the railroads have been more sinned against than sinning, and that, but for governmental interference, they would have efficiently performed their functions. It is interesting to observe that these gentlemen, while disagreeing with the President, while asserting the railroads had done their full duty, and that they could have continued, if unhindered and unhampered, to perform such service as the Government demanded, are enthusiastically in favor of the present bill. I am in hearty accord with the action taken by President Wilson. I believe his seizure of the railroads was timely and wise, and not only timely and wise but absolutely necessary for the safety of the Nation. I do not, for one moment, believe that the railroads were prevented from performing their full duty to the Government by the priority orders issued by different departments. I recognize that, owing to an utter lack of system, orders were issued by one, then another, and then another of the departments of the Government, and that these orders were difficult of enforcement and interfered in some degree with celerity of transportation. Such a system as has been developed in respect to these priority orders is intolerable. The difficulty, of course, has been due to the lack of correlation and coordination, of which so much has recently been heard upon this floor. But however annoying these orders may have been to the railroad companies, and however they may have sporadically interfered, they could not have been the real cause of the breakdown of the transportation service of the Nation. The Senator from Arkansas has ably demonstrated this fact. For many years past students of railway transportation have realized the necessity for some sort of centralization and nationalization. Instances have come to the notice of us all—instances ever recurring and ever increasing—which have proven that efficient national transportation demanded railroad nationalization. Prior to our declaration of war this had become more and more obvious. The stress of war simply furnished the actual demonstration.

After some months of useless and impotent endeavor the railroad men, as well as all others, realized that, under the system existing in our country, with the difficulties and restrictions surrounding the railroads, neither service nor efficiency could be accorded in this crisis. Now, the lesson is what? It is, first, the great trunk lines of the country must be nationalized; and, secondly, there must be one directing central power of this nationalization system. It is plain that this nationalization can not be accomplished by competitive roads. There must be, to attain the desired result, an absolute unity of purpose, and with private ownership of lines of different equipment, different power, varying efficiency, such coordination and nationalization are utterly impossible. The conclusion, therefore, is irresistible that we must ultimately do in time of peace what we have been driven to do by stress in time of war, and the logical outcome of the present situation is, of course, permanent control—Government ownership.

Immediately after war was declared a Railroads War Board, embracing within its membership the best-known railroad men in the Nation, was formed. On April 11, 1917, they adopted the following resolution:

Resolved, That the railroads of the United States, acting through their chief executive officers here and now assembled, and stirred by a high sense of their opportunity to be of the greatest service to their country in the present national crisis, do hereby pledge themselves, with the Government of the United States, with the governments of the several States, and with one another, that during the present war they will coordinate their operations in a continental railway system, merging during such period all their merely individual and competitive activities in the effort to produce a maximum of national transportation efficiency. To this end they hereby agree to create an organization which shall have general authority to formulate in detail and from time to time a policy of operation of all or any of the railways, which policy, when and as announced by such temporary organization, shall be accepted and earnestly made effective by the several managements of the individual railroad companies here represented.

In December, 1917, before the Railroad Commission of the State of California, at regular hearings, this resolution was the subject of examination and discussion. The representatives of the Southern Pacific, the Los Angeles & Salt Lake, the Santa Fe, and the Pacific Electric Railway were witnesses. It is impossible for me to detail the evidence of these railroad representatives. Suffice it to say, however, in the language of an official epitome of the proceeding:

Leaving aside the question whether transportation conditions here are normal or abnormal (and it is abundantly clear that they are far from normal), the view that the country and the transportation system of the country must be considered as a whole for the purposes of the war, and that the conditions in the East and the West must be equalized as far as possible; that there is no sound reason why in justice the East should forego not only nonessential but essential transportation needs, while the West goes on as if nothing had happened—this view, according to the transcript, finds no favor whatever in railroad circles.

It is merely in passing that I refer to these proceedings—so brief a period before the President's order of December 27.

The testimony upon the subject is illuminating and illustrates the utter impossibility of a nationalization of railroads in anything like a unified system under private competitive management.

The present bill, while allowing excessive compensation to the railroads, fixes a time limit in which the property shall be held of 18 months. It may be remarked that, with the close of the war, 18 months will remain without a definite policy on the part of the United States, while these railroads will be under the absolute control of the Director General. It seems scarcely possible that for this interval of 18 months we should with scrupulous care provide for paying the maximum amount to the railroad companies and be utterly silent as to railroad management and governmental policy.

I object to the 18 months' period as substantially establishing at this time a policy of the return of the roads and as substantially precluding the policy of Government ownership after the war. While it may be asserted that by repeal, additional enactment, and the like, we may enter upon new policies after the war, nevertheless this bill does, in effect, tie our hands, establishing not alone our present intention, but our future policy, and this is neither wise nor statesmanlike. Were I not an advocate of Government ownership, I should protest against this provision of the bill. My advocacy of the specific policy but intensifies that protest.

The views which I entertain and express to-day upon Government ownership are not the product of a day nor the result of recent events. Years and years of dealing with the problem of railroad transportation in its various phases finally convinced me that the only way in which the intertwining difficulties of the railroad situation could be solved was by the Government itself. The American people for many, many years have been dealing with the intricate and important question of railroad transportation and railroad management with rather indifferent success, and, just as great crises have ever decided the most momentous world problems, so our war, with our railroads, has finally pointed the way. The original idea entertained by those who were managers or builders of railroads was expressed by a celebrated railroad financier of the East in "The public be damned," and by quite a famous traffic manager of the West, that "We charge all the traffic will bear."

The railroad was regarded as the private property of him who invested in it, without duty or obligation to others than the owner. The public's relation was considered as wholly secondary and of principal importance in ministering to the prosperity and the emoluments of the road. Gradually it dawned upon our people that the railroad after all constituted a public highway; that it ran through city and town and country by virtue of the permission of the people themselves; that it became so intertwined with every human activity and every business and industry that it was a public necessity; and then a few began to see the light and to insist that a public highway maintained by the sufferance of the public and traversing the public domain by virtue of the public's permission was, in its essence, first a public use. The cynical viewpoint of the early founders of the great railway systems was quickly eliminated by a rapidly awakening people, and the early suggestions that the first duty of a public carrier was to the public resulted in numerous legislative enactments and in the crystallization of a public sentiment which required the railroad to be the servant rather than the master of the public. The old idea that the railroad was designed solely for the purpose of paying dividends to its owners gave way to the new—that the paramount obligation of the road was to the public, and that the owners were entitled from the operation of the railroad only to a reasonable return upon their investment.

The problem has been, first, an economic problem, a problem of economic liberty, and out of this has grown all the other perplexing questions. By a system of regulation which has grown up of late years some of these problems have been solved, but by no means all. Regulation, sometimes drastic, sometimes lax, has been undertaken by the various States. Regulation by the Interstate Commerce Commission has been undertaken on behalf of the Nation. I have heard it stated again and again upon this floor that railroad regulation has been a failure. I do not by any means concede that fact. In the jurisdiction from which I come it has been a marked success, winning alike the praise of the people and the roads themselves; but the consensus of opinion, apparently, here is that from the larger sense we have failed in our railroad regulation—failed either in recognizing the fundamental economic question from the standpoint of the public or the fundamental financial question from the standpoint of the railroad. If it be true that railroad regulation has failed in the United States, then, of course, there is but one alternative, and that is Government ownership. If it be true, as has been insisted upon this floor in the last week again and again, that regulation has been unjust to railroads and has not accomplished its real design, then these gentlemen thus asserting should welcome with me the advent of permanent Government control and ownership.

The words "Government ownership," apparently, have a singularly chilling effect. A perfect paralysis of fear is engendered by the very suggestion; and this seems so, even though the logic of events points but one way and the action of the Government in taking possession of the roads can mean but one thing.

Ever since we have had the railroad problem I have heard our learned conservative brethren tell of private initiative, individual ability, and the necessity for each in the management of railroads, and how this private ability and individual initiative alone could efficiently manage the railroads of the Nation. I have heard whispered with horror the enormity of Government management, of the calamity and the catastrophe that would befall us if the Government ever sought in any fashion to manage these great transportation systems. I have been told of the marvelous and the wondrous ability of men who drew large salaries as presidents of the various roads, of how they, with an omniscience passing human understanding, with all the dignity and the power and the ability of the greatest of potentates, successfully presided over the destinies of the railroads and, out of the million tentacles of a transportation system, wrought efficiency that staggered the imagination.

I heard the other day upon this floor in eloquent words depicted how within the grasp of the humblest was the vast power, prestige, wealth, and glory of a railroad president. I heard with bated breath and throbbing heart the evils of Government management, and how in Government management efficiency would be lost, ambition would be chilled, and the very essence of democratic social economy would be destroyed. And as I listened to the word pictures which thus entranced me I closed my eyes and wondered in what year and in what month were we hearing of private railroad management, and of its necessity for our well-being and our success and our prosperity. And then I recalled, as I recovered from the hypnotic influence of the orator, that we were in war; that the Nation faced the greatest crisis in its history; that it called upon its men and its industries for the best and the most efficient that was in them. I remembered that the Nation thought of the marvelous efficiency of private management of its railroads, and turned with pride and with confidence to its railroad managers and magnates, and left with them the great transportation problems that confronted us. And then I remembered, when wholly free from the spell of the eloquence in this Chamber, the muddling few months of last year, when private management demonstrated its inability to cope with the Nation's crisis, and the boastest efficiency of private management was found to be a mere iridescent dream.

Volumes have been written in the past of the superiority of private management. The railroad propagandist has plastered the whole Nation with demonstrations of the superiority of private efficiency. The question, though, has been decided. It is no longer academic. The pitiless logic of events has determined it. Private management and the boasted efficiency of private management could not do the job. They acknowledged defeat, and Government management succeeded. Two months ago I would have been prepared to meet, and to meet fully, every argument presented in favor of the efficiency of private management as contrasted with the efficiency of governmental management. But the question now is no longer debatable.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. JOHNSON of California. Certainly.

Mr. GALLINGER. I will ask the Senator if, in justice to the railroads, the Senator ought not to say that the railroads have been greatly handicapped by statutes that we have enacted from time to time, and which, when the roads were taken over by the Government, the Director General, with a stroke of the pen or in some other way, practically wiped off the statute books, thus giving himself a free hand to do what the railroads could not do because of our legislation?

Mr. JOHNSON of California. Mr. President, I thank the Senator for the suggestion. I will write with just as much gentleness and with just as tender a hand the obituary of private management in the United States; and I am perfectly willing to concede in this obituary that the railroad companies have had many, many difficulties—those suggested by the Senator from New Hampshire and others as well—to surmount, and that with all these difficulties they have not been able to do the

job, and the Government of the United States is doing the job to-day; and praise God, Senators, it is the United States Government that is going to do the job for all time now.

Mr. GALLINGER. But, Mr. President, the Senator will admit that the Government is doing the job because the Government has removed the obstacles to which I called the Senator's attention.

Mr. JOHNSON of California. Mr. President, I am perfectly willing to admit anything that will add to the occasion or that will in any way soften anything that may be said concerning the railroad situation, and that the Government can do things, like the removal of obstacles and the like, suggested by the Senator, which the railroads could not do. Very freely and very gladly do I concede it.

The objection most frequently voiced on both sides of the Chamber to Government ownership is that politics would play an important and injurious part in the management of the roads. When I advocate Government ownership and management under the present administration, even though I oppose this bill, my friends across the aisle, I presume, will acquit me of partisanship. Indeed, my insistence upon this policy evinces a confidence in the present administration which, I am shocked to say, I do not find readily and enthusiastically seconded by my Democratic brethren. I have little or no fear of the politics which might be done in a Government-owned road.

In the State which I have the honor to represent we have had our experience in the kind of politics done under private management and by the efficiency of private management of railroads. We have seen there only the replica of what has occurred in many States, a great transportation company, as a short cut to governmental favors, taking possession of the Government itself. We saw there for a period of nearly 40 years every political office in the gift of that railroad company. We saw legislatures and courts corrupted and a power within the State which used the State as a mere appurtenance to a railroad system. We saw the kind of politics which led men to the polls like sheep to the shambles, which made the very bread and butter of women and children depend upon the ticket a railroad employee should vote. We saw the most beautiful State in all this Union honeycombed with corruption and a people second to none on earth cowering under a political and commercial terrorism.

Mr. President, I will risk any kind of politics under Government ownership rather than the politics I have seen under private ownership.

I was astonished the other day, when listening to the debate upon this floor, to hear it stated that employment in the railroad service under the Government of the United States would destroy the initiative of men, would chill the ambition of individuals, and would prevent the real service that is designed to be given by men who enter into that particular avocation. I deny that this is so. Why, Senators, why are you here and why am I? Why do we sit here in the rigors of winter and in all the horrors of the hottest part of a Washington summer? Are we sitting here with ambition chilled because we are Government employees, or are we sitting here for the reasons that will actuate men when they enter the employment of the Government in the railroad service—sitting here because, after all, back in the mind of every American citizen is the hope that he may say, when the time comes after his limited period in this sphere: "I have done something of good; I have not lived in vain"? And these men who go into the Government service, working for the railroads of the Nation, will have the same ambition, the same desires, the same initiative, that you see evinced every day in the service of the Government.

Chill the ambition of men because they work for the State? What a singular and remarkable doctrine to be announced upon the floor of the United States Senate! Why do my friend here and my friend here leave incomes of hundreds of thousands of dollars a year, sacrifice practically everything financially, that they may come here for $7,500? They come here for the very reason that you will find the best and the bravest and the ablest in all the engineering world, the best and the ablest and the bravest there are in every walk of life, go into the Government service, to perform something not alone for the individual, but to do the higher thing—the thing, thank God, that all of us are here to do—to do something as well for our people and for our country.

Chill ambition, Mr. President? Destroy initiative? Not so; not so at all. Politics in a nationally run railroad? Why, the first manager of a nationally run railroad that dared discharge a single man for politics would be swept from official life by an overwhelming flood of public opinion that would brook no opposition. Politics in a nationally run railroad wherein the employees were directed under civil service, as of necessity these would be? Politics? Politics?

Ah, I fear that they do not distinguish between different kinds of politics, these who inveigh against the politics that may exist under public management and the awful politics that we have seen under private "efficiency" and private management.

I come from a city of more than half a million inhabitants. Side by side with the privately owned street railway is that of which we are most proud, our municipally owned railway. I was delighted to go from the capital of the State to do what little I could in the great struggle that we had for municipal ownership in that city. We then had every argument advanced against municipal ownership that has been announced in this Chamber in the last week against Government ownership of the transportation systems of the country; every single argument, running the gamut from the horror of the loss of private initiative and from the terror of politics in the management of the roads to the expense and the trouble and the difficulty and the inefficiency of public management. We won, finally, in our fight before the people. To-day, side by side with the privately owned road is the municipally owned road of the city of San Francisco. Where is the efficiency? Ah, the efficiency is conceded to be with the municipally owned road; and, as they run side by side, the municipal road is run better, is run more cleanly, is operated infinitely better in every respect, is admittedly the superior of the privately owned road, and it pays its men higher wages, it gives them less hours of labor, it makes a greater profit, than the privately owned road.

I recognize, of course, Mr. President, that the comparison is but slight between a municipally owned street railway system and the great transportation system of the Nation. Nevertheless, the analogy is there. Politics in that municipal road? Why, in the city of San Francisco, of varied politics and of experiences, indeed, the most bizarre of any city in America, during the time we maintained a municipally owned road a man has not dared to go to that road and try to inject it into the politics of the city, or try to make of its employees mere political puppets. Say this, if you can, of the privately owned road.

My State is not alone in these experiences. I gathered together to present to you to-day the story of various railroads in this Nation. I found that the material at hand was so great that within the limits of no ordinary effort could I hope to present even an outline of the facts. I would like to read you the fascinating story of Charles Francis Adams of the Erie road. I would like to put into the RECORD the original agreements which he for the first time presented to a startled Nation. I would like to tell you the story of the New Haven road, of its wild finance, of railroad wreckers and of railroad reorganizers. If time permitted I would like to dwell with you upon the Union Pacific and the Southern Pacific and the New York Central, and I would like to point the moral from the story of all these privately owned railroads—the moral that every man to-day ought fully to understand. The tale of private management is a sordid and a wretched and a wicked and a cruel tale. It is the story of greed and avarice, of plunder and wrong and corruption.

Gentlemen upon this floor have said all this is of the past. Perhaps it is, perhaps it is not. You had your experience. You know what it means. The results you understand. In the kaleidoscopic events that are now transpiring, none can foresee into the dim and uncertain future. With the experience before you, with your knowledge of what private management has meant in the past, with your clear perception of its possibilities for wrong and for evil, with the demonstration to-day of its inability to do the big job, with the doubtful success of regulation alike proclaimed by railroads and regulators, why hesitate in the inevitable course, the course which, despite you and me, will, nevertheless, be the course pursued.

I would not have you believe that all private management is of the sort which I have here condemned and to which I have here adverted. There are many railroads privately managed fairly, honorably, and justly. I am not condemning, by what I have said, individuals at all. I would protect investors in legitimate railroad securities to the uttermost limit; and nothing better demonstrates how governmental action does protect the value of railroad securities than the sudden and remarkable jump in all the railroad stocks on the 27th of December last, when the President proclaimed the seizure of the roads. I have been condemning the system, the system which has made possible the wreckage and wrongs, the corruption and infamy, and the system has been painted so often, its true story so frequently portrayed, that I have hesitated by specific instances to demonstrate what is now common knowledge of all Americans.

We have paid the price of private ownership. We have paid the price of private ownership in millions of acres of our best farm lands. We have paid the price in our forests, in our coal deposits, our lands gushing with oil. We have paid the price in building up overnight fabulous fortunes, used for the undoing

of the State. We have paid the price in handicapping our own people, in distorting our public and our private economy, in corrupting our political life, and in tainting the very fountain head of justice. We have paid the price of private ownership in this Nation, and no matter what may be the attitude of any of us to-day, despite barriers or obstacles, the Nation is marching straight to the goal of public ownership, and the people at last will come into their own.

Mr. FRELINGHUYSEN. I beg leave to submit an amendment to the pending bill. I ask that it may be printed and lie on the table.

The PRESIDING OFFICER. It will be so ordered.

Mr. ROBINSON. I wish to offer the following amendment to the pending bill. I ask that it may lie on the table and be printed.

The PRESIDING OFFICER. It will be so ordered.

Mr. SHERMAN. Mr. President, I wish to notify the Senate that if conditions permit I shall to-morrow discuss the pending bill. I shall support the bill as reported by the committee. I am not prepared to go on this afternoon. I have been unavoidably absent from the Senate for nearly a week.

Mr. NORRIS. Mr. President, I was very much pleased when the President took over the railroads of the country. There can be no doubt but that our system of transportation had broken down, and he was entirely justified in taking possession. The pending bill is not of legislative origin. It comes to us from the President, and provides for the method of payment by the Government to the railroad companies for the use of the railroads while the Government holds possession. Every honest person must concede that the railroads are entitled to fair and just compensation for the use of their properties. To give them less would be not only unconstitutional but unjust, both in equity and in morals. To give them more than just and honest compensation is unfair and unjust to the people who must pay the taxes. Every man, woman, and child in the country has a direct interest in the question of transportation. There is nothing that we eat, wear, or use in any way but part of its cost is transportation.

It enters into the expense of our daily life. There is no way to escape it. Every person who wears clothes, eats food, or burns fuel contributes to the great transportation systems of our country. Transportation is, therefore, a tax. Disguise it as you may, cover it up as you will, the fact remains nevertheless that all freight charges are as much a tax upon all of the people as though they were levied directly by legislative authority. Its importance, therefore, can not be overestimated. To increase the taxes, either directly or through this indirect method of paying the railroads, except to such an extent as may be absolutely necessary, is not only unwise and unjust, but it is fraught with the gravest dangers and will interfere seriously with the great work that is now before us of prosecuting the war.

The present bill authorizes the President to make agreements with the railway companies by which the Government shall pay for the use of railroad properties during the period of Government possession and operation the average net operating income of such roads for the three-year period ending June 30, 1917. I regret exceedingly that the President has selected and the committee in reporting the bill has approved years that will result in paying to the railroad companies an income very much in excess of that to which they are fairly and justly entitled as public carriers.

Mr. President, there are no three consecutive years in our history outside of those selected that would bring as large a return to the railroads as the three years ending June 30 last. This plan will result in giving to the railroad companies a much larger income than is fair and just and an income much greater than they have been receiving in normal times. Years have been selected during which the railroad traffic was greater than any other years in the history of the country. The selection of these years by the President and the approval of such selection by the committee reporting the bill will result in the placing of an obligation upon an already overburdened people that can not be justified as a fair and equitable distribution of the burdens of taxation.

As illustrating how the proposed plan will actually work out in practice, let us take a few of the well-known railway systems of the country and see what the result will be as to them: In the East we will take the New York Central and the Pennsylvania Railroad. Under this proposed system the payment the Government will be required to make to the stockholders of the New York Central Railroad is an annual dividend of 12.96 per cent.

The Pennsylvania system is composed of the Pennsylvania Railroad Co. and the Pennsylvania Co.; one operates the lines east of Pittsburgh and the other the lines west of Pittsburgh. Under the pending bill the Government would be required to pay the Pennsylvania Railroad Co. a dividend of 8.93 per cent and the Pennsylvania Co. a dividend of 11.92 per cent. In the southern part of the country the Government would pay to the Illinois Central Railway Co. a dividend of 11.33 per cent; to the Louisville & Nashville Railway Co. a dividend of 16.75 per cent; to the Chesapeake & Ohio Railway Co. a dividend of 9.31 per cent; and in the mid-western section of the country the stockholders of the Union Pacific Railway Co. would receive a dividend of 9.64 per cent; of the North Western Railway Co. a dividend of 10.18 per cent; and of the Burlington Railway Co. a dividend of 22.05 per cent.

These great systems are illustrations of how the plan would work out. Other railroad companies would receive less, and many of them would receive a much larger dividend. In order to determine the exact amount that under the pending bill, under such an agreement, would be paid to practically any railroad in the United States I desire to insert at this point a table prepared by the Bureau of Statistics, Interstate Commerce Commission, naming the railway companies whose average net income to capital stock has been more than 5 per cent during the three years ending June 30, 1917, and showing what each one of them would receive under the proposed guaranty. It is a table, as I said, prepared by the Bureau of Statistics of the Interstate Commerce Commission, and it is included in the minority report submitted by the Senator from Iowa [Mr. CUMMINS]. I ask permission to insert it at this point without reading.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Without objection, it is so ordered.

The table referred to is as follows:

Road.	Capital stock actually outstanding (average for the 3 years ended June 30, 1917).	Average net income for the 3 years ended June 30, 1917.	Average per cent of net income to capital stock.
EASTERN DISTRICT.			Per cent.
Pennsylvania R. R. Co	849,195,567	844,884,079	8.93
New York Central R. R. Co	249,676,198	32,367,249	12.96
Baltimore & Ohio R. R. Co	240,409,812	12,285,229	5.11
Pennsylvania Co	80,000,000	9,537,850	11.92
Philadelphia & Reading Ry. Co	42,481,700	10,916,875	25.70
Delaware, Lackawanna & Western R. R. Co	42,320,400	13,890,560	32.83
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co	67,511,723	4,558,593	6.75
Lehigh Valley R. R. Co	60,608,000	7,169,989	11.83
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co	57,027,200	5,048,992	[illegible]
Michigan Central R. R. Co	16,795,400	3,463,464	18.48
Central R. R. Co. of New Jersey	27,490,800	5,536,775	20.25
Delaware & Hudson Co	42,592,000	5,437,547	12.79
Philadelphia, Baltimore & Washington R. R. Co	25,5[illegible],000	2,941,186	11.50
Pittsburgh & Lake Erie R. R. Co	31,991,200	7,537,921	23.56
Elgin, Joliet & Eastern Ry. Co	10,000,000	943,230	9.45
Maine Central Ry. Co	18,198,317	1,605,075	8.82
Buffalo, Rochester & Pittsburgh Ry. Co	16,500,000	1,560,021	9.45
Bessemer & Lake Erie R. R. Co	500,000	3,236,080	647.22
Chicago & Erie R. R. Co	100,000	70,449	70.45
Hocking Valley Ry. Co	10,999,500	1,313,129	11.94
West Jersey & Seashore R. R. Co	10,317,983	691,139	6.70
Central New England Ry. Co	8,547,200	717,505	8.40
New York, Philadelphia & Norfolk R. R. Co	2,500,000	893,808	35.74
Rutland R. R. Co	9,150,900	575,651	6.29
Bangor & Aroostook R. R. Co	4,079,067	337,808	8.28
Cumberland Valley R. R. Co	5,333,550	1,280,684	24.01
Kanawha & Michigan Ry. Co	9,000,000	991,065	11.02
Lehigh & New England R. R. Co	6,000,000	819,732	13.66
Chicago, Terre Haute & Southeastern Ry. Co	4,300,000	234,761	5.46
Lehigh & Hudson River Ry. Co	1,340,000	374,915	27.98
Monongahela Ry. Co	3,809,333	352,809	9.26
Cincinnati Northern R. R. Co	3,000,000	288,573	9.62
Port Reading R. R. Co	2,000,000	182,647	9.13
Detroit & Toledo Shore Line R. R. Co	1,428,000	346,720	24.27
Buffalo & Susquehanna R. R. Corporation	7,000,000	496,202	7.09
Staten Island Rapid Transit Co	500,000	160,119	32.02
Detroit & Mackinac Ry. Co	2,950,000	218,976	7.42
Total eastern district	1,599,322,780	182,921,748	11.48
SOUTHERN DISTRICT.			
Illinois Central R. R. Co	109,298,114	12,383,882	11.33
Louisville & Nashville R. R. Co	72,000,000	12,056,800	16.75
Norfolk & Western Ry. Co	138,580,887	17,242,810	12.44
Chesapeake & Ohio Lines	62,788,000	5,848,431	9.31
Atlantic Coast Line R. R. Co	68,784,700	7,424,004	10.80
Central of Georgia Ry. Co	20,000,000	1,878,570	9.39
Nashville, Chattanooga & St. Louis Ry	15,994,851	2,173,426	13.60
Mobile & Ohio R. R. Co	6,016,800	886,057	14.70
Cincinnati, New Orleans & Texas Pacific Ry. Co	5,443,460	2,448,928	44.99
Florida East Coast Ry. Co	10,823,233	1,093,341	10.05
Alabama Great Southern Ry. Co	11,210,350	1,394,248	12.17
New Orleans & Northeastern R. R. Co	6,000,000	646,449	10.77
Richmond, Fredericksburg & Potomac R. R. Co	1,315,067	979,486	22.79

Road.	Capital stock actually outstanding (average for the 3 years ended June 30, 1917).	Average net income for the 3 years ended June 30, 1917.	Average per cent of net income to capital stock.
SOUTHERN DISTRICT—continued.			*Per cent.*
Georgia Southern & Florida Ry. Co.	$3,768,000	$222,186	5.90
Charleston & Western Carolina Ry. Co.	1,200,000	260,036	21.67
Gulf & Ship Island R. R. Co.	7,000,000	373,070	5.33
Alabama & Vicksburg R. R. Co.	2,100,000	360,744	17.18
Washington & Southern Ry. Co.	4,000,000	348,841	8.72
Atlanta & West Point R. R. Co.	2,483,800	292,922	11.80
Western Railway of Alabama	3,000,000	251,851	8.39
Total	554,745,062	68,636,910	12.37
WESTERN DISTRICT.			
Atchison, Topeka & Santa Fe Ry. Co.	332,323,877	32,230,091	9.70
Southern Pacific Co.	272,725,259	17,983,726	6.60
Chicago, Milwaukee & St. Paul Ry. Co.	233,235,167	14,336,643	6.15
Chicago, Burlington & Quincy R. R. Co.	110,839,100	24,444,045	22.05
Chicago & North Western Ry. Co.	157,591,852	16,043,315	10.18
Great Northern Ry. Co.	249,361,896	24,021,687	9.63
Northern Pacific Ry. Co.	247,982,000	24,287,781	9.87
Union Pacific R. R. Co.	321,835,100	31,018,328	9.64
Minneapolis, St. Paul & S. Ste. Marie Ry.	37,810,200	4,571,790	12.09
Oregon Short Line R. R. Co.	100,000,000	9,381,016	9.38
Texas & Pacific Ry. Co. (Rec.)	38,755,110	2,548,330	6.58
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	29,815,000	2,854,452	9.57
Duluth, Missabe & Northern Ry. Co.	4,112,500	4,693,088	114.12
El Paso Southwestern Co.	25,000,000	2,190,198	8.76
Houston & Texas Central R. R. Co.	10,000,000	1,088,368	10.88
Duluth & Iron Range R. R. Co.	5,333,333	2,040,987	38.27
Fort Worth & Denver City Ry. Co.	9,243,900	1,295,029	14.03
Panhandle & Santa Fe Ry. Co.	604,500	389,097	64.37
St. Louis, Brownsville & Mexico Ry. Co.	500,000	263,544	52.71
Chicago, Rock Island & Gulf Ry. Co.	469,000	83,685	17.84
Bingham & Garfield Ry. Co.	6,171,667	1,405,681	22.78
Louisiana Western Ry. Co.	3,360,000	802,084	23.89
Nevada Northern Ry. Co.	2,000,000	879,907	43.99
Vicksburg, Shreveport & Pacific Ry. Co.	4,999,300	299,634	5.99
Houston East & West Texas Ry. Co.	1,920,000	234,199	12.20
Cripple Creek & Colorado Springs Ry. Co.	757,000	171,612	22.67
Colorado & Wyoming Ry. Co.	100,000	162,638	162.64
Wichita Valley Ry. Co.	1,020,000	117,936	11.56
Arizona & New Mexico Ry. Co.	2,770,000	237,614	8.58
Total	2,210,635,611	220,076,073	9.95

Mr. NORRIS. It will be observed that this table includes practically every railroad in the United States. It might be well to remember also in passing that, taking the country as a whole, a little more than one-half of the stock of the railroads in the country was originally issued without any consideration and represents nothing but water. It must be remembered, also, that the income shown in this table is the net income, and represents just what would be paid to the stockholders after all the expenses including taxes, and so forth, have been paid. It does not, however, include income derived from other sources than operation. In some instances this income represents a large amount of money. Income derived from the sale of lands, income from leases, and so forth, would be in addition to the amount named in the table. The pending bill also contains a provision giving the President authority to make agreements in regard to the payment by the Government to railroads that did not make or declare dividends during the three-year period selected. He is authorized to make agreements with such roads, paying them whatever in his judgment is just.

We must remember also that the bill provides that the Government while it has possession of the roads shall keep them in repair and return them to the owners in as good a condition as they are now. There is also a provision that any road not satisfied with the allowance made by the President shall have the right to go into court in order to collect whatever it may be able to prove a just and fair allowance. I mention this provision not in criticism, but to show that those roads which did not pay dividends during the period selected will be paid a fair and just income, and therefore the aggregate paid to all the railroads of the country is liable to be in excess of the amounts that will be derived from the percentages contained in the table.

We are now engaged in the most gigantic undertaking that has ever been presented to our people. Our Government is demanding of its citizens sacrifices of all kinds and almost without limit. Every patriotic citizen is backing up the Government in carrying on this great war. All of our people are united in a determination that the war must be won at any cost. Whatever sacrifice it is necessary to make must be made and is being made willingly and without hesitation. From all over the country, from the workshop, from the farm, from the counting house, from the professional office there comes a patriotic willingness to sacrifice in every possible way in order that victory may come to our arms.

Our people are buying fewer clothes, eating less food, giving up luxuries, and many of the necessaries of life, in order to help sustain our brave boys in the trenches. No patriotic citizen is willing to permit anything to stand in the way of our success, and the success which we all demand is that militarism shall receive its death knell, that conquest and subjugation of peoples shall be a thing of the past, and we will not lay down our arms until a peace lasting and permanent shall have been attained.

This is a gigantic task and it requires the cooperation and assistance of every patriotic citizen everywhere under the flag. Our people have responded with a willingness and a determination to win the war at any cost, unsurpassed in the history of the world. We are a united people behind our Army. We must remain united. Nothing must be done by those in control of the Government that will have any tendency to create dissatisfaction or any feeling that any class of people is enabled to make money out of the sacrifices of their fellow men. No man, no set of men, no partnership, no corporation has a moral right to make an unreasonable or unconscionable profit out of any industry connected with the war, if by so doing the burdens of the great bulk of our people are increased. Our Government has asked its people to subscribe billions of dollars in bonds drawing 4 per cent interest. We are going to ask them to subscribe additional sums, to make additional sacrifices. The Government ought to be able to go before the people when it asks for such sacrifices with clean hands. It should be able to say that no act of legislation or of administration has willingly or consciously been the means of permitting profiteering at the expense of honest citizenship.

We have asked the children to donate their pennies and their childish savings to the Government in the way of buying thrift stamps. What will be the result when we make the next drive for bond subscriptions, when we go into a town along the Pennsylvania Co. lines, and ask the laborer to further economize in order that he may have money to loan to the Government at 4 per cent? Will we tell him, when we ask for his subscription, that the railroad company running by his door has been guaranteed by the same Government asking a subscription from him a net income of practically 12 per cent on all stock of that company?

Will we go out upon the fertile plains of Nebraska and meet the farmer who is returning after dark from 12 to 14 hours' labor, producing food for our Army and the armies of our allies, and ask him to subscribe for more liberty bonds, without explaining to him that the money we borrow from him at 4 per cent interest is going to be used in part to pay the Burlington Railroad that passes his farm an income of over 22 per cent? Will we explain to the children living along the Louisville & Nashville Railroad in the South that the pennies which we borrow from them in the sale of thrift stamps are to be turned over to the Louisville & Nashville Railroad Co. in order that the stockholders of that corporation may receive a net income of nearly 17 per cent?

Is our action in giving legislative approval to the President's wish going to have a tendency to satisfy the great bulk of the American people and keep them united and willing to sacrifice still more, or will it have a tendency to create dissatisfaction and even complaint among the millions of citizens who feel that sacrifice should not be confined to one class of people only, but that it should be extended to every association and corporation throughout the length and breadth of the land? To my mind, we are taking a step that is liable to be construed by honest-minded people as a legal protection to profiteering on the part of the transportation companies of the country. Such a step will not unite our people. It will not have a tendency to increase the patriotic spirit that is so necessary and essential in winning this war, and while I do not believe that such a step will prohibit our patriotic citizenship from doing their best and doing their all, yet it will leave in their minds a sense of injustice that when this awful conflict is over will bear its fruit, and may have a tendency to swing the pendulum too far the other way and demand the exaction that will bring down upon the heads of honest men and honest business destruction and devastation.

Another objectionable provision of the bill is that it gives to the President the power to make and change freight rates at his discretion. There is no reason why the law on this subject should be changed. Under existing law the Interstate Commerce Commission has power to regulate the rates, and when a carrier desires to increase a rate it must first file the proposed increase with the Interstate Commerce Commission, and the

Interstate Commerce Commission determines after a hearing, either on its own motion or on the application of shippers, whether such increase is justified and should be allowed. In the meantime the new proposed rate does not go into effect. Under the pending bill the President can change or increase a rate at any time, and the change so made goes into effect at once and remains in effect until changed by legal authority. It provides, in substance, that after the President has made a rate anyone feeling aggrieved can appeal to the Interstate Commerce Commission, and if after a hearing the Interstate Commerce Commission thinks the rate made by the President is unjust it can modify the rate or change it back to the original rate. Everyone familiar with appeals in courts and tribunals knows what this means. With the large amount of business before the Interstate Commerce Commission it would mean that, so far as this part of the bill is concerned, there would be no practical relief. The delays, the time, and the expense necessary to carry on such an appeal, particularly when the Government, represented by the President, is on the other side, is an undertaking that any citizen or group of citizens might well shrink from going into. This feature is not the only objection to this provision. Without imputing to the Interstate Commerce Commission any intention of doing anything that is not fair or just, it is asking a great deal of them, whatever the evidence may disclose, to overrule the President of the United States, the man who gave them their positions and who has power to retire them to private life if their terms expire while he remains in office. It is like commencing an action in the appellate court and having the judgment of that court reviewed by the inferior court. It is like appealing from the judgment of the judge to the judgment of his clerk, whom the judge appointed to the position.

It is unnecessary, as I have said, to confer this rate-making power upon the President. It is unwise to do it, even though he asks it. He is already overburdened with authority, and it is a recognized fact that he will not be able to give his personal attention to the details of rate making. He could not do it if he wanted to. He will not be able to do it even if he desires to. Moreover, it is not a power necessary to vest in the President in order to carry on the war or to coordinate the different functions of governmental agencies. When he acts on this authority he will necessarily have to act through other people. The place where he would naturally go for his information would be to the Interstate Commerce Commission, and if it is the intention that the President shall get his information from the Interstate Commerce Commission, then why take such a round-about course? Why not permit the Interstate Commerce Commission, the best posted tribunal on railroad rates, to have original jurisdiction and to do as they now have authority to do in the rate-making function. If the theory is that the President will get his information from the Interstate Commerce Commission, then why go through the formality of providing for an appeal from the President to the commission. The freight rate making power is an extremely important function of the Government. It practically affects the cost of living of all our people. And this is true, whether they are actually engaged in shipping freight or not. It is true of the man who never sees a railroad. It is true of the little child too young to participate in governmental affairs. It has a vital influence upon our part in the great war struggle. It may spell the difference between success and failure. It affects the comfort and the happiness of all, and enters minutely into the very existence of our people. This is a power we should not give to the President, and I regret more than I can say that he has asked us to do so.

I will not go into a further discussion of the bill, although I think there are other features that are objectionable and others that are commendable. I have only pointed out the two objection which, in my judgment, are the most important. I realize the importance of the legislation, but there is no question in it that must necessarily be decided in a day. Even if the bill were defented, it would not interfere with the management of the railroads. The Government has possession of the roads, and if the method of compensation and the rate-making power were not passed on at once, it would not interfere with the Government's control and management. The railroads ought to be paid a fair and just compensation for their use. We could not take away this right, even though we wanted to, and so far as I am aware, no person, either in the Senate or out of it, has any desire to do anything but justice and equity to our railroads, as we want to do equity and justice to all our people. More than this they have no right to ask, and more than this we should refuse to give. It is important that we protect them in all their rights, but it is equally important that we protect the already overburdened taxpayers of our country from unjust and unfair taxation.

Mr. THOMPSON. Mr. President, in support of the amendment which I have introduced, which is similar to one offered by the Senator from South Dakota [Mr. JOHNSON], to restore the original language of section 13 of the bill, which does not fix a time limit when the railroads must be turned back to private ownership, I desire to present, and to have printed as a part of my remarks, a petition from the national legislative representatives of the railroad brotherhoods, representing about 2,000,000 employees of the railroads.

The PRESIDING OFFICER. Without objection, it is so ordered.

The petition referred to is as follows:

To the Members of the Senate and House of Representatives of the United States:

Being fully cognizant of the seriousness of the crisis confronting our country, and realizing the dangers besetting our liberties, it is the honest, earnest desire of the railroad employees to give our full, loyal, and united support to our Government, and to make certain, clear, and decisive the conclusion of our aims. Therefore we desire to make effective all the agencies of the Government, and we fully appreciate that the question of transportation is one of the important factors at this time.

While we are pledged to, and hereby reaffirm our pledge of, loyalty and whole-hearted support to our country, our Government, and our President during this war, we are aware of the seriousness of the situation that inevitable must follow immediately after the close of hostilities in the readjustment of conditions. In the United States; and whereas the Government of the United States has, by proclamation of the President, assumed control of the transportation systems for the period of the war, with which we are in accord, we believe that full time should be given after the close of hostilities to enable just, fair, and impartial determination of the proper methods of adjustment of the rights and equities of the public, the owners of the transportation lines so taken, and of the employees thereof, and as representatives of nearly 2,000,000 employees of the railroads of the United States, we most earnestly and respectfully petition the Congress of the United States not to fix a time limit at which the railroads must be turned back to private ownership, leaving this question for future determination, and thereby giving ample time for the adjustment of matters growing out of the temporary control of same with equal justice to all parties at interest.

Very respectfully,

H. E. Wills, A. G. C. E. and national legislative representative Brotherhood of Locomotive Engineers; F. J. McNamara, vice president, national legislative representative, Brotherhood of Locomotive Firemen and Enginemen; W. M. Clark, vice president, national legislative representative, Order of Railway Conductors; W. N. Doak, vice president, national legislative representative, Brotherhood of Railway Trainmen; A. O. Wharton, president railway-employees department, American Federation of Labor; Martin F. Ryan, grand president Brotherhood Railway Carmen of America; J. A. Franklin, president International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America; F. J. McNulty, president International Brotherhood of Electrical Workers; James J. Hynes, president Amalgamated Sheet Metal Workers International Association; J. W. Kline, president International Brotherhood of Blacksmiths and Helpers; William H. Johnston, president International Association of Machinists.

Mr. THOMPSON. Mr. President, I wish to say that I heartily agree with the action of the President in taking over the railroads during the war, and I am consequently in favor of the pending bill to enable the President to carry out his patriotic purpose to operate them in the best interests of the Government.

I have observed for a number of years the gradual growth of sentiment in this country for Government ownership not only of railroads but of all public utilities, and, so far as I am personally concerned, it can not come too soon to suit me. This has been occasioned largely by reason of the fact that the management of the railroads has failed to recognize the rights of the people and the interests of the public in the control and operation of the roads. But whether the American people are quite yet prepared for this great change, to pay the price, and to assume the necessary obligations which would result therefrom, is a debatable question which can not be settled in emergency legislation in time of war. Now, however, that the Government has control of the railroads, I am in favor of giving Government control and operation a thorough and complete trial, not only in time of war but in time of peace. I think, therefore, that there should be no time limit as to when the railroads should be returned to their owners, but that we should meet that question when we get to it in the general readjustment of things after the war. The great task before the American people to-day is that of winning the war. It does seem to me that if Government ownership proves advantageous to the public in time of war, under the extreme difficulties of operation, it would prove of even greater benefit to the people in time of peace, when more attention could be given to the individual citizen and less attention given to the requirements of the Government.

Mr. TOWNSEND obtained the floor.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, N. Mex.	Phelan	Swanson
Bankhead	Jones, Wash.	Poindexter	Thomas
Borah	Kellogg	Pomerene	Thompson
Calder	Kendrick	Robinson	Tillman
Cummins	Kenyon	Saulsbury	Townsend
Curtis	Kirby	Shafroth	Trammell
Dillingham	Knox	Sheppard	Underwood
Fernald	Lewis	Shields	Vardaman
Fletcher	McNary	Simmons	Wadsworth
France	Nelson	Smith, Ga.	Warren
Gronna	New	Smith, Mich.	Weeks
Hale	Norris	Smith, S. C.	Wolcott
Harding	Nugent	Smoot	
Henderson	Overman	Sterling	
Johnson, Cal.	Page	Sutherland	

Mr. LEWIS. Mr. President, I rise to announce the absence of the Senator from Kentucky [Mr. JAMES] and of the Senator from Oregon [Mr. CHAMBERLAIN] because of personal illness.

Mr. GRONNA. Mr. President, I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to serious illness in his family.

Mr. McNARY. I desire to announce the absence of my colleague, the Senator from Oregon [Mr. CHAMBERLAIN], on account of illness.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the Senator from West Virginia [Mr. GOFF], on account of illness.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. There is a quorum present. The Senator from Michigan will proceed.

Mr. TOWNSEND. Mr. President, as I stated yesterday, I have no particular desire to speak on this measure for the purposes of the RECORD. I have, however, for many years been especially interested in the so-called railroad problem, and being a member of the Interstate Commerce Committee, which has this matter directly in charge, and having some ideas on the subject, I have concluded to submit them to the Senate. I realize, however, that much of what I shall say will be of very little use unless Senators themselves shall follow me in the analysis or comparison which I shall make between the bill and the substitute which I have offered. I present this substitute not as being an expression of my views as to what the bill should be. My purpose has been not to change the pending bill in its intent but to make clear that intent. It becomes my duty in this regard to criticize, but not captiously, the measure under consideration in order to disclose its defects, to the end that they may be corrected. I believe that a careful study of the substitute will convince Senators that it makes clear the intent of the committee.

This legislation has its origin in the act of August, 1916, by which Congress authorized the President to take over the railroads of the country. That authority provided that they should be taken over by the war power through the Secretary of War. The President, however, vested the control of the roads in the Secretary of the Treasury. I do not wish to be understood as saying that the President did not have the right to vest this authority in the Secretary of the Treasury instead of in the Secretary of War, if he saw fit to do so, but the act was passed on the theory that it was a war measure and therefore had relation—and, as Congress understood it, had sole relation—to the question of war. I did not understand at the time, although I am not complaining now at the different interpretation placed upon the act, that it was intended as a general provision to take over the railroads of the country for every conceivable purpose. I though that Federal control was to be exercised in order that the railroads of the country might more efficiently handle the war material, the troops, and other things connected with the war. I doubt if anyone would have thought favorably at the time the act was passed of a proposition to make the Secretary of the Treasury Director General of the Railroads.

The Secretary of the Treasury already had a very large job, indeed he had several large jobs on his hands. It would seem that his duties as Secretary of the Treasury would be quite sufficient to occupy one man's time—even the very ablest man in the country. But he was not only the head of the Treasury Department, which will have in charge the raising of from ten to twelve billion dollars in cash between this and the 1st day of July, and which has upon its hands the greatest financial responsibilities ever known to any Secretary of the Treasury since Hamilton's time, but he was also at the head of the Federal Reserve Board, he was chairman of the War Risk Insurance Bureau, and he is about to be placed in charge of the finance corporation, to be created by Congress. This power in August last was vested by Congress in the President, and it was believed by all at that time, I think, that the officer named in the bill—the Secretary of War—would be the person who would exercise the war power. But the President saw fit to vest that function in the already overworked Secretary of the Treasury. I do not wish to criticize the ability or the character of the Secretary of the Treasury, but I simply wish to state the fact that two positions, the duties of each requiring almost a superman to perform, in this crisis have been placed upon Secretary McAdoo.

This is an administration measure. It originated not in the Congress; it was not drawn by a Member of Congress or by any committee of Congress; it was prepared in the Treasury Department, and presented to Congress as a war measure. There are three features of the bill which provoked a good deal of discussion before the committee, and practically only three. One is the provision relative to the compensation to be paid the railroads; another was the question of rate making during Federal control; and the third had relation to the duration of the period of Federal control. On these three subjects there was prolonged discussion before the committee; and upon two of them, I think I can state without betraying any confidence—because outsiders were present before the committee—the committee was deadlocked, namely, the period of Federal control and the question of rate making. So the provisions that appear in the bill relating to these two subjects were the result of a compromise, satisfactory, I think, to no one. I know the two conferees who prepared it were not satisfied with it, but it was the best they could do to harmonize the conflicting differences of opinion between the two factions of the committee which they represented.

Personally, I believe that the compensation provided in the bill is too great. I do not know, however, whether or not it is greater than a court would allow to the railroads under the conditions. I apprehend that if the railroads had resort to the courts to determine what compensation they should receive the courts would decide the matter under existing conditions. They would not, in my judgment, take into consideration the various theories which have been advanced here as to what is just compensation to a railroad company in time of peace. Evidently, in my judgment, the railroads would be entitled to receive what the courts would find they would have probably earned had not Federal control occurred. Yet, believing as I did and as I do believe that the compensation is too great, nevertheless I had in mind that this was emergency legislation and that the compensation provided would continue only during the war and that a basis of agreement between the railroads and the President must be provided, I consented to this provision of the bill.

An agreement was thought desirable in order that the matter might be expedited and the question promptly settled for the good of the country. It is evident that if the Congress proposed a compensation which the railroads believed was much less than they would receive at the hands of a court, they would not accept it, and the question, therefore, would be left unsettled. I consented, however, to the provision relative to compensation on the theory that the other provisions of the bill would be adjusted in a manner which would minimize the compensation feature. For instance, I did not wish this compensation to be paid to the railroads a day longer than the Government holds control of the roads. I recognize, of course, the force of the argument that it might require some little time to adjust matters incident to turning the roads back to their owners, and perhaps provision should be made for that; but when I supported the compensation provision I had no idea that the term of control would be left indefinite or extended to as long a period as 18 months.

I know it is argued here that some time should be allowed for Congress to enact legislation to correct existing conditions—that is, conditions that have been recognized as bad in times of peace—but I wish to say to those Senators who advance that argument that they voted for and put into this bill a provision that the railroads may be turned back any day by the President of the United States before July 1, 1917, and at any time thereafter by agreement with the railroads he may turn them back. No time is required to elapse before the President may release them to their owners. Senators who are making the argument that it would require much time have evidently forgotten that provision in the bill. I can see no reason, so far as war is concerned—and this is a war measure—why these roads could not be turned back to their owners inside of three months, or six months at the outside.

I do not care to discuss the question of Government ownership. It is not properly involved in the bill. It has no place here, but should be considered when it is presented upon its merits uninvolved in coercive emergency war legislation. I say now, as I said to the committee, when that question comes up on its merits, I shall be prepared to meet it; but I object to writing into a bill, known as a war measure, legislation which does not affect the war and which might not be enacted in time

of peace. Yet I shall attempt to show before I am through that there are several provisions in this bill that were put in because there was an opportunity to put them in, and thus to provide, through Executive order, for legislation that Congress had failed to enact in time of peace, but which its proponents feel they can engraft onto a war-emergency bill.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. I yield.

Mr. JONES of Washington. I merely want to ask the Senator whether those matters were put in the bill by the committee or whether they were put in the bill by those who originally drafted it?

Mr. TOWNSEND. They were all put in by those who originally drafted it. I think the men who drew this bill knew what they wanted; but I do not think that the members of the committee understand all of the provisions of the bill, as I shall later attempt to show.

I have said I objected to putting legislation on a war emergency bill designed for a time of peace only. We have been doing that in this Congress to a great extent. I condemn such action, regardless of whether the legislation as applicable to a time of peace is, in my opinion, right or wrong. My objection is that such legislation does not fairly and squarely meet the issue. As an illustration, for instance, the bill as originally presented to the committee gave the President the right to fix all rates without regard to the action of the Interstate Commerce Commission, and the railroad owners finally came around to the point where they advocated that proposition, because it was clearly known and understood that an arrangement or understanding had been had with them to the effect that their rates and fares were to be raised by the Director General, and that the compensation to their employees would also be increased. This understanding would be popular with both the owners and their employees. The fact is the railroads have not been able up to this date to obtain from the Interstate Commerce Commission what they are going to obtain under this bill. That is an open secret; nobody will deny it. But is it in consonance with popular government to allow a dictator to do what the people's agencies had refused to do?

I submit, Mr. President, that if there is one commission or board in this country that has enjoyed the respect and the confidence of the people of the United States more than any other it is the Interstate Commerce Commission. This bill, whether intended to do so or not, practically discredits that commission, and thus the people's tribunal, the tribunal that has stood between the people and the railroads, will be put out of commission practically, so far as rate-making is concerned. That, I repeat, is an attempt to enact legislation on a war emergency bill that could not be secured in time of peace.

I submit, Mr. President, that rate making is not a war function. The railroads have been taken over; they can be operated in any manner that the President may desire and order. Of course, there is a question of raising money from the shippers to help pay the expense by an increase of rates, and one Senator has stated that it is perfectly proper that in a time of emergency the shippers of this country, who, as he says, are making vast sums of money, should pay additional compensation for hauling their freight and transporting passengers. That is the same old fallacious argument. The wealthy manufacturers, who, as it is said, are making money out of munitions, and so forth, do not pay the freight; it comes out of the consumers; it always has come out of the consumers. The railroads have always clamored for additional rates because they knew that if they obtained what they asked for they could not only meet any additional expense but reap a reward besides from the surplus. This same principle is involved in our internal-revenue tax on many commodities. Take, for instance, tobacco. The tax on tobacco is 5 cents a pound. A little plug of Piper-Heidsieck before the war cost 5 cents. There are 12 of those plugs in a pound. The tax was 5 cents a pound, but even before the law went into effect tobacco dealers charged 6 cents a plug in anticipation of the tax, thus obtaining 12 cents a pound to pay a tax that amounted to 5 cents. That tax was a money-maker for the tobacco men. They pay the Government 5 cents and then recoup 12 cents from the consumer. So it is with the unjust increase of railroad rates.

You increase the rate beyond the just and reasonable amount, and not only are all the extra charges met but a large surplus is turned into the treasury of the railroads. Now, I do not wish to be understood as saying that the railroads are not entitled to just and reasonable rates; they may be entitled to an increase in rates; but I want some tribunal of the people to determine what are just and reasonable rates.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Colorado?

Mr. TOWNSEND. I do.

Mr. THOMAS. I am in entire accord with the Senator's argument. It seems to me to be unanswerable. I want to suggest to the Senator what has probably occurred to him—in fact, he may have referred to it while I was out of the Chamber—that in the event the President takes over only a portion of the railroads we will have two standards of charge for freight, and possibly for passengers. If only a portion of the railroad systems are taken over and the others are left in private management, does not the Senator think, under those circumstances, that if the rates were raised by presidential order with regard to the systems under Federal control it would be necessary for the Interstate Commerce Commission to raise all rates so as to protect the other roads, or, failing to do so, the other roads would practically go in the hands of receivers?

Mr. TOWNSEND. The Senator is quite right, because the probabilities are that the roads which the President does not take, if he leaves out any of them, will be the poorest roads, the roads which probably could make a case standing alone which would demand a higher rate than they are already receiving; but that is one of the confusions that exist in the bill to which I propose to call attention as I proceed. I am now discussing, as a preface to an analysis of the bill which I shall undertake shortly, some of the general principles involved in this bill.

Mr. BORAH. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Idaho.

Mr. BORAH. I want to ask a question which the suggestion of the Senator from Colorado suggests to my mind. How has the committee dealt with the subject of what are popularly called short lines?

Mr. TOWNSEND. The committee has practically left it open to the President. The President can take over all of the roads, or any portion of them. Immediately after he appointed the Director General, Mr. McAdoo sent out notices to all the roads stating the fact that the railroads generally had been taken over, but not stating specifically that that particular road had been taken over; and Mr. McAdoo and his spokesman, Mr. Anderson, who appeared before the committee, insisted that as circumstances developed they would determine whether or not any particular road would be taken over. The short-line men came before the committee and made a pretty strong case to the effect that even if they were not taken over, and by any means the traffic which had theretofore gone over them was diverted to some other road or destroyed they would be injured, and therefore would be entitled to compensation. Perhaps, in equity, they would; but I doubt whether they would have any legal status in a court when they asked for damages on such a ground.

Mr. BORAH. I think that is likely true as a legal proposition; but when the Government takes over a line of road it practically gets behind that road as a financial proposition. The Government is practically the backer. Now, if it leaves a short line, one of the feeders of a trunk line, without the support and prop of the Government, that short line is going to suffer financially immediately and instantly, not alone on the question of rates, and so forth, but it is left without the support which is almost necessary to have in view of the fact that the other lines have it. It could deal properly with its affairs if it were permitted to deal with them before a commission; but that is no longer possible.

Mr. TOWNSEND. If the road is not taken over, of course it could go to the commission; but a commission could not order a road that has been taken over by the Government to do anything.

Mr. BORAH. No; but what could the commission do toward sustaining and strengthening the credit and the standing of one of these short lines?

Mr. TOWNSEND. It could do nothing except to give them larger rates, if they saw fit to do that.

Mr. BORAH. It would be a chaotic state of affairs to have rates made by the President on the trunk lines and to have the short-line rate made by the commission.

Mr. TOWNSEND. I think the Senator is absolutely right; and there is another element that he has left out that complicates the situation very much. A great many of these short-line roads have made arrangements heretofore for their rolling stock, their cars, largely with the stronger roads. Under this

order every one of those cars can be taken away from the short-line roads.

Mr. CUMMINS. Mr. President, in connection with the question just propounded by the Senator from Idaho, I should like to ask the Senator from Michigan concerning this phase of the relation between the trunk lines and the short-line roads: As the law now is, the Interstate Commerce Commission has the power to fix the division of the rate. That is, if freight either originates on a short line or is destined to a short line, the Interstate Commerce Commission has the authority to determine what part of that rate the short line shall enjoy. That is true, is it not?

Mr. TOWNSEND. That is true.

Mr. CUMMINS. Under the bill that we have before us that power is entirely taken away from the Interstate Commerce Commission. That is to say, that is not part of the power which is reserved to the Interstate Commerce Commission under section 10; and in my opinion the short lines would very speedily find their way into bankruptcy.

Mr. TOWNSEND. I have no doubt that the very logic of the situation will compel the Director General to take over all of the railroads of the United States, notwithstanding it will impose a very heavy financial burden upon the Government and involve it in a loss. Of course, the Director General can increase freight and passenger rates generally and thus from producers and consumers recoup this loss.

Mr. CURTIS. Mr. President, the Director General has already notified several of the shorter lines that he did not intend to take them over.

Mr. TOWNSEND. I am much obliged to the Senator from Kansas, because I had forgotten that. It is true that many of the roads which considered themselves as having been taken over under the Director's order afterwards received notice that they had not been taken over. Now, I do not know just exactly how those roads are situated, whether they will be particularly embarrassed by this order or not. I can conceive of a road to which it would make no difference whether it was taken over or not. But the roads to which the Senator from Idaho refers are so related to the trunk lines, the main roads, that it would spell ruin to them if they were left out; and I imagine that the President will have to take that into consideration and include those roads in the order.

Mr. DILLINGHAM. Mr. President, will the Senator allow an interruption?

Mr. TOWNSEND. With pleasure.

Mr. DILLINGHAM. I have in mind a short road which is a feeder to a trunk-line road that was built under a contract with the trunk-line road, and has a traffic arrangement with it, arranged by contract, by which rolling stock is used upon the feeder. Did anything appear before the committee regarding that class of roads, and what would be the effect upon the existing contract?

Mr. TOWNSEND. Do I understand that it is a part of the system?

Mr. DILLINGHAM. No; it is built independently, but is operated under contract with the trunk line, and the trunk line furnishes to it a portion of its rolling stock.

Mr. TOWNSEND. I should believe that that was a part of the system if it is under contract for operation and is operating in connection with a trunk line.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. TOWNSEND. I do.

Mr. KELLOGG. I should like to say, on that subject, that I do not think there is anything in the bill that affects any contract between a short-line road not taken over and any other road. If the roads have any valid contracts in existence running a definite length of time, of course this bill does not affect those contracts.

Mr. TOWNSEND. I spoke a moment ago in condemnation of the disposition that has been so frequently manifested to legislate on a war measure in behalf of a condition that is not at all related to war, but simply because there was an opportunity and an emergency existing, pressure could be brought to bear, and that legislation secured. Illustrating that further than I have already done in connection with this bill, I call attention to the food-control bill. That department has been very active, and I am not condemning it. I do not speak in condemnation of what it has done, except to criticize the exercise of power that is not connected with the war.

For instance, an order was issued by that department grading potatoes. Now, it may be a good thing to grade potatoes. I presume it is. A proper grading of potatoes may be most desirable, but not as a war measure. It does not contribute to the production of food. It does not make potatoes more nutritious nor increase their consumption, but it does irritate the people. To-day that order grading potatoes has done more to disturb potato producers than almost anything that could happen. I think that order should not have been issued at this time. A great many of these things could have been left out that are not necessarily war measures. At a time when we should have unity of feeling and action in this country, when the people should be in harmony with their Government, and all interested in winning the war, we should not unwisely and unnecessarily irritate them with disturbing legislation.

Now, in reference to rate making: It is not necessary in this bill. It ought not to have been mentioned in the bill. The Interstate Commerce Commission should have been permitted to exercise its authority as heretofore. All we ought to have done in this case was to have put the President in the place of the railroad owners. He should have the same authority as a railroad owner. If he wants to increase rates, let him petition for an increase of rates the same as the railroad owners do now, and let that rate be subject to challenge before it goes into effect.

Of course, in the compromise we provided that the President might initiate rates, but he could put them into immediate effect, and afterwards the commission, upon complaint, could investigate as to their justness and reasonableness. Even this, however, is disturbing to the people.

I repeat there was no occasion for irritating the people of this country over a question that was not a war measure. Therefore I wished to leave the rate-making power where it was, giving the President absolute power in the operation of the roads, because the only question involved was a question of finance anyway, and we had provided $500,000,000 and placed it almost without check in the hands of the Executive, and he certainly could have cared for any deficiency of revenue that could not have been obtained through the Interstate Commerce Commission in the regular way.

Mr. President, these were the three things, I repeat, which demanded and received the greatest consideration on the part of the committee. We settled them with a sort of a compromise, which, I repeat, was satisfactory to no one. No one, not a member of the committee, was satisfied with the proposition, and yet the Secretary of the Treasury and his representatives insisted that we must do something, so the compromise was the result.

Mr. President, thus far what I have said is of little consequence to you. It is my opinion. I would now like to discuss the bill itself in detail for a few minutes, if I could have the attention of the Senators. Otherwise, it is of absolutely no use for me to discuss it, because I shall speak with a desire to convince Senators that the measure is imperfectly drawn and does not even convey the ideas which its advocates believe it does, and I think that if Senators understood the situation thoroughly they would adopt the substitute which I have offered. This does not attempt to change the principles of the bill. I do not incorporate in it practically anything new other than what is included in the bill itself. I have not attempted to engraft on it my ideas of what a bill on this subject should be, but my sole purpose is to make clear what we are attempting to do, and especially to have the committee understand what it did, because I am sure they have not studied the bill carefully.

Mr. SMITH of South Carolina. Mr. President——

Mr. TOWNSEND. Just let me finish this statement, and then I will yield to the Senator.

I repeat, the bill was not prepared by any Senator or any committee of the Senate. It came to us ready-made, and then we amended it and talked it over to some extent; and then the scrivener, the man outside who had made the bill, took our suggestions home with him and brought back the amendments prepared; and the bill as finally patched up was never before our committee in its present form.

We discussed only the main contested features. The connecting matter, the related matters, were not given very serious consideration by the committee. Therefore I have seen fit, not alone, to prepare a proposed substitute. I have taken expert counsel in reference to the matter. When I read the bill by myself, trying to find out exactly what we had done, I was troubled. So I invited an expert, a man who is familiar with drafting and interpreting legislation, to spend time with me to go over the bill, in order that I might know whether I was right or wrong. He made valuable suggestions. As a result of that, I had prepared the substitute, and am now going to offer my suggestions as to why the substitute ought to be adopted as a basis for amendment.

Now I gladly yield to the chairman of the committee.

Mr. SMITH of South Carolina. Mr. President, the Senator referred a moment ago to the rate-making power. He said that

it is better, according to his notion, to leave it entirely in the hands of one individual. I have not heard that matter dwelt upon by any of those who have discussed the question. The fact is that one of the main reasons why the Government took over the roads was to have the power to route freight wherever it thought it could be more expeditiously sent.

Under the law as it now stands, in reference to the Interstate Commerce Commission, the shipper has the right to route his freight. He, therefore, can calculate what his tariff or freight charges are going to be and what his goods will cost him. Now, the fundamental principle of this bill is to give to the Director General the right to route the freight by whatever route he sees fit in order to expedite the shipment and to avoid congestion. That necessarily puts into his hands the power and right to change the rate to the shipper.

The Director General having the power to disrupt all the routing that was the right of the shipper before the Government took over the roads in order to avoid and to remedy the very condition that we were confronted with—namely, congestion—that necessarily entailed a change of tariff and, perhaps, a hardship on the shipper; and we thought that we must give him the power to initiate a rate, if he saw fit, to try to meet the burden that he might impose upon a shipper; and, if it was not found fair and just, then we left the matter to the adjudication of the court that we have established, namely, the Interstate Commerce Commission.

I thought that should be said in justice to those who have not studied the subject and do not appreciate the fact that the Director General now has the power to change rates by virtue of having the power to change routes.

Mr. TOWNSEND. I am very glad the Senator has made that suggestion, although, with all due deference to him, I do not think it amounts to anything, because I do not believe that emergency will arise. The number of such cases will be infinitesimal. The rates now in existence are the same, within certain territories, over whatever road the shipment is made. You may take it off from road A and put it on to road B, and consign it to the same destination and you will pay the same rate. But even if some isolated shipper should be obliged to pay a little greater freight rate, it itself would be infinitesimal compared with the possibilities that will be imposed upon the shippers of the country under this bill, because this provision is in the measure not to cover such cases as that suggested by the Senator from South Carolina, but to allow the Director General to make rates for the railroads which they could not secure from the Interstate Commerce Commission.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, it is expressed in the terms of the bill that where the emergency demands he may change the rate; and surely, speaking for myself and I think some other members of the committee, I had in view the fact that we desired the Interstate Commerce Commission to maintain its present power as far as the circumstances would justify, and only extended it to meet the condition which necessarily will arise under the illustration that I used.

Mr. TOWNSEND. The Senator understands, does he not, that when the bill came to us the Interstate Commerce Commission had no power at all in the matter?

Mr. SMITH of South Carolina. Oh, I understand that. I am talking about the action of the committee.

Mr. TOWNSEND. And the only thing that we who sought to preserve the Interstate Commerce Commission could finally secure was a compromise. The carriers are to secure through this emergency war legislation that which they could not get through the commission. A few months will demonstrate whether or not I am speaking correctly on the subject, and what will occur to rates and to wages throughout the United States.

I think it is a serious mistake to make an attack upon the Interstate Commerce Commission after 30 years' experience in building up a system of rates which has adjusted transportation matters to a great extent between different parts of the country, and upon which business has been established. It occurs to me that we are trifling with—nay, more than that, we are inflaming the shippers and consumers of this country who must pay the freight. Your mail, like mine, is undoubtedly full of protests from men who know what the real situation is.

Mr. THOMAS. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Colorado.

Mr. THOMAS. Will it interrupt the Senator if I ask him whether this subject was submitted to the Interstate Commerce Commission, or to any member of it, by the committee?

Mr. TOWNSEND. A member of the commission, Mr. Anderson, was before our committee practically all of the time, and was the chief advocate of the bill. He drew it under the direction of the Secretary of the Treasury.

Mr. THOMAS. He is one of the new members, is he not?

Mr. TOWNSEND. One of the new members; in fact, the new member. He had more to do with this bill than any other living man, and no advocate could have served his client better than Mr. Anderson served the Secretary of the Treasury. When he was convinced or requested by the committee to make some change, he took the bill back to his office and brought it to us the next day, when is was more difficult to understand than before.

Mr. President, I wish I might indulge the hope that Senators could take the bill as introduced, and the substitute as presented by me, and, as I point out the places, determine whether I am right or wrong, whether my argument is specious, or whether there is some foundation to what I may say. I wish to state that many of the changes which I advocate are not very material, but they clearly improve the bill; some of them are vital. The substitute will be more easily interpreted, more readily understood; and in some places I insist, as I shall show, that the bill does not convey at all the meaning that the committee intended it to convey.

I know that it may be a vain thing for me even to hope that this amendment will be substituted for the committee bill, although it means the same thing that we intended the committee bill to mean, and is certainly clearer. There ought not, however, to be any pride of authorship on the part of anybody, because I do not know of anybody connected with the Congress who could with much authority claim the authorship of the pending measure. It might not be satisfactory to the scrivener who did draw it to have this substitution made, but I submit that that is not quite sufficient reason for us to refuse to do the thing that we think ought to be done. I ask no credit for preparing and introducing the substitute. I had most efficient help. I want the bill we pass to express the intent of Congress.

And now, Mr. President, I will call to the attention of Senators some of what seems to me to be defects in the pending bill to the provisions of the substitute which remedy these defects.

SECTION 1.

Page 1, lines 3 and 4: Inasmuch as the bill here limits the term "Federal control," wherever used in the act, to mean possession already taken over, it is doubtful whether the provision beginning on page 10, line 25, which seeks to extend the provisions of the act to roads taken over after the passage of the act, is effective for that purpose. To remove all doubt, and to bring both provisions together where they belong, the substitute bill in section 2—page 1, line 7, to page 2 line 5—defines "Federal control" so as to cover the case of all railroads now or hereafter taken over.

Page 1, lines 5 to 7: The President is here authorized to make the agreement with the "carrier," but "carrier" is defined to mean "system of transportation"; that is, the thing taken by the United States. Obviously the agreement must be made with some legal person. The only person with whom an agreement will be binding will be the person who would have been entitled to possession, use, and control of the system of transportation during the period of Federal control, if such control had not been assumed by the United States. If no agreement is made with such person, he has a right, under the Constitution, to demand just compensation, no matter what agreements the United States may have made with anyone else. The matter becomes of the highest importance in the case of a road operated by carrier A under a lease from corporation B. If such a lease expires during the period of Federal control, it is obvious that carrier A should not be entitled to any annual sum from the United States thereafter, and yet the bill provides—page 1, lines 8 to 9—that "during the period of Federal control" carrier A shall receive the annual sum agreed upon. The substitute bill, in section 3, provides that agreements must be made with the "owner," which term by section 2 of the substitute—page 2, lines 6 to 16—is defined as the person who during any portion of the period of Federal control would be entitled to possession, use, and control of the railroad in the absence of Federal control. Section 2 of the substitute also provides in effect that no one can get any payments beyond a time when his rights would have expired if Federal control had not been taken.

Page 1, lines 7 and 8: The bill here authorizes agreements with any carrier "making operating returns to the Interstate Commerce Commission." The authority to agree should be limited to the case of railroads which during the three-year period ending June 30, 1917, made such returns, for it is only in such cases that the most important data on which to base the agreement—i. e., the average income during such three-year period—can be ascertained. This defect is remedied in the substitute bill (p. 2, lines 19–21).

Page 1, lines 9 and 10: It is here provided that the carrier agrees to "receive as just compensation" a certain annual sum. Obviously this is only one of the elements of just compensation,

others being the return on additions, and so forth, made during Federal control, the loss accruing from such additions, and so forth. The substitute bill in section 3 (p. 7, lines 7–9) provides that the agreement shall contain a clause that the agreement and its performance shall be accepted as just compensation.

Page 1, line 10, and following lines: "Not exceeding an annual sum * * * equivalent, as nearly as may be, to its average annual railway operating income * * * for the three years ended June 30, 1917." Evidently what is meant, or should be meant, is that the Interstate Commerce Commission having determined the average income, the President should have discretion to agree on an annual sum not exceeding such average income. The force of "equivalent, as nearly as may be," is not apparent, for granting that it may be difficult to determine what the average income was, still the bottom of page 2 makes the certificate of the Interstate Commerce Commission conclusive as to such amount. This confusion is straightened out in the substitute bill (p. 3, lines 1–2), by which the agreement is to be to pay "an annual sum, to be fixed in the agreement, not exceeding the average annual railway operating income."

Page 1, lines 10 and 11: "Herein called standard return." This is unfortunate phraseology, for there is nothing "standard" about it. If applied to the amount which the carrier is to receive under the agreement the term might have some application, but as used here it refers to the "annual sum * * * equivalent, as nearly as may be, to its average annual operating income." What the carrier is to receive is some sum "not exceeding" this "standard return." No good reason can be seen for using such an expression, and the substitute bill does not employ the term, as its use is likely to lead to confusion. As a matter of fact, in every place in which it is used in the reported bill its use leads to the wrong result, as will be pointed out hereafter.

Page 2, line 1: "Pro rata for any fractional year." This idea should be repeated wherever an annual sum is to be paid during Federal control, e. g., in connection with page 2, lines 8 to 13, in none of which places is this safeguard imposed by the bill. The substitute bill takes care of this situation once for all (p. 5, lines 3–5) instead of repeating it several times. The substitute also avoids the use of the term "fractional year," which, to say the least, is an unusual method of expression.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. TOWNSEND. Yes.

Mr. STONE. I wish simply to inquire of the distinguished Senator, who is a member of the Committee on Interstate Commerce, which had under consideration and reported the bill pending, if he submitted these various amendments, many of them rather striking, to that committee and discussed them before the committee, to take the judgment of the committee upon them?

Mr. TOWNSEND. I did not, and I stated why I did not before the Senator came in evidently. This bill was up for consideration. The committee spent a large portion of its time in discussing two or three points in the bill, which I dwelt upon to some extent a while ago. The bill was drawn by the Treasury Department, or under the direction of the Treasury Department. I suppose most of the committee assumed that an immaterial point, or what seemed to be immaterial at the time, was all right. We were working under pressure. The bill was reported, I am sorry to say, without the consideration that ought to have been given it after it was finally drafted and as it was finally presented to the Senate. I do not remember ever having seen the bill as it was finally drawn until I received it on my desk after it had been introduced and reported.

Mr. STONE. But I assume the Senator saw the bill while it was still pending before the committee.

Mr. TOWNSEND. The bill just as it is here, as introduced in the House, was never before the committee to be considered.

Mr. STONE. There was a bill before the committee?

Mr. TOWNSEND. There was a bill.

Mr. STONE. And the Senator is a member of the committee?

Mr. TOWNSEND. That is right.

Mr. STONE. He was present when it was being considered. The bill before the Senate is the one the committee reported.

Mr. TOWNSEND. Yes; the Senator has guessed right.

Page 2, lines 3 to 6: It is doubtful what the framers of the bill had in mind when they put in this language in the parentheses. Possibly the intention was that the agreement was to be made with a "system" such as the Pennsylvania Railroad, and from this point of view it was necessary to include all the income of constituent lines. But, as pointed out above, the agreement can only be effective if made with the "owner" of the property taken over. If, for example, the Pennsylvania Railroad controls by stock ownership line A, and line A still makes operating returns, the right to the possession, use, and control of line A is vested in that corporation and the agreement must be made with it. The effect of the language in the bill would be that the Pennsylvania Railroad would have its compensation increased by this amount, while the United States might be compelled in a suit to pay line A for its property taken. If, on the other hand, line A is consolidated with the Pennsylvania Railroad, so that the former has made no operating returns and has lost its corporate identity, it is obvious that the agreement must be with the Pennsylvania Railroad, and the latter is entitled to have counted in its income the income derived from line A. The substitute bill (p. 3, lines 12–23) meets this situation.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. TOWNSEND. I yield.

Mr. KELLOGG. Under the bill as drawn, if the President finds the Pennsylvania Railroad controlling, either through stock ownership or otherwise, a whole system of railroads, and says "I will make the agreement with you as a system," he can do it.

Mr. TOWNSEND. Suppose that line A is a part of the system and the majority of the stock is owned by the Pennsylvania, and it makes returns to the Interstate Commerce Commission?

Mr. KELLOGG. It does not make the slightest difference.

Mr. TOWNSEND. You say it does in the bill. The point I make is that while we intend that the Pennsylvania Railroad shall have the compensation for that system provided, it does not make operating returns for branch line A, but if line A does make returns, then it has a right to compensation under the bill.

Page 2, lines 5 and 6: Under this, either the first or last date, according to the ordinary rules for the computation of time, would be excluded. The substitute bill, therefore (p. 3, line 15), inserts the words "both inclusive," as it obviously is the intention that the whole period should be included.

Page 2, line 10: "To be fixed by the President." What is a fair rate would seem to be properly a subject of agreement, and it seems better to use the language of the substitute bill (p. 3, line 24), "an agreed percentage."

Mr. THOMAS. Mr. President——

Mr. TOWNSEND. I yield to the Senator.

Mr. THOMAS. I notice in line 10, on page 2, the per centum is to be fixed by the President "upon the cost of any additions or betterments, less retirements." Does the bill make any provision anywhere else as to how the retirements are to be ascertained?

Mr. TOWNSEND. Nowhere else.

Mr. THOMAS. Then, I think the Senator's criticism is absolutely conclusive upon the subject.

Mr. TOWNSEND. Page 2, lines 13 to 17: In the computation of the average income no provision is made in the bill for excluding the income from street railway lines which are by the President's proclamation expressly left outside of Federal control, although part of a system taken over. The substitute bill (p. 3, lines 8–12) remedies this apparent oversight.

Page 2, lines 17 to 24: Here again is an example of the unfortunate consequence of the use of the term "standard return." It is provided that the "standard return" shall be ascertained by the Interstate Commerce Commission. As pointed out above, "standard return" is an annual sum equivalent as nearly as may be to the average income. Lines 21 to 23 provide that the certificate of the Interstate Commerce Commission is to be conclusive as to the "average annual railway operating income," while its certificate is only to state the "standard return." Obviously the certificate should be conclusive only as to the matter it certifies, and it is equally obvious that the average income is the matter it should certify. The substitute bill (p. 4, line 21; p. 5, line 2) remedies this confusion.

Page 2, line 18: No provision is made here for the ascertainment of the amount of the "retirements" which by line 11 is to be deducted from cost of additions and betterments made during the six months ending December 31, 1917. No reason is apparent why the Interstate Commerce Commission should not ascertain this amount. The substitute bill (p. 4, line 23) so provides.

Page 2, line 20: The Interstate Commerce Commission is required by the bill to ascertain the cost of additions, and so forth, "from the reports, books, and other pertinent data of such carrier." This seems an unwise limitation, and the substitute bill (p. 4, line 24) permits the Interstate Commerce Commission to ascertain these facts in the most effective manner from any source.

Page 2, line 24, to page 3, line 5: This provision is limited in its application to railroads with which an agreement is made, for in other cases there can be no "standard return" the excess over which is to be paid into the Treasury. In no place in the bill is provision made for the case of nonagreeing roads, which is a serious omission, for unless it is definitely made clear that all revenues from operation are United States property, it will be perfectly possible for any nonagreeing railroad which is receiving a large revenue from greatly increased traffic that can not to be diverted from its lines to insist on keeping all it makes and refrain from any claim for "just compensation." It seems highly desirable in the public interest that the bill should contain a clear and definite statement that all revenues from operation of roads under Federal control are the property of the United States, with an indication of how they should be handled and disbursed. The substitute bill in section 14 (p. 16) takes care of this situation, both as to agreeing and nonagreeing roads.

The provision in the reported bill is open to serious objection even in the cases to which it applies. What is the situation with regard to the part of the revenues not paid into the Treasury? Is it or is it not Government money? Is the part that is to be paid into the Treasury Government money before it is paid in? The bill (p. 3, lines 2–4) provides that "any net railway operating income in excess of such standard return shall be paid into the Treasury." Probably the intention was that the railroad could retain out of operating revenues an amount equal to the sum which under the agreement it was to receive as just compensation, but this language is far from conveying such a meaning. In the first place, the compensation is by the bill computed with reference to the "railway operating income," in ascertaining which under the Interstate Commerce Commission accounting system "leased road rents" and "miscellaneous rents" are excluded, while such rents are reckoned in the computation of "net railway operating income." It is apparent, therefore, that there is confusion here. Again, the "standard return," as pointed out before, is not the sum received as compensation, but the "annual sum * * * equivalent as nearly as may be to the average annual railway operating income," and the President in the earlier part of this section is authorized to agree on some sum "not exceeding" this as the amount the carrier shall receive. Therefore there will be many cases in which the sum paid as just compensation will be less than the "standard return," yet the provision now under discussion authorizes the railroad to retain out of revenues an amount up to the "standard return," thus giving it more than it is entitled to, while on the other hand it does not allow the road to retain the amount payable as a return upon additions, and so forth, made during the six months ended December 31, 1917, for this amount is not by the bill a part of the "standard return." The reported bill is further confused, for in page 1, line 11, and page 2, line 9, it provides for the payment of the just compensation in "reasonable installments," while in the provision under discussion this theory is abandoned and the railroad allowed to retain it all as it comes in.

All this confusion and inconsistency is remedied in the substitute bill (sec. 14, p. 16), which provides for the payment out of operating revenues of all proper operating expenses, and for the payment of any balance into the Treasury. The sum agreed upon as just compensation will then be paid out of the revolving fund to the railroad in such installments as may be agreed upon. (Substitute bill, p. 5, lines 6–8.)

Page 3, line 6, to page 4, line 3: This paragraph contains many defects, all of which are remedied in the substitute bill in section 3, subdivisions (3) and (4) (p. 5, line 22, to p. 6, line 18) and in section 14 (p. 17, lines 4–23):

(a) Page 3, line 6: "Any Federal taxes under the act of October 3, 1917." What is meant is only the taxes under Titles I and II of that act, i. e., the war income tax and war excess-profits tax.

Take the language in line 9, on that page. The language is used, "assessed for the period of Federal control beginning January 1, 1918, or any part of such period." There is no need for such a limitation. It is obviously intended by the makers of the bill that all such war taxes should be paid by the carriers for whatever period assessed. In line 23 and following this part of it is remedied, although it would be simpler to leave out the words just quoted.

Mr. THOMAS. Of course the Senator will recall that the act of October 3, 1917, does not repeal that part of the act of 1916, but is supplementary to it.

Mr. TOWNSEND. That is right.

Mr. THOMAS. Consequently, does not the Senator think the act should be amended so as to include taxes assessed under previous as well as succeeding acts?

Mr. TOWNSEND. Yes; my contention is, if we do not specify it under the clause here we would have to pay those taxes. I have no doubt of it.

Mr. LEWIS. Mr. President——

Mr. TOWNSEND. I yield to the Senator.

Mr. LEWIS. Will the able Senator give me his legal opinion? Does the Senator think that this can in any wise change the relation the property of the railroads bears to the general tax laws of our country? Would it not still be subject to taxes as property and according to value as the property of any other citizen or any other road or any other system?

Mr. TOWNSEND. The Senator means State and local taxes?

Mr. LEWIS. Yes, sir.

Mr. TOWNSEND. I think that is true.

Mr. LEWIS. Does the Senator mean to infer that he has some doubt the way the bill is constructed whether those taxes would still be preserved intact?

Mr. TOWNSEND. I have some doubt of it, as I have attempted to point out, and will continue to show.

(b) Page 3, line 9, "assessed for the period of Federal control, beginning January 1, 1918, or any part of such period." There is no need for such a limitation, as it is obviously intended that all such war taxes should be paid by the carriers for whatever period assessed. In line 23, and following, this is remedied, but it would be simpler to leave out the words just quoted.

(c) Page 3, line 12, "or shall be charged against or deducted from the standard return." In the first place, as several times pointed out, the "standard return" is not a sum to be received by the carrier but merely an arbitrary amount used as a basis of agreeing on just compensation. In the second place, the method intended does not seem wise for it confuses the collection of internal-revenue taxes. It seems better to have such war taxes collected by the Collector of Internal Revenue for the proper district in the ordinary and usual manner, for if such taxes are to be deducted from the sum paid to the carrier it will cause confusion in the accounts of the Internal-Revenue Bureau and affect the estimates of revenue relied upon by the Finance Committee and the Ways and Means Committee.

Now, on page 3, line 12——

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Ohio?

Mr. TOWNSEND. I yield.

Mr. POMERENE. Does the Senator have in mind the amendment which is incorporated in the bill reserving to a State and the political subdivisions of a State the taxing power as it existed prior to the assumption of Government control?

Mr. TOWNSEND. I do. The Senator from Illinois [Mr. LEWIS] asked my legal opinion about what we can do and I was giving it, but to make assurance doubly sure we particularly provide in the bill that the State may tax as heretofore.

On page 3, line 12, the bill reads:

(d) Page 3, lines 13 and following: This seems a very incomplete statement. Who, for example, is to pay the Federal income tax of 2 per cent or the capital-stock tax imposed by section 407 of the act of September 8, 1916, neither of which taxes seem to come within the terms here used?

(e) Page 3, lines 14 to 15: "For the period of Federal control or any part thereof." Strictly construed, this would mean that if a tax were assessed for the year beginning March, 1917, the United States would have to pay it all, since it was assessed for "a part" of the period of Federal control. There seems need of a more careful provision for apportionment of the taxes in such cases. The substitute bill (p. 6, lines 5–12, and p. 17, lines 17–23) contains such a provision.

(f) Page 3, lines 18 to 22: Who is to pay the taxes referred to in this parenthetical clause? They are excluded from the taxes the Government is to pay, but the rest of the paragraph contains in two places an express statement as to what taxes the carrier is to pay. Probably what was intended was that the carrier should pay these taxes, but inasmuch as such expenditures are usually considered additions to capital, it was probably intended that they should be dealt with in the same manner as expenditures for additions and betterments and a fair return allowed upon them, but the bill is silent on this matter. This method is adopted in the substitute bill (p. 4, lines 10–16, and p. 14, lines 16–22).

(g) Page 3, line 22: "Shall be paid out of the revenues." If such revenues are insufficient, provision should be made for use of the revolving fund for this purpose. This is done in the substitute bill (p. 6, lines 3–5, and p. 18, lines 8–11).

(h) Page 3, line 25: "For the period prior to January 1, 1918." This is clearly wrong as to roads hereafter taken over, which should pay all taxes for the period preceding Federal control of such road.

(1) Inasmuch as the "railway operating income," which is used as a basis in agreeing on just compensation, is ascertained under the accounting system of the Interstate Commerce Commission by deducting such taxes as are chargeable to "railway tax accruals," it seems apparent that the taxes which are now to be paid out of operating revenue should be of exactly the same character except as to war taxes. This method is adopted in the substitute bill (p. 5, line 22, to p. 6, line 18, and p. 17, lines 4–23), thus simplifying this confused and ambiguous paragraph.

(2) Nowhere in the bill is there any provision as to the payment of taxes in the case of nonagreeing roads. It seems highly undesirable to leave this important matter unsettled. If the courts should hold, as seems not unlikely, that the United States in such cases must pay all taxes properly chargeable to operating expenses, the United States might find itself burdened with the payment of the railroad's war taxes. The substitute bill (p. 17, lines 4–23) provides that ordinary operating taxes shall be paid out of operating revenues or the revolving fund, but that war taxes shall be paid by the railroads.

Page 4, lines 4 to 17: Nowhere in the bill is there any provision for maintenance and depreciation in the case of a nonagreeing road. The substitute bill, in section 6 (p. 12), contains a pledge by the United States to return the roads in as good condition as when taken over or to pay the loss accruing from a failure to make good the pledge. While the court might include such an item in its award, it is probably well to insert such a provision, if only as a fulfillment of the President's promise to the country.

Mr. KING. Mr. President, will the Senator from Michigan yield to me?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. TOWNSEND. I yield.

Mr. KING. Relative to the last observation made by the Senator, I desire to ask, do I understand him to say that the bill reported by the committee makes no provision for making necessary repairs in order to keep a road in operation in cases where there is no agreement?

Mr. TOWNSEND. It makes no provision for maintenance or depreciation of nonagreeing roads, although, as generally understood, I think the Government probably would have to keep the roads up; that it would probably have to pay for that, and would have to pay the taxes, though the probabilities are that the Government could not recover them against the railroads, because they would be voluntary contributions.

Mr. KING. Unless such taxes could be taken into account in the courts when the question of determining the value of the use was being considered.

Mr. TOWNSEND. Well, I do not know whether what the Government had put in could be taken into consideration at that time; but we can include in the pending bill a provision that if the roads accept the benefits which we confer upon them the agreement shall be binding or this provision shall be binding upon them.

Mr. KING. Will the Senator permit another inquiry, which is scarcely germane, perhaps?

Mr. TOWNSEND. I yield to the Senator.

Mr. KING. Will the Senator, if his substitute is not accepted, offer any portions of the substitute as amendments to the bill, in order to cover the objections which he is urging?

Mr. TOWNSEND. I shall try to do so, but if the Senator—and I think he has not been able to do so—would take the substitute and the original bill, he would see how different portions of the bill have been connected and brought together in the substitute. Some of them refer to conditions in several places of the bill and bring them together. They are all corrected and made clear and intelligible. I am here to assert that, with one or two single exceptions, there is not a provision in the substitute that would not be accepted by the entire committee if it had time to consider it, for it conveys practically the ideas which they have sought to convey in the bill. I am not trying to write my ideas into a new bill, for I would change many of these things if I were writing a bill of my own; but I am trying to make intelligible the bill which we have already before us, so that just exactly what our meaning is will be clear.

Page 4, line 9: "The property shall be returned to each carrier." As "carrier" is defined to mean a system of transportation, this clause in effect provides that the property shall be returned to itself. Furthermore, it is apparent that the property should be returned to the person who is entitled thereto at the termination of Federal control. This may or may not be the same person who had possession at the time of the taking. The substitute bill (p. 8, line 22, and p. 12, line 5) remedies this defect.

Page 4, line 14: "By each carrier." The substitute bill (p. 9, line 3) substitutes the words "in connection with such railroad or system," for the reason that the owner with whom the agreement is made may not be the same corporation which operated the road during the three-year period.

Page 4, line 20: The reference to the act of August 29, 1916, is too broad. That act includes, for example, provisions relating to the Council of National Defense, and an amendment and reenactment of the Articles of War. What is meant is that portion of such act which authorizes the President to assume control over railroads. It is so stated in the substitute bill (p. 7, lines 12–19).

Page 5, line 1 to 14: Owing to many apparent errors in these lines (referred to in the next few paragraphs) these lines have been rewritten in the substitute bill (p. 7, line 23 to p. 8, line 15) so as to carry out the intent and make the paragraph more easily understood.

Page 5, line 2: "Nondividend-paying carrier." This is ambiguous, as it may mean a carrier paying no dividends at the time of the passage of the bill, or at the time of the agreement, or during the 3-year period used as a basis of computation. Since the last alternative is what was intended, the substitute bill (p. 7, lines 24–25) so states, using the words "railroad or system of transportation" in place of "carrier."

Page 5, line 5: The clause beginning in this line and ending with the word "thereof," in line 8, is meaningless, probably owing to clerical errors or misprints. The word "where," in line 5, should be "because" and the word "when," in line 6, should be "were." In line 5 the words "betterments" and "road extensions" should be inserted in lieu of the word "improvements," as they are used in connection with "additions" in all other places in the bill. In lines 6 and 7 the words "net operating railway income" do not represent what was probably meant, viz, "average annual railway operating income," for the latter is the most important basis for computing the just compensation.

Page 5, line 8: Before the word "other" should be inserted the words "because of."

Page 5, line 9: "So exceptional as to make the basis of earnings hereinabove provided for plainly inequitable as a fair measure of just compensation." Inasmuch as the "basis of earnings" (viz, the average annual railway operating income) is not by the earlier part of the bill made "a fair measure" of just compensation, but only one of the elements thereof (others being, for example, the return on additions, and so forth, made during the six months ended December 31, 1917), the language here used seems erroneous.

Page 5, lines 11–14: If the average income is inequitable as an element of just compensation, the President should substitute in lieu of that element such an amount as he thinks fair, and not throw aside the whole agreement and make a totally different one, as is here provided.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from South Carolina?

Mr. TOWNSEND. I yield.

Mr. SMITH of South Carolina. If the Senator will allow me, the attention of the committee has already been called to certain grammatical errors or, perhaps, misprints. On line 5, where the word "where" appears, being the third word, it should be stricken out and the words "because of" inserted; in line 6, where the word "when" occurs, the word "where" should be substituted; and then on line 8, where the word "other" occurs, the words "because of any" should be inserted. The whole paragraph will then be thoroughly intelligible.

Mr. TOWNSEND. I have just been saying as much.

SECTION 2.

Page 5, line 15: "No such agreement." Grammatically, this refers to an agreement under the last paragraph, with a "nondividend-paying carrier." What is meant, of course, is "no agreement under section 1." The substitute bill, in section 4, page 9, corrects this ambiguity.

Page 5, line 16: "Carrier while under Federal control." Inasmuch as the bill defines "carrier" to mean a "system of transportation," the payment here referred to can not be made. The substitute bill, in section 4, page 9, uses the phrase "owner of any railroad or system of transportation under Federal control," the term "owner" being suitably defined by section 2 of the substitute (p. 2, lines 6–16).

Page 5, line 18: "Not exceeding 90 per cent of the estimated annual amount of just compensation." In case of an owner of a road with whom the President is authorized to agree under section 1 it seems only right that he should be limited, in case of failure to agree, to the payment of 90 per cent of the annual amount which he is authorized under section 1 to agree that the owner shall receive. In cases where there is no authority to make an agreement under section 1—that is, in the case of roads which did not make operating returns during the three years ending June 30, 1917—there obviously can be no limit to the voluntary payment under this section. The substitute bill (p. 9, lines 14–18) remedies this defect in the reported bill.

Page 5, lines 21 to 23: This clause is open to two objections: (a) If the Court of Claims finds that the owner was entitled to a certain sum on a past date, and is now entitled to that sum with 5 per cent interest from that date to the date of the award, this provision would give a bonus of 1 per cent to the owner over what the court has expressly found to be fair and just. This does not seem desirable. (b) If, on the other hand, the court finds that 7 per cent was a fair rate of interest, the attempt on the part of Congress to limit it to 6 per cent would be ineffective under the familiar doctrine that the ascertainment of just compensation is a judicial function. It should be noted that the interest referred to here is not interest on the award of the court, running from that date until actually paid, which might be regulated by Congress. On the contrary, the interest here referred to is interest from the time the principal sum became due down to the date of the award and is just as essential a part of the just compensation as the principal sum. The substitute bill, therefore, leaves out this clause.

Page 5, lines 24 and 25: The only theory upon which this clause can be legally rested is that the acceptance of payments under this section is an implied acceptance of all its provisions. It seems better to state this definitely, and the substitute bill (p. 9, lines 19–25) does this. The language of the reported bill is also highly indefinite as to the time when the interest on excess payments begins to run. Since the payments here referred to are annual, the difficulties in determining this question are apparent. The substitute bill leaves the date to be fixed in the proceedings brought to determine the just compensation.

SECTION 3.

Page 6, line 1, to page 7, line 7: Throughout this section the bill uses the word "carrier." For reasons before pointed out, the substitute bill (pp. 10 and 11) uses the word "owner," which is defined by section 2 of the substitute (p. 2, lines 6–16).

Page 6, lines 7 to 12: The power here given is without means of enforcement. The substitute bill (p. 10 lines 13–24) inserts a provision giving the board the right to call upon the district court of the United States for assistance in case of contumacy. The provision inserted is substantially the same as in the Federal Trade Commission act.

Page 6, line 21: "Available for such agreement as is authorized in section 1." This is somewhat obscure, and the substitute bill (p. 11, line 9) employs the phrase "available for the making of such an agreement as," and so forth.

Page 7, lines 1 to 7: The proceedings in the Court of Claims are to be for the "final ascertainment" of just compensation. Inasmuch as some of the elements of just compensation—for example, return on additions, and so forth—can not be in all cases ascertained in advance, it would seem wise to provide that the court may make a temporary award, with power in the parties to appear later and have adjudicated their rights growing out of conditions arising thereafter. Such a provision is included in the substitute bill (p. 11, lines 21–25).

SECTION 4.

Page 7, lines 8 to 20: The effect of the language in lines 8 to 10 is that the just compensation "shall be increased" by a fair return upon additions, and so forth, even though the President has agreed under section 3, or the Court of Claims under that section, has adjudged that an amount representing such fair return shall be included in the just compensation. It clearly was not the intent of the framers of the bill to bring about this result, though it is essential that the owner should in some way get a fair return on his money expended for additions, and so forth. The substitute bill remedies this defect by dividing the subject matter of this section into two parts. It inserts in the agreement section a clause (p. 4, lines 4–20) by which the United States agrees to pay to the owner with whom an agreement is made a fair percentage upon his investments in additions, and so forth, and it inserts, in section 10 (p. 14, lines 5–22), a provision under which the President is authorized, if he deems it just, to pay a nonagreeing owner a similar amount if the agreement made on the findings of the board of referees or the award of the Court of Claims makes no provision therefor.

Page 7, lines 10 and 11: "An amount." Apparently an annual amount during the period of Federal control is meant. It is so provided in the substitute bill (p. 14 lines 8–9, and p. 2, lines 23–24, introducing p. 4, line 4).

Page 7, line 11: "Reasonable rate per centum to be fixed by the President." When is this rate to be fixed? At the time the expenditures are made, or at the time the payments are made by the United States, or at some other time? Is this rate to be fixed for all roads, or a different rate for each, and is it to vary each year? It seems that in the case of expenditures made out of borrowed money the rate should be the same as the rate at which the money is borrowed, and it is so provided in the substitute bill (p. 4, line 16, and p. 14, line 23). In other cases it would seem fair that the rate should be fixed at the time the expenditure is made, and it is so provided in the substitute bill (p. 4, line 19, and p. 14, line 25).

Page 7, lines 12 and 13: How is the "cost" here referred to to be determined? The bill makes no provision. The substitute bill (p. 4, line 22, et seq., and p. 15, lines 1–6) provides for the ascertainment of this cost, as also the amount of retirements, by the Interstate Commerce Commission.

Page 7, lines 12 to 16: The insertion in line 13 of the word "upon" makes lines 14–16 limit only "the cost of road extensions" and not "the cost of any additions and betterments," which result, of course, was not intended. The substitute bill (p. 4, lines 5–6, and p. 14, lines 10–11) cures this error.

Page 7, line 14: "to the property of such carrier by the carrier." Assuming that by "carrier" is meant the owner, it seems clear that what is meant instead of "property" is the railroad or system of transportation, for obviously no return should be made in the case of additions and betterments to nonoperating property. The substitute bill (p. 4, lines 6–7, and p. 14, lines 11–12) limits the payments to cases where additions, and so forth, have been made on or in connection with the railroad or system of transportation.

Page 7, line 15: "by the President." Apparently meant to read "by order of the President" for no reason can be seen why a return should be allowed the owner for money expended by the United States. The substitute bill (p. 4, line 8, and p. 14, line 14) corrects this error.

Page 7, line 17: "Additions, improvements, or betterments." This should conform to lines 12–13 and read "Additions, betterments, or road extensions."

Page 7, lines 18 and 19: "Earnings for investment." This apparently is a misprint for "earnings from investments," which phrase is used in the substitute bill (p. 4, line 9, and p. 14, line 15).

SECTION 5.

Page 7, line 21, to page 8, line 3: This section of the bill seems of doubtful validity. The income of the carrier or owner belongs to it, and after the payment of its debts and taxes, and after any expenditures legitimately required by any act passed by Congress or a State legislature under the police power or commerce power, it would seem to be free for the declaration of dividends at the will of the owner. So long as the owner is not operating the road the dissipation of its income in dividends can not affect the carrying on of interstate commerce nor can it prejudice the successful carrying on of the war. Even if dividends may be restricted under the interstate commerce power the section would seem unconstitutional, for it is not limited to roads engaged in interstate commerce—indeed, so long as the United States operates the roads none of them can fairly be said to be engaged in interstate commerce. Even if the section is valid it is ineffective for the penalty of $5,000, imposed by section 11, is not severe enough to compel obedience. The substitute bill remedies this defect by providing (p. 6, line 19, to p. 7, line 6) that in the case of agreeing roads the agreement shall bind the owner to accept all the terms of the act under penalty of suspension or forfeiture of further payments; and in the case of nonagreeing roads by providing (p. 9, lines 19–20) that acceptance of payments under section 4 (which corresponds to sec. 2 of the reported bill) shall constitute an acceptance of all the provisions of the act.

Mr. KING. Mr. President, if the Senator is about to leave the point he has just been discussing, I should like to ask him a question. Do I understand the Senator to say that in the bill reported by the committee there is any restriction upon the directors of any railroad corporation in regard to making such disposition of the standard return as they may see fit?

Mr. TOWNSEND. The bill provides that a company shall not declare any dividend in excess of what it had declared during the prescribed three years.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. TOWNSEND. I yield.

Mr. GALLINGER. Mr. President, I recall the fact that there was a time in the history of the Senate when there was a good deal of resentment expressed here when bills were prepared at another place and sent here to be introduced. It will also be remembered that it now appears to be the fashion to have bills prepared elsewhere, and sent here for introduction. It seems to me that the Senator from Michigan is drawing an indictment against whoever framed this bill that might well cause us to pause, and to ask if we had not better write our own bills in the future.

Mr. TOWNSEND. Page 7, line 21: "No carrier." Since a system of transportation can not declare a dividend, the use of the word "carrier" is erroneous, for section 1 defines "carrier" to mean a system of transportation. The substitute bill in section 12 (p. 15, line 22) uses the word "owner," which section 2 of the substitute (p. 2, lines 6 to 16) has defined.

Page 7, line 23: "Regular rate of dividends during the three years," and so forth. Suppose in 1915, 4 per cent was paid, 5 per cent in 1916, and 6 per cent in 1917. There could not be said to be paid a "regular" rate. It is not seen why the word "average" should not be used in place of "regular." This is done in the substitute bill (sec. 12, p. 15).

Page 7, line 23: "Its." This seems erroneous, for the owner whose payment of dividends is here sought to be restricted may not have owned the system during the three-year period. This is corrected by the substitute bill (sec. 12, p. 15).

Page 7, line 25: The proviso seems needless repetition and has been omitted in section 12 of the substitute bill.

SECTION 6.

Page 8, line 4, to page 9, line 17: This section deals with so many different subjects that it was deemed best in the substitute bill to split it up into several sections (secs. 7, 8, 9, 11, and sec. 3, subdivision (2)).

Page 8, lines 5 and 6: "Out of the Public Treasury from any funds not otherwise appropriated." This differs from the long-established phrase "out of any moneys in the Treasury not otherwise appropriated," and the latter phrase is used in the substitute bill (p. 12, lines 14 and 15).

Page 8, lines 6 to 8: This may be construed by the Comptroller of the Treasury as an appropriation of the operating income, but it is better to make it certain, as is done in the substitute bill (p. 12, lines 16 and 17).

Page 8, lines 6 and 7: "And funds available from any operating income of said carriers." By "available" is probably meant the portion of the operating income paid into the Treasury under the provision found in page 3, lines 2 to 5. But that provision is limited to the case of the agreeing roads, and the language here quoted is not sufficient to constitute the operating income of the nonagreeing roads' Government moneys, however sufficient it may be to appropriate it if it were Government money. The substitute bill (p. 12, line 16) appropriates for use in the revolving fund only the excess of revenues over disbursements, for the reasons pointed out in connection with the criticism of the reported bill's provisions in page 2, line 24, to page 3, line 5.

Page 8, line 9: "Expenses of Federal control." The meaning of this is doubtful. By page 2, line 24, to page 3, line 5, the agreeing carrier is allowed to pay the operating expenses out of operating revenues. Probably what is meant here is that the revolving fund may be used to make up any deficit in operating expenses. The substitute bill (p. 18, lines 8–11) so provides.

Page 8, lines 9 and 10: "So far as necessary the amount of just compensation." The substitute bill (p. 12, lines 21–24) pledges the United States to appropriate any further sum necessary to pay the whole amount of just compensation.

Page 8, line 11. "Terminals." It is not apparent why this word is inserted in connection with "motive-power, cars," etc., all of which are personal property and at the end of Federal control can be disposed of as Congress may provide. But terminals, if on the property of the carrier, can not be so treated. In this connection it should be noted that lines 15 to 18 and following lines authorize the President to make additions, betterments, etc.; but, except as to terminals, he is given no authority to use for such purpose the revolving fund or any other Government moneys. The substitute bill therefore omits "terminals" from the list of rolling stock, etc., which Congress is to dispose of after Federal control is ended, but inserts a provision (p. 13, lines 8–11) authorizing the President to use the revolving fund for the making of any additions, etc. (which would clearly include terminals), necessary or desirable for war purposes or in the public interest. This insertion seems clearly desirable, for in case of additions of no use to the carrier the latter, if obliged to pay for them out of its own funds, could immediately come into court and recover the amount expended by virtue of the provision found in the reported bill, page 9, lines 3 to 8, thus putting the United States to the expense of a lawsuit.

Page 8, lines 15 to 18: The authority to order the carrier to make additions, and so forth, is of doubtful validity. Suppose the carrier refuses? This defect is cured by the substitute bill which provides (p. 6, line 19, to p. 7, line 6) that the agreement shall contain a clause binding the carrier to conform to all the provisions of the act or orders thereunder, under penalty of suspension or forfeiture of payments under the agreement. It also provides in the case of nonagreeing roads (p. 9, lines 19–25) that any acceptance of benefits under section 4 (corresponding section to sec. 2 of the reported bill) shall constitute an acceptance of all the provisions of the act.

Page 8, line 16. "Property of any carrier." Assuming that "carrier" means owner, it would seem that "property" is the wrong word, for the assumption of Federal control is not an assumption of rights to nonoperating property. The substitute bill (p. 13, lines 20–21) uses the phrase "railroad or system of transportation."

Page 9, lines 3 to 8: The term "carrier" is wrongly used in these lines. The loss is suffered by the owner of the system, and the agreement must be made with him. Again, the loss may consist of a permanent damage to the system, thus giving rights to the lessor, although the lease does not expire till after the end of Federal control. Provision should be made to cover the case.

In so far as the loss is due to additions, and so forth, made by the President, there is no provision made here for compensation.

The substitute bill divides this provision into two parts. It inserts a clause in the agreement section (p. 5, lines 9–21) by which the United States agrees to pay losses caused by such additions, and so forth, the amount of the loss to be ascertained by the Interstate Commerce Commission. It also inserts (sec. 11, p. 15, lines 7–20) a provision authorizing the President, if he thinks it just, to pay such losses, if the agreement made on the findings of the board of referees or the award of the Court of Claims makes no provision therefor.

SECTION 7.

Page 9, lines 18 to 24: The language here employed leaves it doubtful whether the carriers—assuming this to mean the corporations—may, without the approval of the President, issue securities for purposes other than those enumerated. It also is open to the possible construction that they may, without the approval of the President, issue securities even for the purposes named, but as to such securities the President has no power of purchase. The substitute bill in section 13 (p. 16, lines 4–8) provides that owners "may issue only such" securities as the President approves, which is the real intention of this section.

Any doubt as to the validity of this section is removed by the substitute bill, which provides, as to agreeing roads (p. 6, line 19, to p. 7, line 6), that the agreement shall contain a clause by which the owner agrees to be bound by all the terms of the act under penalty of suspension or forfeiture of payments under the agreement, and provides as to nonagreeing roads (p. 9, lines 19–25), that acceptance of any payments under section 4—which corresponds to section 2 of the reported bill—constitutes an acceptance of all the terms of the act.

Page 10, lines 1 to 4: The bill makes no provision as to how these securities are to be held, how voted, and what is to be done with the income therefrom, or with the proceeds of the sale thereof. The substitute bill (p. 16, lines 11–21) provides that securities so purchased shall be held by the Secretary of the Treasury; that he shall, under the President's direction, represent the United States in all matters connected therewith; and that the income therefrom and the proceeds of any sales shall be paid into the Treasury—not into the revolving fund, for the securities may be held by the United States long after the expiration of Federal control.

SECTION 8.

Page 10, lines 7 to 17: Appear unchanged in substitute bill as section 15 (p. 18, lines 12–22). This section, while possibly capable of construction as a declaration that all railroad employees are United States employees, is certainly not a sufficiently definite provision on so important a question. The substitute bill in section 16 (p. 18) contains an express declaration that such persons are United States employees, with the limitations (1) that they shall not be exempt from excess-profits tax, (2) that they shall not be entitled to compensation for injuries under the Federal compensation act of September 7, 1916; and (3) that the President may declare any United States statute inapplicable to them, except the employers' liability act.

SECTION 9.

Page 10, lines 18 to 25: These lines seem unnecessary. Strictly construed, they add nothing to what would be true without them. If they are intended or can possibly be construed to do something else, they should be omitted or a more definite provision substituted stating clearly what additional powers it is intended to bestow. The substitute bill omits these lines.

Page 10, line 25, to page 11, line 2: This sentence is omitted in the substitute bill, which in section 2 (p. 1, line 7, to p. 2, line 5) defines "Federal control" to include the case of roads hereafter taken over.

SECTION 10.

Page 11, lines 3 to 10: The method here employed to deal with the questions (1) as to liability to suit and (2) as to what law is applicable to the roads while under Federal control seems too vague and indefinite for the determination of such important questions:

(1) It is clear that, in substance, the roads are being operated by the United States, and since all expenses are in effect being paid out of Government moneys, any suit is in essence a suit against the Government, to bring which the consent of the United States is necessary. To attempt to dodge this question by permitting suits against corporations which are not themselves operating the roads can only lead to confusion. Even though suit is brought against the corporation, it would seem that it would be a valid defense that such corporation had not performed the act alleged as the ground of liability and that the act was in reality performed by the United States, thus defeating the purpose of this section. But if a judgment were obtained there is nothing to prevent the plaintiff from satisfying his judgment out of the carrier's nonoperating property. The bill contains no provision for the payment of judgments out of United States moneys, nor does it provide for the case of accounts and claims unsettled at the beginning or end of Federal control. The substitute bill, in sections 17 and 18 (pp. 20–21), deals with all these matters in what is believed to be a much more satisfactory manner.

(2) There is serious question as to whether the various Federal and State statutes affecting railroads are now by their terms applicable to the United States in its operation of the roads. The interstate-commerce act, for example, by its terms applies only to "common carriers" engaged in interstate commerce. This description does not fit the United States. This doubt is removed by the substitute bill, which (sec. 19, p. 21) declares that all Federal laws applicable to railroads shall be read as if the United States were by their terms expressly subject thereto, but preserves to the President the right to specify any such law as inconsistent with Federal control, except the employers' liability act.

Since Congress has no right to alter State laws, or at least has no right to say that they shall apply to persons to whom they do not apply, the substitute bill (sec. 20, p. 22) uses the device of making all State laws relating to railroads a part of this act and applicable to the United States, with power in the President to declare any of them inapplicable to the United States. But since it is essential that the members of the public may rely on their rights being protected, he is not allowed to alter the law relating to contracts nor to liability for personal injuries, except in so far as such liability rests on statutes providing for the health, comfort, and safety of individuals, which statutes it may well be that military necessities may make it desirable to disregard.

Page 11, line 13 and the following: This paragraph seems defective in that it is applicable to all roads, whether or not under Federal control, and in that it is not limited to the period of Federal control. The substitute bill (sec. 21, p. 23) remedies these omissions and makes slight verbal changes to carry out more clearly the intention.

SECTION 11.

Page 12, lines 3 to 16: These lines are exceedingly verbose and are reduced materially by the substitute bill, section 25, page 26, without omissions of any material words.

Page 12, line 16: The sentence beginning in this line is omitted in the substitute bill, as it appears to be meaningless. Obviously, if each "independent transaction" is a "violation," it is a "separate offense."

Page 12, line 20: The sentence beginning on this line is omitted in the substitue bill, which, in section 16, page 18, declares railroad employees to be United States employees, making this sentence unnecessary. The clause on page 12 of the reported bill, lines 24–25, attempting to make State laws applicable, is, of course, ineffective, as the States will determine for themselves who are subject to their laws. Congress may conceivably prohibit the States from punishing a Federal officer, but it can not undertake to say that a State law shall apply to some one to whom the State court says it does not apply.

SECTION 12.

Page 13, lines 10 to 24: Appears unchanged as section 22 of the substitute bill, page 24.

SECTION 13.

Page 14, lines 1 to 17: Appears unchanged as section 23 of the substitute bill, page 25.

Page 14, lines 17 to 23: Appears unchanged as section 24 of the substitute bill, page 26.

The substitute bill in section 26, page 26, adds a provision declaring the separability of the act in case any part is declared unconstitutional. The importance of such a provision seems apparent in view of the many and complex relationships which are dealt with in the bill. The provision is copied from the act creating the United States Shipping Board.

Now, Mr. President, I have occupied more time of the Senate, and my presentation of the subject has not been interesting. I know that very well. I have not been able to hold the attention of very many Senators, and my task has been a most ungracious one. I have been compelled to act as a critic. I understand that as well as any Senator here; but I have called attention to nothing except what is found in the bill, and if Senators will take the pains to read my statement in to-morrow's RECORD and think it worth while to consider the defects which I have pointed out, I am sure they will agree with me that we ought to adopt the substitute and then let various Senators propose their amendments to it. We will then at least have the basis upon which to construct a bill which will not be the subject of doubt as to meaning and it will be clear in its expressions.

HOUSING OF SHIPYARD EMPLOYEES (S. DOC. 174)—CONFERENCE REPORT.

Mr. RANSDELL. I submit the report of the committee of conference on the bill S. 3389, known as the shipyard housing bill, and I ask unanimous consent to waive the reading of the report. I will say that it is a unanimous report on the part of the conferees of the two Houses. The other House has already agreed to the conference report.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). The Senator from Louisiana asks unanimous consent to omit the reading of the conference report.

Mr. SMOOT. I desire the conference report to be read, as I wish to know what changes have been made.

The PRESIDING OFFICER. Objection is made, and the Secretary will read the conference report.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"That the United States Shipping Board Emergency Fleet Corporation is hereby authorized and empowered within the limits of the amounts herein authorized—

"(a) To purchase, lease, requisition, including the requisition of the temporary use of, or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees and the families of employees of shipyards in which ships are being constructed for the United States.

"(b) To construct on such land for the use of such employees and their families houses and all other necessary or convenient facilities, upon such conditions and at such price as may be determined by it, and to sell, lease, or exchange such houses, land,

and facilities upon such terms and conditions as it may determine.

"(c) To purchase, lease, requisition, including the requisition of the temporary use of, or acquire by condemnation or otherwise any houses or other buildings for the use of such employees and their families, together with the land on which the same are erected, or any interest therein, all necessary and proper fixtures and furnishings therefor, and all necessary and convenient facilities incidental thereto; to manage, repair, sell, lease, or exchange such lands, houses, buildings, fixtures, furnishings and facilities upon such terms and conditions as it may determine to carry out the purposes of this act.

"(d) To make loans to persons, firms, or corporations in such manner, upon such terms and security, and for such time not exceeding ten years, as it may determine to provide houses and facilities for the employees and the families of employees of such shipyards.

"Whenever said United States Shipping Board Emergency Fleet Corporation shall acquire by requisition or condemnation such property or any interest therein, it shall determine and make just compensation therefor, and if the amount thereof so determined is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined, and shall be entitled to sue the United States to recover such further sum as added to such 75 per cent will make such an amount as will be just compensation for the property or interest therein so taken, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

"That whenever the said United States Shipping Board Emergency Fleet Corporation shall requisition any property or rights, or upon the filing of a petition for condemnation hereunder, immediate possession may be taken by it of such land, houses, or other property, rights, and facilities, to the extent of the interests to be acquired therein, and the same may be immediately occupied and used, and the provisions of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended as to all land acquired hereunder.

"The power to acquire property by purchase, lease, requisition, or condemnation, or to construct houses, or other buildings, and to make loans, or otherwise extend aid as herein granted shall cease with the termination of the present war with Germany. The date of the conclusion of the war shall be declared by proclamation of the President.

"The word 'person' used herein shall include a trustee, firm, or corporation. The word 'shipyard' shall include any factory, workshop, warehouse, engine works, buildings, or grounds used for manufacturing, assembling, construction, or other process in shipyards and dockyards and discharging terminals, and other facilities connected therewith, now or hereafter used in connection with shipbuilding.

"That for the purpose of carrying out the provisions of this act the expenditure of $50,000,000 is hereby authorized, and in executing the authority granted by this act, the said United States Shipping Board Emergency Fleet Corporation shall not expend or obligate the United States to expend more than the said sum, nor shall any contract for construction be entered into which provides that the compensation of the contractor shall be the cost of construction plus a percentage thereof for profit, unless such contract shall also fix the reasonable cost of such construction as determined by the United States Shipping Board Emergency Fleet Corporation and provide that upon any increase in cost above the reasonable cost so fixed by such board, the percentage of profit shall decrease as the cost increases in accordance with a rate to be fixed by said board and expressed in the contract. No contract shall be let without the approval of the United States Shipping Board Emergency Fleet Corporation: *Provided, however*, That nothing herein contained shall be construed to prevent said board from contracting for the payment of premiums or bonuses for the speedy completion of the work contracted for: *Provided further*, That the United States Shipping Board Emergency Fleet Corporation shall report to Congress on the first Monday in December of each year the names of all persons or corporations with whom it has made contracts and of such subcontractors as may be employed in furtherance of this act, including a statement of the purposes and amounts thereof, together with a detailed statement of all expenditures by contract or otherwise for land, buildings, material, labor, salaries, commissions, demurrage, or other charges in excess of $10,000."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

JOSEPH E. RANSDELL,
THOMAS S. MARTIN,
KNUTE NELSON,
Managers on the part of the Senate.
J. W. ALEXANDER,
RUFUS HARDY,
E. W. SAUNDERS,
WILLIAM S. GREENE,
GEORGE W. EDMONDS,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. SMOOT. Mr. President, subparagraph (d) of the amendment grants authority—

to make loans to persons, firms, or corporations in such manner, upon such terms and security, and for such time, not exceeding 10 years, as it may determine to provide houses and facilities for the employees and the families of employees of such ship yards.

That question never was before the Senate, Mr. President. It was not discussed, and it seems to me a rather broad authority to give.

Mr. RANSDELL. I will say that the question was before the House and was very thoroughly discussed, and a good deal of testimony was taken in regard to it. The matter was very fully considered by the conferees, and the Senate conferees unanimously agreed with the House conferees. If there is any explanation that the Senator desires about it, I will try to make it; or, if he prefers to have it go over, of course I shall have no objection, except that we ought to act on it as soon as we can. I will state that the Shipping Board is very anxious to get permission to build these houses.

Mr. SMOOT. I want the Senator to understand that I have no object in delaying the conference report; but this is a rather sweeping provision and one that is not guarded in any way. I therefore ask the Senator to let the matter go over until to-morrow.

Mr. RANSDELL. I have no objection.

The PRESIDING OFFICER. The report will lie on the table and be printed.

MILITARY AND NAVAL ESTABLISHMENTS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Presiding Officer appointed Mr. OVERMAN, Mr. FLETCHER, and Mr. NELSON the conferees on the part of the Senate.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. SMITH of South Carolina. Mr. President, I now propose the unanimous-consent agreement which I send to the desk and ask to have read.

The PRESIDING OFFICER. The Secretary will state the proposed agreement.

The SECRETARY. The Senator from South Carolina proposes the following unanimous-consent agreement:

It is agreed by unanimous consent that at not later than 2 o'clock p. m. on the calendar day of Thursday, February 21, 1918, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered and upon the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, through the regular parliamentary stages to its final disposition; and after said hour, 2 o'clock p. m., Thursday, February 21, no Senator shall speak more than once or longer than five minutes upon the bill or any amendment offered thereto.

Mr. UNDERWOOD. Mr. President, I ask the Senator from South Carolina, in charge of the bill, to strike out the words "calendar day" and insert "legislative day." I think it is apparent that this bill needs amendment. I think the Senator from South Carolina, the chairman of the committee, has amendments to propose. I notice that other Senators have

offered amendments—amendments of importance. There is no bill that I know of pending in the American Congress or that has been pending here since this war began that more vitally affects the interests of the American people. I am not talking about war measures, but about business measures. This bill is certainly entitled to careful and full consideration in the Senate.

I recognize the fact that under general debate in the Senate it is very difficult to get careful and full consideration. I believe that so far as considering the bill and adopting amendments is concerned, we accomplish better results when the debate is limited and we consider amendments under the five-minute rule. Therefore, I have no objection whatever to the Senator from South Carolina proceeding along that line; but, as I understand the agreement that is proposed at the desk, it brings the Senate to the consideration of the bill under the five-minute rule at 2 o'clock on Thursday next. So far, the proposal meets with my approval; I agree with it; but I understand that when Thursday comes we take up the bill at 2 o'clock under the five-minute rule, and must finish it on that calendar day under the five-minute rule.

Mr. SMITH of South Carolina. Mr. President, I will state to the Senator that that was not so understood. I think the purpose is then to proceed under the five-minute rule without being limited to the calendar day.

Mr. UNDERWOOD. I do not so understand the agreement.

Mr. SMITH of South Carolina. I am willing to accept that amendment.

Mr. UNDERWOOD. I will say to the Senator that I should like to have him amend the unanimous-consent agreement so that there can be no doubt about that. I want to aid the Senator in expediting the consideration of the bill; but I think that we ought to proceed under the five-minute rule to consider every amendment that is offered, if it takes four or five more days to consider it under the five-minute rule. There is no reason why we should not do so. In all probability we will dispose of it in a day or so; but to drive a bill of this importance through the Senate, considering all amendments from 2 o'clock until perhaps 12 o'clock that night, when the Senate will be tired and worn out, I do not think is a just or right way to present the bill to the country.

Mr. SMITH of South Carolina. If the Senator will listen to the reading of the proposed agreement he will see that it does not restrict the final disposition of the bill to any date. The consideration of the bill under the five-minute rule begins on the calendar day.

Mr. UNDERWOOD. I may have misunderstood the agreement.

Mr. SMITH of South Carolina. Let us read it carefully:

It is agreed by unanimous consent that at not later than 2 o'clock p. m. on the calendar day of Thursday, February 21, 1918, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill,

* * * * * * *

through the regular parliamentary stages to its final disposition; and after said hour, 2 o'clock p. m., Thursday, February 21, no Senator shall speak more than once or longer than five minutes upon the bill or any amendment offered thereto.

Mr. UNDERWOOD. If the Senator will allow me to see that a moment, I shall be obliged.

Mr. ROBINSON. Mr. President——

Mr. GALLINGER. The agreement does not fix a time for a final vote.

Mr. SMITH of South Carolina. No; it fixes no time for a final vote.

Mr. UNDERWOOD. Mr. President, I may be mistaken in this, but I do not think I am [reading]:

It is agreed by unanimous consent that at not later than 2 o'clock p. m. on the calendar day of Thursday, February 21, 1918, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill—

Describing the bill—

through the regular parliamentary stages to its final disposition.

That is, leaving out the surplusage in the agreement, it provides that on Thursday, the 21st of February, 1918, the Senate will proceed to vote upon this bill to its final disposition. If the Senator will strike out the words "calendar day" and make it read "legislative day," when the time comes to adjourn that night we can take a recess and consider the bill further.

Mr. SMITH of South Carolina. I am perfectly willing to do that.

Mr. CUMMINS. Mr. President, I can not let it go that way. The agreement as proposed yesterday was that after 2 o'clock on Thursday debate should be limited to 10 minutes upon the bill and 5 minutes upon amendments; but, as everybody knows, there is no distinction between the two things, and each Senator would have an opportunity to speak for 10 minutes. I do not think the limitation of 5 minutes, under the circumstances, is quite reasonable. There have been several very good speeches made upon the bill as a whole. I have given a good deal of attention to this subject, and, while I spoke a long time, and I have no disposition to repeat that performance, I addressed myself entirely to one section of the bill. There are amendments to other sections of the bill, rather fundamental in their character, that could not be discussed in 5 minutes.

I want the Senator from South Carolina to allow the debate to go on for a reasonable time, at any rate, after 2 o'clock on Thursday under a 10-minute rule. I think that the debate from 2 o'clock on Thursday until 6 o'clock on Thursday, if it continues that long—I hope it will not—ought to be under a 10-minute rule instead of a 5-minute rule, and I am willing to take the 5-minute rule after 6 o'clock on Thursday.

Mr. SMITH of South Carolina. That will be agreeable to me, Mr. President. What I want to do is to expedite the consideration of the bill. The Senator from Iowa, I am sure, is as sincere as I am in the desire to expedite it. I will take almost any old thing to get something started, somehow, in some way. I should like to have the agreement modified to meet the request of the Senator from Iowa that from 2 o'clock until 6 o'clock on Thursday the speeches shall be limited to 10 minutes each, and thereafter to 5 minutes, until the final disposition of the bill.

The PRESIDING OFFICER. The Chair understands that the Senator from South Carolina consents to the substitution of the words "legislative day" for "calendar day."

Mr. SMITH of South Carolina. Yes.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. CUMMINS. Has it been modified in the way I suggested?

The PRESIDING OFFICER. The Secretary is endeavoring to modify the agreement to meet the suggestion of the Senator from Iowa that the 10-minute rule shall be applied at 2 o'clock p. m. on Thursday and last until 6 p. m., and thereafter the 5-minute rule shall prevail.

Mr. SMITH of South Carolina. That is correct.

Mr. GRONNA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Cummins	Kendrick	Page	Smith, Ga.
Curtis	Kenyon	Pittman	Smith, S. C.
Fletcher	King	Poindexter	Smoot
Gallinger	Lewis	Pomerene	Swanson
Gronna	Martin	Ransdell	Thomas
Harding	Myers	Robinson	Tillman
Henderson	New	Shafroth	Underwood
Hitchcock	Norris	Sheppard	Vardaman
Jones, Wash.	Nugent	Simmons	Wadsworth
Kellogg	Overman	Smith, Ariz.	Wolcott

Mr. MYERS. By reason of ill health, my colleague [Mr. WALSH] is still detained from the Senate.

Mr. LEWIS. I wish merely to announce that the Senator from Kentucky [Mr. JAMES] and the Senator from Oregon [Mr. CHAMBERLAIN] are absent because of personal illness.

The PRESIDING OFFICER. Forty Senators have answered to their names. There is not a quorum present.

Mr. LEWIS. I ask that the names of the absentees be called.

The Secretary called the names of the absent Senators, and Mr. MCKELLAR, Mr. MCNARY, Mr. STERLING, Mr. SUTHERLAND, Mr. THOMPSON, and Mr. WATSON answered to their names when called.

Mr. HALE, Mr. FRELINGHUYSEN, Mr. BECKHAM, Mr. KIRBY, Mr. PENROSE, and Mr. HOLLIS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present. Does the Senator from South Carolina desire to have the unanimous-consent agreement read?

Mr. SMITH of South Carolina. No; I think not, Mr. President. It is understood.

Mr. STERLING. May we have the proposed agreement read, Mr. President?

The PRESIDING OFFICER. The Secretary will read the proposed unanimous-consent agreement.

The Secretary read as follows:

UNANIMOUS-CONSENT AGREEMENT.

It is agreed by unanimous consent that at not later than 2 o'clock p. m. on the legislative day of Thursday, February 21, 1918, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 3752) to provide for the operation of transportation systems while under Federal con-

trol, for the just compensation of their owners, and for other purposes, through the regular parliamentary stages to its final disposition; and that from and after the hour of 2 o'clock p. m. up to the hour of 6 o'clock p. m. on the calendar day of Thursday, February 21, 1918, no Senator shall speak more than once or longer than 10 minutes upon the bill or any amendment offered thereto, and that after the last-named hour on the said last-named calendar day no Senator shall speak more than once or longer than five minutes upon the bill or any amendment offered thereto.

Mr. JONES of Washington. Mr. President, if the consideration of the bill should last after that calendar day, how long may Senators speak?

Mr. SMITH of South Carolina. Five minutes.

Mr. LEWIS. May I ask the Senator from South Carolina whether he means that that order would convey the privilege of speaking after 6 o'clock?

Mr. SMITH of South Carolina. Under the five-minute rule.

Mr. LEWIS. After 6 o'clock on Thursday?

Mr. SMITH of South Carolina. Yes.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? The Chair hears none, and the agreement is entered into.

Mr. SMITH of South Carolina. Mr. President, I move that the Senate adjourn.

Mr. MYERS. Mr. President, I hope the Senator will withdraw that motion. I should like to have a short executive session. I promised to make a committee report which has been in my hands for several days.

Mr. SMITH of South Carolina. The Senator can make it as in open executive session.

Mr. MYERS. Then I will ask unanimous consent, as an executive matter, to make the report.

Mr. GALLINGER. I object.

The PRESIDING OFFICER. Objection is made.

Mr. MYERS. Then I ask the Senator to allow us to have a short executive session. I promised to make this report for the Senator from Missouri, who is particularly interested in it. It will take but a minute.

EXECUTIVE SESSION.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until to-morrow, Wednesday, February 20, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1918.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. (Junior Grade) Ward W. Waddell to be a lieutenant in the Navy from the 5th day of June, 1917.

Ensign Stanley L. Wilson to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1917.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 6th day of December, 1917:

William S. Popham, jr., and
Malcolm L. Worrell.

The following-named citizens to be dental surgeons in the Navy, with the rank of lieutenant (junior grade), for a probationary period of two years from the 16th day of October, 1917:

William T. Davidson, a citizen of Pennsylvania,
Harold A. Badger, a citizen of New York,
Patrick F. Kennedy, a citizen of Massachusetts,
Canute Hansen, a citizen of New York,
Herbert A. Sturtevant, a citizen of Massachusetts,
Lawrence E. McGourty, a citizen of Massachusetts,
Spey O. Claytor, a citizen of Ohio,
James McK. Campbell, a citizen of Tennessee,
James W. Ridgway, a citizen of the District of Columbia,
Hyman Mann, a citizen of Pennsylvania,
Hubert Lehman, a citizen of Connecticut,
John A. Walsh, a citizen of Connecticut,
William E. Coverley, a citizen of Illinois, and
William A. Dorney, a citizen of Massachusetts.

The following-named citizens to be dental surgeons in the Navy, with the rank of lieutenant (junior grade), for a probationary period of two years, from the 1st day of November, 1917:

David L. Cohen, a citizen of California, and
Elwood B. Faxon, a citizen of Oregon.

The following-named citizens to be dental surgeons in the Navy, with the rank of lieutenant (junior grade), for a probationary period of two years, from the 9th day of February, 1918:

Howard R. McCleery, a citizen of Oklahoma,
Armin T. Fellows, a citizen of Pennsylvania,
George A. Collins, a citizen of New Jersey,
Frank A. Zastrow, a citizen of New York, and
James F. McGrath, a citizen of Massachusetts.

Gunner Ola F. Heslar to be an ensign in the Navy, for temporary service, from the 10th day of October, 1917.

The following-named officers to be ensigns in the Navy, for temporary service, from the 15th day of February, 1918:

Arthur F. Armstrong,
Oliver A. Bowers,
Otis E. Bennett,
John J. Gaskin,
Chester N. White,
Thomas H. Murphy,
Leo E. Schlimme,
Bernard S. Rodey, jr.,
Thomas P. Kane,
Alfred J. Byrholdt,
Oliver H. Briggs,
Frederick G. Trummer,
Francis A. Knauss,
Carl J. Hallberg,
Albert T. Lang,
Christian Christensen,
Henry L. Bixbee,
Alexander C. Cornell,
William G. Gillis,
Fred G. Peterman,
Frank E. Norlin,
Leslie R. Hesselton,
Lawrence J. Murphy,
George R. Woods, and
Robert J. Vierthaler.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 15th day of February, 1918:

George H. Frederick,
Carl Hupp,
John L. Blomquist,
Edwin P. Lacey,
Charles A. Goebel,
John McKean,
Heinrich C. A. Deglau,
John O. Strickland,
Raymond J. Comstock,
Virgil F. Wright,
George F. Evanson,
Walter Mower,
Clarence C. McDow,
Ralph M. Gerth,
William S. Burns,
Charles A. Strumsky,
Joseph F. Caveney,
William H. Tracy,
John D. Morris,
Charles R. Kehler,
Elliott Kauth,
James E. Finn,
Arthur O. Kolstad,
Stonewall B. Stadtler, and
Homer F. McGee.

The following-named officers of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 15th day of February, 1918:

Sydney W. Ford,
John Harrison, jr.,
Washington E. Bogardus,
William T. Brown, and
Philip McK. Zenner.

Paymaster Ray Spear to be a pay inspector in the Navy, with the rank of commander, for temporary service, from the 10th day of January, 1918.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 19, 1918.

TARIFF COMMISSION.

Thomas W. Page to be a member of the United States Tariff Commission.

CONSULAR SERVICE.

CONSULS OF CLASS 3.

Ralph H. Bader.
Thomas H. Bevan.
William W. Brunswick.

Algar E. Carleton.
Felix Cole.
Harris N. Cookingham.
Paul H. Cram.
Raymond S. Curtice.
J. Preston Doughten.
Stillman W. Eells.
Robert W. Harnden.
Samuel W. Honaker.
Paul R. Josselyn.
Robert L. Keiser.
Irving N. Linnell.
Leland B. Morris.
Charles Roy Nasmith.
Harold B. Quarton.
Raymond P. Tenney.
Hugh H. Watson.
George W. Young.

GENERAL LAND OFFICE.

Louis H. Mooser to be surveyor general of California.

Gratton D. Little to be receiver of public moneys at Eureka, Cal.

Christopher C. Davidson to be register of the land office at Springfield, Mo.

APPOINTMENTS IN THE NAVY.

William C. Braisted to be Surgeon General and Chief of the Bureau of Medicine and Surgery.

George Barnett to be major general commandant of the Marine Corps.

POSTMASTERS.

ALABAMA.

Leon M. Stevenson, Roanoke.

CALIFORNIA.

Jennie F. Curry, Camp Curry.
Janet D. Watson, Tahoe.
Susan M. Sigler, Universal City.

COLORADO.

William M. Kintner, Swink.

KANSAS.

Henry Mattison, Mount Hope.

KENTUCKY.

Orson D. Proctor, Adairville.
William B. Crabb, Eminence.
E. W. McClure, Leitchfield.
H. Otto Razor, Salt Lick.
P. A. McIntire, Uniontown.

MISSOURI.

Robert S. Harriman, Pilot Grove.

NEW JERSEY.

Francis J. Imlay, Allenhurst.
Clark P. Kemp, Little Silver.
J. Edward Harned, Woodbridge.

NORTH DAKOTA.

Swain G. Northfield, Edinburg.

OHIO.

William H. Wisman, New Paris.

TENNESSEE.

Cleveland M. Reames, Somerville.

VIRGIN ISLANDS.

W. S. Lee, Charlotte Amalie.

WYOMING.

Minnie C. Corum, Encampment.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 19, 1918.*

The House met at 12 o'clock noon.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Calm as the night, deep as the sea, constant as the sun is Thy love to us, O Father in Heaven. Thy blessings are innumerable and Thou hast saved us from dangers known and from many a peril unrecognized. Save us from habitual complaint, lament, regret. Hold us close to Thee in love, thanksgiving, and trust. And while the storm and the surges of life beat about us, keep us safe upon the Rock of Ages, and defend and bless our dear, dear country. In Jesus' name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. MILLER of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a patriotic speech made by my colleague, Mr. TIMBERLAKE of Colorado, delivered at Yuma, Colo., on January 2, and published in the Yuma Pioneer of that date.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by printing a patriotic speech made by the gentleman from Colorado [Mr. TIMBERLAKE] at Yuma, Colo., on a certain date. Is there objection?

There was no objection.

Mr. FLOOD. Mr. Speaker, I want to ask unanimous consent to extend my remarks in the RECORD by printing a resolution adopted by the Board of Supervisors of Buckingham County, Va., in reference to the fertilizer situation.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD by printing a set of resolutions adopted by the Agricultural Society of Buckingham County. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. KEARNS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter I have received relative to pension legislation.

The SPEAKER. The gentleman from Ohio [Mr. KEARNS] asks unanimous consent to extend his remarks in the RECORD by printing a letter on the subject of pensions. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. KEARNS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of pension legislation, in which remarks I might publish a letter I have received.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks on the subject of pension legislation. Is there objection?

Mr. WALSH. I object.

HOUSING OF SHIPBUILDING EMPLOYEES.

Mr. ALEXANDER. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved lands, houses, and buildings, and for other purposes.

Mr. SIMS. Mr. Speaker, I suppose that under the unanimous-consent agreement we will take up the railroad bill after the conference report is agreed to?

The SPEAKER. Of course.

The Clerk will report the conference report by title.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the statement may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

CONFERENCE REPORT (NO. 319).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3389) "to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter proposed by the House insert the following:

"That the United States Shipping Board Emergency Fleet Corporation is hereby authorized and empowered within the limits of the amounts herein authorized—

"(*a*) To purchase, lease, requisition, including the requisition of the temporary use of, or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees and the families of employees of shipyards in which ships are being constructed for the United States.

"(*b*) To construct on such land for the use of such employees and their families houses and all other necessary or convenient facilities, upon such conditions and at such price as may be determined by it, and to sell, lease, or exchange such houses, land,

and facilities upon such terms and conditions as it may determine.

"(c) To purchase, lease, requisition, including the requisition of the temporary use of, or acquire by condemnation or otherwise any houses or other buildings for the use of such employees and their families, together with the land on which the same are erected, or any interest therein, all necessary and proper fixtures and furnishings therefor, and all necessary and convenient facilities incidental thereto; to manage, repair, sell, lease, or exchange such lands, houses, buildings, fixtures, furnishings, and facilities upon such terms and conditions as it may determine to carry out the purposes of this act.

"(d) To make loans to persons, firms, or corporations in such manner upon such terms and security, and for such time not exceeding 10 years, as it may determine to provide houses and facilities for the employees and the families of employees of such shipyards.

"Whenever said United States Shipping Board Emergency Fleet Corporation shall acquire by requisition or condemnation such property or any interest therein, it shall determine and make just compensation therefor, and if the amount thereof so determined is unsatisfactory to the person entitled to receive the same, such person shall be paid 75 per cent of the amount so determined, and shall be entitled to sue the United States to recover such further sum as added to such 75 per cent will make such an amount as will be just compensation for the property or interest therein so taken, in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code.

"That whenever the said United States Shipping Board Emergency Fleet Corporation shall requisition any property or rights, or upon the filing of a petition for condemnation hereunder, immediate possession may be taken by it of such land, houses, or other property, rights, and facilities, to the extent of the interests to be acquired therein, and the same may be immediately occupied and used, and the provisions of section 355 of the Revised Statutes, providing that no public money shall be expended upon such land until the written opinion of the Attorney General shall be had in favor of the validity of the title nor until the consent of the legislature of the State in which the land is located has been given, shall be, and the same are hereby, suspended as to all land acquired hereunder.

"The power to acquire property by purchase, lease, requisition, or condemnation, or to construct houses, or other buildings, and to make loans, or otherwise extend aid as herein granted shall cease with the termination of the present war with Germany. The date of the conclusion of the war shall be declared by proclamation of the President.

"The word 'person' used herein shall include a trustee, firm, or corporation. The word 'shipyard' shall include any factory, workshop, warehouse, engine works, buildings, or grounds used for manufacturing, assembling, construction, or other process in shipyards and dockyards and discharging terminals, and other facilities connected therewith, now or hereafter used in connection with shipbuilding.

"That for the purpose of carrying out the provisions of this act the expenditure of $50,000,000 is hereby authorized, and in executing the authority granted by this act, the said United States Shipping Board Emergency Fleet Corporation shall not expend or obligate the United States to expend more than the said sum, nor shall any contract for construction be entered into which provides that the compensation of the contractor shall be the cost of construction plus a percentage thereof for profit, unless such contract shall also fix the reasonable cost of such construction as determined by the United States Shipping Board Emergency Fleet Corporation and provide that upon any increase in cost above the reasonable cost so fixed by such board, the percentage of profit shall decrease as the cost increases in accordance with a rate to be fixed by said board and expressed in the contract. No contract shall be let without the approval of the United States Shipping Board Emergency Fleet Corporation: *Provided, however*, That nothing herein contained shall be construed to prevent said board from contracting for the payment of premiums or bonuses for the speedy completion of the work contracted for: *Provided further*, That the United States Shipping Board Emergency Fleet Corporation shall report to Congress on the first Monday in December of each year the names of all persons or corporations with whom it has made contracts and of such subcontractors as may be employed in furtherance of this act, including a statement of the purposes and amounts thereof, together with a detailed statement of all expenditures by contract or otherwise for land, buildings, material, labor, salaries, commissions, demurrage, or other charges in excess of $10,000."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

J. W. ALEXANDER,
RUFUS HARDY,
E. W. SAUNDERS,
WILLIAM S. GREENE,
GEORGE W. EDMONDS,
Managers on the part of the House.

JOS. E. RANSDELL,
THOMAS S. MARTIN,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 3389, "An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes," submit the following written statement in explanation of the effect of the action agreed upon by the conferees and submitted by the accompanying report:

The House amendment to the bill S. 3389 is agreed to with an amendment, which gives the text of the bill as agreed to by the conferees.

The bill as agreed to authorizes and empowers the United States Shipping Board Emergency Fleet Corporation not only to requisition property for the purposes of the act, but to requisition the temporary use of the property for the purposes of the act; also to provide houses for the use of employees and the families of employees; also, in addition to proper fixtures and furnishings for houses and other buildings for the use of employees and their families, to provide all necessary and convenient facilities incidental thereto.

Paragraph (*d*) is rewritten, and the Emergency Fleet Corporation is given power to make loans to persons, firms, or corporations in such manner, upon such terms and security, and for such time not exceeding 10 years as it may determine to provide houses and facilities for the employees and the families of employees of such shipyards. Subdivision (*d*) as it passed the House gave the Emergency Fleet Corporation power to make loans only upon adequate security to persons, firms, or corporations, etc. The conferees are of the opinion that to demand adequate security for all loans made might seriously embarrass the Emergency Fleet Corporation in providing the necessary housing facilities. It is too much to hope there will be no loss to the Government in carrying out this project, and to demand adequate security for every loan made would make it difficult for the Emergency Fleet Corporation to enlist the active cooperation of persons, firms, or corporations in carrying out the purposes of the act. The most we can hope for is that the Emergency Fleet Corporation in making loans will exercise sound discretion and demand the very best security that can be obtained, and the effect of the amendment agreed to in conference is to vest the Emergency Fleet Corporation with large discretion in making loans.

No other material amendment is made to the House amendment in the way of substitute to the Senate bill.

The last paragraph of the House amendment to the Senate bill as agreed to by the conferees is amended to provide that no contract shall be sublet without the approval of the Emergency Fleet Corporation; also, to provide that the report made to Congress shall be made on the 1st day of December of each year instead of on the 1st day of July and January of each year.

The effect of these amendments is apparent and needs no explanation.

J. W. ALEXANDER,
RUFUS HARDY,
E. W. SAUNDERS,
WILLIAM S. GREENE,
GEORGE W. EDMONDS,
Managers on the part of the House.

Mr. ALEXANDER. Mr. Speaker, the bill as agreed to in conference was to all intents and purposes the same as the bill as it passed the House, and I move the previous question.

Mr. LENROOT. Mr. Speaker, will the gentleman yield for just a question?

Mr. ALEXANDER. I yield.

Mr. LENROOT. With reference to subdivision (d), covering the matter of loans, I merely ask, for the guidance of the Shipping Board, as to what the intent of the Congress was. I take it that it was the intention of the conferees, by modifying the language that was adopted by the House, to require security

in each instance, but leaving a very wide discretion with the board?

Mr. ALEXANDER. Yes.

Mr. LENROOT. But in no event should security be dispensed with?

Mr. ALEXANDER. That was clearly the intent, and the only reason we modified the language was because, as framed in the bill, it was too restrictive, but at the time the gentleman from Wisconsin [Mr. LENROOT] offered the amendment it appeared to me very strongly, but upon more mature consideration the conferees were afraid it would be too restrictive.

Mr. LENROOT. All I wanted to say was, that this ought not to be construed as permitting the board to waive security?

Mr. ALEXANDER. On the other hand, we wish them to procure the best security they can.

Mr. STAFFORD. Will the gentleman yield further?

Mr. ALEXANDER. I yield.

Mr. STAFFORD. I notice the committee has extended the authority of the loans that may be made by the Shipping Board, to provide for loans for houses as carried in the House bill, and also for facilities. Has that any peculiar significance as to authorizing loans for the building of railroads?

Mr. ALEXANDER. Oh, no; nothing at all. We might be able to take over a house, and there might be some furniture or fixtures that would be worth while to take over.

Mr. STAFFORD. The idea is that the facilities referred merely to the housing proposition?

Mr. ALEXANDER. Yes; the facilities in connection with the housing, absolutely.

Mr. Speaker, I move the previous question.

Mr. WALSH. Mr. Speaker, will the gentleman yield for a short question before he does that?

Mr. ALEXANDER. I will.

Mr. WALSH. I want to ask if the amendment which was adopted just before the bill was reported to the House remains?

Mr. ALEXANDER. The Green amendment?

Mr. WALSH. Yes; the Green amendment.

Mr. ALEXANDER. It remains in the bill just as it was written in the House. It is not modified at all, except that we provide that no subcontract may be let without the express consent of the Shipping Board. I move the previous question, Mr. Speaker.

The SPEAKER. The question is on agreeing to that motion.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

CLERK TO COMMITTEE ON ALCOHOLIC LIQUOR TRAFFIC.

Mr. PARK. Mr. Speaker, I submit a privileged resolution, which I ask to have read at the Clerk's desk.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. The unanimous-consent agreement was that nothing was to interfere with the consideration of the railroad bill except conference reports and Calendar Wednesday business.

The SPEAKER. The Chair understands that, but little things that have to do with the running of the House and that will not take but a minute were not included. If this does, the gentleman from Georgia will withdraw it.

Mr. PARK. I yield two minutes to the gentleman from Illinois [Mr. SABATH].

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 221.

Resolved, That the Committee on Alcoholic Liquor Traffic be allowed a clerk at the rate of $6 per diem during the second session of the Sixty-fifth Congress, to be paid out of the contingent fund of the House.

Mr. SABATH. Mr. Speaker, this is the only committee of the House with legislative jurisdiction which has not been allowed a clerk, and that notwithstanding the fact that there are a great many things to be attended to on that committee growing out of the recent prohibition legislation. There are a great many letters and memorials and inquiries coming into that committee from day to day.

Mr. STAFFORD. I do not think that should be precipitated at this time. The committee has never had a clerk.

Mr. SABATH. It has always had a clerk.

Mr. STAFFORD. At $6 per day?

Mr. SABATH. Yes; it has always had a clerk since the committee has been organized; it has one now, and has had one ever since.

Mr. MOORE of Pennsylvania. The gentleman does not want a contest over this matter this morning, does he?

Mr. SABATH. No; I do not want a contest. If there is any question about it, I am willing that the gentleman from Georgia [Mr. PARK] should withdraw it. But if there is a committee that needs a clerk at this time it is that committee, because on an average of 40 or 50 letters and resolutions come in every day. They have to be answered and taken up and attended to.

The SPEAKER. The gentleman from Georgia [Mr. PARK] temporarily withdraws this resolution.

ORDER OF BUSINESS.

Mr. MOON. Mr. Speaker, I want to ask unanimous consent that at the conclusion of the railroad bill, which we are about to take up, the bill (H. R. 9414) granting increased compensation to certain officials, employees, and laborers in the Post Office Department and Postal Service, and for other purposes may be taken up and put upon its passage.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that at the conclusion of the consideration of the present bill—that is, this railroad bill—House bill 9414 be made a special order, barring, of course, Calendar Wednesday and the first and third Mondays and conference reports and privileged matters generally. Is there objection?

Mr. SHERLEY. I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. LANGLEY. Mr. Speaker——

Mr. MOON. Does the gentleman from Kentucky object?

Mr. LANGLEY. No; I am in favor of the gentleman's bill. I did not object.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] objected.

Mr. MOON. The gentleman says he did not object.

The SPEAKER. I know; the gentleman from Kentucky [Mr. SHERLEY] objected.

Mr. LANGLEY. I object to the action of my colleague being attributed to me. I am in favor of the gentleman's bill, particularly if it is the bill which gives relief to the fourth-class postmasters, the rural carriers, and the star-route carriers.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes; and, pending that motion, I want to ask the gentleman from Wisconsin [Mr. ESCH]—I want to make a unanimous consent request that the gentleman from Wisconsin shall control one-half of the time for general debate on that side and that I control it on this side. That is only for the control of debate.

Mr. MADDEN. Let us find out what the debate is going to be. I reserve the right to object for the time being, to ascertain how long the time for general debate is going to be.

Mr. SIMS. I was discussing that matter with the gentleman from Wisconsin this morning, and he thought that it would be better for us to begin the debate without an agreement, and we could probably reach an agreement later on, but to proceed without an agreement except that I shall control one-half and the gentleman from Wisconsin one-half of the time.

Mr. COX. Is the debate to be confined to the bill?

Mr. SIMS. I want to make that as a separate request. This should not be coupled with any other request.

Mr. MADDEN. It seems to me that we ought to reach an agreement as to the amount of debate.

Mr. GARNER. Mr. Speaker, I want to suggest to the gentleman from Tennessee that he couple with his request for an equal division of the time the request that the time be controlled by himself and the gentleman from Wisconsin [Mr. ESCH], and that the debate be confined to the bill.

Mr. SIMS. I will make that request if this one is granted.

Mr. GARNER. But suppose this should be granted and the other one not?

Mr. SIMS. I want both to be granted.

Mr. COOPER of Wisconsin. I do not want to obstruct the consideration of this matter, but I shall not consent, if ever, except in the most extraordinary circumstances, to the limiting of general debate to any subject. That is the only chance that the Members of the House of Representatives have to express their opinions on current matters.

The SPEAKER. Nobody has made that request.

Mr. COOPER of Wisconsin. I know; but the gentleman from Texas [Mr. GARNER] was just suggesting that it be made and I thought I had better show the unwisdom of making such a request.

The SPEAKER. The gentleman from Tennessee [Mr. SIMS] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the railroad bill (H. R. 9685); and pending that he asks that he control one-half the time for general debate and the gentleman from Wisconsin [Mr. ESCH] the other half. Is there objection to this request?

There was no objection.

Mr. SIMS. Now, Mr. Speaker, I will make the further request that general debate be limited to the subject matter of the bill.

The SPEAKER. The gentleman asks that the general debate be limited to the subject matter of the bill. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I wish to say this only——

Mr. LANGLEY. Mr. Speaker, in order to save time, I object.

The SPEAKER. The gentleman from Kentucky [Mr. LANGLEY] objects.

Mr. SIMS. Now my motion is in order.

The SPEAKER. The question is on the motion to go into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, with Mr. RAINEY in the chair.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be waived.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the first reading of the bill be waived. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, this is one of the most important bills that has ever been before the House of Representatives for its consideration and enactment since I have been a Member of the House, which is now within a few days of 21 years. It is so important that I feel that all debate upon this bill should be confined to the provisions of the bill. I do not mean that upon a point of order a mere question of judgment is to be challenged as to whether what a gentleman may be saying applies to a provision in the bill or not, but it will require all the time that we ought to use in general debate to discuss the bill and proposed amendments. And when it is so absolutely necessary that it shall be enacted into law as soon as possible, consistent with due and proper consideration, I hope that no gentleman will ask to make a speech or will want time yielded him to make a speech on a subject in no way related to this legislation. We have a number of appropriation bills to be considered yet by the House, and it has always been the custom that on appropriation bills liberal time is given for general debate, to the end that gentlemen of the House may discuss any subject in order under the rules when the House is in Committee of the Whole House on the state of the Union. I would have no objection to debate on other subjects if it were not for the fact of the great urgency of this emergency legislation.

The House Committee on Interstate and Foreign Commerce remained in continuous session for five weeks, or about that time, not confining their sessions simply to the forenoons, but often continued in session until the time for adjournment of the House; and I feel that the members of this committee who have studied this subject so faithfully, who have attended the hearings so continuously, should have a reasonable opportunity to explain to the House, or to Members of the House who have not given the matter that amount of study and thought and attention that members of the committee have, the provisions of this bill, and that they should not be crowded out simply to grant accommodation requests to discuss subjects that do not relate to the bill.

I shall now ask that I be not interrupted for a few minutes. I want to read a synopsis in the way of an explanation of the bill, which is practically the majority report. But many Members, perhaps, have not read the report, or some of them at least have not read it, and I always find that it is better to have a synopsis of a speech in the first part of it if you want it to be read, because so many people will read just a few pages of a speech and not read all of it. That is my reason for pursuing this course. Therefore, while it is not my custom to read speeches or to prepare them in writing, I wish to read this synopsis, and just as soon as I have finished it, I shall then do what we sometimes call turning loose on the whole subject, but with as much brevity as possible in explaining the bill at length.

This measure is war emergency legislation, intended to meet the essential needs growing out of Federal control of our great carrier systems. It is not to be regarded as a bill for Government ownership or control of railroads or against Government ownership or control of railroads. The bill makes neither for nor against any particular kind of railroad regulation. It undertakes to provide for war needs only.

The bill is comparatively short and easily understood. It consequently requires but brief explanation.

The act of August 29, 1916, authorized the President in time of war to assume the possession, control, and use of transportation systems. It provided no method for determining the just compensation of the owners of properties thus applied to public use. The right to just compensation is a constitutional right; the determination of the amount of just compensation is a judicial and not a legislative question.

But Congress may and should provide speedy and easily available judicial machinery for determining this just compensation. It is also desirable that the owners of the properties should, instead of being required to resort to the courts for their rights, be made such offers for just compensation as will result in an agreement between them and the United States determinative of all rights. These, together with certain obviously needed supplementary powers as to financing during Federal control, are the main purposes of this bill.

Section 1 is a fundamentally important section, for it fixes the outside limits of the proposed agreements. Its sole function is to provide a basis of such just and proper agreements as may eliminate litigation. This section authorizes the President to make contracts with the operating carriers under which they shall receive in lieu of their constitutional rights the average of their railway operating income for the three years ended June 30, 1917.

Ordinary taxes, Federal and State, are to be paid as hitherto out of operating income. But war taxes are payable out of the standard return. The owners of railroad securities, like the owners of other securities, are thus left to carry their share of the war-tax burden.

The agreements authorized in section 1 are also to contain adequate and careful provisions as to depreciation and maintenance, and for all such adjustments of accounts between the Government and the carrier companies as may be necessary to effectuate the Government's obligation of paying a just compensation not exceeding the three-year average earnings, besides keeping up the properties, leaving the Government, however, if it turns the property back improved or increased at Government expense to be reimbursed therefor.

This standard provision will doubtless be found applicable to most railroad companies. Seventy-five great operating systems do more than 90 per cent of the business, but there are some new, undeveloped, reorganizing companies for which some special provision ought to be made. The bill accordingly authorizes the President to make such agreements as he may deem just with companies whose just compensation he finds will plainly not be measured by the three-year earnings basis.

Naturally there has been much discussion as to the justice of the proposed basis of settlement. Our committee has dealt with this as a practical question. It consequently regards much of the evidence adduced before the committee concerning "surplus" as irrelevant. This is not the time to undertake to settle public policy as to so-called "surplus earnings." The facts are that these companies having during this three-year period had certain earnings; that they are entitled as a constitutional right to have their just compensation adjudicated by the courts; that it is probably—almost certain—that any court would take their average earnings for some reasonable period as persuasive evidence of such just compensation.

Viewing their constitutional right in connection with the great public needs of stabilizing the security market—of restoring and not impairing confidence—our committee was of the opinion that the average earnings of three years is a fair basis for a settlement of the rights of most of these owners against their Government, and ought to be approved. Nineteen hundred and fifteen was one of the worst years in recent railroad history; the other two years were prosperous. The average of the three years is therefore a fair test of earning power. Moreover, the investment in the properties of railroads now taken over has been increasing at a rate above $100,000,000 a year. The properties the Government now has the use of are larger by about a third of a billion dollars than the properties that made the earnings of 1915, taken as one of the three years in order to reach the standard return.

Mr. KEARNS. Will the gentleman yield?

Mr. SIMS. I asked that I might be permitted to finish this brief statement.

Mr. KEARNS. The gentleman says about one-third of a billion, while the report says about one billion.

The CHAIRMAN. The gentleman has requested that he be not interrupted.

Mr. SIMS. I am going to discuss that later on, and in my remarks will give the reason why I say about one-third of a billion, or in excess of $100,000,000 a year.

Mr. KEARNS. Is the statement in the report correct?

Mr. SIMS. I do not want to stop to discuss it now, but I will come to that when I get through with this synopsis.

It is not pretended that the three-year basis is an accurate mathematical test of just compensation, but our committee believed it to be a basis essentially just, and one that will be plainly understood, easily workable, and generally approved both by the public and by the security holders.

Section 3 provides "due process of law" for nonagreeing carriers and also authorizes an agreement between the President and any company after report by the referees to be appointed by the Interstate Commerce Commission. It was the belief of our committee that few, if any, cases will ever reach the Court of Claims. This section requires no further explanation.

Section 4 provides for increasing compensation as the properties used increase during the period of Federal control.

Section 5 limits dividend disbursements to regular dividends except as the President may otherwise permit. Nondividend payers may, however, pay dividends as permitted. Manifestly any excess revenues accruing from standard return ought not to be made the basis of speculation or manipulation. Steady, regular income is what is desirable during the period of the war.

Section 6 provides for a revolving fund, to be made up of an appropriation of $500,000,000 from the Treasury and any excess revenue derived from the operation of the companies. This revolving fund may be used by the President to provide equipment, additions, and road extensions, and to make advances to the companies so far as necessary for these purposes. This section contemplates direct ownership by the United States of new railroad equipment and perhaps of terminals. It does not contemplate ownership of such road extensions, tracks, and so forth, as may be necessary in connection with Army camps, shipyards, and so forth. In the opinion of our committee the title to such additions and extensions should be in the various companies and not in the United States. But as some such extensions will be made for war purposes and cost more than their value during peace times, the right of the company to have a just portion of this compulsory investment paid by the Government is protected. This section also provides for the construction and utilization of transportation facilities on our waterways. The burden on our rail carriers may be much lightened if we make proper use of these great natural highways.

Section 7 provides for Government financing of maturing obligations and other necessary capital requirements of the companies during Federal control. Securities purchased may, if the President finds it desirable, be sold at not less than cost.

Sections 8 and 10 need no explanation.

Section 9 guards the rights of certain railroads which may not be taken over, not to have their traffic and routing arrangements unnecessarily injured.

Section 11 embodies the theory of the President's proclamation that there shall be no unnecessary disturbance of established methods of procedure by and against the carrier companies. While it is undoubtedly true that during the period of Federal control the revenues of the railroads are Government money, section 11—certainly when read in connection with section 8, which authorizes the President to execute his powers through such agencies as he may determine—permits the utilization of the various carrier companies, as a species of Government agencies, so that for all practical purposes passengers, shippers, and employees will proceed as hitherto in the exercise and enforcement of all their accustomed rights.

But when Federal control for war purposes requires changed methods the President must have power to make such changes. The rate fabric of the country is now based upon the competitive theory. In many instances rail rates have been made for the purposes of meeting, if not destroying, water competition. Section 6, as already pointed out, contemplates that the Federal Government shall from its own resources create new facilities upon the waterways. Manifestly during Federal control rail rates ought not to be made for the purpose of destroying or "meeting water competition." The Nation should not compete with itself. It should furnish transportation service, both rail and water, at just and reasonable rates. On the other hand, it is manifestly impracticable and undesirable for the President or any agencies he may create to readjust our present rate fabric. Comparatively little of it ought to be readjusted, and such necessary adjustment should come tentatively and only to meet obvious needs. Our committee was of the opinion that section 11 meets the situation in the least objectionable and in the most practicable way. It provides that, except as the President may from time to time otherwise order, rates shall continue to be and to be determined as hitherto.

This leaves the Interstate Commerce Commission and the State commissions to proceed, precisely as hitherto, in the determination of all rate questions unless and until the President, in the exercise of the war power, shall order otherwise.

Mr. MADDEN. Will it interrupt the gentleman to answer a question there? I do not want to interrupt him unless he desires to be interrupted.

Mr. SIMS. I did want to finish this synopsis and then yield for interruptions.

Mr. MADDEN. There is just one place that I think might be a very appropriate place to ask my question, that is all.

Mr. SIMS. They are really all of them appropriate.

Mr. MADDEN. This one particularly.

Mr. SIMS. I will ask the gentleman to make a note of it in his mind.

Mr. MADDEN. I should like to have it right where the statement of the gentleman is made.

Mr. SIMS. But when the public interest so requires the President may initiate rates, filing them with the Interstate Commerce Commission, to take effect upon such notice as he shall direct. Such rates are to be "fair, reasonable, and just." But to guard against even remote possibilities of error the section provides that upon complaint the Interstate Commerce Commission shall make investigation, grant full hearings "concerning the fairness, justice, and reasonableness" of rates so ordered by the President, and "make report of its findings and recommendations" to the President for such action as he shall deem required in the public interest.

It has been suggested that after such hearing the Interstate Commerce Commission should be given power to make orders, thus in effect overriding the President's war power to make rates on transportation systems in his possession and control because of war conditions. It would, in the opinion of our committee, be most unwise to authorize the Interstate Commerce Commission to overrule the President in the exercise of his war powers—indeed, of any other powers. It should not be overlooked that the President is responsible for the financial results of operating these great carrier systems with gross revenues approximating $4,000,000,000. It will not be contended that during Federal control the carrier systems should not be substantially self-supporting. The general taxpayer ought not to be left to make up a large deficit accruing from carrier operations. Wages and prices of materials are exceedingly high and may rise still higher. The volume of traffic, great during the past two years, may fall off. Weather conditions have for two months been unprecedently bad, making operation extraordinarily expensive. The President, responsible for the general financial result, from factors so numerous, so uncertain, and so varying, must be given power commensurate with his responsibility.

Moreover, if the Interstate Commerce Commission were given final power to make rates, what would be its standard of "reasonableness and justice"? Plainly the old, competitive standard, unless the present statute is repealed or greatly modified. To authorize the Interstate Commerce Commission to overrule the President and to make such orders as to rates as are now permitted under the interstate-commerce act would be granting an authority to make rates, based on the competitive theory, applicable to a coordinated, unified, noncompetitive war control. In other words, the Interstate Commerce Commission could not, until so empowered by Congress, make orders logically applicable to the "justice and reasonableness of rates" made for a unified, coordinated system during war time.

We are satisfied that the method proposed of leaving rates and rate making undisturbed, except as the President otherwise orders; authorizing the President to initiate rates; providing for a review on full hearing by the Interstate Commerce Commission; and the findings and recommendations of the Interstate Commerce Commission to be reported to the President, so that he may, if necessary, revise his own prior determination, is the best solution of this difficult problem. In practice, this method will give to shippers and consignees all the protection they now have under the established practices of the Interstate Commerce Commission, while enabling the President to make such necessary changes as unified war control demands. It also gives the Interstate Commerce Commission an opportunity to review and to discuss fully the "justice, reasonable-

ness, and fairness" of any rate in the light of the war conditions, without now putting upon Congress the impossible burden of providing new, noncompetitive rate-making legislation.

Section 12 provides for penalties to be enforced by the usual processes in the courts, and calls for no comment or explanation.

Section 13 provides for continuing the life and status quo of cases pending. It was inserted at the request of the Department of Justice.

Section 14 deals with the duration of Federal control. It authorizes the President at any time prior to July 1, 1918, to relinquish control of all or any part of any system of transportation which he thinks not necessary or desirable for national or war purposes, and at any time thereafter to make such relinquishment on agreement with the owners, thus in either case ending all further claim for compensation. But this power will in use be of little importance. The main question is when and how to end general Federal control.

While these transportation systems were taken over under the war power, it is easily manifest that they ought not to be turned back to their owners immediately upon the return of peace. They might have been taken, and they may be kept, under the commerce clause of the Constitution. Section 6 contemplates the investment of a large amount of Government money in rolling stock and, perhaps, in terminals, "to be disposed of as Congress may hereafter by law provide." Section 7 contemplates financing the carriers' maturities; these in the years 1918 and 1919 will amount to approximately $400,000,000.

Unified control will involve substantial changes in the traffic departments of the various carriers, new routing of much traffic, and many other changes from the methods obtaining under the competitive system. It would be just neither to the public nor to the owners of the properties to return the properties to private control without legislation adequately providing fair and reasonable terms for the liquidation of the Government's holdings of railroad securities, for the sale or other use of the Government's rolling stock, and for other changes incidental to the war control. It may be that the country will never be willing to have the carriers go back to the old system of uncoordinated, competitive operation. For many years many forms of new and enlarged regulation have been pending before Congress. That some program of constructive, far-reaching policy ought to be worked out before the railroad companies are returned to private control seems too clear for argument.

The majority of our committee, while accepting these views, are of the opinion that a definite period of two years should be set as the time limit within which such legislation should be matured and enacted. Obviously, the period may hereafter be extended if such extension be found necessary in the public interest. The majority were of the opinion that the insertion of a definite time limit for Federal control puts the burden of presenting proper measures of constructive legislation where it belongs—upon the owners of the properties—and that it is inconsistent with the public interest to allow a war control, admittedly assumed for emergency purposes only, to extend indefinitely in time of peace. A minority of our committee hold a different view. They believe that the public interest is much better safeguarded if the Federal control herein and heretofore provided for shall be continued until Congress shall after the war otherwise provide.

Now, the gentleman on my left, Mr. KEARNS, rose to ask me a question a while ago, but kindly refrained.

Mr. KEARNS. It says here in the report that the investment in the property of the railroads so turned over has been increasing at the rate of about $375,000,000 per year.

Mr. SIMS. That is the statement in the report.

Mr. KEARNS. The gentleman in his statement says about one-third of that amount.

Mr. SIMS. I will say not less. Now I will tell the gentleman why in my remarks I did not follow that part of the report. Since then I have made inquiries as best I could, but from the information I received, which was not altogether satisfactory, I was afraid that the estimate put in the report was too large. I felt from information that I received that it certainly did amount to one hundred millions or more, and in three years it would amount to one-third of a billion dollars or more.

Mr. MADDEN. Will the gentleman yield?

Mr. SIMS. I will.

Mr. MADDEN. In the course of the gentleman's very able address in connection with this legislation, I think I understood him to say that he was in favor of permitting the President of the United States to originate rates and on complaint to have hearings before the Interstate Commerce Commission, that they might ascertain the facts and submit them as prima facie evidence to the President of the United States, and he would still retain the power to fix the rates.

Mr. SIMS. What I said and what is in the bill, as I understand it, is that rate making will go on just as it did before the railroads were taken over both by the Interstate Commerce Commission and State commissions.

Mr. MADDEN. The bill does not provide that, does it?

Mr. SIMS. Yes; the bill reads on page 12, line 12:

> Until and except so far as the President shall from time to time otherwise order, the rates, fares, charges, classification, regulations, and practices of carriers under Federal control shall during the period of Federal control continue to be and to be determined as hitherto. But when—

Mr. MADDEN. Yes; but that language could not by any stretch of imagination be construed to mean that the rates be originated as they are to-day and passed upon by the commission as they are to-day.

Mr. SIMS. I said the power given the President to originate rates is exceptional and not the rule, and that the rate-making power will remain just where it is now, both by the State and the Federal commissions, until the President should otherwise order.

Mr. MADDEN. Why should the President of the United States be given the authority to make a rate without respect to what the Interstate Commerce Commission may say about it?

Mr. SIMS. I will be glad to answer the gentleman. This is a very important matter, and the gentleman may take his seat, because it may take me some time to answer satisfactorily. Now, that question can be answered in part by asking another. Why should the railroads be turned over to the President at all?

Mr. MADDEN. I will answer that question.

Mr. SIMS. I did not ask it for the purpose of being answered, but let the gentleman answer it.

Mr. MADDEN. The reason why they are turned over to him at all is that Congress in its wisdom thought some time last summer that it might be wise during the period of the war, as a war measure, to give the President the right to operate the railroads; but answering further, if the Congress had exercised its wisdom in another direction it might have authorized the discontinuance of the operation of the Sherman law and given the railroad companies through their experienced managers the same power to coordinate the railroads into one system that they give the President, and they would have reached better results.

Mr. SIMS. In the first place, the gentleman is mistaken when he says last summer. In 1916, August 29, the Congress, in an amendment to the military appropriation bill, made provision for the President to take over the railroad systems. That was before we were in any war at all. That was when the only cloud on our horizon was the gentleman in Mexico——

A MEMBER. Our war with Mexico.

Mr. SIMS. We had no war with Mexico; we were there to assist the authorities in Mexico to apprehend and capture the Mexican bandit, Villa, that had crossed into American territory and committed murder within the jurisdiction of the United States.

Mr. MADDEN. It was not a very successful expedition.

Mr. SIMS. This is not the time for levity, and I do not mean to inject anything of the kind into the debate. I want to call to the attention of the gentleman that in making that provision it contemplated only the use of such a system of railroads as might in our opinion be necessary to put under Federal control so far as the conflict with Mexico or the Mexicans, or in the aid of Mexico, was then necessary. Of course, it was not necessary in a small undertaking, in a small disturbance, to turn over all the railway systems and to make all the provisions that may be necessary when we are in actual war with the greatest military power in the world.

Mr. MADDEN. I want to say to the gentleman that I am in close accord with the closest unification of these railroads as one system for the purpose of aiding the war activities in the best and the most expeditious way, but that does not imply that I am in favor of the President of the United States making commercial railroad rates.

Mr. SIMS. I hope I will be able to bring the gentleman around to that view of it.

Mr. MADDEN. I do not think the gentleman will.

Mr. SIMS. Do not let us have any prejudged immovable barriers as to what is best for the country. What is the Interstate Commerce Commission? It is a body created by Congress for the purpose of enforcing regulation of railroads. In what capacity were the railroads to be regulated? The railroads were private corporations, private enterprises, doing a public business and had been guilty, or so alleged, of granting rebates and discriminations between the shippers and communities, and of being guilty of unfair practices, and a thousand and one things not necessary to enumerate. The commission was created for the purpose of regulating privately owned competitive railroad companies, to prevent these companies from abusing their powers, and to make them act according to the rule of right and justice and not to destroy any community by giving another a favored rate, not to build up and make millionaires out of some shippers by giving them rebates and other advantages of transportation.

Mr. MADDEN. Let me ask the gentleman——

Mr. SIMS. Will the gentleman from Illinois let me finish? He asked me a question that demands a long explanation, and I can not say what I want to say in another man's language, but I must say it in my own way. Legislation was had with reference to the operation of competing railway systems serving the public as to reasonableness of rates, the fairness and justice of these rates. We know that from the time that the Interstate Commerce Commission was created as a rule the railway companies fought every effort that was made by the commission to execute its powers in the public interest, and fought all laws that were enacted by the Congress for their proper regulation, and many of them were held by the courts to not be what Congress clearly intended they should be, until finally Mr. Roosevelt was elected President of the United States by the largest popular majority, as I now remember, of any candidate theretofore elected, and was elected upon a platform that did not require him to advocate any enlargement of the powers of the Interstate Commerce Commission.

It was a day when we had universal corporate prosperity, and almost all other sorts, measured by money. The railroads were happy, and all other corporations were happy, and the Republican Party, having been returned to power with the greatest popular majority it ever had and one of the largest in the House of Representatives, was happy. Your unruly President, however, would not be happy, but demanded justice to the shipping public. It was absolutely impossible for the managers of corporate properties to understand it, or to conceive why on earth he was not "practical" in that as well as in some other matters. He advocated in a message to Congress, without any pledge in his platform, without any election pledge of his own, that the Congress enact legislation strengthening the powers of the Interstate Commerce Commission so as to make it worth its salt, and you know and I know—the gentleman from Illinois [Mr. MADDEN] was here—what a tremendous fight the corporate owners and the owners of corporate securities made against any effective legislation along that line. The gentleman knows that if it had not been for the prestige of the man who had just been elected President of the United States and for his bulldog determination to have the legislation he advocated that bill would not have passed the Congress that did pass in 1906 increasing the powers of the Interstate Commerce Commission. And whatever you may say about the ex-President of the United States and all of the useful things that he has done and some things that he has done that are not so useful, I want to say that that one act of his in bringing the party that had been absolutely dominated, as far as that election was concerned, by corporate interests to the enactment of that legislation is something that ought to, and will, make him live in history through the ages—showing that we can trust a man to do a great deal, to accomplish a great result, when he has justice and right on his side, regardless of the opposition of the millionaires and all of the politicians who had fattened on corporate contributions to the contrary notwithstanding. [Applause.]

Mr. GORDON. Has the gentleman finished answering the question of the gentleman from Illinois?

Mr. SIMS. No; I have not. Now, I want to call the attention of the gentleman from Illinois to another thing. That law had hardly been placed on the statute books and had been interpreted before a proposition was brought in here to create a special court to have exclusive jurisdiction of all suits brought to test the validity of the orders of the Interstate Commerce Commission, and some very, very good men, both in Congress and out, believed in it.

The cry was that these suits were so many and so vast and so important that they could not be heard and determined in a reasonable time without a special court to do nothing else. The Congress, as I believe, over the opinions of a majority of the House, permitted that to go into the legislation of that day, and we commenced then immediately to have that court abolished. Before it was abolished it had decided a number of cases that had been brought to enjoin the orders of the Interstate Commerce Commission, and on those cases being passed on by the Supreme Court of the United States on appeal, about 80 per cent were reversed. Then Congress, in its wisdom, abolished it. The court never should have been established in the first place. It was a way to get around, to circumvent, and destroy the effective powers of the Interstate Commerce Commission—having a special court that was open to nobody except those who were attacking the orders of the commission.

You see how difficult it has been to secure legislation making this commission worth its salt in time of peace, but it is all based on the theory that you have got private greed to contend with, that you have competitive conditions to contend with, and there is not a syllable of law that now exists that provides that the Interstate Commerce Commission shall initiate one single rate. The commission can not initiate rates. It is absolutely without power to do so. All it can do is to suspend the rates when filed by a carrier or by carriers, either upon its own motion or upon complaint, and then after having full hearing determine a maximum rate, not over and above which would be reasonable. Therefore, its function is not initiative, but is in the nature of veto. We are now in war. We are parties to this war. It may become absolutely necessary at any time to transport bodies of troops and munitions without any compensation to the carrying railroad. It may be absolutely necessary, though we hope few such cases will ever arise, in which a rate, to be worth anything, must be initiated immediately. This bill with great caution provides that the President may initiate a rate when he in the public interest deems that it is necessary.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. SIMS. In a moment. Then upon complaint it is referred to the commission which investigates and reports to the President as to the justice, reasonableness, and fairness of the rate, and then he may still maintain that rate, but you know, and I know, there never has been a President of the United States under such circumstances, especially if the rate affected commercial products in ordinary commercial transit of the country, who would not do exactly what the Interstate Commerce Commission advises in such a case.

Mr. GORDON. Then, what is the use of conferring the power if he will not exercise it?

Mr. SIMS. The gentleman has asked a question. I did not say that he would not exercise it. I said upon reference to the commission and the commission found there was any injustice in it, any discrimination, anything unreasonable, and it affected the ordinary business of the country, there is not a President the country has ever had who would not make the rate in accordance with the recommendation of the commission.

Mr. MADDEN. Will the gentleman yield for one more question?

Mr. SIMS. I promised sometime back to yield to the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. The function of making rates is a legislative function?

Mr. SIMS. Quasi.

Mr. GORDON. Quasi? No; it is a legislative function. Is that true or not?

Mr. SIMS. Go ahead and ask the question.

Mr. GORDON. That is the question I want the gentleman to answer. Is it a legislative function or not?

Mr. SIMS. I said quasi, in the nature of a legislative function.

Mr. GORDON. That is the gentleman's judgment about it?

Mr. SIMS. Yes.

Mr. GORDON. What is there about the country being in war that makes the President of the United States competent to exercise a legislative function. The gentleman has just said we are in war, and that the President would not exercise this power, anyway; that if the Interstate Commerce Commission found the President was wrong—the President has not very much to do, of course, in time of war except to fix rates—now, the gentleman says if the Interstate Commerce Commission after investigation—and it can not fix rates until it does investigate—finds that the actions of the President were erroneous that the President will reverse himself. Now, if that is so, why not leave the power where the law puts it now?

Mr. SIMS. Now, I will answer the gentleman when he gets through——

Mr. GORDON. Answer that.

Mr. SIMS. All right. Now, the gentleman says, leave it where it is.

Mr. GORDON. Yes; where the law puts it.

Mr. SIMS. Does the gentleman know where it is?

Mr. GORDON. Yes.

Mr. SIMS. Where is it?

Mr. GORDON. Under the Interstate Commerce Commission, which is where this body put it.

Mr. SIMS. No, sir.

Mr. GORDON. Where is it, then?

Mr. SIMS. The railroads initiate their own rates.

Mr. GORDON. It does not fix them, though.

Mr. SIMS. A railroad initiates the rates, and after a certain date they go into effect unless suspended by the Interstate Commerce Commission. Now, there is a whole lot of difference in recommending it, where it is up to the railroads to initiate rates and to depend upon the Interstate Commerce Commission to vacate them or set them aside or reduce them in time of war, and letting the President initiate a rate which goes into effect immediately as a war necessity.

Mr. GORDON. Well, but the gentleman does not allow the President to initiate. I will favor giving the President power to initiate rates, but I would not want to give him power to fix them absolutely. The gentleman converts the Interstate Commerce Commission into a debating society.

Mr. MADDEN. Will the gentleman yield for one more question?

Mr. SIMS. Just make it as short as the gentleman can.

Mr. MADDEN. It will be short. Under the present law the railroad companies have the power to initiate a rate, but they can not file a rate unless the Interstate Commerce Commission decides that they have a right to file it, and after they do file it the Interstate Commerce Commission can suspend it and then finally pass upon it.

Mr. BURNETT. Will the gentleman yield?

Mr. SIMS. In just a moment; I can not answer now.

Mr. BURNETT. And I would suggest to the gentleman that he be brief, too, in answering.

Mr. SIMS. I will try to, but the gentleman knows what a long-range question the gentleman has asked.

Mr. OLNEY. Will the gentleman yield?

Mr. SIMS. I am trying to answer the gentleman from Illinois. I would state briefly I have been interrupted so that I have forgotten exactly what the question was. Will the gentleman state it briefly?

Mr. MADDEN. The question I put was rather in the form of a statement; that under the present law that the railroad companies have the power to initiate the rates, but they have no power to file a rate unless the Interstate Commerce Commission permitted them to do it. Then after they do file the rate the Interstate Commerce Commission still has the power to suspend the rate for a given period.

Mr. SIMS. That is true.

Mr. MADDEN. And when the rate is finally made the Interstate Commerce Commission makes it.

Mr. SIMS. Yes; that is true, and as I said a while ago the power of the Interstate Commerce Commission is to act on rates made by privately owned, privately operated competitive companies in time of peace to prevent injustices between the several shippers and communities, but in no sense to exercise a power——

Mr. MADDEN. The gentleman is not going to give that power in this bill?

Mr. SIMS. When this war commenced we did require by an amendment to the bill increasing the commission that before a railroad could file a rate that it should be approved. Why did we do it? The commission was up to its ears in very important business. The commission was up to their eyes in very important business, and under the rules and the law when the railroad filed its rate, it would go into effect in 30 days and become a rate subject, of course, afterwards to suspension by the commission on complaint, and in order that the commission might have absolute control we amended the law, and have limited the time so as to cover the war period; so, in order to file a rate and have it go into effect, we require it to be approved by the commission before filing.

Mr. BURNETT. As I understand from your bill, you give this power to the President? That is, he may exercise it in regard to rates on railroads that are entirely inside of the border of a State, where the freight is entirely intrastate freight. Would not that absolutely, by this kind of legislation, destroy the power of the State railway commissions to fix intrastate rates on intrastate railroads, and so forth?

Mr. SIMS. My understanding is that it absolutely would not.

Mr. BURNETT. That is the way I understood the gentleman.

Mr. SIMS. The railroads are taken over as a war measure. We have hardly any intrastate railroads that are not connected with lines outside of the State.

Mr. OLNEY. Many of us who voted for the Adamson bill hoped that legislation would follow so as to meet this eight-hour bill with wage increase—that is, a bill to increase the freight rates and passenger rates of the railroads—but that legislation did not follow, for which most of us were sorry. Under this bill the Government proposes to give the railroads an increase of freight and passenger rates, does it not, which it refused to do under private conditions?

Mr. SIMS. The bill does not propose anything. It only gives the President power as an exceptional matter and in the public interest to initiate rates. The rates that he so determines are to be in the public interest.

Mr. OLNEY. Let me give an illustrative case. The Norfolk & Western Railroad in shipping wheat to Baltimore in 1910 maintained about the same freight rate as it does at the present time, and the carriers of wheat in Virginia last year, receiving $2.40 and $3 a bushel for their wheat, paid about the same rate as they did in 1910. Now, it would be possible under Federal control, which was refused under private ownership, to increase the freight rates?

Mr. GORDON. And tax the farmer on the wheat because he was getting a higher price for it?

Mr. OLNEY. Yes.

Mr. GORDON. Yes. And that is the reason I am opposed to it.

Mr. SIMS. Let me answer the question. We legislate with reference to probabilities and probable necessities, and not with reference to possibilities and possible necessities. I do not see any necessary relation between the increase of war prices on wheat or corn or pork and the freight charge for their carriage. The only way that I can see where it burdens the carrier more than it did before is that, if the carrier is made responsible for the loss of wheat, pork, or corn, it would have to pay more in the nature of insurance. But the law says a reasonable rate, and a reasonable rate is one that gives a fair return upon the money actually invested and used in performing the service.

Mr. OLNEY. In your investigation you found, probably that some of the small railroads at least were on the verge of bankruptcy and welcomed Federal control but probably not Federal ownership?

Mr. GORDON. The New Haven, for instance.

Mr. OLNEY. But when the railroads are put on their feet by the Government, for instance, after the war is over they will go back to their original ownership and not necessarily welcome Government ownership.

Mr. LENROOT. Mr. Chairman——

Mr. SIMS. I yield to the gentleman from Wisconsin.

Mr. LENROOT. The gentleman has referred several times, and it is also found in his report, to the powers of the President to make rates as war powers of the President. I would like to know upon what theory the gentleman contends that the power to make rates is a war power of the President?

Mr. SIMS. I do not mean rates in general.

Mr. LENROOT. Any rates.

Mr. SIMS. I think he has got the power to order a railroad company to carry soldiers and sailors anywhere without any compensation.

Mr. LENROOT. I am asking on what the gentleman's theory is based that the making of rates is a war power at all.

Mr. SIMS. I do not care whether it is a war power or not, just so he has the power to do that which may be absolutely necessary in the successful prosecution of the war.

Mr. LENROOT. Now, will the gentleman yield?

Mr. SIMS. Yes.

Mr. LENROOT. Can the gentleman think of any possible situation, whether we have one rate or another, where it would have the slightest influence on the President carrying on the prosecution of the war, when the Government, under the gentleman's bill, must pay the bill, either by revenues or some other way?

Mr. SIMS. Well, that is an argument.

Mr. GORDON. It was a pretty hard one, too.

Mr. RUSSELL. I want to ask a question or two about another branch of this bill.

Mr. SIMS. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has five minutes remaining of the first hour.

Mr. RUSSELL. As I understand this bill and the proposition embraced in it, the Government takes charge of only a part of the railroads of the country. It does not include in the order of control a lot of short lines in the United States, does it?

Mr. SIMS. It includes all of them.

Mr. RUSSELL. It includes all the railroads?

Mr. SIMS. I will explain that to you. It is in the bill. The bill as now reported, which was, of course, amended from what it originally was, provides in cases where it would be plainly inequitable to apply a standard return that the President may make a settlement with roads taken over without any reference to standard returns. Section 9 provides that where a short line or any road is not taken over there shall not be such a

change and rerouting of freight as will injure it, but if they find it necessary to reroute freight, then the President is authorized to require the road to which it was rerouted to make up that loss by routing an equal amount of freight to this line that was not taken over.

Mr. RUSSELL. Section 9, as the gentleman states, assumes that some roads have not been taken over, as it speaks about the remedy in case of those that are not so taken.

As I understand the provisions of this bill, some roads have not yet been taken over, but may be hereafter.

Mr. SIMS. That is possible

Mr. RUSSELL. Does not the gentleman believe that if the policy of the Government and of the President under this bill is to take over certain roads to the exclusion of other smaller roads, that fact of itself will depreciate the value of the stocks and bonds of the short lines not taken over and will tend to drive them into the hands of receivers?

Mr. SIMS. Not under the bill that is now prepared and reported.

Mr. RUSSELL. Does the gentleman think this bill will sufficiently safeguard the rights and interests of those roads that are not taken over?

Mr. SIMS. Section 9 was drawn in consultation with those very gentlemen.

Mr. RUSSELL. Were the representatives of the short lines of the country satisfied with this provision?

Mr. SIMS. They drew the provision in this form.

Mr. WALSH. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. If my time permits I will.

Mr. WALSH. Did the gentleman intend, in answering a question of my colleague [Mr. OLNEY], that because the farmers received more for their wheat in the last year or so, therefore the freight rates on wheat should be increased?

Mr. SIMS. No; I did not say they should be increased.

Mr. WALSH. I could not understand what was taking place.

Mr. SIMS. There was no relationship in that at all with the increase per se. It is provided that the roads shall receive reasonable compensation.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Mr. Chairman, although my time has expired, I did not complete all I wished to say, but I could not answer questions and at the same time explain the bill as fully as I would like. But I felt I could not decline to answer questions under the circumstances.

Mr. GREEN of Iowa. Would the gentleman like to have his time extended?

Mr. SIMS. No; I thank the gentleman. The gentleman from Wisconsin [Mr. ESCH] will follow me.

Mr. MOORE of Pennsylvania. I move, Mr. Chairman, that the gentleman's time be extended.

Mr. SIMS. I thank the gentleman, but the gentleman from Wisconsin and myself are trying to arrange the distribution of the time equitably.

Mr. MOORE of Pennsylvania. The gentleman is chairman of the committee, and very many Members would like to interrogate him concerning certain paragraphs in the bill.

Mr. SIMS. The only trouble is that all the time I take over the hour will be taken out of somebody else's time who would want to use it.

Mr. MOORE of Pennsylvania. But the gentleman is chairman of the committee.

Mr. ESCH. Mr. Chairman, I yield one hour to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The gentleman from New Jersey is recognized for one hour.

Mr. PARKER of New Jersey. Mr. Chairman and gentlemen of the committee, while I have prepared a considerable amount of notes upon this general subject, yet it seems to me that perhaps I can make it plainer by saying less.

PROVIDE FOR ADJUSTMENT OF COMPENSATION.

The matter before the House is this: There is no doubt about the necessity and power of the President to control the carriers of this country. There is no doubt that if we pass no law the carriers would be paid reasonable compensation through the courts. There is no doubt, however, that unless we provide some agreement as to such compensation, as we do by this bill, the courts would be swamped, the delay in paying that compensation would upset and destroy every railroad security throughout the country, and with it our financial markets and our Government credit in selling upon those financial markets, and that this bill allowing an agreement as to compensation is a necessity.

We might go further. I think we would have the right to fix the compensation in war times, at least provisionally. We have not done it by this bill. We leave it to agreement or the courts. The majority and the minority have agreed about the principle of that agreement for compensation, that the railroads and carriers shall not be paid for extra profits that would be made by war business, but shall be paid on a standardized statement of what they actually made before the war began. In this we follow the example of England.

REPAIR AND NEW EQUIPMENT.

We have likewise agreed that the Federal Government should keep the property in as good repair as it received it. That is just. We have likewise provided, inasmuch as our railroads have in a measure fallen down and are out of equipment and somewhat out of repair owing to causes that we need not go into, that the Government may buy new equipment and furnish that repair.

The committee has made a material amendment. The bill as presented by the Government provided that all new cars and rolling stock shall belong to the Government, so that at the end of the war they would have on hand any amount of rolling stock that they would not know what to do with. We have provided that they may do that, or that they may assign the equipment to the various companies and arrange that their securities be issued and the interest taken care of, so that that matter may be adjusted as the war goes on, which we think is much better. In this respect the House bill differs from the Senate bill, and the House ought to insist on the House provision.

BETTERMENT ACCOUNTS.

We also tried to give general powers to adjust the difficult question as to renewals and betterment account. If before the war any railroad did not make proper renewals and repairs, or charged what were really repairs and renewals, and not improvements, to capital account, they thereby increased on paper their return of net operating income, and the Government would seem to be paying them too much. What is more, in taking over a railroad of that sort which had run down, the Government would have to do extraordinary repairs at its own cost to put the road in order. There is a provision by which that can be somewhat adjusted. I myself think that little adjustment will be necessary, because, instead of taking the income of the last year before the war, which was large and which, I think, the companies were fairly entitled to, we have taken the average of three years before the war, including one year which was very small, and the difference between the average income and the income of 1917 will take care, I think, of all extraordinary questions of repair.

I think also it must be taken into consideration that we do not pay for the enormous war business which the Government will do upon these roads, and that we could fairly cut the Gordian knot by assuming those repairs on Government account.

TIME LIMIT WHEN WAR ENDS.

One question was strongly debated. This is a war power, and control should, in principle, end with the war. The committee have agreed that a reasonable time after the war shall be limited in which the railroads shall be given back. The minority think that the 2 years which they have allowed, and even the 18 months allowed by the Senate, is too long; that 1 year is enough.

RATE CONTROL OF INTERSTATE COMMERCE COMMISSION.

There was one other question of difference in the committee: The majority have agreed that rates during the war shall be finally in control of the President of the United States. The minority are of opinion that such control, which is a legislative matter, can not be given to the Executive, but must remain in the hands of the Interstate Commerce Commission, as heretofore, and we think that all the more because the power to raise rates would give to an Executive the power of taxation, which can not belong to any Executive.

PRESIDENT MAY SURRENDER.

There is another matter in which I perhaps am giving only my own opinion and not that of the minority: The President, when he took control, said he reserved the power to surrender control at any time. The bill takes that power from him and only allows him to surrender control before July next, except by agreement with the carriers, which he might not be able to make, and he is bound therefore to hold those roads until the expiration of the time limit when the necessity may have passed.

The Senate, while providing that single roads can only be surrendered by consent under certain conditions, has added the provision that all roads may be surrendered by the President at any time if he thinks the necessity for holding them has passed. I think that is right and should be inserted in our bill.

STATE TAXATION SHOULD BE STANDARDIZED.

There is one other matter which I consider of more importance than is thought by other people. That is the subject of State taxation. We allow to the companies as revenue the net operating income which they received before the war, and they do not get any more because of increased Government operation during the war. I think the same principle ought to apply to taxes by States, counties, and municipalities, and that they should not tax Government war operations. Twenty States put a tax upon gross receipts, which would include the receipts of such operations. Therefore at the proper time I shall propose an amendment by which the Government of the United States, in control of the roads, shall pay to every State, county, municipality, or taxing board, whatever it may be, the same amounts of money each year that the property now or hereafter acquired was assessed for in 1917.

This Mr. Chairman, is merely a statement of the issues of the bill thus far, which I hope to be able to enlarge upon. For fear I would not get through so complicated a matter I thought it best to make the statement as clearly as I could at the beginning.

How many minutes have I used?

The CHAIRMAN. Fifteen minutes.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. PARKER of New Jersey. I would rather go on with my description.

Mr. TOWNER. If the gentleman would prefer not to be interrupted——

CARRIERS ARE CONTROLLED—THE SYSTEM, NOT MERELY PROPERTY.

Mr. PARKER of New Jersey. I prefer for the present not to be interrupted. When I reach the topic that the gentleman wishes to speak about I shall be glad to be interrupted. I have said that the power to take these roads is beyond question. We acknowledged rather than gave that power by the act of 1916, which provided that in time of war the President might utilize all systems of transportation. It is a universal war power. If a general wants to move his forces within the war zone he takes from any farmer his wagons, teams, and teamsters, and carries with those horses and wagons and teamsters whatever he desires to transport, and pays the farmer for their use. That is what we are doing now. In time of war the sea has always been subject to military control, and every nation at war has tried to get the full control of the sea. Now, land transportation has grown, by the system of railroads, into a system of incorporated carriers that have 1,700,000 employees, and capital estimated at over $17,000,000,000. In the last year they made $3,000,000,000 of profit and collected $3,500,000,000 of revenue during the year, three times what the United States does in peace times. We control these carriers. I point out this, however: We did not take rails and buildings and cars. We took the systems, something that will go, the organization. We do not make 1,700,000 men Federal employees, subject to political appointment or civil service or Government insurance or compensation. We do nothing of the sort. We utilize these systems in the service of the Government. We are controlling, and the systems taken over are called in this bill very properly the "carriers." I mention that because so many people think we have taken all these men as our civil servants, and that we have taken the railroad property to become property of the United States.

TAKE AND PAY FOR WAR USE ONLY.

We might have to do that. We do not do it now. We utilize the systems. As I have said, control was necessary, that the war power must be exercised in this way; but when I have said that, I say likewise that the taking is an emergency war taking and nothing else. Constitutionally the President could only take, under the interstate-commerce power, interstate roads. He took all, even those running from a town down to a shipyard in a State. He may take every trolley road. He has taken everything that will do the work of the war, and he does that also because we could not afford to take under the commerce power. That would be a permanent taking, and we would have to pay the whole value of the roads, and we can not raise at least $17,000,000,000 in addition to our war debt in order to pay every stockholder and bondholder of these roads what they are worth. It is therefore an emergency taking, and only the taking of the use—the use during the war. Let us not forget that. It was proposed by the original bill, and there may be an effort made to put it back, that we should take until Congress otherwise orders. That means that under the present law we would hold them forever, and under such a taking we would have to pay for them. Under the war power we take all roads, not forever, but the use of them for the period of the war and for a reasonable time thereafter. The House, I know, will stand by that. If the United States took them until Congress otherwise provides you might as well call it Government ownership. What is more, it would be dangerous to take with the idea that a law giving the railroads back could be passed promptly. It is hard to pass a law through Congress, with the vote of its two bodies, and with the assent of the President. Delays are possible by single men. In one body of this Congress one man can stop almost any legislation. If we took the carriers in that way, subject to return only by act of Congress, that act would be likely to be delayed by one of the two parties. If the Government found it pleasant to run all the roads and to take care of 1,700,000 employees, the Government might block the act. If the carriers found it pleasant to get dividends without doing any work, the carriers might block the act.

TIME LIMIT INSURES RETURN.

The only way to be sure to have the roads returned within a reasonable time after the war and to have the necessary legislation is to fix a time. I think that the time should be short. If we fixed it at six months, there would probably be a year or two occupied in the details of arranging the treaty of peace, and, added to that and during even six months if necessity arose, it would be quite possible to extend the time by act of Congress; while, on the other hand, if the matter has to be provided for then, it will be provided for, and it never will be so provided if the time is left in uncertainty and not limited.

AND AVOIDS FINANCIAL UNCERTAINTY.

It is objected that at the end of the war a time limit would cause trouble about finance and uncertainty in the stock markets. There would be still greater danger of uncertainty in the stock markets if the uncertainty remained as to whether the roads would ever be given back and uncertainty as to the terms on which they should be given back. The quicker the better. [Applause.]

POWER OF SURRENDER.

The President should have the power of surrender. If this war ended promptly, but there was much delay in settling the terms of peace, the President would want to hand back the roads. He should have the power to hand them all back.

He reserved that power in his proclamation, "and, by subsequent order and proclamation, control and operation in whole or in part may also be relinquished to the owners thereof of any part of the railroad systems and rail and water systems, possession and control of which are hereby assumed." It is reserved in the Senate bill containing the further proviso "that the President may relinquish all carriers under Federal control at any time that he shall deem such action needful or desirable." (S. 3752, p. 14, lines 13 to 15.) He should have this power for the protection of the Government, which should not be forced to keep the carriers when the war necessity is past, and for the protection of the carriers who are entitled to return of their property when the war needs are over. By the Senate bill the President may not surrender single roads after July 1 next except by agreement, but he may decide when the need of war control is over and surrender all roads.

To limit his power to give up the Federal control of all carriers is not only improper but it is unconstitutional if it limits the war power of the President.

VALUE OF USE AT TIME OF TAKING.

Most of these questions would come up without any new legislation. Federal control would be for the war and for a reasonable time thereafter, and the United States must pay the value of the use, but it is a good deal of a question on what principle that value should be agreed on or settled. The use taken is temporary. The principle in all takings of a temporary use is to pay the value of the use at the time of the taking. This can be obtained from the previous experience, the net operating revenues of the carrier. The bill provides that the carriers shall each be paid the average annual railway operating income for a period of three fiscal years ending June, 1917. This includes on the one hand nearly three months after war was declared—from April 6 up to June 30—but these three months may be disregarded, as little war business was done by the Government during the three months, because the United States was not ready to begin.

AVERAGE OF 3 YEARS IS FAIR.

These three fiscal years, however, ending June 30, 1915, 1916, and 1917, were three years of war in Europe. The first year, 1915, was a year of depression, because all of our financial markets were upset and we had not begun exporting business to Europe. The carriers made almost no money. In 1916 the exports of war munitions and materials began and continued, and it was a prosperous year; 1917 was almost more so. We recognize that the carriers have the right to the business which they did because of war needs elsewhere. We do not

think they have a right to profit from the extra business that they do for United States war needs here. But during the war elsewhere they have a right to the average business that they would do by reason of the war elsewhere. If the central powers could blockade Europe, it might reduce our railroad business to a minimum, but as they did not our growing exports increased the carriers' business, and so it may be fair on the whole to take the average of the three years.

England had no such trouble. She took a peace year before the war.

Mr. BORLAND. Will the gentleman yield?

Mr. PARKER of New Jersey. I will yield on that point.

Mr. BORLAND. The gentleman is a distinguished lawyer; he has been chairman of the Judiciary Committee of this House, and I want to ask him his judgment as to what the railroads would recover for the use of their property in case we made no provision by law?

Mr. PARKER of New Jersey. I do not know; I think that the rule as to the taking is to ascertain the value by the conditions at the time of the taking. I think, for instance, if I took a lease out of your hands by legal force, you would be entitled to a continuance of your profits during that time, but not the profits that I might make by putting in another business. I think the railroads are entitled to a continuance of their profits before the war, but not entitled to the benefit of new business done by the United States during the war.

Mr. BORLAND. One question more. Is it not the recognized rule of law that before the person can recover for profits he must show that the profits spring out of the existing contract, which he is bound to prove? He can not recover for speculative profits.

Mr. PARKER of New Jersey. We have tried to make an agreement based on the standard income of the railroads before the war.

AND WILL BE ACCEPTED.

Mr. BORLAND. Let me ask the gentleman one more question. You have fixed in the bill a compensation for the period of three years. Then you go on in another case and say that the President may make other arrangements with smaller roads. Now, that means that the big roads can take the money if there is a profit, and if there is not a profit why can not they go into the court and insist on the legal rate?

Mr. PARKER of New Jersey. They certainly can; but the reason they do not want to do so is because they do not want to knock the prices of their stocks and bonds by leaving the matter uncertain when they know that they can settle it right away.

Mr. BORLAND. Yes; but suppose the money we offer them under this bill turns out to be less than they think the value of their property is?

Mr. PARKER of New Jersey. They can go into court if they want to, but they take the risk of not being able to pay their dividends during the period of litigation, and on the whole we think an agreement is going to be made.

Mr. BORLAND. It is only a moral question?

Mr. PARKER of New Jersey. It is only a moral question. We think an agreement is going to be made.

Mr. TOWNER. Mr. Chairman, will the gentleman yield on that point?

Mr. PARKER of New Jersey. I would like to go on on that point for a moment. In addition to the principle about taking a short use in a lease, that the United States represents the whole people, who have the right to the free use of the carriers for necessary war business, paying only the damages that the system suffers by interference with its ordinary business. I believe that to be good law. I yield to the gentleman from Iowa.

PAR OF STOCKS NO MEASURE OF VALUE.

Mr. TOWNER. The amount that will be received under the terms of the bill by some of the railroads, as the gentleman well knows, will be very large.

Mr. PARKER of New Jersey. Can not the gentleman reserve that until it is reached?

Mr. TOWNER. That is directly with regard to this proposition.

Mr. PARKER of New Jersey. Ask your question, then.

Mr. TOWNER. I will if the gentleman will give me the time.

Mr. PARKER of New Jersey. I will, with great pleasure, but the trouble is to get the time.

Mr. TOWNER. I do not desire to interrupt the gentleman.

Mr. PARKER of New Jersey. Go ahead; I am glad to have the gentleman ask the question.

Mr. TOWNER. The Lackawanna Road will receive 32.31 per cent; the Cincinnati & Texas Railroad will receive 44 per cent; the Burlington Road will receive 22 per cent; the Chicago & Erie Railroad will receive 70 per cent; the Duluth & Mesaba Road will receive 114 per cent; the Colorado & Wyoming——

Mr. PARKER of New Jersey. Oh, you need not have your whole list. What is the question?

Mr. TOWNER. Just wait until I ask the question.

Mr. PARKER of New Jersey. I really can not wait for a whole list of railroads. I will answer the question before you put it; and that is, that the market value of those roads is not par. Those dividends are reckoned on par. They have long had standardized dividends, which have standardized the value of the stocks in the market, which are represented by the investment in the roadbed and the road property, and which we can not disturb now in time of war. Ten per cent paid on the United Railroads of New Jersey, under a lease, is paid really on a stock-market price in time of peace of 230, and it is less than 5 per cent.

Mr. TOWNER. I think perhaps I knew that as well as the gentleman, but this is the proposition. I was trying to show that a great many of these railroads were receiving very large and excessive profits, perhaps, and there are a great many railroads that will not receive anything. Does the gentleman think that the Government will be compelled to pay them upon anything like such a rate as these roads are receiving or what will be the profit?

Mr. PARKER of New Jersey. I will answer that question, and I will ask not to have another question right here. I will answer that question by saying that those are not the profits on the value of the roads but the profits on the par value of the stock, and in the case of the Lackawanna I think it goes to about 300. It is away up above par. I have no doubt that it is so with all these other roads. As to the roads that are making no profit by reason of the fact that they are in receivership or not completed, power is given to make special contracts, which will take care of them. All those details will come up when we get to the reading of the bill. It is the best that we can do to take things as they are. If you take things as they ought to be, you would never get through the courts.

Mr. TOWNER. The gentleman thinks that we are criticizing. We are not criticizing; we are just trying to receive information from the gentleman. The members of the committee are supposed at least to know something about these things. It is not for the purpose of criticizing that these inquiries are made. The gentleman seems to be very much irritated.

Mr. PARKER of New Jersey. I am not irritated at all; I am only trying to save my time. I have a great deal of information to give to the House that I really do know about, and I do not know about this.

POSSIBLE MODES OF VALUATION.

There are several methods by which the value of the use taken could be ascertained. The first is to throw the whole question of what is reasonable compensation into the courts; a second is to pay a fair interest on the cost; a third is to pay for business actually done; a fourth is to pay, as in this bill, a standardized rental based on prior incomes; and a fifth is, as is done in England in respect to controlled traden, to add to this standardized rental some part of the profits which are obtained from war business so as to make the owners of every business alive in its management so as to achieve efficiency and the making of profit. It is interesting to consider the precedents under these various plans.

1. CONDEMNATION PROCEEDINGS.

The first course is to throw the whole compensation into a commission or into the courts. In the Civil War the United States did actually under the act of January, 1862, take possession of roads where the public safety required it, which included only roads and telegraphs running into the Confederate States, and as to those roads and telegraphs it provided that the damage and reasonable compensation should be ascertained by a commission. I have not followed out how that was done. Roads and telegraphs taken were already ruined by their being cut off by the war zone or boundary, so that they would not receive a very large damage anyway by being taken by the Government. It was easily arranged, and there were only about 2,000 miles of them in all, so that it is not a precedent; but it can be said that if we were to throw all of the railroads of this country into a commission or court to determine the question we would swamp the commission or the courts and we would never get through.

2. INTEREST AS A VALUATION.

Now, the second one has been proposed by gentlemen who make the same objection made by the gentleman from Iowa

[Mr. TOWNER]. Will the gentleman give me his attention for a moment. The second proposition was to pay some rate—not more than 4 or 5 or a reasonable per cent—on the value of the carriers' property. The trouble with that plan is that no one could ever find out what the real cost or value of the roads was. The stocks and bonds in some cases were far below the amount invested in the roads, and in some cases they were far above the cost. The Interstate Commerce Commission has worked five years trying to get a valuation of the railroads and have not made a single valuation, although they have figures on two or three roads on which valuations can be made. Who will say what rate of interest ought to be paid in different parts of this country where interest varies? Who will say on what value it shall be paid? It would be a greater trouble, worse than to ascertain reasonable compensation, and it can not be adopted.

3. PAY FOR BUSINESS DONE—EXPERIENCE IN THE CIVIL WAR.

Now, the third plan is to pay for the business actually done. The United States did that during the Civil War. The Government did not take over the great mass of railroads in the United States, and it is interesting to find what business actually was done and what change the war made in that business, because like changes are probable now, other things being equal. The United States paid the ordinary freight and created a railroad profit which largely increased the public expense and the public debt. We do not think it necessary now to do that. The railroad statistics at that time were not kept carefully, as they are now, and it is pretty hard to get statistics from 1861 to 1865. Railroad earnings began to be published in 1862. Railroad stock prices go back to 1854. I can find some statistics even during that time, however, in the Aldrich report of 1893. I have prepared a table which I shall ask leave to print in the RECORD, and I now ask to extend my remarks in the RECORD by printing tables of railroad statistics during the period mentioned, so far as I find them.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

[Mr. PARKER of New Jersey submitted the following tables, marked A to H, preceded by an abstract of the percentages of the figures of 1861, 1862, 1863, 1864, 1865 to those of 1860.]

	Abstract of tables, in per cent	1860	1861	1862	1863	1864	1865
A	Thousands of tons carried	100	107	136	152	163	161
B	Millions of tons carried a mile	100	122	159	177	185	174
C	Average freight per ton per mile, in cents	100	98	100.4	101	116	137
D	Gross freight earnings	100	114	163	206	250	274
E	Prices of railroad stock	100	78	114	173	257	188
F	Average price of gold	100	100	113	145	203	157
G	Relative wages	100	110.8	102.9	110.5	125.6	143.1
H	Cost of iron rails	100	88	85	160	262	205

A.—*Aggregate thousands of tons carried between all points (1860–1865).*

[S. Rept. No. 1394, 2d sess., 52d Cong., pt. 1, p. 621, etc.]

	1860	1861	1862	1863	1864	1865
Boston & Albany R. R.	859	853	970	1,078	1,175	1,121
Fitchburg R. R.	395	396	345	419	467	486
New York Central	1,366	1,537	1,905	2,107	2,159	1,767
New York, Lake Erie & W.	1,140	1,253	1,633	1,815	2,171	2,234
Pennsylvania	1,347	1,482	2,059	2,265	2,585	2,556
Pittsburgh, Fort Wayne & Chicago	465	526	643	806	859	833
Total	5,572	5,977	7,555	8,490	9,416	8,997
Per cent	100	107	136	152	169	161

B.—*Millions of tons carried a mile by railroad (1860–1865).*

[S. Rept. 1394, 2d sess., 52d Cong., pt. 1, p. 618.]

	1860	1861	1862	1863	1864	1865
Fitchburg R. R.	9	8	9	13	14	14
New York Central R. R.	239	280	358	387	387	319
New York, Lake Erie & Western	214	251	351	404	422	389
Pennsylvania	214	280	376	394	421	420
Pittsburgh, Ft. Wayne & Chicago	78	111	126	167	175	194
Boston & Albany R. R.	56	61	67	69	76	70
Total	810	991	1,287	1,434	1,495	1,406
Per cent	100	122	159	177	185	174

C.—*Average freight per ton per mile in cents, 1860–1865).*

[From S. Rept. No. 1394, 2d sess., 52d Cong., pt. 1, p. 615.]

	1860	1861	1862	1863	1864	1865
New York Central R. R.	2.05	1.96	2.22	2.38	2.70	3.24
Lake Shore & Michigan Southern	2.16	2.09	2.10	2.30	2.83	2.90
Michigan Central	2.18	1.96	1.91	1.99	2.26	3.05
Cleveland, Cincinnati, Chicago & St. Louis	2.12	1.86	1.93	2.13	2.64	2.65
New York, Lake Erie & Western	1.81	1.77	1.89	2.09	2.34	2.76
Pennsylvania	1.96	1.93	2.04	2.19	2.50	2.72
Pittsburgh, Fort Wayne & Chicago	1.67	1.71	1.90	2.01	2.38	2.41
Illinois Central	2.04	1.91	1.96	1.95	2.51	3.10
Fitchburg	4.10	3.94	3.75	3.28	3.81	4.09
New Haven R. R.	4.04	4.54	4.50	4.09	4.21	4.76
Total	24.13	23.67	24.25	24.39	27.88	31.74
Average	2.41	2.37	2.43	2.44	2.79	3.18
Per cent	100	98	100.4	101	116	137

D.—*Gross freight earnings, exclusive from elevators, etc. (1860–1865).*

[S. Rept. 1394, 2d sess., 52d Cong., pt. 1, p. 626, etc.]

	1860	1861	1862	1863	1864	1865
Philadelphia & Reading	$2,927,778	$2,517,344	$3,402,836	$5,570,343	$8,157,551	$9,792,503
New York Central	4,943,698	5,557,019	7,972,304	9,449,354	10,685,672	11,000,068
New York, Lake Erie & Western	3,884,343	4,351,464	6,642,915	8,432,234	9,855,088	10,726,294
Pennsylvania Railroad	4,191,784	5,398,026	7,608,420	8,602,262	10,361,999	11,193,505
Pittsburgh, Fort Wayne & Chicago	1,309,714	1,905,707	2,401,630	3,341,031	4,148,804	4,739,068
Total	17,257,257	19,729,560	28,088,105	35,395,427	43,208,814	47,451,524
Per cent increase	100	114	163	205	250	274

E.—*Range of railroad stocks, 1860–1866, month of June.*

	1860	1861	1862	1863	1864	1865	1866
Delaware & Hudson Canal Co.	96½	79	92	140	233	135	145½
Pacific Mail Steamship Co.	89	59	115	172	235½	280	219
New York Central R. R.	81⅛	71⅛	88½	115⅛	131⅛	88½	97
Philadelphia & Reading	42	30½	53	89	138⅞	88	107
Michigan Central	46½	39½	62¼	103	142½	103	192½
Chicago, Burlington & Quincy	68½	53	75	113	126½	104	116
Total	424½	332½	482½	735½	1,006½	798½	778
Per cent	100	78	114	173	237	188	183

F.—*Average annual price of gold (1860–1866).*

1860	1861	1862	1863	1864	1865	1866
100	100	113	145	203	157	141

G.—*Relative wages in all occupations, 1860–1866.*

[S. Rept. No. 1394, 2d sess., 52d Cong., pt. 1, p. 13.]

1860	1861	1862	1863	1864	1865	1866
100.0	100.8	102.9	110.5	125.6	143.1	132.4

Generally, railroad wages, except for conductors, did not make large increases during these years. Engineers and firemen increased by 25 to 35 per cent and conductors 50 per cent. (S. Rept. No. 1394, 52d Cong., 2d sess., pt. 1, p. 160.)

H.—*Prices (per ton) and per cent of iron rails (standard), 1860–1866.*

[S. Rept. No. 1394, 2d sess., 52d Cong., pt. 2, p. 189.]

1860	1861	1862	1863	1864	1865	1866
$48.00	$42.38	$41.75	$76.88	$126.00	$98.63	$86.75
100	88	87	160	262	205	181

Mr. PARKER of New Jersey. I will simply give the results of these tables. The first table is of the thousands of tons carried on five or six roads. It is not very useful because it does not show how long the haul was. Table B is valuable. It gives the millions of tons carried 1 mile, and it is instructive to find that, taking the five or six railroads of which we have statistics, their increase of traffic is so similar on each road that I take it all the roads in the United States did about the same thing. Taking 1860 as 100 to get the per cent, 1861 was 109, 9

per cent more; 1862, 158, or 58 per cent more; 1863, 89 per cent more; 1864, 97 per cent more; while 1865 went back to 85 per cent more; that is to say, that during the war the railroad business about doubled. It will, perhaps, more than double in this war, because there are longer hauls and more munitions to carry. It is more a question of supplying food for Europe and food for our armies than it ever was then. There is likely to be a much greater increase during this war. Table C shows that the average freight per ton per mile, in cents, hardly changed until 1864. It was about a cent—0.98—in 1861, 1.008 in 1862, 1.01 in 1863, but in 1864 it was 1.28, and in 1865 it was 1.31. Table D shows the gross freight earnings, which, taking 1860 as 100, were: 1861, 114; 1862, 163; 1863, 206; 1864, 238; and in 1865, 274, so that the freight earnings increased to nearly three times what they were in the beginning of the war. It appears, however, that their expenses did not vary as they do now. All this comes from Aldrich's wonderful report, in four volumes, in 1893—Wages and Prices During Past Years. Table G shows that the index figure of wages ran only from 100 up to 110 in 1863; it became 125, or a quarter more, in 1864, and 143 in 1865. This rise in wages is nothing comparable to what has taken place already in this country, because at that time immigration was open from Europe, where there was no war, and all the poor people of Europe were coming here to do our work. We had no want of labor.

It is not so now. The cost of materials, iron rails, for instance, did go up. It went down from $48 in 1860 to $42.38 per ton in 1861 and down to $41.75 in 1862, but it was $76 in 1863 and $126 in 1864. Those were the conditions. I can not find any table of railroad gross expenses or net earnings. But one thing represents net earnings, and that is the price of railroad stocks, and those prices rose in spite of the rise in the interest rate. In England the railroads are doing more business than they ever did before, but only receiving a standard return; and as Government interest has risen from 3 to 8 per cent, the result is that the people do not care to keep railroad stocks and sell them to buy Government bonds, and the value of stocks has fallen. In America, in spite of the rise of interest during the Civil War, stock that could have been bought for $100 in 1860 or for $78 in the panic of 1861 or for $88 in 1862 would have cost $173 in 1863, $237 in 1864, and $188 in 1865.

The abstract that I have practically read to you is made up of detailed statements, which I file, of such roads as the Boston & Albany, the Fitchburg Railroad, the New York Central, the New York, Lake Erie & Western, the Pennsylvania, and so forth, so far as I could find any statistics of railroads to be used.

Our prosperity in business is likely to be greater now than it was then. The war needs are greater. England and Scotland have enlisted one-ninth of their population, and we may have to do the same. We may have 10,000,000 men on the other side of the water.

More business must be done, especially on the railroads. The amount of freight carried in 1917 will be probably doubled and possibly trebled by the operations of this war. The United States can not be expected to pay the carriers for war freight for all the business done and thus give them two or more billions a year as their profits on war business. They are not entitled to make money out of the United States on war business. It is for that reason that the bill has taken another mode of determining their compensation, and that is the ascertained standard income of the carriers as shown by their standard returns before the war. This is the best that can be done. It is not perfect.

Mr. PLATT. Will the gentleman yield?

Mr. PARKER of New Jersey. I will.

Mr. PLATT. Is the Government paying freight on its war business all the time?

Mr. PARKER of New Jersey. No; it is not now. It will be paying freight to the railroads and getting back all the surplus. It makes no difference.

Mr. PLATT. If the Government is not paying freight on the war business——

Mr. PARKER of New Jersey. I think the Government is paying freight, but most of this war business is not exactly Government business. It is on materials shipped by munition works to the Government, and the works and factories pay the freight, not the Government of the United States, but the Government receives all the net profits from the railroad treasury, and if these agreements are made it will get the benefit of the war freight.

4. STANDARDIZED RENTAL BASED ON PRIOR INCOME.

A fourth plan is to pay a standardized rental based upon prior income. We are following the example of England in taking the net operating income of a period before the war. England had the advantage that the prior year was one when the world was at peace. The United States has to take years when Europe was at war. In 1915 that war stopped our business; in 1916–17 our carriers got the benefit of the war business of other nations. The three years are probably a fair average of the business as affected by the European war.

5. SHARE WAR PROFITS AS IN ENGLISH MUNITION WORKS.

A fifth course is to divide the extra war profits, as is done in controlled factories. It is a curious matter of history. England and France not only have had to take the railroads, but have had to control labor through the whole country. They could not take one-ninth of their population, more than one-half of their males, into the war without leaving a dearth of labor, while those who have gone to the war make a destruction which has to be supplied. As a result it was found necessary for the Government to control the business of war munitions, and in Pfyfe's wonderful book on the subject he says that all practices which interfere with production and are not founded upon law are abolished. The laws protecting women and children in hours of labor are not abolished. But the rules of the labor unions, which prohibit their being employed on piecework, or prohibit one man from working at the trade of another, or prohibit men from being drawn from one allied trade into another, and prohibit the employment of unskilled labor or women or apprentices, these rules are all suspended, so that no workman can make any objection. Freedom of contract is abolished. The workmen, including clerks, may hire themselves if they have received a leaving certificate from their last employer and may get work elsewhere only if they have such a certificate. Soldier workmen are assigned to controlled establishments. Women workers and half skilled or unskilled workers may come in and receive intensive training, whether they be union or nonunion, by what is called dilution of labor, under control of dilution commissioners, who encourage agreements between employers and workmen and supervise conferences. Commissions determine whether leaving certificates are rightly or wrongly granted. Strikes and lockouts are crimes. The importance of these acts is that controlled establishments extend to every work necessary to successful prosecution of the war.

Munitions of war include not only arms and ammunition, but ships, vehicles, and the metals, machines and tools to make them, constructional steel, fire brick, window and optical glass, factories, machinery, and even workmen's houses. In the controlled factory excess profits are divided.

The Government takes over the factory. It finds out what the standard profit in that factory was before the war. When that is agreed upon the owner is allowed one-fifth more during the war. All profits above that up to a certain percentage or a certain amount are divided generally in certain proportions which are agreed to, although there are some statutes on the subject, and all excess profits above a fixed amount go to the State. For instance, if a factory was declaring a 10 per cent dividend before the war, one-fifth more or 12 per cent would go to the owners of the factory. It might be agreed that excess profits up to 30 per cent more which would be divided, 15 per cent to the Government and 15 per cent to the owner of the factory, everything above the 42 per cent would go to the Government.

It is a curious arrangement, but practical, like most things that John Bull does, because it gives to the person in charge of the factory some interest in his business. We shall preserve the carriers' interest in the railroads only by the fact that they know that they are going to get their property back in a reasonable time, so that the men who work those railroads and who have made them the admiration of the world by carrying freight at rates and in quantities such as no other country has ever done, these men are going to stay with the carriers and run them for the Government, if any fact be shown, so that we will show better results in war than any other country in the world.

These munition acts as to factories are likewise interesting. We too may be forced to have the dilution of labor, as it is called abroad—bringing in the unskilled and training them, whether they be men, women, or children. We too may have to have women as the ticket sellers and ticket collectors and gate tenders.

We may have to get labor as they do there, where women are running the lathes in iron works and running the punches and planing machines and making great shells, and doing it with the skill of men, being aided, whenever possible, by chains and cables operated by steam power which take up the heavy material and put it where wanted. It is a triumph of mind over matter that weak woman can do such work in a way that does not try their strength. If we send our millions to war, we may have to do the same thing.

The gentleman from Ohio [Mr. Fess] asked me if I advised this policy. I advise being ready for it, because we may have to do it. Labor is scarce now. Unless we make labor plentiful, we can not win this war, because it is work that will win the war, and nothing else, work in the arts of peace as well as in the arts of war.

REPAIRS AND BETTERMENT ACCOUNTS.

The bill legalizes agreements based upon the standardized returns. There are some complications, as already indicated in my opening, attaching to these standardized returns. The carriers report their gross receipts and their current operating expenses and give what is called a "net operating income," but if they have seen fit not to keep their road or equipment in repair that operating income will be enlarged by the cost of omitted repairs which should have gone against it. If, as carriers often do, they have charged maintenance to the capital account—as I believe all renewals of stations and bridges and permanent works are charged to capital account, without any allowance for the value of those torn down—the diversion of these charges to capital must be very large and must be taken into account. In the case of the Pennsylvania Station in New York and the Grand Central Station in New York or the Union Station here those outlays must be very large.

Many things done by the carriers, such as raising tracks, do not add to their income but often, on the other hand, cut them off from freight yards and sidings which must be built elsewhere. All carriers' accounts are in more or less of a muddle. A scientific man, a writer on technical and scientific subjects, Mr. Amory, came before us and said that our railroads were bankrupt, because they did not charge to income things that belonged to income, and were therefore in debt to the banks. Another railroad expert, Mr. Krutschnitt, admitted that it was a bad business to charge these renewals to capital instead of income, and that if they kept it up they would get into trouble eventually. Our bill has made provision that the Government can adjust those accounts.

It is fortunate that these accounts are probably not so large as the diminution of the standard return which has been made by reason of averaging three years, one of which was a very bad year. More than $100,000,000 a year, I believe, was taken off the standard returns of the railroads by reason of taking three years instead of the last year, 1917. That $100,000,000 a year will take care of a great deal of repairs and omitted maintenance.

It is also to be considered that if the United States does twice as much or three times as much business on those roads than was done before, it pays nothing beyond actual cost of that extra business and can afford, therefore, to take some risk on the repairs that it is to make and the standard return it is to give. On the whole, it may turn out to be better in most cases not to try to be too careful of smaller matters. We hope to be able to make a good bargain, because nobody wants to throw this great matter into the courts. If the railroads will agree to take the average return of the last three years, they will take perhaps less than they were entitled to take, but that will make up for some of the various other questions that they perhaps ought to have taken care of, but did not.

NEW EQUIPMENT.

Now, I believe that disposes of all things except how to account for the new rolling stock and improvements that shall be done by the Government. It is provided that the Government shall pay operating expenses, including such expenses as will keep the property in the same repair as it is now. If the United States pay more, that is a subject of account, to be charged against the carriers. If the Government erects new buildings and terminals, and so forth, there is a provision by which their cost can be charged against the railroads and taken care of by the issuance of stocks and bonds, on which the Government, of course, will pay the interest during the control. But these new improvements will finally belong to the railroads.

Mr. MADDEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. PARKER of New Jersey. I will be through in a minute, and then I will yield.

If, on the other hand, the Government buys equipment, rolling stock, and locomotives, the original bill provided that the Government should own them all, and there would be a vast amount of equipment at the end of the war to be disposed of as Congress might direct. The committee has very wisely amended this bill so that while that might be done, the Government has the option to buy this equipment on the accounts of the railroad and make it the property of the railroad, paying for it by the issue of railroad securities, so that an adjustment would be going on from time to time until the property could be handed back.

Mr. MADDEN. Now, will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. MADDEN. The stocks and bonds issued for the improvements described by the gentleman would be held by the Government on the collateral until the final settlement and the railroads were turned back?

Mr. PARKER of New Jersey. Yes; unless they were sold in order to get the money to return such property. If a road issues $100,000,000 of stocks and bonds, the people will take them in the market, and the Government will be reimbursed for the money it spends.

Mr. MADDEN. I take it that at the end of the war the Government would not be able to finance the improvements any better than the railroads.

Mr. PARKER of New Jersey. As the Government would pay the interest on those bonds out of operating returns, the people would be more secure as to their interest.

CAUSE OF RAILROAD EMBARRASSMENTS.

I may add that one of the reasons why the railroads have fallen down in late years, as I am informed, is because they have been financing lately just as they did some years ago, when their financiers would not issue long-term bonds at high rates of interest and borrowed at cheaper interest upon short-term notes. Since money has been in demand the banks have refused to renew those notes, and there is scarcely a railroad that is not embarrassed somewhat in that respect.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. BENJAMIN L. FAIRCHILD. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey may have 10 minutes more.

Mr. PARKER of New Jersey. One minute more will be enough.

Mr. ESCH. I yield to the gentleman one minute.

STATE TAXATION.

Mr. PARKER of New Jersey. There is no other topic left except that of taxes. Some people say we can not control taxes, because the State can lay taxes. I say that the States can not lay taxes on Government business, and my judgment is that the States ought not to be allowed to put on extra taxes when the Government is operating the roads. I think we ought to pay just the same taxes that we paid before the war, and none other.

Mr. Chairman, that is all I have to say. I will insert the tables to which I referred in my remarks:

Mr. BENJAMIN L. FAIRCHILD. Mr. Chairman, will the gentleman from Wisconsin yield to the gentleman for a minute so that I may ask him a question?

Mr. ESCH. Yes; I yield an additional minute to the gentleman.

Mr. BENJAMIN L. FAIRCHILD. The gentleman from New Jersey referred to the indebtedness that would be created in favor of the Government against the railroads by the purchase of locomotives and other rolling stock and the terminals. Does the gentleman from New Jersey think that the railroads should be turned back to the railroad companies until that indebtedness has been paid to the Government by the railroads?

Mr. PARKER of New Jersey. That proposition was not only that there should be such an indebtedness, but that it should be wiped out by the disposition in the markets of the stocks and bonds of the railroads, which can be done.

Mr. BENJAMIN L. FAIRCHILD. Of course, the stocks and bonds might be sold by the railroads or might not.

Mr. PARKER of New Jersey. If they are not sold, then they would owe the Government, and the railroads would not go back until that was arranged for. The bill says so.

Mr. SIMS. I yield 40 minutes to the gentleman from Nebraska [Mr. STEPHENS], a member of the committee.

Mr. STEPHENS of Nebraska. Mr. Chairman, the bill, H. R. 9685, now before the House, providing for suitable legislation for Federal control of the railroads of the country, contains, generally speaking, only three points that are in controversy.

The first is contained in section 1, which fixes the compensation that the carriers are to receive during the period the roads are under the control of the Federal Government.

The second is contained in section 11, which places the power to initiate a rate, when the war emergency makes it necessary, in the President.

The third is involved in section 14, which contains the provision for the return of the railroads within two years after the conclusion of the war. I shall address myself to the question of the limitation placed in section 14. I am in full accord with all of the provisions of this bill excepting section 14, and at the proper time I shall offer an amendment striking out the limitation placed in the bill, leaving it for a future Congress to

fix the date for the return of the roads to their corporate owners after suitable legislation has been enacted.

It is argued by the representatives of the administration and Commissioner Anderson, of the Interstate Commerce Commission, that great danger is involved in fixing the date for the return of these roads to their corporate owners, for the reason that the greatest confusion will likely prevail at the conclusion of the war, and that the people in all probability will not be in a mood to consider necessary legislation that must be enacted before these roads are turned back to their alleged owners. It will possibly be a year following the conclusion of peace before the soldiers are all returned home and discharged. During this period it is not probable that it will be possible to even consider the turning back of these roads. The people will be distracted by the difficulties confronting the country in readjusting business to peace conditions. There will be an immense demand for capital, and the difficulty of the railroads in financing themselves will no doubt be a very great one.

In fact, it is so self-evident that troubles of the first magnitude will prevail at that time in the domestic field that it seems hardly necessary to recount them. I quote here, in part, a statement made by Secretary McAdoo, Director General of the Railroads, on this subject before the House and Senate Committees on Interstate Commerce:

STATEMENT OF SECRETARY M'ADOO.

From the public standpoint it is necessary that Government possession and control of railroads shall be employed to remove for the time being competitive practices and wasteful duplication of effort to the end that every energy shall be mobilized upon the production of the greatest amount of transportation with the least expenditure of labor, material, and money. The result of this process of unification will be that when the war ends the railroads will be, to a large extent, disabled for the immediate resumption of their old competitive status. It will be clearly contrary to the public interests that the railroads thus hampered in their ability to compete shall be returned to private management before the adoption of proper methods of public control to take the place of the competition which will have been substantially extinguished.

The adoption of a proper measure of public control to deal with this new condition will require careful study and discussion. The period immediately succeeding the war will present numerous problems of the gravest sort, some of them very grave economic problems which will demand immediate consideration by the Congress.

In such circumstances it is not only probable but almost certain that Congress will not find the time immediately after the close of the war to adopt a comprehensive plan for controlling the railroads in the new environment in which they will find themselves and at the same time to deal with all the other complicated economic problems which will undoubtedly confront it.

If this bill requires the railroads to be turned back to their owners within say a year, as I have heard suggested, or other comparatively short period after the return of peace, the result will be that the railroads, with competition largely extinguished, will go back into private control without legislation to protect the public, or legislation designed to protect the public will have to be enacted hastily in the midst of other problems which will be demanding the entire time and attention of Congress. Neither result can be made in the public interest.

At the same time it should be borne in mind that shippers and the public generally will be accustomed to new methods of doing business with the railroads. They will find that the old methods under which they have been routing freight and have been doing business will be substantially and perhaps permanently altered, and the confusion which would arise from the attempt to suddenly restore the old competitive status, the status that existed prior to December 28, 1917, would be aggravated very greatly and perhaps would offer quite insuperable difficulties if legislation was not enacted in the light of conditions as they exist at that time, such as would facilitate that process of restoration and conserve the interests of the shippers and the public generally. I think myself that ample time will be required to deal with the new railroad status with which the country will be confronted after the return of peace.

I have used this three-year period arbitrarily and merely for purposes of illustration, and I have proceeded upon the theory that possibly $500,000,000 per annum might have to be expended upon betterment, improvements, equipment, and extensions—necessary extensions for the purpose of the war. Of course, if the control lasted only one year or two years the amount of the Government investment in roads would be correspondingly less.

It is impossible to deal with that matter adequately under existing laws and impossible now to forecast how the matter ought to be dealt with. It will be a subject for thorough study and careful and just legislation to be adopted after the war.

To put a time limit upon Government possession may make it impracticable and certainly will make it exceedingly difficult to deal with this important subject in an adequate manner before possession is automatically restored to private management. To fix an arbitrary limit, it seems to me, is to put the public at a great disadvantage in dealing with this important phase of the problem—that is, the adjustment of the debt which the railroad companies will owe to the Government for the advance which must be made to them during the period of Government control. Such improvements in the hands of the Government without possession of the railroads will be of little value. The Government would therefore be in a difficult situation to protect the public interest with respect to those advances, because the minute the railroads are returned automatically to the control of the railroad companies, with no settlement effected of that large indebtedness, the Government would not be in position to protect adequately its rights nor to protect the public interest.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. STEPHENS of Nebraska. I will.

Mr. MADDEN. Does the gentleman contend that the Congress of the United States under the conditions that he has just described through Mr. McAdoo will be any less mindful of the interests of the people than they are to-day?

Mr. STEPHENS of Nebraska. Oh, certainly not.

Mr. MADDEN. Or that Congress will be less patriotic?

Mr. STEPHENS of Nebraska. No; certainly not; but there might be difficulties in the way of getting action in Congress. Mr. McAdoo continues:

It seems to me, therefore, that there is every disadvantage to the public interest in risking a limitation upon the time of Government control of the railroads and no possible advantage to the people in fixing that time limit now.

As long as the Government is in control of the properties and the important problems can be discussed dispassionately, and not under the pressure of a stop watch or time limit, it will be possible, I think, to liquidate the Government's interest upon a more equitable basis not only to the public but to the railroad owners themselves.

For my part I do not see why we should now undertake to determine an arbitrary limit, which might put the public as well as the private interests in jeopardy, but every consideration, it seems to me, justifies, as well as demands, that the question be left in such situation that it can be dealt with intelligently by the Congress in the light of conditions as they then exist.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Nebraska. I yield to the gentleman from Missouri.

Mr. BORLAND. Would not that be the case, anyway, that Congress, even though it now fixed the time for the return of the railroads, would have the right to repeal that law?

Mr. STEPHENS of Nebraska. Oh, certainly; that is undoubtedly true; but conditions might arise where Congress could not act, and I am now going to read to you a statement of Commissioner Anderson, of the Interstate Commerce Commission, pointing out the possible difficulties that may arise at that future date.

Mr. BORLAND. I was going to ask the gentleman whether it would not have the effect of stabilizing and strengthening the value of railroad securities, and thus ease the money market, if it were definitely established in this bill that the railroads would eventually be returned to the stock and bond holders?

Mr. STEPHENS of Nebraska. I do not think so. I think that absolutely the opposite is true. The very moment the Government took over these railroads the stocks and bonds of the roads rose in value on the market, showing conclusively that the people have greater confidence in the control by the Government over the roads than they have in the control of those who were in charge of the railroads prior to the Government taking them over.

COMMISSIONER ANDERSON'S STATEMENT.

I wish now to quote from the testimony of Commissioner Anderson, of the Interstate Commerce Commission, as to the possibility of failing to secure legislation before the day fixed for the return of roads, and the disaster that would surely follow:

We will assume the treaty of peace is concluded the middle of July, one week after you have adjourned, or something of that kind, or a month. But the reasons why we did not undertake to set the time limit were mainly two. In the first place, no Congress binds any succeeding Congress, and it is clear that the Congress must take the responsibility of dealing with the status; in the second place, it was thought that if there should happen to be a Congress divided in opinion, and an actual time limit put in, you would create a speculative situation with relation to a lot of railroad securities, and particularly with relation to the fate of some of the weaker companies, that would be in its actual results no less than wicked, as applied to some of the less fortunate holders of railroad securities.

If the existing status continues until Congress otherwise determines, then every person, every corporation whose interests are possibly to be affected adversely and unfairly by any proposed measure of resumption of private control, they must have their day before this committee or some committee that deals with that, and the matter is fully heard. If you have a stop order, and the Congress perhaps more or less affected by partisan considerations—nobody knows—perhaps a division between Congress and the President, a chaos is to take place on a day named, unless Congress acts and extends the time.

It might be an evenly divided Congress, either on partisan lines or on policy lines or discord between Congress and the President. It puts a premium on discord for speculative interests that would like to see the railroad-security market thrown into speculative chaos; that is what it does. Let me illustrate that: Suppose that you had a provision that it should last a year after the war, after the treaty of peace? Suppose the treaty of peace were signed on July 1 next, and then you have got another year. You come back here next December and you begin on this thing, and Congress is closely divided on party lines and on questions of economic policy; and you begin, and you go through December, January—you do not generally do much until January. You have really got six months in which to find and determine the policy on which these carriers shall be taken out of the Federal control and put back into the hands of their groups of security holders; and if you do not agree there is chaos on July 1, 1919, is there not? The agreement is the condition precedent to order. That is your situation. Now, order prevails under Federal control until Congress substitutes some other order.

A CHOICE BETWEEN FEDERAL CONTROL AND GOVERNMENT OWNERSHIP.

Those who favor a time limit for the return of the roads offer three reasons:

First. That a date should be set as indicating that the Government did not intend to keep control indefinitely and thereby cause confusion and uncertainty in the minds of the investors.

from time to time until the property could be handed back.

limitation placed in the bill, leaving it for a future Congress to

Second. Admitting that new legislation will be necessary, they insist two years will be sufficient time for Congress to act.

Third. They desire the time limit because it will be an indication that this Congress is opposed to Government ownership.

The truth of the matter is, the third reason is the main one in the minds of most of the objectors. The first two reasons are no reasons at all and not a fact supports them, while, on the contrary, all the evidence presented to our committee proved the contrary true. The investors are calm and happy now, that the Federal Government is protecting their property from the speculators, and the evidence pointing to possible delay in procuring legislation is complete and uncontroverted.

The third reason offered in favor of a time limit, the fear of Government ownership, is born of a superficial view of the subject, which confuses Federal control with Government ownership. Federal control is not Government ownership at all. On the contrary, it is the very method that can save us from Government ownership. Private control and ownership has already proven a failure. Some way must be found to cure the defects of the system, or Government ownership inevitably follows. If, after a trial of Federal control, the roads break down utterly under existing conditions, then the Government, to save its own life, must own its own means of life—the railroads—as well as control them. Now, the Government as a war necessity has taken control and has coordinated all the roads under one head and for one purpose, namely, service. It is a concentration of control that was so dearly sought by the great railroad magnates of the past, but the people would not trust such power in private hands. The thing sought for by these railroad magnates for 50 years past was gained by a stroke of the pen by the President for the people. If the policy of consolidating the roads under a central head was economically correct when it was proposed to place the control in the hands of a coterie of Wall Street speculators, why will it not still be a wise and economic policy when the control is placed in the impartial hands of a Federal director, where the rights of the people and of the roads will both be jealously guarded?

If the gentlemen who are haunted by the ghost of Government ownership prevent an honest demonstration of Federal control, to see whether or not the troubles of private ownership can be cured and the railroads made to do the work of the country, then they will have to face a country-wide demand for not only Federal control but Federal ownership as well, with nearly 2,000,000 employees added to the civil-service rolls of the country, with all the possible dangers of such a gigantic civil roll influencing legislation.

Mr. FESS. Will the gentleman yield for a question?

Mr. STEPHENS of Nebraska. I do.

Mr. FESS. I would like to have the gentleman's opinion, without embarrassing him. Believing myself that this step will almost certainly lead to Government ownership, I would like to ask him whether the fixing of the time limit will prevent it?

Mr. STEPHENS of Nebraska. My idea is that the moment you fix the time limit you make it absolutely necessary for the Congress of the United States to act before that time limit expires, and if the people are not then ready to act, if the Congress is not ready to act, if we are all undecided as to what the policy should be, then these roads automatically go back; and if they go back under such a chaotic condition as will exist at that time you can rest assured that private ownership will be spurned by the people and Congress will be compelled to take over these railroads as Government property and operate them. Now, if no time limit is fixed, then everything will go on; and we will demonstrate beyond a question of doubt whether or not Federal control is a success. If it is not a success, none of us want it. If it is a success, we all want it. That is my view of it.

Mr. FESS. If the gentleman will permit, I have always feared Government ownership and am very much opposed to it.

Mr. STEPHENS of Nebraska. I agree with the gentleman.

Mr. FESS. But I think I can see it definitely coming. That is my opinion under the conditions that are in operation.

Mr. STEPHENS of Nebraska. There is certainly danger of it. Referring again to this large civil pay roll, my fear would be that such a force in a position to profit through the pay-roll route by legislation which they could tremendously influence, the very life of the Government might be endangered. I can readily see that we might cease to be a Government by the people and for the people, and become instead a Government by the employees for the employees. Yet if compelled to choose between being exploited by a gang of railroad speculators and being more or less pulled about by a vast body of Government employees, I would choose the latter.

The gentlemen who insist upon writing a limitation of Federal control in section 14 of this bill merely hasten the day for Government ownership in the fullest sense of the word with all the possible evils thereof, because, whether they know it or not, private control has broken down and the country knows it. A few years more of such control and no one will be left, except widows and orphans and the helpless generally, who can be induced to invest in railroad stocks and bonds. Something must be done now before the roads ever leave the control of the Federal Government to safeguard the investments in railroad stocks and bonds and stabilize values so the public will have unquestioned confidence in them. If this is not done, extensions and betterments are impossible. An adequate service can never be secured with the Wall Street wrecking crew in charge of so many of the roads.

By amending section 14 by striking out the two-year limit Federal control will be continued until such time as protective legislation can be enacted. Personally I am convinced beyond a doubt that the solution of our whole trouble and escape from Government ownership and the evils that might follow lies in Federal control along the lines we have now adopted as a war measure only. If it proves a success, no one would want to go back to the private control; and if it is a failure, we will have eliminated Federal control from further consideration. That question then will have been as completely eliminated as is private control in the minds of the people at this moment.

Therefore if the present method of Federal control under the Director General proves a failure, we would be face to face with Government ownership. To insert in this bill a day for the return of the roads to their corporate owners, to the old system of private control that has failed in the past, is to issue a clarion call to the country to stop the outrage before it can be perpetrated, and the country will undoubtedly stop it by forcing us into Government ownership. Is it not, then, absurd to write a limit in this bill making it impossible to give Federal control a thorough test before we are compelled to prematurely turn them back into the field of speculation and ruin or take them over as Government property and own as well as operate them?

GHOST OF GOVERNMENT OWNERSHIP KILLED SHIP BILL.

The fear of Government ownership talked the shipping bill to death in March, 1915, or the threat of it brought the same result. As a result our shipbuilding program was set back two whole years. The eminent legislators who permitted themselves to be frightened by the ghost of Government ownership I charge with the responsibility of having failed to provide the country with ships that are to-day so sadly needed to carry our troops and supplies to Europe. If our shipping program had been begun two years sooner, as that bill provided, we would now be able to place one and one-half million soldiers in Europe and feed them with ease. The ghost of Government ownership stalking timid legislators did the work. These same gentlemen, too, are now loudest in their criticism of the War Department because it is unable to equip and place an army in Europe without an adequate amount of shipping. There was also a substantial backer to the Government ownership ghost that stayed in the background. It dangled the ghost out where everybody could see. The backer of the ghost was the Shipping Trust. They had a gold mine operating ships at a freight rate 1,000 per cent above the rates of peace times. They could see absolutely no sense in the Government building ships to compete with them, so they shouted Government ownership, and their reactionary friends responded everywhere and the Government ship bill was killed and not a move made for two years after the bill was introduced in September, 1914, to save the country from extortionate freight rates. These gentlemen may escape the responsibility of their exceedingly great mistake, but they nevertheless have it on their souls just the same. The country is without necessary ships now, and they should not escape the blame. This House did its full duty in backing up the administration's program for shipping tonnage and every other measure necessary to win this war.

The fear of Government ownership put a limitation of one year in the war-risk insurance law, which makes it necessary for us to renew this measure every year. If something should happen, if Congress should not be in session or a deadlock of some kind should occur, making it impossible to renew this measure, then the ships of commerce would not be able to leave our harbors for want of insurance. Yet we had to put it in to satisfy these gentlemen who were constantly shivering around for fear Government ownership will be fixed upon the country. They can not conceive of the people having sense enough after they have tried a thing to conclude whether or not it has been a

success or a failure. If it proves to be a success, of course they will want to continue it; if it is a failure, certainly they will want to discontinue it. Therefore there can be no object whatever in hampering legislation with provisions of this sort, lest it will in a measure contribute for or against Government ownership.

FEDERAL CONTROL SHOULD EXTEND OVER PERIOD OF PEACE.

There is another phase of the subject also that should be considered, and that is the very great desirability of having Federal control extend over a period of peace, so that a demonstration can be had of its feasibility as a permanent policy. If Federal control is concluded immediately after the war, there will be no opportunity to test the value of this method of handling the railroad situation. The truth is, some 5 or 10 years should be allowed for this period of demonstration for the purpose of satisfying the country beyond a question of doubt that Federal control is or is not practicable. The country is certain that the management of the railroads under private control has been a failure, and they are seeking and demanding some satisfactory solution of this problem.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STEPHENS of Nebraska. I yield to the gentleman.

Mr. MOORE of Pennsylvania. I take it from the gentleman's remarks that he is in favor of Government ownership of railroads and would have established it years ago.

Mr. STEPHENS of Nebraska. The gentleman has no right to make any such assumption, because I have stated three or four times in the course of my remarks that I am opposed to Government ownership, excepting as a very last resort.

Mr. MOORE of Pennsylvania. Then I did misunderstand the gentleman.

Mr. STEPHENS of Nebraska. Yes.

Mr. MOORE of Pennsylvania. But since the gentleman refers to what might have been done, I might ask him whether he agrees with that other distinguished Nebraskan who was in favor of Government ownership of the railroads years ago, but who did not get very far with his program?

Mr. STEPHENS of Nebraska. Do you want to know whether I am in favor of him?

Mr. MOORE of Pennsylvania. Whether you stand with him; yes?

Mr. STEPHENS of Nebraska. I certainly would not stand with him if he is for Government ownership and I am against it, but I do not think the gentleman from Nebraska, whom you refer to, favors Government ownership. He never did favor Government ownership. He has always stood on the subject about as I have just outlined it.

Mr. MOORE of Pennsylvania. I do not want the gentleman to misunderstand me, but I have a distinct recollection that the Nebraska Commoner initiated a policy of Government ownership of railroads.

Mr. STEPHENS of Nebraska. That is a mistake. I heard Mr. Bryan make his so-called Government-ownership speech in Madison Square Garden, and it was not a Government-ownership speech at all, but he made the statement in effect that I have just made.

Mr. MOORE of Pennsylvania. But does not the gentleman think the other distinguished Nebraskan would really be vindicated by the passage of this bill?

Mr. STEPHENS of Nebraska. Which other distinguished Nebraskan?

Mr. MOORE of Pennsylvania. William Jennings Bryan, the great Commoner.

Mr. STEPHENS of Nebraska. William Jennings Bryan, the great Commoner, is in substantial accord with this proposition, I think.

Mr. MOORE of Pennsylvania. Did not Mr. Bryan in 1908, in Madison Square Garden, announce a platform substantially as set forth in this bill?

Mr. STEPHENS of Nebraska. I think the gentleman is correct. I think the substance of my remarks are in accord with his statements on that occasion.

Mr. MOORE of Pennsylvania. I wanted to see if we were not vindicating Mr. Bryan by the passage of this bill.

Mr. STEPHENS of Nebraska. Oh, he has been vindicated a thousand times. [Laughter.]

If a day is fixed for the return of these roads to their owners, on that day the roads must go back no matter what the conditions are that may exist at that time. While, on the other hand, if the day is not set, there will be an opportunity for consideration of the question from every angle in the light of the experience gained by Federal control of these roads in time of peace.

During the last 10 years scores of railroads have been wrecked through mismanagement and speculation. The operation of these particular roads has been solely in the interest of those who wished to make money out of them, and with only an incidental regard to the rendition of service to the people. The result has been the ruin of hundreds of thousands of stockholders, the wrecking of many railroads, and a general weakening of the confidence of the people in the system of private control. The people have tried regulation, both National and State, with very unsatisfactory results. We started out to stop the collection of excessive rates, but made no provision at the other end for stopping the leaks. It would appear that we felt secure in the idea that if we could prevent the railroads from taking unjust toll from the shipper we had solved our problem. We discovered, however, that the prevention of the roads from collecting excessive rates had no connection or relation whatever to their ability to speculate in the properties themselves and manipulate them in such a manner as to throw them into bankruptcy and through this operation eliminate the shareholders and greatly destroy the general usefulness of the roads and their ability to secure new capital for their development and extension.

THE WRECKING OF THE ROCK ISLAND.

As a result of this practice we have witnessed the wrecking of the Chicago, Rock Island & Pacific Railroad, the New Haven, the Boston & Maine, the Frisco, and many others during the last 10 or 15 years. In fact, at the present moment there are some thirty or forty thousand miles of railroads in the United States in the hands of receivers. Some of these roads we know have been thrown into the hands of a receiver when they were in a perfectly solvent condition by the manipulation of these plunderbunders who specialize in the wrecking of railroads. The Rock Island is probably the most glaring example of this particular industry. The story of the wrecking of the Rock Island Railroad is equal to that of any "Diamond Dick" novel that has ever been printed, and the men who were responsible for the mismanagement and bankruptcy of this property should have been put in the penitentiary long ago. The truth is that as highwaymen they make the performances of Jesse James look trivial and inconsequential. This gang of Wall Street plunderbunders did nothing that required courage. They merely hired a few lawyers to organize two holding companies at an expense to the property of about $300,000 for organization purposes and proceeded to manipulate this great and profitable railroad system in such a manner as to force it into bankruptcy and ruin.

Mr. DILLON. Will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. DILLON. Does the gentleman know any of these high financiers who have been put in jail where they belong?

Mr. STEPHENS of Nebraska. I do not remember right now whether any of them have been put in jail or not, but you have my opinion in regard to it.

When they took hold of this road in 1901 its stock was selling in the markets of the world at above $200 a share. It had something like $10,000,000 of surplus and was paying a good dividend to its stockholders. It had a net income of over $5,000,000 a year. In 1914, the year in which the Interstate Commerce Commission made a report upon its condition, its stock had shrunk to about $20 a share, representing a loss to the men who had put their money into the building up of this great property of tens of millions of dollars.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. SIMS. I yield the gentleman 20 minutes more.

Mr. STEPHENS of Nebraska. The men belonging to this particular Wall Street wrecking crew were J. H. Moore, W. H. Moore, D. G. Reid, W. B. Leeds, and others of less importance. After more than a decade of misrule and theft the road was finally forced into the hands of a receiver. Even after that the deception continued. The court was urged by the Peabody Protective Committee to default in payment of interest on certain securities and in the refusal of the court to comply, the court left the inference that the only motive the Peabody committee had was to get an excuse to foreclose on the securities of a perfectly solvent property and take them at much less than their value.

Mr. LONDON. Will the gentleman yield?

Mr. STEPHENS of Nebraska. I will.

Mr. LONDON. What year did all these things occur?

Mr. STEPHENS of Nebraska. This reign of culpability began in 1901 and ended in 1914 or 1915.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. STEPHENS of Nebraska. Yes.

Mr. COOPER of Ohio. What railroad is the gentleman talking about, the Rock Island?

Mr. STEPHENS of Nebraska. Yes; the Rock Island and its holding companies. Sometimes the report refers to the Iowa

company and sometimes to the New Jersey company, but they are merely holding companies for the Rock Island.

Mr. COOPER of Ohio. The gentleman would not put all of the railroads of the country on the same basis?

Mr. STEPHENS of Nebraska. Oh, no; I am differentiating between the honest men and the crooks in the railroad world.

Later on the road did default in interest payment on certain bonds of the road that were secured by over $71,000,000 of the stock, the stock that sold for $200 a share the year the wreckers got possession of the road. This block of $71,000,000 face value was sold under order of the court for a little over $7,000,000. The outrage was complete. This Mr. Peabody is president of the Mutual Life Insurance Co. The same Mr. Peabody was in at the killing also when the New Haven went under. Here is what a witness before the Interstate Commerce Committee of the House, a Mr. Amster, who is a director in the Rock Island Co., and who has suffered from the rape of the Rock Island, has to say about Mr. Peabody and his banker friends:

The New Haven stock was considered a gilt-edge investment and sold at over $200 per share. It is now selling under $30. The company's books show that 26,000 depositors, men, women, and insurance companies own the stock of the company, and that very little, if any, is held in the name of the banker directors who managed the property during its prosperous period. One insurance company, the Mutual Life, whose president, Charles A. Peabody, is a warm friend of the great banking firm that handled the New Haven finances, owns 35,000 shares, at an average cost of $155 per share, but this poor investment, and doubtless other railroad investments of this insurance company, belong to the policyholders and not to the president or trustees of the company.

Thus we see how the wrecking of railroads affects thousands of innocent people who are helpless to prevent it aside from those who have purchased railroad stocks directly as an investment.

But to come back to the Rock Island, let us see how they robbed the road through salary accounts, gifts, and contributions to campaign funds. Notice this salary list and a few other grafts as reported by the Interstate Commerce Commission during the reign of the plunderbunders:

SALARIES AND CONTRIBUTIONS TO OFFICERS AND DIRECTORS.

The salaries paid to some of the principal officers at various points were as follows:

H. U. Mudge, president, $60,000.
L. F. Loree, chairman executive committee (one-half to be paid by the Frisco), $75,000.
R. A. Jackson, vice president and general solicitor, $50,000.
R. R. Cable, member board of directors, $32,000.
W. B. Leeds, president, $32,000.
B. L. Winchel, president, $40,000.
B. F. Yoakum, chairman executive committee, $30,000.
Daniel C. Reid, chairman board of directors, $32,000.
C. H. Warren, first vice president, $35,000.
W. G. Purdy, upon his retirement from the presidency, was given two years' salary at $22,500 per annum.

SOME OF THE CONTRIBUTIONS.

Following are specific instances shown of record of contributions referred to:

J. E. Gorman, first vice president in charge of freight and passenger traffic, was secretly paid $18,750, making his total compensation $43,750, whereas the pay roll showed $25,000.

C. A. Morse, chief engineer, received a salary of $15,000 per year and a secret bonus of $3,000 on the first of each year.

Upon the retirement of R. A. Jackson as general solicitor he was given $100,000 in cash.

As an inducement to L. F. Loree, chairman of the executive committee, to relinquish, after 16 months' service, a joint contract with the railway company and the Frisco, under which he was to receive a salary of $75,000 per annum for a period of five years, and in addition was to be paid a bonus of $500,000 at the expiration of the contract, he was given bonds of the railway company of a par value of $450,000. This was borne equally by the two companies, and the proportion of the railroad company was charged to profit and loss. The total amount borne by the railway company in this transaction exceeded $250,000.

C. H. Warren, vice president, was given by the railway company $150,000 in par value of the common and $105,000 in par value of the preferred stock of the New Jersey company and $50,000 in cash. There was no board of authorization for the latter expenditure, the item being represented in the records of the railway company merely by a voucher signed by D. G. Reid.

R. R. Cable, a member of the executive committee, received from the railway company $30,000 in bonds of the Iowa Co., then worth $24,500, for his services in the acquisition of the Burlington, Cedar Rapids & Northern Railway Co., and he was paid by the latter company $85,000 in the same transaction. Mr. Cable also received another contribution which will be referred to later.

Robert Mather, vice president, was given $25,000 in cash.

George T. Boggs, director and secretary of the directors of the railway company, was given $15,000 in cash when he retired from the secretaryship of the railway company.

As hereinbefore indicated, when the capital stock of the railway company was increased to $75,000,000, shares of the par value of $880,500 were placed in the name of the president, to be thereafter distributed in accordance with the following resolution of the executive committee passed at a meeting held in New York July 1, 1902:

Resolved, That such portion as the president may determine of the shares of the increased capital stock of the company not required for the purpose of the foregoing resolutions shall be disposed of at par by the president for the benefit of such officers of the company as the president shall elect and determine.

This stock was later exchanged for securities of the Iowa and New Jersey companies in the same manner as was stock of the stockholders of the railway company.

Following this exchange R. R. Cable received securities of a market value of $368,300, for which he paid $200,000.

H. A. Parker, first vice president, received securities then worth $27,000, for which he paid but $15,000.

Robert Mather received securities of a market value of $145,912 above his payments therefor.

The contributions to officials of the railway company in excess of their salaries aggregated about a million dollars.

Mr. RUSSELL. Were not a lot of fellows indicted for that?

Mr. STEPHENS of Nebraska. I do not know.

Mr. LOBECK. Did the Government assist this road by giving it land?

Mr. STEPHENS of Nebraska. Yes.

Mr. LOBECK. Is it the gentleman's belief that if we had Federal control any such things as this would happen?

Mr. STEPHENS of Nebraska. Absolutely no; no such things could happen.

IRREGULAR VOUCHER PAYMENTS.

The books of the railway company reveal payments aggregating $44,066.05 to the Denver Post. The vouchers attached read, "For advertising in editorial news columns." Other entries show that three of these vouchers, aggregating $20,000, cover a refund that this newspaper received at the rate of 35 cents per hundred on its freight carried over the lines of the railway company from points in Wisconsin.

Another voucher is for $50,000 to S. M. Felton, for the railway's proportion of amount "paid by E. H. Harriman and his associates for money expended by them to secure the discontinuance of a line of road being constructed in 1900 between Peoria, Ill., and Clinton, Iowa, as per agreement between R. R. Cable, chairman of the board, and E. H. Harriman."

Now, after having merely slanted at the mismanagement of the Rock Island in the hands of bank speculators on a big scale, and knowing that there are scores of other roads almost if not quite as badly managed, can anyone say the public interest will suffer if no date is set for the return of these roads to their alleged owners? For my part I am satisfied beyond a doubt that they never should be turned back to private control under any conditions that I can now foresee are possible to exist. The truth is the people have lost confidence in the management of the railroads by Wall Street bankers who have secured control of them. They have witnessed the operation of receiverships, the elimination of small stockholders, the reissuance of new stocks and bonds under reorganization, again bankruptcy and elimination of stockholders, until the investors of the country who are not engaged in this business of manipulating railroads have refused largely to buy railroad stocks and bonds. The only practical outlet that bankers now have for the sale of their railroad stocks and bonds is to foist them off on trust companies, insurance companies, and widows and orphans who must follow the recommendations of their bankers. The net result is that instead of having railroads constructed where railroads are needed, tracks doubled, equipment multiplied, we have only the barest necessities supplied in the great majority of cases, so that when a stress is put upon the transportation facilities of the country, such as was brought about by this war, the railroads have been utterly unable to do the work placed upon them. It seems to me that the proof is complete.

COMPLAIN OF LOW RATES.

These railroad manipulators complain that their trouble is all caused by the refusal of the people to let them collect larger rates, when, as a matter of fact, the railroads have suffered not so much from low rates as they have from mismanagement and the destruction of the confidence of the people in those in control of the roads. To give them higher rates in some cases like the Pennsylvania, for example, merely means greater profits and surplus, which is in turn capitalized and a new cry goes up for higher rates to make more surplus to be capitalized, leaving

the road as hungry as ever. The people get weary of paying excess rates for the purpose of furnishing stock dividends to stockholders as in such cases. In other cases a prosperous road with a reputation for dependable earnings becomes a ready prey for the "wrecking crew." Its newly watered stock would be as easily sold, as was the case with the Rock Island & New Haven. If the investors had not witnessed the operations of these plunderbunders in wrecking roads and eliminating stockholders, there would be much less trouble to get investments in railroad stocks, but so long as so many roads are in the control of men who make a business of speculating in them, just so long will there be a distrust in that sort of an investment. The marvel is that anyone who knows anything at all would put a dollar in railroad stocks, generally speaking.

Now, if private control of railroads has proven a failure—as no one can dispute, if you measure it by the test of the roads being able to do the work the country requires of them—then why is it that some of us are so insistent upon fixing a date when these roads are to be turned back to their alleged corporate owners? Why hurry back with such haste to men who have been unable to accomplish the task that has been given them? I do not charge in a wholesale way that all railroads have been mismanaged. That is not so. Many railroads have been very effectually managed. Perhaps the majority of them have been satisfactorily managed in normal times, but the large minority that have been mismanaged are almost as essential to the success of the whole as is the majority. For example, the thirty or forty thousand miles of railroad that are now in the hands of receivers cover a vast territory that is dependent wholly upon them, and are so vital to the welfare of the Nation as a whole that their failure can be considered of the utmost importance in the consideration of this subject.

TWO CLASSES OPPOSE FEDERAL CONTROL.

If we can demonstrate by the present system of Federal control that we can eliminate all of the troubles from which we have heretofore suffered through the issuance of watered stock and speculation in the properties, we will have turned the country away from Government ownership, because there is no one who would not prefer private ownership if private ownership were successful and the interests of the people, as well as the roads, were protected. The reason that there is a clamor for Government ownership is not because there are any considerable number of people in this country who really favor Government ownership as a matter of principle, but rather they think of it as a necessity. But if we can demonstrate under Federal control that the difficulties we are now suffering from can be removed, and that these roads can be operated in private hands under Federal control successfully, then the possibility of Government ownership will have passed from us forever. But it is the fear of Government ownership that lies at the root of the insistence of many Members of Congress upon the limitation being placed in this section.

The other class, which is a very minor one, consists exclusively of a coterie of Wall Street bankers who are engaged in railroad speculation and the operators and executives of the roads that excessively profit through their operation. This class, of course, want the roads turned back to them as quickly as possible—to-morrow if it could be accomplished. This class, in my judgment, will attempt to make the Federal control of railroads a failure. They will attempt to demonstrate to the country that the Federal Government can not control these railroads successfully, in order that we may hasten to turn them back to them, so that they can again start on their round of manipulation, speculation, and wrecking of railroads, and piling up as a result countless millions of profit.

WHY FEAR FEDERAL CONTROL?

I have pointed out the two classes that are interested in having a day set for the return of these railroads to their corporate owners. Is this insistence possibly due to fear that their properties are to be neglected during Government control? Not at all. We provide in this bill that they shall be liberally maintained. Not only that, but that extensions shall be made where necessary, terminals shall be constructed, rolling stock shall be added—in fact, betterments of every kind and character are to be made where necessary. So it can not be for these reasons that they insist upon a limitation being fixed.

Are they afraid that their properties will be bankrupted during Government operation? Not at all, because the Federal Government agrees to finance them at the lowest possible rate of interest—even to buy their bonds when necessary. There can be no risk whatever run by the owners of these properties in leaving them in the control of the Government until Congress shall otherwise direct.

Is it because they fear that they will not be able to pay dividends to the stockholders? No; because the Government guarantees a standard return equal to their average earnings for the past three years, two of which were the best in the history of the roads.

Is it because stockholders are worried about the results of Federal control and are urging the executives of the roads to demand that a day be set for their return? Certainly not. The stockholders are not in the least doubt about the success of the Federal control. In fact, when the President's proclamation directing the Secretary of War to take over the roads was issued railroad stocks immediately went up, showing that the stockholders had greater confidence in the Government than they had in the railroad managers. The stockholders of the railroads know the history of private control as well as anyone, because they have suffered from it very greatly. Hundreds of thousands of them have had their savings of a lifetime swept away by the mismanagement, speculation, and bankruptcy of railroads by these highbinders of Wall Street. It is difficult indeed to conceive of any reason why a stockholder of the railroads would prefer private control to Government control.

Is the public clamoring for a day to be set for the return of these roads to their corporate owners? No, the public certainly has no objection to Federal control, but, on the other hand, welcomes it, because it has removed all the barriers to an economic operation of the roads. Cooperation of the roads has been brought about. Freight is being moved through the shortest routes and over the least congested lines; useless competition has been eliminated; scores of ports little used are to be opened; and gradually it is hoped the congestion of the roads is being cleared away. The public can not fail to be greatly benefited by this application of economic principles.

By the process of elimination I have apparently left only the two classes first named—those who fear Government ownership and those who profit in the manipulation and speculation in railroad properties.

BANKS CONTROL WITH 1 PER CENT OWNERSHIP OF STOCK.

To me it is inconceivable that any considerable number of people should be misled in the discussion of this subject, the facts are so clear and conclusive. Here we have $18,000,000,000 worth of railroad property that was, previous to Government control, in the control of a coterie of Wall Street bankers. This bank control exists through the ownership of possibly 1 per cent of the stock of these roads. Think of it; $18,000,000,000 worth of property controlled by a coterie of Wall Street speculators and bankers and operated largely for their own interest and profit through and by the actual ownership of only 1 per cent of the property.

We have gentlemen who advocate the fixing of a day for the return of these roads, referring with a good deal of feeling to the moral side of the question. They call our attention to the fact that as a war measure we are ruthlessly taking away from the lawful owners these railroad properties, and we should therefore hasten, the moment the war is over, to return them again to their lawful owners. This sentiment is entirely wasted on me, and it should be a complete waste on anyone who has a knowledge of the facts. Millions of stockholders, scattered all over the world, own these railroad companies. A few manipulators manage to get themselves elected members of boards of directors of the various roads—especially the profitable ones. They become possessed of the transfer books, which contain the list of stockholders. They secure proxies of these stockholders and vote them at their annual meetings. The stockholders are scattered everywhere. They know absolutely nothing about the control and management of their properties. They have no means of finding out anything about them. The only thing they can do is to send their proxies to the officers who are in control, and these officers consist of those who have managed, by hook or crook, to secure the control of the properties by a very small ownership of stock.

In view of this well-known condition, it is certainly not a convincing argument to urge that from any moral standpoint we are bound to set a day for the return of these roads to these alleged corporate owners, without regard whatever to legislation that will be sadly needed to protect the real stockholders before the transfer is made.

OPPOSED TO GOVERNMENT OWNERSHIP EXCEPT AS LAST RESORT.

Personally I am very much opposed to Government ownership if there is any other way in which the best results can be obtained. My own view is that the present system is approaching the method that will ultimately be found to be a success in the control and operation of the roads. At any rate, there should be no haste whatever in turning these roads back until the widest possible discussion has been had upon the result of it. And it must be sufficiently extended after the war has been

concluded, in order to know whether or not it can be successfully carried on in time of peace.

THREE METHODS.

There are three possible methods open to us for handling the railroads. The first method has been in operation for a great many years, namely, private ownership and control under State and Federal regulation. Many men thought our problems were solved when we adopted Federal and State regulation of railroads. It is apparent now, however, that the mere regulation of rates and competition only removes a few of our troubles. It in no way removed the great evil of watered stocks and the manipulations of speculators. It left the roads without coordination and with competition that does not contribute to an economic operation of the lines.

The second method of handling the roads is the one now put in operation as a war necessity, namely, Federal control, with private ownership. The results are yet to be demonstrated.

The third method of operation that is advocated by some people as a solution of our difficulties is Government ownership.

The first method of private control with the Government regulation has been in operation sufficiently long to prove beyond a question of doubt that it never can be successfully used. Under this system we have witnessed the wrecking of scores of railroads since the Interstate Commerce Commission was established. We have witnessed the flotation of stocks over and above the actual values of the roads to the amount of billions of dollars. Most of this stock in the last 50 years has been wiped out of existence by foreclosures through bankruptcy, and, of course, became a complete loss to investors. Competition has been idiotic and uneconomic. The people for a long time believed that railroads must compete. I can recall in the good old days for the speculators, when a railroad ticket could be bought from Omaha to San Francisco for $5, when rebates were common, when legislatures were corrupted. All of these things have been in a measure cured by regulation, but they have left still the canker that destroys the roads and utterly destroys our ability to get new roads, in that it has left the speculator with the ability to destroy the original property, but without any inducement for constructing new properties. In the old days without regulation it was an easy matter for the speculator to construct new lines, water the stock, collect rates that he saw fit, and make enough money out of the construction of the road to make it a great inducement for men with means to build new roads and develop new sections of country. Federal regulation has now made it impossible for this sort of railroad builder to operate and make any money out of it, with the result that no new lines to speak of are now being built under regulation. There is no prospect of any new railroad development under Federal and State regulation. Men who have money are not going out into the field to construct new railroads unless they have an opportunity to make a speculative profit out of the deal. That opportunity no longer exists under regulation. The only opportunity that is left the speculator now is to manipulate the roads in such a manner as to force them into bankruptcy, close out the stockholders, and take the roads at their own price.

Under the second method, the one now in vogue, Federal control seems to me to be the solution of all these difficulties. For example, under Federal control a Federal railroad board can be organized with power to control all of the railroads of the country, pool their profits, pool their service, issue the stocks and bonds of the Federal railroad company in exchange for the stocks and bonds of the existing roads, and thus secure for the people a complete coordinated system where there would be no advantage whatever to one road securing more traffic than another, with the result of congesting the traffic and piling up the profits on one road to the disadvantage of another, because they would all share alike in the profits of the roads in general, or, rather, share in proportion to the value of their stocks.

Under this system we would not find the traffic congested on a few great arteries of trade and centered in a few great terminals, like New York, Philadelphia, Baltimore, Chicago, St. Louis, and San Francisco, but every port in the country would be developed, steamship lines established at those ports to take care of the traffic, and the traffic would flow over the shortest and most economic routes. There would be no more trouble about the issuance of stocks and bonds. These would all rest in the hands of the Federal Government through the Federal board. All of the speculation in these securities would be gone, and they would have values as fixed as Government bonds.

This would certainly be to the interest of the public, because the stabilization of the values of these securities would induce the public to invest in them to the largest possible extent; whereas, now, under private control, as I stated before, practically only the widows and orphans and insurance companies invest in these stocks, because they were advised to do so by their bankers. In fact, the insurance company's funds have been used by these railroad manipulators very largely to finance their operations.

The third method, that of Government ownership and operation, has not been tested in practice in this country, and, of course, one man's opinion is as good as another, as to the results possible under that system. However, the question is not now an issue, but is certain to become one the very moment the question of returning these roads to private control under former conditions is brought before Congress.

RAILROADS HAVE TWO BOSSES.

Another reason for the failure of the roads to do the work of the country lies in the fact that they have two bosses who to a large degree have interests directly opposed to each other. On the one hand, we have the operators of the roads representing the stockholders trying to get as high a rate for service as it is possible to get. Whereas, on the other hand, are the representatives of the people, through their Federal and State railroad commissions, trying to keep the rates as low as possible. There is a constant struggle going on between these two forces all the time with varying results.

It seems to me that the principle involved in this method of regulation was doomed to failure in advance. Private business partnerships are notoriously hard to sustain when the interests of both partners are identical, but to think of a business partnership succeeding where one of the partners is interested in having the business make a good profit while the other is not interested in the concern making any profit, is absurd. That being true of a private business partnership, it is equally true of the partnership control and operation of the roads by joint action of the Government and the owners.

For the Government to attempt to regulate the income of roads by fixing rates and at the same time pay no heed to the expenses of the roads as made by the operators is quite absurd, yet that is the way we have been doing it. Certainly the power to fix the income must also be the power to fix the outgo, yet for a quarter of a century we have apparently ignored this basic principle at the root of business success. This power to fix the outgo must also be the power to regulate the bills payable; that is, the issuance of stocks and bonds. Yet under private control with Government regulation all sorts of crooked stock and bond issues have been floated. In fact, there has been no regulation of any real value in the use of this very important power. Irresponsible directorates are largely to blame for the misuse of their powers.

METHODS OF CHOOSING DIRECTORS.

Another evil of the system of private control and Federal regulation is the evil arising out of the powers of incorporation. For example, members of boards of directors are elected by stockholders without any knowledge of their competency or fitness in any way. Some of the best-paying roads are owned very largely by women and children, charity institutions, trust companies, and so forth. The owners of these and all roads, in fact, have absolutely no voice in their management and do not even know the board of directors they elect, if they vote at all. The great mass of stockholders vote by proxy as requested by the boards of directors in office. They do not know one another, nor the directors they vote for, save in rare instances. Sometimes a good board is elected, but through no virtue of the knowledge of the stockholders of the road. The facts are there is no more merit in this system of choosing directors than there would be in having a crazy man pick a board by chance from a crowd of people passing him on the street. The board picked by a crazy man under such a method might possibly have an advantage over the present system, because the men picked would be innocent of ulterior motives at least, and to begin with free from purely speculative desires. When one considers the value of these great properties and the far-reaching influence their use has upon civilization, one can but marvel at the careless methods employed in their management. The wonder is they have been as well managed as they have. In fact, considering the opportunities for fraud and mismanagement, one might reasonably take the fact that the roads are in no worse condition than they are as really a tribute to the high character and integrity of the majority of the men behind them. The fact that fraud and mismanagement has destroyed public confidence to a large degree is no fault of these men back of the successfully managed roads. They certainly can not profit by these mismanaged properties about them, with all the bad odor that goes with it. If they do not now, while the shackles of presidents are broken, make a strike for liberty from the evil influences and operations of speculators, they will find the old shackles reriveted after the war is over.

The roads should be set free from the raids of the wreckers and their earnings made secure for payment of honest investors so that values may be stabilized in order that extensions and betterments may be made. There has been absolutely no way suggested that will bring about these conditions safeguarding all interests, excepting through Federal control by means of a Federal railroad corporation with full and complete power to control and operate the roads as a unit.

The Federal control over national banks through the Federal Reserve Board has proven a great boon to the country. No one would think of abandoning that system now. There is no reason why the same successful principle can not be applied to the roads. The banks are privately owned. No one calls that system of control Government ownership. The method of Federal control of roads provided for in this bill can be slightly modified and made into a perfectly workable system for the roads along the lines of the Federal reserve act. The results would be far-reaching indeed. It would result in control of stock and bond issues, unification of service, elimination of useless competition, development of ports and distribution of traffic, standardization of construction, a fair freight rate, and a fair return on investment in properties, and the prevention of speculation.

With such a purpose in view I have done my best to convince my colleagues that the placing of a two-year limit in section 14 for the return of these roads to their owners is an effort to turn the hands of the clock of progress backward, and I sincerely hope that the limitation will be stricken out. [Applause.]

Mr. ESCH. Mr. Chairman, I yield 40 minutes to the gentleman from South Dakota [Mr. DILLON], a member of the committee.

Mr. DILLON. Mr. Chairman, this bill is a war measure. The Government has an absolute right under existing law to take over the control and possession of the railroads as a war necessity. During the period of Federal control the Government must pay a just and fair compensation for the use of the property.

The main features of the bill under consideration are:

First. Within certain bounds and limitations the President is empowered to make a voluntary agreement with the carrier with respect to the value of the use of the property during the period of Federal control.

Second. A board of referees or arbitrators is created to report in each case the just compensation that should be allowed the carrier for the use of its property, and upon the report of such board the President may enter into an agreement with the carrier for just compensation, not in excess of the finding of the board.

Third. If these two methods of reaching a contract fails, then the Court of Claims, on the motion of either party, shall ascertain the amount of just compensation for the use of the property during such Federal control.

Fourth. Provisions are made for betterments and extensions, and a revolving fund is created, out of which expenditures may be made for such betterments and extensions during the period of control.

Fifth. The President may, when in his judgment it is necessary in the public interest, initiate rates, fares, charges, classifications, and regulations or practices by filing the same with the Interstate Commerce Commission in the method and manner as he shall direct. The Interstate Commerce Commission shall then investigate and report thereon to the President for such action as he may deem required in the public interest.

Sixth. The Federal control shall continue for and during the period of the war and a reasonable time thereafter, which shall not exceed two years after the ratification of the treaty of peace.

On December 26, 1917, the President issued his proclamation to the effect that at noon on December 28, 1917, the Government would take possession and assume control of the systems of transportation in order that they might be utilized for the transfer and transportation of troops, war supplies, and equipment to the exclusion, as far as might be necessary, of all other traffic thereon.

This proclamation was made under a provision of the act approved August 29, 1916, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," viz:

> The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

Under this provision it will, in my judgment, be conceded that the President had the right to take over the possession and control of the railroads. It would seem, however, that the President, through his Director General of Railroads, is assuming powers not heretofore granted. The President's proclamation provides:

> Until and except so far as said director shall from time to time otherwise by general or special orders determine, such systems shall remain subject to all existing statutes and orders of the Interstate Commerce Commission, and to all statutes and orders of regulating commissions of the various States in which said systems or any part thereof may be situated. But any orders, general or special, hereafter made by said director, shall have paramount authority and be obeyed as such.

Here is found a clear assumption of power over existing law. He directs that the orders of the Director General of Railroads shall have paramount authority and be obeyed as such. This means that all existing Federal statutes, all orders of the Interstate Commerce Commission, and all statutes of the various States and orders of railroad boards of various States of the Union are subject to nullification and displacement by the paramount authority of the Director General whenever he may so order. One of the objects of this bill is to perpetuate these powers.

If this power exists, the Director General may nullify every Federal and State statute affecting railroad rates and operation and every order of the Interstate Commerce Commission and of all of the State railroad boards. If this power be exercised, the Director General will supersede all of the functions of the Interstate Commerce Commission and State railway commissions relative to the operation of the railroads and the fixing of just and reasonable rates and charges.

Under this power the carrier might be released from making full report of accidents to the Interstate Commerce Commission. The boiler-inspection law, the safety-appliance act, the hours-of-service act, and the eight-hour day law could all be held for naught because the order of the Director General of Railroads is by the proclamation made supreme and paramount over all laws and orders.

It seems to me it must be conceded that the control and possession is for war purposes, for the transportation of troops, war material, and equipment, and that the railroads are to be utilized for that purpose "to the exclusion as far as may be necessary of all other traffic thereon."

Under the law and proclamation the commerce is divided into two classes: First, the transportation of troops, war material, and equipment; second, "all other traffic thereon." Under the first classification the military supremacy is supreme, and because of this supremacy the second classification becomes a mere incident in the railroad operation.

It is the duty of the military authorities to assist the civil authorities in arresting offenders and violators of law upon process issued by the civil or criminal courts. The civil authorities and the military authorities should assist each other in administration of the law. The power to provide for the general welfare is not limited in time of war, and one authority is not hostile to the other.

The military sovereignty is supreme in the line of its operation, but it does not overturn the Federal and State laws nor does it annul the powers of the courts to fix reasonable and just freight rates. Railroad rate making is not a military function but is a civil function administered by the courts for the general welfare of those interested in the commerce of the country.

We should ungrudgingly give all the power necessary to the Director General of Railroads for a successful operation of the roads in the prosecution of the war.

The fixing of rates, fares, charges, classifications, regulations, and practices of carriers is not a war power. There is no necessity for the military sovereignty to take over these functions. If all the power over operation of the railroads is secure it certainly would not be necessary to destroy the State and Federal machinery for rate making.

It is insisted that the demurrage regulations should be administered by the Director General. When analyzed, however, such necessity is not apparent. Why should the commerce of the country be disorganized and confused? If it becomes necessary to secure speedy unloading of the cars the war power could be brought into play. The war power could force the consignee to unload; in case he failed to do so, the military power could unload the cars and send them on their journey.

Neither is the routing of all commercial freight an absolute necessity. The movement of troops, war material, and equipment is a military necessity, and unlimited power should be granted to the military authorities so that these instrumentalities could be speedily used in the work in which we are now engaged.

Let the Interstate Commerce Commission and the State railroad boards attend to the rates, regulations, and practices and

give the Director General all power necessary to operate the roads, disturbing the commerce of the country as little as possible. The rates now fixed by law should remain substantially as they are because our guaranty as to compensation rests upon this standard. The Interstate Commerce Commission should not be abolished nor should its functions be impaired. The Director General can be given the power necessary to run the roads without encroaching on the functions of the Interstate Commerce Commission, because the commission has nothing to do with operation. The Interstate Commerce Commission stands between the shipper and carrier with respect to rates, but that does not interfere with granting the Director General the full and complete power of operation.

If Congress permits the military power to fix the rates, it would allow the military power the right to tax the shipper by increasing the rates above the rates now fixed by law. Every increase above a reasonable rate is a tax. Who ought to levy this tax, the Congress or the Director General of Railroads? The taxing power has always remained in Congress, and Congress should reserve to itself at all times the taxing function.

There are 30,000 miles of short-line roads not to be taken over, and the rate-making power as to these short lines will rest in the Interstate Commerce Commission, while, on the other hand, the fixing of the rates on the big lines will be vested in the Director General. As shown in the evidence, the large companies, or the best conducted companies, are making from 7 to 30 per cent, some of them more than that, upon the capital invested, which is clearly beyond a reasonable rate for the capital invested. The value of the use of the property at the time of the taking must form the basis of compensation unless there is some limitation in this bill whereby we can place a legislative bar or limit upon it. If you pass this bill as it is drawn and leave out that limitation, then these companies will go into court and recover every penny of their earning capacity if it be even 75 per cent.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Yes.

Mr. RAMSEYER. The gentleman has made the statement that some of these companies were getting unreasonable compensation under this bill, some as high as 30 per cent. Does the gentleman think that is just compensation?

Mr. DILLON. I think it is clearly beyond just compensation for a company that is engaged in the public service, and I believe the Congress ought to place a limitation upon it so as to prevent the carrier from receiving such a compensation.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Yes.

Mr. SNYDER. I would like to ask the gentleman how he would fix it so that a company that had made 30 per cent would be on an equality with a company that was operating, perhaps, a competitive line and making no money. Where would you draw the line between the two?

Mr. DILLON. I would draw the line by saying that all net income above 7 or 8 per cent that might be derived during war time should go into the revolving fund to be used to protect the Government in its guaranty.

COMPENSATION OF THE CARRIERS.

What is the measure of compensation that should be allowed the carriers for the use of property taken from them as a war measure? The taking of this use is the taking of property under the Constitution. The carrier is entitled to just compensation for the use of its property.

I know of no better rule to guide the fixing of this compensation than that of the demonstrated value of the use. The profits that the carrier has been making probably would constitute the best basis to estimate the value of the use to the owner. These carriers have been making earnings under rates fixed by the Government and these rates are presumed to be reasonable.

If under these rates the company has been able to earn in the past 25 per cent on its capital invested, and the Government deprives the company of the use of its property, it ought to pay as just compensation the value of the use; but we must not forget that the carrier is engaged in a public service. There is great force in the argument that the carrier ought to have substantially the same return after the Government deprives it of the use of its property as it was making under its own operation.

Under the provisions of this bill I do not see how the compensation can be reduced below the previous earnings, because the carrier can go into court and prove that it was entitled to a just compensation for the use of its property. The compensation provision is predicated upon depriving the carrier of so much money for the use of its property. Our claim for reduction of net income must rest upon fixed rates. We must place a limit upon the net income, otherwise the carrier will be entitled to compensation based upon existing law.

The duty of the carrier is to perform a public service at a reasonable rate. If the road accumulates an immense surplus or pays excessive dividends, such surplus or excessive dividends would constitute a convincing argument that the rates have been too high.

The carrier must have a fair return on the fair value of its property. This must be conceded. Congress has donated land grants to many roads. Counties, towns, and cities have issued bonds to finance railroad construction. People have given rights of way, terminals, and vast sums if money to secure these public highways. I do not see how Congress can now make any set-off or any claim against the carrier by reason of these donations and gifts.

It matters not how the carriers obtained these properties so long as they are used in the public service. The money may be stolen. It may have been secured by robbery, by levying tribute on the shipper, by unreasonable charges, by discrimination, by wrong or oppression. Still when these funds are put into the public service they belong to the carrier.

Because of these contributions the Government could not now refuse to pay the fair value of the use of the property. The title as between the Government and the carrier can not be questioned, nor can the Government set up a trusteeship over the funds heretofore obtained and undertake to make a redistribution of these funds.

For more than 10 years, the Interstate Commerce Commission has been deciding what rates are reasonable and what rates are unreasonable. During all the period of regulation the carrier could have gone into court and proved, if such were the facts, that it was not receiving a fair return upon the capital invested. Because they have not done so we must assume that their earnings have brought reasonable returns on the capital invested.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Yes.

Mr. SNYDER. Can the gentleman point out a particular road that is making 25 per cent or above that?

Mr. DILLON. Oh, yes; some of them are making more than that. The Burlington is making 22 per cent. I read from Senator CUMMINS's minority report. The Duluth, Missabe & Northern Railroad is making 114 per cent; the Panhandle & Santa Fe Road is making 64 per cent; the St. Louis, Brownsville & Mexico Railroad is making 52 per cent; the Colorado & Wyoming Railroad, 162 per cent; the New York, Philadelphia & Norfolk, 35 per cent; the Cumberland Valley Railroad, 24 per cent; the Bessemer & Lake Erie Railroad Co., 647 per cent.

Mr. SNYDER. Is there any way the Interstate Commerce Commission can make a rate which would be different for one road from that of another carrying the same commodity?

Mr. DILLON. I think not. I think the rate must be general, and that is where the trouble comes. The weaker roads, it is said, must make the profits upon the capital invested, and it is upon that theory that the excessive rates are made; it is upon that theory that the big roads have been able to plunder the public.

Mr. SNYDER. Is it contemplated under this bill that the President, having the right to make rates, shall make a rate that will make the road that has been operated unprofitably hereafter operate profitably and make money upon the basis of those that have been handled efficiently?

Mr. DILLON. I do not think the Director would do that, but I do think that every one of these railroad companies, when they get into court, will recover upon the demonstrated value of their property, and when they do that they are recovering against the Government excess profits that they ought not to recover, and these excesses should be handled now by the Congress by setting a limit on those that are making excessive profits and turning the excess profits into the revolving fund in order to protect the Government.

Mr. SNYDER. Does not the gentleman think that under the present form of excess-profits tax the Government will lay its hand on this additional amount that he thinks they ought not to make?

Mr. DILLON. The taxing law must be general as to everybody in the same class, but that gives the Government but little protection. Here is a road that is making 50 per cent profit. I say this congressional body ought to say to that road, "You are working for the public and in the public service, and we will not tolerate such a percentage, therefore we will turn the excess into a revolving fund during the time of war to protect the National Government."

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Yes.

Mr. SIMS. Has the gentleman read the speech of Senator KELLOGG, of Minnesota, which appears in the RECORD of the 15th, delivered on the 13th, in which he explains fully that these

very large returns of those roads to which the gentleman refers, in which he says that the percentage of the value of the property is very small compared to anything like what is reported?

Mr. DILLON. I have not read Senator KELLOGG's speech.

Mr. SIMS. The gentleman will find an explanation of it in that speech.

Mr. DILLON. But it was shown in the hearing and is undisputed that these roads are making these immense sums, and we should not allow them to do it in the time of war.

Mr. RAMSEYER. Under the provisions of this bill now pending before this committee, will these roads that the gentleman has just enumerated continue to make the same returns hereafter that they have heretofore?

Mr. DILLON. Yes; and not only that, but those great railroads do not want to put a limit on for a return of the property. The attorney who represented the railroads came before the committee and was going to argue the limitation question, but when he finally came back he petered out and never touched the question.

Mr. SNYDER. I would like to ask the gentleman for information one more question, and I do not want to interfere with his argument, but are these profits that he has mentioned of from 25 to 50 per cent based on the capitalization of the railroads or the actual value of the property?

Mr. DILLON. Well, it is based upon their net earnings on their stock.

Mr. STEVENSON. Will the gentleman yield?

Mr. DILLON. I will.

Mr. STEVENSON. As I understand from tables I have received, the gentleman takes the Bessemer & Lake Erie, and under the plan proposed we will be paying it 27.63 per cent on its capital stock. Now, as I understand the gentleman, he proposes to put a limitation and say they shall receive a standard return not exceeding 7 or 8 per cent on the capital stock?

Mr. DILLON. Yes.

Mr. STEVENSON. In other words, giving 7 per cent and the Government taking 20.

Mr. DILLON. Yes; or dividing the excess between them.

Mr. STEVENSON. And making it 15 per cent.

Mr. DILLON. The Government taking half and giving them half.

Mr. DECKER. Will the gentleman yield?

Mr. DILLON. I will.

Mr. DECKER. Does the gentleman favor leaving the power to fix the rates in the hands of the Interstate Commerce Commission?

Mr. DILLON. Most certainly it ought to be done.

Mr. DECKER. Does the gentleman do that on the theory they are a wise and efficient body?

Mr. DILLON. Yes; they have been the only rate-making body.

Mr. DECKER. Now, let me ask another question in connection with that. Is it not a fact that all these rates and these profits which the gentleman claims are excessive have been made under the sanction of this samé body the gentleman wants to continue in power?

Mr. DILLON. Yes. But it is done under the theory that the little roads are not able to earn enough to receive just compensation on the capital invested. It is upon that ground that I claim the Congress should write into this bill a limitation as to these excess profits.

Mr. SIMS. If the gentleman will permit, I will read the facts about the Bessemer; they are very short.

Mr. DILLON. I am afraid it will not allow me sufficient time to finish my argument. I will allow the gentleman to read it in his own time.

Mr. SIMS. The gentleman is the one who has made the charge.

Mr. DILLON. My time is limited and I do not think I will have enough time for that.

Mr. SIMS. Forty-five million capital stock——

Mr. DILLON. Let me proceed because I have something else to say.

Mr. KINKAID. Will the gentleman yield?

Mr. DILLON. I will.

Mr. KINKAID. Has the gentleman prepared any amendment to offer on the line of his suggestions?

Mr. DILLON. No; but there will be one offered; if not, I will offer it.

By the rate-making power the Government has in a measure acquiesced in the rate-making power of the Interstate Commerce Commission and it may well be claimed that such rates have provided a fair return on the capital invested. Yet what right has the carrier to invest the surplus in extensions and then charge the public a reasonable return on these extensions?

If the carrier is making 25 per cent on the money invested it proves that the rates are unreasonably high. If the carrier puts the surplus in extensions and then charges the public with reasonable returns on the funds so invested it proves again that the carrier is getting more than a fair return on the capital invested. Remember that the carrier as between the public and the Government is entitled to only a fair return on the capital invested.

I believe that 70 per cent of the railroad mileage of the country is earning more than a reasonable return on the money invested and that 30 per cent is earning less than a reasonable return on the money so invested.

If the provisions contained in this bill are carried out the 70 per cent of the mileage will be earning from 7 to 30 per cent on the capital invested, and unless some provision is placed in the bill to prevent so great an earning power by these great corporations engaged in a public service they will all get the demonstrated amount of their earning capacity. The other 30 per cent that has been earning but small income will receive a fair return on the capital invested, which will be much greater than they are now making.

Every one of the companies that are not making good rates will be given good rates when the compensation is fixed.

In view of the guarantee the Government is about to make, the financial aid that is about to be given, the sustaining of the credit of the railroads, the relieving them from all hazards and perils of war, from all uncertainties of business conditions, it is only just that at least a part of the excessive income of some of the roads should be converted into the Public Treasury, because they ought not receive more than a fair return on the capital invested.

When the income of the carrier reaches beyond a fair return the excess should be used in the interest of the public for a reduction of freight and passenger rates. By converting a part of this into the Treasury it enables the Government to reduce taxes.

The barrier against a reduction of rates has always been that the poorer roads must be allowed the higher rates in order to make a reasonable income. The same rates must apply to all roads, and therefore those more fortunately situated—the big roads—have been able to earn more than a reasonable and fair income.

In providing for compensation in this bill we have no right to go into the past and take the earnings heretofore distributed, but that rule has no application when we are legislating for the future. As to the future, Congress has, it seems to me, the absolute right to fix a limit above which the earnings should not go, and that the excess should be converted into the revolving fund to protect the Government in its general guarantee.

TIME FOR RETURN OF PROPERTY.

Under the terms of the bill the Federal control shall continue for a reasonable time after the war, not to exceed two years after the ratification of the treaty of peace. It will probably require two years to secure the ratification of the peace treaty.

Mr. DENISON. Will the gentleman yield?

Mr. DILLON. Yes.

Mr. DENISON. What limit does the gentleman think the Government ought to fix?

Mr. DILLON. I should think 7, 8, or 9 per cent, and then let the Government take half of the excess and give the carrier the other half. With that the carrier ought to be satisfied.

Mr. DENISON. Does the gentleman know any road that is making that amount now?

Mr. DILLON. Oh, yes; I read a list of them. The gentleman was probably not here at the time, and I did not read half of them. I now pass to the question of the return of the property.

It will take two years to get a ratification of the peace treaty. Then if you add two more years that gives four years, and we are playing a fast and loose game with the people of this country. If so, the holding of the property might extend over a period of four years. This period of time ought to be materially reduced. It is altogether too long. In my judgment, six months after the ratification of the treaty of peace would be long enough.

The justification for the seizure of the property rests on military necessity. When military necessity ceases the right of possession ceases. When the war closes conditions will change and the right to operate on the payment of the value of the use no longer exists. A new right springs into existence—the right of ownership.

If this right is not brought into existence, then the property ought to be promptly returned, because the tenancy is necessarily ended. The consideration in the first instance is the

value of the use. When the military necessity ceases a totally different compensation must be paid—the value of the property so taken. When the property itself is taken it becomes a second taking and the compensation must be a fair compensation for the value of the property.

When the war ends and the military necessity ceases, it becomes the duty of the Government to condemn the property and take it over or give it back. After a reasonable time has expired after the close of the war the holding of the property by the Government might be without the consent of the carrier and would be without justification and unlawful.

Such holding would be unfair to the stockholder. It would not do to say that we got possession of the use under the emergency of war, and we will take three or four years to determine whether or not we will return the property itself.

The gentleman from Nebraska [Mr. STEPHENS] would hold somebody else's property and experiment upon it and run an experimental station and school in order to determine whether the people would want Government ownership. [Applause.]

Neither would it be right to say that we will hold on to the property and try out Government ownership, run a Government school with the property for three or four years to determine whether we like it or not, whether it will prove a good bargain or a bad one.

If the Government wishes to engage in this enterprise it ought to say so. If a sheriff levies upon property by virtue of a writ of execution, which is afterwards set aside, the law requires him to return the property before he can again levy on it. If his execution is paid he must immediately return the property. If he fails he becomes a trespasser, holding without right.

The Government should not blow hot and cold at the same time. It should promptly do its duty by returning the property or commencing condemnation proceedings for taking over the property and paying the value of the same. I am not opposing Government ownership, but I do oppose a fast-and-loose policy on behalf of a great Government. If we want Government ownership, let us say so. If we do not intend to take over the property, it is our duty to speak and say what is our policy. To remain silent with concealed purposes is not right and should not be tolerated.

Let us fix a definite time by a definite statement. By so doing we will discourage speculation. The public will know our purpose, and the business world will not be disturbed by uncertainty. Upon uncertainty the gamblers' games are played. Give the people certainty, and not uncertainty. [Applause.]

Mr. SNYDER. Will the gentleman yield?

Mr. DILLON. I do.

Mr. SNYDER. A few moments ago I asked the gentleman whether or not these rates of per cent that he stated some roads were making were based on the capital or upon the value of the property, and I think the gentleman stated they were based upon earnings. I do not think the gentleman intended to say that——

Mr. DILLON. With certain deductions.

Mr. SNYDER. That they were based upon the earnings. It must have been either based upon the capital or upon the value of the property. I do not see how it could be based upon the earnings.

Mr. DILLON. It is based upon the earnings after certain deductions are made, so as to get net earnings. It would, of course, be upon the stock or book value. Another reason why these properties should be turned back at the earliest possible moment is to protect this Government in time of peace. In my judgment every railroad company in this country would be glad if this Government might continue this fast and loose policy for say three or four or five years, because it gives the railroad companies $200,000,000 more than they ought to have. They are not anxious for a limit; they do not want a limit. They want to continue in Government operation, so that they may make still greater sums of money. So in order to protect the Government and in order to protect the people, let us turn back these roads at the very earliest possible date whenever the emergency of war ceases. By doing so we will be protecting the Treasury, and it will give us ample time to determine the future policy of the Government.

By all means, both moral and legal, and for the protection of the Government, these roads ought to go back whenever the emergency ceases, because then the necessity ceases. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. DILLON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. COADY].

Mr. COADY. Mr. Chairman and gentlemen of the committee, on the 28th of last December the President of the United States, in pursuance of the power previously conferred upon him by the Congress, took possession and control of the railroad systems of the country, including the water transportation companies which are owned or controlled by them.

It was the most revolutionary economic action in the history of this country; but that such action was necessary is not open to dispute. The officials of the roads themselves approved the act taken by the President, knowing that it was rendered imperative by the breakdown of their roads and their inability to give the service that was expected of them or to meet the unusual demands made upon them by conditions growing out of the war.

I do not intend at this time to discuss the reasons for such failure, although I want to say that in my judgment it was due to a condition produced by what I might term a maximum of regulation and a minimum of increase in rates. We have not been fair to the railroads.

The New York Times, in an editorial published November 8, 1917, said that in all the annals of our national waste and extravagance there is nothing to compare with our mistreatment of our railways, now recoiling upon ourselves. Now that the operation of these transportation systems is under Federal control, we should see that their owners are justly compensated for the use thereof, and I believe the bill now before this body gives them justice.

I intend, in the time allotted to me, to comment only on two features of the bill—section 14, making provision for the return of the railroads to their owners after the war, and that portion of section 11 that safeguards the existing laws or powers of the States in relation to taxation. These provisions were not in the original bill, but were added by the committee, one by a vote of 15 to 6 and the other by a unanimous vote.

I not only believe that the railroads should be returned to their owners after the war, but I believe a definite date should be fixed when the Government operation of them shall cease. This bill fixes the time to be two years after the final ratification of the treaty of peace, which will mean at least three years after the cessation of hostilities. Surely this will give the Government ample time to meet the new problems that will arise and to so adjust things that the return of those vast properties to their owners can be made without producing the chaos and speculation that some people fear may ensue.

One of those who appeared before our committee and approved a time limit feared that there might be a deadlock in some future Congress over some measure affecting the roads, and said, "How many times has there been a deadlock between the House and the Senate, or the Congress and the President, in the past 25 years?" My answer to that is that such instances were very few and were infinitesimally small compared with the number of measures that were passed and approved.

Are we to be governed by the exception or the rule?

This same gentleman, however, later on in his testimony, was a little more trustful of Congress, for he said that there is a belief on the part of investors that Congress can be trusted to deal with this problem fairly.

Mr. Speaker, Congress can be trusted to deal fairly and justly in this matter, and it will do so.

If, after the termination of the war and the expiration of the time limit fixed in this bill, conditions will be such as to render necessary the extension of the time of Government control, is there anyone here who doubts that such action will be promptly taken and the needed laws passed? To think otherwise would be a reflection on the patriotism of Congress.

Mr. DILLON. Will the gentleman yield there?

Mr. COADY. I will yield.

Mr. DILLON. Suppose when such an extension bill had been passed that the Executive vetoed it?

Mr. COADY. Then the responsibility will be the Executive's and not that of Congress, and I have too much faith in the patriotism of some future President of the United States and the present Executive to believe he would veto a proposition of that kind.

Mr. DILLON. Then, it would take two-thirds to get away from your proposition in that event.

Mr. COADY. There need be no fear that Congress will hesitate to take prompt action when the necessity for it arises. The history of this Congress and a record of its achievements are proof of this assertion.

The position of those who are charged with the responsibility of administering this law, and who do not favor a time limit, seems to me to be this: They are unwilling to trust this Congress or a future one, yet they ask us to trust them. We do trust them and we want them to trust us.

When Mr. Anderson, a member of the Interstate Commerce Commission, appeared before our committee he was questioned as to the effect the passage of this act would have on the power of the States and their political subdivisions to tax railroad property. He answered, it was a very pertinent inquiry, and that he was not prepared at that time to say that it would or would not deprive the States of such power, or limit it, or otherwise affect it.

Subsequently, he asserted that he was sure the taking over and control of the roads by the Government would not impair their rights, and submitted a number of authorities in support of his assertion.

There is a doubt in my mind about this, and all the other members of the Committee on Interstate and Foreign Commerce, I believe, entertain similar doubts.

This being the case, we thought we should have affirmative propositions to this effect in the bill.

Mr. MADDEN. Will the gentleman yield for a short question?

Mr. COADY. Yes, sir; I will.

Mr. MADDEN. Take, for example, the State of Illinois. That State in its early history granted a charter to the Illinois Central Railroad Co. One of the conditions of the grant was that it would be given certain public lands owned by the State. Another condition was that it should pay 7 per cent on its gross receipts into the treasury of the State during its existence. If there was any question about the right of the State to collect this tax, then certainly there ought to be affirmative action in this bill protecting the right of the State to the revenues it derives from this source.

Mr. COADY. I have thought that from the outset.

The only objection I have heard made against it is that it will be an invitation to the States and municipalities to impose additional and unfair taxation upon the railroads. This is a reflection on the taxing power of the States and municipalities, to which I am unwilling to subscribe, and which I resent as a reflection upon the integrity of such powers.

Mr. MASON. Is there any objection on the part of the committee to this affirmative action proposition?

Mr. COADY. I will say to the gentleman from Illinois, and I think I will be borne out by the members of the committee, that the vote was unanimous in favor of some affirmative proposition in the bill.

Mr. LINTHICUM. The Baltimore & Ohio Railroad is free from taxation. Does this or does it not bring it under taxation?

Mr. COADY. That is a matter of contract, and of course we could not impair the obligation of a contract.

Mr. LINTHICUM. According to some one speaking here the other day, we could.

Mr. COADY. I will say to my colleague that I had that in mind when I first suggested it to the committee, or rather asked Mr. Anderson questions along that line. I was apprehensive some bad results might flow to the State of Maryland and other States in the matter of taxation.

Mr. MASON. Will the gentleman yield?

Mr. COADY. I will yield to the gentleman from Illinois.

Mr. MASON. In the case cited by my colleague from Illinois, Mr. MADDEN, there was a contract consideration whereby this corporation received a large amount of public land to be relieved from other taxation and to pay all of their taxes in the shape of a percentage on its gross earnings into the State treasury. Now, that is largely the source of revenue of the State of Illinois, and the Supreme Court of the United States has decided that Congress has power to impair the obligation of a contract.

Mr. COADY. There might be some danger of losing that without an affirmative proposition in this bill protecting the powers of the States to tax railroad property.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio [Mr. SNOOK], a member of the committee.

Mr. SNOOK. Mr. Chairman and gentlemen of the committee, in the short time allotted me I want to discuss only two or three of the propositions contained in this bill, and at the outset of what I have to say I want to express the idea that I have never yet studied any question that has given me so much trouble as this legislation.

When you stop to consider that the value of the property we are legislating about approaches the vast sum of $18,000,000,000; that it involves a railroad mileage of more than 200,000 miles, more than all the railroads of Europe combined; when you stop to think that more than 600,000 people are interested in the stocks and bonds of these railroads, besides a vast number of savings banks and insurance companies, you will see that your committee was laboring under very great difficulty in trying to bring before this House a measure that would be just to the people and at the same time be just to the persons who were interested in this great amount of property.

Now, I wish to be fair in my consideration of this proposition. It seems to me that sometimes men who approach a question in which a corporation is involved come to it with a prejudiced notion or a prejudged idea to start with, either on the side of the corporation or on the side of the people who, they say, have been robbed by the corporation.

I was very much interested in the discussion of this subject by my colleague from Nebraska [Mr. STEPHENS]. Now, of course, it is well understood by everybody that there have been very many, many abuses in the conduct of the railroad systems of this country in the past, and anybody who has studied this question at all is of the opinion that there should be some way in which such episodes as the reorganization and exploitation of the Rock Island and of the New Haven Railroads could be avoided in the future. But I want my colleague and gentlemen of the committee to remember that it is not only the railroads that are exploited, but all through our business life we find men investing their money in corporations and taking advantage of the investments of their friends and exploiting these corporations to the disadvantage of the people of the country. And I want to say that I have not reached the position where I am willing to say that there are not men in America, the greatest country in the world, that are not big enough and broad enough and honest enough to look after the investments in the railroads of this country, large as they may be, and to administer them honestly and efficiently and safely. [Applause.]

Mr. GORDON. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman from Ohio yield to his colleague?

Mr. SNOOK. Yes.

Mr. GORDON. I call the gentleman's attention to the important difference, however, that where men exploit and rob private corporations belonging to individuals they are sent to the penitentiary. Why do you not bring in legislation that will do the same with the railroad managers?

Mr. SNOOK. Well, that should be done, but I have not time to discuss that question with my friend from Ohio. I want to discuss the proposition now pending before the House. I want to say a few words on that and not on the subject the gentleman refers to.

The gentleman from Nebraska [Mr. STEPHENS] made a very lengthy and luminous argument to this House and tried to distinguish and did distinguish between Government ownership and the control which will be exercised under this measure, and left the impression, I think, upon this House—at least, he did leave the impression upon my mind—the impression that it would be right, that it would be just, that it would be fair for the American Congress and the executive officers of this country to take over this vast property under governmental control under the guise that it was a war necessity—because it has taken it over under an act providing it could be done only as a war necessity—and then to keep that property under governmental control for 8 or 10 or 12 years after the war had passed to experiment with the property that these men owned, in order to find out whether or not this measure would be the best that could be put into effect in times of peace. I am not able to have my mind go to the extent of believing that that is the thing that this Congress ought to do, and I call the gentleman's attention to this fact, which it seems to me he overlooked, that while this is a bill for governmental control, it is a bill which guarantees to the stockholders of the railroads of this country a return which is the equivalent of the average which they have earned for the last three years.

I do not believe that I could bring my mind to sanction a law that in times of peace would take over the railroads of this country, this vast property, and guarantee them a return such as is guaranteed under this bill. I willingly do it now. I am glad to join with the Executive in carrying out this proposition as a war measure, because I have seen in this Congress on both sides of the House men standing side by side with no other purpose in their hearts than to carry out this war to a successful issue and make every sacrifice that may be necessary. I do not believe that a majority of this House or a majority of the other body would be willing in times of peace to take over these great properties and guarantee to the people who own them this return in time of peace.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Alabama?

Mr. SNOOK. Yes.

Mr. BANKHEAD. In that connection I would like to ask the gentleman from Ohio if there was any evidence before the committee of the aggregate income accruing from all the railroads of the United States throughout this three-year period?

Mr. SNOOK. Oh, yes. It aggregates a little over 5 per cent on the stocks as returned. Yes; we had a large amount of evidence on that subject.

Mr. MADDEN. Mr. Chairman, will the gentleman yield further?

Mr. SNOOK. I will be glad to.

Mr. MADDEN. Does that cover all the railroads—those that are not to be taken over as well as those that are to be?

Mr. SNOOK. That was the average of all the railroads making returns through the Interstate Commerce Commission.

Mr. BANKHEAD. Was that on the basis of the capital stock?

Mr. SNOOK. Yes; that was on the basis of the capital stock.

Mr. MADDEN. So that the short-line railroads—so many hundreds of them—will not be taken over, but the average earnings of the roads that are to be taken under the control of the United States during the period of the war would be guaranteed a much greater return on their capital than 5 per cent?

Mr. SNOOK. It will be somewhat increased, but not as largely as the gentleman thinks.

Speaking on that subject, since my attention is called to it, I think I am myself as largely interested in that short-line question as any man in Congress. I have three of these short lines in my district. I would like the Members to have a clear idea on that subject. Take, for instance, one of the railroads that is in my district. It is 130 miles long. It was built some 12 or 15 years ago. It goes through a very rich agricultural district, but starting at a town of not very large size, and having its terminus at Fort Wayne, Ind., with its short length it was never able to earn a dividend or a return upon the stock, and it is now in the hands of a receiver.

It is typical of 500 or 600 of the short-line railroads of the country. I have arranged that it present its case to the Director General so that it may be determined whether or not its service would be such during the war that it should be taken over. The question that presents itself to this Congress is, Does the Congress wish to take over all of these short-line railroads? Do you wish to put that burden upon the Government and guarantee them a return that will make a profit to their stockholders? Can the Government afford to do that, if the Director General and the people who are looking after the conduct of this war say they are not a necessity in carrying on the war? That is the question that presents itself to the Congress; although we have gone just as far as it is possible to go, and after this bill was first drawn and placed in the hands of the committee an amendment was adopted and placed in the bill, which I do not have before me; which provides, in substance, that all of the routings that the short-line railroads which are not taken over can secure shall be observed by the Director General, and if it shall be necessary for the Director General in carrying out the purposes of the war, or in transporting war facilities, to take any of the freight away from these short lines that has been routed over them, it shall be his duty, in so far as possible, to compensate these roads by diverting freight from other roads over these short lines.

Mr. MADDEN. Will the gentleman yield for one further question?

Mr. SNOOK. Just a minute, and then I will. The railroad managers and the people who own the railroads said to us before the committee—and it was one of the things that was brought out in the evidence—that one of the valuable assets of a railroad is the right to solicit business. That had never occurred to me before; but a railroad is a business just like any other concern, and I think it was the president of the Southern Pacific, Mr. Kruttschnitt, who said that one of the most valuable assets that the railroads possessed was the privilege of soliciting business. So, you see, while these railroads are not taken over, we leave them the right to enjoy all the privileges they had before this governmental control came into existence, and also give them the privilege of still soliciting the business which belonged to other roads; and of course when the large railroads are taken over, in a very large measure, these people who are employed as solicitors will be dispensed with. That is one of the economies they expect to work out with the governmental control of railroads.

Mr. MADDEN. Is there anything in the bill pending, reported by the Interstate Commerce Committee, which compels the Director General of Railroads to make joint rates with these short lines? If there is not, I beg to say that it may discriminate to a very great extent and to the detriment of many communities through which the short lines run.

Mr. SNOOK. I think it may be fairly inferred from the amendment which the committee adopted, to which I have already referred, which makes it the duty of the Director General whenever he takes away from any of these railroads the privilege that they had, of freight being routed over them, to reroute the freight over them that would naturally go over the other lines. I would say that that would imply that he had the right to fix joint rates. And I will say further to my friend from Illinois, of course it is impossible to cover all of the details in any one of these bills; but if the gentleman could go into this matter as we have he would find out that it is the intention of the Director General—which I think is a good one in carrying out this law—to disturb the present arrangement as little as possible. That is to say, the present owners of the railroads, with their present management, are to be left in control, and only where it is an imperative necessity to carry on the business to better advantage or to do something that may tend to help us in the control of the war will this management be interfered with.

Mr. DEWALT. In order that the gentleman may be entirely accurate the wording of the amendment of which he speaks is this:

> That nothing in this act shall be construed to affect the routing instructions over and the traffic arrangements of such railroads.

Mr. SNOOK. Traffic arrangements?

Mr. DEWALT. Traffic arrangements.

Mr. SNOOK. I thank my colleague for calling my attention to it.

Mr. MADDEN. Would it be obligatory upon the Director General under that language to prorate the rates between the short lines and the trunk lines?

Mr. SNOOK. Well, yes; I think so.

Mr. FIELDS. Is there any provision in the bill to protect the short-line roads against discrimination in the supply of rolling stock? For instance, if there is a car shortage will the Government contribute all its supplies to the roads that it is operating, or will it give the short-line road its proportionate share that it would be entitled to under ordinary business conditions?

Mr. SNOOK. There is nothing in the bill along that line. That is a matter of detail that I imagine will be carried out very much as the present management of furnishing cars is being carried out by the car-service board at this time. They are trying to obviate all these difficulties to which I have called attention.

Mr. FIELDS. That is one of the most important features for the short-line roads, that they may be permitted to get rolling stock.

Mr. SNOOK. I imagine that would be a matter of detail to be taken care of by the Director General in the management of the railroads. We know now that the car-service board are trying to take care of that detail and was before the railroads were taken over. Take the railroad to which I have just referred: I had that question up with the car-service board about furnishing railroad cars, and I found to my amazement that this little railroad only owned 10 freight cars, although several million dollars are invested in it. The car-service board had made an order on the Baltimore & Ohio Railroad to furnish 100 freight cars to this little railroad, which serves the agricultural people to carry their stuff to market.

Mr. SNYDER. Will the gentleman yield?

Mr. SNOOK. I will.

Mr. SNYDER. A few minutes ago the gentleman stated that the short-line railroads would be permitted to continue soliciting. Does he mean that it is the intention of the Director to discontinue the solicitors of freight on the large lines?

Mr. SNOOK. I can not answer the gentleman on that point. That was discussed in the hearings before the committee, and I thought, from what I heard from different sources, that while that might not be entirely done away with, they intended to work some economies along that line.

Mr. SNYDER. I wish to say that, in my judgment, it might be well enough to do away with some of them, but it would be a very serious situation to do away with all of them, because they not only solicit but help the shipper to route his stuff. Some might say that he would route it over his own line; but even if he did the solicitor helps get the product to its destination, and that is what we need to-day in railroading more than anything else.

Mr. SNOOK. That was one of the matters brought up before the committee. I think it was Mr. Kruttschnitt, of the Union Pacific, who showed that was a valuable asset—that the service rendered by the solicitor was not only to secure the business but to give instructions to shippers in regard to routing the freight.

Mr. SNYDER. It is a very important part of the service.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. SNOOK. Yes.

Mr. COOPER of Ohio. I would like to ask if the Director General is soon to order all the short lines to stop solicitation?

Mr. SNOOK. I am not able to answer that question.

Mr. COOPER of Ohio. I think that was brought up before our committee, and I wanted to know if he had withdrawn it.

Mr. SNOOK. We could not object if the railroads are not taken over or if they are to be surrendered by the President; it would still give power to them to solicit.

Mr. STEVENSON. Will the gentleman yield?

Mr. SNOOK. Yes.

Mr. STEVENSON. In relation to the provision—

> That nothing in this act shall be construed to affect the routing instructions over and the traffic arrangements of such railroads—

does the committee construe the term "traffic arrangement" to cover a division of the income from freight transportation?

Mr. SNOOK. I think that would fairly be the construction.

Mr. STEVENSON. That is not the usual and ordinary sort of a contract.

Mr. SNOOK. That provision was drawn by some of the people friendly to the short-line railroads. When it comes to the technical meaning I am not able to inform the gentleman.

Mr. SHALLENBERGER. Will the gentleman yield?

Mr. SNOOK. Yes.

Mr. SHALLENBERGER. The question of the retention of the railroads after the termination of the war is a very important one. The roads were taken over under the act of August 29, 1916, by the President as a war measure, and we gave the power to the President as a war measure. As the bill was reported, it provides that Federal control shall continue during the continuance of the war or until Congress shall thereafter order otherwise. Was it the opinion of the committee, from information gathered, that by a simple decree of that sort the railroads could be continued indefinitely in the hands of the Government after being taken as a war measure?

Mr. SNOOK. I do not quite catch the gentleman's question.

Mr. SHALLENBERGER. I know the bill has been modified, but as an original draft it provided that the ownership or management or Federal control should continue for and during the period of the war and until Congress shall thereafter order otherwise. Was it the opinion of the committee that they might remain indefinitely in the control of the Government unless otherwise ordered?

Mr. SNOOK. I think so; that was the argument.

Mr. SHALLENBERGER. Having once taken them as a war measure, it was the opinion of the committee that they could be held indefinitely?

Mr. SNOOK. The gentleman is referring to the constitutional question?

Mr. SHALLENBERGER. Yes.

Mr. SNOOK. That was fully argued before the committee, up one side and down the other. The committee, as has many other committees in the House, has many constitutional lawyers, and I notice that when any of these questions come up we have a superfluity of constitutional representatives.

Mr. MASON. Mr. Chairman, may I make a statement to the gentleman along the line that he is talking about?

Mr. SNOOK. Yes.

Mr. MASON. Upon the question of the solicitation of business——

Mr. SNOOK. I will ask the gentleman to defer that for a moment as I want first to answer this other question.

Mr. MASON. I beg the gentleman's pardon; I thought he had finished.

Mr. SNOOK. It was contended before the committee that inasmuch as these railroads had been taken over as a war measure under the act to which the gentleman from Nebraska [Mr. SHALLENBERGER] has referred, that they were taken over and held under the war power conferred by the Constitution. On the other hand we had gentlemen who appeared before the committee who advanced the argument that under the commerce clause of the Constitution the Government would have full power to take these railroads over in time of peace, and if they were held after the conclusion of the war, although they had been taken over under the notion that it was a war measure, still the Supreme Court would be inclined to say that inasmuch as the Government had the power to do so, the possession of the roads could be continued in the Government as long as Congress might wish.

Mr. MADDEN. Inasmuch as the President made the declaration in accordance with the law under which he took them over, would he not be bound by that?

Mr. SNOOK. I understand; but I am giving both sides of the argument. I want to give expression to this thought: That the very argument that has arisen upon this question is one of the strongest reasons, to my mind, why there should be a time limit fixed in the bill within which the railroads should be returned to their owners. It occurs to me that if there are two schools of thought upon this subject and there is no time limit fixed in the bill within which the railroads shall be returned to their owners after the war should end, and the owners of these railroads should be dissatisfied with the Government management and control, or with the amount of compensation they have been receiving, or anything of that kind, they would immediately go into the courts and begin litigation to secure the return of their property, and to my mind I must confess, although I am a lawyer and have never followed any other business, there could be no disaster that could befall the people of this country that would be so great as to plunge this great industry, the stockholders and the employees, into a litigation with the Government upon any question involved in the taking over of the property. I believe it would disturb labor conditions, and, more than that, I feel convinced that it would disturb the stock market and the value of the bonds and stocks of these railroads, and if the country were plunged into a litigation on this subject or upon any other vital subject connected with this bill it would bring on a panic, because the amount of property involved is so great. I believe it could not be otherwise.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SNOOK. Yes.

Mr. MADDEN. The gentleman is talking about the effect on labor. I would like to ask for information upon the subject of how labor is to be affected with respect to the employers' liability laws of the various States and of the Nation now, whether they are to come under the Federal compensation act?

Mr. SNOOK. They come under the Federal liability act. When this bill was first drawn it contained a provision placing all of the railroad employees under a Federal compensation act. It provided for Federal compensation, but that was discussed fully in the committee, and there were very grave questions as to the constitutionality of that law. No one seemed to want it. The railroads are dissatisfied with it and the people who are employed by the railroads are dissatisfied with it; and the committee, having thought the question over, believed it would be the best thing to leave the employees in the situation in which they now find themselves.

Those who oppose the provisions of section 1, relating to the fixing of the standard return and defining and limiting its amount, assume that if this section as it now stand becomes law every agreement entered into between the President and carriers will allow compensation to the carrier at the highest rate permissible under the act.

It is said that the President suggested such rate in his proclamation assuming control of the systems of transportation, and therefore it may be definitely predicted that this standard will be applied in every case. Whenever one advances such a claims he loses sight of the fact that while the original bill as introduced by the gentleman from Tennessee on January 14, 1918, seems to have been drafted with this avowed purpose, as the language in this respect is as follows:

> At an annual rate as nearly as may be to its average net railway operating income for the three years ending June 30, 1917.

Yet the bill has been amended in this respect by the committee so as to read as follows:

> It shall receive as just compensation not exceeding an annual sum equivalent as nearly as may be to the average annual operating income for the three years ended June 30, 1917.

It may have been the intention of those who originally considered the matter to limit the power of the President in making an agreement in all cases to the single standard of the average operating income for the three years named. But it will be observed that the bill as amended enlarges the power of the President and authorizes him to make an agreement for compensation at any rate that he may deem proper, so long as it does not exceed this average.

I submit therefore that we are not warranted in assuming that those in control will ignore the right which this amendment confers and in all cases fix the compensation at the maximum rate named in the bill.

Moreover, we must remember that we are not now settling a policy that is to be permanently followed.

The Government has taken over the use of the railroad systems for the term of the war. Under the Constitution the owners have a right to compensation for the use of their property.

If the owners are unable to agree with the Government upon the amount of the rental they shall receive, then they have a right to go into the courts to have that amount fixed. If, therefore, the Government is not in a position to offer them a sum that nearly approaches the amount they have been earning under private management, it stands to reason that they will refuse to make an agreement and choose rather to exercise the right they have to submit their claims to a court for determination.

This presents a practical question. Shall we leave the bill as it is now drawn and under the provisions of which it is reasonably certain that the Government will reach an agreement with nearly all of the railroads, or shall we take the risk of inserting new and novel provisions which the owners of the railroads are not likely to agree to?

To my mind there is nothing that is likely to be so harmful in the end to the Government, the public, and the owners of the railroads as to frame the terms of this bill so as to preclude or render doubtful the settlement of these claims for rental through an agreement between the Government and the owners of the railroads.

All of the amendments to section 1 that I have yet heard proposed take away from the owners of the railroads a very substantial part of that which they have been receiving for many years. It seems to me that if any of such proposals are incorporated in the bill it will cause a large majority of the railroads to refuse to agree upon a fair rental and lead them to go into the courts for a settlement of their claims.

It is proposed to leave the management of the railroads so far as possible in the hands of the owners to be exercised by the men now in control. Certainly this will be so as to all the details touching maintenance and operation. Everyone who appeared before the committee conceded that this was the only wise course to pursue.

What then will be the effect upon the efficiency of the operation of the roads if those who have the details in charge and who are to be held responsible for success or failure are at the same time engaged in conducting a contest at law against the Government to determine a fact as vital as that of settling what rental they shall receive for the use of their property?

The extent of the success of the proposed plan of operation of the railroads depends in my opinion largely upon whether or not we so frame this bill under consideration as to enable the Government to reach a voluntary agreement with the owners of the roads for compensation along some such plan as that proposed in section 1 of the act.

No doubt there were many reasons which led to the proposal of this plan for fixing the amount of the compensation. But no doubt the paramount one was that we were taking over the roads for the purpose of assisting in the conduct of the war and that it is necessary at this time to submerge every other purpose to that of winning the war.

Therefore it is no time to stop to engage in a dispute over matters of public policy on which the people are divided. Neither is it the time to settle the question as to whether or not the people would be best served by Government ownership of the railroads. It is our patriotic duty to avoid disputes that will involve this great industry and all the people that are interested in it as stockholders, security holders, and employees in doubt and confusion.

It is our duty, in my judgment, through this governmental control to unify and coordinate the different systems of railroads and inaugurate such changes in the management and control as will assist in winning the war and best serve the people of the country during the war period, leaving as large a share of control in the hands of the owners as is consistent with these purposes.

All the proposed schemes that look to a radical change in the management or propose entirely new and different rates of compensation, figured on a basis entirely different from that which has prevailed under private management, it seems to me lose sight of the fact that we are engaged in a war that requires and demands the exercise of all the energy we can bring to bear and admits of as little dissension and dispute as is possible.

No one will be so bold as to claim that the proposed basis is entirely accurate and furnishes an exact test of the amount the carriers would earn during the war period or that it is an exact test under all the circumstances of what is just. But I do maintain that it is based on experience; that it is plainly understood and can be easily applied; that it is not likely to bring out a dispute between the owners and the Government, and has the added virtue of meeting the approval of a large majority of the owners of railroad securities and the public. This plan of providing compensation by agreement is wisely supplemented by paragraph 3 of section 1, which provides for taking care of depreciation and maintenance and for the adjustment at the conclusion of governmental control of all claims that may be held, either by the Government or the carriers, for money that has been expended by either on account of maintenance and depreciation.

There has also been much discussion and criticism of the terms of section 11. It is contended by many that the President should not have authority to initiate and fix rates, but that this power should be left to the Interstate Commerce Commission.

The act of August 29, 1916, under which the railroads were taken over, is as follows:

> The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war materials and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

The language of this act, conferring on the President the power to take possession and assume control of the carriers for such purposes connected with the emergency as he may deem needful or desirable, to my mind clearly implies that if, in his judgment, it is needful or desirable to effect this purpose intended to be carried out by the act he is empowered to initiate or fix rates or to do such other things to effect such control as he may deem necessary.

If this is not so, the authority granted is futile. Those who oppose giving him this power assume that the functions heretofore exercised by the Interstate Commerce Commission are to be entirely taken away and that those who are to exercise this control and management on behalf of the Government will undertake to change established rates and practices, without regard to what has heretofore been done and in disregard of the opinion of members of the Interstate Commerce Commission. That this conclusion is not correct and that any such action is far from the thought of the present Director General is shown by his testimony before the committee, for in discussing this subject there he gives expression to the following thought:

> Mr. DECKER. Mr McAdoo, there was one question that I wanted to ask with relation to the question of fixing rates. I would like to have your views as to the necessity and the wisdom of the Director General of Railroads having the right to fix the rates. I mean transportation rates.
>
> Mr. McADOO. I think that so long as the railroads are, by authority of Congress, in the possession of the President and are being operated by the President as Commander in Chief of the Army and Navy of the United States for the war purpose, he is bound to have a paramount control of the properties, so that he may exercise that power in any way that the public interest or any emergency that may arise may require.
>
> Now, as to the rate-making power, I think the President undoubtedly has the power to control rates during the time of Federal possession, under the present law. I think, on the other hand, that that power ought not to be exercised—and I am sure it will not be exercised—except in such cases as may be necessary in the public interest. I think it would be very unwise for the Federal Government to undertake through the Director General of Railroads—who merely represents the President in this control—to pass upon all the rates in the country, either de novo or as questions may arise concerning them. I think that the agency of the Interstate Commerce Commission ought to be employed, and that it ought to hear these questions from time to time as the public interest requires, and that the views of the Interstate Commerce Commission or their judgment as to what ought to be done in the circumstances ought to prevail, and I think would undoubtedly be permitted to prevail, except in so far as it might be wise for the President to modify or to change them. In other words, I feel that the commission ought to act in an advisory capacity while the President is in control of the railroads, and that its advice and suggestions about rates will be of great value.
>
> Now, that applies to interstate rates. As to intrastate rates, I think that the State commissions ought to continue to consider such questions as they rise. Innumerable questions affecting local conditions are coming up from time to time, and they ought to hear them and pass upon them; and so long as their views and judgment do not run counter to the common interest, they will be regarded and accepted just as heretofore.
>
> I had a conference with, I think, about 20 of the representatives of the State commissions recently, and I told them that I thought that they ought to go forward just as usual—and, in fact, the President's proclamation so provides—and hear cases and exercise their powers as they have heretofore done, always, of course, with the understanding that the President has the power to override any decision they may make when he thinks it necessary to do so in the public interest.
>
> The State commissions have jurisdiction over many other questions besides intrastate rates. They have the right to pass upon local questions like the construction of a switch to an industrial plant, sidetracks, and things of that kind.
>
> Mr. MONTAGUE. And crossings?
>
> Mr. McADOO. Yes. I think all those powers ought to be exercised by them as heretofore, subject to the Federal control.
>
> Mr. ESCH. How about the power granting to many commissions the right to issue certificates of convenience and necessity with reference to stock and bond issues?
>
> Mr. McADOO. I think they ought to be permitted to continue that. Of course, I should feel that it was necessary to be consulted about it. During this war, and especially because the Government is very vitally concerned in the expenditure of new capital in the country, we must have as much control of such questions as we possibly can in order to carry forward the Government's own financial operations.
>
> Returning to the rate-making power, so far as State commissions are concerned, as to intrastate rates, suppose that the President had no control over rates during this period of Federal control, and that the Congress of the United States had authorized a guarantee to the carriers. It would be within the powers of the State commissions to alter rates to such an extent as to enforce deficits upon the Federal Treasury. I do not mean to insinuate that they would abuse that power, or that they would use it for the purpose of creating such deficits, but it would leave in their hands the power to do it, which, if exercised, would in effect be taking money out of the Federal Treasury without any appropriation having been made by Congress. I think that Congress can not place that sort of power in the hands of any State authority or anybody else. There again, however, I think there will be no difficulty about harmonious relations with the various State commissions. They have given me every evidence of a desire to cooperate, and I am quite sure that they will.

This idea expressed by the Director General is carried out in the language of the bill, for in section 11 we find this provision:

> Until and except so far as the President shall from time to time otherwise order, the rates, fares, charges, classification, regulations, and practices of carriers under Federal control shall, during the period of Federal control, continue to be and to be determined as hitherto.

It is therefore plain that there is to be no change in the present method of fixing rates, except in exceptional cases and then only when an emergency arises making such course necessary.

Heretofore all rates have been fixed under law on the competitive theory. During the period of the war, while the railroads are under Federal control, it will be necessary, no doubt, in many cases to ignore this basis of arriving at the proper rate, and that line of railroad is to be used by the persons exercising governmental control that can be most effectually utilized.

In making use of this changed method it occurs to me if we are to derive the benefit that was sought by assuming control of the carriers, it will be necessary at times to change without delay some rate, charge, classification, or practice that heretofore prevailed.

I understand that in giving this authority to the President we are granting great power, but these are no ordinary times and it is no ordinary purpose that we are trying to carry out. I believe that it is well understood that we took over the control and management of the railroads for the very reason that there was no one who had the authority to speak for all the roads. Therefore, if we are to make a success of that control, if we are to accomplish what we set out to do, there must be no division of authority, no opportunity for dispute and delay. Necessarily there must be some one head which has the authority to speak the last word on every detail that is involved in this matter.

During the last year we have heard much of the weakness that comes from division of authority; we have heard much of it in connection with the conduct of the war; if we listen to the counsel of those who oppose this provision of the bill, in my judgment we will make the same mistake that has been made so often and defeat the very purpose we set out to accomplish.

When the bill was first introduced it carried no provision fixing a definite time after the conclusion of the war in which the railroads were to be returned to their owners. There are many who still think that no such time should be fixed in the law. I listened carefully to all the arguments before the committee on this subject, and I have come to the conclusion that there should be a limit fixed in the law within which this property is to be turned back to its owner.

By taking this course we make it plain to everyone that this is intended as a war measure.

It is contended that inasmuch as the carriers have been placed under governmental control that this fact should necessarily be taken advantage of to settle all questions agitated by the public concerning the ownership and control of the railroad systems of the country. That the theory upon which they have been operated and controlled should be changed; some assume that the only remedy is Government ownership, and that now is the time to put it into effect; others contend that this will not do, but that we must reverse the policy that we have been following and institute government control, with all opportunity for competition between systems eliminated.

A majority of the Committee on Interstate and Foreign Commerce believe that this is a war measure and that it should be so confined in its scope of operation. They are of the opinion that it is not the proper time for a dispute and that all disagreements, as far as possible, should be eliminated.

They believe that we should all get together and make the present management a success and thereby aid in carrying on the war to a successful issue, and leave these disputed questions to be settled after the war has been won. It is argued by some that under the Constitution we can not hold the roads, under the authority of the act under which they were taken over, for an indefinite period after the close of the war.

I shall not undertake to discuss this question or to hazard an opinion as to its soundness. However, I believe that it will be conceded by everyone that the question at least is open to dispute. If this is correct and no definite time is fixed in the bill for the return of the railroads, does it not follow that as soon as the war is ended all of the owners who are not satisfied with conditions will bring suit to recover possession of their property?

If this should happen, conditions would become unsettled and the value of railroad stocks and securities would be depressed to such an extent as might lead to a panic. The principal argument advanced before the committee for not fixing a time limit in the bill was that the fixing of such a time would disturb the security market and work a great hardship on the people who owned railroad stocks.

I am free to say that I have never been able to appreciate the force of this argument. To undertake the management with a fixed program that all can understand to my mind means stability, while to begin the management with an uncertain and indefinite program and to continue control without letting those interested know what the limit will be means confusion and difficulty. If the roads are to be returned to their owners, I believe that Congress should fix a definite time in which that should be done. To do this now at the very beginning of control will eliminate uncertainty and have tendency to stabilize securities.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SNOOK. Mr. Chairman, I will ask the gentleman to yield me five minutes more?

Mr. SIMS. I yield five minutes more to the gentleman.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. SNOOK. Yes.

Mr. STEVENSON. I want to ask if on page 12 of the bill that is not provided for, where the bill provides that they shall be subject to all laws and liabilities, whether arising under State or Federal laws?

Mr. SNOOK. I was just coming to that question; and that is a thing that the committee should understand. There was very grave doubt in the minds of some members of the committee whether or not the bill as originally drawn protected the rights of the employees in the event they should receive an injury and bring suit against the company. So an amendment was offered to the original draft of the bill, and I do not have in mind the exact wording, but it was drawn by one of the best lawyers on the committee, and it now carefully and thoroughly protects the employees of the railroads in all the rights they had before the railroads were taken over.

Mr. MASON. May I be permitted to make a suggestion to my colleague in regard to the question of the solicitation of business? Every day I have had complaints coming to my desk from at least one city in the State of Illinois where there are competing lines from shippers that since the Government has taken over the roads that they are unable to get the assistance they formerly had in the matter of routing their freight; in other words, they lack the spirit of accommodation they had before. That is one fact I wanted to lay before the gentleman as a member of the committee.

Mr. SNOOK. I am glad to have the gentleman bring that question out, and this should be brought to the attention of the Director General and the people who have the management of the railroads. I believe it is the wish—I know I have talked with him a little upon the subject—I believe it is the wish of the Director General and the persons having control of these railroads to give efficient service.

Now, I want to say this in conclusion: I got far away from what I started out to say, but I want to conclude as I began, and that is along the line that I have not lost faith yet in the railroads of America. It has been said a great many times in this debate that the railroads have broken down and that is the reason for this governmental control. There are two reasons to my mind for this governmental control, and it is not a fact that the railroads of this country have broken down. I believe they are the best railroads and the best managed railroads in the world. I have traveled a little in our country and upon the railroads in Europe, and I want to say to you it seemed to me like getting back home when I came to America and got on one of our good, old railroad trains in this country, just like getting back home. This thought I want to leave with the committee; I do not know what other men may think, but I want to see the largest field left to the American people for human endeavor that can be left. I do not believe the railroads have broken down. I believe that the reason for taking over these railroads was the cause that has been brought to the attention of Congress very many times, the congestion of freight at the eastern terminals on account of trying to run all the freight of this country over certain routes, and the fact that the Government was necessarily employing all the capital of this country in making loans for the conduct of the war so that the railroad

companies could not have an opportunity to float their securities. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNOOK. Mr. Chairman, I ask permission to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to revise and extend his remarks. Is there objection. [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Chairman, I yield one hour to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Chairman and gentlemen, I do not like the proposition of the Government taking over the railroads at this time; I think it is a mistake. I want to see this bill amended in some respects, but I will vote for the bill, because I am like the man in the hollow log that had a bear by the tail, that it was not wise to let go at that time. [Laughter.] We have taken over the railroads. We are in the midst of a great war. Consequently we must support the Government in everything it wants that is necessary to carry on this war successfully. I am unalterably opposed to Government ownership of railroads, and the gist of my remarks will be upon that subject.

THE WORLD'S EXPERIENCE IN GOVERNMENT OWNERSHIP OF RAILROADS.

In an article prepared by Richard Hoadley Tingley, in the Santa Fe Magazine, he states:

Of the 70 political organizations that go to make up the independent nations and colonial dependencies of the world, 44 already have declared themselves, as a matter of practical politics, as being in favor of complete or partial nationalization of their railways by taking over and operating some considerable portion of the mileage within their borders. In the balance, 32, all the railroads are still privately owned. Conspicuous in this latter class are the democratic Governments of Great Britain and the United States.

I believe I am correct in stating that among the people of the United States who favor Government ownership of the country's railroads, the socialistic element is strong and predominates.

Martin A. Knapp, chairman of the Interstate Commerce Commission, stated, in 1992:

For the Government of the United States to acquire the 200,000 miles already constructed, undertake to conduct their vast operations by direct agency, and to extend the service with needful rapidity is a project of such colossal import as to incline us to place it quite outside the range of probability.

Some 10 years later, when the railroad mileage had been largely increased in the United States, Franklin K. Lane, also then a member of the Interstate Commerce Commission, said:

No one who has had experience in governmental affairs will be bold enough to say that the Government of the United States could now operate the 250,000 miles of railways with as much satisfaction to the people as the railroads themselves are now being administered.

These were men of experience in railroad matters, and statements made by them should command the attention and respect of thinking men.

I wish to review, briefly, the history of the government-ownership idea by giving comparisons and statistics in the management of the government-owned railroads in the various countries of the world where the same has been and is being tried.

It is probably not very well known by the general public that this country has had quite an extended experience in building, owning, and operating railroads.

During the early days of railroading in the United States the "sovereign State" was considered the only medium strong enough or sufficiently well qualified to cope with such large affairs. Many of the States entered the railroad field and many of them experienced quite heavy losses and great burden by taxation for the maintenance of the roads. However, out of the many hundreds of miles built and operated in the past by the various States not a single mile is now so operated—with the exception of 32 miles in Texas, used as an adjunct to its penitentiary system. This of itself would not, as it appears to me, be a very conclusive argument in favor of Government ownership of railroads.

Many in public as well as in private life have fixed opinions as to the wisdom of Government ownership of railroads; many write upon the subject of Government ownership of railroads.

My attention has been called to an article written by former Gov. Stubbs, of Kansas, published in the Saturday Evening Post of June 6, 1914.

I want to point out certain inaccuracies of the governor's statements in that article.

The Governor attempted to justify Government ownership of railroads. He made comparisons and quoted figures in support of his arguments, many of which were greatly overdrawn and inaccurate. Among other things, the Governor made the following statement:

No railroad system once taken over by the Government has ever been permanently returned to private ownership.

I wish to show how incorrect the governor was in such a statement. In the past many of the States of this country have operated railroads that are now being operated by private corporations, and statistics and history show that in no instance has State operation been successful. I quote from the Railway Library and Statistics, and the latest complete railway statistics are for the year 1916:

The North Carolina Railroad Company was incorporated in that State in 1849, and during the next few years built some 223 miles of line from Goldsboro to Charlotte. The State owned a large majority of the stock, built the road and operated it until 1871, when it was leased to the Richmond & Danville Railroad (now part of the Southern Railway). The State now derives a good yearly income from the stock which it still owns in this road. North Carolina also built and was at one time sole owner of the Western North Carolina Railroad, 185 miles, from Salisbury to the Tennessee line. This road was State owned and operated from 1875 to 1880, when it was sold to a private company and afterward passed into the hands of the Southern Railway, the State having now no interest in the ownership. North Carolina built a third road, from Goldsboro to the coast, 95 miles. This was called The Atlantic & North Carolina Railroad. The State owned (and still owns) two-thirds of the stock of this company and had absolute control of its operation from the time of its completion, about 1856, until 1904, when a 95-year lease was entered into with a private company. This lease shortly afterward became the property of the Norfolk & Southern Railroad, and since has been operated as a part of that system, the State deriving a handsome income from its stock holdings under the lease.

North Carolina presents, perhaps, the most striking example of State ownership and operation that this country affords, both in length of lines operated and length of time as well. At one time the State had more than 500 miles of operation on its hands, and for nearly half a century it operated the 95 miles from Goldsboro to the Atlantic. Since 1904 it has had no interest in these operations other than to draw its interest and dividends. That the experience of this State so far as operation is concerned was unsuccessful nobody attempts to deny. On the other hand, as a result of the retention of ownership while the lines are being operated by experienced private corporations as business enterprises, the State is receiving substantial benefit. The experience of the State of North Carolina in railroad ownership is anything but a satisfaction to that State.

And, further, the experience of the State of Missouri in railroad ownership and operation is rather a sore spot. Missourians do not like to have the subject mentioned. According to C. M. Keys, of the Wall Street Journal, this State had a hand in owning, financing, and operating several of its lines—the Hannibal & St. Joseph, the St. Louis, Iron Mountain, the Cairo & Fulton, and the Pacific Railroad. The resulting net loss was nearly $25,000,000. High finance in this border State was well understood in those early days. Mark Twain was well advised when he wrote The Gilded Age, and Gov. Stubbs, living so near Missouri, should have known about it. All these properties are now prosperous. They form integral parts of big western systems. Missouri made no mistake in selecting the lines it would own and operate, but Missouri did demonstrate, at least to its own satisfaction, that it was unprofitable for a state to become a railroad promoter.

Massachusetts tried railroading. To pierce the Berkshire Mountains with a tunnel was thought to be too expensive a task for private capital. The building of the Hoosac Tunnel, therefore, was undertaken by the State, and it was operated unsuccessfully several years. The property finally passed into the hands of the Boston & Maine Railroad.

Mr. W. F. Allen, secretary of the American Railway Association, is responsible for the statement that the Western & Atlantic Railroad, 137 miles in length, was constructed and operated by the State of Georgia and gradually became "a prolific source of loss and injury to the community that had supplied the funds for its construction." It has been operated under lease since 1870 and is now a part of the Nashville, Chattanooga & St. Louis Railroad, though still owned by the State.

Further, Mr. Allen said, regarding the State ownership in Pennsylvania:

Eighty miles of railway, extending from Philadelphia to Columbia, were built by the State of Pennsylvania and operated unremuneratively by its government several years to the disgust of the people of the State. The road finally was sold to the Pennsylvania Railroad in 1857, and forms part of its original main line.

Seven million five hundred thousand dollars was paid by the Pennsylvania Railroad Co. for this line, which is said to have been at least twice what it was worth, but not more than a quarter of what it had cost the State. W. B. Wilson, historian of the Pennsylvania Railway, says, in referring to this line:

The individual transporter who did not dance when the politician in charge of traffic piped was placed at a great disadvantage. It became a potent factor for corruption and reached such an extent that the transporters who would do certain things for the politicians at elections would have their tolls rebated to an extent that nearly always reached a refund of the entire amount paid. The State debt grew till bankruptcy stared the people in the face.

It is said that this railroad experience cost the State of Pennsylvania upward of $20,000,000.

Other instances of municipal bodies having taken up, built, and operated railroads might be cited, as in Cincinnati, where the city built and now owns—but has ceased to operate—the Cincinnati Southern Railroad, 338 miles in length; also, as in Texas, where a little railway, 32 miles long, was built and is to this day being operated by the State. This last example is the only case in our entire land where the State at present operates a railroad.

It seems to me, in the instances just cited, there is but little to recommend Government ownership.

The Panama Railroad, 47 miles long, now owned and operated by the Federal Government, is another instance of Government ownership. Some ten years ago the United States acquired this railroad and the steamship company as well, this being necessary to facilitate the construction of the canal. On the average, statistics show, it costs the railroads of this country about $7,700 per mile operating expenses per year. At Panama, leaving the steamship company out of the calculation, it costs rather more than $50,000 per mile. A freight rate of almost seven times the United States average is charged and collected by this road. This is Government ownership, though.

CANADA.

And quite in line with my argument that the Government can not operate railroads in this or any other country in the world so successfully or economically as they can be operated by private ownership, I want to call attention to the railroads of Canada as an example. Of the 29,233 miles of railroad in Canada in 1913 a fraction over 6 per cent was owned and operated by the Government—1,768 miles—the larger portion of this being the Intercolonial Railway, which occupies some of the best territory in Canada. While the Canadian Pacific, the Grand Trunk, and the Canadian Northern, all privately owned and operated roads, have been giving good accounts of themselves, this property, owned and operated by the Government, seldom pays its bare operating costs, the deficit being met by a general tax. W. R. Givens, in Moody's Magazine, says that the trouble is "because it lives, moves, and has its being as a political institution."

A telegram from the American Consul at Ottawa, February 9, states as follows:

Miles of railway operated by Dominion, 4,015; taken over from Canadian Northern, not yet Government operated, 9,371; total, 13,386 miles.

Late information is to the effect that the total railway mileage in Canada at the close of 1917 was about 48,000, showing a great increase in mileage constructed in the last four years.

It has been said by advocates of government ownership in this country that such mismanagement would not happen in our country.

There is every evidence, as I shall attempt to show, that Government owned and operated railroads in this country would be the most dangerous political machine ever invented in any country in the world.

Canada, whose people and their customs and habits and conditions are quite similar to those of the people of the United States, has had experience in government ownership of railroads. While the cost of railroad construction in the United States is considerably less than the cost of construction of private-owned roads in Canada, which is shown to be $65,182 per mile, the cost of construction of Government-owned railroads in Canada is given as $99,000 per mile. A little later on I will give a complete history of the financial operations of both private and Government-owned railroads in Canada, but wish, in passing, to say for every $100 of receipts by the Government-owned railroads of Canada they paid out $102.13, while the private-owned railroads for every $100 in receipts paid out $73.94, and it must be remembered this included taxes and interest paid by the private-owned roads which run into the millions of dollars—$3,049,387, being $97 tax per mile of road owned. The Government-owned railroads for the year 1915 sustained a loss of $11,000,000, as is shown by the Bureau of Railway News and Statistics of Chicago, April 12, 1916, Bulletin No. 99, at the same time paying no taxes or interest upon the indebtedness of the roads.

Canada's annual pay roll to employees is below the pay roll of the employees of the United States.

Before the people of the United States, through their representatives in Congress, demand Government ownership of the railroads they should give most careful thought to the success or failure of government-owned roads in other countries where the system has been tried.

Mr. Givens says on the subject of Government ownership: "Each political party when out of office charges that its poor results are due to the use of the railroads for the political purposes of the party in office." This seems to be true. At any rate, the deplorable results of Government operation of the Intercolonial are too well known to require further comment. This road being of considerable length—about 1,400 miles—and operating under physical conditions so closely analogous to those existing in the United States, would seem to furnish all the object lesson necessary under the circumstances.

FRANCE.

Of all the countries of the world having government ownership of railroads, France shows the most striking example of failure. Statistics show that of something over 30,000 miles of railway in France in 1914 only a little over 5,500 miles were Government owned and operated, most of this mileage being the Western Railway of France, which serves the important western and northern Provinces and seaports and connects them with Paris. This line was taken over from the private company in 1908 and shows an increase in gross receipts, but the operating expenses and accumulated deficit from operation have also increased at an alarming pace. These statistics relate to a time prior to the outbreak of the war. Net earnings seem to be on the toboggan slide, as will be seen from the following table:

Table as shown by French statistics, in millions of francs.

	Gross earnings.	Net earnings.	Deficit.
1908	219.6	71.6	27.1
1909	219.3	70.0	36.7
1910	229.6	77.2	55.4
1911	236.1	30.2	71.3
1912	244.3	21.9	88.6
1913	251.8	26.1	69.9

During this period, while the deficit from operation was piling up, a most deplorable condition existed in the physical operation of the property; fewer and slower passenger trains, irregular service, lack of fidelity to schedule, scarcity of freight cars, impaired roadbed, and other like ailments have affected the property; in other words, the property has become run down at the heel. In commenting on the situation, Paul Leroy Beaulieu, an eminent French economist, said in 1912:

Everyone knows the deplorable result of the management of the company of the West by the State. At the end of three years Government ownership appears to be a public calamity and a financial disaster.

A greater number of accidents occurred because of the run-down condition of the line than was the case on well-equipped railroads.

The total deficit from the operation of Government-owned railroads in France, from 1908 to 1913, was upward of $70,000,000. Yet it must be remembered this is Government ownership of railroads.

The population of France for each mile of railroad line in 1913 was 1,241, or more than three times that of the United States.

In France, in 1912, there were 25,319 miles of railroad. The average yearly wage per employee was $212.77, or 68 cents per day, or $4.08 per week of six days. The freight rate charge averaged 1.37 cents per ton-mile.

It will be remembered that the Government owns a large percentage of the railroads in France, and their financial history is such as would be most discouraging to any nation contemplating Government ownership of railroads.

The operating ratio in France between private-owned and Government-owned railroads is as follows: Private-owned railroads averaged 53.3 per cent, and increased to a maximum of 58.4 per cent in 1912 and 1913; while on Government-owned railroads the increase was from 56.4 per cent to 89.4 per cent.

On the Government-owned roads in France there were so many accidents the staff and the public became so frightened that the express trains on the main lines, already the slowest in France, were decelerated to a timing that had been abandoned as inadequate years before. The service in general was poor. While compensation for accidents under private management amounted to a loss of from four to five hundred thousand dollars per year, under Government ownership in 1913 it amounted to more than $2,000,000.

The Minister of Public Works of France publicly criticized the State administration as a "frightful fraud," and the Senate passed unanimously a resolution beginning as follows: "The deplorable situation of the State system, the insecurity and irregularity of its workings," and so forth. It is most probable that the French Senate and Minister of Public Works knew what they were talking about.

Paul Leroy Beaulieu gives the reason for the deplorable situation as follows:

In the first place, it is the abuse of formalism and red tape, with all the delays which follow, and which are directly in conflict with commercial needs; in the second place, it is lack of stability, the directors and all of the chiefs of the service change at the will of the ministers, whilst in private companies the higher personnel is maintained a long time fulfilling the same functions; next, it is the political influence which enters into the choice and advancement of the personnel; it is, lastly, lack of discipline, which also results from political influence at work.

He further states:

As for formalism and red tape, on the eve of the handing over of the railroads to the State, there were 1,525 employees in the central office. Within three years thereafter the number had increased to 2,587. The single service of the accounting general was increased by 70 persons directly after the purchase by the State, and this was due largely to political pressure and partly to excessive red tape. For example, in the Caen division, in the preparation of the pay sheets, which under private ownership took 9 persons 3 days, or a total of 27 days' work, under the State administration took 12 persons six days, or a total of 72 days' work. Proportionate increases in the number of employees were made all along the line, too numerous here for me to mention. Salaried officers, 33 in number under private ownership, 99 persons under Government ownership. Increased wages to employees, increased number of employees, and increased freight and passenger charges were the results of Government ownership of railroads, which is true all over the world on Government-owned roads.

But this is Government ownership of railroads.

Under private ownership the question of fast trains is one to which careful consideration has been given all over the world. Great Britain in 1888 had greatly increased the speed of her express trains, and America promptly followed with the Empire State Express and the Atlantic City flyers. The French companies took up the challenge and put on trains from Paris to Calais and to the Belgian and Spanish frontiers and held their own with anything operating in England or America.

I have just shown that under State ownership France reduced the speed of her passenger trains because of the run-down condition of the Government-owned roads, there being no money in France to keep in good condition the roads and equipment. The only way to obtain money for the same would be by direct taxation on the people or increased freight and passenger rates. But this is Government ownership of railroads.

I wish to give here a comparison of the wages and freight rates and operating costs of railroads in several of the principal countries of the world, beginning with the United Kingdom. The latest reliable statistics in Europe obtainable are for the year 1913, and in fact in some instances prior to that time.

UNITED KINGDOM.

In 1913 the number of miles of railroad in the United Kingdom was 23,691. The average yearly pay per employee was $364.17, and figured on the basis of 313 working days per year it will be seen that the wages averaged $1.16 per day, or $6.96 per week of six days. The freight charge in the United Kingdom was 2.23 cents per ton-mile.

GERMANY.

In Germany for the year 1913 the number of miles of railroad was 39,513, of which 36,538 were State owned. The average yearly pay was $409 per employee, or $1.30 per day, or $7.80 per week of six days. The freight charge was 1.37 cents per ton-mile.

The population of Germany in 1913 was 66,716,000. The area of Germany is 208,780 square miles. The population per square mile was 320 people, while that of the United States is but 30 people. The population of Germany was 1,698 for each mile of railroad, while that of the United States is but 381.

It will be borne in mind that the freight rates of Germany are double those of the United States, with a daily wage scale but one-half that of the United States, and with a population in Germany per mile of line nearly four times that of the United States it can readily be seen that if the population of the United States per mile of railroad line was equal to that of Germany the freight hauled by our railroads would be equivalent to four times that of the tonnage hauled at present. Therefore the percentage of cost per ton-mile would undoubtedly be less than at present.

RUSSIA.

Russia in 1910 had 41,612 miles of railroad. Her annual pay roll for employees was $211, or 67 cents per day, or $4.02 per week of six days. Her freight rate charge was 0.94 cent per ton-mile.

Russia's population per mile of railroad line in 1913 was 3,380, yet her freight charge per ton-mile was far in excess of ours.

SWITZERLAND.

Switzerland in 1915 had 3,224 miles of railroad. Her annual wage per man was $387, or $1.23 per day or $7.38 per week of six days. Her freight rate charge was 2.64 cents per ton-mile, and in spite of this enormous freight rate charge her Government owned and operated railroads had a deficit of $2,500,000.

JAPAN.

Japan in 1915, with 5,585 miles, largely narrow-gauge roads, Government owned but capitalized at $25,000 per mile more than the capitalization of the railroads of the United States—$88,104 per mile, as against a little less than $63,000 per mile in this country—has an annual wage scale of $115.16 per year, or 37 cents per day or $2.22 per week of six days. Her freight rate is 0.85 cent per ton-mile, or 20 per cent above that of the United States. She has a terminal charge of 11 cents additional.

Under private ownership all over the world there is jealousy and strife for more and better equipment. Governments are slow to adopt modern methods and equipment. One of the best proofs of this assertion is shown by the wonderful modern equipments of the Great Northern, Northern Pacific, and the St. Paul & Puget Sound Railways, spanning the prairies and tunneling the Rocky and Cascade Mountains, the last-named road in the last two years having equipped 445 miles of their main lines through Montana and Idaho with electricity, the most modern improvements, finest roadbeds, and most powerful electrical engines to be found in the world.

I have traveled over these roads many times within the last few years and twice during the year 1917.

The power with which the monster engines are operated is taken from the flow of water heretofore gone to waste in these great mountain States—a great saving of fuel to the world, so badly needed at this time and so strongly recommended by the Administration for conservation. Competition is the life of trade.

The improvement and extent of government-owned railroads throughout the world is moved by political influence largely, and does not always accommodate the greatest number of the people. Branch lines are usually built by political influence.

At this point I wish to say railroad construction in many parts of the country by government ownership, as stated before, has proven to be unwise, and I call attention to the Government-owned-railroad construction of Australia.

It has been stated by eminent authority that railroads in Australia undoubtedly have been built to backward districts where private ownership never would have touched. Some 46 miles of branch lines were built in Australia, and a report of the Victorian State Railways of 1907 states that they were constructed at a cost of $1,833,000, and that they were closed to traffic at various dates between 1898 and 1904, and later abandoned altogether, because gross receipts failed to cover operating expenses. This is government ownership though.

There is a vast difference between the management of railroads by the power of state where a monarchial form of government prevails and that of a country having a republican form of government. In a monarchy the heads of government remain in office quite indefinitely and direct the management of the state-owned railroads, while in a republic the chiefs may change as often as the head of the government—and that does not change often enough to suit some of us. [Laughter.]

For instance, the King of Prussia is really the head of the railroads, as he is head of the army and navy, and this power does not change during the life of the King. In such cases political influence may not be so great as in a country with a republican form of government.

Lack of discipline in the management of great corporations such as our railroads is more likely to be found where political influence controls than where private ownership prevails.

THE UNITED STATES.

The railroads of the United States comprise 250,233 miles of main lines for the year 1916—there were 387,000 miles of railroad in the United States, which includes double, treble, and quadruple tracks, as well as switches. On the 250,233 miles of main lines there were employed more than one and three-quarter millions of men. The annual pay roll for the year 1916—that of 1917 being not yet available—to employees averaged $887.37 per year, or $2.83 per day, or $16.98 per week of six days. The freight-rate charge was 0.714 of a cent per ton-mile. In other words, the wage scale is the highest of that paid to railroad employees of any country in the world and the freight rate the lowest.

At the same time it must not be forgotten that, in addition to the cost of operating expenses, our railroads paid heavy taxes; which is not true of Government-owned roads. The Government-owned railroads of all the countries of the world are exempt from taxes, while the taxes paid by the railroads of the United States, as shown by a report of the Bureau of Railway Economics, published in the city of Washington, D. C., Miscellaneous Series No. 25, page 17, paid in the year 1914, per mile operated, $572, or a total of $143,133,276, on 250,233 miles of line.

It must be borne in mind that in the statistical abstracts of the various countries of the world in which are shown the operating expenses of the Government-owned roads, this item of taxes in this country does not enter into the operating costs; therefore the Government-owned roads have that advantage in their reports of operating costs over the reports of privately owned roads. The comparisons are unfair and unjust to private ownership unless this item be taken into consideration.

Again, let me say that in Germany, where 95 per cent of all the railroads are government owned and operated, the wage scale is but one-half that of the United States and the freight rate double that paid by shippers of the United States.

The idea of Government ownership catches many of our people; has become a fad. But before being put into operation the most serious thought should be given to the question.

I make this speech upon Government ownership for the reason that the bill now before the Congress, and especially the one presented by the Administration, was sugar-coated from top to bottom with Government ownership.

It can be shown in every instance, by comparisons with other countries, that Government-owned and operated railroads have failed to show good results, and invariably the people have been called upon, by taxation, to meet deficits in the operation of the roads, while, on the other hand, freight rates have been greatly increased over the rates prevailing under private ownership.

Should the railroad property of the United States be taken over by the Government, it must be remembered that about one-eighth of all the taxable property of the country will be stricken from the tax roll, and the people owning the remainder of the taxable property will pay increased taxes to meet the ordinary running expenses of the municipal, county, State and National affairs, and will pay some $20,000,000,000 for railroads as well. At a time when this Government has gone, and is still going, into debt to an extent undreamed of heretofore, some serious thought should be given to this important move, namely, Government ownership of railroads.

The idea of Government ownership of railroads is socialistic in the extreme; and for 2,000 years the socialistic ideas throughout the world have very largely failed.

BELGIUM.

The Railway Library and Statistics of 1914, page 210, states:

In Belgium, with its 2,684 miles of State-owned and its 2,000 miles of privately owned lines, the operating ratio of the former was 65 per cent, while that of the latter was 45 per cent. Allowing for interest on the investment, the deficit of the State-owned lines, it is estimated by E. A. Pratt, would amount to $14,000,000 yearly.

On page 449 of the Railway Library these statistics are referred to as being for the last year reported, 1912, and gives the cost of construction per mile of the Government-owned railroads in Belgium as $192,000. It gives the freight rate per ton-mile as 1.13 cents. Railway employees received in wages $250.20 per year, or $4.81 per week. The ratio of expenses to earnings was 69.63 per cent, while in Holland the ratio of expenses, compared with earnings, was 85.33 per cent, both of which are excessively high.

In a recent writing by Col. Ed. F. Browne, entitled "Socialism or Empire a Danger," is found the following language, in chapter 1, page 7:

THE OBJECTS DESIRED BY THE FOUNDERS OF THE UNION.

Separation from England, the result of unequal and unjust taxation, business restriction and regulation, and undue investigation of the private business affairs of citizens.

Instructions of the delegates sent to the Continental Congress all indicate business unrest.

War declared July 6, 1775, over these business conditions.

The business freedom demanded by the Colonies not granted in a monarchy or empire.

Refusal of Parliament to consider requests ended in political freedom being declared July 4, 1776, one year after the war commenced.

An effort made to establish a government giving private incentive freedom from Government control.

Such, Mr. Browne states, was the intention of our forefathers who fought and suffered so much privation for the freedom of our country. If this be true, those who would have Government ownership are certainly drifting far afield from the intention of our forefathers.

That the ownership or operation of railroads by the Government would be bad because of the political influence I believe is borne out by the facts as they can be presented.

It will be remembered that in general elections the plurality given to a candidate for President for many years past has reached from about 7,000 to 500,000 votes, and when it is considered that Government ownership of railroads, telephones, telegraphs, and water and other transportation lines will bring political pressure to bear on practically the entire number of men on the Government pay roll it is time to stop and think.

Last year the employees, civil service, telephone, telegraph, railway (both steam and electric), water transportation, and express companies, numbered about 3,500,000. Of this number about 500,000 were under civil service, 225,000 were employed by the telephone and telegraph companies, 200,000 by the water-transportation companies, and 1,950,000 by the railroad companies.

It will be seen that the majority of these people were employed by the great corporations of the country that will come under Government control if the people decide upon Government ownership or Government control and operation of the railroads.

Does any man doubt, if these employees were under the control of the Government, that great pressure would be brought to bear upon the Government officials for increased wages and fewer hours for a day's work, and that weak politicians in times of campaign excitement (as was the case in the recent past) would yield to pressure and thus cement together the people making such demands, in the support of a political party, and then make the general public pay the bill, either by direct taxation or increased rates upon the railroads?

No such political power should be granted to any political party or any set of individuals in a political party.

This is a question of the greatest importance to the people of this country and one worthy of most careful thought.

The condition of the railroads of this country right now is critical. The Interstate Commerce Commission has fixed the maximum rate of freight the railroads may collect. A political party in Congress has fixed the minimum-wage scale for a certain class of railway employees, which has greatly increased the operating costs of the railroads. The Interstate Commerce Commission has declined (and stands like a stone wall) to grant the requests of the railroads for increased freight rates sufficient to meet the increased outlay of the companies. And the result is that more miles of railway are in the hands of receivers than ever before, and others are on the brink of bankruptcy. They have no money with which to add necessary improvements of rolling stock or terminals, and the result is, as is now well known, that the railroads at the present time are unable to handle the business offered. To me it appears that the Interstate Commerce Commission and the Congress of the United States for the past ten years have not dealt fairly with capital invested in the railroads of our country, and some relief must be given or railroad securities will go to the "dum dum bowwows."

At the close of the calendar year 1917, as shown by the Railway Age of January 4, 1918, there were in the hands of receivers 17,773 miles of main-line railroads, a fraction over 7 per cent of the total mileage of the United States, which is an exceptionally high percentage of the total, financially embarrassed. To this must be added the Denver & Rio Grande Railroad, which road went into receiver's hands January 26—2,580 miles, or a total of 20,353 miles. The estimated value of these roads is shown by the Railway Library to be about $60,000 per mile, or more than a total of $1,221,000,000.

This is conclusive evidence that at this time the laws of the country are not aiding the railroads but are detrimental to their success.

In fact in this very bill is contemplated an appropriation by the Government of the United States of $500,000,000, undoubtedly to be followed by greatly increased appropriations, for the purpose of adding to the railroads needed rolling stock, terminals, and all kinds of equipment and improvements to properly handle the business of the country. And at the same time there is pending before this House another bill authorizing the appropriation of $500,000,000 and the creation of a corporation, the purpose of which and the use of which money by that corporation is chiefly to loan money to the railroads of the country that are unable to borrow money from the banks and trust companies, because of the fact that railroad securities are not desirable in the money markets.

In railroad legislation in the past 10 years the pendulum has swung too far against the railroads, and must swing back or bankruptcy must follow and the general public pay the bill.

Control of business by Government is socialistic agitation or executive ambition. Careless legislation has already given greater executive control than has been intended.

The greatest danger to a Republic is hasty, hysterical action on the part of the people, and especially on the part of Congress. Franklin said:

Should we give executive power to the President that we would fear in others' hands?

Control of our great industries makes our executive department altogether too dominant a power, and threatens the very foundation of our good Government. This Government-control hysteria has gone so far to the extreme that there is a bill now pending before the House of Representatives for the taking over of the street railways of this city. Who would dream of such extravagant notions!

While it is claimed that the railroads of Germany come nearer being a success in the hands of the Government than do the railroads of any other country in the world Government controlled and operated, it must be conceded that in the cost of operation on these roads no taxes are paid to local, State, or General Government. The Government of Germany operates her railroads in a different manner, in some rspects, to that of any other Government of the world. For instance, the German railroads are used as a tariff wall. A cheaper freight rate is given on goods manufactured for export, shipped from an interior town in Germany to a seaport, than is given on the same goods between the two points of shipments which are to be consumed in Germany, thus encouraging exports in both manufactured and agricultural products. While, on the other hand, practically a double freight rate is charged from a seaport town in Germany to a point interior on imported goods as against domestic goods shipped between the same two points. This, together with Germany's tariff laws, operates as a very high protective tariff.

AUSTRIA.

Austria in 1913 had 14,185 miles of railroad. Her annual wage scale was $322, or $1.03 per day, or $6.18 per week of six days. Her annual deficit on Government-owned roads was about $25,000,000.

In a historical sketch of Government ownership of railroads in foreign countries, by W. M. Ackworth, published at Washington, D. C., in May, 1917, on page 17, this statement will be found:

They are all alike in the fact that political, and especially military, reasons compelled the State to make railways which private enterprise was not prepared to undertake. They are alike, too, in the fact that the tendency has swayed back and forth as between State and private ownership. Austria at one time sold to private companies a number of railways that had been built by the State. Nowadays, having bought most of them back again, it owns 80 per cent of the total. One incident of the transfer deserves to be related. The Kaiser Ferdinand Nordbahn was an old and very rich company. Its dividends for the previous five years had averaged over 12 per cent. It was taken over in 1906. In 1910 the president of the Austrian Chamber of Deputies described the result as follows: "We have always been in favor of the State taking over the railways, but if we had been able to foresee the results of the management I assure you we would have hesitated a little longer. We are still in favor of the principle, but it does seem to us that our Government has performed a remarkable feat when it has succeeded in creating a deficit on the Northern Railway. The Government have enlisted an army of new employees; they have gone much too far in the matter of reduction of hours of labor; instead of commercial management they have appointed lawyers to posts that require business men or experts; they have established an entirely unpracticable bureaucracy. At the present moment we are face to face with a deficit of $25,000,000. There would be no deficit at all if the return from our railways were that which it ought to be. I regret that absolute imbecility has characterized the taking over of our service."

This statement was made by high authority in Austria and ought to have some weight in the argument against Government ownership of railroads. But this is Government ownership.

STATE OWNERSHIP FAILED IN SOUTH AMERICA.

After a record of deficits, politics, inefficiency, bad service, and bad management, most of the lines in Brazil, Chile, Peru, and Argentina have been leased to private companies. All the larger Republics of South America at some time have tried Government ownership of railways. Most of them have abandoned the policy as an absolute failure.

The private-owned roads of South America for every $100 of gross receipts have spent from $31 to as high as $68, while the Government-owned roads for every $100 of gross receipts have spent from $121 to $164. This contrast between the cost of operation of private-owned and Government-owned roads in these southern Republics is exceedingly striking, and should be taken as an evidence of the inability of a government, because of the political influence, to successfully operate railroads.

Nearly every country in the world within the last decade has materially increased the freight rates on its railroads, and especially on government-owned roads, while the Government of the United States, through the control of the Interstate Commerce Commission over rate fixing in this country, has permitted the railroads to make little or no advance in their freight and passenger rates, though the cost of operating expenses, chiefly due to increased wages to their employees, has greatly increased. The result is that the railroads of the United States, because of adverse railroad legislation by our Federal Government, are run down and do not have sufficient equipment, freight cars, and locomotives to handle the business of the country.

I could give in detail the cost of operation and the total receipts of practically every country in the world, and it would show greater cost in operation on government-owned roads than on private-owned roads. This might add to the information already given, but the time granted me for this speech will not permit. I wish, however, to say that I have been unable to find, after long and diligent search, a single instance of railroad, government owned, controlled, and operated, that equaled, in efficiency and economy and the service rendered, that of private-owned railroads.

The Civil War was one of the most terrible of all wars in the history of the world.

When it occurred there were 36,000 miles of railroad in this country. Our Government, during its four years' duration, took control of 2,100 miles, about 6 per cent of the total mileage.

We declared war on Germany in April, 1917, and no railroad in the United States as yet has declined to comply with any or all requests or orders of the Government. Yet in less than nine months' time our Government has taken over all the railroads.

Several questions are involved:

First. What is its significance?

Second. What will be the effect financially?

Third. What will be the effect on efficiency of transportation?

Fourth. What will it cost the taxpayers?

Fifth. What will it cost the people to let go?

That the railroads have not been overly prosperous for the past three years is shown by their net receipts during that time, which were as follows.

Net earnings on investments:

	Per cent.
1915	4.09
1916	5.80
1917	5.72
Average	5.20

Not a high rate of income on invested capital. Not sufficiently high to attract money.

Where is all this money coming from that is being called for by the Government for all these enterprises? There was $50,000,000 asked for the other day for building houses in shipyards; another, of $100,000,000, asked for some other purpose. When thinking this over, there occurred to me one of the finest illustrations in the world as to where this money is coming from. It reminds me of an old darkey that was sick and about to die, who sent for his minister to write his will. He said to the minister, "Put down $250 for my beloved daughter." And the minister wrote it down. "Now, put down $350 for the church." The minister said to the family, "Ain't it wonderful how this man retains his consciousness to de last?" He then turned to the minister and said, "Now, put down $1,000 for my good wife. I came mighty near forgetting dat woman." The minister said, "Look here, Brudder Jones, where is all this money coming from?" "Dat is none of your business where it's coming from. Put down what I tells you and den let 'em find it." [Laughter.]

The Government is going to find its money somewhere, and the people will pay the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I would thank the gentleman if he would yield me 10 minutes more. I do not like to keep you so late, but I have a little more to say that is important, and I will conclude in half that time if I can.

Mr. ESCH. I yield to the gentleman 10 minutes.

Mr. FORDNEY. I thank the gentleman, and I will try to conclude in less time than 10 minutes.

And in closing I want to say, gentlemen, that our Secretary of the Treasury, a gentleman for whom I have the highest esteem, has now had imposed upon him not only the duties of the Secretary of the Treasury, but he is chairman of the Federal Reserve Board. It seems to me that there is sufficient responsibility there to employ one man's entire time. Again, he is made Director General of the railroads of the country; and, again, he is to be made chairman of this great corporation which is to loan not only to the railroads but to all the industries of this country money that under existing law the Federal reserve banks now can not loan, not having authority of law. I presume I will vote for all those bills, but I fear the responsibility placed upon the Secretary of the Treasury by being at the head of those four great institutions to handle the governmental affairs of this country will result in one of two things—either an overworked Secretary of the Treasury or omission of duty.

And I will say, gentlemen, there must be some end to all this expenditure of money by this great Government. And we should hesitate when we are revolving in our minds the question of taking over the railroads of this country to be Government owned and Government operated. No such responsibility has ever been placed upon any people on the face of the earth; and in every instance—and I defy successful contradiction—where State or Government owned or controlled railroads have been tried it has proven a failure and will prove a failure here, if tried, by the Government of the United States.

I thank you, gentlemen. [Applause.]

Mr. SIMS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. JOHNSON of Kentucky having assumed the chair as Speaker pro tempore, Mr. RAINEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for just compensation of their owners, and for other purposes, and had come to no resolution thereon.

RELIEF OF MAIL CONTRACTOR.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 3689.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent for the present consideration of the bill S. 3689. Is there objection?

Mr. SIMS. Mr. Speaker, I move that the House do now adjourn.

Mr. RAINEY. Will the gentleman withhold that?

Mr. SIMS. Yes.

LEAVE TO ADDRESS THE HOUSE.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that on Monday next, immediately after the reading of the Journal and disposition of matters on the Speaker's table, I be permitted to address the House for 30 minutes on the subject of the fuel-conservation order.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that on next Monday, immediately after the reading of the Journal and disposition of business on the Speaker's table, he be permitted to address the House for 30 minutes. Is there objection?

Mr. ESCH. This may not be concluded by Saturday night.

Mr. RAINEY. In that event, at the conclusion of the bill.

Mr. ESCH. I have no objection to that.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

CHOCTAW INDIANS OF MISSISSIPPI.

Mr. VENABLE. Mr. Speaker, I ask unanimous consent that the bill H. R. 9961, which was referred through an error to the Committee on Appropriations be rereferred to the Committee on Indian Affairs.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the bill H. R. 9961 be rereferred to the Committee on Indian Affairs. The clerk at the Speaker's table says that reference was made by mistake. Is there objection?

There was no objection.

Mr. SIMS. Mr. Speaker, I feel that I will have to move to adjourn.

RELIEF OF MAIL CONTRACTOR.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill S. 3689.

Mr. SLAYDEN. How much time is it going to take?

Mr. BORLAND. It ought not to take any time at all.

Mr. SLAYDEN. What is it?

Mr. BORLAND. It is a Senate bill, by which the Postmaster General wants to adjust a mail contract. It has passed the Senate and has been before the House committee and was favorably reported back, and the chairman of the committee, the gentleman from Tennessee [Mr. MOON] has tried to get it up several times.

Mr. FORDNEY. I trust the gentleman will not offer that, as I will be obliged to object.

Mr. BORLAND. Very well. I will withdraw it.

ADJOURNMENT.

Mr. SIMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 20, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a report showing the number of documents received and distributed by the Treasury Department during the calendar year ended December 31, 1917 (H. Doc. No. 952), was taken from the Speaker's table, referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 9898) to establish in the Coast Artillery Corps of the Regular Army an Army mine-planter service, reported the same without amendment, accompanied by a report (No. 322), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ANTHONY, from the Committee on Military Affairs, to which was referred the bill (H. R. 9902) to amend section 8 of an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, reported the same without amendment, accompanied by a report (No. 323), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. QUIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 9903) to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes, reported the same without amendment, accompanied by a report (No. 324), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 1873) for the relief of Thomas Campbell, reported the same with amendment, accompanied by a report (No. 320), which said bill and report were referred to the Private Calendar.

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 321), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9953) granting a pension to John C. Thompson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8019) granting a pension to Christ Clausen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COOPER of Ohio: A bill (H. R. 10021) granting the consent of Congress to the county commissioners of Trumbull County, Ohio, to construct, operate, and maintain a bridge and approaches thereto across the Mahoning River in the State of Ohio; to the Committee on Interstate and Foreign Commerce.

By Mr. CLARK of Florida: A bill (H. R. 10022) authorizing the Secretary of the Treasury to purchase the site and building now under construction thereon, known as the Arlington Hotel property; to the Committee on Public Buildings and Grounds.

By Mr. DAVIDSON: A bill (H. R. 10023) providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin; to the Committee on the Public Lands.

By Mr. DENTON: A bill (H. R. 10024) to authorize the coinage of 2-cent pieces, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. VOLSTEAD: A bill (H. R. 10025) to declare certain alien children naturalized citizens of the United States; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 10026) to amend section 858 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. SHERWOOD: A bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the

Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. CHARLES B. SMITH: A bill (H. R. 10028) providing for the registration of designs; to the Committee on Patents.

By Mr. MILLER of Washington: A bill (H. R. 10029) authorizing the Indian tribes and individual Indians, or any of them, residing in the State of Washington and west of the summit of the Cascade Mountains, to submit to the Court of Claims certain claims growing out of treaties and otherwise; to the Committee on Indian Affairs.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 248) authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or allied forces; to the Committee on Immigration and Naturalization.

By Mr. SPALLENBERGER: Joint resolution (H. J. Res. 249) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; to the Committee on Military Affairs.

By Mr. HICKS: Resolution (H. Res. 253) for the procurement of a service flag to designate the Members of the House enlisted in the armed forces of the United States; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 10030) granting an increase of pension to Samuel J. Vaughn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10031) granting an increase of pension to E. L. Gilley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10032) granting an increase of pension to Ephraim Whitson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10033) granting a pension to Sophena S. Bohley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10034) granting a pension to Miner Howard; to the Committee on Pensions.

Also, a bill (H. R. 10035) granting a pension to Allen Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10036) for the relief of the heirs, assigns, and legal representatives of William Watson; to the Committee on Claims.

By Mr. COPLEY: A bill (H. R. 10037) granting an increase of pension to Anthony O'Grady; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 10038) granting an increase of pension to Augustus McClaflin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10039) granting an increase of pension to James M. Wilson, 2d; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 10040) granting an increase of pension to David W. Berry; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 10041) granting a pension to Alice Hamilton; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 10042) granting an increase of pension to James Stapleton; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10043) granting a pension to John Gibbons; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10044) for the relief of Alice Linn Edwards; to the Committee on Claims.

By Mr. KRAUS: A bill (H. R. 10045) granting a pension to Jonas Bolen, alias James Bolen; to the Committee on Pensions.

By Mr. McCLINTIC: A bill (H. R. 10046) granting an increase of pension to William Tomlinson; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 10047) granting an increase of pension to William Tomlinson; to the Committee on Invalid Pensions.

By Mr. NOLAN: A bill (H. R. 10048) granting a pension to John Haight; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 10049) granting a pension to Earl W. Newton; to the Committee on Pensions.

Also, a bill (H. R. 10050) granting a pension to Arzanna Nesbitt; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 10051) granting a pension to Harry L. Frizzell; to the Committee on Pensions.

Also, a bill (H. R. 10052) granting a pension to William O. Peck; to the Committee on Pensions.

By Mr. SNYDER: A bill (H. R. 10053) granting an increase of pension to William J. McCabe; to the Committee on Pensions.

By Mr. STEPHENS of Nebraska: A bill (H. R. 10054) granting an increase of pension to George W. Strayer; to the Committee on Pensions.

By Mr. STRONG: A bill (H. R. 10055) granting an increase of pension to Thomas J. Morris; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 10056) granting an increase of pension to Henry F. Sager; to the Committee on Invalid Pensions.

By Mr. TEMPLETON: A bill (H. R. 10057) granting an increase of pension to Stephen H. Leonard; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 10058) granting an increase of pension to Nelson J. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10059) granting a pension to Missouri Ruth Justice; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 10060) granting an increase of pension to Albert Wentink; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 10061) granting an increase of pension to Bennett M. Tracy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10062) granting a pension to John F. Mossberg; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the United Mine Workers of America, indorsing Senate bill 2854; to the Committee on Immigration and Naturalization.

Also (by request), memorial of the various organizations of railroad employees, asking Congress not to fix a certain time when the railroads of the country shall be turned back to their owners; to the Committee on Interstate and Foreign Commerce.

Also (by request), resolution of the Farmers' Cooperative Grain Dealers' Association of Iowa, asking that the Interstate Commerce Commission be allowed to retain its powers in rate hearings and regulations, and asking that definite dividends be not assured the stockholders of the railroads; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the West Side Protestant Churches, Waterloo, Iowa, favoring an amendment to the Constitution prohibiting polygamy and polygamous cohabitation; to the Committee on the Judiciary.

Also (by request), petition of Mr. and Mrs. L. D. Fulkerson and 26 other citizens of Defiance, Mo., urging the repeal of the zone system for second-class postage; to the Committee on Ways and Means.

By Mr. BLAND: Evidence in the case of Mrs. Mary A. Bechtel, guardian of Sohpena S. Bohley, child of William Bohley; to the Committee on Invalid Pensions.

Also, evidence in the case of Allen Wright; to the Committee on Invalid Pensions.

Also, evidence in the case of E. L. Gilley; to the Committee on Invalid Pensions.

Also, evidence in the case of Ephraim Whitson; to the Committee on Invalid Pensions.

Also, evidence in the case of Samuel J. Vaughn; to the Committee on Invalid Pensions.

Also, evidence in the case of Miner Howard; to the Committee on Pensions.

By Mr. FULLER of Illinois: Petitions of the Thursday Club of Bowie, Tex.; the Fortnightly Club of Sharon, Mass.; the Community Association of Crawfordsville, Ind.; the Woman's Missionary Society of the United Presbyterian Church of Fort Morgan, Colo.; the Century Club of Wichita Falls, Tex.; the Romeo Monday Club, of Romeo, Mich.; the Minneapolis Branch, Woman's Foreign Missionary Society of the Methodist Episcopal Church; the Sorosis Club of St. Peter, Minn.; the Business Men's League of Hot Springs, Ark.; the Current Events Club (federated), of Madison, Ind.; the Corning Clionian Circle, of Corning, N. Y., the Woman's Club of Racine, Wis.; the Woman's Club of Beaver Dam, Wis.; the Penelopean Club, Cadillac, Mich.; and the Lakeside Club, of Manistee, Mich., protesting against the postal increase on periodicals, as contained in the war-revenue act, and demanding the repeal of such increased rates; to the Committee on Ways and Means.

By Mr. HILLIARD: Memorial of the Pueblo Trades and Labor Assembly, indorsing House bill 1654, granting an increase of pay to post-office clerks and letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Resolutions of the Croatians and Slovenians of the copper country, Michigan, at a mass meeting held at Calumet, Mich., urging a Slovenian republic; to the Committee on Foreign Affairs.

By Mr. MILLER of Minnesota: Resolution of a meeting held at International Falls, Minn., expressing their adherence to the letter and spirit of the fuel order and suggesting that enemy aliens be required to cut wood on days when industries are idle; to the Committee on Agriculture.

Also, memorial of the Bohemian National Alliance, urging the formation of a Czecho-Slovak state; to the Committee on Foreign Affairs.

By Mr. MOORE of Pennsylvania: Resolution of the city commission of St. Augustine, Fla., urging Government improvement of the Florida Coast Line Canal; to the Committee on Rivers and Harbors.

By Mr. TEMPLE: Papers to accompany House bill 9891; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: Petition of David A. Fairweather and 37 other rural mail carriers, of North Dakota, asking for increase in compensation; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *February 20, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee for Divine inspiration. Fit us for the duties of this day. We would wait before Thee as those who look for the larger life and know that in the unfolding of Thy plans there is a Divine purpose in all the movements of this mighty Nation. Fit us for the issues and for the final result and for the glory of the purpose that Thou hast in us. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of War submitting a supplemental estimate of appropriation of $2,500,000 required by the Quartermaster Corps for mileage to officers and contract surgeons, etc. (S. Doc. No. 176), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the amount of $400 for an additional clerk of class 1 (S. Doc. No. 175), which was referred to the Committee on Appropriations and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. JONES of Washington. Mr. President, I have a resolution adopted by the City Council of Tacoma, Wash., relating to water-power matters. I shall not have the resolution read and printed in the RECORD, but it asks that in any water-power legislation that Congress may pass authority shall be given to the several States and legal subdivisions thereof to condemn the rights of any licensees, and also calls attention to the fact that under our law municipalities are permitted to and do regulate the rights of public-service corporations, and asks that they be not interfered with.

I also find that the City Council of Seattle have passed a similar resolution.

I move that the resolution be referred to the Committee on Commerce.

The motion was agreed to.

Mr. JONES of Washington presented a memorial of the Woman's Home Missionary Society of the Methodist Episcopal Church of Seattle, Wash., remonstrating against the enactment of legislation providing for the running of railroad tracks directly opposite the Lucy Webb Hayes National Training School and the Sibley Memorial Hospital in the city of Washington, D. C., which was referred to the Committee on the District of Columbia.

Mr. GRONNA presented a memorial of the North Dakota State Dairymen's Association, remonstrating against the enactment of legislation favoring oleomargarine and discriminating against butter and other dairy products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Art Club of Minot, N. Dak., praying for the repeal of the advanced second-class postage rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the North Dakota Implement Dealers' Association, of Hope, N. Dak., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. ROBINSON presented a petition of sundry citizens of Yellville, Ark., praying for the repeal of the existing rates of postage on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a memorial of the Central Labor Union of Portsmouth, N. H., remonstrating against the adoption of the so-called Borland minimum eight-hour provision, which was ordered to lie on the table.

He also presented a petition of the Medical Society of Dover, N. H., praying that advanced rank be given officers in the Medical Corps of the Army, which was referred to the Committee on Military Affairs.

Mr. PHELAN presented a petition of Ebell Society, of Santa Ana Valley, Cal., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I desire to have the Secretary read at the desk a telegram from the governor of the State of Colorado.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

DENVER, COLO., *February 16, 1918.*

Hon. JOHN F. SHAFROTH,
Senate, Washington, D. C.:

Woman suffrage has been very beneficial to the State of Colorado and its citizenship. I think it a just and wise movement to extend the right of suffrage to the women of the Nation.

JULIUS C. GUNTER,
Governor of Colorado.

Mr. SHAFROTH. Mr. President, I want to say in confirmation of the declarations contained in that telegram that I have examined as to the views of every governor of the State of Colorado and find that every one of them has given testimony to the beneficial effect of woman suffrage in that State.

I wish to call attention to a few sentences that were uttered by one of the governors who with prophetic vision 48 years ago voiced what would be the result of this movement. I read from the Rocky Mountain Herald of January 19, 1870. It says:

Gov. Edward Moody McCook, of the "fighting McCooks," as they were known in the Civil War, recommended woman suffrage in his message to the Territorial legislature of Colorado, delivered before the joint session of the council (Territorial senate) and house January 4, 1870, in which he said:

"Before dismissing the subject of franchise I desire to call your attention to one question connected with it, which you may deem of sufficient importance to demand some consideration at your hands before the close of the session. Our higher civilization has recognized woman's equality with man in all other respects save one, suffrage. It has been said that no great reform was ever made without passing through three stages—ridicule, argument, and adoption. It rests with you to say whether Colorado will accept this reform in its first stage, as our sister Territory of Wyoming has done, or in the last; whether she shall be a leader in the movement or a follower, for the logic of a progressive civilization leads to the inevitable result of universal suffrage."

Mr. President, it seems to me that in the Nation at large these first two stages have taken place—first, of ridicule, and, second, of argument; the third, of adoption, is about to be consummated. Since England, Wales, Scotland, and Ireland have now equal suffrage of women, it appears to me that we can do nothing better for civilization and good government than to adopt it by an overwhelming majority in the Senate.

DISTRICT JUDGE FOR NORTH CAROLINA.

Mr. OVERMAN, from the Committee on the Judiciary, to which was referred the bill (S. 3217) providing for the appointment of an additional district judge for the western judicial district of the State of North Carolina reported it without amendment.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOLLIS:

A bill (S. 3924) granting an increase of pension to Freeman A. Forbes (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3925) granting a pension to Elizabeth A. Ashmead; to the Committee on Pensions.

By Mr. DILLINGHAM:

A bill (S. 3926) granting an increase of pension to George J. Trask (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 3927) granting an increase of pension to Henry Wiese; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3928) to amend the act approved December 23, 1913, known as the Federal reserve act, as amended by the acts of August 4, 1914, August 15, 1914, March 3, 1915, September 7, 1916, and June 21, 1917; to the Committee on Banking and Currency.

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL.

Mr. CORE submitted an amendment providing that hereafter the Secretary of the Treasury may detail medical officers of the Public Health Service to the Department of Agriculture for cooperative assistance in the administration of the food and drugs act, and so forth, intended to be proposed by him to the Agricultural appropriation bill, which was ordered to lie on the table and be printed.

RAILROAD CONTROL.

The VICE PRESIDENT. The morning business is closed.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the unfinished business, Senate bill 3752.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. STERLING. I send to the desk a proposed amendment to the pending bill and ask that it be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. UNDERWOOD obtained the floor.

Mr. RANSDELL. I ask the Senator from South Carolina if he will not permit this bill to be set aside that we may act on the conference report upon Senate bill 3389.

Mr. SMITH of South Carolina. The Senator from Alabama has the floor.

The VICE PRESIDENT. Does the Senator from Alabama yield?

Mr. RANSDELL. I ask the Senator from Alabama to yield. This is a very important conference report.

Mr. UNDERWOOD. How long will it take?

Mr. RANSDELL. It ought to take but a very few minutes. I submitted the conference report yesterday, and it went over until to-day in order that it might be printed in the RECORD.

Mr. THOMAS. Mr. President, there is no question about the importance of the bill which the Senator from Louisiana has in charge. We should enact it as soon as possible, but I confess that I am not satisfied with one of the provisions of the conference agreement. I refer to advances of money to contractors and others who may become engaged in the erection of the structures contemplated by the bill. That part of the conference report empowers the Shipping Board to advance money upon such terms and security as it may deem proper to those who are to be engaged in this work for a term not exceeding 10 years.

I think that is a most dangerous provision and one which should be eliminated from bills under consideration and from conference reports as well, unless rigidly safeguarded. Advances which have been made under similar provisions of other laws, and particularly by the Shipping Board, as disclosed in the recent hearings of the Commerce Committee not yet completed, and advances made by the War Department to men who, having obtained contracts, secure these advances to build plants, having none when the contract was granted, have led and will lead to an unwise, extravagant—I fear scandalous—expenditure of public money. The Senator from Pennsylvania [Mr. PENROSE] mentioned an instance yesterday in committee, occurring in his State, where some one having obtained a contract for manufacturing war materials received an advance of millions, as he had no plant whatever, and it will take, of course, a very considerable time to erect the structure where the materials are to be constructed and furnished. Such conditions occurring with the best of intentions are fraught with danger.

In view of these experiences, we ought to rigidly safeguard the interests of the Government with reference to these advances, and that does not seem to have been done heretofore. In fact the Government may be likened to a huge vessel freighted with a rich cargo surrounded by pirates seeking collusion at times with the crew which mans it for the purpose of loot. Contracts demanding large advances should not be let at all when avoidable, and advances should be secured as amply as they would be in private transactions.

Of course, I make no reflection—I hope I do not—upon the conference committee, who have done their work earnestly and actuated by the best considerations; but before I vote for this conference report I want this matter explained more fully than can be done under present circumstances. Therefore if the report comes up at present I shall be obliged to resist it.

Mr. RANSDELL. I would be very glad to explain the matter and would like to get the report before the Senate.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. UNDERWOOD. Mr. President, I would be glad to yield to my friend from Louisiana for this purpose under other circumstances, but I am not disposed to do so at this time, for this reason: One of the most important bills that confronts the Congress is now pending. A time limit has been set on general debate, and general debate extends only until 2 o'clock to-morrow. Not only myself but other Senators desire to discuss the question that is now before the Senate. If there was no limit on debate on the railroad bill I would be glad to yield, but the Senate having fixed a limit on debate, I do not think it fair to those who desire to have a full discussion on the pending bill that other controverted legislation should be interjected at this time. Therefore I can not yield the floor.

The VICE PRESIDENT. The Senator from Alabama will proceed.

Mr. UNDERWOOD. Mr. President, we have declared to the world that we fight our armies on the battle fields of France to make the world safe for democracy. That is a great shibboleth for our soldiers to carry to the fighting line. It is in accord with the historic and fundamental principles of our Government. This, the first great Republic of the world, was established to make democracy safe. It lives to make democracy safe. It must fight to make democracy safe, and no one will raise a contention on that score.

But, Mr. President, we may fight to make the world safe for democracy on the fields of Europe, and whilst we are doing so should we neglect democracy in the States of America? Should we fail to see that the great principles of our Government are not carried out that make the principles of democracy safe for our own people?

Since the beginning of this war the Congress can congratulate itself upon the fact that it has upheld the hands of the Executive of this Government loyally and sincerely in every effort that he has made to carry on the war. We can congratulate ourselves that there has been no partisan spirit shown in the Halls of Congress; that the Republican Party, as well as the Democratic Party, has responded to the call of the Nation and has upheld the flag in the hands of the President of the United States. I do not think that there has ever been a time in the history of nations when a great people have been more united in their support of a cause than our people have been in the last nine months.

Mr. President, there has been some criticism of the executive branch of the Government in carrying out the war powers which have been delegated to it by the Congress.

Of necessity some mistakes have been made. You can not carry on a great business enterprise without making mistakes; you can not carry on a great Government without making mistakes. Every fair-minded man must recognize that when this Government was injected into the greatest war of the ages, without preparation and without preparedness, of necessity serious mistakes must be made in the mobilization of our armies and in the initial preparation for war; but, in my judgment, those mistakes have been of minor moment when you consider the mobilization of the greatest army that America has ever raised, when you consider that we have taken the great industries of this country out of the usual channels of trade and converted them into a war machine and made them effective. I think it is idle to criticise the mistakes which have been made, except for the purpose of pointing the way to a better method of accomplishing the result. I do not criticise the man who points out a mistake. If it is a real mistake and an honest criticism such action is for the benefit of the Government and for the good of the country.

But, Mr. President, with all that Congress has to its credit in the loyal way it has upheld the hands of the President and supported the cause of war, I think the time has come when we should pause and consider whether we, holding the great legislative functions of this Government, have not ourselves made

some mistakes—not mistakes of the heart, but mistakes due to the generosity and the patriotism of Congress in its endeavor to respond at once to the needs of the Nation.

"Make the world safe for democracy." Shall we abandon the safety of democracy for our own people? What makes democracy safe for the people of the United States? What makes democracy safe for any government in the world? The fathers who established this Republic solved the problem for us more than a century ago. They realized that a democracy which legislated in the forum, a democracy which responded to the sentiment of the hour, was not a democracy which was safe for the government of a people. On the other hand, we know that democracy can not be safe in the hands of an autocratic government; that a democracy can not be safe when the power of government is placed in the hands of men, and not regulated by just laws. The fathers who led the Revolution against the autocratic Government of Great Britain realized on the one hand that the government of a dictator, the will of one man, could not be a safe government for the people. On the other hand, the French Revolution was an example that a democracy that drew its breath and its power from the mob in the street could not protect the liberty of the people.

The Congress can not nullify the plain provisions of the Constitution, but through neglect in safeguarding them in our legislation we can in a large measure make them inoperative. The Constitution contemplates that all officers of importance shall be appointed by the President and confirmed by the Senate, as a guard against incompetent and unworthy men exercising the power of government. When the Congress in its legislation allows men to be appointed to office by subordinate officials to exercise great power over the people of the country one of the safeguards of the Constitution has been in part abandoned. The Congress can confide great governmental powers to the Executive, without defining their scope or limiting their operation, leaving the subordinates of the Chief Magistrate to adopt rules and regulations for the government of the people that have the force and effect of law and are often oppressive and dangerous in their character. When the Congress has done its full duty to the people, it should fully define the scope of the law and the terms of its enforcement in the statute as it is enacted, so all men may read as they run and the greatest citizen in the land may not trench on the rights of the humblest and all men shall stand equal before the law.

More than a hundred years have rolled by since the French Revolution, and to-day in Europe we have the same example again set us. We see the power of an autocracy—the last great autocracy that this world shall know—the power of the German Emperor, driving the world into the horrors and terrors of a world war for greed of power, for aggrandizement of territory under the despotism of a single nation. Yet, on the other hand, we have seen the fall of a great autocracy in Russia; we have seen those people attempting to establish a government for the people; we have seen it fall into the hands of an uncontrolled mob; we have seen the power of that government exercised without law, without checks, and without balances; we have seen a legislative assembly chosen by the people dispersed at the point of the bayonet because that government had swung from the power of the autocrat to the despotism of the mob.

Our own Government possesses to-day the checks and balances in the Constitution of the United States that protect us from the despotism of the autocrat and the ruthless spirit of the mob, provided the Congress of the United States will uphold and maintain the sovereign powers created by the people of the United States and enshrined in the Constitution of our country; but when the Congress of the United States reaches a point where it is prepared to abandon constitutional limitations, surrender a government of law and establish a government of men, then there is danger ahead for the people of the United States.

After the adoption of the Constitution the wise men of that day felt that there were further checks and balances that should be written into that instrument for the protection of the people of the United States, and they adopted the first 10 amendments to the Constitution for that purpose. Article VI of the Constitution provides:

> This Constitution, and the laws of the United States that shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land—

A distinct declaration in favor of a government of law and not a government of men. Our people even in time of war are entitled to a government of law, and not a government of men.

I am not critical of what has been done in the past. If I were I would be critical of myself, because I have responded, as my colleagues on this floor have responded, to the request of the President and to the call of the Nation to give the Executive of this Government the power to conduct the war; but the war has been on for nine months. Speed was required in the beginning. The Congress did not then have the opportunity, with our fleets on the sea and the lives of our citizens in danger, carefully and deliberately to write the laws which should govern the country and regulate the procedure under the great powers given to the Executive. But that speed is no longer needed. Unlimited supply of money has already been given; a million and a half men have been enlisted in our Army; our Navy is effective and efficient; we can not possibly get to France within the next few months the soldiers that we have in the cantonments in America to-day. Speed in legislation is no longer required. The time has come when we have the opportunity to consider, and we should consider wisely, to deliberate, and we should deliberate well, before we put on the American people ill-considered legislation, legislation that is not drafted so that it will protect their fundamental rights even in time of war.

Mr. President, I intend to vote for this bill, unless it is amended by the Senate in some of its fundamental provisions that would prevent my doing so, and I am not apprehensive that the Senate before its final vote will agree to any such amendment. I feel that in the enactment of this legislation we should not content ourselves with merely giving general powers to the Executive and then allow the Executive to make the rules and regulations that will govern the people of the United States. If that had been the purpose of the people when they organized the Government, they would not have provided for a legislative assembly. We know that in order to have a strong Government we must delegate the executive power to a single head; that for the execution of the law one hand is more forceful and more effective than a dozen hands; but we know that the experience of ages has taught us that if we are to make laws under which our people must live, laws that shall be the foundation for the real government of our country, we must have reflected in a legislative assembly the wisdom of the people as voiced by their selected representatives. Safe government for democracy can not be accomplished in any other way. Abandon a government of law, and you come to the autocracy of Germany on the one hand or the mob of Russia on the other.

We may adopt the pending bill, with its lack of limitations and its crudeness of draft, as a war measure; but when we step one foot beyond the period of this war, when we have carried the whole transportation system of the United States out of its usual channels, out of the checks and balances of established government, and turned it over to a one-man power, and it projects itself beyond the period of this war, we are establishing the machinery of oppression; we are building up an organization for the destruction of business; we are endangering the fundamental rights of the American people; and I therefore say that unless the bill is limited to the period of the war and a reasonable time thereafter, it can not receive my support.

I know that behind the bill stalks the shadow of two contending forces—on the one hand, men who honestly believe that the great transportation problems of this country can never be properly solved in the interest of the people unless you have direct Government ownership; and, on the other hand, men who honestly believe that there is great danger in Government ownership, and believe that the problems of transportation can be better solved by Government control and private ownership. I say to the contending factions on both sides of that question that this is not the hour or the time for those problems to be solved; that this is not the forum where we can deliberately and efficiently dispose of those questions for the benefit of the people of the United States.

Every Senator here knows how difficult it is to legislate under existing conditions. Every patriot—and I do not question the patriotism of a man who occupies a seat in this Chamber—every patriot, in times like these, desires his record to stand without a blemish before his country. He is naturally and justifiably desirous of avoiding criticism that may reflect on his loyal support of the Government, he desires to be loyal to the flag, and to do his full duty to the soldier boys who fight to-day on the fields of France. In the hours of excitement, the hours of national danger, it is but natural that men's motives may be reflected on by those who differ with them, that men's attitudes may be misunderstood when they occupy a position which combats the executive head or the views of the majority that happens to report legislation to this body. It is difficult for men to rise above those conditions, to have that freedom of thought, that freedom of action, which they can and will have when this war has been successfully fought out for the cause of democracy. Therefore I say this is no hour for our Government to involve itself in fundamental legislation; it is not the hour when we should

jockey for position; it is not the hour when we should use pending legislation for the purpose of establishing a position that we may wish to occupy when the war is over.

Therefore, when I say that I feel that there should be a limitation on the legislation defined in the bill, it is not because I side with those who favor Government ownership of railroads, or because I have become a partisan of those who favor Government control of railroads; but it is merely because I believe that the crudeness of the legislation, its lack of checks and balances to protect the people of the United States, should carry with its adoption a guaranty that the legislation shall be returned to the Congress of the United States without limitation and without checks and without embarrassments as soon as it is practicable to do so after this war is over.

The bill provides a limitation of 18 months, and I am willing to accept the bill under those circumstances. I am frank to say that in the committee I favored a shorter time; but the committee reached an agreement, a compromise on the question, and agreed to report a bill limiting the operation of this law to 18 months after the close of the war. I accepted the compromise, and am prepared to stand by it.

Mr. President, I do not think we can thoroughly and understandingly discuss the pending legislation unless we consider the surrounding facts and circumstances that brought the bill before the Congress of the United States.

In August, 1916, a foreign military force had crossed the border of the United States and invaded one of our cities, and had murdered some of our citizens. The Government of the United States was mobilizing an Army on the Mexican border. It was necessary for the protection of our people. At the same time the great railroad organizations of this country were contending with the owners of the railroads for increased wages. It appeared that a dangerous, universal railroad strike might occur in the United States at any time.

A railroad strike at that time would have prevented the mobilization of our troops on the border, because without transportation we could not have moved the National Guard from the several States to the Rio Grande. At that time a bill was pending before the Interstate Commerce Committee providing for the Government's taking charge of the railroads should that contingency arise; but the committee had not reported the bill. It was still under consideration when an amendment was offered to a supply bill, an appropriation bill of some kind, to take care of the situation; and that amendment was adopted and enacted into law. It read in this way:

> The President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful and desirable.

That piece of legislation shows conclusively the unwisdom of the Congress legislating about grave matters without due consideration. No man in either Chamber of the Congress at the time the legislation was passed thought for one moment that it was giving power to the Government of the United States to take over the entire railroad systems of this country. It was passed for a purpose, and a single purpose, and that purpose was to enable the Government to mobilize its troops on the Mexican border.

Conditions changed. Instead of a war with Mexico, within one year we found ourselves involved in the greatest war of history. Instead of requiring railroad transportation for the movement of troops, we found that the railroad systems of this country had broken down in the movement of war material to the ports on our eastern seaboard. It became necessary to take some action in reference to the situation; and under the Mexican border mobilization act, with the consent of the railroads, the President of the United States, by proclamation, took over the great railroad systems of the country. I say "with the consent of the railroads" because I sat in the Committee on Interstate Commerce for two weeks, heard the representatives of the railroads testify in reference to the bill, and up to this good hour I have not heard one of them raise a point of objection to the railroads being taken over by the Government of the United States.

More than that, I think it is clear that if the railroads of the United States had resisted the power of the Government, the courts would have maintained their existing status until the Congress legislated. Now, I am not contending that it was not necessary to take action. I agree that some action in this matter must have been taken. I am not criticising the President for authorizing the taking over of the railroads by the Government, but I think in passing the legislation we might as well look the question squarely in the face and recognize that the railroads of this country were taken over by their consent and with their acquiescence. It is apparent that they could not have been taken over if they had not agreed to it. The fifth amendment to the Constitution of the United States provides, in part, as follows:

> Nor shall private property be taken for public use, without just compensation.

The President of the United States did not propose to take over the roads without just compensation. In his proclamation he stated that they should have just compensation. He stated the terms on which he believed just compensation should be given, so that there was no intention on the part of the Executive to violate the Constitution. But the law itself was short. The law had not provided for just compensation. In the statute of August 29, 1916, no provision whatever is made for the payment of just compensation upon the taking over of the railroads.

I will not occupy the time of the Senate in citing law cases, but the courts of the land have held from the beginning that a statute which takes private property, but does not within the terms of that statute provide just compensation for property taken, is in violation of the fifth amendment to the Constitution of the United States and must fall.

During the course of the testimony before the committee which had the bill in charge I asked one of the leading lawyers who represented the railroads before the committee as to whether he considered the provisions of the act of August 29, 1916, as constitutional, and he said he did not. I think it is demonstrated beyond cavil that if there had been a resistance on the part of the railroads in taking them under Government control they could not have been taken over until there was legislation by the Congress of the United States. I say this not for the purpose of this debate but——

Mr. POINDEXTER. Mr. President——

Mr. UNDERWOOD. I yield.

Mr. POINDEXTER. Would not the constitutional requirement have been satisfied, notwithstanding the silence of the statute on the subject, by the right of the railroad companies to go into the courts and recover just compensation? The courts were open to them and the decision of what is just compensation is at any rate a judicial question.

Mr. UNDERWOOD. Well, I recognize what the Senator says——

Mr. POINDEXTER. I should like to add this further remark in this connection, to which I think the Senator will agree, as no doubt he is familiar with the decisions of the Supreme Court of the United States. It is not a violation of the Constitution to take property without compensation. All that is necessary is that there shall be a reasonable means of obtaining compensation, in other words, due process of law.

Mr. UNDERWOOD. Surely. The Senator has stated the case exactly—that there shall be a reasonable means of obtaining just compensation.

Now, I had that matter in mind when the bill was before the committee. There is a general law on the statute books of this country which authorizes a citizen of the country, under certain circumstances when his property is taken, to go into the courts and sue for just compensation. But I called that statute itself to the attention of the distinguished lawyer who was representing the railroad companies before the committee, and asked him whether that statute would validate the act of August 29, 1916, and he said he did not think it would, that it did not provide the means of just compensation under these circumstances; that the taking over of the railroads temporarily, not permanently, the establishment of a partial system of compensation could not be taken care of by the general statute. More than that, the railroad obligations had to be met, the payment of the men, the payment for their supplies. If a railroad company was forced simply to quit its business, leave its debts unpaid, and go to the Court of Claims to file a suit to recover judgment some year or two years or a decade thereafter, such a statute could not and would not in reasonableness meet this situation, and no court would hold that it would.

Therefore, I agreed with the distinguished lawyer who represented the railroads in his statement that the laws of the land were not such that under the act of August 29, 1916, there was any provision for just compensation to pay for the property taken over by the President.

That being the case, the Congress is confronted with this condition. We have taken possession of the great transportation lines of America. It is not a question as to whether we are going to take them or what we are going to do; they are already in the possession of the Government. On the other hand, we are confronted by the fact that there is no law on the statute books to pay the owners of this property their just compensation for

the taking. So legislation by Congress must inevitably follow the meeting of these conditions. We can not avoid it.

But there is another fundamental question involved here, and that is how far our powers extend. The courts have repeatedly held, in decision after decision which I will not take up the time of the Senate to read, for I am sure no Senator here will controvert the fact, that the legislative body has no power to fix in its enactment what is just compensation for property taken. It is a matter of judicial ascertainment and not of legislative enactment. Therefore, we meet that limitation along our path in the enactment of this legislation, that we have not the power to prescribe what shall be the terms of payment for the taking over of these railroad properties. There was no man on the committee who raised a contention about that. I do not think there is any man in the Government or any man in the railroad organizations who controverts that suggestion.

Your committee in considering this legislation found itself confronted with the fact, on the one hand, that we had possession of the railroads; on the other that we must provide for just compensation for the taking of the railroads, but did not have the power to fix what that just compensation should be. So your committee has reported a bill here recognizing the taking over of the railroads as a lawful act by the President of the United States, and also providing that, if an agreement can not be reached otherwise, any of the owners of this property may go to the Court of Claims and sue in that court for the value of the property. So the bill meets the requirements of the Constitution in that particular.

But it must be apparent to all that if we had stopped there we would not have accomplished the full requirements that are needed for this legislation. It must be apparent to every man that if we had relegated the owners of the railroads to the Court of Claims and brought about endless litigation we would not have relieved the country in this situation; that the salaries of the men must be paid, and there must be provisions for paying them. The railroads must run, and they must continue to be going concerns. Their liabilities must be met and must be met promptly. Therefore, following a suggestion made by the President of the United States, between the two horns of the dilemma—the taking of the railroads, on one hand, and their right to go to the court for just compensation on the other—the committee in reporting this bill to Congress has attempted to write into it a vehicle by which an arrangement can be made between the Government and the owners of this property that will settle the case out of court.

Mr. President, if this were permanent legislation, if this settlement were to fix on the people of the United States a permanent charge for all time to come based on the value of this property, reached in a settlement of this kind, I would not support the bill. I think when the time comes, if it ever comes, for the permanent taking over of the railroads by the Government or for the permanent control of the railroads in the hands of private owners by the Government, in either case one problem must be solved before you can move a step toward the final disposition of the question, and that is to determine what is the value of these great railroad systems.

Mr. KING. Mr. President——

The VICE PRESIDENT. Will the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I will.

Mr. KING. Does not the Senator think that there is one problem more important than that which must be determined first, namely, the constitutional power of the Federal Government to take over a railroad system or a multitude of railroad systems and embark upon the business of running railroads in the country as a private proprietor would do?

Mr. UNDERWOOD. The Senator is probably correct. At least it is a grave problem that needs careful and full consideration when the time comes. But I was not discussing the question from that standpoint. I am not discussing the question from the standpoint of permanent legislation, except to say that if this is intended to be permanent legislation I am not willing to leave the question to a committee appointed by the President of the United States to determine what is the value of these railroads. I think if it is going to be a permanent ascertainment of their value, and under that ascertainment create a fixed charge for all time to come on the traffic of this country, then the people of the United States are entitled to have the ascertainment of that question determined in the courts of the land. There is no other place where it can properly be determined. We have a Government of law. We are a law-abiding people. We accept as the final arbiter of justice and right in this country but one great power—the courts of the land. We have divorced the courts of the land from political contentions. We have divorced the courts of the land from private greed. We have set the courts of the land here to ascertain the law and the justice for the people of the United States, and so grave and great a question as this can not be finally and properly determined in any other forum than that forum, which gives the contending parties on either side the right of appeal to the Supreme Court of the United States.

But as a temporary measure for the period of the war and for a short time thereafter I, as a representative of the people of Alabama and you, as representatives of the people of other States, in my judgment, can afford to commit this question to the President of the United States for its temporary ascertainment; and I believe for a temporary ascertainment it is better to commit the question to the President and his agents rather than to drive the railroads into the courts at this time for its final ascertainment.

There can not be any very serious injury that will happen to the people of the United States even if the railroads are given too great a compensation at this time for a year or two. It may be one of the burdens of the war that we must carry, one of those burdens that the people of the United States have indicated many times in the last few months they are willing to carry cheerfully, loyally, and patriotically; but it would be a very different question if by our enactment we proposed to tie this burden finally around the necks of the people of the United States for an indefinite time to come.

Complaint has been made here that the bill proposes to give the railroads too great a compensation as a rental value for the railroads. I think we should look at the question fairly and justly. In an emergency I might properly give you a very much higher rental for your automobile than under ordinary conditions I would be justified in paying you, and in an emergency and a disruption of your own business you might be justified in asking me a much higher rental for your automobile than under ordinary circumstances you would be justified in asking.

This taking, as the bill stands, is not a permanent taking. The compromise that we authorize the President to make is a temporary compromise. It is to pay the railroads not only for the use of the railroads to-day but the taking of the railroads out of the hands of their present owners and diverting their freight, diverting their business, from the usual channels of trade is a question that should be considered when we recognize that some day in the near future, if the bill stands as it is written, these railroads will go back into the hands of their owners with possibly their entire business system torn up by the roots.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. Yes.

Mr. KING. If the Senator will pardon me for a brief suggestion, I think his argument, perhaps, would be invulnerable if the amount paid was slightly excessive and it extended to all roads; but, as I understand this bill, from the tables which have been submitted by those who have discussed it in support of and against it, a number of the roads will receive very large returns, whereas others, notwithstanding the destruction of their business, to which the Senator has referred, by reason of the Government taking them over, will receive small returns because their returns in the past have been small. The plan of this bill does not propose to equalize the amounts which shall be paid to the various railroad companies; some will have very large earnings—too large, in my opinion; larger than are warranted—while others may have returns too small. That fact will provoke unrest, criticism, and resentment among the railroads, and certainly will provoke criticism and resentment upon the part of those who are compelled to pay to those railroads to whom payments will be paid by the Government returns not warranted and greatly in excess of a fair earning upon the capitalization of the roads.

Mr. UNDERWOOD. Mr. President, if the bill justified the premise the Senator from Utah [Mr. KING] has laid down, I think his argument would be correct; but, so far as I understand the bill, it does not justify the contention that the Senator makes. As I stated in the beginning, this bill provides for the taking over of the railroads on the one hand and their right to enter the Court of Claims and to sue for just compensation on the other; but in between those two points an effort has been made to allow the President to compromise and reach an agreement with the railroads as to what is fair and just compensation for a rental value for their temporary use and taking over.

Of course I have listened to the arguments which have been made here by able Senators. I gather from the arguments which have been made that they do not view this bill from the standpoint that I do or they do not consider the limitations of the bill the same as I do or they would not make those arguments; but when you come down to the question of the President mak-

ing this agreement with the railroads—I will not weary the Senate by going into all the details—there are two distinct provisions: One relates to railroads that have been solvent and have been paying dividends, to what are called in this bill the "dividend-paying railroads"; the other relates to the railroads which in the last three years have paid no dividends and are more or less weak or insolvent or have been in bankruptcy.

As to the last provision, those Senators who have rested their argument on the contention that has just been stated by the Senator from Utah, have made no objection, so far as I have heard, to the provisions of the bill in reference to nondividend-paying railroads; they have not contended that the President is going to pay too much or too little or to discriminate against one railroad in favor of another; and yet that section in reference to the nondividend-paying railroads reads in this way:

If the President shall find that the condition of any nondividend-paying carrier was during all or a substantial portion of the period of three years ended June 30, 1917, because of nonoperation, receivership, or where recent expenditures for additions or improvements or equipment when not fully reflected in the net operating railway income of the said three years or a substantial portion thereof, or other undeveloped or abnormal conditions, so exceptional as to make the basis of earnings, hereinabove provided for, plainly inequitable as a fair measure of just compensation, then the President may make with the carrier such agreement for such amount as just compensation as under the circumstances of the particular case he shall find just.

As to that class of railroads there is no limitation at all. The bill gives the President the absolute unlimited right to make an agreement with these railroads to pay them any amount. He could, under the terms of this provision—of course he will not do so, and no one expects him to do so—agree to pay these nondividend-paying railroads all of the interest on their bonds and 10 per cent on their capital stock, notwithstanding they had not made a dollar in the last three years. The Senators who object to the first clause of this bill have no objection to the last clause, although it gives the President the unlimited right to make any agreement he desires to make.

Mr. KING. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I yield.

Mr. KING. I do not want by my silence to seem to acquiesce in the statement just made by the Senator from Alabama. I do not want to be included in the category of those Senators who would approve of the course which has just been suggested by the Senator and which possibly might be taken by the President of the United States.

Mr. UNDERWOOD. Neither I nor the Senator from Utah for a moment would think that the President of the United States would take such a course. I merely say that it is possible for him to do so.

Mr. KING. Personally I do not think that the Government of the United States when it takes over property in an emergency of this character that is nonproductive, that could not under any circumstances pay dividends, should be called upon to pay a dividend upon such property or pay for its use.

Mr. UNDERWOOD. Certainly it should not; and the President of the United States undoubtedly would not pay them a dividend, but he could do so; there is not any question but that he could do so if he so desired. This provision is put in here by the very men who are objecting to the first clause of the bill.

To what are they objecting in the first clause of the bill? They are objecting to a limitation that has been put into the bill against the President going above a certain amount in the payment of solvent railroads; that is their objection. They do not object to the President having unlimited power if it is a bankrupt road, but they do object to the fixing of a basis which the President shall not exceed in his making a contract with the dividend-paying railroads. Now, listen to this. The first clause of the bill provides:

That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission that during the period of such Federal control it shall receive as just compensation not exceeding an annual sum (herein called standard return), payable in reasonable installments—

"Not exceeding an annual sum." Then it provides what that annual sum shall be. The bill does not say that the President shall pay them that amount; there is no provision in the bill that will force the President to pay them that amount, but it is a limitation on the power of the President to go above that amount in making a settlement as to these dividend-paying roads. I do not think for a moment that the President is going to pay all that the railroads demand and all that they expect; but when you write in the law a limitation on the President's action you have got to make that law broad enough so that he can deal with each individual railroad system that comes before him for settlement.

I might illustrate the situation to the Senator from Utah in this way: There [indicating] is a door coming from the cloakroom. If the Senator undertook a contract to move the furniture out of that cloakroom into this Hall he would have to have that door large enough to bring out the larger pieces of furniture in the room, or he could not get them out; on the other hand, the door would be vastly too large to bring out all the chairs in the room, and it would not be necessary to have an opening as large as that to bring out the smaller pieces of furniture. It is the same in this case. The pyramiding of this limitation is not for the purpose of giving the more successful roads higher pay, but the pyramiding of the limitation is for the purpose of letting the weaker roads get in and make a compromise. If we did not fix a limitation on the President broad enough for him to make a compromise with the roads which, although dividend payers, have not been very successful, which have not made a large amount of dividends, which have not been able to keep up their betterments and repairs, then they would fall out, and he would drive them into the Court of Claims to settle the controversy. Therefore the breadth of this limitation is not to fix a standard to let the big road in, but the breadth of the limitation is to fix a standard by which the President will be able to deal with the weak roads. If the Senator objects to this provision on that account, the only possible basis on which he can object to it is that possibly the President, through his agents, will not act wisely in the matter. If he acts wisely, no man can object; if he acts unwisely, then a legitimate objection would rest.

It is not necessary in this bill, in order to make it constitutional, to give this authority to the President; it is a mere matter of wisdom. Is it wise to trust the President to make this temporary settlement—and I would not be willing to provide for it if it were to be permanent—with these railroads for the period of this war to avoid litigation, to keep them going concerns, and to take care of the present situation, or is it unwise to give him that power? If we are going to give him the power, we must not put such limitations on that power as will let him make compromises with certain big, strong roads and will prevent him making compromises with the weaker, smaller roads, and drive them into the Court of Claims to get their just compensation. That is all there is involved in this clause. If we are not willing to trust the wisdom of the President in the matter of a temporary agreement, then that clause ought to come out of the bill, and it could come out without endangering the constitutionality of the bill. For my part, I believe, as a temporary measure, it is wise to allow that discretion to rest with the President, believing, as I do, if the bill passes in this form, that this whole question must come back to the Congress in a very short time for our final disposition.

Mr. KING. Mr. President, will the Senator yield to me further?

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I yield.

Mr. KING. The point to which I directed the Senator's attention awhile ago could easily be covered by an amendment to the bill reading somewhat like this: "That the President of the United States is authorized to make settlements with all railroads that shall be taken over under the provisions of this bill, paying to them an amount as a standard amount which is the average of their earnings for the three years ending June 30, 1917; *Provided*, That no road shall receive in excess of 5 per cent or 6 per cent upon the capitalization of the road." That would obviate the criticism I suggested a moment ago.

Mr. UNDERWOOD. I know that it is contended by very distinguished Senators that a railroad corporation because it is a public-utility corporation does not stand in the same attitude, so far as its property is concerned, as other property owners of the United States; but, knowing the distinguished career of the Senator from Utah on the bench in his own State, I am surprised to hear him adopt that argument. The Senator knows as well as I know that the Congress has no power to fix what "just compensation" is; that we can not prescribe a rule of what just compensation is, and then make the aggrieved party take it. This bill does not attempt to do that. But if the amendment the Senator suggests were put in, it would either make the bill unconstitutional or it would mean nothing on its face, because it is apparent that if it attempted to fix 5 per cent as just compensation it would not stand the test of the courts, and, on the other hand, if it is provided that a settlement should not be made for more than that amount, it is folly to

say, if a railroad corporation were making more and knew that it could establish a greater claim in the Court of Claims, that it would accept it from the President.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield further to the Senator from Utah?

Mr. UNDERWOOD. Certainly.

Mr. KING. In the suggestion which I made I did not intend to imply the idea that the railroad companies would be compelled to take the amount that I named. I merely intended to convey the idea that the President could be authorized to settle with the railroads that were taken over with certain limitations, but that, if they declined to accept the tendered settlement within those limitations, they would have their recourse to the courts, as by the bill provided.

Mr. UNDERWOOD. I am sure the Senator meant that, and I recognized that when he made his statement, although his first statement did not cover the ground which he has covered in these last statements. The Senator, however, can readily recognize where that leads to. You either want the President to compromise these cases or you do not. If you want him to compromise with one railroad, you want him to compromise with all. If you want to avoid litigation in the Court of Claims with one set of railroads, you want to avoid litigation in the Court of Claims with them all.

It is impossible for the Congress to understand all of the conditions and facts that surround each one of these railroads. It is impossible for us to ascertain what would be just compensation at this time. There are a thousand circumstances and a thousand conditions that surround the case.

Why, I can illustrate in this way: If you had a ship that the Government was going to take over, and was going to take it permanently, and take your capital, based on the value of the property, one of the material questions involved would be the cost of the ship. But if the Government was only going to take it over for the period of this war and no longer, and return it to you after the period of the war, and possibly you had paid for it or a part of it during the high prices of the war, and during the war the rental value of that ship was very high, very much higher than would be commensurate in times of peace, do you think for one moment that, if it were the temporary rental value the court would not take into consideration its present rental value in fixing the value of the temporary taking, whereas if it were the permanent taking for all time to come, the payment for the value of the property, the present rental value might be infinitesimal in the consideration of the court in fixing value.

There are but one or two ways in which we can fix limitations in this bill that will work out justice all along the line. There are just two things that you must do. Of course, in the last analysis, the court is the proper place to have this question decided; but for a temporary taking, and for questions of expediency, we think it wise to have it temporarily settled by the President.

If that is the case, there is but one thing that you can do in the matter, and that is to leave the question of the value for the temporary taking to the discretion of the President; for if you do not, you are going to exclude from the consideration of a compromise a large number of the railroads of this country, and drive them into the courts.

Mr. President, it has been stated a number of times in debate and in the papers that the cause for taking over the railroad systems by the Government was congested traffic conditions in the United States, which made their taking over necessary. If that were all involved, if that had been the only question that it was necessary for the Government to consider, I do not believe it would have been necessary to take over the railroads to clear up the congested condition of traffic that existed last December and to large extent exists to-day. In the first place, the congested traffic conditions only related to a portion of the roads in this country and a part of the territory of the country. It is true that where the congestion was worst was right at the neck of the bottle where the stream had to flow out. I am not prepared to say that the congested condition was due to mismanagement on the part of the railroads. I am not prepared to say that the war board selected by the President, representing the railroads, which operated them for eight months, could not have relieved the situation as far as congestion was concerned if they had received other necessary legislation to take care of the situation.

Take the country west of the Mississippi River: There was practically no congestion there, and the traffic was greatly increased. Was that due to war conditions? Yes; and due to other conditions. One condition was that the increased price for shipping and freight rates across the Atlantic had attracted all the ships from the Pacific coast and those in the intercoastal trade to the Atlantic Ocean for business. There was practically no water transportation left a year ago through the Panama Canal between the western coast of the country and the Atlantic seaboard. What was the result? A very large amount of business which has been going by water heretofore, either through the canal or around the Horn, was driven across the continent on the railroads.

Those western railroads took care of that situation. In the main, the southern railroads took care of the situation; but the difficulty that confronted the country was not altogether the fault of the railroads nor the fault of the Government. To a large extent it was the fault of the shipper and trade conditions which existed before the war. Most of the ships doing business with Europe insisted on coming to the ports of New York and Boston to get their cargoes. European freights had to go to the port where the ships went. They could not go to any other port. It would have been folly to send freight destined to Europe to the port of New Orleans or Mobile when the ship to carry it was not in Mobile or New Orleans but was in the port of New York. More than that, the foreign governments which are now our allies had been purchasing large supplies of material in this country for nearly three years before we became involved in the war, and for some reason they insisted that the port of shipment in the main should be the port of New York and had their shipments of iron and steel and other war munitions sent to that port, so that before last summer was over the congested condition around the port of New York was apparent. It did not take a prophet to tell what was coming. All a man had to do was to ride up the Pennsylvania Railroad and look at the terminals around Jersey City and New York and know what was going to happen, with thousands and thousands of freight cars standing on the sidetracks because there was no ship in which to unload their cargo.

This was not the fault of the railroads. It was not the fault of the Government, because up to that time the executive branch of the Government had not taken the authority to handle that situation. As a matter of fact, to some extent it was the fault of the laws of the land, because the law in times of peace, to protect the rights of the shipper, has provided that the shipper might designate the line of shipment for his freight; and even the transportation company did not have the right to divert that freight. Now, it is true that with Executive sanction the Railroad War Board did in the last month or six weeks of its operation really violate the law by directing those shipments along channels that were not directed by the shipper himself.

But, in my judgment, that was not the real cause or necessity for the taking over of the railroads. By proper legislation the question of congestion could have been relieved, and will be relieved. The real cause for the taking over of the railroads, in my judgment, was a question of finance.

The Commercial and Financial Chronicle list of October, 1917, shows the following maturities of railroad obligations:

1918 (this year)	$182,606,582
1919	188,213,052
1920	186,526,258
1921	440,905,528

Making a total of $998,251,415 of railroad securities that will mature in four years.

Mr. KELLOGG. Mr. President, I should like to ask the Senator from Alabama if that includes short-term notes and all obligations?

Mr. UNDERWOOD. I think it does. However, I will not attempt to answer that, because I am not sure about it.

Mr. KELLOGG. It may be that it does.

Mr. UNDERWOOD. I gave my authority, and at least that much is falling due. It may be more.

Mr. KELLOGG. I think possibly it does, because most of the notes are short-term notes. The only reason why I asked the question is that somebody before the committee estimated the obligations falling due in 1918 at $225,000,000; but that estimate may have been wide of the mark.

Mr. UNDERWOOD. There was a larger estimate before the committee. I have taken the more conservative one, and this has not been questioned by anyone. So that the railroads of the country and the country itself were facing the condition last December of at least $182,000,000 worth of railroad securities maturing this year and a billion dollars' worth of railroad securities maturing within the next four years.

Under normal circumstances there would have been no difficulty in the country in absorbing most of those securities, and the renewals would have been made. It is true that the railroads of the country, by reason of many circumstances, have found it more and more difficult each year to renew their obligations at low rates of interest and were, from year to year, compelled to pay higher and higher rates of interest on their maturing obli-

gations. Nevertheless, I am satisfied that if the war had not taken place, when these obligations matured they could have been renewed at some fair and reasonable rate of interest.

But with the conditions that now confront the country, the necessity on the part of the Government to issue bonds to carry on this war, the fact that we have already issued a large number of bonds; that we have raised the Government rate of interest to 4 per cent; and that it is expected that we will be compelled to issue at least $10,000,000,000 worth of bonds between now and the first day of next July, it is readily seen that it was a matter of impossibility for the railroads to renew these obligations. They would have been compelled to default on the principal, because they did not have the money with which to pay the principal, and they could not sell a 4 or 5 per cent railroad bond in competition with a 4 per cent Government bond.

Therefore one of two conditions of necessity must happen. Either the Government of the United States had to take over the railroads and finance these securities during the period of the war or the Congress of the United States had to declare a moratorium and provide that no suit should be brought on any of these bonds to foreclose them during the period of the war, and a reasonable time thereafter, if they wanted to continue the operations of the great railroad systems of this country and not throw them into the hands of receivers.

Now, you might make an argument on either side of that case, as to which was the wiser thing to do. You might make an argument on either side of this entire problem of taking over the railroads, as to which was the better course to follow; but something had to be done. I do not think there is a sane business man in the United States who does not recognize the fact that in December last it was necessary to do something. The President of the United States, in his wisdom as the Chief Executive of the Nation, decided on the course to follow. A captious critic may criticise him for the course he pursued. But that is a mere matter of contention. If he takes the other horn of the dilemma and pursues the other course the captious critic might have said what he ought to have done was to take over the railroads. So I do not think it is a question for us either to criticise or to contend about. The Chief of the Nation found himself confronted by a situation that required action. He took the action that he thought was wisest and best for the Nation, and I believe it is the part of Congress to recognize it in good faith and vitalize and take care of it for the emergency of the war. If we do so, and limit it as a war emergency, I do not think anyone can expect or will receive criticism from the American people.

Mr. President, I have spoken much longer than I expected. There is but one other question which I think is very vital to the bill that I wish to touch upon before taking my seat. I do not care about the details. They are important and should be well considered, but it is not the details of the proposition I am contending for—it is the proposition itself; and that is the question as to the making of rates for freight and passenger traffic during the term of the war or the life of the act. When the proponents of this measure brought the bill before Congress and the committee they proposed that the President—which, of course, meant his agent—should have the unlimited right to make and remake the freight rates of the United States. I believe that is a most unwise provision and would be a most unfortunate provision if it were enacted into law.

In the first place, under the terms of the bill the President has taken over the railroads primarily for governmental purposes, to move the troops, to move the munitions, to move war supplies, and secondarily to look after the great business interests of this country which must be protected and taken care of if we do not involve the country in a panic.

Now, so far as the governmental function is concerned the question of making rates is of no importance whatever. It is not a practical question at all, because it is unimportant as to what the rate is when the Government has rented all the railroads and is paying a rental value for them and is going to pay the rental value whether the railroads make the money or not, and all the profit that the railroads make above that rental value is going into the pockets of the Government. So far as Government freight is concerned, whatever the freight may be, you are paying it out of one pocket and putting it into the other. So the question of freight rates and passenger rates is merely a question that involves the private business of the United States.

I am not here to contend that the rates are too high or too low. Possibly there are some rates that are too high and possibly there are some that are too low. We all concede that under our present system of partial regulation of the railroads the transportation system of the country has broken down in the main, and that after the war is over and after these conditions have passed there must be a reorganization of the whole system of Government control, and that it shall be put on a basis that is more responsive to the needs of the business of the shipping public and more inviting to the capital of the country to secure the money for an extension of present railroad systems, but to-day there is no war power involved in this question of making rates. There are no war necessities involved in the question of making rates. It is solely and simply a question as to whether we are going to allow an agent of the executive branch of the Government to interfere with the existing system of rates established by law.

Some people say if we are going to take over the railroads it will cost us more money for the Government to run them than for the railroads to run them. That may be true and it may not be true; but, assuming that it is true, they then say that if it is going to cost more money to run the roads the traffic of the country ought to pay it and the people of the country ought not to be compelled to pay it out of the Treasury of the United States. That is a legitimate argument and one that I am not prepared to dissent from, but if that situation is properly presented to the constituted authorities which are now established by law that argument is just as good before the Interstate Commerce Commission as it is before the Senate of the United States. If it becomes necessary for a general increase of rates in this country, I do not think there is a Senator here who would contend for a moment that the members of the Interstate Commerce Commission are not men of patriotism and business judgment who would respond to the needs of the country and if necessary to properly conduct the business of the railroads under the Government would increase the traffic rates of the country sufficiently to meet the transporation requirements under Government control.

But the thing that alarms me is this: The whole business fabric of the Nation is built upon the transportation system of America. The freight rates in this country are the basis on which every business condition in the United States to-day rests. Interfere with that existing condition of business based on traffic rates and you might just as wisely interfere with the blood flowing through the human system and expect the heart to continue to functionate as to expect the great business interests and the small business interests of the country to go ahead and prosper, if you are going to allow somebody unwisely and inconsiderately to interfere with the rates on which the transportation of that business is based throughout the United States.

Now, I do not for a moment think that any agent of the President would intentionally or deliberately change rates in this country which would disturb business conditions and bring about a panic or bring about serious losses. No; such a thing is unthinkable. But we do not know who is going to be appointed by the President to determine the rate question. We do not know, in the many responsibilities and cares that rest on the President, whether he will be able to select men of wisdom and understanding or whether he will select men of sentiment and impulse. But we do know that we have a system erected in this country to-day which is established by law, maintained by law, and which the very business life of the Nation is accustomed to and is conducting its business under, and why disturb it? Why take any chances about it?

The bill does give absolute power to the President to conduct these railroads, if he thinks proper, so far as their control and management is concerned. The only limitation that is put in the bill is the question of freight. That only concerns the private shipper, and even there concessions have been made. To-day the railroad may initiate a rate. The rate can not go into effect under protest until the Interstate Commerce Commission passes on it and agrees to it.

Under the terms of this bill the President is placed in the shoes of the railroad company. He is allowed, as they are allowed under the law to-day, to initiate rates. The Interstate Commerce Commission under the terms of the bill have a right to review the rates made by the President and set them aside if they do not think they are reasonable and just. The difference is, though, that the President can under the bill initiate a rate and that rate will stand until the Interstate Commerce Commission sets it aside. Under existing law the railroads can initiate a rate, but it can not go into effect until the Interstate Commerce Commission have given their permission.

Now, we have gone much further in granting the power to the President to initiate rates than really is necessary, but there is no reason on earth for taking away the right of the Interstate Commerce Commission to review a rate made by the President's agent. It is the only course for us to pursue to protect the rights of the ordinary shipper in this country. Take this right and this protection away, take away from the

bill the protecting right of the Interstate Commerce Commission to take care of the individual shipper, and some unwise, ill-considered order may wipe out the business of a whole community between daylight and dark.

Mr. LEWIS. Mr. President, may I ask the Senator from Alabama, who is a very industrious member of this committee—being a member myself I know what he has contributed to it—does the Senator understand that the bill does not give to the railroads an appeal to the Interstate Commerce Commission; does not give them a tribunal of complaint, if they have one?

Mr. UNDERWOOD. The railroads really are not involved in the question. It does not concern the railroads, after we have taken them over, as to what the rate is, as far as they are concerned, because we are proposing here to give them a fixed rental. If the earning of the railroad is less than the rental, the Government will have to pay it out of the Treasury. If it is more than the rental, it will go into the Treasury. So the railroad itself is not concerned in any way about this proposition of the Interstate Commerce Commission fixing the rate; I mean directly concerned. It may be concerned in the future.

Mr. LEWIS. Then I have possibly misunderstood the Senator. I thought the Senator's argument was addressed to the fact that he thought injustice would arise by a right granted by the President that might be an injustice to the property of railroads.

Mr. UNDERWOOD. Oh, no; the Senator did not understand me or did not hear me.

Mr. LEWIS. Then I misunderstood the Senator.

Mr. UNDERWOOD. I said injustice could be done to the people of America; that in times of great events and great powers and great armies and great navies and great railroads we are very apt to drift along and forget that the people of America exist. But they do; they are here; and what I am contending for is that they have some rights left in this Nation and some rights that should be protected and guarded, notwithstanding the necessities and exigencies of war legislation.

Mr. LEWIS. Might I ask the Senator this further question? As I now gather, I misunderstood the Senator; that is clear. The Senator means, if I now understand him correctly, that those who pay the rates, the people, either directly or indirectly, could, in his opinion, be harassed and possibly burdened by what he would esteem an excessive rate, for instance. Then I ask the Senator, assuming such a condition did transpire, does he not realize that under the bill there is opportunity for any complainant to be heard before the rate would go into effect, if he desired to suspend it on the ground that it was oppressive and would likely work injury to his locality? Does not the bill provide an opportunity for hearings?

Mr. UNDERWOOD. Certainly; that is what I am contending for. The Senator, unfortunately, did not hear the first part of my argument.

Mr. LEWIS. Possibly; but I listened. I may say to the Senator I receive so many forms of protest and contradictory viewpoints from my constituents on this phase that I paused to hear him on this, because it is one on which my own locality is very much confused.

Mr. UNDERWOOD. There is a provision now in the bill that allows an appeal from the order of the Executive to the Interstate Commerce Commission, and as long as the bill stands that way it is satisfactory to me; but as some gentlemen had contended that those provisions should be removed from the bill, I was addressing my argument to the contention that the bill should be allowed to remain at least as it is written, and that the public have a right to protection in that regard.

I am not contending that the public are going to be so badly hurt by reason of the raising of the rates and the great burden of cost put on them. That is not what my chief fear is; but I know, and the Senator knows, that a slight change in the railroad rates will eliminate the market from one community and give a market to another community. It was stated before the Interstate Commerce Committee in its consideration of this bill that the change of half a cent a bushel in the freight rates of the country would divert the wheat of the West from the markets of St. Paul and Minneapolis and send it to St. Louis. That probably will not happen. There is a community built up with great elevators and great business enterprises based on wheat following the present channels of trade. If an unwise order were made increasing freight rates on wheat to the extent of half a cent a bushel along certain lines of western railroads and the channel of that trade was diverted from St. Paul and Minneapolis to St. Louis, would it not destroy business communities, and destroy them possibly without an opportunity to be heard or an opportunity of present consideration, and it might drive thousands of men into bankruptcy before the error was found out and the condition readjusted?

So I contend, Mr. President, that there are two vital things in this legislation, if we are going to enact it, two provisions in the bill, which must remain within the terms of the bill, if we are going to protect the interests of the people of the United States and protect them properly. One is that there must be a reasonable limitation on the life of the bill after the war is over, that it must be distinctively and fairly made a war measure, so that the Congress of the United States, the representatives of the people of the United States, may have a fair and unbiased opportunity in the future to face this question without limitation, entanglement, or embarrassment; and the other thing for which I contend is that the bill should not be passed unless within the folds of the bill remains the provision to allow the Interstate Commerce Commission to continue to functionate and review any rate that is put upon the people of this country from any source.

Mr. BANKHEAD. Mr. President, before my colleague concludes I should like to ask his opinion about the provision of the bill which declares that it shall cease and be inoperative one and a half years after the conclusion of the war. I believe that is the language.

Mr. UNDERWOOD. Yes.

Mr. BANKHEAD. What I should like to know is the opinion of the committee, which have been so carefully considering this question, on that point? What must happen before the war does close? In other words, I apprehend that, first, there must be a cessation of hostilities, of actual fighting, and then perhaps long-drawn-out negotiations with regard to the terms of peace, and, finally, we will reach a conclusion that the war has finally ended. Are we reasonable to expect that the operation of the bill shall cease when hostilities cease, or will it come when a final conclusion for peace has been reached and a proclamation to that effect has been made?

Mr. UNDERWOOD. Under the terms of the bill as it is now written it is provided that it shall cease to exist, that the railroads must be turned back to their owners, 18 months after the final treaty of peace is signed by the President. So, as my colleague suggests, it may run very much more than 18 months after the ceasing of hostilities. But I am free to say on this subject I do not think I disclose any committee secret in making the plain statement of the issue in reference to this matter, because it has been published in the newspapers already. The committee was very seriously divided on this question. Some of the members of the committee wanted an indefinite period; that is, they wanted a provision in the bill which merely provided that the terms of the bill should continue until Congress legislated, which left it entirely indefinite. There were other members of the committee, like myself, who wanted the railroads turned back to the owners as soon after the termination of the war as it was possible to do so. We carefully polled the committee. We not only took a vote, but we carefully polled the sentiment of every member of the committee, and there was one majority in the committee in favor of a definite termination of the control. There was only one majority. We were having great difficulty in perfecting the legislation for that reason. Finally, as a matter of compromise, we agreed that the act should terminate at the end of 18 months. Fourteen of the 19 members of the committee agreed to that as a matter of compromise. I am free to say, as far as my own views were concerned, I thought 90 days was time enough, but I accepted the compromise and propose to stand by it as a matter of compromise on the floor of the Senate when it comes to a vote.

Mr. BANKHEAD. Then, I understand my colleague to say that the provision of the bill is that one and a half years after the signing of the final treaty of peace this act shall cease.

Mr. UNDERWOOD. That is it.

Mr. BANKHEAD. That is the point I wanted made clear. It may be three years after actual hostilities cease.

Mr. UNDERWOOD. I think the Senator is entirely correct about that. It certainly will be longer than 18 months after the last gun is fired.

Mr. BANKHEAD. That is the point I wanted to have made clear.

Mr. SHERMAN obtained the floor.

Mr. WATSON. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER (Mr. KENYON in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Kellogg	Myers
Bankhead	Gronna	Kendrick	New
Calder	Hale	Kenyon	Norris
Cummins	Henderson	King	Nugent
Curtis	Hitchcock	Kirby	Overman
Dillingham	Hollis	Knox	Page
Fletcher	Johnson, Cal.	Lewis	Pittman
France	Johnson, S. Dak.	McCumber	Reed
Gallinger	Jones, Wash.	McKellar	Saulsbury

the main, and that after the war is over and after these condi-

Take this right and this protection away, take away from the

might drive thousands of men into bankruptcy before the error was found out and the condition readjusted?

France	Johnson, S. Dak.	McCumber	Reed
Gallinger	Jones, Wash.	McKellar	Saulsbury

Sheppard	Smoot	Trammell	Watson
Sherman	Sterling	Underwood	Wolcott
Shields	Sutherland	Vardaman	
Smith, Ga.	Swanson	Wadsworth	
Smith, S. C.	Tillman	Warren	

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness in his family. I wish this announcement to stand for the day.

Mr. NEW. I have been requested to announce the absence of the senior Senator from Oregon [Mr. CHAMBERLAIN] and also the junior Senator from Oregon [Mr. MCNARY] because of the serious illness of the senior Senator from Oregon.

Mr. HOLLIS. I was requested to announce that the senior Senator from Colorado [Mr. THOMAS] is absent from the Chamber on official business.

Mr. MYERS. On account of the state of his health, my colleague [Mr. WALSH] is still detained from attendance upon the sessions of the Senate.

Mr. LEWIS. I announce the absence of the senior Senator from Kentucky [Mr. JAMES] and that of the Senator from Oregon [Mr. CHAMBERLAIN] because of personal illness.

I also desire to announce that the Senator from Kansas [Mr. THOMPSON] is detained from the Senate on important public business.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The Senator from Illinois will proceed.

Mr. SHERMAN. Mr. President, it is admitted that there is an emergency requiring some legislation of this kind. The act has already been performed taking over the carriers. This bill when passed will be supplemental to that of some time ago, giving additional powers to the Executive, not only in the management of the property but in the preservation of the securities that represent the property and maintaining the earning power of the property itself.

I do not care to discuss the question whether or not the President wisely exercised the power of taking over the property. It is done; it has been commented on here in a way that satisfies me that I can not add anything to what has already been said on that subject.

On the 31st day of January, 1862, an act passed Congress authorizing the President to take over by military occupation the railways of the country. In pursuance of that act the President did take a considerable mileage, not in all parts of the United States, but in such parts as were necessary to use the carriers for the transportation of troops and military supplies. That occupation continued until the 8th day of August, 1865. The President at that time by an Executive order restored the property so taken to the respective owners.

While the act of January 31, 1862, was in course of its passage, a debate in the Senate occurred, in which the following language was used by Senator John P. Hale, of New Hampshire. I refer to this because it expresses more concisely my frame of mind on debating further the wisdom or folly of taking these roads in the circumstances attending that taking. At that time the law of January 31, 1862, was pending in the bill to which the Senator refers. Senator Hale used the following language:

> I am opposed to both the amendments, and I rise here merely to say that it appears to me gentlemen do not exactly appreciate the condition of the country if, when a measure of this sort is introduced, it is undertaken to be subjected to all the criticism which might justly be brought to bear on an act that was calculated to be permanent in its character and to form a rule of conduct for all time to come. We are in a great and trying emergency, and this is a war measure for the immediate necessities of the country.

This was said on the 28th day of January, 1862, shortly preceding the passage of the bill in the Senate. It accurately describes the condition of the country at this time. The country has expanded; there is much more territory, many more States, many more people, many more miles of railway, but it has not changed the essential, underlying principle. As the emergency then was, so is it now.

In the other House, after the bill reached that branch of Congress, I note that Mr. Vallandigham was very solicitous as to the waste of time, and said:

> Why waste time, then, on tax bills? And yet a bill of this character, unheard of before in the legislation of the country, is to be brought up here by unanimous consent on a misunderstanding, and is to be put upon its passage without debate!

After alleging the unconstitutionality of the measure and the extreme character of the interference with private property, he continued:

> I will not call for a count upon the other side, but content myself with protesting against this bill.

This description of conditions in 1862 applying at the present time, it seems to me that I am justified in supporting the measures contained in this bill, whether I am entirely in accord with all of them or not. With some of them, I say quite candidly, I am not. I do not like vesting a portion of the rate-making power in the Executive, thereby impairing or invading by that much the power of the Interstate Commerce Commission. That commission's power has been builded by legislation supplemental to that of 1887 until there has finally been developed a settled schedule of rates; until there is an established series of decisions; until now the procedure before that body is of a character that can be understood and more readily applied. Uncertainty has given place to certainty in the application of the principles of rate making. So I have myself come to the conclusion that it is unwise to disturb this power.

But, regardless of what my views may be, this is a temporary measure. It is not calculated to take the place of the Interstate Commerce Commission upon the conclusion of a treaty of peace. Then normal conditions will resume and we can again discuss measures of this kind, and such additional legislation can be had as will conform to the changed condition of the country upon the resumption of those normal conditions.

The lapse of time after the treaty of peace shall have been concluded of 18 months before the property shall be restored to its owners is another measure that I do not entirely bring myself to support; but, regardless of these and other sections of the bill, that if I were writing the bill for my private satisfaction I should write otherwise, even if these sections are all of them retained in the bill, I shall, notwithstanding that, support it. I do so upon the ground that in this emergency we must, to a very large degree, sink our private differences of opinion to the end that the common purpose may be served, not a month from now or a year from now, but as expeditiously as legislation of this character can be pressed to a passage in this body and in the other House. It is by the promptness of action that we obtain the fullest measure of the value of it.

This will not be a permanent bill. It may in due time be amended. It will end by its own terms in 18 months after the war if not sooner. That is not an arbitrary 18 months to remain under all conditions, but there is an Executive discretion created that will enable the President, if he sees proper, before that time to turn back some or all of the roads to the private owners. I assume that he will use that power discreetly; that it will not be abused; that whatever proper use of that is made will be open to consideration, not only of the needs of the public but a fair consideration also of the private interests involved. So, upon the whole, this bill, I believe, is one that will turn out as much in the way of transportation of troops and supplies and relieving present conditions as is possible by any legislation that can be devised by Congress.

As speedily as possible, Mr. President, I wish to consider the relation that the railroad securities bear to other interests of the country, both public and private. A very large proportion of these securities is in the hands of innocent investors. I know often that an innocent investor is sometimes a sort of a convenient blind to transfer securities and invoke the principle in order to shield the first holder or the author of the securities from the consequences of his improper act. That, however, is not a material element in considering this bill. So far as the public holders are involved, these securities long ago in good faith passed from the original issuing authority and have been purchased, not by those who were responsible for their issue in the first instance, but are legitimate investments into the hands of many individuals and business associations in this country.

I believe I have accurate figures as to railway securities compiled as of June 30, 1915. The holders at that time in the United States, Mr. President, were 626,122. I have no accurate figures since that time, but if I were to take the railway shareholdings of to-day—I am speaking now entirely of shares of stock, and not of other forms of securities—the shareholders probably would approximate nearer 900,000 than the figure I have just given.

Since August, 1914, there has been a steady flow of railway and industrial securities from all parts of Europe to the American market. When the war began it was necessary then, or soon afterwards, to raise large sums by borrowing. Foreign Governments in many instances procured railway stocks and placed them up as collateral for loans that were made in this country, and many individual owners sought in the American market to sell their securities. A vast liquidation immediately set in, so that to-day a larger proportion of the railway securities of the United States is held here than at any other time in the history of the country.

There were, on the 30th day of June, 1915, 842 operating roads, owned by 539,118 shareholders. There were 443 nonoperating roads, owned by 87,004 shareholders. These embraced

the leased lines which had parted with the managerial power in the property, and have no further rights except the reservation of rent and the reversionary interest at the expiration of the respective terms. The total number of stockholders of classes 1 and 2 and their nonoperating subsidiary companies, taking the classification according to the Interstate Commerce Commission's accounting system, was 608,318, and the total amount of outstanding stock of these roads was $8,524,452,975. The average stockholder had, according to these figures, $14,013 worth of stock. Deducting the 688 railways by or for whom stock of other railways was held and the $2,519,956,813 of shares so held, there remains a total of $6,004,496,162 of capital stock in the hands of 607,630 shareholders. Those shareholders have rights even in war times. Those shareholders are considered in this bill, and properly so.

The underlying principle in the bill, so far as it relates to the protection of private right, is that the property rights of the companies and the shareholders shall be preserved. In addition to that many of the shareholders have pledged their shares for loans. Savings banks, referred to by the Senator from Minnesota [Mr. KELLOGG], have invested in railway securities. The life insurance companies of the country own railway securities in large totals. I speak now of both stocks and bonds.

I have in mind one life insurance company which I have taken as an instance of the many life insurance companies whose reports I have examined—the New York Life Insurance Co., of the city of New York. In their report of December 31, 1917, that company showed ledger assets at that time of $875,091,343. This is not an aggregation of money and property that is a public menace, large as it is. The greatest individual business enterprises in the United States and in the world in the form of corporate entities are the large life insurance companies. In this country alone more than 33,000,000 policyholders are found and more than 46,000,000 policies are written. Take the New York Life Insurance Co. as an instance, and every other large company writing insurance all over the Western Hemisphere and around the world have the same conditions attending them as to their investments. On the 30th of June, 1917, out of $6,000,000,000 of life insurance assets in the United States more than 25 per cent was invested in railway securities, representing 33,000,000 policyholders and more than 46,000,000 life policies written.

It is well understood that in connection with the insurance companies to which I refer wise laws provide for legal reserves which seek investment. For every thousand dollars of insurance written there must be a reserve, which is the guaranty that stands back of the policy.

The company to which I specifically refer is not a public peril. It, like others, is a highly beneficial institution; it is a mutual company, and in reporting its capital stock under oath, its capital stock is represented by a zero mark; there is no private ownership in the sense that sometimes we refer to such large aggregations as being a public menace. Of the more than $875,000,000 of ledger assets admitted by the insurance superintendent of the State of New York more than 25 per cent on the average named would be invested—nearly $220,000,000 of this single company—in the stocks and bonds of the railways of the United States. These investments are a part of the legal reserve that guarantees, upon the maturity of the policy or the death of the holder, its payment. It is as much a resource to be conserved by wise laws as the funds or investments that come under the national banking act and the Federal reserve system. Every depositor in a national bank has as his security the subscribers to the stock of the bank, its loans and other investments wisely made, which stand equitably pledged as security to the depositors, in the first instance, to guarantee them against loss.

These legal reserves, provided out of the premiums paid by the policyholders, must be invested in some such way as to produce an income. The actuaries compute this security upon some stated per cent—3½ per cent or 4 per cent—of the net income from the investment. So, when these investments are made in railway bonds, they stand as a security, as much so as a mortgage on a farm or a business block in Chicago or in New York. The President, therefore, and his advisers in considering legislation of this character properly kept in mind the safety of these securities in such a way that the legal reserves guaranteeing the payment of the policies might not be impaired.

Furthermore liberty bonds have been sold and another issue will soon be forthcoming. The railway securities of this country are inextricably interwoven with business enterprise. Say nothing of the transportation question at all—that is the primary purpose of the bill, it is true, but leave that out for the present—if the vast issues of railway stocks and bonds, aggregating on the 30th of last June, it is estimated, more than $18,000,000,000, are impaired to any appreciable degree, the credit of the country by the reflex action of the impairment will necessarily itself be impaired. It will diminish the ability to sell the next issue of bonds; it will interfere with the subscriptions that will be made to raise further funds for the successful prosecution of the war.

It is not merely then a question, Mr. President, of the railways and of their managers, of those who own individually the largest holdings of stock, but it is a question affecting the whole fabric of credit of the country. Credit is a delicate thing; it is easily destroyed, and it is difficult of restoration. The impairment of this vast quantity of securities by a small per cent, not a mere quotation in the market of the shares of those who buy and sell, but an impairment of the securities by unwise legislation, pending or threatened, becomes at once an impairment of the credit resources of the entire country. So this bill proceeds to reassure the general public and the holders of shares that there shall be no liquidation.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. SHERMAN. Yes, sir.

Mr. GALLINGER. I have been interested in the Senator's statement as to the fact that the life insurance companies hold large blocks of railroad securities. The Senator will also remember that the New England States and the State of New York have $6,000,000,000 of the savings of the people in savings banks; and they also, to some extent at least, take these same securities; and the savings banks at the present time are very much disturbed lest the issue of a new loan at a higher rate than 4 per cent may do them very great damage. They ought to be remembered in connection with this bill.

Mr. SHERMAN. Yes, sir; undoubtedly. I have referred in the briefest possible way to the investments of the savings banks, but in my investigation I have not had the figures given by the Senator from New Hampshire; and I am very glad to have them added to those I have already given, because they are just as material as the preservation of the reserve back of a life-insurance policy. These savings represent the artisan, the farmer, the small tradesman, everybody, and a comparatively small amount to each, but in the aggregate very large.

Mr. GALLINGER. Mr. President, I will suggest to the Senator that in the New England States and in the State of New York the $6,000,000,000 that are held in the savings banks represent less than $500 for each depositor.

Mr. SHERMAN. Yes, sir. That follows out the usual result in the savings accounts, because they are people of small means. Railway bonds being a part of the investment, the owner of these small savings, the individual who has been prudent and thrifty and laid aside something, undoubtedly is entitled to some consideration in such legislation as this; and the President and his advisers in framing the bill have endeavored to protect them against any depreciation on the market or any ultimate loss when the matter shall have been definitely settled.

In connection with these figures, I wish to refer very briefly to the markets of bonds. I have taken the market on the 26th day of December, 1917, and the 27th of December, 1917, and the high and low markets in 1916 and 1917. Now, while I have never been a habitué of the stock market, at different times some of my friends and clients have. They take the chances on it; but I have investigated the stock market, as well as the grain market, enough to know that there are more things that enter into the fluctuation of the market than any other of the complex products of civilization. I know of nothing that can be affected by such a multitude of conditions. A frost in South Africa, the bankruptcy or receivership proceedings of a railroad, any one of a dozen things that may be reported in the morning papers, may affect the quotations.

There are here 25 railroads, with their average earnings on common stock for the three fiscal years ending June 30, 1917, and the two years preceding.

For instance, on the 26th of December, 1917, on the fluctuations of the market, Santa Fe stock was 78. The 27th of December, 1917, the day of the President's proclamation taking possession of the roads, it rose to 84¾. Baltimore & Ohio went from 40 on the 26th of December to 51¾, and so on through. Those roads are not speculative roads. They are not roads that are manipulated on the stock market. The Chicago, Milwaukee & St. Paul is another railroad of that kind; the Chicago & Northwestern, the Illinois Central. Let me take that, because it is included in the sweeping indictment, all these roads together in one universal condemnation, in part of the public press and in some criticisms made of them.

The Chicago & Northwestern never has been a speculative road. It was built out of Chicago into the West and North-

western country, beginning many years ago. The Chicago, Burlington & Quincy is not a speculative road. It began in the same way many years ago. The original act was passed in 1849. Several roads were independent—the old Chicago & Galena Union, one reaching from Chicago to Aurora, from Aurora to Galesburg, from Galesburg to Quincy, each of them separate companies. They passed through the processes of evolution, uniting, until finally many years ago the Chicago, Burlington & Quincy Railroad was formed. It developed as the West settled. It passed the boundaries of the Mississippi River. It extended into Missouri and Iowa; and when I speak of Missouri I remember that the State of Missouri in its history has been literally gridironed with Government roads. The whole State of Missouri has had an experience with Government roads that has satisfied everybody who has read it—satisfied everybody except the enthusiastic zealots who never will be satisfied nor convinced with any experience this side of the grave.

Of all the roads in Missouri built during the craze for internal improvements through which many States passed in the Mississippi Valley every one was a failure. They were run by political pressure. They were built in the shape of a horseshoe, just like the road in North Carolina that is known yet in history as the Horseshoe Road because of its shape. It was a political road. It was a Government-owned road, and it had to pass through the homes of the governor, the secretary of state, and the auditor of public accounts, as I remember the State officer; and in doing so it described a crescent that rivaled that of the Pennsylvania at Altoona. That was a horseshoe curve years before the tourist looked out of a window on the Pennsylvania road to see that marvel of railway engineering. Of all the roads in Missouri that finally became a part of the property of the Chicago, Burlington & Quincy but one has a successful record. It is the old Hannibal & St. Joe. It paid out. It had some assets to turn over to the purchasers. The others were wrecks. The history of the North Carolina roads shows the same thing. The history of the roads in Illinois shows the same thing. The original railway of Illinois was built by the State, and it passed through the same melancholy experiences that others did.

Mr. President, I have read the history of the Government roads run by these three States. Within the last 30 days I have refreshed my memory. I have pursued the investigation in many other States, with many other undertakings in our own country, where they have undertaken to run them through as State or Government operated roads.

But to come back to these roads. I do not want to digress too much.

In the case of the Chicago, Burlington & Quincy, operating at the present time with proprietary or leased lines about 9,300 miles of road, the shares of stock have disappeared. No stock quotation has contained them for some years. They are all impounded and put up as collateral security underwriting the joint fours of the Chicago, Burlington & Quincy. They are guaranteed by the Northern Pacific and the Great Northern. Ninety eight per cent of all the shares of stock of the Chicago, Burlington & Quincy road, of one hundred and ten million and some thousands of dollars, are deposited with a trustee as collateral security for the bonds issued jointly by the two roads in purchase of the control of the Burlington road. That was not a speculation. That was a far-seeing development of the greatest single railway system in the world. Mr. Hill had the prophetic insight to see what the acquisition of the Burlington road meant as an eastern—or, to him, a Middle West—connection. Therefore the stock was obtained. The transaction has not been successfully attacked up to this time. The public would receive no benefits if the stock were to resume its quotation on the market and the transaction to be entirely set aside. The traffic arrangements between the Burlington and the two Hill roads reaching the Pacific coast are for the general benefit of the public. Resolving them into three separate and competing lines would do nothing that would help win the war or benefit the private shipper or the traveler. It is enough for us to know that beyond any question there exists in Congress the power to regulate, and we have regulated and are constantly regulating at every session of Congress either the roads or something that affects them, directly or indirectly.

I refer to these shares of stock again. That is what I wish to adhere to as closely as I can on this branch of the subject, and I do not want to take much time here.

The stock of the Illinois Central stood at 86¼ upon the 26th of December, 1917, and rose to 91 on the 27th of December. Those speculative values are attacked. It is said they ought not to be allowed. How will you help it? How will you control the market, except to beat it down by unfriendly legislation, and encourage it and raise the quotations by friendly legislation? I see no way to prevent it, nor is it at all desirable to try to prevent it.

"Oh," it is said, "the Government can prevent it if we assume the entire ownership and operation." Well, let us see about that. We have out a large issue of Liberty bonds, Mr. President, what do they sell for? I looked at the quotations this morning. The 4 per cents, with only partial tax exemption, are quoted at low as 96.10. The 3½ per cents, with total tax exemption for all purposes, are quoted at 98.40. That is $984 for a $1,000 bond. Can the Government protect its own credit? Its own securities are selling below par on the market with the guaranty of the Government behind them. If it can not protect its own bonds from market fluctuations, how will it prevent Government railway shares from doing so? If I have a thousand-dollar bond, I can go out and sell it in Washington at 50 cents on the dollar, and the Government can not keep me from it. If the Government can not sustain its own credit at par on war bonds, it can not sustain the railroad bond credit after it has taken the railways and are administering their affairs? It can do no more in the one instance than in the other. After it has become responsible for $18,000,000,000 worth of railroad property, more or less, with the additional bond issue required to finance this war to a successful conclusion, the Government will have reached the limit of safe credit. Governments are no different from any other borrowers. When they become debtors in large sums, their securities are inevitably often thrown upon the market for liquidation. As the securities go upon the market in large quantities, they are bound to depreciate from par.

Let me give you another illustration of what I mean.

Mr. WADSWORTH. Mr. President——

Mr. SHERMAN. I yield to the Senator from New York

Mr. WADSWORTH. Has the Senator forgotten the proposal, which probably will be adopted in one form or another, for the Government to issue four billion more of notes based upon industrial promises to pay, and its effort to maintain the value of those notes?

Mr. SHERMAN. That is certainly very material. Those, in a very short time to come, may be on the market, and the public will be asked to take them. We must sustain, when taken, that credit. If such industrial credits are issued the Government can not keep them from fluctuating on the market. If this bill did not preserve the value of railway securities by adequate legislation, how could we expect to have $4,000,000,000 of future industrial securities subscribed within the next 30 or 60 days? The Senator from New York very properly makes the inquiry. The President and his advisers no doubt very prudently had in their minds the future borrowing necessities of the country when they gave to the bill some of these sections that we are now considering.

I see no crime to be imputed to men on the market who buy and sell under Executive orders, favorable or unfavorable, as the case may be; nor do I see any objection to voting for such a bill in the expectation that the day it passes Congress the stock market will advance, and that every quotable security on 'change affected by this bill will advance possibly as much as or more than the figures I have read. I expect that; nor will that cause me an instant to falter in the support of this and similar measures to protect the credit of the country.

In order to make more impressive the inferences that I am endeavoring to establish from such facts as have been stated, I have to state some additional facts.

The individuals owning outright railway shares in round figures are 1,000,000, and they own more than $10,000,000,000 of railway securities. These are the individual holdings. These figures have been compiled from trustworthy sources.

There are held by trust companies, State and national banks, $865,000,000 of railway securities. There are held in the aggregate by saving banks, with 10,000,000 depositors in the United States, including those to which the Senator from New Hampshire alluded, in New England, $847,000,000 in railway securities, representing the institutions that invest their savings, great or small. There are held by life insurance companies, with 46,000,000 policies in force, held by 33,000,000 people in the United States, representing a total ownership of this alone of over one-fourth of the total resources, $1,550,000,000. There is held by fire and marine insurance companies, casualty and surety companies, a total railway security investment of $649,000,000. Benevolent associations, colleges, schools, charitable institutions, eleemosynary enterprises of various kinds, have invested their endowments, their gifts, both by the living and by the dead, in $350,000,000 of railway securities.

I care not that some people may have large holdings of shares of stock. I regret that some of them may sometimes use their stock improperly. I regret that combinations of large stock-

measures contained in this bill, whether I am entirely in ac- | operating roads, owned by 87,004 shareholders. These embraced

holders are sometimes made for the purpose of wresting control of a road for speculative purposes from conservative owners. That is a matter to reach by legislation—not to destroy the innocent and the guilty alike, but to reach the guilty and exempt the innocent from any such legislation of a general character. What I especially think is defective in reasoning processes is to measure all the railroads of the country by a few that have abused the laws of business and have taken advantage of omissions in legislation.

I remember the Chicago & Alton road—and it is often made a horrible example. It was built by the stockholders, without a mortgage, from Chicago to St. Louis. That was the original line, built in the days when Timothy B. Blackstone was the man who promoted it and was the moving spirit with his associates in its construction, equipment, and operation for many years. The Alton paid steadily, in the days of its old-time managers, 7 per cent. Its stock was quoted as high and was worth as much for investment purposes as the shares of any national bank in my country. It was quoted at 175.

The change came. Mr. Blackstone died, some of the shareholders sold out, and along came a new management. The same thing happened with it, in substance, that happened with the Chicago, Rock Island & Pacific. A very great increase in shares occurred upon the advent of the new management. It was not a question of how much the property was worth, but how much of the stock or securities could be issued and absorbed by the investing public.

Keep in mind, Mr. President, the fact that when all of the stock gambling was over, the property investment of the Chicago & Alton and of the Rock Island & Pacific was just the same as it was before it started, unless we except some possible depreciation on lines that were not kept in repair. The property investment is the source of earnings, not capital stock, not bonded indebtedness. The source of earnings is always and must remain the property. How much it earns depends upon many things, but, providing the road reaches from its initial point to the terminal point favorably and traverses a productive area, the two salient features of every successful railway are its property investment and its managerial ability. The earnings of the Alton and the Rock Island on the property investment remained the same or advanced or receded according to the prosperity, or the reverse of it, of the several years. The Alton, however, put out a great number of securities under the new management. Their stock fell to a low figure consequent upon that dilution. The same thing, in substance, happened with the Rock Island.

It is argued here that these incomes or earnings of certain conservative roads are unduly large. As I remember—just quoting now from my recollection—in 1916 the Chicago, Burlington & Quincy showed an earning on its capital stock of nearly 27 per cent. It is selected as one of the shocking examples on the floor of the Senate Chamber. The Burlington road has been a conservatively managed road from its inception. It has never watered its stock. On the contrary, its stock is boiled down; it is concentrated rather than diluted. It has not followed the policy of issuing new shares as the country has grown up commensurate with its advanced lines that were pushed out into the frontier. As values have increased they left the capitalization at the same figure as many years ago. The Burlington has, in round figures, $110,000,000 capital, with $179,000,000 of bonded indebtedness. That $179,000,000 is actually in the hands of the investing public. They have a total property valuation—to say nothing, now, of the capital stock—of more than $530,000,000 in the single road under one management.

With $530,000,000 of a property investment, the earnings of the road are necessarily nearly 27 per cent of the capital stock of $110,000,000. If the Burlington road had followed the processes of the speculative roads, or if the Northern Pacific and the Great Northern had followed the processes of other speculative enterprises, they would have increased their capital stock many fold. Instead of their stock being quoted on the market at par or more than par in normal times it would have fallen like the Alton and the Rock Island, to one-half, to 35 or 40 cents. They did not do so. The very fact that the former-named roads were conservatively managed makes the earnings on their capital appear unduly large. If they had watered their stock, if instead of $110,000,000 the Burlington had had $500,000,000 of stock, then their earnings for the year 1916 would be nearer 5½ per cent than 27 per cent. They have not done so, nor do I think, Mr. President, that ought to be used as an argument here that the conservative railways shall suffer for the comparatively small number of roads that have done otherwise.

I now speak of the Illinois Central. The Illinois Central is a land-grant road. It is like the Pacific roads—the Union, the Central, and the Southern. Each alternate township for the whole length of Illinois was given to the Illinois Central Railroad to build by an act of Congress. At the time the land was given there was little population in that State. When the Union Pacific road was built the great West from Council Bluffs to the foothills of the Rockies and beyond was a wilderness.

Some Senators forget—older ones do not—the conditions at that time. I was impressed with what the Senator from Minnesota [Mr. KELLOGG] said of the 53 years since he went to that State. He saw as much or more of this development than I have seen. I have seen prosperous communities of several thousand persons assemble in opera houses or halls and bid to railway men for a line of railway to come through. They were tired of hauling their merchandise in and their produce out by wagon road and animal power.

It is true that there have been abuses in land grants. At the time the lands were given, in most instances, however, the Government thought it was driving a good bargain, and it was. That country was a wilderness when James J. Hill went into Minnesota, and with a prophetic vision, which made him one of the greatest railway men in the world, saw in the long years to come what the settlement of the vast Northwest would be. He staked his fortune upon it and the efforts of all his years. He was a railroad builder, not a stock speculator. All those conservative roads that have kept their property valuation well within or below their capital stock were managed and instituted by men of the Hill type. They were the great railroad builders of the continent. They had confidence in their country; they had sound business judgment. They assembled about them the technical ability to construct, equip, and operate railways.

Why should they, Mr. President, be stigmatized here in such terms as I have heard? Peace to their ashes! They were of a mighty race of men. They belong, Mr. President, to a generation the like of which does not live here to-day. They were conservative; they knew their business. None of these men in their lifetime were ever justly accused of being public enemies. The world was better for their having lived. The Illinois Central likewise was a land-grant road. It was built from Chicago to Cairo originally and later on, by extension and normal growth, it reached New Orleans. It has numbered among its executive heads some of the most distinguished railway men of the country. Commissioner McChord, of the Interstate Commerce Commission, in his last report gives the Illinois Central a clean bill of health. He says it was operating its road under normal conditions and meeting fully the demands upon it as a common carrier. Within the last five and one-half or six years the Illinois Central has spent more than $80,000,000 in track facilities and equipment. It now has under contract or is coming in on contracts at stated intervals as they can be completed more than $15,000,000 worth of cars and equipment of that kind.

When it is said that the railroads failed, that they broke down under the test of war conditions, the reply is that in many instances they did not fail, as in the one I have given. In others of the West and Northwest and of the far West the roads did not break down. Their cars were taken away from them; their engines were withdrawn from the roads; their equipment was taken; it was collected largely in the eastern district. There was a vast concentration of cars, engines, and equipment of that kind all along the Atlantic coast.

In an investigation of a certain committee on shipbuilding conditions it was shown that more than 1,300 loaded cars were on the sidings at one time at one shipyard in the United States along the Atlantic coast. At the same time more than 3,000 loaded cars were on the tracks on their destination for this same shipyard, arriving daily, so that any unloading of the 1,300 that were congested at that point made but little impression on the constantly arriving cars for the same point. The railways going out of Chicago, St. Paul, St. Louis, and Kansas City did not break down. Their equipment was taken away from them under the stress of war conditions, and they were rendered incapable of using their own equipment and rolling stock for the operation of their road. Even under normal conditions a railroad man knows that these must be constantly watched.

The West and the Northwest send more crude merchandise into the market than the East—breadstuffs, meats, agricultural products, lumber, coal, minerals, ore in its cruder form, unmanufactured, in billets or pigs. In that form it requires more car space. Therefore the cruder merchandise coming from the West, headed for the East and for manufacturing points centering in and around Chicago and east of there, necessarily draws from the West a large part of the freight power of the roads.

When it comes east it takes a given time for the empties to return to the West. Under war conditions, with no attention paid to demurrage, with the long delays of railways on sidings

and at division points, when the loaded cars came to the eastern district, especially to Atlantic coast points, they stayed for an indefinite time.

Still, all this is charged up to the roads as their failure. I have not a share of railroad stock nor a railway bond or security of any kind in the world. My constituents have insurance policies, deposits in savings banks, money loaned on various forms of railway securities as collateral in State and national banks. It is part of the general business of the country. For the railways I say but little. It is unnecessary. I can talk of them merely as the agency by which the securities must finally be maintained at their proper value or depressed. Whether they do so depends upon the treatment they receive in this and similar legislation.

I do not wish to take much time, Mr. President, about the conditions of a legal character that surrounded the railways. I can not pass, however, without alluding to it. I remember when the Interstate Commerce Commission act was passed in 1887 and the struggles that occurred in the various amendments made to it, especially the Hepburn Act of later days—1906, as I remember now—and all the legislation that has been thrown around railways, both State and national. I sum it up by saying that the railways have been operating in a strait-jacket for many years. It began years ago. I remember the granger agitation that began in Illinois and Iowa, first in State constitutions and later in the Munn cases, in the Bowman cases, all those that first established the right of the State or the National Government to regulate railways, took them out of the catalogue of strictly private enterprises, impressed them with a public interest, and made them subject to governmental regulation. Kansas passed through a similar era. That was a distinct forward step. It was a remedial process. It was needed. Some railroads had abused their power. I never apologize for them and for such conduct.

Then the Interstate Commerce Commission was created in 1887 with various amendments that I will not enumerate. The antitrust law came in 1890. Following several years after the passage of the antitrust law there was the Western Passenger Association decision. That was a combination of roads in certain western territory for the purpose of maintaining rates. It was the famous so-called "gentleman's agreement." It was held to be within the antitrust law, although there was considerable surprise in legal circles among many lawyers to learn that the antitrust law could be extended and applied to railroads. But nevertheless the court so held, and accordingly the railroads have been under the operation of that act since not only in our own country but they have been prevented from giving preferential rates in the development of foreign trade. I remember a railroad going out of Chicago whose managers were fined heavily for a preferential rate on tin-plate shipments into Canada. The preferential rate was made for the purpose of assisting in the export trade, without which it could not have been developed. Our manufacturers wanted to get some of the Canadian business, and in order to do it they asked the preferential rate to meet Canadian conditions, and it was decided that it was contrary to law and fines were imposed of $10,000 as the result.

Rate making has been a constant debate. The roads have been before the Interstate Commerce Commission until very recently year after year, time after time, every time rate making is agitated. In all this the railways finally have settled down to a certain schedule fixed by the Interstate Commerce Commission. No material changes have been made save an increase in one territory for some time, but in all this increase in prices of everything, labor and material of every kind, there has been no commensurate increase of rates to enable the carriers on their earning power of the property invested to advance to keep pace with the increase of operating cost and maintenance and depreciation.

To my mind it is not a matter of surprise at all that the roads made a bad showing. It is true these figures are quoted here, the 27 per cent, for instance, earned on the capital stock, but if the 27 per cent be figured upon the property valuation it is not an undue return for a business that contains as many hazards as operating a railroad, and especially when it concerns such vast sums of money as are invested.

The congestion in the eastern district came as a natural result of piling up merchandise as indicated. Any failure of the railways was more a failure of the Government to recognize conditions and grant the relief before taking them over than it was a failure on the part of the roads. It is true that the roads could not meet the demands made on them, and especially last winter, that has been a very inclement one, blocking ways, making it impossible to obtain coal and fuel supplies generally, difficult sometimes even to transport tank cars with fuel oil. All those things have happened, it is true; but has the Government done any better? If improvement come it will be the result of the release from obsolete laws and the strait-jacket of overregulation.

We passed the food law here. I did not vote for it, and I am glad of it. I would not vote for it if it was up again. I have no apologies to make for my conduct in that particular, except to repeat it the first chance I have. But the Government is given plenary power under this measure. We have a Food Administrator and a Fuel Administrator. They have had power at any time since last April to commandeer the roads—the carrier system, coal roads, and ordinary roads, all together.

A few days ago the heatless Mondays were revoked, and we are now living on Monday just as we do on other days. Here is what Black Diamond says. It is the coal paper of the country, published at Chicago. It is not owned by coal operators, either, Mr. President. Black Diamond is a periodical devoted to the coal business, and it represents a coal miner as much as it does a coal operator:

> Three million four hundred and fifty-six thousand tons of coal were saved in the United States during the eight "fueless days" under the recent order of Fuel Administrator Garfield, but at a cost to industry of $289.35 for every ton saved.

This is an old illustration of saving at the spigot and losing at the bunghole. The highest-priced coal in the world was produced under the fuel order that was revoked a few days ago. Two hundred and eighty-nine dollars and thirty-five cents a ton of a loss is something that even a wealthy country like this can not stand all the time. We may stand a little of it, but we have now had a plenty.

> The total loss during this period in wages and manufactured products was placed at more than $1,000,000,000.
>
> Figures of the industrial agent of the Baltimore & Ohio Railway give the value of the fuel saved under the order in 18 of the larger cities of the country at $137,277,589. The loss in wages and manufactured products in these cities was put at $4,344,070,000.

Here is a town of 70,000 in the center of the coal belt—Springfield, Ill. Here is a telegram from the fuel administrator that certainly deserves preservation in the CONGRESSIONAL RECORD:

SPRINGFIELD, ILL., *January 23, 1918.*

Senator L. Y. SHERMAN,
Washington, D. C.:

> Our record for five days' obedience to fuel order shows saving of 40 tons of coal per day. Loss in wages alone per day over $11,000—

That is expensive coal, even where we wagon it up and put it in our coal bins at home. I have not gotten coal out of a car for 12 years. The motor truck or wagon goes out to the mine and brings it to my house and dumps it into my basement. Thus the carrier system does not bother us any. But they stop them all. The factories there are served by motor cars. There is not a railway car in some of our factories that operate three shifts of hands that ever take a coal car to fill their coal yards or stock up in summer time. They were guilty of hoarding, every one of them, because along last summer, when the coal business was slack, they stocked up enough coal to run them until next April. They were shut up; they had to stop, just like the rest of them—

> Utilities company electrical distributing station supplying power to most of our factories shows a saving of only 12 tons of coal per day on account of generating live steam in place of consuming exhaust for use in heating system. Six coal mines within city limits prohibited from supplying fuel, and car supply not sufficient for the output. We are actually prohibited from serving our city, State, and Nation under the order. We plead for exemption for Springfield and Sangamon County that we may perform a greater service.
>
> Our citizens obeying Fuel Administrator's regulations; are convinced they are not applicable here—

> Nobody thought they were at any place—

> and work great hardship. Coal saving negligible. Regulations retard production.

CENTRAL ILLINOIS COAL BUREAU,
O. G. SCOTT, *Secretary.*

If the Government does that on coal, what will it do if in time of peace you leave it in possession of the railroads? If the railroads broke down this last winter in their carrier service, what did the Government do when it undertook to distribute coal?

The Senator from Indiana [Mr. WATSON] referred the other day, I thought very properly, to the price at the mines that was fixed by Secretary Lane and his associates. Immediately following the publication of that price the Secretary of War, the Secretary of the Navy, and afterwards the Fuel Administrator denounced the price as excessive. The Fuel Administrator intimated to consumers of coal to wait; do not fill up during the fall before cold weather sets in, because it would be much cheaper; he thought the price of coal ought to be down to about $2 or $2.65 a ton. So everybody quit, nobody filled in. They were waiting for the cheap coal.

The Government has broken down as much as the railroads have broken down. It was a great undertaking on the part of

both. Some degree of liberality can be exercised in judging of each of them, both the Government and the roads.

I do not care to discuss the standard return, because members of the committee who have followed that through the hearings before the committee have done so to my entire satisfaction at least. The chairman of the committee has given in the CONGRESSIONAL RECORD a very compact and lucid statement of the reasons underlying this bill and the recommendations of the committee in its report. In the main I subscribe to those reasons as well as those of other members of the committee who have presented their views, because of their superior means of information. The standard return is satisfactory to me. I am willing to vote for it and take the chances. It has been changed, but not materially so in the bill as recently introduced and the bill as it came out of the committee. It has followed in each instance the method of accounting adopted by the Interstate Commerce Commission. So these methods, I think, will preserve the value of the property unimpaired, as far as we could do so under a war condition. The provisions of the bill and the observance of the standard return provided will preserve the securities so that no great hearings will occur and no losses in these money investments will happen.

It is with some regret that I turn aside from the admitted purposes of the bill to discuss section 13. I wish for my part that the 18 months were a shorter period. But I am content to take it as it is. The 18 months may be shortened, if proper conditions present themselves, by the President using his discretion. If section 13 as written in the original bill is restored to the bill, I shall vote against the bill with as much enthusiasm as I did against the food bill. Section 13 as originally written contemplates an affirmative act of Congress before the roads will be restored to their owners. It thereby throws, dependent somewhat on the length of the war, the whole railway system of the country and all these investments of which I have spoken into the maelstrom of a political campaign. I am not willing to do that. I wish some time fixed, even if it be 18 months, when automatically the property will be returned to its owners.

I am told, and I have heard it many times before it was mentioned in this Chamber, that the Government ought to keep them. I am very much of the opinion of the junior Senator from Michigan [Mr. TOWNSEND], who in a very capable address in constructive criticism of this bill pointed out some things that undoubtedly ought to be very well considered here when we come to an amendment, that the discussion of public ownership and operation of railways was not properly involved in this bill. He is entirely within bounds in saying so. Still it is very difficult to discuss this bill by those who favor Government ownership and operation without covering that ground. Accordingly something has been said already, and possibly some more will be said before the final roll call is had on the bill.

It is said that this is a progressive measure; that by section 13, or by taking it and keeping the railways in perpetuity, it is in keeping with the progressive trend of the times.

Mr. President, the most unprogressive, reactionary, backward step in government is the reaching the Government hand out and taking what is essentially private industry. I can not think of anything that is equally unprogressive in all the range of human undertaking. It is said it is new, and we are bidden to look at the countries that are trying Government ownership and how progressive they are. Where are they? Switzerland, Belgium, Australasia, Germany, Austria, Italy, and France. Actually in Switzerland there is the poorest service, with the highest price paid for it, of any other country in the world. In Switzerland and France, where it is supposed the example of public ownership and operation is the likeliest in the world, there is the lowest morale of public service in Europe.

I will say nothing of Germany, except that the service there is not on a par—it is a densely populated country, and it is difficult to make comparisons—it is not on a par with privately operated steam railroads of other parts of Europe or of the world. Germany is given as an example of the fitness of Government ownership to answer the purposes desired.

Germany is a monarchy; Germany is governed by the Kaiser and his advisers. In Bismarck's time he began to develop the policy of taking over the railroads as military agencies, seeing ahead more than 40 years from the time he began it to the mobilization of the German Army in 1914.

In every country that is monarchical the Government roads are more successful than they are under a republican form of government. I do not know of a country in Europe where the railway operatives, down to the last report made before the war in 1914, have as little freedom of action as in Germany. Freedom of speech is unknown; unions are prohibited; they work under ironclad military rule, and, by an edict of the Kaiser, may be conscripted into the service, even if they are not already so regarded, and may be subjected to military discipline in the operation of the roads. That is in time of peace; not in time of war. In ordinary times of peace all of the railway employees of that country may be subjected to military discipline.

It is a pleasing thing to go halfway around the world for our examples. Take New Zealand and Australia, which are the most often cited of all such countries. For practical purposes it would be better if the railways of New Zealand were on some other planet, because they would be more inaccessible. The further away you can get from the world in the examples the better. The truth is in all Australasia the population is decreasing, the industrial enterprises are lagging, the public enterprises conducted by the State are steadily working out their destined end and show a diminished effectiveness and impairment of service.

Remember, the test is not a few years; all new brooms sweep clean. The test is the same test put upon other human institutions, upon the same things that, devised by human experience, have stood the test, not of five years but of centuries.

When that test has been applied halfway around the world to the Government owned and operated utilities, like steam railways, they are beginning to work out their natural result; the best authorities writing of New Zealand in 1914 say that the tendency in New Zealand for all the public enterprises of that kind is to revert to private ownership; that the governmental owned and operated utilities have been tried long enough to find out that there are some defects in the system that are so vital in character as to condemn them.

Let us consider our own country. It is said to be progressive here in the United States to advocate the Government ownership and operation of railroads as a permanent policy; that because, under the stress of war, we take the roads we must keep them; and a war policy, it is argued, is a good peace policy. I have not forgotten things that have happened in the last 25 years all over this country. There is a bolsheviki of false economy. There has been a multitude of economic dervishes going to and fro over the earth burning with all the fanatical fervor and zeal of orientals. The torchlight fakir is abroad in the land every night; the soap-box agitator is on the boulevards. The stalwart-lunged apostle of a general divide of all human possessions cleaves the air with his resonant bray. It is progressive. Why, it is even becoming fashionable. I talked with a suffragette the other day who told me that she was in favor of the Government ownership and operation of railways. "Well," I said, "do not talk to me about it. I am a suffragette myself now, but if you women folk get to running the railroads I shall not be responsible for my behavior hereafter."

I have seen that motley crew come and go. They began with "Sockless" Simpson, with the whiskered Peffer, with "Greenback" Weaver, with A. J. Streator, and those of lesser fame. All of them shrieked and gesticulated in their time; they had their entrances and their exits; their fads, their nostrums, their universal panaceas for everything that afflicted the body politic and for every disease to which human flesh is heir; a variegated swarm of discontent, a miscellaneous horde, against everybody who had a dollar or a clean shirt to his name.

They had their day. In the far West and in the Mississippi Valley we had the Granger agitation. I remember it when it came in my boyhood days; I heard it all; it is a part of my juvenile experience. We wrote a new State constitution; we had a railroad and warehouse act. The railroads unwisely said that they were purely private enterprises and could not be regulated; but we framed a State constitution, just as they did in Iowa, Kansas, and in some other Western States. We fixed charges for railroads and for warehouses. The litigation went through the courts, and the case of Munn against the State, which was decided by the Supreme Court, and the Bowman case from Iowa, settled the question that railways and warehouses are impressed with a public interest and are subject to Government regulation. Those things all happened in their time. Those were valid reforms; those were elemental in their character; but like all other reforms somebody got the bit in his teeth and ran away with them. It is one of the dangers of hooking up with a radical that you must either travel his gait or be trampled on. So with these railroad and warehouse regulations provided in State constitutions and by acts of the legislatures in Illinois, Iowa, and other Western States, soon the radical and the vociferous brotherhood who always are found bawling and braying in the wake of reform to make it ridiculous, unless guarded by sanity and moderation, came and took possession of the entire proceedings. They proposed to do a great many things. They said "regulation is a failure; legislatures are corrupt; the warehouses not only refuse to obey the law but they join with the railways, and by discrimination and by influencing public offi-

cials, practice injustice on the producer and on the shipper as well as on the consumer." So they said let us have Government ownership; and all the way from the foothills of the Rocky Mountains, coming on through "bleeding Kansas," through Missouri, Iowa, Illinois, Indiana, and sweeping over the continent until it reached and broke on the Allegheny Mountains, there was the Populist with his impossibilities, with his disregard of the amenities of toilet, and with his ingrowing prejudice against hair dressers and tailors. His principal assets were whiskers and elocution.

Along with him were a multitude of people in the granges. I was a farmer in those days, and I abounded in farmers' meetings, being a boy 12 or 14 years old; but I heard them through. When they finished up, Mr. President, with their harangues, they always had Government ownership for everything worth owning. In a little while the pinch came. Every one of those whiskered reformers, torchlight fakers, howling dervishes, and fanatics from the four corners of all the continent became a greenbacker. They proposed to pay the Government debt—the Civil War debt—by issuing fresh promises to pay upon maturity, and the new promises in turn were to be redeemable in nothing and paid nowhere this side of eternity. That was the sum total of this gentry's fiscal system, the goal of their monetary reform. It found followers; it created a furore. Men were called statesmen who subscribed to their doctrines, and those who did not were almost tarred and feathered by excited gentlemen who mistook their vagaries for financial wisdom in rural districts. The farmer fell for the procedure for a time. He followed it awhile until he found out where it led him. He observed many of the lusty reformers were conscientious objectors to hard work and exercised their vocal cords rather than their muscles. Then the farmer in my section of the country became a conservative, and he is a conservative yet. You can go out and talk Government ownership of railways to him until you are black in the face, and everyone who lived through 1870 and 1874—the Greenback days, the days of repudiation, before the resumption of specie payments, the time when all these things were to happen that were to give him something for nothing—he will tell you that he has heard that before and that he has graduated on that kind of economic science.

Matters went along and all know what we have now—the two ends have connected. The only difference there is under the shining sun between the Socialist and the unlimited Government-ownership apostle in New York or on the plains of the far West is the hair dresser and the tailor. The Socialist in the city, with his reactionary program harking back to the days of Aristotle, is exactly like the old Populist in Illinois and Kansas. Everybody knows what ails them both. He wants something for nothing. He mistakes a disease for a principle and his yearnings for a right to another's earnings; he is a lineal descendant of the same old sire; the same economic blood flows in his veins; and the same political inspiration and fervid ejaculations are found in him that was found in his ancestors of the early seventies. There is no difference between the Socialist of to-day and the Populist in Illinois and Kansas in 1872 and 1874, except that one shaves, cuts his hair, and wears tailor-made clothes, while the other had a rooted aversion to any of the acts named.

Now, we have arrived in this year of our Lord 1918 to the same kind of a proposal. The Populist said then "Everybody is corrupt; every legislator is a horse thief; everybody who has a million dollars stole it from somebody else or he would not have it; he could not have made it honestly." Any accumulation of property was to be frowned on; no one could make anything without taking it away from somebody else. If nobody was rich, nobody would be poor; thrift was to be punished as a crime. Reduce every one to the dead level of mediocrity. Help the human race by pulling down to your level anyone who is above you. Do not try to exert yourself and advance to his ability. Real progress is keeping the industrious from receiving the fruits of his toil so the incapable and slothful may hang on to the coat tails of energy and hard work. We have reached now the same thing. Government ownership of railroads! We are to have it for the same reason—that the railway managers are dishonest, incapable, corrupt government, and know nothing of decent citizenship.

I listened to the eloquent description of my genial friend from California of the one-time deplorable conditions in that State, from which it has recently emerged, I understand. As long as California has such Senators redemption was inevitable. There is no necessity to indulge in such experiments to save California. There is no occasion here for taking a headlong plunge into the gulf of Government ownership just to keep California safe. The Senator, I know, can clean it up again if it should unhappily relapse, and certainly somewhere among our friends it was very effectively cleaned up at the last election.

He said that at one time the State was in the grip of the railroads. Let that be granted. So was Iowa in the grip of the railroads at one time; so was Illinois; and I have heard stories about Ohio.

There are 48 railroad offices in Chicago. As late as 1914, Mr. President, when I had the misfortune to be a candidate, I knew of but three friendly offices out of the 48 in Chicago. So I do not owe the railroads politically a thing in the world more than anybody else; but because of conditions in my State, I do not wish to inflict upon the whole country such an experiment. I myself will remedy any undesirable conditions according to my lights and to the best of my ability, and I know the Senator has done so in California, and is able to do so either now or hereafter.

I know that the railways at one time did meddle in politics; I know that manufacturers meddled in politics at one time; I know that banks meddled in politics to some degree at one time. There were many cures proposed. I heard the initiative and referendum proposed at a conference of Western governors held one night in Chicago. They advocated the initiative and referendum for everything; and Gov. West, of Oregon, who was present, told how it worked in Oregon, where they had initiative and referendum for everything, from deciding cases that the Supreme Court did not know anything about, and in the final decision of which they made a mistake, down to amendments to the fish laws affecting the Columbia River. Every evil was to be cured in that way. Well, they tried that out, but it is a forgotten issue long ago.

At the meeting to which I refer I struck the one discordant note; I was the skeleton at that family feast; I protested against the indiscriminate use of the initiative and referendum, and I rendered myself very unpopular. On that same night the Chicago, Milwaukee & St. Paul Railroad opened its Puget Sound extension and ran through for the first time a train connecting with the Pacific Ocean. The next morning the criticism represented by the initiative and referendum league meeting attended by all of those Western governors got two pages in the Chicago newspapers, while the opening of a great continental extension, that ran from the shores of Lake Michigan to tidewater at Seattle, Wash., got 2 inches of notice. That is the way the newspapers sometimes estimate news. There was an undesirable condition, and that was the remedy proposed for its cure; but it is long since forgotten.

Now, we propose to change the remedy and have Government ownership and operation in all States where the railroads have had too much influence. I am not afraid politically of any railroad in the United States. If a railroad fights me or you, you can take the opposition to it and go out and get more votes against it any day in the week. Every intelligent railroad man knows that. That is why some years ago in my section of the country the railroads went out of politics; they learned too much to stay in; their advisers in handling the great properties concerned told them that they had better run railroads and let all the people who had votes run politics and not undertake to impose their individual will upon party voters or party organizations.

We are told that there was corruption in San Francisco. Well, that is not its normal state. It is said there is corruption in Chicago. I presume also that is not its normal state. I have been quite well acquainted with Chicago for more than 25 years, and I do not know of a city council they have had in the whole of that time—and I have seen Chicago grow from a city of 300,000 to a city of 2,800,000 people—that has not been berated by some of the Chicago press as totally unfit, as bordering on bedlam, or as fit for the penitentiary all or a part of the time. They have not had many honest aldermen there in 25 years according to some newspapers.

When the editors talked to me around the clubs about the villiany of some of the aldermen and the politicians of Chicago, I have always said, "Why do you not go out and beat them?" They replied, "Well, we can not." I asked, "Why?" They answered, "Well, we can not get votes enough." "Well, then," I said, "you had better migrate to some country where there is a monarchy. If you can not control votes enough we must shut up and stand it." They say that Mike Kenna is elected alderman and that Bathhouse Coughlin, one of his colleagues, also comes in. Well, they have tried to beat them and have run any number of respectable candidates, according to their version, but they do not get past the quarter post in the race. They can not convince their constituents somehow. The aldermen in the first ward distribute too many turkeys at Thanksgiving. They started in a long way ahead of the election, and

with their lodging houses, free-bed houses, free-lunch counters, saloons, and all the other appurtenances that go with metropolitan civilized life, they are able to reach the voter. Then in that section of the country they naturally take up a "high brow" and run him for office. Well, the higher the brows are the lower their temperature, so that they do not get up much heat in a campaign. They do not attract the impulsive voters, and then the editor becomes glum; he goes back into his sanctum sanctorum and indites a fearful screed about corruption in great cities. Well, there is nothing the matter, except that the editor does not know politics in free democratic government. He ought to settle in a ward and get acquainted with his constituents.

Of course, there is sometimes corruption in Chicago. We have had some aldermen that were not quite up to the mark. Some in San Francisco, I understand, have been a little off-color occasionally. Along in the time of Eugene Schmitz and others, who were somewhat distinguished, following out the course of their civic activities as practical politicians they once gave city politics a bad name. Therefore let us have Government ownership and operation of railroads.

Government operation inside of State lines has produced some practical results; but if the Government can not run the railroads, if it takes them permanently, any better than Government has run the State and municipal affairs it has undertaken, then I am right in my opposition, for it has universally failed to produce as good results as private control. Governments can exercise police powers and war powers and affairs essentially public. It can not run what is essentially private business.

It has been intimated that the only way to clean up conditions was to put section 13 back in the bill. I am aware that this seems somewhat aside from the purpose of this bill, which is a war measure and calculated only to provide for Government operation of the carriers during this emergency, but it has passed beyond that and reached a point of discussing the propriety of taking over the roads as a permanent policy, and of course that brings up the whole question. I can not hope to discuss it here as I should like with the amount of freedom that I can in a campaign when that issue is presented, but I have looked up such matters as are near home in my own section of the country. I have read such matters as have come to me as to all of such experiments that have been made among civilized peoples. I have come to the conclusion that it is a dangerous experiment and that it can not succeed.

There are 1,800,000 railroad men in the United States. On the 30th day of June, 1916, there were 517,805 Government employees. At the present time, in all human probability, there are 700,000 Government employees. As a rule, about 60 per cent of them are under competitive civil-service appointment. With 1,800,000 railroad men and with 700,000 Federal employees, there would be, as soon as the railroads are made permanent as Government enterprises, two and a half million voters. Two and a half million voters in the country are about one-sixth of the total vote cast in the United States at the last presidential election. If one-sixth of the total votes cast are in Government enterprises, then the Government is no longer a popular government. According to my observation and experience, there can not be Government ownership and operation of many public utilities. When the employees reach two and a half million there can not be republican government and public ownership and operation existing in the same territory and governing the same people. It is an impossibility. One of two things must happen. Either the Government must control the employee or the employee will control the Government. The last will happen or the employees must be denied the power of organization and political activity.

Organized labor controls this Congress, House and Senate. I think I know what I am talking about. I am no novice on that part of governmental affairs. Two and one-half million Government employees, every one of them in a compact organization! Even the vast powers of the Postmaster General are utterly unable at this time to cope with the postal employees. I sympathize with them in their claims for better wages. I shall support reasonable increases. I do not sympathize with them when they undertake to dictate to a department or to Congress what shall be done. With two and a half millions of employees in this country, I know what will happen. The junior Senator from Ohio [Mr. HARDING] used a phrase here once that described it: That you take the Government out of the hands of the people and put the people in the hands of the Government. There is not a candidate for office, there is not a potential candidate for President in either party, who to-day is willing to stand up and tell the truth about it and take the consequences.

The leaders of the unions, the American Federation of Labor, are loyal and zealous and patriotic in their efforts to obtain service from all the members of that organization. They have failed in many vital times and places to do so. I join with my friend Gompers in his efforts to obtain loyal service from the members of the American Federation of Labor in shipyards, in every industrial plant, and in the railways of the country; yet Mr. Gompers is like Orpheus in mythology. He invoked around him, by the power of his music the savage elements. After he had assembled all of them he became unable to play his instrument, and they fell upon each other and him and Orpheus perished. Mr. Gompers has invoked the spirits, and if he can not play sufficiently, or the conditions do not suit them, destruction threatens. Everybody knows that to-day the one great weakness in connection with winning the war is the inability to get a day's work out of a dangerously large number of the men in the industrial plants and in the shipyards of the country.

The President faces that great problem. Every departmental head knows it. Strike after strike has occurred. Boiler makers, riveters in the shipyards, ship carpenters, workers in industrial plants of every kind, have laid down their tools and walked out for one reason or another. On Lincoln's birthday 5,000 men in a body, not far from this Capitol, walked out because they would not be paid double wages for working on a holiday—a striking method of celebrating the birth of the emancipator! Two days ago other men walked out, and a week before that many thousands walked out, on the open-shop question. They quit their work because they would not work with a nonunion man. The inference is that nobody but a union man has a right to live and remain on the earth.

I have earned my bread by the sweat of my face many a time, like many of you Senators here in your earlier lives. I have worked with my hands, and I can do so again; but if I were in shop or field I would stand up to the last breath I had in my body for the right to live and earn an honest living in this world without joining, unless I wished, anything under the sun to do so. I have a right to live without joining the Presbyterian Church or becoming a Roman Catholic, a Mason, an Odd Fellow, a member of the Mine Workers' Union, or a member of the American Federation of Labor. I have a right to live and remain on earth in any honest occupation without asking any union official whether I can work or not. I will fight for the right of a labor union to exist. I will fight just as sincerely for the right to live and work outside of a labor union. One right can not survive without the other. In time of war their patriotism has overcome their desire to advance the cause of the union. I commend that spirit. Let it influence them all. I join with all of them cordially. I will go with them to the uttermost limits; but when peace is restored the same troubles will return. They can not be avoided by Government ownership and operation of railways. They will be multiplied and aggravated. If the railways are taken over permanently and the conclusion of peace has restored us to normal conditions, then these same problems will be more difficult to solve. We will have the same question again of the 2,500,000 Government employees in a compact union. If now, Mr. President, Congress can be driven into the enactment of the Adamson law, if it can be driven, contrary to the individual judgment of Members, into the support of many unwise measures, what will it be when the Government employees, two and a half million of them, come in serried ranks and a compact body and deliver, through their chosen spokesmen, orders to Congress for legislation?

I know what will happen. One of two things must happen: Either the employees will govern this country or the Government must rule the employees. In both England, New Zealand, Australia, and little Switzerland there are authorities who have had the greatest of practical experience on this subject, who have come to the conclusion that every Government employee in a utility of the kind we are considering must be by law compelled to abstain from political activity. He can vote, but that is the end of his political privileges. He can not become a member of an organization. He can not engage in party activities. He must confine himself solely to voting on election day, and the rest of the time he is a mere employee. That prohibition of activity necessarily prohibits the formation of unions. There is no escape from the conclusion.

I have seen better conditions prevail in California. I have seen them improve in my own State. It is not necessary to make this headlong plunge into the gulf of experiment in order to remove the evils that have existed. I believe in regulation.

I believe the regulated processes of government, acting on these institutions, can remove the evils complained of.

I am as certain as I am of any worldly thing that the highest form of human society is attained through the regulated individualism of the American people.

I never knew a government to discover anything. It appropriates what another in private life discovers. Even in time of war the universal experience is that in every democratic government the red tape must be shot off to get rid of it. Outside of a monarchy, there is no escape from the petrified conditions that prevail in peace times in every governmental undertaking. It is utterly without precedent to think that the Government ever invented anything. The processes of taxation exhaust the ingenuity of all governmental agents. By the time they frame revenue bills, put a tax collector in the field, and pass the appropriation bills statesmen are exhausted, people and the press weary, and governmental processes have arrived at their legitimate end. That is the universal experience of every government on earth, outside of a monarchy. A monarchy grants titles, creates orders of nobility, rewards the discoverer or the inventor or the successful contractor, those who build tunnels and bridges, who make themselves distinguished in some line of human effort. It can stimulate and connect its processes with the best in private enterprise. It can prepare for war secretly.

A republican government can only hope to protect its people. It can not undertake the promotion or interference with the private pursuits a monarchy can. It is a radical difference in the two forms of government. Republic government is unfavorable to the assumption and operation of essentially private occupations. Free government is not devised to support people. It is devised to protect people while they are supporting themselves. It is designed to give the largest measure of individual freedom to man in private life. Some people here seem to have an idea that the object of government is to support everybody, and on that idea there is based this notion of taking over the railroads as a permanent effort and administering them by the Government.

I have taken more time than I ought, and I have only very faintly enforced my views. I wish I could have more time, which I am sure will come in a future campaign, and if I am alive and in health I intend to carry these measures out as I see them to their logical conclusion. I intend to hit the main question.

I want to say to those on the majority side of this Chamber that the great issue is not one of those that have heretofore divided the Democratic and Republican Parties. In the immediate years—not in the next generation, but in your generation and mine—our problem will be to defend civil liberty and the right of individuals under a free form of government to remain and be secure in our possession of private right. It will be to protect it against the agitator, against the socialistic state, against him who intends to absorb every private pursuit by the Government, to destroy the ownership of private property in every form whatsoever, to take it from those who have it and vest it in the hands of a government to be selected by an aggressive minority. An organized minority will always defeat an unorganized majority, and they know it.

There are two forces working. The current will begin to draw your craft, as it will ours. Those who are at the head of large public utilities have been legislated on and hectored and annoyed until I know the sentiment of some of them. They are ready to surrender their property. They are ready to let the Government take it. They know that, unless by armed force, it can not be taken away from them unless there is just compensation, and they are willing to let go. The head of one of the largest public utilities in the world is of that frame of mind. He is tired of the incessant fight to protect the vast interests of which he is the executive head. Joined with him are others of a like mind, and all of them are to-day unconsciously traveling toward the goal of the Socialist. We ourselves, when at the threshold of such a bill as this we are faced with one of the principal proposals of the socialistic state, owe it to ourselves to join with all who believe as we do and defend that institutional liberty and the right of private property and of a government of regulated individualism until there will be no opportunity to indulge in such propaganda and principles as are laid down in section 13 as a permanent measure.

I know what it is. It is proposed to carry that into the campaign, to make it impossible for the owners to have their property until it has passed through a crusade of the kind that will be instituted by the gentlemen whom I described a while ago. I know what that kind of a campaign means, the prejudices that can be appealed to, and the impression that can be made upon a great body of the voters of this country. It is a task that exceeds the 12 labors of Hercules to go before the multitude, the great jury, on a question of this kind and defend the right of private property, of regulated individualism, and of the institutional liberty that we have inherited from our fathers.

Mr. POINDEXTER. Mr. President, it would be entirely possible to admit the soundness and accuracy of most of the statements that have been made by the Senator from Illinois [Mr. SHERMAN] without affecting one's position whether for or against the pending bill.

The fact of the case is, after hearing the entire remarks of the Senator from Illinois I am somewhat in doubt whether he is for or against it. The most definite thing that I have heard in that respect, I think, was an announcement that I saw of a notice which the Senator from Illinois gave on yesterday that he was going to speak to-day in favor of the bill; so I assume from that that the remarks which he has made are in support of this measure—though it provides for Government control; and his speech was an eloquent and somewhat vehement denunciation of the effects of Government control. The Senator said that it would put upon the Government pay roll some 1,800,000 railroad employees. I think he rather overestimated the number. My impression is that it is some 1,600,000 instead of 1,800,000, but that is largely immaterial. He also said from his inner consciousness—and he emphasized the fact that he was speaking of his own knowledge—that the labor unions of this country control this Congress. I would not have known that if I had not heard the statement from the Senator just now made. Stating, as he does, that he speaks from personal knowledge, I must accept it as true, at least, as to some.

After describing the terrible calamity that would result to the country from this great increase of Government employees he surprises us by stating he is for the bill, which will bring them all under Government control. Though stating he is opposed to Government control because of the power so many employees would exert upon the Government, he proceeds to claim that under private operation of the roads the labor unions control Congress, and he says that the railroad employees, under the old private competitive operation, control, and ownership, forced the Adamson law through Congress. I assume that the condition can not possibly be worse under Government control.

The accounts which the Senator has given of the construction of railroads from Chicago out into the wilderness, paying for them without mortgages, and the subsequent looting and ruin of them, as in the case of the Chicago & Alton, are all most interesting; but it is difficult to see in these circumstances an argument against Government control. I am at a loss as to what application the Senator intends to make of them. I assume that he is going to support this bill, notwithstanding his denunciation of the dire effect of Government control, though the bill provides for Government control, not only during the war but for 18 months after the war is over.

I am not here to argue for Government ownership, though I would not shrink from it if it should prove necessary. I have not the same horror of Government ownership of the public highways as the Senator has, though I think there are other measures, intermediate measures, which should first be tried before we resort to that last extreme. But if I were here to argue for it, I would not be deterred by the experiences that the Senator recites of State roads in Missouri and North Carolina any more than I would be induced to denounce the national banks and the national-bank act because at one time in our history we had the wild-cat currency of State banks.

Mr. SHERMAN. Mr. President, will the Senator permit an interruption?

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I will yield for a question. My remarks will be quite brief.

Mr. SHERMAN. I do not know whether the Senator was here or not; but I announced on taking the floor, or very shortly after I began to comment on the bill, that I should support it unless section 13 as originally written was restored; that I should support the committee bill, although not approving of all its features.

Mr. POINDEXTER. That was my understanding of the Senator's attitude, and I am still somewhat surprised to know that he is going to do that, in view of his denunciation even of the limited restrictions that have heretofore been placed upon the roads. He says they have been placed in a "strait-jacket," and intimates that they should have been unmolested, along with Hinky Dink, Bathhouse John, and the "normal state of corruption" which he says exists in Chicago. The Senator seems to think that the railroads have been hampered and the country has been injured, even, by any governmental interference. But I think there are very few Senators, Mr. President, who do not favor an even larger measure of Government control. There are

probably very few Senators who, if called upon to vote for a permanent railroad policy for this country, would vote to go back to a system of unrestricted private control and operation. There are very few, I think, who would not vote for a more effective governmental regulation of these great public agencies.

There ought to be borne in mind at every point in the consideration of this measure, in the charge that it smacks of socialism, that these properties are not private properties. The Government control which is provided for in this bill is Government control of an agency and function of the Government itself, of public highways of the Nation, and the talk of the seizure of private property, of those things into which no question of public agency enters, has but little application to dealings with the public carriers of the country.

But, Mr. President, I wish to refer very briefly to the bill itself. The procedure of the Committee on Interstate Commerce in dealing with the bill, which was Senate bill 3385, to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, has been somewhat out of the ordinary. One or two very vital amendments or changes in the bill were made by the committee, but instead of reporting them as amendments the committee has embodied them in a new bill—Senate bill 3752. In fact, as the deliberations of the committee proceeded, its chairman has introduced several new bills to embody the result of the committee deliberations, so that in order to reach parliamentary consideration of the changes in the original bill, which have been proposed by the majority of the committee, instead of the burden being upon the committee to propose and carry its amendments, the burden is upon the advocates of the original bill as introduced, who desire no change in certain vital respects to present amendments. I do not think that the bill as worked out by the legal advisers of the Director General, including Hon. George W. Anderson, of the Interstate Commerce Commission, has been improved in any way by the substitute bill offered by the committee. The bill as introduced made no express change in the rate-making authority of the Interstate Commerce Commission. It is true that it was claimed by the Director General that under his general powers he had supervisory control of rates, as provided in the bill, yet that was a matter for legal construction, and it was the avowed purpose of the Director General not to interfere, in general, with the rate-making duties and authority either of the interstate or State commissions.

The bill as originally introduced did not provide for the return of the railroads to private control, but retained the Government control until further action of Congress, thereby giving to the advocates of readjustment of our transportation system, with reference to unification and Government control, the advantage of the present status, and putting the burden of the enactment of additional legislation upon those who favor a return to the private competitive system. The committee substitute bill reverses both of these principles. It overturns absolutely the initial rate-making powers of the State and Interstate Commerce Commissions, and imposes the vast burden of that complicated and technical work upon the President, giving to the Interstate Commerce Commission the strange rôle of appellate power over the action of the President. Nothing whatever remains of the rate-making powers of the various State commissions, the entire rate-making field being covered, under the committee substitute bill, by the initial rate-making powers of the President and appellate or supervisory rate-making powers of the Interstate Commerce Commission.

The committee substitute bill provides that "rates shall be fair, reasonable, and just," but does not require of the President, as was required of private operators by section 3 of the interstate-commerce act, that no "undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any description of traffic," shall be given. Under the previously existing powers of the Interstate Commerce Commission it was its duty to enforce this provision; but as the bill is now framed the obligation of this statute is entirely removed from all rate-making authority, whether private owners, the President, the Interstate Commerce Commission, or the State commissions. The matter is left entirely in the discretion of the President, subject only to the vague and effusive generalization that "rates shall be fair, reasonable, and just." The committee substitute bill provides as follows:

> The President may initiate rates by filing the same with the Interstate Commerce Commission, * * * but the Interstate Commerce Commission shall, upon complaint, enter upon a hearing concerning the justness and reasonableness of so much of any order of the President as establishes or changes any rate.

This destroys the very foundations of the rate-making authority and the legal restrictions upon rates that have been carefully worked out through a quarter of a century of travail.

The matter is left entirely in the discretion of the President. Of course it may be said the President will not abuse that discretion. It is hoped that he will not. But the Senate is supposed to be considering the law, or proposed law, and not individual discretion, whether it is that of the President or some one else. Those who are familiar with the issues which have been fought out between the public, the shippers, and railroad corporation owners and operators during the past generation know of the labyrinth of technicalities, complications, regulations, terms, trade areas, and direct and indirect effect upon communities, firms, and individuals of rates, and the machinery of government which has been built up under the Interstate Commerce Commission for dealing with this labyrinthian subject will readily understand the absolute impossibility of the President, starting where the Interstate Commerce Commission started 30 years ago, with his other unparalleled duties and authorities, being able to cope with the constantly recurring rate-making problems. It may be said that he will have the benefit of the advice of the Interstate Commerce Commission, but, unfortunately, the bill deprives him of that benefit because it expressly gives the commission appellate and supervisory power over the decisions of the President as to rates. Of course it is obvious that they can exercise no real supervisory power over the President, if assisting him, and at the same time serving him as agents, in the exercise of his rate-making authority.

The Interstate Commerce Commission consists of nine members. The term of one expires each year and in 1921 and 1922 the terms of two members of the commission expire. All of these vacancies are to be filled by the President. All except two of the members of the commission were appointed by the present occupant of the White House. Giving to the membership of this tribunal—which in the main throughout the greater part, at least, of the time since its establishment has rendered most valuable service—credit for the highest character and the greatest firmness, it is expecting too much of them, or any other set of men similarly placed to ask that they shall override, however clear the case might be, the orders of their official creator in the fixing of rates. The committee substitute bill, in putting the initial rate-making authority in the hands of the President, thereby taking it out of the jurisdiction of the Interstate Commerce Commission, and then providing for a review and supervision of his acts by men who are his official creatures in the sense that their official status is created by him, and expecting any real independence of judgment from such an appellate tribunal, is contrary to the experience of government and the science of legislation. It throws into confusion and uncertainty the entire rate-making machinery of the Government, which has been so painfully constructed.

It would have been far better if the bill had contained a simple, express provision reserving in the interstate and State commissions their existing rate-making authority, with the proviso that where necessary only, in the exercise of the duties imposed upon him by this act, the President might change rates so fixed. The mere spectacle itself, detached from its application, of the President of the United States being subject, in any of his actions, to the orders of subordinate executive or administrative officials appointed by him, is undignified and humiliating. Furthermore, in its application in this particular case, it is wholly unscientific and will be utterly ineffective.

This bill provides for the temporary use by the Government of railroads and the return to private control and operation 18 months after the "proclamation of peace terminating the war in which the United States is now engaged." The mere temporary taking over of roads and the temporary use of them by the Government, the measure of compensation for the two or three years of such use, or even the temporary method of rate control—questions which largely absorbed the debate upon this bill—are comparatively unimportant. A few years or months until the date fixed by this bill for the reestablishment of the old railroad policy will soon run by, and the country will easily have survived even the mistakes of legislation or of administration for that brief period. The one question of transcendent importance in the railroad problem is, What is to be the permanent disposition of the railroads—of their control, their rates, their service? Will we permanently persist in maintaining a system of private ownership, private control, private exploitation, in many instances, of the public highways of the Nation, through which the lifeblood of the people flows? Are we to continue the competition of rival private companies in the operation of these public arteries, with private gain and advantage as the first and primary consideration, and at a constant loss to the public of a part of the capacity of the roads? Or are the public roads to be operated as public roads, with the public interest as the primary consideration and private profit a secondary or incidental consideration? Shall the roads be coordinated and operated as one system, so as to secure the full and best use of

made upon a great body of the voters of this country. It is a task that exceeds the 12 labors of Hercules to go before the

been injured, even, by any governmental interference. But I think there are very few Senators, Mr. President, who do not favor an even larger measure of Government control. There are

each, both in handling the business of the communities where they are located and serving the Nation as a whole, as a part of one national system? Shall the enormous amount of cross hauling of commodities, the economic waste of unnecessary transportation, be curtailed and freight be routed to its ultimate destination by the shortest route? None of these matters are disposed of by this bill. Confessedly, by its express provision, its operation is temporary, to terminate on a certain day and hour in the near future, with no provision whatever made for the solution of these great, practical, public problems and policies.

In the broadest terms, opinion upon the proper policy of the Government toward the railroads may be divided into two classes: First, those who believe in private ownership and control and a continued rivalry and competition of private lines as they existed before the roads were taken over by the President; second, those who believe in complete Government control, with either private or Government ownership.

It is consistent for those who believe in continued private control to support the bill introduced in its present form.

By that I may say, in order not to put myself in the same attitude of indefiniteness, I charged the Senator from Illinois [Mr. SHERMAN] with being in, I am in favor of the bill that was first introduced, and am opposed to the changes which were made in it by the committee, and when I speak of the bill in its present form I am referring to the last one of the series of four separate bills, each with a separate individual number, which has marked the various evolutions of this piece of legislation, each one worse, I think, than the other.

It is consistent for those who believe in continued private control to support the bill introduced in its present form since by its terms it restores private control 18 months after the "proclamation of peace" and puts the burden of additional legislation upon the advocates of Government control. But those who believe in Government control and in the unification of the railroads of the Nation into one system, to be operated under strict Government supervision, with either private or public ownership, should support the original bill, as it was framed and introduced by the Director General and his legal advisers—in preference to the new committee substitute or committee amendment—whatever term may be given it. As it was first framed, the effect of the bill was that the roads should not be restored to private control without further legislation to that effect. I have talked with most of the members of the committee, with railroad men, with shippers and consumers, and for 20 years have been actively interested in practical and theoretical questions of railroad policy, and have been in contact with all shades of opinion upon that subject. I do not hesitate to say that the overwhelming consensus of judgment in this country is that our transportation system should not be returned to its former status. How many Senators are there here who will say that they are in favor of private, competitive operation and control as it existed heretofore?

I have an idea there are a few, but there are not many. I venture to say. The distinguished Senator from Indiana [Mr. WATSON], in his learned discussion upon this subject, stated his position in these words:

> Mr. President, as to the second suggestion, I desire to say I do not believe that the railroads of this country will ever be permitted to return to the old competitive system which we have compelled them to pursue for the last 30 years. I do not believe they should be permitted to return to that system. I believe that they will be nationalized; that they will be operated as one transportation system; that they will not be compelled to compete; that they will be permitted to pool their traffic and their earnings; that useless lines will be abandoned; that all the property and all the equipment which every railroad has heretofore provided for its own operation and its own use will be used in common by all the other railroads in the nationalized system. I believe that the Government will control and finance this unit, and that private ownership will be continued in the future as in the past. In other words, complete Government control, with private ownership of the property controlled.

Furthermore, those who are in favor of pooling, whether under private control or under Government unification and control, will all agree that it is a question of colossal importance; and yet, like the Senator from Indiana, notwithstanding his positive and earnest declaration that he does not believe that the roads will ever be permitted to return to private control and the old competitive system, though recognizing the vital character of this question, propose, by this bill in its present form to do that very thing, namely, to restore the old system on a certain date. The able Senator from Indiana says:

> Who, then, should not the powers it—
>
> Referring to the pending bill—
>
> bestows cease at such specified time after the war? On what theory can it be definitely extended?

I presume that was a typographical error and means "indefinitely extended."

Who is willing to contend that it is necessary in order to win this war to permit Mr. McAdoo, or any other man, to control the railroads long after the war?

And yet, in the same address, the learned Senator has stated that it is his belief that the Government will control and finance this unit—the unified and nationalized railroad system of the Nation—not only long after the war shall have ceased but permanently.

If Senators entertain these convictions, why should they vote for the committee changes in this bill, which provide for a return to a system which they believe to be wrong, trusting to some future Congress, perhaps, with possibly some future President, to undo, in the interest of the policy which they advocate, what by this committee bill they do?

Mr. WATSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Indiana?

Mr. POINDEXTER. I yield to the Senator.

Mr. WATSON. If the Senator will permit me, I do not think he can find the inconsistency in my remarks that he might lead one to believe that he has found, or at least thinks he has found.

My contention is that this is a temporary measure, for war purposes only, and that at the conclusion of the holding or operation by the Government—that is to say, at the conclusion of the 18 months after the expiration of the war—these roads shall be turned back to private ownership, but that in the meantime we shall legislate in accordance with the other plan that I have suggested, or something along that line. I do not believe that the Government should continue to operate the railroads as they are now being operated; nor do I believe, on the other hand, that the railroads should be turned back to the old competitive system under private management; but I do believe that the railroads should be turned back to private ownership—that is to say, that private ownership should be continued, because the system of private ownership now obtains. I do believe, however, that between this and the time we turn the roads back we shall by appropriate legislation agree upon some system of governmental control that will obviate the necessity of Government ownership and yet will nationalize and unify the railroad systems of the country. So I do not see, with the permission of my friend, the inconsistency that he attributes to me in my remarks.

Mr. POINDEXTER. Well, Mr. President, I think I understand the Senator's position, and he advocated it very ably and very logically; but the fact still remains, and it is verified by the statement which the Senator has just made, that, in his opinion, private control should cease and that it should be supplanted by Government control before the roads are turned back to the private owners; but, notwithstanding that, he is supporting a measure providing just the contrary to that, to turn them back on a certain date, with no provision such as he advocates.

Now, he again says he thinks it ought to be done before that date, fixed in the bill for the termination of Government control, comes; but he is depending upon some future contingency, upon some future Congress, upon a future President perhaps, with all of the obvious and familiar difficulties of legislation, to accomplish a thing which he declines to do, though I suppose he regards as of the utmost importance.

Mr. WATSON. Now, Mr. President, if it will not interrupt the Senator——

Mr. POINDEXTER. Not at all.

Mr. WATSON. Let me ask the Senator, would he now, in connection with this measure, which of necessity is temporary in its character, enter upon legislation to determine the whole future policy of this country with reference to the management, control, and operation of the railroads?

Mr. POINDEXTER. No; I would not; but I would not vote to return the railroads to the old private-owned competitive system until legislation had been enacted to remedy the existing evils, which, the Senator from Indiana admits, exist.

Mr. WATSON. Then the only difference between the Senator from Washington and myself is that he is apprehensive that the Congress that will be in existence at the close of the war, and for 18 months thereafter, may not perform its duty, whereas I have no such apprehension. In the speech which I made on the floor with reference to the question, I distinctly announced that the Congress then in existence would do its duty and would measure up to the requirements of the hour. That seems to be the difference between us.

Mr. POINDEXTER. I hope that it will, Mr. President, do its duty. I have very little idea of what kind of a Congress we shall have at that time. I am familiar with the opportunity to blockade legislation even in good Congresses, and I prefer to act in the present, to preserve a status which is advantageous toward the accomplishment of the object which the Senator desires, rather than to surrender that advantage and console our-

selves by a eulogy of a Congress that is not yet in being, and about which we know nothing whatever.

Mr. President, the final court, of course, before which this question is to be tried is public opinion; and before you restore the control of the railroads to private interests why not give the shippers, producers, and consumers of the land, for whom and by whom alone this public service is maintained, an opportunity at least to be heard at an election. If the public desires a return to private control, the owners of the railroads will unite with them to bring it about and there will be no legislative difficulty in the enactment of the law; but if, as is almost sure to be the case, the American people, like the Senator from Indiana [Mr. WATSON] and a majority of the members of the Interstate Commerce Committee of the Senate, do not desire to return to the private rival lines, to the rate discriminations, to the power of life and death over industry in private systems, operated primarily for gain, then why prejudge the great question by the preference of this committee substitute bill over the bill that was originally introduced?

I will interrupt what I had intended to say here to answer a little more fully the question which the Senator from Indiana asked me a little while ago as to whether I would dispose of these questions now. On the contrary, in the midst of war the resources of Congress—the legislative resources—and all of the mental resources of the Members of Congress ought to be concentrated upon the conduct of the war; the resources of the country ought to be concentrated upon it; and there should be as little disturbance of existing systems, where such disturbance is not necessary or conducive to the successful conduct of the war, as possible. But for that very reason, because this is not an opportune time to dispose of these questions, and yet because they are questions that must be considered and ought to be disposed of, the present status, which gives an opportunity to consider them with advantage, ought to be preserved; and there could not be provisions put into this bill too rigid to prevent, whether 18 months after the war or at any other time, the return to a policy which Congress believes is wrong—at least, I assume that a majority believe it is wrong, and which the Senator from Indiana and myself agree should never be restored. I agree very largely with the Senator's substantive views about the matter. It seems to be largely a question of how to arrive at the object.

I am in entire accord with what the Senator from Illinois [Mr. SHERMAN] said about the preservation of the foundation of credit in the country. I shall have later on a few remarks to make in connection with that subject, though I do not agree with his eulogy of monarchial forms of government. I prefer a republic. The Senator's statement that every bureau of the Government must necessarily be in a "petrified" condition in every form of government except in a monarchy is a praise of monarchy from an unexpected quarter.

Mr. SHERMAN. Is Germany petrified?

Mr. POINDEXTER. I think it is the most bureaucratic Government in the world.

Mr. SHERMAN. Mr. President, then the sooner we get petrified in the same way the sooner we shall lick Germany.

Mr. POINDEXTER. Mr. President, I have not the same admiration for German kultur and the German Government that the Senator from Illinois seems to have. I have not the same admiration even for the boasted military ability of the German Government that the Senator seems to have, and that alleged German efficiency which seems to be such a fetich in certain circles. The subject of German superiority over the rest of the world is a little aside from this bill, but not any more aside from it than most of the things which the Senator from Illinois talked about in his speech. But even from a military standpoint Germany has failed. After preparing for this war with the most minute particularity, even down to the point of sewing two sets of suspender buttons on a soldier's pants, with secret plans, and the surprise of peaceful nations by violation of treaties, though outnumbering the French 8 to 5, Germany was defeated at the Marne, pinned to her trenches, and beaten in her object of occupying Paris in three months.

Even the boasted military prowess of the Germans is largely mythical.

But to return to the pending question—whether railroad control shall be retained until a permanent policy is adopted is largely a question of advantage of procedure. It is as though one should have enough confidence in his opinions and in the importance of accomplishing the great object in which he believes, to hold for those opinions and for the public interest of the country the advantage of the present status, rather than by surrendering it, put the burden upon the public of recovering it again.

Why should we, before we have acted upon these vital questions or even considered them, entrench the railroad corporations in the law and put the burden upon the people of changing that law against the obstructions of the entrenched interests? Of course, it is almost obnoxious nowadays to use the word "interests," but I use it in the most literal sense—the investment of private parties in these public utilities—and in no invidious sense at all.

The affirmative in legislation is always more difficult to maintain than the negative, just as the offensive is in warfare. If the German oppressors of Belgium and would-be conquerors of the world would get out of their holes in the ground, they would very soon be driven back behind the Rhine, where they belong; but they are pursuing a defensive warfare, and their opponents have the burden of the offensive. If we give the railroads, by the thirteenth section of the bill as amended by the committee, the first-line trench of the Senate, and the second-line trench of the House, and the third-line trench of the presidential veto, and the fourth-line trench of the courts, they may be depended upon to do enough camouflaging of issues, of gassing and bombing of opponents, of frightfulness and ruthlessness of business and political warfare, and of protracted discussion in the courts to make a long war and defer for many years the reestablishment of governmental control.

Neither is it likely that the great tribunal of the people, to which all of our actions here must be submitted, will decree in favor of a consolidation of the railroads of the country under private control, however much it might add to their efficiency. Such a monster of power in private hands could defy the Government, and its inevitable abuses would tempt revolution, which is already lifting its bloody hand in the world. Such a private power would set itself up above the courts and the people. Joined and meticulated together by the law, it would prove a very Frankenstein of irresponsible power and defy its creator.

The Senator from Illinois, if he will pardon me for referring to his speech again, has pointed out that even in the divided state of railroad power, it was able to force legislation through Congress. If we unite that power under private ownership, without the restraints of governmental control, the conditions which the Senator has described will be very much aggravated.

If it is agreed that private competition in transportation is wasteful and inefficient, and private monopoly is dangerous and oppressive, why is it proposed, in the little space of 18 months after the close of the war, to return to either one or the other? I say one or the other because, although supposed to be forbidden by the Sherman Antitrust Act, and so decreed by the Supreme Court of the United States, there was, until the roads were taken over by the Government, a steady tendency toward consolidation of private control. I might call attention here to the fact that I have seen appear before committees of the Senate a very courteous and able gentleman to speak for his client, which was a committee representing 97 per cent of all the railroads in the United States, and that concert of action was notwithstanding the Sherman antitrust law.

It may be admitted that this is an inopportune time for making these permanent readjustments, but the opportunity to make them, in so far as this law is concerned, should be preserved to the public, and the burden should be put upon the private interests involved to promote additional legislation if Government control is to be permanently divested. We should not surrender it by this act, and put the burden upon the public to secure additional legislation in order to recover it.

If I were opposed to Government control, Mr. President, I would promote in every way that I could the fixing of a definite time when it should end; but if I were in favor of it I should oppose legislation now or at any other time to bring it to an end.

The science of government teaches that laws should be so framed, as far as possible, as to make it to the interest of the governed to support the policies of the Government. This matter should be so arranged that the powerful private interests concerned would have the burden of positive and affirmative action in order to restore the old condition of almost unrestricted private control. It is always easier to delay, block, and defeat a bill than to enact one. If the bill passes in its present form the time will come when the passions of the people will be stirred by one of the most stupendous political conflicts in their history, with private interests entrenched in the statute and the public interest at the disadvantage of overcoming every obstruction and delay to which our form of government, with its intricate system of checks and balances, gives so many opportunities, with its bicameral legislature, its executive and judicial vetoes, its pigeonholes, its filibusters, its struggles in committees of the Senate, of the House, and of conference, with a legislative executioner at every door to demand the password.

I presume that was a typographical error and means "indefinitely extended."

toward the accomplishment of the object which the Senator desires, rather than to surrender that advantage and console our-

by surrendering it, put the burden upon the public of recovering it again.

mittees of the Senate, of the House, and of conference, with a legislative executioner at every door to demand the password.

If now, confessedly without consideration of the intricate questions involved, we provide that at a certain date the railroads shall be restored to the prewar private control, then we establish the private railroad interests in every one of these strategic points. The public interest should be established in them. The private interests would then be compelled to unite with the Government in securing the enactment of a law fixing a permanent basis of transportation.

The legitimate interests of every investor under the law should be protected, and liberality rather than parsimony should govern their compensation. The Government and the people can afford to be liberal, they can always afford to be liberal, but they can especially afford to be liberal in this matter, because the costs of the transaction are small compared to the immense and permanent benefits to be derived from the correct settlement of the question.

To illustrate just by one instance, Boise, Idaho, in the midst of the sheep country, is 700 miles nearer to the wool market in Boston than Portland, Oreg.; yet under the old private operation of roads the freight rate on wool from the wool country, Boise, to the wool market in Boston was $1.98 per hundred, while the rate from Portland, 700 miles farther away, was $1. The rate on wool from Boise to Portland was 77 cents, so that it costs $1.77 to ship wool from Boise to Portland, and back from Portland, through Boise, and on to Boston; while it costs $1.98 to ship direct from Boise to Boston, 1,400 miles less of transportation. The amount that would be saved to the people of vast regions in the United States by the removal of unjust and inequitable discriminations of this kind would far more than compensate the Nation in increased production and prosperity and in release from unjust burdens of rate taxation for any cost which, whether temporarily or permanently, the Government would be put to in taking over the control of the roads.

I was once a member of a subcommittee investigating certain charges that the development of coal mines tributary to the Southern Railway system was suppressed by those who controlled its finances in the interest of northern roads in which they were concerned. The testimony indicated that rich coal fields within easy reach of southern ports by way of the Southern Road were prevented from being developed by discriminatory rates. The removal of motives and opportunities for such manipulation of development by the private control of transportation—which really is a public function and agency of the Government itself—which would be accomplished, will be another compensation, with the long list of others, which far more than overbalance even the most liberal measure of satisfaction of any private claims in these highways.

The Erie Canal is a natural regulator and reducer of freight rates on all transportation between the Atlantic coast and the great West, from the North Carolina line to the Canadian border.

I have that statement, which fastened itself in my mind, from one of the most important representatives of the railroads in the country, and it undoubtedly is a basic truth. Under the system reestablished by this committee bill, the power of the vast investments in railroad transportation has attacked and destroyed hundreds of water transportation systems, which, if preserved, would have had effects similar to that of the Erie Canal. Under public control all motives for opposition to supplementary water transportation will be removed and, on the other hand, by the union of these two arms of traffic the efficiency of both will be increased and the prosperity of the Nation multiplied.

To some the financing of either Government control or Government ownership of railroads appears to be an insuperable obstacle. The Government ownership is not a necessary accompaniment of Government control, and to some it is undesirable; but, with or without Government ownership, the Government financing of Government control could be effected without difficulty or embarrassment, and the savings alone which would result from the economies incident to the consolidation of various conflicting systems, by a system of amortization and gradual reduction of financial obligations, even though the burden of Government ownership were assumed, would go far toward extinguishing the debt in 50 years.

Neither has consideration been given by this bill or in the framing of it to methods, means, and organization of Government control. These details offer no insuperable obstacle. The appointment of assistant directors for various consolidated transportation systems, composed of what heretofore have been rival and competing lines, with jurisdiction coordinate with certain sections of the system, acting under the authority of the Director General—subject to the control of Congress, and with the assistance of the established commissions—could very readily be perfected into a satisfactory organization. These questions, however, are open for discussion and adjustment. It is not pretended in this bill even to consider them, and the opportunity for their consideration will be very much compromised by the preference of the committee bill.

Now, who is in favor of the old system, other than the private owners of the railroads? A few pseudoconservatives. By pseudoconservatives I mean those who by their natural constitutions are opposed to change of any existing institution. It is a false conservatism, because it is an impossible attitude. For many it would be a very comfortable position if it could be maintained. But it is futile to resist change. Evolution is a law of human society as truly as of the rest of nature, and obstruction of its course leads either to decay or violence. The law of the survival of the fittest, in the struggles of men and nations, applies to policies of transportation as it does to every other essential activity of organized society.

In our complicated modern state the lives of the people, in a direct and literal sense, depend upon railway transportation. Its mismanagement or perversion for selfish private interests is instantaneously reflected in the economic life of the people.

It is going far to say that a factor so vital to the welfare and existence of the Nation shall by this bill, at a fixed time, be restored to private control, without even an attempt at settlement of the mighty issues involved.

Mr. STERLING. I send to the desk a proposed amendment to the pending bill, which I ask may be printed and lie on the table.

The VICE PRESIDENT. It will be so ordered.

Mr. SMITH of South Carolina. Mr. President, I move that the Senate take a recess until to-morrow at 12 o'clock noon.

The VICE PRESIDENT. The motion is out of order.

Mr. LEWIS. Mr. President, let me suggest to the Senator——

Mr. SMITH of South Carolina. I move that the Senate take a recess, then.

The VICE PRESIDENT. No; that motion is out of order. There is a unanimous-consent agreement that on the legislative day of Thursday, February 21, 1918, the Senate will proceed to consider this bill in a certain way. There can be no legislative day of February 21 if a recess is taken.

Mr. LEWIS. Mr. President, that is all I rose for—to remind the Senator that that is the situation.

Mr. SMITH of South Carolina. I move, then, that the Senate adjourn until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 21, 1918, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 20, 1918.*

The House met at 12 o'clock noon.

Rev. William Couden, of Washington, D. C., offered the following prayer:

Rule Thou, Almighty King, over the spirit and affairs of our land. Add Thy favor to all our undertakings, both civil and military. Govern with the conquering power of Thy will the aims and work of the President and his advisers, the Congress of the United States, and all our Army and Navy authorities. May God reign that the country may live.

Be with the officers, Members, and servants of this House individually. Teach them to live as though each day were to be their last before the night cometh when no man can work, and yet as though each day were the beginning of an endless chain of causation, with every linked effect in which each must reckon.

And when at last they reach the vale of Jordan, through the merits of the atoning Savior, land them as ransomed souls safe on Canaan's sid

And the grace of our Lord Jesus Christ and the love of God and the fellowship of the Holy Ghost be with us all evermore. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, had agreed to the conference asked for by the House, and had appointed Mr. OVERMAN, Mr. FLETCHER, and Mr. NELSON as the conferees on the part of the Senate.

The message also announced that the Vice President had appointed Mr. FRANCE and Mr. HOLLIS members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Interior Department.

CALL OF THE HOUSE.

Mr. WALSH rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts [Mr. WALSH] makes the point of order that there is no quorum present.

Mr. MASON. Mr. Speaker, pending that, may I ask unanimous consent to extend my remarks?

The SPEAKER. You can not turn a wheel until you get a quorum. Evidently there is no quorum present. The Doorkeeper will close the doors.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Illinois moves a call of the House.

A call of the House was ordered.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Fairchild, G. W.	Kehoe	Riordan
Blackmon	Flood	LaGuardia	Rodenberg
Booher	Flynn	Lesher	Rowland
Britten	Focht	McCormick	Sanders, La.
Brumbaugh	Fuller, Mass.	McCulloch	Scott, Iowa
Candler, Miss.	Garland	McKenzie	Scully
Capstick	Gould	McLaughlin, Pa.	Sims
Carlin	Gray, Ala.	Magee	Slemp
Chandler, N. Y.	Greene, Vt.	Maher	Sterling, Pa.
Coady	Gregg	Miller, Minn.	Sullivan
Connelly, Kans.	Hamill	Miller, Wash.	Sumners
Cooper, Ohio	Harrison, Miss.	Montague	Templeton
Costello	Haskell	Mott	Vare
Curry, Cal.	Heints	Nicholls, S. C.	Walker
Dallinger	Hensley	Nolan	Ward
Davidson	Holland	Oliver, Ala.	Wilson, Ill.
Dooling	Hollingsworth	Parker, N. Y.	Wilson, La.
Doremus	Hood	Porter	Winslow
Drukker	Howard	Pratt	Zihlman
Dyer	Husted	Price	
Eagle	Johnson, S. Dak.	Ragsdale	
Emerson	Jones, Tex.	Rayburn	

The SPEAKER. On this call 342 Members have answered to their names, a quorum.

Mr. DOWELL. Mr. Speaker——

Mr. KITCHIN. Mr. Speaker, I move to suspend further proceedings under the call.

Mr. DOWELL. Mr. Speaker, I desire to make a motion.

The SPEAKER. You can not make a motion until you get rid of this.

Mr. DOWELL. All right.

The SPEAKER. The question is on the motion of the gentleman from North Carolina to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. For what purpose does the gentleman from Iowa rise?

Mr. DOWELL. I desire to make a motion. I move that we dispense with Calendar Wednesday to-day.

The SPEAKER. The gentleman from Iowa moves that we dispense with the business usually transacted on Calendar Wednesday to-day.

Mr. DOWELL. Mr. Speaker, in view of the fact that we have under consideration the railroad bill, which is not only important to both branches of Congress, but to the entire country, it would seem to me we ought to proceed as rapidly as possible to the consideration of that bill, and it is for this reason that I make the motion. I believe it should be concurred in by all Members of the House.

The SPEAKER. The gentleman has five minutes.

Mr. DOWELL. I reserve the balance of my time.

The SPEAKER. The gentleman from Iowa reserves four minutes.

Mr. KITCHIN. Mr. Speaker, I trust that the motion will not prevail. The chairman of the Committee on Interstate and Foreign Commerce has made no such request. It was understood by him and by the members of the committee that no such motion would be made. It is well known that that motion is not made to take up the railroad bill, but in order to defeat the Buchanan statue measure, which was before the House last Wednesday. This bill, as I understand, if it is to become available at all, must be passed by March 1.

Mr. SLAYDEN. By July.

Mr. KITCHIN. I believe that the gentlemen who have charge of the Buchanan statue bill ought to have their day in court. Their day will be lost if it is dispensed with to-day, and they will get no more days until they get around the calendar again, and that will not be done again at this session.

Mr. WALSH. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. WALSH. Is it not a fact that the Director General of Railroads has sent a letter to Members of both branches, urging the passage of the railway legislation without any delay whatever?

Mr. KITCHIN. Yes; and this is not delaying it. Of course, that meant under the rules of the House and the general course of procedure here, and they knew that you could not bring in a rule to dispense with Calendar Wednesday for the purpose of considering the railroad bill. Calendar Wednesday must be dispensed with either by a two-thirds vote or by unanimous consent.

Mr. DOWELL. In reply to the gentleman from North Carolina I desire to say that there are many Members of the House who desire to discuss the railroad bill. Under the rules they are not able to secure the time they desire in which to discuss this measure. If Calendar Wednesday is dispensed with every opportunity can be given for those who desire to present their views upon this question and to give it careful consideration, and it does seem to me that it is not proper to dispense with the consideration of the railroad bill in order to take up other matters at this time. I know the gentleman from North Carolina [Mr. KITCHIN] has frequently come to the House with the request that Calendar Wednesday be dispensed with in order that important legislation might be considered. He has always received not only a majority, but usually unanimous consent that Calendar Wednesday be dispensed with for that purpose. I know of no more important legislation than that which is now pending before the House, and it should have immediate consideration. Mr. Speaker, I ask for the yeas and nays on the motion.

Mr. SLAYDEN. Mr. Speaker, I believe I am entitled to the three minutes remaining of the five.

The SPEAKER. Yes.

Mr. SLAYDEN. I want to say in reply to the gentleman from Iowa [Mr. DOWELL] that if he had been less eager to filibuster and try to defeat this bill than he is to advance the consideration of the railroad bill we would have been through with it in half the time he has consumed. Last Wednesday, as almost every Member of this House knows, we discussed this bill and advanced it to the stage where, after having concluded general debate, we might have had a vote on it; but some gentlemen suggested to me that it would be at least courteous and considerate of their feelings if a vote were not pressed, because some of them had an engagement to go to the White House. I believed then, and I believe the House knows, that we had votes enough on the floor at that time to have passed the bill, but out of consideration for the 15 gentlemen we did not press it.

One of the very eminent Members on that side of the House who voted against the consideration of this bill assured me that so far as he knew there would be no more filibustering against it. I know he would not have deceived me, and so he must have been mistaken or his followers are out of hand.

Now, Mr. Speaker, I am perfectly willing to have a vote on the measure at once, and the vote that the gentleman is demanding on his motion to postpone could be used to either pass or defeat the bill.

I submit, Mr. Speaker, for printing in the RECORD, a table that is a brief history of monuments heretofore erected in Washington by permission of the Congress. Nineteen of them were paid for out of the Public Treasury. Fifteen were provided by the joint contribution of citizens, or associations of citizens, and from the public moneys, while nine were provided for by citizens only.

Of the 15 that were paid for by joint public and private contributions some are memorials to very distinguished characters. Among them are Garfield, Andrew Jackson, Abraham Lincoln, John Witherspoon, Gen. W. T. Sherman, George Washington, and Frederick the Great. The last was given by the Emperor of Germany, and the pedestal paid for by appropriation out of the Treasury of the United States.

Among the nine memorials paid for wholly by private citizens we find represented the names of the following great men: Lincoln, Albert Pike, Kosciusko, Benjamin Franklin, and Dr. Samuel Gross.

be perfected into a satisfactory organization. These questions, of the Senate.

Statues in the public grounds, District of Columbia.

Statue.	Description.	Location.	Date unveiled.	Remarks.
Du Pont, Admiral	Standing	Dupont Circle; Massachusetts and Connecticut Avenues, Nineteenth and P Streets NW.	Dec. 20, 1884	Cost of statue and pedestal, $20,500. Appropriated by Congress as follows: Act of Mar. 3, 1881, $10,500; act of Feb. 25, 1882, $10,000.
Daguerre, L. J. M.	do	Smithsonian Grounds	Set in position in April, 1897.[1]	Presented to the Government by the Photographic Association of America; unveiled in National Museum Aug. 15, 1890.
Farragut, Admiral	do	Farragut Square; Seventeenth and K Streets NW.	Apr. 25, 1881	Cost of statue $20,000. Appropriated by Congress, act of Apr. 16, 1872.
Greene, Gen. Nathanael	Equestrian	Stanton Park; Massachusetts and Maryland Avenues, Fifth and C Streets NE.	Turned over to the Government informally in 1877.	Appropriated by Congress: For statue act June 24, 1874, $40,000; for pedestal, act Mar. 3, 1875, $10,000.
Garfield, President	Standing	First Street and Maryland Avenue N. W.	May 12, 1887	Appropriated by Congress: $7,000 for statue, act of Mar. 11, 1882; $30,000 for pedestal, act of July 7, 1884; subscribed by the Society of the Army of the Cumberland for statue, $25,000.
Gross, Dr. Samuel D.	do	Smithsonian Grounds	May 5, 1897	Presented by physicians and surgeons of the United States; act of Congress, Mar. 2, 1895, authorized its erection in public grounds and appropriated $1,500 for a pedestal.
Henry, Prof. Joseph	do	do	Apr. 19, 1882	Cost of statue and pedestal, $15,000; appropriated by Congress June 1, 1880.
Hancock, Gen. Winfield Scott	Equestrian	Hancock Place; Seventh Street and Pennsylvania Avenue N. W.	May 12, 1896	For statue and pedestal, act of Mar. 3, 1891, $10,000.
Hahnemann, Dr. Samuel	Sitting	East of Scott Circle, Massachusetts and Rhode Island Avenues and N Street NW., between Fifteenth and Sixteenth Streets.	June 21, 1900	Erected by the American Institute of Homeopathy. Act of Congress, Jan. 31, 1901, authorized its erection in public grounds and appropriated $4,000 for a foundation.
Jackson, Gen. Andrew	Equestrian	Center of Lafayette Park	Jan. 8, 1853	Cost of statue, $32,000; act of Congress, Mar. 3, 1853, appropriated $30,000 of the amount, and $12,000 was paid by the Jackson Democratic Association of Washington, D. C. Cost of pedestal, $8,000. Appropriated by Congress, acts of Aug. 31, 1852, and Mar. 3, 1853.
Logan, Gen. John A.	do	Iowa Circle, Vermont and Rhode Island Avenues, and Thirteenth and P Streets NW.	Apr. 9, 1901	Cost of statue and pedestal, $65,000; $50,000 appropriated by Congress, acts of Mar. 2 and 3, 1889; $15,000 paid by Society of the Army of the Tennessee.
Lafayette, Gen., and compatriots.	Standing	Southeast corner of Lafayette Park	Completed in April, 1891. No ceremonies.	Cost of statue and pedestal, $50,000; appropriated by Congress, act of Mar. 3, 1885.
Lincoln, President	Standing column	In front of United States courthouse, Judiciary Square.	About 1869	Erected by popular subscription by citizens of the District of Columbia.
Do	Sitting	Lincoln Park, East Capitol and Eleventh and Thirteenth Streets.	Apr. 14, 1876	Erected by the emancipated citizens of the United States, who subscribed $18,000 for the statue. Its erection in public grounds authorized by act of Congress June 23, 1874, which also appropriated $3,000 for a pedestal for the statue.
McPherson, Maj. Gen. James B.	Equestrian	McPherson Square, Vermont Avenue, Fifteenth and K Streets NW.	Oct. 18, 1876	Cost of statue, $23,000, paid by Society of the Army of the Tennessee. Cost of pedestal, $25,000, appropriated by Congress, act of Mar. 3, 1875.
Pike, Gen. Albert	Standing	Indiana Avenue, Third and D Streets NW.	Oct. 23, 1901	Erected by the Masonic Fraternity of the United States. Act of Congress, Apr. 9, 1898, authorized its erection in public grounds, and states its cost shall not be less than $10,000.
Rochambeau	do	Southwest corner Lafayette Park	May 24, 1902	Cost of statue and pedestal, $22,500; appropriated by Congress, act of Mar. 3, 1901, $7,500; act of Feb. 14, 1902, $15,000.
Rawlins, Gen. John A.	do	South of Pennsylvania Avenue, between Eighth and Ninth Streets NW.[2]	Completed in November, 1874. (No formal ceremonies.)	Act of Congress June 10, 1872, appropriated $10,000 for statue and act of June 22, 1874, appropriated $3,000 for pedestal, which last act authorized its erection in Rawlins Square.
Scott, Gen. Winfield	Equestrian	Scott Circle, Massachusetts and Rhode Island Avenues, Sixteenth and N Streets NW.	Turned over to the Government informally in 1874.	Appropriated by Congress for a statue, Mar. 2, 1867, $30,000; July 15, 1870, $15,000; for pedestal, July 10, 1872, $12,000.
Thomas, Maj. Gen. George H.	do	Thomas Circle, Massachusetts and Vermont Avenues, Fourteenth and M Streets NW.	Nov. 19, 1879	Cost of statue, $35,000, paid by the Society of the Army of the Cumberland. Cost of pedestal, $25,000. Appropriation by Congress, act of July 31, 1876.
Washington, Gen.	do	Washington Circle, Pennsylvania Avenue, Twenty-third and K Streets NW.		Cost of statue and pedestal, $50,000; appropriated by Congress, act of Mar. 3, 1853.
Barry, Commodore John	A granite pedestal surmounted by a pedestrian figure in bronze of Commodore Barry.	Fourteenth Street side of Franklin Park between I and K Streets NW.	May 16, 1914	Act of June 8, 1906, provided the sum of $50,000 for the construction and erection of this statue.
Columbus, Christopher	Memorial fountain with standing figure of Columbus on prow of ship.	Union Station Plaza	June 8, 1912	Act of Mar. 4, 1907, appropriated $100,000 for this memorial.
Stephenson, Franklin B., Grand Army Memorial.	Granite shaft with 2 bronze figures, soldier and sailor, and bronze medallion of Stephenson.	United States Reservation 36a, Louisiana Avenue, Seventh and C Streets NW.	July 3, 1908	Public resolution of Mar. 4, 1907, appropriated $10,000 for the preparation of a site and the erection of a pedestal for this memorial which was presented by the Grand Army of the Republic.
Grant, Gen. Ulysses S.	A long terrace of marble with the equestrian statue of Gen. Grant in the center. On one end of this terrace there will be an artillery group; on the other a cavalry group. Surrounding the equestrian statue are 4 bronze lions.	Located in the east end of Botanic Garden Grounds at First Street west, between Pennsylvania and Maryland Avenues.	(Not completed. In contemplation.)	Authorized by act of Congress June 28, 1902, which limits the cost to $240,000. The act of Feb. 23, 1901, provided $10,000 for procuring designs for the memorial. All the architectural work, the bronze artillery group, and the 4 bronze lions are in position. There remains to complete this memorial the bronze cavalry group, the bronze equestrian statue of Gen. Grant, and the 2 bas-reliefs for the central pedestal.
Jones, John Paul	Standing	Potomac Park, at foot of Seventeenth Street Driveway.	Apr. 17, 1912	Act of June 8, 1906, appropriated $50,000 for the statue and pedestal.
Kosciuszko, Gen. Thaddeus	do	On the northeast corner of Lafayette Square.	May 11, 1910	Presented by the Polish-American organizations and people in United States. Its acceptance and erection in Lafayette Park authorized by joint resolution of Apr. 18, 1904.
Longfellow, Henry Wadsworth.	Sitting	U. S. Reservation 150, Connecticut Avenue, Eighteenth and M Streets NW.	May 15, 1909	Joint resolution of June 8, 1906, appropriated $4,000 for preparation of a site and erection of the pedestal for this statue which was provided by the Longfellow National Memorial Association.

[1] The statue of Daguerre was removed from the National Museum and set up in the Smithsonian Grounds under permission granted by the officer in charge of Public Buildings and Grounds, Apr. 12, 1897.

[2] The statue of Gen. Rawlins was originally located in Rawlins Square on New York Avenue, between Eighteenth and Nineteenth Streets. By act of Congress, May 17, 1886, $926 was appropriated for its removal to the present location.

Statues in the public grounds, District of Columbia—Continued.

Statue.	Description.	Location.	Date unveiled	Remarks.
Lincoln, Abraham (memorial to).		West Potomac Park	(Not completed.)	Authorized by act of Congress approved February 9, 1911, amount appropriated for securing designs, $50,000. Amount appropriated for construction, $2,594,000.
McClellan, Gen. Geo. B.	Equestrian	U. S. Reservation 150a, Connecticut Avenue, Eighteenth and N Streets NW.	May 7, 1907	Authorized by act of Mar. 3, 1901, $50,000.
Pulaski, Gen. Count	do	U. S. Reservation 33, Pennsylvania Avenue, Thirteenth and E Streets NW.	May 11, 1910	Act of February 27, 1903, $50,000 for statue and pedestal.
Peace or "Naval" Monument.	Standing	Pennsylvania Avenue and First Street NW.	Unknown	Sundry civil act approved July 31, 1876, appropriated the sum of $20,000 for completing the statue of "Peace" and provided for the selection of a site on the public grounds in the city of Washington for the erection of the statue. It is understood that part of the cost of this statue was defrayed by private subscription.
Steuben, Baron von	do	On the northwest corner of Lafayette Square.	Dec. 7, 1910	Act of Feb. 27, 1909, $50,000 for statue and pedestal.
Sheridan, Gen. Philip H.	Equestrian	Sheridan Circle, Massachusetts Avenue and Twenty-third Street, between P and Q Streets NW.	Nov. 25, 1908	Act of Mar. 2, 1899, $40,000; act of Mar. 3 1891, $10,000 for statue and pedestal.
Sherman, Gen. Wm. T.	do	Sherman Plaza, south of United States Treasury Building.	Oct. 15, 1903	Appropriated by act of July 3, 1892, $50,000; appropriated by act of Mar. 2, 1895, $30,000; subscribed by the Army of the Tennessee for statue, $11,000. Additional amounts, aggregating $40,055.05, have since been appropriated for subfoundation, Mosaic work, granite curb, improvements of grounds, etc.
Witherspoon, John	Standing	United States Reservation 150a, Connecticut Avenue, Eighteenth and N Streets NW.	May 29, 1909	Public Resolution of May 29, 1908, appropriated $4,000 for the preparation of a site and the erection of the pedestal for this statue, which was provided by the Witherspoon Memorial Association.
Webster, Daniel	do	West of Scott Circle; Massachusetts and Rhode Island Avenues and N Street NW., between Sixteenth and Seventeenth Streets.	Jan. 18, 1900	Presented by Mr. Stilson Hutchins to United States. Act of Congress, July 1, 1898, authorized its erection in public grounds and appropriated $4,000 for a pedestal for same.
Bartholdi	Fountain	Botanic Garden	About 1877	The fountain was first at the Philadelphia Exposition, and was sold to the Government by the sculptor. Cost to the Government not known.
Frederick II, of Germany, surnamed "The Great."	Standing	Army War College	Nov. 19, 1904	The statue was a gift of the German Kaiser to the United States, in appreciation of courtesies extended Prince Henry of Prussia during the latter's visit to this country in 1902. The pedestal was furnished by the United States. Act of Apr. 28, 1904.
Franklin, Benjamin	do	Old Times Square, Pennsylvania Avenue and Tenth Street.	Erected Jan. 17, 1889, without dedication.	Given to the city by Stilson Hutchins, a citizen of Washington, D. C.
McMillan memorial	Fountain	McMillan Park		Presented to the United States by citizens of Michigan. Cost of fountain, $25,000; appropriated, $15,000. Act June 25, 1910.
Millet-Butt memorial	do	South of White House Grounds, at northwest junction of the road around those grounds with the road around the ellipse.		Erected by friends of Francis Davis Millet and Archibald Wallingham Butt, at a cost of $5,000. The sculptor and architect donated their services. Act Aug. 24, 1912.
Rush, Benjamin	Standing	Naval Hospital Grounds		
Shepherd, Alexander R.	do	In front of Municipal Building	May 3, 1909	Cost $10,192.67; defrayed by public subscription in the city of Washington, D. C.
Washington Monument	Pyramidal shaft	The Mall		Cost $1,350,000. Construction started by Washington National Monument Society and taken up in 1876 and concluded by United States Government.

Mr. Speaker, I have a little time remaining, and I yield to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to the alien conscription bill reported by the committee.

The SPEAKER. The gentleman from Illinois [Mr. MASON] asks unanimous consent to extend his remarks in the RECORD on the alien-slacker bill. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, has not the gentleman already obtained permission for that?

Mr. MASON. I thought I had, but I am not sure, and I wish to be sure, and it does not take any time to give this consent now.

The SPEAKER. Is there objection?

Mr. SHOUSE. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kansas objects. The question is on the motion of the gentleman from Iowa [Mr. DOWELL] to dispense with Calendar Wednesday.

Mr. DOWELL. On which I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of dispensing with Calendar Wednesday will, when their names are called, answer "yea," those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 118, nays 228, answered "present" 2, not voting 80, as follows:

YEAS—118.

Anderson	Cooper, W. Va.	Dempsey	Elston
Ayres	Cooper, Wis.	Denison	Fairchild, B. L.
Bland	Cramton	Doolittle	Fairfield
Bowers	Currie, Mich.	Dowell	Fordney
Browne	Dale, Vt.	Dunn	Foss
Burroughs	Davidson	Elliott	Francis
Campbell, Kans.	Davis	Ellsworth	Frear
Freeman	Kelly, Pa.	Mott	Stafford
French	Kennedy, Iowa	Nelson	Sterling, Ill.
Fuller, Ill.	King	Nichols, Mich.	Stiness
Gillett	Knutson	Paige	Sweet
Good	Kraus	Parker, N. Y.	Switzer
Goodall	La Follette	Platt	Temple
Graham, Ill.	Lehlbach	Purnell	Tilson
Green, Iowa	Lenroot	Ramsey	Timberlake
Greene, Mass.	Little	Randall	Tinkham
Hadley	Lobeck	Rankin	Towner
Hamilton, N. Y.	Longworth	Reavis	Vestal
Hamlin	Lufkin	Reed	Voigt
Hawley	Lundeen	Roberts	Volstead
Helvering	McArthur	Rogers	Waldow
Hersey	McKenzie	Sanders, Ind.	Walsh
Hicks	McLaughlin, Mich.	Sanders, N. Y.	Wason
Hull, Iowa	Madden	Sanford	Wheeler
Ireland	Mapes	Scott, Mich.	White, Me.
James	Mecker	Sinnott	Williams
Johnson, Wash.	Merritt	Sloan	Wood, Ind.
Juul	Mondell	Smith, Idaho	Woods, Iowa
Kahn	Moores, Ind.	Snell	
Kearns	Morgan	Snyder	

NAYS—228.

Alexander	Browning	Chandler, Okla.	Denton
Almon	Brumbaugh	Clark, Fla.	Dewalt
Ashbrook	Buchanan	Clark, Pa.	Dickinson
Aswell	Burnett	Claypool	Dill
Austin	Butler	Collier	Dillon
Bacharach	Byrnes, S. C.	Connally, Tex.	Dixon
Baer	Byrns, Tenn.	Connelly, Kans.	Dominick
Bankhead	Caldwell	Cooper, Ohio	Doremus
Barkley	Campbell, Pa.	Copley	Doughton
Barnhart	Cannon	Cox	Drane
Beakes	Cantrill	Crago	Dupré
Bell	Caraway	Crisp	Eagan
Beshlin	Carew	Crosser	Edmonds
Black	Carlin	Dale, N. Y.	Esch
Blanton	Carter, Mass.	Darrow	Estopinal
Brand	Carter, Okla.	Decker	Evans
Brodbeck	Cary	Dent	Farr

Foss	Kiess, Pa.	Overstreet	Smith, C. B.
Fields	Kincheloe	Padgett	Smith, T. F.
Fisher	Kinkaid	Park	Snook
Foster	Kitchin	Parker, N. J.	Steagall
Gallagher	Kreider	Peters	Steele
Gallivan	Langley	Phelan	Steenerson
Gandy	Larsen	Polk	Stephens, Miss.
Gard	Lazaro	Pou	Stephens, Nebr.
Garner	Lea, Cal.	Powers	Sterling, Pa.
Garrett, Tenn.	Lee, Ga.	Price	Stevenson
Garrett, Tex.	Lesher	Quin	Strong
Glass	Lever	Rainey	Swift
Glynn	Linthicum	Raker	Tague
Goodwin, Ark.	Littlepage	Ramseyer	Talbott
Gordon	London	Rayburn	Taylor, Ark.
Griest	Lonergan	Robbins	Taylor, Colo.
Hamill	Lunn	Robinson	Thomas
Hamilton, Mich.	McAndrews	Romjue	Thompson
Hardy	McClintic	Rose	Tillman
Harrison, Va.	McFadden	Rouse	Van Dyke
Hastings	McKeown	Rowe	Venable
Haugen	McKinley	Rubey	Vinson
Hayden	McLemore	Rucker	Walton
Hayes	Mansfield	Russell	Watkins
Heaton	Mason	Sabath	Watson, Pa.
Heflin	Mays	Saunders, Va.	Watson, Va.
Helm	Montague	Schall	Weaver
Hilliard	Moon	Scott, Pa.	Webb
Houston	Moore, Pa.	Sears	Welling
Huddleston	Morin	Sells	Welty
Hull, Tenn.	Mudd	Shackleford	Whaley
Humphreys	Neely	Shallenberger	White, Ohio
Hutchinson	Nolan	Sherley	Wilson, Tex.
Igoe	Norton	Sherwood	Wingo
Jacoway	Oldfield	Shouse	Wise
Johnson, Ky.	Oliver, N. Y.	Siegel	Woodyard
Jones, Va.	Olney	Sisson	Wright
Keating	Osborne	Slayden	Young, N. Dak.
Kennedy, R. I.	O'Shaunessy	Small	Young, Tex.
Key, Ohio	Overmyer	Smith, Mich.	Zihlman

ANSWERED "PRESENT"—2.

Gray, N. J. Treadway

NOT VOTING—80.

Anthony	Fairchild, G. W.	Howard	Pratt
Blackmon	Ferris	Husted	Ragsdale
Booher	Flood	Johnson, S. Dak.	Riordan
Borland	Flynn	Jones, Tex.	Rodenberg
Britten	Focht	Kehoe	Rowland
Candler, Miss.	Fuller, Mass.	Kelley, Mich.	Sanders, La.
Capstick	Garland	Kettner	Scott, Iowa
Chandler, N. Y.	Godwin, N. C.	LaGuardia	Scully
Church	Gould	McCormick	Sims
Classon	Graham, Pa.	McCulloch	Slemp
Coady	Gray, Ala.	McLaughlin, Pa.	Stedman
Costello	Greene, Vt.	Magee	Sullivan
Curry, Cal.	Gregg	Maher	Sumners
Dallinger	Harrison, Miss.	Mann	Templeton
Dies	Haskell	Martin	Vare
Dooling	Helgesa	Miller, Minn.	Walker
Drukker	Hensley	Miller, Wash.	Ward
Dyer	Holland	Nicholls, S. C.	Wilson, Ill.
Eagle	Hollingsworth	Oliver, Ala.	Wilson, La.
Emerson	Hood	Porter	Winslow

So, two-thirds not having voted in favor thereof, the motion to dispense with the business of Calendar Wednesday was rejected.

The following pairs were announced:

Until further notice:

Mr. FLYNN with Mr. BRITTEN.

Mr. SCULLY with Mr. ANTHONY.

Mr. FERRIS with Mr. FULLER of Massachusetts.

Mr. STEDMAN with Mr. GREENE of Vermont.

Mr. OLIVER with Mr. GEORGE W. FAIRCHILD.

Mr. BLACKMON with Mr. HOLLINGSWORTH.

Mr. BOOHER with Mr. TREADWAY.

Mr. DIES with Mr. CHANDLER of New York.

Mr. DOOLING with Mr. DYER.

Mr. EAGLE with Mr. EMERSON.

Mr. BOLLAND with Mr. FOCHT.

Mr. COADY with Mr. GARLAND.

Mr. FLOOD with Mr. GOULD.

Mr. GODWIN of North Carolina with Mr. GRAHAM of Pennsylvania.

Mr. GREGG with Mr. HUSTED.

Mr. HARRISON of Mississippi with Mr. KELLEY of Michigan.

Mr. HENSLEY with Mr. COSTELLO.

Mr. HOLLAND with Mr. DALLINGER.

Mr. HOOD with Mr. MCCULLOCH.

Mr. HOWARD with Mr. MCLAUGHLIN of Pennsylvania.

Mr. JONES of Texas with Mr. MILLER of Minnesota.

Mr. KEHOE with Mr. PRATT.

Mr. KETTNER with Mr. RODENBERG.

Mr. MAHER with Mr. ROWLAND.

Mr. MARTIN with Mr. SLEMP.

Mr. NICHOLLS of South Carolina with Mr. TEMPLETON.

Mr. RAGSDALE with Mr. MCCORMICK.

Mr. RIORDAN with Mr. WILSON of Illinois.

Mr. SANDERS of Louisiana with Mr. WINSLOW.

Mr. SIMS with Mr. MILLER of Washington.

Mr. SULLIVAN with Mr. PORTER.

Mr. SUMNERS with Mr. HASKELL.

Mr. WALKER with Mr. DRUKKER.

Mr. WILSON of Louisiana with Mr. WARD.

Mr. MAGEE (for dispensing with Calendar Wednesday) with Mr. CANDLER of Mississippi (against).

Mr. TREADWAY (for dispensing with Calendar Wednesday) with Mr. BOOHER (against).

Mr. TREADWAY. Mr. Speaker, I would like to inquire if the gentleman from Missouri, Mr. BOOHER, has voted.

The SPEAKER. He has not.

Mr. TREADWAY. I voted "no." I am paired with the gentleman from Missouri, and would like to withdraw that vote and answer "present."

The Clerk called the name of Mr. TREADWAY, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCLAUGHLIN of Pennsylvania, for the balance of the week, on account of illness; and

To Mr. STEDMAN, for one week, on account of death in the family.

STATUE OF JAMES BUCHANAN.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. I rise to raise the question of consideration.

Mr. SLAYDEN. Mr. Speaker, I suggest that that motion is dilatory.

The SPEAKER. No; a Member has the right to raise the question of consideration.

Mr. SLAYDEN. It is palpably dilatory.

The SPEAKER. Perhaps the gentleman is correct. This is Calendar Wednesday, and the unfinished business of the House is House joint resolution 70, "Authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States," and the gentleman from Massachusetts raises the question of consideration.

The question was taken; and on a division (demanded by Mr. Walsh) there were 136 ayes and 52 noes.

Mr. STAFFORD. Mr. Speaker, I make the point of order that no quorum voted on this question.

The SPEAKER. The Chair overrules the point of order because the roll call just demonstrated that a quorum is present.

Mr. STAFFORD. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays.

The question was taken, and 32 Members rose in favor thereof.

Mr. STAFFORD. Mr. Speaker, I ask for the other side.

The other side was taken, and 142 Members rose.

The SPEAKER. The ayes are 38 and the noes 142—not a sufficient number; and the House automatically resolves itself into Committee of the Whole House on the state of the Union. The gentleman from Kentucky [Mr. SHERLEY] will take the chair temporarily until the gentleman from Kentucky [Mr. JOHNSON] appears.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SHERLEY in the chair.

The CHAIRMAN. The Clerk will report the resolution by title.

The Clerk reported the title of the resolution.

The CHAIRMAN. General debate having been concluded, the Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission to the trustees designated in the will of Mrs. Harriet Lane Johnston for the erection of a memorial to James Buchanan, a former President of the United States, on public grounds of the United States in the city of Washington, D. C., in the southern portion of Meridian Hill Park, between Fifteenth, Sixteenth, W, and Euclid Streets NW: *Provided*, That the design and location of said memorial and the plan for the treatment of the grounds connected with its site shall be approved by the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of said memorial.

Mr. SLAYDEN. Mr. Chairman, the gentleman from Iowa [Mr. DOWELL] was so exceedingly anxious that no time be consumed in the consideration of this resolution, and being supported in his anxiety to get through to-day's work so that we might go to the consideration of the railroad bill, I desire to say that, if it is agreeable here, I am willing to take a vote now upon this measure. [Applause and cries of "Vote!"]

Mr. GILLETT. Mr. Chairman, will the gentleman yield?

Mr. SLAYDEN. Yes.

Mr. GILLETT. Would that facilitate the taking up of the railroad bill at all?

Mr. SLAYDEN. Oh, yes; I fancy it would, just as much as it would have facilitated it an hour ago when the gentleman began to filibuster.

Mr. GILLETT. Oh, no. If we had dispensed with business in order on Calendar Wednesday, then we could have taken that up.

Mr. SLAYDEN. Mr. Chairman, this is the first time I have ever known so experienced and clever a man as the gentleman from Massachusetts to discuss a dead and gone issue. Calendar Wednesday has not been dispensed with.

Mr. GILLETT. To finish this bill would simply be to bring up another bill that is in order on Calendar Wednesday?

Mr. SLAYDEN. Yes.

Mr. GILLETT. We could not take up the railroad bill.

Mr. SLAYDEN. Mr. Chairman, I move that the committee do now rise and report the resolution to the House with a favorable recommendation.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion that I desire to offer.

Mr. SLAYDEN. Because the gentleman from Wisconsin [Mr. STAFFORD] is in the way, and we all know what a help he is to hasty legislation. [Laughter.]

The CHAIRMAN. The Chair understands that the gentleman from Wisconsin desires to offer a preferential motion.

Mr. STAFFORD. I desire recognition to offer an amendment.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise and report the resolution with a favorable recommendation.

Mr. STAFFORD. Mr. Chairman, I have a preferential motion that I desire to offer. I rise to a question of order.

Mr. SLAYDEN. I move the previous question on my motion.

The CHAIRMAN. The gentleman can not move the previous question in the Committee of the Whole.

Mr. STAFFORD. Mr. Chairman, I demand recognition to offer an amendment to the resolution.

The CHAIRMAN. The gentleman will submit his amendment.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. BUTLER. Mr. Chairman, what has become of the motion of the gentleman from Texas [Mr. SLAYDEN]?

The CHAIRMAN. The gentleman from Wisconsin claims to have a preferential motion, and the Chair is trying to determine whether it is preferential.

Mr. BUTLER. I merely wanted to suggest to the Chair that the motion to rise is a preferential motion.

The CHAIRMAN. The Chair can not tell until he knows what the gentleman from Wisconsin is offering. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Page 1, line 7, after the words "United States," strike out all of the remainder of the paragraph down to the proviso and insert "on one of the public reservations generally known as small-park areas, and which is entirely surrounded by streets in the city of Washington, D. C., to be selected by the officer in charge of public buildings and grounds and the Commission of Fine Arts."

The CHAIRMAN. The Chair is prepared to rule, but will hear the gentleman from Wisconsin, if he desires to be heard, as to his motion being a preferential motion.

Mr. STAFFORD. Mr. Chairman, I have not at my finger's end the authorities, but I am quite certain that there are any number of precedents which hold that a motion that the committee do now rise and report a bill is not in order as long as any Member is claiming recognition to offer an amendment to perfect the bill that is being considered in Committee of the Whole. That has been the invariable rule for years in Committee of the Whole. I have never known it to be invaded at any time. Whenever a bill is being considered for amendment in Committee of the Whole a motion to rise and report the bill is not in order when Members are claiming recognition to offer an amendment. This is not a mere pro forma amendment, but is an amendment to the resolution that is in order, and accordingly I ask recognition for that purpose.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. STAFFORD. Yes.

Mr. SAUNDERS of Virginia. If that contention is well taken, how would you ever get out of Committee of the Whole, as long as there was some one who wanted to offer a motion to amend?

Mr. STAFFORD. Whenever a legitimate motion is made to amend the bill the person offering it is entitled to recognition. The rules of the House are predicated upon the idea that when a bill is referred to Committee of the Whole any germane amendment may be offered to the bill, and opportunity must be given to Members to offer that amendment. This amendment is germane, and I ask recognition on that ground.

Mr. SAUNDERS of Virginia. Every amendment that is in order from the parliamentary point of view is a legitimate amendment, so as long as you offered an amendment to a bill that was in order you could never get out of Committee of the Whole.

Mr. BUTLER. Mr. Chairman, I certainly understood that the Chair had already recognized the gentleman from Texas——

Mr. LITTLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Kansas can not take the gentleman from Pennsylvania off his feet to make a parliamentary inquiry. The gentleman from Pennsylvania is in order.

Mr. LITTLE. I did not notice that the gentleman from Pennsylvania was on his feet. [Laughter.]

Mr. BUTLER. I guess I am not very large, but I am willing to wait until the gentleman from Kansas gets through. I understood that the Chair had recognized the gentleman from Texas to move that the committee should rise before the gentleman from Wisconsin had recognition to amend the resolution. If that is so, all the other amounts to nothing.

The CHAIRMAN. Does the gentleman from Kansas desire to submit a parliamentary inquiry?

Mr. LITTLE. My inquiry was whether this bill has been read or not.

The CHAIRMAN. It has been read.

Mr. LITTLE. It has been read in the Committee of the Whole House on the state of the Union?

The CHAIRMAN. Yes. The Chair is ready to rule. There is one fundamental rule that underlies nearly all parliamentary law, and that is that the committee should have the right to dispose of matters most expeditiously. The committee is denied no right by giving preference to the motion of the gentleman from Texas, because if the committee desires to amend the bill rather than report it in its present form, it can do that by denying the motion of the gentleman from Texas. The Chair holds that the motion of the gentleman from Texas is in order, and puts the question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. STAFFORD. Mr. Chairman, I demand tellers.

Tellers were ordered.

The committee again divided; and the tellers [Mr. SLAYDEN and Mr. STAFFORD] reported that there were—ayes 132, noes 43.

So the motion to rise was agreed to.

Mr. GRIEST. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GRIEST. Is it in order to ask for permission to extend remarks at this time?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks upon this resolution. Is there objection? [After a pause.] The Chair hears none.

Mr. ROBBINS. Mr. Chairman, as debate has been shut off I ask permission to extend my remarks on this same resolution.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Mr. Chairman, I ask permission to extend my remarks upon this resolution.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Mr. Chairman, I ask that privilege for the gentleman from Ohio [Mr. SHERWOOD], who is not present and who desires to extend his remarks.

Mr. WALSH. I object to that, Mr. Chairman.

Mr. GORDON. Mr. Chairman, I ask leave to extend my remarks on this resolution.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. WALSH. I thought the gentleman from Texas asked for general permission to extend remarks.

Mr. SLAYDEN. No; I asked for the gentleman from Ohio [Mr. SHERWOOD].

The committee rose; and the Speaker having resumed the chair, the Chairman [Mr. SHERLEY] reported that the committee having had under consideration House joint resolution 70,

had directed him to report the same to the House with the recommendation that it do pass.

Mr. SLAYDEN. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading.

The question was taken, and the Speaker announced that the ayes had it.

Mr. WALSH. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 143, noes 44.

Mr. MADDEN. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] Two hundred and thirteen Members are present, not a quorum.

Mr. CALDWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CALDWELL. There are six vacancies in the House, do they count——

The SPEAKER. But there are only 213 Members here, and you could not count a quorum if you counted the whole crowd that is missing or out. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken, and there were—yeas 217, nays, 119, answered "present" 4, not voting 88, as follows:

YEAS—217.

Alexander	Drane	Lee, Ga.	Saunders, Va.
Almon	Dupré	Lesher	Schall
Ashbrook	Eagan	Lever	Scott, Pa.
Aswell	Edmonds	Linthicum	Sears
Bachmann	Evans	Littlepage	Sells
Bankhead	Fess	London	Shackleford
Barkley	Fisher	Lonergan	Shallenberger
Barnhart	Flood	Lunn	Sherley
Bell	Foster	McAndrews	Sherwood
Beshlin	Francis	McClintic	Shouse
Black	Fuller, Ill.	McFadden	Siegel
Blanton	Gallagher	McKeown	Sims
Borland	Gallivan	McKinley	Sisson
Brand	Gard	McLemore	Slayden
Brodbeck	Garner	Mansfield	Small
Browning	Garrett, Tenn.	Martin	Smith, C. B.
Brumbaugh	Garrett, Tex.	Mason	Smith, T. F.
Buchanan	Glass	Mays	Snook
Burnett	Goodwin, Ark.	Montague	Steagall
Butler	Gordon	Moon	Steele
Byrnes, S. C.	Griest	Moore, Pa.	Stephens, Miss.
Byrns, Tenn.	Hamill	Morin	Stephens, Nebr.
Caldwell	Hamlin	Mudd	Sterling, Ill.
Campbell, Pa.	Hardy	Neely	Sterling, Pa.
Cannon	Harrison, Miss	Nelson	Strong
Cantrill	Harrison, Va.	Nolan	Swift
Caraway	Hastings	Norton	Tague
Carew	Hayden	Oldfield	Talbott
Carlin	Hayes	Oliver, N. Y.	Taylor, Ark.
Carter, Okla.	Heaton	Olney	Taylor, Colo.
Church	Heflin	Osborne	Thomas
Clark, Fla.	Helm	O'Shaunessy	Thompson
Clark, Pa.	Helvering	Overmyer	Tillman
Claypool	Hensley	Overstreet	Van Dyke
Collier	Hicks	Padgett	Venable
Connally, Tex.	Hilliard	Park	Vinson
Connelly, Kans.	Houston	Parker, N. J.	Walton
Copley	Huddleston	Peters	Watkins
Cox	Hull, Tenn.	Polk	Watson, Va.
Crago	Humphreys	Pou	Weaver
Crisp	Hutchinson	Price	Webb
Crosser	Igoe	Quin	Welling
Dale, N. Y.	Jacoway	Raker	Welty
Darrow	Johnson, Ky.	Randall	Whaley
Davis	Jones, Va.	Rayburn	White, Ohio
Decker	Keating	Robbins	Wilson, La.
Dent	Kennedy, R. I.	Robinson	Wilson, Tex.
Denton	Key, Ohio	Romjue	Wingo
Dewalt	Kiess, Pa.	Rose	Wise
Dickinson	Kinkhead	Rouse	Wright
Dill	Kitchin	Rowe	Young, Tex.
Dixon	Kreider	Rubey	Zihlman
Dominick	Larsen	Rucker	
Doolittle	Lazaro	Russell	
Doughton	Lea, Cal.	Sabath	

NAYS—119.

Anderson	Denison	Green, Iowa	Lufkin
Anthony	Dillon	Hadley	Lundeen
Austin	Dowell	Hamilton, Mich.	McArthur
Baer	Elliott	Haugen	McKenzie
Bland	Ellsworth	Hawley	McLaughlin, Mich.
Bowers	Elston	Hersey	Madden
Browne	Esch	Ireland	Mapes
Burroughs	Fairchild, B. L.	James	Meeker
Campbell, Kans.	Fairfield	Jual	Merritt
Carter, Mass.	Farr	Kearns	Moores, Ind.
Cary	Focht	Kennedy, Iowa	Morgan
Chandler, Okla.	Fordney	King	Nichols, Mich.
Classon	Foss	Kinkaid	Paige
Cooper, Ohio	Frear	Knutson	Parker, N. Y.
Cooper, W. Va.	Freeman	Kraus	Platt
Cooper, Wis.	French	La Follette	Powers
Cramton	Gillett	Lehlbach	Pratt
Currie, Mich.	Glynn	Lenroot	Purnell
Dale, Vt.	Good	Little	Ramsey
Davidson	Gould	Loback	Ramseyer
Dempsey	Graham, Ill.	Longworth	Rankin
Reavis	Smith, Idaho	Tilson	Wheeler
Reed	Smith, Mich.	Timberlake	White, Me.
Rogers	Snell	Towner	Williams
Sanders, Ind.	Snyder	Vestal	Wilson, Ill.
Sanders, N. Y.	Stafford	Volgt	Wood, Ind.
Sanford	Steenerson	Volstead	Woods, Iowa
Scott, Mich.	Stiness	Waldow	Woodyard
Sinnott	Sweet	Walsh	Young, N. Dak.
Sloan	Temple	Wason	

ANSWERED "PRESENT"—4.

Graham, Pa.	Gray, N. J.	Langley	Treadway

NOT VOTING—88.

Ayres	Ferris	Johnson, Wash.	Ragsdale
Beakes	Fields	Jones, Tex.	Rainey
Blackmon	Flynn	Kahn	Riordan
Booher	Fuller, Mass.	Kehoe	Roberts
Britten	Gandy	Kelley, Mich.	Rodenberg
Candler, Miss.	Garland	Kelly, Pa.	Rowland
Capstick	Godwin, N. C.	Kettner	Sanders, La.
Chandler, N. Y.	Goodall	LaGuardia	Scott, Iowa
Coady	Gray, Ala.	McCormick	Scully
Costello	Greene, Mass.	McCulloch	Slemp
Curry, Cal.	Greene, Vt.	McLaughlin, Pa.	Stedman
Dallinger	Gregg	Magee	Stevenson
Dies	Hamilton, N. Y.	Maher	Sullivan
Dooling	Haskell	Mann	Sumners
Doremus	Heintz	Miller, Minn.	Switzer
Drukker	Holland	Miller, Wash.	Templeton
Dunn	Hollingsworth	Mondell	Tinkham
Dyer	Hood	Mott	Vare
Eagle	Howard	Nicholls, S. C.	Walker
Emerson	Hull, Iowa	Oliver, Ala.	Ward
Estopinal	Husted	Phelan	Watson, Pa.
Fairchild, G. W.	Johnson, S. Dak.	Porter	Winslow

So the joint resolution was ordered to be engrossed and read a third time.

The Clerk announced the following additional pairs:

On this vote:

Mr. ESTOPINAL (for) with Mr. EMERSON (against).

Mr. BOOHER (for) with Mr. TREADWAY (against).

Mr. STEVENSON (for) with Mr. GREENE of Vermont (against).

Mr. HOLLAND (for) with Mr. FULLER of Massachusetts (against).

Mr. CANDLER of Mississippi (for) with Mr. MAGEE (against).

Mr. WATSON of Pennsylvania (for) with Mr. JOHNSON of Washington (against).

Until further notice:

Mr. SCULLY with Mr. LANGLEY.

Mr. AYERS with Mr. KELLEY of Michigan.

Mr. FERRIS with Mr. SLEMP.

Mr. KEHOE with Mr. COSTELLO.

Mr. RIORDAN with Mr. DALLINGER.

Mr. DOREMUS with Mr. DUNN.

Mr. FIELDS with Mr. GOODALL.

Mr. GANDY with Mr. GREENE of Massachusetts.

Mr. KELLY of Pennsylvania with Mr. HAMILTON of New York.

Mr. PHELAN with Mr. WARD.

Mr. RAINEY with Mr. KAHN.

Mr. EAGLE with Mr. SCOTT of Iowa.

Mr. TREADWAY. Mr. Speaker, I voted "nay." I desire to withdraw the vote and answer "present," as I am paired with the gentleman from Missouri [Mr. BOOHER].

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The Clerk will read the resolution the third time.

Mr. MADDEN. Mr. Speaker, I demand the reading of the engrossed resolution.

The SPEAKER. The engrossed resolution is not here.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent to address the House for three minutes touching the ruling made by me in the chair a few minutes ago.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for three minutes on a ruling which he made. Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Speaker, I would like to inquire what effect the granting of this unanimous consent would have upon the status of the bill?

The SPEAKER. It has none whatever. There is no engrossed copy of the bill here, and you can not vote on it unless there is.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McLAUGHLIN of Michigan. I wish to make a motion to recommit.

The SPEAKER. The gentleman can not make a motion to recommit until we have a third reading of the bill.

Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker and gentlemen of the House, I feel that I should make a statement to the House in view of the ruling I made as Chairman of the Committee of the Whole. The

gentleman from TEXAS [Mr. SLAYDEN] made a motion upon the reading of the joint resolution, which was a resolution of one paragraph, that the committee rise and report the bill with a favorable recommendation. The gentleman from Wisconsin [Mr. STAFFORD] offered what he claimed was a preferential motion, namely, a motion to amend. The Chair asked the gentleman from Wisconsin for authority, and he stated that he was sure of his position, but at the moment was unable to cite the Chair to an authority. The parliamentary clerk at the desk confirmed an impression that the Chair had that a motion to rise and report the bill favorably, under the circumstances stated, was a motion in order as against a subsequent motion to amend, and the Chair so held.

Immediately after coming out of the chair I took occasion to examine the precedents, and I find that there are any number of precedents holding directly to the contrary. The Chair was wrong in his ruling. There is a decision by no less a Speaker than Speaker Carlisle, and a number of decisions by Chairmen of Committees of the Whole, holding that a motion to amend is a preferential motion. There is no rule now that directly bears upon it, although there was an old rule; but it is held that inasmuch as the committee is created for the purpose of considering a bill for amendment that the opportunity to offer such amendment should be given. What misled me in making my ruling was the belief that a committee ought to have the right to dispose of a matter in the most expeditious way, and that, if it did not desire to amend, it could show that by voting a motion to rise and report favorably. If it did want to amend, it could simply vote down such a motion. I stated as Chairman of the committee the reason for such ruling. The amendment of the gentleman from Wisconsin [Mr. STAFFORD] had been read, so that the Committee of the Whole was thoroughly advised as to the issue, and did, in point of fact, by its vote express an opinion. But I felt, in view of the ruling that has been made, that I owed it to the House to make a statement as to my error.

Mr. STAFFORD. The gentleman can see the unworkable position the House would be put into if the ruling made by the gentleman should be adhered to. In the case of bills in the Committee of the Whole House on the state of the Union having more than one paragraph or section, it would be the privilege of Members to offer an amendment to every section except the last, and then the committee having the bill in charge would be privileged to move to rise and report the bill and not give opportunity to the House to offer an amendment to the last section.

Mr. SHERLEY. I do not quite agree with the gentleman's reasoning, but the precedents are all against me, and I wanted to tell the House so. [Applause.]

Mr. LITTLE. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. LITTLE. Did the gentleman in his researches discover any method by which such error could be corrected?

Mr. SHERLEY. There are always remedies by which errors can be corrected if the House desires to do so.

Mr. LITTLE. Will the gentleman tell me how we can remedy this proposition?

Mr. SHERLEY. The House, if it desired to do so, could by unanimous consent vacate an order or it could do so on a motion to reconsider. It is only fair to state, as I have already said, that the ruling did not, in my judgment, prejudice anyone, because the amendment of the gentleman from Wisconsin was read to the committee, and the Chair expressly stated that if they wanted to consider that amendment they could simply vote down the other motion. So the committee expressed its view just as clearly as if the Chair had ruled right.

Mr. LITTLE. The gentleman suggests unanimous consent as the only remedy. I ask unanimous consent to return to the place in the bill which we had before the ruling was made.

Mr. McARTHUR. Mr. Speaker, I object.

The SPEAKER. Objection is made.

Mr. WALSH. Mr. Speaker, the regular order.

The SPEAKER. The regular order is that the Clerk will report the next bill from the Committee on the Library.

Mr. SAUNDERS of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAUNDERS of Virginia. In respect to this bill for which demand was made for an engrossed copy, when will we vote on that?

The SPEAKER. We will vote on it to-morrow morning.

Mr. SAUNDERS of Virginia. The first thing to-morrow morning, after the other business is disposed of?

The SPEAKER. Yes.

Mr. WALSH. Mr. Speaker, I desire to propound a parliamentary inquiry in connection with the reply of the Speaker to the inquiry propounded by the gentleman from Virginia [Mr. SAUNDERS]. Do I understand the Speaker to hold that if the House should adjourn to-day before the engrossed copy of the resolution is received by the Clerk the vote would come on the resolution to-morrow morning as a matter of course, and that a motion to recommit, or any other motion which would be in order, would be deferred until that time?

The SPEAKER. You can not make a motion to recommit until after the third reading, and you can not have the third reading unless you can get the engrossed copy of the resolution. Two Speakers of the House, at least—Speaker CANNON and myself—have decided heretofore that when the previous question is ordered on a bill on Calendar Wednesday the vote shall be taken Thursday morning. I think Speaker CANNON never decided it but once, and everybody took it for granted that he was right, and I have decided it two or three times for some reason or other.

Mr. WALSH. But, Mr. Speaker, the previous question now has only been ordered on the third reading.

The SPEAKER. The previous question has been ordered on the resolution and everything else.

Mr. SAUNDERS of Virginia. And the resolution is now up to the point of passage.

Mr. HARDY. Mr. Speaker, I wish to ask unanimous consent to extend my remarks on this resolution.

The SPEAKER. The Chair wants to make one remark that ought to be made. If they get that engrossed copy of the resolution in here this evening and everybody wants to vote on it, it can be voted on to-day. If they do not get it in here to-day, it will be voted on to-morrow.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. If the engrossed copy of the resolution should be brought in here at any time before adjournment, I can ask that it be voted on then?

The SPEAKER. That is exactly what the Chair stated. When the engrossed copy is ready, the Chair will recognize the gentleman from Michigan [Mr. McLAUGHLIN] to make the motion to recommit.

Mr. LENROOT. Mr. Speaker, I take it for granted that the Chair, in announcing what the decision would be, meant it will still be subject to a point of order and that the point of order can be argued to the Chair when the time arrives?

The SPEAKER. Yes; of course. I am always willing to hear argument.

The gentleman from Texas [Mr. HARDY] asks unanimous consent to extend his remarks in the RECORD—about what?

Mr. HARDY. This resolution.

The SPEAKER. Is there objection?

There was no objection.

Mr. SLAYDEN. Mr. Speaker, I submit a request for unanimous consent to extend my remarks on this resolution by printing a table which I have had compiled in response to questions asked by the gentleman from Massachusetts [Mr. WALSH] the other day. It is a table which I think will be interesting.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks on this resolution that we just had up. Is there objection?

There was no objection.

Mr. WATSON of Virginia. Mr. Speaker, I ask permission to extend my remarks in the RECORD on this resolution.

Mr. STEELE. Mr. Speaker, I make the same request.

Mr. DEWALT. And I make the same request, Mr. Speaker.

The SPEAKER. One gentleman from Virginia [Mr. WATSON] and two gentlemen from Pennsylvania [Mr. STEELE and Mr. DEWALT] ask unanimous consent to extend their remarks in the RECORD on this resolution. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MASON. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD on the alien-slacker bill.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the alien-slacker bill. Is there objection?

Mr. SHOUSE. I object.

The SPEAKER. The gentleman from Kansas objects.

CALENDAR WEDNESDAY.

The SPEAKER. Has the gentleman from Texas [Mr. SLAYDEN] any business from his committee?

Mr. SLAYDEN. There are two other bills on the calendar, but I am told by the Clerk that they have not been there long enough to be called up.

The SPEAKER. The Clerk will call the list of committees.

The Clerk proceeded with the call of committees.

LONGEVITY PAY, ARMY AND NAVY OFFICERS.

Mr. WEBB (when the Committee on the Judiciary was called). Mr. Speaker, as chairman of the Committee on the Judiciary, I desire to call up the bill H. R. 1691, known as the bill to confer jurisdiction on the Court of Claims to hear and try certain longevity claims.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 1691) to confer jurisdiction on the Court of Claims.

The SPEAKER. The House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Kentucky [Mr. JOHNSON] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1691) to confer jurisdiction on the Court of Claims, with Mr. JOHNSON of Kentucky in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 1691, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims shall have power to enter judgment upon the findings of fact heretofore made in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States v. Morton, volume 112, United States Reports, page 1; and United States v. Watson, volume 130, United States Reports, page 80; and of the Court of Claims in Stewart v. United States, volume 34, Court of Claims Reports, page 553.

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, shall credit as service in the Army of the United States, within the meaning of said acts, all services rendered as a cadet at the United States Military Academy and as an enlisted man or commissioned officer in the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

Mr. WEBB. Mr. Chairman, the purpose of this bill is to give the Court of Claims jurisdiction over claims of certain officers for longevity pay, which claims were denied by the Comptroller of the Treasury in the years between 1890 and 1908. All longevity claims for pay prior to that time have been paid. All longevity claims for pay after 1908 have been paid. The Supreme Court has ruled that they ought to be paid; that the attendance of those officers at the Military and Naval Academies was part of their service and, as part of their service, they are entitled to be paid for same. Under the rulings of the comptroller for the period between 1890 and 1908 those claims have been denied entirely, and the purpose of this bill is to allow officers whose claims were denied during 1890 to 1908 to file their claims and receive their pay under the law as construed by the Supreme Court of the United States.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. WEBB. I yield 15 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I ask the attention of the members of the committee to this bill for two reasons—first, because of its own importance, and, second, for a reason that is perhaps personal in large degree to myself.

One of the first bills that it was my privilege to speak for and advocate in this House was a bill offered in the Congress in 1914, which appealed to my sentiment and spirit of patriotism when I discovered it in our Judiciary Committee unacted upon. It was a bill to repeal section 3480 of the Revised Statutes. By virtue of that section, passed immediately at the close of the Civil War, the soldiers of the Confederacy who had been soldiers or commissioned officers of the United States prior to the Civil War were expressly debarred from presenting their longevity claims and having the same paid. At that time, as you may recall, there was extant in our country a spirit of harmony and a desire for a greater unity. Grand Army posts in the North were surrendering flags to Confederate posts in the South, and likewise in the South recognitions of courtesy were extended to posts in the North. The reunion on the battle field of Gettysburg had taken place, where old veterans who had stood in battle array against one another met and greeted and rejoiced in a restored union. The dedication of the Arlington monument had just taken place. I made an appeal to this House for the passage of that bill, which repealed the law that debarred relatives of Lee, Jackson, and other great men who had figured in the Confederate Army from getting the pay that was due under the laws of the United States prior to the beginning of that war. I am happy to say that on that occasion—some of you may recall it—the repeal of that section of the Revised Statutes was unanimously approved by this House.

But I discovered that in the administration of the law with reference to longevity claims there was a period, as the chairman of our committee has explained, from 1890 to 1908, in which the claims of those men who had served in the Union Army had either been presented and rejected, or certainly none of them had been passed, creating a situation of inequality and injustice that, in my opinion, ought to be remedied. This difficulty arose out of a difference of opinion of certain auditors. The Supreme Court of the United States having decided that this claim for extra compensation covered the period of service in the academy, one of the comptrollers made up his mind that he would disregard the decision of the Supreme Court, and he refused for a long period to permit any of these claims to be presented and paid. Another comptroller came in, and he said that the opinion of the Supreme Court was binding upon him, and that he would recognize these claims, but, mark you, with this distinction, that all the claims that had been presented either to the Court of Claims or to the previous comptroller would not be considered by him, because, as he said, they were res judicata, they had been determined, they were settled, and thus this injustice was wrought to the men who had been alert to prove their claims but had been met by the stubborn opposition of the comptroller who was then in power.

Since then I have, with the greatest possible earnestness, attempted to have passed through our committee and by this House a bill to remedy this egregious wrong and give to those Union soldiers what we agreed by the repeal of that statute to give to the men who had gone into the Confederate service; in other words, to relieve these Union soldiers from the bar which had been unrighteously put up against them, and have their claims paid just the same as the claims of Grant and of Lee and the others, whose claims have been presented and honored and settled, amounting on the Union side to about $1,000,000 and on the Confederate side, I think, to about $150,000. There are still outstanding and unpaid claims which are righteously due to these generals and soldiers and officers of about $500,000, and there is nothing that this Nation can do that will be such an act of justice as to order and direct that these men or their descendants shall now have equity and proper treatment, even at this late day.

Mr. WALSH. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. WALSH. Does the gentleman contend that this will cost the Government only approximately a half million dollars?

Mr. GRAHAM of Pennsylvania. I do. That is the report.

Mr. WALSH. And that this is to be paid only to those officers and soldiers who are living?

Mr. GRAHAM of Pennsylvania. Oh, no; it goes to their heirs, the same as the others did. In the other case I received letters from Mrs. "Stonewall" Jackson and a number of the other women of the South whose claims were honored and paid. They were the relatives of the deceased soldiers. So in this case the relatives of the deceased soldiers who have thus been barred out will be honored and recognized, and I earnestly ask this committee to pass upon and approve this bill.

Mr. McKENZIE. If the gentleman has any further time, I would like to ask him to explain a little bit more in detail just where the hardship comes in from which these people suffer. I do not just get it.

Mr. GRAHAM of Pennsylvania. In the report of the committee which I made on the bill that was up in the last Congress, and which through the crush of business failed to pass at that time, I appended a list of all the Union officers who were paid and a list of all the officers who were in the Confederate service who have been paid. Now, those men have been paid. These others are equally entitled to be paid, but owing to certain circumstances their claims were debarred. Now let me give you briefly a résumé of the circumstances.

First, by a decision of the Supreme Court of the United States officers in the United States Army were allowed credit, in computing their longevity pay, for services as cadets at the Military Academy. That is the basis of all these claims.

Owing to the fact that the Court of Claims had jurisdiction only of cases where the right of action had arisen within six years from the time of bringing the suit, that court was closed so far as having jurisdiction to render relief. That avenue was not open to these people who wanted to collect their longevity pay under the decision of the Supreme Court of the United States, because of the statute of limitations; but the jurisdiction of the accounting officers in the Treasury was not barred by the statute of limitations. Everyone had a right to present his claim there. Now, the men who were vigilant, who did not sleep upon their rights, presented their claims to the accounting officer in the Treasury; but that gentleman, a man from my own State, I am sorry to say, ruled that he would not follow the decision of the Supreme Court, and for a long time he refused to

recognize any of those claims. Another comptroller comes in and says, "I am bound by the decision of the United States Supreme Court, and I will recognize these claims," and the claims were presented to him, passed, and paid, all except those which had been presented to the prior comptroller, who said they were barred because they were res judicata. For that reason they were barred out. The new comptroller would not review the decision of his predecessor.

Now, if all of the others had a right to be paid, and if all the others were paid, then surely the obstinacy of this controlling officer ought not to keep these people whom he barred out from getting their pay.

Mr. McKENZIE. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I will.

Mr. McKENZIE. If the gentleman will pardon me, as I understand it, the longevity pay is fixed by law in the Army, and the fact that a man did not make application does not seem to me would affect his rights at all.

Mr. GRAHAM of Pennsylvania. It does not.

Mr. McKENZIE. Did this comptroller, in rendering this decision, overstep the law of the land, or did he construe the law on the statute books which you are now trying to repeal?

Mr. GRAHAM of Pennsylvania. I am not trying to repeal anything.

Mr. McKENZIE. Well, to extend the law.

Mr. GRAHAM of Pennsylvania. No; I am providing for the payment of claims unjustly barred out.

Mr. MADDEN. The gentleman is trying to remedy a case where the vigilance of the claimant counted against him.

Mr. GRAHAM of Pennsylvania. Yes; instead of in his favor. There was a dispute, a debatable ground, as to whether the period that a man served in the Military Academy was to be counted as service to the United States in computing longevity pay. We all recognize that the highest tribunal to settle that question is the Supreme Court of the United States. In the case of Morton against the United States the Court of Claims held that the term "actual time of service in the Army" as used in the act of 1881 covered time spent as a cadet at the Military Academy.

This was appealed to the Supreme Court, which affirmed this decision on October 27, 1884 (United States v. Morton, 112 U. S., 1). The Supreme Court said:

"From this review of the statutes it can not be doubted that before the passage of the act of July 28, 1866, as well as afterwards, the Corps of Cadets of the Military Academy was a part of the Army of the United States, and a person serving as a cadet was serving in the Army, and that the time during which the plaintiff in the present case was serving as a cadet was actual time of service by him in the Army."

When that decision was rendered, then came the effort to collect the longevity pay, but they were met by Comptroller Gilkeson, who said, "I will not audit any of these claims," and that stood under him and his successors from 1890 to 1908. That was the attitude.

Now, the new comptroller comes in and he permits all the claims presented to him to be passed and paid, except those which were presented to Mr. Gilkeson and his successors between 1890 and 1908, and which he said he would not hear or consider, because they had been adjudicated against these people. The iniquity and unrighteousness of that decision must be apparent to any one of us.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WEBB. I yield to the gentleman from Pennsylvania five minutes more.

Mr. NORTON. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. NORTON. The legislation in this bill will affect chiefly those who have served in the United States Military Academy. There are a few cases outside.

Mr. GRAHAM of Pennsylvania. I know of none outside those passing through the Military Academy.

Mr. NORTON. It does not affect the case of Union soldiers, because they have been provided for.

Mr. GRAHAM of Pennsylvania. It affects Union soldiers and no others. They were the only ones that could offer a claim under Mr. Gilkeson. The statute of 1866, which forbade the comptroller to consider any Confederate claim, was a bar to their claims being considered, but in 1914, as I recall, the House of Representatives passed a bill, in which the Senate concurred, repealing that section of the Revised Statutes which stood in the way of a Confederate officer being paid. They have been paid, and the only ones left out are the victims of that unfortunate decision of the comptroller in this period between 1890 and 1908.

Mr. FIELDS. In other words, if the claims filed with Mr. Gilkeson had been deferred until the administration of his successor, they would have been paid?

Mr. GRAHAM of Pennsylvania. Exactly.

Mr. FIELDS. And there would have been no necessity for any legislation.

Mr. GRAHAM of Pennsylvania. That is true.

Mr. FIELDS. Similar claims filed under his successor were recognized and paid.

Mr. GRAHAM of Pennsylvania. Yes; Comptroller Butler afterwards allowed the claims brought before him, passed upon them, and paid them, and among those that were paid were those of Grant, Rosecrans, and Kilpatrick.

Mr. BORLAND. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. BORLAND. The function of the Court of Claims is to make a finding of facts and report to Congress. It has no function in this class of cases to enter judgment, but the purpose of this bill is to enable the Court of Claims to enter judgment. Heretofore the Court of Claims has reported on findings of fact, and we have had an opportunity to act on the report adversely.

Mr. GRAHAM of Pennsylvania. Do I understand the gentleman to say that there has been any adverse action on these claims, except by the comptroller?

Mr. BORLAND. The gentleman's report shows that this is the twenty-first time that this has been before Congress.

Mr. GRAHAM of Pennsylvania. But not one instance when it was adversely reported on.

Mr. BORLAND. It has been stricken out of the general claims bill three times since I have been a Member of Congress.

Mr. GRAHAM of Pennsylvania. I can not say about that, but when there has been a specific consideration of it it has never been reported against. I can not understand the mental operation or the attitude of anyone who would hesitate to vote for the payment of the claims of these Union soldiers—claims to which they are entitled.

Mr. BORLAND. It is not a question of the Union soldier, it applies to the graduate of West Point, and he may be a Union soldier or may not. It does not apply to Union soldiers, a great many of whom are volunteers.

Mr. GRAHAM of Pennsylvania. I want to correct the gentleman's misapprehension of the fact. The men who graduated from the Military Academy at West Point are the people who are affected by the decision of the Supreme Court. Some of them drifted into the Confederacy. Then came the bar of the statute forbidding them to be paid, because of their relations to the Confederacy. I came in here with a bill, and brought it to the attention of the House, using every energy in my power to lift that bar in the interest of that union between the North and the South that my friend, sitting in front of me, ex-Speaker CANNON so beautifully referred to the other day. This House unanimously agreed to remove that bar, and now I find that through the action of the comptroller a certain number of men have not been paid who are entitled to be paid, and I am bending every energy that I have to correct an act of injustice and to make equal the claims between men, whether they went into the Confederacy or into the Union Army. [Applause.]

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DENISON. Will the gentleman inform the House of the reason why this comptroller took that position, whether it was purely arbitrary on his part or did he have any precedent?

Mr. GRAHAM of Pennsylvania. He had no precedent. It was a purely arbitrary action.

Mr. ROBBINS. How many comptrollers followed the ruling of Comptroller Gilkeson? He was not the comptroller during all of that time, was he?

Mr. GRAHAM of Pennsylvania. I can not answer that question. I can simply say that down until the time that Comptroller Butler came into office that was the ruling.

Mr. ROBBINS. Mr. Mitchell seems to have been the first one.

Mr. GRAHAM of Pennsylvania. No; the first was Mr. Gilkeson.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. KEATING. Mr. Chairman, I ask that the gentleman be given three minutes more.

Mr. WEBB. Mr. Chairman, I yield three minutes more to the gentleman.

Mr. ROBBINS. What proportion of soldiers North and South that graduated at West Point will be recompensed under this bill?

Mr. GRAHAM of Pennsylvania. Under this bill no one except those who were in the Union Army. The other bill covers those who had gone into the Confederacy, and they have all presented their claims and have been paid. This covers the unfortunate men whose claims were presented when this ruling of the comptroller was in force, and they were barred out by it, and when the next comptroller came in and recognized these claims he said that he would not go behind this date; that those others

repeal of that section of the Revised Statutes was unanimously approved by this House.

State, that duty to say, that he was in the service of the Supreme Court, and for a long time he refused to

cessor, they would have been paid?

Mr. GRAHAM of Pennsylvania. Exactly.

he said that he would not go behind this date; that those others

he considered adjudicated and therefore barred out. He would not take them up.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. KEATING. The gentleman has constantly referred to the Union officers who are affected. Do I understand that only Federal officers in the United States Army who served in the Civil War on the Federal side are affected by this legislation?

Mr. GRAHAM of Pennsylvania. They are the only ones that are now affected. Those who served in the Confederate Army have been relieved by the other legislation.

Mr. KEATING. Do I understand the gentleman to say that no man who did not serve in the Union Army during the Civil War will benefit from this legislation?

Mr. GRAHAM of Pennsylvania. That is my understanding of the facts of this case.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. Some of these officers could not have been in the Union Army, since their graduation dates back to 1811 and 1812. I was wondering what bearing that would have upon the gentleman's statement.

Mr. GRAHAM of Pennsylvania. There are no claims that date back that far that I know of.

Mr. MOORE of Pennsylvania. The third claim on page 6—that of John J. Abert—is of a man who graduated from the Military Academy in 1811. I find quite a number throughout the list. They could not have served in the Union Army.

Mr. GRAHAM of Pennsylvania. Why not?

Mr. MOORE of Pennsylvania. Because they were probably dead.

Mr. GRAHAM of Pennsylvania. From 1842 to 1861?

Mr. MOORE of Pennsylvania. Here is a man who graduated in 1811. He certainly could not have fought in the Union Army?

Mr. GRAHAM of Pennsylvania. He may have been in the Army at that time or on the retired list. However, he was entitled to his longevity pay, and he got it. The list you are reading from is the list of paid claims.

Mr. MOORE of Pennsylvania. The gentleman was drawing a distinction as between the Union and the Confederate Armies, and I think properly so; but it was pertinent to ask how that would apply to an officer of the United States graduated from West Point in 1811 or 1812.

Mr. GRAHAM of Pennsylvania. I refer to that solely by way of explaining my own personal interest in this bill, and that, having been instrumental in removing the bar against those who went into the Confederate Army, I felt it was my duty to take an active part in trying to prevent a wrong which prevents other graduates entitled to longevity pay from being paid.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. FIELDS. I think the gentleman in his answer to the gentleman from Colorado [Mr. KEATING] probably gave a wrong impression to some, who feel that this legislation is for the benefit of Union soldiers only. As I understand it, the legislation does not confine itself to Union soldiers alone; but the only ones who happen to be in this unfortunate condition at this time were Union soldiers.

Mr. GRAHAM of Pennsylvania. That is right.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield again?

Mr. GRAHAM of Pennsylvania. Yes, if I have any further time.

Mr. McKENZIE. The gentleman has gone into this thing very carefully. Is he prepared to say now, in his judgment as a lawyer, that the comptroller who ruled against these claims, ruled against the law, and the men who ruled in favor of them sustained the law?

Mr. GRAHAM of Pennsylvania. Undoubtedly; because the Supreme Court's decision was in favor of these claims.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. WEBB. Does the gentleman desire any more time?

Mr. GRAHAM of Pennsylvania. I would like to clear up any doubt that exists in the mind of anyone.

Mr. WEBB. I yield five minutes more to the gentleman.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CANNON. I have just glanced at the bill, and find the following language on page 2:

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances, shall credit as service in the Army of the United States, within the meaning of said acts, all services rendered as a cadet at the United States Military Academy and as an enlisted man or commissioned officer in the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

Now, the question in my mind is, the gentleman says it applies to officers. It seems to apply to enlisted men.

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CANNON. And certainly goes back to 1838, and God knows how many of these claims on the half and half or quarter to the claimant if successful and three-quarters to the attorney are to be opened up for agents by the accounting officers of the Treasury. It seems to me, being somewhat familiar from ancient recollections with the activity of the Washington claim agent, that it is possibly a bill for the relief of the claim agent.

Mr. GRAHAM of Pennsylvania. Well, if the gentleman says that——

Mr. CANNON. I say possibly.

Mr. GRAHAM of Pennsylvania (continuing). The gentleman ought to have some knowledge upon the subject, because I have introduced this bill myself into this House, and I challenge him to make any such insinuation as that with relation to myself. I would not stand it from anyone.

Mr. CANNON. Oh, the gentleman ought not to get out of temper——

Mr. GRAHAM of Pennsylvania. My reason for introducing that bill was what I have told the Members of this House, that I have been instrumental, whether wisely or unwisely, in removing the bar against these men who had been in the academy who went into the service under the Confederate flag, and I felt it was simply rounding out an act of justice now to take up the cudgels of those who were the victims of an error and blunder in the administration of the Treasury Department of the United States.

Mr. CANNON. Will the gentleman allow me? Certainly. I had no intention of putting the gentleman out of temper nor do I impugn in any way his motives in any way, shape, or form. When he speaks of enlisted men and refers to the act of 1838, from my ignorance, without any reflection upon the gentleman, from my recollection of the activities of the claim agents in Washington, I merely asked for information, whether it is not probable or possible that they will get the most of whatever comes out of the Treasury, and how much is to come I do not know, and the gentleman does not seem to know.

Mr. GRAHAM of Pennsylvania. The gentleman seems to be groping in the dark.

Mr. CANNON. Very likely; but I would like to walk in the light.

Mr. GRAHAM of Pennsylvania. The gentleman has more acquaintance with the claim agents than I have and therefore speaks out of the fullness of that experience, but I wish to say this: When he speaks of the enlisted man he must remember that the effect of this decision, while longevity applies to enlisted men, would not affect enlisted men unless they were graduates of West Point. There is nothing in that, and the committee has reported what they have ascertained to be the possible total aggregate of payments here. And in view of the fact that we have paid one set of these graduates of the academy upward of a million dollars and another set upward of $150,000, you have no right, morally or legally, to stop now and say you will not pay these men who are the victims of an improper decision.

Mr. WALSH. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. I yield to the gentleman from Massachusetts.

Mr. WALSH. I would like the gentleman to tell me how long a man who graduated from the Military Academy in 1880 served during the Civil War?

Mr. GRAHAM of Pennsylvania. I do not know.

Mr. WALSH. Well, the gentleman made the statement that this was to cover the services of men who served during the Civil War.

Mr. GRAHAM of Pennsylvania. Perhaps I may not have been clear enough in my expression to give clear color to what I had in mind. My thought is simply this, and the bill says so, that those who graduated from the academy are entitled to this longevity pay. Now, as a matter of sentiment, I referred to the fact that there were some of those who went into the Confederacy and therefore could not be paid on account of a certain section of the Revised Statutes. That has been repealed. Now, every graduate from the academy being entitled to longevity pay,

why should these unfortunates have the door shut in their faces——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. I ask unanimous consent that the gentleman's time may be extended two minutes in order that I may ask him a question.

Mr. WEBB. I yield the gentleman one minute additional.

Mr. BORLAND. I recall the gentleman stated, in regard to the question of the gentleman from Colorado, that the only persons affected by this were men who had served in the Civil War on the Union side and were graduates from the academy. I think possibly the gentleman may not have understood the question——

Mr. GRAHAM of Pennsylvania. Maybe so.

Mr. BORLAND (continuing). Because I notice in his own report he gives the list of men who graduated from the academy in 1867, 1871, and 1877, and other dates subsequent to the Civil War, and it is perfectly apparent it is confined to graduates of the academy, some of whom may possibly have served in the Civil War.

Mr. GRAHAM of Pennsylvania. That is right.

Mr. BENJAMIN L. FAIRCHILD. In the interest of perfecting the gentleman's bill; I would like to direct his attention to line 6, page 1, of the bill, where the expression is used "Supreme Court of the United States." Should it not be "Supreme Court in the United States against Morton" and not "Supreme Court of the United States against Morton"?

Mr. GRAHAM of Pennsylvania. I have no objection at all to that being corrected.

Mr. BENJAMIN L. FAIRCHILD. I thought the gentleman would like to have it correct.

Mr. WEBB. I yield five minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, a parliamentary inquiry before I begin.

The CHAIRMAN. The gentleman will state it.

Mr. BORLAND. As I understand it, no one has been recognized for an hour in opposition to this bill.

The CHAIRMAN. No.

Mr. BORLAND. Well, may I not now ask for recognition in opposition to the bill in my own right?

Mr. WALSH. Is not a member of the committee entitled to that?

The CHAIRMAN. Is the gentleman a member of the committee?

Mr. WALSH. I am.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. BORLAND. In that case I will only ask for five minutes.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts [Mr. WALSH] if he is opposed to the bill.

Mr. WALSH. Yes. I yield 10 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. I am much obliged, just the same.

Gentlemen, this bill ought not to pass, and I regret very much that the distinguished gentleman from Pennsylvania [Mr. GRAHAM] urges it with such vim. By the report it appears that this is the twenty-first attempt that has been made to get these longevity claims paid. I remember that they were before our Committee on Claims in this House repeatedly and without success. They were put on a claims bill in the Senate at one time, which occasioned the defeat of a large number of very meritorious claims because these claims were injected into that claims bill. And this House has universally been opposed to the payment of these claims.

Now, let us get down to exactly what this question is. This is not confined to the Civil War, and, goodness knows, it has nothing whatever to do with the enlisted man, although the act of 1838, which was referred to, of course does apply in some of its provisions to the enlisted man.

Mr. GREEN of Iowa. Will the gentleman yield right there?

Mr. BORLAND. Yes.

Mr. GREEN of Iowa. Some gentlemen, I think, including the gentleman now speaking, spoke of a list of those who were to be paid under this bill. I have been unable to find it.

Mr. BORLAND. It is in the back part of it. There is no list of those that are to be paid. It is a list of those who have been paid. No enlisted man has got a look-in on this bill. No Union officer has got a look-in on this bill who was a volunteer officer, and the great percentage of Union officers were, of course, volunteer officers. This is confined to a very narrow class, a few of whom may survive as officers. The number of surviving Union officers is very, very small at this time. But the men who will be benefited by this bill are men who have had a public education in the Military Academy of the United States, whether they ever served a day in the war or not. They are the men to be benefited, and they are the narrow, prescribed, limited class that is to be benefited.

Now, what is it they ask? They ask that their longevity pay, which is supposed to be based on their service as officers of the United States, shall be dated back to cover the four years they were in the academy at Government expense.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question?

Mr. BORLAND. Yes, sir.

Mr. GRAHAM of Pennsylvania. Are you not mistaken when you say they ask to have their period of service dated back for four years to cover the academy, in view of the fact that the Supreme Court of the United States has decided it must be dated back, because when in the academy they were in the service of their country?

Mr. BORLAND. If they were not asking it, the bill would not be here. I take it. So evidently they are asking it. Somebody may have decided they are entitled to it under a technical construction of the law, but they are asking for it, and it is useless to deny that.

Mr. MADDEN. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. MADDEN. Does the gentleman think, in view of the fact that the claims of those who had left the service of their country, after being educated at West Point, and gone into the Confederacy have been adjudicated that those who stayed by the flag ought not to have their claims adjudicated?

Mr. BORLAND. I do not think that clearly explains the situation. My recollection is that the only bar Congress removed was the proof of loyalty, leaving the question of time of presentation the same in both cases. The fact about the matter is that this ruling seems to have extended over a period of 18 years, and I can not reconcile my idea but that the mistake was the ruling of a single Comptroller of the Treasury. There could not be anything in that.

Mr. RUSSELL. Will the gentleman yield?

Mr. BORLAND. I will.

Mr. RUSSELL. Do I understand you to say that if this bill is passed it will apply to those who have graduated at the Military Academy after four years?

Mr. BORLAND. Yes.

Mr. RUSSELL. And that they will get their pay, although they may not have served in the Army afterwards?

Mr. BORLAND. The whole milk in the coconut is to give longevity pay to those who happened to be educated at public expense in the Military Academy and making their service begin when they entered the academy as cadets.

Mr. PLATT. The gentleman did not say that they could possibly get their pay if they went into the Military Academy and did not go into the Army.

Mr. BORLAND. I said that they may have never gone into war. The gentleman from Missouri [Mr. RUSSELL] asked me a question, which I have distinctly answered, and that is whether the longevity pay was intended to cover their service in the academy. The gentleman's question was clear.

Mr. FIELDS. Under all the decisions that have been rendered since the administration of Comptroller Gilkeson the West Point service has been computed, has it not? Is it not computed now?

Mr. BORLAND. I do not know whether it is or not. But it ought not to be.

Mr. FIELDS. If it has, without going into the question of whether it is right or not, if the officer whose longevity is computed to-day is getting credit for that, would it not be fair and just for those men who filed their claims within this period to have that discrimination in justice corrected? They were discriminated against as compared to the men who receive their longevity pay to-day.

Mr. BORLAND. I will say to the gentleman that it is the question that has been before the Committee on Claims of this House repeatedly, as to whether you ought to reach back to those men, and the Committee on Claims of the House were found against it, and our House agreed to that ruling. Now, some men are entitled to longevity pay. It is not necessary to go back into the distant past and allow these claims to be taken up and presented.

Mr. SAUNDERS of Virginia. May I ask a question? I want to get at the facts. Would the people to whom this bill relates, the beneficiaries under this bill, be entitled to the longevity pay but for the decisions of the comptroller?

Mr. BORLAND. I understand so.

Mr. SAUNDERS of Virginia. Do the decisions of the Supreme Court and the decisions of those comptrollers agree?

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved section of the revised statutes [illegible] every graduate from the academy being entitled to longevity pay.

Mr. BORLAND. I do not know. I have not examined the decisions of the Supreme Court.

Mr. SAUNDERS of Virginia. That is a pretty vital point. If, under misapprehension of the law, comptrollers have rendered decisions that were erroneous in point of law and have been ascertained to be such by virtue of the decisions of the Supreme Court referred to by the gentleman from Pennsylvania [Mr. GRAHAM], ought we to allow that erroneous decision of the comptrollers to stand in the way of giving to people that to which they are entitled under the law of the land?

Mr. BORLAND. I am quite sure that if these people have any claim in law or equity against the United States they would not be here asking for the enactment of this bill. I think that is perfectly apparent. I do not know under what analogy they ask for it, or under what decision they refer to, but I am confident that if they had any remedy in law or equity they would pursue it.

Mr. SAUNDERS of Virginia. The reason why I asked that question is this, that the only reason why these people are asking for this legislation is that they are handicapped by an erroneous ruling of some antecedent comptroller which the present comptroller will not set aside.

Mr. BORLAND. I heard the gentleman from Pennsylvania [Mr. GRAHAM] make that statement, but I do not know the facts.

Mr. SAUNDERS of Virginia. It seems to me that is a vital question, whether that is so or not.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. DENISON. Does the gentleman happen to know how many of these claims are now in the hands of the original claimants?

Mr. BORLAND. I have not the ghost of an idea as to how many of these claims are in the hands of the original claimants. There is no way of ascertaining even the gross amount of the claims.

Mr. DENISON. Is there any law now in force that governs the collection of these claims as to whether or not they can be assigned to other persons?

Mr. BORLAND. There is a law, of course, on the subject. The gentleman knows that the Court of Claims makes the findings of fact, which it submits to the Congress, but it has no power of rendering a judgment. It makes merely a finding of fact, as it ascertains the same to be in its judgment, and Congress has the complete power to approve that finding of fact if it sees fit. That course was pursued in this case and the finding of fact was made, and the Congress has refused to confirm that finding of fact by making the appropriation, and now it is proposed to give the Court of Claims the power to enter judgment against the United States, notwithstanding the fact that the claims have been pending in Congress for 10 years past.

These men have had a military education at the expense of the United States, costing $20,000 in round numbers to each man, and they were paid to take it. The United States confers an education free, at a cost of $20,000, to every man who is educated there. It seems to me it is a strange thing in time of war to come in here and ask that half a million dollars or a million dollars be paid to men who have already had that advantage.

The question to-day is, Why is West Point? When we need officers we have to go out and get volunteer officers. That is what happened to us in every war we have had. When we got this National Army we trained 43,000 officers in training camps in three months.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BORLAND. I would like to have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BORLAND. I say we have trained 43,000 officers in training camps in three months. We took the bright young men from your district and from mine and sent them out there, and in three months' time they came out able to command this great army of democracy. And yet these men setting up these claims had four years of training, and some of them have never fired a gun in defense of the United States.

We are depending to-day upon 43,000 young Americans, who have had but three months' training in a training camp, to command our armies when we are facing the most desperate fight that our Government ever faced; and here is a lot of men who had four years' training at Government expense, and were paid to take it, asking for longevity pay. I venture the assertion that most of them never rendered any service to the Government.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. PLATT. Those 43,000 officers that the gentleman refers to were trained chiefly by West Point graduates, were they not?

Mr. BORLAND. No; I do not say that they were chiefly trained by West Point graduates. I want to call the attention of my friend from New York to this fact, that before this war broke out the great majority of the officers of the line in the United States Army were not West Point graduates. I will call on the members of the Committee on Military Affairs for verification of that statement, that the majority of the officers of the line in the United States Army have never been through West Point. I have never been able to understand why a great military academy such as we have, maintained at enormous expense, could never furnish more than a minor percentage of American officers in time of peace, and not furnish even a nucleus in time of war. These men in the training camps were trained by men a majority of whom had never seen West Point, and most of whom had served in the National Guard of the various States.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes; I yield to the gentleman from Michigan.

Mr. MAPES. Does this bill cover all graduates from the academy from the time the academy was organized?

Mr. BORLAND. Apparently.

Mr. MAPES. Who happened to have their longevity claims filed?

Mr. BORLAND. Yes.

Mr. MAPES. And who filed their claims from 1890 to 1908?

Mr. BORLAND. Yes; that is apparently the case.

Mr. MAPES. Will the gentleman yield for a further question?

Mr. BORLAND. Yes.

Mr. MAPES. How does it happen that such a large proportion of the graduates of the academy filed their claims during this time?

Mr. BORLAND. I have no way of answering that, except as the gentleman from Illinois says. There are always attorneys here interested in practicing before the Court of Claims, and occasionally they ransack the country and get a set of claims and bunch them up and get them before the Court of Claims. I have seen that done frequently, but I have no personal knowledge in this case.

Mr. IGOE. Mr. Chairman, will my colleague yield?

Mr. BORLAND. Yes.

Mr. IGOE. Is it not true that the reason why they were filed at that time was that shortly before that the Supreme Court had sustained the validity of the claims? Is not that the reason why they were filed at that time?

Mr. BORLAND. I imagine that some attorneys had circularized the country as soon as the decision of the Supreme Court was made.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LONGWORTH. I know nothing about this bill except what I have heard in the debate, and I do not know how I shall vote on it; but it seems to me the gentleman has directed his argument against the policy of paying this longevity to the officers during the time they were in West Point. I understand the Supreme Court has so construed the law, and that other men have been paid under the same circumstances before this decision of the comptroller, and other men have been paid since that decision. Now, is it fair that you should segregate a certain class and say that merely on account of a decision of the comptroller, which is apparently against the Supreme Court, they should not be paid while the others are paid?

Mr. BORLAND. That seems to be the argument that is made, but from my standpoint these gentlemen have no equity. From my standpoint they might stand on a strictly technical legal right, which I think would be a gross injustice to the Government if they did stand on it, and not a very high evidence of patriotism; but if they had a strict legal right we might have to pay them. But when they come here appealing to equity, appealing to the conscience of Congress, they have universally been met with a refusal, and that is what they are appealing to to-day. They are appealing to sentiment, to conscience and equity. They admit that they have not any strictly legal right.

Mr. McKENZIE. Will the gentleman permit an interruption?

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman five minutes more.

Mr. McKENZIE. In my judgment, the matter of longevity pay is a question of law, and according to this report the law of 1870 is as follows:

There shall be allowed and paid to each and every commissioned officer below the rank of brigadier general, including chaplains and others having assimilated rank or pay, 10 per cent of their current yearly pay for each and every term of five years of service.

Now, the Supreme Court of the United States has ruled that the four years spent in the Military Academy shall be counted as time served in the Army in figuring longevity pay. It seems to me that the law is just as plain as A, B, C, and if a man has a legal claim for longevity pay, I do not see why it is necessary to have any legislation to enable him to get it.

Mr. BORLAND. That is the whole answer to it. If there were any legal claim, based upon a decision of the Supreme Court, there would be no necessity of appealing to the extraordinary powers of Congress to pass a claims bill. That is perfectly plain. Evidently they have not got a legal claim, or they would not be here.

Mr. REED. Are some of these claims to pay the heirs of dead men?

Mr. BORLAND. I suppose so. I say I know nothing about the claims except the fact that we have had them up before Congress in previous sessions, and there has always been a disposition manifested by Congress, especially by the House of Representatives, not to pay these claims, not to go back into the past, and allow these claims to be drummed up against the United States and bunched at this time. It does seem to me that if we took that position in time of peace, when this Government had a comparatively small military burden upon it, when we might perhaps indulge this idea that Army officers were somewhat men of the rank of nobility in our country, we certainly can not take that position in time of war. A man who goes through West Point does not get a patent of nobility. He gets an education at public expense to serve his Nation, and I have never been able to believe that he was entitled to any special consideration because he had an opportunity to go to West Point. Thousands of other good men do not have the opportunity, yet when the time comes they serve their country just as bravely and just as capably as the men who went through West Point. They did not have the opportunity, and we are just simply making discrimination in this longevity matter between men who had a splendid opportunity to go through West Point, and to be paid for doing it, and men who served their country without any such inducement. I do not think we ought to make that distinction. I do not think there is any equity in this claim, and if there was any law on their side they would not be here appealing to the sentiment about the blue and the gray. The claim ought to be defeated. [Applause.] I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. WEBB. I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

Mr. CARAWAY. Mr. Chairman and gentlemen of the committee, I know no one will think I am unduly zealous in behalf of these people whose claims are now being considered before the House. There is no reason, political or otherwise, why I should espouse their cause, except a sense of justice. I am as much opposed to a law that makes the service of a cadet while in the academy count in computing his longevity pay as the gentleman from Missouri [Mr. BORLAND] seems to be. But that is not the question we are discussing and has nothing to do with it. Any gentleman who tries to confuse the issue by pretending that we are determining whether it is wise or not to count as service the time a cadet is in the academy as a part of his service on which longevity pay is based is either himself mistaken as to the issue raised in this bill or is knowingly or otherwise deceiving the committee, because the sole question here involved, as anyone can soon find if he takes the trouble to inquire, is whether men who stand in the selfsame relation to both the law and the fact shall receive the same treatment. Under the act of Congress of 1838 for the reorganization of the Army, the question of whether the longevity pay of an officer in the Army should be based upon his service after graduation or should include also the time he spent in the academy arose. The Supreme Court of the United States decided that in computing his longevity pay the four years that he was a student in the academy should be taken into consideration. That became the law of the land, because the Supreme Court said that was the intent of Congress. A Comptroller of the Treasury undertook to decide that he was not bound by the law—in other words, that he was not bound by a decision of the Supreme Court. All those who presented their claims to prior comptrollers were paid. All those who presented them to this particular comptroller were denied. Those who presented their claims to comptrollers who came after him were paid. Now, the question here is simply this: Whether men's claim for compensation resting upon the same facts and under the same law should be dealt with alike. Now, shall we recognize as binding upon the conscience of this country an erroneous ruling of a comptroller is up to us, or shall we mete out even-handed justice. That is the only question here involved. If we want to take advantage of a technicality or the mistake of an officer of this Government, and thereby deny equal justice to men who have performed equal services, why, bless your hearts, vote against this bill. If you want to put yourselves on record as being in favor of denying equal rights to men whose claims rest upon exactly the same facts and law, then hide behind the technical erroneous ruling of a Comptroller of the Treasury that was in contradiction to a ruling of the Supreme Court of the United States. You will accomplish that end.

Mr. TILSON. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. TILSON. Is there any question as to the ruling of that particular comptroller being wrong? In other words, was the ruling made by the other comptrollers right, in accordance with the decision of the Supreme Court, or was this ruling of this comptroller wrong?

Mr. CARAWAY. Absolutely wrong. The comptroller who came after, however, I think wisely decided that he was not a court of review; that the claims passed upon by the prior comptroller had been settled as far as he was concerned; and that he could not review the decisions of the prior comptroller. He was acting clearly within the law. He said that the comptroller was wrong, as everybody knows, but that he had no right to reverse it, and that no one could reverse it except the Congress of the United States, and we are to decide whether we will do it or not. Why, a man who would avail himself of that plea in this matter would plead the statute of limitations to avoid the payment of a just debt. The question is whether you want to plead a technicality to relieve the Government of its moral obligation.

Mr. BORLAND. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. BORLAND. This bill comes from the Judiciary Committee. Has not this exact question been presented to the Committee on Claims?

Mr. CARAWAY. I do not know as to that.

Mr. BORLAND. Is it not within the jurisdiction of the Claims Committee?

Mr. CARAWAY. Well, I do not submit my conscience to the Committee on Claims any more than I do to a Comptroller of the Treasury who makes a mistake. The question is whether it is just and right. Now I have no interest in it; my folks were all on the other side in the dispute. There is not a dollar going to anybody in my State. I never heard of anybody who was to profit by this legislation, but I would not deny justice to the blackest nigger that ever walked the earth under a technicality. [Laughter and applause.] And I would not permit my Government to do it if I could prevent it.

Mr. BORLAND. I do not want the gentleman to get away from that question that I asked.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WEBB. I yield the gentleman one minute more.

Mr. BORLAND. I am asking the gentleman whether it is not the uniform custom for the Court of Claims to bring its findings to Congress before the claims are paid and have them allowed? Why is it necessary that the gentleman's committee should bring in a bill authorizing the Court of Claims to enter up judgment?

Mr. CARAWAY. Anyone who understands the rules of the House will understand why it came to the Committee on the Judiciary, and I will not try to enter into an explanation of the rules of the House. The committee had jurisdiction of it. We believe that the country ought not to refuse to meet its legal obligations, and we voted for it.

Mr. COX. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. COX. If we do not pass this bill we punish the men who presented claims in their favor in time.

Mr. CARAWAY. Of course we do, and cover ourselves with infamy in doing it. [Applause.]

Mr. COX. Does not the gentleman in all sincerity feel that there ought to be some limitation placed in the bill as to the amount that would be allowed attorneys?

Mr. CARAWAY. If there is an attorney in it, I never heard of it. I can say truthfully that no attorney came before the committee, no attorney mentioned it to me, and no living soul has asked me to vote for the bill. I never heard of an attorney or agent or anybody else interested in it except these people, and they were not pushing it. It was a question that addressed itself to the conscience of the committee, and I voted for it.

Mr. COX. I am not trying to impute anything to the gentleman.

Mr. CARAWAY. I understand that. I want no attorneys or agents to profit by the act.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. BORLAND. Yes.

each and every term of five years of service.

Mr. WALSH. Mr. Chairman, I yield the gentleman from Illinois [Mr. CANNON] 15 minutes.

Mr. CANNON. Mr. Chairman, I do not think I shall want all that time, but I want to understand this bill. First, by way of suggestion, no man in the House has a greater respect for the gentleman from Arkansas [Mr. CARAWAY] than I have, and that is also true of the gentleman from Pennsylvania [Mr. GRAHAM]. I am not impugning the motive of any Member of Congress, but I can not quite agree with the gentleman from Arkansas. The gentleman from Arkansas intimated that a man who invoked the statute of limitations was not honest. Now, as I understand, these people who were diligent have not received their pay, but if they are entitled to anything why do they want legislation?

Mr. MADDEN. Because they did not receive it on account of the Comptroller of the Treasury at that time refusing to follow the decision of the Supreme Court.

Mr. CANNON. Precisely, and lo and behold, somebody evidently got the legislation. The Comptroller of the Treasury passed on these claims for a period of 10 years and rejected them.

Mr. GRAHAM of Pennsylvania. Will the gentleman pardon me a moment?

Mr. CANNON. Yes.

Mr. GRAHAM of Pennsylvania. The history is that in the beginning this longevity was not permitted to cover the period while the men served in the Military Academy. The Supreme Court of the United States in 1884 decided that that must be counted. Then, for a period from 1884 down to 1890 all these claims that were presented were paid. Then, from that period, under a ruling of the Comptroller of the Treasury, claims that were presented to him were ruled out arbitrarily. The next comptroller that came in allowed the claims that were presented to him, but said that he would not review those that his predecessor had passed upon.

Mr. CANNON. I think that is the usual course as to a predecessor.

Mr. GRAHAM of Pennsylvania. But not where there has been a blunder by refusing to follow the decision of the Supreme Court.

Mr. CANNON. Yes; in many cases that has happened, where the Comptroller of the Treasury has adjudicated, and then if anything happens that the claims are established subsequently by a decision of the court without express legislation on the part of Congress the claims that have been adjudicated by the comptroller are not paid or readjudicated. The very object of the gentleman by this legislation is to get authorization, as I understand it, for their adjudication. Now, the gentleman from Arkansas I am sure is not familiar with legislation had in recent years. After the close of the Civil War there were a lot of claims for back pay and bounty, and they kept coming in and coming in.

They were adjudicated, hundreds and thousands, I suppose hundreds of thousands of dollars, where they had not been paid, and where the records showed they had not been paid. Congress in its wisdom passed a statute of limitations and said that after the year 1912, I think it was, or possibly 1913, it does not make any difference, no claims should be considered thereafter filed. I have made several efforts to try to get rid of that act because I have a lot of constituents who are old, where the back pay and bounty is due them, but on account of that legislation which has been had by Congress and within the last decade, there is nothing doing. I speak whereof I know. People die, the personnel of Congress changes, we cross over, and there come up new claims and old claims that may not have been just, with a new set of legislators, or with the death of witnesses that knew they were not just, and then comes a second trial. After all, I think there is wisdom in statutes of limitations amongst individuals, and I wish to God there was a limitation in the Constitution of the United States, 6 years or 10 years or 20 years, as the case may be, because after claims have been rejected time and time and time again they spring up frequently with every new Congress. Let me tell you what has happened, and I speak whereof I know. Take the contracts, for instance, had during the Civil War for the building of gunboats and for services to the Government. Some of them were settled and receipts given in full payment, and yet year after year and Congress after Congress, when claims were presented for those things they were turned down, but finally many of them were paid by express legislation. If there had been a limitation in the Constitution providing that when there was settlement once made and the money was received in full payment they could not be again paid, that thing would not have happened.

I want to say frankly I do not understand why this bill should pass, if it does pass, unless some of it is stricken out. It is said that it is confined only to West Pointers, who can take under this legislation, having the four years in West Point counted for longevity.

Mr. GRAHAM of Pennsylvania. That is what the Supreme Court said.

Mr. CANNON. Precisely; that is what the United States Supreme Court said. What does this mean? It harks back to an act of 1838. I do not know how much significance there is in these claims, whether they are claims that have been pending or claims that have been rejected. We find them in the list of enlisted men. Take page 2 of the bill, going to line 10—

all services rendered as a cadet at the United States Military Academy—

Now, you might stop right there, if they alone are to be relieved; but we find further—

and as an enlisted man or commissioned officer in the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury, and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

That covers the whole shooting match.

Mr. GRAHAM of Pennsylvania. No; it does not.

Mr. CANNON. Then what is the use of it?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Precisely; I am seeking knowledge in good faith.

Mr. GRAHAM of Pennsylvania. Just those claims which were proved before a comptroller and disallowed. They are easily ascertained.

Mr. CANNON. Oh, but the legislation is broader than that. Let me read it:

And that the accounting officers of the Treasury in the settlement of claims for longevity pay and allowances on account of services of officers in the Regular Army arising under section 15 of an act approved July 5, 1838, entitled "An act to increase the present Military Establishment of the United States, and for other purposes," and subsequent acts affecting longevity pay and allowances—

Longevity pay and allowances.

Mr. GRAHAM of Pennsylvania. Go on.

Mr. CANNON. It continues—

shall credit as service in the Army of the United States, within the meaning of said acts, all services rendered as a cadet at the United States Military Academy.

Mr. GRAHAM of Pennsylvania. See how it is narrowed.

Mr. CANNON. But why did you broaden it here?

Mr. GRAHAM of Pennsylvania. Any lawyer would understand why it was broadened there. It is a recital of those acts; that is all.

Mr. CANNON. Oh, no; here is where the broadening comes in—

and as an enlisted man or commissioned officer of the Regular and Volunteer Armies, in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury—

Mr. GRAHAM of Pennsylvania. You see it is limited again.

Mr. CANNON (continuing)—

and no decision of a comptroller heretofore made against a claimant under said section 15 shall preclude a settlement under the terms of this act where the claim has not been paid.

Now, what is the use of putting in the enlisted man?

Mr. GRAHAM of Pennsylvania. The act put it in.

Mr. CANNON. Did the act put it in?

Mr. GRAHAM of Pennsylvania. Yes; it is only a recital.

Mr. CANNON. But could the enlisted man come in now if he had been rejected?

Mr. GRAHAM of Pennsylvania. No; unless his claim was before the comptroller and rejected. It is limited to that. It is limited to those whose credit for their service at the academy had not been accounted for, and whose claims were proved before the comptroller.

Mr. CANNON. But the enlisted man did not have any four years at West Point. The decision of the Supreme Court did not cover him.

Mr. GRAHAM of Pennsylvania. No. Will the gentleman pardon me for just a suggestion?

Mr. CANNON. Certainly.

Mr. GRAHAM of Pennsylvania. The act covers the enlisted men, and there were certain conditions of service as enlisted men that were allowed to be counted by the officer when he became an officer. That is the general provision of the act, but we recite that act simply to identify the law. Under that we simply say that where the service at the academy has not been accounted and proof made before the comptroller, those claims shall be taken up and reconsidered as they ought to be.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. PLATT. The act of 1838 provides for additional pay, then in form of additional rations, for each five years of service "in the Army." This was first held to apply only to the time of the commission, afterwards service in the ranks as an enlisted man was counted, and then the question came up whether enlistments in the Military Academy—and when men are appointed to West Point they do enlist—should be counted as enlistment.

Mr. CANNON. Yes.

Mr. PLATT. And that was decided favorably by the Supreme Court in the decision cited here, so that the question of the other enlistment in the ranks does not come in here at all. That was not in the Supreme Court decision.

The decision was merely that West Point service is enlistment.

Mr. CANNON. That could be done without covering enlisted men or volunteer officers; it is not necessary to cover them.

Mr. PLATT. It is already covered without being in here.

Mr. FIELDS. They are already covered by the language of the statute now. That only refers to the law.

Mr. CANNON. This language takes that act and all other acts subsequent. What would the gentleman think if I proposed to strike out on motion the words "and as an enlisted or commissioned officer in the Regular or Volunteer Armies in all cases in which heretofore this credit was disallowed by any such accounting officer of the Treasury"? Now, it looks like, to me, whoever drafted this bill——

Mr. FIELDS. That would be a discrimination wholly in favor of the West Point man.

Mr. CANNON. Well.

Mr. FIELDS. If under the law some man was entitled to this longevity pay who had served a certain time as an enlisted man, he is being discriminated against under the law that is now on the statute books.

Mr. CANNON. Well, I had supposed from reading this bill and what has been said about it that the people who were to be relieved were those who had been denied four years in the Military Academy.

Mr. GRAHAM of Pennsylvania. That is right—by the comptroller.

Mr. CANNON. The gentleman says that is right—by the comptroller. It seems some have been allowed. What is the use of spreading it beyond that?

Mr. GRAHAM of Pennsylvania. It does not go beyond that. If the gentleman will permit an interrogation, I would like to quote from a letter from the Secretary of War, Newton D. Baker.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. May I have a minute just to make this inquiry?

Mr. WALSH. I yield the gentleman from Illinois one minute.

Mr. GRAHAM of Pennsylvania. I quote from the letter of Secretary of War Baker:

The question of counting cadet service and service as enlisted men arose some years ago, and the then Comptroller of the Treasury ruled that service as a cadet at West Point was not considered service in the Army. The matter finally reached the Supreme Court, and on March 11, 1889, that body ventured a decision that—

"Cadets at West Point were always part of the Army, and that service as a cadet was always actual service in the Army," etc.

It appears that the claims of all of those officers which were presented prior to 1908 were disallowed, but that the officers who presented identical claims after another decision of the assistant comptroller in May, 1908, had their claims allowed and paid. The present Comptroller of the Treasury declares himself powerless to reopen such claims, no matter how just they may be, unless authorized by Congress to do so.

Accordingly, I have the honor to recommend that suitable legislation be enacted authorizing the Comptroller of the Treasury to reopen the claims of all officers who are entitled to longevity pay under the act cited.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

Mr. CANNON. Now, the gentleman's bill goes further——

Mr. GRAHAM of Pennsylvania. It does not go a step beyond that.

Mr. CANNON. Then I think I do not understand the English language. I have already read it twice and shall, when opportunity offers, propose an amendment to strike out the language from lines 11 to 17, inclusive.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Chairman, if I correctly apprehend the facts of this case and I think I do, then the merits of the pending proposition are beyond controversy. It is often said that the diligent man ought to be rewarded for his diligence, but according to the history of this case it is the slothful who have been rewarded, while the diligent have been punished. The committee ought to have in mind that the statute which determined the rights of the men who have received longevity pay is the same statute which is relied upon to establish the rights of the beneficiaries of the pending resolutions. This statute has been interpreted by the Supreme Court of the United States. It has also been interpreted by the comptrollers. One comptroller interpreting it, in advance of the decision of the Supreme Court held that it did not operate to include for the purpose of computing longevity pay the time spent by an officer as a student at West Point. Later the Supreme Court held that the time spent at the Military Academy, was to be counted as a part of an officer's service in the Army. Thereupon a number of officers who had noted the ruling of the comptroller excluding this time and therefore had never made application to have it considered in computing their longevity, were emboldened by this decision to submit their case to the comptroller. All of these applicants received longevity pay conformably to the interpretation of the statute established by the Supreme Court. The officers who had gone before the comptroller prior to the decision, and whose applications had been rejected, thereupon sought to secure the benefit of the same decision, by presenting their cases anew to the comptroller. What happened to these officers? Why, the comptroller held in substance, that he was not controlled or affected as to these cases, by anything that the Supreme Court had done, or any ruling that it had made, in interpreting the statute—that even if this court did hold that the ruling of antecedent comptrollers on the precise point presented was erroneous, and that service at West Point was to be considered in computing longevity pay, the comptrollers were a law unto themselves, and he would not undertake to reverse the antecedent ruling, but would reject the new applications, substantially on the ground, that the matter was res judicata. But the same comptroller who rejected the claim of an officer on this ground passed the claims of other officers whose cases, on the merits, were precisely those of the first officer, differing only in that they had never been presented to a comptroller, and therefore never had been rejected under an admittedly erroneous construction of the basic statute.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. GREEN of Iowa. I do not think the comptrollers went quite that far. But they simply said they would not sit as a court of appeals under the decision.

Mr. SAUNDERS of Virginia. The effect was the same.

Mr. GREEN of Iowa. The effect was the same.

Mr. SAUNDERS of Virginia. If we agree upon the effect, there is no occasion to concern ourselves over verbal distinctions, or differentiations. What does the pending bill propose to do? In this connection I will refer to a statement made, I believe, by the gentleman from Missouri [Mr. BORLAND] as follows: "If these people have any rights under the law, why do they not go to the courts? Why do they come to Congress with this bill?" The answer to these queries is very simple. These claimants can not go to the Court of Claims for the reason the time has expired within which they could sue in the Court of Claims. They can go to the comptroller, but this step would not avail them for the reason that the comptroller will not consider their applications, on the ground that the action of a former comptroller rejecting their claims, even if that action was error, renders their case, res judicata. In substance this high and mighty Treasury official announces that even though the Supreme Court has construed the statute contrariwise to the view taken by antecedent comptrollers he prefers to follow those comptrollers, in preference to a decision of our greatest court of last resort. Hence the intended beneficiaries of this bill are barred in both forums. This statute simply declares that the Court of Claims shall have jurisdiction to entertain the claims of officers who are entitled to the benefit of the decision of the Supreme Court, but who have been debarred therefrom by the rulings of one or more comptrollers. The statute might fairly be denominated a statute to make a decision of the Supreme Court effectual against an opposing ruling of a comptroller.

Should the beneficiaries of this bill bring themselves, upon the facts, within the benefit of this decision of the Supreme Court construing a statute which is the basic law for these cases then they will secure the same longevity pay which other officers upon the same state of facts have secured, no more, no less. The merits of the case presented for these claimants is manifest. On the one hand is a decision of the Supreme Court announcing that the statute relied upon by these claimants, includes the time spent at West Point by a student, as a part of his Army service, and should be considered in computing longevity pay. On the other hand, are the decisions of one or more comptrollers construing the same statute, and holding that time spent at West Point should be excluded in computing this pay. It should not be difficult to determine which ruling should be the determining authority.

Mr. TILSON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. TILSON. What does the gentleman have to say as to the purpose or effect of those words to which the gentleman from Illinois [Mr. CANNON] called attention to in lines 11 and 12 on page 2:

And as an enlisted man or commissioned officer in the Regular and Volunteer Armies.

Can he state whether this adds anything or whether it would subtract anything from the bill?

Mr. SAUNDERS of Virginia. I will refer the gentleman to the gentleman from Pennsylvania [Mr. GRAHAM], who has discussed that phase of the situation very fully.

Mr. TILSON. I was called out of the House at the moment, and I did not hear it.

Mr. SAUNDERS of Virginia. In reply to a query by the gentleman from Illinois [Mr. CANNON] the gentleman from Pennsylvania answered very fully the question now asked by the gentleman from Connecticut. This bill affords a relief to which its intended beneficiaries are very plainly entitled. These officers are asking for nothing but what others standing on the same footing as themselves have long since received. They are asking for something that should be accorded to them as a matter of right. They are not suppliants asking bounty or seeking a voluntary donation. They were diligent in presenting their claims and, by an erroneous ruling of a comptroller, have been punished for their diligence. In contravention of the accepted rule of action, the slothful in this case have been rewarded for their slothfulness.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, it has been stated, and well stated, that we are not considering the justice or injustice of allowing the service of four years in West Point in arriving at the longevity pay. That has been settled by the Supreme Court of the United States. I am frank to say that I think that law was wrong and that a law should never have been passed allowing this four years' service to be computed. But that law was passed and the Supreme Court of the United States held that it was valid.

Now, that law was passed upon by the Supreme Court in 1884 and for 10 years thereafter those claimants who presented their claims to the Comptroller of the Treasury received payment of them. All claims were not filed at the same time. They continued to file them, and in 1890 Comptroller Gilkeson, a new comptroller who came in at that time, reversed the decision of his predecessors and, we might say, the decision of the Supreme Court of the United States, and during his tenure in office he refused to pay these claims. After he went out of office the claims continued to come to the comptroller and his successor reversed his (Gilkeson's) ruling, and said that the claims were valid, and that he, acting upon the decision of the Supreme Court of the United States, would pay them, though he did not have the right to review those claims that had been filed during the tenure of his predecessor and were passed upon or rejected by him. So those are the claims that this legislation proposes to relieve.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question there?

Mr. FIELDS. Yes.

Mr. CAMPBELL of Kansas. Does the Judiciary Committee know how many of these claims there are and when the claims were pressed before the Auditor of the Treasury?

Mr. FIELDS. I will say to the gentleman I am not a member of the Judiciary Committee.

Mr. CAMPBELL of Kansas. I thought the gentleman was.

Mr. FIELDS. I am a member of the Military Committee.

Mr. CAMPBELL of Kansas. I can find nothing in the report. It does not mention the number of the claimants.

Mr. GRAHAM of Pennsylvania. It summarizes the amount.

Mr. FIELDS. The number does not affect the equity of the claims. If A, B, and C were claimants upon an equal footing and A filed his claim prior to the administration or the tenure in office of Comptroller Gilkeson, and his claim was paid, and C filed his claim after the service of Comptroller Gilkeson, and his claim was paid, can we take advantage of B, who filed his claim before Comptroller Gilkeson, whose decision conflicted with the decisions of both his predecessor and successor and the decision of the Supreme Court?

Mr. BORLAND. Will the gentleman yield?

Mr. FIELDS. I yield.

Mr. BORLAND. Does the gentleman agree with the position of the distinguished lawyer from Arkansas [Mr. CARAWAY] that Congress ought to rectify erroneous decisions of Federal courts, and that every time a judge is wrong Congress ought to sit as a court of appeals and set him right?

Mr. FIELDS. Well, I have seen some decisions that I thought Congress ought to show its disapproval of.

Mr. BORLAND. Does not the gentleman think injustice has often been shown to claimants?

Mr. FIELDS. I will say that this bill, if enacted into law, will only put the decisions of all Comptrollers in line with the decisions of the Supreme Court.

Mr. WEBB. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, I would like to have had a little more time than that, but possibly I can get through in three minutes.

I am entirely opposed to longevity pay on account of service in the Military Academy, but that is not the question now before the House. My vote upon that is foreclosed, and the vote of a large number of the Members of this House is foreclosed, by their previous action. Some four years ago, I think it was, the gentleman from Pennsylvania [Mr. GRAHAM], who has presented this bill, introduced a bill which permitted certain officers who had been in the service of the Confederacy as well to present and have allowed their claims for longevity pay of this character under the same statute. The bill passed this House, as I remember, without a dissenting vote, at that time. It allowed exactly the same kind of claims. No possible reason could be given for allowing those claims that could not be given for allowing these that we have before the House at this time, and possibly some reasons might have been urged why those claims should not be allowed which would not operate against the claims we are now considering.

Mr. HELM. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. HELM. Is there anything in the language of this bill that gives the volunteer officer and the private soldier the same status that the Supreme Court of the United States gave the West Point cadets?

Mr. GREEN of Iowa. I have only three minutes and I can not go outside, if the gentleman will pardon me, and into that question.

I want to say a word further with reference to the bill that was before the House on the other occasion. At that time the gentleman from Pennsylvania [Mr. GRAHAM] made a most eloquent speech in favor of it—a speech, I might say, that is one of the classics of the CONGRESSIONAL RECORD—and unless my friend from Missouri [Mr. BORLAND] is prepared to say now he was entirely carried away by the eloquence of the gentleman from Pennsylvania, so that he hardly knew what he was doing at the time, I am unable to see how he can consistently vote against this bill. I take it, the gentleman was present on that occasion, as he is one of the most diligent Members of the House and always attending to business here.

Now, just a word further in reference to the statute of limitation. Without carrying the argument as far as the gentleman from Arkansas [Mr. CARAWAY] went, I will say the principle of the statute of limitations has no application to this situation whatever. We apply the statute of limitations because we say if a man is not diligent and does not present his claim within a reasonable time, we have a right to presume that his claim is not just. That is the principle upon which the statute of limitations is founded. That is the legal principle upon which it rests. But in this particular case, from the extraordinary circumstances that have arisen, a man who was diligent in presenting his claim early is debarred from presenting it now, and having it allowed, and others who put off the presentation of their claims until such a time when, if at all, the statute of limitations ought to apply, were permitted to present them and have their claims paid, and they were paid.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield? I want to ask a question for information.

Mr. GREEN of Iowa. Yes.

Mr. GARRETT of Texas. I understood the gentleman to say that the claims that had been filed prior to 1890 had been paid.

Mr. GREEN of Iowa. As I understand the situation, there were three sets of decisions with reference to this matter by different comptrollers. The early comptrollers ruled that these allowances ought to be paid. Then came in other comptrollers who ruled that they ought not to be paid; and then came in a third and last set, after the decision of the Supreme Court, and who were in accord with its decision and who admitted that these claims ought to be paid, but said that they ought not to sit as a court of appeals on the decisions of their predecessors. The result was that the later comptrollers paid new claims that were presented to them, but refused to pay the claims that we are now considering, holding that they were adjudicated by their predecessors.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. WALSH. Mr. Chairman, I yield three minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa is recognized for three minutes.

Mr. TOWNER. Mr. Chairman, the principle in this bill which Congress will have to determine is simply whether or not we will put this class of claims upon an equality with others of the same kind.

Now, here, very briefly speaking, is the situation: There were claims presented for longevity which were presented in time and within the statute of limitations. They were refused by a certain Comptroller of the Treasury Department. After this had been done, subsequent comptrollers granted the allowance of this class of claims.

Now, this class of claims is based upon this condition of law and of fact: The Supreme Court of the United States has said that as a matter of law the claimants are entitled to the payment of these claims. The Court of Claims has said that as a matter of fact the claimants are entitled to the payment of these claims. Both of those propositions have been adjudicated by the erroneous decision of a certain comptroller. A certain part of those claims were not allowed. Now, these parties can not make these claims because of the fact that the statute of limitations runs against them. So you are confronted with this proposition: Are you willing, as a matter of justice, to remove the bar of the statute of limitations in this class of cases? As my colleague [Mr. GREEN of Iowa] has just shown, the object of the statute of limitations is to secure the determination of claims in a timely manner and before the evidence is lost. That has been done, and the Court of Claims and the Supreme Court have decided that the claims are just. Now it is for us to say that they should be paid if they are established in accordance with law and fact.

I want to call the attention of Members of the House to this fact, that we have removed the bar of the statute of limitations and other bars against all those who served in the Confederate Army, and now if we refuse to do so in the present bill we make a discrimination against the Union soldier if we now refuse to remove the bar. If gentlemen are willing to do that, then they ought to vote against this bill. If you are willing to place the Union soldier upon exactly the same plane of equality that you have by unanimous consent voted to place the Confederate soldier, then you ought to vote for this bill.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. LONGWORTH. Would it not be a concrete statement to say that the object and effect of this bill is to remove from a sort of twilight zone a class of claims that are on exactly the same basis as claims that were allowed theretofore and claims that were allowed thereafter?

Mr. TOWNER. I could not concede that it was a twilight zone when we have an absolute decision by the Supreme Court and by the Court of Claims both on the question of law and fact.

Mr. LONGWORTH. But the adverse decision was not made by the Supreme Court, but it was made by a comptroller.

Mr. TOWNER. Yes; by the decision of a comptroller who refused to obey the decision of the Supreme Court. But we must either condemn the action that we took when we removed the bar from the Confederate soldiers or we must now give the same right to the Union soldier.

Mr. GARRETT of Texas. How long does the statute of limitations run?

Mr. TOWNER. Six years.

Mr. WALSH. Mr Chairman, I yield five minutes to the gentleman from New York [Mr. PLATT].

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. PLATT. Mr. Chairman, it seems to me that there is some misunderstanding, because the report accompanying this bill is not quite as clear as might be as to some of the matters in this case. It recites the three longevity statutes—that of 1838, that of 1878, and that of 1881—the first being the ration statute, where the officers were allowed an additional ration for every five years they served. Once in a while we hear somebody talking in favor of that nowadays, but that was abolished or computed into money in 1870. Then comes the act of 1881. Each one of these acts provides that the actual time of service "in the Army or the Navy" shall be allowed to officers in computing their pay, and so forth. Of course, inasmuch as many men obtained commissions without going to West Point, the question as to whether their service in the Army as enlisted men should be counted in computing their longevity pay is a question that is quite pertinent, but it does not clearly appear in this report how it was settled.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. LONDON. I was trying to find out what longevity pay is and what is the nature of the claim.

Mr. PLATT. As I understand, every officer at the end of five years gets an addition of 10 per cent as longevity pay. He may be a captain for a long time when there is no war, but every time he passes five years he gets an increase of pay. I am right about that, am I not?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. PLATT. He does not get additional pay until after he has been in the Army a certain time. The question first came up, if he had first served in the ranks as an enlisted man whether he could count his term of service as an enlisted man toward longevity pay. As I understand it, the Comptroller of the Treasury in 1888 first decided against this, but sometime afterwards this decision was reversed. Then still later the question came up as to whether service at West Point was not also "service in the Army" within the meaning of the statute. The Supreme Court decided in 1884 that it was; that a man was a member of the Army or of the Navy when he enlisted or on admission to West Point or Annapolis, and we know that when a man does go to West Point or Annapolis he is subject to the orders of the Commander in Chief of the Army and Navy and can be sent to the front at once. Subsequent decisions, including that in the Watson case in 1899, extended the scope of the decision of 1884.

Mr. REED. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. REED. I understand the statement has been made that the comptroller decided at first as to a part of the claim. Did not the comptroller grant some portion of their claim? But they are now claiming more. Did he not settle with them for a part of the period, but not for four years?

Mr. PLATT. I think not. I think this particular comptroller, if the gentleman is referring to Mr. Gilkeson and his immediate successors, 1890–1908, ruled against the whole thing. Before his time the claims were allowed. Then he disregarded the Supreme Court decision and ruled against them, and while he was in no claims were allowed. Then after his time, after 1908, they were allowed again; but those claims that came in during the period 1890–1908 were held by later comptrollers to have been adjudicated. This bill simply allows the claims of that one period to be brought before the Court of Claims and determined.

Mr. REED. Could not some applicant have had four or five years' service in addition to the service at West Point?

Mr. PLATT. It is not a question of discrimination against men who got their commissions through enlistment in the Army first or their going to West Point. It has been possible for men to enlist in the Army and get commissions quicker than West Point men get them. I know of a case myself of a boy who failed to get an appointment to West Point who enlisted in the Army and got a commission in three years. Those things happen. The law allows the boy to count his three years of enlisted service in computing his longevity pay, but West Point service as the law now stands is not counted.

Mr. BORLAND. My understanding is clearly that the only matter in dispute is the four years' service in the academy.

Mr. PLATT. Yes; for the particular cases mentioned, others having been decided.

Mr. BORLAND. Then that is the only matter affected by this bill. The enlisted man is not benefited by it.

Mr. PLATT. The enlisted man afterwards commissioned had already been benefited by earlier decisions. As I understand it, the decision of the Supreme Court in 1884 went to that one point, whether the four years at West Point were to be computed as enlistment in the Army.

Mr. BORLAND. Yes; that has been repeatedly stated here on the floor.

Mr. PLATT. It seems to me that this bill simply provides for equal treatment for all cases of the same kind. Many of these claims have been paid. Others exactly the same have not been paid and in justice should be paid.

Mr. WEBB. Mr. Chairman, we shall have only one more speech. I desire the gentleman from Massachusetts [Mr. WALSH] to use his time.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] has 5 minutes remaining, and the gentleman from Massachusetts [Mr. WALSH] has 21 minutes.

Mr. WALSH. I yield five minutes to the gentleman from Alabama [Mr. HUDDLESTON].

Mr. HUDDLESTON. Mr. Chairman, it is, of course, perfectly obvious that a boy who goes to West Point or to Annapolis and receives an education there at the public expense is not entitled

to anything out of the Public Treasury because of any sacrifice he has made or any public service that he has rendered. There is no real merit in the claims of these officers who are now seeking to get something extra because they were permitted to go to West Point when other boys were denied that privilege. The claims stand purely upon a technicality, that an alleged discrimination was practiced against them. They have no merit in themselves. Their only argument is that somebody else got it and therefore they ought to have it. That is all there is in this bill.

Now, it is the present policy of Congress not to allow such a claim to be made. That policy is found in the act of Congress passed after this decision of the Supreme Court, which provides that no officer shall be allowed to add to his term of service for the purpose of getting longevity pay the time that he served in the academy. I find it as applicable to the Navy in the act of March 4, 1913, which provides as follows:

> Hereafter the service of a midshipman at the United States Naval Academy, or that of a cadet at the United States Military Academy who may hereafter be appointed to the United States Naval Academy or the United States Military Academy shall not be counted in computing for any purpose the length of service of any officer in the Navy or in the Marine Corps.

The same kind of a statute has been passed applicable to service in the Army. Therefore it is the policy of Congress not to recognize at this time any such claim whatsoever. So that so far as those are concerned who have gone to the academy since this statute was passed, they will be discriminated against if we now turn back and give it to those who went to the academy before that time.

In 1838 it was held by the comptroller that those who had gone to the Military Academy should not be allowed to compute the time they were there as a part of their service in order to get this longevity allowance. That ruling remained in force for years and years, and while it was so in force and while the law was being so construed, Congress passed an act allowing longevity pay to officers in the Army. That was the beginning of it. Congress passed that act giving this longevity pay at a time when it was being uniformly held that the time spent at the academy could not be counted in. Congress undoubtedly, so far as longevity pay is concerned, never for a moment intended that boys favored by an education at the academy should have anything additional on account of it. It was after Congress had passed that statute allowing longevity pay, at a time when the law had long been held to be that time spent at the academy could not be computed or added to other service that the Supreme Court held that technically service at the academy was service in the Army and the longevity allowance was made. The Supreme Court held as a bare technicality that this statute giving longevity pay included time spent at West Point, and that cadets might have the benefit, as though in actual Army service, of the time they served there. Those who have received this pay for service at West Point have been allowed to do so because of a technicality. They had no real merit nor equity in their claims. They ought to have been ashamed to take the money.

And I say that there is no question of Union or Confederacy here now. I am surprised that gentlemen should talk about officers in the Union Army and Confederate officers. Gentlemen, that question is not involved in this bill. It has absolutely nothing to do with it. Confederate officers were enabled to present their claims by a statute removing the bar of Confederate service. They were in no way preferred over Union officers. The law merely placed both on an equality. That question is not in it and ought not to be brought into it.

Gentlemen ought not to get up here on the floor of the House and try to justify themselves in voting money out of the Public Treasury on the ground that it goes to Union officers. It is not proposed to give it to Volunteer officers. It is only for the fellows who had the benefit of West Point education at public expense. They have no merits in their claims, but stand upon a naked legal technicality. Against that technicality I match, for the consideration of the gentleman who stands on it the fact that such claimants had their day in court.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield to the gentleman one minute more.

Mr. HUDDLESTON. They have had their day in court. Many wrongful decisions are made by the courts. They are made every day; it is a way courts have; but Congress does not undertake to do justice or correct them merely because the courts have erred. Public auditors make mistakes every day, and when the people to whom the claims are due, instead of taking their claims to the court, allow them to sleep throughout the long years, they ought not to undertake to come before Congress, standing, as I say, on naked legal technicalities. They should not come and ask us to rip up the decisions after long lapse of time and pay their claims when they stand on no real merit. Let us have done with such nonsense.

Mr. WALSH. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, I desire to speak not upon the bill but upon another matter in which I think the House is patriotically interested. It is in reference to a service flag to commemorate the men who have gone forth from the House and enlisted in the armed forces of the United States. Nearly every building in this country, nearly every home in this Nation, is to-day decorated by a flag which is placed there in honor of the sons and fathers who have enlisted in the service of the Republic. This House has to-day on its honor roll of valiant soldiers—brave men who have gone forth wearing the uniform of the United States—the lamented Gardner of Massachusetts, Mr. LAGUARDIA of New York, Mr. HEINTZ of Ohio, and Mr. JOHNSON of South Dakota. I believe that this body should be so patriotic, so appreciative, so earnest, that we, its Members, will decorate the Hall of this House with a flag commemorating these four brave men and those that may follow them to the front.

I have already offered a resolution, Mr. Chairman, that is now pending before the Committee on Accounts, authorizing the procurement of such a flag, and I sincerely hope that it will report that resolution favorably, and that this House will indorse the action of the Committee on Accounts should they report favorably the resolution. [Applause.]

I yield back the balance of my time.

Mr. WALSH. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, there is no merit in this bill. There is no justice in it. There is no equity in it; it has no legs on which to stand. The only argument which its most ardent advocates and friends have advanced is an appeal to the fellows in the South, because they got their part of the swag a couple of years ago without any legitimate right, and the fellows in the North, who were barred from their part of the longevity pay between 1890 and 1908, were barred by an adverse decision by a Comptroller of the Treasury. Now, that is the kind of argument, but it does not appeal to me at all.

The student who goes to the Military Academy is graduated at the public expense or cost of about $40,000 or $60,000—I speak advisedly—to the taxpayers of the country, and it does not appeal to me with very much force when he comes to Congress and asks that these old graveyard claims, dead by the statute of limitations a long time ago, be resurrected.

Now, it is not my purpose to slander any member of the Judiciary Committee at all—far from it; but if any man wants to find out whether or not there are attorneys in this matter, let him go down to the auditor's office in the War Department. Let him go down and find out, as I have done, the attorneys that are behind these cases that have been denied between 1890 and 1908.

As I said a moment ago, I am not accusing the Judiciary Committee of anything unjust or unfair, but I am here to say to this Committee of the Whole that if there ever was an attorney's case presented on the floor of this House that never would have come here without an attorney, you are looking one now square in the face and fairly between the eyes. [Laughter.] It is an attorney's case, and that is all there is to it.

Now, with some amendments I may possibly vote for this bill. When the time comes I am going to offer an amendment, possibly two or more, and I want to ask the friends of this bill, the men who are sincere and who believe that it ought to pass, what earthly objection there can be to an amendment incorporating in the bill a provision that only the officers' widows and their children shall be allowed this longevity pay. Is there anything wrong in that? Would that destroy the bill? If your purpose be to remunerate simply the officers, if your premises are sound that they ought to have it, then are you going to insist that where the officer is dead and his widow is dead, where he has no children of his own, his nephews and nieces and uncles and aunts and collateral kin shall come into the Court of Claims and receive a part of the officer's claim or that part left by the attorney?

Another amendment I shall offer at the proper time—and I am not clear on that point as to the power of Congress—but it is that no attorney or agent of any attorney or set of attorneys shall receive a compensation in excess of 10 per cent of the amount which may be allowed by the Court of Claims.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I yield the gentleman one minute more.

Mr. COX. I hope some of you gentlemen will take time to go down to the auditor's office in the War Department and find out the names of some of these attorneys that have these claims.

One of the men I am reliably informed was called before a very competent committee of this House the other day with relation to steamboat inspectors. Congress has been besieged for an increase in salary of steamboat inspectors, and I think the committee was favorable to granting the increase. I know a little something about the salary of steamboat inspectors, and I think they ought to be increased. But what was finally developed? It was finally developed that the leading attorney of the vast majority of these cases now pending in the War Department had a contract with the steamboat inspectors whereby he got 10 to 20 or 25 per cent of the first year's increase of salary in the event that the bill went through Congress. That is what you are up against here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr Chairman, how much time have I remaining?

The CHAIRMAN. Seven minutes.

Mr. WALSH. Mr. Chairman, I understand that the gentleman from North Carolina [Mr. WEBB] has arranged to yield his time and that there will be only one more speech on that side. The gentleman from Pennsylvania, my colleague on the committee, Mr. GRAHAM, asked to get time from the gentleman from North Carolina, but he was unable to do so. Of the seven minutes remaining I desire to yield four minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I do not think I shall occupy the four minutes, but I want to correct one or two things that were not made clear in the beginning. I wish to call the attention of my colleagues to the fact that the lists published in the report of our committee are lists of the claims paid, and, of course, they go back beyond the period that was the subject of this controversy or dispute. I ask the attention of my colleagues also to the report, Appendix 2, which shows the history of this subject from the Fifty-first Congress down to this time. Bills exactly like this have been passed by the Senate of the United States, I think three times—twice I am sure of—in the history of this legislation, but they failed to pass in the House, not because of an adverse report but because they were not reached in the exigencies of the legislative period. I wish also to call the attention of my colleagues to the fact apparent in the quotation which I made from the letter of the head of the War Department in the present administration, Mr. Baker, who said that these claims were just and that they ought to be paid, and recommended to the Committee on Military Affairs that a proper and suitable bill should be introduced for the purpose of paying them; so that there has not been, as was intimated by the gentleman from Missouri [Mr. BORLAND], any instance in which these claims were turned down, repudiated, or adversely reported upon. In every instance they were recognized as fair. I wish to say one word in answer to the gentleman from Indiana [Mr. COX]. He said the only meritorious argument found was the appeal based on the fact that certain legislation had taken place which allowed the soldiers or graduates of West Point that went into the Confederacy to get their "share of the swag," as he called it. The reference to that instance was only made to show that there was a demand in fairness and justice that the rest of those who graduated from West Point ought to receive the same consideration. Again I call attention to the fact that the argument presented based upon the statute repealing longevity rights is no argument to use against the payment of these claims. Very many of us will join with the gentleman who spoke here when he said that the four years of service at West Point at the expense of the Government ought not to be counted. I shall go as far as the gentleman from Missouri in saying that that perhaps ought not to be done, but that is not the question before us in this bill. The question before us is whether or not we can afford to dishonestly discriminate between several classes of men, shutting one side out simply because of an unfortunate decision by a comptroller and allow all the rest to be paid. It is not for us to say now what the policy of the Government ought to have been. The policy of the Government was clearly established during all those years and included in the count of longevity the period of service at the academy at West Point.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WALSH. Mr. Chairman, a great deal has been said with reference to these claims, and the appeal has been made that we ought to pass this bill in order to do equity. Since these claims were filed the United States, through its Congress, has enacted legislation which shuts out men who to-day stand in the same situation as these men stood in at the time they presented their claims, and it is said that hereafter attendance at the Military Academy shall not accrue to their benefit in getting longevity pay. One reason why I submit that equity will not be done is because the men themselves will get no benefit from this legislation, and if you will examine the files you will ascertain that the claims are filed by administrators and by persons representing the estates of these gentlemen, who have long since passed away.

Mr. COX. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. COX. Does the gentleman know how many of these unpaid claims still remain?

Mr. WALSH. I do not; nor was there any information presented to the committee respecting it, nor do we know how much it will cost, but the gentleman from Pennsylvania [Mr. GRAHAM] admits that it will cost about a half million dollars. In these days, when we are appropriating by the billion, of course we can pass over very lightly a half-million dollar appropriation in order to be equitable and just, but up to about 1884 no one ever suspected that the period spent in the Military Academy was to be counted, and it was only because some shrewd and clever agent was able to present his claim in such a manner and get it before the Court of Claims and take it before the Supreme Court that this ruling was secured. But the Supreme Court only assumed to act and adjudicate it in so far as they assumed the Court of Claims had jurisdiction, and in following that this Comptroller of the Treasury based his ruling, namely, that the Supreme Court only assumed to determine the question raised in so far as it held the Court of Claims had jurisdiction, and the Court of Claims only had jurisdiction in that class of cases that was filed within six years.

Mr. IGOE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. And so I say that, in order to be equitable, we better know not only what it will cost but the reason for the adjudication by the Comptroller of the Treasury. I yield to the gentleman from Missouri.

Mr. IGOE. Did not the gentleman, as a member of the committee, approve an equitable claim by the State of Massachusetts from this very committee for about $600,000 growing out of a Civil War claim in the last Congress?

Mr. WALSH. Yes; I did; but it was not based upon any such flimsy pretext as is set up to do equity in this case, as the gentleman well knows; it related to a case where money had been paid by that State.

Mr. GRAHAM of Pennsylvania. Was it not a question of getting interest on an old debt that had been carried for the Government?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WEBB. Mr. Chairman, I yield the remainder of my time to the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. Mr. Chairman, this matter has been so fully discussed that it is idle to try and offer anything new. I want to call the attention of the committee to the fact that no one disputes that this is a valid legal claim except so far as it may be affected by the statue of limitation. Outside of that there is no question about the propriety of it. We have paid a large number of like claims, claims standing on exactly the same footing, to the officers who joined the Confederate Army. Why, then, should we not do equal justice to the officers who served the Union during the Civil War? They say this is a technical claim. Now, is it technical? Is it any more technical than any other claim against the Government? There is a statute directing this payment. The Supreme Court has held that these officers are entitled to this pay. The Court of Claims has held the same thing. The Secretary of War says this is an honest claim and ought to be paid. It seems to me that all this discussion with reference to whether it was good policy to authorize this payment in the first instance has no real bearing upon this matter at all. That is past. The parties whom we are seeking to help are the parties who used diligence in collecting their claims from the Government. They can not be said to have slept upon their rights. They presented their claims in due course and their claims ought to have been allowed, as appear clearly by the decisions to which I have called attention.

Mr. KEATING. Will the gentleman yield?

Mr. VOLSTEAD. I do not have the time.

Mr. KEATING. Just for one question. Has the gentleman read Comptroller Gilkeson's decision?

Mr. VOLSTEAD. I read it a year or more ago, and do not remember.

Mr. KEATING. As a matter of fact, was not he merely barring those claims which were not presented within six years?

Mr. VOLSTEAD. No; as I understand it, he barred out all of these claims.

Mr. KEATING. No; those not presented within six years.

should not come and ask us to rip up the decisions after long

Mr. VOLSTEAD. No matter what he did, it is perfectly apparent that the claim is just and valid under the law and that these officers have a right to it. We ought to do justice to these parties, and that is all that is asked in this case.

Mr. GARRETT of Texas. I would like to ask the gentleman to clarify that a little. I think it is a very important question which the gentleman from Colorado asked whether this comptroller from 1890 to 1908 disallowed only those claims which were not filed within six years.

Mr. VOLSTEAD. I do not remember just what he held, but one thing is perfectly plain, the Secretary of War has passed upon this matter within very recent times. The Supreme Court has passed upon it and the Court of Claims has passed upon it, and they have all held that it is a fair and honest claim. It does not make any difference, it seems to me, what he did hold. He did refuse to allow the claim. It does not matter what reason he gave for his action.

Mr. GARRETT of Texas. Did he allow any claim during his administration? Were any of these claims allowed from 1890 to 1908?

Mr. KEATING. Comptroller Gilkeson did not overrule the Supreme Court's decision. On the contrary, he told his subordinates to follow that decision, but that the Supreme Court did not take jurisdiction except in so far as the Court of Claims had jurisdiction, and that the Court of Claims did not assume the jurisdiction of claims which were not filed within six years.

Mr. WEBB. I will ask the Clerk to read.

The CHAIRMAN. All time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Court of Claims shall have power to enter judgment upon the findings of fact heretofore made in claims of officers of the United States Army for longevity pay under the decisions of the Supreme Court of the United States v. Morton, volume 112, United States Reports, page 1; and United States v. Watson, volume 130, United States Reports, page 80; and of the Court of Claims in Stewart v. United States, volume 34, Court of Claims Reports, page 553.

Mr. COX. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX. Will this be regarded as one section and the two paragraphs be read before any amendment can be offered?

The CHAIRMAN. The Chair is of opinion that there are two paragraphs and that each paragraph should be treated separately.

Mr. COX. Then I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add after the word "Army," in line 5, page 1, the following: "Who are living, or their widows and children."

Mr. COX. Now, Mr. Chairman, I think I said a moment ago on this amendment about all I had to say, but I would like earnestly to ask the most ardent advocates of this bill what earthly objection can they possibly have to this amendment?

What is wrong? If you want to compensate the officer, if he is alive, my amendment will let you do it. If the officer himself is dead, but his widow is living, my amendment lets you compensate her. If the officer and his widow both be dead, and they have any children living, my amendment lets you compensate them. Now, if it is justice and equity you are after, gentlemen, and that is the whole theory on which you bottom every argument that has been presented by every man who has spoken in favor of this bill, I am presenting you in this little amendment a case of equity, pure and simple.

I appeal to you, gentlemen, from another viewpoint. We ough: to be just with ourselves and with our constituents before we become generous. Has the time come that when we compensate the officer, or if he be dead, then his wife, or if she be dead, then his children, that justice would say we should stop there before we go to compensating collateral kin—nephews, nieces, uncles, and aunts, and so forth?

Mr. WALSH. Will the gentleman yield?

Mr. COX. Yes.

Mr. WALSH. The gentleman's amendment is written "widows and children." Should it not be "widows or children"?

Mr. COX. That is correct.

Mr. WALSH. That should be corrected.

The CHAIRMAN. Without objection, the word "and" will be changed to "or."

There was no objection.

Mr. COX. I do not believe, as I said a moment ago, that the most ardent advocates of this bill can afford to oppose this amendment. If there be any merit at all in the entire proposed bill, it is in compensating the officers themselves. It is a peculiar thing to me—at least, somewhat peculiar—that the ardent advocates of this bill certainly had it within their power to file and make a part of their report the number of these unpaid claims that are pending down here with the Auditor for the War Department and did not do it. If they had exercised a little care or a little diligence by going down there, I do not think there would have been very much trouble for them to have found out how many of these unpaid claims are still pending in the department. And I know, Mr. Chairman, it would not have been very much trouble for them to have found out these attorneys' hands that have been playing in these cases for, lo, these many years.

Now, I am not in favor of going beyond the payment of the officer, his widow, or his children. I am in favor of stopping right there. I am not in favor of paying these attorneys 50 or 75 per cent upon whatever claim may be allowed by the Court of Claims as of judgment against the United States.

Mr. ROBBINS. To what extent will your amendment affect the number of claims in this bill?

Mr. COX. I have no idea; but I have an idea it will affect it very materially.

I had no idea that any of these claims were out in my district. I have one claim in my district, in the extreme southern part of Indiana, 800 miles from here. Some attorneys who were diligent in looking after the welfare of the soldier—oh, yes—got up a claimant away out in my district—a forty-second cousin of a graduate of West Point.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. Mr. Chairman, I would like to have two minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. COX. About a forty-second cousin of a graduate of West Point. And I speak almost authoritatively when I put that multiplication to it. Before I wrote the party that I refused to support this legislation I took some precaution to find out who the party was and who his ancestor was. The relationship between them was about in the fourth degree. I promptly wrote the party that I would not support the bill, that I would not support it or any other as unmeritorious a claim from my district.

To sum this whole matter up, as I said a while ago—and I am not slamming the Judiciary Committee at all—I wish to say that you are dealing here with an attorney's case. When you pass this bill you will put in the pockets of certain attorneys here in the city of Washington, who are diligent to the day of judgment, not less than $250,000. That is what you are going to do. With a war in which we are spending billions, is this a war measure? No. Shall we put it upon that ground and run our hands into the Treasury of the United States and take out of there $500,000, one-half to go to attorneys in this city? No.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] is recognized.

Mr. MADDEN. Mr. Chairman, I confess I was rather inclined from a sentimental viewpoint to favor the enactment of this law, but I have listened to the amendment of the gentleman from Indiana [Mr. Cox], and I concur in the view that he has presented to the House. If there be any right, it must lie in the allowance of the claim first to the man who served; and if he be dead, to his widow; and if she be dead, to their children. And I verily believe it ought not to go beyond that. If we go beyond that, we appropriate the money out of the Treasury for the payment of attorneys' fees in large measure. And I am opposed to the payment of money from the Treasury of the United States to men who have been lobbying for the enactment of a law for the payment of bills that have long since gone beyond the realm of legality under the law.

And so I say that if we want to do justice, if we want to do equity, if we want to be fair to ourselves and to the Treasury of the United States, we can afford to agree with the gentleman from Indiana [Mr. Cox] and adopt the amendment which he has suggested, which does ample justice to everybody that ought to be concerned in the case.

Mr. ROWE. Will the gentleman yield there?

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. I yield to the gentleman from Iowa.

Mr. DOWELL. Does the gentleman understand that this amendment applies to children, whether they be of age or not? Or does it apply to those under age?

Mr. MADDEN. Well, it applies to the children of the soldier and his widow. If neither the soldier nor his widow be left, it applies to the children, whether they are of age or under age.

Mr. ROWE. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ROWE. I have a case similar to that kind, where a man was a Civil War veteran, and he died and left three children. Two of those are dead now, but they left some little children.

In that event it would all go to one middle-aged woman and cut off those three children, his direct heirs.

Mr. MADDEN. I think the amendment of the gentleman from Indiana goes far enough. Of course, if you extend it to meet the case cited by my friend from New York you would have to extend it to meet the case of a nephew or a thirty-second cousin, or some other collateral heir, no matter how far distant, and there ought to be a line beyond which we will not go. The line has been drawn by this amendment, and it is just and fair and decent, not only to the claimants but to ourselves and to the people of the United States, for whom we speak. [Applause.]

Mr. BORLAND. Mr. Speaker, there is a special need why this amendment of the gentleman from Indiana [Mr. Cox] should pass and why his strictures about the attorneys' case are quite applicable. Nobody, of course, who knows the membership of the Committee on the Judiciary imagines that that is any reflection upon their consideration of this legislation or upon them; but I call the attention of the committee to the fact that this bill reads in its first line—

That the Court of Claims shall have power to enter judgment upon the findings of fact heretofore made.

Now mind: This whole bill is applicable only to a narrow class of cases, those where findings of fact have heretofore been made by the Court of Claims. So all of this argument about this bill not discriminating against anybody falls to the ground. This very bill is going to discriminate against everybody except those whose findings of fact have heretofore been made. Now, those findings of fact have heretofore been made only upon the claims of those who have employed attorneys to present their cases to the Court of Claims. That is just as plain as sunlight. During the 18 years in which this ruling was in force, from 1890 to 1908, when it was being held by the Comptroller of the Treasury that only such claims as the Court of Claims had taken jurisdiction of and the Supreme Court had affirmed would pass the muster of the Treasury, doubtless there were many other claims that did not pass muster, but they are not included here. However meritorious those officers may have been, they did not get in during that period, they did not get their claims before the Court of Claims, and they did not employ any attorney, and therefore they are not in this bill, because this bill says that only those whose findings of fact have heretofore been made shall have any advantage from this bill.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman permit a question?

Mr. BORLAND. In just a minute. It gives the court power to enter judgment in cases where the findings of fact have heretofore been made, and that confines it to the class of cases that some attorney has already had charge of.

Mr. GRAHAM of Pennsylvania. You say that is discriminatory. Have not all the others been paid?

Mr. BORLAND. No.

Mr. GRAHAM of Pennsylvania. I say they have been.

Mr. BORLAND. It is perfectly manifest from the information that was given about Comptroller Gilkeson's decision that what he did was that he ordered the auditor to allow all claims of which the court had taken jurisdiction, which included all claims filed within six years, and not to allow the claims of which the court had not taken jurisdiction; and that decision clearly indicates that there were some claims that fell outside his ruling. That is perfectly evident to me, and it must be perfectly evident to every lawyer in this body. There must have been certain cases that fell outside of that ruling. The cases that come under this bill are the cases where some attorney has taken the claims and presented them to the Court of Claims and secured findings of fact, and those findings of fact are now before this body.

Now, that being the case, it is specially necessary that this amendment be passed concerning this payment, not to the estate generally of the claimant or to his collateral heirs, but to the claimant himself and to those dependent upon him, his widow and children. I purpose to follow this by an amendment limiting to 10 per cent the amount that any attorney can be paid of any one of these claims. Now, I do not feel authorized to present my amendment unless if adopted I would vote for the bill, and I assume that the gentleman from Indiana [Mr. Cox] takes the same position. It seems to me that if we present these amendments and the House agrees to them, we are in some measure bound to support the bill, whatever might be our general view about the equities of it. But it does seem to me that these two propositions are absolutely essential in order that this House and the Treasury shall not be imposed upon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, with respect to the amendment that has been offered I wish to say that in my judgment it is not founded in right. Either these men have a claim that is established and just or they have not. If this Congress were making a gift to these men, that would be one question. But if we are simply correcting an error committed by an officer of the Government, that excluded their claims from consideration unrighteously, you have no right to debar any of the persons who would be interested in the estate of a deceased soldier from participation in a legal and just claim. You are not granting these men a favor; you are granting them a right. All who preceded were paid; all who came afterwards were paid; and this list of men were just as much entitled to their money and to have it devolve according to law as any of those who received their money, and to put this limitation on it is not to act in accordance with the spirit of justice. Besides, I understand the gentleman from Illinois adopted the interpretation of this amendment that if there were grandchildren of these soldiers they could not inherit. What right have you to deny to the blood of the men who earned and deserved this compensation that their relatives in that degree at least shall participate in the distribution of whatever money is recovered? [Applause.]

Mr. DOWELL. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. DOWELL. As a matter of law, would not the grandchildren inherit under this bill from those who are entitled to it as children?

Mr. GRAHAM of Pennsylvania. No; not if you limit it in this bill. I am sorry to say it would limit it to soldiers who are living and their widows or children.

Mr. DOWELL. But it does not limit it to living children, and if it went to the children by inheritance it would then go to the grandchildren.

Mr. GRAHAM of Pennsylvania. Not unless they had a vested interest.

Mr. DOWELL. Would not that be true in case of a will?

Mr. GRAHAM of Pennsylvania. That is a different matter. That is different from the interpretation of a statute which recognizes the right solely upon the theory that it shall go to the widow or children. Children are a well-designated, specified class. The comptroller could only consider the claim when presented by the persons named in the act.

Mr. DOWELL. But if this is a claim which has been established, and is now a part of the estate, is it not true that the grandchildren would take the part that belonged to the child as a mater of law?

Mr. GRAHAM of Pennsylvania. Here is the difficulty. There is no method of enforcing the claim except by virtue of the power granted in this act of Congress to the comptroller to review the decision of a previous comptroller, or to the Court of Claims to enter judgment upon a state of facts already proved before them, and no award could be made to anyone outside of those specifically named in the act.

Mr. SANFORD. That might apply after the passage of this act.

Mr. GRAHAM of Pennsylvania. Yes; that might apply after the passage of this act with a vested right. Then I think the gentleman's theory of the law might possibly be applicable, but until then it would not prevail.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. Here are some claims the payment of which is sought after many times and many years of refusal by Congress in time of peace, when there was a full Treasury to pay the same. Now, what is the condition of the country? In the first place, by voluntary contributions by the hundreds of millions, to the Red Cross, to the Young Men's Christian Association, to the Knights of Columbus, everywhere, men and women, North and South, are called upon, outside of taxation, from the standpoint of patriotism, to help the present in the great contest for the future. There are claims enough against the Government—some of them perchance with equity, most of them without equity, nearly all of them barred by the statute of limitation—to patch hell a mile. [Laughter and applause.] We passed on yesterday a second deficiency bill for over a billion dollars for the present year, and, as I recollect, a further deficiency, after extraordinary appropriations made on recommendations of the committee having jurisdiction, of over $2,000,000,000.

We are financing our allies by the multiplied billions. We are taxing ourselves and our constituents world without end. We are supporting the Army in its preparation for its service abroad and building a Navy by the billions of dollars. And yet here comes this claim that in God's chancery never ought to have been allowed or authorized. [Applause.] They say that it is confined to the graduates of West Point. I think it is broader than that, as I explained before. With that which we have at the present time for voluntary donation, when you consider all the industries to win this war and all the organizations

these unpaid claims that are pending down here with the Audi- | Two of those are dead now, but they left some little children.

to enable us to win it, when you consider that we have already run two liberty loans and another coming to double both of them, with another revenue bill in sight, let us deal with the present instead of hatching up claims of doubtful character and beginning to vitalize them.

If it be in order, Mr. Chairman, when this amendment is disposed of, I will move to strike out the enacting clause. [Applause.]

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Is not the proposed motion of the gentleman from Illinois to strike out the enacting clause now in order?

The CHAIRMAN. The Chair is of opinion that it is in order at any time.

Mr. CANNON. Then, Mr. Chairman, I move to strike out the enacting clause.

The CHAIRMAN. The gentleman from Illinois moves to strike out the enacting clause.

Mr. WEBB. But, Mr. Chairman, the bill has not yet been read under the five-minute rule.

The CHAIRMAN. As the Chair stated, the motion is in order at any time, and the question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. GRAHAM of Pennsylvania) there were—ayes 54, noes 28.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JOHNSON of Kentucky, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1691) to confer jurisdiction on the Court of Claims, and had directed him to report the same back with an amendment striking out the enacting clause.

Mr. CANNON. Mr. Speaker, I move the previous question.

The question was taken.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I raise the point of no quorum.

Mr. WALSH. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. HUDDLESTON) there were—ayes 33, noes 53.

So the motion to adjourn was not agreed to.

The SPEAKER. The gentleman from Pennsylvania makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees. The question is on the motion of the gentleman from Illinois for the previous question, and the Clerk will call the roll.

The question was taken; and there were—yeas 261, nays 51, answered "present" 4, not voting 112, as follows:

YEAS—261.

Alexander	Cooper, W. Va.	Flood	Hicks
Almon	Cooper, Wis.	Fordney	Hilliard
Anderson	Cox	Foster	Huddleston
Ashbrook	Crago	Francis	Hull, Tenn.
Aswell	Cramton	Frear	Humphreys
Ayres	Crisp	Freeman	Hutchinson
Bacharach	Crosser	French	Igoe
Baer	Currie, Mich.	Fuller, Ill.	Ireland
Bankhead	Dale, N. Y.	Gallagher	Jacoway
Barkley	Dale, Vt.	Gard	James
Barnhart	Darrow	Garner	Johnson, Ky.
Beakes	Decker	Garrett, Tenn.	Keating
Bell	Dempsey	Garrett, Tex.	Kehoe
Beshlin	Dent	Gillett	Kelly, Pa.
Black	Denton	Glass	Kennedy, Iowa
Bland	Dickinson	Glynn	Kennedy, R. I.
Blanton	Dies	Godwin, N. C.	Kettner
Borland	Dill	Goodall	Key, Ohio
Brand	Dillon	Gordon	Kincheloe
Browne	Dixon	Gould	King
Buchanan	Dominick	Gray, N. J.	Kinkaid
Burnett	Doolittle	Greene, Mass.	Kitchin
Burroughs	Doughton	Gregg	Knutson
Byrnes, S. C.	Dowell	Hadley	Kreider
Byrns, Tenn.	Drane	Hamill	La Follette
Caldwell	Dunn	Hamilton, Mich.	Langley
Campbell, Kans.	Dupré	Hamilton, N. Y.	Larsen
Campbell, Pa.	Eagan	Hamlin	Lazaro
Cannon	Edmonds	Harrison, Miss.	Lea, Cal.
Carew	Elliott	Harrison, Va.	Lee, Ga.
Carter, Okla.	Ellsworth	Hastings	Lehlbach
Cary	Elston	Haugen	Lenroot
Chandler, Okla.	Esch	Hawley	Lesher
Clark, Pa.	Evans	Heaton	Lever
Claypool	Farr	Heflin	Little
Collier	Fess	Helm	Littlepage
Connally, Tex.	Fields	Helvering	Lobeck
Connelly, Kans.	Fisher	Hersey	London
Lonergan	Park	Siegel	Voigt
Lundeen	Parker, N. Y	Sinnott	Waldow
Lunn	Peters	Sisson	Walsh
McAndrews	Phelan	Sloan	Walton
McArthur	Polk	Smith, C. B.	Ward
McClintic	Purnell	Smith, T. F.	Wason
McKenzie	Quin	Snell	Watson, Va.
McKeown	Raker	Snook	Weaver
McKinley	Ramsey	Snyder	Webb
McLaughlin, Mich.	Ramseyer	Stafford	Welty
McLemore	Randall	Steagall	Wheeler
Madden	Rankin	Stephens, Miss.	White, Me.
Mansfield	Reed	Stevenson	White, Ohio
Mapes	Rogers	Stiness	Williams
Martin	Romjue	Sweet	Wilson, Ill.
Mays	Rouse	Swift	Wilson, Tex.
Merritt	Rowland	Switzer	Wingo
Montague	Ruby	Tague	Wise
Moon	Russell	Taylor, Ark.	Wood, Ind.
Neely	Sanders, Ind.	Temple	Woods, Iowa
Nelson	Sanford	Thomas	Woodyard
Norton	Saunders, Va.	Thompson	Wright
Oliver, N. Y.	Schall	Tillman	Young, N. Dak.
O'Shaunessy	Sears	Tilson	Young, Tex.
Overmyer	Sells	Timberlake	Zihlman
Overstreet	Shackleford	Van Dyke	
Padgett	Shallenberger	Venable	
Paige	Sherwood	Vinson	

NAYS—51.

Austin	Graham, Pa.	Morin	Sims
Butler	Green, Iowa	Mott	Slayden
Caraway	Griest	Nolan	Slemp
Carlin	Hull, Iowa	Oldfield	Smith, Idaho
Classon	Johnson, Wash.	Parker, N. J.	Smith, Mich.
Davidson	Juul	Platt	Steele
Davis	Kearns	Pratt	Stephens, Nebr.
Dewalt	Kiess, Pa.	Robbins	Sterling, Ill.
Fairchild, B. L.	Lufkin	Rose	Strong
Fairfield	McFadden	Rowe	Tinkham
Focht	Mason	Sanders, N. Y.	Vestal
Foss	Moores, Ind.	Scott, Pa.	Volstead
Graham, Ill.	Morgan	Shouse	

ANSWERED "PRESENT"—4.

Browning	Goodwin, Ark.	Hardy	Treadway

NOT VOTING—112.

Anthony	Ferris	McCormick	Rucker
Blackmon	Flynn	McCulloch	Sabath
Booher	Fuller, Mass.	McLaughlin, Pa.	Sanders, La.
Bowers	Gallivan	Magee	Scott, Iowa
Britten	Gandy	Maher	Scott, Mich.
Brodbeck	Garland	Mann	Scully
Brumbaugh	Good	Meeker	Sherley
Candler, Miss.	Gray, Ala.	Miller, Minn.	Small
Cantrill	Greene, Vt.	Miller, Wash.	Steedman
Capstick	Haskell	Mondell	Steenerson
Carter, Mass.	Hayden	Moore, Pa.	Sterling, Pa.
Chandler, N. Y.	Hayes	Mudd	Sullivan
Church	Heintz	Nicholls, S. C.	Sumners
Clark, Fla.	Hensley	Nichols, Mich.	Talbott
Coady	Holland	Oliver, Ala.	Taylor, Colo.
Cooper, Ohio	Hollingsworth	Olney	Templeton
Copley	Hood	Osborne	Towner
Costello	Houston	Porter	Vare
Curry, Cal.	Howard	Pou	Walker
Dallinger	Husted	Powers	Watkins
Denison	Johnson, S. Dak.	Price	Watson, Pa.
Dooling	Jones, Tex.	Ragsdale	Welling
Doremus	Jones, Va.	Rainey	Whaley
Drukker	Kahn	Rayburn	Wilson, La.
Dyer	Kelley, Mich.	Reavis	Winslow
Eagle	Kraus	Riordan	
Emerson	LaGuardia	Roberts	
Estopinal	Linthicum	Robinson	
Fairchild, G. W.	Longworth	Rodenberg	

So the previous question was ordered.

The Clerk announced the following pairs:

Until further notice:

Mr. CLARK of Florida with Mr. GREENE of Vermont.

Mr. TALBOTT with Mr. BROWNING.

Mr. HOLLAND with Mr. FULLER of Massachusetts.

Mr. BOOHER with Mr. TREADWAY.

Mr. CANDLER of Mississippi with Mr. MAGEE.

Mr. ESTOPINAL with Mr. EMERSON.

Mr. BRODBECK with Mr. CARTER of Massachusetts.

Mr. BRUMBAUGH with Mr. DENISON.

Mr. COADY with Mr. GARLAND.

Mr. DOREMUS with Mr. BOWERS.

Mr. CHURCH with Mr. BRITTEN.

Mr. FERRIS with Mr. COOPER of Ohio.

Mr. WATKINS with Mr. GOOD.

Mr. FLYNN with Mr. HAYES.

Mr. JONES of Virginia with Mr. LONGWORTH.

Mr. GALLIVAN with Mr. HUSTED.

Mr. LINTHICUM with Mr. MONDELL.

Mr. GRAY of Alabama with Mr. KELLEY of Michigan.

Mr. OLNEY with Mr. MEEKER.

Mr. HAYDEN with Mr. MUDD.

Mr. POU with Mr. REAVIS.

Mr. HOUSTON with Mr. MOORE of Pennsylvania.

Mr. PRICE with Mr. KRAUS.

Mr. RAYBURN with Mr. SCOTT of Michigan.

Mr. RUCKER with Mr. RODENBERG.

Mr. ROBINSON with Mr. STEENERSON.

Mr. SABATH with Mr. ROBERTS.

Mr. SMALL with Mr. STERLING of Illinois.

Mr. SCULLY with Mr. CURRY of California.

Mr. STERLING of Pennsylvania with Mr. POWERS.

Mr. SHERLEY with Mr. TOWNER.

Mr. WHALEY with Mr. NICHOLS of Michigan.

Mr. TAYLOR of Colorado with Mr. OSBORNE.

Mr. WILSON of Louisiana with Mr. COPLEY.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on adopting the report of the committee striking out the enacting clause of House bill 1691.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. WEBB. Mr. Speaker, on that I ask for a division.

The House divided; and there were—ayes 148, noes 81.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I call for the yeas and nays.

The SPEAKER. The gentleman demands the yeas and nays. Fifty-eight gentlemen have risen, a sufficient number, and the Clerk will call the roll.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GRAHAM of Pennsylvania. A vote of "yea" defeats this bill and a vote of "nay" sustains it. Is that correct?

The SPEAKER. That is correct, although that is not a parliamentary inquiry.

The question was taken; and there were—yeas 172, nays 141, answered "present" 3, not voting 112, as follows:

YEAS—172.

Alexander	Denton	Humphreys	Randall
Almon	Dickinson	Hutchinson	Rankin
Anderson	Dies	James	Rayburn
Ashbrook	Dill	Johnson, Ky.	Romjue
Aswell	Dillon	Keating	Rouse
Ayres	Dixon	Kehoe	Ruby
Bankhead	Dominick	Kennedy, Iowa	Russell
Barkley	Doolittle	Key, Ohio	Sanford
Barnhart	Doughton	Kincheloe	Sears
Beakes	Dowell	Kinkaid	Shackleford
Bell	Drane	Lazaro	Shallenberger
Beshlin	Eagan	Lee, Ga.	Sherwood
Black	Edmonds	Lehlbach	Siegel
Blanton	Elston	Lenroot	Sisson
Borland	Esch	Lesher	Sloan
Brand	Evans	Lever	Smith, C. B.
Browne	Fess	Little	Smith, T. F.
Buchanan	Fordney	Lobeck	Snook
Burnett	Foster	London	Snyder
Burroughs	Francis	McAndrews	Stafford
Byrnes, S. C.	Frear	McClintic	Steagall
Byrns, Tenn.	Gallagher	McKenzie	Steenerson
Caldwell	Garner	McLaughlin, Mich.	Stephens, Miss.
Campbell, Kans.	Garrett, Tenn.	Madden	Stevenson
Campbell, Pa.	Garrett, Tex.	Mansfield	Stiness
Cannon	Gillett	Mapes	Sweet
Carew	Glynn	Martin	Swift
Cary	Godwin, N. C.	Mays	Tague
Claypool	Gordon	Moon	Thomas
Collier	Gould	Nelson	Thompson
Connally, Tex.	Gray, N. J.	Norton	Timberlake
Connelly, Kans.	Gregg	Oliver, N. Y.	Van Dyke
Cooper, W. Va.	Hamilton, Mich.	Overmyer	Vinson
Cooper, Wis.	Hamilton, N. Y.	Overstreet	Waldow
Cox	Hamlin	Padgett	Walsh
Cramton	Hardy	Park	Weaver
Crisp	Harrison, Miss.	Parker, N. Y.	White, Me.
Crosser	Helm	Peters	Williams
Currie, Mich.	Helvering	Polk	Wilson, Tex.
Dale, N. Y.	Hersey	Quin	Wise
Dale, Vt.	Hicks	Raker	Woodyard
Decker	Hilliard	Ramsey	Wright
Dempsey	Huddleston	Ramseyer	Young, Tex.

NAYS—141.

Austin	Fisher	Ireland	Montague
Bacharach	Flood	Jacoway	Moores, Ind.
Bland	Focht	Johnson, Wash.	Morgan
Butler	Foss	Juul	Morin
Cantrill	Freeman	Kearns	Mott
Caraway	French	Kelly, Pa.	Mudd
Carlin	Fuller, Ill.	Kiess, Pa.	Neely
Carter, Okla.	Gard	King	Nichols, Mich.
Chandler, Okla.	Good	Kitchin	Nolan
Clark, Pa.	Goodall	Knutson	Oldfield
Classon	Goodwin, Ark.	Kreider	Osborne
Crago	Graham, Ill.	La Follette	O'Shaunessy
Darrow	Graham, Pa.	Langley	Paige
Davis	Green, Iowa	Lea, Cal.	Parker, N. J.
Denison	Greene, Mass.	Lonergan	Phelan
Dent	Griest	Lufkin	Pratt
Dewalt	Hadley	Lundeen	Purnell
Dunn	Harrison, Va.	Lunn	Reavis
Dupré	Hastings	McArthur	Reed
Elliott	Haugen	McCulloch	Robbins
Ellsworth	Hayden	McFadden	Roberts
Fairchild, B. L.	Heaton	McKeown	Rogers
Fairfield	Hull, Iowa	McLemore	Rose
Farr	Hull, Tenn.	Mason	Rowe
Fields	Igoe	Merritt	Sanders, Ind.
Sanders, N. Y.	Smith, Idaho	Tinkham	Wheeler
Saunders, Va.	Smith, Mich.	Venable	White, Ohio
Schall	Snell	Vestal	Wilson, Ill.
Scott, Pa.	Steele	Volstead	Wingo
Sells	Sterling, Ill.	Walton	Wood, Ind.
Shouse	Strong	Ward	Woods, Iowa
Sims	Switzer	Wason	Young, N. Dak.
Sinnott	Taylor, Ark.	Watkins	Zihlman
Slayden	Temple	Watson, Va.	
Slemp	Tillman	Welsh	
Small	Tilson	Welty	

ANSWERED "PRESENT"—4.

Browning	Larsen	Sabath	Treadway

NOT VOTING—111.

Anthony	Fairchild, G. W.	Kennedy, R. I.	Riordan
Baer	Ferris	Kettner	Robinson
Blackmon	Flynn	Kraus	Rodenberg
Booher	Fuller, Mass.	LaGuardia	Rowland
Bowers	Gallivan	Linthicum	Rucker
Britten	Gandy	Littlepage	Sanders, La.
Brodbeck	Garland	Longworth	Scott, Iowa
Brumbaugh	Glass	McCormick	Scott, Mich.
Candler, Miss.	Gray, Ala.	McKinley	Scully
Capstick	Greene, Vt.	McLaughlin, Pa.	Sherley
Carter, Mass.	Hamill	Magee	Steedman
Chandler, N. Y.	Haskell	Maher	Stephens, Nebr.
Church	Hawley	Mann	Sterling, Pa.
Clark, Fla.	Hayes	Meeker	Sullivan
Coady	Heflin	Miller, Minn.	Sumners
Cooper, Ohio	Heintz	Miller, Wash.	Talbott
Copley	Hensley	Mondell	Taylor, Colo.
Costello	Holland	Moore, Pa.	Templeton
Curry, Cal.	Hollingsworth	Nicholls, S. C.	Towner
Dallinger	Hood	Oliver, Ala.	Vare
Davidson	Houston	Olney	Voigt
Dooling	Howard	Platt	Walker
Doremus	Husted	Porter	Watson, Pa.
Drukker	Johnson, S. Dak.	Pou	Welling
Dyer	Jones, Tex.	Powers	Whaley
Eagle	Jones, Va.	Price	Wilson, La.
Emerson	Kahn	Ragsdale	Winslow
Estopinal	Kelley, Mich.	Rainey	

So the motion to strike out the enacting clause was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HAMILL with Mr. ANTHONY.

Mr. LARSEN with Mr. PLATT.

Mr. GLASS with Mr. HAWLEY.

Mr. HEFLIN with Mr. DAVIDSON.

Mr. STEPHENS of Nebraska with Mr. MCKINLEY.

Mr. WELLING with Mr. KENNEDY of Rhode Island.

Mr. MCARTHUR. Mr. Speaker, I voted "nay" on the first call. I have a pair with the gentleman from Louisiana, Mr. DUPRÉ, and desire to withdraw that vote and answer "present."

The result of the vote was announced as above recorded.

On motion of Mr. CANNON, a motion to reconsider the vote by which the enacting clause was stricken out was laid on the table.

LEAVE OF ABSENCE.

Mr. CANDLER of Mississippi, by unanimous consent, was granted leave of absence, for three days, on account of illness.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Thursday, February 21, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Commerce, submitting supplemental estimate of appropriation required by the Department of Commerce for the fiscal year 1919 (H. Doc. No. 953), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 10022) authorizing the Secretary of the Treasury to purchase the site and building now under construction thereon known as the Arlington Hotel property, reported the same without amendment, accompanied by a report (No. 325), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8514) granting a pension to Charles H. Jessee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8685) granting a pension to Alonzo Hutchison; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9335) granting an increase of pension to Archie V. Chambers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9528) granting an increase of pension to Phebe Schonhoff; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 10063) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917; to the Committee on Agriculture.

By Mr. ALEXANDER: A bill (H. R. 10064) to amend an act approved May 9, 1888, as amended by the act of June 11, 1896, as amended by the act approved January 21, 1914; to the Committee on the Post Office and Post Roads.

By Mr. CRAGO: A bill (H. R. 10065) requiring receivers for national banks to file accounts in the district courts of the United States; to the Committee on Banking and Currency.

By Mr. TREADWAY: A bill (H. R. 10066) to amend an act entitled "An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department," approved September 2, 1914, and an act in amendment thereto, approved October 6, 1917; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER: A bill (H. R. 10067) amending section 3141 of the Revised Statutes of the United States, as amended by the act of July 16, 1914; to the Committee on Ways and Means.

By Mr. HAYDEN: A bill (H. R. 10068) to punish the destruction and injury to property essential to the national security and defense; to the Committee on the Judiciary.

By Mr. SMALL: A bill (H. R. 10069) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. O'SHAUNESSY: A bill (H. R. 10070) amending section 3285 of the Revised Statutes; to the Committee on Ways and Means.

By Mr. SMITH of Michigan: A bill (H. R. 10071) increasing rates of pensions of soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. McLEMORE: Resolution (H. Res. 254) instructing the Judiciary Committee to inquire into the constitutionality of the vote by which the prohibition amendment was recently passed; to the Committee on Rules.

By Mr. HELVERING: Joint resolution (H. J. Res. 250) to amend section 14 of the food-control act by increasing the guaranteed minimum price of wheat for the crop of 1918 from $2 to $2.75 per bushel; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 10072) granting an increase of pension to James G. Overstreet; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 10073) granting an increase of pension to Simeon Chapman; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 10074) granting an increase of pension to C. W. Kerlee; to the Committee on Pensions.

By Mr. DALE of Vermont: A bill (H. R. 10075) for the relief of Oscar F. Perry; to the Committee on Military Affairs.

By Mr. DRANE: A bill (H. R. 10076) granting an increase of pension to C. R. Bristol; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 10077) granting an increase of pension to John A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10078) granting a pension to Isabella Parsons; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 10079) for the relief of James Kash Kash; to the Committee on Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 10080) for the relief of Thomas H. Thorp; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 10081) granting a pension to Carey O. Amsbaugh; to the Committee on Pensions.

By Mr. LUNDEEN: A bill (H. R. 10082) for the relief of Catherine Mahady; to the Committee on Military Affairs.

Also, a bill (H. R. 10083) to correct the military record of the late Henry Smith, alias Henry Schmidt, alias Heinrich Schmidt; to the Committee on Military Affairs.

By Mr. McFADDEN: A bill (H. R. 10084) granting an increase of pension to Sidney W. Clark; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 10085) granting an increase of pension to William Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10086) granting an increase of pension to Harrison Ruark; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 10087) granting an increase of pension to Mathias Steffas; to the Committee on Invalid Pensions.

By Mr. WARD: A bill (H. R. 10088) granting a pension to Julia A. Burton; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 10089) granting an increase of pension to Milton T. Bedford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10090) granting a pension to Mary Kirchner; to the Committee on Pensions.

By Mr. WOOD of Indiana: A bill (H. R. 10091) granting an increase of pension to Joseph Boyer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10092) granting an increase of pension to William H. Rees; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10093) granting an increase of pension to John Carroll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10094) granting an increase of pension to George M. Foresman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10095) granting an increase of pension to Stanley Hallman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10096) granting an increase of pension to Theodore C. Sargent; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10097) granting an increase of pension to Miles Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10098) granting an increase of pension to William Wolf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10099) granting an increase of pension to Jack Willis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10100) granting an increase of pension to Ephraim J. Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10101) granting an increase of pension to John McKinley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10102) granting an increase of pension to Hezekiah Axsom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10103) granting an increase of pension to Missouri L. Herron; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Frederick Doyle, of Chicago, Ill., and a resolution of the Progressive Literary and Fraternal Club, Bellingham, Wash., asking for the repeal of the postal amendment to the war-revenue act; to the Committee on Ways and Means.

By Mr. CAREW: Resolution of the Republican Club of the city of New York, urging universal military training; to the Committee on Military Affairs.

By Mr. CARY: Petition of the mayor of Sea Bright, N. J., asking for appropriation to protect the entrance to Sandy Hook; to the Committee on Rivers and Harbors.

Also, memorial of the Railway Mail Association, tenth division, Watertown-Portage branch, asking for the passage of House bill 9414; to the Committee on the Post Office and Post Roads.

Also, petition of A. A. Jones, secretary Cheese Shippers' Traffic Association, urging amendment of the pending railroad bill so that the Interstate Commerce Commission shall have full jurisdiction over freight rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of Frederick Doyle, of Chicago, Ill., and resolutions of the Progressive Literary and Fraternal Club, Bellingham, Wash., and the Woman's Improvement Club, Corona, Cal., urging the repeal of periodical postage amendment to the war-revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of H. W. Van Tassel, Thomas Curran, J. Murray, George L. Woodward, and 18 others of the Musicians' Union, No. 17; also petition of M. V. B. Gifford, J. H. Durfield, L. E. Staneliff, F. D. Hatch, and 39 others, praying for the passage of House bill 7995 for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of Maude N. Brodeur and 11 other citizens of Berkeley, Cal., indorsing the Kelly bill, House bill 8761; also a resolution of the Twenty-eighth Ward Taxpayers' Protective Association, of Brooklyn, N. Y., favoring the daylight-saving law; to the Committee on Interstate and Foreign Commerce.

Also, petition of P. Hall Packer, mayor of Sea Bright, N. J., asking for an appropriation to protect the entrance to Sandy Hook; to the Committee on Rivers and Harbors.

Also, petition of Frederick Doyle, Chicago, Ill., and resolution of the Mishkawaka Woman's Club, Mishkawaka, Ind., asking for the repeal of the periodical postage amendment of the war-revenue act; to the Committee on Ways and Means.

By Mr. DARROW: Resolution of the Lumbermen's Exchange, of Philadelphia, Pa., in behalf of the creation of a board of war control and the appointment of a director of munitions; to the Committee on Military Affairs.

Also, petition of the Philadelphia Central Labor Union in behalf of the Madden bill, House bill 1654; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of Fred Felton and 18 other citizens of South Dakota, asking for the repeal of the periodical postage amendment to the war-revenue act; to the Committee on Ways and Means.

Also, petition of A. C. Ellerman and 110 other citizens of South Dakota, asking that the spring game law, in reference to duck and goose shooting, be suspended for the duration of the war; to the Committee on Agriculture.

By Mr. DOOLING: Memorial of Brooklyn Surgical Society, favoring advanced rank for officers of the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. ESCH: Papers in support of House bill 786, granting a pension to Lilia J. Darling; House bill 792, granting an increase of pension to William B. Hazeltine; House bill 796, granting an increase of pension to Silas D. Taylor; House bill 794, granting an increase of pension to Jesse Mather; House bill 788, granting a pension to Arabella Miller; House bill 787, granting a pension to Mary E. Jenks; and House bill 785, granting a pension to Hiram C. Barrows; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of the Progressive Literary and Fraternal Club of Bellingham, Wash., and of Frederick Doyle, of Chicago, for repeal of the increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. HAMILTON of Michigan: Petition of Mrs. Bessie Fowler, of South Haven, Mich., for the Woman's Home Missionary Society of the Methodists of Kalamazoo District and for the Young People's work of the same society, protesting against the passage of Senate bill 3476; to the Committee on the District of Columbia.

By Mr. LINTHICUM: Resolution of Zeta Lodge, No. 2405, Fraternal Aid Union, favoring increased compensation for postal employees; to the Committee on the Post Office and Post Roads.

Also, a letter from Charles W. Hess, Baltimore, Md., urging the passage of the Van Dyke bill increasing salaries of railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, petition of C. M. Gray, Baltimore, Md., favoring the Keating bill, House bill 7356; to the Committee on Appropriations.

Also, petition of John T. Stone, and memorials of the Medical and Chirurgical Faculty of Maryland, the Baltimore City Medical Society, and the Council Medical Chirurgical Faculty of Maryland, all favoring legislation creating advanced rank for officers of the Medical Corps of the Army; to the Committee on Military Affairs.

By Mr. LONERGAN: Petition of the Cosmopolitan Club of Manchester, Conn., for the repeal of the postal increase; to the Committee on Ways and Means.

Also, resolutions of the Typographical Union of New Britain, Conn., protesting against the importation of Chinese coolies for labor or other purposes; to the Committee on Immigration and Naturalizatin.

By Mr. LUNDEEN: Petition of Minnehaha Lodge, No. 624, Brotherhood of Railroad Trainmen, Minneapolis, Minn., W. P. Kennedy, president, in opposition to section 9 of House bill 8172 or any compensation law affecting railway employees; to the Committee on Interstate and Foreign Commerce.

Also, petition of Edwin Boutwell and others, that Congress define the number of hours that shall constitute a day's work, and that all work performed for the department shall be included in the day's work; also that all substitute railway clerks shall receive the same allowance for study that the regularly assigned clerks receive; and that the Van Dyke and Madden bills be passed with the provision "for the period of the war" struck out; to the Committee on the Post Office and Post Roads.

Also, petition of Col. Earl D. Luce, that Congress take over the short-line railroads; to the Committee on Railways and Canals.

Also, petition of the Plasterers and Cement Finishers of Minneapolis and St. Paul, by William Olson, financial secretary and business agent, St. Paul, Minn., requesting that Congress have the hospital buildings which the Government is now constructing at the various cantonments plastered to assure the comfort and health and sanitation of our soldiers; to the Committee on Military Affairs.

Also, petition of Hearts of Oak Lodge, No. 523, Brotherhood of Railroad Trainmen, Minneapolis, Minn., by M. O. Woods, president, in opposition to section 9 of House bill 8172; to the Committee on Interstate and Foreign Commerce.

Also, petition of Minneapolis Local, No. 30, Switchmen's Union of North America, by Morris Full, secretary, Minneapolis, Minn., in opposition to section 9 of House bill 8172; to the Committee on Interstate and Foreign Commerce.

By Mr. REED: Papers in support of House bill 9075; to the Committee on Invalid Pensions.

Also, evidence in support of House bill 10049; to the Committee on Pensions.

By Mr. WARD: Petition of Rev. H. Smith and other citizens of Woodbourne, N. Y., favoring enactment of Webb-Thompson bill, and other prohibition legislation pending in Congress; to the Committee on the Judiciary.

SENATE.

THURSDAY, *February 21, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we call upon Thee from day to day as we come to face the solemn responsibilities of this place and hour. We would gain a deep appreciation of those rights and obligations that lie deeper than human government, deeper than all that we have control of in life. We pray Thee to give us spiritual vision to know the things that pertain to life eternal, that we may have constantly in view the everlasting kingdom of God. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

NATIONAL ACADEMY OF SCIENCES.

The VICE PRESIDENT laid before the Senate the annual report of the National Academy of Sciences for the year ended December 31, 1917, which was referred to the Committee on Printing.

ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting a supplemental estimate of appropriations in the sum of $150,000 required by the Bureau of Mines for investigations concerning minerals needed for war purposes for the fiscal year 1918 (S. Doc. No. 178), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster General submitting a supplemental estimate of appropriation in the sum of $1,185,000 required by the Postal Service for the fiscal year 1918 for the manufacture of stamps, stamped envelopes, stationery, etc., payable from postal revenues (S. Doc. No. 177), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 70) authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing of 350,000 copies of the war excess-profits tax regulations No. 41, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing of 350,000 copies of the income-tax regulations No. 33, revised, etc., in which it requested the concurrence of the Senate.

The VICE PRESIDENT. Petitions and memorials are in order. [A pause.] If there are none, reports of committees. [A pause.] Introduction of bills. [A pause.] Concurrent or other resolutions. [A pause.] The morning business is closed.

RAILROAD CONTROL.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of Senate bill 3752, the unfinished business.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. LEWIS. Mr. President, I take it that my observations in the general debate of this railroad bill will practically close the general debate and we will soon be remitted to the 10-minute rule and to the amendments. I trust I may not occupy the Senate unnecessarily.

The VICE PRESIDENT. The Senator has three hours. [Laughter.]

Mr. LEWIS. I thank you, sir. There are times when I would be very envious of that privilege. To-day I am not anxious to avail myself of it, and I fear the Senate is not particularly hopeful that I should occupy it. [Laughter.]

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

Mr. LEWIS. I yield for the purpose of the suggestion, holding my place if I can. I do not want to lose my right to the floor.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, N. Mex.	Overman	Thomas
Culberson	Jones, Wash.	Page	Tillman
Dillingham	Kellogg	Pearose	Townsend
Fletcher	Knox	Reed	Trammell
Gallinger	Lewis	Sheppard	Underwood
Gerry	Lodge	Sherman	Vardaman
Gore	McCumber	Simmons	Williams
Gronna	McLean	Smith, S. C.	
Hale	McNary	Smoot	
Johnson, S. Dak.	New	Sterling	

Mr. GERRY. I desire to announce that the Senator from California [Mr. PHELAN] is detained on official business.

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness in his family.

Mr. McNARY. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN], on account of illness.

Mr. LEWIS. Mr. President, let me announce the absence of the Senator from Kentucky [Mr. JAMES] and the Senator from Oregon [Mr. CHAMBERLAIN], because of personal illness.

The VICE PRESIDENT. Thirty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KENDRICK, Mr. KIRBY, Mr. NORRIS, Mr. ROBINSON, Mr. SAULSBURY, Mr. SHAFROTH, Mr. WARREN, and Mr. WOLCOTT answered to their names when called.

Mr. NUGENT, Mr. FRELINGHUYSEN, Mr. CURTIS, Mr. FRANCE, Mr. CUMMINS, and Mr. BECKHAM entered the Chamber and answered to their names.

Mr. BECKHAM. I wish to announce that my colleague [Mr. JAMES] is absent on account of illness. I will let this announcement stand for the day.

Mr. STONE, Mr. HARDWICK, Mr. NELSON, Mr. MARTIN, Mr. SWANSON, Mr. JOHNSON of California, Mr. KENYON, Mr. HENDERSON, and Mr. POMERENE entered the Chamber and answered to their names.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The Senator from Illinois will proceed.

Mr. LEWIS. Mr. President, this railroad bill, so called, has very many interesting features, and, with great respect to the debate and paying a due tribute to the eminent men who have participated in a most effective manner in that debate, I feel that some phases directly connected with the bill have been omitted in the consideration. Or if they have been contemplated in the consideration they have not been expressed in the debate. It is likely that my entrance at this hour in the debate means that my speech is the closing of the general debate.

Mr. President, the chairman of this committee, the junior Senator from South Carolina [Mr. SMITH], has given a ceaseless energy, constant labor, and unflagging perseverance to this work of getting out this bill from the committee and supporting and maintaining it on the floor. It is but justice to say to the chairman and of him that if the State of South Carolina ever fails in appreciation of his great efforts from time to time on this floor in conservation of its cotton interests, it should certainly turn with commendable pride and constant admiration for the distinctive effort he has brought to bear in support of this great administration measure

Mr. President, there is another feature I can not overlook nor fail to advert to. The debate on this bill from the Senators who have contributed to it has disclosed an amount of information and learning that would have been a credit to any set of men in any body, legislative or judicial. The amount of industry and sincerity, the complete divorcement of partisan attitude, the utter denial to indulge in any political prospective for themselves, has been so apparent that when this whole matter is concluded justice will accord to this debate a verdict of impartiality and fairness and a contribution of learning that has not been excelled by any other, sir, that has preceded it, certainly in this administration.

Mr. President, I see the purposes of this bill, however, in a little different light than has been proposed, at least observed upon, by these eminent Senators who have addressed themselves to the measure. The bill has for its ostensible object the lending of money to railroads upon their roads, their property, and their earnings as a security. The object is, of course, to enable the roads to conduct their business, and particularly to provide for that $799,000,000 that is now due upon securities of different roads of the country, where there is no money to meet it, and to avoid the distress and embarrassment that will follow from the inability to meet the obligations.

Mr. President, I heard the eminent Senator from Iowa, the senior Senator [Mr. CUMMINS], in his very full presentation of the objections he has to this measure, and wherein and however I may differ from the senior Senator from Iowa in many things, and possibly in many views on this bill, it is but the expression of justice to say that in railroad matters, in railroad legislation, there is no more informed man in public life.

The eminent Senator from Minnesota, the junior [Mr. KELLOGG], who differed to a great degree from the senior Senator from Iowa, however, excluded from personal experience in legislation of railroads, must be accorded that tribute which comes from a very vast experience in the litigation in the legal questions which arise growing out of the legislation touching railroads. So from both these sources much information rightfully is gleaned.

Mr. President, I am compelled of my own choice to pass by many of the features of this bill which I do not feel at all necessary to consider in order to justify my support of the measure.

We have been lending to foreign governments money that will soon reach in its total $10,000,000,000. We are lending this money only upon their bonds. These bonds, sir, are issued from governments over which we have no control. The security for which these bonds issue we have no government of. We have no method by which we can protect ourselves in the administering of these governments, in the conserving of our securities, in the guardianship of the property. Yet we issued this vast sum of money in perfect confidence that it is a safe investment, stimulated by the highest patriotism, and to be rewarded ultimately by a return of the full face of the security here in our own country.

These roads to which we are about to advance the money are all in the United States. The property will soon be under our own supervision, the roads under our own control, the management under our own direction. We are enabled to conserve this property, guard its finances, and secure ourselves.

At the very outset, the mere statement of this parallel would suggest that the investment to the railroad is really a much more secure, stable, and finally a more reliable one than that which we are indulging in behalf of these foreign governments.

Mr. President, I may shock those who may know me with some intimacy when I wish it understood that I view this bill as the beginning of the Government ownership of the railroads. More than that, sir, from my viewpoint this bill initiates the policy of this Government into the ownership not only of the railroads but into that era of the ownership of the telegraph and the telephone in America, to be followed by the ownership or the control of the agencies of fuel, those natural agencies—coal and oil—and all that, in order that this Government may no longer and never in the hereafter be paralyzed in its necessary governmental undertakings because of the monopoly of private ownership of those public utilities essential to the public welfare of the Republic.

Mr. President, I know there are many objections to entering by this Government upon what may be called the general policy of a Government ownership of the transportation lines, as well as of other essential agencies to the public welfare.

There is now, and will remain, an honest school of difference between that which urges upon the Government the taking over of all of these agencies as necessary to the welfare and uses of the Government and that other school that demands for private enterprise full and unhampered opportunity for the exercise of its industry, the indulgence of its genius, and the benefit of its superior competition. In those two ideas there will ever be a conflict, and there is no man living to-day, nor will his children who shall come after him, ever see the end of it. It has been a question in all forms of government since government was devised.

It may interest my fellow Senators who do me the kindness to hear me to know that in the administration of Ming, 850 years before the birth of Christ, in the Government of China, the doctrine of socialism and that of the policy of the Government owning and controlling the roadways over which vehicles in the form of baskets, conducted upon the shoulders of men, were to be controlled, as against the policy of the companies, known as the Chinese companies, which then owned these methods of conveyance and use of transportation for the benefit of those who bought the privilege of this particular monopoly from the Government in which they existed for a certain sum of money; and afterwards, of course, extracted from the patrons such very large sum as they could as their profit of the undertaking.

Mr. President, it may amuse you to know that in the little Government of Iceland long years ago when it attempted a republic, which did not last very long as against the hordes which swept down from the north upon the country—that then ended it—that the first advent on the part of this little land, bounded with its barriers of snow and ice, was to control the first muniment of personal welfare, the egress and ingress of its people to and from markets and ports to their homes. That this little republic would have inaugurated for the very first government of Europe that system but for the force of spear and sword and the invasion of armies none of us now can deny.

But to indicate how little there is really new and how truly is the prophecy of Isaiah fulfilled, when the early Republic of Judea was established, one of the very first invocations that was sent to it from their spiritual masters was the demand that it promptly possess itself of the roads in order that no military companies from the outside be permitted to transport themselves across the land of this young Judea without the consent of its government, nor that its own people be allowed to use it without compensation to their own government. This control, having for its object the national defense, was based upon the theory that if private management or private control should ever possess the roads there would be no way to prevent the foreign enemy from being permitted to use the roads for their hordes of assault in exchange and barter, having paid for the privilege, and they might find their land invaded by men occupying their roads in turn for having bought them from those who privately assumed to sell them.

So we may not flatter ourselves that these are original thoughts in government. My eminent colleague the Senator from Illinois [Mr. SHERMAN] yesterday alluded, in a speech filled with acidulous drippings, to the fact that he could remember how these issues of Government ownership of roads were heard throughout Illinois in the seventies and in the eighties. I can assure my esteemed colleague that long indeed before Illinois was born they were heard in their different form and echo throughout different avenues of the earth.

But, Mr. President, the objections urged to Government ownership are, of course, in our Government particularly pertinent. We are presumed to have founded a Government on the theory of individualism, and to that extent, of course, it is a serious question whether these views suggested by me are in harmony with it.

But I wish to put my advocacy of this measure on the ground of national defense. I wish now to state to the Senate that the time has come when this Government must look squarely in the face the problems which confront it. This Government must take possession of these roads under this proposed law, or under any other law, not so much as a commercial necessity but as a necessary national preservative.

Mr. President, has it ever struck your mind (and, brother Senators, I ask your attention to the thought) that to-day there is not a road owned by this Government in the whole United States that can transport your soldiers from sea to sea for the defense of your shores? Do you fancy that the necessity is not now upon you? Senators, have you observed that here, when we attempted to defend ourselves against a foreign foe, we have been unable, in the system of transportation now prevailing, to send our soldiers to the coast, where they were to embark upon vessels to be landed upon foreign shores, because of the lack of continuous transportation, and because of the confusion of the railroads, the complications of their systems, and their failures to serve? What do you think would have been the result if an enemy were at your door possessing your coasts? What, then, do you think would have been the consequence to your Government in its efforts to transport its soldiers, to land its supplies, and be prepared to defend itself at its Pacific doors or on the Atlantic?

Mr. KELLOGG rose.

Mr. LEWIS. I fancy the Senator from Minnesota desires to interrupt me. Does he desire to do so?

Mr. KELLOGG. I desire to ask the Senator from Illinois a question.

Mr. LEWIS. I yield to the Senator from Minnesota.

Mr. KELLOGG. Mr. President, did I correctly understand the Senator from Illinois to say that the railroads had failed to transport troops promptly?

Mr. LEWIS. Yes. The word "promptly," I may say to the Senator, is a very elastic one.

Mr. KELLOGG. To transport them efficiently and promptly?

Mr. LEWIS. So is the word "efficiently" an elastic one. However, I say this, that in the attempt to transport the troops the roads were so congested that the cars could not be had. Since the Senator invites me to it, I regret to state that the soldiers were cramped. They were placed in accommodations which I deplore to say cattle would not have been put in. That was out of a forced condition on the part of the railroads. They did not have the equipment, and the conditions were such, I answer the Senator, that far from being transported promptly and efficiently, they were unfortunately most barbarously transported.

Mr. KELLOGG. The Secretary of War reported that the soldiers were transported promptly and efficiently, and praised the transportation in the highest terms.

Mr. LEWIS. I must say to the Senator that the conclusion of the Secretary of War was that "under the conditions," and it is those conditions which I ask to have removed. I must say to the eminent Senator that under the conditions we must admit that the roads probably could have done no better, and we must be just and say they did the best they could, but it is those conditions, which I feel laid such a burden upon this Government and placed us at such disadvantage that I wish to change.

I have also the other reason to which I was alluding and reaching when the eminent Senator from Minnesota interpolated his suggestion. Mr. President, I regard this Nation in this hour confronting a very serious danger to which our fellow citizens seem blind or indifferent. Notwithstanding the generosity and benefactions of this Nation to Russia, the vast millions we gave it to rehabilitate and restore it, its people seem unconscious either of the debt of appreciation or of gratitude. The attitude of mind of Russia is one of opposition to us, and that without regard to anything we have done. I deplore to say that it is my opinion that this attitude of antagonism will multiply and will continue, for to the Russian mind there is a basic reason: First, they have been educated to the belief that this United States failed in its obligation of gratitude to Russia. They point to the fact that we lent our aid, as they charge, to Japan, through the influence of Britain, in the war between Russia and Japan. Russia holds a deep sense of antipathy, if not vengeance, against us for that. Her humble people, her farmers, the moujiks, have been educated to hold us in prejudice, for that, it is said, we "put the Jew money lender upon them and stationed him upon every corner where their farms produce." That slander, we know, has no foundation. That falsehood, we know, is without justification, even in any form of governmental fact. We did demand of Russia that she give to the Jew the same fair treatment as a citizen that any other American citizen traveling in her land should have, but it is sufficient to say that our enemies, whether they come from Prussia or any other land, have fanned that prejudice to where to-day it burns like a flame in Russia.

Mr. President, Russia will not decline, as I see it, to gratify upon us any form of resentment she ever can enforce. I do not indulge the dream that is enjoyed by many gentlemen in this land that we have anything to expect in the way of reciprocal military friendship from Russia. To the contrary, I now warn my country, as far as my impotent voice can reach, that if Prussia shall succeed in the movement she is now making

toward the appropriation of Russia and secure power in Russia such as she hopes to administer, her very first inducement on Russia will be to advise Russia, "There is Alaska."

She will point to Russia that Alaska is yonder in the far north seas, so far as we are concerned, in the far northwestern waters; that there are the Aleutian Islands; that this land was wrested from them by America in diplomacy of the United States and, as alleged, "for a song." It will be cried out that Alaska possesses enough gold and minerals to enrich them from one end of their land to the other. That it was always theirs and was filched from them by us. Everything will be urged to awaken cupidity or vengeance and demand to wrest Alaska will be made by Prussia.

Alaska, divided from us by water, remote from us in its connection, difficult of approach, more difficult of defense, presents to us, to my thinking, at this hour the very serious problem of the day, because when Prussia will have animated this Russia, that is not now friendly to us at all, to move up toward Alaska and possess it, how shall we defend it? Russia, stimulated by Germany, could seize Alaska from the north, and we would have difficulty to reach it. We are engaged against Germany in Europe. In what manner would we move to the defense of this possession?

Mr. President, we are now building a railroad in Alaska as a Government railroad. The object, among other things, was to bring forth the stored riches of Alaska, but principally, I must assume, in order that we might defend Alaska; that we might have a method by which we could reach our ships at the shores of Alaska. If, sir, we do not have a Government road that reaches from sea to sea, that we may make an immediate connection whenever possible, wherever possible, and wherever necessary with the Government railroad of Alaska, by which we can transport troops across our own land, supplies across our own land, and then across Alaska in preference to any form of commodity of private persons whomsoever at any time, what possible agency of defense have we against that hour which I, sir, regretfully prophesy is ahead of us? With this bill passed it will at least initiate at once a system in the hands of the Government and enable us to prepare a defense for the evil which my eyes behold is at your door.

If the eminent Senators sitting about me answer that they can see no reason why this assault on Alaska should be made, then I will advert their minds, if they will permit me, to a military reason. What wiser policy than to have Germany stimulate Russia to seize Alaska, so as to compel us to divide our forces to the great North, to defend it, and thus disrupt them from the organization that is necessary now to be in the Atlantic to war against Germany in Europe? Then, Mr. President, keep in mind that that is but the beginning of what I see to be the problems of my country in our national peril.

Senators, we will live—God please to grant us our divine statute of limitations—to have to fight for Hawaii; and if we have any possessions in the Philippines—for the Philippines—all this to prevent those islands from being wrested from us by a power that will open its warfare through some form of antagonism—which need not now be anticipated in detail—against the United States.

If there be no railroad owned by this Government that can be used constantly to transport the troops to the edge of the Pacific to prepare us in our defense, to meet our vessels, and enable us to prepare in Hawaii, or in those possessions of the Pacific, the want of such defense will be quickly observed by those whose purposes and advantages will be served by assailing us, and we will find ourselves again powerless. For the protection of these possessions on the Pacific coast it is necessary that we have a Government railroad that shall be used and appropriated for the national defense of those possessions and for the safety of our Pacific coast against assaults which my mind, which my vision, beholds in the not too far distant future approaching upon us.

Mr. President, I can not conclude this suggestion without inviting your attention to the fact that we now control Porto Rico and the Virgin Islands. We have some friendship toward Cuba and a relation of amity. When the conflict comes upon us from any source—whether it should come now through Germany or in the future from a foreign foe upon the Atlantic or upon the Pacific—mark you, sir, these possessions in Atlantic waters will be easily the prey of any foreign foe assailing us. Therefore you must see clearly, sir, that if my argument is well taken as to the necessary defense of the Pacific, it is equally true as to the Atlantic, and that we need a road from the Pacific to the Atlantic as a Government property which can be taken, possessed, and utilized at any hour by the Government to transport to the Atlantic all essentials of defense, whether they be supplies or men, that these possessions, sir, in the Atlantic may be properly defended and supplied by our ships and our railroads.

Have we such a position now? No. Are we prepared now? No. Why? Because, as Senators on both sides of this Chamber have pointed out, our country never could be aroused to her dangers; and she will now, in her editorial columns throughout many places in this Nation, criticize me with great freedom, I dare say, and some bitterness, because I have assumed to point out at this critical time these increased burdens which I see are destined to come upon my Nation.

Mr. President, because I see, sir, the necessity of Government roads for the national defense, I justify this bill, indorse the purposes of the bill, and accept the objects of the bill. To the purpose of my support I concede every objection urged by the eminent Senators who have so faithfully considered the measure. I admit every one of them to the full extent to which they have been propounded; and I still reply that with all of the evils proposed by these eminent leaders they are small and insignificant compared to the benefits that will arise to the Government out of the protection, guaranty, and security which would come to use from these Government-operated roads in the manner that we are now taking them and in the method that we will continue to control them.

Mr. President, then, in conclusion of this feature, I tender the illustration:

Sir, it took Britain, with her divided situation, nearly two years, as we know, to make and land her armies. We know the trouble that was put upon France, with her more or less hybrid condition of private ownership of part of the roads and Government ownership of others. But when it came to Prussia, will Senators overlook how quickly Prussia, with her system of Government-owned roads, was enabled to mass her men at any point in all Prussia, and deprive all private merchandise, all private enterprise, of the privilege of the utilization of the roads? Being her own property, she was in no wise called upon to do as we had to do—summon the proprietors, negotiate a week, and reach a doubtful conclusion, leaving it subject to explosion, open to any form of construction, and finally a result to our embarrassment. No! She took her own, placed her people upon it, and landed them in 11 days fully equipped, marshaled from helmet to sandal, and placed them upon the border of France, and was enabled by this mobilization to threaten the liberties of the world, so powerful was the concentration she was enabled to effect.

We may, sir, shrink from ever emulating the example of Prussia in her military establishments, in their assaults upon civil government, her blows against the freedom of man, or her attacks upon liberty of nations; but we surely will not blind our eyes with a bandage of ignorance and close them with indifference to this scene of complete efficiency when it came to defending her people or to preparing to advance against those she charged to the world were advancing upon her.

Then, I would have eminent Senators understand that while I respect their opposition, and in some instances their opposition is well founded to many features of the bill from their premises, I insist, sir, that this measure should pass with a unanimous vote for the uses it will give us in our national defense and the preparation against those dangers which any reflective man must see can be on their way against us.

Mr. President, many measures, sir, have in them a vital life that is not seen at the mere appearance, and they serve purposes which even their very authors at the time could not recognize.

Mr. President, in your casual reading I am sure you have run across the celebrated treatise of Guizot upon the Civilization of Europe. Archibald Alison, the great essayist of Scotland—writing from Postlehouse, his private home, in 1841—descants upon the splendid work of Guizot; and, among other things Alison has to say in the form of criticism, is that the work is destined to lay down precedents for the guidance of governments not yet born, and for the direction of men in things which Guizot himself did not understand.

Sir, there is before you an eminent Senator, the junior Senator from Pennsylvania [Mr. KNOX], who does me the compliment of his attention, who, I am sure, has had his attention and has had his mind drawn to the matter to which I now will advert.

In Morley's Reminiscences, in that very interesting book, he proceeds to advert to the literary character of the men he has known who held high places in statecraft; and among other things, Count Morley calls the attention of Britain to how true it is that this interesting adversion of Alison on Guizot and his history of the civilization of Europe has come to pass; that a form of government has come upon Europe which, while Guizot anticipated it as a thing that should be, he never lived to see.

It had no relation whatever to the thing of which he was writing, and he justifies Alison in his then prophecy that a form of relief to mankind would follow from the things set forth in Guizot, but they would come in another government and in another era than that to which Guizot referred in his splendid disquisition.

Mr. President, might I make an application of these observations to this bill? I probably shall not be living—in the nature of Heaven's disposition of us all—it can not be possible that any of us can exist to see the end of the new era that is now upon us; but you will see, learned Senators, that you have now begun, by this piece of legislation, a new era in the formation of this Government, and have inaugurated a policy for those who are not now living, leading to purposes that were never in the mind of the framer of the bill; to objects that are not in the mind of the eminent Senators who discuss this bill from their hearts in sincerity, but which I do respectfully urge are necessary to the welfare of this Republic.

Senators, hear me propound that which in my land—the South—where I was born, will be treated as a heresy, and for which I dare say I will not soon be forgiven.

This Government has reached an end of its yesterdays. There is now no excuse whatever for a sovereign State government. There is now no governmental reason which can be advanced in the mind of a thinking, reflective man for that organization called the sovereignty of a State. We have grown so close as a Union that we have become in the United States a state of Government; and, Mr. President, you will see in the changes of this Government a result that will bring us to but two forms of sovereignty in government. The municipality, with regulations for its people at its doors through its own local charter; and, then, the national legislation for the government of the country at large. This railroad bill, sir, in its execution, will hasten this sure transformation, establishing the Nation as a union of service to the people and a Republic of national defense, unhampered by divided powers contented for by certain States, that is coming upon this Government.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. LEWIS. I yield to the Senator from Pennsylvania.

Mr. KNOX. May I not inquire of the Senator from Illinois if the same reasons will not always exist for the States' existence that existed at the time the States were created?

As I recall, some of our most friendly critics, at the time of the formation of this Government, predicted that because of the vast area of our country—and it is much more vast now, probably three times greater in area than it was at the time of its formation—because of the necessary differences in climatic conditions, because of the differences in the habitudes and necessities of the people, because of the great mountain ranges and other physical divisions which appeared to cut this continent up into territory that would naturally be under different sovereignties, this Republic could not endure.

But the answer was made at the time that all these local things—these questions of ministering to the wants of the people of Texas, which were not the same as those of the people of Maine, or the wants of the people of Florida, which were not the same as those of the people of California—being committed to the States, which could locally govern within their boundaries, that constituted the cohesive bond that was going to hold this country together practically perpetually.

I ask the learned Senator from Illinois if those reasons are not as great to-day as they were at the time they induced the formation of the Government upon its present basis?

Mr. LEWIS. Mr. President, any inquiry from the junior Senator from Pennsylvania is not only pertinent, but we who know his character and information respond to it with the consciousness that it is always important. This much, sir, must be conceded in his premises: There were those at the early foundation of the Government who despaired that the Republic could exist in the form of separate sovereignties. They were very far apart, and, as the Senator says, it was charged that they were very discordant and diversified, indeed, conflicting in their interests. True, there were those who insisted that some of those localities were not fit to exist as States. Mr. Webster, for instance, could not see the great western prairie except as a land to be abhorred, not as one to be cultivated and to exist in the form of States.

I say to the Senator, I think the reasons do exist. I say to him he is accurate, and the spirit in which he speaks is one that ought to be preserved, from my conviction; but I am compelled to point out to him the movements of the time, and to remind him that from the day of which he speaks up to some years ago the Supreme Court of the United States, the final arbiter in all these matters of conflict, recognized those sovereignties as having some existence of government, and recognized them as being able to protect their own diversified interests, and allowed them within their own gates to administer their own affairs unhampered from the Federal Government or from the outside—that is, from other States. But I must remind the eminent Senator that in the latter years the Supreme Court of the United States has denied any State of the Union, in reference to transportation or any other subject matter that is indulged across its State lines, a sovereignty of government, and has practically left the State a mere province of the Federal Government in which the Federal laws are to be administered.

May I remind the Senator, eminent lawyer as he is, and once Attorney General of this country, to the pride of the profession, that the Supreme Court of the United States has only lately held that even in the case of a railroad within a State, because it has lines that make connection with roads outside of the State, the local regulation of that local institution is void when it runs counter to something that the Interstate Commerce Commission has held upon a similar subject, for that it related in the nature of things to the disposition of that which did cross State lines and was connected with other States.

Mr. KNOX. But, if the Senator will permit me again——

Mr. LEWIS. Certainly.

Mr. KNOX. I quite agree that in certain directions the tendency toward centralization has gone so far that there is practically not a shred left of State authority. Of course it is well known that under the commerce clause of the Constitution this great progress has been made, and I am willing to concede that in dealing with the transportation interests of the country they have at last become absolutely centralized. But the point that I desired to make a moment ago was this:

I wanted to challenge the statement of the Senator from Illinois, as I understood it—and I think I am correct—that there no longer exist reasons for the States; that we have at last gotten into a condition where there is no legitimate reason why the whole of the Government of the American people should not be centered in the United States.

I called the Senator's attention to the reason why the States were created. I called his attention to the fact that there must be some localized government to deal with purely local interests; and in my judgment those reasons are greater to-day than they were when they impelled the fathers to create this Government upon its present model. If the Senator from Illinois is willing to do so, I should like to have him state more at length why he thinks there is no reason for the existence of the States.

I can imagine, Mr. President, that the time may come in this country when the American people will be convinced that there may be reason for resorting to arms to preserve the States, as there was at one time to preserve the Union. I regard the maintenance of the function of the States as that function has been exercised, and for which they were created, as being as important as any other institution of our Government.

Mr. LEWIS. Mr. President, I would that there were more students of government such as the eminent junior Senator from Pennsylvania, and I would, sir, that there were others who had his conviction and would execute that conviction in high places. I agree with the Senator there has been a school, a political school of mind, sir, for which I have fought, but I am compelled to say again, sir, that those in power in this Government have left us now little reason for the continuation of a sovereign thing, or a thing called sovereign, which we term a State.

It may be, sir, that, as the eminent Senator says, wisdom will come back to us, justice return, and that these localities will be treated again as having a governmental existence justified in themselves and worthy to be defended.

I remember in the celebrated case of White against Texas—Seventh Wallace, I think it was—the Supreme Court of the United States, in making a splendid definition of it, referred to them as indissoluble agencies, and referred to them as sovereign States of the indissoluble Union. But we can not overlook the fact that since then, in nearly everything that the State government has assumed to do that could be said to be sovereign in character, the Federal Government, in some form or another, has so ignored it as to leave the States, as I have remarked, without a reason for their professed sovereign existence; and I was pointing out, as the eminent Senator will recall, how the trend of the times was repealing the State.

Let me go further, sir—it may shock you, knowing, as I do know, the eminent Senator's regard for the Constitution—likewise the trend of the time and events seems to me to be repealing the United States Constitution. It is a new era to which I am alluding setting upon us. It mostly calls for a new constitution.

Now, I want to meet a proposition of the eminent Senator from Pennsylvania, which, I think, is most worthy of thought, and that is that there must be some form of government, local of character, to administer to those particular needs local of nature. I remind the eminent Senator, as I do the Senate, that when the fathers laid the foundation of this Government and gave to the States a sovereign character of government, to which he alludes, many of them then had for years after had not the population or government of many of our small cities. To-day, I may say to the eminent Senator, our form of government has changed. Instead of going to the legislatures of the States for incorporation acts to incorporate a city or to have a street railroad or a corporation, so termed, incorporated, nowadays a charter is voted by the people themselves in the different municipalities, and whatever power they wish to take to themselves they do it by their own voice—by their own vote.

Therefore, I say to the able Senator, my vision as I see things, however much I may fear its consequences, is that the local government that will now take the place the State formerly held as to local institutions, or personal government, which has been so usurped by Federal rulings, Federal policy, and Federal extension, will be the municipality. It will serve in a local sovereign character through its own charter, a private or local government necessary to the welfare of the citizens in all local matters in which the citizen in his home is concerned.

That seems to me to be the trend of the future and looks to me now the end to which things are tending.

Mr. President, I appreciate the interruption of the eminent Senator, because it is a very interesting question. I did not intend to get so far afield. I certainly did not will to take so much time; but I thank the Senator for letting me make more clear my views, lest it might be misunderstood if left without explanation, without the general discussion that has followed through the appropriate interrogation.

Mr. President, let me address myself for one or two moments to some opposition to this bill. The eminent Senator from Iowa, the senior Senator [Mr. CUMMINS], has pointed out at very great length, and I personally witnessed the amount of industry—the assiduous industry—the tireless energy that he brought to bear in the investigation of some figures which he presented here to the Senate. The Senator says that the property of these roads, together with their earnings, disclose very clearly that we are not getting a security for the amount of money we are advancing; to the contrary, that much property is being put upon them that is worthless and much money we are giving to roads which have behind them, and will have, no security as gathered from the reports of their earnings.

The very thorough senior Senator from Nebraska [Mr. NORRIS], fortifying this viewpoint, likewise presented tables of his own to justify this form of objection.

I think, Mr. President, much must be said in favor of it; that it may be true that the disclosures of the road show that in many instances there is not a property earning that has now so much space and paper value as full security for the money we are advancing. But I ask all these Senators to hearken to the speech of the Senator from California, the junior Senator [Mr. JOHNSON], and ask them if they will not agree with him that that condition is largely due to the way those roads were managed, to the great expenses which are piled up, to use the figure of the Senator which I regard capable for them, piled mountain high, the excessive salaries they pay, many useless appendages which took a form of title and assumed a social superiority in the places where they live, and domination of legislators and purchase of judges, a form of extravagant outlay, vicious and corrupt expenditures, indulgences of a nature that need not be described at this time, but which in their saturnalia were vicious and nothing less than criminal.

I take it, eminent Senators, that with these things cut away, cicatrized, with these things dissected, removed, the Government coming into the management, these expenditures will be so eliminated that the earnings of the roads will rapidly rise to the point where the eminent Senator's objection to this bill on that ground would be no longer applicable.

But I am compelled to say to Senators if the objection is well taken, and as I think in some instances by comparison clearly it was, should they view the bill only as a loan, merely to give money to roads for money in return, ultimately to be foreclosed in the form of a mortgage, then it must be said that the diligence of Senators in pointing out the insufficiency of these securities is to be commended. If they see opposition to the bill on that ground, that opposition can not be overcome by these reports of the railroads.

But, Mr. President, I invite the Senate's attention to a homely illustration. Here is a building across the street valuable, the land upon which is very valuable, it is acceptable for residence, but those who have managed it have managed it so badly that they have not brought forth an income from it. They have dismembered it generally. They have left it dismantled; they have created a plague upon the building. They could not get any tenants; it could not produce a paying income. Would that be a good reason to urge against those who wanted to possess the building, who could give it industrious attention, who by rehabilitating it could rent it out in every room and draw a sure income and profit from it? I can not think so.

Thus I view this bill, Senators. I may be in error, amenable of course as I am to mistakes, but in this bill that apprehension was had in a part of the bill in committee as I helped shape it. I feared the opposition to the bill we should find with these deficiencies pointed out by these industries, Senators, when we take the property which is the property that is the security, but under our management we will make it pay for itself doubly and overdoubly, because we rid it of that incubus that has so long been fastened upon it in a vampire form as a fungus growth. That will no longer occur; it will not longer plague and destroy it. For that reason, sir, admitting the objection of the eminent Senators, I say it will be overcome by the mere transfer and change which the bill contemplated.

Mr. KING. Mr. President——

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. LEWIS. Gladly.

Mr. KING. As I understand the Senator, he justifies this legislation, in part at least, because he believes that the operation of the railroads will be much more efficient and economical in the hands of the Government than under private management; and I deduce from his remarks that he supports the contention of the Senator from California [Mr. JOHNSON] that the Government ought to own the railroads, because it will operate them with greater efficiency and economy, than the present owners can or will operate them.

Does not the Senator know from his large experience in public life, from his extensive acquaintance with governments, ancient, medieval, and modern, and particularly our own Government and our own States and municipalities, that whatever work or enterprise the Government undertakes, whether the improvement of rivers and harbors or the erection of buildings—indeed, whatever it touches, the cost has been greatly in excess of what it would have been under private management and ownership? Does not the Senator know that notwithstanding there have been mistakes, and in many instances extravagancies, it is claimed by railroads that 75 to 95 per cent of all industries of the United States which have been chartered have gone through the bankruptcy courts or have been reorganized because of mismanagement, that the railroads present perhaps a better picture than the private enterprises of the United States that arose under corporate authority, and have been the subject of corporate control and management?

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from California?

Mr. LEWIS. At this time, if the Senator from California desires to respond to the Senator from Utah.

Mr. JOHNSON of California. I wish to suggest simply one very brilliant example quite contrary to what has been suggested by the Senator from Utah, the history of the Panama Canal. The greatest engineering feat ever undertaken by man was built governmentally and built for a less sum than private enterprise could have done it.

Mr. KING. If the Senator will pardon me——

Mr. LEWIS. I, of course, yield to the Senator.

Mr. KING. I wish to dissent absolutely and unqualifiedly from the statement made by the eminent Senator from California. I submit, Mr. President, that that canal could have been constructed for 50 per cent of what it has to date cost the Government. I have not time nor opportunity to go into that now.

Mr. KNOX. Mr. President——

Mr. LEWIS. I yield to the Senator from Pennsylvania.

Mr. KNOX. I crave the indulgence of the Senator from Illinois for just a moment.

Mr. LEWIS. I yield gladly.

Mr. KNOX. I who had something to do with the Panama Canal can not allow that statement to pass unchallenged. I wish to say to the Senator from Utah that there has been nothing in the last 15 or 18 years to which I have devoted as much attention in all its phases as to the Panama Canal. It happens that the canal would never have been constructed at Panama if it had not rested upon my own opinion as Attorney General of the United States that there was a good and sufficient title to be obtained. Otherwise, under the provisions of the Spooner Act it would have been built at Nicaragua.

It happened that I was on the Canal Committee of the Senate when we decided the present type of the canal, taking up all the engineering questions and all the questions of cost and passing on the difference between the propriety of building the present lock type and a so-called sea-level canal. It also happened that I was on the side of the minority of that committee in favor of the present type and was appointed to conclude the argument in favor of the minority report.

What I am stating, Mr. President, I am not stating boastfully, but for the purpose of telling you the basis of some of my information.

It likewise happened that after the Senate had been polled and it had been determined that the sea-level type had a comfortable majority, when the vote was taken the present type won out, and several Senators did me the compliment to make the statement that they had been convinced by my argument.

I might go on and tell you half a dozen other very important relations that I have sustained to that project. I happened to be in the Cabinet when the question of construction came up, when tentative bids from private parties were considered, which were so overwhelmingly beyond anything that the engineers had informed us in committee that the work would cost that President Roosevelt decided that he would dismiss all idea of private contract and make no further consideration of proposed bids, but that he would send Gen. Goethals to Panama and tell him to build the canal, and he did build it. I also happen to know a great deal about the construction of the canal; for instance, the building of the Gatun Lock and those great gates, which are the wonders of the world, and I am perfectly certain if the Senator from Utah makes the investigation it will convince him that the canal could not have been built for less than it cost the Government, and he would find that it would have cost 50 to 100 per cent more.

Mr. LEWIS. Mr. President, I am glad to have had this contribution made to the debate.

Mr. JOHNSON of California. Mr. President——

Mr. LEWIS. I yield to the Senator from California.

Mr. JOHNSON of California. May I adopt what has been said by the distinguished Senator from Pennsylvania concerning the Panama Canal? It answers conclusively the vigorous dissent of the Senator from Utah, and refutes conclusively his animadversions upon that marvelous, efficient, and economical construction by the Government.

Mr. LEWIS. Mr. President, this much must be said before I respond directly to the query of the Senator from Utah: It has been published through certain railroad engineers—the statement that the Panama Canal could have been constructed with more effect and the slides averted, and these charges have been made in certain quarters. It is a very natural thing for the Senator from Utah to have his mind addressed to that early cost, because of those general publications; but the Senator from Pennsylvania, giving some definite reply to that, may disclose information of greater accuracy, we can readily conceive, and we can use the Panama Canal as a fitting illustration of some Government operation. But I do not have to enter into that, because I may amuse both Senators—the Senator from California and the Senator from Utah, who opposes his view—by saying I differ from both of them. I do not agree with the eminent Senator from California on one phase nor with the Senator from Utah upon the other. I am not at this time, sir, an advocate of the operation by the Government. I am for the ownership by the Government, the control by the Government, and then the matter of the operation of each piece of property and the need of the Government.

Mr. SHERMAN. Mr. President——

Mr. LEWIS. I will yield to my colleague in a minute. If it were better that we should contract any particular operation through lease, I would regard that as a privilege of the Government. If it would be better it should be done through private contract, without regard to lease, I would approve it. If the Government found an instance where it could operate itself, and could do so by first disclosing that to its representatives and have it work on whatever commission might be constituted, then that, sirs, would meet my approval.

I decline to adopt the hard-and-fast rule of a Government operation of public utilities merely because it may own the utility, and I now want to say, sir, I gave to this subject as full investigation as my limited industry and capacity would afford. I happened to bear the position of legal officer of the city of Chicago when we were taking over the railroads. That is a great municipality, larger than many States of the Union in its population. Finally, sir, we reached a system of city ownership of property, but allowing it to be operated by private operators under an agreement and understanding with the city. Then later that was amended and changed, but in some form it now continues. During that time, not being convinced by something that the Senator from Utah has said, something that my eminent colleague yesterday referred to in respect to the Governments of Europe, a certain form of political management can lead to the defilement and certain destruction of it, and oftentimes a corruption of it. Then I answer the Senator saying specifically, sir, because some Governments have shown their inability to conduct these large enterprises with cleanliness and honor is no proof that we would fail or those same Governments have failed to conduct their private affairs, their loyalty, or patriotism by the standards of honor. Yet, sir, that would not argue that we would also be deficient in the same thing. Let me advise the Senator from Utah of a thing that arises in my mind. When it was assumed that we would build the road in Alaska the same objections were heard. It will be recalled that when we had to establish a cable by the Government the same objections were urged. When the Post Office Department was inaugurated the same objections were heard. I remind the Senator when the Federal reserve bank as a governmental institution was presented on this floor eminent Senators presented the terrible picture of my eminent friend from Utah. When the Farm Loan Board was presented ably by the junior Senator from New Hampshire [Mr. HOLLIS], setting forth its operations to benefit mankind, we had the same form of objection.

You will remember, Mr. President, that when there was presented on this floor legislation to provide for the insurance of ships by the Government the same forms of objection were raised; and when there was presented only a short time ago a bill to provide for the insurance of the soldiers these objections were revived, repeated, reaccentuated, reemphasized, and the same mournful prophecies were indulged in, until the atmosphere of the room was a cloud of danger. True, there have been some instances, as the Senator says, where there has been laxity, but because there has been such laxity in a few instances is no proof that it will occur in all.

My eminent colleague from Illinois yesterday adverted to certain Governments of Europe which had failed in their operations, but he could have well recalled that these same Governments failed in the administration of their local affairs so corruptly that many of their members were sent to the penitentiary because of their offenses.

Mr. SHERMAN. Mr. President——

Mr. LEWIS. I yield to my colleague.

Mr. SHERMAN. Mr. President, I want at this time and place to file a plea of equitable set-off of Hog Island against the Panama Canal. [Laughter.]

Mr. LEWIS. Mr. President, I know——

Mr. HOLLIS. Mr. President, will the Senator from Illinois yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. LEWIS. I yield to the Senator from New Hampshire.

Mr. HOLLIS. I should like to direct the attention of both Senators from Illinois to the fact that the money being spent on Hog Island is being spent under private contract and not by Government officials.

Mr. LEWIS. Mr. President, in reply to my colleague's statement, in which he wishes to offset Hog Island against the Panama Canal, and does so as a matter of plea, I recall that, in the ordinary usages of court practice, if one does not wish to proceed under that plea, he moves to strike it out; but I would do it no such injury. I rather think it is timely to tender it for contemplation and for the reason that the junior Sentaor from New Hampshire [Mr. HOLLIS] gives, that it is a marvelous illustration of how the Government, advancing money upon the confidence of men engaged in private enterprise, could be so deceived by them, and of how, to use the words of the junior Senator from California [Mr. JOHNSON], under the guise of patriotism, men could have so pillaged the Government, defiled their own honor, and debased the Republic before the world. Mr. President, in this place I would do no injustice. I will not sit in judgment on any matter that is now under inquiry, and I will qualify my statement by adding, "if the reports in the public press be accurate."

Mr. SHERMAN. Mr. President——

Mr. LEWIS. I yield to my colleague.

Mr. SHERMAN. There has not been a dollar paid on the Hog Island project that has not been paid by Government authority and under Government inspection. Even the piles that have been driven were inspected by Government authority, but when the work was rechecked it was found to be 25 per cent deficient. It is true, as the Senator from New Hampshire [Mr. HOLLIS] says, that some private interests probably have not performed their full duty, but it is a Government undertaking,

and ought properly to be set-off here against the one isolated successful Government undertaking, namely, the construction of the Panama Canal. The only instance I know of in the history of the United States where the Government undertook a great work where the taxpayer has not been cut clean to the bone is the Panama Canal, and that was constructed under most unusual conditions, by the exercise of very great vigilance, in a time of peace, with subcontracting at the lowest possible limit, with labor and material provided under the most favorable conditions, and with the vigilance of the executive department and all of its distinguished helpers exerted to the utmost. Under such conditions as never were presented before the Panama Canal was built, and to cite that achievement as an instance of what the Government can do is a good deal like the frequent undertaking to prove that the Government can do anything. It has never done anything successfully of an essentially private nature except in the one instance, Mr. President, of the Panama Canal, cited here this morning. I can cite everything from the beginning of civilized government down to date, from the beginning of the Christian era until the Panama Canal was constructed, and can demonstrate that in no time has the Government ever, as compared with private enterprise, efficiently performed anything. It has not even in time of peace taken care of its own departments without permitting itself to become entangled by a red tape that can only be removed by criticism of men in authority even in time of great public peril. If we had undertaken anything of this kind in time of peace it would have been a fair test, it is said, but in time of war, when vigilance and promptness are required and when every public interest should be bent to the performance of the public service, we, by committees in this body, have been compelled to investigate and to remove the impediments that have been encountered because of the lack of energy and of ability in peace times to perform necessary functions by this Government. Yet, Mr. President, the Panama Canal is held up as an instance of Government efficiency.

Mr. JOHNSON of California. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from California?

Mr. LEWIS. If my colleague has finished—I do not want to interrupt him—I will yield to the Senator from California.

Mr. JOHNSON of California. Mr. President, again I beg pardon of the Senator from Illinois for an interruption and the encroachment upon his time. I will not occupy his time to discuss what governments may have accomplished from the dawn of civilization. I am very glad that in the one instance challenged, namely, the Panama Canal, the work is admitted to have been performed well by the Government. As one of the Members of the Senate familiar with Hog Island developments, I want to make plain that the Hog Island situation results not from the Government doing the work but because the great financial interests and the great captains of industry of the Nation are doing the work, and doing the work as private contractors under a Government contract. So, unfortunately, Senators can not offset one against the other the two instances before us—the Panama Canal and the Hog Island scandal.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Kansas?

Mr. LEWIS. I yield to the Senator from Kansas.

Mr. CURTIS. I think, in justice to the situation, that it is only fair to state that when the Panama Canal was first suggested it was estimated the cost of its construction would only be $110,000,000. The estimate was afterwards increased to $220,000,000, then to $300,000,000, and before the work was completed the cost ran up to about $500,000,000.

Mr. KING. And let me say, Mr. President, if the Senator from Illinois will pardon me, that the work is not yet completed.

Mr. SMITH of Michigan. And it never will be so long as the canal passes through an area where earth slides occur from time to time.

Mr. LEWIS. Did the Chair inquire if the Senator from Michigan desired me to yield?

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield; and if so, to whom?

Mr. LEWIS. I will yield gladly to the Senator from Michigan, if he desires to proceed; otherwise, I yield to the Senator from Illinois.

Mr. SHERMAN. Mr. President, I want to say as to the Hog Island situation that I do not want to inject that into this discussion now, but I will discuss it in its proper time and place, and find out whether or not the island is improperly named. [Laughter.] It is sufficient to say, Mr. President, my original proposition, which I stated without any expectation of provoking this encroachment on the Senator's time, was in order to preserve my rights and to give due and timely notice of the equitable set-off that ought to be made, for the Government. I will say, since the Hog Island question became a mooted one here, supervised every step of the work, and if it has not restrained what I consider the avarice and the undue desire to profit on the part of certain private interests it is because of the Government's incompetence and negligence up to this time. It has apparently aroused itself at last, and has I think placed itself in a fair way of checking this undue profiteering; but it remains to say that the Government is in a fair condition there to be deprived of a large sum of money unjustly. Government contracts prove nothing in the construction of the Panama Canal as compared with the vast sums that have been taken away by Government contractors, beginning with the cantonments and running on down to Hog Island. At the proper time and place, on the floor of the Senate, when it is an issue, I shall present the matter at length, when I shall not encroach on some other Senator's time.

Mr. KNOX. Mr. President, may I interrupt the Senator just for a moment?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Pennsylvania?

Mr. LEWIS. I yield to the Senator.

Mr. KNOX. I call the attention of the Senator from Illinois [Mr. SHERMAN] to the fact that obviously he did not catch the emphasis with which the Senator from California [Mr. JOHNSON] referred to the Hog Island difficulty. It seems to have turned out that it was because of the connection with that vast enterprise—vast in every respect; vast financially; and vast materially—of "captains of industry." That seems to have been the trouble down at Hog Island; and I suggest to the Government that if we want to avoid scandal as to these great enterprises, requiring great intelligence and a great expenditure of money, we should hereafter let them out to the corner grocery man or to the blacksmith.

Mr. JOHNSON of California. If we did so, perhaps we might have a greater degree of honesty in the execution of contracts.

Mr. SHERMAN. The whisky ring, for instance, some years ago robbed the Government itself blind.

Mr. LEWIS. Mr. President, as to this conflict between the junior Senator from California [Mr. JOHNSON] and the junior Senator from Pennsylvania [Mr. KNOX], I will leave to Patroclus and Ulysses the settlement of their own difficulties in their own tents. I will, however, refer for a moment, having been drawn quite afield, to the fact that my colleague [Mr. SHERMAN] indicts everything that the Government has done from the beginning of the world to the present time, and seemingly my eminent colleague gives absolution to Government enterprise, only providing it exhausts the whole bloody atonement.

Mr. President, I recognize that on that question there will be many differences and that these differences will remain. This much, sir, I say to the eminent Senator from Illinois, who made his offset of Hog Island as against the Panama Canal, that I understand the Hog Island enterprise—and I use that word, of course, now, with full knowledge of its meaning—if the reports in the public press are accurate, is being investigated; and while that investigation is pending, of course we will not prejudice it. The only observation I can make upon it is that if reports be true, whether the island be properly named, the undertaking seems to have been justly characterized as more hog than island; but we must await the future development of the investigation in order to arrive at the truth, and we will refrain here from rendering judgment against anyone while he is upon trial and leave it to the judgment of those who have been constituted as his triers.

I wish to bring my observations to a close. I fancy I have taken time that other Senators would like to have occupied, and I do not wish to exhaust their opportunity. I shall conclude on the question of Government operation. I have but one other word upon it.

I trust whenever this Government shall make its advent into taking over these great public utilities, which are necessary to the public welfare, particularly those that spring from nature, for the welfare of man, that it will do so honestly, and will do so under the spirit of justice. I trust there will be no indication to any American citizen of a spirit of confiscation; that there will be no money expended by any citizen honestly for stock in any road that will not be justly returned to that citizen. I hope there will never be an aspect indicative of any property confiscated by this Government merely because of either commercial or military necessity; that when the time comes that we shall appropriate it in whatever nature we shall adopt, there shall

be neither pillage nor robbery of any citizen, either of "the captain of industry" on the one hand or the defenseless toiler on the other.

Therefore, sir, when that era shall be ushered in, it will be ushered in within the law; that we will have liberty and justice according to the declared laws and policy of this country.

Mr. President, I therefore say to Senators whether this entrance of Government into this new era of the possession of public utilities shall be begun in order that mankind shall neither starve nor freeze at the dictation of the masters of finance or those who would be so selfish as to demoralize the community for their private gain, or whether we shall take them upon the ground of essential national defense, that we might anticipate such an hour as is already around us, and that which I fear is multiplying far in excess of the present into much more disastrous conditions than any man can at this particular time with propriety describe. Whether from that reason or any other we are upon it. Sir, I dare prophesy to you that in the next national convention, or whatever form the nomination of our President shall take, the one principal issue of the political campaign, as a matter of domestic and home discussion, will be this one of Government taking over these enterprises for the uses of Government when necessary to governmental welfare in the future policy of the Government in that direction. I prophesy that that one question, coupled with those that shall grow out of the war and the peace treaty, will be the great questions upon which our next election will depend and turn. So whether we shall invite it now, eminent Senators, or are prepared to consider it now, rest assured it will be, as I see it, the most important question for your consideration at the next great arbitration before this country as to who shall be its Chief Magistrate—the President of the United States.

Mr. President, I have a conclusion, and I tender it. There are those in the land who fear that in America there will arise the Bolshevikí or such a spirit as is now in Russia and as threatens Russia and Europe. Senators, I do not indulge in any such apprehensions. I think we do a great deal of violence to the property of America to let the owners feel that we see such a shadow. We do great violence to our own institutions by intimating that they have now reached a point where they could produce such apprehensions or anything in them could justify such.

Let me assure Senators, as I see it, we have no such fear in America; and the reason: These particular revolts, such as the bolshevikí, or in all the world under Marius, Gracchus, or under leadership in China, or that now of Trotzky and Lenine, in Russia, have only sprung up where the land of the people has been so monopolized by a few that homes for the individuals have been impossible, or, as was the condition in Ireland some years past, which is familiar to us, and as was the case also in Poland, where the land was so possessed that every man toiled as a tenant, and what he produced was appropriated from him, so that he had no hope to possess the fruits of his own toil or the blessings of independence. There is no such condition in America. As rapidly as the cities shall fill up and there ensues great competition as to toil, there will be land inviting, land of which you, eminent Senators from the West, so profoundly speak from time to time. Your gates are open from Omaha to St. Paul, out toward Ogden. There lies that great West, ever beckoning on, through to Alaska and Hawaii, where homes are ever ready for 20 generations yet unborn. As rapidly as there shall arise in our cities turmoil and confusion, resulting from competition of labor or discontent, men will move just a little farther into the wider field, into the open area, into the welcoming gate, into the new land, where they will possess their homes, and where they will own the fruits of their industry and enjoy independence. So the condition which makes for these which we call the bolshevikí does not exist in our land; and that class of men who revolt under the name of Industrial Workers of the World, or any other euphonious title, to war against every form of government, every form of restraint, all forms of justice, can not justify their action on the ground of a necessity of conditions. It is born of the spirit that does exist in certain mankind against every form of restraint, and which revolts against honest toil, and is ever lodging its protests by assaults waged against the organization of government itself. They present us nothing more than a repetition of those illustrations which have attended all government since it blossomed under the sun and smiled as under the blessing of God.

But, sirs, I do warn you—if I may be pardoned for that admonition—that unless we take some steps as legislators to let the great mass of the people see that these public agencies, created for their welfare, are possessed, dominated, and directed for that welfare through themselves by that agency they call government, they, mistaking the condition, will in one form or another organize into expressions of revolt or revolution against law, against government, against officials, and breathe here and there spasmodic anarchy from street corners to communities, from time to time unsettling all government, overthrowing all law, destroying every form of organized society.

Nothing, sir, will so compose this country, ward off the possibility of such revolts as we see around us, give confidence to the toiler, infuse a sense of regard in the farmer, and make the public at large feel that this is their Government, as to assure them by our legislation that all of the agencies produced by nature for their welfare have been taken charge of by their great trustee, their Government, to be administered in their behalf, and not to be controlled by private agencies for personal pillage to the denial of public welfare. Then, sir, with this assured, the people will be secure, communities serene, our land restored again to confidence in law, and we will move on as a government of competition in genius—in industry of man, of prosperity of nation, and of glory of Republic.

Therefore I support the bill, because I feel that it opens the era when this Government at last shall announce itself a Government, not a delusion; a Republic of law and justice, not a combination of confusion and disappointment.

I thank the Senate for its indulgence.

Mr. JOHNSON of South Dakota. Mr. President, when the transportation bill, which we now have under discussion, was reported last week, I offered the following amendment:

SEC. 13. That the Federal control of railroads and transportation systems herein and heretofore provided for shall continue for and during the period of the war and until Congress shall thereafter order otherwise.

This amendment simply reinserts the original provision in the bill as it appeared when first introduced, and the importance of retaining this original matter in the bill so as to prevent setting any fixed date within which the Government would be obliged to return control of the railroads to their original owners should be apparent to every Member.

The bill, as amended by the committee, prescribed, among other things, that within 18 months after the close of the war the Government shall return all the transportation lines to their original owners which have been taken over.

Mr. President, as I look at this question, such legislation would not be fair to the public nor to the stockholders of the railroads, because it would not give a reasonable time to the country to practically demonstrate Government ownership, which should be done. Surely no one would be so unfair as to say that during the war period, such as is upon the country today, and during the few months allowed by this bill after the war closes a fair chance could be had to test the wisdom and advisability of this manner of handling and controlling the transportation systems of the United States. And Congress, in my judgment, would do a very unwise thing to prevent by legislation a full, impartial, and satisfactory demonstration of such course by the Government. We have been compelled through lack of efficiency to assume Government control, and now that we have been forced to do this, would it not be the part of wisdom and equal justice to everybody to retain possession of these carriers at least until we could make the most thorough and practical demonstration of this great question, which has agitated the public mind for many years, and forever settle the question one way or the other? It would neither be fair to the Government nor to the railroads of the country to handle it as the bill provides; and when I use the word "railroads" in this connection I want it to be understood that I mean the small stockholders—those who have the actual money invested—because I believe they are anxious to test the advisability of this great undertaking, so as to give them an opportunity to determine whether their money has been honestly and efficiently handled by these great corporations and fair dividends returned in accordance with legitimate profits, honestly earned, if the roads had been operated on strictly business principles.

Mr. President, this is one of the few questions in which, to my mind, we all have about an even start. I assume to know but very little about the subject, and, so far as my knowledge goes, no one in this body has had any practical experience with the question of Federal ownership of transportation systems. The only experience I have ever had along this line is with our Government-owned subway monorail in the basement of this building, and the transportation and fares have been entirely satisfactory to me. [Laughter.] But, as one Member of this body, I would like to see a real practical test of the question. From my observation through life, I have reached the conclusion and desire to place myself on record as favoring Government ownership of railroads, at least until its worth to the people has been fully demonstrated. This is something in our history which is entirely new and untried, and, if we desire, we can give it a thorough trial as to its merits now. We have not

taken control of the transportation lines of the country by force, but by the consent of the railroads themselves, and we are agreeing to pay them a high rate of interest. They are perfectly willing to pass the buck along to the Government to operate them in times like the present, which try the souls of men. We have accepted the responsibility. Why, then, should we be compelled to fix a date when we shall deliver them back?

I have been informed by those in a position to know that the practice of many railroads, in building their lines, has been to immediately bond the road for about twice the actual cost of its construction, sometimes more and sometimes less, and then expect them to pay dividends upon the full amount of the bonded indebtedness in excess of the actual capital, as well as the capital stock itself, and also upon this basis go before the Interstate Commerce Commission and present in justification of their claims for rates to the public for transportation and service the same unjust and unfair practice. That is exactly what they do, and they will ask us to do the same thing in our settlement with them.

Mr. President, the argument of those who are opposed to Government ownership is that the Interstate Commerce Commission is empowered to fix rates and regulate traffic in the interest of the people, thereby protecting the public from exorbitant rates. My understanding of the power of this commission is that it may fix rates upon certain classifications, and they may make certain orders, but the railroads may to-morrow change the rates of to-day by simply reclassifying the goods and freight shipped, and we all know that orders emanating from the Interstate Commerce Commission have been violated every day in the year as they existed in the past, and will be violated as long as the transportation systems of the country are in private hands.

The one question of the greatest importance to the country in transportation matters is freight rates. This is a question which will make or break individuals or companies in any line of production, and will make it possible or impossible for small producers to compete with large corporate producers. I refer to the custom for many years past, and still the custom of to-day, concerning the shipment of goods to terminal points—the great centers of the country—at a less rate than for which goods can be shipped over the same line of road to less favored points which are much less distant.

I ask permission to insert a letter in the RECORD which I recently received touching on this point:

SPOKANE, WASH., *February 12, 1918.*

Hon. EDWIN S. JOHNSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: When the Newlands Commission was in session last fall in San Francisco, evidence taken there disclosed that the Interstate Commerce Commission had granted over 10,000 exceptions to the fourth section of the act to regulate interstate commerce.

The granting of these exceptions has been so wide and sweeping that it has gotten to a point now where the exception seems to be the rule of the Interstate Commerce Commission without regard to what the act of Congress may have been.

I want to call your attention to the attached data which is typical of 11,000 commodities on which unjust discrimination is being permitted in violation of the interstate-commerce act.

While illustrative of Spokane and other inland empire cities similarly situated, it will be found upon examination of railroad tariffs that this discrimination is in force upon the same commodity in a varying degree in every city and town west of Brunswick, N. Dak., to Pacific coast terminals, yet Brunswick is nearer New York by 1,458 miles than any Pacific coast terminal.

May we count upon your support of Senate bill 313, which will correct this situation?

Very truly, yours, W. S. MCCREA,
Chairman Freight Rate Committee.

This is one of the things which I desire to complain of, as I understand the Interstate Commerce Commission permits this to be done, which must of necessity have a tendency to build up the great centers and large interests at the expense of the intermediate territory and its business men, upon which we are depending to-day to feed these great centers and the world. Surely this sort of discrimination can not appeal to fair-minded people as being just and equal. No man enjoys being robbed under the same Constitution which says he shall not be, and that is exactly what has been the general practice for years past, under the system of private ownership of transportation. The same plan of operation applies to passenger fares, which is, of course, of much less importance to the country, as it only affects those who travel, while the question of freight rate affects all; but the same principle is involved in one as in the other. I can go down to the station here in this city to-day and buy a first-class railroad ticket from Washington to Chicago for the same money it would cost me to travel to a point 25 or 50 miles this side of Chicago, on the same road and on the same train. Things of this nature are in accordance with the system of private ownership as it exists to-day. They are neither fair to the public nor to the stockholder, and in no sense do they conform to justice, but discriminate in the interest of the more favored few. Other practices of privately owned railroads may be likened to a wheel within a wheel. Companies are built up by the managers, such as town-site companies, steamboat and ferry companies, trolley lines, wharves, and so forth, and various other business ventures of a like nature, which make the manipulators rich at the expense of the stockholders and the public.

The ordinary stockholder of a railroad knows just about as much concerning its management, in my judgment, and what they may expect next, as I know or you or anyone else. They are called upon to send their proxies to stockholders' meetings to be voted, as many do not feel that they are justified, on account of their small holdings, to spend money to attend these meetings. These proxies are voted by the manipulators of these railroads for whatever program they want to put through. And so, I submit to you, that it is not fair to the real owners of the railroads, the small stockholders, to not give this matter of Government ownership a very thorough trial when we have the power and right to do so.

I can not believe, Mr. President, that the Congress of the United States desires to handle this great subject and go on record as not giving the people a fair test of this great question, and do not as yet believe it. Efficiency at the least possible expense to them is what the people of the country demand in transportation and what they are entitled to from us, as far as we have the power to act, and surely with the unsettled conditions which will exist after the war is over, operation for a few months, as provided in the bill, would not give us a fair trial. I would rather turn the carriers back the next day after the war than set a fixed time when we must do so, for such a course would only add to our enormous expense without any chance for returns, and would not afford an opportunity to demonstrate the wisdom of Government management.

The opponents of this amendment, and of the bill for that matter, will argue that public ownership of the transportation system of the country is directly contrary to the fundamental principles upon which this Government rests. That argument should have little weight, because, if we demonstrate that this important business can be handled to greater benefit for the people than it has been handled, such argument must naturally fall by the wayside, as it will. Again they argue that political influence will be a serious objection. Such conclusion, as well as the former, should have little consideration in the public mind, and they do not, because, if the railroads in the past have been handled by high-minded, public-spirited men as individual financial enterprises, as has been claimed, surely they would be handled by as equally high-minded and patriotic men on behalf of the Government, because in the one case undoubtedly we are forced to admit that they have been operated for personal profit while in the case of Government ownership no such claim could be advanced. Again, we admit, a necessity exists; otherwise Congress would not have given the President power to take over the transportation business of the country, and it did a wise thing when it gave him that power. Certainly, then, Congress should be willing to enact a law in which it can trust itself in saying when it would be best for the country to turn the railroads back to their original owners if ever. The transportation lines of the United States should be public highways for the use and benefit of all the public. They are the main arteries of trade and commerce, extending from one part of the country to the other, building up the country and making us a great Nation which loves liberty and equality, and these lines should be for the benefit of the public in all that the word implies. They should stand in the same relation to the public as does the public roadway upon which we travel every day. Is there anyone in this body who would permit the ordinary highways and roads of this country to be owned by corporations? No one would consider such a thing for a moment. How, then, can we best serve all the people should be our constant study with regard to these matters and be given our most careful and serious consideration before acting upon this important question.

One immense saving, which I can see in lessening the cost of operation of transportation companies by the Government would be to eliminate the thousands of highly paid officials, lobbyists, attorneys, and certain employees in various capacities, who are a surplusage to actual needs and a dead load to the railroads themselves, costing millions of dollars each year. But this policy has grown up with the system, and they are unable to change it. This item takes that much from stockholders and the public. If the opponents of this amendment are sure that Government ownership is wrong they should at least be fair enough to their constituents and themselves, who are vitally interested in this matter, to give it a chance to be fairly tried as to its practicability and to give the necessary time in order to do it. If we find, after a fair trial, that it would be a failure, I for one will acknowledge my mistake and vote to return these transportation companies to private ownership; but I first want a chance and a reasonable opportunity to be given in order that we may all know from practical experience and demonstration just what Government ownership would do for us.

No question to-day, aside from the great conflict in which this country is now engaged, is of such importance to every man, woman, and child in America as is this question, because it directly affects every one in some way. The business man, the laboring man, the man on the farm, and the man in the factory all have been made to contribute from their daily labor something unrighteously taken from them to sustain and perpetuate a system, which permits a few men to grow rich at the expense of the poor man and his family.

We have taken, and will take, millions of our best young men from their homes, positions, and professions, depriving many of them of their best years for accumulating savings for the comforts of life when they are old, destroying in many cases the support of families, and send them into the ranks to uphold and preserve the Nation. Let us hope that bye and bye thousands and hundreds of thousands will come back to us. We will thank God for that day. These men will then be forced to take up the battle of life anew. Do not you think we owe it to them to assist in starting them in civil pursuits again with the best possible economic chance we can give them? If you do, you should vote for this amendment. Let us try the experiment fully and not tie the hands of the Government in this great undertaking and important matter before starting; and if we find it is best for all the people of this grand old U. S. A., not one of us would favor returning the transportation lines under Federal control to private hands. You would rather keep them and pay a reasonable and fair compensation to their present owners as soon as we could.

Let me present what the representatives of over 2,000,000 workmen say on this point, and I ask to have it inserted in the RECORD in connection with my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

To the Members of the Senate and House of Representatives of the United States.

Being fully cognizant of the seriousness of the crisis confronting our country and realizing the dangers besetting our liberties, it is the honest, earnest desire of the railroad employees to give our full, loyal, and united support to our Government and to make certain, clear, and decisive the conclusion of our aims. Therefore we desire to make effective all the agencies of the Government, and we fully appreciate that the question of transportation is one of the important factors at this time.

While we are pledged to, and hereby reaffirm our pledge of, loyalty and whole-hearted support to our country, our Government, and our President during this war, we are aware of the seriousness of the situation that inevitably must follow immediately after the close of hostilities in the readjustment of conditions in the United States; and whereas the Government of the United States has, by proclamation of the President, assumed control of the transportation systems for the period of the war, with which we are in accord, we believe that full time should be given after the close of hostilities to enable just, fair, and impartial determination of the proper methods of adjustment of the rights and equities of the public, the owners of the transportation lines so taken, and of the employees thereof; and as representatives of nearly 2,000,000 employees of the railroads of the United States we most earnestly and respectfully petition the Congress of the United States not to fix a time limit at which the railroads must be turned back to private ownership, leaving this question for future determination, and thereby giving ample time for the adjustment of matters growing out of the temporary control of same, with equal justice to all parties at interest.

Very respectfully,

H. E. Wills, A. G. C. E. and national legislative representative Brotherhood of Locomotive Engineers; P. J. McNamara, vice president and national legislative representative Brotherhood of Locomotive Firemen and Engineers; W. M. Clark, vice president and national legislative representative Order of Railway Conductors; W. N. Doak, vice president and national legislative representative Brotherhood of Railway Trainmen; A. O. Wharton, president railway employees' department, American Federation of Labor; Martin F. Ryan, grand president Brotherhood Railway Carmen of America; J. A. Franklin, president International Brotherhood of Boiler Makers, Iron Ship Builders, and Helpers of America; F. J. McNulty, president International Brotherhood of Electrical Workers; James J. Hynes, president Amalgamated Sheet Metal Workers' International Association; J. W. Kline, president International Brotherhood of Blacksmiths and Helpers; Wm. H. Johnston, president International Association of Machinists.

Mr. JOHNSON of South Dakota. Mr. President, I come from the great Middle West, where the people have been robbed by the railroads for so long that they consider it a matter of course, and have almost ceased to expect any relief, and I feel sure in speaking as I do, in so far as South Dakota is concerned, that almost the entire country would desire that the question of Government ownership of railroads be most thoroughly tested now. I am fully aware that the Interstate Commerce Commission has tried to do its duty in relieving the people of this unjust burden. Its members have worked hard, diligently, and faithfully; but with the vast amount of work upon their hands, if one should take up personally the claim of any small shipper with the commission to-day, he should be young when he started in, for in the ordinary course he would be dead before a ruling was made and the provisions of such ruling had been carried out by the railroads. This is the first time in its history that the United States has ever had a chance to determine this question, and we will fail in our duty as the Representatives of the Nation and the several States if we hesitate to go thoroughly into the wisdom of it.

I am a firm believer in the doctrine of letting the people know where you stand on any public question in order that you may have their advice and counsel. Viewing this subject as I do to-day I unhesitatingly desire to go on record as being a firm believer and an advocate of the principle of Government ownership of railroads, believing it to be for the best interests of all the people of the country and that it will bring to them great relief on all questions in which the past system of railroad management has entered into our business life.

Mr. President, there is another great economic question in connection with this subject, as I see it, linked to it by natural conditions, and that is the great labor question. As I look at this subject, it has much to do with my conclusions relating to Government ownership. I can not see why it would not be one of the strongest factors in settling this great question, which could possibly be put into practice. I believe that it would go a long way toward solving this problem, and as I view it, the labor question is the next great and important question which we must face. So I ask you to think about this in connection with the subject matter now before us.

As I have said, the management of the railroads has been taken over by the Government with the consent of the railroad managers themselves, for which we are to pay into their treasuries during the war a consideration based on respective rates of dividends during the three years ending June 30, 1917. These managers doubtless knew, as we all do, that the roads had not been and could not be handled satisfactorily to the general public. At least they were not giving the public the conveniences of travel heretofore enjoyed. Is it not that they may try to make Government control as unpopular as possible for the purpose of demonstrating to the people that if adopted in its entirety it would be a failure? Mr. President, I do not accuse the managers of the roads of having this object in view, but I will say to you that I would not be surprised had they considered this question fully, which, if successfully carried out, would tend to hinder the favorable consideration of this subject, which has constantly been growing in the minds of the people for a number of years. I have had a number of instances cited to me, from which I have arrived at the conclusion that this is possible. A Senator told me the other day that when he was coming down from New York there was no water in the Pullman car in which he was riding and that it was necessary for him to walk three cars ahead before he could get water with which to wash his hands and face. An agent at a small railway station in South Dakota, I learn, had his salary cut 65 cents per day and the depot was ordered closed at 4.30 in the afternoon, after which hour each day no freight would be received for shipment. A number of other instances of similar character have been reported. My purpose in mentioning these small matters is to place conditions as I see them before you for consideration.

There are many evil practices which a change in the policy of transportation ownership would affect and entirely eliminate in the country. There would be no pooling of stock; no dividing up of territory where railroads should be built by any gentlemanly agreements at the expense of millions of producers; no monopolization of stock to exploit it; no discriminatory rates; no bond issues for twice the cost of construction; no small stockholders fleeced out of their holdings through bankruptcy proceedings; no fluctuation of stock to catch the suckers. These things would all be wiped off the slate and in their place would come stability of market values, equality of stockholders composed of all the people, just treatment for the many who have suffered greatly in the past, and the rights of all the people of this great Republic. I will admit that it might hurt some; it might affect a few stock brokers; it might affect the great gambling centers of the country; it might compel some of the railroad manipulators and so-called great captains of industry to go at some kind of honest work; but those who have suffered long at their hands would not be apt to shed any tears at the new order of things, and so I hope you will vote for this amendment, or one of like character, which does not fix any definite time in which the Government will be compelled to turn the roads back to their original owners.

In conclusion permit me to say, Mr. President, that I believe the provision contained in my amendment is fair and right, and by its adoption justice will have been done to all the people.

Mr. HARDWICK. Mr. President, in the act approved August 29, 1916, the Army appropriation bill of that year, Congress enacted the following provision:

The President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

The emergency, however, to which Congress referred was the trouble with Mexico and the presence upon the borders of this Republic and the Republic of Mexico of a large number of American troops. Yet, because the language employed by Congress was general in its terms, two and a half years after the enactment of a provision which was intended to apply to an entirely different situation the President of the United States by proclamation undertakes to take control of and operate the entire railway system of the United States.

I need not say that I share the very clear and forceful opinion expressed on this floor yesterday by the junior Senator from Alabama [Mr. UNDERWOOD] to the effect that the legislation under which the President assumed to act not only did not mean to authorize him to take the action he has taken, but was utterly and absolutely invalid if any railroad in this country saw fit to resist it, because our Supreme Court in adjudications that are unbroken has uniformly decided that Congress can not take over private property for public use without providing for just compensation therefor in the act that authorizes the taking over, and no such provision as that was made in this act. It is therefore apparent that the railroads are not being taken over and have not been taken over against their will or without their consent. Indeed, no well-informed man will controvert the statement that the reasons for this action have not been primarily connected with this war and are largely if not almost entirely financial.

It is true there has been congestion in the railway systems of the country, but how is that congestion to be relieved if the same men are to operate the railroads under Mr. McAdoo? It is true there has been some trouble about pooling and about traffic directions, but it was not necessary in order to cure either of those troubles to take over and operate the railroads of the country. Possibly without any additional law, probably, however, with some slight changes of statute law, the Interstate Commerce Commission or any other tribunal that Congress wished to vest with the authority could be given the power to make these necessary pooling and traffic arrangements and directions without any necessity whatever for the Government to operate the railroad systems of the country.

Mr. President, the real reason for this transaction, for the proclamation of the President of December 28, 1917, assuming to take control, assuming to operate the entire railroad systems of the country under this act of Congress more than two years ago, which was never drafted for any such purpose, is financial. Yet that reason is of such overwhelming strength that it can not fail to appeal to every one of us, and it will not fail to appeal to the country when the country understands it.

The railroads have a bonded debt maturing, according to the report of the committee, one hundred and eighty-eight million and odd thousands—hundreds of thousands—I will just read the millions—in 1918; $188,000,000, in round numbers, in 1919; $186,000,000 in 1920; and $440,000,000, nearly $441,000,000, in 1921.

Mr. President, it has been thought that because of the Government demand for money to carry on the war and of the necessity to float the different issues of bonds that have been already floated and that must be floated in the future, the money market would not respond in a manner sufficient to enable these railroads to meet these maturing obligations, and therefore that it was imperatively necessary that something should be done. That I readily concede, that reason I can understand, that situation I think I can comprehend, but I submit to the Senate and to the country that it was not necessary to take the extreme step of taking over and operating the railroads of this country as a whole in order to provide for these debts. In so far as their operation is necessary to the conduct of the war, in so far as their operation is necessary to the movement of troops, supplies, and equipment, and things of all sorts that contribute to a successful prosecution of the war, undoubtedly the Government could have done one or two things. It could either have advanced the money out of the Public Treasury in the shape of a loan, and that is what it is going to do anyhow, without taking over and operating the property, or it could, with just as much right and with just as much power and with just as much authority, have suspended, temporarily, the collection of these debts, as it suspends temporarily the collection of the debts of the soldiers or the sailors who are fighting for the flag.

So, I say, when I come to consider this situation, my mind halts at the very threshold of this question upon the preliminary question whether or not this taking over of the railroads was necessary. If it was, in my judgment, necessary in order to adequately prosecute this war, I would unhesitatingly support it as earnestly and uncompromisingly as I oppose the Government ownership and operation of railroads or any other form of private business. But, unless and until it is necessary, and unless and until that necessity is demonstrated to a reasonable degree to my mind, I find myself utterly unable to vote for a proposition that goes to this extreme before the necessity for it arises and before the justification for it can be fairly and reasonably established.

My disinclination to do that is enhanced by the fact that in the bill itself provision is made, not that this Government ownership and operation—it amounts to temporary ownership, of course, and to technical operation at least—shall end with the war or within any reasonable period thereafter, say 90 days or even 6 months—it did not take us 6 hours to take them over—but the bill provides that it shall take us 18 months to turn them loose. So if, by the grace of God, a just and honorable peace should come to this country, in common with the most of the balance of the world, in any reasonably near-by time, we would be still committed by this legislation to the uncertain and dangerous experiment—socialistic in its nature and, in my judgment, certain to prove destructive in its results—of Government ownership and operation of the railroads of this country for a period of some two years, as suggested by the House bill, or a year and a half, as proposed by the Senate bill, even if peace came to-morrow.

Another thing is an objection suggested in the able minority report of the distinguished Senator from Iowa [Mr. CUMMINS]. By the way, let me say that Senator has given to this subject—although he does not approach it from exactly the angle and standpoint that I do—a consideration and an ability which commands not only my respect but my admiration.

The Senator from Iowa made the point in his minority report that if this is to be done to strengthen the railroads of the country, to weather them over this financial storm, to provide for them a money market to make up for the money market which they will lose by reason of the Government's necessity, it is manifestly unjust, wholly unfair to extend the benefits of such legislation to the strong and deny them to the weak. Are we only to take the big roads that are strong and earning money and weathering this gale better than anybody else and leave alone and unprotected the smaller and weak and helpless railroads? Does the rain fall on the just and the unjust alike? Does the statute work on the rich and the poor alike? Does the law apply to the big and the small alike? No; it is left with the President to do as he pleases, and already the Director has announced that these smaller railroads will not be taken over, will not be given the benefit which this legislation intends to confer on the railroad system as a whole.

I understand—and I think I violate no personal confidence when I say it—that the distinguished Senator from South Carolina, the junior Senator [Mr. SMITH], who reports this bill, intends to offer an amendment to meet that situation and to treat all the railroads alike, when we come to the detailed consideration of the bill, and I intend to support it. I hope it will pass.

Let me read, because it is short and compact, the observations of the Senator from Iowa on this subject. I am reading from his minority report:

THE SHORT-LINE INDEPENDENT COMPETITIVE ROADS.

The President construes the act of 1916 to give him authority to take possession and operate any railroad or any part of any railroad. During the hearings it was clearly indicated by the Director General that it was not the purpose to take over all, or even many, of the short-line independent competitive roads. It is obvious that there are a large number of short-line roads which will not be affected by Government operation, and as to these nothing is said; but, on the other hand, there are a large number of comparatively short roads which compete with the trunk lines for traffic, and these roads will be absolutely destroyed if some arrangement is not made for their protection. While in a sense their operation by the Government may not be necessary for the successful conduct of the war—

And that may be said about the whole delectable scheme, by the way—

they have all been built to give the communities which they serve relief from the monopoly of trunk lines. The welfare of the localities through which they pass is dependent upon their existence, and public interest demands their full and complete operation. If their relations with the trunk lines are destroyed by the diversion of the traffic which they have heretofore carried the outcome is perfectly clear. When the war ends

and the big systems are restored these small, independent, competitive roads will fall into the hands of the great systems for substantially nothing.

They will neither weather the traffic storms nor the financial gales that will fall upon them, and blow about them—

It is probable that if these roads were taken over the liability which the Government assumes would not be materially, if at all, increased, but even if it is enhanced by a small amount the Government can well afford to take something from the excessive compensation which it proposes to guarantee to the big roads in order to save some of the little ones.

Mr. VARDAMAN. May I interrupt the Senator from Georgia?

Mr. HARDWICK. Certainly.

Mr. VARDAMAN. The question I desire to ask the Senator is this: I will preface my remarks by saying that I am opposed to the maximum rates proposed to be paid to the trunk lines; but does the Senator think that Congress would be justified in taking over the short lines of roads just in order to save the roads from bankruptcy?

Mr. HARDWICK. That is what we are taking over the big ones for.

Mr. VARDAMAN. We are taking over the big roads to serve the country, to carry on the war, and not to serve the railroads.

Mr. HARDWICK. They can be required to serve now, and they dare not refuse. There is no use dodging the question. I know the Senator is not trying to dodge it, but there is no need for anybody to try to dodge it. We are taking over the railroads because, in the opinion of the President and railroad people and a great many well-informed people, their financial interests require us to do it; they do not know how they are going to get the money during the next two or three years if the Government loans are to continue in order to enable this country to prosecute the war.

Mr. VARDAMAN. Does the Senator really think that the purpose of the taking over of the roads is in the interest of the roads?

Mr. HARDWICK. I have not any doubt about it.

Mr. VARDAMAN. That statement is, I think, unwarranted.

Mr. HARDWICK. Of course the Senator is entitled to his own opinion; but I will venture the statement that not one Senator out of ten will vote for this bill who in his heart believes anything else.

Mr. VARDAMAN. I most assuredly can not agree with the Senator.

Mr. HARDWICK. The Senator does not think it is the financial situation of the railroads that is at the bottom of this?

Mr. VARDAMAN. I would not charge the administration with that. Taking over the railroads by the Government for the purpose of protecting the interests of the railroads would, it strikes me, be indefensible.

Mr. HARDWICK. I am not charging the administration with it. I say the situation that confronts the country is such that if we are to continue to float billion-dollar loans, three billion, five billion, or seven billion, or ten billion dollar loans, month after month and year after year, the money market will soon be in such a condition that something will have to be done if these agencies of transportation are to operate and meet their indebtedness. But I do not think it is necessary to take them over and operate them. I would rather lend them the money and let the owners operate the roads themselves than to do that. I would rather postpone the collection of their obligations, just as we do with soldiers and sailors. Their operation is necessary to prosecute this war, and we have just as much power to do it in the one case as we have in the other.

I admit that I am somewhat of an old-fashioned Democrat. My mind moves, conservatively, along settled lines. To me it is not necessarily true that what is is necessarily right, but to my mind it is necessarily true that you have got to show me that something you propose is better than the existing order before I am willing to make a change. I think that is sensible progress as well as common sense. Anyway, it is as I view the question. To my mind, from the beginning of this war until the present moment, and I am afraid for some time yet, it seems to me that this country and its Government, its Congress, and its Executive—you notice I class them all together—have made one colossal mistake, which runs through all our plans, through all our preparations, through all our legislation, and through all our executive and administrative acts. What is that mistake? That mistake is that on the threshold of a great war that is to try American strength and that is to test American vitality, that is to challenge American power, we have undertaken to reverse every process of thought and action and feeling and sentiment that have animated our people and have made this country great and strong and powerful and rich and mighty among the nations of the world. It seems to me that it would be just as foolish if a strong man, the vigor and strength of whose manhood is approved, when called upon to face the physical test of his life in mortal combat with a foe, it may be with naked hands, should undertake to reverse all the processes of his life that have made him strong in the few weeks that he was training for the fight.

Ah, Senators, there can be no doubt, in my mind at least, that you would find a greater America, a stronger America, a more efficient America, a more united America in soul, in spirit, in thought, in action, in word, and in deed, if you would pay some regard to the processes by which our national life has developed, if you would pay some regard to the old-fashioned principles, if you would utilize the strength that has come to us naturally, if you would quit trying to combat Prussian autocracy across the seas by establishing in America among her free people an autocracy that is little different from the autocracy over there.

What is the remedy? Whenever you find something that hurts, whenever you find some place where the shoe pinches, instead of going back to the old doctrines of individualism, to the sacred doctrines of democracy and of Americanism alike, you jump at once to the conclusion that you can only successfully combat private monopolies, that you admit your impotency to destroy or control, by establishing in their lieu public monopolies that are hardly more tolerable and certainly little less defensible.

For one I do not believe in it; for one I am opposed to it; for one I am willing to require the railroads, the steamboats, and everybody in this country to do all that is needed to furnish and supply the troops to wage and prosecute this war; but I say you can do that without taking over a tremendous task like the Government ownership of railroads or the Government operation of railroads. That is not necessary, or it would not be necessary under any circumstances, except now and then, when a railroad broke down or some part of the system failed, if that should happen; and I do not think that is likely to occur.

Mr. President, I listened with great interest, with admiration for his facility of expression, for his brilliancy of rhetoric, and for his cogency of logic to my warm personal friend, the distinguished Senator from Illinois [Mr. LEWIS], in his dissertation this morning. He leaped from continent to continent, from one planetary system to another, from universe to universe, from the North Pole to the Equator, in his discussion of this question, and yet every leap brought us to a more attractive stage of the journey and to a more entertaining portion of the distinguished Senator's admirable speech.

The thing that impressed me most was what the Senator said about the destruction of our dual system of government; about the concentration of power, not only here in Washington, and the Senator might have said, but also in the hands of one man, at the expense of the several State governments. Oh, my heart bled, Mr. President, as the distinguished Senator sang that mournful dirge over the tomb of the States; and I want to say to you in sober earnestness, in a spirit of alarm, that he is right. During a service in this Capitol, now approaching its sixteenth year, I have seen the steady march of these tremendous powers, of this centralizing, unifying, autocratic power. I have seen it march by leaps and bounds, unchecked and unimpeded, through every administration during which I have been serving here; but I must confess that it is with the deepest sorrow and the most profound regret that I have seen it more terribly accelerated during this administration than during any other, and that, too, long before this war began.

Are the States defunct? Is the Government that we love, that our fathers founded, that Jefferson framed, that Madison planned, that Monroe philosophized about, dead, and does a new America, no longer a dual confederated Republic, but a single great Nation, headed by a single great Chief, whose power is greater to-day than that of any potentate on this earth, certainly, at least, among civilized nations, stand before us? Senators, I hope not. I fear that if that day shall ever come, it will prove fatal to the liberties of the Republic. To prove to you that this jeremiad is not so much a personal view of mine, I want to read to you what a distinguished American really thinks on this great question, or at least what he once thought on this great question. Let me quote from one of his books:

If the jealousies of the Colonies and of the little States which sprang out of them had not obliged the makers of the Constitution to leave the greater part of legal regulation in the hands of the States, it would have been wise, it would even have been necessary, to invent such a division of powers as was actually agreed upon. It is not, at bottom, a question of sovereignty or of any other political abstraction; it is a question of vitality. Uniform regulation of the economic conditions of a vast territory and a various people like the United States would be mischievous, if not impossible.

The statesmanship which really attempts it is premature and unwise. Undoubtedly the recent economic development of the country, particularly the development of the last two decades, has obliterated many boundaries, made many interests national and common which until our own day were separate and local; but the lines of these great changes we have not yet clearly traced or studiously enough con-

sidered. To distinguish them and provide for them is the task which is to test the statesmanship of our generation; and it is already plain that, great as they are, these new combinations of interest have not yet gone so far as to make the States mere units of local government. Not our legal conscience merely, but our practical interests as well, call upon us to discriminate and be careful, with the care of men who handle the vital stuff of a great constitutional government.

The United States are not a single, homogeneous community. In spite of a certain superficial sameness which seems to impart to Americans a common type and point of view, they still contain communities at almost every stage of development, illustrating in their social and economic structure almost every modern variety of interest and prejudice, following occupations of every kind, in climates of every sort that the Temperate Zone affords. This variety of fact and condition, these substantial economic and social contrasts, do not in all cases follow State lines. They are often contrasts between region and region rather than between State and State. But they are none the less real, and are in many instances permanent and ineradicable.

It would be fatal to our political vitality really to strip the States of their powers and transfer them to the Federal Government. It can not be too often repeated that it has been the privilege of separate development secured to the several regions of the country by the Constitution, and not the privilege of separate development only, but also that other more fundamental privilege that lies back of it, the privilege of independent local opinion and individual conviction, which has given speed, facility, vigor, and certainty to the processes of our economic and political growth.

To buy temporary ease and convenience for the performance of a few great tasks of the hour at the expense of that would be to pay too great a price and to cheat all generations for the sake of one.

Those words are worthy of the pen of Thomas Jefferson himself. Thomas Jefferson never wrote with more clearness, with more vigor, and with more strength of the blessings of local self-government, as handed down to us from our English forbears. Those words came from the pen of Woodrow Wilson, the President of the United States. May God keep him, in this hour of his responsibility, steadfast to the faith that he once professed and which is vital to the life and safety of this Republic.

Mr. President, I can not support this bill. I would do so if I thought there was no other way to preserve the railroads of this country in all their vigor for the use of the Government in this hour of its national trial; but, convinced as I am that it could have been done in a much better way, in a much easier way, and that it can yet be done in both a better way and an easier way—of course, I speak only for myself; Senators who are not so convinced will, I can quite understand, support this bill, even if their general ideas are in accord with mine—but laboring under the convictions that I have expressed to you, it will be impossible for me to vote for a bill that I regard as wholly unnecessary and as equally unwise.

Mr. VARDAMAN. Mr. President, every phase of the subject matter under consideration has been so completely and exhaustively discussed by Senators who have preceded me that I deem it almost a matter of supererogation for me to have anything whatever to say upon this bill. On account of the limited time fixed by the rule of the Senate I shall speak but briefly, indulging perhaps in the discussion of general principles and leaving the details of the measure to be treated by the able Senators in charge of the bill.

I have listened with interest unabated to the able speeches that have been delivered by learned Senators upon the pending measure. Its magnitude and the far-reaching importance of the problem have called forth their best efforts, which are illuminating contributions to the legislative literature of America. It has been particularly interesting to observe the learned Senators who chose to travel the old beaten path of political orthodoxy, spice their arguments with new thoughts, employ unusual phrases, and use language which gave a trite old issue the appearance of a new plan. Other able Senators, playing the rôle of protagonists, have essayed to wander into the field of imagery and speculation, pictured in vivid colors conditions which will prevail throughout the world when their theory shall be tested and approved, and when the storm clouds shall have drifted away and the sunlight of peace again fill this war-cursed world.

While I have enjoyed and cheerfully acknowledge myself the debtor of the distinguished Senators for the great speeches delivered on this question—speeches well worthy of the Senate in its best days—I wish particularly to pay the tribute of my gratitude and approval to the learned junior Senator from California [Mr. JOHNSON], the affluence of whose eloquence and the cogency of whose logic touched the high-water mark of senatorial debate, and will, I am sure, cause a feeling of despair to overcome those who may follow him in the discussion of this great problem. The soundness of his argument, the breadth of vision, the accuracy of his logical processes made captive the judgment of his listeners and commanded my heartiest approval. He has blazed the way that the progressive statesmanship of America will follow, and although he stands with a small group of statesmen about him to-day, the doctrine he so eloquently announces will within a few years, I trust, become the faith of an enlightened Nation.

Mr. President, the marked distinguishing difference between the man of genius and the ordinary plodding, slow-thinking individual whose mind is filled with the undigested thoughts and facts of others, is, the man of genius is able to dip into the future as far as human eye can see; he is able to stand within the shadow of the evening and look beyond the night into the morrow, and with trance-prophetic eyes read the finished story and contemplate with pleasure the consummation of the centuries while the plodder sees and understands only the things of to-day. It is the difference between true greatness and groveling mediocrity.

Mr. President, the world is passing through a period of change—mutations and multiplied mutations follow in rapid succession. Things are happening to-day with a suddenness and passing on with such velocity, the slow-thinking person can only stand and wonder what is coming next.

War is the pregnant womb of perplexing problems which issue forth with fearful fecundity, and the attempted solution of which will lead the statesman in his investigations into all the avenues and ramifications of human actualities. The old landmarks have been torn down. The buoys that marked the channel of the sea have been swept from their anchorage by the storm of a world-wide conflict. There is no tried rule, no tested formula, and no friendly milepost to guide us along to the sure and better way.

We have entered new fields, adopted a new diplomacy, altered our relations, changed our attitude to the nations of the world, which we have maintained since the birth of the Republic. Verily—

New conditions teach new duties;
Time makes ancient good uncouth.

Never in the history of mankind was there so great a need or so pressing a demand for the services of great, wise, and good statesmen as now. We need men of courage and intellect—men morally and mentally strong. We need men of independence of thought, of ripe statesmanship and great learning, to meet and solve the onrushing, untried issues that confront us. We realize that "he is next to God whom reason and not passion impels," who is able at all times to preserve his moral equilibrium and mental poise, to serve the public although it may involve a personal sacrifice, and who will spurn with contumely the opportunities that lead to personal aggrandizement or private pecuniary fortune at the public expense—men who, after weighing the facts in all circumstances, will be able to shape their conduct so as to square it with patriotic discretion. It is a time to pause, to look and listen—to move cautiously, but to move. Heroic action above all things is required at this time. The steady light of popular judgment is needed as never before to illuminate the strange, shadowed roads over which we must travel. I have always believed that in the multitude of counsel there is wisdom. It is, therefore, in my judgment, important in these unusual times to have the utmost freedom of speech, freedom of thought, and freedom of action.

I have infinite faith in the saving grace of the honesty and patriotism of the American people. And I know the most dangerous class of men in this Republic, be they in private life or public station, are the egotistical, self-satisfied, self-worshiping, intolerant individuals who have no conception of their own limitations.

Torquemada was doubtless an honest man; he was sincere; he felt that his life was consecrated to the service of the Savior of mankind. He held to the view that men think and believed as they would and not as they must, and therefore he believed it were better to subject a finite creature to the most cruel punishment in order to save that creature from infinite damnation. I have no doubt that he thought that the auto dafe was a divine ceremony. And yet, in the light of modern civilization, who will defend its barbarities?

The effort to muzzle the press and the manifest disposition on the part of a few to intimidate private individuals who dare express their honest thoughts regarding their Government and the conduct of their hired public servants are so utterly at variance with the genius of our institutions that it ought not to be tolerated in this Republic for a moment.

Mr. President, men and women born of free Caucasian parents will not long remain calm and quiescent under such restraint. You can not make an American white man a subject in one generation; but if you could, it would be disastrous to free institutions. Such things will be looked upon by the wise and patriotic men and women in America in the years to come, when reason resumes its sway, with a deep sense of humiliation and regret. We have already seen the evil effects of an unwarranted censorship. The exigencies of war necessarily bring about a change in our Government which amounts almost to a change of polity. I agree with Dean Swift," that it may pass for a maxim in state that the administration can not be placed in too few hands nor the legislature in too many." And this is especially true in time of war. There must be concentration of

power. But it is possible to concentrate too much power even in time of war, powers that will ultimately, if not properly hedged about with limitations, overthrow Republican principles and destroy Democratic policies, especially if the powers thus conferred are conferred upon bureaus or individuals in whose own conceit there is no idea of the limitation of their own mentality.

There has been but one infallible man that ever lived upon this earth, and he was crucified 2,000 years ago. And he was crucified by the spiritual bigot, the mental coward—the servile tool of despotic power.

Hero worship has been the cause of more people losing their liberties than any other one error into which man has fallen. Eternal vigilance is the price of liberty to-day just as much as it was when Patrick Henry fired the hearts of the colonists more than one and a quarter centuries ago with the dramatic statement, "Give me liberty or give me death." I believe in the composite wisdom of the masses. It is my judgment that all the people have more sense, and I would rather trust their conclusions and feelings in the matter of legislating for their benefit than to trust the judgment or the logical processes of any one man or coterie of men. The most just and rational laws written upon the statute books are public opinion crystallized. Public opinion is the salubrious salt breeze that neutralizes the poisonous effluvia which rises from the miasmatic swamps of political corruption. As the persistent blowing of the winds from the southwest create that mysterious current in the sea known as the Gulf Stream which carries into the very heart of the Arctic the genial cordial climate of the Tropics, so public sentiment arising from the attrition of ideas, the friction of suggestion, the exchange of experiences in everyday affairs of men and women create an influence that moves irresistibly to the Capitol of the Nation, and there, if the statesmen are wise, will find crystallization in public statutes, statutes which will partake of the moral qualities and intellectual acquirements of the people and will therefore be responsive to their private and public necessities. The future of this Republic depends upon the honesty, the fearlessness, the patriotism, and the intelligence of the individual men and women who compose the citizenship of the Nation. It is an influence that the statesmen can not with prudence ignore. It is dangerous to overlook it.

Mr. President, the pending bill has for its purpose the rendering of a great service to the world at this particular time. I commend most heartily the prudence and wisdom of the erudite Chief Executive in taking over the railroads of the United States for the purpose of expediting and facilitating the movement of troops and munitions of war and at the same time carrying on the commerce of the Nation. I believe the end so necessary to be reached will be attained by this extraordinary step.

It is my deliberate judgment that the most important and difficult problem which we have to solve in winning this war is the matter of land and ocean transportation. In carrying out this great undertaking I shall esteem it a privilege as well as a patriotic duty to give the President my most cordial support in the performance of the great function which he has assumed. In addition to the advantage which the American people will derive from the President's action in this behalf, I hope and believe it will lead finally to Government ownership and Government operation of the railroads of the entire country. It will afford a practical test of the theory I have long approved. To my mind, Government ownership of these essential public utilities will come when the American people realize that governments are made for men rather than men for governments. It will come as surely as right shall triumph over wrong and truth prevail against error.

The cruel cupidity of the conscienceless few who have controlled the press, the molders of public thought, are responsible for its failure of consummation years ago.

These views I have entertained for many years, and therefore I shall watch with great interest the process and the fruition of a cherished hope. But however much I desire to see the Government become the possessor of all the railroads, I am opposed to any legislation of that character being enacted at this time. Indeed, Mr. President, I shall oppose any legislation of a permanent character at this time, because I do not think the public mind is really sane. The whole world is daft, crazed with a blood lust, and the greed for gain has poisoned the hearts of our people. Let us enact legislation necessary to meet the present emergencies, and after the war is over we may then with safety undertake the difficult task of building for the future.

A fevered brain is a veritable Pandora's box of perplexities, and I would not open that box now. My investigations into the shipbuilding industries of the United States, the Hog Island infamy, for instance, together with the question of the shortage of coal and scarcity of sugar, have led me into the various fields of industry and governmental war enterprises, and it is a lamentable fact, which I state with regret and shame for my fellow countrymen, I find the slimy trail of the serpent of greed somewhere in all the preparations for war.

There seems to have grown up on the part of some a passion for plunder and an insatiable greed for graft. We find that men of prominence in high finance—men who were loudest in their demands for "preparedness" a few years ago, who paid for the bunting that decorated the houses, paid for the flags that were flaunted in the air by the hired claquers, paid for the bands that led the "preparedness" parade; these men who were loudest in their denunciation of the Members of Congress who dared to insist that a fair share of the war profits be devoted to paying the expenses of the war—the same hypocritical, lying plutocratic patriots for perquisites wrap themselves in the American flag and with the words of patriotism upon their mendacious lips would rob the Government in contracts or otherwise and thereby impose burdens upon posterity that will bring squalor to the home of the laborer and shadow the future of the children of the toilers yet unborn with blighting poverty, frustrated ambitions, and commit them to lives of dull, debasing drudgery. Down all the stretches of hell to its last gulf there is nothing more shocking to the moral sensibilities of a patriotic citizen.

Mr. President, I realize that war is expensive; expensive in blood, expensive in treasure. I understand as one who has contributed personally to the toll this brutal business demands—I know that war means sacrifice, self-abnegation, patriotic endeavor, the noblest qualities of the human soul. I understand it means all that and more; it arouses the most brutal instincts of the human race.

I believe in doing justice to the man who sows, and I insist also upon the maintenance of the rights of the man who reaps. I believe it is just as wrong to rob the railroad magnate or the railroad corporation as it is to rob the engineer or the fireman or the patient toiler who lays the track. My only desire is that justice be done, and I am quite earnestly of the opinion that it is as wrong to rob the laborer as it is to rob the capitalist.

Now, in the matter of compensating the railroads for services which they are to render under Government control, I can not apprehend, I can not follow, the mental or moral processes of the men who would urge that they be especially paid for their services to their country or for the use of their property in this great emergency. There is no divinity that hedges about railroad securities. I am unable to find anything sacred about railroad bonds or railroad stocks that would entitle them to be preferred or favored in the way of securing larger dividends than other forms of property.

I had a letter a few days ago from a young man telling me he had to give up a profitable grocery business because his country called him to arms. He had no one to whom he could trust the management of his business while he is in the Army, so he sold it at a sacrifice, and went forth to do and, if need be, to die in defense of the flag.

Another young man, a farmer in my State, with a wife and little child, who owns a small farm, was conscripted. There was a scarcity of labor in that community. He could not rent his place and he was unable to employ labor to cultivate it. So he wrote to me that the prospects were that the land would lie fallow for the next year, but the brave, patriotic fellow gave it all up and left his loving wife and child to the tender care of relatives and friends and went forth in response to his country's call. The Government has not taken any thought or granted any especial protection or exemption to men of that character and it is not expected that the Government should do more than it has done. But the railroads are to be shown special favors—they are permitted to make and enjoy the same average profits they made during the years 1915, 1916, and 1917, the fattest years in the life of the railroad business in America. While everybody else is called upon to make the supreme sacrifice, these corporations for profit are to enjoy the favors of normal times. I am told, Mr. President, that this policy must be pursued with reference to corporations—that they must have dividends upon their stock during the war or they will not play the game. If that be true, it is lamentable, for the Republic is in a desperate strait when the corporations must be hired to perform their patriotic duty to the Nation in time of war by money wrung from the taxpayers of the realm and the soldiers conscripted to defend the flag. I hope the corporations will not maintain that attitude to this Government. If they should, I shall be the last man with my vote to humor such a criminal caprice or temporize with such indefensible greed for gain, and I will not consent that Congress shall by its vote indorse such a policy.

No, Mr. President, I can not understand the reasoning of Senators which leads them to that conclusion to which the

committee bill brings us. When the able and learned Senator from Ohio [Mr. POMERENE] talks of "stabilizing values of railroad securities" by the payment of undeserved dividends, he seems to forget that the extension of favors of this character to the railroads will be a gross, palpable, and inexcusable injustice to the men who compose the Army and their families and loved ones at home who must pay the taxes from which the dividends shall be taken. I believe the railroads ought not to have the profits that they would ordinarily make under war conditions after they shall have made the sacrifices that other industries and all the people have suffered. But they are entitled to no more. The maxim, "Equal and exact justice to all and special privileges to none," is the rule that ought to guide the statesman in the performance of the functions of his place, and especially in the treatment of this question. But it is urged that if we do not provide that the President may contract with the railroads for the dividends permitted in this bill that the railroads will go into the courts and after protracted litigation get a judgment against the Government for the use of their property which, it is urged, may be more than the maximum fixed in this bill. I do not believe anything of the kind possible. I do not believe that any judge or jury with judicial knowledge of the conditions as they are would ever hold that the railroads were entitled to normal profits in abnormal times. The judgment of the court will be rendered upon facts and conditions that prevail at the time the Government incurred the liability and the reward of the railroads will be fixed by the average profits which other industries and other people received. For the railroads to ask for more would be the acme of injustice.

It is said that the saving under the Cummins resolution is small—only a couple hundred million dollars, an inconsequential amount. Mr. President, if that be true, if the amount is so small, the railroads ought not to demand it. On the other hand, the taxpayers of this country, who have borne the heavy burden of taxation until it has created "set fast" upon their tired backs, will be glad to receive any concession in the way of lightening the load, however small it may be. I am going to vote for the Cummins amendment and I hope sincerely it may be agreed to by the Senate. I believe that it comes more nearly dealing out justice to all parties concerned—to the railroads and the taxpayers alike. And, Mr. President, may I be permitted to say in conclusion that it is my deliberate judgment that if we would bring all the people of America to the support of the Government with enthusiasm, verve, and deathless determination to win this war nothing will contribute more to bring about that great desideratum than to impress the public mind—the man who toils—with the fact that we are not playing favorites; that equal and exact justice to all shall be done, alike to the rich and the poor, the weak and the strong.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, from this time forward until 6 p. m. of this evening arguments by Senators will be confined to 10 minutes each upon the bill and any amendment offered thereto. The bill is in the Committee of the Whole and open to amendment.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk.

Mr. JONES of Washington. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	Norris	Smith, Md.
Bankhead	Jones, Wash.	Nugent	Smith, S. C.
Culberson	Kellogg	Overman	Smoot
Cummins	Kendrick	Owen	Sterling
Curtis	Kenyon	Penrose	Sutherland
Dillingham	King	Phelan	Thomas
Fletcher	Knox	Pittman	Tillman
France	Lewis	Poindexter	Townsend
Frelinghuysen	Lodge	Pomerene	Trammell
Gallinger	McCumber	Ransdell	Underwood
Gronna	McKellar	Robinson	Vardaman
Hale	McLean	Saulsbury	Warren
Harding	McNary	Shafroth	Watson
Hardwick	Myers	Sheppard	Williams
Hitchcock	Nelson	Sherman	Wolcott
Johnson, Cal.	New	Shields	

Mr. SUTHERLAND. I announce the absence of my colleague [Mr. GOFF] by reason of illness.

Mr. MYERS. On account of the continued illness of my colleague [Mr. WALSH], he is unable to be present.

Mr. LEWIS. I desire to announce for the day the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Kentucky [Mr. JAMES], caused by personal illness. I ask to have this announcement apply to future roll calls.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present. The Senator from Iowa [Mr. CUMMINS] offers an amendment, which will be stated by the Secretary.

The SECRETARY. On page 2, line 17, at the end of the sentence, after the word "included," it is proposed to insert a colon and the following words:

Provided, That the standard return to any such carrier whose average rate of net income to capital stock for the years aforesaid has been more than 5 per cent shall not exceed the net railway operating income for the calendar year 1917 after deducting therefrom the amount available out of earnings for investment and surplus: *Provided further*, That the last preceding limitation shall not be employed so as to reduce the net income (above all operating expenses, taxes, interest, and all other fixed charges) of any such carrier below the amount required to meet each year the regular dividend accruals on all capital stock outstanding December 31, 1917. The surplus over and above the standard return as so computed shall be paid into the revolving fund hereafter created, and such part thereof as may be necessary shall be used in additions, betterments, and extensions to said property. All of said property constructed out of or purchased by the same shall belong to, and shall be held in trust for, the public, and no return to any railway company shall ever be paid thereon.

Mr. CUMMINS. Mr. President, if Senators will give me their attention, I will adhere strictly to the issue presented in the amendment just offered.

I have already at considerable length expressed my views with regard to the standard proposed in the bill; and I have already laid before the Senate with fullness, and I hope with accuracy, what the standard proposed in the bill will do for the railroads which are affected by the amendment I have offered. I do not intend to repeat the argument I made with regard to the effect of the bill as it is upon these roads.

The amendment which I have offered affects 86 of the more than 1,000 railroads in the United States. It does not affect any others. As to all the remaining roads and systems the compensation remains precisely as it is proposed in the bill.

For instance, this amendment does not affect any roads in New England except two small ones. It does not affect the New York, New Haven & Hartford, or the Boston & Maine, or others of a similar character that I might mention. It affects two small railroads in New England. It does not include such roads as the Erie, the Southern, the Rock Island, the Chicago & Alton, the Great Western, the Missouri Pacific, the Missouri, Kansas & Texas, the St. Louis & San Francisco, the Denver & Rio Grande, or the Western Pacific; and I might mention a great many others, but it is unnecessary. I want the Senate to understand that I have segregated, for the application of my amendment, 86 roads which are named in the table which was appended to my remarks the other day.

Mr. HALE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Maine.

Mr. HALE. Will the Senator give the names of the two roads in New England that are affected?

Mr. CUMMINS. My recollection is that the Maine Central and the Central of New England are the two roads that would be slightly affected by the amendment I have offered.

My statement with respect to the guaranteed income of these 86 roads has not been controverted, nor can it be controverted, because I simply laid before the Senate the results of an investigation of the Interstate Commerce Commission—an investigation made entirely, I assume, from a disinterested standpoint.

The roads in the eastern district affected by the amendment, which under the standard of the bill will have a net income of from 6 to 600 per cent, have an average net income upon capital stock of 11.48 per cent. The roads in the southern district within my amendment having a net income of from 5½ to 50 per cent average 12.37 per cent. The roads in the western district coming within the amendment with net incomes as compared with their capital stock of from 6 to 160 per cent average 9.96 per cent. The purpose of my amendment is to reduce this net income, and as compared with the standard return proposed in the bill, the aggregate reduction in the eastern district will be $65,205,667, the reduction in the southern district will be $35,659,207, and the reduction in the western district will be $72,209,538—a total of $173,000,000 for the 86 systems which I have named—and it will be understood, of course, that this is a reduction of the annual compensation of that amount.

Now, with regard to the amendment. I have taken as the basis of the amendment the best year which these roads have ever had in all the history of transportation. I have taken as a further maximum the earnings for the year 1917. The amendment provides that from the net operating income which the bill proposes to guarantee to these roads there shall be deducted in each case the amount of earnings available for investment and surplus. That is, after the road has paid all its expenses of every kind, has paid its interest, has paid its taxes, has paid its dividends, that then the amount which is available for investment—that is, capital investment—and the amount which is available for surplus shall be deducted from the standard return or from the operating income in order to reach the guranteed amount which the Government proposes for these companies. But in order to make the conclusion beyond attack

the amendment proceeds to say that in no event shall the guaranteed return be less than sufficient to pay the customary dividends of the roads named in the amendment.

I shall not pretend to read the customary dividends, for my time will soon expire. It is sufficient to say that the New York Central has customarily paid 5 per cent, the Pennsylvania 6 per cent. I think the Baltimore & Ohio 6 per cent, the Chicago & North Western 7 and 8 per cent—one upon preferred stock and one upon common—the Northern Pacific, I think, 7 per cent, the Great Northern 7 per cent, the Union Pacific, I think, 8 per cent, last year 10 per cent, and the Southern Pacific a like amount. I am simply instancing these things, Mr. President, to show that my amendment does not reduce the guaranteed return or income below the amount that these companies will require to pay every expense that can possibly be charged to them, and then pay the dividends which they have paid in times that are past; and any suggestion that under such a guaranty the stocks and bonds of these companies will not be fortified and strengthened and maintained in the market is purely imaginary.

I listened with profound interest to the brilliant eulogy pronounced upon railways and railway management by the distinguished Senator from Indiana [Mr. WATSON]. Some of it is very well founded. With some of it I could not agree. But what then? I care not how high may be the pedestal upon which we lift these heroes of the past—what has that to do with the question of compensation? It has no more to do with the fair value of these properties, or the fair value of the use of these properties, than the flowers that bloom in the spring.

I listened with emotion to the pathetic reference of the distinguished Senator from Ohio [Mr. POMERENE] to the great army of widows and orphans who own the railroads of the United States. I shall not pause to inquire just how extensive an interest the widows and orphans have in the railway property of this country, or how influential they are in its management. Let us grant it all. Let us grant that they own the railways; that all the orphans and all the widows are deeply concerned and deeply affected by what we do here—what then? I am no more in favor of giving a widow or an orphan an unfair, unjust, excessive compensation than I am in favor of giving a railway corporation or a millionaire an unjust or an excessive compensation. It is all wide of the mark. There have been drawn into this debate thousands of unrelated and immaterial conditions which ought not to be remembered when we are considering this amendment.

The VICE PRESIDENT. The time of the Senator from Iowa has expired.

Mr. WILLIAMS. Mr. President, while we are talking somewhat irrelevantly about things that are in themselves comparatively insignificant, I read in the cloakroom a moment ago an editorial from the New York Times of February 20, entitled "Lloyd-George triumphs again." It is tribute to that brilliant Welshman and a tribute to the war spirit and unity of action of the allied forces. I want the Secretary to read it as a part of my remarks before I go any further.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary read as follows:

LLOYD-GEORGE TRIUMPHS AGAIN.

Our system of government organization has this advantage over the British system of ministerial responsibility, that we escape the peril of enforced changes of administration in the midst of war. We are not confronted by the grave risk of the transfer of power from one set of men to another, from one party to another, at a time when the whole power of the Nation, of all the parties and of all the people, must be exert. I, without any hindrance from political squabbles, for the overthrow of the enemy. Our President, our Senators, our Congressmen are elected at fixed dates, not subject to change because of any vote of want of confidence in Congress, while the overthrow of a British ministry may involve an appeal to the country through a general election of members of the House of Commons. In time of war, at least, our system has many advantages.

Happily, Mr. Lloyd-George has again baffled those who would like to displace him, and he has delivered the United Kingdom from the very serious embarrassment of either a general election or of a change of ministry at this moment. By his explanation in the House of Commons yesterday of the resolve recently taken at Versailles he retains the confidence of the House and of the country. We hope that confidence in him has been confirmed, really strengthened. It is distasteful to many old-fashioned conservatives that a man of his earlier political professions should hold the chief post of power, but Lloyd-George has been a mighty instrument of war for the British Empire, and his countrymen know it. While Americans would wish to refrain from any expressions of partisanship or any undue partiality in British politics it is undoubtedly true that the overthrow of the British ministry, of which Lloyd-George is at the head, would be regarded here with no little apprehension. His extraordinary intellectual force, his power in organization and direction, as well as the capacity he has shown in declarations of policy for the prosecution of the war, have won for him our confidence. We are glad that he retains the confidence of the British people, which is very much more important.

The prime minister's explanation of the decisions taken at Versailles is very simple; it is very much what was expected; the facts were, indeed, already pretty well known. In establishing a central authority "to coordinate the strategy of the allies," the war council merely accomplished the general desire, including America, as Mr. Lloyd-George pointed out. It is gratifying to know that this general principle had the unanimous assent of the members of the council. Differences arose, as was natural, over details. The agreement that there should be "an interallied authority with executive powers" was easily reached. It was less easy to secure unanimity about the constitution of the central authority. A question somewhat apart from this arose through displeasure over the proposed transfer of Gen. Sir William Robertson, chief of the imperial general staff, to a place in the supreme war council, which he declined to accept. There was some mystery about it which seems to be cleared up by the now general understanding that Gen. Robertson was not satisfied with modification of the plan in force under which he issued orders without first submitting them to the army council or to the secretary of war. His feeling of dissatisfaction has been appeased, however, and he accepts the new post to which he has been assigned.

Political rivalries and ambitions have played a large part in the recent attacks upon the Lloyd-George ministry. We suppose expressions of regret in this country and in Paris that the passions and issues of party politics should be allowed to impair in any degree that units of resolve and of effort which is essential to the success of the allies may have been heard in London. The newspaper campaign against the prime minister appears to have been actuated by a very different motive from that which has prompted recent criticisms here of the administration at Washington.

The result was an illuminating example of the successful working of our Government system. No high officer was displaced, but the men in high places responded by an instant compliance with the popular demand. There were reorganizations, efforts at coordination, new and strong men were called in as aids and the administration itself asked Congress to enact a measure which would increase its authority and make possible a more effective exercise of its powers. The war machine was strengthened, and criticism ceased because it had accomplished the end sought.

There was far less admixture of partisanship here than in the movement against Lloyd-George, and the motive of pacifism, of opposition to a determined prosecution of the war was altogether absent, which was not quite the case in England. The result, however, is satisfactory there, as it is here. Mr. Lloyd-George is sustained, our administration is better organized for its work, and both Governments can devote their energies to the business of chastising the enemy of civilization with full confidence that they have the united support of the peoples behind them.

Mr. WILLIAMS. Mr. President, there are two real great forces in the international arena right now. One of them is Lloyd-George, representing Great Britain and world democracy; the other is Woodrow Wilson, representing America and world democracy. This tribute to Lloyd-George which has just been read was his triumph over the discontented members of the Parliament of Great Britain, who were objecting to his favoring a central military staff for harmony of purpose and unity of action with all the allies. Lloyd-George and Woodrow Wilson both agreed, as they ought to have agreed, that we ought to fight the Central Empires—Mittel-Europa, as the Germans call it—not with five distinct forces but with one force. Harmony of purpose, unity of action, concentration of effort. This is the result in Great Britain. I have had it read because I want it to have its effect upon the Members of the legislative body of this Federal Union.

If with the power to remove Lloyd-George he won his way out upon this policy, then the President of the United States ought to be supported by this national legislative body, in spite of the fact that he has no way of coming to them and laying down the gauntlet and saying: "Attack me if you dare; go to the public in a general election if you dare. Stop your little bit of wasp stinging and muckraking, wherever you are delivering them. I challenge you to the combat now."

The President of the United States has no such power. He has no such privilege and it is a privilege. Lloyd-George had it. He threw the gauntlet down to the Parliament, or to the men who had been muckraking and the men who had been politics playing and wasp stinging, and said: "Here I am. If I and my administration do not suit you, get another; but while I am here I propose to do my duty as I understand it, not as you understand it."

I wish to God that the President of the United States had the privilege of coming before the Congress of the United States and saying just what Lloyd-George did to the Parliament of Great Britain. I do not care about these little discussions as to what amount of income some corporation is to get here or there or on the other side; neither does anybody else care a cent about it, contrasted with this great question of winning the war. The great question before us is to win this war.

If there be Germans with the brains of Robert E. Lee or of the Duke of Marlborough, they will give us a heap of trouble, because there is a chance of breaking through the Italian front and attacking France in the rear, and having the balance of us retreat from the continent of Europe. While that is going on over there you are tweedledumming and tweedledeeing here about the verbiage of a bill. Thank God Lloyd-George did not have to tweedledum nor tweeldedee, and I wish to God that the President of the United States did not have to do it through his Cabinet, through his spokesmen on this floor, whoever they are—I do not know; I am not one of them. I wish to God that he had the privilege of coming directly as the prime minister of Great

tor from Iowa [Mr. CUMMINS] offers an amendment, which will be stated by the Secretary.

companies. But in order to make the conclusion beyond attack

Britain and the real chief executive—because the King merely reigns; he does not rule—has the privilege there. I wish to God that he had this power of coming to us, and I want to say it seems to me that the American people are expecting you and me to get through with these appropriations, to get through with these necessary war measures, and then to go home and stay there as long as we can. Here are a whole lot of investigations started.

The VICE PRESIDENT rapped with his gavel.

Mr. WILLIAMS. Let me finish this sentence.

The VICE PRESIDENT. The time of the Senator from Mississippi has expired.

Mr. WILLIAMS. What effect has been achieved by them except to disturb a few American mothers and wives and put the seed of pessimism in their bosoms and to encourage our enemies—no other effect.

Mr THOMAS. Mr. President, this bill is a measure of vast and immense importance and requires the exercise of our best thought before we shall crystallize it into a statute. I shall not attempt to discuss it in the short space of time to which I am limited by the unanimous-consent rule. That has been done so much better than I can that were I to attempt it I could but supplement what has been so much better stated.

But, Mr. President, I want to express myself briefly regarding one or two of the principal features of the bill. I have long ago reached the conclusion that Government control or possibly Government ownership may be the only alternative to the solution of our various transportation problems, but I do not think that an emergency war measure should be made the vehicle for such legislation or for any legislation not absolutely essential to the present emergency.

The President took possession of the railway systems of the country under the act of August 29, 1916. That act limits his possession to the duration of the war, when, unless we otherwise provide, the control of these systems will automatically be restored to their owners.

Now that is the tenure of possession which he has and the only tenure which he can defend. Legislation now being enacted should, in my judgment, confine itself to that emergency and should not embrace subjects brought in and attached to the measure, thus making it a vehicle for legislation designed to be permanent in its character, and which the deliberate judgment of the people may not approve. A bill of this character should contain nothing regarding the time to which governmental possession should extend after the end of the war.

Therefore that section of the bill designed to extend Government control to 18 months after the end of the war should not, in my judgment, be adopted, for it is out of harmony with the general purpose of the bill.

Mr. President, another feature of this bill to which I will briefly refer relates to rates of transportation. It is foreign to the purpose of the bill and should not be in it. What right have we—what exigency exists to justify giving to the President or any other individual or official the power to initiate rates? It will be observed that that power is not limited to the duration of the war, but if there is to be a general extension of this possession, of course that power should govern until repealed by subsequent legislation.

But even if it were an emergency need, I should hesitate before voting to place such a power in other than the hands where it has rested for years and where the power has been properly exercised.

The pretense made during the last year or two that higher rates were necessary to save our roads from bankruptcy is wholly untrue. That is demonstrated to be the fact by the returns which we are to use as the average of the compensation to be granted to the railroads under Government control, which disclose that in 1916 and 1917, when the clamors of the roads for higher rates were greater and louder than ever and the pressure upon the Interstate Commerce Commission was more severe, they earned more money than they ever made annually in all the history of transportation.

Why under such circumstances is it necessary either to require the Interstate Commerce Commission or any other body or any other official to change rates? Why endow them with the power of initiating other rates which will be enhanced if a change is made?

Mr. President, one more word and I must yield the floor. I am sorry the Senators were not in their seats day before yesterday to listen to the discussion of this bill and the proposed substitute by the junior Senator from Michigan [Mr. TOWNSEND]. I am sure you would have been convinced had you been here, as I was, that the substitute he has offered is absolutely essential to clarify and make intelligent the bill reported by the committee. That is making no reflection upon the committee. It has unquestionably done the best it could in the time at its disposal; but the Senator from Michigan has told us the bill was not prepared by any member of the committee, it was prepared upon the outside and sent to it, and the committee has doubtless been too busy listening to testimony and holding its sessions to closely consider the phraseology of the bill. There are serious defects of expression regarding many of its vital features.

The Senator from Michigan offers no new suggestions. He introduces nothing of a novel character in the bill or differing materially from that which has been reported. He points out its verbal imperfections and its very serious defects, and asks that the bill shall be so changed in its phraseology as to recite what we want to express, and thus avoid appeals to the courts.

If his substitute is rejected I shall later on offer a number of specific amendments to the bill as reported out of committee.

Mr. KELLOGG. Mr. President, I should like the attention of the Senate for a moment while I explain, in a few words, what I believe this amendment would accomplish.

You will remember that under section 5 of the bill the railroads are permitted to pay their regular dividends that they paid for the last three years. The effect of this amendment is, in substance, to take all the income above the dividends and turn it over to the Government and make it Government money and make it a part of the revolving funds, and if loaned to the railroads they must pay back with interest.

Now, the effect would be this: The railroads would pay the same dividends. That would be their standard return. They could not receive one dollar above the dividends they have paid for the last three years. No railroad in the world can live any number of years if it has no income to invest in betterments and improvements above its dividends. It is perfectly clear that there are hundreds of millions of improvements made upon the railroads, and sometimes they amount to hundreds of millions in one year. They are of a class which do not pay a return to the railroad company, like new stations and elevated tracks and many other improvements which the public demands and is entitled to, but which do not return any revenue to the character.

I do not believe that the company should be held down to the exact amount of dividends which they have paid during the last three years. Let me illustrate it by some of the cases mentioned by the senior Senator from Iowa [Mr. CUMMINS]. Take the New York Central. It has paid for many years 5 per cent upon its stock. It has earned sometimes 1 and sometimes 3 or 4 and sometimes 5 per cent more than that, and that money has been invested in improvements and betterments, the same as it has on other roads in this country. The President would take every dollar above the 5 per cent from the New York Central Road, and he could loan it to a broken-down railroad, like the Western Pacific or the Missouri Pacific, or some other company. I do not believe that that is fair.

Now, take the Burlington, about which so much has been said. It is said in the tables presented by the senior Senator from Iowa that this return would give about 22 per cent. I believe, however, that is based on the two best years, and two years only, but it did not pay 20 or 22 per cent. As a matter of fact, the Burlington has paid 8 per cent on its capitalization of $110,000,000, and the balance of its income has been invested in improvements and betterments. The total capitalization of the Burlington Road's stock and bonds is less than $50,000 a mile. Nobody would claim that the Burlington Road is not worth more than that.

Mr. REED. Mr President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. KELLOGG. I yield for a question.

Mr. REED. Just for a question. Does the Senator wish us to understand that the Cummins amendment proposes to take the earnings of one railroad and turn them over to another railroad?

Mr. KELLOGG. The President could do that, because they are now a part of the revolving fund, and he may advance that money to any road he sees fit. He may take the earnings of one road and loan them to another.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. KELLOGG. I can not yield. My time is very short.

The amendment of the Senator from Iowa does not equalize the compensation of the railroads any more than the bill does. The amendment of the Senator from Iowa gives each road the dividends that it has paid. The same equality of rates to the stockholders is preserved in his amendment as that he complains of in the bill, but it does confine the railroad's earning the

standard returns to the dividends it has paid during the last five years.

It is said that these earnings are unequal. I am not going into the details of that question. They are no more unequal than the dividends which have been paid. For instance, under this amendment, if a railroad had paid 2 per cent or 3 per cent, but had earned 5½ per cent, its standard return is only 2 or 3 per cent, and the balance over and above 2 or 3 per cent which it expended would be taken from that railroad, and if it is loaned back to it, it must pay it back to the Government and pay interest upon it, and it can not use its own money for purposes of capitalization. I do not claim that incomes should be capitalized above a reasonable return upon the capital, but in a case like that it would be great injustice to a road only paying 2 per cent.

It was impossible for the committee to equalize the payment to stockholders on all the roads of the United States. We have not the power to do it if we had had the time to inquire into each railway property. We could not say just what should be paid to a railroad company for the use of its property. As has been said here, that is a judicial question. All we did do was this: To say that the President might negotiate an agreement. But rather than let the President go to a higher figure than the average of the last three years' net earnings of the railroads we would compel a railroad to go into the court.

Between the highest point between these average earnings and other lower point we authorize the President to negotiate.

As I said before, the tables submitted by the senior Senator from Iowa, which are contained on pages 2199, 2200, and 2201 of the RECORD, are not tables of the dividends the railroads have paid during the last three years and which under this bill they would be authorized to pay to their stockholders. They can not pay any greater dividends than they paid in the last three years. Those tables represent the entire net earnings of the railroad companies above the interest upon their bonded debt if paid out to the stockholders in dividends.

But as I said before, it is impossible for the railroad companies of this country or any other country to pay out of their net income any dividends. It would bankrupt any railroad in 10 years.

Mr. REED. Mr. President, I understood the Senator from Minnesota [Mr. KELLOGG], in substance, to state that the proposition contained in the Cummins amendment is to take the earnings from successful roads and turn a part of those earnings over to unsuccessful roads. I do not get that meaning out of the amendment; but I want to ask the Senator from Iowa what is his construction of the amendment in respect to which I have just referred?

Mr. CUMMINS. Mr. President, in no sense does the amendment do what the Senator from Missouri understood the Senator from Minnesota to say. I really did not understand the Senator from Minnesota quite to affirm that proposition. We are guaranteeing to the roads a certain income, and all that the property earns above that income is not railroad money; it is Government money. The only difference between my amendment and the bill in that respect is that I prescribe a different income—a lesser income—with regard to certain roads; and the surplus above that no more belongs to the railroads than the furniture in this Chamber belongs to the railroads. It belongs to the Government of the United States, and the Government can do whatsoever it pleases with it.

Mr. REED. Does not the surplus which would come from the roads that are covered by the Senator's amendment take exactly the same course as the surplus from other roads?

Mr. CUMMINS. Precisely.

Mr. REED. Then the only thing the Senator's amendment does is to put a limit upon the profits of certain roads that will receive very high compensation?

Mr. CUMMINS. Precisely.

Mr. REED. I thought that was the situation.

Mr. SMITH of South Carolina. Mr. President, I think, in justice to the committee, it ought to be brought to the attention of the Senate that, from the use of expressions on the floor, the public and perhaps some Members of the Senate are getting the idea that the Government is going to pay the railroads a certain amount. The truth is that the Government is not proposing under this bill to pay anything at all. What it proposes to do is this: In the emergency certain railroad corporations and organizations, comprising in their entirety the railroad systems of this country, are essential, under the new order of things, for the proper prosecution of the war. That new order, in the wisdom of the President, was for him to take control of their operation. That contemplates that the same ownership shall still exist; that the same employees and operatives shall still be employed. We say to the railroads: "We shall assume Government control and allow you to make the same amounts that you have been making on the average for three years; and if, under Government control, we make more than you have been making, we will put it into the Treasury; but if, under our management or mismanagement, there is a loss, we will assume it." But not one dollar is pledged out of the Treasury, save to make good the loss that might accrue under Government management.

There have grown up surpluses in some of the roads, but they grew up, not by any power on the part of those roads to profiteer, because we have had them in the rigid grip of the Interstate Commerce Commission, which, under the act of 1910, was given the power to say how much any and every road in this country in the maximum should earn.

I have taken some time to look into the question of rate structure, the long and short haul, joint rates, the equalizing of the opportunity for the commercial and business world, so that one road would not have too great an advantage over another. It is a delicate and difficult problem to work out. I believe that the Interstate Commerce Commission, with the best information and light it has had, has, as well as it could under the law, worked out equality, as far as possible, between the public and those who own this property. Be that as it may, they worked it out under the sanction and by the power of the law which we enacted. In the emergency we took over these roads and said to them, "We want you still to operate the roads; we want you to do away with personal interest, with selfish interest, and to turn them into the hands of the great impartial Government of the United States, so that they may advantageously divert freight and so they may divert traffic."

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. SMITH of South Carolina. I yield to the Senator.

Mr. GALLINGER. I have listened to this debate with great interest; and I have noticed that objection has been made by one Senator at least, and perhaps by more, that in determining the compensation of the roads the committee has taken two fat years—the years of the war—as the basis upon which to fix the compensation. I want to ask the Senator from South Carolina if it is not reasonable to suppose that, if the Government had not taken over these roads during the continuance of the war, the roads would, in all human probability, have earned as much as they did during the two years which have passed since the war commenced?

Mr. SMITH of South Carolina. Why, as a matter of course, Mr. President, if the same conditions were to exist in 1918, in 1920, or in 1921 which existed in 1916 and 1917 the roads would be the beneficiaries of them.

But the point that I want to stress is the iteration and reiteration of the statement that we are going to pay the railroads exorbitant amounts of the people's money. You were doing this before the war; the railroads were not allowed to earn a dollar more during the war than they were earning before the war. The only excess profits they got were for excess services rendered by virtue of the war.

I hold no brief for the railroads. I am simply standing here trying, as an honest American citizen, to do justice under an emergency, and not to attempt to obtain goods under false pretenses. We have taken the roads over as we found them and as they were controlled by the laws that you and I enacted. The railroads were not earning a dollar more than the Interstate Commerce Commission allowed them to earn under congressional action. The only thing that we guarantee is that if under Government control there is a loss we will make it good. If there is a profit we will put it into the Treasury and say to them, "Go on and earn the average that you have earned for three years under Government control and under Government restrictive action."

I do not know whether or not the roads were making too much money or too little, and there is no man on this floor who knows. We have passed here a bill for the physical valuation of the roads. The committee called Judge Prouty in, and he said, "We expended $11,000,000 and have not secured information that is worth 1 cent to the committee." That is the situation. Men may assume knowledge here. As some one has said, "There is a great amount of conjecture that can be gotten out of mighty few facts." We do not know the value of the roads; we have had no way of finding out their value. The Interstate Commerce Commission has been allowing them a certain rate, which has been fixed after certain observations. The amount does not depend upon the capital stock or the real investment, but it depends upon what the commission believes to be a just, fair,

and equitable rate, taking all the circumstances of commerce under consideration.

I will join the Senator from Iowa and will join the Senate, if I am fortunate enough to be alive and to be a Member of it when this emergency shall have passed, in taking up this problem and solving it once and for all; but I do submit that in the midst of this emergency, these corporations having earned what they did earn under the rules and laws passed by this body, it is not fair and it is not right to seize that property, and then, once it is in our hands, begin to say to them, either because of public opinion or because of any other coercive force, "We are going to dictate now what you shall have."

I thought that it was just to the committee to give what was the opinion of the committee after this question was debated and thrashed out there. I am not here pleading that the railroads should get what they are now getting, because I do not know that they should. It is a question of suspended judgment. I do not know what is just, because I do not know what it cost to build, maintain, and operate the roads, and nobody else does.

Any two corporations in a given territory can start out under identically the same conditions to build a railroad. One by shrewd executive ability and shrewd financing will build one road at a less cost than the other, but the roads will render the same service to the public, yet the cost of one differs from the cost of the other as the financial ability with which one is managed differs from the other. It is a complex problem; it is one that involves so many diverse elements that a majority of your committee, in all honesty, thought that with this emergency we should allow the railroads to earn the average of three years under the same conditions—the war conditions—under which we took them. Therefore I do not want it imputed to me that I am standing here to gouge out of the American people an unholy stipend.

Mr. SHERMAN. Mr. President, some of the discussion of this amendment seems to proceed on the idea that the money invested in the railways of this country is all public property; that it belongs to the Government. Essentially all of it, on the contrary, is a private investment impressed only with a public interest and subject to governmental control. Every share of railway stock in this country is as much private property, except as subject to regulation by law, as is industrial stock or real estate. It is subject, with certain other kinds of property, to governmental regulation; it has been impressed with that public interest from time immemorial under the English rule, from the days of the stage coaches that ran out of London, which were the original common carriers. All of them have been impressed with that interest and have been subject to governmental control. Railways are in that condition now. There is very little distinction in the discussion between control and regulation and there is less for future legislative purposes.

The majority of the committee faced the problem of what should be the basis of charging the Government for the temporary use during the war of this private property so subject to governmental control. If they had adopted the capital stock as the basis of compensation, they would necessarily have adopted the method of capitalizing nearly 1,300 individual railways in the United States with the good and the evil and with the sins and the virtues of that capitalization. They would have penalized every conservatively managed road and capitalizing process in the country, and would have put a premium upon every watering process that has been the subject of proper criticism here and elsewhere. So they finally took another basis, making it the operating income of the roads.

Being private property, I do not consider that anything above the standard return provided in section 1 belongs to the Government. The Government must pay for the use of the property, as a majority of the committee has wisely decided, on a given basis other than that of the earnings on the mere capital stock. Having done that, any surplus is the earnings for the stipulated time on private property, not on public property.

I am entirely oblivious to the claims made by many eminent public authorities and professors of economics who are engaged in a Bolshevikl campaign in this country, and have been for many years, without any general obvious understanding on the part of the public. Notwithstanding these distinguished gentlemen, this is all private property, and what it earns over and above the compensation paid by the Government belongs to the private-property interest.

I want to turn to a concern whose home office is in Chicago, which is known as the Illinois Central Railroad. This amendment would penalize the very conservative management of that road. It has never been a speculative road from the time in 1850 when Senator Douglas introduced a bill in the Senate, which finally passed, that made the land grant that was the basis of the road in the pioneer days. It has been a 7 or 8 per cent stock and has been considered as safe as any bank stock in the United States. That company has never passed a dividend since 1858 or 1859 from the time it began to operate its road. It has a conservative issue of stock and has never overestimated at all its property value. For instance, under the general-balance head of "Property owned and securities held in the treasury"—that is, of property and securities of subsidiary lines, which that road has bought and controls and operates and holds in its treasury—it is shown that these two items alone constitute a total of more than $276,000,000. It is further shown that it has a total property valuation of $304,000,000, with a stock issue on that property valuation of $109,000,000 and a bonded indebtedness of $154,000,000.

As to that road the amendment of the Senator from Iowa [Mr. CUMMINS] would, as the Senator from Minnesota [Mr. KELLOGG] suggests, work a gross injustice; it would establish a false standard. Their machinery becomes obsolete; they do not wear it out, but some one invents something else, and in the machine shops at the terminals machine after machine that cost thousands of dollars is discarded overnight because some invention has been perfected whose labor-saving features make it wise to discard and throw away the old machine and buy another that may cost twice as much as the old one. In the operating departments of all the great railways of the country instance after instance of that kind can be found. To cover this obsolete property, depreciation, and repairs to track facilities, structures, and appurtenances it is necessary that a surplus be continually set aside to meet emergencies. All that would be ignored by this amendment, and I think it would work a very grave injustice to the interests concerned.

Mr. ROBINSON. Mr. President, I think the Senator from Minnesota [Mr. KELLOGG] was correct in his construction of the amendment of the Senator from Iowa [Mr. CUMMINS], at least the conclusion which he drew was not unwarranted. The amendment provides on page 2:

> The surplus over and above the standard return as so computed shall be paid into the revolving fund hereafter created, and such part thereof as may be necessary shall be used in additions, betterments, and extensions to said property.

It will be remembered that under section 6 of the bill a revolving fund is to be created, to be used for the benefit of all the roads. If the effect of the amendment of the Senator from Iowa is to reduce the compensation of particular roads, it will also have the effect of increasing the amount that shall go to the benefit of the Government and into the revolving fund, and, notwithstanding the provision in the amendment that any sum that may be necessary shall be used for betterments and extensions on the particular roads earning the money, a portion of their earnings may be used on other roads, and such portion will be correspondingly increased as the amount of compensation awarded to particular roads is reduced.

Mr. CUMMINS. Mr. President——

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. CUMMINS. Suppose under the bill as it is the Pennsylvania Railroad were to earn a million dollars more than the standard return, what would become of that million dollars?

Mr. ROBINSON. It would undoubtedly go to the benefit of the Government.

Mr. CUMMINS. And could be used on other property?

Mr. ROBINSON. Yes; but now, to carry the illustration further——

Mr. SMITH of Georgia. Mr. President, if the Senator from Arkansas will allow me, if it is used on other property, that property would be charged with it, and it would be a debtor to the Government to that extent.

Mr. ROBINSON. Certainly. But now, to carry the illustration of the Senator from Iowa just a little further, suppose, for the sake of illustration, that we limited the amount of compensation to be awarded to these roads to 1 per cent, there would be an enormous fund which they had earned in the nature of a surplus which would be paid into the revolving fund, and it would not be necessary to use that fund or any considerable portion of it on the particular road earning it. Therefore, the remainder of it would be used for the benefit of other more improvident roads. So I maintain that the Senator from Missouri was correct in his implication in the question he asked the Senator from Iowa a few moments ago.

Mr. TRAMMELL. Mr. President, in studying the features of the bill pertaining to the question of compensation I observe that the committee has not declined to attempt to adjust inequities on account of poor and inadequate income received by a railroad. The bill seems to take into consideration the fact that a railroad may be losing money, and if it has been losing money that then the Government should guarantee to it a reasonable compensation. I take the position, Mr. President, that if it is within the province of Congress to deal with the equities in the case of a railroad that is operating at a loss, then it is

equally within the bounds of propriety for Congress to deal with the question of excess. I do not believe if any number of railroads have been making excess profits that when it comes to a question of Congress dealing with that subject then Congress should perpetuate those excesses.

If I understand the function of the Government in dealing with the railroad problem it is to do justice both to the railroads and to the patrons of the roads who furnish the sinews of war for their operation. If a number of the railroads of this country have been making excess profits during the past three years, then, performing the proper functions of government, I conceive it to be the duty of the Interstate Commerce Commission to reduce the rates to a point where they would only make reasonable compensation, instead of for Congress to give sanction to the excess profits that have been made heretofore. Therefore I hope the amendment offered by the Senator from Iowa will be adopted.

It is inevitable that if we put the railroads of this country that have been losing money upon a reasonable paying basis, and if we guarantee to the railroads that have been making excess profits a continuance of their excess profits, then there is going to be a deficit in the revenue, occasioned by the necessity of building up the railroad that is not making a profit, which will necessarily have to be raised by taxing the American people for that purpose, or else by raising rates. That is the proposition that confronts us. The people of this country will have to pay additional taxes in order that a certain class of our railroads shall continue to enjoy excess profits and in order that another class of railroads shall be put upon a paying basis, or else railroad rates will have to be increased.

I think, Mr. President, when we are dealing with the properties and the rights of the railroads and of the stockholders of the railroads—and I would not do them an injustice—we should also consider whether or not by our action we will impose an injustice upon the American people in enacting the proposed legislation. I submit, Mr. President, that for the Government to endeavor to place the entire railroad systems of our country on a paying basis and to permit certain systems to continue to receive excess incomes and to require that burden to be met by the American people either in the way of increased traffic rates or else by taxes which shall be levied upon them is favoritism to the railroad operators of this country and a discrimination against the American people who will have to bear the burden imposed on account of such action. So I hope the amendment offered by the Senator from Iowa will be adopted.

Mr. UNDERWOOD. Mr. President, the real import and purpose of the first section of this bill have been set forth a number of times already; but I think there is still some misapprehension as to the real status of the first section of the bill before the Senate, and therefore I am bold enough to restate it.

The question that confronts us is not the taking over of the railroads; they are already in the hands of the Government. The question before us is not the fixing of a just compensation for the property taken, because the courts have repeatedly held that that is a judicial function, and not a legislative function. We have no direct power to determine what is just compensation under the Constitution of the United States for the taking of these railroads by the Government. No matter what we might attempt to do in the way of legislation, it would fall into the wastebasket when it reached the Supreme Court of the United States, if we were to attempt to determine what is the fair compensation that should be paid for the use of the railroads during the life of this bill. Therefore the committee has attempted to do neither. It has not proposed legislation to take over the railroads; it has merely recognized, by the bill reported, an existing status. It has not in this bill attempted to determine what would be fair compensation to pay the railroads for the taking of their property, because there was not a question raised in the committee by any member of the committee, or by any man who appeared as a witness before the committee, that Congress had the power to determine what just compensation was. I think I can call on the distinguished Senator from Iowa, the proponent of this amendment, to justify my statement in that respect.

Mr. CUMMINS. Mr. President, unquestionably that is true. The section is confined to the matter of providing for agreements between the railroads and the Government.

Mr. UNDERWOOD. Now, the issue before us at this time is in relation to the attempt on the part of Congress, responding to a request by the President of the United States, to provide the machinery by which the President can make agreements with the railroads as to what is just compensation, without forcing them to go to the courts to have the courts determine what the amount shall be. That is all that is involved in the first section—merely a question as to whether we will authorize the President to enter into agreements with the railroads before they go into court or whether we shall force them to go into court to get the just compensation for which the bill provides.

I do not combat a great deal of what the Senator from Iowa has said in reference to these matters, but I am not sure that either the Senator from Iowa or myself or any other Member of this body, if to-day we were sitting on a tribunal to determine what was just compensation to these railroads for their taking, would be prepared to determine that matter now and find a just verdict, without further evidence and a further understanding of the situation.

But we are not confronted with that case. It is beyond our jurisdiction. The only issue involved here is the question as to whether or not we will give the President of the United States the power to make a temporary settlement with these railroads for their taking; to agree with them on a rental value for the period of this war and a few months thereafter.

As I said yesterday, if this were a permanent taking, a permanent agreement, I would not be willing to refer the matter to the executive branch of the Government. Under constitutional limitations it belongs to the judicial branch of the Government; and if it were a permanent taking I would insist that the finding of this verdict should go where the Constitution naturally places it, in the hands of the courts. But I recognize that as it is a temporary matter, to avoid financial complications, to avoid delays in operation, the more speedily we determine this question of compensation the better it is; and as a temporary matter it can not produce a serious and a permanent charge on the people of the United States. Therefore I am willing to grant to the President the right to make this agreement.

If you are willing to do so, then why unduly limit the power of the President to make the agreement? That is all there is in the amendment of the Senator from Iowa. It is a limitation on presidential power in making this agreement. It does not fix the compensation; it does not determine it. It merely says, "You shall not go above a certain amount."

If the limitation that the Senator from Iowa desires to place in this bill requires the President to withhold his hand in making this agreement below a standard that is just compensation, we will throw these 86 railroad systems into the courts, because it is not natural to expect that the trustees of a great property are going to consent to accept a compensation that is unjust to the cestui que trust. They owe a duty to their stockholders. They must live up to that duty. If you put a limitation here that prevents the President from offering them just compensation, you drive these 86 roads into the courts, you delay this procedure, and possibly you may affect the finances of the whole Nation.

Mr. HITCHCOCK. Mr. President, I understand that under the amendment offered by the Senator from Iowa the stockholders to whom the Senator from Alabama refers would receive just as much in dividends under Government control as they had received in the past.

Mr. UNDERWOOD. They would in dividends, but they would not in returns. It has been repeatedly stated in this country, and it was repeatedly stated before the committee, that a well-organized, solvent, safely managed railroad should put one dollar in the property where it spent one dollar in dividends; that wherever it has a dollar to declare in dividends it ought to spend one dollar in the improvement of its system; and that has been done by a great many of the very systems to which this amendment applies.

Mr. THOMAS. Mr. President, may I ask the Senator whether, under this bill, the Government is not obliged to continue the work of improvement in the place of the company?

Mr. UNDERWOOD. No; not of improvement.

Mr. THOMAS. So that it can deliver the roads back to the companies in as good condition as it received them?

Mr. UNDERWOOD. No. The bill refers to maintenance, to repairs, to upkeep, but not to improvement. For instance, the Pennsylvania Railroad in the last 10 or 15 years out of its earnings has spent a vast deal of its money in wiping out grade crossings, putting in double-track systems, heavier rails, and improving the whole system of the road. That came out of its earnings and was expended in the interest of the traffic of the people of the United States. Now, that money, if taken away from them, would not go for that purpose, nor would the Government guarantee that money would be spent for that purpose. The Government under this bill merely guarantees that the system as it exists to-day shall be kept in good repair.

The VICE PRESIDENT. The time of the Senator from Alabama has expired.

Mr. TOWNSEND. Mr. President, I desire to state what I said before the committee—namely, that while I believe the compensation provided in the bill is greater than it ought to be, and there can not be any substantial argument, at least con-

vincing to me, presented to demonstrate that the compensation provided is just to the people, I was, however, for the reasons given by the junior Senator from Alabama [Mr. UNDERWOOD], willing that this arrangement or agreement should be made for the war emergency; but I did object most seriously to carrying this compensation over into a time of peace after the war had ended.

The railroad representatives before the committee in the first instance were very much in favor of ending the period of control; but some peculiar change came over them during the later part of the hearings and they were then perfectly willing that this period of control should extend beyond the war indefinitely if necessary. The House committee has fixed 2 years and the Senate committee has fixed 18 months after the end of the war, after the emergency period has ceased; and this excessive compensation is to be paid during a time of peace.

I would like to have a vote on the last proposition first. If the Senate would confine the period during which this compensation is to be paid to the war I would not complain at this arrangement. I would be willing that the President should make an arrangement for the maximum amount. But not having made it, the two Houses having reported on retention periods of 18 months and 2 years, respectively, after the war, I can not support a compensation for a time of peace which I thoroughly believe to be too great.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN], who is absent on account of sickness. I transfer that pair to the junior Senator from New York [Mr. CALDER] and vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I wish to state that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of serious illness in his family.

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. MYERS (when Mr. WALSH's name was called). My colleague [Mr. WALSH] is absent on account of ill health. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. This announcement may stand for the day.

Mr. LODGE (when Mr. WEEKS's name was called). My colleague [Mr. WEEKS] is absent, owing to the death of a relative. He has a general pair with the senior Senator from Kentucky [Mr. JAMES]. If present, my colleague would vote "nay."

The roll call was concluded.

Mr. GERRY (after having voted in the negative). Has the junior Senator from New York [Mr. CALDER] voted?

The VICE PRESIDENT. He has not.

Mr. GERRY. I understand that the junior Senator from New York, if present, would vote as I have voted on this matter. Therefore I ask that my vote in the negative may stand.

Mr. RANSDELL. I desire to announce that my colleague [Mr. BROUSSARD] is absent on account of illness.

Mr. McLEAN. I desire to announce that my colleague [Mr. BRANDEGEE] is unavoidably absent from the Chamber. If he were present, he would vote "nay."

Mr. WILLIAMS. I should like to inquire whether the senior Senator from Pennsylvania [Mr. PENROSE] has voted?

The VICE PRESIDENT. He has not.

Mr. WILLIAMS. I have a standing pair with the senior Senator from Pennsylvania. If he were present, I would vote "yea." As he is not present and not knowing how he would vote, I do not feel at liberty to vote at all.

The result was announced—yeas 23, nays 52, as follows:

YEAS—23.

Ashurst	Hitchcock	Kenyon	Sutherland
Cummins	Hollis	King	Thomas
Gore	Johnson, Cal.	Kirby	Townsend
Gronna	Johnson, S. Dak.	McNary	Trammell
Hardwick	Jones, Wash.	Norris	Vardaman
Henderson	Kendrick	Reed	

NAYS—52.

Bankhead	Jones, N. Mex	Overman	Smith, Ga
Beckham	Kellogg	Page	Smith, Md
Culberson	Knox	Phelan	Smith, Mich.
Curtis	Lewis	Pittman	Smith, S. C
Dillingham	Lodge	Pomerene	Smoot
Fernald	McCumber	Ransdell	Sterling
Fletcher	McKellar	Robinson	Stone
France	McLean	Saulsbury	Swanson
Frelinghuysen	Martin	Shafroth	Tillman
Gallinger	Myers	Sheppard	Underwood
Gerry	Nelson	Sherman	Warren
Hale	New	Simmons	Watson
Harding	Nugent	Smith, Ariz.	Wolcott

NOT VOTING—19.

Borah	Colt	Owen	Wadsworth
Brandegee	Fall	Penrose	Walsh
Broussard	Goff	Shields	Weeks
Calder	James	Thompson	Williams
Chamberlain	La Follette		

So Mr. CUMMINS's amendment was rejected.

Mr. PENROSE subsequently said: Mr. President, I wish to state that I was called out of the Chamber for a few moments while the vote was taken on the amendment of the Senator from Iowa [Mr. CUMMINS]. If I had been present, and had been at liberty to vote, I would have voted "nay."

Mr. ROBINSON. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, after the word "seventeen," in line 8, it is proposed to strike out the comma and insert a period.

It is also proposed to strike out all language in the bill on page 2, line 8, following the word "seventeen," down to and including the word "seventeen," in line 13, in the following words: "and in addition thereto an annual sum payable likewise in reasonable installments reckoned at a rate per cent to be fixed by the President upon the cost of any additions or betterments, less retirements, or road extensions, made during the six months ended December 31, 1917."

Mr. ROBINSON. Mr. President, this amendment will eliminate from the compensation which the President will be authorized under the bill to agree upon with the carriers, sums invested in the property during the six-month period ended September 31, 1917. It will leave what is called in the bill the "standard return" unaffected.

Most of the discussion which has been had in the Senate concerning the subject of agreements touching compensation has related to what is called the standard return, namely, the average annual operating income for the three-year period ended June 30, 1917. That was the recommendation of the President in his proclamation and message to Congress, and if the amendment which I have proposed is agreed to, the President's recommendation will be substantially complied with.

This provision in the bill would add to the total amount of compensation which might be awarded carriers in class 1 something like six and a half million dollars. It is impossible to state definitely the amount, for two reasons: In the first place, we do not know whether all the roads in class 1 will be retained under Federal control; and, in the second place, we do not know what rate or percentage the President will fix on the sums invested in the property during the six-month period.

Senators will observe by reading the language which I have proposed to strike out, that the President is authorized to add to the compensation which he may agree upon with the carriers a reasonable percentage upon the sums invested in the property during this six-month period.

A second reason that I feel justifies me in offering the amendment is that, in my opinion, it is not necessary to enable the President to effectuate these agreements. I believe that the standard return is adequate for that purpose, and that it is not therefore necessary to authorize the President to allow these additional sums.

A third reason, which I suggest, is found in the fact that it may complicate the difficulties on the part of the Interstate Commerce Commission in ascertaining the basis for compensation. It will require a somewhat extended investigation on the part of the commission to determine the amounts that have been invested in these various properties during the six-month period.

I do not know that there is anything further that I care to add, and I submit the amendment to the Senate for its consideration. I realize that it may be said that this, too, is embraced within the maximum authorization, and that the President is not compelled to award a percentage on sums invested by these carriers in their property during that period.

Mr. HOLLIS. Mr. President——

Mr. ROBINSON. I yield to the Senator from New Hampshire.

Mr. HOLLIS. Will the Senator kindly state whether his amendment tends to increase or to diminish the compensation to the railroads?

Mr. ROBINSON. I stated a moment ago that it will have the effect of decreasing by approximately $6,500,000 per annum the amount of compensation which may be awarded carriers in class 1 by virtue of agreements, and that the exact amount can not be stated, because we do not know what percentage the President may fix, and we do not know the exact amount that the commission will find has been invested in the property for carrier purposes during this period.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. PENROSE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement as before, I vote "nay."

Mr. KNOX (when his name was called). Repeating my previous announcement, I vote "nay."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent because of serious illness in his family.

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

Mr. LODGE (when Mr. WEEKS's name was called). I make the same announcement of the absence of my colleague [Mr. WEEKS] and his general pair with the Senator from Kentucky [Mr. JAMES]. I will let this announcement stand for the day.

The roll call having been concluded, the result was announced—yeas 44, nays 34, as follows:

YEAS—44.

Ashurst	Hollis	Nelson	Smith, Ga.
Beckham	Johnson, Cal.	Norris	Smith, Mich.
Culberson	Johnson, S. Dak.	Nugent	Sterling
Cummins	Jones, N. Mex.	Overman	Stone
Curtis	Jones, Wash.	Pittman	Sutherland
Fletcher	Kendrick	Pomerene	Swanson
Gore	Kenyon	Reed	Thomas
Gronna	King	Robinson	Townsend
Hardwick	Kirby	Shafroth	Trammell
Henderson	McKellar	Sheppard	Vardaman
Hitchcock	McNary	Shields	Williams

NAYS—34.

Bankhead	Kellogg	Page	Smith, Md.
Dillingham	Knox	Penrose	Smith, S. C.
Fernald	Lewis	Phelan	Smoot
France	Lodge	Poindexter	Underwood
Frelinghuysen	McCumber	Ransdell	Warren
Gallinger	McLean	Saulsbury	Watson
Gerry	Martin	Sherman	Wolcott
Hale	Myers	Simmons	
Harding	New	Smith, Ariz.	

NOT VOTING—16.

Borah	Chamberlain	James	Tillman
Brandegee	Colt	La Follette	Wadsworth
Broussard	Fall	Owen	Walsh
Calder	Goff	Thompson	Weeks

So Mr. ROBINSON's amendment was agreed to.

Mr. ROBINSON. On page 2, line 3, I move to strike out all after the word "income," down to and including the word "and," in line 6, and to insert in lieu thereof the following language: "of property operated by it on."

Mr. SMITH of South Carolina. That does not change the meaning at all, but simply clarifies the language.

Mr. CUMMINS. I ask that the amendment be read at the desk, so that I can clearly understand it.

Mr. ROBINSON. It is not printed, but I can read it again.

Mr. CUMMINS. I did not quite hear what the Senator from Arkansas said, and I ask that it be read at the desk.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. On page 2, line 3, after the word "income," strike out the remainder, down to and including the word "and," in line 6, before the word "December," and insert the words "of property operated by it on," so as to read:

Railway operating income of property operated by it on December 31, 1917.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Arkansas. [Putting the question.] The ayes seem to have it.

Mr. SMITH of Georgia. I desire to ask that the amendment be stated once more. It may be very important.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. On page 2, line 3, after the word "income," strike out the following words: "including therein such income of lines acquired by, leased to, or consolidated with such carrier between July 1, 1914, and," and insert "of property operated by it on," so as to read:

Equivalent as nearly as may be to its average annual railway operating income of property operated by it on December 31, 1917.

Mr. TOWNSEND. Does the Senator keep the parentheses?

Mr. ROBINSON. Strike out the parentheses. That is correct. I thank the Senator from Michigan for calling my attention to it.

Mr. SMITH of Georgia. I desire to ask the Senator from Arkansas to make some further explanation of the necessity for that change. A change in the language might affect very seriously roads, at least, in my own State where one of the most important railroads is leased and the State receives from it a large revenue.

Mr. ROBINSON. The language that is used in the bill is to my mind ambiguous and certainly not as clear as it might be. This language was suggested to me by an expert and is intended to accomplish the same end that was in mind when the other language was written. It simply provides that in ascertaining the average annual railway operating income there shall be included property operated by the carrier on December 31, 1917.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Colorado?

Mr. ROBINSON. I yield.

Mr. THOMAS. Does not the Senator think that the word "lines" would be better than the word "property"? The word "property" is very broad and might include other than railway systems or railway lines.

Mr. ROBINSON. I think the word "property" is better.

Mr. TOWNSEND. Mr. President, this and the other amendment which was adopted was suggested by me as provisions which require amendment in order to clarify them. It does not seem to me that the amendment the Senator from Arkansas has offered makes much clearer if any the expression already used in the bill. There are several amendments which ought to be made to the bill prior to this one. For instance, we ought to determine the question of ownership. We ought to determine that question at the beginning, in order that we may know with what companies the President is authorized to make agreements.

The part in parentheses, a part of which the Senator from Arkansas proposes to strike out, which was certainly unintelligible before, evidently was intended to cover a system of roads, and the agreement was to be made with the system; but it was discovered also that a road operated by that system might not be the owner entitled to the compensation during the period of Government control. It is possible to conceive that a trunk line might own the majority of stock in line A, and line A under the definition heretofore given in the bill makes report to the Interstate Commerce Commission. That is the road which is entitled to make the agreement with the President in reference to taking over the road.

May I submit to the Senator from Arkansas and to the Senate whether this proposition does not make absolutely clear what we intend to say in the bill? I propose to strike out the parentheses and all the words down to the period in line 21 and insert:

If any lines were acquired by, leased to, or consolidated with such railroad or system between July 1, 1914, and December 31, 1917, both inclusive, and separate operating returns to the Interstate Commerce Commission were not made for such lines after such acquisition, lease, or consolidation, there shall be computed—

Which we have stricken out, however; it has to be changed in that respect—

shall be computed, to be added to the total railway operating income of such railroad or system for the three years ending June 30, 1917, the total railway operating income of the lines so acquired, leased, or consolidated, for the period beginning July 1, 1914, and ending on the date of such acquisition, lease, or consolidation, or on June 30, 1917, whichever is the earlier.

That fixes the proposition that we are dealing with, the owner of the road, and that amendment I propose to offer if the committee does not. I define it as the company or system which is entitled to the possession of the road during the time of Federal control.

Mr. SMITH of Georgia. May I ask the Senator a question?

Mr. TOWNSEND. I yield.

Mr. SMITH of Georgia. I wish to ask the Senator whether the language in parentheses would mean that the lease or consolidation must have taken place during this time or merely that it existed during the period?

Mr. TOWNSEND. That which is in parentheses refers to the long time, the full period from July 1, 1914, to December 31, 1917.

Mr. SMITH of Georgia. But I mean, must the lease be made during that period or must it simply have existed during that period?

Mr. TOWNSEND. On the very first page the bill provides for compensation during this period, and there is no definition and

no distinction as between that and the road taken for only a part of the time. If I could have been permitted to have presented some of the amendments which I think are absolutely vital in order to the understanding of this proposition there would have been no misunderstanding between us.

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. TOWNSEND. I yield.

Mr. ROBINSON. There is a provision in the bill to the effect that no compensation shall be paid to any road for any period that it is not within Federal control. So if the President releases any railroad, compensation can not be paid it after that time.

Mr. TOWNSEND. That is not, of course, the exact point I have offered.

Mr. ROBINSON. I understand it is not.

Mr. TOWNSEND. I will be very glad to meet that when we reach it.

Mr. SMITH of Georgia. The point about which I ask the Senator is this: Suppose a lease was made prior to the time and existed during the period of taking given in the parentheses. Does the language in parentheses require that the lease shall be made within those dates or merely require that it existed within those dates?

Mr. TOWNSEND. I do not know.

Mr. SMITH of Georgia. That is the information I wish.

Mr. TOWNSEND. I assume it means for the period, but it does not say so. The provision in parentheses, I submit, is subject to great speculation as to just what it does mean. We have stricken out a part of the matter in parentheses.

Mr. SMITH of Georgia. I suggest that we pass this amendment over for the present. It may be a very vital question in several States where the States own roads and the roads have been leased to other roads. I ask the Senator to let it be passed over.

Mr. ROBINSON. I have no objection to passing it over. I will withdraw it. The sole purpose I have is to clarify and improve language in the bill that I think is ambiguous. I ask that the amendment be passed for the present.

The PRESIDENT pro tempore. The Chair understands that by unanimous consent the amendment will be temporarily passed over. The Chair hears no objection.

Mr. THOMAS. I understand the amendment was carried, and was so announced by the Chair, and then the Senator from Georgia asked for further information.

The PRESIDENT pro tempore. The Chair will state for the information of the Senator from Colorado that the Chair stated that the ayes seemed to have it, when a yea-and-nay vote was called for, as the Chair understood it.

Mr. THOMAS. No yea-and-nay vote was called for on this amendment.

The PRESIDENT pro tempore. The Chair understood that the yeas and nays were demanded.

Mr. THOMAS. Not demanded.

Mr. TOWNSEND. I present the following amendment.

Mr. SMITH of South Carolina. Before the Senator presents that amendment I wish to make just one statement in reference to this amendment.

Mr. TOWNSEND. If it is understood that I am not yielding my time——

Mr. SMITH of South Carolina. It will be understood.

Mr. TOWNSEND. Otherwise I could not yield, because by the time the Senator made his statement my time might be exhausted.

Mr. SMITH of South Carolina. It will take but a minute, and I think it will not be deducted from the Senator's time.

The PRESIDENT pro tempore. The Senator from Michigan has the floor. The Chair must, under those circumstances, rule that if he yields, he yields his time. There is no other way in which orderly proceeding under the unanimous-consent agreement can take place.

Mr. ROBINSON. I ask unanimous consent to withdraw the amendment, if that is satisfactory to the Senator from South Carolina?

Mr. SMITH of South Carolina. That is very satisfactory to me.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and unanimous consent is given to withdraw the amendment.

Mr. TOWNSEND. I offer the following amendment. It is in reality a series of three amendments, but as they are all closely connected I offer them as one, and during the 10 minutes time I can discuss the three I am sure.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 1, line 6, strike out the words "called herein carriers" and the parentheses.

On page 1, line 7, strike out the words "any such carrier" and insert "the owner of any such railroad or system."

On page 5, line 14, insert a new paragraph, as follows:

Whenever used in this act the word "owner" includes any person, corporation, partnership, or association who during any portion of the period of Federal control of a railroad or system of transportation would be entitled to the possession, use, and control of such railroad or system in the absence of Federal control thereof. Wherever in this act reference is made to the period of Federal control in connection with an owner it shall be taken to refer to the portion of such period during which such owner but for such Federal control would have been entitled to the possession, use, and control of the railroad or system of transportation,

Mr. TOWNSEND. Mr. President, may I have the attention of the Senate, because, as I said yesterday, I am presenting no captious amendment? I am trying to keep the exact intention of the committee without incorporating any of my own ideas as to what the bill ought to be, but trying to make clear what we actually attempted to do.

In the first place, as to the first amendment, in line 6, I move to strike out the words "called herein carriers" and the parentheses that go with it. The carrier is referred to above, as you will notice, as "certain railroads and systems of transportation." All through the bill, with the exception of three cases, we do not mean railroads or system of transportation when we refer to the word "carrier," but we mean the corporation, the personality, if I may use the term, which can make a contract or an agreement.

A railroad can not make an agreement. A system of transportation can not make an agreement. It must be the owner of the railroad or the system.

Then, at the end of this paragraph I define what an owner is. An owner of a railroad is the one who was entitled to the use, occupation, and possession of the road during this period or any portion of this period, and only for such portion should it be entitled to the compensation.

Farther down, in line 7, on the next line, I move to strike out the words "any such carrier" and insert "the owner of such railroad or system."

With those provisions in the bill we have made clear that we are dealing with the railroads that are entitled and have a right to make an agreement or contract. No one else can make an agreement. It can only be made with a company that is entitled to the possession of the road. For instance, as I said before, if we make an agreement with a system for the period of Federal control, which we have defined here to be the period of control by the Government, and if that system is at the time the agreement is made entitled to the operating income from a branch line, that ought not to continue throughout the whole period unless it owns that railroad during the whole period. The object of these two amendments is to correct those inequalities and to make clear just exactly with what companies the President has the right to make the agreement.

So I have offered these amendments. I think every Senator will agree who has followed me that they will make clear the evident intention. I shall show as we go along a good many difficulties that we shall encounter by using improperly these two or three expressions.

Mr. KELLOGG. Mr. President, I think the bill is perfectly clear as it is, so why define the carriers to be the railroads and systems of railroads which the President has taken over? Under that, of course, the President can not make an agreement with anybody who is not the owner of a railroad. He makes the agreement with the corporation which owns the railroad, and he would not be so foolish as to attempt to make an agreement with somebody who did not own the railroads. For instance, the Pennsylvania Railroad was taken over. The President may say to the Pennsylvania Railroad System, "I will make an agreement with you as an entire system, and I will not make an agreement with each separate railroad in the system of railroads which your company owns by stock ownership."

The word "railroad" was put into the bill; it is not in the proclamation, so that if there should be any possible question that some individual line was not a part of a transcontinental or, rather, I will say, an interstate-commerce system, it would cover it. In my own judgment "systems of railroad or transportation" would have been all that was necessary to have said in this bill. The President does not take over the physical property, of course. The physical property is in certain railroad corporations. When he takes over the corporation the title of the property is not changed, and he deals with, and we deal with, and we guarantee to, of course, the corporation which owns the property and which operates it.

It does not seem to me that this amendment makes it any clearer. I have not had time to examine it with care; but I do wish to say that it is not true that the committee spent all of

its time listening to testimony and did not give any attention to the language of the bill. I do not believe that the bill is perfect; but I believe it fairly represents the idea of the committee, that the President was authorized to deal with these roads individually or were a system of roads controlled by one company to deal with the system. It does not seem to me necessary to state in this bill that the President must deal with the corporation which owns the road.

Mr. CUMMINS. Mr. President, neither the bill nor the amendment proposed by the Senator from Michigan [Mr. TOWNSEND] is entirely clear to me upon this point. It must be remembered that the term "carrier," which the Senator from Michigan seeks to strike out, or at least to change, so far as the definition is concerned, applies to section 3 as well as to section 1——

Mr. TOWNSEND. I stated that.

Mr. CUMMINS. That is the right to enter the Court of Claims or the condemnation tribunal for an assessment of damages. Suppose the Pennsylvania Railroad—that seems to be the nearest, and, therefore, a very common illustration—owns the capital stock, as it does, of a great many subsidiaries. The subsidiary has a right under the terms of section 3 to enter the Court of Claims for an assessment of its damages, no matter what the Pennsylvania Railroad Co. may do. It can not agree with the President simply as a stockholder in the road for compensation to the subsidiary.

I pointed out the other day the indefinite expansions which could be made through the manipulation of this terminology. The Pennsylvania Railroad Co., of course, makes an agreement with the Government based upon its returns. We will say as to the Philadelphia, Baltimore & Washington Railroad Co.—I am speaking without absolute knowledge, but I think it is true—that the Pennsylvania Railroad Co. owns all of the stock of the Philadelphia, Baltimore & Washington road. That road can come before the tribunal appointed for the purpose, or finally before the Court of Claims, and have its compensation assessed in that way, although the Pennsylvania Railroad Co. has made a contract under the bill—I think it would be true under the amendment proposed by the Senator from Michigan—which covers its earnings; that is, the earnings which it has derived from the Philadelphia, Baltimore & Washington road. I think that point ought to be made perfectly clear, and I want to ask the Senator from Michigan whether or not his amendment, in his opinion, covers that phase?

Mr. TOWNSEND. Let me take the Senator's time——

Mr. CUMMINS. No; I have finished.

Mr. TOWNSEND. Having exhausted my own time, I have not any right to speak.

Mr. CUMMINS. Then I will stay on my feet.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I yield to the Senator.

Mr. TOWNSEND. Mr. President, the bill provides that this contract can only be made with the road now making operating returns. If the Philadelphia, Baltimore & Washington road makes operating returns——

Mr. CUMMINS. It does.

Mr. TOWNSEND. Then, of course, it would be the company with which the President would be authorized to make an agreement; otherwise it would not be.

Mr. CUMMINS. But the Pennsylvania Railroad gets all of the earnings of the Philadelphia, Baltimore & Washington Railroad, and it makes its agreement with the Government based on those earnings. Then in comes the Philadelphia, Baltimore & Washington Co. and insists upon compensation for the use of its property.

Mr. TOWNSEND. But my amendment makes it absolutely certain that those operating returns could not be credited to two different concerns—the Pennsylvania system and the Philadelphia, Baltimore & Washington road.

Mr. CUMMINS. I have not thoroughly examined the amendment proposed by the Senator from Michigan, but I will accept his statement in that respect. I only know that the bill is fatally weak in that regard.

Mr. TOWNSEND. That is what I am trying to correct.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Michigan [Mr. TOWNSEND]. [Putting the question.] The noes seem to have it.

Mr. TOWNSEND. I call for the yeas and nays on the amendment, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FRELINGHUYSEN (when his name was called). Making the same announcement in regard to my pair and its transfer as before, I vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I wish again to state that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness in his family.

The roll call was concluded.

Mr. SHERMAN. I am paired with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

Mr. TILLMAN. Repeating the announcement of the transfer of my pair that I made on the last vote, I vote "nay."

The result was announced—yeas 28, nays 47, as follows:

YEAS—28.

Ashurst	Gronna	McCumber	Smoot
Cummins	Hitchcock	McNary	Sterling
Curtis	Hollis	Norris	Sutherland
Dillingham	Johnson, Cal.	Page	Thomas
France	Jones, Wash.	Reed	Townsend
Frelinghuysen	Kenyon	Shafroth	Underwood
Gore	Lodge	Smith, Mich.	Vardaman

NAYS—47.

Bankhead	Kendrick	Overman	Simmons
Beckham	King	Penrose	Smith, Ariz.
Culberson	Kirby	Phelan	Smith, Md.
Fernald	Knox	Pittman	Smith, S. C.
Fletcher	Lewis	Poindexter	Stone
Gallinger	McKellar	Pomerene	Swanson
Gerry	McLean	Ransdell	Tillman
Hale	Martin	Robinson	Trammell
Harding	Myers	Saulsbury	Warren
Henderson	Nelson	Sheppard	Watson
Jones, N. Mex.	New	Sherman	Wolcott
Kellogg	Nugent	Shields	

NOT VOTING—19.

Borah	Colt	Johnson, S. Dak.	Wadsworth
Brandegee	Fall	La Follette	Walsh
Broussard	Goff	Owen	Weeks
Calder	Hardwick	Smith, Ga.	Williams
Chamberlain	James	Thompson	

So Mr. TOWNSEND's amendment was rejected.

Mr. JOHNSON of South Dakota. I offer the amendment which I send to the desk, and upon it I ask for the yeas and nays.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out all of section 13 and to insert in lieu thereof the following:

SEC. 13. That the Federal control of railroads and transportation system herein and heretofore provided for shall continue for and during the period of the war and until Congress shall thereafter order otherwise.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Dakota, on which he asks for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. Mr. President, there are quite a number of Senators who are in favor of the unification of the railroads of the country and continued Government control. There are others who are opposed to the continuation of Government control. The pending bill ends Government control at a certain date; so that it seems to me consistent and logical for Senators who are opposed to Government control after the war, or after a limited period, to vote against the amendment offered by the Senator from South Dakota. On the other hand, it seems to me equally true that Senators who are in favor of the unification of the railroad systems of the country and their operation as a nationalized unit under Government regulation and Government control, not simply temporarily as a war measure but permanently as a policy of transportation in the United States, must necessarily support the amendment of the Senator from South Dakota in order to be consistent.

I make this statement for the purpose of declaring my understanding that the issue is clearly made by this amendment. I expect to support it.

Mr. PITTMAN. Mr. President, I take issue with the statement of the Senator from Washington [Mr. POINDEXTER]. At the present time I feel that I would be in favor of the unification of the railroads under Government control. I do not believe, however, that this bill contemplates any such program. If such a bill were presented, I take it, it would have to be far more complete than this bill is; certainly the powers granted to the President would not be so generous as are provided in this bill if it were intended to inaugurate Government control of railroads during peace times.

Mr. POINDEXTER. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Nevada yield to the Senator from Washington?

Mr. PITTMAN. Certainly.

Mr. POINDEXTER. The Senator does not deny that the bill as presented by the committee terminates Government control at a certain date—18 months after the proclamation of peace?

Mr. PITTMAN. Undoubtedly, it terminates Government control, and so it was intended. This bill is not intended as a permanent Government-control bill; it has not been prepared with that in view. The only excuse on earth for some of the extraordinary powers granted by this bill is that it is a war measure. I think I will be prepared upon the termination of the life of this bill to vote for a bill for the unification and control of all the railroads under the Government; but certainly I would desire the bill prepared carefully by a committee with that object in view, and I should like to have an opportunity to consider that particular question. That opportunity can not be afforded now. I think the Senator from Washington, if he is in favor of this bill, is making an argument that is detrimental to its passage.

Mr. CUMMINS. Mr. President, I can not agree with the Senator from Washington [Mr. POINDEXTER]. I am, and have been for years, as those who have heard me speak in the Senate know, in favor of the Government ownership of the capital of the public property known as the railways. Whatever instrumentalities we may select or create for the operation of that property, I am profoundly convinced that the Government ought to own all of the railway property in the country, but I can not vote for the amendment proposed by the Senator from South Dakota for two reasons: In the first place, the agreements that we are authorizing the President to make impose an unjust exaction upon the people of this country amounting to at least $180,000,000 a year, and I am unwilling to allow the indefinite possession of the railway companies to continue under agreements of that character. Second, I am opposed to it because I am unwilling that the railway properties of the United States shall be dominated by any one man for a single moment after the war ends. I have an amendment, which I proposed in the committee, and which I shall offer here at the proper time, which at the end of the war passes the power which we are now giving the President into a board of railway directors to be appointed by the President and confirmed by the Senate.

For these reasons, which I shall not elaborate, I shall feel constrained to vote against the amendment proposed by the Senator from South Dakota.

Mr. SMITH of Georgia. Mr. President, there are already a number of provisions in this bill which I do not approve. It is all that I can do to vote for it in its present shape, but with the amendment of the Senator from South Dakota added I could not vote for it.

I do not believe that we should legislate so as to place upon the President responsibilities which he can not perform and end our legislation by designating him as the party who is to perform the responsibilities. When the scope of the work is so wide that we know the President can not perform it, I consider that a proper discharge of our duty as legislators requires that we go further and designate the plan of organization by which the duties shall be performed; and in the case of handling the railroads, instead of saying that the President shall take them and the President shall operate them, it would be better legislation to designate a commission and prescribe the duties of its members and really to limit their powers. In this manner alone can we perform the responsibilities that really pertain to the legislative branch of the Government.

But, Mr. President, already the railroads have been taken over. Already a management has been begun, and I believe the Secretary of the Treasury has made an organization as wise as could be hoped for looking to the handling of the roads. As this organization is already made and is operating as well as I could hope it would operate, I am willing, under the circumstances, to vote for that part of the bill, in no way committing myself to the policy of such legislation. I have entire confidence in the great executive ability of the Secretary of the Treasury. I do not know anyone to whom with more confidence I could see the task intrusted. Yet I have no hope that under Government management the roads can be handled substantially better than they have been handled before or that the public will get any better service. The justification for this action, in my opinion, is the financial one, the possibility that Government management may save the country from financial complications that would hinder raising the money necessary for the conduct of the war. The only excuse is the war and the finances of the country incident to the war.

I would prefer that under the terms of this bill Government control should end with the war. I certainly would prefer to limit it to 6 months after the war. I stretch my capacity to yield in this respect when I follow the committee provision allowing 18 months. If the Government control is to be permanent, then I must vote against the measure altogether, for I would not be willing to invest permanently in one officer the control of an income of three and a half billions of dollars a year, and together with the privilege of controlling the business of every citizen in the United States, together with the destiny of every locality. Again, the compensation we are allowing to the railroads amounts to war profits growing out of the volume of business which the war has brought to them. I would not be willing to place permanently upon the people of the United States in time of peace, when the volume of freights will be less, when the amount of the revenues will be less, a charge based upon these three years of heavy war business.

These two reason, it seems to me, are amply sufficient to induce everyone to vote against the amendment proposed by the Senator from South Dakota. I hope, if any change is made, that the time will be reduced from 18 to 6 months and lessen by that length of time the one-man rule of the railroads of our country and diminish to that extent the high rates provided by this bill.

Mr. GALLINGER. Mr. President, I had thought of presenting some views in opposition to the Government control of public utilities, including railroads; but as the longer I remain in this body the less inclination I have to consume time in debating questions that are pretty well understood, I came to the conclusion that I would not weary the Senate by making the observations I had in mind. But so far as concerns the superior accommodations that the public are getting under the present railroad management as compared with what we had before the railroads were taken over by the Government, I want to say a single word.

Any man who goes from here to New York, and especially from here to Boston, under existing conditions is very forcibly reminded of the fact that all the evils that have been complained of in railroad management have not by any manner of means been removed. It is true that the President and the Director General of Railroads have repealed numerous laws that the Congress during the last 20 years has been placing on the statute books that embarrassed and harassed the railroads of the country, and we had hoped that by doing that we might get superior accommodations, but the contrary has resulted.

When I go to my home I go to Boston, and from Boston I go 75 miles north, to Concord, N. H. Under railroad management we had three trains a day that carried us from Boston to Concord in 1 hour and 55 minutes. At the present time it is impossible to make those 75 miles under three hours, and sometimes it takes a longer time. The same condition exists to a large extent in all sections of the country; but we are hoping—I am hoping—that the present management may be able to work out these problems and that it may provide at least as good accommodations as we had when the wicked railroad men managed the property that they controlled.

I do not believe Government ownership is going to help this country in any way, and I believe it is fraught with the direst danger to the best interests of our people.

In that connection, I am going to ask unanimous consent—and that is all I shall say on this subject to-day—to have read from the desk an article from the London Daily Mail, which I had published four years ago, showing the management of the telephone system in Great Britain. Every Senator who has traveled on the Continent of Europe or in other countries of the world where Government ownership exists knows that they do not get as good accommodations as we have in the United States. Why, Mr. President, it is almost impossible to get a telephone message 5 miles from Paris or London in an hour; and we know that the railroads in any of those countries where Government ownership exists are not run as well as they have been in the United States. But, Mr. President, I do not care to weary the Senate, and I will simply ask that the brief article which I have sent to the desk may be read by the Secretary.

The PRESIDING OFFICER (Mr. KING in the chair). Without objection, the Secretary will read the article referred to by the Senator from New Hampshire.

The Secretary read as follows:

[From the London Daily Mail, Friday, Jan. 2, 1914.]

GOVERNMENT OWNERSHIP OF TELEPHONE LINES IN GREAT BRITAIN.

WHY AND BECAUSE.

Why is it that Government ownership and management of the telephone is practically always a failure? Why is it that for every thousand Europeans there is only one telephone, while for every thousand Americans there are 15? Why is it that the country which has done most to improve the telephone, both technically and commercially, and to popularize its use is the country in which its operation and development have been and still are exclusively the work of private enterprise? Why is it that not one of the innumerable discoveries that have transformed the telephone industry in the last 30 years has emanated from a department of state; that European governments have been the last to adopt them and that the verdict which experts are obliged to pass upon them, with perhaps two partial exceptions, is that they have not learned their business? Why is it that there are great and famous towns in Europe at this moment where methods and machinery that were abandoned 20 years ago in America are still in use?

Why is it that throughout the length and breadth of Great Britain and the Continent hardly a single efficient long-distance service is to be found? Why is it that in New York one can invariably get the number one wants, and get it at once, while in London one has often to wage a prolonged and embittering battle with a slow operator, insufficient lines, and a conversation—if any conversation ensues—that is only audible when it is interrupted?

The broad answer to all these questions is that the alertness and enterprise that are essential to telephone development can not be expected from a government department. The characteristics of the bureaucratic mind and temperament forbid it. The organization of a government office, with a virtually irremovable staff, forbids it. The spirit of officialdom, with its traditions of subordination, its narrow professional outlook, its unwillingness to concentrate responsibility, its insensible stifling of initiative, forbids it. A government department can not raise and discipline its staff to the same level of efficiency as a commercial company. It can not act with the same freedom and directness as a private board. It can not pursue a business object without deference to a hundred influences and considerations that have nothing to do with business. It can not advertise with anything like the same boldness. It naturally seeks efficiency through economy instead of economy through efficiency. It has to think of politics and political reactions. Its whole constitution prevents it from proving as enterprising as private initiative, as prompt to discard obsolete methods and apparatus, as quick to adopt new inventions, as skillful and aggressive in gathering in subscribers.

As we all know, to our cost, we have Government ownership and operation of the telephones in Great Britain. We shall never have a telephone system worthy of the name so long as the post office remains in undivided and despotic control. Sooner or later that authority must be modified or delegated if our telephone system is ever to attain an even passable standard of efficiency.

Mr. SMITH of Michigan. Mr. President, the item just read by the Senator from New Hampshire [Mr. GALLINGER] showing the experience of Great Britain in the ownership of the telephone system has probably warned them against any undue haste in taking over other utilities.

The British system of handling the railroad problem is no criterion for us. Their whole system of government is different. The executive and legislative functions are so inextricably interwoven that action by Parliament is imperative before any action can be taken. With us the Executive moves, frequently of his own initiative, but within his especial sphere, and Congress supplements his action by appropriate legislation.

The first provision for taking over the British railroads dates back to July 30, 1842, which provided for troop transportation and better regulation of railroads. The movement of soldiers with baggage, arms, and ammunition was made mandatory and necessary contracts were made to that end. In 1844 this power was enlarged. In 1871 Parliament empowered an officer of the Government to take possession of railroads and railroad plants on occasional emergency. Their problem was very different from ours, and is to-day. But 15,000 miles are embraced in the arrangement entered into—in August, 1914—at the breaking out of the present war. This was done by an amicable arrangement between the Government and the committee of general managers.

Last year the arrangement was extended to include the roads in Ireland, covering something over 3,000 miles, but, altogether, included only 12 or 14 companies, a comparatively easy task when we consider that our railroads embrace 50 large systems and nearly 700 separate corporations.

One of the first and most vexatious problems which the British committee had to meet was the question of increase in wage for over one-half million employees. This situation was finally met by an increase in compensation over that of 1914 of more than $165,000,000, a sum equal to all the dividends paid on all English railroad stocks the year before the war.

The act of Parliament does not permit the indefinite continuance of control and must be renewed weekly, notwithstanding their proximity to the very theater of the war. The whole arrangement emphasizes deliberation and solicitude and in no manner commits that Government to the doubtful expedient of unrestricted Government ownership.

Our problem is less acute and relates to the war only collaterally. There is some congestion, much confusion, a great deal of uncertainty because of the financial embarrassment and the desirability of stabilizing railroad credit and protecting the roadbed and equipment from unnecessary deterioration and decay, which would be alike disastrous and discreditable to us.

To avoid such a possible calamity and to keep the highways of commerce open to the communities they serve and thus safeguard the free interchange of commodities and encourage production, this step has been taken by the President of the United States.

I am not here to criticize or find fault with the President. There must be some sound reason for this radical departure from our previous treatment of the railroad problem. He undoubtedly thinks the war situation can be best met in this way. Dangerous as the expedient may be, he has already taken over the railroads and is now exercising authority thereover, and I do not believe that he has chosen this means of committing the country to a permanent policy of Government ownership. I prefer to believe that he is seeking to unify these roads for the more expeditious handling of war materials and food products, and by the same token guarantees that this property will be preserved and protected during the strain and disaster of war.

This plan can not be given effect unless Congress provides the necessary compensation guaranteed by the Constitution. We may haggle and squirm and hesitate; we may even impute bad motives to those who are responsible for committing the Government to this experiment; yet how idle and impotent we would be in the face of the fact that we are committed and are now in possession of these roads. Not to make the necessary appropriation to enable the President to deal justly and fairly with these properties would be to expose ourselves to the charge that we were seeking to capitalize this error to the disadvantage of the Executive, a thing I would decline to do. I am ready to meet the situation fairly and generously, leaving to him the plan to be pursued. The country is in war; we are face to face with danger. We must act together, with an eye single to the welfare of the country. Neither personal or political considerations have any right to move us. There can be no sacrifice too great for us to bear, and if our course seems now and then to drift out of the beaten path so long pursued we have the consolation of knowing that in the estimation of those in command of the ship of state that course seems to be best for the country in the present crisis.

If the amendment of the Senator from South Dakota is to be adopted, I give notice that when these amendments come up in the Senate I am going to vote for the amendment of the Senator from Iowa [Mr. CUMMINS] without any hesitation whatever.

Mr. CUMMINS. Mr. President, I offer the following amendment to the amendment proposed by the Senator from South Dakota.

The VICE PRESIDENT. It will be read.

The SECRETARY. Add at the end of the words proposed to be inserted by the Senator from South Dakota the following:

Provided, That upon the termination of the war the President shall appoint, by and with the consent of the Senate, a board of railway directors, to be composed of five persons, one of whom shall be an engineer, one a financier, one trained in the operation of railway property, one whose interests have allied him with the shipping public, and one a lawyer. The members of the board shall hold office during the remainder of the period of Federal control. Removals must be for cause shown, and vacancies shall be filled in the same manner as original appointments are made. Each of said directors shall receive compensation at the rate of $12,500 per year. The principal office shall be in the District of Columbia. All necessary employees of the board shall be appointed by the board under the rules of the Civil Service Commission.

Immediately upon the organization of said board of directors all the powers, whether granted by the act of August 29, 1916, or herein granted to the President, shall vest in said board of railway directors: *Provided further*, That all agreements for just compensation shall not continue longer than the termination of the war, and the termination of the war, for the purpose of these two provisos, shall be construed as the time at which armed hostilities cease.

Mr. CUMMINS. Mr. President, this amendment, if adopted, passes from the hands of the President upon the termination of armed hostility the power that is given to him in the act of 1916, and the further powers that we grant in this act to a board of railway directors, who shall exercise that power during the period of Federal control, whatever that period may be.

It, second, limits the authority of the President in making agreements for compensation to the termination of the war, instead of permitting, as the bill does, those agreements to be made for the period of the war and for 18 months after the treaties of peace are signed and ratified.

I gave a few moments ago the reasons that would prevent me from voting for the amendment as it is offered. If these qualifications are added to the amendment, I shall be very glad to vote for it, because I am not in favor of limiting the period of control that is named in the bill.

Mr. ROBINSON. Mr. President, the amendment of the Senator from South Dakota providing for an indefinite period of Federal control after the expiration of the war relates to one of the matters concerning which the committee found great difficulty. I think I divulge no secrets of the committee when I say that it was finally arranged that a subcommittee consisting of the Senator from Michigan [Mr. TOWNSEND] and myself should attempt to work out a provision touching this and one other feature of the bill for the consideration of the committee, and that we succeeded in agreeing upon a compromise which was finally adopted by the committee.

I want to state, Mr. President, for the benefit of Senators who are familiar with the discussions that have heretofore taken place in the Senate concerning this subject that it was not the thought of the proponents of the bill or of myself that the period of Federal control should be left indefinite in order

control of an income of three and a half billions of dollars a | chinery that were abandoned 20 years ago in America are still in use

to promote either the control that is provided in this bill or what has come to be called the Government ownership of carriers. As to that last subject, it is one which can not be precluded by legislation at this time. It is one which, in my opinion, will not be very materially affected by the provisions of the bill. I have never felt that it was an intelligent procedure to attempt on this legisation to determine a question of that far-reaching consequence. I have felt all the while that if we undertake in this so-called emergency measure to determine the future status of the railroads after the expiration of the war the consideration of the bill would be very greatly prolonged.

There were some reasons which made me hesitate to agree upon a fixed limitation as to Federal control, and I can state them very briefly. In the first place, at the expiration of the war there will be many unsettled questions between the railroads and the Government which will probably require legislation. The subject is not so simple as to be dealt with conclusively in agreements to be entered into now. I have felt that it might be wise not to compel the return of the carriers to their owners until Congress has had an opportunity of deliberately working out those propositions.

In the second place, when once you have extended Government credit to the railroads, it will be difficult to withdraw it without materially impairing and endangering the value of railroad credit, and in all probability if the question as to what shall be the future status of the railroads remains unsettled at the expiration of the limitation the railroads themselves or their representatives will want it extended.

But, Mr. President, I do not believe that it is wise to attempt in this legislation to determine the very important question as to how the railroads shall be operated after the war. Almost every Senator who has studied the subject admits that it will be necessary to modify the old system; that some legislation will be required; that it will be necessary to repeal some laws; and for that reason all Senators, so far as I know, have agreed that the period of Federal control should extend beyond the termination of the war.

The same controversy that arose in the committee has arisen here. All about me I hear Senators saying that they would prefer to have the period of control shortened. Some of them have said on the floor that they would like to have Federal control terminated immediately upon the ending of the war; others have said that six months would be an adequate period. My conviction, therefore, is that the best thing that can be done is to adhere to the compromise which was effected in the committee and to sustain the provisions of the bill with regard to the limitation of one and a half years after the expiration of the war. I think it would be a very grave mistake to shorten that period and I do not believe that the temper of the Senate would permit its extension.

Now, Mr. President, as to the amendment which the Senator from Iowa [Mr. CUMMINS] has offered to the amendment of the Senator from South Dakota [Mr. JOHNSON], the effect of that amendment is to provide two systems of Federal control, one to be operative during the war and the other to take effect at the termination of the war. It is of course trite to say that no Senator can tell when this war will end. We hope it will end very quickly; we fear it may be some time in the distant future; but I submit to the Senate that it is unwise to attempt now to legislate for conditions in the period after the termination of the war; that it is unwise to attempt to provide for two systems of Federal control. If Congress desires to do so when the war has ended it can turn the operation of the railroads over to a board of directors as contemplated by the amendment of the Senator from Iowa. It is also true that we could repeal that provision of the bill, should we adopt it now, but the point I am making is that we would accomplish nothing of a substantial nature to adopt a dual system of Federal control, one to take effect now and the other to take effect at the end of the war.

Therefore, I repeat, the best thing in my judgment to be done is to retain the limitation in the bill which the committee agreed upon.

Mr. JONES of Washington. Mr. President, while I believe that Government ownership, or at any rate Government unification and control, of railroads is just as sure to come as the night is to follow the day, and that in no distant future, I do not consider that the question of Government ownership is involved in the amendment proposed by the Senator from South Dakota. I favor that amendment because there are so many things in the bill that I consider unwise and unjust and iniquitous that I want Congress to be free to get rid of them just as soon as possible. They are going to be adopted. I think we have a right to assume that the bill substantially as reported by the committee is going to be passed with all the things in it that make the Senator from Georgia hesitate to vote for it, with all the things in it that will possibly lead the Senator from Iowa to vote against it, and yet we are going to tie the hands of Congress for 18 months after the close of the war and prevent it from remedying those things.

I am in favor of leaving the hands of Congress free to act just as soon as possible, and I believe that the legislation will appear so unjust after it is enacted as to lead Congress to provide for a permanent system just as soon as possible, either before the war ends or afterwards.

Mr. SMITH of Georgia and Mr. ROBINSON addressed the Chair.

The VICE PRESIDENT. Does the Senator from Washington yield; and if so, to whom?

Mr. JONES of Washington. I yield to the Senator from Georgia. He rose first.

Mr. SMITH of Georgia. Then, why does not the Senator present this amendment: Let the limitation of 18 months remain, with a proviso—provided, however, that Congress may shorten the time—and I will vote for it.

Mr. ROBINSON. Will the Senator yield?

Mr. JONES of Washington. I yield.

Mr. ROBINSON. That is the provision as it now exists and as it is reported by the committee. If the Senator will permit me, the provision which the committee reported does not tie the hands of Congress. Congress can act at any time. The limitation is that it shall not continue longer than 18 months after the expiration of the war, which, of course, implies that it may not continue that long. There is also a provision in the bill that the President may relinquish all rights at any time he chooses.

Mr. JONES of Washington. Let me ask the Senator, does the bill provide that agreements made by the President, if made to extend 18 months beyond the close of the war, can be modified at any time prior to that date?

Mr. ROBINSON. The President is given very broad power with respect to the agreements. There is nothing in the bill that requires him to agree with the railroads for any fixed period, and the probability is that the agreements will run for a definite period, from year to year or from month to month.

Mr. JONES of Washington. Under the bill the President can contract with these roads for 18 months beyond the close of the war, and Congress can not change that contract when it has been entered into.

Mr. ROBINSON. If the Senator will permit me——

Mr. JONES of Washington. Certainly.

Mr. ROBINSON. Since Congress has power to terminate Federal control, the President could not, if he desired to do so, which, of course, he would not, estop Congress from exercising its function. There is a provision in the bill that no compensation shall be paid for any period extending beyond the actual Federal control. I think that is carefully safeguarded.

Mr. JONES of Washington. The Senator from Iowa a moment ago said what I believe to be the effect of the bill—that the President can make a contract to extend for 18 months beyond the close of the war.

Mr. CUMMINS. Mr. President, I go further. I do not agree with the Senator from Arkansas. I think the President must do it. I think the only authority that is given him here is authority to agree upon the just compensation during the period of Federal control, and that standard is 18 months after the expiration of the war.

Mr. ROBINSON. If the Senator will permit me, the period of Federal control——

Mr. JONES of Washington. My time is going to be gone.

Mr. ROBINSON. I merely say that the period of Federal control is not fixed in the bill, and therefore the President is not compelled to agree upon any definite time.

Mr. JONES of Washington. The divergent views in reference to that matter simply strengthen me in the opinion that we ought to leave this matter to Congress; and that is all there is in it. Any future Congress can extend the 18-month period to a 5-year period if it sees fit, and unless the agreement does have the effect that I think it has, Congress can limit the period to 6 months and limit each contract to 6 months. Why not leave the matter in the discretion of Congress? That is exactly what the amendment of the Senator from South Dakota provides. Let us leave ourselves free. I have confidence in what future Congresses will do. I believe that a future Congress can be depended upon to provide a permanent system. This is not a permanent system. The amendment of the Senator from South Dakota does not provide a permanent system. It is just as

temporary as it is with the 18-month limitation, except we have all the iniquities possible absolutely continued for a period of 18 months beyond the termination of the war.

So, Mr. President, regardless of whatever views I may have with reference to Government ownership, I can very heartily support the amendment of the Senator from South Dakota if he will do this. I think the word "thereafter" in his amendment ought to be cut out, because it seems to me that that is an attempt to limit the power of Congress to act and prevent its action until the war closes. I believe when we get through with some of these very urgent matters Congress can very well and probably will settle down and try to devise some permanent system for the control of these railroads, the necessity for which everybody conceives. I do not want to adopt a provision which says that this shall continue until the close of the war unless Congress shall thereafter, after the close of the war, otherwise provide. I want it to be free, and from the time hostilities cease until a treaty of peace is actually signed and ratified we shall probably have ample time to prepare permanent legislation.

Mr. SMITH of South Carolina. Mr. President——

Mr. JONES of Washington. The amendment of the Senator from Iowa impresses me favorably, but I do not know whether I should be in favor of it or not. I now yield to the Senator from South Carolina, if I have any time remaining.

Mr. SMITH of South Carolina. I want to call the Senator's attention to section 13, which takes cognizance of the very matter that is now under discussion. That section reads:

SEC. 13. That the Federal control of railroads and transportation systems herein and heretofore provided for shall not continue longer than 18 months after the proclamation of peace terminating the war in which the United States is now engaged: *Provided, however*, That the President may, prior to July 1, 1918, relinquish control of all or any part of any railroad or system of transportation further Federal control of which the President shall deem not needful or desirable; and the President may at any time during the period of Federal control agree with the owners to relinquish all or any part of any railroad or system of transportation—

The point that I am making is this—

Provided further, That the President may relinquish all railroads under Federal control at any time he shall deem such action needful or desirable. No right to compensation shall accrue to any owner from and after the date of relinquishment for property relinquished under authority of this section.

Therefore every contract that is made will be made, of course, in the light of that provision.

Mr. JONES of Washington. Yes; but if the contract is made in express terms to continue for 18 months after the termination of the war, as it can be made under this proposed law, then it will continue for 18 months.

Mr. SMITH of South Carolina. But does not the Senator from Washington understand that in a contract under a law which gives the President such power as this does, he may, upon notice, relinquish any road at such time as he deems it will not any further conserve the public interest to hold it?

Mr. JONES of Washington. If the President should reserve that right in the agreement that he makes, of course that would be made a part of it, I suppose, and the contract could be terminated, but there is nothing here to prevent the President from making a contract running for 18 months beyond the war, without any condition limiting it or permitting him to withdraw it. If he should make such a contract, it would run beyond the period of the war.

Mr. SMITH of South Carolina. Mr. President, just one word in reference to the amendment which has been proposed by the Senator from Iowa [Mr. CUMMINS]. The proposition of the Senator from South Dakota [Mr. JOHNSON] is that there shall be extended into peace times the conditions under which we are taking over the railroads; in other words, granting them certain compensation that no one can control—a radical departure from the present status of things—and projecting that arrangement indefinitely into peace times. The Senator from Iowa offers an amendment that provides, in his opinion, machinery that he could risk indefinitely. The proposition of the Senator from Iowa, in other words, is that he is proposing to legislate now in this emergency according to his idea how the railroads ought to be run after peace comes.

Mr. CUMMINS. Mr. President, if the Senator from South Carolina will allow me to correct him there, I wish to say that I am simply proposing to substitute a board for the President during the peace time; that is all. It does not affect the length of Federal control at all.

Mr. SMITH of South Carolina. But, Mr. President, the Senator from Iowa would be perfectly willing for that board thus appointed to go on indefinitely, for he says that if his amendment were adopted, then he would vote for indefinite tenure under that system, as modified by his amendment, which means that that is his idea of controlling the railroads during times of peace.

I submit that as fair-minded, honest men, the thing for us to do is to take this bill as a war measure, to treat it as a war measure, and to terminate that treatment when the war conditions are over.

Mr. GALLINGER. Mr. President, I rise to ask the Senator from South Carolina a question as to further procedure. We all agreed to this unanimous-consent agreement, some of us with hesitation, making it apply to the legislative day of Thursday. I will ask the Senator if he expects to complete this bill during this calendar day?

Mr. SMITH of South Carolina. My idea was that we would go on until the 10-minute limitation of debate is over, then take a recess, and finish the bill under the five-minute rule.

Mr. GALLINGER. Some of us would like to know about when we are likely to take that recess. Would the Senator think of running beyond 6 o'clock?

Mr. SMITH of South Carolina. No. My purpose was that at 6 o'clock we should take a recess, so as to begin the next session of the legislative day under the five-minute rule.

Mr. GALLINGER. It will be satisfactory if the Senator will move to take a recess at 6 o'clock.

Mr. SMITH of South Carolina. I should like in this connection to state to the Senator that I desire to run on until 6 o'clock, when the 10-minute limitation will have expired.

Mr. GALLINGER. That is entirely satisfactory.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. REED. I wanted the floor, and I thought the Senator from South Carolina had concluded.

Mr. SMITH of South Carolina. I am through.

Mr. REED. If I am not interrupting, I desire to ask the Senator in charge of the bill, the chairman of the committee, to consider this proposition. Perhaps I shall not offer an amendment upon it to-night, but possibly the committee will see fit to bring in one if the suggestion commends itself to the committee. The language of section 1 is:

That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission that during the period of such Federal control it shall receive as just compensation not exceeding an annual sum—

That is a clear right on the part of the President to make a contract covering the period of the war and the 18 months' period thereafter, unless there is to be found in the bill somewhere express language giving the right to terminate.

Mr. SMITH of South Carolina. I ask the Senator from Missouri to read section 13 of the bill—the last section.

Mr. REED. I have done so. When we come to the last section of the bill, to which the chairman of the committee refers me, we find this language:

SEC. 13. That the Federal control of railroads and transportation systems herein and heretofore provided for shall not continue longer than 18 months after the proclamation of peace terminating the war in which the United States is now engaged.

That, of course, fixes a limit of 18 months, and the President, so far as we have proceeded now, could contract for that period. Following the language on we find that the President may, prior to the 1st day of July, 1918, relinquish control of certain of the roads, and then we find the proviso, in line 12, which reads:

Provided, further, That the President may relinquish all railroads under Federal control at any time he shall deem such action needful or desirable.

But while you find the right to reserve to the President to relinquish these roads——

Mr. SMITH of South Carolina. I call the attention of the Senator from Missouri to the provision beginning in line 9 of that section.

Mr. REED. The Senator calls my attention to the language—

And the President may at any time during the period of Federal control agree with the owners to relinquish all or any part of any railroad or system, of transportation—

But that does not change the proposition I am trying to state.

Under the provisions of the bill, as I see it, the President can contract for the period of 18 months after the war, and I think may be held to be bound to contract for the period of the war and 18 months thereafter. The President then has the right to terminate the period of the contract by his own act. I think, notwithstanding anything he may put in the contract, he can terminate it; but we do not know who may be President at that time; of course, we can not tell; the exigencies that happen in this life, the duration of the war, and other matters are to be considered. Now, is it not wise to incorporate in the bill some language reserving to the Congress the right to limit Federal control—and by "Congress" I mean the Congress by law, which, of course, implies the presidential action in connection with it

that of Congress—so that there will be written into the contracts at the time they are made the express reservation of law giving to the United States the right to terminate them by law. A few words will do it; and in view of the doubt, I suggest to the committee the propriety of an amendment of that kind.

Mr. POMERENE. Mr. President, does the Senator really have serious doubt about the power of Congress to repeal this proposed law at any time?

Mr. REED. Absolutely, if a contract has been made. I am of the opinion that if the President were to make a contract for the period of the war and for 18 months thereafter, and did not see fit himself to terminate the contract, the contract could not be annulled by an act of Congress, unless we place in this act a reservation of the right to change it. I am not going to insist that I am necessarily right about it; but I think a doubt exists, and I think that the insertion in line 13, after the word "President," of the words "or the United States by act of Congress," will settle the entire question.

Mr. SMITH of South Carolina. If I may make a suggestion to the Senator right there, I have not thought about the suggestion he makes to us for our consideration; but would not the Senator's proposal inject two parties to deal with the railroads in relation to the contracts to be made, one the Congress and the other the President, and might it not inject such an element of doubt and uncertainty as to make any agreement rather doubtful? I merely throw that out as a suggestion.

It seems to me that if the railroads are going to deal with the President, then they may learn just what he is going to do by communicating with him; but if we also reserve the right to Congress to change the contract, the railroads might not know exactly what kind of a contract they would be able to secure.

Mr. REED. Mr. President, if the Senator will pardon me, a moment ago he was insisting that Congress does now have that right under the bill.

Mr. SMITH of South Carolina. No; I said the President had.

Mr. REED. I understood a number of Senators to say that the right existed also on the part of Congress.

Mr. SMITH of South Carolina. But the Senator from South Carolina did not say that.

Mr. SMITH of Georgia. The Senator probably has in mind the Senator from Ohio [Mr. POMERENE].

Mr. REED. I was probably in error when I said the Senator from South Carolina had taken that position; but other Senators have taken it.

Mr. SMITH of South Carolina. I do not exactly understand, if the Senator will allow me a moment, how Congress can authorize and direct the President, and give him the power to do a thing, and then say that he can not do it. The bill expressly provides that he shall, of his own initiative, terminate any of these contracts when he sees fit to do so and when the public good in his judgment so demands. Now, if on the other hand, part passu, we invest Congress with power to do the same thing, the railroads would not know where they stood. So it seems to me that the only question of doubt would be the question raised by the Senator that we do not know who might be President; but I take it that all Presidents are pretty much alike in some respects.

Mr. ROBINSON. Mr. President, I should like to ask the Senator from Missouri a question, if he will permit me. The Senator from Missouri understands, of course, that the constitutional limitation prohibiting the impairment of the obligation of contracts is upon the States, and not upon the Federal Government; in other words, the making of a contract can not estop Congress from legislating upon the subject.

Mr. REED. Mr. President, I have heard that proposition often laid down, and while it is true that there is no express constitutional provision that the United States can not impair the obligation of a contract, I think the authorities are perfectly clear that the United States can not take property without due process of law; and that when you impair the obligation of a contract you do take property without due process of law. The courts have so held. I think the fifth amendment covers it, but that is not the point I am talking about. It is perfectly clear that if we do write into this law words expressly reserving to Congress the power to turn back these roads, notwithstanding any contract, we will then be in a position to do it if the country wants to do it. Many Senators think that that right exists anyway; but, as there is a doubt about it, why not put in these three or four words? Then every railroad company will understand. Congress will understand, and the President will understand that the power is reserved to change these contracts. I make the suggestion as one desiring to aid the bill, and not in an antagonistic spirit, for the consideration of the committee.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the amendment offered by the Senator from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. President, I want to get back for just a moment to the amendment. Referring to the suggestion made by the Senator from Washington [Mr. JONES], I desire to modify the original amendment by striking out the word "thereafter" in line 4.

The VICE PRESIDENT. The amendment will be so modified. The question now is on the amendment of the Senator from Iowa to the amendment of the Senator from South Dakota as modified.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The question now recurs on the amendment offered by the Senator from South Dakota as modified.

Mr. UNDERWOOD. I ask for the yeas and nays.

Mr. JOHNSON of South Dakota. I think the yeas and nays were ordered on the amendment some time ago.

The VICE PRESIDENT. They are now ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

Mr. THOMAS (when his name was called). May I inquire whether the senior Senator from North Dakota [Mr. MCCUMBER] has voted?

The VICE PRESIDENT. He has not.

Mr. THOMAS. I have a standing pair with that Senator, and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. LODGE (when Mr. WEEKS's name was called). My colleague [Mr. WEEKS] is absent, as I have already stated. He is paired with the senior Senator from Kentucky [Mr. JAMES]. If present my colleague would vote "nay."

The roll call was concluded.

Mr. McLEAN. I wish to announce that my colleague [Mr. BRANDEGEE] is unavoidably absent from the Chamber. If present he would vote against this amendment.

Mr. FRELINGHUYSEN. Making the same transfer that I made on a previous vote, I vote "nay."

Mr. KIRBY. I have been requested to announce the unavoidable absence of the senior Senator from Kansas [Mr. THOMPSON], who, if present, would vote "yea."

Mr. HALE. I wish to announce the unavoidable absence of my colleague [Mr. FERNALD]. If present, he would vote "nay."

Mr. JOHNSON of South Dakota (after having voted in the affirmative). I have a pair with the senior Senator from Maine [Mr. FERNALD]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and will allow my vote to stand.

The result was announced—yeas 10, nays 61, as follows:

YEAS—10.

Ashurst	Johnson, S. Dak.	Kirby	Poindexter
Gronna	Jones, Wash.	Norris	
Johnson, Cal.	Kenyon	Phelan	

NAYS—61.

Bankhead	Jones, N. Mex.	Page	Smith, S. C.
Beckham	Kellogg	Penrose	Smoot
Cummins	Kendrick	Pittman	Sterling
Curtis	King	Pomerene	Stone
Dillingham	Knox	Ransdell	Sutherland
Fletcher	Lewis	Robinson	Tillman
France	Lodge	Saulsbury	Townsend
Frelinghuysen	McKellar	Shafroth	Trammell
Gallinger	McLean	Sheppard	Underwood
Gerry	McNary	Sherman	Warren
Gore	Martin	Shields	Watson
Hale	Myers	Simmons	Williams
Harding	Nelson	Smith, Ariz.	Wolcott
Hardwick	New	Smith, Ga.	
Henderson	Nugent	Smith, Md.	
Hitchcock	Overman	Smith, Mich.	

NOT VOTING—23.

Borah	Culberson	LaFollette	Thompson
Brandegee	Fall	McCumber	Vardaman
Broussard	Fernald	Owen	Wadsworth
Calder	Goff	Reed	Walsh
Chamberlain	Hollis	Swanson	Weeks
Colt	James	Thomas	

So the amendment of Mr. JOHNSON of South Dakota was rejected.

Mr. SIMMONS. Mr. President, I ask unanimous consent to present, out of order, a favorable report from the Finance Committee.

The VICE PRESIDENT. The Chair will be compelled to hold that under the rule of the Senate the unanimous-consent agreement precludes any other business until 6 o'clock, at least.

Mr. SIMMONS. I apprehended that the Chair might so hold, but I thought I might get in this report without having to wait until 6 o'clock.

The VICE PRESIDENT. Unfortunately, the Chair will have to say to the Senator from North Carolina that since the present occupant of the chair came here a rule has been adopted whereby a unanimous-consent agreement can not be set aside except upon one day's notice.

Mr. SIMMONS. I was not unaware of that. I simply wanted to make this report, if possible.

Mr. STONE. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 11, line 11, after the word "property," it is proposed to insert the word "while," so that, if amended, the clause will read:

But no process, mesne or final, shall be levied against any property while under such Federal control.

Mr. SMITH of South Carolina. Mr. President, that amendment does not change the meaning of the proposition at all, and I have no objection to it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of section 13, the following words:

Provided further, That nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation.

Mr. FRELINGHUYSEN. Mr. President, the State of New Jersey receives $7,000,000 from the railroads in the way of taxation, which is appropriated directly to the schools of the State. The object of this amendment is to make certain that there will be no interference by the Federal Government with that method of taxation.

I ask if the chairman of the committee will not accept the amendment?

Mr. SMITH of South Carolina. Mr. President, I am perfectly agreeable to that amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New Jersey.

The amendment was agreed to.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out section 10, and to insert in lieu thereof the following:

SEC. 10. That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act, or any other act applicable to such Federal control, or with any order of the President, be subject to all laws and liabilities as common carriers, whether arising under statutes or at common law, including the laws enacted or liabilities imposed under State authority for the regulation of the common carriers of traffic wholly within the State; and suits may be brought by and against such carriers and judgments rendered as now provided by law. But no process, mesne or final, shall be levied against any property under such Federal control.

That the Interstate Commerce Commission, in addition to the powers conferred by the act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, is authorized to investigate, hear, and determine on application of the President and in the manner provided in said act, whether the rate or rates charged by any carrier or carriers under Federal control are, under the conditions, unjust or unreasonable or prejudicial to the public interest or to the purpose for which said control has been authorized and assumed, and on such hearing and determination to prescribe and order what rate or rates, charge or charges are, under the conditions, just and reasonable and which shall be observed as the maximum to be charged during such control.

Mr. STERLING. Mr. President, there are two changes in section 10 provided for by the proposed amendment.

The first is in the first paragraph of section 10 of the bill; and I am not sure, Mr. President, but that the amendment as proposed to the first paragraph of section 10 will simply make more certain what was intended by the committee. The only change made in the first paragraph is by the insertion of the following words after the word "law" in line 8:

Including the laws enacted or liabilities imposed under State authority for the regulation of the common carriers of traffic wholly within the State.

So that, if amended, the paragraph would read:

That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act, or any other act applicable to such Federal control, or with any order of the President, be subject to all laws and liabilities as common carriers, whether arising under statutes or at common law, including the laws enacted or liabilities imposed under State authority for the regulation of the common carriers of traffic wholly within the State.

Under the theory, Mr. President, that the amendment will make it more certain than the bill, we would suppose, perhaps, that the word "statutes" referred to State as well as Federal statutes; but that is not clear. The words in the bill are "under statutes or at common law." If that language excludes State statutes and legislation and regulation under State statutes, it, of course, will have the effect of destroying railroad regulation under State systems, and I do not believe that is desirable. The exigencies of the case do not require it. After all, Mr. President, under the terms of the first paragraph of section 10 if any State regulation or statute is inconsistent with any order made by the President, the order of the President will, of course, supersede the State statute; but aside from the authority of the President—and aside from the regulation of rates or the initiation of rates he may make many, many orders—the State board of railroad commissioners surely should have control.

Mr. President, we can not ignore the great benefits conferred upon the people of a State by the action of the State boards of railroad commissioners. They have proved the greatest help in my own State of South Dakota; and, as I understand, they are coordinating and cooperating with the work of the Interstate Commerce Commission.

We have a fine example just now of the successful work of our own railroad commission. It was a case of rates charged by the railroads for hauling coal between the coal fields of Wyoming and points in South Dakota. Under the law a case was instituted by our railroad commission before the Interstate Commerce Commission, resulting in a recent decision to the effect that the railroad rates were, by order of the commission, reduced from what they were; and they had been, in fact, prohibitive of the bringing in of coal from the State of Wyoming.

Now, Mr. President, let me call attention to the second paragraph of section 10.

The second paragraph of section 10 gives the President the power to initiate rates. It in effect gives him the power to establish rates; for although the rates initiated by the President might be burdensome or unjust to the public, anyone would hesitate to complain to the commission.

What does my second amendment propose—the amendment to the second paragraph of section 10? It proposes that in addition to the powers conferred upon the Interstate Commerce Commission by the interstate-commerce act the commission shall, on the application of the President, investigate, hear, and determine any case where it may be alleged by him that the rates are unjust or unreasonable, or are prejudicial to the public interest, or are prejudicial to the purposes for which control of the railroads was assumed and has been authorized by act of Congress. I am satisfied, Mr. President, that all the benefits desired can be obtained in that way, by simply authorizing the President under the act to make application himself to the Interstate Commerce Commission for the fixing or the changing of a present rate on any line or the rate established by any carrier.

I have heard many objections, Mr. President, to the provision in the bill giving the President the power to initiate rates. All the good will be accomplished that is necessary to be accomplished, all that any exigency will require, by permitting the President under the law to make application himself to the Interstate Commerce Commission for the changing of any given rate, the rate of any line or of an entire system.

It seems to me, Mr. President, that under the conditions this is a most reasonable provision. I do not believe we want to put it in the power of the President of the United States to initiate, or, as I said, in effect to establish a rate for the whole country; but here the President can at any time—not in the ordinary case, but if the public welfare requires it or if it be for the purpose of carrying out the provisions of this bill—appear before the railroad commission or file his application before the Interstate Commerce Commission and have an investigation and a hearing, just as the bill provides may be had upon an initiated rate of which complaint is made; and I believe that all the exigencies and necessities of the case will be covered and that the great public will be better satisfied with a provision of that kind.

Mr. PHELAN. Mr. President, I desire to ask a question of the Senator. Do I understand that it is his view that under the powers granted by this bill the President has the right to initiate rates within a State, or only in interstate commerce?

Mr. STERLING. In interstate commerce, probably. However, on reflection I am inclined to think that the President would have a right under this bill to establish a rate for traffic wholly within a State.

Mr. PHELAN. The bill provides that the only appeal is to the Interstate Commerce Commission.

Mr. STERLING. Yes.

Mr. PHELAN. Therefore, by implication, I should say the initiation referred only to interstate rates.

Mr. STERLING. That is true; the appeal is to the Interstate Commerce Commission. But it is probably true that in this particular case, and to cover this class of cases, the Interstate Commerce Commission is made the instrument for the investigation of these rates.

Mr. PHELAN. I should like to ask the same question of the Senator from South Carolina, in charge of the bill.

Mr. SMITH of South Carolina. Mr. President, the committee itself was in doubt as to the real interpretation of this language. It seemed as if it were giving to the Interstate Commerce Commission the power of review when the President had initiated rates and made no other provision, and the interpretation would be that in case under this emergency clause he changed a rate that originated within the State, then it practically nullified or set aside the State commission to that extent.

Mr. STONE. Mr. President, I desire to ask the Senator in charge of the bill to inform me and the Senate what the program for to-morrow is.

Mr. SMITH of South Carolina. It is my intention, when the proper time arrives, to have the Senate take a recess until to-morrow at 11 o'clock. I presume the reading of the Farewell Address of Washington will be observed as heretofore, and afterwards we will go right along with the bill. That is my intention now. I think the urgency that is on us would cause us to go ahead with the bill.

Mr. CUMMINS. To-morrow will be the 21st of February.

Mr. SMITH of South Carolina. The 22d.

Mr. CUMMINS. The 21st. How can we celebrate Washington's Birthday on that day?

Mr. SMITH of South Carolina. No one will know that it is the legislative day of the 21st but the Senate.

Mr. STONE. That is a legislative technicality. To-morrow will be February 22.

Mr. President, I desire to say a word, if I may at this time, about this memorial event. I do not look with favor upon the program outlined for to-morrow by my friend from South Carolina. According to that program the Farewell Address of George Washington will be read in accordance with an ancient custom upon the assembling of the Senate to-morrow. We are told that after that we are to go on with the ordinary legislative business of the Senate. There is to be no adjournment in honor of Washington. Only the other day, the 12th of this month, the Senate adjourned out of respect to the memory of Abraham Lincoln, that being his birthday. It was a very proper observance of that event, a very proper compliment to pay to that great American. Of all men in our history entitled to bear the distinguished cognomen of the "Great Commoner" is Abraham Lincoln. It is a distinction that has been applied in one way or another to many eminent Americans from the day of Henry Clay—it may be before that—to this time, but Abraham Lincoln is the one man above all in our history really entitled to wear that distinguished title. It belongs to him.

Mr. President, what I wish to say is that while we paid this well-deserved compliment to Abraham Lincoln by adjourning the Senate out of respect to his birthday, I can not but look with disfavor upon the program for to-morrow.

The VICE PRESIDENT rapped with his gavel.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Personally, the Chair has no control over the agreement. It is 5 minutes after 6 o'clock. The bill is before the Senate and has not been set aside.

Mr. STONE. Then I will take another occasion to say what I have to say about George Washington and why I think we should also adjourn the Senate in commemoration of his birth.

Mr. SMITH of South Carolina. Mr. President——

Mr. STONE. Mr. President, I move to strike out the last word.

The VICE PRESIDENT. There is an amendment pending to which the Senator from Missouri has addressed himself. The Chair is not responsible for this agreement.

Mr. STONE. I move to amend that amendment by striking out the first word in it.

The VICE PRESIDENT. The Chair does not know what the Senator from Missouri wants to strike out.

Mr. STONE. The first word of the pending amendment.

The VICE PRESIDENT. The word "section"?

Mr. STONE. Yes.

The VICE PRESIDENT. The Chair holds that that is not in order.

Mr. STONE. What is the first word of the amendment?

The VICE PRESIDENT. "That" is the first word.

Mr. STONE. I move to strike out the word "that."

The VICE PRESIDENT. The Chair holds that that is not in order. It is not an amendment which would leave anything if carried.

Mr. STONE. Then I move to strike out the first line of the amendment.

Mr. PENROSE. I raise a point of order that the amendment is not germane.

The VICE PRESIDENT. The Chair has nothing to do with the germaneness of the amendment. The amendment is in order, and the Senator can proceed for five minutes.

Mr. STONE. Mr. President, I wish to say that I look with disfavor upon the suggestion that on to-morrow when the Senate meets and the Senator from Rhode Island [Mr. GERRY] takes his place at the Secretary's desk and reads the last message that George Washington delivered to the American people, reads it on Washington's Birthday, that we shall then immediately go on with legislative current business. We ought to adjourn the Senate out of respect to Washington's memory, just as we did out of respect to the memory of Lincoln.

Mr. MARTIN. I ask the Senator if he will yield to me for just a moment? I wish to call his attention to the fact that the rule requires that we shall proceed with ordinary business as soon as the address has been read. That is in the rule of the Senate.

Mr. LODGE. It has always been done.

Mr. STONE. I know it is in the rule; I was not unaware of that.

Mr. GALLINGER. Of course, if we choose to adjourn after the address is read we can do so.

Mr. STONE. Yes; and I am now proposing that we do then adjourn.

Mr. President, it is a poor compliment to the man who is supposed to stand first in war, first in peace, and first in the hearts of his countrymen—the first of all Americans—that we merely read his Farewell Address to a half dozen Senators and to a scattered audience of a few curious onlookers in the galleries. How prone are we to forget the advice and admonitions of this greatest of all Americans! I not only want that address read to the Senate and to the country but to impress its dignity and wisdom, its soberness and its truth upon the Senate and the country and the world. If anything can be done by the Senate to impress the tremendous significance of that memorable address upon the American mind it should be done now if ever in our history. Can we not pay this simple compliment to George Washington as we paid a like well-deserved compliment to Abraham Lincoln?

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of executive business.

Mr. POINDEXTER. Will the Senator withhold that for just a moment while I offer an amendment in order that it may be printed for consideration to-morrow?

Mr. SMITH of South Carolina. Very well.

Mr. POINDEXTER. I offer an amendment and ask that it be printed.

The VICE PRESIDENT. It will be printed and lie on the table.

Mr. SMITH of South Carolina. I renew the motion.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Oklahoma?

Mr. SMITH of South Carolina. I yield.

Mr. GORE. I ask unanimous consent to print in the RECORD a brief of Judge Cowan, of Texas, in relation to the pending bill.

Mr. WILLIAMS. How long is it?

Mr. GORE. Several pages.

Mr. WILLIAMS. I believe I will object to printing the paper in the RECORD, and I make the objection on account of the high cost and scarcity of print paper.

EXECUTIVE SESSION.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

CAPT. HARRY GRAHAM—BILL BECOMES A LAW.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that S. 1418, an act to authorize the President of the United States to appoint Harry Graham captain of Infantry, having been presented to the President on February 7, 1918, and not having been returned by him to the House of Congress in which it originated within the 10 days prescribed by the Constitution, it has become a law without his approval.

EFFECT OF BOLSHEVIKI DOCTRINES IN LABOR UNIONS.

Mr. McCUMBER. Mr. President, I desire to give notice that on Monday next, at the close of the routine morning business, I shall ask permission to address the Senate upon the effect of the Bolsheviki doctrines in our labor unions upon production in the United States and the remedy of the country against those doctrines.

ESTABLISHMENT OF A FOREIGN BANK.

Mr. OWEN. Mr. President, I give notice that on to-morrow, Friday, after the morning hour, I should like permission to address the Senate with regard to the establishment of a foreign bank——

Mr. STONE. Mr. President, I should like to inquire, if the Senator will permit me, whether there will be a session of the Senate to-morrow?

Mr. OWEN. Yes. Washington's Farewell Address will be read to the Senate by the junior Senator from Rhode Island [Mr. GERRY], and then any other matter can be proceeded with that the Senate chooses to consider.

The PRESIDING OFFICER (Mr. PHELAN in the chair). The Chair begs to remind the Senator from Oklahoma that it is the custom—and, indeed, under an order of the Senate—that the Farewell Address of Washington shall be read to-morrow.

Mr. OWEN. I so understand, Mr. President; and I understand also that it is the practice of the Senate to transact any business it may see fit to transact on that day. After the reading of the address I wish to make some remarks on the establishment of a foreign bank and the necessity for providing the merchants' commerce of the United States with international exchange and international credits.

PETITIONS.

Mr. McLEAN presented a petition of the Grand Chapter of Connecticut, Order of the Eastern Star, of Winsted, Conn., praying for the establishment of a league of nations to safeguard an enduring peace after the close of the present war, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Retail Butchers and Grocers' Protective Association, of New Haven, Conn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

WAR FINANCE CORPORATION.

Mr. SIMMONS. From the Committee on Finance, I report back favorably, with amendments, the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes. I wish to give notice that I shall submit a report (No. 286) to accompany the bill at a later day. I also desire to give notice that I shall ask the Senate to take up the bill for consideration on Monday next, in the event that the pending bill, known as the railroad transportation bill, shall have been disposed of.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEWIS:

A bill (S. 3929) for the construction of a private conduit across Michigan Avenue NE., in the District of Columbia; to the Committee on the District of Columbia.

By Mr. JONES of Washington:

A bill (S. 3930) granting an increase of pension to Francis A. Hoagland (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 3931) granting an increase of pension to James N. Harris; to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment proposing to appropriate $10,000 for the purchase and installation of a new elevator in the Central Dispensary and Emergency Hospital, intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that within two years after the conclusion of the existing war the buildings provided for shall be removed and parcels of land known as East Seaton Park and West Seaton Park, in the city of Washington, shall be attached to and become a part of the United States Botanic Garden, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WILLIAMS submitted an amendment authorizing the Secretary of the Interior to enroll as members of the Choctaw Tribe of Indians all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes, under the provision of section 21 of the act of Congress approved June 28, 1898, and also to enroll all full-blooded Mississippi Choctaws not heretofore enrolled and all persons who may satisfactorily establish their rights as descendants of Choctaws, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

Mr. GORE submitted an amendment providing that hereafter any moneys received by the United States in payment of charges fixed by the Secretary of Agriculture on account of cleaning and disinfecting of plants constructed therefor out of any appropriation made on account of the pink boll worm be appropriated and made immediately available during the continuance of such emergency, etc., intended to be proposed by him to the Agriculture appropriation bill, which was ordered to lie on the table and be printed.

THE PANAMA RAILROAD CO. (S. DOC. NO. 179).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Interoceanic Canals.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the Sixty-eighth Annual Report of the Board of Directors of the Panama Railroad Co. for the fiscal year ending June 30, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *February 20, 1918.*

RECESS.

Mr. SMITH of South Carolina. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 13 minutes p. m., Thursday, February 21, 1918) the Senate took a recess until to-morrow, Friday, February 22, 1918, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 21, 1918.

PUBLIC HEALTH SERVICE.

Dr. Marion Flint Haralson to be assistant surgeon in the Public Health Service, to take effect from date of oath. New office.

Dr. John Friend Mahoney to be assistant surgeon in the Public Health Service, to take effect from date of oath. New office.

Dr. Hugh David Ward, to be assistant surgeon in the Public Health Service, to take effect from date of oath. New office.

APPOINTMENTS IN THE ARMY.

CHAPLAINS.

Rev. Thomas A. Harkins, of Oklahoma, with rank from February 14, 1918.

Rev. John W. Inzer, of Alabama, with rank from February 15, 1918.

MEDICAL CORPS.

First Lieut. Charles Robert Henry, Medical Reserve Corps, to be first lieutenant with rank from February 15, 1918, to fill an existing vacancy.

APPOINTMENTS IN THE NATIONAL ARMY.

TO BE BRIGADIER GENERALS WITH RANK FROM FEBRUARY 18, 1918.

Adjutant General's Department.

Col. Henry G. Learnard, adjutant general.

Inspector General's Department.

Col. William T. Wood, United States Army, retired.
Col. Thomas Q. Donaldson, inspector general.

Ordnance Department.

Col. William S. Peirce, Ordnance Department.
Col. John H. Rice, Ordnance Department.
Col. Tracy C. Dickson, Ordnance Department.

PROVISIONAL APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

John Thomas Bell, late cadet, United States Military Academy, to be second lieutenant with rank from October 26, 1917.

Second Lieut. Arthur Edmund Hirschler, Officers' Reserve Corps, to be second lieutenant with rank from date of appointment.

PROVISIONAL APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. George Stewart Warren, Thirty-ninth Infantry, to be second lieutenant of Cavalry with rank from October 26, 1917.

FIELD ARTILLERY ARM.

Second Lieut. John S. Fishback, Infantry, to be second lieutenant with rank from October 26, 1917.

INFANTRY ARM.

Second Lieut. Bernard M. Barcalow, Field Artillery, to be second lieutenant of Infantry with rank from October 26, 1917.

Second Lieut. James Robert Lowry, jr., Eleventh Cavalry, to be second lieutenant of Infantry with rank from October 26, 1917.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Arthur H. Warner, Coast Artillery Corps, to be first lieutenant with rank from October 26, 1918.

INFANTRY ARM.

Second Lieut. John Thomas Bell to be first lieutenant with rank from October 26, 1917.

CAVALRY ARM.

To be first lieutenants with rank from October 12, 1917.

Second Lieut. Vance W. Batchelor, Cavalry.
Second Lieut. Truman E. Boudinot, Cavalry.
Second Lieut. James R. Wood, Cavalry.
Second Lieut. William J. Gallagher, Cavalry.
Second Lieut. Charles Rudd, Cavalry.
Second Lieut. James G. Strobridge, Cavalry.
Second Lieut. Stephen Boon, jr., Cavalry.
Second Lieut. Harold G. Holt, Cavalry.
Second Lieut. Walter Gunther, Cavalry.
Second Lieut. Roy V. Morledge, Cavalry.
Second Lieut. John W. Noble, Cavalry.
Second Lieut. Herman R. Crile, Cavalry.
Second Lieut. Joseph E. Torrence, Cavalry.
Second Lieut. Charles G. Hutchinson, Cavalry.
Second Lieut. Chester P. Dorland, Cavalry (Signal Corps).
Second Lieut. Ernest D. McQueen, Cavalry.
Second Lieut. Archie E. Groff, Cavalry.
Second Lieut. George D. Wiltshire, Cavalry.
Second Lieut. Alfonso F. Zerbee, Cavalry.
Second Lieut. Jackson B. Wood, Cavalry.
Second Lieut. Arthur J. Wehr, Cavalry.
Second Lieut. Robert C. Scott, Cavalry.
Second Lieut. Ernest F. Apeldorn, jr., Cavalry.

To be first lieutenants with rank from October 24, 1917.

Second Lieut. John R. Evans, jr., Cavalry.
Second Lieut. DeLancey Bentley, Cavalry.
Second Lieut. William P. Rauch, Cavalry.
Second Lieut. John A. Garvin, Cavalry.
Second Lieut. Daniel D. Streeter, Cavalry.
Second Lieut. Randolph Russell, Cavalry.
Second Lieut. Ralston D. Livingston, Cavalry.
Second Lieut. Brock Putnam, Cavalry.
Second Lieut. Leland L. Miller, Cavalry.
Second Lieut. Edwin M. Sumner, Cavalry.
Second Lieut. William J. McChesney, jr., Cavalry.
Second Lieut. Joseph Sheehan, Cavalry.
Second Lieut. James M. Currin, Cavalry.
Second Lieut. Thomas H. Green, Cavalry.
Second Lieut. William H. C. Grimes, Cavalry.
Second Lieut. Russell C. Winchester, Cavalry.
Second Lieut. James S. Rodwell, Cavalry.
Second Lieut. Charles F. Choate, 3d, Cavalry.
Second Lieut. Charles D. Ryan, Cavalry.
Second Lieut. Nathaniel Holmes, Cavalry.
Second Lieut. Kirk Broaddus, Cavalry.
Second Lieut. Paul Blackmer, Cavalry.
Second Lieut. Herbert A. Suman, Cavalry.
Second Lieut. Harold de B. Bruck, Cavalry.
Second Lieut. Donald A. Young, Cavalry.

To be first lieutenants with rank from October 25, 1917.

Second Lieut. Hans C. Minuth, Cavalry.
Second Lieut. Edwin C. Gere, Cavalry.
Second Lieut. John M. Sweeney, jr., Cavalry.
Second Lieut. George G. Ball, Cavalry.
Second Lieut. Samuel C. Skemp, Cavalry.
Second Lieut. Jacob M. Carter, jr., Cavalry.
Second Lieut. Thomas P. Hazard, Cavalry.
Second Lieut. Francis C. Dossert, Cavalry.

To be first lieutenants with rank from November 5, 1917.

Second Lieut George W. Ewing, jr., Cavalry.
Second Lieut. Crawford C. Madeira, Cavalry.
Second Lieut. Charles P. Davis, Cavalry.
Second Lieut. Harry R. Kilbourne, Cavalry.
Second Lieut. Elmer E. Finck, Cavalry.
Second Lieut. Harry H. Semmes, Cavalry.

To be first lieutenant with rank from November 10, 1917.

Second Lieut. Clifford A. Eastwood, Cavalry.

To be first lieutenant with rank from November 30, 1917.

Second Lieut. Guy A. Russell, Cavalry.

To be first lieutenant with rank from December 1, 1917.

Second Lieut. Fenton S. Jacobs, Cavalry.

To be first lieutenant with rank from January 8, 1918.

Second Lieut. Catesby ap C. Jones, Cavalry.

To be first lieutenant with rank from January 9, 1918.

Second Lieut. Charles Wharton, Cavalry.

TEMPORARY PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be major with rank from July 13, 1917.

Capt. Clarence L. Sturdevant, Corps of Engineers, vice Maj. Thomas H. Jackson, promoted.

To be major with rank from July 14, 1917.

Capt. Earl J. Atkisson, Corps of Engineers, vice Maj. George B. Pillsbury, promoted.

To be major with rank from July 18, 1917.

Capt. Richard T. Coiner, Corps of Engineers, vice Maj. Gustave R. Lukesh, promoted.

To be majors with rank from August 5, 1917.

Capt. Robert S. A. Dougherty, Corps of Engineers, vice Maj. John R. Slattery, promoted.

Capt. Stuart C. Godfrey, Corps of Engineers, vice Maj. Albert E. Waldron, promoted.

Capt. Francis C. Harrington, Corps of Engineers, vice Maj. Francis A. Pope, promoted.

Capt. Edwin H. Marks, Corps of Engineers, vice Maj. Ernest D. Peek, promoted.

Capt. Earl North, Corps of Engineers, vice Maj. George R. Spalding, promoted.

Capt. Albert H. Acher, Corps of Engineers, vice Maj. Paul S. Bond, appointed colonel in the National Army.

Capt. Gilbert Van B. Wilkes, Corps of Engineers, vice Maj. Elliott J. Dent, promoted.

Capt. John C. H. Lee, Corps of Engineers, vice Maj. William L. Guthrie, appointed colonel in the National Army.

Capt. Frank S. Besson, Corps of Engineers, vice Maj. Henry C. Jewett, appointed colonel in the National Army.

Capt. Lindsay C. Herkness, Corps of Engineers, vice Maj. William P. Stokey, promoted.

Capt. Roscoe C. Crawford, Corps of Engineers, vice Maj. Ernest Graves, promoted.

Capt. Bradford G. Chynoweth, Corps of Engineers, vice Maj. Francis B. Wilby, promoted.

Capt. Gordon R. Young, Corps of Engineers, vice Maj. James J. Loving, promoted.

Capt. Lunsford E. Oliver, Corps of Engineers, vice Maj. John W. N. Schulz, promoted.

CAVALRY ARM.

To be colonel with rank from January 26, 1918.

Lieut. Col. Edgar A. Sirmyer, Cavalry.

To be lieutenant colonels with rank from January 26, 1918.

Maj. Hamilton Bowie, Cavalry.
Maj. Frederick J. Herman, Cavalry (Quartermaster Corps).
Maj. Ben Lear, jr., Cavalry (General Staff Corps).
Maj. George P. Tyner, Cavalry (General Staff Corps).
Maj. Walter F. Martin, Cavalry.

To be majors with rank from January 24, 1918.

Capt. Walter F. Martin, Cavalry.
Capt. N. Butler Briscoe, Cavalry.

To be majors with rank from January 26, 1918.

Capt. Elbert E. Farman, jr., Cavalry.
Capt. George S. Patton, jr., Cavalry.
Capt. James R. Hill, Cavalry.

To be captains with rank from January 24, 1918.

First Lieut. Peter T. Coxe, Cavalry.
First Lieut. Francis J. Bouche, Cavalry.
First Lieut. William H. Sweet, Cavalry.

To be captains with rank from January 26, 1918.

First Lieut. Louis Caesler, Cavalry (Signal Corps).
First Lieut. William Van D. Ochs, Cavalry.
First Lieut. Lee L. Elzas, Cavalry.
First Lieut. Owen G. Fowler, Cavalry.

To be first lieutenants with rank from January 23, 1918.

Second Lieut. Calvert L. Estill, Cavalry.
Second Lieut. Nathan Cockrell, Cavalry.

To be first lieutenants with rank from January 24, 1918.

Second Lieut. Channing C. Beeth, Cavalry.
Second Lieut. Cecil T. North, Cavalry.
Second Lieut. Robert M. Eichelsdoerfer, Cavalry.
Second Lieut. Edmund H. Driggs, jr., Cavalry.

To be first lieutenants with rank from January 26, 1918.

Second Lieut. James T. Watson, jr., Cavalry.
Second Lieut. Roswell E. Round, Cavalry.
Second Lieut. William D. Thompson, Cavalry.

To be first lieutenants with rank from August 12, 1917.

Second Lieut. Murray H. Ellis, Cavalry, vice First Lieut. Charles C. Smith, promoted.

Second Lieut. Wolcott P. Hayes, Cavalry, vice First Lieut. Harrison Herman, promoted.

To be first lieutenant with rank from August 15, 1917.

Second Lieut. Joseph I. Lambert, Cavalry, vice First Lieut. William W. Dempsey, promoted.

To be first lieutenants with rank from August 16, 1917.

Second Lieut. Ralph W. Rogers, Cavalry, vice First Lieut. Robert R. D. McCullough, promoted.

Second Lieut. William P. Medlar, Cavalry, vice First Lieut. Chapman Grant, promoted.

Second Lieut. Lawrence A. Shafer, Cavalry, vice First Lieut. Duncan G. Richart, promoted.

Second Lieut. Thurlby M. Rundel, Cavalry, vice First Lieut. Daniel A. Connor, promoted.

Second Lieut. Charles B. B. Bubb, Cavalry, vice First Lieut. Harley C. Dagley, promoted.

Second Lieut. Paul E. McDermott, Cavalry, vice First Lieut. Charles L. Clifford, promoted.

Second Lieut. Gustav B. Guenther, Cavalry, vice First Lieut. Gaston L. Holmes, promoted.

Second Lieut. William H. Skinner, Cavalry, vice First Lieut. George W. Wersebe, promoted.

Second Lieut. Leslie F. Lawrence, Cavalry, vice First Lieut. Milton R. Fisher, promoted.

Second Lieut. Horace W. Forster, Cavalry, vice First Lieut. John S. Jadwin, promoted.

Second Lieut. Franklin C. Ketler, Cavalry, vice First Lieut. Arthur P. Thayer, promoted.

Second Lieut. Charles Pope, 2d, Cavalry, vice First Lieut. Edward R. Scheitlin, promoted.

Second Lieut. Waldemar A. Falck, Cavalry, vice First Lieut. Edwin A. Martin, promoted.

Second Lieut. Carl J. Rohsenberger, Cavalry, vice First Lieut. Jay D. B. Lattin, promoted.

Second Lieut. Crawford M. Kellogg, Cavalry, vice First Lieut. Frank G. Ringland, promoted.

Second Lieut. James V. McDowell, Cavalry, vice First Lieut. John B. Harper, promoted.

Second Lieut. Harry L. Hart, Cavalry, vice First Lieut. Oliver I. Holman, promoted.

Second Lieut. James H. B. Bogman, Cavalry, vice First Lieut. John J. Bohn, promoted

Second Lieut. Robert H. Gallier, Cavalry, vice First Lieut. John C. Garrett, promoted.

Second Lieut. Percy S. Haydon, Cavalry, vice First Lieut. Grover R. Carl, promoted.

Second Lieut. David J. Chaille, Cavalry, vice First Lieut. Hugh D. Blanchard, promoted.

Second Lieut. Albert E. McIntosh, Cavalry, vice First Lieut. James G. Monihan, promoted.

To be first lieutenants with rank from August 17, 1917.

Second Lieut. Jefferson Kinney, jr., Cavalry, vice First Lieut. Anthony J. Kirst, promoted.

Second Lieut. Halbert H. Neilson, Cavalry, vice First Lieut. William B. Simmons, promoted.

Second Lieut. Leland C. McAuley, Cavalry, vice First Lieut. Rexford E. Willoughby, promoted.

Second Lieut. Carl R. Johnston, Cavalry, vice First Lieut. John D. Austin, promoted.

Second Lieut. Vance W. Batchelor, Cavalry, vice First Lieut. Cleo D. Mayhugh, promoted.

Second Lieut. Truman E. Boudinot, Cavalry, vice First Lieut. John P. Kaye, promoted.

Second Lieut. Dean R. De Merritt, Cavalry, vice First Lieut. James W. Barnett, promoted.

Second Lieut. James R. Wood, Cavalry, vice First Lieut. John C. Mullenix, promoted.

To be first lieutenants with rank from August 18, 1917.

Second Lieut. William J. Gallagher, Cavalry, vice First Lieut. Ross McCoy, promoted.

Second Lieut. Charles Rudd, Cavalry, vice First Lieut. Howard C. Tobin, promoted.

Second Lieut. James G. Strobridge, Cavalry, vice First Lieut. John A. Weeks, promoted.

To be first lieutenants with rank from August 19, 1917.

Second Lieut. Stephen Boon, jr., Cavalry, vice First Lieut. Walter E. Buchly, promoted.

Second Lieut. Harold G. Holt, Cavalry, vice First Lieut. Harold C. Mandell, promoted.

Second Lieut. Walter Gunther, Cavalry, vice First Lieut. Lester A. Sprinkle, promoted.

Second Lieut. Roy V. Morledge, Cavalry, vice First Lieut. Robert W. Grow, promoted.

Second Lieut. John W. Noble, Cavalry, vice First Lieut. Terrill E. Price, promoted.

Second Lieut. Herman R. Crile, Cavalry, vice First Lieut. William H. Kasten, promoted.

Second Lieut. Joseph E. Torrence, Cavalry, vice First Lieut. Leon E. Ryder, promoted.

Second Lieut. Charles G. Hutchinson, Cavalry, vice First Lieut. Richard L. Creed, promoted.

Second Lieut. Chester P. Dorland, Cavalry, vice First Lieut. William M. Husson, promoted.

Second Lieut. Ernest D. McQueen, Cavalry, vice First Lieut. Harry L. Putnam, promoted.

Second Lieut. Archie E. Groff, Cavalry, vice First Lieut. Roderick R. Allen, promoted.

Second Lieut. George D. Wiltshire, Cavalry, vice First Lieut. Adolphus W. Roffe, promoted.

Second Lieut. Lieut. Alfonso F. Zerbee, Cavalry, vice First Lieut. Ion C. Holm, promoted.

Second Lieut. Jackson B. Wood, Cavalry, vice First Lieut. Robert C. Candee, promoted.

Second Lieut. Arthur J. Wear, Cavalry, vice First Lieut. Joseph L. Phillips, promoted.

Second Lieut. Robert C. Scott, Cavalry, vice First Lieut. Kenneth McCatty, promoted.

To be first lieutenant with rank from August 24, 1917.

Second Lieut. Ernest F. Apeldorn, jr., Cavalry, vice First Lieut. Joseph W. Geer, promoted.

To be first lieutenants with rank from August 20, 1917.

Second Lieut. Grayson C. Woodbury, Cavalry, vice First Lieut. Edwin D. Morgan, jr., promoted.

Second Lieut. Duncan G. McGregor, Cavalry, vice First Lieut. Leslie B. C. Jones, promoted.

Second Lieut. Thomas J. Heavey, Cavalry, vice First Lieut. Kramer Thomas, promoted.

Second Lieut. Wallace F. Safford, Cavalry, vice First Lieut. James R. Finley, promoted.

Second Lieut. Joshua A. Stansell, Cavalry, vice First Lieut. Williard S. Wadelton, promoted.

Second Lieut. Raymond E. S. Williamson, Cavalry, vice First Lieut. Hale S. Cook, promoted.

Second Lieut. David C. G. Schlenker, Cavalry, vice First Lieut. John M. Jenkins, jr., promoted.

Second Lieut. Harry T. Wood, Cavalry, vice First Lieut. Beverly H. Coiner, promoted.

Second Lieut. Earl F. Knoob, Cavalry, vice First Lieut. Albert D. Chipman, promoted.

Second Lieut. Robert E. Symmonds, Cavalry, vice First Lieut. Arthur H. Truxes, promoted.

Second Lieut. John R. W. Diehl, Cavalry, vice First Lieut. Gordon J. F. Heron, promoted.

Second Lieut. Rudolph D. Delehanty, Cavalry, vice First Lieut. Carl C. Krueger, promoted.

Second Lieut. William H. W. Reinburg, Cavalry, vice First Lieut. Hugh M. Gregory, promoted.

Second Lieut. Elmer H. Almquist, Cavalry, vice First Lieut. Oron A. Palmer, promoted.

Second Lieut. Frank L. Carr, Cavalry, vice First Lieut. Stanley Bacon, promoted.

Second Lieut. Frank E. Bertholet, Cavalry, vice First Lieut. Samuel V. Constant, promoted.

Second Lieut. Marion Carson, Cavalry, vice First Lieut. William C. Chase, promoted.

Second Lieut. Rossiter H. Garity, Cavalry, vice First Lieut. Norman E. Fiske, promoted.

Second Lieut. Frank C. Jedlicka, Cavalry, vice First Lieut. Donald O. Miller, promoted.

Second Lieut. Leo B. Conner, Cavalry, vice First Lieut. Richard D. Gile, promoted.

Second Lieut. John B. Saunders, Cavalry, vice First Lieut. Wilson T. Bais, promoted.

Second Lieut. Arthur B. Custis, Cavalry, vice First Lieut. Cyrus J. Wilder, promoted.

Second Lieut. Desmond O'Keefe, Cavalry, vice First Lieut. Harold C. Fellows, promoted.

Second Lieut. Hal M. Rose, Cavalry, vice First Lieut. John T. Pierce, jr., promoted.

Second Lieut. Frederick J. Durrschmidt, Cavalry, vice First Lieut. Henry H. Anderson, promoted.

Second Lieut. Milton W. Davis, Cavalry, vice First Lieut. George M. Herringshaw, promoted.

Second Lieut. John B. Bellinger, jr., Cavalry, vice First Lieut. Thomas F. Limbocker, promoted.

To be first lieutenant with rank from October 4, 1917.

Second Lieut. John R. Evans, Cavalry, vice First Lieut. Cornelius M. Daly, promoted.

To be first lieutenants with rank from October 25, 1917.

Second Lieut. Fenton S. Jacobs, Cavalry, vice First Lieut. Richard B. Trimble, promoted.

Second Lieut. Catesby ap C. Jones, Cavalry, vice First Lieut. Arthur S. Harrington, promoted.

Second Lieut. Charles Wharton, Cavalry, vice First Lieut. Frank L. Whittaker, promoted.

Second Lieut. W. Dirk Van Ingen, Cavalry, vice First Lieut. Philip H. Sherwood, promoted.

Second Lieut. Herbert V. Scanlan, Cavalry, vice First Lieut. Robert S. La Motte, promoted.

Second Lieut. Sigurd von Christierson, Cavalry, vice First Lieut. George M. Gillet, jr., promoted.

Second Lieut. Kenneth O. Spinning, Cavalry, vice First Lieut. Arthur E. Pickard, promoted.

Second Lieut. Curt E. Hansen, Cavalry, vice First Lieut. James F. Dewhurst, promoted.

Second Lieut. Vincent P. Ryan, Cavalry, vice First Lieut. Donald S. Perry, promoted.

Second Lieut. Raymond C. Blatt, Cavalry, vice First Lieut. Thomas S. Poole, promoted.

Second Lieut. Clinton de Witt, Cavalry, vice First Lieut. Frederick G. Rosenberg, promoted.

Second Lieut. Harold J. Adams, Cavalry, vice First Lieut. Frederick R. Lafferty, promoted.

Second Lieut. William B. Van Auken, Cavalry, vice First Lieut. Carl H. Strong, promoted.

Second Lieut. Harold Kitson, Cavalry, vice First Lieut. Meade Firerson, jr., promoted.

Second Lieut. John Boles, Cavalry, vice First Lieut. Arthur T. Lacey, promoted.

Second Lieut. Charles R. Gross, Cavalry, vice First Lieut. David W. Craig, promoted.

Second Lieut. Irvine L. McAlister, Cavalry, vice First Lieut. Edmund M. Barnum, promoted.

Second Lieut. Robert G. Breene, Cavalry, vice First Lieut. Thomas A. Dobyns, jr., promoted.

Second Lieut. James I. Gibbon, Cavalry, vice First Lieut. John T. Minton, promoted.

Second Lieut. Walter C. Butler, Cavalry, vice First Lieut. Edward S. Bassett, promoted.

Second Lieut. Don Briley, Cavalry, vice First Lieut. Edward F. Shaifer, promoted.

Second Lieut. Howard F. Long, Cavalry, vice First Lieut. George M. Peabody, jr., promoted.

Second Lieut. Benjamin Lufkin, Cavalry, vice First Lieut. Athael B. Ellis, promoted.

Second Lieut. Burton C. Andrus, Cavalry, vice First Lieut. Harrie K. Dalbey, promoted.

Second Lieut. Harold E. Lewis, Cavalry, vice First Lieut. John W. McDonald, promoted.

Second Lieut. Newell P. Weed, Cavalry, vice First Lieut. Victor Kerney, promoted.

Second Lieut. Arthur H. Besse, Cavalry, vice First Lieut. David H. Blakelock, promoted.

Second Lieut. Charles W. White, Cavalry, vice First Lieut. Rinaldo L. Coe, promoted.

Second Lieut. John R. Lindsey, Cavalry, vice First Lieut. Harold J. Duffey, promoted.

Second Lieut. George L. Snelling, Cavalry, vice First Lieut. Jay K. Colwell, promoted.

Second Lieut. Duane L. Tice, Cavalry, vice First Lieut. Amory C. Cotchett, promoted.

Second Lieut. Jason B. Hart, Cavalry, vice First Lieut. Otis Porter, promoted.

Second Lieut. Roland H. Rogers, Cavalry, vice First Lieut. Arthur C. D. Anderson, promoted.

Second Lieut. Fred N. Raymond, Cavalry, vice First Lieut. Emory M. Mace, promoted.

Second Lieut. Glenn W. Keith, Cavalry, vice First Lieut. Harry H. Dunn, promoted.

Second Lieut. Roscoe C. B. Ellard, Cavalry, vice First Lieut. George L. Morrison, promoted.

Second Lieut. Robert C. Knowlton, Cavalry, vice First Lieut. Renn Lawrence, promoted.

Second Lieut. Richard H. Pinney, Cavalry, vice First Lieut. Joseph A. Covington, promoted.

Second Lieut. Garland C. Black, Cavalry, vice First Lieut. John L. Rice, promoted.

Second Lieut. George A. Delaney, Cavalry, vice First Lieut. Nelson M. Imboden, promoted.

Second Lieut. Keith F. Driscoll, Cavalry, vice First Lieut. Randolph Dickens, promoted.

Second Lieut. Albert G. Hunt, Cavalry, vice First Lieut. John N. Steele, promoted.

Second Lieut. Egbert F. Bullene, Cavalry, vice First Lieut. Eugene M. Dwyer, promoted.

Second Lieut. Arthur W. Stanley, Cavalry, vice First Lieut. Wharton G. Ingram, promoted.

Second Lieut. Harold E. Brailey, Cavalry, vice First Lieut. Edward S. Moale, promoted.

Second Lieut. Carleton Burgess, Cavalry, vice First Lieut. Adrian St. John, promoted.

To be first lieutenants with rank from October 26, 1917.

Second Lieut. Frederick H. Vandegrift, Cavalry, vice First Lieut. Frederick J. Holzhaur, promoted.

Second Lieut. Harry E. Dodge, Cavalry, vice First Lieut. George H. Carruth, promoted.

Second Lieut. Charles F. Palmer, Cavalry, vice First Lieut. Robert M. Carswell, promoted.

Second Lieut. Jay D. D. Marcellus, Cavalry, vice First Lieut. Walter C. Merkel, promoted.

Second Lieut. Lewis D. Cooper, jr., Cavalry, vice First Lieut. Joseph M. Hurt, jr., promoted.

Second Lieut. Charles J. Davis, Cavalry, vice First Lieut. George I. Speer, promoted.

Second Lieut. George W. Outland, Cavalry, vice First Lieut. Charles B. Duncan, promoted.

Second Lieut. John M. Moose, jr., Cavalry, vice First Lieut. Ferris M. Angevine, promoted.

Second Lieut. Nelson R. Perry, Cavalry, vice First Lieut. Julian W. Cunningham, promoted.

Second Lieut. Innes Randolph, Cavalry, vice First Lieut. Sam G. Fuller, promoted.

Second Lieut. Carl B. Byrd, Cavalry, vice First Lieut. Clinton A. Pierce, promoted.

Second Lieut. Thomas Brady, jr., Cavalry, vice First Lieut. Thomas M. Cockrill, promoted.

Second Lieut. Gilbert X. Cheves, Cavalry, vice First Lieut. Delmore S. Wood, promoted.

Second Lieut. Wingate Battle, Cavalry, vice First Lieut. Arthur Vollmer, promoted.

Second Lieut. Harold B. Wharfield, Cavalry, vice First Lieut. Otto B. Trigg, promoted.

Second Lieut. Wade C. Gatchell, Cavalry, vice First Lieut. George W. L. Prettyman, promoted.

Second Lieut. Henry G. White, Cavalry, vice First Lieut. Thomas M. Turner, promoted.

Second Lieut. Norman D. Twichell, Cavalry, vice First Lieut. Horace L. Hudson, promoted.

Second Lieut. Andrew J. Wynne, Cavalry, vice First Lieut. Lawrence C. Frizzell, promoted.

Second Lieut. Howard C. Wiener, Cavalry, vice First Lieut. Jean F. Sabin, promoted.

Second Lieut. Walter F. Goodman, Cavalry, vice First Lieut. Robert F. White, promoted.

Second Lieut. Thomas M. Benson, Cavalry, vice First Lieut. Henry D. Jay, promoted.

Second Lieut. Edward F. Porter, Cavalry, vice First Lieut. Ray L. Burnell, promoted.

Second Lieut. Lucian K. Truscott, jr., Cavalry, vice First Lieut. Arthur W. Hartman, promoted.

Second Lieut. Ralph E. Alstead, Cavalry, vice First Lieut. John W. Berry, promoted.

Second Lieut. Arthur S. Kelley, Cavalry, vice First Lieut. Joseph N. Marx, promoted.

Second Lieut. James H. Akerman, Cavalry, vice First Lieut. George Sawtelle, promoted.

Second Lieut. Raymond T. Connell, Cavalry, vice First Lieut. Ray Harrison, promoted.

Second Lieut. James N. W. McClure, Cavalry, vice First Lieut. William F. Daugherty, promoted.

Second Lieut. Gabriel R. Mead, Cavalry, vice First Lieut. John T. Cole, promoted.

Second Lieut. Millard G. Harnden, Cavalry, vice First Lieut. Stephen H. Sherrill, promoted.

Second Lieut. David McK. Wilson, Cavalry, vice First Lieut. Charles H. Gerhardt, promoted.

Second Lieut. Leonard M. Mertz, Cavalry, vice First Lieut. Walter H. Schulze, promoted.

Second Lieut. Ernest A. Williams, Cavalry, vice First Lieut. Herbert C. Holdridge, promoted.

Second Lieut. Daniel H. McCarthy, Cavalry, vice First Lieut. Albert C. Smith, promoted.

Second Lieut. Slocum Kingsbury, Cavalry, vice First Lieut. Nicholas W. Lisle promoted.

Second Lieut. George H. Millholland, Cavalry, vice First Lieut. Percy G. Black, promoted.

Second Lieut. Gardiner S. Platt, Cavalry, vice First Lieut. Albert C. Stanford, promoted.

Second Lieut. Roy I. Phares, Cavalry, vice First Lieut Louis Le R. Martin, promoted.

Second Lieut. Donald R. Dunkle, Cavalry, vice First Lieut. William K. Harrison, promoted.

Second Lieut Chester E. Davis, Cavalry, vice First Lieut. Josiah F. Morford, promoted.

Second Lieut. Holmes G. Paullin, Cavalry, vice First Lieut. Ernest N. Harmon, promoted.

Second Lieut Francis R. Kenney, Cavalry, vice First Lieut. Joseph S. Tate, promoted.

Second Lieut. Monroe P. Smith, Cavalry, vice First Lieut. Arthur M Harper, promoted.

Second Lieut. John H. Irving, Cavalry, vice First Lieut. John W. Confer, jr., promoted.

Second Lieut. Evan D. Cameron, jr., Cavalry, vice First Lieut. Herbert N. Schwarzkopf, promoted.

Second Lieut. William F. McLaughlin, Cavalry, vice First Lieut. Robert N. Kunz, promoted.

Second Lieut. Glenn S. Finley, Cavalry, vice First Lieut. Charles S. Kilbourn, promoted.

Second Lieut. Manly F. Meador, Cavalry, vice First Lieut. Charles R. Johnson, jr., promoted.

Second Lieut. Ernest F. Sexton, Cavalry, vice First Lieut. Coalter B. Compton, promoted.

Second Lieut. Stephen W. Davis, Cavalry, vice First Lieut. Folsome R. Parker, promoted.

Second Lieut. Lynn B. Conde, Cavalry, vice First Lieut. Guy H. Dosher, promoted.

Second Lieut. Clarence B. Wertz, Cavalry, vice First Lieut. Cecil R. Neal, promoted.

Second Lieut. Henery R. Miller, jr., Cavalry, vice First Lieut. Myer S. Silven, promoted.

Second Lieut. John H. G. Reily, Cavalry, vice First Lieut. William H. Symington, promoted.

Second Lieut. Charles H. Unger, Cavalry, vice First Lieut. Philip B. Fryer, promoted.

Second Lieut. William D. Tabor, Cavalry, vice First Lieut. Donald C. Hawley, promoted.

Second Lieut. Horace S. King, Cavalry, vice First Lieut. Vernon L. Padgett, promoted.

Second Lieut. Edward M. Fickett, Cavalry, vice First Lieut. Jay W. MacKelvie, promoted.

Second Lieut James C. Van Ingen, Cavalry, vice First Lieut. Francis T. Bonsteel, promoted.

Second Lieut. Callie H. Palmer, Cavalry, vice First Lieut. William E. Barott, promoted.

Second Lieut. Charles R. Chase, Cavalry, vice First Lieut. Wallace F. Hamilton, promoted.

Second Lieut. Thomas F. Mishou, jr., Cavalry, vice First Lieut. Frank Nelson, promoted.

Second Lieut. Robert B. Jackson, Cavalry, vice First Lieut. William E. McMinn, promoted.

Second Lieut. Christopher C. Strawn, Cavalry, vice First Lieut. Edmund M. Crump, promoted.

Second Lieut Allyn R. Brownson, Cavalry, vice First Lieut. Herman F. Rathjen, promoted.

Second Lieut. John R. Breitinger, Cavalry, vice First Lieut. Daniel J. Keane, promoted.

Second Lieut. Robert D. Beer, Cavalry, vice First Lieut. Milo J. Warner, promoted.

Second Lieut. Alfred J. de Lorimier, Cavalry, vice First Lieut. Le Roy Davis, promoted.

Second Lieut. George S. Warren, Cavalry, vice First Lieut. Anthony J. Tittinger, promoted.

Second Lieut. William O. Coleman, Cavalry, vice First Lieut. Max D. Holmes, promoted.

Second Lieut. Herbert R. Sargent, Cavalry, vice First Lieut. Charles A. Ellis, promoted.

Second Lieut. John E Ketchum, Cavalry, vice First Lieut. Demas L. Sears, promoted.

Second Lieut. Arwed C. Baltzer, Cavalry, vice First Lieut. Bankston E. Mattox, jr., promoted.

Second Lieut. James W. Ewing, Cavalry, vice First Lieut. Frank H. Barnhart, promoted.

Second Lieut. Wallace Van Cleave, Cavalry, vice First Lieut. John A. Moschner, promoted.

Second Lieut. Karl W. Curtis, Cavalry, vice First Lieut. George E. Harrison, promoted.

Second Lieut. Carl E. Rankin, Cavalry, vice First Lieut. Wesley J. White, promoted.

Second Lieut. Richard E. Tallant, Cavalry, vice First Lieut. Alton W. Howard, promoted.

Second Lieut. Nelson M. Utley, Cavalry, vice First Lieut. Richard W. Carter, promoted.

Second Lieut. John A. McDonald, Cavalry, vice First Lieut. Richard W. Carter, promoted.

Second Lieut. Henry H. Cheshire, Cavalry, vice First Lieut. Kenneth Rowntree, promoted.

Second Lieut. Nathan B. Reynolds, Cavalry, vice First Lieut. George A. King, promoted.

Second Lieut. John Andrew Wood, Cavalry, vice First Lieut. James B. Lockwood, promoted.

Second Lieut. Venable Moore, Cavalry, vice First Lieut. Lionel L. Meyer, promoted.

Second Lieut. Guy L. Furr, Cavalry, vice First Lieut. Frederick H. L. Ryder, promoted.

Second Lieut. Walter McL. Robinson, Cavalry, vice First Lieut. John W. Weeks, promoted.

Second Lieut. John S. Peters, Cavalry, vice First Lieut. Theodore B. Apgar, promoted.

Second Lieut. Herbert L. Earnest, Cavalry, vice First Lieut. Jefferson B. Osborn, promoted.

Second Lieut. Verne Austin, Cavalry, vice First Lieut. Mortimer H. Christian, promoted.

Second Lieut. Willis H. Ryder, Cavalry, vice First Lieut. Marcus R. Monsarratt, promoted.

Second Lieut. Alden H. Torrey, Cavalry, vice First Lieut. Fabius B. Shipp, promoted.

Second Lieut. Morris T. Whitmore, Cavalry, vice First Lieut. James J. Cecil, promoted.

Second Lieut. Samuel Leask, jr., Cavalry, vice First Lieut. George A. Moore, promoted.

Second Lieut. Guy E. Dillard, Cavalry, vice First Lieut. James M. Shelton, promoted.

Second Lieut. Ray T. Maddocks, Cavalry, vice First Lieut. Albert R. Kuschke, promoted.

Second Lieut. Thomas A. Frazier, Cavalry, vice First Lieut. George W. Gay, promoted.

Second Lieut. Victor R. Sladek, Cavalry, vice First Lieut. Forsyth Bacon, promoted.

Second Lieut. James W. Husted, jr., Cavalry, vice First Lieut. Ralph L. Joyner, promoted.

Second Lieut. Richard N. Atwell, Cavalry, vice First Lieut. Roscoe S. Parker, promoted.

Second Lieut. William Elliott, jr., Cavalry, vice First Lieut. Heywood S. Dodd, promoted.

Second Lieut. Thomas B. Locke, Cavalry, vice First Lieut. Kent C. Lambert, promoted.

Second Lieut. Morris S. Daniels, jr., Cavalry, vice First Lieut. George E. Huthsteiner, promoted.

Second Lieut. Frank S. Pope, Cavalry, vice First Lieut. Richard B. Lloyd, promoted.

Second Lieut. Harold G. Davis, Cavalry, vice First Lieut. Maurice Morgan, promoted.

Second Lieut. Robert M. Cherry, Cavalry, vice First Lieut. Gilbert E. Bixby, promoted.

Second Lieut. Roger W. Sawyer, Cavalry, vice First Lieut. Eugene Burnet, promoted.

Second Lieut. John H. Welsh, Cavalry, vice First Lieut. Charles F. Houghton, promoted.

Second Lieut. Edwin J. Kratzenberg, Cavalry, vice First Lieut. Harry A. Buckley, promoted.

Second Lieut. Robert D. Coye, Cavalry, vice First Lieut. James E. Slack, promoted.

Second Lieut. Aimet F. Jenks, jr., Cavalry, vice First Lieut. Culver S. Mitcham, promoted.

Second Lieut. James P. Gifford, Cavalry, vice First Lieut. William A. Johnson, promoted.

Second Lieut. Vern Hinkley, Cavalry, vice First Lieut. Harold B. Gibson, promoted.

Second Lieut. Charles C. Allen, jr., Cavalry, vice First Lieut. Joan D. Hood, promoted.

Second Lieut. A. Herman Stump, Cavalry, First Lieut. Charles S. Lawrence, promoted.

Second Lieut. John O. Lawrence, Cavalry, vice First Lieut. Melvin S. Williamson, promoted.

Second Lieut. Charles W. Glover, Cavalry, vice First Lieut. Evarts W. Opie, promoted.

Second Lieut. William R. Evans, Cavalry, vice First Lieut. Frank P. Stretton, promoted.

Second Lieut. John K. Gailey, jr., Cavalry, vice First Lieut. Paul Hurlbart, promoted.

Second Lieut. Warren L. Shumaker, Cavalry, vice First Lieut. Aaron Y. Hardy, promoted.

Second Lieut. Charles R. Simmons, Cavalry, vice First Lieut. Earl B. Wilson, promoted.

Second Lieut. James Van V. Shufelt, Cavalry, vice First Lieut. Edmund J. Engel, promoted.

Second Lieut. William H. Davidson, Cavalry, vice First Lieut. John E. Grant, promoted.

Second Lieut. Herbert A. Welch, Cavalry, vice First Lieut. Jack M. Reardon, promoted.

Second Lieut. Hobart R. Gay, Cavalry, vice First Lieut. Lewis Mesherry, promoted.

Second Lieut. Rutherford L. Hammond, Cavalry, vice First Lieut. Lewis A. Weiss, promoted.

Second Lieut. Paul H. Alling, Cavalry, vice First Lieut. Francis E. Cheney, promoted.

Second Lieut. Ervin W. Harrison, jr., Cavalry, vice First Lieut. Robert P. Mortimer, promoted.

Second Lieut. Raymond G. Clark, Cavalry, vice First Lieut. Lee T. Victor, promoted.

Second Lieut. Elisha C. Wattles, Cavalry, vice First Lieut. Henry C. Caron, promoted.

Second Lieut. Brooks Shumaker, Cavalry, vice First Lieut. William P. Powell, promoted.

Second Lieut. Parker G. Tenney, Cavalry, vice First Lieut. Robert F. Merkel, promoted.

Second Lieut. George P. Pattison, Cavalry, vice First Lieut. Carroll A. Powell, promoted.

Second Lieut. Mordaunt V. Turner, Cavalry, vice First Lieut. Frank C. De Langton, promoted.

Second Lieut. Norman E. Waldron, Cavalry, vice First Lieut. Ivan N. Waldron, promoted.

Second Lieut. Herbert J. Burke, Cavalry, vice First Lieut. Carter R. McLennan, promoted.

Second Lieut. Leo L. Gocker, Cavalry, vice First Lieut. Frederick Gearing, promoted.

Second Lieut. Carleton Swasey, Cavalry, vice First Lieut. Geoffrey Galwey, promoted.

Second Lieut. John H. Ransdell, Cavalry, vice First Lieut. Louis G. Gibney, promoted.

Second Lieut. Edwin W. Godbold, Cavalry, vice First Lieut. William D. Adkins, promoted.

Second Lieut. Louis G. Forney, Cavalry, vice First Lieut. John B. Hartman, promoted.

Second Lieut. Hugh Brooks, Cavalry, vice First Lieut. Harry C. Jones, promoted.

Second Lieut. John G. White, Cavalry, vice First Lieut. James E. Simpson, promoted.

Second Lieut. Edwin W. Meise, Cavalry, vice First Lieut. Charles J. Booth, promoted.

Second Lieut. Raymond C. Gibbs, Cavalry, vice First Lieut. William T. Hamilton, promoted.

Second Lieut. Leo F. Crane, Cavalry, vice First Lieut. Richard C. Boyan, promoted.

Second Lieut. Harry C. Boden, Cavalry, vice First Lieut. Harry P. Shaw, promoted.

Second Lieut. Robert Driscoll, Cavalry, vice First Lieut. Frederick F. Duggan, promoted.

Second Lieut. Rohland A. Isker, Cavalry, vice First Lieut. Harry H. Baird, promoted.

Second Lieut. James M. Graham, jr., Cavalry, vice First Lieut. Francis H. Waters, promoted.

Second Lieut. Wallace G. Corwin, Cavalry, vice First Lieut. William T. Bauskett, jr., promoted.

Second Lieut. Robert R. Maxwell, Cavalry, vice First Lieut. Carlisle B. Cox, promoted.

Second Lieut. Peter D. Larson, Cavalry, vice First Lieut. Walter L. Bishop, promoted.

Second Lieut. Charles A. Horger, Cavalry, vice First Lieut Donald R. McComas, promoted.

Second Lieut. Robert O. Wright, Cavalry, vice First Lieut. John W. Barke, promoted.

Second Lieut. Arthur D. Soper, Cavalry, vice First Lieut. William D. Savage, placed on the detached officers' list.

Second Lieut. Conrad G. Wall, Cavalry, vice First Lieut. Lloyd W. Biggs, placed on the detached officers' list.

Second Lieut. Andrew Wilson, jr., Cavalry, vice First Lieut. John A. Hettinger, placed on the detached officers' list.

Second Lieut. Roger L. Branham, Cavalry, vice First Lieut. Lathan H. Collins, placed on the detached officers' list.

Second Lieut. Harold A. Davis, Cavalry, vice First Lieut. Herbert E. Watkins, placed on the detached officers' list.

Second Lieut. Lloyd A. Houchin, Cavalry, vice First Lieut. Erskine A. Franklin, placed on the detached officers' list.

Second Lieut. Charlie E. Hart, Cavalry, vice First Lieut. James L. Franciscus, placed on the detached officers' list.

Second Lieut. Richard T. Lyons, Cavalry, vice First Lieut. Carter R. McLennan, placed on the detached officers' list.

Second Lieut. Hugh A. Barnhart, Cavalry, vice First Lieut. Maurice Morgan, placed on the detached officers' list.

Second Lieut. James W. Jenkins, Cavalry, vice First Lieut. Heywood S. Dodd, placed on the detached officers' list.

Second Lieut. George H. Howard, jr., Cavalry, vice First Lieut. Mortimer H. Christian, placed on the detached officers' list.

Second Lieut. Frank Wideman, Cavalry, vice First Lieut. Charles R. Johnson, jr., placed on the detached officers' list.

Second Lieut. Arthur C. Crunden, Cavalry, vice First Lieut. Charles S. Kilburn, placed on the detached officers' list.

Second Lieut. James Parker, Cavalry, vice First Lieut. Robert N. Kunz, placed on the detached officers' list.

Second Lieut. James T. Donald, Cavalry, vice First Lieut. Herbert N. Schwarzkopf, placed on the detached officers' list.

Second Lieut. Edward G. Knowles, Cavalry, vice First Lieut. Ernest N. Harmon, placed on the detached officers' list.

Second Lieut. Guy T. O. Hollyday, Cavalry, vice First Lieut. Josiah H. Morford, placed on the detached officers' list.

Second Lieut. Francis V. Terry, Cavalry, vice First Lieut. William K. Harrison, jr., placed on the detached officers' list.

Second Lieut. Tolman D. Wheeler, Cavalry, vice First Lieut. Nicholas W. Lisle, placed on the detached officers' list.

Second Lieut. Charles E. Dissinger, Cavalry, vice First Lieut. Herbert C. Holdridge, placed on the detached officers' list.

Second Lieut. Martin G. Charles, Cavalry, vice First Lieut. Walter H. Schulze, placed on the detached officers' list.

Second Lieut. Earl M. Abbott, Cavalry, vice First Lieut. Charles H. Gerhardt, placed on the detached officers' list.

Second Lieut. Harvey M. Brooks, Cavalry, vice First Lieut. Ray Harrison, placed on the detached officers' list.

Second Lieut. Williamson W. Simons, Cavalry, vice First Lieut. George Sawtelle, placed on the detached officers' list.

Second Lieut. Robert B. Kerr, Cavalry, vice First Lieut. Henry D. Jay, placed on the detached officers' list.

Second Lieut. Samuel V. H. Danzig, Cavalry, vice First Lieut. Lawrence C. Frizzell, placed on the detached officers' list.

Second Lieut. George F. Neilson, Cavalry, vice First Lieut. Delmore S. Wood, placed on the detached officers' list.

Second Lieut. Dean A. Jones, Cavalry, vice First Lieut. Sam G. Fuller, placed on the detached officers' list.

Second Lieut. Hugh F. Conrey, Cavalry, vice First Lieut. Ferris M. Angevine, placed on the detached officers' list.

Second Lieut. Callistus J. Ennis, Cavalry, vice First Lieut. Charles B. Duncan, placed on the detached officers' list.

Second Lieut. Venance Le May, Cavalry, vice First Lieut. Joseph M. Hurt, placed on the detached officers' list.

Second Lieut. Edward L. Morss, Cavalry, vice First Lieut. Frederick J. Holzhaur, placed on the detached officers' list.

Second Lieut. Paul C. Febiger, Cavalry, vice First Lieut. Edward S. Moale, placed on the detached officers' list.

Second Lieut. David N. Sutton, Cavalry, vice First Lieut. Wharton G. Ingram, placed on the detached officers' list.

Second Lieut. Alexander D. Mason, Cavalry, vice First Lieut. Randolph Dickins, placed on the detached officers' list.

Second Lieut. William E. Duke, Cavalry, vice First Lieut. Nelson M. Imboden, placed on the detached officers' list.

Second Lieut. Earle L. Hazard, Cavalry, vice First Lieut. Arthur C. D. Anderson, placed on the detached officers' list.

Second Lieut. Paul J. King, Cavalry, vice First Lieut. Otis Porter, placed on the detached officers' list.

Second Lieut. Harry E. Pendleton, Cavalry, vice First Lieut. George L. Morrison, placed on the detached officers' list.

Second Lieut. Thomas McP. Glasgow, Cavalry, vice First Lieut. Athael B. Ellis, placed on the detached officers' list.

Second Lieut. John McLenn, Cavalry, vice First Lieut. William T. Haklenan, placed on the detached officers' list.

Second Lieut. Fred T. Cunningham, Cavalry, vice First Lieut. John T. Minton, placed on the detached officers' list.

Second Lieut. Benton F. Munday, Cavalry, vice First Lieut. Edmund M. Barnum, placed on the detached officers' list.

Second Lieut. Gyles Merrill, Cavalry, vice First Lieut. Arthur E. Pickard, placed on the detached officers' list.

Second Lieut. William C. Bowie, Cavalry, vice First Lieut. Meade Frierson, jr., placed on the detached officers' list.

Second Lieut. Wilfred E. Willis, Cavalry, vice First Lieut. Thomas S. Poole, placed on the detached officers' list.

Second Lieut. John B. Sexton, Cavalry, vice First Lieut. Donald S. Perry, placed on the detached officers' list.

Second Lieut. Thomas B. Sweeney, Cavalry, vice First Lieut. Frank L. Whittaker, placed on the detached officers' list.

Second Lieut. Richard S. Miesse, Cavalry, vice First Lieut. Cornelius M. Daly, placed on the detached officers' list.

Second Lieut. James M. Adamson, jr., Cavalry, vice First Lieut. Henry H. Anderson, placed on the detached officers' list.

Second Lieut. Charles E. Sheldrake, Cavalry, vice First Lieut. John T. Pierce, placed on the detached officers' list.

Second Lieut. Kenneth M. Harris, Cavalry, vice First Lieut. Harold C. Fellows, placed on the detached officers' list.

Second Lieut. Max. H. Nippel, Cavalry, vice First Lieut. Cyrus J. Wilder, placed on the detached officers' list.

Second Lieut. Charles M. Stewart, 3d, Cavalry, vice First Lieut. Wilson T. Bals, placed on detached officers' list.

Second Lieut. Philip S. Weadock, Cavalry, vice First Lieut. Samuel V. Constant, placed on the detached officers' list.

Second Lieut. Stewart F. Miller, Cavalry, vice First Lieut. Oron A. Palmer, placed on the detached officers' list.

Second Lieut. Joe C. Rogers, Cavalry, vice First Lieut. Gordon J. F. Heron, placed on the detached officers' list.

Second Lieut. Frank A. Allen, jr., Cavalry, vice First Lieut. John M. Jenkins, jr., placed on the detached officers' list.

Second Lieut. Matthew Griswold, 3d, Cavalry, vice First Lieut. Hall S. Cook, placed on the detached officers' list.

Second Lieut. Guy O. Kurtz, Cavalry, vice First Lieut. Charles W. Jacobson, promoted.

Second Lieut. Louis J. Compton, Cavalry, vice First Lieut. Edgar R. Garlick, promoted.

Second Lieut. Frederick Sanborn, Cavalry, vice First Lieut. Henry P. Ames, promoted.

Second Lieut. Clarence A. Lefferts, Cavalry, vice First Lieut. Richard F. Leahy, promoted.

Second Lieut. Nables F. Ryan, Cavalry, vice First Lieut. Howard C. Olde, promoted.

Second Lieut. George W. Barber, Cavalry, vice First Lieut. William L. Gibson, promoted.

Second Lieut. Francis M. Weld, Cavalry, vice First Lieut. James L. Franciscus, promoted.

Second Lieut. Read Wipprecht, Cavalry, vice First Lieut. Eddie J. Lee, promoted.

Second Lieut. Claire M. Daugherty, Cavalry, vice First Lieut. Elmer P. Gosnell, promoted.

To be first lieutenants with rank from November 3, 1917.

Second Lieut. Ceylon O. Griffin, Cavalry, vice First Lieut. Raymond D. Adolph, promoted.

Second Lieut. Edward E. Hamilton, Cavalry, vice First Lieut. Donald A. Stroh, promoted.

Second Lieut. Erle F. Cress, Cavalry, vice First Lieut. Russell T. George, promoted.

To be first lieutenants with rank from November 5, 1917.

Second Lieut. Dimetrio P. Harkins, Cavalry, vice First Lieut. Thomas C. McCormick, promoted.

Second Lieut. Harold G. Hathaway, Cavalry, vice First Lieut. Erskine A. Franklin, promoted.

Second Lieut. Bruce M. McDill, Cavalry, vice First Lieut. Wallace H. Gillett, promoted.

Second Lieut. Loren F. Parmley, Cavalry, vice First Lieut. Robert D. Thompson, jr., promoted.

Second Lieut. Edward Herendeen, Cavalry, vice First Lieut. John E. Maher, promoted.

Second Lieut. Floyd M. Friar, Cavalry, vice First Lieut. John E. Selby, promoted.

Second Lieut. John A. Anheier, Cavalry, vice First Lieut. Arthur L. Marek, promoted.

Second Lieut. Grayson H. Bowers, Cavalry, vice First Lieut. Herbert E. Watkins, promoted.

Second Lieut. Thomas W. Herren, Cavalry, vice First Lieut. Raymond L. Newton, promoted.

Second Lieut. Alfred R. Teter, Cavalry, vice First Lieut. William R. Irvin, promoted.

Second Lieut. Harry G. Clarke, Cavalry, vice First Lieut. Alfred L. Baylies, promoted.

Second Lieut. Alden H. Seabury, Cavalry, vice First Lieut. Lathan H. Collins, promoted.

Second Lieut. Fred W. Koester, Cavalry, vice First Lieut. Ralph B. Skinner, promoted.

To be first lieutenant with rank from November 6, 1917.

Second Lieut. Clarence A. Shannon, Cavalry, vice First Lieut. Candler A. Wilkinson, promoted.

To be first lieutenant with rank from November 13, 1917.

Second Lieut. Alexander B. MacNabb, Cavalry, vice First Lieut. Milton A. Lowenberg, promoted.

To be first lieutenant with rank from November 17, 1917.

Second Lieut. Charles C. McCall, Cavalry, vice First Lieut. John A. Hettinger, promoted.

To be first lieutenants with rank from November 23, 1917.

Second Lieut. William N. Todd, jr., Cavalry, vice First Lieut. George A. Goodyear, promoted.

Second Lieut. Walton W. Cox, Cavalry, vice First Lieut. Paul H. Morris, promoted.

To be first lieutenant with rank from November 28, 1917.

Second Lieut. Dudley Miller, Cavalry, vice First Lieut. Francis E. S. Turner, promoted.

To be first lieutenant with rank from November 29, 1917.

Second Lieut. John K. Egan, Cavalry, vice First Lieut. Guy D. Thompson, promoted.

To be first lieutenant with rank from December 11, 1917.

Second Lieut. Thomas R. Taber, Cavalry, vice First Lieut. George A. Parson, promoted.

To be first lieutenant with rank from December 22, 1917.

Second Lieut. Earl W. Henderson, Cavalry, vice First Lieut. David W. Barton, promoted.

To be first lieutenant with rank from December 28, 1917.

Second Lieut. Ross E. Larsen, Cavalry, vice First Lieut. Martin R. Rice, promoted.

To be first lieutenants with rank from December 29, 1917.

Second Lieut. Charles W. Burton, Cavalry, vice First Lieut. Philip C. Clayton, promoted.

Second Lieut. Harry D. Bishop, Cavalry, vice First Lieut. Hans E. Kloepfer, promoted.

Second Lieut. John S. McCloy, Cavalry, vice First Lieut. Edward A. Everett, jr., promoted.

To be first lieutenant with rank from January 16, 1918.

Second Lieut. Samuel G. Mitchell, Cavalry, vice First Lieut. Herbert A. Myers, promoted.

COAST ARTILLERY CORPS.

To be first lieutenants with rank from October 26, 1917, to fill existing vacancies.

Second Lieut. Robert K. Gooch, Coast Artillery Corps.
Second Lieut. Oliver N. Hollis, Coast Artillery Corps.
Second Lieut. Cranston B. Rader, Coast Artillery Corps.
Second Lieut. Cedric E. Scheerer, Coast Artillery Corps.
Second Lieut. Geoffrey Marshall, Coast Artillery Corps.
Second Lieut. Lloyd W. Taylor, Coast Artillery Corps.
Second Lieut. Guy H. Hearon, Coast Artillery Corps.
Second Lieut. Francis E. Harrison, jr., Coast Artillery Corps.
Second Lieut. James W. Hopkins, Coast Artillery Corps.
Second Lieut. Ralph E. Billsborrow, Coast Artillery Corps.
Second Lieut. Alfred W. Chapman, Coast Artillery Corps.
Second Lieut. William A. Emerson, Coast Artillery Corps.
Second Lieut. Lawrence J. Meyns, Coast Artillery Corps.
Second Lieut. James C. Vickery, Coast Artillery Corps.
Second Lieut. Clarence E. Muehlberg, Coast Artillery Corps.
Second Lieut. Elwin C. Higbee, Coast Artillery Corps.
Second Lieut. William T. Andrews, Coast Artillery Corps.
Second Lieut. Stoddard P. Johnston, Coast Artillery Corps.
Second Lieut. Lewis A. Hudgins, Coast Artillery Corps.
Second Lieut. Levi M. Bricker, Coast Artillery Corps.
Second Lieut. Thomas P. Aberu, Coast Artillery Corps.
Second Lieut. Lawrence Iverson, Coast Artillery Corps.
Second Lieut. Herbert Macmillan, Coast Artillery Corps.
Second Lieut. John P. MacNeill, Coast Artillery Corps.
Second Lieut. Archibald L. Parmelee, Coast Artillery Corps.
Second Lieut. Robert E. Ryerson, Coast Artillery Corps.
Second Lieut. Sam H. Colie, Coast Artillery Corps.

Second Lieut. Junius B. Peake, Coast Artillery Corps.
Second Lieut. Sam W. Anderson, Coast Artillery Corps.
Second Lieut. Richard B. Cross, Coast Artillery Corps.
Second Lieut. Geoffrey A. Ogilvie, Coast Artillery Corps.
Second Lieut. John S. Cansler, Coast Artillery Corps.
Second Lieut. George M. Holstein, jr., Coast Artillery Corps.
Second Lieut. Joseph G. Cole, Coast Artillery Corps.
Second Lieut. Ward Rubendall, Coast Artillery Corps.
Second Lieut. Clyde LeG. Walker, Coast Artillery Corps.
Second Lieut. Richard B. Gayle, Coast Artillery Corps.
Second Lieut. Stillman B. Hyde, Coast Artillery Corps.
Second Lieut. Winston W. Little, Coast Artillery Corps.
Second Lieut. Ralph P. Wagner, Coast Artillery Corps.
Second Lieut. John A. Spanogle, Coast Artillery Corps.
Second Lieut. Henry M. Atkinson, jr., Coast Artillery Corps.
Second Lieut. Charles S. Harris, Coast Artillery Corps.
Second Lieut. Paul W. Rutledge, Coast Artillery Corps.
Second Lieut. Alvin C. Smith, Coast Artillery Corps.
Second Lieut. James C. Corless, Coast Artillery Corps.
Second Lieut. Robert T. Chaplin, Coast Artillery Corps.
Second Lieut. Chester B. McCold, Coast Artillery Corps.
Second Lieut. Hugh G. Lieber, Coast Artillery Corps.
Second Lieut. Earle W. Marvin, Coast Artillery Corps.
Second Lieut. Robert G. Rhett, jr., Coast Artillery Corps.
Second Lieut. James K. Morris, Coast Artillery Corps.
Second Lieut. Charles E. Bates, Coast Artillery Corps.
Second Lieut. Marshall L. Gosserand, Coast Artillery Corps.
Second Lieut. Winthrop M. Allen, Coast Artillery Corps.
Second Lieut. Maxwell R. McMillan, Coast Artillery Corps.
Second Lieut. St. John Waddell, jr., Coast Artillery Corps.
Second Lieut. Cary B. Easley, Coast Artillery Corps.
Second Lieut. Nicholas B. O'Connell, Coast Artillery Corps.
Second Lieut. Junius T. Moore, Coast Artillery Corps.
Second Lieut. Oscar D. McNeely, Coast Artillery Corps.
Second Lieut. Abraham R. Ginsburg, Coast Artillery Corps.
Second Lieut. Vincent K. Smith, Coast Artillery Corps.
Second Lieut. Charles L. Ordeman, Coast Artillery Corps.
Second Lieut. Ramon Conroy, Coast Artillery Corps.
Second Lieut. Thomas J. Betts, Coast Artillery Corps.
Second Lieut. David O. Haynes, jr., Coast Artillery Corps.
Second Lieut. Edwin J. Patton, Coast Artillery Corps.
Second Lieut. Morris C. Handwerk, Coast Artillery Corps.
Second Lieut. Herbert B. Knox, jr., Coast Artillery Corps.
Second Lieut. Charles Cobb, 3d, Coast Artillery Corps.
Second Lieut. Benjamin F. Harmon, Coast Artillery Corps.
Second Lieut. Ralph A. Densmore, Coast Artillery Corps.
Second Lieut. Charles C. Bell, jr., Coast Artillery Corps.
Second Lieut. Charles W. Lawrence, Coast Artillery Corps.
Second Lieut. Edgar C. Outten, Coast Artillery Corps.
Second Lieut. David W. Burgoon, Coast Artillery Corps.
Second Lieut. Raymond B. Bottom, Coast Artillery Corps.
Second Lieut. Farrant L. Turner, Coast Artillery Corps.
Second Lieut. Henry T. Morrison, Coast Artillery Corps.
Second Lieut. Lee D. Pettingill, Coast Artillery Corps.
Second Lieut. Malcolm H. Ross, Coast Artillery Corps.
Second Lieut. Leonard R. Crews, Coast Artillery Corps.
Second Lieut. Harold M. Jobes, Coast Artillery Corps.
Second Lieut. Thomas J. Delaney, Coast Artillery Corps.
Second Lieut. William F. Cassedy, jr., Coast Artillery Corps.
Second Lieut. John W. Loveland, jr., Coast Artillery Corps.
Second Lieut. Scott Hayes, Coast Artillery Corps.
Second Lieut. Webster H. Warren, Coast Artillery Corps.
Second Lieut. Callan E. England, Coast Artillery Corps.
Second Lieut. Evan H. Benoy, Coast Artillery Corps.
Second Lieut. John B. Bethea, jr., Coast Artillery Corps.
Second Lieut. Charles W. Higgins, Coast Artillery Corps.
Second Lieut. Hugh N. Herrick, Coast Artillery Corps.
Second Lieut. Harry Lee Campbell, Coast Artillery Corps.
Second Lieut. Milton L. Dodge, Coast Artillery Corps.
Second Lieut. Robert Moehrle, Coast Artillery Corps.
Second Lieut. Albert B. Ede, Coast Artillery Corps.
Second Lieut. Donald W. Tyrrell, Coast Artillery Corps.
Second Lieut. Everett M. Barton, Coast Artillery Corps.
Second Lieut. Warren S. Robinson, Coast Artillery Corps.
Second Lieut. William W. Wertz, Coast Artillery Corps.
Second Lieut. Evans R. Crowell, Coast Artillery Corps.
Second Lieut. Simon L. Bear, Coast Artillery Corps.
Second Lieut. Laurence W. Hutchinson, Coast Artillery Corps.
Second Lieut. Gilbert H. Gaus, Coast Artillery Corps.
Second Lieut. James C. Bates, Coast Artillery Corps.
Second Lieut. Thomas E. Troland, Coast Artillery Corps.
Second Lieut. William A. West, jr., Coast Artillery Corps.
Second Lieut. Louis H. Thompson, Coast Artillery Corps.
Second Lieut. Albert Bonds, Coast Artillery Corps.
Second Lieut. Thomas W. Conrad, Coast Artillery Corps.
Second Lieut. Frederick W. Hoorn, Coast Artillery Corps.
Second Lieut. Charles C. Stalter, Coast Artillery Corps.
Second Lieut. Joseph C. Stephens, Coast Artillery Corps.
Second Lieut. Eugene R. Guild, Coast Artillery Corps.
Second Lieut. Thomas R. Lannon, Coast Artillery Corps.
Second Lieut. Leslie W. Jefferson, Coast Artillery Corps.
Second Lieut. Luther O. Leach, Coast Artillery Corps.
Second Lieut. James D. Jones, Coast Artillery Corps.
Second Lieut. Guy W. Thomas, Coast Artillery Corps.
Second Lieut. James L. McMullen, Coast Artillery Corps.
Second Lieut. Charles R. Walker, jr., Coast Artillery Corps.
Second Lieut. Harold L. Williamson, Coast Artillery Corps.
Second Lieut. Isaac Wynne, jr., Coast Artillery Corps.
Second Lieut. Temple H. Buell, Coast Artillery Corps.
Second Lieut. Julien R. Hume, Coast Artillery Corps.
Second Lieut. John R. Embich, Coast Artillery Corps.
Second Lieut. Ernest W. Soucy, Coast Artillery Corps.
Second Lieut. Donald B. Hilton, Coast Artillery Corps.
Second Lieut. Ralph E. Hill, Coast Artillery Corps.
Second Lieut. Francis L. Christian, Coast Artillery Corps.
Second Lieut. Maitland Bottoms, Coast Artillery Corps.
Second Lieut. William R. Epes, Coast Artillery Corps.
Second Lieut. Irvin H. Zeliff, Coast Artillery Corps.
Second Lieut. Charles H. Stewart, Coast Artillery Corps.
Second Lieut. John Finesan, Coast Artillery Corps.
Second Lieut. Edward N. Horr, Coast Artillery Corps.
Second Lieut. Joseph E. Simmons, Coast Artillery Corps.
Second Lieut. Lucius T. Hill, Coast Artillery Corps.
Second Lieut. Hal F. Corry, Coast Artillery Corps.
Second Lieut. Martin A. Hayes, Coast Artillery Corps.
Second Lieut. Edward R. Holland, jr., Coast Artillery Corps.
Second Lieut. John W. Russey, Coast Artillery Corps.
Second Lieut. James D. McIntyre, Coast Artillery Corps.
Second Lieut. Harry W. Lins, Coast Artillery Corps.
Second Lieut. Bryan L. Milburn, Coast Artillery Corps.
Second Lieut. Alexander B. Carrington, jr., Coast Artillery Corps.
Second Lieut. Frederick H. Bachman, Coast Artillery Corps.
Second Lieut. Bradley J. Saunders, jr., Coast Artillery Corps.
Second Lieut. Herbert C. Bartlett, Coast Artillery Corps.
Second Lieut. Nyal L. Adams, Coast Artillery Corps.

To be first lieutenant with rank from November 17, 1917.

Second Lieut. William B. Cooley, Coast Artillery Corps.

To be first lieutenant with rank from November 29, 1917.

Second Lieut. Lloyd G. Sparks, Coast Artillery Corps.

To be first lieutenant with rank from December 4, 1917.

Second Lieut. Arthur F. Aston, Coast Artillery Corps.

To be first lieutenants with rank from December 8, 1917.

Second Lieut. Charles M. Dale, Coast Artillery Corps.
Second Lieut. Stanford Rayne, Coast Artillery Corps.

To be first lieutenants with rank from December 20, 1917.

Second Lieut. Harry M. Carder, jr., Coast Artillery Corps.
Second Lieut. William A. Clark, jr., Coast Artillery Corps.

To be first lieutenant with rank from December 25, 1917.

Second Lieut. William W. Dinsmore, Coast Artillery Corps.

To be first lieutenants with rank from December 26, 1917.

Second Lieut. Arthur Duffy, Coast Artillery Corps.
Second Lieut. Ellsworth Young, Coast Artillery Corps.

To be first lieutenants with rank from December 29, 1917.

Second Lieut. John W. Fuchs, Coast Artillery Corps.
Second Lieut. Thomas R. Bartlett, Coast Artillery Corps.
Second Lieut. Dudley F. Taylor, Coast Artillery Corps.
Second Lieut. James L. D. Corey, Coast Artillery Corps.
Second Lieut. Andrew J. Bentley, Coast Artillery Corps.
Second Lieut. Frank H. Pritchard, Coast Artillery Corps.
Second Lieut. Clyde M. Watson, Coast Artillery Corps.
Second Lieut. Stanley H. Franklin, Coast Artillery Corps.

INFANTRY ARM.

To be captains with rank from August 5, 1917.

First Lieut. Willis E. Comfort.
First Lieut. Leven C. Allen.
First Lieut. Joseph Quesenberry.
First Lieut. Robert O. Jones.
First Lieut. Oliver A. Hess.
First Lieut. Edward A. Allen.
First Lieut. Carroll M. DeWitt.
First Lieut. George L. Pepin.
First Lieut. Clarence B. Carver.
First Lieut. Jedediah H. Hills.
First Lieut. Edwin E. Schwien.

First Lieut. Dan D. Howe.
First Lieut. John E. Copeland.
First Lieut. Lloyd N. Keesling.
First Lieut. John H. Humbert.
First Lieut. Joseph L. Lancaster.
First Lieut. David R. Kerr.
First Lieut. Everett G. Smith.
First Lieut. Lyman S. Frasier.
First Lieut. Howard E. Hawkinson.
First Lieut. Julius A. Mood, jr.
First Lieut. Sidney S. Eberle.
First Lieut. Joseph N. Dalton.
First Lieut. Charles N. Stevens.
First Lieut. James S. Bailey.
First Lieut. Henry C. Long, jr.
First Lieut. William E. Lucas, jr.
First Lieut. Victor Parks.
First Lieut. Walter A. Pashkoski.
First Lieut. Roscius H. Back.
First Lieut. Oscar F. Carlson.
First Lieut. Richard G. Tindall.
First Lieut. Roy L. Taylor.
First Lieut. Leander R. Hathaway.
First Lieut. German W. Lester.
First Lieut. Karl Engeldinger.
First Lieut. Francis A. Byrne.
First Lieut. Harry J. Selby.
First Lieut. Farragut F. Hall.
First Lieut. Orville M. Moore.
First Lieut. Walter R. McClure.
First Lieut. Charles E. Speer.
First Lieut. Baldwin Williams-Foote.
First Lieut. Edmund Wilhelm.
First Lieut. George H. Butler.
First Lieut. Frank C. Foley.
First Lieut. Leonard R. Boyd.
First Lieut. Withers A. Burress.
First Lieut. Arthur J. Hoffmann.
First Lieut. Harry L. Bennett, jr.
First Lieut. Joseph J. McConville.
First Lieut. John C. Platt, jr.
First Lieut. Thomas H. Ward.
First Lieut. Edward H. Nichols.
First Lieut. Lawrence B. Glascow.
First Lieut. Alfred D. Hayden.
First Lieut. Melville W. F. Wallace.
First Lieut. Paul M. Ellis.
First Lieut. Kirk A. Metzerott.
First Lieut. Thomas E. Mount.
First Lieut. John P. Pryor.
First Lieut. Jewett C. Baker.
First Lieut. Robert B. Moore.
First Lieut. Charles W. Jones.
First Lieut. Edward H. Cotcher.
First Lieut. Robert S. Miller.
First Lieut. Paul N. Starlings.
First Lieut. Charles Porterfield, jr.
First Lieut. Sevier R. Tupper.
First Lieut. Frank E. Royse.
First Lieut. Lawrence F. Stone.
First Lieut. Aaron J. Becker.
First Lieut. Wilson M. Spann.
First Lieut. James V. Ware.
First Lieut. Robert W. Brown.
First Lieut. James R. Manning.
First Lieut. Charles L. Steel.
First Lieut. Stuart R. Carswell.
First Lieut. Gilbert S. Harter.
First Lieut. John W. Cotton.
First Lieut. Ralph E. Wallace.
First Lieut. Lawrence W. Fugg.
First Lieut. Maury Mann.
First Lieut. Rupert L. Purdon.
First Lieut. Richard S. Jones.
First Lieut. William C. Hanna.
First Lieut. Leon C. Harer.
First Lieut. Edwin M. Scott.
First Lieut. Paul J. Dowling.
First Lieut. John H. Jones.
First Lieut. Rufus E. Wicker.
First Lieut. Charles L. Briscoe.
First Lieut. Hermann C. Dempewolf.
First Lieut. Frank E. Hinton.
First Lieut. Frank P. Tuohy.
First Lieut. John R. Hermann.
First Lieut. Louis T. Roberts.
First Lieut. James M. Palmer.
First Lieut. Ralph A. W. Pearson.
First Lieut. Alfred Millard.
First Lieut. Harry H. Ambs.
First Lieut. William H. Bittenbender.
First Lieut. Raymond H. Bishop.
First Lieut. James A. Summersett, jr.
First Lieut. Hugh C. Gilchrist.
First Lieut. Allen T. Veatch.
First Lieut. Sigurd J. Simonsen.
First Lieut. Thomas G. Bond.
First Lieut. John E. Haywood.
First Lieut. Willis H. Hale.
First Lieut. Noe C. Killian.
First Lieut. Lindsay P. Johns.
First Lieut. Walter R. Mann.
First Lieut. Henry W. Lee.
First Lieut. Charles A. Shamotulski.
First Lieut. Sidney F. Mashbir.
First Lieut. William P. Scobey.
First Lieut. William C. Moore.
First Lieut. Albion Smith.
First Lieut. Le Roy Lutes.
First Lieut. Edwin D. Patrick.
First Lieut. Herman F. Kramer.
First Lieut. Clarence P. Evers.
First Lieut. William H. Coucher.
First Lieut. Edward S. Johnston.
First Lieut. John T. Henderson.
First Lieut. Ray P. Harrison.
First Lieut. Daniel M. Cheston, jr.
First Lieut. Kirke B. Everson.
First Lieut. John C. Daly.
First Lieut. Paul E. Peabody.
First Lieut. Albert F. Christensen.
First Lieut. William S. Maxwell.
First Lieut. Ernest H. Burt.
First Lieut. Frederick R. Baker.
First Lieut. James D. Rasey.
First Lieut. Ray M. O'Day.
First Lieut. Alan Pendleton.
First Lieut. Merritt E. Olmstead.
First Lieut. Benjamin F. Caffey, jr.
First Lieut. Hadyn P. Mayers.
First Lieut. Rogers M. Wilson.
First Lieut. Henry E. Mosher.
First Lieut. Albin K. Kupfer.
First Lieut. Augustine J. Zerbee.
First Lieut. Frank A. Hellemann.
First Lieut. Arthur B. Hutchinson.
First Lieut. Lauritz D. Simonson.
First Lieut. Carl R. Perkins.
First Lieut. Franklin W. Cheney.
First Lieut. George F. Wellage.
First Lieut. Alfred F. Biles, jr.
First Lieut. Charles T. Hearin.
First Lieut. Hugh M. Davis.
First Lieut. John F. Fredin, jr.
First Lieut. James B. Wise, jr.
First Lieut. Harry L. Kimmel.
First Lieut. Clarence M. Culp.
First Lieut. Robert D. Horton.
First Lieut. Charles B. Kehoe.
First Lieut. Philip S. Wood.
First Lieut. Harvey C. Kearney.
First Lieut. Arthur P. Jervey.
First Lieut. Starr S. Eaton.
First Lieut. Oliver F. Holden.
First Lieut. Thomas L. Lamoreux.
First Lieut. Daniel N. Murphy.
First Lieut. Adlai C. Young.
First Lieut. Alexander N. Stark, jr.
First Lieut. Clinton I. McClure.
First Lieut. Roy C. L. Graham.
First Lieut. Lloyd B. Russell.
First Lieut. George R. Barker.
First Lieut. John E. Gough.
First Lieut. Leonard A. Smith.
First Lieut. John W. Thompson.
First Lieut. Philip Overstreet.
First Lieut. Lara P. Good.
First Lieut. George A. McDonald.
First Lieut. George M. Wright, jr.
First Lieut. Archie A. Farmer

First Lieut. John T. Fisher.
First Lieut. Edwin E. Elliott.
First Lieut. Charles S. Ferrin.
First Lieut. George W. Titus.
First Lieut. John C. Adams.
First Lieut. Robert G. Ervin.
First Lieut. Edward L. McKee, jr.
First Lieut. Robert W. Nix, jr.
First Lieut. Francis E. Dougherty.
First Lieut. Lyman L. Parks.
First Lieut. John T. Murray.
First Lieut. Warfield M. Lewis.
First Lieut. Joseph L. Collins.
First Lieut. James O. Green, jr.
First Lieut. Daves Rossell.
First Lieut. Harold M. White.
First Lieut. Lincoln F. Daniels.
First Lieut. Frederick A. Irving.
First Lieut. Matthew B. Ridgway.
First Lieut. Richard M. Wightman.
First Lieut. Charles W. Yuill.
First Lieut. William W. Eagles.
First Lieut. Francis A. Markoe.
First Lieut. John J. McEwan.
First Lieut. John A. Stewart.
First Lieut. George W. Sackett.
First Lieut. Francis G. Bonham.
First Lieut. Norman D. Cota.
First Lieut. Robert B. Ransom.
First Lieut. Carleton Coulter, jr.
First Lieut. James H. Frier, jr.
First Lieut. Leo J. Erler.
First Lieut. Robert D. Newton.
First Lieut. Willis R. Slaughter.
First Lieut. George H. Weems.
First Lieut. Roy L. Bowlin.
First Lieut. William C. McMahon.
First Lieut. Francis M. Brennan.
First Lieut. Milton B. Halsey.
First Lieut. Charles L. Mullins, jr.
First Lieut. Thomas S. Sinkler, jr.
First Lieut. George F. Wooley, jr.
First Lieut. Sterling A. Wood, jr.
First Lieut. William F. Redfield.
First Lieut. Mark W. Clark.
First Lieut. Stewart W. Hoover.
First Lieut. David S. Rumbough.
First Lieut. Francis J. Heraty.
First Lieut. Donovan Swanton.
First Lieut. Francis A. Macon, jr.
First Lieut. Laurence B. Keiser.
First Lieut. Homer C. Brown.
First Lieut. Clare H. Armstrong.
First Lieut. Harris M. Melasky.
First Lieut. Sidney H. Young.
First Lieut. John C. Whitcomb.
First Lieut. Wallace J. Redner.
First Lieut. Charles D. Lewis.
First Lieut. Edward W. Leonard.
First Lieut. Paul H. Brown.
First Lieut. William S. Eley.
First Lieut. Paul W. York.
First Lieut. Ferdinand G. von Kummer, jr.
First Lieut. Joseph P. Sullivan.
First Lieut. Henry H. Chapman.
First Lieut. Asa P. Pope.
First Lieut. Edwin H. Clark.
First Lieut. Lewis Perrine.
First Lieut. Clarke K. Fales.
First Lieut. John A. Weishample.
First Lieut. Malcolm B. Helm.
First Lieut. Madison Pearson.
First Lieut. John M. Boon.
First Lieut. Roger Hilsman.
First Lieut. Holmes E. Dager.
First Lieut. James E. Allison.
First Lieut. Harry E. Fischer.
First Lieut. Thomas L. Alexander.
First Lieut. Charles E. Raveus.
First Lieut. Charles H. Jones.
First Lieut. Roger Williams, jr.
First Lieut. Harry D. Hildebrand.
First Lieut. William Hones, jr.
First Lieut. John J. Bethurum.
First Lieut. John L. Cootey.
First Lieut. Albert C. Anderson.
First Lieut. William H. Joiner.
First Lieut. Hugh P. Schiveley.
First Lieut. John D. Joanidy.
First Lieut. Gilmer M. Bell.
First Lieut. Manley Lawton.
First Lieut. Roy Sloan.
First Lieut. Bryce F. Martin.
First Lieut. Harold C. Hoopes.
First Lieut. Henley Schick.
First Lieut. Glenn D. Hafford.
First Lieut. Paul R. Hudson.
First Lieut. William R. Dwyer.
First Lieut. Hanon F. Combs.
First Lieut. William E. Fentress.
First Lieut. Ralph Hall.
First Lieut. Mahlon G. Frost.
First Lieut. Benjamin H. Hensley.
First Lieut. Hawthorne C. Gray.
First Lieut. Donald J. Neumüller.
First Lieut. Orland S. O'Neal.
First Lieut. Otto Kramer.
First Lieut. George D. Ramsey.
First Lieut. Jerome Pickett.
First Lieut. Lebbens M. Cornish.
First Lieut. Leon F. Stevens.
First Lieut. William S. Rumbough.
First Lieut. George A. Murray.
First Lieut. Joseph E. Young.
First Lieut. Henry T. J. Weishaar.
First Lieut. Cyrus A. Hay.
First Lieut. Benjamin J. Holt, jr.
First Lieut. Newton D. Hathaway.
First Lieut. Byron W. Fuller.
First Lieut. John E. Stulken.
First Lieut. Herman H. Meyer.
First Lieut. Carleton More.
First Lieut. Edward P. Sheppard.
First Lieut. Henry J. Matchett.
First Lieut. John H. Strickland.
First Lieut. Vincent S. Burton.
First Lieut. Griffith Wight.
First Lieut. Curtis P. Miller.
First Lieut. William Ernst.
First Lieut. John W. Bulger.
First Lieut. Roy W. Voege.
First Lieut. Taylor M. Uhler.
First Lieut. Roy G. Gordon.
First Lieut. Vernon L. Burge.
First Lieut. Simon Fostiak.
First Lieut. Edwin L. Dittmar.
First Lieut. Crosby N. Elliott.
First Lieut. Ernest R. Marvel.
First Lieut. Frank M. Child.
First Lieut. Raymond L. Price.
First Lieut. Frederic M. Lee.
First Lieut. Hurley E. Fuller.
First Lieut. Larry McHale.
First Lieut. Arthur M. O'Connor.
First Lieut. John P. Horan.
First Lieut. James H. S. Wells.
First Lieut. Augustus B. O'Connell.
First Lieut. Charles C. Fitzhugh.
First Lieut. Thomas L. McMurray.
First Lieut. Hiram G. Fry.
First Lieut. Paul E. Jackson.
First Lieut. Richard W. Cooksey.
First Lieut. Homer S. Youngs.
First Lieut. Edwin W. Grimmer.
First Lieut. William H. Clark.
First Lieut. Frank E. Haskell.
First Lieut. Lloyd D. Brown.
First Lieut. Roy C. Hilton.
First Lieut. Raymond E. O'Neill.
First Lieut. Justin S. Hemenway.
First Lieut. William A. Shely.
First Lieut. Corwin C. Smith.
First Lieut. John U. Ayotte.
First Lieut. Charles H. Barnwell, jr.
First Lieut. Henry A. Schwarz.
First Lieut. Edward G. Herlihy.
First Lieut. Arnold J. Funk.
First Lieut. George M. Ferris.
First Lieut. Edwin L. MacLean.
First Lieut. Norman Minus.

First Lieut. Ernest N. Stanton.
First Lieut. Thomas G. O'Malley.
First Lieut. Newell R. Fiske.
First Lieut. Philip B. Harrigan.
First Lieut. John D. Hill.
First Lieut. Frank W. Gano.
First Lieut. John L. Pierce.
First Lieut. Donald K. Mason.
First Lieut. John J. Atkinson.
First Lieut. Lowell W. Rooks.
First Lieut. Claude J. Hayden.
First Lieut. Samuel D. Bedinger.
First Lieut. Alpheus E. W. Harrison.
First Lieut. Malcolm V. Fortier.
First Lieut. Edward C. Allworth.
First Lieut. Roland W. Wittman.
First Lieut. Julian R. Orton.
First Lieut. Reginald N. Hamilton.
First Lieut. John W. Nicholson.
First Lieut. Thomas A. Young.
First Lieut. Charles H. Lee.
First Lieut. Ray B. Conner.
First Lieut. James S. Moore.
First Lieut. Franklin H. Woody.
First Lieut. Herbert L. Landolt.
First Lieut. Samuel W. Sowerbutts.
First Lieut. Will Van S. Parks.
First Lieut. Charles B. Kelly.
First Lieut. Malcolm M. Maner.
First Lieut. John L. McKee.
First Lieut. Glenn L. Allen.
First Lieut. Charles R. Jones.
First Lieut. Willard S. Paul.
First Lieut. Moritz A. R. Loth.
First Lieut. Robert H. Chance.
First Lieut. Claude W. Shelton.
First Lieut. Harry G. Hodgkins, jr.
First Lieut. Vincent P. Roussenu.
First Lieut. March H. Houser.
First Lieut. Lamont Davis.
First Lieut. James B. Golden.
First Lieut. Edwin B. Banister.
First Lieut. Wilfrid R. Higgins.
First Lieut. Eldon P. King.
First Lieut. Frederick S. Matthews.
First Lieut. Arthur P. Sibold.
First Lieut. Francis M. Lasseigne.
First Lieut. Walter Hellmers.
First Lieut. Jesse P. Green.
First Lieut. Howard W. Turner.
First Lieut. William A. Taber.
First Lieut. P. Barbour Peyton, jr.
First Lieut. Henry G. Sebastian.
First Lieut. Wesley C. Brigham.
First Lieut. William M. Goldston.
First Lieut. Cyrus H. Searcy.
First Lieut. Theodore Kelly.
First Lieut. Leon E. Norris.
First Lieut. David M. Hunter.
First Lieut. J. Harold Fleischhauer.
First Lieut. Tasso W. Swartz.
First Lieut. Edward W. McCaskey, jr.
First Lieut. Ward C. Goessling.
First Lieut. Curley P. Duson.
First Lieut. Richard D. Daugherity.
First Lieut. Walter R. Graham.
First Lieut. Albert H. Peyton.
First Lieut. Patrick Houstoun.
First Lieut. Miron J. Rockwell.
First Lieut. Peter Wirtz.
First Lieut. Allen W. Stradling.
First Lieut. Robert V. Tackabury.
First Lieut. James P. Murphy.
First Lieut. Gustav A. M. Anderson.
First Lieut. William E. Kepner.
First Lieut. William C. Peters.
First Lieut. Francis L. Hill.
First Lieut. Charles M. Parkin.
First Lieut. Jacob E. Bechtold.
First Lieut. Neal C. Johnson.
First Lieut. John E. McCarthy.
First Lieut. Leo M. Daly.
First Lieut. Norman P. Groff.
First Lieut. Glenn A. Ross.
First Lieut. Donald J. Myers.
First Lieut. Vic K. Burriss.
First Lieut. Francis A. Woolfley.
First Lieut. Carl B. Schmidt.
First Lieut. Leslie L. Connett.
First Lieut. Owen R. Rhoads.
First Lieut. Joe L. Ostrander.

To be captains with rank from November 3, 1917.

First Lieut. Carl E. Driggers.
First Lieut. Carl G. Lewis.

To be captains with rank from November 5, 1917.

First Lieut. John D. Burris.
First Lieut. Harry V. Hand.
First Lieut. Frederick V. Edgerton.
First Lieut. Anthony O. Adams.

To be captain with rank from November 7, 1917.

First Lieut. George A. Stockton.

To be captain with rank from November 12, 1917.

First Lieut. Charles W. Neues.

To be captain with rank from November 13, 1917.

First Lieut. George R. Brown, jr.

To be captains with rank from November 14, 1917.

First Lieut. Oscar A. Burton.
First Lieut. Harold W. Kelty.

To be captain with rank from November 15, 1917.

First Lieut. William H. Valentine.

To be captains with rank from November 16, 1917.

First Lieut. George N. Munro.
First Lieut. Herbert Boyer.

To be captains with rank from November 17, 1917.

First Lieut. Myron W. Sherman.
First Lieut. Woodworth B. Allen.

To be captains with rank from November 18, 1917.

First Lieut. Robert Ferris.
First Lieut. William E. Shaw.
First Lieut. Lee B. Woolford.
First Lieut. Ned Blair.

To be captains with rank from November 19, 1917.

First Lieut. Ernest A. Kinderwater.
First Lieut. Oscar M. McDole.
First Lieut. Jared I. Wood.

To be captain with rank from November 20, 1917.

First Lieut. Henry H. Ranson.

To be captain with rank from November 21, 1917.

First Lieut. Gordon C. Irwin.

To be captain with rank from November 22, 1917.

First Lieut. Elbridge G. Chapman, jr.

To be captains with rank from November 23, 1917.

First Lieut. Jacob H. Lawrence.
First Lieut. Everett M. Yon.
First Lieut. Grady H. Pendergrast.
First Lieut. Robert E. Frye.

To be captains with rank from November 28, 1917.

First Lieut. Cornelius F. Dineen.
First Lieut. John C. Haynes.
First Lieut. George L. Hopkins.

To be captain with rank from November 30, 1917.

First Lieut. George M. MacMullin.

To be captains with rank from December 1, 1917.

First Lieut. Harold K. Coulter.
First Lieut. Hugh C. H. Jones.
First Lieut. Otto E. Pentz.
First Lieut. Nicholas Szilagyi.

To be captains with rank from December 4, 1917.

First Lieut. Williston L. Warren.
First Lieut. Frederick W. Hyde.

To be captain with rank from December 10, 1917.

First Lieut. Gilbert Good.

To be captain with rank from December 14, 1917.

First Lieut. Theodore Rayburn.

To be captain with rank from December 19, 1917.

First Lieut. Leland S. Hatfield.

To be first lieutenants with rank from October 26, 1917.

Second Lieut. Roland M. Glenn.
Second Lieut. Harry S. Robertson.
Second Lieut. Lawrence M. Arnold.
Second Lieut. Arthur R. Knott.
Second Lieut. Samuel O'C. Neff.
Second Lieut. Philip E. Brown.
Second Lieut. Olaf P. Winningstad.
Second Lieut. Raymond M. Myers.
Second Lieut. Paul S. Russell.
Second Lieut. Herbert C. Smith.
Second Lieut. Edward N. Mitchell.
Second Lieut. James A. Van Sant.
Second Lieut. William E. Stanley.
Second Lieut. Frank S. Spruill, jr.
Second Lieut. George A. Davis.
Second Lieut. Laurin L. Williams.
Second Lieut. George Van W. Pope.
Second Lieut. Edwin M. Allison.
Second Lieut. George E. Butler.
Second Lieut. Edgar L. Clewell.
Second Lieut. Herbert A. Buermeyer.
Second Lieut. Leo R. Moody.
Second Lieut. William McL. Christie.
Second Lieut. Leon D. Gibbens.
Second Lieut. Mark M. Grubbs.
Second Lieut. Robert A. Kinloch.
Second Lieut. Joel R. Burney.
Second Lieut. Franklin P. Shaw.
Second Lieut. Winfield H. Scott.
Second Lieut. Arthur G. Davidson.
Second Lieut. Harold A. White.
Second Lieut. Campbell N. Jackson.
Second Lieut. Joel A. Fite.
Second Lieut. James A. Black.
Second Lieut. Clarence R. Peck.
Second Lieut. Glenn G. Hall.
Second Lieut. Charles C. Gillette.
Second Lieut. Walace E. Hawkins.
Second Lieut. Ralph M. McFaul.
Second Lieut. Forrest P. Barrett.
Second Lieut. Beal H. Siler.
Second Lieut. Emmett G. Lenihan.
Second Lieut. Edward Hines, jr.
Second Lieut. Bird Little.
Second Lieut. Evan C. Williams.
Second Lieut. James A. O'Neill.
Second Lieut. Coulter M. Montgomery.
Second Lieut. Einar W. Chester.
Second Lieut. James A. Griffin.
Second Lieut. Guy C. McKinley, jr.
Second Lieut. Gordon P. Savage.
Second Lieut. Harold H. McClune.
Second Lieut. Kingsley Barham.
Second Lieut. Lester E. MacGregor.
Second Lieut. Harold P. Gibson.
Second Lieut. Lloyd R. Besse.
Second Lieut. Willard J. Mason.
Second Lieut. Percival R. Bowey.
Second Lieut. Hugh M. Elmendorf.
Second Lieut. William N. Given.
Second Lieut. Charles F. Sutherland.
Second Lieut. Lance E. Gowen.
Second Lieut. Edward P. Hayward.
Second Lieut. Gilbert E. Parker.
Second Lieut. Francis B. Myer.
Second Lieut. Arthur S. Nevins.
Second Lieut. Gustave Villaret, jr.
Second Lieut. Horace E. Watson.
Second Lieut. Lester A. Webb.
Second Lieut. Royal C. Carpenter.
Second Lieut. Edwin S Van Deusen.
Second Lieut. Robert S. Boykin.
Second Lieut. Edward M. Ford.
Second Lieut. William L. Phillips.
Second Lieut. George A. Hunt.
Second Lieut. Kenneth G. Reynolds.
Second Lieut. Robert H. Warren, jr.
Second Lieut. Vyse B. Whedon.
Second Lieut. John Walcott.
Second Lieut. Philip H. Condit.
Second Lieut. John E. Dahlquist.
Second Lieut. Russell S. Fisher.
Second Lieut. Luther K. Brice.
Second Lieut. John M. Dale.
Second Lieut. Jack Edward Duke, jr.
Second Lieut. Tom S. Brand.
Second Lieut. Charles M. Ankcorn.
Second Lieut. James R. Urquhart.
Second Lieut. John W. Saladine, jr.
Second Lieut. Morrill W. Marston.
Second Lieut. Morrison C. Wood.
Second Lieut. Alymer B. Atkins.
Second Lieut. Robert Robinson.
Second Lieut. John D. Filley, jr.
Second Lieut. William E. Bergin.
Second Lieut. John O. Crose.
Second Lieut. Samuel R. Epperson.
Second Lieut. Leslie F. Tanner.
Second Lieut. Frederick L. Bramlette.
Second Lieut. Benjamin W. Venable.
Second Lieut. Myron E. Bagley.
Second Lieut. John L. Murphy.
Second Lieut. John W. Freels.
Second Lieut. Eugene F. Gillespie.
Second Lieut. George W. Setzer, jr.
Second Lieut. James B. Mudge.
Second Lieut. Allan H. Snowden.
Second Lieut. Earl L. R. Askam.
Second Lieut. Irvin L. Swanson.
Second Lieut. Philip D. Richmond.
Second Lieut. William W. Timmis.
Second Lieut. Gayle McFadden.
Second Lieut. Burt E. Skeel.
Second Lieut. Henry A. Brickley.
Second Lieut. Thomas P. Barry, jr.
Second Lieut. Roger Wisner.
Second Lieut. Merril V. Reed.
Second Lieut. A. Pledger Sullivan.
Second Lieut. Douglas O. Langstaff.
Second Lieut. Ralph W. Hickey.
Second Lieut. George K. Page.
Second Lieut. Thomas L. Reese.
Second Lieut. William B. Yancey.
Second Lieut. Leo J. McCarthy.
Second Lieut. Griffin D. Vance.
Second Lieut. Joseph M. O'Grady.
Second Lieut. Clifford R. Wright.
Second Lieut. Donald MacG. Marshman.
Second Lieut. John S. Coleman.
Second Lieut. Harrison B. Beavers.
Second Lieut. Elbr'dge Colby.
Second Lieut. Herbert D. Gibson.
Second Lieut. Goulding K. Wight.
Second Lieut. Harry S. Wilbur.
Second Lieut. Albert S. Johnson.
Second Lieut. Clarence O. Black.
Second Lieut. Paul B. Robinson.
Second Lieut. William L. Coulter.
Second Lieut. Glen E. McCarthey.
Second Lieut. Joseph H. Hinwood, jr.
Second Lieut. Russell F. Waithour, jr
Second Lieut. James C. DeLong.
Second Lieut. Joseph P. Lawlor.
Second Lieut. Timothy A. Pedley, jr.
Second Lieut. Charles N. Owen.
Second Lieut. Charles R. Gideon.
Second Lieut. Archie MacI. Palmer.
Second Lieut. Jack B. Chadwick.
Second Lieut. John R. Bair.
Second Lieut. James S. Varnell.
Second Lieut. Arthur F. Dahlberg.
Second Lieut. Russell C. Chapman.
Second Lieut. Edwin T. Bowden.
Second Lieut. Eugene M. Frederick.
Second Lieut. Cassius H. Styles.
Second Lieut. Fisher S. Harris.
Second Lieut. Frederick J. Slackford.
Second Lieut. George F. Dashiell.
Second Lieut. Ray Edison Porter.
Second Lieut. Frank E. Barber.
Second Lieut. Julian Erwin.
Second Lieut. John E. Brannan.
Second Lieut. George W. Brodie, jr.
Second Lieut. Waldron J. Cheyney.
Second Lieut. Edward R. Jobson.
Second Lieut. Albert S. Lewis, jr.
Second Lieut. Edward S. Couch.
Second Lieut. William J. Devine.
Second Lieut. Edward H. Carpenter, jr.

Second Lieut. Charles C. Brooks.
Second Lieut. Gordon Kaemmerling.
Second Lieut. Francis R. Holmes.
Second Lieut. William V. Rattan.
Second Lieut. Rosswell E. Hardy.
Second Lieut. Wilbur C. Herbert.
Second Lieut. Ross Martin.
Second Lieut. Alexander McC. Craighead.
Second Lieut. William Mason Smith, jr.
Second Lieut. James M. Symington.
Second Lieut. Herron W. Miller.
Second Lieut. Maurice R. Fitts.
Second Lieut. Marvin R. Dye.
Second Lieut. Emanuel R. Wilson.
Second Lieut. William I. Truitt.
Second Lieut. Lloyd Zuppann.
Second Lieut. John K. Rice.
Second Lieut. Hammond D. Birks.
Second Lieut. James H. Hagan.
Second Lieut. Lester S. Ostrander.
Second Lieut. Edward T. White.
Second Lieut. Edward A. Whitney.
Second Lieut. Arthur B. Jopson.
Second Lieut. Charles P. Cullen.
Second Lieut. Frederick H. Gnariul.
Second Lieut. Roscoe B. Ellis.
Second Lieut. John A. Langan.
Second Lieut. Jeremiah E. Murphy.
Second Lieut. Edward G. Perley.
Second Lieut. Frank M. Conroy.
Second Lieut. Charles S. Johnson.
Second Lieut. Albert R. Boomhower.
Second Lieut. Hugh A. Wear.
Second Lieut. George A. Miller.
Second Lieut. David Loring, jr.
Second Lieut. Stockbridge C. Hilton.
Second Lieut. James D. Everett.
Second Lieut. Gordon C. King.
Second Lieut. Jackson R. Sharman.
Second Lieut. Harvey C. McClary.
Second Lieut. Willard J. Freeman.
Second Lieut. Jay M. Fields.
Second Lieut. George A. Horkan.
Second Lieut. Samuel C. Thompson.
Second Lieut. Harry W. Caygill.
Second Lieut. Emery St. George.
Second Lieut. John L. Phillips.
Second Lieut. Berthoud Clifford.
Second Lieut. James E. Jeffres.
Second Lieut. Epler C. Mills.
Second Lieut. Harry E. Storms.
Second Lieut. Orlo H. Quinn.
Second Lieut. Ernest R. Hoftyzer.
Second Lieut. John W. Scott.
Second Lieut. Lewis A. Page.
Second Lieut. John M. Battle.
Second Lieut. John R. Sproul.
Second Lieut. Virgil Conkling.
Second Lieut. William R. Silvey.
Second Lieut. Alexander O. Gorder.
Second Lieut. Charles E. Garbrick.
Second Lieut. Forrest A. Roberts.
Second Lieut. Alonzo F. Myers.
Second Lieut. Thomas E. Martin.
Second Lieut. Max J. Berg.
Second Lieut. Thomas J. Guilbeau.
Second Lieut. Hugh J. Hannigan.
Second Lieut. John J. Mathison.
Second Lieut. Milo V. Buchanan.
Second Lieut. Kearie L. Berry.
Second Lieut. William E. Wiley.
Second Lieut. Earl P. Kemp.
Second Lieut. William E. Chickering.
Second Lieut. Wilbur R. McReynolds.
Second Lieut. David D. Barrett.
Second Lieut. William W. Burke.
Second Lieut. Arthur D. Fay.
Second Lieut. William B. Pitts.
Second Lieut. Thomas H. Ramsey.
Second Lieut. Paul D. Davis.
Second Lieut. Lewis B. Rock.
Second Lieut. Gaillard Pinckney.
Second Lieut. Benjamin F. O'Connor, jr.
Second Lieut. Fred C. Milner.
Second Lieut. William P. Driskell, jr.
Second Lieut. George K. Bowden.
Second Lieut. Lloyd Wallace Georgeson.
Second Lieut. Francis M. Darr.
Second Lieut. William C. Webster.
Second Lieut. Francis T. Ward.
Second Lieut. Frederick W. Wendt.
Second Lieut. William C. Thurman.
Second Lieut. Robert E. Shideler.
Second Lieut. Oliver W. Faunin.
Second Lieut. Charles F. Craig.
Second Lieut. Arthur L. Turner.
Second Lieut. Hendeson D. Emery.
Second Lieut. Oscar K. Wolber.
Second Lieut. Russell Slocum.
Second Lieut. Karl Eugene Henion.
Second Lieut. Thomas L. Creekmore.
Second Lieut. George O. Clark.
Second Lieut. William C. Stettinius.
Second Lieut. Russell J. Potts.
Second Lieut. William H. Craig.
Second Lieut. John R. Schwartz.
Second Lieut. Thaddeus C. Knight.
Second Lieut. Ollie W. Reed.
Second Lieut. Frank E. Boyd.
Second Lieut. Louis W. Maddox.
Second Lieut. Clark O. Tayntor.
Second Lieut. Ernest Eugene Stansbery.
Second Lieut. Malvern J. Nabb.
Second Lieut. Andrew H. Hilgartner.
Second Lieut. John C. Glithero.
Second Lieut. Eugene P. Watkins.
Second Lieut. Richard N. Armstrong.
Second Lieut. Philip J. Sexton.
Second Lieut. W. Fulton Magill, jr.
Second Lieut. Harry Curry.
Second Lieut. Ethan A. H. Shepley.
Second Lieut. Otis B. Adams.
Second Lieut. Millard F. Staples.
Second Lieut. Hugh H. Drake.
Second Lieut. Joseph H. Kelleher.
Second Lieut. Benjamin R. Sleeper.
Second Lieut. James J. Kelley.
Second Lieut. Walter B. Fariss.
Second Lieut. Robert J. Wagoner.
Second Lieut. William E. Vernon.
Second Lieut. Felix V. Embree.
Second Lieut. William T. Makinson.
Second Lieut. Clarence E. Allen, jr.
Second Lieut. George F. Herrick.
Second Lieut. Joseph W. McCall, jr.
Second Lieut John R. Hunneman.
Second Lieut. Winfred E. Merriam.
Second Lieut. Laurence MacH. Tharp.
Second Lieut. Clive A. Wray.
Second Lieut. Donald P. Vail.
Second Lieut. Thomas B. Steel.
Second Lieut. Douglas B. Baker.
Second Lieut. Harold H. White.
Second Lieut. Thomas W. Butler.
Second Lieut. Everett Busch.
Second Lieut. Frank G. Busteed.
Second Lieut. Frank L. Scott, jr.
Second Lieut. John W. Heisse.
Second Lieut. Douglas G. McGrath.
Second Lieut. Stephen C. Peabody.
Second Lieut. Max Bernstein.
Second Lieut. Herschel V. Johnson.
Second Lieut. William B. Clark.
Second Lieut. Stewart D. Hervey.
Second Lieut. James L. Blanding.
Second Lieut. Frank J. Pearson.
Second Lieut. J. Gordon Hussey.
Second Lieut. Lester T. Miller.
Second Lieut. Leo Donovan.
Second Lieut. George E. Kirk.
Second Lieut. Frank W. Hayes.
Second Lieut. Vincent Rochester Bartlett.
Second Lieut. Samuel M. Bemiss.
Second Lieut. Richard L. Holbrook.
Second Lieut. James K. Hoyt, jr.
Second Lieut. Julian G. Hart.
Second Lieut. William M. Leffingwell.
Second Lieut. John T. Sunstone.
Second Lieut. Arthur B. McDaniel.
Second Lieut. Harold H. Schaper.

Second Lieut. Randall T. Kendrick.
Second Lieut. Percy McCay Vernon.
Second Lieut. Samuel W. Perrott.
Second Lieut. Jay A. Richardson.
Second Lieut. Milton Whitney, jr.
Second Lieut. Emile J. Boyer.
Second Lieut. Harry M. Bardin.
Second Lieut. Joseph P. Guillet.
Second Lieut. Leander Forest Conley.
Second Lieut. Paul P. Reily.
Second Lieut. Peter J. Lloyd.
Second Lieut. Paul S. Buchanan.
Second Lieut. Cranston G. Williams.
Second Lieut. Lewis B. Cox.
Second Lieut. Theodore M. Cornell.
Second Lieut. Launcelot M. Blackford.
Second Lieut. Frederick W. Deck.
Second Lieut. Fernand G. Dumont.
Second Lieut. Stephen Y. Mann.
Second Lieut. Joseph H. Payne.
Second Lieut. George E. Braker, jr.
Second Lieut. Paul V. Kellogg.
Second Lieut. Langdon D. Wythe.
Second Lieut. John O. Flautt, jr.
Second Lieut. Giles F. Ewing.
Second Lieut. Fred W. King.
Second Lieut. Ivy W. Crawford.
Second Lieut. John S. Fishback.
Second Lieut. Robert S. Downing.
Second Lieut. Clement A. Reed.
Second Lieut. George M. Hancock.
Second Lieut. Jesse B. Smith.
Second Lieut. Selden S. Smith.
Second Lieut. John R. Hodge.
Second Lieut. Arthur R. Walk.
Second Lieut. Leslie E. Toole.
Second Lieut. Lewis A. List.
Second Lieut. James F. Johnson, jr.
Second Lieut. Francis M. Brady.
Second Lieut. Eubert H. Malone.
Second Lieut. Wayne W. Schmidt.
Second Lieut. Theodore W. Crossen.
Second Lieut. James F. Butler.
Second Lieut. Herbert G. Peterson.
Second Lieut. Truman M. Martin.
Second Lieut. Veno E. Sacre.
Second Lieut. Warner B. Van Aken.
Second Lieut. Richard G. Plumley.
Second Lieut. Charles R. Davis.
Second Lieut. Cecil L. Rutledge.
Second Lieut. Theodore C. Gerber.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 21, 1918.*

The House met at 12 o'clock noon.

Rev. Ulysses G. B. Pierce, D. D., pastor of All Souls Church, Washington, D. C., offered the following prayer:

O Lord, our Heavenly Father, Almighty and Everlasting God, who hast safely brought us to the beginning of this day, defend us in the same with Thy mighty power and direct us with Thine infinite wisdom. May all our deliberations, begun in Thy name, be continued in Thy fear and ended to Thy glory. So, our Father, may we labor until the kingdoms of this world become the kingdom of our God and of His Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. CLARK of Florida rose.

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. CLARK of Florida. I rise, Mr. Speaker, to ask unanimous consent to extend my remarks in the RECORD by printing a tribute by a newspaper in my district to a young lieutenant killed in France.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD by printing an editorial from a Florida paper. Is there objection?

There was no objection.

Mr. BLACK. Mr. Speaker, I ask unanimous consent that my colleague, Mr. JONES of Texas, have leave to extend his remarks by printing a letter that he wrote to the Committee on Foreign Affairs concerning a resolution that he introduced.

The SPEAKER. The gentleman from Texas asks unanimous consent that his colleague [Mr. JONES] be permitted to extend his remarks in the RECORD by printing a letter that he wrote to the Committee on Foreign Affairs. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Speaker, that relates to some measure that is pending?

Mr. BLACK. Yes. I called attention to it before.

Mr. WALSH. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

EXCESS-PROFITS TAX REGULATIONS NO. 41.

Mr. BARNHART. Mr. Speaker, I submit a privileged resolution and ask for its present consideration.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House concurrent resolution 36 (H. Rept. No. 328).

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 500,000 copies of the war excess-profits tax regulations No. 41—150,000 copies for the use of the Senate and 350,000 copies for the use of the House of Representatives, the same to be distributed through the folding rooms.

The SPEAKER. The question is on agreeing to the resolution.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. BARNHART. I yield.

Mr. DOWELL. How long will it take to have these copies ready for distribution?

Mr. BARNHART. I have the assurance of the Printing Office this morning that they will go right at them. They are now delivering the last primers ordered a week ago, so that it may be a week before they are out.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

INCOME TAX REGULATIONS NO. 33, REVISED.

Mr. BARNHART. Mr. Speaker, I submit another privileged resolution and ask its immediate consideration.

The SPEAKER. This is a privileged resolution?

Mr. BARNHART. Yes.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

House concurrent resolution 37 (H. Rept. No. 327).

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 500,000 copies of the income-tax regulations No. 33, revised—150,000 copies for the use of the Senate and 350,000 copies for the use of the House of Representatives, the same to be distributed through the folding rooms.

The SPEAKER. Is not this the same resolution that was just passed?

Mr. BARNHART. No.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

STATUE OF JAMES BUCHANAN.

The SPEAKER. The Clerk will read the engrossed copy of the Buchanan Statue resolution.

The engrossed copy of House joint resolution 70 was read.

The SPEAKER. The question is——

Mr. STAFFORD. Mr. Speaker, I offer a motion to recommit the resolution with instructions to the Committee on the Library to report the same back forthwith with an amendment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Mr. STAFFORD moves to recommit by striking out all the remainder of the paragraph after the words "United States," page 1, line 7, down to the proviso, and inserting "on one of the public reservations generally known as 'small park areas' and which is entirely surrounded by streets in the city of Washington, D. C., to be selected by the officer in charge of public buildings and grounds and the Commission of Fine Arts."

Mr. SLAYDEN. Mr. Speaker, I move the previous question on that.

Mr. STAFFORD. Will the gentleman hold that for five minutes, in view of the erroneous ruling made by the gentleman from Kentucky [Mr. SHERLEY]? Will he not withhold it for five minutes?

Mr. SLAYDEN. Mr. Speaker, this is to gratify the gentleman from Wisconsin, who was in such a desperate hurry yesterday to get to the consideration of the railroad bill.

Mr. STAFFORD. The gentleman is putting words in my mouth that I did not use, and he is attempting to deprive this House of fair play.

Mr. GILLETT. Mr. Speaker, I make the point of no quorum.

Mr. CRISP. Mr. Speaker, when the previous question was ordered the motion would not be debatable anyway.

Mr. STAFFORD. It is not a question of the previous question.

The SPEAKER. The motion for the previous question is not debatable and never has been.

Mr. CRISP. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CRISP. The motion to recommit anyway would not be debatable, the previous question having been ordered on the passage of the bill.

The SPEAKER. This is a motion for the previous question on the motion to recommit.

Mr. CRISP. The previous question is ordered on a motion to recommit for the purpose of cutting off amendments to the motion to recommit; but where the previous question is ordered on the passage of the bill, I think the motion to recommit is not debatable. That is the parliamentary inquiry that I desire to propound to the Chair.

Mr. GILLETT. It is debatable by unanimous consent.

Mr. CRISP. We can do anything by unanimous consent.

Mr. STAFFORD. If you will not allow three minutes to discuss a bona fide amendment——

Mr. GILLETT. Under the circumstances, I make the point of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. SLAYDEN] moves the previous question on the motion to recommit, and the gentleman from Massachusetts [Mr. GILLETT] makes the point of no quorum present. Evidently there is not.

Mr. KITCHIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Anthony	Fuller, Mass.	Lobeck	Rodenberg
Blackmon	Garland	McCormick	Rowland
Booher	Glass	McFadden	Sanders, La.
Britten	Gould	McLaughlin, Pa.	Scott, Iowa
Candler, Miss.	Hamill	Magee	Scully
Capstick	Hamlin	Maher	Snyder
Chandler, N. Y.	Harrison, Va.	Mann	Stedman
Costello	Haskell	Meeker	Steenerson
Curry, Cal.	Heintz	Miller, Minn.	Sullivan
Dallinger	Hensley	Miller, Wash.	Sumners
Davidson	Holland	Mudd	Taylor, Colo.
Drukker	Hollingsworth	Nelson	Vare
Dyer	Hood	Nicholls, S. C.	Walker
Eagle	Howard	Oliver, Ala.	Webb
Edmonds	Johnson, S. Dak.	Olney	Wilson, La.
Emerson	Jones, Tex.	O'Shaunessy	Woods, Iowa
Fairchild, G. W.	Kelley, Mich.	Overmyer	Young, N. Dak.
Ferris	Kennedy, R. I.	Phelan	Zihlman
Fess	Kraus	Porter	
Flynn	LaGuardia	Rainey	

The SPEAKER. On this roll call 340 Members, a quorum, have answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. STAFFORD] be allowed five minutes to explain this motion to recommit.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent that the gentleman from Wisconsin [Mr. STAFFORD] be allowed five minutes in which to express his opinion.

Mr. SLAYDEN. Mr. Speaker, I hope that request will be granted. The gentleman has explained his reason.

The SPEAKER. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Speaker, the joint resolution as reported to the House provides for the location of this statue at Meridian Hill Park. In my motion to recommit, embodying the amendment which I sought to have voted upon yesterday, but when I was denied that privilege by reason of an erroneous ruling, this statue is to be located at a public reservation in one of the smaller park areas entirely surrounded by streets, of which there are numerous in different parts of the city. Regardless of the position which you may take as to whether the statue should be erected or not, it should at least, from my standpoint, and I think from the standpoint of the friends of the statue, be evident that we ought not to locate this statue of James Buchanan in the one public park that is destined to be rather historic as Washington grows in history. There are ample public reservations where the proposed statue could be erected, and even now these public reservations are being rapidly taken up. It will be only a question of time when we will have to put the ban on the allowance of further statues on public reservations to persons whose fame is of a more or less doubtful character. But I plead with all Members that Meridian Hill Park, out Sixteenth Street, be reserved for future statues of celebrities who have made names for themselves in the past or who are now making names for themselves in the present European war. There are plenty of other places which would be fitting for this statue of James Buchanan. I leave the selection of the place to the officer in charge of public buildings and the Commission of Fine Arts. I believe it is a bad practice for a committee to locate the site where this statue should be placed, especially when that committee may have been influenced by representatives from localities where some of the trustees under this will reside. The site should be selected by the Commission of Fine Arts in collaboration with the Superintendent of Public Buildings and Grounds.

The Commission of Fine Arts should be allowed to determine what is a fitting place, and I can conceive of no more fitting place for a statue of James Buchanan than in one of these triangular parks. I merely rose to explain the purpose of the motion to recommit, and not wishing to take up any further time I submit the question for a vote.

The SPEAKER. The question is on adopting the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 96 ayes and 164 noes.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the joint resolution.

Mr. WALSH. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 213, nays 127, answered "present" 3, not voting 85, as follows:

YEAS—213.

Alexander	Dooling	Lazaro	Saunders, Va.
Almon	Doremus	Lea, Cal.	Scott, Pa.
Ashbrook	Doughton	Lee, Ga.	Sears
Aswell	Drane	Lesher	Shackleford
Ayres	Dupré	Lever	Shallenberger
Bankhead	Eagan	Linthicum	Sherley
Barkley	Edmonds	Littlepage	Sherwood
Barnhart	Estopinal	London	Shouse
Beakes	Evans	Lonergan	Siegel
Bell	Fields	Lunn	Sims
Beshlin	Fisher	McAndrews	Sisson
Black	Flood	McFadden	Slayden
Blanton	Foster	McKeown	Slemp
Booher	Francis	McLemore	Small
Borland	French	Mansfield	Smith, C. B.
Brand	Gallagher	Martin	Smith, T. F.
Brodbeck	Gallivan	Mason	Snook
Browning	Gard	Montague	Steagall
Brumbaugh	Garner	Moon	Steele
Buchanan	Garrett, Tenn.	Moore, Pa.	Stephens, Miss.
Burnett	Garrett, Tex.	Mott	Stephens, Nebr.
Butler	Glass	Mudd	Sterling, Pa.
Byrnes, S. C.	Goodwin, Ark.	Neely	Stevenson
Byrns, Tenn.	Gordon	Nelson	Strong
Caldwell	Gray, Ala.	Nolan	Swift
Campbell, Pa.	Greene	Norton	Tague
Cannon	Griest	Oldfield	Talbott
Cantrill	Hardy	Oliver, N. Y.	Taylor, Ark.
Caraway	Harrison, Miss.	Osborne	Templeton
Carew	Hastings	O'Shaunessy	Thomas
Carlin	Hayden	Overstreet	Thompson
Carter, Okla.	Hayes	Padgett	Tillman
Clark, Fla.	Heaton	Park	Van Dyke
Claypool	Heflin	Parker, N. J.	Venable
Coady	Helm	Peters	Vinson
Collier	Helvering	Polk	Walton
Connally, Tex.	Hilliard	Pou	Ward
Connelly, Kans.	Houston	Price	Watkins
Copley	Huddleston	Quin	Watson, Pa.
Cox	Hull, Tenn.	Ragsdale	Watson, Va.
Crago	Humphreys	Raker	Weaver
Crisp	Igoe	Randall	Webb
Crosser	Jacoway	Rayburn	Welling
Dale, N. Y.	Johnson, Ky.	Riordan	Welty
Darrow	Jones, Va.	Robbins	Whaley
Davis	Keating	Roberts	White, Ohio
Decker	Kehoe	Robinson	Wilson, Tex.
Dent	Kettner	Romjue	Wingo
Dewalt	Key, Ohio	Rose	Wise
Dickinson	Kiess, Pa.	Rouse	Wright
Dies	Kincheloe	Rowe	Young, Tex.
Dill	Kitchin	Rubey	
Dixon	Kreider	Rucker	
Dominick	Larsen	Russell	

NAYS—127.

Anderson	Browne	Cooper, Ohio	Davidson
Anthony	Burroughs	Cooper, W. Va.	Dempsey
Austin	Campbell, Kans.	Cooper, Wis.	Denison
Baer	Cary	Cramton	Dillon
Bland	Chandler, Okla.	Currie, Mich.	Doolittle
Bowers	Classon	Dale, Vt.	Dowell

Dunn	Haugen	McLaughlin, Mich.	Smith, Mich.
Elliott	Hawley	Madden	Snell
Ellsworth	Hersey	Mapes	Stafford
Elston	Hull, Iowa	Mays	Sterling, Ill.
Esch	Husted	Merritt	Stiness
Fairfield	Hutchinson	Moores, Ind.	Sweet
Farr	Ireland	Morgan	Temple
Focht	James	Nichols, Mich.	Timberlake
Fordney	Johnson, Wash.	Paige	Tinkham
Foss	Juul	Parker, N. Y.	Towner
Frear	Kahn	Platt	Treadway
Freeman	Kearns	Powers	Vestal
Fuller, Ill.	Kelly, Pa.	Pratt	Volk
Gandy	Kennedy, Iowa	Purnell	Volstead
Gillett	King	Ramsey	Waldow
Glynn	Kinkaid	Ramseyer	Walsh
Good	Knutson	Rankin	Watson
Goodall	La Follette	Reavis	Wheeler
Graham, Ill.	Lehlbach	Rogers	White, Me.
Graham, Pa.	Lenroot	Sanders, Ind.	Williams
Green, Iowa	Little	Sanders, N. Y.	Wilson, Ill.
Greene, Mass.	Longworth	Schall	Winslow
Greene, Vt.	Luffkin	Scott, Mich.	Wood, Ind.
Hadley	Lundeen	Sells	Woods, Iowa
Hamilton, Mich.	McCulloch	Sloan	Woodyard
Hamilton, N. Y.	McKenzie	Smith, Idaho	

ANSWERED "PRESENT"—3.

Gray, N. J.	Langley	Fabath

NOT VOTING—85.

Bacharach	Fuller, Mass.	McArthur	Rowland
Blackmon	Garland	McClintic	Sanders, La.
Britten	Gaskin, N. C.	McCormick	Sanford
Candler, Miss.	Gould	McKinley	Scott, Iowa
Capstick	Hamill	McLaughlin, Pa.	Scully
Carter, Mass.	Hamlin	Magee	Sinnott
Chandler, N. Y.	Harrison, Va.	Maher	Snyder
Church	Haskell	Mann	Stedman
Clark, Pa.	Heintz	Meeker	Steenerson
Costello	Hensley	Miller, Minn.	Sullivan
Curry, Cal.	Hicks	Miller, Wash.	Sumners
Dallinger	Holland	Mondell	Switzer
Denton	Hollingsworth	Morin	Taylor, Colo.
Drukker	Hood	Nicholls, S. C.	Tilson
Dyer	Howard	Oliver, Ala.	Vare
Eagle	Johnson, S. Dak.	Olney	Walker
Emerson	Jones, Tex.	Overmyer	Wilson, La.
Fairchild, B. L.	Kelley, Mich.	Phelan	Young, N. Dak.
Fairchild, G. W.	Kennedy, R. I.	Porter	Zihlman
Ferris	Kraus	Rainey	
Fess	LaGuardia	Reed	
Flynn	Lobeck	Rodenberg	

So the joint resolution was passed.

The following pairs were announced:

Until further notice:

Mr. HENSLEY with Mr. KELLEY of Michigan.

Mr. OLIVER of Alabama with Mr. GEORGE W. FAIRCHILD.

Mr. FERRIS with Mr. HOLLINGSWORTH.

Mr. HOWARD with Mr. MCLAUGHLIN of Pennsylvania.

Mr. WILSON of Louisiana with Mr. LANGLEY.

Mr. CHURCH with Mr. BACHARACH.

Mr. DENTON with Mr. BRITTEN.

Mr. EAGLE with Mr. CARTER of Massachusetts.

Mr. FLYNN with Mr. BENJAMIN L. FAIRCHILD.

Mr. GODWIN of North Carolina with Mr. FESS.

Mr. HAMILL with Mr. GARLAND.

Mr. HAMLIN with Mr. DYER.

Mr. HOOD with Mr. CHANDLER of New York.

Mr. JONES of Texas with Mr. HASKELL.

Mr. LOBECK with Mr. COSTELLO.

Mr. MCCLINTIC with Mr. KENNEDY of Rhode Island.

Mr. MAHER with Mr. MCKINLEY.

Mr. NICHOLLS of South Carolina with Mr. MEEKER.

Mr. OLNEY with Mr. MILLER of Minnesota.

Mr. OVERMYER with Mr. REED.

Mr. PHELAN with Mr. RODENBERG.

Mr. RAINEY with Mr. SNYDER.

Mr. SANDERS of Louisiana with Mr. STEENERSON.

Mr. STEDMAN with Mr. SWITZER.

Mr. SULLIVAN with Mr. TILSON.

Mr. SUMNERS with Mr. ZIHLMAN.

Mr. TAYLOR of Colorado with Mr. DALLINGER.

Mr. WALKER with Mr. ROWLAND.

Mr. SCULLY with Mr. CURRY of California.

On this vote:

Mr. HICKS (for) with Mr. MCARTHUR (against).

Mr. CANDLER of Mississippi (for) with Mr. MAGEE (against).

Mr. HOLLAND (for) with Mr. FULLER of Massachusetts (against).

Mr. HARRISON of Virginia (for) with Mr. GOULD (against).

Mr. BLACKMON (for) with Mr. EMERSON (against).

The result of the vote was then announced as above recorded.

On motion of Mr. SLAYDEN, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

STATUARY IN THE CAPITAL.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address delivered by Gen. ISAAC R. SHERWOOD on statuary in the Capital.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a copy of a memorandum of a dispatch to the Secretary of State of the United States from the envoy of the provisional government of Ireland, dated February 17, 1918. It is not very long.

The SPEAKER. The gentleman from Illinois [Mr. MASON] asks unanimous consent to extend his remarks in the RECORD by printing a letter to the Secretary of State. Is there objection?

Mr. WALSH. I object.

The SPEAKER. The gentleman from Massachusetts objects.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON of Washington for Friday and Saturday; and

To Mr. KRAUS (at the request of Mr. WOOD of Indiana), indefinitely, on account of sickness.

ORDER OF BUSINESS.

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for four minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for four minutes. Is there objection?

Mr. SIMS. Mr. Speaker, I object.

The SPEAKER. The gentleman from Tennessee objects.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685, to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes. Pending that motion, I wish to know if we can not have some agreement in respect to the closing of general debate?

The SPEAKER. Has the gentleman any suggestion to make?

Mr. SIMS. Yes. I ask unanimous consent that all general debate on the pending bill close upon the rising of the committee this afternoon, not later than 6 or 6.30 o'clock.

The SPEAKER. Is there objection?

Mr. ESCH. Mr. Speaker, we have lost almost an hour and a half already to-day. To-morrow there is a special order, which will take possibly an hour, and if the Committee on Invalid Pensions claims the day we may lose another half hour, so that I feel we can not agree to the proposition made by the gentleman from Tennessee. I have requests from members of the committee that will consume at least two hours and a half. Five members of the committee on this side have not yet debated the question. I have requests from 16 other Members of the House asking for time. I believe under the circumstances we should devote all day to-morrow to general debate, and I think we will make time by so doing.

Mr. SIMS. Mr. Speaker, this measure is so important that I do not think we need to emphasize its importance. The unanimous-consent agreement under which we are considering the bill is that it shall be considered until concluded when taken up, with the exception of Calendar Wednesday and conference reports; so as far as pension matters are concerned they can be delayed. I do not know about the terms of the special order for to-morrow. I will make this further request, that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow, and that all general debate on the bill close not later than 3 o'clock to-morrow. That will give abundant time for any real discussion that is needed in general debate.

Mr. GILLETT. Why not wait until to-night before making that request?

Mr. SIMS. I desire that there may be as much liberality as possible when we come to consider the bill for amendment under the five-minute rule, and the time of gentlemen may be extended when talking not directly to what may be before the House, when Members are in much better attendance than they are in general debate. I hope the gentleman will agree to that request.

Mr. LENROOT. Mr. Speaker, reserving the right to object, so far all of the time that has been consumed upon the bill has been consumed by members of the committee.

Mr. SIMS. Oh, no.

Mr. LENROOT. With two exceptions.

Mr. LANGLEY. Practically all of the time has been consumed by members of the committee.

Mr. LENROOT. Practically all of it, and to-day will be taken, I understand, by members of the committee. Does not the gentleman think there should be reasonable opportunity for those who are not members of the committee who desire to discuss this bill in general debate to do so?

Mr. SIMS. There are at least four hours and a half that we can devote to general debate to-day. That is two hours and a quarter on a side. If we meet at 11 o'clock to-morrow, even if an hour should come out, that would give three hours for general debate to-morrow.

Mr. LENROOT. That is an hour and a half on a side. I want to say to the gentleman that I very much desire to have an hour, and I have stated to the gentleman what I personally desire. I want to have the time in general debate, because I think the committee will want to consider some of the suggestions that I have to make.

Mr. KITCHIN. Could not the gentleman from Tennessee give gentlemen on the other side two-thirds of his time to-morrow?

Mr. SIMS. I would want to reserve, in order to close, if need be, 30 minutes, but I will say right now that I shall yield one hour of the equal time to be disposed of as the gentleman from Wisconsin [Mr. ESCH] may see proper.

Mr. AUSTIN. Is not to-morrow pension day in the House?

Mr. GARNER. Yes; but the unanimous-consent agreement puts it out of the way.

Mr. LANGLEY. It is pension day, but it will not take very long.

Mr. GILLETT. Why does not the gentleman let the debate run to-day and make an agreement to meet at 11 o'clock to-morrow for general debate, and then see how far we have gotten to-day, and see whether members of the committee have all used up their time, because I think the gentleman wants to be reasonable, and it is certainly fair that Members on this side of the House, outside of the committee, should get more than an hour and a half, it seems to me.

Mr. SIMS. Well, that is a matter entirely with that side of the House when I offer here to yield one hour and give them one hour more than consumed on this side, and have all the afternoon until 3 o'clock—I will make it 4 o'clock.

Mr. LENROOT. Make it all day.

Mr. SIMS. No; I will offer a motion to close debate rather than that; but I do hope the gentleman will consent to 4 o'clock, with the understanding that he may have an hour and a half the advantage of this side in the division of the time.

The SPEAKER. Has the gentleman any other request to make?

Mr. SIMS. The request is this: I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow, and that all general debate on this bill close not later than 4 o'clock to-morrow, the gentleman from Wisconsin [Mr. ESCH] in the division of time to have one hour and a half more than this side.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. Mr. Speaker, reserving the right to object, it seems to me that a matter which the chairman has stated is of such great importance that there should not be any arrangement entered into whereby the committee have two whole days of general debate and the rest of the membership of this House be permitted to have only four hours of participation in general debate, and I think it is not unfair to ask that the whole of to-morrow be devoted to general debate, so that other Members who are just as well able to discuss this matter in general debate as some of the members of the committee, who have been unable to answer questions relating to the bill, may be heard; and therefore I shall object to the request.

The SPEAKER. The gentleman objects.

Mr. SIMS. Mr. Speaker, I move that all general debate upon this bill—I mean the railroad-control bill—close not later than 4 o'clock to-morrow.

Mr. LANGLEY. That does not give enough time, I want to say to the gentleman.

Mr. SIMS. This is not debatable.

The SPEAKER. The gentleman from Tennessee moves that general debate on this railroad bill shall close at 4 o'clock p. m. to-morrow.

Mr. WALSH. Mr. Speaker, I would like to offer an amendment to make it not later than 6 o'clock to-morrow.

Mr. SIMS. I move the previous question on my motion——

The SPEAKER. But the gentleman from Massachusetts has been recognized proposing a substitute of 6 o'clock for 4 o'clock. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. SIMS) there were—ayes 116, noes 62.

So the amendment was agreed to.

The SPEAKER. Does the gentleman want the 11 o'clock request submitted?

Mr. SIMS. No.

Mr. LENROOT. Mr. Speaker, the motion as amended must be put.

The SPEAKER. Yes. The question is on the motion as amended.

The question was taken, and the motion as amended was agreed to.

Mr. DOWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DOWELL. Was not the request to meet at 11 o'clock included in the motion?

The SPEAKER. No; the motion was only to close debate at 4 o'clock.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. SIMS. Mr. Chairman, I yield one hour to the gentleman from Pennsylvania [Mr. DEWALT], a member of the committee. [Applause.]

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, judging from the statements made by the distinguished gentleman from Massachusetts I am fully aware that this subject, which we are about to discuss, is one of great importance. He emphasized that fact by saying that he was quite sure that there were Members of the House, other than members of the committee, who were quite equal to the task of discussing this bill. I grant him that, because in the very outset of my remarks I desire to say that the importance and the gravity of this bill is of such momentous character that, even though I as a member of the committee have been engaged in hearings for almost four weeks, I do not have the temerity to say that I am entirely able to discuss comprehensively and lucidly the provisions of this bill. The importance of it is beyond question, and perhaps in the outstart it might be well to refer to some matters that make it so important for the earnest consideration of this great body. In the first place, the property rights of the railroad companies amount in the aggregate, roughly estimating the same, to over $18,000,000,000 in this country, and this legislation will vitally affect that tremendous amount of property interest. The mere statement of that fact is sufficient to warrant me in stating that this is one of the most important bills presented to this Congress. Again, there are 1,700,000 employees engaged by these railroad companies. Who would dare to assert in contradiction that their interests should not be conserved and preserved, and if that be true, then again the importance of this great measure must become apparent to you. Added to that you should remember that there are over 250,000 miles of railroad lines in this country that must be affected by this legislation. Added to that fact is another which is quite important, and that is that there are hundreds of thousands of stockholders in these corporations whose moneyed interests will be vitally affected by the passage or the nonpassage of this bill. And so whilst one perhaps is able, after hearings held in committee, to have some general knowledge of the subject that he is about to discuss, I am very frank to say to this membership that I am quite aware of my own deficiencies. I claim no pride of authorship in this bill, nor do I attempt to assert that it is a perfect bill.

Mr. CANNON. Mr. Chairman, I would make the suggestion that the gentleman has omitted from his list of those who are vitally interested the 110,000,000 people in the United States.

Mr. DEWALT. If the gentleman from Illinois had permitted me a moment, I would have referred to that as perhaps the most important of all the considerations, and I am very glad the gentleman introduced it just the moment that he did. The

great question of rates in this controversy is certain to be raised, and, after all, in the ultimate conclusion, if the gentleman from Illinois will permit me to suggest, it is the consumer who ultimately pays the freight. And it is entirely suggestive and proper that the gentleman from Illinois should say that 110,000,000 people are vitally interested in this legislation, because as the rates are changed, either for freight or passenger traffic, or as the management of these roads is changed ultimately, the people—men, women, and children—throughout the country must, in the popular expression used, "pay the freight."

Now, let us drop for a moment, if you please, the consideration of the importance of this legislation. The next thought that occurs to me, and possibly will occur to you, is, logically, admitting the importance of it, where is the necessity for it? The necessity for it became quite apparent to every man who had the situation in hand, and particularly and strongly apparent to the membership of this committee. The whole Nation knew, and everyone now is convinced, of the fact that the railroad systems of the country had, according to popular expression, "broken down." Freight traffic, passenger traffic, all sorts of transportation facilities, were congested and for the time being almost at a standstill. What were the causes of this great discomfort to the people of this country? Was it the fault of the Government? No one could fairly charge that that was true. Was it the fault of the railroads? Partially so; yes. I think an affirmative answer could be given to that proposition. But there were other reasons which were momentous and almost paramount in regard to this great disaster that fell upon the country almost overnight. What were they?

There was a tremendous demand for transportation. When the war came on, and when we were preparing for entrance into the war, it became necessary to make shipments almost beyond comparison with the shipments that had been made in years prior to our proposed entrance into the contest. The natural consequence was that freight traffic was congested. And the sequence of that congestion, and the sequence also of the demand of the Government for shipments of war munitions, led to priority orders, and priority orders meant in substance that governmental shipments should take precedence of all other shipments. And for that reason, and for other reasons consequent thereon, there was this congestion in freight and passenger traffic. Added to that was the apparent desire, futile in the end, of the railroad managers to help the Government; and you will remember better perhaps than I can tell you, that there was a War Board of Railroads established, which War Board of Railroads, consisted of the general managers and presidents of the various roads of the country. To their credit, and I desire to voice that sentiment now, be it said, that they did the best they could under the circumstances, and they displayed loyalty and public spirit which deserves the recognition of the people of this country. Unfortunately, however, they were hampered. They were unable to do that which the Government desired and which they were willing to do. How were they hampered? They were hampered by the Sherman law, and they were constrained by the rules and regulations of the Interstate Commerce Commission. Priority shipments were clearly against the provisions of these two methods of regulation. The routing of freight was clearly against the provisions of the Interstate Commerce regulations, and they did under the law the best they could, but it was finally found that it was entirely inefficient, and that in order to render the service that the Government demanded, and in order to serve the public at the same time, it became necessary to do what?

It became necessary in the judgment of the Government itself, and of the committee acting under the authority of this House, to devise some means by which these rules and regulations should either be made lax, made wider, if you please, or entirely abrogated. Perhaps no more explicit and suggestive illustration of this fact can be shown than that of demurrage. There is not a man within the hearing of my voice who does not know that there were thousands of freight cars that were used as storage places. They were filled with freight; they arrived at terminal stations and remained unloaded, not only for days but sometimes for weeks. And the fact was disclosed in the hearings that sometimes these cargoes of freight in these cars were sold and resold, and again sold and resold, without ever being unloaded. All of this resulted, as I am trying to show you, in this great disaster to the transportation systems of the country.

Mr. DENISON. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. DENISON. I was going to ask the gentleman right at that point if he does not think that situation could have been met by Congress repealing those regulations and suspending the Sherman law?

Mr. DEWALT. It could have been met in that way, and that was suggested by the Interstate Commerce Commission itself, and there were two remedies, one of which you suggest and that which is now proposed. I am frank to admit that, sir. And in this discussion I beg pardon, gentlemen, for desiring, if possible, to answer all pertinent questions which may be submitted to me, disclaiming to have any more knowledge than anybody else has upon the subject, and I am quite sure that if the questions be relevant, material, and pertinent I will receive information and perhaps be able in my modest way to impart some.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. CONNALLY of Texas. Right in this connection, in touching the causes of the congestion, I am interested to know what the gentleman's views are in reference to how far the diversion of traffic from other ports to New York contributed to that condition?

Mr. DEWALT. I think you had better put that, sir, in the other way. "Nondiversion" to those ports would, in my judgment, be a more explicit term. It is true that the port of New York, by the natural influx and reflex of trade in this country, is the greatest port in the country; and it is also true, and shown by the testimony in some of these hearings that the ports of Charleston, Savannah, New Orleans, and Philadelphia, if you please, also included, do not have the terminal facilities that New York has. They do not have the depth of water for large vessels, and the natural consequence is that trade seeks its easiest channel. It is like the flowing of the blood in the human body. If the veins are congested the blood does not readily flow, and the system become affected or possibly ceases its functions. And the question is very pertinent from the fact that if Savannah, Charleston, and New Orleans, and Philadelphia, too, if you please, in my own State, had the terminal facilities and the depth of water, which possibly they have not, a great deal of this freight would be diverted from New York and would go to those other ports.

Mr. WHALEY. Mr. Chairman, will the gentleman permit a question right there?

Mr. DEWALT. Certainly.

Mr. WHALEY. You say the diversion of traffic from those ports was because of the lack of water at those ports. Is it not a matter of fact that those ports have that depth of water?

Mr. DEWALT. I understand the gentleman from South Carolina has received an appropriation quite monumental, in its aggregate, which will give the required depth of water at Charleston.

Mr. WHALEY. I would like to correct that. There is a depth of water already there sufficient to float any ship of the United States or any that England sends over here with the exception of the *Mauretania*.

Mr. DEWALT. I hope it will be increased to a depth of 35 feet and the appropriation in like proportion.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield there?

Mr. DEWALT. Certainly.

Mr. MOORE of Pennsylvania. I think the gentleman ought to advise the committee that Philadelphia has an assured high-tide depth now of 35 feet, and is capable of accommodating twice as much business as goes into that port, and that it has terminal and docking facilities sufficient to take over a vast part of the business that now clogs New York.

Mr. DEWALT. I entirely agree with the gentleman, and yet strange it is that the general public throughout the West has an idea that Philadelphia has not the requisite terminal facilities and the proper depth of water.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. GREEN of Iowa. I think the West is not quite that much in error and that they know something about the depth of water at Philadelphia. But regardless of that, is not the gentleman aware of the fact that it is now conceded that a great mistake was made in sending so much freight to New York, and that arrangements have been made for its diversion to these other ports to a very considerable extent?

Mr. DEWALT. I am very glad that is so.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. SLOAN. I would say that the misinformation throughout the country as to the port of Philadelphia was in no wise due to a lack of diligence and repeated statements on the part of the distinguished gentleman from Philadelphia [Mr. MOORE], of whom I have distinct recollections on several occasions as having mentioned, first, that there was such a port as Philadelphia and that the port was made up largely of water, and, second, that it was of great depth, corresponding therewith to his arguments and his speeches delivered here on the floor. [Laughter.]

Mr. DEWALT. Well, I do not want to reply to that at all, except to say this: That the gentlemen who reside in the beloved city from which the gentleman from Philadelphia comes are largely of the Quaker element and are always very modest; they are not like those of the West and they do not blow their horns so loudly. [Laughter and applause.]

Mr. MOORE of Pennsylvania. Of course I thank the gentleman from Nebraska [Mr. SLOAN] and the equally distinguished gentleman from Pennsylvania [Mr. DEWALT] for the fine personal compliments they have paid to me, but I would like the gentleman to permit me to incorporate in his remarks this fact, that Boston has a depth of 35 feet, that Baltimore has a depth of 35 feet, that Philadelphia has a depth of 35 feet, that Charleston has a depth of at least 30 feet, that Savannah has a depth of 30 feet, and so on down the line; as all those ports south of New York are nearer to the West than New York is, it is not strange that people should wonder why all the business of the West and of the South should be concentrated at the port of New York.

Mr. DEWALT. Whatever the reason is, the fact is quite apparent, and the result is the same. I am very glad that my colleague from Pennsylvania has given not only me but the House and the committee the information that it is so important for the people at large to know.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. ALEXANDER. When the gentleman was diverted he was discussing the limitations caused by the accumulation of cars on the sidings and the use of them for storehouse purposes instead of for transportation. That was not caused by any provision of law. That condition might have been remedied by the railroad companies themselves, might it not?

Mr. DEWALT. Yes.

Mr. ALEXANDER. The gentleman also referred to the fact that under the provisions of the Interstate Commerce law—and I think he mentioned section 6—there were certain limitations which prevented the railroad companies from developing their system and making them as efficient as they may be under this legislation.

Mr. DEWALT. I did not mention the section, but that was my idea; yes.

Mr. ALEXANDER. I would like to ask the gentleman to develop that thought and tell us just what those provisions are; in other words, why these roads under private ownership could not be developed and utilized just as well as if those limitations were removed and the roads taken out of governmental control?

Mr. DEWALT. The only question that arises here, if the gentleman will permit me, is this, that in spite of the fact that we have a demurrage system, and in spite of the fact that the Government and the railroads themselves have been very assiduous in collecting this demurrage, the shippers of freight are willing to pay the demurrage in order to have the storage facilities of the cars. They simply laugh at the idea of demurrage, because they think it cheaper to pay the demurrage than to take the freight off the cars in proper time except as that time suits their convenience. That is the truth of it.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. AYRES. Is it not a fact that the railroads themselves utilize a great many cars for storage purposes?

Mr. DEWALT. I am sorry to say that I think that is so. I am not here with any bill or brief for the railroad companies, nor do I excuse them at all for their laxity in not enforcing the rules which they themselves have made—and the regulations of the Interstate Commerce Commission. But there is very little use, gentlemen, in decrying these evils or blaming John or James for the existence thereof. We have a condition confronting us, and the question is, How are we to remedy it? Not "Who is to blame?" Not "Why he or it is to blame?" But the blame being here, and the condition existing, the question is, "What is the best thing to do under the circumstances?"

Now, let me proceed for a moment further, leaving that phase of the topic and going to another: Admitting the importance of the subject we are discussing, and admitting, if you please, the necessity for the legislation, as we have tried to point out, how did the legislation come about? And how is it that we now have before us this bill?

It came about in this way. You will recollect it, perhaps, without any refreshment of your memory on my part. In 1916 there was a bill enacted into law entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes." In that appropriation bill was the following section:

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

That act was passed August 29, 1916, and, gentlemen, I desire to enforce upon your attention this very momentous thing, that although in the judgment of a great many eminent lawyers, some of whom I have consulted, the President, under the provisions of the act of 1916, had the authority and the right then and there to take possession of and assume control of the railroad systems of this country, he did not do that. Why did he not do it? Of course, again I may say, I hold no brief for the President of the United States, but the very fact that he did not do so is evidence to my mind that he was using the best of sound judgment in preparing the country at large for this momentous action when he must take over the railroad systems of the country. I have heard it said here that this was an assumption of authority by the President of the United States that was almost autocratic in its exercise. I grant you we have proceeded along the lines of almost revolutionary processes; I grant you that an old-line Democrat like myself, reared with the idea that the Constitution must be strictly conserved and observed, is sometimes frightened, almost appalled, at these momentous powers that are given to the Executive. But the very fact that the President did not exercise them when he had the right to exercise them, if he saw fit, and that he waited all this time, until it became quite apparent to him and the country at large that it must be done, is good assurance to me that he did not desire and never assumed autocratic powers. [Applause.]

Mr. FORDNEY. Will the gentleman yield?

Mr. DEWALT. Certainly, sir.

Mr. FORDNEY. In section 6, page 9, of the bill there is this language:

From said revolving fund the President may expend such an amount as he may deem necessary or desirable for the purchase, construction, or utilization and operation of canals, boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways, and may in the acquisition, operation, and use of such facilities create or employ such agencies and enter into such contracts and agreements as he shall deem in the public interest.

Does the gentleman think in order to carry on this war it is necessary that the Government should purchase inland canals that will not admit ships?

Mr. DEWALT. If the gentleman will permit me to answer that question when I get to the discussion of the different sections of the bill, I will be very much obliged; but the power to purchase inland canals is, in my judgment, not contemplated in the act.

Mr. FORDNEY. I shall be very glad to do it.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. DEWALT. No; not for the present. I know the gentleman is very much interested in the subject of inland waterways, and his knowledge is authority on that subject.

Mr. MOORE of Pennsylvania. I do not want to interrupt the gentleman, but should like through him to remind the gentleman from Michigan [Mr. FORDNEY] that hundreds of barges laden with lumber have been using some of the canals referred to, while others have been delayed because the railroads were incapable of taking their cargoes, with the result that ship construction has been held up and the war has not proceeded as rapidly as it should.

Mr. DEWALT. Now, resuming the thought that was in my mind, gentlemen, after this provision in the appropriation bill of 1916 was incorporated into the law, then there was this period of preparation, as I have tried to illustrate. And then there followed what? A proclamation by the President of the United States, in which he said that he would do what?

Take possession and assume control at 12 o'clock noon on the 28th day of December, 1917, of each and every system of transportation and the appurtenances thereof located wholly or in part within the boundaries of the continental United States and consisting of railroads and owned or controlled systems of coastwise and inland transportation engaged in general transportation, whether operated by steam or by electric power including also terminals, terminal companies, and terminal associations, sleeping and parlor cars, private cars and private car lines, elevators, warehouses, telegraph and telephone lines, and all other equipment and appurtenances commonly used upon or operated as a part of such rail or combined rail-and-water systems of transportation.

We then have as a consummation of these facts that I have tried to give you, first, the importance of the legislation; second, the necessity of it; third, the passage of the act of 1916; and fourth, the proclamation of the President of the United States. We have this fact, that now the President is in actual control of the railroad systems of this country. Why do I try to emphasize that statement? I emphasize it, gentlemen, for this reason, that it brings me to the discussion now in regular order of the bill itself. When the President took over the railroads, as we say in popular terms, when he assumed control and took possession thereof, he was taking private property for public use, and, as we all know, the Constitution provides that there must be payment for such taking. The question then naturally came to the mind of the legislator as well as to the mind of the Executive, What means can be best devised to pay this stipulated sum or, if not stipulated, how shall this remuneration be made?

If it were a complete taking over, if it were not only an occupation but a confiscation or a commandeering, which meant not only the use but the actual possession of the property for an indefinite or a definite time, which meant ownership, the question might be easier of solution, because it would amount to an appraisal of the value of the property, an appraisal of the franchise, and other concomitant features which go into such an appraisal, and then a lump sum could be paid by the Government for such taking. But this taking is different. This is the taking of the use for a time. What is that time? For and during the war, and for such a reasonable time thereafter, not exceeding a stipulated time, to wit, two years after the ratification of the treaty of peace.

It therefore became, in the mind of every sensible man who was studying this situation, a startling question as to what should be paid. There were several theories presented. I do not desire at this time, nor do I have the time to cover the several theories that were presented to the committee. But this bill provides a specific method of arriving at what should be paid to the different railroad companies.

Mr. LAZARO. Will the gentleman yield in this connection?

Mr. DEWALT. Certainly.

Mr. LAZARO. In explaining this feature of the bill will the gentleman explain how the British handled that feature of it when they took possession of their railroads?

Mr. DEWALT. I shall be very glad to, as well as I am able, sir. The Government of Great Britain had an act passed in 1871 which gave the Government the right to take over, without any further proceedings, the railroads in the United Kingdom. When the war came, in 1914, the Government took over the railroads. It was first asserted that they did it without any regard or agreement as to compensation, but they did afterwards make an agreement. They made an agreement in the spring after the war in August, 1914. They have continued the operation and extended the power week by week. Instead of for a time limited they extend the power week by week.

Mr. MONTAGUE. Every two weeks.

Mr. DEWALT. Every two weeks is it? Pardon me for saying one. The first system was for a pooling of railroad income. They paid to the lines for operating the amount that they had received for the years 1914 and 1913, dependent in amount as to whether the business of the first six or seven months of 1914 was in excess of the business done in the last six months of 1913.

After pooling all these rates, both for passenger and freight traffic, they divided the receipts in proportion to the amount of earnings the various roads had had prior to that time. That arrangement was again changed for what was called an inclusion of the bonus system. The labor agitation came on, and the laborers on the railroads insisted that they must have higher pay. The Government then said that they would guarantee a 25 per cent increase to the laborers on the railroads, and the amount given to the railroads was not made less by reason of the bonus, for the Government stood for the bonus. That bonus has again been increased 10 per cent and includes not only the male laborers but the females in the railroad offices taking the place of male employees.

Mr. RUSSELL. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. RUSSELL. I find that there are a number of small railways in Missouri that believe—whether it is true or not I do not know—that the action of taking the larger systems, to the exclusion of the short lines, is going to drive them into bankruptcy. Will the gentleman discuss the wisdom of the order or the law that excludes from operation under the Government of these small roads?

Mr. DEWALT. I will be pleased to do so hereafter.

Mr. DENISON. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. DENISON. My inquiry is suggested by the reply of the gentleman to the gentleman from Louisiana in reference to the labor troubles in England. I would like to ask the gentleman if he remembers the fact that there was a threatened and impending strike among the railroad employees of this country just before the President issued his program in December?

Mr. DEWALT. I am not certain about that.

Mr. COOPER of Ohio. If the gentleman will pardon me, I do not think there was any threatened strike; they did make a demand for increase of wages.

Mr. DEWALT. I do not think that since the passage of the Adamson bill there has been any threatened strike on the part of the employees of the railroads.

Mr. DENISON. Perhaps it was in the form of a general demand for increased wages.

Mr. DEWALT. There has been a demand for increased wages—the first demand was 40 per cent, but that has been graduated to 20 per cent, and I think gentlemen who represent the railroads and the unions have agreed upon some tentative proposition.

Mr. DENISON. Does the gentleman think that the demand for a decided increase of wages that was made at the time had anything to do with precipitating the action of taking over the railroads?

Mr. DEWALT. I do not think it had a particle of effect. I do not think it was a moving consideration in the minds of either the Executive or his advisers. It is a clear business proposition, and that is all this is, coupled with a legal liability that a party always has when he takes private property for himself, or when the Government takes private property for public use. That is the legal proposition, and it is a business proposition as well. The only question, in my judgment, that there is before this House at this time which is of great moment is how we can best determine what the remuneration shall be, taken in connection with the other things that are concerned with that vital question. If this is so, then let us proceed in the limited time I have to a discussion of the provisions of this bill.

When I spoke of the pay of the railroad companies for the use of their lines I stated in the same breath this legal proposition that when they were deprived, even for a moment, of their property rights, they are entitled to compensation. Whether the time be 1 year or 10 years, the primal question is, What shall be paid?

In this bill the committee has provided for what is known as the standard return. What is the standard return? The standard return can perhaps be best defined by giving you what I have tried to get out of the act itself. It is the annual average railway operating income, including income of lines acquired by lease of or connected with the carrier, between July 1, 1914, and December 31, 1917, for the three years ending June 30, 1917; and the rate per cent to be fixed by the President upon the cost of any additions or betterments, less retirements or road extensions, made during the six months ending December 31, 1917. Now that is the standard return as laid down by this act.

What does it amount to in figures? The net operating income of the roads in class 1—and that includes all the roads whose income was over $1,000,000 a year—was $1,020,800,000. That was for 1917. In 1916 the net income of these roads in class 1 was $984,872,959. In 1915, which was what the railroad companies called the lean year, the net income was $683,104,833.

Add these three amounts together and you have $2,688,777,792, and dividing that by 3 you have $896,254,264, which is the average net operating income for these three years for this class 1 railroad, to wit, the railroads whose annual income was over $1,000,000 a year. But there were other railroads that were not of class 1, namely, railroads that did not earn $1,000,000 a year.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. BORLAND. How much of the total mileage of the country is included in class 1?

Mr. DEWALT. I am not able to give the gentleman that. The total mileage operated in 1917 on all of the railroads was about 230,000 miles. The total in 1916 was 257,000 miles, in round numbers. I can give the gentleman that exactly, if he will wait a moment.

Mr. BORLAND. I know the total mileage of the country is approximately 250,000 miles, but I was wondering how much of it was included in class 1.

Mr. DEWALT. Perhaps another way of answering the gentleman's question is this: Class 1 earned and received about 96 per cent of the total income of all of the roads, but as to the mileage I can not give you the exact figures.

Mr. CRISP. Would the gentleman mind giving us the per cent that the roads in class 1 earned, or has the gentleman reduced that to percentages?

Mr. DEWALT. That differs so variously and so radically that one could not estimate that; but if this figure were to be divided by the property valuation used in operation by all the roads in class 1, it would give them an average percentage of about 5.6 on their property.

Mr. BANKHEAD. Is that based upon the amount of capital actually invested?

Mr. DEWALT. Yes; their operating property. As I tried to say before the interruption, this figure of $896,000,000, in round numbers, did not include the average operating income of these roads that were not in class 1, and the Interstate Commerce Commission and others who were advising with the framers of this bill included a sum for them which made the total about $935,000,000, which is a basis of payment if this agreement is carried into effect by the President of the United States.

Mr. CONNALLY of Texas. How does the percentage for those three years compare with the percentage for the years immediately preceding, say, 1913, 1912, and 1911?

Mr. DEWALT. In some of the years preceding 1912 the gross earnings were larger, though not larger than 1917, because that was the banner year. Nineteen hundred and nine was a lean year, if I recollect; 1912 was a lean year, as the railroad men call it, and the scale of gradation runs up and down, best illustrated by a map that was presented to the committee itself, showing that in some years whilst the gross receipts were enhanced the net income did not materially increase, by reason of the greater expense in operation and the greater cost for material.

Mr. SWITZER. Will the gentleman state about what per cent of this net income finally went to the pockets of the stockholders?

Mr. DEWALT. I can tell that pretty nearly.

Mr. SWITZER. Not all of it, as I understand it?

Mr. DEWALT. Oh, no. The gross earnings of these roads were $3,824,419,739. The operating expenses, and this will give the gentleman a clue to what he desires to know, were $2,581,838,511, leaving a net, after the payment of taxes, which amounted to $172,830,714, of $1,069,750,514, which was for the payment of dividends and for the payment of the interest on the bonds. When the gentleman asked me the question how much went into the pockets of the stockholders and the bondholders, not being fortunate enough to own any stock or bonds of railroad companies, I really can not answer the question.

Mr. SWITZER. Is it not true that a great part of this went back into betterments?

Mr. DEWALT. Some part of it did.

Mr. ESCH. Mr. Chairman, if the gentleman will permit, this may throw a little light on the question asked by the gentleman from Ohio [Mr. SWITZER]: The bonded indebtedness of the carriers is $10,000,000,000, on which was paid $450,000,000, with interest. The amount paid in dividends was from $250,000,000 to $300,000,000, and that would leave a balance of possibly $150,000,000 or $200,000,000 for surplus, fixed betterments, and so on.

Mr. SWITZER. About one-fourth, then?

Mr. DEWALT. Mr. Chairman, I desire to hurry on, as I have promised, as well as I may, to touch one other question which some gentleman asked me here on the left. Before we get to that, however, how do we ascertain this standard return? The standard return is ascertained, according to the provisions of the bill, by taking the debits and credits arising from the accounts in the monthly reports to the Interstate Commerce Commission. That is the basis, including equipment rents and joint facility rents, and then the standard return also includes the cost of additions and betterments, railroad extensions, and they are to be ascertained by the Interstate Commerce Commission from reports, books, and other data of the carriers, and these are to be certified to the President. What is the result? The result is this, that after you have fixed a basis for the standard return as outlined in one of the provisions of section 1, you determine almost in the same breath how that ascertainment shall be arrived at, and how is it? Not by the railroad companies themselves, not by the President, if you please, not by the Director General, but by the Interstate Commerce Commission from their reports which have been submitted to them by the railroad companies, and which they have supervised, and which, they have ratified. So that there can be no question either about the validity of the ascertainment nor about the justice of the ascertainment, provided always you agree with me in saying that the Interstate Commerce Commission is a body which is reasonable and just and loyal and conservative of the Government's interests. Now, this certificate as furnished by the Interstate Commerce Commission shall be conclusive as to the amount for the purposes of this agreement.

This same section 1—and I am hurrying along—provides further that Federal taxes under the act of October 3, 1917, assessed for the time beginning January 1, 1918, shall be paid by the carrier or charged against the sum known as the standard return, and other taxes shall be paid out of the revenue derived from the railway operations whilst under Federal control. All taxes before January 1, 1918, shall be paid out of the carrier's funds or charged against the standard returns and deducted therefrom. In other words, the Government will pay the tax whilst it is operating the roads, but the railroad companies will pay the taxes which ought to have been paid or which were assessed against them prior to the date specified and that I have just mentioned.

Mr. LENROOT. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. LENROOT. Is there any provision in the bill in reference to taking care of these taxes except in cases where an agreement is made with the railroad?

Mr. DEWALT. Yes, sir; there is.

Mr. LENROOT. Will the gentleman point it out?

Mr. DEWALT. I will come to that in a few moments. We then follow in this section 1 a stipulation as to maintenance. Everyone knows who is engaged at all with railroad legislation or with railroad operation, or even though he be but a mere traveler upon a railroad, that there must be betterments for maintenance, there must be extensions, there must be repairs, there must be, if you please, the acquirement of new motive power and new cars.

So this section 1 provides that maintenance, repairs, renewals, depreciation shall be considered so that the carriers' property may be returned. How? That the carriers' property may be returned to the owners thereof when this period of Government control is ended substantially in the same condition as when it was taken from them. Certainly no more equitable provision can be had than that. If I take the property of John Jones by right of eminent domain, if you please—but that is not quite a relevant comparison—but if I take the property of an individual for a certain time, with a promise to return it to him, I should return it in the same condition that I obtained it, or I should pay for the depreciation in the value thereof by reason of my use. Therefore, this provision of the bill provides that in regard to maintenance and betterments they shall be substantially replaced to the road in the same condition as it was at the time the Government took the control. Now, further than that, section 1 provides only one important feature, and that is as to nonoperating roads or those in the hands of receivers, and there the President may make such agreements with such corporations as are equitable.

Now, what do we mean by "nonoperating roads"? There were certain roads which were not entirely completed. There were certain roads which were in process, if you please, of stabilization and required betterments, and therefore were not able to operate as going concerns. There were other roads in the hands of receivers, and it was deemed best by the authorities who drew the bill, and also by the committee itself to place in the bill some stipulation to meet that emergency and that condition, and that is met by saying that as to those particular roads the President may make such an agreement as to him seems equitable under the supervision of the Director General of Railroads. Now, that condition contemplates something which is also of very great moment. This lays out the general plan of how the standard return shall be established; it lays out the constituent parts that go into the standard return. It specifies, if you please, that the Interstate Commerce Commission by the reports submitted to it by the railroad companies shall effectually and eventually determine what the rates have been and upon which this standard return is based, and all this contemplates something which is not fully explained unless I say something else to you. What is that? It contemplates an agreement between the railroad companies and the President of the United States. In other words, after the standard return is fixed by this process that I have tried to demonstrate to you, then the President goes to the carrier company and says, "Here is the standard return, fixed according to the reports that you have made to the Interstate Commerce Commission, graduated according to the process that is named in this bill. I offer to you an agreement now that we will pay to you this sum. I can not pay you in excess thereof, but I will pay you that as a maximum amount and I want you to agree with me, as I have taken over the road."

Mr. STEELE. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. STEELE. As I understand the bill, there are two methods of compensation provided. One is the judicial proceeding where the parties can not agree, and the other where they do agree. Now, does the method of the agreement provided here for compensation conform with the legal measure of damages?

Mr. DEWALT. It does, sir. In answer to that let me say this, that in every legal proceeding—as the gentleman knows far better than I do, as I concede to him greater ability as a lawyer than I have ever claimed—as the gentleman well knows, and every other Member knows, the legal standard for the assessment of damages is this: What was the property worth at the time of the taking? That is the general broad proposition. Now, when we come down to pay damages for the use of property, then we have the same standard. What was the use worth at the time of taking? And therefore it follows as a logical conclusion of the answer to the gentleman's question that the legal standard of payment would be what was its use worth at the time, and that is to be determined, how? Why, by what it actually brought in; what it earned.

Mr. TOWNER. Will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. TOWNER. I am going to ask the gentleman this question: Of course, we all agree that the rule established by the courts is when property is taken the value of it must be established at the time when it is taken. When we take over the use the gentleman says that is also to be established at the time of the taking. Is not that, however, subject to this modification, when you come to consider the question of use it must extend over a period of time, and for that reason there is no other standard except we shall take in the preceding years or months or days, or whatever may be proper for the purpose of determining what period of time the use is?

Mr. DEWALT. Certainly.

Mr. TOWNER. So it is hardly strictly true. I will ask the gentleman, to say that we determine the use of the property as of the time of the taking.

Mr. DEWALT. No; but my dear sir, if the gentleman will take in connection that which I have just stated in reference to the establishment of the standard return, he will notice at once that the bill contemplates the taking in the receipts for three years and out of them making an average.

Mr. TOWNER. Yes. We say to the railroads under the terms of this bill: We are willing to determine its use by this standard which we offer you. Now, you have the right to take it or refuse it——

Mr. DEWALT. I am going to come to that in a moment. I will now yield to the gentleman from Iowa [Mr. DOWELL].

Mr. DOWELL. I take it from the gentleman's argument that some of these roads are not receiving the same income that others are receiving.

Mr. DEWALT. That is certainly so.

Mr. DOWELL. There are two methods that are adopted: One is by agreement and the other a remedy in the courts. Is it not true that the roads receiving the large incomes under this provision will accept the agreement and those receiving a less sum will refuse the agreement and obtain theirs through the courts?

Mr. DEWALT. Well, in answer to that, I would say to the gentleman that there is nothing more dangerous in the world than prophecy. I have never yet been able to prophesy as to what I myself would do on the morrow, and I can not tell what they would do the next day.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. May I have 15 minutes' additional time?

Mr. SIMS. I yield 15 minutes more to the gentleman.

Mr. DEWALT. I am sorry, gentlemen, if I have wearied you, and I apologize for taking all of the time that I have taken.

I proceed now, gentlemen, to section 3 of this bill, which provides that in case the President of the United States and the carriers are not able to agree, then what follows? The scheme is carried out. First, we try to agree with the carrier companies. The reason for that is that we desire by this bill to prevent litigation, and certainly nothing could be more desirable at this time than to prevent and forestall, if you please, litigation. And so every means is to be used by the executive authority to arrive at this agreement.

But suppose the carrier company says, "We will not agree," or suppose the President says that the demands are excessive according to the circumstances, or the standard return, if you please, in regard to this one particular road is excessive at this particular time; and the parties to this agreement do not agree? In other words, they agree to disagree. Then what follows? The bill then provides that three referees shall be chosen. Chosen by whom? Not by the President; chosen not by the carrier companies, but chosen by an impartial body, namely, the Interstate Commerce Commission. And these three men then shall determine the rights of these contending parties. The bill also provides that any member of the Interstate Commerce Commission may serve as a referee or that anyone connected in official capacity with the Interstate Commerce Commission also shall have the right to serve if chosen. If then the reference is made, which is compulsory, of course, and the parties do not agree, what follows? Still the rights of the corporation are preserved, and still the rights of the Government are preserved. How? By referring the matter for final adjudication to the Court of Claims. That is the last resort; but the whole design of this bill—the whole desire, as expressed throughout the bill—is to prevent as much litigation as possible, and to keep these railroad companies and the executive authority of the United States, and the Government itself, in such a position that litigation will not be necessary. I need not emphasize the importance of that, gentlemen. It is apparent to the mind of everyone who knows anything at all about the subject. Litigation—unprovoked, perhaps, in some instances; provoked in other instances—might possibly lead to the disruption of the transportation systems on the one hand or financial disaster on the other.

I pass over section 4 and section 5, although I have them noted here and would like to discuss them, and come down to the question of what is known as the revolving fund, which is section 6.

This bill provides that $500,000,000, not otherwise appropriated, shall be appropriated for the purpose—of what? The expression is very clear in the bill. The revolving fund of $500,000,000 is for operating expenses, and with the revenue derived from the operation of the road shall be used—for what? For just compensation of the railroads under control, or terminals, motive power, cars, equipment, and so forth. And the President may do what else? The President may order the road to make betterments and road extensions, and so forth, for road purposes, and may advance the cost thereof from the revolving fund for such betterments and extensions, and charge the same up against the carrier.

Now, I have heard some gentlemen in committee, as well as out of it, say, "Oh, well, this will inevitably lead to this, that the railroads will receive these betterments, receive these extensions, will receive these large improvements, at the expense of the Government, and then when the railroads are turned over they will have the benefits thereof without payment to the Government." No more ridiculous statement was ever made by anyone in regard to the provisions of a bill if he reads and syllogizes the bill itself. Because the revolving fund is specified at $500,000,000, and the revenue derived from the operation of the roads by the Government shall be taken for the purpose specified, to wit, for betterments and improvements, and for the payment of a just compensation to the roads, and, more than that, the President can order and direct that these betterments and improvements shall be made and charged up against the standard return.

I pass now to the question that was asked me in reference to the short-line railroad by the gentleman from Missouri [Mr. RUSSELL]. And permit me to say that I believe that portion of the controversy is no longer one that need agitate the minds of those who are interested in short-line railroads. Section 9, referring to this matter, is as follows:

> That nothing in this act shall be construed to affect the routing instructions—
>
> And I emphasize "routing instructions"—
>
> over, and the traffic arrangements—
>
> Emphasizing again, "traffic arrangements"—
>
> of such railroads as may not be taken under Federal control by the President unless such arrangements and instructions prejudice—
>
> What? Here are the two exceptions—
>
> the transportation of war materials or of Government supplies; in which cases—
>
> And only in which cases, according to the provisions of this section—
>
> the President may change the routing of such materials and supplies as the war and national interests demand.
>
> And certainly that is a wise and patriotic provision.
>
> And now, further:
>
> If the President should deem it necessary temporarily to suspend such arrangements and instructions as to freight other than war materials and Government supplies he may thereafter, so far as practicable, cause to be diverted—

> What?—
>
> sufficient unrouted freight to such road as will compensate it in revenue for such temporary suspension.

Mr. RUSSELL. Now, that is the best provision that has been made there that is possible under the circumstances, and that is when the road is not taken over; but you notice that the section reads that the President may, as far as practicable, reroute other freights that might make up the loss to that road. But the mere fact that that may not be done, as I am informed, has already tended to reduce the value of stocks and bonds of some of these smaller lines, very much to their injury, I am informed, and they fear may result in driving them into the hands of receivers and into bankruptcy.

Does not the gentleman appreciate that there is a possibility of very great injury being done to those smaller lines if they are not taken over?

Mr. DEWALT. I do. One gentleman who appeared before the committee was president of one of the so-called short lines and the receiver of another; I think he came from Pittsburgh. His name I have forgotten. But he emphasized to the committee this important fact, saying in substance: "I am speaking for these short-line roads, in which I am interested, and there are others who take the same view. I speaking for them, desire only two things: First, that their traffic arrangements, as now provided for by the Interstate Commerce Commission, shall remain practically as they are, to wit, that we shall be entitled to a proportionate rate for the service we have rendered; and secondly, that if there be freight diverted from our lines as feeder lines to trunk lines, we receive such rate in return, if it is possible to give it to us; and third"—which I do not think has been mentioned in the argument at all by anybody who has asked me a question—"that motive power and transportation facilities be given us as heretofore."

That is all they seem to be interested in, and it was with that view that this provision was drawn. And it was drawn, I believe—although I am not authorized to say so positively—by gentlemen who are interested in the short lines. I appreciate fully that these short lines are built, capitalized, and owned largely by local stockholders in the localities in which they are constructed.

Mr. RUSSELL. I understand, if the gentleman pleases, that there are about 800 of these short lines in the country?

Mr. DEWALT. I so understand.

Mr. RUSSELL. Several of them are in my district, built by the local people. As this great harm will come to them, I wondered why that situation should not be remedied so as to include them.

Mr. DEWALT. The only remedy, in my judgment, would be to take them all over; and there, I fear, the remedy would be worse than the evil.

Mr. LENROOT. Mr. Chairman, will the gentleman yield there?

Mr. DEWALT. Yes.

Mr. LENROOT. The language is, "That nothing in this act shall be construed so as to affect the routing instructions over and the traffic arrangements of such railroads as may not be taken under Federal control by the President," and so forth. I want to ask is there any other language but that which would affect those traffic arrangements? And, if it does not, does it not leave this language meaningless?

Mr. DEWALT. Oh, no; there is something in this act that might possibly lead to a different conclusion.

Mr. LENROOT. What?

Mr. DEWALT. There is a provision in the act itself to the effect that the President of his own initiative may route freight.

Mr. LENROOT. There is nothing about traffic arrangements.

Mr. DEWALT. Routing freight is traffic arrangements. I believe that provision is in the bill.

Mr. WATSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. WATSON of Pennsylvania. I want to give a practical illustration of a road which I know something about. It being a short-line road. A member of the Interstate Commerce Commission recommended that the Government should operate the road. The Secretary of the Treasury made the reply that "We have no money to operate small roads, and the President can deal with it as he deems wise." I therefore take it that the Government will not have anything to do with small roads. Am I correct in that?

Mr. DEWALT. I would not go quite as far as that, sir. I should think that the Government would have something to do with short-line railroads, and I appreciate very much the suggestion made by the gentleman from Missouri, Judge RUSSELL.

Mr. WATSON of Pennsylvania. But Mr. McAdoo said not.

Mr. DEWALT. Mr. McAdoo illustrated it by saying:

> We are calling into the draft service of the United States at this time those who are most efficient for service in the war. We want fighters, and we do not want cripples. Therefore I say to the railroads generally, "We want railroads that we can use, and we do not want railroads that we can not use."

Mr. WATSON of Pennsylvania. Then the small railroads must suffer?

Mr. DEWALT. Oh, no. That does not follow at all, because by the provisions of this bill I maintain, and they themselves maintain, that they are taken care of as far as possible.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. LAZARO. On day before yesterday the gentleman from Alabama [Mr. BURNETT] asked the chairman of the committee this question—it is short:

> Mr. BURNETT. As I understand from your bill, you give this power to the President? That is, he may exercise it in regard to rates on railroads that are entirely inside of the border of a State, where the freight is entirely intrastate freight. Would not that absolutely, by this kind of legislation, destroy the power of the State railway commissions to fix intrastate rates on intrastate railroads, and so forth?

I would like to have the gentleman's opinion of that.

Mr. DEWALT. That raises a very important question. Some of these lines will not be taken over, and perhaps a number of them that are not small roads. So far as those roads are concerned that have to do with interstate commerce, they will certainly be governed by the Interstate Commerce Commission itself. You grant me that, do you not?

Mr. LAZARO. Yes.

Mr. DEWALT. The roads that are engaged entirely in intrastate business will, of course, be covered by the State commissions. But permit me to say that upon investigation it has been determined, at least it was so affirmed before the committee, that there were only three or four railroads in the United States that are exclusively devoted to intrastate traffic, and the reason for that is this: That if there be a car upon a road that carries any freight from Ohio to Pennsylvania or from one State through another, it is interstate traffic, and therefore if it gets on that line, it is interstate traffic.

I beg your pardon, gentlemen, for taking up so much time. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. I ask unanimous consent, Mr. Chairman, to extend and revise my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SIMS. Mr. Chairman, will the gentleman from Wisconsin [Mr. ESCH] now use some time?

Mr. ESCH. Mr. Chairman, I come to the consideration of this question with a good deal of misgiving, owing to the importance of it and the complexity of the problem presented.

The committee, after five weeks of hearings and arguments, reports out this bill for consideration. It meets with the general approval of the committee, with possibly two or three major exceptions. No doubt some of the sections of the bill to which no attention has been directed in general debate ought to be amended in order to more clearly express the purpose of the bill and to make it more workable and more effective.

I am one of those who believe that we should have taken over control of the carriers even sooner than we did. As was stated by the gentleman [Mr. DEWALT] who just preceded me so clearly and so logically, the President took control over the roads under the act of August 29, 1916. That act was purely a war measure and gave to the President war powers. Of course, from the day of its enactment the President might have taken over the roads; but we were not at war and there was really no necessity for the President to take them over until we ourselves became involved in the struggle.

Even at that time, on the 6th of April, there were many notes of warning that the administration might well have heeded, and that would have justified the taking over of the roads. The carriers themselves realized the necessity of prompt and united action, for on the 11th day of April, five days after war was declared, their chief executives met and passed a resolution, declaring, among other things, that "during the present war they would coordinate their operations in a continental railway system, to produce a maximum of national transportation efficiency."

A committee was appointed to carry out the object of the resolution, but effective powers were not given to it. It did not create that continental system that the needs of the country required and that the war-traffic conditions made necessary. It did much, and I here willingly grant them all meed of praise for what they did accomplish in inducing shippers to load and un-

load their freight speedily, in inducing them to increase the car loading, and in adopting plans and policies which resulted in expediting traffic. But there was still no real continental system of control, no directing of all energies to one common purpose—the winning of the war. No committee with full powers to pool equipments was appointed until November 24, last, more than seven months after war began.

On the 17th day of November Mr. Anderson, one of the Interstate Commerce Commissioners, was requested to consider the framing of a bill for the taking over of the roads. Doubtless information of such proposed action may have come to the railroad executives. They met on the 24th, a week later, created a committee of vice presidents, sent them to Pittsburgh, and gave them, so far as they could do it, full powers of pooling equipments for the handling of all freight east of Chicago. This indicates to my mind that the railroad executives had begun to realize that there were still greater burdens for them to carry, and that greater sacrifices of the individual interests of their respective roads must be made, to the end that through complete unification and cooperation Government possession and control alone might be averted.

One week after this committee met at Pittsburgh, on the 1st day of December, the Interstate Commerce Commission sent to Congress its special report, in which two alternatives were presented: First, that there might be a repeal of all prohibitory statutes, such as section 6 of the interstate commerce act prohibiting pooling and the antitrust acts against combinations; or, second that the Government should take control and possession of the roads under the act of August 29, 1916. On the 28th of December the President, adopting the alternative of Government control and possession, issued his proclamation taking over the roads. When this proclamation was issued a duty devolved upon Congress immediately to provide compensation for the roads taken over. As Judge DEWALT, the gentleman from Pennsylvania, has already explained, the act of 1916 contained no provision for compensation, and the Government under the Constitution could not take over this or any other property without just compensation. This bill makes provision for compensation for the carriers that are taken over. Section 1 of the bill relates entirely to the amount of the compensation and the plan by which it is to be ascertained. Before our committee several plans of compensation were presented by various witnesses. One plan suggested was that compensation should be based upon the value of the roads as disclosed by the market prices obtained for their stocks. The committee did not consider that the market value of the stocks of the carriers was a stable or just standard of the value of the properties, because stocks were subject to fluctuations, largely because of speculation therein, and that increases in market values of stocks did not reflect always increases in the property valuation.

Mr. Kruttschnitt, of the Southern Pacific, cited this instance in demonstration of the truth of the statement I have just made, that 10 years ago the stock of the Southern Pacific sold at 130, while on the day on which he testified it sold for 75, and that, too, notwithstanding the fact that during that 10-year period the road had put into its property $400,000,000, so that its property or investment value had increased 50 per cent in the 10 years, while its stock had depreciated 42 per cent. The committee did not believe the market value of stocks to be a fair or just basis for the fixing of compensation under this bill.

Another plan was suggested by Mr. Plumb, the representative of the railroad brotherhoods. Under it the carriers were to receive the standard return as provided in the bill, but that the Interstate Commerce Commission should proceed, as soon as possible, to ascertain the true value of the railroads of the United States, and that when determined the compensation should be fixed at a certain percentage of the valuation so found. The objection made to this plan of compensation lies in the fact that the physical valuation of railroad properties can not be completed until 1921. Judge Prouty, the director of valuation of the Interstate Commerce Commission, appeared before us and so stated. That being the case, the final valuation upon which the percentage was to be based would be deferred for a period of three years, and the war may be ended by that time.

Another basis of compensation was presented by myself, through an amendment offered in the committee. The amendment is as follows:

Provided, however, That the standard return to any such carrier whose average rate of net income to capital stock for the years aforesaid has been more than 5 per cent shall not exceed the net railway operating income for the year 1917, after deducting therefrom the amount available out of earnings for investment and surplus: *Provided, however*, That this further limitation shall not reduce the net income (above all operating expenses, taxes, interest, and all other fixed charges) of any such carrier below what is required to meet the regular dividend accruals on all capital stock outstanding December 31, 1917. The surplus over and above the aforesaid standard return shall be divided as follows: One-half shall go to the company earning such surplus, and the balance shall be paid into the revolving fund created by this act. All of said surplus and all property constructed out of or purchased by the same shall belong to, and shall be held in trust for, the public, and no return to any railway company or its assigns shall ever be paid thereon.

In my opinion there is nothing in this bill that will be a sufficient incentive for the carrier to promote the highest output in transportation. The carrier under the general guarantee herein provided does not care whether his road carries 10 or 15 per cent more traffic this year than it did in the years when it was under private management, because it is assured its standard return, based on the operations for the three preceding years. Its officials might say, "Why, the less traffic our road handles, the less wear and tear there will be upon its rolling stock and tracks." If we can give to the carrier a portion of the surplus, we will give the prod to efficiency. One fear I have as to the bill as we now have it is that there will not be that incentive to efficiency which is so necessary for the successful operation of the roads in war time.

Mr. GORDON. Mr. Chairman, will it interrupt the gentleman if I ask him a question?

Mr. ESCH. No; go ahead.

Mr. GORDON. The gentleman has called attention to the fact that the market value of the stock of the Southern Pacific had dropped from 130 to 75, notwithstanding the fact that they had invested $400,000,000 in the road. But did he say anything about the amount of stock and bonds that had been issued in the meantime?

Mr. ESCH. No; he made no statement of that kind.

Mr. GORDON. Would not that be a material factor affecting the price of the stock per share?

Mr. ESCH. As I recollect, the Southern Pacific reorganization occurred some years ago and there has been very little addition to the capital stock. So the purpose for which he cited the figures would be pertinent.

Mr. GORDON. If there had been an abnormal issue of stock, did the committee obtain information as to the extent of the increase of stock when there has been no extension of the line?

Mr. ESCH. There are tables printed in the hearings giving capitalization year by year for the last 10 or 15 years.

Mr. ALEXANDER. Did he state the earnings during these corresponding years?

Mr. ESCH. The earnings increased, but the expenditures increased at a more rapid rate. I may say that that has been the experience of many roads.

Mr. RAMSEYER. Will the gentleman yield?

Mr. ESCH. I will.

Mr. RAMSEYER. The gentleman used the term in explaining his proposed guaranty "regular dividends" of the road. What does the gentleman mean by "regular dividends"? Over what period would he continue them?

Mr. ESCH. Over the period of three years, the same we are using in the bill itself.

Mr. RAMSEYER. Would not that mean the same as the bill provides for?

Mr. ESCH. Yes. The gentleman from Pennsylvania, who preceded me, gave the result in dollars and cents of the operation of the bill by applying to carriers the standard return therein provided. It is not my purpose to duplicate the figures that he gave. I make the average for the three years on the roads of class 1, $896,000,000, in round numbers. If we add the operating income for class 2 and 3 roads, we will make a total of $935,000,000.

The bill, as you will notice, provides that in addition to the standard return for the three years prior to June 30, 1917, there should be added a percentage—the rate to be determined by the President—on the cost of additions, betterments, and road extensions made during the six months ending December 31 last. That cost was $130,000,000, and 5 per cent thereon would amount to six and a half million dollars, which, added to the $935,000,000, would make a maximum guaranty of $941,500,000 for which the Government would be obligated.

Out of this sum the carriers must pay their excess-profits tax, estimated all the way from $50,000,000 to $60,000,000. Even with this deducted there would still be about $900,000,000 which the Government would have to stand for in carrying out section 1 of this bill, to apply on interest and dividends. There are $10,000,000,000 of bonded indebtedness of the carriers of the United States. That represents about $450,000,000 of interest that, deducted from the $900,000,000 of the guaranty, would leave about $450,000,000 for dividend purposes. Four hundred and fifty million dollars on the capitalization of the roads as of last year—$7,000,000,000—would represent something like 7 per cent. If we take the whole capitalization of stocks and bonds,

then this guaranty would represent on the capitalization about 5.63 per cent and upon the book value only 5.19 per cent.

Mr. HARDY. Will the gentleman yield for a question?

Mr. ESCH. I will.

Mr. HARDY. In ascertaining that percentage of income on the stocks and bonds, did not the gentleman omit from the estimate the fact that these bonds had been allowed $450,000,000 on the income?

Mr. ESCH. Oh, yes. The amount of the return provided by this bill applied to the total capitalization would represent 5.63 per cent.

Mr. SWITZER. Will the gentleman yield?

Mr. ESCH. I will yield to the gentleman.

Mr. SWITZER. The gentleman does not mean that that is actually paid out?

Mr. ESCH. No; dividends may be earned but not always declared. A large share of the surplus may be used for dividends or be used for additions, betterments, or road extensions.

Mr. SWITZER. Does the gentleman know what part of this is for that purpose?

Mr. ESCH. No; I can not state.

Mr. SNOOK. Will the gentleman yield?

Mr. ESCH. I will yield to my colleague.

Mr. SNOOK. The gentleman has made a statement about the value of stocks and bonds of these roads, and also the value of the capital. I believe he stated that the capital issued was about $7,000,000,000. He would not say that that came anywhere near, in his opinion, representing the value of the money invested in the roads?

Mr. ESCH. Not at all; and I did not so state.

Mr. SNOOK. I call my colleague's attention to that because a speech made by some gentleman here left the impression that this standard return provided for in section 1 of the bill would yield an income on the money invested of over 8 per cent to the railroads. That would not be so, would it?

Mr. ESCH. It depends on how you figure that.

Mr. SNOOK. If the value of the roads is anything like what it is believed to be.

Mr. ESCH. If you take the total valuation, it could not be 8 per cent.

Mr. SNYDER. Will the gentleman yield?

Mr. ESCH. I will.

Mr. SNYDER. The gentleman stated a moment ago that the Government would have to stand for $900,000,000 guaranty. Of course, it is contemplated that under the Government management the roads will earn at least as much as they earned heretofore; and if they do, the Government will not have to stand for anything, will it? The roads will earn the money and ought to be entitled to the same compensation that they have had heretofore.

Mr. ESCH. By "standing for it" I meant that that was the guaranty. The roads are doing the business as they have heretofore, and the amount of money they take in is being disbursed currently, as if there had been no Federal control.

Mr. SNYDER. If they do earn the same as they earned heretofore——

Mr. ESCH. The Government will not be out, but I have not such confidence that that will be the result. I am very fearful that under Government control there will be an increase of wages, and in fact the wage board is now considering that very question. There will be an increase in the cost of materials, and when you add those increases of cost I expect to see the Government's liability increase. On the other hand, economies are prophesied under Federal control, because competition will be eliminated.

Mr. CARTER of Oklahoma. May it not also be said that there will be an increase in rates to compensate for these things the gentleman is speaking about?

Mr. ESCH. If the bill remains as it is now written, with the power claimed by the Director General to make and initiate rates, I feel confident that there will be increases of rates, and the trouble with that provision of the bill making the Government a guarantor of the standard return is that the Government would be induced to increase the rates to lessen its liability under its guaranty.

Mr. LONDON. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. LONDON. Is there any available information as to the number of stockholders and the character of their holdings?

Mr. ESCH. Some information was given as to that, and, as I recollect the figures, there are about 600,000 stockholders in the United States.

Mr. LONDON. How is the stock distributed among them?

Mr. ESCH. The holdings, on the average, are very small.

Mr. SIMS. Dividing the whole volume by the whole number of stockholders the average holding is thirteen thousand and odd dollars.

Mr. ESCH. That would imply that there are some holders that have very large blocks of stock, if the average is $13,000.

Mr. AYRES. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. AYRES. The gentleman made a statement that he thought it would be an inducement for the Government to raise the rate for the purpose of——

Mr. ESCH. Lessening its liability under the guaranty.

Mr. AYRES. Is it not a fact that the railroads for months and months have been carrying on a propaganda creating a sentiment also to have the rates raised many hundreds of thousands of dollars?

Mr. ESCH. Not only a propaganda, but actual cases before the commission, known as the 15 per cent advance rate cases, which were heard last March and April, and as to which a finding was made in June allowing a 5 per cent increase on certain traffic in eastern classification territory and allowing an increase of 15 per cent on coke, coal, and iron, and those hearings were reopened last October because of the changed condition of the financial returns on the part of the carriers, but the commission made no final determination as to the hearings had in October.

Mr. SMITH of Michigan. Is it not true that since the war the earnings of the railroads have been abnormally high, due to the increased business and the traffic?

Mr. ESCH. Yes; I think that can be very safely stated.

Mr. PLATT. President Hadley, of Yale, I think, in his book on railroad transportation, says practically that the railroad corporation is a corporation of the small investor. Would the gentleman say that that is practically true?

Mr. ESCH. No; I think not. Only a few men and a few powerful financial institutions, mainly banks and trust companies, have the destinies of the railroads of the United States in their hands.

Mr. PLATT. But when these men die we usually find that they have only a very few shares and that they have their control through proxies.

Mr. ESCH. That is the trouble with the railroad situation to-day, that they are controlled by men who are directors and, in many instances, have holdings of only from one to five shares of stock, sufficient to qualify as directors; and it is one of the weak spots in the management of the carriers that they are controlled by men who have not a direct and a very vital financial interest in the property that they are trying to carry on.

Mr. MOORE of Pennsylvania. May I say to the gentleman that recent statistics published by the Pennsylvania Railroad Co. show that they have over 100,000 stockholders?

Mr. ESCH. Yes. Does the gentleman know the average amount of the holdings?

Mr. MOORE of Pennsylvania. I do not; but the point is made of the fact that those 100,000 stockholders are made up largely of women.

Mr. ESCH. There was a statement made before our committee to the effect that so many women and children held these railroad securities——

Mr. GORDON. And orphans.

Mr. ESCH. And orphans, that there ought to be special consideration given to them, and that safeguards should be thrown around their holdings. Mr. Plumb presented, however, a table showing the proportion of total stock held by 10 leading stockholders in principal railway systems in 1915. The table is as follows:

Proportion of total stock held by 10 leading stockholders in principal railway systems, 1915.

Name of road.	Total stock outstanding.	Stock held by 10 leading stockholders.	Per cent.
Pennsylvania R. R.	$506,477,888	$27,327,000	5.40
Baltimore & Ohio	219,811,985	45,924,100	21.78
New York Central	241,583,514	60,567,700	28.03
New Haven	157,117,400	21,386,500	13.64
Philadelphia & Reading	42,481,700	42,481,621	100.00
Erie	176,271,300	37,401,300	21.22
Delaware & Hudson	42,500,000	3,644,800	8.57
Delaware, Lackawanna & Western	42,291,120	13,011,300	30.83
Chesapeake & Ohio	62,786,000	12,168,900	19.38
Norfolk & Western	131,146,300	64,577,600	49.24
Western Maryland	59,425,028	37,672,100	63.39
Wabash[1]	92,190,127		64.85
Lehigh Valley	60,005,000	9,935,550	16.39
Southern Railway	185,650,200	87,576,900	47.17

[1] In hands of receiver.

Proportion of total stock held by 10 leading stockholders in principal railroad systems, 1915—Continued.

Name of road	Total stock outstanding.	Stock held by 10 leading stockholders.	Per cent.
Illinois Central	$109,291,717	$38,592,600	35.31
Atlantic Coast Line	68,784,700	26,105,100	37.97
Southern Pacific Lines	66,043,500	38,017,100	57.49
Denver & Rio Grande	87,775,870	47,496,700	54.11
Missouri, Kansas & Texas	76,509,857	29,447,900	38.59
Missouri Pacific	82,702,585	10,735,100	12.98
Chicago Milwaukee & St. Paul	230,201,900	23,371,400	10.02
Chicago Rock Island & Pacific[1]	74,875,200	14,466,300	19.02
St. Louis & San Francisco	90,671,762		
Union Pacific	321,835,100	80,192,800	15.60
Northern Pacific	247,943,000	31,038,600	12.52
Grand Trunk Western[1]	6,000,000	6,000,000	100.00
Chicago Burlington & Quincy	110,889,100	110,040,100	99.28
Southern Pacific	272,674,406	53,573,800	19.65
Great Northern	249,129,962	31,222,000	12.53
Chicago & North Western	152,509,500	24,391,400	15.99
Canadian Pacific in Maine	2,273,000		
Atchison Topeka & Santa Fe	314,663,300	34,073,100	10.83

[1] In hands of receiver.

Mr. STEVENSON. Mr. Chairman, I want to ask the gentleman a question about the matter of rates. He suggested that the Government would possibly raise the rates. I notice that the bill provides that the Government shall initiate rates only on roads controlled by it?

Mr. ESCH. Yes.

Mr. STEVENSON. The Interstate Commerce Commission, as I understand it, will retain jurisdiction of the uncontrolled roads. Is that the idea?

Mr. ESCH. Yes.

Mr. STEVENSON. If the Government relinquishes control of a large number of the roads on which the Government has raised the rate, and fixes a rate on the controlled roads different from that obtaining on the uncontrolled roads, how are we going to coordinate? How is the shipper going to know, if we have two sets of rates on two different roads? When a man wants to ship on two different roads, with that condition, how will he be controlled in making his through rates?

Mr. ESCH. The gentleman can settle that situation if he will vote for amendments to be offered upon our side leaving the initiative of rates where the initiative now is.

Mr. STEELE. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes.

Mr. STEELE. The gentleman a few moments ago referred to the act of 1916 giving the Government a right to control the railroads. Under the word "control," as contained in the act of 1916, does the gentleman think the power to establish rates is given to the President?

Mr. ESCH. I do not. I think it raises a very grave constitutional question, and in connection with that I wish to read what Senator THOMAS said last week in the Senate in regard to this very paragraph of the act of August 29, 1916, under which the President took over the roads. Senator THOMAS is the author of that paragraph of the act of 1916. Here is what he said:

> I had no intention of making it so operate as to invest the President with anything more than the power to control the possession of the physical property of the railroads for war purposes.

Indicating that in his mind there was to be no power given over the rate problem. That power was to be left where it now is. The power he intended to confer was only as to the physical control over the property for war emergency.

Mr. STEELE. I think the gentleman will agree that the question is not what was in the Senator's mind at the time, but what is the proper conclusion of the language as used.

Mr. ESCH. And judging from the Senator's interpretation of his own language he, I, and the gentleman agree.

Mr. SMITH of Michigan. Will the gentleman yield——

Mr. ESCH. I will.

Mr. SMITH of Michigan. For just one more question. If the railroads have all the business they can do and all the traffic they can carry and are earning more now than they have heretofore and are not paying their dividends or making expenses, how do they expect in the future to pay this increased rate or pay the indebtedness that the Government will be put to in taking over the railroads?

Mr. GORDON. They do not expect to pay it; they expect the Government to pay it.

Mr. SMITH of Michigan. That might be true before this abnormal condition came about by which they have been doing more business than they can transact, and still they can not pay the rate.

Mr. ESCH. That condition of a surplus of business is not widespread over all the railroads of the country. There are some railroads that could do vastly more business than they are doing, but the congestion is where they are all trying to run through the neck of the bottle.

Mr. SMITH of Michigan. I am obliged to the gentleman for speaking about that congestion at the neck of the bottle. I have heard it stated that in the shipment of coal they could not get through the cities of Pittsburgh, Detroit, Chicago, and other places because of the congestion of coal on cars which they could not move at those places, while the people at those places were freezing for the need of coal, right there in those cities.

Mr. AYRES. Will the gentleman state what caused that congestion?

Mr. SMITH of Michigan. They say it was a congestion; why could not they take those cars——

Mr. AYRES. Was not the railroad company using those cars for storage for railroad purposes in many instances?

Mr. ESCH. Gentlemen, I have got to discuss two points to this bill. One relates to section 11, covering the powers of the Interstate Commerce Commission as to rates, and the other to section 14, relating to the term of control. I am firmly convinced that we will make a mistake if we leave section 11 with relation to the powers of the Interstate Commerce Commission as now written. I believe we should not change the existing law with reference to the commission. I certainly object to giving to the President the right to initiate rates, even though it be coupled with the right of making complaints before the commission, the commission to pass upon the justness or reasonableness of such rates, where the veto still remains in the President, notwithstanding the recommendation of the commission.

Where the President initiates a rate we are revolutionizing rate making as it now exists. Under the existing law the carrier files a schedule for increases with the commission, and before it is approved the commission must investigate on its own motion or upon complaint before it can be filed. The right to suspend the rate remains, but when you give to the President the right to initiate the rates they become effective at once, without opportunity for consideration or examination by the Interstate Commerce Commission. Suppose the President should initiate the rate. Suppose complaint was made and the commission found the rate to be unjust and unreasonable, and the President agreed with the commission's recommendation. There will be hundreds of people, possibly, who paid the rate that had been initiated by the President and which was found by the commission thereafter to be unjust or unreasonable. That would give rise to a vast number of claims for operation. Those shippers who paid that rate would feel that they were entitled to reimbursement, and yet, knowing that the President had initiated the rate, knowing the delays in securing reparation, they would forego their action for reparation and would suffer the loss. I do not believe, gentlemen, there should be given to one man this tremendous power. The gross earnings or the total business of the carriers of this country amount to about $4,000,000,000 in a single year. To give to an individual the power to determine rates over such a tremendous traffic as that is a power no nation that claims to be a democracy should grant. Why, no nation that is at war to-day has given to any individual in it the power to make rates.

Mr. SIMS. Will the gentleman yield for one question?

Mr. ESCH. Yes.

Mr. SIMS. Have not we pledged in our declaration of war all our resources to the successful prosecution of the war to the President himself? Now, the gentleman is not willing to trust what he calls a tremendous power simply to initiate a rate and maintain it if he thinks it is necessary in order that the President may do that which we have authorized him to do.

Mr. ESCH. If the gentleman's contention is correct, then we should give to the President in a war emergency the power to raise money, the power to fix our customs duties, the power to fix our internal-revenue taxation, the power to fix postal rates.

There is no one here that would have the hardihood to claim that we should abrogate our functions and give to the Chief Executive such tremendous power. [Applause.]

Mr. SIMS. Another question in that connection. Do you not believe if it was necessary to win this war to give him the power to levy taxes and revenues, you would do it without hesitating?

Mr. GORDON. If you would, you would violate your oath of office. [Applause and laughter.]

Mr. PLATT. I was going to ask the gentleman if he thought the power to fix the price of transportation was any greater power than the power to fix the price of food as we did. It is not as great and no more taxation, either.

Mr. DOREMUS. Will the gentleman yield for a question?

Mr. ESCH. Yes.

Mr. DOREMUS. I was going to ask my colleague of the committee if he does not make a distinction between clothing the Executive with power to fix taxes at the customhouse and clothing him with power to fix the rates upon the railroads? In other words, would not one be a clearly unconstitutional exercise of power while the other would be within the Constitution?

Mr. ESCH. Whether constitutional or not, I do not think it would be wise to give any one man the power of fixing the rates on the traffic of the United States, for the fixing of rates is a species of taxation, and no single individual should be given that power.

Mr. DOREMUS. Does my friend question the constitutional power of Congress to delegate to the President the power to fix transportation rates?

Mr. ESCH. I think we could delegate the power. I am protesting against the unwisdom of the delegation of such power and have tried to show in the argument I have thus far presented that it might result in loss and damage to the shipping interests of the country. I do not know whether we realize what a sensitive structure the rate structure of the United States is. The change of a single cent per hundredweight may change terminal markets and bring loss to numerous industries. To give this power to a single individual, without investigation, to fix the rates, seems to me to invite disaster. We ought not to do it, because it is not necessary, gentlemen, in the successful conduct of the war to turn over the rate-making power to the Chief Executive.

Mr. MOORE of Pennsylvania. Will the gentleman clear up one point that has been troubling me? The gentleman from Pennsylvania [Mr. DEWALT] stated very likely the President would increase the wages of those employed by the railroads to the extent of 20 per cent. If the President has the power to do that, which would be a charge against the railroads, how does the gentleman explain opposition to the suggestion that if the President should fix rates, which would be a charge perhaps in favor of the railroads, he should increase the wages?

Mr. ESCH. I suppose there will be increases of wages. I can not talk advisedly on that matter.

Mr. LENROOT. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. LENROOT. I would like to suggest that when under private ownership the railroads had the power of increasing rates, but the rates had to be passed upon by the Interstate Commerce Commission.

Mr. PLATT. Was not that just what was the matter?

Mr. LENROOT. No.

Mr. PLATT. It was, exactly.

Mr. ESCH. I can not yield further, as I have only 10 more minutes.

Another question was suggested by a gentleman on my right, and that is the infinite confusion that we will get into, if we give the President the right of initiating rates, arising out of the fact that there will be a large number of lines that will not be taken over. That is conceded now. There are some 800 short lines with a total capitalization of something like $1,200,000,000. Many of these will not be taken over. There may be some large lines that will not be taken over. Then, besides that, the bill provides that the President can relinquish control over lines prior to the 1st of July next.

And there is another provision in the last section under which the President can relinquish control over any lines after he has made an agreement to this effect with such carrier. What does it all mean? It means that thousands of miles of railroad in the United States will not be under the control of the Government, and if not taken over by the Government, they can not be under the control of the Director General. Where do they go? Under whose authority are they? Who shall make the rates? Why, the Interstate Commerce Commission. Then, you will have thousands of miles of railroad in the United States that are under the Interstate Commerce Commission, which has the power to fix the rates thereon. You will have other thousands of miles of road under the Director General, and he will have the power to fix the rates, according to the contention of this bill. That, gentlemen, will bring inextricable confusion into the rate-making structure of the United States, and we do not want to invite that. No one of us wishes that, but it is inevitable if the bill remains as it is.

Mr. DEMPSEY. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. DEMPSEY. Have you not always had such a conflict of authority between the State commissions and the Interstate Commerce Commission?

Mr. ESCH. Oh, but not nearly the difficulty that there would be under this new arrangement.

Mr. DEMPSEY. It exists in as many jurisdictions as there are States, does it not?

Mr. ESCH. Yes; but under the Shreveport decision those differences between the Federal Government and the States are being rapidly overcome and not added to.

Mr. STEVENSON. Will the gentleman excuse me just one further question? The confusion which I referred to awhile ago could be obviated, could it not, by striking out lines 14 and 15 on page 12, as to Federal control, so that if the President initiated rates at all it would be for all roads, and not only for those under his control? Would not that obviate the confusion? Whether it would obviate the objection or not I am not prepared to say.

Mr. ESCH. As an illustration of sudden action on the part of the individual, I wish to cite the instance of a special order of the Director General, made early in January, changing the rules as to demurrage practically overnight, and the commission merely passing on it pro forma.

By that single order the Director General, without hearing, without notice, increased the demurrage rates throughout the United States to a maximum of $10 per day. He also abolished the average agreement and the bunching rules, to which rules the commerce and manufacturing industry of the United States had adapted itself. He did it overnight. The traffic people were not here, and did not have an opportunity to be heard.

As soon as the order became effective the traffic and industrial people of the United States brought to the attention of the Director General the injustice of his order and the hardship it was creating, and the Director General, after that rule had been in force and effect only nine days, changed it back virtually to what it was before. There ought to be a careful, calm consideration of these schedules and of these rates.

Mr. HARDY. Mr. Chairman, will the gentleman yield right there?

Mr. ESCH. Certainly.

Mr. HARDY. Was not the change back to the former rate probably induced by the fact that this higher demurrage rate had apparently, at least, accomplished its purpose in securing the unloading of the cars?

Mr. ESCH. No; that is not the reason why it was modified.

Mr. SIMS. It did not reduce the rate under the modification.

Mr. ESCH. The maximum was $10 a day.

Mr. SIMS. That did not exist before he made his order.

Mr. ESCH. It began at $3, according to my recollection.

Now, gentlemen, I have used my hour, and I want to close with a reference to the fourteenth section, concerning the last contention, namely, as to the time limit. I have not time to read more than this recommendation which I make with reference to it.

We believe that a period of one year or less after the proclamation of peace will be a sufficient period for the continuance of Federal control. The length of time which will elapse between an armistice and the ratification of the treaty of peace is certain to be many months. This time, added to the one-year limitation, would, in our opinion, be sufficient for Congress to pass whatever legislation might be necessary for the adjustment of the financial relations between the Government and the carriers and the enactment of whatever other legislation may be necessary. The Congress that will then be in existence will be as patriotic as this Congress and can be trusted to enact the necessary legislation. As the carriers were taken over under the war power, the tenure should be no longer than the duration of the war and a reasonable time thereafter. This Congress, fixing as it does in the pending bill the terms of agreement for just compensation, should at the same time fix the term.

In conclusion, we do not wish by this bill to hinder or embarrass the President in the slightest degree so far as operation of the carriers is concerned. We grant him fullest power in all matters of operation, in all matters of directing traffic, of rerouting shipments and preventing cross hauling and long hauling, or even in the imposition of demurrage rates. As to all matters of transportation, give him a free hand; but when it comes to the matter of rates, preserve the power over rate making in the hands of the Interstate Commerce Commission. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SIMS. Mr. Chairman, I yield one hour to the gentleman from Kentucky [Mr. BARKLEY], a member of the committee.

The CHAIRMAN. The gentleman from Kentucky is recognized for one hour.

Mr. BARKLEY. Mr. Chairman and gentlemen of the committee, I had intended to cover during my remarks three phases of this bill as those occurring to me to be the most important, and perhaps those which will be controverted more keenly than others by various members of the committee and of the House. I had intended to discuss first the compensation feature of the bill, and then the rate-regulating power, which has been discussed by the gentleman from Wisconsin [Mr. ESCH], and then I desired also to discuss the question of the time limit or the tenure of Government control as provided in the bill and as advocated by some Members who do not entirely agree with that provision as it appears in the bill.

I think we ought, in the consideration of the compensation section of the bill, to keep in mind the fact that Congress can not fix the compensation which the Government must pay the railroads for their use during the period of Government control.

During the Civil War, when the Government took over under a law passed by Congress 2,105 miles of railroad mileage in the United States, Congress had attempted in the chartering of many of these railroads to limit the charges which the Government should pay upon those particular roads for the transportation of Government property, troops, and supplies, because of the fact that these were land-grant roads which had been allowed to use certain public lands of the United States. In the provision of the law it was attempted to be enacted that in the transportation of troops and military supplies these land-grant railroads should not be permitted to charge the Government of the United States for that service.

Notwithstanding that provision of the law and that provision in the original charters of their roads, the War Department during the Civil War undertook to construe that language to mean that while the Government might have the right to the use of the road itself, it did not give any right to the Government to use the rolling stock or the equipment of the road free of charge, and there was an appropriation made by Congress to take care of the charges that had been agreed to between the War Department and these land-grant railroads. The Supreme Court later, in the Atchison, Topeka & Santa Fe case, I believe, in the Ninety-third United States, decided that the War Department was within its jurisdiction in holding that while the Government of the United States might have the right to use the roadway, it did not have the right under the charter to expect the railroads to haul its troops and supplies without due compensation.

Now, in this bill we are not attempting to fix the compensation of the roads, because Congress has no power to fix the compensation. Under the Constitution, as has already been explained forcibly and lucidly by other gentlemen, the Government had the right to take the property. There may be some dispute in this argument as to whether, except by the act of August 29, 1916, the President would have had the right to take over the railroads under the elastic war power conferred upon him by direct and implied provisions of the Constitution. But laying that all aside, the President, acting under the power as conferred upon him by the act of 1916, took over the railroads in the absence of any congressional provision in regard to just compensation therefor. We are here attempting to provide a method of fixing that by agreement.

Now, Congress can not by any enactment fix the compensation. Congress can not by any enactment compel the railroads to accept any suggestion that it makes with reference to compensation. We can not take away from those railroads their legal right to go into court and submit legal evidence on the question of ample compensation, as intended by the Constitution. All that we are attempting to do here is to suggest a basis for a contract between the roads and the Government which will obviate the necessity of litigating that question in the courts of the United States.

Of course, we have provided that the President shall be authorized to make a contract. But we can not compel the roads to accept the contract which he will offer. He can not compel that any more than he can compel these railroads to accept any suggestion that he may make with reference to just compensation to which they may be entitled.

Therefore in determining how far the President may go in making this contract we have fixed the maximum as the standard return arrived at by an average of the three years ending June 30, 1917.

Mr. STEVENSON. Will the gentleman answer a question there that is bothering me a little?

Mr. BARKLEY. I will permit the gentleman to ask it, and I will answer it if I can.

Mr. STEVENSON. Is the President authorized to make any other contract than that provided in this bill, if the compensation does not exceed that which is provided in the bill? You say you prescribe the maximum.

Mr. BARKLEY. Yes.

Mr. STEVENSON. Is he authorized to go below that?

Mr. BARKLEY. He is authorized to go as far below the standard return as he can in making any contract that the railroad companies will sign. In all probability they will not be willing to sign any contract that goes very much below the standard return, but we know he can not go above the standard return.

There were witnesses before the Committee on Interstate and Foreign Commerce who advocated that we ought to go back for six years and take an average for six years in order to arrive at the standard return above which the President should not be authorized to go. In looking at the result that would have come about if that suggestion had been accepted we found ourselves confronted with a situation where we would have been compelled to fix a standard return which would have been based upon a capitalization or upon an amount of money invested very much below that amount which is now invested in the railroads throughout the United States. The carriers would probably not have accepted such terms, and the whole situation would have been thrown into the courts, with all the possibility of delay and uncertainty and consequently financial chaos.

Mr. HASTINGS. Will the gentleman permit a question?

Mr. BARKLEY. Yes.

Mr. HASTINGS. Why did you fix three years instead of one year; that is, 1915, 1916, and 1917 instead of the year 1917?

Mr. BARKLEY. I will state to the gentleman that the railroad companies desired that that should be done. Those who represent the railroad companies insisted that we ought to follow the policy that was followed by England in fixing the period next prior to the taking over of the roads in fixing their compensation. It so happens that in England the year 1913 was the high-water mark of net income and earnings of the British railroads. When the war broke out, on the 4th day of August, 1914, of course they had not completed their yearly period of accounting. The war between England and Germany came about on the afternoon, I believe, of the 4th of August. At 12 o'clock that night all the railroads in Great Britain were taken over by the Government by an order in council issued almost immediately upon the declaration of war.

Within a very few hours after England and Germany had locked horns in war England took over her railroads. They were taken over without any agreement about compensation. They were taken over under an old act of 1871, which permitted the Queen, by an order in council—and, of course, the King if it happened to be a King—to take over the railroads in Great Britain, not only in time of war, but at any time whenever it should be determined to be in the public interest. They had the right to take over the railroads, but they could only take them for one week at a time, and so from the 5th day of August, at one minute after midnight, 1914, until now they have renewed that order from week to week in England, in order to preserve and keep control of the railroads, because the law itself only allows them to take over the railroads for one week at a time.

It so happened that the year 1913 in England was the high-water mark of railroad earning capacity and the British Secretary of State under the English law made a contract with the railroads that they should be compensated upon the basis of the net income for 1913, which was the year previous to the outbreak of the war. There was subsequently an arrangement whereby, if the first seven months of 1914 were to exceed or to fall below the corresponding period of 1913, there was to be a readjustment of compensation in accordance with those results; but on the 1st day of January, 1915, that agreement was withdrawn, and now for all practical purposes we may say that England will compensate and guarantee her railroads upon the basis of the net earnings for 1913. I will say to the gentleman from Oklahoma [Mr. HASTINGS] that in view of the fact that 1916 was an abnormally prosperous year for the railroads in the United States, while for the year 1917 the net earnings had fallen off a little, the fiscal year of the railroads being the calendar year, instead of the year ending June 30, as formerly, we did not believe we should take one year alone. But in view of the fact that the war had been in progress during 1915, 1916, and 1917, and by a sort of reflex action upon industries and the financial system of the United States due to the world war, there had been some abnormal conditions on both sides, we thought an average of the year 1915, which was a very low year in railroad prosperity, and of 1916 and 1917, both of which were prosperous years, would be about as fair an average as we could arrive at

in order to authorize the President to make a contract with those roads for that sum, if he should see fit, or for lower than that if he could persuade them to enter into a contract to that effect.

Now, the object of our committee has been, and the object of Congress ought to be, and no doubt will be, to provide in this law a contract that the railroad companies will be likely to sign, because if we should fix the maximum compensation so low that the railroads would not enter into it, and would fall back upon their legal right to go into court and have their rights adjudicated according to the rules of evidence and according to their earning capacity, which would be the test of their right to compensation, then we would tie up in the courts of law more than $18,000,000,000 worth of stocks and bonds, and what has been estimated at nearly one-seventh of the entire property of the United States, and this would so undermine the credit and the financial structure of our country that we might precipitate a panic in the midst of war.

Because no man who has not given the question serious study can estimate the great influence the railroad securities of the country have on the structure and fabric of national credit, and anything that would undermine the securities and the stocks of railroads, anything that would unsettle the market with reference to railroad securities, would unsettle the market with reference to all securities, and might place the country in a serious and embarrassing situation. We felt that was about the best average, the most reasonable that could be arrived at—one lean year and two prosperous years.

Therefore, not having the power to compel the railroads to accept any compensation which Congress might fix, we have attempted to arrive at a reasonable sum as a basis upon the railroads and the Government might enter into voluntary agreement.

I would very much hate to imagine the disastrous results that would come to the country in this precarious posture in our financial and domestic affairs, if all or any considerable number of railroads in this country felt themselves justified in going into court and establishing the amount of money that the Government should pay them for the use of their roads. It is impossible to imagine the disastrous results that might come not only to the prosecution of the war itself but to all forms of credit or investment in our country during this period.

Mr. DOWELL. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DOWELL. Is it not a fact that under this system a number of railroads will receive from 15 to 25 per cent on the par value of their capital stock?

Mr. BARKLEY. It is possible that some roads may receive more than 12 per cent upon the par value of their stock. I doubt very seriously if any will go as high as 25 per cent. But these roads have been making that net income on the par value of their stock before the Government took them over, and it would be competent evidence in any court of justice in the United States to show that that was their earning capacity, and the Government could not afford to put itself in the position of taking forcibly, without their consent, private property for public use and expect them to be limited to any particular percentage on the par value, because Congress might decide that it was too much, especially where they had the approval and sanction of the Interstate Commerce Commission which has the power to pass upon the reasonableness of their rates.

Mr. DOWELL. But suppose the rate fixed in the bill is both unreasonable and not a just rate, would the gentleman be in favor of paying what he believed to be more than what was reasonable and just after they are taken over by the Government?

Mr. BARKLEY. I think we may assume that the Interstate Commerce Commission has, in the main, performed its duty satisfactorily. The gentleman must not confuse a reasonable rate for hauling a particular consignment of freight with a reasonable return on the investment of the company. The Interstate Commerce Commission has the right to fix the reasonableness of any rate that the company may charge the public for service it renders, but they are not given by law any power to pass upon the reasonableness of dividends that may be declared by reason of the efficient and economical management by the company to which the stockholders may be entitled.

I do not know of any criterion where Congress could set itself up as the dictator of what should be a reasonable compensation as a reward for economic and intelligent management of these roads.

Mr. DOWELL. If the gentleman will permit, is it not true that when the Government takes over the railroads they are in a different position? The Government should pay to the railroad what is a reasonable rate. I think we all concede that. It ought not to pay more than is reasonable and just. Is not that correct?

Mr. BARKLEY. Theoretically the gentleman may be correct, but legally he is in error. The Government is compelled to pay the railroad companies what they would be reasonably expected to recover if they went into a court and litigated what they were entitled to.

Mr. DOWELL. Does the gentleman believe that the roads should receive more than is just and fair or that they would recover more than what would be just and reasonable in a court of justice?

Mr. BARKLEY. That is a speculative question that nobody could answer, because nobody in advance can say what the court might hold as reasonable and just, but the court legally would be compelled to fix the verdict on the earning capacity of the road demonstrated by experience in the past.

Mr. RAYBURN. Will the gentleman yield?

Mr. BARKLEY. Certainly.

Mr. RAYBURN. Is it not also true that the capital stock of any road has little to do with the actual value of the road?

Mr. BARKLEY. That is true, or with the earning capacity.

Mr. DEMPSEY. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DEMPSEY. Is it not a fact that during the years adopted, and for many years previous, the railroads, while they may on the basis on which the figures are made up have yielded a gross income of 12 per cent or over, have only paid a moderate dividend of 5, 6, or 7 per cent, and have used the rest of the gross earnings to keep up their rolling stock, roadbeds, and terminals, and by that policy have kept them up so as to handle efficiently the business which it was necessary for them to handle for the benefit of the country?

Mr. BARKLEY. That is true with respect to many roads. As has been suggested, the expense of the equipment of the railroads has within the last three years advanced nearly 100 per cent. The railroads must bear that expense, and because of the increase of expenses of equipment some have not been able to keep up to the standard that I believe ought to be set for railroads in the public service. Some of them, because of their effort to do so, have been denied the privilege of declaring dividends on their stock as a reward for the investments of the stockholders.

Mr. DOWELL. Mr. Chairman, will the gentleman yield again? I do not want to interrupt unless it is agreeable.

Mr. BARKLEY. I yield to the gentleman.

Mr. DOWELL. Is it not a fact that under this bill the Government itself takes care of all the expenses, the upkeep of the road, and has to keep it in as good condition as it was before the war?

Mr. BARKLEY. Yes; but that must come out of the earnings of the railroads, and it is charged as a part of operating expenses, just like it has been heretofore.

Mr. DOWELL. Is not the amount I have referred to the net, after paying all of these expenses?

Mr. BARKLEY. Not necessarily; but even if it were, in some isolated cases, that would not justify the Government in saying to a railroad which has been charging rates by the consent and sanction of the Government itself that because by wise and economic management it has been able to make a greater per cent on its investment than some other roads, that it is going to take that away from it and put it in the Treasury of the United States. That certainly would not be the criterion which we would set up for ourselves in passing on any other private property that the Government might feel it necessary to take over.

My colleague on the committee, the gentleman from Wisconsin [Mr. ESCH], suggested that he had offered an amendment providing that where railroads had earned above a certain per cent—I think the amendment mentioned 5 per cent—during the period of the standard return, the three years ending June 30, 1917—that if they had earned more than 5 per cent on their investment the Government should in those cases guarantee interest upon their indebtedness, guarantee their regular dividend, and then divide all that was over and above that 5 per cent between the railroad company and the Government, in order to induce the railroad company to go on and be patriotic and act with efficiency and the same wisdom they had displayed heretofore. The amendment went further and provided that this one-half of the surplus should be used in paying roads that had not made up to that amount any deficit that might accrue to them in their operation during the period of Government control. In other words that amendment would penalize frugality and industry and wise control, and it would offer a reward for inefficiency. I can not imagine a more unjust provision for the compensation of railroads by the Government than to take away some of the money earned by the prosperous and well-

managed roads and give it to some that had been managed and operated with little wisdom or efficiency. [Applause.]

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. COOPER of Ohio. I would like to say to my colleague on the committee I believe that the road that made the highest percentage of net return for the last three years is the Pittsburgh & Lake Erie Railroad. I maintain that the Pittsburgh & Lake Erie is one of the best equipped and gives the best service; in fact, it has the name of being the best equipped and giving the best service of any railroad in the United States to-day. It would not be fair to take the earnings away from a railroad that is giving such service.

Mr. BARKLEY. Oh, no. I think the gentleman is entirely correct. I desire to discuss for a few moments the question of the power to make rates, upon which the gentleman from Wisconsin [Mr. ESCH] has spoken so ably and yet, I think, so erroneously. The Interstate Commerce Commission has never enjoyed the power to initiate rates. The Interstate Commerce Commission of its own motion can not increase rates; it can not initiate rates; it has no initiative power with reference to rates except that whenever a railroad company fixes or files with it a schedule of rates, either upon complaint or upon its own initiative, the commission may investigate the reasonableness, the fairness, of the rates, and it may grant it or suspend it or entirely nullify it. But never has the Interstate Commerce Commission been given any right ab initio to bring about an increase or change in rates where the railroad companies themselves have not started the procedure.

Mr. DOWELL. But, under the system the gentleman has just referred to, the practical effect is to fix the rate by the Interstate Commerce Commission.

Mr. BARKLEY. The practical effect is that if the rate satisfies the Interstate Commerce Commission they approve it, and if the rate does not they disapprove it. But that is not the question that I am coming to. When those railroads were taken over by the Government, it has been suggested that they lost all incentive to bring about an increase in revenue. That may be true, because their standard return is guaranteed to them. That being true, if the railroad companies themselves have no further interest in procuring a change of rates, and the Interstate Commerce Commission can not do so, then where shall we lodge the power to initiate increases or changes in rates that are to be charged on the roads? Not only does this section apply to rates but it applies to regulations and practices of all sorts that are prescribed by the Interstate Commerce Commission and by the law. When the Government took over these railroads the President of the United States, under the law, stepped into the shoes of the managers and boards of directors and the presidents of all of the railroads in the United States. Therefore he succeeded by operation of law to the powers which they enjoyed prior to taking over the roads by the Government. That being true, then there is no other authority where the power to initiate ought to be lodged except in the hands of the man who succeeded in every way the management of these railroads while they were under private control. [Applause.] If the gentleman from Wisconsin [Mr. ESCH] is correct, there can not be any change of rates while the Government controls the roads; and it has already been suggested, and we predict it with a certain degree of moral assurance, that the wages of the railroad men will be increased, and I think they ought to be increased. They may be increased as much as 20 or 25 per cent.

Now, if it becomes necessary to increase the wages of railroad men in order to do justice to them and keep them at work, satisfied and contented, and those increases should amount to $100,000,000 or $200,000,000, and it should be necessary for rates to be increased in order to make up the deficiency brought about by the increase in railroad wages, and the gentleman from Wisconsin succeeds in his amendment, who will have the power to bring about that increase? The railroads will not do it, because they are not any longer interested. They get their standard return, no matter what the revenues, no matter what the wages, no matter what the expenses may be. They have no further interest in it and it can not be presumed they will do it.

Mr. RAYBURN. Has an additional burden like that ever been placed upon the railroads of this country by the Interstate Commerce Commission that they have failed to respond to it?

Mr. BARKLEY. I think not.

Mr. GORDON. Why does the gentleman assume they will not do it now?

Mr. BARKLEY. Because nobody has the power. The Interstate Commerce Commission can not make any changes of its own motion. It can not say, "We have heard in a roundabout way that the President increased wages, and that will increase operating expenses, and in order to meet the deficit we must raise the rate." They can not do that; nobody proposes to give them power to do it, and they ought not to be given the power ab initio to start proceedings.

Mr. RAYBURN. I will call attention to the fact that the amendment I offered to the committee gave the President the power to initiate rates and put him in exactly the same position that the railroads are now and left the Interstate Commerce Commission exactly as it is now.

Mr. BARKLEY. And let the Interstate Commerce Commission come along and veto what the President has done and overrule him in the exercise of its power. If the President enjoys any power in the control of these roads it is either by virtue of the statute itself or by the implied war power of the Constitution. He has taken them over according to his proclamation in pursuance of the statute passed in August, 1916. Now, I do not believe the President of the United States——

Mr. RAYBURN. May I ask the gentleman this question? Everybody knows—I presume that they do—that the President will not upon his own knowledge, and without consulting anybody, fix these rates, and neither will the Director General. He is going to consult somebody. Where in America is there a better body to consult than the Interstate Commerce Commission? [Applause.] And where, further, is there a body in this Government that in its long standing has been subject to as little just criticism as the Interstate Commerce Commission?

Mr. BARKLEY. I agree with every statement the gentleman from Texas makes, and I am perfectly willing for him to consult the Interstate Commerce Commission and the bill provide that the commission shall be consulted. If anybody objects to a rate that he makes, they can take it up and have a hearing, and then the findings of the Interstate Commerce Commission are prima facie evidence of their own correctness, and there is not a President of any political party who would not be guided by the results of the investigation of the Interstate Commerce Commission in so far as possible in the public interest.

Mr. RAYBURN. If the framers of this bill had not been driven as a final thing to make——

Mr. BARKLEY. How is that?

Mr. RAYBURN. If the framers of this bill had not by sentiment in the committee and outside of it been driven in some way to bring in the Interstate Commerce Commission with reference to these rates and somebody else had been in favor of the Interstate Commerce Commission and brought in this amendment, the gentleman who believes that the President should be charged with all of this authority would have said that this amendment was an insult to the President of the United States, for this reason——

Mr. BARKLEY. I yielded to the gentleman for a question. Go ahead and finish the question.

Mr. RAYBURN. Oh, well, I have not asked the question yet.

Mr. BARKLEY. The gentleman is a long time getting ready to ask one.

Mr. RAYBURN. I am not going to ask it.

Mr. BARKLEY. When the bill was first brought in those who believed with the gentleman from Texas, fearing that the President might have some authority to initiate a rate, brought in an amendment reserving specifically to the Interstate Commerce Commission the right to initiate or to fix rates.

Mr. RAYBURN. Yes.

Mr. BARKLEY. Then it was that this provision was added to the bill in the committee, not because they were driven by anybody, but because they wanted to preserve the unity of control of these railroads while they are under Federal control. It is a ridiculous anomaly, if I may be permitted to suggest, that the President of the United States has the right to increase the wages of the employees of all those companies and yet can not increase the revenue. [Applause.]

Mr. LENROOT. The railroads can not do it.

Mr. BARKLEY. They can do it, subject to the approval of the Interstate Commerce Commission. But they have been superseded by the Government and no longer are interested about whether revenues are sufficient to meet expenses.

Mr. DECKER. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. DECKER. Let me suggest to the gentleman from Wisconsin [Mr. LENROOT] that there is this vital difference between the private owners of railroads and the Director General of the United States, manager of railroads. The private owners of railroads are human beings, and look after their own interests

first. The Director General of the United States is a public official, representing you and me and 110,000,000 people, and he looks out for both sides.

Mr. LENROOT. How about the Interstate Commerce Commission?

Mr. DECKER. Who appoints the Interstate Commerce Commission?

Mr. FORDNEY. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. FORDNEY. The gentleman has stated undoubtedly the wages of railroad employees will be increased, and I agree with him. Who will do that, the President of the United States having control, and if so, would not the President recommend increases of rates to the Interstate Commerce Commission, and would not the Interstate Commerce Commission, under such circumstances, knowing that the increased cost of operation had been brought about by the President, listen to his recommendation, which was for an increase of rate?

Mr. BARKLEY. I think they would, but we have heard so much about rubber stamps here during recent sessions of Congress that I am unwilling to make a rubber stamp out of the Interstate Commerce Commission. It might be true that they should act upon the suggestion of the President because he requested them to make an increase, but it seems to me ridiculous that, as the President has the power to control the matter himself, he must go to some subordinate body in order to get power to increase the income.

Mr. FORDNEY. If you are going to make a rubber stamp of him in increasing the operating cost of the railroads, why not make a rubber stamp of him anyway?

Mr. BARKLEY. I will say to the gentleman that if he has the power to increase the operating expenses of the road he has the power to increase the income. We might as well face the situation now, because if there is any deficit in railroad income you will all be called on to vote a tax upon the people in order to make up the deficit to the Treasury, and we might as well provide for some means of providing for it in advance.

Mr. FORDNEY. I agree with you, and that is exactly what we are coming to, in my opinion. I know this, further, and I am half agreeing with the gentleman entirely, the Interstate Commerce Commission for the past decade has not permitted increased rates in the country in keeping with the increased rates on the railroads of other countries in the world. A comparison of statistics will show that. I do not believe they have been fair with the railroads in permitting income in keeping with increased cost of operation. That right ought to be put somewhere where the railroads will get justice in that respect.

Mr. BARKLEY. I think there is a good deal of force in what the gentleman says. Now, it may be true, and I think it is true, that heretofore the Interstate Commerce Commission has not allowed increases in rates proportionate to the increases that were forced upon the railroads in matters of wages and other operating expenses. I am not criticizing the commission for taking that attitude. They may be entirely correct, because in passing upon a rate they pass upon the reasonableness and justness of it, and not necessarily in relation to what they may have been compelled to pay out on some other account. But here is a situation where the Government has come in and supplanted the railroad managers. Previously the railroad managers had the right to initiate a rate, while now under this bill the President has the right to initiate a rate, and it must be a reasonable and just rate. It must be a just or reasonable practice or charge. He is compelled to file that rate with the Interstate Commerce Commission, and if any human being complains about the injustice or the unreasonableness of that rate, the Interstate Commerce Commission must investigate it and report the facts back to the President; and their findings are prima facie evidence of their own correctness. Now, the point of difference between some gentlemen, and the point of difference between this provision and the bill as reported to the Senate, was that after the Interstate Commerce Commission has made this investigation they have the power to veto the action of the President and nullify his act, and they may be actuated purely and simply by the reasonableness of the rate itself for the service rendered, wholly independent of any outside circumstances.

Mr. FORDNEY. I will say to the gentleman this, as a comparison, that the railroads in Canada for the past few years, under Government control, have spent $102 for every $100 of receipts, which left them no money for betterments of the roads in Canada. Those are Government-owned roads that I refer to now. If that condition were brought about in this country, then there must be increased rates to offset that added cost of operation, or the people must be called upon to go down in their pockets and pay taxes to meet that difference, or the railroads are going into bankruptcy.

Mr. BARKLEY. That is absolutely true.

Mr. LENROOT. The gentleman states that if the Interstate Commerce Commission decides this, they are limited to the reasonableness of the rates. I want to ask him if under his proposition the same limitation does not rest upon the President?

Mr. BARKLEY. Of course.

Mr. LENROOT. And who is more competent to ultimately decide that question, the Interstate Commerce Commission or the President?

Mr. BARKLEY. I think if the President of the United States had the opportunity to go into a long-drawn-out investigation, he might reach as correct an interpretation of the reasonableness of the rates as the Interstate Commerce Commission. And I do not anticipate and I do not think that the gentleman from Wisconsin needs to fear the President of the United States is going to increase or change rates or practices by the wholesale unadvisedly. But now and then there may be a situation that may need to be remedied instantly, where some change not only of a rate that affects the whole country, but some particular local rate, or some practice or some charge in the facilitation of the hauling of freight, may be necessary. If it were necessary for the Interstate Commerce Commission to go into a long investigation, the efficacy of the ruling might be worthless by the time they reached a conclusion about it.

Mr. LENROOT. The gentleman knows that it is not necessary under the present law for the Interstate Commerce Commission to do that.

Mr. BARKLEY. Railroads, as I suggested a while ago, are not going to initiate any changes of rates, because they get their guaranty just the same, and they have no incentive to do so.

Mr. LENROOT. But the President may now, may he not?

Mr. BARKLEY. I think he can. There is considerable legal doubt as to whether he can do it or not.

Mr. LENROOT. Not to initiate them.

Mr. BARKLEY. Eminent lawyers have said to the contrary, and I think they are wrong; but whether he can or not, that is the very reason this amendment was first brought in here, because they thought he had the power and they did not want him to have the power.

Mr. LENROOT. The gentleman should bear in mind that there is a distinction between the initiating of rates and the making of rates.

Mr. BARKLEY. I understand that.

In the demurrage cases that my friend from Wisconsin [Mr. ESCH] made so much light of, it was necessary to bring about some sort of compulsion in the unloading of freight cars. The Director General, of course, increased the demurrage charges up to $10 a day in order to compel men to unload freight cars and bring about a relief of the congestion.

It turned out afterwards that there had been some prior arrangement made by men under the previous conditions, and he modified his order in order to relieve that situation. But if he had been compelled to go before the Interstate Commerce Commission and subject himself to the delay of an investigation, it would have been too late to have brought about the remedy.

Mr. LENROOT. If the gentleman will yield——

Mr. BARKLEY. Yes.

Mr. LENROOT. No delay is necessary on the part of the Interstate Commerce Commission unless they choose on hearings to suspend this rate. Does the gentleman think they would suspend a rate initiated by the President?

Mr. BARKLEY. Well, if it is assumed that the Interstate Commerce Commission is going to approve everything the President does, if his acts are to be final anyway, I see no use in giving them authority to nullify them absolutely. If that were to be the assumption, he might as well put them in force at once.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DEMPSEY. Is not the gentleman's position logically this: That under private ownership the railroads could initiate a rate, but a check was put upon it by the Interstate Commerce Commission because of the interest of the railroads; and does not that interest disappear the instant they go under Federal control, because the President, who has the power to initiate rates, has no interest whatever in what the rate shall be? It is his interest simply to do that which is best, taking all things into consideration.

Mr. BARKLEY. Absolutely.

Mr. DEMPSEY. And is it not sufficient, under any circumstances like that, to have the Interstate Commerce Commission merely investigate and advise, because they are advising a man who has no interest and only wants to serve the public?

Mr. BARKLEY. The gentleman has stated it very correctly and forcibly. Not only is it a fact that the President, as I sug-

gested at the outset, represents in his official capacity the railroads, because he has taken them over and stepped in in place of the managers and directors of the railroads, but the President also represents the public.

Now, the Interstate Commerce Commission was created in order to protect the public against the railroads, and in order to make its powers of any effect it was given the power to enforces its decrees. It was not given merely advisory power with reference to the increase of rates by railroads, because it was presumed that the railroads would not check their increase of rates merely upon the advice of the Interstate Commerce Commission, and therefore the actual power was given to the commission to enforce its decrees. But here the President of the United States has no selfish interests to serve. He has taken over the railroads and in a larger capacity he represents the public, so that it is not necessary to protect the public against their own servant who has been chosen by them to act for them in the administration of the Government.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. PLATT. I wanted to suggest also if it did not come down to this, that in time of war it is necessary to act first and investigate afterwards.

Mr. BARKLEY. That is frequently found to be necessary.

Mr. GORDON. How does it come that Congress has taken a different view about trusting its own chosen servants? If they had so much confidence in the President to fix railroad rates, why did they not leave it to the President when they passed this law? And what is there in time of war to qualify the President to determine such an intricate matter as the fixing of railroad rates?

Mr. BARKLEY. The gentleman from Ohio is on the Committee on Military Affairs, and that committee when they brought the Army bill out gave the President the right to take possession and assume control of the railroads.

Mr. GORDON. Yes; but not to fix rates. You do not find that in the law.

Mr. BARKLEY. I understand that very well. The gentleman's committee not only did not give the President the right to fix rates, but did not provide any means of compensating the railroads when they were taken over, and that is why this bill is here.

Mr. GORDON. The reason why we did not do that was because we did not know how much money would be necessary. We did not know what the railroads would be worth.

Mr. BARKLEY. Do you know any more now?

Mr. GORDON. No; yes; we know more than we did then, but we do not know that.

Mr. BARKLEY. I have some doubts about that.

Mr. DOREMUS. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DOREMUS. Under this bill the President is authorized to make these contracts with the railroads. These contracts will provide for a certain return to the road. The Interstate Commerce Commission is no party to that contract. Under those circumstances does not the gentleman think that the Congress should clothe the President with all the power that is necessary to carry out the contract that he makes with the roads?

Mr. BARKLEY. Absolutely; and he ought not to be handicapped or be put in a situation where he would have to cramp himself or his Government in order to carry out the contract.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. LENROOT. Does not a section of this bill have for its very purpose the purpose to enable the President to carry out that contract? I refer to the $500,000,000 appropriation.

Mr. BARKLEY. Yes; but we do not know how much of that $500,000,000 appropriation is to pay any deficiencies arising by reason of the Government operation. That is only one of the objects.

The primary object of that appropriation is to create a fund out of which the President can construct equipment and rolling stock in order to enable the Government to carry out its war purposes, for which it took over the railroads. Of course if there is a deficit he may pay for it out of this $500,000,000 fund.

Mr. DOREMUS. Mr. Chairman, will the gentleman permit another question?

Mr. BARKLEY. Yes.

Mr. DOREMUS. Which policy does the gentleman think is preferable: To meet a deficit by taxing the people or meet it out of the revenues?

Mr. BARKLEY. I think I have answered that. But the question almost answers itself.

Mr. GORDON. Mr. Chairman, will the gentleman permit a question?

Mr. BARKLEY. In just one moment.

Mr. GORDON. I thought you said the question answered itself.

Mr. BARKLEY. I am going to amplify it. I think it will be easier for Congress to give the power to increase the revenues of the roads than to increase the taxes which would be necessary to make up the deficit. The people have to pay for it anyhow, and my experience is that they will be more willing that the deficit shall be paid out of the revenues than that it shall come in the form of taxes out of their own pockets.

Mr. DEMPSEY. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DEMPSEY. Does it not come to this, that the fixing of rates involves two sets of people? In one case, if you fix them too high, it involves taxes to all the people, and if you fix the rate just high enough it involves only the shippers?

Mr. BARKLEY. Yes; and not only that, but——

Mr. GORDON. I would like to supplement that question.

Mr. BARKLEY. I hope the gentleman will get time enough to make a speech himself, because he is evidently loaded up with something that oppresses his system. [Laughter.]

Not only have we got to consider the question of revenues and expenses as they may counteract each other, but one of the main reasons for the taking over of these railroads by the Government was the fact that there is an intimate financial relationship existing between the railroad companies and the stockholders, and the Government of the United States by reason of this fact. There is about to be put upon the market another Liberty loan campaign. There ought not to be any competition between the Government of the United States and any other great interest in the money market, and we know that the money markets have been closed to the railroads for the last two or three years. The railroads have been unable to borrow money, and that is one reason why some of their equipment has gone down. The money markets of the world have been closed to the railroads, and this was necessary to be taken into consideration in taking these railroads over, not only to unify their physical control but to unify the relationship between the financial situation of the railroads and of the Government of the United States, and it might be a very embarrassing and disastrous situation if by reason of handicapping and dividing authority to control the railroads the Government were not able to provide revenues sufficient to carry them on.

Mr. GRAHAM of Illinois. I want to ask this question: The gentleman says, as I understand it, that he thinks instead of being levied upon the people by general taxation it ought to be levied upon the shippers, a special class, and that that would be more equitable. The railroads are being taken over for the benefit of all the people, are they not?

Mr. BARKLEY. Why, yes, in a large sense.

Mr. GRAHAM of Illinois. Is it not true, then, that you ought not to impose a special burden on a special class of people, namely, the shippers, when the taking over is for the benefit of the whole people? Do you not think your argument about that is wrong?

Mr. BARKLEY. No, I do not; and I will tell the gentleman why. If the Government had not taken over the railroads, in all probability there would have been a very large increase in wages to their employees. I think it is practically certain that there would have been an increase. There might have been more of an increase than there will be under the Government. If that increase had come under private ownership the public would have had to pay for it in the payment of freight rates. There is not any doubt about that, because the railroads, either under private or public control, ought to take in as much money as they pay out. Now, does the situation change merely because as a war measure the President was compelled to take over the roads? Ought they not to pay their operating expenses? Ought they not to pay for their increased equipment? Ought they not to be able to pay these things out of earnings? Ought they be taken out of the Treasury, merely because the Government has taken over the roads? I do not think so.

Mr. GRAHAM of Illinois. The answer to that is that the burden that is being assumed by the Government is being assumed for the benefit of all of us.

Mr. GORDON. On account of the war.

Mr. GRAHAM of Illinois. On account of the war and of war conditions; but your plan proposes to place a burden on a special class of people who ship stuff over the railroads.

Mr. BARKLEY. That statement is only partially true.

Mr. PLATT. The shipper does not have to pay it. He passes it on.

Mr. BARKLEY. The shipper pays it initially, but the people, after all, pay all freight and all taxes alike. It is distributed among the people, and in such form and in such quantities that

they may not always feel the burden; and it is an unwise financial policy to inaugurate here in the very beginning the possibility of creating more expenses than the revenues of the railroads will be able to meet.

Mr. GRAHAM of Illinois. Let me add to that question that under normal conditions perhaps that argument is correct, but when you have a special fixing of prices of certain things—for instance food, which constitutes a large part of the shipments by freight in this country—then another element enters into the question of governmental control which perhaps you have lost sight of in your argument.

Mr. BARKLEY. It is difficult, of course, to separate that part of it that is incidental to the war from that part which is incidental to commercial traffic generally.

But having taken them over as a war policy, the Government must assume the burden of carrying the commercial traffic with the same wisdom and financial foresight. It could not throw aside all rules of finance, because, having taken them over as a war measure, they have to regulate the charges incident to commercial traffic.

Mr. PLATT. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. PLATT. I want to ask a question in reference to this provision that all fares, rates, and charges shall be fair, reasonable, and just. Would the gentleman hold that the President under this bill, if it passes as it is, would not be allowed to initiate a rate, perhaps for the purpose of shutting off some traffic? Suppose the excursionists were coming to Washington and crowding the accommodations; would the President have the right to raise the passenger rates to keep people from traveling?

Mr. BARKLEY. It would all be subject to the provision that they must be just and reasonable. In England it so happens that they did raise the passenger rates 50 per cent in order to discourage passenger travel. It was necessary in order to carry the freight traffic of the railroads to discourage passenger travel by increasing the rates more than 50 per cent. Whether that would be a wise policy in this country I do not say; it will all depend on circumstances.

Mr. HARDY. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. HARDY. I think the gentleman has presented the question of the right of the President to initiate rates very forcibly. Would not it be an anomaly to have two executive administrative officers, and one of them a subordinate, allowed to overrule his superior? If the Interstate Commerce Commission as an administrative body were allowed to finally overrule the action of the President in fixing these rates, would not that in itself be an anomaly and an absurdity?

Mr. BARKLEY. That is a ridiculous situation, which I called attention to a while ago. The railroads were taken over in order to unify them, because under separate competitive systems and boards of directors they desired to get all the traffic and revenue they could, and they could not unify themselves. Now, unification or physical control is wholly incomplete unless the unification of financial control goes hand in hand with it. It is a ridiculous situation to say that a subordinate body can overrule the action of the President in a great war crisis.

Mr. MADDEN. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from Illinois.

Mr. MADDEN. Does the gentleman consider the President of the United States in the same position that the railroad companies themselves were under the law?

Mr. BARKLEY. Before they were taken over?

Mr. MADDEN. Before and after they are taken over is not he in the attitude of the railway company, in the same position?

Mr. BARKLEY. Yes; he steps in, and what authority they exercise now is through his consent and by reason of the permission that he gives.

Mr. MADDEN. If he takes the place that the railroad company formerly occupied, could he have any greater power to initiate rates and put them into effect than the railroad companies themselves had?

Mr. BARKLEY. Yes; for the reason I suggested a moment ago. Not only does he take the place of the railroad companies, but the desire or incentive of the railroad companies to gouge the public is removed. He not only stands in the relationship of the railroad managers, but he represents the public and has no desire to increase rates unreasonably. There is no logical reason why the Interstate Commerce Commission should stand between him and the public when he is the representative of the public as much as they are.

Mr. MADDEN. I understood the gentleman to say, and the purpose of his argument was, that the President might have a superior power to increase a rate, to get increased compensation which the Interstate Commerce Commission as a body would not allow.

Mr. BARKLEY. I say that is one situation that enters into the wisdom of giving him the power to do that; there may be a hundred others, but that is one. It is presumed that freights may be changed, may be rerouted, taken off one road and put on others, and it would be a serious embarrassment if the President did not have the right to change rates, charges, or practices so as to facilitate the transportation of freight over one road or another which had never enjoyed the transportation of that freight.

Mr. MADDEN. Then what becomes of the gentleman's argument that the President is not in the same position to gouge the public by charging increased and unreasonable rates which the railroad companies were themselves in before he took them over?

Mr. BARKLEY. I say he has no incentive to do that.

Mr. MADDEN. If he increases the rates beyond what they are, what would the gentleman call it?

Mr. BARKLEY. I am not qualified to pass on the reasonableness of any rate, and I do not know what it is going to be. I do not believe that any President in opposition to the report of the Interstate Commerce Commission would insist on an unreasonable rate on freight.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman.

Mr. GORDON. You have provided in this bill that any rate fixed, whether by the President or anybody else, must be just and reasonable?

Mr. BARKLEY. Yes.

Mr. GORDON. And yet the gentleman is arguing for the arbitrary power in the President to impose a rate, just or unjust?

Mr. BARKLEY. Oh, no. The gentleman misses the whole question involved.

Mr. GORDON. The gentleman is also arguing that the President when he finds that the rate he has imposed is unjust and unreasonable through an investigation of the Interstate Commerce Commission, shall as an honest man proceed to change it. Why not allow the Interstate Commerce Commission to fix it before it becomes operative and effective, just exactly as it did before this war started?

Mr. BARKLEY. Because there might be a hundred circumstances when immediate action is necessary to facilitate transportation of freight or protect the interests of the people, and if you give him power with reference to one thing, you must give him power with reference to the whole field, because Congress can not divide up the field and say that the President shall have the right to fix such rates as shall affect the war; but as to commercial rates he shall have no power, because it is impossible in a legislative way to draw the line between strictly war business and commercial traffic.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. May I have 10 minutes more?

Mr. SIMS. I yield 10 minutes more to the gentleman.

Mr. BARKLEY. The last thing I desire to discuss, and I am sorry that I have taken so much time, is the question of the tenure of Government control as provided in this bill. I am one of those who do not believe there ought to be any time limit fixed in this bill, not because I may or may not favor Government ownership, nor because I believe that Government ownership necessarily is coming. It is wholly unnecessary to discuss the question of Government ownership in deciding upon whether there shall be a time limit after the proclamation of peace within which these roads shall pass back to their private owners. This bill provides that the Government shall, if necessary, buy equipment, rolling stock; it may even buy and build terminal facilities or branches, extensions of the line. It may even, under the bill, buy the bonds that are permitted to be issued by order of the President in order that the railroads shall not come into competition with the Government in the borrowing of money. If this war should last for three or four years—and I do not think even Solomon himself, if he were here, and he enjoyed some reputation for being a wise man, could tell anything about how long the war is going to last—I do not believe anybody in Congress or in the United States is wise enough now to say in advance what character of laws may be necessary in providing for the return of these roads to their private owners. It may be that we will have to spend more than a billion and a half of dollars, it may be $2,000,000,000, in the purchase and the construction of equipment necessary to carry on the railroads while the war is in progress. It may be that under the provisions of this bill the Government will purchase bonds issued by the railroads, because they can not issue bonds under this bill except by approval of the President, and he is authorized, if necessary, in order to take the railroads out of competition with the Government in the issue of bonds, to purchase those bonds on behalf of the Government.

Mr. LENROOT. Mr. Chairman, I would like to hear the gentleman on the proposition of what right we have under the Constitution to hold these railroads after the war is over for more than a reasonable time.

Mr. BARKLEY. If I get time, I shall come to that, but I do not want to interrupt my thought right now. It will take at least a year after the war is over and peace is proclaimed to bring the soldiers back from Europe. It may happen that it will be necessary entirely to revolutionize the character of control that the railroads shall resume after they are turned back to their owners. I think we may predict with reasonable certainty that they will never be turned back under the old competitive conditions that existed prior to their taking over by the Government. We might as well recognize the fact that this is not only a military war, a world-wide conflict between military powers, but the result of this war will be a universal world-wide economic revolution, brought about by reason of or during the progress of the war. We may assume, I think, with a reasonable degree of certainty that these roads will not be turned back to their owners under the same conditions that existed prior to the time the Government took them over.

Mr. HARDY. Mr. Chairman, Congress is going to be in session annually right along after the war is over. Is there any reason why, when that time comes, Congress then in existence should not be allowed to control the matter under the conditions that then exist?

Mr BARKLEY. Of course that is true, but I want to submit a suggestion as to the unwisdom of having a time limit for that reason.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Not now. I have only 10 minutes. We have not the power of foresight to tell us what sort of legislation will be necessary. The bill provides for a two-year limit. If it should happen that in those two years the economic and financial conditions of the world are such, and the relations of the Government have become entwined and entangled with these railroads to such an extent that they can not be untangled in two years, then either we must turn back those roads automatically without any provision of law under the old competitive and chaotic conditions, or we must extend the time limit beyond the two years.

Mr. SHERLEY. What does the gentleman say to the converse of that, where if you happen to have a President that wanted Government ownership it would take two-thirds of the Congress to undo it?

Mr. BARKLEY. It takes two-thirds of the Congress to override any veto of the President, and I do not think we should act unwisely because of any fear of a veto.

Mr. SHERLEY. Yes; for this reason, that the war is a reason for doing things now, but it is not a reason for making it a continuing condition.

Mr. COOPER of Ohio. Will the gentleman yield for a question? I would like to ask the gentleman what power the President has to hold a railroad after the conclusion of peace? Tell me what power he has to hold a road after the declaration of peace?

Mr. BARKLEY. Congress in time of peace can pass a law taking over every railroad in the United States under the commerce clause of the Constitution.

Mr. COOPER of Ohio. Has he got the power now?

Mr. BARKLEY. And if Congress can do it in time of peace, Congress has the power in time of war to say that under the commerce clause it can continue their possession and operation after the war is over. In the absence of congressional action he could only keep them for a reasonable time after the war. If the time should be about to expire, and Congress has not acted, and there is an uncertainty in the money market, $18,000,000,000 worth of securities are hanging by a thread; nobody knows what Congress will do, and if Congress hesitates and vacillates, and there may be a division between the Senate and the House or a division between the Congress and the President, and we should from time to time be compelled to pass a resolution of extension, that very uncertainty would put in motion such fear, doubt, and lack of confidence as might bring about in the United States a panic the like of which we have never seen since the Government began. Therefore I believe it is better to leave this matter to the wisdom of some future Congress without tying their hands, without compelling them to act with a stop watch, and depend upon the vision and the wisdom of some future Congress to act in the light of the circumstances that may then exist, and not try now to handicap them.

Mr. MADDEN. Will the gentleman yield for a short question?

Mr. BARKLEY. I yield for a short question.

Mr. MADDEN. This is an important bill and, I take it, involves all the value of the railroad companies in the United States, and it will not take more than a week to pass it, and I assume it will not take but two or three or four days to pass the legislation that will be necessary after the war closes.

Mr. BARKLEY. Oh, if the gentleman means to say that after this war is over, and the relationship between the railroads and their competitors is entirely wiped out, and the Government becomes entangled in the mesh of financial operating relations between railroads, that a law might be passed within a week providing for that situation, it is not doing the intelligence and the foresight of the gentleman from Illinois justice. It might be possible to pass a bill within a week after it is brought in the Congress, but who can tell how long it will take for the Government and Congress to determine what sort of a bill ought to be passed, and what sort of a permanent policy should be adopted with reference to the railroads?

Mr. MADDEN. It will not take very long to pass this one, and this is a very important bill.

Mr. BARKLEY. We are passing this with a great deal more expedition than we would if it were not so important and necessary to get it off our hands right now. When this war is over and we are considering the changes coming out of it, we need not try now to blind ourselves to the conditions existing then whether we are for or against Government ownership. We can not stop the current of human progress, if people should favor permanent control, by placing a two-year limit upon the expiration of the term of Government control. I have heretofore referred to the fact that prior to the Civil War the Supreme Court thought it had settled the slavery question when it rendered the Dred-Scott decision. It did not settle it at all. It took four years of war to settle that question. I mention that not because this law will have a like result, but because it is impossible for Congress or courts to stem the tide of human progress in any direction the people may determine upon. It certainly can not be done by attempting to dam up the stream. I believe it to be the part of wisdom to leave the time open in order that future Congresses may deal with it in the light of the conditions that will exist after the war is over. I am not afraid to trust any Congress that the American people will select to deal wisely with this question, not under compulsion or limitation, but with vision, patriotism, and experience, in the light of the new conditions that will come as a result of the war, so that the interests of stockholders, the Government, and the American people may be safeguarded and protected. No suitable adjustment can be made or even forecast now. None should be attempted in blindness. The light we have to-day does not penetrate far enough into the future to reveal what may be necessary then. Let us leave the solution of that problem to those who may be called on to deal with it when peace and readjustment shall have approached. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. ESCH. Mr. Chairman, in view of the fact that the other side has used 2 hours and 25 minutes this afternoon I would like to yield to three or four Members on this side in succession.

Mr. SIMS. That will be perfectly satisfactory.

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman and members of the committee, I have no desire to take up much time during the general debate on the bill which we are now considering. I believe that this is a time when every Member of this body should confine himself to things worth while, and the important issues which are before us relative to the great war in which we are now taking part. But this measure is a war measure in which we are all interested, and I believe it is one of the most important and far-reaching propositions our Government has ever undertaken, because there is involved in this measure the taking over by our Government of private property which is valued at approximately seventeen or eighteen billion dollars. I am one of the members of the Interstate and Foreign Commerce Committee, which held hearings and considered this measure—and at this point I want to congratulate the chairman, Judge SIMS, on the efficient manner and the successful way in which he conducted the hearings on this bill. In taking up this measure for consideration, I believe it is the duty of every Member of this body to consider the most important fundamental principle involved in this bill, and that is, the Government is taking over the railroads of our country to control and operate the same, as a real necessity, to help us and our allies to win the war. I believe that is the first and most important question which every Member ought to bear in mind while we are considering this measure.

There are two sections of this bill—sections 11 and 14—in which I am intensely interested and desire to express myself upon them at this time. Section 11 relates to the liabilities of common carriers while under Federal control. Section 11 says:

> That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act, or any other act applicable to such Federal control, or with any order of the President, be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law. Suits may be brought by and against such carriers and judgments rendered as now provided by law, and in any suit against the carrier no defense shall be made thereto upon the ground that the carrier is an instrumentality or agency of the Federal Government. But no process, mesne or final, shall be levied against any property under such Federal control.

I desire to say that this section was considered very carefully by the committee who had charge of the bill, and we were concerned very much regarding the wording of this section, which has to do with the rights and remedies to recover for injuries and damages which we now have under State and Federal laws. The wording of the section says that the carrier shall be liable, and that suits may be brought by and against such carriers and judgments rendered as now provided by law. I must confess that I know very little about law, as I am not a lawyer or a member of that honorable profession, but I want to call your attention to the words starting in line 2, page 12, "or with any order of the President be subject to all laws and liabilities as common carriers." Now, it seems to me, that these words are very clear, for it states that the railroads shall be liable for all damages, providing the order which might have caused the damage or injury was not issued by the President or some one vested with power under Government control. Now, what I want to know is—and I trust some of the lawyers of this body will explain these words before we finish this bill—who is going to be liable for injuries or damages which may have been caused by an order of the President or the Director General of the railroads while they are under Government control. Mr. STINESS, of Rhode Island, brought the question before the committee, and he cited such an instance as this: Supposing that a certain locomotive or railway equipment was not in a safe condition to make a trip over the road, and on account of the condition of such equipment the division superintendent or the train master refused to let the locomotive, train, or cars go over the road until it was in good condition and safe to the traveling public and employees of the railroad. Now, let us suppose that the Director General or some one with Government authority ordered this equipment to be moved, stating that it was a war necessity, and a serious accident happened by reason of this defective equipment. What I want to know is, Who would be liable for damages in a case of this kind? Surely no court would hold that the carrier was liable. And then, again, I want to call the lawyers' attention to the words in lines 9, 10, and 11, on page 12, which say:

> That no process shall be levied against any property while under Federal control.

It seems to me that when a party sues and gets final judgment in his favor it is evidence conclusive that he is entitled to payment of the same; and in the case of a badly injured employee, if he can not obtain it, great suffering and loss is the probable result. Now, if one was to get judgment against the carrier, section 11 says that no process can be levied against the property of the carrier while said property is under Federal control. Now, I fully realize that this being a war measure it would be a bad thing to frame this bill in such a way as to let anyone who might have secured a claim for damages against the carrier tie up the road or equipment; but I do wish the chairman of this committee or some one would suggest an amendment to this section which would enable the injured employee or creditor to get his pay and at the same time fully protect the Federal Government in the use, possession, and control of the property so sold.

Mr. CLARK of Pennsylvania. Will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. CLARK of Pennsylvania. Does the gentleman come to the conclusion that there is no effective remedy for this?

Mr. COOPER of Ohio. I do not think so under this bill.

Mr. CLARK of Pennsylvania. What was the consensus of opinion in the committee?

Mr. COOPER of Ohio. That question was discussed very carefully, and I do not believe there were many members of the committee that cared to say that this section fully protected an injured person who might be entitled to recover damages.

Mr. CLARK of Pennsylvania. The gentleman's opinion accords with my own, for I do not believe there is any remedy.

Mr. BARKLEY. If the gentleman will permit me, a suit might be brought against the railroad and a recovery had, because it makes no difference whether the Government is liable or the road is liable, it all comes out of the operating expenses and is charged up to that.

Mr. COOPER of Ohio. That is not in the bill. If you will put it in the bill I will support it.

Mr. BARKLEY. The bill provides that every employee shall have the same remedy against the company that he had before. That is not limited by the fact that the Director General might order any train to go over any part of the road.

Mr. COOPER of Ohio. I understand that the gentleman from Wisconsin [Mr. LENROOT] has an amendment to the section, and I hope it will be agreed to.

Mr. CLARK of Pennsylvania. The laws of the States are not applicable if they are in conflict with the order of the President.

Mr. COOPER of Ohio. Section 14, which has to do with the length of time that the Federal Government shall control the railroads after the war is over, was discussed probably more than any other section in the bill. I believe that the railroads should go back to their owners no later than one year after the proclamation of peace, but there are some who would have the Government control the railroads indefinitely. Some members of the committee desire this. Mr. McAdoo, the Director General, and Mr. Anderson, of the Interstate Commerce Commission, favor indefinite control of the railroads. Now, I claim that the act of August, 1916, does not give the President the power to take over the railroads to control and operate them in times of peace. This act provides that the President in time of war shall have the power to take over our railroads—for what? For the transportation of troops, war material and equipment, or for such other purposes connected with the emergency. When this power was given to the President, it was not contemplated that it should be used in times of peace. When this power was granted we were having trouble with Mexico and were getting into the European conflict as fast as we could. But there was a limitation placed in this act, and that was that the President should be vested with this power during the time of war. We find that this same power was given to the President during the Civil War. In the act passed January 31, 1862, we find in section 5 these words:

> *And be it further enacted*, That this act, so far as it relates to the operating and using said railroads, shall not be in force any longer than is necessary for the suppression of this rebellion.

And I read from the minority view the following:

> We believe that such control should terminate as speedily as is consistent with due regard for the rights and interests of both the Government and the carriers and that one year or less after the proclamation of peace within which to make the proper readjustments would be reasonable. Congress in practically every war-emergency bill it has enacted has limited its operation to "the continuance of the war" or to six months or one year thereafter. It did this in the priority-of-shipments act, the espionage act, the trading-with-the-enemy act, the food control and food survey acts.

Now, why should we extend this power in the time of peace? I believe that to take over the railroads indefinitely means Government ownership, and at this time I am unalterably opposed to our Government undertaking such a proposition. If we are going to embark in Government ownership of railroads, we should take up this question in times of peace, not when the world is all afire and upside down. I, for one, am not ready to go into the question of Government ownership at this time. If we take up this question at all, we should meet it in the daylight, and not in the dark. If we are going to consider this question, let us meet it in the right spirit and at the right time, when our country is normal, not abnormal.

But there are some who would have the question of Government ownership sneak into this bill like the prowler comes into your home at night. Under the pretense of it being a war measure, they are trying to force upon the people of this country Government ownership without any study whatsoever of the question.

To place in this bill an indefinite time as to when the railroads shall go back to their owners, we create an uncertainty which would take the heart out of the men who have had charge of the operation of our railroads previous to the war. It seems to me that in order to keep our railroads up to the highest standard of efficiency we should set a definite time in this bill as to when these roads should go back to their owners and operators. Why some should want to experiment with Government ownership at this time I do not know, for it is a known fact that under Government ownership and control of railroads in other countries the cost of operation and the rates far exceed those of our own country under private control, and at the same time the service is not nearly as efficient, and the wages of the employees are much lower. The wage conditions of the American railway employees are bad to-day. Let me say in passing, while I am on

this question, that I believe the railroad men are the poorest paid class of skilled workmen in our country to-day, and to my mind the Government should at once grant an increase in wages to the American railroad employees. They are entitled to an increase, and should have it.

I listened with much attention to the speech of my colleague, Mr. STEPHENS of Nebraska, which he delivered on Tuesday. I can not agree with Brother STEPHENS when he says that the railroads of this country are operated by a gang of highbinders, crooks, and wrecking crews, as he calls them. I believe that there are just as honest, noble, patriotic, big business men at the head of the operating departments of our railroads as there are in any of the other business institutions of our country.

Mr. GREEN of Iowa. If the gentleman will permit, I think the gentleman from Ohio has somewhat misunderstood the gentleman from Nebraska [Mr. STEPHENS]. I do not think he referred to the railroad officials in general, but he meant to be understood, when he used the term "highbinders and thieves," to refer to that class of people that wrecked the Rock Island and the New Haven.

Mr. COOPER of Ohio. It is true that he referred to the Rock Island and the New Haven, but because they went wrong it does not follow that all the rest of the managers of the railroads in the country are highbinders and thieves. Most of these men have gone through the hard knocks of life, and through perseverance, hard work, and honesty have worked up the ladder to the top. I can not understand why some people are forever knocking the railroads and calling their owners and operators highbinders and crooks, for I think I can say that the United States has the finest and the most efficient system of railroads of any country in the world. And yet there is no business or industry in this country which has been legislated against and condemned more than our railroads. Let us try and be fair to the railroads and give them a square deal and help them when they need helping instead of clubbing them when they are down, such as they are now, which was brought on by no fault of theirs, but by reason of the great abnormal condition which exists in the world to-day. [Applause.]

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, I do not wish to take the time of the committee. I yield back the time, if I may have unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. WALSH. Mr. Chairman, reserving the right to object, is he going to extend his remarks upon this bill?

Mr. MASON. Mr. Chairman, I decline to answer the gentleman.

Mr. WALSH. Mr. Chairman, I object.

Mr. MASON. Then I shall take the time. I am much obliged to the guardian of the ink pot who permits me to waste two or three days to present to the people of this country the humble petition of the Irish-Americans who wish to get into the RECORD a statement by Mr. McCartan in regard to the effect of the proposed conscription, which could have been inserted within the past two days without taking the time of the committee, and I take the 10 minutes now to read his statement. If I shall read a little fast in order to conserve and economize time, I hope the distinguished gentleman who is opposed to the filing of this petition will make due allowance for my fast reading.

[Memorandum dispatched to the Secretary of State of the United States from the envoy of the provisional government of Ireland.]

FEBRUARY 17, 1918.

SIR: As the representative of the provisional government of Ireland, accredited to the United States, I have the honor to request you to bring to the notice of your Government the following observations concerning the treaty now in process of negotiation between the United States on the one hand and Great Britain on the other, whereby residents in the United States who are claimed as nationals by Great Britain may become available for military purposes.

The Irish born who reside in this country are separated by the American Government into three categories: First, American citizens by naturalization; second, declarants, or "such as have taken out their first naturalization papers and thereby declare their intention and desire to become full citizens of the United States"; third, aliens, those whose status as Irish nationals is beyond question.

Over the members of the first of these categories the United States alone exerts authority, an authority which the contemplated treaty can not influence, and which the provisional government of Ireland fully recognizes.

The formal declaration of intention to become a citizen of the United States is accompanied by an explicit statement of purpose to renounce allegiance to the sovereignty to which the declarant is subject. Basing its action upon this purpose of renunciation, Congress ordained, by the selective-service act of 1917, that cobelligerent declarants were liable to military duty in the United States on the same terms as citizens by birth or by adoption. In other words, citizens and declarants were placed upon an equality of sacrifice in defense of the United States. The ratio of cobelligerent declarants called to those accepted for service was higher than that among citizens naturalized by prewar legal forms, and only slightly lower than that among citizens by birth. (Provost Marshal General's Report, p. 55.)

Civic sacrifice carries with it an inalienable right to privileges. This principle is well recognized by your Government and already modifies the process of naturalization for enlisted aliens in the Army and Navy. No State can in equity require the sacrifice of life to civic duty from any but a citizen. The enforcement by the State, and the acceptance by the cobelligerent declarants, of the supreme duty inherent to citizenship constituted a contract between the State and cobelligerent declarants. That contract implicitly extended to cobelligerent declarants the right to the privilege of citizenship of the United States. The selective-service act of 1917 in equity naturalized cobelligerent declarants, and was in accord with the established policy of the United States as laid down in section 1909 of the Revised Statutes of the United States.

Cobelligerent declarants were called upon for military service as a class. The demand for military service made upon them differed in no particular from the demand made upon other classes of citizen. Accident of age, ballot, health, or other circumstance, caused certain of these declarants to be discharged, exempted, rejected, or not called upon; but similar accidents affected in precisely similar ways both native-born and naturalized citizens. Such accidents can, therefore, in nowise affect the status of citizenship conferred implicitly by the selective-service act upon all cobelligerent declarants; that act was in nature a contract which can not be modified by treaty or convention.

As the provisional government of Ireland are maintaining on a front, where allied unity is not at present possible, the principle of self-determination, and as the United States Government entered the war to champion that principle, our respective countries are de facto cobelligerents, associates in a common struggle for this common cause. The fundamental right of every human being to voluntary expatriation, a right upon which your great country is built, a right for which many of your noblest died in the Wars of 1776 and of 1812, a right specifically established here for declarants by the expatriation law of 1868, a constitutional right which no executive officer may violate and which no treaty may restrict was exercised in intent by those of Irish birth who became declarants here. The provisional government of Ireland accepting the obligation implied by this cobelligerency, and upholding the right of expatriation, did not protest the inclusion of Irish-born declarants in the scope of the selective-service act of 1917, but tacitly acquiesced in that inclusion, which was therefore legally established. Hence it is far from my duty now to question the legality of this established fact; but I must protest against any attempt to reopen the matter by treaty or convention with a third power—Great Britain. The inclusion of the Irish-born, who are declarant citizens, in the scope of the pending Anglo-American treaty would be contrary to justice and equity; would be a reversal by treaty of the action of Congress in the expatriation law of 1868 and in the selective-service act of 1917; would be an unconstitutional exercise of treaty-making authority; and would be a repudiation of the traditional American principles and policy. Hence the provisional government of Ireland refuses to believe that the Government of the United States has in contemplation any treaty with Great Britain which would discriminate against a group of coopted American citizens—the Irish declarants—who in this war have shown themselves the most devotedly loyal of all American citizens.

A treaty with Great Britain may properly concern only American residents of British origin who have made no legal expression of intent to become a citizen. The term "British" is correctly applied only to the English, Scotch, and Welsh. The Government of Great Britain—i. e., of England, Scotland, and Wales—has the right to enter into agreements with the United States regarding only the British residents here and the resident who was formerly an inhabitant of a British Crown colony such as Jamaica, which is governed from the British colonial office. But Great Britain can not enter into agreements on behalf of the self-governing dominions such as Canada. Hence, I am informed, Canadian aliens are included in this treaty by a separate convention with the Government of Canada. Canada could enter into such an arrangement for the draft is legal in Canada. But citizens of a self-governing colony, which like South Africa has refused to consider conscription, or which like Australia has specifically rejected conscription, can not be made subjects of draft conventions between the United States and Great Britain without impugning their jealously cherished rights of sovereignty. To conscript Boers or Australians here would be not only to deny the right of self-determination which these people claim and now enjoy, but would also be tantamount to American recognition of the right of England to conscript Boers and Australians as the Romans conscripted the barbarians—without the sanction of the conscripted and for the benefit of the Empire; that is, England.

Last summer the British premier, in the name of and by the authority of the British Government, declared that a convention of Irishmen should meet to determine a plan for the government of Ireland within the British Empire. He thus conceded that Ireland is a small nationality, entitled to government by Irishmen; and in a somewhat Teutonic form he applied the principle of self-determination to Ireland by creating the Irish convention. Even the British thus pretend to recognize Ireland's right to be self-governing. Even the British do not attempt to apply conscription in Ireland. And the Provisional Government of Ireland wholly denies the authority of Great Britain, or of any other State, to conscript such Irish nationals as circumstance has for the moment removed from the protection of the Provisional Government of Ireland. It has not been the habit of the Government of your great, liberty-loving Republic to exploit the defenseless; and I am confident our Government need be under no apprehensions now on this score. Hence, in submitting this memorandum against the inclusion of Irish nationals in the scope of the pending treaty, I wish clearly to disavow all intention to impute to your Government the motive which might be supposed to require this protest. Among the Irish here who have not already volunteered are refugees of the revolutionary government of Ireland. It is of the ethics of statehood to give sanctuary to political refugees. Even the unspeakable Turk refused, at the risk of war, to deliver up to Austria and Russia the Hungarian revolutionaries who within living memory sought haven at Constantinople. And I do not for a moment fear that the Irish refugees in the United States who conscientiously object to aid, either directly or indirectly, in the aggrandizement of the British Empire will be forced by treaty to attempt to flee to Mexico in search of a safety denied them here.

The results to be obtained from the inclusion of the Irish in such a treaty are negligible. Among immigrants the Irish are of the first to seek citizenship. Of the hundreds of thousands of adolescent Irishmen who before the war found existence impossible in an English-ridden Ireland almost all have become declarants or citizens, almost all are

taking their place alongside the native-born American in this war. For the total number of Irish aliens between the ages of 21 and 30, inclusive, registered in the United States was only 20,840. Would there be any need to impress the handful of these who when called would not volunteer, if the four and a half divisions, which Sir F. E. Smith told us were with machine guns governing Ireland, were sent to France?

In objecting to conscription here under a British treaty, Irishmen are influenced solely by the desire not to compromise their nationality. In the American Army about 25 per cent of the draft are of the Irish race. Indeed, among the cobelligerent aliens here who were called in the draft, and, who, waiving the exemption to which they were entitled as aliens, were accepted for service, the Irish ranked easily first in devotion to the country which was giving them sanctuary. From the Provost Marshal General's report, appendix 33a, the following percentages are computed:

Percentage of the total alien cobelligerents called who waived exemption and were accepted.

Ireland	30.4
Belgium	24.4
Scotland	24.2
England	22.5
Wales	22.0
Serbia	21.7
Canada	21.0
France	19.4
Italy	16.8

Of the total registered citizens and declarants called 27.06 per cent were certified for service. (Provost Marshal General's Report, p. 55, table 27.) The Irish alien, with 30.4 per cent, has therefore already made a relatively better contribution to the defense of the United States in this war than even the United States citizen. I can not conceive that he is now to be rewarded for this unequaled demonstration of friendship for the United States by a treaty which makes his nationality a matter of barter between the Governments of the United States and of Great Britain.

On January 5 Premier Lloyd-George announced that Great Britain was fighting for the principle of self-determination; extended the application of that principle even to the African Askari. On February 11 President Wilson, in his address to Congress, asserted that America's essential aim in the war was to establish the principle of self-determination in the law of nations. It is axiomatic that a principle worthy of the sacrifice which civilization is being called upon to offer in this contest, must be of universal application, valid alike for friend and for foe; that those to whom the benefits of the principle are denied may not be conscripted for sacrifice to secure these benefits for others; and that no power can rightly claim to be devoting men, money, and munitions to the defense of a principle which that power does not observe within its own territory. As Ireland is indisputably a nation, the principle of self-determination is as applicable to Ireland as it is, say, to Poland or to Palestine; the Irish must first be guaranteed the exercise of their own right of self-determination before they can be expected to die for the freedom of foreign nationalities; and so long as that guaranty is refused, the validity of the principle is questionable, and the right of the allies to champion that principle needs proof. No group can justly seek to impose by force upon a selected enemy a principle which is repudiated by any of its members; self-determination is not a punitive principle to be applied only to the enemy.

Any treaty by which Irish nationals would become liable to conscription here, if arranged without the sanction of the provisional government of Ireland, would violate the right not merely of Irish Nationals but of plain people everywhere, and would implicity discredit the good faith of any champion of self-determination who might be party to it. Hence, I feel assured that the Government of the United States will not enter into any treaty with the Government of Great Britain, by which the Irish people here will be "bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game."

I am, sir,

Your obedient servant,

PATRICK MCCARTAN, F. R. C. S.,
Envoy of the Provisional Government of Ireland.

Mr. Chairman, the reason I wanted that in the RECORD is not only because it was requested by my constituents, but because I wanted to bring it before the Congress, and I have no doubt that the question raised by Mr. McCartan will be provided for. It will be hardly fair for our Government to ask for, or the Government of Great Britain to attempt to give, the power to conscript men in this country whom she can not conscript in their own country.

Mr. SIMS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. RUSSELL, as Speaker pro tempore, having assumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9685 and had come to no resolution thereon.

PANAMA RAILROAD CO. (S. DOC. NO. 179).

The SPEAKER pro tempore laid before the House the following message of the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the sixty-eighth annual report of the board of directors of the Panama Railroad Co. for the fiscal year ending June 30, 1917.

WOODROW WILSON.

THE WHITE HOUSE, *February 20, 1918.*

LEAVE OF ABSENCE.

The SPEAKER pro tempore. The Chair lays before the House the following request for leave of absence, which the Clerk will report.

The Clerk read as follows:

Mr. TIMBERLAKE requests leave of absence for one day, February 22, 1918, to make a patriotic address before the Woman's Section, Council of National Defense, at Annapolis, Md.

The SPEAKER pro tempore. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, that is a very unusual form in which to make such a request. Is the gentleman present?

The SPEAKER pro tempore. The Chair does not see him.

Mr. GARRETT of Tennessee. It is a very unusual form. However, if the gentleman is not here, I shall not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. SIMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.), in accordance with the order heretofore made, the House adjourned until to-morrow, Friday, February 22, 1918, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury relating to the extension of the provisions of the bill to supply Army officers with uniforms, etc., at cost to officers of the Public Health Service engaged at national cantonments (H. Doc. No. 955); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioners of the District of Columbia submitting supplemental estimates of appropriation required by the District of Columbia for the fiscal year 1919 (H. Doc. No. 956); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOUSTON, from the Committee on the Territories, to which was referred the bill (H. R. 9060) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, reported the same with amendment, accompanied by a report (No. 326), which said bill and report were referred to the House Calendar.

Mr. PADGETT, from the Committee on Naval Affairs, to which was referred the bill (S. 3126) to provide temporary promotion for retired officers of the Navy and Marine Corps performing active duty during the period of the present war, reported the same with amendment, accompanied by a report (No. 329), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 7638) to authorize the Secretary of the Navy to make payment to the employees of the Navy for leave not taken and used by the employees, reported the same without amendment, accompanied by a report (No. 330), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 9390) to promote the efficiency of the Navy, and for other purposes, reported the same without amendment, accompanied by a report (No. 331), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 8986) to pay a cash reward to civilian employees of the United States Navy, reported the same with amendment, accompanied by a report (No. 332), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 8983) to amend an act approved May 27, 1908 (35 Stat., pp. 417, 418), and for other purposes, reported the same without amendment, accompanied by a report (No. 334), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 7327) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, reported the same without amendment, accompanied by a report (No. 333), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GLASS: A bill (H. R. 10104) to amend and reenact sections 4, 11, 16, 19, 22, and 25 of the act approved December 23, 1913, and known as the Federal reserve act, and sections 5208 and 5209, Revised Statutes; to the Committee on Banking and Currency.

By Mr. ANDERSON: A bill (H. R. 10105) to amend section 2, of part B, of the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1917, and for other purposes," approved August 11, 1916, known as the United States grain-standards act; to the Committee on Agriculture.

By Mr. PHELAN: A bill (H. R. 10106) to authorize national banking associations to establish branches; to the Committee on Banking and Currency.

By Mr. GANDY: A bill (H. R. 10107) authorizing the Secretary of War to deliver to the town of White River, S. Dak., one condemned bronze or brass cannon or fieldpiece and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 10108) increasing rates of pensions of soldiers and sailors of the Civil War and the War with Mexico; to the Committee on Invalid Pensions.

By Mr. MADDEN: Resolution (H. Res. 255) for the consideration of H. R. 9414; to the Committee on Rules.

By Mr. BURROUGHS: Joint resolution (H. J. Res. 251) proposing amendments to the Constitution of the United States giving the right of suffrage, of representation in Congress, of choice of President and Vice President, and equal rights in the courts to the people of the District of Columbia, and for the safe transmission of the Executive power; to the Committee on the Judiciary.

By Mr. ROGERS: Memorial of the General Court of the Commonwealth of the State of Massachusetts, favoring the ratification of regulations establishing a closed season on water fowl; to the Committee on Agriculture.

Also, memorial of the General Court of the Commonwealth of Massachusetts, favoring the creation of a league of nations to safeguard permanent peace at the termination of the present war; to the Committee on Foreign Affairs.

By Mr. TINKHAM: Memorial of the General Court of the Commonwealth of Massachusetts, favoring the ratification of regulations establishing a closed season on water fowl; to the Committee on Agriculture.

Also, memorial of the General Court of the Commonwealth of Massachusetts, favoring the creation of a league of nations to safeguard permanent peace upon the termination of the present war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10109) granting an increase of pension to Oscar Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10110) granting an increase of pension to Zachariah Allbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10111) granting an increase of pension to Samuel Gilbert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10112) granting an increase of pension to Milton Mahaffey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10113) granting an increase of pension to Charles Mountain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10114) granting a pension to Alfred Andrews; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 10115) granting an increase of pension to William H. Shunk; to the Committee on Pensions.

Also, a bill (H. R. 10116) granting an increase of pension to Frank W. Henninger; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 10117) granting a pension to Edwin E. Robertson; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 10118) granting an increase of pension to Ella G. Hamrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10119) granting an increase of pension to Joseph H. Hamrick; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 10120) granting an increase of pension to Joseph Loughry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10121) granting an increase of pension to James A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10122) granting an increase of pension to Dennis G. Morgan; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 10123) granting an increase of pension to William H. McCurdy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10124) granting a pension to Jesse A. R. Forbes; to the Committee on Pensions.

Also, a bill (H. R. 10125) for the relief of Jacob Shoup; to the Committee on Military Affairs.

By Mr. GILLETT: A bill (H. R. 10126) granting a pension to Esmeralda C. Adams; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 10127) granting a pension to Phebe A. Vaughn; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 10128) granting an increase of pension to Lucian B. Walker; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 10129) to transfer Frederick W. Cobb from the list of chief machinists, United States Navy, to the list of chief pay clerks, United States Navy; to the Committee on Naval Affairs.

By Mr. KEY of Ohio: A bill (H. R. 10130) granting an increase of pension to Henry M. Inman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10131) granting an increase of pension to Benjamin Ott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10132) granting a pension to Fanny Simpson; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 10133) granting a pension to Mary Diven; to the Committee on Pensions.

By Mr. LUNDEEN: A bill (H. R. 10134) granting a pension to Patrick H. May; to the Committee on Pensions.

Also, a bill (H. R. 10135) granting a pension to William J. Linn; to the Committee on Pensions.

Also, a bill (H. R. 10136) granting a pension to Harry Vining; to the Committee on Pensions.

Also, a bill (H. R. 10137) granting a pension to Catherine Mahady; to the Committee on Pensions.

Also, a bill (H. R. 10138) granting a pension to Maggie Coss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10139) granting an increase of pension to Robert A. Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10140) granting an increase of pension to Mathias Logelin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10141) granting an increase of pension to Conrad H. Rowe; to the Committee on Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 10142) granting a pension to Elizabeth M. Steele; to the Committee on Pensions.

Also, a bill (H. R. 10143) granting a pension to Andrew R. Lewis; to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 10144) granting a pension to Stanley S. Courtright; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 10145) granting an increase of pension to William S. Webb; to the Committee on Invalid Pensions.

By Mr. PARK: A bill (H. R. 10146) granting a pension to Eugene A. Hendricks; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 10147) granting a pension to Alexander P. Steele; to the Committee on Invalid Pensions.

By Mr. RANDALL: A bill (H. R. 10148) granting a pension to Josephine Parker; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 10149) granting an increase of pension to James H. Stone; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 10150) granting an increase of pension to Frank B. Weed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10151) granting an increase of pension to Ephraim Brower; to the Committee on Invalid Pensions.

By Mr. SANDERS of Louisiana: A bill (H. R. 10152) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of estate of Samuel N. White, deceased; to the Committee on War Claims.

By Mr. SEARS: A bill (H. R. 10153) granting a pension to George Gwynne; to the Committee on Pensions.

Also, a bill (H. R. 10154) granting a pension to Narcissa A. Grant; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 10155) granting a pension to Pleasant D. Cooper; to the Committee on Pensions.

By Mr. CHARLES B. SMITH: A bill (H. R. 10156) granting a pension to John Moore, jr.; to the Committee on Pensions.

By Mr. SNOOK: A bill (H. R. 10157) granting an increase of pension to Frank B. Gorman; to the Committee on Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 10158) to allow credits in the accounts of certain disbursing officers of the Army; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the Child Culture Club, Ogden, Utah; the Mishawaka Woman's Club, Mishawaka, Ind.; and the Woman's Improvement Club, Corona, Cal., urging the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. CARY: Resolutions of the Newton Federation of Women's Clubs, Newtonville, Mass.; the Mishawaka (Ind.) Woman's Club; and the Child Culture Club, Ogden, Utah, asking for the repeal of the periodical postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, resolution of the German-American Central Verein, of Spokane, Wash., protesting against the passage of a law to rescind the charter of the German-American Alliance of the United States of America; to the Committee on the Judiciary.

By Mr. CLARK of Pennsylvania: Petition of Anna Foley, Margaret Walthauser, Minnie Kutz, A. G. Hansen, and 18 others, officers and members of Lounsburry Hive, No. 14, Maccabees, favoring passage of House bill 7995, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Military Affairs.

By Mr. DALE of New York: Petition of Newton Federation of Women's Clubs, of Newtonville, and Progressive, Literary, and Fraternal Club of Bellingham, Wash., against increase on second-class mail rates; to the Committee on Ways and Means.

Also, petition of Hon. P. Hall Packer, of Sea Bright, N. J., favoring legislation for the protection of the beach at Sea Bright, N. J.; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Woman's Improvement Club, of Corona, Cal., and Child Culture Club of Ogden, Utah, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. FOSTER: Petitions of Woman's Christian Temperance Union and Woman's Club of Kinmundy, and citizens of Keil, Ill., urging repeal of the second-class postage rate; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petitions of the Newton Federation of Women's Clubs, of Newtonville, Mass.; the Child Culture Club of Ogden, Utah; and the Woman's Improvement Club of Corona, Cal., for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, memorial of the Farmers Cooperative Grain Dealers' Association of Iowa, relative to the pending railroad bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of New York: Evidence to accompany H. R. 10042, granting an increase of pension to James Stapleton; to the Committee on Pensions.

By Mr. KIESS of Pennsylvania: Testimony in support of H. R. 9801, for the relief of Susie A. Van Kirk; to the Committee on Naval Affairs.

Also, evidence in support of House bill 9542, granting a pension to Urinh Adams; to the Committee on Invalid Pensions.

By Mr. SNELL: Petition of citizens of Madrid, N. Y., urging favorable action on national emergency war prohibition; to the Committee on the Judiciary.

Also, petition of pharmacists of Dannemora, N. Y., and vicinity, urging support of the Edmonds bill (H. R. 5331) to increase the efficiency of the Medical Department of the United States Army, to provide a pharmaceutical corps in that department, and to improve the status and efficiency of the pharmacists in the Army; to the Committee on Military Affairs.

By Mr. TILSON: Petition of Connecticut Council of Defense, favoring passage of Senate bill 1786, relating to the Medical Corps in the Army; to the Committee on Military Affairs.

By Mr. YARE: Memorial of the Commercial Exchange of Philadelphia, Pa., in support of the resolutions of the Atlantic Deeper Waterways Association; to the Committee on Rivers and Harbors.

SENATE.

FRIDAY, *February 22, 1918.*

(Legislative day of Thursday, February 21, 1918.)

The Senate met at 11 o'clock a. m.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Jones, N. Mex.	Nugent	Smoot
Culberson	Jones, Wash.	Overman	Sterling
Curtis	Kellogg	Owen	Stone
Dillingham	Kendrick	Page	Sutherland
Fernald	Kenyon	Poindexter	Swanson
Fletcher	King	Ransdell	Thomas
Frelinghuysen	Kirby	Reed	Tillman
Gallinger	Knox	Robinson	Townsend
Gerry	Lewis	Shafroth	Trammell
Hale	McKellar	Sheppard	Vardaman
Hardwick	McNary	Sherman	Warren
Henderson	Martin	Smith, Ga.	Williams
Hollis	New	Smith, Md.	
Johnson, S. Dak.	Norris	Smith, S. C.	

Mr. McNARY. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of illness.

Mr. LEWIS. Permit me to announce the absence of the Senator from Kentucky [Mr. JAMES] and the Senator from Oregon [Mr. CHAMBERLAIN], occasioned by personal illness. I ask to have the announcement stand for the day.

Mr. SUTHERLAND. My colleague, the senior Senator from West Virginia [Mr. GOFF], is absent owing to illness. I ask that this announcement may stand for the day.

Mr. McKELLAR. I desire to announce the absence of the senior Senator from Tennessee [Mr. SHIELDS] on public business.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present.

Among the rules of the Senate is the following rule:

> No request by a Senator for unanimous consent for the taking of a final vote on a specified date upon the passage of a bill or joint resolution shall be submitted to the Senate for agreement thereto until, upon a roll call ordered for the purpose by the presiding officer, it shall be disclosed that a quorum of the Senate is present; and when a unanimous consent is thus given, the same shall operate as the order of the Senate, but any unanimous consent may be revoked by another unanimous consent granted in the manner prescribed above upon one day's notice.

In accordance with that rule, the Senate entered into this unanimous-consent agreement:

> It is agreed, by unanimous consent, that at not later than 2 o'clock p. m., on the legislative day of Thursday, February 21, 1918, the Senate will proceed to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill S. 3752, a bill to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, through the regular parliamentary stages to its final disposition; and that from and after the hour of 2 o'clock p. m. up to the hour of 6 o'clock p. m. of the calendar day of Thursday, February 21, 1918, no Senator shall speak more than once or longer than 10 minutes upon the bill or any amendment offered thereto; and that after the last-named hour on the said calendar day of Thursday, February 21, 1918, no Senator shall speak more than once or longer than 5 minutes upon the bill or any amendment offered thereto.

It will be observed that by this unanimous-consent agreement the bill (S. 3752) must proceed to its final disposition through the regular parliamentary stages during the legislative day of February 21, 1918. The Senate held until 6 o'clock of the calendar day of February 21, 1918, at which time the right to 10-minute speeches upon the bill or any amendment thereto expired. It then recessed until to-day, the calendar day of February 22, at the hour of 11 o'clock a. m. This still being the legislative day of February 21, 1918, there is nothing in the unanimous-consent agreement that requires a vote to be taken at any definite hour upon the legislative day of February 21, 1918.

There is another order of the Senate made in the year 1901 to the effect that, unless otherwise ordered, on the 22d day of February in each year, or if that day shall be on Sunday, then on the day following, immediately after the reading of the Journal, Washington's Farewell Address shall be read to the Senate by a Senator to be designated for the purpose by the presiding officer.

The Chair is confronted by two orders of the Senate. If they could not be construed together so as to keep each of them in force the Chair would be compelled to hold that the unanimous-consent agreement touching the pending bill took precedence. But the Chair does not believe that there is any conflict between the two agreements in view of the fact that no Senator can lose any right. The debate will not thereby be cut off if the Chair shall hold that the order with reference to the reading of Washington's Farewell Address is in order. The Chair believes it is in order, and unless there be an appeal taken from

the Chair the Senator from Rhode Island [Mr. GERRY] will now be directed to read the Farewell Address of George Washington, and at the conclusion of it the Senate will proceed to the consideration of the unfinished business under the unanimous-consent agreement, and will continue the consideration thereof unless the Senate chooses to recess until to-morrow.

Mr. STONE. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. STONE. At the conclusion of the reading of the Farewell Address of George Washington the unfinished business will either upon the request of the Senator in charge or automatically come before the Senate. Now, at that point I inquire whether it would not be in order for the Senator from South Carolina [Mr. SMITH], or any other Senator for that matter, but I say especially the Senator from South Carolina, as he is in charge of this legislation, to move a recess of the Senate until such hour as he may name to-morrow?

The VICE PRESIDENT. That is just what the Chair ruled.

Mr. STONE. I was not quite clear as to the Chair's ruling.

The VICE PRESIDENT. That is what the Chair ruled. Is there any objection to the ruling of the Chair? The Chair hears none. The Senator from Rhode Island will read the Farewell Address of George Washington.

READING OF WASHINGTON'S FAREWELL ADDRESS.

Mr. GERRY read the address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow

and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discrimination,—*northern* and *southern*,—*Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism—but this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing

faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchial cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern: some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundations of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be constantly awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influ-

ence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us in regard to foreign nations is in extending our commercial relations to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people under an efficient government the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism; this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The VICE PRESIDENT. The unfinished business is now before the Senate, and, in accordance with the unanimous-consent agreement, five-minute speeches only are allowed upon the bill and any amendment thereto.

Mr. STONE. Mr. President, I rise to urge the Senator from South Carolina [Mr. SMITH], who is in charge of the pending legislation, with which I would not interfere except by his consent, out of compliment to the memory of George Washington—whose last address, containing his final advice and admonition to the American people, has just been read, and who still remains and, in my opinion, should always be esteemed as the first citizen of the Republic, past or present—to move a recess of the Senate until to-morrow.

Mr. SMITH of South Carolina. Mr President, I am fully aware of the debt of obligation we owe to George Washington; but I am quite sure that if he were alive to-day, with the emergency that is on, with the patriotism that always characterized him, he would tell us to go on and meet this emergency now. I do not think the Senate can pay a higher tribute to George Washington than, holding his memory in our hearts as we do, to emulate his example by doing our duty first. Therefore I think we had better go on with the bill.

SHORTAGE OF SUGAR AND COAL.

Mr. LODGE. Mr. President, as a member of the committee, I give notice that if I can secure recognition on Wednesday, February 27, immediately after the close of the routine morning business, I shall ask the permission of the Senate to ad-

dress them briefly on the testimony gathered by the committee appointed to investigate the shortage of sugar and coal.

RAILROAD CONTROL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. STERLING. Mr. President, the pending amendment is, I think, the amendment offered by myself last evening. That amendment is susceptible of division, and I think should be divided and the two parts submitted separately.

I therefore ask that the amendment as it pertains to paragraph 1 of section 10 be submitted to the Senate for a vote first; and, if that is permissible, I will ask that the Secretary read that amendment.

Mr. SMITH of South Carolina. Mr. President, I think the purpose which the Senator has in view by his amendment is amply taken care of in the present form of the bill. It is merely explanatory of what, in my opinion, is already in the bill. I do not know that it adds to or subtracts from it, but I do not think it is at all necessary. I think the object for which the Senator offers his amendment is already covered in the provisions of the bill.

The VICE PRESIDENT. The question would be divisible if it were not for the fact that this is a motion to strike out and insert.

Mr. STERLING. There are two propositions involved.

The VICE PRESIDENT. One is to strike out and the other is to insert. They are the two propositions. So you can divide to the extent of a motion to strike out and divide to the extent of a motion to insert. You can not otherwise divide it.

Mr. CUMMINS. There was so much confusion in the Chamber that I could not fully understand the proposal of the Senator from South Dakota in regard to the division of the amendment.

Mr. STERLING. The proposition was to divide the amendment and offer it separately. There are two paragraphs to section 10, and the amendment pertains to each of those paragraphs and the subject matter of each paragraph. My amendment inserted certain language in the first paragraph and substituted a new paragraph for the second paragraph of section 10, but the amendment was in the form of a motion to strike out and then insert a new section 10. The question is as to whether or not it is now divisible and if I can ask that the question be divided and that the language as proposed be inserted in the first paragraph.

Mr. CUMMINS. I do not believe that the proposed amendment to the first paragraph has any effect whatever, although I would have no objection to it in order that it may be made entirely clear. It is clear to me as it is now. I desire to address the Senate very briefly on the second paragraph of the proposed amendment, if it is before the Senate.

The VICE PRESIDENT. The rule clearly settles the question. Rule 18 provides that if a question in debate contains several propositions any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided. The motion of the Senator from South Dakota is a motion to strike out and insert, and it is not divisible. The amendment is debatable, and it is amendable, of course.

Mr. STERLING. Then, to meet the emergency, if I may, I ask unanimous consent to withdraw the pending amendment, in order that I may offer an amendment to paragraph 1 of section 10.

The VICE PRESIDENT. It is withdrawn, without objection.

Mr. SMITH of South Carolina. There was so much confusion I could not exactly understand the motion of the Senator from South Dakota.

The VICE PRESIDENT. He has withdrawn his amendment for the present.

Mr. SMITH of South Carolina. All right.

Mr. STERLING. I now move to amend paragraph 1 of section 10 as follows:

After the word "law," in line 8, on page 11, insert the words "including the laws enacted or liabilities imposed under State authority for the regulation of common carriers of traffic wholly within the State."

Mr. SMITH of South Carolina. As I said before, that, in my opinion, is simply explanatory of what is already in the bill. I have no objection to the language the Senator proposes, only I think it is superfluous. I do not think it changes the meaning of the present bill.

Mr. STERLING. Then, if the Senator will accept the amendment, I am satisfied that it will clear up what, I am sure, is at least an ambiguity in the bill. The question will be raised, and it will be one of great doubt, I think, as to whether or not State statutes regulating the common carriers of traffic within the States are to be included here in the word "statutes." I hope this amendment will prevail. If it was the intention of the committee that State statutes should still be in force, there can be no harm done and it will clear up the ambiguity.

Mr. CUMMINS. I desire to ask the Senator from South Dakota whether there is not danger that the amendment as he has worded it now will not introduce more ambiguity than is in the present bill. I am entirely in sympathy with his suggestion, and I assume that the bill meant, when it used the word "statutes," both Federal and State statutes. If we include, however, the State statutes relating to the regulation of rates without at the same time specifying the Federal statutes relating to rates, there might an interference arise that the Federal statutes relating to rates were not included. I suggest that instead of the language used the Senator insert the words "arising under Federal and State statutes."

Mr. STERLING. Very well; that will be quite satisfactory. I suggest that as a substitute for my amendment.

Mr. SMITH of South Carolina. To that amendment I have no objection.

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 11, line 8, after the words "the common law," insert the words "arising under Federal and State statutes."

The VICE PRESIDENT. The question is on the amendment.

Mr. KNOX. I should like to inquire what meaning the words "arising under statutes or at common law" have. If we are going to expressly legislate that they shall be under State and under Federal statutes, why do we have any words as to other statutes? Certainly they are not subject to foreign statutes. It seems to me that the bill is perfectly clear.

Mr. CUMMINS. My suggestion was in line 8, after the word "under" to insert the words "Federal or State statutes."

The VICE PRESIDENT. It will be stated.

The SECRETARY. On page 11, line 8, before the word "statutes" and after the word "under," insert "Federal or State," so that it will read:

Whether arising under Federal or State statutes or at common law.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STERLING. I offer the amendment which I send to the desk, to strike out all of section 10 beginning with line 13, and insert——

The VICE PRESIDENT. It will be read.

The SECRETARY. Strike out, on page 11, beginning with line 13, all of the bill down to and including line 2, on page 12, or the remainder of section 10, and in lieu insert:

That the Interstate Commerce Commission, in addition to the powers conferred by the act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof, is authorized to investigate, hear, and determine on application of the President and in the manner provided in said act, whether the rate or rates charged by any carrier or carriers under Federal control are, under the conditions, unjust or unreasonable or prejudicial to the public interest or to the purpose for which said control has been authorized and assumed, and on such hearing and determination to prescribe and order what rate or rates, charge or charges are, under the conditions, just and reasonable and which shall be observed as the maximum to be charged during such control.

Mr. SMITH of South Carolina. Mr. President, this is one of the very points the committee had before it, and after a very thorough debate and a pretty even division in the committee touching this rate making in the emergency, an agreement was reached which is embodied in the present bill and which will appeal to all those who have given study to the bill as being approximately the solution of the conditions that now confront us. The object and aim of this legislation is readily and easily without restriction to mobilize forces, and there must of necessity be given power to the Director General to keep commercial conditions as near as may be in their present status.

This is almost exactly an expression of the one side of that debate, while the opposite was to grant unlimited power over the rates. The committee decided that in an emergency where justice must be meted out the Director General should have the power to initiate rates, but if the rates that he names are burdensome the complainant could go before the Interstate Commerce Commission and have it adjudicated.

I hope the Senate will not accept this amendment.

Mr. ROBINSON. Mr. President, pending a brief discussion of the amendment by the Senator from South Dakota, I ask unanimous consent to modify the provision in the bill so as to make clear the meaning of it by the insertion, after the word

"That," in line 13, of the words "during the period of Federal control," so that it will read:

That during the period of Federal control, whenever in his opinion—

And so forth.

That was the intention of the committee. It was not intended to give the President the power to initiate rates except during the period of Federal control.

As stated by the Senator from South Carolina, the amendment of the Senator from South Dakota relates to one of the very difficult controversies that arose in the committee concerning the provisions of the bill. It is easily conceivable that it may become necessary under the new order of things, under the rerouting and diversion of freight, to establish new rates, and to do that promptly the power to initiate rates under the bill is given to the President, with the right of review vested in the commission. That, as stated by the Senator from South Carolina, represents the best compromise after many days of deliberation that the committee could reach. It is not desirable to compel the President to apply to the commission for an order to change the rates, because the procedure of the commission is such that it would nullify the very purpose which the committee had in view in giving the President the power in certain instances to initiate rates. The proceedings before the commission are in the nature of judicial proceedings, and hearings are had, which would occasion great delay, and it would accomplish no good end to give the President the power to go before the commission to have rates instituted. The better plan, the committee found, was to give the President the power to initiate rates. That power undoubtedly would not be exercised save in exceptional cases and where the public interest seemed to the President to require it

In any case, the commission is given the power to review the rate so initiated as to reasonableness and justice, and I respectfully suggest that is best, unless you want to adopt the idea which will, I understand, be presented by the Senator from Iowa, to give the commission exactly the same power that it now has over the rates. Unless you want to do that, I think it would be best to defeat the amendment of the Senator from South Dakota.

Mr. CUMMINS. Mr. President, it is true that the majority of the committee accepted the provision now found in the bill. There are some members of the committee who were not prepared to accept it. I believe that the President ought to have the power to initiate rates precisely as carriers now initiate them. All the rates of the country are initiated by carriers, and during the period of Federal control the President, being in possession and operation of the property, ought to have the power that the carriers now have in that regard. I am speaking, of course, of the rate upon general commerce and not for the movement of Government property or troops.

My objection to the bill as it now is may be thus stated: At this time the carriers can initiate rates, but the commission have the power to suspend the rates until an investigation takes place respecting their reasonableness and justice. Now, carriers can not increase rates without the consent or approval of the commission, and my objection to the bill as it is lies in the effect of this amendment, which repeals the interstate-commerce law as far as the power of the commission to suspend proposed rates is concerned. It repeals the law which declares that rates shall not take effect if they are increased rates until approved by the commission. The bill as it is now furnishes no practical relief, because if the President can file a schedule of rates and put it into immediate effect and the commerce of the country must go forward for a period of 5, 6, 8, 10 months or more under the rates that are prescribed by the President, the review or appeal to the commission is of little practical value.

I have proposed an amendment which I shall offer presently and which retains on the part of the Interstate Commerce Commission just the authority it has now with regard to rates upon general commerce and puts the President exactly in the position of the carrier, with power to initiate rates, of course, and after initiating them then it is for the commission to say whether they shall become effective or not.

The difficulty with the amendment proposed by the Senator from South Dakota, in my judgment, is that it is qualified by the former part of the section, which gives the President the right to supersede by an order these laws and statutes and this jurisdiction of the Interstate Commerce Commission. Unless I am otherwise convinced, I am compelled to look upon the amendment as imperfect in that respect and not really as well calculated to do what the Senator from South Dakota has in his mind as is the bill in its present form.

Mr. STERLING. Mr. President, in regard to the last statement made by the Senator from Iowa, I would like to say that I do not think his view is well taken. I remember having heard him mention the same matter before. The first part of section 10 is general; it refers to the orders which may be made by the President, and in effect provides that the orders made by the President shall supersede any conflicting Federal or State statute in regard to the matter of Federal control, but the second paragraph of section 10 relates to a special case, to the case of the initiation or fixing of rates. I think, under a familiar rule of consideration, that the special provisions would govern, and the President would not under my amendment initiate a rate in the first instance and without action by the commission.

Mr. ROBINSON. Mr. President, I rise to a point of order. I feel it my duty to make the suggestion to the Senator—I will not make the point of order now—but, with the leave of the Senator from South Dakota, I call his attention to the unanimous-consent agreement and to the fact that it only permits one speech from a Senator on the same amendment, and that the Senator has once spoken.

The VICE PRESIDENT. The Senator from South Dakota is speaking to the amendment of the Senator from Arkansas.

Mr. ROBINSON. On my amendment?

The VICE PRESIDENT. Yes; on the Senator's amendment.

Mr. ROBINSON. I thought that amendment had been agreed to by the Senator from South Carolina [Mr. SMITH].

The VICE PRESIDENT. The Senator from South Carolina could not agree to the amendment.

Mr. ROBINSON. Very well; I will withdraw the suggestion; but, Mr. President, the amendment that I proposed was accepted by the Senate.

The VICE PRESIDENT. It was not; it has not been voted on at all. The Senator from South Carolina can not accept an amendment.

Mr. ROBINSON. Well, I asked unanimous consent for its consideration; otherwise it would not have been in order.

The VICE PRESIDENT. It was in order. The motion was to strike out and insert, and the Senator from Arkansas knows as well as does the Chair that the part to be stricken out is first to be amended.

Mr. ROBINSON. Well, the Senator from Arkansas is unable and unwilling to express any opinion as to what the Chair knows, but the Senator from Arkansas asked unanimous consent, out of order, to present a verbal amendment. Of course, if the Chair makes an objection—the Senator from South Dakota made no objection——

The VICE PRESIDENT. The Senator from South Dakota has not anything to do with it. The amendment is before the Senate.

Mr. SMITH of South Carolina. Mr. President, if I may be allowed——

The VICE PRESIDENT. The amendment is pending before the Senate, unless it is withdrawn by the Senator from Arkansas.

Mr. TOWNSEND. Regular order, Mr. President.

Mr. SMITH of South Carolina. Then, I present the amendment of the Senator from Arkansas to the effect——

The VICE PRESIDENT. The amendment is before the Senate, unless the Senator from Arkansas withdraws it, and it is subject to five minutes' debate.

Mr. STERLING. Mr. President, as I understand, my amendment is the amendment now before the Senate.

The VICE PRESIDENT. No.

Mr. STERLING. I should like to be informed——

The VICE PRESIDENT. The Senator from South Dakota exhausted his time on his amendment; the Senator from Arkansas was right about that.

Mr. ROBINSON. I thank the Chair.

The VICE PRESIDENT. There is no doubt about the Senator from South Dakota having exhausted his time on his amendment; but the pending amendment is the amendment of the Senator from Arkansas, unless he withdraws it, which is to perfect the portion proposed to be stricken out.

Mr. ROBINSON. I ask leave to withdraw the amendment.

The VICE PRESIDENT. The amendment is withdrawn, and the Senator from South Dakota has, therefore, exhausted his time.

Mr. SMITH of Georgia. Mr. President, the Senator from South Dakota [Mr. STERLING] has mentioned a few words in the first part of section 10 of the bill which I think will attract the attention of all of us if we will consider them. The first part of the section reads:

SEC. 10. That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act, or any other act applicable to such Federal control, or with any order of the President, be subject to all laws and liabilities as common carriers, whether arising under Federal or State statutes.

Mr. President, should an order of the President set aside a statute? Surely, no one wishes the words "or with any order

of the President" as a limitation upon the continued effectiveness of acts of Congress and acts of legislatures. We propose in this bill to modify the general law as far as we deem it proper to modify it; we are repealing the pooling statute; we are furnishing the machinery and the law under which we think this handling of the railroads should be managed; we are providing that the existing law, except as changed, shall remain in force, and that the rights of the people, the rights of the citizens, the rights of all shall be maintained, except as changed by ourselves, the lawmaking branch of this Government. Shall we put into the bill such a paragraph, an additional provision, that the change may be made by the order of an Executive? If I could combine in an Executive the wisdom of every man who has ever sat in that office, I would not disregard the constitutional responsibility of Congress by giving him the privilege of setting aside acts of Congress.

Surely, we will strike out that provision as soon as an opportunity can be made to move to strike it out. I believe there is a motion pending to amend by the Senator from South Dakota, but as soon as that has been disposed of I desire to move to strike from line 6 the words "or with any order of the President."

The VICE PRESIDENT. The question is on the amendment of the Senator from South Dakota [Mr. STERLING].

The amendment was rejected.

Mr. ROBINSON. Mr. President, I offer the following amendment: On page 11, line 13, after the word "That," to insert the words "during the period of Federal control," so that it will read:

That during the period of Federal control whenever, in his opinion, the public interest requires—

And so forth.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas.

Mr. POINDEXTER. Mr. President, I offer the amendment which I send to the desk as a substitute for the amendment of the Senator from South Dakota.

Mr. ROBINSON. I make the point of order that the amendment of the Senator from South Dakota has been disposed of.

The VICE PRESIDENT. The amendment of the Senator from South Dakota has been defeated.

Mr. POINDEXTER. I was not in the Chamber, and I understood that that amendment was still pending.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

The amendment was agreed to.

Mr. SMITH of Georgia. In line 6, page 11, after the word "control," I move to strike out the words "or with any order of the President."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Georgia.

Mr. ROBINSON. I express the hope that this amendment will not be agreed to. The adoption of the amendment would be far-reaching; indeed, the effect of its adoption would be to retain in force all existing laws, and it would, in part, nullify Federal control. Under this amendment the order affecting demurrage would be invalid; under this amendment any order depriving the shipper of the right to route his freight would be invalid. I think to strike out this language would absolutely destroy the purpose of this bill. The purpose of providing Federal control is to make the executive authority in the operation of the roads paramount in certain instances, and if we provide that existing laws, both State and Federal, shall remain in force, I ask you what on earth could the President do that the railroads themselves could not do? The antipooling provision of the law would be kept in force; it would be impossible for the railroads under the statute to pool their earnings, and it would be impossible for the Director General to reroute freight or to do many other things which it is absolutely necessary for him to do if Federal control is to amount to anything.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator does not this bill give that privilege specifically?

Mr. ROBINSON. What privilege?

Mr. SMITH of Georgia. The privilege of rerouting freight and waiving the antipooling law?

Mr. ROBINSON. To what language in the bill does the Senator refer?

Mr. SMITH of Georgia. I asked the Senator the question because he is more familiar with the bill as a whole than I am, having participated actively in its preparation.

Mr. ROBINSON. It does not. I will state to the Senator from Georgia that there is no such language in the bill.

Mr. KNOX. It seems to me, Mr. President, that one of the things that has reconciled the public sentiment of the country to the assumption by the Government of the operation of the railroads has been the fact—and it has been set before the public by newspapers and by speakers upon this subject in both branches of Congress—that the President will be enabled, in the interest of efficiency, to do a great many things that the law prohibited the carriers themselves from doing. It seems to me that if this amendment prevails and the orders of the President as against existing practices, and to some extent as against existing law, are allowed to have no effect because of the striking out of the words "or with any order of the President," we might just as well not have taken over the railroads, but have left them in the management of those who have been trying to manage them during all the past years, and who were limited in their efficiency by statutes, rules, and orders which the President may temporarily suspend in order that the railroads may be operated to the best advantage.

Mr. REED. Mr. President, it has been impossible for me to give this bill the careful consideration that it deserved, because my time has been taken elsewhere; but it seems to me, from the somewhat hasty examination I have been able to make, that the objections expressed by the last two Senators who have spoken are not well-founded.

The clause in section 10 which we are considering simply provides:

That carriers while under Federal control shall, in so far as is not inconsistent therewith—

That is, inconsistent with Federal control, which means all that the term implies, of course—

or with the provisions of this act or any other act applicable to such Federal control—

Then follow the words—

or with any order of the President, be subject to all laws and liabilities as common carriers, whether arising under statutes or at common law; and suits may be brought—

And so forth.

I may be in error, but, in my opinion, formed as it is somewhat hastily, all the provisions of this act which cover completely the question of general control, with all that control implies—the right to make rates, the right to make regulations, and so forth—will exist. All of the provisions of this act then will also apply, and all that it is proposed now to strike out is the provision that the orders of the President may set aside the substantive law of the country, and the law which is referred to is the law affecting liabilities as to common carriers, whether arising under statute or at common law. I think that it is to the words that I have just read that the broad provision which it has been moved to strike out applies.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Arkansas?

Mr. REED. I yield, of course, although I have not much time.

Mr. ROBINSON. The language "all laws and liabilities as common carriers, whether arising under statutes or at common law" embraces the whole volume of both Federal and State laws affecting carriers. That is the very point. Government control would not accomplish anything if those laws are to remain in full force and effect.

Mr. REED. It would not limit the right to run these roads—to manage these roads—but the liability would exist. If we take the other construction, then the proposition is to give the President the right to nullify any law of Congress. We do not mean to do that, and I do not think the President asks for that. It is not intended to say, by the insertion of these words "or with any order of the President," that we intend to confer upon the President the broad right to set aside any law that Congress may have enacted.

Mr. KNOX. Mr. President, may I ask the Senator a brief question?

Mr. REED. Yes; if I can have time to answer it.

Mr. KNOX. Suppose that the President should issue an order for the movement of a large body of troops in a way and under circumstances that would violate some law or some rule that now applies to interstate commerce?

Mr. REED. That is covered by the laws that are upon the statute books and is covered by this bill. I can not conceive of these particular words having any application to the general management of these properties. This provision relates to the rights of carriers—the rights of the people under the substantive laws of the country. If it is proposed broadly to give the President the right to set aside any law at any time he sees fit, then we are engaged in idle pastime here in passing a law and writing rules and regularions into it, because all that we would need to do would be to say that the President is hereby authorized to take over the railroads and to manage them for the benefit of the country. I have no doubt he would do it

to the very best of his ability, and perhaps he would do it better than it will be done with any interference, but surely we do not mean to write the law in that form.

Mr. THOMAS. Mr. President, I think the query of the Senator from Pennsylvania is answered by the act of August 29, 1916, under which the President assumed control of these systems. That act reeites:

The President in time of war is empowered through the Secretary of War to take possession and assume control of any system or systems of transportation or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

Of course this bill, if it becomes enacted into law, is supplementary to and not a repeal of the act of August 29, 1916.

Mr. CUMMINS. Mr. President, the power given to the President is tremendous; but I simply want to remind the Senator from Georgia of the fact that if these words are stricken out the whole section will have to be rewritten. We have no law, either statute or common law, applicable to the Government operation of a railway system. None of the laws we have now relating to the regulation of these systems would be applicable at all.

Section 10 brought forward and made applicable the existing law which pertains to carriers operating property of this sort: and the committee sought to supersede or put over these laws the order of the President if it should become necessary. Now, I should like to see that authority limited; but it is perfectly apparent that if we should strike out the words "by order of the President" and allow the remaining part of the section to stand we would have a perfectly unworkable statute.

Mr. SMITH of South Carolina. Mr. President, I am perfectly aware that the position taken by the Senator from Iowa is the correct one unless we then go to work and define in the bill just what powers shall be granted the President, just to what extent we do modify the law; and, as he intimates, it will be necessary to rewrite in this bill what modification of the laws we propose shall be put at his disposal. As a matter of course it is a tremendous grant of power, and that was one reason why the committee insisted that it should be limited to the war period; that these powers, so necessary for the proper prosecution of the war, we must of necessity grant and leave the responsibility for their wise execution upon those to whom we grant them. It is our duty in the premises to grant them. When we have done that we have discharged our obligation, and the obligation for the wise use of them rests upon those who, in the very nature of the case, are those responsible for their execution.

The statement of the Senator from Arkansas and the statement of the Senator from Iowa make it clear to me that unless we leave these words in the bill we might as well have no Federal control, so far as the objects and purposes for which the bill is written are concerned.

Mr. SMITH of Georgia. Why, Mr. President, the President is now operating the roads under the act of 1916. Everything is being done now that ought to be done under the act of 1916. Now, let us go a step further.

Section 8 provides:

That the President may execute any of the powers herein and heretofore granted him with relation to Federal control through such agencies as he may determine.

That absolutely preserves all the power needed by the President for their operation.

Again, section 9 declares:

That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President to take possession and assume control of any or all systems of transportation; and the President, in addition to the powers conferred by this act, shall have, and is hereby given, such other and further powers necessary or appropriate to give effect to the powers herein and heretofore conferred.

But the Senator from Arkansas says that he must pool the roads and that it is necessary by order to set aside the Sherman Antitrust Act. Why, when we authorize their operation by a single agency as one road they are already pooled. When we put them all together ourselves and authorize the President to operate them, or rather to have them operated, the pooling is complete. It requires no further legislation to accomplish it.

Mr. CUMMINS. Mr. President——

Mr. SMITH of Georgia. I can not yield to the Senator. I have just a moment.

Now, let me go just one step further and see what the particular provision is to which I object.

When we come to section 10 it is declared:

That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act, or any other act applicable to such Federal control, be subject to all laws and liabilities as common carriers, whether arising under Federal or State statutes,

We have already suspended many of the State and Federal statutes by conferring power on the President to have the railroads operated as one system. We have waived all the Sherman Antitrust Acts by consolidating the property under a single management. We have the right to create priorities of shipments and to determine the routes without regard to direction of shippers. We have furnished the power. It is now being exercised. We redeclare the power formerly given as being vested in the President and those acting for him, and such incidental power, this bill says, as is necessary.

This particular section, section 10, has reference to certain rights of shippers and private citizens, and it declares that they shall remain, except as superseded by this and other acts of Congress. Shall we say they shall also be superseded by an order of the President? It is not necessary that we should do so to enable him to discharge the duties required by this bill; and I do not believe in declaring that any Executive can set aside legislative acts intended to guard the rights of the ordinary citizen.

I object to this provision in part because it may be used by employees away from Washington to annoy citizens, but I especially object to it because it is an abandonment of legislative responsibility.

Mr. TOWNSEND. Mr. President, this illustrates the point which I suggested the other day, namely, that Senators who are discussing it have not understood the situation.

This provision was never intended, nor was it ever suggested before to my knowledge that the power in this paragraph was conferred upon the President to enable him to operate the railroads. If this bill is defeated, the operation of the railroads taken over by the President would not be affected. It was simply a provision to determine the liability of carriers under Federal control to suits and to determine what laws shall apply. This paragraph has nothing more to do with the operation of railroads under Federal control than the preamble of the Constitution. The power arbitrarily to control the railroads was conferred upon the President by the act of August, 1916. This bill is not intended to give the power of operation to the President, but to enable the people who have dealings or differences with the railroads to have them settled, and lawfully so. This is a railroad pay bill. That is what we intended it for.

Now, Senators insist that the power to operate the railroads by the President depends upon section 10. I called attention to this matter on day before yesterday, and have some amendments to offer to it if they could only receive consideration. This simply shows the confusion which comes out of this bill. This provision does not affect the Federal control of the railroads, but it does attempt to fix the legal status of the people of the country who have dealings with railroads under this changed condition. That is all that part of section 10 is for, although it is most imperfectly expressed. It ought to be changed. But this doubtfully expressed paragraph has been written into the bill and there it must remain. It ought to be clarified.

Mr. LODGE. Mr. President, I have only had time to examine this bill very casually; but it seems to me, on the face of it, that the powers to operate the railroads are conferred by the act of 1916, supplemented by this, and powers are given in section 9 in the largest possible way. It may be my own lack of acumen, but I can not see anything in section 10 except a provision to reserve to the American citizen—shipper or others—the right of suit which he now has under the laws, and, as the bill stands, that right to his day in court, to be set aside by an order of the President. I do not see how it could interfere with the running of a car or the routing of a train or anything.

Section 9 says that the President—

shall have, and is hereby given, such other and further powers necessary or appropriate to give effect to the powers herein and heretofore conferred.

The largest kind of powers. All the ground on which the general-welfare clause of the Constitution was interpreinted is in section 9. This is simply to protect the right of suit on the part of certain American citizens, and I do not think that right to a day in court ought to be taken away by an order.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Massachusetts yield to the Senator from Nevada?

Mr. LODGE. I do.

Mr. PITTMAN. I want to ask a question of the Senator from Massachusetts upon that point. Do I understand that the Senator from Massachusetts holds that a court should be allowed to restrain action under any order of the President in the control of these roads?

Mr. LODGE. I do not think there ought to be any power to deprive a man of his right to a day in court except by the statutes; and I think it is fully covered by the statute of 1916

and section 9 of this bill so as not to interfere with the powers of the President in the operation of the roads.

Mr. PITTMAN. Unless the powers of the President are absolute in the running of these roads his control would be worse than useless, it seems to me; and I believe if the existing laws covering the control of the roads are now superior to the order of the President in the premises a case could arise in which the courts would deny the authority of the President to make the order and restrain its operation.

Mr. LODGE. How is anyone going to get into court to sue the United States?

Mr. PITTMAN. Not necessarily to sue the United States, but they might enjoin an agency from the operation of the act.

Mr. LODGE. A United States agency? Enjoin the United States from running a railroad?

Mr. PITTMAN. If you give specific authority in this section to enjoin the United States agency, it could be done.

Mr. LODGE. Mr. President, I think this applies only to suits, as I have said; and I think it is one of those cases of running mad over this in the desire to give powers.

Mr. REED. Mr. President, may I ask the Senator from Nevada to examine the language of section 10, to which I call attention? It is:

> That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act, * * * be subject—

Now, I am paraphrasing from this point on:

> be subject to liability under statutes or common law in suits brought against carriers.

Is not that the meaning? Has not the Senator overlooked the language "is not inconsistent with Federal control"?

I call his attention to the report of the committee. It reads:

> Section 10 provides that so far as not inconsistent with Federal control each of the carriers shall remain subject to all laws and liabilities.

Mr. PITTMAN. What I am getting at, Mr. President, is this: Do the words "in so far as not inconsistent therewith"——

Mr. REED. With Federal control.

Mr. PITTMAN (continuing). Mean that it is consistent to restrain an order of the President of the United States?

Mr. REED. Oh, no. The President controls. We have Federal control. The President is the President. Now, just so far as is not inconsistent with that control, what? The carriers and the people can enforce the liabilities which exist at common law or under the statutes arising out of their contracts with these companies; and I ask the Senator, who always wants to be right, to examine that statute and see if that is not the true construction of it.

Mr. PITTMAN. Mr. President, the matter that I have in mind is this: Undoubtedly there is no authority to sue the United States unless it is expressly given. Section 10 attempts to expressly give that authority. Now, then, if you are going to give an express authority to invoke the laws of the country against the United States, it should be definite; and I say that where you say "in so far as not inconsistent therewith" it is not definite. If you are going to give authority to the courts to entertain suits against the United States or restrain the United States, it should be definite, and I contend that you should have in there the words "or with any order of the President," because it is essential to the control given under this act that the President shall have authority to issue orders.

Mr. ROBINSON. Mr. President, will the Senator yield to a question?

Mr. PITTMAN. Yes.

Mr. ROBINSON. Federal control is not necessarily inconsistent with the right of the shipper to route his freight, is it?

Mr. PITTMAN. Yes.

Mr. ROBINSON. Then if existing laws remain in force the Federal Government could not reroute freight, because the law now gives the shipper the right to route the freight.

That is one illustration.

Under existing law, the equipment of one road could not be used on another against its will, could it?

Mr. PITTMAN. No.

Mr. ROBINSON. Then under Federal law, with the existing laws all remaining in force, the President could not remove the equipment of one road to another road where it was necessary.

That is another illustration, and dozens of them might be cited.

Mr. PITTMAN. The exception contained in section 10 is a reservation against suits and not against the power of the President.

Mr. President, I believe that both of those exceptions to the right to sue the United States or bring an action should be retained. It is absolutely essential that you except those things that are inconsistent with this act. It is also absolutely necessary that you except from the authority to sue the Government the power to hamper the President of the United States in his orders. Both of those clauses are essential to carrying out this act, and I take it that the purpose of the section is to grant the power of action against the United States Government, because the United States Government is running these roads under the bill. That power is wise, but it should be limited. It should be so limited as not to interfere with the operation of the roads, and if you are going so to limit it as not to interfere with the operation of the roads you have not only got to say that it shall not have any power or effect where inconsistent with the act, but you have got to go further and say it shall have no power or effect where it will interfere with the President of the United States in the operation of the roads under his order.

Mr. HARDWICK. Mr. President, I am very much in favor of the amendment suggested by my colleague.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. HARDWICK. I hope the Senator will pardon me. I have only five minutes and can not yield.

I am very much in favor of the amendment suggested by my colleague, and I do not think any Senator who clearly understood exactly what it seeks to accomplish could possibly oppose it. As suggested by the Senator from Nevada, it does not interfere and can not interfere in the slightest with the operation of these railroads by the President; but it does affect, and affect seriously, the civil rights of every person in the United States who has business relations with these carriers, whether those relations are the relations of shipper or of employee or whether they are contractual or arise from a tort.

We have labored in the two Houses of Congress for years to pass and perfect the employers' liability laws, for instance, changing the old common-law rule governing suits between the employer and the employee, and yet if this were passed, by a stroke of his pen the President of the United States could destroy those laws that we have built up through years of labor for the protection of the employees of railroads in their suits against the railroad companies. Now, there is no necessity whatever to do that. Certain laws of diligence and negligence relating to the obligation of carriers, both of freight and of passengers, are left absolutely in the air—all of them are left absolutely in the air and subject to Executive pleasure—if we leave in the bill these words that my colleague wants to strike out. In other words, we substitute for a government of laws a government not of men but of one man.

I am not willing myself to go on record in favor of the proposition that the President of the United States, while he is operating these railroads and while he stands in the stead of these railroads, in the place of these railroads, shall be allowed to abolish at any time the laws of contract, the laws governing torts, the laws governing the relations between shippers and carriers and between carriers and their employees; and I do not think that was the intention of the committee that reported this bill. That will be the unfortunate effect of it, however, if these words are not stricken out. I think we ought to leave the ordinary laws that have governed these carriers for years, while their property was in the hands of its owners, still in effect while the Government operates them, so far as those laws touch the citizen and his rights. No matter who operates these railroads, whether it is a government or a corporation or a number of corporations, the rights of the citizen, when they touch the persons controlling and operating these roads, ought to remain unaltered as they are now fixed by law. That, as I understand it, is the object of my colleague's motion, which I hope may prevail.

Mr. FLETCHER. Mr. President, it seems to me that without these words in section 10 the effect of the section with those words stricken out would be that the carriers would continue absolutely subject to all laws and liabilities as comomn carriers, whether arising under Federal or State statutes or at common law. If they are subject to all laws and liabilities as common carriers, whether arising under Federal or State statutes or at common law, then they are not under Federal control; you are absolutely robbing the statute of all of its virtues so far as the protection of the property against suits may be concerned.

This does not have reference to authorizing suits against the Government, but it authorizes suits against the carriers. It preserves the right to sue the carrier by any citizen who may have such a right and force it into court according to Federal

law and according to statute and according to common law. It is only where Federal control would be destroyed by such a procedure and in such an instance as that, unless you give that power somewhere in the President, who stands in the place of the carrier when that right is invoked, unless you give the power in the President to prevent the taking out of his control absolutely the property of the carrier, you have not accomplished anything at all by your legislation. You can not preserve to the people who have dealings with the carrier, shippers, and passengers all the rights they have under Federal law and under State law and under common law against the carrier to proceed in the State courts or in any other way they may proceed and at the same time maintain your Federal control of the property, because the exercise of those rights now under the laws as they stand and without this statute might take the property absolutely out of the power and control of the Federal Government.

Mr. THOMAS. May I ask the Senator a question?

Mr. FLETCHER. Certainly.

Mr. THOMAS. Of course, the Senator understands that the law does not purport to repeal the act of 1916. Does not that act invest the President with ample power to operate the railways as may be essential to the prosecution of the war without regard to the provisions of this section?

Mr. FLETCHER. I am inclined to agree with the Senator that it would be better not to have the section in the bill at all, and to stand on the statute of 1916.

Mr. THOMAS. I think so, too, as far as that is concerned.

Mr. FLETCHER. But if you proceed to enact it and provide in this statute that this control shall be subject to common law, State law, Federal law, then you have nullified the act of 1916.

Mr. THOMAS. So far as it is not inconsistent with the Federal control.

Mr. FLETCHER. So far as it is not inconsistent with the Federal control. That is very indefinite and vague. I do not believe that the courts would be empowered to enforce such a provision as that. Then the semicolon following the word "law" leaves the provision rather unfortunate, it seems to me, if you propose to accomplish anything by this act. It goes on and says suits may be brought by and against carriers and judgment rendered as now provided by law, but unless it could be subject to the powers of the President to control these carriers in the operation of the road to act as common carriers you have not cured that defect. You must leave these words in the statute as it is or else you have not Federal control.

Mr. HARDWICK. Let me ask the Senator——

The PRESIDING OFFICER. The time of the Senator from Florida has expired.

Mr. HITCHCOCK. Mr. President, I have been consulting with Senators who have taken part in this matter and I believe I can suggest an adjustment. Instead of striking out the words "or with any order of the President." I move to add the words "authorized by law," so that the phrase will read:

> Or with any order of the President authorized by law.

That would permit to stand any order of the President which is authorized either by this act or by existing law. It seems to me that would meet the view expressed.

Mr. ROBINSON. Will the Senator yield?

Mr. HITCHCOCK. Certainly.

Mr. ROBINSON. Does the Senator think that Congress has undertaken to define what orders the President may issue either in this act or the act of 1916? Does the Senator think it is possible to anticipate the orders which it will be necessary for the President to issue in the effective operation of the roads under Federal control? The amendment which the Senator from Nebraska has suggested, in my opinion, does not help the matter.

Mr. HITCHCOCK. The President might issue orders which are not authorized by any existing law, either the act of 1916 or this act, and if he went beyond his power no Senator would maintain that those orders should be recognized.

Mr. ROBINSON. If the Senator will allow me——

Mr. HITCHCOCK. And yet it is also evident that the orders of the President so long as they are based upon law, either this act or previous acts, should be allowed full recognition.

Mr. ROBINSON. If the Senator will permit me, the authority given by the act of 1916 and in this act given to the President is general. We have not undertaken to define what orders the President may issue, because it is impossible for Congress to anticipate what conditions will arise and what orders it will become necessary for him to issue.

If you put in the language "authorized by law," it will be necessary to write into this act the orders that you want to empower the President to issue, and he will have no authority to issue any order not expressly authorized by this act.

Mr. HITCHCOCK. I do not see how the Senator can maintain anything of that sort. The President derives his power under acts of Congress. Congress does not specify precisely which orders he shall issue, but lays down the general control of these railroad properties for war purposes.

Mr. ROBINSON. Will the Senator yield?

Mr. HITCHCOCK. I yield.

Mr. ROBINSON. The whole subject matter of railroad operation and railroad liability is controlled by existing laws—State and Federal. These laws are put into effect by this bill. Unless we do specifically authorize the President to issue certain orders he would have no power to issue any order of importance, because we make the laws that are already in existence, both State and Federal, effective, and they cover the field of railroad operations.

The Senator from Florida [Mr. FLETCHER], in my opinion, was entirely correct in his statement that the insertion of this amendment would nullify the effect of Federal control.

Mr. SMITH of Georgia. I think the amendment suggested by the Senator from Nebraska is a very wise one. Surely the Senator from Arkansas does not wish the President to issue orders not authorized by law and in violation of law.

Mr. ROBINSON. Will the Senator permit me to reply to that?

Mr. SMITH of Georgia. Certainly.

Mr. ROBINSON. I certainly do think it may be necessary to issue orders not expressly authorized by law, because you can not define what orders the President may find it necessary to issue.

Mr. SMITH of Georgia. Yes; you can.

Mr. ROBINSON. When you authorize one, the expression of one would exclude the authority to issue other orders.

Mr. SMITH of Georgia. The expression that they are to be authorized by law excludes the idea that they shall be lawless orders.

Mr. ROBINSON. Will the Senator yield to me in that connection?

Mr. SMITH of Georgia. It depends on whether this is in my time or some one else's time.

Mr. ROBINSON. It is certainly not in my time, because I have exhausted my time.

The PRESIDING OFFICER. It is in the time of the Senator from Nebraska.

Mr. HITCHCOCK. I am perfectly willing to yield. I have not anything further to say.

Mr. ROBINSON. I repeat the illustration that I used a while ago. Under existing Federal law there is no authority for rerouting freight. The law relating to the routing of freight by shippers would be put into effect by this statute unless you provide otherwise. It might be——

Mr. SMITH of Georgia. I answer the Senator I do not agree with him at all. The consolidation of the railroads under a single management, in my judgment, eliminates any right to route freight.

Mr. ROBINSON. Will the Senator yield? I am still in the time of the Senator from Nebraska. We write here a provision that the existing laws shall govern and shall apply.

Mr. REED. So far as not inconsistent with Federal control.

The PRESIDING OFFICER. The time of the Senator from Nebraska has expired.

Mr. NELSON. Mr. President, I am inclined to concur in the views of the Senator from Massachusetts. I think section 10 should be retained in the bill, and I will state briefly my reasons.

The President will operate these railroads through the officials and employees and operating forces of the different railroads. Manifestly we do not intend that he shall create an operating force of his own. He will give direction to these roads to operate in such and such a manner. Manifestly he will direct them to operate in a legal manner, not to violate the rights of the public.

There are many instances where a railroad may be lawless in its operations. The President may direct the Northern Pacific Railroad to carry shipments of supplies from the Pacific coast over to the East, to the seaboard. That does not authorize the Northern Pacific Railroad Co. to perform that work in a lawless manner. It does not authorize it to operate in such a manner as to destroy the life or property of anybody. In all those cases there ought to be a remedy and a relief left to the public.

All this amendment proposes to do is what it says in respect to matters not covered by the orders of the President, either under this law or the law of 1916. In all other respects the right of the public to relief and to a remedy shall continue to exist. Why should they not continue? We have given the President the power to operate these roads by this act, but it does not imply that the roads shall be operated in a lawless manner, and if

they violate the rights of the public why should not the public have a right to a remedy in those cases? That is what this proposes to do. It proposes to save to the American public all their rights and remedies existing by law against the railroads so far as they do not interfere with the order and direction of the President. Take a passenger train. The President may give direction for a passenger train to operate from here to New York. That does not give the railroad company through which the operation is carried authority to operate it in a lawless manner. It does not give that train authority to run over a wagon or team in a careless and negligent manner. If they proceed to operate that train illegally then the company that operates it is liable, as it should be liable, to the public.

So, Mr. President, while this proposed law and the other law give the President all the power to operate these trains, whatever right the public may have under the general laws, if they are not in conflict with the President's power, is saved to the public. Why should we not reserve those rights to the public and leave the American citizen to obtain all the remedies possible under existing law? It simply amounts to this, Mr. President, that we say by this law that the rights of the American public shall not be suspended because of the powers we give the President under the law.

Mr. PITTMAN. Mr. President, I think the amendment of the Senator from Nebraska is unobjectionable. It does not take away any power from the President that he would use. Section 10 is an exception to this act. Without section 10 there is no authority whatever to invoke the law against any act under this bill or the act of 1916. In granting the power to interfere with the operation of this act by a court you should limit it. You limit it in the first place by stating "in so far as not inconsistent with this act." In other words, they can bring an action so long as it is not inconsistent with Government control.

Now, it is contended that that is broad enough, and it may be broad enough. Why not go further and say that they may invoke the aid of a court when not interfering with Government control and when not interfering with an order of the President in the control of those railroads authorized by law. Certainly there can be no objection to it. Certainly if you are going to prohibit these suits which are inconsistent with the act you will also prohibit these suits when inconsistent with an order of the President made under the act.

It may be contended that the first language covers it, but at least it emphasizes the fact that in section 10 we do not intend to allow suits to be instituted that will interfere with this Government control, and where you repeat the language in the form that these suits shall not be instituted in opposition to any order of the President made by authority of law you emphasize what you mean and at the same time do not grant the President any authority in addition to that which he has by virtue of this bill and by act of 1916. I will vote for the amendment of the Senator from Nebraska, but if it is lost I will vote against the amendment of the Senator from Georgia, which I believe will limit the President's authority.

The PRESIDING OFFICER. The Chair desires to inquire of the Senator from Nebraska if the amendment which he tenders is to be treated by him as having been tendered?

Mr. SMITH of Georgia. I understood that he formally tendered it. I can not accept it, because I have no authority to accept it. I move to strike out certain words. He proposes to amend those words, and that amendment would be acted upon before a motion to strike out. If the amendment is adopted I would be very much disposed to withdraw my motion to strike out.

Mr. PITTMAN. Let the Senator withdraw his amendment and then accept the amendment of the Senator from Nebraska.

Mr. SMITH of Georgia. I do not think I have any authority to accept the amendment. It is for the Senate alone to say whether it will amend the clause.

Mr. PITTMAN. If the Senator withdraws his amendment, then the amendment of the Senator from Nebraska stands as simply an addition to the language in the bill.

Mr. SMITH of Georgia. It stands if the Senate adopts it. If I had the power to do it, I would put it right into the bill now and withdraw my amendment, but I have not the power. I move to strike out a particular clause. The Senator from Nebraska moves to amend that clause. Before the motion to strike out can be put, the motion to amend or perfect the clause must be acted upon, and the first question for consideration, therefore, will be, Shall the amendment offered by the Senator from Nebraska be adopted? which proposes to make the clause read:

Any order of the President authorized by law.

It seems to me, Mr. President, that that should satisfy every one, because unquestionably it carries the spirit of the act. It carries the power of the act. It carries the authority to the President to do, in my opinion, everything which the Senator from Arkansas insists that he should have the power to do, but it does not give him the power to go beyond the general purposes of the act and strike down the rights of shippers. I have no idea the President would wish to do so. I have no idea the Secretary of the Treasury would wish to do so. But, Mr. President, in the handling of railroads all over the United States special orders will be issued in the name of the President in particular localities just as the Food and Fuel Control Directors and their assistants have issued special orders in the name of the President under the powers we have given the President. It is the danger of the man in a locality interfering with the right of a citizen; it is that danger, incident to the use of the power given to the President by others than the President or the Secretary of the Treasury, that I feel should cause us to limit this language to orders of the President in pursuance of law.

Mr. STERLING. Mr. President, I would just like to add one word in regard to the amendment proposed by the Senator from Nebraska. The words of the amendment conform to the other parts of the bill as otherwise expressed.

Let me call attention briefly to sections 8 and 9 and the reference in those two sections to the power conferred upon the President. Section 8 provides—

That the President may execute any of the powers herein and heretofore granted him with relation to Federal control through such agencies as he may determine, and may fix the reasonable compensation for the performance of services in connection therewith; and may utilize the personnel and facilities of the Interstate Commerce Commission and call upon members of such commission, or any of its employees, or employees of any department of the Government for such services as he may deem expedient. No such Federal official or employee shall receive any additional compensation for such services.

Now, look at the very general language in section 9:

SEC. 9. That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President to take possession and assume control of any or all systems of transportation; and the President, in addition to the powers conferred by this act, shall have, and is hereby given, such other and further powers necessary or appropriate to give effect to the powers herein and heretofore conferred. The provisions of this act shall also apply to any carriers to which Federal control may be hereafter extended.

I wonder why we should add unqualifiedly the words in section 10 "or with any order of the President," after he is given the power to make any orders to carry into effect any of the provisions of this act conferring upon him all these powers.

I am quite in sympathy with the amendment of the Senator from Nebraska [Mr. HITCHCOCK].

The PRESIDING OFFICER. The question recurs on the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK] to the amendment of the Senator from Georgia. [Putting the question.] The noes seem to have it.

Mr. SMITH of Georgia. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to serious illness in his family.

Mr. SAULSBURY (when his name was called). Notwithstanding my general pair with the senior Senator from Rhode Island [Mr. COLT], I have been voting thus far on the bill with the committee. I have heard from him to-day that that is his understanding in regard to his pair. I therefore at this time vote. I vote "nay."

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

Mr. OVERMAN (when Mr. SIMMONS's name was called). My colleague [Mr. SIMMONS] is detained from the Senate on official business.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. ASHURST (when Mr. TRAMMELL's name was called). The junior Senator from Florida [Mr. TRAMMELL] is unavoidably detained from the Chamber. If present he would vote "yea."

The roll call was concluded.

Mr. LEWIS. I merely rise to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Kentucky [Mr. JAMES], occasioned by personal illness.

Mr. MYERS. On account of the state of health of my colleague [Mr. WALSH] he is still detained from attendance in the Senate. He is paired with the Senator from New Jersey [Mr. FRELINGHUYSEN]. This announcement may stand for the day.

Mr. WILLIAMS (after having voted in the negative). I have a standing pair with the senior Senator from Pennsylvania

[Mr. PENROSE]. I thought he had voted a moment ago. I find he has not. I transfer my pair to the Senator from North Carolina [Mr. SIMMONS] and let my vote stand.

Mr. FLETCHER. I inquire whether the senior Senator from New Hampshire [Mr. GALLINGER] has voted?

The PRESIDING OFFICER. He has not.

Mr. FLETCHER. I have a general pair with that Senator. I transfer my pair to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. LODGE. My colleague [Mr. WEEKS] is absent, and, as I stated yesterday, he has a general pair with the Senator from Kentucky [Mr. JAMES].

Mr. FRELINGHUYSEN. I transfer my general pair with the Senator from Montana [Mr. WALSH] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. HARDING. I have a general pair with the junior Senator from Alabama [Mr. UNDERWOOD], but with the understanding that upon the bill and any amendments thereto either is privileged to vote in the absence of the other. Therefore I avail myself of the opportunity of voting. I vote "nay."

Mr. KNOX (after having voted in the negative). When my name was called I voted "nay," neglecting to state that I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN], which I transfer to the junior Senator from New York [Mr. CALDER].

Mr. WOLCOTT (after having voted in the negative). I wish to inquire if the Senator from Indiana [Mr. WATSON] has voted?

The PRESIDING OFFICER. He has not.

Mr. WOLCOTT. I have a general pair with that Senator. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and let my vote stand.

The result was announced—yeas 25, nays, 46, as follows:

YEAS—25.

Cummins	Johnson, Cal.	Pittman	Thomas
Dillingham	Jones, Wash.	Reed	Townsend
Gore	Kenyon	Smith, Ga.	Vardaman
Gronna	Kirby	Smith, Mich.	Warren
Hardwick	Lodge	Smoot	
Hitchcock	McCumber	Sterling	
Hollis	Norris	Sutherland	

NAYS—46.

Ashurst	Jones, N. Mex.	New	Sherman
Bankhead	Kellogg	Nugent	Shields
Beckham	Kendrick	Overman	Smith, Ariz.
Curtis	King	Page	Smith, Md.
Fernald	Knox	Phelan	Smith, S. C.
Fletcher	Lewis	Poindexter	Stone
Frelinghuysen	McKellar	Pomerene	Swanson
Gerry	McLean	Ransdell	Tillman
Hale	McNary	Robinson	Williams
Harding	Martin	Saulsbury	Wolcott
Henderson	Myers	Shafroth	
Johnson, S. Dak.	Nelson	Sheppard	

NOT VOTING—23.

Borah	Culberson	La Follette	Underwood
Brandegee	Fall	Owen	Wadsworth
Broussard	France	Penrose	Walsh
Calder	Gallinger	Simmons	Watson
Chamberlain	Goff	Thompson	Weeks
Colt	James	Trammell	

So Mr. HITCHCOCK's amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs upon the amendment offered by the Senator from Georgia [Mr. SMITH], which will be stated.

The SECRETARY. On page 11, line 6, after the word "control," it is proposed to strike out the words "or with any order of the President."

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia.

The amendment was rejected.

Mr. TOWNSEND. Mr. President, I move to strike out the first paragraph of section 10, referring to this subject, and to insert the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Michigan offers an amendment to section 10, which the Secretary will state.

The SECRETARY. It is proposed to strike out the first paragraph of section 10, being all of the language embraced between lines 3 and 12, both inclusive, on page 11, and in lieu thereof to insert:

That during the period of Federal control any suit or proceeding (of such a character that but for Federal control it could be brought against the owner of any railroad or system of transportation and any amount paid in compromise thereof or in satisfaction of a judgment or decree therein charged to operating expenses or to railway tax accruals under the Interstate Commerce Commission classification of accounts in force on December 27, 1917), may, except as otherwise provided in this act, be instituted against the United States in any court or tribunal which would have jurisdiction of such suit or proceeding but for Federal control, and process therein may be served on the same persons and in the same manner as would be proper but for Federal control, and subsequent proceedings shall be the same as would be proper but for Federal control.

No process, mesne or final, shall be levied against any property under Federal control, or, in connection with any suit or proceeding that may properly be brought against the United States under this section, against any property belonging to the owner of a railroad or system of transportation; but the President shall, by regulation, provide for the payment out of the operating revenue derived from Federal control or, if that is insufficient, out of the revolving fund of any judgments or awards, and for the enforcement of any decrees or orders that may be rendered against the United States in any such suit or proceeding.

That except as otherwise provided in this act the operating accounts and business shall be continued as in a going concern, so that operating accounts and claims, which have been deferred in the ordinary course of railroad business and which are not paid at the beginning of Federal control of a railroad or system of transportation and which are of a character properly chargeable to operating expenses, shall be paid out of operating income or out of the revolving fund; and on the surrender of such railroad or system of transportation it shall be returned subject to any operating accounts and claims that may be unpaid, if such accounts and claims have been deferred in the ordinary course of railroad business.

Mr. TOWNSEND. Mr. President, I am only going to say a word. My understanding of this provision is that it is to take care of liabilities for suits, to make provision for them, and to provide what laws shall apply. There was no other object in mind when this matter was before the committee.

The provision which I have offered takes care of those cases. It will afterwards be determined whether the committee acts upon this measure or not, because it is bound to be a controverted question. Therefore I offer the amendment as a substitute, and I ask to have a vote upon it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan. [Putting the question.] The "noes" seem to have it.

Mr. TOWNSEND. Mr. President, I ask for the yeas and nays on that proposition.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). The Senator from Wisconsin [Mr. LA FOLLETTE] is detailed from the Senate Chamber on account of serious illness in his family.

Mr. SHERMAN (when his name was called). I announce the same pair and its transfer as on the former vote and vote "nay."

The roll call was concluded.

Mr. FLETCHER. I make the same announcement as to my pair and its transfer as before, and vote "nay."

Mr. OVERMAN. Mr. President, I inquire if the Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has not.

Mr. OVERMAN. I have a pair with that Senator, but I transfer that pair to my colleague [Mr. SIMMONS] and vote "nay."

Mr. HARDING. Repeating the announcement relative to my pair and its transfer which I made on the previous roll call, I vote "yea."

Mr. FRELINGHUYSEN. Making the same announcement as to my pair and its transfer as I made before, I vote "yea."

Mr. WATSON (after having voted in the negative). I have a general pair with the junior Senator from Delaware [Mr. WOLCOTT]. I observe that he is absent. I transfer my pair with him to the Senator from Rhode Island [Mr. COLT] and will let my vote stand.

The result was announced—yeas 20, nays 44, as follows:

YEAS—20.

Cummins	Harding	Lodge	Smith, Mich.
Dillingham	Hardwick	Norris	Smoot
France	Johnson, Cal.	Page	Thomas
Frelinghuysen	Jones, Wash.	Reed	Townsend
Gronna	Kenyon	Shafroth	Vardaman

NAYS—44.

Ashurst	Kellogg	New	Sheppard
Bankhead	Kendrick	Nugent	Sherman
Beckham	King	Overman	Shields
Culberson	Kirby	Penrose	Smith, Ariz.
Curtis	Knox	Phelan	Smith, Md.
Fernald	Lewis	Pittman	Smith, S. C.
Fletcher	McCumber	Poindexter	Stone
Gerry	McKellar	Pomerene	Sutherland
Hale	McLean	Ransdell	Swanson
Henderson	Martin	Robinson	Watson
Hollis	Myers	Saulsbury	Williams

NOT VOTING—30.

Borah	Goff	Nelson	Underwood
Brandegee	Gore	Owen	Wadsworth
Broussard	Hitchcock	Simmons	Walsh
Calder	James	Smith, Ga.	Warren
Chamberlain	Johnson, S. Dak.	Sterling	Weeks
Colt	Jones, N. Mex.	Thompson	Wolcott
Fall	La Follette	Tillman	
Gallinger	McNary	Trammell	

So Mr. TOWNSEND's amendment was rejected.

Mr. KIRBY. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER (Mr. McKELLAR in the chair). The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. It is proposed to amend the bill by striking out on page 10 all after the word "interest," in line 1, down to and including line 6.

Mr. KIRBY. Mr. President, this bill, as I understand it, is proposed in order that the President may carry out more efficiently the Federal control of the railroads that has been assumed under the authority of the act passed in 1916. I have heard no discussion as to whether or not the act of taking control of these railroads was legal. My own opinion has been that the President did not take control of the railroads in accordance with the authority granted in that act or that might necessarily be implied from it. But the passage of this bill will of course authorize and ratify the taking of control and remedy any possible defect that may exist in that respect.

However, Mr. President, it seems to me that there is no necessity for the Government of the United States now, with the Treasury burdened as it has been and as it will be, buying and trafficking in securities of impecunious railroads. Generally speaking, those railroads which have extended their credit and used to a large extent are the ones that will be required to use it more, and the President is authorized by this bill to take the money of the people out of the Treasury and buy railroad stocks. Under the law as it exists the railroads have a right to continue their operations, borrowing money and making mortgages, and if the Government should buy bonds secured by a second or third mortgage, then we might as effectually be frozen out in foreclosure and the Government would lose its money just as surely as we have lost the money that we sent to establish a provisional government in Russia when we picked out the wrong faction.

It seems to me we ought not to go into that sort of business and that it ought not to be authorized. On that account I have presented this amendment. It does not interfere with the railroads going on with the sale of their securities; it only refuses to authorize the Government to deal in such securities.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Minnesota?

Mr. KIRBY. Certainly.

Mr. KELLOGG. I beg pardon; I thought the Senator had concluded.

Mr. KIRBY. That is all I have to say about the amendment.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from Arkansas a question.

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Michigan?

Mr. KIRBY. Certainly.

Mr. SMITH of Michigan. I should like to ask whether the Senator construes the language in the first line, on page 10, as mandatory upon the President or discretionary?

Mr. KIRBY. The President may do what I have suggested; he is authorized to do so.

Mr. SMITH of Michigan. But is it a discretion or is it a direction?

Mr. KIRBY. Certainly it is within his discretion; we do not compel him to do it; but I do not think the power ought to be granted under which it could be done.

Mr. TOWNSEND. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the junior Senator from Michigan?

Mr. KIRBY. Yes.

Mr. TOWNSEND. Has the Senator considered, in looking over this provision to which the Senator from Minnesota and others in the Senate have given such care, what the President will do when he purchases the securities, how he would vote them, who would vote them, and how they would be represented in reference to the railroad? There is not a thing in the bill that makes any provision in that regard, but it is all left entirely blank.

Mr. KIRBY. This provision in effect authorizes the President to deal in stocks and other securities of impecunious and bankrupt railroads, and I do not think that ought to be done.

Mr. KELLOGG. Mr. President, it is a well-known fact that there are securities of railroads coming due in 1918 and in 1919—something like $400,000,000 in the next two years. It is a fact that it is impossible for the railroads to sell those securities on the market on a basis which the Government desires them to be sold when the Government is occupying the entire field with Government loans. The Secretary of the Treasury was very anxious that the power should be given to the Government to take any securities which might be necessary in order to render effective Government control, not to make it too expensive, and to relieve the conditions of the railroads.

Furthermore, it may be necessary for the President to authorize the extension of a road to some shipbuilding plant or other Government enterprise, and some one must finance the construction of such lines or the improvements necessary to make the Government operation effective.

This provision of the bill simply authorizes the President to take up each case and decide whether the Government out of the revolving fund shall temporarily take the securities of the railroads.

Mr. KIRBY. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Arkansas?

Mr. KELLOGG. I yield.

Mr. KIRBY. Is it not a fact that under the authority granted the President can buy railroad securities out of any fund, without regard to the revolving fund?

Mr. KELLOGG. No; he will buy them out of the revolving fund.

Mr. KIRBY. That is the question I wanted to ask.

Mr. KELLOGG. He will buy them out of the revolving fund created for that purpose.

Mr. KIRBY. The bill provides that that fund may be used, but it does not necessarily limit the President to the use of that fund. He may buy them from other funds, and is authorized so to do.

Mr. KELLOGG. He has no other fund with which he could buy securities except the revolving fund which is created for that purpose.

Mr. POMERENE. Mr. President, if the Senator will permit me, the President could not use other funds without special authority.

Mr. KELLOGG. Certainly he could not.

Mr. OVERMAN. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. KELLOGG. Yes.

Mr. OVERMAN. The Senator used the word "temporarily." Is the bill so framed that the President can only make a temporary purchase?

Mr. KELLOGG. The object is to authorize the President to make temporary purchases during the period of Government operation, of course.

Mr. OVERMAN. I understand that; but there is nothing in the bill to that effect, is there?

Mr. KELLOGG. It is not intended by this bill to authorize the United States Government to go into the business of speculating in railroad securities.

Mr. OVERMAN. But he might buy all the securities owned by the railroads if he wanted to do so, might he not?

Mr. KELLOGG. But it is impossible with the $500,000,000 in the revolving fund to do anything of that kind.

Mr. OVERMAN. I understand as to that; but the question in my mind is as to whether it is limited to the revolving fund and is merely temporary.

Mr. SMITH of Michigan. Mr. President, if the Senator from Minnesota will pardon me, it may come to be very permanent if the President is authorized to buy the securities and then has no power to sell them for less than he paid for them. If the market goes down a penny after he has acquired these securities, he has got them on his hands and under the law can not sell them.

Mr. OVERMAN. Mr. President, if the Senator from Minnesota will yield to me again, my attention was attracted by his use of the word "temporarily," and I wanted to know if the bill is so framed that the authority granted would be temporary. I should like to see it made temporary. Of course the Government can only hold the railroads in control up to the expiration of 18 months following the proclamation of peace, but in the meantime he might purchase the securities and continue to hold them.

Mr. KELLOGG. Mr. President, it is not practicable to require the President to sell the securities he acquires under this provision within a definite time; he may not be able to sell them within a fixed time. It is absolutely necessary that the President should have some authority to finance extensions and to finance securities which are to fall due during the present year, for in no other way can we make Government operation effective.

So far as concerns any direction as to how the President shall vote stocks or what he shall do with bonds, it is impossible to meet all conditions which may happen by detailed specifications in this bill. I think it is absolutely necessary that the President should have this power.

Mr. OVERMAN. I also think he ought to have the power.

Mr. SMITH of Michigan. Mr. President, I want to ask the Senator from Minnesota, for whom I have great respect, whether he does not think it desirable to so qualify that clause that the President must dispose of these securities, even at a small loss, and thus rid the Government of its ownership of that kind of property? Suppose, for instance, he acquired securities of the New York Central Railroad at par and the market should drop to around 99½. Under this provision in the bill he could not sell a dollar's worth of the stock he had purchased at par. He ought to have that right. It would be perhaps less objectionable that he should be permitted to sell than that he should continue to hold them.

Mr. KELLOGG. Mr. President, so far as the Senator from Minnesota is concerned he is willing to give the discretion to the President to sell the securities he acquires at less than par, but we believed that the Congress would desire to limit the power of the President to do so.

It is not probable that the President is going to buy railroad stocks, but when a railroad needs money for the purchase of new cars or for extensions the President will undoubtedly make an arrangement for the issuance of bonds of the railroad secured upon its property, and the President will, if necessary, buy those bonds from the money in the revolving fund. Secretary McAdoo expressed his hope that the railroads would be able to sell some of their securities or refund some of their securities without the Government's assistance; but if that can not be done then it will become necessary that they should be financed to that extent.

Mr. SMITH of Michigan. Mr. President, if the Senator will allow me, my point is this, that I do not want the President or the Government to maintain stock values on the exchange at the price at which the securities were purchased in order that he may let go of the stocks of a railroad corporation. It does not look to me as though that were wise. If he can shake them off at a small loss, perhaps that would be more desirable than that he should continue to hold stock in private or semi-private corporations.

Mr. POMERENE. Mr. President, I hope this amendment will not prevail. It has occurred to everyone who has given any study to the subject that one of the very great difficulties which we have had in the past few months has been to sell railway securities. Many of them have fallen in value from 25 to perhaps 35 per cent.

A year or more ago, when it was found that it was necessary to add to the rolling stock of the companies, the railroads had very serious difficulty in getting the necessary funds. They did, I believe, succeed finally in making arrangements for the funds, but they were not able to have either engines or freight cars built. Now, if the railroads were not able to do their own financing when they had possession and control of the property how can we reasonably expect these same railroads to finance their properties when they do not have control or possession of them?

I recognize the fact that it is an unwise thing to have the Government unnecessarily go into the task of financing railroads, but we are doing many things now which we would not do in normal times; and if these securities are to mature from month to month and year to year, and the properties are not in the possession of the railroads, how can we expect them to raise the necessary money under war conditions? And is it not a wise thing to confer this discretionary power upon the Government to aid them?

Mr. KIRBY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Arkansas?

Mr. POMERENE. I yield.

Mr. KIRBY. Would it not be better to provide by law a postponement of the payment of these obligations, and let the Government pay the interest, rather than to unload the whole thing on the Government?

Mr. POMERENE. Well, Mr. President, that is a good way to depress the price of securities. Of course, we can provide a sort of a moratorium here, and we can prevent those who are the holders of these securities from collecting them; but is it a wise thing now to do it? We may have to do it later. At the present time all the surplus money of the country is going into subscriptions for Government bonds, for Red Cross funds, and for Young Men's Christian Association funds. The Government has preempted the money market; and now, having substantial control of that, knowing the vast amount of railway securities which are maturing, must we not, as a business proposition, aid in taking care of the responsibilities which now rest upon the companies?

The Senator from Minnesota has referred to the fact that there are about $200,000,000 of these securities maturing this year, $200,000,000 the next year, and, as my memory now serves me, more than $400,000,000 the third year. For this reason it does seem to me that it would be very unwise if we did not confer this power upon the President.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the junior Senator from Arkansas [Mr. KIRBY].

Mr. SMOOT. Mr. President, may the amendment be stated?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. The junior Senator from Arkansas proposes the following amendment:

On page 10, strike out the following words, beginning after the word "interest," in line 1:

> The President may purchase for the United States all or any part of such securities at prices not exceeding par, and may sell such securities whenever in his judgment it is desirable at prices not less than the cost thereof; any sums available from the revolving fund provided in section 6 may be used for such purchases.

Mr. SMOOT. Mr. President, I think it would be very unwise to adopt this amendment. The chairman of the Finance Committee [Mr. SIMMONS] yesterday reported to the Senate a bill authorizing a corporation to be organized under the provisions of the bill to make advances to railroads and all public-utility corporations. The $500,000,000 provided in this bill as a revolving fund is a mere bagatelle compared to what has to be advanced, not only to the railroads but to the business concerns of this country, in the next year.

Mr. KIRBY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. KIRBY. Does not the Senator think that authority is granted by the provision that is proposed to be stricken out for the President to buy all the securities that he cares to buy, and obligate the Government to pay for them, whether this revolving fund is big enough to do it or not?

Mr. SMOOT. The revolving fund is not big enough to do it; and not only that, but the bill that I have referred to protects the Government or its corporation when advances are made on securities, not only to the railroads but from other public-utility corporations and to the banks of the country, including the savings banks of the country. That bill gives all the power that could possibly be asked on the part of the Government to finance all the institutions of the country.

I do not want to take the time of the Senate now to go into the details of the bill, but I want to say now that it will not be $500,000,000, but it will be billions of dollars, that will have to be advanced to the business interests of this country in order to carry them over during the duration of this war. The bill that was reported yesterday by the senior Senator from North Carolina [Mr. SIMMONS] provides a maximum of $4,500,000,000, and specific arrangements are made for railroads in paragraph (d) of section 6 of the bill. We take care of them, as well as the other public utilities.

Mr. CUMMINS. Mr. President, there are so many provisions in this bill which I can not reconcile with good legislation that my opinion with regard to any particular part of it must not be very highly regarded. Nevertheless, I am moved to say this with regard to the part of the bill that is sought to be stricken out:

If the Senate had adopted the amendment which I proposed relating to compensation this provision would not involve a great burden upon the Treasury, for the Government could have taken the surplus which, under my amendment, would be paid into the Treasury, and it would have been ample to care for the maturing obligations of these carriers, in my opinion. But the Senate chose to authorize giving to the railway companies a compensation that will put in their hands a surplus ample to do these things.

I do not think it possible, after paying to the railway companies this compensation that we propose, to avoid giving to the President the authority to buy railway securities. I would have been much better satisfied if the securities had been limited to bonds, and had not been extended to stocks; but that probably is not a very serious matter, as I can not conceive that the President will buy to any great extent the stocks of the railway companies.

For these reasons I find it impossible to support the amendment proposed by the Senator from Arkansas.

Mr. SMITH of South Carolina. Mr. President, it is not necessary for me to go further, except that I should like to say that I am of opinion that had the amendment of the Senator from Iowa prevailed, restricting the roads to the amount to which he would have restricted them. I think the Government would have had to buy all of these bonds. I think the persons who held them would have thought them practically worthless, and would have thrown them on the market, because they would have been so restricted.

But be that as it may, this provision was written into the bill to take care of the securities that it was ascertained were likely to come on the market during the time of Federal control, and to provide, in case their protection was necessary, for the Government to do it, in order that the immense financial requirements of the country for war purposes should not be embarrassed by these transportation securities being thrown on the market at the very time Government securities were to be thrown on the market. It was to take care of that condition that this provision was written in the bill.

Mr. VARDAMAN. Mr. President, may I ask the Senator a question before he takes his seat?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH of South Carolina. I do.

Mr. VARDAMAN. What protection would the Government have if those bonds should decline still further after the Government purchased them?

Mr. SMITH of South Carolina. The only protection the Government would have is the protection that all Government securities have—the power of the Government back of them.

Mr. VARDAMAN. But if the Government bought the bonds at a certain price, and the bonds were to depreciate, the Government then would suffer the loss resulting in the depreciation of the bonds, would it not?

Mr. SMITH of South Carolina. Oh, no. The Government would still have the property.

Mr. VARDAMAN. And the loss would be pocketed by the people. But maybe that is of no special concern just now.

Mr. SMITH of South Carolina. Well, if any loss should accrue, I do not anticipate that any great amount would be thrown on the market. It seems to me that under the provisions of this bill the very security that is guaranteed by this paragraph will take care of itself without this paragraph necessarily being invoked to take care of it.

Mr. KIRBY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Arkansas?

Mr. SMITH of South Carolina. I do.

Mr. KIRBY. This provision does not lessen the guaranteed return of profits or dividends, does it?

Mr. SMITH of South Carolina. No.

Mr. KIRBY. Then this is in addition. After the Government guarantees all the returns that the roads have been making heretofore, you authorize the Government then to buy these securities that may be offered.

Mr. SMITH of South Carolina. Why, that is a part of the same principle. If we guarantee and maintain the stability of these securities in allowing them to make what they have made heretofore, then, if they come on the market, in order to carry out the same purpose of stabilizing the market, you must provide this or you absolutely nullify the very object for which you started out in securing this interest.

Mr. KIRBY. The Government pays the road a dividend for the operation of the road. Is not that true?

Mr. SMITH of South Carolina. It allows the road to earn the same dividend that it has been earning; and it did that in order that the public might know that they would suffer no diminution in the value of the securities.

Mr. KIRBY. Certainly.

Mr. SMITH of South Carolina. Now, when the securities mature, if there is difficulty in financing them, we provide that they also shall be financed by the Government.

Mr. KIRBY. But if the Government pays for the operation of the road and operates the road, it gets all the service it has expected to get without buying the bonds; does it not?

Mr. SMITH of South Carolina. But suppose the bonds mature?

Mr. KIRBY. It would not affect the operation of the road, if the Government paid for the operation of the road, would it?

Mr. SMITH of South Carolina. It would affect the value of the bonds, if they were to be thrown on the market, and might also affect the sale of Government securities as well.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Arkansas [Mr. KIRBY].

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, Wash.	Nugent	Smith, S. C.
Bankhead	Kellogg	Overman	Smoot
Beckham	Kendrick	Owen	Sterling
Culberson	Kenyon	Page	Sutherland
Cummins	King	Phelan	Swanson
Curtis	Kirby	Poindexter	Thomas
Dillingham	Knox	Ransdell	Tillman
France	Lewis	Robinson	Townsend
Gerry	McCumber	Saulsbury	Trammell
Gronna	McKellar	Shafroth	Underwood
Hale	McLean	Sheppard	Vardaman
Harding	McNary	Sherman	Warren
Henderson	Martin	Shields	Watson
Hollis	Myers	Smith, Ariz.	Williams
Johnson, Cal.	New	Smith, Md.	Wolcott
Johnson, S. Dak.	Norris	Smith, Mich.	

Mr. CURTIS. I announce the unavoidable absence of the senior Senator from Rhode Island [Mr. COLT]. I will let this announcement stand for the day.

The PRESIDING OFFICER. Sixty-three Senators are present, a quorum. The question is upon agreeing to the amendment offered by the Senator from Arkansas [Mr. KIRBY].

Mr. GRONNA. Mr. President, may we have the amendment stated?

The PRESIDING OFFICER. Without objection, the amendment will be stated.

The SECRETARY. The Senator from Arkansas [Mr. KIRBY] proposes to amend by striking out, on page 10, all after the word "interest," in line 1, down to and including line 6, on page 10.

Mr. THOMAS. I call for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). Repeating my announcement as to transfer, I vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

The roll call was concluded.

Mr. FRELINGHUYSEN. Making the same announcement as on previous votes I vote "nay."

Mr. SHERMAN. I am paired with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

Mr. WILLIAMS. Upon this question I desire to vote "nay." I am informed that the senior Senator from Pennsylvania [Mr. PENROSE], with whom I am paired, if he were present would also vote "nay." I therefore feel at liberty to vote.

Mr. CURTIS. I desire to announce the absence on official business of the senior Senator from New Hampshire [Mr. GALLINGER]. He is paired with the senior Senator from Florida [Mr. FLETCHER]. I will let this announcement stand for the day.

The result was announced—yeas 11, nays 58, as follows:

YEAS—11.

Gore	Johnson, Cal.	Kirby	Townsend
Hardwick	Johnson, S. Dak.	Norris	Vardaman
Hollis	Jones, Wash.	Thomas	

NAYS—58.

Ashurst	Kellogg	Owen	Smith, S. C.
Bankhead	Kendrick	Page	Smoot
Beckham	Kenyon	Phelan	Sterling
Culberson	King	Pittman	Stone
Cummins	Knox	Poindexter	Sutherland
Curtis	Lewis	Pomerene	Swanson
France	Lodge	Robinson	Tillman
Frelinghuysen	McCumber	Shafroth	Trammell
Gerry	McKellar	Sheppard	Underwood
Gronna	McLean	Sherman	Warren
Hale	McNary	Shields	Watson
Harding	Martin	Simmons	Williams
Henderson	Myers	Smith, Ariz.	Wolcott
Hitchcock	New	Smith, Md.	
Jones, N. Mex.	Nugent	Smith, Mich.	

NOT VOTING—25.

Borah	Fall	Nelson	Thompson
Brandegee	Fernald	Overman	Wadsworth
Broussard	Fletcher	Penrose	Walsh
Calder	Gallinger	Ransdell	Weeks
Chamberlain	Goff	Reed	
Colt	James	Saulsbury	
Dillingham	La Follette	Smith, Ga.	

So Mr. KIRBY's amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to amend section 1 by adding thereto the following:

Provided further, That every railroad not owned, controlled, nor operated by another carrier company, and which has heretofore competed for traffic with a railroad, or railroads, of which the President has taken the possession, use, and control, shall be held and considered as within "Federal control," as herein defined, and shall be entitled to the benefit of all the provisions of this act.

Mr. CUMMINS. Mr. President, it is obvious that the amendment just read presents one of the exceedingly important questions which arise out of this legislation. We do not know what railroads have been taken over. As I remarked the other day, there has been, so far as we are informed, no definite or specific action on the part of the Director General in determining just what roads have been taken over.

There are in this country a great many small, independent, short-line roads. None of them are very prosperous. They have been built in order to give the communities which they serve such relief as competition with the trunk lines or systems may afford. They depend for their existence upon the activity and the vigilance of the officers or agents of the line in soliciting business. They could not exist at all in all probability if it were not for that part of the interstate-commerce law which gives to shippers the right to route the freight which they offer for transportation. That right has been taken away; that part of the law has been repealed; and the President or the Director General now assumes, as I think he may lawfully assume, the authority to divert traffic wherever it seems best for him to divert it.

I can not enter into the evidence which was laid before the committee at very great length and with absolute conclusiveness, but the consequence of taking over the trunk lines, competitors of the short lines, will be to destroy them. They have already suffered such embarrassment that bankruptcy stares them in the face.

We are proposing to finance the railroads which have been taken over; and you can imagine what opportunity the short-line independent roads will have to finance themselves or aid or better themselves in any way when every market for their securities will have been foreclosed through Government competition.

Now, we have taken over these railroads upon the assumption that we ought to unify the transportation systems of the United States. We have taken them over upon the assumption that the old laws of competition are no longer to be regarded—that is, during the war. We are entering on an effort to consolidate the energies of all railroads, so that they can be used with the utmost competency as a whole, and yet the short lines are not to be taken over, because we were advised in the hearings that many of them would not be taken over, although it was impossible to tell just which of them would be taken over and which would not, but we were left under the impression, and I think a fair impression, that a very few of them would be taken over.

Mr. President, if we undertake the operation of these great lines without giving the short-line independent roads—competitive roads—the benefits of this bill we will drive all of them into insolvency, and when the period of Federal control shall have passed the great railroads of this country will be able to absorb the small ones at whatever cost it may deem wise for the great lines to give the smaller ones.

I hope that the amendment to the amendment may prevail.

Mr. SMITH of South Carolina. Mr. President, this matter was gone into pretty thoroughly in the committee. I think the Senate should know that when the proponents of the bill, the representatives of the administration, first came before us the question was asked, "What part of the railroad system of this country would be taken over?" The reply was that it was understood that all the roads, possibly going so far as little private logging roads, might under the terms of the bill be considered as a part of the system.

Be that as it may, the object and purpose of the bill is that the Government of this country shall avail itself of the transportation facilities. These roads have been built up under the competitive system. As the Senator from Iowa says, they are independent; they are competitive. It is needless for me to offer an illustration to show that that is true. In common justice, in fairness to the carriers of this country, and to the people whom the carriers serve, I think the roads that the Senator describes should be incorporated in the bill.

You can not calculate the value of a road by the amount of money that is invested in it. You can not calculate the value of a road by the earnings it makes. The only way you can calculate the benefit of the railroads to the people to-day is from a comparison with other means of transportation and communication. I had a little experience that gave me a keen appreciation of the value of railroads when I rode 30 miles on a train to reach a certain point, which point was 15 miles away from any railroad station. I paid a little less than a dollar. I went 30 miles. I saved money. I saved time. I was as fresh when I got off the train as when I got on it. I paid $5 for a private conveyance to take me, in two hours, over the 15 miles that I had to go by private conveyance.

I use that as an illustration to show that the people of the community in the transportation of their goods are entitled to the same fair consideration as those who are contiguous to the great trunk lines bear to the points at which the smaller lines converge and which would not exist were it not for the small lines.

I think the road described by the Senator from Iowa ought to be incorporated in this bill and be taken care of for the benefit of the public.

Mr. OVERMAN. Mr. President, I hope the amendment will be adopted. The State of North Carolina is known to be quite a manufacturing State. There are many little manufacturing towns which were discriminated against by exorbitant freight charges and relief could not be had from the Interstate Commerce Commission.

On the eastern side of my State is the Atlantic Coast Line Railroad, a great trunk line, running through the entire State; on the west and in the Piedmont section of the State is the Southern Railroad; and in the central part of the State is the Seaboard Air Line Railroad. The people took the matter in their own hands and built from 20 to 30 short-line railroads, connecting these little towns with the Atlantic Coast Line, the Southern, and the Seaboard Air Line so that they could secure competitive rates.

North Carolina has been discriminated against because it was in a classification district south of Virginia and the State suffered from exorbitant rates. These little short-line railroads have given lower rates. It is the only way they can get them. They could not get it through the commission. By this means our people have been able to get cheaper rates and have built up wonderful little towns, manufacturing towns, and made our State prosperous and rich.

Giving the power to change the routing, and give these roads no freight, bankruptcy will be the result, and there no longer will be any short-line roads. Competitive lines and the people will be in the hands of the great trunk lines and will be robbed by higher freight rates. They will all be bankrupt. In my State one railroad was built by a half dozen men who advanced the money themselves. They put in all the money and built a railroad for the purpose of getting cheaper rates. If you do not take over these short-line railroads, they will be bankrupt by act of their own Government, and I am sure the Government does not want to bankrupt these small lines.

I think it is the duty of the Senate to adopt this amendment. In fact in the House of Representatives the committee itself has adopted an amendment which probably does not go as far as this, but an amendment which I think will pass the House.

Mr. VARDAMAN. May I ask the Senator from North Carolina a question?

Mr. OVERMAN. I yield.

Mr. VARDAMAN. Or, rather, may I be permitted to make a suggestion to the Senator? If the Government takes over these roads in order to save the roads, is there not a likelihood of bankrupting the Government? I am more interested in protecting the interests of the Government than I am in looking after the private pecuniary welfare of the railroads.

Mr. OVERMAN. Not at all, Mr. President; if we route the freight over roads like the trunk lines have been doing the roads will make money, as they have been doing.

Mr. VARDAMAN. I thought this bill was for the purpose of taking over the railroads to enable the President to successfully conduct this war and carry the commerce of the Nation. I had no idea anyone had in mind that it was done with a view of promoting the interest of a private enterprise or protecting private property.

Mr. OVERMAN. Nor destroy it, as the Senator from Missouri [Mr. STONE] suggests to me. It is not intended that the Government should destroy this property that the people have built up.

Mr. THOMAS. It is trying to destroy the oil locations of our citizens, and I am afraid it may succeed.

Mr. HARDWICK. Mr. President, I wish to say but a word in support of this proposition. There is no one who is going to vote on this bill who doubts, or not many at least who doubt, but what the real reason back of this legislation is the financial situation in which these railroads will find themselves on account of the condition of the money market and the Government neces-

sity to float loans. That being true in spite of the suggestion of the Senator from Mississippi [Mr. VARDAMAN], and he seems to be the only man who is doubtful on the point—that being true, I want to ask the Senate if it is fair and just to extend this financial help for a limited period to all great and rich and powerful railroads and deny it to the weak and small and the poorer railroad. If the Pennsylvania System, for instance, or the Great Northern, or the Northern Pacific, or the Chicago, Milwaukee & St. Paul could not get money in the condition of the money market that we expect the money market to be in it is practically certain that these smaller lines could not. You leave them to inevitable ruin, you send them to their death unless you do this thing, because none of the other remedies that might be adopted to relieve the railroads, of course, will be adopted if this plan of Government operation for a limited period prevails, as it seems likely to prevail.

Mr. POINDEXTER. Will the Senator yield?

Mr. HARDWICK. I yield.

Mr. POINDEXTER. If the object in taking over the roads had been primarily that of protecting the securities, would it not have been a much simpler proceeding to have passed an act for the protection of the securities instead of taking over the roads and operating them?

Mr. HARDWICK. Exactly, and that is what I urge the Senate to do, and that is the reason why I am not going to vote for the bill no matter how you fix it, because it could have been done in a much simpler and easier way, and it could yet be done in a much easier and simpler way.

Mr. POINDEXTER. Will the Senator yield further?

Mr. HARDWICK. I can not yield to the Senator under the five-minute rule. We are not going to do that if we adopt this other plan, and I do not think any Senator seriously doubts but that the financial consideration is the principal consideration moving us in this matter. That being true, is the rain to fall on the great and small alike? Are we to help the powerful system of trunk lines and deny that same help to smaller and weaker and poorer lines? That is the question presented by this amendment.

Mr. VARDAMAN. Will the Senator permit me to ask him a question?

Mr. HARDWICK. I yield.

Mr. VARDAMAN. The Senator has announced his determination to vote against this bill.

Mr. HARDWICK. Undoubtedly.

Mr. VARDAMAN. Without charging the Senator with an improper motive in this matter, for I know he is incapable of such a thing, it occurs to me, since he has announced his unalterable opposition to the bill, that he is trying to make it as unpalatable for the balance of us as possible by this amendment.

Mr. HARDWICK. The Senator knows better than that. That is not a fair suggestion. The Senator from Georgia, although opposed to this bill, is voting on these amendments according to the merits of each one of them.

Mr. VARDAMAN. The Senator understands that what I said was only in a spirit of jest. I am sure my friend, the able Senator, never had a sordid motive in the performance of his official duties.

Mr. HARDWICK. The Senator ought not to make suggestions of that sort, even in jest. I am voting upon these amendments squarely on their merits, and if the Senator from Mississippi is voting on the Utopian idea that he is really not helping pull the railroad chestnuts out of the fire, I think there is a day of awakening coming to him.

Mr. CUMMINS. Will the Senator from Georgia yield to me?

Mr. HARDWICK. I yield, if I have any time.

Mr. CUMMINS. It simply brings these roads within the operations of the bill.

Mr. HARDWICK. It treats them like the others.

Mr. CUMMINS. The President is empowered to make just what agreement he can make respecting the compensation which is to be paid for their use.

Mr. VARDAMAN. Mr. President——

Mr. HARDWICK. I yield.

Mr. VARDAMAN. To the suggestion of the Senator from Georgia that the purpose of the bill is to take care of the railroads, of course I can not agree.

Mr. HARDWICK. I understood the Senator to dissent from that, and I was wondering whether anyone else in the Senate dissented from it or not.

Mr. VARDAMAN. It is astonishing to me that the Senator should make a statement which, it seems to me——

The VICE PRESIDENT. The time of the Senator from Georgia is up.

Mr. VARDAMAN. Mr. President, is my time up?

The VICE PRESIDENT. You have not started yet. [Laughter.]

Mr. VARDAMAN. Then I will start. [Laughter.]

I realize that the taking over by the Government of the railroads will incidentally yield to them large profits, profits greater than they would enjoy if they remained the masters of themselves. But it certainly was not the primary purpose of taking the railroads over. My understanding, though it may be Utopian in the estimation of some—it is common honesty in my judgment—is that the railroads were taken over for the purpose of improving transportation facilities, to enable the President, as Commander in Chief of the Army, to move men, material, munitions of war, and otherwise improve the commerce of the country, for the purpose of carrying on to a successful issue this war. It is simply and purely a war measure. To my way of thinking it is a lamentable fact that railroads will profit largely by the assumption of control of them by the President. It is one of the hardships the people must bear in this emergency, I might add, however regretfully, with the permission of Congress. I have voted to limit these profits, and I shall continue to support any measure that may be introduced that will hold down the profits to the level of just compensation. I think to secure the railroads normal profits in these abnormal times, while other branches of trade and business people are making sacrifices, borders on to disloyalty to the great masses of the people who fight the battles of the Nation, and whose toil produces the food and material that clothes and feeds the world. I repeat, Mr. President, that it can not be the primary purpose of this measure to benefit the railroads. To use a public function such as this bill creates to promote the interest of a private corporation would be disloyalty to this Government.

Mr. HARDWICK. Will the Senator yield?

Mr. VARDAMAN. I yield.

Mr. HARDWICK. Of course the Senator states his own purpose, but——

I think there are a great many other purposes the Senator is not acquainted with that may be moving.

Mr. VARDAMAN. That may be very true.

Mr. HARDWICK. I think the Senator himself can not deny, whatever the purpose, that that is one of the primary objects of the bill anyhow.

Mr. CUMMINS. Will the Senator yield?

Mr. HARDWICK. I yield.

Mr. CUMMINS. I agree with the statement as to the object of the bill, but does not the Senator know it is just as necessary to mobilize the life and strength of the food producers of the country as the ammunition makers? Does not the Senator know it is just as necessary to maintain these roads in their full operation in order that we may produce as much as possible as it is to make guns or to make powder?

Mr. VARDAMAN. That may be true, Mr. President, but we must indulge in the presumption that the President, the Commander in Chief of the Army, has thoroughly canvassed all of these questions and reached the conclusion, after consultation with those in authority about him, that the short-line railroads should not be taken over. We must depend upon the President's judgment in this emergency as well as leave many matters to his discretion. I am not of those who believe him inerrant, but I think he is a man of extraordinary learning, great determination, and as he is the constitutional head of the Army we must leave some things to him to do which we can not do as the Congress. I am in no way antagonistic to the interests of short lines of railroads and I regret the straits in which conditions place them. If they are needed in conducting this war, they ought to be taken over, and doubtless will be. But up to this time the President has not done so. He evidently deems it unnecessary. But aside from all that, Mr. President, I want to say that if the purpose of this amendment is to take care of the financial interests of short lines of railroads rather than to serve the public, of course I can not subscribe to such a theory. It seems to me indefensible.

Mr. POMERENE. Mr. President, of course I think the Senate understands that if this amendment is adopted it will compel the taking over of all short-line roads. It speaks of roads competing for traffic. I would have liked the amendment very much better if it read the President is hereby compelled to take over all short lines. As this is phrased, it will be very difficult to find a short line anywhere that does not compete to some extent with some other line, and therefore it could be taken over, and would have to be taken over, under the proposed amendment.

Senators have attempted to distinguish here between great systems and small lines. It is a favorite method of argument

sometimes with some people to try to distinguish between the great and the small for the purpose of casting reflection upon a bill that may be up for consideration before the Senate. Under the bill as it is framed the great systems and the small lines are treated alike. There is no distinction. The proposed amendment makes favorites of the small or short lines, and requires them to be taken over, but it does not require the taking over of the larger lines.

I recognize the part that the small lines play in our civilization, and I want to see them cared for when they are deserving. But let me illustrate what this amendment means. A distinguished lawyer from the State of Georgia came before the committee, who was insisting that all these lines should be taken over. I put the question to him if a road had an interest-accruing account of $500,000 annually, and it was earning only $250,000 to apply on interest account, would you want the Government to take over that road and pay the whole amount of the interest? Why, certainly, he said, because if the Government did not do that the road would go into the hands of a receiver.

I want Senators to bear in mind, when they are voting upon this question, that it means upon the Government is placed the burden of taking over every bankrupt road in the country.

Mr. CUMMINS. Mr. President——

Mr. POMERENE. It means that every company that has two streaks of rust and bales of bonds outstanding must be taken over. The committee bill leaves it to the discretion of the President to say what lines shall be taken over, and I am willing to trust the welfare of the deserving small roads to the President, as well as the welfare of the great ones. I yield to the Senator from Iowa.

Mr. CUMMINS. I ask the Senator this question. We are also leaving to the President the authority to agree upon compensation. He need not agree with these roads for a compensation too great, and if they are two streaks of rust and serve no useful purpose their compensation would then be very nominal.

Mr. POMERENE. Mr. President, the Senator has very intense feelings upon this subject. I have not designated all these short roads, as the Senator would indicate by his statement. I have distinguished between the deserving and the undeserving. It is for that reason that I shall vote against this amendment, at the same time believing and hoping that the most of these short lines will be taken care of by the Government. But I do not propose by my vote to tell the President to take over some roads that have been promoted by some people who know more about getting money from the public than they do about operating railroads.

Mr. SMOOT. Mr. President, I certainly would not stand before the Senate and ask the Government of the United States to protect any railroad that was not more than paying expenses to-day. The reason why I am in favor of this amendment is because the short-line railroads of the United States are on a paying basis to-day. The short-line railroads of the United States are the ones that are reaching out into all parts of the country, and are the means of developing new homes and building up new towns and cities. The short-line railroads of to-day are financed largely by local money, and if not interfered with will have no trouble in the future. The Government now steps in and monopolizes the money market. Its requirement closes the money market to borrowers and prevents the short-line railroad from securing additional money for extensions—which I have no objection to at all, for in a time of war I believe that ought to be done, and if the financial bill that was reported yesterday is passed it will be done—but prevents the refunding of the roads' standing bond obligations.

I know of one short-line railroad whose bonds will fall due on the 1st day of April of this year. Most of those bonds are held by local people, and the holders of the bonds have notified the railroad people that they do not know whether they dare carry the bonds longer. The bonds are falling due. The roads will have to refund them or fail. The present holders do not know whether they dare invest their money in such bonds again, for the reason that there is power in the hands of one man in the United States to say that there shall not be one pound of freight carried over the road that enters into interstate commerce. This could be done; and the man who has invested his money in the bonds to build the road and who has seen the road grow and actually become a financial success, under the power that is granted in this bill will not know whether the limit of that power will be exercised or not.

I do not expect Secretary McAdoo, the Director of Railroads, to issue an order of that kind against any road in the United States; I know he has no such motive in view; but we do not know what circumstances are going to arise, nor does the holder of the bonds know what is going to happen, so he more than likely will refuse to buy the bonds.

Therefore, Mr. President, it does seem to me that if we are going to protect railroads at all we ought to protect the ones that need it for their existence as much or more than the great systems of roads in the United States. The short-line roads have been feeders for the larger roads. They haul freight in many cases direct from the farm and delivered it in carloads or less than carloads to the main trunk line.

I want to say, Mr. President, if conditions are to remain just as they are to-day, and these short-line railroads are not recognized, when the bonds fall due they can not refund them under the conditions of the money market, and they will be in the hands of a receiver; and what will be the result? When in the hands of a receiver and a forced sale is the result, we will find the short lines controlled by the larger railroads of the country.

The VICE PRESIDENT. The Senator's time has expired.

Mr. RANSDELL. Mr. President, I have no objection to the amendment as I understand it, but I should like to ask the author of it a question. I wish to know whether or not this amendment, if adopted, would require the Director General to take over the New Orleans Belt Line Railroad? That is a road which serves every railroad entering the city of New Orleans. It has about 70 miles, with main trunk and sidings, and I do not understand that it operates with any other road, but it is a public utility for the use of the roads entering the city. I simply wish to know whether the Government would be compelled under the terms of this agreement to take it over and handle it as it is now handling other roads in the country?

Mr. CUMMINS. The utility referred to by the Senator from Louisiana [Mr. RANSDELL] very clearly would not come within the amendment which I have proposed any more than a terminal company would come within the amendment. The word "competitive" was used for a purpose, and if the public-utility company did not compete for traffic with other trunk lines that were taken possession of by the President, it would not be within the operation of the amendment.

Mr. RANSDELL. Mr. President, that is the way I understood it, and I am glad to have that explanation from the Senator, because I should very much dislike to have that big public utility there taken over. It is doing for that community exactly what the Director General is trying to do for the railroads of the United States. It is unifying all the roads so that when we get their service they all serve on terms of absolute equality.

Mr. KIRBY. Mr. President, it seems to me that this amendment should not be favorably considered. If the purpose in taking over the railroads was to benefit the Government, and not for the benefit of the railroads, we ought to limit the right to take them over to such roads as are necessary to serve the purposes of the Government—to transport the soldiers, the munitions, the equipment, and the supplies of the Government which are necessary to be transported. That is all the service we ought to be required to pay for in taking over these roads in the first instance, it seems to me.

We have agreed upon this method of compensation for the roads taken over and now, since it is necessary only to use certain trunk lines and certain short lines together, in order to carry out the Government purpose, that is as far as we ought to go. It seems to me that we ought to stand by and help to protect the Government here, rather than to go further, and spread out, to protect the railroads at the expense of the Government. If it were a question of owning the railroads, of the Government taking over and operating the railroads to subserve the public convenience and to protect the public against extortionate charges and rates, it might be well to consider this other matter proposed by the amendment; but it seems to me that it ought not to be done now. Let the President take over only such roads as are necessary for this war purpose; and let us pay whatever ought to be paid for that service, and no more. It is time we came to the rescue of the Government, it seems to me; and I do not think this amendment ought to be adopted.

Mr. KELLOGG. Mr. President, I realize that something can be said on both sides of this question. I merely wish to state my position upon it. I am not willing to vote to compel the President to take over practically every line of road in the country. I believe that nearly every road in the country will come under the description of "competitive roads" and will be taken over, and that the Director General or the President will have to make an agreement with each one or they will be remitted to court to sue the Government for reasonable compensation. While some injury may be done to some lines of road, I am not yet ready to vote to give every one of them a right to go into court to sue the Government for compensation.

Mr. McKELLAR. Mr. President, I very much hope that this amendment will be adopted on two grounds: First, on the ground that these independent short-line roads are important to the Government. Many of these railroads are very necessary to the Government. For instance, a great many of them are coal roads, running for a short distance into coal territory, and surely nothing is more important to the Government than is a bountiful supply of coal, as we all know. We ought not to take any position about this matter which does not provide that short-line roads running into coal territory, for instance, shall be utilized by the Government. Our recent experience about coal indicates that it is absolutely necessary for the Government to have every coal-using railroad in the country, whether it is a long-line or a short-line road, whether it is a great trunk line or an independent short line.

In the next place, this amendment ought to be agreed to because it is absolutely fair. As reasonable men, as men of business, we all know that unless some arrangement is made to finance these short-line roads, after this bill has passed they can not meet their obligations or maintain their credit, and they will go into the hands of receivers. I think that would be bad for the whole country. I think it would not only be bad for the roads themselves—unjust and unfair to these short-line roads—but it would be unfair to the public and to the Government. It ought not to be countenanced. I believe that this amendment ought to be adopted, and I am going to vote for it.

Mr. KELLOGG. Mr. President——

Mr. McKELLAR. I yield to the Senator from Minnesota.

Mr. KELLOGG. I should like to ask the Senator from Tennessee if it is not a fact that under the finance bill, which is to be reported to the Senate I understand very soon, the Government may aid the financing of any institution in this country when it is necessary to do so?

Mr. McKELLAR. Oh, of course, under some other bill we might provide for that; we might provide for a great many things in the future. But what we are doing now is providing for the passage of a fair and just and effective railroad bill. The amendment is pertinent to this very bill, and the question ought to be decided at the same time that we decide the questions arising about the other great lines of railroad. We ought to take care of the Government in using short-line competitive railroads necessary to the Government, just as we do in using the great railroad systems of the country. It may be too late to save these short lines from bankruptcy if we delay. They may all be put in the hands of receivers and then gobbled up by the great Government-favored systems if we do not provide for them now. We should be as fair to the small ones as we are to the great ones. I sincerely hope that the amendment will be adopted now and that it will not be put off until some future time.

Mr. SIMMONS. Mr. President, as has been said by one Senator, practically all of these short-line roads have been paying properties. The fact that they have been paying properties has grown out of two circumstances: One, under the competitive system under which they were built, the right of every shipper to route his freight; secondly, the traffic arrangements between these short lines and the through lines which they serve and with which they connect.

If we take away from them the routing privilege and take away from them the traffic arrangements which they have made—and they would never have been built unless they could have made such arrangements—then we shall leave those roads absolutely helpless. It is not a matter of speculation or theory; it is a matter of absolute certainty that everyone of them must cease to be a profit-earning property.

Talk about their ability to borrow money under those conditions. Why, Mr. President, neither under the Federal reserve act nor under the war finance-corporation bill—which has been reported, and not to be reported, as the Senator from Minnesota [Mr. KELLOGG] said—under neither one of those bills could these roads borrow a dollar, because the depreciation of their securities would be so great that it would be impossible for them to give the requisite security to meet their maturities on the advances they would under these conditions have to borrow, if they are to remain and continue as going concerns.

What will be the result of those conditions? Inevitably those roads, which are worth to-day over $1,000,000,000, will go into the hands of receivers and become utterly worthless properties.

Mr. President, of course, the purpose of this is to help the Government in the prosecution of the war; but in all of our legislation with the same end in view we have not been unmindful of the private interests which would be affected by the legislation. When we fixed the price of wheat we were not unmindful of the interests of the wheat growers of the country; and when we come to pass this legislation we ought not to be unmindful of the interest of the owners of these short lines. It is not alone the interest of the stockholders in these roads and the holders of securities in these roads that will be disastrously affected by their exclusion from the provisions of this bill. The people of many communities—agricultural communities, towns, and cities—will also be disastrously affected. Most of these roads were, in the first instance, built through a sparsely settled section of country; they develop these communities.

Along these roads thriving and prosperous towns and cities spring into being, agriculture has been stimulated and developed.

There are short roads in my State, upon the line of which prosperous towns of three, four, and five thousand people have in recent years sprung up, dependent upon them for transportation facilities. Destroy such roads and you destroy the means of transportation facilities of those people; you destroy these towns and cities, and you handicap and weaken the agriculture of the entire section they traverse.

Mr. President, I do not believe that the taking over of these roads will impose any serious burden, if any burden whatsoever, upon the Government. In the first place, if the Government shall take over these short roads and if it will let them continue the present privilege of routing their freight and will continue the traffic arrangements they now have with the through lines taken over by it with which they connect, they will continue upon a profit-earning basis in the future as in the past. The Government need not lose a cent, and the communities through which they now go will continue to enjoy the same benefits of transportation that they now have, and these great property interests will be protected and preserved.

Mr. KELLOGG. Mr. President, will the Senator from North Carolina yield to me?

Mr. SIMMONS. Yes.

Mr. KELLOGG. I should like to remind the Senator that he cut down the price of wheat instead of raising it.

Mr. SIMMONS. Yes; but we fixed a price for wheat that makes it profitable for every man in this country to raise wheat.

Mr. McCUMBER. Not by any means.

Mr. SIMMONS. The price is twice as much as before the war in Europe.

Mr. CURTIS. Mr. President, I want to suggest to the Senator from North Carolina that the farmers were getting more for their wheat at the very time the President fixed the price than they have since received.

Mr. SIMMONS. But that was the result of the war. They never got such a price for wheat before the war. We fixed the price at $2.20 a bushel, and before the war I do not remember in all my life to have heard of wheat selling for $2.20.

Mr. WILLIAMS. Mr. President, I think all this talk about the price of products at this time is somewhat irrelevant. Cotton is selling at 30 cents a pound, which is about three times its normal price. Wheat is selling at $2.20, which is about 120 per cent beyond its normal price. I do not see that we have anything to do with that. The demand and supply of the market have controlled the price of both products, just as they have controlled the price of barley and flax and wool and hundreds of other commodities. By the way, every attempt of the United States Government to interfere with prices in the markets is futile. Whenever you fix a price by governmental regulation you do one of two things: You either fix that as a minimum price while you are fixing it as a maximum and you enable the producer to speculate upon the consumer, or, upon the other hand, your action is ineffectual, and if it is ineffectual you leave it to the ordinary speculative market to control the price.

The world has been full ever since the beginning of time of examples of governmental attempts to regulate prices. No governmental attempt to regulate prices has ever been successful; no governmental attempt of that sort ever will be successful. When you say to a man, "You have a right to charge $2.20 for a bushel of wheat," that gives him a right to speculate up to the extent of $2.20, and if he can find in the market somebody interested in reducing the price of wheat it will be reduced; and that is the end of that proposition. If you were to attempt to fix the price of cotton, for example, at 30 cents, its present price—an exorbitant price for all of us, as we recognize—you could not do that. The price might be fixed, but it would be fixed independently of you and independently of any legislative commandment of the United States Government. It is fixed inexorably by supply and demand.

There are about a million and a quarter bales of cotton going up every year in explosives. What is left is nothing. In the old times when a million and a quarter bales of cotton were used there was something left in the shape of old clothes; you could send them somewhere and have them converted into rags, if you could not do anything more; but there was something left.

There is nothing left of this million and a quarter bales. All the linters are going up, and about half a million bales of cotton besides the linters are going up every year.

Mr. President, all this attempt on the part of the Government, here or elsewhere, to control prices hits itself upon the rocks of psychology. You can tell a man what he can sell a thing at but you can not tell the man to sell it; and if he does not want to sell it, he will not sell it. You can tell a man what to buy a thing at but you can not make him buy it.

I have stood here and I have voted for bill after bill providing for the fixing by the Government of all sorts of prices, and I did so because I did not want anybody to suspect that, even remotely, with my boys and sons-in-law and my nephews in the Army, I could object to anything that the administration wanted to carry on the war.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. WILLIAMS. Mr. President, I am very sorry; I have just begun. [Laughter.]

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. On the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). Repeating the announcement as to my pair and its transfer, I vote "yea."

Mr. SHERMAN (when his name was called). I am paired with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am not certain how he would vote if present, although his colleague [Mr. KNOX] has voted "yea" and perhaps he might vote "yea." I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. TILLMAN. I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. FLETCHER. I make the same announcement as to my pair and its transfer as heretofore, and vote "yea."

Mr. BECKHAM (after having voted in the affirmative). I inquire if the Senator from West Virginia [Mr. SUTHERLAND] has voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. Then I transfer my pair with that Senator to the senior Senator from Texas [Mr. CULBERSON] and will allow my vote to stand.

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness in his family.

Mr. FRELINGHUYSEN. Making the same announcement as to my pair and its transfer as on previous votes, I vote "yea."

The result was announced—yeas 58, nays 14, as follows:

YEAS—58.

Ashurst	Hitchcock	Nelson	Smith, Ariz.
Beckham	Hollis	New	Smith, Ga.
Cummins	Johnson, Cal.	Norris	Smith, Mich.
Curtis	Johnson, S. Dak.	Nugent	Smith, S. C.
Dillingham	Jones, N. Mex.	Overman	Smoot
Fernald	Jones, Wash.	Page	Sterling
Fletcher	Kenyon	Phelan	Stone
France	Knox	Pittman	Swanson
Frelinghuysen	Lewis	Ransdell	Thomas
Gore	Lodge	Reed	Tillman
Gronna	McCumber	Robinson	Trammell
Hale	McKellar	Sheppard	Warren
Harding	McNary	Sherman	Wolcott
Hardwick	Martin	Shields	
Henderson	Myers	Simmons	

NAYS—14.

Bankhead	King	Saulsbury	Vardaman
Gerry	Kirby	Shafroth	Watson
Kellogg	Poindexter	Townsend	
Kendrick	Pomerene	Underwood	

NOT VOTING—22.

Borah	Culberson	McLean	Wadsworth
Brandegee	Fall	Owen	Walsh
Broussard	Gallinger	Penrose	Weeks
Calder	Goff	Smith, Md.	Williams
Chamberlain	James	Sutherland	
Colt	La Follette	Thompson	

So Mr. CUMMINS's amendment was agreed to.

Mr. LODGE. I move, on line 3, page 14, to strike out the word "eighteen" and insert "six." I have no desire to discuss the amendment. I think the Senate understands it perfectly well, but I should like to have the yeas and nays on it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, section 13, line 3, before the word "months," it is proposed to strike out "eighteen" and to insert "six," so as to read:

SEC. 13 That the Federal control of railroads and transportation systems herein and heretofore provided for shall not continue longer than six months after the proclamation of peace terminating the war in which the United States is now engaged.

Mr. LODGE. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THOMAS. Mr. President, I ask to have the amendment again stated. I am not sure that I caught its full purport.

The VICE PRESIDENT. The Secretary will again state the amendment.

The Secretary again stated the amendment of Mr. LODGE.

The VICE PRESIDENT. The question is on the amendment of the Senator from Massachusetts, on which the yeas and nays have been ordered.

Mr. ROBINSON. Mr. President, I express the hope that the amendment offered by the Senator from Massachusetts will not be agreed to. This feature of the bill was the subject matter of prolonged discussion on yesterday, and it is not my purpose to repeat in detail the arguments that I then attempted to make justifying the limitation of 18 months placed in the bill by the committee. I do, however, want to state that this feature of the bill was the occasion of very sharp differences in the committee, resulting in a compromise and the placing of a limitation of 18 months. It is the opinion of the Director General and of others connected with the administration that a shorter period than 18 months will certainly not be adequate to afford an opportunity for the adjustments which will be necessary between the railroads and the Government. Indeed, it is gravely doubtful whether 18 months will be long enough. I repeat the hope that the limitation of six months will not be placed in the bill.

The VICE PRESIDENT. The yeas and nays having been ordered on the amendment of the Senator from Massachusetts, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SHERMAN (when his name was called). I have a pair, as heretofore announced. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

The roll call was concluded.

Mr. FRELINGHUYSEN. Making the same announcement as before, I vote "yea."

Mr. RANSDELL. I wish to announce the absence of my colleague [Mr. BROUSSARD] on account of illness. I ask that this announcement may stand for the day.

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of illness in his family.

Mr. WILLIAMS. I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

The result was announced—yeas 28, nays 47, as follows:

YEAS—28.

Curtis	Hale	Kirby	Sherman
Dillingham	Harding	Lodge	Smith, Ga.
Fernald	Hardwick	McCumber	Smith, Mich.
France	Hitchcock	McNary	Smoot
Frelinghuysen	Jones, Wash.	Nelson	Sutherland
Gallinger	Kenyon	New	Townsend
Gronna	King	Page	Warren

NAYS—47.

Ashurst	Kellogg	Phelan	Smith, Ariz.
Bankhead	Kendrick	Pittman	Smith, Md.
Beckham	Knox	Poindexter	Smith, S. C.
Cummins	Lewis	Pomerene	Swanson
Fletcher	McKellar	Ransdell	Thomas
Gerry	McLean	Reed	Tillman
Gore	Martin	Robinson	Trammell
Henderson	Myers	Saulsbury	Underwood
Hollis	Norris	Shafroth	Watson
Johnson, Cal.	Nugent	Sheppard	Williams
Johnson, S. Dak.	Overman	Shields	Wolcott
Jones, N. Mex.	Owen	Simmons	

NOT VOTING—19.

Borah	Colt	La Follette	Vardaman
Brandegee	Culberson	Penrose	Wadsworth
Broussard	Fall	Sterling	Walsh
Calder	Goff	Stone	Weeks
Chamberlain	James	Thompson	

So Mr. LODGE's amendment was rejected.

Mr. KING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "eighteen" and to insert in lieu thereof the word "twelve," so that, if amended, it will read:

Twelve months after the proclamation of peace.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. KING. Upon that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHERMAN (when his name was called). I am paired, as heretofore announced. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "yea."

Mr. LODGE (when Mr. WEEKS's name was called). My colleague [Mr. WEEKS] is absent, for the reason I have already stated. He has a general pair with the senior Senator from Kentucky [Mr. JAMES]. If my colleague were present, he would have voted "yea" on the amendment I offered, and would vote "yea" on this amendment.

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON], and vote "nay."

The result was announced—yeas 29, nays 45, as follows:

YEAS—29.

Curtis	Harding	McCumber	Smoot
Dillingham	Hardwick	McNary	Sutherland
Fernald	Hitchcock	Nelson	Thomas
France	Jones, Wash.	New	Townsend
Frelinghuysen	Kenyon	Page	Warren
Gallinger	King	Sherman	
Gronna	Kirby	Smith, Ga.	
Hale	Lodge	Smith, Mich.	

NAYS—45.

Ashurst	Kellogg	Phelan	Smith, Ariz.
Bankhead	Kendrick	Pittman	Smith, Md.
Beckham	Knox	Poindexter	Smith, S. C.
Cummins	Lewis	Pomerene	Stone
Fletcher	McKellar	Ransdell	Swanson
Gerry	McLean	Reed	Underwood
Gore	Martin	Robinson	Watson
Henderson	Myers	Saulsbury	Williams
Hollis	Norris	Shafroth	Wolcott
Johnson, Cal.	Nugent	Sheppard	
Johnson, S. Dak.	Overman	Shields	
Jones, N. Mex.	Owen	Simmons	

NOT VOTING—20.

Borah	Colt	La Follette	Trammell
Brandegee	Culberson	Penrose	Vardaman
Broussard	Fall	Sterling	Wadsworth
Calder	Goff	Thompson	Walsh
Chamberlain	James	Tillman	Weeks

So Mr. KING's amendment was rejected.

Mr. SAULSBURY. Mr. President, I send to the desk an amendment of which I move the adoption.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 15, after the word "made" and before the word "the," it is proposed to insert the words "or pending the execution of an agreement," so that if amended it will read:

That if no such agreement is made, or pending the execution of an agreement.

Also, at the end of line 19, on page 5, it is proposed to insert the words "in cases where no agreement is made," so that if amended it will read:

That if no such agreement is made, or pending the execution of an agreement, the President may nevertheless pay to any carrier while under Federal control an annual amount, payable in reasonable installments, not exceeding 90 per cent of the estimated annual amount of just compensation, remitting such carrier, in cases where no agreement is made, to its legal rights for any balance claimed to the remedies provided in section 3 thereof.

Mr. SMITH of South Carolina. Mr. President, that is simply in line with the intention of the paragraph, and I see no objection to it.

Mr. THOMAS. Mr. President, I move——

The VICE PRESIDENT. The amendment of the Senator from Delaware has not been disposed of yet.

Mr. THOMAS. I understood the Senator in charge of the bill to accept it.

The VICE PRESIDENT. We must get that out of our heads at some time. The Senator in charge of the bill does not adopt amendments. The question is on the amendment offered by the Senator from Delaware.

The amendment was agreed to.

Mr. THOMAS. Now, Mr. President, on page 2, line 18, after the word "extensions," I move to insert the words "and the value of such retirements," which I hope will be acceptable to the Senator having charge of the bill, whether that disposes of it or not.

Now, Mr. President, just a word.

Mr. ROBINSON. Mr. President, will the Senator yield to just a brief statement? That provision, I think, has gone out of the bill on an amendment which I presented a day or two ago.

Mr. THOMAS. May I ask what has been substituted for it?

Mr. ROBINSON. Mr. President, a provision was agreed to, striking out that part of the compensation based upon sums invested in the property during the six-months period ended December 31, 1917. A further amendment is required to effectuate the first amendment, as follows: Strike out all after the word "return," in line 17, page 2, down to and including the word "are," in line 18, and insert the word "is."

Mr. THOMAS. Mr. President, I do not think that affects the amendment which I have offered. The standard return and the cost of such additions, betterments, or road extensions are to be ascertained by the Interstate Commerce Commission.

Mr. ROBINSON. Mr. President, the standard return is all that is left in the bill as the basis of compensation.

Mr. THOMAS. The bill makes no provision, as far as I am able to ascertain, for a means of determining the cost or value of retirements, and it is a very important subject. If there is such a provision in the bill, I should desire——

Mr. ROBINSON. That provision has gone out, and it was my oversight in not offering a further amendment to take that language out of the provision requiring the Interstate Commerce Commission to make the finding as to betterments, improvements, and retirements.

Mr. THOMAS. Does the bill contain any provision for ascertaining the value of retirements?

Mr. ROBINSON. It does not. There is no provision in the bill basing compensation on retirements now, and therefore there is no necessity for ascertaining that.

Mr. THOMAS. Accepting that statement, Mr. President, I, of course, do not insist upon the amendment.

Mr. ROBINSON. With the permission of the Senator from Colorado, I will state that I will offer the amendment which his suggestion has called to my attention as being necessary, and which I stated a moment ago.

Mr. THOMAS. Very well. I am satisfied with that statement.

Now, Mr. President, on page 3, I move to strike out all after the word "taxes," on line 7, down to and including the word "taxes," on line 9, and to insert in lieu thereof the words "heretofore or hereafter provided by law"; also to strike out the words "Federal or," on line 14, so that, if amended, the clause will read:

Every such agreement shall provide that any Federal taxes heretofore or hereafter provided by law—

And other taxes shall be paid in the manner which is set forth—

That other taxes assessed under any other governmental authority—

And so forth.

Mr. SMITH of South Carolina. Mr. President, on what page is this?

Mr. THOMAS. This is on page 3.

The bill as it now stands, Mr. President, provides that any Federal taxes under the act of October 3, 1917, commonly called war taxes, or any amendment thereto, shall be paid by the carrier out of its own funds or shall be charged against or deducted from the standard return, and that other taxes assessed under Federal authority shall be paid out of the revenues derived from railway, operations, and so forth. Now, we are all familiar with the fact that the act of 1916, increasing the normal income tax, applies to railways as well as other concerns, and that act has not been repealed by the act of 1917. Other taxes, notably a corporation stock tax, are provided in that act or the one preceding it, which must be paid by the corporation. As this bill stands, the only tax which the railroads are to pay under it is the war tax imposed under the act of 1917; and the Government will pay all the other taxes that may be and will be assessed against the roads under other laws. Now, that is wrong, and I do not think was intended by the committee. Nevertheless, that will be the construction placed upon this bill if my amendment is not accepted.

Mr. SMITH of South Carolina. Mr. President, the method of ascertaining the compensation was to deduct all the taxes, add in all the taxes as part of the expense, and they therefore would be deducted to ascertain the net operating income which we will allow.

Mr. THOMAS. But the section does not so state. If the Senator will permit me, it is expressly provided that the corporation itself shall, out of its income, pay the war tax under

the act of October, 1917, and that all other Federal taxes shall be paid out of the revenues derived from railway operation.

Mr. SMITH of South Carolina. That is true.

Mr. THOMAS. Which means that if the bill stands as it is the Government will pay to itself the normal income tax of the corporation under the act of 1916 and the corporation-stock tax. My amendment is necessary if that is to be prevented, and, of course, these companies should pay, out of the enormous compensation we are to give them, all of the Federal taxes, no matter what their character, that may be assessed against them.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I do not care to take this out of his time——

Mr. THOMAS. Unfortunately, that is the ruling of the Chair. If it were not for that I would willingly yield.

Mr. SMITH of South Carolina. When the Senator is through, then, I will make an explanation of the matter.

Mr. THOMAS. But the very fact that a different method of payment is provided for the two sets of taxes necessarily indicates that one comes out of the net profits of the railroads and the other comes out of the Government before the net profit is paid over. It was not intended by the committee, evidently, because the proposition is plainly unjust, but that is the necessary construction of the section to my mind. Let these corporations which we are to so handsomely reward pay all the taxes properly assessable against them

Mr. SMITH of South Carolina. Mr. President, the object that the committee had in view, and which I presume the expert lawyers on the committee have worked out, was this: That the tax mentioned here, particularly under the act of October 3, 1917, which is the excess-profits tax, should not be paid as a part of the regular taxes, but should be paid out of whatever returns we give the roads after deducting all the other ordinary taxes. We were going to leave the stockholders and the bondholders to pay that tax. In other words, up to the time that we make the compensation we deduct all the ordinary taxes provided for by law, except the tax that we impose under the act of October 3, 1917. That must continue, and, with whatever other war taxes may be placed upon this property, shall be paid by those who get the standard return, but before ever you pay the standard return you have deducted the ordinary taxes up until now.

Mr. THOMAS. Precisely.

Mr. SMITH of South Carolina. And will continue to deduct them.

Mr. THOMAS. Precisely.

Mr. SMITH of South Carolina. And when you have deducted them, then you require the beneficiaries of this amount to pay out of whatever we give them as standard compensation whatever other war taxes may come.

Mr. THOMAS. Mr. President, I think my construction of this law is exactly right. The Government is going to pay its own taxes to itself, except the war tax of 1917.

Mr. SMITH of South Carolina. Mr. President, I may miss the Senator's meaning. Before ever we allow them to have any standard compensation, we take out the tax.

Mr. THOMAS. Then why do you not take it all out—the taxes under the act of 1917 as well as the others?

Mr. SMITH of South Carolina. The committee was of opinion that this excess-profits tax should be taken and put upon those who receive the dividends and who hold the bonds.

Mr. THOMAS. If the Senator will permit a question, why should not those who receive the dividends and own the bonds pay the income tax assessed under the act of 1916?

Mr. SMITH of South Carolina. They do it, indirectly.

Mr. THOMAS. I am unable to perceive how.

Mr. SMITH of South Carolina. The whole object of the committee was that this excess-profits tax should rest upon those who get the standard return, but that all of the normal standard tax should be deducted before ever we allow them the compensation. That was my understanding of this proposition.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Colorado.

Mr. THOMAS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHERMAN (when his name was called). I am paired, as heretofore announced. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

The roll call was concluded.

Mr. GRONNA. I wish to state that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness in his family.

Mr. McLEAN. I desire to announce the unavoidable absence of my colleague [Mr. BRANDEGEE]. If he were present, he would vote "nay."

The result was announced—yeas 20, nays 50, as follows:

YEAS—20.

Cummins	Hollis	Kenyon	Sutherland
Curtis	Johnson, Cal.	McCumber	Swanson
Gronna	Johnson, S. Dak.	Norris	Thomas
Hardwick	Jones, N. Mex.	Reed	Townsend
Hitchcock	Jones, Wash	Shafroth	Vardaman

NAYS—50.

Ashurst	Kellogg	New	Shields
Bankhead	Kendrick	Nugent	Simmons
Beckham	King	Overman	Smith, Ariz.
Dillingham	Kirby	Page	Smith, Md.
Fernald	Knox	Phelan	Smith, Mich.
France	Lewis	Pittman	Smith, S. C.
Frelinghuysen	Lodge	Poindexter	Smoot
Gallinger	McKellar	Pomerene	Underwood
Gerry	McLean	Ransdell	Warren
Gore	McNary	Robinson	Watson
Hale	Martin	Saulsbury	Wolcott
Harding	Myers	Sheppard	
Henderson	Nelson	Sherman	

NOT VOTING—24.

Borah	Culberson	Owen	Tillman
Brandegee	Fall	Penrose	Trammell
Broussard	Fletcher	Smith, Ga.	Wadsworth
Calder	Goff	Sterling	Walsh
Chamberlain	James	Stone	Weeks
Colt	La Follette	Thompson	Williams

So Mr. THOMAS's amendment was rejected.

Mr. THOMAS. I wish to reserve the right to offer this amendment again when the bill comes into the Senate.

The VICE PRESIDENT. The Senator has that right.

Mr. ROBINSON. I offer now the amendment I referred to while the Senator from Colorado had the floor. On page 2, line 17, I move to strike out all language after the word "return," down to and including the word "are," and insert the word "is," so that it will read: "That standard return is to be ascertained by the Interstate Commerce Commission." As I stated while the Senator from Colorado had the floor, this amendment is necessary in order to effectuate an amendment that the Senate agreed to the other day.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, lines 17 and 18, strike out the words "and the cost of such additions, betterments, or road extensions are" and insert the word "is," so that the sentence will read:

The standard return is to be ascertained by the Interstate Commerce Commission from the reports, books, and other pertinent data of such carrier and certified by it to the President.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Arkansas.

The amendment was agreed to.

Mr. ROBINSON. I offer an amendment and call it especially to the attention of the chairman of the committee. I ask the Secretary to read it.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 7, at the end of line 7, insert the following words:

Proceedings in the Court of Claims under this section shall be given precedence and expedited in every practicable way.

Mr. SMITH of South Carolina. I hope that amendment will be adopted, because it is right along the line of expediting the work on which the bill is drawn.

The VICE PRESIDENT. The question is on the amendment submitted by the Senator from Arkansas.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I move that the words "during the period of Federal control," in lines 19 and 20, on page 7, be stricken out, and that, after the word "compensation," in line 17, on the same page, the words "or return" be inserted.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 17, after the word "compensation," insert the words "or return," and, on lines 19 and 20, strike out the words "during the period of Federal control," so that, if amended, the proviso will read:

Provided, That there shall be no increase of compensation or return for any additions, improvements, or betterments constructed out of or purchased by the earnings for investments or surplus.

Mr. CUMMINS. Mr. President, the purpose of this amendment is to prevent the claim that the railway companies are entitled to an additional return, whether in Federal control or after Federal control, upon values which have been created by the investment of surplus earned out of the transportation of persons or property. As everybody knows, it has been contended for a long time that when railroad companies earned more than enough to pay the expenses of maintenance and operation, more than enough to pay the interest on their bonds for fixed charges of all kinds and adequate dividends upon their capital, any surplus existing after those payments are made,

and which are invested in the property of the railway company, ought not to be made the basis for increased returns upon capital in the future.

This view was urged before the committee, and the committee adopted the view, to the extent of affirming the principles, by saying that we should pay no increased compensation for added values of this kind during the period of Federal control. My amendment simply projects that principle into the future, if the roads are ever returned to private ownership and management. If we are to adopt the important principle during Federal control the bill already does, how can it be urged that after the property is returned to the several railway companies they shall be permitted to earn a return upon values created during Federal control out of surplus earnings after the full compensation for the capital involved?

I appeal to the Senate, and especially to the members of the committee who are familiar with the whole controversy, not to be so inconsistent and illogical as to deny to these railroad companies additional returns upon these values while in Federal control after permitting additional returns or added compensation for the same value after the property passes back into private operation.

Mr. KELLOGG. Mr. President, I should like to explain to the Senate a little more what this amendment means. It would prohibit any railroad company having any surplus on hand over and above the dividends it had pa'd, not fair dividends. Those dividends might not be more than 1 or 2 per cent. The company might have a surplus on hand now which it desired to invest in betterments and improvements, and certainly no one can claim that surplus property taken out of dividends and which the company determined to put in its property instead of giving it out to stockholders should not be capital.

The committee attempted to simply provide a policy as to betterments and improvements made out of surplus over and above dividends during Federal control; that that surplus, whatever it amounted to over and above the div'dends which they were allowed to pay under this bill, should not be used to increase the guaranteed income of the road during the Federal control.

We did not desire to go into the future, after Federal control, and to settle a policy for the railroad companies, rather leaving all questions to be settled by the Congress before the railroads should be turned back.

There is, of course, much to be said to the effect that where a railroad company has paid a reasonable dividend upon its value or its stock and bonds surplus over and above that amount invested in the property should not be capitalized or used as a basis for making rates. But surplus that the companies now have on hand, a surplus wh'ch should have earned less than a fair dividend, certainly should be capital to the stockholders.

Mr. CUMMINS. Will the Senator from Minnesota yield to me?

Mr. KELLOGG. I have but five minutes, and I can not yield.

Mr. CUMMINS. I simply want to advise the Senator that I exactly agree with him. I th'nk there ought to be a provision for the allowance of reasonable dividends, and the Senator from Minnesota knows I intended that. I adopted the language in the bill rather than to offer an independent amendment of my own. I intend to amend it in that way.

Mr. KELLOGG. Mr. President, it does seem to me that we ought not to prevent the roads from using the surplus which they now have on hand or to project any policy into the future beyond the Government control. Those policies should be settled at that time.

Mr. REED. Will the Senator yield for a question?

Mr. KELLOGG. I can not. I have only five minutes, and I prefer the Senator to use his own time.

Mr. REED. I want to get light from the Senator. I can not get it myself.

Mr. KELLOGG. Mr. President, I believe that the amendment as it exists here goes too far, and certainly the amendment of the Senator from Iowa goes much too far. I believe that so far as it is possible we ought not to undertake in this bill to settle the policies of railroad control, railroad management and capitalization and what should be capitalized and what should not be capitalized.

Mr. REED. Mr. President, in my own time I will ask the Senator a question.

Mr. KELLOGG. I shall be very glad to answer it.

Mr. REED. The Senator speaks about the surplus the railroad may have on hand now that it may desire to invest. Of course under the terms of the bill as it is drawn it would get no return upon those investments during the time of governmental control. That is correct, is it not?

Mr. KELLOGG. No; as the bill is now drawn any surplus on hand when the Government took over the road, if they invested it, would be the same as their capital, but under the bill as drawn any surplus made over and above dividends during the Government control can not be used to increase the income of the road during the time of that control.

Mr. REED. Does the Senator think that the latter income he has just spoken of is likely to be invested at all during Government control when there is an absolute prohibition against any income being paid on it?

Mr. KELLOGG. There is some question about that, and I am not sure of the wisdom of the clause that is in the bill now, but certainly it is not wise to go further than that.

Mr. REED. It seems to me, if the Senator's contention is correct, it is perfectly plain that a road will not be deterred from putting its income back into its property by the amendment offered by the Senator from Iowa, if it put it in the teeth of a provision which denied it any return during the period of the war or the period of control; that is, for the war, and as the bill now stands for 18 months thereafter. It occurs to me that the opposition has not very much ground to stand upon.

Mr. CUMMINS. Mr. President, I do not rise to speak on the amendment. I desire to modify the amendment by adding, after the word "surplus," the words "after allowance for reasonable dividends."

The VICE PRESIDENT. The amendment will be stated as modified.

The SECRETARY. On page 7, line 17, after the word "compensation," insert the words "or return," and, on lines 19 and 20, strike out the words "earned during the period of Federal control" and insert "after allowance for reasonable dividends," so that the proviso will read:

Provided, That there shall be no increase of compensation or return for any additions, improvements, or betterments constructed out of or purchased by the earnings for investment or surplus after allowance for reasonable dividends.

The VICE PRESIDENT. The question is on the amendment of the Senator from Iowa.

Mr. CUMMINS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHERMAN (when his name was called). I make a like announcement as to my pair and the transfer of it, as on the former vote, to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

The roll call was concluded.

Mr. SMITH of South Carolina. I have a general pair with the Senator from South Dakota [Mr. STERLING], who is absent; but I was permitted by him to cast my vote, as I have done, in his absence. He also stated that he would vote for the bill on its passage, whenever that may occur.

The result was announced—yeas 21, nays 49, as follows:

YEAS—21.

Cummins	Johnson, S. Dak.	McNary	Thomas
Curtis	Jones, Wash.	Norris	Trammell
Gronna	Kenyon	Phelan	Vardaman
Hardwick	King	Reed	
Hollis	Kirby	Shafroth	
Johnson, Cal.	McCumber	Sutherland	

NAYS—49.

Ashurst	Henderson	Nugent	Smith, Md.
Bankhead	Hitchcock	Overman	Smith, Mich.
Beckham	Jones, N. Mex.	Page	Smith, S. C.
Culberson	Kellogg	Pittman	Smoot
Dillingham	Knox	Poindexter	Stone
Fernald	Lewis	Pomerene	Underwood
Fletcher	Lodge	Ransdell	Warren
France	McKellar	Robinson	Watson
Frelinghuysen	McLean	Sheppard	Williams
Gallinger	Martin	Sherman	Wolcott
Gerry	Myers	Shields	
Hale	Nelson	Simmons	
Harding	New	Smith, Ga.	

NOT VOTING—24.

Borah	Fall	Owen	Thompson
Brandegee	Goff	Penrose	Tillman
Broussard	Gore	Saulsbury	Townsend
Calder	James	Smith, Ariz.	Wadsworth
Chamberlain	Kendrick	Sterling	Walsh
Colt	La Follette	Swanson	Weeks

So the amendment of Mr. CUMMINS was rejected.

Mr. CUMMINS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. It is proposed to strike out the second paragraph of section 10, which begins on page 11, line 13, down to and including line 2, on page 12, as amended, and to insert:

Provided, That with respect to rates, charges, and fares for the transportation of persons and property (except troops and Government property) the act to regulate commerce approved February 4, 1887, and all amendments thereto shall remain in full force and effect, and the Interstate Commerce Commission shall continue to exercise all the powers conferred in said act; and the President shall have no greater power respecting rates, charges, and fares for the transportation of persons and property (except troops and Government property) than carriers have heretofore had under the said act.

Mr. CUMMINS. Mr. President, this amendment presents squarely the question that has been more than once suggested and debated in the last day or two. Under this amendment the jurisdiction of the Interstate Commerce Commission as to rates and charges for the transportation of persons and property in general commerce is preserved unimpaired and untouched, the President having absolute power under the previous part of the section to dispose of every other question relating to the operation and management of railways. The bill as it is, as I remarked in my minority report, keeps the promise to the ear but breaks it to the hope. It gives the President the right to initiate rates, as my amendment does, but it gives him also the power to put the new rates instantly into effect, and they can only be modified upon the complaint of some interested person after a hearing by the Interstate Commerce Commission.

Mark you, I am not impairing or infringing upon the authority given to the President in any other thing save the fixing of rates in general commerce, and the difference between the amendment I have offered and the bill as it is lies practically in two things: First, it will give the Interstate Commerce Commission the power to suspend a rate proposed by the carrier or by the President; second, it will make it necessary that the Interstate Commerce Commission shall approve the rate, if it be an increase over the existing rate, before it goes into effect. In that way we may be able, notwithstanding the enormous influence of the Executive—an influence which in recent years unhappily has embraced the Interstate Commerce Commission—notwithstanding that pernicious activity, we may be able to preserve some power in the commission. But under the bill as it is there is no hope of any practical exercise of power upon the part of the commission.

I want to present the question fairly and fully as to whether the Senate desires that in future the Interstate Commerce Commission shall have the same power over rates which it now possesses under the law. Remember, however, when you are voting upon it that it does not interfere with the President's absolute power in every other respect.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield.

Mr. STONE. Does the Senator mean that he wishes the Interstate Commerce Commission to retain its present power with respect to fixing and adjusting competitive rates?

Mr. CUMMINS. Mr. President, the Interstate Commerce Commission has no power to fix or adjust competitive rates so far as I know.

Mr. STONE. I thought where there were questions arising between railroads running in different directions—competing lines—that it had the power to fix rates?

Mr. CUMMINS. It has the power to fix rates for every railway company in the country, but it has no power to adjust competitive rates, because really there is no such thing as a competitive rate; that is to say, which is recognized by the law.

Mr. STONE. Well, then, does the Senator mean that the Interstate Commerce Commission must retain the power of fixing rates generally?

Mr. CUMMINS. I do. I am insisting that the Interstate Commerce Commission shall be the tribunal, as heretofore, for the establishment of rates for the transportation of property in general—not Government property or Government troops.

Mr. ROBINSON. Mr. President, the amendment which the Senator from Iowa [Mr. CUMMINS] has presented relates to one of the most fiercely contested questions involved in this bill. The provision in the bill was the result of a compromise, to which I referred yesterday, and gives the President the power to initiate rates and put them into effect, subject to the right of the Interstate Commerce Commission to review them as to justness and reasonableness.

I maintain, Mr. President, that under Federal control much power is necessarily vested in the President. In the first place, it has become necessary for the purpose of relieving congestion in the eastern ports to divert a large volume of traffic to South Atlantic and Gulf ports, and it may prove wise to divert some even to Pacific ports. This can not be done without a quick readjustment of rates between these ports. It may be necessary to increase rates to the eastern ports, to discourage traffic in that direction, and thus induce it to go to ports less congested. It is manifest that there must be a great many readjustments of joint rates to accommodate this new movement of traffic, which would involve long delays if the ordinary pence processes before the Interstate Commerce Commission in respect to the increase of rates should be followed.

In the next place, because of war conditions the country is confronted with the withdrawal of water transportation all along the Atlantic coast, and notably from New England points, and many essential commodities, such as coal, must now move entirely by rail. The rail rates were perhaps in many instances fixed in order to meet water competition, and the railroads can not be made to carry the traffic in all instances without some increase in rates. It may become necessary, in the third place, in the public interest to increase or reduce rates under many circumstances during Federal control, and if the President be deprived of this power it will limit him in the effective operation of the railroads during this very great emergency.

Mr. President, Federal control implies a readjustment to some extent of the conditions and rates that prevailed during peace. There has been already, and there will hereafter be, a great diversion of freight, a great rerouting of freight, and to require the President to wait until the Interstate Commerce Commission has gone through its quasi judicial processes and determined these questions would be to deprive the Government of the benefit of prompt action in the matter of Federal control.

I maintain that the committee has adopted about the best provision to meet the conflicting views that can be written into this bill, and I express the hope that the Senate will defeat the amendment and sustain the committee's provision, which grants the minimum authority in the Executive necessary for effective Federal control as to the making of rates.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. Upon the amendment I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHERMAN (when his name was called). I am paired with the senior Senator from Kansas [Mr. THOMPSON] and therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 24, nays 45, as follows:

YEAS—24.

Cummins	Hitchcock	Nelson	Stone
Curtis	Johnson, Cal.	New	Sutherland
France	Jones, Wash.	Norris	Thomas
Gronna	Kenyon	Reed	Trammell
Harding	Knox	Smith, Ga.	Vardaman
Hardwick	McNary	Smoot	Wolcott

NAYS—45.

Ashurst	Jones, N. Mex.	Nugent	Shields
Bankhead	Kellogg	Overman	Simmons
Beckham	Kendrick	Page	Smith, Ariz.
Dillingham	King	Phelan	Smith, Md.
Fernald	Kirby	Pittman	Smith, Mich.
Fletcher	Lewis	Poindexter	Smith, S. C.
Frelinghuysen	Lodge	Pomerene	Swanson
Gallinger	McCumber	Ransdell	Warren
Gerry	McKellar	Robinson	Watson
Hale	McLean	Saulsbury	Williams
Henderson	Martin	Shafroth	
Hollis	Myers	Sheppard	

NOT VOTING—23.

Borah	Fall	Penrose	Wadsworth
Brandegee	Goff	Sherman	Walsh
Broussard	Gore	Sterling	Weeks
Calder	James	Thompson	Williams
Chamberlain	Johnson, S. Dak.	Tillman	
Colt	La Follette	Townsend	
Culberson	Owen	Underwood	

So Mr. CUMMINS's amendment was rejected.

Mr. STONE. In this connection, Mr. President, I ask to have printed in the RECORD a telegram which I send to the desk.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

KANSAS CITY, MO., *February 21, 1918.*

Hon. WILLIAM J. STONE,
United States Senator, Washington, D. C.:

At a special called meeting this date of the board of directors of the chamber and representative shippers to consider rate-control features of railroad bills in Congress, we respectfully urge the amendment and enacting of the Senate bill, providing that the Interstate Commerce Commission shall continue to exercise full control of all rates and charges of railroads during Government operation, subject to all provi-

sions of the act to regulate commerce, especially relating to discriminatory and prejudicial rates and suspension of date effective thereof pending public hearing. We make no suggestions as to other features of the proposed legislation empowering the President to deal with the carriers during the period of the war.

THE CHAMBER OF COMMERCE OF KANSAS CITY, MO.,
C. W. LONSDALE,
Third Vice President, in Charge of Traffic.

Mr. SMITH of Michigan. Mr. President, I desire to invite the attention of the Senator from South Carolina to the provision of this bill at pages 9 and 10, section 7, where the President is given discretionary power to buy certain railroad stocks and securities at par, but he has no discretion whatever in selling those securities.

It seems to me that the President should be given some discretion in disposing of railroad stocks. He can not dispose of them at less than cost, no matter how badly he may want to do so. If there is any good reason for thus restricting his power to divest the Government of railroad stocks purchased under the authority of this bill, I should like to know what the reason is?

Mr. SMITH of South Carolina. Mr. President, I think the only object that the committee had in view was that when these securities were purchased, without making some limitation as to what should be the price, it might be possible that they would lay themselves open to the charge of having disposed of them at a sacrifice. I can see the point that the Senator is making. In that connection, the provision reads:

The President may purchase for the United States all or any part of such securities at prices not exceeding par.

Which means that he may purchase at any price——

Mr. SMITH of Michigan. Less than par.

Mr. SMITH of South Carolina. Less than par; and I do not know that there is any valid reason why he may not be allowed to sell them under such conditions as would be for the best interests of the public in general.

Mr. SMITH of Michigan. That is exactly the point I desire to make.

Mr. SMITH of South Carolina. I see no objection to that.

Mr. SMITH of Michigan. It seems to me that all after the word "desirable," in line 4, down to the semicolon, ought to be stricken out, so that the provision would read:

The President may purchase for the United States all or any part of such securities at prices not exceeding par, and may sell such securities whenever in his judgment it is desirable.

That amendment ought to be made. Otherwise we may get into the Treasury of the United States millions of dollars' worth of stocks and bonds that we can not get rid of unless the President goes into the open market and bolsters up that market. To make him such an instrument of questionable propriety is beyond belief.

I therefore move, Mr. President, to strike out the words "at prices not less than the cost thereof," in line 4, on page 10; and after what the Senator from South Carolina, in charge of the bill, has said about it, I hope the amendment may be adopted.

Mr. SMOOT. Mr. President, just one word. The object of allowing the President to buy these securities at all is that the market is not and will not be in a condition to purchase them. If we give the President the power to purchase these securities at par and then allow him to sell them at less than par, the President could throw these very securities upon the market, and that would have a worse effect than if forced upon the market by the roads themselves.

Mr. SMITH of Michigan. Mr. President, if the Senator will permit an interruption, to throw them upon the market, of course, would challenge the discretion and the patriotism of the President. I am not doing that; and to make it necessary for him to bolster the entire market before he could part with these stocks would be a strange thing for the President of the United States to undertake.

Mr. SMOOT. Mr. President, I do not think the Government of the United States would have to invest any money in these securities unless the condition of the money market was such as now exists. I think the Government ought to buy the securities at par, if it buys them at all, and I do not believe it ought to sell them below par, nor should we authorize them to be sold below par, because after normal conditions have been restored the President can sell these securities at par and perhaps above. It does seem to me that they ought not to be sold by the Government of the United States for less than it paid for them, and not until financial conditions are normal.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. SMITH].

The amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of section 1, the following:

Provided, That in no case shall the net income—that is, the sum remaining after deducting for operation, maintenance, taxes, fixed charges, interest on funded and unfunded debt and all other items of expense according to the system of accounting established by the Interstate Commerce Commission—of any such carrier exceed 5 per cent on the par value of its capital stock—eliminating duplications—outstanding on the 31st day of December, 1917.

Mr. CUMMINS. Mr. President, this amendment recalls the attention of the Senate to the subject of compensation during Federal control.

The amendment which I offered yesterday, or day before, was scientifically correct, so far as its expression was concerned, but I believe that a great many Senators failed to comprehend its effect upon the bill by reason of the intricacy of the subject. I have reduced the matter to its last analysis in the amendment which I have just offered, and it is so simple that anyone, no matter how unfamiliar with the bookkeeping or system of accounts established by the commission, can comprehend it.

It provides that the net income, after the payment of all expenses of every character, including interest and taxes of every kind that can be possibly assessed against the railway company, shall not exceed 5 per cent upon the par value of the stock outstanding on the 31st day of December, 1917, that being the day upon which we began our new relation to the railway companies.

I believe that in the emergency through which we are passing 5 per cent is adequate compensation. I believe that in view of the sacrifices and hardships which the American people are expected to make and to suffer we ought not to pay these securities more than 5 per cent, for then they are closely related in value to the bonds which the Government expects the people to take, the proceeds from which will enable us to carry on the war.

Now, that is my view, but if this amendment is not acceptable I intend to offer another providing for 6 per cent. I want to get, if I can, the sober, intelligent view of the Senate with regard to the dividends that ought to be paid upon the stock of railroad corporations during this war, and I know of no way in which to get that view except to ask a vote upon the proposition I have made, which strips the subject of all the verbal obscurities in which the bill itself is couched.

If no other Senator desires to speak upon the amendment, or in any event, Mr. President, I will ask at this time that when the vote is taken upon the amendment it shall be by the yeas and nays.

Mr. SMITH of South Carolina. Mr. President——

Mr. CUMMINS. I should like to have that matter determined now.

The VICE PRESIDENT. Is there a second?

The yeas and nays were ordered.

Mr. SMITH of South Carolina. Mr. President, I just want to call the attention of the Senate to the fact that this is the identical proposition that the Senator from Iowa has offered here more than once, and it has been voted down more than once. It simply means that he is committing the Government to a policy that has not obtained at any time, at any place, anywhere, and restricting the roads to an amount sufficient to pay a certain rate of interest on their bonds and dividends on their stock, and, outside of that, no earnings whatsoever. He knows as well as the committee knows that we have had no way to ascertain whether or not this would be a just compensation. He knows as well as the committee knows that it would rob the President of the basis which we hope will be one upon which he and the railroads can agree. He knows that rather than submit to some arbitrary statutory enactment as the basis upon which they will settle, which it is beyond the province of this legislature to make, the roads will go into the courts, and the precious time that is necessary for us to mobilize and use these indispensable resources of our economic life will have passed.

The Senator knows that this is not the time or the place for us to determine the question of the justice of returns to the railroads. Every man on the floor of the Senate will address himself at the proper time to that question, but this is not the proper time, and I do not know why the Senator insists upon bringing it up and having it defeated and still bringing it up again. He is not detracting from the patriotism of any man here by putting us on record as to how we stand on this matter. I say here and now that I am willing to bear my share of the so-called burden that we are going to pay the railroads, if in bearing it we can expedite matters and cause us the more readily and easily to win the terrible conflict we are in. But in order to save one or two or three million dollars, perhaps, let us not jeopardize the whole scheme and throw it all into the courts for a mere question of dollars and cents. We are passing this legislation for the purpose of getting the forces of America mobilized as quickly and as powerfully as we may, in order to win this

war. We can not sit down and calculate nicely what the shippers and the railroads are entitled to in a nicely balanced peacetime condition.

I hope the Senate will vote down the amendment and give the President the latitude that this bill gives him, to agree with these people who have their money invested in these roads on any basis that he can within the provisions of the bill.

Mr. REED. Mr. President, adopting the phraseology of the chairman of the committee, it might be said that he knows that the adoption of this amendment or any other amendment fixing a compensation will not delay the taking over of these roads one second, because the roads have already been taken over. It might be further said that he knows perfectly well that it will not unstabilize financial conditions, because the road refusing to accept the 5 per cent return will surely be a road that would hope to get a larger return than 5 per cent by going into court; and the road that can fairly hope to have more than 5 per cent net return is not the kind of road the securities of which will in any manner disturb the financial market.

When we consider the question so often raised to cover every defect and every imperfection, that we must do this in order to win the war, it will be difficult to understand how keeping railroad companies down to a fair return upon their capital can in any way militate against the success of our fortunes on the western front or on the high seas. The truth of the matter is that as we are drawing this bill we are putting some few restrictions in, we are laying down some rules to be followed, and the sole question is, Ought we to provide that no railroad company shall receive more than 5 per cent net upon its stock? It seems to me that that question ought to be settled upon its merits. It does seem to me that an absolute guaranteed return of 5 per cent for a period of the war and 18 months thereafter would be a condition that most financial institutions of the United States and most individuals would like to be assured of upon their investments.

Mr. JOHNSON of California. Mr. President, neither this amendment nor any individual connected with the amendment, of course, impugns the patriotism of any Senator upon this floor. We recognize the unselfish devotion of those who are upon the committee, and the patriotism of all those who have voted with the majority. Their patriotism and unselfishness as evinced by their action on this bill are far beyond any dispute or any cavil of ours whatever.

This amendment, however—and I trust if it is defeated it will be followed with other amendments of a like sort at 6 and 7 per cent as well—says to the railroad companies of the United States in time of war that they shall be paid every dollar of expense, every penny of interest that may be due upon any outstanding indebtedness or outstanding bond, and then that there shall be paid to them 5 per cent upon their capital stock. It is a sorry compliment to the railroad companies and to the railroad magnates of this land, it is a pitiful tribute to their patriotism, that any Senator should insist that that does not, in this time of crisis and war, do ample, full, and complete justice to them, and to every one of them.

I can conceive of no rational theory upon which to every business in this land a lesser rate should be guaranteed in this crisis and to the railroads of the land 5 per cent and more.

If this amendment be defeated I trust the Senator from Iowa will follow it with an amendment allowing the railroad companies 6 per cent on their capital stock, and then an amendment providing for 7 per cent, and let us see just exactly the extent of the generosity of Congress to railroad proprietors in time of crisis and in time of war, in time of sacrifice of men and of women and children in this land, in time of sacrifice of property and of blood.

Mr. SMITH of South Carolina. Will the Senator allow me? It is not a question of 5, 6, 7, 8, 9, 10, or 20 per cent. It is a question in this bill of leaving it to the discretion of the President to take what the railroads have earned and reach a basis of agreement as to what he will pay them.

Mr. JOHNSON of California. On the contrary, Mr. President, in reply—for I have only a minute and a half—I say to the Senator from South Carolina he is inaccurate in his statement. The bill provides the particular mode of compensation. The President has stated the mode that he will adopt. The Director General has stated his intention, and the intention of the Director General and the rate of compensation in the proclamation by the President are alike. It is the intention to pay exactly the rate that is specified in this particular bill.

Mr. SMITH of South Carolina. If the Senator will allow me, those intentions have never been communicated to the committee; certainly not to the chairman of the committee.

Mr. JOHNSON of California. In answer, Mr. President, I say they were communicated in the original proclamation of the President. They were stated in his address given to both Houses. I am told by the Senator from Iowa [Mr. CUMMINS] that they were stated by Director General McAdoo in his testimony before the particular committee. If I am in error in the latter statement, I may stand corrected, but the statement has never been challenged. They are of record in the proclamation of the President and they are of record as well in the President's address to Congress delivered only a brief period ago; they are of record in the proceedings of the committee and of record in the bill before us. Whether of record or not, here now is submitted that the rate of compensation shall not exceed, after all payments of interest, indebtedness, and so forth, 5 per cent. Hereafter, if this amendment be defeated, the compensation will be increased to 6 per cent. If that be defeated, then we offer 7 per cent. Can more be asked of a kindly and tender and overgenerous Congress?

Mr. SMITH of South Carolina. That was to be the basis on which compensation was to be reckoned. The average of three years' net earnings was the basis upon which the agreement was to be reached. I will just call the attention of the Senator to one glaring instance in the table given by the Senator from Iowa.

The VICE PRESIDENT. The Senator's time has expired. Is there further discussion? If not, the yeas and nays have been demanded on the amendment proposed by the Senator from Iowa. Is there a second?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). Again announcing my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] and transferring that pair to the junior Senator from New York [Mr. CALDER], I vote "nay."

Mr. SHERMAN (when his name was called). I have a pair with the senior Senator from Kansas [Mr. THOMPSON], which I transfer to the Senator from New York [Mr. WADSWORTH] and vote "nay."

The roll call having been concluded, the result was announced—yeas 19, nays 46, as follows:

YEAS—19.

Cummins	Henderson	Kenyon	Sutherland
Curtis	Hollis	Kirby	Thomas
Gore	Johnson, Cal.	McNary	Trammell
Gronna	Jones, Wash.	Norris	Vardaman
Hardwick	Kendrick	Reed	

NAYS—46.

Bankhead	Kellogg	Overman	Simmons
Beckham	Knox	Owen	Smith, Ariz.
Dillingham	Lewis	Page	Smith, Md.
Fernald	Lodge	Phelan	Smith, Mich.
Fletcher	McCumber	Pittman	Smith, S. C.
France	McKellar	Pomerene	Smoot
Frelinghuysen	McLean	Ransdell	Swanson
Gallinger	Martin	Robinson	Warren
Gerry	Myers	Saulsbury	Watson
Hale	Nelson	Shafroth	Wolcott
Harding	New	Sheppard	
Jones, N. Mex.	Nugent	Sherman	

NOT VOTING—29.

Ashurst	Fall	Poindexter	Underwood
Borah	Goff	Shields	Wadsworth
Brandegee	Hitchcock	Smith, Ga.	Walsh
Broussard	James	Sterling	Weeks
Calder	Johnson, S. Dak.	Stone	Williams
Chamberlain	King	Thompson	
Colt	La Follette	Tillman	
Culberson	Penrose	Townsend	

So Mr. CUMMINS's amendment was rejected.

Mr. CUMMINS. I offer the following amendment.

The SECRETARY. Add at the end of section 1 the following:

Provided, That in no case shall the net income (that is, the sum remaining after deducting for operation, maintenance, taxes, fixed charges, interest in funded and unfunded debt, and all other items of expense according to the system of accounting established by the Interstate Commerce Commission) of any such carrier exceed 6 per cent on the par value of its capital stock (eliminating duplications) outstanding on the 31st day of December, 1917.

Mr. CUMMINS. Mr. President, it will be observed that this amendment is precisely in terms like the one just voted upon except that it permits a dividend of 6 per cent upon the capital stock outstanding on the 31st day of December. It is offered, as I shall offer another one, in the hope that we may not close this bill with the extravagant compensation now provided remaining in it.

I ask for the yeas and nays upon agreeing to the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). Repeating the announcement on the former vote, I vote "nay."

Mr. SHERMAN (when his name was called). I am paired as heretofore announced, and I transfer my pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

The roll call having been concluded, the result was announced—yeas 24, nays 45, as follows:

YEAS—24.

Borah	Henderson	Kenyon	Shafroth
Cummins	Hollis	King	Smith, Mich.
Curtis	Johnson, Cal.	Kirby	Sutherland
Gore	Johnson, S. Dak.	McNary	Thomas
Gronna	Jones, Wash.	Norris	Trammell
Hardwick	Kendrick	Reed	Vardaman

NAYS—45.

Bankhead	Kellogg	Overman	Smith, Ariz.
Beckham	Knox	Page	Smith, Ga.
Dillingham	Lewis	Pittman	Smith, Md.
Fernald	Lodge	Poindexter	Smith, S. C.
Fletcher	McCumber	Pomerene	Smoot
France	McKellar	Ransdell	Swanson
Frelinghuysen	McLean	Robinson	Warren
Gallinger	Martin	Saulsbury	Watson
Gerry	Myers	Sheppard	Wolcott
Hale	Nelson	Sherman	
Harding	New	Shields	
Jones, N. Mex.	Nugent	Simmons	

NOT VOTING—25.

Ashurst	Fall	Phelan	Wadsworth
Brandegee	Goff	Sterling	Walsh
Brousard	Hitchcock	Stone	Weeks
Calder	James	Thompson	Williams
Chamberlain	La Follette	Tillman	
Colt	Owen	Townsend	
Culberson	Penrose	Underwood	

So Mr. CUMMINS's amendment was rejected.

Mr. CUMMINS. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. It is proposed to add to section 1 the following:

Provided, That in no case shall the net income (that is, the sum remaining after deducting for operation, maintenance, taxes, fixed charges, interest on funded and unfunded debt, and all other items of expense according to the system of accounting established by the Interstate Commerce Commission) of any such carrier exceed 7 per cent on the par value of its capital stock (eliminating duplications) outstanding on the 31st day of December, 1917.

Mr. CUMMINS. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). Repeating the announcement which I made upon the previous vote as to my pair and its transfer, I vote "nay."

Mr. SHERMAN (when his name was called). I am paired with the senior Senator from Kansas [Mr. THOMPSON]. I transfer that pair to the senior Senator from New York [Mr. WADSWORTH] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the senior Senator from Pennsylvania [Mr. PENROSE], but I am informed that if he were present he would vote as I am about to vote. I therefore regard myself as at liberty to vote. I vote "nay."

The result was announced—yeas 27, nays 47, as follows:

YEAS—27.

Ashurst	Hardwick	Kendrick	Shafroth
Borah	Henderson	Kenyon	Smith, Mich.
Cummins	Hitchcock	King	Sutherland
Curtis	Hollis	Kirby	Thomas
Gore	Johnson, Cal.	McNary	Trammell
Gronna	Johnson, S. Dak.	Norris	Vardaman
Harding	Jones, Wash.	Reed	

NAYS—47.

Bankhead	Knox	Owen	Simmons
Beckham	Lewis	Page	Smith, Ariz.
Dillingham	Lodge	Phelan	Smith, Ga.
Fernald	McCumber	Pittman	Smith, Md.
Fletcher	McKellar	Poindexter	Smith, S. C.
France	McLean	Pomerene	Smoot
Frelinghuysen	Martin	Ransdell	Swanson
Gallinger	Myers	Robinson	Warren
Gerry	Nelson	Saulsbury	Watson
Hale	New	Sheppard	Williams
Jones, N. Mex.	Nugent	Sherman	Wolcott
Kellogg	Overman	Shields	

NOT VOTING—20.

Brandegee	Culberson	Penrose	Townsend
Brousard	Fall	Sterling	Underwood
Calder	Goff	Stone	Wadsworth
Chamberlain	James	Thompson	Walsh
Colt	La Follette	Tillman	Weeks

So the amendment of Mr. CUMMINS was rejected.

Mr. RANSDELL. I submit an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Louisiana will be stated.

The SECRETARY. On page 9, line 17, after the word "interest," it is proposed to insert "including the construction of tracks, structures, and equipment to facilitate the exchange of traffic between carriers by water and carriers by rail."

Mr. RANSDELL. Mr. President, I regard this as quite an important amendment. It is barely possible that it may be included in the terms of the bill, but I am not at all clear as to that. It certainly is very important that water carriers, if used, as I hope and believe they will be used under the power given to the President in this bill, will be enabled to cooperate in a businesslike manner with the railways.

The waterways, as everyone knows, are not being used at the present time. There are very few carriers on them—very few boats. They have been completely neglected and overlooked. We criticize the Germans in a great many respects, but we might well imitate them in utilizing our waterways as they have been utilizing theirs. Many of the closest students of the subject think that the great development of Germany during the last 40 years is due more to the wise and businesslike development of its waterway systems than to any other one cause.

This bill provides, at the close of section 6, that out of the revolving fund of $500,000,000 the President shall have authority to build boats and barges for the various canals and rivers of the country, if he deems it advisable so to do. The purpose of my amendment is to authorize him, beyond any question, to make physical connection between the railways and the boat lines. We know that that does not exist at the present time, or that it exists in very few places. If we are to utilize rivers and canals, it can not be done effectively except by making the railway and the waterway cooperate.

Mr. POMERENE. Mr. President, may I interrupt the Senator for a question?

Mr. RANSDELL. I will yield for a question, but not for an argument.

Mr. POMERENE. Merely for a question. The Senator has stated that there were very few boats on the rivers.

Mr. RANSDELL. That is true.

Mr. PEMERENE. Now, then, with what are we to connect the railways if there are no boats?

Mr. RANSDELL. There are some boats now; and the provision which I propose would authorize the President to put on more boats. I sincerely hope we are going to use a part of this $500,000,000 in putting more boats on the rivers. We could not expend it in a wiser or better way. We could not expend it in a way which would give greater returns to the American people. We could not help them more than by utilizing these splendid God-given highways, which have been allowed to go to utter neglect in this country.

Mr. President, I wish to ask that a very brief address, of some eight pages, delivered by Mr. S. A. Thompson, on "The relation of improved waterways to foreign trade" be published along with my remarks. The address was delivered two years ago before the Third National Foreign Trade Convention at New Orleans. It contains some splendid thoughts and very valuable data.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. What is the request, Mr. President?

The VICE PRESIDENT. The request is to publish somebody's speech as a part of the Senator's remarks.

Mr. GALLINGER. I must object.

The VICE PRESIDENT. Objection is made.

Mr. RANSDELL. I hope the Senator from New Hampshire will not make the objection. Let me state what the matter is. It is a very brief address, covering eight narrow pages, which was delivered two years ago before the Foreign Trade Council at New Orleans. I shall simply have to read it if the Senator objects to printing it. It is not a political speech, but it is a discussion, in a very forceful manner, of the merits of the question of transportation.

Mr. GALLINGER. Mr. President, I think we ought to keep that kind of matter out of the RECORD until we can get paper enough to print the RECORD for our constituents.

Mr. RANSDELL. I will say to the Senator that, while I respect him very much, that matter shall go into the RECORD if I am obliged to stand in my place here and read it. The Senator will not accomplish anything by his objection.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. RANSDELL. Very well; I shall resume later.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Louisiana.

The amendment was rejected.

Mr. CUMMINS. I offer the amendment which I send to the desk, and desire to say now that I do not intend to ask for a roll call upon it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, line 9, after the word "desirable," it is proposed to insert the following proviso.

Provided, That upon the termination of the war the President shall appoint, by and with the consent of the Senate, a board of railway directors, to be composed of five persons, one of whom shall be an engineer, one a financier, one trained in the operation of railway property, one whose interests have allied him with the shipping public, and one a lawyer. The members of the board shall hold office during the remainder of the period of Federal control. Removals must be for cause shown, and vacancies shall be filled in the same manner as original appointments are made. Each of said directors shall receive compensation at the rate of $12,500 per year. The principal office shall be in the District of Columbia. All necessary employees of the board shall be appointed by the board under the rules of the Civil Service Commission.

Immediately upon the organization of said board of directors all the powers, whether granted by the act of August 29, 1916, or herein granted to the President, shall vest in said board of railway directors.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Iowa.

Mr. RANSDELL. Mr. President, I proceed now to read the address to which I have referred. It is a speech of Mr. S. A. Thompson, delivered before the Third National Foreign Trade Convention, held in New Orleans, on January 29, 1916:

"Mr. Chairman and gentlemen, it may seem presumptuous for anyone on this closing day of the convention to attempt to add anything whatever to the able addresses and the interesting and enlightening discussions to which we have already listened. I crave your indulgence for a few minutes, however, while I briefly discuss a factor which bears a fundamental relation to trade both foreign and domestic, one which is of vital importance to commerce both under the normal conditions of peace and in the emergencies produced by war. I refer to transportation.

"Transportation affects the price of everything bought or sold by any individual. It limits the territory tributary to the trade of any city. It determines the development of the resources of any State. And, far more than any other one thing, it fixes the share obtained by any nation in the commerce of the world.

"Unlike manufacture, which transforms crude materials into products adapted for human use, transportation changes the location of things without changing their character. The cost of transportation, therefore, is a tax which must be paid either by the producer or the consumer, or, as is sometimes the case, divided between the two.

"This transportation tax is by far the heaviest one we pay. Official figures for the year 1913 show that if to the total expenditures made by the National Government, for all purposes, we add all those made by the 48 States, by every county in all these States, and by every city, town, and incorporated village in the country with a population of 2,500 or over, the whole vast total sum could have been paid out of the gross earnings and income of our railways for the same year, and there would then have been left a surplus of $152,000,000.

"So, as you see, one form of transportation alone, the railway, collects from the average citizen of the United States more than he pays for the support of the Nation, the State, the county, and the city or village in which he lives. A little study of the cost of transportation by different methods may give us some light on the possibility of getting our transportation taxes reduced.

"The experts of the Agricultural Department estimate the cost of transporting a ton of freight a distance of 1 mile by horse and wagon, on the average road in the United States, at 23 cents. In England, where the roads are much better than most of those in this country and where much attention has been given to the development of what the English call a steam lorry and we would call a steam truck, it is said that goods can be carried for 5 cents per ton per mile.

"The average rate on all the railroads in the United States during the past few years has been about 7½ mills per ton per mile, but I can pick out a special group of roads upon which the average has been about 5 mills.

"On the Erie Canal in recent years the ton-mile rate has been about 3 mills, while on certain canals in Europe, which are deeper and wider and on which electric or other mechanical systems of haulage are used, the rate is 2 mills.

"The official records kept at the 'Soo' show that the average rate on the freight carried into and out of Lake Superior in 1913 was two-thirds of a mill per ton-mile, while coal is habitually carried from Buffalo to Duluth, and I have the authority of the Pittsburgh Coal Exchange for the statement that it has often been carried from Pittsburgh to New Orleans for one-third of a mill per ton per mile.

"These are microscopic figures; let me translate them into something with which the average business man is more familiar. Here is something [holding up a dollar bill] with which I hope all of you are very much more familiar than I am. Suppose you have a ton of freight to ship and a dollar to spend in shipping it. How far will the dollar carry the ton by these different methods and at these different rates of transportation?

"By horse and wagon, a little over 4 miles; by English steam truck, 20 miles; by rail, at the average rate for United States railways, 133 miles; at the rate on the group of selected railways, 200 miles; on the Erie Canal, 333 miles; on the European canals, 500 miles; by lake, at the average rate through the 'Soo' Canal in 1913, 1,500 miles; while at the rate at which coal is carried, both on the Great Lakes and on the Ohio and Mississippi Rivers, the ton of freight can be shipped 30 miles for a cent, 300 miles for a dime, 3,000 miles for a dollar.

Mr. GALLINGER. Mr. President, notwithstanding the eloquent and instructive speech of the Senator from Louisiana in support of the amendment submitted by the Senator from Iowa, I trust the amendment may be defeated.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Iowa.

The amendment was rejected.

Mr. RANSDELL. I submit the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 9, line 13, after the word "facilities," it is proposed to insert "including terminals and their equipment."

Mr. RANSDELL. Mr. President, I should like to ask the chairman of the committee if the insertion of the words "including terminals and their equipment," after the word "facilities," in line 13, was considered by his committee, and if, in his judgment, they are included in the intendment, at any rate, of the bill?

Mr. SMITH of South Carolina. Mr. President, I think that both amendments which have been offered by the Senator from Louisiana are absolutely covered by this bill. We make provision for the purchasing of boats and the utilization of waterways and canals as a part of the systems taken over; and I think that wherever indicated the President certainly will take advantage of such facilities if that is for the benefit of the public.

Mr. RANSDELL. I am delighted to have that expression of opinion from the chairman of the committee. I will now proceed with what I was reading:

"The difference in the rates of transportation by different methods seems to be sufficiently great to be worthy of serious consideration, but there is more in this matter than has yet been made apparent. Taking any point as a center—and naturally each one of you will think of your own city as a center—over how great a territory will a dollar carry a ton by these different methods and at these various rates of transportation?

"By horse and wagon, over a circle a little more than 8 miles in diameter; with the English steam truck on the English good road, the diameter of the circle becomes 40 miles; at the average railway rate in the United States, it expands to 266 miles; at the rate on the selected railways, to 400 miles; at the Erie Canal rate, to 666 miles; at the European canal rate, to 1,000 miles; at the 'Soo' Canal rate, to 3,000 miles; while at the coal rate which has been named, the dollar will carry the ton to the outer limits of a circle 6,000 miles in diameter.

"Let me give you a concrete illustration of the difference in the cost of transportation by water and by rail. Through the 'Soo' Canal, at the outlet of Lake Superior, there were carried, in 1913, 79,718,344 tons of freight. This was carried an average distance of 820 miles, at an average cost of two-thirds of 1 mill per ton per mile. If this same quantity of freight had been sent an equal distance by rail at the average rate received by United States railways for that year it would have cost $445,555,488—and 59 cents, if you want to be particular about it—more than was actually paid for its transportation by water.

"Let me hasten to add, however, that if Noah had prophesied a drought instead of a flood, and had issued bonds to construct an irrigation system instead of building an ark, he would have been a bright and shining example of business sagacity compared to a railway man who opposes the improvement of waterways. For, paradoxical as it may seem, the truth is that the best thing that can happen to a railway is to have a waterway paralleling every mile of its track. Indeed I have never been able to find an instance where the improvement of an existing waterway or the creation of a new one has done anything else than to increase the business and the dividends of competing railways. Can any gentleman present tell me of a different result?

"The reason that waterways benefit railways is also one of the fundamental reasons why improved waterways benefit foreign trade. It goes without saying that internal development

must precede external commerce, and the more intensive the internal development the more extensive the external trade may be. Now, waterways have what may properly be termed a creative effect. If a whole mountain is full of valuable minerals only a small portion of the metal can be secured by a tunnel which enters the mountain near the top, but the lower the level at which a tunnel can be driven the greater the number of veins which can be tapped.

"A country may be full of natural resources, yet if none but a costly form of transportation is available few of them can be developed. Every decrease in cost of transportation, like the driving of a tunnel at a lower level, makes possible the utilization of additional resources.

"There are vast quantities of crude, raw materials which can only be profitably moved at a rate which is below the absolute cost of railway operation. But these crude materials, when moved by the cheap transportation which waterways can give, furnish the foundation for great industries, to the benefit both of the territory developed and of the railways by which it is served. Let me give you a concrete illustration.

"The city of Frankfort, in Germany, is said to have been founded by the Romans about the year 150 A. D. Through the slow movement of the centuries Frankfort grew until, in 1881, it had a population of about 140,000. Something happened to change the rate of growth, for in the 20 years following 1886 Frankfort grew more in industry, in commerce, in population, and in wealth than it had grown in all the previous seventeen hundred years.

The VICE PRESIDENT. The time of the Senator from Louisiana has expired.

Mr. SMOOT. Mr. President, I am simply going to ask the reporters that the speech be put in the RECORD just as it has been read, and not as a whole.

The VICE PRESIDENT. That is their duty.

Mr. SMOOT. Some speeches have been printed otherwise.

Mr. FLETCHER. The Senator need not bother about that. It is a matter for the reporters to attend to.

Mr. SMOOT. The Senator can bother about it.

Mr. FLETCHER. The Senator can not bother about it. It must go in precisely as delivered here, without any request of the Senator.

Mr. GALLINGER. Mr. President, I will ask that the pending amendment be stated again.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 9, line 13, after the word "facilities," it is proposed to insert the words "including terminals and their equipment."

Mr. GALLINGER. Mr. President, I am only going to observe that I think the Senator from Louisiana is pursuing rather an extraordinary course, and I hope that in due time he will reach the terminal.

Mr. RANSDELL. I hope, Mr. President——

The VICE PRESIDENT. The Senator from Louisiana has had his five minutes. The question is on agreeing to this amendment.

The amendment was rejected.

The VICE PRESIDENT. The bill is in Committee of the Whole and open to further amendment. There being no further amendment——

Mr. TOWNSEND. Mr. President, I have a substitute to offer. If there is not any other amendment to be offered, I will offer the substitute now. I was under the impression that I could not offer a substitute while there was an amendment pending to perfect the bill.

The VICE PRESIDENT. There is no amendment pending now.

Mr. TOWNSEND. Then, Mr. President, I offer the amendment which I send to the desk in the form of a substitute.

The amendment is to strike out all after the enacting clause and insert the following:

That the President being authorized in time of war to take possession, assume control, and utilize systems of transportation, it is hereby declared that the United States will pay just compensation for property now or hereafter taken by the exercise of such authority.

SEC. 2. That where used in this act—

The term "Federal control" means the possession, control, and utilization of a railroad or system of transportation under authority of this act or of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, whether now or hereafter assumed.

The term "owner" includes any person, corporation, partnership, or association who, during any portion of the period of Federal control of a railroad or system of transportation would be entitled to the possession, use, and control of such railroad or system in the absence of Federal control thereof. Wherever in this act reference is made to the period of Federal control in connection with an owner, it shall be taken to refer to the portion of such period during which such owner, but for such Federal control, would have been entitled to the possession, use, and control of the railroad or system of transportation.

SEC. 3. That the President is authorized to make with the owner of any railroad or system of transportation under Federal control for which operating returns were made to the Interstate Commerce Commission during the three years ending June 30, 1917, an agreement substantially as follows:

(1) That during the period of Federal control the United States shall pay to such owner—

(a) An annual sum, to be fixed in the agreement, not exceeding the average annual railway operating income from such railroad or system for the three years ending June 30, 1917. In the computation of such income, debits and credits arising from the accounts called in the monthly reports to the Interstate Commerce Commission equipment rents and joint-facility rents shall be included, but debits and credits arising from the operation of such street electric passenger railways, including railways commonly called interurbans, as are at the time of the agreement not under Federal control, shall be excluded. If any lines were acquired by, leased to, or consolidated with such railroad or system between July 1, 1914, and December 31, 1917, both inclusive, and separate operating returns to the Interstate Commerce Commission were not made for such lines after such acquisition, lease, or consolidation, there shall be included in such income an amount representing as nearly as may be what would have been the annual average railway operating income of such lines during the three years ending June 30, 1917, if such separate operating returns had been made.

(b) An annual sum equivalent to an agreed percentage upon the cost of any additions and betterments, less retirements and road extensions, made on or in connection with such railroad or system during the six months ending December 31, 1917.

(c) An annual sum equivalent to a fair percentage upon the cost of additions and betterments, less retirements and road extensions, made on or in connection with such railroad or system during the period of Federal control by the owner, with the approval or by the order of the President, out of funds other than surplus earned or earnings from investments during the period of Federal control, plus a fair percentage upon the amount expended by the owner, during the period of Federal control, for taxes chargeable under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, to investment in road and equipment, and for assessments for public improvements. Such fair percentage in the case of expenditures made out of borrowed money shall be equal to the rate at which such money is borrowed, and in other cases shall be fixed by the President at the time the expenditure is made.

(d) Such average annual railway operating income, the cost of such additions, betterments, and road extensions, the amount of such retirements, and the amounts expended for such taxes and assessments shall be ascertained by the Interstate Commerce Commission and certified by it to the President. The amounts so certified shall, for the purpose of the agreement, be conclusive.

(e) The annual sums above referred to shall be reduced pro rata for any portion of a year during which Federal control does not continue.

(f) Any annual sum required to be paid by the United States under this subdivision shall be paid in such installments as may be agreed upon.

(2) That the United States shall pay to the owner any loss accruing to such owner by reason of any additions, betterments, or road extensions made during the period of Federal control by the President, or made during such period at the order of or with the approval of the President, by such owner, or by the person, corporation, partnership, or association entitled to the possession, use, and control of the railroad or system of transportation at the time such additions, betterments, or road extensions are made. The amount of such loss shall be ascertained by the Interstate Commerce Commission and certified by it to the President. The amount so certified shall, for the purpose of the agreement, be conclusive.

(3) That all taxes assessed for the period of Federal control (which but for such Federal control would under the Interstate Commerce Commission classification of accounts in force December 27, 1917, be deducted from "net revenue from railway operations" in determining "railway operating income") shall, except as hereinafter provided, be paid from operating revenue, or if that is insufficient for the purpose, then from the revolving fund created by this act. If Federal control begins or ends during the tax year for which any taxes may be assessed, the taxes for such year shall be apportioned to the date of the beginning or ending of such Federal control, and the foregoing provisions shall apply only to that portion of such taxes which is due for the part of such tax year which falls within the period of Federal control.

(4) That the owner shall pay from his own funds all other taxes, including the taxes under Titles I and II of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, or any act in addition thereto or in amendment thereof.

(5) That the owner shall be bound by all the terms and conditions of this act and by any regulation or order made by or through the President under authority of this act or of that portion of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, which authorizes the President in time of war to take possession, assume control, and utilize systems of transportation; and that, in case of failure to observe such terms and conditions or such regulations or orders, any further payments under the agreement may be suspended or forfeited.

(6) That the owner shall accept the agreement and the performance thereof as just compensation for all property taken by reason of Federal control.

(7) That the President is further authorized in such agreement to make all other reasonable provisions not inconsistent with the provisions of this act or of that portion of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, which authorizes the President in time of war to take possession, assume control, and utilize systems of transportation that he may deem necessary or proper for such Federal control or for the determination of the mutual rights and obligations of the parties to the agreement arising from or out of such Federal control.

(8) If the President finds in the case of any railroad or system of transportation (a) that no dividends were paid during the period of three years ended June 30, 1917, and (b) that during all or a substantial portion of such period the condition of such railroad or system was so exceptional as to make the average annual railway operating

income plainly inequitable as one of the elements of just compensation, and (c) that such exceptional condition was caused by nonoperation or receivership, or by the fact that recent expenditures for additions, betterments, road extensions, or equipment were not fully reflected in the railway operating income during such period or a substantial portion thereof, or by other undeveloped or abnormal conditions, then the President may, in lieu of so much of the annual sum payable under clause (a) of subdivision (1) as represents the annual average railway operating income from such railroad or system, substitute such amount as he finds just.

(9) The President is further authorized to make in such agreement all reasonable provisions for the maintenance, repair, and renewals of the property, for the depreciation thereof, and for the creation of necessary reserve funds in connection therewith, to the end that at the termination of Federal control the railroad or system of transportation shall be returned to the person, corporation, partnership, or association then entitled to the possession, use, and control thereof, in substantially as good repair and in substantially as complete equipment as at the beginning of Federal control, and that all just and proper accounting and adjustments be made, due consideration being given to the standards of maintenance and depreciation used in connection with such railroad or system during the three years ended June 30, 1917, and to the condition of the property at the beginning and at the end of Federal control.

SEC. 4. That if no agreement is made under section 3 the President may nevertheless pay in reasonable installments to the owner of any railroad or system of transportation under Federal control an annual sum during the period of Federal control not exceeding 90 per cent of the estimated annual amount of just compensation, and any balance claimed shall be determined as provided in section 5. The estimated annual amount of just compensation in the case of an owner with whom the President is authorized to agree, under section 3, shall not exceed the annual amount which he is authorized under that section to agree that the owner shall receive.

The acceptance of any benefits under this section shall constitute an acceptance by the owner of all the provisions of this act and shall obligate the owner to pay to the United States, with interest at the rate of 6 per cent annually, such sum, at a date or dates fixed in proceedings under section 5, the amount by which the sums received under this section exceed the sum found due in such proceedings.

SEC. 5. That if no agreement is made all claims for just compensation shall, on the application of the President or of any owner, be submitted to boards, each consisting of three referees to be appointed by the Interstate Commerce Commission, members of which and the official force thereof being eligible for service on such boards without additional compensation.

Such board of referees are hereby authorized to summon witnesses, require the production of records, books, correspondence, documents, and other papers, view properties, administer oaths, and may hold hearings in Washington and elsewhere, as their duties and the convenience of the parties may require. In case of disobedience to a subpœna the board may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, corporation, partnership, or association, issue an order requiring appearance before the board, or the production of documentary evidence if so ordered, or the giving of evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

Such cases may be heard separately or together or by classes, as the Interstate Commerce Commission shall direct, and the referees to which any such cases shall be referred may determine. Such boards shall give full hearings to such owners and to the United States, shall consider all the facts and circumstances, and shall report as soon as practicable in each case to the President the just compensation, calculated on an annual basis, and otherwise in such form as to be convenient and available for the making of such an agreement as is authorized in section 3.

The President is authorized to enter into an agreement with such owner for just compensation upon a basis not in excess of that reported by such board and may include therein provisions similar to those authorized in section 3.

Failing such agreement, either the United States or such owner may file a petition in the Court of Claims for the purpose of ascertainment of the amount of just compensation, and in the proceedings in such court the report of the referees shall be prima facie evidence of the amount of just compensation and of the facts therein stated.

The Court of Claims shall have jurisdiction to render its award in such form as it may deem proper and to provide for the reopening of its award and for the award of such further compensation as may be found due because of conditions arising after the making of the original award.

SEC. 6. That if no agreement is made under section 3 the United States nevertheless pledges itself to maintain each railroad or system of transportation in such manner that at the termination of Federal control thereof such railroad or system will be turned over to the person, corporation, partnership, or association then entitled to the possession, use, and control thereof in substantially as good physical condition as at the beginning of Federal control thereof. The amount of any loss sustained by any failure to carry out such pledge shall be determined by agreement with the President or, failing such agreement, in the manner provided in section 5, and shall be paid out of the revolving fund created by this act.

SEC. 7. That the sum of $500,000,000, out of any moneys in the Treasury not otherwise appropriated, and any funds covered into the Treasury under section 14 are hereby permanently appropriated for use by the President as a revolving fund for the payment of the just compensation agreed upon or found due by the Court of Claims, under section 3 or 5, for other purposes specified in this act. If the amount so appropriated proves insufficient for the payment of just compensation, the United States hereby pledges itself to appropriate such sum as may be necessary for such purpose.

SEC. 8. That the President may expend from the revolving fund such amounts as he may deem necessary or desirable—

(a) To provide motive power, cars, and other necessary equipment, which shall be used and accounted for as the President may direct and disposed of as Congress may hereafter by law provide;

(b) To make on or in connection with any railroad or system of transportation any additions, betterments, or road extensions necessary or desirable for war purposes or in the public interest;

(c) For the utilization and operation of canals or for the purchase, construction, utilization, or operation of boats, barges, tugs, and other transportation facilities on the inland and coastwise waterways, and in the operation and use of such facilities he may create or employ such agencies and enter into such contracts and agreements as he deems proper in the public interest.

SEC. 9. That the President during the period of Federal control may on or in connection with any railroad or system of transportation order the owner to make any additions, betterments, or road extensions necessary or desirable for war purposes or in the public interest. He may advance from the revolving fund all or any part of the expense of such additions, betterments, and road extensions, such advances to bear interest at such rate and be payable in such manner and on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for the amount of such advances.

SEC. 10. That if, in proceedings under section 5, neither the award of the Court of Claims nor the agreement makes provision therefor, the President may nevertheless pay, if he deems it just, out of the revolving fund during the period of Federal control to the owner an annual sum equivalent to a fair percentage upon the cost of additions and betterments, less retirements and road extensions, made on or in connection with any railroad or system of transportation during the period of Federal control by the owner, with the approval or by the order of the President out of funds other than surplus earned, or earnings from investments, during the period of Federal control, plus a fair percentage upon the amount expended by the owner during the period of Federal control for taxes chargeable under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, to investment in road and equipment and for assessments for public improvements.

Such fair percentage in the case of expenditures made out of borrowed money shall be equal to the rate at which such money is borrowed, and in other cases shall be fixed by the President at the time the expenditure is made. The cost of such additions, betterments, and road extensions, the amount of such retirements, and the amounts expended for such taxes and assessments shall be ascertained by the Interstate Commerce Commission and certified by it to the President. The amount so certified shall be conclusive.

SEC. 11. That if, in proceedings under section 5, neither the award of the Court of Claims nor the agreement makes provision therefor, the President may nevertheless pay, if he deems it just, out of the revolving fund (to the owner of any railroad or system of transportation or to any person, corporation, partnership, or association who at the termination of Federal control of such railroad or system is or will become by reason of rights existing at such time entitled to the possession, use, and control thereof) any loss accruing by reason of any additions, betterments, or road extensions on or in connection with such railroad or system of transportation made during the period of Federal control by the President or made during such period by the owner at the order or with the approval of the President.

SEC. 12. That during the period of Federal control no owner of a railroad or system of transportation shall, without the prior approval of the President, declare or pay any dividend in excess of the average rate of dividends paid during the three years ending June 30, 1917, by the person, corporation, partnership, or association then entitled to the possession, use, and control of such railroad or system.

SEC. 13. That an owner may, during the period of Federal control, issue only such bonds, notes, equipment trust certificates, stock, and other forms of securities, secured or unsecured by mortgage, as the President may approve as consistent with the public interest. The President may, out of the revolving fund, purchase for the United States all or any part of such securities at prices not exceeding par, and thereafter any securities so purchased shall be held by the Secretary of the Treasury, who shall, under the direction of the President, represent the United States in all matters in connection therewith in the same manner as a private security holder. Any income from such securities shall be covered into the Treasury as miscellaneous receipts. The President may direct that such securities or any portion thereof be sold whenever in his judgment it is desirable, at prices not less than the cost thereof, and the proceeds of such sale shall be covered into the Treasury as miscellaneous receipts.

SEC. 14. That moneys and other property derived from the operation of the railroads or systems of transportation during Federal control are hereby declared to be the property of the United States. Unless otherwise directed by the President such moneys shall not be covered into the Treasury, but such moneys and property shall remain in the custody of the same officers and the accounting thereof shall be in the same manner and form as before Federal control. Disbursements therefrom shall, without further appropriation, be made in the same manner as before Federal control, and for such purposes as under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, are chargeable to operating expenses or to railway tax accruals, and for such other purposes in connection with Federal control as the President may direct, except that taxes under Titles I and II of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917, or any act in addition thereto or in amendment thereof, shall be paid by the owner out of his own funds. If Federal control begins or ends during the tax year for which any taxes so chargeable to railway tax accruals are assessed, the taxes for such year shall be apportioned to the date of the beginning or ending of such Federal control and disbursements shall be made only for that portion of such taxes as is due for the part of such tax year which falls within the period of Federal control.

Such custody and disbursement shall, however, be subject to the direction of the President, and all officers and employees having custody or control of any of such moneys or property shall be subject to all criminal laws regarding the custody and control of public moneys or property so far as not inconsistent herewith.

At such periods as the President may direct the books shall be closed and the balance of revenues over disbursements shall be covered into the Treasury of the United States to the credit of the revolving fund created by this act. If such revenues are insufficient to meet such disbursements the deficit shall be paid paid out of such revolving fund in such manner as the President may direct.

SEC. 15. That the President may execute any of the powers herein and heretofore granted him with relation to Federal control through such agencies as he may determine and may fix the reasonable compensation for the performance of services in connection therewith; and may utilize the personnel and facilities of the Interstate Commerce Commission and call upon members of such commission, or any of its

employees, or employees of any department of the Government for such services as he may deem expedient. No such Federal official or employee shall receive any additional compensation for such services.

SEC. 16. That all persons performing service, on or in connection with a railroad or system of transportation under Federal control, of such a character that, but for Federal control, all or a portion of their compensation would under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, be chargeable to operating expenses, are hereby declared to be, during the period of Federal control or such portion thereof as they remain in such service, in the service of the United States, subject to the following limitations:

(a) They shall not be considered as officers or employees under the United States for the purpose of Title II of the act entitled "An act to provide revenue to defray war expenses," and for other purposes," approved October 3, 1917, commonly called "war excess profits tax";

(b) They shall not be considered civil employees of the United States within the meaning of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916;

(c) The President may by general or special order prescribe what, if any, statutes of the United States, or orders made thereunder (other than the act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amendments thereto), shall be inapplicable to such persons or any class thereof;

(d) Nothing in this section shall apply to persons otherwise in the Government service who are utilized or called upon for services under the provisions of section 15.

SEC. 17. That during the period of Federal control any suit or proceeding (of such a character that but for Federal control it could be brought against the owner of any railroad or system of transportation and any amount paid in compromise thereof or in satisfaction of a judgment or decree therein charged to operating expenses or to railway tax accruals under the Interstate Commerce Commission classification of accounts in force on Dec. 27, 1917), may, except as otherwise provided in this act, be instituted against the United States in any court or tribunal which would have jurisdiction of such suit or proceeding but for Federal control, and process therein may be served on the same persons and in the same manner as would be proper but for Federal control, and subsequent proceedings shall be the same as would be proper but for Federal control.

No process, mesne or final, shall be levied against any property under Federal control, or, in connection with any suit or proceeding that may properly be brought against the United States under this section, against any property belonging to the owner of a railroad or system of transportation; but the President shall, by regulation, provide for the payment out of the operating revenue derived from Federal control or, if that is insufficient, out of the revolving fund of any judgments or awards, and for the enforcement of any decrees or orders that may be rendered against the United States in any such suit or proceeding.

SEC. 18. That except as otherwise provided in this act the operating accounts and business shall be continued as in a going concern, so that operating accounts and claims, which have been deferred in the ordinary course of railroad business and which are not paid at the beginning of Federal control of a railroad or system of transportation and which are of a character properly chargeable to operating expenses, shall be paid out of operating income or out of the revolving fund; and on the surrender of such railroad or system of transportation it shall be returned subject to any operating accounts and claims that may be unpaid, if such accounts and claims have been deferred in the ordinary course of railroad business.

SEC. 19. That all statutes and regulations of the United States or for the District of Columbia in force on December 27, 1917, in relation to railroads or systems of transportation, or to their owners or the officers and employees of such owners in connection with the operation thereof, shall, for the purposes of Federal control and so far as is not inconsistent therewith or with this act, be read as if the United States and its agents during the period of Federal control were by the terms of such statutes and regulations expressly subject thereto. The President may from time to time by general or special order specify, as inconsistent with Federal control or any part thereof, any such statute or regulation or part thereof, except the act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amendments thereto. In any cause of action against the United States, or any civil or criminal liability of any person, based on any such statute or regulation, hereafter arises before the making of such order, the President may direct that such order or any part thereof be retroactive, and in such event the consent in this act given by the United States to be sued shall for the purpose of such cause of action be withdrawn, and such civil or criminal liability shall no longer exist.

SEC. 20. That the law of each State, statutory or other, in force on December 27, 1917, in relation to railroads or systems of transportation, or to their owners or the officers and employees of such owners in connection with the operation thereof, is hereby, for the purposes of Federal control and so far as is not inconsistent therewith or with this act, made a part of this act and applicable to the United States or its agents operating such railroads or systems of transportation within the jurisdiction of such State. The President may from time to time by general or special order, specify, as inconsistent with Federal control or any part thereof, any portion of such law, except the law relating to contracts, and except that portion of the law regulating the liability for personal injuries to or death of passengers, employees, or other persons, which does not impose liability for breach of a statute or order regulating the health, comfort, or safety of passengers, employees, or other persons. If any cause of action against the United States, or any civil or criminal liability of any person, based on such law, hereafter arises before the making of such order the President may direct that such order or any part thereof be retroactive, and in such event the consent in this act given by the United States to be sued shall for the purpose of such cause of action be withdrawn, and such civil or criminal liability shall no longer exist.

SEC. 21. That, during the period of Federal control, whenever in his opinion the public interest requires, the President may initiate rates, fares, charges, or classifications in relation to any railroad or system of transportation under Federal control, by filing the same with the Interstate Commerce Commission. Such rates, fares, charges, and classifications shall be fair, reasonable, and just, and shall take effect at such time and upon such notice as he may direct, but the Interstate Commerce Commission shall, upon complaint, enter upon a hearing concerning the fairness, justness, and reasonableness of so much of any order of the President as establishes or changes any such rate, fare, charge, or classification, and may consider all the facts and circumstances existing at the time of the making of such order. After full hearing, the commission may make such findings and orders as are authorized by the act to regulate commerce, as amended and supplemented, in the same manner as if the railroads or systems of transportation affected by such rate, fare, charge, or classification were being operated by the owners thereof; and for such purpose the act to regulate commerce, as amended and supplemented, shall be read as if the United States or its agents operating such railroad or systems were by the terms thereof expressly subject thereto.

SEC. 22. That all pending cases in the courts of the United States affecting railroads or other transportation systems brought under the act to regulate commerce, approved February 4, 1887, as amended and supplemented, including the commodities clause, so called, or under the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, and amendments thereto, shall proceed to final judgment as soon as may be, as if the United States had not assumed control of transportation systems; but in any such case the court having jurisdiction may, upon the application of the United States, stay execution of final judgment until the further action of Congress in respect of control of transportation systems by the United States.

SEC. 23. That the Federal control of railroads and transportation systems herein and heretofore provided for shall not continue longer than 18 months after the proclamation of peace terminating the war in which the United States is now engaged: *Provided, however*, That the President may, prior to July 1, 1918, relinquish control of all or any part of any railroad or system of transportation further Federal control of which the President shall deem not needful or desirable; and the President may, at any time during the period of Federal control, agree with the owners to relinquish all or any part of any railroad or system of transportation: *Provided further*, That the President may relinquish all railroads under Federal control at any time he shall deem such action needful or desirable. No right to compensation shall accrue to any owner from and after the date of relinquishment for property relinquished under authority of this section.

SEC. 24. That this act is expressly declared to be emergency legislation enacted to meet conditions growing out of war; and nothing herein is to be construed as expressing or prejudicing the future policy of the Federal Government concerning the ownership, control, or regulation of carriers or the method or basis of the capitalization thereof.

SEC. 25. That whoever knowingly violates this act, or knowingly interferes with or impedes the possession, use, operation, or control of any railroad property, railroad, or transportation system hitherto or hereafter taken over by the President, or knowingly violates any order or regulation made in pursuance of this act, or of any other act concerning such possession, use, operation, or control, is guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not more than $5,000, or by imprisonment for not more than two years, or both. Prosecutions shall be in the district courts of the United States, under the direction of the Attorney General, in accordance with the procedure for the collection and imposing of fines and penalties now existing in such courts.

SEC. 26. That if any provision of this act or the application of such provision to certain circumstances is held unconstitutional the remainder of the act and the application of such provision to circumstances other than those as to which it has been held unconstitutional shall not be affected thereby.

Mr. TOWNSEND. Mr. President, some of the amendments which I have proposed have already been adopted by the committee. Senators who were opposed to my substitute voted for those amendments; but some of the most serious matters connected with the Senate bill have not been corrected, like the compensation which comes from an electric road that is a part of a steam railroad system and like the determination of retirements, no provision having been made for ascertaining their value, which will amount to millions of dollars. The provision relative to taxes is obscure. There is no Senator who can read it and understand exactly what is meant. It will afford a fertile field for litigation. "Standard return" still remains as a misnomer. The unconstitutional provision which fixes the rate of interest which a court must find ere a judgment is not eliminated; and this is similarly true of the prohibition denying to owners the right to dispose of the compensation they receive as they desire.

Now, Mr. President, I do not wish to delay the Senate. I tried to get my views before this body; and having offered this substitute, which will be printed, I am not going even to ask that it be read again, but that a vote be had upon it; and I would like the yeas and nays for the RECORD.

Mr. RANSDELL. Mr. President, I want to put this in the RECORD.

Mr. TOWNSEND. May I have order?

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Louisiana?

Mr. TOWNSEND. I have been obliged to suspend, but I do not yield.

Mr. President, I have offered the substitute in good faith. It will be printed in the RECORD, and hereafter, when disputes arise under the law, Senators may possibly have occasion to refer to it to determine whether the suggestions that I have made, the offered amendments, were captious or whether they were of the very essence of clear legislation on a matter of the utmost importance to the country.

I ask for the yeas and nays.

The VICE PRESIDENT. Is the request seconded? [A pause.] It is.

Mr. RANSDELL. Mr. President, I wish to proceed with reading this very interesting speech.

"Just one thing was changed, and the conclusion is therefore irresistible that this one changed condition produced the results which have been stated.

"Frankfort is situated upon a little river, the original condition of which I have heard described as being 'too much dried up in summer, frozen up in winter, and flooded in the spring, to be of any account for navigation.'

Mr. SHAFROTH. Mr. President——

Mr. RANSDELL. I can not yield to the Senator, as I have only five minutes.

Mr. SHAFROTH. Mr. President, I ask unanimous consent that the article or speech which the Senator is reading be printed in the RECORD.

Mr. SMOOT. I object.

The VICE PRESIDENT. The Senator has five minutes. Let him proceed.

Mr. RANSDELL (reading)—

"However, a few small boats, drawn by horses, occasionally came up to the city. But in October, 1886, the river as far as Frankfort was given a dependable channel 8 feet 3 inches deep and then things began to happen.

"The German Government, when it agrees to improve a waterway, compels the cities along that waterway to build harbors so that the channel can be used. Frankfort, from 1883 to 1886, spent $1,750,000 on a harbor, and one indication as to the effect of the improved river upon the city's growth is given by the fact that when the war broke out they were at work upon a new harbor, the estimated cost of which was nearly $18,000,000.

Mr. KENYON. Mr. President, there is so much disorder that we can not hear the Senator.

Mr. RANSDELL. I am speaking loud enough to be heard if order is kept in the Senate. [Reading:]

"Talking some time ago with a gentleman who was born on the banks of the Main, and who still has the accents of the fatherland upon his tongue, he said to me, 'I make two visits, 12 years apart, one before, one after, the river was improved; und now my frendts think I lie ven I say dere are schmokestacks all der vay from Frankfort to der Rhine.' But he was telling the literal truth.

"There is a railroad running along each bank of the Main all the way down to the Rhine. What happened to them? Did their business fall off? Did they go into the hands of receivers or anything like that? On the contrary, their business began to grow by leaps and bounds, and at the time the war broke out they were handling almost four times as much tonnage as they hauled when they had a practical monopoly of the business of Frankfort.

"And that is not all; it is only the beginning. Formerly Frankfort had little to sell and much to buy. The cars and such boats as came at all came in loaded and went back empty. With the development of commerce and industry, Frankfort had also much to sell, and cars and boats went loaded in both directions. Thus the traffic was not only quadrupled in quantity but equalized in direction, and every traffic man present knows what an advantage that is.

"Nor is that all, or even the best of it. The traffic was not only increased in volume and equalized in direction, but it was raised in grade. It could afford to pay, and did pay, a very much higher rate, and in addition to all else, with the growth of population and prosperity, there was a great increase in the passenger traffic. Following the improvement of the Main, the Prussian railway administration found it necessary to spend $11,000,000 for increased terminal facilities in order to take care of the traffic which the river created and brought to the railway.

"A striking instance of the dominating influence which cost of transportation exercises over foreign trade is to be found in the report of the British Royal Commission on Waterways. The sworn testimony of a manufacturer in the Midland district of England, located only 85 miles from a first-class port and 105 miles from London by rail, declares that he has not only been beaten in the markets of the world, which he once dominated in his line, but actually driven from the capital of his own country by manufacturers in Frankfort and Mannheim, in the heart of Germany, 500 miles farther away—but with water transportation available all the way.

"Improved waterways tend to develop resources and industry widely throughout a country, while sole dependence upon a costlier form of transportation tends to concentrate manufacturing upon and near the seaboard. Manchester, England, in the early eighties, was a dying city. Five thousand dwelling houses were tenantless, hundreds of warehouses were vacant, and factories by the score were closing their doors or moving to the coast. A dozen years later a marvelous transformation had been wrought. The 5,000 dwelling houses had been reoccupied and 20,000 new ones had been built and were occupied; all the vacant warehouses and hundreds of new ones were teeming with business; and factories, both old and new, some of the latter being among the largest in England, were humming with industry. The disease which was threatening to destroy the life of the city was costly transportation, and the remedy, which wrought the wonderful change that has been outlined, was the building of a ship canal.

"Liverpool and the railroads leading from that city to Manchester fought with the energy of despair against the building of this canal, thinking that their business would be destroyed.

The VICE PRESIDENT. The time of the Senator from Louisiana has expired.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Michigan, in the nature of a substitute, on which the yeas and nays have been requested and ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SHERMAN (when his name was called). I announce the same pair as before with the senior Senator from Kansas [Mr. THOMPSON], and transfer that pair to the senior Senator from New York [Mr. WADSWORTH], and vote "nay."

The roll call was concluded.

Mr. HALE. I have been requested to announce the unavoidable absence of my colleague [Mr. FERNALD]. If present he would vote "nay."

The result was announced—yeas 14, nays 51, as follows:

YEAS—14.

Borah	Frelinghuysen	Kenyon	Thomas
Cummins	Gronna	Norris	Townsend
Dillingham	Johnson, Cal.	Smith, Mich.	
France	Jones, Wash.	Smoot	

NAYS—51.

Ashurst	Jones, N. Mex.	Nugent	Shields
Bankhead	Kellogg	Overman	Simmons
Beckham	Kendrick	Page	Smith, Ga.
Curtis	King	Phelan	Smith, Md.
Fletcher	Knox	Pittman	Smith, S. C.
Gallinger	Lewis	Poindexter	Sutherland
Gerry	McCumber	Pomerene	Swanson
Gore	McKellar	Ransdell	Trammell
Hale	McLean	Robinson	Vardaman
Harding	McNary	Saulsbury	Warren
Hardwick	Martin	Shafroth	Watson
Henderson	Myers	Sheppard	Wolcott
Hollis	New	Sherman	

NOT VOTING—29.

Brandegee	Goff	Owen	Underwood
Broussard	Hitchcock	Penrose	Wadsworth
Calder	James	Reed	Walsh
Chamberlain	Johnson, S. Dak.	Smith, Ariz.	Weeks
Colt	Kirby	Sterling	Williams
Culberson	La Follette	Stone	
Fall	Lodge	Thompson	
Fernald	Nelson	Tillman	

So Mr. TOWNSEND's amendment was rejected.

Mr. RANSDELL. Mr. President, I send to the desk an amendment, which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert, after the word "waterways" in line 14, page 9, the words:

Including provisions for the interchange of traffic between water and rail carriers.

Mr. RANSDELL. Mr. President, I will continue to read this article:

"But what happened? Although Liverpool, in the effort to retain the business built up through generations of effort and the expenditure of vast sums of money, made repeated reductions in dock charges, the revenues of the Mersey Docks and Harbor Board increased five times as much during the 13 years following the opening of the canal as they had done during the same number of years before. The 7,000,000 tons of traffic developed at Manchester was not stolen from Liverpool; it was created anew. And, incidentally, every railroad leading to Manchester from Liverpool has had to increase its trackage and its terminals three and four times over in order to accommodate the enlarged traffic which the canal has produced.

"If Manchester could not compete with Liverpool when it was only 50 miles from the sea, how in heaven's name can cities in the interior of the United States, a thousand miles or more from tidewater, hope to develop a foreign trade or retain that which they may have now in competition with cities on and near the coast? And if there be anyone, here or elsewhere, who thinks it might be well for the coast cities if manufactures and population should move to them from the interior, let me ask him one question: Have New York, Boston, New Orleans, and the other cities on the coast grown rich and great in spite of the development of the interior or because of it?

"It is my conviction that unless the waterways are improved and used the opening of the Panama Canal will be one of the greatest disasters that ever happened to the Mississippi Valley. And it is impossible that dry rot should disintegrate the in-

dustry and creeping paralysis destroy the commerce of the heart of the country without working disaster to the port cities upon our seaboard.

"It is unsafe to go very far in prophesying how the present war will end or what its results will be. But one thing seems to me to be beyond all question, and that is that when peace comes again the competition for foreign trade will be far more intense than it has ever been before. It is true that many workers have been killed and disabled, but the warring countries have discovered that their women can do almost, if not quite, everything that their men have done. There will be, especially in Germany, a nationalization, perhaps even what might be called a militarization, of industry. Possibly by the impulsion of patriotism, if necessary by the compulsion of governmental power, labor will accept the lowest living wage, the manufacturer the smallest possible profit, and in every way cost of production will be reduced to the lowest possible point, until the foreign markets, which are absolutely necessary to national rehabilitation, shall have been regained.

"In view of what is to come, it is important to consider what has already come to pass. In every one of the 20 years ending with 1913, the foreign commerce of Germany has exceeded that of the United States, and the excess has been steadily growing greater. Divide the 20 years into four periods of 5 years each. In the first 5 years the foreign commerce of Germany exceeded that of the United States by an average of $207,000,000 per year. In the second 5 the excess was $221,000,000. In the third it was $400,000,000. In the fourth the average excess for each year was $712,000,000. For the single year 1912 it was $853,000,000. And for the whole 20 years it was $7,700,000,000.

"There is nothing in that record for the United States to be proud of, even if the two countries stood somewhere near on an equality. But we have an area more than seventeen times as great; we have 50 per cent more population; we have nearly three times the accumulated national wealth; and we have national resources greater by ten, possibly by twenty fold. If Mr. Farrell should ever find that a competing plant, covering only 10 acres, was doing far more business than one of the Steel Corporation, which covered 175 acres, and that the difference was getting greater every year, I feel absolutely certain that he would not wait 20 years before he found out the reason or reasons for such an astounding discrepancy.

"Now I frankly admit that I have 'water on the brain,' and I never expect to get over it, but I am not so completely a man of one idea that I attribute this startling difference solely to the transportation system of Germany, but I do attribute it mainly to that system."

I have a good deal of the same trouble myself, Mr. President, and I wish America could get water on the brain and use its waterways now, imitating the Germans to that extent.

"In 1905 Prussia passed a bill appropriating $80,500,000 for waterways. That German Kingdom had already spent $129,000,000 on waterways, and had $2,225,000,000 invested in State-owned railways.

"These figures are not insignificant, even when standing alone, but their full significance must be shown by a comparison. And if the United States had already invested nearly $60,000,000,000 in State-owned railways and had spent $3,465,000,000 on waterways, and should then pass a single rivers and harbors bill appropriating $2,160,000,000 more, it would then occupy the same position in regard to transportation that Prussia had reached 11 years ago.

The VICE PRESIDENT. The Senator's time has expired. The question is on the amendment.

Mr. GALLINGER. Mr. President, I hope we will not have any more pro-German speeches in this debate.

Mr. RANSDELL. I wish you would adopt the wise policy of Germany in respect to waterways.

Mr. TOWNSEND and others. Regular order!

The VICE PRESIDENT. The question is on the amendment.

The amendment was rejected.

Mr. RANSDELL. I send another amendment to the desk.

Mr. THOMAS. I ask unanimous consent that the Senator from Louisiana may be allowed to insert the matter he is reading in the RECORD. We are only punishing ourselves. It is very evident that under our system of rules the Senator can keep us here all night if he thinks it necessary.

Mr. RANSDELL. Five minutes more will complete what I want especially to present to the Senate.

What the Germans think of waterways, how absolutely vital they are regarded——

Mr. POMERENE. Mr. President, I rise to ask a question. This is the Senate of the United States. I question whether this amendment is offered in good faith, and I raise the parliamentary question that when an amendment is not offered in good faith it ought to be ruled out of order.

Mr. RANSDELL. No man has a right to impugn my faith. The amendment is germane, and I will proceed now to finish the speech I have been reading.

Mr. JONES of Washington. Let us have the amendment read.

Mr. RANSDELL. I beg pardon. It ought to have been read.

The SECRETARY. On page 9, at the end of line 17, insert:

Including terminal facilities and promoting the cooperation of railways and waterways.

Mr. NORRIS. I move to lay the amendment on the table.

Mr. RANSDELL. Mr. President, I have the floor.

The VICE PRESIDENT. The Senator from Louisiana has not the floor. A motion to lay the amendment on the table is in order.

Mr. RANSDELL. How can that motion be made when I have the floor?

The VICE PRESIDENT. A motion to lay the amendment on the table is in order.

Mr. MYERS. I make the point of order that the Senator from Nebraska can not make that motion while the Senator who proposed the amendment has the floor.

Mr. NORRIS. He did not have the floor.

The VICE PRESIDENT. He did not have the floor. The question is on agreeing to the motion to lay the amendment on the table.

The motion was agreed to.

The VICE PRESIDENT. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The VICE PRESIDENT. If there be no further amendments in the Senate, the bill will be ordered to be engrossed for a third reading.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. Shall the bill pass?

Mr. RANSDELL. Is the bill in the Senate?

The VICE PRESIDENT. It has been.

Mr. RANSDELL. I reserve the right to offer in the Senate the amendment which I offered in Committee of the Whole.

The VICE PRESIDENT. The bill has passed to a third reading and no amendment can be offered save by unanimous consent. Is there objection?

Mr. RANSDELL. I wish to discuss the bill.

The VICE PRESIDENT. The Senator has five minutes for that purpose.

Mr. RANSDELL. Mr. President—

"What the Germans think of waterways, how absolutely vital they are regarded under all conditions, is shown by the fact that even in the midst of the greatest war in all history, when the Empire is fighting for its very life, they are not only maintaining and operating the waterways they already have, but are actually building more. The great new waterway from the Oder to the Vistula, although not entirely finished, was opened to traffic in April of last year; the Rhine-Hanover Canal was finished in December; and Berlin, which had already spent $8,000,000 on a harbor in the eastern part of the city, has, since the war began, started and almost completed a harbor on its western borders, at a cost of more than $9,000,000. And yet there are people in the United States who gravely tell us that all work upon waterways must be suspended in order that we may have money to make a needed increase in our Army and Navy.

"The passage of time warns me that I must bring these remarks to a close. Improved waterways are of importance in connection with foreign trade, because they make possible the fullest development of natural resources; because they provide the cheapest form of transportation, both for the assemblage of raw materials and the shipment of finished products. I have given you an illustration of the tremendous difference in the cost of transportation by rail and by water, and it should be remembered, that, while money paid for a costly form of transportation, when a cheaper form is available or can be made available, undoubtedly benefits the transportation company to which it is paid, so far as the shipper is concerned it is just as much wasted as if it were burned up or thrown into the depths of the sea. On some of our largest rivers freight can be carried in fleets of barges at as low a cost as on the Great Lakes. It is interesting to note in passing that the greatest amount of cargo ever moved at one operation was not upon the Great Lakes, or even upon the high seas, but was on the Mississippi River, when the towboat *Sprague* brought 56,000 tons of coal to New Orleans at one time.

"While the possible saving on smaller waterways is not as great as on the Lakes or our largest rivers, it is still vast in the

aggregate. To my mind the greatest economic waste in our country to-day, and one of the greatest handicaps in the extension of our foreign trade, arises from the fact that we have failed to follow the example of Germany and develop and use our waterways. There is very little, if any, sentiment in trade; the buyer in South America, in China, or anywhere else, will always take the goods which are cheaper in price while equal in quality, and it matters little or nothing at all to him in what country they were made.

"Sometimes figures are published to show how small a percentage of the selling price is due to transportation, but such figures as I have seen count only the freight on the finished product. This is a superficial view and leads to a false conclusion, for crude materials often go through many processes in different parts of the country. The finished product goes from factory to wholesaler, from wholesaler to jobber, and from jobber to retailer, before it reaches the consumer, and every time it moves from place to place it must bear a transportation cost. Besides, transportation affects the cost of the home in which the workman lives, of the food which he eats, and of the clothes which he wears, and what it costs the workman to live affects the wage which the manufacturer must pay, so the price of the finished product, when it reaches the consumer's hands, has been increased not merely once but possibly a score of times by the cost of transportation. It is evident, therefore, that the nation which has the lowest transportation cost has a tremendous advantage in the competition for foreign trade.

"As was well said by Mr. Vanderlip last evening, this body of men and the business men of the country whom you represent can control public opinion, and every consideration, from the loftiest patriotism to enlightened self-interest, demands that the business men of the United States should put their feet down hard on the senseless and slanderous charge of "pork barrel" and see to it that the Government of the United States immediately begins and continuously prosecutes the work of improving our rivers and harbors until we have a great, connected national system of waterways working in complete harmony and cooperation with our splendid system of railways and the magnificent system of highways which is already begun.

"Much is said in these days concerning national preparedness, and improved waterways promote national preparedness either for peace or war, for sustained military efficiency and continued commercial supremacy are both founded upon industrial development; industrial development depends upon cheap transportation, and the cheapest of all transportation is water transportation."

I thank the Senators for their patience and the attention which they have given me.

Mr. OWEN. Mr. President, I am in sympathy with the Senator from Louisiana in having published these interesting remarks, but I want to direct the attention of the Senate to the fact that the rules of the Senate of the United States are ridiculous.

The VICE PRESIDENT. Shall the bill pass?

The bill was passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OWEN:

A bill (S. 3932) to provide for a determination of heirship in cases of deceased members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Tribes of Indians in Oklahoma, and conferring authority on the courts of said States in reference thereto, and for other purposes; to the Committee on Indian Affairs.

By Mr. SUTHERLAND:

A bill (S. 3933) granting an increase of pension to Oakley Randall; and

A bill (S. 3934) granting an increase of pension to J. Forsyth Harrison; to the Committee on Pensions.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 70. Joint resolution authorizing the erection on the public grounds in the city of Washington, D. C., of a statue of James Buchanan, a former President of the United States, was read twice by its title and referred to the Committee on the Library.

WAR EXCESS-PROFITS TAX REGULATIONS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was referred to the Committee on Printing:

House concurrent resolution 36.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 350,000 copies of the war excess-profits tax regulations No. 41, 100,000 copies for the use of the Senate and 250,000 for the use of the House of Representatives, the same to be distributed through the folding rooms.

INCOME-TAX REGULATIONS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was referred to the Committee on Printing:

House concurrent resolution 37.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 350,000 copies of the income-tax regulations No. 33, revised, 100,000 copies for the use of the Senate and 250,000 copies for the use of the House of Representatives, the same to be distributed through the folding rooms.

ADJOURNMENT UNTIL MONDAY.

Mr. MARTIN. I move that the Senate adjourn until 12 o'clock meridian on Monday next.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m., Friday, February 22, 1918) the Senate adjourned until Monday, February 25, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 22, 1918.*

The House met at 11 o'clock.

The Rev. Charles Wood, of Washington, D. C., offered the following prayer:

Let us pray. O Thou God of the loving heart and the open hand, Thou who art a living love that dost will the blessedness of others, we thank Thee to-day for Thy boundless benefactions to us as a people. Thou who hast led through countless centuries the stars and the suns across the boundless reaches of space, Thou didst graciously lead our fathers to this land. Thou didst protect and preserve them, and Thou hast guided us through all the vicissitudes of the centuries. God of our fathers, we pray that Thou wilt be our God. May we serve Thee and Thee only. Wilt Thou direct and control the deliberations of these Thy servants this day that their decisions may be not only for the welfare of this land of ours that we love, but of the whole world. Wilt Thou work so vitally through us as a people that there may come to the world now being wrecked by war a permanent peace. May the gates of cruelty be overthrown and may injustice and inhumanity be trampled under the indignant feet of men. And grant, we beseech Thee, that to-day, this anniversary day, as we look backward across the decades that have passed we may behold growing ever and ever more majestic the figure of our first President, and as millions will remember his life and services to-day may the prayer rise from their hearts that the same principles by which his life was swayed, the same purposes which he sought so determinedly, may become the principles and the purposes of all our citizens. We pray that Thou wilt bless our President and grant that whole-hearted and nonpartisan support may be given to him in these distressing days. And bless the officers and men of our Army and of our Navy, and grant that all who battle and all who serve here at home may know that in Thine own good time, speedily to please Thee, there shall come a victory in which the whole world shall rejoice. And to Thy name shall be the praise. Amen.

The Journal of the proceedings of yesterday was read and approved.

WASHINGTON'S FAREWELL ADDRESS.

Mr. GARRETT of Tennessee. Mr. Speaker, I believe there is a special order for to-day.

The SPEAKER. Yes; 30 minutes are to be granted to the gentleman from Ohio [Mr. FESS].

Mr. GARRETT of Tennessee. If it is agreeable to the gentleman to yield for a moment for me to make a unanimous-consent request before he begins, I desire to say it has been the custom for many years to have read upon this day from the Clerk's desk the Farewell Address of the first President of the United States, and I desire to ask unanimous consent, not to interfere with the existing order, that the gentleman from Louisiana be recognized to read Washington's Farewell Address.

The SPEAKER. Which gentleman from Louisiana?

Mr. GARRETT of Tennessee. Dr. ASWELL.

The SPEAKER. The gentleman from Tennessee asks unanimous consent, as preparatory to the address by the gentleman from Ohio [Mr. FESS], that the gentleman from Louisiana [Mr. ASWELL] read Washington's Farewell Address. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING ON MONDAY.

Mr. JOHNSON of Kentucky. Mr. Speaker, before that is done I wish to ask unanimous consent that the House meet next Monday at 11.30, for the reason that the gentleman from Illinois [Mr. RAINEY] has secured unanimous consent to address the House for 30 minutes upon that day.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that on next Monday the House meet at 11.30.

Mr. ESCH. I think that request was subject to the possibility that the railroad bill might still be under consideration and run into Monday.

The SPEAKER. The Chair will ask the gentleman if he does not think the prospects are good for the railroad bill to run into Monday?

Mr. ESCH. I think they are very good.

Mr. SIMS. Mr. Speaker, perhaps some others of us may have a different view, and I now desire to say that I am going to ask the Committee of the Whole House on the state of the Union to remain in session until the bill has been disposed of in the Committee of the Whole House on the state of the Union, and ask that the previous question be ordered on the committee's report, and then it can go over until Monday for a vote.

Mr. GILLETT. The gentleman does not mean that he is not going to allow the amendments Members may desire to offer to be offered?

Mr. SIMS. Certainly not; but I want the Committee of the Whole House on the state of the Union to remain in session until it disposes of all amendments.

Mr. GILLETT. There may not be time.

Mr. LENROOT. There will be 72 hours straight work if the gentleman undertakes that.

Mr. SIMS. That indicates the gentleman has a very long list of amendments.

Mr. LENROOT. Certainly we have.

The SPEAKER. Is the gentleman from Tennessee making a request or a speech?

Mr. SIMS. I am giving notice.

Mr. GILLETT. Mr. Speaker, temporarily I shall object.

The SPEAKER. To the meeting at 11.30 on Monday?

Mr. GILLETT. Yes, sir.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following personal request.

The Clerk read as follows:

Hon. CHAMP CLARK,
Speaker of the House, Washington, D. C.

HONORABLE SIR: Mr. LOUIS W. FAIRFIELD, of Indiana, begs to be excused Friday and Saturday, February 22 and 23.

Respectfully,

LOUIS W. FAIRFIELD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RATIFICATION OF CONSTITUTIONAL AMENDMENT WITH REFERENCE TO INTOXICATING LIQUORS.

The SPEAKER. The Chair lays before the House a communication from the governor of the State of South Carolina.

The Clerk read as follows:

FEBRUARY 19, 1918.

MY DEAR MR. CLARK: In accordance with the provisions of the joint resolution ratified by the South Carolina Legislature, I have the honor to transmit herewith a true copy of the said preamble and resolution. The title of the resolution is as follows:

"A joint resolution ratifying a proposed amendment to the Constitution of the United States of America prohibiting the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, and to provide means for the enforcement thereof."

With high esteem and personal regards, I am

Cordially, yours,

RICHARD L. MANNING, *Governor.*

WASHINGTON'S FAREWELL ADDRESS.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] will read Washington's Farewell Address.

Mr. ASWELL read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you, but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that while choice and prudence invite me to quit the political scene patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these States under the auspices of liberty may be made complete by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquillity at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess are the work of joint counsels, and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common Government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one Nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern—Atlantic and western; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head; they have seen, in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and actions of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the Nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the

pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system; and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind—which nevertheless ought not to be entirely out of sight—the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms, kindles the animosity of one part against another, foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the Government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates, but let there be no change by usurpation, for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering also that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object—which is always a choice of difficulties—ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded; and that, in place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment,

sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me fellow citizens), the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorite are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim not less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things, diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our Nation from running the course which has hitherto marked the destiny of nations; but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his pro-

genitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *17th September, 1796.*

[Applause.]

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. WALSH. To make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. WALSH. Mr. Speaker, I will withdraw the point.

OMNIBUS PENSION BILL.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that the omnibus pension bill, H. R. 10027, follow immediately the conclusion of the consideration of the present railroad bill now under consideration.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the pension bill follow immediately after the passage of the pending bill, if it ever passes. [Laughter.] Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, what is the request?

The SPEAKER. That the omnibus pension bill follow immediately the passage of the pending bill.

Mr. JOHNSON of Kentucky. Will that interfere with District day on next Monday?

The SPEAKER. If it happens to come on next Monday, it would.

Mr. JOHNSON of Kentucky. I shall be compelled to object, Mr. Speaker. I do not object if it comes up now.

The SPEAKER. He is not asking for it to come up now. Is there objection?

Mr. JOHNSON of Kentucky. If the gentleman will make his request subject to noninterference with the District of Columbia day, I will not object. I understand, Mr. Speaker, that the gentleman qualifies his request to that extent.

Mr. SHERWOOD. I will do that.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] requests that the pension bill, H. R. 10027, follow immediately after the conclusion of the railroad bill, not to interfere, however, with the District of Columbia business.

The Chair would like to ask the gentleman from Kentucky [Mr. JOHNSON] a question. Is that the same bill they had up here the other day?

Mr. JOHNSON of Kentucky. It is.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. SHERWOOD].

Mr. LANGLEY. Mr. Speaker, I did not catch it.

The SPEAKER. The gentleman wants to consider this pension bill as soon as this other one is out of the way.

Mr. LANGLEY. That is all right. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Ohio [Mr. FESS] is recognized for 30 minutes. [Applause.]

GEORGE WASHINGTON.

Mr. FESS. Mr. Speaker and Members of the House, in 1889, 100 years after the inauguration of Washington as our first President, a symposium of the leading thinkers of the world was published of the opinions concerning him.

Of the opinions that were offered I want to read three. The first is from Louis Philippe, Compte de Paris, giving the French opinion:

I admire him still more now since I have seen how republican institutions are understood and practiced in France.

I want to read a British opinion, from probably the greatest British mind of English history, W. E. Gladstone:

All I can say is that I look upon Washington among great and good men, as one peculiarly good and great, and that he has been to me for more than 40 years a light upon the path of life.

I want to read an opinion of the central powers, coming from the great fugitive, Louis Kossuth, who came to America in 1852 to find shelter from the persecution in Austria-Hungary. Writing from Turin, Italy, where at the age of 87 he was living in retirement, away from the country he loved, and referring to our Government which Washington inaugurated, he says:

That stupendous incarnation of pure democratic principle which has the providential mission to guide the future ages of mankind on the road of infinite progress.

These opinions are in keeping with that of the great English historian, Edward A. Freeman, who expressed his appreciation in this sentiment:

Washington, the expander of England.

It might seem presumptuous for a Member of this House in this year of 1918, so far removed from the days since he lived and labored, to undertake to throw a new light upon the life of this great man, but I would like to view him from at least a new angle and to have your attention to three episodes in his life from which we can study his influence in the shaping of modern government. His reputation is safe, and his place in history as a warrior is common knowledge; his rank as a citizen is as familiar as our own childhood, while his place as our first great citizen from every angle of estimate is assured. But I wish to see him now in his influence in shaping modern government as witnessed from three events in his life.

The first episode is when he saved the State of Franklin, that portion of western North Carolina now known as Tennessee, from taking the dangerous step of secession in 1784 by joining the foreign power of Spain, which then owned the Mississippi country, in order to get the free outlet of the Mississippi River; and thereby, through the influence of Washington, who prevented it, the dangerous experiment of secession was defeated even before the Nation was born.

The second episode is as the president of the Constitutional Convention, a group of men 56 in number, most of whom had served in the second Continental Congress, about which William Pitt, standing under the corridors of the House of Commons, declared that "for solidity of reasoning, wisdom of conclusion, and force of sagacity that body of men has never been excelled in the history of the world." Washington, as the presiding officer of that great body of men, exercised such supreme influence and thereby contributed to the history of modern government in the world, I think, its greatest contribution, in the form of our Federal Constitution.

The third episode in his life to which I will refer is when called by unanimous consent to inaugurate the fundamental principles as written, first, in the Declaration of Independence and, second, in the Constitution of the United States in practical government as he inaugurated them in 1789. Briefly, I must look at these episodes, in order to throw light upon Washington's far-reaching influence, and also to aid in interpreting the present time and, if possible, predicate the future, if we may.

In 1784 the people of western North Carolina, shut off from their kin on the Atlantic seaboard by the mountains, had no possible way to purchase the things they needed, that they could not produce, except to do it through the mouth of the Mississippi River. Spain held control of this outlet and laid a heavy tribute upon all who wanted to trade. The Government was appealed to for relief, and John Jay was sent to effect a treaty. The best he could do was to agree to a close of the mouth of the Mississippi for 25 years, after which it was to be opened to these people. The people of western North Carolina, resenting what appeared a total lack of regard for justice to them on the part of the Government, took steps for relief and erected a separate State, elected John Sevier as governor, proceeded to elect an independent legislature, and made overtures to Spain to join her. Here is the earliest step toward the dangerous experiment of secession employed later on in 1861, which precipitated the Civil War. Washington was the only figure that seemed to have comprehended the danger.

He saw the possibilities of the great Mississippi Valley if permitted to develop uninterruptedly and not be prevented by any portion joining a foreign power. He wrote a letter to Thomas Jefferson and another to Gov. Harrison, of Virginia, setting out the possibilities of uniting the interior of the country with the seaboard States, and to this end he recommended the appointment of a committee to report a mode of canal building, aided by a system of fordage, to carry the goods from the headwaters of the Ohio to the headwaters of the Potomac, thereby making a trade route from the Atlantic, through the Potomac, via canal to the Ohio, thence Mississippi to Gulf. Quite naturally when he recommended this possibility, objections were offered as to finance and other items of expense. Washington replied with his wonderful comprehension of what the Mississippi Valley was yet to be. His recommendations in numerous letters are most illuminating on these possibilities. And I want to say to this Membership that I believe that Washington had a clear comprehension of this undeveloped empire in the Mississippi Valley, although it was but a wild waste of country and in certain parts a trackless wilderness. While it is true that a committee was appointed and a meeting was held at Mount Vernon, adjourned to Alexandria, to recommend the construction of this inland water route; while it is true that it did not result in actual construction, yet it removed the opposition of the people of western North Carolina, who later on rescinded their action, with the important result that instead of the State of Franklin leaving to join Spain we now have the splendid sovereign State of Tennessee. And a great contribution, one of the first and most important of the first President of the country, not recognized generally, at least in its bearing upon the future of the new Republic soon to be born, was the making it impossible to set the precedent for any portion of the United States breaking off, either to join its friendly neighbors or to cast its lot with a foreign country. That was in 1784, one year after the treaty which closed the Revolutionary War and three years before the Constitutional Convention.

In 1787 Washington, by unanimous consent, presided over the Constitutional Convention. As the responsible head of the Army, he was the closest observer of lack of power and suffered most from that lack. He saw great problems. The first and greatest problem was to cure the weakness of the old confederation, which afforded neither executive nor judicial power. This at once raised the question whether the Government was to be a Government of the people of the States, without regard to State lines, or a Government of the States. In other words, was it to be a National or a Federal Government? Everyone will recognize, who is at all familiar with the critical period of the United States, that the early contest had been in favor of the States, and the Articles of Confederation were a "mere league of friendship," a group of sovereign States, each State maintaining its sovereignty. Each State could also withdraw its representation, and thus defeat all legislation from want of a quorum, since they voted by States, three-fourths of which were necessary for all important measures.

Washington, as the leader of the Revolutionary War, had recognized the need of power beyond mere recommendation, and when he came to preside over this convention, and the struggle came on as to whether it was to be a government of the people or a government of the States as States, he was clear-headed as to the danger of the latter. And yet he was equally clear-headed as to the danger of the former if unrestricted. If the new proposal was to remain a league of friendship without coercive power to operate on the individual State the weakness so apparent would not be cured. In the midst of a bitter contest on a disputed point a member, it is said, entirely disgusted with the failure to reach a conclusion after a three weeks' debate, arose and made a motion that the convention adjourn. Washington, not having spoken up to this time, saw the danger. When the member—I think it was Mr. Dayton—made the statement, "We have been here now for three weeks behind closed doors, and the thing for us to do is to adjourn and go home," Gen. Washington arose, and tradition says that he made this speech, that ought to be written in letters of gold and posted on the doorposts of every lover of representative government:

It is too probable that no plan we here propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us raise the standard so high that all the good can repair to it. This is not the work of man. The hand of God is in this thing.

He requested that the motion for adjournment be withdrawn, and it was withdrawn.

And I pause long enough to ask the question, What would have been the future of the American Government if George Washington's powerful and overtowering moral greatness had not been sufficient to have settled the difficulty and thus prevented the motion for adjournment being voted upon? It was vastly more serious than when after a similar conflict a compromise was reached through the suggestion and adoption of two Houses to satisfy both States and people, the former in the Senate and the latter in the House. Mr. Speaker, during the months from May 14 to September 17 that great figure presided with deliberation and power over the most discordant group of men representing the furthest extremes of political theory in the history of government. A less powerful personality could not have held in counsel such great lights, so variant in their dogmas and so persistent in their theories. When we undertake to estimate his power it is found not in the theories of Alexander Hamilton, one of the leading figures of his day and the closest adviser of Washington as well as a leader of the Constitutional Convention, then but 30 years of age, the most original thinker in the group; nor is it found in the theories of Thomas Jefferson, who, by the way, was not in the convention, but his representative, James Madison, was there. His greatness will be found not in the theories of these men, but in the power of the presiding officer big enough to see all sides of a question and powerful enough to hold and direct the tremendous forces still in deliberation until they, through a wise spirit of counsel, were able to work out a system of government which William E. Gladstone in 1878 pronounced the greatest instrument ever stricken off by the brain or purpose of man at any one time.

That instrument, fellow Members of this House, adopted in 1789, 130 years ago, by 3,000,000 people, has gone through the fires of civil war, as well as three foreign wars, and has come to the place where now 110,000,000 people have come to look upon it as the organic law, during which time the Nation has become the most powerful in wealth, twice over, of any country in the world.

And hear me: During all these years the instrument has not been organically changed but four times, which fact beyond all others indicates the keen foresight of the body of men presided over by Washington. It is true there are 17 amendments, but the first 10, the bill of rights, were originally agreed upon by the convention, and the eleventh, to exempt a State from being made a defendant by an individual, an exemption which the fathers thought they had included until a State was actually sued, was to correct the error. The twelfth was the first modification. The thirteenth, fourteenth, and fifteenth all grew out of the Civil War, and for our purpose would stand as one modification of the organic law. The other two are changes, it is true, from the original agreement when judged according to the opinions of the members of the convention. When we think of the blessings that have flown out of that marvelous instrument we can not attribute it to any one man so greatly as to the head of the convention, who held the membership together and maintained deliberation. Out of the diversity of political acumen, attenuated and discordant, there came through this sublime figure the instrument filled with the wisest of sanction and remarkably free of dangerous dogma. [Applause.]

The next episode in the life of Gen. Washington to which I wish your attention was when as our first President he inaugurated the principles fundamental in our Government and started the Nation on the right road. Fellow Members of the House, I want sympathetic attention here. Washington knew the fundamental principles of Jefferson. Washington knew that Jefferson was the greatest exponent of liberty in government the world had ever seen. [Applause.] Washington knew that the very lifeblood of this new idea in government, expressing itself in the right of local self-government, had never such a representative in the history of the world as Thomas Jefferson.

If I wanted Jefferson's own opinion of the work he had done which he wanted to be attached to his memory, having spent 39 years in office out of his more than 60 years of public life, I would take you to his tomb and would read upon it the epitaph that he himself wrote:

Here was buried Thomas Jefferson, author of the Declaration of American Independence, of the statute of Virginia's religious freedom, and father of the University of Virginia.

His 39 years of public life comprehended a service in the Virginia House of Burgesses, service in the Virginia Assembly, service in the Second Continental Congress, four years' service as governor of Virginia, four years' service as Vice President of the Nation, service as Secretary of State from 1789 to 1794, and service for two terms as President of the United States, to say nothing of his service as a foreign minister. And yet in all this array of high and outstanding service in the Nation he picks out three items, only one of which would you select as a thing for which he would want to be remembered. No one among you can understand why he thus made the selection so few in number and so unexpected in choice unless you see the very passion of the man's life, the one controlling item, and that is liberty. The biggest word in the vocabulary of the great Democrat was "Liberty." He was the author of the Declaration of Independence—political liberty; he was the author of the Statute of Religious Liberty of Virginia—religious liberty, and in it is another clause that does not appear in the title to the law, namely, the repeal of the law of primogeniture and entail—personal and pecuniary liberty; and lastly, founder of the University of Virginia—educational liberty. There upon his tomb may be read his own estimate of his life, and it comprehends the gamut of liberty, his watchword in his political career.

He said nothing at all about his achievement in the purchase of Louisiana, which in my judgment was the greatest act of his life. He paid no attention to that, because it was fundamental to him that the greatest good that can come to an individual is unrestricted opportunity in the struggle of life to make the most of one's self without restriction from government. [Applause.] That is fundamental in the Jeffersonian theory of politics.

Washington understood this and fully appreciated its importance. He called Jefferson into his cabinet.

Hamilton, totally different, was sharply differentiated in his political theory and schemes of government. He was not rural, not of the country, as Jefferson, but of the city, in the heart

of industry—Hamilton was brought up in an entirely different school from Jefferson. Jefferson was in France in the revolution, submerged in the atmosphere that later produced the French revolution of 1789–1792, and we are wondering just what effect the residence in France had upon his theories.

But it was not so with Hamilton. Where at that time was Hamilton? At Valley Forge, following the lead of the great Washington, as we could see by tracking through the snow by the blood trail of the shoeless feet of the soldiers, unsheltered and unclothed; and he would read to Gen. Washington the letters that Hamilton himself had indited, calling upon the States to supply food, to supply shelter, to supply clothing; and the answer, in the language of State sovereignty was, "We will do it when we are ready." And that meant delay. To see men without clothes to cover their nakedness, without blankets upon which to lie, and often without provisions, marching through the snow, and at Christmas time, to take up their quarters within a day's march of the enemy, without a house or hut to shelter them, were some of the lessons taught Hamilton by actual experience at Valley Forge. This was but a comment upon excess of State rights and lack of central authority. Hamilton had seen and suffered all this. Hamilton saw, mark you, a straggling group of soldiers, 80 in number, marching from Lancaster, Pa., to Philadelphia and attacking the Federal Government in the Capital, which was compelled to take shelter under the guns of Trenton—the Government a fugitive from 80 straggling, mutinous soldiers who had not been paid. Hamilton saw the Shay rebellion, and heard the State of Massachusetts call upon the Federal Government to suppress it when the State was told that the Government had no power, and it had to refer it back to the State. Hamilton, reading the treaty of peace with Great Britain, saw pledges to the British Government our Government had bound itself to secure, in the face of which he saw the States violate every one with impunity, and no ability in the Federal Government to prevent it. Hamilton knew that John Adams, in 1784, had gone to Holland to borrow on the credit of the United States $300,000 to save the honor and credit of the United States; and Hamilton knew that John Adams was refused the loan to the Government unless John Adams, the Government's representative, went the Government's personal security to make good the $300,000.

Fellow Members, it is not many days ago that you and I voted, in an urgent deficiency appropriation which carried more than $1,000,000,000, an amount of money that could not have been foreseen when we passed our last bill. Yet a little over 100 years ago our young Republic was refused a loan from Holland of the miserable, miserly sum of $300,000 unless John Adams went the Nation's security. If national impotence ever could reach a lower ebb than that, I am unable to conceive it. What was the matter? The matter was too little power, probably too much liberty. The loose confederation during the most critical era of American history supplies the answer, and what we lacked specifically was power. Washington presided over the convention that followed all this, called for the specific purpose of remedying this organic defection, and he well knew the principles that were proposed and were written in the organic law, and when it came to inaugurating these principles into actual, practical government he displayed a new quality of rare leadership in his determination to utilize the country's greatest talent, divergent though it be in party policy. He chose on the one hand Thomas Jefferson, the representative of the liberty of the citizen, the rights of the States, and the principle of local self-government, all of which are absolutely essential; this in spite of some lack of sympathy for the radicalism of the great Democrat. It was ability he demanded, not docility to any preconceived opinion of his own.

By his side for the purpose of organization of the important Treasury Department he chose his former military secretary, the most constructive mind, according to Mr. Oliver, the English critic, the latest authority on Hamilton, that North America has yet seen. He chose him because he was the greatest representative of power, the veritable antonym of liberty. The words in the vocabulary of Hamilton are power, authority, order, energy, strength, vigor, administration. He looked upon the French Revolution as the most awful calamity or fatality that could overtake and overcome any country; while, on the other hand, Jefferson feared whenever the Government became so centralized that the individual would not have the right to resent what was going on. Jefferson once declared it dangerous if there were not a rebellion at least every 20 years. Now fellow Members, there is no one on either side of this House from the standpoint of a student of political science who has greater admiration than I have for Thomas Jefferson, for what he stood, namely, liberty in the individual under government and the rights of local government in the States; and there is no one on the Republican side of the House or the Democratic who has a greater admiration for Alexander Hamilton, because of the fundamental principles for which he stood, namely, the right to maintain order, the power necessary to say what must be done in the interest of order and government.

The fundamental principles of government as expressed by Hamilton were:

1. A healthful support of government.
2. The recognition of the need of government.
3. Ever-present sense of obligation to government.
4. Reliance upon force to compel obedience.
5. The influence which goes with position.

No one ever expressed in better form the purposes of government than did Hamilton in his first report as Secretary of the Treasury: "To justify and preserve the confidence of the most enlightened friends of good government; to promote the increasing respectability of the American name; to answer the calls of justice; to restore landed property to its true value; to furnish new sources both to agriculture and commerce; to cement more closely the Union of the States; to add to their security against foreign attack; and to establish public order upon the basis of an upright and liberal policy."

As Jefferson was the greatest exponent of liberty in government, so Hamilton was the greatest exponent of power in government. His brief life is but a comment upon this fact. His was a remarkable career. At the early age of 17 he was ripe in constitutional history. At 19 he signalized himself as captain of artillery. At 20 he was made chief aid to Washington, when was begun that singular attachment which induced the great Father of his Country to lean more heavily upon Hamilton for counsel than upon any other American. At 25 he entered Congress; at 29 he became a member of the New York Legislature. At 30 he was a member of the Federal Convention, and by all but universal consent was conceded to be the most original mind in it. At 31 he wrote the Federalist, the strongest presentation of the principles of constructive government extant, and performed the inimitable feat of breaking down a great majority against the Constitution in the New York convention, which did not adjourn until it had ratified the instrument against which the majority was committed. At 32 he was called to the head of the Treasury Department, where his crowning work was accomplished. At the age of 41, on the demand of Washington, he reorganized the armies of the Government, and the next year, upon the death of Washington, he was made first in command. At the age of 47 he fell at the hand of the duelist.

While the fullness of manhood was reached before the age of his majority, the brilliancy of his career was eclipsed by a premature death. The span of his public career would measure 30 years—from 1774 to 1804. Twenty-one of these years were spent in the actual service of the Government at the time when the work of both destroying the old and building the new was done. Hamilton was stronger in building than in destroying. To him more than to any other American is due the title of master builder. But to Washington is due the honor of so directing that the Nation became the beneficiary of both Jefferson and Hamilton without adopting either extreme. And here is the peculiar attitude that is difficult for me to understand. Men accept Jefferson without hesitancy as their guide in all matters governmental but indict Hamilton. Other men accept Hamilton as a safe political prophet but instinctively indict Jefferson. It seems as if we had failed to realize that Jefferson's liberty would be anarchy if not restrained by government, and Hamilton's power and authority would have been monarchy if not restrained by the demands of liberty. [Applause.] Either one of them unrestrained would have gone too far. Why, think of the recommendation of Hamilton in the convention:

Let the people elect Congress, Congress elect the President, and the President appoint the governors of the various States.

That is certainly centralization. It is order, and without the restraining influence of the school of Jefferson, Hamilton with all his power would have gone too far. Let me say, with all the fervor that I can command, there is no liberty without government, and there is no government without liberty. [Applause.] Liberty must not be confused with license—that is, anarchy—and power must not be confused with monarchy; that would be despotism. Translated in contemporaneous events liberty unrestrained is the Bolsheviki movement in Russia. Power unrestrained is the Hohenzollern autocracy overrunning Europe.

The thought that I wanted to put to the Members here is that in our appreciation of Jefferson in history and our appreciation of Hamilton in history we must not forget that the leading figure that held the two was Washington, and that without the

power to amalgamate the two, liberty and power, we never could have had our present American Government. [Applause.] This is the one query: How can we secure strong central government in the interest of order and still maintain local self-government in the interest of liberty? The first is Hamiltonian, the second Jeffersonian. The two combined is Washingtonian. The one thing I want to leave with you is that Washington recognized the extremes and extracted the good from both without incorporating the dangerous. Hamilton was more powerful than was Washington; Jefferson was also more powerful than was Washington when measured intellectually, but not morally. Wide apart as the poles, he took them into his councils and held them together, because he knew they represented fundamentals, and he worked out our present system. This at the very moment when political differences ripened into personal hatreds. Still they were held; one till 1794, the other till 1795. Lincoln did the same. He chose men of the greatest ability and the widest differences politically, because war and its dangers dare not risk mediocrity; and when he put into his Cabinet four old-line Democrats and only three old-line Whigs, Seward warned him and said, "Mr. President, you are unbalancing this Cabinet." Lincoln said, "How?" "Why, you have got four Democrats and only three Whigs." Lincoln smiled and said to Seward, "Well, I am a Whig, and I am going to count one." That was the attitude of Lincoln in the Nation's second crisis. It was much like the country's first President. I want now to make one observation as the lesson of the hour. We have introduced in the House this great railroad bill, which is very important and which the Congress will pass without delay. It has one or two items in it that must be thoroughly discussed, because it involves great possibilities. Here may be the introduction of governmental policies of widest reach, which must be carefully considered, because it is not the length but the direction of the step that is ominous. Another important bill is the financial corporation bill. That must be thoroughly discussed. There may be involved in that bill a fiat danger which must, if possible, be avoided. It must not be lightly looked upon. Another great bill is for the extension of the executive function, a tendency so apparent here in the Capital that one can scarcely avoid strong language in reference to it. That must be thoroughly discussed, and I appeal to the party in power in the light of the example set by the great Washington and followed by the great Lincoln. It does not lie within the mouth of any Member on either side of the aisle, if Members insist upon a thorough discussion and even an attack on some phases of these bills, to say that they are any less patriotic than were the men back in the time of Washington and Lincoln when they were discussing those great questions. There is no danger in open debate. The danger is always when you do not have it. [Applause.]

I feel sure of my ground when I assert that this Congress will pass without any unnecessary delay every measure necessary to speedily end the war. I speak for the Republican side when I say this. But the party in power must concede the right to an opinion, and it would do well if it would observe the conduct of Washington and Lincoln and realize that divided views, the result of ability, are not in themselves a danger. The great leader is the man who can use men who do not always agree with him.

Mr. Speaker, we who are charged with the responsibility of efficiently defending our national honor and safety against the world's greatest example of armed brutality should take daily council of the wisdom of such men as Washington and Lincoln, and, if possible, not only mobilize all our physical power, but especially utilize to the fullest extent the highest type of mental ability, without regard to any party bias. This is the lesson of the hour.

Mr. MASON. Mr. Speaker, in President Washington's Farewell Address, just read, he refers to a short proclamation——

The SPEAKER. I know, but the gentleman can not make a speech, because he has no time.

Mr. MASON. I ask unanimous consent to have the Clerk read the proclamation of April, 1793, referred to by President Washington in his Farewell Address.

The SPEAKER. How long is it?

Mr. MASON. About three minutes.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

A PROCLAMATION.

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands of the one part and France on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers:

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid against those powers, respectively, and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations will not receive the protection of the United States against such punishment or forfeiture; and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the law of nations with respect to the powers at war, or any of them.

In witness whereof I have caused the seal of the United States of America to be affixed to these presents and signed the same with my hand.

Done at the city of Philadelphia the 22d day of April, 1793, and of the independence of the United States of America the seventeenth.

[SEAL.] GO. WASHINGTON.

By the President:

TH: JEFFERSON.

LEAVE OF ABSENCE.

Mr. GREGG (at the request of Mr. SLAYDEN) was granted leave of absence indefinitely, on account of sickness.

EXTENSION OF REMARKS.

Mr. FESS, by unanimous consent, was given leave to revise and extend his remarks.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

Mr. ESCH. Mr. Chairman, I yield 20 minutes to the gentleman from Massachusetts [Mr. WINSLOW].

Mr. WINSLOW. Mr. Chairman and gentlemen of the committee, we have had the great pleasure of listening to Dr. FESS make a very eloquent address on George Washington and kindred subjects. We have heard him state with great positiveness that the country will never be injured by too much intelligent debate in Congress, but is likely to be by too little. I agree with him on that general proposition. Legislation which we pass is too frequently marked by too little concern, too little straightforward discussion, perhaps by too much of what we call "bunk," and on the whole we do not confine ourselves perhaps as carefully as we might to the merits of bills before us.

The committee which reported this bill into the House was in session for about a month with very full attendance. Great interest was taken by Members, discussion was abundant, good fellowship prevailed, differences of opinion existed, and finally conclusions were reached. At no time was any witness limited in his presentation of testimony, and at no time was any Member deprived of a full opportunity to ask questions. The result of it is the bill which is now before you.

The President of the United States by proclamation took control of the railroads. This bill became necessary. It came before the committee as an administration bill pure and simple. Nobody has denied it. The Secretary of the Treasury was named Director General of Railroads. Those who presented the bill stated frankly that they appeared in behalf of the Director General and through him the President of the United States. So it is fair for everybody to assume, I think, that the bill as it was initiated and as it was developed, discussed, and finally passed was the proposition of the administration.

When the bill was first brought up it differed in many respects from what it now appears to be, but as we went on the representatives of the administration and the members of the committee began to realize that there were shortcomings, and every effort was made to get together.

There are four leading subjects in the bill which have been and probably will continue to be matters of central interest. I shall speak of them as they occur to me in what seems to my mind to be the logical order. There was quite considerable concern as to whether or not the employees of the railroad companies were to continue to be employees of the companies or to be considered hereafter as employees of the Government. The bill was finally framed so as to leave them employees of the railroads, and the general interpretation of the bill was that the Federal Government merely took control of the railroad properties as it found them, that it was to direct the operations, but that it was not to employ or direct the men or otherwise come in close contact with the employees or the general business

transactions of the railroad companies. I think it perhaps would not be worth while to take any time now to discuss the wisdom of so framing this bill as to leave the employees within the control of the companies. That subject quite likely will be brought up under five-minute debate, and it may be that we shall want to take a hand in discussing that question if it comes up.

The amount of return was a very important question, which was considered, and finally that which is set forth in the bill was agreed upon. So far as I know, from listening to the debate here and reading the speeches that have been made on the subject, there is likely to be some difference of opinion and perhaps some variation of interpretation as to what is really the right thing to do in remunerating the roads which may be taken over. Yesterday one of the Members on this floor raised the point that some of the railroads were appearing to receive an excessive rate of interest, a too large return. That question could be elaborated, but I shall try to sum up my judgment in a few words. It is quite true that on the face of it some railroads would appear to be getting an excessive return, but that is not really the whole story. Some railroads have been skinning along, robbing their treasuries for the purpose of dividends, neglecting to put back money which they should into their own properties, and the result has been that of late years, as with any other commercial concern, they have gone downward, and they have duly had difficulty in making great earnings or in paying any kind of dividends. On the other hand, there are roads which have been well managed, which have fostered their resources, which have put in large sums of money annually for the upkeep of their property until they have brought their companies into good order, the properties in fine shape; and, as with any other commercial undertaking, when they have become established in good condition they have paid proper dividends on the value of their stock. Nobody here has seemed to raise the point as to how many years, for instance, a now prosperous railroad may have paid no dividends. The question seems to have been entirely as to what they have paid in the last three years. That is not the fair way to look at it, and the committee, I think, gave heed to the consideration that if a road by virtue of being profitable as a result of keeping up its property and, generally speaking, as a result of good, clever, and scientific management found itself during the past three years, when business has averaged fair, so that it could pay a large dividend, the owners of the stock were entitled to fair or even generous remuneration.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. WINSLOW. Yes, indeed.

Mr. GORDON. How does the gentleman come to determine that the stock was worth the amount for which these roads were capitalized?

Mr. WINSLOW. Capitalization is not the question. That is a misnomer which a great many people who are not thorough fall into.

Mr. GORDON. Yes; I know.

Mr. WINSLOW. I am not making a personal application.

Mr. GORDON. How did the gentleman determine it?

Mr. WINSLOW. I will tell the gentleman how I determined it. The value of a security ought to depend on two elements—first, on the property back of it, and then on the earning capacity. I would not accept the one or the other as being final.

Mr. GORDON. How did you determine the property back of it?

Mr. WINSLOW. On the valuations as they appear and are reported in various reports, and finally on the facts.

Mr. GORDON. We have spent $11,000,000 undertaking to value these railroads for the purpose of finding out what property they had.

Mr. WINSLOW. Yes.

Mr. GORDON. Did the gentleman give any consideration to that?

Mr. WINSLOW. Just what does the question mean—when it is finished? Does the gentleman mean with respect of the $11,000,000?

Mr. GORDON. No. I say we have spent $11,000,000 in the process of valuing these properties for the purpose of finding out what they are worth. What I want to know is how the committee found out so quickly a thing that we have spent these $11,000,000 for and have not yet had any report upon.

Mr. WINSLOW. I appreciate the humor of the gentleman's suggestion.

Mr. GORDON. There is no humor about it. [Laughter.] It is a question for information that I am asking. The gentleman is a member of the committee, is he not?

Mr. WINSLOW. Yes

Mr. GORDON. I would like to have the gentleman answer.

Mr. WINSLOW. I can answer the part of the gentleman's question which would seem to me to indicate a serious inquiry. We have only had those facts which are of record and we have not attempted to be mind readers and forestall the report of the inquiring board. We have taken only those returns which are of record and have accepted them at their face value.

Mr. GORDON. The gentleman means the records of the railroads?

Mr. WINSLOW. As reported to the Interstate Commerce Commission and as submitted by the various people who have given testimony.

Mr. GORDON. Did the gentleman give any consideration to the question of this information that has been collected by the expenditure of this $11,000,000?

Mr. WINSLOW. Only to realize they had not any report to turn in. I think in one or two cases Judge Prouty, if I am not mistaken, gave a fragmentary report as to the results of the findings wherever they had approached completion.

Mr. GORDON. Well, now, did the committee consider this? In the appropriation of all other private property since this war started in very many instances they were unable to determine the value of the property taken—in this case you determine the use of the property only, and in the other cases they were appropriating only part of the compensation—did the committee give any consideration to the suggestion that they should appropriate only sufficient of what the dividends actually paid in the last three years were and leave the final determination to await the finish of this appraisal by the Interstate Commerce Commission? Did the committee give that any consideration?

Mr. WINSLOW. Let us get together on this. I do not want to be answering one question when the gentleman is making a different inquiry. The gentleman is referring to the amount of dividend returns?

Mr. GORDON. Yes; the amount of dividends that should be paid. The gentleman determines that by taking the total earnings of the road for the past three years, as I understand it.

Mr. WINSLOW. No.

Mr. GORDON. The gentleman does not?

Mr. WINSLOW. No.

Mr. GORDON. Well, that is my understanding.

Mr. WINSLOW. That is only part of the question. I was fearful the gentleman was not comprehending the whole situation. [Laughter.]

Mr. GORDON. I understand it all right. If I have not made myself clear——

Mr. WINSLOW. Let me continue—the old clock is moving around. [Laughter.]

The CHAIRMAN. Does the gentleman yield?

Mr. WINSLOW. If I can have time I would like to discuss this economic proposition with my friend, but I am afraid——

Mr. STEPHENS of Nebraska. I suppose the gentleman from Wisconsin might possibly yield the gentleman some time, if I can have his attention.

Mr. GORDON. If I have not made my question clear already I can in a very few words, if the gentleman will allow me.

Mr. ESCH. The time required on this side is so largely taken that I can not make many extensions, but it may be possible to yield a few additional minutes to the gentleman.

Mr. WINSLOW. It is not my request, but yet I desire to tell anything I know that is proper.

Mr. GORDON. I would like to know how the gentleman gets at this figure.

The CHAIRMAN. Does the gentleman from Massachusetts yield?

Mr. WINSLOW. I think for the purpose, Mr. Chairman, of his inquiry, I can not yield, because it will take, I am well aware, more time to answer his question the way he has put it than the time I have at my disposal.

Mr. GORDON. I think the gentleman is right about that.

Mr. WINSLOW. The question is a difficult one, and I want to answer, in a measure but in a limited way, the inquiry of the gentleman from Ohio. There are hundreds of railroads in this country, very few of them known, apparently, to any considerable number of people. They know the great trunk lines, but they do not know the great multitude of short lines in different parts of the country which come in under the scope of this bill. We found out on the second day, if I mistake not, of the hearings that there were hundreds of roads around through the United States which would probably not mean anything to the Government for war purposes, and the truth came out that the purpose of the Director General, when he got ready—although he had taken every one over by separate order, although he had issued general orders to all of them—he proposed to drop a lot

one of these days, when he got ready. No railroad president was in the hearing who could find out when his turn was going to come. He did not know anything about it. The Director General would not tell him anything about it. Now, those roads represented all conditions of prosperity, and many of them conditions of no prosperity whatever. That feature must be considered. This bill is drawn in such a way that by an elastic provision it allows the President to treat with each road that he wants to consider or otherwise, and in that way those unhappy little roads may get out from under. It was beyond all human possibility for any committee in the time allotted, if ever, to draw a bill which would measure out accurately to each railroad exactly what was fair to it, so they have had to blanket those; and the bill, naturally, has been drawn to meet war conditions, to meet an exigency, so that when we begin to operate under this legislation, if it is passed, we will begin to get to business on the railroads immediately and allow the less consequential considerations to come up and be taken care of in due time. But some of the committee—and I believe for my own part a good many of the committee—agreed that the basis of remuneration set forth in the bill is as fair and equitable a basis as can be figured out in the short time allotted, when one considers the great interests involved and the varying conditions throughout the different roads as well as the necessity of as prompt legislation as is reasonably possible.

Mr. SMITH of Michigan. Will the gentleman yield for a short question?

Mr. WINSLOW. Gladly.

Mr. SMITH of Michigan. It is presumed there will be a considerable number of roads that will not be taken over?

Mr. WINSLOW. I think it can be fairly presumed on the statements of the gentlemen representing railroads through the hearings and from the testimony of the Director General that the number of such roads would run into the hundreds.

The next point of real interest which will have to be considered is the power of establishing the rates by the President of the United States. Herein the view of the committee members differed. The majority favored the bill as printed; a minority was in favor of putting the power to establish rates in the hands of the Interstate Commerce Commission. I represent in thought and in action the minority views in respect of this matter and I wish to give my own opinion. The Interstate Commerce Commission, I believe, represents pretty generally in this undertaking the interests of the great public of this country.

It has been a much-discussed body. It has stirred up the animosity of first one element of the community and then another. Take it far and wide, it has been exasperatingly slow at times. It has not been able always to render decisions quickly enough to suit everybody, but perhaps that has been the natural result of the condition in which it found itself. The problem is an enormous one—far beyond the comprehension of people who have not gone into it carefully. The opportunities for action on the part of the members of the Interstate Commerce Commission have been many and varied, and have constantly increased. Their ramifications have multiplied, and it has not been strange that a commission, if starting off with a little handful of employees and now having grown into a commission of thousands, they should have found the attending duties engrossing, perplexing, and frequently beyond their power for quick action.

However that may be, they have collected invaluable data, they have learned the "wiles" of the game, they know the "ins" and "outs" of the railroad problems, they have become expert as to how to get at and analyze railroad figures and statistics, and how to get information, and when and where such is to be obtained, and so forth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. WINSLOW. To sum up the reason for standing by the commission rather than to accept the provisions of the bill. I represent my own views, gentlemen, and possibly those of others. I hope so. There are two reasons in my mind why we should not let the President make the rates under the arrangements set forth in the bill. In the first place, we have a commission which has been set up by Congress to do this work.

They have been indorsed by Congress and by the people all this time; otherwise they would have long since been wiped out. They would not have grown from three or four men to several thousand men if there had not been a good excuse for their existence. They have been kept on and ought to know their business, and, so far as I have been able to learn, they do. That is one reason for keeping them there. They are a public institution, as much a part of the Government of this country, as things are going now, as the Congress of the United States or the President himself. I am willing to trust the commission under war exigencies to discriminate wisely and to act as promptly as good judgment and the well-being of our people demand.

Mr. COADY. Will the gentleman yield?

Mr. WINSLOW. It would be a pleasure to yield, but I can not do it now.

In the second place, I think we are going too far in the direction of throwing all the fiscal arrangements of the United States under the head of one or two men. [Applause.] They can neither conceive nor cover them. No man has ever been known in this world, I believe, or ever will be, of sufficient capacity to take over or act wisely as an advisor of all the growing elaboration and direction of the new departments as we are setting them up, to say nothing of the three or four or five or more which are already on the board and about to be skidded into us for legislative consideration and establishment. I do not believe that the President—and I will give him all the respect that he deserves—or the Secretary of the Treasury can go on indefinitely taking jobs, each one of them big enough for the biggest man that ever lived, and carry them out successfully. For such reasons I think we are better off to have this matter of legislation in reference to rates in the hands of men who have had some training in such matters, who have nothing but railroad matters to think about, than to leave them in the hands of somebody or anybody who can be no more than a figurehead in the operation, and who himself must appeal to somebody else, and then have that consideration only one of a multitude of cares which are pressing down on his brow with constantly increasing pressure every minute of the day and night. [Applause.]

The question of time of return of the railroads taken over to their owners is another point of this bill which interests everybody. The proposition is, Shall there be a time set for the return of these roads by the Government, or shall there be no time set? This question was marked and debated clearly and fairly. The committee took it up, and they voted to set a time limit. They agreed on a time to terminate two years after the signing of peace ratifications. A minority thought that two years was too long. In the testimony before the committee, if you will read it you will find that the time mentioned by witnesses to be allowed for giving back the roads varied from one day to three years.

The testimony, as it appeared to me, was given by those whose opinion I most respected, indicated six months to a year. In order to be on the safe side, a year was the time indicated by those who filed minority views. I do not feel sure that a year will be long enough; but at all events a year will be long enough to determine whether or not a further period is needed. The question can be better decided under conditions prevailing then rather than be dealt with now, say, three or four or more years ahead. If not more than a year is necessary, the roads will be automatically turned over to the owners, and this war emergency railroad legislation will be forthwith terminated. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WINSLOW. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ESCH. Mr. Chairman, I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I hope to have a little time under the five-minute rule in which to address the committee. I use this minute to say that I listened to the reading of the proclamation of George Washington at the request of my colleague [Mr. MASON] a short time ago. I indorse George Washington now, and if I had been living I would have indorsed him then, and what he did. I indorse that proclamation. We were neutral when the nations were at war in Europe, and in that proclamation was noted that whoever violated neutrality would be punished. I believe if either one of those nations had given notice to us and to all the world that when our ships were on the world's highway they would be blown up without notice and then proceeded to blow them up, George would have said we ought to have war and have asked Congress to declare war against the nation so acting. [Prolonged applause.]

Mr. SIMS. Mr. Chairman, I yield one hour to the gentleman from Missouri [Mr. DECKER], a member of the committee.

The CHAIRMAN. The gentleman from Missouri is recognized for one hour.

Mr. DECKER. Mr. Chairman and gentlemen of the committee, I hardly think that I shall take a full hour in talking, but I do want to take a little of your time with the hope that I may be of some help in reaching a correct solution of this important problem.

I need not remind this body of the importance of this problem. As has been said, it affects the property rights of this country to an extent estimated at from eighteen to twenty billion dollars. It affects an industry which employs 1,700,000 men, constituting some of the most skillful and most patriotic and most efficient men of this country. But the amount of money invested in this industry, the property rights involved, yes, even the large number of men employed in the industry, does not constitute the greatest element of importance in this question. Transportation is the very breath of our national prosperity and even existence. The wheat must be hauled to the market and to the mill; the cattle must be slaughtered and shipped to the consumers of this country; the cotton from the Southland must be carried to the mills and made into cloth. The question of the money invested is important. The question of the men employed is important. But let us not at the outset lose sight of the fact that the very existence of this country, in time of peace as well as in time of war, depends upon transportation, and efficient transportation. Its importance in time of war is even greater than in time of peace. Our soldiers must be clothed, they must be fed, and under our complex system of national life, with our broad expanse of territory, the products of California and the products of the South and the products of the North must be gathered together through the centers, and upon the railroads of this country they must be carried to do the people any good, and especially the soldiers that are fighting this war.

Whatever property rights may be involved, whatever employees may be affected, let us not lose sight of the fundamental fact in this struggle, as expressed by the Fuel Commissioner, Mr. Garfield; let us never lose sight of the fact that always and ever while this war is on "the ships must sail," and the ships can not sail without coal, and the ships must not sail empty of food.

The great object, then, that led to the taking over of the railroads was efficient transportation. The railroad transportation of the country had broken down. There is no use in denying it. There is no use in spending time here in going into all the reasons for it. But it became necessary in order to carry on this war to unify, to coordinate the transportation facilities of this country. Under an act of Congress passed in 1916 the President was given authority to take over the railroads. He took them over; he took them over for the purpose of perfecting the system and creating greater efficiency. Congress had the right to give him that authority. Then there was left to us an important question—the question of compensation. That was a question, I say, that was left to us. I do not mean that we have a right to fix the compensation. The fixing of compensation for the railroads or any other property that is taken by the Government for public use can not be done by Congress or any other legislative body. That is a judicial question. This is not the land of the Bolsheviki. This is the land of liberty; but it is also a land of law, a land of order, and a land where property rights are still sacred, whether it be the property rights of the humblest man following the plow or the property rights of the man who owns the bank or the railroad.

It will not do any good to say, "We will take these railroads; these men have more money than they need." The same right that protects your hearthstone and mine and the hearthstone of the humblest follower of the plow protects also the hearthstones of the men who own these railroads, and prevents the taking of their property without adequate compensation or due process of law.

We have a right to take over the railroads, but no man in this House has the right to say how much they shall be paid. Do not let us lose sight of that fact. The owners of the roads can not prevent us from taking their property for public use, neither can the public prevent them from exercising their right of going into court and demanding just compensation.

And that brings me to another question: The prime question, the impelling motive for taking over the roads, was to better the transportation facilities of the country. But along with that taking over was something almost as important as transportation efficiency itself, and that was the financial stability of this country in this awful struggle. From 18 to 20 billions of property in this country is invested in railroads, differently estimated by different people as to the amount. Do I need to remind any man in this House that that vast amount of property value forms at least an important stone in the foundation of our financial structure? Some have estimated it to be one-seventh of all the property in the United States. You and I can not trace the varying places where these securities and these stocks and bonds may be found.

It is true a few men own a large per cent of them, but it is also true that they are found in the humblest homes of widows and orphans, in insurance companies, and in the trust funds; and if justice were not done to these security rights and these property rights, do I need to remind intelligent men that it would be a blow not only to this one stone in the structure but that it might cause all of it to tumble to the ground? So in taking over these roads it is important not to shake the financial structure.

Now, how can that be done? It is easy for us to say, "We have taken your railroads." It is easy to reply to the gentleman from Ohio [Mr. GORDON]. I wish he were here. It would be easy to say in reply to his question, "How much are they worth?" "I do not know." You do not know; President Wilson does not know; Secretary McAdoo does not know. How can you know? We have spent already $11,000,000 to try to estimate the physical value of the railroads, and I think they tell us that physical valuation will be finished in 1921. That is just the physical value. That does not mean that then you have got a complete basis on which to estimate what is a reasonable compensation for the use. I might have a railroad between here and Baltimore with 10,000 bridges on it. It would cost an immense sum of money, but it would not be worth a cent more than one that did not have a single bridge. You can not fix the rate on just what the property costs. There are many and varied questions that enter into this. Now, what shall we do? Shall we say to them, "Go into court," which they have a right to do? No power in the United States, as long as that Constitution, of which the gentleman from Ohio [Mr. FESS] spoke is in existence, can keep them from going into court.

Shall we tell them to go into court and take the valuation of their railroads and bring in all the elements that go into the making up of the value of the use of them, spend six months on the trial of each single, solitary case before the court? Then there would be the right of appeal, due process of law. How long would it take? What would be the result if we told them to go into court and settle their rights there? Any man who wanted to break down this war could do it by putting the railroads of this country into litigation—a large percentage of them. So what did Congress have the right to do? We could not say, "Stay out of court." We could simply say this, "Now, you owners of the railroads, we can not tell you what you have got to take. We have a right, however, as legislators to make you an offer," and that is what we have tried to do in the bill. We have tried to make them an offer, to lay down a basis of authority for the President to make a trade with the railroads for their use during Federal control. That is all there is in the bill. Do not rail at this committee and say, "How quickly did you decide on the value?" We did not decide. We could not decide. You could not decide. It would take you and me and probably many of us here many years to understand the intricacies of the details of the railroad question; but the general principles one man can understand about as well as another. And one of those fundamental principles is this, that if we take over private property for public use we must pay reasonable compensation for that use; and in estimating the value of that use we can consider the demonstrated value of the use for a reasonable time before the taking. So we took a period of three years before our entrance into the war and divided the annual operating income of those three years by three and called that the standard return. Some would say take four years, take five, some ten. I can not go into all the reasons why, if you go back too far, it would not be just, because every year that the railroads continue in existence the money put into their property increases. So the further away you get from the time of taking the more danger there is of doing injustice to all concerned.

So we thought, and to be frank with you, as the gentleman from Massachusetts [Mr. WINSLOW] said, the men who wrote the bill, Mr. Anderson, of the Interstate Commerce Commission; Secretary McAdoo, and even the President himself in consultation no doubt—in fact, his proclamation spoke of that—took this as a fair basis of compensation during the period of Federal control.

Now, when you go back home and they say to you, "You paid the railroads too much," what are you going to say? Some fellow will say to you, "Why, what did you give the railroads that amount of money for? Why didn't you take their property the same as you took the other property of the country?" I even heard a speech in another body in this great Capitol, in which it was said, "They say if we can draft the boys of the country, why not draft the property of the railroad companies?"

We will draft the property of the railroad companies, we will draft your property and mine, and the property of the farmer, but we will do it according to law by means of taxation, and not by confiscation and the violation of the Constitution. When you get back home, what are you going to say about the way this was fixed? I will tell you what I am going to say. I am going to say that for 30 years there has been in this country, growing up and increasing in efficiency and power and intelligence, a great body called the Interstate Commerce Commission, whose duty it has been, so far as possible, to determine what is fair compensation for the railroads. That body has the confidence and respect of the people of the United States. In some places there is more confidence in it than in others, but it is the only body we have. We simply took what they had allowed these roads to receive during the last three years, and divided it by three, and said to the railroads, "We will give you that same amount during the continuance of Federal control." Can you beat that system?

Our much-esteemed colleague from Wisconsin [Mr. ESCH] did not say that this amount was too large, as I understood him, but he did say that he recommended paying them a certain per cent on their stock and on their bonds, and then dividing the surplus between them and the Government. He gave as his reason for doing this that under the system which we have adopted there is no incentive for the railroad officials, like the presidents and superintendents, to put forth their best energies to make the railroad management a success during Federal control. In other words, briefly stated, he says if we guarantee a definite sum to the owners of the railroads and the men who run them during Federal control, what incentive is there to make the railroad officials put forth their best energies and to see that the industry is a success? Well, that is a fair question. It is one that appeals to anybody. But my answer to the gentleman from Wisconsin is this: His proposition is fundamentally unworkable for the purposes for which we took over the railroads at this time. We took over the railroads at this time so that we could, if necessary, say to the Baltimore & Ohio Railroad, "Clear the tracks! Get your passenger trains off of there. We are going to ship coal over your road." But they say, "There is no money in coal. We want to ship iron or steel or passengers." "Clear the track, Baltimore & Ohio! We are going to ship coal over your road and nothing else. It is for the good of the country." We can say to the Pennsylvania, "You have been making more money than anybody else in the country. You have got the best railroad, but we want to use it for a certain business that is not as profitable as the other kinds of business in this country." We will divert the business from one railroad to another railroad if necessary in order to have efficient transportation and in order that "the ships may sail." That is the test in this war. Now, how are you going to do that?

If the plan of the gentleman from Wisconsin was put into force and the surplus divided between the Government and the railroad company, would the Pennsylvania Railroad be anxious for ships to sail, or would it want to get the business? Would the Baltimore & Ohio have the incentive to make the loaded ships sail, or would they want to make money for their company? That is the reason we could not adopt his system. That is the reason the director of the railroads and Mr. Anderson, who wrote the bill, decided that it was unworkable and that the present system was the only way to do it.

Now, I admit, gentlemen, that there will be some slackers among railroad presidents and railroad companies. I expect that there will be slackers among them, as in all other classes, but I believe most of them are patriotic enough in this hour of need to do their duty. Some men have spoken in favor of these gentlemen, and I indorse a good deal that has been said about their patriotism and their ability. But let me tell you something. The men who are presidents of the railroads, put there by the financiers and bankers of the country, do not always run the trains. You have never seen any on the engines, you have never seen any on the locomotives, you have never seen them turn a switch, you have never seen them at the ticket window. If any president of a railroad shirks, the Director General can fill his place, and the patriotic railroad men of this country will come to the rescue of our transportation system and "the ships will sail." [Applause.]

Now, I want to say a few words about the question of rates. I want to call your attention to one inconsistency in some of the men who are so eulogistic of the Interstate Commerce Commission. Some men on our committee and some who appeared before our committee claimed that this compensation, which is according to what the Interstate Commerce Commission has fixed for the last three years, was too high. Yet these same men are insisting that the Interstate Commerce Commission shall not by any circumstance be interfered with by the President of the United States. Well, they can not blow both hot and cold. If this same Interstate Commerce Commission is so vital to the welfare of transportation that you can not let the President of the United States interfere with its authority, why are you blaming us for following their findings in fixing the compensation for railroads during the time of Federal control?

But that is not what I started out to say. I want to be fair about this question of rates. The members of the committee differed, and the point of difference, I think, is this: I think we all agree that the President has got to initiate the rates if these are ever changed, unless we change the law as it is now. The President, who takes the place of the owners of the road, must initiate the rates if they are to be changed. Now, under the bill as we have it, anybody who is dissatisfied with the rate which is initiated may have the matter referred to the Interstate Commerce Commission, and the Interstate Commerce Commission is instructed by this bill to make an investigation thoroughly and carefully. Now we come to the point of diversion. Some say that their recommendations should be final and conclusive. Those of us in the majority of the committee concluded that it was better to have the President's authority final and binding.

Mr. ALEXANDER. Will the gentleman yield?

Mr. DECKER. Yes.

Mr. ALEXANDER. While the President has the power to initiate a rate, does it go into effect until it is reviewed and approved by the Interstate Commerce Commission under this bill?

Mr. DECKER. Candor compels me to say that it goes into effect immediately.

Mr. IGOE. Will the gentleman yield?

Mr. DECKER. I will yield to the gentleman.

Mr. IGOE. The rates fixed by the President are merely for the duration of control by the Government, or do they last until subsequently modified in the old way by action of the railroads and the Interstate Commerce Commission?

Mr. DECKER. Will the gentleman ask me that question when I get to the most important question—the question of turning them back to the railroad companies? Well, I will answer it now: It will take legislation to readjust that, regardless of whether the rates are fixed by the President during the war or by the Interstate Commerce Commission. That is one reason I am not for putting a stop watch on the time to turn them back, so that we may have an opportunity to work out the kind of legislation wanted.

Mr. LENROOT. Will the gentleman yield?

Mr. DECKER. I will.

Mr. LENROOT. The gentleman has stated that in the majority bill a rate fixed by the President is final. I ask him, as a lawyer, whether Congress has any power to delegate to the President the power to fix rates finally?

Mr. DECKER. I will answer the gentleman's question by asking him another. Is not the President of the United States a citizen? Is there any reason why we can not delegate the power to him as much as to five or six citizens on the Interstate Commerce Commission?

Mr. LENROOT. The Interstate Commerce Commission acts under the rule laid down, carrying out the law, and we have made their rates final except they go so far as confiscation of property. Under the power delegated to the President in this bill there is no such power conferred.

Mr. DECKER. I do not think that the gentleman has read the bill carefully, because the bill provides that the rates must be just and reasonable. It does not mean that the President can fix any rate, but he is to use reason, justice, and fairness, and avoid all discrimination. I have heard it said here that under this power he can make Chicago a desert. He can make Chicago a desert under this power if he wanted to violate his oath of office, but no intelligent man would use such discrimination against Chicago as to make it a desert without knowing that he was doing something wrong.

Mr. BARKLEY. Would not the Supreme Court have the right to pass upon the reasonable and just rates fixed by the President?

Mr. LENROOT. Would it unless the law lays down some restrictions on the President?

Mr. DECKER. The Supreme Court would, because there is one thing Congress can not do. It can not confiscate a man's property, it can not take anything away from him without due process of law. The rights of the railroads and the shippers can always be determined in court under a claim that they are discriminatory, unjust, and in violation of the law.

Mr. LENROOT. Does the gentleman contend that it is due process of law to delegate to the President or anyone else the

right to make a rate without a hearing upon the part of the shipper? That is what is done in this bill.

Mr. DECKER. Oh, we do not do that in our bill, begging the gentleman's pardon.

Mr. SIMS. The railroads, before they were turned over, absolutely made their own rates without consulting the shipper.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. LENROOT. Any shipper, as the gentleman well knows, had a right to go into court upon any rate prior to the enactment of the Interstate Commerce Commission law.

Mr. SIMS. Yes; but he does not make it.

Mr. LENROOT. I understand; but he had his remedy.

Mr. DECKER. The thing I wanted to say on this subject was this, and I do not want to take up too much of your time: I am opposed to taking away the power of the President to fix the rates in case in his wisdom as a war emergency he thinks he should do it. How is the ordinary business of the country conducted? Does the man who owns the farm and spends the money in the operation of the farm have the right to say what he shall sell his products for, so far as he can get a market? Who fixes the price of the commodity of the manufacturer of this country? In other words, the man who runs the manufactory and spends the money in operation also determines, as far as he is able, the amount of income he gets, does he not? In other words, the successful way to run a business is to let the man who handles the expenses try and fix, if he has wisdom enough, the amount of income that he can get out of the business. You say that can not be done with the railroads, because the railroads are not a private business, but are quasi public, and that while they are private in the sense that private money is being used in their operation, yet that the public has such an interest that it would not be safe to let the men who spend the money on the railroads in building them up, equipping them, and paying the labor say how much income they shall get from them, and so, after many years of experience, we established the Interstate Commerce Commission, the object of which was to stand between the public and the selfishness of the men who owned these railroads. Is not that a fair statement?

And do not you see the minute that the President of the United States steps into the shoes of the railroads the situation is changed? You do not have to protect the people of the country against the President of the United States. He has no selfish interest to serve. Not a dollar goes into his pocket. He has but one ambition, to serve his country and win the esteem and affection of his countrymen. That is the only interest he can have. There is still one danger, and I want to be fair. He may have the best intention, but you say he has not the intelligence. That is, you do not mean by that he lacks the broad mental power and acumen, but that this is such a special business, so intricate and technical, that it is impossible for him to know the details sufficiently to fix the rates. That is the very reason why we provided two things in this bill. We provided in this bill that the President of the United States in running the railroads—and this is in addition to section 11—could at any time avail himself of the services, advice, and cooperation not only of the Interstate Commerce Commission but of any other department of the Government.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. HARDY. Does the gentleman think it would ever have been necessary to establish the Interstate Commerce Commission to regulate rates if these transportation facilities had been owned by the Government originally?

Mr. DECKER. I think not. I think that the only thing that the public had to protect itself against was not the lack of intelligence and knowledge on the part of the owners but the innate human selfishness that is in us all.

Mr. HARDY. In other words, the gentleman thinks the Interstate Commerce Commission was provided to protect the public against the greed of the private owners?

Mr. DECKER. The private owners, who were performing a governmental function, to wit, running the public highways of the country, and it was not safe to turn over to them, unrestricted, the right to set the toll or levy the tax for using the roads.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. COOPER of Ohio. The gentleman stated a few moments ago that the Interstate Commerce Commission now had power to fix the rates, and that that power was placed with them for one reason, to protect the public, and then the gentleman stated that the President had no selfish interest to serve. What I want to know is this: Has the Interstate Commerce Commission any selfish interest to serve, and why could not they take care of the rate making at this just as well as at any other time?

Mr. DECKER. That is a fair question. It is a matter of judgment. I am not going to rail against any man in this House that thinks it should be left with the Interstate Commerce Commission; I am not going to say to him that he does not believe in the patriotism of his President. I believe it should be left to the President, and I was telling the first reason. In other words, the fundamental principle of running every business is to let the man who pays out the money set the price upon the product, and thereby determine the income. Have you not heard criticism on every side that while the railroad officials have to spend the money for higher wages, for more equipment, for rails, ties, rights of way, and terminals, yet when it comes to getting the money to pay for all these things they have to go to somebody else to get it.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. ALEXANDER. The gentleman seems to think that if this power is vested in the Interstate Commerce Commission and not in the President, it would impeach the President's patriotism or intelligence.

Mr. DECKER. Oh, no; I did not say that. I say I am not accusing anybody of such a thing because he wants the power placed in the Interstate Commerce Commission.

Mr. ALEXANDER. The point I want to make is this, that nobody assumes that the President himself would exercise these powers directly. These powers must be exercised through agencies, because it is not possible for the President to do it. The question arises, and I think it is one well worthy of answer, Why not let this power be exercised by a tribunal organized according to law, charged with that duty, and presumably equipped for the duty?

Mr. DECKER. I thank the gentleman for the suggestion, and that is the gist of the question; and I hope I shall not be interrupted until at least I try to answer it.

Mr. MADDEN. Why does not the gentleman answer this question?

Mr. DECKER. It is practically the same, although I think my colleague misunderstood my answer. The reason is this: Either turn over to the Interstate Commerce Commission not only the fixing of rates, but also fixing the rate of wages, the price of steel, the cost of bridges and terminals. In other words, give the body that determines the income the right to say what the outgo will be. That is my contention; that is the business way of doing anything. And then do not you see another reason in this? I have reminded you that the President has no ulterior motive. We have said in this bill that he has the right to avail himself of the services of the Interstate Commerce Commission, and anybody in the United States who feels he is wronged by any rate fixed by the President has the right to have an investigation and then the commission makes a report. So, then, there would be little or no chance for him to make a mistake for lack of information. Many questions come up in an ordinary rate case that is brought before the Interstate Commerce Commission. The owners of the roads come in and explain what improvements they have made, how many bridges they have built, how much the steel has cost that they have put on; the Interstate Commerce Commission goes into every detail of it, and if any of that money has been unwisely or foolishly spent, it is not considered in the fixing of the rate.

Do you want the President of the United States, who has upon his shoulders the Herculean task of bettering the equipment and transportation of the railroads of this country, every time that he wants to build a new bridge or lay some new ties or construct a terminal or do some other extraordinary imperative thing which he thinks is necessary in order "that the ships may sail"—do you want him to have to ask himself the question, Will the Interstate Commerce Commission give me the money to do that work?

Mr. HARDY. Will the gentleman yield right there? In connection with the question by the gentleman from Missouri [Mr. ALEXANDER], did not the entire committee agree that it was absolutely necessary that the President should initiate the rates?

Mr. DECKER. Well, I would not say. I do not believe that question was raised in the committee directly.

Mr. HARDY. Was not the difference between you whether or not the Interstate Commerce Commission should have the power to overrule the President?

Mr. DECKER. It was the only question, I think, and if I am not stating it correctly I trust any gentleman of the committee will correct me, and there can be no other question——

Mr. RUSSELL. Will the gentleman yield?

Mr. DECKER. I will.

Mr. RUSSELL. Is not one of the chief reasons for providing in this bill that the President shall initiate the rates because war is on, that is the reason for taking possession of the roads, and there might be some emergency in which it might be necessary to act very expeditiously, and it was believed by the committee the President could initiate or change a rate more expeditiously than if it were left in a body like the Interstate Commerce Commission?

Mr. DECKER. I am not satisfied to go only that far; there is more involved in it than that. He has not only got the right to initiate the rate, but I want this understood—for it is not my intention to deceive any of my colleagues—he has got the right, even after the Interstate Commerce Commission has made its report and findings, to use his honest judgment and answer to the people of the United States who elected him. In other words, after giving this extraordinary power to the President of the United States I do not want him, if transportation facilities should break down again, or anybody who, as his friend and his advocate should come around and tell me, "Yes; it broke down, but it was because some one else did not do their part; it was because the Interstate Commerce Commission would not let him raise the rates sufficient to make money to run the railroads adequately"—I want to be able, if these transportation facilities break down in this hour of tragedy and need, to point a finger to him and say, "Mr. President, thou art the man."

Mr. STEVENSON. Mr. Chairman——

Mr. DECKER. I have just got a moment or so, and I would like to go on——

Mr. STEVENSON. Just to ask this question. The gentleman stated a minute ago he did not want the President to go to the Interstate Commerce Commission to get money if there was a shortage. Is not Congress usually in the habit of giving the President in war time all the money he wants, and he does not need——

Mr. DECKER. That is a pertinent question, and one I started to answer before the gentleman asked me. My time remaining is very short, but I will answer it. Who is the best judge of the exigency of the Treasury of the United States, and how much more strain it will bear before this war is over—who is the best judge, the President of the United States or the Interstate Commerce Commission? I understand the fact that if we reduce the rates during this war the people of the United States, if they wanted to, could vote taxes to make up the deficiency, but the honest opinion of the intelligent business men and thoughtful men of this country, I believe, is that the cost of manufacturing should be borne by manufacturing, that the cost of mining should be borne by mining, and likewise the cost of transportation should be borne by transportation throughout this struggle.

But, gentlemen of the committee, I must hurry on. I come, gentlemen, to what I consider the most important part of the bill.

That is the question as to how long Federal control shall last. And let me say at the outset now, men, this is a question that involves only a few lines in the bill, but it is very important. Do not get it into your heads what they have been telling, that if at the end of two years we are not ready to turn them back all we have to do is to pass a resolution through both Houses. That is told you here with a good deal of force, but it is not true, in my humble opinion, and I will tell you why.

What do we do in this bill? In this bill we just give the President the right to make the contract with the railroads for compensation for a certain time. And after that contract is written and signed by the President, do you think Congress could come in and extend it without the consent of the railroads? It can not be done. We can do at the end of two years just what we are doing now. We can make them an offer, and they can take it or let it alone, as they please. You can not continue this thing without their consent, because it is a solemn contract which you and I authorize the President of the United States to make. So, then, gentlemen, we are up to the proposition of how long this shall last. The majority of our committee believed that there should be a definite, specific limit set. I opposed it in the committee, and I oppose it here now. I want to give my reasons.

No man knows what the situation will be when the war is over. In the first place, how long will the war last? Can any man say? What will be the extent of our exhaustion when the war is over? Can you say? What will be the financial situation in this country when the treaty of peace is finally signed and ratified? Can you say? Can you say whether the railroad owners of this country will have the money to take the railroads back when the war is over? Can you say that they will have the money to supply the equipment and to rehabilitate the railroads so that they will come up to a standard of efficiency in this country that the people of a great Nation deserve and are entitled to? Can you say it? Can you say how much money of the people you will vote during this Federal control and put into the railroads? We put $500,000,000 in this bill. I predict, and I am no prophet, that it will be a billion and a half or two billions before the war is over. There will be money put into the railroads for rolling stock, for new engines, for new bridges, for new terminal facilities, and for new equipment, and it should be put there. It will be well spent. You know that. It will be money spent in this war in order to have victory. Gentlemen lose sight of the fact that no matter how much steel rails may cost at this time, no matter how high labor is for construction, no difference what things cost, the important thing in this struggle is "the ships must sail." Our boys are on the other side; they are in the trenches. Shall we let them go without food and without clothing? No. We will build entire new railroads if it is necessary in order that "the ships may sail." [Applause.]

Ah, my friends, you who vote to turn these back at a certain time, do you know just how much of the people's money you are turning back to the private owners? Will it be a billion or a billion and a half or two billions of dollars? What is going to become of that money? It does not sound as if it were much now, but a day will come when the sons of toil will ask you, "What did you do with that money?" And you have got to answer them in that day. Are you going to turn it back to them and let them squander it or manipulate it, and let it go as the money in the Frisco or in the New Haven went—into the pockets of profiteers; into the pockets of the men who robbed those railroads for their own private gain?

We now know of some needed reforms from our past experience. Is there a man in this House who does not know that we need a law in this country to regulate the issuance of railroad stocks and bonds? Not one that would dare stand here and say that this system of letting the railroad companies issue as many stocks and bonds as they wish, on their say-so, is just. They used to do that. The New Haven is an example. And the stockholders who have been robbed, the widows who have been made penniless, as the result of the treachery of the owners of some railroads, is a sufficient warning.

The gentleman from Illinois said that the railroad men are honest. There is Ripley, "the grand old man of the Santa Fe." I think he is honest. He will not rob his stockholders. No. But he is 70 years old. He has the confidence of the people, rich men as well as widows and the orphans who have put their money in his road. But there will be a successor to Mr. Ripley, and we ought to be sure that that successor can not do like the officials of the New Haven did when they robbed the investors. Are you going to turn the roads back to the private owners before you pass that kind of a law? That is just one of the needed laws that we know of now. Are you willing to say, gentleman, in all seriousness, that during this period of Federal control you will not learn something that ought to be done, different from what we have done in the past, in the control and management of the railroads? Do you not want to study the question? And these questions are not settled by you and me in the last analysis. Do you not want to hear from the folks at home? It is their money that we are voting into these roads. Why should you and I set the stop watch? Well, gentlemen, do not dodge it. We can not dodge it. This vote on the limitation means this: An advantage to one side or the other. You know what governmental inertia is. Why, we passed a bill through this House twice for the regulation of railroad stocks and bonds. I have been in Congress for five years, and nothing has come of it yet. Governmental inertia is hard. It takes time for the folks back home to understand and get to moving.

It means an advantage, gentlemen. Do not let them gloss it over and tell you it does not make any difference; that we can come together here in two years, and if we have not the right laws fixed up we can vote to extend the time. I have shown you why you can not do that. It can not be done. It means an advantage to one side or the other. You ask me what I mean by two sides. What is the use of dodging? I am not afraid of it, and you are not, either. The two sides are these on this question:

There are some people in this country who are so opposed to governmental ownership that they would turn the railroads back to the private owners, whether they could get the right kind of legislation to protect the people's interest or not, and trust to the future to remedy the wrong. They are here; they are just as honest and just as patriotic as I am, and I am not impugning their integrity. They may be right. Yet a vote to

keep this limitation in the bill is a vote in favor of giving the advantage to the people who think that way.

Now, on the other hand, there are many of us here and many out in the country who think that it is better to keep these roads in the hands of the Government until we can get the right kind of remedial legislation that will protect the rights and the interests of the people of this country and protect the shippers and the consumers of the country as well as the investors.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. LAZARO. How does the Secretary of the Treasury feel about this measure in connection with this limitation?

Mr. DECKER. I do not speak for the Secretary of the Treasury but I think I am justified in saying, and saying most emphatically, that the Secretary of the Treasury and also the member of the Interstate Commerce Commission, Mr. Anderson, who wrote the bill, stated with the greatest force possible that the interests of our country demanded that there should be no limitation in this bill.

Mr. HARDY. Mr. Chairman, will the gentleman yield right there?

Mr. DECKER. Yes.

Mr. HARDY. Might not the gentleman just as well go further and say what is the fact, in my judgment, that this limitation will in a measure foreclose the right of Congress to pass upon the final question of governmental ownership?

Mr. DECKER. Yes. You always say a thing better than I do. I thank you. I would not say "final foreclosure," but it puts them at a disadvantage, because they have got to move in the matter in a limited time. They have got to overcome what we call around here the "governmental inertia," this thing that prevents the actual enactment of legislation regarding the regulation of the issuance of stocks and bonds while every man in this House believes in the regulation as to the issuance of railroad stocks and bonds. Yet, despite the fact that the bill for that purpose has been reported by our committee, and I have been here five years, it has not passed yet. That is what I mean.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. SWEET. Is it your thought, then, to experiment with the roads during this period?

Mr. DECKER. They are not your railroads, and they are not mine. We have taken them over. If you keep your eyes open, you have got to see an experiment.

Mr. SWEET. And that is your idea about it?

Mr. DECKER. And if you learn anything from the experiment I want you to have a chance to put it into effect after the war is over.

Mr. SWEET. And it is your thought and your argument, then, that that is one of the main things that ought not to be limited?

Mr. DECKER. I do not want you to put words in my mouth, because you are a skillful man. I know who you are. [Laughter.] I mean this: I mean you and I know and other people know the thing as well as we do. We should have done something before this to protect the investors in this country in the railroads. We knew this before the roads were taken over. I say we may learn something new during the period of Federal control; something, for instance, about whether it is better to pool the interests of the railroads, and whether there is too much competition, and whether there is too much duplication; and if we do, why limit the time for putting that knowledge into effect before you turn them back?

Mr. SWEET. You say you may learn something. That is true. Is that one of the main reasons why you are leaving off the limitation, that we may experiment during that period of Government control?

Mr. DECKER. That is a good and valid reason. That is all I need say for that reason.

Mr. SWEET. That is one of your main reasons?

Mr. DECKER. That is good enough for a main reason.

Mr. LAZARO. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. LAZARO. The gentleman says he is in favor of taking off the limitation. Will the gentleman tell the committee how the committee voted on this proposition?

Mr. DECKER. The vote stood 15 to 6, and I think the smartest men on the committee were for the limitation. [Laughter.]

Mr. SIMS. That is good, coming from the gentleman from Missouri. [Laughter.]

Mr. DECKER. I will except the chairman. He was on our side. I will say that. The majority were against us. It may have been 15 to 6 or it may be 15 to 4. But it is a question you can understand as well as a member of the Committee on Interstate and Foreign Commerce. That question is not hard to understand. That question is an important question. You can not say "I will follow the committee on this question," for the man who follows the plow will say, "Why did you foreclose my right to pass upon this question?" You can not follow anybody on this question, because the people are going to look into it, and they are going to say, "What did you do with our money during the time of war?"

There are some people, as I said before, that will want to get these roads back to private ownership if we put $5,000,000,000 into them, and they would give them back with mighty poor security for the $5,000,000,000 in order to avoid Government ownership.

They think Government ownership is an awful danger. There is no use in dodging it. But that does not mean Government ownership if you leave the question open. Some people believe in Government ownership. Some believe that perhaps the present system of Government control would be a good thing permanently. Some people believe that we ought to own the roadbeds and lease the roads to private individuals for operation.

There are many different theories as to how this would best be done, but the point I am making is this: I want to hear from the folks at home. I want my people to have a chance to speak, and I stand here in the House of Representatives and protest against the Congress foreclosing the people's right to speak or make it difficult for them to bring about needed reforms in this country. [Applause.] There are some people in this country who believed that we should have put that railroad stock and bond regulation measure through before those men had wrecked the New York, New Haven & Hartford Railroad. There are some who believe that we should have cheaper rates in this country and a larger Interstate Commerce Commission before we turn the railroads back. Should they not have a right to think it over? It may take the folks back home a long time to understand these things. We have been five years in trying to get through Congress a bill that almost everybody in this Congress believes in.

You say two years are a long enough time in which to pass needed legislation. That depends on how many other bills you have got to pass. There will be other questions troubling the hearts and the minds of the American people. There may be the good old tariff question. The economic situation throughout the world is being changed. The boys will be coming back from Europe. It may be that they will come back maimed and halt, though I hope not. The mothers' and fathers' hearts will be sad and torn, and we will be asked to make provision for these boys which will be adequate, so far as we have the ability. There will be many other questions. Some people say when this war is over, or even before it is concluded, we should change our military system and have universal military service. That may be a question and it may not. It depends on when the war is over and how the war shall end. Can you tell what questions will be for settlement, my friends? Then why say that in spite of what may be before us, this question must be settled in a given time. We are out on the sea; it is a stormy sea; we do not even know what port we will have to make. Why say that we have got to get into the harbor at a certain date?

Mr. RUSSELL. Why bind our own hands?

Mr. DECKER. Why bind our own hands when we have a herculean task to perform? Ah, my countrymen, they have talked here about many things, but I will tell you what I am afraid will happen. I am afraid the thing will happen that has happened before in the history of the world in time of war. I am afraid it will happen that the rich and the powerful—those who own these vast interests, who speculate in the stocks and bonds of railroads and wreck them sometimes—not always—I am afraid these men will again fatten and grow richer still on governmental favoritism; not because you are not as honest as I am, but because you limit the time for the people to act in their own interest. They will fatten on the public favoritism while the people's hearts at the close of the war are torn with anguish, and while their minds are distracted with many other problems than that of the railroad question. My friends, why set a limit here; why foreclose the right of my people to speak on this question? That is all I ask. Let the people rule. You need not worry. They will rule in the end, anyway. You and I need not try to set a limit to their power. It can not be done in this land of ours. [Applause.]

I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back three minutes.

Mr. ESCH. I yield 45 minutes to the gentleman from Wisconsin [Mr. LENROOT].

By unanimous consent, Mr. LENROOT was given leave to revise and extend his remarks in the RECORD.

Mr. LENROOT. Mr. Chairman, I intend to discuss chiefly the question whether the draftsman of this bill has expressed in proper phraseology the intention that the committee and the draftsman have; and I think before I get through I will be able to show that there are so many inaccuracies and absurdities in the bill as framed that it will be difficult, if not impossible, under the five-minute rule, to correct them.

But, Mr. Chairman, before going into that I do want to make a few preliminary general observations. The Interstate Commerce Commission has been charged with being responsible for the situation which existed that made it necessary for the Government to take over the railroads. I want to devote a few minutes to denying that charge, and think I will be able to show conclusively that the Interstate Commerce Commission is in no wise responsible for that condition.

It is true that railroad stocks have been going down, down, down for a long time past, but that is not due to the action of the Interstate Commerce Commission. It is due in very large part to the reckless mismanagement of some railroads in this country, like the New Haven, the Rock Island, the Frisco, and other roads, whereby the great majority of the roads that are well managed have been compelled to suffer with them, because the investing public has become suspicious of all railroad stocks.

Secondly, it has been because in the efforts of these railroads to get the Interstate Commerce Commission to increase their rates they have for years been maintaining that they were not securing adequate rates upon which to pay a fair return upon their property. In every railroad station in the United States for the past three or four years you have seen notices posted up warning the public that the railroads were facing bankruptcy because of the inadequate rates that they were receiving. In the face of statements of that kind was it to be wondered at that the investing public of America believed what the railroads said, and therefore hesitated to invest their money in railroad stocks? Why, gentlemen, if a department store here in the city of Washington should advertise to-morrow that it was facing bankruptcy and that it was not making a fair income, and then the next day in another advertisement should ask the public of Washington to buy its stock, would it be wondered at if the public refused to buy that stock? Of course not. Now, the results show that upon every application that has been made by the railroads to the Interstate Commerce Commission, where that commission has denied the application to raise the rates, subsequent events have justified the action of the commission. To prove that, I need only to point to the fact that whereas the railroads claimed that they were facing bankruptcy because of inadequate rates, the last two fiscal years, 1916 and 1917, were the most prosperous years in the history of the railroads. So that it is not correct to state that the necessity of taking over the roads was due to the action of the Interstate Commerce Commission.

But I do not for a moment mean to say that it was all due to lack of proper management upon the part of the railroads. There was one thing that Congress ought to have done just as soon as war was declared, and if we had had any independence in Congress, if we had had the courage to assert for ourselves the right to initiate legislation relating to the war, just as soon as war was declared we would have repealed the antipooling statutes relating to railroads during the existence of the war. But we have got into such a condition in both Houses of Congress that Congress does not dare initiate or suggest any legislation, but must wait for the President to initiate everything. But the President did not ever suggest to Congress that during the war the antipooling statutes should be repealed.

Another reason for the condition that arose is this: Last year Congress passed what was known as the priority statute, permitting the President to give orders for preference upon the railroads to commodities necessary to prosecute the war. The intention of Congress was good, the intention of Congress was to expedite the war. But how was it administered? Because of the absolute incompetency in the administration of that priority statute, instead of expediting the war it actually hampered it. And the fact is that upon one railroad, one of the main railroads of this country, the administrative side of this Government issued priority orders covering 85 per cent of the entire traffic of that road. Was it to be wondered at that there was chaos on that railroad, and the proof is that the moment Mr. McAdoo assumed the control of the railroads he repealed every priority order that had been issued.

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. COOPER of Ohio. Is it not a fact that there were four or five organizations here in Washington all issuing priority orders?

Mr. LENROOT. There were. I want to say in advance that there is so much ground to cover that I must decline to yield to interruptions. Another reason for the conditions that existed is that it was not because of lack of money that the railroads could not secure locomotive equipment; it was because of the inability to secure them, although they had plenty of money. The crying need in railway transportation of this country was locomotives. They gave their orders to the factories in this country for the construction of locomotives, but through the action of the Government preference was given to France, preference was given to England, and preference was given to Russia. That was justified at the time, but there was a time, months ago, when every preference order, so far as Russia was concerned, should have been repealed by the Government, and the American locomotive factories should have been permitted to go on and construct locomotives for American railroads, which they refused to do. [Applause.]

So when we come to analyze the cause for this congestion the fault is not wholly with the railroads, the fault is not wholly with Congress, the fault is not wholly with the administrative side of the Government, but the fault is with all three of these sources, and not that of the Interstate Commerce Commission.

Now, with reference to the bill I want to take a few moments on a few controverted propositions. First as to compensation; I believe that the compensation provided in this bill is extremely liberal; but, on the other hand, I am not at all certain that the compensation that is permitted in this bill is any greater than the railroads would be entitled to under the law. I can not go into that, but I do want to call attention to the fact that this bill as framed does not fix the compensation to which the railroads will be entitled; it fixes merely the maximum which the President may agree with the railroads to pay. That it is generous can easily be proven in the case of some railroads. I shall insert in my remarks a table prepared by the statistical division of the Interstate Commerce Commission, giving the returns upon capital stock of all railroads in the country paying over 5 per cent in dividends. If the President shall see fit to grant the maximum to railroads that this bill provides, he would grant to the Pennsylvania Railroad a return upon their capital stock of 8.92 per cent. To the Pennsylvania Company 11.90, to the Philadelphia & Reading 25.70, to the Delaware, Lackawanna & Western Railroad 32 per cent upon their capital stock. I shall not take the time to read the list, but I want to call attention to some of the smaller roads as to what they will be permitted to receive.

The Duluth, Missabe & Northern Railroad up in the section where I live would be entitled, if the President chooses to give the maximum which the bill permits, to receive 114 per cent on its capital stock.

Now, remember that this provision is permissive only. If the President sees fit to allow some of these railroads these exorbitant returns, that responsibility will be his and not ours. We have the right to assume that inasmuch as we will unquestionably have to pay many roads more than the returns provided, that the President in making these agreements will see to it that the maximum amount of some of these roads shall be cut down.

But some one may say, if these roads are legally entitled under the law to these great returns, ought they not to have it? In reply to that I will say that they may be legally entitled to that large return, but if they stand on their legal rights the President ought to stand on his rights, which is permitted in the bill, and say to them, "If you will not make a fair agreement with me, you can go into the Court of Claims and we will not pay you a dollar until they make an award."

Now, I want to say a few words about the power of the Interstate Commerce Commission to finally pass upon these rates or whether the President shall have the right, as is proposed in the bill as it now stands, to exercise that power. I want to read a line or two from the report of the committee. The majority report of the committee says:

> The rate fabric of the country is now based upon the competitive system.

I understand that the gentleman who drafted this bill was not a Member of this House and was not a Member of the Senate, but one Mr. George W. Anderson, a new member of the Interstate Commerce Commission, and, as I think I shall be able to demonstrate a little later, anyone who could draft a bill with the inaccuracies that are found in the bill itself—it is not to be wondered at if mistakes might be made in the

report if it was written by the same gentleman. Because I can not believe that my good friend, the chairman of the committee, who has a thorough knowledge of railways and of the interstate commerce law, would deliberately make the statement that I have read—"the rate fabric of the country is now based upon the competitive system."

Why, the gentleman knows that the very purpose of the interstate commerce law was to prevent that competitive condition that arose before regulation.

Mr. SIMS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SIMS. Is it not a fact that the Interstate Commerce Commission is allowed to lower the rates——

Mr. LENROOT. Oh, if the gentleman will be patient, I assure him that I will discuss that question in a few minutes. I will come to it in a moment or two, but I want to take my own time and my own way in doing so. The competitive theory that the interstate commerce law was designed to prevent and did prevent was the old system, where, for instance, the Pennsylvania Railroad would go to a man in Washington that had a shipment to make and say, "If you will give it to our road, we will carry it for so much." The Baltimore & Ohio would go to the same man and say, "We will carry it cheaper than the Pennsylvania." That was one of the things that the law was designed to prevent.

That is one of the things which it was designed to prevent, and the very purpose and scheme, instead of compelling a competition of rates, was to secure uniformity of rates, and now I come to the question that the gentleman from Tennessee [Mr. SIMS] asks. He says, Has not the Interstate Commerce Commission frequently permitted a lower rate where there is water competition? I say yes; but the gentleman does not seem to make the distinction between the Interstate Commerce Commission ordering a rate and permitting a rate, and the distinction ought to be made.

Mr. SHERLEY. But is not the gentleman making the mistake of confusing rebating with competition? They are not synonymous.

Mr. LENROOT. And I ask the gentleman, does he think that under existing circumstances the old practice can be continued? I am not speaking of rebating at all. Rebating means where they assume to charge the same rate and then pay back a portion of the rate charged.

Mr. SHERLEY. The illustration the gentleman used was certainly a rebating illustration.

Mr. LENROOT. It is not. A rebating instance is not where the Pennsylvania says, "I will carry your product for so much," and the Baltimore & Ohio says that it will do it for a lower rate. A rebating proposition is where they both on the face of it make the same charge, but one pays back a portion of the rate charged.

Mr. SHERLEY. That is not the only rebating situation. I do not want to take the gentleman's time——

Mr. LENROOT. I can not yield.

Mr. SHERLEY. Just one other suggestion, and I am through. Does not the gentleman think that most of the rates that are now in existence are rates that were initiated by the railroads, as the result of competition, but which have been in a manner modified here and there by the commission?

Mr. LENROOT. And I shall ask the gentleman—and he is one of the most distinguished men in the House—does he agree with the statement that the present railroad rates as a whole are based on competition?

Mr. SHERLEY. Yes; and no. I agree to it as much as I disagree with the gentleman's statement that they are not at all based on competition, because that statement is, in my judgment, just as far from the facts.

Mr. LENROOT. No; the Interstate Commerce Commission, in any order that it has ever made, never has made a rate saying to one railroad, "You must put into effect this rate so that you will compete with another rate."

Mr. SHERLEY. No; but it has permitted it because of competitive conditions.

Mr. LENROOT. And the gentleman then makes the distinction. The committee in this report is very clear that they contend the scheme of railroad regulation by Interstate Commerce Commission is to compel competitive rates. But there is a distinction between compelling competitive rates and permitting them.

Mr. SIMS. The gentleman does not want to insinuate that anybody has ever contended that there was a compulsory competitive rate system, but a permissive rate system—that is, one railroad may reduce its rates honestly and fairly, not simply to crash another, and it has the right to do so.

Mr. LENROOT. I may have gotten that idea from the gentleman's report, if it had not been that he stated later in the report that if we should give the Interstate Commerce Commission the right to control these matters it would be necessary to entirely rewrite the Interstate Commerce Commission law, because he says that law was based on competition, which is the thing that I deny.

Mr. SIMS. Yes; competitive agencies fighting for the freight.

Mr. LENROOT. It permits competition, but it does not in any line or sentence command it. And again, and I can only take a moment upon this, the gentleman says in his report that there should be a different basis now that the railroads are under the control of the Government. But the gentleman's bill says that the basis of the rates fixed by the President shall be such rates as are reasonable and just, and he has used exactly the same language—the same words—that are used in the interstate-commerce act that is the guiding rule for the Interstate Commerce Commission. The rule is identical in both cases.

Mr. ESCH. With one exception. The bill uses the word "fair," and that is not used in the interstate-commerce act, and I have never been able to understand why it was used in the bill.

Mr. LENROOT. Nor I; and coming now to an analysis of the bill, I want to acquit the committee of any criticism that I shall make concerning the various sections of the bill, because I realize that the committee did not go over this bill section by section with a view of determining whether its phraseology expressed the intent that they had in the bill. That is conclusively proven, because many of the same errors I shall point out existing in the House bill now before the House are also found in the Senate bill now before the Senate. I realize very well that the committee spent all of its time practically in considering the great controverted questions in the bill, and they assumed that the drafter of this bill knew what he was about in drafting the bill, and all I care to say is that in that respect the committee, greatly as I respect them, have been the victims of misplaced confidence, as I think I shall be able to show. In the very first section of the bill it recites that the President, having in time of war taken over certain railroads, "called herein carriers," is authorized to agree with and guarantee to such carriers, and so forth. This is not very important, except to show the reckless carelessness upon the part of the drafter of the bill. What is it that the President took over? Did he take over the Pennsylvania Railroad Corporation? Did he take over any railroad corporation? No. He took over certain physical property and nothing more, and the drafter of this bill says that physical property that we have taken over we shall hereafter in the bill call "the carrier," and then he goes to say that the President is authorized to agree with such carrier to pay it so much money.

Why, gentlemen, if you give me the possession of a horse and I say to you, "I will agree to pay that horse so much for the use of it," what would you think of it? And yet that is exactly what has happened in this bill. We have agreed to pay an inanimate thing, physical property, make an agreement with physical property to pay it so much money. Then we go on two or three lines further and provide that during the period of such Federal control it shall receive a just compensation not exceeding an annual sum. Now, what is the agreement the President is authorized to make in this section? That they shall receive a fixed sum? No. The language is that he is authorized to agree with the Pennsylvania Railroad, we will say, that while your road is under Federal control I will guarantee that you will not get from the Government more than so much. What do you think that agreement would be worth? How much value do you think it would be to the railroads? What railroad do you think would enter into such an agreement as that? Now, I want to say that this absurdity is due to an amendment upon the suggestion of the committee, as I find from the hearings, made by the drafter of the bill, because in the first bill which was introduced we find no such anomaly. There it was provided that they shall receive as a just income the income at an annual rate equivalent to, and so forth. That was fixed, that was certain, but they have inserted here "not exceeding," and the purpose as developed from the hearings was to authorize the President to make any agreement that he might choose below that sum. In other words, that the authority to the President is that he shall not pay them more than so much under this agreement. Then we go on, "not exceeding an annual sum (herein called standard return)." Now, what is a standard return under the bill? It is this maximum sum that the President is authorized to fix, but later on all through the bill the standard return has been treated not as a sum which the Interstate Commerce Commission fixes, but a sum which the President is authorized to agree upon, so if the

President should agree with the Pennsylvania Railroad for a less sum than this maximum sum, that provision in the bill for reduction from the standard return would have no application whatever. Then—I only touch upon a few of these things—if you will turn to page 2, line 4, with reference to including the income of railroads leased to or acquired by another road during this three-year period, we find the language, "including therein such income of lines acquired by." "Such income." What does "such" refer to? The preceding language is, "they shall be entitled to the average annual operating income," and then it says, "but there shall be included such income." What? Such average annual operating income? That is impossible, because this bracket provides that it shall apply only to roads that are acquired during this period, and no such road can have a three-year income to secure an average.

Does it mean that all incomes of these roads shall be included? It can not mean that, because the theory of this bill is that only net operating railway incomes would be included. Evidently what the framers of the bill intended was that a road making operating returns in 1915 and acquired by another road in 1916 and 1917, the revenue from that acquired road would all be reflected in the operating return of the road acquiring it; but during 1916, when it did make operating return, the rate there should be added to the revenues of the road with which we are dealing—the revenues of that road during that period of 1915, and then, adding them all together and dividing by three, we get the standard return for the road with which we are dealing. But the bracket clearly does not say that and it could not be so considered. Then there is another very little matter—lines 11 and 12—in reference to the rate per annum to be fixed by the President from the cost of any additions or betterments, where we find the words, "less retirements or road extensions." You readily see it clearly was not the intention to have him deduct the cost of road extensions, but to allow them a rate per cent upon the cost of those road extensions; but as this reads, he would be compelled to deduct the cost of road extensions, and that is an error.

Mr. ESCH. It is a typographical error, owing to the misplacing of a comma. I called attention to it in the committee and thought it had been corrected, but evidently it is still retained in the print of the bill.

Mr. LENROOT. In lines 14, 15, and 16, "that any railway operating income accruing during the period of Federal control in excess of such standard return shall remain the property of the United States." Now what does that mean? Section 1 provides that this shall be payable in annual installments, thereby clearing implying that all revenues of these roads belong to the Government, but when you say "remain the property of the United States" you clearly get another conclusion. The original bill very properly said it should be the property of the United States, and I think there ought to be in this bill a clear declaration that all operating revenues shall be the moneys of the United States, and I shall offer at the proper time an amendment to that effect. Immediately following that, "in excess of such standard return." Suppose the President makes an agreement with the road for less than the standard return, and this language says that moneys in excess of the standard return shall remain the property of the United States. Whose money is it—the difference between the standard return and the amount that the President fixed in the agreement? Then, again it says, "and that each carrier so agreeing shall thereby become subject to all the provisions of this act." Later on there are many important provisions that are clearly intended, it seems to me from reading the hearings, to apply to all roads whether they are agreeing roads or not, and yet this language very clearly implies that the carrier is not bound by any of the provisions of this act unless he enters into an agreement, because it expressly says that the carrier agreeing to do that shall be bound by the provisions of the act.

Now, I have got to hurry along. I can only touch the more important points. But upon the same page it says:

In the computation of such income, debits and credits, arising from the accounts called in the monthly reports to the Interstate Commerce Commission, the equipment rents and joint facility rents shall be included.

Now, under the President's proclamation he has not taken over any street railway or interurban railway, and as their revenue will be included in the operating returns of these carriers the commission's duty will be to ascertain that standard return. There certainly should be a provision excluding from those operating revenues any revenue of any road that was not taken over by the Government.

And then on the same page the commission is limited in ascertaining the cost of betterments and road extensions to reports, books, and other pertinent data of such character. Will anyone tell me that if the President orders a million dollars expended on betterments why the commission should be confined to the books and data of the railroad company to ascertain the cost? Ought they not to be permitted to find and ascertain that cost wherever they can?

Then the provision on page 3 with reference to taxes—and I am very much surprised to find the matter of taxes dealt with in this form:

Every such agreement shall provide that any Federal taxes—

And so forth. And it provides for the exclusion of war taxes, but you can not find one word in this bill relative to taxes except taxes upon agreeing roads. What about the roads that do not agree, that do not enter into an agreement? Who is to pay the taxes there? There is no prohibition in this bill. And under the classification accounts of the Interstate Commerce Commission, except for the exclusion by this bill of war taxes, every dollar will be included in the operating expenses, and under this bill the Government will pay the war taxes of any road that does not make an agreement.

And then—

not including, however, assessments for public improvements—

And so forth. That is not to be taken out of operating revenues. Why should it not? Are you going to deprive the municipalities throughout the Nation, who have levied special taxes against a railway, from collecting in the usual way those taxes, even though they be special assessments? Can anybody give any reason why that should be done? How will they collect them if they can not be paid out of operating revenues? Where we have taken over all the physical properties, all that there may be in the taxing jurisdiction that they can reach, is that property. What, of course, should be done is to permit the paying of those taxes, but instead of being charged to operating expenses they should be charged to betterments and capital account as they are now under the Interstate Commerce Commission.

Then, in section 2, and there are many matters I have to pass over—in section 2:

That if no such agreement is made the President may nevertheless pay to any carrier while under Federal control an annual amount, payable in reasonable installments, not exceeding 90 per cent of the estimated annual amount of just compensation.

I want to ask why there should not be the same maximum of standard return that the President is authorized to pay voluntarily in this case that there is in the case where the railroads agree? The same limitation should be placed upon the President.

And then, in section 3:

Failing such agreement, either the United States or such carrier may file a petition in the Court of Claims for the purpose of final ascertainment of the amount of such just compensation.

I merely want to call attention here to the fact that the bill contemplates betterments and improvements being made from time to time, and it should be provided that the Court of Claims may open that award and revise it at any time where the President may be unable to agree upon the compensation that they receive.

And then in the very next section they provide:

That the just compensation that may be determined as hereinbefore provided by agreement or that may be adjudicated by the Court of Claims shall be increased by an amount reckoned at a reasonable rate per centum to be fixed by the President upon the cost of any additions and betterments.

Is there any lawyer in the House who will say that the return the carrier is entitled to receive upon the cost of betterments and additions is not just as much a judicial question, that the President can not be given power to finally determine, as the initial question, as to the amount of compensation that the railroad should receive? Of course, we can not delegate to the President any such power as that which is attempted in this section.

And again, in section 5, here is a prohibition upon the dividends that may be paid by railroads during the period of Federal control. I would like to have some lawyer in this House tell me what authority we have to say to any carrier that it shall not pay dividends during this period of Federal control, dividends that have been earned, it may be, and to be paid out of earnings that may have been made prior to the date of taking over under Federal control. What possible power have we over it? It is their money. What right have we to deal with it? And, indeed, it is very questionable whether we have any power to deal with their right to pay dividends out of this compensation that we pay them. They are entitled under the law to a reasonable compensation for the value of the use. I very much doubt

whether we have any right to say what they shall do with the money that the law says they are entitled to receive.

I want to stop at section 9 for a moment, which relates to the short-line railroads. I asked some questions about that during the debate, and was told that that clearly did restrict the power of the President that he might otherwise have. But, then, we come in the next section to—

That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President.

What does that mean? In the very section preceding that they tell us they have restricted the powers of the President, and in the second line of the next section they say that nothing in this act shall be construed as doing that which they have in the section before tried to do.

Then, in section 11, and a most important section, it gives to injured individuals the right to sue these railroads. But on line 2 of page 12 we find that, if it is inconsistent with any order of the President they shall not have the right to sue. What does that mean? It means the President, under the language of this bill, can absolutely deny any relief to any injured party. It means more than that. It means that if the President says that under the interstate-commerce law safety-appliance laws are violated, if hours of service are violated, if injury occurs through the negligence of the Director General of the Railroads himself, there can be no remedy if the President so orders. Why, gentlemen, here is a power expressly recognized, that makes the President over and above not only this law but all laws, and it ought not to be considered for a single moment. So upon the question of interstate commerce. The committee report pleads that the President ought not to be overruled, that it would be "most unseemly"—I think that is the language—to permit the Interstate Commerce Commission to overrule him.

I want to say a word about the powers of the President. The President of the United States has no power, under this law, or under the law delegating to him the power to take over the railroads, that he exercises by virtue of his office in the sense that it is delegating to him a power that we could not delegate to anybody else. We could delegate this power to any official of the United States, and in carrying out this act the President is exercising only a delegated power, and in exercising that delegated power he is no greater by being President of the United States than the Interstate Commerce Commission. I hope we have not come to the point yet in this country where we are going to invoke the old doctrine that "the King can do no wrong." [Applause.] That seems to be the attitude of the committee.

Then they provide that no defense shall be made thereto on the ground that the carrier is the instrumentality or agency of the Federal Government. I am sure that there is not a lawyer who will say, upon reflection, that that would stand before any court in the country in a case where, except for this, they would have the right to interpose that defense.

Supposing, for instance, the Director General of the railroads orders a railroad to put defective cars in its trains, and because of that defect an employee is injured, and then he sues the carrier, and you say to the carrier, "You shall not interpose the defense that you are an instrumentality or agency of the United States." Have you not attempted to deprive the defendant of the constitutional right of proving that the fact of negligence was not that of himself, but that of his superior acting under a lawful order?

Oh, the gentleman from Tennessee [Mr. SIMS] shakes his head. But I undertake to say that the gentleman can find no case in the books that will make the agent liable for the negligence of the principal in this kind of a case so as to relieve the principal.

Now, there is only one way in which that can be cured, to my mind, and that is by adding a provision to the effect that any judgment or award that may be made as the result of such suit shall be paid either out of the operating revenue or the revolving fund, so that the railroad company will become only a nominal defendant and thereby it will not be permitted to make this defense.

Mr. SIMS. There is no controversy on that, that I know of.

Mr. LENROOT. I do not find it in the gentleman's bill, so I suppose there is some question about it.

Mr. SIMS. As to everything that we did not prohibit or that comes in the law, we did not have to detail it in all its ramifications.

Mr. LENROOT. Do you say the railroad is not liable for the enforcement of the judgment that otherwise would not be rendered against it? I will have an amendment to offer when the time comes, if I can get consideration of it.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. DECKER. I do not understand that it is not payable out of the operating expenses of the road.

Mr. LENROOT. For the reason that the judgment may be levied upon nonoperating revenue. If the negligence is not that of itself, but that of the Government, it can not be deprived of making that defense unless we expressly provide for the payment of the award in the manner I suggest. That is the point. [Applause.]

I am sorry that because of the expiration of my time I can not discuss other matters in the bill. I insert the table referred to in the early part of my remarks. I also insert some suggested amendments to perfect the bill.

Road.	Capital stock actually outstanding (average for the 3 years ended June 30, 1917).	Average net income for the 3 years ended June 30, 1917.	Average per cent of net income to capital stock.
EASTERN DISTRICT.			Per cent.
Pennsylvania R. R. Co	$499,195,567	$44,534,939	8.93
New York Central R. R. Co	249,676,128	32,367,289	12.96
Baltimore & Ohio R. R. Co	216,809,812	12,285,229	5.83
Pennsylvania Co	80,000,000	9,537,853	11.92
Philadelphia & Reading Ry. Co	42,481,700	10,916,875	25.70
Delaware, Lackawanna & Western R. R. Co	42,329,403	13,893,559	32.99
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co	67,511,725	4,558,593	6.75
Lehigh Valley R. R. Co	60,668,065	7,169,999	11.83
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co	57,022,289	5,048,902	8.85
Michigan Central R. R. Co	18,736,409	3,463,464	18.48
Central R. R. Co. of New Jersey	27,336,800	5,556,775	20.25
Delaware & Hudson Co	42,502,600	5,437,547	12.79
Philadelphia, Baltimore & Washington R. R. Co	25,571,003	2,941,156	11.50
Pittsburgh & Lake Erie R. R. Co	31,991,200	7,537,923	23.56
Elgin, Joliet & Eastern Ry. Co	10,000,000	945,239	9.45
Maine Central Ry. Co	18,199,317	1,605,075	8.82
Buffalo, Rochester & Pittsburgh Ry. Co	16,500,000	1,550,021	9.45
Bessemer & Lake Erie R. R. Co	500,000	3,236,080	647.22
Chicago & Erie R. R. Co	100,000	70,440	70.45
Hocking Valley Ry. Co	10,989,500	1,313,129	11.94
West Jersey & Seashore R. R. Co	10,317,983	691,139	6.70
Central New England Ry. Co	8,547,200	717,598	8.40
New York, Philadelphia & Norfolk R. R. Co	2,500,000	883,598	35.34
Rutland R. R. Co	9,150,300	575,651	6.29
Bangor & Aroostook R. R. Co	4,079,067	337,808	8.28
Cumberland Valley R. R. Co	5,338,350	1,280,684	24.01
Kanawha & Michigan Ry. Co	9,000,000	991,665	11.02
Lehigh & New England R. R. Co	6,000,000	819,722	13.66
Chicago, Terre Haute & Southeastern Ry. Co	4,300,000	231,761	5.46
Lehigh & Hudson River Ry. Co	1,340,000	374,915	27.98
Monongahela Ry. Co	3,800,333	355,809	9.36
Cincinnati Northern R. R. Co	3,000,000	268,573	8.95
Port Reading R. R. Co	2,000,000	182,547	9.13
Detroit & Toledo Shore Line R. R. Co	1,428,600	348,020	24.37
Buffalo & Susquehanna R. R. Corporation	2,000,000	408,202	7.03
Staten Island Rapid Transit Co	500,000	164,110	32.82
Detroit & Mackinac Ry. Co	2,950,000	218,976	7.42
Total eastern district	1,593,322,780	182,921,748	11.48
SOUTHERN DISTRICT.			
Illinois Central R. R. Co	109,288,114	12,383,882	11.33
Louisville & Nashville R. R. Co	72,000,000	12,038,800	16.75
Norfolk & Western Ry. Co	138,580,887	17,342,810	12.51
Chesapeake & Ohio Lines	61,788,000	5,846,431	9.46
Atlantic Coast Line R. R. Co	68,758,700	7,424,004	10.80
Central of Georgia Ry. Co	21,040,000	1,828,573	8.69
Nashville, Chattanooga & St. Louis Ry	15,904,871	2,175,425	13.69
Mobile & Ohio R. R. Co	6,016,800	888,067	14.76
Cincinnati, New Orleans & Texas Pacific Ry. Co	5,443,400	2,448,928	44.99
Florida East Coast Ry. Co	10,834,335	1,090,321	10.06
Alabama Great Southern Ry. Co	11,200,000	1,364,248	12.17
New Orleans & North Eastern R. R. Co	6,000,000	646,489	10.77
Richmond, Fredericksburg & Potomac R. R. Co	4,315,067	979,485	22.70
Georgia Southern & Florida Ry. Co	3,700,000	222,198	5.90
Charleston & Western Carolina Ry. Co	1,250,000	300,696	24.07
Gulf & Ship Island R. R. Co	7,000,000	373,070	5.33
Alabama & Vicksburg R. R. Co	2,100,000	366,784	17.18
Washington & Southern Ry. Co	4,000,000	348,841	8.72
Atlanta & West Point R. R. Co	2,087,800	292,922	11.89
Western Railway of Alabama	3,000,000	251,851	8.39
Total	584,745,002	68,625,910	12.37
WESTERN DISTRICT.			
Atchison, Topeka & Santa Fe Ry. Co	332,323,877	32,230,091	9.70
Southern Pacific Co	272,725,239	17,983,726	6.60
Chicago, Milwaukee & St. Paul Ry. Co	223,235,147	14,338,613	6.15
Chicago, Burlington & Quincy R. R. Co	110,833,100	24,444,945	22.05
Chicago & North Western Ry. Co	157,591,832	16,040,316	10.18
Great Northern Ry. Co	249,361,808	24,021,487	9.63
Northern Pacific Ry. Co	247,982,000	24,287,781	9.87
Union Pacific R. R. Co	321,603,100	31,018,328	9.64
Minneapolis, St. Paul & S. Ste. Marie Ry	37,840,200	4,771,700	12.60
Oregon Short Line R. R. Co	100,000,000	9,381,010	9.38

Road.	Capital stock actually outstanding (average for the 3 years ended June 30, 1917).	Average net income for the 3 years ended June 30, 1917.	Average per cent of net income to capital stock.
WESTERN DISTRICT—continued.			Per cent.
Texas & Pacific Ry. Co. (Rec.)	$38,755,110	$2,548,330	6.58
Chicago, St. Paul, Minneapolis & Omaha Ry. Co	29,815,000	2,854,432	9.57
Duluth, Missabe & Northern Ry. Co	4,112,500	4,693,088	114.12
El Paso Southwestern Co	25,000,000	2,190,198	8.76
Houston & Texas Central R. R. Co	10,000,000	1,088,398	10.88
Duluth & Iron Range R. R. Co	5,333,333	2,040,987	38.27
Fort Worth & Denver City Ry. Co	9,243,900	1,297,029	14.03
Panhandle & Santa Fe Ry. Co	604,500	389,037	64.37
St. Louis, Brownsville & Mexico Ry. Co	500,000	263,544	52.71
Chicago, Rock Island & Gulf Ry. Co	466,000	83,085	17.84
Birgham & Garfield Ry. Co	6,171,667	1,405,681	22.78
Louisiana Western Ry. Co	3,360,000	802,684	23.83
Nevada Northern Ry. Co	2,000,000	879,907	43.99
Vicksburg, Shreveport & Pacific Ry. Co	4,998,300	299,634	5.99
Houston East & West Texas Ry. Co	1,920,000	234,199	12.20
Cripple Creek & Colorado Springs Ry. Co	757,000	171,612	22.67
Colorado & Wyoming Ry. Co	100,000	162,936	162.64
Wichita Valley Ry. Co	1,020,000	117,956	11.56
Arizona & New Mexico Ry. Co	2,770,000	237,614	8.58
Total	2,210,035,611	220,076,073	9.96

AMENDMENTS INTENDED TO BE PROPOSED.

Page 1, line 6, strike out the words "called herein carrier" and the parentheses.

Page 1, line 7, strike out the words "any such carrier" and insert "the owner of any such railroad or system."

Page 5, after line 19, insert a new paragraph, as follows:

"Wherever used in this act the word 'owner' includes any person, corporation, partnership, or association who, during any portion of the period of Federal control of a railroad or system of transportation would be entitled to the possession, use, and control of such railroad or system in the absence of Federal control thereof. Wherever in this act reference is made to the period of Federal control in connection with an owner, it shall be taken to refer to the portion of such period during which such owner, but for such Federal control, would have been entitled to the possession, use, and control of the railroad or system of transportation."

Page 1, lines 7 and 8, strike out the words "making operating returns to the Interstate Commerce Commission" and insert "for which operating returns were made to the Interstate Commerce Commission during the three years ending June 30, 1917."

Page 2, strike out all after the semicolon in line 14, through the semicolon in line 16.

Page 7, after line 21, insert a new section numbered "5" and to read as follows:

"SEC. 5. That moneys and other property derived from the operation of the railroads or systems of transportation during Federal control are hereby declared to be the property of the United States. Unless otherwise directed by the President, such moneys shall not be covered into the Treasury, but such moneys and property shall remain in the custody of the same officers and the accounting thereof shall be in the same manner and form as before Federal control. Disbursements therefrom shall, without further appropriation, be made in the same manner as before Federal control, and for such purposes as under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, are chargeable to operating expenses or to railway tax accruals, and for such other purposes in connection with Federal control as the President may direct, except that taxes under Titles I and II of the act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, or any act in addition thereto or in amendment thereof, shall be paid by the owner out of his own funds. If Federal control begins or ends during the tax year for which any taxes so chargeable to railway tax accruals are assessed, the taxes for such year shall be apportioned to the date of the beginning or ending of such Federal control and disbursements shall be made only for that portion of such taxes as is due for the part of such tax year which falls within the period of Federal control.

"Such custody and disbursement shall, however, be subject to the direction of the President, and all officers and employees having custody or control of any of such moneys or property shall be subject to all criminal laws regarding the custody and control of public moneys or property so far as not inconsistent herewith.

"At such periods as the President may direct the books shall be closed and the balance of revenues over disbursements shall be covered into the Treasury of the United States to the credit of the revolving fund created by this act. If such revenues are insufficient to meet such disbursements, the deficit shall be paid out of such revolving fund in such manner as the President may direct."

Page 2, strike out all after the word "States," in line 16, through the word "act," in line 18, and, on page 5, after line 19, and before the paragraph inserted by a previous amendment, insert the following as a separate paragraph:

"The agreement shall also provide that the owner shall accept all the terms and conditions of this act and any regulation or order made by or through the President under authority of this act, or of that portion of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, which authorizes the President in time of war to take possession, assume control, and utilize systems of transportation; and that in case of failure to observe such terms and conditions or such regulations or orders, any further payments under the agreement may be suspended or forfeited."

Page 2, line 21, before the period, insert a comma and the following: "but debits and credits arising from the operation of such street electric passenger railways, including railways commonly called interurbans, as are at the time of the agreement not under Federal control shall be excluded."

Page 2, line 24, to page 3, line 1, strike out "from the reports, books, and other pertinent data of such carrier."

Page 3, line 5, to page 4, line 2, strike out the whole paragraph and insert:

"Every such agreement shall provide that all taxes assessed for the period of Federal control (which but for such Federal control would under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, be deducted from 'net income from railway operations' in determining 'railway operating income') shall, except as hereinafter provided, be paid from operating revenue; or, if that is insufficient for the purpose, then from the revolving fund created by this act; that if Federal control begins or ends during the tax year for which any taxes may be assessed, the taxes for such year shall be apportioned to the date of the beginning or ending of such Federal control, and the foregoing provisions shall apply only to that portion of such taxes which is due for the part of such tax year which falls within the period of Federal control; and that the owner shall pay from his own funds all other taxes, including the taxes under Titles I and II of the act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, or any act in addition thereto or in amendment thereof."

Page 4, after line 23, insert a new paragraph to read as follows:

"Every such agreement shall also provide that each owner shall receive during the period of Federal control an annual sum equivalent to a fair percentage upon the cost of additions and betterments, less retirements and road extensions, made on or in connection with such railroad or system during the period of Federal control by the owner, with the approval or by the order of the President, plus a fair percentage upon the amount expended by the owner, during the period of Federal control for taxes chargeable under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, to investment in road and equipment and for assessments for public improvements. Such fair percentage in the case of expenditures made out of borrowed money shall be equal to the rate at which such money is borrowed, and in other cases shall be fixed by the President at the time the expenditure is made. The cost of such additions, betterments, and road extensions, the amount of such retirements, and the amounts expended for such taxes and assessments shall be ascertained by the Interstate Commerce Commission and certified by it to the President. The amounts so certified shall, for the purpose of the agreement, be conclusive."

Page 4, after line 23 (and after the paragraph already inserted), insert a new paragraph to read as follows:

"Every such agreement shall also provide that the United States will pay to the owner any loss accruing to such owner by reason of any additions, betterments, or road extensions made during the period of Federal control by the President, or made during such period at the order of or with the approval of the President by such owner or by the person, corporation, partnership or association entitled to the possession, use, and control of the railroad or system of transportation at the time such additions, betterments, or road extensions are made. The amount of such loss shall be ascertained by the Interstate Commerce Commission and certified by it to the President. The amount so certified shall, for the purpose of the agreement, be conclusive."

Page 6, line 1, after the period insert:

"The estimated annual amount of just compensation, in the case of an owner with whom the President is authorized to agree under section 1, shall not exceed the annual amount which he is authorized under that section to agree that the owner shall receive."

Page 6, line 1, strike out all after the period through the word "and" in line 3.

Page 6, line 3, strike out all beginning with the comma, through line 5, and insert a period and the following:

"The acceptance of any benefits under this section shall constitute an acceptance by the owner of all the provisions of this act and shall obligate the owner to pay to the United States, with interest at the rate of 6 per cent per annum from a date or dates fixed in proceedings under section 3, the amount by which the sums received under this section exceed the sum found due in such proceedings."

Page 6, line 18, after the period insert the following:

"In case of disobedience to a subpœna, the board may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, corporation, partnership, or association, issue an order requiring appearance before the board, or the production of documentary evidence if so ordered, or the giving of evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof."

Page 7, line 9, strike out the word "final" and at the end of line 12 insert the following:

"The Court of Claims shall have jurisdiction to render its award in such form as it may deem proper and to provide for the reopening of its award, and for the award of such further compensation as may be found due because of conditions arising after the making of the original award."

Page 9, lines 6–12, strike out the entire paragraph and insert the following:

"If, in proceedings under section 3, neither the award of the Court of Claims nor the agreement makes provision therefor, the President may nevertheless pay, if he deems it just, out of the revolving fund (to the owner of any railroad or system of transportation or to any person, corporation, partnership, or association, who at the termination of Federal control of such railroad or system is or will become by reason of rights existing at such time entitled to the possession, use, and control thereof) any loss accruing by reason of any additions, betterments, or road extensions on or in connection with such railroad or system of transportation made during the period of Federal control by the President or made during such period by the owner at the order or with the approval of the President."

Page 9, line 21, strike out all of the line and through the period on line 9 of page 10 and insert the following:

"SEC. —. That an owner may, during the period of Federal control, issue only such bonds, notes, equipment trust certificates, stock, and other forms of securities, secured or unsecured by mortgage, as the President may approve as consistent with the public interest. The President may, out of the revolving fund, purchase for the United States all or any part of such securities at prices not exceeding par, and thereafter any securities so purchased shall be held by the Secretary of the Treasury, who shall, under the direction of the President, represent the United States in all matters in connection therewith in the same manner as a private security holder. Any income from such

securities shall be covered into the Treasury as miscellaneous receipts. The President may direct that such securities, or any portion thereof, be sold whenever in his judgment it is desirable, at prices not less than the cost thereof, and the proceeds of such sale shall be covered into the Treasury as miscellaneous receipts."

Page 10, after line 25, insert a new paragraph, to read as follows:

"No person employed in connection with the operation of railroads or systems of transportation under Federal control (except those persons referred to in the preceding paragraph of this section) shall be deemed to be an officer or employee under the United States for the purpose of Title II of the act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, commonly called 'war excess-profits tax,' nor shall he be deemed to be a civil employee of the United States within the meaning of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916."

Page 11, line 1, strike out the words "nothing in this act shall be construed to" and insert "the President in the exercise of the authority given to him by this act or by the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, shall not."

Page 11, section 10, strike out the first sentence.

Page 12, line 2, strike out the words "or with any order of the President."

Page 12, line 11, at the end of the line insert the following:

"The President shall by regulation provide for the payment, out of the operating revenue derived from Federal control, or if that is insufficient, out of the revolving fund, of any judgments or awards and for the enforcement of any decrees or orders that may be rendered against such owners in any suit of such a character that but for Federal control (a) could be brought against the owner of any railroad or system of transportation, and (b) any amount paid in compromise thereof or in satisfaction of a judgment or decree therein that could be charged to operating expenses or to railway tax accruals under the Interstate Commerce Commission classification of accounts in force on December 27, 1917. The President shall also provide for the payment, out of operating revenues or out of the revolving fund, of any loss accruing to any owner by reason of any process levied against any property of such owner in connection with any suit of the character above described."

Page 15, strike out all of lines 6 and 7 and insert the following: "the termination of Federal control of the railroads or systems of transportation affected by such judgment or decree."

Page 16, after line 4, insert a new section to read as follows:

"SEC. — That if any provision of this act or the application of such provision to certain circumstances is held unconstitutional the remainder of the act and the application of such provision to circumstances other than those as to which it has been held unconstitutional shall not be affected thereby."

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SIMS. Mr. Chairman, I yield 40 minutes to the gentleman from Texas [Mr. RAYBURN], a member of the committee.

The CHAIRMAN. The gentleman from Texas is recognized for 40 minutes.

Mr. RAYBURN. Mr. Chairman and gentlemen of the committee, when this discussion started I did not intend to take any time under the general debate, preferring to use what time I did use under the five-minute rule. But on account of some statements that have been made and some arguments that have been made, especially about two controverted points in this bill, I thought I would probably want more than five minutes in which to discuss them, and I did not want to ask for an extension of time under the five-minute rule.

I am one of those, Mr. Chairman, who believe that in this time of war, when we have pledged the President of the United States every resource of the Government toward the prosecution of this war, we should grant to the President every necessary power in legislation that he asks.

I have so voted, and according to my conception of that theory I shall vote upon this bill and upon every amendment proposed to this bill. And I want to say here and now, with as much emphasis as I can command, that if this war is not carried on successfully, if there are any mistakes made, it will not be the fault of the Congress of the United States, for the simple reason that every necessary power that this administration has asked for, every necessary dollar and more that this administration has asked for since the declaration of war has been generously and with alacrity provided for. [Applause.]

I therefore am in favor, as my colleagues are in favor, of granting in this bill the necessary legislation, after we have given the President the right to take the railroads. After he has taken the railroads that question admits of no debate. The question of whether or not the President should have taken the railroads under the law passed authorizing him to take them is not a question here now. The President or the Government of the United States under our action has taken over the railroads of this country. Under this bill and under our action here it is our purpose and it is our duty to give the legislation that is necessary in order that he may carry out successfully the operation of these railroads during these war times.

And another thing that I want to emphasize in the beginning of the few remarks I shall make is that I do not want this House to forget during the consideration of this bill, either under general debate or under the five-minute rule, that this is a war measure, and that its operation should terminate as soon after the close of the war as is possible. [Applause.]

I shall vote for this bill, and I have tried to perfect it upon that theory, and upon that theory only. It is not candid for men to get up before this House and say that since we have taken over the railroads under only one power, and that is the war power, we should hold them after the war to try one nostrum after another. [Applause.] I therefore shall vote for a limitation of time.

There are three important provisions of this bill, I think. One is the question of compensation, another is the question of the power to make rates and who shall exercise that power, and the other is the time after the war at which we should turn these railroads back to their owners.

I believe, Mr. Chairman, that the compensation provided in this bill is as nearly just as we could make it. I do not believe that we are more than just to the railroads of this country at this time. I believe that the compensation provided in this bill, taking the average of the three years' earnings of the railroads, is just, as nearly as we can get it, both to the Government and to the railroads. I therefore shall support that section of this bill in its present form, unless I hear arguments more forceful against its passage than any that I have heard up to this time. We have taken the property of these people under a law passed by this Congress—not of their asking. We have taken these properties under that law, not because they asked that they be taken, but because the President of the United States believed that after all of the congestion that we had had, after all of the tying up of the roads of this country, it was absolutely the only thing that could be done. That was to take the railroads under the law that we had passed and to operate them.

For 30 years in the different States of this country and since 1887 the different State commissions and the Interstate Commerce Commission have been built up. As I said in the outset, I believe that every necessary power should be granted to the President to manage this situation. I do not believe that the power for the President to initiate rates and that the rate he initiates shall be final is a power necessary to the successful operating of the railroads by the President during this war time. It may be that the President should have the power and the right in special cases, for the movement of troops and supplies for the Army and the Navy, to make rates and to make them final for those specific cases, and I am willing to grant him that power. The amendment that I offered to this bill in the committee, which was lost on a vote of 9 to 9, a tie vote, provided that the President of the United States in special cases might finally fix the rates as to the transportation of anything that affected the movement of the Army and Navy and the supplies for the Army and Navy; but it said that as for other rates and for general rates the same powers that had controlled them in the past should control them during this war time. Men said that that amendment was a reflection upon the President of the United States; that he, representing the people, would have uppermost in his mind the best interests of all the people of the land. Nobody subscribes more fully to that doctrine than I do. Nobody has greater faith in the Director General of Railroads and in his great ability than I have. But I know that neither the Director General nor the President of the United States will have time to try this case as it should be tried before rates are to be initiated and put into effect. They will both be compelled to consult somebody, some man or set of men who are or should be experts on these matters. Who, then, would say that the Interstate Commerce Commission is not the proper body whose advice should be sought? We should give the President power to initiate rates; and who argues that when the President initiated a rate and suggested to the commission that he believed a certain rate was fair, reasonable, and just that that argument would not be very persuasive with the commission and would be adopted unless it could be proven that it was most unjust and injurious?

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BORLAND. The gentleman, as I understand it, endeavored to get a provision into the bill giving the President the power to fix rates only as to supplies and leave the rates for all other commodities to be fixed as at present. Is that the idea?

Mr. RAYBURN. No.

Mr. BORLAND. What was the statement that the gentleman made?

Mr. RAYBURN. I said that the President's order would be final in a case like that, that he would not have to go to the Interstate Commerce Commission; but as a general proposition I want the President, having the railroads now and being in the position that the railroads have formerly been, to occupy the

same position with reference to rates that the railroads have formerly occupied with reference to rates, and leave the final passage upon the reasonableness and justice of the rates to the Interstate Commerce Commission, where it has been in the past.

Mr. BORLAND. Then I correctly understood the gentleman.

Mr. RAYBURN. I agree that the President should be allowed to initiate all rates, but I say that the Interstate Commerce Commission should have the veto power upon them the same as it has now, except as to rates for the Army and Navy and for supplies for them.

Mr. BORLAND. Then I correctly understood the gentleman that he made a distinction between rates affecting the movement of troops and supplies and general commodity rates?

Mr. RAYBURN. Yes.

Mr. BORLAND. Then where does the gentleman make that distinction, in view of the wide control that is now exercised over all industrial operations in this country? Would he include fuel? Would he include wheat? Would he include cotton? Where would he make his distinction as to what constituted supplies for the troops?

Mr. RAYBURN. I would not enumerate. I think it is pretty generally understood what supplies are necessary for the Army and the Navy. I think that is pretty generally understood among the people.

Mr. BORLAND. I have not been able to distinguish what was necessary as supplies for the Army and Navy. They embrace pretty nearly everything that this country produces.

Mr. RAYBURN. Oh, well, by the same course of reasoning you could broaden anything to cover everything upon the earth. That provision in this bill ought to be amended, or ought to be stricken out of the bill. This provision in the bill with reference to rates provides that the President can initiate the rates, that they go into effect, but if anybody within 30 days files a complaint the Interstate Commerce Commission can give a full hearing and make a report, but that that report will have no effect except to be persuasive, probably. I do not believe that two departments of this Government should be set in that position toward each other, or that when the President initiates a rate and puts it into effect the Interstate Commerce Commission should come along, without any power to set that rate aside, but simply to hear the case and to report a criticism upon the action of the President of the United States. If somebody besides the movers of this bill had proposed an amendment like that, the men who support this bill in its present form would have said, "You are reflecting upon the President of the United States, and you are giving a branch of the Government the power and the facility and the right to set up a criticism of the President of the United States."

Just one thing further. My friend from Missouri [Mr. DECKER], after complimenting the Interstate Commerce Commission in the fullest terms, when he was talking about this question of compensation, whether it was reasonable and just, said, "What are you going to say to the people about this compensation when you go back home? I am going to tell them that for 30 years we have built up the great Interstate Commerce Commission, in whom all the people have all faith and all confidence. They set these rates under which the railroad companies made these millions of dollars. I believe that they were just and reasonable." I am going to say, further, when I go back home to my people, that I have faith in this commission, that I have faith in its honesty and integrity when it set these rates, and I am going to say further to them that I voted to leave the power to set the rates in the future in the hands of the Interstate Commerce Commission. [Applause.]

Mr. McKENZIE. Will the gentleman yield?

Mr. RAYBURN. I yield to the gentleman.

Mr. McKENZIE. I do not like to take up the gentleman's time, but in the case he has stated of the President fixing the rates, the shipper takes an appeal to the Interstate Commerce Commission and the Interstate Commerce Commission finds it is unreasonably high, what recourse has the shipper under this bill?

Mr. RAYBURN. Not any. Perhaps he might go into the court at a great deal of expense, and if he won out it would cost him more than the difference in the rate. I do not say what I have said about the rate-making proposition in criticism of anybody, because my confidence and faith in the Director General and the President is as high as that of anyone.

Mr. HARDY. Will the gentleman yield for a question?

Mr. RAYBURN. I will.

Mr. HARDY. Does not the gentleman think that under the amendment he proposed in the committee, if it had been adopted, that it would have raised a great number of questions as to whether the President had final authority in particular instances or not?

Mr. RAYBURN. That is the same question asked before by the gentleman from Missouri [Mr. BORLAND]. It would raise a question, but not as serious as it would to this system which has grown up through a great administration to be wiped out at one fell swoop.

Mr. HARDY. The gentleman does not quite get my question. Would you not have questions arising as to what were war commodities and supplies, and would you not have infinite controversy between those who contended that certain things were war supplies and others were not, and would you not have confusion worse confounded?

Mr. RAYBURN. I thought if I offered that amendment I might preserve a little of what I wanted to preserve so much, and that was the power of the Interstate Commerce Commission to fix these rates.

Mr. DEWALT. Will the gentleman yield?

Mr. RAYBURN. I will yield to the gentleman from Pennsylvania.

Mr. DEWALT. Has the gentleman in proposing his amendment taken into consideration the powers conferred upon the President by the act of 1916?

Mr. RAYBURN. As to taking over the railroads?

Mr. DEWALT. The wording of the act of 1916—and I say this to elucidate the gentleman's argument—is that he shall take over possession and control of any system of transportation not only for the purpose of transporting the troops, war material, and equipment, but for such other purposes connected with the emergency as may be needful and desirable.

In that connection, has the gentleman in considering his amendment taken into view what the word "control" means in law? The word "control" in law is a synonymous with management, and management is defined to mean direct control, governmental administration, or overseeing. Manage means direction, control, Government administration, and overseeing. Webster defines it as meaning to have under control and direction, to conduct, to guide, to administer, to handle. Now, the act of 1916 which stands upon the statute books gives the President the power to control, to take possession of the road. Control means to administer, and control is not confined to the transportation of troops, munitions of war, but to other things involved in the prosecution of the war. If control means to administer, I take it that under the act of 1916 he has the right to fix the rate.

Mr. RAYBURN. I do not care what the act of 1916 gives the President the power to do after he takes the railroads. We are passing another law now. I would not be willing to say that under that act if we did not pass any other legislation that the President would not have the power, but I am talking about the legislation that we have before us and the amendment which I wanted to get on this legislation to make certain language mean a certain thing.

Mr. DEWALT. The gentleman's amendment would be in effect repealing the act of 1916.

Mr. RAYBURN. I am not willing to admit that. I am not saying that he does or does not have the power under that act. I am not committing myself one way or the other, but I am saying that I would like to see in this bill as far as rates are concerned the provision in my amendment.

Mr. DEWALT. Will the gentleman yield further?

Mr. RAYBURN. Yes.

Mr. TOWNER. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. TOWNER. In connection with that, may it not be considered as worthy to be taken into account at least that when the Government took over and assumed control of the railroads it not only did so for war purposes but it necessarily had to control the railroads for other than war purposes, and that the rate-making power which existed before the taking over between the railroads and the people is now transferred to the Government and the people, and that it is proper for Congress to say on what terms that relationship shall exist and what the rates and fares shall be?

Mr. RAYBURN. That was my answer to the gentleman from Pennsylvania—that we are now passing a law to govern the operation of these railroads and fixing the compensation.

Mr. Chairman, I had hoped after the vote in the committee, which stood 15 to 6 for the time limit in this bill, that the advocates of the unlimited time would cease their efforts along that line. I could not vote in committee, neither could I vote in this House, for a provision that would read like the provision in the original draft of this bill, and that was that this control should last during the war and thereafter until Congress should

otherwise order. I do not believe that that provision in this bill would stand in the courts for a moment. I do not believe that under the war power we have any right whatever to take the railroads of this country for a longer period than the duration of this war and a reasonable time thereafter.

Mr. DECKER. Will the gentleman yield?

Mr. RAYBURN. I will.

Mr. DECKER. I would like to ask the gentleman two questions. In the first place, the President is authorized to make a contract for compensation, and, of course, in that contract for compensation the railroads will take into consideration the length and condition of the tenure. Does the gentleman mean to say that after the railroads have agreed with the President to the compensation under the terms and provisions of this bill, after they have taken the money from the Government, that they can come around afterwards and refuse to accept the conditions of the tenure?

Mr. RAYBURN. I say that an indefinite tenure in law is equivalent to ownership, and after the war is over if no time limit is set in this bill the railroads would have the right to come into court and say to the Government, "You must give me back my property or give me the value of it."

Mr. DECKER. After they have agreed to take so much for the property?

Mr. RAYBURN. I deny that the President has the authority to make a contract with the railroads for compensation for a longer time than the period of the war and a reasonable time thereafter. We must not forget that the President has taken these roads under the war power and none other, and that the control ceases or should cease when the war or the emergency is over.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SHERLEY. If you give the President power—or, rather, try to do so—and it be ultra vires, the fact that he exercises the power which you have no right to confer upon him would not make it lawful.

Mr. DECKER. Who was acting ultra vires?

Mr. SHERLEY. Assuming the premises of the gentleman from Texas [Mr. RAYBURN], that Congress could not confer upon the President the right to hold these roads indefinitely, then the suggestion of the gentleman from Missouri is without value.

Mr. RAYBURN. I think that is quite true.

Mr. DECKER. I do not agree with the gentleman on that proposition. The only thing that he would not have the right to do, if his contention is correct, would be to compel the railroads to give it up; but as they agreed in the contract to let the Government use them under the tenure provided in the bill, I do not think, after taking the money, they could be heard to complain. But I will ask the gentleman another question. Is the gentleman one of those who believe that the Government has the right to take over the roads under the commerce clause?

Mr. RAYBURN. I do.

Mr. DECKER. Then if it has the right to take them over under the commerce clause, and we say in this bill, regardless of how they happen to have been taken over under the law of 1916 that they shall stay under the Government control until Congress shall act, would not that be bottomed on the commerce clause?

Mr. RAYBURN. It would not.

Mr. DECKER. Why not?

Mr. RAYBURN. Because the only power on this earth under which the President had the right to take these roads was under the war power expressly given.

Mr. DECKER. That is not the question I asked. The question I asked is this: "Regardless of the power or under what power the President took them over, the part to which we are addressing ourselves is as to the power of the President to hold them after the war is over; and would not that right which we give him be bottomed on the commerce clause?

Mr. RAYBURN. It would not, because we have taken the railroads under the war power only——

Mr. PARKER of New Jersey. Pardon me, but is the gentleman arguing now in respect to interstate roads only—not as to roads entirely within a State?

Mr. DECKER. Yes; interstate roads.

Mr. RAYBURN. I am arguing as to roads over which Congress has the power to legislate.

Mr SHERLEY. Laying aside the question of power, why should we, unless we favor Government ownership of railroads, provide for it, while authorizing the President to take care of a war emergency?

Mr. RAYBURN. That is what I was just coming to, and my collegue [Mr. HARDY] asked a question which suggested that. I believe he asked the gentleman from Missouri [Mr. DECKER] a question like that. Why should we set a time limit and foreclose the argument on the proposition of Government ownership?

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. STEVENSON. I have been bothered to know upon what basis the President would fix the length of the term of the control with the railroads, if there is no provision made in this bill as to the length of time that he is to be authorized to hold them. If it is to be indefinite, is he to make an indefinite contract with the railroads? That is what would bother me.

Mr. RAYBURN. That would have bothered me a great deal, but I have trusted from the beginning in the wisdom of Congress, and in its fairness and candor to say that this is a war measure, and that at a reasonable time after this war is over this property shall be turned back to its owners. My friend from Missouri [Mr. DECKER] a while ago talked about the fact that in 1914 we passed a bill for the control of the issue of securities of railroad companies, and called attention to the fact that that bill, even though it passed the House of Representatives in 1914, had never yet been enacted into law; and he used that as an argument that we should set an indefinite time in order that we may undertake all of this remedial legislation that is necessary before the railroads are turned back to their owners. If that argument be good, that this is a slow body, that Congress is a slow organization, then I think it would be very well to have a time limit set upon this control as a spur to Congress to know that by a certain time it must do a certain piece of work.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Mr. Chairman, I do not want to interrupt the gentleman, except to make an appeal to the membership of the House to let the gentleman from Texas [Mr. RAYBURN] proceed without interruption, if they are satisfied to do so, and I will give the reason.

Mr. RAYBURN. How much time have I remaining?

The CHAIRMAN. The gentleman has six minutes remaining.

Mr. SIMS. If the gentleman from Texas wants more time, I want him to have it.

Mr. RAYBURN. I certainly did not think my time lacked only six minutes of expiring.

Mr. SIMS. What I want to ask is whether the gentleman wants more time, inasmuch as so much of his time has been taken up? A situation arose this morning that none of us could prevent. When I rose last night and asked that the House meet at 11 o'clock this morning, it was with a view of having that time consumed in general debate. One hour of the time was taken up in the reading of the Farewell Address of Washington, which was entirely proper, but it got me into this trouble. I had promised a lot of gentlemen time who are not members of the committee, and the gentleman from Texas [Mr. RAYBURN] kindly consented to make his time as short as he could, but I think so distinguished a member of the committee should have opportunity to address the committee.

Mr. RAYBURN. If I am not interrupted, if the gentleman will yield me five additional minutes, I think I can finish.

Mr. SIMS. Then I yield now the five additional minutes.

Mr. RAYBURN. Did the gentleman from Illinois wish to ask me a question?

Mr. MASON. No; let it go. I knew the gentleman was a member of the committee——

Mr. RAYBURN. Does the gentleman want to ask me a question on the matter of tenure?

Mr. MASON. No; it was in respect to another branch, but I shall let it go and ask some other Member. It was in regard to the purchase of the canal, and I had not heard any member of the committee explain that.

Mr. RAYBURN. I am not willing, Mr. Chairman, in time of war in taking over the railroads of this country as a war measure, in the hysteria created by that war condition, to saddle on this Government a great economic policy. I believe when the discussion of Government ownership comes up in this country that it should come not in a time of war or stress and dissension, when men in the passion of the hour are carried off their feet, but I believe it should come in a time when it can be stripped of every other issue, and I also believe that it is nothing but fair to us who do not believe in Government ownership of railroads and other socialistic doctrines like that that when this argument comes that we who oppose it should not be made the proponents of a bill to throw off a system of Government ownership that we did not intend to take on when

we voted to give the President the power to use all the resources of this Government to try to win this war. When this proposition of Government ownership comes up I want the men who are the advocates of that doctrine to be the proponents of the bill and to come before this Congress and give the reason. There are many reasons why I would like to see this war close. There are many reasons why all of us would like to see this war close. One of the main reasons, outside of the reason that we want to stop the spilling of blood, is that I hope to see the time return when the necessity for such legislation as this, the voting away of these unheard-of powers, will cease. [Applause.]

I oppose Government ownership of railroads. I oppose an indefinite tenure. We do not know how long this war is going on. It may go on a year or two years or three years or five years. We do not know whether the great man who sits in the White House now will sit there when this war closes. We do not know whether the same Secretary of the Treasury and the Director of Railroads will be the Director of Railroads during all of this war, and I want to call your attention to the fact that I would fear to put the destiny of 1,700,000 railroad employees and $18,000,000,000 worth of property in the hands of a man who may some time occupy one of those positions and who may be over ambitious. [Applause.] A man who is overambitious, with the wages and the hours of labor of 1,700,000 employees in the hollow of his hand, a man who is overambitious with the property of hundreds of thousands of people amounting, variously estimated, to from $18,000,000,000 to $20,000,000,000 in his hands, could not only put himself in office, but he could perpetuate himself in office if he desired. [Applause.] And I hope, therefore, that we will say now that we will be candid with ourselves and candid with the country and say that we are not going into the proposition of the control of railroads of this country for any other reason except to try to marshal all the resources of this mighty Republic and try to do the one thing, and that is to win this war, and to win it as speedily as possible. [Applause.]

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. GORDON]. [Applause.]

Mr. GORDON. Mr. Chairman and gentlemen of the committee, I do not know that I can assist you gentlemen in determining these important questions that are involved in this bill. As far as my public duties will permit, I have been trying to get information upon this bill since it has been pending both on and off the floor, and I confess those efforts have been sadly disappointed. The gentleman who just took his seat said that the railroads were worth $18,000,000,000. I do not know where he got his authority for that. I have been trying to get some idea from some source——

Mr. RAYBURN. I said variously estimated.

Mr. GORDON. Estimated by whom?

Mr. RAYBURN. Well, by various writers in this country.

Mr. GORDON. Yes; "the widows and orphans" talked about so much here on the floor, of course they estimate it at that. The fact is they are only capitalized at $10,000,000,000, and the best authorities in the American Congress say that 50 per cent of that is water. I do not think that anybody will seriously question that Senator JOHNSON of California, who has been governor of his State for two terms, and Senator CUMMINS, of Iowa, who has been governor of his State for two terms, know something about the railroad question. Now, what is the layman to do in reference to this bill? Unless I can get some light on it I propose to vote against it myself and wash my hands of responsibility for it. We have listened here for three days to members of the committee almost exclusively. Have they given you any information as to the value of these properties for the use of which we propose to fix the compensation at nearly a thousand million dollars a year? Has a member of the committee given any information to this House upon this subject? I have not been here all the time during the entire debate, but I have listened to them or read them, and if there has been anything adduced here to throw any light upon this question it has entirely escaped me.

Now, a gentleman who has been a Member of this House a great many years and is considered an expert upon this question discussed it here a while ago, the gentleman from Wisconsin [Mr. LENROOT], and he observed in the course of his remarks that the New York, New Haven & Hartford Railroad and the Rock Island had been mismanaged, referring, I suppose, to the looting of those great properties, the stealing, and taking and the carrying away of all of their visible assets. [Laughter.] Now, what is the use, what assistance does that give to stand up here and pat those people on the wrist in discussing such transactions as that? So far as conferring the rate-making power on the President, of course I would not vote for that. [Laughter and applause.] I think that is an impudent abandonment by Congress of all the legislation on this subject for 30 years. [Applause.] Now, this is not a partisan question, but it looks to me as though there had been a bipartisan agreement here for the withholding of any real information upon which any man could cast an intelligent vote. [Laughter and applause.]

Mr. MASON. Will the gentleman yield for a question?

Mr. GORDON. Yes.

Mr. MASON. The gentleman is not a member of the committee?

Mr. GORDON. Not of the Committee on Interstate and Foreign Commerce; no.

Mr. MASON. Perhaps, then, the gentleman can answer this question. [Laughter and applause.] This section 6 provides, as I read it, the authority to the President to purchase canals. Do you so construe it?

Mr. GORDON. I will ask the gentleman to excuse me from construing it. I have not time to undertake to construe the provisions of this section. I am calling the attention of the Members of the House to some of my difficulties in the hope that somebody may furnish some information to assist me in forming an intelligent judgment upon this bill.

I want to say this for the aid and assistance of Members here who may feel that they want some light on the principles of the railroad question, that on the 8th of January last I inserted in the CONGRESSIONAL RECORD for the second time a speech delivered by the late Jeremiah S. Black, of Pennsylvania, formerly Attorney General of the United States, upon the question of the legal relations of the public to the railroads, or the railroads to the public, which I commend to the consideration of every Member of the Congress and every other intelligent citizen who really desires to understand the question.

It is a great problem, of course. That speech led to the enactment of the Interstate-commerce law 31 years ago. Since that time Congress has been attempting to confer power to regulate rates upon that commission. The progress has been exceedingly slow. There seems to be a mysterious influence that palsies men's minds and hands when they approach the consideration of this question. The attitude of many men seems to be to withhold such information as they really have upon the question.

Of course, the fixing of rates is a legislative function, and Congress, having other things to attend to, created this great tribunal, the Interstate Commerce Commission, and invested it with authority to hear and determine these questions. Now, just what has happened since this war started to disqualify the Interstate Commerce Commission and to qualify the President, with all his multitudinous duties as Commander in Chief of the Army and Navy, to perform this function, nobody has undertaken to explain. We are told by the chairman of the committee that we are at war, which is true, but what is there about that fact that equips the President to hear and determine so intricate and involved a question as that?

And then, to add to the irony of it, they insert right in the bill itself that we are asked to vote for a provision that binds the President in his determination of that question by exactly the law that binds the Interstate Commerce Commission in its consideration of it. Now, if the President is supposed to obey the law, although we are at war, how is he going to determine these questions without any investigation? Is there something about the President that enables him to determine such an involved and intricate question as that without information? Why was the Interstate Commerce Commission created and clothed with this authority? Of course, it is said and provided in the bill that if after the President has fixed this rate it should happen to injure some individual, community, or State, and they took an appeal to the Interstate Commerce Commission, the Interstate Commerce Commission could hear them, and then it could recommend to the President or could express the opinion to the President, that they thought he made a mistake about it. But the law carefully guards any interference by the commission in the way of correcting that mistake. I can not understand the reason for such legislation as that.

Pursuant to legislation by Congress, enacted before I became a Member of this body, the Interstate Commerce Commission is now engaged in making an appraisal of these railroad properties for the purpose of enabling it to determine their value and thus fix just and reasonable rates for the service which they render. Eleven million dollars have been expended on that work, and it is not yet completed. Heretofore, since war was declared, when we have authorized the appropriation of private property and were unable to determine the value of the property taken, or the use appropriated, we have authorized the payment to the owner of so much of the value of such property or use as could

be readily agreed upon, and deferred the payment or tender of the remainder claimed until competent and reliable evidence could be secured upon which to base an intelligent judgment of the real value of such property or its use.

What is there about railroad property which renders it more sacred than other kinds of private property? Do the owners of these railroads fear that when the appraisal of these properties has been completed it will be found that their total value is much less than the stocks and bonds outstanding, upon which interest and dividends have been paid and upon which this enormous rental is in large part based? Are we being hurried into fixing this enormous rental in order to forestall any use of the appraisal now being made by the Interstate Commerce Commission and to establish the fact that Congress has wasted this eleven millions of dollars and such other sums as may be spent in completing the appraisal?

What competent evidence has been adduced to support this enormous annual payment for the use of these properties?

Mr. MADDEN. Does the gentleman think the Interstate Commerce Commission would have the temerity to suggest that the President made a mistake?

The CHAIRMAN. The gentleman's time has expired.

Mr. SIMS. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Chairman, I intended to answer the argument of the gentleman from Michigan [Mr. FORDNEY], who is opposed to Government ownership, but it is impossible to do so successfully in 15 minutes or even to attempt it.

I am opposed to the limitation contained in this bill upon the time for holding the railroads after the conclusion of the war. There are men who will not be moved by an earthquake. There are men who will continue to cling to the past in the midst of a world revolution, in the midst of war, in the midst of the greatest catastrophe that ever befell mankind. They are standpatters all the time, no matter what happens. They fail to realize that the entire world is undergoing the greatest change in the history of the race.

When you repudiate the idea that public utilities are ultimately to be owned and controlled and managed by the people in their collective capacity you deny the very essence of democracy.

What does private ownership of railroads mean? It means that an aggregation of capital, controlling one-seventh of the wealth of the country in a democracy, can give employment or refuse employment, can give life or refuse to the people the right to live. It means that within the limits of a country priding itself on its democratic ideals organized wealth establishes an empire of its own, a dominion of its own. And as you study the history of railroad legislation in the United States you will find that no power has exercised a more corrupting and more polluting influence than the railroads of the United States. Even such a sympathetic writer concerning America as Bryce was compelled to say, in his "American Commonwealth," that the most corrupt factor in American political life was the railroad interests. You speak of control. If you carry control to its logical conclusion, is it not a negation of private ownership? What does ownership amount to if you deny the control of the thing to the owner of it? Then it becomes a question of the measure of control, of the degree of control, of the extent of control, and instead of saying to the people that we repudiate the theory or the very possibility of national ownership of railroads to-day, you may, perhaps, say that the people are not ready to-day for national ownership; that they should be prepared for it; that a body of thought should grow up which would make it possible that the great masses of railroad workers now employed by the transportation companies should cooperate with the rest of the community; that democracy should train itself to become the owner of its public utilities and its public necessities. But to say that you are opposed to public ownership of railroads means to deny the essential principle of democracy, which means self-rule, self-rule industrially, self-rule in economic relations. What good is it if a man has the right to vote if there are within his own country powers which determine how much of his wages shall be taken away from him for bread, how much for meat, how much for sugar, how much for transportation, so that at the end of a day's work or at the end of a year's work he finds the result of his labor taken away from him by some power outside of himself?

The value of political democracy lies in the opportunity it offers to the people to evolute into an industrial democracy.

Otherwise democracy would be a mere myth. Is not self-rule the very essence of democracy? Henry Ward Beecher, in defining slavery, said: "Slavery is a state of affairs where the individual's life is controlled by powers outside of himself." When one-third of one's earnings goes to the landlord, when one-twentieth is taken by the Sugar Trust, when one-eighteenth is taken by the Bread Trust, when the railroad and the telegraph and the telephone companies take away the rest of the product of one's service, how much of freedom is left to the individual?

Private ownership of the means of transportation, of the arteries of commerce, means the establishment of a dominion within a dominion, of a nation superior to the nation, of a minority ruling and controlling the people and the functions of their agents. That is why railroads have been a corrupting influence.

When the agitation for public ownership began the railroads began to manufacture statistics. Now, it is an old story, the old joke, that "thee are liars, and liars with a strong adjective preceding it, and experts," and when experts begin to pile up statistics one loses all faith in economic science. [Laughter.]

You hear frequently that public ownership of railroads is a failure in every country of the world, and the gentleman from Michigan [Mr. FORDNEY] went to the extent of saying that in the two democratic countries of England and the United States the very idea of public ownership is repudiated. For the purposes of his argument he denies that France is a democracy. Of course, France owns her railroads, so France was not democratic for the purposes of that argument.

It is impossible to compare the rates charged in the United States with the rates charged by the railroads of other countries, for the very simple reason that railroads in other countries include within the term "rate" the charge for storage, the charge for insurance, and a number of items that are not included in the word "rate" in the United States. When it comes to the question of wages in other countries——

Mr. MONTAGUE. Mr. Chairman, will the gentleman permit me to ask him a question?

Mr. LONDON. Yes.

Mr. MONTAGUE. You said that France owned her railroads. Are you certain of that fact?

Mr. LONDON. France owns the greater part of her railroads.

Mr. MONTAGUE. The statistics that were submitted to the committee, of which I am a member, showed that France owns only 20 per cent of the railroads in her territory.

Mr. LONDON. Well, France owns 20 per cent of her railroads, and Italy owns all of her railroads. This fact is true, that there has been no immigration of railroad workers from any European country to this country. That is absolutely true. Evidently the railroad worker finds that whatever wage he gets there, no matter how small it appears in dollars and cents, is satisfactory, the real value of the wage being the ability to exchange it for useful articles. Measured by that standard, by the ability to supply himself with the needs of life, it seems that the workers on railroads in the European countries are not forced to leave their countries. They have the assurance of steadiness and security of employment, which makes them prefer the work that they have.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. LONDON. I am sorry I have so little time.

Mr. DENISON. Just a question.

Mr. LONDON. Unless I can get my time extended I can not yield.

Mr. DENISON. It is just one question.

Mr. LONDON. Well, what was the question?

Mr. DENISON. I was going to ask where our Irish railroad employees come in, in the light of the gentleman's statement?

Mr. LONDON. Oh, the people of a country such as Ireland are governed by considerations other than economic considerations. The gentleman ought to know enough of the history of Ireland to understand that. There are more reasons than economic reasons for that.

In addition to that, the railroad worker in Germany and in Italy and in Belgium receives unemployment insurance, old-age pensions, security against accidents, the benefit of every safety appliance to protect him, and that is a part of the wage. I want to call your attention to the statistics relating to accidents resulting in the death of passengers and railroad men, and you will find that four times as many railroad workers are killed on American railroads as are killed on the railroads of any other country in the world; four times as many. The railroad companies with their hired statisticians attempted to compare the number of railroad accidents by the amount of freight carried, and they figured out that, according to the amount of freight carried, the percentage was not so disadvantageous to the United States.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield for a question? I want to ask a question for information?

Mr. LONDON. Yes.

Mr. CARTER of Oklahoma. The gentleman states that four times as many railroad workers are killed on American railroads as on the railroads of any other country. Does the gentleman take into consideration with that the number of railroads the United States has?

Mr. LONDON. I do, judging by the number of men employed.

Mr. CARTER of Oklahoma. You mean by the percentage?

Mr. LONDON. I am not speaking of the relative proportion of mileage, but the absolute proportion of employees. Judging by the number of men employed by the American railroads as compared with the number of men employed on European railroads, the ratio is four to one. In other words, for every one employee or railroad worker killed in Europe four railroad employees are killed in the United States.

Mr. CARTER of Oklahoma. The percentage is four times as great?

Mr. LONDON. Yes; the percentage is four times as great.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. COOPER of Ohio. Can the gentleman give us any information in regard to government-owned roads in Italy? A few days ago I read an article in a paper stating that——

Mr. LONDON. Oh, well, I have no time for the gentleman to tell about an article he read four days ago. I want direct information, not information from a casual article read four days ago. [Laughter.]

Mr. COOPER of Ohio. I read a statement in a paper to the effect that the Government of Italy had fallen down in the management of its Government-owned railroads and had to issue bonds to get money to operate them.

Mr. LONDON. I do not know what paper that was from, or who the man responsible for the fiction in that paper was. [Laughter.]

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. LENROOT. I want to know what the gentleman means when he says that to every 100 employed in Europe and in the United States four times as many are killed in the United States than in Europe?

Mr. LONDON. That is exactly what I mean. The figures I have are for the year 1910 or the year 1908.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. LONDON. Yes.

Mr. MADDEN. Does the gentleman mean four times as many as compared with the number employed?

Mr. LONDON. Four times as many.

Now, when you consider the fact that the railroad companies opposed every measure calculated to improve the condition of the workers, that they opposed the enactment of the employers' liability legislation, that they opposed the most elementary provisions for safety appliances, you must realize what a tremendous danger is involved in private ownership of the public utilities, of the public arteries, of the arteries of commerce.

What is the difference between our past civilization and the present? What has made the United States possible? It is the facility of intercommunication between one section and another. Why, the arteries of commerce, the railroads, and the means of transportation are the most vital part of the organism of the country; and to permit these public utilities to be forever the private property of a group of capitalists is a destruction of the elementary basis of democracy.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONDON. May I have two minutes?

Mr. SIMS. I yield to the gentleman two minutes, and hope he will not be interrupted, because I have not got the time.

Mr. LONDON. Just see this diagram which I have here of interlocking directorates. Here is a chart of the interlocking directorates held by the Chesapeake & Ohio directors in financial, transportation, and industrial companies. I will give only a partial list. In financial companies they have directorates in the American Security & Trust Co., of Washington; the American Trust & Savings Co., of Chicago; the Equitable Trust, of New York; the Farmers' Loan & Trust, of New York; the Fourth National Bank of New York; the Mercantile Safe Deposit, of New York; the Mercantile Trust & Savings, of Chicago; the Merchants' National, of Richmond, Va.; the National Bank of Commerce of New York; the National City Bank, of New York; the National Surety of New York; the Old Dominion Trust, of Richmond, Va.; the Realty Trust, of Atlanta, Ga.; the Riggs National, of Washington; the Standard Safe Deposit, of New York; the Union Trust, of Chicago; the Union Trust, of New York; and the Title Guarantee & Trust, of New York.

Then comes the list of industrial companies: Consolidated Gas of New York—there is plenty of gas in our railroad stocks—then there is the Covina Land & Water Co., the Hammond Lumber Co., the Huntington Beach Co., the Los Angeles Land Co., the Maringo Water Co., the Mercantile Burglar Alarm, the Newport Beach Co., the Newport News Shipbuilding & Dry Dock Co., the New York Transportation Co., the Northern Westchester Lighting Co., the Old Dominion Land Co., and many others. It is a veritable octopus, a complete spider web, with the people as the flies. And this picture is not complete. It gives a diagram in connection with financial and industrial institutions. In order that it should be complete, they would have to give you the ownership of the big newspapers of the country and to what extent these interests dictate the editorials of the newspapers. And they would have to give you one more item—how many men who were formerly directors of these corporations are now adorning the bench. I do not mean that these companies send agents to the bench, but there are men there who have the psychology of the corporation lawyer.

And then, in order to make it altogether complete, it would be necessary to show how many prominent attorneys for railroad companies vote on matters of legislation in the legislatures of the country, on matters affecting the interests of the people and the interests of the railroad companies. And to be an attorney of a railroad company is the dream of every lawyer to-day. If I had the time I believe I could convince even you Republicans and Democrats that there is no salvation for a democracy except in national ownership of public utilities, and that it is our duty now to prepare for that inevitable event.

Mr. GORDON. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. DIES. Mr. Chairman, the Bolsheviki argument to which we have just listened is so interesting that I make the point of no quorum, in order to have a greater attendance.

The CHAIRMAN. The gentleman makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-eight Members present, not a quorum.

Mr. GARNER. Mr. Chairman, I move that the committee do now rise. We can vote that motion down and get tellers on the motion and get a hundred here.

Mr. DIES. Mr. Chairman, the gentleman's side-bar remarks are out of order.

The CHAIRMAN. The gentleman from Texas moves that the committee do now rise.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. GARNER. Tellers, Mr. Chairman.

Mr. DIES. I make the point of order that tellers are not in order until a division has been had.

The CHAIRMAN. The Chair understands the gentleman has a right to call for tellers without having called for a division.

Mr. DIES. I do not think so, Mr. Chairman.

The CHAIRMAN. There is no doubt about it. The gentleman from Texas [Mr. GARNER] asks for tellers.

Tellers were ordered; and the Chairman appointed Mr. DIES and Mr. GARNER.

Mr. DIES. Mr. Chairman, what is the pending question?

The CHAIRMAN. Whether the committee shall rise or not. The tellers will take their places.

The committee divided; and the tellers reported—ayes 5, noes 85.

The CHAIRMAN. The committee determines not to rise. The Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Anthony	Crago	Fairchild, B. L.	Heintz
Bacharach	Curry, Cal.	Fairchild, G. W.	Hollingsworth
Baer	Dale, N. Y.	Fairfield	Hood
Benkes	Dale, Vt.	Ferris	Houston
Blackmon	Dallinger	Flood	Howard
Blanton	Davidson	Flynn	Hull, Iowa
Britten	Dent	Fuller, Mass.	Husted
Brodbeck	Denton	Garland	James
Browning	Dill	Goodall	Johnson, S. Dak.
Buchanan	Dooling	Gould	Johnson, Wash.
Campbell, Kans.	Drane	Graham, Pa.	Jones, Tex.
Candler, Miss.	Drukker	Gray, N. J.	Kahn
Capstick	Dupré	Greene, Vt.	Kearns
Carew	Dyer	Gregg	Kelley, Mich.
Carter, Mass.	Eagle	Griest	Kelly, Pa.
Chandler, Okla.	Edmonds	Hamill	Kennedy, R. I.
Church	Elston	Hamlin	Kettner
Copley	Emerson	Haskell	Kless, Pa.
Costello	Estopinal	Heflin	Knutson

Kraus	Nicholls, S. C.	Rose	Tague
Kreider	Oliver, Ala	Rowland	Talbott
LaGuardia	O'Shaunessy	Rucker	Templeton
Lazaro	Paige	Scott, Iowa	Timberlake
Linthicum	Peters	Scott, Mich.	Tinkham
Longworth	Phelan	Scott, Pa.	Van Dyke
Lundeen	Polk	Scully	Vare
Luna	Porter	Sells	Walker
McCormick	Pou	Shallenberger	Walton
McCulloch	Powers	Sherley	Watson, Pa.
McFadden	Price	Shouse	White, Me.
McLaughlin, Pa.	Purnell	Siegel	White, Ohio
Magee	Ragsdale	Smith, T. F.	Williams
Maher	Rainey	Stafford	Wilson, Ill.
Mann	Rankin	Stedman	Wilson, La.
Meeker	Reavis	Stephens, Nebr.	Wilson, Tex.
Miller, Minn.	Robbins	Sterling, Pa.	Woodyard
Miller, Wash.	Roberts	Sullivan	Young, Tex.
Mondell	Rodenberg	Sumners	Zihlman

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 9685, finding itself without a quorum, the Chair had caused the roll to be called, when 276 Members answered to their names, and he reported a list of the absentees.

The committee resumed its sitting.

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from New Hampshire [Mr. WASON].

Mr. WASON. Mr. Chairman, I ask the indulgence of this committee for a few minutes on a subject that is of interest to myself, to my colleague from New Hampshire, and I know it is of interest to nearly every man on the floor of this House. It is likewise of interest to every citizen of this broad land. I do not wish to be understood in what I shall say as particularly finding fault or criticizing. I wish to be understood as approaching this subject in a spirit of improving the general conditions that affect the young men of the Nation who are our patriotic defenders now in cantonments, preparing for over-seas service. With that in mind and with the purpose to help rather than hinder, and improve rather than retard, camp conditions furnished, equipped, and controlled by the War Department.

Last July my attention was called to an order issued by the Secretary of War relating to the mobilization of the National Guard, so called, then a part of the Army, wherein those volunteers were to be transferred from New Hampshire and the other New England States to some point in the South for encampment and training, and the following letter expresses the views of the members of Congress from New Hampshire, to which the following reply was made:

WASHINGTON, D. C., *July 13, 1917.*

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

RESPECTED SIR: We, the undersigned, Members of Congress from New Hampshire, have just learned of the proposed action of the War Department to transfer, as soon as mobilized, the New England division of the National Guard to North Carolina or some other point farther south.

We respectfully submit for your consideration our belief that it will be for the best interests of the service if this division when mobilized is sent to a camp or camps in the New England States for the following reasons:

1. The climate of New England is more like the climate of northern France than is that of any section of the South.

2. It is more economical to the Government getting these troops to the front, viz, it will save the cost of transportation to the southern cantonment and probably more than such cost of transportation.

3. We believe that when the citizens of New England become aware of this proposed action of sending these troops South during the summer months there will be a vigorous protest against such action. We submit that public sentiment in a matter of that kind should be given serious consideration.

4. Whatever may be the conditions surrounding the places where these troops can be located in the South, we submit that for the summer and fall months, being acclimated to the New England climate, the health of the organization will be better if these troops are not transported to a new section and a very different climate.

5. This statement is based upon the supposition that the National Guard is to be sent to the front within a reasonable time, but if it is the purpose of the department to take such action later in the year or early next year, and for that reason it is considered desirable that these troops be transported to a warmer climate previous to their transfer to the front, we maintain that this action can be taken as well and better late in the fall than at this time.

We do not intend by this letter to attempt to in any way interfere with any military action which will further the prosecution of the war, but we believe that the considerations submitted are of sufficient importance to demand the very careful attention of the Department of War.

Respectfully submitted.

(Signed) EDWARD H. WASON.
SHERMAN E. BURROUGHS.

WAR DEPARTMENT,
Washington, July 16, 1917.

MY DEAR MR. WASON: I have your letter of July 13, signed jointly by you and Hon. SHERMAN E. BURROUGHS. This department, of course, realizes the strength of the desire of the State to have their National Guard mobilized at home and also the importance of the consideration set forth in your letter. The subject was, however, carefully considered from every point of view, and the plan of the military situation dictated the course chosen. It is now too late to restudy the question of distribution of the guard during their course of preparation.

Cordially, yours,

(Signed) NEWTON D. BAKER,
Secretary of War.

Hon. EDWARD H. WASON,
House of Representatives.

The New Hampshire National Guard left in August, many being transferred to Camp Greene, Charlotte, N. C., where they have been in camp since the 1st of November. Saturday, February 16, my colleague, Mr. BURROUGHS, and I spent the day at Camp Greene with brave sons of our State and with other brave sons of the other States in this Union, where they are being prepared for an early transfer for service in the battle lines of Europe. On arriving at the camp grounds we were met at the end of the street car line by our friends, who furnished us with two pairs of good rubber boots, which we soon found were absolutely necessary for our protection and comfort, and wore them until we left camp that night. It was mud, mud, mud everywhere. We found the soldiers quartered on a tract of land consisting of 6,000 acres, on a beautiful elevation, pleasantly located, and a reasonable distance from the city of Charlotte, N. C. The camp was adequately provided with electric lights, supplied with good water from an extension of the water system used by the citizens of Charlotte. Two lines of street cars extend from the city to the camp, one adjacent on the south side of the camp, the other on the north side. The land is reasonably level, good elevation. On the east is plenty of shade and adjacent to the woods is a small, pretty lake. The soil is a reddish clay. The men expressed satisfaction in regard to their food, and inspection of kitchens and supplies confirmed their statement. Having heard some criticism of the sanitary conditions at the camp, we paid close attention to that, for the purpose of discovering what the real facts were.

I had naturally supposed that the War Department, after the selection of this site had been made, would provide means for properly equipping the camp, as it should do in every case, having particularly in mind the health and comfort of those who are sent there for training. I had expected to find suitable highways that were passable for trucking, suitable streets for the companies, suitable barracks, adequate and suitable system of sewage and drainage, suitable provision for heat, and quarters for bathing purposes. We were informed that the wet, muddy condition about the camp was less than it had been two weeks previously. I saw automobiles helpless in the mud in some of the main roadways; I saw teams of four mules on these same roadways, with a light load, where the wheels left ruts from 12 to 18 inches deep. The Government has done nothing toward road making and done nothing toward fixing company streets. Not a rod of sewage system has been installed by the Government or anybody else. Water stands on the surface of the ground where the ground is level, and where it is rolling runs into pools or, in some instances, down to a very small brook which extends through a part of the grounds. Discarded latrines exist in large numbers, unprotected, filled to the surface of the ground, with filth waiting for the hot rays of sun to fester and produce germs of malignant and dangerous diseases. These latrines are in close proximity to the tents occupied by the soldiers. Very soon, when the climate becomes warmer, this camp must be very insanitary.

Our Government has no moral right to expose our soldiers to such dangers. The soldiers' barracks are all tents and should not house over five men. There were seven, eight, and nine men in a tent, and these tents had been without board floors prior to about the 10th of February, or a week or 10 days prior to our visit.

Mr. FORDNEY. In the tents?

Mr. WASON. Yes; there were no floors in the tents. One company of 250 men had been furnished with 18 rifles, another company with 256 men had 21 rifles, making a total of 39 rifles for two companies of 506 men. Not one of those rifles fit for a man to discharge with accuracy.

Mr. LITTLE. When was that?

Mr. WASON. Last Saturday, February 16. My colleague will furnish additional details of conditions at this camp.

Mr. Chairman, it is almost unbelievable for me to realize that the War Department would transport men past camps well equipped to a camp like Camp Greene without equipment. The War Department should never mass thirty or forty thousand soldiers in a cantonment or camp without a suitable sewage system and suitably constructed roadways for truckage to and from the camp. One of the first things the War Department should provide for is healthful conditions. Observing the conditions there, I am frank to say that I can not excuse and feel

that the man or men who have neglected this site since it was selected last summer are blameless of culpable neglect and wanton disregard in failing to install a suitable system of sewage at this camp before its occupancy by our young men transferred there for training from all parts of the country.

The War Department should immediately construct a suitable system of sewerage and drainage, and I am glad to say that the Surgeon General within a few days has inspected this camp and made the following observations and recommendations, and it is reported that immediate action is being taken on the points raised in his report:

FEBRUARY 12, 1918.

Memorandum for the Secretary of War:

The wet weather and character of the soil at Camp Greene, Charlotte, N. C., together with the temporary nature of the camp, have brought about conditions which I wish to call to your attention and which may be summarized as follows from the last two reports of sanitary inspections of the camp:

GARBAGE REMOVAL STOPPED BY MUD.

Knee-deep mud has interfered with garbage removal by contractors, and quantities have been dumped or buried because of shortage of fuel for burning it.

Limited facilities for heating water for bathing over a period of several months has resulted in the men becoming dirty.

Water from the kitchens, baths, and overflowed latrines is removed by ditches, surface drainage, or stands in pools. The character of the soil will make it slow to dry out, and with the advent of warm weather flies and other insanitary conditions may be anticipated.

The dirt floors of the kitchens will breed flies. The field ranges in use are uneconomical and smoke indoors with any wood fuel.

Shortage of supplies has held back the work on the detention camp for contacts until its overcrowded condition has led to the establishment of quarantine areas in the regiments, but reports upon this indicate that completion of the detention camp is preferable to continuation of the latter plan, especially since sufficient tent space and separate latrines and mess halls have not been available to make the regimental quarantine absolute in the areas set aside.

Work has been held up on the additional quarters for nurses by failure of material to arrive, and the same has affected progress on reconstruction of the operating and laboratory buildings of the base hospital, which were recently destroyed by fire.

Overcrowding, to the extent of eight men to a tent, and occasionally more, is reported.

SICK RATES NOT NOTABLY HIGH.

Sick rates at Camp Greene are not notably high, and measles and pneumonia cases appeared on the decline at the last report, but the insanitary conditions mentioned should be corrected without delay to prevent increased sickness and mortality, which may result from their continuance.

It has been recommended that additional tentage be supplied the commanding general, Camp Greene, to enable him to quarter all men on the basis of five to a tent instead of eight. It is understood that this recommendation has been approved.

The immediate necessity, Camp Greene, is the installation of a sewer system for the entire camp, which is again urgently recommended.

W. C. GORGAS,
Surgeon General United States Army.

Seven or eight months has passed since the selection of this site, and I am wondering what immediate action means. My inquiry is: When is it going to be done? My answer must be: It should be attended to now without delay. The War Department can not act too quickly in this matter. The country can not urge too strongly the department to attend to that drainage and sewerage forthwith. It should have been attended to before a single boy from any State had been sent there.

Mr. WEBB. Mr. Chairman, does the gentleman mean drainage or sewerage?

Mr. WASON. Both drainage and sewerage and suitable highways or roadways.

Under these conditions that I have briefly outlined I was impressed as I talked with the soldiers of the indisposition to find fault or complain. They were in good spirits, eager, and enthusiastic to actively engage in the great work before them; they were restive for actual, active service; their morale was excellent, and I wondered what influence had kept them so enthusiastic and happy under conditions there. It is an old saying that man is influenced by his surroundings, and from these men I learned that the most cordial relations and friendship existed between the camp and the citizens of Charlotte. The clubs, the Young Men's Christian Association, and kindred activities extended a cordial welcome to them. Entertainments on a large scale were often provided for these boys. Everything was done to make their camp life pleasant and cheerful. In fact it would almost seem that the home life of that city was influential in maintaining the spirit, the buoyancy, and the morale of each and every soldier there stationed.

As we left this camp and as I have reflected upon the conditions of my friends and constituents and the friends and constituents of other Members of Congress there it has caused me to have feelings of sadness and pain to realize that all the money so willingly provided for the establishment, equipment, and maintenance of these training camps in this land that somewhere in the machinery of the War Department some person or persons have failed to perform their official duty in reference to equipment at this location. I hope that this is the only instance of neglect of this kind with reference to cantonments selected by the Government.

Mr. Chairman, as our Army, either at home or on foreign soil, with calm courage and patriotic impulses, discharges the great task that we are engaged in, as our beloved warriors their names are to be enrolled on the pages of history with reverence and honor for their sacrifices, sufferings, and efforts to extend those beloved principles of liberty and justice, let us hope and believe that they and the soldiers of England and France may be successful in the great and far-reaching task; let us stand loyally behind them and give them every encouragement and help that we can to fortify them stronger, if possible, as they fight for us and for those principles; let us remember what the story of the service flag in the window at home means which J. E. Evans, of Washington, D. C., has so fittingly expressed in rhyme:

THE SERVICE FLAG.

Say, Pa! What is a service flag?
I see them everywhere.
There's little stars sewed on them;
What are they doing there?
Sometimes there's lots of little stars,
And sometimes just a few.
Poor Widow Jones has only one—
I saw her crying, too.

My darling boy, those little stars,
Upon a field of white,
Are emblems of our glorious boys
Enrolling for the right.
The border, as you see, is red,
Which represents their blood;
The stars are blue, the heavenly hue;
The white is always good.
Each star you see means some brave boy
Has left his hearth and home
And gone to fight for Freedom's cause
Wherever he may roam.
So when you see a lot of stars
Lift up your heart with joy,
And when you see a single one
Pray for some mother's boy.
They go away, those gallant lads,
Across the wreck-strewn sea;
They go to pledge their country's faith
For God and liberty.
The Stars and Stripes they bear aloft
To join the British flag,
And, with the colors of brave France,
They mean to end "Der Tag."
And soon, my boy, that service flag,
Born in the Nation's heart,
Will show the world that, when unfurled,
We proudly take our part.

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Chairman, I must beg the indulgence of the House while I say a few words about Camp Greene, which happens to be located in my district and in the midst of as brave, loyal, and hospitable people as can be found on earth. The camp consists of 3,000 acres of land, leased and paid for by the citizens of that county and given to the Government free of charge for five years. Sixty-five acres of that territory are covered by a hospital. Since this cantonment was located there two double-track electric street railways have been built to the camp, 2 miles distant from Charlotte. It is the only camp in the South that I know anything about where the street-car fare is only 5 cents, with universal transfers in the city. Water mains were laid to and throughout this camp at no expense to the Government of the United States, furnishing the finest filtered water. The Government did not pay a cent for carrying the water to the camp and into the camp, and the water is now furnished to the Government for the camp at 7 cents per 1,000 gallons. In my home town we pay 25 cents, I believe, as a basis for the first 1,000 gallons. The Government gets it for 7 cents.

An electric light and power plant was built at no expense to the Government, leading to and into the camp, and the electric light and power are being sold to the Government and the soldiers at 1½ cents per kilowatt hour. I believe the people in Washington pay 10 cents per kilowatt hour, and I think they pay more than that in all of the camps and cities and in Charlotte. I know that it is the cheapest rate that any cantonment has in the South, unless it is at Greenville, S. C., which, I believe, has the same rate. The authorities in Charlotte township have appropriated $90,000 to build two magnificent concrete highways—not roads, but magnificent streets of concrete—from the city of Charlotte to the camp.

They have had from the beginning a macadam road to the camp which has never been impassable, which can not be said of a number of other roads leading to camps throughout the country. I am glad my friend from New Hampshire mentioned the cordial spirit that existed between the people of Charlotte and the soldiers. I do not think a community can be pointed out in

America where a finer feeling and spirit exists between the soldiers and the citizens. Last Christmas $5,000 were raised by voluntary donation for a Christmas tree, so that every boy in the camp of 35,000 soldiers received a Christmas present from that donation and every child in Camp Greene received a present from the children of Charlotte and each present was marked, "From the children of Charlotte to the children of Camp Greene." Another thing, the best homes in that great city have been thrown open from the first day the soldiers arrived in that camp to the soldiers, and especially the privates. In fact, on Sundays and holidays it is estimated that 3,000 boys are taken into the best homes in that city and given the best food that those citizens can procure for them. [Applause.] And the same is true of every holiday——

Mr. SHERWOOD. What is the population?

Mr. WEBB. Forty-two thousand. Now, there was great congestion, of course, in the city of Charlotte, like there is now in the city of Washington, because the soldiers' families and friends were coming, and the good homes of Charlotte did that which they never before had done—that is, threw open their splendid homes to the officers and their families at absolutely reasonable rates. A number of well-equipped clubs have been established in the city for the officers and privates, and just now one of the prettiest pieces of property in the city of Charlotte has been donated and completed and equipped for a private soldiers' club. Whenever an officer or private wants a bath or resting place, he can find it to his heart's content in that hospitable town, and the boys use them just the same as the citizens of the town use them. All the churches and all the church receptions of that city are thrown open every Sunday and Sunday night and prayer meeting nights, and at all other times when the churches are open the boys can enter them and are invited to enter them ad libitum, without even a card.

I am pleased to tell you that the boys take advantage of it, and I do not know of a similar camp in this country where a larger proportion of the boys in camp attend the churches and religious exercises than they do there. For about three months a division of northwestern soldiers—as strong, healthy, and magnificent body of men as I ever saw march in parade—were located at Camp Greene, and the affection existing between the people and those soldiers was simply delightful to behold, and since they have left and gone to France the mails and newspapers have been filled with veritable love letters from the soldiers, and they wanted to name their splendid division the "Charlotte" division out of pure affection for the people on account of their kindly treatment of them. It can not be said that there is a camp in the United States with a finer health record than Camp Greene. The reports of Surg. Gen. Gorgas show that, and to-day or last Monday a week ago there were only 17 men in that camp who had the disease peculiar to camp life and which all good men are trying hard to fight.

I do not know of a place anywhere where the morals as well as the health of the soldiers are more carefully and painstakingly guarded than they are in Camp Greene. The fact is Secretary of War Baker some time ago made a speech in Washington to the Fosdick Commission and pointed to the feeling and spirit existing between Charlotte and its boys as most ideal and commended it to other camps as one that they might well emulate. This camp, as you may or may not know, like many other camps, was established as a cantonment, as a resting place not necessarily to be made a permanent institution, and therefore the Government has not yet built these sewerage systems and concrete streets, and I believe the camps at Spartanburg and Greenville and other southern camps, Camp Gordon, possibly, where they have not put in concrete streets, would come under the same condemnation as my friend from Massachusetts has leveled against this camp, as to mud and lack of sewerage.

Mr. ROGERS. Will the gentleman yield?

Mr. WEBB. I will.

Mr. ROGERS. This is absolutely for information. I have heard it stated that when the location was still under consideration of a camp at Charlotte, N. C., the city agreed to build roads provided the camp was located there, and that the roads which the city had agreed to build had not, in fact, been built. Can the gentleman inform us upon that point?

Mr. WEBB. When the camp was located there, it was located on a fine macadam public highway between Charlotte and the city of Gastonia, and that road has been used up to this time. But now the local authorities are ready to build two great concrete roads between Charlotte and the camp, at a cost of $90,000. I never before heard that the city had failed to carry out any agreement about roads, and do not think it so. The complaint about mud, gentlemen, can be leveled against any camp in the South. I do not know how it is in the North, but we have had the most severe weather in our country that we have had in 37 years. And where you have only earth roads 10 or 15 feet wide through a camp, you can expect, with the heavy Army trucks running over them, that they will be cut up and become muddy at times of heavy rains or snows. If the Government will put in roads and streets and sidewalks of concrete inside the camp and put in a sewerage system, Camp Greene will be the banner camp of that entire section of the United States.

And I am happy to say that the War Department has informed me that they have now had drawn up by the engineers a system of sewerage in that great camp; they are already putting in sewerage in the hospital, which, as I have said, occupies 65 acres of ground. We all hope that sewerage and streets will be put in this camp soon. And when that is done I assure this House you will not only have the best camp in the United States, where the feeling between the citizens and the soldiers is as fine as anywhere in the world, but you will have as beautiful and healthful a camp as any on the face of the earth. [Applause.]

Mr. ESCH. Mr. Chairman, according to my reckoning I have an hour and 10 minutes remaining. I would like to use the hour from now on, and I yield to the gentleman from Kentucky [Mr. LANGLEY].

The CHAIRMAN. Of course the debate closes at 6 o'clock.

Mr. SIMS. I want to say that the gentleman is entitled to use all the rest of the time, whatever it is.

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from New Hampshire [Mr. BURROUGHS].

The CHAIRMAN. The gentleman from New Hampshire is recognized for 10 minutes.

Mr. BURROUGHS. Mr. Chairman, I have no apology to make for taking 10 minutes of the time of this committee.

Mr. DIES rose.

The CHAIRMAN. Does the gentleman yield?

Mr. DIES. I make the point of no quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum.

Mr. WASON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WASON. The gentleman from New Hampshire [Mr. BURROUGHS] did not yield to the gentleman from Texas. Can he take him off the floor by making the point of no quorum?

The CHAIRMAN. The gentleman from New Hampshire will have his time. The point of no quorum has been made. The Chair will count. [After counting.] One hundred and two gentlemen are present, a quorum. The gentleman from New Hampshire [Mr. BURROUGHS] will proceed.

Mr. BURROUGHS. Mr. Chairman, I make no apology for taking 10 minutes of the time of the committee to call attention to some matters relating to Camp Greene, near Charlotte, N. C., the condition of which has already been adverted to by my colleague, Mr. WASON.

It is easier for me and much pleasanter to praise than to blame. I realize how easy it is to criticize those in positions of heavy responsibility. It is always easier to find fault than to take hold and do the job yourself. But I feel very strongly that it is due to the Members of the House that I should now state as accurately and precisely as I am able what my colleague and I actually saw at the camp at Charlotte on the occasion of our visit there on Saturday, February 16, 1918.

Camp Greene is located about 3 miles from the city of Charlotte, N. C., on somewhat rolling ground of slight elevation and having a surface soil of clay formation. This soil is almost completely impervious to water, and the effect of melting snow and recent rains there has been to make it a veritable bog. Mud is knee-deep in all the roads throughout the camp. As my colleague has stated, we had to wear rubber boots in order to get around at all. Water is standing in large pools and ponds all over the surface of the camp. No carriage or automobile could possibly get into the camp, much less make its way through it. I was informed by an officer that a few days before he had seen three mules so badly stuck in the mud that they had broken their legs trying to get out and had to be shot.

The gentleman from North Carolina [Mr. WEBB] has just spoken of the many things done by the city and people of Charlotte for this camp. I want to say in reply that what I am stating is not intended in the slightest degree to be any criticism of the city of Charlotte or of the good people who live there. I have no doubt all the gentleman stated concerning Charlotte and its inhabitants is perfectly true. What I say by way of criticism of conditions at Camp Greene goes to those who were directly and immediately responsible for locating and maintaining the camp there. I say that the great War Department of this Government is greviously at fault for its failure to provide adequate and proper sewerage facilities in a camp where

upward of 40,000 young men, the pick and pride of this country, are quartered to-day. That is what I find fault with. That is what I criticize.

There is not now and there has never been since the camp was established last summer any sewerage system whatever at Camp Greene. Dirty water from the kitchens and refuse of all kinds are thrown into ditches, and a good part of it remains there, because it can not get away and the clay soil will not absorb it. We were told that the garbage and refuse had been burned as long as they had sufficient wood for this purpose, but that for some time the supply of fuel had been short and that for this reason, as well as on account of the knee-deep mud in the roads, which had prevented garbage removal by the contractors, there had seemed to be no other method of disposition of the refuse, garbage, and kitchen water than the method adopted. We saw a number of old discarded latrines. They are still open and exposed and are filled with 6 or 8 feet of decaying, putrid, festering animal matter. When the warm weather comes, as it is likely to come any time in this southern climate, it takes no sanitary engineer or expert to predict what is going to happen. Flies are going to breed there in enormous quantities, and typhoid fever and diphtheria are likely to break out at any time.

Now, the gentleman from North Carolina [Mr. WEBB] tells us that the War Department is talking about putting in a sewerage system. That is all right, but it ought to have been done months ago. It ought to have been done, as it was done, at the northern cantonments, before the men were taken there at all. This work can not be done in a day, or a week, or a month. It is going to take a considerable length of time to install any kind of sewerage system at this camp. Meantime the warm weather will be on us, and everyone of those 40,000 men quartered in that camp will be in imminent peril of his life. I say it is up to the War Department to do something, and to do it now. If they can not install a proper sewerage system before the warm weather comes—and I am frank to say I do not see how this possibly can be done—I see nothing else to do than to remove these boys to some other camp. Certainly they must not be left there under conditions such as I have described.

What I am stating is of direct interest to pretty nearly every Member of this House, because, as I understand it, there are men at this camp from practically every State in this Union. I personally saw and talked with men from my own State, New Hampshire, from Maine, Vermont, and Massachusetts, as well as from Louisiana and many Central and Western States. They all told the same story. They are not complaining. I never saw a finer spirit amongst any body of men in all my life than I saw amongst all the men who are now living in the mud and water at Camp Greene. In this body of men there are, as I am informed, between 400 and 500 New Hampshire boys. They form the nucleus around which has been organized and built up what is now known as the First Headquarters Guard Regiment, consisting of approximately 3,300 men. They are as fine a body of men as were ever organized for military purposes. I was told by one of the officers of this regiment that about 80 per cent of them were either college graduates or came into the service from some college.

This New Hampshire regiment is located in what is obviously the most undesirable and dangerous site in the whole camp. They are on low land in close proximity to the ditches and latrines, which I have already referred to. No regiment ever ought to have been placed there, and there was no necessity for locating them there. I was informed that before the New Hampshire regiment was placed on this site other regiments protested against being located there and had been placed elsewhere. Certainly the New Hampshire regiment should be moved from this location without any delay. Neither they nor any other body of men ought to be compelled to live under such conditions another day, and I propose to immediately call the attention of this matter to the Secretary of War and ask for their removal.

The gentleman from North Carolina [Mr. WEBB] spoke about this camp being intended to be a temporary camp. That may be so, but what of it? I do not care whether it was intended to be temporary or permanent. I know that what I am telling you is an accurate statement of what I saw there last Saturday, and I was reliably informed by officers and men that the conditions for weeks before had been much worse than they were the day my colleague and I were there. Temporary or not, the camp has been there since last summer and bids fair to continue for some considerable time to come, and the fact is that, according to the statements of the gentleman from North Carolina [Mr. WEBB], the War Department is just now beginning to talk about putting in some sort of a sewer system. Suppose it was intended to be temporary, what provision, if any, did they make for disposing of their garbage and sewage? I answer, none whatever at all adequate to the conditions which they knew existed there. They knew it was not a sandy soil that would easily absorb water. On the contrary, they knew that it was a clay soil on which water would stand for days and weeks. I say that under such circumstances it was inexcusable to provide no sanitary system for disposing of this dirty water and refuse. It was certainly incumbent upon the War Department before they took those boys away from their homes and brought them to this southern camp to provide all reasonably adequate means for protecting them after they arrived there.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. BURROUGHS. Yes.

Mr. SNYDER. I want to say that a month ago the father of a young man, a constituent of mine, went down there, and he told me that after he had visited the camp he had to go to a hotel and stay five hours while he had his overcoat and trousers cleaned.

Mr. BURROUGHS. I have no doubt of it, and I should probably have had the same experience if I had not worn rubber boots, which the officers had kindly provided me. As I have already stated, I was told again and again that conditions were much worse there three or four weeks ago than the day I was there.

Mr. GILLETT. If the gentleman will allow me, when was that camp established?

Mr. BURROUGHS. Some time in the summer; I can not tell exactly when. I know that the New Hampshire boys have been there since November.

Now, let me tell you another thing. We were told, not only once, but several times, that until a few days before we were there these boys in the New Hampshire regiment had been sleeping on their cots, without any wooden flooring in their tents. In other words, until within a few days before we went down there they were sleeping on their cots, which stood in mud 3 to 6 inches deep. More than that, we were also told that no bathing facilities whatever had been furnished them by the Government since they came to this camp last November. I ask leave to extend my remarks in the RECORD by printing a report of the Surgeon General of the United States, which report will verify what I am saying.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LUFKIN. Will the gentleman yield?

Mr. BURROUGHS. I yield to the gentleman.

Mr. LUFKIN. Are any shower baths installed there?

Mr. BURROUGHS. Absolutely no shower baths, as I am informed. Certainly the New Hampshire boys had none, and I understand there are no facilities for shower baths, or, in fact, any kind of a bath, furnished by the Government. I understood that the Maine regiment had rigged up some sort of arrangement for themselves, where they had four little pipes that they could go under and get something like a shower bath. Others may have adopted similar expedients; I do not know about that. What I mean to say is that, at least so far as the New Hampshire regiment is concerned, the Government of the United States has furnished them no bathing facilities whatever since they came to Camp Greene last November.

Mr. LUFKIN. If a man wants to get a bath, what does he do?

Mr. BURROUGHS. He goes either to the Young Men's Christian Association building at Charlotte, 3 miles away, or to some private house in the city. I want to say that my information is all to the effect that the townspeople generally have been most cordial and kind to these boys.

Mr. GANDY. Where do they get the drinking water for that camp?

Mr. BURROUGHS. Drinking water is obtained from the city of Charlotte. I understand there is no criticism whatever in regard to the drinking water or in regard to the food. So far as I can I want to praise conditions at the camp. The drinking water is all right and the food is all right. The men have plenty of it, and it seems to be good.

I found that the New Hampshire boys had not sufficient equipment. They seemed to have had sufficient clothing, including uniforms, shirts, shoes, overcoats, and other wearing apparel, but they were short in the so-called ordnance equipment, by which I mean rifles, belts, packs, pack carriers, and so forth. This regiment is organized for headquarters guard duties, and there might be some excuse for not equipping it with machine guns and other implements of modern trench warfare.

There can, however, be no excuse for not furnishing them with full equipment of rifles and the other ordnance equipment referred to. This has not been done. The men of this regiment

have substantially no rifles. The captain of one company, when I asked him how many rifles he had, replied: "I have four men now doing guard duty. Each of those has a rifle, and there in the rear of the tent you see all the rest we have." I looked where he pointed and counted the rifles, and there were just 14. Another captain told me he had 35 rifles for 242 men. I was informed that one battalion, consisting of about 1,000 men, had just 115 rifles. These rifles which the men have are not the modern rifles used at the front but are the old discarded and condemned Springfield rifles. They may be all right for the manual but can not be used at all for range practice. As I understand, they are not available for rifle practice. Gen. Pershing has recommended that before these men go to France they shall be instructed in range firing, and it is an utter impossibility for them to have this practice with the rifles they now have. Right here, let me say, that I feel considerable anxiety for the company commanders of this regiment, and, in fact, all regiments not suitably equipped. My understanding is that present Army regulations place entire responsibility for the training of the men upon the company commander. Also, I understand that when called to account for the lack of training of their men, it is no answer or excuse for the commander to say that he has not been supplied with adequate equipment. Especially is this likely to be the fact in view of the impression given by the Secretary of War that there are rifles enough. Whatever may be the condition with other regiments at Camp Greene, with respect to rifles, and whatever may be the condition at other camps in this regard, I state here and now, upon my own responsibility, that the men who compose the First Headquarters Regiment at Camp Greene have no adequate supply of rifles. I further state that the officers of this regiment made requisition months ago for rifles and other ordnance equipment and were informed that such equipment was already on the way and would soon be received. This was in December last. Shortly thereafter some equipment was received, but when the officials came to check it up with what they had requisitioned they found that instead the rifles, belts, packs, pack carriers, and other supplies and equipment they needed, and which had been asked for, all that had been actually sent them were mess pans and currycombs. [Laughter and applause.]

We also learned that men constituting the First Headquarters Guard Regiment at Camp Greene had had no opportunity for drill since sometime in December. I can not see how it would be possible for any man to drill under such conditions as I saw them at the camp last Saturday. Personally I had to have assistance in order to walk over the roads and paths of the camp, in order to maintain my footing in the mud and water.

Another matter that was forcibly brought to our attention on this visit was the overcrowding in the tents. The men all live in canvas tents about 16 feet square. Gen. Gorgas, the Surgeon General of the Army, has from the beginning repeatedly, and with great emphasis, urged and recommended in his official reports to the War Department that not more than five men be quartered in a tent. This would give them 50 square feet of floor space to each man, which he says is essential for the health and well-being of the men. Instead of that we found eight, and in one instance I counted nine cots in a single tent. My information was that this is the general condition throughout the camp, and I find this is confirmed by the official report made by the Surgeon General to the War Department on February 12.

I am glad to be able to state that in spite of the insanitary conditions referred to the sick rate at this camp has not been unusual. The hospitals are not overcrowded at the present time. We were informed, however, that there was a lack of medical supplies at the regimental hospital of the First Headquarters Guard Regiment. I did not, however, understand that this had been a matter of long continuance.

The only method of heating the tent is through the small field ranges, which are conical-shaped stoves about 2 feet high, and standing on a base about a foot in diameter. In these the men have been obliged to burn green wood which they have had to cut themselves, and my information is that there is a shortage even of this fuel at the present time. These ranges, as the Surgeon General states, are uneconomical and smoke indoors with any sort of wood fuel.

The great thing that I complain about at Camp Greene is the insanitary condition throughout the camp, due, in large measure, to the utter lack of any system for the disposal of sewage. This, I say, is without excuse. It is shameful. It is a disgrace to this great Government. Here are more than 40,000 men, the pick and flower of the young manhood of this country, ready to lay down their lives, if necessary, in defense of their country. All they ask is, if they have to lay down their lives, they may be allowed to do it on the field of battle under their country's flag and fronting their country's foes. [Applause.] They do not want and the Government of the United States has no right to ask the boys to die ignominiously like rats in a mud pen. I can not too strongly emphasize my conviction that the conditions at Camp Greene, as my colleague and I saw them last Saturday, call loudly for instant and radical remedy. Whatever may be necessary or advisable elsewhere, there should be no further "watchful waiting" at Camp Greene.

In further substantiation of the statements I have made I present the official report of W. C. Gorgas, Surgeon General, United States Army, to the Secretary of War, dated February 12, 1918, four days before our visit to this camp. This report is taken from the Official Bulletin of February 14, 1918, and reads as follows:

REPORT OF GEN. GORGAS.

FEBRUARY 12, 1918.

Memorandum for the Secretary of War.

The wet weather and character of the soil at Camp Greene, Charlotte, N. C., together with the temporary nature of the camp, have brought about conditions which I wish to call to your attention and which may be summarized as follows from the last two reports of sanitary inspections of the camp:

GARBAGE REMOVAL STOPPED BY MUD.

Knee-deep mud has interfered with garbage removal by contractors, and quantities have been dumped or buried because of shortage of fuel for burning it.

Limited facilities for heating water for bathing over a period of several months has resulted in the men becoming dirty.

Water from the kitchens, baths, and overflowed latrines is removed by ditches, surface drainage, or stands in pools. The character of the soil will make it slow to dry out and, with the advent of warm weather, flies and other insanitary conditions may be anticipated.

The dirt floors of the kitchens will breed flies; the field ranges in use are uneconomical and smoke indoors with any wood fuel.

Shortage of supplies has held back the work on the detention camp for contacts until its overcrowded condition has led to the establishment of quarantine areas in the regiments; but reports upon this indicate that completion of the detention camp is preferable to continuation of the latter plan, especially since sufficient tent space and separate latrines and mess halls have not been available to make the regimental quarantine absolute in the areas set aside.

Work has been held up on the additional quarters for nurses by failure of material to arrive, and the same has affected progress on reconstruction of the operating and laboratory buildings of the base hospital, which were recently destroyed by fire.

Overcrowding to the extent of eight men to a tent, and occasionally more, is reported.

SICK RATES NOT NOTABLY HIGH.

Sick rates at Camp Greene are not notably high, and measles and pneumonia cases appeared on the decline at the last report; but the unsanitary conditions mentioned should be corrected without delay to prevent increased sickness and mortality which may result from their continuance.

It has been recommended that additional tentage be supplied the commanding general, Camp Greene, to enable him to quarter all men on the basis of five to a tent instead of eight. It is understood that this recommendation has been approved.

The immediate necessity, Camp Greene, is the installation of a sewer system for the entire camp, which is again urgently recommended.

W. C. GORGAS,
Surgeon General, United States Army.

Mr. ESCH. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. HAYES].

Mr. DIES. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Texas makes the point that no quorum is present. The Chair will count. [After counting.] Eighty Members present, not a quorum, and the Clerk will call the roll.

Mr. BARKLEY. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. MAPES. Mr. Chairman, I demand a division.

Mr. GARRETT of Texas. Mr. Chairman, I make the point that the demand for a division is dilatory. The Chairman had announced the result.

The CHAIRMAN. The Chair thinks that the gentleman is within his rights. The question is, Shall the committee rise? A division is demanded.

Mr. SIMS. Mr. Chairman, I move in all good faith that the committee rise.

The CHAIRMAN. That is the very proposition on which the committee is dividing.

The committee divided; and there were 56 ayes and 5 noes.

So the committee determined to rise.

Accordingly the committee rose; and Mr. CRISP having taken the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9685) for the operation of transportation systems under Federal control, and had come to no resolution thereon.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. DIES. I object.

Mr. SIMS. Mr. Speaker, I move that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER pro tempore. That motion is not in order.

Mr. SIMS. I thought so myself when I made it.

Mr. DIES. Mr. Speaker, I make the point that no quorum is present.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House adjourned until to-morrow, Saturday, February 23, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Navy, transmitting a tentative draft of bill "To amend section 13 of article 8 of section 1624 of the Revised Statutes of the United States, relative to the receipt on board a vessel of the Navy of goods, merchandise, or treasure, for freight or safe-keeping" (H. Doc. No. 954); to the Committee on Naval Affairs and ordered to be printed.

2. A letter from the Secretary of the Navy, transmitting tentative provisions of legislation relating to pay and indemnity of naval aviators (H. Doc. No. 957); to the Committee on Naval Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 1546) "To permit the use of certain refined products of petroleum as stores on steam vessels carrying passengers," reported the same without amendment, accompanied by a report (No. 335), which said bill and report were referred to the House calendar.

Mr. MAHER, from the Committee on Labor, to which was referred the bill (H. R. 9683) "To employ prison labor for the production of war supplies and to authorize their purchase by the Federal Government; to regulate the compensation and hours of prison labor and fix standards; to prohibit the purchase of war supplies manufactured by prison labor under private contract; to limit the effect of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by prison labor or in any prison or reformatory; and to equip the United States penitentiaries and the United States Army prisons and disciplinary barracks and the United States naval prisons for the manufacture of supplies for the use of the Government; for the compensation of the prisoners for their labor; and for other purposes," reported the same without amendment, accompanied by a report (No. 336), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKEOWN: A bill (H. R. 10159) to discharge from military service soldiers having dependents requiring their support; to the Committee on Military Affairs.

By Mr. STEELE: A bill (H. R. 10160) authorizing the several district courts of the United States to appoint official stenographers and prescribing their duties and compensation; to the Committee on the Judiciary.

By Mr. ANTHONY: A bill (H. R. 10161) granting pensions to certain enlisted men, soldiers, and officers who served in the Civil War; to the Committee on Invalid Pensions.

By Mr. TINKHAM: A bill (H. R. 10162) to provide further for the national security and defense by regulating rents of real estate in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCLINTIC: A bill (H. R. 10163) to define necessary skilled labor engaged in necessary agricultural enterprise for the purposes of the selective draft, and to provide for the deferred classification of such labor; to the Committee on Military Affairs.

By Mr. RIORDAN: A bill (H. R. 10164) making an appropriation for the improvement of the Arthur Kill River, N. Y.; to the Committee on Rivers and Harbors.

By Mr. PARK: A bill (H. R. 10165) to define necessary skilled labor engaged in necessary agricultural enterprise for the purposes of the selective draft, and to provide for the deferred classification of such labor; to the Committee on Military Affairs.

By Mr. MASON: A bill (H. R. 10166) to grant the survivors of the Civil War and the War with Spain, or the widows or minor children of such soldiers, a land warrant in lieu of the homestead grant; to the Committee on Pensions.

By Mr. STEENERSON: Resolution (H. Res. 256) directing that there shall be printed 1,000 copies of the hearings before the Director of the Bureau of Markets, December 27, 1917, relating to the official grain standards of the United States; to the Committee on Printing.

By Mr. CLARK of Missouri: Memorial of the Legislature of the State of Montana favoring the appropriation of $750,000 for the Flathead irrigation project for the ensuing year; to the Committee on Indian Affairs.

By Mr. GALLIVAN: Memorial of the Legislature of the State of Massachusetts, favoring the creation of a league of nations to safeguard permanent peace upon the termination of the present war; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Massachusetts, favoring the ratification of regulations establishing a closed season on water fowl; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10167) granting an increase of pension to Eli Pealer; to the Committee on Invalid Pensions.

By Mr. CARAWAY: A bill (H. R. 10168) granting a pension to J. P. Dooley; to the Committee on Pensions.

By Mr. DENTON: A bill (H. R. 10169) granting an increase of pension to Garrison J. Jaques; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 10170) granting a pension to James W. Hall; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 10171) for the relief of Alonzo Hannis, alias Albert Webb; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 10172) granting a pension to Mary Morgan; to the Committee on Pensions.

By Mr. KREIDER: A bill (H. R. 10173) granting a pension to Sarah L. Seltzer; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 10174) granting an increase of pension to Charles G. Mack; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 10175) for the relief of John Berrin; to the Committee on Military Affairs.

By Mr. NOLAN: A bill (H. R. 10176) granting a pension to Mary L. Greenwood; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 10177) granting an increase of pension to George Barrows; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 10178) granting a pension to John Osborn; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 10179) granting an increase of pension to James C. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10180) for the relief of Charles Springer; to the Committee on Military Affairs.

By Mr. SNOOK: A bill (H. R. 10181) granting an increase of pension to James I. Sherwood; to the Committee on Pensions.

By Mr. ZIHLMAN: A bill (H. R. 10182) granting an increase of pension to Charles E. Welker; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 10183) granting a pension to Clara S. Ickis; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 10184) granting an increase of pension to William W. Counts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10185) granting a pension to Hattie E. Kerst; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of 20 women students of the University of Michigan; also resolutions of the Browning Club, Athens, Tenn.; the Arkansas Press Association; Abingdon (Ill.) Woman's Club; and the West Pullman Woman's Club, Chicago, Ill., asking for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. CLARK of Pennsylvania: Petition of A. F. Young Burgess, president of the council; H. D. Johnson, clerk of the council; F. W. Casler, and 18 other residents of Union City, Pa., praying for the passage of House bill 7395, for the preservation of the *Niagara*, Commodore Perry's flagship in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of 20 women students of the University of Michigan; also resolutions of the West Pullman Woman's Club, Chicago, Ill.; the Abingdon Woman's Club, Abingdon, Ill.; the Browning Circle, Athens, Tenn.; and the Elective Study Club, Minneapolis, Minn., asking for the repeal of the periodical postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. DALE of Vermont: Petition of the First Division, Vermont Branch, Railway Mail Association, favoring the increase of compensation of railway-mail clerks, as provided in House bill 9414; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of the Westminister Association of the University of Michigan, for repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. HILLIARD: Resolutions adopted by Mount Garfield Lodge, No. 349, Brotherhood of Railroad Trainmen, protesting against legislation designed to place transportation employees under Federal workmen's compensation; to the Committee on Labor.

Also, resolutions adopted by the Farmers' Cooperative Grain Dealers' Association of Iowa, protesting against any legislation designed to guarantee dividends to railroads during the period of Federal control; to the Committee on Interstate and Foreign Commerce.

Also, petition of H. Horwitz and M. Ball, of Denver, Colo., praying for the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. LOBECK: Petition of the Nebraska Improved Live Stock Breeders' Association, recommending the provision in the Agricultural appropriation bill for the prevention of tuberculosis among live stock; to the Committee on Agriculture.

By Mr. MAHER: Resolution of the Brooklyn Surgical Society, favoring House bill 9563, advancing the rank of medical officers in the Army; to the Committee on Military Affairs.

Also, memorial of the heads of the various organizations of railroad employees asking that no definite time be set for the return of the railroads to their owners; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the New York State Forestry Association, favoring Senate bill 3344, establishing a plant quarantine on imported plants; to the Committee on Agriculture.

By Mr. STINESS: Petition of the League of Improvement Societies of Rhode Island, favoring the passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

Also, resolutions offered at a mass meeting, held at Pawtucket, R. I., under the joint auspices of the Young Men's Christian Association and the Rhode Island Anti-Saloon League, favoring the complete suppression of the liquor traffic, either by the President under the power granted to him by Congress or by further legislation; to the Committee on Agriculture.

By Mr. TEMPLE: Petition of the Chartiers Presbyterian Church, Canonsburg, Pa., favoring an amendment to the Constitution of the United States, prohibiting polygamy; to the Committee on the Judiciary.

Also, petition of the council of the city of Pittsburgh, Pa., favoring the further improvement of the Ohio River and the passage of a bill providing for the construction of the Lake Erie-Ohio River Canal; to the Committee on Rivers and Harbors.

By Mr. TILSON: Petition of the New England Tobacco Growers' Association, concerning the limitation of tobacco growing; to the Committee on Agriculture.

By Mr. VARE: Petition of the Women's Trade-Union League of Philadelphia, protesting against insanitary conditions at the Frankford Arsenal; to the Committee on Military Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 23, 1918.*

The House met at 12 o'clock noon.

Rev. Earle Wilfley, pastor of Vermont Avenue Christian Church, Washington, D. C., delivered the following prayer:

Almighty and most merciful God, our Heavenly Father, whose we are and whom we serve, we would begin each day's duties rightly, and therefore do we plead for Thy divine guidance upon the session of this day. We pray, Heavenly Father, that into our minds may be put the truth that makes men free, into our hearts the human kindness that makes men loving, and the justice that is over all. We pray, Heavenly Father, that as we go on the journey we may have the guidance of Thine eye, the strength of Thine Almighty arm. Bless this distressed globe; especially bless our own beloved land. Put wisdom into the hearts and minds of those in power in the halls of legislation, in the marts of trade, and in the great thought of the people. We pray, Almighty God, that each man in his own way and in his own time may deal justly with his fellow man, so that to-day, Heavenly Father, we do pray that justice and right may prevail; that from the session of this day good may follow; from the minds of these men, Thy servants, the leaders of our people, may go that which will strengthen us in the eyes of the world, and win Thy approval. Bless all that may be dear to us as individuals and as representatives of a great free people, and in our relation to our brother man, in our relation to the nations of the world, may there be such exact and even justice, such cordial and sympathetic friendship, as that in the ages to come generations unborn may look back and say, The deeds of these great days were well done. God hear us, answer us in Thy wisdom, and to Thine own Divine end we ask, for Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. WALSH. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Mr. Speaker, in the RECORD of February 19, 1918, under permission granted to the gentleman from Kentucky [Mr. POWERS] on February 6, appears an extension of remarks, a part of which are the remarks made by the gentleman from Kentucky [Mr. POWERS] upon the alien-slacker bill, so called. The greater part of the extension consists in——

Mr. LANGLEY rose.

The SPEAKER. For what purpose does the gentleman from Kentucky rise?

Mr. LANGLEY. I desire to make a suggestion to the gentleman from Massachusetts.

The SPEAKER. Does the gentleman from Massachusetts yield?

Mr. WALSH. Yes.

Mr. LANGLEY. I want to call the gentleman's attention to the fact that my colleague, Mr. POWERS, is not here this morning. I do not know whether he will be here to-day or not, but I suggest to the gentleman that it would seem better, and especially in view of the fact that there is no need of action on this matter immediately, that he wait until Mr. POWERS can have an opportunity to be present, so that he may say whatever he desires to say in answer to the comments of the gentleman from Massachusetts or of anyone else who may discuss the proposition the gentleman is raising.

Mr. WALSH. Mr. Speaker, if the colleague of the gentleman from Kentucky, Mr. POWERS, can give me any information as to when he thinks he will be here, I will be glad to have him do so.

Mr. LANGLEY. I can not. I have not seen my colleague from Kentucky to-day. I do not suppose he knows that this matter is to be brought up. I am acting entirely on my own initiative and on what seems to me to be the proper course. I feel it my duty to make the suggestion I have, and that is as far as I can go.

Mr. WALSH. Mr. Speaker, I have no desire to seem to be taking advantage of the gentleman from Kentucky in any way, and at the suggestion of his colleague I desire to say that I am willing to forego raising this question at this time, but I wish to give notice that I shall bring it up on Monday or Tuesday of next week.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3752. An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

EXTENSION OF REMARKS.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a letter from J. J. Saunders, parole clerk of the Arizona prison, in regard to the enlistment of convicts in the Army.

The SPEAKER. The gentleman from Arizona asks unanimous consent to extend his remarks in the RECORD by printing a letter touching the enlisting of convicts in the Army. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the railway-control bill.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD on the railway bill. Is there objection?

There was no objection.

Mr. VOIGT. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Wisconsin makes the same request.

Mr. SIMS. Mr. Speaker, I desire to make a request to cover all—that all gentlemen who have spoken on this bill or who may speak on it may have five legislative days in which to extend their remarks.

Mr. GARNER. On the bill?

Mr. SIMS. Of course.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that all gentlemen who have spoken on this bill or who may speak on it shall have five legislative days from the time the bill is disposed of in the House within which to extend their remarks in the RECORD.

Mr. SIMS. On the bill.

The SPEAKER. On the bill.

Mr. WALSH. Mr. Speaker, reserving the right to object, unless the request is made so as to comprehend only gentlemen's own remarks and pertinent citations, excluding telegrams, letters, and editorials, I shall object.

Mr. SIMS. I think that is proper, and I adopt that suggestion.

The SPEAKER. The gentleman from Tennessee modifies his request so as to exclude letters, telegrams, editorials, and extraneous matter generally, that the speeches printed shall be on the bill, to be the gentlemen's own remarks or such citations and quotations as are absolutely pertinent. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. LEHLBACH was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Michael Friel (H. R. 10666, 63d Cong., 2d sess.), no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. POLK, for to-day, February 23, and Monday and Tuesday, the 25th and 26th, on account of important business;

To Mr. HAMLIN, for three days, on account of illness; and

To Mr. OLIVER (at the request of Mr. SMALL), for two days, on account of important official business.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes. Pending that, how much time does the gentleman from Wisconsin lack of having consumed his entire time?

Mr. ESCH. I think 35 or 37 minutes.

The SPEAKER. Thirty-seven minutes.

Mr. SIMS. Then I ask unanimous consent that general debate shall continue for 37 minutes more, the entire time to be used by the gentleman from Wisconsin [Mr. ESCH].

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the railroad bill and, pending that, asks unanimous consent that general debate be extended for 37 minutes, and that the whole of that time may be used by the gentleman from Wisconsin [Mr. ESCH]. Is there objection?

Mr. WINGO. Mr. Speaker, reserving the right to object, I would like to inquire if the gentleman from Wisconsin intends to discuss this bill?

Mr. ESCH. As far as I know those to whom I will concede time will speak on the bill; yes.

Mr. WINGO. I have no objection to the extension of time for general debate if the discussion is confined to the bill, but I do not care to be held here to hear political speeches such as we heard on yesterday.

The SPEAKER. Is there objection?

Mr. WINGO. And with the assurance it will be confined to the bill——

The SPEAKER. The Chair can not give any assurance about what anybody is going to say at any time or place or about anything.

Mr. WINGO. I am not asking the Chair, if the Chair will permit, but I am asking the gentleman from Wisconsin for that assurance.

Mr. ESCH. As far as I am assured by the three or four gentlemen to whom I will yield time, they are to speak on the bill.

Mr. WINGO. With that assurance I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. ESCH. Mr. Chairman, I yield 12 minutes to the gentleman from California [Mr. HAYES]. [Applause.]

Mr. HAYES. Mr. Chairman, of course no man can adequately discuss this great proposition in the time allotted to me, so I shall only undertake to deal with one or two of the things which I think are important in the consideration of this bill. Having taken the step that has been taken, the Government having already taken over the management and operation of a large percentage of the railroads of the United States, it would be futile for me to discuss the wisdom of that step.

Indeed, if the question now under consideration was whether or not the Government of the United States should at once relinquish the control of these carriers I doubt if I should care to assume the responsibility of taking the affirmative of the question, fearing that such a step would produce confusion worse confounded than we now have. While I desire in every way to support the Government in the prosecution of the war, it seems to me proper to discuss what shall happen after the war necessity for this operation by the Government has passed. In other words, how long after the close of the present war is it desirable for the Government of the United States to retain control and continue the operation of the railroads of the United States?

The gentleman from Michigan [Mr. FORDNEY] discussed very fully the other day the subject of Government ownership in other countries of the world as well as in this. I had intended to supplement what he said by other facts that could be cited to show the disastrous results of Government ownership where it has been tried, but my limited time forbids. I will, however, say that I have made a comparison of the operation of the privately owned railroads of the United States and the Government-owned railroads of Germany and Japan for the year 1913, the last year before the war. Although the railroads of Germany were then conceded to be the best example of Government ownership and operation in the world, and although Japan paid its railroad employees the lowest wages paid for similar service in the world, the comparison is all to the advantage of the roads of the United States. I have put the results of this comparison in the following table. The figures, which are taken from official documents, speak for themselves:

Comparative statistics of the railways of the United States, Germany, and Japan for the year 1913.

Item.	United States of America.	Germany.	Japan.
Miles of line	244,414	36,154	5,473
Miles of all tracks	309,580	78,392	8,201
Miles of all tracks to mile of line	1.31	2.06	1.50
Capital per mile of line	$68,801	$120,049	$88,633
Number of employees	1,815,830	790,466	112,087
Number of employees per mile of line	7.43	20.61	24.80
Yearly wages of employees	$736.43	$408.97	$112.56

Comparative statistics of the railways of the United States, Germany, and Japan for the year 1913—Continued.

Item.	United States of America.	Germany.	Japan.
Number of locomotives	63,178	20,520	2,500
Number of locomotives per mile of line	0.26	0.77	0.46
Number of passenger cars	51,700	86,098	6,453
Number of passenger cars per mile of line	0.21	3.29	1.18
Number of freight cars	2,273,564	671,098	42,705
Number of freight cars per mile of line	9.39	17.59	7.96
Average capacity of freight cars tons	18.8	15.9	9.6
Number of passengers carried	1,093,679,680	1,797,188,599	167,773,143
Number of passengers carried 1 mile	34,573,872,980	25,592,777,187	3,690,984,619
Receipts per passenger carried 1 mile	$0.02008	$0.00998	$0.00698
Passengers carried 1 mile per employee	19,100	32,540	32,930
Passengers carried 1 mile per passenger car	668,790	297,250	571,975
Number of tons freight carried	2,058,035,487	745,852,206	40,710,165
Number of tons freight carried 1 mile	201,398,752,103	46,243,953,919	3,430,314,955
Receipts per ton freight carried 1 mile	$0.00729	$0.01244	$0.00774
Number ton freight carried 1 mile per employee	166,040	58,800	30,425
Number ton freight carried 1 mile per freight car	132,570	69,910	80,010
Number passengers and tons freight carried	3,001,715,167	2,543,040,805	208,483,308
Number passengers and tons freight carried 1 mile	335,974,625,088	71,836,761,106	7,111,281,574
Number passengers and tons freight carried 1 mile per car	144,490	94,870	168,120
Number passengers and tons freight carried 1 mile per employee	185,140	91,340	63,355

The reason for the failure of Government ownership is not far to seek. The reason exists entirely in the nature of the ordinary human being. Few men are dominated, though some I hope are, by altruistic motives. The ordinary man is dominated by selfishness, and if he is employed in an occupation that does not conduce directly to his benefit or to his comfort or to his wealth, he is very little interested in the occupation. As soon as Government ownership comes in this element of self-interest is largely eliminated. The employee has then to work not for himself primarily, but for the benefit of all the people of the country in which he lives. The result is a great falling down in efficiency, in energy, and in capacity. As a result of this recognized human characteristic I think any dispassionate man who will examine the history of the world since Government ownership has been tried will come to the conclusion that the privately owned railroad corporation can pay the taxes that are imposed by the Government, can pay interest on investment of private capital, can pay higher wages to labor, and at the same time can furnish to the people of the country served better and cheaper service than Government-owned railroads can furnish when relieved from all taxation and all responsibility for interest on the investment. It seems to me that anybody who will look at it deeply and dispassionately, and who is not hypnotized by some alluring theory, must come to this conclusion.

I am quite well aware that a fine case can be made out for Government ownership in theory, but facts are stubborn things, and a few facts of experience will answer all the theoretical arguments in the world. All that is necessary for an ordinary man to do to be thoroughly satisfied of the results of Government ownership of railroads is to go to Europe and travel upon the Western Road of France, for example, which is the only road in France owned by the Government, and then upon the other roads of France, which are owned privately. Cross the line and travel on the railroad lines of Prussia, for example, which before the war were concededly the best managed and operated Government roads in the world, and then go to England and travel on the privately owned roads of England.

Just let him keep his eyes open and his mind in an open attitude so as to take in and pass upon the facts that will come to his attention and he will come to the conclusion that private operation is vastly superior in every way to operation by the Government.

You do not need to go so far away as France or Prussia or England or any other foreign country to get this object lesson. All you need do is to do as I did a few weeks ago, take a trip from Pittsburgh to Washington on the great Pennsylvania Railroad and see the transformation that has taken place in the conditions of the service even since last December as the result very largely of the operation of this line by the Government. To be sure, some of this disorganization and inefficiency may be laid to the jar that has come about by changing the status not only of the Pennsylvania Railroad but of many of the great roads of the United States east of the Mississippi River. Any man who is connected with large business affairs or who knows much about business would know that this great change could not be made without a great shock coming not only to the property and the business directly affected, but to all the business and industries of the country that are at all depending upon it. So I do not claim that all that I saw of inefficiency and disorganization is to be laid to the fact that the Government was operating this road.

But this is what happened: I rode on one of the limited trains. In the first place, the train did not start for three-quarters of an hour after it should have started, apparently not being in a hurry to get away. When it got under way we were several hours late into Harrisburg. We should have made the trip from Harrisburg to Washington in three and one-half hours. As a matter of fact it took us nine hours to make the trip. All the way we had no heat in the train, though the temperature was down to about zero. We landed in Washington at 2 o'clock in the morning, instead of the day before. On the way we had plenty of opportunity to observe the condition of things on the main line. I saw many hundreds of carloads of coal standing on the sidetracks, and this was at the time we had the coal famine in Washington and generally throughout the country. These hundreds and hundreds of cars standing on the sidetracks had a foot of snow, at least, on them, indicating that they had been there for some time. I saw many cars marked "Out of order," standing on the sidetracks, some loaded and some empty, but more of them empty, and on examination it was apparent that the needed repairs were not serious in most cases. Many of them only needed a bolt put in a drawbar in order to make them serviceable, but no bolt had been put in. Everything you looked at and every part of the service with which you came in contact caused you to become conscious that inefficiency and disorganization were rampant everywhere.

The manager, superintendents, foremen, and others charged with the responsibility for the operation of this great system are in a state of perturbation and uncertainty. They do not know where they stand and fear that at any time they may be superseded or removed. As a result the heart and energy are taken out of them. The same is true of the subordinates under them. They are uncertain of their positions and, besides, they feel—many of them—that they are working for Uncle Sam, and it makes little difference whether they lose time, get the freight through, or how they perform their duties—Uncle Sam is rich, and their wages will be coming through on pay day just the same. There is only an impersonal interest in their occupation, and the spur of self-interest is very largely removed. They expect that politics or political considerations are to take the place of the demand that has constantly come from their superiors for their efficiency and good work. Their hope for promotion according to the rules and length of faithful service and the usages and practices established by those charged under private ownership with the responsibility for these things has been disturbed and, in their mind, probably destroyed.

As a result of all this there is no discipline among the employees. The employees of the Pennsylvania system, heretofore courteous, obliging, and accommodating, were quite the reverse upon the occasion of my last trip. And I understand from those who have taken trips similarly that the same conditions can be found upon other railroads that are now operated by the Government of the United States.

And the same conditions, showing the same results, exist in the shipbuilding industry. I happen to be connected with the iron business in a small way, and so am somewhat informed in regard to the various lines of the iron and the steel industry. And I am advised from reliable sources that last June and July, before the United States took hold of shipbuilding actively, 350 rivets per day per man was an ordinary average day's work, but that now, or when I got my advices a week or 10 days ago, this had decreased until 180 to 130 rivets per man per day was the average day's work.

On the 22d of February Herbert Hoover, the National Food Administrator, gave a statement to the public asserting that, owing to the fact that the freight transportation of the railroads was so inefficient and demoralized, there was danger of a food shortage in all the districts of the East for the next two months. The whole blame is put by Mr. Hoover on the

railroad congestion, which has continued for three months, two of which have been under the control and management of the National Director General of Railroads.

Mr. C. R. Wilson, our Federal food administrator for the District of Columbia, puts the situation locally in the following words:

> Many weeks ago, when it became apparent that a more stringent program of wheat conservation would probably have to be adopted, I made an informal survey of the supplies of wheat, rye, barley, oats, etc. then in the hands of the bakers and wholesalers of the District, inquiring of them what they had on hand, what they had rolling to Washington, and what they had ordered. I was then principally concerned with getting into our markets an abundant supply of the substitutes for wheat, and to this end I furnished to some of them—all at which the substitutes could be had.
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> Our bakers and merchants generally gave loyal support, but because of bad weather, freight congestion, and embargoes they could not get their orders accepted, or, if accepted, could not get shipments through. Later special arrangements were made with the proper railroad officials for expediting carloads of foodstuffs upon notice to them of delayed transportation.
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> A notice was at once sent out from my office to every possible consignee of foodstuffs in Washington that if he would report delayed shipments to my office, giving car initials and numbers, nature of shipment, names of shipper and consignee, and route over which shipped, every effort would be made to have the shipment expedited.
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> From that day to this a clerk in my office has done little else than sit at the telephone and receive complaints from consignees and forward them at once over the telephone to the proper designated railroad officials, giving complete information covering delayed shipments and refusals by railroads to accept shipment on account of embargoes.
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> We have splendid cooperation from our merchants and from the railroad officials with whom we have been in touch, but there have been delays of weeks, even months, in transportation from points both far and near. There are many instances of delays of weeks even from points in Virginia and Maryland.

Now, what is the cause of all this? It is the same cause exactly as produces inefficiency and lack of energy in every industry that the Government undertakes. It is the same trait in human nature operating that makes it impossible for any socialistic effort or experiment to be a success. It is because the man who feels as though he was to draw his wages or that he would eat or that he would have his desires satisfied just the same, whether he took any interest in his work or not, or whether he worked half his capacity or his full capacity; such a man will not work with the same energy and the same interest or the same efficiency that he would use if he understood that he must produce something in order that his employer may be able to pay him his wages and that some one knows what he is doing who has power to raise his wages, to promote or discharge, according to his real deserts. [Applause.]

It seems apparent to me that the sooner the exigencies of the war will permit the Government to relinquish control of the railroads of the country, the better it will be, not only for the railroads and their owners but for all the people of the United States. I can see no reason for continuing this Government control and operation for any considerable length of time after the close of the war. If the Director General spends any of the public moneys for betterments or rolling stock or for dividends or for anything else that he is authorized by law, that he can not recover for the Treasury out of the operation of the lines, he will certainly have taken bonds or other securities—or if not securities, at least the notes of the company to whose benefit the expenditures will inure. Therefore, when the time comes for the relinquishment of his control, the whole matter will be a matter only of accounting. Thirty or sixty days will be ample time in which to adjust the financial relations of the Government to the railroads. I can see no necessity for any extended legislation, but if such necessity should exist, or if it should be apparent before the formal declaration of peace that some legislation would be necessary, Congress will still be on the job, and by a joint resolution could extend the time until such time as legislation to meet the situation could be formulated and passed.

Under the conditions existing in the country, as I have briefly outlined them and as I think they are known to nearly all the people of the country, is it not for the interest of the people of the United States that these roads should not remain under this governmental control longer than necessary?

And what interest have the roads in continuing this operation? It is to be expected that the hundreds of thousands of owners of the bonds and stocks of the railroads of the country will be perfectly satisfied to shoulder all their responsibilities upon the Federal Government during the uncertain and strenuous times of the war if the Government guarantees, as it does in this bill, to return the various properties in as good repair as they are at present, to keep up the supply of motive power and rolling stock, and to pay the dividends that the roads have been able to earn during the last three years.

I am finding no fault with these provisions of the bill. Having taken their property away from them, I do not see how we could do much less and be just; but if the railroads are to be returned to their owners, is there any advantage to them which the legislator should consider in having the present relation continue beyond the war?

The study of the subject has convinced me that there is not, and I have supplemented my opinion by the opinion of some of the best railroad operators in the land. One of the men connected with the management and operation of the great Chicago & North Western Railway system, in answer to my request for his opinion in this matter, writes me as follows:

> I know of no reason whatever why the railroads should be held a moment after the war ceased, and there will be no better time for the Government to drop control than immediately with the close of the war; and the railroads, as well as other peoples, can readjust themselves at the same time.

I also quote a few words from page 170 of the hearings before the House Committee on Interstate and Foreign Commerce, where Julius Kruttschnitt, formerly of the National Railway Board and chairman of the board of directors of the Southern Pacific Co., makes the following statement:

> I think the bill should prescribe definitely when the roads are to be returned to their owners. If the conditions during the time that the Government operates the roads are thoroughly met by the officers of the Government, such as providing revenue to the railroads to pay increases in wages, to meet large increases in expense—increases in expenses larger than those that prevailed at the time that the Government took the roads over—I don't see any reason why the roads should not be returned to the owners substantially at the time of the declaration of peace.
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> If the Government advanced money by taking securities to roads that wanted to make betterments in the way of second tracks or terminals, I assume the Government would receive some kind of security for these loans or advances; and I can't conceive why it would be necessary to wait six months or a year or two years after the declaration of peace simply because these advances had been made. I really don't see—I can't conceive of conditions that would require holding these roads indefinitely, as the bill seems to provide, after the close of the war. It seems to me that they should be returned to the owners within a reasonable time put in the bill, "not exceeding blank months," I should say—six months.

Both of these men are among the brightest railroad operators of the country, men who have come up from the ranks and know the railroad business from the bottom to the top, by experience, and their opinion in this matter is entitled to great weight.

There are two reasons why justice to the railroads requires that we release to them their property at the earliest possible moment. The first has been alluded to by the above gentlemen I have quoted, and is briefly this: At the close of the war all kinds of business in the country must pass through a more or less extended stage of readjustment to new conditions. The railroads of the country should be put into the hands of their owners so that they may pass through this adjustment with the other business interests of the country. This adjustment must take some time, even if there were no change to be made from the Government to private operation; but this adjustment must include an organization on a different basis and in many respects on very different lines than were required under Government operation.

The second reason is that already many of the employees of the railroads while in private hands have been discharged, others, no doubt, will be by the Director General, and the longer the railroads stay in Government hands the more of these employees will be discharged, and the more the organization of the railroads will be disorganized and disrupted.

The railroad tracks, locomotives, cars, buildings, and real estate are not the only valuable possessions of the railroads. Almost as valuable are the skilled, trained, and organized forces of employees that make up the operating organizations of the various lines. At the best that can be done the railroads are going to suffer a great loss as a result of the partial disruption of these organizations, and, as I have said, the longer the Government operation continues the greater will this loss be.

For the above reasons I hope that when the time comes to amend the bill which we have before us the House will adopt the view of the minority report of the Committee on Interstate and Foreign Commerce, and will reduce the time when the Government may maintain its control of these great properties from two years to one, or, preferably, to six months, after the close of the present conflict.

Mr. ESCH. Mr. Chairman, I yield 10 minutes to the gentleman from Maine [Mr. HERSEY].

Mr. HERSEY. Mr. Chairman, as I have only 10 minutes, I desire not to be interrupted.

Mr. Chairman, the pending bill attempts to provide for the control and operation of the railroad systems of this country by the President for a period not exceeding two years after the close of the present war and to fix a compensation to be paid to the owners of these railroad systems—to fix rates and wages and to appropriate the sum of $500,000,000 to inaugurate such operation.

At the present time these railroad systems have been taken over and are under the control of the President by virtue of the act of Congress approved August 29, 1916, which says:

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon, for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

It will be noted that the bill under consideration is not limited to the control of the railroads, but extends to the operation of the same. While it is not directly a bill for Government ownership of these roads, if enacted into law this legislation will necessarily give in the conduct of these great lines of transportation conflicting authority, uncertainty, and confusion, and must result in the demoralization of business and of the railroad service.

The Hearst newspapers, which assume to speak for the administration, claim that the enactment of this bill into law will assure Government ownership of public utilities, and Thursday in the Senate Senator LEWIS, spokesman of the administration, said:

Mr. President, I may shock those who may know me with some intimacy when I wish it understood that I view this bill as the beginning of the Government ownership of the railroads. More than that, sir, from my viewpoint this bill initiates the policy of this Government into the ownership not only of the railroads but into that sea of the ownership of the telegraph and the telephone in America, to be followed by the ownership or the control of the agencies of fuel, those natural agencies—coal and oil.

I shall not discuss the question of Government ownership of railroads. Last Tuesday in this House the gentleman from Michigan [Mr. FORDNEY] made a notable speech against Government ownership of railroads. He brought to that discussion a wealth of information and research that was very valuable to the Congress. By an array of the highest authorities he showed conclusively that wherever public ownership of railroads has been tried the world over it has inevitably resulted in complete failure and a return to private ownership.

This speech appears in the RECORD of yesterday and should be read by everyone who thoughtlessly favors Government ownership. It ought to settle forever the question in the minds of those who impartially examine the subject, and I am pleased to know that despite the hysterical declamations of a few in both Houses of the Congress who favor Government ownership and who denounce imaginary plutocrats that the Congress will not commit the country at this time to the Government ownership of railroads.

When the war is over the question of Government ownership will have been settled forever, for I am sure that the future operation of the railroads by the Government during the war will result in such a failure to better our conditions that we shall be only too glad to return these roads to the rightful owners.

The history of railroad progress in this country reads like a romance. In the dark days of '61 the loyal Government under Lincoln conducted a mighty war and at the same time built a great railroad across the continent. This was followed by the extension of railroad lines over the United States, by the granting of public lands by Federal systems, by the help of States, by the relief from taxation, by the assistance of counties and even townships, until our railroad system has grown to be the wonder of the world. It is the largest and richest system of any nation, while its rates and fares are much less than those of any other country in the world.

In the building up of these great railroad systems it necessarily followed that many promoters made themselves rich, and successful attempts were here and there made to wreck a railroad for the benefit of certain promoters.

But during the last 10 years much has been accomplished to place the railroad systems of the United States upon a sound financial basis, to prevent dishonesty in the conduct of the roads, and to place the supervision of the State and Nation over all these branches. This has been done by the establishment of the Interstate Commerce Commission, whose duty it is to regulate the fares, charges, and conduct of interstate roads. Also, many States have through their legislatures established public-utilities commissions, having authority in connection with the Interstate Commerce Commission to regulate the charges and supervise the conduct of their railroads until to-day it is almost impossible, under these laws and regulations, for a railroad company to water its stock, to issue stock and bonds, to establish unjust tolls and charges, or dispose of its franchises and property or to encumber the same without the consent of these Federal and State commissions, and it is no argument against the private ownership and operation of railroads that in the past there have been dishonest men in control of these lines of transportation. The great railroad heads to-day are men of ability and honor; their efficiency and fitness are vouched for by the President of the United States in his address to Congress January 4 last when he said:

It was in the true spirit of America, and it was right, that we should first try to effect the necessary unification under the voluntary action of those who were in charge of the great railway properties; and we did try it. The directors of the railways responded to the need promptly and generously. The group of railway executives who were charged with the task of actual coordination and general direction performed their difficult duties with patriotic zeal and marked ability, as was to have been expected, and did. I believe, everything it was possible for them to do in the circumstances. If I have taken the task out of their hands, it has not been because of any dereliction or failure on their part but only because there were some things which the Government can do and private management can not. We shall continue to value most highly the advice and assistance of these gentlemen, and I am sure we shall not find them withholding it.

But it is said by the advocates of Government ownership that at the present time we are in a great world war; that there has come a crisis in this Nation in its transportation facilities, and that it has become necessary for the President to appoint his son-in-law as Director General of the railroad systems for the purpose of making more efficient these lines of transportation for the purpose of the war.

It is true that the great railway systems of this country have been placed in a position where they were unable to fully perform the most efficient work. While the expense of operating railroads has increased to an alarming extent the Interstate Commerce Commission during the last three years has persistently refused to raise the rates of these transportation companies. This commission has not had the courage to do justice to the railroads. The expenses of these railroads have more than doubled. They have been obliged to husband every resource to move their trains. Strikes have forced them to raise the pay of their employees, while freight rates have remained practically the same. Of necessity they have been obliged to abandon many crippled freight cars because they have been unable from their returns to give the needed repairs, and during the past year there has been thereby a loss to these roads of 57,000 freight cars.

The Detroit Free Press of January 18 last expressed this thought in an article, in which it said:

While production of coal in the United States, notwithstanding the shortage of men, has been increased, due to the use of mining machines and other labor-saving devices, there is considerably more coal consumed than formerly, due to the increased consumption of munition plants and manufacturing establishments, the increased use of coal on ships, and at the training camps. In this connection there is naturally more coal being burned, due to the severity of the winter.

At many mines there is a shortage of railroad cars, due to the fact that the railroads have not sufficient equipment to handle the enormous volume of business now thrust upon them. The policy of the Government has been one of strangulation toward the railroads for many years. Railroad credit has been destroyed and bonds and stocks could not be sold in order to purchase more equipment.

Yet, in spite of all these handicaps and unjust treatment of the railroads by the Government, we find that during last year these great railroad systems increased their traffic by 135,000,000,000 tons. This is not a failure of transportation, as has been charged, but a wonderful success.

It was not necessary that the President should take charge of the operation of these railroad systems at the present time or ask for the enactment of this bill. Had the Interstate Commerce Commission given the necessary assistance by an increase in rates those who use the railroads would pay the charges and this extra income would keep up this rolling stock and make the roads efficient.

The President under his war powers, which he has now by law, could have directed the transfer and preference of any freight necessary for the conduct of the war. As it is now contemplated by this legislation, the President shall go further and not only raise the rates on these lines, which he has already done, but raise the wages of railroad employees. This bill will place in the hands of the President $500,000,000 to be spent as he directs, which money must be paid by taxes on all the people, even on those who do not use the railroads.

The Detroit Free Press, above mentioned, in the same article from which I have quoted, further says:

During the summer of 1917 newspapers throughout the country came out with flaring headlines advising people not to buy coal, stating that the price would be less later in the year. These statements were exceedingly misleading, and instead of the dealers throughout the country buying coal and beginning to store July 1, as has usually been the custom they procrastinated and did not begin to lay in their winter's supply until the middle of October.

In other words, the purchasing of winter fuel was postponed until at least three months and a half after the ordinary time when dealers begin to lay in stock.

Thus we find that it was not the fault of the railroads that during this present winter traffic has been congested and coal could not be more promptly delivered to distant sections of the country from the mines.

The individual had been soothed by the Government into a delusion that the Food and Fuel Commissions would lower to him the price of coal if he would only wait and be patient, and he waited. The coal dealer had been convinced by the Government that if he stored coal it would be commandeered and taken from him, and he could see nothing in the business, and thereby did not order from the mines. So a situation had been forced upon the people which was not the fault of the railroads and has not been remedied by "workless" and "heatless" days.

This bill will doubtless pass, giving to the President and his son-in-law supreme authority over these great lines of transportation. To my mind this means endless trouble and disaster to the business of the country. The Washington Times, the home organ of the administration, one of the Hearst progeny, says that there is to be a reorganization under McAdoo of the directors, managers, and officials of all these lines. Men who have spent their lives in this work and have come up from the section man and brakeman to president and general manager will find themselves displaced by place hunters, politicians, and officeholders, who know nothing about railroading and who care less, satisfied and contented to occupy an office and draw fat salaries from the Government while the people make large appropriations to take care of the deficits that are sure to come.

The late issue of the Railway Age says editorially:

"LEST WE FORGET."

Almost exactly 12 years ago one of the wisest and farthest-seeing Americans that ever lived made a prediction. The prophet was James J. Hill. The prophecy was that continuance of the policy of railroad regulation then being adopted by the State and National Governments would bring national disaster.

The policy was continued. The prophecy has been fulfilled. The disaster has come. It has come in the midst of the Nation's participation in the greatest of all wars. The Government last week ordered the industries of the busiest and most populous part of the United States shut down for five days. It has made each Monday in the same territory an enforced holiday for 10 weeks.

Those responsible for the order say it was necessary because the railways could not haul all the coal that the mines could produce and other industries could consume—that this was the only way to relieve the transportation congestion and increase the movement of fuel.

This is but a partial explanation. Last summer the Government created a Fuel Administration and put at its head a college professor, who knows little about fuel and less about administration. The great need of the country as regards fuel was a vast increase in production. No possible amount of conservation would make the supply sufficient. To get the needed increase of production the prompt adoption of large constructive measures was essential. Prices must be so fixed as to encourage the operation of mines which under ordinary conditions would be unprofitable. Production must be raised and kept to the very maximum possible during the summer and fall months when transportation conditions were favorable. It was desirable to divide the country into zones, as was long ago done in England, so that coal would be consumed near where it was produced and cross hauling and waste of transportation be eliminated.

The large constructive measures needed were not adopted. Instead of cooperating with the railways as was necessary, the Fuel Administration spent its energies in "passing the buck" to them. With a Fuel Administration which knew anything about the fuel business, there would have been a larger amount of coal produced and transported.

The rest of the explanation of the existing situation is that James J. Hill's prediction has been fulfilled. For 12 years the State and National Governments have followed a policy of regulation intended to compel unrestricted competition between railroads and to reduce their net return to the lowest basis which the courts would not hold confiscatory. In consequence, while the productive capacity of our industries has been rapidly increasing, the expansion of the facilities of our railways has been rapidly decreasing. The final outcome was clear to every intelligent and sane railroad man or business man. It was as certain that under this policy the railways in time would become unable to handle all the country's commerce as that the law of gravitation would continue to operate or the sun to rise in the morning and set in the evening.

This Nation is now passing through its supreme crisis. The voice of the political demagogue appeals to the elements of unrest and the logic of the mob. The wild socialism that has destroyed unhappy Russia attempts here in America to clothe in darkness the lighthouse of the Constitution and by the false fires of Government ownership to lure on the rocks and the breakers of socialism the ship of state that these wreckers may share in the plunder and spoils.

In this hour of destiny the Congress of the United States should stand like a mountain wall against the delegation of unlimited power to any one man. We should also have the political courage to defy the unthinking and frenzied mob, so that at the end of this terrible war we shall return again to our old-time prosperity and to "a Government of laws and not of men."

Mr. ESCH. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. WALDOW]. [Applause.]

Mr. WALDOW. Mr. Chairman, every phase of the subject matter under consideration has been so completely and exhaustively discussed by Members who have preceded me that I deem it unnecessary to attempt, in the few moments I have at my disposal, to discuss this bill except in a general way. Mr. Chairman and fellow colleagues, this world is passing through a period of change, mutations follow in rapid succession. Things are happening to-day with a suddenness and passing on with such velocity many of the people of this Nation can only stand and wonder what is coming next; we have altered our relations and changed our attitude to the nations of the world, and we have undertaken to reverse every process of thought and action, every rule, established by business, capital, and labor under which our national life has developed into the rich and mighty among the nations of the world, and we are attempting to change the natural law of supply and demand and to regulate and control the habits of human beings by acts of legislation.

I have infinite faith in the patriotism of the American people, and as their Representative in Congress I intend to support any legislation necessary, no matter how radical in character, to assist in winning this war, and will in the future, as in the past, support many measures and grant unlimited and unheard of powers to our President to enable him to act unhampered at all times in its prosecution to a successful end. It should be superfluous for me to state that 90 per cent of the legislation I have voted for during this Congress would not have had my support under normal conditions.

The importance and gravity of this legislation are second only in importance to our declaration of war and our selective-conscription act. In it we assume the property rights of the railroads, estimated at $18,000,000,000. We also assume the liability of compensating the owners for the use of their property, which amounts to about $1,000,000,000 a year, if we compare an average of their earnings for the past three years, as contemplated by this bill. We also assume the responsibility for the personal welfare of almost 2,000,000 railroad employees and their families.

Mr. Chairman, when the President assumed control and took possession of the railroads he was taking private property, and this Congress and Nation is ready to pay for the use thereof; the question that remains is one of fair and just remuneration and what means or method can be best devised to secure this result.

The President took possession of the railway systems of the country under the act of August 29, 1916. This act limits his possession to the duration of the war, when, unless we otherwise provide, the control of these systems will automatically be restored to their owners. Legislation now being enacted should, in my judgment, confine itself to this emergency, therefore that section of the bill designed to extend Government control to 12 months after the war should, in my judgment, be adopted, for it is in harmony with the general purpose of the bill.

Another feature of this bill, to which I will briefly refer, relates to rates of transportation. We have the right or authority to give to the President or any other individual or official the power to initiate rates. I should hesitate before voting to place such a power in other than the hands of the Interstate Commerce Commission, where it has rested for years, but for the fact that the railway systems are now under a new management and will be for the period of the war, and I intend to hold the President responsible for the operations of our railroads, the personal welfare of our 2,000,000 railroad employees and their families, and the $500,000,000 we have appropriated in this bill. I expect the President to use his own judgment in the matter of new equipment, in increasing the wages of the railroad employees, and in perfecting the railroad system to such a degree of efficiency that congestion of freight, such as we have had in the past six months, and a repetition of fueless days for our factories and homes and fueless ships loaded with supplies for our Army and our allies will be impossible; and holding the President personally responsible for the successful operation of and for all the expense incurred by the railroads, I am not going to grant to the Interstate Commerce Commission the right and the power to initiate rates for securing the money to pay for expenditures that they have not incurred. The President being responsible for the management of the railway systems is entitled to devise ways and means of obtaining revenue for their maintenance. I believe, however, that Congress should insist that the Interstate Commerce Commission continue to perform all of its former functions—except those to initiate rates—and particularly to continue to perform those with reference to the many safety-appliance acts so necessary to the safety of life and limb of the railroad employee and the general public.

Mr. Chairman, at the time the President took possession of the railroads it was apparent to everyone who was at all familiar with the real condition of affairs that the military operations of the Government were being seriously hampered. Troops, supplies, and munitions of all kinds were being delayed both in transit and upon their arrival at the place of destination. It was also apparent that the congestion of freight of all kinds was increasing day by day and some radical step was necessary if we were going to have an efficient dependable system of transportation.

I have heard much comment relative to the congestion of our great railroad systems, and I believe this breakdown should not and can not be credited to any single circumstance or any indi-

vidual fault of any individual railroad or their system. Many things must be taken into consideration when seeking for the cause of this unfortunate event. In the first place, we have the unprecedented business activities of this war confined almost entirely to one section of this country. In fact, the New England States, the State of New York, and the State of Pennsylvania have seen many of their towns grow into cities within the period of a few weeks. This vast increase in transportation, made necessary by virtue of the largely expanded munition manufactories, steel plants, shipyards, garment manufactories, and so forth, and the added burden of carrying fuel, feed, and the other necessities of life to the many new inhabitants in that section has been a handicap which the railroads were struggling to overcome two years ago, and it was natural, I suppose, to place over 80 per cent of our war contracts with the large manufacturers of our Eastern States and quite natural for those manufacturers to increase the size of their plant in their old location rather than seek new sites in some other section of the country, but I believe time and money would have been saved if a larger percentage of our war contracts were given to the manufacturers of the Middle West or if the manufacturers in the eastern section of our country had utilized the manufacturing establishments in the Middle West, thereby spreading our war activities and permitting the machinists, the molders, and the men of the building trades to remain in their old homes, working in their old factories, thereby saving expense, time, and material necessary for the building of new homes and new factories; and last, but not least, segregating for transportation our millions of tons of finished war products to the seaports. It is a question in my mind if the railroads, although under Government control and a cooperative system of operation, will be able to handle efficiently the millions of tons of raw material and finished product that will have to be transported to and away from the New England section of the country. It may be more advantageous, even at this late day, to utilize the manufacturing establishments in the Middle West than to erect thousands of new homes in the New England States, and if my suggestion is acted upon I believe we will find it to be a permanent remedy for the freight congestion of that section of the country. No human being can do more than estimate the increased tonnage of all commodities to and from New England during the past year, but the increase in fuel alone that the railroads transported was 2,817,000 tons, and this coal was used in furnaces that were working night and day turning out munitions of all kinds. The experience of my people in the city of Buffalo and the county of Erie with fuel, or, rather, the lack of fuel, during the past few months has led me to try and suggest something that will prevent a repetition of those fueless workdays. Another cause that assisted this congestion was the deplorable lack of sufficient storage or freight-house facilities at our manufacturing points, our ports, or any place between the points of departure and the destination of our immense tonnage of freight.

The men of this Congress can not realize what two and one-half million tons of freight for our allies and our own Army laying in the open upon the commons and docks of the city of New York represent in cost of human life to the cause of the allies. I hope the powers granted in section 6 of this act will be immediately taken advantage of. Our Barge Canal in the State of New York can and should be utilized at once. Thousands of tons of coal, wheat, lumber, steel, and so forth, can be transported upon its waters.

Mr. Chairman, I have the honor to represent a constituency of over 200,000 people; one-fifth, or about 40,000 of them, are employed by or identified with the railroads of this country, and I think the most important part in securing efficiency for the railroads is to have a contented body of satisfied employees; and I believe this is the proper time and place for me to brand as a malicious falsehood the story that is being circulated that the railroad employees are assisting in every way possible toward a complete breakdown of our railroad system. I know that the cost of living has advanced so rapidly during the past few years that it has been impossible for many of the really efficient and capable men—some of whom have large families to provide for—to remain in the service of the railroads; and I have talked with hundreds of railroad men from my district, and they are going to remain in the employ of the railroads as long as they can eke out an existence for themselves and their families if it will help to win the war. Mr. Chairman, I am personally acquainted with hundreds of men who are receiving less than $3 a day, when they could double their income by seeking employment in some factory; and they are really depriving themselves and their families of the real necessities of life so as to be able to assist their Government in a position in which they are most competent to fill, and the Government should at the earliest possible moment grant a substantial increase in wages to all of the men employed in any department of the railroad. I hope the committee appointed by the Director General that has that subject matter under consideration will be able to make a report in the very near future, and that report should grant an immediate, just, and substantial increase in wage for the railroad employees. Mr. Chairman, under normal conditions I doubt if I would be in favor of the radical legislation contemplated in this bill, but I believe the Members of Congress are personally responsible for the welfare of our boys across the sea, and I am ready to go to the very extreme in securing a positive line of communication for the transportation of munitions and supplies of all kinds to them. And I believe the time has arrived for the Government, through action of Congress, to assume the responsibility for the personal welfare of the families of the 2,000,000 employees of the railroads. And to coordinate operation and unify under Government control the great railroad systems, at least during the period of the war, is the only solution that will solve our present problems.

In conclusion, gentlemen of the Congress, allow me to call to your attention this fact: In our urgent deficiency bill we appropriated $3,000,000 for the transportation of soldiers. We will be able to save considerable bookkeeping and would be rendering an act of justice to our soldier boys if they were permitted to use the railroads gratis when upon Government business or when enjoying a furlough to their homes. I hope Mr. McAdoo will give this suggestion his serious consideration. [Applause.]

The CHAIRMAN. The gentleman from New York yields back the remainder of his time. The gentleman has permission to extend his remarks under the general order.

Mr. ESCH. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has seven minutes. Does the gentleman from Wisconsin desire to use the remainder of his time?

Mr. ESCH. Yes. I yield to the gentleman from New York [Mr. SNYDER].

The CHAIRMAN. The gentleman from New York is recognized for seven minutes.

Mr. SNYDER. Mr. Chairman, were I in favor of a deliberate and carefully planned movement to curtail efficiency and retard the efforts for a satisfactory rearrangement of the transportation systems of the country, I would vote to place in the hands of the Interstate Commerce Commission the sole power to regulate railroad rates, so long as those roads are under the supervision of the Government. If I desired to place upon the people, by direct taxation, the burden of paying for any deficit which may and which probably will accrue, not because of the management of the roads under Government control, but because of the condition surrounding them which affects and disturbs not only the business world but the entire population of the country, I would be willing to vote for delay and argument. I would be satisfied to await the result of that difference of opinion as between the active management of the roads and the only body which would thus have the power to say whether or not the shippers or the people must make good the deficiency. If I desired to belittle our Executive and to tie his hands at a moment when, perhaps, rapidity of action and quick perception might save not only time but embarrassment, I would vote for the proposition of dividing responsibility, though I agree that divided responsibility is an almost sure antidote for efficiency.

However, I believe that in times such as these the President of the United States must be sustained, and I have heretofore shown this belief in my votes on this floor. Further, I believe that the President, as the directing power of the railroads, stands as the president of every line which has been taken over and therefore his orders are to be obeyed and his policies in relation to transportation and rates carried out as if that order came from a railroad president in the course of the operation of his individual line, with power over every factor and policy.

I have no quarrel with the Interstate Commerce Commission. It has done a great work; it has proved equal to all emergencies in normal times. These times are not normal. We can not afford to procrastinate or to wait for argument in cases which will not admit of delay. We can not afford to saddle any tax upon the people which is not necessary, nor can we refuse to give them the alternative of not patronizing the men or class of men who will ultimately seek to take from the people the added cost of transportation should the railroad rates be raised.

There is no question that should the Interstate Commerce Commission be clothed with the power of rate fixing in this emergency, it would resolve itself into a judicial tribunal to adjust differences and gather information, while the President would be compelled to await that action in the face of a situation urgent and imperative. During this interim the shipper

would be favored and that favor would necessarily, without alternative, be paid for from the pockets of the people.

We have now conferred upon the President the power to raise wages, to increase the facilities and the upkeep of the roads; given him the responsibility of guaranteeing the roads a vast income, such as they have been making in the prior war years and shall we now seek to take from him the only possibility he has to carry out these guaranties, except the possibility and probability of handling and operating the roads on a more efficient basis, thereby increasing their earnings sufficiently to make it unnecessary to raise the rates? Being the representative of the people, the President will have no incentive to do anything save to operate the roads in the interest of all the people, his sole thought being to so manage them as to bring about a successful conclusion of the war at the earliest possible moment.

Some time ago my judgment and experience showed me that the manufacturing interests and businesses of the country were outstripping and going ahead of our railroad facilities. I thought I could see the situation approaching us which has finally developed. A few weeks ago on this floor I made the statement that the railroads had fallen down. I further stated that the Garfield order was a fatal error. I believe to-day almost everyone agrees with this statement, and it is well known by shippers the country over that the same embargoes exist to-day that existed on the day that the Garfield order was promulgated. This is borne out in the papers this morning by Mr. Hoover. Cereal exports to the allies, he says, will be 45,000,000 bushels short by the end of February. The meat shipments are also short and far below the amounts promised. The corn crop is in danger because of lack of transportation; potatoes are spoiling in the producers' hands, and a menacing situation in all foodstuffs is before us, only because the railroads have fallen down.

Are we now to add to these difficulties by dividing the responsibility and take power from the Chief Executive, who has the matter in his hands, because of a sentimental or an individual business reason?

I am frank to say I believe the rates will be increased, whether by the Interstate Commerce Commission or by the President. I believe, too, that the President should be unhampered in his control and upheld in his efforts, the sincerity of which no one questions, to carry forward in unison the mighty and necessary volume of business the war has put upon us, in order that victory may not be unnecessarily delayed. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier making operating returns to the Interstate Commerce Commission, that during the period of such Federal control it shall receive as just compensation not exceeding an annual sum (herein called standard return) payable from time to time in reasonable installments, for each year and pro rata for any fractional year of such Federal control, equivalent as nearly as may be to its average annual railway operating income (including therein such income of lines acquired by, leased to, or consolidated with such carrier between July 1, 1914, and December 31, 1917) for the three years ended June 30, 1917, and in addition thereto an annual sum payable, likewise in reasonable installments reckoned at a rate per cent to be fixed by the President upon the cost of any additions or betterments, less retirements or road extensions, made during the six months ended December 31, 1917; that any railway operating income accruing during the period of Federal control in excess of such standard return shall remain the property of the United States; and that each carrier so agreeing shall thereby become subject to all the provisions of this act. In the computation of such income, debits and credits arising from the accounts called in the monthly reports to the Interstate Commerce Commission equipment rents and joint facility rents shall be included. The standard return and the cost of such additions, betterments, or road extensions are to be ascertained by the Interstate Commerce Commission from the reports, books, and other pertinent data of such carrier and certified by it to the President. Its certificate shall, for the purpose of such agreement, be taken as conclusive of the amount of such average annual railway operating income and of such cost.

Every such agreement shall provide that any Federal taxes under the act of October 3, 1917, or acts in addition thereto or in amendment thereof, commonly called war taxes, assessed for the period of Federal control beginning January 1, 1918, or any part of such period, shall be paid by the carrier out of its own funds, or shall be charged against or deducted from the standard return; that other taxes assessed under Federal or any other governmental authority for the period of Federal control or any part thereof, either on the property used under such Federal control or on the right to operate as a carrier, or on the revenues or any part thereof derived from operation (not including, however, assessments for public improvements or taxes assessed on property under construction, and chargeable under the classification of the Interstate Commerce Commission to investment in road and equipment), shall be paid out of revenues derived from railway operations while under Federal control; that all taxes assessed under Federal or any other governmental authority for the period prior to January 1, 1918, whenever levied or payable, shall be paid by the carrier out of its own funds, or shall be charged against or deducted from the standard return.

Every such agreement shall also contain adequate and appropriate provisions for the maintenance, repair, renewals, and depreciation of the property, for the creation of any reserves or reserve funds found necessary in connection therewith, and for such accounting and adjustments of charges and payments, both during and at the end of Federal control, as may be requisite in order that the property of each carrier may be returned to it in substantially as good repair and in substantially as complete equipment as it was in at the beginning of Federal control, and also that the United States may, by deductions from the standard return or by other proper means and charges, be reimbursed for the cost of any additions, repairs, renewals, and betterments to such property not justly chargeable to the United States; in making such accounting and adjustments due consideration shall be given to the amounts expended or reserved by each carrier for maintenance, repairs, renewals, and depreciation during the three years ended June 30, 1917, to the condition of the property at the beginning and at the end of Federal control and to any other pertinent facts and circumstances.

The President is further authorized in such agreement to make all other reasonable provisions not inconsistent with the provisions of this act or of the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, that he may deem necessary or proper for such Federal control or for the determination of the mutual rights and obligations of the parties to the agreement arising from or out of such Federal control.

If the President shall find that the condition of any carrier was during all or a substantial portion of the period of three years ended June 30, 1917, because of nonoperation, receivership, or any undeveloped or abnormal conditions, so exceptional as to make the basis of earnings hereinabove provided for plainly inequitable as a fair measure of just compensation, then the President may make with the carrier such agreement for such amount as just compensation as under the circumstances of the particular case he shall find just.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. Is this bill being read by paragraphs or by sections?

The CHAIRMAN. By sections.

Mr. ESCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Amend section 1 by adding thereto, page 5, line 19, the following:

"*Provided further*, That every railroad not under control or operated by another carrier company and which has heretofore competed for traffic with a railroad or railroads of which the President has taken possession, use, and control shall be held and considered as within Federal control as herein defined, and shall be entitled to the benefit of all the provisions of this act."

Mr. ESCH. Mr. Chairman, I think this might be made a separate paragraph and the words "*Provided further*" might be stricken out. I will ask for that later.

The Committee on Interstate and Foreign Commerce believed that some consideration should be given to the short-line carriers. We were persuaded, as a result of two days of testimony by the representatives of such carriers, that some protection should be given to them during the period of Federal control. Therefore we inserted paragraph 9 of the bill, which gives them this degree of protection, namely, that their routing instructions and their traffic arrangements shall continue to be recognized during the period of Federal control, subject, however, to the superior rights of the Government in the shipment of war supplies and materials.

Mr. SNOOK. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Certainly.

Mr. SNOOK. Is this the same amendment as that adopted by the Senate?

Mr. ESCH. Yes; identically. And the compensation which the Government is to make to the short-line carrier because of routing war materials and supplies is provided by the Government, so far as possible, distributing to these short-line carriers so much of unrouted freight as possible.

After more careful consideration of our House bill section 9, I have come to the conclusion that it does not give any substantial relief to the short-line carriers, and that if we would do exact justice to them we should put them in the same position as trunk-line carriers.

It is stated in the newspapers that—

With the approval of President Wilson the Federal Railroad Administration is about to interest itself in street railway, light and heat, and power companies throughout the country, whose finances may be threatened by mounting costs of operation. Where it appears necessary increase in fares or rates may be suggested.

It is essential that these utilities should be maintained at their maximum efficiency and that everything reasonably possible should be done with that end in view.

If it is intended that the Federal Government shall interest itself in all these public utilities, street cars, gas companies, and electric light companies, in order to stabilize the financial standing thereof, is it not equally necessary that he should also stabilize the financial standing of the short-line carriers? They can not operate under war control with the powers exercised by the Director General and live, because the Director General claims the right of routing the freight, and if he routes the freight, the short-line carrier, being deprived of its freight, can not for the action of the Government of the United States, by

must live upon the traffic it receives from the trunk line or the traffic it ships out on its own line to the trunk-line carrier, and on that account our provision of section 9 will not be a sufficient safeguard to these small carriers. They would doubtless live as they have lived heretofore had it not been for the war emergency.

The Secretary of the Treasury, in his testimony before our committee, when he was asked whether he would take over the short-line carriers, said that he did not wish to take cripples any more than the War Department would enlist cripples for the conduct of the war. By "cripples" he meant that many of these short-line carriers were in financial straits or not paying dividends. But I wish to call attention to this pertinent fact: We would not make the short-line carrier a cripple if it were not, for the action of the Government of the United States, by reason of routing the freight over the trunk-line carriers.

Mr. LENROOT. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes.

Mr. RAYBURN. I wanted to ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH] is recognized for four minutes more. Does he yield to the gentleman from Texas?

Mr. ESCH. Yes.

Mr. RAYBURN. In the consideration of this short-line question two things have been in my mind all the time, and two fears have come up with reference to it. One has been that if we take all of the short lines of the country it would probably make a charge upon us that would be staggering. The other has been that if we did not take them it would mean practical murder to them. Now, some Senator told me that an argument was made at the other end of the Capitol yesterday in which it was claimed that the short lines, taken all in all—not the little logging roads and things of that kind that in all probability would not be taken under the gentleman's amendment—were as self-sustaining and probably more so than the trunk lines. Does the gentleman have any facts on that, or any opinion as to that?

Mr. ESCH. If they are taken over they will be in no worse condition than they were prior to the taking over. So it would not be a burden on the Treasury of the United States. The fact is that we are putting them in a worse state than they were before war control began, and they are put in that condition through no cause of their own, but because of the exigencies of war. But I wish to say this, that if we are to stabilize the securities of carriers, we may well look to the stabilizing of the securities of the short lines, covering 30,000 miles in length, with $1,200,000,000 of capitalization and $800,000,000 bonds outstanding. Unless we stabilize them, their securities will depreciate in the market, and if they do we might have some bankruptcies and some receiverships, all of which would still further embarrass the credit of the Government.

Mr. RAYBURN. That has been my idea, about what would probably be the fate of the short lines if something more was not done to them than we have done by section 9 in this bill.

Mr. ESCH. Is the gentleman convinced——

Mr. RAYBURN. But what I wanted the gentleman's opinion on, and the facts in his possession if any, was as to what are we going to do for the short lines except take them over if his amendment is adopted? Are we going to insure them something, or do we intend to take them over and insure them only what they have been getting?

Mr. ESCH. I think that would be entirely within the discretion of the President under the agreement provided in section 1.

Mr. LENROOT. Will the gentleman yield?

Mr. ESCH. I yield to my colleague.

Mr. LENROOT. I should like to ask the gentleman with reference to the form in which the amendment is phrased. We have taken over the railroads under the war power declared by Congress; and does not the gentleman think it necessary to express that same purpose in this amendment? As the amendment now reads, the only purpose in taking them over is not to carry on the war but because they are competing with railroads that the Government has taken over; and I suggest to the gentleman that if he would consent to an amendment declaring that these roads are necessary for the prosecution of the war, it would bring these too within the war power.

Mr. ESCH. I certainly know that that is our intent. I had supposed, however, that putting this amendment at the close of section 1, it would be interpreted in the light of what is stated within section 1. However, if my colleague thinks that his suggestion would clarify and perfect the amendment, I have no objection to it.

Mr. LENROOT. I will offer such an amendment.

Mr. GARRETT of Texas. Before the gentleman offers that, will he let me ask him one question?

Mr. ESCH. Yes.

Mr. GARRETT of Texas. I want the gentleman to enlarge on that phase of his amendment where it refers to the short lines as competing lines, and to define the limitation of the word "competing," as to how many that would perhaps take in.

Mr. ESCH. No doubt the short-line roads must be competing roads under the interpretation of my amendment; and if the Federal Government assumes the supreme right and power of routing freight, it practically takes from them the power of competition, because they will not get the freight.

Mr. GARRETT of Texas. Does the gentleman understand that the short lines that are to be taken over under his amendment are practically all considered as competing lines?

Mr. ESCH. Practically so.

Mr. GARRETT of Texas. So that they would not be excluded by some executive order stating that they were not competing?

Mr. ESCH. No.

Mr. BANKHEAD and Mr. FRENCH rose.

The CHAIRMAN. Does the gentleman from Wisconsin yield; and if so, to whom?

Mr. ESCH. I yield to the gentleman from Idaho.

Mr. FRENCH. Is "competing line" so defined that it will not admit of some interpretation or construction that would rule out a good many lines that we are seeking now to relieve by the amendment?

Mr. ESCH. I think those words are well defined by the Interstate Commerce Commission, and that that is a well-understood expression.

Mr. GREEN of Iowa. Will the gentleman yield to me for a question?

Mr. ESCH. Yes.

Mr. GREEN of Iowa. I would like to inquire if a short-line railroad such as I have in mind, that is simply a feeder to another line, would be included in this amendment?

Mr. ESCH. Is it an independent line?

Mr. GREEN of Iowa. It is owned separately and operated entirely separately.

Mr. ESCH. Yes; it would be included.

Mr. MONTAGUE. Mr. Chairman, I desire to ask the gentleman from Wisconsin a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONTAGUE. I ask unanimous consent that his time be extended two minutes, in order to enable him to answer an inquiry that I desire to propound to him.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Wisconsin be extended two minutes. Is there objection?

There was no objection.

Mr. MONTAGUE. I will ask the gentleman, my colleague on the committee, whether or not the section in the bill known as section 9, dealing with these short-line carriers, was not prepared and submitted to the Committee on Interstate and Foreign Commerce as being satisfactory to the short-line carriers?

Mr. ESCH. I do not know the origin of section 9. I only know that some very distinguished Members of the House presented it to the committee, and the committee indorsed it understanding that some of the short-line carriers approved of it. But since that date we have been getting communications from short lines throughout the United States to the effect that it would not meet their situation. So I have felt that we can well afford to incorporate the short-line roads in the general system.

Mr. MONTAGUE. My own memory was that a committee of the short lines drafted this amendment, and that it was submitted to the distinguished gentlemen whom you mention, as well as to our committee, as satisfactory to them.

Mr. ESCH. I do not know that; but I do know this, Mr. Chairman, that in the hearings the representative of the short-line roads, Mr. Robinson, offered a proposed amendment to the effect that the Federal Government should guarantee the indebtedness of the short-line carriers; but that did not meet with the approval of the committee.

Mr. NORTON. Will the gentleman yield?

Mr. ESCH. I will.

Mr. NORTON. I will say that I know from talking with several owners of short-line railroads that section 9 does not meet with their needs or demands at all. There is nothing in section 9 that would make certain that the Government would take over the short lines. Section 9 provides that the Government may send additional freight over these lines to compensate them for that which might be taken from them and sent over more direct lines in case of need, but in case the short line runs into a section of the country where the Government does not use the other lines at all in general transportation there is no provision for taking over the short line, and it may be injured very much by taking over the other lines by the Government.

The CHAIRMAN. Does the gentleman from Tennessee desire recognition?

Mr. SIMS. I did, but I want to wait until the arguments have been developed.

The CHAIRMAN. Does anyone desire to speak in opposition to the amendment?

Mr. MADDEN. I would like to be recognized.

The CHAIRMAN. In opposition to the amendment?

Mr. MADDEN. No.

Mr. BARKLEY. I desire some time, but I do not care to use it just now.

The CHAIRMAN. If no Member desires time in opposition, the Chair will recognize some other Member.

Mr. BARKLEY. Then, Mr. Chairman, I will take the time now. Mr. Chairman, I hope the amendment will not be agreed to. I do not know whether I can in five minutes' time give the reasons why it ought not to be adopted, but in the first place the President took over these railroads by reason of the act of August 29, 1916, which gave him discretion as to taking over certain systems of transportation or any part thereof. That law left it in his discretion to determine whether all the roads were needed for Government purposes, and the presumption is that they were taken over to aid the Government in winning the war.

Now, whether he has taken them all over or a part of them only is a question of fact. Whether he has taken over some that will not be needed and will turn them back to the owners, as provided in the bill, and also in the bill adopted by the Senate, is left to his discretion until the 1st of July. He is given that much time to determine whether any railroad system and how many are needed by the Government for war purposes.

Mr. QUIN. Is it not apparent that the Director General of Railroads will not take these short lines over?

Mr. BARKLEY. I do not know whether it is apparent or not, but if they are not needed by the Government of the United States they ought not to be taken over, and Congress ought not to force the President to take over the short lines or any other railroad not needed by the Government to carry on the war.

The representatives of the short lines came before the committee; they came rather in opposition to being taken over, though willing to be taken if necessary. They thought they had been taken over and they were opposed to the terms upon which they thought they were taken over.

Mr. DILLON. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DILLON. Do I understand the gentleman to say that the short-line people were before the committee opposed to being taken over?

Mr. BARKLEY. They thought when they came here that they had been taken over, and they came to protest against the terms of the bill or the compensation that they were to have if taken over.

Mr. DILLON. As a matter of fact, were they not in favor of being taken over?

Mr. BARKLEY. I think after they found that they were not taken over they immediately concluded that they wanted to be taken over. But, be that as it may, it is an unwise policy to load the Treasury with the burden of taking over a lot of short-line railroads that will not be needed by the Government in the transportation of war material or in the conduct of the war.

I have in view a little short-line railroad of 12 miles in length. There is no use that it could be put to in the conduct of this war, and yet under the terms of the gentleman's amendment the Government will be compelled to take it over, and if it does not come within the terms of section 1 it can go into the Court of Claims and set up a claim for compensation. It seems to me that we ought not to compel the President to take over some insignificant railroad that wants to be taken over because we have provided a method of compensating them.

Mr. LENROOT. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. LENROOT. Is the gentleman in favor of the provision that authorizes the President to purchase securities of railroads?

Mr. BARKLEY. Yes.

Mr. LENROOT. Does the gentleman think that the purchase of securities is necessary to the prosecution of the war?

Mr. BARKLEY. It may not be necessary now, but it may become necessary when the railroads attempt to compete with the Government in the money markets of the world.

Mr. WINSLOW. Will the gentleman yield?

Mr. BARKLEY. I will.

Mr. WINSLOW. Is it the gentleman's judgment that many financial institutions in certain parts of the country are carrying the securities of many of these short-line roads?

Mr. BARKLEY. I do not know in what proportion, but I presume that some financial institutions are carrying securities of these lines.

Mr. WINSLOW. Am I not right in stating that the evidence before the committee was largely to the effect that a majority of the short lines had securities pledged to the banks in their district?

Mr. BARKLEY. It is true, and equally true that a great number of short lines, from a business standpoint, ought never to have been constructed. They were constructed to reach out into sections of the country where it was hoped that they would be money-making institutions, but they were not. These will be taken over under the gentleman's amendment the same as those that have been more prosperous. There are many institutions going to be affected by the war that the Government can not take over or guarantee because they may be affected in some disadvantageous way by the operation of the trunk-line railroads or as a result of the war.

Mr. WINSLOW. I want to ask the gentleman if in his judgment it would not be a great calamity to have a large number of institutions embarrassed by virtue of the omission to take over these roads?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

Mr. SIMS. Mr. Chairman, before we go any further, I want to ask the gentleman from Wisconsin [Mr. ESCH] if we can not agree on some time to debate this amendment, which is entirely new both to the committee and the House, and that the time be divided equally.

Mr. ESCH. Mr. Chairman, I am willing to make such an arrangement. I have requests now for 30 minutes.

Mr. SIMS. Then, I ask unanimous consent that further debate on this amendment and all amendments to the amendment shall be concluded in one hour, the gentleman from Wisconsin to control one-half of it and I to control one-half.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield to the gentleman from Minnesota [Mr. SCHALL], who desires to be heard?

Mr. SIMS. On this amendment?

Mr. FORDNEY. Yes.

Mr. SIMS. It is according to whether he favors it or is against it.

Mr. FORDNEY. He desires to offer a letter that he received from a railroad man and he would like to have time to insert it at this time.

Mr. SIMS. If he is for the amendment he can get time from the gentleman from Wisconsin [Mr. ESCH].

Mr. CANNON. Mr. Chairman, I desire to make a suggestion. I have no objection now to proceeding for an hour with the consideration of this amendment or such amendments as may be offered to it, and then at the end of the hour, if it seems to be that the question has been fairly discussed, debate could be closed. I suggest to the gentleman that he let it run along for an hour.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon this amendment and all amendments thereto shall close in one hour, one-half of that time to be controlled by himself and one-half by the gentleman from Wisconsin [Mr. ESCH]. Is there objection?

Mr. ESCH. Mr. Chairman, I suggest to the gentleman from Tennessee that we make it an hour and 20 minutes.

Mr. SIMS. Very well, I accept that amendment.

Mr. CANNON. Mr. Chairman, I suggest again to the gentleman now that he proposes an hour and twenty minutes, that this question has not received much consideration by the tenderfeet—neither has the bill; and by the tenderfeet I do not mean the white-button mandarins, with great respect to the gentleman and his committee who have reported this bill; but there

are 420 of us here who are not on that committee. The reason I ask the gentleman to extend the time is this: If it be true that a billion of dollars plus is invested in these short-line roads, and if they are taken, the presumption is that in whole or in part they will be thrown into the scrap. If the Government takes over the roads that are not short lines, and thereby throws a billion of dollars of property into the scrap heap, is it at all just that something of compensation should not be made?

Mr. SIMS. The gentleman is arguing the merits of the proposition.

Mr. CANNON. I am not asking the gentleman in respect to the merits of the proposition, but suggesting to him its importance. I hope he will let it run along for a time.

Mr. SIMS. Oh, an hour and twenty minutes' time is all that is asked for by the leader on that side, and I have consented to that. That seems to be fair.

Mr. CANNON. The gentleman who is the chairman and the leader of the committee on this side can not agree without consulting the remainder of us.

Mr. SIMS. I submit the request, and that is all I can do; that debate upon this amendment and all amendments thereto close in an hour and twenty minutes, one half to be controlled by the gentleman from Wisconsin [Mr. ESCH] and the other half by myself.

Mr. CANNON. And the gentleman declines——

Mr. TOWNER. Mr. Chairman, if the gentleman from Illinois will pardon me, I think it will not be necessary for a limitation to be made in the division as to the affirmative and negative. I think perhaps there are two or three times as many who desire to speak for the amendment as against it, so that if the time be divided by the gentleman on this side and on his side I think very likely that all who desire to speak upon the question can be taken care of.

Mr. SIMS. I have suggested that the time be divided equally between the gentleman from Wisconsin [Mr. ESCH] and myself, to be yielded by us.

Mr. TOWNER. But the gentleman suggested that it be divided in respect to the affirmative and the negative of the question, and I suggest that he control the time, granting to those upon that side, whatever their position might be upon the amendment, and the time here to be granted to those on this side that desire to speak, that all might be taken care of.

Mr. SIMS. But it is more logical to control with respect to the affirmative and the negative of a proposition.

Mr. TOWNER. I agree to that, but I think the other would save time in this instance.

Mr. SIMS. Mr. Chairman, my request has been submitted. We do not know how many amendments are to be offered to this section. Now, after debate has run along upon this amendment for half an hour, I am suggesting 1 hour and 20 minutes more under this rule, and it seems to me that that is extremely liberal for one amendment.

Mr. GREEN of Iowa. If the gentleman does not propose to give any further opportunity for amendment, I shall have to object.

Mr. KINCHELOE. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded. Is there objection to the request of the gentleman from Tennessee that debate continue for an hour and twenty minutes on this amendment and all amendments thereto, one-half to be controlled by himself and one-half by the gentleman from Wisconsin [Mr. ESCH]?

Mr. GREEN of Iowa. Mr. Chairman, I object.

Mr. SIMS. Mr. Chairman, I move that all debate upon this amendment and all amendments thereto close in 1 hour and 20 minutes.

Mr. CANNON. And to that motion I offer an amendment striking out "1 hour and 20 minutes" and inserting "2 hours."

The CHAIRMAN. The gentleman from Tennessee moves that all debate upon this amendment and all amendments thereto close in 1 hour and 20 minutes. To that the gentleman from Illinois offers an amendment that all debate close in two hours. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the motion as amended, that all debate on this amendment and all amendments thereto close in two hours.

The question was taken, and the motion was agreed to.

Mr. SIMS. Now, I did not notice whether the gentleman from Illinois included in his motion that one-half of the time should be controlled by the gentleman from Wisconsin and the other half by myself.

Mr. CANNON. I think it had better be left with the Chair. Evidently the gentleman does not need as much time in opposition to this amendment as those who are for the amendment.

Mr. SIMS. The Chair will recognize the gentlemen alternately, and then only for five minutes, and certainly the gentleman from Wisconsin and myself can serve the membership better than the Chair.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that one-half of the time be controlled by himself and one-half of the time be controlled by the gentleman from Wisconsin. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee is recognized for one hour.

Mr. SIMS. I yield five minutes additional to the gentleman from Kentucky.

Mr. BARKLEY. Mr. Chairman, under the terms of the law under which the President took over these roads it was provided that he might take possession or assume control of any transportation system or systems or any part thereof. Now, it does not follow, and I do not think the Members of the House ought to presume, that merely because a railroad is a short-line railroad that it is not taken over. There are many short-line railroads that are taken over. There are many short-line railroads that will be taken over if they have not been already taken. The question that governs the President of the United States and which he must consider in determining whether a particular line of railroad is taken over is the question within the meaning of the act of August 29, 1916, as to whether it is a system of transportation or a part of a system of transportation.

Mr. SNYDER. Will the gentleman yield?

Mr. BARKLEY. I yield to the gentleman from New York.

Mr. SNYDER. With reference to the Government's responsibility in taking over a short-line railroad the Government will have no further obligation than to keep the road in the condition it received it and hand it back in as good a condition. Is that right?

Mr. BARKLEY. That is not all.

Mr. SNYDER. The Government takes no responsibility in paying larger earnings to the short-line roads than they are now making or were making in the three prewar years?

Mr. BARKLEY. If the Government is compelled to take over all short lines in fixing compensation, they will be entitled either to have a contract with the Government for the period of Government control or they will be entitled to go to the Court of Claims under the provisions of the bill and establish what they are entitled to for the use of the road while the Government has it.

Mr. SNYDER. But that could not be more than it was in the three prewar years?

Mr. BARKLEY. It could not be more if they come within the provision of the standard return and they enter into a contract with the President based upon the standard return; but suppose these short-line railroads have made no earnings during the period of three years?

Mr. SNYDER. That is what I am trying to get at.

Mr. BARKLEY. Suppose they have no standard return in that period. Then they do not come under the standard return, but there must be a contract on the basis of the standard return or come under special abnormal circumstances that entitle them to a more liberal consideration than they would have been entitled to under the standard return; and the standard return, of course, being averaged on the net operating income for the three-year period, and having no net operating income on which to base a standard return, they will have the right to demand of the Government a special contract with them covering the period of Federal control or go to the Court of Claims and establish a claim against the Government for their use. It may not be necessary to haul more than one freight train over one of these short lines to bring it within the terms of the bill, and they could either demand a contract of the President or go to the Court of Claims to ascertain their claim against the Government.

Mr. SNYDER. After all, I can not see wherein the President, or whoever would make this contract with the railroads, would get any authority from this bill to give the short lines more than they are now getting.

Mr. BARKLEY. It would give no authority to give more than the standard return, but you understand there are many of these short lines that have no standard return because they have no net operating income during the three-year period, and therefore are put in the class of special, unusual circumstances or abnormal conditions that the President must take into consideration in entering into separate contracts with those railroads, and which will be extremely unwise with such obligations upon the Treasury.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I yield four minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Chairman, I do not assume to be an expert on the railroad question, neither do I believe I am well versed in all the intricacies that are involved in this important bill, but I do believe I have a few practical ideas about the result that will follow if this bill is passed as it now is and without this amendment. We propose by this amendment to take in short lines as well as long and more important lines. I have no doubt that it was important to the Government during this war to take the railroads over as has been done as a war measure, and as such I am for it. No Member in this House will go further than I will go to sustain the President in his efforts to win the war. The gentleman from Kentucky [Mr. BARKLEY] says it may not have been necessary for the Government to take these short lines for its purposes, but I submit that if the Government takes the large and important railway systems of this country to the exclusion of the others, that it will have left them out in the cold and will, as the gentleman from Illinois [Mr. CANNON] said, simply put them in the scrap heap. There are seven of these railroads in my district. I know how very important they have been to that section of the State: First, they have developed the country. There have been built along these lines a number of important and progressive cities, and if these railroads are left out of this bill, and they are not taken over by the Government with the others at this time, they will lose their credit; you will destroy the capital invested in them, you will hurt the towns that have been built along these lines, you will take from the people adjacent to these roads their present mail and transportation facilities or greatly lessen their efficiency.

Some one in this discussion has said the Government did not take cripples in the draft, and should not take small crippled railroads. The illustration was both unfair and unfortunate as an argument. True, the Government did not take the boy who was weak and crippled, but it did not add to his infirmities. If he had lost one leg, the Government did not cut off the other. This proposition is to take large competing railway systems, throw the strong arm of the Government around them, but leave the small roads to "root, hog, or die," with the powerful support of the Government extended to their competitors. By such legislation you will lessen the business of the short roads, you will destroy their credit, you will do them an injury that is vast and will be irreparable.

Mr. BARKLEY. Will the gentleman yield?

Mr. RUSSELL. I have but a moment's time. If I had I would be glad to yield. I will yield if you will give me the time.

Mr. BARKLEY. I have not got it.

Mr. RUSSELL. I know that these railroads have been very important to the country, and they have usually been built by local capital. The gentleman from Texas [Mr. HARDY]—I do not know whether he is present to-day or not—told me yesterday that he knows of one instance where a lady has her all invested in stocks or bonds of a short-line railroad. She had made arrangements to sell her holdings and believed she was going to be able to sell to good advantage; but when this action by the Government was taken the contract fell through, and that lady now seems likely to be pauperized unless these small railroads are included in this order or in the benefits of this bill.

I submit that this Government is too big, it is too magnanimous, to do an injustice of that sort; that is, to pauperize thousands of people in this country by such a discrimination. I was impressed with the splendid speech made by the gentleman from Pennsylvania [Mr. DEWALT] when he was talking about the large interests involved in this proposition—first, he said, the millions invested in railroad property; then the 1,750,000 employees that do the work. The distinguished gentleman from Illinois [Mr. CANNON] then reminded him that there were 110,000,000 people in the United States also interested. We can not say how many, but I doubt not that there are thousands of people to-day interested in the stocks and bonds of these little short-line railroads, and oftentimes women and children in our home communities. I do not care whether the Government needs them or not; it can not afford by affirmative action of this sort to do that which will certainly result in great injustice to a large number of the people of this country, not only the stockholders but the shippers and citizens along these lines.

This amendment should be passed. You ought to carry out by your vote to-day the Democratic and Thomas Jefferson idea of "equal rights to all, special privileges to none." [Applause.] I submit that this amendment ought to be carried as a matter of justice, even if it does not prove to be a good financial investment on the part of the Government. I know of post offices in my district that are run at a loss to the Government, and I know of rural routes that are so run, but they are conducted for the convenience and for the benefit of the people. The rights and the interests of the people should be considered now. Is the Government going by this act to pauperize thousands of people in this country that have by their courage and enterprise built up and developed our country and towns along these lines? I hope not. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Chairman, I do not care to be personal, but it is necessary in order to make this statement. I am interested in the short-line railroads, as there are something like 43 in North Carolina. After a conference with a number of gentlemen who are vice presidents and secretaries and treasurers of these short lines, they wanted something done to protect them in case this railroad bill passed. They told me they were not asking that the Government take them over, though they were perfectly willing to be taken over, but their chief concern was that if they were not taken over by the President's order nothing should be done that would injure them so as to destroy their securities, $800,000,000 of which are outstanding. A number of us got together, among them the gentleman from North Carolina [Mr. KITCHIN], and we drew the main features of this section 9 of the bill, which seemed to be satisfactory to the short-line railroad representatives who were here at that time.

One of them who was present was Mr. Robinson, president of the Short Line Roads of the United States, who had just gotten out of the hospital after 10 days' illness, and was in my office.

Mr. SIMS. Mr. Bird Robinson, a representative of the Short Line Association.

Mr. WEBB. He struck me as being an intelligent man. I do not know where he lives. I read this section 9 to him, and he said that it was satisfactory. He realized that they could not get all they wanted, and that that was the best they could hope to do under the circumstances. This section simply takes care of them and leaves them in statu quo, as we say, in case the President does not take over a short-line road which he conceives not to be useful to the Government in time of war.

The main thing the little roads wanted, it seemed to me, was that routing instructions over these small roads should not be interfered with by the Government. In other words, that if a man wanted to ship a car of freight to Ohio by way of a short line, the freight each way being the same, he ought to have the right to select the road over which he ships. That is where the competition in securing freight comes in. That is why agents go out and solicit freight for their roads. They wanted, if a shipper should route freight over their short-line roads that were not taken over by the Government, to let that routing stand, and not permit the Government to do anything to deny the shipper the right to direct the freight over a short-line road.

Now, that is the first thing we covered in the section. The next thing, they ought to be protected in their traffic arrangements and agreements with the big roads; that the taking over of a trunk line by the Government ought not to permit the Director General or anybody else to uproot and destroy their reasonable traffic arrangements which were permitted under the interstate-commerce law; and therefore we added that nothing in this act should be construed to change routing instructions and traffic arrangements on such lines as may not be taken over by the President.

Mr. GREEN of Iowa. Will the gentleman yield there?

Mr. WEBB. Yes.

Mr. GREEN of Iowa. The gentleman realizes, of course, that there are a large number of these short lines which are merely feeders to the other lines. Now, I think that the provision that the gentleman has just referred to would not protect these roads if the main lines were to continue to be operated in the same manner as they were operated before, but does not the gentleman think that when the Government orders certain routings over these roads that that will interfere with all the freight over the roads and interfere with these short lines?

Mr. WEBB. Not if section 9 is obeyed. We provide that nothing in this act shall affect the routing instructions over or traffic arrangements of such roads as are not taken over by the Government unless the routing instructions prejudice the movement of Government supplies or war materials. If that is done, nobody would object. We thought further that there might be a case of a jam or a blockade at some point, when it would be to the public interest to route freight temporarily away from a small line, which would ultimately relieve the jam, and at the same time take away some of the routing over the small roads. Therefore in case that is done, then a sufficient amount

of unrouted freight after the emergency is passed may be routed over the short-line road to compensate the short-line road for its temporary loss in revenue.

Mr. GREEN of Iowa. Such lines as I refer to are merely feeders, and the routing has nothing to do with it, because it all has to go over that route anyway. Then if the interline arrangements are interfered with by reason of military necessity on the main line, what is to compensate the short line or the feeding lines?

Mr. WEBB. I can not very well conceive how a short feeder line would be very material in transporting war material. If it is, it is the duty of the President to take it over.

Mr. GREEN of Iowa. Corn is a war material, and wheat and cattle and hogs are war materials. We could not conduct the war without them.

Mr. WEBB. I do not care to define what "war material" is. Therefore if you leave it to the President's judgment to take over any railroad that is of advantage in the conduct of the war, he will take over such line—the big lines and the small lines also. Why should we give him the discretion to take over such through lines as he thinks are necessary to the conduct of the war and compel him to take over the little lines, whether they are useful in the war or not?

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. GREENE of Vermont. Is it not the conclusion that the diversion of traffic made necessary for war purposes might act in the nature of a tying up, as an artery is sometimes tied up, for instance? That would prevent their having any circulation of traffic at all.

Mr. WEBB. In that event the President could take over the short-line railroads. If it hauls a sufficient amount of war material to make important the movement of its freight for war purposes, it ought to be taken over.

Mr. GREENE of Vermont. No. On the contrary, if it were permitted to continue its existing traffic arrangements with a through system it would support itself, but if that traffic is diverted it would have little or no freight. Many of these short lines do not originate much traffic and do not themselves deliver traffic at the terminals. They are little links or little parts not yet swallowed up in the larger systems. Now, if the traffic on the main line is diverted by military necessity, it amounts to a tying up of this artery and thus stopping the circulation. There are many lines that are not a part of a main system. They do not lead to a terminal.

Mr. WEBB. The gentleman would not want to starve out a whole community by not running the trains.

Mr. GREENE of Vermont. They might be deprived of earning their fair share of transportation income, because perhaps there would be no traffic of importance subsequently that could be sent over their line for gensons of geography. You can not force any or all traffic over them regardless of its destination.

Mr. WEBB. When a diversion of freight from a short-line road will relieve the emergency, then it is the duty of the Director General when the emergency is over to route freight over that short-line railroad in sufficient amount to compensate it for the loss of business while relieving the emergency.

Mr. GREENE of Vermont. But there are roads that are feeders, as has been said, and there are people who have their money invested in them, and they do not want to see them go out of business.

Mr. WEBB. After the emergency is over enough freight will be routed over that little road to pay it back for the loss it has incurred on account of the emergency.

Mr. GREENE of Vermont. But there may not be enough traffic that must or can go over that road in order to reach the destination.

Mr. SNYDER. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. SNYDER. Referring to the gentleman's statement, to the effect that some short lines operate only a part of the year and therefore can be put out of business, we might just as well put out of business the Erie Canal, for example, because it runs only seven months in the year.

Mr. WEBB. I do not look for emergencies lasting seven months. If the emergency arises by which the public must be relieved by the rerouting of freight, nobody would stand in the way of the rerouting in the emergency; but I can not see an emergency lasting more than a few days or a few weeks, and if the Director General is directed to reroute enough traffic over that little road to compensate it for the loss I do not see how that road will be damaged.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. ESCH. Mr. Chairman, I yield three minutes to the gentleman from North Dakota [Mr. NORTON].

Mr. NORTON. Mr. Chairman, the provisions of this bill should be fair to all the railroads, to the short-line roads as well as to the trunk lines and transcontinental lines. This amendment should receive the approval of the committee for the reason that section 9, which attempts to provide for the short-line railroads, does not make definite or certain what short-line railroads will or may be taken over by the Government. Section 9 does not at all provide adequately or fairly for short-line roads.

The short-line railroads are the ones that for the most part have been promoted by local capital. They are the pioneers in railroad building. They are the ones that reach out into sparcely settled regions and develop new sections of the country. I do not believe that anything should be placed in this bill or that anything should be left out of the bill that would tend to destroy short-line railroads. The taking over of the large trunk-line systems of the country will as a matter of fact disarrange the money market and make it impossible for many of these short-line railroads to finance themselves. If they are not taken over by the Government on an equal basis with the other lines, a great injury and injustice will be done to most of them. The provision in section 9 of this bill does not at all take care of the situation that these short lines will have to meet.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. NORTON. Certainly.

Mr. DECKER. I want to ask the gentleman a question, if he has the time to spare?

Mr. NORTON. All right if the gentleman will make it brief.

Mr. DECKER. Well, I wish you would point out how by taking them under Federal control you give them a chance to finance themselves?

Mr. NORTON. It will do that in the same way that the taking over of the trunk line roads by the Government will stabilize and strengthen their financial condition. It will insure at least a fixed and definite minimum operating income for these short lines.

Mr. DECKER. What part of the bill, if you take them over, will give them a fixed income?

Mr. NORTON. What part of the bill?

Mr. DECKER. Yes.

Mr. NORTON. The bill provides that the railroads shall be guaranteed by the Government an annual operating income equal to the average annual income for the years 1915, 1916, and 1917. All I want to do is to put the short-line railroads on at least as favorable a basis as the trunk lines. This in justice should be done for them. If we are going to take over the railroads of the country, I believe we ought to take over these short lines. Further than this, I am not only in favor of the taking over of the railroads by the Government during the war, but I am also in favor of the Government taking over the permanent ownership and control of all the railroads of the country.

I have carefully studied the provisions of section 9 of the bill, and I know they are not fair to the short-line railroads owned by farmers in many sections of the country. The amendment that has been offered by the gentleman from Wisconsin [Mr. ESCH] that these lines be taken over is a fair, reasonable, and just provision.

Mr. ROMJUE. Will the gentleman yield?

Mr. NORTON. Certainly.

Mr. ROMJUE. Does not the gentleman think that if the short lines were not taken over, and at the conclusion of the war the railroads were released and turned back to their private operations, a great injustice would result to the short-line roads, and that they would be put practically at the mercy of the larger railroads of the country?

Mr. NORTON. Many of the short-line roads in that event would be completely bankrupted. We would likely have few short-line roads left at the conclusion of the war. The country would not have the benefit of the competition these short lines give us to-day. It would lose the benefit of many lower rates of transportation brought about by the operation of the short lines.

Mr. ROMJUE. And will they not be placed at the mercy of the larger railroads of the country?

Mr. NORTON. Certainly.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. I yield five minutes to Gov. SANDERS, of Louisiana, a member of the committee.

Mr. SANDERS of Louisiana. Mr. Chairman, there are 30,000 miles of short-line railroads in America. Those 30,000 miles have outstanding in the neighborhood of $2,000,000,000 of securities. If these lines are not taken over under this bill it practically means bankruptcy for them. The amendment that has been spoken of by the gentleman from North Carolina was put into the bill at the suggestion of the short lines, but it was in no way agreeable to them. It was considered to be the best that could be gotten from the committee. Every representative of the short lines who appeared before our committee was in favor of those lines being taken over by the Government. It is true that they objected to the remuneration offered, but every one of them stated that unless they were taken over by the Government and were treated fairly it meant bankruptcy for them. And that is easily understood, gentlemen of the committee, because if we have in this Nation two systems of roads, one controlled and run by the Government, the great trunk lines, and the other, the short lines, controlled and run by private individuals, it simply means that there will be no freight routed over the short lines, and it means that the Government in taking over the trunk lines will have taken from the short lines their means of sustenance. To-day all the freight that the short lines get is obtained through solicitation. If the Government controls and operates the trunk lines, the Government will route the freight as the Government sees fit, irrespective of any solicitation. There is not a trunk line to-day in America but what has been made up of short lines. The short line is the pioneer. The men who build the short line gamble with the future. They risk their money, and often, in fact, almost universally lose their money, but it goes to the upbuilding of the community, and the short lines joined together ultimately become the trunk line. It is therefore absolutely essential for the future development of transportation in this country that the short line be not starved to death, but that that line be fostered and taken care of by the people. Now, if the Government is taking the place of railroad management, the Government itself ought to take over the short lines, just the same as the Government is taking over the trunk lines. There can be no question but what if this Government takes over the short lines as it has taken over the trunk lines it will not only save the short lines from bankruptcy, but it will benefit the country. I wish to call your attention to the fact that when the Government took over the great lines by the same order it took over every short line; and when these gentlemen appeared before our committee they stated that they were in the position of Mahomed's coffin, being neither in the heavens nor on the earth, that they were suspended in midair. They had been taken over by the order of the Director General. They exhibited their orders to the committee, and yet they stated that they did not know whether they were a component part of the national system or whether they would be put into the discard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, in view of the time occupied by the gentleman from Wisconsin [Mr. ESCH], and in view of the fact that Gov. SANDERS, a member of the committee, used no time in the general debate, I feel that I ought to yield to him five minutes, which I accordingly do.

Mr. SANDERS of Louisiana. If we have this double-barreled system of roads in this country, and then if we go further in the bill and adopt a double-barreled system of rate making, we will then have this condition confronting us: The great lines will be controlled by the Government, the rates will be fixed by the President, the little lines will be controlled by their owners, and their freight rates will be fixed by the Interstate Commerce Commission.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Louisiana. Certainly.

Mr. TOWNER. The gentleman is making a most illuminating statement; but I want to make this suggestion to him, that what he says may occur will absolutely occur if the provisions of this bill are carried out, because the provisions of this bill give the power to the President to make rates in reference to those roads that are taken over.

Mr. SANDERS of Louisiana. No one knows that better than myself, and no one has fought harder against that in the committee than myself.

Mr. TOWNER. So there will be two systems.

Mr. SANDERS of Louisiana. There is bound to be what I designate as a double-barreled system of roads and of rate making. I contend, gentlemen of the committee, that every single, solitary mile of rail in the United States is a component part of our transportation system. [Applause.] And every little road, no matter where that road is situated, no matter what it hauls, every road in America is to-day hauling war material, for this reason: Wars are no longer fought by armies. Wars are fought by a people, organized and efficient for that purpose; and the little road that hauls wheat hauls war material, and the little road that hauls lumber hauls war material, and every one of these short lines to-day are transporting war material that goes to make up the efficiency of this Nation; and every single, solitary mile of railroad in America ought to be taken over under this bill, ought to be administered as a whole, ought to have the Government's arm around it; and I call your particular attention to this, that no harm can come to the Treasury of the United States by taking over these short lines, for the reason that their remuneration is fixed in the bill.

The trunk line, if you please, has a handsome return under this bill. The short line will get practically nothing except the strong arm of the Government around it, to see it through this crisis, and see that it is not robbed of its means of sustenance during this time of war.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SANDERS of Louisiana. I will.

Mr. GREEN of Iowa. I concur with what the gentleman has so forcibly stated, but I wish to call his attention to the fact that as the amendment is drawn the feeders which constitute the largest portion of the short lines would not be included.

Mr. SANDERS of Louisiana. I can not agree with that construction, and if it does not, then it ought to be because my contention is that every mile of railroad in this country constitutes the transportation system by rail of this country. It ought to be coordinated, each mile with the other, and then it ought to go further than that, every mile of navigable waters in this Nation ought to be coordinated with every mile of railway transportation. [Applause.] Then when the rail and the water lines shall have been coordinated, and not until then, will we have a transportation system worthy of the name in America. [Applause.]

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. DECKER].

Mr. DECKER. Mr. Chairman and gentlemen of the committee, I wish to say that I most heartily indorse the sentiments and expressions of the gentleman from Louisiana [Mr. SANDERS] than whom there is no abler man on the Committee on Interstate and Foreign Commerce, and, in my judgment, it will not be long before he will be recognized as one of the ablest in this legislative body. [Applause.]

But I hope the distinguished gentleman will not call it presumption on my part if I point out to him in a brief way that this amendment which is proposed here in no way reaches the object which he seeks. What he said relative to the short-line railroad owners coming before our committee is true, but I think the distinguished gentleman will bear me out that I was one of the first members of the committee who, in defense, took up the cudgel in their behalf. I did it for the very reason stated by the distinguished gentleman from Louisiana, because I felt that every means of transportation in this country should be coordinated and, as far as possible, utilized, and I thought that the Treasury of the United States and the people of the United States were strong enough to bear the burden, if burden there be.

In opposing this amendment I want it understood that I do not oppose it on the ground that we owe nothing to these short-line railroads. I do not indorse the sentiment of the distinguished Secretary of the Treasury, to wit, that in time of war we take only the stalwart men and leave the cripples, and therefore in time of war we take the strong railroads and leave the weak ones. The difference in that argument is that we take the strong men and leave the cripples, but we do not injure the cripples when we leave them. All we want in this bill is some method, if it can be devised, to not injure the railroads that are left and not taken over.

I want to point out that this amendment does not better their condition very materially, and, in fact, I have some grave doubts if it benefits them at all. True, the amendment is worded so that they can be taken over and shall receive all the "benefits under the bill," but I have not heard anybody yet state what specific benefits they will get under the bill as now drawn.

The reason I voted for the amendment we put in the bill, section 9, to leave them as they are, but not to interfere with the traffic arrangements, was because it was agreed to by the presidents of the short-line railroads, whose representative, a very able man and who seemed to be a fair man, came before our committee at the time they thought they were being taken over, as has been stated, and what he objected to was that under the provisions of the bill as then written, and as it is now written, there was no method to pay them what they thought they were entitled to, or a sufficient amount even to keep them out of bankruptcy.

Now, you gentlemen who are interested in the short-line railroads, I want you to listen to me a minute, because although I may not be as able as these men, I think I have a point that you

should consider and perhaps can work out better than I can. They came before our committee and said: "Your standard return provides only for railroads that have been getting an income during the last three years. Almost every short-line road that came before our committee by representatives stated that—that for one reason or another they had not been making anything, or, at the most, very little, during the last three years, and what they objected to was that there was no provision in the bill to give them anything except at the end of a very expensive and tedious lawsuit.

Mr. TOWNER. Will the gentleman yield?

Mr. DECKER. I will.

Mr. TOWNER. I was going to suggest to the gentleman that at that time they were not aware of the provision in the bill that was afterwards inserted, as I understand it, giving the President the power to take care of exceptional cases.

Mr. DECKER. I was just coming to that, and I am glad the gentleman mentioned it. It is a very pertinent question. In my opinion that in nowise betters conditions.

This is the section to which the gentleman from Iowa referred, and I want you to pay particular attention to it:

> If the President shall find that the condition of any carrier was during all or a substantial portion of the period of three years ended June 30, 1917, because of nonoperation, receivership, or any undeveloped or abnormal conditions, so exceptional as to make the basis of earnings hereinabove provided for plainly inequitable as a fair measure of just compensation, then the President may make with the carrier such agreement for such amount as just compensation as under the circumstances of the particular case he shall find just.

But the man who wrote the bill, Mr. ANDERSON, pointed out to us that it in no way, according to his judgment, changed the situation, because let no man deceive himself, neither the President of the United States nor the Director General is going to say to a railroad that has not been receiving anything for the last three years, "I will give you 6 per cent or 3 per cent or 10 per cent" without some careful and painstaking investigation to find some reason why they should be paid anything; and the investigation that will be required under this paragraph of section 1 will be just as tedious, just as painstaking, just as productive of delay as is provided in section 3, that gives them the right to have the referees, and so forth; and, in my humble opinion, your amendment holds forth a promise to the short-line railroads, but it will do them no good in the end, because the benefits of this bill, which you promise to them when you say, "We will take you over," simply means to give them the right to go into court and show that the Government of the United States should pay them for railroads that have not been making any money. That is all that is in the bill. I am the friend of the short lines and I have fought their fight since the beginning of this discussion in the committee, and unless you do something along the line of what the men who came before our committee wanted, I do not think that you will do them any good. They said this, in substance, "We have only been running two years," and another would come in and say that they had just gotten out of the hands of a receiver; another would come in and say they had been running a long time, but that they had just been reorganized two years ago, and they said, "You have taken us over"—they thought they had been taken over—and they said, "Pay over a certain per cent on our indebtedness, and that is all that we will ask." In other words, they said, "If we owe $500,000,000 or $1,000,000 of bonds, or if we have bonds out to that amount, pay the interest on the bonds until the war is over, and that is all we ask."

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DECKER. I will ask the gentleman to yield me a little more time. I just want to finish this thought.

Mr. SIMS. I yield the gentleman five minutes more.

Mr. DECKER. So now, do not deceive yourselves, and, for Heaven's sake, do not deceive the short-line people; do not say to them, "We are going to give you the benefits of the bill" when there are no benefits in it for them. You say that it will stabilize their finances and allow them to issue more securities. Do you mean by that that you want the President of the United States to buy the securities of these short-line railroads that have not been making any money under their own management? If you do, say so, and do not put the burden upon the President of the United States and then whine about it afterwards and say that he has extravagantly managed the railroads of the country. Say what you mean. If during this crisis you mean to pay the short-line railroads of this country a certain per cent on their indebtedness, if you authorize the President of the United States to purchase securities which they feel that they have to issue during the struggle, then say so, but do not put the burden on the President of the United States and then say, "You squandered the people's money and Government control is a failure."

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. MADDEN. The gentleman, of course, knows that there is a war-finance corporation being organized, and the report upon that bill will soon be in the House from the Committee on Ways and Means, which authorizes the Secretary of the Treasury, as the Pooh Bah of the Nation, to spend $500,000,000 and create $4,000,000,000 more of indebtedness for the purpose of buying securities of the railroads, maintaining the standard of all corporations that he may see fit to favor, and it will include these railroads, and it ought to include the short lines as well as the trunk lines.

Mr. DECKER. If it includes them, it would include them as much out of Government control as under Government control, so there is nothing to that. The point I make is this: Decide for yourselves what is best for them, because this amendment we put in the bill was written by the head of the short-line organizations, and they simply say, "If you can not pay us a stipulated interest upon our indebtedness, then, for Heaven's sake, during the war do not interfere with our traffic arrangements," and we have put into the bill that their traffic arrangements shall not be interfered with except by war materials; and let me call your attention to the fact that if the President of the United States wants to ship war materials over these roads he will undoubtedly take them over of his own initiative. The question you have got to decide is whether it is not better to let these railroads struggle along as they have in the last three years without making any money under their own management, and fight through themselves, than to put them under the Government control, put them into the courts of the country, which you will do unless you put a provision in the bill that the Government will pay the interest upon their indebtedness while the war is going on.

Mr. NORTON. Mr. Chairman, will the gentleman yield?

Mr. DECKER. Yes.

Mr. NORTON. The amendment provides that their average income for the last three years shall be guaranteed by the Government.

Mr. DECKER. What amendment?

Mr. NORTON. The amendment that the gentleman from Wisconsin [Mr. ESCH] offered. It puts them upon the same basis. The amendment itself does not contain those words, but if debated and made a part of the bill, it puts those roads on the same basis as the trunk lines.

Mr. DECKER. That is very true, but they are not in the same position as the trunk lines, because they can not get the benefit of the standard return which they have not been making themselves.

Mr. NORTON. If they made a return it guarantees that that return will be made by the Government to them.

Mr. DECKER. If they have been making returns during the last three years, then they are not in a very bad fix if you let them alone and guarantee that the traffic arrangements will not be interfered with.

Mr. NORTON. That is the point. They are not in a bad fix, but they are very likely to be if the Government takes over every trunk line and leaves them out and that is just what the short lines are complaining of.

Mr. DECKER. I am pointing out——

Mr. NORTON. The gentleman does not seem to get the point.

Mr. DECKER. The gentleman does not seem to get this point—and I wish to speak respectfully—the gentleman does not get the point that to put these short-line railroads under Government control and before they can get compensation from the Government require them to go into court and submit to a tedious lawsuit is not better for them than leaving them as they are now.

Mr. NORTON. I do not think that presumption will be taken at all.

The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I yield four minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, all of us are pleased, I am sure, when the gentleman from Missouri addresses the House, and I think he has offered some suggestions that show that he is very nearly in accordance with those in favor of taking care of the short lines. Now, I agree with the gentleman from Missouri that as this amendment stands it is not sufficient, and I hope and understand an amendment will be offered that will not only include all competing short lines, but also include all of those short lines that are engaged in general transportation, and that ought to be done. Of course there are some short-line railroads built for special purposes that are not engaged in general transportation, and these should not be taken over. But if they are engaged in general transportation, in my judgment they ought to be included under the President's order.

I agree also with the gentleman that in all probability, if this amendment be adopted, some amendment ought to be made to the provision of the bill which allows the President to take care of any exceptional case of railroads that are not otherwise provided for in the way of remuneration. Of course, gentlemen, this is temporary, but it is a question that involves not only the needs and the necessities of the Government, but also the most important economical interest of the people of the United States. The Government can not take over the railroads of the United States exclusively for war purposes. Gentlemen say, why should the Government take over any road that is not to be used for war purposes? No railroad can be taken over for war purposes only. The general transportation business of the country must be carried on, and it must be carried on principally on the railways which the Government will take over. Every railroad that the Government takes over is a part of the general system of transportation in this country.

Gentlemen have talked as if a system of transportation was something that must be limited to two or more roads. Why, no. The words "system of transportation" means even a 10-mile short-line railroad, because that is a system of transportation. You can speak of the entire railway system of the United States and say it is a system of transportation, and that is proper. The words "systems of transportation" used in the act were not limited and were not intended to be limited to railroads alone. The phrase includes all the systems of transportation, by water as well as land. And so when the President takes over these roads in order to do justice to the people he should be regardful not only of war interests and necessities—which are supreme, and when they are called into exercise all other powers must yield and all other interests—but he must regard also the rights and the interests of 100,000,000 of the people who are interested in every system of transportation in this country. They are all locked together. The short-line railroad, as we call it, only means that a particular section of track and the particular cars and equipment are under the control and management of a corporation operating a single-unit system. You will find, however, at some place that it is interlocked in some other system of transportation. At some place their cars are switched onto other tracks and connection is made that takes the commodities from the short lines to the trunk lines and so to the great marts of trade all over the land. [Applause.]

Mr. SIMS. Mr. Chairman, I ask the gentleman from Wisconsin to use the time to which he is entitled so as to make it even.

Mr. ESCH. Mr. Chairman, I yield four minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman and gentlemen, I favor this bill, and I am heartily in favor of this amendment, the Esch amendment, the same as the amendment put on in the Senate. It is true, as stated by the gentleman from North Carolina [Mr. WEBB], that the short-line railroads did ask for the little pittance that is shown here in section 9, but it is further true that they asked more than that, which the committee that considered this bill could not put in. What will be the result if this war lasts three years and the short-line railroads are not cared for under the terms of this bill? When this war is over, according to my conception, the short-line railways would be in a state of bankruptcy. If they are not cared for in this bill, they can not go to the banking institutions and trust companies and borrow money either on their notes or on their bonds. If they are not properly guarded under this bill, these roads will all be in the hands of receivers, and these 30,000 miles of railways, made up of short lines, that owe $2,000,000,000 would be in a state of bankruptcy, and the communities through which they travel would suffer in like proportion. The farmers and little industrial enterprises along the lines would be greatly injured and hampered. My contention is that the Government of the United States should do the same to the weak as it does to the strong. Is it possible that this Congress proposes to take care of the great trunk lines of this country and allow the short lines to perish and dwindle for the lack of sustenance?

Mr. LAZARO. Will the gentleman yield?

Mr. QUIN. I will yield.

Mr. LAZARO. Is it not true that a perfect transportation system of this kind could be compared with the circulatory system of the human body, and would it not be ridiculous to attempt to have a perfect system of circulation to take care of the large arteries and large veins without taking care of the small arteries, the small veins, and the capillaries of the body?

Mr. QUIN. Why, it would be considered nonsense to take care of the large arteries and large veins and neglect the small arteries and small veins; and yet certain people believe that you ought to allow all of the lesser portions of the body of American railways to perish and starve. Under this bill as it is drawn, the short-line railways, when this war comes to a termination, will be in a condition of bankruptcy and the communities that they serve will have suffered in like proportion. Who is there here that would like to see the little short railroads—the feeders to the main arteries of commerce—destroyed, and the rails removed, and the stockholders left penniless, and the patrons left destitute of transportation facilities? The weak and humble should be guaranteed the same protection as the strong and powerful.

According to my contention, this Government ought to so conduct its transportation facilities during this war, and all its other business, so that when it comes out of the war we will have a great, strong, athletic commercial giant with which we will be ready to meet the exigencies of the Nation. You can not do that unless all of these short lines are properly cared for the same as the main trunk lines of this country are cared for. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I yield four minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Michigan. Mr. Chairman, I am in favor of the amendment proposed by the gentleman from Wisconsin [Mr. ESCH], and I trust it will be adopted. If it is necessary to modify the amendment, I trust the change will be in the spirit in which the original amendment is drawn.

The Senate has just concluded consideration of this bill, practically the same as the bill now before the House, and in reading the debates in the Senate one is assisted in understanding the bill, what it is intended to do, and what it will do, and assisted also in arriving at the proper construction of some of its principal features.

The gentleman from North Carolina [Mr. WEBB] a few moments ago spoke of a meeting he had with gentlemen from his State who are interested in short-line roads and of the draft of an amendment which was incorporated in the bill and now appears in it, which he said was quite——

The CHAIRMAN. Will the gentleman permit the Chair to call his attention to the rule, and it is probably the duty of the Chair to do so—although I do not know that any harm will be done in this particular case—that it is in violation of the rules of the House to refer to statements actually made on the floor of the Senate by Senators?

Mr. MCLAUGHLIN of Michigan. I simply wish to call attention to the actual situation as it developed in the other body, and to a statement made by the distinguished Senator upon this particular point. I was making no reflection upon him, nothing that could cause any controversy or ill feeling. I certainly was not criticizing. I did not know that I was transgressing the rules and certainly had no intention of doing so.

The CHAIRMAN. The Chair understood, of course, that the gentleman was not speaking in any criticism, but it seems it is the duty of the Chair to take the initiative in calling attention to the fact that references can not be made in debate to statements actually made on the floor of the Senate by Senators without reference as to whether it is controversial or not.

Mr. MCLAUGHLIN of Michigan. I was referring to something that appeared in the RECORD, and practically quoting a statement by a Member of another body. I regret that I have transgressed the rules.

Mr. ROBINSON. Will the gentleman yield for a moment?

Mr. MCLAUGHLIN of Michigan. Yes.

Mr. ROBINSON. I just asked permission to interrupt you in order to state that the representatives of the short-line railroads in the State from which the gentleman from North Carolina [Mr. WEBB] comes and in part represents were not satisfied with section 9, but considered it was the best they could get from that committee; and they are heartily in favor of this amendment.

Mr. MCLAUGHLIN of Michigan. That is what I wished to bring out. In answer to what the distinguished gentleman says now and in answer to what the gentleman from North Carolina [Mr. WEBB] said, and that this amendment was urged in another body, because of what had been incorporated in this bill and thought at the time it was framed was sufficient, it seemed to me that the deliberations of the body, the conclusions they had reached, their arguments and reasons, would be helpful to the House in considering this amendment. The amendment now pending, offered by the gentleman from Wisconsin [Mr. ESCH], is in the same words as the Cummins amendment, adopted yesterday by the Senate; adopted because section 9 of the House bill was not considered as sufficient protection to small roads.

Now, the taking over of the railroads by the Government of the United States is not to be entirely in the interest or for the benefit of the Government alone, and, as has been well said by the gentleman from Iowa [Mr. TOWNER], they can not be taken

over entirely for war purposes and all other considerations eliminated. It seems to me that we can get help in the consideration of matters of this kind by knowing and keeping in mind some of the things that have been done in England respecting the general manufacturing situation in that country. There has been an effort, which has met with marked success, to keep general business going, to keep it prosperous and successful, as is shown, in one way, by the very large imports from that country, larger than ever before, indicating that the general business of the country is in good shape. So in this country, as far as possible, business should be protected and encouraged even if it is not directly a part of war preparation or absolutely necessary to enable us to prosecute the war. Certainly, the general business of the country ought not to be deliberately injured or sacrificed as would inevitably be the result of excluding small railroads from such benefits as may result from this act. If not included, the small roads will be discriminated against and embarrassed and many of them will be ruined.

Mr. ESCH. Mr. Chairman, will the gentleman from Tennessee [Mr. SIMS] use any of his time?

Mr. SIMS. I yield to the gentleman from Alabama [Mr. BANKHEAD] five minutes.

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. SIMS. I have just been informed that he has been called out of the Chamber, and I ask that the gentleman from Wisconsin use more of his time.

Mr. ESCH. I yield four minutes to the gentleman from Ohio [Mr. SNOOK], a member of the committee.

Mr. SNOOK. Mr. Chairman and gentlemen of the committee, I will ask not to be interrupted in the time that I have allotted me.

I regret very much to be compelled to take the position of opposing the position of the distinguished chairman of our committee, because I respect his judgment very much, as much as any man in the House, but I feel it my duty to support this amendment. And I want to give briefly the reasons. This question was before our committee and was gone into quite fully at the hearings. I have never heard but one argument, and there has been but one argument before the committee, why the short-line railroads should not be taken over, and the only argument offered was that it would entail a very large expenditure on the part of the Government, larger than the Government could afford to make.

Now, I am convinced, after giving the question thorough and careful study, that this would not be the result of the adoption of this amendment. I was asked a great many questions upon this very point when I had the honor of addressing the House during general debate, and I propounded the query then as to whether or not the Government could afford to do it. Since then, after giving the subject careful thought, I am convinced that the good to be obtained from following this course will outweigh the cost. There are many short-line railroads that have built up towns along their lines and that serve large communities. To discontinue those lines or to cripple their use would mean disaster to the towns and communities they serve.

There are three ways under this bill by which the railroads taken over can be compensated. The first is under the standard return, which is equivalent to what the railroads have earned in the last three years. If any of these roads is compensated under that provision it certainly can not hurt the Government, as the pay will be on the same basis with a majority of the roads.

The other provision is that they can go into the courts and have the amount of the compensation they should receive determined, and of course that would be the fair rental value of the road; and certainly the Government would not be harmed if that theory were put into effect.

The other method, to which the gentleman from Iowa [Mr. TOWNER] alluded, is that allowing the President or the Director General to censor the case and fix the compensation. That is the exceptional one, and of course it goes without saying that the President would not give compensation to any of these roads if they were taken over that would materially embarrass the Government. So I think that it may well be said that the expenditure on the part of the Government would not be such as to embarrass the Government; and this meets the only argument that was brought before the committee as to why these railroads should not be taken over.

It is said that this amendment does not go far enough, that it does not reach the railroads. I am inclined to think that it goes far enough, because under the language of this amendment there is not a railroad, however short, but has a junction with some other railroad, and in one way or another competes with some other railroad for business, and therefore it would reach all these railroads.

Another argument is that the taking over of these railroads under this provision would not do them any good. I can not see anything in that argument. When the railroads were taken over by the President, immediately the stock market and the values of the securities of those railroads reflected that action, and if these railroads are taken over with the others it will have the same effect on the short lines, on the small railroads, that it has had on all the other railroads of the country.

It will have a tendency to stabilize their securities and give them an opportunity in this way to meet their obligations as they accrue. For this reason I think the amendment should prevail.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SIMS. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

The CHAIRMAN. The gentleman from Alabama is recognized for five minutes.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, it seems to me that the primary consideration for a proper understanding and vote upon this amendment is to look into the elemental purposes of this bill. As stated in the caption of the bill, the purposes are "to provide for the operation of the transportation systems while under Federal control, for the just compensation of their owners, and for other purposes."

Now, admittedly there would have been no necessity for legislation of this drastic character except for the reason that the developments of the transportation system under war conditions under private ownership apparently, to a large extent, broke down, so to speak, and as I understand the purposes of this bill from the standpoint of the Government interests it is to unify and coordinate for Government needs and necessities such elements of our transportation system as are necessary to the successful and speedy carrying out of the war purposes of the country. I realize, of course, that there are a great many short-line railroads in the United States that have, according to the arguments that have been made here, a direct interest in the result of this legislation.

But, gentlemen, it seems to me that in order to arrive at the correct conclusion regarding the equity and merits of this proposition the status of these short-line railroads should be considered on the basis of their real earning capacity and carrying capacity as common carriers. You take an ordinary short-line railroad, used for the purpose of developing a certain limited section of the country, and necessarily it has some trunk-line terminal—that is, most of them have—and you take the lumber and wheat and iron ore or any other of the other necessary commodities that are required for the use of the public and the Government at this time, produced upon the territory covered by any short-line carrier, and they necessarily have to be transported by some route to their legitimate market, and therefore they would have to be carried, in its last analysis, to the larger consuming market by trunk lines, and these trunk-line railroads will inevitably be taken over under the provisions of this bill. On the other hand, in taking short-line railroads that do not furnish any product for foreign markets or a distant market there is no requirement from the standpoint of governmental necessity for taking over short-line roads of that character. Therefore it will be remitted, as under ordinary circumstances, to its actual earning capacity as a short-line carrier.

It seems to me, gentlemen of the committee, that the elemental considerations of the bill that is before us, as presented in this section and in other sections of the bill, are to conserve to the utmost all the necessities of the Government and not to give attention to the stabilizing and guaranteeing of the securities of short-line railroads. The purposes of the bill, as it was conceived and in the arguments made in favor of its passage in the first instance, were based on the developments and the facts which tended to show that it was necessary to coordinate or take over under Government control the really needed transportation facilities of the country, and not every element of the railroad systems of the country that might not be needed for that purpose.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. MADDEN. The necessities, of course, were first considered on account of the war needs?

Mr. BANKHEAD. Yes.

Mr. MADDEN. And it can not be said that the short lines are not hauling war material, because everything we use is in a sense war material.

Mr. BANKHEAD. It has to go to some fixed market. It is not to be conceived that the Director General would delay the shipment of war material over that short line, and therefore I do not think it will be necessary for the real purposes of this bill to take over all the short-line carriers and thereby tremendously and unnecessarily increase the burdens of the Government.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BANKHEAD. I am sorry that I can not further answer the gentleman from Illinois.

Mr. ESCH. Mr. Chairman, I yield two minutes to the gentleman from Alabama.

The CHAIRMAN. The gentleman from Alabama is recognized.

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, I am heartily in favor of this amendment. This is war legislation, and the communities dependent on short-line railroads are entitled to the protection that people on the longer roads are to have under the provisions of this bill.

There is a short-line railroad in Lowndes County, in my district, about 20 miles long. It joins the Louisville & Nashville Railroad leading into Montgomery, Ala. This short road is located in one of the greatest agricultural counties in the country, and over the protest of the people of the county, people who gave the right of way and timber for making crossties, this short-line road has been sold for junk and is being torn up and shipped away.

Those who owned the road have disregarded the interests of the public and they are depriving that territory of the services of this road, which were very useful in carrying farm produce to Montgomery and to Camp Sheridan. I think it is right and just that the Government should cover these roads into this bill, so that the communities that have these short-line roads will be assured that these roads, so useful and necessary to them, will not be put out of business and torn up and sold for junk during this war

The stockholder in the short-line road is entitled to the same character of protection that the stockholder in the big railroad is to have under the provisions of this bill; and as a matter of right the people living in communities served by the short-line railroads are entitled to the same character of consideration and protection that the people living on the long lines are to have under this bill. It is unfair to aid and safeguard the big railroads in these strenuous times of war and leave the little roads unaided and helpless in the hands of those who want to put them out of business. [Applause.]

Mr. ESCH. I yield three minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I favor this amendment for the fundamental reason that it avoids the perpetration of an injustice. I regret the necessity for the taking over of the railroads in this emergency, but if it was necessary to take over any, it is equally necessary to take over all. The gentleman from Louisiana [Mr. SANDERS] is undoubtedly correct in that proposition. Within this limited time I can give only two reasons: First, there is not a short-line railroad in the United States which in the carrying of freight and passengers does not prorate with railroads of greater length. It is absolutely necessary for their existence that they should give through bills of lading for the movement of traffic initiated over their own lines, and thence over other railroad systems, which under this act will be under the jurisdiction of the President of the United States, and it is unfair that the President should have the control of rates over the long systems of railway and these short-line railroads deprived of whatever benefit may accrue from the operation of this law.

In addition they ought to be included for their financial preservation. Many of them have bonds maturing during the existence of this law. They are deprived of credit by reason of the conditions of war, emphasized by the existence of this law which we are considering, and they ought to be protected.

Then there is another reason. While the Government in the exercise of certain prerogatives as a sovereign may do certain things such as we are proposing to enable it to do under this law, it is not in consonance with our institutions that the doing of anything by the sovereign should work an injustice to any other person or property, and we are doing a thing here by the passage of this law which will work that injustice, and therefore is fundamentally wrong.

Mr. WEBB. Will the gentleman yield?

Mr. SMALL. I yield to the gentleman if I have the time.

Mr. WEBB. Referring to the gentleman's last statement, will he tell us how an injustice is going to be done these short-line railroads in view of section 9 of the bill?

Mr. SMALL. Section 9 of the bill simply places it in the power of the President to let shippers route their shipments, provided the exigencies of the Government do not require the President or the Director General himself to do so. That does not protect these short railroads from the injustice which will be done them unless this amendment is adopted.

Mr. ESCH. I yield three minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry before I begin.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Is this the proper time to offer an amendment to the amendment?

The CHAIRMAN. The gentleman can offer an amendment to the amendment.

Mr. GREEN of Iowa. I offer the following amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment to the amendment. The Chair requests the attention of the gentleman from Wisconsin [Mr. LENROOT]. Did the gentleman from Wisconsin send his amendment to the desk to be offered?

Mr. LENROOT. That was my intention.

The CHAIRMAN. If that is the case, of course the amendment of the gentleman from Wisconsin [Mr. LENROOT] would take precedence in being offered before the amendment to the amendment proposed by the gentleman from Iowa [Mr. GREEN].

Mr. ESCH. Mr Chairman, I accept the amendment offered by my colleague [Mr. LENROOT].

The CHAIRMAN. It will have to be reported and acted upon by the committee, of course.

Mr. LENROOT. On the statement of the gentleman from Wisconsin [Mr ESCH], I am willing to withdraw my amendment for the present and to offer it later.

The CHAIRMAN. It has not been offered yet. The gentleman from Iowa is recognized to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. GREEN of Iowa offers the following amendment to the amendment: After the words "possession, use, and control," insert the words "or which is engaged as a common carrier in the transportation of material, food, fuel, or supplies used in or necessary for carrying on the war."

Mr. GREEN of Iowa. Mr. Chairman, I desire to call the attention of the committee very particularly to the fact that the original amendment offered by the gentleman from Wisconsin [Mr. ESCH] would not include to exceed one-third of the short lines, if it took in that many. I have not made any computation, but I believe I am safe in saying that fully two-thirds, and I think probably four-fifths, of the short lines are merely feeders. They do not compete with any line, but simply supply the road into which all of their shipments are eventually turned. It has been said in argument that the amendment offered by the gentleman from Wisconsin [Mr. ESCH], which applies simply to roads that compete with the roads which the President shall take over under the provisions of this bill, would include all of these short lines, for the reason that these feeders to which I now refer always take freight which would have otherwise gone somewhere or somehow to some other line.

Perhaps that is true, but that is not the sense in which the word "competition" is ordinarily used, and I do not think it is the sense in which it would be applied if this amendment is added. So that as the amendment now stands, in my judgment it will take over only a very small portion of the short lines. The amendment which I have offered, which, if adopted, would make the amendment apply to all roads that carry food, fuel, material, or supplies for carrying on the war, would include practically every road, at least every road that ought to be included, because there are none of these short lines that I know anything about which act as common carriers that are not carrying some food, fuel, material, or supplies necessary for carrying on the war. Moreover, I do not think it was the intention when this amendment was originally prepared and adopted that it should include anything but those lines competing in the ordinary sense of the word.

Another reason why I think it would be construed in that manner is that all through the bill there runs this idea, which is further expressed in section 9, that the short lines which are to be considered in the bill are those which are affected by routing arrangements, where the freight might be routed over some other line. In such a case as that, of course, they would compete with the main line. I think this amendment must be adopted if we are to take over all the short lines.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment to the amendment was rejected.

Mr. ESCH. Mr. Chairman, I yield three minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman, as I see this program, there are three elements in it: The Government, the holders of the securities of the short lines, and beyond them the people who live along these lines. I think this amendment is a simple

act of justice, for finally the Government is the people of this country.

I do not believe that we are prepared here to say that the exigencies of the war are so great that the Government can afford to take the chance of doing a great injustice. Some of these lines are barely able to subsist; some of them are already on the verge of bankruptcy. If they are not taken over, they will be destroyed and possibly junked.

A concrete example is a road 75 miles in length projected by a man and assisted by every community through which the road runs. It crosses two intersecting lines and has not yet reached its objective. That road is in danger to-day of being sold and junked. I suppose that a wise railroad financier might say let it be "junked" if it can not support itself. But remember that there are 800 such lines. There are 800 communities through which those lines run, and to do a thing now that would injure the life of these lines after the sacrifices that the people have made in their interest would be an injustice that I think the Government can not afford at this time. The farmers along the line of the road in many instances gave the right of way. Every town and township voted to tax itself that this road might be built. In every case the help rendered was absolutely gratuitous. No stock was issued to these farmers or towns or townships. The aid was not given for the purpose of realizing dividends on the stock, it was given that the road might be secured. Conditions are such now that the road can not be financed except by the Government. My only contention is that the property of the people should not be taken away from them, without hope of return, by any action of this Government; rather should it be the policy to conserve every mile of track and every bit of rolling stock on all the roads. The people along these short lines are helpless. They have sacrificed to build these roads; they need them. Business conditions are such that they can not organize a company now to protect themselves. All their money not immediately demanded in their own private business is being used for the purchase of liberty bonds and for subscriptions for Red Cross and Y. M. C. A. work. The Government ought to protect these roads by taking them over, operating them, and thus preventing a signal wrong to the communities through which the roads pass. [Applause.]

Mr. ESCH. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. SCHALL].

Mr. SCHALL. Mr. Chairman, I shall vote for the bill with some amendments which I hope may be attached. America's contribution to the war is reduced to-day to a question of transportation. We must keep the vast supply arteries open, and through them must flow a steady stream of men and war material to the sea and across that unwilling conscript. Nothing must stand as an obstruction. If we as a nation at war find a time-honored institution too cumbersome for our present urgent necessity, supplant it with one more mobile to our needs.

Had the catastrophe of war not come to us we might have struggled through the growing pains of adaptation of an ill-fitting transportation system without so radical a remedy. But crises precipitate discontent that is in solution. The enormous burdens of mobilizing a nation for war brought into high light the inherent defects of our system. The roads were hampered by a division of authority. Pooling, a thing desirable when the needs of the Nation and not private gain are the aim, had been interdicted because of its abuse by the roads in times past. With their future uncertain the credit of the railroads did not warrant investment in new equipment. The rapacious vortex of war preparation was draining the world of finance of its wealth and the strain of the useless cost of competing organizations was too much for the country to stand. So that, while the railroads in the past have not unjustly been considered sinners above all Israel, because managers were unable to view transportation as a whole and persisted in seeing only their own lines; because they opposed water transportation on lake, river, and canal, and jealously planted terminals without regard to public need; because of stock manipulations, secret rebates, and railroad wreckers, the present condition is not one for which they are to be punished. This bill is not a retaliatory measure. The railroads need the Government as much as the Government needs to control the railroads. Waste must be eliminated, expense curtailed, and congestion relieved. Only under one head can the whole system coordinate and function with benefit to every part.

There is a remarkable unanimity throughout the Nation in following the President in his most radical departure from precedent. The rail heads, labor, the investors, and the people generally welcome it as a necessary war measure, that will quicken our Nation's efficiency for winning the war and make our resources mobile. Charles S. Mellen, formerly of the New York, New Haven & Hartford Railroad, says:

> A single directing head will cut out the handling of thousands of empties one way, due to past competitive warfare. Freight will be shipped by the shortest route, without regard to which railroad benefits.

Theodore Shonts says that 60 per cent of labor and fuel in New York terminals will be saved by pooling. Already the Director General, by virtue of authority being lodged in a single head, has instituted direct routing regardless of earnings of railroads, suspended priority orders, and increased demurrage rates, thus hastening loading and unloading, none of which the railroads could do without permission of the War Board or the Interstate Commerce Commission, but which the Government under press of war necessity could instantly do. The success of the Government's war-time railroad policy will depend upon teamwork. Unless the present machinery, both labor and managers, cooperate, efficiency will be lost. We must employ and conserve, not antagonize and reject, the training and ability of the scientists in the railroad business. Their years of education are a Government asset. Every ounce of our financial strength must be applied. The Senate, ever generous at the taxpayers' expense, has taken good care that the railroads be well and sufficiently protected. It only remains that we should look equally well after the interests of the people who must pay the tremendous compensation suggested. The railroads are a part of the people; no longer are they a thing apart.

The people of this country are the ones who are making the supreme sacrifice. They have a right to safeguard. In the matter of compensation the railroads should receive fair and just return, but their service has not been so eminently satisfactory that they need a premium. If 4 per cent is enough for the poor who are patriotically handing over their little hoardings for the Government's liberty bonds, the railroads should be patriotically content to receive 8 per cent. And why pick out 1915, 1916, and 1917, when the last two were notably banner years, as a basis for compensation? Why the fattest years? Why not strike a middle course?

But at the same time we must avoid an unjust and arbitrary course. Who knows how Government control will work out after the war? As a permanent institution labor fears it might hamper their freedom; fears, too, lest the vicious workmen's so-called "compensation act" shall supplant the interstate-commerce act. Railroad heads regard it with disfavor. How the people will look upon it depends upon whether it shall degenerate into a dangerous, grafting, political, wasteful machine, a Scylla as much to be avoided as the Charybdis of selfish, narrow-visioned private ownership.

The question of how long the Government shall continue to operate the roads should be left open. The conditions of demobilizing will create just such difficulties as we are now experiencing. Reconstruction will face we can not conceive now what new problems. No one can say what definite period, if ever, will see the Nation restored to prewar conditions. It is essential that the period of control be sufficient to establish a permanent, far-reaching change adapted to the growing needs of our tremendous transportation problems. We should neither cut ourselves off permanently from the benefits of Government control, should that prove the consummation devoutly to be wished, nor should we so tie ourselves up that we can not substitute Government regulation, should that prove to be the better way. There is no vital necessity that this question should be settled at this time. The railroads are amply protected, the stock and bond holders equally so.

There is but one task before the least and greatest of this land, but one thought to hold, and that is win the war. Do your all to win the war; the administration says this is the way. If criticism helps, what difference whom it hurts; let it come. Perform the major operation and get on. If it will harm our cause, then the cure is worse than the disease.

The enemy we have to face is relentless, resourceful, rapacious, and united with a coherence that can only be overcome by an equal unity. That is the one terrific call to every one of us to-day. We can not in safety delegate our responsibility in this grave—this terrible crisis.

The American spirit has changed tremendously. It is back of any movement necessary to win. We are breaking, Gulliver like, the tiny fretting threads that well-meaning pacifists have wound about the giant limbs of the Nation. Our blunders, our failures are part of the cross that we must learn to bear. Cut red tape, the people back home are demanding, and forget politics and party. What do they care about political capital when the safety and well-being and lives of their best and dearest are at stake "over there"? What do they care which

party wins the next presidential election when their hearts are set with the grim purpose to go over the top in our fight for the rights of humanity? We can't evade, we can't go round; we must go straight through. The poignant days of the war are just beginning. What we have irked at is but the sting of the gadfly. We are in war. That is the one tremendous fact. We must win it; every other consideration is subordinate. Now is the one time in all our history, if we are to persist as a nation, that we must merge personal ambition. We must forego political advantage. We must abandon our local squint and try to see with the larger vision of the Nation.

I am heartily in favor of the Esch amendment, which I believe necessary to do justice, and in connection with that point I wish to have read in my time a letter written to me by my friend and constituent, Col. Luce, who is now serving his country with his regiment in Texas and who is interested in a short-line railroad running from Minneapolis to Hutchinson.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read as follows:

FORT SAM HOUSTON, TEX., *February 12, 1918.*

Congressman THOMAS D. SCHALL,
Washington, D. C.

DEAR CONGRESSMAN: I notice in the paper that Congress will bring up the railroad bill this week. There is no question as to the advisability of the Government taking over the railroads. If it had not, in all probability they would all be forced into bankruptcy. By congressional action salaries were greatly increased, cost of all labor doubled, fuel doubled, and all this without any material increase in rates. Evidently, with this given situation, it appears best to those in power in order to prevent financial disaster to the country's railroads and also those holding their securities to take them over with certain guaranties under present conditions. This is true of all railroads, big and small. The large railroad heads have been crying for relief, asking that something be done. Their prayer has been answered. If the big, strong railroads are in this condition financially, what shape do you expect to find the small ones in, especially those who are not fortunate enough to secure a partial handling of the immense Government business incident to the war. I do not think it is necessary for me to go further into detail as to the necessity of treating the large and small railroads alike.

I will bring to your attention a sample of the injustice if the small railroads are discriminated against. Between Minneapolis, Minn., and Hutchinson, Minn., the Great Northern, the Chicago Milwaukee & St. Paul, and the Electric Short Line each operate a line of railway. Under the proposed bill the Great Northern and Milwaukee roads will each be guaranteed a living by the Government, while the Short Line, because it is a small road, must be forced into bankruptcy. The small road serving its proportionate territory means just as much to the successful conclusion of the war as the large. The small investors in small roads have a right to ask for the same relief as the large ones. If more taxes are to be assessed to make up the loss in railroad operation under present conditions, the least the country can expect from Congress is that the laws shall be equitable to all railroads, both big and small.

As far as the undersigned is concerned, I am only too willing to serve my country in any capacity that I am asked in order to win this war. But in return, while I am deprived of attending to my personal business, I feel that it is only fair and just of Congress that in passing its law it shall treat the railroads alike and not discriminate against the small.

If the Government should protect the large and not the small roads, it will bring this state of affairs about: When the roads are turned back to the owners the large roads, all protected by the Government, will be in excellent shape physically as well as financially. The small roads, in the meantime, will be forced into bankruptcy and be on the market, so that the guaranteed roads will get them at a small per cent of their value.

Knowing that you will see the fairness of my argument and will do all you are able to see that all railroads are treated alike, I beg to remain,

Sincerely, yours,

ELECTRIC SHORT LINE RAILWAY,
E. D. LUCE, *Vice President.*

P. S.—I am speaking as a representative of 4,000 stockholders of the Electric Short Line Railway, all local people, 3,000 of them farmers.

Mr. ESCH. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman, there is but little a man can say in two minutes. I can say this, however, that war is not the normal condition of mankind. It is an abnormal condition and we expect, as a normal people, after the war is over, to resume our ordinary occupations in the ordinary way. It is a very poor way to go about it if as one of the first steps of war we necessarily destroy $2,000,000,000 worth of wealth in our country. We ought to be able after the war is over to go back and set out with institutions practically the same as they were before we started the war, if we can. If it costs us $2,000,000,000 to keep the short-line railroads, at the end of the war, if we have the short-line railroads at a cost of $2,000,000,000, we would at least have the railroads. If we go ahead under this bill without the amendment, at the end of the war we will have lost $2,000,000,000 worth of wealth and have nothing to show for it.

I know something about the practical effect of the situation in my district. There is a short-line railroad 60 miles long running through my territory, built up with little towns along the way. There are no other railroad lines by which the people can ship. It runs through farming communities and to coal mines. At present it is so situated that it can not get a single car through the trunk lines of the Chicago, Burlington & Quincy or the Rock Island. The people have had a hard struggle to get these roads. Many of these communities served by these little roads have labored for years to get these roads built as outlets for their products; they have invested their money in them. These roads ought not to be industrially destroyed. As my time is so short I can not now give my reason in greater detail. I am heartily in favor of this amendment. [Applause.]

Mr. ESCH. Mr. Chairman, I yield two minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Chairman, I listened to the argument of the gentleman from Missouri [Mr. DECKER], in the course of which he advanced the proposition that the short lines proposed to be taken over by this amendment, would not be benefited by that action. I failed to catch the force of his reasoning. The amendment provides that the short lines to which it relates shall be "held, and considered as within Federal control, as therein defined, and shall be entitled to the benefit of all the provisions of the act." Will the act be of any benefit to the trunk lines? If so, then the same benefits that will accrue to them, by virtue of its provisions, is secured for the short lines. The report which accompanies this bill declares that one of the purposes of this legislation is to provide for the operation of the trunk lines. It is a matter of great concern to many communities that the short lines shall be operated. This result is secured by the amendment.

Some of the gentlemen who oppose this amendment seem to be in a somewhat inconsistent position. Reading the argument of one Senator I find that although he believed and hoped that most of the short lines would be taken care of by the Government, he concluded his remarks with the declaration that he intended to vote against this amendment. Later he did vote against it. This gentleman, and all other gentlemen who hope and believe that these short lines will be taken over, ought to square their action with their hopes. A thing that I hope will be done, is a thing that I believe ought to be done. A thing that I believe ought to be done, is a thing worthy of my vote and support.

If there is anybody in this House who believes that these short lines ought to be taken over, presumably he holds to that view on the ground that such action will be in the public interests. Assuredly any action that the public interests require, is action that ought to be secured by appropriate legislation. There are a number of short lines in the country that serve a very useful purpose. They afford transportation facilities to many communities that are not reached by the great trunk lines. Their operation is as essential to the comfort, the convenience, and the prosperity of the communities which they serve, as are the great transportation systems to the country generally. Under the interstate commerce law the shipper enjoys the right to route the freight which he offers for transportation. This right has been taken from him, and the authority to divert the flow of traffic is now exercised by the Director General of Railroads. This bill proposes to finance the roads taken over, and furnishes a prodigious revolving fund to be used for maintenance, betterments and operating expenses of the vast trunk systems proposed to be taken over, but the trunk lines by no means constitute the entire railroad mileage of the country. There are over 30,000 miles of short lines, with an aggregate value of $1,000,000,000.

Many of these roads are owned by small companies, some by counties, others by individuals. They were constructed in most instances either to serve communities that were totally lacking in transportation facilities, or to afford relief against the exactions and oppressions of the trunk lines. It would be a national calamity for these lines either to be forced out of business entirely or to be turned over to receivers. These smaller lines may not be making money. In most instances they are not, but they are of incalculable value to the communities which they penetrate. Many small towns owe their existence to short-line roads. Withdraw their activities, and these towns will disappear. Take them from the agricultural communities which they now serve, and the shrinkage of values, and reduction of industries that will follow will be appalling. Are the people of these communities, are the busy workers in these little towns, less entitled to consideration than the men who live along the great transportation systems, or who rejoice in the opportunities of the great cities? If this is a question of Government ownership, the Government should take all the roads, great and small alike. If it is a question of Government operation in the general interests, then the Government should operate the great lines and the small lines alike, as one compendious whole, in the interest of the general public.

The needs of the country can not be adequately served by the trunk lines alone. The small feeders to these lines, so essential to the prosperity of the small towns, and country communities, should be maintained and operated as an integral part of a unified system. It is manifest that if the Government lavishes its benefits upon the trunk lines, and by routing orders, and traffic arrangements, maintains them at the highest level of activity and prosperity, in disregard of the needs of the short lines, the latter will languish and die. This may be a matter of small concern to the great centers of industry, to the mighty cities of our land fed by the great roads which deliver within their gates in unending stream the precious freights that come from the four quarters of the earth, but it is a matter of life and death, to the small towns, and country communities that are dependent in many cases upon these little roads to reach the markets of their choice. What is the controlling reason suggested by the administration for taking over the railroads at the present time?

It is to unify the system, to weld the competing roads into an efficient and harmonious whole, and thus fashion a more effective weapon with which to win the war. But this result will not be attained if the smaller lines are disregarded and administrative direction is confined exclusively to the great systems. The prosperity of the country rests upon an efficient coordinated system which will comprehend all of the roads, great and small alike, and afford the largest measure of transportation facilities to the entire country. The interests, the wants, the needs of the small communities, and of the little towns, must not be overlooked. To win the war, we need on the largest and most universal scale, solidarity of national sentiment. That solidarity will not be secured if the interests of the small communities are disregarded in this bill, and the gigantic funds which it appropriates, and the immense powers which it confers, are expended and exercised, solely in the interest of the great trunk lines. It is not enough to develop these lines for the transportation of coal, and steel, and guns, and munitions of war. There is a vast body of freight which is not distinctively war freight, but which must be moved in the interest of the general welfare and nation-wide prosperity. Our ability to wage this war depends upon that prosperity, a prosperity which can not be maintained unless every community is afforded the facilities which unified administration of existing agencies will supply. Take over the trunk lines, if need requires, but take over the short lines at the same time.

Mr. ESCH. Mr. Chairman, I yield two minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman, I would like to read to the House an order sent out by the Director General on January 9, 1918, to all railroad officers and employees of the railroads of our country:

DIRECTOR GENERAL OF RAILROADS,
INTERSTATE COMMERCE COMMISSION,
Washington, January 8, 1918.

To all railroad officers and employees:

The Government of the United States, having assumed possession and control of the railroads for the period of the present war with Germany, it becomes more than ever obligatory upon every officer and employee of the railroads to apply himself with unreserved energy and unquestioned loyalty to his work.

Every railroad officer and employee is now in effect in the service of the United States, and every officer and employee is just as important a factor in the winning of the war as the men in uniforms who are fighting in the trenches.

Through this order the Director General appeals to the railroad men of the United States to be patriotic, but at the same time he is going to discriminate against the short-line roads by saying to them, "You look after yourselves, but the Government will take care of the big fellows."

Mr. MOORE of Pennsylvania. Did that letter go to the short-line presidents?

Mr. COOPER of Ohio. I understand it went to every railroad president in the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ESCH. Mr. Chairman, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I shall support the amendment of the gentleman from Wisconsin [Mr. ESCH], although it is true that under a hostile interpretation it would not perhaps take in some of the feeder lines, and under a too favorable interpretation it might take under Federal control lines that are not in any way necessary or essential or useful in the winning of the war but are in a bad way financially and anxious to be pulled out of the hole. If I were to approach this matter in the way of legislation I should suggest something of this kind: As evidenced by the President's order just read by the gentleman from Ohio [Mr. COOPER], all of the railroads, big and little, are now under Federal control, and I should propose the following amendment:

That no railway lines shall be excluded from Federal control solely on the ground that the operation of such lines is not essential to the successful operation of the railways by the Federal Government, but any line which competes or connects with lines under Federal control and whose business will be seriously and disadvantageously affected by remaining under private control shall be taken under Federal control if such action is necessary to prevent loss or hardship through the taking over of connecting lines.

An amendment of that kind would clearly take in all going connecting, feeding, and competing lines, but it would exclude a line which was merely a strip of rust not affected by the general taking over of lines and of no value as a part of the railway systems of the country. It would accomplish, I think, rather better than the amendment proposed the object sought; but I shall support the amendment offered because I assume that in any event the bill will go to conference in a form that will make it possible to modify all of these provisions, and when we shall finally reach the point of handling the short lines I think they should be considered on the theory that I have suggested.

Mr. ESCH. Mr. Chairman, I yield three minutes to the gentleman from Arkansas [Mr. GOODWIN].

Mr. GOODWIN of Arkansas. Mr. Chairman, the hearings disclose, as I recall, that there are over 800 short-line railroads in this country, with a capitalization of over $1,200,000,000 and with a bonded indebtedness of over $800,000,000, embracing over 30,000 miles of short-line roads. These roads eventuate into trunk lines, many of them. I do not care to speak locally upon a great national question, but others have spoken in that way; and where many have spoken in a local way, then largely what they say represents the attitude of the Nation at large; and if I may be permitted to speak locally, I will say that not only in my immediate section but throughout the great Southwest there are many scores of short-line railroads which not only have become permanent trunk lines, but many of them to-day are in process of being converted and merged into permanent trunk lines. This, of course, is an extraordinary measure—a war measure, pure and simple. We have tried to put forth all of the energies and activities at our command to win the war. It is better to have one general management than many dozens in time of war; and under the authority of the Director General, he may divert traffic from these short-line roads which they in the past have enjoyed to the larger roads; and the small roads have had an uphill business to make tongue and buckle meet, to make a living; and now if, under the authority vested in the Director General to divert traffic from the short-line roads in order to make traffic as expeditious as possible, these roads which have enjoyed tonnage in the past may be deprived of a large part of that tonnage as long as the war lasts, and for the length of time that the roads are to be controlled by the Government after the war is over, then, as a matter of right, they should not be forced into insolvency, but should be put on an equal footing with the larger roads.

Therefore it follows, as night follows the day, if the short lines are discriminated against, if the traffic to which they would be justly entitled is diverted to the larger lines, that bankruptcy stares them in the face, and as a result, of course, in time they will have eventually been absorbed by the large trunk lines at their own price.

No one thing possibly has done more to develop many parts of the country than the short-line railroads, and in their wake towns have sprung up, markets have been opened, farming communities settled, and great sections that were once a wilderness, have become habitations prosperous with the thrift and energy of many thousands of people. To discriminate against these small roads, diverting much freight to the larger trunk lines, means bankruptcy for thousands of investors, insolvency for the short lines, and either their complete abandonment as carriers or their absorption by the large railroads at a nominal consideration.

Not only this, Mr. Chairman, but the operation of these short-line roads is indispensable not only to the communities through which they operate, but likewise to the country at large, if America is to put forth her full energies in transportation and otherwise in a successful prosecution of the war. For these roads are as veins to the larger arteries of the body; they are feeders to the transportation system of the whole country, and absolutely essential as carriers of traffic from thousands of farms and communities to the great commercial centers of the country. Take the sawmill roads alone; these in many cases are the only rail transportation that hundreds of communities have. Destroy them and you not only largely uproot the milling interests properly but you also put out of business many

thousands of sawmill employees, who have never known any other business in life, who are wholly dependent on this character of work for a livelihood.

Again, Mr. Chairman, we are spending and charging up to the war many millions of dollars that ordinarily would not be considered as a war charge. Congress recently passed a bill carrying $50,000,000 to house the shipbuilders of the country. This was a charge on the war. Our policy as legislators should be to so conserve our resources that when the war is over we may again return as nearly as possible to our normal life and find conditions as nearly normal as possible, and with the thought always that we will not discriminate in favor of the strong and against the weak—not in favor of the great transportation systems of the country and unmindful of the small, struggling roads, that even now are barely able to breathe an existence, giving always equal and exact justice to all whom we call upon to serve or make a sacrifice. I am heartily in favor of the amendment, believing as I do that no injustice should be visited upon anyone and that upon the close of the war we may once more enter as nearly as possible upon our normal life, having always in mind the progress and evolution of our economic and social life.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Chairman, the pending amendment—it perhaps ought itself first to be amended—will receive my support. I am in favor of having the Government take over the short-line roads. I say this because of my belief, long entertained, that the railroads of the United States, the trunk lines, and all the other roads should be combined into one great transportation system. And in keeping with this belief, and as a consequence of it, I have for many years maintained that the antipooling law ought to be repealed. On this important subject I do not know that I can more clearly express my views than I did on November 19, 1902, in an interview of some length, published in the Milwaukee Free Press, and to a brief excerpt from which I beg to invite the attention of the committee:

"We have by law prohibited railroads from consolidating. We have also prohibited them from pooling. In other words, we have practically endeavored to compel them to be competitors. But yet, just as soon as they begin to practice the ordinary methods of competition and to sell transportation at cut prices they give the favored ones an enormous power which in turn enables them to monopolize the market and crush competitors.

"Now, as to the remedy, I am inclined to the opinion that, under present conditions, a pooling law, carefully, strongly guarded with ample authority of Government supervision, is the most immediately feasible, practicable remedy. Honestly enforced, as it could be, it would afford reasonable rates, stability in rates, something greatly to be desired, and best of all, equality in rates. Moreover, it would do entire justice to the railroads and also to the people. This would give the smaller shipper an equal chance with the trust to transport his products and in this respect tend to preserve the great principle of equality before the law.

"Under the old pooling system, the railroads fixed the rates in secret and the public knew nothing about them and had no supervision over them. Under a proper pooling law the rate would be fixed by strict Government authority and under the supervision of the Interstate Commerce Commission, with privileges of appeal to the United States Supreme Court. The agreement would be public and its provisions known to all the people. If it were unjust in any particular, public opinion would soon find and enforce a remedy. This publicity in and of itself would prove one of the best correctives.

"I know that there are some objections which can be urged to a pooling law, but so there can be to almost any law. But from my study of the problem I see no alternative for this remedy other than Government ownership."

During the years since that interview I have not changed the views then expressed. On the contrary, experience has served to strengthen them.

I am in favor of further amending the present bill by doing away with the provision to fix a time limit. It is absolutely impossible now to tell what conditions will be when this terrific war shall end, how much money the Government of the United States will have to put into the roads, or what complications will then exist. An arbitrary fixing now of a time limit might be a source of great embarrassment to the Government and to the roads. No harm can come by striking it out. Let Congress have the right when the war ends to consider the whole subject thoroughly and to say what ought to be done, in view of the then existing situation—it may be emergency. [Applause.]

Mr. ESCH. I yield the balance of my time——

The CHAIRMAN. The Chair will state that the time has been checked up since the statement was made before the gentleman from Wisconsin [Mr. COOPER] began to speak, and the Chair finds that the gentleman from Wisconsin has only two minutes left.

Mr. ESCH. I yield that time to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I wish to occupy these two minutes merely in discussing the amendment I have offered and which I understand my colleague, who offered the original amendment, will accept. As the amendment now reads, it seems very clear to me that taking over the short-line competing roads would not be in the exercise of a war power at all. All of the roads that have been taken over under the act of August, 1916, are under the war power and are taken over for war purposes, and clearly, under the method of compensation which we provided, we have no right to take over any road simply upon the ground that it is competing with a road that has been taken over. In other words, to justify the taking over of any road under these circumstances it must be an exercise of the war power. Now, we have a right to say, as the fact is, that every railroad in this country that is a feeder of a system of railroads is a competitor and that it is necessary to carry on the war, and my amendment merely provides for a declaration in the bill itself that these roads that will be taken over under the amendment are necessary for the prosecution of the war, and therefore bring them within the war power of Congress in exactly the same way that the roads are brought in that have been heretofore taken over. I hope there will be no objection to perfecting the amendment so as to make that certain.

The CHAIRMAN. The gentleman from Tennessee is recognized for 20 minutes.

Mr. SIMS. Mr. Chairman and gentlemen of the committee, it was evident from the beginning that the standard return as provided in the bill, or as might be provided in any other way, could not apply equitably and justly to all railroad companies that it might be necessary to take over for the better prosecution of the war and for such other purposes connected with the emergency as might be needful or desirable. Now, in order that injustice might be done to none of the short lines, weak lines, or lines in receivership—it made no difference about the length of the lines as far as the principle was concerned; we got to calling them "short lines"—the committee amended the bill from its original form and provided the language found on page 5, the last part of section 1:

If the President shall find that the condition of any carrier was during all or a substantial portion of the period of three years ended June 30, 1917, because of nonoperation, receivership, or any undeveloped or abnormal conditions, so exceptional as to make the basis of earnings hereinabove provided for plainly inequitable as a fair measure of just compensation, then the President may make with the carrier such agreement for such amount as just compensation as under the circumstances of the particular case he shall find just.

Now, that was to cover all railroads taken over by the President where it would be inequitable and unjust to apply the standard return, and practically provides that each road so taken over shall be given such just compensation as the particular circumstances and facts relating to the particular road may require. Many short lines, so called, in the course of construction have not paid dividends. They have built a few miles and bonded them and built a few more and bonded those, and these roads were not sufficiently complete for the traffic to be profitable, yet if that particular road was taken over and used by the Government for Government purposes, of course, it was equitable, right, and just that such payment should be paid for such use as the Government made of it while the road itself was earning nothing in the way of net returns or profits before being taken over. Now, that seems to meet the case of all such railroads so taken over. I have heard no complaint of it.

But there are other railroads, short lines they are usually called, though, in fact, whether short or long lines, that will not be taken over by the President. They seriously complain that if we take over the trunk lines or large systems on which through business is done, and leave them without the benefits which they enjoyed before of soliciting freight and of soliciting shippers to route their freight so as to go over their particular lines, they ought to be relieved from any incidental injury that would come by routing freight over trunk lines that they otherwise would get if they were left with the power to do just what they had been doing, namely, soliciting freight, and have all the benefits they had before. We left it where if the President might find it necessary as a war measure to divert freight that they

otherwise would get, that then he might do it; but that he should divert such other unrouted freight from this particular line to this short line, which it would not otherwise have received, sufficient to indemnify it from the injuries that might otherwise come from diverting such traffic from it.

A proposition of that kind was brought to me by the gentlemen from North Carolina, Messrs. WEBB and KITCHIN, and with some of the presidents of the short-line railroads that did not anticipate their being taken over accompanying them.

Mr. BARKLEY. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. BARKLEY. Was not he also the president of the Short-Line Railroad Association?

Mr. SIMS. One of them was. But Mr. Byrd Robinson was not with them at the time they came to me. They insisted with the committee and with the Director General—if not in person, through others—that this proposition be accepted, to hold them harmless against other roads being taken over that might interfere with the business they could do if the other roads had not been taken over. And it was put in the bill just as it was written and delivered, without the crossing of a "t" or the dotting of an "i."

Now, I do not know what was in the minds of the short-line men. Some of them, as being represented here now, are coming in and saying that they thought that was all they could get, and they accepted it. Now there is a chance, they think, to get more, and therefore they do not want to be estopped or bound by their acceptance of this provision.

Now, I am just like other gentlemen who have spoken here. I have short lines, so called, in my district, and they are all over Tennessee, and Mr. Byrd Robinson is interested in one of the roads of that kind in Tennessee. There are a number of them, and I have every reason, so far as wanting to court the influence and support of the gentlemen who are interested in these short lines is concerned, to be in favor of them. And I am, just as far as I can be without it being at the expense of the taxpayer and the public.

Mr. LEVER. Will the gentleman from Tennessee let me ask him a question?

Mr. SIMS. Yes, sir.

Mr. LEVER. What is the objection to the amendment of the gentleman from Wisconsin [Mr. ESCH], as amended by his colleague, the gentleman from Wisconsin [Mr. LENROOT], where the President must make a finding of fact if it is necessary for these roads to be taken over in prosecution of the war?

Mr. SIMS. It has not been so amended. It has only been proposed to amend it.

Mr. LEVER. What is the objection to the proposition?

Mr. SIMS. I am going to try to give you the objection if I can.

Now, what is the amendment of the gentleman from Wisconsin [Mr. ESCH]? It is an amendment, as I understand and as he admitted, that was adopted in the Senate yesterday, and its language is:

> That every railroad not owned, controlled, or operated by another carrier company, and which has heretofore competed for traffic with a railroad or railroads of which the President has taken the possession, use, and control, shall be held and considered as within "Federal control," as herein defined, and shall be entitled to the benefit of all the provisions of this act.

How many of these short-line railroads that at one end go nowhere, so far as any other railroad is concerned, and unite with a trunk line at the other end? Have they been competing with the trunk line? How could they be competing with it? They can solicit freight from shippers to be sent over their road. Now, where one of these so-called short lines might reach from one trunk line railroad to another trunk line railroad, and the freight might be routed over the trunk line one way and then diverted over on the short line, say, a 50-mile road, and on one of the lines it connects with it might get 40 miles of the haul and on the other 10 miles, it would be to the interest of the short-line men to get shipments from the trunk lines on which it would get the greatest division of the through rate. That is the only competition that I can imagine between any of these so-called short lines with a trunk line railroad that would be taken over.

Now, this amendment only applies to roads not taken over but that do compete with some road that is taken over. Look to what you are creating here. How many such roads are there in the United States?

Mr. HARDY. Will the gentleman yield?

Mr. SIMS. I will.

Mr. HARDY. Does not this bill take care of those short-line roads that are leased to trunk line roads, providing that the lease-contract arrangement shall be continued?

Mr. SIMS. It does not abrogate any lease contracts.

Mr. HARDY. In that way, then, the bill takes care of these leased short lines, and only leaves the unleased lines?

Mr. SIMS. The bill takes care of affirmatively only the short lines taken over, and endeavors to avoid harm coming to those not taken over. That is, the bill as it stands is exactly what the gentlemen who are interested in these roads represented to us they wanted.

Let us look this matter squarely in the face. What is the object and purpose of this amendment? It is to force the President to take over a road that he has no use for as a war measure or any other purpose incidental or connected with the emergency that may be needful and desirable. Now, you gentlemen who have raised the red flag against Government control and Government ownership are now voting for it in principle, because in taking over these roads, according to your own showing, you are not taking them over as a war measure or for any other purpose incident to or growing out of it.

You are taking them over in order that the Government may pay out of the pockets of the taxpayers any incidental injury that they may receive during this war. Now, on the theory of that, if you take over one factory for the purpose of manufacturing war material, clothes for uniforms, or anything of that sort, and some other factory somewhere else is manufacturing those things, and it comes and says, "Here, Mr. Government, you have taken over that factory and you are damaging my business by doing so, and now you must take mine over, too."

Mr. KINCHELOE. Mr. Chairman, will the gentleman yield right there?

Mr. SIMS. Yes.

Mr. KINCHELOE. Is it not a fact that if we support the amendment offered by the gentleman from Wisconsin it is looking solely to the interest of the stockholders in the matter rather than to the prosecution of the war?

Mr. SIMS. Yes; and the bondholders. Now, let us see how far that will go.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. GOODWIN of Arkansas. The stock of many of the railroads of this country the large trunk lines, is quoted at 3 or 4 per cent. They will be taken over.

Mr. SIMS. Yes; and why? To help them?

Mr. GOODWIN of Arkansas. Why not, then, take over the others?

Mr. SIMS. Are they taken over to help the country or to help the roads? Which side are you on—to help the country or the roads?

Mr. GOODWIN of Arkansas. The law provides for taking some of them over and discriminates against others by not taking them over.

Mr. SIMS. The law provides for taking them over, long or short, for any purpose the Government wants.

Now, the following Senate amendment follows immediately in the same bill:

> *Provided further*, That the President may relinquish all railroads under Federal control at any time he shall deem such action needful or desirable. No rigat to compensation shall accrue to any owner from and after the date of relinquishment for property relinquished under authority of this section.

You give the President the power to do that, which is for the protection of the country. You provide that if he should take over a railroad, thinking it was needed under the law and under the facts by the Government, and he discovers by July 1 that it is not needed, he can reliquish it or any part of it, or by agreement relinquish any other railroad.

Now, what are you doing? You are voting here by law to place every railroad in the United States, whether it is needed for war purposes or incidental to or growing out of it, or for ordinary commerce, in the hands of the President simply in order that he may have an opportunity between now and June 30 to relinquish every one of them? Now, are you going to put this amendment in and have the Senate provision that immediately follows it authorize the President to immediately relinquish every road thus taken over?

If I were advocating Government ownership, I would howl for this amendment forcing the Government to take over a carrier without any excuse under heaven for taking it over except that the railroad companies may be injured if you do not do it. Unification is desirable, and yet you are getting unification at the expense of the taxpayer if we are to take over every railroad in the United States, whether it is needed or not for war or related purposes.

Mr. OLIVER of Alabama. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. OLIVER of Alabama. Suppose the bill, as drawn by the committee, should take over a trunk line? Would that force it to take over all the subsidiary lines in connection with that trunk line?

Mr. SIMS. It could take over all the lines belonging to that road constituting a system of transportation.

Mr. OLIVER of Alabama. The Government has not the right to exclude the short lines belonging to that road?

Mr. SIMS. It may take over a system, a railroad, or any part of it.

Mr. OLIVER of Alabama. You understand it can take over a part of a system to the exclusion of the other part?

Mr. SIMS. Yes. That is the law. Here is the law.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. REAVIS. I would like to understand the gentleman's position. Do I understand the gentleman to advocate that, through the exercise of the war power conferred by this bill in the rerouting of freight or otherwise, the sole source of revenue on a short-line road should be taken away from it, and it is not entitled to compensation by the Government?

Mr. SIMS. It will not be taken over unless it is necessary as a war measure, and if traffic is diverted from a road not taken over the President is authorized to reroute other freight over that road in order to compensate it and make it whole, as to the loss of traffic to other roads taken over.

Mr. REAVIS. If in the exercise of the power granted by this bill the source of revenue were taken away from the short line, or otherwise, should not the Government compensate that road for the injury?

Mr. SIMS. Yes; in the way I have stated the President may compensate it. But I do not think it is right to take a railroad over just for the luxury of having done so, when nothing grows out of it in the way of benefits to the Government either as a war measure or otherwise.

The CHAIRMAN. The time of the gentleman from Tennessee has expired. Under the order of the House all debate on this amendment and all amendments thereto has expired. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment to the amendment.

Mr. ALEXANDER. Mr. Chairman, can we have the original amendment reported first, and then the amendment offered to the original amendment?

The CHAIRMAN. Without objection, the original amendment will again be read.

The Clerk read as follows:

> Amendment offered by Mr. ESCH: Amend section 1 by adding thereto, page 5, line 19, the following as a new paragraph:
>
> "That every railroad not owned or controlled or operated by another carrier company and which has heretofore competed for traffic with a railroad or railroads of which the President has taken the possession, use, and control, shall be held and considered as within Federal control, as herein defined, and shall be entitled to the benefit of all the provisions of this act."
>
> Amendment offered by Mr. LENROOT to the Esch amendment: After the word "defined," in the Esch amendment, insert the following: "and necessary for the prosecution of the war," so that the amendment as amended will read as follows:
>
> "That every railroad not owned or controlled or operated by another carrier company and which has heretofore competed for traffic with a railroad or railroads of which the President has taken the possession, use, and control, shall be held and considered as within Federal control, as herein defined and necessary for the prosecution of the war, and shall be entitled to all the benefits of the provisions of this act."

Mr. ESCH. I ask unanimous consent to offer a verbal amendment, to change the word "nor," in the first line of the amendment, to "or."

The CHAIRMAN. The Clerk has already modified that. The question is upon the amendment to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry. Is a further amendment to the amendment in order?

The CHAIRMAN. The question will first be taken on the amendment to the amendment proposed by the gentleman from Wisconsin [Mr. LENROOT].

The question being taken, on a division there were—ayes 96, noes 30.

Accordingly the amendment to the amendment was agreed to.

Mr. GREEN of Iowa. Mr. Chairman, I desire to offer another amendment to the amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. GREEN of Iowa to the amendment offered by Mr. ESCH: After the words "possession, use, and control" insert the following: "or which connects with such railroads and is engaged as a common carrier in general transportation."

The CHAIRMAN. The question is upon the amendment to the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question being taken, on a division (demanded by Mr. ESCH and Mr. DOREMUS) there were—ayes 73, noes 37.

Accordingly the amendment to the amendment was agreed to.

The CHAIRMAN. The question is upon the amendment as amended.

Mr. LANGLEY. Mr. Chairman, I ask that the amendment as amended be read again. I did not quite catch it.

SEVERAL MEMBERS. Oh, no!

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the amendment as amended be again reported. Is there objection?

Mr. FOSTER. I object.

The CHAIRMAN. The gentleman from Illinois objects. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. DOWELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Is the gentleman a member of the committee?

Mr. DOWELL. No.

The CHAIRMAN. The Chair will first recognize the gentleman from Virginia [Mr. MONTAGUE], a member of the committee, to offer an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment offered by Mr. MONTAGUE: Page 5, line 13, after the word "receivership" insert the following: "or where recent expenditures for additions or improvements or equipment were not fully reflected in the net operating railway income of said three years, or a substantial portion thereof."

Mr. MONTAGUE. Mr. Chairman, I will say this is the provision contained in the Senate bill and reported by the Senate Interstate Commerce Committee to the Senate bill. It simply undertakes to make more certain the language used in the paragraph and to make it clear that the discretionary power in dealing with roads that have not had time, by reason of extraordinary circumstances or the opportunity, to reflect their income in the operating revenue as such shall be included. I imagine that there will be no objection to it. The Committee on Interstate and Foreign Commerce have not formally passed upon it, but I have shown it to several members of the committee, among them the chairman and the gentleman from Wisconsin [Mr. ESCH], and others.

Mr. LENROOT. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. LENROOT. I should like to ask the gentleman whether it is not the claim of every railroad company that their net earnings do not and have not during the past three years fully reflected the earnings that they were entitled to by reason of betterments and improvements?

Mr. MONTAGUE. That may or may not be. The gentleman knows as much about that as I do. I am simply trying to make the paragraph mean what it is intended to mean; that is all.

Mr. LENROOT. If it is true that every railroad makes that claim, does it not leave the discretion of the President unlimited, so far as any railroad is concerned, and leave him without any limitation as to the amount which he may agree upon?

Mr. MONTAGUE. If it does, I will say to the gentleman that it is already in the section.

Mr. LENROOT. No; certainly not.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word of the gentleman's amendment. If I correctly understood the purport of the last amendment just adopted by the committee, this amendment of the gentleman from Virginia is more necessary than ever. Apparently by the last amendment we have decided to take over all of the lines, whether the President considers them necessary or not, that happen to be competing with any of the lines that are taken over. Now, when the order was issued to take over these transportation companies, it is my understanding that only such as were absolutely essential as a war activity were going to be taken over, and very wisely, I think, a great many railroads were excluded from the operation of the order taking over the railroads. But apparently we have decided that these railroads are to be taken over if they compete with the roads in the hands of the Director General.

Mr. MONDELL. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MONDELL. When were any of the roads excluded? They were certainly all included in the order, and my recollection is that Secretary McAdoo in his statement before the committee said that all of the roads were notified and all were included in the order, and that none had been excluded up to this time.

Mr. BORLAND. I am not able to quote any of the orders, but my understanding is that from time to time the Secretary has released certain roads that were included in the original

blanket order. I think I am correct about that, and that he purposes to release some other roads that prove not to be necessary in the operation of the systems for military purposes. Now, it does seem to me that he would naturally release a great many of these roads that were not completed or not being operated during the last three years.

That would be the class of roads that he would naturally release, because it would be hardly necessary to burden the Government with the management of those roads and with the use of property whose owners themselves are not able to make use of it. But here we adopted an amendment a few minutes ago that will take over these roads notwithstanding the wishes of the Director General or the President. I understand the claim is made that the whole matter will go to conference. On the contrary, I understand that the whole matter will not go to conference. The Senate having adopted one amendment, and we having adopted that amendment with certain amendments, the only thing in conference will be the amendments that we have added to the Senate amendment. So practically we have decided in both Houses in favor of the railroads.

Mr. ESCH. Will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. ESCH. It is likely when we consider the House bill that we will move to substitute it for the Senate bill, and where we substitute it for the entire Senate measure the conferees are not bound.

Mr. BORLAND. That would put the matter in better shape.

Mr. LENROOT. Will the gentleman yield on that point?

Mr. BORLAND. Yes.

Mr. LENROOT. It may not be proper to talk about another body, but the Senate has held that in any substitute bill where language is identical in both bills, the conferees are not free to change the language.

Mr. BORLAND. That is my understanding. The whole matter is one of policy, and that policy being whether we are going to take over a lot of railroads for the benefit of the railroads, or take them over exclusively as a war policy, as a necessary preparation for war. If we are following the latter policy, taking only the roads that are necessary to strike the enemy, we are taking over a different class of roads from what is contemplated by the last amendment. We ought to take over roads absolutely essential and leave out all roads that have not been successfully operated, and which do not seem to be an economical necessity according to the record of the last three years. So it seems that the amendment offered by the gentleman from Virginia [Mr. MONTAGUE] is more necessary than before. It will give the President authority to make contracts with all roads whose expenses during the last three years have been abnormal.

Mr. SLAYDEN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. SLAYDEN. Does not the gentleman think that if we take over the roads generally as a war measure that where it operates disastrously on some roads, going business concerns, short lines, that they are entitled to some consideration because of that fact, if the taking over will bring them disaster?

Mr. BORLAND. Yes; I have seen that standpoint. These small lines claim that now they are competing with the larger lines, soliciting business, making traffic arrangements, and getting a share, possibly, of the Government business; but after the larger lines are taken over by the Government the Government business will all go to the roads under Government management and that the smaller roads will be somewhat crippled in the opportunity of obtaining traffic.

Mr. SLAYDEN. Very seriously crippled and perhaps destroyed.

Mr. BORLAND. Under section 9 we have attempted to take care of it as far as we can by legislation. We have said that the Director General must not disturb the traffic arrangements of the roads not taken over, except so far as the transportation of war materials is concerned, and then in case such change does reduce the tonnage to divert other tonnage over the line as far as possible to make up the loss. As far as I know, the short lines are agreed to that proposition.

Mr. SIMS. I yield five minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DIES. Mr. Chairman and gentleman of the Congress, on last evening the gentleman from New York [Mr. LONDON] received 17 minutes of the time of this Congress to make a Bolsheviki speech. Some days before he was designated by the Speaker of this House to occupy the chair under the flag and near the likeness or painting of the Father of our Country, a very incongruous thing, I thought, in view of the fact that he thinks Washington one of the worst enemies that democracy ever had. I wondered that this man, who believed our experiment has been a failure, should ever have been allowed to occupy the Speaker's chair [applause] under the flag of our country.

Now, I have only 10 minutes, but I am going to get an hour of time in a few days, and I am going to make a Democratic speech. It is not going to sound anything like the London brand of democracy that he has talked about.

This is what he said in his speech:

The value of a political democracy lies in the opportunity of the people to evolute into an industrial democracy.

Ours has been a political democracy under Washington and Jefferson and Madison and Hamilton, a democracy that guarantees property rights and the rights of life and liberty and the pursuit of happiness. He says that it is a right to evolute into a Bolsheviki industrial democracy, the like of which is now seen in Russia, where we have a demonstration of the efficacy of the Bolsheviki democracy. Nowhere, my friends, under the canopy of heaven has mankind been vouchsafed so great a Government as this which our fathers instituted and perpetuated up to this time. [Applause.] Wherever in all the annals of history has religion been so free to worship God under the dictates of his own conscience as America? Wherever have the portals of hope and opportunity been so wide open as in this our free land of liberty in America? And yet this man comes and says he wants it to evolute, "evolute" into an industrial democracy, the like that Lenine and Trotsky are practicing in Russia to-day.

What is that democracy? It is to go into the stable of your neighbor and take his horse, to go into the fields and take his plow, to go into the highway and, as you go, take his property, and he calls that industrial democracy. And when the great German Empire approaches the Bolsheviki socialism of the gentleman from New York [Mr. LONDON], what does that socialism say in response to the edict of the Kaiser? "Well, now, do not come any further, because we will make a speech on you if you do." [Laughter.] You stop raping the women and burning the houses and killing the stock, because if you do not we will pass a resolution on you." [Laughter.] And in the meantime the Bolsheviki socialism of evolution stops and cringes beneath the iron hand of German imperialism. In the name of God, democracy, Washington, Jefferson, and Hamilton, we shall have none of that in our country. [Applause.]

Do you know, I have heard so much of that, and it is so weak and impotent, that I have become thoroughly disgusted with it. Let the gentleman from New York [Mr. LONDON] rise before this majestic Congress, the greatest representative body on earth, and let him tell—or anyone who ever lived on this earth—of any country that has had as much in its life of hope and liberty and justice as the American Republic has had for the last hundred years. And yet he says we can make it better. Well, you have got a Swiss watch, we will say, in your pocket. None was ever made better. No man can rise and say that watches were ever made better; but yet some watchmaker comes along and he says, "Let me have it; I can take the works out of it and make it better"; and will you turn it over to him? No, no. My friends, this question needs to be aired before the American people. This is the greatest Republic that the genius and the patriotism of man ever instituted, and under our great Constitution there has been afforded to the people more hope, more courage, more pride than was ever vouchsafed in any Government before; and are you going to let a lot of ignorant-headed Socialists try an experiment on you? You have had your rail-splitting Lincoln, you have had your Grover Cleveland sweeping the office, you have the greatest railroad system in the world and the greatest system of Government in the world, and yet you have let a Socialist from New York stand up there under the flag of our country, and in the very presence of the portrait of the Father of our Country, and say that this country has been the greatest failure in the world! In the name of God, it has been the greatest Republic in the world, and men have been afforded the privilege of pursuing their inspirations and their religion more freely than anywhere else in the world.

A man in the ditches digging can become its president; a man who split rails on the farm in Illinois could become the great leader of freedom in the world. [Applause.] He has been, and yet the gentleman from New York comes and says: "We will make it a Russian Bolsheviki, an evolution of democracy." Without honesty in the state there can be no liberty; without property rights and the respect of property rights there can be no liberty. Your peasant to-day who takes his master's farm is not only a patrician in point of land ownership, but a thief from the soil as well. If you could break down this great democracy to-day, if you could steal the land from the landed man, take his horse and his mule and his cow and his cultivators and his tools from him, still the same problem of life exists. You have got to cultivate the soil, you have got to have morality in the people. It has got to be a citizenship of democracy to produce the food of life and the raiment of life. Suppose you steal the railroads; suppose you take them, and if you take the farms and the banks and the factories from those who toil and who by thrift and self-denial have accumulated the property of the country, you will have a national dishonesty in feeling; and, in addition to that, the old earth will never give her fruit except to those who toil. No more corn shall ever grow; no more wheat shall ever bud and bloom and make the bread of the world, except that labor go into the fields and strive and struggle for it; and I commend to socialism these words—honesty, liberty, thrift, and toil. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for 10 minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from Texas be permitted to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. DIES. Mr. Chairman, without immodesty I may say I have read something of the history of the world. I know something of the struggle of roving bands before the Greeks formed themselves into little bits of republics. I have followed down through the great Roman Empire, through Charlemagne's aggregation of power. I have studied the attempt of mankind to have free government, and this effort upon this hemisphere has been the most nearly complete and successful that the children of men have ever made. [Applause.] The gentleman from New York [Mr. LONDON], my Socialist friend, can not find in all the history of the world a government he would prefer to this. Where would you go to seek it? Would you go to Sparta, with its iron money and its iron rule, or to Athens, with its failures of a pure democracy? Would you go to Rome or to the Dutch Republics or to the Amphictyonic League? No! Even the gentleman from New York is advised sufficiently to tell you, if you ask him the question, that this is the greatest republic, the most complete democracy the world has ever seen; and so it has been; and he could not prefer another over it. Then, I ask you a question. If our fathers had builded a bulwark of liberty here, if here they have raised a government of liberty that surpasses all that our forebears were ever able to do in the history of the world before, when did it come to pass that you and I should sit under the drippings of the fountain of the gentleman from New York [Mr. LONDON], who follows Lenine and Trotzky, who backed off before the German machine to-day? You have got to meet power with power. To-day we are taking over the railroads, or the President has already taken them over and we are ratifying what he did—not that we believe in government ownership of railroads, but we believe, as the Roman people believed, that in a national emergency you must have concentration of power.

They said in the midst of war the laws are silent. They established a dictatorship. You must meet German imperialism to-day with concentration of power, and we are going to give the President, whoever he is, whether it were Roosevelt I would say the same, whether it were Champ Clark I would say the same, whoever would be in the White House to-day I would say the same thing—give him the power that he may focus in his own will all the strength and resources of the American Republic to do our bidding. [Applause.] And do not you ever think that we will tolerate socialism and the arguments of socialism in this national emergency. We mean to get back all the power of the people when this war is over. [Applause.] We mean to get back all the principles our fathers won and exercised when this war is over, and we are not going to have any of your socialism, your Lenines and Trotzkys, men who want to put women in the trenches to dig, your miserable socialism that interposes debate in your army and speeches and skulking cowardice to the enemies of one's country as they come with fire and sword, and you back off and say, "Don't you do it; if you do we will make trouble with you." [Applause.] Not that. We mean to interpose the breasts of our valiant youths; we mean to interpose the wealth of America, the solidarity of America, the Republic of America, against the concentrated aggression of German imperialism. I have not any sympathy with your Lenines and Trotzkys. I have no sympathy with Russian socialism that is ground in the dust. They are getting what is coming to them. They imagine it is Russian socialism if you steal land or steal a plow or steal the fodder or steal a mule or steal horses. You think that means democracy? Democracy means law and order; democracy means property rights guaranteed to those who sow the seed that they shall reap the harvest; it guarantees to those who build that they shall live in the houses they have built. Liberty without property rights is nothing, worthless, and you find it so now.

One time I saw in Haiti among the negroes who overthrew their masters a lot of old, rotten, standpipes of the sugar factories. They wanted land, but when they got it they would not work it, and I know that if you gave my friend from New York [Mr. LONDON] 160 acres of land and four mules he would not work it. [Laughter and applause.] There is not going to be any socialism here; no socialism. We are honest. My dollar is my dollar, and when a man works a day and gets $2 and saves a dollar that he puts aside that is his money; that belongs to him to shelter him in his old age; it is his home, his bulwalk, his place of refuge. We are not going to have socialism here, my friends. And listen. Let me tell you something. Your dream of socialism is a nightmare in Russia to-day. Go get your Lenines and Trotzkys behind their defeated lines and falling empire. Do not ask a Republic, the democracy of Hamilton and Jefferson, of Lee and Grant and Lincoln, to subscribe to your theory of demoralized socialism because the laborer is worthy of his hire and the man who struggles to win property, sweats for it and denies himself to be something, he is not entitled to be shattered by the dream of socialism. And it will not occur in this country. Gentlemen, this speech is provoked by seeing the gentleman from New York [Mr. LONDON] sitting under the flag that he says was a failure [applause], near the picture of the Father of his Country who gave us the Republic. The gentleman says he could have done much better if he had been President at the time. I wonder, my friends, how many of you in this audience to-day think a greater constellation of States could be formed than that our forefathers erected?

SEVERAL MEMBERS. Only one.

Mr. DIES. Only one! Now, listen, I will tell you this; I want to compliment you, but I can not do it. You know we are dreaming away a great heritage. A great Republic has been builded for us; the great heritage of democracy, the like of which the world never saw in all the annals of history, has been handed down to us. Here is liberty; here is the right to worship; here is security of property and life; here is a great Republic, the like of which the world never saw, and men sit down and doze while men like the gentleman from New York fiddle while republics disintegrate. [Applause.] I bid you, I bid you, my friends, give the President all the power he seeks. In the name of God, when the war is over, take it away from him; take it back to yourselves and your country. [Applause.] And let this be a free Republic, secure in property rights and secure in individual rights, where in the name of God the blighting shadow of Bolsheviki socialism may come to haunt our dreams no more. [Applause.]

Mr. LONDON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman moves to strike out the last word.

Mr. LONDON. Mr. Chairman, may I ask unanimous consent to proceed for 10 minutes?

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LONDON. Mr. Chairman, I shall endeavor to answer soberly and in a spirit of kindness the remarks of the eloquent gentleman from Texas.

I addressed my remarks yesterday to the distinct proposition of the public and national ownership of railroads. The gentleman from Texas [Mr. DIES] is probably not familiar with the American literature that has grown up on this subject, and I would recommend to him that, in addition to the information he has received about the fathers of this Republic, whom I revere as much as he, that he should enlighten himself on the literature of political economists who advocate national ownership of public utilities. I would recommend, among other books, the book "The Railways, Trusts, and the People," by Prof. Frank Parsons, the author of a number of books, and one of the best-known scholars in the science of political economy.

When the gentleman talks about socialism, I can not take him seriously at all; he does not know what he is talking about. When he talks about the greatness of this country, I

agree with him. No man in the world loves this country with a deeper love than I do, but to me democracy is not a static condition. To me democracy is force in action. Democracy must necessarily be dynamic. Lincoln, Washington, Jefferson were great because they met the problems of their day and hour. They did not point to the great men who preceded them centuries before. The gentleman looks to the grave all the time from his little village in Texas. He studies the past and points backward all the time. I have my face toward the sun. [Applause.]

This Republic is a glorious country. It has made inestimable contributions to the progress of the world. It has established the principle of religious freedom. It has welcomed the oppressed of the entire world. It has opened opportunities for all. It has done away with the religious prejudices of the hypocrite, of the narrow-minded, of the fool, and of the vulgar. It has done away with them. Here and there in some obscurantist mind religious prejudice may still linger for a while, but it is bound to be dispelled in the sunshine of genuine Americanism.

Socialism is a legitimate doctrine, a doctrine which seeks to preserve property to the man who produces it. When millions of men toil away their lives and find the result of their labor accumulated in Wall Street, they seek a way of giving to the people the product of their toil. Is it wrong to suggest industrial democracy as the way? The gentleman does not believe in the socialism of democracy; he believes in what a Democratic President, Cleveland, called the "communism of pelf."

The statesman from Texas treats with contempt those poor unfortunate men in Russia who have gone through centuries of oppression and through pain and martyrdom, who have been led by an unspeakable tyrant into a war not of their making. These poor men are trying to build a republic, build a free nation for 180,000,000 men; and you treat them with contempt, you flout them, you ridicule them. Is that American? I deny it. Every American heart is filled with sympathy for that long-suffering people. [Applause.]

Have not all statesmen, all Republican and Democratic Presidents, the right to make mistakes? Then, give the same right to the representatives of the poor people. In the year 1066 a band of pirates seized England and divided the land among their pals; and their division of 1066, sanctified in 1085, is the basis of England's economic, juridical, and political institutions up to date, and the great-great-grandchildren of those pirates are the aristocracy of that land to-day.

If it was right in 1066 to lay the foundation for land ownership and for the law and for the political and economic institutions for one country, why is it wrong for the 180,000,000 men who till the soil and who work and who labor—why is it wrong for that 180,000,000 people to try to establish an economic system which shall secure to every one of those 180,000,000 men access to the soil and the right to live the life of free men?

Just recall the long struggle of this little Republic to establish a Government. Do you realize what these men had to live through. Is it fair to talk of Russia's experiment to-day as a socialistic experiment? Can you make an experiment in socialism under the conditions which surround her? Can you improve a ship when it is struggling not to be wrecked? That is Russia's condition to-day. Socialism is not being experimented upon there. The land is in agony; everything there is abnormal. War and revolution combined flow terrible. We all hope that Russia will not rest until every feudal landowner is driven not only from the soil of Russia but from the soil of Europe forever. We all hope that, and that is one of the aspirations of the socialist movement. No matter what happens, we must treat Russia with love and tenderness.

Please do not talk of the socialist movement as if you knew something about it. The gentleman from Texas is a very brilliant man and I am very sorry to see his brilliancy going to waste in the choking atmosphere of the cloakroom. He has not been much on the floor. When he talks to me about socialists refusing to work, he is wrong. It is true that I would not work with mules. My work is against mules. I have tried to do my duty as I saw it, inviting the attack of the uninformed, of the prejudiced, and of the vulgar, and I must say there has been but very little of it on the floor of the House. Although only five hours from New York, I have not been going home very often. I am always here, studying men, studying legislation, watching and observing, striving to know more, so as to be more useful.

I am doing my duty as well as any other Member of Congress, and I am working as hard as any Member of Congress ever did. [Applause.] I refuse to accept either the wisdom or the methods of the gentleman from Texas.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Just half a minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LONDON. I hope our discussion has not degenerated into a personal squabble. I really do not want to be mean to the gentleman from Texas. I do not think he intended to be mean with me. He simply disagreed with my views. I beg to assure him that, so far as the high ideals of American democracy are concerned, I do not yield to any man or woman in love and admiration for the fundamental spiritual ideals of America—the love of liberty for every human being. We differ as to how best to secure that liberty. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on agreeing to the amendment offered by the gentleman from Virginia [Mr. MONTAGUE].

The amendment was agreed to.

Mr. SIMS. Mr. Chairman, there is nothing pending before the committee. I ask that the Clerk read.

Mr. DOWELL. Mr. Chairman, I offer an amendment and ask to have it read.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Amendment offered by Mr. DOWELL: Add to section 1 the following:

"*Provided*, That in no case the income—that is, the sum remaining after deducting for operation, maintenance, taxes, fixed charges, interest on funded and unfunded debt, and all other items of expense according to the system of accounting established by the Interstate Commerce Commission, of any such carrier—shall exceed 7 per cent on the par value of its stock outstanding on the 31st day of December, 1917."

Mr. DOWELL. The taking over of the railroads by the Government necessarily involves the payment of a reasonable compensation for their use. Every fair-minded person, of course, believes that these companies should receive a fair and just compensation. Under the plan proposed in the bill the President is authorized to pay a sum equal to the average net income the road received for the three years prior to June 30, 1917. It is apparent to everyone that these railroads have not all been earning the same profits. While many of the roads have been exceedingly profitable, others have received but small incomes. If the railroad has not received a reasonably fair income during the three-year period referred to, then the President is authorized to make such agreement for compensation as, under the circumstances, he shall find just. In other words, to the company receiving the large income during the three-year period the President is authorized to continue the payment of this large income. To the company not receiving what is deemed by him reasonable he is authorized to increase the income to a reasonable and just compensation.

I am advised that many of these roads during the period referred to have been receiving very large incomes, while others, of course, do not receive so much.

I want to call your attention to the further fact that under the provisions of the bill the Government must keep these roads in good repair. The Government is responsible for all of the upkeep of the roads. The stockholders assume no responsibility whatever. The Government assumes all of the risk and it agrees that these roads will be kept in as good condition as they were in when taken over by the Government. I assume that the Government will keep both the letter and spirit of this agreement. Above these expenses, I believe everyone desires to pay to these roads what is reasonable and right; but under the circumstances, it seems to me, we should pay no more. This amendment leaves abundance of latitude.

The Government is calling upon our citizens to make sacrifices they have never known before. It has called upon them in the past and they have patriotically responded to every call. It must call upon them again and again, until this war is ended in a great victory. I know and you know that the people of America will respond to this call until victory is won. But it does seem to me that all should sacrifice in the same way. We should not take from one and give it to the other. Every citizen owes exactly the same obligation to his country in this crisis.

I submit that the average net income of many of the large railroad companies for the three years prior to June 30, 1917, according to the reports from the Interstate Commerce Commission, is much more than the Government should pay for the use of these roads, and this amendment is for the purpose of limiting the compensation of all roads receiving larger incomes than are reasonable and just. [Applause.]

Mr. VENABLE. Mr. Chairman, I think this amendment should be voted down, for the following reasons: Of course, Congress can not exercise the power of taking private property for a public use without just compensation, which is a sound principle upon which we are all agreed; neither is the saying of

what is just compensation a part of the function of the legislature. It is necessarily and essentially the exercise of a judicial function, or a function of the judiciary, to determine what is reasonable, and it has been so decided in numerous decisions. Otherwise you would have the agency which was taking away the property of the citizen by legislation deciding what that citizen would receive, instead of invoking the impartial tribunalship of the courts.

Now, unless your bill, which takes private property for public use, provides some method by which the citizen can go into the courts and get a determination of what is just compensation, it is unconstitutional, as I understand it. So this Congress can not say that 7 per cent is a reasonable amount, because that does not lie within our function, if we are undertaking to determine what the citizen shall receive at all events. If, however, it is sought to put this in simply as a limitation upon the discretion which the President shall exercise in his negotiations with the owners of these roads in the effort to reach an agreement, we are possibly interfering very seriously with the accomplishment of one of the main purposes of the bill, which is to see if an agreement can not be reached, and, by so doing, avoid the flood of litigation which will come if you do not provide some reasonable way by which the claims of the owners of the roads can be settled out of court.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. VENABLE. Yes.

Mr. RAMSEYER. The gentleman understands that the amendment offered by the gentleman from Iowa [Mr. DOWELL] limits the compensation or limits the power of the President in making this agreement. I think it was the last.

Mr. VENABLE. I understood it was the last.

Mr. RAMSEYER. It is a proviso.

Mr. VENABLE. Yes; it was the last, because it would be a nullity if you gave it the first construction. It would be clearly unconstitutional.

Mr. RAMSEYER. It is the last.

Mr. VENABLE. I am assuming that it could be one or both, according as I understood the language. Now, then, this Congress——

Mr. LITTLE. Do I understand the gentleman to suggest it is unconstitutional to limit the rate of interest?

Mr. VENABLE. Yes.

Mr. LITTLE. You have another guess coming.

Mr. VENABLE. That is a difference of opinion. Otherwise we would not have debates. I say that if this Congress would undertake to take the property of the citizen and at the same time fix what the citizen should receive from the property, your act would be unconstitutional, because it has been held time and time again that the determination of what is just compensation is not a legislative but a judicial function, and by fixing compensation by legislative enactment, without giving opportunity for judicial determination, you deny due process of law.

Mr. LITTLE. Does not the law limit the rate of interest that a man may receive on the money that he loans?

Mr. VENABLE. As I understood the amendment it was to fix the compensation which should be paid to these railroads for the use of their property.

Mr. LITTLE. What is the difference between fixing the maximum compensation that railroads shall receive and fixing the maximum interest which a loan broker shall receive?

Mr. VENABLE. Oh, the greatest difference in the world. In one case you are taking a man's property against his will. The legislation of your State fixing the rate of interest on money loaned simply provides what shall be lawful for the parties to agree upon between themselves, fixing the outside limit. There is no deprivation of property under your interest-fixing statutes in the various States.

Mr. LITTLE. There is no deprivation here. Is not this a guarantee of the preservation of property?

Mr. VENABLE. We are not asking these railroads whether they want to be taken over or not. We are taking them over.

Mr. LITTLE. We have got them.

Mr. VENABLE. We have already got them. We would have taken them over whether they agreed to it or not, and we can not take them over under the Constitution without providing just compensation.

Mr. DILLON. Mr. Chairman, I have a substitute which I desire to offer.

The CHAIRMAN. An amendment to the amendment?

Mr. DILLON. A substitute.

The CHAIRMAN. A substitute for the amendment?

Mr. DILLON. Yes.

The CHAIRMAN. The gentleman from South Dakota will send his amendment to the desk.

The Clerk read as follows:

Amendment offered by Mr. DILLON as a substitute for the amendment offered by Mr. DOWELL: Add to section 1 the following:

"*Provided*, That the Government guaranty to the carrier provided herein shall not in any case exceed 7 per cent of its capital stock outstanding on December 31, 1917, to be ascertained according to the system of accounting established by the Interstate Commerce Commission."

Mr. PARKER of New Jersey. Does the gentleman by his amendment mean 7 per cent on the par value or on the market value of the stock?

Mr. DILLON. The par value.

Mr. PARKER of New Jersey. When certain stock has been selling at 200 or 300, and people have bought and sold it for 20 or 30 years, do you expect to give them only 7 per cent on the par value?

Mr. DILLON. On the par value of the stock, so far as the guaranty is concerned; yet I would allow the carrier the full net value of the use of the property.

Mr. CALDWELL rose.

Mr. DILLON. If the gentleman will permit me, I want to explain my substitute, and do not want all of my time taken up. The substitute I offer is, in effect, the same as that of the gentleman from Iowa [Mr. DOWELL], except that my substitute goes to the question of the guaranty. It allows the carrier to have all that is coming to it. We should limit the responsibility of the Government as to the guaranty but pay the full value of the use, and my substitute seeks to limit the guaranty of the Government to 7 per cent. These carriers are engaged in a public service, and the Government could require them to turn back all sums above a fair and reasonable return on the money invested in a public service. Some of these companies are earning large sums of money. About 66 per cent of the mileage are earning good profits, and a great number of the carriers are earning excessive profits. I see no good reason why the Government in time of war should guarantee to them more than 7 per cent. The other third of the mileage of the railroads of this country are earning but little, and many of them earn nothing. These short lines that have been brought in under the terms of the bill will earn but little, if anything. The Government ought not to be mulcted in $175,000,000 annually upon a guaranty. It does not guarantee your business; it does not guarantee my business. Then why should the Government guarantee these roads that are making excessive profits more than 7 per cent? It seems to me my amendment ought to have the support of everyone present. The Government ought not to extend its guaranty beyond 7 per cent, yet it ought to pay the full net value of the use of the property it has taken. No good argument can be offered here to show that the Government ought in its guaranty to go above 7 per cent. If the companies earn 30 per cent or 50 per cent, let them have the money; but from 7 per cent up to the earning capacity let them bear the perils and losses of war, the same as the balance of the people are doing. I trust my substitute will be adopted, that we may thus limit the responsibility of the Government as against the carriers that are making excessive profits. [Applause.]

Mr. CALDWELL. Mr. Chairman, this substitute sounds well for political campaign talk, but we do not want to lose sight of the fact that when you take a piece of property, and that property consists of a going business, that the man who surrendered his property to the Government is entitled to compensation for it. If you are going to use it pending that time, he is entitled to compensation for the use of it. The Supreme Court of the United States has held, not only once but a dozen times, that in taking into consideration what the value of the property is that is taken, we must not consider the value of the stock of the corporation; we are not to consider the par value of it nor the market value of it, but we must consider the value of the property itself, the value of the business, and in determining what is the value of the business the Supreme Court of the United States has repeatedly held that there must be taken into consideration together the going value as distinct from the good will, and also the good will, and in determining the value of the property aside from these intangible assets we must consider what the cost of reproduction under the conditions at the time it was taken were.

The gentleman's proposition might do very well if the Supreme Court had not decided what we can do and what we can not do under the Constitution. I take it that we should not pass a bill that the Supreme Court has said they would not sustain under the Constitution.

Mr. LITTLE. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. LITTLE. Does the gentleman have in mind the case where the United States took over some railroad and the point was settled that it was the going value of the railroad?

has expired.

principle upon which we are all agreed; neither is the saying of

Mr. CALDWELL. I have in mind the Consolidated Gas Co. case, where the whole matter was reviewed by the Supreme Court of the United States.

Mr. LITTLE. Can the gentleman give the number of the volume containing the decision?

Mr. CALDWELL. No; I can not give it now, but I will put it in the RECORD. I also have in mind the waterworks cases in San Diego, and I think I recall one case that arose in the gentleman's own State of Kansas.

Mr. SHALLENBERGER. It was in Nebraska.

Mr. CALDWELL. The gentleman from Nebraska says it was in Nebraska.

Mr. LITTLE. Does not the gentleman think that he confuses the necessities of the Government in a war like this with conditions in times of peace, where some property is taken for some other purpose?

Mr. CALDWELL. Not at all. Of course where they take property of the enemy, as they did in the Civil War, that is a different thing, but we are taking the property of our own people, and the Constitution of the United States says that we have to pay a fair value for it and has said what must be taken into consideration when we cast up the account.

Mr. LITTLE. But the gentleman will concede that there is another point involved in the use of property as a war measure.

Mr. CALDWELL. Oh, yes.

Mr FRENCH. Mr. Chairman, in a general way I am in favor of the bill reported and of the Government taking over the control of the railroads of the United States. It seems to me, however, that there is merit in the amendments that have been proposed. They strike at the question of the compensation that the railroads shall receive. That compensation, under the language of the bill, is based on the earnings that the roads received for the last three years, probably the three most prosperous years in the history of the railroads in this country. Why, under the bill as it now is we may guarantee to one railroad profits of 25 per cent on the capital stock, to another 35 per cent, to another 44 per cent, and to numerous others amounts of returns nearly equal to those I have indicated, and in some instances even more.

In taking over these roads, shall we guarantee to a railroad profits sufficient to pay for the entire railroad capital stock in two years, in three years, or in four years? We do not treat other lines of business this way.

I realize that capital stock is not necessarily a true measure of value, but for determining the reasonable profits due the railroads other matters must be considered. But here we are too generous. Every Member of this House knows that as soon as the President issued his proclamation taking over the railroads, the market value of these securities jumped many per cent in the markets of our country. Why? Because the Government was proposing to underwrite for the period of the war profits for the railroads measured by the three prosperous railroad years through which we have just passed.

Gentlemen, I have read extensively on this subject. I have studied this question earnestly. I have listened to the able arguments by members of the committee, but as one Member of the House I am not satisfied with the compensation section of the bill.

It seems to me it is the duty of Congress to fix a compensation that would be, in the judgment of Congress, fair and equitable, and unless it is it will not be accepted. Then there is an opportunity under the terms of the bill for the matter to be determined in the courts. I remember in the fall I was, as we all were, in the liberty-loan campaign.

The argument that I met frequently was "I can earn more money than 4 per cent in loaning it to my neighbor who wants to borrow it." I replied immediately that the boys who are in the trenches could earn more than they drew from the Government if they were permitted to remain in this country and continue their normal occupations. It seems to me that we ought not to guarantee to the roads the highest compensation during this awful period of our country's crisis, the highest compensation they have earned during three most profitable years in the history of the railroad business, while we can not guarantee a profit at all to the hundreds of businesses throughout our country, and when in addition to that we are calling for the sacrifice of even life itself upon the part of a large number of our citizens.

I think that this Congress ought to consider legislation along the line suggested by the amendments that are now pending. They have just been offered. I am not sufficiently familiar with them in detail to know whether or not they ought to be approved by the Congress. That will be disclosed by further debate. It does seem to me, however, that they sound a note along the right line, and that we ought to consider seriously the proposition they suggest. [Applause.]

Mr. SIMS. Mr. Chairman, I hope that these amendments will both be defeated, both the amendment and the substitute.

Mr. FRENCH. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. FRENCH. I notice in the report of the net earnings, as furnished by the Interstate Commerce Commission, some of the railroads of the country are reported as earning as much as 20 and 25 and even 70 per cent on their capital stock. According to that basis if we were to enter into a contract with them we would be paying for the entire valuation of the railroad in the course of two, three, or four years, and I would like to hear the gentleman discuss that.

Mr. SIMS. I thought the gentleman was going to ask me a question. I did not know that he was going to make a speech.

Mr. FRENCH. I would like to hear the gentleman on that proposition.

Mr. SIMS. Evidently the gentleman needs to hear somebody, because evidently he has not read up on the question.

Mr. FRENCH. I have read a great deal on the subject, and that is why I raise the question; and I listened to the gentleman in his able discussion on the general subject. He spent a great deal of time on other points, but not any on this. I must confess I am not satisfied.

Mr. SIMS. Take the Bessemer road. The mileage on the Bessemer road is only 8.81 miles, and its capital stock is only $500,000. The average earnings, net operating income, of that short road for the past three years amounted to over $4,000,000 a year, and therefore by reason of $500,000 capital only, the percentage would be enormous.

Mr. FRENCH. Six hundred per cent.

Mr. SIMS. Yes; but when you go into the facts you find that it controlled and operated 205 miles and that the actual property value of the road was over $45,000,000, and you find that the standard return would be a little over 10 per cent per annum for the three years upon the actual property investment, as shown by the reports of the Interstate Commerce Commission. It is not a question of capital stock. Ten shares could own the whole Pennsylvania road. Capital stock is nothing but a certificate of ownership. It is not a certificate of value at all. It is not even a fair estimate of what the value is; but the property used by the railroad in the discharge of its duties to the public is what you take upon which to calculate the percentage of return, and that value, that use for the three years on the property of more than $45,000,000, instead of being more than 600 per cent per annum, was a little over 10 per cent. What is the object of this provision? It is to authorize the President to make a contract with the railroads pending war control, to pay them for the use during the time the Government so uses them a return equal to the average net operating income of the roads for the three preceding years. One of those years was a very bad year, embracing 1914 and 1915. The other two were very good in the volume of business, and the net returns on the last two in gross were the largest they ever had, but the average of the three is very good. But you must remember that we are authorizing the President to make a contract not to exceed that return, and what is the use of authorizing him to make a contract that none of these good roads will make at all, when they can go into the courts and get just compensation by the decision of the court? What is the use of making a proposition that you know will be rejected?

We could put in a proposition here authorizing the President to make a contract for not to exceed 2 per cent on the capital stock, but it would be absurd to do that. It would be no less foolish to authorize him to make one for 10 per cent when you know in advance the railroad would not take it because they had been making 20. In the case of all these high returns on capital stock, it will be found in almost every instance that the outstanding stock is below the property value. There are bonds outstanding and all that sort of thing, and it is absurd, ridiculous, to authorize the President to make a contract which we know beforehand nobody who had any sense would enter into. It is absurd to authorize him to make contracts that can not and will not be entered into by the railroads. To turn over the use of these railroads for an unknown length of time to the Government with no agreement, and force the railroads to bring suit and litigate it to the end, what sort of shape would the country be in for the next—nobody knows how many years? It is to the interest of the people to get contracts, even if they pay more than the earnings may turn out to be, because it is a guess at best, and we must make the best guess that we can. Now, I want to plead with my friends on both sides, the friends

of our country, not to force such a condition upon the country. You know that a short-time use of any property is always higher per diem or per annum than it is for a long period. The same is true about the borrowing of money.

Mr. LITTLE. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Will the gentleman yield?

Mr. SIMS. In one moment. If you go down here to a hotel and ask for a room for a day, you pay so much for it, for a week you pay less, for a month still less, and for a year much less. If you lease a piece of property for a long period of years, you get it for a less amount per annum than for a short time. When you borrow money on bonds for a long period of time the rate of interest is always less than for a short time. So I insist there is nothing inequitable and unjust in paying even more than the average would be for a long period of years in order to bring about an agreement, in order to prevent suits that would follow, and, furthermore, as has been often stated, to stabilize the value of railroad securities. I do not mean stocks, but bonds that are held by every bank, trust company, and insurance company in the United States—to keep the value from shrinking to an extent that a panic would come upon the country. Remember, these companies can not hold these bonds under the laws of the States whenever the value, in proportion to the debt secured, falls below a certain per cent of face value; and the holders would be forced to put those bonds upon the market and sell them out under the hammer for whatever they would bring. What is the use of fooling along here with a proposition trying to save money to the public that will result in nothing but further burdens and possible panic upon the country, that will wreck and ruin it at a time when we need the lowest possible rate of interest by which money can be obtained?

Mr. LITTLE. What about compensation to people whose trade and business were shut down during the late heatless-day order?

Mr. SIMS. The gentleman's question is not relevant. I do not mean to be anything but respectful, but it is not relevant.

Mr. LITTLE. I just state it is relevant.

Mr. SIMS. Well, the Government did not take over those plants and operate the property itself. The results did not go to the use of the Government.

Mr. LITTLE. If the Government would stop the railroads from running——

Mr. SIMS. But the Government did not take the property and use it, and there is no relevancy in that and where you take a piece of property for which under the circumstances you must make a just return. The people were simply told, "Do not burn coal." The Government got no benefit out of the heatless day or the meatless day.

Mr. LITTLE. Do I understand that if the Government just stopped the railroads from running it would not owe them anything?

Mr. SIMS. Why, if in the public interest they ordered a train not to go, which would be temporary and for the benefit of everybody, that would be a different question; but we are laying a foundation to make contracts, and the gentleman brings in the question of heatless day or meatless day when we are trying to get men——

Mr. LITTLE. That is the idea.

Mr. SIMS. To accept a contract for compensation——

Mr. LITTLE. That is right; that is the idea exactly; the gentleman has got my idea.

Mr. RAMSEYER. Will the gentleman yield for a relevant question? In the table prepared by the Interstate Commerce Commission and printed with the remarks of the gentleman from Wisconsin [Mr. LENROOT] yesterday he gives the percentage of net income on these various roads.

Mr. SIMS. On what?

Mr. RAMSEYER. On capitalization.

Mr. SIMS. On stock?

Mr. RAMSEYER. Yes, sir.

Mr. SIMS. All right; go ahead.

Mr. RAMSEYER. Now, here is the Lehigh road, 27.98.

Mr. SIMS. On the stock?

Mr. RAMSEYER. That means that the stockholders are getting that much upon the face value of their stock, does it not?

Mr. SIMS. Yes.

Mr. RAMSEYER. Now, in regard to Bessemer, that means that the fellows who own the stock, not the bonds, will get 647 per cent?

Mr. SIMS. I told you that.

Mr. RAMSEYER. I understood in the gentleman's answer to the gentleman from Idaho that this Bessemer business in fact only got 10 per cent.

Mr. SIMS. On the value of the property used in making those earnings.

Mr. RAMSEYER. But the fellows who own the bonds only get 4 per cent.

Mr. SIMS. That is a liability and not capital.

Mr. RAMSEYER. But there is somebody getting these high rates of income on dividends or capital stock, and if the President compels the return, which he is entitled to make under this bill, then we will have the Burlington Road stockholders getting 22 per cent.

Mr. SIMS. I have read over all of that and know what it is, but the return is based in these reports on the stock value and not the value of the property devoted to the public use.

Mr. RAMSEYER. I know that.

Mr. SIMS. That is the standard return, and not on stock issued. It is on the value of the property used in the service.

Mr. RAMSEYER. You are not increasing the interest rate of the bondholders?

Mr. SIMS. That has nothing to do with it.

Mr. RAMSEYER. Certainly not, but you are giving these stockholders the percentages they have been receiving.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The question is on the amendment by way of substitute.

Mr. HUDDLESTON. Mr. Chairman, may I ask that the substitute be read?

The CHAIRMAN. Without objection, the substitute will be again read.

The substitute was again reported.

The CHAIRMAN. The question is on the amendment by way of a substitute.

The amendment by way of a substitute was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Iowa [Mr. DOWELL].

Mr. HUDDLESTON. I ask that the amendment be reported.

The CHAIRMAN. Without objection, it will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. RAMSEYER. Division, Mr. Chairman.

The committee divided; and there were—ayes 15, noes 40.

So the amendment was rejected.

Mr. PARKER of New Jersey. Mr. Chairman, I offer an amendment.

Mr. GRAHAM of Illinois. Mr. Chairman——

The CHAIRMAN. The gentleman from New Jersey [Mr. PARKER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Insert after the paragraph as to taxes, ending with line 2, on page 4, the following:

"*Provided*, That nothing herein contained shall be construed to admit the right of the several States, directly or indirectly, to tax war business conducted by the United States, or increased values of property, or franchises, or increased operating revenue resulting from such war business, and in order to prevent increase or diminution of taxes payable to the several States or under the several State laws by reason of the said war business and Federal control during the period of Federal control such taxes shall be standardized at the sums which were assessed and payable by said carriers, respectively, in the calendar year 1917, to be payable in each year at the same time and in the same amount as they were in 1917, adding thereto any taxes which were assessed in the year 1917 upon real estate that shall have been acquired by such carrier while under Federal control or by the United States for the purposes of this act."

Mr. SIMS. Mr. Chairman, I reserve a point of order on that.

Mr. PARKER of New Jersey. I thank the gentleman for reserving it. I wanted to bring the matter before the House. I think it is not subject to a point of order; but, nevertheless, it is a very important matter that ought to be considered. I think myself, Mr. Chairman, that this amendment ought to be divided. I have had it read all at once, so that it should be understood. The first part of it states a general principle:

That nothing herein contained shall be construed to admit the right of the several States, directly or indirectly, to tax war business conducted by the United States, or increased values of property, or franchises, or increased operating revenue resulting from such war business.

I think everybody will admit that to be right on the decisions of the courts. There was a brief put in on this matter. On page 885 Mr. Anderson said that if the States undertook to increase taxation disproportionately or to levy new taxes, that

they would not have levied if the money were not coming from the Federal Treasury, the Government would not be helpless. It can protect itself by litigating and testing its constitutionality.

Mr. Folk, at Mr. Anderson's suggestion, I think, put in a brief on this subject, which is on page 913. It goes over this matter very thoroughly. It says that operations of the United States can not be taxed at all. It shows that, for instance, national banks were exempted from certain State taxation because they were agencies of the United States. The brief on that subject is very full. I think that there ought to be no one in this House that would not vote for that statement that we did not intend to have the war business performed by the Government taxed by anybody. I have already put before the committee in the general debate the fact that the increase of business of the railroads during the time of the Civil War was to two and one-half fold. It is likely to be the same now.

There are States that, without changing any law, as they tax gross receipts, would get two and one-half times as much taxes as they do now because of the Government running those railroads. If rates are raised they will get more yet. If some of the States choose to increase their rate of taxation or increase their valuation of the railroads they will get more yet.

Now, the remedy proposed by Mr. Anderson is that we should go into litigation about all this. Nothing more awful could happen than if the United States and the States were to become involved in litigation about the taxes imposed on the railroads. The States, or some of them, may be quite patriotic and may not raise the valuation; but even if the States should be patriotic, the custom is in some of the States to put a tax on gross receipts, and in that case their revenues would increase, while that patriotic States which only value the railroads would have the same amount paid as heretofore.

Now, I say that the principle, down to the end of what I read, ought to be admitted by every one. The rest of the amendment is a remedy. Whether the remedy is the right one or not I do not know. But I do think that if we can standardize against the railroads their rental value and say, "We do not care how much you are going to take in during the war or what profits you make, we will pay you exactly what you made before the war for the use of your property," I think we can likewise standardize the peace taxes collected by the States and municipalities and say, as I do in the second part of this amendment, "The United States will pay exactly what you were assessed in 1917, whether you do less business or more."

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. PARKER of New Jersey. I ask, Mr. Chairman, that the matter be considered and voted on in two halves, as I mentioned, the first down to the words "war business," in the fourth line. Consider that as one amendment and the rest of it as a separate remedy. I think they ought to be considered separately. One is the principle and the other is the remedy.

The CHAIRMAN. A point of order has been reserved on the amendment as offered.

Mr. PARKER of New Jersey. No point of order has been made as to the first part of the amendment.

Mr. SIMS. It was read as one amendment, Mr. Chairman.

The CHAIRMAN. The amendment was offered as one amendment.

Mr. PARKER of New Jersey. I offer it as two. The first part reads:

Provided, That nothing herein contained shall be construed to admit the right of the several States directly or indirectly to tax war business conducted by the United States, or increased values of property, or franchises, or increased operating revenue resulting from such a war business.

That is all.

Mr. SIMS. Mr. Chairman, I do not think that is germane to the bill.

The CHAIRMAN. Does the gentleman from Tennessee make a point of order on the amendment?

Mr. SIMS. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SIMS. Mr. Chairman, is the other portion offered now?

Mr. PARKER of New Jersey. This is a section about taxes. There is on page 3, at the end of the paragraph, a passage which says:

that other taxes assessed under Federal or any other governmental authority for the period of Federal control or any part thereof, either on the property used under such Federal control or on the right to operate as a carrier, or on the revenues or any part thereof derived from operation (not including, however, assessments for public improvements or taxes assessed on property under construction and chargeable under the classification of the Interstate Commerce Commission to investment in road and equipment), shall be paid out of revenues derived from railway operations while under Federal control.

"Other governmental authority" means the States. I therefore add at the end a proviso to the effect that "Nothing herein contained shall be construed to admit the right of the several States directly or indirectly to tax war business conducted by the United States, or increased values of property, or franchises, or increased operating revenue resulting from such war business" conducted by the Federal Government. I think it is germane.

The CHAIRMAN. The Chair would state to the gentleman from New Jersey that the amendment which was proposed was offered as a whole. Of course the gentleman from New Jersey is perfectly familiar with the rule that if any part of an amendment be subject to a point of order, that makes the entire amendment subject to the point of order.

Mr. PARKER of New Jersey. I offered the first part myself.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Insert, after the paragraph as to taxes, ending with line 2, on page 4, the following: "*Provided*, That nothing herein contained shall be construed to admit the right of the several States, directly or indirectly, to tax war business conducted by the United States, or increased values of property, or franchises, or increased operating revenue resulting from such war business."

Mr SIMS. Mr. Chairman, I make the same point of order against that amendment. It is not germane to the bill or to any provision in the bill. That is putting a provision in with reference to State taxes. There is nothing in the bill attempting to control or regulate State taxation. The provision in the bill for taxing has reference to what may or may not be paid out of the standard return or out of the net operating revenue of the road.

Mr. PARKER of New Jersey. The gentleman understands that "other governmental authority" means the State. It was so stated in the evidence.

Mr. SIMS. But that has reference alone to the disposition to be made as to the earnings of the railroad, not as to the power to tax or not to tax.

Mr. PARKER of New Jersey. It is only a proviso, which can not be misunderstood.

Mr. LENROOT. Later on in the bill there is an express provision that this shall not impair the right of the State to levy taxes.

Mr. SIMS. Why, certainly. That was put in on account of the demand of the States, because they were afraid.

Mr. BARKLEY. Just one suggestion, if the Chair will accept it.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. BARKLEY. This section 1 simply provides a method by which taxes levied by the States shall be paid, how the tax shall be deducted. It makes no attempt whatever to limit or extend the authority of the States in levying taxes. The gentleman's amendment, though, is not germane, because it seeks to limit the power of the States to levy taxes, whereas the section simply states how these taxes are to be paid and out of what fund they are to be paid.

The CHAIRMAN (Mr. GARRETT of Tennessee). The Chair thinks the statement of the gentleman from Kentucky [Mr. BARKLEY] very clearly puts the situation, and the Chair sustains the point of order.

Mr. GRAHAM of Illinois. Mr. Chairman, I move to strike out the last word. I do this for the purpose of addressing an inquiry to the chairman of the committee. I note on page 2 of this bill language that perhaps is plain to the committee but is ambiguous to me. The statement is made that—

For each year, and pro rata for any fractional year of such Federal control, equivalent as nearly as may be to its average annual railway operating income—

What is that, gross or net?

Mr. SIMS. Net.

Mr. GRAHAM of Illinois. Does not the gentleman think that as a safety provision he ought so to state; that instead of leaving this to the construction of some court, he had better insert the word "net" by way of amendment? This language is capable of a double construction, and possibly some court somewhere might contend that this was gross.

Mr. SIMS. Undoubtedly the courts would hold that that had reference to net income. A court that would hold that the Government should pay to the railroad company the entire gross income of the railroad company as compensation for its use for three years ought to be relieved of its judicial duties.

Mr. GRAHAM of Illinois. It will not hurt the gentleman's bill, and it might make the meaning clear.

that the fellows who own the stock, not the bonds, will get 647 per cent?

On page 885 Mr. Anderson said that if the States undertook to increase taxation disproportionately or to levy new taxes, that

Mr. SIMS. It can not possibly refer to gross income, by construction or otherwise.

Mr. STEVENSON. If the gentleman will look, he will find that they have used there exactly the term that the Interstate Commerce Commission uses in all of its reports and deliverances, and in the reports that it requires of net operating income. The exact term that the Interstate Commerce Commission has crystalized into that expression is used here to denote the net operating income.

Mr. GRAHAM of Illinois. In other words, the term "operating income" means net income, does it?

Mr. STEVENSON. Yes; that is what it means. You will find that there is a certain report required of every railroad of its income, and the part designated as operating income is the thing which they refer to here, the net operating income.

Mr. GRAHAM of Illinois. If it has a well-known meaning, the amendment is not necessary, but it was not clear to my mind.

Mr. ESCH. Mr. Chairman, I wish to offer an amendment to correct an error of punctuation.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. ESCH. After the word "retirements," in line 12, page 2, I move to insert a comma; and after the word "betterments," in line 11, omit the comma.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 2, line 11, after the word "betterments," strike out the comma; and, in line 12, after the word "retirements," insert a comma.

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I understand the gentleman from Wisconsin is going to offer some amendments to perfect the section, and especially the first paragraph of the section. I will ask the gentleman from Wisconsin to be kind enough to notify me when he exhausts his amendments to the first section, because I have an amendment to offer.

Mr. SIMS. Let me ask the gentleman from Wisconsin [Mr. LENROOT] if the amendments are the ones he stated that he would offer yesterday.

Mr. LENROOT. This is not one inserted in the RECORD, but one that I said I would offer.

Mr. SIMS. As to these amendments I would like to have them offered, because the committee wants tomorrow to study these matters.

Mr. LENROOT. I would be glad to have an agreement that as to these perfecting amendments we have unanimous consent to return to the first section of the bill.

Mr. SIMS. Mr. Chairman, I will ask unanimous consent that we may return to section 1 of the bill for the purpose of giving the gentleman from Wisconsin an opportunity to offer amendments and discuss them as though they were offered now.

Mr. TOWNER. Mr. Chairman, I have a motion to strike out the first paragraph of the section and insert a substitute therefor, and I could not offer it until after the section is perfected and the amendments disposed of.

Mr. SIMS. Let me inquire of the gentleman from Wisconsin how many amendments he has to offer to the first section.

Mr. LENROOT. Four.

Mr. SIMS. The gentleman might offer his substitute now, because the amendments, as I understand, do not change the scope of the section. If the substitute is adopted gentlemen might want to offer some amendments to it.

The CHAIRMAN. The gentleman from Tennessee asks unanimouse consent that at any time before the conclusion of the consideration of the bill in Comanittee of the Whole the committee may return to section 1 of the bill in order to permit the gentleman from Wisconsin [Mr. LENROOT] to offer and debate amendments under the general rules of the House for the perfecting of the section. Is there objection?

Mr. CALDWELL. Reserving the right to object, does the request confine amendments to be offered by the gentleman from Wisconsin [Mr. LENROOT] and no one else?

Mr. SIMS. Not if anyone else wants to offer amendments to perfect the section.

Mr. LENROOT. I have inserted nearly all my amendments in the RECORD. The purpose of this was to give the committee time for the consideration of those amendments, and they have already had notice of the amendments.

Mr. CALDWELL. I shall have to insist on an objection unless the unanimous-consent agreement provides that anyone can offer an amendment. Suppose an amendment is offered and some one wants to offer another amendment to it?

Mr. LENROOT. They can go on and do that.

Mr. CALDWELL. I will object.

Mr. LENROOT. Then, Mr. Chairman, I will offer the following amendment.

The Clerk read as follows:

Page 1, line 10, strike out the words "not exceeding." Page 2, lines 2 and 3, strike out the words "equivalent as nearly as may be to" and insert the words "not exceeding."

Mr. LENROOT. Mr. Chairman, that is one amendment that I gave notice yesterday that I would offer at this time. As the language now stands it clearly does not express the intention of the committee. As the language now stands it could not possibly accomplish the purpose of the committee. Of course, the purpose of the committee in this first paragraph, section 1, was to authorize the President to agree with the railroads to pay them a certain annual sum in compensation for the use of their roads by the Government during the time the Government shall hold them.

Mr. CALDWELL. Will the gentleman yield for me to withdraw my objection?

Mr. LENROOT. I will.

Mr. SIMS. Then, Mr. Chairman, I renew my request.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that at any time during the consideration of the bill the Committee of the Whole may return to section 1 for the purpose of permitting the gentleman from Wisconsin [Mr. LENROOT] to offer and debate any amendment intending to perfect the verbiage of the bill. Is there objection?

Mr. GARNER. Mr. Chairman is it the exclusive privilege of the gentleman from Wisconsin to offer an amendment, or any member of the committee?

Mr. SIMS. Any amendment can be offered to his amendment.

Mr. GARNER. I understand, but I do not grasp the idea of returning for one member of the committee only to offer an amendment; why not leave it open to all?

Mr. SIMS. Was the gentleman present when I stated my reason for this?

Mr. GARNER. No; I was not.

Mr. SIMS. The gentleman from Wisconsin [Mr. LENROOT] made a speech of 40 minutes on yesterday and submitted a number of amendments, many of which are to noncontroverted portions of the bill, to perfect the bill and clarify it, but not in opposition to the bill.

They are printed in the RECORD. The committee has had no opportunity at all to consider these amendments, and I suggest that if he would withhold offering the amendment it would give an opportunity to the committee to-morrow and on Monday morning to take them and consider them, and it would very greatly expedite the passage of the bill.

Mr. LENROOT. And save time.

The CHAIRMAN. The Chair would hold, of course, that an amendment to any amendment that was offered would be in order.

Mr. SAUNDERS of Virginia. Mr. Chairman, ought not that request to include in it that the return shall be upon the motion of some particular Member?

Mr. SIMS. It says "before the conclusion of the bill."

Mr. LENROOT. I think it would amount to the same thing if the gentleman would make his request that we return to section 1 later for the purpose only of offering perfecting amendments, and that would leave it open to any gentleman to offer amendments.

Mr. SIMS. I will put the request exactly in that shape, that the committee may return to section 1 at any time upon the request of any member of the Committee of the Whole to offer perfecting amendments to section 1.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that at any time during the consideration of the bill in Committee of the Whole, upon the request of any member of the Committee of the Whole, the committee shall return to section 1 of the bill for the purpose of permitting the offering of amendments to perfect the text of the bill. Is there objection?

Mr. WALSH. Mr. Chairman, reserving the right to object, I understand the only purpose of this is to permit the committee to consider these amendments so that when we convene on Monday they may have them better in mind. Therefore to give them an opportunity to do that, without any further agreement or arrangement, I make the point of order that there is no quorum present.

Mr. SIMS. Mr. Chairman, if the gentleman desires to make the point of no quorum, he may do so. I do not know whether there is a quorum here or not, but the point will be made again in a few moments, and under compulsion of that kind I move that the committee do now rise, and for no other reason.

The motion was agreed to.

Accordingly the committee rose; and Mr. SAUNDERS of Virginia having assumed the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9685, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SABATH, for three days, on account of important business.

EXTENSION OF REMARKS.

Mr. McKEOWN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing therein a letter directed to the President, calling his attention to the unsettled condition of the farmers under the present draft and the reply of the Provost Marshal General thereto, giving their status.

The SPEAKER pro tempore. Is there objection?

Mr. CAMPBELL of Kansas. Mr. Chairman, reserving the right to object, is the letter from a farmer or an association of farmers?

Mr. McKEOWN. The letter is addressed by myself to the President, and he has turned it over to the Provost Marshal General, who answered it.

The SPEAKER pro tempore. Is there objection?

There was no objection.

HOUR OF MEETING MONDAY.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock Monday.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. SIMS. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House, in accordance with the order heretofore made, adjourned until Monday, February 25, 1918, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (H. R. 9971) to provide further for the national security and common defense by the conservation of foodstuffs, feeds, and materials necessary for the production, manufacture, and preservation of foodstuffs and feeds, reported the same with amendment, accompanied by a report (No. 337), which said bill and report were referred to the House Calendar.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (H. R. 9352) to amend an act entitled "An act providing for an Assistant Secretary of War," approved March 5, 1890, and for other purposes, reported the same without amendment, accompanied by a report (No. 338), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ROWE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 9908) to amend sections 4402, 4404, and 4414 of the Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 339), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9552) granting a pension to Edyth C. Dideon, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LOBECK: A bill (H. R. 10186) to amend the act approved June 25, 1910, establishing postal-savings depositories, and acts amendatory thereof, and for other purposes, by extending the usefulness of the Postal Savings System, and instituting publicity for securing from the public postal-savings deposits; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 10187) to provide for an investigation of the collection and disposal of garbage, ashes, refuse, dead animals, and night soil in the District of Columbia and employment of a competent sanitary engineer to report the latest approved methods for disposal of the same; to the Committee on the District of Columbia.

By Mr. THOMAS: A bill (H. R. 10188) granting pensions to soldiers totally blind; to the Committee on Invalid Pensions.

By Mr. LOBECK: A bill (H. R. 10189) for the extension of Maryland Avenue east of Fifteenth Street to Oklahoma Avenue NE.; to the Committee on the District of Columbia.

Also, a bill (H. R. 10190) to provide that the unexpended balances of certain appropriations for Benning Road viaduct and bridge be covered into the Treasury; to the Committee on Appropriations.

By Mr. SABATH: A bill (H. R. 10191) to prohibit the sale or gift of intoxicating liquors to minors within the admiralty and maritime jurisdiction of the United States; to the Committee on the Judiciary.

By Mr. TIMBERLAKE: A bill (H. R. 10192) to establish a game sanctuary in the State of Colorado, and for other purposes; to the Committee on Agriculture.

By Mr. DENTON: A bill (H. R. 10193) to prevent the defacement or obliteration of Government war advertising, and to provide punishment therefor; to the Committee on the Judiciary.

By Mr. AUSTIN: A bill (H. R. 10194) to aid our Government by the production of foodstuffs and to aid farmers and to give employment to the unemployed and to encourage agriculture and authorize the creation of a board of five in each State; and provide for farmers to remain in their States from March 1 to December 1 during the present war; and to aid in establishing a home or homes on the industrial farm for those people who have to move out of the alleys July 1, so that they can aid the Government by the production of foodstuffs; to the Committee on Appropriations.

By Mr. LONERGAN: A bill (H. R. 10195) to amend and reenact section 713 of chapter 18, subchapter 10 of the Code of Laws of the District of Columbia; to the Committee on the District of Columbia.

Also, a bill (H. R. 10196) to amend and reenact section 691a of chapter 18, subchapter 7, of the Code of Laws, of the District of Columbia; to the Committee on the District of Columbia.

By Mr. PHELAN: A bill (H. R. 10197) to provide a penalty for obtaining loans or credit from a national banking association based on false statements; to the Committee on Banking and Currency.

By Mr. BRAND: A bill (H. R. 10198) to require cashiers and other officers of a national banking association handling its funds to give bond and to prevent its officers and employees from making erasures on the books of the association; to the Committee on Banking and Currency.

By Mr. EAGLE: A bill (H. R. 10199) to repeal the sixth section of an act approved July 12, 1882, entitled "An act to enable national banking associations to extend their corporate existence, and for other purposes"; to the Committee on Banking and Currency.

Also, a bill (H. R. 10200) to regulate the allowance of overdrafts by national banking associations, and to provide penalties for its violation; to the Committee on Banking and Currency.

By Mr. GLASS: A bill (H. R. 10201) to amend and reenact sections 5136, 5137, 5139, 5147, 5172, 5200, 5222, 5230, and 5239 of the Revised Statutes of the United States; to the Committee on Banking and Currency.

By Mr. TINKHAM: A bill (H. R. 10202) to provide further for the national security and defense by controlling and regulating rents of real estate in the District of Columbia; to the Committee on the District of Columbia.

By Mr. STEPHENS of Nebraska: A bill (H. R. 10203) authorizing the Winnebago Tribe of Indians of Wisconsin and Nebraska to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. GARD: A bill (H. R. 10204) to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes; to the Committee on the Judiciary.

By Mr. WINGO: A bill (H. R. 10205) to provide for the consolidation of national banking associations; to the Committee on Banking and Currency.

By Mr. CLARK of Florida: Resolution (H. Res. 257) directing the Shipping Board to furnish the House certain information; to the Committee on the Merchant Marine and Fisheries.

By Mr. PRATT: Resolution (H. Res. 258) directing the Postmaster General to transmit to the House information respecting the organization, operation, and personnel of the foreign mail service; to the Committee on the Post Office and Post Roads.

By Mr. LUFKIN: Memorial adopted by the General Court of Massachusetts, favoring the ratification of regulations establishing a closed season on waterfowl; to the Committee on Agriculture.

Also, memorial adopted by the General Court of Massachusetts, favoring the creation of a league of nations to safeguard permanent peace upon the termination of the present war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 10206) granting a pension to Frank T. Coleman; to the Committee on Pensions.

Also, a bill (H. R. 10207) granting a pension to Robert Shipley; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 10208) granting a pension to Fred J. Luepke; to the Committee on Pensions.

By Mr. DARROW: A bill (H. R. 10209) granting an increase of pension to Margaret Stewart; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 10210) granting an increase of pension to Carlton H. Finley; to the Committee on Invalid Pensions.

By Mr. GEORGE W. FAIRCHILD: A bill (H. R. 10211) granting an increase of pension to Harrison C. Dunham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10212) granting an increase of pension to Irving Holcomb; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 10213) granting an increase of pension to Samuel Worley; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 10214) granting an increase of pension to Philo R. Woods; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 10215) granting a pension to Sallie M. Sellers; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 10216) granting a pension to W. W. Treadway; to the Committee on Pensions.

By Mr. LUFKIN: A bill (H. R. 10217) granting a pension to Abbie L. Ahern; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10218) granting a pension to Carrie E. Magison; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 10219) granting a pension to Frank O. Stevens; to the Committee on Pensions.

By Mr. MASON: A bill (H. R. 10220) granting an increase of pension to Levi M. Dort; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 10221) granting an increase of pension to Richard Groebe; to the Committee on Invalid Pensions.

By Mr. RUCKER: A bill (H. R. 10222) granting an increase of pension to Philo M. Russell; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 10223) granting a pension to John J. Burke; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 10224) granting an increase of pension to Volney A. Parmer; to the Committee on Pensions.

Also, a bill (H. R. 10225) striking from the pension roll the name of Jennie M. Heath; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 10226) granting a pension to Hallie Cook; to the Committee on Pensions.

Also, a bill (H. R. 10227) granting a pension to Alexander E. Strange; to the Committee on Pensions.

Also, a bill (H. R. 10228) granting an increase of pension to John S. Withers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10229) granting an increase of pension to William C. McGhee; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10230) granting pension to Henry T. Kinkade; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10231) granting an increase of pension to Henry Cowles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10232) granting an increase of pension to Mitchell Mason; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10233) granting an increase of pension to Charles B. Griffin; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 10234) granting an increase of pension to George W. Hester; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 10235) granting a pension to George F. Swob; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of citizens of the improved real estates of O'Donnel Canas and Bamban, Tarlac, P. I., relative to decision of the question of Camp Stotsenberg Reservation; to the Committee on Insular Affairs.

By Mr. CARLIN: Memorial of Farmers' Cooperative Grain Dealers' Association of Iowa, relative to power of Interstate Commerce Commission in rate hearings and regulations; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of the Woman's Shakespeare Club, of Fort Worth, Tex., against increase in second-class mail rates; to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Memorials of the Bohemian Society of Kenosha and of the Bohemian National Alliance, Milwaukee, Wis., urging that the unification of the Czecho-Slovaks into one independent State be made one of the terms of the treaty of peace; to the Committee on Foreign Affairs.

By Mr. CURRY of California: Resolutions of the Sacramento (Cal.) Consolidated Chamber of Commerce, protesting against a 2-cent rate on post cards; to the Committee on the Post Office and Post Roads.

Also, petition of several Federal employees, members of Federal Employees Union No. 1, and residents of the third congressional district of California, in favor of House bill 7356; to the Committee on Labor.

By Mr. DALE of New York: Petition of Central Federated Union of New York, against the Borland eight-hour law; to the Committee on Agriculture.

Also, petition of Joint Legislative Board of the State of New York, against placing any limit of time for Government supervising the railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Shakespeare Club, of Fort Worth, Tex., against increase in postage on second-class matter; to the Committee on Ways and Means.

Also, petition of the Czecho-Slovaks (Bohemian Slovaks) asking independence for Bohemia; to the Committee on Foreign Affairs.

By Mr. DOOLING: Petition of National Federation of Federal Employees, against Borland eight-hour amendment; to the Committee on Agriculture.

By Mr. FULLER of Illinois: Petition of William Riley, commander Grand Army of the Republic post, Yonkers, N. Y., for increase of pension of maimed soldiers; to the Committee on Invalid Pensions.

Also, petitions of the New Mexico Federation of Women's Clubs; the West Pullman Woman's Club, of Chicago, Ill.; the Elective Study Club of Minneapolis, Minn.; the Abingdon Woman's Club, of Abingon, Ill.; the Woman's Club of Marion, Ohio; and the Browning Club, of Athens, Tenn., favoring the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. HAMILTON of New York: Evidence to accompany House bill 10127, granting a pension to Pheba A. Vaughn; to the Committee on Invalid Pensions.

By Mr. HILLIARD: Petitions of Dr. J. H. Tilden, Mrs. M. Martin, and M. A. Posner, of Denver, Colo.; and Arthur Bartlett, of Colorado Springs, Colo., urging the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. KAHN: Petition of Pacific Coast Division of Bohemian National Alliance, urging national freedom for Bohemians when new map of Europe is made; to the Committee on Foreign Affairs.

By Mr. MASON: Memorial of Chicago (Ill.) Hospital College of Medicine against discriminating against students of certain medical colleges entering service of United States; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Memorial of the West Palm Beach Association of Commerce, urging Government improvement of the Florida Coast Line Canal; to the Committee on the Merchant Marine and Fisheries.

By Mr. SCHALL: Memorial of Edwin Brantwell and others, favoring House bill 3831 for retirement of aged civil-service employees; to the Committee on Reform in the Civil Service.

Also, memorial of John Sabas and sundry citizens of Minneapolis, Minn., favoring independence of Lithuania; to the Committee on Foreign Affairs.

By Mr. TAGUE: Petition of Commonwealth of Massachusetts, favoring the creation of a league of nations to safeguard peace upon the termination of the present war; to the Committee on Foreign Affairs.

Also, petition of the National Association of Chiropodists (Inc.), favoring appointment of podiatrists in the United States Army; to the Committee on Military Affairs.

Also, petition of the Commonwealth of Massachusetts, favoring adoption of recommendations of United States Department of Agriculture providing for closed season on waterfowl in Massachusetts; to the Committee on Agriculture.

By Mr. TILLMAN: Petition of sundry citizens of Yellville, Ark., against zone system of second-class postage; to the Committee on the Post Office and Post Roads.

By Mr. TIMBERLAKE: Petition of R. A. Cameron Post, No. 25, Grand Army of the Republic, favoring increase in pensions of Civil War veterans; to the Committee on Invalid Pensions.

By Mr. VARE: Memorial of city council of Pittsburgh, Pa., favoring Ohio River appropriation in rivers and harbor bill; to the Committee on Rivers and Harbors.

SENATE.

MONDAY, *February 25, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the sovereign Lord and Master of all men and of all nations. We thank Thee that we have been taught to recognize Thy right to rule in our hearts and lives and in our Nation; that we think of our allegiance to Thee, our loyalty to Thy cause, our devotion to Thy name as the first and supreme obligation of life. We pray Thee that Thou wilt bless us as we come day by day to draw from Thee the wisdom and grace for the duties that are upon us. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, February 21, 1918, when, on request of Mr. McCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATES OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation in the sum of $4,506,997.39 for the temporary employment of additional employees in the War Department (S. Doc. No. 184), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting supplemental estimates of appropriations required by the Quartermaster Corps for the fiscal year 1918, $538,140 (S. Doc. No. 182), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an urgent estimate of appropriation in the sum of $50,000, required by the Engineer Department for "Maintenance of Highway Bridge across the Potomac River, District of Columbia," etc. (S. Doc. No. 181), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, submitting an estimate of appropriation in the sum of $300,000 to enforce, through the Customs Service, the provisions of the espionage law (S. Doc. No. 183), which was referred to the Committee on Appropriations and ordered to be printed.

FOOD INVESTIGATION.

The VICE PRESIDENT laid before the Senate a communication from the acting chairman of the Federal Trade Commission, transmitting a copy of the hearings held by the commission in connection with the food investigation directed by the President, which, with the accompanying paper, was referred to the Committee on Printing.

REPORT OF COMMISSIONER OF PATENTS (H. DOC. NO. 938).

The VICE PRESIDENT laid before the Senate the annual report of the Commissioner of Patents for the fiscal year ended December 31, 1917, which was referred to the Committee on Patents and ordered to be printed.

ADDRESS ON WASHINGTON'S BIRTHDAY BY SENATOR WARREN G. HARDING (S. DOC. NO. 180).

Mr. FOMERENE. Mr. President, I have before me the manuscript of an address delivered by my distinguished colleague on Washington's Birthday at a celebration held under the auspices of the Sons of the American Revolution. It is a splendid address, worthy of the occasion, and I ask that it be printed as a public document.

Mr. SMITH of Michigan. Mr. President, I rose to make the same request with reference to the address of the Senator from Ohio [Mr. HARDING]. Among the celebrations held throughout the country appropriate to Washington's Birthday there was none more fitting than the celebration held here under the auspices of the Sons of the American Revolution, and the address of the Senator from Ohio upon that occasion was most illuminating and inspiring. It was in every way becoming that occasion, and I join with the senior Senator from Ohio in his request to have this address printed as a document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

ADDRESS ON THE EXISTING WAR.

Mr. SWANSON. Mr. President, I desire to give notice that to-morrow, immediately following the conclusion of the regular morning business, I shall address the Senate on the existing war.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions of the Legislative Assembly of the State of Montana, which were referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

STATE OF MONTANA,
SECRETARY OF STATE,
Helena, February 19, 1918.

Hon. THOMAS MARSHALL,
President of United States Senate, Washington, D. C.

DEAR SIR: I am herewith transmitting copy of substitute joint house resolution No. 3, passed by the extraordinary session of the Fifteenth Legislature Assembly of the State of Montana.

Yours, very truly,
C. T. STEWART,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE OF THE STATE OF MONTANA.

CERTIFICATE.

United States of America, State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that I have compared the annexed copy of substitute joint house resolution No. 3 with the original thereof, filed in my office on the 19th day of February, 1918, and that the same is a correct transcript thereof, and of the whole of said original.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Montana this 19th day of February, A. D. 1918.

[SEAL.] C. T. STEWART,
Secretary of State.

[Substitute joint house resolution No. 3, introduced by Harbert, Mason, and Larse.]

A resolution memorializing Congress for an appropriation of $750,000 for the Flathead irrigation project for the ensuing year.

To the honorable Senate and House of Representatives in the Congress of the United States assembled:

Whereas the Fifteenth Legislative Assembly of the State of Montana, meeting in extraordinary session in response to a proclamation of the governor calling this body together for the consideration of measures necessary to a successful prosecution of the war, among which of primary importance is a bill providing for loans at low rates of interest to needy farmers for the enhancement of agricultural production in the State: Now, therefore, be it

Resolved, That the Fifteenth Legislative Assembly of the State of Montana hears with grave concern the reports from Washington of the intention of Congress to reduce a contemplated appropriation of $750,000 toward the completion of the Flathead Reservation irrigation project in western Montana to $250,000, and does hereby go on record as in favor of and registers its wish for an appropriation of $750,000 for said project; and it is further

Resolved, That a failure of the Congress of the United States to make such appropriation of $750,000 would be vionative of the best interests of this Nation, a great discouragement to the farmers and to the farming interests of Montana, thereby resulting in decreased farm production in one of the most fertile sections of the State of Montana, and, being prompted by a consideration for the best interests of this Nation and the State of Montana, demands favorable action by the United States Congress of an appropriation of $750,000 toward the completion of the Flathead Reservation irrigation project; and it is hereby ordered that a copy of this resolution be telegraphed to the Speaker of the House of Representatives, the President of the United States Senate, with the recommendation that it be read before both bodies and referred to the proper committees.

(Signed) JAMES P. O'CONNOR,
Speaker of the House.
(Signed) W. W. MCDOWELL,
President of the Senate.

The VICE PRESIDENT presented resolutions of the Legislative Assembly of the State of Montana, which were referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

STATE OF MONTANA,
SECRETARY OF STATE,
Helena, February 19, 1918.

Hon. THOMAS MARSHALL,
President United States Senate, Washington, D. C.

DEAR SIR: I am transmitting herewith copy of resolution passed by the Legislative Assembly of the State of Montana, which resolution relates to the Myers homestead bill (S. 3439), and the same is self-explanatory.

Very truly, yours,
C. T. STEWART,
Secretary of State.

DEPARTMENT OF THE SECRETARY OF STATE OF THE STATE OF MONTANA.

CERTIFICATE.

UNITED STATES OF AMERICA,
State of Montana, ss:

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that I have compared the annexed copy of resolution memorializing Congress for the passage of Senate bill No. 3439, with the original thereof filed in my office on the 19th day of February, 1918, and that the same is a correct transcript thereof and of the whole of said original.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Montana this 19th day of February, A. D. 1918.

[SEAL.] C. T. STEWART,
Secretary of State.

A resolution memorializing Congress for the passage of Senate bill No. 3439 in the interest of increased food production in the United States.

Whereas the Government of the United States is in need of increased production along all lines, and particularly increased production in foodstuffs, for the purpose of successfully prosecuting the war; and

Whereas there are now more than 100,000 homestead settlers in the Northwest, many of whom, on account of the short crop of 1917, are without seed grain and have not sufficient credit to purchase such seed and have not sufficient credit to enable them to live and carry on their farming operations until the crop of 1918 shall have been harvested; and

Whereas the granting of title to such settlers will enable them to borrow sufficient funds to carry on their farming operations and will add many millions of bushels to the production of grain and other food products in 1918: Now, therefore, be it

Resolved by the Senate of the Fifteenth Legislative Assembly of the State of Montana in extraordinary session assembled (the house concurring herein), That we petition the Congress of the United States to pass Senate bill No. 3439, introduced by the Hon. HENRY L. MYERS, United States Senator from the State of Montana, which bill is a bill for the relief of homesteaders and desert-land entrymen in the United States;

Resolved further, That a copy of this memorial be forwarded by the secretary of the State of Montana to the Senate of the United States and that a copy of this memorial be forwarded by the secretary of the State of Montana to the House of Representatives of the United States; And be it further

Resolved, That a copy hereof be transmitted by the secretary of state of the State of Montana to the Senators and Representatives in Congress of the State of Montana, with the request that they use every effort within their power to bring about a speedy action for the accomplishment of the ends and purposes herein indicated.

The VICE PRESIDENT presented resolutions adopted by the Legislature of the State of South Carolina, ratifying the national prohibition amendment, which were ordered to be filed and to be printed in the RECORD, as follows:

STATE OF SOUTH CAROLINA, EXECUTIVE CHAMBER,
Columbia, February 19, 1918.

Hon. THOMAS R. MARSHALL,
President of the Senate, Washington, D. C.

MY DEAR MR. MARSHALL: In accordance with the provisions of the joint resolution ratified by the South Carolina Legislature, I have the honor to transmit herewith a true copy of the said preamble and resolution. The title of the resolution is as follows:

"A joint resolution ratifying a proposed amendment to the Constitution of the United States of America, prohibiting the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, and to provide means for the enforcement thereof."

With high esteem and personal regards, I am,

Cordially, yours,
RICHD. I. MANNING, *Governor.*

[No. 97—Acts of 1918.]

A joint resolution ratifying a proposed amendment to the Constitution of the United States of America, prohibiting the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, and to provide means for the enforcement thereof.

Whereas both Houses of the Sixty-fifth Congress of the United States of America, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"SECTION 1. *Be it resolved by the Senate and House of Representatives of the United States of America, in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States, as provided by the Constitution:

"ARTICLE —.

"SECTION 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes is hereby prohibited.

"SEC. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States as provided by the Constitution within seven years from the date of the submission hereof to the States by the Congress": Therefore be it

SECTION 1. *Resolved by the General Assembly of the State of South Carolina*, That the said proposed amendment of the Constitution of the United States of America be, and the same is hereby, ratified by the General Assembly of the State of South Carolina.

SEC. 2. That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the Secretary of State at Washington, to the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States.

In the senate house the 8th day of February, A. D. 1918.

ANDREW J. BETHEA,
President of the Senate.
T. P. COTHRAN,
Speaker of the House of Representatives.

Approved the 12th day of February, A. D. 1918.

RICHARD I. MANNING, *Governor.*

A true copy.

JOHN ELLIOT PUCKETTE,
Secretary to the Governor.

Mr. LODGE. I present resolutions of the Legislature of the Commonwealth of Massachusetts, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year one thousand nine hundred and eighteen.

Resolutions in favor of the creation of a league of nations to safeguard permanent peace upon the termination of the present war.

Whereas the President of the United States has declared that our present and immediate task is to win the war; and

Whereas he has proclaimed that the chief aim of the war is to secure a permanent peace guaranteed by a partnership of free nations: Therefore be it

Resolved by the General Court of Massachusetts, That the Commonwealth of Massachusetts pledges all its resources to the vigorous prosecution of the war until Prussian autocracy has been defeated; and be it further

Resolved, That the Commonwealth of Massachusetts favors the entrance of the United States after the war into a league of nations to safeguard the peace that must be won by the joint military forces of the allied nations; and be it further

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the President and to the Presiding Officers of both branches of Congress and to each of the Senators and Representatives from Massachusetts.

In the house of representatives, adopted, February 6, 1918.
In senate, adopted, in concurrence, February 11, 1918.
A true copy
Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LODGE. I present resolutions of the Legislature of the Commonwealth of Massachusetts, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS,
In the year 1918.

Resolutions in favor of the ratification of regulations establishing a closed season on waterfowl.

Resolved, That the General Court of Massachusetts favors the approval and ratification of the regulations recommended by the Bureau of Biological Survey of the United States Department of Agriculture on the 15th day of May, 1916, in pursuance of an act of Congress providing for a closed season on waterfowl in Massachusetts between the 16th day of January and the 30th day of September, said regulations being ineffective, owing to their not being approved and ratified on August 16, 1916.

Resolved, That the General Court of Massachusetts favors the ratification of the aforesaid regulations and requests its Senators and Representatives in Congress to take such steps as may be necessary to secure the approval and adoption of said regulations.

Resolved, That copies of these resolutions be sent by the Secretary of the Commonwealth to the Senators and Representatives in Congress from Massachusetts and to the Bureau of Biological Survey of the United States Department of Agriculture.

In house of representatives, adopted, February 7, 1918.
In Senate, adopted in concurrence, February 12, 1918.
A true copy. Attest:

ALBERT P. LANGTRY,
Secretary of the Commonwealth.

Mr. LODGE presented a petition of the City Council of Cambridge, Mass., praying for the submission of a Federal suffrage amendment to the legislatures of the several States; which was ordered to lie on the table.

He also presented resolutions adopted by the National Association of Merchant Tailors of America, pledging their loyal support to the Government in the prosecution of the war and favoring the establishment of a league of nations at the expiration of the war, so as to insure a permanent world peace; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Massachusetts prohibition State committee, praying for the adoption of national prohibition as a war measure, which was ordered to lie on the table.

He also presented resolutions adopted by the City Council of Malden, Mass., favoring the acquisition and control of coal mines by the Government during the period of the war, which were referred to the Committee on Mines and Mining.

He also presented a memorial of the Massachusetts Dairymen's Association, of Amherst, Mass., remonstrating against any change in the present laws relative to the manufacture, sale, or tax on oleomargarine, which was referred to the Committee on Agriculture and Forestry.

Mr. POMERENE. I have a memorial in the nature of a petition addressed to Congress by the governor of my State in his individual capacity on the subject of the woman-suffrage constitutional amendment. I ask that it be incorporated in the RECORD without reading.

There being no objection, the memorial was ordered to be printed in the RECORD, as follows:

Memorial to the Sixty-fifth Congress of the United States.

In view of the fact that one-quarter of the States of the Union have now extended full suffrage to women; and

In view of the fact that since the war began suffrage has been granted or pledged to the women of Canada, Great Britain, Russia, and France; and

In view of the fact that every State and country which has tried woman suffrage gives unanimous evidence that the women voters have proved a positive force for good:

We, the undersigned, believe that when the world is fighting for democracy—"the right of those who submit to authority to have a voice in their own government"—the time has come to take steps insuring political freedom to the women of the entire United States, and we therefore unite in asking the Sixty-fifth Congress to submit a Federal suffrage amendment to be ratified by the legislatures of the several States.

JAMES M. COX, *Dayton, Ohio.*

Mr. POMERENE. I also have two series of resolutions from the Civic Council of the city of Cleveland, one relating to Government ownership of the telegraph and telephone systems of the country and the other relating to the liberation of Slavic races in Austria-Hungary. I ask that they be published in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas the telephone and telegraph service now given by private companies is inefficient and unsatisfactory; and

Whereas in many cities, Cleveland among them, the private ownership of this important means of communication has led to duplication and consequent waste, which has resulted in further increases in already exorbitant charges; and

Whereas the telephone and telegraph systems are an essential part of the means of communication, and as such should be owned and operated by the United States Government as part of the Postal System:

Now, therefore, be it

Resolved by the Council of the City of Cleveland, State of Ohio, That we urge the Congress of the United States to take immediate action toward acquiring ownership of the telephone and telegraph systems of the country and operating same as one unified system; and be it further

Resolved, That a copy of this resolution be sent to the Congressmen from the twentieth, twenty-first, and twenty-second districts and to the Senators from the State of Ohio.

Adopted by the council February 4, 1918.

Approved by the mayor February 8, 1918.

I, C. J. Benkoski, clerk of Council of the City of Cleveland, do hereby certify that the foregoing is a true and correct copy of resolution (file No. 46213) adopted by the Council of the City of Cleveland February 4, 1918.

Witness my hand and seal at Cleveland, Ohio, this 14th day of February, A. D. 1918.

[SEAL.] C. J. BENKOSKI,
Clerk of Council of the City of Cleveland.

Whereas the President of the United States at the beginning of the hostilities between the United States and Germany solemnly declared that one of the aims of the United States will be the liberation of all Slavic races from the tyranny of the Hapsburg dynasty, and explicitly named Bohemians and Slovaks as the nations first to be considered among Slavic nationalities of Austria-Hungary to be independent free States; and

Whereas the President of the United States has again lately stated his war aims and named 14 conditions which must be considered in making peace between the allies and central powers, one of the conditions being the liberation of Poland; and

Whereas Cleveland is a great cosmopolitan city, about 165,000 of the inhabitants being Bohemians and Slovaks (Czecho-Slovak), who are patriotic and loyal to their adopted country and lovers of liberty and law-abiding citizens: Therefore be it

Resolved by the Council of the City of Cleveland, State of Ohio, That the Council of the City of Cleveland request the President of the United States and Congress to consider the freedom of Bohemia-Slovak (Czecho-Slovak) subjects as a free and separate nation, as tens of thousands of these subjects are now in the ranks of the allies fighting for our President's aims. Be it further

Resolved, That copies of this resolution be sent to the President, Senate, and House of Representatives.

Adopted by the council February 4, 1918.

Approved by the mayor February 8, 1918.

I, C. J. Benkoski, clerk of Council of the City of Cleveland, do hereby certify that the foregoing is a true and correct copy of resolution (file No. 46288) adopted by the Council of the City of Cleveland February 4, 1918.

Witness my hand and seal, at Cleveland Ohio, this 14th day of February, A. D. 1918.

[SEAL.] C. J. BENKOSKI,
Clerk of Council of the City of Cleveland.

Mr. TOWNSEND presented a memorial of the congregation of the Sherman Street Christian Reformed Church, of Grand Rapids, Mich., remonstrating against the enactment of legislation granting certain protection to secret organizations, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 29, Independent Order of Odd Fellows, of Battle Creek, Mich., praying that proper conditions may be maintained in the prosecution of the war, which was referred to the Committee on the Judiciary.

He also presented memorials of the Woman's Home Missionary Society of the Methodist Episcopal Church of St. Joseph, of the congregation of the Methodist Episcopal Church of Ludington, and of sundry citizens of Lansing, all in the State of Michigan, remonstrating against the running of railroad tracks directly opposite the Lucy Webb Hayes Training School and the Sibley Memorial Hospital, in the city of Washington, D. C., which were referred to the Committee on the District of Columbia.

He also presented a petition of Fairfield Grange, No. 278, Patrons of Husbandry, of Jasper, Mich., praying for the enactment of legislation authorizing the Secretary of the Treasury to purchase at par the 4½ per cent bonds issued by the Federal Loan Banks, which was referred to the Committee on Finance.

He also presented a petition of Woodbury Post, No. 45, Grand Army of the Republic, Department of Michigan, of Adrian, Mich., praying for an increase of pensions to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of the Federation of Labor of Detroit, Mich., and a petition of sundry citizens of Hillsdale, Mich., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. ROBINSON presented a petition of Local Union No. 576, United Brotherhood of Carpenters and Joiners, of Pine Bluff, Ark., praying for Government supervision or ownership of telephone and telegraph systems, and also for the operation of coal mines, etc., which was referred to the Committee on Post Offices and Post Roads.

Mr. MYERS presented a petition of the Board of County Commissioners of Teton County, Mont., praying for the enactment of legislation granting certain rights and issuing certain patents to settlers upon reclamation projects in that State, which was referred to the Committee on Public Lands.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN, from the Committee on Appropriations, to which was referred the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, reported it with amendments and submitted a report (No. 287) thereon.

CLAIMS OF INDIANS IN OREGON.

Mr. McNARY. Mr. President, on the 18th of January I introduced a bill (S. 3572) authorizing the Coos Bay, Umpqua, and Siuslaw Tribes of Indians in the State of Oregon to submit claims to the Court of Claims, and I asked that it be referred to the Committee on Claims, which was done. After considering the matter further, I am of the opinion that it should be referred to the Committee on Indian Affairs, inasmuch as it affects the legislative consideration of the welfare of these Indians. I ask that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 3935) to prohibit the sale, manufacture, and importation of intoxicating liquors in the Territory of Hawaii during the period of the war, except as hereinafter provided; to the Committee on Pacific Islands and Porto Rico.

By Mr. LODGE:

A bill (S. 3936) to provide temporary increased rank for officers of the United States Coast Guard while operating as a part of the Navy during the period of the present war, and for other purposes; to the Committee on Naval Affairs.

By Mr. SMOOT:

A bill (S. 3937) granting an increase of pension to Roxanna Miller (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3938) to survey and locate a military and post road from St. Louis, Mo., to Olympia, Wash.; to the Committee on Military Affairs.

A bill (S. 3939) to establish a fish-cultural station in the State of Washington; to the Committee on Fisheries.

A bill (S. 3940) validating and confirming conveyances of lands made by allottees on the Yakima Indian Reservation, in the State of Washington; to the Committee on Indian Affairs.

A bill (S. 3941) authorizing the setting aside of certain lands for highway purposes through the public domain, forests, and other reserves of the United States; and

A bill (S. 3942) making timberlands available for homestead settlement, and for other purposes; to the Committee on Public Lands.

By Mr. MYERS:

A bill (S. 3943) to provide for the disposition of public lands withdrawn and improved under the provisions of the reclamation laws, and which are no longer needed in connection with said laws; to the Committee on Public Lands.

By Mr. CALDER:

A bill (S. 3944) for the relief of Emma H. Ridley; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 3945) to authorize the President of the United States to appoint Fred H. Gallup, major of Field Artillery in the United States Army (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 3946) granting an increase of pension to Warren M. Easton (with accompanying paper); and

A bill (S. 3947) granting an increase of pension to John F. Loehr (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3948) to authorize the Secretary of the Interior to adjudicate claims covering the expense of removing certain Choctaw Indians from Mississippi to Oklahoma (with accompanying paper); to the Committee on Indian Affairs.

By Mr. PENROSE:

A bill (S. 3949) granting a pension to John Cunningham (with accompanying papers); and

A bill (S. 3950) granting an increase of pension to Josiah Weaver; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 3951) granting an increase of pension to August Schaeffer (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 3952) creating a Bureau of Farm Colonization to make a national survey of all public lands suitable for farming, to develop, establish, and maintain in a practical manner rural colonies and farm homes for qualified families; to the Committee on Agriculture and Forestry.

COMMISSIONED OFFICERS IN THE ARMY.

Mr. OWEN submitted an amendment intended to be proposed by him to the bill (S. 3748) fixing the grades of the commissioned officers of the Medical Corps and of the Medical Reserve Corps of the United States Army on active duty, and for other purposes; which was referred to the Committee on Military Affairs and ordered to be printed.

AMENDMENTS TO URGENT DEFICIENCY APPROPRIATION BILL.

Mr. MYERS submitted an amendment proposing to appropriate $9,117 to pay to Katherine Macdonald, of Butte, Mont., for and on account of unpaid claims held by her on account of work and services performed on or supplies furnished for the construction of the Corbett Tunnel, etc., intended to be proposed by him to the urgent deficiency appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $7,055.37 to reimburse the State of Massachusetts for expenses incurred for supplying State troops at the request of the United States marshal at Boston for guard and patrol duty at Boston Harbor, in the interest of the Federal Government, intended to be proposed by him to the urgent deficiency appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

DISTRICT OF COLUMBIA TELEPHONE SYSTEM.

Mr. KING. I send to the desk a resolution and ask for its present consideration.

The PRESIDING OFFICER (Mr. NEW in the chair). The resolution will be stated.

The Secretary read the resolution (S. Res. 207), as follows:

Whereas it is reported in the public press that the Postmaster General of the United States offered to take over and operate, in behalf of the United States, the telephone system of the Chesapeake & Potomac Telephone Co., within the District of Columbia: Therefore be it

Resolved, That the Postmaster General be, and he is hereby, directed to transmit to the Senate the proposition made by him to the Chesapeake & Potomac Telephone Co., and also to transmit to the Senate any information which he may possess authorizing him to make such, or any, proposition looking to the taking over of and the operation by the Government of said telephone system.

Mr. KING. Mr. President, there is such a hysterical demand nowadays for the Government to take over and operate everything with which we have to do that we need not be surprised if it takes form calling for governmental ownership and control of telephones and affects the Post Office Department. I have felt compelled, in view of the statements contained in the public press, to present the resolution and move its adoption.

The resolution was considered by unanimous consent and agreed to.

CONSIDERATION OF TREATIES IN OPEN SENATE.

The VICE PRESIDENT. The morning business is closed.

Mr. BORAH. Mr. President, some time ago I introduced a resolution asking the proper committee to report a change in the rules of the Senate with reference to the hearing upon treaties and the action of the Senate regarding treaties. At the time the resolution was introduced the senior Senator from New Hampshire [Mr. GALLINGER] made some objection, and in what I supposed was the interest of time I accepted the amendment offered by the Senator from New Hampshire. The resolution as it was finally adopted called upon the committee to make a report upon this subject matter in order that we might have it before the Senate. I should like to ask the chairman of the committee if there seems to be any likelihood of an early report upon it?

Mr. OVERMAN. I must confess to the Senator that I did not know about the resolution. I called the committee together to consider all matters pending before it, and somehow this resolution was not brought before the committee at the time; but, if the Senator desires, I shall call the committee together again. It was my fault, I suppose; but I ordered my secretary to have everything brought before the committee, and I apologize to the Senator from Idaho for not having it considered by the committee.

Mr. BORAH. I have no desire to have an extra meeting of the committee, because all I want to know is that we are making progress and that a report will be made in due time.

Mr. OVERMAN. I am sure of that.

Mr. BORAH. We have plenty of time to deal with it, in case we act in good faith in regard to it, before any treaties are likely to come before us. If the chairman is of the opinion that it will be acted upon at the next meeting of the committee, that will be satisfactory.

Mr. OVERMAN. I assure the Senator from Idaho that it will be acted upon. I shall call a meeting of the committee for that very purpose.

DISMISSAL OF CAPT. ARTHUR E. PERELESS.

Mr. McCUMBER. I gave notice last Thursday that on the close of the morning business to-day I would submit some remarks upon the Bolshevik doctrine in our labor unions and its effect upon our war preparations. The Senator from Montana [Mr. MYERS] desires to take a moment on a matter of personal privilege, and I assume that that is superior to any claim I may have at this time, and, with the permission of the Chair, I yield for that purpose.

The VICE PRESIDENT. The Chair will recognize no one after the Senator from Montana concludes save the Senator from North Dakota.

Mr. MYERS. I thank the Chair and the Senator from North Dakota. I desire to speak but a few minutes, but I can hardly confine my remarks to the limitation of a moment, as by the Senator from North Dakota indicated. I wish to speak for a few minutes on a matter of personal privilege; something in the nature of an explanation.

In the Washington Post of Saturday, the 23d instant, there appeared an article in regard to the action of the Senate Committee on Military Affairs in ordering Capt. Pereless to appear for examination before the committee and give his version as to why he was honorably dismissed from the Army. The article said in part:

The Pereless case goes to the root of the whole question in connection with the pending Senate inquiry—the ability of the committee charged by the Senate with this task to obtain the free and fearless opinions of witnesses summoned to the stand.

It has aroused the interest of Senators regardless of their party affiliations, and, judging by the present temper of the Senate, and the determination to investigate it thoroughly, it may become a cause celebre in the history of the war.

The decision to go to the bottom of the discharge of Capt. Pereless, ascertaining the reasons and the influences which promoted it, if any such suit exist, was reached yesterday at an executive session of the committee, with Senator HITCHCOCK presiding in the absence of Chairman CHAMBERLAIN.

Members of the committee felt that the dismissal of this officer one month after he had testified against the contract, which was canceled as a result of the investigation he had made in his official capacity, and against the protest of Charles Eisenman, vice chairman of the supply committee of the Council of National Defense, was an affront to the dignity of the United States Senate in view of the superficial evidence existing that it amounted virtually to the disciplining of an officer of the United States for testimony given by him at the command of the Senate.

The Senate is jealous of its prerogatives, of the immunity it gives to its witnesses, and of its surpassing dignity as the greatest deliberative body in the world.

the war, which was referred to the Committee on the Judiciary.

for highway purposes through the public domain, forests, and other reserves of the United States; and

It is regarded in some respects as one of the gravest issues ever raised between the legislative and executive branches of the Government.

At yesterday's meeting of the committee there was virtually a unanimity of opinion that the Senate could not afford to permit the incident to pass

I have no criticism or condemnation for that article, Mr. President. It is not to that that I rise. There is, however, one statement in it about which I wish to make an explanation.

I cast no doubt upon the veracity of the newspaper writer or the accuracy of statement of the article, as far as the actions and attitude of the committee are concerned. However, I want to call attention to the closing statement which I have read. I have the honor to be a member of the Senate Committee on Military Affairs, but I was not able to be at that committee meeting on Friday. I received the usual notice of the meeting; but it gave no indication of the nature or object of the meeting and I did not know what was going to be the subject matter of the meeting. I had no way of knowing, as far as any information that came to me was concerned. As I had other pressing demands upon my time for the same hour, very important matters of another nature to attend to at the same hour as the committee meeting, I was unable to attend the committee meeting. I will say, however, that is the only statement I wish to correct—and I have no grievance as to it, because it is a natural one, and doubtless the writer was sincere in it and was informed to that effect—the only statement that I wish to correct is the closing statement of what I read, that at Friday's meeting "there was virtually a unanimity of opinion that the Senate could not afford to permit the incident to pass."

The action of the committee may have been, and doubtless was, unanimous as to all those who were present, but I want to say emphatically that that unanimity does not include me. It was all right to make inquiry as to why Capt. Pereless was dismissed, but that was done by a member of the committee, the Senator from Colorado [Mr. THOMAS]. He addressed a letter of inquiry on the subject to Gen. Goethals, the Acting Quartermaster General of the War Department, and he received a reply from Gen. Goethals, and that reply was published in the CONGRESSIONAL RECORD, and it was and is entirely satisfactory to me. I believe that Gen. Goethals is an upright, honorable, and truthful man, and when he says that Capt. Pereless was not dismissed on account of any testimony that he gave before the committee, that ends the matter with me. I am willing to accept his statement. I believe what Gen. Goethals says, and I have no disposition nor desire to go into an inquiry, an investigation, as to whether or not he is telling the truth.

So, while I was not able to be present, the statement that there is unanimity in the committee about the action of Friday is not correct. While I was not present, I am a member of the committee, and I emphatically dissent from what was done Friday. If I had been present, I would have opposed the action of the committee on the ground that it is unnecessary, and unnecessarily prolongs the investigation which the Senate Committee on Military Affairs is making.

Furthermore, I take this occasion to say that I not only dissent from that action of the committee, but that I dissent from very many of the things that the committee has done in the course of its investigation of the War Department. Of course, I admit the right of the majority to do as it will—that is, the right so far as the power of superior numbers gives it the right. I realize that the majority must rule, but I do question the justice of and the justification for much else that has been done in the course of the investigation by that committee as well as in the particular instance of its action on Friday.

I simply want to make it plain and emphatic that I am not in accord with the action of the committee that was taken on Friday. I do not consider that there has been any affront to the dignity of the committee or of the Senate or that there is any ground for a feeling of injured dignity on behalf of the committee or the Senate. If the War Department may not drop an officer from its rolls for what it considers good cause without offending the dignity of a committee of this body, then indeed I think the War Department is in a deplorable situation. I am not willing for the statement to go to the public nor to the Senate that the action of the committee on Friday was unanimous, so far as my assent is involved. I want it made perfectly plain and most emphatic that I dissent from the action of the committee on Friday, and had I been present I should have opposed it.

This is all I shall say about the matter at this time, but in the future I may take occasion to make better known and more emphatic my dissent from many of the things that have been done by the Military Committee in the course of the investigation it has been making of the affairs of the War Department. On many things I am not at all in accord with it.

EFFECT OF BOLSHEVIKI DOCTRINES IN LABOR UNIONS.

Mr. McCUMBER obtained the floor.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I will yield for a question, Mr. President.

Mr. GORE. I intended to state to the Senator the object for which I rose. I have several letters here from farmers in Oklahoma, Kansas, and California in relation to the wheat situation, and I was wondering whether or not the Senator would yield to me to have them read into the RECORD?

Mr. McCUMBER. I wish the Senator from Oklahoma would ask later to have them read.

Mr. GORE. I will not insist on my request.

The VICE PRESIDENT. It is in violation of the rule. A Senator holding the floor can not be interrupted for such a purpose.

Mr. McCUMBER. Mr. President, when the Czar of Russia was dethroned, an element known under the general name of "Bolsheviki" seized and assumed control of the government. I am informed that the word "Bolsheviki," while originally meaning majority, has, by reason of its adoption by the most radical element of that country, come to signify a creed which may be expressed in the words "more, still more, and always more." The combined soldiers and workmen's organizations, through whose ukase government was to be conducted and military campaigns operated, were the followers of this creed of illimitable avarice and impossible application.

The first act of these organizations in assuming the onerous duties of government was to shoot all their military officers and commanders. Their last act was to surrender Russian territory nearly as great in extent as the German Empire itself, and then demobilize the Russian Army, that no patriot might rekindle in their hearts the flame of loyalty and rally them to the defense of their fatherland.

Search the world's history through all its volumes vast, and nothing can be found to even approach this most damnable treachery to faithful and bleeding allies—this blackest treason to country and national honor. For this ignominious surrender under Bolsheviki reign let every Russian patriot for a thousand years wear branded on his cheek the blush of shame.

With this spectacle of national impotency and disgrace before us, and enlightened by the appalling conditions in our shipyards, is it not about time we were turning our attention to the Bolsheviki doctrine of those in our own country who are paralyzing the arms of the Government and imperiling the lives of our soldiers in France?

Mr. President, in the midst of a life and death struggle, when victory or defeat depends upon whether we shall or shall not produce the ships to meet the devastation of submarines and to support our armies, I find these same Bolsheviki sentiments expressed in an address before a convention of boiler makers by an officer high in the ranks of organized labor:

Organized labor is a part, and a powerful part, a real part of the war in the United States. Nothing can take place, nothing can be done unless we are consulted and practically give our consent to it.

Mr. President, in the United States is this true? Is it a fact that this Government can do nothing without first consulting an element in the United States called the labor unions? Is it true that nothing can be done in carrying out great war measures without first securing the consent of this element of American society? I for one do not believe it. When, the other day, there was a carpenters' strike in the shipyards of the United States, the President of the United States, who all along has attempted to do justice, and more than justice, to the American workmen, finding that his patience had become exhausted, stated to those in authority that he would refuse to talk with them and that their duty was to go to work; they went to work. They did so because they well understood that their strike in that particular instance was unjust and that the American people would not stand back of them. And, Mr. President of the United States, the people of this country will back you in this, and any other position you shall take to secure just service for just compensation.

Again, said this orator:

We have organized boards, different commissions covering all phases of this war game, and in all these commissions and in all these boards organized labor has its representations.

* * * * * * *

I think that is true. He proceeded:

You take the shipbuilding, and we are not talking about getting a penny an hour increase now. You remember when we used to strike to get 25 or 26 or 27 cents, an increase of a cent or two an hour. Now we are striking for dollars. We have forgot there is such a thing on the market as a penny any more. It is dollars we are talking about. Out on the Pacific coast, you know what is going on out there now. Seattle, Portland, San Francisco, all asking for dollars, $2 a day increase, $3 a day increase. It doesn't frighten anybody any more. Nobody gets boisterous about it any more. We are just coming together and going to get dollars now instead of pennies.

Again, he says:

That is only the beginning. We are now working on another plan to handle all the munition plants, outside of the shipbuilding, all of the munition factories where munitions of any kind are made for the Government, either direct or by contract or by subcontract. That commission will handle all that. That will be for the purpose of giving labor the benefit of the increased cost of living, which is climbing head over heels upward every day. And if flour jumps $2 to-morrow, and jumps again the next day, we will call the commission together and jump wages, keep jumping, getting more and more and more. I like that word "more." It sounds good to me. It is natural. It is human.

Mr. President, it sounds like Bolsheviki to me.

* * * * * * *

Now, I hope the boiler makers in convention here will get in their minds that beautiful thought of "more." Place your officers in a position to go out and demand and then back them up. Give them your united and undivided support. And in this crisis, instead of our organization being wiped out, instead of our power being lessened, we will come out after the war is over bigger and greater and grander and better understood than we ever were before.

Mr. President, that sounds like the Kaiser to me.

Mr. President, all autocrats and all autocracies speak the same language. Unlimited power is always unblushingly frank and brutally arrogant. The Kaiser and his pan-Germans say: The world belongs to those who have the power to take and govern it. They say we have the military power to crush our neighbors and seize their territory that we may extend our domains and dominate the world. We have attained our present greatness by the sword of conquest. Poland, Russia, Austria, Denmark, Holland, France has, each in its turn, surrendered its territory and been compelled to pay as tribute for having dared to attempt its defense. Our motto is "More territory, more power, still more and always more," until the world, lying prostrate at our feet, acknowledges our domination. Place your Kaiser in the position to make this demand and then back him up, and when we shall come victorious out of this war and impose our kultur on the world we shall be bigger, and greater, and grander and better understood than ever before. Mark the similarity.

Mr. President, neither of these autocracies recognizes the rights of other classes or other nations or any standard of equal justice, and, as the world can not submit to the domination of one nation over all the others, neither can this country afford to submit to the domination of any one class of people over all the other people.

Mr. President, we have seen the effect of Bolsheviki government in Russia. So, too, we have seen the effect of this Bolsheviki sentiment, "more, still more, always more," regardless of justice, regardless of patriotic duty, in the shameful delay in ship construction on which the very life of a great world principle depends. Drunken with power, swelled with importance, guided by no standard but that of more, and more, and still more, we are told that all munition plants, every line of industry upon which the life of the Government depends, will soon be reduced to the same condition of dependency and impotency as the shipbuilding program of to-day.

The time has arrived for the American people to accept this challenge and to answer the boast that any organization in time of desperate war needs can throttle our energies and destroy our power. We are a patient people. We wait for those in power to meet a situation. But when they fail, through cowardice or abject surrender to a great wrong, we find means to meet the situation. And, Mr. President, nine-tenths of the people of the United States are not going to have the country held up by the other one-tenth. This country is not Russia, and before we get through with those who are preaching the Bolsheviki doctrine in this country, before we allow this country to be disgraced and dishonored for all time, before we, like Russia, shall betray our allies and our cause, those nine-tenths of the American people will be heard from.

Mr. President, about last September, I think it was, when the I. W. W.'s were strolling through the State of North Dakota, at a time when we had a quarter or an eighth of a crop to harvest, and they were placing pieces of iron in the shocks and holding meetings to prevent the farmer from securing labor to take care of his crops, I received a communication from an organization asking me if the Government would loan them 1,500 rifles and 5,000 rounds of ammunition, and they would take care of the I. W. W. element in the State of North Dakota. I had to inform them that the Government would not and could not do so, but that undoubtedly they could take care of the situation. Only a few days ago a Senator received from my State a circular calling upon people to report at a certain place the number of guns they had, the kind of guns, the caliber of those guns, and what ammunition they had for their use. The circular was signed "Vigilance Committee" or "Committee of Safety." What did it mean? It simply meant that in a threatening situation, when the Government is so weak that it can not protect its own citizens, there are always a sufficient number of naturally law-abiding men in this country who will take care of themselves just as the miners in the West, without government and without law, took care of the situation in forty-nine. So I repeat, the President need have no fear, the nine-tenths of the people will never allow the one-tenth or any element of that one-tenth to throttle this country. It is not necessary for us to surrender to anything that is wrong—and slacking anywhere is wrong.

While this Bolsheviki cancer, which is sapping our strength and jeopardizing our safety, is not confined to any one class, it nevertheless manifests itself in its most malignant form in supply profiteering and in labor profiteering in our shipyards. I wish to consider and condemn both. In supply profiteering I shall mention the case of but one shipyard. To get the general situation, you can multiply that one by the number of yards in the country.

Mr. President, Hog Island has added a new glory to its name. Everything connected with this shipyard, from the time of the purchase of the land on which it is located, down to the present day, has exemplified in the superlative degree the hog nature of man. The land, as I am informed, was assessed and paid taxes on a base value of about $100 per acre. It was sold to the Government for $2,000 an acre. And, finding what an easy mark the Government is, the owner is now bemoaning the fact that he did not ask $4,000 an acre for it.

Mr. NELSON. Mr. President, will the Senator yield for a moment?

Mr. McCUMBER. I yield to the Senator from Minnesota.

Mr. NELSON. The Senator is not quite correct in stating that it was sold directly to the Government. It was sold to the International Shipbuilding Co., which rented it to the Government at the price of 6 per cent upon $2,000.

Mr. McCUMBER. I thank the Senator for the correction. It was rented to the Government on a basis of $2,000 per acre.

Mr. NELSON. Yes, sir. What I wanted to say to the Senator is that Mr. Black, who sold the land to this shipbuilding company for $2,000 an acre, had agreed to sell it the year before, and had an option outstanding, for $1,000 an acre. As a reward for his getting $2,000 an acre he has been taken out of civil life and is now a lieutenant colonel in the Ordnance Department of the Government.

Mr. McCUMBER. I thank the Senator.

Mr. KING. Mr. President——

Mr. McCUMBER. I yield to the Senator from Utah.

Mr. KING. It seems to me, under the facts stated, that that man ought to be court-martialed and dismissed from the Army.

Mr. McCUMBER. The testimony before the Committee on Commerce, as I remember it, showed that it was assessed for about $100 an acre.

Now, Mr. President, after this land had been purchased and the foundation laid on graft, it was but natural that the superstructure should be in harmony with that foundation; and so every act, every contract, every expenditure for material or labor has been madly, wildly extravagant. The hard-earned dollars of the industrious people of the country, exacted by the heaviest burden of taxation, have been burned in a wild Saturnalia of extravagance. To add to the cost, and thereby increase commissions and profits, the management thought it necessary to have a paper published at the plant. And so writers for the paper were paid from $500 to $833.33 a month to write paragraphs concerning this shipyard and to invite labor to that vicinity. Automobiles and trucks were hired at $25 to $30 per day for the machines alone.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

Mr. McCUMBER. Gladly, Mr. President.

Mr. NELSON. I will say that the shipbuilding company at Hog Island has three publicity agents, whose aggregate salaries are something like $2,400 or $2,500 per month, for carrying on a publicity bureau at Hog Island, paid by the Government.

Mr. McCUMBER. Yes; I will quote some of the evidence on that point.

Mr. BORAH. Mr. President, may I ask the Senator from Minnesota what are the objects and purposes of this publicity?

Mr. McCUMBER. I will cover that by the evidence in just a moment, if the Senator will allow me.

Mr. BORAH. I shall be very glad to hear it.

Mr. McCUMBER. Freight cars were allowed to pile up and remain unloaded until 1,300 cars stood for long periods of time

few days ago a Senator received from my State a circular calling upon people to report at a certain place the number of guns

remain unloaded until 1,300 cars stood for long periods of time

without being unloaded while the country was freezing because cars could not be obtained to haul coal.

Mr. JONES of Washington. Mr. President——

Mr. McCUMBER. I yield to the Senator from Washington.

Mr. JONES of Washington. The Senator may not have observed that in that connection it was also shown that there were 3,000 cars on the way that had to be held up.

Mr. McCUMBER. Yes; I thank the Senator for adding to that.

Contracts were made to pay double salaries for expert services. The cost of the construction, it is now conceded, will be three to four times the Government's original estimate. This single hold-up of the Government will probably cost it not less than $30,000,000. Just think of the supreme nonsense of spending the people's money to get out a little paper at this institution! I quote from the examination of Mr. Towle before the Committee on Commerce, and this will answer the question of the Senator from Idaho:

Senator VARDAMAN. I notice here that three men were employed as follows: R. N. Hunt, publicity assistant, $666.66 per month; D. T. Pierce, publicity manager, $833.33 per month; Thomas B. Reed, publicity assistant, $500 a month. These gentlemen I understand are the editors of this little paper. Did they really accomplish anything other than furnishing a pretty good story for some very excellent gentlemen?

Mr. TOWLE. The idea was to create interest in the job among the employees.

Mr. Towle testified that in the gathering of machinery, for instance, an ordinary crane that you should buy for from seven to eight thousand dollars cost the Government from twenty to twenty-five thousand dollars. When they needed lumber the lumber dealers immediately added 50 to 100 per cent to their selling price.

Mr. KNOX. Mr. President, may I make an inquiry for information?

Mr. McCUMBER. Certainly.

Mr. KNOX. Were these salaries for publicity, and so forth, paid by the Government?

Mr. NELSON. Yes.

Mr. McCUMBER. Yes; I understand they are.

Mr. KING. Mr. President, if the Senator will yield——

Mr. McCUMBER. I yield, Mr. President.

Mr. KING. I was told on Saturday that, notwithstanding these disclosures, the present person in charge, an admiral, is still perpetuating this publicity organization. Does the Senator know whether or not that is so?

Mr. McCUMBER. I am not informed as to whether it is continuing, but I had not heard that it was discontinued; and therefore I do not suppose that these gentlemen are throwing up these very lucrative jobs.

Mr. KING. Is the Senator a member of the committee?

Mr. McCUMBER. I am not a member of the committee.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. McCUMBER. I yield.

Mr. NELSON. I think Admiral Bowles went up there about two or three weeks ago to take charge and to reorganize the institution and put it on its feet. He is gradually weeding out the dead timber. He probably has not gotten around to this part of it yet; and I do not think he ought to be criticized because he has not done all the cleaning out that ought to be done there. It is a big stable to clean out, and he can not accomplish it all in a short space of time. I think if he is left in charge there he will undoubtedly take care of this matter.

Mr. SHERMAN. Mr. President——

Mr. McCUMBER. I yield to the Senator from Illinois.

Mr. SHERMAN. The private pay roll of the American International Corporation and the American International Shipbuilding Co. when the Government commandeered the yard were taken over by the Government, along with the visible property. The Government has had control for some time. The record will show, I think, that immediately upon the taking of the pay roll by the Government the compensations of many of the places then existing, if not all of them, were increased, and very materially increased. In addition to that some of the places to which the Senator from North Dakota alludes were created; but a part of this, at least, was during the latter part, while the Government was in control not only of the pay rolls but of the material delivered, the shipments made, the congestion of cars, and the yard.

Mr. NELSON. Mr. President——

Mr. McCUMBER. I yield to the Senator from Minnesota.

Mr. NELSON. I think, with all due respect, that the Senator from Illinois is a little in error. This was an agency contract, and the matter was put under the control of this shipbuilding company; and it is only lately that the Government has intervened directly. While the Government has a right to take possession of the yard, to commandeer it, it has not done so absolutely. It has simply placed Admiral Bowles in charge of the yard; but it has not been taken over, as it might be, by the Government.

Mr. SHERMAN. Mr. President——

Mr. McCUMBER. I yield to the Senator from Illinois.

Mr. SHERMAN. I do not want to take too much of the Senator's time. It is true that there is not an absolute ownership; but for a long time, beginning probably in September or October last, the Government has had agents and officers in the yard; and the pay roll will show in the case of Mr. Goodnow, who is the general superintendent, an increase of, I think, from $12,000 or $12,500 to $25,000 a year. That was after the Government assumed the pay roll and became responsible out of the Treasury for its payment. It is true, as the Senator from Minnesota says, that there was not an absolute ownership, but there was some Government supervision during that time.

Mr. McCUMBER. Mr. President, let me say that I can only strike the high places. I can only give the headings of chapters, upon which volumes might be written.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. As the name of Admiral Bowles has been mentioned—he having been designated, as I understand, to take charge of the situation there in behalf of the Government—I want to say that I have known Admiral Bowles for a great many years, and I shall be woefully disappointed if Admiral Bowles, honest man that he is, does not do everything in his power to remedy this evil which is so apparent.

Mr. McCUMBER. I certainly hope the Senator will not assume that I am criticizing Admiral Bowles in reading his own testimony criticizing the work that has been done there.

Mr. NORRIS and Mr. SHERMAN addressed the chair.

Mr. McCUMBER. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I wish the Senator would explain, unless he intends to do so later, just how this corporation comes in. If there is an official of the Government there that has charge of it, why is there a corporation intervening, and who is it that composes this corporation?

Mr. McCUMBER. I would rather have that stated by some member of the Committee on Commerce, as that committee has been taking the evidence, and it is too long for me to deal with at this time.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. McCUMBER. I yield to the Senator.

Mr. SHERMAN. I think we ought to especially pay attention to the remark of the senior Senator from Minnesota [Mr. NELSON] that Admiral Bowles has only been up at Hog Island about three weeks, at the outside, and his designation for that work came as a result of these investigations that were had before the Committee on Commerce. I think we all have the very greatest confidence in Admiral Bowles, but the size of the task has been of such a character that he has not yet produced the needed results. I am confident that he will.

Mr. McCUMBER. Going back to this little paper, the wonderful effect of this little paper with its high-priced editors upon the labor is evidenced by the further testimony of Mr. Towle. Let me again quote:

Senator VARDAMAN. We have not seen very much manifestation of a patriotic desire to serve the Government either in price of material or for personal services

Mr. TOWLE. Only on very rare occasions.

Senator CALDER. Mr. Towle, you said the labor cost is three times that of normal times?

Mr. TOWLE. Yes, sir.

Senator CALDER. Was that given to labor or was it because of waste of time?

Mr. TOWLE. The labor would eventually get all of that, but the amount of work performed by the labor was only one-third of what it would have been and should have been under right conditions.

Senator CALDER. In other words, the men were doing about one third of a day's work?

Mr. TOWLE. Yes.

Thus we have laborers being paid three times the ordinary wages and performing one-third of the ordinary service, so that each dollar paid out produced about one-ninth of what it would have produced under normal conditions.

Mr. STERLING. Mr. President——

Mr. McCUMBER. I yield to the Senator from South Dakota.

Mr. STERLING. I just wanted to ask the Senator from North Dakota, if he would permit me, who Mr. Towle is. What is his relation to the Government or to the shipbuilding corporation? The Senator has introduced him as a witness here, but he did not state the capacity in which he was employed.

Mr. McCUMBER. He has been in charge of that yard, and he was sent there to investigate conditions by the Government itself.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I yield.

Mr. JONES of Washington. He was not only sent there, but he was a civil engineer, generally supervising the work for the Government—looking after the agency, under Commander Reed.

Mr. McCUMBER. Yes; but, according to his own testimony, the work had begun there long before he was sent to supervise it.

Mr. JONES of Washington. I think that is true.

Mr. McCUMBER. And that is the question, as I understand it, asked by the Senator from South Dakota.

Mr. JONES of Washington. He represented the Government.

Mr. McCUMBER. S. M. Felton, a War Department engineer, stated:

I should estimate that possibly between 5 and 10 men out of every gang of 100 congregated about the plant were busy. I never saw such idleness in my life. Half the men we saw there, if properly organized, would have done more work than all the men we saw.

Think of it! With most excessive wages being paid, only 5 to 10 per cent of the men there were busy when he visited the plant.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. McCUMBER. I do.

Mr. SMITH of Michigan. It may be interesting to note that Mr. Felton, whom the Senator is quoting, is a practical business man and is the president of the Chicago Great Western Railroad. He is one of the men who volunteered their services and has been put in a responsible position in the War Office in connection with the transportation problems affecting that department. He went to study those problems, and in the course of his observations he found that condition.

Mr. McCUMBER. I thank the Senator.

Mr. KNOX. Mr. President, will the Senator pardon me just a moment in that connection?

Mr. McCUMBER. Certainly.

Mr. KNOX. I should like to add to the testimony as to the value of Mr. Felton's evidence by saying that I have known Mr. Felton ever since he came out of college, and that he has earned the reputation in the railroad world that if there is anything so disorganized or so badly gone that nobody else can do anything with it, they send for Felton.

Mr. McCUMBER. His evidence shows that he was more than shocked at the situation as he found it in the shipyards.

Mr. SMITH of Michigan. Mr. President, I will not interrupt the Senator further except to say that, quoting further from Mr. Felton, he regretted the construction there of superfluous tracks, and so forth, which he thought were entirely unnecessary.

Mr. LEWIS. Mr. President——

Mr. McCUMBER. I yield to the Senator from Illinois.

Mr. LEWIS. Joining with both Senators, the Senator from Michigan and the Senator from Pennsylvania, in their tribute to Col. Felton—whom, of course, I know personally, he being a constituent and a personal associate—I should like to ask the Senator whether the evidence does not make it clear that Col. Felton had nothing to do with these enterprises until after these wrongs were set afoot?

Mr. McCUMBER. Why, certainly, Mr. President.

Mr. LEWIS. He was seeking to correct them.

Mr. McCUMBER. He was there to investigate and correct them.

Mr. LEWIS. I thank the Senator. I wanted that clear, as I understood that to be the purpose.

Mr. McCUMBER. Mr. President, this Hog Island carnival of waste and extravagance is not an isolated case. Like conditions prevail throughout the country where speeding-up production has become necessary.

I found, on a visit to Camp Meade one Sunday last summer, about the same conditions. I rode down there at a time when all the laborers were performing their Sunday work. I saw one individual chopping a root off of a stump. Evidently he intended to chop it into a sort of kindling wood so that he could carry it away. A span of mules would have pulled the whole thing out of there in 10 or 15 minutes. He was chopping in a "Weary Willie" sort of a way upon a root that was about 3 inches in width and 6 inches deep. I passed through there and came back in three-quarters of an hour and he had cut that root nearly halfway off during that period of time. I looked around upon the other workers, and I found they were all working in the same leisurely way. And this was on Sunday, and they were drawing double pay for their work on Sunday!

I made a few inquiries about the situation in the construction of our cantonments, and I found that these men were not averse, on account of religious scruples, to working on Sunday, and therefore they were all present and they got twice as much wages on Sunday, but they laid off the next day and made Monday a holiday, so that they would work no longer than six days and get double pay for the holiday; and that character of service was followed in the construction of every one of our cantonments.

Mr. President, I want to read an article from the Post by a carpenter who was working here in Washington, I think, last October, and his letter was published in the Post. He says:

Editor the Post: I have read the article in the Post last Sunday entitled "Four Men to One Man's Job on Government Work," and I want to say that I can verify this statement, as I am a carpenter now employed in this city. I was sent here a little more than a month ago from the Pittsburgh office of the George A. Fuller Co., and I am working on the building at Eighteenth and D Streets NW.

The Hoover Building, as we call it now—

I came here believing that there was a labor shortage, but I find that there is none.

Not only have we four men for every day's work, but the job is overloaded with superintendents and foremen. I know of some two or three foremen who have but two or three men in their gangs and several who have no gangs at all under them, and these foremen are mostly incompetents, who do not attend to their work properly, with the result that it has to be done over several times.

Mr. Hoover has been preaching economy, and yet on his building there has been expended $15 for every dollar's worth of work accomplished. I am signing my name to this and you can use it if you wish to.

(Signed) WILLIAM A. YOUNG.

No one has attempted to deny this statement, that we are paying $15 where we should pay $1 in the cost of our cantonments.

Mr. President, I think we pay $40,000 to educate young men at either Annapolis or West Point. There are good engineers who graduate from these academies. Those engineers certainly understand how to build bridges. Those engineers certainly understand how to build a plain board and scantling shack, and that is all that is done in the building of these cantonments. Yet we have to hire men from all over the country to do the work that we have been paying $40,000 per head to educate men in the United States Army to do. Any one of the officers from West Point, I think, could have taken charge of a single one of these cantonments and produced ten times the results that we got out of the labor employed; and they were not all busy at that time.

Mr. LODGE. May I ask the Senator a question?

Mr. McCUMBER. I yield to the Senator.

Mr. LODGE. Did all these occurrences take place under the system of contracts on the basis of cost and commission?

Mr. McCUMBER. I think they did.

Mr. LODGE. The secret-contract system?

Mr. McCUMBER. I think so; and, of course, there was everything to encourage greater expense, because it meant greater commissions.

Mr. KING. Will the Senator yield?

Mr. McCUMBER. I yield to the Senator from Utah.

Mr. KING. Is the Fuller Co., of which the Senator speaks, the same company now doing business for some department of the Government?

Mr. McCUMBER. I think it is the same. The same company has its plants in Philadelphia, I think, and in New York, Chicago, and in all the great cities.

Mr. KING. Why is that company and the Sterritt-Thompson Co. apparently favored in giving these contracts?

Mr. McCUMBER. I do not know that. You must ask that question of the department. I do not even know that they are.

Mr. STERLING. Mr. President——

Mr. McCUMBER. I yield to the Senator from South Dakota.

Mr. STERLING. The Senator has given some data in regard to the cost of labor under this system of building, the contract or fee system, as it is called. I wonder if the Senator has any data in reference to the cost of materials?

Mr. McCUMBER. Except that which I have read. I have very much more data, but the testimony here shows that for the lumber and the material, taking the Hog Island project, for instance, the charges were from 50 per cent to 100 per cent higher than had been previously charged others.

Mr. STERLING. I speak of that because in a communication made by the Secretary of War to the Committee on Military Affairs it was contended that the cost of material was even less

vened directly. While the Government has a right to take possession of the yard, to commandeer it, it has not done so

The Senator has introduced him as a witness here, but he did not state the capacity in which he was employed.

there and came back in three-quarters of an hour and he had

for the building of these cantonments than in the ordinary market, that they were paying less.

Mr. McCUMBER. I cited the testimony of Mr. Towle that it was from 50 per cent to 100 per cent higher at this particular place, and that in the matter of cranes the Government had to pay from $20,000 to $25,000 for cranes that had been selling at from $7,000 to $8,000.

Mr. GALLINGER. Mr. President——

Mr. McCUMBER. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, this is a very interesting discussion, and I am optimistic enough to believe that it will result in great good, because those in authority can not by any possibility evade the responsibility, and they must look into this matter for the purpose of correcting it.

I believe there is inordinate and criminal waste of the Government money in many of these enterprises. A few days ago I was looking over the building that is being constructed, and I think is almost finished, running along Sixth Street back to the Fish Commission building, covering six or seven acres. One little incident came to my attention and I would not mention it were it not that I have two witnesses to it who were riding with me in my motor car at the time. A load of boards was driven up. One man took a board from the wagon and six men conveyed it to a space where they were going to work on it. They were supposed to be carpenters. I understand that any man who can drive a nail or saw a board, whether he saws it straight or crooked, is a carpenter nowadays. They were getting a very high wage. That fell under my immediate observation, and, as I said, I had two witnesses to the transaction. These men were not working, and it is a notorious fact that they are not working to-day. They believe they have the Government in their power, and they are going to do just as they please.

It is reasonable to suppose that if the men who are building ships, or pretending to build ships, and who are getting inordinate wages can carry that work along twice as long as it ought to be carried, they get their big wages, their big commissions, their big salaries for twice as long a time as they otherwise would.

I think it is a scandal, Mr. President, and I believe the discussion we are listening to now will have the effect of remedying many of the evils which exist at the present time.

Mr. McCUMBER. Mr. President, these facts that I have so far given are very unimportant and immaterial compared with what I intend to give before I get through.

Contracts of the most atrocious character, always against the Government, have been O. K.'d by Government officials. The Government pays every dollar of expense for raw materials, and yet pays individuals enormous profits. Men who never saw a shipyard, men who had no capital, have been given contracts to build ships, and they in turn have contracted to sublet those contracts to others, retaining big commissions. Banks have charged immense bonuses for securing contracts for their customers, and all this within the knowledge of, or easily obtainable by, Government officials.

So much for supply profiteering. Now, about labor profiteering. Mr. President, never before have we so needed ships. Never before has the cause of democracy, the cause of these very laborers, needed ships as they are needed to-day. The very life of that cause depends upon ship construction. Now, what is labor unionism doing to help that cause? Now, what is Mr. Gompers doing? We know what he is attempting to do—everything in his power to keep labor organizations loyal to the interests of the Government. But what is labor unionism doing in this battle? Mr. President, in our shipyards it is slacking in a most shameful and disgraceful manner. It is stated that there have been over 3,500 strikes in the shipbuilding industry and those industries connected therewith within a period of six months.

Mr. Frederick Lewis Allen, writing for the Outlook in the issue of February 20, 1918, is authority for the statement that up to Christmas there had been lost through strikes in the shipyards alone 596,992 working days, an equivalent of 30 days for 20,000 workmen, aside from the demoralization caused thereby.

Mr. President, those 20,000 workmen are just as essential and even more essential to the safety of this country and its success in this great war than any 20,000 soldiers we could land in France at this particular time.

Now, let us suppose that 20,000 soldiers with Bolshevik sentiments in their breasts should declare that the conditions or the situation was not to their taste and should refuse for 30 days, for a whole month, to obey the commands of their officers or do anything to carry out a military project. Is it not just as essential that these workmen should perform their duty, and must the Government stand idly by and allow them to refuse without any occasion, without any reason, to produce the very ammunition and the ships to carry that ammunition to protect our soldiers in foreign lands?

Notwithstanding the patriotic fervor of Mr. Gompers, notwithstanding the fact that the large majority of the membership of these unions may be loyal, notwithstanding his hostility to the I. W. W. doctrines, the fact remains that there are few union organizations to-day that have been able to eliminate from their ranks the I. W. W. element with its anarchistic sentiments, and that many of them seem to be ruled by that element.

I have a short clipping here on the shipping situation from the Scientific American of February 16, and I ask the Secretary to read it.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE SHIPPING SITUATION.

In his summary last week of the first year of Germany's unrestricted submarine warfare, Sir Eric Geddes, First Lord of the Admiralty, said: "The submarine destruction still exceeds the production of ships, and in the meantime the demands for tonnage are increasing by leaps and bounds. * * * When we first asked the United States for ships there was a quick response. In no way can the United States help more than in building ships. Is she succeeding? Is she throwing her best brains and energies into it? I hope she is."

Is she? She is and she is not.

Congress has done its part by loyally granting every dollar of the vast sums which have been requested. Capital has done its part by the construction of enormous shipbuilding plants and by the enlargement of those which existed. The great industrial plants of the country have done their part by bending every effort to produce the huge quantity of materials needed for the construction of the ships. The press of the country has done its part by explaining the serious character of the shipping problem and urging upon the country the need for pushing it through with all possible expedition.

Nevertheless, in spite of this widespread combination of national effort, the shipbuilding scheme is threatened with failure because the most important factor of its success—the hearty, whole-souled and patriotic cooperation of labor—has failed to materialize.

Mr. McCUMBER. I think no one can deny the truth of that statement.

Mr. THOMAS. May I suggest to the Senator that I do not think Congress will have done its entire part until it enacts appropriate legislation, as Parliament has done, to meet this unfortunate situation, and at least restrict if not entirely prevent it?

Mr. McCUMBER. This whole discussion, Mr. President, is for that particular purpose.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the junior Senator from New Hampshire?

Mr. McCUMBER. I yield.

Mr. HOLLIS. Will the Senator kindly repeat that last sentence, in which he says no one will dare deny?

Mr. McCUMBER. I say no one can deny the truth of that statement as to the conditions in the shipping yards.

Mr. HOLLIS. Will the Senator give me about two minutes in which to deny it?

Mr. McCUMBER. No; I can not allow the Senator to interject that at this time, because the Senator can not be unmindful of what has been going on in our shipping yards; and I will take the evidence of all of those who have given their testimony before the Committee on Commerce and the evidence that I shall present as against any one man's mere denial or statement.

Mr. HOLLIS. Mr. President, I do deny it.

Mr. McCUMBER. Mr. President, that denial does not change the truth.

Mr. HOLLIS. But the Senator will not permit me to say why I deny it and present argument on the other side.

Mr. McCUMBER. The Senator will have plenty of opportunity to deny it and to make any argument he sees fit.

In the January number of the Sunset Magazine is an article entitled "Bolshevikis of the West. What the Labor Unions of the Pacific Coast are Doing to Help Win the Great War." Every patriotic American ought to read that article. And after reading it and realizing the truth of it, the American people then ought to say, We will not submit longer to such a state of affairs. Copperheadism in whatever form it may exist ought to be stamped out.

From 20 to 25 ships are going to the bottom of the ocean every week, even during this time of lull, as it is called, in submarine offensive. There are ships on the western coast that are abandoned because the owners refused to compel their deck hands to join the union. There are ships awaiting boilers, and union labor will not put the boilers in because they were not constructed by union labor. What is the Government doing? Why does not the Government take those ships and see that they are completed and put into service, and put into service immediately? Are we so weak that we have no power to do this? I, for one, deny it.

If large forces of American soldiers are sent across the Atlantic and supplies fail for lack of tonnage, thousands of boys will sacrifice life and health in vain. If only a small force is sent, the duration and cost of the war in both life and treasure will be extended greatly.

It is stated that in the shipbuilding plants on the Pacific coast youngsters in their teens, with only a few months' training, are earning from $20 to $25 and $30 a week. Riveters have earned on piecework and overtime from $60 to $100 a week at the old rates before the Federal Adjustment Board had recommended an increase of more than 30 per cent.

Instead of working three shifts a day of eight hours, in order to turn out the necessary shipping, as we should, the shipyards of the West are working one shift of eight hours, plus overtime, and they are short handed even on this one shift.

It is stated in this article that on straight shell work almost any able-bodied, normal man can become a fair riveter with three months' practice. If the material is on hand, the speed of ship construction depends largely on the speed of the riveting gangs; that the average stint of an average riveter on straight shell work is about 400 rivets a day, and to exceed 500 rivets a day is not an unusual performance. Therefore, if we take 300 rivets per day, which is 25 per cent below the average, to constitute a day's work, we will be appalled by the inefficiency, or rather lack of patriotism, on the part of these riveters, or the unions which control them, to perform their duties even for the enormous sums that are being paid them. There is published in this article a table which is explained as follows, and which I shall ask to insert.

The first column designates the individual riveting gang, consisting of the riveter, the holder on and the heater boy. The second column shows the number of rivets driven by each gang on a day early in October. The third column shows the amount of wages the gang received for the eight hours in which the members were "working." The fourth column shows the amount they would have received had they been paid by the piece at the accepted standard rate per rivet, which averages $4 per 100 rivets. Hold your breath and study this table carefully:

Gang	Number of rivets.	Wages received.	Wages earned (piece rate).
R-1	50	$11.10	$2.00
R-2	66	11.10	2.64
R-3	66	11.10	2.64
R-4	72	11.10	2.88
R-5	78	11.10	2.98
R-6	54	11.10	2.17
R-7	42	11.10	1.68
R-8	18	11.10	.72
R-9	63	11.10	2.32
R-10	64	11.10	2.55
R-11	60	11.10	2.40
R-12	59	11.10	1.77
R-13	16	11.10	.72
R-14	44	11.10	1.79
R-15	52	11.10	2.60
R-16	60	11.10	1.12
R-17	55	11.10	2.30
R-18	53	11.10	1.92
R-19	58	11.10	2.32
R-20	45	11.10	2.28
R-21	50	11.10	2.00
R-22	23	11.10	.81
R-23	71	11.10	2.84
R-24	41	11.10	1.43
R-25	30	11.10	1.12
Total	1,277	277.50	50.74

It is asserted that if these 25 gangs had done a normal, fair day's work they would have driven 10,000 rivets, 400 per gang per day. Instead of that they averaged 51 rivets per day. Think of it! With this enormous increase in wages, these men, who could and should have driven 400 rivets per day, actually drove 51 per day.

As a rule, it would cost the Government not to exceed 4 cents per rivet. That would be $400 for 10,000 rivets. According to this table, it cost the Government not $400 but $2,175 per 10,000 rivets. In other words, these 25 gangs took $1,675 out of the $2,175 for which they rendered no service whatever. Presenting the matter in the form of percentages, the work actually performed was a little more than one-eighth of an honest day's work. Undoubtedly all of this is not due to the riveters alone, but to some extent to the lack of management or lack of organization.

Again, notwithstanding the fact that we were being sorely pressed for ships to partially meet the submarine destruction, all these laborers insisted upon a Saturday half holiday. It seemed to make no difference to them that the submarine did not lay off on that half day.

To show the petty annoyances and the enforcement of these union rules, I quote the following:

If a welder is needed to repair a boiler, he can not do the work himself. A union boilermaker must be hired to sit and watch the welder work with his oxyacetylene flame. By the same token, the steamfitters' union insists that a member be present, drawing pay and doing nothing except to discuss the war while the welder repairs a steam pipe.

To bring this matter into clear relief, I shall ask to read and insert into the RECORD the following excerpt from this article:

A heater boy decided that he needed a rest. Having arrived at this decision, he slipped away, picked out a warm place between two piles of lumber, and went to sleep for two hours. During his absence the riveter and the holder-on twiddled their thumbs, waiting for the red-hot rivets that did not come. The foreman was in a white rage. He demanded an explanation. The boy grinned.

"None of your damned business," he replied, impudently. "I got a right to stay away as long as I please."

The foreman fired him on the spot. Within an hour every heater boy in the plant had quit. A thousand riveters and helpers were idle. In two hours the culprit was back at work—and every heater boy puffed out his chest when the foreman passed.

This incident occurred early in November in one of the big shipyards of San Francisco Bay. It is an incident typical of the spirit in which Far Western union labor approaches the task of building ships for the Government. It is a most significant incident. With the facts to be hereafter recited it shows that discipline in the industrial army is rapidly disintegrating. It indicates that the same processes which turned Russia's military and manufacturing organizations into reckless, heedless mobs are likewise at work in the most important of the American arsenals—the shipyards.

Here is the companion piece of the heater boy episode:

In September all of the employees of a San Francisco factory struck in common with the metal trades. An assistant foreman, member of the machinists' union, noticed that there were scores of loaded cars in the factory yard. He knew that every freight car was needed to haul coal and war supplies; that perishable food materials were spoiling and factories shutting down because not enough cars could be had. As a patriotic duty he offered to unload those cars, but among the union men he found no helpers. He fired the small yard locomotive, hooked onto the cars, pushed them to the big electric traveling crane and single handed, working 14 to 18 hours a day, he unloaded and released for the Nation's use more than 40 freight cars. He also enabled the strikers to start work as soon as they returned.

In France he would have been given the croix de guerre for his devotion. In San Francisco he was cited to appear before a court composed of the officers and business agents of the machinists' union and accused of treason. When he asked them whether they placed the welfare of the union ahead of the country's need, they replied that his first duty was not to play the scab. Though he protested that he had done no machinist's work, he was found guilty, fined $50, assessed six months' dues, and forbidden to work in any union machine shop within 500 miles of San Francisco.

It sounds incredible, but every statement can be substantiated. And this is but one minor occurrence in a mass of facts that throw a glaring light upon the uses to which the war needs of the Nation are put by many of the Pacific coast unions and their leaders.

Mr. President, I ask here to insert, without reading, a couple of very brief excerpts from the March number of the same magazine, written by the same author.

The PRESIDING OFFICER. Without objection, it is so ordered.

The excerpts referred to are as follows:

In the car I found a seat alongside of an intelligent-looking chap.

"Working over in the yard?" I inquired innocently.

He grinned and nodded. "Been at it a year'n a half now, steady."

"Riveter?"

"Hell, no! I'm a carpenter, drawing down thirty-nine-eighty a week, steady. Could get a lot more if I wanted to, but no overtime for this chicken. Eight hours, steady, is enough for any man."

"The work is pretty hard, isn't it?" I suggested.

"Not as hard, by a damn sight, as building houses," he replied. "In times like these it's me for the easy pickins."

"I suppose they drive the men pretty hard in the shipyards," I ventured.

"Drive 'em?" His tone suggested astonishment. "Say, if they wanted to get a day's work out of that bunch they'd have to have a foreman to watch every man, and then they couldn't do it. The only ones that ain't loafing are the riveters on piecework, the fellows that knock out eighty or a hundred a week, and they don't do all they can. Say, you go in a room on the inside of a hull almost any time, and like as not you'll see six or eight of the straight-time riveters sitting around counting their money or swapping yarns. If the straw boss hollers at 'em, they just pick up and quit. There's dozens of places that'll take 'em, and no questions asked. There's too much work nowadays for anybody to stand being hollered at."

* * * * * * *

Yet nobody, not even the stingest employer, would begrudge these union mechanics these very high wages if the union workers would give an honest, full-day's work for a full-day's pay. They don't do it now. Here are a few more instances of what is going on:

A house carpenter went to work in the yards. He was given the job of putting up brackets to support the ceiling in a boat approaching completion. He put up three brackets the first morning. At noon the shop steward of the union came, looked in, and shook his head disapprovingly.

"Put up all those this morning?" he inquired.

"Well, three ain't so very much for half a day," apologized the carpenter, "but I'll do better when I get used to the work."

"Do better?" sneered the steward. "Say, if you put up another bracket to-day you'll get canned. Take a walk around, but don't forget that there is a day's work."

Mr. McCUMBER. How long can civilized society live under such conditions?

Mr. President, I made inquiry to ascertain the condition in some of the eastern shipyards from a source which I believed would give me most accurate information, and I received the following table and notations, which I here insert:

Some wages paid at one of America's largest shipbuilding plants, which at the time was running only at minimum capacity.

Workmen.	Hours working per week.	Wages per week.
Riveter:		
A	50	$77.21
B	55	49.15
C	50	52.10
D	62	98.40
E	44	57.51
F	67	140.11
G	58	172.34
H	58	141.1
I	44	86.3
Fitters:		
A	50	60.40
B	56	128.81

The labor report from which these figures are taken states that although the men are getting this liberal pay they are only 50 per cent efficient. In this yard 18,000 men have been hired during 1917 and only 11,000 have returned to work after working a few days.

Capt. Flisbury, of the United States Shipping Board, in charge of the work in the San Francisco district, testified that the output of the men in the district was 35 per cent and more below normal, and that while the average number of rivets driven by a riveting gang before present war conditions was 350 per day in the San Francisco yards, it now was only in the neighborhood of 150, and he attributed this in part to the labor unrest, the men moving about, working in one yard and then quitting, and going elsewhere, etc.

I did not understand from this statement whether these wages were paid to the gang or to the individual, and I wrote to get that definite information and received this reply:

With regard to your further inquiry in the matter of the reference given you of wages given riveters in a certain shipyard—the wages paid in the book noted are not the wages of the riveting gang, but the individual wages of the individual riveters and fitters. Mr. Burton Hendrick, who has made a study of the labor conditions in the shipbuilding yards for some time past, who cited this record, took this from the original pay-roll report sheet in a certain shipyard where he saw this, and the name of each workman was on the original, but in the transcript for various reasons these individuals are designated merely as "A, B, C, D," etc. These men averaged in pay, it is noted, about $90 a week each. There was a labor report made with these pay-roll figures, which stated that these men were only about 50 per cent efficient.

While the conditions in the shipyards of the Atlantic coast are not quite so deplorable, they are, nevertheless, a disgrace to this country. The New York Tribune of February 4 quotes a high official of one of the largest shipbuilding yards in the vicinity of Baltimore as stating that it is impossible to estimate the actual cost of ships under contract at this yard, as the major work done is by the piece. Riveters get anywhere from $2, $2.50, $6, $8, and as much as $12 a hundred for rivets, according to location; that in some instances by working time and a half and overtime the men have made as much as $35 a day, and it is not uncommon for one man to make as much as $100 a week.

This official goes on to say:

This has brought about a condition which makes the men difficult to control, and they readily tell the boss if there is any complaint raised that they will quit and go to work somewhere else. The result of this is that the men are working at 50 per cent efficiency. They work when they want to and lay off at any time, no matter how urgent the work may be.

Before the war, when there was keen competition, when the men depended on their weekly wage, they put forth their best efforts. Now, when the country is calling for the best that they can produce, there is an utter indifference, and they can not be relied upon.

Mr. President, I am unaware what portion of the men who are giving less than 50 per cent efficiency are American citizens. I have heard it stated that close to 65 per cent were born in foreign countries, and that very many can not even speak our language. I might find some little excuse for their indifference, but can not see how any American, or any person whose nation is in alliance with us in this great war, can square such conduct with any claim to patriotism. The only excuse I can find for this is that they have been misled by the doctrine promulgated by their leaders—the doctrine of more and more and always more—and feel that they are justified in taking advantage of their Government, even to the extent of fatally crippling its war endeavors.

Nor is the Government at all blameless in this matter. On the contrary, it has surrendered soul and conscience, in some instances, to unionized labor. I am informed that on the West coast the Government itself stepped in and forced yards to either close business or recognize labor unions with all their disastrous rules.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I yield, Mr. President.

Mr. GALLINGER. At that point I should like to ask the Senator from North Dakota if he can tell the Senate what proportion of the laborers of this country are in labor unions?

Mr. McCUMBER. About one-tenth, I am informed.

Mr. GALLINGER. That is precisely what I have been led to believe is the fact, that 90 per cent of the laboring men of the country are not in labor unions, and yet the situation seems to be dominated by the 10 per cent.

Mr. McCUMBER. It certainly is.

Not only this, but the contracts which are made with the shipbuilding concerns are so drawn as to invite the very practices I have enumerated. To illustrate: If the contract provides that a certain ship shall be constructed for $285,000, which will yield the contractor, say, a profit of $35,000, it will specify that the contractor shall pay not less than a certain price, which is set out in detail, for the several classes of labor employed, and certain specified prices for the material to be used, and that, if the expense is greater, the contractor shall still have his $35,000 above that added expense. So there is no incentive on the part of the contractor to keep down expenses. If he has been paying $4 a day to his laborers, and they have been satisfied with $4 a day, the walking delegate will say to these men, "Strike for $8 a day." He will then say to the contractor, "There is no use in your objecting to this because it does not cost you a cent additional,' and the contractor, rather than have a strike, naturally accepts the proposition, and the Government instead of paying $285,000 for that ship will probably pay $350,000 or more.

Mr. President, just to show that this Bolshevikl spirit is not confined to shipyard employees, but affects the production of food as well, I wish to read a portion of a letter I received from a former resident of my State, on whose probity and conservatism one can well rely:

I think that at the next session of Congress it behooves every American citizen, and especially our Senators and Representatives, to make some provision for the carrying out of a civil government.

In the irrigated district of western Idaho, especially in the Payette Valley and Twin Falls Valley, hundreds and thousands of bushels of apples and potatoes have been destroyed through lack of help, principally, and opportunity to move them into districts where they would be used and were wanted.

Men were paid from $13 to $17 a day for picking potatoes and putting them in a sack. They were not satisfied with this, and struck for $20 to $24 a day. A great many of those potatoes and apples were frozen. Little girls, boys, and women demanded $6 to $8 a day for picking apples or potatoes. Grown men, picking a couple of days at $15 to $18 a day and board, would refuse to work over two days in a week. The rest of the time was spent in pool halls and other soft-drink loafing places—and the crop was allowed to be destroyed.

Some law or some arrangement will have to be made to conscript the loafer either to labor or to the trenches, and if another farmer boy is taken from the farm in the coming draft this country will suffer.

Ah, Mr. President! I know only too well the truth of that statement. I know the impossibility of getting any labor upon the farm that will do one-fourth of what a 16-year-old boy can perform on the farm, and he does not work eight hours a day, either. He does well if he gets through, in the busy season, with 16 hours a day.

Now, just how long the American people will submit to being robbed, first by the material man, then by the laborer, and then to having both robberies encouraged and acquiesced in by the Government, the Lord only knows.

As I have stated, I hardly expect that portion of our laborers who are not Americans, but foreigners, to be governed by the same patriotic motives that should control Americans. But I have a right to say to them: "If you come over here and receive the benefit of these American wages, $10 where you received $1 in your own country; if you are to receive from $5 to $10 a day, while our soldiers defend you and our country with their lives for $1 a day, you shall do an honest day's work; you shall not help our enemies by stealing time from the Government."

Every man who holds up the Government in this time of danger commits a crime, and every Government official who stands by, armed with the power to prevent such acts against the Government and allows them to continue, is a participant in that crime. Every official who signs such contract, every official who pays, is guilty of assisting in despoiling his own Government in this time of war, and the Congress of the United States which takes no step after the facts are established to stop this spoliation can not clear its skirts from blame.

Mr. President, we already have in our hands the power to obtain everything necessary for this war in the shape of materials for what such materials are actually worth. We do not have to be robbed in getting our materials. If the country is being robbed, it is the fault of the officials in charge and not because of lack of power to prevent it. If the Government needs material it has a right to take it, and if the owner will not accept a reasonable profit the Government can still take it, paying 75 per cent of the price offered and allow the courts to determine what additional should be paid. The labor question, however, presents an entirely different case, and the labor question is a hundredfold more important. Let us therefore see what remedy we can propose to meet that situation.

Mr. President, on the 21st day of January, 1918, I introduced and had referred to the Committee on Military Affairs a bill which would organize into a reserve army the manhood of this country to sustain and support our boys on the battle line. It provided for the registration of all male citizens over 18 and under 62 years of age not called into military service, and their organization into units at their homes. It required no drilling; no uniforming. It interfered with no employment or right to contract for labor. But it did subject the whole or any unit to the call of the Government to perform such service in transportation, ship construction, and war supplies as the Government might require. It contemplated most liberal wages and conditions of service, but also contemplated honest service in return.

Mr. President, this is not a bill to conscript laborers, but a bill to bring to the service of the Government the actual service of millions of men who have never been engaged in any gainful trade or occupation and to make efficient those who are so engaged, to the end that every man shall have the opportunity to serve his country in some way and the Government have the benefit of the just service of every man in these days of dire need. Enact a law of that kind and we would secure this service.

On January 16 of this year I charted the war situation in reference to the resources of the opposing forces in material and man power and the weakness of ourselves and our allies in shipping. The figures I gave and the conclusions therefrom are absolutely correct. I established the fact with mathematical accuracy that to supply even a million men and to supply the minimum demanded of our allies, to just maintain the present strength of our cause, we and our allies should construct or otherwise bring under our control 17,000,000 gross tones of shipping in 1918; that Great Britain could not supply more than 2,000,000 tons, leaving 15,000,00 tons as a minimum to be constructed by the United States. But I am answered that this can not be done.

Mr. President, it can be done, and I shall proceed to show how it can be done.

We have now in the United States about 105,000,000 people. We have the greatest steel and lumber resources and the greatest steel plants on earth, and they are scattered all over the country. Harness the energy of these 105,000,000 people to our vast resources and we can do any and everything required to make a mighty success of this war. It is simply a question of the proper application of the human energy to the problems that are before us. We have that energy, we have those resources upon which it can operate, and we have the intelligence to properly direct it. What, then, are we lacking? Courage. Courage to do the right thing and to do it right now.

Mr. President, as every thinking man knows, this is a battle between productive industries. The real struggle is being fought far behind the battle lines. Those lines are deadlocked, and they will remain deadlocked. Three and a half years of appalling slaughter have not perceptibly changed the western front. As the steady stream of brave men goes down to death a steady stream of living flows in to maintain the level. But the very life of the whole line is dependent upon the productivity of the great industrial world behind it. Clog or break the industrial wheels and the whole line collapses.

More and more it appears to be a question as to which group of belligerents shall be first industrially exhausted; and that depends upon which is best able to conserve and use to advantage every ounce of its productive energy. In this the central powers have an immense advantage over their adversaries:

First. In that autocracy can and does so dominate every avenue of business and so control all labor as to secure the maximum of energy of every man, woman, and child who is compelled to labor and labor to the limit of his or her capacity to support the government. When hundreds of thousands struck about 10 days ago in Berlin, an autocratic Government said: "Be back at your workshops Monday morning," and every man of them was back at the shops.

Second. In that the central powers have millions of prisoners, now slaves, working in every line of agricultural and other important industries that serve the national war ends.

Third. In that all civilians in conquered territory, male and female, capable of performing any labor or service, have been conscripted to produce that which is to destroy their own peoples.

Fourth. In that tributes to the last farthing have been levied upon the peoples of conquered territory—in Belgium nearly $500 per capita per annum—which vast sums go into the war chest of the central powers.

Fifth. In that all the mines of coal and iron and oil deposits in said conquered territory, without the investment of a dollar in capital, are being worked by prisoners and the products turned into missiles of death against their rightful owners.

Sixth. In that every product necessary to support the armies of the central powers is being produced just back of the lines—and that is a mighty important feature—while those products necessary to sustain the allied powers must be brought from all corners of the earth, across an ocean infested by the deadly submarine.

But, Mr. President, with the United States in this conflict, all these gigantic advantages can be overcome if we, a self-governing people, will consecrate our energies to a degree approximating that which an autocratic governed people yield at the command of a dictator.

Mr. President, we are now facing the supreme test of democracy. Can a self-governing people voluntarily impose upon itself that labor, that sacrifice, that subserviency to the necessities of war which an autocratic government can enforce by a mere word of command? If it can not, it is doomed. I have faith that it can and will answer every sacrifice if the way is clearly pointed out, if the necessity is clearly established, and if the Government will direct the course to be pursued.

And, Mr. President, upon that hypothesis I proceed to point out the way in which we can produce not 3,000,000 tons of shipping but 15,000,000 or 20,000,000 tons, fabricated all over the country, assembled and put together at our ports and set afloat in 1918.

Let this Government say to the American people: The time has arrived in which your Government needs every ounce of American energy in the field of production. This Government proposes to deal with its people in a spirit of most generous liberality. The compensation is and shall be worthy of the majesty of American labor, and in return for that labor must and shall be worthy of that generous liberality. But the Government must treat all alike; it must not impose the whole burden upon those only who will voluntarily assume it.

Mr. President, when this Government proposed the draft system for raising an army, we heard Senators and others declare that it would produce a revolution. I had no such fear. That draft system was so just and so equitable that it appealed to the conscience, the sense of fairness of the American people, and they applauded it. Of course, it found some opposition after it became a law. But this, for the most part, could be traced to a disloyal element, which will always be found in any country.

So when I introduced this bill I found the same people informing me that an attempt to do such a thing would cause a revolution. Mr. President, there can not be a revolution against a just demand. This Government says to its people: We are in a desperate war. Our soldier boys are baring their breasts to the enemies' shells, are interposing their bodies and their lives between our people and the destruction of that freedom which every true man loves more than life. Their sacrifices, their heroisms demand, not that you sacrifice anything on your part, but only that you and every one of you who are here at home, shielded by their devotion, shall perform an honest day's labor in whatever field required, to support and sustain your patriotic brothers. We do not ask uncompensated service, but service paid a better and higher remuneration than was ever received by you before.

Do you mean to tell me that this country has fallen so low, that the men and women at home are so constitutionally lazy or disloyal, that they are not even willing to give honest service for this country and its great cause?

Mr. President, if I had such an opinion of the American people I would welcome a revolution, for, if we are that kind of a people, God knows we are not worth saving.

My proposition is not a labor-conscription measure. It is a conscription of the American manhood of the country, whether laborer, clerk, professional, or official.

Is there a Senator in this Chamber who would not be willing to labor six days in the week and eight hours a day for the next four years to support our soldiers in the trenches? I know many of you work 16 hours a day and dream of your labors the

other eight hours. And do any of you imagine that the rank and file of our American people are less loyal than you are?

No, Mr. President, such a law would not only be the most important, the most effective measure that could be passed, but the very justice of it would drown the protests of the leaders of any organization who should attempt a mutiny against the war requirements of this country.

We have the human energy to win this war and win it quickly, but that energy needs mobilization. At present the greater percentage of it is being wasted or unused. On the whole, it is backed by patriotic impulses, but, unhappily, in many instances those natural impulses have been warped or misdirected by those who are not satisfied with securing justice, but who advocate taking advantage of the present situation and holding the country by the throat until it shall surrender to the most exorbitant demands.

As stated, we and our allies should put 17,000,000 additional gross tonnage of shipping afloat in 1918. If concrete ships can be utilized, we could quickly construct 10,000,000 tons, but as this character of ship has not been used for a sufficient length of time to demonstrate beyond any possibility that there may not yet be some undiscovered weakness in it, we will leave that out of the question in this discussion. I am satisfied that concrete ships will meet the demands, and we should proceed to build them on that assumption—our desperate situation justifies the chance.

But suppose we build only standardized ships. There are sufficient steel mills in the United States, if the production of parts is properly distributed, to make every bolt and plate, every engine and boiler necessary to construct 15,000,000 tons of shipping in 1918, and there are a sufficient number of riveters organized, if they will perform an honest day's work for an honest wage, to put together and set those ships afloat.

You say you are short of labor. I deny it most emphatically. What you lack is mobilization of the labor we have to draw upon and the ability to insist that a day's work by those pretending to labor shall be given for a just and liberal compensation on the part of the Government. There are millions of people in the United States who produce nothing, and millions of others who produce almost nothing and whose services could be enlisted in these days of national danger.

Few people realize what a large proportion of our American population are not engaged in any gainful occupations; in other words, what a large number there are who do not earn their own living.

The Census Bureau gives us the number of those who were not so engaged in 1910. From 1910 to 1916 our population increased about 10 per cent. Assuming that the proportion was about the same in 1916 as in 1910, I am able from the census tables to compute the number of men and women over 18 and under 62 years of age who were not engaged in any gainful occupations in 1916. This computation, and I know it will be more or less astounding, would show males over 18 and under 62 not employed in any gainful occupation, 6,539,652; females over 18 and under 62 years of age not employed in any gainful occupation, 24,963,878.

And so, Mr. President, without even reclaiming the lost efficiency of those now engaged in remunerative employment, we have in the United States 6,539,641 men between 18 and 62 years of age—slackers—who are doing practically nothing and living off of the rest of humanity. Soldiers die for these men. Is it asking too much of them that they at least go to work during the war and do something for their Government? There are 24,963,879 women between the ages of 18 and 62 years not engaged in any remunerative employment. Of course we can not apply the same rule to them that we apply to our male population. While they are not engaged in remunerative employment, most of them are engaged in their household duties, which are just as necessary. They are rearing the families, caring for the children who are to be the bulwark of strength in every conflict that shall darken our country in the future. And yet out of these nearly 25,000,000 there are a vast number whose services could be utilized in many occupations, thereby releasing men for the more arduous labors. All honor to the millions of women who are laboring in the services of the Red Cross and whose industrious fingers in every gathering, day and evening, in private and in public, in social gatherings, and even in the galleries of the Senate, are turning out clothing for our American soldiers. But even in their ranks is a mighty field of opportunity. I note, for instance, in many of our apartment houses in this city young girls are operating the elevators and attending to the doors. There are thousands of lines of light labor which could be performed by women that are now performed by strong men whose physical prowess could well be turned into channels of productivity.

We say we need 500,000 men to assist in shipbuilding. We probably would need that many to build the tonnage that I have spoken of. Where will you get them? Well, I will tell you where you can get a great many. I find in the United States there are:

Landscape gardeners	4,154
Greenhouse laborers	18,476
Male dressmakers and seamsters	1,749
Male clerks in stores	303,147

Mark this—

Male clerks in stores, 303,147.

Actors, possibly I should not include these, but in the dire necessity of the country the best actor in the world is the one who can produce for his country	17,935
Elevator tenders, nearly every place could be held by a woman	27,511
Laundry laborers	39,488
Footmen, gentlemen who sit on the box beside the driver and convey the ponderous weight of a lady's calling card to the porter standing at the door with a silver tray to receive it	13,750

They ought to be ashamed to be doing it, but if they are not they ought to be sent either out into the trenches or put to some honest labor—

Other men servants	112,366
Waiters in restaurants, etc	313,239
Making a total in 1910 of	651,806

just in those 10 avenues alone, and you can double it and treble it if necessary. This estimate has been obtained by adding 10 per cent to the 1910 census figures.

Mr. President, there has been much said of late about women usurping men's places in the industrial world. But I have heard nothing said about men usurping woman's places in the domestic world. Here we have more than 200,000 men serving as domestic servants and waiters, places a few years ago held almost exclusively by women, and properly so. To me a man is about as much out of his place waiting on a table as a woman would be cleaning a livery stable.

There, Mr. President, is your army—at present a not only useless, nonproductive army, but a very expensive, consuming army—an army producing no surplus but consuming what would otherwise be a great surplus, a heavy load of industrial slackers to be supported by those who do produce. They are not unpatriotic, but acting individually they can not change their environments or occupations. Organize them and they will become a mighty power in helping to win this war. We should begin that organization immediately that they may be ready when called upon. This is the solution of the problem of production.

Mr. President, it would be amusing were the situation less tragic, to note the awakening of those responsible for the conduct of this war to the ludicrous truth that while they have been preparing a large army for France they seem in the beginning to have just forgotten all about the necessity for ships to transport that army and to supply it.

We declared war 10 months ago and immediately began the construction of our army, and the great press of the country also began to discuss what terms of peace should be imposed upon the conquered enemy. It very naturally occurred to some, whose experience in the realities of life had taught them to build their bridges before crossing them, to inquire about the ships to transport and supply an army of from one to five million men; and as the departments made no mention of the matter of transportation as one of the necessary adjuncts of an American military campaign in Europe, but confined their disjointed efforts to raising and supplying the army, some of us sought to attract their attention to this element of preparedness by placing in concrete form the exact situation of the world's shipping at that time, the inroads that were being made by the submarines, the vast excess of tonnage lost over tonnage constructed, and the fact that unless we immediately found means to overcome or neutralize the destructiveness of the U-boat, we should be compelled to enter upon a shipbuilding program far beyond anything the world had ever dreamed of as being within the realm of possibility.

It was impossible to secure any consideration of our plea. We were called pessimists, our prophecies gloomy forebodings.

Mr. President, on January 30 of this year Secretary Baker said in substance: "We have available to be shipped to France 1,500,000 men if we had the transportation facilities." Think of it! One million five hundred thousand men ready to depart to-morrow for France. Can they depart?

He further said: "I am revealing no secret when I say that ships is the crux of our problem." That is your answer, Mr. President, to the charge of pessimism and gloomy forebodings.

But let me ask Secretary Baker this simple question: Why were those words not uttered by the War Department 10 months ago? You knew then just what tonnage you would

need to transport and supply an army of from 500,000 to 1,500,000 men. You knew it would require 9,000,000 tons for 1,500,000 soldiers. You could easily have inquired as to where you were to look for this shipping. If you answer that this was no part of the duties of the Secretary of War, that a Shipping Board had been created for that purpose, and you were concerned only with the creating of an army, then it seems to me you have given an unanswerable argument in favor of a war board that would bring into accord all of the programs of war.

Mr. KNOX. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. KNOX. Would the Senator mind explaining how he formulates the estimate that it requires 9,000,000 tons of shipping to transport 1,500,000 men?

Mr. McCUMBER. To transport and supply them thereafter.

Mr. KNOX. That is what I wanted to understand.

Mr. McCUMBER. While the British in their Boer war needed, I think, between 6 and 7 tons per man. Admiral Harris, I think is the one, gave testimony before the Committee on Commerce to the effect that it would require from 5 to 7 tons per man. I am not certain whether this estimate was made by Admiral Harris or Admiral Bowles. I think both testified on the subject.

Mr. KNOX. That includes the initial transportation and constant operation to keep them supplied?

Mr. McCUMBER. Yes, sir; that was my understanding of it, and a number of others gave like expert testimony before the Committee on Commerce. I am not a member of the committee. There are, however, members of that committee who could give the names of those who gave the expert testimony. I can say also that in addition to this testimony almost every expert over the country has given about the same figures.

Mr. KING. Will the Senator yield?

Mr. McCUMBER. I yield, Mr. President.

Mr. KING. The tonnage which the Senator has given in answer to the suggestion of the Senator from Pennsylvania would also include munitions and guns and all sorts of war material which would be shipped.

Mr. McCUMBER. Certainly, to supply the Army.

Mr. KING. Much of that consists of locomotives and railroad paraphernalia, sawmills, and so forth.

Mr. McCUMBER. Whatever is necessary to take care of our Army and supply it with food and munitions. I am really inclined to think it will take more unless we are able to deal with the submarine, as some think we can deal with it before next August.

Mr. KING. If the Senator will pardon me, is it not fair to state in connection with the Senator's statement that a number of experts have placed the amount as low as four tons per man, including all the war material which will be essential to the maintenance of the Army?

Mr. McCUMBER. Yes; but I beg to state that those who have given that have made no allowance for destruction of ships or other marine casualties and unforeseen delays.

Mr. KING. Yes; that is true.

Mr. McCUMBER. They have made no allowance for it whatever, and I think it safe to say that 6 tons per man is a fair estimate.

Mr. POMERENE. May I ask the Senator a question?

Mr. McCUMBER. I yield.

Mr. POMERENE. What was the maximum estimate?

Mr. McCUMBER. From 5 to 7 tons per man. On the floor of the Senate you had been informed at the very beginning of this war what shipping would be required and what we were up against, but those declarations from the Senate floor could not catch the ear of the public like one coming from the Secretary of War, and nothing short of a miracle could have opened the ears or eyes of the Shipping Board. And so, when 10 months later the Secretary made this declaration, startling only to those who had not given the subject consideration before, the press of the country suddenly caught the alarm, and editorial pages, which 10 months ago were condemning as pessimistic every attempt to awaken the administration to the impending danger of our gross neglect of ship construction, are now sending the S O S signals throughout the land.

Now that we have awakened, now that we have an Army of 1,500,000 ready, now that neither we nor the world have the shipping to take that Army over and supply it, what are you going to do about it? Well, I will tell you one of two things you are going to do. You will either get right down to business and construct ships on a greater scale than you have ever contemplated or you will allow this war to be over before you get into it, and our President's 14 articles of peace conditions will be a less heeded scrap of paper than the Belgian treaty.

Now, Mr. President, there is nothing pessimistic about this at all. It is simply God's truth. Unless we stop our dillydallying, and stop now and get to work, nothing short of a debacle in the central powers akin to that of Russia can save our faces and those of our allies, and I am not looking for anything of that kind in the central powers.

We are about to call for our second draft contingent. What will we do with them? Keep them in cantonments one or two years? Our allies are calling for food. The United States, Canada, Argentina, and Australia combined have an overabundance of food products to answer their call, but there are no ships.

Australia has 300,000,000, I am informed from her last year's crop and will have nearly that much more this spring.

Mr. SMITH of Michigan. Of wheat?

Mr. McCUMBER. Of wheat; and there are more than 70,000,000 bushels of surplus in Argentine, as I am informed, and all this year's crop yet to be handled; but we have not the ships.

So, again I ask, What are we going to do about it? Camouflage our eyes, hide the truth from our own people? The country has finally aroused itself from its lethargy sufficiently to observe that our boat is in the rapids and headed for the cataract. Shall we continue to drift with a drunken stupor of optimism or shall we seize the oars and with the full power of our reserve energies save ourselves from a shameful war failure?

Mr. President, I believe in paying most liberal wages. I believe, strongly believe, that he whose labor produces the things that go into the homes and the lives of the American people should receive a wage that would enable him to enjoy equally with other laborers and workers of the United States in every line of human employment or avocation that which is produced by the efforts of all. That means not only an honest day's pay for a day's work, but it means also an honest day's work for an honest and just compensation.

Mr. President, if I were to declare in a single sentence my own personal conviction as to what constitutes a just compensation for labor or services, I should say, that with the present efficiency of mechanical power in every line of production the compensation should be such as would permit any person, with reasonable industry and frugality, to accumulate sufficient savings to enable him to lay aside the working tools of life at an age certainly not greater than 65, without fear of destitution to himself or those dependent upon him; but that compensation should apply to all services in whatever line, whether in the laying of bricks, in the agricultural field, in the accounting room, in the transportation of goods, in the telegraph, in the telephone, and in all lines of clerical service, due allowance, of course, being given to the necessity for preparation or the arduousness or danger of the vocation.

Whenever, by the edict of any organization, the law of supply and demand is suspended and the wage fixed by such edict is so much greater than the general level of earnings of these others as to make the price of necessary commodities beyond the fair means of the general public, such wage is per se unjust and extortionate. The farm laborer, the clerk, the millions working for very ordinary salaries, have rights equal in every respect to those of the carpenter or the riveter, and in the case of war the Nation has rights superior to any or all of them.

Mr. President, when you send men to France and then allow those who remain here at home to receive either enormous wages for labor which they do not perform or enormous profits on goods furnished, thereby delaying and hindering the Government in its effort to speed up construction, the death of every soldier by reason of this delay is chargeable not alone to the slackers and idlers, but to Members of Congress as well. Can not we appreciate the fact that we have a duty to perform to the American people who are paying taxes, and to the sons and brothers whom we have sent to the war, and that every day's delay in the performance of that duty is an industrial and a legislative crime?

This is not an appeal to any class of American citizens, but an appeal to the American manhood of all classes. Your country needs you. Enlist in your country's cause. You who are younger give to that country your physical strength. You who are older give to that country in whatever line you can serve her interest. We do not ask of you what we ask of our soldiers. We ask them to give their lives. We ask them to labor, not 8 hours a day but 24 hours a day if need be. From you we ask eight hours of honest labor, with no dangers surrounding you, and for that we are prepared to pay you exceptionally high wages. You are, therefore, not asked to yield anything, but rather to serve your country for most remunerative compensation. Is there a true American patriot in the United States who, understanding the situation, is so gov-

erned by his prejudices and so influenced by his leaders that he fails to comprehend the results of his inactivity? Can you not understand that holding back your service, failing to do an honest day's work, if it does not operate to defeat your country will at least continue the war for many, very many months longer, and the death toll due to those added months of slaughter will be chargeable to you who fail to support your country with the very best efforts that are in you?

Senators, recognizing as we must recognize that the compensation assured to every man who will render any kind of service in the field of production is not only most generous but in most instances almost fabulous; recognizing as we must recognize that, notwithstanding these more than liberal wages, in these hours of national danger, the labor performed, in the now most important fields of production, is only about 50 per cent normal or efficient, and in many instances not even 25 per cent normal; recognizing as we must recognize the lack of sufficient shipping to convey our soldiers to the battle's front or support them there, or to supply our allies with the food and war material necessary to sustain them during this war; recognizing as we must recognize that there are millions of able men in this country who are at present nonproducers; recognizing as we must recognize that this crisis can only be met by mobilizing the energies of all our people and consecrating those energies to the cause of production and transportation, are we not serving the interests of our enemies, are we not failing to support our allies, are we not jeopardizing the very lives of our soldiers who, with ardent hearts and patriotic souls, have braved the ocean's deadly zones and left their homes and all that was dear to uphold our honor in foreign lands; are we not betraying the very cause of world liberty and democracy in permitting the continuance of this most pitiful failure to respond to these earnest calls for action?

Mr. President, whatever may be the views of the administration, whatever may be the views of the several heads of departments or boards, whose previous inactivity has brought us to this crisis, however long the public may exercise its hopeful patience, its confidence that somehow and some time we shall see and correct our errors, and that our resources and our bigness will in some way bear down our great adversaries, notwithstanding all these views and these hopes, I assert with all the power within me that the time has arrived when we should call upon every American, whether patriotic or disloyal, to give his energies to the support of this Government; when we should insist that each and every man shall perform an honest day's labor for this most generous wage, to the end that the great cause of this country in the bloodiest battle the world has ever known, shall not be crippled in its purpose by any man or set of men who put selfish greed above national welfare; that this great cause shall not be hampered by industrial slackers; that our hope of victory shall not be shattered by commercial disloyalty, that the very institution of democracy for whose principles and for whose very existence this greatest battle of the ages is being waged shall be vindicated throughout all the world as worthy of all this mighty sacrifice of blood and treasure.

Mr. President, I ask to insert at the end of this address a portion of the letter which I have received upon the labor question. There are but few pages, but it deals with all this labor problem so succinctly and clearly that it is well worth reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Have you ever stopped to consider, after realizing that this war is nothing more nor less than an industrial balance, what the odds are against us in trying to balance the equation with our geographical handicap? While Germany gathers her raw material, works it, and delivers it on the battle line, all within a radius of a few miles, consider what we have to do to secure the same result. After producing our steel and fabricating it into munitions, etc., at Pittsburgh or some other similar point, we have to ship it a thousand miles to the seaport, while Germany ships hers a few miles to the battle line. This means that we have to maintain, with the use of much labor, extensive railroad systems and equipment, and that we have to mine and use a large quantity of coal for this first operation. Next, we have to build and maintain large terminals, docks, warehouses, trucks, lighters, and various equipment for handling and loading this material at our ports. We must unload it from the cars, transfer it to warehouses and docks, and then load it on ships.

But we must first, before we get this far, take the greater part of our labor and energy to build ships, and to do that we must expend a large part of our labor in mining and producing raw material and converting it into the finished product. After building the ships and making all the tremendous machinery necessary to operate them, we have to mine, load, transfer, and unload vast quantities of fuel to drive these ships, and in that one operation we have to produce and maintain further great transportation investments of labor and material.

After we have thus transferred the products of our labor across the ocean, we must provide great docks, terminals, and warehouses, unloading and handling equipment for the reception of these products of warfare, and we must again handle all this material, unloading it from ships. We must then manufacture, produce, and similarly deliver it in France, after three to four handlings of labor, all the railroad equipment and rolling stock necessary to remove the shipments from the ports of entry. We must then load them into cars with another expenditure of labor, and then, with a further expenditure of labor and fuel, transport the material across France to the scene of war activities.

Compare this with the one or two handlings of material produced by Germany, with her labor within almost gunshot of the seat of war, and you will realize that in this labor equation we must supply many times, maybe four or five times, the same amount of industrial effort to produce ultimately what Germany can do with the single effort.

This is all very much in point in relation to the labor situation. It explains quite fully why Germany has every present advantage in this war, because the industrial equation is all balanced in her favor.

The result is, and the great important point is, that the only way we can nullify Germany's great industrial advantage is to mobilize our industrial labor so much more effectively than does Germany that with the help of France and England we can overbalance the opposing side of the equation.

It must be realized that Germany with her long-perfected system of autocratic organization employs her labor and has mobilized it on the most effective and productive basis possible. It must be equally apparent that with our own industrial energy ineffectively mobilized and inefficiently productive there is utterly no chance in the world of our balancing or overbalancing this industrial equation, which, in other words, means the winning of the war. So far as labor is available the central powers in the present circumstances are at no distinct disadvantage, so far as natural resources and raw materials through which labor expresses itself are concerned in the ultimate production. The central powers have all the necessary resources to carry on the war. They hold the key to the steel and coal situation, which is the backbone of warfare. In population Germany, with her 70,000,000 people, and Austria, with her 50,000,000 people, combined with the population in the countries overrun of 42,000,000 people, the labor of which is drawn on without pay and without stint, give the central powers a population on which to draw of 162,000,000 people, all of which are geographically concentrated on interior lines.

Opposed to this we and our allies have our own population of 100,000,000 people, the English population of 40,000,000 people, and the French population of 38,000,000 people, and the Italian population of 35,000,000 people, or a total of 213,000,000. But the largest element of this, our own population of 100,000,000, being 3,000 miles away, is equivalent to but a fraction of its nominal amount and in its finality may be considered no more productive and effective in the field of warfare than a population of 30,000,000 people located as is Germany.

So far as available energy, therefore, is concerned, the advantage lies distinctly with the central powers, and so far as the raw materials necessary for the successful application of that energy in this great conflict are concerned the advantage again lies distinctly with the central powers, because the materials necessary for the allies must in large part be brought from a source three to four thousand miles away, with all the loss of energy which I have outlined.

This all comes right down to the fact that we never can hope to do anything in this war without the most skillful and efficient application of the industrial energy we possess. With the present attitude of labor and its attempt to take advantage of this situation to carry on its organization ambitions at such a time at the expense of production and of the country's success it is clear that we are hopelessly increasing our handicaps, which are most formidable under the most favorable conditions. It is absolutely a first essential, therefore, that we enforce the necessary regulations to properly organize our industrial energy and give it its maximum productivity. The logical thing to do is, of course, to conscript our industrial armies, regulate and discipline them the same as we do our fighting armies. It is clear to me, however, that labor occupies a position that will make the actual accomplishment of such a logical outcome improbable. The strength and influence of organized labor, in other words, I believe, as a practical proposition, is too great to hope for such a happy and effective solution of our internal organization.

There is absolutely no reason, political or otherwise, however, why we can not greatly improve conditions and pass a law which will prohibit strikes in any case during the period of the war, and determine all matters of dispute by arbitration. The Canadians have successfully applied this most reasonable statute on their books, and I think we should at least secure this much efficiency in our industrial organization, so that we will not have a continued repetition throughout the year of the strikes which have already greatly demoralized our war efforts, particularly in the all-vital shipbuilding.

I do not believe in class favoritism or class distinction. Both employers and employees should be called upon in the Nation's hour of need to give their best. Whenever either side attempts to take advantage of such a situation for its own gain, it should be promptly disciplined or regulated. If employers attempted, in organized effort, to do what the labor organizations have attempted and will continue to attempt to do—a hampering of production—they would be brought up with a sharp turn, not only by the Government's own disciplinary measures, but by public opinion, and they would well deserve it. That organized labor should be permitted to exploit the situation for the purpose of carrying on its warfare against unorganized labor, and the establishment of closed shops, inflated wages, and reduced production is intolerable, and no influence which they may have possessed should be permitted to allow such conditions to continue. It is the avowed intention of organized labor to attempt, during this crucial war period, to increase its pressure in its effort to spread its organization, and secure closed shops—and all with impunity.

Whatever merits may be argued for such a system, the exploitation of the present situation to secure it, at the cost of a national loss, is nothing short of treason, and is worthy of only the severest punishment.

There should also be restrictive measures which would prevent the great loss of energy arising out of labor drifting back and forth, working a few days at one job, then quitting, loafing, and going to another job. The attempt to overcome this by bonus is a makeshift and a failure. This should be prevented by direct restrictive measures and regulations. Such regulations can be formulated and made a part of the Government's laws for supervision in these war industries, so that labor may be made to stick to its job and not cause this tremendous and continuous economic loss of repeated "turnover" and intermittent idleness. Labor would be the gainer, not the loser, under such regulations, and I would recommend for your consideration some suggestions in what you may have to propose that will deal as well with that source of lost energy.

Mr. HOLLIS. Mr. President, in the general indictment of this country and the people thereof that has just been delivered by the distinguished Senator from North Dakota [Mr. MCCUMBER], my attention is attracted by his charge that the labor of the United States in this emergency is unpatriotic. He challenges anyone to deny that charge. I deny it most emphatically. I ought further to say that the Senator began by indicting the Government, the War Department, the Shipping Board, the capitalists, those who work, those who do not work, those who work in shops, those who work on the farms. With his natural gallantry, he exempts the women, and I thought that he was going, through a sense of pride, to exempt Members of Congress, but before he took his seat he indicted the Members of Congress—all of them.

Let the capitalists take care of themselves; I have no doubt they will. Let the farm laborers take care of themselves, as I know they will, and none will be so devoted to them by the next campaign as will the distinguished Senator from North Dakota; but I do wish to say a word about the specific case of union labor at Hog Island.

It is easy enough to get up and read from some magazine which is controlled by capital, that is dependent for its success upon the contributions from advertisers, that labor is but 50 per cent efficient; it is easy enough to read from newspapers, from some special article written by a reporter who must attract attention by his sensational statements in order to be retained in the employ of the paper, that labor is 50 per cent efficient; but, Mr. President, labor has not yet been heard from in regard to the Hog Island inquiry. It seems to me that the operations at Hog Island have been somewhat discouraging. We are called on, as the Senator from North Dakota calls on us here now, to build ships, and it is said, "Do not be so careful about what they cost, but build ships." The Shipping Board turned to the captains of industry of this country, Stone and Webster, Mr. Vanderlip—the list of names sounds like a meeting of the American Manufacturers' Association, in combination with the American Bankers' Association and a Republican convention. Those men were told to build ships and to build shipyards, and then the evidence comes in that they have been wasteful and extravagant about it. There are Senators now at Hog Island investigating that subject, and we shall get the truth from them; but when these capitalists are charged with extravagance it is attempted by them to lay it on organized labor and to say they are not driving as many rivets as they did before the war. My information is that laborers have been taken there and kept day after day without having a chance to work; that they have been taken there and set to work, and yet there is no place for them to live, except miles and miles away, so that it takes them hours to get to their work. How can a man drive rivets when he is traveling on street cars or walking back and forth to his work?

I am told that the rivets that have been furnished by the capitalists of this country are deficient; that they are not made of the proper material; that they can not be clinched. I am also told that the pneumatic power furnished for driving rivets has been insufficient, due to the lack of coal or due to cold weather.

I do not know but that the labor at Hog Island is deficient in some respects. That would not be surprising, for the best workmen are the men who are living in their own homes. They will not leave New Hampshire, they will not leave New York, and they will not leave Ohio to go to Hog Island to work when they are satisfied with their conditions at home. You get the floaters for that work; you get the men who are looking for a chance to improve their condition; who are looking for a small day's work for a large day's pay, perhaps. You will not get the best men there at first, though they may come later.

There will be impudent boys; there will be boys who will not work; you can not help that; but those isolated cases do not prove that the great bulk of American labor in this country is unpatriotic. If I believed that statement, I would favor making immediate peace with the Kaiser on the best terms I could get. We can not win this war unless American citizens generally and American workmen in particular are patriotic.

It is no way to make workmen satisfied and contented and efficient to call them names; to call them Bolsheviks; that is not the way to do it. There is a great labor problem in this country; there is a greater one in England; there is a great one in France; and the greatest one of all in Russia; but the way to solve that problem is by calm, dispassionate argument and debate and counsel with one another, and not by abusing labor and making ex parte statements against them.

Mr. SIMMONS obtained the floor.

Mr. GALLINGER. Mr. President, will the Senator from North Carolina permit me a word before he makes his motion?

Mr. SIMMONS. I yield.

Mr. GALLINGER. Mr. President, during the debate on the shipping problem I have remained silent for the purpose of saving time, although I have been tempted on several occasions to speak. I go back to 1904, when the Merchant Marine Commission traveled over this country and Europe collecting data in reference to the shipping question, particularly with reference to our merchant marine, upon which subject the commission made an elaborate report and submitted a carefully prepared report. Had that bill, which was presented to both Houses of Congress, been enacted into law, we would not have been in the plight in which we were when this war commenced.

Had the bill, which proposed the establishment of 10 lines of steamships traversing almost all the oceans of the world, become a law the cost to the Government would have been about $2,000,000 the first year, with a largely decreased cost for subsequent years, because of the increased tonnage taxes that the bill provided. It is safe to say that $15,000,000, covering a period of 10 years, would have given the country a fleet of steamships that would have been the marvel of the world and would have been of inestimable value to the country when we engaged in the present war. It should be remembered that it was pointed out by me at that time that if a great European war between the maritime nations of the world should result our transportation system would be entirely broken down, as the foreign vessels then carrying our goods would be called into the service of their respective governments, the very thing that has happened; but that proposition was defeated, and as a result we have in the last year appropriated nearly $1,000,000,000 for the building of ships of one kind or another, a considerable portion of them being of wood, the value of which has yet to be determined. We were then building ships at $45 per ton, while we are now paying about $175 or $180 per ton, and the cost to the Government and the people of the United States that has resulted as a consequence of the defeat of that legislation, which was recommended by the Merchant Marine Commission, is a sad commentary on the wisdom of the Congress of the United States.

But, Mr. President, that time is passed; that legislation which would have done so much for the country, which would have given us fast mail steamship lines to all parts of the world, with auxiliary ships to convoy our merchant ships and our battle fleet, was defeated, and we are now face to face with a proposition to build ships as best we can and at a cost which is almost beyond belief.

I have had little faith in the scheme to build wooden ships. I recall the fact that Daniel Marcy, a distinguished Democrat, of Portsmouth, N. H., representing at one time his district in the other House of Congress, when he built ships, built them out of live oak, and when they built ships in Bath, Me., they built them also out of live oak, but we are now building ships out of pine, and I am very much concerned as to what will be the result. Of one thing, however, I am sure, and that is that when this war closes, whether it be within one year or five years, we shall have a job lot of worthless ships on our hands that will have cost this country an enormous amount of money.

Now, what I want to say is this, that while I have no disposition to attack the Government—the administration of the War Department or the Navy Department or the President himself—in this matter, I do insist that if there is waste, if there is a lack of economy either on the part of labor or on the part of those who are taking these contracts, if contracts are being made upon a basis that is not wise, that wastes the money of the people of the United States, those contracts ought to be abrogated or a different system adopted by the Government.

I think, Mr. President, that what the Senator from North Dakota said to-day will have an effect to bring about just that result.

I do not unqualifiedly indorse all the Senator has said, because I do not know the facts, but I believe that he has presented an indictment against somebody—perhaps against a good many people—that will be given due weight by the President, by the War Department, by the Navy Department, and, more particularly, by the people of the United States, who, after all, have got to pay in taxes the enormous cost that is being fastened upon them as a result of the necessary legislation that we are enacting to carry on the war to a successful issue.

The unwisdom of what Congress did in the past in reference to shipbuilding is admitted by all, but that fact makes it all the more imperative that we should now hasten the work and prepare ourselves to do our part in the great conflict in which we are engaged.

I thank the Senator from North Carolina for giving me an opportunity to say these few words on a subject in which I am profoundly interested.

WAR FINANCE CORPORATION.

Mr. SIMMONS. I move that the Senate proceed to the consideration of Senate bill 3714, commonly called the war finance bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3714) to provide further for the national security and defense and for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hollis	Norris	Smoot
Borah	Johnson, S. Dak.	Overman	Stone
Calder	Jones, N. Mex.	Owen	Sutherland
Colt	Jones, Wash.	Page	Swanson
Culberson	Kendrick	Phelan	Thomas
Curtis	Kenyon	Poindexter	Tillman
Dillingham	Kirby	Pomerene	Townsend
France	Knox	Shafroth	Trammell
Fletcher	Lewis	Sheppard	Underwood
Gallinger	McKellar	Sherman	Wadsworth
Gerry	Martin	Simmons	Warren
Gore	Myers	Smith, Ga.	Watson
Hale	Nelson	Smith, Mich.	
Henderson	New	Smith, S. C.	

Mr. STONE. I desire to announce that my colleague [Mr. REED] is absent from the city on committee or official business.

Mr. NELSON. I wish to announce that the Senator from Utah [Mr. KING], the Senator from Delaware [Mr. WOLCOTT], and the Senator from South Dakota [Mr. STERLING] are necessarily detained from the Chamber in connection with a hearing before a subcommittee on an important bill.

Mr. LEWIS. I desire to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] and the Senator from Kentucky [Mr. JAMES], caused by personal illness.

I also desire to announce that the Senator from Kentucky [Mr. BECKHAM] is detained on official business, and that the Senator from Florida [Mr. FLETCHER] is necessarily absent.

Mr. CURTIS. I wish to announce the absence of the junior Senator from California [Mr JOHNSON] on official business. I will ask that this announcement stand for the day.

Mr. JONES of Washington. I desire to state that the Senator from North Dakota [Mr. GRONNA], the Senator from Arizona [Mr. ASHURST], and the Senator from Idaho [Mr. NUGENT] are necessarily absent on official business connected with Indian matters.

Mr. KIRBY. I announce the unavoidable absence of the Senator from Arizona [Mr. SMITH], who is detained from the Senate on account of sickness.

Mr. MYERS. I desire to state that my colleague [Mr. WALSH] is still detained from the Senate by illness.

The PRESIDING OFFICER (Mr. NEW in the chair). Fifty-four Senators have responded to their names. There is a quorum present.

Mr SIMMONS and Mr. PHELAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SIMMONS. Mr. President, I am advised that the Senator from Oklahoma [Mr. OWEN] has given notice of his purpose to speak. I am also advised that the Senator from Illinois [Mr. SHERMAN] desires to submit some remarks to the Senate concerning another matter than this bill. Under the circumstances, and at the request of several Senators, I have concluded not to ask the Senate to proceed with the unfinished business this evening; but I give notice that on to-morrow, immediately after the routine morning business, I shall call up the unfinished business and ask the Senate to proceed with its consideration.

Mr. CURTIS. Mr. President, in common with other Senators on this side, I was unable to hear the announcement of the Senator. We should like to know what the announcement was with reference to this bill.

Mr. SIMMONS. I stated that, in view of the fact that certain Senators desire to address themselves this afternoon to another subject than that contained in the bill, and, at the request of a number of Senators, I have decided not to ask the Senate to continue the consideration of the bill this afternoon; but in the morning, immediately after the routine morning business, I shall ask the Senate to proceed with its consideration.

LABOR AND THE WAR.

Mr. SHERMAN. Mr. President, at the time of the formation of the Council of National Defense, after the passage last April of the resolution declaring a state of war to exist, there was a substantial concurrence of opinion among the authorities representing both employers and employees on the council. There were present representatives of the unions, their responsible officers, those who are unquestionably patriotic and trying to give their best service and to induce their different locals to give of that service to the preparation for the task that faces the country. It was agreed that this should be the foundation:

> That employers and employees in private industries should not attempt to take advantage of the existing abnormal conditions to change the standard which they were unable to change in normal conditions.

There was a wage commission provided for the settlement of differences that might arise out of each change in the cost of living as affecting rent, provisions, clothing, and the like. This agreement has been in constant operation since that time; the changes that have occurred from time to time have been met, and there is no occasion with conditions facing the country with this agreement——

Mr. BORAH. Mr. President, I rise to a point of order that the Senate it out of order. We can not hear the Senator at all.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SHERMAN. Mr. President, it is the Senate's own business, I presume, what kind of order it preserves, and I thank the Senator from Idaho for reminding it of its own duty to preserve its parliamentary self-respect. So far as I am concerned, I will make myself heard if I want to, and if I do not I can talk without an audience in the Chamber. The galleries are always here, and, after all, most of us are talking to the galleries, anyhow. We are getting used to empty seats. I am perfectly oblivious to the order preserved or to anybody's being present except the reporters, to whom I can dictate, and who are very appreciative of anything that may be said. I hope this will be permitted to be stricken out of the RECORD when I come to revise my copy, Mr. President. It is an interpolation, but I appreciate the effort to preserve order.

I recur now to the point which I was attempting to make a while ago. The Bureau of Labor Statistics have made a report and used up a great deal of paper, which is valuable nowadays. From that report I find that in the month of September, 1917, there were 283 strikes and 7 lockouts, and that the total number of working days lost in the month of September was 1,031,443. Since September, 1917, the strikes have been just as frequent, or more so, and probably the reports from the bureau will show a greater loss of days' work because of strikes, and possibly some lockouts, than indicated in the month of September, 1917. This goes to show that the men who are at the head of the labor movement find it impossible to control the locals, or the individuals in the locals, in order to obtain from them full service. This is a condition. It is not because the heads of the labor unions are willing to have it so, but because they can not control them so as to obtain full service from the members of the different unions throughout the country.

I am particularly moved to add this to the remarks of the Senator from North Dakota [Mr. MCCUMBER] because it will appeal to the persons who are striking. Ultimately, if the strikes continue, it must impair our ability to win. We can not lose a million workdays every month in the year—the average of September, 1917—and reach our full fighting strength in this country. I am not violating any confidence when I state that at least one very eminent authority in this country, in a hearing, said that the inability of the country to receive a full day's work, and the failure of the unions of the country to perform their duty in time of war, were slowly exhausting the resources of the United States for war purposes. I am moved to say this in the hope that here and there there may be some member of a union who will feel himself to some degree individually responsible for giving a fair day's work for a fair wage, and that he will postpone the settlement of his difficulties until peace shall have been concluded.

Coming from Amsterdam, under date of January 30, there is an extract from the German metal workers' paper. It shows that the great international strike in Germany came to an end, and the labor movement is richer by a very grievous experience. It shows, too, that the minister of the German Government in charge of this matter would not discuss the demands of the strikers when they were presented to him.

The strikers, through the heads of the workmen's committees, presented a series of demands, including a fair distribution of food, the introduction of the eight-hour day, suspension of martial law, grant of right of free assembly, the introduction of equal direct voting, peace without annexations or indemnities,

permission to establish a labor journal, and nonpunishment of participants in the strike. The minister refused to discuss these demands. He stated that work would be resumed the next morning, Friday, or the matter would be referred to the military commander.

He added that the working people would suffer heavily if, against wiser counsels, they persisted in their strike. The delegate reported the result of this interview to the strikers. It was hardly to be expected, in view of the existing excitement, that a vote to resume work would be passed. All entreaties were in vain, and the strike was to be continued. A few hours after this fateful decision had been taken the orders of the military authorities were posted up in the streets of Berlin and in all the striking centers of the country. These required that work should be resumed on Friday morning, in default of which strict conditions of martial law would be introduced. I should like to have the workmen who are going out on strikes in this country keep this in mind when they are misled by those who tell them that they ought to take advantage of these conditions. The instigators of the general strike were the first to return to work, while the mass of the strikers gathered at their meeting places, where the authorities would allow no assembly to take place. Meanwhile a special military court had been set up, working day and night. The arrests and trials numbered more than 100, and terms of imprisonment up to 10 months were imposed. Workers between the ages of 17 and 48 who were subject to military service were brought under military control, and were ordered to perform certain work for which they would receive only military pay. Large numbers of working people gave up their membership in the local trade organizations, and the heads of families who struck were impressed into the military service, sent into military areas, put in the trenches, and paid military wages. This is the imposition of the rule of an autocratic form of government upon labor people. I wish every laboring man in this country, whether a member of a union or otherwise, would remember that we are fighting to preserve a form of government where such methods are not used either in peace or in war.

I think the remarks of the Senator from North Dakota [Mr. MCCUMBER] are pertinent to-day. I have no answer to make to the comments of the Senator from New Hampshire [Mr. HOLLIS]. I am not unfriendly to organized labor, but I do wish organized labor, while this war is on, to take no advantage of the emergencies facing the Government, but to give loyal service, and wait until time of peace to settle controversies about the open and closed shop, the number of hours to be worked per day, and the conditions attending their time of service.

It is this, Mr. President, that I particularly desired to be added to the remarks of the Senator from North Dakota, showing the difference between an autocratic form of government in settling strikes and a democratic form of government. Those two forms of government are on trial, and if we can not get from the labor of the country and from our resources something equal to the wages or commensurate with the effort they put forth, the republican form of government can not seek to compete in the battle fields with an autocracy. We must approach at least fairly the despotic measure of military efficiency. We will not get it as the Kaiser is getting it out of his subjects, whether willing or unwilling, we will not hope to approach it closely, no people's government seems to do so; but we must approach it nearer than we are approaching it now or we can not hope to succeed in the struggle the larger part of which is yet to fall upon us in the future.

Mr. OWEN obtained the floor.

Mr. PHELAN. Mr. President, will the Senator yield to me?

Mr. OWEN. The Senator from California, I understand, wishes to proceed for a few minutes. I yield to him.

Mr. PHELAN. Mr. President, I listened to the speech of the Senator from North Dakota [Mr. MCCUMBER] and expected an adequate reply to be made which would go out to the country at the same time; and whereas the Senator from New Hampshire [Mr. HOLLIS] made a reply, it was only to that part of the Senator's remarks which referred to American labor.

I think it unfortunate that the Senator from North Dakota should have selected this day, of all others, to bring up the matter of the Hog Island contract, because I, in common with many of my colleagues, desire to hear more fully from both sides the circumstances which have created a scandal. The Senate committee in charge of the investigation is absent at this moment at Hog Island for the purpose of determining the facts; and as the members of that committee are most familiar with the developments brought about by the investigation, of course they would have been best equipped to have given us accurate information at this time. But they are absent. I do not for a moment desire to create the impression that there is any objection from any quarter, so far as I know, to a full and free investigation of all matters affecting the executive branch of this Government. I may say for myself that I voted for the Weeks amendment, which intended to create a permanent committee of this body to check, so far as possible, the expenditures of the executive departments and to pour the light of publicity upon every act of the administration, in order to preserve pure the operations of every branch of the executive departments of this Government; because light and air are necessary in a democracy for maintaining such conditions, and no man seeking the best for the Government, without any respect whatever to party considerations, should dissent from the general principle of investigation.

Those who objected to the Weeks amendment, probably wiser than myself, said that the work of investigation could be done more properly and better by the standing committees of this body—the Military Affairs Committee, the Committee on Commerce—and I bowed to their superior judgment, because these committees have taken up vigorously the investigation of the affairs of the executive departments of this Government; and certainly no reflection can be made upon the executive departments of this Government, so far as concerns their willingness to reveal information and to lay before us and before the country the exact facts, so far as they possess them. I do not know that there has been any accusation to the contrary from any source, and I was astonished at the statement to-day of my friend and colleague from Montana [Mr. MYERS] that he was opposed to the action of the Military Affairs Committee, of which he is a member, in deciding to investigate the case of the dismissal of Capt. Pereless. I should think the learned Senator would have waited until the evidence was all in before he prejudged the case.

I am not willing to accept the unsupported testimony of any one man in a judicial investigation, in a matter which I regard as of the most serious importance—that witnesses called before committees of this body should be exposed either to censure or to dismissal. It having been ascertained that his testimony before committees of this body was the cause of his dismissal from the service, it should at once arrest the attention of Congress, in order that it may preserve the integrity of its proceedings and its independence as a coordinate branch of this Government.

So there is no apology to make for the administration, and I submit that in the matter of the Hog Island scandal the President of the United States, before any action was taken by the committee in the way of pursuing their investigation on the ground, which they have wisely done, ordered the Department of Justice not only to investigate but to prosecute should it find evidence of wrongdoing. There is that disposition in the White House, which we all applaud, not only to carry on the war efficiently but to carry it on as economically as possible. But war is not economical. War is wasteful. It has been said of war that it wipes the people from the face of the earth as though heaven had repented the making of man. It burdens the people with debt to pass down from one generation to another like the curse of original sin. Its evils can not be written, even in human blood; and in that view all discussion here seems trivial. We are in the presence of a great world tragedy, and we are not counting the cost, but appropriating in Congress billions of dollars, always solicitous, however, to see that the money is expended wisely and economically; but expending billions of dollars, whereas but yesterday economy, retrenchment, and reform were party shibboleths, now they are cast aside, because we are in the presence of a great danger affecting our very national existence, our rights, liberties, and institutions. It is well, in passing, to comment upon laxity of expenditures for the purpose of getting the greatest amount of good out of the money that we appropriate; but it is no time in any other spirit than that of constructive criticism to cavil and to doubt.

I have heard of the cost of cantonments. There are cantonments in my own State. I have seen them grow up as in the night, under efficient labor, well directed. I did not inquire what they cost; and yet I know from the Council of National Defense that their only purpose was to have the work done, in order to house the soldiers of the Republic before the winter came in to decimate their ranks by disease and exposure. In that spirit, work was given to the builders: "Go ahead. Build the cantonments. You shall receive for your superintendence a percentage of so much."

There was no attempt to put out the work at competitive bidding. They could not spare the time. The Nation demanded that its sons be housed properly. So the only purpose in the minds of these men was not to save money but to spend it, because by attempting to save it they would delay the con-

struction a month or two months. Maj. Starrett, at the head of construction of the Council of National Defense, told me that he was well aware that there were slackers among the workers, and that they had employed secret-service men to detect the slackers, and they did detect slackers, and they dismissed them, hundreds of them, in the camps where the construction was going on, in the interest of wise administration and economy. They tried to check in their department, so far as cantonment construction was concerned, that wave of extravagance which has gone over the whole country.

Everything has gone up in price; and as to the laboring men of the country, they have, I suppose, in common with others, found this an opportunity for bettering their condition, so far as the receipt of increased pay is concerned, justified in part by the high cost of living, the cost of housing, and the cost of heating, the cost of food, of shoes, of clothes. Why, we have gone to the extent, sir, of even constructing houses for these men engaged in great public works, on account of the inadequacy of the habitations now existing; and where there was that extraordinary demand there was an extraordinary increase in rental value, even in the District of Columbia, where Senators and Members of Congress are ousted from their houses where they have not been protected by contract. It is universal. It does not apply alone to labor.

I remember a few years ago, when the Democratic Party was in the minority in this Chamber, that the "captains of industry," the "malefactors of great wealth," in the euphonious language of a great Republican leader, were profiteering during times of profound peace to a degree which excited resentment in the minds of those who worked by the sweat of their brow, who regarded men in high places as taking advantage of their superior position and trafficking with the Government. You recall those days. And now my friends on the other side of the aisle, representing the great Republican Party—I hesitate to introduce party matters on an occasion of this kind—seem to be of one mind in reproving the labor of this country for attempting, if you please, to put itself in the position enjoyed a few years ago by the employers of the country.

I do not know that one is entitled to more criticism than the other, but I am quite certain that these stories of profiteering, not only in the past but to-day, have been, by the force of their example, one of the causes which have led to economic unrest among the laboring men of this country. I say, I hesitate to speak in a partisan sense or to refer to the painful past. I am not very much of a partisan. I am with these gentlemen in every legitimate investigation which they may choose to make and the punishment of every malefactor without remorse; but I read an article in the morning Post to-day, and when I heard the learned Senators on the other side as I came into the Chamber discussing with much heat these grave affairs I reverted to the column on page 2 of the morning Post, which began:

> Republican drive near. Fight to control Congress begins with Hays's arrival. Chairman due to-morrow. Announces that he is willing to work under the direction of Chairman Woods, of the Congressional committee. Leaders sure of victory. Could control House now.

So we are drifting away from patriotic thought to party considerations, and the opening cannon of the campaign is to be heard to-morrow; and as a preliminary barrage fire, I suppose, we have had this drive in the Chamber to-day, when these gentlemen gallantly went "over the top," having had some inspiration in this purpose of one of our great political parties of beginning a movement, I hope, for the edification and not the confusion of the American people. If they have merit in their cause; if this administration fails in its work or hesitates to punish those who have failed them, either treasonably or actuated by meaner motives of greed and of gain, I say, may they triumph! The country can survive with either political party in power; but I think it is an unfortunate time to indulge in destructive criticism. The administration has done its work—extraordinary and tremendous, in a few brief months—I think, with the approval of the American people; and where there has been laxity, where there has been scandal, I do not know any man more eager to stamp it out, and with enthusiasm, than President Woodrow Wilson.

Mr. McCUMBER. Mr. President, I hope the Senator from California will not do me the injustice to assume for a single moment that the remarks that I have just made were in furtherance of any political scheme of any character. To disabuse the mind of the Senator and to dissuade him from remarks or even thoughts of that kind, let me tell him now that if President Wilson will so conduct this war as to be able to secure a victory that will assure the adoption of his 14 articles of peace conditions he will have earned the right to be President of the United States just as many terms as he wants the office. As strong a Republican as I am in sentiment and in protection, I want the Senator from California to understand that I am with President Wilson in this war, and not a thought of politics shall enter my heart or soul that will in any way conflict or interfere with my patriotic duty to help President Wilson accomplish that which he declares must be accomplished in this war. If I have said a word from which the Senator would imagine that my criticism is against the labor of this country as such—the labor as a great institution of the United States—he has sadly misunderstood the purpose of my remarks. I want unionism to get rid of the I. W. W. traitors, wherever they may be found. They do not belong to any country or to any nation. They have no policies except the policy of destruction. They are the ones that are doing the slacking, or commanding it. We want to stand with Mr. Gompers in his attempt to bring all laborers into loyal cooperation in this country of ours. And if he can not do it, then we want to assist him with a law that will eliminate the Bolsheviki slackers from the ranks of unionism.

The Senator said in his opening remarks that this seemed to be the wrong day to utter these sentiments. He did not explain what he meant; but I assure the Senator that there is no day so sacred or so holy that it can be set aside as a day on which you shall not tell the honest truth to the American people. We want to be with the President, and the President will be earnestly backed by the American people if he will insist that the laborers who are working in the shipyards shall do an honest day's work for their more than liberal pay. The Congress is back of him, the people of the country are back of him, and he need have no fear.

Mr. PHELAN. Mr. President, I accept the Senator's statement. I have no further words to say.

FEDERAL RESERVE FOREIGN BANK.

Mr. OWEN. Mr. President, on February 20 I introduced a bill (S. 3928) proposing to amend the Federal reserve act, and to establish a Federal reserve foreign bank.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

Mr. OWEN. I yield.

Mr. TOWNSEND. Does the Senator propose to bring up the bill this afternoon?

Mr. OWEN. No; I do not. I am going to submit some remarks upon it, because I want to give the reasons justifying the passage of the measure when it has been properly considered by the committees. Congress rarely moves beyond accepted public sentiment, and this is a matter which I regard as of very great immediate urgency.

I will call attention, for instance, to what is transpiring just now in Great Britain. I found in the morning press this statement:

"Forty British banks, including some of the largest in the British Empire, and with oversea branches, organized an association of oversea banks for the purpose of furthering British oversea trade and for the extension of banking facilities. This institution will also furnish trade information to British merchants.

"The British Government has fully approved this plan and is rendering assistance and encouraging the organization of institutions which have for their purpose the extension of British trade."

There are several of these important international organizations being framed now in London. Also France is taking steps along the same line. Germany has its bank plans adequately organized now.

This bill which I have proposed contemplates a capital of $100,000,000 authorized with a paid-up capital of $20,000,000, the stocks to be at 5 per cent, nontaxable, and to be offered to banks of the United States and to the public, and if not subscribed to be taken by the Treasury of the United States.

It gives corporate power to these banking institutions, authorizes a directorship of nine men to be appointed by the President of the United States, and that these directors shall be merchants and not bankers in the same way that the government of the Bank of England is controlled by merchants and not by bankers, these directors to serve for a period of nine years, one being chosen annually. The functions of the bank, the powers of the bank, will be "to receive the deposits from American and foreign banks and bankers, from the United States or foreign governments, in current funds in lawful money, national bank notes, Federal reserve notes or checks, and drafts, payable upon presentation, and also for the collection of maturing notes and bills."

"The foreign bank may discount notes, drafts, and bills of exchange arising out of actual commercial transactions—that is, notes, drafts, and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, or the proceeds

of which have been used or which are to be used for such purposes, the Federal Reserve Board to have the right to determine or define the character of the paper thus eligible for discount within the meaning of this act.

"The aggregate of such notes, drafts, and bills, bearing the signature or indorsement of any one borrower, whether a person, company, firm, or corporation, rediscounted for any one bank, shall at no time exceed 5 per cent of the net unimpaired capital and surplus of said foreign bank, but this restriction shall not apply to the discounting of bills of exchange drawn in good faith against actual existing values. The foreign bank may discount acceptances of the kinds permitted under the authority of this act."

It shall have power "to deal in gold and silver coin and bullion at home or abroad, to make loans thereon, exchange Federal reserve notes for gold, gold coin, or gold certificates, and to contract for loans of gold coin or bullion, giving therefor, when necessary, acceptable security, including the hypothecation of United States bonds or other securities which Federal reserve banks are authorized to hold";

"To buy and sell, at home or abroad, bonds and notes of the United States, bonds and notes of foreign governments, and bills, notes, revenue bonds, and warrants, with a maturity from date of purchase of not exceeding six months, issued in anticipation of the collection of taxes or in anticipation of the receipt of assured revenues by any State, county, district, political subdivision, or municipality in the continental United States, including irrigation, drainage, and reclamation districts, such purchases to be made in accordance with rules and regulations prescribed by the Federal Reserve Board;

"To purchase and to sell, with or without its indorsement, bills of exchange arising out of commercial transactions as hereinbefore defined;

"To establish from time to time, subject to review and determination of the Federal Reserve Board, rates of discount and exchange and commissions for the opening of credits at home or abroad, to be charged by the foreign bank for each class of paper, which shall be fixed with a view to accommodating commerce and business;

"To issue bank notes and receive Federal reserve notes upon like terms and conditions as now provided for the Federal reserve banks;

"To open credits at home and abroad for account of domestic and foreign banks or bankers, to facilitate exports and imports to and from the United States and exports and imports to and from one foreign country to another foreign country."

I pause to say, as from China to Russia, which would go through the United States, and which might be properly facilitated by the financial powers of the foreign bank which I have proposed.

Further powers of the bank, "upon the direction and under rules and regulations prescribed by the Federal Reserve Board to establish branches and agencies in foreign countries for the purpose of facilitating commerce with the United States.

"No bank, banker, corporation, or individual, other than the foreign bank, shall sell dollar balances at less than gold par except as payment for merchandise imported into the United States without the express authority of the Federal Reserve Board."

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Will the Senator from Oklahoma yield?

Mr. OWEN. I yield.

Mr. POMERENE. The Federal reserve act authorized the different banking corporations to form branch banks abroad?

Mr. OWEN. Yes; it did.

Mr. POMERENE. Can the Senator state to what extent the banks have availed themselves of that power and privilege?

Mr. OWEN. Practically not at all. At first the Federal reserve law contemplated that they would do that voluntarily, but they did not voluntarily establish these foreign branches. Thereupon the Congress of the United States, at the instance of the Federal Reserve Board, passed an amendment authorizing the Federal Reserve Board to require them to do this; but the Federal Reserve Board seems not to have found it practicable for some reason to compel any of these banks to establish foreign branches.

Mr. POMERENE. They have established foreign branches in South America, have they not?

Mr. OWEN. No, sir.

Mr. POMERENE. The National City Bank?

Mr. OWEN. The National City Bank is not a Federal reserve bank. Some American national banks have established in the last three years several foreign branches. The National City, of New York, has established a branch at Buenos Aires, one at Rio Janeiro, and another bank or two in Brazil, one at Caracas, one in Colombia, one in Cuba, one at Panama, I am told, and perhaps several other branches. That, however, is a private bank, a member of the Federal Reserve System, and a very powerful institution, but still an institution run necessarily by the nature of its organization for profit.

Mr. POMERENE. It is given authority under this act to organize?

Mr. OWEN. Yes; that is quite true; but there is no publicly controlled bank with foreign branches all over the world charged with the duty of furnishing the member banks of the great Federal Reserve System with foreign exchange and with furnishing importers and exporters with the credit facilities and with the exchange facilities which are vital for the legitimate and urgently needed expansion of our import and export business.

Mr. President and Senators, with a trade balance in our favor of over $3,000,000,000 for 1917, and with the American dollar backed by the largest amount of gold in the world, and backed by the most active industrial life in the world, the American dollar is at a discount in the neutral countries of Europe of over 20 per cent, and even in South American countries is at a discount as high as 20 per cent.

The Secretary of State a few days ago, before the Committee on Appropriations of the House of Representatives, found it necessary to point out in his testimony there the astonishing condition that the American dollar was at a discount practically all over the world when all the world is indebted to America. It ought to be at a premium under such trade conditions, and there is something radically wrong in our international management when that condition is permitted to exist. It can be corrected, as I shall presently show. We lost $100,000,000 last year by it; we lost more than that. We lost practically $200,000,000 in our international exchange with Europe.

I submit, without reading, a table showing the imports and exports for 1916 and 1917, amounting to $9,183,000,000 total of visible imports and exports, and showing a trade balance in favor of the United States of $3,378,000,000. (See Exhibit A.)

I pause to remark that the trade balances must always be clearly understood as signifying only that state of the census of shipment of commodities shown on bills of lading, and do not in fact measure the full amount of international exchanges of value, but only commodities shown upon the commodity manifest customhouse records.

Our trade balance with Spain, for example, for 1917 was $55,587,690, yet the Spanish peseta, instead of being exchangeable for our dollar at 19.30 cents, is selling for 24.30 cents, a flat loss of 5 cents out of 20 cents, or 25 per cent loss. In point of fact, the American dollar should be at 25 per cent premium in Spain, and not 25 per cent discount, so that our loss justified by the exchange balance of trade is twice as great as it appears. At all events, we certainly have a right to demand that our dollar, notwithstanding, should be at gold par in Spain.

There is a flat loss of 5 cents out of 20 cents every time an American merchant is compelled to buy a peseta with American gold or with American credit based on gold. In point of fact the American dollar should be at a 25 per cent premium in exchange, because they require $55,000,000 of American money in order to pay their debt to us. They need the dollars. If we are only dealing with our exchange with them, and it is not fair to us that we should be put in the attitude of being required to pay a premium on their money when they ought to pay a premium on ours. If the exchange of commodities between the two countries is to determine that matter.

The fact that the Spanish peseta, however, is at a premium of 25 per cent means, in round numbers, that instead of an American dollar buying 5 pesetas it buys 4. It means that our merchants who bought $36,000,000 worth of goods from Spain, which they paid for in pesetas, receive in Spanish commodities 25 per cent less than they would have received if our dollar was at gold par in Spain. It means that the Spanish merchants who bought $92,000,000 worth of goods from us get with their currency one American dollar for 4 pesetas, and with that dollar, bought with 4 pesetas, get a like advantage in buying American goods, notwithstanding the fact that these pesetas in Spain do not leave Spain. The Spanish currency in gold thus buys more and our gold currency buys less because of this unadjusted condition.

It means, as I understand it, that out of the transactions between Spain and the United States in 1917 of $125,000,000 we suffered a net loss amounting to a fourth of this sum, approximately $33,000,000. It is just as much taken out of the United States as if it had been taken out of the Treasury of the United States and transferred in gold and given to Spain. It is taken out from our merchants, from our consumers, from our producers, and given to the merchants and consumers of Spain.

The United States Government understands this difficulty and is trying to correct it just now by arranging with France to establish a French credit in Spain that will bring Spanish exchange to par, because Spain is an international creditor. Take it altogether she has shipped out more goods than she has shipped in. So she is entitled to an international credit trade balance, and that has to be offset either in commodities, gold, or credit. The United States Government understands this difficulty, as I said, and is trying to arrange it. Spain has been reluctant to do this because of the extraordinary trade advantage of a premium on her currency to her and the matter has been hung up by the Spanish authorities. Besides this, we were compelled to ship Spain $88,000,000 of gold to meet the debts of Great Britain and France to Spain, only to end, nevertheless, to our still unbalanced trade disadvantage, because Spain is still an international commodity creditor. The Spanish merchant takes 4 of his pesetas and buys an American gold credit dollar in London and with these dollars buys American commodities at a like discount, so the American exporter gets for his dollar a Spanish credit of but 4 pesetas when he should get 5 pesetas. He loses 1 peseta on every 4 pesetas, or 25 per cent loss. When the American importer wants to buy in Spain he takes his American gold dollar and, through London, gets 4 pesetas credit in Spain, suffering a like loss, which then falls on the American consumer in due course of trade.

Notwithstanding our furnishing $88,000,000 of gold to Spain, we still suffer the consequences of the credit trade balance of Spain internationally considered.

The British and the French, both through private sources and by privately owned banks, are correcting this trade disadvantage of the premium on Spanish money, as far as some of their own special merchants are concerned, by establishing private banking credits in Spain and branch banks in Spain, which they will maintain until this unjust premium on Spanish exchange disappears, thus avoiding the loss to certain favored merchants of France and England, which our merchants are compelled to endure by the failure of our officials and of our bankers to safeguard in like manner our merchants. We have so far failed in the adjustment above referred to of furnishing credits in Spain. The premium on the Spanish exchange can be removed in the following ways:

Either by shipments of gold to Spain to settle her international credit trade balances or by arranging national or individual credits in Spain to cover these international credit trade balances until the international credit trade balances are removed, or by shipments of commodities to Spain to overcome the international credit trade balances due Spain, or by forbidding arbitrage and having England and France settle their balances directly, as we would then do, and put our dollars at a premium.

The same thing is true in degree with Holland, Denmark, Norway, and Sweden. Our trade with Spain, including these countries, amounted in 1917 to $450,000,000, involving a loss in 1917 of approximately $100,000,000 instead of a gain of $100,000,000, to which we are entitled by our trade balances.

We have no orderly method to protect our American merchants and American producers and American consumers against these losses. Our international bankers are interested as bankers in selling exchange, but they are not charged with the responsibility of establishing the American dollar at a premium or at gold par. They are naturally content with their commissions, charges, and profits for exchanges, which, apart from interest, amount probably to at least $100,000,000 annually.

The United States, in order to establish the American dollar at gold par throughout the world and maintain the American dollar at gold par, must have a mechanism charged with the duty of safeguarding the American dollar as far as possible, such as I propose in the Federal reserve foreign bank.

For a half century the trade balances have steadily been in favor of the United States. We have a right to expect that this will continue, and that these trade balances will crystalize in the ownership by the people of the United States in securities and properties scattered throughout the world. This is what has made Great Britain the greatest financial power in the world. Great Britain has always had the wisdom to maintain the pound sterling at par. For this reason the pound sterling has become the standard measure of value throughout the entire world and has contributed largely toward making London the greatest commercial and financial center of the world.

The British Government buys London bills in New York and uses credits in New York in order to balance the deficit of an international trade-credit balance against her in order to keep the pound sterling at about par, so that a British merchant who handles the pound sterling as a measure of the transaction knows what he is talking about when he makes a contract, and the British Government finds it necessary to stabilize this measure of the British merchant's contracts. America has not had the wisdom to understand this, and I am now engaged in the business and the duty, as chairman of the Committee on Banking and Currency, of calling the attention of the country to this matter in the hope that the Congress of the United States will speedily correct it.

Mr. SHEPPARD. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. SHEPPARD. Through what agency does the British Government perform that function—through the Bank of England?

Mr. OWEN. Yes; through the Bank of England, which serves as the treasury of Great Britain; and the Bank of England is a bank whose directorship is controlled by merchants and not by the bankers.

Mr. SHEPPARD. I understand that no commercial banker is a member of the board of directors.

Mr. OWEN. No; he is not permitted to be, for a reason the United States ought never to lose account of—that that great bank has for its function the protection of the industry and commerce of Great Britain as a public institution. Although the stock is owned by private hands, that matters not at all. It is a public institution nevertheless, just as I propose here that this stock may be owned by private hands; but still it shall be governed by the United States Government. The trouble with the banker is that he always thinks in terms of interest, in terms of commission, and that is natural. That is not a criticism of the banker; that is his business. He is a merchant in credit and is not to be blamed that he thinks in terms of interest and commissions, and I must not be understood as meaning to criticize him at all.

I am only pointing out that he is not properly the custodian of the commerce of the United States; that is all; because he looks at it as a thing to serve his interest instead of looking at himself as purely to serve its interest. There is a difference in the point of view which is obvious.

I have prepared a bill, which I now submit (S. 3928[1]) amending the Federal reserve act so as to establish a Federal reserve foreign bank. The 12 Federal reserve banks have found a field of such enormous activity in the domestic banking life of the United States that they have not been situated for adequately handling foreign business, further than the acquisition of a very small part of available foreign bills. They have utterly failed to meet the services expected. The foreign bank proposed is intended to serve as a medium through which all the reserve banks may safely, conveniently, and economically transact foreign business, if they wish; may buy and sell foreign exchange, and thus accommodate all of the banks in the United States, doing business with the Federal reserve banks, and to give like accommodation even to those banks and bankers who are not members of the Reserve System, in order that our importers and exporters, wherever located, may have every facility of buying and selling foreign exchange and establishing credits here and abroad for the purpose of buying foreign commodities and of selling domestic commodities abroad. It is intended by this act to provide banking accommodations to all our merchants who are buying and selling goods abroad, and to enable them the better to accommodate their home and foreign customers.

It has been said that nearly all the importers and exporters are located in New York City or in the immediate vicinity. As a matter of fact, the lack of these facilities, the very thing of which the country most justly complains, has compelled importers and exporters from the Pacific States, the Rocky Mountain States, the Mississippi Valley, and the Southern States to keep agents in New York to transact their import and export banking business, and this at great expense to them, and, moreover, the expense is one which has no justification in sound reason. In fact this is a great disadvantage to the importers and exporters of all the United States except New York City, and against this the country justly protests. Moreover, it has a most injurious effect upon the commerce of the United States, because the lack of these facilities throughout the body of our country prevents the expansion of export and import business with the body of our country, and is a thing which is against the development and prosperity of the United States.

Moreover, it is against the greater expansion and the greater prosperity of New York City itself, which would be benefited if the full powers of the United States in the export and import business could be developed, and that to its highest capacity, for, be it clearly remembered, finance is the handmaid of commerce, not commerce of finance—financial power follows successful commerce and decays with decaying commerce.

It has been said that this foreign bank would compete with the few New York banks having foreign-exchange facilities. It seems to me I heard something of this kind when we were framing the Federal reserve act. Then these New York banks bitterly complained that establishing 12 reserve banks would deprive them of deposits, of prestige, and of money-making power. Their lack of vision, as seen in the result, is fully evident. They have gained deposits enormously; they have gained prestige; they have gained increased power, with expanding power of the United States and its banking system. Only a half dozen New York member banks handle foreign exchange, and all of them should have these facilities through the foreign bank I propose.

The Federal reserve foreign bank would offer them facilities for serving their customers more economically, more efficiently than their own facilities can now afford. They would avoid the expense of keeping large deposits abroad, the expense of keeping foreign offices any further than their specialty might require them, and they could use this bank as an economical means of transacting their own business and would be able to liquidate their foreign bills through this bank in a manner which they can not easily do now. It would expand their power. It is true, I think, that where they are charging unreasonable commissions, unfair profits, and imposing unjust exactions which hinder the commerce of America, they would be, in the course of time, dissuaded from these practices by having a standard of fair value operating side by side with them. It would not interfere with their legitimate business. It might abate to some extent practices which are injurious to American commerce, injurious to our national development, and indirectly injurious to them in so far as they may be disposed to kill the goose that lays the golden egg. Our American bankers have not sufficiently realized that banking grows with commerce. The power and dignity of London are based on the verity of this conception. It will be remembered that the Bank of England has its directorate composed exclusively of merchants and not of bankers. They do not permit bankers merely to be on this board of directors for the obvious reason that the banker, who thinks in terms of interest and commission and profits and exactions, is not happily constituted to determine the best methods of serving commerce. Many bankers fail to really understand commerce. When Secretary McAdoo introduced Lord Cunliffe, governor of the Bank of England, as a banker, Lord Cunliffe quickly corrected this and said no, he was a merchant.

This foreign bank would make mobile and liquid the foreign deposits of American banks and would attract from abroad very large deposits of foreign banks who would like to use the facilities of this Federal reserve foreign bank.

The powers given to the foreign bank are the same which have been given to the reserve banks, except that the foreign bank does not look to the reserve banks or to the member banks either for capital or for reserve deposits. The capital to be used by the foreign bank it is proposed to obtain by the issuance of 5 per cent cumulative nontaxable stock, giving to the United States the surplus earnings after a 50 per cent surplus is provided for the foreign bank. It is proposed that this bank shall begin with a paid-up capital stock of $20,000,000 and a present authorized capital of $100,000,000.

The resources of this bank will be further supplemented by deposits from banks transacting foreign-exchange business, in its international transactions, from the deposits of the United States, of foreign Governments, and of foreign bankers. The same safeguards are thrown around the foreign bank as have been found wise in the case of the Federal reserve banks, with the same powers of issuing notes and receiving Federal reserve notes. But the foreign bank is particularly charged with the duty of facilitating financial transactions involving imports and exports of our merchants, and it will be the duty of this bank, as far as possible, to promote the parity of the American dollar in other countries, which will itself be a very great aid for American commerce.

The establishment of a gold fund in Washington by the 12 Federal reserve banks for adjusting their balances with each other by bookkeeping entries instead of by actual transfer of gold has served a great public economy, and the same thing can be done with international exchanges by establishing a gold fund in the United States and abroad to serve a like function.

A very important proposal of this bill is the concluding paragraph, to wit: "No bank, banker, corporation, or individual, other than the foreign bank, shall sell dollar balances at less than gold par, except as payment for merchandise imported into the United States, without the express authority of the Federal Reserve Board." It is the intention of this provision to prevent the transfer of credits to the injury of the parity of the gold dollar.

I digress here to say that we may now make the American dollar at par in Spain by transferring credits to Spain. All in the world we need to do is to transfer a credit to Spain sufficient to cover the international trade balance or a credit to pay for our own imports from Spain. The moment that is done the premium on the peseta disappears, because in normal times there is no premium on the peseta; and if you establish a credit there to be paid at some future time in pesetas, when the peseta is at par you are obviating this 25 per cent premium now on the peseta. It is perfectly plain. A citizen can do that; a single bank can do that; the Federal reserve banks can do it; the United States can and ought to do that now in order to safeguard our merchants from loss, and not to safeguard alone the merchants from loss, but to safeguard the American consumer and the American producer from such losses.

A nation is composed of the sum of its parts; a nation consists of individual units. When the individual merchant, as one of the units of our commercial and financial life, suffers a severe loss he transmits it to the body of the people through the goods which he handles. If he buys the goods where the American dollar is worth only 75 cents on the dollar he passes the loss on to the consumer; or, vice versa, he passes it to the producer, if he is buying for shipment under such conditions.

The reason for this is that the present tremendous discount of 25 per cent on the American dollar in Spain has been brought about by the transfer of American credits through London and Paris to Spain and the refusal of Spain to adjust the international differences by like credit transfers. If Spain can do this to our injury and to her advantage, we should protect our dollar by the same principle, and it takes actions, not words.

The United States, Great Britain, and France are now urging Spain to agree to take French securities or French credits for the purpose of correcting this injurious discount on American, English, and French money, all of which are suffering from a like discount in Spain, due to Spain's refusal to adjust by transfer of international credits.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. OWEN. I yield to the Senator.

Mr. POMERENE. The Senator from Oklahoma has indicated that Great Britain has been able to protect herself, because of the Bank of England and her methods of doing business throughout the world, against the very conditions from which we are now suffering. If she has those facilities, why is she not at present able to protect herself against Spain?

Mr. OWEN. Mr. President, what Great Britain does actually now, so far as Spain is concerned, is that private banking concerns in Great Britain have established branches in Spain and have established credits in Spain; and by establishing credits in Spain they have those credits represented in pesetas. They are carrying those pesetas as a credit and selling those pesetas now to favored British merchants in London, to the protection of those merchants who have the wit to see what the loss is, while they leave the current exchange at a discount in London for the "accommodation" of those who do not see. What I am trying to do is to make America see. I do not want this to continue, and that is why I am delivering this address now to the Senate in the hope of also persuading the people of the United States.

I have many letters from importers and exporters urging that the dollar be brought to gold par.

The present war binds the United States to Great Britain and France so closely that the United States dollar, the English pound sterling, and the French franc suffer in precisely the same way so long as we extend the American credits to our allies in excess of our actual net nominal balance of trade.

The nominal balance of trade is arrived at by ascertaining the difference in commodity shipments and the actual balance of trade is a very different thing. The actual balance of trade must be ascertained not merely by commodities but also by credit transfers, and into the determination of the actual balance of trade we must consider not only exchange of commodities and exchange of securities but many other factors, such as freight charges by Great Britain, for example, at $150 a ton for furnishing our supplies to them, but also the charges, commissions, and profits paid by us in foreign ports; the purchase by our troops in France of large local supplies; the traveling expenses of our citizens abroad, and many such items which are not registered in any census bureau; also the purchase of foreign properties by Americans, and also interest payments which the United States is required to pay on stocks and bonds held abroad; also the interest payments which are payable from foreign countries to the United States; also remittances by foreign residents in the United States abroad to their friends and relations and many such factors which are not within the power of anyone to give. But we know that when the demand for the American dollar ceases and the American dollar is not at par that then a condition has arisen from these various causes

at which we are being injured in a very subtle and very practical way, which falls first upon both our importers and exporters, and, secondly, upon our consumers of imported products and upon our exported products, injuring America in its most vital parts. This I wish to correct. I demand its correction and appeal to our business men in America to hold up my hands in the effort to furnish them a mechanism through which these unjust discriminations against the American dollar shall absolutely cease.

When peace comes the United States will be charged with the duty of maintaining its dollar at par, whether Great Britain or France protect their money at par or not, but the United States and our allies should attend to this matter now, for it is injuring us all.

The bankers in the Scandinavian countries and in Spain do not feel safe in carrying large balances in the United States, notwithstanding the stability of our Government, because, since we permit a fluctuation in exchange, they do not know whether they will receive the same amount back when the time comes that they will want their funds at home, and for the same reason American bankers hesitate to place credits in these foreign countries because when they want their money back they may find that the differences in exchange are interrupting them and preventing them from receiving their funds back dollar for dollar. For that reason the lack of parity in the currencies of the various countries comprise a very serious obstruction to commerce and prevent the easy establishment of an international gold fund which would safeguard all countries from the expense of shipping gold back and forth 3,000 miles across the Atlantic.

Any person of sound reasoning faculty ought to be able to see this. Nevertheless those who are called expert in banking seem not to have had the vision to properly apprehend it.

Some of the New York bankers in foreign exchange advise me that the exchanges are now furnished to importers and exporters at such low rate that there is no profit in the business. Strangely enough the same gentlemen advised me that this foreign bank is highly undesirable because it will compete with them in this undesirable business.

My attention was called yesterday to an interesting transaction involving the purchase of commodities from Spain, involving in round numbers approximately $100,000, on which there was a charge of one-half of 1 per cent by a bank of Washington, D. C.; one-half of 1 per cent by the bank in Baltimore, Md.; one-half of 1 per cent by a bank of New York City; and one-half of 1 per cent by the bank in Barcelona, Spain, amounting to $2,000 charges outside of interest, without any risk whatever against commodity shipments insured at par and a transaction which would take probably 30 days to cover, thus imposing a tax on this 30-day accommodation of 2 per cent. I do not complain of these banks in the least. They are looking at it from the point of view of the banker and not from the point of view of merchants, but since the bank in Washington had no facilities to deal directly with the bank in Barcelona, they go through two other correspondents for sundry reasons. Evidently, if there were a Federal reserve foreign bank, a member bank could furnish its customers the accommodation more economically than by this crude, unscientific, and very expensive system. It is probably true that in some very large international transactions the rate might be very low, but taking it as a whole these rates are high, and, moreover, it not infrequently happens that the bankers take other advantages of those engaged in commerce to participate in their commercial profits with which the bankers have no proper connection, just as under the old system bank directors would negotiate accommodations through their banks and be paid privately for their valuable influence, a practice which the Federal reserve act found necessary to stop, because it was levying an unfair tribute upon American commerce. There are bankers engaged in foreign exchange who advise me that this foreign bank is highly desirable and that it will enable them to transact their foreign-exchange business more economically by having one Government-managed agency through which this business can be conveniently and economically handled.

I was astonished to be told a few days ago by gentlemen employed by the Government as experts that it was desirable to have the American dollar at a discount in the neutral countries of Europe, because, among other reasons, while it was against the interests of the American importer, it was beneficial in the same degree to the American exporter, because one was the opposite of the other. I have carefully analyzed this astonishing statement and I am of the opinion that there is no foundation whatever for any such suggestion; that the exact contrary is true. It injures the exporter as much as it does the importer.

The American commodity producer who has a thousand dollars' worth of commodity in America is entitled to buy a thousand dollars' worth of commodities in Spain on a par gold basis, but when he exchanges his commodities for American dollars, or exchanges his American dollars for Spanish pesetas, he gets 4,000 pesetas instead of 5,000 Spanish pesetas. He loses 1,000 Spanish pesetas in the exchange. He is entitled to receive 25 per cent more than he gets. An attempt has been made to confuse this proposition by saying that commodity prices in the United States have risen more than they have in Spain and in the neutral countries of Europe. This confusing suggestion would be better plead if it were a fact. It happens not to be a fact, however, and would have nothing to do with the case if it were a fact.

The point is that the American gold dollars will not buy on parity Spanish gold money. The fact is that the American gold dollar, because of international trade balances, arbitrage, gold embargo, and so forth, will buy only 75 per cent of Spanish gold money, regardless of commodities, and any attempt on the part of "experts" to cloud this issue with the suggestion that Spanish commodities have risen less than American commodities shows the poverty of argument of these gentlemen. They appeal to a statement of fact, which if true would be immaterial, and which is not shown to be true. Norway products rose on an average 110 per cent since the war; Sweden, 66 per cent; Denmark, 66 per cent; Netherlands, 54.8 per cent; Spanish commodities probably about 50 per cent. The average of staple commodities in the United States have not risen greater than this, although some specialties have done so where the allies urgently needed them.

The one unhappy fact appears to be that when the American producer, with his thousand dollars' worth of commodities, buys a thousand American gold dollars, he exchanges it for 75 per cent of Spanish gold money, and then with but 75 per cent of Spanish gold money he buys less of Spanish commodities than he would in normal times.

COMMERCE THE VITAL MATTER.

It is not a question, however, of merely accommodating foreign exchange banks, although this purpose will be served. The much more important matter is stabilizing foreign exchange as we have stabilized credits in the United States and lowered the interest rates in the United States by the Federal reserve banks. This bank ought to be controlled by merchants just as the Bank of England is controlled by those who are trained and specially skilled in commerce.

In a striking editorial by one of the greatest editors in the United States, Arthur Brisbane, of the Washington Times, of February 12, 1918, appears the following:

> In the seventeenth century, when Cromwell had power, he asked himself first of all: "What does England need?" He knew that a commercial nation needed men that understood commerce.

And he points out that the policy of England established at that time of inviting to England men who understood commerce had resulted in the tremendous commercial growth of England, while those countries which treated men who understood commerce with indifference and with neglect and even with persecution went into decay.

America needs men who understand commerce. This bank ought to be controlled by men who understand commerce and not by bankers. The mechanism of banking is understood perfectly well by those who understand commerce, but the banker, who is engaged in banking for the purpose of making commissions, of getting the highest interest rate he can, does not sympathetically deal with commerce as commerce.

Men who have this point of view should not be in unrestrained control of American commerce, of the business of American importers and exporters, of American manufacturers, of American producers, of the interests of American consumers.

It was the inability of bankers to perceive that the commerce and industrial interests of America were superior to their private acquisition of property that made necessary the Federal reserve act and which took out of their hands the power to fix credits in the United States, to make panics or squeeze credits from time to time in order that they might multiply their fortunes at the expense of the American people. They can still do that within degree, and they still do it within degree, beyond a shadow of a doubt. Any man who is familiar with Wall Street knows it perfectly well. The traders in stocks are very skillful in diagnosing the conditions when that situation arises, and those who are experts are enabled to play successfully on either the bull or the bear side, just as credits are being expanded or being contracted by those who measurably control the credit market in New York City. Under the Federal Reserve System, however, they can only now operate within a very restricted field.

It may be expected that gentlemen who take this view will oppose any activity of Government that will undertake to protect American foreign commerce. I shall desire these gentlemen to record their objections before the Committee on Banking and Currency in public, where their objections may be scrutinized with a microscope and answered by men engaged in importing and exporting in order that the truth may be made clear and that private interests shall no longer control the foreign commerce of the people of the United States. The United States Government should have as sympathetic an attitude toward foreign commerce as toward domestic commerce.

I call attention to an interesting editorial of Mr. Arthur Brisbane in the Washington Times of February 12, appealing for justice in this matter. [See Exhibit B.]

I submit an interesting editorial of the Journal of Commerce of February 11. [See Exhibit C.]

This very able editor of the Journal of Commerce points out that making foreign bills readily subject to rediscount would make such bills as liquid as domestic commercial paper. He points out that private banks sometimes hesitate to invest heavily in foreign bills because in case of a stringency they might not be readily saleable, while the foreign bank could immediately provide a ready market for such bills and when exchange was scarce, or when rates tended to advance, could ease the situation by selling exchange and so help in a most important way and lessen the injurious fluctuation of exchanges.

He points out the sound maxim that trade follows the loan, and that having a foreign bank properly organized for this service could be of substantial service to those engaged in expanding the foreign trade of the United States.

He points out very wisely that the prestige of Great Britain had been due to the fact that her foreign trade was established not only by efficient labor but by capital available in the right spot and at the right time and under the right conditions to facilitate foreign business and that this fact developed in Great Britain a large body of investors, accustomed to employing their capital in other countries; that their investments became the channels or outlet for the products of British industry just as the returns that came to them became the means of their financing other British imports and exports; that this accounts for the great world market in London. The same conditions are obviously essential to make New York City, and San Francisco, and Galveston, and Chicago world markets by affording them like facilities.

He calls attention to the last words of President McKinley, warning "against the illusion that we could possibly have a permanent one-sided trade." In the long run imports are paid for by exports and exports are paid for by imports. The nations can not discharge balances of trade merely in gold, for they would exhaust quickly the gold basis upon which their currency is founded. America must encourage imports and exports. America must establish reciprocal trade relations with other countries. America must furnish her importers and exporters with a mechanism by which to accomplish this. This is the purpose of the bill I submit.

Through this bank we can accomplish many important results: First, we can give better facilities to our importers and exporters, and thus serve our manufacturers and our producers in field, forest, and mine. Second, we can thus enormously increase our foreign trade by extending these facilities through suitable credits, for commerce follows credit. We can make the capital of our importers and exporters go much further by giving them these facilities.

We can make more useful and more available United States credits now in foreign banks.

We can make and keep the United States dollar at gold par throughout the world and thus make the dollar the medium of international exchange and clear not only our own import and export business in American centers, but we can cause business between Asia and Europe to be transacted as it should be, through intervening financial centers in America, clearing sales of China tea, for example, to Russia through New York. These facilities will make the United States the financial center of the world, because we have the most gigantic and highly perfected banking system on earth, with the largest available capital resources in the world. The resources of the reserve banks alone are over three billions, and the bank resources of the United States now have a visible supply exceeding thirty billions.

It will lead to banks all over the world carrying balances in this foreign bank for the purpose of getting its accommodation. It will bring balances from foreign governments to this bank. I desire to see this bill perfected so as to meet the requirements of American commerce.

Recently the United States Chamber of Commerce held a very important convention of American business men at Atlantic City, lasting four days, September 17 to 21, 1917. This organization represents 400,000 merchants, wholesalers, jobbers, manufacturers, and business men, and they unanimously adopted the following resolution:

"Whereas the foreign trade of the United States for the last fiscal year shows a balance in favor of this country of nearly $4,000,000,000; and

"Whereas loans to our allies greatly exceed our 'favorable balance of trade'; and

"Whereas the continuance of any set of conditions which tend to curtail imports, because imports represent the only form of cash payment which our entire foreign trade is yielding; and

"Whereas high foreign exchange premiums penalize imports and tend indirectly to increase the enormous inflationary debit balance which the Nation is rolling up against the future in the form of foreign loans; and

"Whereas the advances to our allies are now proving a boomerang, leading to the depreciation of the American dollar in foreign markets because of lack of governmental regulation; and

"Whereas all our allies are now taking every step necessary to protect their own currencies abroad; and

"Whereas the American dollar is now at a discount of from 3 to 20 per cent in neutral foreign countries: Be it

"*Resolved*, That the United States Government, through its proper departments, take whatever action may be necessary to keep at parity the American dollar in every country of the world."

I believe that the Congress and the President of the United States and the executive officers of the Government should respect this expression of public opinion, especially when it is founded on sound reasoning and good sense.

The President of the United States undoubtedly is in cordial sympathy with this desire of the business men of America to improve their facilities for doing international business, and I respectfully submit some of the expressions from addresses made by the President referring to this question and pointing out in advance who may be expected to oppose it, and why.

Mr. STONE. Mr. President, if the Senator will permit me, it is quite important that the parity of our money should be maintained abroad in every country. Is the Senator going to follow what he has just been stating by suggestions as to the best way to do that?

Mr. OWEN. I have already made suggestions by which it may be done in four different ways.

Mr. STONE. Well, I was not present at the time.

Mr. OWEN. I will repeat them for the Senator. It is a very simple matter. It can be done by a transfer of commodities, by a transfer of gold, by a transfer of credits, or by the forbidding of arbitrage. The forbidding of arbitrage, I might explain, means that a debt of Spain to the United States can not be canceled through London; it must be canceled direct. It prevents the shifting of credits from one nation to another nation for the purpose of canceling credits between other nations; in other words, if we forbid arbitrage, then our commodity trade balance would put the American dollar at a premium in Spain, and the same thing is true with regard to all the neutral countries. Great Britain could not then borrow from us large amounts of money, pay her debts to Spain and other neutrals, and leave the American dollar at a discount while she safeguards her private merchants by private arrangements of credit transfers from London to Barcelona and to Madrid. That is what I am trying to call attention to.

Mr. HENDERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nevada?

Mr. OWEN. I yield to the Senator.

Mr. HENDERSON. Do I understand the enactment of the bill which the Senator advocates would correct the evil of which the Senator is now speaking?

Mr. OWEN. No; it would provide a mechanism by which to prevent its recurrence.

Mr. HENDERSON. It would be another one of the means for curing the evil referred to by the Senator from Oklahoma in reply to the Senator from Missouri?

Mr. OWEN. Yes; it would provide a mechanism by which the evil would not be permitted to recur in future and could, if passed, effect almost an immediate remedy.

Mr. HENDERSON. I merely refer to that because I do not think the Senator from Missouri quite caught the point the Senator from Oklahoma was making.

Mr. STONE. Not being a financier, or the son of one, I do not quite understand why, if England borrows money of the United States and gives her securities at par for our money at

par, she would transfer that borrowed money to Madrid or Barcelona or any other place to pay debts at 75 cents on the dollar. How could she do that without very great loss?

Mr. OWEN. England, when she borrows money from the United States, immediately pays it out to her manufacturers——

Mr. STONE. Yes.

Mr. OWEN. And her manufacturers, having these credits transferred to London, can then transfer them to Spain to settle their debts to merchants in Spain; and when they do that they give Spain an international credit balance. The consequence is Spain does not need our dollars to pay her debts here, but she uses the dollars which she has obtained from the British merchant to pay her debts here and that leaves us with our dollars at a discount.

Mr. STONE. Well, what kind of dollars do they get from the British merchants to pay their balances?

Mr. OWEN. They get them in payment for commodities imported to London from Spain.

Mr. STONE. But are the dollars English dollars?

Mr. OWEN. No; they may be in the form of English money or American money—either one.

Mr. STONE. Or they may be an exchange of credits?

Mr. OWEN. They may be an exchange of credits. The dollar and the pound sterling are merely measures of value; that is all. When Great Britain borrows from us in dollars she converts them in pound sterling, which does not change the substance at all, but when she gets this money at London and transfers it to Spain she puts the dollar at a discount unless we protect it by a similar transfer of credits.

Mr. STONE. I presume that is perfectly clear, but I am still confused as to just how it can be done.

Mr. OWEN. It is not a difficult question if the Senator has had his attention directed to it at all. It at last comes down simply to this, that when Spain is an international creditor of commodities there is due to Spain either in French francs or in British pounds sterling or in American dollars a certain amount of gold in exchange for the commodities which she shipped in excess of those which she had imported.

Mr. STONE. And the money is to settle the balance?

Mr. OWEN. These funds are required to settle the balance. When Spain occupies the position of an international creditor, then our money and the money of foreign countries dealing with her will be at a discount, unless we forbid arbitrage; and in that case she can not deal with us as one of a number of international allies, but must deal with us simply and directly on her indebtedness to us.

Mr. STONE. How is it with the pound sterling or the franc?

Mr. OWEN. They are both at a discount in Spain.

Mr. STONE. On a par with our dollar?

Mr. OWEN. No; they are a little below our dollar.

Mr. STONE. They run along the same general line, I presume.

Mr. OWEN. Along similar lines; yes. The pound sterling is about 2 per cent less and the French franc about 10 per cent less, due largely to large paper issues.

Mr. STONE. That is rather arbitrary.

Mr. OWEN. No; it simply follows the laws of trade and the charges which bankers feel justified in placing upon the business going over their counters.

Mr. POMERENE. Mr. President, the Senator read a moment ago the preamble and resolutions adopted by the United States Chamber of Commerce. In the preamble they make a statement to the effect that our loans to our allies have proven a boomerang, and as a result of these loans the American dollar has been depreciated abroad. Does the Senator indorse that sentiment?

Mr. OWEN. I do not indorse the language. The term "boomerang" is not an apt description of what has occurred to us. Extending these credits beyond a point where we safeguard our own balance with Spain, for example, has resulted in our dollar going to a discount. It could have been adjusted with comparative ease by the United States placing a credit with Spain to protect them. It only happened so because we have not the necessary mechanism. It ought not to have happened; there ought not to be any reason why such a thing should occur or should be permitted to remain.

Mr. POMERENE. The difficulty I have is to understand the causal connection which the United States Chamber of Commerce says exists between our making loans to our allies and the depreciation of our dollar abroad.

Mr. OWEN. What they mean is this, that Spain shipped a great deal more of her commodities abroad than she imported of foreign commodities into Spain. The consequence was that the outside world shipped to Spain $88,000,000 in gold, and there was still a balance due Spain on the excess of commodities she exported over what she imported, so that the pound sterling depreciated, so did the French franc, and so did the American dollar.

Mr. POMERENE. Mr. President, unless I misunderstand, while that may account in part for the depreciation of the American dollar in Spain, I fail to see the causal connection between that depreciation and our making loans to our allies.

Mr. OWEN. What they mean by it is this, that the money we loaned to our allies went into Spain and put into Spain a large amount of surplus gold, but still left her an international creditor. The consequence was the Spanish people did not need American dollars and put our dollar at a discount accordingly. That is what they mean by it.

Mr. STONE. Mr. President, was the American dollar a gold dollar?

Mr. OWEN. Yes, sir; it was a gold dollar. There is, however, this to be considered in connection with international exchanges, that the gold dollar now, to be adjusted by shipment across the sea, has to run the danger of the submarine; and the rate of insurance upon shipping gold has been rather high, at times going up as high as 8 and 10 per cent when the country was more alarmed than it needed to be. Then, besides that, there is in Spain a discount of 3 per cent on American gold, which does not circulate there.

Mr. JOHNSON of South Dakota. Mr. President, may I ask the Senator, with reference to that 3 per cent discount on gold imports, if it makes any difference whether the gold comes directly from this country or not?

Mr. OWEN. Yes. American gold does not circulate. There is no discount against British or French gold.

There is no reason why we can not have an agreement with Great Britain and with France to maintain the French franc and the British pound sterling and the American dollar all at par. We can do it simply by an adjustment of credits. That is all that is required, and that is what I am urging now, not so much for the purpose of dealing with the present mischief as for the permanent dignity and honor and power of this Nation; that our dollars shall be at par all over the world, and shall be, therefore, a constant measure of value all over the world. When that occurs, then we may expect the dollar to be the standard of measure and we may expect New York to be the financial center of the world. Until we do protect the American dollar we shall have failed to take one of the important steps which it is necessary to take. Of course, to make New York City, which is our great shipping port, the world center, as we hope some time it will be, the only way to do that is by doing as England did in making London the financial center of the world. It is through our merchants sending American-made goods to the ends of the earth and bringing back foreign goods to our shores for use here. It is commerce that will make New York a great financial center and not finance that will accomplish it.

EXTRACTS FROM VARIOUS PUBLIC ADDRESSES BY PRESIDENT WILSON AT THE PLACES AND TIMES INDICATED.

The President said in his speech in Baltimore, Md., September 25, 1916:

"One of the most interesting circumstances of our business history is this: The banking laws of the United States—I mean the Federal banking laws—did not put the national banks in a position to do foreign exchange under favorable conditions, and it was actually true that private banks and sometimes branch banks drawn out of other countries, notably out of Canada, were established at our chief ports to do what American bankers ought to have done. It was as if America was not only unaccustomed to touching all the nerves of the world's business but was disinclined to touch them and had not prepared the instrumentality by which it might take part in the great commerce of the round globe." (Baltimore, Md., Sept. 25, 1916.)

"I have always believed, and I think you have always believed, that there is more business genius in the United States than anywhere else in the world; and yet America has apparently been afraid of touching too intimately the great processes of international exchange." (Detroit, Mich., July 10, 1916.)

"Men are colored and governed by their occupations and their surroundings and their habits. If I wanted to change the law radically I would not consult a lawyer. If I wanted to change business methods radically I would not consult a man who had made a conspicuous success by using the present methods that I wanted to change. Not because I would distrust these men but because I would know that they would not change their thinking overnight, that they would have to go through a long process of reacquaintance with the circumstances of the time, the new circumstances of the time, before they could be converted to my point of view." (Detroit, Mich., July 10, 1916.)

"I do not like to say it, but I have been impressed sometimes with the very marked difference between American business men whom I have talked with and foreign business men. I am not speaking of some of the men who stand highest in the management of American business. They seem to be veritable provincials, ignorant of the markets of the world, ignorant of the courses and routes of commerce, ignorant of the banking processes, even by which goods were exchanged." (New York, Sept. 4, 1914.)

"We have left it until very recently to foreign corporations to conduct the greater part of banking business in bills of exchange. We have seemed to hold off from handling the very machinery by which we are to serve the rest of the world by our commerce and our industry. And now, with the rest of the world impaired in its economic efficiency, it is necessary that we should put ourselves at the service of trade and finance in all parts of the world." (Extract from address delivered at St. Louis, Mo., Feb. 3, 1918.)

"America, of all countries in the world, has been timid; has not until the last two or three years provided itself with the fundamental instrumentalities for playing a large part in the trade of the world. America, which ought to have had the broadest vision of any nation, has raised up an extraordinary number of provincial thinkers, men who thought provincially about business, men who thought the United States was not ready to take her competitive part in the struggle for the peaceful conquest of the world. For anybody who reflects philosophically upon the history of this country that is the most amazing fact about it. But the time for provincial thinkers has gone by. We must play a great part in the world whether we choose or not." (Detroit, Mich., July 10, 1916.)

"Our banking laws must mobilize reserves, must not permit the concentration anywhere in a few hands of the monetary resources of the country or their use for speculative purposes in such volume as to hinder or impede or stand in the way of other more legitimate, more fruitful uses; and the control of the system of banking and of issue which our new laws are to set up must be public, not private; must be vested in the Government itself, so that the banks may be the instruments, not the masters, of business and of individual enterprise and initiative." (Joint session of two Houses of Congress, June 23, 1913.)

"I have found that I had a great deal more resistance when I tried to help business than when I tried to interfere with it. I have had a great deal more resistance of counsel, of special counsel, when I tried to alter the things that are established than when I tried to do anything else. We call ourselves a liberal nation, whereas, as a matter of fact, we are one of the most conservative nations in the world. If you want to make enemies, try to change something. You know why it is. To do things to-day exactly the way you did yesterday saves thinking. It does not cost you anything. You have acquired the habit; you know the routine; you do not have to plan anything; and it frightens you with a hint of exertion to learn that you will have to do it a different way to-morrow." (Detroit, Mich., July 10, 1916.)

"We have not been accustomed to the large world of international business, and we have got to get accustomed to it right away. All provincials have got to take a back seat. All men who are afraid of competition have got to take a back seat. All men who depend upon anything except their intelligence and their efficiency have got to take a back seat. It will be interesting to see the sifting process go on." (Detroit, Mich., July 10, 1916.)

"We must cooperate in the whole field of business, the Government with the merchant, the merchant with his employee, the whole body of producers with the whole body of consumers; to see that the right things are produced in the right volume and find the right purchasers at the right place, and that, realizing that nothing can be for the individual benefit which is not for the common benefit." (Baltimore, Md., Sept. 25, 1916.)

"Not until the recent legislation of Congress known as the Federal reserve act were the Federal banks of this country given the proper equipment through which they could assist American commerce, not only in our own country but in any part of the world where they chose to set up branch institutions. British banks had been serving British merchants all over the world, German banks had been serving German merchants all over the world, and no national bank of the United States had been serving American merchants anywhere in the world except in the United States." (Baltimore, Md., Sept. 25, 1916.)

"The national banks of the United States, until the recent currency act, were held back by the very terms of the law under which they operated from some of the most important international transactions. To my mind that is one of the most amazing facts of our commercial history. The Congress of the United States was not willing that the national banks should have a latchkey and go away from home. They were afraid they would not know how to get back under cover, and banks from other countries had to establish branches where American bankers were doing business to take care of some of the most important processes of international exchange. That is nothing less than amazing, but it is not necessary any longer. It never was necessary; it was only thought to be necessary by some eminently provincial statesmen. We are done with provincialism in the statesmanship of the United States, and we have got to have a view now and a horizon as wide as the world itself." (Detroit, Mich., July 10, 1916.)

"My fellow citizens, this is what I believe: If I understand the life of America, the central principle of it is this, that no small body of persons, no matter how influential, shall be trusted to determine the policy and development of America. You know what you want in your business. You want a fair field and no favor. You want to be given the same opportunity that other men have, not only to make known what you have to sell, but to sell it under as favorable conditions as anybody else; and the principle of the life of America is that she draws her vitality not from small bodies of men who may wish to assume the responsibility of guiding and controlling her, but from the great body of thinking and toiling and planning men, from whom she draws her energy and vitality as a Nation." (Philadelphia, Pa., June 29, 1916.)

"A literary friend of mine said that he used to believe in the maxim that 'everything comes to the man who waits,' but he discovered after awhile by practical experience that it needed an additional clause, 'provided he knows what he is waiting for.' Unless you know what you are looking for and have trained eyes to see it when it comes your way, it may pass you unnoticed. We are just beginning to do, systematically and scientifically, what we ought long ago to have done, to employ the Government of the United States to survey the world in order that American commerce might be guided." (Washington, D. C., Feb. 3, 1915.)

"Then came the currency reform. You remember with what resistance, with what criticism, with what systematic holding back, a large body of bankers in this country met the proposals of that reform; and you know how, immediately after its passage, they recognized its benefit and its beneficence, and how, ever since the passage of that reform, bankers throughout the United States have been congratulating themselves that it was possible to carry out this great reform upon sensible and solid lines." (Washington, D. C., June 26, 1914.)

"Bankers, as body of experts in a particular, very responsible business, hold, and hold very clearly, certain economic facts and industrial circumstances in mind, and possess a large and unusually interesting mass of specialized knowledge of which they are masters in an extraordinary degree. But I trust you will not think me impertinent if I say that they excuse themselves from knowing a great many things which it would manifestly be to their interest to know, and that they are oftentimes singularly ignorant, or, at any rate, singularly indifferent, about what I may call the social functions and the political functions of banking." (Denver, Colo., Sept. 30, 1908.)

"The trouble with some men is that they are slow in their minds. They do not see; they do not know the need, and they will not allow you to point it out to them. If we can once get in a position to deliver our own goods, then the goods that we have to deliver will be adjusted to the desires of those to whom we deliver them, and all the world will welcome America in the great field of commerce and manufacture." (Detroit, Mich., July 10, 1916.)

"Not until the recent legislation of Congress known as the Federal reserve act were the Federal banks of this country given the proper equipment through which they could assist American commerce, not only in our own country but in any part of the world where they chose to get up branch institutions. British banks had been serving British merchants all over the world, and no national bank of the United States had been serving American merchants anywhere in the world except in the United States." (Baltimore, Md., Sept. 25, 1916.)

Mr. Paul M. Warburg, in "Essays on Banking Reform in the United States," says:

"The only modern bills in our country are the so-called 'foreign-exchange' bills drawn on European banks and bankers, which are indorsed, and which always have a ready market. But what an anomalous position! Instead of having the credit of the entire country available in the shape of millions upon millions of modern paper which Europe might and would buy, we must rely on the willingness and the ability of a few banks

and bankers to use their own credit by drawing their own long bills on Europe. This is a costly and most unscientific mode of procedure which is in no way adequate to the necessities of the situation."

And in his "Discount System in Europe" Mr. Warburg said: "It is inconceivable that the United States, a Nation that leads the way in industrial progress and that more than any other nation weeds out old machinery and replaces it by the newest appliances, should be either unable or unwilling to modernize thoroughly its financial system and to discard old-fashioned financial machinery which other people have long since thrown upon the scrap heap."

Mr. Justice Brandeis, in "Other People's Money," said: "The great monopoly in this country is the money monopoly. So long as that exists our old variety and freedom and individual energy of development are out of the question. A great industrial nation is controlled by its system of credit. Our system of credit is concentrated. The growth of the Nation, therefore, and all our activities are in the hands of a few men who, even if their actions be honest and intended for the public interest, are necessarily concentrated upon the great undertakings in which their own money is involved and who necessarily, by every reason of their own limitations, chill and check and destroy genuine economic freedom. This is the greatest question of all; and to this statesmen must address themselves with an earnest determination to serve the long future and the true liberties of men."

The Reichsbank of Germany has a foreign portfolio which has increased in importance from year to year until the paralysis of the present war, but the German Government is now making the most elaborate plans for protecting its commerce after the war, to the ends of the earth, with proper credit and banking facilities.

The Bank of France has the right to discount foreign paper, and is using it with great ability. But France is also making elaborate preparations for safeguarding its commerce at the end of the war.

The Bank of England has relied upon acceptance houses and private bankers in England to handle a large part of the foreign banking business, but nevertheless the English Government is now making elaborate preparations to safeguard its commerce, providing adequate credit and banking facilities throughout the world at the end of this war. The details of what is being done by Great Britain and by France I add as a supplement to my remarks as taken from the Commerce Reports, December 27 and 28, 1917, pages 1177 and 1194. I ask to have those exhibits printed without reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OWEN. No thoughtful man can deny that the United States must rise in its dignity and majesty of power and adequately meet the demands which will arise at the immediate close of this great world war.

What I have desired to point out, Mr. President and gentlemen of the Senate, is that our present facilities and our present statutes have proven ineffective. We authorized the Federal Reserve Board to require the Federal reserve banks to establish this foreign accommodation and it has not been done; and I do not think it would be easy to accomplish it through the mechanism, for instance, of the Federal reserve bank of New York, for the reason that the directorship of the Federal reserve bank at New York City is controlled by a few banks that are engaged in these international banking operations, and they probably would regard it as trespassing upon their preserves in some way. They will not stop to digest it. They will regard it as an innovation, just as they did the Federal reserve act, and they will be opposed to it; and I have no doubt that they have been enabled to prevent its being done in New York, although I have no detailed information about that. But I will say that the Federal reserve bank of New York has enough to do to handle the great volume of domestic business piling in upon them; and that work, I am sure, they have done with great ability and with great efficiency.

What I want to point out is the need for a mechanism by which the commerce and industry and manufacturing powers of the people of the United States shall have the means of imports and exports, shall have the opportunity of buying and selling bills of exchange against imports and exports, and shall have the necessary credit facilities, and shall have a competent authority where a merchant can wire and ask whether or not a merchant in Buenos Aires has a good credit, and whether he would be safe in making an important shipment of merchandise to him from the United States. Until our people have that kind of information conveniently at their hands, free from any suspicion of personal interest, the commerce and industry of the people of the United States will not have the means for adequately expanding.

I regard this matter as one of very great importance, and will have it considered in due time by the Committee on Banking and Currency of the Senate; and I hope the House committee will consider it, and that we may arrive at some substantial adjustment of the matter.

I thank the Senate for its patience.

APPENDIX.

EXHIBIT A.

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, February 4, 1918.

IMPORTS AND EXPORTS, BY GRAND DIVISIONS AND COUNTRIES.

Total values of merchandise imported from and exported to each of the principal countries during December, 1917, and the 12 months ended December, 1917, compared with corresponding periods of the preceding year, were made public to-day by the Bureau of Foreign and Domestic Commerce of the Department of Commerce, as follows:

Imports from—	Month of December—		12 months ended December—	
	1917	1916	1917	1916
Grand divisions:				
Europe	$40,617,322	$50,107,818	$351,144,599	$633,316,983
North America	56,506,340	47,698,900	871,982,521	658,434,120
South America	49,669,439	43,786,488	598,838,532	427,600,562
Asia	62,142,195	65,422,209	758,237,185	516,704,047
Oceania	12,792,504	4,827,563	90,221,195	93,673,381
Africa	6,183,397	4,093,211	73,063,993	61,893,336
Total	227,911,497	201,834,189	2,952,467,065	2,391,615,335
Principal countries:				
Austria-Hungary		27,980	64,937	631,251
Belgium		158,835	158,022	1,479,342
France	8,662,632	10,488,210	98,639,653	108,893,119
Germany	451	138,289	159,352	5,819,472
Italy	3,219,301	4,789,202	36,480,897	60,235,172
Netherlands	747,674	3,669,940	22,744,504	43,002,074
Norway	251,481	834,802	6,289,233	6,430,315
Russia in Europe	2,661,145	83,848	12,336,170	4,476,970
Spain	3,436,232	3,175,167	34,881,630	32,577,377
Sweden	329,493	5,365,941	18,069,487	18,856,638
Switzerland	1,826,253	1,927,928	19,834,068	22,414,393
United Kingdom	16,874,793	25,705,390	280,080,175	305,486,934
Canada	28,232,954	23,753,351	413,674,846	235,340,040
Mexico	9,838,403	10,393,603	130,434,732	105,065,789
Cuba	5,653,541	9,108,597	348,598,199	243,728,770
Argentina	17,360,443	12,504,131	175,245,833	116,302,647
Brazil	8,232,113	14,268,659	145,274,931	132,067,578
Chile	13,618,362	5,904,498	142,597,229	82,123,995
China	8,402,905	6,358,337	125,108,029	80,041,831
British East Indies	20,982,304	17,128,997	259,623,837	201,190,844
Japan	23,692,557	17,285,621	253,669,203	182,003,737
Australia and New Zealand	7,403,284	1,682,789	32,002,203	55,823,228
Philippine Islands	4,633,395	2,718,912	62,395,641	24,162,081
Egypt		2,944,041	27,352,444	20,533,795

Exports to—	Month of December—		12 months ended December—	
	1917	1916	1917	1916
Grand divisions:				
Europe	$321,630,436	$349,558,509	$4,054,362,029	$3,513,278,324
North America	155,145,812	93,285,797	1,264,688,066	934,553,649
South America	33,700,646	22,787,859	312,420,985	220,266,818
Asia	60,485,901	42,467,145	431,149,391	364,959,135
Oceania	14,501,876	9,781,896	117,158,921	105,572,649
Africa	6,279,609	5,402,874	51,464,784	54,010,506
Total	593,864,280	523,233,780	6,231,244,976	5,482,641,101
Principal countries:				
Austria-Hungary				61,771
Belgium	8,400	6,691,023	22,628,659	30,908,928
Denmark	134,363	4,165,928	32,388,864	36,329,490
France	23,564,384	58,766,507	940,810,070	860,821,006
Germany		1,142,353	3,275	2,260,634
Greece	1,030,494	1,431,702	8,477,603	33,668,689
Italy	46,162,066	37,974,454	419,035,473	303,530,476
Netherlands	7,899,931	11,345,624	99,520,301	113,720,162
Norway	1,698,328	4,224,745	62,866,850	68,209,747
Russia in Europe	816,462	23,007,932	314,289,328	209,403,561
Spain	10,159,966	6,577,521	92,469,520	64,348,888
Sweden	504,364	5,960,589	20,900,854	47,967,590
United Kingdom	177,433,009	183,209,430	2,001,631,104	1,857,390,085
Canada	201,767,255	99,309,423	825,372,111	601,908,190
Central America	4,861,129	4,095,658	52,306,466	46,531,841
Mexico	15,485,408	4,415,374	111,111,541	54,270,283
Cuba	24,652,166	18,846,295	186,390,113	164,066,037
Argentina	11,553,945	7,182,128	107,641,995	76,874,258
Brazil	6,566,030	5,210,067	66,267,970	47,668,059

Exports to—	Month of December—		12 months ended December—	
	1917	1916	1917	1916
Principal countries—con.				
Chile	$7,586,899	$3,019,699	$57,483,998	$30,392,887
China	6,386,898	3,645,538	40,208,512	31,846,140
British East Indies	7,280,003	3,771,091	62,746,740	30,799,916
Japan	60,195,201	14,621,946	196,347,941	109,156,699
Russia in Asia	525,675	16,340,891	109,169,243	166,701,672
Australia and New Zealand	6,474,755	7,351,503	76,909,225	81,305,968
Philippine Islands	7,891,316	2,398,853	38,148,728	22,775,491
British Africa	5,215,449	7,408,294	38,023,443	32,448,177

Statement of imports and exports, 12 months ended December, 1917.

	Exports.	Imports.	Balance in our favor.
Netherlands	$890,520,301	$822,744,504	$67,775,797
Norway	62,866,850	6,280,233	56,586,617
Spain	92,469,520	36,881,630	55,587,890
Sweden	20,900,854	18,069,487	2,831,367

EXHIBIT B.

[Editorial, Arthur Brisbane, Esq., Washington Times.]

TO THE PRESIDENT AND MR. MCADOO—IS THERE ANY WAY OF MAKING THE AMERICAN DOLLAR WORTH 100 CENTS IN NEUTRAL COUNTRIES ABROAD?

This question, it seems to us, is important.

The United States has forbidden gold exports, which is wise. Since gold is a fetish among the nations, let us keep our fetish supply at home.

But while we keep our gold at home, let us arrange in some way so that the American dollar will not be marked down too low on the bargain counter of other countries.

The dollar in Spain is worth 75 cents or less in Spanish money.

The same thing is true of China, Sweden, Norway, Holland, and Denmark. In all the neutral countries the American dollar is worth much less than 100 cents.

There ought to be some way to stop this.

Mr. Warburg, of the Federal reserve bank, might devote his mind to the problem—he has excellent financial ability.

This is written primarily for the President of the United States and the Secretary of the Treasury.

If it is the duty of the Government to protect the American citizen abroad, it is also the duty of the Government to protect the dollar abroad. The dollar travels and buys for the citizen.

Federal reserve exchange and credit banks on the other side properly organized would be able to attend to the matter.

This is a creditor Nation in every sense of the word.

The world owes us billions.

And our exports are far in excess of our imports.

In other words, the outside countries, including the neutrals, owe us much more than we owe them. Therefore our dollar should be the best dollar.

The thing can be arranged, and it ought to be.

The four big neutral countries—Spain, Norway, Netherlands, Denmark—owe us every year tens of millions more than we owe them, because our exports exceed our imports.

Spain, for instance, must pay us forty-one millions more than we pay to Spain in one year.

Our money ought to be at a premium; it is just the other way round.

Senator OWEN, chairman of the Banking and Currency Committee of the United States Senate, is to be congratulated upon the interest that he has shown in this unnatural and harmful condition.

The American buying in a neutral country should not be obliged to pay $1.25 for $1 worth of goods.

And the buyer from a neutral country should not be able to buy a dollar's worth of American goods for 75 cents of his own money. And that is the present condition.

EXHIBIT C.

[From the Journal of Commerce and Commercial Bulletin.]

FUTURE CONDITIONS OF FOREIGN TRADE.

The bill introduced by Senator OWEN to establish in connection with the Federal Reserve System of banking an organization designed to furnish facilities not now available for the promotion of American foreign trade seems to be a step in the right direction. The idea is that the Federal foreign-trade bank shall occupy somewhat the same position toward international trade that the reserve banks at present occupy toward domestic trade. As matters stand, private banks can extend a certain amount of credit to exporters and importers, and may derive some assistance from the reserve banks by having their foreign bills rediscounted under prescribed restrictions. Should the proposed system come into operation, the investment of an individual bank in foreign bills, being readily subject to rediscount, would become practically as liquid as its domestic commercial paper, which can be immediately discounted at the reserve banks. Under the existing system banks sometimes hesitate to invest heavily in foreign bills because in case of stringency they might not be readily salable. The foreign-trade bank, however, would provide an immediate market for such bills, and when exchange was scarce and rates tended to advance would ease the situation by selling exchange and so helping to lessen the fluctuation in rates. All this is very much to the good, and, considering the soundness of the axiom that trade follows the loan, the proposed legislation, properly guarded, could hardly fail to be of substantial service to the men engaged in expanding the foreign trade of the United States.

But in this matter it is well to keep a firm hold on first principles. The United States grew and prospered and built up great wealth out of the natural resources of this continent. But there has been a steady flow of raw materials from this country to Great Britain and western Europe, to be there manufactured and distributed around the world. A protective tariff enabled us to keep some of these materials for manufacture here, chiefly for domestic consumption. But the necessity of the tariff was an admission that the sum of the influences for cheap production and distribution was against us. These influences were chiefly the supply, first, of labor and then of capital, but they included experience in industry and foreign trade, and the prestige, good will, and facilities of an established business. The superabundance of capital which existed in Great Britain before the war caused an overflow from that country to be directed around the world. There was thus developed in the United Kingdom a large body of investors accustomed to employ their capital in other countries, and their investments naturally became the channels of outlet for the products of British industry, just as the returns that came to them were the means of financing British imports. There has been a great, free, readily accessible market in London for all the commodities of commerce, not merely a market for the country's own products and for what it consumes, but a distributing market for the rest of the world. British ships have been in every port, British bankers and traders in every mart. There has been British capital available everywhere, ready to build a railway, buy a brewery, open a mine, or move the products of the country to market. It is the combination of these conditions which made London the clearing center of the world and the pound sterling the standard of value.

Our success in taking the place that rightly belongs to us in the markets of the world must largely depend on our readiness to imitate the liberal conception of what really constitutes commerce which gave the United Kingdom the position which it had attained. One of the last words of the late President McKinley was a warning against the illusion that we could possibly have a permanently one-sided trade, but there are abundant evidences that the false conception which he tried to dissipate still retains a good deal of its vitality. If Great Britain must resume her financial and industrial rôle after the war, with greatly impaired resources and enormously increased burdens, she at least takes up the commercial struggle with the enormous advantage of having to learn very little about the conditions under which it can be most successfully prosecuted. In one respect the war has been almost incredibly beneficial to British industry, and that is by demonstrating the extraordinary gains that may be made in manufacturing efficiency. Take, for example, this illuminating passage from a book just published by authority of the Council of the British Association on Industry and Finance: "The increased output in shells which has in large measure been attained since the foundation of the ministry of munitions and the subsequent recruitment of female labor for work in the factories, with all the adaptation and rearrangement that has been effected for the purpose of speeding up, has never been more strikingly illustrated than when it was officially declared that a year's output at the rate attained in 1914–15 is now provided in the following periods: Eighteen-pounder ammunition, in 13 days; heavy howitzer shells, in 7 days; shells for medium guns and howitzers, in 5 days; shells for heavy guns, in less than a day." As the London Economist remarks, this record not only shows a wonderful achievement in time of war, but gives serious reasons for thought concerning the inefficiency, whatever may have been its cause, of the organization on which it has been an improvement. That the keying-up process has not been confined to war industries is sufficiently

evident from the returns of British foreign trade for the last calendar year. Here commercial exports figure for the very respectable total of $2,625,000,000, which, though less than half the total of our own export trade, excludes most of the supplies incidental to the promotion of the war, which in our case figure for over $900,000,000. It may be incidentally noted that the British exports for the year of cotton yarns and textiles aggregated $730,000,000, while our own appear to have been very little in excess of $150,000,000. That a Britain with only one arm free should have been able to make such a record in the competition for the world's trade suggests possibilities, of which we would do well to take heed, of what may be accomplished by a Britain with both arms available for industrial production.

EXHIBIT E.

CAPITAL FOR AFTER-WAR TRADE.

[Alfred Nutting, clerk in American Consulate General, London, England, Nov. 30.]

The minister of reconstruction has established, in conjunction with the treasury, a committee on financial facilities after the war, the object of which is to anticipate and provide methods to overcome the financial difficulties that will arise in connection with commerce and industry. The vast number of factories which have been diverted from their normal trade to war work will face a critical period between the time when hostilities cease and the time when it is possible for them to return to their prewar activities, for an interval more or less lengthy must occur during which it will not be possible to revert to former productiveness, while the question of cost in restoring factories to conditions formerly prevailing will require careful consideration and the preparation of plans to provide the necessary money and capital. Apart from that aspect there is the certainty that largely increased costs of raw materials, higher wages, and a much greater value on stock in hand or on credit will have to be met, requiring fresh capital, while longer credit may be necessary.

Some of the most important matters with which the committee will be empowered to deal will be the extent of the aid that banks and financial houses will be able to render; if such help should appear likely to prove insufficient, what other sources of credit can be sought; and by what method can the required capital be most efficiently distributed, in the event of a shortage, among essential trades and commerce.

COMMITTEE REPRESENTS ALL BRANCHES OF COMMERCE AND INDUSTRY.

The members of the committee appointed to deal with this fundamental subject of finance and capital after the war include representatives of banking, financial, commercial, and industrial circles, and are not restricted to London concerns, but include those vitally interested in industries and workshops throughout the country. The chairman of the committee, Sir R. V. Vassar-Smith, Bart. (chairman of Lloyd's Bank, one of the two largest banking corporations in the United Kingdom), in a recent address before the Institute of Bankers, said:

"The financing of our industries will be immensely facilitated by trade organization. During the war we have seen our productive industries organized on a large scale and under the control of the State. Both organization and control were forced upon us by war. As regards State control, I hope and believe that the necessity for it is temporary. As to trade organization, I firmly believe that the necessity for it will remain after the war. It is no new thing, this tendency to production and organization on a large scale, though it has not shown itself so much in this country as in some others. The day of small industries on individual lines is gone. Our manufacturers and traders must organize for united effort. This will have the closest bearing on questions of finance. An unstable, unorganized industry is the despair of bankers. I have confidence in stating that an industry organized on large lines has seldom lacked financial support in this country, and in spite of financial stringency, which we shall doubtless have to face, it is not likely to suffer in the future."

It is stated that the committee will commence work immediately.

EXHIBIT F.

FRENCH PREPARATIONS FOR TRADE AFTER WAR.

[Commercial Attaché C. W. A. Veditz, Paris, Oct. 26.]

Since the outbreak of the war numerous French writers upon commerce and industry have discussed in detail the economic consequences of the war and the problems of reorganization that will need to be solved after the termination of hostilities. Nearly all of them have insisted upon the importance of developing France's export trade, and their suggestions in this connection have been both critical and constructive. That is to say, they have pointed out those features of the present situation that must be remedied and have also proposed a series of new measures and organizations that are now totally lacking.

Naturally enough, the French foreign service has been subjected to a critical examination with regard to its efficiency as an agency for the promotion of export trade; and an impression has prevailed that it is susceptible of improvement in that respect.

The chief Government agency for the promotion of French export trade in the office national du commerce extérieur, intrusted by the law of March 4, 1898, with the task of furnishing French merchants and manufacturers with such commercial information as is likely to contribute to the development of French foreign trade and the expansion of French markets in foreign countries and in the French colonies and protectorates. The office national has the aid in this task of three groups of agencies—the diplomatic and consular services, the French chambers of commerce, and the foreign-trade counselors. The office maintains a collection of foreign-trade catalogues, which it analyzes and brings to the attention of interested French firms. It puts the benefit of its investigations at the disposal of French merchants and manufacturers. Unlike the United States Bureau of Foreign and Domestic Commerce, which is the corresponding American institution, it furnishes confidential information concerning the standing and financial resources of particular foreign firms. The office receives daily inquiries from foreign agents and importers, who are put in touch with French firms that have indicated an interest in foreign markets, and it keeps a classified list of French exporters. The office also undertakes to bring together groups of French exporters who would be unable individually to maintain an export organization. Whenever the office has cognizance of foreign-trade opportunities, particularly of important orders to be placed competitively by public or private corporations, such opportunities are brought to the attention of interested French chambers of commerce, trade associations, or even individual firms whose names are registered with the office.

THE FOUR DEPARTMENTS AND THEIR FUNCTIONS.

The work of the office is carried on by four departments. The first has to do with publications and information concerning the commercial standing and reputation of foreign houses. The publications of the office are the following:

The Moniteur Officiel du Commerce is normally issued every Monday. Its publication ceased at the outbreak of the war but will shortly be resumed. The Moniteur reports changes in foreign tariff laws, in French commercial legislation, and in the commercial laws of foreign countries. This publication has the exclusive right to the reports of French consuls and diplomats on commercial subjects. In brief, the Moniteur is the commercial-information periodical of the French Government, resembling in general the daily Commerce Reports of the American Government. It contains the trade opportunities brought to its notice that are likely to interest French exporters and manufacturers.

The office ordinarily issues weekly a Feuille d'Information, or Bulletin of Information. This publication also was stopped at the outbreak of the war but will soon be taken up again. It contains the more important news items and reports issued in the Moniteur Officiel. This bulletin is regarded as an efficient agency of trade propaganda; it has a large circulation in France and is posted publicly in railway stations, city halls, schools of commerce, and other places where it is likely to attract public attention. Its aim is to furnish general trade information and to stimulate an interest in export trade, even among those manufacturers and tradesmen who have previously shown no disposition to seek business in foreign markets.

The third class of publications of the Office National consists of the so-called Dossiers Commerciaux, or commercial documents, each relating to a particular commodity or group of commodities, or to the export market offered by a particular country or district. These documents often contain confidential information not intended for general circulation. They furnish detailed and specialized information along some specific line, likely to interest only those French dealers or manufacturers engaged in that line. They are furnished only to bona fide French firms located either in France or in its colonies.

Finally, the office publishes, in the form of monographs, the results of special investigations into the market for particular products singled out for such surveys. There have already been published such special monographs relating to wines, cutlery, porcelain, glassware, canned-food products, and the collection of credit claims abroad. The most recent of these Notes Commerciales concern the different sections of Morocco, investigated from the standpoint of exports and imports and with regard to agriculture and colonization.

The office national furnishes, free of charge, information concerning the standing and commercial rating of foreign firms and has in its files a large collection of catalogued cards enabling it in many instances to furnish such data without delay. It also furnishes the names of lawyers prepared to take charge of claims for the collection of unpaid bills abroad.

Another department of the office is concerned with the dispensation of general commercial information, the transmission of samples, and the furnishing of technical data. It undertakes to provide exporters of a given product with data concerning the principal nations exporting that product and with details concerning the requirements of particular markets. It furnishes lists of foreign dealers and importers and undertakes, on behalf of French inquirers, to purchase, on their account, samples, catalogues, and so forth.

A third department of the office specializes in matters of customs tariffs and trade statistics. It undertakes to furnish information with regard to import and export duties, commercial and navigation treaties and regulations, importation in bond, certificates of origin, trade-marks and patents, etc. It also seeks to keep fully informed concerning statistics of production, consumption, imports, and exports.

A fourth division of the office national is concerned with transportation matters. It keeps track of transportation charges, both by water and by rail, of ocean freight and insurance rates, of postal charges and regulations, of telegraphic rates and regulations, of port charges and navigation taxes.

ASSOCIATION NATIONALE D'EXPANSION ECONOMIQUE.

Since the outbreak of the war the importance of encouraging French export trade, particularly after the termination of the conflict, has seemed to warrant the establishment of several new organizations and agencies, and special attention has been given to the efficiency of German methods of trade expansion (as set forth, for example, by Henri Hauser in his book, Les Méthodes Allemandes d'Expansion Commerciale). Several new groups have been founded to aid and encourage the exportation of French products. The first and one of the most important of these is the Association Nationale d'Expansion Economique, formed under the leadership of the Paris Chamber of Commerce, which is a semiofficial organization having close relations with the French Government and especially with the ministry of commerce. The purpose of this organization is to prepare for competition after the war, for the new economic and commercial dispensation that will inevitably follow the cessation of hostilities. The association is divided into several committees intrusted with the study of particular branches of the export trade. It comprises the most important, if not all, of the chambers of commerce throughout France and of the various manufacturers' and merchants' associations in the Republic.

This association held an important commercial congress last March, which was presided over by the minister of commerce and which discussed some of the more important problems that will confront the nation in connection with the resumption of normal economic life at the end of the war. The most important single accomplishment of the association thus far is the preparation and publication of a rather complete survey of the industry, commerce, and agriculture of France, with particular reference to the problems and conditions that will arise after peace is restored. The reports in which the results of this survey are given number 70, and their subjects are as follows: General report; the woolen industry; the felt industry; silk and silk goods; ribbons and silk and textiles partly of silk; trimmings and braid; ready-made clothing; the cotton industry; flax and hemp goods; laces and embroideries; jute; hosiery and knit goods; dressmaking; women's wear ("la mode"); furs, lingeries, perfumery, etc.; leather, hides, and shoes; chemical fertilizers and other chemical products used in agriculture; dyestuffs; the products of large-scale chemical industry; coal; the extractive industries; the metallurgical industries; mechanical construction; electrical materials and construction; hardware; watches and clocks; optical glass; the photographic and cinematographic industries; jewelry; toys; ceramics and glassware; chirurgical and sanitary articles; paper; book publishing; resin and resinous products; trade in wood and lumber; food products; fishing; the merchant marine; mineral-water and health resorts; the hotel industry and tourist business; banking and credit; insurance; colonial administration; the cereal crops; the cattle industry; the meat industry; cattle raising in the colonies; dairy products; the exportation of wines; the exportation of liqueurs; forestry after the war; fruit and truck farming; horticulture; industrial plants (beet sugar, hemp, hops, etc.); the trade in seed; agricultural resources of colonial France; agricultural machinery and equipment; agricultural labor; the exportation of farm products (on which subject there are nine reports, covering the principal export markets for French agricultural products).

The Association Nationale maintains a bureau of commercial information prepared to advise French exporters concerning customs duties, import and export regulations, black lists and the blockade, transportation rates and regulations, the exchange situation, taxes, antifraud legislation, colonial conditions, and trade opportunities. It also maintains a department for commercial translation work and issues a bulletin designed to keep its members informed promptly of changes in commercial laws, tariff rates, etc. The association will publish annually an Index of French Producers in the French, English, and Spanish languages, to be circulated widely among foreign jobbers, purchasers, and importers. It has already begun the publication of a monthly review, called L'Expansion Economique, containing a section of industrial and commercial notes, a section of agricultural notes, articles on current economic topics, and a summary of industrial and commercial news relating to France and the principal commercial nations of the world.

OTHER NEW ORGANIZATIONS TO PROMOTE AND PROTECT FRENCH TRADE.

Of somewhat more recent formation than the Association Nationale is the Union Nationale pour l'Exportation des Produits Français et pour l'Importation des Matières Premières, founded by M. Raoul Peret, former minister of commerce. This organization seeks above all to encourage the grouping of French manufacturers and dealers in order that by this means smaller producers who are unable independently to maintain an export organization may be able to enter the export trade. It is believed that by forming such cooperative groups of comparatively small concerns it will be possible to deal advantageously with steamship and railroad companies and to obtain the special benefits now confined to the larger establishments that have created and maintained their own export organizations. It is the ambition of this association to foster the creation of such groups and to create transportation companies under its own control.

Quite different are the aims of the Union Intersyndicale des Marques (a union of manufacturers' associations for the protection of trade-marks), founded by a well-known electrical engineer, M. Raynald Legouez. The main purpose of this organization is to protect French manufactures against imitation and misrepresentation. It is held that the Germans have been in the habit of selling their own goods as of French manufacture, not only on neutral markets but even in France; also that products nearly finished in Germany have in the past been shipped to France and finished there in order that they might be sold as French goods. The Union Intersyndicale is therefore carrying on an active campaign to persuade French manufacturers to place upon the market only goods that bear the distinctive label of the union—with the letters U. N. I. S.—as a guaranty of French origin. The union hopes to include all important groups of French manufacturers and thus to prevent the sale of goods that are not marked with the label of the union.

MOVEMENT FOR ESTABLISHMENT OF ANNUAL FAIRS.

In addition to organizations of the kind described, attention should be called to the movement in France in favor of annual fairs or markets comparable to the famous German fairs at Leipzig. The first experiment in this direction was made by Senator Herriot, the mayor of Lyon. In March, 1916, when Lyon held its first sample fair (Foire d'Échantillons) and 1,342 exhibitors took part. The second Lyon fair, held in March and April, 1917, was attended by 2,593 exhibitors, 424 of them being from foreign countries, with 25 representing American firms. It is reported that during the fair the exhibiting firms obtained orders amounting to about 200,000,000 francs.

In September, 1916, Bordeaux held a fair, but this was considered as devoted especially to the products of French colonies and to wines and foodstuffs, for which Bordeaux has always been a center of great importance. The second Bordeaux fair, held in September, 1917, repeated the success of the first.

In May, 1917, Paris inaugurated a fair, in which special attention was given to the so-called "articles de Paris" and "articles de luxe" that play so important a part in the industrial and commercial life of the French capital. Other cities have indicated a disposition to undertake similar projects; it is stated, for example, that Marseille contemplates having its annual fair. There is, of course, some danger here that the rivalry of French cities may militate against the establishment of a fair that will be truly national or international, and it now appears likely that the fairs of Paris and Bordeaux will specialize in certain groups of commodities, in the production or handling of which these cities play a leading part, whereas the Lyon fair will be of a more general character and thus become a real rival of the one at Leipzig.

NEW COMMERCIAL PUBLICATIONS.

In addition to the new organizations to which reference has been made, and to the newly established French fairs, the awakening interest in French export trade is manifested by the publication of a large number of new reviews, newspapers, and other periodicals devoted to commercial subjects, and especially to the expansion of French foreign trade. Easily the foremost of these is the Exportateur Français, published weekly under the editorship of Maurice Ajam, deputy and former under secretary of state. Mention should also be made of Le Soir, a daily commercial newspaper; La Victoire Economique, a weekly newspaper; Le Moniteur du Commerce, published weekly; L'Initiative Commerciale, a monthly review; Commerce et Industrie, a monthly; and Mercure, the organ of the French Federation of International Commerce. All these publications give special attention to French export trade.

EXECUTIVE SESSION.

Mr. KIRBY. I move that the Senate proceed to the consideration of executive business for the purpose of reporting some nominations.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 26, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 25, 1918.

PROVISIONAL APPOINTMENT IN THE ARMY.

INFANTRY.

To be second lieutenant with rank from October 26, 1917.

Second Lieut. Robert Roy O'Loughlin, Infantry Officers' Reserve Corps.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

Second Lieut. Stewart F. Miller, Twenty-fourth Cavalry, to be second lieutenant of Field Artillery with rank from February 21, 1918.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

INFANTRY ARM.

To be captain with rank from October 23, 1917.

First Lieut. Irving C. Avery.

To be captains with rank from October 25, 1917.

First Lieut. James V. Ware.
First Lieut. Robert W. Brown.

To be captain with rank from October 30, 1917.

First Lieut. James R. Manning.

To be captains with rank from November 5, 1917.

First Lieut. Charles L. Steel.
First Lieut. Stuart R. Carswell.
First Lieut. Gilbert S. Harter.
First Lieut. John W. Cotton.
First Lieut. Ralph E. Wallace.
First Lieut. Lawrence W. Fagg.
First Lieut. Maury Mann.
First Lieut. Rupert L. Purdon.
First Lieut. Richard S. Jones.
First Lieut. William C. Hanna.
First Lieut. Leon G. Harer.
First Lieut. Edwin M. Scott.
First Lieut. Paul J. Dowling.
First Lieut. John H. Jones.
First Lieut. Rufus E. Wicker.

To be captain with rank from November 6, 1917.

First Lieut. Charles L. Briscoe.

To be captain with rank from November 9, 1917.

First Lieut. Hermann C. Dempewolf.

To be captain with rank from November 30, 1917.

First Lieut. Frank E. Hinton.

To be captain with rank from December 2, 1917.

First Lieut. Frank J. Tuohy.

To be captains with rank from December 19, 1917.

First Lieut. John R. Hermann.
First Lieut. Louis T. Roberts.
First Lieut. James M. Palmer.

To be captains with rank from December 29, 1917.

First Lieut. Ralph A. W. Pearson.
First Lieut. Alfred Millard.
First Lieut. Harry A. Ambs.
First Lieut. William H. Bittenbender.
First Lieut. Raymond H. Bishop.
First Lieut. James A. Summersett, jr.
First Lieut. Hugh C. Gilchrist.
First Lieut. Allen T. Veatch.

To be first lieutenant with rank from October 26, 1917.

Second Lieut. Robert R. O'Loughlin.

TEMPORARY PROMOTIONS IN THE ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be lieutenant colonel with rank from January 21, 1918.

Maj. Edwin O. Saunders, Judge Advocate General's Department.

QUARTERMASTER CORPS.

To be lieutenant colonel with rank from January 22, 1918.

Maj. William B. Rochester, Quartermaster Corps.

CORPS OF ENGINEERS.

To be colonel with rank from February 6, 1918.

Lieut. Col. William P. Stokey, Corps of Engineers.

To be colonel with rank from February 7, 1918.

Lieut. Col. Lewis M. Adams, Corps of Engineers.

To be colonel with rank from February 8, 1918.

Lieut. Col. William D'A. Anderson, Corps of Engineers.

To be lieutenant colonels with rank from December 20, 1917.

Maj. Charles L. Hall, Corps of Engineers.
Maj. Virgil L. Peterson, Corps of Engineers.
Maj. George R. Goethals, Corps of Engineers.
Maj. John W. N. Schulz, Corps of Engineers.
Maj. Richard T. Colner, Corps of Engineers.
Maj. Robert S. A. Dougherty, Corps of Engineers.

To be lieutenant colonels with rank from January 4, 1918.

Maj. Cleveland C. Gee, Corps of Engineers.
Maj. John M. Wright, Corps of Engineers.
Maj. John R. D. Matheson, Corps of Engineers.

To be lieutenant colonel with rank from February 8, 1918.

Maj. Earl North, Corps of Engineers

To be lieutenant colonel with rank from February 14, 1918.

Maj. Albert H. Acher, Corps of Engineers.

To be major with rank from December 29, 1917.

Capt. John S. Bragdon, Corps of Engineers.

To be major with rank from December 31, 1917.

Capt. George J. Richards, Corps of Engineers.

To be major with rank from January 4, 1918.

Capt. Alexander P. Cronkhite, Corps of Engineers.

To be major with rank from January 7, 1918.

Capt. John S. Smylie, Corps of Engineers.

To be majors with rank from January 12, 1918.

Capt. Lehman W. Miller, Corps of Engineers.
Capt. Douglas L. Weart, Corps of Engineers.

To be majors with rank from January 14, 1918.

Capt. Earl E. Gesler, Corps of Engineers.
Capt. Edwin A. Bethel, Corps of Engineers.

To be major with rank from January 17, 1918.

Capt. John F. Conklin, Corps of Engineers.

To be major with rank from January 18, 1918.

Capt. Alfred L. Ganahl, Corps of Engineers.

To be majors with rank from January 21, 1918.

Capt. John E. Harris, Corps of Engineers.
Capt. William F. Tompkins, Corps of Engineers.

To be major with rank from January 24, 1918.

Capt. Douglas H. Gillette, Corps of Engineers.

To be major with rank from January 26, 1918.

Capt. Paul A. Hodgson, Corps of Engineers.

To be major with rank from February 6, 1918.

Capt. Donald A. Davison, Corps of Engineers.

To be major with rank from February 7, 1918.

Capt. Thomas B. Larkin, Corps of Engineers.

To be major with rank from February 8, 1918.

Capt. Edwin C. Kelton, Corps of Engineers.

TRANSFERS TO THE ACTIVE LIST OF THE ARMY.

COAST ARTILLERY CORPS.

Capt. William K. Moore, United States Army, retired, to the grade of captain in the Coast Artillery Corps with rank from October 29, 1907.

INFANTRY ARM.

To be captain with rank from April 13, 1911.

Capt. Edwin J. Nowlen, retired.

To be captain with rank from July 1, 1916.

First Lieut. Sam P. Herren, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 25, 1918.

APPOINTMENTS IN THE NATIONAL ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

To be brigadier general.

Col. Henry G. Learnard.

INSPECTOR GENERAL'S DEPARTMENT.

To be brigadier generals.

Col. William T. Wood and
Col. Thomas Q. Donaldson.

ORDNANCE DEPARTMENT.

To be brigadier generals.

Col. William S. Peirce,
Col. John H. Rice, and
Col. Tracy C. Dickson.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

To be first lieutenant.

First Lieut. Charles Robert Henry.

CHAPLAINS.

Rev. Thomas A. Harkins and
Rev. John W. Inzer.

PROVISIONAL APPOINTMENTS IN THE ARMY.

INFANTRY.

To be second lieutenants.

John Thomas Bell and
Arthur Edmund Hirschler.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Vance W. Batchelor,
Second Lieut. Truman E. Boudinot,
Second Lieut. James R. Wood,
Second Lieut. William J. Gallagher,
Second Lieut. Charles Rudd,
Second Lieut. James G. Strobridge,
Second Lieut. Stephen Boon, jr.,
Second Lieut. Harold G. Holt,
Second Lieut. Walter Gunther,
Second Lieut. Roy V. Morledge,
Second Lieut. John W. Noble,
Second Lieut. Herman R. Crile,
Second Lieut. Joseph E. Torrence,
Second Lieut. Charles G. Hutchinson,
Second Lieut. Chester P. Dorland,
Second Lieut. Ernest D. McQueen,
Second Lieut. Archie E. Groff,
Second Lieut. George D. Wiltshire,
Second Lieut. Alfonso F. Zerbee,
Second Lieut. Jackson B. Wood,
Second Lieut. Arthur J. Wehr,
Second Lieut. Robert C. Scott,
Second Lieut. Ernest F. Apeldorn, jr.,
Second Lieut. John R. Evans, jr.,
Second Lieut. DeLancey Bentley,
Second Lieut. William P. Rauch,
Second Lieut. John A. Garvin,
Second Lieut. Daniel D. Streeter,
Second Lieut. Randolph Russell,
Second Lieut. Ralston D. Livingston,
Second Lieut. Brock Putnam,
Second Lieut. Leland L. Miller,
Second Lieut. Edwin M. Sumner,
Second Lieut. William J. McChesney, jr.,
Second Lieut. Joseph Sheehan,
Second Lieut. James M. Currin,
Second Lieut. Thomas H. Green,
Second Lieut. William H. C. Grimes,
Second Lieut. Russell C. Winchester,
Second Lieut. James S. Rodwell,
Second Lieut. Charles F. Choate, 3d,
Second Lieut. Charles D. Ryan,
Second Lieut. Nathaniel Holmes,
Second Lieut. Kirk Broaddus,
Second Lieut. Paul Blackmer,
Second Lieut. Herbert A. Suman,
Second Lieut. Harold de B. Bruck,
Second Lieut. Donald A. Young,
Second Lieut. Hans C. Minuth,
Second Lieut. Edwin C. Gere,
Second Lieut. John M. Sweeney, jr.,
Second Lieut. George G. Ball,
Second Lieut. Samuel C. Skemp,
Second Lieut. Jacob M. Carter, jr.,
Second Lieut. Thomas P. Hazard,
Second Lieut. Francis C. Dossert,
Second Lieut. George W. Ewing, jr.,
Second Lieut. Crawford C. Madeira,
Second Lieut. Charles P. Davis,
Second Lieut. Harry R. Kilbourne,
Second Lieut. Elmer E. Finck,
Second Lieut. Harry H. Semmes,
Second Lieut. Clifford A. Eastwood,
Second Lieut. Guy A. Russell,
Second Lieut. Fenton S. Jacobs,
Second Lieut. Catesby ap C. Jones, and
Second Lieut. Charles Wharton.

INFANTRY.

Second Lieut. John Thomas Bell to be first lieutenant.

COAST ARTILLERY CORPS.

Second Lieut. Arthur H. Warner to be first lieutenant.

PROVISIONAL APPOINTMENTS, BY TRANSFER, IN THE ARMY.

CAVALRY ARM.

Second Lieut. George Stewart Warren, Infantry, to be second lieutenant of Cavalry.

INFANTRY ARM.

Second Lieut. James Robert Lowry, jr., Cavalry, to be second lieutenant of Infantry.

Second Lieut. Bernard M. Barcalow, Field Artillery, to be second lieutenant of Infantry.

FIELD ARTILLERY ARM.

Second Lieut. John S. Fishback, Infantry, to be second lieutenant of Field Artillery.

TEMPORARY PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be majors.

Capt. Clarence L. Sturdevant,
Capt. Earl J. Atkisson,
Capt. Richard T. Colner,
Capt. Robert S. A. Dougherty,
Capt. Stuart C. Godfrey,
Capt. Francis C. Harrington,
Capt. Edwin H. Marks,
Capt. Earl North,
Capt. Albert H. Acher,
Capt. Gilbert Van B. Wilkes,
Capt. John C. H. Lee,
Capt. Frank S. Besson,
Capt. Lindsay C. Herkness,
Capt. Roscoe C. Crawford,
Capt. Bradford G. Chynoweth,
Capt. Gordon R. Young, and
Capt. Lunsford E. Oliver.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. Robert K. Gooch,
Second Lieut. Oliver N. Hollis,
Second Lieut. Cranston B. Rader,
Second Lieut. Cedric E. Scheerer,
Second Lieut. Geoffrey Marshall,
Second Lieut. Lloyd W. Taylor,
Second Lieut. Guy H. Hearon,
Second Lieut. Francis E. Harrison, jr.,

Second Lieut. James W. Hopkins,
Second Lieut. Ralph E. Billsborrow,
Second Lieut. Alfred W. Chapman,
Second Lieut. William A. Emerson,
Second Lieut. Lawrence J. Meyns,
Second Lieut. James C. Vickery.
Second Lieut. Clarence E. Muehlberg,
Second Lieut. Edwin C. Higbee,
Second Lieut. William T. Andrews,
Second Lieut. Stoddard P. Johnston,
Second Lieut. Lewis A. Hudgins,
Second Lieut. Levi M. Bricker,
Second Lieut. Thomas P. Ahern,
Second Lieut. Lawrence Iverson,
Second Lieut. Herbert Macmillan,
Second Lieut. John P. MacNeill,
Second Lieut. Archibald L. Parmelee,
Second Lieut. Robert E. Ryerson,
Second Lieut. Sam H. Coile,
Second Lieut. Junius B. Peake,
Second Lieut. Sam W. Anderson,
Second Lieut. Richard B. Cross,
Second Lieut. Geoffrey A. Ogilvie,
Second Lieut. John S. Cansler,
Second Lieut. George M. Holstein, jr.,
Second Lieut. Joseph G. Cole,
Second Lieut. Ward Rubendall,
Second Lieut. Clyde LeG. Walker,
Second Lieut. Richard B. Gayle,
Second Lieut. Stillman B. Hyde,
Second Lieut. Winston W. Little,
Second Lieut. Ralph P. Wagner,
Second Lieut. John A. Spanogle,
Second Lieut. Henry M. Atkinson, jr.,
Second Lieut. Charles S. Harris,
Second Lieut. Paul W. Rutledge,
Second Lieut. Alvin C. Smith,
Second Lieut. James C. Corliss,
Second Lieut. Robert T. Chaplin,
Second Lieut. Chester B. McCoid,
Second Lieut. Hugh G. Lieber,
Second Lieut. Earle W. Marvin,
Second Lieut. Robert G. Rhett, jr.,
Second Lieut. James K. Morris,
Second Lieut. Charles E. Bates,
Second Lieut. Marshall L. Gosserand,
Second Lieut. Winthrop M. Allen,
Second Lieut. Maxwell R. McMillan,
Second Lieut. St. John Waddell, jr.,
Second Lieut. Cary B. Easley,
Second Lieut. Nicholas B. O'Connell,
Second Lieut. Junius T. Moore,
Second Lieut. Oscar D. McNeely,
Second Lieut. Abraham R. Ginsburg,
Second Lieut. Vincent K. Smith,
Second Lieut. Charles L. Ordeman,
Second Lieut. Ramon Conroy,
Second Lieut. Thomas J. Betts,
Second Lieut. David O. Haynes, jr.,
Second Lieut. Edwin J. Patton,
Second Lieut. Morris C. Handwerk,
Second Lieut. Herbert B. Knox, jr.,
Second Lieut. Charles Cobb, 3d,
Second Lieut. Benjamin F. Harmon,
Second Lieut. Ralph A. Densmore,
Second Lieut. Charles C. Bell, jr.,
Second Lieut. Charles W. Lawrance,
Second Lieut. Edgar C. Outten,
Second Lieut. David W. Burgoon,
Second Lieut. Raymond B. Bottom,
Second Lieut. Farrant L. Turner,
Second Lieut. Henry T. Morrison,
Second Lieut. Lee D. Pettingill,
Second Lieut. Malcolm H. Ross,
Second Lieut. Leonard R. Crews,
Second Lieut. Harold M. Jobes,
Second Lieut. Thomas J. Delaney,
Second Lieut. William F. Cassedy, jr.,
Second Lieut. John W. Loveland, jr.,
Second Lieut. Scott Hayes,
Second Lieut. Webster H. Warren,
Second Lieut. Callan E. England,
Second Lieut. Evan H. Benoy,
Second Lieut. John B. Bethea, jr.,
Second Lieut. Charles W. Higgins,
Second Lieut. Hugh N. Herrick,
Second Lieut. Harry Lee Campbell,
Second Lieut. Milton L. Dodge,
Second Lieut. Robert Mochrie,
Second Lieut. Albert B. Ede,
Second Lieut. Donald W. Tyrrell,
Second Lieut. Everett M. Barton,
Second Lieut. Warren S. Robinson,
Second Lieut. William W. Wertz,
Second Lieut. Evans R. Crowell,
Second Lieut. Simon L. Bear,
Second Lieut. Laurence W. Hutchinson,
Second Lieut. Gilbert H. Gaus,
Second Lieut. James C. Bates,
Second Lieut. Thomas E. Troland,
Second Lieut. William A. West, jr.,
Second Lieut. Louis H. Thompson,
Second Lieut. Albert Bonds,
Second Lieut. Thomas W. Conrad,
Second Lieut. Frederick W. Hoorn,
Second Lieut. Charles C. Stalter,
Second Lieut. Joseph C. Stephens,
Second Lieut. Eugene R. Guild,
Second Lieut. Thomas R. Lannon,
Second Lieut. Leslie W. Jefferson,
Second Lieut. Luther O. Leach,
Second Lieut. James D. Jones,
Second Lieut. Guy W. Thomas,
Second Lieut. James L. McMullen,
Second Lieut. Charles R. Walker, jr.,
Second Lieut. Harold L. Williamson,
Second Lieut. Isaac Wynne, jr.,
Second Lieut. Temple H. Buell,
Second Lieut. Julien R. Hume,
Second Lieut. John R. Embich,
Second Lieut. Ernest W. Soucy,
Second Lieut. Donald B. Hilton,
Second Lieut. Ralph E. Hill,
Second Lieut. Francis L. Christian,
Second Lieut. Maitland Bottoms,
Second Lieut. William R. Epes,
Second Lieut. Irvin H. Zeliff,
Second Lieut. Charles H. Stewart,
Second Lieut. John Finesan,
Second Lieut. Edward N. Horr,
Second Lieut. Joseph E. Simmons,
Second Lieut. Lucius T. Hill,
Second Lieut. Hal F. Corry,
Second Lieut. Martin A. Hayes,
Second Lieut. Edward R. Holland, jr.,
Second Lieut. John W. Russey,
Second Lieut. James D. McIntyre,
Second Lieut. Harry W. Lins,
Second Lieut. Bryan L. Milburn,
Second Lieut. Alexander B. Carrington, jr.,
Second Lieut. Frederick H. Bachman,
Second Lieut. Bradley J. Saunders, jr.,
Second Lieut. Herbert C. Bartlett,
Second Lieut. Nyal L. Adams,
Second Lieut. William B. Cooley,
Second Lieut. Lloyd G. Sparks,
Second Lieut. Arthur F. Aston,
Second Lieut. Charles M. Dale,
Second Lieut. Stanford Rayne,
Second Lieut. Harry M. Carder, jr.,
Second Lieut. William A. Clark, jr.,
Second Lieut. William W. Dinsmore,
Second Lieut. Arthur Duffy,
Second Lieut. Ellsworth Young,
Second Lieut. John W. Fuchs,
Second Lieut. Thomas R. Bartlett,
Second Lieut. Dudley F. Taylor,
Second Lieut. James L. D. Corey,
Second Lieut. Andrew J. Bentley,
Second Lieut. Frank H. Pritchard,
Second Lieut. Clyde M. Watson, and
Second Lieut. Stanley H. Franklin,

FIELD ARTILLERY ARM.

To be first lieutenants.

Second Lieut. William R. Gerhardt,
Second Lieut. Theodore E. Buechler,
Second Lieut. Frederick E. Tibbetts, jr.,
Second Lieut. Samuel D. Ringsdorf,
Second Lieut. Redmond F. Kernan, jr.,

Second Lieut. Theodore L. Futch,
Second Lieut. Russell L. Meredith,
Second Lieut. William I. Wilson,
Second Lieut. Harold A. Cooney,
Second Lieut. John T. Knight, jr.,
Second Lieut. Miles A. Cowles,
Second Lieut. Lawrence McC. Jones,
Second Lieut. Gordon G. Heiner, jr.,
Second Lieut. Edward J. Wolff, jr.,
Second Lieut. Addison H. Douglass,
Second Lieut. Arthur E. Fox,
Second Lieut. Lewis A. Bond,
Second Lieut. Robert A. B. Goodman,
Second Lieut. Devereaux C. Josephs,
Second Lieut. Henry M. Rees,
Second Lieut. John G. Paul,
Second Lieut. James E Brinckerhoff,
Second Lieut. William G. Cummings,
Second Lieut. Harold T. Brotherton,
Second Lieut. Larkin W. Glazebrook, jr.,
Second Lieut. Samuel D. Smoley,
Second Lieut. Charles F. Neave,
Second Lieut. Robert W. Wilson,
Second Lieut. Donald H. Brown,
Second Lieut. Ralph de P. Terrell,
Second Lieut. Stephen B. Ives,
Second Lieut. Robert F. Webb,
Second Lieut. William G. Lasch,
Second Lieut. Miller H. Pontius,
Second Lieut. Fritz A. Nagel,
Second Lieut. Adrian J. McDonald,
Second Lieut. John E. Hartigan,
Second Lieut. John L. Handy,
Second Lieut. Edgar A. O'Hair,
Second Lieut. Stephen Mahon,
Second Lieut. Addison B. Green,
Second Lieut. John R. Shepley,
Second Lieut. Roger A. Sanford,
Second Lieut. Kenneth L. Holmes-Brown,
Second Lieut. Oliver B. Cunningham,
Second Lieut. Harvey E. Ragland,
Second Lieut. Charles H. Burchenal,
Second Lieut. Robert E. Crotty,
Second Lieut. Wilton Lloyd-Smith,
Second Lieut. Frank C. Delaney,
Second Lieut. Pell W. Foster, jr.,
Second Lieut. Kennedy Hassenzahl,
Second Lieut. Arthur P. Patterson,
Second Lieut. Robert P. Reynolds,
Second Lieut. Philip G. Hodge,
Second Lieut. Dennis P. McCarthy,
Second Lieut. Albert Tate,
Second Lieut. Le Count H. Slocum,
Second Lieut. John H. Shelton,
Second Lieut. Louis H. Lathrop,
Second Lieut. John Van H. Challiss,
Second Lieut. Junius S. Roberts,
Second Lieut. Frederic W. W. Graham, jr.,
Second Lieut. Joseph R. Estabrook,
Second Lieut. Harold D. Finley,
Second Lieut. Leo Joseph Vogel,
Second Lieut. James P. Kelly,
Second Lieut. Richard B. von Maur,
Second Lieut. Harold T. Deeds,
Second Lieut. Millard L. Hamaker,
Second Lieut. John B. Fidlar,
Second Lieut. Wilbur B. Sumner,
Second Lieut. Douglas Henry,
Second Lieut. John A. Graves,
Second Lieut. Hastings S. Morse,
Second Lieut. George M. Scburman,
Second Lieut. William E. Corkill,
Second Lieut. Charles D. Brown,
Second Lieut. Lester M. Kilgarif,
Second Lieut. Henry W. Kretzer,
Second Lieut. James B. Catlett,
Second Lieut. Robert L. Randol,
Second Lieut. Douglas L. Crane,
Second Lieut. Melville H. Rood,
Second Lieut. Thomas L. Chalmers,
Second Lieut. Harry N. Blue,
Second Lieut. Fredric H. Timmerman,
Second Lieut. James H. McHenry,
Second Lieut. Alfred J. Bardford,
Second Lieut. Gurney L. Smith,
Second Lieut. John M. Franklin,
Second Lieut. George S. Goodspeed,
Second Lieut. Amos E. Carmichael,
Second Lieut. Raymond H. Seagle,
Second Lieut. John V. Anderson,
Second Lieut. Leon C. Swager,
Second Lieut. Henry W. Wiley,
Second Lieut. Walter Rompel,
Second Lieut. Winfred C. Green,
Second Lieut. Marion I. Voorhes,
Second Lieut. Algernon S. Coleman,
Second Lieut. Leslie W. Devereux,
Second Lieut. Robert F. LaBarron,
Second Lieut. Edgar G. Crossman,
Second Lieut. James H. Boyd,
Second Lieut. Ralph K. Learnard,
Second Lieut. Pitt F. Carl, jr.,
Second Lieut. David W. Potter,
Second Lieut. John H. Gardner, jr.,
Second Lieut. Earl C. Ewert,
Second Lieut. Donald D. Demarest,
Second Lieut. David J. Fitzgerald,
Second Lieut. William C. Chanler,
Second Lieut. Ralph W. Hahn,
Second Lieut. Orrin P. Kilbourn,
Second Lieut. Robert E. Jacobson,
Second Lieut. John T. Clancy,
Second Lieut. Richard A. Miller,
Second Lieut. Winthrop W. Leach,
Second Lieut. John W. O'Harrow, jr.,
Second Lieut. James B. Dick,
Second Lieut. Carol S. S. Kennedy,
Second Lieut. Dan Cummins Kenan,
Second Lieut. Joseph A. Martz,
Second Lieut. Andrew S. Messick,
Second Lieut. Lee B. Goff, jr.,
Second Lieut. Kenneth S. Wallace,
Second Lieut. Ralph Heatherington,
Second Lieut. Eugene B. Ripley, jr.,
Second Lieut. Thornton Davis,
Second Lieut. Frederick M. Williams,
Second Lieut. Harry B. Routh,
Second Lieut. William E. Farthing,
Second Lieut. Jackson H. Boyd, and
Second Lieut. Noel Noyes,

CAVALRY ARM.

Lieut. Col. Edgar A. Sirmyer to be colonel.

To be lieutenant colonels.

Maj. Hamilton Bowie,
Maj. Frederick J. Herman,
Maj. Ben Lear, jr.,
Maj. George P. Tyner, and
Maj. Walter F. Martin.

To be majors.

Capt. Walter F. Martin,
Capt. N. Butler Briscoe,
Capt. Elbert E. Farman, jr.,
Capt. George S. Patton, jr., and
Capt. James R. Hill.

To be captains.

First Lieut. Peter T. Coxe,
First Lieut. Francis H. Bouche,
First Lieut. William H. Sweet,
First Lieut. Louis Cansler,
First Lieut. William Van D. Ochs,
First Lieut. Lee L. Elzas, and
First Lieut. Owen G. Fowler.

To be first lieutenants.

Second Lieut. Calvert L. Estill,
Second Lieut. Nathan Cockrell,
Second Lieut. Channing C. Beeth,
Second Liept. Cecil J. North,
Second Lieut. Robert M. Eichelsdoerfer,
Second Lieut. Edmund H. Driggs, jr.,
Second Lieut. James T. Watson, jr.,
Second Lieut. Roswell E. Round,
Second Lieut. William D. Thompson,
Second Lieut. Murray H. Ellis,
Second Lieut. Wolcott P. Hayes,
Second Lieut. Joseph I. Lambert,
Second Lieut. Ralph W. Rogers,
Second Lieut. William P. Medlar,

Second Lieut. Lawrence A. Shafer,
Second Lieut. Thurlby M. Rundel,
Second Lieut. Charles B. B. Bubb,
Second Lieut. Paul E. McDermott,
Second Lieut. Gustav B. Guenther,
Second Lieut. William H. Skinner,
Second Lieut. Leslie F. Lawrence,
Second Lieut. Horace W. Forster,
Second Lieut. Franklin C. Ketler,
Second Lieut. Charles Pope, 2d,
Second Lieut. Waldemar A. Falck,
Second Lieut. Carl J. Rohsenberger,
Second Lieut. Crawford M. Kellogg,
Second Lieut. James V. McDowell,
Second Lieut. Harry L. Hart,
Second Lieut. James H. B. Bogman,
Second Lieut. Robert H. Gallier,
Second Lieut. Percy S. Haydon,
Second Lieut. David J. Chaille,
Second Lieut. Albert E. McIntosh,
Second Lieut. Jefferson Kinney, jr.,
Second Lieut. Halbert H. Neilson,
Second Lieut. Leland C. McAuley,
Second Lieut. Carl R. Johnston,
Second Lieut. Dean R. De Merritt,
Second Lieut. Vance W. Batchelor,
Second Lieut. Truman E. Boudinot,
Second Lieut. James R. Wood,
Second Lieut. William J. Gallagher,
Second Lieut. Charles Rudd,
Second Lieut. James G. Strobridge,
Second Lieut. Stephen Boon, jr.,
Second Lieut. Harold G. Holt,
Second Lieut. Walter Gunther,
Second Lieut. Roy V. Morledge,
Second Lieut. John W. Noble,
Second Lieut. Herman R. Crile,
Second Lieut. Joseph E. Torrence,
Second Lieut. Charles G. Hutchinson,
Second Lieut. Chester P. Dorland,
Second Lieut. Ernest D. McQueen,
Second Lieut. Archie E. Groff,
Second Lieut. George D. Wiltshire,
Second Lieut. Alfonso F. Zerbee,
Second Lieut. Jackson B. Wood,
Second Lieut. Arthur J. Wehr,
Second Lieut. Robert C. Scott,
Second Lieut. Ernest F. Apeldorn, jr.,
Second Lieut. Grayson C. Woodbury,
Second Lieut. Duncan G. McGregor,
Second Lieut. Thomas J. Heavey,
Second Lieut. Wallace F. Safford,
Second Lieut. Joshua A. Stansell,
Second Lieut. Raymond E. S. Williamson,
Second Lieut. David C. G. Schlenker,
Second Lieut. Harry T. Wood,
Second Lieut. Earl F. Knoob,
Second Lieut. Robert E. Symmonds,
Second Lieut. John R. W. Diehl,
Second Lieut. Rudolph D. Delehanty,
Second Lieut. William H. W. Reinburg,
Second Lieut. Elmer H. Almquist,
Second Lieut. Frank L. Carr,
Second Lieut. Frank E. Bertholet,
Second Lieut. Marion Carson,
Second Lieut. Rossiter H. Garity,
Second Lieut. Frank C. Jedlicka,
Second Lieut. Leo B. Conner,
Second Lieut. John B. Saunders,
Second Lieut. Arthur B. Custis,
Second Lieut. Desmond O'Keefe,
Second Lieut. Hal M. Rose,
Second Lieut. Frederick J. Durrschmidt,
Second Lieut. Milton W. Davis,
Second Lieut. John B. Bellinger, jr.,
Second Lieut. John R. Evans,
Second Lieut. Fenton S. Jacobs,
Second Lieut. Catesby ap C. Jones,
Second Lieut. Charles Wharton,
Second Lieut. W. Dirk Van Ingen,
Second Lieut. Herbert V. Scanlan,
Second Lieut. Sigurd von Christierson,
Second Lieut. Kenneth O. Spinning,
Second Lieut. Curt E. Hansen,
Second Lieut. Vincent P. Ryan,
Second Lieut. Raymond C. Blatt,
Second Lieut. Clinton de Witt,
Second Lieut. Harold J. Adams,
Second Lieut. William B. Van Auken,
Second Lieut. Harold Kitson,
Second Lieut. John Boies,
Second Lieut. Charles R. Gross,
Second Lieut. Irvine L. McAlister,
Second Lieut. Robert G. Breene,
Second Lieut. James I. Gibbon,
Second Lieut. Walter C. Butler,
Second Lieut. Don Briley,
Second Lieut. Howard F. Long,
Second Lieut. Benjamin Lufkin,
Second Lieut. Burton C. Andrus,
Second Lieut. Harold E. Lewis,
Second Lieut. Newell P. Weed,
Second Lieut. Arthur H. Besse,
Second Lieut. Charles W. White,
Second Lieut. John R. Lindsey,
Second Lieut. George L. Snelling,
Second Lieut. Dunne L. Tice,
Second Lieut. Jason B. Hart,
Second Lieut. Roland H. Rogers,
Second Lieut. Fred N. Raymond,
Second Lieut. Glenn W. Keith,
Second Lieut. Roscoe C. B. Ellard,
Second Lieut. Robert C. Knowlton,
Second Lieut. Richard H. Pinney,
Second Lieut. Garland C. Black,
Second Lieut. George A. Delaney,
Second Lieut. Keith F. Driscoll,
Second Lieut. Albert G. Hunt,
Second Lieut. Egbert F. Bullene,
Second Lieut. Arthur W. Stanley,
Second Lieut. Harold E. Brailey,
Second Lieut. Carleton Burgess,
Second Lieut. Frederick H. Vandregrift,
Second Lieut. Harry E. Dodge,
Second Lieut. Charles F. Palmer,
Second Lieut. Jay D. D. Marcellus,
Second Lieut. Lewis D. Cooper, jr.,
Second Lieut. Charles J. Davis,
Second Lieut. George W. Outland,
Second Lieut. John M. Moose, jr.,
Second Lieut. Nelson R. Perry,
Second Lieut. Innes Randolph,
Second Lieut. Carl B. Byrd,
Second Lieut. Thomas Brady, jr.,
Second Lieut. Gilbert X. Cheves,
Second Lieut. Wingate Battle,
Second Lieut. Harold B. Wharfield,
Second Lieut. Wade C. Gatchell,
Second Lieut. Henry G. White,
Second Lieut. Norman D. Twichell,
Second Lieut. Andrew J. Wynne,
Second Lieut. Howard C. Wiener,
Second Lieut. Walter F. Goodman,
Second Lieut. Thomas M. Benson,
Second Lieut. Edward F. Porter,
Second Lieut. Lucian K. Truscott, jr.,
Second Lieut. Ralph E. Alstead,
Second Lieut. Arthur S. Kelley,
Second Lieut. James H. Akerman,
Second Lieut. Raymond T. Connell,
Second Lieut. James N. W. McClure,
Second Lieut. Gabriel R. Mead,
Second Lieut. Millard G. Harnden,
Second Lieut. David McK. Wilson,
Second Lieut. Leonard M. Mertz,
Second Lieut. Ernest A. Williams,
Second Lieut. Daniel H. McCarthy,
Second Lieut. Slocum Kingsbury,
Second Lieut. George H. Millholland,
Second Lieut. Gardiner S. Platt,
Second Lieut. Roy I. Phares,
Second Lieut. Donald R. Dunkle,
Second Lieut. Chester E. Davis,
Second Lieut. Holmes G. Paullin,
Second Lieut. Francis R. Kenney,
Second Lieut. Monroe P. Smith,
Second Lieut. John H. Irving,
Second Lieut. Evan D. Cameron, jr.,
Second Lieut. William F. McLaughlin,
Second Lieut. Glenn S. Finley,

Second Lieut. Manly F. Meador,
Second Lieut. Ernest F. Sexton,
Second Lieut. Stephen W. Davis,
Second Lieut. Lynn B. Conde,
Second Lieut. Clarence B. Werts,
Second Lieut. Henry R. Miller, jr.,
Second Lieut. John H. G. Reily,
Second Lieut. Charles H. Unger,
Second Lieut. William D. Tabor,
Second Lieut. Horace S. King,
Second Lieut. Edward M. Fickett,
Second Lieut. James C. Van Ingen,
Second Lieut. Callie H. Palmer,
Second Lieut. Charles R. Chase,
Second Lieut. Thomas F. Mishou, jr.,
Second Lieut. Robert B. Jackson,
Second Lieut. Christopher C. Strawn,
Second Lieut. Allyn R. Brownson,
Second Lieut. John R. Breitinger,
Second Lieut. Robert D. Beer,
Second Lieut. Alfred J. de Lorimier,
Second Lieut. George S. Warren,
Second Lieut. William O. Coleman,
Second Lieut. Herbert R. Sargent,
Second Lieut. John E. Ketchum,
Second Lieut. Arwed C. Baltzer,
Second Lieut. James W. Ewing,
Second Lieut. Wallace Van Cleave,
Second Lieut. Karl W. Curtis,
Second Lieut. Carl E. Rankin,
Second Lieut. Richard E. Tallant,
Second Lieut. Nelson M. Utley,
Second Lieut. John A. McDonald,
Second Lieut. Henry H. Cheshire,
Second Lieut. Nathan B. Reynolds,
Second Lieut. John Andrew Wood,
Second Lieut. Venable Moore,
Second Lieut. Guy L. Furr,
Second Lieut. Walter McL. Robinson,
Second Lieut. John S. Peters,
Second Lieut. Herbert L. Earnest,
Second Lieut. Verne Austin,
Second Lieut. Willis H. Ryder,
Second Lieut. Alden H. Torrey,
Second Lieut. Morris T. Whitmore,
Second Lieut. Samuel Lensk, jr.,
Second Lieut. Guy E. Dillard,
Second Lieut. Ray T. Maddocks,
Second Lieut. Thomas A. Frazier,
Second Lieut. Victor R. Sladek,
Second Lieut. James W. Husted, jr.,
Second Lieut. Richard N. Atwell,
Second Lieut. William Elliott, jr.,
Second Lieut. Thomas B. Locke,
Second Lieut. Morris S. Daniels, jr.,
Second Lieut. Frank S. Pope,
Second Lieut. Harold G. Davis,
Second Lieut. Robert M. Cherry,
Second Lieut. Roger W. Sawyer,
Second Lieut. John H. Welsh,
Second Lieut. Edwin J. Kratzenberg,
Second Lieut. Robert D. Coye,
Second Lieut. Almet F. Jenks, jr.,
Second Lieut. James P. Gifford,
Second Lieut. Vern Hinkley,
Second Lieut. Charles C. Allen, jr.,
Second Lieut. A. Herman Stump,
Second Lieut. John O. Lawrence,
Second Lieut. Charles W. Glover,
Second Lieut. William R. Evans,
Second Lieut. John K. Gailey, jr.,
Second Lieut. Warren L. Shumaker,
Second Lieut. Charles R. Simmons,
Second Lieut. James Van V. Shafelt,
Second Lieut. William H. Davidson,
Second Lieut. Herbert A. Welch,
Second Lieut. Hobart R. Gay,
Second Lieut. Rutherford L. Hammond,
Second Lieut. Paul H. Alling,
Second Lieut. Ervin W. Harrison, jr.,
Second Lieut. Raymond G. Clark,
Second Lieut. Elisha C. Wattles,
Second Lieut. Brooks Shumaker,
Second Lieut. Parker G. Tenney,
Second Lieut. George P. Pattison,
Second Lieut. Mordaunt V. Turner,
Second Lieut. Norman E. Waldron,
Second Lieut. Herbert J. Burke,
Second Lieut. Leo L. Gocker,
Second Lieut. Carleton Swansey,
Second Lieut. John H. Ransdell,
Second Lieut. Edwin W. Godbold,
Second Lieut. Louis G. Forney,
Second Lieut. Hugh Brooks,
Second Lieut. John G. White,
Second Lieut. Edwin W. Meise,
Second Lieut. Raymond C. Gibbs,
Second Lieut. Leo F. Crane,
Second Lieut. Harry C. Boden,
Second Lieut. Robert Driscoll,
Second Lieut. Rohland A. Isker,
Second Lieut. James M. Graham, jr.,
Second Lieut. Wallace G. Corwin,
Second Lieut. Robert R. Maxwell,
Second Lieut. Peter D. Larson,
Second Lieut. Charles A. Horger,
Second Lieut. Robert O. Wright,
Second Lieut. Arthur D. Soper,
Second Lieut. Conrad G. Wall,
Second Lieut. Andrew Wilson, jr.,
Second Lieut. Roger L. Branham,
Second Lieut. Harold A. Davis,
Second Lieut. Lloyd A. Houchin,
Second Lieut. Charlie E. Hart,
Second Lieut. Richard T. Lyons,
Second Lieut. Hugh A. Barnhart,
Second Lieut. James W. Jenkins,
Second Lieut. George H. Howard, jr.,
Second Lieut. Frank Wideman,
Second Lieut. Arthur C. Crunden,
Second Lieut. James Parker,
Second Lieut. James T. Donald,
Second Lieut. Edward G. Knowles,
Second Lieut. Guy T. O. Hollyday,
Second Lieut. Francis V. Terry,
Second Lieut. Tolman D. Wheeler,
Second Lieut. Charles E. Dissinger,
Second Lieut. Martin G. Charles,
Second Lieut. Earl M. Abbott,
Second Lieut. Harvey M. Brenks,
Second Lieut. Williamson W. Simons,
Second Lieut. Robert B. Kerr,
Second Lieut. Samuel V. H. Danzig,
Second Lieut. George F. Neilson,
Second Lieut. Dean A. Jones,
Second Lieut. Hugh F. Conrey,
Second Lieut. Callistus J. Ennis,
Second Lieut. Venance Le May,
Second Lieut. Edward L. Morss,
Second Lieut. Paul C. Febiger,
Second Lieut. David N. Sutton,
Second Lieut. Alexander D. Mason,
Second Lieut. William E. Duke,
Second Lieut. Earle L. Hazard,
Second Lieut. Paul J. King,
Second Lieut. Harry E. Pendleton,
Second Lieut. Thomas McP. Glasgow,
Second Lieut. John McLean,
Second Lieut. Fred T. Cunningham,
Second Lieut. Benton F. Manday,
Second Lieut. Gyles Merrill,
Second Lieut. William C. Bowie,
Second Lieut. Wilfred E. Willis,
Second Lieut. John B. Seaton,
Second Lieut. Thomas B. Sweeney,
Second Lieut. Richard S. Miesse,
Second Lieut. James M. Adamson, jr.,
Second Lieut. Charles E. Sheldrake,
Second Lieut. Kenneth M. Harris,
Second Lieut. Max. H. Nippel,
Second Lieut. Charles M. Stewart, 3d,
Second Lieut. Philip S. Wendock,
Second Lieut. Stewart F. Miller,
Second Lieut. Joe C. Rogers,
Second Lieut. Frank A. Allen, jr.,
Second Lieut. Matthew Griswold, 3d,
Second Lieut. Guy O. Kurtz,
Second Lieut. Louis J. Compton,
Second Lieut. Frederick Sanborn,
Second Lieut. Clarence A. Lefferts,

Second Lieut. Nables F. Ryan,
Second Lieut. George W. Barber,
Second Lieut. Francis M. Weld,
Second Lieut. Read Wipprecht,
Second Lieut. Claire M. Daugherty,
Second Lieut. Ceylon O. Griffin,
Second Lieut. Edward E. Hamilton,
Second Lieut. Erle F. Cress,
Second Lieut. Dimetrio P. Harkins,
Second Lieut. Harold G. Hathaway,
Second Lieut. Bruce M. McDill,
Second Lieut. Loren F. Parmley,
Second Lieut. Edward Herendeen,
Second Lieut. Floyd M. Friar,
Second Lieut. John A. Anheier,
Second Lieut. Grayson H. Bowers,
Second Lieut. Thomas W. Herren,
Second Lieut. Alfred R. Teter,
Second Lieut. Harry G. Clarke,
Second Lieut. Alden H. Seabury,
Second Lieut. Fred W. Koester,
Second Lieut. Clarence A. Shannon,
Second Lieut. Alexander B. MacNabb,
Second Lieut. Charles C. McCall,
Second Lieut. William N. Todd, jr.,
Second Lieut. Walton W. Cox,
Second Lieut. Dudley Miller,
Second Lieut. John K. Egan,
Second Lieut. Thomas R. Taber,
Second Lieut. Earl W. Henderson,
Second Lieut. Ross E. Larsen,
Second Lieut. Charles W. Burton,
Second Lieut. Harry D. Bishop,
Second Lieut. John S. McCloy, and
Second Lieut. Samuel G. Mitchell.

INFANTRY.

To be captains.

First Lieut. Willis E. Comfort,
First Lieut. Leven C. Allen,
First Lieut. Joseph Quesenberry,
First Lieut. Robert O. Jones,
First Lieut. Oliver A. Hess,
First Lieut. Edward A. Allen,
First Lieut. Carroll M. DeWitt,
First Lieut. George L. Pepin,
First Lieut. Clarence B. Carver,
First Lieut. Jedediah H. Hills,
First Lieut. Edwin E. Schwien,
First Lieut. Dan D. Howe,
First Lieut. John E. Copeland,
First Lieut. Lloyd N. Keesling,
First Lieut. John H. Humbert,
First Lieut. Joseph L. Lancaster,
First Lieut. David R. Kerr,
First Lieut. Everett G. Smith,
First Lieut. Lyman S. Frasier,
First Lieut. Howard E. Hawkinson,
First Lieut. Julius A. Mood, jr.,
First Lieut. Sidney S. Eberle,
First Lieut. Joseph N. Dalton,
First Lieut. Charles N. Stevens,
First Lieut. James S. Bailey,
First Lieut. Henry C. Long, jr.,
First Lieut. William E. Lucas, jr.,
First Lieut. Victor Parks,
First Lieut. Walter A. Pashkoski,
First Lieut. Roscius H. Back,
First Lieut. Oscar F. Carlson,
First Lieut. Richard G. Tindall,
First Lieut. Roy L. Taylor,
First Lieut. Leander R. Hathaway,
First Lieut. German W. Lester,
First Lieut. Karl Engeldinger,
First Lieut. Francis A. Byrne,
First Lieut. Harry J. Selby,
First Lieut. Farragut F. Hall,
First Lieut. Orville M. Moore,
First Lieut. Walter R. McClure,
First Lieut. Charles E. Speer,
First Lieut. Baldwin Williams-Foote,
First Lieut. Edmund Wilhelm,
First Lieut. George H. Butler,
First Lieut. Frank C. Foley,
First Lieut. Leonard R. Boyd,
First Lieut. Withers A. Burress,
First Lieut. Arthur J. Hoffmann,
First Lieut. Harry L. Bennett, jr.,
First Lieut. Joseph J. McConville,
First Lieut. John C. Platt, jr.,
First Lieut. Thomas H. Ward,
First Lieut. Edward H. Nichols,
First Lieut. Lawrence B. Glascow,
First Lieut. Alfred D. Hayden,
First Lieut. Melville W. F. Wallace,
First Lieut. Paul M. Ellis,
First Lieut. Kirk A. Metzerott,
First Lieut. Thomas E. Mount,
First Lieut. John P. Pryor,
First Lieut. Jewett C. Baker,
First Lieut. Robert B. Moore,
First Lieut. Charles W. Jones,
First Lieut. Edward H. Cotcher,
First Lieut. Robert S. Miller,
First Lieut. Paul N. Starlings,
First Lieut. Charles Porterfield, jr.,
First Lieut. Sevier R. Tupper,
First Lieut. Frank E. Royse,
First Lieut. Lawrence F. Stone,
First Lieut. Aaron J. Becker,
First Lieut. Wilson M. Spann,
First Lieut. James V. Ware,
First Lieut. Robert W. Brown,
First Lieut. James R. Manning,
First Lieut. Charles L. Steel,
First Lieut. Stuart R. Carswell,
First Lieut. Gilbert S. Harter,
First Lieut. John W. Cotton,
First Lieut. Ralph E. Wallace,
First Lieut. Lawrence W. Fagg,
First Lieut. Maury Mann,
First Lieut. Rupert L. Purdon,
First Lieut. Richard S. Jones,
First Lieut. William C. Hanna,
First Lieut. Leon C. Harer,
First Lieut. Edwin M. Scott,
First Lieut. Paul J. Dowling,
First Lieut. John H. Jones,
First Lieut. Rufus E. Wicker,
First Lieut. Charles L. Briscoe,
First Lieut. Hermann C. Dempewolf,
First Lieut. Frank E. Hinton,
First Lieut. Frank P. Tuohy,
First Lieut. John R. Hermann,
First Lieut. Louis T. Roberts,
First Lieut. James M. Palmer,
First Lieut. Ralph A. W. Pearson,
First Lieut. Alfred Millard,
First Lieut. Harry H. Ambs,
First Lieut. William H. Bittenbender,
First Lieut. Raymond H. Bishop,
First Lieut. James A. Summersett, jr.,
First Lieut. Hugh C. Gilchrist,
First Lieut. Allen T. Veatch,
First Lieut. Sigurd J. Simonsen,
First Lieut. Thomas G. Bond,
First Lieut. John E. Haywood,
First Lieut. Willis H. Hale,
First Lieut. Noe C. Killian,
First Lieut. Lindsay P. Johns,
First Lieut. Walter R. Mann,
First Lieut. Henry W. Lee,
First Lieut. Charles A. Shamotulski,
First Lieut. Sidney F. Mashbir,
First Lieut. William P. Scobey,
First Lieut. William C. Moore,
First Lieut. Albion Smith,
First Lieut. Le Roy Lutes,
First Lieut. Edwin D. Patrick,
First Lieut. Herman F. Kramer,
First Lieut. Clarence P. Evers,
First Lieut. William H. Coacher,
First Lieut. Edward S. Johnston,
First Lieut. John T. Henderson,
First Lieut. Ray P. Harrison,
First Lieut. Daniel M. Cheston, jr.,
First Lieut. Kirke B. Everson,
First Lieut. John C. Daly,
First Lieut. Paul E. Peabody,
First Lieut. Albert F. Christensen,

First Lieut. William S. Maxwell,
First Lieut. Ernest H. Burt,
First Lieut. Frederick R. Baker,
First Lieut. James D. Basey,
First Lieut. Ray M. O'Day,
First Lieut. Alan Pendleton,
First Lieut. Merritt E. Olmstead,
First Lieut. Benjamin F. Caffey, jr.,
First Lieut. Haydn P. Mayers,
First Lieut. Rogers M. Wilson,
First Lieut. Henry E. Mosher,
First Lieut. Albin K. Kupfer,
First Lieut. Augustine J. Zerbee,
First Lieut. Frank A. Heileman,
First Lieut. Arthur B. Hutchinson,
First Lieut. Lauritz D. Simonson,
First Lieut. Carl R. Perkins,
First Lieut. Franklin W. Cheney,
First Lieut. George F. Wellage,
First Lieut. Alfred F. Biles, jr.,
First Lieut. Charles T. Hearin,
First Lieut. Hugh M. Davis,
First Lieut. John F. Fredin, jr.,
First Lieut. James B. Wise, jr.,
First Lieut. Harry L. Kimmel,
First Lieut. Clarence M. Culp,
First Lieut. Robert D. Horton,
First Lieut. Charles B. Kehoe,
First Lieut. Philip S. Wood,
First Lieut. Harvey C. Kearney,
First Lieut. Arthur P. Jervey,
First Lieut. Starr S. Eaton,
First Lieut. Oliver F. Holden,
First Lieut. Thomas L. Lamoreaux,
First Lieut. Daniel N. Murphy,
First Lieut. Adlai C. Young,
First Lieut. Alexander N. Stark, jr.,
First Lieut. Clinton I. McClure,
First Lieut. Roy C. L. Graham,
First Lieut. Lloyd B. Russell,
First Lieut. George R. Barker,
First Lieut. John E. Gough,
First Lieut. Leonard A. Smith,
First Lieut. John W. Thompson,
First Lieut. Philip Overstreet,
First Lieut. Lara P. Good,
First Lieut. George A. McDonald,
First Lieut. George M. Wright, jr.,
First Lieut. Archie A. Farmer,
First Lieut. John T. Fisher,
First Lieut. Edwin E. Elliott,
First Lieut. Charles S. Ferrin,
First Lieut. George W. Titus,
First Lieut. John C. Adams,
First Lieut. Robert G. Ervin,
First Lieut. Edward L. McKee, jr.,
First Lieut. Robert W. Nix, jr.,
First Lieut. Francis E. Dougherty,
First Lieut. Lyman L. Parks,
First Lieut. John T. Murray,
First Lieut. Warfield M. Lewis,
First Lieut. Joseph L. Collins,
First Lieut. James O. Green, jr.,
First Lieut. Daves Rossell,
First Lieut. Harold M. White,
First Lieut. Lincoln F. Daniels,
First Lieut. Frederick A. Irving,
First Lieut. Matthew B. Ridgway,
First Lieut. Richard M. Wightman,
First Lieut. Charles W. Yuill,
First Lieut. William W. Eagles,
First Lieut. Francis A. Markoe,
First Lieut. John J. McEwan,
First Lieut. John A. Stewart,
First Lieut. George W. Sackett,
First Lieut. Francis G. Bonham,
First Lieut. Norman D. Cota,
First Lieut. Robert B. Ransom,
First Lieut. Carleton Coulter, jr.,
First Lieut. James H. Frier, jr.,
First Lieut. Leo J. Erler,
First Lieut. Robert D. Newton,
First Lieut. Willis R. Slaughter,
First Lieut. George H. Weems,
First Lieut. Roy L. Bowlin,
First Lieut. William C. McMahon,
First Lieut. Francis M. Brennan,
First Lieut. Milton B. Halsey,
First Lieut. Charles L. Mullins, jr.,
First Lieut. Thomas S. Sinkler, jr.,
First Lieut. George F. Wooley, jr.,
First Lieut. Sterling A. Wood, jr.,
First Lieut. William F. Redfield,
First Lieut. Mark W. Clark,
First Lieut. Stewart W. Hoover,
First Lieut. David S. Rumbough,
First Lieut. Francis J. Heraty,
First Lieut. Donovan Swanton,
First Lieut. Francis A. Macon, jr.,
First Lieut. Laurence B. Keiser,
First Lieut. Homer C. Brown,
First Lieut. Clare H. Armstrong,
First Lieut. Harris M. Melasky,
First Lieut. Sidney H. Young,
First Lieut. John C. Whitcomb,
First Lieut. Wallace J. Redner,
First Lieut. Charles D. Lewis,
First Lieut. Edward W. Leonard,
First Lieut. Paul H. Brown,
First Lieut. William S. Eley,
First Lieut. Paul W. York,
First Lieut. Ferdinand G. von Kummer, jr.,
First Lieut. Joseph P. Sullivan,
First Lieut. Henry H. Chapman,
First Lieut. Asa P. Pope,
First Lieut. Edwin H. Clark,
First Lieut. Lewis Perrine,
First Lieut. Clarke K. Fales,
First Lieut. John A. Weishample,
First Lieut. Malcolm B. Helm,
First Lieut. Madison Pearson,
First Lieut. John M. Boon,
First Lieut. Roger Hilsman,
First Lieut. Holmes E. Duger,
First Lieut. James E. Allison,
First Lieut. Harry E. Fisher,
First Lieut. Thomas L. Alexander,
First Lieut. Charles E. Ravens,
First Lieut. Charles H. Jones,
First Lieut. Roger Williams, jr.,
First Lieut. Harry D. Hildebrand,
First Lieut. William Hones, jr.,
First Lieut. John J. Bethurum,
First Lieut. John L. Cootey,
First Lieut. Albert C. Anderson,
First Lieut. William H. Joiner,
First Lieut. Hugh P. Schiveley,
First Lieut. John D. Joanidy,
First Lieut. Gilmer M. Bell,
First Lieut. Manley Lawton,
First Lieut. Roy Sloan,
First Lieut. Bryce F. Martin,
First Lieut. Harold C. Hoopes,
First Lieut. Henley Schick,
First Lieut. Glenn D. Hafford,
First Lieut. Paul R. Hudson,
First Lieut. William R. Dwyer,
First Lieut. Hanon F. Combs,
First Lieut. William E. Fentress,
First Lieut. Ralph Hall,
First Lieut. Mahlon G. Frost,
First Lieut. Benjamin H. Hensley,
First Lieut. Hawthorne C. Gray,
First Lieut. Donald J. Neumiller,
First Lieut. Orland S. O'Neal,
First Lieut. Otto Kramer,
First Lieut. George D. Ramsey,
First Lieut. Jerome Pickett,
First Lieut. Lebbens M. Cornish,
First Lieut. Leon F. Stevens,
First Lieut. William S. Rumbough,
First Lieut. George A. Murray,
First Lieut. Joseph E. Young,
First Lieut. Henry T. J. Welshaar,
First Lieut. Cyrus A. Hay,
First Lieut. Benjamin J. Holt, jr.,
First Lieut. Newton D. Hathaway,
First Lieut. Byron W. Fuller,
First Lieut. John E. Stulken,
First Lieut. Herman H. Meyer,

First Lieut. Carleton More,
First Lieut. Edward P. Sheppard,
First Lieut. Henry J. Matchett,
First Lieut. John H. Strickland,
First Lieut. Vincent S. Burton,
First Lieut. Griffith Wight,
First Lieut. Curtis P. Miller,
First Lieut. William Ernst,
First Lieut. John W. Bulger,
First Lieut. Roy W. Voege,
First Lieut. Taylor M. Uhler,
First Lieut. Roy G. Gordon,
First Lieut. Vernon L. Burge,
First Lieut. Simon Fostiak,
First Lieut. Edwin L. Dittmar,
First Lieut. Crosby N. Elliott,
First Lieut. Ernest R. Marvel,
First Lieut. Frank M. Child,
First Lieut. Raymond L. Price,
First Lieut. Frederic M. Lee,
First Lieut. Hurley E. Fuller,
First Lieut. Larry McHale,
First Lieut. Arthur M. O'Connor,
First Lieut. John P. Horan,
First Lieut. James H. S. Wells,
First Lieut. Augustus B. O'Connell,
First Lieut. Charles C. Fitzhugh,
First Lieut. Thomas L. McMurray,
First Lieut. Hiram G. Fry,
First Lieut. Paul E. Jackson,
First Lieut. Richard W. Cooksey,
First Lieut. Homer S. Youngs,
First Lieut. Edwin W. Grimmer,
First Lieut. William H. Clark,
First Lieut. Frank E. Haskell,
First Lieut. Lloyd D. Brown,
First Lieut. Roy C. Hilton,
First Lieut. Raymond E. O'Neill,
First Lieut. Justin S. Hemenway,
First Lieut. William A. Shely,
First Lieut. Corwin C. Smith,
First Lieut. John U. Ayotte,
First Lieut. Charles H. Barnwell, jr.,
First Lieut. Henry A. Schwarz,
First Lieut. Edward G. Herlihy,
First Lieut. Arnold J. Funk,
First Lieut. George M. Ferris,
First Lieut. Edwin L. MacLean,
First Lieut. Norman Minus,
First Lieut. Ernest N. Stanton,
First Lieut. Thomas C. O'Malley,
First Lieut. Newell R. Fiske,
First Lieut. Philip B. Harrigan,
First Lieut. John D. Hill,
First Lieut. Frank W. Gano,
First Lieut. John L. Pierce,
First Lieut. Donald K. Mason,
First Lieut. John J. Atkinson,
First Lieut. Lowell W. Rooks,
First Lieut. Claude J. Hayden,
First Lieut. Samuel D. Bedinger,
First Lieut. Alpheus E. W. Harrison,
First Lieut. Malcolm V. Fortier,
First Lieut. Edward C. Allworth,
First Lieut. Roland W. Wittman,
First Lieut. Julian R. Orton,
First Lieut. Reginald N. Hamilton,
First Lieut. John W. Nicholson,
First Lieut. Thomas A. Young,
First Lieut. Charles H. Lee,
First Lieut. Ray B. Conner,
First Lieut. James S. Moore,
First Lieut. Franklin H. Woody,
First Lieut. Herbert L. Landolt,
First Lieut. Samuel W. Sowerbutts,
First Lieut. Will Van S. Parks,
First Lieut. Charles B. Kelly,
First Lieut. Malcolm M. Maner,
First Lieut. John L. McKee,
First Lieut. Glenn L. Allen,
First Lieut. Charles R. Jones,
First Lieut. Willard S. Paul,
First Lieut. Moritz A. R. Loth,
First Lieut. Robert H. Chance,
First Lieut. Claude W. Shelton,
First Lieut. Harry G. Hodgkins, jr.,
First Lieut. Vincent P. Rousseau,
First Lieut. March H. Houser,
First Lieut. Lamont Davis,
First Lieut. James B. Golden,
First Lieut. Edwin B. Banister,
First Lieut. Wilfrid R. Higgins,
First Lieut. Eldon P. King,
First Lieut. Frederick S. Matthews,
First Lieut. Arthur P. Sibold,
First Lieut. Francis M. Lasseigne,
First Lieut. Walter Hellmers,
First Lieut. Jesse P. Green,
First Lieut. Howard W. Turner,
First Lieut. William A. Taber,
First Lieut. P. Barbour Peyton, jr.,
First Lieut. Henry G. Sebastian,
First Lieut. Wesley C. Brigham,
First Lieut. William M. Goldston,
First Lieut. Cyrus H. Searcy,
First Lieut. Theodore Kelly,
First Lieut. Leon E. Norris,
First Lieut. David M. Hunter,
First Lieut. J. Harold Fleischhauer,
First Lieut. Tasso W. Swartz,
First Lieut. Edward W. McCaskey, jr.,
First Lieut. Ward C. Goessling,
First Lieut. Curley P. Duson,
First Lieut. Richard D. Daugherity,
First Lieut. Walter R. Graham,
First Lieut. Albert H. Peyton,
First Lieut. Patrick Houstoun,
First Lieut. Miron J. Rockwell,
First Lieut. Peter Wirtz,
First Lieut. Allen W. Stradling,
First Lieut. Robert V. Tackabury,
First Lieut. James P. Murphy,
First Lieut. Gustav A. M. Anderson,
First Lieut. William E. Kepner,
First Lieut. William C. Peters,
First Lieut. Francis L. Hill,
First Lieut. Charles M. Parkin,
First Lieut. Jacob E. Bechtold,
First Lieut. Neal C. Johnson,
First Lieut. John E. McCarthy,
First Lieut. Leo M. Daly,
First Lieut. Norman P. Groff,
First Lieut. Glenn A. Ross,
First Lieut. Donald J. Myers,
First Lieut. Vic K. Burriss,
First Lieut. Francis A. Woolfley,
First Lieut. Carl B. Schmidt,
First Lieut. Leslie L. Connett,
First Lieut. Owen R. Rhoads,
First Lieut. Joe L. Ostrander,
First Lieut. Carl E. Driggers,
First Lieut. Carl G. Lewis,
First Lieut. John D. Burris,
First Lieut. Harry V. Hand,
First Lieut. Frederick V. Edgerton,
First Lieut. Anthony O. Adams,
First Lieut. George A. Stockton,
First Lieut. Charles W. Neues,
First Lieut. George R. Brown, jr.,
First Lieut. Oscar A. Burton,
First Lieut. Harold W. Kelty,
First Lieut. William H. Valentine,
First Lieut. George N. Munro,
First Lieut. Herbert Boyer,
First Lieut. Myron W. Sherman,
First Lieut. Woodworth B. Allen,
First Lieut. Robert Ferris,
First Lieut. William E. Shaw,
First Lieut. Lee B. Woolford,
First Lieut. Ned Blair,
First Lieut. Ernest A. Kinderwater,
First Lieut. Oscar M. McDole,
First Lieut. Jared I. Wood,
First Lieut. Henry H. Ranson,
First Lieut. Gordon C. Irwin,
First Lieut. Elbridge G. Chapman, jr.,
First Lieut. Jacob H. Lawrence,
First Lieut. Everett M. Yon,
First Lieut. Grady H. Pendergrast,
First Lieut. Robert E. Frye,

First Lieut. Cornelius F. Dineen,
First Lieut. John C. Haynes,
First Lieut. George L. Hopkins,
First Lieut. George M. MacMullin,
First Lieut. Harold K. Coulter,
First Lieut. Hugh C. H. Jones,
First Lieut. Otto E. Pentz,
First Lieut. Nicholas Szilagyi,
First Lieut. Williston L. Warren,
First Lieut. Frederick W. Hyde,
First Lieut. Gilbert Good,
First Lieut. Theodore Rayburn, and
First Lieut. Leland S. Hatfield.

To be first lieutenants.

Second Lieut. Roland M. Glenn,
Second Lieut. Harry S. Robertson,
Second Lieut. Lawrence M. Arnold,
Second Lieut. Arthur R. Knott,
Second Lieut. Samuel O'C. Neff,
Second Lieut. Philip E. Brown,
Second Lieut. Olaf P. Winningstad,
Second Lieut. Raymond M. Myers,
Second Lieut. Paul S. Russell,
Second Lieut. Herbert C. Smith,
Second Lieut. Edward N. Mitchell,
Second Lieut. James A. Van Sant,
Second Lieut. William E. Stanley,
Second Lieut. Frank S. Spruill, jr.,
Second Lieut. George A. Davis,
Second Lieut. Laurin L. Williams,
Second Lieut. George Van W. Pope,
Second Lieut. Edwin M. Allison,
Second Lieut. George E. Butler,
Second Lieut. Edgar L. Clewell,
Second Lieut. Herbert A. Buermeyer,
Second Lieut. Leo R. Moody,
Second Lieut. William McL. Christie,
Second Lieut. Leon D. Gibbens,
Second Lieut. Mark M. Grubbs,
Second Lieut. Robert A. Kinloch,
Second Lieut. Joel R. Burney,
Second Lieut. Franklin P. Shaw,
Second Lieut. Winfield H. Scott,
Second Lieut. Arthur G. Davidson,
Second Lieut. Harold A. White,
Second Lieut. Campbell N. Jackson,
Second Lieut. Joel A. Fite,
Second Lieut. James A. Black,
Second Lieut. Clarence R. Peck,
Second Lieut. Glenn G. Hall,
Second Lieut. Charles C. Gillette,
Second Lieut. Walace E. Hawkins,
Second Lieut. Ralph M. McFaul,
Second Lieut. Forrest P. Barrett,
Second Lieut. Beal H. Siler,
Second Lieut. Emmett G. Lenihan,
Second Lieut. Edward Hines, jr.,
Second Lieut. Bird Little,
Second Lieut. Evan C. Williams,
Second Lieut. James A. O'Neill,
Second Lieut. Coulter M. Montgomery,
Second Lieut. Elnar W. Chester,
Second Lieut. James A. Griffin,
Second Lieut. Guy C. McKinley, jr.,
Second Lieut. Gordon P. Savage,
Second Lieut. Harold H. McClune,
Second Lieut. Kingsley Barham,
Second Lieut. Lester E. MacGregor,
Second Lieut. Harold P. Gibson,
Second Lieut. Lloyd R. Besse,
Second Lieut. Willard J. Mason,
Second Lieut. Percival R. Bowey,
Second Lieut. Hugh M. Elmendorf,
Second Lieut. William N. Given,
Second Lieut. Charles F. Sutherland,
Second Lieut. Lance E. Gowen,
Second Lieut. Edward P. Hayward,
Second Lieut. Gilbert E. Parker,
Second Lieut. Francis B. Myer,
Second Lieut. Arthur S. Nevins,
Second Lieut. Gustave Villaret, jr.,
Second Lieut. Horace E. Watson,
Second Lieut. Lester A. Webb,
Second Lieut. Royal C. Carpenter,
Second Lieut. Edwin S. Van Deusen,
Second Lieut. Robert S. Boykin,
Second Lieut. Edward M. Ford,
Second Lieut. William L. Phillips,
Second Lieut. George A. Hunt,
Second Lieut. Kenneth G. Reynolds,
Second Lieut. Robert H. Warren, jr.,
Second Lieut. Vyse B. Whedon,
Second Lieut. John Walcott,
Second Lieut. Philip H. Condit,
Second Lieut. John E. Dahlquist,
Second Lieut. Russell S. Fisher,
Second Lieut. Luther K. Brice,
Second Lieut. John M. Dale,
Second Lieut. Jack Edward Duke, jr.,
Second Lieut. Tom S. Brand,
Second Lieut. Charles M. Ankcorn,
Second Lieut. James R. Urquhart,
Second Lieut. John W. Saladine, jr.,
Second Lieut. Morrill W. Marston,
Second Lieut. Morrison C. Wood,
Second Lieut. Alymer B. Atkins,
Second Lieut. Robert Robinson,
Second Lieut. John D. Filley, jr.,
Second Lieut. William E. Bergin,
Second Lieut. John O. Crose,
Second Lieut. Samuel R. Epperson,
Second Lieut. Leslie F. Tanner,
Second Lieut. Frederick L. Bramlette,
Second Lieut. Benjamin W. Venable,
Second Lieut. Myron E. Bagley,
Second Lieut. John L. Murphy,
Second Lieut. John W. Freels,
Second Lieut. Eugene F. Gillespie,
Second Lieut. George W. Setzer, jr.,
Second Lieut. James B. Mudge,
Second Lieut. Allan H. Snowden,
Second Lieut. Earl L. R. Askam,
Second Lieut. Irvin L. Swanson,
Second Lieut. Philip D. Richmond,
Second Lieut. William W. Timmis,
Second Lieut. Gayle McFadden,
Second Lieut. Burt E. Skeel,
Second Lieut. Henry A. Brickley,
Second Lieut. Thomas P. Barry, jr.,
Second Lieut. Roger Wisner,
Second Lieut. Merril V. Reed,
Second Lieut. A. Pledger Sullivan,
Second Lieut. Douglas O. Langstaff,
Second Lieut. Ralph W. Hickey,
Second Lieut. George K. Page,
Second Lieut. Thomas L. Reese,
Second Lieut. William B. Yancey,
Second Lieut. Leo J. McCarthy,
Second Lieut. Griffin D. Vance,
Second Lieut. Joseph M. O'Grady,
Second Lieut. Clifford R. Wright,
Second Lieut. Donald McG. Marshman,
Second Lieut. John S. Coleman,
Second Lieut. Harrison B. Beavers,
Second Lieut. Elbridge Colby,
Second Lieut. Herbert D. Gibson,
Second Lieut. Goulding K. Wight,
Second Lieut. Harry S. Wilbur,
Second Lieut. Albert S. Johnson,
Second Lieut. Clarence O. Black,
Second Lieut. Paul B. Robinson,
Second Lieut. William L. Coulter,
Second Lieut. Glen E. McCarthey,
Second Lieut. Joseph H. Hinwood, jr.,
Second Lieut. Russell F. Walthour, jr.,
Second Lieut. James C. De Long,
Second Lieut. Joseph P. Lawlor,
Second Lieut. Timothy A. Pedley, jr.,
Second Lieut. Charles N. Owen,
Second Lieut. Charles R. Gideon,
Second Lieut. Archie MacI. Palmer,
Second Lieut. Jack B. Chadwick,
Second Lieut. John R. Bair,
Second Lieut. James S. Varnell,
Second Lieut. Arthur F. Dahlberg,
Second Lieut. Russell C. Chapman,
Second Lieut. Edwin T. Bowden,
Second Lieut. Eugene M. Frederick,

Second Lieut. Cassius H. Styles,
Second Lieut. Fisher S. Harris,
Second Lieut. Frederick J. Sinckford,
Second Lieut. George F. Dashiell,
Second Lieut. Ray Edison Porter,
Second Lieut. Frank E. Barber,
Second Lieut. Julian Erwin,
Second Lieut. John E. Brannan,
Second Lieut. George W. Brodie, jr.,
Second Lieut. Waldron J. Cheyney,
Second Lieut. Edward R. Jobson,
Second Lieut. Albert S. Lewis, jr.,
Second Lieut. Edward S. Couch,
Second Lieut. William J. Devine,
Second Lieut. Edward H. Carpenter, jr.,
Second Lieut. Charles C. Brooks,
Second Lieut. Gordon Kaemmerling,
Second Lieut. Francis R. Holmes,
Second Lieut. William V. Rattan,
Second Lieut. Rosswell E. Hardy,
Second Lieut. Wilbur C. Herbert,
Second Lieut. Ross Martin,
Second Lieut. Alexander McC. Craighead,
Second Lieut. William Mason Smith, jr.,
Second Lieut. James M. Symington,
Second Lieut. Herron W. Miller,
Second Lieut. Maurice R. Fitts,
Second Lieut. Marvin R. Dye,
Second Lieut. Emanuel R. Wilson,
Second Lieut. William I. Truitt,
Second Lieut. Lloyd Zuppann,
Second Lieut. John K. Rice,
Second Lieut. Hammond D. Birks,
Second Lieut. James H. Hagan,
Second Lieut. Lester S. Ostrander,
Second Lieut. Edward T. White,
Second Lieut. Edward A. Whitney,
Second Lieut. Arthur B. Jopson,
Second Lieut. Charles P. Cullen,
Second Lieut. Frederick H. Guarini,
Second Lieut. Roscoe B. Ellis,
Second Lieut. John A. Langan,
Second Lieut. Jeremiah E. Murphy,
Second Lieut. Edward G. Perley,
Second Lieut. Frank M. Conroy,
Second Lieut. Charles S. Johnson,
Second Lieut. Albert R. Boomhower,
Second Lieut. Hugh A. Wear,
Second Lieut. George A. Miller,
Second Lieut. David Loring, jr.,
Second Lieut. Stockbridge C. Hilton,
Second Lieut. James D. Everett,
Second Lieut. Gordon C. King,
Second Lieut. Jackson R. Sharman,
Second Lieut. Harvey C. McClary,
Second Lieut. Willard J. Freeman,
Second Lieut. Jay M. Fields,
Second Lieut. George A. Herkan,
Second Lieut. Samuel C. Thompson,
Second Lieut. Harry W. Caygill,
Second Lieut. Emery St. George,
Second Lieut. John L. Phillips,
Second Lieut. Berthoud Clifford,
Second Lieut. James E. Jeffres,
Second Lieut. Epler C. Mills,
Second Lieut. Harry E. Storms,
Second Lieut. Orlo H. Quinn,
Second Lieut. Ernest R. Hoffmyer,
Second Lieut. John W. Scott,
Second Lieut. Lewis A. Page,
Second Lieut. John M. Battle,
Second Lieut. John R. Sproul,
Second Lieut. Virgil Conkling,
Second Lieut. William R. Silvey,
Second Lieut. Alexander O. Gorder,
Second Lieut. Charles E. Garbrick,
Second Lieut. Forrest A. Roberts,
Second Lieut. Alonzo F. Myers,
Second Lieut. Thomas E. Martin,
Second Lieut. Max J. Berg,
Second Lieut. Thomas J. Guilbeau,
Second Lieut. Hugh J. Hannigan,
Second Lieut. John J. Mathison,
Second Lieut. Milo V. Buchanan,
Second Lieut. Kearie L. Berry,
Second Lieut. William E. Wiley,
Second Lieut. Earl P. Kemp,
Second Lieut. William E. Chickering,
Second Lieut. Wilbur R. McReynolds,
Second Lieut. David D. Barrett,
Second Lieut. William W. Burke,
Second Lieut. Arthur D. Fay,
Second Lieut. William B. Pitts,
Second Lieut. Thomas H. Ramsey,
Second Lieut. Paul D. Davis,
Second Lieut. Lewis B. Rock,
Second Lieut. Gaillard Pinckney,
Second Lieut. Benjamin F. O'Connor, jr.,
Second Lieut. Fred C. Milner,
Second Lieut. William P. Driskell, jr.,
Second Lieut. George K. Bowden,
Second Lieut. Lloyd Wallace Georgeson,
Second Lieut. Francis M. Darr,
Second Lieut. William C. Webster,
Second Lieut. Francis T. Ward,
Second Lieut. Frederick W. Wendt,
Second Lieut. William C. Thurman,
Second Lieut. Robert E. Shideler,
Second Lieut. Oliver W. Fannin,
Second Lieut. Charles F. Craig,
Second Lieut. Arthur L. Turner,
Second Lieut. Hendeson D. Emery,
Second Lieut. Oscar K. Wolber,
Second Lieut. Russell Slocum,
Second Lieut. Karl Eugene Henion,
Second Lieut. Thomas L. Creekmore,
Second Lieut. George O. Clark,
Second Lieut. William C. Stettinius,
Second Lieut. Russell J. Potts,
Second Lieut. William H. Craig,
Second Lieut. John R. Schwartz,
Second Lieut. Thaddeus C. Knight,
Second Lieut. Ollie W. Reed,
Second Lieut. Frank E. Boyd,
Second Lieut. Louis W. Maddox,
Second Lieut. Clark O. Tayntor,
Second Lieut. Ernest Eugene Stansbery,
Second Lieut. Malvern J. Nabb,
Second Lieut. Andrew H. Hilgartner,
Second Lieut. John C. Glithero,
Second Lieut. Eugene P. Watkins,
Second Lieut. Richard N. Armstrong,
Second Lieut. Philip J. Sexton,
Second Lieut. W. Fulton Magill, jr.,
Second Lieut. Harry Curry,
Second Lieut. Ethan A. Shepley,
Second Lieut. Otis B. Adams,
Second Lieut. Millard F. Staples,
Second Lieut. Hugh H. Drake,
Second Lieut. Joseph H. Kelleher,
Second Lieut. Benjamin R. Sleeper,
Second Lieut. James J. Kelley,
Second Lieut. Walter B. Furiss,
Second Lieut. Robert J. Wagoner,
Second Lieut. William E. Vernon,
Second Lieut. Felix V. Embree,
Second Lieut. William T. Makinson,
Second Lieut. Clarence E. Allen, jr.,
Second Lieut. George F. Herrick,
Second Lieut. Joseph W. McCall, jr.,
Second Lieut. John R. Hunneman,
Second Lieut. Winfred E. Merriam,
Second Lieut. Laurence MacH. Tharp,
Second Lieut. Clive A. Wray,
Second Lieut. Donald P. Vail,
Second Lieut. Thomas B. Steel,
Second Lieut. Douglas B. Baker,
Second Lieut. Harold H. White,
Second Lieut. Thomas W. Butler,
Second Lieut. Everett Busch,
Second Lieut. Frank G. Busteed,
Second Lieut. Frank L. Scott, jr.,
Second Lieut. John W. Heisse,
Second Lieut. Douglas G. McGrath,
Second Lieut. Stephen C. Peabody,
Second Lieut. Max Bernstein,
Second Lieut. Herschel V. Johnson,
Second Lieut. William B. Clark,
Second Lieut. Stewart D. Hervey,
Second Lieut. James L. Blanding,

Second Lieut. Frank J. Pearson,
Second Lieut. J. Gordon Hussey,
Second Lieut. Lester T. Miller,
Second Lieut. Leo Donovan,
Second Lieut. George E. Kirk,
Second Lieut. Frank W. Hayes,
Second Lieut. Vincent Rochester Bartlett,
Second Lieut. Samuel M. Beniss,
Second Lieut. Richard L. Holbrook,
Second Lieut. James K. Hoyt, jr.,
Second Lieut. Julian G. Hart,
Second Lieut. William M. Leffingwell,
Second Lieut. John T. Sunstone,
Second Lieut. Arthur B. McDaniel,
Second Lieut. Harold H. Schaper,
Second Lieut. Randall T. Kendrick,
Second Lieut. Percy McCay Vernon,
Second Lieut. Samuel W. Perrott,
Second Lieut. Jay A. Richardson,
Second Lieut. Milton Whitney, jr.,
Second Lieut. Emile J. Boyer,
Second Lieut. Harry M. Bardin,
Second Lieut. Joseph P. Guillet,
Second Lieut. Leander Ferrest Conley,
Second Lieut. Paul P. Reily,
Second Lieut. Peter J. Lloyd,
Second Lieut. Paul S. Buchanan,
Second Lieut. Cranston G. Williams,
Second Lieut. Lewis B. Cox,
Second Lieut. Theodore M. Cornell,
Second Lieut. Launcelot M. Blackford,
Second Lieut. Frederick W. Deck,
Second Lieut. Fernand G. Dumont,
Second Lieut. Stephen Y. Mann,
Second Lieut. Joseph H. Payne,
Second Lieut. George E. Braker, jr.,
Second Lieut. Paul V. Kellogg,
Second Lieut. Langdon D. Wythe,
Second Lieut. John O. Flautt, jr.,
Second Lieut. Giles F. Ewing,
Second Lieut. Fred W. King,
Second Lieut. Ivy W. Crawford,
Second Lieut. John S. Fishback,
Second Lieut. Robert S. Downing,
Second Lieut. Clement A. Reed,
Second Lieut. George M. Hancock,
Second Lieut. Jesse B. Smith,
Second Lieut. Selden S. Smith,
Second Lieut. John R. Hodge,
Second Lieut. Arthur R. Walk,
Second Lieut. Leslie E. Toole,
Second Lieut. Lewis A. List,
Second Lieut. James F. Johnson, jr.,
Second Lieut. Francis M. Brady,
Second Lieut. Eubert H. Malone,
Second Lieut. Wayne W. Schmidt,
Second Lieut. Theodore W. Crossen,
Second Lieut. James F. Butler,
Second Lieut. Herbert G. Peterson,
Second Lieut. Truman M. Martin,
Second Lieut. Veno E. Sacre,
Second Lieut. Warner B. Van Aken,
Second Lieut. Richard G. Plumley,
Second Lieut. Charles R. Davis,
Second Lieut. Cecil L. Rutledge, and
Second Lieut. Theodore C. Gerber.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) Ward W. Waddell to be a lieutenant.
Ensign Stanley L. Wilson to be a lieutenant (junior grade).
The following-named ensigns to be lieutenants (junior grade):
William S. Popham, jr., and
Malcolm L. Worrell.
The following-named citizens to be dental surgeons, with the rank of lieutenant (junior grade):
William T. Davidson,
Harold A. Badger,
Patrick F. Kennedy,
Canute Hansen,
Herbert A. Sturtevant,
Lawrence E. McGourty,
Spey O. Claytor,
James McK. Campbell,
James W. Ridgway,
Hyman Mann,
Hubert Lehman,
John A. Walsh,
William E. Coverley,
William A. Dorney,
David L. Cohen,
Elwood B. Faxon,
Howard R. McCleery,
Armin T. Fellows,
George A. Collins,
Frank A. Zastrow, and
James F. McGrath.
Gunner Ola F. Heslar to be an ensign.
The following-named officers to be ensigns:
Arthur F. Armstrong,
Oliver A. Bowers,
Otis E. Bennett,
John J. Gaskin,
Chester N. White,
Thomas H. Murphy,
Leo E. Schlimme,
Bernard S. Rodey, jr.,
Thomas P. Kane,
Alfred J. Byrholdt,
Oliver H. Briggs,
Frederick G. Trummer,
Francis A. Knauss,
Carl J. Hallberg,
Albert T. Lang,
Christian Christensen,
Henry L. Bixbee,
Alexander C. Cornell,
William G. Gillis,
Fred G. Peterman,
Frank E. Norlin,
Leslie R. Heselton,
Lawrence J. Murphy,
George R. Woods, and
Robert J. Vierthaler.
The following-named enlisted men to be ensigns:
George H. Frederick,
Carl Hupp,
John L. Blomquist,
Edwin P. Lacey,
Charles A. Goebel,
John McKean,
Heinrich C. A. Deglau,
John O. Strickland,
Raymond J. Comstock,
Virgil F. Wright,
George F. Evanson,
Walter Mower,
Clarence C. McDow,
Ralph M. Gerth,
William S. Burns,
Charles A. Strumsky,
Joseph F. Caveney,
William H. Tracy,
John D. Morris,
Charles R. Kehler,
Elliott Kauth,
James E. Finn,
Arthur O. Kolstad,
Stonewall B. Stadtler, and
Homer F. McGee.
The following-named officers of the United States Naval Reserve Force to be ensigns:
Sydney W. Ford,
John Harrison, jr.,
Washington E. Bogardus,
William T. Brown, and
Philip McK. Zenner.
Paymaster Ray Spear to be a pay inspector with the rank of commander.

POSTMASTERS.

ARIZONA.

Leslie C. Jolly, Clarkdale.
Mary E. Brown, Parker.
John W. Brown, St. Johns.

OKLAHOMA.

Fred O. Weldon, Comanche.
John L. Rogers, New Wilson.
Victor A. Schiefelbusch, Sand Springs.
Joshua W. Anderson, Talihina.

NORTH CAROLINA.

Roy E. Wilder, Spring Hope.

Second Lieut. Kearle L. Berry,

Second Lieut. James L. Blanding.

Hyman Mann,
Hubert Lehman,

NORTH CAROLINA.

Roy E. Wilder, Spring Hope.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 25, 1918.*

The House met at 11 o'clock a. m.

Rabbi Abram Simon, Ph. D., Washington, D. C., offered the following prayer:

Deeply conscious that Thy presence consecrates every place where Thy name is called upon in humility and sincerity, we fervently invoke Thy abiding grace, our God and Father. Profoundly grateful for our noble past, we are earnestly prayerful for the continued prosperity of an equally worthy present. Reliant on Thy everlasting arms we pray that our thoughts and labors for our country may be worthy of Thy acceptance, even as they have the approval of our conscience. We ask for insight to see our duty, for courage to carry it to a successful issue, for faith in the ultimate triumph of our cause, conceived in justice and dedicated to Thy name and the happiness of Thy children. Bless the dauntless loyalty of our men, the matchless steadfastness of our women, and the invincible fortitude of our sons here and abroad. Thou art the Ally of every just cause. Therefore we trust in Thee and despair not. Teach us to read Thy will aright, to follow it bravely and honorably, and thus to make it our own. To Thee be all the glory, now and evermore. Amen.

The Journal of the proceedings of Saturday was read and approved.

ORDER OF BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the considering of the antiprofiteering bill, which was under consideration several days ago and which was not completed, and pending that, Mr. Speaker, I wish to say that in event a unanimous-consent agreement can be reached by which the bill to which I have just referred can be considered and made a standing order for consideration immediately upon the conclusion of the railroad bill, which was pending in the House on Saturday, that I would not insist upon the motion which I have just made.

Mr. SIMS. Mr. Speaker, I wish to say in connection with the suggestion of the gentleman from Kentucky that I have inquired and find that there was a unanimous-consent order made a few days ago, on Friday, I believe, when the pension bills were to be considered, which were in order on that day, that the pension bill then on the calendar was to be taken up and considered immediately following the disposition of the railroad bill, which I did not know——

Mr. JOHNSON of Kentucky. I did not know that, either.

The SPEAKER. It will not take long to get rid of the pension bill.

Mr. SIMS. I know it will not. Now, I want to make another statement. I appreciate the attitude of the gentleman from Kentucky and think he is yielding something that perhaps he has got a right to proceed with to-day. I concede the importance of his measure, but in view of the great importance of the pending bill and the fact that we are right in the midst of the amendment stage of it, I hope that unanimous consent may be given to the gentleman from Kentucky to call up the bill for consideration immediately following the disposition of the pension bill which is to follow the disposition of the railroad bill. I make that unanimous request modified to the extent of the pension bill.

The CHAIRMAN. The Chair will state to both gentlemen that the gentleman from Illinois [Mr. RAINEY] has a preferential status in the House this morning of 30 minutes.

Mr. JOHNSON of Kentucky. I recall that.

Mr. GILLETT. Mr. Speaker, if I recollect aright, there is another agreement, and that is that the bill of the gentleman from Tennessee [Mr. MOON] shall follow this bill. Was not that agreement made? I shall object to any tying up in the future——

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Is the order made in the House granting precedence to the gentleman from Tennessee to consider the railroad bill of that character that it displaces District business?

The SPEAKER. Why, the Chair tried to investigate the thing, and it was not done in a very scientific way. If the order the gentleman from Tennessee obtained had made this bill a continuing order, there would be no question in the mind of the Chair that he had undoubtedly the right of way; but he did not do that, but just simply made it in order to be called up. Now, the rules of the House fix this day as District day and by a vote of the House the Chair recollects it, although the RECORD does not seem to carry out his recollection about it, there was some kind of a motion about fixing this bill of the gentleman from Kentucky for to-day; but anyhow——

Mr. STAFFORD. On that point, if the Chair will indulge me, at that time general debate was exhausted during the consideration of the so-called District profiteering bill, and at that time no order had been made for the consideration of this highly important railroad bill, and it was naturally understood that the profiteering bill would be considered in order when District business was in order. Since then, however, the House has made some order to give preference to the railroad bill.

The SPEAKER. The Chair knows; but the House did not make an order to make it a continuing order. The Chair will state that the whole thing can be straightened out by agreeing to the request of the gentleman from Tennessee to make this bill of the gentleman from Kentucky in order immediately after the disposition of the pension bill.

Mr. SIMS. Mr. Speaker, in view of the situation now——

Mr. GILLETT. Mr. Speaker, I object.

Mr. SIMS. Is there objection?

Mr. GILLETT. Yes.

Mr. SIMS. Mr. Speaker, my distinct recollection is I asked unanimous consent that the railroad-control bill be taken up following the deficiency appropriation bill and to be considered until finished, but some gentleman objected to it, and I believe the gentleman from Illinois [Mr. MADDEN] said, "Get your consent first," and in that way the RECORD appears as it does; but I understand, Mr. Speaker, that if the motion to go into the Committee of the Whole House on the state of the Union to consider District business should be voted down it would be in order to make the motion which I will then be ready to make on the railroad bill.

The SPEAKER. Unless we are prevented by some other unanimous-consent order.

Mr. STAFFORD. My recollection is the gentleman from Illinois was granted 30 minutes following the reading of the Journal.

Mr. RAINEY. I will tell you: I have 30 minutes following the reading of the Journal and disposition of matters on the Speaker's table, provided this railroad bill is disposed of. If this railroad bill is under consideration, I have my privilege at the conclusion of it.

Mr. SIMS. Of course, the gentleman from Illinois would not have the right if we go into consideration of the railroad bill?

Mr. RAINEY. But if you go into consideration of this other bill I would.

Mr. SIMS. Certainly.

The SPEAKER. Does the gentleman from Illinois [Mr. RAINEY] want his 30 minutes this morning?

Mr. RAINEY. I have no preference as to when I have it.

The SPEAKER. I know, but the Chair wants to recognize these men.

Mr. RAINEY. If the railroad bill is taken up, I am not entitled to it. But if it is not I am entitled.

The SPEAKER. The motion of the gentleman from Kentucky [Mr. JOHNSON] will be voted on with the distinct understanding that if we go into the Committee of the Whole on his bill the gentleman from Illinois [Mr. RAINEY] shall have his 30 minutes before we actually go in.

Mr. SIMS. Provided the House goes into the Committee of the Whole on District business?

Mr. RAINEY. Yes.

The SPEAKER. The motion of the gentleman from Kentucky is that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9248.

Mr. FORDNEY. Mr. Speaker, if that is for the purpose, and of course it is, of taking up the important matter of the railroad bill we ought to have a full attendance here. I move a call of the House.

Mr. SIMS. That will make two roll calls instead of one.

Mr. FORDNEY. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan [Mr. FORDNEY] makes the point of order that there is no quorum present, and evidently there is none. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. JOHNSON of Kentucky. Will those who favor going into the Committee of the Whole on the profiteering bill vote "yea"?

The SPEAKER. Yes. Those who favor going into the Committee of the Whole on the profiteering bill will, when their

names are called, answer "yea," and those opposed will answer "nay."

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. If this motion is voted down, it will be in order to go into the Committee of the Whole on the railroad bill?

The SPEAKER. Yes.

The question was taken; and there were—yeas 60, nays 248, not voting 120, as follows:

YEAS—60.

Baer	Denton	Keating	Rankin
Barnhart	Dies	King	Reed
Blanton	Dill	Kitchin	Romjue
Brand	Dominick	Larsen	Rucker
Burnett	Fields	London	Sherwood
Cantrill	Gallivan	Lonergan	Sisson
Caraway	Garner	McAndrews	Stagall
Cary	Garrett, Tenn.	Mansfield	Tague
Church	Gould	Mapes	Taylor, Colo.
Claypool	Hamlin	Miller, Minn.	Thomas
Cooper, Wis.	Hilliard	Nolan	Walsh
Crisp	Huddleston	Norton	Wheeler
Crosser	Johnson, Ky.	Oldfield	Watson, Va.
Denison	Johnson, Wash.	Park	Wright
Dent	Kearns	Raker	

NAYS—248.

Alexander	Ferris	Lehlbach	Scott, Mich.
Almon	Foss	Lenroot	Sears
Ashbrook	Fisher	Linthicum	Sells
Aswell	Fordney	Littlepage	Shackleford
Austin	Fuss	Longworth	Shallenberger
Ayres	Foster	Lufkin	Sherley
Bacharach	Francis	Lundeen	Shouse
Bankhead	Frear	McArthur	Siegel
Barkley	Freeman	McClintic	Sims
Beakes	French	McCormick	Slayden
Beshlin	Fuller, Ill.	McFadden	Slemp
Black	Fuller, Mass.	McKenzie	Sloan
Blackmon	Gallagher	McKeown	Small
Bland	Gandy	McKinley	Smith, Idaho
Borland	Gard	McLemore	Smith, Mich.
Bowers	Garland	Madden	Snell
Britten	Garrett, Tex.	Martin	Snook
Browne	Gillett	Mason	Snyder
Browning	Glynn	Mays	Stafford
Brumbaugh	Good	Meeker	Steele
Buchanan	Goodwin, Ark.	Merritt	Steenerson
Burroughs	Gordon	Mondell	Stephens, Miss.
Byrnes, S. C.	Graham, Ill.	Montague	Stephens, Nebr.
Byrns, Tenn.	Gray, Ala.	Moore, Pa.	Sterling, Ill.
Caldwell	Green, Iowa	Moores, Ind.	Stevenson
Campbell, Kans.	Greene, Mass.	Morgan	Stiness
Cannon	Greene, Vt.	Moss	Strong
Carter, Okla.	Hadley	Neely	Sumners
Chandler, N. Y.	Hamilton, Mich.	Nelson	Sweet
Chandler, Okla.	Hamilton, N. Y.	Oliver, Ala.	Swift
Clark, Pa.	Hardy	Oliver, N. Y.	Switzer
Classon	Harrison, Va.	Olney	Talbott
Collier	Haskell	Osborne	Taylor, Ark.
Connally, Tex.	Hastings	Overstreet	Temple
Connelly, Kans.	Hawley	Padgett	Templeton
Cooper, Ohio	Heaton	Parker, N. J.	Tillman
Cooper, W. Va.	Heflin	Parker, N. Y.	Tilson
Cox	Helm	Peters	Timberlake
Currie, Mich.	Helvering	Phelan	Tinkham
Davidson	Hersey	Platt	Towner
Davis	Hicks	Powers	Treadway
Decker	Holland	Pratt	Venable
Dempsey	Houston	Purnell	Vestal
Dewalt	Hull, Iowa	Quin	Vinson
Dickinson	Hull, Tenn.	Rainey	Volgt
Dillon	Ireland	Ramseyer	Volstead
Dixon	Jones, Tex.	Randall	Waldow
Doremus	Juul	Rayburn	Walker
Doughton	Kahn	Reavis	Walton
Dowell	Kehoe	Robbins	Watkins
Dupré	Kelley, Mich.	Roberts	Watson, Pa.
Dyer	Kennedy, Iowa	Robinson	Weaver
Eagan	Kettner	Rodenberg	Welling
Elliott	Key, Ohio	Rogers	Welty
Ellsworth	Kiess, Pa.	Rouse	Whaley
Elston	Kincheloe	Russell	White, Me.
Emerson	Kinkaid	Sanders, Ind.	White, Ohio
Esch	Knutson	Sanders, La.	Williams
Estopinal	La Follette	Sanders, N. Y.	Wilson, Tex.
Evans	Langley	Sanford	Wise
Fairfield	Lazaro	Saunders, Va.	Woods, Iowa
Farr	Lea, Cal.	Schall	Woodyard

NOT VOTING—120.

Anderson	Dale, N. Y.	Graham, Pa.	Jaines
Anthony	Dale, Vt.	Gray, N. J.	Johnson, S. Dak.
Bell	Dallinger	Gregg	Jones, Va.
Booher	Darrow	Griest	Kelly, Pa.
Brodbeck	Dooling	Hamill	Kennedy, R. I.
Butler	Doolittle	Harrison, Miss.	Kraus
Campbell, Pa.	Drane	Haugen	Kreider
Candler, Miss.	Drukker	Hayden	LaGuardia
Capstick	Dunn	Hayes	Lazaro
Carew	Eagle	Heintz	Lesher
Carlin	Edmonds	Hensley	Lever
Carter, Mass.	Fairchild, B. L.	Hollingsworth	Little
Clark, Fla.	Fairchild, G. W.	Hood	Lobeck
Coady	Flood	Howard	Lunn
Copley	Flynn	Humphreys	McCulloch
Costello	Focht	Husted	McLaughlin, Mich.
Crago	Glass	Hutchinson	McLaughlin, Pa.
Cramton	Godwin, N. C.	Igoe	Magee
Curry, Cal.	Goodall	Jacoway	Maher
Mann	Porter	Scott, Iowa	Ward
Miller, Wash.	Pou	Scott, Pa.	Watson
Moon	Price	Scully	Webb
Morin	Ragsdale	Smith, C. B.	Wilson, Ill.
Mudd	Ramsey	Smith, T. F.	Wilson, La.
Nicholls, S. C.	Riordan	Steedman	Wingo
Nichols, Mich.	Rose	Sterling, Pa.	Winslow
O'Shaunessy	Rowe	Sullivan	Wood, Ind.
Overmyer	Rowland	Thompson	Young, N. Dak.
Paige	Rubey	Van Dyke	Young, Tex.
Polk	Sabath	Vare	Zihlman

So the motion was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. YOUNG of Texas with Mr. CAPSTICK.

Mr. LEE of Georgia with Mr. McLAUGHLIN of Michigan.

Mr. LESHER with Mr. LITTLE.

Mr. LEVER with Mr. McCULLOCH.

Mr. MOON with Mr. MAGEE.

Mr. MOORE with Mr. MILLER of Washington.

Mr. OVERMYER with Mr. MORIN.

Mr. LOBECK with Mr. MUDD.

Mr. NICHOLLS of South Carolina with Mr. PAIGE.

Mr. O'SHAUNESSY with Mr. NICHOLS of Michigan.

Mr. LUNN with Mr. PORTER.

Mr. POU with Mr. RAMSEY.

Mr. RIORDAN with Mr. ROWLAND.

Mr. POLK with Mr. ROWE.

Mr. PRICE with Mr. VARE.

Mr. RAGSDALE with Mr. ROSE.

Mr. STERLING with Mr. WARD.

Mr. STEDMAN with Mr. WILSON of Illinois.

Mr. SABATH with Mr. SCOTT of Pennsylvania.

Mr. THOMPSON with Mr. WASON.

Mr. CHARLES B. SMITH with Mr. WINSLOW.

Mr. VAN DYKE with Mr. WOOD of Indiana.

Mr. THOMAS F. SMITH with Mr. YOUNG of North Dakota.

Mr. WEBB with Mr. ZIHLMAN.

Mr. SULLIVAN with Mr. HUTCHINSON.

Mr. WINGO with Mr. GEORGE W. FAIRCHILD.

Mr. KELLY of Pennsylvania with Mr. JAMES.

Mr. ALMON with Mr. KRAUS.

Mr. JONES of Virginia with Mr. CARTER of Massachusetts.

Mr. BELL with Mr. DRUKKER.

Mr. BOOHER with Mr. DUNN.

Mr. EAGLE with Mr. CURRY of California.

Mr. CLARK of Florida with Mr. GRIEST.

Mr. HUMPHREYS with Mr. DALLINGER.

Mr. CAMPBELL of Pennsylvania with Mr. EDMONDS.

Mr. DRANE with Mr. DARROW.

Mr. DOOLING with Mr. ANDERSON.

Mr. HAMILL with Mr. BENJAMIN L. FAIRCHILD.

Mr. CANDLER of Mississippi with Mr. BUTLER.

Mr. GREGG with Mr. FOCHT.

Mr. DOOLITTLE with Mr. ANTHONY.

Mr. COADY with Mr. GRAY of New Jersey.

Mr. HARRISON of Mississippi with Mr. HAUGEN.

Mr. BRODBECK with Mr. COPLEY.

Mr. HAYDEN with Mr. HAYES.

Mr. IGOE with Mr. COSTELLO.

Mr. CAREW with Mr. GOODALL.

Mr. GLASS with Mr. GRAHAM of Pennsylvania.

Mr. CARLIN with Mr. CRAGO.

Mr. HOOD with Mr. HOLLINGSWORTH.

Mr. GODWIN of North Carolina with Mr. CRAMTON.

Mr. JACOWAY with Mr. HUSTED.

Mr. WILSON of Louisiana with Mr. SCOTT of Iowa.

Mr. HENSLEY with Mr. KELLEY of Michigan.

Mr. FLYNN with Mr. HEINTZ.

Mr. DALE of New York with Mr. DALE of Vermont.

Mr. FLOOD with Mr. KENNEDY of Rhode Island.

Mr. HOWARD with Mr. McLAUGHLIN of Pennsylvania.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 9685; and, pending that motion, I want to submit a request for unanimous consent. The request is that this bill shall be the continuing order of the House until disposed of, subject to Calendar Wednesday, conference reports, of privileged matters.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this railroad bill shall be the continuing order until its conclusion, barring Calendar Wednesday, conference reports, and privileged matters. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the last order was rather vague. The gentleman says, "Except privileged matters." Does he include appropriation bills? Why not leave this continuing order subject to conference reports and matters in order on Calendar Wednesday?

Mr. SIMS. I will be glad to put it in that shape.

Mr. STAFFORD. If it is of that pressing importance, I submit it should be worded in that shape.

Mr. SIMS. I ask that it shall be made the continuing order, subject to conference reports and matters in order on Calendar Wednesday.

The SPEAKER. As to questions of privilege, no agreement that the House can make can shut out questions of personal privilege and questions of highest privilege.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. The order in regard to the alien-slacker bill was that it should be made the continuing order Wednesday and until concluded. Suppose it was not completed on Calendar Wednesday. Would that stop it from going on next day, under this order of the House?

The SPEAKER. This is in order on next Calendar Wednesday.

Mr. BURNETT. Suppose we do not get through on Calendar Wednesday. Would this come in, and, so far as that continuing order made last Wednesday in regard to the alien slacker bill is concerned, would that be superseded? If so, I shall object.

The SPEAKER. This order that the gentleman from Tennessee [Mr. SIMS] asks for, if it were granted, being subsequent to the other order, would upset the order of the gentleman from Alabama.

Mr. BURNETT. Then, if the gentleman would modify his request so that it will not interfere with the continuing order as to the alien slacker bill, I shall not object.

Mr. SIMS. Of course I would not want to have it interfere with the other order. Of course I would make it subject to that order that has already been made.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the railroad bill be made the continuing order until completed, barring Calendar Wednesday and the space occupied by the order which the gentleman from Alabama [Mr. BURNETT] got, and matters of personal and other sorts of privilege. Is there objection?

Mr. SHERLEY. Mr. Speaker, I do not think we ought to tie the House. We are constantly doing that. There is no reason why the gentleman should not get his bill through to-day and to-morrow, and if he gets it through to-morrow there will be no need of getting the order.

Mr. SIMS. I can not know when we shall be able to conclude the bill.

Mr. SHERLEY. Nobody can know; but we constantly get into trouble by tying up the House by special orders.

Mr. SIMS. We are already tied up.

The SPEAKER. Is there objection?

Mr. SHERLEY. I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. SIMS. Then, Mr. Speaker, I submit another unanimous-consent request, pending the motion. I ask unanimous consent that his bill be considered and concluded in Committee of the Whole not later than the adjournment of the House to-morrow.

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. SHERLEY. Mr. Speaker, I suggest to the gentleman that he simply go on with his bill to-day and to-morrow. Nobody is going to interfere with his bill being taken up to-morrow, if necessary.

Mr. SIMS. I have made a unanimous-consent request which I considered in the interest of the position of the bill.

The SPEAKER. What is the gentleman's request?

Mr. SIMS. None will be accepted.

Mr. DOWELL. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The regular order is, Shall the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of this railroad bill? The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 1, line 10, after the word "compensation" strike out the words "not exceeding" and, on page 2, lines 2 and 3, strike out the words "equivalent as nearly as may be to" and insert in lieu thereof the words "not exceeding."

Mr. SIMS. Mr. Chairman, I want to ask the gentleman from Wisconsin a question. Will he yield?

Mr. LENROOT. Yes.

Mr. SIMS. Is this the amendment that the gentleman offered on Saturday?

Mr. LENROOT. It is the same.

Mr. DOREMUS. Mr. Chairman, may we have the amendment again reported? I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. LENROOT. Mr. Chairman, this is the first of several perfecting amendments which I have heretofore given notice I would offer.

Before discussing this particular amendment I want to say a word that will apply to all of the perfecting amendments that I shall offer. I anticipate, Mr. Chairman, that the chairman of the committee will take the position that inasmuch as his committee has not had the opportunity to consider these perfecting amendments the House should disagree to all of them, irrespective of their merits, with the idea that when this bill gets into conference the conferees may then take up these propositions and adjust them.

Mr. Chairman, as to that, there are two considerations which ought to apply, and the first is that this House, if it has any respect for itself, ought not to permit a bill to go from this House where there is a clearly apparent absurdity in the bill, and that where an amendment is offered that is clearly designed to correct that absurdity and to express the very meaning that the committee has in mind, if it is clear that the language of the bill does not so express it, then instead of rejecting the amendment it ought to be accepted.

We find in the Senate bill many of these errors, including the one now under consideration. The Senate has made exactly the same mistake that has been made here, and the result is that unless something is put in its place now both Houses will have identical language agreed upon, where upon consideration no lawyer will say that the language agreed upon expresses the intent of either House of Congress. And I want to call attention to the fact that while the House has a liberal rule with reference to the power of conferees, even though there is identical language agreed upon in a House bill and in a Senate bill, the rule is different in that body over at the other end of the Capitol. I have had occasion, particularly on the Alaska leasing bill, to ascertain that fact. In that case we passed a substitute bill, and we found that neither House had expressed the correct intent, and the conferees took the liberty of rewriting a certain section so as to express the intent. The Senate sent that bill back to conference, and we had to accept in the Alaska leasing bill phraseology that neither House wanted. We ought to avoid that, so that instead of the chairman of the committee rejecting amendments where it is clear that amendments ought to be made, if he wants to get these things into conference he ought to accept the amendments, and that will clearly throw it into conference, where the conferees can adjust it.

Now, with reference to this particular amendment, as the language now reads not a man in this House will say that the language in this bill expresses the intent of the committee. What does it authorize as it now stands? It authorizes the President to make an agreement with the carriers to do what? To make an agreement to guarantee that they shall not receive more than a certain sum as compensation. That is what the agreement is. What carrier would care for an agreement of that kind? Of what benefit would it be to any carrier to get an agreement from the President of the United States to say, "We will guarantee you, Pennsylvania Railroad, that you shall not receive during Federal control more than $50,000,000 a year in

compensation for your property"? Now, of course, what the committee had in mind was to authorize the President to make an agreement with the railroads for a fixed sum, and provide that in making that agreement he should not go beyond a certain maximum sum fixed by Congress; in other words, in the illustration I have made of the Pennsylvania road the maximum that we authorized him to agree upon, we will say, is $50,000,000; but if he can make an agreement with the Pennsylvania Railroad for $40,000,000, we wish to leave him free to do that. But under the language as it stands that can not be done, and my amendment provides, in the first place, to strike out the words "not exceeding," and authorizes the President to fix and agree upon a fixed sum that they shall receive.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. I ask for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. LENROOT. And then, to carry out the plain intent of the committee, on page 2 I provide for striking out the words "equivalent as nearly as may be to" and inserting "not exceeding the average annual income of the railroads for this three-year period." That makes it entirely plain. There can then be no question about what the authority of the President is; that he is authorized by this language to agree with the railroads to pay them a fixed sum, but that fixed sum shall not be greater than the three-year average that is provided in the bill.

Mr. DOREMUS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. DOREMUS. Will the gentleman inform the committee as to his purpose in proposing to strike out the words "equivalent, as nearly as may be"? It is my opinion that those words ought to remain in, and I want to get the gentleman's view of it.

Mr. LENROOT. Because, when you are making merely a standard, a measure, to fix a maximum sum, "equivalent" means nothing, and that is all that is desired—to fix in each case a sum, and to lay down a rule by which that sum is to be determined.

Mr. SHERLEY. Is not the gentleman assuming, however, that the character of bookkeeping of every railroad is such as to make its annual return for three years past an accurate measure, whereas in point of fact that assumption is not true?

Mr. LENROOT. Whether it is true or not, the gentleman must remember that with the bill as amended the return of the carrier does not fix the sum which the carrier is entitled to receive at all. It fixes merely the maximum sum.

Mr. SHERLEY. It ought not to fix that, if the character of the bookkeeping is such as not to make it a proper standard; and so the words "as nearly equivalent as may be" are used to give some leeway as to the bookkeeping methods of the railroads.

Mr. DOREMUS. My idea is the same as that of the gentleman from Kentucky. It is notorious that certain railroad companies, in order to make a return to their stockholders, have skinned their lines. In other words, they have not set aside the proper amount for maintenance and depreciation. Now, as to those lines it might be the judgment of the President that a larger sum ought during Federal control to be set aside for maintenance and depreciation; and yet that would prevent the railroads affected from declaring the same return that they have formerly declared. So I think the language of the bill ought to be left so that, no matter whether the railroad gets its return in dividends to its stockholders or in the improvement and upkeep of the property itself, we ought to be in a position to say that the return is an equivalent of that which they formerly received.

Mr. LENROOT. I will say to the gentleman that I have no intention in this amendment of disturbing in any way any idea that the committee had in that respect; and I am perfectly willing to modify my amendment by leaving in the words "equivalent as nearly as may be" and inserting before the word "equivalent" the words "not exceeding a sum" which will maintain the thought and intent of the committee; and I ask unanimous consent, Mr. Chairman, that the second part of my amendment be again reported, striking out what I proposed and inserting after the word "control," in line 2, the words "not exceeding a sum."

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Mr. LENROOT offers a modified amendment, as follows: On page 2, line 2, after the word "control," insert the words "not exceeding a sum."

Mr. LENROOT. Now, Mr. Chairman, that removes that controversy and leaves it as it was intended. I want to follow up with one observation and then I will yield. As the language now stands, the standard return, unless my amendment be adopted, is not the sum which the President is authorized to agree with the railroad that it shall receive, but this maximum sum, whereas all through the bill the standard sum is the sum that the President is authorized to agree upon. Of course that was not the intention. If the question of the standard return be the fixed sum, you have provided that the standard return shall be determined by the Interstate Commerce Commission, while it was clearly the intention of the committee to give the President the authority to determine that fixed sum, Congress only providing the maximum.

Now, if my amendment be adopted, it will provide that the President is authorized to agree with the railroads to pay them an annual sum fixed by him as compensation, but that sum shall not exceed the equivalent as nearly as may be to the three-year average. That makes it entirely clear, and certainly carries out the intention of the committee, while the present language does not.

Mr. SIMS. Mr. Chairman, I wish to state in connection with these proposed amendments that the gentleman from Wisconsin in general debate gave notice that he was going to offer a number of so-called perfecting amendments. He did not offer them then while he was occupying the floor in general debate, but he did attach them to his remarks, and they are printed in the RECORD of the 22d. I did not know what those amendments were any more than the character of them as perfecting amendments. The next day was an exceedingly busy day, as we all know, in the Committee of the Whole. When the gentleman from Wisconsin arose and offered the amendment which he has discussed, I then made the request that these amendments proposed by him, so far as they affected section 1, should be passed over, with the privilege of returning to the section at any time he might see proper to offer them. There was objection made to that, and an agreement was made that we might return at any time to offer perfecting amendments, without limiting it to the gentleman from Wisconsin. That was agreed to, and immediately the point of no quorum was made, and so no further business was done.

Mr. LENROOT. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. LENROOT. If that had been agreed to, I would not have offered it this morning.

Mr. SIMS. It remained without being acted upon.

Mr. LENROOT. I am willing to make that agreement now.

Mr. SIMS. I stated to the gentleman from Wisconsin and other Members of the House, not in debate, that I wanted to go over those amendments, and that where an amendment was proper and desirable, to have no controversy about it or to oppose it because the gentleman from Wisconsin [Mr. ESCH] or I had not proposed it, but that where it was a perfecting amendment, if it merely affected the verbiage, I thought it was better to accept them than to waste a lot of time in discussing them and voting for or against them. My intention at that time, as I expressed privately to members of the committee, was to give attention to the amendments set out in the RECORD on Sunday and call the committee together at 11 o'clock this morning and submit the proposed amendments to the full committee. That was my intention, so stated to the members of the committee and to Members of the House.

But I will admit that to my surprise when I submitted a unanimous-consent request that the House meet at 11 o'clock to-day it was accepted. Judging by the way such requests have been met before I thought it would be disagreed to. So if I called the committee together it had to be at 10 o'clock. I put in the whole day with the best assistance I could get in analyzing the amendments. I have a memorandum here of that analysis. Some of them I have not the slightest objection to and will offer no argument against them. Others are material in substance, and I think ought to be defeated on their merits or lack of merits.

Mr. ALEXANDER. Why does not the gentleman renew his request as to these amendments to perfect the text, passing over them, and going along with the bill?

Mr. SIMS. I want to state further that I even then would have called the committee together. I made several efforts to get the gentleman from Wisconsin [Mr. ESCH] over the telephone, but failed, for the purpose of asking him to communicate with members on his side asking them to meet here this morning, and I would notify the others. I was unable to get him, and that is the reason why the committee was not called together.

There are amendments to section 1, and others go through the entire bill. Consequently, we are bound to reach them to-day, and as these are some of the most important amendments that will be offered we must consider them on their merits as they are reached. When we come to an amendment that I do not

expect to oppose there will be no time wasted. There are others, and even on those the members of the committee might differ. I wanted to do this as a courtesy to the committee and give them an opportunity to pass upon them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SIMS. Here is an amendment offered in all good faith by the gentleman from Wisconsin [Mr. LENROOT]. Before he offered to modify it he pronounced it absolutely necessary to carry out the intention of the committee and the House. After making a very strong speech and many positive assertions, he himself admits that he was mistaken as to part of the amendment he had offered, to strike out the words "equivalent as nearly as may be."

Mr. LENROOT. I did that because I thought by accepting the modification it would remove an element of controversy.

Mr. SIMS. And that was the most important element in it. Now that proves that no man is infallible in his knowledge of these things. No man has a higher opinion of the ability of the gentleman from Wisconsin to understand any question that he studies and gives thought to than I have. The head of the committee, so far as the period of service is concerned, another gentleman from Wisconsin, who has served on the committee longer by several years than any other member, who has had every opportunity to study all these amendments and has studied them, and I place to-day and at this minute and at this hour more confidence in the judgment of the gentleman from Wisconsin [Mr. ESCH] on these amendments than I do in the illustrious Senator to be from Wisconsin [Mr. LENROOT]. Now, gentlemen may anticipate that I am going to ask them to vote down the amendments and thrash it out in conference. I am not. I am going to ask them to thrash them out right here, and I hope the gentleman from Wisconsin will admit that his amendments are not infallible and necessary to the perfection of the bill.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Mr. Chairman, I think the amendment does not help the bill, but gives the gentleman a lot of wreckage to float on, and I think it ought to be voted down.

Mr. LENROOT. Is that the best argument the gentleman can make?

Mr. SIMS. No; that was not intended to be an argument.

Mr. LENROOT. Does the gentleman not think it would be better for the gentleman to undertake to analyze the bill and show wherein my contention is not correct?

Mr. SIMS. I shall withdraw any complimentary remark I have made about the gentleman if it is offensive.

Mr. LENROOT. It would be to much better purpose if the gentleman did.

Mr. SIMS. I am trying to say that this very item, this very language of the bill, this amendment, in its effect, has been studied and gone over ad libitum by the very best authority that we can consult on what is the purpose of that portion of the section, and what is the intention to permit the President to include in his contract. This identical proposition and all that is embraced in the gentleman's amendment was fully discussed at length by the committee, and so far as this part of the bill is concerned, it is the deliberate judgment of the entire committee.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. LENROOT. Does the gentleman mean to say that his committee discussed these questions I have been discussing and that it is the deliberate opinion of the committee that the language of the bill expresses the intention that they desire?

Mr. SIMS. The committee——

Mr. LENROOT. The gentleman has made that statement.

Mr. SIMS. The committee accepted the bill as it is reported, and the minority report makes no objection to any part of it, as no member of the committee has offered any amendment touching this language, and that was discussed in the committee. I can not say it was the deliberate judgment of each member.

Mr. LENROOT. Was this question discussed in the committee?

Mr. SIMS. Yes. Several gentlemen on the committee are right here by me and they tell me that it was discussed at length. Half a dozen of them here say so.

Mr. SNOOK. Mr. Chairman, if the gentleman will permit, I offered the amendment in the committee that the gentleman has offered, in the very words in which the gentleman has offered it, and after discussing it for half an hour the committee agreed to the language contained in the bill.

Mr. LENROOT. Then all I can say is, if the gentleman will yield, that I want to withdraw the statement I made the other day, that I did not think the committee was in any way to blame, except as being victims of misplaced confidence.

Mr. SIMS. Mr. Chairman, I ask the committee not to make the mistake of following a gentleman who is not on the committee, however great his ability may be, in undertaking to rewrite this bill after this thing has been rejected in the Senate and in the House.

Mr. LENROOT. Mr. Chairman, will the gentleman yield? I would like to have my colleague, Mr. ESCH, discuss this amendment.

The CHAIRMAN. The committee will be in order. The time of the gentleman from Tennessee has expired.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. I have made a very earnest effort to analyze this bill, after having heard the general debate and read what has been said in the Senate. The bill seems to drive at three purposes, and three only, in the main. The first is to fix the amount that the owners of the railroads are to get out of it, the next is to provide the machinery whereby that amount may be reached, and the third is to give the President power to fix the rates, taking it way from the bodies that now have that power. So far as I am able to get out of the bill, and out of what is said about the bill, there is very little else in it.

We have possession of the railroads. Passing this bill has absolutely nothing to do with our taking them over and operating them. We have that power under existing law.

I want to vote for this bill. I have studied it, in the desire to vote for it, but I have studied it with increasing disappointment. The bill from my point of view is a failure. I regret that the Congress is not responding to this great emergency, in passing railroad legislation of greater importance than any ever broached before upon this subject. It is not responding to the situation adequately, and in a manner worthy of its great traditions. It seems to me that the Congress is dealing with this subject with a lack of courage, with a lack of definite purpose, with a lack of a purpose in view that is really worth while.

We are trying to ride two horses. One is private ownership and the other is public ownership, and those who have had charge of the drafting of this bill, of making it a law, seem to be unwilling to choose either of these horses. They are trying to ride them both at the same time, and I believe that the result will be that the bill will prove to be a most ignominious failure.

So far as the first section of the bill is concerned, absolutely the only purpose it can have is to give the railroads more than they are justly entitled to under the Constitution. That is all there is to it. Why do we have to pay them anything? Simply because Article V of the amendments to the Constitution provides that private property shall not be taken for public use without just compensation. We can not take the railroads without just compensation. We have no right to give more. It will be a violation of our duty to the American people if Congress shall give these railroads more than just compensation for their use. [Applause.] I venture to say that no one will have the boldness to dispute that proposition.

The courts have construed this provision of the Constitution. Its meaning is certain, and known to every lawyer in this body. It does not take an act of Congress to apply it. The question is, What compensation is just? That is all there is to it, and the Congress——

Mr. DEWALT. Will the gentleman allow an interruption?

Mr. HUDDLESTON. I will allow a question.

Mr. DEWALT. I desire to ask the gentleman, if he is dissatisfied with the compensation as outlined in this bill, what does he propose as a just compensation?

Mr. HUDDLESTON. I propose that these railroads shall not be allowed a greater return on their investment than other people whose property is taken by the Government. [Applause.]

Mr. DEWALT. That does not answer the question.

Mr. HUDDLESTON. I will answer the gentleman if he will just give me time and will answer it in a sentence. I propose that the railroads shall have a reasonable income upon the actual value of their property at the time the Government took it over. That is what I propose. Now, the Constitution of the United States fixes that as the measure. It is the measure that has been fixed by the Supreme Court of the United States in its decisions passing upon the question of what rights these corporations have. The rate must not be confiscatory. That is the limitation that there is on the rate, and whenever we make it more than that, as I say, we are not responding to the duties of this hour. The Constitution of the United States has been frequently construed by the courts and the rule established that property may be taken if the terms of the taking do not violate that provision and become confiscatory.

Now, that is the rule. How are we going to ascertain what is the amount that ought to be paid for this service? We have the authority to take the property now. We need no new law

for that purpose. All we have got to do is to apply the rule that is established by the Constitution and Supreme Court in its construction of that provision.

Are the railroads going to be allowed to take more from the National Government than they should in the way of rates? Is it to be said here that the railroads are going to receive from an absolutely certain source—the Government—an income greater than they would be entitled to if the Interstate Commerce Commission was fixing the rate—that they are entitled to charge for the use of their property by private individuals only such return as will give them a reasonable income, yet may charge the Government a greater rate? If so, what is the basis for such difference. Are you going to give the railroads, because the Government is using them, more than you would if private citizens used them? What basis for any such idea can be advanced?

We need machinery, it is true, to establish this amount that ought to be paid to the railroads and I am willing to vote for such machinery. I am willing to provide adequate machinery, but I am unwilling for a single moment to give the railroads more than that to which they are justly entitled. We know what justice is. The Supreme Court has laid out the rules and all we have got to do is to stand up to them.

Mr. DEWALT. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I know how very popular it is in the minds of a great many Members of Congress, not only on this side of the Capitol but on the other side as well, to proclaim and declaim continually against railroads and corporations. I fully appreciate the fact, too, that it sounds very well back home to have gentlemen say that they are against corporations and railroads receiving enormous amounts of compensation for anything at anytime or anywhere. But that does not change the relation at all. The popularity of a measure or the unpopularity of a measure in the judgment of an honest legislator has nothing to do with the proposition. Now, what is the proposition? I have heard the gentleman who has just spoken say that he demands justice, that he is willing to give justice but he will not give anything in the way of tribute. Very well, let it be so. Now, what is justice? These roads are taken over. That is an accomplished fact. Having been taken over, they must be compensated. That is the law. Now, how shall they be compensated? The gentleman says, "Take over their property and give them a fair income or rental on that." Unfortunately for that proposition, gentlemen of the committee, it is at this time an utter impossibility. Judge Prouty, who is on the valuation committee of railroads, has definitely declared that all the railroads to-day in this country so far as he knows are not able, from the judgment of the valuation committee, assisted by the railroads themselves, to place any definite value upon their operating property and their valuation.

Mr. GORDON. Will the gentleman yield at that point?

Mr. DEWALT. Certainly, sir.

Mr. GORDON. Is the gentleman's contention that it is necessary to fix the value of this property now of these railroads? Has it got to be done instanter, or can it be deferred, as we have done with other people whose property we have taken, until the real value of this property can be determined?

Mr. DEWALT. I believe, sir, that for the stability of all the stocks and bonds and all the property interests concerned in this country, so far as railroads are concerned, time is of the essence of the contract.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. HUDDLESTON. Does the gentleman assert that we ought to stabilize these securities at a higher rate than is just to the people?

Mr DEWALT. Certainly not, and I am coming to that in a moment.

Mr. HUDDLESTON. Why does the committee take the three-year period instead of the one-year period, as the English did?

Mr. DEWALT. The reason is this: If we took only the one year, 1917, then you would certainly pay them more than under this.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. DEWALT. Certainly.

Mr. HUDDLESTON. England took the prewar year of 1914. Why should not we do the same thing?

Mr. DEWALT. They did not take the prewar year of 1914, the gentleman is mistaken.

Mr. GORDON. They took 1912.

Mr. DEWALT. They took six months of 1913 and took six months of 1914.

In other words, gentlemen of the committee, it is just this: There are a great many who argue this question who do not know anything about the facts. [Applause.]

Mr. GORDON. And that is a fact. Will the gentleman yield?

Mr. DEWALT. One moment. If I was to agree with all the premises which were laid down by the distinguished gentlemen, then I would certainly come to their conclusion; but the trouble is I can not agree with the premises.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. DEWALT. Yes.

Mr. COOPER of Wisconsin. I do not wish to get into this controversy any further.

Mr. DEWALT. It is not a controversy; it is a discussion.

Mr. COOPER of Wisconsin. The gentleman has just said that they could not take a prewar year, and yet he followed that statement by the statement that England took six months in 1913 and six months in 1914, including up to July, 1914, and the war began in August. And, then, they did take one year just before the war, by his own statement. [Applause.]

Mr. DEWALT. That is exactly what I said, only the gentleman did not hear it. The war broke out in 1914.

Mr. COOPER of Wisconsin. The gentleman can not evade that. That is what he did say.

Mr. DEWALT. This gentleman never evades anything. He always tries to argue from the facts as they are presented; and the fact is that in England they took six months of 1913 and six months of 1914, and they averaged it; and they averaged it in this way, that if the profits of the railroads in 1914 for the first six months were in excess of the profits of 1913, the last six months, they made the average.

Mr. DOREMUS. Will the gentleman yield?

Mr. DEWALT. I will yield.

Mr. DOREMUS. The gentleman from Alabama [Mr. HUDDLESTON] has just asked you why we did not follow the English plan and take a year preceding our entrance into the war.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. I ask for two minutes more, so that I can respond to this query.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. DOREMUS. If we had adopted that plan, would it not be even more favorable to the railroads than the one that is now incorporated in the bill?

Mr. DEWALT. I have already said that. If we had taken last year—1917—that is the most prosperous year any of the railroad companies have known; 1915 was a lean year, bringing in some $683,100,000; and in 1917 over a billion dollars. The consequence was, they took a light year and a fairly prosperous year to determine the sum total and making the average.

Now, as to this question of compensation according to valuation of the property, Judge Prouty, who was on the valuation committee, has declared that there are now only three railroads in this country that have been investigated as to their property valuation, and they have not yet determined the amount of that valuation. And, further, he says that it will take at least three or four years more—I think he said four, but he said three, I am sure. I am referring to the gentleman from Wisconsin [Mr. ESCH] for the correctness of my statement.

Mr. ESCH. The valuation, as far as the field was concerned, would take until 1920, and it would take a year before they could tabulate their returns.

Mr. DEWALT. So you see the utter impossibility of trying to fix the valuation upon the basis as presented by my friend from Alabama.

Now, this is a clear question of how we shall compensate them for the use of the property that is taken. The value thereof is represented by the earning capacity of that property, and that earning capacity is not determined by the railroad companies; it is not determined by the President; it is determined by the reports submitted to the Interstate Commerce Commission yearly, adopted, revised, and taken by them as a verity, and those sums are fixed and determined by the Interstate Commerce Commission after due investigation.

Mr. RAMSEYER. Will the gentleman yield?

Mr. DEWALT. Certainly.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended two minutes in order to answer a question.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Pennsylvania be extended two minutes. Is there objection?

There was no objection.

yield, that I want to withdraw the statement I made the other the authority to take the property now. We need no new law

Mr. RAMSEYER. The value of the use for what time?

Mr. DEWALT. The value of the use at time of taking would be the legal proposition. But in this instance that could not be a fair estimate, because if you were to follow that you would have to take the value of the use in 1917, and that would be disproportionately large.

Mr. RAMSEYER. And you fix three years?

Mr. DEWALT. Yes.

Mr. RAMSEYER. If you have the right to fix it at 3 years why have you not the right to fix it for 5 years or 10 years?

Mr. DEWALT. Because the contract is about to be entered into. You must hear the rights of both of the contracting parties, and must arrive at an average that will best suit the interests of not only one but both.

Mr. RAMSEYER. Then, in the judgment of the committee, three years is such a period?

Mr. DEWALT. I think so; yes, sir.

Mr. RAMSEYER. Now, if the gentleman was correct in his statement that a period of a year before the war would be unfair, because excessive, why did not the committee have a right to go back and take two years, or three years, at some period when the railroads of the country were not affected by the abnormal conditions of war abroad?

Mr. DEWALT. In answer to that I wish the gentleman had had the privilege of inspecting all the reports of the Interstate Commerce Commission from the year 1902 all the way up to 1914, 1915, 1916, and 1917.

Mr. RAMSEYER. I am asking for information.

Mr. DEWALT. He would then have come to the determination that 1914 was a very lean year, that 1912 was what they called a bad year, and going along the scale from year to year it was determined by the committee from the inspection of those reports that the average was substantially the mean average during the entire time.

Mr. RAMSEYER. Now, why would not 1910, 1911, and 1912 be fair?

Mr. DEWALT. In other words, I have just been informed by one of my colleagues on the committee who has looked over the figures that this was the lowest net return during a period of 18 years for a like period of three years.

Mr. RAMSEYER. Would that be fair to the railroads?

Mr. DEWALT. As long as they have not objected I should think so.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LENROOT. I ask unanimous consent, Mr. Chairman, that the gentleman may have two minutes more. He is a member of the committee. I would like to know what objections he has to the amendment I have proposed.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Pennsylvania [Mr. DEWALT] may proceed for two minutes more. Is there objection?

There was no objection.

Mr. DEWALT. As I understand the gentleman's amendment, it is simply a transposition of the words "not exceeding" from the first page to the second page. Whether it changes the portent of the act I am not able to say. This, however, I will say in all candor to the gentleman that during the time of the discussion on this very phrasing in this first section the gentleman to my right, Mr. SNOOK, of Ohio, offered an amendment almost precisely similar in words and terms. That amendment was discussed, and the question came up as to whether these words should not be put in after the word "compensation" and before the word "not"—"an amount not exceeding an annual sum," and it was thought that that did not improve it at all. It did not clarify the situation or make it any stronger. Then the words "from time to time" were included as an amendment, and then the question came up as to the line, "equivalent as nearly as may be to the average annual railway operating income."

Now, I am going to say to the gentleman from Wisconsin that I do not believe the transposition of those words "not exceeding" from the first page to the second page makes one iota of difference in this bill, and, so far as I am concerned, as a member of the committee, I would vote for it.

Mr. LENROOT. I would like to ask the gentleman this question: Does it not change the entire character of the definition of standard returns unless this change is made?

Mr. DEWALT. I do not think it makes one bit of change. Otherwise I would oppose the amendment.

Mr. CALDWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. CALDWELL. Mr. Chairman, we should not lose sight of the legal phase of this question. When you take property and take title to it, you must pay the then value of it; but when you take property for the use of it, you must pay the usable value of it during the period you use it.

Now, this bill provides that the President shall have authority to make a contract. If the contract is entered into willingly, the question of whether the price is too much or too little does not affect its legality. If we expect the President to make this contract, we should give the President sufficient latitude to meet the willing mind of the people who own the railroads, and, as I understand it, it has been tentatively discussed with the railroads and it is reasonably expected that the three-year period will be satisfactory to them. Therefore there is some hope that the contract entered into will be made willingly, and therefore legal and satisfactory. If we propose to extend the contract for a specified period of time, and that does not meet the wishes of the people who own the value, and afterwards it is shown that that is not a fair value, then, under the Constitution, the price could not be enforced.

Mr. SMITH of Michigan. Do I understand the railroads have consented to what shall be a reasonable compensation?

Mr. CALDWELL. I say, as I understand it—and I base my statement on what I have read in the newspapers—the railroads have been offered this three-year basis, and it seems to meet their approval; but I do not know anything about it personally.

Mr. COOPER of Wisconsin. Mr. Chairman, I should like to ask the gentleman from Michigan [Mr. DOREMUS] a question. He made the statement here a moment ago touching this language.

The CHAIRMAN. Will the gentleman from Michigan give his attention to the gentleman from Wisconsin?

Mr. SMITH of Michigan. The gentleman from Michigan is in the Hall over there.

Mr. COOPER of Wisconsin. Mr. Chairman, if the gentleman from Michigan will pay attention just a moment, I would like to ask him a question to see if I correctly interpret what he said a moment ago with reference to this proposed amendment. The language in line 10, first page, as he understands it, means this: That the roads shall receive compensation not exceeding an "annual sum," which means that they shall receive each year not more than an amount—see the next page, line 2—"equivalent as nearly as may be to" the standard return; that is, certain things further specified show. Now do I understand the gentleman to say that the Government may not want to pay that all in money, and that therefore the words "not exceeding" were left in the bill to limit the amount which might be paid in cash to the roads? Is that it?

Mr. DOREMUS. Either in cash or its equivalent.

Mr. COOPER of Wisconsin. Either in cash or its equivalent?

Mr. DOREMUS. Yes.

Mr. COOPER of Wisconsin. That being so, the gentleman's idea is that the words "not exceeding" where they are express the intent of the committee?

Mr. DOREMUS. Yes; that is correct; whether the stockholders of the roads get their returns in dividends or whether a part of it goes into the maintenance of the system, the equivalent must be the average for the last three years. That is my understanding.

Mr. COOPER of Wisconsin. Yes; that is what I understood the gentleman to say in interpreting this, and therefore there is a difference in the interpretations given to this clause by the gentleman from Michigan and the gentleman from Wisconsin [Mr. LENROOT] who offered the amendment.

Mr. DOREMUS. My offhand view is that the amendment of the gentleman from Wisconsin as it now stands does not change the meaning of the section. Certainly the idea of the committee is that the returns to these roads, whether it be in cash or whether it be in something else, shall not exceed the equivalent of the average annual return for the last three years.

Mr. COOPER of Wisconsin. Then the words "annual sum" mean such payment?

Mr. DOREMUS. The idea is to find the average annual return for a period of three years, and when that is ascertained, if the railroad company makes the contract with the President, that will be the return during the period of the war.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time on this amendment has expired.

Mr. HARDY. Mr. Chairman——

Mr. FESS. Mr. Chairman, I ask unanimous consent to proceed for one minute.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. FESS. I hope the chairman will be willing to accept this amendment, in the interest of the clearness of the language.

Mr. SIMS. You mean the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]?

Mr. FESS. Yes—shall receive as just compensation an annual sum not to exceed——

Mr. SIMS. I want to say to the gentleman that I understood the gentleman from Wisconsin to say just now that his amendment as now amended would change the whole character of the scheme of the bill?

Mr. LENROOT. No.

Mr. SIMS. What was it?

Mr. LENROOT. It restores it. As the language now reads, the whole scheme of your bill is changed, but if my amendment is adopted it will be preserved.

Mr. SIMS. I differ with the gentleman; but, after all, it is true that the amendment, in the judgment of the committee, neither helps nor hurts, and therefore I do not think we ought to encourage amendments that do not help the proposition. Anybody can offer amendments of that sort, debate them, and take up the time of the House.

The CHAIRMAN. Without objection the pro forma amendment is withdrawn. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT]. The Chair understands it is all offered as one amendment.

Mr. LENROOT. Yes.

The question being taken, on a division (demanded by Mr. LENROOT) there were—ayes 63, noes 65.

Mr. LENROOT. I ask for tellers, Mr. Chairman.

Tellers were ordered, and the Chairman appointed Mr. LENROOT and Mr. SIMS.

The committee again divided; and the tellers reported—ayes 84, noes 61.

Accordingly the amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman, I move to strike out the last two words of the section.

Mr. SIMS. Would the gentleman like to have more than five minutes?

Mr. MONTAGUE. I would like 15 minutes.

Mr. SIMS. I ask unanimous consent that the gentleman have 15 minutes. He is a member of the committee who took no time in general debate.

The CHAIRMAN. The gentleman from Tennessee, chairman of the committee, asks unanimous consent that his colleague on the committee have 15 minutes. Is there objection?

There was no objection.

Mr. MONTAGUE. Mr. Chairman, railways from their inception have made most important contributions to military operations, but these contributions have never been so prodigious as in the present world war. It may not be too much to affirm that the success of Germany's military machine is due more to her railway system, its complete coordination with her armies, the rapid and almost perfect transportation of men and matériel from center to fronts, and from front to front, than any other single factor in her military plans. I should add that this system was constructed by Germany long before the outbreak of this war, and was perfected almost wholly for military purposes.

England and France, Mr. Chairman, were not so well prepared in transportation; at least their transportation systems were not adapted to military strategy. Their systems were established for commerce and not for war; but the necessities of war have wrought rapid changes in their railways and they have now become adapted to the perfection of military organization.

America's railway system is beyond doubt the greatest and most efficient railway system in the world, containing some 200,000 miles—more by many thousand miles than the entire mileage of England, France, Germany, Italy, and Russia. But our railways were unadapted to efficient military organization and operation.

Mr. Chairman, the American railways at the time of our declaration of war were somewhat run down. The physical properties had deteriorated; there was a great shortage of engines and cars, and no adequate provisions or plans for maintenance, replacements, renewals, terminals, and additions had been made; the loss of some 70,000 men to the Army, and perhaps a larger number to more remunerative civil employments, resulting in the dislocation of labor, were some of the factors that rendered our railways inadequate to meet the needs of war or the commerce incident thereto.

To coordinate and unify the American railways, to make necessary improvements and replacements, and to operate with greater unity and efficiency became the supreme duty of the hour. Perceiving this situation, the President assumed the grave responsibility of taking over the American railway systems as well as transportation by canals and inland waterways. He had no other alternative.

In addition to the paramount military reasons which I have just suggested, namely, the unification of our railways and their adaptation to effective military organization, was an impelling financial consideration. With over seventeen billions of railway securities, and these securities steadily and rapidly shrinking in value, with another great Government liberty loan confronting us, it became imperative to take over the railroads in order to stabilize the security markets of the country and prevent financial disaster. If railroad securities were forced upon the markets of the country, seeking sales at high rates of interest, and in competition with the flotation of Government bonds, then it became urgently necessary to take over the railroads in order to prevent competition and the consequent demoralization of the finances of the country. The President vividly realized this exigency, for in his address to Congress of January 4, 1916, he said:

> One of the strong arguments for assuming the control of the railways at this time is the financial argument.

From every aspect of the problem, no alternative was left the President but to exercise the power granted him by the act of August 29, 1916, and take over the railways of the country.

Mr. Chairman, the right of the President to assume control of the railways for and during the war is indubitable, certainly for the purposes of this bill and of argument in its support. But what shall the President pay for the use of the railways so taken over? The principles controlling the answer to this inquiry are clear and commanding. He must pay a "just compensation" for the use of the property so taken. Our Constitution, voicing the equities of free governments, expressly so declares. But neither the President nor Congress can determine what is "just compensation"; such compensation must be either agreed upon by the President and the railways, or, failing agreement, it must be determined by the courts. So in the absence of agreement the ascertainment of "just compensation" is a juridical function, not a legislative or an executive function.

But litigation should always be avoided, if practicable, and such an avoidance is most important at this time, for should the American railways seek their compensation by resort to the courts the delay and uncertainty incident to this method of ascertainment might result in chaos and ruin. No Member of the Congress should knowingly invite such a result, and to eliminate its dangerous possibility this bill undertakes to authorize the President to make an agreement with the carriers as to the amount of this compensation, which if reached will exclude juridical action.

Mr. Chairman, the principle is plain, but its concrete application is difficult. For how shall we determine the compensation which he may submit as "just compensation"? Congress may empower him to make an offer, but what shall this offer be? Several methods of ascertaining "just compensation" were considered by the Committee on Interstate and Foreign Commerce. Should we authorize the President to offer compensation based upon a return on the fair value of railway property? This method was considered, but insuperable difficulties met us upon the threshold. For what is the value of such properties? I answer that the evidence before the committee of Congress shows beyond doubt that no one knows now and no one can know in time to deal with this question. Judge Prouty, the most eminent authority on this subject, the chairman of the railway valuation committee of the Interstate Commerce Commission, stated before our committee that he did not know this value, that his committee did not know it, that no one now knows it, and that no one will know it for three or four years to come. Notwithstanding that this eminent official and his committee have been investigating this great subject for some three years, with an expenditure of some millions of dollars, the proof was conclusive that no such valuation is determinable now or can be determined within three years. So, of course, the committee of which I am a member was forced to abandon this method of ascertaining compensation. Should we employ such an untrustworthy and elusive method, the obvious result would be to throw the American railways into court, with inevitable chaos at the moment when the safety of our Republic demanded the stability of American securities. No patriotic public servant could contemplate such an unspeakable calamity, a calamity so desired by our enemies.

Should we adopt a method based upon the market value of the stocks and bonds of the American railway systems? This method was considered, but here the question at once arose, What is this market value, and how can it be determined? Manifestly the market value of such securities is too fluctuating and varying to be adopted as a just basis or measurement of compensation. No fair compensation could thus be ascertained, and to employ such a method could only result in forcing the railways into the courts to obtain the remuneration provided

the legal phase of this question. When you take property and | amendment, in the interest of the clearness of the language.

by the Constitution. Again, I may affirm that we dare not invite such a calamity.

So, Mr. Chairman, we had to resort to another basis, to another standard, of compensation; and this basis, this standard, was to approximate the principle and practice employed in the condemnation of private property for public use. This method is an old and tried one, and apparently affords the best and most analogous precedent. This method covers the common equities of the problem. It is simply to pay the owner for the use of his property that amount he has been heretofore getting. The bill adopts this method, and we submit it to Congress and to the country as the most simple, expeditious, and just method obtainable under existing circumstances. A more accurate method might be devised, but a more accurate method can not be devised within the time that action must be taken. Time is almost the essence of the whole undertaking, and if we do not act quickly we may as well not act at all. Therefore I submit that if we can approximate substantial justice by this method we will have done our duty.

So, Mr. Chairman, in determining a proper standard of compensation we not only have to consider what the railways have been getting or earning, but the time within which these earnings have been obtained. Earnings is the income derived from operations less the expenses of operation, taxes, and one or two other items. But within what period shall we estimate the income? Shall it be for the year preceding the date of taking over? Manifestly this period may be unjust, because the preceding year may be an abnormal one, the income being either too small or too large. Therefore the committee determined to take the average operating earnings for a period of three years ending June 30, 1917, as a basis of compensation. That is to say, the earnings for the years 1915, 1916, and 1917 divided by 3 would determine the compensation, not exceeding which the President is authorized to negotiate an agreement. The President need not agree upon the maximum average; he may agree upon a less sum, but he can not agree upon a larger amount. The responsibility within these limitations is squarely placed upon the President.

It has been suggested, Mr. Chairman, that we should have taken a longer period than three years for determining the average annual income. I submit that the committee substantially did this. Go back 18 years and take six three-year periods therefrom, and I submit that the difference in the percentage of income for any one of these periods is not sufficient to justify the rejection of the particular three years adopted by your committee.

Mr. FESS. Will the gentleman yield? There is a maximum put upon it.

Mr. MONTAGUE. There is.

Mr. FESS. But no minimum.

Mr. MONTAGUE. No minimum.

Mr. FESS. Does the bill contemplate the betterments suggested by Mr. Hill?

Mr. MONTAGUE. It does.

Mr. FESS. Will the gentleman allow me to say that the pressure of war seems to be very deleterious to-day on rolling stock, and especially locomotives.

Mr. MONTAGUE. That is true; and that is one reason why we should expedite this legislation.

I have not the figures at hand for the moment, but I ask the attention of the committee to the operating income of 38 railway systems comprising what is called the eastern district—that is, the territory east of the Mississippi and north of the Ohio—containing more than one-fourth of the actual mileage of the American railways and a far larger proportion of traffic. The net operating income of these 38 roads for 1915 was less than such income for the years 1906, 1907, 1908, 1910, 1911, 1912, and 1913. The return on the investment for June 30, 1915, was 4.34 per cent, less than the return in any of the last 18 years, except for the year 1914. The average net operating income for the eastern system for the three years ending June 30, 1917, was $384,840,150, which in relation to the average investment during the three-year period gives a return thereon of 5.41 per cent, or less than the returns for the years 1902, 1903, 1905, 1906, 1907, 1910, 1916, and 1917. To put the facts in another form, for the three-year period ending June 30, 1902, the average per cent was 5.37; for the three years ending June 30, 1905, 5.51 per cent; for the three years ending June 30, 1908, 5.70 per cent; for the three years ending June 30, 1911, 5.47 per cent; for the three years ending June 30, 1914, 4.68 per cent; and for the three years ending June 30, 1917, 5.41 per cent. Therefore, it is apparent that the rate proposed, so far as it affects the great eastern system of railways, can not be characterized as extravagant. And when we consider that the average rate of returns upon the property investment of all the railways of America is 5.31 per cent, we must conclude that the earnings or compensation provided for in the bill does substantial justice to the roads and the people of America.

I should add, Mr. Chairman, that the proof of the annual returns of the railways of America is to be found in the record and reports of the Interstate Commerce Commission. So the evidence of the returns is supported by record proof, ascertainable by the public, and regarded as of the highest validity by nearly all systems of jurisprudence.

Mr. Chairman, intimately connected with compensation is the income or the revenue from which that compensation is derived. The earnings of railways rest upon rates and fares. Without charges or rates for passengers and freight, there would be no earnings. Rates, therefore, bear a vital relation to the operation and income of railroads.

The President has taken over the railroads, a step only taken once before in the life of the Nation. His action involves tremendous responsibility. He must control and operate the railway systems of our country. The Congress has authorized him to assume this responsibility, and we must of necessity further authorize him to discharge this responsibility. This responsibility can not be fully performed unless the President can control the earnings and expenditures of the railways. To control earnings he must perforce control rates. Otherwise earnings and expenditures may be dislocated; the equilibrium of income and outgo will not be adjusted; finance and operation will not coordinate.

The Senate bill in its last analysis confers upon the Interstate Commerce Commission the rate-making power, but the House bill confers upon the President in the last analysis the rate-making power. Your committee believes that the logic of events, the emergency which precipitated this responsibility upon the President, the military necessities of the hour, and the coordination of administration and finance, all combine to approve of the power which is delegated to the President by the House bill.

The President not only occupies a relation to railways which the chief executive officers of these railways have heretofore held, but he sustains another and higher relation, namely, that of trustee, that of a disinterested representative of the roads and of the people.

Under existing laws the railways may initiate rates and shippers may indirectly bring about a revision of rates, but there may be serious doubt that the President can initiate rates unless we give him the authority provided for in the pending bill.

Mr. LENROOT. Will the gentleman yield?

Mr. MONTAGUE. I will.

Mr. LENROOT. I am glad to hear the gentleman state that the President has not the power to initiate a rate, but do not the President and his advisers claim that without this bill he has the power to initiate and make rates?

Mr. MONTAGUE. By force of law, incident to the powers conferred upon the President in the act authorizing him to take over the railroads, it may be held that if the railroads could initiate rates, the President, standing in their stead, might exercise similar powers. But I think no power of so important a character should rest upon deduction or argument; it should rest upon the specific authorization of the statute. I would rather not rely on logical processes for this power. I would rather give him that power directly or withhold it directly.

Mr. SNYDER. Mr. Chairman, will the gentleman yield for a question?

Mr. MONTAGUE. Yes.

Mr. SNYDER. In case the authority to fix rates is taken from the President in this act, who would then have the right, if this bill becomes a law, without other amendment, to initiate rates?

Mr. MONTAGUE. That is a serious and an embarrassing question and one I do not think any one can answer absolutely. The shipper may have the right indirectly to initiate rates, as I have before suggested, or the board of directors or administrative officers of the roads may possess it. But if the Sweet amendment to the pending bill is adopted then it may be that no one can initiate rates. For it must be borne in mind that the Interstate Commerce Commission can not initiate rates; this commission passes upon the reasonableness of rates submitted to it.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes; for a question.

Mr. GREENE of Vermont. If we are only taking over the roads because of military necessity and the transportation of our own war stuff is all that we want, why should we have any concern about commercial rates and commercial business?

Mr. MONTAGUE. There may be occasions when it will be essential for the President to make rates. This bill does not command the President to make rates. It simply gives him this power, and it is a power which from the nature of the case, from the necessities of his office, I imagine he will only use should grave emergencies arise.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. I yield.

Mr. MADDEN. Under what circumstances might such a condition arise as the gentleman has just described?

Mr. MONTAGUE. Suppose the President found that a rate upon a given commodity was of such a character that he could not move or retard it with the celerity demanded by the necessities of the case?

Mr. MADDEN. But would that make any difference to the expedition?

Mr. MONTAGUE. It would make a great deal of difference. The existing rates might be such that he could not mobilize or retard the shipment unless he could change this rate, and change it immediately. It might be necessary to discourage shipments, and why should they not be discouraged by rates or classifications? England has done so.

Mr. GREENE of Vermont. Will the gentleman permit me to suggest that if the President can commandeer the physical properties of the roads, he can put them into operation to carry goods, can he not?

Mr. MONTAGUE. Yes; but we should give him the indirect authority resulting from rates as well as the direct authority resulting from control over operations.

Mr. GREENE of Vermont. Regardless of rates?

Mr. MONTAGUE. Above the mere question of commandeering, suppose there is a falling in the revenue which must be averted immediately or operations become impaired and default be made in the guaranty of compensation? Immediate action may be required, and delay incident to the investigation and deliberation of the commission will be fatal. But are we not conjuring up apprehensions? Do we not know that the President will, from the necessities of the case, leave the rate-making duty to the commission; that it will continue as heretofore to pass upon rates; and that the President will only act in a supreme exigency?

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. FESS. If the bill becomes a law, with the power given to the President, is there any possibility of a State railway commission interfering with the rates on an intrastate line?

Mr. MONTAGUE. I think that the President's power would be paramount in that respect.

Mr. MADDEN. Has not the commission the power?

Mr. MONTAGUE. He is speaking of intrastate as distinguished from interstate rates.

Mr. MADDEN. Yes; but I do not think intrastate shipments would have anything to do with the conduct of the war.

Mr. MONTAGUE. The gentleman was asking whether the President could overrule the public utility commissions of the several States in the exercise of their existing jurisdiction over intrastate rates. I think under the bill, as it now stands, the President will have this power—a power, however, which he is most unlikely ever to exercise.

Mr. DILL. Mr. Chairman, before the gentleman leaves that, if the President guarantees a certain remuneration to these roads, and the earnings do not equal the guaranty, how will the money be raised to meet the guaranty?

Mr. MONTAGUE. By an increase of rates.

Mr. DILL. But if the money has not been raised at the end of the year?

Mr. MONTAGUE. Then he could go into the markets and borrow, and the debt thus created would have to be taken care of by increased income which in all human probabilities would have to be taken care of in turn by an increase in rates.

Mr. Chairman, the term of duration of Federal control is inherently connected with compensation and rates. Compensation for a fixed term must be different from compensation for an unlimited term. Congress would hardly authorize the President to tender the same compensation for a brief period as for an indefinite period. Therefore compensation and time are correlative factors. So while less logically connected with rate making still not less practically connected therewith is the duration of control or use of the railways. For it is obvious that Congress would not think it wise or expendient to confer the power of rate making upon the President for an indefinite time, but might think it very necessary to confer such power for the period of the war. Consequently from almost every aspect of the subject the duration of control is an inevitable and vital consideration.

Mr. Chairman, I submit as incontrovertible that if the railways are taken over by the Government for war purposes they should be relinquished upon the conclusion of the war. The end having been accomplished, the peace status should be restored. We should not exert a war power in time of peace, for it would be indefensible in law and in morals.

Mr. Chairman, it has been contended upon this floor that many complications will result from governmental control which must be readjusted at the end of the war, and therefore no definite period should be fixed at this time for such readjustment. But why should a definite date impair such readjustment? Is it not obvious that if a definite time be now fixed all contracts and engagements made between the Government and the railways, or between the Government and third parties in respect of railways, will be made and entered into with relation to such a date, and thereby such complications will necessarily be diminished and readjustments will be facilitated? A definite date inexorably provides in advance against complications, for in the very nature of things the business world will adjust itself to a definite date; the business world can not adjust itself to an indefinite date. An uncertain time for the ending of control, I submit, will necessarily beget confusion, doubts, and complications.

Mr. Chairman, it has also been argued or prophesied that at the end of the war new and strange economic and industrial forces will have come into existence. That from the weltering aftermath of the war colossal economic forces will spring forth, needing to be controlled by a government of ordered liberty. But if these forces are to develop, why should we not now undertake to provide that they shall be dealt with without prejudice by a subsequent Congress, for it is obvious that this Congress will have no opportunity to deal with the subject? Moreover, Mr. Chairman, if these new economic forces are to be controlled, a definite date will prepare and quicken the country for the consideration of this subject.

Therefore I submit that the provision in the pending bill for the termination of control within two years after the war—a generously reasonable duration—is wise in that it puts the country and the Congress upon notice that readjustments will have to be made at the expiration of this period, and therefore a proper stimulus will be given to Congress for the preparatory study and consideration of the questions involved. Without some such notice, some such stimulus, consideration might be postponed under an indefinite prolongation authorized by law until an hour of peril had come upon the country, when time and conditions would forbid that investigation and thought required for the disposition of so great a subject.

Mr. Chairman, it was argued before the committee reporting this bill to the House that a definite time for the return of the railways to their owners would so stimulate speculation in railway securities that chaos would come upon the country. This is a strange and unfounded apprehension. It is self-evident that a contrary result would follow, for uncertainties and contingencies constitute the very life and essence of speculation.

Mr. Chairman, recurring to a former thought suggested by me, I would urge that whatever difficulties and problems may result from this war, no legislation now enacted should give a tendency or an inertia to any given remedy or theory that may hereafter have to be considered. This is no time to place weights upon future Congresses. This is a period of strain and stress; the unnatural and the abnormal prevail. Let us await peace for a consideration of ownership or increased regulation of railways. Congress will not then be disconcerted by the hysteria of war; free from its perturbations and under normal conditions Congress can then wisely deal with all of these questions.

Mr. Chairman, we should not throw away our chart. We should not forget the consideration which moved the passage of the act of August, 1916, for Federal control. That consideration was one and only one, namely, to meet the exigencies and necessities of war. The commerce clause of the Constitution—

To regulate commerce with foreign nations and among the several States and with the Indian tribes—

was wholly unrelated to the motive or purpose of the legislative mind. To contend that the railways may be taken over under the war power, but held after the war under the commerce clause of the Constitution is a contradiction and a piece of legislative legerdemain to which I can not give my consent.

I submit as a matter of supreme moment that Congress should employ no war power for peace purposes; that it should not pervert the exigencies of war to experimental peace policies in advance of the arrival of peace. When we assert the war powers of the Constitution our action should rest upon those powers. We should not in one breath declare our action based upon war, and in the next that the same action is based upon commerce. For it should never appear to those of coming generations that the legislative department of the Government ever for an instant

And when we consider that the average rate of returns upon

concern about commercial rates and commercial business?

Mr. Chairman, I submit as incontrovertible that if the railways are taken over by the Government for war purposes they

For it should never appear to those of coming generations that the legislative department of the Government ever for an instant

considered the Constitution of our Republic a "scrap of paper." [Applause.]

It does not seem unpopular, I fear, to consider the Constitution a negligible document. I differ from that view. I entertain with deep conviction that a country of the size of America, with its millions of people, with varying economic interests and social aspirations, can foresee the end of its career, unless its political institutions are defined and protected by a written constitution. [Applause.]

Gladstone is reported to have said that the American Constitution was the greatest instrument ever struck off by the brain and purpose of man at any one time. This is perhaps an exaggerated truth, for the American Constitution is really an evolutionary document, formulating for the time at least the accumulated liberties and social aspirations of a mighty people.

The war determines our duty. The war inexorably fixes a date for the return of the properties of the American railways. We have no moral or legal right to hold this property after the end of the war save for a reasonable time, which is a judicial question, and within which the readjustments incident to relinquishment may be effected.

Let our successors deal with the questions presenting themselves after the close of the war. They can then be considered from every angle, and the Congress can bring to bear upon these conclusions its profoundest research, assembling all data, assessing all facts, and solving them with courage and wisdom. I take counsel in my faith in the institutions of my country rather than in the voices of the excited prophets of the unknown. [Applause.]

Mr. ESCH. Mr. Chairman, I wish to offer an amendment. On page 2, line 7, after the word "seventeen," insert the words "both inclusive."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 7, after the word "seventeen," insert the words "both inclusive."

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I do.

Mr. WALSH. This question may have been brought out before, but I wanted to ask the gentleman his idea as to the meaning of this language in parenthesis, whether that means they can only include income of lines that have been acquired, leased, or consolidated within those three years, or whether it simply means the incomes of the roads for those three years, no matter when they might have been acquired, leased, or consolidated. From a reading of it it would appear that it was confined to the income of lines acquired, leased, or consolidated within that period of three years. Now, there are a great number of roads that were leased prior to July 1, 1914.

Mr. ESCH. They will be taken care of under the three-year period, but it was because of a doubt whether the income should be increased by the money derived by the lines leased for that period of time or included, namely, within the period of six months.

Mr. WALSH. That is not the six months' period.

Mr. ESCH. I should say the three-year period, which is taken as the period for the standard return.

Mr. WALSH. Well, I can not quite understand why it is necessary to put those two dates in there as applying to leased lines.

Mr. ESCH. As being a source of income to the carriers it should be included in the standard return. If it were not put in there they would be denied that amount of standard return, and they would be entitled to it under the principles enunciated in section 1.

Mr. WALSH. But suppose a road was acquired on June 1, 1914. Then that income could not be included.

Mr. ESCH. Without this specification it would be included, and the only purpose of my amendment is to include both——

Mr. WALSH. I understand the object of the gentleman's amendment, but it seems to me that the phraseology as employed confines the rates to include the income of leased lines to those lines that were leased between those two dates.

Mr. ESCH. Yes; that is the statement of it. What would be prior to that time would already be reflected in the operating income of the carriers.

Mr. WALSH. But if you left the two dates out and left the words in parentheses out, would it not also be included?

Mr. ESCH. I think it would not.

Mr. SIMS. I want to ask the gentleman from Wisconsin a question. As I caught his amendment, after the word "seventeen," it provides for using the words "both inclusive"?

Mr. ESCH. Yes.

Mr. SIMS. That covers a period of more than two years.

Mr. ESCH. We fix a limit between July 1 and December 31. Now, ordinarily you either include the first date and exclude the last or exclude the first and include the last. But we want both.

Mr. SIMS. The word "both" means it is between the two dates?

Mr. ESCH. But you include the two dates.

Mr. SIMS. I thought the word "inclusive" was sufficient without the word "both," but I have no objection to it.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Mr. Chairman, I offer an amendment. On page 12, line 17, after the word "retirements," insert a comma.

The CHAIRMAN. The Chair is advised that it has already been done by a previous amendment.

Mr. BORLAND. Mr. Chairman, I offer an amendment. On page 1, line 9, after the words "receive," insert "out of the earnings thereof."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BORLAND: Page 1, line 9, after the word "receive," insert the words "out of the earnings thereof."

Mr. BORLAND. Mr. Chairman, I offer this amendment for the purpose of calling the committee's attention to what I understood to be the statement of the gentleman from Virginia [Mr. MONTAGUE], not because I favor this particular plan that this amendment would provide. The operation of this amendment would be to provide for the payment of compensation only out of the earnings of the road. As the bill now stands I think it provides for an absolute payment of compensation according to the agreement between the President and the roads.

Now, I agree with the original text of the bill, but my understanding of the question asked by the gentleman from Virginia [Mr. MONTAGUE], and answered by him, was that if the roads did not make sufficient earnings they would be compelled to make sufficient earnings by the adjustment of rates. I may not have understood the gentleman from Virginia correctly, but that is my recollection of his answer.

Mr. BARKLEY. Will the gentleman yield for a suggestion?

Mr. BORLAND. Yes.

Mr. BARKLEY. I understand the suggestion made by the gentleman from Virginia, in discussing the rate-making power given to the President, was that if the expenses of the road were increased somebody should have the power to raise the revenue sufficiently to cover those extensions.

Mr. BORLAND. There is no question about that. But he said the question was asked him as to where the money was to come from to pay this compensation, and he said "out of the rates," and if the rates were not sufficient they must be made sufficient.

Now, my understanding is that the compensation the railroads are to receive is absolute and without any regard whatever to the success or nonsuccess of the roads; and, believing that is true, I am in favor of the text of the committee bill, both on this point and on the point of the President having the power to make rates.

Mr. MEEKER. Does it not seem like a good business policy to make the rate high enough so as to pay expenses?

Mr. BORLAND. Exactly. I am in favor of the power of the President to initiate rates as provided in the text of this bill, because I believe that this compensation to the railroads is payable absolutely; and I further believe, in common with these two gentlemen who have interrogated me, that if the returns of the road are not sufficient to pay the compensation, and they can be made sufficient by a readjustment of the rates within fair lines of business, they should be made sufficient by a fair adjustment of the rates.

Mr. SWITZER. Suppose whoever had control—say, the Director General—would so divert the freight for military purposes as to decrease materially the earnings of the railroad system, do you think that railroad should then receive compensation because it has not earned enough money to pay the standard rate?

Mr. BORLAND. If the gentleman thinks I do, he has misunderstood what I said before. I do not think we can escape the payment of the compensation.

Mr. SWITZER. You say it should be out of the earnings of the road?

Mr. BORLAND. It should be; but, as a matter of legal effect, it is not.

Mr. SWITZER. But suppose the Director General diverts the freight from that system which would naturally come over it, and it has not the earning capacity that it had before, would he still stand sponsor?

Mr. BORLAND. The gentleman and I are not apart on that. It may be that the effect of the war will be to blight certain industries or certain shipments from certain communities or the movement of freight in certain directions so as to cut

down tonnage of certain railroads. That might be the effect of the war, irrespective of the diversion for war purposes.

Mr. BARKLEY. Under this bill there are two different classes of roads. One class is those roads which have had a standard return, which means a net income for a three-year period. The President could not pay more than that income for that period.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. BARKLEY. There are other roads that the President has taken over which have no standard return for that period, because they have made no operating income. Now, if the gentleman's amendment is adopted, the President can not make a contract or pay operating expenses except out of the income, and he would be barred from making a contract with these roads that have no standard return.

Mr. BORLAND. I thought I made it clear that I did not want to change the language of the bill. There is only one further point I want to make.

Mr. SIMS. The gentleman, then, does not expect to insist on his amendment?

Mr. BORLAND. Oh, no. I wanted to call attention to that. The question is a very vital one as to the right of the President to initiate rates, as are the reasons which have been urged by some gentlemen why no such power should be given. I am one of those who agree with the member of the committee from Pennsylvania [Mr. DEWALT] that the President has that power now by virtue of the act of last August.

When he assumed management and control of the roads I believe he stepped into the shoes of the managers of those roads, and he has as much power to make rates on the roads he controls as he has control of the train service of those roads; just exactly the same power. He steps into the shoes of the managers of the roads, and he or his subordinate official becomes the man who initiates the rates. The only question in doubt is what becomes of those rates after they are initiated? Do they come before the Interstate Commerce Commission, and are they suspended for 30 days? That is the only question involved.

My understanding of this bill is that it gives the President the power to put into effect a change of rates immediately, and gives the Interstate Commerce Commission the power to review those rates upon the complaint of any shipper. It may be an extension of the President's power, because now he might be simply in the position of the manager of the road to initiate rates, as the manager would, and they would be under the control of the Interstate Commerce Commission, as now. But, as the President has the absolute war power to control these roads, what remedy would the shipper have if the President should put the rates immediately into force? So, as a practical proposition, there is no difference in the legal status of the shipper. We might just as well in this bill give the shipper full knowledge of what his rights are going to be. I believe that the committee, in drafting this bill, has given the shipper as full an opportunity for a hearing on the fairness of rates as can be given under the law. I believe that all the shipper can get any way is to have the right to have the findings of the President reviewed by the Interstate Commerce Commission. I do not believe that the shipper can get under the law an absolute suspension of those rates, nor do I believe he can get any new remedy in case the rates are determined to be unfair or discriminatory. We must trust the President with the war power, and the Committee on Interstate and Foreign Commerce has very wisely, I think, provided for the use of the machinery of the Interstate Commerce Commission to review the fairness of those rates, so that the shipper may have some opportunity at least to present his side of the case, which may not have been presented to the Director General of the road at the time the rate was first initiated.

Mr. FOSS. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. FOSS. I want to ask the gentleman whether or not he thinks the Interstate Commerce Commission might have some diffidence in passing upon a rate fixed by the President of the United States, who is the creator, so to speak, of the men who occupy positions on that commission?

Mr. BORLAND. I do not think so. I do not think the Interstate Commerce Commission, if the gentleman were a member of that commission—and in that case I feel sure he would make a distinguished member of the commission—and if I were also a member I do not think we would have the slightest hesitation in passing upon such rates as might be fixed by the President.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I ask unanimous consent that the gentleman from Missouri may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BORLAND. I say I do not think the gentleman from Illinois or I would have the slightest hesitation in pronouncing upon all questions affecting the rights of the people of the United States, not the slightest.

Mr. FOSS. Now, as I understand it, this commission reports back to the President, so that the President reviews, so to speak, the proceedings of the Interstate Commerce Commission.

Mr. BORLAND. It is purely advisory as to him.

Mr. FOSS. That is to say, the President can initiate the rates, but the commission has appellate jurisdiction in a way; but the President is the final arbiter?

Mr. BORLAND. Unquestionably; and I am unable to see how under the law it can be otherwise. If I have correctly read the case of Marbury against Madison, I do not think the President of the United States can be either mandamused or enjoined. I do not see that any other remedy can be given to the shipper than the one we have given him.

Mr. FOSS. But here the Interstate Commerce Commission, that formerly fixed the rates, is practically put into a state of "innocuous desuetude."

Mr. BORLAND. I do not think so.

Mr. FOSS. The commission has not the power to fix the rates.

Mr. BORLAND. It has not the power now to fix the rates, but review rates.

Mr. FOSS. It reports to the President.

Mr. BORLAND. I think it is now a valuable power and worthy of preserving that gives them the right to review rates. The shipper may show an entire difference of view regarding those rates, and they may be either restored or modified or otherwise changed as the result of a fair hearing. I think that is all that can be fairly given to the shipper.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. MADDEN. Does the gentleman say that the Interstate Commerce Commission has not now the power to initiate rates?

Mr. BORLAND. It decides on the reasonableness of those rates.

Mr. MADDEN. But they can not be put in effect until the final judgment of the commission is given.

Mr. BORLAND. On the question of reasonableness.

Mr. MADDEN. On the question of rates.

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. BARKLEY. Mr. Chairman, I wonder if we can not enter into a unanimous-consent agreement about limiting the time of debate on this section?

Mr. TOWNER. I will say, Mr. Chairman, that I have an amendment that I want to offer as a substitute for the first paragraph of this section. I have been waiting, of course, until those amendments were disposed of that perfected that first part of the section. I have no objection, so far as I am personally concerned, to the limitation of the debate, but I would like to have that taken into consideration.

Mr. BARKLEY. I do not want to cut off any opportunity for offering amendments, but the time seems to be running on unlimitedly. I ask unanimous consent, Mr. Chairman, that the debate on this section and all amendments thereto be concluded in 20 minutes.

Mr. TOWNER. I would like to have 10 minutes on my amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. BARKLEY] asks unanimous consent that all debate on the section and all amendments thereto be concluded in 20 minutes. Is there objection?

Mr. CONNALLY of Texas. I shall have to object to that, Mr. Chairman.

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. BARKLEY. Mr. Chairman, would the gentleman object to 45 minutes?

Mr. BORLAND. I ask unanimous consent, Mr. Chairman, to withdraw my amendment.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. BARKLEY. I want to renew my request for unanimous consent, and make it 45 minutes.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that all debate on this section and all amendments thereto be concluded in 45 minutes. Is there objection?

Now, ordinarily you either include the first date and exclude the last or exclude the first and include the last. But we want both.

industries or certain shipments from certain communities or the movement of freight in certain directions so as to cut

The CHAIRMAN. The time of the gentleman has expired.

I thereto be concluded in 45 minutes. Is there objection?

Mr. GREEN of Iowa. I object.

Mr. LENROOT. Mr. Chairman, will not the gentleman withhold his objection?

Mr. GREEN of Iowa. Yes.

Mr. LENROOT. I want to say that half of the time this morning was consumed in general debate and not on amendments. I want to suggest to the gentleman that if he desires to push the bill speedily he can make a point of order, but we ought to have reasonable time for amendments.

Mr. BARKLEY. The gentleman from Virginia [Mr. MONTAGUE] was allowed to proceed.

Mr. LENROOT. I do not think we should cut off amendments.

Mr. BARKLEY. I have no desire to limit amendments.

Mr. MADDEN. I reserve the right to object. There are a great many Members who would be glad to discuss the bill in its general phases in general debate, but they did not have the opportunity to do so, and it may be that they will want to discuss the bill out of order and not the amendments that may be pending. I think they ought to be heard.

The CHAIRMAN. Objection is heard. Does any gentleman desire to offer an amendment?

Mr. CONNALLY of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: On page 3, line 1, after the word "carrier," insert the words "and in the discretion of the commission from such other evidence and data as may be available to or secured by the Interstate Commerce Commission."

Mr. CONNALLY of Texas. Mr. Chairman and gentlemen of the committee, it will be noted that in this paragraph it is provided that the Interstate Commerce Commission shall determine from the books, reports, and other data of the carriers both the standard return and the cost of any improvements and extensions; and in the next sentence it provides that its certificate as to these facts shall be conclusive. My amendment seeks to give the commission the discretion, either to confine itself to the character of data or evidence already mentioned in the bill, or to go outside and to take into consideration other evidence or data which it may be able to secure. Now, it does seem to me that it is rather giving too much weight to the evidence which the carriers may submit, to confine the Interstate Commerce Commission to that evidence, and then to make a finding based on that evidence absolutely conclusive. My amendment will only give the commission the discretion which I think it ought to possess, to ascertain the truth wherever it may find it, whether from the books or records of the carriers themselves, or from the books and records of other carriers with whom they may have had dealings, or from the books and records of trust companies and financial institutions with which the carriers may have had business connections, and which may be able to throw some light upon the financial operations of the railway companies mentioned. I believe this amendment ought to be adopted in all fairness to the shipping public, because unless it is adopted, and if the language in the bill is retained it will absolutely tie the hands of the Interstate Commerce Commission, and say to it that in trying the case they shall be confined to the evidence offered by the plaintiff, and shall in the good old justice-of-the-peace way enter up judgment for the plaintiff.

Mr. ESCH. Would it satisfy the objection the gentleman has raised to strike out from the bill the words "and from reports, books, and other pertinent data of such carriers," leaving the commission the whole field of inquiry?

Mr. CONNALLY of Texas. Absolutely.

Mr. ESCH. So that would make the gentleman's amendment unnecessary.

Mr. SIMS. If the gentleman will confine his amendment to that, there will be no objection to it.

Mr. CONNALLY of Texas. I will accept the amendment.

Mr. SIMS. The gentleman can ask to modify his amendment.

Mr. CONNALLY of Texas. I ask unanimous consent to withdraw my amendment and to offer the following instead.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CONNALLY of Texas: Page 2, line 24, to page 3, line 1, strike out the words "from the reports, books, and other pertinent data of such carrier."

Mr. BLACK. Mr. Chairman, I move to strike out the last word of the amendment. At this time I want to discuss briefly the proposition referred to by the gentleman from Virginia [Mr. MONTAGUE] and the gentleman from Missouri [Mr. BORLAND] to the effect that the Interstate Commerce Commission is a creature of the President, and that therefore in the existing emergency it should be shorn of its power to be the final arbiter of the rates. I think that there can be but little question as to the wisdom of the step which the President took on December 28 when he issued his proclamation taking over the railroads, and I think that there are but few, very few, in this country who are not in entire sympathy with what has been done in this respect and are willing to cooperate in every possible way toward making the operation of these railroads by the President a success and an agency for promoting greater efficiency in the prosecution of the war; but the inquiry at once arises, Is it necessary to discard the machinery of the Interstate Commerce Commission, which has hitherto exercised its jurisdiction under the laws enacted by Congress, in order that this successful operation shall be obtained? The gentleman from Missouri [Mr. BORLAND] and the gentleman from Virginia [Mr. MONTAGUE] advanced the novel proposition that the Interstate Commerce Commission is the creature of the President, and that therefore to permit it to be the judge as to rates would be making the creature greater than the creator. Gentlemen, the Interstate Commerce Commission is not the creature of the President. It is an independent body, created by an act of Congress of the United States. Its members are appointed, it is true, by the President, just as he appoints the members of the Supreme Court. But would any Member of this House have the temerity to say that the jurisdiction of the Supreme Court ought to be taken away, even in time of war, because, forsooth, it has the power to interpret the laws and the Constitution of the United States and to which interpretation the President of the United States, Members of Congress, and all other public officials and private citizens must conform their actions? Now, I am in favor of that provision of the bill which gives the President the power to initiate rates, but I believe that the final arbiter of the reasonableness and justice of those rates should be the Interstate Commerce Commission.

Mr. REAVIS. Will the gentleman yield?

Mr. BLACK. I yield to the gentleman from Nebraska.

Mr. REAVIS. No one who understands the tremendous amount of labor now devolving upon the President would expect him to fix rates.

Mr. BLACK. No one would expect him to do it. I take it that in the midst of his large and expanding duties it would be impossible for him to go into the intricate study of railway fares and rates.

Mr. REAVIS. He would have to do it through some commission.

Mr. BLACK. He would; and who is better qualified to deal with rate matters than the Interstate Commerce Commission, which by reason of its long experience possesses a better knowledge of these intricate matters of freight rates than any other body in this country? It is learned in the complicated and complex matters inseparably connected with transportation problems as is probably no other body of men in the country.

Mr. REAVIS. Will the gentleman yield for another question in line with his argument?

Mr. BLACK. Yes; I yield.

Mr. REAVIS. The foundation of these rates must be reasonableness. Who has had experience as to the reasonableness of rates to compare with the experience of the Interstate Commerce Commission?

Mr. BLACK. No one that I know of, and I think that it should continue to exercise its authority over fares and rates, under legal authority and restraints which are already a part of the law of the land.

Mr. SIMS. The gentleman said he was in favor of the President initiating rates, as I understood him?

Mr. BLACK. Yes.

Mr. SIMS. But would the gentleman have the rates initiated go into effect immediately?

Mr. BLACK. I myself will propose an amendment, if it is not proposed by some member of the committee, that will leave the law with respect to initiating rates substantially as it now is, except that I would give the President the right to initiate rates without giving the notice now provided by law, but leave that matter to the discretion of the President. Then I would allow the shipper to appeal to the Interstate Commerce Commission, if he wishes to do so, and let that body finally determine whether or not such rates, fares, charges, classifications, and so forth, are just, fair, and reasonable.

Mr. SIMS. The gentleman, then, wants to put the President exactly in the attitude that the railroads were before the war with reference to the initiation of rates?

Mr. BLACK. The gentleman substantially states my position, but not exactly so.

Mr. SIMS. That he may initiate in the sense of merely proposing an increase?

Mr. BLACK. He may initiate rates and put them into effect under the provisions of the pending bill, and I favor that; and what I want to do is to give the same right of appeal to the Interstate Commerce Commission as is now provided by law.

Mr. SIMS. The law does not provide now for putting a rate into effect.

Mr. BLACK. It does upon 30 days' notice, or such notice as the Interstate Commerce Commission may prescribe.

Mr. SIMS. The Interstate Commerce Commission must approve now before they permit it to be filed.

Mr. BLACK. The gentleman states the law correctly, as applied to carriers, if my memory serves me right, but I favor the provision that you have in the bill which we are now considering, giving the President the right to initiate fares and rates, which is undoubtedly some modification over the present law; but while I am in favor of that provision, so as to give the President the power of quick action, still I also want to preserve the right to the shipper to appeal to the Interstate Commerce Commission, and leave that commission with full power to be the final arbiter as to the justness and fairness of rates, and power to suspend them if they are found to be not just and reasonable.

Mr. SIMS. One of the largest shippers would be the Government.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. BLACK. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAYBURN. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. RAYBURN. Is not the idea of the gentleman from Texas along the line of the amendment that I proposed in the committee and presented here, that the President should be given the power to initiate the rate and that it shall go into effect in 30 days unless complaint is filed?

Mr. BLACK. Yes; but I would go further than that and allow these rates to go into immediate effect, but allow the Interstate Commerce Commission to suspend them if they were found to be unjust and unreasonable. Now, we all know that in the operation of the transportation companies the President can not act very generally by personal direction, but that it will be done largely by the Director General, and it is very apparent that even he, with his many pressing duties connected with the Treasury Department and the direction of the great financial operations of the war, will be forced to delegate his authority to subordinates; and therefore it seems to me that the reasonable and logical thing to do is to make the Interstate Commerce Commission the final judge in these matters, for the very simple reason that it is the most efficient and the most effective body in this country to deal with such matters, and it is not reasonable to suppose that any other body appointed by the President or the Director General would be more competent to deal with the problem.

Mr. CONNALLY of Texas. Does the gentleman think that the shipper ought to be required to pay more than a fair and just rate in order to make up the deficit which might be caused by the necessities of war?

Mr. BLACK. He should not; it ought to be levied by general taxation if there should happen to be any deficit. I hope, of course, that there will be none. Now, why should we want to destroy the power of the Interstate Commerce Commission and lodge these unnecessary powers in the hands of the President? Is it merely for the sake of granting autocratic powers to the President? Surely not. I have never understood that the President wants Congress to grant him any powers which he does not need in the prosecution of the war, and surely no one can contend that the power to be the final judge of rates is a war power.

Mr. GORDON. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. GORDON. I want to call the gentleman's attention to the provision inserted in the bill that prohibits everybody, the President included, from imposing any more than a just and reasonable rate.

Mr. BLACK. That is true; but who is to determine it? Why not a judicial body like the Interstate Commerce Commission? It is not an administrative body. It is more in the nature of a judicial body, with power to adjust equities between the shipper and the carrier. It does not operate the railroads. It does not initiate rates. It irons out the differences which are bound to arise in the operation of the roads whether that operation shall be by the railroads or by a Director General appointed by the President of the United States.

Mr. SNOOK. Will the gentleman yield?

Mr. BLACK. I will.

Mr. SNOOK. Did I understand the gentleman to say that if it should become necessary during the period of Government control of the railroads to raise the rates, or a rate, that he favors taxation of the people to pay it?

Mr. BLACK. I say that if a deficit should arise in the operation of the railroads, due to war necessities, that the shipper should not be penalized thereby to the point where he would have to pay an unjust and an unfair rate; that he ought to have some tribunal to appeal to, to decide as to the justness and reasonableness of rates.

Mr. SNOOK. I understood the gentleman to say, in answer to his colleague from Texas, that if it was necessary to raise the rate he favored the raising of that higher rate by taxation.

Mr. BLACK. If the gentleman understood me that way, he understood me erroneously. What I said was that rather than that the shipper should at any time be required to pay an unjust, unreasonable, and confiscatory rate, taxes ought to be levied in the usual way rather than to penalize him.

I think that is a sound proposition and that most of us agree on that, at least. I hope that at the proper place in the bill that an amendment will be adopted preserving the ordinary and usual jurisdiction of the Interstate Commerce Commission.

Mr. MADDEN rose.

The CHAIRMAN. The gentleman from Illinois will be recognized in opposition to the motion of the gentleman from Texas, and then all debate will be closed.

Mr. MADDEN. Mr. Chairman, the Interstate Commerce Commission is not the creature of the President. It is an independent department of the Government. It is so held to be an independent department. It is not subject to the orders of the President and ought not to be subject to his orders. Under the present law regulating rates the carrier is allowed to suggest a rate, and he files that rate with the Interstate Commerce Commission. He can not file the rate at all until the Interstate Commerce Commission says so within the period of 30 days. It is within the power of the Interstate Commerce Commission to suspend the rate after it is filed for another period, and it is finally within the power of the Interstate Commerce Commission to say what the rate shall be.

Now, I submit that if the Interstate Commerce Commission is not to be allowed to carry out the functions for which it was organized it ought not to be kept as a burden upon the taxpayers of the country. It is costing a good many million dollars every year to maintain the Interstate Commerce Commission. By long years of training it has acquired experience in rate making. Who will say that the President of the United States has had any such experience as will qualify him to make rates, and why should he be permitted to make the rates? Why should the Interstate Commerce Commission be compelled by any legislation that we may enact to simply review the rate made by the President of the United States and submit the result of their view to him for his action? The mere fact that we have turned over to the President of the United States the power to operate the railroads for the period of the war, as a war measure, does not justify the granting of further power of making rates. One of the functions of operating this railroad is a war function and the other function proposed in this legislation is a commercial activity. Nobody will suffer if the President is put in the place of the railroad companies and is authorized in that capacity to suggest rates to the Interstate Commerce Commission and the Interstate Commerce Commission is authorized, as they now are, to say whether those rates are reasonable and just. The President, simply because he happens to be President, ought not to be given unlimited powers to make rates. He might decide to raise the rates out of all reason, and yet these rates might be considered as reasonable by the Interstate Commerce Commission, because they would not want to have their opinion conflict with his.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. In a moment; but even the suggestion of the Interstate Commerce Commission after review would not be binding upon the President, and so whether he made a reasonable or an unreasonable rate would make no difference. I yield now.

Mr. TOWNER. I want to make this suggestion to the gentleman: Under the old law, up until the time we took over the regulation of the railroads, the question of rate making was a question between the railroads and the people, and then we said that neither the railroads nor the people should have the

right arbitrarily to decide, and we instituted the Interstate Commerce Commission as a board for that purpose. The question of rate making is now one between the people and the Government, and yet it is said here that one of the parties to that relationship, the Government itself, the President of the United States, is to have the right to make the rates.

Mr. MADDEN. And I do not think it ought to be so, because the President in the performance of his function as the operator of the railroads is representing the individual owners of the railroads, though he may be speaking for the Government, and he should not be permitted to arbitrarily fix a rate without the right of review and decision from some other body, and that body should be the Interstate Commerce Commission.

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired on this amendment. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. CONNALLY].

The question was taken, and the amendment was agreed to.

Mr. SIMS. Mr. Chairman, I desire to make a statement for the benefit of the committee. The question of rate making or the power of rate making will be reached in this bill at the proper place. Of course, there is going to be time for liberal debate when it is reached, and from now on I shall object to discussing the rate-making question under an amendment that does not apply to it at all. I understand when the question is reached that the gentleman from Wisconsin [Mr. ESCH] is going to offer an amendment.

Mr. ESCH. It will be offered by the gentleman from Iowa [Mr. SWEET].

Mr. SIMS. At all events, it will be offered when we reach that part of the bill, and I shall object to further discussion of the question of rate making.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. MADDEN. Members of the gentleman's own committee were discussing this question?

Mr. SIMS. Yes.

Mr. MADDEN. And the other Members who were not familiar with the practice of the committee and its members had a right to believe that it was in order, so long as the committee itself inaugurated the practice.

Mr. RAMSEYER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. RAMSEYER moves to amend section 1 by adding the following paragraph——

Mr. SIMS. Mr. Chairman, section 1 has been already amended by an amendment offered by the gentleman from Wisconsin [Mr. ESCH]. I suppose this amendment ought to come in at the end of that amendment which has been already adopted.

Mr. RAMSEYER. I hope it will come in at some place.

The CHAIRMAN. The gentleman from Iowa offers an amendment as a new paragraph, and at what point of the bill?

Mr. RAMSEYER. I place it at the end of the amendment offered by the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. At the bottom of page 5.

The CHAIRMAN. It is to come in at the end of the section?

Mr. RAMSEYER. Yes.

The CHAIRMAN. Very well. The Clerk will report the amendment.

The Clerk read as follows:

Mr. RAMSEYER moves to amend section 1 by adding the following paragraph at the end of the section:

"*Provided*, That in no case shall the net income (that is, the sum remaining after deducting for operation, maintenance, taxes, fixed charges, and interest in funded and unfunded debts, and all other items of expense according to the system of accounting established by the Interstate Commerce Commission) of such carrier exceed 6 per cent on the par value of the capital stock (eliminating duplications) outstanding on the 31st day of December, 1917."

Mr. RAMSEYER. Mr. Chairman, a year ago when our entrance into this war seemed inevitable, and for the first few months after war was formally declared, much was said by men in and out of public office about this being a war without profiteering; that no one should make money out of war; that all must sacrifice. Most of the people are now sacrificing, most of the people are bearing greater burdens, and most of the people are receiving no special legislative favors from this body.

Nearly 10 months ago I made a speech on the floor of this House in which I took occasion to say:

> We must take the people into our confidence and constantly reassure them by our legislative acts—not words merely—of our righteous purpose in this war. * * * While considering measures to bring this war to a successful and just termination we must not overlook those problems that touch every man, woman, and child in the land and the just and equitable solution of which will vitally affect our national concord and unity. If the laws that we shall pass here will permit some to amass vast wealth out of this war and cast the burdens and sacrifices upon the shoulders of the masses of our population it will require no prophet to tell you that that will tend to discord and dissension. * * * What I am contending for in these times is laws so just and equitable that no class of our citizens will have occasion to feel that they are not getting a fair and square deal and for a foreign policy worthy of our traditions and of our boasted leadership among the democracies of the world.

These principles have guided me and shall continue to guide me during the remainder of my service in this body. With these principles in mind, let us examine the bill before the House.

The bill is not a proposition to take over the railroads. The railroads have been taken over by the President under provisions of the act of August 16, 1916. The roads are now in the possession of and under the control of the Government and they will remain in the possession of and under the control of the Government during the war, whether this bill becomes law or not. I voted for the law of August 16, 1916, and I approve the President's action in taking over the railroads. I know of no one in Congress who either opposed the law that gave the President power to take over the railroads in such an emergency as this or who is now opposed to the Federal Government operating the roads during the present emergency.

In view of what I have said it is evident that Members of Congress can freely express their views in opposition to provisions of the bill or the bill itself without fear of being understood as opposing the action of the President in taking over and operating the railroads. Whether the sections of the bill relative to the compensation of the owners of the railroad stock or the powers to be granted to the Interstate Commerce Commission or the time limit when the railroads shall revert back to their owners become law or are amended to conform to views held by gentlemen like myself, the Federal Government under the direction of the President will continue to operate the roads during the war and for a considerable period thereafter.

Mr. Chairman, with that preliminary statement I wish to state for the information of the committee that the amendment just offered is in identical language to one offered in the Senate on last Friday. To my way of thinking the compensation allowed the owners of railroad stock in section 1 of the bill is indefensible and preposterous. That is especially true in view of the fact that the people freely give the Government the use of their money at 4 per cent and will continue to do so as long as the Government has need for it. Organized wealth should be required to sacrifice as well as the people during this war. Under the circumstances, together with all the other guaranties of this bill to railroads, the adoption of this amendment would not only be just compensation to owners of railroad stocks, but it would be liberal compensation as well.

This morning the gentleman from Pennsylvania [Mr. DEWALT] undertook to defend this section by invoking a rule of law that the compensation to which the railroads are entitled is the value of the use of the railroad property at the time of taking over.

Mr. DEWALT. Mr. Chairman, will the gentleman yield for a moment?

Mr. RAMSEYER. I will ask the gentleman to be brief, because I have only a few minutes.

Mr. DEWALT. The legal statement that I tried to make was this: That the measure of damages for taking property is to be estimated upon the value of the property at the time of the taking.

Mr. RAMSEYER. That would be December 28, 1917.

Mr. DEWALT. Yes; but that is the actual taking of the property. When you take only the use of the property then a different rule would apply. You must estimate what the use is worth.

Mr. RAMSEYER. And when.

Mr. DEWALT. Not at the time, because if you did you might possibly get an overestimate or an underestimate because the value of the use of the property would differ at different times. It might be $10,000,000 one year and $5,000,000 another year. Therefore you must strike an average and determine what that is worth.

Mr. RAMSEYER. I am very glad the gentleman has made that statement, because several members of the gentleman's committee have gotten up here and contended it was exactly as I stated it. For instance, the gentleman who just left the floor a while ago, the gentleman from Virginia [Mr. MONTAGUE], made this statement: "Pay for a man's property that which he has been getting." Now, the natural inference from that would be that he meant the value of the use of the property at the time it was taken over. Of course, this limitation of 3 years arrived at by the committee is an arbitrary time. It

might as well have been 5 years or 10 years or 15 years, and would have been just as legal as the 3-year limit. Now, I do wish to call to the attention of the committee some figures that the stockholders of the road are going to be permitted to earn. Members of the committee who spoke here I know confused some Members as to the terms "stocks," "bonds," and "property investment." Now, the table which the Interstate Commerce Commission furnished, and which was set out fully in the minority report of Senator CUMMINS and published in the remarks of the gentleman from Wisconsin [Mr. LENROOT], shows the returns on the capital stock. Some gentleman of the committee made answer that, although the percentage of net income returned on capital stock as shown by this table was high, if the calculation be made on the property investment it is not so high. Now, my understanding of this bill is that you undertake to guarantee to the railroads the interest on their bonds, all the operating expenses, taxes, maintenance, make allowance for depreciation, and so forth, and then give the stockholders the average net income that they have been getting for three years prior to June 30, 1917, either as dividends or to be used as part dividends and part surplus, as they may see fit. Now, if I am not right about this I would like to be corrected.

Mr. STEVENSON. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAMSEYER. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. STEVENSON. I understood the gentleman both in his amendment and in his remarks to say that the standard return was the income after paying the interest on bonds, as well as paying the operating expenses. Does the gentleman understand the bill to mean that?

Mr. RAMSEYER. Section 1 will do just what I said it would do. That is what I said, and no member of the committee made any objection to it. I am, of course, now speaking of the effect the bill will have stripped of technical terms.

Mr. STEVENSON. They used the term "standard return" the same as railroad operating income and that——

Mr. RAMSEYER. That has a technical meaning, and I would like to call attention——

Mr. STEVENSON. But I want to call the gentleman's attention to the fact that the railway operating income is that which is left after paying certain expenses, of which interest on bonds is not one at all.

Mr. LENROOT. Will the gentleman yield?

Mr. RAMSEYER. The table to which I referred gives the average per cent of net income, which does include payment of interest on bonds.

Mr. STEVENSON. I am referring to the fact that the standard return provided for in this bill does not provide that the Government is to pay interest on the bonds at all.

Mr. RAMSEYER. Who is going to pay it? The interest on bonds must be paid while the railroads are under Federal control as it was before.

Mr. STEVENSON. They pay it out of the standard return that is turned over to the railroads themselves, that is the way I understand it.

Mr. RAMSEYER. Of course, the interest on bonds must be taken care of before the railroads can realize the net income shown in the table. You are not going to let the interest on bonds go unpaid; you have to take care of the interest on bonds before the railroads can realize this net income.

Mr. STEVENSON. No, sir; that is not the provision of the bill as I understand it. They have to pay them the standard return and out of that they pay their interest as they do their dividends.

Mr. RAMSEYER. I understand the bill the way I have explained it. The practical results will be the same. In either event the guaranty of this bill covers, among other things, the interest on bonds and dividends on capital stock, and if the earnings of the railroads are insufficient we reach into the Federal Treasury to make them up.

Mr. LENROOT. Will the gentleman yield?

Mr. RAMSEYER. I will.

Mr. LENROOT. I would like to call the attention of the gentleman to the fact that the claim of this bill for the standard return is a sum fixed by the President that they shall be entitled to receive plus, later on, certain additions or subtractions. It is not operating railway income at all; it is a fixed sum.

Mr. RAMSEYER. I understand that. The bill undertakes to authorize the President to pay the railroads not to exceed a certain amount. But both the President and the Director General have declared the railroads should have the maximum amount allowed in the bill. That amount I contend is too high. We all know that the Director General will make agreements with the railroads allowing them the maximum under the bill, for that is what he has repeatedly stated should be done. Knowing what the Director General's intentions are, it is absurd to give him that power and then stand back and say if he does do that thing we will show him up to the people.

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. RAMSEYER. Is it in the nature of an explanation?

Mr. BARKLEY. No; but possibly it may be an explanatory question.

Mr. RAMSEYER. Is it to inform me or to inform the gentleman?

Mr. BARKLEY. Well, I do not know that the question will inform either one of us much.

Mr. RAMSEYER. Will the gentleman ask the question?

Mr. BARKLEY. Does not the gentleman know that there are many railroads where the amount of their capital stock does not correctly reflect the amount of money invested?

Mr. RAMSEYER. That is true.

Mr. BARKLEY. Because they have sometimes returned large sums of money and put that money into improvements and betterments and have not increased their stock——

Mr. RAMSEYER. I understand that. The percentage you are going to allow is on the capital stock?

Mr. BARKLEY. Yes.

Mr. RAMSEYER. Now, right here let me see whether we have the same understanding of the terms "capital stock," "bonds," and "property investment." Now, suppose you had a farm for which you are asked to pay $10,000 and you put $3,000 of your own money in and $7,000 under a mortgage. At the end of the year after paying interest on the mortgage and operating expenses of the farm and taxes you have $1,000 left. Now, that is 10 per cent on the property investment, is it not, but it is 33⅓ per cent on the money you have in it? Carry that analogy to the whole railroad system of the United States; we have bonds to the amount of $10,021,730,075, eliminating duplications; capital stock, $6,514,750,554, eliminating duplications. Add the amount of bonds and stocks and we have $16,336,300,336, which represents the property investment. The interest on the bonds is a fixed charge, just like the interest on the mortgage, and what is left after interest on bonds, operating expenses, and so forth, are paid goes to the stockholders as dividends. Under this bill the railroads will get annually $955,000,000. The bondholders, like the mortgagee, get a fixed rate of interest, about 4 per cent, or annually, in round numbers, $400,000,000. The stockholders will receive $550,000,000, or an average of 8½ per cent on the capital stock. The stockholders of some roads receive a much larger net income than others. So, when Members speak of net income on capital stock as excessive and exorbitant, it is unfair, and no answer to call attention to the property investment.

At this place I ask to have printed in the RECORD the table I referred to a while ago from the Interstate Commerce Commission. The figures in this table have been neither challenged nor contradicted.

The table referred to is as follows:

Road.	Capital stock actually outstanding (average for the 3 years ended June 30, 1917).	Average net income for the 3 years ended June 30, 1917.	Average per cent of net income to capital stock.
EASTERN DISTRICT.			
Pennsylvania R. R. Co	$499,195,567	$44,534,999	8.93
New York Central R. R. Co	249,676,128	32,367,269	12.96
Baltimore & Ohio R. R. Co	219,872,812	12,285,229	5.63
Pennsylvania Co	80,000,000	9,537,850	11.92
Philadelphia & Reading Ry. Co	42,481,700	10,918,875	25.70
Delaware, Lackawanna & Western R. R. Co	42,320,000	13,580,580	32.09
Pittsburgh, Cincinnati, Chicago & St. Louis R. R. Co	67,511,723	4,556,593	6.75
Lehigh Valley R. R. Co	60,608,000	7,160,900	11.83
Cleveland, Cincinnati, Chicago & St. Louis Ry. Co	57,027,200	5,048,002	8.85
Michigan Central R. R. Co	18,736,400	3,463,454	18.48
Central R. R. Co. of New Jersey	27,436,800	5,556,775	20.25
Delaware & Hudson Co	42,502,600	5,437,547	12.79
Philadelphia, Baltimore & Washington R. R. Co	25,571,000	2,941,156	11.50
Pittsburgh & Lake Erie R. R. Co	31,991,200	7,537,921	23.56
Elgin, Joliet & Eastern Ry. Co	10,000,000	945,239	9.45
Maine Central Ry. Co	18,190,317	1,605,075	8.82
Buffalo, Rochester & Pittsburgh Ry. Co	16,500,000	1,560,021	9.45

Road.	Capital stock actually outstanding (average for the 3 years ended June 30, 1917.	Average net income for the 3 years ended June 30, 1917.	Average per cent of net income to capital stock.
EASTERN DISTRICT—continued.			
Bessemer & Lake Erie R. R. Co.	$500,000	$3,235,000	647.22
Chicago & Erie R. R. Co.	100,000	70,449	70.45
Hocking Valley Ry. Co.	10,999,500	1,313,129	11.94
West Jersey & Seashore R. R. Co.	10,317,983	691,159	6.70
Central New England Ry. Co.	8,547,200	717,566	8.43
New York, Philadelphia & Norfolk R. R. Co.	2,500,000	893,504	35.74
Rutland R. R. Co.	9,150,300	575,651	6.29
Bangor & Aroostook R. R. Co.	4,079,267	337,536	8.28
Cumberland Valley R. R. Co.	5,333,571	1,299,684	24.01
Kanawha & Michigan Ry. Co.	9,000,000	991,665	11.02
Lehigh & New England R. R. Co.	6,000,000	819,722	13.66
Chicago, Terre Haute & Southeastern Ry. Co.	4,390,000	231,701	5.45
Lehigh & Hudson River Ry. Co.	1,340,000	374,915	27.98
Monongahela Ry. Co.	3,800,333	352,800	9.28
Cincinnati Northern R. R. Co.	3,000,000	268,573	8.95
Port Reading R. R. Co.	2,000,000	182,547	9.13
Detroit & Toledo Shore Line R. R. Co.	1,428,000	348,020	24.37
Buffalo & Susquehanna R. R. Corporation	7,000,000	495,232	7.09
Staten Island Rapid Transit Co.	500,000	101,119	22.02
Detroit & Mackinac Ry. Co.	2,950,000	218,977	7.42
Total eastern district	1,593,322,780	182,931,748	11.48
SOUTHERN DISTRICT.			
Illinois Central R. R. Co.	109,288,114	12,353,882	11.31
Louisville & Nashville R. R. Co.	72,199,169	12,098,890	16.75
Norfolk & Western Ry. Co.	138,580,987	17,342,410	12.51
Chesapeake & Ohio lines	63,788,000	5,885,451	9.31
Atlantic Coast Line R. R. Co.	68,754,700	7,424,094	10.80
Central of Georgia Ry. Co.	20,000,000	1,878,570	9.39
Nashville, Chattanooga & St. Louis Ry.	15,994,851	2,175,428	13.60
Mobile & Ohio R. R. Co.	6,016,800	888,087	14.76
Cincinnati, New Orleans & Texas Pacific Ry. Co.	5,443,400	2,448,928	44.99
Florida East Coast Ry. Co.	10,835,353	1,030,321	10.06
Alabama Great Southern Ry. Co.	11,210,350	1,364,246	12.17
New Orleans & Northeastern R. R. Co.	6,000,000	645,449	10.77
Richmond, Fredericksburg & Potomac R. R. Co.	4,315,067	979,486	22.70
Georgia Southern & Florida Ry. Co.	3,768,000	222,186	5.90
Charleston & Western Carolina Ry. Co.	1,230,000	269,036	21.67
Gulf & Ship Island R. R. Co.	7,000,000	373,070	5.33
Alabama & Vicksburg R. R. Co.	2,100,000	360,784	17.18
Washington & Southern Ry. Co.	4,000,000	348,841	8.72
Atlanta & West Point R. R. Co.	2,488,800	292,922	11.80
Western Railway of Alabama	3,000,000	251,851	8.39
Total	551,745,062	68,636,910	12.37
WESTERN DISTRICT.			
Atchison, Topeka & Santa Fe Ry. Co.	337,323,677	31,239,091	9.70
Southern Pacific Co.	272,725,239	17,981,736	6.60
Chicago, Milwaukee & St. Paul Ry. Co.	235,225,167	14,336,613	6.15
Chicago, Burlington & Quincy R. R. Co.	110,939,100	24,444,045	22.03
Chicago & North Western Ry. Co.	157,591,852	16,090,355	10.18
Great Northern Ry. Co.	249,361,856	24,021,667	9.63
Northern Pacific Ry. Co.	247,984,000	24,397,781	9.87
Union Pacific R. R. Co.	321,835,100	31,018,368	9.64
Minneapolis, St. Paul & S. Ste. Marie Ry.	37,840,300	4,571,790	12.09
Oregon Short Line R. R. Co.	100,000,000	9,361,016	9.36
Texas & Pacific Ry. Co. (lines)	38,755,110	2,548,530	6.58
Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	29,815,000	2,854,452	9.57
Duluth, Missabe & Northern Ry. Co.	4,117,500	4,693,088	114.12
El Paso & Southwestern Co.	25,000,000	2,190,198	8.76
Houston & Texas Central R. R. Co.	10,000,000	1,098,388	10.98
Duluth & Iron Range R. R. Co.	5,333,333	2,040,987	38.27
Fort Worth & Denver City Ry. Co.	9,243,800	1,297,029	14.03
Panhandle & Santa Fe Ry. Co.	601,990	389,097	64.37
St. Louis, Brownsville & Mexico Ry. Co.	500,000	263,544	52.71
Chicago, Rock Island & Gulf Ry. Co.	460,000	81,683	17.84
Bingham & Garfield Ry. Co.	6,171,667	1,405,681	22.78
Louisiana Western Ry. Co.	3,366,000	802,681	23.89
Nevada Northern Ry. Co.	2,000,000	879,997	43.99
Vicksburg, Shreveport & Pacific Ry. Co.	4,998,000	299,534	5.99
Houston East & West Texas Ry. Co.	1,820,000	234,199	12.87
Cripple Creek & Colorado Springs Ry. Co.	757,000	171,612	22.67
Colorado & Wyoming Ry. Co.	100,000	162,636	162.64
Wichita Valley Ry. Co.	1,000,000	117,996	11.56
Arizona & New Mexico Ry. Co.	2,770,000	237,614	8.58
Total	3,210,635,611	220,976,073	9.00

Mr. RAMSEYER. Taken from the same report, I call your attention to certain large and well-known railroads. Under the provisions of this bill each of the following roads will have net for its stockholders annually during Federal control:

	Per cent.
The Pennsylvania Railroad Co.	8.02
The Pennsylvania Co.	11.92
The New York Central Railroad Co.	12.96
The Philadelphia & Reading Railway Co.	25.70
Delaware, Lackawanna & Western Railroad Co.	32.90
Central Railroad Co. of New Jersey	18.48
Philadelphia, Baltimore & Washington Railroad Co.	20.25
	11.80
Hocking Valley Railway Co.	11.94
Illinois Central Railroad Co.	11.33
Louisville & Nashville Railway Co.	16.75
Norfolk & Western Railway Co.	12.51
Chesapeake & Ohio lines	9.31
Atlantic Coast Line Railroad Co.	10.80
Central of Georgia Railway Co.	9.39
Nashville, Chattanooga & St. Louis Railway	13.60
Mobile & Ohio Railroad Co.	14.76
Cincinnati, New Orleans & Texas Pacific Railway Co.	44.99
Florida East Coast Railway Co.	10.06
Chicago & North Western Railway Co.	10.18
Chicago, Burlington & Quincy Railroad Co.	22.05
Minneapolis, St. Paul & Sault Ste. Marie Railway Co.	12.09
Chicago, St. Paul, Minneapolis & Omaha Railway Co.	9.57
Atchison, Topeka & Santa Fe Railway Co.	9.70
Southern Pacific Co.	6.60
Chicago, Milwaukee & St. Paul Railway Co.	6.15
Great Northern Railway Co.	9.63
Northern Pacific Railway Co.	9.87
Union Pacific Railroad Co.	9.64

The per cents that the stockholders of the following roads are guaranteed annually during Federal control show the excessiveness and the inequality of the standard of compensation in this bill:

	Per cent.
Bessemer & Lake Erie Railroad Co.	647.22
The Chicago & Erie Railroad Co.	70.45
New York, Philadelphia & Norfolk Railroad Co.	35.74
The Cumberland Valley Railroad Co.	24.01
The Lehigh & Hudson River Railway Co.	27.98
Charleston & Western Carolina Railway Co.	21.67
Duluth, Missabe & Northern Railway Co.	114.12
Duluth & Iron Range Railroad Co.	38.27
Panhandle & Santa Fe Railroad Co.	64.37
St. Louis, Brownsville & Mexico Railway Co.	52.71
Colorado & Wyoming Railway Co.	162.64

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOREMUS. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Iowa be extended five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from Iowa be extended five minutes. Is there objection?

There was no objection.

Mr. DOREMUS. Will the gentleman permit a question? If you are the owner of that farm to which you have just directed our attention by way of illustration, and the Government took that farm over, what do you think your return should be?

Mr. RAMSEYER. Now, of course, I was speaking of a farm merely to illustrate terms to Members who know more about farm terminology than they do of railroad terminology. To get back to the subject matter, let us speak of that farm as a railroad.

Mr. DOREMUS. No; let us call it a farm.

Mr. RAMSEYER. Wait. I am answering the question and I want to answer it in my own way, so that we can get the distinction.

Mr. DOREMUS. All right.

Mr. RAMSEYER. Take a small railroad which cost $10,000. Seven thousand dollars represents bonds, $3,000 represents stocks, and $10,000 would represent the property investment. Ten thousand dollars might represent the value of the road or might not. Now, when you are trying to determine what the return should be for the stocks, it is not fair to cover over the whole amount of property invested, because the $7,000 is in the hands of bondholders and they get a certain fixed rate, 4 per cent or 5 per cent, say. And when you are going to pay the stockholders you should only pay them a just compensation on the capital they have actually in the road and which they own.

Mr. SWITZER. Just one question. Is it not true that interest on bonds is paid out of the standard return?

Mr. RAMSEYER. Well, it is paid out. What the Government undertakes to pay the railroads must of necessity cover interest on bonds before the owners of the capital stock can come in for dividends.

Mr. SWITZER. If there is nothing left, we do not get anything.

Mr. RAMSEYER. These figures in the table I just referred to have not been disputed. Day before yesterday, in addressing questions to the chairman of this committee, I asked him whether it was not true that stockholders were getting these large percentages, and I called especial attention to the return of the Bessemer and the Lehigh roads, and he said it was true, as far as the capital stock was concerned, and that these large percentages are going to the stockholders. Here is the colloquy to which I refer:

Mr. RAMSEYER. Will the gentleman yield for a relevant question? In the table prepared by the Interstate Commerce Commission and printed with the remarks of the gentleman from Wisconsin [Mr. LENROOT] yesterday he gives the percentages of net income on these various roads.

Mr. SIMS. On what?

Mr. RAMSEYER. On capitalization.

Mr. SIMS. On stock?

Mr. RAMSEYER. Yes, sir.

Mr. SIMS. All right; go ahead.

Mr. RAMSEYER. Now, here is the Lehigh Road, 27.98.

Mr. SIMS. On the stock?

Mr. RAMSEYER. That means that the stockholders are getting that much upon the face value of their stock, does it not?

Mr. SIMS. Yes.

Mr. RAMSEYER. Now, in regard to Bessemer, that means that the fellows who own the stock, not the bonds, will get 647 per cent?

Mr. SIMS. I told you that.

Mr. DOREMUS. Mr. Chairman, will the gentleman yield?

Mr. RAMSEYER. I should like to call attention to some figures here, and I do not yield.

Going over the table that I referred to, I see that there are 86 roads that will receive over 5 per cent on their capital stock. Of those, 13 roads will get over 26 per cent on the capital stock, mind you, not on the property investment. I claim it is unfair to get up here and contend that a certain income on capital stock is right, because, spread over all the property investment, the rate is lower. The incomes shown in this table are on the capital stock and not on the property investment.

The following roads will receive over 26 per cent on their capital stock under the provisions of this bill:

	Per cent.
Lehigh & Hudson River Ry. Co.	27.98
Staten Island Rapid Transit Co.	32.02
Delaware, Lackawanna & Western R. R. Co.	32.90
New York, Philadelphia & Norfolk R. R. Co.	35.74
Duluth & Iron Range R. R. Co.	38.27
Nevada Northern Ry. Co.	43.99
Cincinnati, New Orleans & Texas Pacific Ry. Co.	44.99
St. Louis, Brownsville & Mexico Ry. Co.	52.71
Panhandle & Santa Fe Ry. Co.	64.37
Chicago & Erie R. R. Co.	70.45
Duluth, Missabe & Northern Ry. Co.	114.12
Colorado & Wyoming Ry. Co.	162.64
Bessemer & Lake Erie R. R. Co.	647.22

Mr. Chairman, section 6 appropriates $500,000,000 out of any moneys in the Treasury for the purpose of paying the expenses of Federal control and the compensation guaranteed in this bill. How did this $500,000,000 get in the Treasury? By taxes paid by the people, by bonds sold to the people bearing 3½ per cent and 4 per cent interest, and by the sale of thrift stamps to the men, women, and children of the land. In other words, the tax money, money from bonds and thrift stamps, which the people have loaned gladly and willingly to their Government at not to exceed 4 per cent interest, the proponents of this bill ask us to use to pay the stockholders of the railroads annually 10 per cent, 20 per cent, and more on their capital stock. I submit that is unfair to the people. It is the people's money that will make up 25.70 per cent to the Philadelphia & Reading Railway Co., 32.9 per cent to the Lackawanna Railroad Co., 20.25 per cent to the Central Railroad Co. of New Jersey, 22.05 per cent to the Chicago, Burlington & Quincy Railroad Co., and so forth.

The proponents of this bill say that unless we vote the railroad stockholders this unreasonable compensation the railroads will go into court and be allowed the value of the use of these roads at the time of taking over, which will amount to as much as the bill allows and maybe more. If Congress in this war excitement has lost its equilibrium, it has no right to presume that the courts have also. If the roads have the constitutional right to compensation measured by the value of the use at the time of taking over, December 28, 1917, what right has Congress to fix the earnings of the roads over a 3-year period ending June 30, 1917? And if Congress has the right to fix a 3-year period, why not a period of 5 years or 10 years or 15 years? This bill attempts to fix the compensation during the war and at least for three or four years thereafter. Do you not suppose that the courts will take cognizance of the fact that we are in war and that conditions are abnormal? Do you not suppose that the courts will recognize the fact that for at least two years prior to June 30, 1917, times were abnormal and that the roads were receiving abnormally high returns? And do you not think the courts are still possessed with sufficient common sense to know that as soon as the war ends and during the period of Federal control of three or four years thereafter the roads will likely not earn more than during normal times, and maybe a great deal less?

For illustration, each year at Des Moines, Iowa, is held the greatest State fair in the United States, and for about two weeks the street cars of that city, owing to greatly increased passenger traffic, earn unusual returns. Suppose during the midst of the fair for some reason the Government should take over the street railway system of Des Moines for a year. Under the contention set forth by some of the committee reporting this bill, the street railway would be entitled to the value of the use of the railway at the time of taking over. That is, their earnings for 52 weeks would be fixed at what they were earning during the abnormal two weeks of the fair. Will any gentleman here get up and contend that any court in the land would do so absurd a thing? If the times have caused us to lose faith in mankind, let us, for Heaven's sake, still retain a little faith in our institutions, especially our courts. No amount of arguing or legal quibbling will convince the people of the country that our courts will hold that an unreasonable compensation, an extravagant compensation, an abnormal compensation is just compensation under the Constitution or that if the railroads choose to go into court, will the courts hold that the unreasonable and extravagant compensation of this bill is just compensation? In legislating generously for the owners of railroad stock the committee should not forget to be fair to the people, out of whose pockets will come the money to pay the generous compensation which the bill guarantees to the owners of railroad stock.

I am not proposing this amendment because of hostility to railroads, because I have none. On the other hand, I realize that the commercial needs of the country demand that our railroads should be greatly improved and extended. It seems to be conceded that before a year of Federal control the Government will expend from $1,000,000,000 to $2,000,000,000 in railway improvements and extensions. I want to see the sum so expended inure to the benefit of the public permanently. When the roads were taken over there was no other alternative for the President. He did the right thing. The compensation provided in this bill for the owners of the railway capital stock is excessive. My amendment is fair both to them and the people. I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. RAMSEYER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

Mr. HUDDLESTON. Mr. Chairman, I have an amendment on the desk.

The CHAIRMAN. We will get to it in a minute.

The Clerk read as follows:

Mr. LENROOT offers the following: Page 2, line 22, strike out the words "standard return" and insert "average annual railway operating income."

Mr. LENROOT. Mr. Chairman, the scheme of this bill—and it is a proper one—is that the President within the maximum that is provided by the bill may agree to pay a railroad a certain specific sum, and that certain specific sum becomes the standard return for that railroad. That may later be increased or decreased, as the case may be. It may be increased if there be compensation for betterments and road extensions, and so forth. It may be decreased in case of retirements and matters of that kind. But in the use of the standard return, in line 22, they evidently had in mind the average railway operating income, because they say this standard return is to be determined by the Interstate Commerce Commission. That is not what the committee means. The President is to determine that. The Interstate Commerce Commission is to determine the average annual net railway operating income for the three years. And that my construction is correct can be readily demonstrated by turning to line 15 on the same page, where they provide "that any railway operating the income accruing during the period of Federal control in excess of such standard return shall remain the property of the United States." Of course, they must there have had in mind the fixed sum the President agrees to pay.

They would not have had in mind a maximum sum, because if they had had in mind a maximum sum what would become of the money between that maximum sum and the sum that the President agreed to pay? Then, over on page 3, the words "standard return" are again used in line 12, for it is provided that the taxes shall be charged or deducted against the "standard return." Again, having in mind the fixed sum that is contained in the agreement that the President agrees to pay, it would be an idle thing to provide that the taxes should be deducted from the maximum return when the maximum return is merely a limitation upon the President. Again, on the next page, in line 13, it is provided that the United States, still continuing on the agreement, "may by deductions from the standard return or by other proper means and charges be reimbursed for the cost of any additions, repairs, renewals, and betterments

to such property," again clearly showing that the use of the term "standard return" means not the average railway operating income unless it should happen to mean the same, because the President might fix the same sum as the average railway operating income. But it is clear that in every case, except the one I seek to amend, the words "standard return" mean not the average railway operating income, but they mean the sum that the President agreed to pay, which under the bill may be either increased or decreased within the maximum, according to the provisions of the bill. And that is further carried out, as you will see if you will turn to the end of this paragraph, where this language occurs:

The certificate of the Interstate Commerce Commission shall for the purpose of such an agreement be taken as conclusive of the amount of such average annual railway operating income.

Now, Mr. Chairman, unless this amendment is adopted, you will have this situation, that while in the first paragraph you give the President the authority to make an agreement with the railroads as to the amount which they will receive within the maximum that is provided in this language, unless my amendment is adopted, you say to the Interstate Commerce Commission that you shall decide for the President what sum he shall pay. Of course, that was not the intention of the committee, and I think that upon reflection that the committee will accept the amendment.

Mr. SIMS. Mr. Chairman, I wish to ask the gentleman from Wisconsin if the words "standard return," as defined in the place where he offers the amendment, do not mean merely annual railway operating income?

Mr. LENROOT. No; they do not. If the gentleman will turn to line 15, as I tried to show, there he will find that the use of the words "standard return" means not the average operating income but the sum that the President agrees to pay; and so on page 3, line 12, and on page 4, line 13. And the gentleman will remember that in the original bill which was introduced by him that is where the confusion arises—that the average railway operating income was the fixed sum that the railroad was entitled to receive, so that in that case the standard return and the railway operating income meant the same. But now the words "railway operating income" are not a fixed sum, but the maximum. If this amendment is adopted it will clear the whole thing up.

Mr. SIMS. The gentleman means, in effect, that is what it means?

Mr. LENROOT. Yes.

Mr. SIMS. The language in the bill defining standard return says, "During the period of such Federal control it shall receive as compensation not exceeding the annual income."

Mr. LENROOT. The words "not exceeding" are stricken out.

Mr. SIMS. That was the gentleman's amendment?

Mr. LENROOT. Yes. It has been adopted.

Mr. SIMS. Oh, yes; by the amendment adopted this morning—

An annual sum herein called standard return payable from time to time in reasonable installments for each year and pro rata for any fraction of a year of such Federal control or equivalent, as nearly as may be, to the average annual railway operating income.

Mr. LENROOT. Not exceeding the equivalent.

Mr. SIMS. Yes; not exceeding the equivalent. That is what the standard return means, and everywhere it is referred to in the bill it carries that meaning.

Mr. LENROOT. Yes. It carries the meaning that it is the fixed sum, except in the one instance that I seek to amend, that the President shall pay.

Mr. SIMS. You propose to amend the language before the average annual railway operating income?

Mr. LENROOT. Yes.

Mr. SIMS. In other words, they are equivalent? They are equal to each other. What is equal to another is equivalent?

Mr. LENROOT. No; but the President may agree to pay them a less sum than this.

Mr. SIMS. I know the gentleman is perfectly serious in this matter and so am I. I think we ought not to try too rigidly to define and include all the stipulations of the contract.

Mr. LENROOT. No; but the gentleman will see that the words "standard return" should have a uniform meaning in the bill. In one place it now means one thing. In this particular place it means, or the intention was to make it mean, the average annual railway operating income, but everywhere else in the bill it means the sum the President agrees to pay.

Mr. STEVENSON. If the President makes the contract on the maximum, it would not make any difference, but if he made it on the basis of lower than the maximum they would have confusion?

Mr. LENROOT. Yes. That is the point.

Mr. SIMS. According to my present understanding of it, as to what the gentleman means to accomplish, I see no objection to it. But there is this objection generally, that amendments here spring up suddenly. This is not one of the amendments that the gentleman published in the RECORD. I might make a mistake and the gentleman might. In doing this I do not want to be precluded from returning and correcting a mistake if I should find that it is one.

Mr. LENROOT. There would be no objection to that.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The amendment was agreed to.

The CHAIRMAN. The gentleman from Wisconsin offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 2, line 21, before the period, insert a comma and the following: "but debits and credits arising from the operation of such street electric passenger railways, including railways commonly called 'interurban,' as are at the time of the agreement not under Federal control, shall be excluded."

Mr. LENROOT. Mr. Chairman, it will be remembered that the President, in his proclamation taking over these systems of transportation, expressly excluded from Federal control and did not take over electric and interurban lines. Now, unless this amendment is adopted we will have this situation: The railroads owns electric and interurban lines. Their operating returns to the Interstate Commerce Commission include the earnings of the electric and interurban lines; and unless this amendment is adopted, in our direction to the Interstate Commerce Commission to ascertain the average net operating income to form the basis of compensation which the railroads are entitled to receive, the earnings of these roads not taken over will be included. My amendment only provides that their debits and credits arising out of this proposition—of these roads not taken over by the Government—shall be excluded.

Mr. HAMLIN. On the same page I notice it says in line 2—

equivalent as nearly as may be to its average annual railway operating income (including therein such income of lines acquired by, leased to, or consolidated with such carrier between July 1, 1914, and Dec. 31, 1917) for the three years ended June 30, 1917—

Now, if the gentleman's amendment is adopted, why should not that be stricken out?

Mr. LENROOT. No; for that reaches an entirely different matter.

Mr. HAMLIN. If they have a traffic agreement with these interurban lines or electric lines, that increases the revenue of these roads.

Mr. LENROOT. No; I think the chairman of the committee will bear me out in saying that the words included in that bracket are intended to include only such leased roads as are taken over by the Government. That is true, is it not?

Mr. SIMS. If they take over a system that has leased roads, they take the leased roads over too.

Mr. LENROOT. That is true; but the Government does not take over electric lines whether leased or not, because they are expressly excluded by the proclamation.

Mr. HAMLIN. I rather agree with the gentleman, I think; but if his amendment is adopted will we not have to change the wording included in parentheses on this same page, because this seems to include all electric lines and everything else, if they are operated in conjunction with the road that is taken over?

Mr. LENROOT. I am inclined to agree with the gentleman, although I think my amendment would be broad enough to cover both.

Mr. HAMLIN. Perhaps it might.

Mr. TOWNER. I want to call the attention of the gentleman to the fact that I do not think he stated quite accurately the proclamation of the President. The proclamation of the President includes all of those systems of transportation engaged in general transportation whether operated by steam or electric power; so when the gentleman says the proclamation does not include electric lines engaged in general transportation his statement is not quite accurate.

Mr. LENROOT. I think I stated it too broadly in my remarks, but I think my amendment covers exactly the point.

Mr. TOWNER. The gentleman is well aware that some great trunk lines—for instance, the Milwaukee Railroad—operate a portion of their lines almost exclusively by electric power.

Mr. SIMS. Several hundred miles.

Mr. TOWNER. And there are quite a number of lines engaged in general transportation that are operated by electric

power. In fact, it seems to me the President intended to take over, and the language is that the President intended to take over all roads engaged in general transportation. That seems to be the determining feature.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. If the gentleman will permit me, my amendment reads—

from the operation of such street electric passenger railways, including railways commonly called interurbans, as are at the time of the agreement not under Federal control.

Mr. TOWNER. I was not complaining at all of the amendment.

Mr. LENROOT. I think I made my statement too broad.

Mr. FESS. I recall one road in Ohio that has a trolley system, but at the same time it is a steam line, too, operating over the same tracks.

Mr. LENROOT. All my amendment does, if we have not taken over any such roads, is that in giving the compensation to the carriers we ought not to include the income of such roads as we have not taken over.

Mr. SIMS. Mr. Chairman, I can not see how this amendment is necessary at all. I see the purpose of it. The purpose is all right, but the President does not intend, and so specifically states, to take over the street car and interurban electric lines. The President's proclamation excludes street car and interurban railroads, and by no possibility could the income from these roads be affected by this bill. Now, the gentleman must presume, for his amendment to be worth anything, that the representatives of the Government, in making a contract with any particular carrier, would be so careless as to include in the standard return received the revenues from some such line not taken over. Now, how can he assume that any sane lawyer, in drawing a contract with the Government, would ever think of including in the terms of the contract property that had not been taken over by the Government.

Mr. LENROOT. The gentleman does not get the point. The provision that I seek to amend has nothing to do with the discretion of the President. The provision I seek to amend is a mandatory direction to the Interstate Commerce Commission as to what they shall certify to the President; and I simply say that without this they would be compelled to certify all of the operating returns of a carrier from whatever source derived. My amendment simply requires the Interstate Commerce Commission to deduct from that operating revenue the revenue derived from roads that are not taken over by the Government.

Mr. SIMS. But my friend, would not the Interstate Commerce Commission in making its report of the returns reported by the railroads set out so much as is received from street car and interurban lines?

Mr. LENROOT. No; because the railroad may return that in its general operating return to the Interstate Commerce Commission, and unless they are expressly directed to investigate and exclude such returns they would include the returns from such roads without any further authority.

Mr. SIMS. Mr. Chairman, if I thought there was any danger at all of any such thing happening I could see some use in this amendment, but I can not see how there could be any reasonable probability that any contract could be entered into which would include the street cars or street car lines or interurban roads, that were no part of the general transportation system taken over. Therefore, I do not think the amendment is necessary.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. LENROOT) there were 46 ayes and 21 noes.

So the amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 3 strike out lines 2 to 8, both inclusive, and insert in lieu thereof the following: "be to seven per centum upon the actual fair value of the property taken at the time of the taking, and in addition."

Mr. HUDDLESTON. Mr. Chairman, the effect of this amendment is to substitute an entirely different standard of compensation. The bill as it stands takes the income for three years and divides it by 3, and makes the result the standard by which compensation for the taking shall be made. My amendment, if adopted, will give to the railroads as compensation 7 per cent upon the actual value of their property at the time it was taken. I substitute for the arbitrary and fanciful standard of the bill a standard established by Article V of the Constitution as construed by the Supreme Court of the United States. It is fair to the railroads and it is fair to the people. The only argument that has been made against it, or that can be made against it, is that delay may ensue in ascertaining what the value of the property is. That is a mere detail, and the same difficulty will arise in ascertaining the standard established by the bill, although perhaps not to the same extent as the method written in the bill. And although there may be an increased difficulty in determining by judicial proceeding exactly what the amount to be allowed is, that difficulty is not so great as to justify the House in departing from the principles of justice established by the Constitution.

Mr. DILLON. Will the gentleman yield?

Mr. HUDDLESTON. I will.

Mr. DILLON. Does the gentleman distinguish between compensation for use of property and compensation for the property itself?

Mr. HUDDLESTON. There is absolutely no difference. I have been surprised by the labored efforts of gentlemen undertaking to make some distinction between standards of compensation for the taking of property temporarily and taking it permanently. I have been surprised to hear gentlemen who ought to know better if they do not, argue that we are bound to accept as a standard, as conclusive, the showing of what the temporary value is by what the property has been earning. Gentlemen ought to know the law. The law is that income is merely one factor in determining what the temporary value is. Proof as to the earning power of the property is just as germane where the property is taken permanently as when taken temporarily. It is a mere factor. Other factors are also to be considered.

Now, when we take property of a railroad corporation for public purposes we are doing a slightly different thing from taking property from a private individual which he devotes to his own private use. In the latter case the individual is entitled to use his property in such manner as to get the largest income possible, whether it be fair or in the public interest or not; he is entitled to get all the traffic will bear. But such is not the case with railroad property. No railroad has a right to charge anything beyond a reasonable and fair income.

Anything beyond that is extortion and can not properly and legally be allowed. We must, therefore, conclusively assume that the railroads have been earning only a reasonable income and must fix the compensation to be paid by the Government accordingly. We must assume this—not that the rates charged have been just, but that a fair return is just, even if a reduction of rates is made.

Mr. DILLON. Will the gentleman yield?

Mr. HUDDLESTON. Yes.

Mr. DILLON. Will the gentleman tell the committee how he is going to determine the value of the property when the Interstate Commerce Commission says it will take four years to determine the physical value?

Mr. HUDDLESTON. I had as lieve undertake to answer that as to answer how we are going to determine the compensation under the standard put in the bill. It is just as easy to do one as to do the other. It is just as easy to fix the value of the property as to ascertain what the incomes of the railroads really were during the three years named in the bill. The question is a bigger one, but not more difficult or troublesome.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and on a division (demanded by Mr. HUDDLESTON) there were 6 ayes and 48 noes.

So the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 6, strike out the words "called herein carrier" and the parentheses.

Page 1, line 7, strike out the words "any such carrier" and insert "the owner of any such railroad or system."

Page 5, after line 19, insert a new paragraph, as follows:

"Wherever used in this act, the word 'owner' includes any person, corporation, partnership, or association who, during any portion of the period of Federal control of a railroad or system of transportation would be entitled to the possession, use, and control of such railroad or system in the absence of Federal control thereof. Wherever in this act reference is made to the period of Federal control in connection with an owner it shall be taken to refer to the portion of such period during which such owner, but for such Federal control, would have been entitled to the possession, use, and control of the railroad or system of transportation."

Mr. LENROOT. Mr. Chairman, I wish to say to the chairman that in order to expedite the bill I am not going to press this amendment, but I desire to make a very brief statement, so that he may have it in mind when he goes into conference. As I

stated the other day, the bill as it now reads recites that we have taken over certain transportation systems, and they are "herein termed carriers." We have not taken over any corporations. We have taken over certain physical property. Then, the bill authorizes the President to make an agreement with that physical property, that we shall pay it so much, which of course is an absurdity, but of course a court would properly construe that as to intention.

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MONTAGUE. How could they agree with the carrier if they did not agree with the owner of the carrier?

Mr. LENROOT. I say that I have no question about the way the court will construe it, but you might as well say, as far as phraseology is concerned, that if we take over a horse we will agree with the horse. I am speaking about the phraseology of the bill, and I want to say that it has been stated to me several times privately that they have followed the interstate-commerce act. They have not followed the interstate-commerce act, for that act all through it makes distinction between a railroad as a property and a corporation which is termed a common carrier.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. PARKER of New Jersey. I want to direct the gentleman's attention to the fact that the act of 1916 says that the Government shall utilize not the railways but the systems of transportation, and I believe that means to utilize the corporation, its organization, and keep the corporation for the use of the Government, not taking away its servant but to utilize the corporation.

Mr. LENROOT. My only answer is that we have not taken over the corporations, but here is a more serious question that does present itself, and that I think ought to have the consideration of the committee. If an agreement is made with a system for all roads that are under its control at the time we take them over, suppose a lease of a road that it has expires the next month after the agreement is made. Certainly the compensation should not continue to that carrier, but the agreement should be made with the owner of that road, and therefore there should be a clear definition of ownership rather than the mere taking over of systems of transportation. In other words, the President ought not to be limited to making agreements with the systems of transportation or with the owners of transportation that did own them at the time we happened to take them over. Whenever they become a separate entity again, of course they have the right to go into court and get compensation, and if we agree to pay the system compensation, covering the compensation they are entitled to, we will be paying it twice. As I say, I understand very well that that presents a question of policy, and I am not going to press the amendment, but I do seriously ask the chairman to give that consideration when we go into conference.

Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. LENROOT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, strike out all after the word "States," in line 16, through the word "act," in line 18, and, on page 5, after line 19, insert the following as a separate paragraph:

"The agreement shall also provide that the owner shall accept all the terms and conditions of this act and any regulation or order made by or through the President under authority of this act or of that portion of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, which authorizes the President in time of war to take possession, assume control, and utilize systems of transportation."

Mr. LENROOT. Mr. Chairman, this is an amendment that I sincerely hope the chairman will accept. It strikes out the language—

and that each carrier so agreeing shall thereby become subject to all the provisions of this act.

If the language that I propose to strike out was connected up with the agreement there would probably be no objection to it, but it stands as a legislative declaration that a carrier agreeing to become subject to all of the provisions of the act, leaving the implication that if a carrier does not see fit to make an agreement it is not subject to any of the provisions of the act.

Mr. BARKLEY. How can Congress compel any railroad that does not enter into this agreement to agree to accept anything? Of course, this bill provides for the compensation of railroads. They may not accept this compensation. They may say, "We will stand on our lawful rights as they exist under the law and go into court and get fair and just compensation." How can we compel a road that does not enter into a contract with the Government to accept anything?

Mr. LENROOT. Does the gentleman think there are no provisions in this bill that are binding on a railroad, whether it makes an agreement or not?

Mr. BARKLEY. No; I do not. I say there are provisions here that are binding provided the courts sustain them, but we can not make a contract with them if they do not want to.

Mr. LENROOT. The gentleman does not get the point.

Mr. BARKLEY. If they do not want to accept the provisions of the bill, we can not compel them to. If the provisions of the bill are constitutional and lawful, they must accept them, whether they agree to them or not; so it is not necessary as far as that is concerned.

Mr. LENROOT. No.

Mr. BARKLEY. But you are attempting here to compel railroads who do not voluntarily enter into a contract with the Government to accept things they may desire to go into court and fight.

Mr. LENROOT. I am not attempting any such thing. The gentleman, however, by insisting on the language being retained, says, in effect, to a railroad: "If you will enter into this agreement, then you are bound by all the provisions of the act; but if you do not choose to agree, there is nothing in this act that applies to you."

Mr. BARKLEY. That is not the intention, and that is not the impression I am trying to leave on the gentleman's mind; but this provision that the gentleman strikes out on page 2 is a provision in connection with the terms of the contract that is entered into between the roads and the Government, if there is a contract. If there is no contract, it does not apply; and it states that these roads which enter into this contract must agree in the agreement that they accept the terms of the bill, and I sincerely contend that it is very doubtful whether Congress may control a railroad that does not enter this contract as to compensation to accept anything.

Mr. LENROOT. Let me put the question to the gentleman. Suppose the language had been a little different than it is here and had been in this way: That any carrier agreeing to make a contract as is herein authorized shall be subject to the provisions of this act. Does the gentleman contend, then, that the carrier not agreeing would be subject to any provision that imposed any restriction upon the carrier?

Mr. BARKLEY. The bill itself is broad enough to cover in the general terms the operation of railroads and the characters of returns made by the Interstate Commerce Commission, the revolving fund, depreciation, betterments, and all the provisions of the bill; it is sufficient to cover them by reason of the fact that they have been taken over, but in making a contract with these companies by the Government I do not think it is wise to attempt to bind by a contract that is made with those who do agree those who do not agree as to the terms of the contract made.

Mr. LENROOT. There is nothing in my mind or any suggestion I have made that even squints at anything of that kind. My proposed amendment is merely a substitute for the language that is found in the bill, which, upon its face, would exclude carriers that do not agree from being subject to the provisions of the bill at all. My amendment merely provides that in every such agreement there shall be a provision that the carrier making this agreement accept all other provisions of this act and thereby become bound not only by the provisions of the act, but by virtue of the contractual relation as well.

Mr. BARKLEY. That is exactly the language the gentleman strikes out in his amendment——

Mr. LENROOT. No; it is not.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, the gentleman from Wisconsin I believe left out a portion of the amendment which he had printed.

Mr. LENROOT. I did.

Mr. SIMS. Embracing forfeiture provisions.

Mr. LENROOT. That is true.

Mr. SIMS. And now the gentleman's amendment would read, as I understand it—

The agreement shall also provide that the owner shall accept all the terms and conditions of this act and any regulation or order made by or through the President under authority of this act or of that portion of the act—

And so forth.

Now, if I understand the effect of the amendment offered by the gentleman from Wisconsin [Mr. LENROOT], the contracting party would have to agree to comply with any order made by the Director General or anyone authorized by him?

Mr. LENROOT. Any lawful order.

Mr. SIMS. Any lawful order; and yet he does not define what a lawful order is.

Mr. LENROOT. Oh, no.

Mr. SIMS. I can see this, Mr. Chairman—I think I can—that it may deter and prevent contracts being made that would be of advantage to make. It is dangerous to try to place too many stipulations in an act for a contract. The contract ought to be limited, as a matter of course, in a general way—I mean as to the power to make it—and then leave the details of that contract to the authorities drawing it up—the administration, the President—but to require those carriers to agree to any act, regulation, or order made through the President, I do not see what use it would be to require them to agree to something that perhaps they think would be ruinous to them, because they might believe that the order made by the Director General or somebody under him would be ruinous or damaging, and all that kind of thing, and therefore they would hesitate to make the contract.

Mr. LENROOT. Will the gentleman yield?

Mr. SIMS. I see the purpose of the gentleman, and I approve of his purpose, and I was going to say it seems to me that these are mere hindrances to making contracts, and which ought to be left to the stipulations to be embraced in the contract instead of prescribing them. Let them have the prescribing words in the contract. When you insert the prescribing words in a section you inferentially exclude everything not prescribed, and there is danger——

Mr. LENROOT. Will the gentleman yield to me? I am sure the gentleman does not wish, when this act is passed, to have a legal question raised as to whether any road is covered by this act that does not come to an agreement under this proposition.

Mr. SIMS. If they do not make an agreement, of course, it is covered in the act.

Mr. LENROOT. But when you say, as you do say in the language I am trying to change, that if they make an agreement they shall be bound by the act, there is an implication that if they do not make an agreement they will not be bound by the act.

Mr. SIMS. If they do not, they do not come under section 1 at all, and are provided for in other sections.

Mr. LENROOT. You are not confining it to section 1; you are saying they are bound by the provision of this act if they make an agreement, and have not you raised at once a very serious legal question that the intention is that only the agreeing roads are covered——

Mr. SIMS. No——

Mr. LENROOT. My amendment will leave every road, whether agreeing or not agreeing, subject to the provisions of the act, and in addition by making the contract they accept in a contractual way the provisions of the act and thereby avoid a very serious legal situation that may well arise under this language.

Mr. SIMS. Now, the gentleman's object and purpose is unobjectionable in every way, but I do not see that follows. I think we should leave the bill just as it is. The bill has been thoroughly considered, with a view to trying to prevent any and all of these kinds of things arising, and we must presume that the contract itself will have some provisions in it to protect the Government.

Mr. BARKLEY. Will the gentleman yield to a question there?

Mr. SIMS. Yes.

Mr. BARKLEY. Is it not true that the effect of the amendment would be simply that the railroads that make an agreement agree to not go into court and fight any agreement as to the rate? How can you prevent any other road that does not make an agreement from going into court and fighting a provision of the rate? You can not foreclose the right of nonagreeing roads to go into court and fight any provision of this bill. All we can do is to require that every road that does agree, thereby agrees not to go into court and fight any provision of the bill.

Mr. LENROOT. I want to ask the gentleman, and I think I have asked him before, is it his contention that there is no provision of this act that does not apply to all roads, whether agreeing or nonagreeing?

Mr. BARKLEY. I think it applies to all roads taken over by the Government.

Mr. LENROOT. Certainly. And what I want is to provide that the act covers all roads.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. SIMS] has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

Mr. DOREMUS. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Wisconsin a question. As I understand it, your purpose is to make this bill so that all roads, whether they enter into the contract with the President or not, will be brought within the terms of the act?

Mr. LENROOT. Yes, sir.

Mr. DOREMUS. I am no clear whether the gentleman's amendment will accomplish that purpose. It says the agreement shall also provide so-and-so. Now, let us assume that the railroad does not make the agreement, then does his amendment bring the nonagreeing roads within the terms of the bill?

Mr. LENROOT. They are brought in by the striking out of the language in the bill that I am afraid of. It strikes out the language that the road so agrees. That is the point.

Mr. DOREMUS. As I understand your amendment, it only applies to an agreement.

Mr. LENROOT. It only applies to an agreement.

Mr. DOREMUS. And if the agreement is not made, then will the nonagreeing road be under the provision of the bill?

Mr. LENROOT. If the language I refer to is stricken out of the bill it certainly will.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. SIMS. Division, Mr. Chairman.

The committee divided; and there were—ayes 35, noes 31.

So the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, I offer an amendment. It is the last amendment I have to this first paragraph.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 2, lines 3 to 7, strike out the parentheses and the words included within them; and at the end of line 21, after the period, insert the following:

"If any lines were acquired by, leased to, or consolidated with such railroads or system between July 1, 1914, and December 31, 1917, both inclusive, and separate operating returns to the Interstate Commerce Commission were not made for such lines after such acquisition, lease, or consolidation, there shall (before the average is computed) be added to the total railway operating income of such railroad or system for the three years ending June 3, 1917, the total operating income of the lines so acquired, leased, or consolidated for the period beginning July 1, 1914, and ending on the same date of such acquisition, lease, or consolidation, or on June 30, 1917, whichever is the earlier."

Mr. SIMS. Mr. Chairman, I want to ask the gentleman before he begins if that is one of the printed amendments?

Mr. LENROOT. I think it is.

Mr. SIMS. Where is it?

Mr. LENROOT. Page 2, line 3.

Mr. SIMS. Where in the RECORD?

Mr. LENROOT. I thought that was included, but I may be mistaken.

Mr. MONTAGUE. I do not find it.

Mr. LENROOT. No; that was one I held out for revision.

I will say in reference to this that it makes very little change in the original language that it seeks to substitute. It includes the amendment that has been adopted, proposed by my colleague from Wisconsin [Mr ESCH], and what it seeks to clear up is this:

There are two very important questions that arise under the language of the bill. In the first place, it provides for the inclusion therein of "such income." Now, what is "such income" of these leased or consolidated lines? The immediate language preceding is, "the average annual railway operating income." Now, of course, it could not have been the intention of the committee to include as "such income" the average income of these leased lines while under separate control, because there could not be any such thing. It did not have existence during the entire period of three years. Neither could it mean, of course, all the income. It was not the intention to include all the income of such leased roads. I take it that what was intended to be covered by this provision was a case like this: Suppose in 1915 a road was under separate operation, rendered separate operating returns to the Interstate Commerce Commission, and then in 1916 was leased, and during 1916 and 1917 the income from that leased road was included in the operating returns of the lessee. Now, of course, it would not be fair to the carrier in getting at the compensation that is due it not to take into account the income of this road that was leased during this three-year period in ascertaining the maximum to which it was entitled. And evidently the intention of the committee is that in that kind of a case, where a railroad was under separate operation, we will say, in 1915, that that income should be added, not to the average income, but added to the total amount of the three years' income of the carrier making the return, the income for that one year added, and then the sum of that divided by three in order to get the average operating income of the carrier making the return. But that intention is not expressed.

Mr. STEVENSON. Mr. Chairman, will the gentleman permit me?

Mr. LENROOT. Certainly.

Mr. STEVENSON. Would not that give just one-third of the earning capacity of the leased road?

Mr. LENROOT. No; because the income of the leased road in 1916 and 1917 would be included in their operating returns.

M. STEVENSON. In 1916 and 1917?

Mr. LENROOT. Yes; but in 1915 it would not be.

Mr. STEVENSON. Your amendment merely proposes to bring in the income for 1915 and add that to 1916 and 1917?

Mr. LENROOT. Yes.

Mr. STEVENSON. So as to get the average of the whole time, and measure the earning capacity of that particular leased line?

Mr. LENROOT. Yes. As it now reads, the members of the committee will readily see that if such income does not refer to the average income—and that is impossible, because there could not be an average of the three years for such carrier—then it means the income of the road prior to its acquisition should be added to the average—an increase that is not fair and that is not just. I take it that the committee could not have had that in mind. I take it that what is intended here, and what is entirely fair, is that any operating income not included in the operating returns of the carrier shall be added to the operating return of the carrier, and that sum total divided by three.

Now, if I am not correct in my conclusion in regard to that I will be glad to be corrected, but if I am correct as to what the intention is it seems to me very clear that my amendment should be adopted.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. One minute, Mr. Chairman. My amendment goes one step further; that may or may not be important. If after the acquisition that road continued to render separate operating returns, of course, that should be taken into consideration as well, and my amendment provides for that.

Mr. SIMS. If I get it correctly, as to the language in the lines included in the parentheses, your amendment strikes that out?

Mr. LENROOT. Yes.

Mr. SIMS. And instead of substituting your amendment within the parentheses to take the place of that striken out you introduce it at the end of the line as a new paragraph?

Mr. LENROOT. Yes; as a new paragraph.

Mr. SIMS. On the continuation of the same line to take the place of that stricken out?

Mr. LENROOT. Yes.

Mr. SIMS. The object and purpose being to do what the lines in parentheses purport to do?

Mr. LENROOT. Well, what the committee intended to do, if I understand it correctly.

Mr. SIMS. Mr. Chairman, I rose simply to ask that question, so that I might know. I supposed the gentleman had published all the amendments that he intended to offer in the RECORD.

Mr. LENROOT. I will say that there were a few that I was not entirely certain about myself, and this is one of them.

Mr. SIMS. And therefore my hard day's work on Sunday did not give me opportunity to study this amendment and look out for its bearings on other portions of the bill. I do not want to oppose an amendment that will help the bill. I do not want to waste time in opposing one that will not hurt the bill. But just now undertaking to say whether this should be substituted for the language in the parentheses or whether it will state it in a better way is something that I am not prepared at this time to pass on.

Mr. LENROOT. I have no desire merely to try to improve the phraseology. I would not try to take the time of the committee if it did not seem that the existing language was seriously defective.

Mr. SIMS. As I understand the contention of the gentleman, it is that the language in the parentheses does not carry out what is clearly intended to be carried out, and his object is to clarify and make certain what he deems is uncertain?

Mr. LENROOT. Yes.

Mr. SIMS. If that is the fact, it ought to be done. But, as I say, I can not afford to agree to this amendment, and so I will retain the privilege of returning to it, if it is adopted, in the future. But, as I said, this bill has been passed over and considered time and time again by the most competent authorities I know of to pass upon it, and of course their contention is that the language in the parentheses is full and complete, so far as it is necessary to carry out the intention and purpose of it.

Mr. LENROOT. This is one of the provisions that is identical in both the Senate and the House bill, and if I am correct—and I think I am—it certainly seems to be the best way to take care of it and to let the amendment go in and take care of it in conference.

Mr. SIMS. Mr. Chairman, as I said several times, I think it is dangerous to adopt amendments that are sprung on the House suddenly, where we have had no time to study and investigate them, and therefore I can not accept the amendment, and I reserve the right, as a matter of course, to ask consent to return to this section of the bill and oppose it. But if it means just what the gentleman himself contends it to mean, it is a difference between tweedledum and tweedledee, with perhaps the advantage on the part of tweedledum.

Mr. LENROOT. I shall not object to the gentleman returning to any of these amendments.

Mr. BARKLEY. Mr. Chairman, does the gentleman object to returning to it at a future time?

Mr. LENROOT. No. I have no objection to that whatever. Now, I have one more amendment, on taxes.

Mr. SIMS. I understood the gentleman to say this was the last on section 1?

Mr. LENROOT. Yes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I ask unanimous consent to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will again be reported.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 2, lines 3 to 7, strike out the parentheses and the words included within them, and at the end of line 21, after the period, insert the following:

"If any lines were acquired by, leased to, or consolidated with such railroad or system between July 1, 1914, and December 31, 1917, both inclusive, and separate operating returns to the Interstate Commerce Commission were not made for such lines after such acquisition, lease, or consolidation, there shall (before an average is computed) be added to the total railway operating income of such railroad or system for the three years ending June 30, 1917, the total railway operating income of the lines so acquired, leased, or consolidated, for the period beginning July, 1914, and ending on the date of such acquisition, lease, or consolidation, or on June 30, 1917, whichever is the earlier."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. BARKLEY. Mr. Chairman, I will ask for a division on that amendment.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 31, noes 35.

Mr. LENROOT. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chairman appointed Mr. BARKLEY and Mr. LENROOT to act as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 49.

So the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. TOWNER moves to amend as follows: On page 1, to strike out all after the enacting clause down to and including line 11; on page 2, to strike out all of lines 1 to 24, inclusive; on page 3, to strike out lines 1 to 4, inclusive, and to insert in lieu thereof the following:

"That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier that during the period of such Federal control it shall receive as just compensation the payment in full by the United States of the interest as it shall become due during said period on all the bonded indebtedness of the carrier, and also an amount to be paid in annual or semiannual dividends equal to the dividends declared and paid by said carrier on the capital stock of said carrier on the basis of the average of said dividends declared and paid by the carrier during the fiscal years 1915, 1916, and 1917. That any amount collected and received by the United States derived from the revenues and receipts of said carrier in excess of the amounts required for the payment of interest on bonds and dividends on stock and the amounts required to carry out the further guarantees of the United States to the carriers as herein provided, shall be divided into equal parts, one part to be paid the carrier and the other retained by the United States."

Mr. BARKLEY. Mr. Chairman, I believe I will reserve a point of order on that amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. TOWNER moves to amend as follows: On page 1, to strike out all after the enacting clause down to and including line 11; on page 2, to strike out all of lines 1 to 24, inclusive; on page 3, to strike out lines 1 to 4, inclusive, and to insert in lieu thereof the following:

"That the President, having in time of war taken over the possession, use, control, and operation (called herein Federal control) of certain railroads and systems of transportation (called herein carriers), is hereby authorized to agree with and to guarantee to any such carrier that during the period of such Federal control it shall receive as just compensation the payment in full by the United States of the interest as it shall become due during said period on all the bonded indebtedness of the carrier, and also an amount to be paid in annual or semiannual dividends equal to the dividends declared and paid by said carrier on the capital stock of said carrier on the basis of the average of said dividends declared and paid by the carrier during the fiscal years 1915, 1916, and 1917. That any amount collected and received by the United States derived from the revenues and receipts of said carrier in excess of the amounts required for the payment of interest on bonds and dividends on stock and the amounts required to carry out the further guarantees of the United States to the carriers as herein provided, shall be divided into equal parts, one part to be paid the carrier and the other retained by the United States."

Mr. TOWNER. Mr. Chairman, this amendment affects only the provisions of the bill which prescribe the amount of compensation the Government offers to the railroads as payment for their use during the time they shall remain in the possession of the Government.

The Constitution provides that private property shall not be taken for public use without just compensation. If, when the property is taken, an agreement can be made between the Government and the owner of the property as to what is just compensation, then the matter is amicably determined. But if no agreement can be made, the amount must be determined by arbitration or proceedings in the courts. In the present instance it is not the property itself which is taken over and for which just compensation must be paid, but only the use of such property. The Government must pay to the owners just compensation for the use of their property while it remains in the possession of the Government.

In the provision of the bill which I seek to amend the Government makes an offer to the railroads which, if they accept, will constitute an agreement as to the amount of compensation which the roads are to receive during Government occupancy. It is open to any railroad company to accept the offer and receive such compensation, or reject it and have the amount determined by court proceedings. The Government, representing the people, has no right to pay the railroads more than a just compensation, and the railroads have no right to demand more than a just compensation. The offer of compensation made in the bill should be just compensation, for if the offer is accepted the Government is bound.

Under the provisions of the act of August 29, 1916, the President was authorized to "take possession and assume control of any system or systems of transportation or any part thereof." December 28, 1917, the President exercised the power granted to him, and by proclamation took possession of the railroad systems of the United States and placed them under the control of Secretary McAdoo as Director. This action was a war measure. The Government requisitioned the railroads that it may be better enabled to successfully carry on the war. There is very little opposition either on the part of the railroads or the people to this action of the Government. The railroads are assured of fair treatment by the Government, and the people feel that such action was necessary to a successful prosecution of the war. It is an act, however, of tremendous importance. It requires on the part of Congress legislation that will best carry out its declared purpose and at the same time provide that entire justice be rendered to both the railroads and the people. The defects in the provision regarding compensation contained in the bill are that the amount which is offered to be paid is to be determined upon an unfair basis; that it is excessive in amount as a whole; that it is unequal in application; that instead of preventing litigation and a speedy settlement of the amount of compensation, it will probably result in much litigation and delay; that it offers to the railroads no incentive for wise management and good service, but, on the contrary, offers a premium for indifference and inefficiency.

UNFAIR BASIS.

The amount which the Government offers to the railroads is based upon the average annual railway operating income which they received for the fiscal years ending June 30, 1915, 1916, and 1917. Neither of these years was a normal year. The first year commenced July 1, 1914. The war broke out in Europe August 1, 1914. In the United States the breaking out of the war in Europe almost brought about a panic. During the months that followed an unusual depression in all business existed. The earnings of the railroads were abnormally small. The second year, commencing July 1, 1915, witnessed a remarkable revival of business. War orders for almost all our important products came pouring in. Excessive prices were offered, and a marvelous war-stimulated activity continued throughout the year. The earnings of the railroads rose to a point never before reached. The same conditions continued throughout the third year, commencing July 1, 1916.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. I want to ask the gentleman from Iowa why we could not adopt the same standard that the English adopted, that is to say, the fiscal year ending June 30, 1914?

Mr. TOWNER. It is my contention that none of these standards based upon conditions in past years can measure what will be "just compensation" for the future. What the coming years may bring to us we do not know. It may be continued prosperity; it may be adversity or sudden disaster. It is to pay for the use of the railroads during years to come that compensation must be provided. Just compensation during such period should be measured by what conditions are during such period and not by conditions that existed in the past. I have shown that the three years which are to furnish the average provided for in the bill were all abnormal years. It is certain that no period in the past would be a duplicate of the years that are before us, for never were world conditions so unsettled as now.

Mr. TILSON. Will the gentleman yield?

Mr. TOWNER. I yield to the gentleman from Connecticut.

Mr. TILSON. Does not the gentleman see that if we take any three years it might be extremely unfair to any railroad?

Mr. TOWNER. I do; and I shall discuss that feature presently.

Mr. TILSON. Because they might have devoted a large amount of their income to improvements and betterments during those particular years.

Mr. TOWNER. I understand that.

Mr. TILSON. Why not take 10 or 15 years and spread it over a greater period? Would not that be fair?

Mr. TOWNER. No; for whatever the past has been it is certain the future will be something different. It is for the future we are to provide, and we should not offer what is to be considered a just compensation unless it is based upon conditions that shall exist during that period.

EXCESSIVE IN AMOUNT.

The amount which the Government offers to the railroads, and which, if they accept, will be the compensation paid, is excessive. It is provided that the Government shall pay the railroads an annual amount for their use equal to the average annual railway operating income, based upon the amount received by the railroads during the three fiscal years ending June 30, 1917. The average annual operating income for the years ending June 30, 1917, was about $950,000,000. The amount of railway bonds outstanding is about $10,000,000,000. The amount of interest which must be annually paid on such bonds is about $400,000,000. The amount of capital stock of the railroads at par value is about $6,314,000,000. If from the amount the Government tenders to the railroads, $950,000,000 annually, is deducted the amount required to pay interest on the bonds, $400,000,000, there will remain a balance of $550,000,000, which it is proposed we should give the railroads annually to pay dividends and to add to their surplus. This amounts to more than 8.5 per cent on the par value of all their capital stock.

The proposal of the Government is especially favorable to the larger railroads. If only these are considered, it is found that the net income on the par value of the capital stock of the great railways of the eastern district for the three years was 11.48 per cent, for the southern district it was 12.37 per cent, for the western district it was 9.96 per cent.

Still more unjust will the amount proposed to be paid appear when some particularly favored roads are considered. The percentage on the par value of the capital of the following roads will be:

	Per cent.
New York Central R. R.	12.90
Lackawanna	32.00
Michigan Central	18.48
Northwestern	16.18
Burlington	22.05
St. Paul	12.09
Erie	10.45
Panhandle & Santa Fe	64.37
Colorado & Wyoming	102.04
Duluth, Missabe & Northern	114.12
Bessemer & Lake Erie	647.22

Viewed either from the standpoint of general averages or individual cases, the amount to be paid by the Government is excessive. To pay all the railroads a net return of more than 8.5 per cent is more than a just compensation. The Government

pays to the citizen who lends his money to the Government 4 per cent. The railroads who lend their property to the Government are certainly not entitled to receive more than twice as much as the citizen. To pay the larger and more prosperous roads an average of 11.27 per cent is certainly excessive. To pay the enormous amounts which are shown in individual cases is unjustifiable from any standpoint. It is true that in some cases the par value of the stock is not as much as the real value of the investment. But in still more cases the par value represents stock issued which is largely "water" and represents no capital investment.

In the offer made in the bill of the amount to be paid by the Government not only is this annual payment of $950,000,000 to the railroads guaranteed but other large guaranties are made.

Payment of the interest on the bonded indebtedness, amounting to about $400,000,000, is to be paid out of the $950,000,000. Besides this, the Government agrees to guarantee the payment of all the outstanding obligations of the railroads during its occupancy. The maturing obligations amount to in 1918, $182,000,000; 1919, $188,000,000; 1920, $186,000,000; 1921, $440,000,000.

The Government agrees to pay all ordinary taxes, both Federal and State, levied against the railroads while in the possession of the Government. The payment of war taxes, however, is not assumed.

To those roads which had no operating income during the three-year period, the President is authorized to pay such an amount as he may determine.

Five hundred million dollars is appropriated from the Federal Treasury to provide additional equipment, additions, terminals, extensions, to make advances when needed, and for the expenses of Federal control. No provision is made for the repayment or final disposition of such property.

The Government is to pay all the expense of the operation of the roads while under its control. This includes salaries of officers, wages of employees, fuel, and so forth. The Government is to retain all the officers and keep all the men. It is expected that some of the extravagant salaries which certain officers are now receiving will be reduced. It is also expected that the wages of the employees will be increased. Whatever is done the Government will have to pay.

The Government also agrees to pay all maintenance charges. This means keeping the track in repair, the rolling stock in effective condition, and all the property of the roads kept in good condition. The property is guaranteed protection and is to be returned to the railroads in as good condition as when received.

The period of occupancy is fixed by the terms of the bill as during the period of the war, and for two years after a treaty of peace has been proclaimed. All these payments and guarantees must be continued during that period. If the war should continue for years with constantly increasing demands and with constantly enlarging expenditures, still these tremendous obligations to the railroads will continue. If the general business of the country, which will furnish the revenue to reimburse the Government, shall be absorbed in war activities and the revenues derived from rates and fares and charges become negligible, still the Government must continue paying the railroads on the basis of the three most prosperous years in their history. If the war should cease within a year, and the expected depression follow, still for two years the railroads would be maintained, their expenses paid, their dividends would continue and their surplus pile up, no matter what might happen to the other business enterprises of the country.

It has been stated as a justification for the action taken that we are but doing what Great Britain did when she took over her roads. A few days after the war broke out, in August, 1914, Great Britain took over her railroads. As compensation the Government agreed to guarantee the net earnings on the basis of the year 1913, a little over 4 per cent on their bonded indebtedness and about 4 per cent on the capital stock. Our bill guarantees $250,000,000 more per annum proportionally than Great Britain. It guarantees a surplus above dividends eight times as large as Great Britain.

The railroads of the United States had on hand January 1, 1917, in cash $288,000,000. They had in cash, time deposits, and securities of unaffiliated companies $804,000,000. None of this fund is taken over by the Government, so that the Government will start with no surplus, and must operate the systems taken over without a working capital except that derived from the Treasury of the United States.

These agreements and guarantees constitute more than a "just compensation." They are excessive in amount and ought not to be imposed upon the people.

UNEQUAL IN APPLICATION.

The gentleman from Connecticut [Mr. TILSON] called attention to the fact that the method of payment proposed would be unfair to small railroads who for particular reasons may have had no operating income during the three-year period. That is certainly true, and in order to meet that difficulty the bill provides that if "because of nonoperation, receivership, or any undeveloped or abnormal conditions" the compensation would be "inequitable as a fair measure of just compensation" the President may make such special agreement with such railroad for compensation as may be just. That, as may readily be seen, is necessary and fair, because it would be no defense against a claim for "just compensation" for a railroad taken over and used by the Government perhaps for years, to say that because such railroad had no operating income for certain years in the past nothing would be due it for use in the future. But such arrangement added to the other provision for compensation will result in largely increasing the amount the Government will be compelled to pay for the use of the roads. The $950,000,000, which represents the operating income of those that had an operating income, will be absorbed, of course, and the Government will be compelled to pay to those which had no operating income during the three-year period what would be a "just compensation" for the use of their roads.

But the inequality does not stop there. There will be many cases where an operating income was received, but where it was too small to constitute what would be "just compensation." This, too, would have to be arranged so that the operating income guaranteed would be augmented by further payments from the Treasury.

It must be evident that only those roads will be satisfied with the operating income which received an excessive or large return during the test period. In the very nature of things the amounts paid will be unequal upon any fair estimate, and to that extent unjust.

LITIGATION AND DELAY.

I think we all realize that every effort should be made in arranging for compensation to avoid litigation and delay. The Government can only offer what it considers a just compensation, and such offer may be accepted or rejected by any particular railroad as it may deem the offer advantageous or otherwise. It is manifest that any railroad which realizes that another railroad will receive a disproportionate compensation will not be satisfied if it shall receive less. The more inequalities that exist, the more dissatisfaction and consequent litigation there will be. It would be hard to conceive of any plan of payment that would create more inequalities. It may, therefore, be anticipated that much litigation will result. Either that or the dissatisfied roads will be consoled with generous or excessive payments.

NO INCENTIVE FOR EFFICIENCY.

One of the strongest grounds of condemnation against the method of compensation proposed in the bill is that it gives no incentive for wise management and good service, but, on the contrary, will encourage indifference and inefficiency.

It is not proposed, nor would it be possible at this time, for the Government in taking over the railroads to substitute Government officials as officers to manage the railroads, nor to make the employees of the railroads the employees of the Government. The management of the direct and practical operation of the railroads will remain in the hands of the same men who were in charge before the Government assumed control. The president and general managers and boards of directors will continue as usual. But why should they worry? Their stockholders are satisfied, because their stock has been made as good or better than a Government bond. Their dividends are guaranteed by the Government. The railroads are to be maintained and improved with additions, extensions, and betterments from the Treasury of the United States. It makes no difference what their income may be, the railroads are assured an income during the entire period of Government occupancy, the most generous they have ever received.

Business may fail, panics may come, depression rest like a pall over the land, the effects of the war may ruin half of the enterprises of the country, still the prosperity of the railroads can not fail, for the Government insures them not only against loss, but gives them the largest profit ever recorded in the history of transportation. Without effort on their part, without diligence, without efficiency, no matter how managed, no matter whether good service is rendered or not, they are insured protection, preservation, and a handsome return as long as the Government remains in control. If it were desired to afford an opportunity to discredit Government control or ownership no better plan could be devised than the one proposed in the bill.

WHAT THE AMENDMENT WOULD DO.

Several propositions for agreed compensation, as substitutes for the one contained in the bill have been suggested. The one contained in my amendment is submitted, not as the best but as a better and more defensible method of compensation than the one contained in the bill. The only completely defensible method of determining "just compensation" would be an agreement if it could be arranged, in each particular case, based on the conditions applicable to that particular case. In default of such agreement provision should be made for determining the amount by a proceeding in the courts. That has been the usual course adopted by the Government in the condemnation of private property for public use. It is claimed, and there is ground for the claim, that if such method were adopted at this time it would result in much uncertainty and delay. It is generally believed that it is best under existing circumstances to offer to the railroads such a fair proposition as will afford no reason or excuse for refusal. But it is easy to go too far in that regard. We would not be justified in offering greatly excessive compensation in order to induce the railroads to accept quickly.

The amendment which I submit offers to the railroads payment in full of the interest on their bonded indebtedness as it shall become due during the period of Federal control; it offers to pay the usual and customary dividends to the stockholders; it offers to carry out fully all the other guaranties contained in the bill, such as the payment of taxes, the cost of operation and maintenance, and to return the railroads in as good condition as when received. If there is any surplus it is to be equally divided between the railroads and the Government.

Such a plan if adopted could not be objected to as unfair. It would not base the principal item of compensation upon the returns of a past period. It would provide the railroads should share in whatever of prosperity or adversity the future has in store.

Mr. SNOOK. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. SNOOK. Does the gentleman believe that under the amendment he proposes the railroads would enter into a voluntary agreement with the Government?

Mr. TOWNER. I should think so. Why not? It is a fair basis of agreement, even a generous basis. It would stabilize their securities by insuring the payment of interest. It would pay their customary dividends. It would secure them against loss or depreciation. It would divide the excess received and thus add to the surplus of the roads. If they would consult their own interests that ought to be enough to induce them to accept such an offer. If they are asking more they would be asking the unreasonable and the unjust.

Mr. SNOOK. Has the gentleman read the hearings, in which their representatives said before the committee they would not accept such an offer?

Mr. TOWNER. Yes; I have read the hearings, but I think no such proposition was presented to them as is contained in my amendment.

Mr. SNOOK. Is not the gentleman's amendment along the line of that offered by Mr. Thorne before the committee?

Mr. TOWNER. I hardly think so. As I understand Mr. Thorne's proposition, it was to limit the compensation to be paid by the Government to 5 per cent above the guaranties.

The proposition I submit does not provide for the payment of excessive compensation. Especially would it prevent the payment to certain roads of the extravagant amounts which they would receive under the provisions of the bill.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HAMILTON of Michigan. The gentleman proposes to pay the interest on the bonds of the railroads?

Mr. TOWNER. Yes.

Mr. HAMILTON of Michigan. Is the gentleman aware that there are quite a number of railroads that have not paid any interest on their bonds for a long time? Would the gentleman's amendment pay the interest on the bonds of such roads?

Mr. TOWNER. Yes; and the bill does the same. This is done to stabilize conditions and prevent litigation and loss.

Mr. BARKLEY. Does the gentleman think that any railroad which has been making more than interest on its bonds would enter into a contract which in all probability would take away a part of its earnings in order to make up the deficit of some unprosperous roads?

Mr. TOWNER. I can hardly imagine such a condition. But certainly if the road was so weak it could pay only a surplus over interest on its bondel debt, it would gladly enter into a contract which would insure it against loss, put it on its feet, and build it up for future usefulness.

Mr. WALSH. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WALSH. Where would it leave the railroads that have paid no dividends during the last three years, which have given the stockholders no returns.

Mr. TOWNER. It would leave them in better condition than they were.

Mr. WALSH. How?

Mr. TOWNER. While it would not pay dividends in cases where no dividends had been paid during the three-year period, it would pay their interest, build them up, and probably put them on a paying basis. The bill as it is provides for payment on the net operating income basis.

Mr. BARKLEY. Is not the gentleman incorrect as to what the bill provides? It provides that where the road has a net operating income, that is the standard; and if they have none, the President is authorized to make a special contract with them.

Mr. WALSH. Would that be permitted under the gentleman's amendment, if adopted?

Mr. TOWNER. The provision for payment on the net operating income basis would not prevail if my amendment is adopted, but the provision for taking care of exceptional cases would remain.

Mr. CANNON. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. CANNON. There are a number of railroads—very substantial ones—that have expended their earnings on betterments and have declared small or no dividends. I have in mind the Illinois Central, one of the greatest roads in the country; one year they skipped the dividend and the next year paid only 2 per cent. I think the Chicago & Eastern Illinois has been in the hands of a receiver for three years and has paid no dividends.

Mr. TOWNER. Provision is made for that.

Mr. CANNON. I understand that provision was not made in such cases.

Mr. TOWNER. A subsequent provision of the bill which we have not yet reached gives the President power to arrange to pay just compensation in cases where by reason of "nonoperation, receivership, or any undeveloped or abnormal conditions" the amount would be inadequate. My amendment does not change that provision of the bill.

Mr. CANNON. In such case where dividends have not been paid the President has the discretion to make a proper allowance?

Mr. TOWNER. Yes; that is true in any exceptional case where by the method contained in the bill the amount is insufficient to constitute just compensation.

Mr. TILSON. Is not the gentleman in error in that? It is net income and not dividends.

Mr. TOWNER. I will say to the gentleman that, whether the bill stands as it is or my amendment be adopted, in either case provision is made to take care of exceptional cases.

One of the features of the amendment that is especially advantageous as compared with the provision of the bill is that under the terms of the amendment there is an incentive to good service and efficiency. If the railroads are to secure a surplus over the guaranties they must work for it. It will require continual effort in order to secure the best results. Under the bill, as it is, the railroads will secure just as much under bad management as under good management. There is no incentive or reward for diligence or efficiency.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. DEWALT. As I understand the gentleman's amendment, it would guarantee all the roads that are taken over a sufficient amount to pay interest on their bonds, to pay their maintenance and operating expenses, and so forth. Is that correct?

Mr. TOWNER. Yes; as far as it goes.

Mr. DEWALT. Let us take this instance: Railroad A has not made enough money to pay interest upon its bonds during the three-year period. Would the gentleman guarantee it payment of interest upon those bonds?

Mr. TOWNER. Yes; and so does the bill.

Mr. DEWALT. The gentleman, therefore, would pay interest and dividends and operating expenses and maintenance of any railroad, whether it made any money or not?

Mr. TOWNER. Yes; and that is what the bill does, except that instead of guaranteeing dividends, which amount to about $300,000,000 yearly, the bill gives the railroads, besides the guaranties, about $550,000,000 for dividends and surplus.

Mr. DEWALT. Then the gentleman would not discriminate between a railroad that is well managed and one that is badly managed?

Mr. TOWNER. Oh, yes.

Mr. DEWALT. Wait one moment. I am coming to the logical conclusion of the gentleman's proposition.

Mr. TOWNER. I beg the gentleman's pardon, but he is omitting one of the most important factors. My proposition guarantees the payment of interest on the bonded indebtedness, the other guarantees before mentioned, the customary dividends, and then, if there is any surplus, provides it shall be divided between the Government and the railroads. That is an incentive to good management and general efficiency. There is something to work for. Under the bill, as you present it, there is nothing to work for. You guarantee the railroads the largest returns ever received, no matter what they do. You thus pay a premium for negligence on the part of railroads for not doing their duty, for allowing them to run into bankruptcy. You, in effect, say to the roads, "No matter what you do, how you may run the road, or what you may do to the people who use it, we will guarantee you the profits you have made during the three most prosperous years of your history." That I believe to be not just, but unjust compensation.

Mr. Chairman, we all must realize that in this legislation we are without the benefit of past experience to guide us. Under ordinary circumstances we can correct mistakes made by repeal or modification. But this legislation is peculiar in this, it provides for the making of a contract between the Government and the several railroads, which, if made, is binding during the entire period of the contract. It can not be abrogated or changed except by agreement. If we now guarantee to pay an excessive and in some cases exorbitant compensation we will be bound by our agreement. To so bind the Government would be unfair to the people who in the last analysis must pay the compensation. It is our duty as their Representatives to protect their interests.

Mr. SIMS. Mr. Chairman, I hope that this amendment will not be adopted, but I have had my hopes blasted so often that I am afraid to take even a chance on it. This proposition will change the whole scheme of the bill from beginning to end and be equivalent to a new bill, which has not been passed on in the House or in the Senate or anywhere else, and will provide for the payment of interest and dividends as full and complete compensation for the use of railroads. The dividends paid by a railroad depend entirely upon the action and judgment of the directors of the road. They may pay no dividends, but may keep all of the returns for surplus.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. TOWNER. The gentleman says that it depends entirely upon the dividends. The gentleman has not read my amendment carefully.

Mr. SIMS. That may be true. I did not get it until a few minutes ago.

Mr. TOWNER. Because it provides that the railroads shall receive all of the guaranties that are contained in this bill and interest upon their bonded indebtedness, the customary dividends that have been declared, and then that they shall share one-half of the amount received above that.

Mr. SIMS. The dividends, of course, are what the several directors in the last three years have ordered paid. A conservative railroad that is receiving a large net operating income may have ordered dividends paid to the extent of 4 or 5 or 6 per cent and have retained 4 or 5 or 6 per cent as a surplus for railroad purposes. This amendment will provide that that railroad which has done what every good railroad ought to do, which has not skinned its resources in the way of dividends, shall receive during Federal control a dividend not in excess of that which it paid out, whereas a railroad that has skinned its resources and paid out a dividend out of proportion to its welfare shall receive from the Government a sum equal to the dividend paid out, which ought not to have been paid out—in other words, which were paid out for the purpose of killing their stocks or giving them a market value. To do that they have paid out dividends that ought never to have been paid under good management. You are going to force the Government to take them over for war purposes and continue during the Federal control to pay a dividend according to the standard of the payment made before that ought not to have been paid, made by interested parties for the indirect purpose of advancing the credit of the railroad, for stock-jobbing purposes, rather than in preparing the railroad to discharge its duties to the public in the best and most efficient way. I do not deem that it is necessary to go into any further details about this amendment. The railroads are entitled to the surplus that they honestly earn and can make such disposition of it as they see proper. They can pay it out in dividends or may make any other use of it that may be necessary to enhance the operating efficiency of the road, and they are entitled to these net earnings, if they are entitled to any, and we should not, as I think, provide a contract that none except the railroads which have not conducted their affairs in the best way will take advantage of and foreclose others and let them go to the courts and get what they can in that way rather than sign a contract.

Mr. CANNON. Mr. Chairman, I move to strike out the last word. I have been unavoidably absent for the last hour or two and have not kept up with these amendments. What I do not know about the bill probably might make a small volume. I do not know that I thoroughly understand the amendment of the gentleman from Iowa [Mr. TOWNER] wherein if adopted it changes the provisions of the bill; but I would like to know whether the bill or the amendment would cover, in justice, roads like several I have in mind. Let us take the Chicago & Eastern Illinois, for instance, running from Chicago to Evansville, from Chicago to St. Louis, with some feeders. It is one of the best roads of my knowledge, and yet owing to a combination of circumstances, having closed out to the Frisco, and having had to take the road back, the result has been that they have not paid interest upon their bonds, nor have they paid dividends upon their stock. Since it went into the hands of a receiver the road has been put in very good condition, stations have been constructed, and it is almost ready to go out of the hands of the receiver, and would under ordinary conditions. I speak of that as one kind of road. There are many other roads that went into the hands of receivers because they failed to pay their fixed charges. Now, I would be glad to know how this bill affects such roads or how the gentleman's amendment changes it so as to affect such roads.

Mr. SIMS. Mr. Chairman, I will answer in the time of the gentleman from Illinois——

Mr. CANNON. Yes.

Mr. SIMS. The bill provides for just such a case as the gentleman has referred to, that the President may authorize dividends to be paid where they have not been heretofore paid and that where the standard return of three years will be plainly unjust and inequitable to any railroad company, that then he will pay such just compensation as the facts and circumstances connected with the road warrant.

Mr. CANNON. Does the amendment change the bill?

Mr. SIMS. The amendment offered by the gentleman from Iowa, I understand, would not apply to such case as that, from the fact that no dividends having been paid his amendment does not apply, and it would have to go under section 3 for other compensation.

Mr. CANNON. Nor would they receive anything, I will say, under the terms of the bill in the case mentioned.

Mr. SIMS. They would receive just compensation for the use of the road during the time of such use.

Mr. TOWNER. My amendment would not affect the provision.

Mr. SIMS. I do not think so. Mr. Chairman, I ask for a vote.

Mr. GREEN of Iowa. Mr. Chairman, I am not entirely clear that the amendment offered by my colleague is so worded as not to include more than he desires, but I am entirely clear that the compensation provided for in this bill with reference to roads that have been highly successful and profitable is altogether too large and an amount that ought not to be allowed under any circumstances. I have been surprised during the course of this debate to hear repeated statements—in one instance from a member of the committee—to the effect that the three years, whose average was going to be taken as a basis for this allowance, were three lean years. It is true that 1915 was a lean year, but the three years that are taken as a basis for compensation in this case are, when averaged, the three most prosperous years that have occurred in succession—in fact, the three most prosperous years that they have had in the last 20 years.

Mr. HAMILTON of Michigan. Nobody is claiming that 1917 was a lean year, nor 1916.

Mr. DEWALT. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. DEWALT. Just to give proper information.

Mr. GREEN of Iowa. I have here the figures of the Interstate Commerce Commission.

Mr. DEWALT. So have I here.

Mr. GREEN of Iowa. Lying right on the desk before me, and I know what I am talking about.

Mr. DEWALT. Let us see. Class 1 railroads, which are railroads earning over a million dollars, 1917, net income $1,020,800,000; 1916 it was $948,872,959; 1915, which they call a lean year, $683,104,833; so the gentleman certainly must be incorrect when he stated any member of this committee urged that we took three lean years as an average.

Mr. GREEN of Iowa. It has been stated here several times.

Mr. SIMS. Oh, no; the gentleman is mistaken; not by members of the committee.

Mr. DEWALT. Either the gentleman's hearing is defective or he was not here when members of the committee spoke.

Mr. GREEN of Iowa. I will say to the gentleman from Pennsylvania himself, if he will look over his remarks he will find that he will want to correct them.

Mr. RAMSEYER. Was not the statement made that the three years was the leanest years for 18 years back?

Mr. GREEN of Iowa. That was the statement to which the gentleman from Pennsylvania acceded, and I called attention to it at the time.

Mr. DEWALT. Of any three-year period during the last 18 years this is the lowest average period. That is correct.

Mr. GREEN of Iowa. These three years?

Mr. DEWALT. That these three years, taken together, the average is lower than any three-year period.

Mr. GREEN of Iowa. The gentleman is entirely wrong, and I will insert in connection with my remarks, if I may be permitted to extend them, a table prepared by the Interstate Commerce Commission, which will show that the gentleman is entirely incorrect. I hope he will read it.

Now, what are the facts in relation to those three years? They show a higher percentage of operating income to investment of any three years in succession for the last 20 years. I am going back further by two years so there can be no misunderstanding about it. The gentleman is merely repeating the mistake he made before, and to which I was endeavoring to call his attention. They also show the highest average revenue per mile of track that has ever been shown and the highest average operating income for the train-mile.

Mr. BURROUGHS. Net or gross?

Mr. GREEN of Iowa. The operating income after taking out all expenses for maintenance and everything of that kind, and they show, of course, by far the largest total income; in fact, the income for 1916 or 1917, as far as total income is concerned, is about three times what it was in 1890. Yet we are taking those three years which, even counting in the lean year of 1915, presents such an exceptional situation, and we propose to allow compensation in accordance with the average of those three years. I say that this will allow those successful railroads around $150,000,000 to $200,000,000 per annum in excess of what they ought to receive.

Mr. TILSON. Will the gentleman yield?

Mr. GREEN of Iowa. I will.

Mr. TILSON. How does the gentleman determine what they ought to receive? Are they not entitled to receive what the property is worth, what the use of the property is worth, at the time of its taking, which was a very valuable time, 1917?

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five minutes more, and I will answer the gentleman and some other gentlemen who have spoken.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. GREEN of Iowa. So many gentlemen have spoken comparing the railroad property with ordinary property that I am sure they spoke thoughtlessly with reference to it. In ordinary times a man can charge what he desires with reference to the products of the farm. A merchant may charge what he wishes for the goods he has in his store, but the corporation that is operating a public utility has no right to fix its charges at whatever it wishes. It can only charge a reasonable rate, and the Government has the right to limit it to reasonable rates and reasonable compensation.

Mr. DEMPSEY. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. DEMPSEY. Were not these returns for the three years to which the gentleman has referred to based upon the returns made under rates fixed by the Interstate Commerce Commission?

Mr. GREEN of Iowa. Yes.

Mr. DEMPSEY. So that so far as that was concerned they did not charge what they wanted, but they charged what the Interstate Commerce Commission permitted them to charge?

Mr. GREEN of Iowa. Yes; but what is the application?

Mr. DEMPSEY. Now, is it not also true, in reference to the gentleman's statement that the fixing of future charges should not be based on these excessive years, that we are still in war and we are liable to have excess business and are to have excess business during the period the Government is operating these roads?

Mr. GREEN of Iowa. I do not know that that will be the case or not. I do not see the application of it, but the gentleman is making an argument in my time instead of letting me make the argument.

It is true these rates were fixed by the Interstate Commerce Commission at what was supposed to be reasonable. They were so fixed, however, because it was necessary in order to make a rate under which roads not so well situated could operate and to put the rates on an equality all over the country where the railroads operated between the same places. Now, we have here an entirely unreasonable proposition when you consider that a corporation like the Burlington Railroad, that will receive 22 per cent on its invested capital, and other corporations will be allowed from 12 to 14 per cent. In the case of other railroads mentioned here the returns are very much larger than the figures last mentioned.

Mr. MADDEN. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MADDEN. Now, the total operating returns which the President is authorized to pay out is the sum of the return for three years—about $950,000,000. Is not that true?

Mr. GREEN of Iowa. The average for three years?

Mr. MADDEN. The total of the average would be $950,000,000?

Mr. GREEN of Iowa. About that.

Mr. MADDEN. Per year?

Mr. GREEN of Iowa. Per year.

Mr. MADDEN. Under this bill he would be authorized to make contracts with the Burlington Road, earning 22 per cent, or some other road earning 50 per cent, for a 15 per cent payment if they were willing to make that contract, and he will be able then to make a contract with some other road that was not earning anything to pay it something as long as he kept within the bounds of the total amount he was authorized to pay? Is not that true under the terms of this bill?

Mr. GREEN of Iowa. Possibly so, but I do not see what my friend is coming to. I intended to yield only for an inquiry.

Mr. MADDEN. The point I wanted to ask the gentleman was if under these circumstances he was able to make such a contract would it not be possible for him to restrict the payment to the roads earning large dividends and make larger payments to the roads earning smaller dividends, and thus equalize it? The thing is that he has to do with $950,000,000 only.

Mr. GREEN of Iowa. I do not think that is entirely correct, although it was in accordance with the statement of some of the gentlemen of the committee, and in this connection I want to call their attention to another matter. Some gentlemen have said, where the railroads have no operating income, that in such case the President could provide for the payment of the interest on the bonds and other necessary expenses. I do not so understand the bill. The bill provides that a different compensation may be agreed upon in exceptional cases, but I have not understood that an exceptional case meant a case where a road for years has no operating income and has not been able to pay interest on its bonds. If that is the construction placed on this bill, I do not think I shall vote for it.

Mr. BARKLEY. I do not think anybody in the committee has suggested that the bill authorized the President where there was no operating income in the three years to guarantee dividends or interest on indebtedness. But manifestly where there is no income for that period there is no basis for a standard return. Therefore, the President must enter into a contract based upon some other compensation. If they could not make the contract, of course the Government would not take over the nondividend and noninterest paying road and use it without compensation; and in that case they can go before the Court of Claims or before the boards of arbitrators referred to in the bill.

Mr. GREEN of Iowa. Does the gentleman mean to say that all the nondividend and noninterest paying roads are going to be taken over under this bill and the interest on their bonds is going to be paid?

Mr. BARKLEY. No; that is contrary to what I say. But if the amendment now pending is agreed to, that is what will happen. It will put an inflated value on the stock of every railroad that is not paying interest on its bonds.

Mr. GREEN of Iowa. I am not arguing with the gentleman on that point.

I append to my remarks the tables to which I referred. In column (e) of the first table will be found the per cent of income to investment for all the railroads of the United States from 1881 to 1917, inclusive. I should like to have some gentleman find three years in succession whose average equals 1915, 1916, and 1917. In column (a) will be found the operating income, which is used as a standard in this bill. Find, if you can, any three years in succession whose average approaches 1915, 1916, and 1917. In column (b) is found the income per mile of track, just as I stated. The other table supports my statements with reference to income per train-mile.

Analysis of operating income of railways in the United States, July 1, 1890, to June 30, 1917, inclusive, and comparison of such income per mile of road, etc., with book cost per mile of road, etc.

[From report of Interstate Commerce Commission, dated Dec. 1, 1917.]

Year ended June 30.	Results of operation. Income from operation. (a)	Average income per mile operated, adjusted to eliminate effect due to duplication on account of trackage. (b)	Book cost of road and equipment. (c)	Average book cost of road and equipment per mile of road. (d)	Ratio of column (b) to column (d). (e)
					Per ct.
1893	$331,593,407	$2,106	$8,738,533,165		
1894	336,375,852	2,249	8,564,394,830	$59,675	3.77
1895	336,415,886	2,151	8,937,545,760	55,424	3.88
1896	303,822,201	1,771	9,073,470,532	55,323	3.20
1897	300,818,614	1,786	9,203,490,619	54,867	3.26
Total	1,657,905,960	2,006	35,778,901,741	56,210	3.57
1898	337,209,541	1,902	9,500,327,733	54,644	3.48
1899	326,427,165	1,830	9,709,329,228	55,586	3.29
1900	385,524,121	2,150	9,780,581,424	57,395	3.75
1901	410,303,487	2,252	9,861,840,805	56,079	4.02
1902	477,284,030	2,554	10,263,313,400	56,567	4.52
Total	1,936,748,344	2,143	49,195,392,590	56,032	3.82
1903	597,194,395	2,670	10,405,095,085	56,841	4.69
1904	555,699,063	2,453	10,658,321,376	56,862	4.32
1905	585,458,486	2,636	10,973,536,995	56,626	4.19
1906	574,581,484	2,794	11,511,537,131	57,835	4.83
1907	628,405,575	3,001	11,951,348,949	58,808	5.10
Total	2,851,288,023	2,654	55,499,837,444	57,449	4.97
1908	714,102,281	3,330	12,430,287,938	59,624	5.56
1909	760,277,399	3,479	13,039,344,328	61,816	5.61
1910	845,081,835	3,952	13,213,766,540	61,779	4.78
1911	732,642,063	3,376	13,609,183,515	61,391	5.34
1912	826,485,786	3,644	14,387,846,009	63,631	5.73
Total	3,679,170,404	3,337	66,661,398,420	61,679	5.41
1913	768,213,345	3,394	15,126,262,635	67,883	4.87
1914	751,266,806	3,190	15,874,559,626	69,049	4.62
1915	829,983,248	3,584	16,351,639,266	70,062	5.12
1916	794,085,079	3,406	16,936,607,840	71,779	4.19
1917	728,212,079	2,972	17,247,101,881	72,689	4.09
Total	3,782,240,557	3,298	81,005,281,248	70,331	4.56
1918	1,043,839,822	4,247	17,525,576,908	73,209	5.80
1919	1,088,750,514	4,851	.....	74,500	6.50

Tendency of revenues and expenses per train-mile, all operating railroads, American railways.

[From hearings on bill under consideration.]

Year.	Revenue from operation.	Expense of operation.	Net revenue from operation.	Increase over year 1890.
				Per cent.
1891	$1.44231	$0.96936	$0.48295	
1892	1.43345	.95707	.47638	
Average	1.43675	.96544	.49131	1.88
1893	1.44649	.96589	.48059	
1894	1.43229	.97272	.45957	
1895	1.36958	.93478	.43480	
1896	1.35987	.91829	.44158	
1897	1.39567	.93838	.45729	
Average	1.42228	.95977	.46301	[1] 3.99
1898	1.38194	.92918	.45276	
1899	1.45449	.95635	.49814	
1900	1.50436	.98390	.52046	
1901	1.65221	1.07288	.58433	
1902	1.72938	1.12292	.60646	
Average	1.59373	1.0421	.55162	14.38
1903	1.82350	1.17960	.64390	
1904	1.91380	1.26604	.64776	
1905	1.93960	1.31375	.62585	
1906	1.97906	1.32140	.65766	
1907	2.07547	1.37060	.70487	
Average	2.03815	1.35192	.68623	42.30

[1] Decrease.

Tendency of revenues and expenses per train-mile, etc.—Continued.

Year.	Revenue from operation.	Expense of operation.	Net revenue from operation.	Increase over year 1890.
				Per cent.
1907	$2.17741	$1.46993	$0.70748	
1908	2.11269	1.47340	.63929	
1909	2.16789	1.43370	.73419	
1910	2.24618	1.48855	.75763	
1911	2.24824	1.54338	.70486	
Average	2.21600	1.49911	.71689	48.66
1912	2.29259	1.59077	.70182	
1913	2.45387	1.70375	.75012	
1914	2.45924	1.76917	.68107	
1915	2.51895	1.77641	.74254	
1916	2.81146	1.84161	.96985	
Average	2.54465	1.77457	.77008	58.99

The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment, which the Clerk will report. The Chair understood that the gentleman from Kentucky [Mr. BARKLEY] did not desire to press the point of order.

Mr. BARKLEY. No. I simply reserved it in order to look into it.

The CHAIRMAN. The record will show that the point of order was withdrawn. The Clerk will report the amendment offered by the gentleman from Wisconsin.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 3, line 5, to page 4, line 2: Strike out the whole paragraph and insert: "Every such agreement shall provide that all taxes assessed for the period of Federal control—which but for such Federal control would, under the interstate commerce classification of accounts in force on December 27, 1917, be deducted from 'net income from railway operations' in determining 'railway operating income'—shall, except as hereinafter provided, be paid from operating revenue, or if that is insufficient for the purpose then from the revolving fund created by this act. That if Federal control begins or ends during the tax year for which any taxes may be assessed the taxes for such year shall be apportioned to the date of the beginning or ending of such Federal control, and the foregoing provisions shall apply only to that portion of such taxes which is due for the period of such tax year which falls within the period of Federal control; and that the owner shall pay from his own funds all other taxes, including the taxes under Titles I and II of the act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, or any act in addition thereto or in amendment thereof."

Mr. LENROOT. Mr. Chairman, this proposed substitute of mine does not in any way change the intention, but it does change the procedure in some respects.

In the first place, it seems very clear that there ought to be a simple provision, so far as taxes are concerned, providing that as to taxes that if the roads were still under private control would be paid out of operating revenue, would continue to be paid out of operating revenue during Federal control, whatever such taxes might be, and that all other taxes should be paid by the owner. My amendment makes that very clear, and so expressly provides.

In addition, as the language now stands, it seems to me that it is going to make great confusion in accounts. The taxes are assessed—the Federal taxes are assessed in the various internal-revenue districts—and this provides that if the carrier does not pay them they shall be charged against or deducted from the standard return. Why should not all taxes that under the present system are paid out of operating revenues continue to be paid in the district where they are assessed under Federal authority and paid to the internal-revenue collector? My amendment will accomplish that.

Then, I would like to ask the chairman of the committee a question with reference to special assessments, which it is provided shall be paid for wholly by the carrier. I want to ask him, because I do not know and I do not happen to have the schedule before me, whether special assessments now paid by railroads or a portion of those accruals are deducted in order to secure the net railway operating returns under the Interstate Commerce Commission classification? It is my recollection that they are, and that they are charged against capital account.

Mr. SIMS. Your amendment proposes to strike out everything on page 3, beginning with line 5?

Mr. LENROOT. My amendment will do this, if I may restate it: My amendment will have as a charge against operating revenues exactly the same taxes, other than war taxes, that have heretofore been paid out of operating revenues.

Mr. SIMS. My understanding is that—I do not remember the language of the bill—there will be no net return that will

include taxes that have heretofore been paid before dividends or interest is paid.

Mr. LENROOT. Are taxes in the nature of special assessments now deducted in getting at the net railway operating income?

Mr. SIMS. I understand so.

Mr. LENROOT. This bill provides that they shall not be included. Now, I want to know where these municipalities are to be left that have levied special taxes against companies. In many cases we have a company where all tax provided is taken over by us. They have no cash resources in hand. They can not enforce the lien against the property. How are these municipalities going to get these special taxes under the bill as it now stands?

Mr. SIMS. The gentleman can see what the bill itself provides in that respect.

Mr. LENROOT. The bill provides that it shall not be paid by the Government.

Mr. SIMS. It says:

That other taxes assessed under Federal or any other governmental authority for the period of Federal control or any part thereof, either on the property used under such Federal control or on the right to operate as a carrier, or on the revenues or any part thereof derived from operation (not including, however, assessments for public improvements or taxes assessed on property under construction, and chargeable under the classification of the Interstate Commerce Commission to investment in road and equipment), shall be paid out of revenues derived from railway operations while under Federal control; that all taxes assessed under Federal or any other governmental authority for the period prior to January 1, 1918, whenever levied or payable, shall be paid by the carrier out of its own funds, or shall be charged against or deducted from the standard return.

Mr. LENROOT. But the municipality has no lien that it can enforce against the property.

Mr. SIMS. The Government can pay it.

Mr. LENROOT. No; it can not do it. It expressly excludes it. It does not say who shall pay it.

Mr. SIMS. It will go out of the funds constituting the standard return.

Mr. LENROOT. That does not include the portion of the taxes that the Government shall pay, assessments for public improvements, and so forth.

Mr. SIMS. The railroad company will not receive these taxes in addition to the standard return.

Mr. LENROOT. This language in the bill now provides that certain taxes shall be paid out of revenues derived from operation. The gentleman says—and I think he is correct—that at present those special taxes are paid out of revenues derived from operation, although afterwards charged to capital account; but with the language in the bill the Government will not be permitted to pay such special taxes out of revenues derived from operation. And will not that leave the municipality absolutely helpless?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SIMS. I wish to read to the gentleman what is stated in the hearings as an interpretation of this provision of the bill as written. The gentleman will find it on page 883 of the hearings, by Mr. Anderson. He says:

I think we have now stated in a way that nobody can misunderstand that the ordinary taxes, Federal and State, and municipal and county, are to be paid by the Government and charged, as they now are, in operating expenses; that the war taxes are to come out of the standard return. And I may add that there is no reasonable possibility of there being any disturbance in the power of the State and subdivision thereof to proceed with taxation on the same general principles as hitherto. I put into this record, I think—I did in the Senate committee—the opinion of the chief counsel on that point. It was printed in your records, I believe.

Now, special assessments are just as much municipal and county taxes as are any other municipal and county taxes.

Mr. LENROOT. But the bill expressly provides that those taxes shall not be paid by the Government.

Mr. SIMS. That is, not paid at the loss and expense of the Government.

Mr. LENROOT. No, no——

Mr. SIMS. That is what it means.

Mr. LENROOT. Let me read the language of the bill.

On page 3, from line 5 to line 12, it is provided that the agreement shall provide that the railroads shall either pay the war taxes or the war taxes shall be deducted from the amount which the Government is to pay them.

Mr. SIMS. From their standard return.

Mr. LENROOT. From their standard return. That is all right. Then the bill goes on and says—

That other taxes assessed under Federal or any other governmental authority—

And, of course, that includes State and municipal—

for the period of Federal control or any part thereof, either on the property used under such Federal control or on the right to operate as a carrier, or on the revenues or any part thereof derived from operation—

Now comes the language—

(not including, however, assessments for public improvements or taxes assessed on property under construction and chargeable under the classification of the Interstate Commerce Commission to investment in road and equipment), shall be paid out of revenues derived from railway operations while under Federal control—

That means that the Government will pay to these municipalities out of revenues all ordinary taxes——

Mr. SIMS. Will pay out of operating revenues.

Mr. LENROOT. Yes.

Mr. SIMS. But this other will be paid exclusively out of what would otherwise go to the railroad as standard return.

Mr. LENROOT. No; because you provide what taxes shall be deducted from the standard return, and those are only the war taxes.

Mr. SIMS. It seems to me that it is as clear as it can be made. Now, the gentleman's amendment in reference to taxation provides for striking out the paragraph and inserting a new and longer paragraph. It does not change the amount of the taxes to be paid by the Government or the carrier, but merely undertakes to deal with the subject in detail, and instead of clarifying it, it complicates it. The contracts which will be made under section 1 will take care of taxation in exact accordance with the principle fully and clearly stated in the bill. The amendment is most undesirable.

Mr. LENROOT. My amendment provides for the payment out of operating revenue of all taxes that have heretofore been chargeable to operating revenue. I did not know, and that is why I asked whether special taxes heretofore have been chargeable to operating revenue, and the gentleman said yes.

Mr. SIMS. I mean paid out of operating revenue.

Mr. LENROOT. Yes. All right. Now, if that is true, there is no method in the bill by which municipalities can collect special assessments.

Mr. SIMS. They can collect them. The Government will pay them, but it will not pay them and then still pay the full standard return to the railroads.

Mr. LENROOT. Will the gentleman point out where in this bill there is any provision or permission to the Government to pay these special taxes?

Mr. SIMS. That is the only purpose and object of the contract authorized, and will be taken care of in the contract, and should be taken care of by such terms as each contract may make necessary; and to undertake to set out in detail every possible condition that may arise is only to complicate the contracting authorization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. LENROOT. I want to call attention to this, that we are dealing with the character of the contract, and in this language we say to the President, "You shall not agree that these special taxes shall be paid out of operating revenues."

Now, I admit that the carrier will be liable; but supposing the office of the carrier is in the city of New York and a municipality in the gentleman's district levies special assessments against a railroad and all the property of the railroad that there is in the gentleman's district is the property that has been taken over by the Government, how is the municipality going to enforce the payment of these special assessments?

Mr. HAMLIN. Does the gentleman refer to special taxes levied during the time that the roads are under Government control?

Mr. LENROOT. Yes; certainly.

Mr. HAMLIN. Then I call attention to the last provision of the paragraph, following the parenthesis—

shall be paid out of revenues derived from railway operations while under Federal control; that all taxes assessed under Federal or any other governmental authority—

Which would include municipal authorities, of course.

Mr. LENROOT. Oh, yes.

Mr. HAMLIN. And then it says—

for the period prior to January 1, 1918, whenever levied or payable, shall be paid by the carrier out of its own funds, or shall be charged against or deducted from the standard return.

Mr. LENROOT. That refers only to taxes assessed prior to the period of Federal control.

Mr. HAMLIN. Now I understand the question you raise is, What are you going to do with special taxes assessed during Federal control?

Mr. LENROOT. During Federal control. That is exactly the point.

Mr. HAMLIN. I think that parenthetical paragraph rather cuts it out.

Mr. RUCKER. Will the gentleman yield?

Mr. LENROOT. I yield to the gentleman from Missouri.

Mr. RUCKER. Suppose the language instead of reading—

Not including, however, assessments for public improvements—

Should read—

Including, however, assessments for public improvements?

Mr. LENROOT. I think they should be included, and then be a charge against the carrier as an addition to capital account.

Mr. RUCKER. If that language is amended by striking out the word "not" so that it will read—

Including, however, assessments for public improvements—

That would accomplish what the gentleman has in mind.

Mr. LENROOT. Yes. In fact, the words included in the parentheses ought to go out.

Mr. DEWALT. Will the gentleman yield?

Mr. LENROOT. Yes; if I have any time.

Mr. DEWALT. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. DEWALT. If the gentleman from Wisconsin will return to page 2, lines 18 and 19, 20, 21, 22, and so forth, he will find this language:

In the computation of such income, debits and credits arising from the accounts, called in the monthly reports to the Interstate Commerce Commission equipment rents and joint facility rents, shall be included. The standard return and the cost of such additions, betterments, or road extensions are to be ascertained by the Interstate Commerce Commission from the reports, books, and other pertinent data—

And so forth. Now we come down to the gentleman's question, and he will notice how the extensions, betterments, or improvements are to be ascertained by the Interstate Commerce report—

(not including, however, assessments for public improvements or taxes assessed on property under construction, and chargeable under the classification of the Interstate Commerce Commission to investment in road and equipment)—

Now, the purpose of that phrase was to prevent an obligation being placed on the Government for assessment of taxes levied, if you please, by municipalities in the construction of the railroads during the time of Federal control. Evidently the purpose of that was to prevent municipalities exacting from the Government these excessive amounts—street paving and other things of similar character.

Now, you say, How shall it be collected? If it is a betterment or improvement of the railroad itself, then it is to be ascertained under the rules of the Interstate Commerce Commission under provisions of the foregoing section, and that is to be charged up against them in the standard return.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DEWALT. I ask for one minute.

Mr. LENROOT. Is it not true that under the interstate-commerce classification special taxes are never included under the term of either betterments or improvements but are charged against capital direct? So it would not be covered by the language the gentleman states, because if being neither a betterment nor an improvement, it could not be taken into consideration by the Interstate Commerce Commission.

Mr. DEWALT. I do not agree with the gentleman at all; I do not think that is a reasonable construction. I think the foregoing part of section 1 clearly includes that.

Mr. LENROOT. May I ask the gentleman a further question?

Mr. DEWALT. Certainly; we are here for information.

Mr. LENROOT. If it is neither a betterment nor improvement under the interstate-commerce classification, and is charged against capital, how could it be included in the language the gentleman has just read?

Mr. DEWALT. The general provision as to betterments, extensions, and improvements—if the municipality by the construction of this road wanted to change the grade of a street, for instance, or if a municipality insisted on an underground passageway or an overhead passageway, they might assess a municipal tax against the railroad company while under Federal control. The Government, by the inclusion of the words in parenthesis, avoided that as far as possible, and contemplated in this bill, by the words heretofore quoted, that it might be included under the word "extensions," and therefore be deducted fairly from the standard return and decrease their emoluments to that amount.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to insert two other amendments to clarify the meaning of the bill and let them be disagreed to.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to insert two amendments in the RECORD, with the understanding that those amendments be disagreed to. Is there objection?

There was no objection.

The amendments are as follows:

Page 4, after line 23, insert a new paragraph, to read as follows:

"Every such agreement shall also provide that each owner shall receive during the period of Federal control an annual sum equivalent to a fair percentage upon the cost of additions and betterments, less retirements and road extensions, made on or in connection with such railroad or system during the period of Federal control by the owner, with the approval or by the order of the President, plus a fair percentage upon the amount expended by the owner, during the period of Federal control, for taxes chargeable under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, to investment in road and equipment, and for assessments for public improvements. Such fair percentage in the case of expenditures made out of borrowed money shall be equal to the rate at which such money is borrowed, and in other cases shall be fixed by the President at the time the expenditure is made. The cost of such additions, betterments, and road extensions, the amount of such retirements, and the amounts expended for such taxes and assessments shall be ascertained by the Interstate Commerce Commission and certified by it to the President. The amounts so certified shall, for the purpose of the agreement, be conclusive."

Page 4, after line 23 (and after the paragraph already inserted), insert a new paragraph, to read as follows:

"Every such agreement shall also provide that the United States will pay to the owner any loss accruing to such owner by reason of any additions, betterments, or road extensions, made during the period of Federal control by the President, or made during such period at the order of or with the approval of the President, by such owner, or by the person, corporation, partnership, or association, entitled to the possession, use, and control of the railroad or system of transportation at the time such additions, betterments, or road extensions are made. The amount of such loss shall be ascertained by the Interstate Commerce Commission and certified by it to the President. The amount so certified shall, for the purposes of the agreement, be conclusive."

Mr. CONNALLY of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, line 16, after the word "States," insert the following:

"*Provided*, That no installment of standard return shall be paid to any carrier until the cost of any additions, repairs, renewals, and all improvements to and extensions of such carrier as may have been theretofore made during Federal control, and all taxes and the cost of such terminals, equipment, motive power, and cars as may have theretofore been provided by the President for such carrier during Federal control and not justly chargeable to the United States shall have been paid out of the operating income of such carrier during Federal control or shall have been paid by such carrier."

Mr. CONNALLY of Texas. Mr. Chairman, I have no ambition to vie with the gentleman from Wisconsin in the number of amendments I offer, and this amendment may not seem, to some, to really be necessary in view of the language of the section, but, to my mind, something of this character ought to be provided. It is provided, in the first section of the bill, that the "standard return" shall be paid to the carrier in reasonable installments. My amendment would provide that the carrier should receive no installment of "standard return" so long as there is any amount due the Government from the carrier by reason of improvements, extensions, equipment, taxes, or other debts which the Government has incurred on behalf of the carrier.

In other words, when the time for releasing Government control arrives, the Government will not be in the position of having permitted the carrier to receive installments of "standard return," and yet at the time of final settlement be indebted to the Government in large sums for improvements, equipment, taxes, and other charges; and I do not believe that, so far as the Government has reinvested in the property of carriers the funds which it receives from income, that the shareholders ought to be allowed to receive any dividends in the way of installments from "standard return"——

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. MADDEN. Does the gentleman include the $500,000,000 revolving fund that this bill appropriates as a part of the fund that shall be expended out of the standard return, against which there shall be no payments to the railroads?

Mr. CONNALLY of Texas. Oh, no; not at all. It would not affect the $500,000,000 fund at all, because that fund is simply

provided for the use of the Government in making these expenditures when it has not those funds already at hand from operating income; and when the funds have been expended from the $500,000,000 fund, it merely says that we will not pay to the railway companies on whose behalf those funds have been expended any portion of the standard return until the Government has been reimbursed for the funds it has expended.

Mr. MADDEN. That is for the $500,000,000?

Mr. CONNALLY of Texas. No; for any fund.

Mr. MADDEN. The gentleman would not allow any dividends to be paid to any railway company in the United States until the investment made by the Government for equipment has been paid back?

Mr. CONNALLY of Texas. By that particular railway.

Mr. MADDEN. That would include the $500,000,000.

Mr. CONNALLY of Texas. There is a clause in the amendment which provides for any equipment or other charges not "justly chargeable to the Government"; and if out of that $500,000,000 the Government should buy equipment on its own account, it would not be chargeable to the railroad companies.

Mr. MADDEN. It would be in the end when we made the final adjustment.

Mr. CONNALLY of Texas. In the final adjustment it would, but it would remain the property of the Government until the final settlement was had, and that would in no way affect the amendment I have offered.

Mr. SNOOK. How would the gentleman decide as to an investment made in terminals or equipment? Would it justly be chargeable to the railroads or to the Government?

Mr. CONNALLY of Texas. In using that language I am using the language adopted by the committee, and I adopted it because the committee had already standardized that term.

Mr. SNOOK. The gentleman understands that there will be a large amount of investment made by the Government in terminals in taking care of war materials.

Mr. CONNALLY of Texas. My amendment says "for such carriers." If the Government did not expend the funds on behalf of the property of the carrier, it would build on its own account new terminals, and it would not apply, as was suggested by the gentleman from Illinois; and when final settlement should come, if the railway took over those terminals which have been erected by the Government, the settlement would be made at that time, and it would not affect the payments of the standard returns before that time.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. DEWALT. What does the gentleman do with the provision in the bill which states that the President may order and direct that betterments, improvements, extensions, and so forth, shall be made, and that motive power, if necessary, shall be bought, and that expense shall be deducted from the standard returns, first being paid by the President out of the operating expenses obtained and from the revolving fund? What is the solution of that problem?

Mr. CONNALLY of Texas. The solution of that problem is that it does not affect that at all, except that you provide no time when the deductions shall be made.

Mr. DEWALT. Does the gentleman reason this way, that the United States Government, the fiscal department thereof, is going to be foolish enough to pay any road any amount when the road is actually in debt to the Government?

Mr. CONNALLY of Texas. If that is true, there can be no objection to my amendment, because we merely say in so many words what shall be done, which the gentleman from Pennsylvania imagines some Government official is going to do.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. RAMSEYER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman has that permission.

The Clerk read as follows:

SEC. 6. That the sum of $500,000,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, which, together with any funds available from any operating income of said carriers, may be used by the President as a revolving fund for the purpose of paying the expenses of the Federal control, and so far as necessary the amount of just compensation, and to provide terminals, motive power, cars, and other necessary equipment, such terminals, motive power, cars, and equipment to be used and accounted for as the President may direct and to be disposed of as Congress may hereafter by law provide.

The President may also make or order any carrier to make any additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other necessary equipment necessary or desirable for war purposes or in the public interest on or in connection with the property of any carrier. He may from said revolving fund advance to such carrier all or any part of the expense of such additions, betterments, or road extensions, and to provide terminals, motive power, cars, and other necessary equipment so ordered and constructed by such carrier or by the President, such advances to be charged against such carrier and to bear interest at such rate and be payable on such terms as may be determined by the President, to the end that the United States may be fully reimbursed for any sums so advanced.

Any loss claimed to accrue to any carrier by reason of any such additions, betterments, or road extensions, terminals, motive power, cars, and other necessary equipment so ordered and constructed may be determined by agreement between the President and such carrier; failing such agreement the amount of such loss shall be ascertained as provided in section 5 hereof.

From said revolving fund the President may expend such an amount as he may deem necessary or desirable for the purchase, construction, or utilization and operation of canals, boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways, and may in the acquisition, operation, and use of such facilities create or employ such agencies and enter into such contracts and agreements as he shall deem in the public interest.

Mr. MONTAGUE. Mr. Chairman, I desire to move a formal amendment. Page 8, line 19, I move to strike out the last word of that line, "necessary."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 19, strike out the word "necessary."

The question was taken, and the amendment was agreed to.

Mr. DILLON. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 15, strike out the words "purchase, construction, or"; strike out the word "Acquisition," in line 18, page 9; and, line 16 insert, after the word "canals," the following: "or for the purchase, construction, or utilization and operation of."

Mr. DILLON. Mr. Chairman, if the committee will observe the purport of this amendment, it will be noticed, in line 15, page 9, I strike out the words "purchase, construction, or," and in line 18 I strike out the word "acquisition," and after the word "canals," in line 16, I add the following: "or for the purchase, construction, or utilization and operation of." This amendment will make this bill correspond to the Senate bill. It will prevent the President from constructing canals or from purchasing canals. That is the purpose of the amendment. It seems to me that we have no time now to build canals or to buy canals. We ought not to buy canals, because we can take over the use of canals and use them during the war and until they are returned, and we ought to be content with the use rather than the purchase of expensive canals.

Mr. MONTAGUE. Will the gentleman yield?

Mr. DILLON. Yes.

Mr. MONTAGUE. For the purpose of information. Does the gentleman's amendment, if adopted, make this bill identical with the provision in the Senate bill?

Mr. DILLON. Yes.

Mr. MONTAGUE. Identical?

Mr. DILLON. Identical.

Mr. DEWALT. Will the gentleman yield? As I understand the amendment, it prevents the purchase and construction of canals?

Mr. DILLON. Exactly; certainly.

Mr. DEWALT. But it does not prevent the utilization and operation of canals?

Mr. DILLON. The gentleman is correct.

Mr. PARKER of New Jersey. Will the gentleman yield?

Mr. DILLON. I will.

Mr. PARKER of New Jersey. Would not the same effect be attained, but more simply, by striking out the word "canals," so that it would read:

The President may expend such an amount as he may deem necessary or desirable for the purchase, construction, or utilization and operation of—

And now strike out the word "canals"—

boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways.

That was the way it was before, by mistake, the word "canals" was put in there. I understood Mr. ANDERSON to agree that the word "canal" should go in the next line, "on the inland, canal, and coastwise waterways." I think, by mistake, the word "canals" was also inserted at the beginning of line 16, and I think it would be much more simple to strike it out.

Mr. DILLON. The gentleman would reach the same result; but I seek to make it correspond to the Senate bill. We ought not to engage in the work of digging these canals at this time. We need 250,000 additional men in the shipping yards to help build ships. We need men on the farms. I had a letter to-day from one of my constituents—a farmer—saying that he had entered into an agreement to pay a laborer on his farm $1,250 for a year's labor upon his farm. The farmers in my district can not get enough farm labor at any price. We have no time to dig canals; labor is too expensive and too scarce. We ought

not to buy canals when we can get the use of them by paying for that use. I ask for a vote on my amendment.

Mr. DECKER rose.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Missouri desire recognition in opposition to the amendment?

Mr. DECKER. Mr. Chairman, I wanted to ask the gentleman from South Dakota [Mr. DILLON] a question if all his time has not expired.

Mr. DILLON. My time is not all gone, and I will yield.

Mr. DECKER. Under your amendment would it allow still the purchase or construction of boats, barges, and other means of transportation?

Mr. DILLON. Yes. It allows the purchase of all of those facilities. My amendment only eliminates the digging of canals and the purchasing of canals.

Mr. FORDNEY. Mr. Chairman, I want to offer an amendment to the amendment. My amendment is to strike out the whole paragraph.

Mr. DILLON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DILLON. My amendment goes to the perfection of the text and therefore should have the preference.

The CHAIRMAN. That would be disposed of first, and then the amendment of the gentleman from Michigan [Mr. FORDNEY] would be in order.

Mr. FORDNEY. I do not want to be heard on the amendment of the gentleman from South Dakota, but I want to be heard on my own.

The CHAIRMAN. Does the gentleman desire recognition at this time or after the vote is taken?

Mr. FORDNEY. After the vote is taken.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. DILLON].

The question was taken, and the Chair announced that the ayes appeared to have it.

Mr. BARKLEY. Division. Mr. Chairman.

The committee divided; and there were—ayes 56, noes 2.

So the amendment was agreed to.

Mr. FORDNEY. Mr. Chairman, I offer an amendment to strike out the entire paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. FORDNEY: Page 9, lines 13 to 20, inclusive, strike out the paragraph.

Mr. FORDNEY. I offer this amendment for the reason, gentlemen, that there is nothing in the proclamation of the President relating to inland canals. The appointment of the Director General, Mr. McAdoo, has no reference to the control of inland canals. I read from the proclamation itself:

It is hereby directed that the possession, control, operation, and utilization of such transportation systems hereby to be undertaken shall be exercised and undertaken through William McAdoo, who is hereby appointed and designated Director General of the Railroads.

He has not been appointed Director General of the inland canals. The President has not signified his desire to have the Government take over the canals in any respect; that is, the inland waterway canals. He has the power under existing law to take the coastwise boats; not those under inland waterways. He has the right to commandeer all ships on the Great Lakes or on salt water, but has expressed no desire whatever to control the boats on the inland canals.

Mr. ESCH. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. ESCH. I think it may be included under this:

Located wholly or in part within the boundaries of the continental United States, and consisting of railroads and owned or controlled systems of coastwise and inland transportation.

Mr. FORDNEY. Yes; I say that under existing law I believe the President has the right to take inland-waterway transportation, which does not mean canals. It means the boats on the Great Lakes and in the coastwise trade on the high seas. I believe the President has already commandeered such boats as he thought proper that were engaged in the coastwise trade. That order has been issued by the President, has been issued for some time past, if I am correct in my understanding of the matter. To leave this paragraph as modified by the amendment of the gentleman from South Dakota [Mr. DILLON] perhaps would remove the sting in this bill, but to leave that paragraph in the law as it is written now in the bill means that the Government of the United States is expected to purchase some of those canals. We have one canal here on the Potomac River that is now dry, with not even good fishing in it. But to authorize the President of the United States to take over all the canal boats and the mules and equipment in connection with them is the greatest absurdity. The President makes no such request and should be given no such power, and I hope the amendment that I have just offered to strike out that paragraph will be adopted.

Mr. DEMPSEY and Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. Does the gentleman from New York desire to oppose the amendment?

Mr. DEMPSEY. I desire to oppose the amendment; yes.

The CHAIRMAN. The gentleman is recognized.

Mr. DEMPSEY. Mr. Chairman, I do not think there is the difference which the gentleman from Michigan [Mr. FORDNEY] points out between inland means of communication by water. I think that it does cover canal transportation, and I think that it would not take in the kind of transportation to which the gentleman refers—small, worn-out canal boats drawn by mules. But I can point to an important line of transportation which it would take in and which would benefit the gentleman's State and all the Western States and help cure the transportation difficulties that we are now facing. The State of New York has constructed, at an expense of nearly $200,000,000, a great inland transportation system reaching from Lake Erie down to the Hudson River. It has made that a barge canal. The work is just completed. It is ready for operation. We have this congestion throughout the United States; we have it at New York and we have it all the way across the continent—freight piled up and the railroads unable to transport it—and yet this great inland transportation system has not been utilized at all.

The State of New York, at its own expense, has created this great canal. Why should not the United States in this emergency place boats upon it and utilize it, so that grain and lumber and coal can come down from Michigan and other States to Buffalo and there be transported over the Erie Canal in boats, which we have not to-day, and which can be built in these various shipyards which we are to-day constructing? Why should we not provide boats for the Erie Canal as well as boats for crossing the ocean and boats for the various lakes? Why should we not utilize that means of transportation?

We are seeking to-day to solve the transportation problem. We have three trunk lines across the State of New York, and they are not able to handle anything like all the traffic. We would in a great measure be able to handle it and in great measure solve that problem if we had a fleet of boats plying to the capacity of the canal between New York and Buffalo. So I say this is a wise provision. This particular provision should stay in the bill. This is a case where the Government should step in and supplement the work which the great State of New York has done out of its own funds, as no other State in the Union has done, in contributing to the general weal. [Applause.]

Mr. SMITH of Michigan. Mr. Chairman, something was said about the President not taking over the water systems. I read from the proclamation just this sentence:

By subsequent order and proclamation, if and when it shall be found necessary or desirable, possession, control, or operation may be taken of all or any part of such street railway systems, including subways and tunnels, and by subsequent order and proclamation possession, control, and operation in whole or in part may also be relinquished to the owners thereof of any part of the railroad systems or rail and water systems, possession and control of which are hereby assumed.

Showing that by proclamation they have assumed possession.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. And I ask unanimous consent that I may proceed for 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. FORDNEY. Mr. Chairman, I have no objection to the gentleman proceeding for 10 minutes; but, if he does, I want five minutes in which to answer. I ask unanimous consent for five minutes.

Mr. PARKER of New Jersey. Mr. Chairman, I would like to have one minute. I wonder if the gentleman would allow me one minute?

The CHAIRMAN. If the gentleman from Pennsylvania will pardon the Chair for a moment, the Chair would state that the gentleman from New Jersey [Mr PARKER] is a member of the committee, and under the rule is entitled to priority of recognition. The Chair will recognize the gentleman from New Jersey.

Mr. PARKER of New Jersey. Mr. Chairman, I have nothing to do except to give the House information. I know that a great many railroads own canals. Some use them and some do not, but they are a part of their systems. The Lehigh Valley

Railroad owns the Morris Canal and the Lehigh River Canal, which ought to bring coal down to New York. The Pennsylvania Railroad owns and uses quite fully the Delaware & Raritan Canal, which takes coal and other materials from Philadelphia to New York and relieves the strain upon the railroads. This is also true in connection with the canal that the gentleman from Pennsylvania [Mr. MOORE] speaks of so much, which used to run a line of steam packet boats to New York through the Chesapeake & Delaware Canal and through the Delaware & Raritan Canal, because on the Delaware & Raritan Canal we have locks, but no bridges that are not drawbridges.

The operation of these canals and their use are just as important in running the railroads to which they belong and for the help of those railroads as is the actual operation of the railroads themselves, and I hope, therefore, that this paragraph will not be stricken out.

Mr. DEMPSEY. Will the gentleman yield for one question?

Mr. PARKER of New Jersey. Yes.

Mr. DEMPSEY. Is it not a fact that up to the time the railroads became congested, up to the time that they reached the point where they could not handle the traffic of the country, for a series of years they lowered their rates wherever they paralleled a canal to such a degree that they drove the boats on the canal out of business and left the waterways bereft of any means of transportation?

Mr. PARKER of New Jersey. I do not know that. What I do know is that on some of the waterways they did not supply enough boats. They needed special boats. I also know that the Chesapeake & Ohio Canal, which comes down from Cumberland to this city, might be used to bring coal down here if they had enough boats and appliances. I do not know whether the canal belongs to a railroad company or not.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] is recognized, and asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Michigan [Mr. FORDNEY], whom I esteem highly in all other things, has taken up the cudgels for the railroads in this instance, I fear, and is against having any competitive means of transportation. If he succeeds in striking out this paragraph, there can be no other interpretation of his attitude.

The President of the United States has indicated that he proposes to take over the needful waterways of this country along with the railroads. They are a part of our transportation system. Unless, as the gentleman from Michigan proposes, all transportation hereafter shall be carried over the railroads and the railroads only, then this paragraph must remain in the bill. If the gentleman would continue the congestion there has been in the country and would stay the progress of the war, he will strike out this paragraph, and you will do so who vote with him. He states that the President has not indicated his intention to take over the waterways. We gave the President full authority to take over any transportation system when we passed the act of August, 1916, and the President in his proclamation taking over the railroads indicated that he proposed to take over the waterways, too. I will read a paragraph of the President's proclamation, which the gentleman from Michigan evidently has not read, in which the President stated that—

By subsequent order and proclamation, possession, control, and operation in whole or in part may also be relinquished to the owners thereof, or any part of the railroad systems, or rail and water systems, possession and contol of which are hereby assumed.

I am for the taking over of the waterway systems along with the railroads in the time of war, and yet I am in favor of giving the railroads every possible opportunity to rehabilitate themselves under the presidential control. I am for the taking over of the railroads and the retention of this paragraph, because I want a decent competition in order to relieve the transportation congestion of this country, both in war times and in normal times. The gentleman from Michigan [Mr. FORDNEY], with some little unction, indicates that this is not the correct thing to put in a bill of this kind. He indicates that the purchase of canals may not be the correct thing to advocate. Why, the gentleman from Michigan comes from a State in which they have a Government-owned and a Government-controlled canal upon which this Government has spent, together with its other waterways in Michigan, upward of $60,000,000 down to the present time. It takes nerve on the part of any gentleman from Michigan to come in here and attempt to stop the wheels of progress or of war by checking the waterways in other sections of the country just because his State has got what it wants. [Applause.]

The trouble with the average gentleman who opposes waterway development is that he has got what he wants out of the Treasury of the United States and wants to prevent anybody else from getting what he wants. We are not going to fight the battles of this country, my dear friend from Michigan, up along the Great Lakes. The marvel to me is that we have not already been engaged in battle along the Atlantic coast. When that sea battle comes, it will not be on the Great Lakes. You are too friendly with Canada, just across the way. It will come along the Atlantic seaboard, and then when we want to proceed from the Boston Navy Yard to the navy yard at Brooklyn, when we want to get our smaller ships through the inside waterways, they will be blocked, because you have got your canal up in Michigan and we have not got ours along the Atlantic seaboard. [Applause.] When we want to put vessels from the Brooklyn Navy Yard down to the Philadelphia Navy Yard, where an inadequate canal marks the course to-day, you will be all right in Michigan, but we will be blocked down along the Atlantic coast. And so it will be when we want to pass vessels of the Navy and merchant ships, those carrying supplies and troops from the Philadelphia Navy Yard to the Norfolk Navy Yard; you have your canal in Michigan, paid for by the Government, but we have not got ours. And the sad point about it is that it is going to involve an expenditure of two and a half million dollars primarily against $60,000,000 in the Soo territory.

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I will yield; the gentleman is from Michigan.

Mr. SCOTT of Michigan. I am inclined to agree with the gentleman's purpose, but I would like to know where the canal is that the gentleman has spoken about.

Mr. MOORE of Pennsylvania. The Soo Canal.

Mr. SCOTT of Michigan. It is not a Michigan canal; it lies between Michigan and Canada; but it is not a mule canal, similar to those which the gentleman is discussing.

Mr. MOORE of Pennsylvania. It is in the United States, and we took the money out of the Treasury of the United States to improve it. If the gentleman from Michigan and his colleagues would continue improvements along the Atlantic seaboard, it would have a greater war value than the Soo Canal. I want to say to you gentlemen on that side (the Democratic side) and some of you on this side (the Republican side), who have looked with some little interest upon this waterway project in times past, that the people on the other side of the water have been looking up the canal business a little more than they did before. I find that England, which is bisected, cut up, and gridironed with canals, which it permitted to waste to promote the railroads, just as we did here, has begun to take over and improve the canals, because it sees the wisdom of having a double means of getting troops and supplies and war materials back and forth. It now needs its canals to relieve the railroads.

Strike out this paragraph, and you strike out one of the real war features of this bill, one of the essential war features of this bill. Why, all your transportation trouble has been due to congestion at the port of New York. It has been the inability of the railroads to carry freight and troops, and yet now the amendment of the gentleman from Michigan proposes to prevent the President of the United States from utilizing waterways if he sees fit to do so, if the railroads are incompetent to carry the business of the country and accommodate the business of war.

I can not conceive of the mental attitude of the patriotic American citizen who is willing to spend $500,000,000 of the public money to bolster up the railroads of the country, already overburdened as they are, who refuses to the Director General of Railroads the right to take over a canal connected with a railroad or helpful thereto if he deems it necessary for the purposes of war. I would like to call your attention to the fact that some vessels have been going down on the Atlantic coast recently, and some barges have been going down, carrying coal because they could not get through the incompetent and inadequate inside passages. If they had been put to use, this coal shortage might not have happened.

Mr. MONTAGUE. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. MONTAGUE. This provision is not mandatory, but simply permissive.

Mr. MOORE of Pennsylvania. That is all. The Director General, out of the revolving fund of $500,000,000 which is to be plus such sums as may be provided in the War Finance Corporation act, is to assist the railroads and such waterways and canals as may be of service in time of war.

Gentlemen may smile when I talk about the Chesapeake & Ohio Canal, which leads from Cumberland to the city of Washington, and would be capable of serving States beyond. Would there have been a coal shortage in Washington if that canal had been open or if it had been utilized in fair weather? Some smart gentleman says he passed it the other day and

saw no water in it. That gentleman typifies the ignorance of those who discuss the canal question. They do not know that canals were once our principal means of transportation. They are filled with water and work when the water is in, but the water is let out during the winter months. Gentlemen who believe in thrift would utilize these useful burden bearers during the 9 or 10 months of the year when they are workable and store up their supplies of coal. They would not depend upon them during the winter months when navigation is closed; that is the foolish policy.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Is it not possible that all of the coal necessary for the people of Washington and those in the environment of Washington—using this merely for illustrative purposes—might have been carried if during the summer months, during the working months, this old canal of yours had been opened up so that coal might be brought to Washington? I yield to the gentleman from Massachusetts.

Mr. WALSH. Can the gentleman give us any information as to how far the investigation has proceeded with reference to the purchase of the two canals, which investigation was authorized in the last river and harbor appropriation bill?

Mr. MOORE of Pennsylvania. Yes; an authorization was made in the last river and harbor appropriation bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Authorization was made in the last river and harbor appropriation bill for a survey of the Cape Cod Canal, which bisects Cape Cod and saves about 70 miles of outside sailing from the port of Boston to the port of New York, and provision was also made for the condemnation of the Chesapeake and Delaware Canal, which links up Delaware Bay and Chesapeake Bay. Oh, if I could only take the Members of this House through that 13 miles of country which connects up the Chesapeake Bay and the Delaware Bay, and could induce them to look at the statistics and at the geographical conditions they would better understand the relation of that inadequate waterway to-day to the welfare of the Nation. How different the conditions would be when we came to discuss this question in the House. Yes; the river and harbor appropriation bill provides for a survey of the Cape Cod Canal. It provides for a condemnation of the Chesapeake and Delaware Canal. Gentlemen talk about these canals as if they represented millions and billions of dollars, as if they were a graft on the Government. The Cape Cod Canal is only 8 miles long, but about Cape Cod in a period of 25 years, according to the statistics of the Government itself, there have been no less than 1,000 disasters involving thousands of human lives. Around the canal connecting up the Chesapeake and the Delaware Bay there is a tonnage to-day of upward of 50,000,000, ten times more, if this canal were opened and made adequate to accommodate it, than passes through the Panama Canal in a year. And yet you spend $400,000,000 on the Panama Canal and open it up for the benefit of the world, make the United States go through it on terms equal with any other nation, and then when we say to you, "Build your Kiel Canal down here at the Chesapeake and Delaware, put yourselves in position to have your fleet inside or outside, give yourselves an opportunity to go to a navy yard above or below or reserve to your ships ability to fight at either end," gentlemen rise and say it is going to cost too much; that it would actually be wasteful.

Some day, and I venture to say that some of us will live to see that day, men who oppose the opening of these natural arteries for protection, for defense, and for commerce, will regret having insisted upon their opposition to measures of this kind.

Mr. SWITZER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. SWITZER. Will the gentleman please state the tonnage of the Delaware & Chesapeake Canal now?

Mr. MOORE of Pennsylvania. It is over 1,000,000 tons, on a depth of 10 feet, and it is nearly all war business; cotton from the South to go into the munition factories for purposes of war; lumber from the South to go into the construction of shipyards for the purposes of war—busy as can be, with unlimited tonnage asking passage, and all done on a 10-foot depth in small barges. The railroads need this help.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HARDY. Is it not a fact that Germany has utilized her canals to great advantage in moving her troops and supplies?

Mr. MOORE of Pennsylvania. Germany has utilized her canals and at all times with great advantage and profit to the Government, and Germany's canals have done as much to assist Germany in her success up to date in prosecuting her war as any other one agency. And yet we spurn the idea of putting our house in order as Germany has put her house in order. It is one of our national weaknesses.

Mr. MONTAGUE. Will the gentlman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. MONTAGUE. Did not France do likewise, has she not also utilized her canals?

Mr. MOORE of Pennsylvania. Yes; France has used her canals and is building new ones, and England, another of those countries which like our own was indifferent to her own protection, has recently, through her Board of Trade, which is equivalent to a Department of Commerce, undertaken the development of her canals; she has taken them over for Government use and has coordinated them with the railroads and intends to use them to the full. Gentlemen, I urge you to retain this waterways paragraph in the bill. It is intended to give the President or the Director General discretion to take over any canal for war service if he needs it. It is not intended to purchase all of the canals of the country; that is preposterous, nor is there money enough, but it is the intention to enable the President or the Director General of Railroads to relieve congestion and facilitate transportation by taking over or improving for war purposes such workable canals and waterways as may serve the ends of the Government. [Applause.]

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent for 10 minutes, and I think I will not use more than half of that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan. [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman and gentlemen of the committee, I never have, as the gentleman from Pennsylvania [Mr. MOORE] has just now done, imputed dishonest motives to any man who disagreed with me on any subject presented in this House. The gentleman from Pennsylvania stated that if I insisted on my motion in reference to the inland canals, that I must put myself in the attitude of a defender of the railroads. He intended that in an offensive manner, in my opinion. I have always regarded——

Mr. MOORE of Pennsylvania. I did not intend to be offensive to the gentleman, but I said that if he struck out the right to use the waterways he left no alternative but the railroads.

Mr. FORDNEY. You meant exactly what you said, did you not?

Mr. MOORE of Pennsylvania. I did not mean to be offensive to the gentleman, but I said what I have stated.

Mr. FORDNEY. You were offensive, as I took it, and I would not take that attitude toward you. I have a high regard for you and your fairness in dealing with the average man. I am opposed to Government ownership of railroads or canals, or any other great public utilities; and if I am correct in my statement the gentleman from Pennsylvania appeared before the committee and induced it to write that language in the bill which has been presented to the House. This provision was not in the original bill as introduced in the House. I take that from his own statement to me. The President of the United States did not ask authority to take over the inland canals of the country, I repeat; but when he does ask for such authority I will vote to give him such power if he can show me he needs them to carry to success this war; I will vote to give him all the power he wants and asks for, if it is necessary to aid in carrying on this war. I am just as patriotic as the gentleman from Pennsylvania dare be, or any other man.

I defy any man to show more patriotism in aiding the carrying on of this war and assisting the Government of the United States than I myself am showing. [Applause.] I am ready to give my money to the fullest extent of my ability, and I have aided the Government in giving two out of three sons [applause] to help in this great war. I feel hurt to think the gentleman would attempt to lead the Members of the House to believe that I am helping the railroads and am using my influence, whatever it may be here, in the interests of the corporations of the country, to the detriment of the administration in the carrying on this war. He compares the canals that he has been talking about with the Sault Ste. Marie Canal, the great canal connecting the Great Lakes—Lake Superior and the lower lakes—through which more tonnage goes each year twice over than through any canal in the world. Why, this inland waterway——

Mr. MADDEN. Over 80,000,000 tons; is not that so?

Mr. FORDNEY. Yes, sir.

Mr. MOORE of Pennsylvania. You want to put a value upon that tonnage——

Mr. FORDNEY. Your little inland-waterway canal is not a flyspeck on the map of the world, compared with this great canal.

Mr. MOORE of Pennsylvania. I know; but there is more value to it——

Mr. FORDNEY. What are you talking about? Nobody knows anything about your inland canal except the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Your tonnage is ore, ours is merchandise.

Mr. FORDNEY. I did not mean to be unkind to the gentleman; he is a very good friend of mine. [Laughter.] But, sir, the tonnage passing through the Soo Canal is not only iron ore, but consists of all kinds of merchandise. The State of Michigan has no canals to sell to the Government, as the State of Pennsylvania had railroads to sell to the Pennsylvania Railroad at one time, and statistics show that the State of Pennsylvania sold to the great railway system of Pennsylvania a railroad for seven and a half million dollars—twice its value but only 25 per cent of what it cost the State of Pennsylvania. Which one of the canals do you now want to sell the Government? Let me be just as sarcastic as you have been to me, but I do not wish to be——

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. MOORE of Pennsylvania. The Government owns the Michigan canal, does it not, and paid for it?

Mr. FORDNEY. Oh, but——

Mr. MOORE of Pennsylvania. That is all. The Government paid for it.

Mr. FORDNEY. Yes; and the Government paid for the Panama Canal, also. You have voted for every appropriation asked of the Congress to build that canal, have you not?

Mr. MOORE of Pennsylvania. That is true. I believe in it, and I believe in some other canals besides that one.

Mr. FORDNEY. The gentleman believes in some dinkey canal he wishes the Government to purchase. When the people of this country are contributing money in larger sums than ever before, and our Government is calling upon the people for money to carry on this great war in such stupendous amounts, he wants to sell some bankrupt canal to Uncle Sam——

Mr. SCOTT of Michigan. We have not a mule canal.

Mr. FORDNEY. We have not any canals in the State of Michigan operated by mules. The canals in the State of Michigan are canals, not imitations. At the time we are taking over the railroads, there is but little competition between the inland canals (that are frozen up) and the railroads. My greatest objection to the paragraph has been cured by the amendment of the gentleman from South Dakota [Mr. DILLON]. It takes the sting out of it, namely, the purchase of the canals.

And I say to my bosom friend from Pennsylvania [Mr. MOORE], who doubtless has some Irish blood——

Mr. MOORE of Pennsylvania. That is true.

Mr. FORDNEY. And whatever blood there may be in me, I have lived with an Irish woman more than 44 years and maybe you think I can not fight. [Laughter.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FORDNEY. Certainly.

Mr. MOORE of Pennsylvania. The gentleman knows he can fight, but he always compromises as his wife desires. Therein lies the virtue——

Mr. FORDNEY. I never tried to make my wife love me by beating her. I have tried it with kindness every time, and I have succeeded every time, and every time I take her advice, I do the right thing. [Applause.]

Mr. ROMJUE. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. ROMJUE. Did you ask her views on this canal question?

Mr. FORDNEY. You ask her that question, and you will get an intelligent answer; but my good friend must not get excited and fly off the handle about canals in the State of Michigan. I do not want this Government to be put in a position where the President of the United States, through political influence, can purchase the mule canals, and then claim that he purchased them for the purpose of advancing the interests of this great Nation in carrying on this war with Germany 3,000 miles across the sea. That is what I do not want. I do not want any money lavishly spent by the Government of the United States, taken from the people at this time, when we are calling upon them for so much money, and used for any other purpose than is absolutely necessary.

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment.

Mr. LUNN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. All debate on this is exhausted.

Mr. LUNN. Mr. Chairman, I ask unanimous consent for five minutes, then.

The CHAIRMAN. The gentleman from New York asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. CANNON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. I understand that a pro forma amendment is in order.

The CHAIRMAN. That has been made and debated.

Mr. CANNON. Well, after all, another pro forma amendment can be offered, as I understand it.

The CHAIRMAN. Beyond the second pro forma amendment, as the Chair remembers the rule, we can not go. The Chair will look into the matter, however.

Mr. CANNON. Then let us vote on the pro forma amendment, if that is necessary.

The CHAIRMAN. The Chair will look at the rule, and if in error the gentleman may offer it. The gentleman from New York [Mr. LUNN] has unanimous consent, and if the gentleman will permit him to proceed the Chair will look at the rule.

Mr. CANNON. I have no objection to the gentleman proceeding.

Mr. LUNN. Mr. Chairman, the controversy is not between the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Michigan [Mr. FORDNEY]. If, as the gentleman from Michigan has said, this particular paragraph was inserted by the gentleman from Pennsylvania [Mr. MOORE], I congratulate him on his wisdom.

New York State, with its important barge canal, should be able to carry millions of the tonnage that comes through the Great Lakes. I was going to ask the gentleman from Michigan whether he would not think that it was wise to aid in extending that tonnage on through the barge canal of New York State. The paragraph must be retained if the barge canal is to receive any assistance from this legislation. Barges for New York State are absolutely essential. At the present time, with the congestion on the railroads and elsewhere, we must do everything possible to aid transportation. I do not know of anything for the mileage involved between Buffalo and the Hudson River where greater increase of tonnage could be achieved than by assisting the barge canal of New York State. And I certainly hope for this reason that the particular paragraph will not be stricken from the bill. It is important. Its wisdom is shown from the fact that we are up against a transportation problem, and that every possible avenue for increase of tonnage ought to be utilized.

Mr. BAER. Is it not true that the State of New York has spent over $44,000,000 on the canal, and that they have not a barge running there yet? Is not the canal frozen up?

Mr. LUNN. Of course at the present time it is frozen up.

Mr. BAER. What is the tonnage on that canal now?

Mr. LUNN. They can carry 1,000-ton barges. The canal has just been completed at an expense of nearly $200,000,000. Some think that it is a greater engineering problem than the construction of the Panama Canal. It has been opposed resolutely and has been opposed continuously by the railroads. We have not, as the gentleman has suggested, the barges now that we need and which we should have, which would aid greatly the transportation of grain from the Northwest.

Mr. BAER. Do you believe that the railroads have tried to paralyze the transportation on that canal by not letting them build these modern barges?

Mr. LUNN. I believe they have done everything in their power to kill the whole canal project. They do not want the barge canal to be a successful competitor with the New York Central Railroad.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. LUNN. Yes.

Mr. FORDNEY. I wish to say to the gentleman from New York and to the House that, as I before stated, the amendment offered by the gentleman from South Dakota [Mr. DILLON] really takes the sting out of the paragraph, and so long as the paragraph only permits the President to lease or control, I intend to ask unanimous consent to withdraw my amendment. [Applause.]

Mr. LUNN. I am very glad to hear that, and I am sorry the gentleman from Pennsylvania [Mr. MOORE] was not here to help us keep the other portion in the paragraph, providing that the President could purchase or do anything necessary to increase the transportation, because, contrary to the gentleman from Michigan, I do believe in Government ownership of transportation facilities. That explains our difference of viewpoint.

Mr. MOORE of Pennsylvania. I believe the President and the Director General of the Railroads will seriously take into consideration the use of these waterways, so necessary to competition.

Mr. LUNN. Yes; and I believe that will inure to the benefit of the whole country.

Mr. MOORE of Pennsylvania. Is it not true that at one time the Erie Canal brought most of the grain from the Northwest?

Mr. LUNN. Yes; and, as I understand, at one time coal was transported from the Pennsylvania mines to the Hudson River, until the railroads, always at war with water transportation which they could not control, succeeded in having the particular canal abandoned.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to withdraw the amendment that I offered.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. If the committee will pardon the Chair for a moment, the Chair would like to make a brief statement. Paragraph 5 of Rule XXIII is as follows:

When general debate is closed by order of the House, any Member shall be allowed five minutes to explain any amendment he may offer, after which the Member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon, but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment.

At the end of that time the debate is exhausted. Now, the situation before the committee a few moments ago, when the Chair directed the attention of the gentleman from New York [Mr. LUNN] to the fact that the debate was closed, was this, as the Chair then thought and as he now thinks: The gentleman from Michigan [Mr. FORDNEY] had offered an amendment. That had been debated for 10 minutes. The motion to strike out the last word or the last two words—the Chair does not remember which—of the former amendment had been debated for 10 minutes, and the mover of that did not withdraw or ask to withdraw his amendment. Therefore debate was exhausted under the rules of the House upon the amendment and the amendments thereto. The usual practice of the Chair is, after debate has been concluded upon a pro forma amendment, if the mover of that amendment does not himself ask to withdraw it, for the Chair to state "Without objection the pro forma amendment is withdrawn." That would have been done in this case. The debate was exhausted under the rule of the House.

Mr. CANNON. It was subject to an amendment that was in order, namely, a substitute, which, however, was not offered, as that question is not before the Chair.

Mr. LENROOT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LENROOT. In the case the Chair put, the question that would be put, then, would be on the pro forma amendment, and if that was voted down, another pro forma amendment would be in order, and that would be open to debate?

The CHAIRMAN. That is correct.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry connected with the ruling of the Chair, if the Chair will indulge me. The motion made by the gentleman from Michigan [Mr. FORDNEY] was a motion to strike out. I take it that the pro forma amendment, the motion to strike out the last word, was in the nature of a perfecting amendment. That would take precedence of a motion to strike out; and an amendment to that amendment to strike out two words, as made by the gentleman from New York [Mr. LUNN], would be in order, notwithstanding the motion to strike out the paragraph was pending?

The CHAIRMAN. The Chair did not make a ruling. The Chair simply made a statement. The Chair prefers not to answer the question of the gentleman from Wisconsin at this time, inasmuch as the amendment of the gentleman from Michigan has been withdrawn and the exact situation to which he refers is not now before the committee.

Mr. DILLON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from South Dakota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DILLON: Page 8, line 5, strike out "$500,000,000" and insert in lieu thereof "$200,000,000"; and in line 16, after the period, add "$300,000,000 is hereby authorized for expenditures as Congress may hereafter provide to carry into effect the provisions of this act."

Mr. DILLON. Mr. Chairman and members of the committee, my amendment seeks to strike out the $500,000,000 and make an absolute appropriation of $200,000,000, and authorize $300,000,000 to carry into effect the provisions of the bill.

Under the terms of this bill, as I understand it, the President may expend this money in four ways: First, he may expend it for expenses of the Federal control. Second, he may expend it, so far as necessary, for the compensation for the use of the carrier's property. Third, he may expend it for the purpose of providing terminals, motive power, cars, and equipment. Fourth, he may purchase any of the railroad securities issued during the Federal control. I take it that he can use this money for no other purpose. If you will examine the language in lines 17 and 18, on page 8, you will find that the President may order and direct the carriers to purchase motive power, cars, and other necessary equipment. Further along in the same paragraph, in lines 2 and 3, on page 9, he may advance the money to the carrier and charge it against the carrier for this same purpose. That being true, I see no necessity of appropriating this vast sum of money. I think the Congress should keep its hands upon the money strings. It is an easy matter for the Executive to come back here if there is necessity for further appropriations. We commit Congress to it by the authorization, and that ought to be sufficient. This body of men has stood almost solidly against this revolving-fund theory. I think we ought to eliminate that theory as far as possible, and require them to come back to Congress whenever the funds may be necessary. In this way we will keep control of our own money. We ought not to appropriate these vast sums of money at this time, because the war may be over in 60 or 90 days. Then, why carry such a large appropriation at this time, when the department can come in here at any time and ask for further money under the terms of the authorization?

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. DILLON. Yes.

Mr. GORDON. Do you not think that the addition of these 800 short-line bankrupt railroads that we voted in here last Saturday will increase the demand on this revolving fund?

Mr. DILLON. I think it will, in large sums.

Mr. GORDON. Yes.

Mr. DILLON. You will also remember that there are provisions in this bill giving the President the power, prior to July 1, 1918, to turn back any railroad or system of railroads that are not needed. Therefore, you do not need this large sum of money at this time. Why make an appropriation of $5 for every man, woman, and child in this country and put it into the hands of the President at this time? Can you not wait a little while, until the necessity comes, when Congress may make further appropriations as they may be needed?

Mr. LENROOT. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wisconsin desire to speak in opposition to the amendment?

Mr. LENROOT. No; I desire to speak in favor of the amendment.

The CHAIRMAN. Does anyone desire recognition in opposition to the amendment? If no one desires to be heard in opposition to the amendment, the Chair will recognize the gentleman from Wisconsin.

Mr. LENROOT. Mr. Chairman, I am in favor of the amendment proposed by the gentleman from South Dakota, and it presents a very serious and important question to the House, as it seems to me. We ought to give to the President, by way of direct appropriation, all that is needed for the present emergency. Two hundred million dollars will be sufficient for that. But what is provided in the bill? He is permitted not any longer to purchase canals, but boats and barges. He is permitted to make extensions of railroads. He is permitted to purchase securities of railroads without any control whatever by Congress over what he shall purchase.

Now, at any other time and in other circumstances the House would not think of delegating any such power or giving any such large appropriations to the President. Why, what do we require of the Secretary of War in appropriating for the purpose of directly carrying on the war? Do we grant to the Secretary of War so many billion dollars to do with as he sees fit? No; for the purpose of carrying on the war, supplying the men and the guns and the munitions of the war we require him to come to the Military Affairs Committee and make detailed estimates of desired appropriations, and to come to the Appropriations Committee with detailed estimates in case of a deficiency. They have to show Congress what they want the money for and Congress passes upon it.

Mr. BARKLEY. Does the gentleman realize that that could not be done in the case of the railroads because Congress could not specifically instruct the President how each dollar of the money should be spent? That is the reason for the revolving fund.

Mr. LENROOT. Why not?

Mr. BARKLEY. If the gentleman is putting this on the same basis as in the War Department we would have to cover all of the money into the Treasury.

Mr. LENROOT. Not at all. I want to say that unless there is some provision in the bill, if this is Government money, and the report says that it is, every dollar of the revenue of the railroads under the law to-day belongs in the Treasury of the United States. That ought to be corrected in this bill before it goes out of the House.

Mr. BARKLEY. Will the gentleman yield further?

Mr. LENROOT. Yes.

Mr. BARKLEY. Does the gentleman believe that Congress could attempt to appropriate money for the use of the railroads in the specific detail that is adopted in the preparation of war appropriation bills?

Mr. LENROOT. Absolutely; there is no reason in the world why, if the Director General wants $50,000,000 for the betterment of roads, or extensions, he should not come to the Committee on Appropriations and ask for it, and the committee pass upon it. If he desires to buy $50,000,000 worth of railroad securities, tell me why he should be given a broad blanket power to purchase stocks and bonds of railroads. We ought to authorize this appropriation, and then they ought to come before the Committee on Appropriations and show what they want it for, and the Committee on Appropriations should pass upon it, because it ought to have some relation to the other needs of the Government, and Congress ought to have something to say about it.

Mr. STAFFORD. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. STAFFORD. Is not there a strong example in the case of the Shipping Board where we are without ships, and yet the board has successively come to Congress and asked for additional appropriations?

Mr. LENROOT. Absolutely; and there is no reason in the world, outside of the present immediate emergency, why Congress should not have some control. Do we want to grant to any man the power to purchase $500,000,000 worth of securities of railroads without Congress making any further appropriation therefor? Is that necessary to the running of the railroad, is it necessary to have that in a revolving fund for their operation? We require the Secretary of the Navy, we require the Secretary of War, to come before the committee with specific estimates, and why should not we require the same in the Director General running the railroads—that whenever he wants this money for such a purpose as the purchase of boats, utilizing canals, purchasing securities of railroads, that he should come before the Committee on Appropriations. There is no reason in the world why we should in one sweep give him this tremendous power. You may say that we did that in the Panama Canal, but I want to remind you that Congress decided on the construction of the Panama Canal and then we appropriated the money. Here we give power to the President to do or not to do as he sees fit. We have no control either over the thing itself or the money with which to pay for it.

Mr. SIMS. Mr. Chairman, I do hope that before we rise the amendment of the gentleman [Mr. DILLON] will be voted down emphatically. What is the use of taking over the railroads and putting them in the hands of the President and then saying that he can not be trusted to spend a dollar without a specific direct appropriation out of the funds arising from the operation of the railroads. If you can not trust him with $500,000,000 you can not trust him with $200,000,000. It is a clear refusal to trust the President in his undertaking to successfully prosecute the war and operate the railroads temporarily for that purpose. It is not money that is coming out of the taxpayers of the country, unless the railroads fail to produce sufficient revenue or their credit fails. Gentlemen on that side know that there are a number of railroads that have notes maturing in a short time, notes in the banks, notes at a high rate of interest, and if there is no provision to enable these notes to be taken care of by the Director General it will cause a panic, and a number of banks in the country will fail without any fault of theirs. There is not a dollar to be lost; it is merely advancing it for the efficient operation of the railroads and at the same time taking care of the credit of the country and not bringing a panic on a large number of innocent banks and trust companies that took these notes. I am surprised that a gentleman of the intelligence and patriotism of the gentleman from Wisconsin will make such a speech as we have just heard from him.

Mr. ESCH. Is it not estimated that maturities for the current year alone will be $200,000,000?

Mr. SIMS. Yes; over $200,000,000 for the present year.

Mr. LENROOT. Is it estimated that the Government is to pay all of those, or what is this compensation for?

Mr. SIMS. It may become necessary to buy securities of railroads in order to keep them from being offered in competition with liberty bonds. If you are going to vote for this amendment, I do not know what you will not vote for in view of the existing circumstances and threatening possibilities. Suppose it is necessary to build a spur track to some camp or port, must the President come to Congress and get a specific appropriation before he can do so? If this is not intended to make Government operation of these railroads during the war an absolute failure, I would not know how to frame an amendment that would bring about such a result, and I hope that every patriotic man in the House, and I think that every Member is patriotic, will vote against this amendment.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. FORDNEY. I would say to the gentleman that this is a very important matter. There are only a few Members here, and I suggest that the committee arise and take a vote when we have a fuller attendance.

Mr. SIMS. Oh, there are over a hundred Members here now. To defeat this amendment does not need a full attendance.

Mr. HAYES. Mr. Chairman, I think the gentleman from Michigan is right, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from California makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-four Members present, not a quorum.

Mr. SIMS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9685 and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HOWARD, for two days, on account of illness in the family; and

To Mr. DALLINGER, for one week, on account of illness.

HOUR OF MEETING TO-MORROW.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. LONGWORTH. Mr. Chairman, reserving the right to object, I am not disposed to delay the passage of this bill at all, but there are a number of important committee meetings going on with which an 11 o'clock session interferes. The Ways and Means Committee is now considering a bill of vast importance, which it is necessary to consider as quickly as possible. We have a meeting to-morrow, and we could not possibly get through as we hope to do, with that bill if the House meets at 11 o'clock. Therefore I object.

ADJOURNMENT.

Mr. SIMS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 52 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 26, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Commissioner of Patents, transmitting report of the business of the Patent Office for the year ended December 31, 1917 (H. Doc. No. 958), was taken from the Speaker's table, referred to the Committee on Patents, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill (H. R. 1954) for the relief of Charles Lynch, reported the same without amendment, accompanied by a report (No. 340), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 10236) to prohibit the importation, bringing into, or landing in the United States, etc., of lobsters taken in waters outside territorial waters of Canada and opposite thereto during closed seasons in such waters; to the Committee on the Merchant Marine and Fisheries.

By Mr. NORTON: A bill (H. R. 10237) to organize and establish a Federal personal rural-credit system for the purpose of enabling those engaged in the agricultural industry to procure loans of money for short periods at reasonable rates of interest for purchasing seed, feed, farm implements, and live stock and for paying the cost of farming operations so as to more largely develop the agricultural industry of the Nation and increase the Nation's production of farm products; to the Committee on Banking and Currency.

By Mr. BROWNING: A bill (H. R. 10238) to build houses on industrial farm, and to aid the Government by the production of foodstuff, and to give employment to the unemployed, and to encourage women and children to produce foodstuff to aid the Government; to the Committee on Appropriations.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10239) authorizing the Post Office Department to acquire and extend the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of Government; and promote the service to the public; to the Committee on the District of Columbia.

By Mr. HELVERING: A bill (H. R. 10240) to incorporate the Recreation Association of America; to the Committee on the Judiciary.

By Mr. McKEOWN: A bill (H. R. 10241) granting passenger rate of 1 cent per mile to all persons in the military service of the United States during the period of this war over lines of railroad in control of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: A bill (H. R. 10242) to provide identification tickets and to compel their issuance to street railway passengers within the District of Columbia under certain conditions; to the Committee on the District of Columbia.

By Mr. LINTHICUM: A bill (H. R. 10243) to supplement existing legislation relative to the United States court for China and to increase the serviceability thereof; to the Committee on Foreign Affairs.

By Mr. WATKINS: Resolution (H. Res. 259) authorizing the Clerk of the House to pay to Annie Bailey a sum equivalent to six months' salary and an additional sum not exceeding $250 for funeral expenses; to the Committee on Accounts.

By Mr. KALANIANAOLE: Joint resolution (H. J. Res. 252) extending to the Territory of Hawaii the same right that is given to the States of the Union to participate in the Federal funds for good-road development; to the Committee on Roads.

By the SPEAKER: Memorial of the Legislative Assembly of the State of Montana, favoring the passage of Senate bill 3439, for the relief of homesteaders and desert-land entrymen in the United States; to the Committee on the Public Lands.

Also, memorial of the Legislative Assembly of the State of Montana, favoring an adequate appropriation for the completion of the Flathead Indian Reservation irrigation project in Montana; to the Committee on Indian Affairs.

Also, memorial of the General Court of the Commonwealth of Massachusetts, favoring the creation of a league of nations to safeguard permanent peace at the conclusion of the present war; to the Committee on Foreign Affairs.

By Mr. TAGUE: Memorial of the General Court of the Commonwealth of Massachusetts, favoring the ratification of regulations establishing a closed season on waterfowl; to the Committee on Agriculture.

Also, memorial of the General Court of the Commonwealth of Massachusetts, favoring the creation of a league of nations to safeguard permanent peace upon the termination of the present war; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BESHLIN: A bill (H. R. 10244) granting an increase of pension to Wesley Koonce; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 10245) granting an increase of pension to Simeon Chapman; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 10246) granting a pension to Susan P. Whipple; to the Committee on Pensions.

By Mr. DYER: A bill (H. R. 10247) granting an increase of pension to Columbus N. Street; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10248) granting an increase of pension to Robert Harper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10249) granting an increase of pension to George Claxton; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10250) granting an increase of pension to William J. R. Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10251) granting a pension to Ione Stroud; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 10252) granting a pension to Newton Sigsby; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 10253) granting an increase of pension to Charles McCarroll; to the Committee on Invalid Pensions.

By Mr. LUFKIN: A bill (H. R. 10254) for the relief of Edith P. Friend; to the Committee on Claims.

Also, a bill (H. R. 10255) for the relief of Mrs. Herbert W. Bean; to the Committee on Claims.

By Mr. LUNN: A bill (H. R. 10256) granting an increase of pension to Eli Smith; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 10257) granting an increase of pension to Nelson J. Phinney; to the Committee on Invalid Pensions.

By Mr. ROMJUE: A bill (H. R. 10258) granting a pension to Mary Underwood; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 10259) granting a pension to George Clark; to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 10260) granting a pension to Rachel A. Woggerman; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 10261) granting a pension to Blanche Bunger; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 10262) granting a pension to Mary Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10263) granting a pension to Isabell M. Pritchett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of the Newton Federation of Women's Clubs, Newtonville, Mass.; the West Pullman's Woman's Club, Chicago, Ill.; the Browning Circle, Athens, Tenn.; the Woman's Club, Granby, Mass.; Abingdon (Ill.) Woman's Club; the Woman's Club, Marion, Ohio; and the Woman's Shakespeare Club, Fort Worth, Tex., asking for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also (by request), memorial of the Central Labor Union of Kansas City, Mo., protesting against the Borland eight-hour amendment to the Agricultural appropriation bill; to the Committee on Agriculture.

Also (by request), resolution of the Irish Progressive League, New York City, demanding that the independence of the Irish be among the provisions of the treaty of peace ending the war; to the Committee on Foreign Affairs.

Also (by request), resolution of the council of the city of Pittsburgh, Pa., asking Congress immediately to appropriate sufficient money for the early completion of the work of improving the Ohio River, also asking for the passage of the bill for the immediate construction of the Lake Erie and Ohio River Canal; to the Committee on Rivers and Harbors.

Also (by request), memorial of sundry citizens of New York, favoring Army chaplain for every 1,200 men; to the Committee on Military Affairs.

Also (by request), petition of Missouri Council of Defense and Merchants' Exchange of St. Louis, Mo., against increase in price of wheat; to the Committee on Agriculture.

Also (by request), petition of Kansas City Branch of the Seventh Division Railway Mail Association, favoring passage of House bill 9414; to the Committee on the Post Office and Post Roads.

Also (by request), petition of National Live-Stock Shippers' Protective League, favoring jurisdiction of Interstate Commerce Commission over rates and charges on interstate traffic; to the Committee on Interstate and Foreign Commerce.

By Mr. BACHARACH: Resolutions of the New Jersey Press Association concerning the postal service afforded to newspapers; to the Committee on the Post Office and Post Roads.

By Mr. CAREW: Memorial of the United Mine Workers of America, favoring Senate bill 2854, providing an amendment to the naturalization laws; to the Committee on Immigration and Naturalization.

By Mr. DALE of New York: Memorial of Andersonville Survivors' Society, praying for the passage of House bill 7924; to the Committee on Invalid Pensions.

Also, petition of Mrs. L. C. Parsons and other employees of the Government Printing Office, urging support of House bill 8702; to the Committee on Appropriations.

Also, memorial of the National Live Stock Shippers' Protective League, asking that the jurisdiction of the Interstate Commerce Commission over rates and charges on interstate traffic be retained; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Woman's Federation Club of Long Pine, Nebr.; the Saturday Club, Plymouth, Ind.; the Woman's Literary Club, Evansville, Wis.; and the New Mexico Federation of Women's Clubs, asking for the repeal of the provisions of the war-revenue act relating to second-class postage; to the Committee on Ways and Means.

By Mr. DOOLITTLE: Petition of sundry church organizations and clubs, favoring national prohibition; to the Committee on the Judiciary.

By Mr. DYER: Memorial of the Merchants' Exchange of St. Louis, protesting against any advance in the guaranteed price of wheat and favoring the keeping of all food products on a reasonable price level; to the Committee on Agriculture.

By Mr. FULLER of Illinois: Petition of the National Live Stock Shippers' Protective League, urging that the jurisdiction over rates and charges in interstate traffic be left with the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. GOULD: Resolution of the Auburn Common Council, Auburn, N. Y., favoring legislation to provide free transportation by the Government for soldiers and sailors when on furlough; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIARD: Letter from Ralph E. C. Kerwin, assistant attorney general of Colorado, indorsing Senate bill 18; to the Committee on Education.

Also, petitions of T. M. Shepard, of Denver, Colo., and J. L. Montague, of Grand Junction, Colo., praying for the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petitions of C. D. Parker, Albert A. Brager, Thomas H. Gaither, jr., H. E. Karr, and Arthur W. Machen, jr., protesting against the passage of House bill 9248; to the Committee on the District of Columbia.

Also, petition of Louis L. Winterode and United Spanish War Veterans of Baltimore, Md., favoring passage of the Key bill, House bill 1736; to the Committee on Pensions.

Also, petition of General Henry W. Lawton Camp, No. 5, Department of Maryland, United Spanish War Veterans, favoring passage of the Key bill, House bill 1736; to the Committee on Pensions.

By Mr. LUNN: Resolution by C. Bunnell and members of Socialist Party, Glenville, N. Y., protesting against any further delay in the passage of the suffrage resolution; to the Committee on Woman Suffrage.

By Mr. LUFKIN: Petition of Joseph O. Proctor and other residents of Gloucester, urging the appointment of podiatrists in the United States Army; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Resolution of the Philadelphia Chamber of Commerce, urging the passage of the shipyard workers' housing bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Philadelphia Chamber of Commerce, approving the action of the Atlantic Deeper Waterways Association in support of Delaware River improvement; to the Committee on Rivers and Harbors.

By Mr. SANDERS of New York: Petition of sundry citizens of Warsaw, N. Y., urging that because of the shortage of farm labor no young men on the farms of the country be removed by draft, as it would result in the curtailment of the amount of farm products this country will be able to produce; to the Committee on Military Affairs.

By Mr. TILSON: Petition of Connecticut Nurserymen's Association, against the bill prohibiting importation of nursery stock; to the Committee on Agriculture.

By Mr. VARE: Petition of War Shipping Committee, Philadelphia Chamber of Commerce, urging immediate passage of the Shipping Board's housing bill; to the Committee on the Merchant Marine and Fisheries.

SENATE.

TUESDAY, *February 26, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the sources of Thy power are hidden from our view. We can not measure the infinite depth of Thy power, but Thou hast revealed unto us Thy love. Thou hast given Thyself to us to love. We know its length and height and depth and breadth. Thou hast spoken the last word of love to the universe. Thou hast performed the highest act of love for men. Thou dost call us to Thyself through the revelations of Thy love in Thy Son. Incline our hearts, O God, to seek Thee, to love Thee, and to serve Thee, and our duties then will be well performed. We ask Thy blessing. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore (Mr. SAULSBURY) assumed the chair.

The Journal of yesterday's proceedings was read and approved.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Page	Smith, S. C.
Calder	Johnson, S. Dak.	Penrose	Smoot
Colt	Jones, Wash.	Phelan	Sterling
Culberson	Kellogg	Pittman	Stone
Curtis	Kendrick	Poindexter	Sutherland
Dillingham	Kirby	Pomerene	Swanson
Fernald	McCumber	Ransdell	Thomas
Frelinghuysen	McLean	Saulsbury	Tillman
Gallinger	McNary	Shafroth	Townsend
Gerry	Martin	Sheppard	Trammell
Gronna	Nelson	Sherman	Underwood
Hale	New	Shields	Wadsworth
Harding	Norris	Simmons	Williams
Hardwick	Nugent	Smith, Ga.	
Henderson	Overman	Smith, Mich.	

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness in his family.

Mr. ASHURST. I wish to announce that the senior Senator from Arizona [Mr. SMITH] is detained from the Senate by reason of illness.

Mr. McNARY. I desire to announce that my colleague [Mr. CHAMBERLAIN] is absent on account of illness.

Mr. CURTIS. I wish to announce the absence of the junior Senator from California [Mr. JOHNSON] on official business. I will let this announcement stand for the day.

Mr. FERNALD. I desire to announce the unavoidable absence of the junior Senator from Maryland [Mr. FRANCE].

Mr. SUTHERLAND. I wish to announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. RANSDELL. I desire to announce that the Senator from Florida [Mr. FLETCHER] is necessarily detained from the Senate.

Mr. PHELAN. I wish to announce that the Senator from Missouri [Mr. REED], the Senator from Mississippi [Mr. VARDAMAN], the Senator from New Mexico [Mr. JONES], the Senator from Massachusetts [Mr. LODGE], and the Senator from Iowa [Mr. KENYON] are detained from the Senate on official business.

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. There is a quorum present.

ESTIMATES OF APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting supplemental estimates of appropriation in the sum of $147,856.72 required by the State Department in connection with the Diplomatic and Consular Service (S. Doc. No. 189), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster General submitting an estimate of appropriation in the sum of $140,000 required by the Post Office Department in the enforcement of certain provisions of the espionage and trading-with-the-enemy acts (S. Doc. No. 186), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an urgent estimate of deficiency in the appropriation for purchase of land, military post, Schofield Bar-

racks, Hawaii, $9,700, etc. (S. Doc. No. 188), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting supplemental estimates of appropriation in the sum of $2,628,200 required by the Navy Department for the fiscal year 1918 (S. Doc. No. 187), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ORDER OF DIRECTOR GENERAL OF RAILROADS.

Mr. HOLLIS. I desire to ask permission to have printed in the RECORD without reading the order of the Director General of Railroads as to the status of employees. It is short.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

RAILROAD DIRECTOR IN GENERAL ORDER CORRECTS CERTAIN WRONG IMPRESSIONS CONCERNING THE STATUS OF EMPLOYEES.

The Director General of Railroads has issued the following order:

Order No. 8.

WASHINGTON, *February 21, 1918.*

To correct wrong impressions that may exist regarding the employment and conditions of labor in railway service, it is, until further order, directed that—

1. All acts of Congress to promote the safety of employees and travelers upon the railroads, including acts requiring investigation of accidents or railroads and orders of the Interstate Commerce Commission made in accordance therewith, must be fully complied with. These acts and orders refer to hours of service, safety appliances, and inspection.

PERSONS HELD TO ACCOUNT.

Now that the railroads are in the possession and control of the Government, it would be futile to impose fines for violations of said laws and orders upon the Government, therefore it will become the duty of the Director General in the enforcement of said laws and orders to impose punishments for willful and inexcusable violations thereof upon the person or persons responsible therefor, such punishment to be determined by the facts in each case.

2. When the exigencies of the service require it, or when a sufficient number of employees in any department are not available to render the public prompt transportation service, employees will be required to work a reasonable amount of overtime. So far as efficient and economic operation will permit excessive hours of employment will not be required of employees.

WAGES AND HOURS.

3. The broad question of wages and hours will be passed upon and reported to the Director General as promptly as possible by the present Railroad Wage Commission. Pending a disposition of these matters by the Director General, all requests of employees involving revisions of schedules or general changes in conditions affecting wages and hours, will be held in abeyance by both the managers and employees. Wages, when determined upon, will be made retroactive to January 1, 1918, and adjusted accordingly. Matters of controversy arising under interpretations of existing wage agreements and other matters not relating to wages and hours will take their usual course, and in the event of inability to reach a settlement will be referred to the Director General.

TERMS OF EMPLOYMENT.

4. In Order No. 1, issued December 29, 1917, the following appeared: "All officers, agents, and employees of such transportation systems may continue in the performance of their present regular duties, reporting to the same officers as heretofore and on the same terms of employment."

The impression seems to exist on some railroads that the said order was intended to prevent any change in the terms of employment during governmental operation. The purpose of the order was to confirm all terms of employment existing upon that date, but subject to subsequent modifications deemed advisable for the requirements of the service. Any contrary impression or construction is erroneous. Officers and employees will be governed by the construction here given.

5. No discrimination will be made in the employment, retention, or conditions of employment of employees because of membership or nonmembership in labor organizations.

ALL IN GOVERNMENT SERVICE.

The Government now being in control of the railroads, the officers and employees of the various companies no longer serve a private interest. All now serve the Government and the public interest only. I want the officers and employees to get the spirit of this new era. Supreme devotion to country, an invincible determination to perform the imperative duties of the hour while the life of the Nation is imperiled by war, must obliterate old enmities and make friends and comrades of us all. There must be cooperation, not antagonism; confidence, not suspicion; mutual helpfulness, not grudging performance; just consideration, not arbitrary disregard of each other's rights and feelings; a fine discipline based on mutual respect and sympathy; and an earnest desire to serve the great public faithfully and efficiently. This is the new spirit and purpose that must pervade every part and branch of the national railroad service.

NATION'S LIFE AT STAKE.

America's safety, America's ideals, America's rights, are at stake. Democracy and liberty throughout the world depend upon America's valor, America's strength, America's fighting power. We can win and save the world from despotism and bondage only if we pull together. We can not pull apart without ditching the train. Let us go forward with unshakable purpose to do our part superlatively. Then we shall save America, restore peace to a distracted world, and gain for ourselves the coveted distinction and just reward of patriotic service nobly done.

W. G. MCADOO,
Director General of Railroads.

WOMAN SUFFRAGE.

Mr. SHAFROTH. Mr. President, I have a telegram which is signed by about 150 or 200 prominent citizens of Denver, Colo. I do not ask that the names be printed, but I simply wish to read the portion of the telegram in the nature of a petition. It is addressed to me, and it says:

We, the undersigned citizens of Denver, urge you to do everything possible to secure the votes necessary for the passage of the Federal suffrage amendment in the Senate during this session of Congress.

As I stated, it is signed by Dr. Margaret Long, daughter of former Secretary of the Navy, John D. Long, and by 150 to 200 of the most prominent citizens of the city of Denver. These petitioners have witnessed the operation of woman suffrage in Colorado for years and their indorsement should convince all of its beneficial effects. I move that it be referred to the Committee on Woman Suffrage.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. GRONNA presented a memorial of the Farmers' Club, of Kindred, N. Dak., remonstrating against the adoption of the so-called Walsh bill giving over to the rich corporations and private individuals certain mineral resources and water-power sites, which was referred to the Committee on Public Lands.

He also presented a petition of Meridian Grange, No. 265, Patrons of Husbandry, of Kent, Wash., praying for the enactment of legislation fixing the prices of all commodities during the war, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Commercial Club of Boise, Idaho, praying for the enactment of legislation making it unlawful for any common carrier to charge or receive any greater compensation for the transportation of passengers, or of like kind of property, for a shorter than for a longer distance over the same route in the same direction, which was referred to the Committee on Interstate Commerce.

Mr. JONES of Washington presented a petition of the Patriotic League of Newport, Wash., praying that the earnings of all aliens in excess of the pay of a private soldier in the Army shall be confiscated to the use of the Government, etc., which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the City Council of Bellingham, Wash., requesting that in the enactment of any water-power legislation to specifically authorize the several States and legal subdivisions thereof to condemn the rights of the licensees upon Government lands, upon making just compensation therefor, under the provisions of the eminent domain statutes of the various States, etc., which were referred to the Committee on Commerce.

He also presented resolutions adopted by Sweet Clover Grange, No. 635, Patrons of Husbandry, of Valleyford, Wash., favoring the conscription of the wealth of the country, and also that the income tax be so amended that all incomes from whatever source in excess of $5,000 a year be taxed 100 per cent, etc., thereby helping the farmers in the replacement of man power on the farm, which were referred to the Committee on Agriculture and Forestry.

Mr. McLEAN presented a petition of the Young Woman's Hebrew Association, of Hartford, Conn., and a petition of sundry citizens of Middletown, Conn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of the United Irish Societies, of Torrington, Conn., praying for the freedom of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Central Labor Union of Meriden, Conn., remonstrating against the adoption of the so-called Borland minimum eight-hour provision, which was referred to the Committee on Appropriations.

Mr. WARREN presented resolutions adopted by the Wyoming Chapter of the American Mining Congress, in convention at Casper, Wyo., favoring the establishment of a Department of Mines, which were referred to the Committee on Mines and Mining.

He also presented resolutions adopted by the Wyoming Chapter, American Mining Congress, in convention at Casper Wyo., favoring Federal control over the industries of the country, which were referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 2314, United Mine Workers of America, of Dietz, Wyo., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. ROBINSON presented sundry papers to accompany the bill (S. 3888) for increasing the efficiency of Army bands, which were referred to the Committee on Military Affairs.

REIMBURSEMENT OF BENSON COUNTY, N. DAK.

Mr. GRONNA. From the Committee on Indian Affairs I report back favorably without amendment the bill (S. 3915) to

reimburse Benson County, N. Dak., for money expended in the care of three insane Indians, and I submit a report (No. 288) thereon. I call the attention of my colleague [Mr. McCUMBER] to the bill. It is a unanimous report from the Committee on Indian Affairs. The bill was introduced by my colleague.

Mr. McCUMBER. I ask unanimous consent for the present consideration of the bill.

Mr. GALLINGER. Let it be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $676, to reimburse Benson County, N. Dak., for money actually paid by said county to the State of North Dakota for care of three insane Indians, Mary Josephine Pejihutaskana, Alfred Littlewind, and Joseph Langer, in the North Dakota State Insane Asylum.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GRONNA. I ask to have the report printed in the RECORD. It is very brief.

There being no objection, the report this day submitted by Mr. GRONNA was ordered printed in the RECORD, as follows:

[S. Rept. No. 288, 65th Cong., 2d sess.]

Mr. GRONNA, from the Committee on Indian Affairs, submitted the following report:

The Committee on Indian Affairs, to whom was referred the bill (S. 3915) to reimburse Benson County, N. Dak., for money expended in the care of three insane Indians, having considered the same, report thereon favorably to the Senate, without amendment, and recommend its passage.

The Indians referred to in the bill are citizens of Benson County, N. Dak. They all have property, but under the Indian laws the county can not take that property or any part of it for the care and maintenance of the insane Indians. The laws of North Dakota provide that when a person is adjudged insane and sent to the asylum, if he has property, that property shall be used for his care and maintenance in the asylum. The officials of Benson County are compelled to pay this amount of money out of the general fund. Prior to January 1, 1916, they had also paid out a considerable sum of money and had endeavored to have the Government remove these Indians to a Government or Indian asylum. In the appropriation bill for 1916, money was appropriated to pay for the maintenance of these Indians up to that time, and the officials of Benson County understood that the Indians were to be removed to some other asylum. This was not done until August 30 last. In view of the action taken by Congress before and the neglect of the Indian Department to take care of these Indians, Benson County should be reimbursed for the money actually expended, as shown by receipts and vouchers filed by the county auditor of Benson County, N. Dak. The vouchers and other papers showing the payments by the county are hereto attached, as follows:

COUNTY OF BENSON,
Minnewaukan, N. Dak., February 6, 1918.

Hon. P. J. McCUMBER,
Washington, D. C.

MY DEAR SENATOR: Inclose herewith receipts from the State treasurer showing payments made for the insane Indians from date of last settlement until they were transferred to Government asylum.

I hold the same view as before, that the Government holding their property in trust, thereby being exempt from taxation, the county should be reimbursed for the payment indicated.

Hoping this can be adjusted as before, I am, with kind regards,

Yours, very truly,

W. E. PAULSON,
Auditor Benson County, N. Dak.

$676.00 | No. G4914

STATE OF NORTH DAKOTA,
OFFICE OF THE STATE TREASURER,
Bismarck, January 28, 1918.

Received of county auditor, Minnewaukan, N. Dak., six hundred seventy-six dollars, for care of Indian insane, Benson County.

$305.40, Mary Josephine Pejihutaskana, from Jan. 1, 1916, to Aug. 30, 1917.
$283.40, Alfred Littlewind, from Jan. 1, 1916, to Aug. 30, 1917.
$85.20, Joseph Langer, from Jan. 1, 1916, to escape, 6/3/1916.
Cr. Gen. Fund.

JOHN STEEN, *State Treasurer.*
By EMMA BRANDT.

(Indorsed: J. O. Lyngstad.)
(Stamped: Filed in the office of the county auditor of Benson County, N. D., Feb. 1, 1918. W. E. Paulson, auditor.)

ADDITIONAL JUDGE, NORTHERN DISTRICT OF CALIFORNIA.

Mr. SHIELDS. From the Committee on the Judiciary I report back favorably with amendments the bill (S. 2910) providing for an additional judge for the northern district of California, and I submit a report (No. 289) thereon. I call the attention of the Senator from California [Mr. PHELAN] to the bill.

Mr. PHELAN. I ask unanimous consent for the immediate consideration of the bill just reported by the Senator from Tennessee.

Mr. SMOOT. Mr. President, I should like to ask the Senator from California if there is any real necessity for the immediate consideration of the bill?

Mr. PHELAN. The reason I desire to have the bill acted upon at this time is that there is a very great urgency for its passage. The Federal bench in California have requested the creation of this new judgeship, which does not involve any extra expense, except the salary of the judge, because no provision need be made for more clerk hire. It seems that since June last there have been 611 criminal cases filed in that jurisdiction, and that the civil and admiralty business has practically stopped on account of the congestion of the calendar. The United States district attorney asks action. The Senate has in the last few days approved, under similar circumstances, the creation of judgeships in one of the Montana districts and in one of the Arizona districts, and I desire to have this bill passed and go to the House to be considered in connection with those bills. That is my only reason for asking for immediate consideration of the bill.

Mr. TOWNSEND. Mr. President, I shall have to ask for the regular order until we get through with morning business.

The PRESIDENT pro tempore. Objection is made. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3953) authorizing conveyance by deed to William Orr of a one-eighth acre of land on Pelican Lake (with accompanying paper); to the Committee on Indian Affairs.

By Mr. SHEPPARD:

A bill (S. 3954) to appoint Albert Fensch to the rank of captain and adjutant general, United States Army; to the Committee on Military Affairs.

A bill (S. 3955) to amend section 4041, Revised Statutes, enabling the Postmaster General to forbid payments of postal money orders in connection with the exclusion of fraudulent devices and lottery paraphernalia from the mails;

A bill (S. 3956) to amend section 213, act of March 4, 1909 (Criminal Code), affixing penalties for use of mails in connection with fraudulent devices and lottery paraphernalia;

A bill (S. 3957) to amend section 215, act of March 4, 1909 (Criminal Code), penalizing fraudulent use of the mails; and

A bill (S. 3958) to amend section 3929, Revised Statutes, relating to exclusion of fraudulent devices and lottery paraphernalia from the mails; to the Committee on Post Offices and Post Roads.

By Mr. McCUMBER:

A bill (S. 3959) to grant patent to certain lands to Christian Fredrickson; to the Committee on Public Lands.

By Mr. PHELAN:

A bill (S. 3960) for the relief of George Killeen; to the Committee on Claims.

A bill (S. 3961) to extend the franking privilege to the American Red Cross in all its official work; to the Committee on Post Offices and Post Roads.

By Mr. TILLMAN:

A bill (S. 3962) to amend section 13 of article 8 of section 1624 of the Revised Statutes of the United States relative to the receipt on board a vessel of the Navy of goods, merchandise, or treasure for freight or safe-keeping (with accompanying papers); to the Committee on Naval Affairs.

By Mr. POMERENE:

A bill (S. 3963) to amend and supplement section 1009 of the act entitled "An act to provide revenue to defray war expenses, and for other purposes," approved October 3, 1917; to the Committee on Finance.

By Mr. HOLLIS:

A bill (S. 3964) for the relief of Otis C. Mooney (with accompanying papers); to the Committee on Military Affairs.

By Mr. MARTIN:

A bill (S. 3966) to reinstate Surg. J. A. Guthrie, United States Navy, retired, as medical director in the United States Navy, as an additional number; to the Committee on Naval Affairs.

A bill (S. 3967) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint John B. H. Waring, late a captain in the Medical Corps of the United States Army, a major in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act; and

A bill (S. 3968) to provide that certain members of the National Guard drafted into the military service of the United States shall not lose their right to count their prior service in the National Guard in computing the additional pay authorized for length of service; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 3969) granting a pension to Emma A. Gannett (with accompanying papers); to the Committee on Pensions.

is signed by about 150 or 200 prominent citizens of Denver, Colo.

port back favorably without amendment the bill (S. 3915) to

By Mr. McKELLAR:

A bill (S. 3970) for the relief of Charles Lee Baker; to the Committee on Military Affairs.

THOMAS HARRISON.

Mr. JONES of Washington. I desire to take a minute or two to make a statement with reference to a bill I am about to introduce. It is not a bill of general interest, but simply applies to one individual. The human element in it, however, appeals to me quite strongly.

Thomas Harrison is a clerk in the Naval Observatory. He is now in his ninety-first year. He entered the observatory as a clerk in 1848, and has been there continuously in service ever since—almost 70 years. Under date of November 2 the Assistant Secretary of the Navy wrote him this letter:

I have to inform you that in accordance with the recommendation of the Superintendent of the Naval Observatory you have been granted leave without pay for six months beginning October 13, 1917.

As you have been in the employ of the Government now nearly 69 years, and during all that time your record has been excellent, I regret that there is no way in which the department could continue you on the rolls with compensation. I desire at this time to express the appreciation of the department of your long and satisfactory service and the hope that you will be so benefited by this leave that you can return and resume your duties at its expiration.

That leave of absence will soon expire, and this man, in his ninety-first year, will go back to work. I do not think that ought to have to be, and so I have prepared a bill, which I expect to introduce, to retire Mr. Harrison at $50 a month. I will say that the Senate has heretofore passed a bill to retire him at $100 a month. It is at his own suggestion that the amount is reduced to $50 a month. I think he has done what you will find very few people in the employ of the Government have ever done. A few years ago, realizing his infirmity and realizing his inability to do the work of the Government as efficiently as he had before done it, he asked the department to reduce his salary, and it was reduced about $400 a year.

Mr. President, I know that this might be objected to as a civil-service pension, but there are mighty few cases of this kind in connection with the Government service. I do not suppose that there is any other person in the employ of the Government who has been in continuous employment so long as this man. We can take care of this man without making a precedent that will vex us. We have taken care of individuals of military service by special legislation. Why not this man under these exceptional circumstances? Furthermore we are going to pass ere long a general retirement law. He may be gone before it is passed. We should treat him as his service justifies. Therefore I desire to introduce this bill, and I hope that the Naval Affairs Committee will give it early consideration and that they will feel justified, in this particular case, in recommending the action provided in the bill.

Mr. GORE. Mr. President, I merely wish to express the hope that the Naval Affairs Committee, if they report this bill favorably—and it does appeal to the heart of every Senator—will so amend it as to pension every man in the United States 91 years of age who has been toiling in season and out, and pay him the salary of the beneficiary in this measure.

The bill (S. 3965) retiring Thomas Harrison, a clerk in the Naval Observatory, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

AMENDMENT TO THE POST OFFICE APPROPRIATION BILL.

Mr. NORRIS submitted an amendment providing that hereafter carriers on rural free-delivery mail routes shall be paid in addition to the compensation now provided by law an allowance for maintenance of equipment on routes of 24 miles or less of $250 per annum, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

WAR FINANCE CORPORATION.

Mr. CALDER submitted five amendments intended to be proposed by him to the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes, which were ordered to lie on the table and be printed.

Mr. HALE submitted an amendment intended to be proposed by him to the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes, which was ordered to lie on the table and be printed.

REPORT OF PANAMA RAILROAD CO.

Mr. SMOOT. Mr. President, on February 21, 1918, there was submitted to the Senate a message from the President of the United States transmitting the sixty-eighth annual report of the board of directors of the Panama Railroad Co. to the stockholders for the year ending June 30, 1917. It was referred to the Committee on Interoceanic Canals and ordered to be printed. In the report there are a number of illustrations, and I ask that the Public Printer be authorized to print the same.

The PRESIDENT pro tempore. Is there objection?

Mr. POINDEXTER. I should like to inquire of the Senator from Utah what is the object of printing this document? Is anyone going to read it?

Mr. SMOOT. Under the law the report is required to be made once a year, and it has always been printed in the past.

Mr. POINDEXTER. If the law provides for it what is the use of an order of the Senate?

Mr. SMOOT. The law provides that the report shall be made to Congress. I do not think the law provides that it shall be printed. As I said before, it always has been printed in the past, and this year it happens to have some illustrations, and therefore I have to ask the authority of the Senate that the illustrations shall be printed.

Mr. POINDEXTER. I heard the Senator's statement the other day about the crisis in securing a sufficient supply of paper to print the CONGRESSIONAL RECORD, and I wanted to know if the Senator was entirely satisfied that the public interests demand the printing of this voluminous document with the illustrations?

Mr. SMOOT. I do not think so, but I will say that on the 21st day of February the Senate ordered the report to be printed, and as the Senate has ordered it to be printed and it is accompanied with illustrations it is necessary to get an order for the printing of the illustrations.

Mr. NORRIS. Will the Senator yield?

Mr. SMOOT. Certainly.

Mr. NORRIS. It seems to me there ought to be no objection to printing this report. It is the report of the Panama Railroad Co., a Government railroad. We have been in the habit of printing these reports, and the public has been getting them. There is not any reason on earth that I know why it should not be printed. I have had occasion to look into the reports a great many times, and I think there should be no question about the printing of this report.

Mr. GRONNA. Of course, I shall not object to the printing of the report, but I think this report, like the books shown by my good friend on my right, the Senator from New Hampshire [Mr. GALLINGER], will be one of the documents that will never be read by anyone. I have been here during the winter, and when my constituents sent petitions to me, which they had a right to do, and which, under the Constitution, we have the right to have printed, I have felt a sort of embarrassment and have refrained from asking that they be printed, a great many of which I believe ought to have been printed. I am not finding any fault with the request of the Senator from Utah; I think perhaps all these things ought to be printed for the benefit of the public; but there is no more reason why petitions which come from the people of the remotest parts of the country should not be printed in the RECORD. I say it is an injustice to the public to deny to them the printing of these petitions.

Mr. POINDEXTER. I should like to ask the Senator from North Dakota if it is not true that this report is among the records of the Panama Railroad Co and is filed in their office, and anyone who is interested in the transactions and business of the company can readily obtain it by visiting the office and examining the report there?

Mr. GRONNA. Answering the question of the Senator from Washington, of course these reports can be had; they are accessible to anyone who wants to make an investigation of them, and the only end that the printing of this report will secure is that it will afford the opportunity of sending it to the public; but of course the report now is a matter of record, just as much so as it will be after it has been printed as a separate document.

Mr. POINDEXTER. It would be difficult for a Member of Congress to find anyone among the public who wants a copy of the report; in fact, I think that generally there would be very few of them read. There are very few people in the United States who would want to examine it. There is just as much reason for printing the report of the Northern Pacific Railroad, and a great deal more reason. I should like to know what these illustrations are. I do not understand why there is any necessity to have photographs and pictures reproduced in a railroad report.

Mr. GRONNA. Of course the Senator from Utah can answer that better than I. I know this, however, that it is very expensive to have cuts made and illustrations printed.

I only rose, Mr. President, to call attention to the fact that I think the censorship has extended to the United States Senate, and when petitions are sent here from citizens of the United

States asking to be heard I do not believe the petitioners should be denied that constitutional privilege.

The PRESIDENT pro tempore. Is there objection to printing the illustrations in the report?

Mr. THOMAS. I object.

Mr. SMOOT. I wish simply to say to the Senator from Colorado, if the illustrations are not to be printed I want at this time to have the Senate reconsider the vote which was taken February 21 ordering the printing. The Senate has already ordered the report to be printed, not knowing that there were any illustrations in the report, it having just been handed down by the President of the Senate. Afterwards it was discovered that there were two illustrations. Under the law the Public Printer can not print illustrations in any document ordered by either House unless there is a special order made by the House that ordered the printing. All that I ask is that we allow the Public Printer to print these two illustrations in the report if we are going to have it printed. If we are not going to give that authorization, then the situation is this: The Senate ordered on the 21st of February this document printed.

Mr. OVERMAN. What is the document?

Mr. SMOOT. It is the annual report of the Panama Railroad Co. that is sent by the President of the United States to Congress every year under the law. I do not care whether it is printed or not.

Mr. SMITH of Michigan. Mr. President, let me ask the Senator——

Mr. THOMAS. If the illustrations can be excluded, I shall not object; but I do object to transforming the CONGRESSIONAL RECORD into a pictorial magazine.

Mr. SMOOT. This is not to be printed in the RECORD, I will say to the Senator from Colorado. If it were, of course it would have to have the sanction of the Joint Committee on Printing.

Mr. THOMAS. My objection applies also to Senate documents. My experience with Senate documents is—and I think it is also the experience of all other Senators—that once any subject assumes the form of a Senate document, it is buried in the archives, and it is buried forever.

Mr. SMOOT. Mr. President, I have no quarrel with the Senator from Colorado on that point, but the two illustrations show the Panama Canal itself and also show the railroad along the canal.

Mr. THOMAS. Mr. President, the Senator will remember that about two years ago, over our mutual objection, the Senate ordered the printing of an enormous document for the purpose of establishing the self-evident fact that there was a monopoly in water power in the United States. I venture to say that not 10 per cent of the Senators have ever since so much as looked at that document, and it is piled up en masse somewhere as an accumulation. I was told a day or two ago that the Government had rented a short time since a warehouse somewhere near the Capitol, which was filled to overflowing with documents that are of no use to anybody on earth and never will be.

Now, we are printing documents with pictures in them. That simply increases the expense, which is already more than even the Senate ought to bear. I do not want to act the part of a dog in the manger here, Mr. President——

The PRESIDENT pro tempore. Objection has been made to the printing.

Mr. THOMAS. I withdraw the objection in view of the statement which has been made by the Senator from Utah [Mr. SMOOT] that the Senate has heretofore ordered this matter printed.

The PRESIDENT pro tempore. The Chair understood the Senator from Oklahoma [Mr. GORE] objected. Does the Chair understand him to withdraw his objection?

Mr. GORE. I did not object, Mr. President.

Mr. THOMAS. Mr. President, I withdraw my objection.

Mr. POINDEXTER. Mr. President, I have examined the illustrations which are contained in this document; and since the Senator from Utah [Mr. SMOOT] is so anxious to have them printed, I do not think it will do any harm.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order will be entered.

GUARANTEED PRICE OF WHEAT.

Mr. GORE. Mr. President, the Senator from North Dakota [Mr. GRONNA] suggested a moment ago that it might be well occasionally for the Senate to hear from the remoter parts of the country. I have some letters here from the remoter parts of the country—from practical farmers—in relation to the food situation generally, and in relation to the meat and wheat situation in particular. Both of these situations I regard as most serious. I therefore ask to have these letters read into the RECORD.

The PRESIDENT pro tempore. Is there objection? There being no objection, it is so ordered. Is the Chair to understand that the Senator desires that the letters shall be read by the Secretary, or shall they be printed in the RECORD?

Mr. SMITH of South Carolina. I suggest to the Senator to have them printed in the RECORD.

Mr. GORE. Mr. President, my request was that the Secretary shall read the letters. I may say that the writer of the first letter has an entirely erroneous conception of the joint resolution which I introduced to raise the guaranteed price of wheat from $2 to $2.50 per bushel. The joint resolution related exclusively to the crop of 1918, and would not affect in any way the crop of wheat grown in 1917, and would not have the effect he anticipates.

The PRESIDENT pro tempore. Consent to that has been given, and the Secretary will read as requested.

The Secretary read the letters, as follows:

PIEDMONT, OKLA., *February 18, 1918.*

Hon. THOMAS P. GORE,
Washington, D. C.

DEAR SIR AND FRIEND: I have thought for some time to write to you, but you know farmers usually just keep still and take their medicine. But as things has gotten almost unbearable I have thought I would write. Now, Mr. GORE, I see that the Government is about to put another price on wheat of from $2.50 to $2.75. Well, that would have been better in the first place than what they did. Now, if you do that, that won't help the poor fellow that has already sold his wheat, for $1.90 is what I got for mine; and those farmers that were well fixed, so that they could hold their wheat well on, will get the benefit of the new price, for there are some farmers in my neighborhood that are holding their wheat.

Now, Mr. GORE, I have farmed all my lifetime, and I ought to know something about farming. Twenty-five years ago I farmed in a corn county in Iowa. Well, we raised mostly corn and hogs and cattle. If corn, perchance, would bring 40 or 50 or 35 cents we would kill our pigs or let them die and sell our corn, because we wouldn't have to risk the chance for cholera; and, of course, the hogs weren't as high in price then as now. If we got $4 or $5 for them it was a big price. Now, then, why did Mr. Hoover want to put a price on wheat and not on corn and all other crops? It does look to me like class persecution. Now, we Oklahoma farmers are principally wheat farmers. All in the world we got last year was a little wheat. I had 300 acres of wheat. It made 8 bushels per acre; lots of it only made from 3 to 6 bushels. Now, we know if there was no price put on it we could have gotten $3 or $4 a bushel, and could buy our feed for our horses. I have to keep from 15 to 25 head of horses to farm 500 acres of land and didn't raise a bit of feed. I had out 250 acres of corn and oats, but the drought got it. So you see the Government wanted us to put out another big crop, which I did. I put out 400 acres of wheat, which took 400 bushels for seed. Well then, I had 2,000 bushels left, for which I get $1.90 a bushel. I could have sold this wheat at one time for $2,000 more than I got for it.

Now, you see I have a large family. My living and all the expenses had to come out of it, and the consequence is I have to borrow money for this high-priced feed. In fact, Mr. GORE, nearly all the farmers here in Oklahoma are in that fix. Now, if the Government wants to increase the supply of wheat, it will have to put a fair price on feed. Now, there are hundreds of farmers and ranchers that simply can't buy the feed. Stock will eat their heads off, so they have let thousands of cattle die. Why, I am feeding wheat. I have got to. It is a half cheaper than other grains; and it isn't myself alone; there are plenty more are feeding wheat.

I used to hear so many say that flour was too high to eat. Well, I would say to them, "Let's figure." I have a family of nine; we use a sack of flour a week—24 meals. It cost me 16½ cents a meal for flour and 18 cents for sugar and 100 cents for meat. So you see the flour is the cheapest thing we have on the table. Mr. GORE, I do hope that that bloody war will soon come to an end or we may have a famine right here—and our poor boys over there being killed.

I believe this will be all for this time. Maybe it will be more than you wanted to hear from me. I hope you can read my writing. I am working hard and a poor speller, too. My love to you.

MEDFORD, OKLA., *February 20, 1918.*

Senator GORE,
Washington, D. C.

DEAR SENATOR: I see from the daily papers you have several bills introduced to govern the price of the 1918 crop of wheat, and as I am a farmer I will give you what information I can as to conditions in this locality, and I think the same conditions exist practically all over the wheat belt of Oklahoma.

After harvest last year I set in to put out 400 acres of wheat, but when the Government set the price of wheat at $1.90 in Medford I sowed 20 per cent less than I planned to sow, and had I that warning in time I would have cut it 20 per cent more than I did, and I know of a number of farmers that are just like myself in that respect. Now it is not because we are not patriotic and want to help our country, but we could not exchange 100 pounds of wheat for 100 pounds of corn, so you can readily see we had better farm other crops that will not take so much hired help and crops that we can feed to a better advantage than we can wheat.

Unless the price of wheat is advanced or other stuff cut down in proportion to the price of wheat there will not be more than half the acreage sown next season.

Now, Senator, do not think I am complaining, but simply giving facts as I see them, and the Government can not expect us to continue to raise wheat when we can raise other crops more profitably.

CUSTER, OKLA., *February 16, 1918.*

Senator T. P. GORE,
Washington, D. C.

DEAR SIR: Unless Congress acts favorably on your bill in the next 60 days, to increase the price of the 1918 wheat crop, this country will find itself in a desperate fix for wheat.

Excepting a narrow strip along the eastern parts of Nebraska, Kansas, Oklahoma, and Texas, the prospects for wheat is the poorest in the history of the western country. Eighty per cent of the wheat was

sown late; much of it is not up yet; this late wheat will be very thin. With favorable weather this wheat could make from 5 to 10 bushels per acre. There are several millions of acres of wheat in this condition in the western country, but $2 wheat in central markets means $1.60 per bushel on farms of the West. As wheat is so far out of line with all other commodities the farmers are preparing to plow the thin wheat up and plant to corn and kaffir. They can figure on raising from three to five times as many bushels per acre of corn or kaffir as they can figure from the thin wheat, and corn and kaffir is worth very near as much per bushel as wheat.

The farmers of the spring-wheat belt will sow less wheat and more oats and barley as they can expect to raise from three to four times as many bushels of oats or barley per acre as they can of wheat. The oats and barley will bring them twice as much money per acre as the wheat will. A 7-foot wheat binder now costs $260, according to the Kansas City Star. Prior to February 15, 1917, the price was $185; after that date $200; will likely cost $300 before harvest. The trouble is that Congress will likely diddle along until too late to save the situation, like Hoover ordering sale of hens stopped after farmers had sold all they intended to sell.

MAY, OKLA., *February 18, 1918.*

DEAR SENATOR GORE: We note your efforts to price wheat at least at the cost of production. All your friends appreciate this. You would do the Nation and the world a wonderful service if you could get Mr Herbert Hoover to allow us, as he agreed to do, a price for fat hogs and cattle that would pay us to feed. Many of us here, relying on his promises, have bought cattle, hogs, and corn in our effort to help in this time of need.

Now, as this stock is near ready for market, Mr. Hoover is allowing the packers to take this stock from us without paying us the cost of production. At the present price of corn we lose just 40 cents on every bushel we feed.

Now, we can howl patriotism; and, yes, we will produce to feed the nations, but any sensible person knows that we can't produce at the present prices, as they are below the cost of production.

If we don't get relief immediately, we are going to kill our pigs, ship our sows, take our loss, and quit the business. Hundreds of our neighbors are going to do the same, not because they want to, but because these ruinous prices force them to. Relying on Mr. Hoover's promises last fall that he would see that the feeder got pay for feeding, and trying to answer his request to help furnish meat, we began feeding about a thousand cattle and hogs. On the basis of the present market our patriotic business venture will cost us a loss of $5,000. We are also in the store business.

When hogs were 20 cents in Kansas City, we paid Swift & Co. 45 cents a pound for choice bacon. Now hogs are 16 cents in Kansas City and Swift's choice bacon is 47½ cents.

Newspapers boast wonderfully that Swift & Co. paid 34 per cent dividend last year and many other things that don't look good to we common people. We are not intending this as a faultfinder or chronic complainer, but we want to call attention to facts as they exist.

As prices are now thousands of acres of land will not be tilled, as a farmer can make more money shipbuilding or most any other job than he can farming.

Bread and meat are more essential in peace or war than guns and bullets. These things are worth attention. If we are forced to sell our meat at less than cost of production next season, we will have for our Armies 1 hog where otherwise we would have had 10.

Our farmers and stockmen will produce even for cost of production, but can't produce at a loss. Assuring you of our appreciation of your efforts in the past,

We are, respectfully.

PASADENA, CAL., *February 15, 1918.*

DEAR SIR: California wheat crops this year will, I believe, be almost a total failure. No rain and high prices of labor—we paid $5 to $8 per day last year for harvest hands and could hardly hire them for that price, when we generally pay $2 and board. Last year, 1917, we had in 35,000 acres on my ranches in grain, mostly wheat. This year we won't have in 1,500 acres. We can't seem to sell our last year's crops. Too much red tape. The warehouses here seem full of hides of cattle starving to death. Still shoes are high. Something's wrong. We should get $3 per bushel for wheat.

Respectfully,

KINGMAN, KANS., *February 21, 1918.*

Senator GORE.

DEAR SENATOR: I see by the papers that you have a bill in committee, and that it is favorably reported, to place the price of the 1918 wheat crop at $2.50 per bushel. I am a wheat raiser and have been for many years, and was among the number that was in the big loss all over Kansas in the 1917 crop; and as one of the raisers let me say—but there is little use for a wheat raiser to say anything—that I think that the amount you name in your bill is poor compensation for the present crop and the losses we met last year. If we had been looked after by the Senators and Representatives from the West, we would not have had to raise a crop at a loss, as we did last year. The millers and other raisers, factories, and, in fact, everybody, was in it but the wheat raisers. The crop, Senator, is going to be very poor, and it never looked worse in 10 years than it does right now. Now, listen, if it is light, the Kansas and Oklahoma farmers will not harvest it at a loss, as they were compelled to last year. Here is an example of how things are running. Before the setting of prices on wheat bread per 22-ounce loaf was selling at 10 cents, or about 9 cents if a dollar's worth of tickets were taken and paid for in advance. Since the setting of the wheat and the regulation of the loaf a 16-ounce loaf costs 10 cents. Now, flour is some lower and also bread is higher. If you, OWEN, CURTIS, and THOMPSON, had looked after the wheat raisers at the time of price fixing, we would not have lost a few millions in both States, and it went into the hands of the millers and bakeries. Two dollars and eighty cents is just as easy to get through the law powers as $2.50 is and would help to make up the loss we met last year. I have been among the farmers a good deal lately, and I know how they feel over it. The millers got the grade and testing rules through, and that is another way of robbing the wheat raisers. They are gradually buying the elevators, and it will not be very long until they have the farmer in their clutches. It is coming, and all because the farmer is not organized, but will be. But these kinds of laws, Senator, puts hate in his heart, and it ought not to be allowed. You will see, and there is now in sight, the farmers' union that will turn things upside down. And it might have been avoided if things were looked after instead of let run as now. Lincoln said once, very truly, that "a thing was never settled until it was settled right." The grading and testing rules should be made differently and the minimum price made not less than $2.80.

Yours,

Mr. CURTIS. Mr. President, I wish simply to state, in view of the statement by one of my constituents in a letter which has just been read, that while the price-fixing commission were considering the question I frequently urged them to fix a price that would be fair and just to the wheat growers of Kansas and the country and urged that the then market price would be fair and just. Furthermore, on the day before the price was fixed at $2.20 three other Senators and myself from wheat-growing States called upon the price-fixing officer and urged him to name the market price of wheat at the time the bill passed as the price for the 1917 crop. Had this price been fixed, as the farmers were entitled to have it fixed at the time, the farmers of Kansas would have received for their 1917 crop of wheat from $2.50 to $3 a bushel. In conclusion I desire to state that I did everything in my power to have a fair, just, and reasonable price fixed for the 1917 crop of wheat.

Mr. GORE. Mr. President, the author of this letter is also misinformed as to my own position touching the food-control legislation. Perhaps Senators will remember that I was not very enthusiastic for that measure.

LAWS OF PORTO RICO (S. DOC. 185).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on the Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Legislature of Porto Rico during its first session (August 13 to November 28, 1917, inclusive).

These acts and resolutions have not previously been transmitted to Congress.

WOODROW WILSON.

THE WHITE HOUSE, *February 25, 1918.*

WHY AMERICA IS IN THE WAR.

Mr. SWANSON. Mr. President, there is an insidious and treasonable propaganda being conducted in this country, grossly misrepresenting the causes which impelled this country to wage war against Germany, agitated with the deliberate design of producing dissatisfaction among our people, of restraining their patriotic fervor and willingness for sacrifice, in order to secure a German-made peace, amounting to a substantial German victory. This pernicious propaganda is vast and varied in its ramifications, extending from the bold, treasonable utterances of some persons of prominence and position to the subtile whisperings of the paid spy. Its loathsome form is found at times garbed in the habiliments of patriotism and peace. Under the plea of liberty of speech the viper has been found injecting its deadly poison into the body politic. Wherever there exists discontent, which might retard a vigorous prosecution of the war, it is found with its treasonable torches furnishing additional fuel for the flames. With insinuating voice it preaches class and sectional prejudice in order to produce dissension and military ineffectiveness and prevent a solid union, which insures to our arms a conclusive victory. Engaged in this work is a motley crew composed of fanatics, German spies and sympathizers, persons corrupted with German gold and promises, officered by a few selfish politicians, who foolishly think they see an opportunity for self-advancement, although it may result in wreck of country. Athens had her Æschines in the pay and interest of Philip, eloquently preaching peace and submission. This German propaganda is not confined to the United States, but has arisen in every country where German gold, spies, and influence could permeate. It corrupted and obtained control of the former autocratic Government of Russia, which if it had not been overthrown would have made an ignominious and cowardly peace. It has strangled the new hopeful Republic of Russia, and is now fast obtaining by treachery what it could never obtain by arms—the making of Russia the political slave of Germany.

During two of the most critical years of the war it enabled the traitorous Greek King to thwart the noble aspirations of his people. It almost brought disaster to Italy. It extends to the Latin-American Republics, making some of them lukewarm to their own vital interests or unfriendly in the world's con-

flict of democracy against military autocracy. It has soothed others into fancied security, dulled their perception, prevented them from perceiving that in the far-flung battle lines of Europe is being determined whether the Western Hemisphere shall be subject to colonization and spoliation by a triumphant Germany.

While exciting her own people to the highest pitch of martial spirit, brutalizing them by prosecuting war with unequalled ferocity and barbarity, preparing to seize all that relentless might can obtain, Germany, in order to make more easy her conquests, has cunningly sought to develop among all other peoples the Arcadian habits of peace and ease and thus eradicate the heroic virtues of courage and sacrifice. These blood-thirsty people and their sympathizers, in order to accomplish their nefarious purposes in other countries, ever masquerade as staunch advocates of peace. All these pernicious varieties of German propaganda are being sown in this country with the hope of reaping a bountiful harvest.

But the seed will prove to have fallen in a sterile soil. Cunning deceit, cowardly ease, and ignoble peace will find no lodgment in America's sturdy mind and courageous heart. We propose to deal vigorously with this traitorous propaganda in whatever guise it may appear. We are determined that our brave soldiers while fearlessly attacking the enemy front shall not be assaulted by traitors in the rear. The defenders of our citadel of civilization and liberty shall not be betrayed by false friends within.

Mr. President, the purpose of my address is to present the causes which compelled America to enter this world war, and these when fairly stated furnish complete refutation of the false and slanderous charges being disseminated by the agents of Germany. I shall present them strictly from an American standpoint. I shall enumerate the many and repeated affronts, insults, and grievances we received at the hands of Germany and which compelled us as a self-respecting Nation to seek redress. I shall point out our vast vital interest assailed by Germany, which if not defended at all hazards would result in our national decay and destruction. I shall show that this war is being waged to right American wrongs, to protect great American interests, which, if lost, will destroy our present prosperity and greatness and jeopardize our very existence as a free and independent people. I shall not discuss the war in its broader phases and the far-reaching consequences it must eventually have upon all the peoples of the world through the coming centuries. I shall not portray the importance of the fierce and final conflict now being fought for supremacy between the free governments of the world and the German military autocracy, for out of the dense battle smoke now enshrouding Europe will emerge a world either free or enslaved. I shall not describe to you in all its revolting detail how the military autocracy of Prussia, by false and deceitful diplomacy, by broken pledges and treaties, by unjust, unprovoked, and cruel wars against neighbors, grew and strengthened; how it made vassals of the people of southern Germany, Austria, Bulgaria, and Turkey and then utilized all the immense resources thus secured in preparing for this fateful hour of conflict, when it hoped by favorable military decision to obtain world mastery. I shall not emphasize the great menace that Prussia is to-day to the peace and civilization of the world by recitals from her bloody history.

Mirabeau, the great orator of the French Revolution, justly said, "War is the chief industry of Prussia." I shall not detain you reading diplomatic correspondence, which proves beyond dispute that Germany, finding herself fully prepared for war and her unsuspecting neighbors unprepared, suddenly precipitated war by using the murder of Archduke Ferdinand of Austria, which occurred on Austrian soil and was perpetrated by an Austrian subject, as a pretext to compel her vassal, Austria, to address a brutal, insulting ultimatum to Serbia, knowing full well that it would be rejected, since its acceptance would seal Serbia's national servitude. I shall not present to you other diplomatic correspondence which clearly proves that when the Governments of Britain, France, and Italy had nearly composed the differences between Russia, Serbia, and Austria and peace was almost in sight, all of these bright prospects were destroyed by Germany suddenly declaring war against Russia, immediately followed by a declaration against France and the invasion of Belgium. I shall not weary you by detailing the history of the long-extended and varied efforts of Germany to incite enmity and hostility against the United States, Britain, France, and Russia and of her long-meditated purpose to encompass the overthrow of these four nations, as being the only barrier to her ambition for world supremacy. I shall not seek to excite your passions by describing the horrible barbarities and atrocities perpetrated by Germany in the prosecution of this war; how weapons of warfare forbidden by civilization have been frightfully used; how women and children have been shot and butchered; how the captured civil population, as in former barbarous times, has been seized, transported, and practically reduced to slavery; how cities and districts have been pillaged, ravaged, and destroyed with a cruelty and completeness excelling the fiendishness of Attila the Hun, named "The scourge of God"; how the atrocious Turk was induced to declare a fanatical holy war, instigated to massacre the Christian population of Armenia and Asia Minor and furnish sacrificial blood for the altar of Germany's selfish ambition. I shall not endeavor to describe to you the woe, distress, wretchedness, the frightful slavery which would exist in the world dominated by a power so cruel as Germany, guided by no principle save its own advantage, controlled by no solemn treaty or plighted faith, and willing to make a desert of the world in order that she might rule it. All of these are far-reaching and important considerations which were sufficient to have induced us to unite with other free and threatened governments of the world to curb Germany's unholy desires. But it is not my purpose to venture into this broad and important field of discussion, but to confine myself to presenting the special wrongs, the special grievances, and special vital interests of this Nation which compelled the President and Congress last April to declare war against the enemy of mankind.

Mr. President, immediately after the commencement of this great war the President of the United States, by a formal proclamation, declared the policy of this country would be to maintain a position of strict neutrality toward the belligerents and to claim all the rights of a neutral under international law, and firmly to vindicate these rights, from whatever source assailed. The President went so far as to invoke our people to be neutral alike in thought, expression, and action. This declared policy was fairly and consistently adhered to until we were compelled by the outrageous action of Germany to abandon it and resort to force to redress wrongs and defend our rights. Our entire conduct toward Germany prior to entering this war was one of forbearance under great provocation rather than one of harshness and discrimination. Germany can not point to an unneutral act indulged in by our Government to justify her atrocious conduct, which compelled us to enter the war. The Government of the United States did not deviate in the slightest degree from this marked pathway of strict neutrality.

When loans were first sought to be obtained in this country by the various belligerents, the Government discouraged the extension of credit to any of them, as it might be construed as unneutral, and, besides, at that time financial conditions rendered it inadvisable. When this policy of discouraging loans was afterwards abandoned, each of the warring nations were permitted to float loans in this country, and each of them did obtain large credits from our people. One of the first of the warring nations to sell Government bonds here was Germany. She was given access to our financial markets equally with the other belligerents. Our citizens were permitted to subscribe for her bonds without the slightest governmental discrimination. The loans so floated in this country bear ample testimony to this fact. Subsequent disclosures revealed that the loans thus obtained from our people were corruptly and disgracefully used in the perpetration of innumerable villainies and enmities against the peace and well-being of this Nation. Germany, with her customary duplicity and depravity, perverted American generosity and kindness into an instrument of injury and detriment.

We furnished Germany a still more substantial proof of our neutrality. When the allied nations at war with Germany sought to have submarines partially constructed in this country, shipped to Canada, and then completed and sent to Europe to be used, this Government let it be definitely understood that this would not be permitted, as the United States had insisted in her contention with England in the Alabama and other cases during the Civil War that ships of war could not be constructed, in whole or in part, in a neutral territory for the use of belligerents without violating the laws of neutrality and subjecting the country in which they were built to claim for all damages they might inflict. The position assumed by our Government against this project of the allies caused it to be abandoned. We subsequently gave additional proof of our firm determination to maintain neutrality in this direction. In November, 1916, the Department of State was informed that an inventor in Los Angeles desired to send to one of the belligerents, as a model, a one-man submarine. While it was stated that this submarine was sent as a model it appeared that it was, in fact, a completed vessel. The Secretary of the Treasury requested an expression of opinion from the State Department as to whether

this vessel could be shipped, and he was informed that the shipment of such a submarine from an American port should not be allowed, as such action might be regarded as a violation of the neutrality laws. Permission for the shipment of this vessel was refused. Even as late as this, after having received repeated affronts from Germany, we still adhered to impartial neutrality.

In July, 1916, we gave the German Government further proof of our strict neutrality. The German submarine *Deutschland* arrived at Baltimore loaded with a cargo from German ports. The British and French Governments protested and insisted that submarines should not be treated as merchant vessels, and hence should not be given clearance papers to leave and should even be deprived of the 24 hours given war vessels under international law to enter and depart from the port of a neutral country. Our Government promptly examined the *Deutschland*, and finding on her no guns or torpedoes promptly denied the contention of the allied Governments and held that the *Deutschland* was a merchant vessel and should be permitted, as the merchant vessels of the other belligerents, to enter and depart from American ports carrying such cargo as she desired. When it was rumored that the *Deutschland* would be attacked by the allies, and possibly within the 3-mile shore limit of the United States, our Government sent its war vessels to the Virginia Capes to enforce our neutrality and to see that the *Deutschland* was not molested within 3 miles of our shores, which under international law is a part of our territory.

Again, on the night of October 31, 1916, she arrived at New London, Conn., from Bremen, Germany, with a cargo, which she was permitted to land and dispose of, reload with another cargo, and depart for Germany. On each of these occasions the *Deutschland* was permitted to include in her cargo munitions and other contraband and depart unhampered and unrestrained. She was accorded to the fullest extent the same privilege of obtaining here arms, munitions, and other contraband as was given the merchant vessels of the other belligerents. This proves conclusively that we made no discrimination against Germany and that she was given the same rights and privileges to obtain munitions and contraband of war as was accorded the allies. Under universally accepted international law the citizens of a country can sell any belligerent munitions and contraband of war. In every war since 1870 Germany has freely exercised this international right and has sold large quantities of munitions and contraband. In our war with Spain her citizens furnished large quantities of munitions to Spain without complaint from us. If she did not obtain here as many munitions of war as the allies, it was her misfortune and not our fault. It was on account of her weakness on the seas and the inability of her vessels to reach our shores and not on account of any discrimination or refusal on our part to sell to her. Such of her vessels as did reach our ports were accorded the same privileges and received the same treatment as was given the vessels of the allies. The assertion made by some that Germany was discriminated against in this respect is false and unwarranted.

The generosity of our action is further emphasized when we remember that this magnanimity on our part occurred after we had received repeated insults and injuries from Germany.

Mr. President, evidence of our genuine neutrality does not cease here, and we can furnish from our diplomatic correspondence many cases in which it appears that we almost departed from neutrality in a manner favorable to Germany. In October, 1916, the German gunboat *Gier* arrived in the harbor of Honolulu and requested permission to make repairs to render the vessel seaworthy, and estimated that the time required would be two weeks. Under international law a vessel is permitted to enter a neutral port and remain there 24 hours to obtain supplies and a reasonable time to make needed repairs. The United States gave this gunboat three weeks in which to make repairs and depart. This was a most liberal exercise of right of neutrality favorable to Germany. This vessel afterwards, finding it unsafe to depart on account of the presence of enemy warships, decided to intern. In January, 1915, the British warship *Pegasus*, which had been captured by Germany, entered the port of San Juan, P. R., in charge of a German prize crew. The British Government insisted that this vessel as a prize be released from its German captors under the regulations of The Hague convention. After examining the circumstances of the case, the United States Government refused the request and decided it was a proper German prize.

In the early part of the war various German warships entered the ports of the United States and were generously accorded every courtesy and were given ample time to make repairs and obtain supplies. Not a right was ever denied any of them. If there was any departure from neutrality, it was in favor of Germany. The conduct of the United States in this respect was so liberal and so generous that letters of thanks and commendation were received from German officers and diplomatic representatives.

We furnished further evidence of our resolute purpose to maintain neutrality even under circumstances which might have brought us in dangerous conflict with the allies. On February 18, 1916, the British cruiser *Laurentic* stopped the American steamship *China* on the high seas and, despite the protest of the captain, removed from the vessel 28 Germans, 8 Austrians, and 2 Turks and took them to Hongkong, where they were detained as prisoners in the military barracks. Upon being informed of this incident, the Government, on February 23, 1916, protested to the British Government against the action of the *Laurentic* as an unwarranted interference with the sovereignty of American vessels on the high seas and insisted that orders be given by the British authorities for the release of the persons taken from the *China*. The British Government replied, alleging that the persons removed from this vessel had been engaged in intriguing and fostering a rebellion in India and in fitting out a ship to prey on British commerce, and insisted that these acts of enmity and misconduct had deprived them of all protection of the neutral flag under which they were sailing and the action of the *Laurentic* was therefore justified. The United States Government replied to the British Government that the alleged facts regarding the conduct and action of the persons seized did not make them subject to seizure on a vessel of the United States on the high seas and within the jurisdiction of a neutral, and renewed the demand for their release. On May 5, 1916, this Government was informed that the British Government acquiesced in our demand, and the men were released.

Can more conclusive evidence be furnished than this to prove that this Government firmly asserted her rights as a neutral, even against the allies and regardless of consequences. This firm assertion of our neutral rights for the protection of German, Austrian, and Turkish citizens occurred after Germany had wantonly murdered American citizens by sinking the *Lusitania* and other merchant vessels, which citizens were exercising similar international rights and privileges on the high seas.

These instances constitute but a small portion of our record for firm neutrality during the several years in which this country was not engaged in this great war. History does not furnish another such striking record where a strong and powerful nation under great provocation so scrupulously observed and maintained its neutrality. Our record is one of unsurpassed patience, forbearance, and long suffering.

Mr. President, let us now consider the treatment we received at the hands of Germany in return for our consistent and continuous course of neutrality. Sir, I do not believe there can be found grosser or more numerous insults and injuries inflicted upon a proud and powerful nation than those which Germany repeatedly imposed upon us. Immediately upon the declaration of war by the German Emperor against Russia and France in August, 1914, after we had declared our adherence to strict neutrality and were firmly maintaining it to the utmost, the German Government commenced at once to disregard every right we possessed as a neutral, affronted our honor, assailed our territorial sovereignty, and endeavored to destroy our most vital interests. German military and naval officers accredited to this Government as diplomatic representatives at once indulged in improper activities in violation of the local laws of the United States and their duties as representatives of a foreign government in a neutral country. These German officials illegally sought by many and varied activities to make this country a base for German military operations against nations with whom we were at peace and contrary to the principles of international law. The money obtained here from our citizens by the sale of German bonds was corruptly used to further a traitorous propaganda in this country to make the United States a subservient and useful tool for the accomplishment of the despicable aims of the German autocracy. It was used to finance and incite a rebellion in India against the British people, with whom we were at peace and amity. It was used to promote from this country the German inspired and German supported uprising of Sir Roger Casement. It was used to hire incendiaries to burn and wreck bridges and destroy the important industries of Canada, our northern neighbor. It was used to purchase and prepare bombs to be placed upon allied and neutral ships lying in our harbors, in order to destroy them and injure commerce. It was used to encourage strikes and sabotage in our manufacturing plants. It was used to corrupt persons to preach here hatred and enmity against the nations at war with Germany. It was used to produce division and dissension among ourselves so as to render us powerless to resist German affronts and injuries. German diplomatic officials duly accredited to this Government were detected using fraudulent and counterfeit passports purporting to come from this Government and attesting American

citizenship to enable their spies to enter foreign countries at peace with us. German officers of interned warships, who were being treated with the utmost consideration, disgracefully violated their word of honor and escaped. German subjects, under direction of German officials, were detected, arrested, tried, and convicted in our courts for using our territory as a base for supplying German warships with coal and other supplies in violation of the statutes of the United States and our neutrality. German officials, in violation of our laws, were found endeavoring to control the employees in our munition plants and other industries so as to cripple and destroy them. The German ambassador accredited to this country obtained from his Government a sum of money to be used to try to influence the Congress of the United States in the interests of the German Empire.

The German diplomatic representatives while still exercising their functions as such in this country were found endeavoring to incite a rebellion in Haiti and Santo Domingo and to create enmity against us in Central and South America. German agents were detected endeavoring to arouse an insurrection in the Southern States of the colored race against the white race by gross misrepresentation and appeal to racial prejudice. Wretches were hired and paid to destroy railroad bridges in this country, to wreck large munition plants and factories, and to cripple radio stations and cable lines. The lives of peaceful laboring men and women were in constant danger from these activities, which were but a covert form of war carried on by Germany within our boundaries.

For several years we had known of German activities in Mexico prejudicial to our interests and of efforts to embroil us in war with that distracted country. The extent and dangerous character of these activities, though suspected, were not fully known until the publication of the Zimmermann letter, which disclosed the efforts being made in Mexico by the German Government to incite that nation to war against us. This letter reached the lowest depths of national turpitude. The German ambassador, while enjoying our hospitality, was informed of a contemplated breaking of a solemn assurance which he himself had given to our Government promising to respect our international rights upon the sea, and was told that if we did not tamely submit to this broken pledge and gross invasion of our rights, then he should endeavor to combine Mexico and Japan with Germany in warfare against the United States, pledging the German Government to conquer us and to give Texas, Arizona, and New Mexico to Mexico, and the Philippine Islands, Hawaii, and our Pacific coast to Japan. The absurdity of the scheme did not lessen its shameless enormity. This infamous note could not have been suddenly precipitated without previous careful consideration and possibly prior intrigue. Large national interests and combinations are not thus hastily determined. This note disclosed conclusively what we long suspected, that for many years in all parts of the world Germany has been intriguing, seeking to create enmity against us, and endeavoring to prepare combinations to overpower us when the time for war came and which she had practically determined to wage against us.

Since the recent establishment of more friendly and cordial relations between our Government and the Government of Japan, the officials of Japan have candidly confessed that Germany has been intriguing in Japan, seeking to involve her in war with us. The strained relations existing between the United States and Japan for years was the result of German intrigues, machinations, and misrepresentations. The German Government has publicly expressed its refusal to acquiesce in the Monroe doctrine, and has called it "a piece of American impertinence." We have been satisfied that when political conditions should be favorable and the German navy strong enough, the Monroe doctrine would be challenged, as would also our control and ownership of the Panama Canal. We recall that during the administration of President Roosevelt the German Government, under the pretense of collecting a debt had prepared to seize the ports and part of the territory of Venezuela, and persisted in her determination to do so over the protest of the President until he bluntly informed the German ambassador that if the German fleet seized a port of Venezuela that Admiral Dewey with the American fleet would be instructed to capture or destroy the German fleet. As our fleet at that time was superior to the German fleet, the German Emperor reconsidered and abandoned the enterprise. Venezuela would now be a German colony but for the resolute firmness of the President and our superior naval strength.

We know that during the Spanish-American War Germany endeavored to array all the nations of Europe against us and form a concert of European powers to defeat our military forces and prevent us from liberating Cuba. We know that this dangerous combination against us would possibly have been successfully organized except for the refusal of England, whose fleet dominated the seas, and who was manifestly friendly to us.

In the light of recent transactions and disclosures we now fully understand the action and presence of the German fleet at Manila and its persistence in interfering with the plans of Dewey, and we are now convinced of what we then suspected, that its purpose was, if opportunity offered, to seize the Philippine Islands and deprive us of the fruits of our victory. These intrigues should convince everyone that Germany had reached a determination to destroy us as one of the four powers sufficiently strong to interfere with her plans for world-wide supremacy. This purpose was further disclosed by the repeated menaces of the German Emperor to our ambassador, Mr. Gerard, when the Kaiser told Mr. Gerard, "America had better look out after war," and again when he said, "I shall stand no nonsense from America after the war."

Mr. President, it would seem to me that these injuries and wrongs were sufficient to call for the strong resentment of any brave and high-spirited people, and we would have been justified in immediately declaring war against Germany. But we were called to endure still greater affronts and the invasion of still more important rights. On the 7th of May, 1915, the British steamship *Lusitania* was torpedoed and sunk by a German submarine without warning and over 100 American citizens, most of them women and children, lost their lives. This act was committed in direct contravention of previous warnings by our Government that it would not permit such violations of international law. It was as cruel and shameless an act of murder as ever perpetrated. It exceeded piracy in its worst and most revolting form. No buccaneer that roved the sea ever performed a more fiendish act. Worse than the infamy of the act was its approval and defense by the Imperial German Government. The heinousness of this crime was so revolting that it aroused an outraged people and the civilized world, and at last wrung from a reluctant Government a solemn promise that the offense would not be repeated. The assurance was hardly given before it was grossly violated and other ships having on board American citizens torpedoed and sunk by German submarines under conditions equally cruel and murderous. This unprovoked murder of American citizens so inflamed public opinion in this country that the German Government became apprehensive and repeatedly in diplomatic notes assured us that these occurrences were unintentional, would be corrected and never again committed, and that for them full reparation would be made. Our Government was also assured that in the future merchant ships of whatever nation, before being torpedoed, would be searched and the safety of the passengers assured, and in no case would an American ship flying the American flag be interfered with.

Trusting to this solemn pledge and promise, we thought that at last all differences between the United States and Germany which might precipitate war had been settled and the necessity of our entering this terrible war avoided. But we were woefully mistaken, and we soon found ourselves betrayed, as have been all others who relied upon treaties made and assurances given by the Imperial German Government. Immediately following this positive promise many ships were sunk without warning and without the safety of passengers being provided for. A more faithless performance of promises made by one Government to another can not be found than that exhibited by the German Government in dealing with the United States. All these assurances have been regarded as mere scraps of paper, to be instantly disregarded when German interests and desires demanded their violation. No pledge made to us by the German Government has been kept, no promise fulfilled, and no reparation agreed to made. We have continuously been subjected to evasion, delay, duplicity, and deceit.

The German chancellor, in an address made to the Reichstag on January 31 of last year, immediately following the reversal of the submarine policy of the preceding year and the consequent gross violations of repeated pledges and promises made to our Government, in explaining the change stated that there never had been any intention of abandoning the unrestricted use of the submarine; that he had adopted a policy of postponement in order to construct more submarines; and that now, having obtained a sufficient number to be effective, the time had come to resume this method of warfare to the fullest extent. A more shameless confession was never made by a responsible minister. We were coldly and brutally informed that Germany never intended to keep her repeated pledges made us to desist from illegal submarine warfare; that these pledges were made with the deliberate design of deceiving us, of lulling us into fancied security, and preventing our war preparations, while Germany should be given full opportunity to prepare for

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the intended conflict. A public admission that German national faith was fraudulently pledged to secure benefits of delay by deception and that this pilghed national faith would now be ruthlessly broken, as great advantage could be obtained.

Mr. President, all of these wrongs and violations of our rights, gross and flagrant as they were, paled into insignificance in comparison with the injury and insult sought to be inflicted by the decree issued by the German Imperial Government on January 31 of last year. The German Imperial Government by that decree notified us, in contravention of pledges and promises made us in more than a dozen notes, that it would, after February 1 of that year, mark out a war or barred zone in the Atlantic Ocean more than 1,400 miles long and 1,200 miles broad, all of the Mediterranean Sea, except a small portion fringing the coast of Spain, and that all vessels entering the zone, flying the flag of any nation, bent upon any purpose whatsoever, would be sunk without warning. Under this decree entering this barred zone was a criminal act and doomed the merchant ship to instant destruction. The German Government assumed ownership and control of this large part of the Atlantic Ocean and practically the entire Mediterranean Sea. Through this vast area in the Atlantic and Mediterranean passes more than three-fourths of the world's vast foreign commerce. Imagination is powerless to picture the great inconvenience to navigation, the immense dislocation and destruction of trade and commerce which would have occurred if we should have submitted to Germany's arrogant assumption of control and ownership of these vast sea areas. Three-fourths of the world's trade and commerce would have ceased at the arrogant dictation of Germany. The entire world would have been reduced to distress and bankruptcy in order to enable Germany to accomplish her designs. Under this decree an American vessel, sailing from any of our ports containing only foodstuffs (and not an article of contraband) for the ports of Holland, Denmark, or other neutral countries, with no intention of entering the ports of any belligerent, and daring to cross any part of this barred zone, became under this decree a proscribed outlaw, divested of all rights of international law, all considerations of humanity, and was doomed to instant destruction. This was the most arrogant and far-reaching and destructive attack upon the freedom of the seas ever attempted by any nation. It was an act of tyranny and impudence unsurpassed in the world's history.

If Germany had a right to appropriate for her sole use and control this vast sea area, which under international law has ever been held a common highway for the use of all nations, she had a right to appropriate all the seas of the world and control them as her selfish will might dictate. The issue could not be shirked. This German decree precipitated a conflict for the freedom of the seas. We were forced to decide whether we would wage war to maintain the freedom of the seas as a common heritage to all nations or whether we would cowardly submit to the tyrannical decree of the German Government appropriating unto its own use these vast sea areas. The very civilization of the world dependent upon trade and commerce was thus put in peril. No nation is more vitally concerned in the freedom of the seas than the United States.

Our foreign commerce far exceeds that of any other nation and its continuance and its growth are indispensable to our prosperity and progress as a people. Hamper by restrictions or destroy our vast foreign commerce and bankruptcy and ruin will overshadow alike mine, farm, and factory. The future greatness of this Nation is inseparably interwoven with the freedom of the seas. They are one and inseparable. When we wage war for this we are contending for the most vital of all American rights. If we were to surrender to Germany the freedom of the seas and permit this infringement upon this common heritage our posterity would never forgive us for the ignominy of that cowardly submission. Could a nation submit which in its infancy fought the War of 1812 for infringement of its rights, which are trifling beside this German arrogance? Have we, a Nation of 100,000,000 people, with a domain truly imperial, sunk to a point where our conduct can be prescribed from Berlin? Shall America, which suppressed the piracy of the Barbary Corsairs in behalf of free seas, take orders from the German pirates, who command submarines? With strong arms and brave hearts we must accept the challenge and valiantly defend our most cherished rights. While thus battling for our own most vital interests, we are also contending for the rights of humanity and civilization. Did those who counseled peace and submission to Germany fully realize the great distress to which they invited us? For the fiscal year 1916 our total exports amounted to $5,481,000,000. Out of this $3,382,000,000 was exported to the allied belligerent countries, with which Germany prohibits us from having any commercial intercourse whatsoever. If we had acquiesced in this illegal and tyrannical proclamation and degree about three-fifths of our entire export business would have immediately ceased. It would have meant that at once we would be precipitated from great prosperity to acute financial and industrial distress. The great profits of mine and factory would have immediately disappeared. Present busy and thriving centers of industry would be overcrowded with the unemployed. Of our agricultural exports, two-thirds of our wheat, five-sixths of our hog products, six-elevenths of our cotton, seven-eighths of our beef, and three-fifths of our tobacco last year were exported to these allied belligerent countries. To have acquiesced in Germany's prohibition of the exportation of these agricultural products to these countries would have meant bankruptcy and ruin to all these great and varied agricultural interests. Submission would have brought greater loss, greater distress than has war itself.

If we had acquiesced in this decree there would have immediately been a cessation of practically all of our foreign commerce. Our ports would have been filled to overflowing with the products of our labor and industries. Factories and mines would have been closed. Labor, now receiving high and remunerative wages, would have been unemployed and in the deepest depths of want and distress. The present rich and prosperous grain growers of the West would have had their barns filled with wheat, corn, and oats for which there was no profitable market, and instead of the great wealth now possessed by them they would have been overclouded with bankruptcy and ruin. The vast cotton crop of the South could not have been sold for the cost of production, and that large section would have been completely prostrated by debt and insolvency. The great tobacco crop, which this year brought the highest price ever received, would not have sold for sufficient to pay the fertilizer bills, and those engaged in this great industry would have been financially ruined. Our present prosperous cattle raisers and meat producers would have encountered the same dire disaster which would have overtaken all other enterprises. The products of farm, mine, and factory having no profitable sale could not have been shipped, and the traffic on our railroads would have been greatly reduced, resulting in acute financial distress to the holders of railroad securities and to all those employed in railroad transportation. Capitalist, investor, manufacturer, laborer, farmer, miner, would all have been submerged in universal ruin and bankruptcy. This order creating a barred zone properly should be entitled "A decree of the German Emperor for the industrial and financial prostration of America." Honor, humanity, and our own vital and national interests demanded that we should resist this tyrannical order and uphold to the fullest extent the freedom of the seas as a highway of commerce for us and all nations.

Mr. President, the deliverance of this impudent and infamous order to our Government by the German Government itself constituted sufficient cause for a declaration of war against it on our part. But still anxious to preserve the peace and, if possible, avoid war, the President of the United States, instead of urging at that time a declaration of war, severed diplomatic relations with Germany, gave the German ambassador his passport, and recalled our ambassador from Berlin. Unless we had promptly declared war, there was no other course left for a self-respecting nation to follow.

Still patient and forbearing, we hoped this would be sufficient warning to Germany to induce her to make proper redress for our grievances, give assurances there would be no future infraction of our rights, and at once withdraw this lawless order. To further emphasize our firm determination to maintain our rights upon the high seas and at the same time, if possible, avoid war, the President of the United States delivered an address to Congress requesting that he be empowered to arm our merchant ships with naval guns and man them with naval crews. If granted, this would have been a clear indication to Germany of our intention to insist upon our rights to the extent of war unless she desisted from invading them.

This was the last and only manly course left for us to pursue in order to avoid war. If Congress had promptly given this power to the President, it might have convinced Germany that this Nation was possessed of a firm determination to maintain her rights, and if they were further violated it would mean war. Germany would have been compelled at once to decide whether she would abandon her course or enter armed conflict with us. This wise measure, firm and resolute in its purpose, yet offering the only way for peace, promptly passed the House of Representatives, and would have as promptly passed the Senate by an overwhelming majority except for the filibustering tactics of four or five Senators who, under the rules of the Senate, were able to prevent its passage before the 4th of March, when, under the Constitution, that Congress ex-

pired. The defeat of this measure in the American Congress convinced Germany that we did not have the will and courage to defend our rights and that we would tamely submit to any indignity and outrage she might perpetuate upon us. Germany reasoned that if the American Congress, commissioned by the people to be the defenders of their rights, was too cowardly to arm their own merchant ships to resist the lawless attacks of submarines that no injustice, no injury, she could inflict would compel us to warfare. Convinced by the defeat of the measure for armed neutrality that the United States was too craven to fight, hardly had Congress adjourned before Germany commenced the enforcement of this lawless and impudent decree.

On March 16, immediately following the adjournment of Congress, the American steamer *Vigilancia*, flying the American flag, having a cargo consisting of dried fruit, straw, and other merchandise, and having no contraband on board, sailing from New York for Havre, was torpedoed and sunk by a German submarine without warning, and 15 American citizens were lost. This vessel was flying the flag of the United States and was so marked that there could be no doubt as to her nationality. While the surprise and indignation occasioned by this attack upon an American ship and the American flag was still stirring the American heart, cablegrams contained the further information that on the following day, March 17, 44 miles off the Irish coast, the American steamer *City of Memphis*, flying the American flag, and sailing from Cardiff, in Wales, to her home port, New York, in ballast, not intending to stop in any belligerent country, was torpedoed and sunk by a German submarine. A few hours later on the same day cablegrams brought the information to an indignant America that the tank steamer *Illinois*, flying the American flag, and sailing from London to Port Arthur, Tex., was shelled by a German submarine and sunk.

The indignation occasioned by these outrages and insults to American rights had not subsided when we were informed on March 21 that 25 miles north of the Netherlands' coast the American ship *Healdton*, sailing from Philadelphia for Rotterdam, a neutral port of Holland, flying the American flag, was without warning twice torpedoed by a German submarine and sunk, and 21 of her crew, many of them American citizens, were lost. None of these American ships offered any resistance to the submarine or attempted to escape. None of them was armed. In destroying these vessels in no case did the submarine make any provisions for the safety of the crew or any efforts to aid them. None of these vessels was conveying munitions of war or contraband to the enemies of Germany. They were engaged in peaceful and lawful commerce. The only offense committed by these four American vessels was that in the prosecution of their legitimate business they sailed upon open seas, the free and common heritage of all nations, but which the German Imperial Government, by its decree of January 31 last, had forbidden them to use, and for this, and this alone, they encountered ruthless destruction at the hands of German submarines. All of these vessels were of American registry, flying the American flag, and entitled to all the protection that the Stars and Stripes could give.

And besides, before these vessels ventured upon these seas the Government of the United States had given them positive assurance, publicly and in diplomatic correspondence with Germany, they would be fully protected in all their rights. Our citizens owning vessels and navigating them had a right to rely upon these official promises and assurances. We were called upon to determine whether we would keep faith with them or cowardly fail them when the real test came. We were called upon to determine whether we should use the vast power possessed by this great Government to protect them as we had officially and solemnly pledged, or cravenly leave their wrongs unredressed and unavenged. We were called upon to determine if we should permit our flag, the emblem of our honor, our power, and our aspirations, to be lawlessly and deliberately assaulted upon the high seas and refuse to strike with all the force possessed by us, the arrogant assailant. If we can not defend Old Glory, the most cherished object of our pride and affection, we have indeed sunk to low depths of shame and humiliation, and we are no longer "worthy sons of worthy sires." The heritage of courage, fortitude, and honor bequeathed us will be foully forfeited. The American flag will no longer be, as it was made by our brave forefathers, the shield and protection of American citizens in every part of the world. The stars of our statehood and union will no longer gleam from unsullied skies. Their radiance will be dimmed by clouds of doubt, timidity, and fear. The stripes of our flag, emblematic of the thirteen original Colonies, who flung these streams of light to illumine the world, will be forever darkened.

Mr. President, an incident in the life of St. Paul has impressed me more than everything else I have ever read as an illustration of the power of the Roman Empire. St. Paul was seized and about to be scourged to death by an officer. Quietly and calmly he remarked, "Is it lawful for you to scourge a man that is a Roman citizen and uncondemned?" The knowledge that he was a Roman citizen caused the scourge to drop from the then nerveless hand of the affrighted officer. Jewish malice and hatred, which sought his death, was instantly restrained, and this great apostle was saved by the potency of the protection that Rome gave her citizens. They dared not lay their lawless hands upon St. Paul, for if they had, immediately the Roman legions bearing the Roman eagles would have come to swiftly avenge his wrongs and teach them the majesty and power of Rome.

Sirs, if St. Paul in the hour of peril and persecution could claim the protection of the Roman eagle, will we deny our sailors and citizens in the prosecution of their lawful enterprises on the high seas the protection of their flag? Is the American flag less potent than the Roman eagle? It can not be, unless our hearts are less manly, less courageous than those that pulsated in the Roman breast. I desire to see the day come when an American citizen, in whatever clime or country, whether on land or sea, can, like the Roman citizen of old, obtain full protection in all his rights by the simple utterance, "I am an American citizen." Then, indeed, will our flag attain a richer and deeper majesty, a brighter and greater glory.

Mr. President, the destruction without provocation of these American vessels, flying the United States flag, was a flagrant act of war against us by Germany. It was warfare in its most relentless and despicable form. What more could Germany do to wage war against us than with her submarines to lawlessly attack our ships, destroy our commerce, and wantonly assault our flag? She had already officially invited Japan and Mexico to join her in warfare against us. She had subjected us to every conceivable insult, had murdered more than 300 of our citizens, had inflicted on us every possible injury except the invasion of our territory. The great fleet of Britain rendered Germany powerless to reach our shores and subject us to her frightful devastation and cruel barbarities. These atrocious attacks of Germany upon our flag and our sovereignty no longer left it in our power to decide whether we should have peace or war. The die was already cast. Germany was already persistently waging determined, cruel warfare against us. The question for our decision was one of cowardly submission or courageous resistance. We had vainly endeavored to remain neutral and be friendly, but through long-suffering and humiliation we had been taught that Germany desired no friends—she would have only slaves or enemies. Forced by her to decide between servitude and warfare, the President and Congress did not hesitate for a moment, but promptly and bravely accepted the warfare flagrantly thrust upon us by Germany, declared the existing state of war, and dedicated to its successful prosecution the lives and fortunes of this mighty Republic. This action was in consonance with the heroic will of the American people. They scorned base, cowardly submission. They were willing to make all necessary sacrifices to vindicate their national honor, to protect their vital national interest, to redress their many wrongs and grievances. They were willing to unite with other free peoples to crush a brutal military despotism, which was threatening to destroy the liberty and free institutions of the world. They were willing to bear their full share of war burdens to save civilization from the most vicious attack ever made upon its existence. Forced into this war by Germany, America proposes to continue its prosecution until Germany has been taught to observe scrupulously all treaty obligations, to adhere to all the rules and principles of international law, and to cease to be a menace to American and other free democracies.

Mr. President, when the sun set on the 31st day of July, 1914, it set to rise never again upon the same world. It set with a world at peace; it rose to witness the beginning of a terrific war, which has practically engulfed the world and which, for weal or woe, will forever change its destiny. This fierce and widely extended conflict will greatly change the map of the world. Past traditions, existing national boundaries, reigning dynasties, present governmental structures, all subjected to the severe shock of this conflict, will be greatly altered, many shattered, and some forever obliterated.

When the great storm of battle shall break away and disappear there will emerge an entirely new world—either a brighter one, blessed with increased liberty, justice, and hopes of permanent peace, or a darker one, dominated by military autocracy and despotism, ruled by brutal force, and ominous of further fierce wars. We have ungrudgingly aligned ourselves in this conflict with the nations contending for the better, grander, nobler world. An American poet has well expressed the conditions which confronted Congress in April of last year:

Once to every man and nation comes the moment to decide,
In the strife of truth with falsehood, for the good or evil side;
Some great cause, God's new Messiah offering each the bloom or blight,
Parts the goats upon the left hand, and the sheep upon the right;
And the choice goes by forever 'twixt that darkness and that light.

Mr. President, we rejoice beyond measure that when this fateful moment came America firmly and courageously decided to venture all she possessed in the cause of honor, truth, justice, liberty, and righteousness.

HOUSING OF SHIPYARD EMPLOYEES.

Mr. RANSDELL. I move that the Senate take up for consideration the conference report on Senate bill 3389, the ship housing bill.

The PRESIDENT pro tempore. The Senator from Louisiana moves that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

Mr. RANSDELL. I hope the Senator will not insist upon the presence of a quorum, because we are very anxious to get this matter completed.

Mr. KENYON. I have understood that some Senators who are not here desire to be present. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	McNary	Sheppard
Bankhead	Henderson	Martin	Simmons
Beckham	Hollis	Nelson	Smith, Ga.
Borah	Johnson, S. Dak.	New	Smith, Md.
Calder	Jones, N. Mex.	Norris	Sterling
Colt	Jones, Wash.	Nugent	Sutherland
Culberson	Kellogg	Overman	Swanson
Curtis	Kenyon	Penrose	Thomas
Fernald	Knox	Phelan	Tillman
Gallinger	Lewis	Pittman	Townsend
Gerry	Lodge	Poindexter	Trammell
Gore	McCumber	Ransdell	Underwood
Gronna	McKellar	Saulsbury	Vardaman
Harding	McLean	Shafroth	Wadsworth

Mr. LEWIS. I announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Kentucky [Mr. JAMES], and the Senator from Arizona [Mr. SMITH], occasioned by personal illness.

Mr. McKELLAR. I wish to announce the absence of my colleague, the senior Senator from Tennessee [Mr. SHIELDS], on public business.

Mr. TRAMMELL. I desire to announce the unavoidable absence of my colleague [Mr. FLETCHER] on public business.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. There is a quorum present. The Senator from Louisiana [Mr. RANSDELL] moves that the Senate proceed to the consideration of the conference report on the so-called ship-housing bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire improved or unimproved land, houses, buildings, and for other purposes.

Mr. RANSDELL. I move the adoption of the conference report.

The PRESIDENT pro tempore. The conference report has been read. The Senator from Louisiana moves its adoption.

Mr. THOMAS. Mr. President, when this report was last presented I objected to its consideration because of the phraseology of two of its clauses. For some reason the impression arose that I designed to object to its adoption to submit an extended discussion of it. Such is not my intention. I am quite aware that the report, having been agreed upon after very considerable deliberation, will in all probability be adopted, yet I think the disposition that may be made of this vast sum of money under the provisions of the conference report should have prompted them to hedge the interests of the Government by more careful restrictions, and particularly in view of some of the reported expenditures due to the advance of money by this same board in other directions.

No doubt the Shipping Board, in the exercise of their authority and for the purpose of securing rapid construction of ships, have had to take many chances in advancing of money upon contracts. Perhaps they should not have done so. I do not question their motives, but I think if the board as a trustee of some private interest, or acting on their own account, had been confronted with the duty of making such advances, they would have exacted greater security and insisted upon better safeguards for the lender. The same thing may be said of some of the other departments, and I therefore hoped that when this bill was finally reported these experiences of the recent past would have been considered and more appropriate and better legislation proposed.

This bill, Mr. President, is designed to meet a very urgent necessity, and of course it should become a law as soon as possible. Those engaged in the construction of ships must be sheltered, and in the absence of any other agency for constructing shelter the Government must in this crisis assume that responsibility. But this conference report authorizes the Shipping Board—

to purchase, lease, requisition, including the requisition of the temporary use of, or acquire by condemnation or otherwise, any improved or unimproved lands or any interest therein suitable for the construction thereon of houses for the use of employees and the families of employees of shipyards in which ships are being constructed for the United States.

Mr. President, I do not think it is a wise policy to expend any of the public money in erecting structures upon leased lands. The probable total loss consequent upon that method of construction I think is apparent. After the war shall have ended and the activities of these shipyards shall have subsided or very largely decreased, the owners of the land will very naturally acquire the structures which the Government has placed upon them under its leases, and it makes no difference what the terms and conditions of the contract of lease may be; it is inevitable. But if the Government owned the realty, if it were its own land upon which the structures rested, the loss, while considerable, would not be complete. The making of leases for short time in these days of hurried construction, will necessarily redound very much more to the benefit of the owners of the land than to the Shipping Board or the Government which it represents.

This bill very properly gives the right of condemnation, and that power should be exercised in conjunction with the power to purchase the sites for these structures. When the Government provides for condemnation the proceedings, unless the act specifically provides the method, are those provided by the statutes of the States where the premises are situated upon which the right is to be exercised, and all these statutes in the States that I can now recall make provision, in the event the condemnor and the condemnee can not agree upon an adequate price, that the condemnor upon the deposit of a certain sum to be fixed by the court may take possession and go ahead with the accomplishment of the purpose for which the condemnation is to be exercised without waiting until a jury or a commission shall have determined the final amount of compensation and make the proper award.

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). The Senator from Colorado will suspend while the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. The Chair hears no objection, and it will be so ordered.

Mr. THOMAS. So, the Government is amply armed with power for immediate construction if its authority be confined to purchase and condemnation, and does away with the dangerous leasing system under which there is apt to be considerable abuse and a total loss of the money expended upon it, without regard to the good faith of the board in its exercise.

My second objection, Mr. President, goes to subdivision (d) of the report, under which the Emergency Board is empowered "to make loans to persons, firms, or corporations in such manner, upon such terms and security, and for such time not exceeding 10 years, as it may determine to provide houses and facilities for the employees and the families of employees of such shipyards."

That, Mr. President, is the substance and perhaps the exact phraseology of similar provisions in other laws we have enacted, and appropriating money for various constructive governmental purposes. I am not prepared, nor would it be just if I were, to pronounce any opinion upon what is called the

Hog Island exposé. I do not yet know enough about it to speak intelligently. But I think it may be fairly said that the sensational disclosures which are reported to have been made concerning it have been the outgrowth of a system of advances under such terms and upon such securities as the board in its discretion may exact.

In making advances to contractors our laws should safeguard the Government as completely as possible, and specify the minimum value of security upon which the advances are to be made. The Government does not in the ordinary transactions in times of peace take any chances upon the advancement of money. Many instances have occurred since this war began in which contracts have been given by the proper Government officials to this, that, and the other individual or corporation, followed by tremendous advances of money to the contractee upon the security of the contract only. Such, at least, is my information.

Now, any man of ordinary business experience must disapprove of that method of public financing. The Government furnishes the security by making the contract, and then accepts that security in many instances as the only visible evidence of anything which it has to safeguard its advance. I have heard of instances in which men have secured contracts for the manufacture of much-needed war supplies who have had no facilities whatever for their manufacture at the time of its execution, and in many of these instances the Government doubtless had, or should have had, knowledge of that fact; yet it has advanced tremendous sums of money under those circumstances. If there were no other methods of securing what the Government needs such a practice would be justified, but there are too many manufacturers in the country, Mr. President, and too many of them desirous of serving the Government to justify the suggestion.

I predict that when this conference report is adopted in many instances it will be followed by the making of contracts to men who have no facilities whatever for the performance of the work required, and to whom large sums of money will be advanced to enable them to so equip themselves. The very fact that such a practice is possible is the greatest inducement that can be offered to adventurers to make their bids, to get their contracts, secure what advances they can, and then sell their contracts to some substantial party.

We know, not officially, but many of us actually know, that contracts for enormous amounts of material and ceiling for enormous payments by the Government have been made to men without any facilities whatsoever for production, who, after obtaining their advances, have assigned their contracts to competent parties at a very liberal profit to themselves.

This subsection, therefore, Mr. President, should have provided in effect that this board should be empowered to make loans to persons, firms, or corporations upon such terms and securities exclusive of the contract itself, and in value equal to three-fourths at least of the amount of money advanced as a condition precedent to the arrangement. But nothing of the kind here appears, and my prediction is that in carrying this act into effect the Senate Committee on Commerce, or some other committee, will in the course of a few months be investigating other cases of extravagant expenditures and of advances made to men destitute of equipment, and some with only inadequate facilities for performing their duties under the agreement. This proposed law as it stands is merely an inducement to the average man who has nothing to lose and everything to gain to secure contracts, make something out of them, and pass them on. Indeed, it is the one inducement not only for making the contract but a powerful force for its subsequent assignment to an efficient concern.

Mr. President, I do not think we should legislate for the Nation in any manner different from that in which we transact our own business with regard to the same subject. I do not believe that any board however honest, however capable, should be given control over an appropriation of millions upon millions of dollars and then endowed with a loose authority to spend it practically as they see fit. It inevitably leads to waste, to loss, to confusion, and in nine cases out of ten to scandal and corruption.

These are my objections, Mr. President, to the conference report, and I hope, although the hope is doubtless a vain one, that the conference report will be rejected and the Senate conferees requested to confer further with the conferees of the House. We may thus obtain a bill so framed as to safeguard the interests of the Government.

Mr. McCUMBER. Mr. President, I should like to ask the Senator a question.

Mr. THOMAS. I was about to yield the floor.

Mr. McCUMBER. Are not the fatal deficiencies of which the Senator speaks in the bill as it passed the House and the Senate, and not necessarily due to any action or failure of action on the part of the conferees.

Mr. THOMAS. The laws which we have passed heretofore have, as to this subject, been framed substantially as this conference report has been framed, and it may be that the bill contained this phraseology before it reached that committee. But, Mr. President, since the passage of the previous laws and the present time there have been many exposés, or partial exposés, involving instances of loose advances of money without adequate security to men who have been fortunate to make contracts with the Government that we should profit by that experience, in whose school only can a certain class of men learn. Whether the bill as framed contains these recitals or not, the duty is before us to take to heart the lesson which these investigations have brought to us and see to it, as far as we can, that in future legislation the possibility of their occurrence will be reduced to a minimum.

Mr. CALDER. Mr. President, I share with the Senator from Colorado some misgivings as to the working out of this house-building program. I have watched, as other Senators have, the development of our system of awarding contracts for ships, munitions, and supplies of different character. I have observed that vast sums of money have been wasted through what we are pleased to call our cost plus system of contracts, whether they were based on a percentage of profit on the cost or on the cost plus lump-sum profit.

Under the provisions of many of these contracts the Government supplies the money necessary to carry on the work, guarantees the delivery of materials, assists in obtaining an adequate supply of labor, and now is about to undertake to provide housing facilities for the employees, takes over the negotiations with labor as to wages and conditions of employment, and in general performs nearly all of those functions which in an ordinary contract serve to earn for the contractor a profit. He is left with the responsibility for furnishing the technical knowledge and directing organization necessary for the carrying on the work, and for that he is guaranteed a profit which in many cases would be highly satisfactory even if all the risks and responsibilities of an ordinary contract were involved.

There is another very bad feature of this form of contract as it works out in actual practice. The contractor is relieved of all anxiety as to possible financial losses through faulty organization, bad management, inefficient superintendence, the employment of unskilled labor, and all the thousand and one things which once established make it impossible to turn out good work in fair quantity. This condition inevitably works for the employment of men in important posts with small reference to their qualifications, in the prodigal use of labor and materials rather than in skillful planning for their most advantageous use, and in a general carelessness about paying unfair prices for materials, equipment, and labor. The details of all this are known only to those whose daily work brings them into contact with such problems, but the extent to which a big organization can, and almost invariably does, go to pieces when the spur of financial responsibility for results is removed is almost beyond the layman's belief. As an old-time contractor for road work once said, "I don't know how it is, but when we have a percentage contract the very mules seem to know it, and work accordingly."

But I think, Mr. President, we have covered the situation in this report about as well as could be done under the circumstances.

I say again, and I speak, too, as one who has had some experience in housebuilding, if I had charge of this program, I would bend every effort to construct all of these houses on a competitive contract basis. I am of the opinion that in nearly every community men could be found who would bid in competition for the furnishing of both the labor and the material for the construction of the buildings needed for the housing of our workmen.

The Shipping Board seems to feel that it is hardly possible to obtain bids under the present circumstances. So this report has been drawn permitting the awarding of contracts by competitive bidding and also allowing them to be done as indicated in the last paragraph of the report.

The Senator from Colorado [Mr. THOMAS] has referred to the question of leasing property for the building of structures. From my talk with members on the Shipping Board I am under the impression that that is only to be done where the necessities of the occasion demand and where temporary structures of a moderate cost are to be erected, not where buildings of a real permanent character are to be built.

An organization is being created in this home-construction bureau who, I believe, understand their business. It is true the gentleman in charge has had little experience, but he has surrounded himself with some very practical men.

The Senator from Colorado refers to the first paragraph on the second page of the report. As I understand the language of that paragraph it is proposed that the Shipping Board shall loan to shipbuilders the money to build these homes. Unless the Shipping Board have changed the rule recently established they will not loan money to anyone other than the shipbuilder and for homes in the immediate vicinity of his yard.

Mr. THOMAS. If the Senator will permit me, the terms of subsection (d) are so broad as to include any person, any firm, or any corporation in such a manner, upon such terms, and so forth. I hope the Senator's inference is right. I hope that the power will only be exercised in behalf of an actual shipbuilder. I would like to see it so limited, but as it is the advance can be made to anyone fortunate enough to obtain a contract of any sort with the Shipping Board.

Mr. CALDER. There is no doubt the language is broad enough to be utilized in the manner indicated by the Senator from Colorado, but it is the purpose of the Shipping Board, as explained to me, to loan money only to the men who own and operate the shipyards. It is their expectation that in nearly every case they can work out a plan by which the Government will be enabled to advance the money to provide for the construction of the buildings, and that the Government itself will then sell the buildings, taking back from the purchaser a mortgage for the amount of the Government investment, these mortgages to be paid off in installments running over a period of 10 years.

It will be impossible to put into effect a scheme of that character in all places, but it is the intention of the Shipping Board to follow this general plan wherever possible.

Mr. President, I believe under all the circumstances that this conference report covers the situation completely, and I am hopeful that ultimately we can evolve a scheme of home building that will bring back to the Government practically all its investment in the project. If the money is used discreetly, if the contracts are made with care, and by those who understand the building of houses, the Government will simply be loaning its credit. If we are going to obtain the right sort of labor for our shipbuilding work we must see to it that our men are properly housed; and there is no other way to do it than by passing a measure of this character.

Mr. RANSDELL. Mr. President, I think the Senator from Colorado [Mr. THOMAS] falls into an error in trying to apply, in time of war and very great stress, the principles which ordinarily should govern men in their business methods in normal times. We are building ships now under very great stress. The universal cry for the safe conduct and prosecution of the war is ships, and more ships, and then more ships. We are doing everything possible as a Nation to expedite the building of these ships. In pursuing that task we find that in a number of the shipyards there are insufficient houses for the employees.

It goes without saying that in a Nation like ours, which has not been for the past 50 years a maritime Nation, there were not many shipyards when the war broke out 3½ years ago. In order to construct a shipyard you must have a good big piece of vacant ground, in order to build the large houses of various kinds that are needed, the great ways on which the ships themselves are constructed, and that vacant ground must lie on a watercourse where the water is deep. It must be in the locality of some city where there are a great many people living, where there is plenty of electricity and motive power of different kinds. A great many things like that must exist in order to make an effective shipyard.

Now, the Shipping Board followed or tried to follow those conditions, and did do it as nearly as possible. The shipyards are located throughout the country in the vicinity of considerable centers of population. But the laborers must get to the yards, and get there quickly, if they are going to do effective work. Even if a yard be 3 miles from the outskirts of a city, as the Hog Island yard, to which the Senator referred, on the banks of the Delaware River, 3 miles from the city of Philadelphia, it is difficult to prepare transportation facilities speedily for 30,000 people, and that yard contemplates using fully 30,000 men. I was there yesterday as one of the Senate committee, and we were told there were between 15,000 and 20,000 people then at work on the yard, and it is now in an incomplete condition. When finished it will employ fully 30,000 people. To convey 30,000 people even 3 miles from the edge of the city of Philadelphia or from the center of population of the city, a distance of 7 to 8 miles, requires a great many car lines, and those car lines do not exist. It is deemed essential, in order to make a success of that particular shipyard, that a very large number of workmen live on the ground or very near the ground, within walking distance, so they will not have to waste from half an hour to an hour to get to their work in the morning and return from their work at night. They can do much more effective service if they are on the ground or near it.

There are some shipyards, in fact a good many of them, which are not as close as we would like to centers of population, where in order to get the laborers it is absolutely necessary to build houses for them. Whatever may be the theory of the Shipping Board, it is up against the practical proposition that if it can not get the houses it can not build the ships, and if we can not build the ships we can not win the war. So we must give the Shipping Board these houses if we expect to win the war.

The Senator says that subsection (d), of which he seems to complain particularly, ought to be amended. It authorizes the Shipping Board "to make loans to persons, firms, or corporations in such manner upon such terms and security," and he would add "exclusive of the contract itself, at least to the extent of three-fourths of the security."

I can say to the Senator that the committee first contemplated requiring absolute security, but we were confronted with the proposition that if an individual were going to build houses now with the expectation of selling them after the war at the present cost price he would be up against a very hard proposition. Everything is high now. Labor is costing twice as much as it did before the war. Material of every kind is costing twice as much. The Government will be very lucky, I should say, to receive finally 50 per cent of the cost of these houses.

This is emergency work, Senators. It is not a normal business proposition. It can not be conducted in an ordinary business manner. We must do the best we can with a difficult situation, and in dealing with it the bill proposes to place in the hands of the Shipping Board $50,000,000 and to allow it to expend whatever part of the $50,000,000 may be necessary, or the whole if necessary, in constructing houses for laborers in the various plants of the country, and in doing that to take such security as it may be able to get for those houses, and to handle this business in the very best possible manner.

In order that the Senate may see what the Shipping Board contemplates, I should like to read a letter from Mr. Piez addressed to the Senator from Florida [Mr. FLETCHER], the chairman of the Commerce Committee, which was written at the instance of the Senator from Florida and myself on the 22d of this month. It reads:

DEAR SENATOR: It is imperative in order to speed up our present shipbuilding program that existing yards be manned to their capacity, not only for a single shift but for two or even three shifts per day.

Senators, if we are going to win this war we certainly have got to get to three shifts per day, for we are not building ships now anything like as fast as the submarines are destroying them—

Unfortunately many of our yards are located in communities the housing facilities of which are already completely absorbed by men engaged in war work. Private enterprise has in these communities signally failed to provide the additional housing required; in fact, the normal increases in housing facilities had practically ceased through the extraordinary increases in costs of raw materials before the Emergency Fleet Corporation came into being.

Let me remind Senators that at the Hog Island shipbuilding plant 30,000 workers normally mean an addition to the city of Philadelphia and vicinity of at least 120,000 souls. Certainly for every worker there are at least four persons. That would be 120,000 people. All the houses of Philadelphia and vicinity now are occupied. No real estate man is going to build houses at the present time expecting to make money on them. He can not afford to pay the carpenters and other workmen and the high prices of all materials at the present time and expect to make money on them. So the Shipping Board, in order to operate and to carry on the work at this great Hog Island plant, must in some way provide for housing 120,000 human beings. Men are not going to go there and work very well unless their families are with them. This communication continues:

We have done everything possible to force a greater absorption of new workers, both by enlisting the interest of the community in the task and by encouraging and directing the improvement of existing transportation facilities—

We were told yesterday that at Hog Island the board had contracted to furnish 100 cars to a street railway. The street railway is going to build an extra line, and the Shipping Board will furnish 100 additional cars in order that the operatives may get to their work quickly—

but what has been accomplished from these efforts is insignificant compared with our total needs. Government aid must be rendered in one of two ways—

I ask the attention of the Senate carefully to this. This letter is from Mr. Piez—

First, the Government can own and operate as a landlord.

Second, the Government can join private interests, letting those interests furnish as much of the funds as present financial conditions render possible, the Government furnishing the remainder under such

safeguards, terms, and conditions as it may determine. Housing of a temporary character, but suitable for the purpose, will be provided for single men wherever possible.

We saw yesterday at Hog Island a number of single men asleep in barracks, which had already been provided for them—cheap, temporary structures. The men we saw asleep were those who had worked at night; they were not working on day shifts. They slept when we were there in comfortable barracks, which, however, were very temporary and not suitable for families. So Mr. Piez says:

Housing of a temporary character, but suitable for the purpose, will be provided for single men wherever possible, but housing of a more permanent type must be provided for the large number of skilled mechanics who can not be drawn into the yards if they are required to separate themselves from their families. The Fleet Corporation is convinced that Government aid must be rendered if the yards are to be adequately and quickly manned, and has decided wherever possible to work along the lines indicated in the second alternative—

The second alternative being as indicated above, that the Government will cooperate with private interests, getting the private interests to help wherever possible, and that the Government will receive the very best security obtainable for these funds—

We have been ready to proceed for more than six weeks to meet this absolutely essential need, but are powerless to proceed without enabling legislation.

We are convinced that it is to the Government's interest in most cases to lend the money rather than to undertake the construction on its own account, and we should consider it a misfortune if the provisions of section D, S. 3389, were modified or eliminated. For your information I am attaching a memorandum indicating the lines on which we expect to proceed in the case of loans made by the Government. It is understood, of course, that this memorandum may be subject to modifications if individual cases require them.

Very truly, yours,

CHARLES PIEZ,
Vice President and General Manager.

Now, in order that the Senate may know exactly what the Shipping Board contemplates and the practical working of the plan under which this money will be expended, I will read this memorandum, which is very interesting:

The following method of making advances to corporations to secure the construction of homes for shipyards employees, in accordance with the provisions of bill S. 3389, as amended by conference, has been approved.

1. Unless unavoidable, it will not be the policy of the Emergency Fleet Corporation to requisition land, nor to take title thereto in its name, nor to appear as owner or lessee of any development or subdivision thereof.

2. The plan employed shall be uniform in its application to all shipyards and all localities.

3. The shipbuilding company, hereafter called the "parent company"—

Of course, Senators understand that is the company that is building the ships at the given yard—

shall contribute the land or the value of the land, if the same be requisitioned by the Emergency Fleet Corporation, and the same shall be free and clear of all liens and incumbrances. If for any sufficient reason an existing lien can not be disposed of at the time of acquisition of title the parent company shall guarantee removal of same without resort to the land.

4. The parent company shall organize a realty and construction company, hereafter called the subsidiary company, whose charter shall meet with the requirements of the State where the development is contemplated, and shall be further approved by the Emergency Fleet Corporation, and whose capital stock shall not exceed the actual cash paid for the land to be improved, or if the land be already owned, then the actual cash value thereof at the commencement of the operation and such value shall be approved by the Emergency Fleet Corporation. The parent company shall convey such lands to the subsidiary company with full warranty of title.

An agreement shall be entered into between the parent company and the subsidiary company for the contemplated development by the subsidiary and the advance of the entire cost of the improvement and overhead charges during construction by the parent company. This contract shall contain all requirements of the Emergency Fleet Corporation and be generally approved by it as to form. While essentially uniform all such contracts must be adapted to the particular requirements of the law of the State where the development is undertaken.

I ask especially the attention of the Senator from Colorado [Mr. THOMAS] to this clause:

The subsidiary—

That is, the company that is actually going to build the houses on land that it owns—

6. The subsidiary shall give its note or bond for all advance and the same shall provide for repayment by or before 10 years. Such evidence of indebtedness shall be secured by a building and permanent blanket mortgage covering the entire development and all improvements thereon, which shall be made for the maximum amount which the Emergency Fleet Corporation shall estimate it will be required to advance for the completion of the development, the mortgage to be made by the subsidiary to the parent company.

7. Bond and mortgage provided in preceding paragraph shall be assigned by the parent company to the Emergency Fleet Corporation, together with the entire capital stock of the subsidiary company as additional collateral security.

8. The Emergency Fleet Corporation shall agree to make all advances, but shall reserve to itself the right to determine whether the subsidiary shall undertake to do all or any of the work of development or construction, let the contracts therefor in whole or in part, or whether the Emergency Fleet Corporation shall itself undertake the acquisition of the necessary material and labor, let all contracts therefor, or employ a combination of these methods. In other words, the Emergency Fleet Corporation shall have absolute control as to the general layout, type of improvements, and method of construction to be employed.

9. The parent company shall guarantee the performance of all covenants and conditions on the part of the subsidiary to be performed, as contained in said building loan agreement and accompanying bond and mortgage, except that it shall not thereby be construed as obligating itself upon the bond nor rendering itself liable for any deficiency subsequently arising by reason of the fact that the values created by the aforesaid land and improvements are not sufficient to secure the full repayment of the amounts of money advanced by the Emergency Fleet Corporation. Its guaranty, however, shall be so worded as to require it to see that the subsidiary faithfully applies all moneys received by it in accordance with the contract, and also require it to indemnify the Emergency Fleet Corporation by reason of any lien filed subsequent to the making of the mortgage, but which might have priority over all subsequent advances, except where the Fleet Corporation shall itself undertake the work or let the contract.

10. The land and mortgage shall bear interest at 5 per cent per annum, payable semiannually, and shall contain a provision for an annual amortization installment of 3 per cent, which shall be constant in application and to which there shall be no offset by reason of releases, except that such installment will only be payable if the subsidiary company has in its treasury money sufficient to pay the same after payment of ordinary running expenses, taxes, assessments, interest on mortgage, and any overdue prior installment. If and when the mortgage has been reduced to 70 per cent of the value of the property still securing the same, an equal amount of land shall be released upon payment of all such subsequent installments. It shall also contain proper provision for the release of lots with improvements upon a contemplated sale and the acceptance by the Emergency Fleet Corporation of a new mortgage containing provisions at least as favorable to the Emergency Fleet Corporation as the original mortgage and for the ultimate repayment at a date not more distant than the said blanket mortgage. The value placed upon the release and to be credited upon the blanket mortgage shall be the amount of the purchase money mortgage to be accepted in lieu thereof or the cash received to the value of the mortgage thereon.

11. The Emergency Fleet Corporation shall have the right to fix the price and terms of all lots to be sold and all rentals where leased. It may require the imposition of restrictions on all or part of the property and shall control the utilization of every portion of the property for business purposes in such manner as it may determine, with the object of preventing the exploitation of laborers housed upon such development.

12. With the consent of the Emergency Fleet Corporation the subsidiary may require releases from the mortgage of any land intended for use as streets, park sites, schools, churches, or other public improvement; but in such event there shall be a dedication to the public or other use which does not permit of profit.

13. There shall be an examination of title and certification thereof to the Emergency Fleet Corporation satisfactory to it.

14. The subsidiary shall be permitted to pay dividends not exceeding 5 per cent per annum, provided such amount shall be earned and after payment of all taxes, assessments, interest, amortization installments, or other obligations required of the subsidiary until the aforesaid mortgage shall be fully paid and discharged, whereupon the subsidiary shall be permitted to pay 6 per cent per annum and to set aside an additional 2 per cent per annum for the cancellation of an equal amount of its outstanding stock, until such outstanding stock shall be reduced to, say, 10 per cent of its original issue. All moneys earned by the subsidiary in excess of the aforesaid payments shall be employed by it for the general improvement of the property and for the benefit of the occupants of the homes thereon in proportion.

15. At the time of the assignment of the mortgage to the Emergency Fleet Corporation the subsidiary shall execute and deliver what is commonly known as an estoppel certificate to the effect that there are no counterclaims to said mortgage.

16. The mortgages accepted from purchasers in exchange for releases shall be made to the subsidiary company and assigned by it to the Fleet Corporation. In the event a foreclosure thereof shall become necessary the Fleet Corporation may, at its option, reassign any such mortgage so to be foreclosed, to the subsidiary company, which shall conduct such foreclosure in its own name but as agent for the Fleet Corporation.

A. ROGERS FLANNERY, *Director.*

Mr. President, in conclusion let me say that your Committee on Commerce examined this measure with the greatest care; they studied it closely; they did not act hastily upon it, and were unanimous in their final action. After having passed the Senate the bill was passed by the House; then conferees were appointed; and the conferees of the Senate and of the House, after a full, fair, and painstaking discussion, came to a unanimous agreement. They believe that the bill as presented by them is in the very best possible form. It certainly is necessary, if we are going to build ships, and I earnestly hope the Senate will ratify the report of the conferees.

Mr. JONES of Washington. Mr. President, I desire to ask the Senator before he takes his seat if it is a fact that the provision to which the Senator from Colorado [Mr. THOMAS] especially objects was not in the bill as it passed the Senate?

Mr. RANSDELL. It was not in the bill as it passed the Senate; it was put in by the House, and the Senate conferees have agreed to it.

Mr. SMOOT. Mr. President, the Senator ought to qualify that statement, because it has been considerably changed from the form in which it passed the House.

Mr. RANSDELL. I have the bill——

Mr. SMOOT. I will refer to it.

Mr. RANSDELL. Will the Senator permit me?

Mr. SMOOT. I have the floor.

Mr. RANSDELL. I ask the Senator if he will not permit me, as he has called in question my statement, to read the provision as it passed the House?

Mr. SMOOT. If the Senator will wait a moment, the Senator from Utah will read it himself.

Mr. RANSDELL. Very well; if the Senator from Utah is going to read it.

Mr. SMOOT. I was going to say——

The PRESIDING OFFICER. The Chair has not yet recognized anyone except the Senator from Louisiana.

Mr. SMOOT. I understood the Senator from Louisiana had taken his seat.

Mr. RANSDELL. Then, if I am recognized, I should like to answer the suggestion of the Senator from Utah. The provision passed the House in this form:

(d) To make loans upon adequate security to persons, firms, or corporations, but for no longer term than 10 years, in such manner and upon such terms as it may determine from time to time to provide houses for the employees of such shipyards.

When the measure got into conference, that was amended.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Washington?

Mr. RANSDELL. I yield.

Mr. JONES of Washington. I think the Senator is mistaken in that. The Senator has read the provision, as I understand, as the conferees have changed it.

Mr. RANSDELL. No; I beg the Senator's pardon.

Mr. JONES of Washington. Here is the way it was, at least when reported to the House——

Mr. RANSDELL. I am speaking of it. I will say to the Senator from Washington, as it passed the House.

Mr. JONES of Washington. I have tried to get a copy of the bill as it passed the House.

Mr. RANSDELL. I will send to the Senator a copy of the bill as it passed the House and as it was sent to conference.

Mr. JONES of Washington. I will read it, then, as it was reported to the House.

Mr. RANSDELL. It was changed on the floor of the House.

Mr. JONES of Washington. As originally reported to the House it read:

To make loans to persons, firms, or corporations in such manner and upon such terms as it may determine from time to time to provide houses for the employees of such shipyards.

Mr. RANSDELL. It was changed on the floor of the House. I will send the Senator a copy of the bill as it passed the House.

Mr. JONES of Washington. I see the Senator is correct. The bill apparently was not printed as it passed the House.

Mr. RANSDELL. The conferees made some change in that. This is the form in which it was agreed to by the conferees:

(d) To make loans to persons, firms, or corporations in such manner upon such terms and security and for such time, not exceeding 10 years, as it may determine, to provide houses and facilities for the employees and the families of employees of such shipyards.

That is substantially the same as the House provision.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. Mr. President, I did not intend to take any time upon this report, for I think the objections to it have been pretty well covered. This is only another case of legislating in conference, a practice that is growing to an alarming extent, and I do not believe that it is going to be discontinued until the Senate itself puts its stamp of disapproval upon that method of legislating. If Senators will only take the conference report, examine that report, and compare it with the bill as it passed the House and the Senate, respectively, they will find that there is not one of its paragraphs that has not been changed, and changed materially, by the addition of new matter not considered by either the House or the Senate.

Mr. RANSDELL. Mr. President, will the Senator from Utah yield for a question?

Mr. SMOOT. I will yield in a moment to the Senator.

Mr. President, this is not the only bill which the conferees have changed from the form in which it passed the Senate or the House so that one can hardly recognize any resemblance to the measure as passed by the Senate or by the House, but under our rules we have either got to approve this report as a whole or disapprove of it as a whole. No one is objecting to the appropriation of money for the building of the necessary houses adjacent to shipbuilding yards.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. SMOOT. I yield.

Mr. CURTIS. I want to state to the Senator that I have proposed an amendment to the rules, which I am informed a subcommittee of that committee has been authorized to report. If the rule shall be amended as suggested by me then this kind of a conference report may be defeated on a point of order.

Mr. SMOOT. Mr. President, I am in full accord with the proposed amendment to the rules suggested by the Senator from Kansas. I hope that it will be reported to the Senate at an early date, and that there will not be a dissenting voice in the Senate when it comes up for consideration.

Mr. GALLINGER. Mr. President, being a member of the subcommittee having that matter in charge, I think I am fully justified in saying that that amendment to the rules will be reported in the near future. I regret that it was not reported before this conference report came in, because this is an illustration of the abuse that has grown up in connection with conference reports.

Mr. RANSDELL. Mr. President, will the Senator from Utah yield for a question?

Mr. SMOOT. Yes; I yield to the Senator from Louisiana.

Mr. RANSDELL. The Senator has stated that all of the provisions of this bill have been changed by the conferees.

Mr. SMOOT. No; I did not.

Mr. RANSDELL. The Senator has tried to make the Senate believe that material changes have been made. I ask the Senator to kindly point out the changes that have been made, because I say to him—and I was a member of the conference committee—that I do not see how conferees could have more fully complied with the spirit of the rule. I do not believe in conferees legislating, but if the Senator will point out now the material changes that have been made I will thank him very much.

Mr. SMOOT. If I wanted to take the time of the Senate, I could do so as to every paragraph of the bill, as I have stated.

Mr. RANSDELL. If the Senator does not wish to be unjust, I wish he would take that time.

Mr. SMOOT. If the Senator will only give me time, I will take it. Read paragraph (a) and see what has been added to it. As the bill passed the House it read:

(a) To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees of shipyards in which ships are being constructed for the United States.

As the conferees reported back to us, it reads as follows:

(a) To purchase, lease, requisition, including the requisition of the temporary use of—

The words "including the requisition of the temporary use of" have been added—

or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees and the families of employees of shipyards in which ships are being constructed for the United States.

The words "and the families of employees" have also been added.

Mr. RANSDELL. Mr. President, may I ask the Senator if there is much difference between "the families of employees" and "the employees," and if the language incorporated is not designed to carry out merely the proper idea?

Mr. SMOOT. There is quite a difference.

Mr. RANSDELL. Are we going to furnish housing for the employees and not for the families of the employees?

Mr. SMOOT. If there was no difference, the conferees never would have put that language in the conference report.

Mr. RANSDELL. We were trying to perfect it.

Mr. SMOOT. Oh, yes; that is always the excuse offered.

Mr. RANSDELL. That is exactly what conferees are for.

Mr. SMOOT. Well, Mr. President, I deny that. The conferees appointed by the Senate and the House are to consider the bill as passed by the House and as passed by the Senate and agree upon the wording either adopted by the House or the Senate, but no rule of the Senate and no rule of the other House authorizes the conferees to add anything in a conference report that was not originally contained in the bill as passed by the House or as passed by the Senate.

Mr. McCUMBER. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Yes.

Mr. McCUMBER. Does the Senator mean to tell me that the conferees have gone to the extent of taking a bill which provided for the housing of employees—and we know they must have some place where they can sleep and rest at the shipyards, a place, possibly, where 10 men could be put in one building—and so changed it that the employees can bring their families—their wives and their children, and any number of children—to the shipyards and house them there at Government expense?

Mr. SMOOT. Mr. President, I want to say to the Senator that under the wording of this conference report there is no telling what authority is given. The conferees have not only added what I have already indicated, but they have added in paragraph

(c) "and all necessary and convenient facilities incidental thereto."

Mr. McCUMBER. I am simply astounded.

Mr. SMOOT. Mr. President, I am only calling attention to these matters now because a Senator, a member of the conference committee, asked me to do so. I might go through every one of the paragraphs in the conference report exactly as I have done in the one instance and call the attention of the Senate to what has been added in each particular case, but I do not want to take the time of the Senate.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Yes.

Mr. BORAH. What is the connection between the last clause which the Senator read, namely, the words "and all necessary and convenient facilities incidental thereto," and what precedes it?

Mr. SMOOT. It occurs in this connection. The paragraph reads:

(c) To purchase, lease, requisition, including the requisition of the temporary use of, or acquire by condemnation or otherwise any houses or other buildings for the use of such employees and their families, together with the land on which the same are erected, or any interest therein, all necessary and proper fixtures and furnishings therefor—

Then follow the words—

and all necessary and convenient facilities incidental thereto.

Mr. BORAH. I understand the Senator is objecting to housing the families of employees?

Mr. SMOOT. Not at all. What I am objecting to is that the conferees have legislated by putting in matter that was passed neither by the Senate nor by the House; that is all that I am complaining of at this time.

Mr. THOMAS. Mr. President——

Mr. RANSDELL. Will the Senator yield to me for a question?

Mr. SMOOT. I yield to the Senator from Colorado, although I should like to proceed.

Mr. RANSDELL. I am surprised that the Senator declines to yield to the Senator in charge of the bill.

Mr. SMOOT. If the Senator will wait a moment I will yield to him. I have yielded to the Senator from Colorado.

Mr. THOMAS. With the permission of the Senator from Utah, I will yield to the Senator from Louisiana.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. The Senator from Colorado first asked me to yield, and I yield first to the Senator from Colorado.

Mr. THOMAS. In view of the fact that the Senator in charge of the bill thinks that he has precedence, I will take my seat so that he may make his inquiry now.

Mr. RANSDELL. I thank the Senator from Colorado.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. Yes; I yield to the Senator from Louisiana.

Mr. RANSDELL. The Senator has criticized paragraphs (a) and (b), on page 1 of the bill, and has tried to make it appear that a great legislative crime has been committed by the conferees in charge of this bill.

Mr. SMOOT. Mr. President, I yielded to the Senator for a question.

Mr. RANSDELL. I want to ask the Senator if he will let me read these two sections to the Senate, so that the Senate may see whether or not they have been changed?

Mr. SMOOT. I will read the two sections, Mr. President.

Mr. RANSDELL. Let me read them, if you please.

The PRESIDING OFFICER. The Senator from Utah declines to yield further.

Mr. RANSDELL. All right, if the Senator is afraid for me to read them and explain them.

Mr. SMOOT. The Senator will have all the time he wants to read them and explain them afterwards. I would have been through long ago if the Senator had not interrupted so much.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. THOMAS. My purpose in rising was to call the attention of the Senator from Utah to a still further significant provision of subsection (c). It may or may not have been inserted by the committee of conference. I refer to the clause which gives to the board power to furnish "all necessary and proper fixtures and furnishings," and I ask the Senator whether that does not include the power to furnish as well as to erect these structures under the provisions of the conference report?

Mr. SMOOT. Mr. President, that was in the bill as it passed the House, so the conferees could not be criticized in any way for putting that provision in the conference report.

Mr. THOMAS. The point which I make is not so much against the committee of conference as the fact that after the bill has passed here provision is made now for extending its operations to the furnishing as well as to the construction of these houses.

Mr. SMOOT. Yes.

Mr. President, the only object I had in rising to speak upon this report was to call attention to an evil that has been growing for the last five or six years and that I intended to call to the attention of the Senate, and one other question, and then take my seat.

Mr. President, I would a thousand times prefer to have Congress authorize this board to erect the buildings, if necessary furnish the buildings, have absolute control of the buildings, the Government have a clear title to the buildings, take no mortgage upon the buildings, and let the employees live in the buildings under the direct control of the officials of the War Department, rather than provide that money shall be advanced and secured by mortgages upon lands, to lend money not exceeding 10 years for the purpose of erecting buildings, and then, Mr. President, when Government work ceased at the close of the war, let the Government sell the property for what it will bring. I agree with the Senator that there is no question but that the Government is going to lose money. There is no doubt about it. We would if we erected the buildings and sold the buildings. We would have the land left. We could sell that; and, if it were purchased at a fair price to-day, when there is no particular need for the houses and the plants are not working as they will be working during the war, the price of the real estate will drop and we will not get 50 cents on the dollar for it.

That is not what I am complaining of at all. I believe that it would have been better to have provided that we would purchase the lands necessary for building these homes for the employees, that we would build the buildings for them, that we would furnish them, and that we would give the use of them to the employees that work in the shipbuilding yards for the purpose of building ships during this crisis.

Nobody knows now when this work will cease. Under the provisions of this bill we will have in Washington a bureau handling securities for 10 years to come. No one can tell what the expense will be; but if we had given the authority for erecting these buildings and purchasing the land and furnishing them, we could have closed up the whole thing in a short time after the termination of this war. We would not have had to collect on mortgages, nor try to collect from men that are interested in buildings with the Government of the United States. The Senators know that whenever there is a bureau established in this Government it is a mighty hard thing to have it cease to exist.

Mr. KING. Bureaus are immortal.

Mr. SMOOT. That is the criticism that I would have made upon the bill on its passage; but that is out of the question now. I simply wanted to call attention to the fact that I shall welcome the day, and hope it will soon be here, when legislation upon conference reports will cease.

Mr. RANSDELL. Mr. President, I think it is a very great public calamity that the Senator from Utah did not frame this bill and tell us just how it should be fixed. The House committee did the best it could with it, and the Commerce Committee of the Senate did its best, and it is the result of the united labor of these two committees. I am sorry it does not satisfy the Senator from Utah.

The Senator has criticized the conferees, it seems to me, with undue harshness, because he says that we have materially changed the bill as it passed the House. You heard me ask him please to specify. Why, even a common murderer, Mr. President, is entitled to have a copy of the indictment served upon him, stating that on such a day, in such a place, he did kill and murder so-and-so. Here the conferees of the great United States Senate are charged with a legislative crime and no bill of particulars is furnished.

In answer to my inquiry as to the improper changes made by the conferees in the bill as it passed both Houses, the Senator referred only to paragraphs (a) and (b). Now, I will ask the careful attention of the Senate for just a very few minutes. I will first read paragraph (a) as the bill passed the House and then as it was agreed upon by the conferees.

I now read paragraph (a) as it passed the House:

To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees of shipyards in which ships are being constructed for the United States.

Mr. SMOOT. If the Senator will wait a moment, the Senator from Utah will read it himself.

Mr. RANSDELL. Very well; if the Senator from Utah is going to read it.

Mr. SMOOT. I was going to say——

The PRESIDING OFFICER. The Chair has not yet recognized anyone except the Senator from Louisiana.

Mr. SMOOT. I understood the Senator from Louisiana had taken his seat.

Mr. RANSDELL. Then, if I am recognized, I should like to answer the suggestion of the Senator from Utah. The provision passed the House in this form:

(d) To make loans upon adequate security to persons, firms, or corporations, but for no longer term than 10 years, in such manner and upon such terms as it may determine from time to time to provide houses for the employees of such shipyards.

When the measure got into conference, that was amended.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Washington?

Mr. RANSDELL. I yield.

Mr. JONES of Washington. I think the Senator is mistaken in that. The Senator has read the provision, as I understand, as the conferees have changed it.

Mr. RANSDELL. No; I beg the Senator's pardon.

Mr. JONES of Washington. Here is the way it was, at least when reported to the House——

Mr. RANSDELL. I am speaking of it. I will say to the Senator from Washington, as it passed the House.

Mr. JONES of Washington. I have tried to get a copy of the bill as it passed the House.

Mr. RANSDELL. I will send to the Senator a copy of the bill as it passed the House and as it was sent to conference.

Mr. JONES of Washington. I will read it, then, as it was reported to the House.

Mr. RANSDELL. It was changed on the floor of the House.

Mr. JONES of Washington. As originally reported to the House it read:

To make loans to persons, firms, or corporations in such manner and upon such terms as it may determine from time to time to provide houses for the employees of such shipyards.

Mr. RANSDELL. It was changed on the floor of the House. I will send the Senator a copy of the bill as it passed the House.

Mr. JONES of Washington. I see the Senator is correct. The bill apparently was not printed as it passed the House.

Mr. RANSDELL. The conferees made some change in that. This is the form in which it was agreed to by the conferees:

(d) To make loans to persons, firms, or corporations in such manner upon such terms and security and for such time, not exceeding 10 years, as it may determine, to provide houses and facilities for the employees and the families of employees of such shipyards.

That is substantially the same as the House provision.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. The Senator from Utah.

Mr. SMOOT. Mr. President, I did not intend to take any time upon this report, for I think the objections to it have been pretty well covered. This is only another case of legislating in conference, a practice that is growing to an alarming extent, and I do not believe that it is going to be discontinued until the Senate itself puts its stamp of disapproval upon that method of legislating. If Senators will only take the conference report, examine that report, and compare it with the bill as it passed the House and the Senate, respectively, they will find that there is not one of its paragraphs that has not been changed and changed materially, by the addition of new matter not considered by either the House or the Senate.

Mr. RANSDELL. Mr. President, will the Senator from Utah yield for a question?

Mr. SMOOT. I will yield in a moment to the Senator.

Mr. President, this is not the only bill which the conferees have changed from the form in which it passed the Senate or the House so that one can hardly recognize any resemblance to the measure as passed by the Senate or by the House, but under our rules we have either got to approve this report as a whole or disapprove of it as a whole. No one is objecting to the appropriation of money for the building of the necessary houses adjacent to shipbuilding yards.

Mr. CURTIS. Mr. President, may I interrupt the Senator?

Mr. SMOOT. I yield.

Mr. CURTIS. I want to state to the Senator that I have proposed an amendment to the rules, which I am informed a subcommittee of that committee has been authorized to report. If the rule shall be amended as suggested by me then this kind of a conference report may be defeated on a point of order.

Mr. SMOOT. Mr. President, I am in full accord with the proposed amendment to the rules suggested by the Senator from Kansas. I hope that it will be reported to the Senate at an early date, and that there will not be a dissenting voice in the Senate when it comes up for consideration.

Mr. GALLINGER. Mr. President, being a member of the subcommittee having that matter in charge, I think I am fully justified in saying that that amendment to the rules will be reported in the near future. I regret that it was not reported before this conference report came in, because this is an illustration of the abuse that has grown up in connection with conference reports.

Mr. RANSDELL. Mr. President, will the Senator from Utah yield for a question?

Mr. SMOOT. Yes; I yield to the Senator from Louisiana.

Mr. RANSDELL. The Senator has stated that all of the provisions of this bill have been changed by the conferees.

Mr. SMOOT. No; I did not.

Mr. RANSDELL. The Senator has tried to make the Senate believe that material changes have been made. I ask the Senator to kindly point out the changes that have been made, because I say to him—and I was a member of the conference committee—that I do not see how conferees could have more fully complied with the spirit of the rule. I do not believe in conferees legislating, but if the Senator will point out now the material changes that have been made I will thank him very much.

Mr. SMOOT. If I wanted to take the time of the Senate, I could do so as to every paragraph of the bill, as I have stated.

Mr. RANSDELL. If the Senator does not wish to be unjust, I wish he would take that time.

Mr. SMOOT. If the Senator will only give me time, I will take it. Read paragraph (a) and see what has been added to it. As the bill passed the House it read:

(a) To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees of shipyards in which ships are being constructed for the United States.

As the conferees reported back to us, it reads as follows:

(a) To purchase, lease, requisition, including the requisition of the temporary use of—

The words "including the requisition of the temporary use of" have been added—

or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees and the families of employees of shipyards in which ships are being constructed for the United States.

The words "and the families of employees" have also been added.

Mr. RANSDELL. Mr. President, may I ask the Senator if there is much difference between "the families of employees" and "the employees," and if the language incorporated is not designed to carry out merely the proper idea?

Mr. SMOOT. There is quite a difference.

Mr. RANSDELL. Are we going to furnish housing for the employees and not for the families of the employees?

Mr. SMOOT. If there was no difference, the conferees never would have put that language in the conference report.

Mr. RANSDELL. We were trying to perfect it.

Mr. SMOOT. Oh, yes; that is always the excuse offered.

Mr. RANSDELL. That is exactly what conferees are for.

Mr. SMOOT. Well, Mr. President, I deny that. The conferees appointed by the Senate and the House are to consider the bill as passed by the House and as passed by the Senate and agree upon the wording either adopted by the House or the Senate, but no rule of the Senate and no rule of the other House authorizes the conferees to add anything in a conference report that was not originally contained in the bill as passed by the House or as passed by the Senate.

Mr. McCUMBER. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Yes.

Mr. McCUMBER. Does the Senator mean to tell me that the conferees have gone to the extent of taking a bill which provided for the housing of employees—and we know they must have some place where they can sleep and rest at the shipyards, a place, possibly, where 10 men could be put in one building—and so changed it that the employees can bring their families—their wives and their children, and any number of children—to the shipyards and house them there at Government expense?

Mr. SMOOT. Mr. President, I want to say to the Senator that under the wording of this conference report there is no telling what authority is given. The conferees have not only added what I have already indicated, but they have added in paragraph

(c) "and all necessary and convenient facilities incidental thereto."

Mr. McCUMBER. I am simply astounded.

Mr. SMOOT. Mr. President, I am only calling attention to these matters now because a Senator, a member of the conference committee, asked me to do so. I might go through every one of the paragraphs in the conference report exactly as I have done in the one instance and call the attention of the Senate to what has been added in each particular case, but I do not want to take the time of the Senate.

Mr. BORAH. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Yes.

Mr. BORAH. What is the connection between the last clause which the Senator read, namely, the words "and all necessary and convenient facilities incidental thereto," and what precedes it?

Mr. SMOOT. It occurs in this connection. The paragraph reads:

(c) To purchase, lease, requisition, including the requisition of the temporary use of, or acquire by condemnation or otherwise any houses or other buildings for the use of such employees and their families, together with the land on which the same are erected, or any interest therein, all necessary and proper fixtures and furnishings therefor—

Then follow the words—

and all necessary and convenient facilities incidental thereto.

Mr. BORAH. I understand the Senator is objecting to housing the families of employees?

Mr. SMOOT. Not at all. What I am objecting to is that the conferees have legislated by putting in matter that was passed neither by the Senate nor by the House; that is all that I am complaining of at this time.

Mr. THOMAS. Mr. President——

Mr. RANSDELL. Will the Senator yield to me for a question?

Mr. SMOOT. I yield to the Senator from Colorado, although I should like to proceed.

Mr. RANSDELL. I am surprised that the Senator declines to yield to the Senator in charge of the bill.

Mr. SMOOT. If the Senator will wait a moment I will yield to him. I have yielded to the Senator from Colorado.

Mr. THOMAS. With the permission of the Senator from Utah, I will yield to the Senator from Louisiana.

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. SMOOT. The Senator from Colorado first asked me to yield, and I yield first to the Senator from Colorado.

Mr. THOMAS. In view of the fact that the Senator in charge of the bill thinks that he has precedence, I will take my seat so that he may make his inquiry now.

Mr. RANSDELL. I thank the Senator from Colorado.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Louisiana?

Mr. SMOOT. Yes; I yield to the Senator from Louisiana.

Mr. RANSDELL. The Senator has criticized paragraphs (a) and (b), on page 1 of the bill, and has tried to make it appear that a great legislative crime has been committed by the conferees in charge of this bill.

Mr. SMOOT. Mr. President, I yielded to the Senator for a question.

Mr. RANSDELL. I want to ask the Senator if he will let me read these two sections to the Senate, so that the Senate may see whether or not they have been changed?

Mr. SMOOT. I will read the two sections, Mr. President.

Mr. RANSDELL. Let me read them, if you please.

The PRESIDING OFFICER. The Senator from Utah declines to yield further.

Mr. RANSDELL. All right, if the Senator is afraid for me to read them and explain them.

Mr. SMOOT. The Senator will have all the time he wants to read them and explain them afterwards. I would have been through long ago if the Senator had not interrupted so much.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Colorado?

Mr. SMOOT. I do.

Mr. THOMAS. My purpose in rising was to call the attention of the Senator from Utah to a still further significant provision of subsection (c). It may or may not have been inserted by the committee of conference. I refer to the clause which gives to the board power to furnish "all necessary and proper fixtures and furnishings," and I ask the Senator whether that does not include the power to furnish as well as to erect these structures under the provisions of the conference report?

Mr. SMOOT. Mr. President, that was in the bill as it passed the House, so the conferees could not be criticized in any way for putting that provision in the conference report.

Mr. THOMAS. The point which I make is not so much against the committee of conference as the fact that after the bill has passed here provision is made now for extending its operations to the furnishing as well as to the construction of these houses.

Mr. SMOOT. Yes.

Mr. President, the only object I had in rising to speak upon this report was to call attention to an evil that has been growing for the last five or six years and that I intended to call to the attention of the Senate, and one other question, and then take my seat.

Mr. President, I would a thousand times prefer to have Congress authorize this board to erect the buildings, if necessary furnish the buildings, have absolute control of the buildings, the Government have a clear title to the buildings, take no mortgage upon the buildings, and let the employees live in the buildings under the direct control of the officials of the War Department, rather than provide that money shall be advanced and secured by mortgages upon lands, to lend money not exceeding 10 years for the purpose of erecting buildings, and then, Mr. President, when Government work ceased at the close of the war, let the Government sell the property for what it will bring. I agree with the Senator that there is no question but that the Government is going to lose money. There is no doubt about it. We would if we erected the buildings and sold the buildings. We would have the land left. We could sell that; and, if it were purchased at a fair price to-day, when there is no particular need for the houses and the plants are not working as they will be working during the war, the price of the real estate will drop and we will not get 50 cents on the dollar for it.

That is not what I am complaining of at all. I believe that it would have been better to have provided that we would purchase the lands necessary for building these homes for the employees, that we would build the buildings for them, that we would furnish them, and that we would give the use of them to the employees that work in the shipbuilding yards for the purpose of building ships during this crisis.

Nobody knows now when this work will cease. Under the provisions of this bill we will have in Washington a bureau handling securities for 10 years to come. No one can tell what the expense will be; but if we had given the authority for erecting these buildings and purchasing the land and furnishing them, we could have closed up the whole thing in a short time after the termination of this war. We would not have had to collect on mortgages, nor try to collect from men that are interested in buildings with the Government of the United States. The Senators know that whenever there is a bureau established in this Government it is a mighty hard thing to have it cease to exist.

Mr. KING. Bureaus are immortal.

Mr. SMOOT. That is the criticism that I would have made upon the bill on its passage; but that is out of the question now. I simply wanted to call attention to the fact that I shall welcome the day, and hope it will soon be here, when legislation upon conference reports will cease.

Mr. RANSDELL. Mr. President, I think it is a very great public calamity that the Senator from Utah did not frame this bill and tell us just how it should be fixed. The House committee did the best it could with it, and the Commerce Committee of the Senate did its best, and it is the result of the united labor of these two committees. I am sorry it does not satisfy the Senator from Utah.

The Senator has criticized the conferees, it seems to me, with undue harshness, because he says that we have materially changed the bill as it passed the House. You heard me ask him please to specify. Why, even a common murderer, Mr. President, is entitled to have a copy of the indictment served upon him, stating that on such a day, in such a place, he did kill and murder so-and-so. Here the conferees of the great United States Senate are charged with a legislative crime and no bill of particulars is furnished.

In answer to my inquiry as to the improper changes made by the conferees in the bill as it passed both Houses, the Senator referred only to paragraphs (a) and (b). Now, I will ask the careful attention of the Senate for just a very few minutes. I will first read paragraph (a) as the bill passed the House and then as it was agreed upon by the conferees.

I now read paragraph (a) as it passed the House:

To purchase, lease, requisition, or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the construction thereon of houses for the use of employees of shipyards in which ships are being constructed for the United States.

That is the House provision. Here is the provision as reported by the conferees:

(a) To purchase, lease, requisition, including the requisition of the temporary use of, or acquire by condemnation or otherwise any improved or unimproved land or any interest therein suitable for the constructing thereon of houses for the use of employees and the families of employees of shipyards in which ships are being constructed for the United States.

Yes; we did go to the extent of adding "families of employees," and we are told that you can not get the best class of employees for a great work like this, which is going to last probably for two or three years, unless they can have their families with them. It is entirely reasonable and proper to provide for the families of employees, and no right-thinking man should object to it. We can not build ships unless we have the highest type of mechanics, and such men are not willing to be separated from their families. We are providing for the temporary class of employees also.

I now read paragraph (b) as it passed the House:

To construct on such land for the use of such employees houses and all other necessary or convenient facilities upon such conditions and at such price as may be determined, and to sell, lease, or exchange such houses, land, and facilities upon such terms and conditions as it may determine.

That is the House provision. Here is the provision as the conferees reported it:

(b) To construct on such land for the use of such employees and their families houses and all other necessary or convenient facilities upon such conditions and at such price as may be determined by it, and to sell, lease, or exchange such houses, land, and facilities upon such terms and conditions as it may determine.

Mr. President, I insist you have to rake those two provisions with a fine-toothed comb to find any material difference between them, except that we did add a provision for the families of the employees.

The Senator from Utah did not discuss the balance of the bill, so I will not discuss it either, except to say that practically no changes were made in its provisions as passed by the House. The conferees on the part of the Senate found that the House had acted wisely and agreed to substantially everything inserted by it.

Senators, I will not take more of your time, but ask now for a vote on the conference report, unless there is some further debate.

Mr. KING. Mr. President, I rise to submit one or two observations concerning this measure. Under normal conditions I would be very much opposed to the bill—the general theory of it as well as its details—and I am not satisfied, even in the circumstances of this hour, that this measure is wisely or properly framed. I want to call attention to one feature of the bill which certainly should challenge the attention of the Senate.

I find no provision limiting the number of employees of the Shipping Board who may be concerned in the activities imposed by this measure. There is no limitation upon the salaries or compensation to be paid to the officials and employees who may be called to serve in the execution of the provisions of this bill.

Mr. President, the departments, bureaus, agencies, and executive and administrative branches of the Government are bidding against each other for employees and creating a situation which amounts almost to a scandal. The increased compensation offered by one branch or agency results in taking from other departments the employees whose services are required therein, and many of whom have been there for years. I found a few days ago a young gentleman who had received a position at $1,200 a year and he was satisfied with that; but one of the departments, apparently having no limitation upon salaries to be paid its employees, offered him $2,500, and he left the former position and accepted the offer.

This policy is absolutely indefensible and, of course, tends to demoralize the Government service and to result in vicious inequalities and growing discontent among those working for the Government. This bill places no curb on this evil practice; indeed, it encourages it and tends to legalize it. There is no limitation as to the number of employees nor any restrictions upon their compensation.

We find that these bureaus, departments, and agencies, organized either for temporary purposes or otherwise, have no limitations placed upon them. The entire appropriation could be paid out for salaries and operating expenses. I protest against such loose and wasteful legislation. New men, zealous and perhaps rather proud of the authority given them, take hold of these new and novel undertakings and, being subjected to no limitations as to the number of employees or the compensation to be paid them, they attack the Government itself and take men and women away from the Treasury Department or the Post Office Department or some other department of the Government by offering larger salaries than those which the employees have been receiving. I think it is a very glaring evil and one which ought to receive some consideration at the hands of the Senate.

I mentioned to the distinguished chairman of the Appropriations Committee some time ago that there ought to be some legislation that would fix the compensation paid to employees in the various departments and bureaus and agencies now being created. There are numbers of them, and their activities result in robbing old and established departments of trusted, confidential, and valuable employees. I call the attention of the Senator from Louisiana to the fact that this measure leaves the Government helpless and subject to this system, so unwise and vicious. The governing board, under this bill, may pay $3,000 or $4,000 or $5,000, or any number of dollars, annually to any employee whom they may call for service in carrying out the terms of this bill. It is so easy to vote away the money of the people. We must remember that all these enormous expenditures must be met, and they can only be met through taxation and bond issues. It is imperative that we scrupulously examine all appropriations and see to it that not one dollar is wasted or devoted to a questionable purpose. There is too much of a disposition upon the part of some to prey upon the Government. Constant demands are being made for increase in salaries, and thousands of employees are being added to the long list of those in the Government service. It is time we demanded economy in every branch of the service and restricted the number of employees to the smallest number possible compatible with efficiency.

Mr. President, I think it is a very unwise plan to devolve upon the Shipping Board the execution of the duties provided in this bill. Certainly there is nothing in its record justifying the belief that it will wisely or efficiently perform them. The senior Senator from New York [Mr. WADSWORTH], when this bill was up for consideration, invited attention to the fact that before the war was over doubtless provision would have to be made for the housing of a large number of employees of the Government. Numerous plans are being submitted for caring for Government employees not only in shipyards but in the District of Columbia and at other places. It would seem that in the light of the facts, the proper thing to do is to create some bureau or department charged with the entire responsibility of housing the employees of the Government when the necessity exists.

We will soon have in other activities of the Government demands for appropriations for housing purposes, and some other bureau or board or department will be created for the erection of other houses for other employees, and so there will be divided authority, a multiplicity of officials devoting their activities to this same undertaking, and an unnecessary financial burden placed upon the Government. One set of officials could expend all sums appropriated for housing purposes as well as two or three or four sets of officials. If we have to make provision to house employees of the Government, then the matter is so important that a distinct bureau should be created, its powers should be clearly defined, and restrictions and limitations imposed as to the employees and the compensation to be paid them.

Mr. President, I think, when we were considering this bill and before its passage, we should have dealt with this question in a broad and comprehensive manner. But we did not do so; we dealt with the subject in a piecemeal fashion. We will have patchwork and unwise legislation as a result. I do not know that it would be wise, in the light of the exigency now confronting us, and in view of the fact that this bill has passed the Senate and the House and the conferees have agreed, that this conference report should be rejected, but certainly this legislation is very imperfect, very defective, and, in my opinion, will impose upon the Government great loss and will not accomplish the good which is contemplated.

I agree with the most of the observations made by my colleague [Mr. SMOOT]. The Government is not going to receive much of anything as a return for the expenditures made under this bill. Indeed, I think, the buildings will be a loss. Of course, the corporation holding the contract with the Government may reap some profit from them, but these buildings will be scrapped, so far as the Government is concerned. I do not think any employee will purchase one of the buildings erected by the Shipping Board. Millions will be spent, with dubious benefits. In my opinion no sales of houses will be made and the Government will not be taking mortgages. The Government will erect exceedingly high-priced houses, which it will furnish free to those working in the shipyard. Perhaps that may be necessary, but obviously a fairer and saner plan should have been worked out. This legislation is imperfect and unsafe. It shows that under the stress of war legislation and under the whip and spur of the claim that this is an emergency, we oftentimes pass very unwise, very incomplete, and very foolish legislation.

Mr. GALLINGER. Mr. President, I have examined this conference report with some degree of care, and I am quite surprised that the fair-minded Senator having it in charge contends that important changes have not been made from the text of the bill as it passed either the Senate or the House of Representatives. Important changes have been made, and it could well be ruled out of order if we had a rule such as prevails in the other House and in most legislative bodies, under which we could make a point of order because new matter has been inserted.

If the Senator will turn to the Manual, under the head of "Conference reports," which is a copyrighted article, he will find these words on page 446:

Conferees may not include in their report matters not committed to them by either House.

And if the Senator will turn to the next page, he will read an excerpt from Jefferson's Manual:

Conferees may not strike out in conference anything in a bill agreed to and passed by both Houses.

The Senator will not contend, it seems to me, that the conferees in this case have not added matter. I think he will not contend that they have not stricken out matter; and beyond a question the conferees have exceeded their authority. It has become quite common for conferees to do that; and it is for that reason that the Committee on Rules now has under consideration, in the hands of a subcommittee, of which I am a member, a proposed amendment to the rules that will enable a Senator to make a point of order against new matter or matter that was not in either bill as it went to the conferees; and if that point of order is sustained, the conference report will go back to the committee for further consideration. I feel very sure that an amendment to our rules of that character will be submitted, and I have no doubt it will be agreed to, and in the future we will have an opportunity to stop this growing evil, because it has been exercised to a much greater extent by some other conferees than it has been by the present conferees, in the case of the bill that we are now considering.

I agree very fully with what both the Senators from Utah have said about the looseness of this legislation. A Senator has only to go through some of these newly-established bureaus and inquire as to the salaries that are being paid certain gentlemen there employed to ascertain that it is a scandal that ought to be stopped. I think I know a man who is receiving $6,000 a year in one of these new bureaus who, in my judgment, could not earn $1,500 a year outside of the Government service. I know several instances as striking as that. I will not mention any names. I may, after a while, have occasion to call the attention of the Senate to some of these abuses which, to my mind, are almost criminal. In legislating on all these matters I think we ought to have the legislation so adjusted that the salaries can be in the control of Congress; and we ought not to toss $50,000,000, as we are doing in this bill, into the hands of certain gentlemen to employ whomsoever they please—their relatives, their brothers, their sisters, their cousins, their aunts, or anyone else they choose to employ—and pay them any salary that they see fit to pay them. It is not right.

Mr. RANSDELL and Mr. KING addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield, and if so, to whom?

Mr. GALLINGER. I yield to the Senator from Louisiana.

Mr. RANSDELL. I was going to ask the Senator—and I agree to the wisdom of almost everything he says, because I nearly always agree with him—whether there are not as many safeguards thrown around this $50,000,000 as there are around the $1,750,000,000 practically turned over to the Shipping Board for the purpose of building ships? Did we safeguard that money in any way different from the way in which we are safeguarding this, and practically could we safeguard it any more thoroughly?

Mr. GALLINGER. Why, Mr. President, that is the very thing I criticize. I think the Senator is right in saying that this is no looser than a great deal of our other legislation.

Mr. RANSDELL. I am referring particularly now to the Shipping Board. We have given them $1,750,000,000 to build ships.

Mr. GALLINGER. Yes; and we gave the President of the United States one hundred millions, and he has passed I do not know how many millions over to the Creel bureau, where they are employing men at any salary that they choose to pay, where they are putting on their pay roll newspaper correspondents to exploit what they are doing, and it is a grievance; it is to my mind almost criminal failure on our part to allow that sort of thing to go on. I understand that in that bureau—well, I will not say what I understand about it. I have sent to the Committee on Appropriations a resolution calling for the names of the employees, and the salaries paid there; and when we get around to it, I hope the Committee on Appropriations will agree to that resolution, and we will find out precisely what is going on in that regard.

The Senator from Louisiana is right in saying that this is no worse than, and perhaps not as bad as, some other things we have done; but I think the time has come when the Congress of the United States ought to assert its rights as a coordinate branch of the Government, and legislate according to its own judgment, and not because we are told that it is an emergency, that a crisis is confronting the Government, and that we ought to pass any kind of a bill that is sent to us in any form that it may take.

Mr. KING. Mr. President, will the Senator yield?

Mr. GALLINGER. I yield to the Senator from Utah.

Mr. KING. For the purpose of correcting the evil to which the distinguished Senator has just referred—namely, the large salaries which are being paid by these new bureaus and departments—I will ask the Senator if it would not be proper to pass a measure—and I will state that I have one prepared—providing that in all of these new departments and bureaus that are created the same compensation shall be paid, and no more, than is paid to employees performing like work in the various departments of the Government?

Mr. GALLINGER. I think that would be a very wise provision to incorporate into law.

Mr. KING. I should be very glad to attach it to this measure if it were not a conference report.

Mr. GALLINGER. Of course, however, the Senator can not do that.

Mr. President, I have no disposition to be technical; it is not my habit; but I have been very much annoyed over this practice that has grown up of legislating on conference reports. I have been a member of a good many conference committees, and I have resented it and opposed it in all cases. We ought to get rid of it, and I think we will get rid of it in the near future. As I said before, this is not as flagrant a usurpation as I have sometimes seen of power not granted by the rules of any legislative body that I know anything about, but it is nevertheless a usurpation of power to a limited extent; and while it may not do any harm, I think the practice is so harmful that it ought to be stopped. I can see in this $50,000,000 expenditure—and I have no doubt that it will be three times that much before they get through with it—a great opportunity for something that perhaps may be equally as reprehensible as what the Senator from Louisiana, I believe, with other Senators, has been looking into with reference to a certain shipbuilding plant that was under criticism in this body a few days ago. If we are going into this business by wholesale, I presume I ought not to be the one to find fault with it, because after a while there is going to be a reckoning, after a while there is going to be a day of liquidation, after a while the men who are spending the money of the people of this country to be drawn back into the Treasury by taxation will have to make answer for a great many things that I think now are proper subjects of animadversion and criticism. But, Mr. President, I presume the conference report will be adopted, and what has been said to-day will pass into history as only one more protest against a custom that ought to be stopped, and that, in my judgment, will be stopped in the near future.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

WAR FINANCE CORPORATION.

Mr. SIMMONS. I ask that the unfinished business, Senate bill 3714, be laid before the Senate and proceeded with.

The Senate as in Committee of the Whole proceeded to consider the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. SIMMONS. I ask that the formal reading of the bill be dispensed with and that the committee amendments be acted upon as they are reached.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HALE. I submit an amendment to the pending bill, which I ask may lie on the table and be printed.

The PRESIDENT pro tempore. It will be received, printed, and lie on the table.

ADJOURNMENT.

Mr. SIMMONS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 27, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 26, 1918.*

The House met at 12 o'clock noon.

The Right Rev. Mgr. Mackin offered the following prayer:

In the name of the Father and of the Son and of the Holy Ghost. Amen.

We pray Thee, O God of might, wisdom, and justice, through whom authority is rightly administered, laws are enacted, and judgment decreed, assist with Thy holy spirit of counsel and fortitude the President of these United States that his administration may be conducted in justice and righteousness and be eminently useful to Thy people over whom he presides.

Let the light of Thy divine wisdom direct the deliberations of Congress and shine forth in all the proceedings and laws framed for our rule and government.

We pray especially for the brave men who are guarding our liberties on sea and on shore, that they may be faithful to God and their country, that they may be crowned with glory and honor, and after enjoying the blessings of this life be admitted to those which are eternal.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr HUSTED. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr HUSTED. To proffer a unanimous-consent request that leave of absence for one week be granted to my colleague, the Hon. BENJAMIN L. FAIRCHILD, of New York, on account of the death of an only son, who was killed in an aeroplane accident at Fort Worth, Tex., last Saturday afternoon in the service of his country.

The SPEAKER. The gentleman from New York asks unanimous consent for indefinite leave of absence for his colleague, BENJAMIN L. FAIRCHILD, on account of the death of his son. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr HICKS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the strength, losses, and resources of the warring nations.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

PERMISSION TO ADDRESS THE HOUSE.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House not to exceed two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, I wish to call attention to the fact that the price of cordwood is rising in the District of Columbia. [Laughter.] The newspapers of recent date all indicate that the price is going up rapidly; that whereas cordwood could be obtained by the people who desired it for their homes in the District for $7 or $8 a cord in normal times, it is now selling around $20, $21, and $22, with a prospect that, converted into kindling wood, it is going up to about $30 to $35 a cord. This is a serious matter. If any check can be put upon it while the Government is issuing orders limiting our food and fuel supply, it may be a good thing to consider it now. One reason for the increase in the price of wood seems to be due to the action of the Government itself, to the action of the Fuel Administration whom we created for the purpose of trying to check and control this very thing. I have in my hand a startling placard issued by the United States Fuel Administration. It is in flaming letters and has been generally posted throughout Maryland. It announces that unless you buy your cordwood now the chances are you will have nothing to burn next winter. That starts the woodman and the ax and the high prices. This is such a remarkable document and has such an influence upon the price of wood at this time that I think it ought to be read for the benefit of those who ought to know. Here is a "question mark" in burning red. Under it we read:

The burning question! Are you providing firewood for next winter in place of coal you will not be able to get?

It is signed "United States Fuel Administration, Ferdinand A. Meyer, Federal fuel administrator for Maryland." Now, we expect to get coal next winter and we are trying to check speculation in food supplies and in fuel, but here is the fuel administrator for the State of Maryland, evidently acting under the auspices of the Federal Fuel Administration, telling everybody to buy wood now that the price of wood is going up and up. The official cry is "Buy! buy! buy!" That is not calculated to help the consumer.

The SPEAKER. The time of the gentleman has expired.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685, and pending that I wish to state that I expect to ask the committee to remain in session to-day until the completion of the bill in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the railroad bill.

Mr. GILLETT. Mr. Speaker, did I understand the gentleman to ask unanimous consent?

The SPEAKER. No; he did not ask unanimous consent, but made a declaration.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685, the railroad-control bill, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9685, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The CHAIRMAN. When the committee rose last evening there was pending an amendment offered by the gentleman from South Dakota [Mr. DILLON], which, without objection, will be again reported.

There was no objection.

The Clerk read as follows:

Page 8, line 5, strike out "$500,000,000" and insert in lieu thereof "$200,000,000," and, in line 16, after the period, add "$300,000,000 is hereby authorized for expenditures as Congress may hereafter provide to carry into effect the provisions of this act."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chair announced the noes appear to have it.

On a division (demanded by Mr. DILLON), there were—ayes 12, noes 45.

So the amendment was rejected.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. CARAWAY having taken the chair as Speaker pro tempore, a message, in writing, was communicated to the House of Representatives by Mr. Sharkey, one of his secretaries.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

The committee resumed its session.

The Clerk read as follows:

SEC. 7. That for the purpose of providing funds requisite for maturing obligations or for other legal and proper expenditures, or for reorganizing railroads in receivership, carriers may, during the period of Federal control, issue such bonds, notes, equipment trust certificates, stock, and other forms of securities, secured or unsecured by mortgage, as the President may first approve as consistent with the public interest. The President may purchase for the United States all or any part of such securities at prices not exceeding par, and may sell such securities whenever in his judgment it is desirable at prices not less than the cost thereof; any sums available from the revolving fund provided in section 6 may be used for such purchases. The President shall each year as soon as practicable after January 1 cause a detailed report to be submitted to the Congress of all receipts and expenditures made under this section and section 6 during the preceding calendar year.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 10, line 4, after the word "may," insert the following: "within the limit of appropriations made therefor by Congress."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. SIMS. May I ask the gentleman if that is simply confined to appropriations?

Mr. LENROOT. This requires appropriation by Congress for the purchase of these securities.

Now, Mr. Chairman, this is a very different question from that discussed last night. In the first place, this section has no proper place in this bill at all, in view of the fact that there is

a bill now pending before the Ways and Means Committee, the purpose and design of which is to take care of situations where, in order to float liberty bonds, securities of all character of corporations are to be taken care of so far as necessary. And I have been informed by different members of the Ways and Means Committee that that is one of the things that the Ways and Means Committee is now discussing in connection with that bill. They will have $500,000,000 of an appropriation if the bill passes and authority to loan $4,000,000,000 in addition. The question will be decided, not by the President but by a corporation to be created that will pass upon these issues. So that from any standpoint this proposition of purchasing securities has no place in this bill. But if it is to be included, why they ought to be compelled to come to Congress with their estimates for appropriations for the purchase of securities of carriers.

Now, there is no man who will say that the purchase of these securities is necessary to operate the railroads. No man will say that the purchase of these securities is necessary to prosecute the war, except as it may affect general credit. When you talk about $200,000,000 of short-term notes, to become due within the next year, what we are paying this $950,000,000 a year for that will be paid to these railroads by way of compensation? I say that in this time of war, if these railroads owe short-time notes, the stockholders of these railroads, instead of saddling those short-time notes upon the Government, ought to forego their dividends in order to meet their notes for the time being. And Congress ought not to give authority to anybody to purchase securities of railroads at will and unlimited in amount, because there is no limitation in this section. The President, if he sees fit, can obligate this Government for the purchase of every security that is issued by a railroad during this Federal control, and the section provides that the section may authorize such securities to be issued as he sees fit.

Now, what business has that in this bill? Why is it necessary to have any question of securities in the operation of railroads by the Federal Government? That is a question of the credit of the railroads. That has nothing to do with the question of operation. It can not in the slightest degree affect the successful or unsuccessful operation of railroads by the Government, whether the securities are issued or not issued by the railroads, whether they are sold or unsold by the railroads. It affects only the matter of credit as affecting the country in the floating of liberty bonds.

Mr. SNOOK. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. SNOOK. Is the purport of this amendment the gentleman offers this, that it makes it necessary if they wanted to float any securities or aid in the floating of them to go to the Committee on Appropriations to get an appropriation?

Mr. LENROOT. Not at all. If this amendment is adopted, before the President can purchase any securities of railroads an estimate must be made to the Committee on Appropriations and an appropriation made for that purpose.

Mr. SNOOK. That is what I say. That is the effect of your amendment?

Mr. LENROOT. That is exactly the effect of it.

Mr. SNOOK. It does not give the Director General authority to expend this $500,000 without going to the Committee on Appropriations?

Mr. LENROOT. This only affects securities—the purchase of securities.

Mr. SNOOK. For equipment; but he could not expend anything for securities?

Mr. LENROOT. Not in the purchase of securities. There is no member of the committee will say that the purchase of securities has anything whatever to do with the operation of the roads.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. PARKER of New Jersey. Under the $500,000,000 clause the President is allowed to buy equipment for the railroads. The amount is to be repaid by the railroads, as stated on page 9, on such terms as he may order. Those terms ought to be with security for its repayment, and one of the most practical ways of getting that payment back would be for the President to authorize the railroads to issue securities for the repayment of those advances that he has made. It is a maturing obligation.

Mr. LENROOT. I can not yield further.

Mr. PARKER of New Jersey. That is all I wanted to say. Is not that so?

Mr. LENROOT. No; it is not so; absolutely. The previous section authorizes advances to railroads, and, of course, the President may take any security for such advances as he may require. That is not purchasing securities of railroads. This section has nothing whatever to do with advances made by the President on securities that he may take to protect such advances. It has only to do with the approval of the President of securities issued by railroads and the authority of the President to purchase securities when used. I want to say this, and this House ought to most seriously bear it in mind, that when we come to float the next liberty loan and the liberty loan following that one we will go to the laboring men of this country and say to them that we ask them to make sacrifices to buy a $50 liberty bond because we need it to prosecute the war.

Yet, if this section remains in the bill as it now stands anyone will be able to truthfully point to this section and say: "The purpose of taking your hard-earned money is not to prosecute the war primarily, but it is to purchase the securities of railroads, when we are paying nearly a billion dollars a year for compensation." Can you justify it upon that side of the aisle? We have done all that we ought to do, unless it should be in your general scheme of credit, such as the Committee on Ways and Means now has in course of preparation. We have done all that we ought to do in giving the railroads compensation. In addition we are making an avenue whereby they can use this compensation to pay dividends to themselves in the case of one railroad, more than 20 per cent, and then say: "We are going to ask you to pay our indebtedness on these short-time notes." Can you justify that? I am sure you can not, and if this goes through eventually, if this section shall be finally written in the law as it now is, and the liberty loans shall fail in the future, the sponsors of this bill will have to take part of the responsibility for that failure.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. TOWNER. I want to call the gentleman's attention to the statement that is made, that the surplus of the railroads at the time they were taken over was $288,000,000 in cash, and that they held in nonaffiliated corporations stock of other companies up to the value of over $800,000,000, and any portion, under the terms of this bill, of that stock now held as surplus of nonaffiliated companies might be sold or purchased by the Government of the United States under the terms of this act.

Mr. FORDNEY rose.

Mr. SIMS. Mr. Chairman, the gentleman from Michigan has risen. I do not know whether he rose in opposition to the amendment or not.

Mr. FORDNEY. I wanted to speak in favor of the amendment.

Mr. SIMS. I am in opposition to it.

Mr. Chairman, the gentleman from Wisconsin [Mr. LENROOT] has offered his amendment and states what its purpose is, and the reason why he offers it is that the President can not purchase any notes, bonds, or securities of railroads issued by the railroad after the railroad is in Government control without a special authorization or special appropriation by the Committee on Appropriations of Congress for that purpose.

Now, the appropriation here is indirectly made. After providing that "the President may purchase for the United States all or any part of such securities at prices not exceeding par, and may sell such securities whenever, in his judgment, it is desirable, at prices not less than the cost thereof; any sums available from the revolving fund provided in section 6 may be used for such purchases."

Now, the purchase of these securities is limited by this provision to such portions of the revolving fund as may not have been used for other purposes. Now, the object of this provision is very evident and plain when we look at what is intended. Take a railroad like the Pennsylvania, abundantly solvent; any of its securities would meet with ready sale in a normal market; and there is needed some improvement to be made on the Pennsylvania road while in Federal control. The railroad is able to do so, and willing to do so, but if it issues its notes they may be issued at 5 per cent or 6 per cent or 7 per cent and put upon the market, absolutely solvent, absolutely good, and compete immediately with the Government in trying to sell the liberty loan bonds at 4 per cent or 4½ per cent, or whatever it may be. Now, inasmuch as the Government will take absolutely no risk; inasmuch as this revolving fund may be used, or such portion of it as has not otherwise been used to purchase these securities, to keep them off of the market not in excess of par, and he may afterwards at any time resell them at a price not less than what the Government paid for them. It is a fiscal operation not absolutely necessary to enable the solvent railroad company to obtain money with which to make

of the employees, and the salaries paid there; and when we get around to it, I hope the Committee on Appropriations will agree

p. m.) the Senate adjourned until to-morrow, Wednesday, February 27, 1918, at 12 o'clock meridian.

necessary needed improvements, but it is done in order that the railroad may make its own improvements with its own means and at the same time not compete with its higher interest-bearing securities with the Government in the sale of its own bonds.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. LENROOT. The railroad will not make any improvements out of its own means if we purchase securities to give them the money.

Mr. SIMS. That is out of its own means.

Mr. LENROOT. I mean we furnish the money in that case.

Mr. SIMS. The President has the right to approve or disapprove of the issue.

Mr. LENROOT. I am coming to another question. So far as furnishing the money to make the improvement is concerned, that is wholly covered by the preceding section. He may advance the money for that purpose if they can not do it themselves. He can take any security he sees fit. This has nothing to do with that.

Mr. SIMS. This provision in the bill is to provide for the railway that is willing to use its own funds for the improvements in such a way that the Government may furnish the money so that that railroad thereby can dispose of its securities at the lowest rate of interest—lower than it otherwise could, with virtually a guaranty upon it if the Government does it, and then the Government may at times, when it is not in the money market itself with bonds, sell these securities without loss. And now the gentleman has gotten up here—and while I might say it about others, I would not say it about him, because I do not believe it is true of him—and makes what would be characterized as a demagogic appeal that when we go out and try to sell bonds and ask the boys to buy $50 bonds to help the Government will stand an act of the President in buying railway securities, and therefore if he can buy railway securities and has money to invest in railway securities, why should he ask the boy or a person in needy circumstances, but patriotic, to invest $50 in liberty loans for the purpose of using it for such a purpose as that?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. SIMS. Now, the gentleman has put an argument in the mouth of every man who may be appealed to to purchase a Government security or bond in order to prosecute the war, that if you can find anywhere where the President has spent money for something that the man himself may contend was not a strictly war purpose it may be to him an excuse for not subscribing for the bonds.

This is a very proper provision, and as I said last night on the other matter we can not operate these railroads without some liberality, without trusting the President for something; and to undertake to make specific provision to require a previous appropriation by Congress before the President is permitted to do that which is absolutely safe to be done, and indirectly prove a public benefit, is going to limit and cripple largely the railway operations while in Government control.

I hope no man on the floor of the House is so opposed to the Government succeeding in anything it does touching privately owned property, for fear that it may be used as an argument in favor of continued Government control, or an argument in favor of Government ownership, that he will seek to impose such rigid, ironclad conditions, and limitations as will make Government operation a failure.

Mr. FESS. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. FESS. In lines 7, 8, and 9, page 10, where it is provided that "any sums available from the revolving fund provided in section 6 may be used for such purposes" is the President limited to the revolving fund, or may he go beyond that to make these purchases?

Mr. SIMS. My understanding is that this is practically a limitation upon the amount of such securities that he may purchase.

Mr. FESS. If that were true, that would be very suggestive.

Mr. SIMS. That is what it amounts to.

Mr. FESS. If it goes beyond that, I think the amendment is very important.

Mr. SIMS. That is my understanding of it, and I do not think there is any question about it.

Mr. SNELL. Will the gentleman yield?

Mr. SIMS. I yield to the gentleman.

Mr. SNELL. Do I understand that the securities issued under section 7 are guaranteed by the Government?

Mr. SIMS. No. The Government authorizes their issue. In other words, the railroad company can not issue without Government permission.

Mr. SNELL. Will there not always be securities on the market at a higher rate of interest than the Government bonds are selling, with which they must compete?

Mr. SIMS. There may be, but there will not be securities issued by the railroads after they have been taken over by the Government. This is an effort to prevent the issue of railway securities while under Government control to compete with Government securities; but at the same time, if the road is a good, solvent one, and the owners of the road are willing to spend their own money, this is to permit the sale of its securities under such circumstances as will not operate against the Government in seeking the sale of its securities.

Mr. SNELL. I do not understand why these railroad securities would be any better if issued when the Government has control of them than they are at this time, if the roads themselves are good.

Mr. SIMS. I will tell you why they will be better with this permission in here permitting the Government to buy them.

Mr. SNELL. Without that provision?

Mr. SIMS. With this provision permitting the Government to buy them, they will float at a less rate of interest. There is no doubt about it.

Mr. SNELL. If you permitted the Government to buy any other securities, the same thing would be true of them.

Mr. SIMS. The Government is not responsible for any securities issued heretofore, and would have to go into a long investigation to ascertain their solvency, and it would be an indirect guaranty of their securities.

Mr. SNELL. Then this is an indirect guaranty of these securities?

Mr. SIMS. This is an indirect guaranty of the securities issued by permission of the President while the railroads are in Government control.

Mr. MADDEN. Will the gentleman yield?

Mr. SIMS. I yield to the gentleman from Illinois.

Mr. MADDEN. Does the gentleman think that the authority granted to the President to purchase for the United States all or any part of such securities as are previously authorized in this section would grant the President power to create a deficiency in the purchase of bonds? In other words, could he go beyond the limit of the surplus of the revolving fund?

Mr. SIMS. If the President did purchase beyond the limit of the fund I do not think the purchase itself would be void; but I do not think the President under any circumstances would go beyond what seems to be a clear limitation, but not a rigid one, in this provision I have just read.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. I have used 10 minutes. I do not ask any more time.

Mr. MADDEN. I move to strike out the last word. I wish to call the attention of the gentleman from Tennessee in charge of the bill to what I believe would be a dangerous condition under the provisions of the section now under discussion. I was in some doubt myself at first as to whether the President would have the right to go beyond the surplus in the revolving fund in his purchases of securities; but after consultation with other gentlemen and a thorough reading of the section itself, I have made up my mind that the President would not be confined to the surplus in the revolving fund in his purchase of certificates or securities, and that if he chose he could purchase securities largely in excess of the surplus in the revolving fund, and in that way create a deficiency. Now, if that be the case, it seems to me that wisdom dictates the adoption of the amendment offered by the gentleman from Wisconsin, because it would ratify the right of the President to go beyond the surplus in the revolving fund in purchasing securities; but in order to do that he would be compelled to go to the Appropriations Committee and indicate what amount of securities he intended to purchase and obtain authority from the Appropriations Committee, and the House, for the purchase of the certificates which he proposes to buy.

Mr. SIMS. Now, I want to ask the gentleman, as a practical business man, what he thinks about this proposition: Suppose that Congress is not in session and the Pennsylvania Railroad—I use it as an illustration, because it is a good road—wants to make certain improvements. The President knows that the Pennsylvania Railroad Co. is solvent and good, and he authorizes the improvements—that is, authorizes the sale of the bonds

for the purpose of making that improvement—when Congress is not in session. Now, he could not purchase those at all, and the railroad company could not make the improvement until Congress has first authorized it and made an appropriation for it.

Mr. MADDEN. I think he could confine himself, and ought properly to confine himself, to the limit of the surplus in the revolving fund.

Mr. SIMS. That is exactly what is done.

Mr. MADDEN. Unless he gets additional authority from the Congress, after making a statement of the importance of the transaction which he proposes to execute.

Mr. DEMPSEY. Will the gentleman yield to me?

Mr. SIMS. Yes.

Mr. DEMPSEY. Would not this accomplish exactly what the gentleman and what the gentleman from Illinois contemplate: In line 7, strike out the word "any" and insert in its place the word "only"?

Mr. MADDEN. I think likely it would.

Mr. DEMPSEY. That does not increase at all the liability which is created; it simply makes the revolving fund available for this purpose and does not permit going a cent beyond it.

Mr. LONGWORTH. The same purpose could be attained by striking out the word "may" and inserting the word "shall."

Mr. MADDEN. I think both suggestions would cover the case, and I think it is our duty to surround legislation of this kind with all the safeguards possible; not that we have any doubt that the President will do what is right, not that he will not do it in a right way, but we ought not to authorize anybody in times of stress like this to create a financial obligation against the Government without restrictions.

Mr. LENROOT. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. LENROOT. I want to call attention to the fact that if this modification of the gentleman from New York should be made the President might use every dollar in the revolving fund for that purpose and then come to Congress for a deficiency appropriation.

Mr. MADDEN. And instead of improving it it would injure it.

Mr. BARKLEY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. BARKLEY. Under section 1 and section 6, the revolving fund is created for the purposes of this act, and the President can not expend a dollar beyond that for any purpose without coming to Congress and having it increased, except it may be increased by the surplus that goes into it.

Mr. DEWALT. Mr. Chairman, let us look concretely, if possible, at the question now before us, because I believe it is one of very great moment. This bill provides, in the first place, that there shall be an agreement, if possible, between the President of the United States and the railroad corporations for the use, compensation, and control of these railway systems. Now, the word control, from its legal definition, contemplates the management and the administration of railroad affairs. If it contemplates the administration of railroad affairs and the management of railroad affairs, then, it follows as a natural sequence, that the President of the United States, through the Director General, must have control and administration of the financial affairs of the railway corporation.

The Government being in control and possession of the railway systems must in some way take care of these maturing obligations. The railway officials themselves can not take care of them. They have no power to take care of them while these railways are under Federal control.

Mr. LENROOT. Will the gentleman yield right there?

Mr. DEWALT. I will.

Mr. LENROOT. Why not, what are we paying them compensation for?

Mr. DEWALT. We are paying them compensation of $945,000,000 for operating expenses, operating the railroads, for betterments and improvements, and for the use and occupation of the roads.

Mr. LENROOT. Is it not a fact that their securities are higher to-day, that their stock and securities have risen on the stock exchange since we took Federal control?

Mr. DEWALT. I am very glad to say that that is so.

Mr. LENROOT. Therefore, are they not in better shape to-day to take care of their securities than they were before the Government took them over?

Mr. DEWALT. That does not meet the question, whether they are better off to-day than they were day before yesterday. The paramount question is, Have they the power and authority to take care of them? I concede that the gentleman is entirely fair in his argument, and I can see, too, that his motives are patriotic and right from his point of view, but when you grant to the Director General certain powers in this bill, and under the powers granted in the act of 1916 the exclusive control and management and administration of these railway companies, you take from them in that very instant the management of their financial affairs. There can be no question about that. If that be true, the maturing obligations must be taken care of, the management and administration of affairs of the companies must be taken care of, by the party that has control over them, and that is the Director General.

We will say that railroad A has a million dollars of maturing obligations. If they endeavor to float a new loan, the bankers would at once say we will not float your new obligations to take up maturing obligations. Why not? Because you have no longer authority over them, because they are under Federal control. What is the Federal control? The Director General. Therefore it becomes necessary for the President to issue new bonds and new notes to take care of maturing obligations.

Mr. ALEXANDER. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. ALEXANDER. As I understand, there is no disagreement about the policy that the President should be bestowed with this power, but was it the intention of the committee to give him the power to spend money for that purpose in excess of the $500,000,000?

Mr. DEWALT. No; and there I must disagree with the gentleman from Illinois [Mr. MADDEN]. He takes the position that the money could be expended in excess of the revolving fund. I can not so interpret this act.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEWALT. Let me read the provision—and I refer my remarks to the gentleman from Illinois [Mr. MADDEN]:

> The President may purchase for the United States all or any part of such securities at prices not exceeding par, and may sell such securities whenever in his judgment it is desirable at prices not less than the cost thereof; any sums available from the revolving fund provided in section 6 may be used for such purchases. The President shall each year, as soon as practicable after January 1, cause a detailed report to be submitted to the Congress of all receipts and expenditures made under this section and section 6 during the preceding calendar year.

Now, what moneys does the President get into his hands under the provisions of this bill? There are two sorts of moneys obtained: First, he obtains the money from the operating income, to wit, receipts of the railroad companies from freight and passenger traffic. Secondly, he receives an appropriation of $500,000,000 as a revolving fund. From this revolving fund of $500,000,000 and from the income from operation of freight and passenger traffic he is allowed to do what? To operate the roads and pay the expenses of the operation, make betterments and improvements, and to order betterments and improvements to be made, and to pay for them out of the revolving fund, if he so chooses, and charge them up against the standard return fixed by the terms of the bill. Third, he is authorized by this to take from the revolving fund, not from the operating income, money enough to pay for these maturing obligations or to renew maturing obligations.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. In just one moment. What is the result of this? The United States Government by reason of its great financial stability is able to issue bonds at 4 per cent—issued them at 3½ per cent prior to this last issue. It borrows money at 4 per cent. Suppose the Pennsylvania Railroad Co. owed a million dollars' worth of maturing obligations. I take the position, and I think it is sound in law and sound in reasoning, that after the Federal control the Pennsylvania Railroad Co. could not, without the affirmative consent of the President, issue anything to take the place of those maturing obligations, and that the power rests in the President of the United States, because he has control. But suppose, now, they wanted to issue new obligations, and suppose they had obtained the consent of the President so to do, and those obligations bore 5 and 6 per cent, the Government stands back of those obligations; but it can borrow money at 4 per cent, and when it issues these bonds for the Pennsylvania Railroad Co. it is actually making 2 per cent on the bargain.

Mr. MEEKER. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. MEEKER. Is it not the purpose to put the next liberty-loan issue at 4¼ per cent?

Mr. DEWALT. I do not know.

Mr. MEEKER. I do.

Mr. DEWALT. The gentleman's information upon that subject is more definite than mine.

Mr. MEEKER. I got it directly that the Government will not be borrowing money at 4 per cent.

Mr. DEWALT. It would not change the situation.

Mr. MEEKER. It does as to the rate of percentage, to the credit of the Government.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. LENROOT. Suppose the language read, "The President may purchase for the United States all or any part of such securities at prices not exceeding par," and stopped there, what would be the authority of the President?

Mr. DEWALT. He could not buy anything out of the revolving fund.

Mr. LENROOT. No; but what contracts could he make?

Mr. DEWALT. I do not catch the drift of the gentleman's question.

Mr. LENROOT. What contract could he make obligating the Government—to what extent could he obligate the Government?

Mr. DEWALT. Then he could go beyond the revolving fund.

Mr. LENROOT. Yes; I agree with the gentleman. Then the provision with reference to the revolving fund does not mean anything more than that he may use the money in the revolving fund to pay that obligation instead of coming to Congress and getting an appropriation.

Mr. DEWALT. Yes; it does mean just that very thing, and that is exactly what I think he ought to have the power to do.

Mr. LENROOT. Does it mean anything more than that?

Mr. DEWALT. No; I do not think it does.

Mr. LENROOT. Then the gentleman must concede that the authority of the President to obligate the Government is unlimited under the bill.

Mr. DEWALT. That does not follow in my thought at all.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. Without objection, the pro forma amendment offered by the gentleman from Illinois is withdrawn.

Mr. FORDNEY. Mr. Chairman, I offer the following amendment to the amendment, which I send to the desk and ask to have read. The Clerk read as follows:

Mr. FORDNEY offers the following amendment to the amendment offered by Mr. LENROOT: Page 10, lines 4 to 9, inclusive, after the word "interest" in line 4, strike out the remainder of the line and all of lines 5, 6, 7, 8, and line 9, through and including the word "purchases."

Mr. FORDNEY. Mr. Chairman, I offer this amendment for this reason: There is now pending before the Committee on Ways and Means a bill, presented and prepared by the administration, the purpose of which is to create a corporation called the war-finance corporation, with a capital of $500,000,000, with authority vested in that corporation, if the bill is enacted into law as presented, to issue to the extent of eight times the amount of its capital in loans to railroads and other industries of the country that may be engaged in producing something used in carrying on this war. That is to say, the bill has not been perfected by the Committee on Ways and Means. We are working every day on the bill.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. SIMS. If I understand the gentleman's amendment, it is really a substitute for the Lenroot amendment?

Mr. FORDNEY. No; my amendment is to strike out.

Mr. SIMS. And Mr. LENROOT's amendment is an amendment to the provision?

Mr. FORDNEY. Yes.

Mr. SIMS. Then the gentleman's amendment becomes a substitute, so far as it goes.

Mr. LENROOT. Mr. Chairman, the amendment I propose will have preference over the gentleman's amendment.

Mr. SIMS. I mean in voting.

Mr. LENROOT. My amendment would come first.

Mr. SIMS. Then the gentleman's amendment is to strike out, and is therefore virtually a substitute?

Mr. FORDNEY. Yes. If this bill is permitted to be enacted into law as the language is in the bill now, this is what you are going to do: Under the provisions of the bill now before the Committee on Ways and Means this war-finance corporation will be permitted under the law to loan through local banks to railroad companies and other institutions producing something in aid in carrying on the war 75 per cent of the market value of the securities offered, and only 75 per cent. In addition to this loan directly to the railroad companies and other institutions, this paper must be indorsed by the local banks where the loan is made and then rediscounted with this war-finance corporation at not to exceed 75 per cent of the amount loaned by the local bank.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. SIMS. Does the legislation the gentleman has in mind confine the authorization to securities issued by railroads since they have been taken over, or does it apply to any securities?

Mr. FORDNEY. No; it does not confine them to any length of time or the time of issue, but it is proposed to loan money to the railroad companies because the railroad companies of the country to-day can not borrow money through the ordinary channels of private banks and trust companies, and it is found necessary by the administration to create this corporation with a capital of $500,000,000 to make total loans of $4,000,000,000, if found necessary, on a basis of 75 per cent of the amount loaned by the local banks, as before stated, when indorsed by the local bank and presented to this war finance corporation. If you enact this provision into law, you are going to have two bodies with the power solely in the Government, one in the President of the United States and the other in this war finance corporation, both loaning money on railroad securities, one bidding against the other, the President authorized to loan 100 per cent of the value of securities offered and this war finance corporation permitted to loan only 75 per cent of their total value when indorsed also by the local bank, as I have stated.

This bill authorizes the President to make loans such as he may choose and take such securities as he may think proper without any restraint by any other power in the Government. I say, gentlemen, that we are creating by the enactment in this bill into law, and the one now before the Ways and Means Committee to purchase bonds and other securities and loan money to the railroads, one in competition, as I said, with the other, and not only $4,000,000,000 but a total in both bodies of $4,500,000,000; and the President will come back, in the course of a very short time, and ask for several hundred million dollars more, because if this bill is enacted into law we might as well throw the other in the wastebasket, so far as loans to railroads are concerned, because no railroad company will ask for a 75 per cent loan upon its securities when they can go to the President of the United States and get 100 per cent of their market value, especially if that company has a political pull. Therefore to me, gentlemen, it would be a great mistake to enact this bill into law with this language in the bill, and I therefore offer the amendment, and I sincerely hope it will carry.

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Michigan is a motion to strike out, and amendments to perfect will take precedence over that motion. The gentleman from Wisconsin [Mr. STAFFORD] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the Lenroot amendment: Insert before the pending amendment the following amendment: After the words "to the extent of $200,000,000 and" insert the word "further" before the word "limit," so as to read "to the extent of $200,000,000 and within the further limit of appropriations hereafter made therefor by Congress."

Mr. STAFFORD. Mr. Chairman, there is a difference of opinion among members of the committee as to whether there is any limitation whatsoever on the authority of the President to obligate the Government in the purchase of these securities. There is no question of the authorization language whereby the President could obligate the Government in the purchase of these securities to the extent of billions of dollars. The gentleman from Pennsylvania [Mr. DEWALT] says that the only limitation to the authorization is the amount of the revolving fund. That may amount to a billion dollars, certainly $500,000,000 here provided and whatever additional receipts that result from the revenues of the railroads in their operation.

Mr. DEWALT. Will the gentleman permit?

Mr. STAFFORD. I will.

Mr. DEWALT. Does the gentleman have any definite or indefinite idea of the amount of these maturing obligations now existing that will mature in the next two years?

Mr. STAFFORD. I have no definite idea as to the amount, but my amendment provides for an authorization of the President to obligate the Government out of this revolving fund to the extent of $200,000,000. It places that limit on the authorization and then authorizes him, if need be, to come to Congress for a further authorization. Two hundred million dollars, I take it, would be ample under the conditions to meet any pressing exigency whereby the Government would be compelled by reason of financial conditions in floating these bonds for the time being.

Mr. DEWALT. If the gentleman will permit, the reason I asked that question was this: The gentleman stated that the President might purchase a billion dollars' worth of these outstanding obligations and securities. The statistics show that

there will be about $300,000,000 of these maturing obligations within the next two years.

Mr. STAFFORD. Then my amendment, which authorizes the President to obligate the Government to the extent of $200,000,000, safeguards the interests not only of the Government as such, but safeguards the interests of the Government in the operation of the railroads. It does not restrict them in any way, but it places a check upon the action of the Director General in obligating the Government to an unlimited extent. I do not think this Congress is willing to grant unlimited authority to the Director General to obligate the Government to the extent of hundreds of millions of dollars. This amendment authorizes him as soon as it is enacted into law to obligate the Government to the extent of $200,000,000 and let the Director General then come before the Congress, before the appropriate committees, if there is need for further authorization, and get an additional authorization. We should, under the circumstances, place some control over the action of the Director General in this great power we are vesting in him. There is no limitation here. There is an authorization whereby the Director General can go to any extent, not even limited by the amount of the revolving fund. I say Congress should properly limit the authorization, and the amendment I propose places that limit at $200,000,000. If there is need for more authorization, why, then, let him come to Congress. The bill that is now being considered by the Ways and Means Committee, which bill was not considered at the time this bill was presented to the Congress, will give full authority beyond the $200,000,000. Some limit should be placed upon the power given the President as to the extent to which he may be authorized to purchase the securities of the railroads.

Mr. BARKLEY rose.

The CHAIRMAN. Does the gentleman desire to be recognized in opposition?

Mr. BARKLEY. I desire to offer an amendment, if it is in order.

The CHAIRMAN. An amendment to the amendment?

Mr. BARKLEY. As a substitute for all amendments.

The CHAIRMAN. The gentleman from Kentucky, a member of the committee.

Mr. BARKLEY. I move to insert after the word "may," in line 4, the following words: "out of the revolving fund created by this act,". Then strike out the words "any sums," in lines 7 and 9, down to and including the word "purchases," so that the section would read: "The President may, out of the revolving fund created by this act, purchase for the United States all or any part of such securities," and so forth.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 4, after the word "may," insert the words "out of the revolving fund created by this act," and, in line 7, after the word "thereof," strike out "any sums available from the revolving fund provided in section 6 may be used for such purchases."

Mr. BARKLEY. Mr. Chairman, that simply makes it clear that the President is to purchase these obligations out of the revolving fund, and that he can not go beyond that in obligating the Government for this particular purpose. It seems to me that accomplishes the purpose desired by the gentleman from Wisconsin and meets the suggestion of the gentleman from New York [Mr. DEMPSEY], and I think the adoption of this amendment will clear up any misapprehension about authorizing the President to go beyond the fund.

Mr. FESS. Is it the desire of the gentleman to limit the revolving fund or to extend it to the running expenses or the proceeds that come from the running of the road?

Mr. BARKLEY. This goes into the revolving fund. So the bill makes a revolving fund of the $500,000,000 appropriated and any surplus that may go into it out of operating the railroad.

Mr. FESS. So it would not limit it to the $500,000,000?

Mr. BARKLEY. No; all the revolving fund, or more, if the companies put it into the Treasury.

The CHAIRMAN. The question is on the amendment by way of substitute offered by the gentleman from Kentucky [Mr. BARKLEY].

Mr. CANNON. Mr. Chairman, I must confess that I am not sure that I understand the effect of any of these amendments, and I am in good faith seeking some information. I understand from the gentleman who has offered the amendment that the $500,000,000 fund that is appropriated is reinforced by earnings that may come. Am I correct in that?

Mr. BARKLEY. Yes.

Mr. CANNON. So there may be a billion dollars in the revolving fund?

Mr. BARKLEY. If the gentleman will refer to section 6, he will find there—

That the sum of $500,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, which, together with any funds available from any operating income of said carrier—

And so forth. Those two make the revolving fund.

Mr. CANNON. Now, that sets my mind at rest there. It was unsettled by some statements that had been made during the debate upon these amendments as to the revolving fund.

Now, as I understand it, the object of this is twofold. I will first ask another question. Take roads in receivership and take roads not in receivership, then can they issue bonds without legislation while the Director General controls the roads and put them upon the market?

Mr. BARKLEY. They can, with the prior approval of the President.

Mr. CANNON. I know, but without regard to the approval of the President, suppose the railway company desires to reorganize, can that road, if it be in the hands of a receiver, be put up for sale and sold, and then, under the decree, can bonds be issued without regard to the Director General or the President?

Mr. BARKLEY. The court might direct, I will say to the gentleman from Illinois—a court in which the receivership is pending would have the power to authorize the issue of bonds for the reorganization of a road.

Mr. CANNON. At any interest the court might fix that is legal?

Mr. BARKLEY. Yes.

Mr. CANNON. Is there any question about that? Is that disputed by anybody? I would like to be satisfied now upon that point. What does the gentleman in charge of the bill say?

Mr. SIMS. This bill does not undertake to interfere with the action of the court in receivership cases so far as the merits of the receivership and legal questions involved are concerned. But if the Government takes over a railroad in receivership it pays for the use of it such just compensation as place and circumstances may entitle the railroad to.

Mr. CANNON. So that in section 7, for the purpose of providing funds, and so forth, or for improvements of railroads in receivership, and so forth, this revolving fund may be used?

Mr. BARKLEY. Yes. For instance, if there was a reorganization of a road in receivership and an issue of bonds were authorized, but by any reason or any circumstances, either that the Government was at that time seeking to monopolize the money market for its own bonds, or that reorganized railroad could find no market to purchase its bonds, the Government would come to the rescue and purchase those bonds so that it could proceed without embarrassment.

Mr. HARDY. Will the gentleman yield?

Mr. CANNON. I will.

Mr. HARDY. Before the gentleman from Kentucky has prepared his amendment, which was intended to meet the objection of the gentleman from Wisconsin [Mr. LENROOT], which was to the effect that the first sentence or phrase of this paragraph authorized an unlimited contract by the President for the purchasing of bonds, I had prepared this amendment, which I thought would cure the defect, if it was a defect:

The President may, out of any sums available from the revolving fund provided in section 6, purchase for the United States all or any part of such securities at prices not exceeding par, and may sell such securities—

And so forth. The question I wanted to ask the gentleman was if that was the equivalent?

Mr. BARKLEY. That is exactly the equivalent, except I do not say out of any fund. I say out of the fund created by this act.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CANNON. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. CANNON. I think I understand. Let me put a case. There are some railroads that have receivers, and some very good ones. As I understand it, a decree might be entered and the road sold, of course, independent of the President or the Director General. Suppose they would authorize in the decree that from the proceeds of the sale certain obligations should be paid and would authorize the issue of bonds at 6 per cent. I take it the decree would have to be sufficient so it could be successfully carried on. Now, those bonds drawing 6 per cent, if the Government was floating liberty bonds at 4 or 4½ or 5

per cent, presumably would be taken over by the Director General at par and sold at par, within his discretion. Am I correct in that?

Mr DEWALT. Yes. He can buy them at par, but can not sell them at less than par.

Mr. BARKLEY. He can buy them at less than par.

Mr. CANNON. At less than par, and probably if they would run at 4½ per cent he would buy them at less than par. Now, that protects the Government in its financial transactions when it puts Government bonds upon the market, and that same thing is true, as I understand it, if there had to be an indebtedness incurred by a railroad for maintenance or for the payment of maturing obligations—notes, and so forth.

If that is true and your amendment is adopted, I want to ask what is the objection to the legislation that is proposed?

Mr. DEWALT. Mr. Chairman, may I just say a word to the gentleman?

Mr. CANNON. Yes.

Mr. DEWALT. I suppose the gentleman from Illinois will admit that a great many of these outstanding obligations of the railroad companies are now held by banks and by private individuals as well.

Mr. CANNON. Yes.

Mr. DEWALT. Now, conceding for the moment that the Government does not back up and uphold these maturing obligations, would they fall upon the market and depreciate very much?

Mr. CANNON. I have no doubt about it.

Mr. DEWALT. That would create instability, would it not, as to all these securities?

Mr. CANNON. Yes.

Mr. DEWALT. If the Government had the right to back all these securities outstanding, would not that stabilize the market?

Mr. CANNON. Yes; it would seem to me to accomplish a double object: First, stabilize the market for the bonds issued by the road and not embarrass the Government when its bonds are placed on the market.

Mr. DEMPSEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York moves to strike out the last word.

Mr. DEMPSEY. Mr. Chairman, I intended, as I indicated, to offer an amendment substituting, in line 7, the word "only" for the word "any," which would have had the effect of limiting the amount that the President can use to the fund of $500,000,000 created by this bill. But the amendment suggested by the gentleman from Kentucky [Mr. BARKLEY] accomplishes the same result and in perhaps a more logical and better literary way, so that I will not offer my amendment.

Now, we come to the consideration of what the situation is. The gentleman from Wisconsin [Mr. LENROOT] has offered an amendment, and the gentleman from Michigan [Mr. FORDNEY] has also offered an amendment to accomplish the same purpose. The gentleman from Wisconsin proposes to limit the sum which may be used here to express appropriations by Congress. Then the other gentleman from Wisconsin [Mr. STAFFORD] limits that to $200,000,000.

Mr. LENROOT. No; he appropriates $200,000,000 outright.

Mr. DEMPSEY. Yes; he appropriates $200,000,000 outright. Then the gentleman from Michigan [Mr. FORDNEY] offers an amendment by which he strikes out the entire sentence.

Now, as between these various amendments, I am for the Barkley amendment. I believe that the President should have the right to use this revolving fund for this purpose, and the only objection I have heard urged to it is this, that the President might utilize the entire $500,000,000 for that purpose. That is a very violent and wholly unwarranted supposition, with nothing on which to base it. We have to assume that the President would utilize that fund for all the purposes for which he is given the right to use it and in the best way that he can see to use it from time to time as he needs it, so that I think we need give ourselves no uneasiness upon that score.

Then we come to the other amendments. I am against them, because I believe the President should be given a broad scope and the right to utilize this sum; but as between the two amendments, that of the gentleman from Michigan [Mr. FORDNEY] and that of the gentleman from Wisconsin [Mr. LENROOT], I am frankly for the amendment of the gentleman from Michigan, for this reason: I think the amendment of the gentleman from Wisconsin is open to this criticism, in addition to others: I think it is in conflict with itself. I think the latter part of the sentence is in conflict with the first part. It says in the first part of the sentence, "He may use only such sums as are appropriated by Congress," and in the second part he says, "He may utilize the revolving fund." What does the sentence mean as a whole? Any court would have to construe it, and the meaning would be very doubtful indeed.

But of course that is a technical constructional objection. It does not go to the broad merits of the question. It comes, then, to the objection of the gentleman from Michigan [Mr. FORDNEY], that the Committee on Ways and Means is considering a means of relief. Well, it is entirely proper for the Committee on Ways and Means to provide a means of relief, but that should not be in conflict at all with the right of the President to utilize this revolving fund in this way as well as in other ways. But if you are going to cut out that measure of relief, if you are not going to allow the President to utilize this revolving fund, then strike out the sentence and make the meaning clear and indisputable.

But I say, on the other hand, let us take a broad view of this situation. So long as we are giving the President this revolving fund we are not adding to our liabilities a single cent. The fund has been created. Why not give the President a broad power to use it for this purpose as well as for other purposes? What objection could there be? There might come a time when it would be more important to utilize some part of this fund for this purpose than for any other purpose, to stabilize values, to make the market firm and stable, to prevent disaster. I say so long as we do not increase the liability, so long as the amount is limited, so long as the fund is created, let us make it possible for the President to utilize this amount for every beneficial purpose, and this may prove to be the most beneficial of all. [Applause.]

Mr. SIMS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto do now close.

Mr. MONDELL. Does that include the Fordney amendment?

Mr. GREEN of Iowa. Does that include the motion to strike out, made by the gentleman from Michigan [Mr. FORDNEY]?

Mr. SIMS. No. I understand that to be a substitute. This applies to the Lenroot amendment and all amendments thereto.

Mr. GREEN of Iowa. Mr. Chairman, a parliamentary inquiry.

Mr. LENROOT. Mr. Chairman, I wanted to inquire of the Chair, parliamentarily, whether or not the Fordney amendment is not a separate amendment by itself, to strike out?

The CHAIRMAN. It is.

Mr. SIMS. Is the Barkley amendment a separate amendment?

Mr. MADDEN. No.

The CHAIRMAN. The Chair will state the parliamentary situation. There are three propositions pending; you might say four: The amendment offered by the gentleman from Wisconsin [Mr. LENROOT] and an amendment to that amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]; then the motion to strike out, made by the gentleman from Michigan [Mr. FORDNEY]. That is considered as pending, but merely pending. Then a substitute was offered by the gentleman from Kentucky [Mr. BARKLEY]. Now, when we reach the voting stage, the vote will first be taken upon the amendment to the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. After that has been voted upon, then the vote will come on the substitute offered by the gentleman from Kentucky [Mr. BARKLEY]. When that proposition is finally settled and the Lenroot and Barkley amendments are disposed of, as the committee may determine, then the motion of the gentleman from Michigan [Mr. FORDNEY] to strike out is in order. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that all debate on the pending amendment and amendments thereto, not including the Fordney amendment, do now close.

Mr. FESS. Reserving the right to object, Mr. Chairman——

Mr. SIMS. What does the gentleman wish to debate?

Mr. FESS. The Barkley amendment.

Mr. SIMS. Therefore, I will ask, Mr. Chairman, that all debate on the amendments, with the exception of the Fordney amendment, close in five minutes, the gentleman from Ohio [Mr. FESS] to have the five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that debate on all pending amendments, except the Fordney proposition, to strike out, be concluded in five minutes. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, there was some confusion in my mind as to how much was comprehended in the term "revolving fund." The confusion was very largely suggested by the discriminating discussion of the gentleman from Pennsylvania [Mr. DEWALT] when he spoke of the two sources, and did not include at the time the proceeds in the form of profit for the operation of the railroads as a part of the revolving fund. If those are

in the revolving fund, then there can be no doubt in my mind of the wisdom of the amendment of the gentleman from Kentucky. It gets precisely what I think this side of the House over here would like to have.

I will say frankly to the members of the committee that I would not vote for an amendment that would in any way cripple the President in stabilizing these securities, for the purpose of this is not only to take care of these maturing obligations, as was suggested a moment ago by the gentleman from Pennsylvania [Mr. DEWALT]. It is much broader than that. In addition to maturing obligations we say—

Or for other legal and proper expenditures.

That is a blanket authorization. There is no limitation there—

Or for reorganizing railroads in receiverships.

So it can not be simply to take care of the maturing obligations. There may be a much larger fund than would be stipulated for that purpose.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FESS. I will yield.

Mr. GREEN of Iowa. If I understood correctly the motion of the gentleman from Michigan, it would not apply to the last part.

Mr. FESS. I am speaking now of the motion of the gentleman from Kentucky [Mr. BARKLEY], which I think comprehends language that I would like to vote for. I would like, however, to say to the members of the committee that we are now in a stage of legislation here that I think is exceedingly important to note, and that is to hold up the price by Government action of an article that is going to be in the market, and in order to do it we are supplying the purchaser, and that purchaser is the Government, and the Government is limited in the amount it is to pay, and it is also limited in the minimum that it is to receive. Now, here is the delicacy of that situation: In order to stabilize these securities you must find a buyer, and in case you can not find a buyer in the open market, Uncle Sam comes in and takes it, and he must not take it at a price above par. We assume by that that he will take it at par, if the purpose is to stabilize, and we have got a certain purchaser. Now, with the securities in our hands to be paid for, not above a certain price, suppose that we can not get the amount that we paid for them. We can not by this act sell them below it. There is a limitation on the purchase price. There is a limitation on the sales price, and if we can not sell the securities for less than we paid, it simply means that Uncle Sam is to become the holder of these securities without limit. In other words, the Government proposes to become the owner of these holdings in order to prevent their value depreciating. Therein is the danger of this sort of fiat legislation, to by Government decree supply value which is lacking in the law of supply and demand.

Mr. MADDEN. Will the gentleman yield?

Mr. FESS. Yes.

Mr. MADDEN. Of course, he would become the holder, but when the railroads are turned back to their owners, of course, these securities would be turned back as a part of the settlement of the account.

Mr. FESS. Yes; that is a relief that helps me a little. The point that is troubling me is this, that we are arranging to hold up the price of securities without any assurance that the Government may ever get from under the obligation. That is my fear.

Mr. MADDEN. Legislation would have to follow the surrender of the roads to their owners, which will adjudicate all the differences.

Mr. FESS. That is true. That is some relief. But after all, Mr. Chairman, this is a fiat price fixed.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

Mr. STAFFORD. I ask unanimous consent that the amendment of my colleague [Mr. LENROOT], as modified by my amendment, may be read.

The CHAIRMAN. Without objection, the Stafford amendment, and then the Lenroot amendment as it would read if modified by the Stafford amendment, will be read.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD to the Lenroot amendment: Insert before the pending amendment the following amendment, "to the extent of $200,000,000," and insert the word "further" before the word "limit," so that the Lenroot amendment, as amended, would read: "to the extent of $200,000,000, and within the further limit of appropriations hereafter made therefor by Congress."

The CHAIRMAN. The question is upon the Stafford amendment to the Lenroot amendment.

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The question now is upon the amendment offered by way of substitute by the gentleman from Kentucky [Mr. BARKLEY].

Mr. LENROOT. Is the Chair stating that correctly? The amendment proposed by the gentleman from Kentucky [Mr. BARKLEY] is not only a substitute for the language that I incorporate in mine, but also seeks to strike out other language in the section, and therefore I submit to the Chair that it is not a substitute for mine in the sense that it is to be voted on before mine. Will the Chair just put it the other way?

The CHAIRMAN. The Chair proceeded upon the theory that it was offered by way of substitute. That being the case——

Mr. BARKLEY. I will withdraw so much of my amendment as seeks to strike out language in order that we may separate them and vote upon them separately.

The CHAIRMAN. The gentleman from Kentucky [Mr. BARKLEY] asks unanimous consent to modify his substitute by withdrawing so much of the same as proposes to strike out certain language.

Mr. BARKLEY. To strike out the language in lines 7, 8, and 9.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Now, the question is upon the substitute offered by the gentleman from Kentucky [Mr. BARKLEY] for the amendment proposed by the gentleman from Wisconsin. The question is upon the amendment by way of a substitute.

The question being taken, the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. The question now is upon the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The gentleman from Kentucky now offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 10, line 7, after the word "thereof," strike out the following: "Any sums available from the revolving fund provided in section 6 may be used for such purposes."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the amendment was agreed to.

Mr. BARKLEY. Mr. Chairman, after the word "thereof," on page 10, line 7, the semicolon should be stricken out and a period inserted.

The CHAIRMAN. Without objection, the amendment will be made.

There was no objection.

The CHAIRMAN. The question now is on the amendment of the gentleman from Michigan [Mr. FORDNEY] to strike out. There has been one argument made in favor of the motion.

Mr. SIMS. Mr. Chairman, I will take the floor in opposition to it if no other member of the committee wishes to speak. Mr. Chairman, I think the proposition to strike out ought to fail. You will remember that the gentleman from Michigan gave as his chief argument the statement that the Committee on Ways and Means is preparing legislation that will cover this purpose. We are passing this legislation now, and I do hope and believe that the railroad-control bill will be passed before the bill reported by the Ways and Means Committee will be passed. But the Ways and Means Committee does not propose to deal with this particular proposition; that is, for the use that we shall make of the revolving fund. I understood the gentleman from Michigan to say that the money might be used for a great many purposes, and that this would be included under the terms of their bill if passed in its present form. But nobody can tell whether it will pass in its present form or not. This revolving fund under the provisions of this bill is intended to make this bill a workable proposition so far as financing the securities and other purposes mentioned by the gentleman from Ohio.

Mr. FORDNEY. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. FORDNEY. What does the gentleman say about these conflicting propositions? The war finance board is only permitted to loan 75 per cent of the value with the indorsement of the local banks, and here the President will be permitted to loan 100 per cent without any indorsement.

Mr. SIMS. This bill only authorizes the President to purchase such securities as may be issued by a particular railroad while under Government control. Your proposition provides that they may loan on these railroad securities whether they were issued after the war or prior thereto.

Mr. FORDNEY. The powers of this board provided in the bill now before the Ways and Means Committee must cease directly after the war.

Mr SIMS. And this one will not cease until Federal control ceases, and therefore is very different from your bill.

Mr. DEMPSEY. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. DEMPSEY. The railroads in the past have not been limited to any one bank or to any one source from which they borrow, and there is no insuperable objection to their borrowing from the two funds, is there?

Mr. SIMS. No.

Mr. DEMPSEY. I say that in answer to the objection of the gentleman from Michigan.

Mr. KITCHIN. Mr. Chairman, if the gentleman will permit an interruption, I would like to say in regard to the warafinance appropriation bill, to which the gentleman from Michigan refers, that in my opinion there are other industries than the railroads that will practically exhaust the resources of the loaning power; and while we hope that it will be sufficient to help out the railroads and the public utilities, I am sure if it exempts all public utilities and railroads and other war industries it will need other help.

Mr. SIMS. That is the line of argument that I was making, and also the line of argument of the gentleman from New York [Mr. DEMPSEY]. We will endanger the perfect and complete and successful operation of this bill if we strike out this provision. It ought not to be done. I think it would prevent the President in the use of the revolving fund from acquiring facilities for the operation of waterways which may be taken over. It is as dangerous as it can be to come here with these limiting propositions, because when you undertake to particularize what may be done you will exclude all except those specified. That is the rule of law. I hope, therefore, that the amendment of the gentleman from Michigan will fail in toto.

Mr. STEPHENS of Nebraska. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. STEPHENS of Nebraska. Would it not be an incongruous situation to have the President charged with the responsibility of operating these roads and have to go through the process of begging the bankers of the country to loan him the money to finance the roads in receivership or otherwise?

Mr. SIMS. Undoubtedly.

Mr. STEPHENS of Nebraska. The gentleman from Michigan spoke about the board being limited to 75 per cent of the par value. Is it not a fact that the Government is in possession of the railroads and will have a large standard return, which will be as much security as the indorsement of the banks?

Mr. SIMS. Yes; and I think much better.

Mr. GREEN of Iowa. Mr. Chairman, I rise to support the motion of the gentleman from Michigan. The portion of the section which he moves to strike out ought to be eliminated for two reasons: First, it is entirely unnecessary if we grant every statement made as to the need of the railroads by gentlemen on behalf of the committee. In the second place, it is utterly unsound under every principle of finance.

The Ways and Means Committee, as has been said, is preparing a bill presented by the Secretary of the Treasury for the purpose of making advances to railroads and other purposes. When the Secretary came before the committee he stated that the needs of the railways was one of the special reasons why the War Finance Corporation ought to be organized. He desired to use a considerable portion of the money for that purpose. Now, if this money is to go out of the Treasury it is either to go out on sound security or it is to go out on unsound security. If it is going out on sound security, it is going out on security which will have back of it collaterals in the manner provided in the bill before the Ways and Means Committee. If it is to go out on unsound security—if the object of this bill is to bolster up unsound security—then, as the gentleman from Ohio [Mr. FESS] said, you are creating a sort of fiat currency or fiat bonds bolstered up by the Government credit. It becomes an inflation scheme; a plan to make good securities out of bad ones. Possibly there was a time when the Nation's Treasury could easily take care of millions in bad investments and its credit still remain good, our resources unshaken. But to-day we are engaged in a war which taxes every power and strains every resource. Every day we are told that we need a billion here, five hundred millions there, and still gentlemen go on and on as if the money and credit of this country were bounded only by infinity. I warn the House that there is a limit, and we are approaching it.

The bill which is before the Ways and Means Committee provides fully for all exceptional cases. It is true that ordinarily only 75 per cent of the value of the securities can be loaned by the Government, and the loan must be secured by collaterals; but the bill also provides that in exceptional cases where in the judgment of the Secretary of the Treasury it is necessary, 100 per cent, the full face value, may be loaned to the concern. The fundamental proposition of the bill which is before the Ways and Means Committee is this: That there are certain corporations that are perfectly solvent, with ample assets behind all of their obligations, but in this period of enormous demands for money which exists in war times, they can not now be financed in the ordinary way. Such corporations, I grant you, ought to be sustained, but only that kind of corporation. If there is some kind of corporation, railroad or otherwise—I care not what it is—that can only be sustained by the Government because it has nothing else to back it, then the Government never ought to put its money into it, and for that reason this motion to strike out offered by the gentleman from Michigan [Mr. FORDNEY] ought to be sustained.

Mr. SNYDER. Mr. Chairman, will the gentleman yield for a question?

Mr. GREEN of Iowa. Yes.

Mr. SNYDER. I would like to know if in the calculations before the Committee on Ways and Means at the present time any provision is being made to take care of corporations and business institutions outside of those involved in governmental activities?

Mr. GREEN of Iowa. Oh, yes. That is expressly understood and provided, and I might say in reference to any question as to there being money enough, this bill before the Ways and Means Committee provides for the issuance of $4,000,000,000 in notes that can be discounted by the Federal reserve banks. In heaven's name how much money do you want; what kind of inflation are we to have if that is not enough? The gentleman from Pennsylvania [Mr. MCFADDEN] contended the other day that it could be extended up to $32,000,000,000. I do not know whether he is correct or not; I doubt whether he is; but there will be money enough.

Mr. SNYDER. The gentleman says that money is going to be provided for activities outside of governmental activities.

Mr. GREEN of Iowa. Oh, yes; for public utilities and all that sort of thing.

Mr. SNYDER. But I am speaking of corporations who are manufacturing so-called nonessentials. What is going to become of them?

Mr. GREEN of Iowa. I do not know just where the gentleman would draw the line.

Mr. SNYDER. No one seems to know, and that is what I am trying to draw out.

Mr. GREEN of Iowa. I presume the Government would not advance the money to help out a corporation that is manufacturing perfumery.

Mr. SNYDER. Is there not a feeling before that committee that nonessentials are not to be taken care of?

Mr. GREEN of Iowa. Oh, yes; that is the understanding.

Mr. SNYDER. That is the understanding—that they are simply to be permitted to shift for themselves and have the right to live as they can, with all of the restrictions that are being thrown around them?

Mr. GREEN of Iowa. I think that is correct; but we are now considering the railroad matter. The bill before the Committee on Ways and Means will fully take care of the railroads.

Mr. SNYDER. I just wanted to find out the idea of the gentleman and what the sentiment before the committee was in respect to nonessentials.

Mr. MONDELL rose.

The CHAIRMAN. Does the gentleman rise in opposition to the amendment?

Mr. MONDELL. No; I desire to support the amendment.

The CHAIRMAN. Does any gentleman desire to be heard in opposition to the amendment?

Mr. SIMS. I have just been recognized.

Mr. MONDELL. I desire to support the amendment offered by the gentleman from Michigan.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that all debate on this close in five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon this section and all amendments thereto shall close in five minutes. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I desire to support the amendment offered by the gentleman from Michigan [Mr. FORDNEY], and I desire to support it without reference to any action that may be taken by the Committee on Ways and Means in reference to the industrial stabilizing measure now before that committee. We are none of us as yet, I assume, pledged to that legislation. Whether it shall be provided or not, in my

opinion, it is both unnecessary and unwise to legislate as now proposed. Under section 6 of this bill the President is authorized out of the $500,000,000 revolving fund to furnish the railways with all of the sums necessary for extensions, improvements, betterments, motive power, and rolling stock, so that the provision which the House is now considering is intended to cover only maturing obligations or securities issued in lieu of maturing obligations, though the language of the provision is rather broad. It is a rather curious and altogether uncomplimentary commentary on Federal control of railways to suggest at the very outset of that control that it may not only be necessary for us to loan money needed for all purposes of betterment and improvements, and to guarantee a definite return, but that in addition to that we must sustain the credit of the roads under Government control by buying their obligations with the people's money. If those obligations are good and sound, or reasonably so, they can be floated. If they are not, the Government is under no obligation, and is doing a very unwise thing when it proposes to take the people's money raised by taxation and the sale of bonds and use it in the purchase of such securities. The effect under the language of the bill would be to enable the Director of Railroads to buy these securities, whether they are sound and stable or no; and if they were not good, if they were not sound, if they did not have sufficient values behind them, then the Government would have unloaded upon its hands, practically for all time, securities of which it could not dispose. It is to be assumed that under Federal control and the stabilizing influence of the Federal operation the roads will be able to finance their maturing obligations.

They ought to be able to do it and they will be able to do it unless there arises a condition in the country so disastrous, not only to railway but to all other industrial securities, that it would be useless to attempt to interpose the funds of the Federal Treasury in an effort to stabilize the industrial conditions of the country. We could not do it if we tried. If a condition arose under which any such action would seem to be necessary, it would be futile. It is proposed to do something which in the first place it is not necessary to do and the doing of which is exceedingly dangerous from every standpoint of the public interests.

Mr. TOWNER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. All debate on this section and all amendments thereto has been closed under unanimous-consent agreement.

Mr. TOWNER. By unanimous-consent agreement?

The CHAIRMAN. Yes. The question is upon the amendment offered by the gentleman from Michigan to strike out certain words.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. GREEN of Iowa) there were—ayes 12, noes 47.

So the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. LENROOT. Mr. Chairman, I did not take time to change the heading. The amendment is, in line 4, after the word "interest," strike out down to and including the word "purchases," in line 9, and insert——

Mr. SIMS. We have voted on that once.

Mr. LENROOT. I have incorporated all the amendments, Mr. Chairman. I ask unanimous consent to return later for this purpose only. It is a perfecting amendment, that is all.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that this paragraph may be passed temporarily, with permission to return at a later time for the purpose of offering a perfecting amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. LENROOT. I withdraw my amendment for the time being.

The Clerk read as follows:

SEC. 8. That the President may execute any of the powers herein and heretofore granted him with relation to Federal control through such agencies as he may determine, and may fix the reasonable compensation for the performance of services in connection therewith, and may avail himself of the advice, assistance, and cooperation of the Interstate Commerce Commission and of the members and employees thereof, and may also call upon any department, commission, or board of the Government for such services as he may deem expedient. But no such official or employee of the United States shall receive any additional compensation for such services except as now permitted by law.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 10, line 25, at the end of section 8, after the words "permitted by law," insert "that the carriers shall retain their officers, agents, corporate existence, and management, subject to control of the President, except when otherwise particularly ordered by the President."

Mr. PARKER of New Jersey. Mr. Chairman, I desire to say only a word. If some of the Members here think about this as I did, there will be a question whether all the agents of the various carriers did not become, under this bill, employees of the Government, subject to political or civil-service appointment, holding all civil-service rights with all sorts of obligations. It is not intended by this bill that that should be so, and this amendment provides that the carriers retain their officers, agents, employees, management, and corporate existence, subject only to the control of the President, except where the President issues a particular order, which means as to any particular employee.

The CHAIRMAN. The question is upon the amendment.

The question was taken, and the Chairman announced the ayes appeared to have it.

On a division (demanded by Mr. SIMS) there were—ayes 26, noes 38.

Mr. PARKER of New Jersey. Mr. Chairman, I ask for tellers.

The CHAIRMAN. Tellers are demanded. The Chair will count. [After counting.] Fifteen gentlemen have arisen; not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, after line 25, insert a new paragraph to read as follows:

"No person employed in connection with the operation of railroads or systems of transportation under Federal control, except those persons referred to in the preceding paragraph of this section, shall be deemed to be an officer or employee under the United States for the purpose of title 2 of an act entitled 'An act to provide revenue to defray war expenses, and for other purposes,' approved October 3, 1917, commonly called the war excess-profits tax, nor shall he be deemed to be a civil employee of the United States within the meaning of the act entitled 'An act to provide compensation for employees of the United States suffering injury while in the performance of their duty, and for other purposes,' approved September 7, 1916."

Mr. SIMS. Mr. Chairman, I have no objection to that amendment. I have given it study.

Mr. LENROOT. I do not care to discuss it.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 9. That nothing in this act shall be construed to affect the routing instructions over and the traffic arrangements of such railroads as may not be taken under Federal control by the President unless such arrangements and instructions prejudice the transportation of war materials or of Government supplies; in which case the President may change the routing of such materials and supplies as the war and national interests demand. If the President should deem it necessary temporarily to suspend such arrangements and instructions as to freight other than war materials and Government supplies, he may thereafter, so far as practicable, cause to be diverted sufficient unrouted freight to such road as will compensate it in revenue for such temporary suspension.

Mr. SNOOK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, line 4, after the word "control," insert the words "or the control of which may be relinquished."

Mr. SNOOK. Now, Mr. Chairman, under section 14 of the bill the President has power to relinquish the control of certain railroads after July 1, 1918, and this amendment is simply to give those roads the benefit the same as those which are not taken over. It meets the approval of the committee.

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from Ohio.

The question was taken, and the amendment was agreed to.

Mr. SWITZER. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the Interstate Commerce Committee a question. Section 9 of this bill as originally drafted has been stricken out. I have been informed that this was done at the request of the representative of the heads of the railway brotherhoods, and that it was upon their insistence that no workmen's compensation provision is incorporated in this bill.

Mr. SIMS. I think I can state it correctly; and that is not exactly correct. One gentleman representing the railway trainmen appeared before the committee and opposed any legislation on the subject at all, so as to leave the employers' liability act to apply. But there was no representative of other members of the brotherhood that came before the committee and made any statement whatever. But I have myself received a number of letters and requests and resolutions from local bodies

of railway trainmen, perhaps some of all of them, opposing any legislation in reference to the workmen's compensation act in this bill. But I would not say it was stricken out on account of their opposition or approval, but after studying the whole matter as best we could we thought it was a good thing to strike it out and not undertake to deal with it at all, because it is no essential part of the operation of railways while in Federal control.

Mr. SWITZER. Did not Mr. Doak, who appeared before the committee, as shown by the hearings, represent the four brotherhoods?

Mr. SIMS. No, sir; he did not.

Mr. SWITZER. What did he represent?

Mr. SIMS. I have forgotten what it was.

Mr. BARKLEY. Mr. Doak stated that, while he only represented one brotherhood officially, he was spokesman for all four.

Mr. SIMS. He did not come to represent them. He said he was the spokesman. In other words, he was representing what they approved, but their official representative did not appear before the committee and make any statement.

Mr. SWITZER. But they did send Mr. Doak?

Mr. SIMS. I have it here. I may be in error, as I am stating it from my recollection.

Mr. SWITZER. Your committee did not come to any decision to strike this out until he made the request?

Mr. SIMS. We had not acted on any provision in the bill at all. He came before us in the hearings before we had acted on any section.

Mr. SWITZER. One other question. Was not the bill redrafted after it was referred to your committee, and did not the redraft still contain the workmen's compensation provision?

Mr. SIMS. The bill was drafted three different times, for this reason: In order to have all amendments which the committee had agreed to in one bill, and not have the Members come in here and offer them as separate committee amendments; and that was done by unanimous consent after the bill was reported—that is, the final draft—so as not to have so many committee amendments offered that the committee had already agreed to. The bill was drafted first before any amendments were offered at all. Afterwards it was introduced again as the committee then agreed to report it, but after that had been done the committee still decided to make further amendments, which were made, and then it was introduced in its final form. But what the gentleman says was not the cause of this redraft, but it was redrafted with reference to what amendments the committee had decided to put in the bill. Now, what Mr. Doak said——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SWITZER. Mr. Chairman, I have not had a minute's time during the consideration of this bill, and I ask unanimous consent for 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. SIMS. Mr. Doak said:

In appearing here to-day I do so in behalf of the four railroad brotherhoods and especially for the purpose of discussing briefly the provision pertaining to workmen's compensation.

Mr. MONTAGUE. Will the gentleman permit me one moment?

Mr. SWITZER. Just two more questions, and then I will yield to the gentleman. This bill was originally drafted by a representative of the administration and is known as the administration railway bill?

Mr. SIMS. You mean as it was originally drafted?

Mr. SWITZER. Yes.

Mr. SIMS. As originally drafted it was drafted with a view of carrying out the President's proclamation.

Mr. SWITZER. So the redraft I referred to carried the workmen's compensation?

Mr. SIMS. The redraft covered simply amendments that were agreed to by the committee after the original bill was introduced.

Mr. SWITZER. I yield to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. I wish to say to the gentleman, and I think I do not betray the confidence of the committee, I made the motion in the committee to strike out section 9. There were two considerations impelling that motion, one that I thought it was unconstitutional in that it delegated legislative power to the President, and second, to preserve the idea carried in the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] a few minutes since.

Mr. SWITZER. Mr. Chairman, I agree with the gentleman from Virginia, that I believe that this section 9 as originally drafted delegated to the President legislative powers and that therefore it was clearly unconstitutional. I made some remarks upon the floor of this House a few weeks ago, and I further opposed this section 9 as originally drafted, for the reason that I believed that the administration of the compensation law would be freer from political influences and interferences if it was placed under the jurisdiction of the United States courts; that is, if the initial complaint was lodged before a referee appointed by a United States district judge, and have a right to review, and transfer of jurisdiction, with the ultimate right of trial by jury; that in this way the interests of all parties, the employees and the railways and the Government and the people, would be best conserved. But I regret very much that the spokesman, as we will call him, for the railway brotherhoods at this time assumed the antagonistic attitude indicated by the chairman of the Committee on Interstate and Foreign Commerce, for I believe that this is the opportune time to have passed a national workmen's compensation law, covering under it the employees of the interstate railways of this country, certainly with a representative of the administration appearing here and personally requesting certain legislation. If, then, the brotherhoods would have given the principle involved their support it would have been easy to have substituted a workable and acceptable compensation provision for the original draft of the law, and there would have been a certain, adequate, uniform compensation on account of disability or death as a result of injury in interstate railway service throughout the whole country. Now, so far as the spokesman of these railway brotherhoods is concerned, he represented the Railway Trainmen.

Of all the men who need the benefit of a workmen's compensation law it is the railway trainmen. Some one has misled this order and had them go on record against the workmen's compensation law. But so far as the locomotive engineers are concerned, they are unanimous for a workmen's compensation law. The conductors are passive. I believe the firemen have taken no action on it.

Here is a man who says he represents 130,000 employees out of probably 1,400,000 employees of the interstate railways of this country. I believe that merely upon the request of that spokesman this provision has been eliminated from this bill. I know it is futile to offer an amendment. I presume it would be ruled out if a point of order were made, and if a point of order is not made, with the activities of these railway brotherhoods against it, it would fail. I recognize that, but it seems to me that the heads of the railway brotherhoods, if they at all favor such a proposition, have made a serious mistake, and I think now, over and above all other times, it is necessary that we should have such legislation.

I think the representative of the administration was right in recommending a compensation system, while I do not agree with his proposed method for its initiation and administration. There will be transported over these railroads thousands and thousands of tons of high explosives, and there will be congestion of freight, as there has been this winter, and so long as the war goes on, and the employees will be subjected to greater dangers than heretofore, and with the additional instances of danger it will be impossible for the railway employee to prove the injury suffered is any fault of the carrier. It will be impossible to prove negligence, and it will continue, as it has been in the past, that about one-third of those who are injured and about 15 to 20 per cent of the dependents of those who are killed by accidents will receive compensation, and those who do finally recover against the railroads will probably have to pay one-third or one-half of what they receive to their attorneys.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. Yes.

Mr. COOPER of Ohio. I would like to say to my colleague from Ohio that that part of the workmen's compensation law was stricken out of this bill. I do not believe the President had any power at all under the wording of that section to take in the employees of the railroads of this country in workmen's compensation.

Mr. SWITZER. I so stated. I believe that the original draft of the section delegated powers that are unconstitutional. I do not think it should have been placed under the Federal Workmen's Compensation Commission, because I believe that a system ought to be originated at this time and adopted that would apply to these railroads after we release them and after they go back to private control, something that would be workable in peace times as well as in war times.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. I yield.

Mr. TOWNER. In the bill H. R. 8172, where I think it was perhaps the first amendment, I noticed not only the objection of the gentleman from Virginia [Mr. MONTAGUE], but, it seems to me, it would be objectionable also upon the ground that by inference, at least, it would take away from the employees the benefits conferred under the employees' liability act.

Mr. SWITZER. I think they should be taken away, and we should substitute therefor a proper workmen's compensation law.

Mr. TOWNER. That may be; but a workmen's compensation act was not a suitable substitute for the workmen's liability act.

Mr. SWITZER. Mr. Chairman, I am in accord with the railway brotherhood heads when it comes to the provision as proposed in this bill. I believe it should have been eliminated. But I believe that this is the time and this is the hour, when the administration was demanding something in their behalf, when they should have joined hands for the principle, and instead of having a few of their subordinates out in the country telegraphing you to oppose this measure, they should have telegraphed to you that they were against the provision in the bill but favored a liberal compensation system, and it would easily have been put into this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 11, line 11, strike out the words "nothing in this act shall be construed" and insert "the President, in the exercise of the authority given to him by this act or by the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916, shall not."

Mr. LENROOT. Mr. Chairman, the importance of section 9——

Mr. CALDWELL. Mr. Chairman, a point of order. Has the section been read?

Mr. LENROOT. This is section 9. The importance of section 9 is not as great, of course, now, since the amendment of my colleague [Mr. ESCH] has been adopted, taking in all the short-line roads that are competing roads. But nevertheless this amendment, which is merely a perfecting amendment, ought to be adopted, as it seems to me.

What is the language that I seek to strike out? "That nothing in this act shall be construed to affect the routing instructions," and so forth. The intention of course, was to deprive the President of any power to affect the routing instructions except in the cases mentioned later on in this section.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. BARKLEY. What is the necessity for your amendment? because the act of 1916 does not touch the question of routing instructions and traffic agreements. Why is it necessary to go to the extent of more detail and stating what the President can not do under these two acts when the language in the bill already indicates it?

Mr. LENROOT. Mr. Chairman, I am very glad, indeed, to find so many Members on that side give the same construction to the act of 1916 that I have given to it in the past, namely, that the act of 1916 does not give to the President any greater powers than the railroad themselves had prior to being taken over.

Mr. BARKLEY. I hope the gentleman will not construe my question as indicating that I approve of that construction that he places upon the act of 1916. My point is that, in view of the fact that the act of 1916 does not go into detail as to how the President shall control the roads and this is the only act which mentions that in detail, it is not necessary to mention any other act except this one in this particular section.

Mr. LENROOT. Let me say then, was it the gentleman's idea, inasmuch as the act of 1916 did not go into detail, but that the President had absolutely plenary power to affect routing instructions as well as other matters, that it was the intention of the committee to leave that power in the President, that he could affect routing instructions as he saw fit?

Mr. BARKLEY. The power that the act of 1916 conferred upon the President is limited by whatever provisions are included in this bill. In other words, the act that we are now attempting to pass is a limitation upon the powers that may have been conferred in the act of 1916; and, granting the suggestion that the President had plenary power to affect routing instructions under the act of 1916 if unamended, this provision and the provisions of this entire bill limit his authority under that act, even if construed to be entirely plenary.

Mr. LENROOT. Very well, then. Let me see if I get the gentleman's position. If the President then had the power under the act of 1916 to affect routing instructions as he saw fit, the gentleman then desires that he continue to have that power to affect routing instructions except as limited by this bill. Is that true?

Mr. BARKLEY. That is necessarily true, not only as to routing but as to all other powers conferred by the act of 1916.

Mr. LENROOT. Then it was not the intention of the committee to afford the protection to the short-line roads as to routing instructions by limiting the power of the President, except as it might be limited by other provisions of the act.

Mr. BARKLEY. Our contention is that the language of this section as now written does limit the President's authority in accordance with its own terms, and that he can go no further under the act of 1916 than he is allowed to go under this section in the matter of rerouting traffic and instructions.

Mr. LENROOT. Then, may I ask the gentleman what the committee meant in the very next section of the bill, wherein the language is found that nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President? In one breath the gentleman says this bill now does limit the power of the President under the act of 1916, and in just a few moments he will declare that the power of the President is not limited.

Mr. BARKLEY. Except as provided in the bill. You have got, of course, to put a reasonable construction on the language, that, in so far as the bill itself does not restrict the President, he shall not be limited.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LENROOT. I ask five minutes more.

Mr. SIMS. Does the gentleman think he needs it?

Mr. LENROOT. I do not think I need it; but it seems difficult to convince some gentlemen upon that side upon a very plain and simple proposition.

Mr. SNYDER. May we have the amendment read?

Mr. CHAIRMAN. If the gentleman will yield, without taking it out of his time, the amendment will be again reported.

The Clerk read as follows:

Page 11, line 1, strike out the words "nothing in this act shall be construed" and insert "the President, in the exercise of the authority given to him by this act or by the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1916, and for other purposes,' approved August 29, 1916, shall not."

Mr. LENROOT. Now, Mr. Chairman, my amendment will simply say in plain language that the President shall not have the power to affect the routing instructions over or traffic arrangements of such railroads, except as is particularly given in this section. That is all my amendment does. And why should the President be given any greater power? Why should we resort to any implied powers if you are going to give any protection to short-line roads by this section? And that is the only purpose of it. Why should not the powers of the President be directly restricted rather than to say "Nothing in this act shall be construed to affect" when there is a serious question whether there is anything in the act that will.

Mr. SIMS. Has the gentleman concluded his remarks?

Mr. LENROOT. Yes.

Mr. SIMS. Mr. Chairman, the gentleman from North Carolina [Mr. WEBB], in general debate, explained fully about this section; but, as always happens in general debate, Members do not attend as well as they do when we are reading the paragraphs of the bill for amendment, and perhaps some of the gentlemen here did not hear the statement of the gentleman from North Carolina [Mr. WEBB]. But I can say from my own knowledge that the bill, before section 9 was put in as here drawn on page 11, had provisions covering short-line railroads—weak roads, roads in receiverships, and so forth, taken over, where it would be an injustice to them to apply the provisions of the standard return. But there was no legislation in the bill to prevent the taking over of roads from injuring other roads not taken over; and the representatives of 115 roads—I think, all of those in the South—and some presidents of short-line railroads came to me with the gentleman from North Carolina [Mr. WEBB] and brought this provision, just as it is in this bill, and asked that it be included in the bill.

The gentleman from North Carolina [Mr. KITCHIN] was also consulted about it, and the provision that is in here now was prepared by the attorneys and officials representing short-line railroads that might not be taken over or might be relinquished after they were taken over. Now, if the gentleman from Wisconsin [Mr. LENROOT] knows better what these men want than they know themselves, if he knows better than their lawyers know what it will take to get it, perhaps he can convince the House; but after the amendment was prepared with so much

the President, and second, to preserve the idea carried in the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] a few minutes since.

able in peace times as well as in war times.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. I yield.

that act, even if construed to be entirely plenary.

House; but after the amendment was prepared with so much

care by those to be affected by it I do not want to consent to any kind of an amendment; and where it is mere verbiage, mere trimmings, mere frills, even though the gentleman may have had the assistance of the most expert bill drafter in the country, I do think that, where those interested and those to be affected by the legislation have prepared and accepted it, the House is going pretty far to amend it in any way whatever. Therefore I am opposed to any amendment, because this is the finished product of those who knew what they wanted in this bill, and I hope the amendment will be voted down.

Mr. LENROOT. Mr. Chairman, I desire to be recognized in reply to the gentleman from Tennessee.

Mr. SIMS. But the gentleman has already had 10 minutes.

Mr. LENROOT. Yes; but the gentleman has made some statements that I want to reply to. I move to strike out the last word. I want to say, Mr. Chairman, that the gentleman from Tennessee, instead of replying to the argument I made, has told you how this paragraph was drafted. I am not going into the merits of the case, because the gentleman did not go into the merits or attempt to reply to the argument I made as to the necessity of the amendment. But certainly I am surprised at the gentleman from Tennessee making a statement that because some group of interested men handed into the Committee on Interstate and Foreign Commerce an amendment that was satisfactory to them, therefore the House of Representatives, representing the general public, should not be at liberty to make such amendments as it sees fit.

The gentleman made another statement—that I had the benefit of one of the most expert draftsmen of the country in preparing the amendments that I have offered. That is true. I am glad that I had the assistance of that gentleman, and I want to say to the eminent chairman of this committee that if the committee had had the assistance of the same gentleman we would have expedited the passage of this bill and there would not have been in the bill the crudities and absurdities that are now found in it.

The CHAIRMAN. Without objection the pro forma amendment is withdrawn, and the question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 10. That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President to take possession and assume control of any or all systems of transportation; and the President, in addition to the powers conferred by this act, shall have and is hereby given such other and further powers necessary or appropriate to give effect to the powers herein and heretofore conferred. The provisions of this act shall also apply to any carriers to which Federal control may be hereafter extended.

Mr. BLACK. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 11, after figure 10 in line 14, strike out the language down to and including the word "transportation" in line 17, and insert the following in lieu thereof:

"The provisions of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes, approved August 29, 1916,' shall remain in force and effect, except as modified and restricted by this act."

Mr. BLACK. Mr. Chairman, in the discussion to which we have just listened, between the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Kentucky [Mr. BARKLEY], section 10, which I now seek to amend, was referred to. The act of August 29, 1916, "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," contained a section under which the President, by his proclamation, has taken over the possession and the control of the railroads. Able lawyers have given it as their opinion that the Interstate Commerce Commission, for instance, was shorn of its regulatory power by the act of the President in taking over the transportation companies of the country under the provisions of the law which I have mentioned. Now, what does section 10, as written in this bill, provide? It says—

That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President to take possession and assume control of any or all systems of transportation.

Now, then, suppose that the House, when we reach the section of the bill dealing with freight rates, decides to give the President the power to initiate freight rates, fares, and charges by filing the same with the Interstate Commerce Commission in such form and at such time and upon such notice as he shall direct, but that in the same connection we should see fit to retain the jurisdiction of the Interstate Commerce Commission in its power to determine as to the justness and fairness of rates. Then we are at once confronted with the provisions of section 10 of the bill to which I have already referred, which says that nothing we do in this pending bill shall be held to modify or limit the authority given the President under the Army appropriation act of 1916. It seems to me that the language is an error, in view of what we are seeking to accomplish in the legislation which we are now considering.

Therefore, I propose an amendment which says that the authority and power which we conferred upon the President in that act of 1916 shall remain in full force and effect, except where it is modified and restricted by the limitations of this act; and therefore, if my amendment is adopted, there would be no ambiguity in the language of the bill and its meaning would be clearly and perfectly understood.

Mr. BARKLEY. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. BARKLEY. Is it not a principle of law that always the last announcement of the legislature on any subject is the law; that it repeals by implication any other law inconsistent with the provisions of the subsequent act?

Mr. BLACK. As a general proposition, that is true; but the language of section 10 is peculiar and I think unusual, and I think it would be better to state in this bill, as my amendment does clearly state, that all the powers we conferred on the President in that act of August 29, 1916, shall remain in full force and effect except where restricted and modified by this act.

Mr. BARKLEY. The object of it is to reserve all the implied powers under the act of 1916, and this act which may be necessary to carry out the powers given to the President. I think this language is as far as it is necessary to go in limiting the President and leaving in him the implied necessary powers.

Mr. BLACK. Would not my amendment make clearer the intent of Congress, because it provides that all authority and power which the President now exercises in his control of railways under laws heretofore made shall remain unimpaired except as herein modified?

Mr. BARKLEY. No; there might be implied power in the act of 1916 which ought to remain.

Mr. BLACK. Under my amendment it would undoubtedly still remain. Unless it is changed or modified by some specific provision of the act which we are now about to pass. The bill as now written says that nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President, by the act of 1916.

Mr. BARKLEY. In taking possession and assuming control.

Mr. BLACK. That is the power that was indeed given the President in that act, and, as I said in the outset of my remarks, the interpretation that some eminent lawyers have placed upon the effect of the President taking control of the railroads under such act was to sweep away all jurisdiction and power that have been granted to the Interstate Commerce Commission under laws heretofore passed. I therefore take the position that Congress ought to make it clear that what we intend to do in this act is to leave to the President all the powers he has under the act of 1916, except where they are modified and limited by this particular act. That certainly is the intention of Congress, and it should be made quite clear, so that no confusion may arise in interpreting the two acts. I therefore hope that my amendment will be adopted.

Mr. LENROOT. Mr. Chairman, I wish to support the amendment.

Mr. SIMS. I am opposed to the amendment, but if the gentleman from Wisconsin is to support it I will wait until I hear what he says.

Mr. LENROOT. Mr. Chairman, this amendment proposed by the gentleman from Texas [Mr. BLACK] certainly ought to be adopted. Unless the amendment is adopted, we have this situation, that this bill says in one section one thing and in the next section directly the opposite. The gentleman talks about this being the usual language that is found in all bills. I challenge the gentleman to point to any law that was ever passed by Congress that had any such language in it as this. What is the language?

That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President—

And so forth.

Yet, in the preceding section, they frankly state that by that section they do modify and restrict the powers of the President. Later on, in section 12, they again state that in that section they do modify and restrict the powers of the President. Yet in this section they say nothing in the act shall be construed to limit or modify or restrict the powers of the President. Mr. Chairman, with all due respect to the chairman of the committee and the gentleman from Kentucky [Mr. BARKLEY], a high-school debating society would not think of supporting such a contention as the gentleman now makes. What possible objection is there to the amendment proposed by the gentleman from Texas, which is merely that the powers of the President under the act of 1916

shall not be in the slightest degree affected except as they are modified by this act. Is not that what you mean? Is not that what you want? Why not say so in the English language? You have not said so, but you have said something directly the opposite. You are trying to get the committee to say something that you yourselves say ought not to be true. In other words, you are saying that although in a part of this bill we have modified and restricted the powers of the President, you insist now in putting into the bill a provision that we have not done what we say we have done.

Mr. SIMS. Mr. Chairman, before commencing a reply to this I desire to make a statement in regard to what the gentleman from Wisconsin [Mr. LENROOT] said a few moments ago upon another matter, so that the House may not misunderstand. The gentleman said that if the chairman of this committee had had the advantage of the gentleman's advice to whom he referred there would not have been as many objectionable things in the bill as there are. I think, in justice to the House and in justice to the gentleman referred to—and I am not going to mention the name, but the gentleman from Wisconsin knows who is referred to—I should say that as chairman of the committee, upon the recommendation of Members of the House as to his ability to assist in the proper framing of legislation, I invited this gentleman to attend the hearings on this bill all the way through, and he did so, and when we began to consider the bill in executive session I proposed to the committee that he be invited to come in and remain during those sittings, not for the purpose of asking what ought to be in the bill in the way of legislation or anything of that sort, but to assist the committee in using the proper language to clearly express what the committee desired to express.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Wait until I get through with the statement.

Mr. JOHNSON of Washington. I want to get the name of this gentleman.

Mr. SIMS. Mr. Chairman, I would like to have order. I would like to have the attention of the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I am listening.

Mr. SIMS. I submitted that proposition to the committee.

Mr. JOHNSON of Washington. Was this in the gentleman's committee?

Mr. SIMS. In the Committee on Interstate and Foreign Commerce, and gave the reasons for it fully.

Mr. RAYBURN. Mr. Chairman, I protest. I ask the gentleman from Tennessee if he thinks this is a proper discussion?

Mr. SIMS. Mr. Chairman, I want the facts. This is not a discussion, it is a statement of the facts.

Mr. RAYBURN. Is it proper to disclose matters that happened in that committee in reference to a man who is not connected with it in any way?

Mr. SIMS. I want to say, in justice to the gentleman who has been referred to, and to let Members know that he was not rejected on account of any objections to him; but it was stated by some members of the committee that it was an unusual proceeding with that committee, and the bill might be submitted to him for his advice after it was perfected. Some gentleman of the committee offered a motion to admit him, and I said "No"; it would be embarrassing to him and an injustice to him, unless it could be done by the unanimous consent of the entire committee. That is the only reason he was not invited and why we did not have the benefit of his presence. But I want to say that that gentleman did not indicate that he wanted to in any way control the legislation or to shape any provision of the bill, but only to aid us as we ourselves might want his advice as to the framing of the bill, and the implication that might be drawn from what the gentleman from Wisconsin [Mr. LENROOT] said, that we thought we did not need any help, is erroneous. As one member of the committee, I was very glad to get assistance from any source, and that is the reason why the gentleman whom the gentleman from Wisconsin consulted was not consulted by us as a committee.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Mr. Chairman, I object to any further discussion of this representative of somebody here to instruct the committee how to draw a bill.

Mr. MADDEN. What is this gentleman's name?

Mr. SIMS. The gentleman from Wisconsin can give the name of the gentleman.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. There has been objection to further discussion of the incident.

Mr. JOHNSON of Washington. Will not the gentleman yield for a question? I want to ask the name of this gentleman.

Mr. SIMS. I suggest the gentleman ask the gentleman from Wisconsin.

Mr. BARKLEY. Mr. Chairman, I object.

Mr. SIMS. Mr. Chairman, this is an amendment proposed to section 10. The committee has not considered this amendment; it has not been offered to the committee. It has not been discussed; it is not among the amendments which the gentleman from Wisconsin proposed, as printed in the RECORD.

Mr. KNUTSON. Will the gentleman yield? The gentleman was speaking about some outsider who was invited to sit in with the committee. May I ask the gentleman who that party was?

Mr. SIMS. There has been objection to my saying anything about what transpired in the committee. The gentleman can find out by asking the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. He is a very good man.

Mr. SIMS. My opinion would confirm every word the gentleman has said [laughter] as to his being a very good man.

Mr. STAFFORD. This is a mutual admiration society.

Mr. SIMS. I hope we may now have attention to the amendment itself.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, may I ask unanimous consent to have five minutes more?

Mr. KNUTSON. May I ask the gentleman another question?

Mr. SIMS. No.

The CHAIRMAN. The gentleman declines to yield.

Mr. KNUTSON. The gentleman has not declined to yield.

Mr. SIMS. I have on this matter.

Mr. KNUTSON. I only want information, I will say to the gentleman.

Mr. SIMS. The gentleman will not get it on that point.

Mr. KNUTSON. Was this a star-chamber session?

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Chairman, the amendment proposed by the gentleman from Texas, striking out a portion of section 10, just referred to, and inserting other language has not been considered by the committee. It may have been considered by some members of the committee, but I mean it has not been considered by the committee as a committee. I never heard of it until read.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. SHERLEY. What is the gentleman's construction of the language that he has in his bill? What does the gentleman say in definition of the language that is moved to be stricken out?

Mr. SIMS. I do not think it needs any definition.

Mr. SHERLEY. Some of us do.

Mr. SIMS. I can not prevent gentlemen from having that opinion.

Mr. SHERLEY. But the gentleman is in charge of the bill.

Mr. SIMS. I am going to state to the gentleman, if given a chance, that this language with reference to the power of the President was submitted to the legal authorities that advised the President——

Mr. SHERLEY. Oh, well, if the gentleman will permit——

Mr. SIMS. It was submitted to some of the ablest lawyers I know of in the United States who were available, and it has been considered by the committee and accepted in its entirety just as it is, and therefore I am pinning my faith to the ability of the gentleman who framed this section, who has passed upon it in its entirety, and I am not willing, even if I individually took the same position that the gentleman from Texas does in his amendment, to insist on it over the advice of those who have passed upon this question and put my own judgment over theirs. I would still let this section remain as it is. The Senate passed this section as it is without any amendment whatever, and they certainly have some able lawyers in the Senate and some of its Members know what the language used means, and even though an expert on these matters may have given a different opinion I am not willing to overrule what has been adopted by the committee and has passed the Senate, and which I can see no reason whatever to change.

Mr. WINGO. Will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. WINGO. As I understand, the gentleman's bill covers two propositions. One is the provision for the operation of transportation systems while under Federal control, and the other is for compensation to the owners of those systems.

Mr. SIMS. Yes; and other matters.

Mr. WINGO. That is the point I want to ask the gentleman about.

Mr. SIMS. Compensation is a contract provision.

Mr. WINGO. I am talking about the broad substantive proposition the gentleman's bill deals with, and, as I understand, there are two; one is compensating the owners for the use of these properties and to provide for the operation of the property under Federal control. Has the gentleman provided for anything else in his bill?

Mr. SIMS. We provide for a great many things in this bill.

Mr. WINGO. Name some of them.

Mr. SIMS. I mean details as to how it is to be done.

Mr. WINGO. I am talking about the broad substantive legislation. Does the gentleman undertake to provide anything with relation to the change of the authority of the President in taking over railroad lines?

Mr. SIMS. We aim to give him all the authority he has so far exercised and that contained in this bill and every portion of it——

Mr. WINGO. The gentleman does not answer the question.

Mr. SIMS. And certain enlargements also of authority as contained in this bill.

Mr. WINGO. What I want to know is if this bill deals with anything except two things—one the operation of these transportation systems in the first place, and then as to the compensation to the owners. Is there any other substantive legislation?

Mr. SIMS. There are the financial provisions in the bill in reference to the purchase of securities and selling them and everything of that kind.

Mr. WINGO. That comes under the head of operation, does it not?

Mr. SIMS. Not necessarily at all.

Mr. WINGO. Is there any provision in the bill that undertakes to change the authority of the President in reference to the power he has under prior acts?

Mr. SIMS. No; only to supplement them and add thereto.

Mr. WINGO. If there is one, point it out to me. I can not find it——

Mr. SIMS. I will confess to the gentleman that his inquiry calls for such details I can not do so right now.

Mr. WINGO. I am asking the gentleman in a broad way to show me some——

Mr. SIMS. It is intended to be very broad, and, if necessary, to execute and carry out the provisions of this bill.

Mr. WINGO. I am not talking about this section. I am asking about the bill. Show me any other section of the bill that will provide anything other than the two things I have named, in a substantial way; that is, operation of these lines and consequent compensation to the owners.

Mr. SIMS. In addition to the authority for taking them over?

Mr. WINGO. Have you any section that will give the President authority to take them over? I thought you covered that by prior legislation.

Mr. SIMS. They were taken over by prior legislation.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I have listened with great interest to the discussion of this legal proposition. It seems to me that there is one difficulty springing from the too broad interpretation given to the first part of section 10. In reading section 10 we find it says:

That nothing herein contained shall be construed as modifying or restricting the powers heretofore conferred upon the President to take possession or assume control of any or all systems of transportation.

Now, that section has been discussed as though it read that nothing said in this act shall limit the power of the President. But the language is used in a very limited sense—it shall not limit the power of the President but only in the matter of the taking possession and assuming control. And the purpose of the bill is to guard that power sacredly, because that is the essence of the prior law. I do not think there is anything in section 10 that is in conflict with section 9, but both can be read and interpreted together. Section 9 relates to an unrelated subject; section 10 relates to the taking over and control of the roads that are to be taken over. Section 9 relates particularly to and affects these roads that are not taken over, and therefore it would seem to me, not having the benefit of conference in committee or discussion of the bill except here upon the floor, as though the amendment which has been proposed is quite unnecessary to carry out the purposes and intent of this bill.

One word further, and that is that if section 11 were changed by this committee that would not interfere with the language of section 10, for that would relate to the making of rates and not to the "taking possession and control," which in my interpretation means taking physical possession and physical control, or, in other words, the operation of the roads.

Mr. LENROOT. Will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. LENROOT. My interpretation is the same as the interpretation of the gentleman from Pennsylvania, but I want to ask the gentleman whether he does not know that the President, under the terms "possession and control," assumes the power to make rates, to make traffic arrangements, and do everything there is in connection with the railroads; and in that construction is not this amendment necessary?

Mr. GRAHAM of Pennsylvania. No; for the reason that I do not know that the President does assume to do these things. I am now as a legislator reading the language of the bill that is before the House, and reading that language only, it would seem to me the meaning I have stated is the reasonable and natural interpretation of the language and the one which any court of this land would adopt.

Mr. DEMPSEY. Will the gentleman yield for a question?

Mr. GRAHAM of Pennsylvania. I will.

Mr. DEMPSEY. How would you possibly construe this as affecting rates when a separate section deals with rates? Does not that in and of itself negative the possibility of any such interpretation?

Mr. GRAHAM of Pennsylvania. Certainly, and any court reading the entire bill would say that that was true.

Mr. GREEN of Iowa. Will the gentleman yield for another question?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. GREEN of Iowa. The power conferred upon the President to take possession and assume control of systems of transportation is derived solely from the act which was referred to in the amendment of the gentleman from Texas [Mr. BLACK], is it not?

Mr. GRAHAM of Pennsylvania. The act of 1916 says:

The President in time of war is empowered through the Secretary of War to take possession and assume control of any system or systems of transportation or any part thereof.

Mr. GREEN of Iowa. So that, as it seems to me, under the amendment of the gentleman from Texas, it comes right back to that same thing. He referred to that act.

Mr. GRAHAM of Pennsylvania. It is not the point as to whether his amendment refers to that act or not. The point is, Is that amendment necessary to make this piece of legislation clear or is the language which the committee has in this bill sufficient to carry the thought through? I merely suggest that the amendment is not necessary.

Mr. SHERLEY. Mr. Chairman and gentlemen of the committee, I care not, touching the quarrel as to who should be selected to do our work for us, whether it is the distinguished adviser of the gentleman from Wisconsin or the adviser of the gentleman from Tennessee. Neither am I satisfied with an answer that tells me that the advice was wise and given by distinguished gentlemen and therefore should be accepted

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. SHERLEY. No. If that position is to be followed, this committee ought to dispense with the reading of the bill and pass it as it is. [Applause.] Of course, nobody seriously contends anything of that kind.

I think the language as stated here ought not to be in the bill, notwithstanding the statement made by the gentleman from Tennessee [Mr. SIMS] and the gentleman from Pennsylvania [Mr. GRAHAM]. I think the amendment offered by the gentleman from Texas [Mr. BLACK] ought itself to be modified by having added to it the word "express," so that you would not be modifying the act under which the President took over the railroads, by implication, but only by express provision. But you ought not to put in here a statement that is either meaningless or untrue. Because this act does modify some of his power——

Mr. GRAHAM of Pennsylvania. Will the gentleman permit a question?

Mr. SHERLEY. In just a moment.

Some of his power to take possession and assume control.

Mr. GRAHAM of Pennsylvania. Well, does it modify his power to assume control? That means taking possession physically and assuming control of the road.

Mr. SHERLEY. Assuming control means something more than what the gentleman undertakes to limit the words to. At least, it may mean very much more than that, and it strikes me as an unwise proposition to write into an act that you are passing that it shall not be construed as modifying this previous act. Now, the amendment of the gentleman from Texas [Mr. BLACK], after designating the act under which the President got the power to take over the railroads, says that such

act "shall remain in full force and effect, except as modified and restricted by this act." Now, I would modify his amendment by putting in front of the word "modified" the word "expressly," so that it would read, "except as expressly modified and restricted by this act"; and I ask the gentleman from Pennsylvania [Mr. GRAHAM], who is a good lawyer, whether the amendment so modified could by any possibility interfere with those powers that the President got under the former act and which we desire through this legislation to let him continue to have and exercise?

Mr. GRAHAM of Pennsylvania. No; I do not think they would interfere, but I say that the language that the committee has reported to the House is sufficient to protect those rights. Hence the amendment is unnecessary.

Mr. SHERLEY. Well, I do not agree to the gentleman's premise, that the assumption of control means literally assuming control in the sense of taking possession only. Assumption of control means the management of these railroads, and among other things the fixing of rates and other matters concerning which we are expressly laying down a rule for, and therefore I am not willing to take the chance that his construction of the language would require, and I ask this House not to take it.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to modify my amendment by inserting the word "expressly" before the word "modified," so that the amendment will read——

The CHAIRMAN. The Clerk will report the amendment as modified, and indicating how it will read.

The Clerk read as follows:

Modified amendment by Mr. BLACK: On page 11, after figure "10" on line 14, strike out the language down to and including the word "transportation" in line 17, and insert the following in lieu thereof: "The provisions of the act entitled 'An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes,' approved August 29, 1916 shall remain in force and effect except as expressly modified and restricted by this act."

Mr. SIMS. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken; and the Chairman announced that the "ayes" appeared to have it.

Mr. SIMS. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 87, noes 21.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 11. That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act, or any other act applicable to such Federal control, or with any order of the President, be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law. Suits may be brought by and against such carriers and judgments rendered as now provided by law; and in any suit against the carrier, no defense shall be made thereto upon the ground that the carrier is an instrumentality or agency of the Federal Government. But no process, mesne or final, shall be levied against any property under such Federal control.

Until and except so far as the President shall from time to time otherwise order, the rates, fares, charges, classification, regulations, and practices of carriers under Federal control shall during the period of Federal control continue to be and to be determined as hitherto. But when in the judgment of the President it is necessary in the public interest he may initiate rates fares, charges, classifications, regulations, or practices, or changes therein by filing the same with the Interstate Commerce Commission in such form and at such time and upon such notice as he shall direct. All rates, fares, charges, classifications, regulations, and practices, or changes therein so ordered, shall be fair, reasonable, and just; and the Interstate Commerce Commission shall upon complaint make investigation and grant full hearings concerning the fairness, justice, and reasonableness of any rates, fares, charges, classifications, regulations, or practices, or changes therein so ordered by the President; and shall make report of its findings and recommendations concerning the same (which findings and recommendations shall prima facie be taken as correct) to the President for such action as the President may deem required in the public interest. That nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation.

Mr. JOHNSON of Washington, Mr. JOHNSON of Kentucky, Mr. SWEET, Mr. COOPER of Ohio, and Mr. DEMPSEY rose.

The CHAIRMAN. The gentleman from Iowa [Mr. SWEET], a member of the committee, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SWEET: Strike out all on pages 12 and 13, commencing with the word "Until," in line 12, on page 12, and ending with the word "interest," in line 8, page 13, and insert in lieu thereof the following:

"That the jurisdiction and power over the rates, fares, charges, and classifications of common carriers which prior to Federal control were lodged in the Interstate Commerce Commission by the act to regulate commerce, approved February 4, 1887, and the amendments thereto, shall continue in the Interstate Commerce Commission, and said commission shall retain full jurisdiction over the rates, fares, charges, and classifications of the said carriers and all governmental agencies referred to or created by this act; but during the period of said Federal control said commission in determining any question arising under this act shall consider all the facts and circumstances arising under the war emergency and growing out of the unified, coordinated Federal control occasioned thereby. This shall not be construed as interfering with the control by the President or any agency created by him of the operation as distinguished from the rates, fares, charges, and classifications of said carriers subject to Federal control."

Mr. SIMS. Mr. Chairman, I want to see if we can not get a unanimous-consent agreement. I would like to ask the gentleman from Wisconsin [Mr. ESCH] if we can not make an agreement as to the amount of time for debate on this amendment and any amendment that may be offered thereto or to this portion of the bill, the gentleman from Wisconsin to control the time agreed to on that side and myself to control the time on this side?

Mr. ESCH. I will consult gentlemen on this side and inform the gentleman.

Mr. JOHNSON of Kentucky. Mr. Chairman, reserving the right to object, I would like to ask the gentleman [Mr. SWEET] who just offered the amendment if he does not think an amendment just preceding his had better come first? I desire to offer one in line 9, just after the words "Federal Government." It in no wise treats of the same feature as his.

Mr. LENROOT. Let us dispose of one at a time.

Mr. SWEET. The general opinion seems to be that we will take up this rate question first.

Mr. JOHNSON of Kentucky. Then it is understood this will not cut me out from offering that amendment?

The CHAIRMAN. The gentleman from Kentucky will have the opportunity to present his amendment.

Mr. ESCH. I think we would require at least an hour on this side.

Mr. SIMS. Then, Mr. Chairman, I ask unanimous consent that all debate on the amendment offered by the gentleman from Iowa [Mr. SWEET] and other amendments to this section shall close in one hour, the gentleman from Wisconsin [Mr. ESCH] to control half the time and I to control the other half.

Mr. ESCH. I said we would want an hour on this side.

Mr. SIMS. Mr. Chairman, I ask that all debate on this amendment and other amendments to this section close in two hours, one hour to be controlled by the gentleman from Wisconsin and the other hour to be controlled by myself.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the debate on the pending amendment and other amendments to the section close in two hours, one half of the time to be controlled by the gentleman from Wisconsin and the other half to be controlled by himself. Is there objection?

Mr. STEPHENS of Nebraska. Reserving the right to object, Mr. Chairman, I would like to ask the chairman of the committee if it is understood that we are to pass this bill to-day?

Mr. SIMS. There is no agreement to do it; but we want to do all we can toward it, and I hope that we may complete the consideration of the bill in Committee of the Whole, and such will be my purpose.

Mr. STEPHENS of Nebraska. I think we should do it to-day.

Mr. McKEOWN. Mr. Chairman, reserving the right to object, I wish to inquire if other amendments to this paragraph after this one will be permitted.

Mr. SIMS. This request goes only to the amendment offered by the gentleman from Wisconsin and amendments offered to his amendment.

Mr. STEVENSON. Reserving the right to object, which I hardly ever do, I should like to inquire how the time on this side is to be divided. Sometimes some of us disagree with the position of the committee on some matters, and we are not given time. I hardly ever ask for time, but I may want five minutes.

Mr. SIMS. Those who are in favor of the Sweet amendment will get time from the gentleman from Wisconsin [Mr. ESCH]; those opposed to it will get time from myself.

The CHAIRMAN. Is there objection to the amendment of the gentleman from Tennessee?

Mr. RAYBURN. That would cut off everybody over here who wants to speak in favor of the amendment.

Mr. SIMS. Not at all.

Mr. RAYBURN. The gentleman from Wisconsin [Mr. ESCH] says he has requests for an hour on that side. The gentleman from Tennessee [Mr. SIMS] says he is not going to yield to anybody who is supporting the amendment. That will cut off everybody on this side who wants to support the amendment.

Mr. SIMS. When the gentleman from Wisconsin [Mr. ESCH] said "this side" I thought he meant the affirmative of the amendment.

Mr. RAYBURN. I do not suppose anybody over here would go to the gentleman from Wisconsin for time.

Mr. ESCH. I said "on this side." If there are others on that side who want to speak in favor of the amendment——

Mr. RAYBURN. A member of the committee wants 10 minutes in favor of it.

Mr. ESCH. In that case we will have to extend the time.

Mr. RAYBURN. If the gentleman from Tennessee [Mr. SIMS] can take care of this side of the House in his one-hour proposition, that is different; but gentlemen on this side who support the amendment do not want to be cut out entirely.

Mr. SIMS. The rule about dividing time is always that those in favor of an amendment are considered together, and those against the amendment are considered together, without regard to which side of the House they may be on.

Mr. TILSON. It seems to me that in a matter of this importance that ought to be the line of demarkation, and then there can be no claim of unfairness in regard to the matter.

Mr. SIMS. That is, that half the time shall be controlled by those who favor the amendment, and half by those who oppose the amendment. That is the only way I know.

Mr. TILSON. It seems that on an important matter like this that ought to be the method of dividing the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. ESCH. May I make a counter proposition, that we may have an hour and a half on a side, to be divided as heretofore, the gentleman from Tennessee controlling one-half the time and myself one-half the time?

Mr. SIMS. That does not settle the question as to dividing the time between those in favor of the amendment and those opposed to it.

Mr. ESCH. I will try to take care of those who favor the amendment, either on that side or this.

The CHAIRMAN. Let the Chair put the proposition. The gentleman from Wisconsin [Mr. ESCH] asks unanimous consent that the debate upon this amendment and all amendments thereto shall be limited to three hours, one-half to be controlled by the gentleman from Tennessee [Mr. SIMS] and one-half by the gentleman from Wisconsin [Mr. ESCH]. Is there objection?

Mr. GARRETT of Texas. I object.

Mr. SIMS. We ought to have an agreement about this matter.

Mr. DOWELL. I suggest that we go ahead with the debate.

The CHAIRMAN. The gentleman from Iowa [Mr. SWEET] is recognized for five minutes in support of his amendment.

Mr. SWEET. Mr. Chairman, this is the same amendment that I presented to the committee. It is the same amendment that I referred to in my remarks in general debate. This amendment gives to the Interstate Commerce Commission jurisdiction over rates, fares, charges, and classifications of carriers The amendment also provides that the Interstate Commerce Commission may take into consideration the facts and circumstances in connection with our present war conditions in arriving at what may be a reasonable and just rate. This amendment does not in any way interfere with the President in the control, possession, and operation of the railways. This amendment preserves to the Interstate Commerce Commission its influence and its power. It is a commission that has excelled all other commissions, and in some respects compares favorably with the Supreme Court of the United States. This amendment preserves the integrity of the Interstate Commerce Commission, which has been the product of 30 years of incessant legislative and railway warfare. This amendment gives to the shipper, to the farmer, and to those who may be interested in rate making and in transportation facilities a place to go where their rights may be determined by experienced men who have been appointed to that position because of their education and their training and because they have studied questions of this character.

This amendment recognizes the line of demarkation between war legislation and peace legislation. This amendment means that the railway rates of this country will not be in a jumbled and irregular condition after the war.

This amendment means that all the railroads, whether under private or Government control, will have the same organization—the same commission—passing upon the question of their rates and charges. It does away with the double-barreled affair referred to by the gentleman from Louisiana.

This amendment means that the men before whom the hearing is had, before whom the arguments are made, will render the final decision and make the final recommendations.

This amendment retains the force, power, and stability of the Interstate Commerce Commission and takes it out of the anomalous position of being simply an advisory board—that it will not be simply a debating society, as was well said by the gentleman from Ohio the other day. This amendment does not interfere in any way with raising the rates. The Interstate Commerce Commission can raise rates or lower rates during the period of Federal control; but it means that all rates will be raised or lowered in an orderly, reasonable, just, and considerate manner.

This amendment does not deprive the President of the right and power to initiate rates, because the President when he took over the carriers took the place of the railways as to control, operation, management, and possession. The railways had the right to initiate rates, and he will have the right to initiate rates. If, without any legislation on this subject, the President has the right to initiate and make rates, he still has the right to initiate rates, for this amendment does not deprive him of that right.

Mr. SNOOK. Will the gentleman yield?

Mr. SWEET. I prefer not to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. SWEET. The Interstate Commerce Commission will have the same jurisdiction over rates, fares, and charges, and classification of carriers that it had before Government control of railways. I want to impress it upon the House that this amendment retains to the Interstate Commerce Commission all the rights and powers that it had before Government control, but it does not interfere with the President initiating rates. The President can initiate a rate, and the Interstate Commerce Commission goes through the same formalities with reference to the proposed rate that it did when the railroads initiated the rates.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. The gentleman can get more time. I want to make a motion.

Mr. CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. SIMS. I desire to make a motion to limit debate. Then, as soon as that is done, the gentleman from Iowa [Mr. SWEET] can proceed.

Mr. SWEET. I do not yield.

Mr. SIMS. I thought the gentleman's time had expired.

The CHAIRMAN. The time of the gentleman from Iowa has expired, and the Chair will recognize the gentleman from Tennessee to make his motion.

Mr. SIMS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SIMS. Is it in order to move to close debate and at the same time to provide that the time shall be equally divided?

The CHAIRMAN. It is not.

Mr. SIMS. I thought that way myself. Mr. Chairman, I move that all debate on this amendment offered by the gentleman from Iowa and amendments thereto close in two hours.

The CHAIRMAN. The gentleman from Tennessee moves that all debate upon this amendment and all amendments thereto close in two hours.

Mr. MADDEN. I wish to offer an amendment to that.

Mr. STAFFORD. I wish to offer an amendment, Mr. Chairman.

Mr. MADDEN. I thought, Mr. Chairman, I was recognized by the Chair to offer an amendment.

Mr. STAFFORD. I will yield to the gentleman.

Mr. MADDEN. I move to amend the motion of the gentleman from Tennessee by making it four and one-half hours.

Mr. SHERLEY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SHERLEY. Was the motion of the gentleman from Tennessee to limit debate upon the amendment offered by the gentleman from Iowa and all amendments to that amendment, or was it a motion to limit debate on that amendment and all other amendments to the paragraph?

Mr. SIMS. It was only to the amendment and amendments to the amendment.

Mr. SHERLEY. If you are to limit debate on the broad subject, why not limit it to all amendments to the paragraph?

Mr. SIMS. I thought it might be hard to get that. I will modify my amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the motion of the gentleman from Tennessee that debate on this amendment and all amendments thereto shall be limited to 4 hours and 30 minutes.

Mr. SHERLEY. Mr. Chairman, I offer a substitute, that debate on this amendment and all amendments relative to the rate-making power shall be limited to four and a half hours. My object is to get that one subject disposed of.

Mr. SIMS. That is too much time.

Mr. SHERLEY. The committee can fix the time any way it wants to, but let us do something.

Mr. SIMS. I will ask the gentleman from Kentucky to make it three hours, for his motion puts us into to-morrow.

Mr. MADDEN. It will go into to-morrow anyway.

Mr. SIMS. I will accept the amendment if you make it three hours.

Mr. SHERLEY. Will the committee indulge me a moment? The purpose of my amendment was not to fix the time, but the form of the motion of the gentleman from Tennessee was such as after you got through with the debate a Member could offer an original proposition dealing with the rate-making power, and there would be no limitation of debate on that. I want to limit the time and fix debate on the rate-making side of it.

Mr. SIMS. The only reason I did not do that was that I was afraid we could not carry it.

Mr. MADDEN. Mr. Chairman, if I may be indulged a moment, I would be glad to limit debate to three hours if it can be understood that at the end of the debate we will not proceed any further with the legislation to-day.

The CHAIRMAN. Did the Chair understand the gentleman from Tennessee to accept as a part of his original motion the suggestion of the gentleman from Kentucky——

Mr. SIMS. To fix the time at three hours?

The CHAIRMAN. The Chair understood the gentleman from Tennessee to accept that part of the suggestion of the gentleman from Kentucky which referred to the language, the question of time then being the only issue left before the committee.

Mr. SIMS. If the gentleman from Kentucky will state his suggestion over, so that there will be no mistake.

The CHAIRMAN. The motion of the gentleman from Tennessee stands this way: That all debate upon the amendments proposed by the gentleman from Iowa [Mr. SWEET] and all amendments bearing on the rate-making question shall be closed in two hours. The gentleman from Illinois [Mr. MADDEN] moves to amend that by providing that it shall close in four and one-half hours.

Mr. JOHNSON of Kentucky. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JOHNSON of Kentucky. Further along I desire to offer an amendment to page 12, line 9, relative to the jurisdiction of the courts. I wish it to be clearly understood that this motion will not interfere with my offering an amendment upon that subject.

Mr. SIMS. It will not.

The CHAIRMAN. The motion of the gentleman from Tennessee applies only to the rate-making question.

Mr. STAFFORD. A parliamentary inquiry. If the amendment of the gentleman from Illinois is voted down, would it not be in order to offer an amendment making it three hours?

The CHAIRMAN. It would.

Mr. SIMS. Mr. Chairman, I will state that I am perfectly willing to make it three hours instead of two. I now modify my amendment so as to make it three hours to apply to all the rate-making amendments.

Mr. MADDEN. Mr. Chairman, I will accept the suggestion of the gentleman from Tennessee and withdraw my amendment.

The CHAIRMAN. The gentleman from Illinois withdraws his amendment without objection, and the gentleman from Tennessee moves that all debate upon the amendment proposed by the gentleman from Iowa [Mr. SWEET] and upon all amendments relating to the rate-making question shall be closed in three hours.

Mr. COOPER of Wisconsin. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. I thought the Chair was about to put a request for unanimous consent.

The CHAIRMAN. No; it is a motion of the gentleman from Tennessee. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

Mr. SIMS. Now, Mr. Chairman, I ask unanimous consent that one half of the three hours in favor of the rate-making amendment of the gentleman from Iowa, or any other rate-making amendments, be controlled by the gentleman from Wisconsin [Mr. ESCH] and the other half by myself.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time which has been agreed upon shall be controlled one half by the gentleman from Wisconsin [Mr. ESCH], to be yielded by him as he may see fit to those who are in favor of any rate-making provision other than that contained in the bill, and the other half by himself. Is there objection?

There was no objection.

Mr. ESCH. Mr. Chairman, I yield five additional minutes to the gentleman from Iowa [Mr. SWEET].

Mr. SWEET. Mr. Chairman, I wish to call attention briefly to the paragraph to be stricken out by this amendment. In the first place it refers to the Interstate Commerce Commission having jurisdiction over rates, fares, charges, and classifications of carriers under Federal control. It next refers to the President having authority to initiate rates, fares, charges, and classifications of carriers, and filing the same with the Interstate Commerce Commission. It is then stated that all rates, fares, and charges shall be reasonable and just.

If complaint is made to the Interstate Commerce Commission, it can have full hearings concerning the fairness, justice, and reasonableness of the rates or charges therein ordered by the President. The Interstate Commerce Commission can then report its findings and recommendations to the President for such action as the President may deem required in the public interest. The President can then say to the Interstate Commerce Commission, "Your findings are not reasonable or just, your recommendations are not feasible, and I will adhere to my former decision." Or he can accept the recommendations of the Interstate Commerce Commission.

The Interstate Commerce Commission, as you will observe, simply becomes an advisory board. This paragraph in the bill could just as well be condensed into a few lines so as to read as follows: "The President of the United States is authorized and empowered to make all rates, fares, and charges during the period of Federal control." That language, in my judgment, would express the full meaning of this paragraph in the bill.

Sometimes when I read over the language it seems to me that it is a condemnation of the Interstate Commerce Commission. That it says to the commission you are a body of men appointed for a certain work, appointed because you have extraordinary qualifications and experience in passing upon railway rates, fares, and charges. But when it comes to passing upon rates during this crisis in our country's history you have not the ability, the learning, nor the patriotism to render reasonable and just decisions and make impartial recommendations.

It seems to me that it says to the members of this great commission you are incompetent to perform the duties for which you were appointed.

I yield back the remainder of my time.

The CHAIRMAN. The gentleman yields back one-half minute.

Mr. SIMS. Mr. Chairman, I yield five minutes to the gentleman from Connecticut [Mr. MERRITT].

Mr. MERRITT. Mr. Chairman, I hope that section 11 of the bill will remain as reported by the majority of the committee. Considering this section purely from an economic point of view, I believe that initial fixing of rates under the power of the President is essential to the success of the plan of railroad control covered by the bill.

And, of course, every patriotic man, especially every man who is opposed to Government ownership, desires to have the plan succeed.

It seems clear that the fundamental reason why the railroads, during the period of the control of their rates by the Interstate Commerce Commission, did not succeed, and in fact were gradually drifting more and more toward a general state of bankruptcy, was that, on the one hand, they were subject to constantly increasing cost of labor and material and constantly increasing hampering regulations, while, on the other hand, they had no power to recoup themselves by increased rates.

Every manufacturing business and every other business, in fixing its rates for the sale of its product, necessarily first considers the cost of the product and then adds a percentage for profit. If the ordinary business concern can not sell its product at a price greater than its cost, then it has two courses open to it, namely, either to sell for a time at a loss or to stop business. But a railroad can under no circumstances stop business.

Now, the only thing the railroad has to sell is transportation; and if, on the one hand, the cost of transportation is fixed by a power outside the railroads, as has been the case, and if, on the other hand, the price at which it sells its transportation is fixed by another and different power, as has been the case, it is quite obvious that the owners and managers of the railroads have no power to conduct their business on the only possible basis on which any successful business can be run.

In pursuance of this principle it appears to me that it is essential to the success of this plan that the President should be given control of the rates. After this bill becomes a law he is the man who will have to do with fixing the price of labor, and, to a large extent, the price of material, which fix the cost of the product of transportation, and if he is going to make a success of the plan he must be the man who, after he ascertains the cost of its product, can fix the price. It needs no argument to show that for every reason, both public and private, he will not fix the price of transportation any higher than he is actually obliged to do by its cost.

It is essential to the success of this plan and to prevent Government ownership that the railroads should succeed and should make a profit during the time when they are run by the President, because otherwise, when the war ceases, if the roads have not been making a profit, and when the time comes to return them, it is quite evident that the price of railroad securities will fall to such an extent as to create a national financial disaster, and, to avoid that, the only recourse would be Government ownership.

In short, the man who will be responsible for the success of this plan is the President, and it always has been and always will be a sound business principle that you can not divorce responsibility and power if you want to hold any man responsible for success, and so I hope the bill, in this particular, will be allowed to stand as it is reported by the majority of the committee. [Applause.]

Mr. ESCH. Mr. Chairman, I yield one minute to the gentleman from Wisconsin [Mr. VOIGT].

Mr. VOIGT. Mr. Chairman, I am heartily in favor of the amendment proposed by the gentleman from Iowa [Mr. SWEET]. I see no good reason for robbing the Interstate Commerce Commission of the power that the commission now has to fix the rates. This bill proposes to put that power into the hands of the President. The President himself has no experience in fixing rates, and if that power is left to him, he will have to delegate the power to some other person or to some commission or board, and very naturally the President would call on the Interstate Commerce Commission. That is the only body that has expert experience on this subject. If you take away from the Interstate Commerce Commission the power to fix the rates you will reduce that body practically to a set of office boys, and I am not in favor of taking away a power that the commission has so well exercised in the past. I hope this amendment will be adopted.

Mr. ESCH. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. MASON].

Mr. MASON. Mr. Chairman, considering this proposition, I desire to read the following telegram from the Chicago Association of Commerce, signed by Lucius Teter, president:

CHICAGO, ILL., *February 25, 1918.*

Hon. WILLIAM E. MASON,
Representative, Washington, D. C.:

Referring to legislation now pending in respect to Federal control of railway transportation, we respectfully suggest if the President or his representative be given authority to initiate rates, rules, regulations, etc., that the same should be filed with the Interstate Commerce Commission, as now provided by the commerce act, and that public notice be given thereof; that upon complaint the commission may enter into a hearing, to be speedily determined, and make recommendations to the President. The President may, however, be authorized to disregard the conclusions of the commission, and by Executive order put such said rates, fares, or charges into effect if in his judgment such action is necessary during the period of the war.

THE CHICAGO ASSOCIATION OF COMMERCE,
By LUCIUS TETER, *President.*

The activities of the service rendered by this great association are the reasons why I have placed this in the RECORD, that we may have the benefit of their advice in this matter.

Mr. SIMS. Mr Chairman, I yield 10 minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, this bill defining the terms of the control and operation of the railroads of the United States by the National Government, the agreement to be made with their owners for compensation, and so forth, during the period of the war, is one of the most important measures that has ever come before the Congress. It confers very great powers upon the President, as have the food control and other war measures already on the statute books, but it seems to me that the great powers are necessary, and I am opposed to the amendment which would strike from the bill the President's power of initiating and of determining rates. Much has been said on both sides of this question, and I am sorry to differ in this matter from the majority of the minority members of the Committee on Interstate and Foreign Commerce, who have done such good work in preparing the bill, but it is not a party question in any sense. The argument that the power of making rates should be lodged with the same authority that has control of the expenses of operation seems to me stronger than any argument made in favor of leaving the rate making wholly with the Interstate Commerce Commission. It may be necessary for the most efficient conduct of the war to promulgate rates with regard to some particular commodities or some particular territory promptly, and the Interstate Commerce Commission is constitutionally and traditionally incapable of acting quickly. It always wants to investigate and investigate for what seems an interminable period before acting, and in time of war it is often necessary to act first and investigate afterwards. I am not afraid to trust the President with this great power, because railroad rates are governed in the main by economic principles which can not be very much departed from without disaster, and because the Interstate Commerce Commission remains, according to the terms of the bill, as a check upon the President's power, charged with the making of investigations and reports upon any complaints.

I freely admit that my opposition to this amendment is to some extent due to a feeling and conviction that has been forming for some time that the Interstate Commerce Commission has fallen into a rut in the matter of regulating railroad rates from which it seems impossible that it can free itself even at the imperative call of war. Railroad rates are an exceedingly technical matter, but it seems clear to me that the commission has disregarded certain economic principles and has failed to deal with the matter along broad lines; has failed to allow rates to respond to great economic changes such as general increases or decreases of prices, and therefore by holding them practically rigid through a period of increased prices, prices due in some measure to inflation, has decreased the purchasing power of the railroads beyond reason, and has prevented them from preparing for the emergency which is upon us. Perhaps I can not do better than to read a letter which I wrote during the very serious crisis of a few weeks ago in the matter of supplying coal to the people. It is an extreme statement, and I admit not wholly just, and after writing it to relieve my feelings I laid it aside and did not mail it, but in the main I think the criticism merited:

To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

GENTLEMEN: Why can't a little common sense be used in dealing with the railroads, now that they have been placed above the hampering restrictions of antiquated State and National laws by Government operation? Why can they not be dealt with in accordance with universally recognized economic principles? With the demand for transportation taxing every eastern line to the breaking point, why are not rates raised? Why were they not raised before the condition became acute, for the purpose of checking the demand for the transportation for nonessentials?

The treatment of the rate question as a whole for several years, from the standpoint of the student of economics, can only be described as idiotic. You have considered everything in determining the general level of rates but the matters which alone should have governed. You have lowered rates when demand for transportation was greatest and when all prices were high, and you have increased rates when prices were falling and when demand for transportation was declining. In general treatment of the question you have left undone the things that you ought to have done, and have done the things that you ought not to have done, and there is no business common sense in you. You have devoted yourselves to the tithing of mint, anise, and cummin, like the Pharisees of old, to the neglect of the weightier matters of the law.

At the present time in the passenger service efforts are being made to prevent people from traveling by every mean device imaginable and without using the one common-sense plan of raising the rates. Trains are taken off so that those remaining will be overcrowded and made as uncomfortable as possible. Every convenience and comfort has been removed, but still the rates remain so low that crowds of excursionists continue to come to Washington purely for pleasure, congesting beyond safety the already overtaxed hotel and living accommodations of the city.

The present plight of the railroads, including the coal famine, with its serious hardships, sickness, and deaths, are chargeable in some measure to you, and to-day it is a debatable question whether the Nation would not be better off and better fitted to cope with the tremendous problems that confront us if the Interstate Commerce Commission had never been given any power over rates beyond the abolition of unfair discrimination between persons or places.

Yours, very truly,

———

Mr. BARNHART. Mr. Chairman, will the gentleman yield there?

Mr. PLATT. Yes; I yield to the gentleman from Indiana.

Mr. BARNHART. The gentleman did not intentionally omit charging the epidemic of measles now prevailing to the Interstate Commerce Commission?

Mr. PLATT. Oh, there were a few things I thought I could not fairly charge them with. I admit that the letter is not wholly just. It is an extreme statement.

Mr. DILLON. Mr. Chairman, I take it that the Interstate Commerce Commission has no power to commit anyone for contempt.

Mr. PLATT. I am sorry for that.

Mr. HICKS. Mr. Chairman, is not the crux of the gentleman's contention, favoring the Presidents' initiation of rates in preference to the Interstate Commerce Commission, in which I agree with him, the fact that the President will arrange the rates and will expedite the adjustment of the rates without unnecessary delay, and also give a wider latitude and greater field from which to ascertain what are correct rates? As I understand it, whatever rates are initiated they are subject to review by the courts and are not absolutely fixed until a court has rendered a decision.

Mr. PLATT. That is about it.

Mr. GORDON. Will the gentleman allow me to ask him a question?

Mr. PLATT. Certainly.

Mr. GORDON. There is a provision in the bill which limits the President to fixing a rate that is just and reasonable, just as it limits the Interstate Commerce Commission. Would the gentleman strike that out?

Mr. PLATT. I would not, but I think the President could still judge as to whether the rates are just or reasonable; and if he wants to fix a rate for the purpose of shutting off certain traffic, he can do it, in my opinion.

Mr. GORDON. Then the gentleman's point is that the President will fix rates without evidence, while the Interstate Commerce Commission will follow the law and fix them from the evidence. That is the gentleman's complaint?

Mr. PLATT. If the President has the common sense I think he has, that is exactly what he will do.

Mr. GORDON. Disregard the evidence?

Mr. PLATT. Fix the rates on broad general evidence, and let the Interstate Commerce Commission do the technical investigating afterwards.

Mr. GORDON. They have no power except to investigate.

Mr. PLATT. That is all they need.

Mr. DENISON. Will the gentleman yield?

Mr. PLATT. I will.

Mr. DENISON. I would like to ask the gentleman why the Interstate Commerce Commission could not do that as well as the President.

Mr. PLATT. Because it would take them a year to do it, and it may be necessary to get the rates fixed right away. The Interstate Commerce Commission is constitutionally unable to act promptly.

Mr. DENISON. Why does the gentleman assume that the Interstate Commerce Commission will not recognize conditions?

Mr. PLATT. Because they have had conditions thrust upon them time and time again and have not recognized them.

As I have said, this letter expresses an extreme view and is not wholly fair to the commission. Nobody can read the reports of the commission without realizing that it does a great deal of very good work. Railroad rates present an exceedingly complicated fabric, which there are reasons for disturbing as little as possible, as one change generally involves a lot of others, but the very fact that the commission does much good work in investigating and determining the fairness or unfairness of rates in individual cases, or in certain territory, makes it apparently unable to handle with promptness enough to do any good questions of broader aspect. It did great harm in allowing the purchasing power of the railroads to decline to the point where many of them were not able to finance needed additions to equipment or needed betterments. It was in some measure due to this fact that the railroads had to be taken over by the Government, though undoubtedly the main reason was the absolute necessity of obtaining freedom from the restrictions of the antitrust laws of State and Nation, so that freight and earnings could be pooled. These laws had to be broken, and the President was the only person who could be given power to break them. He is operating the roads, through the Director of Railroads, and I see no reason for withholding from him the power of determining their income by fixing rates. I feel sure that he will so handle the matter that there will be no deficits and no resort to general taxation of the people for the support of the railroads. [Applause.]

I yield back the remainder of my time.

Mr. SIMS. How much does the gentleman yield back?

The CHAIRMAN. Three minutes.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Chairman, probably all that will remain of 30 years of legislation on interstate commerce at the close of this war will be the Interstate Commerce Commission. I do not believe, therefore, this is a good time to take from that commission any of the powers or responsibilities that have been from year to year and from one growth of legislation to another reposed in that great commission. Every rate they agree to must square with the law and must be just and reasonable. You can not arrive at a just and reasonable rate with a hop, skip, and jump. Even the President of the United States or the Director General of Railways can not do that. No man, no bureau, commission, or other creation of the law is so well qualified to fix railway rates as the Interstate Commerce Commission. Its members were appointed for their fitness and for their ability with respect to this particular work. There never was a time when just and reasonable rates were more essential than now while we are undergoing this transition with the facilities of interstate commerce, and to impose the responsibility upon the President of making rates is to impose upon him a thing that he can not do and do according to the law—make them just and reasonable. His rates would be a guess. Every man who has argued for the making of rates by the President says they must be made quickly, that they must be done immediately. The power to initiate rates rests with the President under his power of control of the railroads. The railroads now have the power to initiate rates and file schedules with the Interstate Commerce Commission, and the President has that power. It is said, Why not permit the President to make the rate? You permit the body that he creates to make it. But he does not create the Interstate Commerce Commission. That is the creation of Congress. But if it is argued that the President would expect the Interstate Commerce Commission to agree to the rates that he suggested, the reverse of that proposition will well be true. If the President files according to law, as he has a right to now, or the Director of Railways, rates with the Interstate Commerce Commission, if they are just and reasonable, the rates will be made the rates for the railroad and upon the commodity.

Mr. BLACK rose.

Mr. CAMPBELL of Kansas. No; I can not yield. Mr. Chairman, I dislike the tendency of these times to dump everything on the President. We are passing too much responsibility to and imposing too many duties upon the President of the United States. Congress can not and ought not to abdicate. We have some responsibilities left, and we ought not to delegate to a single individual in an hour that which has taken us 30 years to delegate to the Interstate Commerce Commission—the rate-making power.

There is no greater power reposed in any body except the Supreme Court of the United States than in the Interstate Commerce Commission, that of finally settling upon a just and reasonable rate upon the railways and upon the common carriers of the country. The shippers of the country, I take it, without very much dissention would rather have the rates fixed, high or low, by the Interstate Commerce Commission than any one individual. The country has confidence in the President and in the Director General of Railways, but no one will go so far as to say that the Interstate Commerce Commission can not better arrive at a just and reasonable rate than either the President of the United States or the Director General of Railways. The President is much absorbed with other and with great matters. The Director General of Railways is not only clothed with duties and responsibilities with respect to railways but he is the Secretary of the Treasury, and has many duties and responsibilities aside from that, and to add to these duties, multitudinous as they are, the additional duty of finding a just and reasonable rate upon the traffic that is carried in the interstate commerce of the country, would be imposing too great a responsibility and power upon them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. DEMPSEY].

Mr. DEMPSEY. Mr. Chairman and gentlemen of the committee, I will attempt to pass by and not for a second time deal with questions that have been already discussed when the bill was under general debate. It was well said by the gentleman from Kentucky that the President stepped into the footsteps of the carrier and that on that account he has the right to initiate rates, and we come then to the single question, whether rates made by him shall be absolute or shall be subject to be set aside by the Interstate Commerce Commission. That is the question that is presented here. It was presented in the Senate and it is presented again here in the bill which we are now considering. We have lost sight, so far as the discussion has gone, of one thing which, it seems to me, is vitally important and controlling, and that is this bill provides that a rate shall be fair, just, and reasonable. Now, if we have the right to make such legislation as that, if we have the right to pass such an enactment, when passed it means exactly what the words purport. It means that the rates must be fair, must be just, must be reasonable, and must not be discriminatory between different shippers. Now, that being so, the general impression here from this debate has been that when you allow the Interstate Commerce Commission to act simply in an advisory capacity you have taken away the right of review.

That is not true at all. You have shifted the right of review, but that right remains and can not be taken away. The courts still have the right to insist that the rate shall be just, shall be fair, shall be reasonable, and shall not be discriminatory. And the only difference is this, that, instead of waiting in these war times, instead of waiting when you are changing your whole system of transportation, instead of waiting when you are unifying and consolidating the various lines of transportation and making them a unified whole, instead of operating them

as you have heretofore, as separate and competing systems, at a time when you are making that momentous and vast change, you shall not wait to investigate in each case, to take testimony, to hesitate and defer as to what a rate shall be, but you put the rate into effect at once, and then the shipper has the right to appeal to the courts, and, if the rate is not fair, if it is not just, if it is not reasonable, it has the right to set it aside; if the rate is discriminatory, it has the right to set it aside.

Mr. DEWALT. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. DEWALT. The argument the gentleman is pursuing is clearly logical, from the fact that the bill proposed does not contain the words to fix rates. He has no need to initiate rates. Therefore he can not absolutely fix them. They are subject to review.

Mr. DEMPSEY. And if we were providing that the President could make a rate which shall be fixed and unalterable we would use the word "make," but we would not use the word "initiate."

Mr. STEVENSON. Will the gentleman permit a question there?

Mr. DEMPSEY. Yes.

Mr. STEVENSON. If he can not fix them, but merely initiate them, and under this bill the Interstate Commerce Commission can not fix them, then who can? That is a question I would like to have settled.

Mr. DEMPSEY. He has the right to make rates subject to review by the court. He would have had the right previous to the enactment of this law to make rates subject to review by the Interstate Commerce Commission.

Mr. STEVENSON. Then the gentleman contends——

Mr. DEMPSEY. Wait one moment. You simply shift it. In one case it is the Interstate Commerce Commission, and in this case it is the court. And you shift it in another sense. To adapt yourself to the exigencies of the time, to enable you to make new rates in a wholesale way, as will be necessary, owing to the fact, as I say, that you have now consolidated and united all the systems and made them a unified whole, instead of competing units—in order to adapt yourself to these new conditions it is necessary that rates should be made quickly, rates should be made at once, rates should be made to meet these new conditions. And, then, you have a right. What right is it? It is the right to review those rates. It is a sacred right, and it is protected by this act. It is the right the shipper has to appeal to any court. Is not that infinitely better than a review by the Interstate Commerce Commission?

Let me refer for one moment to what is said by Senator CUMMINS and by Senator POINDEXTER. Perhaps there is no man more eminent in the country than Senator CUMMINS upon this question. He says this right of review which is asked here by the Interstate Commerce Commission would be futile. Here is what he says about it:

> Anyone who is familiar with the subject must know that if the President is given authority to establish rates and put them into immediate effect, subject only to review by the Commission upon complaint, the review is of little practical value.

And I turn to Senator POINDEXTER, who goes still further. He says:

> It is a little too much to expect of human nature that officials who owe their official existence to the President will be able, however much they may try, to exercise any real independent judgment or action in setting aside the President's orders in the matter of rates. * * * To provide that a commission appointed by the President may set aside the rates made by the President is wholly illogical and will be unworkable in practical application.

Mr. BLACK. Will the gentleman yield?

Mr. SCOTT of Michigan. Will the gentleman yield?

Mr. DEMPSEY. If the gentlemen will wait just one moment, until I finish this, then I will yield.

Now, gentlemen, which would you rather have, the right to appeal to a commission, as Senator CUMMINS and as Senator POINDEXTER both point out, composed of the appointees of the President, or would you rather have the right to appeal to the courts wherever you wish throughout this broad land of ours; to appeal to men who may have been appointed 20 years ago, men who have the independence of the judiciary, not men who are simply holding places as commissioners?

Mr. GORDON. Who appointed the court?

Mr. DEMPSEY. Who appointed it?

Mr. GORDON. Yes.

Mr. DEMPSEY. Perhaps Mr Taft, perhaps Mr. Roosevelt, and perhaps back of that, Mr. McKinley. They hold positions for life. They do not hold them for a short tenure or at the whim of any President. They hold them during good behavior, and they will be on their good behavior here just as much as they will be at any other time.

Gentlemen, the right which you seek by this amendment is a right which has no value. You are getting more in the bill than is proposed. You are getting a greater right and a more valuable one. And, more than that, we are putting these railroads into the hands of the President.

Now, I want to say a word to you gentlemen on the Republican side, who call yourselves the conservatives of this body. Will you say to the President, "You may have all the rights here to incur obligations by the Government, to plunge the country into debt, but you can not have the right to establish rates sufficient to keep these railroads out of bankruptcy?" Are you going to bring about a condition where you are going to force Government ownership by the fact that the roads will become insolvent through the inability to fix quickly and expeditiously the necessary rates?

Mr. SCOTT of Michigan. Now, will the gentleman yield?

Mr. DEMPSEY. And I say to you, gentlemen on the other side, that you have trusted your President in all other things, and now are you going to deny him this power? Are you going to say to him, that you will put these roads in his hands, that you will charge him with their betterment, you will charge him with their upkeep, you will charge him with everything that can be charged with ownership, and then deny him the only right to raise the needed revenue?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. Mr. Chairman, I will state to the gentleman from Wisconsin [Mr. ESCH] that he is now entitled to use 10 minutes.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, under no conceivable conditions, under no possible combination of circumstances, can it be or become necessary or essential to clothe the President with the power to fix railroad rates in order to enable him to successfully conduct or win the war. That being true, I am at a loss to understand how anyone should desire to place upon the shoulders of an already overworked and overburdened Executive this enormous and dangerous power.

As the outcome of years of contest and controversy, political and legislative, the Congress placed in the hands of the Interstate Commerce Commission the tremendously important, intricate, and perplexing question of determining whether under all the circumstances and conditions a given rate was fair and just. That commission, in the discharge of the duties thus laid upon it, has commended itself and its decisions to the good sense and sound judgment of the American people to an extent almost unparalleled in the history of administrative or judicial tribunals.

Is this new departure in rate making proposed on the theory that the President may be prevailed upon or persuaded to approve a general advance of railroad rates which the Interstate Commerce Commission would not recommend or approve——

Mr. GORDON. And has refused.

Mr. MONDELL. And has refused? If that is the thought lying back of this proposal, then the sooner we scotch it the better. Some advances may be necessary. Few should be necessary if we are to have the benefits we expect from unified and coordinated Federal control. The rates should be high enough to pay operating expenses, make needed repairs, and provide funds to meet the guaranteed return. Any advance of rates above that is a new and novel and entirely unjustified form of taxation.

Mr. GORDON. And unlawful, too.

Mr. MONDELL. Yes; and unlawful taxation, which no one can defend.

Is it the thought of some that under this power the President may be persuaded to suggest and propose and carry out a general reduction of rates, without regard to the necessary revenues? If that is the thought underlying this proposed grant of authority it is a tremendously dangerous one, having no purpose except a purely political one, that of making the Government management of the roads appear favorable to the shipper; that of making Government management and control pleasing and satisfactory to those who desire its continuance without regard to its actual advantages. Nothing would be more harmful to the interests of the public than the lifting from the shoulders of the shippers the payment of their just burdens and laying them upon the shoulders of the taxpayer. To sum up, this is the situation:

The authority to fix railroad rates would not be helpful and is not necessary to the prosecution or winning of the war, and therefore should not be added to the present burdens of the President.

The Interstate Commerce Commission now has and is exercising that authority, subject to review by the courts. It has performed that duty to the general satisfaction of the majority of the people and should retain the authority it has been exercising.

To place this great responsibility, not necessary to the successful prosecution of the war, upon the shoulders of the President is to invite the dangers that arise out of autocratic power for no good reason or purpose. In my opinion, such a proposal should meet the opposition of every friend of the President, and everyone sincerely anxious for the successful operation of the railroads under Government control. [Applause.]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman, all over the country those interested in increasing the profits of railways and raising the price of railway stocks and bonds have raised their voices in notes of glee over the prospect that through and by this bill the Interstate Commerce Commission is to be deprived of the power of fixing rates. I am not surprised at this, but I am surprised at the boldness with which they have expressed these views in the public press.

Something more than 30 years ago, I think it was, when the Interstate Commerce Commission was established to stand between the people and the arbitrary power which the railroads then possessed of fixing any rate which they chose, which they commonly fixed at "all the traffic would bear." The establishment of this commission was bitterly opposed by the railroads. They fought its creation by every means in their power, legitimate, and illegitimate. Where they could buy legislators, cases which I am happy to say were few, they bought them. Where they could bully or frighten them, they attacked them. Where they could defeat them for election, they used all their powers for that purpose. Fortunately for this country, the honor and integrity of Congress and its ability to solve great problems were successfully maintained. The establishment of the Interstate Commerce Commission was an epoch-making act and one of the greatest glories of a long line of Republican administrations. Ever since this commission was created the railroads have been trying to get rid of it by fair means or foul, but without the slightest prospect of success until they were able to conceal their design and purpose under the cover of this bill.

If this bill is passed as it stands, it absolutely eliminates the Interstate Commerce Commission during the period of the war, and the real purpose of the paragraph under consideration is to enter a wedge which ultimately will entirely drive the Interstate Commerce Commission from existence. The amendment offered by my colleague [Mr. SWEET] ought by all means to be made. If the bill is left in its present form it undoes the work of years and leads us backward instead of forward. I can not understand how anyone but the most reactionary can favor its present form. The amendment offered by my colleague simply keeps the law as it is and merely preserves to the commission the powers which it now possesses. During all the years that they have acted, nobody has ever had to such an extent the support of the people at large, and especially those who must in the end pay the compensation of the railways—the shippers and the traveling public. Time and time again it has protected them from unjust and unreasonable, even from outrageous and extortionate rates. No high court in all our broad land has ever so enjoyed the confidence of our citizens. There never has been a whisper against the integrity of any member. There never has been an intimation that it was unfair, and never has it been charged that it has been biased or prejudiced except by those who are seeking to obtain an unreasonable advantage through which they could pay high dividends upon watered stocks and upon bonds and obligations created without any fair consideration being received therefor. I need not repeat here the story of the looting of the New Haven, the Frisco, the Pere Marquette, the Dayton, the Louisville & Nashville, and other roads, nor even that of the Rock Island, with which I am so familiar, having uncovered the evidence which supported the resolution which I had introduced for its investigation, and also because I assisted in the investigation itself. The history of these roads ought to be and probably is familiar to you all. You know the slimy trail of graft which the officials who wrecked these roads left behind them. All these investigations were conducted by the Interstate Commerce Commission, and while the exposures did not bring back the money stolen they made it impossible to repeat the same kind of robbery. I say now that the Interstate Commerce Commission alone stands between the people and a repetition of those palmy days for railroad magnates when the motto was, "The public be ——," and "charge all the traffic can bear."

The amendment proposed by the Senate will not, in my judgment, help the situation in the least. It provides that the President shall initiate rates and that the Interstate Commerce Commission may review them, but as the gentleman from New York [Mr. DEMPSEY], quoting, in substance, from the report of Senator CUMMINS, asked, "Who is expecting the commissioners, appointed by the President and depending upon him for their positions in office, to overrule his findings?" As he is not satisfied with the Interstate Commerce Commission, the gentleman from New York apparently views the Senate amendment with favor. I am opposed to it for the very reasons that he stated, that in effect it would make the Interstate Commerce Commission merely a rubber stamp to ratify the findings of the President.

For many years the Interstate Commerce Commission seemed so firmly established that it was useless to openly oppose it. Then the railroads took another turn to stealthily and craftily destroy it. They succeeded in getting a commerce court established with power to overrule its decisions, the court, which I may say, had for its members some judges whose conduct was so notorious as to compel this Congress to impeach and revoke. It lasted but a few years when such a storm of indignation arose against it that it was abolished by a bill passed by so large a majority in Congress as to overrule a presidential veto. I thought then that we would never again hear of any attempt to abolish the Interstate Commerce Commission, but I was mistaken. The railroads took another plan. It was to continually attack it through the newspapers and by insidious means impugn the action of the commission with reference to rates. For several years this propaganda has been financed and carried on by the railroads. The Interstate Commerce Commission had no way of protecting itself from the unjust attacks that had been made upon it. Nothing ever appeared in the great papers of the country which was favorable to its action. Somehow and some way, no matter what it did, it was criticized, even though it raised rates, as it did repeatedly. Everywhere one could see paragraphs to the effect that it had always denied a raise to the railroads and that it was prejudiced against them.

Absurd as this contention was, it seems to have had its effect upon many. Assert a proposition often enough, and no matter how false it may be, if it is not denied, many will come to believe in it, and the Interstate Commerce Commission had no one to present the case on their behalf. It controlled no newspapers. It had no financial connections, while its opponents had every owner of railroad stocks and every great financial institution that possessed them against it.

Nothing was further from the truth than this charge. There were no influences which surrounded the commission which could influence it against the railways. If anything, the tendency was to lead them in the opposite direction. It was impossible that they should have any motive in failing to decide as the railway officials desired. They have not been subject to elections. On the contrary, they have always been appointed by Presidents who were never suspected, much less accused, of being unfriendly to the railways. The real difficulty was that the demands of the railways were so exorbitant and unreasonable that no men of character, ability, and reputation could be found who would sanction them. To anyone who claims that the commission has been unfair to the railroads I say read the evidence taken in the Fifteen Per Cent cases and other cases heard by the commission.

I do not mean to intimate that every person who imagines that the Interstate Commerce Commission is prejudiced against the railroads is himself prejudiced in their favor. The fact is that this railway propaganda against the Interstate Commerce Commission has been carried on to such an extent that a large proportion of our community have been completely misled and deceived by it. They have been led to believe that the railroads were doing poorly; that they were losing money; that they were unable to maintain their lines in proper condition; that their credit was bad; that money could not be obtained for railways when it could be obtained for other purposes. Not one of these statements so often repeated are true. Railways never made so much money as they did during the fiscal years of 1916 and 1917—the two years ending June 30, 1917, the last for which we have any complete reports. In each of these years their operating income was over a billion of dollars. By operating income I mean the profit left after paying all expenses of operating and keeping up the roads. This is far larger than it had ever been before and almost three times what it was in 1890. It resulted in many roads piling up an enormous surplus—I could easily name four or five each with a surplus of over a hundred million dollars, much of which could have been used, if they so desired, for maintenance purposes. It was sufficient

to pay 6½ per cent on all of the capital that had ever been invested in railways, including the millions that had been stolen from them. Even roads like the Rock Island, unfortunate victims of stock-jobbing pirates whom even the Wall Street Journal said ought to have been wearing stripes—these roads have been making a good profit.

Of course, there were roads like the New Haven, which had been so completely loaded down with stocks and bonds of other corporations sold to it at fictitious values by unscrupulous profiteers, that although the operation of the road paid splendidly, it has been difficult to find money to pay dividends upon all of the vast sums which were added to its liabilities without any return being received therefor. Then there are other roads, like the Trinity and Brazos, which never ought to have been built and by no possibility can ever be made to pay. Raising rates would do them no good, as it would simply drive away what little traffic they now have. On the whole the railroads have had of late a period of remarkable prosperity. In the last 20 years there is nothing to compare with 1916 and 1917. Never have they received as good returns or been as able to pay good dividends; never was their surplus so large.

But it is said that railway credit is poor, and as an example it is said that railway stocks and bonds have greatly fallen, and that it is difficult for the railways to obtain needed funds. All this is true, but I would like to inquire of what business it is not true where funds are needed in large amounts. As to bonds, there is no bond market. It has been entirely absorbed by the Government issues. Bond house after bond house in the city of New York has either closed its doors or discharged most of its salesmen because there was nothing for them to do. Railway bonds have depreciated, but no more than other bonds—no more, in fact, than Government bonds and municipal bonds, all of which have fallen greatly. And where is the concern, except some "war babies" that are making exorbitant profits of from 50 to 100 per cent, that does not find difficulty in obtaining funds at the present time. The Ways and Means Committee were told that a very large public utility, unquestionably solvent, which has for many years shown good profits and paid good dividends, was compelled to pay 13½ per cent for money in New York within the last few weeks. This gigantic war, which has absorbed sums so prodigious as to even stagger the imagination, has produced such a demand for money that we have found it necessary to create a Government-controlled corporation, which is expected to supply funds, if necessary, to the amount of $4,000,000,000 to relieve the strain.

I do not contend that no provision should be made to meet the pressing maturities of the obligations of the railroads. The war has destroyed the free and open market for their securities. The Government has absorbed all the available funds which usually seek this market and left none for them, unless it be some held by unscrupulous profiteers, who, seeking to take advantage of war's necessities, are demanding rates which no legitimate business can pay and live. We must and will take care of them, but not by unreasonable fares and rates which penalize part of the people and unduly burdens all. For this purpose we have provided $500,000,000 in this bill, and expecting soon to pass a bill creating a war finance corporation, for which the Government will furnish another $500,000,000 as capital, authorized to issue $4,000,000 in bonds. This corporation will furnish a means of borrowing the necessary funds. Of course this must be repaid, as it should be, and as much of it can easily be paid from the hundreds of millions of surplus which the more profitable roads have accumulated.

But various speakers on the bill have said, "Are you unwilling to trust the President to make these rates?"

I can not understand how any man who has ever made any study of the subject can suppose for a moment that the President is going to make these rates. There is no science under the sun, I care not what it is, that is so highly technical as that of making rates. The change of a single rate may, and often does, require the change of a hundred and sometimes a thousand others. Yet you hear gentlemen state that the President, without any investigation, without considering the matter particularly, is going to make these rates and fix them.

I say the President will not make these rates. He can not make these rates. If he did, he would do nothing else. They will be made by some other body or by some other persons whom he may select other than the Interstate Commerce Commission—somebody or some persons whom the railways at this time evidently believe will make the rates higher than they are now. And what reason is given for this astonishing proposition? Is it necessary to carry on the war? What has a rate to do with carrying on the war when the President can order a train to pass over a road at any time he desires regardless of what the rate may be? Who can stop the movement of munitions or, indeed, any material that the President considers necessary to pass over a road for the purposes of the war, or who can say where they shall go differently from what he directs?

No, gentlemen, this is not for that purpose. It is not for the purpose of enabling the war to be more vigorously carried on. This provision is not here for the purpose of adding to the efficiency of our preparations. It is here because the railways of the country think they will get some higher rates by reason of it, and it will do away with the Interstate Commerce Commission—at least for the period of the war, after which they hope to have it finally dispensed with.

So much do I desire to use every resource possible to win the war; so unwilling am I to in the least hamper or restrain the President in any way which could in the least prevent him from using all our resources to bring the war to a successful conclusion, that I would favor the bill as it stands even though it inflicted hardship on many and burdens on all, if this provision contributed in the least degree to our ultimate victory. But it does not and can not. I therefore feel constrained to vote for the amendment offered by my colleague [Mr. SWEET] and hope it will prevail. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I yield 10 minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Chairman, I think the provision in the bill which authorizes the President to initiate and to reach a final conclusion regarding rates is the wiser legislation. The record of the Interstate Commerce Commission offers no commendation that it will meet this emergency. The conditions which brought about the necessity for the Government taking over the operation of the railroads, as I interpret them, were due in part to legislation by Congress and to inertia or cowardice upon the part of the Interstate Commerce Commission. We have seen burdens placed upon the railroads which increased their operating expenses, and the Interstate Commerce Commission has failed to provide a remedy by permitting them to charge higher rates.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. SMALL. Just for a question.

Mr. MONDELL. The gentleman desires the President to have the power, then, on the theory that there will be a general advance in rates under his direction?

Mr. SMALL. I am not afraid to meet that question, and I will do so directly. In the face of these conditions the Interstate Commerce Commission declined to grant increased rates. The gentleman from Wyoming [Mr. MONDELL] a while ago spoke of our duty to provide a sufficient rate to pay operating expenses, to pay fixed charges, and to leave a reasonable dividend for the capital invested. In that proposition he is right as far as he goes; but I may add one other factor, and that is enough to provide a surplus for facilities in the way of terminals and engines and rolling stock for the purpose of meeting an emergency or congestion of traffic such as has arisen during this war. This emergency, which caused the taking over of the railroads, has been the product of a combination of action and inaction of Congress and inertia by the Interstate Commerce Commission, and we have no reason to hope or believe that the majority of the Interstate Commerce Commission are equal to the present emergency. The railroads must have increased revenues. If that means the raising of rates in order to enable the railroads to provide for the public the facilities which the public are entitled to have, then I stand in favor of raising railroad rates. The railroads constitute the chief instrumentalities of transportation. They are the servants of the public, and they must have the facilities and the income with which to serve the public if they are to do so adequately.

Mr. GORDON. Mr. Chairman, will the gentleman yield at that point for a brief question?

Mr. SMALL. I have another thought which I wish to develop, but I will yield for a question.

Mr. GORDON. There is simply this provision in the bill which restricts the power of the President, to the fixing of a rate that is just and reasonable, which is the law now. Are you in favor of retaining that in the bill?

Mr. SMALL. I am in favor of the section just as it stands. Now, Mr. Chairman, there is another reason why I am opposed to this amendment. This bill seeks to add to the facilities of transportation—water transportation. We are appreciating today the lack of facilities for water transportation. If we had now upon the Mississippi River and its great tributaries water transportation, if we had upon these thousands of miles of rivers along the Atlantic seaboard and the Gulf and the Pacific the water movement which ought to exist, if we had, for instance, along the Atlantic seaboard a safe, inside route connecting these 10,000 miles of navigable rivers with each other, equipped with boats for water transportation, we would not be confronted to-day with this congestion of traffic.

Mr. MONDELL. Will the gentleman yield at this point?

Mr. SMALL. I am afraid I can not just now. I will develop this thought, and then I will be glad to yield. We realize that there are some essentials for the development of transportation, that there must be water terminals, that there must be transportation lines, that there must be interchange of traffic between water lines and the railroad. The River and Harbor Committee are striving with constructive work and legislation to bring about these conditions. When they are provided there will still remain one obstacle to the development of water transportation, and that obstacle is the fact that there exist railroad rates competitive with water rates in many sections of the country which in years past were reduced so low that it is unprofitable to endeavor to operate water lines.

Mr. MONDELL. Will the gentleman yield?

Mr. SMALL. In just a moment I will. Wherever those railroad rates are so low as to prevent water competition, they must be advanced and readjusted. [Applause.] I see no economic reason why a railroad rate competitive with water should be any lower than an interior rate. But that is not all. Not only have the railroad rates competitive with water been reduced to this abnormally low point, but interior rates by rail have remained the same, and not only remained on a parity but have actually increased, so that interior sections have been penalized.

Mr. MONDELL. Now will the gentleman yield?

Mr. SMALL. I can not just at this minute. In that lies the crux of some of the opposition to river and harbor legislation and appropriations for interior rivers. I do not blame the man from an interior section who opposes an appropriation for an interior river, the only effect of which is to give lower rail rates competitive with that river, and produce no water transportation upon the river. It is an unjustifiable appropriation of the public moneys.

Mr. MONDELL. Now will the gentleman yield?

Mr. SMALL. If the gentleman will be brief.

Mr. MONDELL. Would the gentleman have the shippers of the country generally, through an increase of rates, pay for the development of river and canal transportation?

Mr. SMALL. No; but I would equalize the rates, and I would remove the burden of discrimination from the shippers of the interior sections. Now, when the canal bill was passed in 1912 it contained a provision forbidding railroads to increase their rates competitive with water lines except with the assent of the Interstate Commerce Commission. We thought we had enacted a wise piece of legislation. But have we? Since 1912 not a railroad has applied to the Interstate Commerce Commission to have those water competitive rates increased, and they never will apply, because those rates were originally reduced for the purpose of driving out water transportation, and some railroad managers are not yet wise enough to regard water lines as coordinating instrumentalities of transportation and not competitors.

Under that legislation we will never have any readjustment, and we can not have readjustment without some further legislation. One reason why I favor this bill is because the President will under it have the power to increase railroad rates competitive with water lines. This will result in the establishment of water lines and enable them to operate with assurance of a reasonable profit. This result will be ample justification, but another public benefit will ensue. There will be established joint traffic rates and interchange of traffic between the water carriers and the rail carriers, thus making the interior sections sharers in the benefits of cheap water transportation. [Applause.]

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I am sure that we have all listened with interest to the argument of the gentleman from New York [Mr. DEMPSEY] and the gentleman from North Carolina [Mr. SMALL] on the amendment that we are now considering, but I dissent from some of the arguments which they have made. For instance, the gentleman from New York takes the position that it would place the Interstate Commerce Commission in an embarrassing attitude to make a decision as to the justice and reasonableness of a rate which the President had initiated, because of the fact that the President is the appointing power of the Interstate Commerce Commission. The gentleman went so far as to argue that the Interstate Commerce Commission is the creature of the President; at least that was the effect of his argument, as I understood it. Why, if I understand the situation at all the Interstate Commerce Commission is a creature of the Congress of the United States, and the President appoints the membership of that commission just as he appoints the membership to the United States Supreme Court, and, like the judges of the Supreme Court, the appointment of the members of the commission is confirmed by the Senate.

I understand further that the matter of judging as to the reasonableness of rates is not an executive function. The President of the United States is an executive officer and vested with executive powers by the Constitution, and that same Constitution says that Congress shall have the power to regulate interstate commerce, and that is where Congress gets its power to prescribe just and reasonable rates, which it does through the Interstate Commerce Commission. The matter of making rates is a legislative function, and for very proper reasons it has been delegated to the Interstate Commerce Commission, and it is certainly an erroneous statement to say that the commission is a creature of the President.

Mr. DEMPSEY. Will the gentleman yield?

Mr. BLACK. I will.

Mr. DEMPSEY. Is not there this important difference in the manner of the appointment of the Interstate Commerce Commission and of the members of the Supreme Court—that the latter august body is appointed for life while the members of the Interstate Commerce Commission have only a limited tenure?

Mr. BLACK. I do not think that affects the question at all. The tenure of office is fixed by law and not by the President.

Mr. DEMPSEY. Men are human and men, as a rule, like continuance in power.

Mr. BLACK. I will say to the gentleman that that seems to me to be an irrelevant inquiry.

Mr. RAYBURN. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. RAYBURN. Does not the gentleman think it is a reflection on the President of the United States to say that he would appoint an Interstate Commerce Commission who would act according to the policy of the Government in these matters?

Mr. BLACK. Why, yes; and, as I said a moment ago, the matter of fixing rates is not an executive function, and while the Interstate Commerce Commission is an administrative body, it is an administrative body with regulatory powers, and these powers are such as have been vested in it by the act of 1887 and other acts amendatory thereto, enacted by Congress under the Constitution of the United States, and it gets none of its jurisdiction from the executive powers of the President.

Mr. SIMS. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. SIMS. Does the gentleman believe that the President of the United States in time of war should go to the Interstate Commerce Commission and state that he believes that this rate is necessary as a matter of military efficiency, and that the commission itself then would refuse to adopt the rate or approve it and put up their judgment as to what military necessities required against the Commander in Chief?

Mr. BLACK. I will say that I think the Interstate Commerce Commission would give most respectful consideration and the greatest weight to any rate that might be initiated by the President. I favor and approve the provisions in the bill, which has already passed the Senate, which permits the President to initiate the rate subject to the power of the Interstate Commerce Commission upon complaint of the shipper to inquire and review the justness and reasonableness of the rate, and after it has taken the testimony, and otherwise fully reviewed the information on the subject, let it determine as to the justness and reasonableness of the rate. [Applause.]

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Chairman, it is doubtful at this stage of the debate whether anyone can contribute any information on the subject that has now been discussed for nearly a week. It may be that some additional emphasis may be made upon some particular point, but it seems to me that pretty much the whole ground on the subject has been covered.

I was interested in the remarks of the gentleman from North Carolina [Mr. SMALL], who reminded me of my old friend of years ago, Mr. Dick, in David Copperfield, that unfortunate gentleman who never set out to draw one of his memorials to Parliament that the head of Charles the First did not sooner or later pop up in it. [Laughter.]

And so my good friend from North Carolina [Mr. SMALL], starting out to argue the military necessity for taking over the railroads of the United States, finally gets to settling his favorite problem of water-and-rail competition by getting the President of the United States to raise the freight rates.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Vermont. I prefer not to do so at this time, as I have only five minutes. Somehow or other, there are other sinister or equally harmless shadows lurking around about this thing. It seems to me that some of our friends are mighty eager to seize upon this war emergency as a pretext for legislation that is by no means related to it and to accomplish some purpose by raising the popular slogan "Stand by the President" that they could not hope to have seriously considered at any other time and in any other way. I do not now pretend to bring you any special information on the subject, and we all understand that in five minutes it would be practically impossible; besides, the matter has been so well discussed as it is.

Thirty years ago when the interstate commerce law was born, or when it first went into effect, I was the chief clerk in the general freight department of a railroad, and I saw the first effects of the interstate commerce act when on a Sunday noon all of the tariffs of the whole United States, covering transcontinental, local, or joint traffic, went with one accord into the wastebasket; and for four years after that I abided in that same position. While I do not pose as an expert on railroad rates, and, after many years of retirement from the business, it would now be absurd to do so, still I remember enough of the old trade so that some of the things I have heard here to-day and during the past week about one man making the rates for the vast and complicated transportation systems of this country have sometimes tended to amuse me.

We are not now called upon to say whether the railroads of this land have been fairly or unfairly treated by Congress in years past. We are not now called upon to determine whether freight rates are in some cases too low and railroads have suffered unjustly because of that fact. My own opinion is that we probably have gone too far in our drastic laws and otherwise and have oppressed railroads somewhat at times or hindered their healthy and proper growth and development in some respects. But that is all beside the question here and now before us.

I have only one suggestion to make to this company. I have only one bit of emphasis to lay upon one point that has been brought out here so many times and yet seems so strangely to be overlooked when its proper application should be made. If, as is the purport of the policy behind this bill, we are simply taking over the railroads of the United States because of a dire military necessity and emergency, why are we not then content with putting into the hands of the Executive the power to operate the rolling stock and the motive power and the transportation systems as transportation systems, and forbid, if necessary, certainly never authorize, his going to the point of reaching his hand down to muddy the waters of our national commercial and business life besides? The power to fix freight rates is almost wholly in itself the power to control the industrial and commercial business of the country. Why should we give him authority to do that which is in nowise whatever associated with the military necessity? I do not understand how my good friend, the chairman of the Committee on Interstate and Foreign Commerce, can rise here and blandly suggest to this House that the making of a rate may be some serious and critical point involved in the President's capacity as Commander in Chief of the Army and Navy of the United States, and hinder some military project, when, as he knows and as we all know, that same President of the United States as Commander in Chief of the Army and Navy under the Constitution of the United States can move any freight car or engine anywhere in the United States, rate or no rate, with nobody's consent, asking nobody's opinion about it. Then, why is this question of rates smuggled in at the back door in this fashion?

It seems to me when you get right down to brass tacks, as we say in New England, that somebody is holding up the edge of the canvas so that the camel's head can get under the tent, and that after this tremendous military emergency is out of the way, this military emergency that is so urgent, so critical, that we must have somebody pottering with rates in the White House, then we may see what becomes of some other parts of the interstate commerce law and the Interstate Commerce Commission, and see how many more footpaths must of necessity be beaten toward the Great White Lot at the other end of Pennsylvania Avenue. [Applause.]

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, I would not be a very good waterways man if I was not fair to the railroads. There is a prejudice against the railroads which I do not indulge. There is a desire in some sections to cripple privately operated railroads, a desire which I do not encourage. I want to see more railroads, a larger service, and more trackage; no section of the country needs it more than mine. Along the Atlantic seaboard, east of the Appalachian chain, we do business for one-third of all of the people of this Nation upon one-fourth of the mileage of the United States. Gentlemen say nothing new has developed in this debate. My friend from Vermont [Mr. GREENE] is one of those who made that suggestion; but there is something new in this debate, and I have not heard it explained yet. When the gentleman from Wisconsin [Mr. ESCH], the able ranking minority member of the Committee on Interstate and Foreign Commerce, held the floor on Thursday last I asked him whether it was true, as suggested by the gentleman from Pennsylvania [Mr. DEWALT], that the President had the power and would use it to increase the wages of the railroad men 20, 30, or 40 per cent, the gentleman from Pennsylvania, having indicated that it was understood that the railroad men's wages, which would be a charge against the railroads, would be incresed at least 20 per cent.

And the gentleman from Wisconsin [Mr. ESCH] said:

> I suppose there will be increases of wages; I can not talk advisedly on that matter.

Whereupon the gentleman from Wisconsin [Mr. LENROOT], who is adept at railroad legislation, undertook to explain the situation.

He said:

> Mr. LENROOT. Will the gentleman yield?
> Mr. ESCH. Yes.
> Mr. LENROOT. I would like to suggest that when under private ownership the railroads had the power of increasing rates; that the rates had to be passed upon by the Interstate Commerce Commission.

I think, perhaps, there is a typographical error in the answer of the gentleman from Wisconsin.

Mr. LENROOT. That first "rate" should have been "wages." It is evidently an error. The wages are made by the railroads, but the rates are passed upon by the Interstate Commerce Commission.

Mr. MOORE of Pennsylvania. So that the Interstate Commerce Commission had the power to fix rates heretofore, but did not attempt to adjust the wages. Now, it is quite probable that the taking over of the railroads by the President of the United States includes a program to increase the wages of employees, an important and dominant factor in the operation and direction of railroad property. I want to see the wages of railroad men increased. I do not see how the railroads of the country, under Government control or under private ownership, can successfully stand the increase of wages to the extent of 20 per cent, which seems to be conceded, or to 30 or 40 per cent, which is demanded, without having a corresponding increase in rates to offset the charge. No gentleman has explained that situation to my satisfaction, and the question has been put to two of the best railroad lawyers in this House.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. LONGWORTH. I understand it to be the gentleman's argument that if we give to the President the exclusive power of making rates, the rates will certainly be increased, whereas if we leave them with the Interstate Commerce Commission they probably will not be?

Mr. MOORE of Pennsylvania. No; I do not take that position arbitrarily, because the bill as written provides that when in the judgment of the President—"when in the judgment of the President"—rates may be initiated, and so forth. No power is taken away from the Interstate Commerce Commission, except "when in the judgment of the President it is necessary in the public interest he may initiate rates, fares, charges, classifications," and so forth, and even then, "when in the public interest." What is the public interest? This bill is a war bill. We have been voting only war bills in this session—bills in the public interest. This bill is one of those. It is in the war interest. The President, who is superior to the Interstate Commerce Commission, decides whether he shall initiate rates. When he so decides he is to have the power to do it; but even so, rates fixed by the President in emergency cases, in war cases, may go back to the Interstate Commerce Commission for review.

Mr. GORDON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Ohio.

Mr. GORDON. The gentleman is mistaken about that last statement he made, because it is the very question we are discussing.

Mr. MOORE of Pennsylvania. The bill states that the Interstate Commerce Commission shall upon complaint make investigation and grant full hearings concerning the fairness, justice, and reasonableness of all rates, fares, charges, classifications, and so forth. Special war service will be required——

Mr. GORDON. It is all it can grant.

Mr. MOORE of Pennsylvania (continuing). When ordered by the President.

Mr. GORDON. It has no decision.

Mr. MOORE of Pennsylvania. I quote the minority report on that point where it cites the demurrage case. It refers to the fact that the Director General of Railroads fixed a higher rate of demurrage on cars which were serving as storage warehouses. This question went to the Interstate Commerce Commission, and even after the new rates were fixed it came back to the Interstate Commerce Commission. Much as I appreciate the hard labor and intelligence put upon the report by the minority of that committee, I am inclined to think this citation shows a weakness in their argument.

Mr. GORDON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GORDON. There is another provision in this bill the gentleman is talking about that provides that, notwithstanding all this war power and the fixing of rates, any rate fixed by the President or anybody else must be just and reasonable. Does the gentleman think that ought to be retained?

Mr. MOORE of Pennsylvania. The "just and reasonable" clause is here, and if the President's rates are not just and reasonable those who have complaints go to the Interstate Commerce Commission in the usual way.

Nobody is hurting the Interstate Commerce Commission. Gentlemen have tried to distinguish between the Interstate Commerce Commission and the President. From my point of view, as I read this bill and both reports, there is really no difference between them. They act together; they operate as one, except that in certain cases where an emergency exists, when the going before the Interstate Commerce Commission takes time—months and months it may be—and an injustice may be done to the railroads, then the President may initiate rates and if they are wrong or unjust or inequitable, then the complainants go back to the Interstate Commerce Commission and try out their case. They get their hearing after the war emergency has been met.

Mr. CAMPBELL of Kansas. Does the gentleman from Pennsylvania concur in the opinion of gentlemen that the Interstate Commerce Commission, being appointed by the President, would not find that the President had filed a rate that was either unjust or unreasonable?

Mr. MOORE of Pennsylvania. I think the Interstate Commerce Commission would agree with the President most of the time.

Mr. GORDON. It will have to, if the majority report is adopted!

Mr. MOORE of Pennsylvania. I think they will. Now, gentlemen, so long as we are at war and voting all kinds of power to the President of the United States, and have given him the power to increase the wages of the employees, why should not the President also have the power to make a corresponding increase in rates, so that the railroads will be able to pay the increase in wages due to the war? That is the situation. It is a set-off. And to show that some laboring men are fair upon this subject, apart from the railroads which are most interested, let me quote from T. L. Lewis, former International president of the United Mine Workers of America. He says:

> If necessary, Congress should instruct the Interstate Commerce Commission to grant relief to the railroads by a general increased freight and passenger rates for a stipulated period of time. This would enable the railroads to rehabilitate their transportation facilities. Would it not be better to increase freight and passenger rates and permit the traveling public and the shippers help pay for the improving transportation than to take off trains, suspend the operation of industry, close places of business, when people must travel, when there is a demand for manufactured articles, machinery, and equipment, and enough coal in sight to meet every demand for fuel, if transportation facilities are provided? The efficiency of our military and naval forces and the welfare of the people demand prompt action.
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> We have no right to expect the highest standard of efficiency from a worn-out, sick, physically weak individual. The railroads of the United States are worn out, sick, and disabled from too much Government regulation, and apparently the indifference of the Interstate Commerce Commission to an inevitable condition, which has developed disastrously to the railroads, to industry and commerce, and to the people of the United States.

Cut the Gordian knot; play fair with the railroads; if this war necessitates it, give the workmen an increase in wages, and let the President do it under this bill.

Mr. DILLON. Mr. Chairman, I discussed this question very fully in general debate and only want to make one or two observations now.

The Interstate Commerce Commission, in my judgment, has the confidence of the American people. It is a court to which the people may go. I have failed to hear a single reason advanced why this court should now be disbanded and placed in the dump heap. This bill provides that up to the 1st of July, 1918, the President may relinquish control over any road or system of roads. If we adopt that provision, we will allow the Interstate Commerce Commission to fix the rates upon the roads released from the Federal control and we will allow the President to initiate rates and control rates as to the roads under his control. Thus confusion will follow. It seems to me that there is a clear division between the control and operation of the railroads and the rate-making power. The rate-making power does not in any manner interfere with the operation of the railroad. The rate-making power ought not to be disturbed. There is no necessity for setting aside the laws upon the statute books. If we turn this power over to the President, I take it that we will turn it over to the military power of the Government. It will then cease to be a civil power. There is a distinct line between the military powers of the Government and the civil powers of the Government. These two authorities ought to cooperate. There should be no contest between them. Yet the military power, with its control and with its operation of the railroads, can everlastingly eliminate all rate-making power and destroy it absolutely. When we thus destroy the Interstate Commerce Commission the shipper will have no appeal anywhere to any court under the heavens. Where will these shippers, representing the commerce of this country, from every hamlet in all the broad land, go for their remedy when the rates are fixed by the military power of this great Government? No court, no commission, nobody to hear their grievances; without the right to go into any court. Does this Congress want to do that? Does this Congress want to grant that power and thus take away the right of appeal to the courts? You can not appeal to the courts from the military department of the Government, because the military power is supreme. The military power can destroy the power of the courts. It can arrest the judge upon the bench, prevent the court from deciding cases in favor of the enemies of the country, and confine the offending officer until the close of the war. Its power is supreme. This Congress ought not to destroy the rights of the people that are purely civil, that are purely administrative, that are largely commercial. The commercial interests of this country command some consideration at the hands of this Congress, and we ought not thus to disturb and confuse the commerce of the country and bring confusion and chaos into all the industries of the land. [Applause.]

The CHAIRMAN. The gentleman yields back one minute.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, the provision of the bill under consideration gives the President power to fix rates, fares, and charges, and to make such classification, regulations, or practices as he may deem fair, reasonable, and just, on all the railroads of the United States during the period of Government control. By this provision this power, hitherto exercised by the Interstate Commerce Commission, is taken away from that body and is lodged exclusively with the President. The commission can act only in an advisory capacity.

The last section of the bill declares that its provisions are "expressly declared to be emergency legislation enacted to meet conditions growing out of the war." But rate making is not emergency legislation to meet conditions growing out of the war. To make and change rates, fares, and charges is part of the ordinary commercial business of the country. Such action relates only to transactions entirely civil in their nature. The Government is given the control of the railroads because the success of its war work is dependent in large part on transportation. So far as the transportation of troops, of munitions, and of war supplies are concerned, the demands of the Government are supreme and the transaction of all ordinary civil business must be made subordinate. We have granted ample power in this regard. But the ordinary travel, the ordinary shipment of farm products, of merchandise, and the articles which supply the every-day demands of the people should not be taken out of the usual well-settled course of procedure. The laws and regulations, the charges, and rates should remain as they are, or, if changed, should be changed in the manner prescribed by law. To assume the duty of rate making on ordinary business transportation is not part of the warlike preparations of the Government.

Every power the President needs he may exercise to use the railroads in any possible way for the carrying on of the war. If the President desires to transport war material or supplies, he can do so without rates. If he desires to make a rate, say, of coal to a munition plant, he can do so under the powers given him in the act of 1916 and in other provisions of this bill. But that is special, not general. That relates to Government

business, not private business. That is a military measure, not a civil regulation. The power to fix rates on the general commerce of the country—the common, private business of the land—that is a thing entirely apart from the exercise of the war power, to which this bill by express provision is limited. The President has granted to him by legislation already enacted and which is contained in this bill absolute and unlimited power to control and operate the railroads for all and every war purpose. He can take off or put on trains. He can give priority to all war orders. He can make every other kind of traffic secondary. He can run all trains on war schedules.

But the railroads must be used by the people in the meantime for other than war purposes. The commerce of the country must be carried. The necessities of the people not engaged in war must be supplied. It is as necessary now as in times of peace that rates and charges should not be exorbitant. It is necessary that changes should be made only after careful investigation and a full hearing. To secure these results we have established the Interstate Commerce Commission. It has become a part of our governmental system. To its jurisdiction and control have become adjusted all the busines interests of the country. It is the development of 30 years of lawmaking and court interpretation. Many attempts have been made to destroy the usefulness of the commission, but they have proved unavailing, because it has obtained and now holds the confidence of the people. The farmers' associations, the stock growers' associations, the grain shippers' associations, the farm journals, representing the agricultural interests of the country, are now urging Congress to maintain the present jurisdiction of the Interstate Commerce Commission. Manufacturers' associations and the chambers of commerce of the great cities have also petitioned Congress to the same effect.

Gentlemen who advocate the abrogation of the functions of the Interstate Commerce Commission can hardly realize, I am sure, the consequences of such action. To deprive the people of the right to have determined upon a hearing by an impartial tribunal whether a given rate is just and reasonable is an act of such grave moment that nothing except absolute necessity would justify it. It is said that it is safe to lodge such power in the President. But this is not done. The President will have no hearings. In fact, the President will not act at all except as he is advised. The chief value of the commission consists of the fact that decisions are made upon public hearings conducted as a court is conducted, with fixed and orderly procedure. Evidence is submitted, arguments are heard, and final determination made after conference and deliberation, as are judicial decisions. The rates now fixed are the result of patient study and careful investigation. They have been made in many cases as findings on hearings that have extended over months. They have been presented and argued by the ablest lawyers the country affords.

I hold in my hand the last volume, volume 44, of the Interstate Commerce Reports, a series of decisions that would do credit to any court of last resort in the land. More than 10,000 cases have been decided by this great court and reported in this series. This volume contains more than 500 pages and reports many cases. Among them is a great case, the Pere Marquette case, the report of which alone covers 250 pages. I ask gentlemen whether or not it is possible for the President to consider and determine that class of cases? And if he will not consider them, who will? Will it be wise or expedient to have such great questions determined by some unknown adviser of the President, who may be interested and biased, and who is necessarily irresponsible? Should we without necessity throw away three decades of legislation, this large body of decisions and precedents, and the methods of orderly procedure established by long years of experience and trial?

Those who defend the proposed abolition of the Interstate Commerce Commission have not shown, nor can they show, how the retention of the present jurisdiction of the commission with regard to rate making will in the slightest degree interfere with the full control by the Government of the railroads for war purposes. It is not because the President desires such power that it is proposed. He is not to be complimented or pleased by granting it to him. He would not exercise it personally if granted. The President was granted power to take over and control the railroads. He exercised that power by making Mr. McAdoo the director. Who will be placed in charge of the rate-making power if granted to the President we do not know. It is safe to say, however, that it will not be the Interstate Commerce Commission, for if that were intended no provision would have been made for taking away the power from the commission.

It must be apparent that an effort is being made to commit to some one else the rate-making power, to be exercised through the President. It is because powerful influences are determined to destroy the commission or to take from it the power it has so wisely and impartially exercised. Some of the reasons for this are not far to seek. On this floor we have heard it said that because the commission did not advance rates as much as was desired that for that reason the President must be given the power so he could do so. In the 15 per cent advance rate case the railroads asked for about $400,000,000 increase in rates and revenue. The commission granted an increase to certain roads amounting to about $100,000,000. The refusal to grant all that was asked excited deep resentment in certain quarters. And now we have this condition presented: Because an impartial tribunal, after patient hearing, with due regard both to the railroads' demands and the people's rights, have fixed certain rates which they found to be just and reasonable, but which were unsatisfactory to the railroads, its power shall be taken away under the guise of a war measure and given to some one who will do what is desired. Being dissatisfied with the decision of the court, they would forthwith abolish the court.

It is said that the railroads should be self-supporting; that in order to make them so rates should be increased; and that as the Interstate Commerce Commission will not do so, some other way must be found to secure such result. In answer to that it may be said that no one can now tell what the results will be under the new management. It is hoped that with the reduction of high salaries, the abolition of useless expenditures, the elimination of waste and duplication and favoritism that expenses will be materially decreased. It is probable that an increase of wages of at least some of the employees should be made. How we shall come out when these things are done under conditions that will then exist it is impossible to anticipate. But, however that may be, if rates should be raised or lowered, the determination can better be made by an impartial tribunal such as the Interstate Commerce Commission than by an unknown person who may be appointed for that purpose by the President. The people have rights as well as the railroads. They do not ask favors, they only demand justice. They know they ought and must pay a full compensation for the service rendered. But it is one of the chiefest benefits of our institutions and our laws that all public-service corporations are subject to regulation in the interest of the people. The people in this case only ask that the jurisdiction and power of the Interstate Commerce Commission should be retained in civil transactions between the railroads and the people as it has existed in the past. In order to accomplish that result the amendment should be adopted.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SIMS. Let the gentleman from Wisconsin use some time. I am still one minute ahead.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. DENISON. Mr. Chairman and gentlemen, I am in favor of the amendment that has been offered. I have listened to a great deal of debate on the bill and I have failed to hear anyone tell the committee yet who would in fact fix the rates if the bill is passed in its present form.

Now, they say that the power to fix the rates is given under certain conditions to the President, and we, of course, know that the President can not do it himself. Perhaps it will be exercised by Mr. McAdoo, the Director of Railroads. I understand that Mr. McAdoo at the very best can give only about two hours a day to those duties which are imposed on him by reason of being Director of Railroads. We know, then, that Mr. McAdoo himself will not do this work. Then who will do it? It does seem to me that if Congress is going to grant this extraordinary power to some one, the Congress and the people ought to know who it is that is going to fix the rates. Evidently the President will not do so, nor will the Director of Railroads; but he will have to refer it to some one else, and we do not know who that is. I think if it has got to be referred to some other person or some other tribunal, it ought to be to the Interstate Commerce Commission, who have had this power all the time.

Mr. LAZARO. And they are the creature of the President.

Mr. DENISON. Mr. Chairman, just here I want to make some brief general observations on the bill, as I did not have a chance to do so under general debate.

It seems to me that there are a great many, or at least some, Members in the House who have an idea that this legislation will lead ultimately to Government control of railroads and perhaps of other public utilities, and there are some who think

that this legislation ought to be used for a sort of experimental purpose in Government control. Now, I think that there ought not to be any provisions in the bill except such as are necessary to carry out the single purpose of the bill, and that is emergency war legislation. Therefore I am opposed to that provision of the bill which would extend the time for returning the properties to their owners to two years after the war, and I am opposed to this provision in the bill which gives this power to the President to fix the rates, because I can not see, and I have heard no argument yet from anyone that has convinced me, that the power of fixing a rate for the shipment of freight or any other rate is a war power.

Now, I can not conceive of any sort of circumstances arising under which it will be absolutely necessary for a rate to be fixed on the moment. If the statement of the gentleman from Iowa [Mr. SWEET] is true, that if his amendment carries the President will still have the power to initiate rates, it seems to me that any necessity that will grow out of the state of war will have been met by the President having that power to initiate rates.

Mr. SMITH of Michigan. What is the difficulty about letting the Director of Railroads fix the rates?

Mr. DENISON. Because it will be absolutely impossible for him to do it. The Director of Railroads is the Secretary of the Treasury. He is also the head of the Federal Reserve Board and of the Farm Loan Board, and I understand that they are going to make him head of this new financial corporation that will control all the finances of the country.

Mr. WILLIAMS. And he is a candidate for the Presidency.

Mr. DENISON. I understand so. And with all his manifold duties it will be impossible for him to give the matter of fixing rates any attention. He will have to leave it to some one else.

Mr. Chairman, I have listened with a great deal of interest to the discussions of the bill by the different Members. It is apparent to me, as I have said, that there are some Members who consider this as purely temporary legislation, made necessary by the existence of a state of war and justified only by reason of that fact.

There are others who would treat it as permanent legislation, precipitated by the state of war but justified as an economic and governmental reform, leading ultimately to Government ownership and operation of all public utilities. These are the two extreme views. There are still others who would consider it as war legislation, temporary in character, but who would so shape its provisions that it can be utilized as an experiment in Government operation and control to guide future Congresses in the consideration of that great question. If I may be permitted to hazard a guess, I would say that those who were responsible for this bill in its original form—the President and the Director of Railroads—are among those who would treat it as war legislation to be used at the same time as an experiment in governmental operation, to the end that, if successful as a war measure, it may ultimately become a permanent part of the economic policy of the Nation. I think the provisions of the bill as originally drawn clearly show this. Why else should anyone want the Government to continue operating the railroads indefinitely after the war has ended and peace has been restored?

So the question is squarely up to Congress whether we shall enact this legislation as a mere temporary measure made necessary by the war or as permanent legislation launching the policy of Government ownership, or as a war measure, to be continued indefinitely or to some definite but unnecessarily distant time, for experimental and possibly for political purposes. When the bill is finally passed its provisions will reflect the views of a majority of Congress as to which of these three purposes or policies the legislation should represent.

Now, I am opposed to any experimental legislation on an important and vital question of this kind. I am opposed to using the necessities that arise out of this war to try out any illusive dreams or theories of socialism. Some sort of legislation of this kind is of course necessary, since the President has already, under the exercise of his war powers, taken control of the railroads of the country. We must provide for compensation for their use, for their management during the period of Government control, and for their return to their rightful owners. But I do not think the Government should keep the railroads a day longer than is necessary to accomplish the purpose it is claimed justified the President in taking them over.

Mr. Chairman, I have for years been opposed to any form of Government ownership or operation of railroads. My observation since I have been a Member of this House has made me even stronger than before in this conviction, and nothing has been said during the debate on this bill that has convinced me to the contrary.

I do not think the Government has any business owning or operating any kind of a business enterprise like the railroads. I believe that competition and the desire for profit have given our country the best transportation service in the world. And I believe that competition and the desire for profit are under our form of government and in a country like ours absolutely necessary to the maintenance of good railroad service and to continued improvements in the service.

Neither competition nor the incentive for profit are possible under Government ownership or control.

I have listened with deep interest to discussions by different Members of the success or failure of Government ownership of railroads in other countries. I do not think the experiences of other countries are of any important value to us on this question, because no other country that has tried it has the same natural or economic conditions, nor the same forms of government that we have. There will be enough grave and important questions growing out of the war and for the next 20 years following the war that are really and properly governmental questions to occupy all of the time and attention of the Government, without its going into the railroad business.

While I believe the President had and should have had the power to take over the railroads and temporarily operate them as a war necessity, I do not think the necessity for such action had arisen when the President acted. I think it was a mistake for the President to take possession when it did. The owners of the roads can operate them any time better, more efficiently, and more economically than the Government can. Congress could, upon recommendation by the President, have acted just as quickly and enacted such legislation as might have been necessary to temporarily relieve the railroads of any legal restrictions imposed upon them by the Interstate Commerce Commission and the Sherman antitrust law, which would have interfered in any manner with the free use of the railroads for war purposes. If this had been done, Congress would have been spared the perplexing problems that are involved in the legislation now under consideration, and in my judgment many others that are sure to follow.

The railroads are in far worse condition and transportation service is far more inefficient than before the roads were taken over by the President. So I think it was a mistake to take them over at all. There was no necessity for it that could not have been fully met in a better way.

I am opposed to Government ownership of railroads because the property values of the railroads of this country amounts in the aggregate to from eighteen to twenty billion dollars and there are 1,700,000 employees now in their service. That is too much money and too many men to be used as a football in the political game in a Republic like ours. We can not afford to determine questions of this kind on the assumption that there will always be wise men and good men in control of the Government. We must do so rather with the possibility in mind that men unwise and overambitious or weak and unscrupulous may be in control. And power is a dangerous thing in the hands of weak or overambitious men.

But the 1,700,000 railroad employees are, or some day will be, federated with many million others employed in other fields of industry. It would be an unfortunate thing, in my judgment, for that many men to be in the service of a Government like ours. All questions of wages and welfare would usually if at all be adjusted on political rather than economic or industrial grounds. With a strong and determined man at the head of the Government the great army of railroad employees might be unjustly dominated and their best interests submerged, and this would be a bad thing for the railroad men. With a weak or overambitious man at the head of the Government, the railroad employees could completely dominate the Government. Either condition would be unfortunate if not dangerous for the country. I do not think this bill should be passed with a single provision in it that could be construed as an encouragement to those who believe in Government ownership.

Let us be candid with ourselves and with the country and make it plain that this legislation is a war necessity only.

I will support the bill if it is amended so as to be what it is represented to be—legislation necessarily resulting from the state of war—and if some of the provisions of the bill that are absolutely inexcusable are eliminated from it.

I am opposed to the Government keeping possession of the railroads two years after peace has been declared. I think that length of time is unreasonable and would be so held by the courts; it is also unnecessary, and is intended as a compromise with those who believe in Government ownership, or who would experiment with it. And I will not vote for the bill unless it is amended so as to provide for the return of the railroads to their owners in a less time than two years after the close of the war.

I am unalterably opposed to giving the President or the Director of Railroads, or any other one man, the power to fix

railroad rates. The fixing of railroad rates is a legislative and not an executive function. It requires a most fertile imagination to conceive of the rate-fixing power as a necessary war power. It is not a war power at all. It is nothing more nor less than an abdication by the Congress of one of its legislative powers, and the conferring it upon one man who we all know could not himself exercise it and would not exercise it.

I have not heard one sound reason given during this debate why the Interstate Commerce Commission, that has heretofore had the right by act of Congress to finally fix railroad rates, should not do so while the roads are under Government control. Certainly the Interstate Commerce Commission is better qualified than any other person or any other tribunal in this country to determine reasonable rates. I see no reason why they could not, when requested by the President, determine rates just as equitably and as speedily as any other person or tribunal could possibly do.

I am willing to give the President the power to initiate rates during the continuance of the war and as a war necessity. But the Interstate Commerce Commission should under any circumstances retain its authority to finally determine the reasonableness of the rates.

To give the President or the Director of Railroads this extraordinary power of fixing railroad rates, in addition to the other unusual powers they now possess, would be conferring upon them more power than is now possessed by the Kaiser or any other person in the world. And I will not vote for the bill if it contains the provision giving the President this power. I hope the amendment of the gentleman from Iowa [Mr. SWEET] will be adopted.

Mr. Chairman, I have already since the beginning of the war voted for various bills conferring extraordinary powers upon the President. I have done so because I thought those measures were necessary to enable the country to more effectively prosecute and terminate the war. But we have conferred about as much power on the President as we should confer, and about as much power as we will confer, so far as my vote is concerned. Last session we passed legislation giving the President general control over the food and fuel of the country. With practically a unanimous vote Congress conferred this power upon the President because we thought it necessary as a war measure.

And yet this winter we have seen the President, through the Fuel Administrator, issuing orders that were not only beyond and outside of any powers conferred upon him by the act of Congress, but were arbitrary, unwise, and, in my judgment, inexcusable and subversive of the public interests. And the Food Administrator has issued orders restricting the grinding of wheat by country mills that have not only been disastrous to the interests of the country millers and wheat growers in the great wheat belt in Illinois and the Middle West, but which have not, in my judgment, contributed materially to any better conservation or distribution of the country's bread supply.

These extraordinary powers can be easily abused or unwisely exercised. And we should not confer them upon anyone unless there is a clear case of necessity for it.

So far as I am concerned, I shall not vote for any measure that will confer upon the President, or Mr. McAdoo, or any other person any greater power than they now have unless I am convinced beyond all doubt that it is absolutely necessary to help us successfully prosecute and speedily terminate the war. And I will not vote for this bill if it retains the provision giving the President the power to fix rates for the railroads of the country.

I think, too, the bill provides compensation to the railroads for the use of their properties during the government control that is excessive and is unjust to the people who will have to pay the bills.

Mr. ESCH. I yield five minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, It seems to me that the gentlemen who have expressed themselves as being so solicitous as to the success of the President in the operating of these railroads were remiss in their duty when the question of the consideration of the standard return was before this body. Who is selected by this bill to fix the maximum standard return? The proponents of this measure placed that duty upon the Interstate Commerce Commission, because they recognized that they had the information, that the commission was composed of gentlemen of ability and training for that work. At that time they did not want to trust the President to fix the maximum standard return, but they put a limitation upon the President by a provision which referred the whole matter to the Interstate Commerce Commission, and a certificate from that commission is binding upon the President. If you wanted the President to be sure to make the operation of these railways a success and not allow the expense of operating to exceed too far the returns from the freight and passenger traffic, why did you put a maximum limit upon the President's right to fix the standard return? Was it because you did not want to trust him? Is that it? You say that we who favor a limitation upon the rate-making power do not want to trust the President. We can with equal propriety say that in fixing the standard return you did not want to trust the President. But I think we are all willing to trust the President. I agree with those who believe that the railways were taken over chiefly to save the credit of the railways and not so much that it was expected that the Government would successfully operate them. I do not believe for the next year that there is any power on earth that can make a success of the operation of the railways of this country. I do not believe the railways broke down. There was simply an inordinate demand on their capacity that they did not have the facilities to fulfill. You can say that the War Department broke down; you can say that when the Government has ordered a lot of uniforms for the soldiers and they have not been received for five or seven months that the uniform-making departments of the country broke down. You can say that all these munitions factories that have been built up by English and French orders all over the country making thousands and hundreds of thousands of pounds of explosives and arms for war purposes broke down. Why? Because of the exorbitant demands upon them.

The railways were able to carry the ordinary traffic of the country as it was developed before the declaration of war, but we by the declaration of war put upon them more than they could do. They have not broken down.

I do not think that anyone believes that the railroads will be any more successfully operated under the Director General appointed by the President than they were under the great railway heads of this country, any further than they are given more power by the legislation that we enact here to make through rates over the country and by pooling, but, so far as the operation is concerned, the President and Director General must depend upon those who have experience in that line. [Applause.]

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, there is no one provision in this bill which in my judgment deserves more careful consideration than this does. I recognize very fully the immense importance of the provision granting to the executive power the right to initiate rates. I recognize with equal force the great gravity of taking away from a long-established tribunal, the Interstate Commerce Commission, this right to revise and finally settle upon the rates.

I am frank to say that, primarily, my sentiment was against the idea of lodging this great power in the hands of the Executive. Every man who thinks logically must come to one conclusion ultimately, and that is that we must have due regard and respect for established forms of procedure, and that all innovations and alterations of that which has been established by long custom, and found to be efficient, should be regarded with a great deal of caution and not adopted except after weighty consideration. Therefore, I am frank to say now to this committee that, were it not for the immense necessity of this matter, if I were not deeply impressed with the urgency of the occasion, I would unhesitatingly cast my vote in favor of the amendment of the gentleman from Ohio.

Mr. SHALLENBERGER. Will the gentleman permit an interruption?

Mr. DEWALT. Not just now; I will in a moment answer all questions if I have time. I have tried with an unbiased mind, without any reflex action in regard to partisan fealty, or without any regard even of upholding the executive power simply because the executive power is now democratic, to look at this matter squarely from the standpoint of what is the best thing to do under the circumstances.

Let me start by saying that the act of 1916, in my judgment at least, gives the President of the United States the power to fix rates. The act of 1916, by its provisions, in brief, says this:

> That the President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system of transportation.

In looking at the legal definition of the word "control," I find that it is defined by an Illinois decision (185 Ill.) as this:

> The words "manage" and "control" are held to be synonymous. Manage is defined to mean "direct, control, govern, administer, or oversee." That is a decision in 144 Pa., page 377.

Webster defines the word "manage" as follows:

> Meaning "to have under control and direction, to conduct, to guide, to administer, or to handle."

I take it as a logical sequence of the wording of this act, which says "the President shall have possession and control," and in the following words, in the same section, "exclusive possession and control," that he has the right to administer. If he has the right to administer he has the right over the financial transactions of the company. If he has the right to administer the financial transactions of the company it follows as clearly as daylight follows the night that he must have the right to fix the charges for freight and passenger traffic. There can be no other logical conclusion. That is the act of 1916. Whether it be wise or unwise, you now have it on the statute books. The question now presents itself, will you, by implication or by direct legislation, by the adoption of the Sweet amendment, revoke what you did under the act of 1916?

Mr. SHALLENBERGER. That is the act under which we took the railroads over?

Mr. DEWALT. Yes; and the proclamation of the President followed. That is the war act. If that be true, then the question presents itself, what reason is there for maintaining the statute as it now is? I want to be brief and I shall try to present in a few words what those reasons are.

Mr. SHALLENBERGER. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. SHALLENBERGER. I have listened to what the gentleman has said, and I have been trying to find a reason why the President should be given this power as a war measure. The intent is not, as I understand it, to lower the rates. The intent must be to give him authority to raise the rates. Why is it necessary as a war power to give him that authority when it is admitted that the income of the railroads since the war is the greatest since we had railroads in this country?

Mr. DEWALT. Right there I can not agree with the gentleman. I think the power should be given not only to lower the rates but to raise the rates. I think I can show why it should be so. In the first place, let us take this undoubted fact. There is now existing, and there will be in the future, a diversion of freight upon the railroads of this country. We know now from the newspapers and from reports from the railroads themselves that there has been a diversion of passenger traffic to the Pennsylvania and of freight traffic to the Baltimore & Ohio—necessitated by what? By the emergency. In other words, certain lines have been devoted almost exclusively to freight traffic and others again have had diverted to them the passenger traffic. We know another thing, that passenger traffic is not the paying traffic on the railroads. They do not make money out of the passenger traffic; they make money out of the freight rates. Therefore it may be necessary for the President of the United States to initiate rates by which he increases the passenger rates in order to equalize things and decrease freight rates in order to equalize these roads.

Mr. SHALLENBERGER. He could not do that as between the railroads.

Mr. DEWALT. Why, yes; he could if he had financial control.

Mr. SHALLENBERGER. Give a higher passenger rate to one road than to another?

Mr. DEWALT. Certainly; under the provisions of this bill.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Not at this time. It may be necessary, as it was in England, to decrease the passenger traffic, and why? Because some of these roads are the main trunk lines and of necessity must be used for the transportation of foodstuffs and munitions of war. In England what did they do? They raised the passenger rates in order to prevent passenger traffic, and it may be necessary for the President of the United States to initiate high rates for passenger traffic in order to keep people at home from pleasure trips and unnecessary travel.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. MADDEN. There would be an easier way to do it than that, and that would be to cut off the trains.

Mr. DEWALT. Certainly; but you do not want to stop the flow of blood through the arteries. You might as well say that the easiest way to do it would be to bury the individual by cutting off his head.

Mr. MADDEN. On the question of rates, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. MADDEN. Does the gentleman have any fear that the Interstate Commerce Commission would refuse to grant a just rate?

Mr. DEWALT. I have not the slightest fear of that.

Mr. MADDEN. Then why should we worry?

Mr. DEWALT. But I have this fear: Prolonged investigations will follow, and the necessities of the occasion demand speedy action. I am with the gentleman on the broad proposition.

Mr. MADDEN. Why?

Mr. DEWALT. Excuse me, but I do not want to be interrupted in the logical conclusions I want to present.

Mr. MADDEN. But this is in line with what the gentleman is presenting. I say why would the necessity arise for an immediate occasion?

Mr. DEWALT. I will give the gentleman one instance. There are now 1,700,000 employees in the railroad service, according to figures. I understand—I do not know with authority—that these 1,700,000 employees are now demanding an increase in wages ranging from 20 to 40 per cent. Suppose that to-morrow morning a majority of these 1,700,000 employees, through the intervention or intercession of their chiefs, say, "We will stop work unless we are paid higher wages."

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SIMS. Mr. Chairman, I yield the gentleman five minutes more.

Mr. DEWALT. Suppose that to-morrow morning a majority of these men, through their labor organizations, should say, "We will cease work unless you pay us"; the President might by the necessities of the occasion say, "We will raise the wages." Under the Adamson bill the wages were raised for railroad employees $60,000,000 in one year. How are you going to meet that emergency? By going to the Interstate Commerce Commission and asking for a raise of rates and waiting three or four or five months until a decision comes, or will you say that the President shall have the power to initiate rates—not to fix them, but to put them into operation?

Mr. MADDEN. Will the gentleman yield for one more question?

Mr. DEWALT. I will.

Mr. MADDEN. Is there any more reason why the President should have the right, without any delay or interference, to raise a rate because wages were raised than the railroad companies had?

Mr. DEWALT. I did not quite catch the gentleman's question.

Mr. MADDEN. Is there any more reason why we should give the President the right to raise rates because of increased compensation to the men than the railroad companies should have that right, which they did not get?

Mr. DEWALT. Why, at that time the railroad companies were not confronted with the condition of war.

Mr. MADDEN. They were confronted with the question of increased compensation to men by reason of legislation.

Mr. DEWALT. Exactly; that is the right given under the Adamson Act, and it cost the railroad companies $60,000,000; and now you propose to legislate and take away this power from the President of the United States and refer it again to the Interstate Commerce Commission, and all this time the trouble has been going on and everything disorganized.

Mr. SNYDER. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. SNYDER. Is it not a fact that after the Adamson law went into effect the railroad companies did ask for an increased rate of the Interstate Commerce Commission? Did they get it?

Mr. DEWALT. They did not get it.

Mr. LENROOT and Mr. WINSLOW rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. DEWALT. I yield to my colleague on the committee first.

Mr. WINSLOW. I would like to ask if they ever did ask for an increase in rates after the Adamson Act went into effect?

Mr. DEWALT. My recollection is that they did, but I am not certain.

Mr. WINSLOW. Will the gentleman yield for a further question?

Mr. DEWALT. Certainly.

Mr. WINSLOW. Is there any more reason to think that the members of the Interstate Commerce Commission under the strain and exigency of war will not get a gait on themselves as much as the President?

Mr. DEWALT. Well, they are pretty speedy individuals at times.

Mr. WINSLOW. Does the gentleman think we would have any more reason to feel that the President would act any more promptly in this matter than he did in meeting the question of preparedness?

Mr. DEWALT. I am frank to say I do not know that. Let me give another reason why I think the President should have this right. We have provided in this bill, and the gentlemen should clearly remember this, that the President would have the right to use a portion of the revolving fund for the purchase of bonds and also that he shall have the right to issue

obligations for maturing obligations that might become due during the term of Federal control. Now, the money is not provided for that, except in so far as the revolving fund is concerned, $500,000,000. I take it that if he deems it necessary to purchase or to issue, if you please, new obligations for these maturing obligations there should be reposed in the President the power to initiate rates—not to fix them, if you please—because the right to review still remains. If this were an absolute grant to the President of the United States ultimately, conclusively, and definitely to fix rates without appeal, I would be unalterably opposed to it; but the right of appeal would still remain in the courts and the right of review in the Interstate Commerce Commission.

Mr. LENROOT. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. LENROOT. I would like to ask the gentleman what right the President or any other authority has to raise rates for the purpose of paying the indebtedness of the railroads?

Mr. DEWALT. None whatever.

Mr. LENROOT. The gentleman so stated.

Mr. DEWALT. Except in the operation of the road.

Mr. LENROOT. The gentleman so stated.

Mr. DEWALT. Oh, no. My friend from Wisconsin has a very delightful way of picking out one word in a sentence, or possibly one phrase in a sentence, and distorting the same to his own views or purposes, but that is not the way to argue a question. The way to argue a question is from the four points and four corners of it, just as you would construe a will. You do not construe a will by taking one phrase of it. You take the whole will together and if you take this whole act together you find that the President is to have control of the financial department of these railroads, and if he has control of the financial department of them, he ought to have control of the initiative power with respect to rates.

Mr. LENROOT. Did not the gentleman state that in order to purchase these securities of railroads it might be necessary for the President to raise the rates?

Mr. DEWALT. I still say so. The gentleman asked me about the initial power.

Mr. LENROOT. The constitutional power.

Mr. DEWALT. That is a different proposition.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. I yield five minutes to the gentleman from South Carolina (Mr. STEVENSON).

Mr. STEVENSON. Mr. Chairman, there is one thing that is certainly evident in this discussion, and that is that those who are proponents of the bill as it stands expect it to be used for the purpose of raising rates. Now, there need not anybody get mixed up about that. There has nobody here offered any reason that amounts to anything for this power except the reason that it may become necessary to raise the rates. The gentleman who has just spoken said that it might become necessary to raise passenger rates in order to keep people at home, and it would not do to rely upon the Interstate Commerce Commission to raise those rates. Well, now, if the gentleman has kept up with current history he will know that within the last 20 days passenger fares on mileage books have been raised a quarter of a cent a mile by this same Interstate Commerce Commission. Therefore, the argument that the Interstate Commerce Commission will not make and raise any rates if it becomes necessary is certainly begging the question.

The gentleman from Pennsylvania [Mr. MOORE] said a while ago that he was unable to see any reason why rates should not be raised; that if transportation systems break down it would be necessary, and it would be probable that wages would be raised; and he wanted to know why rates should not be raised also, and that nobody had given him any reason why they should not be raised. Now, I want to know why they should be raised; and that is a very important question to the business of this country. And the other is, how they shall be raised. In the last 12 months, the last fiscal year, the railroads that are called railroads, 230,000 miles of them, made a net income—I mean their railway operating income, which is with all expenses and taxes, and all of that paid, and the balance that is left—made an operating income of $1,069,000,000 on $18,000,000,000. In other words, as a whole they made over 5 per cent. Now, that is considered a fair net return for any operating property.

The Government will pay as a standard return to the roads under this bill $945,000,000, leaving on the above basis $124,000,000 margin to care for increased wages.

Now, why should we be talking that we have got to raise rates? There is no evidence that business is decreasing. And that is on the whole system. They have been taken over and unified and made into a system, and in making rates the Supreme Court of the United States has said that you can not hold that a rate is confiscatory unless all the operations of the road, regardless of this rate along with it, are not sufficient to bring in an adequate return. The fact that one rate on one commodity makes it a loss when they carry that commodity does not destroy all the rates if all the other operations of the system make a fair return. So if all the operations of the system we have taken over make a fair return, where is the necessity for raising the rates? And if you are going to raise them, my friend from New York says, they will have to be raised quickly and without investigation. Now, if you are going to raise rates without investigation, let us give the commission that has the information, that is expert at the business, the right to raise them, and not the President, who has had no experience. And if any of you have been up against the rate business you know that a man has to have experience before he knows anything about it.

The gentleman also stated that the necessity for raising rates would have to be exercised at once. I want to call the attention of this House to the fact that the raising or changing of rates is the most demoralizing thing on the business of the country that can possibly be imagined. If you make a rate that is not a proper one, you will demoralize business, because all the business of the great manufacturing concerns are conducted on the proposition that they will make their contracts based upon the rate to the place where they sell. That enters into every contract for sale, and if the rate is too high you will cause millions of dollars of loss to the manufacturing interests of this country, because you have a rate which will make unprofitable every contract that is outstanding. [Applause.]

I have offered as an amendment the provision adopted by the Senate, which gives the President the right to initiate and put into effect rates, subject to be reviewed and finally fixed by the Interstate Commerce Commission. There are two sets of people only that know enough to make rates in this country—the Interstate Commerce Commission and the experts of the railroads. The President will have to rely on one set or the other. Manifestly, the commission is more likely to deal fairly with the people, because they are not interested. The railroad experts will want to put rates high in the hope that after Federal control they will continue high. The commission should be charged with this, because it has no selfish interest to serve. This rate matter may be so manipulated as to destroy towns, manufacturing establishments, and ports, and carries the powers to levy, in the form of transportation charges, millions of taxes on the people, and should be carefully guarded. [Applause.]

Mr. ESCH. I yield five minutes to the gentleman from Michigan [Mr. SCOTT].

Mr. SCOTT of Michigan. Mr. Chairman, there is only one question involved in the amendment now before the committee, and this is the question: "Shall the Interstate Commerce Commission continue to establish the rates of common carriers engaged in interstate commerce or shall that function be performed by the President?"

In a controversy it is usual that two or more parties are interested, but an unusual situation presents itself in this matter now before us, because only one party is vitally and materially interested in the decision which this Congress shall make on this feature of the bill. That one party comprises every manufacturing establishment, every producer, and every consumer in the United States. The railroads have no interest in who shall make the rates during the time the Government controls and operates their roads, because their compensation is fixed under the terms of this bill and in no way depends upon the revenue obtained during this period of governmental control and supervision. The President can have no real interest in fixing the rates, because under his constitutional power he can compel the carrying of any commodities necessary or incident to the military program, and with his complete control and supervision of the railroad systems of the country the matter of rates can not be material to him. It is simply a question of taking money out of one pocket and putting it into another, whatever the rates may be. No one is deluded with the idea that the President will ever fix these rates, even if he is given the authority to do so in this bill. That is a human impossibility, which even the oratorical proponents of the bill can not overcome. This duty must be assigned and must be performed by some commission who will possess virtually the same powers now possessed by the Interstate Commerce Commission. You will strip the Interstate Commerce Commission of all its powers and duties—everything but its salary—and you will delegate the powers and duties to a commission appointed by the President who will not have, and can not have, the invaluable experience and knowledge which years of training has given to the members of the Interstate Commerce Commission. The manufacturer, producer, shipper, and consumer will pay tribute to the inefficiency of this new organization. There is every reason to expect and believe that this new board, which will be appointed

if you pass this bill as it now stands, will offer the pathetic spectacle of unavoidable incompetency which appears in a number of similarly appointed boards called upon to do a character of work with which they are entirely unfamiliar. I do not doubt the sincere efforts of these men, but the country is unwilling to educate new men, and to suffer their shortcomings during the education, where the Government has in its employ men already educated and the machinery fully and completely equipped to handle the character of work to be done.

Last winter when people were suffering and freezing in various sections of the country, due to the lack of shipping facilities for coal and a general shortage of cars, one of these newly appointed boards took 40 cars and turned them over to a cabinet file manufacturing company in North Carolina to be used in the shipment of file cases to the various exemption boards throughout the country. Those cars were used in that service for over three months, and in instances unnumbered the file cases could have been purchased by the various exemption boards in their home towns for less money than was actually paid by the Government, thereby saving not only in the purchasing cost but also allowing the congested traffic of the country to be relieved with those 40 cars so needlessly occupied. Some gentlemen indicate that this is an exceptional case. About the same time that those 40 cars were needlessly congesting the traffic of the country another order was issued by this newly appointed board, with decidedly greater power than ability, in which they gave 150 cars to a manufacturing concern located in one of the largest cities in the United States to be used in the transportation of lumber for the construction of buildings incident to the performance of a Government contract. Those 150 cars were used by that company to obtain the lumber and clog the already congested railroad facilities. At the very minute the order was made and all during the time those cars were in transit the same quality of lumber could have been purchased in the town where this concern is located for exactly the same amount of money as was actually paid for the lumber purchased.

Some one may suggest that these instances occurred last winter. Very well, let us get one up to date. Last week the Priority Board, upon the request of the Director of Inland Transportation, issued an order for 140 cars to be placed at different Michigan points for hay shippers. Fifteen of these cars were given to a man buying hay in a small town in the upper peninsula of Michigan. In that same small town there are at least four other concerns buying hay for the Government on the same kind of a contract held by the gentleman who was favored with a priority order for 15 cars. All of the other buyers have their hay ready to be shipped and are unable to get cars until this one favored gentleman has exhausted his supply of 15 cars. Why were they not prorated? I can not answer the question and have been unable to find anyone on the Priority Board or in the War Department who would even attempt to answer it. Every man's action was based on the recommendation or order of some one else. In tracing matters of this character through the various departments I venture the assertion that my experience just related has been the experience of every Member of Congress. It is about time that Congress stopped authorizing these new educational bureaus and boards and allowed the work to be done by those who have had the experience and whose past efforts have proven their ability and efficiency.

The CHAIRMAN. The time of the gentleman from Michigan has expired. If there is no further discussion desired, the Clerk will read.

Mr. ESCH. Has the gentleman from Tennessee concluded debate on this amendment?

Mr. SIMS. No; unless all quit it. Are you willing to have a vote?

Mr. ESCH. The gentleman has 30 minutes. I have 29.

Mr. SIMS. I am perfectly willing that a vote should be had.

Mr. ESCH. We have two or three gentlemen on this side to whom I would like to yield before a vote is taken.

Mr. SIMS. I will yield to the gentleman from New Jersey [Mr. PARKER].

Mr. PARKER of New Jersey. I do not desire to speak on this amendment. I desire to point out that this debate was limited only to the rate-making provision. I have an amendment to the tax clause. The Chairman was asking the Clerk to read.

The CHAIRMAN. Nobody was ready to proceed apparently.

Mr. PARKER of New Jersey. I am ready to proceed with the tax matter.

The CHAIRMAN. The time is in control of the gentleman from Tennessee [Mr. SIMS] and the gentleman from Wisconsin [Mr. LENROOT]. The gentleman from Tennessee is entitled to recognition.

Mr. SIMS. The gentleman from Wisconsin can go ahead and use some more time.

Mr. ESCH. I have already used more time than the gentleman from Tennessee.

Mr. SIMS. I know. I am willing to have a vote right now.

Mr. ESCH. I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. ROBBINS. Mr. Chairman and gentleman of the committee, I favor the adoption of the Sweet amendment. I take the position that the Congress is the only authority that has the power to make railroad rates. Under the decision in the Minnesota Rate Case, reported in Two hundred and thirtieth United States Reports, page 433, the Supreme Court announced this principle:

> The rate-making power is a legislative power, and necessarily implies a range of legislative discretion. We do not sit as a board of revision to substitute our judgment for that of the legislature or of the commission lawfully constituted by it as to matters within the province of either.

Now, it was pursuant to the provision in the Federal Constitution which granted to the Congress, which is an organization of delegated authority, the power "to regulate commerce among the States" that we have taken up the subject of regulating commerce at all. In 1887 Congress under this clause in the Constitution created the Interstate Commerce Commission, which is a commission that has been established now for more than 30 years, and has investigated the railroad properties of the country, ascertained their value, and fixed rates for all of them, and has compiled a large and extensive system of reports and decisions for guidance in this rate-making proposition. In 1906 the Hepburn bill enlarged and extended the power of the Interstate Commerce Commission; and since that time it has been recognized by the carriers and by the public as the proper authority to regulate rates, the rates being promulgated always by the shipper or by the carrier and ratified and approved or disallowed by the commission. Now, the gentleman from Pennsylvania [Mr. DEWALT], who is on the committee, has sought to give a very strained and extended construction to the act under which the President assumed control of the railroads of the United States. I refer to the act of August 29, 1916. I submit to the good judgment of this House that no man in this body thought that when we passed the act of August 29, 1916, which was a war-emergency act, that we were giving to the President of the United States even the right to take over the railroads and retain them in time of peace, but we all thought we were giving him the right only to take them over in time of war.

Not one of us dreamed that we were giving him the right to make rates for the transportation of troops or commodities or freight over those railroads. The gentleman says that this right is found in the words "assume control" contained in the bill. Not so. If we had been going to give the President the right to make rates, we would have used the well-known phrase used in the Federal Constitution which the Supreme Court says gives that right, namely, "the right to regulate the commerce amongst the States," which, in this case, would be between the shipper and the consignee. We used this term in that act, "assume control," not the word "regulate," and we went on to say that it was for the purposes of "war emergency," dealing at that time not with the proposition that confronts us today, of a war with Germany, but a little war that we had on the borders with Mexico, assuming that we were giving the President the right to take over the lines of transportation only that lead into Mexico.

Now, gentlemen of the committee, do we propose to say that the power of Congress shall be vested in one individual, to make rates for all the railroads of the United States? This rate-making proposition is a complicated one. The men who deal with the rates on our great railroads are all experts, and the men who surround and serve on the Interstate Commerce Commission, with its 30 years of precedents, are also experts, and they resort to its decisions for their authority just as the courts quote the decisions in construing and enforcing the law. We have had some experience with the Executive in making rates. The price of coal was fixed by a meeting of 400 coal operators of this country assembled here in Washington, with a member of the Cabinet presiding during their deliberations. They fixed the price at $3 per ton for coal, and a short time thereafter the President, without consulting and without notice—he will have no reason to consult in this instance—reduced the price from $3 to $2. We have had some other experience with the President fixing prices. He fixed the price of wheat at $2, and there is a great clamor and objection all over this country from

our farmers that the price of wheat is fixed too low. He admittedly fixed the price of coal too low, because he increased the price to $2.45, and a second time increased it to $3.05, the present price, and the result of the price of $2 a ton that he fixed for coal has been the distress that we have experienced all over this country, and the suffering, without precedent, that has occurred during the cold months of this winter.

We have had more experience, too, in this matter of price fixing by one man, as here proposed. If you are going to leave it to the President—or, as some say, that it will go to the Director of Railroads, who fixed the price of demurrage on cars one Saturday night and raised it two or three dollars per car per day without hearing, without investigation, and without notice—that is the sort of thing we shall meet with if we are going to give this rate-fixing power into the hands of the President or any other individual. Here are three examples—the price of coal, the price of wheat, and the cost of demurrage. They have been fixed by the President or the Director of Railroads. In each instance they were fixed without notice, arbitrarily, and in each instance they have either given universal dissatisfaction or they have been admittedly wrong, because they have been changed afterwards upon further investigation because of the great suffering and public clamor in each instance against the action taken.

It has been argued that section 11 of the bill, which authorizes the President not only to fix rates but to initiate rates, gives also the right to the Interstate Commerce Commission to investigate the same. It is true that it does give the Interstate Commerce Commission the right to investigate the rates when changes were ordered by the President, but lines 4 to 8, inclusive, page 13 of the bill, provides:

> And shall make report of its—
>
> The commission—
>
> findings and recommendations concerning the same to the President, for such action as the President may deem required in the public interest.

It will be seen by this quoted language that the President is the judge as to whether the public interest requires any action upon his part; if he thinks it does not, he can disregard any recommendation that the Interstate Commerce Commission may make. In other words, the Interstate Commerce Commission is powerless to either suspend or modify any rate that the President may make. It is a very skillfully and cunningly concealed stab in the back for the Interstate Commerce Commission, but it is nevertheless fatal. It strikes down this commission and puts it clear out of business.

Thus this great commission that has been stimulating and regulating commerce, that has been investigating the cost of the railroads, that has adjudicated rates in every system, railroad and water, in the United States engaged in interstate commerce, and has at hand in its reports, orders, opinions, findings, and decisions complete data that will enable it quickly to make and adjust any reasonable and proper rate on any railroad or water route in the country, is by this bill simply legislated out of existence, and their power to investigate vested in the President exclusively.

Of course, no one supposes that the President could or would assume or endeavor to make railroad rates. He is engaged in greater things, let us hope, than railroad rates. He is thinking about great international problems, meditating upon the destinies of our people, and deeply and constantly concerned with the great issues of winning this war for America and for liberty.

What must happen, then, is that some new rate-making power must be created to act for him. Is it possible that it is the intention of the party in power to create a new Interstate Commerce Commission or a new set of commissioners and impose upon the taxpayers the expense and cost of an entirely new tribunal, to ascertain and fix rates, and at the same time to permit the Interstate Commerce Commission to continue without work and without jurisdiction still on the public pay roll? If this is the purpose of the bill, the advocates of section 11 ought to be frank enough to say so.

I am opposed to the bill as it stands and in favor of the SWEET amendment, which is to be inserted on page 12 in lieu of the second paragraph beginning at line 12 and ending in the middle of line 8 on page 13. The amendment, proposed by Representative SWEET, of Iowa, simply provides in brief that while the President shall take over and operate the railroads, under the act of August 29, 1916, which states, "The President in time of war is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same for the transportation of troops and war materials and equipment, etc.," and further provides that the Interstate Commerce act, approved February 4, 1887, and its amendment approved June 29, 1906, known as the Hepburn Act, shall remain in full force, thereby continuing the Interstate Commerce Commission in full control of the question of determining "fair and just rates," the President's power being limited to the operating of the railroad alone, to the same extent and with the same power, that the railroad companies owning the same had at the time they were taken over, December 28, 1917. This is certainly just and right. Shippers and the general public and the railroad companies all know and understand the powers of the Interstate Commerce Commission over their rates; and to disorganize this whole established system by setting up a new tribunal must mean the disorganization of business and the casting away of 30 years of rate-making progress in the United States.

The great criticism that is put up by the committee and the majority Members of this House is that the Interstate Commerce Commission is not quick enough. That is mere subterfuge. This is a mere play on words, it is not borne out by the facts. The Interstate Commerce Commission has acted in many cases for the convenience of companies immediately upon their presentation of a case, although the law requires 30 days' notice to the public of a change of rates; yet this can be waived, and now, when the Government has control of the railroads, which in a way is another way of stating that the public has taken over the railroads, the reason for the 30-day notice entirely disappears, and the commission, out of the abundance of its knowledge, information, and experience as found in its adjudicated cases, can hear and determine at once the question of rates that may be submitted to it during the war.

Mr. Chairman, I wish to urge most earnestly the striking out of the latter part of clause 11 of this bill, and substituting in lieu thereof the amendment proposed by Representative SWEET, of Iowa, which in nowise restricts the power of the President but protects the shipper, the public, and the railroads by retaining the Interstate Commerce Commission in authority with full power to fix and adopt fair, reasonable, and just freight rates during the period of Federal control.

Mr. SIMS. I yield 10 minutes to the gentleman from Kentucky [Mr. BARKLEY], a member of the committee.

Mr. BARKLEY. Mr. Chairman, let us see for just a minute what this amendment of the gentleman from Iowa [Mr. SWEET] proposes:

> That the jurisdiction and power over the rates, fares, charges, and classification of common carriers which prior to Federal control were lodged in the Interstate Commerce Commission by the act to regulate commerce approved February 4, 1887, and the amendments thereto, shall continue in the Interstate Commerce Commission, and said commission shall retain full jurisdiction over the rates, fares, charges, and classifications of the said carriers and all governmental agencies referred to or created by this act; but during the period of said Federal control said commission, in determining any question arising under this act, shall consider all the facts and circumstances arising under the war emergency and growing out of the unified, coordinated Federal control occasioned thereby. This shall not be construed as interfering with the control by the President or any agency created by him of the operation, as distinguished from the rates, fares, charges, and classifications of said carriers subject to Federal control.

Now, let us see, if the amendment be analyzed, what that means. It has been assumed by some gentlemen—and I agree to that—that under the act of 1916 the President had the power to initiate and fix rates. Under this amendment, if it is adopted, it does not confer upon the Interstate Commerce Commission any power to initiate a rate. It simply retains the jurisdiction they had prior to Federal control, which was merely jurisdiction to approve of any rate that was initiated by the carriers themselves, because there has never been any law authorizing the Interstate Commerce Commission to initiate a rate. As has been so repeatedly stated in this debate, the Interstate Commerce Commission was created to stand between the railroads in their selfish interests and the people, who had the right to depend on the Government for protection.

Mr. MCKEOWN. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. MCKEOWN. Under the provisions of this bill, what remedy is there in the event that the President fixed a rate that was unjust to the shipper? What remedy is there under the bill?

Mr. BARKLEY. The same remedy that would exist in reference to any unjust rate fixed in any other instance. If the President fixes an unjust rate the first step is to make complaint before the Interstate Commerce Commission; they investigate and report back the facts to the President, and the bill makes their finding prima facie evidence of its correctness. Of course, that recommendation will have great weight with the President in determining whether to modify the rate, nullify it, or leave it as it is. But in spite of the recommendations of the Interstate Commerce Commission to the President, the bill does not take away from any citizen or shipper any remedy at law which he

may have had prior to the Federal control, if the Interstate Commerce Commission should have approved of an unjust rate.

Mr. DILLON. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DILLON. Would not the determination of the President arise out of the military power of the Government?

Mr. BARKLEY. Not necessarily; the point I am trying to impress upon the committee is that if this amendment is adopted, nobody has the power to initiate a rate.

Mr. DILLON. If the military power of the Government fixes the rate, how are you going to get into the courts?

Mr. BARKLEY. The power to fix a commercial rate is not necessarily a military power. We have conferred on the President by reason of necessity the carrying on of commercial business by the railroads notwithstanding they were taken over for military purposes.

Mr. DILLON. He is to act in this matter as a military power.

Mr. BARKLEY. Not at all. As far as the commercial rates are concerned he is acting as a civil authority and not as a military authority.

Mr. DILLON. He acts partly as a military power and partly as a civil power.

Mr. BARKLEY. Absolutely. He acts in the place of the representative of the railroads, and, on the other hand, as a representative of the people. He occupies a dual capacity.

Mr. DILLON. At the same time he fixes the military and civil rate?

Mr. BARKLEY. His powers are both military and civil. The fact that the war is in progress does not deprive him of his character as a civil officer.

Mr. DENISON. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DENISON. Does the gentleman think that if the amendment is adopted the President would still have the power to initiate rates as the railroads heretofore have?

Mr. BARKLEY. He has that authority under the act of 1916, and this bill certainly affirms that authority. If the amendment is adopted the president could not initiate a rate.

Mr. DENISON. Why?

Mr. BARKLEY. Because the amendment says, "this shall not be construed as interfering with the control by the President or any agency created by him of the operation as distinguished from the rates, fares, charges, and classifications of said carriers subject to Federal control."

In other words, if this amendment is adopted it takes away from the President the power he got by reason of the authorization to take over the railroads.

Mr. MCCORMICK. Will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. MCCORMICK. If this amendment was amended specifying that the President might initiate a rate subject to the decision of the Interstate Commerce Commission, would that satisfy the gentleman from Kentucky?

Mr. BARKLEY. It would not. I am against it in that form. I am in favor of the provision remaining as it is, because we have attempted not only to coordinate and unify the physical control of the roads, but we are seeking to unify and coordinate the financial control of the railroads. It is manifestly important that the relationship between the income and the outgo shall be maintained as nearly in the same proportion while the Government is controlling these roads as existed prior to their taking over. It seems to me an anomaly that the President is given the undisputed right to increase the expenses of operating these roads, for he may increase the railroad wages, which in all probability will happen, and of course that increases the railway expenses, and yet when it comes to increasing the revenues to take care of these expenses the power to do that is divided and taken away from him and given to the Interstate Commerce Commission. The importance of this would not be so apparent, perhaps, during Federal control, because the Government has a Treasury out of which it may pay any deficit, although I think it is an unwise business policy to increase the expenses of these roads without increasing the income also, so that these additional expenses will be taken care of without direct taxation of the people. But if we do increase the expenses without increasing the rates, and therefore create a deficit in the management of these railroads, when they are turned back to private control they will inherit an increased expense without any increased revenue, and immediately they will flood the Interstate Commerce Commission with a demand for a horizontal raise in all rates in order that they may be able to make up the deficit that the Government handed down to them, and which was created when the Government was in control of them. When that comes at the very period of the ending of the war and the reorganization of all of our industrial relations, it will have a much more baneful effect on business and commerce than to give the President the authority to gradually increase the rates if necessary in order to meet the expenses of the railroads.

Mr. MCCORMICK. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. MCCORMICK. The companies had the power to increase the expenditures before, but the revenue was limited by the decision of the Interstate Commerce Commission.

Mr. BARKLEY. That is true.

Mr. MCCORMICK. What, fundamentally, is the reason for changing that relation? The President, in effect, is trusted with their operation. If he must increase the cost of operation, then the same tribunal which found the revenues for an increased cost before will under this amendment find the revenues for an increased cost afterwards.

Mr. BARKLEY. Because under Federal control these railroads are not going to initiate any rates. There is no occasion for them to do it. Their compensation is guaranteed. They are no longer interested in it. Under this amendment the President would be deprived of the authority even to initiate a rate, and the Interstate Commerce Commission inherently can not initiate a rate, so nobody can initiate a rate under this amendment, and there would be no opportunity even for the Interstate Commerce Commission to pass upon it.

Mr. MCCORMICK. Then, let me return to my first question: If the gentleman says the President is deprived of the power under this amendment, will not an amendment to the amendment which specifically sets it out remedy the situation?

Mr. BARKLEY. The objection I have is to the policy of robbing the President of the power to increase the revenues. That is an anomalous division of power that ought not to be enacted into law by Congress.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. SANDERS].

Mr. SANDERS of Louisiana. Mr. Chairman, the entire question that is raised in this amendment is whether or not the law, as has been administered in regard to rate making, shall continue or whether we shall initiate a departure therefrom. This is a Government of law and not a Government of executive decrees. I am in favor of giving to the President every bit of power in the world necessary to win this war, and no more. This bill gives to the President all the power of operation. He has complete and absolute control over railroads, over their management, care, service, everything, but I can not get my own consent to vest in the Director General or in the President the power to make rates. Rate making is a science within itself. There is only one governmental agency that we have that knows anything about rate making, and that is the Interstate Commerce Commission. The question naturally arises right at this time, Why should this governmental agency, that knows its business, that knows what effect rates have on industries throughout this land, why should its knowledge and experience be dispensed with during this war emergency?

Mr. ALEXANDER. Will the gentleman yield at that point?

Mr. SANDERS of Louisiana. Yes, sir.

Mr. ALEXANDER. Now, the railroads at the present time have the right to initiate rates, have they not?

Mr. SANDERS of Louisiana. Absolutely.

Mr. ALEXANDER. Would not the gentleman give the President that power subject to review and approval by the Interstate Commerce Commission?

Mr. SANDERS of Louisiana. He absolutely has it.

Mr. ALEXANDER. That is a question on which the gentleman seems to differ from his colleagues on the committee.

Mr. SANDERS of Louisiana. For this reason: To-day under the law the owner of the road, the controller of the road, has the power to initiate rates. Under this bill the President is put in the same position as the owner of the road because he controls the operation of the road. [Applause.] Now, there is no question in the world that he has, and ought to have, the power to initiate rates, but there is likewise, in my opinion, no question but what that right should not become effective until the only governmental agency in America that knows anything about the science of rate making, that knows anything about rate making in relation to the railroads, the shipper and the people shall have passed upon that rate and shall have given it the sanction of the governmental agency which the people created in order to stand between them and the selfish interest of the railroads. [Applause.]

Mr. ALEXANDER. But would he have that power if the Sweet amendment is agreed to in its present form?

Mr. SANDERS of Louisiana. I think so.

Mr. BARKLEY. Will the gentleman yield?

Mr. SANDERS of Louisiana. If I can have five minutes I would like to yield to the gentleman and answer any question that I possibly can.

Mr. BARKLEY. I have not the time or I would be very glad to yield to the gentleman all the time he wants, but I do not want to take up his five minutes in asking questions.

Mr. SANDERS of Louisiana. Go ahead.

Mr. BARKLEY. I was going to ask the gentleman if he paid careful attention to the reading of the latter part of the gentleman's amendment, which distinctly stated that the President is not to be interfered with so far as the physical operation of the roads is concerned——

Mr. SANDERS of Louisiana. Yes; I have read it over carefully.

Mr. ALEXANDER. But so far as the financial operation is concerned, there are restrictions——

Mr. SANDERS of Louisiana. Oh, I have read it, and I have studied it, and I believe I understand it; and I know this about the amendment offered: That it means what it says, and I know that the paragraph of the bill that is sought to be amended is nothing but legislative camouflage. [Applause.] It says a whole lot and means nothing, except that it takes away from the Interstate Commerce Commission the power now conferred by law, and that it does away with that principle of rail-rate control which the people of this country have contended for until it was finally written into law, and which the gentleman and others are now seeking to wipe from the statute books. [Applause.]

Mr. ESCH. Will the gentleman use some of his time?

Mr. SIMS. How much more time has the gentleman which he feels he is compelled to use?

Mr. ESCH. All of it. How much have I remaining?

The CHAIRMAN. The gentleman has 17 minutes remaining, and the gentleman from Tennessee 23 minutes.

Mr. CALDWELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CALDWELL. I would like to make a point of no quorum, if we are going to have a vote to-night. If we are not, I withdraw the point.

The CHAIRMAN. The Chair can not inform the gentleman.

Mr. CALDWELL. I withdraw the point of no quorum.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman, I have had a good deal of sympathy with much of the dissatisfaction of the past few years over some charges that the Interstate Commerce Commission had not dealt as fairly as it might have dealt with the railroads. I have had a good many letters from business men who have thought that the Interstate Commerce Commission had broken down, and they asked that it be abolished. In other words, I recognize fully that there has been a movement throughout the country generally antagonistic to the continuance of the Interstate Commerce Commission. When such movement comes up openly for decision upon its merits it will be fully considered. And I stated a moment ago that I had some sympathy with the complaint that the railroads had not been treated fairly on questions of the increase of rates. However, I am not ready now to say that this commission shall be emasculated in this way. Here is an opportunity that is afforded under the stress of war to eliminate the Interstate Commerce Commission. It is hoped to put it out of business, a hope long entertained by certain of our people, but down to this day little chance to do so. There is no doubt about it, and it is done under the charge that in time of war, in order to be effective, we must make this modification. The old play to use the war for every cause whose success is desired. Now, I can not be a party to that. I think that the Interstate Commerce Commission is an institution which is to-day probably the greatest body of scientific investigation on questions of rate making that is known anywhere in the world. It has built up a body of thought difficult to duplicate.

Mr. BORLAND. Will the gentleman yield?

Mr. FESS. I will.

Mr. BORLAND. Does the gentleman understand, as I do, that this bill was drawn by the aid of a member of the Interstate Commerce Commission, and does the gentleman use the words "emasculate the commission" with knowledge of that fact in his mind?

Mr. FESS. I do not want to assume that either a member of the commission or the commission itself is responsible for this bill, notwithstanding the active part Mr. Anderson has had in the drafting of the measure.

Mr. BARKLEY. If the gentleman will allow me to make the suggestion, I could tell him that a member of the commission drew it, with the approval of the commission.

Mr. HAMILTON of Michigan. May I interrupt the gentleman a moment?

Mr. BARKLEY. I do not mean to suggest that the commission as a commission drafted it.

Mr. FESS. There is no doubt that this effort to modify rate making and take it out of the hands of the Interstate Commerce Commission and put it in the hands of some other person is designedly to eliminate ultimately the Interstate Commerce Commission. There is no doubt about that. The powers back of the proposal are those who are now and have been antagonistic to the commission.

Mr. BARKLEY. There is no basis in fact for that idea.

Mr. FESS. There is no doubt about that. There is a campaign, of long standing, that I have noticed—and as I said before, I have had some sympathy with it—on the part of the railroads, which complain that they had not been treated on the question of the increase of rates as they thought they ought to be treated, and of course they would rather leave this to some other body or authority than the commission that they thought heretofore had not been favorable to them in the matter of increase of rates; and this purpose is none other than to take a step, under stress of war, to eliminate that body as a rate-making power and put it in the hands of some other person, namely, either the President or the Director General.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I yield to my colleague.

Mr. LONGWORTH. Even if it were not true that this bill was written by the Interstate Commerce Commission, is it not about time that Congress was beginning to write its own bills?

Mr. FESS. Yes. I certainly agree on that point.

Mr. HAMILTON of Michigan. And how about the Committee on Ways and Means?

Mr. FESS. I mentioned that fact a moment ago, that I did not want to assume that a member of the Interstate Commerce Commission or the commission itself wrote this bill. I do think, I am frank to say, that this body is suffering from a state of decay approaching atrophy simply because we have gotten into the habit of letting some outside authority hand down a bill here and tell us to ratify it without any special consideration. [Applause.] I did not want to charge that somebody outside of this body is entirely responsible for the writing of this measure, but since members of the committee have openly admitted it, it does not change the fact in the case that we are here taking a step to emasculate the only rate-making body that has a standing, which it has built up through a series of investigations of all phases of the railroad question covering a period of 30 years. I do not intend to be a party to that emasculation, under the stress of war, and thereby take a step which if proposed at any other time would be repudiated, and I shall vote for the amendment which retains the rate-fixing function with the existing authority for that purpose. [Applause.]

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. LENROOT. Mr. Chairman, I want to say, in the first place, that the gentleman from Kentucky [Mr. BARKLEY] is absolutely and clearly wrong in his construction of the Sweet amendment, or else he is wrong as to his conclusion regarding the powers that the President now has. The Sweet amendment leaves the President exactly the same power that he now has, except the final power of making rates.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. BARKLEY. Will the gentleman point out in this Sweet amendment any provision authorizing the President to initiate rates?

Mr. LENROOT. I will answer the question. The President does not get his power to initiate rates from this bill. He gets it from the act of August 29, 1916, which places him in the same position that the railway president or manager is in; and no one has claimed, unless it be the gentleman from Kentucky, that the President has not the power to initiate rates in the same way that the railroad officials could initiate them before the Government took over control of the railroads. Of course, he has that power. The question is whether he has the power to make final rates, and that is the only question that the Sweet amendment deals with.

Now, the arguments of all the gentlemen on that side goes upon entirely false premises. You have been very tender of the rights of the railroads in this bill. You have been very careful that they shall have full compensation. But you of the majority now propose to ignore absolutely any rights of the shipper. I want to say to you on that side that the shipper has rights in this business as well as the railroad companies.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Kentucky?

Mr. LENROOT. No; I can not yield. You have ignored them. You yourselves, man after man, have said that the reason why you want the President to have the right to overrule the Interstate Commerce Commission is because, perhaps, as the gentleman from Pennsylvania [Mr. DEWALT] said, the President ought to have money to purchase securities of the railroads.

Do you want to take the position that you have the right to raise the rate to the shippers in order that railroad bonds and stocks shall be purchased by the President? The gentleman from Pennsylvania pointed to the example of England, where they raised passenger rates in order to discourage traffic. Will you tell me what right under the Constitution of the United States the Government has to raise passenger rates so that you may take my property, take money out of my pocket, for traveling upon the railroad in order that some one else may not travel?

But the gentleman from Pennsylvania [Mr. DEWALT] found fault with the question that I asked him and said I was unfair. The gentleman from Pennsylvania made the statement that the President might need to increase rates in order to purchase railroad securities. I asked him whether we had any power to enable the President to raise rates for any such purpose. I say we have not. There is one fundamental proposition in all rates. The shipper is entitled to have his commodity carried on a railroad upon such terms and no higher terms than will pay a fair return upon the value of the property. Whenever you exact from the shipper one penny more than that you are taking his property without just compensation, just the same as if you attempt to take the use of railroads without giving the owners just compensation.

Mr. Chairman, this is the first time since I have been a Member of Congress that I have seen railroad officials aiding a committee of this House to secure the passage of a bill in this form; and the railroads or the larger systems, as we know—and we might as well make no secret of it—are doing everything to assist the majority of the committee in keeping this provision in the bill as it now stands. And why? Because they expect that the President will raise the rates when the Interstate Commerce Commission would not, so that after this war is over and the roads are again turned back into the hands of the railroads these increased rates shall still prevail. They talk about raising the wages of railroad men, the $60,000,000 increase under the Adamson law. Why were not the rates raised because of that? Because the income of the railroads was sufficient without raising the rates. And if the President now shall increase the wages of railroad employees, it does not follow that rates should be increased. That will depend upon whether their income then justifies it or not.

Mr. SIMS. I yield five minutes to the gentleman from Michigan [Mr. DOREMUS].

Mr. AUSTIN. Mr. Chairman, I should like to ask the chairman of the committee if we are to have a vote to-night?

Mr. SIMS. Just help us defeat this amendment.

Mr. AUSTIN. I want a direct answer. Are we going to have an opportunity to vote on this amendment to-night?

Mr. SIMS. You certainly are, if I can give it to you.

Mr. DOREMUS. Mr. Chairman, I think it will lead us all to a clearer understanding of the question now presented if we keep constantly in mind the contract that is provided for in this bill. This bill authorizes the President to make contracts with these railroads and to fix the compensation within the limits prescribed by the bill. When the President of the United States affixes his signature to this contract—a contract to which the Interstate Commerce Commission is in no sense a party—it becomes the contract of the Nation. It is not the contract of the manufacturers of the East. It is not the contract of the cotton growers of the South. It is not the contract of the wheat and corn growers of the West. It is not the contract of a combination of shippers and their paid attorneys, but it becomes the contract of 110,000,000 people who are heart and soul behind the President in the successful prosecution of this war. [Applause.]

Now, what will be the situation if this amendment prevails? The President will control the operating expenses during Federal control and the Interstate Commerce Commission will control the operating revenues. In other words, you put the Interstate Commerce Commission at the intake pipe and leave the President of the United States at the spigot. And they seek to justify this serious division of authority by eulogizing the Interstate Commerce Commission. No Member upon the floor of this House has a higher regard for the Interstate Commerce Commission than I have. I freely acknowledge all their virtues and all their accomplishments; but the trouble with our friends upon the other side is that they are talking in terms of peace when we are in the midst of war. But they say, "Oh, it is too much power to give to any living man." And yet we have freely given the President power over ten millions of American boys. We have given him the power to go into every home in the land. We have given him the power to send these boys against the enemy on land, in the air, or under the sea. We have made him controller of the destinies, the hopes, the aspirations, and the lives of these boys. Yet when it comes to a question of giving him authority to fix the rates on such a sacred thing as inanimate freight, these gentlemen pause and say that it is too much power to give to any one man. [Applause.]

I submit, gentlemen of the House, the control of this question ought to be left to the President, to be exercised whenever in his judgment the interests of the Nation require it. I submit to you that on the determination of this rate will depend the success or failure of the operation of these roads during the period of the war. For my part, I am willing to trust to him the exercise of this power as his judgment may dictate, and so far as deciding whether I will follow the Executive or follow the shippers of the West and their paid attorneys, I choose to follow the President of the United States. [Applause.]

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. How much time is remaining?

The CHAIRMAN. The gentleman from Tennessee has 17 minutes and the gentleman from Wisconsin 7 minutes.

Mr. LONGWORTH. I would like to call attention to the fact that we made the agreement to limit debate at about quarter past 3.

The CHAIRMAN. The debate actually began, as the Chair noticed, at half past 3. We began the discussion of the agreement at a quarter past 3. The time has been kept very accurately.

Mr. ESCH. Mr. Chairman, I expressed my views soefully in general debate that I do not care to again address the committee. I am willing to have a vote now.

Mr. STEVENSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. STEVENSON: Page 12, beginning with line 12, strike out all down to and including the word "interest" in line 8, page 13, and insert in lieu thereof the following:

"That during the period of Federal control whenever in his opinion the public interest requires the President may initiate rates by filing the same with the Interstate Commerce Commission. Said rates shall be fair, reasonable, and just, and shall take effect at such time and upon such notice as he may direct, but the Interstate Commerce Commission shall, upon complaint, enter upon a hearing concerning the justness and reasonableness of so much of any order of the President as establishes or changes any rate, fare, charge, or classification of any carrier under Federal control, and may consider all the facts and circumstances existing at the time of the making of the rate. After full hearing the commission may make such findings and orders as are authorized by the act to regulate commerce as amended."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina as a substitute.

The question was taken; and on a division (demanded by Mr. STEVENSON) there were 16 ayes and 89 noes.

So the amendment by way of a substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Iowa [Mr. SWEET].

The question was taken; and on a division (demanded by Mr. SWEET) there were 83 ayes and 90 noes.

Mr. SWEET. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed the gentleman from Tennessee [Mr. SIMS] and the gentleman from Iowa [Mr. SWEET] to act as tellers.

Mr. SIMS. Mr. Chairman, there were many gentlemen who were very anxious to leave, and I promised them that if they would wait and let us have a vote, if tellers were demanded I would move to rise. I therefore move that the committee do now rise.

Mr. HUDDLESTON. Mr. Chairman, I make the point of order that the vote was being taken by tellers.

The CHAIRMAN. The motion to rise is always in order.

The question was taken, and the committee determined to rise.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9685) for the operation of transportation systems under Federal control and had come to no resolution thereon.

PORTO RICO (S. DOC. NO. 185).

The SPEAKER laid before the House the following message from the President of the United States, which was read.

ordered printed without the documents, and referred to the Committee on Insular Affairs:

To the Senate and House of Representatives:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of the acts and resolutions enacted by the Ninth Legislature of Porto Rico during its first session (August 13 to November 26, 1917, inclusive).

These acts and resolutions have not previously been transmitted to Congress.

WOODROW WILSON.

THE WHITE HOUSE, *February 25, 1918.*

The SPEAKER. The Chair has received from the gentleman from Massachusetts [Mr. FULLER] a letter resigning his membership on the Committee on Expenditures in the Interior Department. Without objection, the resignation is accepted.

There was no objection.

Mr. SIMS. Mr. Speaker, there is a special order to-morrow, it being Calendar Wednesday, and I ask unanimous consent that when that special order is disposed of we take up the railroad bill for further consideration.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that after the alien-slacker bill is disposed of to-morrow the railroad bill shall be considered, notwithstanding the rule as to Calendar Wednesday. Is there objection?

Mr. JOHNSON of Washington. I object.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 27, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CALDWELL, from the Committee on Military Affairs, to which was referred the bill (H. R. 9901) to give indemnity for damages caused by American forces abroad, reported the same without amendment, accompanied by a report (No. 341), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 9932) to amend an act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," reported the same with amendment, accompanied by a report (No. 342), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10258) granting a pension to Mary Underwood, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXI, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FLOOD: A bill (H. R. 10264) to prevent in time of war departure from or entry into the United States contrary to the public safety; to the Committee on Foreign Affairs.

By Mr. CLARK of Florida: A bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs; to the Committee on Public Buildings and Grounds.

By Mr. CAMPBELL of Pennsylvania (by request): A bill (H. R. 10266) to provide for the substitution of the oath required of enlisted men for the oath required of officers, in order to relieve those who object on conscientious grounds to the oath prescribed by law; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 10267) to grant certain lands to the city of Pocatello, State of Idaho, for a municipal park and for the protection of its water supply; to the Committee on the Public Lands.

By Mr. GANDY: Concurrent resolution (H. Con. Res. 38) authorizing the printing of 2,000 copies of the soil survey of western South Dakota; to the Committee on Printing.

By Mr. AYRES: Joint resolution (H. J. Res. 253) to amend sections 1, 10, and 13 of the food-control act by empowering and authorizing the President to control the distribution and prices of wearing apparel, hides, leather, cotton, wool, utensils, implements, machinery, and equipment; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10268) granting an increase of pension to Amanda De Gray; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 10269) granting a pension to Leonora Forney; to the Committee on Invalid Pensions.

By Mr. BESHLIN: A bill (H. R. 10270) for the relief of Gilbert Smith Galbraith, a commander on the active list of the United States Navy; to the Committee on Naval Affairs.

By Mr. BOOHER: A bill (H. R. 10271) granting an increase of pension to William F. Elam; to the Committee on Invalid Pensions.

By Mr. CLARK of Pennsylvania: A bill (H. R. 10272) to ratify and confirm a lease given by the Seneca Nation of Indians for the right to excavate sand on Cattaraugus Reservation in the State of New York; to the Committee on Indian Affairs.

By Mr. DENISON: A bill (H. R. 10273) granting a pension to Margaret Wilkins; to the Committee on Pensions.

Also, a bill (H. R. 10274) granting an increase of pension to Margaret Fletcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10275) granting an increase of pension to Robert Craig; to the Committee on Invalid Pensions.

By Mr. DEWALT: A bill (H. R. 10276) granting an increase of pension to John J. Wisner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10277) granting a pension to Ella Frees; to the Committee on Pensions.

By Mr. GANDY: A bill (H. R. 10278) granting an increase of pension to Henry B. Tonner; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 10279) granting an increase of pension to Ruben Sumpter; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 10280) to authorize the President of the United States to appoint Hughie S. Hemmingway captain of Infantry; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 10281) granting an increase of pension to Mrs. Henrietta A. Forbes; to the Committee on Invalid Pensions.

By Mr. LUNN: A bill (H. R. 10282) granting an increase of pension to William H. Smith; to the Committee on Pensions.

By Mr. MOON: A bill (H. R. 10283) granting an increase of pension to James Williamson; to the Committee on Invalid Pensions.

By Mr. PARKER of New York: A bill (H. R. 10284) granting a pension to Edmund Capron; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10285) granting a pension to Jane McMahon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10286) granting a pension to Cornelia Johnson; to the Committee on Invalid Pensions.

By Mr. TEMPLETON: A bill (H. R. 10287) granting a pension to William P. Williams; to the Committee on Pensions.

By Mr. VAN DYKE: A bill (H. R. 10288) for the relief of Irving Anderson; to the Committee on Claims.

By Mr. WELTY: A bill (H. R. 10289) granting a pension to George F. Swob; to the Committee on Pensions.

Also, a bill (H. R. 10290) granting an increase of pension to Abraham Mott; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10291) granting an increase of pension to Luther H. Angleberger; to the Committee on Invalid Pensions.

By Mr. WOODYARD: A bill (H. R. 10292) granting an increase of pension to Spencer Mullins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the St. Louis Live Stock Exchange, relative to prices of live stock which has been fed by its members; to the Committee on Agriculture.

Also, petitions of sundry literary clubs and organizations, against increase in second-class mail rates; to the Committee on Ways and Means.

By Mr. CARY: Resolutions of the Saturday Club, of Plymouth, Ind.; the Woman's Federation Club, Long Pine, Nebr.; the Woman's Literary Club, Evansville, Wis.; and the New Mexico Federation of Women's Clubs, urging the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, memorial of Federated Trades Council, of Milwaukee, favoring continuance of Government control and Government ownership later; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Milwaukee Real Estate Board protesting against House bill 9248; to the Committee on the District of Columbia.

By Mr. Dale of New York: Petitions of sundry clubs and press associations against increase in second-class mail rates; to the Committee on Ways and Means.

Also, petition of Dr. W. E. B. Du Bois and a memorial of the Springfield (Mo.) Council of National Congress of Mothers and Parent-Teachers' Associations, urging the repeal of the zone system as applied to second-class postage; to the Committee on Ways and Means.

By Mr. DYER: Petition of members of Merchants' Exchange of St. Louis, Mo., against any increase in present price of wheat; to the Committee on Agriculture.

Also, petition of Merchants' Exchange of St. Louis, Mo., favoring House bill 8421, relative to conserving of foodstuffs and alcohol; to the Committee on Agriculture.

By Mr. GRAY of Alabama: Evidence in support of House bill 9472; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: Petition of Woman's Home Missionary Society of St. Joseph's Methodist Church, against railroad tracks crossing square No. 673 in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. KAHN: Petition of Col. J. S. Irby and 325 citizens of San Francisco, Cal., urging an increase of pay for Government employees; to the Committee on Appropriations.

By Mr. MOON: Papers to accompany a bill for the relief of James Williamson; to the Committee on Invalid Pensions.

By Mr. RANDALL: Resolution of the Ebell Club of Los Angeles, Cal., protesting against the zone postal amendment in the revenue bill; to the Committee on Ways and Means.

By Mr. SANFORD: Papers to accompany H. R. 10179, a bill granting an increase of pension to James C. Moore; to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 10223, a bill granting a pension to John J. Burke; to the Committee on Pensions.

By Mr. SNELL: Petition of churches of Reber and Whallonsburg, N. Y., favoring national prohibition; to the Committee on the Judiciary.

By Mr. SNOOK: Memorial of the Railway Mail Association, fifth division, Toledo (Ohio) branch, favoring an increase in compensation for railway mail clerks; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the Ohio Rural Letter Carriers' Association of Western Ohio, petitioning for an allowance for equipment; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the farmers' institute held at Cecil, Ohio, on February 8, 1918, favoring a vigorous prosecution of the war; to the Committee on Military Affairs.

By Mr. STINESS: Petition of sundry citizens, members of the Methodist Episcopal Churches in Providence, R. I., protesting against the passage of Senate bill 3476, providing for railroad tracks crossing First Street, Washington, D. C.; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of New Haven Woman's Club, favoring repeal of law providing for zone postal rates for second-class matter; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 27, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thy guidance for the duties of this day. Look upon us as an organized society. Bless every department of our National Government. We pray Thee, through Thy grace, Thy wisdom and direction, that every department may be so coordinated as that there may be at the center of it a great heart and a great mind expressive of the highest aspirations and the broadest and deepest thought of the people of this land.

We lift our hearts to Thee and pray that Thy blessing may rest upon those who abide under the shadow of a great sorrow; that Thy grace and presence may comfort and cheer them; that all who are put to the test, the uttermost test, of sorrow and of distress in this life may find in the companionship of God their solace and their comfort. Save us out of all our distresses and fit us for an everlasting life. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

POLITICAL ACTIVITIES.

Mr. SHERMAN. Mr. President, I present a clipping from a newspaper for the authenticity of which I vouch. It shows that the activities of certain Republican authorities which have been regarded as quasi criminal by some gentlemen who have commented on them are not confined to Republicans, but our Democratic brethren show great signs of activity in various parts of the country in organizing for a partisan campaign. I ask that this clipping from a newspaper be published in the RECORD that Senators who indulge in the criticisms may at their leisure digest and absorb this item.

The PRESIDENT pro tempore. The Senator from Illinois asks that the clipping which he has sent to the desk be published in the RECORD. Is there objection?

There being no objection, the clipping was ordered to be printed in the RECORD, as follows:

DEMOCRATIC NATIONAL LEADERS PRACTICE PARTISANSHIP THEY DECRY IN THE REPUBLICAN PARTY IN THE MIDST OF FOREIGN WAR.

STATEMENT GIVEN OUT OCTOBER 16, 1917.

While the cry is being raised that Republicans should at this time entirely forget the interests of their party, on the assumption that Republican activity at this time is unpatriotic, the Democratic national organization is active to an unprecedented degree. The chairman of the Democratic national committee is Vance McCormick, recently named by President Wilson chairman of the national export council. His presence in Washington seems to have stimulated Democratic national activities. Some 40 employees are busy at Democratic national headquarters in the Woodward Building at Washington. The following bulletin was recently put out by the Democratic national committee, showing what the Democratic leaders are doing while they are decrying Republican organization activity as "unpatriotic":

"WASHINGTON, *October 16.*

"A regional system of organization recently adopted by the executive committee of the Democratic national committee for use in the future campaigns will be considered at a series of zone meetings to be held in various parts of the country, beginning this week.

"The first meeting will be held at the Brown Palace Hotel in Denver on Wednesday, October 17, and the second at the Parker House in Boston next Monday, October 22. Dates of the other meetings will be announced later.

"The plan is to organize the national committee into eight subcommittees, each of which will choose its regional chairman and perhaps establish zone headquarters.

"W. R. Hollister, assistant secretary, and W. D. Jamieson, assistant treasurer of the national committee, who are the directors of the permanent Democratic national organization in Washington, will attend the regional meeting and consult with the national committeemen and State chairmen in the different zones.

"Following is the system under which the country has been divided under the new plan, which establishes an innovation in major political party management:

"Zone 1: Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

"Zone 2: Connecticut, New Jersey, New York, and Porto Rico.

"Zone 3: Delaware, District of Columbia, Maryland, Ohio, Pennsylvania, Virginia, and West Virginia.

"Zone 4: Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

"Zone 5: Alabama, Florida, Georgia, and North Carolina.

"Zone 6: Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

"Zone 7: Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming.

"Zone 8: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Philippines, and Washington.

"National committeemen representing the States and Territories in the various zones, under the new system, will cooperate in the direction of future campaigns in their respective regions, while all of the subcommittees will operate under the supervision of the permanent headquarters of the national committee in Washington.

"Under this announced plan meetings are being held throughout the country preliminary to the congressional campaign of 1918 by Democratic leaders. The following account of a meeting held in New England, taken from the Boston Globe of October 23, is typical:

"'Prominent Democrats representing State and national organizations of New England met at the Parker House yesterday and formed an organization which, it is believed, will enable the Democrats of New England to look after local political affairs and present their needs to the national organization of the party more effectively than in the past. New England headquarters will probably be opened in Boston before the opening of the congressional campaign of 1918.

"'The New England district, the second to be organized, consists of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island. At the meeting to-day Dr. John W. Coughlin, of Fall River, was elected chairman and Francis E. Sullivan, of Providence, secretary.

"'Those present were Senator HENRY F. HOLLIS, and Alexander Murchie, of New Hampshire; William R. Pattangall, of Maine; Francis E. Sullivan, chairman of the Rhode Island State committee; Patrick H. Quinn, the Connecticut member of the Democratic national committee; James E. Kennely, the Vermont member of the national committee; Michael A. O'Leary, chairman of the Massachusetts State committee; Marcus A. Coolidge, of Fitchburg; and W. R. Hollister, assistant secretary of the Democratic national committee.'"

PETITIONS AND MEMORIALS.

Mr. BECKHAM. I present a communication in the nature of a memorial from citizens of Clay County, Ky., which I ask to have printed in the RECORD, omitting the signatures, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the memorial was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

GARRARD, CLAY COUNTY, KY.,
February 19, 1918.

Hon. J. C. W. BECKHAM,
United States Senate, Washington, D. C.

DEAR SENATOR: We the undersigned unite in asking you to use all your influence to have the new postal rates on second-class matter repealed. We do not see why the cost of mailing a magazine or newspaper should be made burdensome for those far away from the place of publication while near-by readers escape.

Is it not true that the Postal Department shows a surplus even with the present rates on second-class matter? And how is it then in Canada, with only 8,000,000 people, second-class postal rates are just half of what they are in the United States and yet the Canadian Post Office operates at a profit? It seems like an unjust imposition to us to tack this zone-system clause on to a war-revenue bill. By means of magazines and newspapers we learn how best to serve our country in this her hour of need of every citizen, man and woman.

Please do all in your power to have this zone-system clause repealed when Congress convenes.

Yours, very truly, MRS. NELLIE L. HORTON,
(And others).

Names are coming in daily over the phone or signed once to be used on three letters—two Senators and one Congressman—so I have had to copy the names. Yours for victory through justice to all.

Mr. NELSON presented a petition of sundry citizens of Viking, Minn., and a petition of sundry citizens of Fisher, Minn., praying for an increase in the amount of tax on excess war profits to a larger extent than provided in the revenue bill, which were referred to the Committee on Finance.

Mr. KENYON presented a petition of sundry citizens of Marion, Iowa, praying for the enactment of legislation to prohibit the manufacture and sale of all alcoholic stimulants, including wine and beer, during the war, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEE ON NAVAL AFFAIRS.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 3339) to amend an act approved May 27, 1908 (35 Stats., pp. 417, 418), and for other purposes, reported it without amendment and submitted a report (No. 290) thereon.

Mr. POINDEXTER, from the Committee on Naval Affairs, to which was referred the bill (S. 180) granting an honorable discharge to Owen S. Willey, reported it with amendments and submitted a report (No. 291) thereon.

Mr. HALE, from the Committee on Naval Affairs, to which was referred the bill (S. 3125) for the relief of certain enlisted men of the United States Navy, reported it without amendment and submitted a report (No. 292) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEW:

A bill (S. 3971) granting a pension to James K. Waltermire (with accompanying papers); to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3972) granting an increase of pension to James F. Byard (with accompanying papers); to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 3973) to authorize the Supreme Court to prescribe forms and rules, and generally to regulate pleading, procedure, and practice on the common-law side of the Federal courts; to the Committee on the Judiciary.

A bill (S. 3974) granting a pension to Margaret E. Gibboney (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 3975) granting a pension to Nathan L. Bross (with accompanying papers); and

A bill (S. 3976) granting a pension to John F. Jackson (with accompanying papers); to the Committee on Pensions.

WAR FINANCE CORPORATION.

The PRESIDENT pro tempore (Mr. SAULSBURY) submitted an amendment intended to be proposed by him to the bill (S. 3718) to provide further for the national security and defense, and for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—EDWIN MARVIN CARTER.

On motion of Mr. SMITH of Georgia, it was

Ordered, That the papers in the case of Senate bill 8036, Sixty-fourth Congress, granting a pension to Edward Marvin Carter, be withdrawn, no adverse report having been made thereon.

PROTECTION OF SOLDIERS AND SAILORS' CIVIL RIGHTS—CONFERENCE REPORT.

Mr. OVERMAN. I submit a report of the committee of conference on the disagreeing votes of the two Houses upon House bill 6361, and I ask for its adoption.

Mr. SIMMONS. If my colleague will permit me, I should like to call his attention to the fact that the Senator from Massachusetts [Mr. LODGE] gave notice that he would address the Senate this morning.

Mr. OVERMAN. Then I will merely submit the report. If there is objection to its consideration now, of course I will ask that it go over to be taken up at some other time.

The PRESIDENT pro tempore. The request of the Senator from North Carolina will be complied with.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 11, 12, 22, 23, 24, 25, 26, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 8, 9, 10, 14, 16, 17, 18, 19, 20, 21, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, and 43, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Army field clerks; field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces detailed for service abroad in accordance with provisions of existing law"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or against a person secondarily liable under such right"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 103. Whenever pursuant to any of the provisions of this act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may in the discretion of the court likewise be granted to sureties, guarantors, indorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

"When a judgment or decree is vacated or set aside in whole or in part as provided in this act, the same may in the discretion of the court likewise be set aside and vacated as to any surety, guarantor, indorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the word "chiefly"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out and the matter inserted by said amendment, strike out the following in lines 10, 11, 12, 13, and 14, page 13: ", and in all cases where under the terms of the contract of insurance any person other than the insured has a vested interest therein the consent of such other person shall be included in such application"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In line 1, page 18, after the word "settlement" insert the words "or payment of dividend"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Before any dividend is paid or any loan or settlement is made the written consent of the Bureau of War-Risk Insurance must be obtained"; and the Senate agree to the same.

LEE S. OVERMAN,
D. U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

SHORTAGE OF COAL AND SUGAR.

The PRESIDENT pro tempore. The morning business is closed.

Mr. LODGE. Mr. President——

Mr. NELSON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Shields
Bankhead	Johnson, S. Dak.	New	Simmons
Beckham	Jones, N. Mex.	Norris	Smith, Ga.
Brandegee	Jones, Wash.	Nugent	Smith, Mich.
Calder	Kellogg	Overman	Smith, S. C.
Colt	Kendrick	Page	Smoot
Culberson	Kenyon	Penrose	Sutherland
Curtis	King	Phelan	Swanson
Dillingham	Kirby	Pittman	Thomas
France	Knox	Poindexter	Tillman
Frelinghuysen	Lodge	Pomerene	Townsend
Gallinger	McCumber	Ransdell	Trammell
Gronna	McKellar	Reed	Underwood
Hale	McLean	Saulsbury	Vardaman
Harding	McNary	Shafroth	Wadsworth
Hardwick	Martin	Sheppard	Warren
Henderson	Myers	Sherman	

Mr. McNARY. I desire to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of illness. I ask that this announcement may stand for the day.

Mr. GRONNA. I announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] due to illness in his family.

Mr. ASHURST. The senior Senator from Arizona [Mr. SMITH] is absent from the Senate by reason of personal illness.

Mr. HALE. I wish to state that my colleague [Mr. FERNALD] is absent on official business.

Mr. CURTIS. I desire to announce the absence of the Senator from California [Mr. JOHNSON] on official business.

Mr. BECKHAM. I wish to announce the absence of my colleague [Mr. JAMES] on account of illness. I will let this announcement stand for the day.

Mr. TRAMMELL. I desire to announce the necessary absence of my colleague [Mr. FLETCHER] on official business.

Mr. CURTIS. I wish to announce the absence of the senior Senator from Iowa [Mr. CUMMINS] on account of the death of his wife. I need not say that he has the sympathy of all Senators in his great bereavement.

Mr. SUTHERLAND. I desire to announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], owing to illness.

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. There is a quorum present. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, I desire to discuss at no greater length than is absolutely necessary the testimony taken by the subcommittee of the Committee on Manufactures in regard to the shortage of sugar and coal pursuant to Senate resolution 168. When I introduced the resolution I was spurred thereto by conditions in that portion of the country which I in part represent. But I also rested my action on far broader grounds which sustain and justify all the investigations and inquiries ordered and held by the Senate and the House. My action was based on the principle laid down by the elder Pitt in 1740, when he said in the House of Commons:

> Our time can not be more usefully employed during a war than in examining how it has been conducted, and settling the degrees of confidence that may be reposed in those to whose care are intrusted our reputation, our fortunes, and our lives.
>
> There is not any inquiry, sir, of more importance than this; it is not a question about an uncertain privilege or a law which, if found inconvenient, may hereafter be repealed. We are now to examine whether it is probable that we shall preserve our commerce and our independence, or whether we are sinking into subjection to a foreign power.
>
> But this inquiry, sir, will produce no great information if those whose conduct is examined are allowed to select the evidence, for what accounts will they exhibit but such as have often already been laid before us, and such as they now offer without concern? Accounts, obscure and fallacious, imperfect and confused, from which nothing can be learned, and which can never entitle the minister to praise, though they may screen him from punishment.

The subcommittee began its hearings on the 12th day of December, 1917. Those hearings were continued until January 23, 1918. The subcommittee sat all through the holidays and during the period which elapsed between the first hearing and the last they were in session nearly every day, and generally all day, and took testimony which fills some 2,000 pages. It is not my intention to weary the Senate with tables of figures or with long citations from this mass of testimony. I intend merely to set forth the conclusions at which I have arrived after hearing the witnesses and giving to the subject many hours of thought and consideration. The general facts upon which I base my conclusions are all to be found in the evidence and in no case, so far as the facts are concerned, have I gone outside the record.

Before entering upon a discussion of the policy adopted during the past year in regard to the production, price, and distribution of sugar and coal it seems to me that we ought to recall and have clearly in our minds the general economic conditions of the world which existed prior to the war in Europe and also the same economic conditions, as changed by the war, between August, 1914, and April, 1917. Following the Spanish War there came a period of very great prosperity not only in this country but throughout the civilized world. Coincident, roughly speaking, with this period of prosperity began a general advance in prices and consequently in the cost of living. This advance in prices continued until the beginning of the war, in August, 1914. I do not draw a line at this point because the advance in prices ceased but because there was then a new and violent change in economic conditions. During this period, extending from the end of the last century to 1914 and covering practically fifteen years, there were, of course, fluctuations, but the general movement of prices with few exceptions was steadily upward. In this country, at least, strong efforts were made to check the advance in the cost of living by legislation, such as the regulation of railroad rates, better enforcement of the laws against trusts and combinations, and severe tariff reductions. Despite these attempts to lower prices by law and despite the occurrence of a serious business depression in 1907, the level of prices continued to advance. This fact indicates that there were fundamental economic causes at work which were carrying prices upward and which could not be permanently checked either by business depression or by the artifices of legislation. One of these causes no doubt was to be found in the period of prosperity itself, which was accompanied by increased profits and advancing wages, conditions which always produce among all classes of the community a general willingness to spend more and a general desire to live better. This increased expenditure, of course, must move, and always has moved, prices upward. It has been very obvious, for example, in the matter of the consumption of meat. More than ten years ago it was pointed out by authorities upon the subject that the consumption of meat was outrunning the increase in edible animals. Having more money to spend, people ate more meat and better meat, and ate it oftener. What is true of meat is equally true of all other articles which enter into the cost of living.

Another and far more powerful influence was the increase in the circulating medium. It is not necessary to stop to discuss the quantitative theory of money, because, whether that theory be sound or not, there can be no question that if the circulating medium increases beyond the normal demands and the legitimate necessities of the community it is certain to advance prices. The advance may be made violently by huge issues of irredeemable paper, as happened in the French Revolution as well as in our own, and both in the South and North at the time of our Civil War, or it may come gradually by a disproportionate increase of the circulating medium through natural causes.

Let me briefly call attention to the increase in credits and in the circulating medium, for we are apt to forget it. In 1879 the circulation of the United States in all forms was $16.92 per capita. January 1, 1918, it was $48.76 as against $43 in 1917, an advance of $5.76 per capita in one year. These figures tell their own story. The world's annual gold production in 1896, just on the eve of the period of prosperity, was $202,251,000. In 1915 the world's gold production on a yearly ascending scale was $470,403,214, the largest ever known. It will be seen from these few figures that there has been an immense increase in the world supply of gold, to go no further, and as gold is the foundation of circulation and the standard of all civilized countries it brought with it an enormous expansion of credits and of currency based on gold. If the medium of exchange cheapens by becoming too plentiful, prices are certain to advance, just as they are certain to decline if the circulating medium is unduly contracted and becomes correspondingly dear.

Other causes may have been at work, but it is sufficient to mention these two, and neither of these was a cause which could be dealt with by the artifices of legislation or could be checked

more than temporarily by the fluctuations of business. To show what the advance in prices has been, I present the following table:

Percentages of decrease and increase in wholesale prices of farm and food products, 1900 to 1910, plane of 1900 prices.

DECREASE.	Per cent.	INCREASE.	Per cent.
Molasses	22.4	Potatoes	14.4
Raisins	19.5	Beans	14.4
Sugar	7.0	Prunes	19.7
		Codfish	21.4
		Onions	22.1
		Bread	25.0
		Sugar beets	26.8
		Fresh beef	27.7
		Rye flour	29.1
		Milk	34.3
		Cattle and sheep	34.4
		Evaporated apples	35.9
		Butter	36.
		Cheese	39.4
		Wheat flour	43.0
		Herring	43.9
		Timothy hay	49.3
		Barley	49.5
		Salt beef	49.7
		Rye	50.2
		Mutton	51.9
		Corn meal	52.4
		Corn	52.5
		Wheat	55.9
		Cotton	57.3
		Hams	60.4
		Eggs	64.8
		Oats	69.8
		Hogs	76.0
		Bacon	77.1
		Lard	81.6
		Salt pork	89.8

It will be observed that in this long list, embracing almost every article of food, there were only three articles which decreased in price during that period, namely, molasses, which decreased 22.4 per cent; raisins, which decreased 19.5 per cent; and sugar, which decreased 7 per cent.

This table does not come down to date, but it shows the course of prices for the first decade of the century, and since that date there has been no change in the general price movement. Anyone who will take the trouble to look at the reports on wholesale and retail prices just published by the Bureau of Labor Statistics will find that the average retail prices for food, on the basis of 100 in 1916, rose from 82 in 1910 to 90 in 1914, and that in wholesale prices the movement of commodities from 1910 was upward, except in the year 1911, when there was a slight falling off.

Such, then, was the economic situation in regard to prices, which had existed for some fifteen years, when the war broke out in Europe. That war brought with it a necessary reduction of the purchasing power of the nations involved, but this effect, tending to lower prices, was gradual in its operation and, although it will undoubtedly be felt with intense severity after the close of the war, it has thus far in no degree offset the other effects which the war produced. Millions of men—it has been estimated as many as 40,000,000—were taken by the war in the course of three years from the class of producers and were converted into consumers. Other millions were taken from reproductive industries and forced into industries wholly nonproductive; that is, industries which were engaged in making shells and explosives, for example, which were immediately destroyed and which, of course, earned nothing. This absorption of millions of men in war and war industries produced inevitably a great shortage of labor in all the ordinary and reproductive occupations. There could be no more powerful cause than this for a violent advance in prices, and this movement was still further accelerated by the increase of the circulating medium in Europe through the issue of paper currency and the expansion of national credits, and in this country by the pouring in of enormous quantities of gold to pay for the purchases made here by the belligerent nations. The general upward movement of prices, therefore, which had been going on steadily before the war was greatly and abnormally quickened by the unnatural effects of war conditions.

This was the situation which confronted us when we entered the war last April, and when we undertook to check the operation of these great economic forces by the artificial and arbitrary methods of law and by executive action. It was proposed to reduce prices in spite of the overwhelming economic forces which were working always steadily and relentlessly toward their advance and at the same time to stimulate production. Nothing could be more desirable than both these purposes, but there was much doubt in the minds of those who reflected upon these subjects whether such an experiment as this could possibly succeed. The artificial regulation and fixing of prices have been tried over and over again in the past and history shows only a record of failure in the attempts. In this war price fixing was tried both in France and Germany, and in both cases, if we may judge from the best authorities and from the admissions made, the attempt was a failure.

In this connection I am going to cite Gustave Le Bon, who is one of the great scientific men of France, a distinguished biologist and also a publicist. Some of his books on psychology are very well known—for instance, one which he wrote some years ago, which was translated into many languages, called "The Psychology of the Crowd." He wrote another book called "The Psychology of Education," and another "The Psychology of Politics," and still another "Of Socialism." He has made a very elaborate study of the mental operations of masses of men in contradistinction to the individual mind. He has published recently another book, "Les Premieres Conséquences de la Guerre," in which he collects data on the psychologic conditions of the nations engaged in war. Among the many things operating upon the public mind of which Mr. Le Bon treats is the price fixing which took place in France and in this country at the close of the eighteenth century. He lays great emphasis on the reversion to the old ideas of the French Revolution, and he points out in his citations of authorities the effects on the price of sugar, among other articles, both in France and in Germany. The authorities he cites all seem to show that price fixing was not successful and was in a large measure abandoned in both countries.

While Mr. Hoover was on the stand I had some discussion with him about price fixing in Europe, and he thought it had gone somewhat further and had rather more success than I had stated, but it appeared when we went into the details that there were very few articles, if any, where the Government had fixed the price without either taking possession of the product or sufficient control of it to regulate the price by their ownership; that is, by the familiar method of monopoly. This is a different situation from naked price fixing with the commodity left in the market to be dealt with in the usual way. I quote briefly from the testimony so that without going into it elaborately I may give the substance of the points which Mr. Hoover and I discussed:

Senator LODGE. In the hearing before the Agricultural Committee you say that a maximum price has proved a total failure in Europe in every case except where the Government owned enough of the commodity to control the market.

Mr. HOOVER. I believe that is the case, but price fixing is capable of a great deal of definition by way of nomenclature. Maximum prices, I do not think, have an effect—that is, the simple regulation that a price shall not exceed a certain amount. On the other hand, in the organized control of the distribution of a commodity it may be necessary to agree on a maximum-profit base in order to prevent profiteering, but it must be backed by some other engine than pure legal definition of price by regulation. (Hearings, p. 688.)

I must pause here a moment to make clear the distinction of which I have spoken between the regulation and establishment of prices by artificial means of general application to the trade and commerce of a country and such action as was taken by the British Government, for example, in regard to wheat. There, as I understand, the British Government bought up the wheat—certainly all the imported wheat—and then sold it to the people at a fixed price, below the market price, making up the advance from the treasury to the extent, as I am informed, of $200,000,000. In that case the true price was the market price, but the Government became the largest if not the only purchaser and sold wheat to the people at a loss, the difference being made up, as I have said, out of the treasury—in other words, out of the money of the people taken from them by taxation instead of over the counter of the dealer. This may or may not have been beneficial and wise, but it did not involve an artificial fixing of prices in the operations of business. It only illustrated the truth of the fact that in this disagreeable world it is not possible, as a rule, to get something for nothing—a desire which is strong in the hearts of humanity, which people insist on believing to be possible, and which has led the race into more economic pitfalls than any of the many will-o'-the-wisps which mankind is delighted to follow in its childlike faith that it is possible to find gold pieces in the gutters and take money from the air. In the English case the money came out of the consumer, from whom it must always ultimately come, the only difference being that it was taken from him in the disguised form of taxation. The fixing of prices simultaneously with the stimulation of production, which was the enterprise we undertook in the United States, was of an entirely different nature. It proceeded on the pleasant theory that high and advancing prices were not due to deep and irresistible economic causes but were wholly owing to the fact that somebody was making undue profits. Undoubtedly there were people who were making exorbitant profits, but this was not the case with the great volume of business. Profits on an advancing market were good, but they were kept within bounds by corresponding advances in the wages

of labor and in all running expenses, as well as by the good sense and intelligence of the mass of those engaged in business. The theory which we as a Government seem to have adopted, that the advance in prices and the high cost of living were due to those persons who were making exorbitant profits, was fatally defective, as any theory must be which is based on exceptions and not on the general rule established by the vast majority of facts and cases. Assuming, for the sake of argument, that all persons who, either honestly or dishonestly, were making large or undue profits, were wholly vicious, and that we swept them out of existence, it would have had as little effect upon the general course of prices under existing conditions as the killing of a few ground sharks or dogfish would have upon the destruction of edible fishes, which is due to the reckless improvidence of civilized mankind. Killing the dogfish would be helpful, no doubt, but it would not avert the fatal reduction and eventual extinction of the food fishes, which is owing to larger and more powerful forces. The slaughter of all makers of undue profits would undoubtedly check speculation and tend to give stability to prices, but it would not stop their advance, which arises from fundamental and universal economic causes which can not be suppressed by laws or decrees or even by lungs and language. However, we entered upon the experiment of reducing prices and at the same time increasing production with general acclaim, except from skeptical persons, who doubted the power of man by statutes or executive orders to overthrow natural laws, and who for obvious reasons held their peace when the search for the new Eldorado began. Since then months have elapsed, and the time has come when we can profitably discuss the efforts which have been made to reduce prices and at the same time stimulate production by laws and decrees.

Briefly, then, I wish to consider the results of the experiment in the case of sugar and coal in the order in which I have named them.

In the general review which I have given of prices it will be noted that sugar was one of the three articles which had not risen in the first decade of the century, showing that the world's supply of sugar was in advance of the world's demand. This situation was, of course, completely revolutionized by the war. From the sugar market of the world the war took at once all the beet sugars of the central powers, confining their consumption to Germany and Austria. The Russian supply—and there was said to be a large surplus of sugar in Russia—was excluded from the market of the western nations by the practical cutting off of opportunities for transportation. The Belgian crop of beet sugar was also largely reduced, and so was the French crop. England, therefore, which depended entirely upon outside sources and which had taken large amounts of sugar from the Continent of Europe, was thrown back on the Western Hemisphere, which included her own West Indian Islands, and upon the product of the East Indies, which came chiefly from Java. At the very beginning of the war the English Government bought up large quantities of sugar both in Java and in the West Indies, but as the war went on transportation became more and more difficult as tonnage diminished and when we entered the war and began to deal with the sugar question it may be said broadly that the Java supply was inaccessible. During the past year there has been something like 900,000 tons of sugar in Java, but it has not been found possible to move it; and there is also some sugar in the Philippines and perhaps an inconsiderable amount in other quarters in the East Indies. These conditions forced England, France, and Italy into the American field, and the chief burden fell upon what may be called the field of the United States, which includes Cuba. The year 1917 opened with every promise of a very large crop in Cuba, and the price of sugar in the United States declined as the new crop began to flow in. In February there were strikes in some of the refineries, which caused a flurry in the sugar market, and prices advanced. At that period the American Sugar Refining Co. made a vigorous effort to assure their customers and the trade generally that there was no real shortage of sugar. Then came the troubles in Cuba, which led to another advance in price. Gomez, who was the leader of the revolution, surrendered on March 8 and the disturbances were practically over, but it was not known how much cane burning there had been and the experts reduced their estimates of the coming crop from 3,466,000 tons to 3,000,000 tons. On May 7 Mr. Hoover went before the Committee on Agriculture and predicted a scarcity of sugar, and this was the position which was held by the Food Administration. The result was that prices of sugar, speaking broadly, after some fluctuations stiffened, as prices always do when people begin to be afraid that there is going to be a scarcity in any article. The wholesale price of granulated rose in July to 7.50 in New York. Then it went to 7.65 on the 19th of July, on July 26 to 7.75, and then during the week from July 26 to August 2 it jumped to 8.15. Then it went as high as 8.40, and even touched 9.15. This means to the consumer, at 8.40, a price of from 9 to 9½ cents a pound, and at 9.15 from 10 to 10½ cents a pound. On the 16th of August Mr. Hoover closed the exchange and, of course, dealings in sugar came to a standstill. On the 27th of August an agreement was announced with the beet-sugar manufacturers fixing the price of beet sugar at 7.25 at seaboard points, such as New York, Philadelphia, New Orleans, Boston, and San Francisco, with a differential for freight to interior points.

On October 1 the sugar refiners agreed with the Food Administration that they would buy all their sugar through the International Sugar Committee, which consisted of two Englishmen and three Americans—Mr. Rolph, the manager of the California & Hawaiian Sugar Refining Co.; Mr. Babst, the president of the American Sugar Refining Co.; and Mr. Jamison, representing the Arbuckle Co. The refiners also agreed that they would sell all sugar refined by them at a price not more than 1.3 cents a pound advance over the price of Cuban sugar. At the same time the International Committee fixed the price for Cuban raws—and the price for Cuban raws establishes the price for Porto Rican and Hawaiian sugars—at 6.90, and under their agreement the refiners were not permitted to buy sugars at 6.90 or higher and closed down. Later they were permitted to buy at 6.90, but it was then too late to have much effect on the supply of granulated, because there had been a period of idleness in the refineries. On October 23 the Food Administration came to an agreement with representatives of the Louisiana planters for a basic price of 6.35 at New Orleans, which meant 6.70 at Boston, which made the price of refined sugar 8.15, so that the Cuban sugars and the Louisiana sugars were brought into practical harmony as to price. The International Committee, whose membership I have already given, was formed on September 21. On October 1 they made the agreement with the American refiners by which they fixed a price of 6.90 for Cuban raws in New York, duty paid. They then entered into negotiations with the Cuban Government to fix the price of raw sugar for the coming crop of 1917–18. On November 30, 1917, the International Committee and the representatives of Cuba agreed on a price for Cuban raws of 4.60 f. o. b. Cuba. Personally I think the committee made a very good arrangement in the interest of the consumers abroad and in the United States, but I should have been quite as well satisfied if they had given the Cubans 4.75 f. o. b. instead of 4.60, because it seems to me of the last importance to encourage the production of sugar in Cuba. Sixty per cent of the Cuban sugars are produced by the colonos, small planters making a living of a few hundred dollars a year from their crop. If they can not do well with sugar they can turn easily to other crops. It would be much better for the American consumer to pay one-fourth or even one-half cent a pound more for sugar than to have the Cuban crop fall off. Therefore, I should have been content to have seen 4.75 fixed on as the price instead of 4.60. I asked Mr. Hoover whether they had considered the colonos, and he said they had done so. They certainly did not consider the beet grower when they made the arrangement fixing the price of beet sugar. The price was determined after consultation with the manufacturers alone, and no steps were taken effectively to consider the claims of the beet growers until after the Senate committee began its investigation. Yet the production of sugar can not be increased unless the beet growers of the United States and the colonos of Cuba are encouraged and given good prices. The beet planting begins so early in the year that if the dissatisfaction of the beet growers is not allayed we shall be in danger of a serious reduction in the crop of beet sugar, which might easily absorb the estimated and greatly needed increase in the Cuban crop.

The fact is that this necessity of encouraging the growth of cane and of beets, which are the raw material of sugar, is only a part of a general policy where I venture to think a very mistaken course has been pursued. The objects of all the legislation and of the action in regard to food and fuel were to reduce the cost of living and stimulate production. The two purposes are stated in the wrong order. The first thing to do is to stimulate production. I think I shall show very conclusively before I finish that attempts to lower prices by executive decree or by law can not with the present economic forces at work possibly succeed. On the other hand a great deal can be done to stimulate production. If production is stimulated, then the natural laws, which are much more powerful than Congresses and Presidents, begin to work. A large production will certainly steady prices and prevent famines. If carried to the point of oversupply it will lower prices, and it is the only thing in the long run that will. Therefore we should have addressed our-

selves to the stimulation of production, and if anything could be done to lower prices it could be done in that way. Unfortunately the reduction of the cost of living has a most enticing sound. Success in such an undertaking is obviously popular, and popularity has meanings and results which I need not explain, certainly not to a body like the Senate. Therefore, in the search for popularity the difficult, if not the impossible, was undertaken, and the simple and direct method of aiding the war situation and of at least stabilizing prices was set aside or pushed into the background.

It will be seen from this outline that the Food Administration fixed the prices on practically all sugars in the market and showed an apparent reduction on the wholesale price of granulated from its highest point in August of about a cent, which may have meant a reduction to the consumer of a cent to a cent and a half. But after all these arrangements were made there ensued in the Eastern States a scarcity of sugar at times amounting to a famine. It is the belief of the Food Administration that by their action they prevented sugars going to very high prices, which, of course, would come out of the consumers of the United States. It is at this point that the doubt arises as to whether any advantage was gained by this price fixing. Speaking broadly the sugar market in normal times rises in the autumn to its highest point. The explanation of this is very simple. The rise represents the gap between the exhaustion of the old crop of cane sugars, which by the autumn has been practically consumed, and the new crop which begins to come in December and in large quantities after the opening of the new year, when, as a rule, the price of sugar declines. This gap between the old and new crops of cane sugar has been largely filled of late years—certainly prices have been much affected—by the coming on the market at that period of the beet sugar. In this past year most of the beet-sugar crops were late, and that extended the gap. Therefore it was certain that if there never had been any interference at all with the price of sugar there would none the less have been an advance in the price to the consumer in the autumn months of 1917, which would have been met and checked by the coming of the beet sugars and of the new cane crop. The position of the Food Administration is that there was a shortage of sugar, but these figures are disputed. Setting aside all the estimates and predictions which were made, and coming down to the actual facts, now that the year has closed, the crops of the United States field, with which alone we are dealing, were for the year 1916–17 as follows:

	Long tons.
Louisiana	271,339
Texas	6,250
Porto Rico	448,567
Hawaiian Islands	579,302
Virgin Islands	7,787
United States beet sugars	734,577
Cuba	3,023,720
Total	5,071,542

To this must be added the foreign imports of sugar, amounting to 204,665 tons, which came into the United States from countries other than Cuba and our outside possessions, and which are shown in the following table of the Bureau of Foreign and Domestic Commerce:

Imports of cane sugar into the United States during the year ending Dec. 31, 1917.

Country from which imported:	Long tons.
Central America	14,393
Mexico	8,602
British West Indies	2,883
Dominican Republic	41,098
Dutch West Indies	96
Haiti	1,715
Peru	23,431
Other South America	20,371
China	259
Hongkong	116
Japan	13,181
Philippine Islands	78,415
All other countries	105
Total	204,665

The annual normal consumption in the United States, according to Mr. Hoover's estimate, which I believe to be a fair one, for the figures differ and there is some confusion in the statistics, is 3,700,000 tons. Deducting this from the total supply, we have 1,576,207 tons of what may be called sugar for export.

The total exports from the United States to every country in the world was 451,221 long tons, as will be seen from the following table of the Department of Commerce:

Exports of refined sugar from the United States to all countries during the year ending Dec. 31, 1917.

Countries:	Pounds.
Belgium	8,452,880
Denmark	3,091,356
France	372,812,708
Greece	1,130,293
Iceland	5,723,233
Italy	28,075,412
Countries—Continued.	
Malta, Gozo, etc	600,000
Gibraltar	560,000
Netherlands	19,566,219
Norway	76,408,182
Portugal	19,569
Russia in Europe	11,020,701
Spain	57,282,491
Sweden	21,485,506
Switzerland	21,503,960
England	118,993,257
Canada	708,253
Panama	4,431,199
Mexico	42,032,165
Newfoundland	7,037,575
West Indies	4,054,138
Argentina	143,628,561
Uruguay	46,711,472
Philippine Islands	254,939
British Africa	4,131,170
All other countries	11,080,400
Total	1,010,736,101

Or 451,221 long tons.

Deducting this amount and the 107,920 tons consumed in Cuba, as well as the 10,000 tons destroyed by fire, leaves 1,007,066 tons of free raw sugar for export. The exports of raws from Cuba to all countries other than the United States were 940,708 tons, thus leaving a surplus of 66,358 tons, if our consumption is normal. This, however, takes no account of the sugars on hand from previous years, what is known as the invisible supply, and it is only guesswork as to what that supply amounted to, but that there was a certain amount of sugar on hand is undoubted and that, of course, would increase the surplus. This, again, takes no account of the savings due to the work of Mr. Hoover's administration, which he was inclined to think about equaled the extra amount used in the canning recommended by the Food Administration. This computation, based not on estimates but upon actual facts of imports, production, and exports, certainly does not seem to justify the drastic measures which were taken in price fixing and which tended to cause a famine in certain parts of the country while there was an abundant amount of sugar in other portions of the United States, for it shows a surplus and not a shortage.

Mr. Hoover in making up his figures and in his testimony before the committee said that it was necessary for us to provide for the consumption of Canada 320,000 tons, which, of course, would show a shortage not only on his figures but on those which I have given and which I believe to be correct, as they are taken from the official statistics of the past year. If those figures are examined—and they show all our exports—it will be seen that we exported to Canada 708,253 pounds, or 316 tons of sugar.

Mr. THOMAS. The Senator means 316,000 tons, does he not?

Mr. LODGE. No; 316 tons of sugar. The figures from the Department of Commerce are 708,253 pounds, which I reduced to 316 long tons.

There was also exported to Canada 6,054 tons of sugar which had been imported to the United States and then exported to that country. Adding to this Canada's own production of 12,500 tons of beet sugar and the 3,515 tons of Cuban raws which she took in violation of the international committee price, makes a total of 22,385 tons which she actually received during the year 1917 from her own production and the United States field. It is obvious, therefore, that the balance of the 320,000 tons must have been procured by Canada from some other source, and the examination of the following table will at once disclose where she obtained it:

Production of sugar accessible to Canada during 1917 in the American hemisphere outside the field of the United States.

	Tons.
Trinidad	70,000
Barbados	50,000
Jamaica	28,331
British West Indies	30,000
San Domingo	130,000
Demerara	101,650
Venezuela	15,000
Ecuador	8,000
Peru	250,000
Brazil	300,000
Total	982,981

Many of these figures that I have read are not the crop, but the actual export. We could not in some cases get the figures of the whole crop. This shows, of course, that Canada was not supplied from the United States last year. She got her sugar somewhere else, and she will get it somewhere else again. It is just as easy for the English ships and the Canadian ships to go to the West Indies and to South America as it is for our ships. As a matter of fact, Canada bought a large amount of sugar under contract from Peru.

Mr. BRANDEGEE. What was that amount?

Mr. LODGE. That she had available? Nine hundred and eighty-two thousand tons accessible, and she needed 300,000 tons, in round numbers. I have, of course, not been able to examine the export tables for those countries; but I merely show the field from which she got it, and she got it somewhere, because she did not get it from us.

Let us, in this connection, first consider the amount of sugar available and visible in the United States field in September, October, and November, apart from the small remaining remnant of the Cuban crop which amounted to about 50,000 tons and which ultimately came chiefly into the markets of the United States. That is the amount available in the autumn months, when the famine came. It appears from the testimony (page 402) that including what was on hand September 1 and what was subsequently received the Western Sugar Refining Co. of California had altogether 60,285 tons during that period and the California & Hawaiian Sugar Refining Co. had 67,498 tons. These were Hawaiian sugars and were all sold in the western country. During those three months the Louisiana crop of 271,339 tons came on the market, as is shown by the agreement made with the Louisiana planters as to prices on October 23. Within that same period the beet-sugar crop began to come on the market and the total of that crop, according to the official figures, was 734,577 long tons. In other words, in the United States alone there was available either in or coming into the market 1,139,699 tons of sugar. To this must be added the 50,000 tons still remaining in Cuba, at least 40,000 tons of which finally came on the market and some Peruvian sugars which the committee was told might have been obtained but were not. Taking the normal consumption of 310,000 tons a month in round numbers, based on Mr. Hoover's estimate of 3,700,000 tons for annual consumption, there would have been required about 930,000 tons, or 200,000 tons less than the total amount of sugar in the country, for those three months during which the scarcity was at its worst in the East, and I am unable to see any good reason on these figures for a scarcity of sugar at that time anywhere in the United States. What then was the cause of the scarcity east of the Alleghenies? In the first place the Hawaiian sugars of the two great California refineries were all sold in the West, chiefly west of the Missouri River. Of the Louisiana crop 26,000 tons were secured by the American Sugar Refining Co. for the eastern market and the rest of that crop was refined in Louisiana and in the form of plantation granulated or pure refined sugar went chiefly into the western country. Some went to the East, but it is impossible to say how much, and there was such difficulty in getting figures at all that it was obviously a comparatively small amount. The beet-sugar production was also held in the West, and this holding of sugar west of the Alleghanies was done deliberately. On October 20 it was announced from Chicago (hearings, page 1011) that the Food Administration sugar-distributing committee authorized a public announcement that the beet sugar would come to the rescue of New England and the North Atlantic States east of Buffalo and Pittsburgh and north of and including Baltimore during the existing exhaustion of cane supplies. It was further said that shipments would come immediately. This dispatch addressed to sugar dealers in the East was signed by the Meinrath Brokerage Co. On October 22 the same company announced to their eastern correspondents that there were no beet-sugar assignments obtainable for any territory, and on the 23d of October they telegraphed to representatives in central and eastern territories that they had been informed by the Food Administration sugar-distributing committee that "they would not allot for distribution any orders received by us on or after this date." On October 25 they telegraphed that orders already submitted were being held up by the Food Administration. This stopped the movement of beet sugars east and it was not until the 22d of November that the eastern trade were notified that the distribution of sugars would be entirely in the hands of the American refiners' committee in New York. These sugars which I have described were all held west of the Alleghenies, and although eastern dealers were told they would have relief they did not get it. Various excuses were given; that there was a delay in the beet-sugar crop coming forward, which was no doubt true owing to the lateness of the season, and that there was a shortage of cars. There was a shortage of cars undoubtedly, but cars could have been procured if the proper effort had been made, as was later abundantly demonstrated. On December 14 the price of beet sugar at Boston was advanced from 7.25 to 8.15, the price of cane sugar at the same point, and the beet sugars began to move. They ceased to lurk behind the Alleghenies and came out into the region of scarcity. In other words, beet sugars followed the natural law of supply and demand. When they got a sufficiently good price they moved in that direction, as all commodities are certain to do when unhampered by artificial restrictions.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. REED. Perhaps the Senator intended to refer to it further on in his address, but he apparently is leaving the immediate topic. The Senator will recall that Mr. Hoover in his testimony finally admitted that it had been his express policy to keep the sugar west of the Alleghenies. The Senator has been proceeding along the line of deduction from the evidence, but the direct statement is in the evidence by Mr. Hoover himself.

Mr. LODGE. I am much obliged to the Senator for calling my attention to that. It ought to be stated here. I used the general phrase "deliberately done."

Another reason for the shortage was the arbitrary closing of the refineries and the refusal to permit them to buy any sugars they could pick up, like the Peruvian, even if they agreed not to advance the price of refined sugar to the consumer. In my opinion the shortage of sugar was artificial and caused by the attempt to establish artificial prices and by interfering to some extent with distribution. There is no sufficient evidence that there was not a sufficient supply of sugar to furnish our allies, as we did, with what they wanted, and at the same time to furnish ourselves with enough for normal consumption.

It ought, in justice to the Food Administration, to be said that they made strenuous efforts to get the 900,000 tons of Java sugar to this country, which would have completely removed any possible danger of a shortage. They tried first to have the German ships used which were lying at Manila and with which they could have brought the crop if they had been allowed to control them and a considerable portion of the crop if they had been permitted to make only one voyage. This was prevented by the action of the Shipping Board and here we cross the trail of the endless organizations which we have created to meet war emergencies. They felt it more important that the German ships should come here loaded with hemp. I am not questioning the wisdom of their action, for I do not know the facts. The Food Administration also made an effort to get permission for some Dutch ships to bring the Java sugar, and here international complications apparently stepped in and prevented relief from that quarter. It may be said in passing that the new crop which is now coming forward is not coming in proper amounts, unless there has been a very recent change, and this slowness of movement from Cuba and Porto Rico is due again to lack of tonnage. No one appreciates more than I do the need of tonnage for carrying men and supplies of all sorts across the Atlantic, but I think the necessity of supplying this country and also our allies with sugar refined here puts the movement of the cane crops of Cuba and Porto Rico on the same basis of importance as that which we must recognize on the Atlantic. I ought, in justice to Mr. Hoover, to say that I believe he made every effort to secure rail distribution in this country just as he endeavored to get tonnage for the Java sugars. How much he was thwarted by the railroad situation and the tangle of priority orders I do not know, but it is certain that if he had been efficiently aided instead of being crossed by the other commissions, there could have been no sugar famine in the Eastern States.

The fact remains, however, that on the face of the official figures we had enough sugar to go through the last three months of the year without a famine. Owing to the gap between the old crop of cane and the new crop of cane and to the delay in beet sugars, there is no doubt that prices would have reached a high point in the autumn and then would have declined, as they did decline when the new crop appeared in the market. We should have had high prices for sugar—there is no reason to suppose that they would have been unreasonably high if there had been a proper distribution of the available sugar in the United States—but admitting that there would have been high prices at the period I have described, there can be no doubt that with the higher prices there would have been sufficient sugar in all parts of the country for the normal consumption of the people of the United States. The promise is for a larger crop next year in the United States field than during the year which has just passed. If the indications in Cuba prove to be correct, it will be a much larger amount, and it may also be possible to secure the Java sugar. I am heartily in favor of husbanding the supply, however large, by the most thorough saving in the consumption of sugar which can be effected, and if that is done to anything like the extent quite reasonably set by the Food Administration we shall have a very large surplus of sugar with which to aid our allies. But if ship-

ping is withheld and price fixing is indulged in again and sugar is diverted or held in one part of the country, when it ought not to be held, owing to attempts of a commission in Chicago or Washington to change the channels of distribution, we shall have another scarcity when the scarcity period arrives next autumn probably of a worse character and wholly needless.

Thus we find the two central facts as a result of the policy adopted by the Food Administration in regard to sugar to have been a slight reduction in the price from the high point reached in August and a scarcity of sugar, amounting in some cases to a famine, in certain parts of the country, and especially those parts where the population is densest. It is quite true that the advocates of the policy insist that the action of the Food Administration saved the country from paying enormous prices for sugar. What those enormous prices were to be varied according to the taste and feeling of the prophet who set them forth, and are profoundly affected by his relations with the Food Administration. We were told that sugar might have been 15, 20, or 30 cents a pound had it not been for the Food Administration's beneficent interference. One eminent refiner pointed with admiration to the decline in sugar at the present time, stating that it had gone to 7.10. The searcher for truth can not resist suggesting to this eminent refiner that the price of sugar has almost invariably declined at the beginning of the new year, with the advent of the new crop of cane. It seems harsh to throw the slightest shadow on such disinterested judgment as that manifested by the witness to whom I refer, and yet it is impossible to escape the conclusion that the natural law which insures a decline of sugar prices on the coming of a new crop, even although the importations, despite a larger crop, have thus far been less this year than usual, brought about the result which is so loyally attributed to the Food Administration. Another enthusiastic refiner, with proper gratitude no doubt for the beneficial effects of the stabilization of prices, wrote me that sugar would have gone to 50 cents a pound if it had not been for the intervention of the Food Administration, which he seemed to regard as a deus ex machina. As I read this warm-hearted prediction I wondered at the writer's moderation. When you are depicting the horrors of a price which never existed, why not paint it in really strong colors? Why stop at 50 cents? Why not say it would have cost a dollar a pound, or even more, if it had not been for the fortunate intervention of authority in Washington? The fact is you can do anything with prices which never existed. That is their great advantage. You can put them up or put them down at pleasure, to suit your hopes, your argument, or your prejudices. But human nature is so weak that the vast majority of people who in a large section of the country were deprived of sugar said, in their unthinking way, that they would rather have paid a higher price and had some sugar. The gratitude which they ought to have felt for the low prices established by the Food Administration did not seem to comfort them when they sat at a table where sugar had become a memory, and where that agreeable condiment had ceased to have an actual existence. They did not enjoy as they ought to have enjoyed this Barmecide feast. On the contrary, their emotions seemed to have resembled those of Tantalus, to whom the knowledge that fruit and water were close at hand gave no satisfaction, because the fruit and the water fled at the approach of his lips. An American humorist many years ago said in one of his newspaper paragraphs that there was probably nothing more unsatisfying than an "unkissed kiss"; but in mere sterility of pleasure I think low prices for sugar and no sugar runs the joke of the humorist very hard.

Let us now consider briefly the short and simple but somewhat painful annals of the coal question. The country had been threatened with a scarcity of coal in the winter of 1916 and 1917, and when war came in the spring the coal market was in a disturbed condition, and this disturbance was increased by the coming of war and the uncertainty as to the future. The market became very nervous; prices of coal began to advance sharply, reaching extreme points, and conditions indicated a still further rise. The advisory committee on coal at that time was headed by Mr. F. S. Peabody, of Chicago, and this committee was made up as follows:

Mr. F. S. Peabody, chairman; Mr. E. J. Berwind, president of the Berwind White Coal Mining Co., of New York; Mr. W. W. Keeler, president of the Pittsburgh Terminal Railroad & Coal Co., Pittsburgh; Mr. Van. H. Manning, Director of the United States Bureau of Mines; Mr. C. M. Moderwell, a coal operator of Illinois, president of the United Coal Mining Co., of Chicago; Mr. E. L. Pierce, vice president of the Semet Solvay Co., of Syracuse, large by-product and coke-product operators; Mr. Erskine Ramsey, vice president of the Pratt Consolidated Coal Co., Birmingham, Ala.; Mr. George Otis Smith, Director of the United States Geological Survey; Mr. James J. Storrow, of Lee Higginson & Co., of Boston; Mr. H. N. Taylor, vice president of the Central Coal & Coke Co., of Kansas City, Mo.; Mr. S. D. Warriner, president of the Lehigh Valley Coal & Navigation Co., Philadelphia; Mr. J. F. Wellborn, president of the Colorado Fuel & Iron Co., of Denver; Mr. Daniel B. Wentz, president of the Stonega Coal & Coke Co., Philadelphia; Mr. George W. Elliott, who was the secretary and the representative of the gas and electric service corporations of the United States; Mr. John P. White, who was then president of the United Mine Workers of America; Mr. Frank Hayes, vice president of the United Mine Workers of America; Mr. William Green, secretary of the United Mine Workers of America; Mr. John L. Lewis, the statistician of the United Mine Workers of America; Mr. James Lord, who is with Mr. Samuel Gompers, and is president of the mining department of the American Federation of Labor; Mr. John Mitchell, who is an ex-labor leader; Mr. H. L. Kerwin, secretary to the Secretary of Labor, Mr. Wilson; Mr. Herbert Addison, vice president of the Big Horn Collieries, Wyoming; Mr. L. S. Storrs, president of the Connecticut Co., of New Haven, Conn.; Mr. George W. Reed is Mr. Peabody's secretary and vice president of his company.

I think anyone who has examined the subject with as much care as the subcommittee which held the hearing will agree that this was a very well chosen committee. It is the only one that I happen to know of where not only operators were represented but also the labor employed in the mines, and, which was most remarkable, the consumers. There were two gentlemen representing public utilities and one, Mr. Storrow, of Boston, who spoke for the consumers of New England, both domestic and industrial.

The prices proclaimed on August 23, 1917, for anthracite coal were practically those agreed to by the operators themselves in April of that year, and ranged on the white ash, red ash, and Lykens Valley grades from $4.45 to $5.30 per ton at the pit mouth. Pea coal, priced by error in the proclamation at $4.30, was later reduced to $3.40. With trifling exceptions all the anthracite comes from the Pennsylvania field, which is not of large extent, and Dr. Garfield testified that there was only one case of complaint of prices relating to anthracite. With prices established in this way by the voluntary agreement of operators anthracite was not affected by the Government price fixing, and in what I am about to say it will be understood that I am discussing bituminous coal alone.

Under the auspices of Mr. Peabody's committee, the coal operators controlling nearly all the bituminous coal production of the country—over 90 per cent—were invited to Washington in June. Some 350 to 400 were present. They were addressed by Secretary Lane, by Gov. Fort, of the Trade Commission, and Mr. Peabody. They were urged to come to an agreement as to a maximum price for run of mine bituminous coal. After a day or two of discussion they adopted a resolution prepared by Gov. Fort by which they agreed substantially that the price of run of mine coal should in no case exceed $3 a ton in the East and $2.75 in the West at the pit mouth. The arrangement was understood to be tentative, but it made a very large reduction, because bituminous coals were then selling as high as $5.50, and even up to $6 a ton. There was no attempt to fix a minimum price or an absolute price, and below $3 or $2.75 coal operators could make any price they pleased, which gave sufficient elasticity, as some of the mines could produce coal at a much lower rate than $3 or $2.75 and make a good return. This agreement was reached on the 28th of June. Two days later Secretary Baker, head of the Council of National Defense, made public announcement that this maximum price of $3 was oppressive and extortionate, and the whole scheme which had been so carefully prepared, and which was a wise scheme, because it interfered as little as possible with the ordinary laws of trade and yet cut off undue profits, was practically disavowed. Some of those who had come into the agreement regarded the whole matter as at an end and charged such prices as they could get, but most of the operators who had agreed to it held to their agreement. The action of Mr. Secretary Baker of course had the effect of throwing the general market for free bituminous coal into complete confusion and of forcing a reduction in production. At the same time the promise was held out that the price of coal would be still further reduced and large numbers of people, domestic as well as industrial consumers, instead of laying in coal in the summer when the demand was at its lowest and the railroads could carry more easily than at any other season, refrained from filling their bins, with the inevitable result that they became buyers at a later time and were competing for the purchase of coal in the winter when the stress was most severe.

Dr. Garfield was appointed Fuel Administrator on the 23d of August and immediately issued a table of prices which had been approved by the President and compiled by the Trade Commission and which fixed the basic price of run of mine bituminous coal at $2 a ton at the pit mouth. The great difficulty of the coal situation then as now was in the shortage of cars as well as the shortage of movement on the railroads. Strong and effective efforts, with large beneficial results, were being made by the war railroad committee to improve the traffic situation, but in addition to the other difficulties were the priority orders. If those orders had been left in the hands of the priority board and no one else had been permitted to issue them, the business could have been managed probably with advantage, certainly without any injury to the coal situation. But the right to issue priority orders, unfortunately, was not confined to the priority board. So far as your committee could learn, officers of the Army and Navy, Food and Fuel Administrations, directly or indirectly, and the Shipping Board had the right to issue priority orders and to put the "blue tag," as it was called, on the articles which they wished shipped. Some of these agents also gave these envelopes and tags to manufacturers engaged on Government work, who did not always confine their use to public business. The result of this delightful and intelligent scattering of great powers was that the railroads were blocked with priority shipments of all kinds, sometimes for articles of immediate necessity and also for many where the necessity was far from immediate. It was stated that over 80 per cent of the freights being carried by the railroads were on priority orders, and this complicated enormously the bad conditions of transportation and severely hampered the remarkable work of the railroad committee. Behind all this, and worst of all, was the fundamental trouble of the railroad situation, arising from the fact that when the war broke out they were at least ten years behind the requirements of normal and peaceful times. The railroads had been forced, as a rule, to reduce their rates to the lowest possible point, while at the same time the wages they paid and all their general expenses were increasing like all other prices and commodities. This produced great difficulty in getting new money, either by selling stocks or by borrowing, and the railroads, reduced practically to no resources except their surplus, which in some cases was very small, in all cases insufficient, had been wholly unable for some years past to make the necessary extensions which the business of the country required. The railroad situation was therefore very bad, owing to the manner in which freight rates had been dealt with over a considerable period of years; in addition, they were burdened with the sudden and greatly increased demands of the war, and were still further hopelessly embarrassed by the priority orders. The committee of railroad presidents, as I have said, were doing their best to relieve the situation and effected some extraordinary and very important but still inadequate improvements. Total relief was perhaps impossible, but a considerable, a much larger, measure of relief might have been obtained if the efforts of the Government had been addressed solely to the railroad problem; for, I repeat, the condition of the railroads, the shortage of cars and the shortage of movement were the fundamental and dominant difficulties affecting the coal supply. Upon this complicated and difficult situation the untried men known as the Fuel Administration were suddenly imposed. The Fuel Administration came in with no power whatever to deal with the railroad situation, which was the very center and heart of the problem. They could procure priority orders, divert coal shipments, and add to the tangle which those orders had created; and this they did, but they had no railroad control and could only make the movement of freight more labyrinthine than it already was. They had neither the authority nor the capacity even to loosen the knot, and thereupon into this situation, which might have had great relief by straight dealing with the railroad problem as a whole and by itself, the Fuel Administration entered and proceeded to fix a price which made it impossible to work many mines and which thereby frightened the producer and tended to reduce production when it was unprotected by contracts.

Not content with this, they also set to work to change the whole system of distribution. No more reckless experiment could have been attempted or one better calculated to make the railroad difficulties, so far as coal was concerned, insuperable. The distribution of coal from the mine to the consumer had been slowly built up by the experience of nearly seventy-five years into a great and intricate system, covering the whole country. The channels through which the coal flowed had been during this long time established. In a moment, by the action of the Fuel Administration, this vast network of distribution was suddenly thrown out of gear so that it either did not work at all or worked very badly and clumsily. At a single blow they crippled and partially paralyzed all the machinery of distribution and deprived themselves and the country of the great driving power of private interest never so valuable as in a period of disturbed transportation. I am not blaming the Fuel Administration for their failure to substitute a new and better system of distribution for the one which they overthrew. To have done that successfully in a few weeks was beyond the power of man. No one lives, or ever lived, who could have done it. I blame them for attempting it. Only ignorance of simple economic laws could be offered as an excuse, and I think this is a case where the old maxim, "Ignorantia legis neminem excusat" properly applies. In any event the results were deplorable. The attempted substitution of artificial channels for those made smooth by long practice, the diversion of coal from one part of the country to the other, instead of relieving the difficulty created by the railroad situation enormously enhanced it. It was found that the basic price of $2, even with variegated exemptions and exceptions, was too low, and the Fuel Administration itself was compelled in October to advance it to $2.45 a ton. Within a few days they have issued another order raising the price at the mine to $2.65, but cutting off, as I understand, the moderate 15 cents per ton commission of the wholesalers and jobbers. It would seem as if this would throw out of business thousands of honest, industrious men, great and small, who constitute the machinery of distribution. They will suffer loss and the country will suffer still more when the distribution machinery is thus wrecked and scattered.

Another thing which has led to a great interference with the coal distribution and the coal business in every direction are the orders which have been showered upon the country ever since the Fuel Administration came into existence. We have had contradictory orders, explanatory orders, new orders, and all supplemented by statements through the press. The whole producing force which furnishes coal to the country was kept in utter confusion, and there is nothing so numbing to business as suspense and uncertainty. The Fuel Administration has supplied uncertainty in unlimited quantities. I hold in my hand, as an example, Order No. 383, published on February 15. There have been several, I believe, since then. The number 383 means that orders in regard to coal have been falling upon the unhappy persons engaged in the work of producing and distributing coal and upon a guileless public at the rate of more than two a day. No. 283 fixes a new price for the Clearfield district of Pennsylvania of $2.60 run-of-mine and 5 mills additional per ton for a fund for all operators. This is a belated attempt to recognize the difference between thin veins and thick veins. Let me give one or two more as illustrations of special arrangements and exemptions in which the coal business has been wandering for the last six months. No. 371 is the one which lifted the heatless Mondays from North Carolina, Tennessee, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana, the warm part of the country, where coal was apparently but little needed for heating, and left it on densely populated parts of the country where they were very cold. The other two that I have are No. 366 and No. 367. One—No. 367—classifying bituminous coal mines in the upper Potomac, Cumberland, and the Piedmont fields, affecting all the coal in the State of Maryland and in the counties of Mineral, Grant, and Tucker, and the extreme eastern and southeastern portion of Preston County, W. Va., has made changes in the prices. No. 366 affected coal mines in Kenova and Thacker fields, the extreme southern part of Wayne County, the extreme northwestern part of McDowell County, W. Va., and the extreme northern part of Buchanan County, Va. This changed and rearranged prices of coal in those fields.

And now, by Order No. 383 of the 15th of February, in the Clearfield district of Pennsylvania, the price has been increased by 60 cents and it appears from publication "No. 4-B-5-1918" of the Fuel Administration that this price does not include the 45 cents per ton for wage increase allowed under the President's order of October 27, 1917. I understand that the words "does not include" mean that the 45 cents are not deducted; that the price fixed does not include the 45 cents which still remains on.

Mr. REED. Is that the 45 cents on account of the wage increase?

Mr. LODGE. Yes; and the price fixed did not include the 45 cents for increase of wages.

Mr. REED. That is perfectly clear. I have run that out pretty carefully. Forty-five cents on account of increase in wages applies to all bituminous mines in the United States. Correctly stated, there was an advance of 45 cents made on every ton of bituminous coal, the statement being made that it was made for and on account of an increase of wages.

Mr. LODGE. Precisely; that was in October.

Mr. REED. And that went on the price, and stayed on, and still applies.

Mr. LODGE. They have raised the price in the Clearfield district—I have a list of the mines here—to $2.60, and, as I understand, that does not include the 45 cents they allowed for the wage increase.

Mr. REED. That is correct.

Mr. LODGE. There is no doubt about it. This then is the situation: On August 21 the price was fixed at $2; on October 27, 45 cents per ton was added; on February 15, 60 cents more was added, making the present price $3.05 per ton, 5 cents more than the price made by an agreement of operators under the leadership of Secretary Lane and Mr. Peabody, which Secretary Baker characterized as unjust, exorbitant, and oppressive. Is it any wonder in view of these orders which have been flying over the country like the migratory birds in spring and autumn—is it any wonder that the coal of the country has failed to reach the furnaces and the fireplaces of the consumers?

Mr. SMITH of Michigan. How much did the price the Senator just announced exceed the price fixed by Secretary Lane?

Mr. LODGE. It exceeded that price by 5 cents.

Let me pause here a moment to discuss briefly the attempt to fix prices for coal. A flat basic price is an impossibility. The great coal fields of the country differ widely in costs of production owing to natural causes. Mines in the same field differ. A price which would be ruinous to one mine would give an exorbitant profit to another. To fix the same price for the mines of Illinois, with their wide veins ranging from 8 to 20 feet, as for the mines of Pennsylvania, Maryland, and West Virginia, some of which have veins only 18 inches to 3 feet wide, is absurd on its face. And yet these thin veins in certain districts of West Virginia, Pennsylvania, and elsewhere in the East contain in many instances the very finest coal. The low volatile coals, which are used on battleships and give very little smoke, and the high volatile coals, with which the coking is done and from which we get many of our most important explosives, are found very largely in narrow veins. A price which would be very high for the broad veins of Illinois would be destructive to such veins as I have just described. Moreover, it was difficult to see that any proper distinctions had been made as to quality in the coals, and any plan of price fixing which is not based on quality and cost of production must be unsound and unjust.

There was another very bad result from this attempt to fix a low basic flat price without regard to or with a very insufficient allowance for differences in quality. As the producer could get in bituminous coal the same price substantially for low-grade as for high-grade coal, inferior coals filled with impurities or taken from culm banks and low in thermal units were sent out in large quantities, probably sufficient to account for the increase in the total production of bituminous coal. In this way cars and locomotives were wasted in carrying tons of slate, ash, and other impurities to the consumer, and thereby the shortage of cars was increased and the railroad movement still further diminished. The outcome of all this confusion was, of course, that some mines were making a great deal of money; that others were making none, but were just managing to live; while still others were only kept in business by their contracts made before the advent of the Fuel Administration. It became perfectly evident to the committee that it was necessary either to adopt the system employed by Mr. Hoover in regard to the beet-sugar factories and make a price which would allow the weakest and least profitable properties to live and produce, and which, of course, made the profits of the large factories and mines, and particularly of the factories and mines of the highest efficiency, enormous and disproportionate, or else to fix a price for each separate factory or mine—an undertaking which, as in the case of coal, where you are dealing with 20,000 mines, is of such extreme difficulty that it would cause delays wholly intolerable in time of war. The system adopted by Mr. Hoover had at least the merit of maintaining production. The system of making a different price for each mine based on its costs was impracticable. Hardly less impracticable would be the scheme of having the Government buy all the coal produced and sell it at an average price which would guard the Government against loss. This scheme, of course, would have involved an enormous expenditure of money in the first instance and would have caused great delays. The plan of having the Government, with its really notable business incompetence, work all the mines would simply have meant that hardly any coal would have been obtained. We therefore come back either to the scheme adopted by Mr. Hoover in regard to beet-sugar factories or to allowing the natural laws of supply and demand to work, so far as possible, without artificial interference. The latter solution undoubtedly might have led to higher prices than we have actually been obliged to pay for coal, although it seems improbable that this would have happened. But even if this had happened, it would have brought coal; for a commodity, whatever it may be, which is of wide distribution will follow the direction to which it is invited by profitable prices as surely as water will flow down hill. The result of the Fuel Administration's policy was to add to the already enormous railroad difficulties by creating chaos in distribution and adding to all this, suspense, alarm, and uncertainty due to fixing an arbitrary price. Even if we admit that they kept prices down, which is purely guesswork, they brought a coal famine with this nominal fixed price.

The total production of bituminous coal for the year 1917 as given by the Geological Survey was nearly 41,000,000 tons more than for the previous year and of anthracite nearly 11,000,000 tons. Undoubtedly the consumption, owing to the abnormal activity of certain industries, was much increased in the country, and the additional 52,000,000 tons was probably not sufficient to meet the demands. If the increase in production was sufficient not only to meet the larger consumption but also to make up for the decrease in thermal units due to placing upon the market inferior grades of coal, then it would follow that the shortage of coal and the consequent loss and suffering were wholly due to the defective distribution caused by the Fuel Administration, for very little, if any, coal is ever stored at the mine. It is safer, however, to assume that the increase in production largely composed of inferior coals was wholly inadequate fully to meet the increased demands. But in either case, if the mines could have worked, not to their possible capacity, but to the full capacity of the labor they actually had, it is perfectly evident from the testimony before the committee that this increase in the production of 1917 could easily have been doubled in coals of high quality. The mines could not work to capacity—and I am speaking always of the capacity with the labor that they actually had—because they could not get cars. And so we come back again to the railroad difficulty, which certainly might have been greatly relieved if the Government had established no Fuel Administration but had simply devoted itself last summer to relaxing the railroad congestion and reducing priority orders to the lowest terms. The most important thing, of course, was to get coal to the ships. The Government had power to take coal; the Government had power under existing law to compel the railroads to carry any freight that was ordered. The amount of coal needed for the ships and for transport could be readily estimated, for the departments knew the possible tonnage and knew, of course, of the departure and arrival of vessels. And yet when we got into the dead of winter it was shown in the testimony before the committee that there were from 100 to 150 ships tied up in New York Harbor because the bunker coal could not be delivered. Then came the brilliant solution of shutting down factories in Maine and sawmills in Mississippi in order to relieve congestion at the port of New York. It may have been that nothing could have been done with the situation, that the railroad problem was beyond solution. Personally I do not believe that to have been the case. I think the railroad difficulties could have been much relieved, especially if the work of the war railroad board in the summer had not been hampered. But nothing can be more certain than that the policy of the Fuel Administration, its attempt to substitute a new scheme of distribution for the one which had been the slow creation of nearly seventy-five years, and its reckless price fixing brought on a coal famine in a country which has more coal than any other country in the world, and led to the "heatless-days" order, which in itself was a complete confession of impotence and failure. It may be said, "It is easy to criticize and find fault. What would you have substituted?" That question, in my opinion, can be as easily answered as asked. If instead of undertaking to fix an abnormally low price for coal in order to say to the country that by an order, by a ukase, we were going to reduce the cost of living, a vain and empty promise, we had addressed ourselves to the railroad problem, and nothing else, the coal shortage would have been very much reduced and the loss and suffering very much less. If in addition we had let alone the system of distribution, so long established, we should have been saved from the chaos and confusion into which we were thrown by the Fuel Administration. If, grasping the railroad situation in the summer, the Government had seen first that the supply of coal for shipping, which is useless without coal, had been secured, and then, instead of denouncing hoarding, as they call it, had advised everyone to buy and store coal in the summer months the stress and suffering and loss which have come upon us in a hard winter and which are still far from being relieved would have been in large measure avoided.

The lesson which all this teaches is that we should address ourselves to doing what is reasonably possible. It was reasonably possible to mitigate the railroad situation to a very considerable degree. It was not possible to force an artificial reduction of prices. You might declare a price, but if it was effective you would pay for it in some other way. You can no more stop the advance of prices under war conditions, with many millions of men withdrawn from reproductive industry, to be made either consumers or the makers of unproductive commodities, than you can divert the course of Niagara by putting your finger in at the edge of the water. I do not blame men charged with responsibility for failing to accomplish the impossible. I do blame them for making promises which never could be fulfilled and in searching for something popular, to give to the people a nominally low price accompanied by a total inability to buy the commodity. In the weeks we have just been passing through the people of the United States would much rather have paid more for coal even than they did and have had the coal. They have paid high prices—the highest ever known—but have been unable to get coal. There is not much warmth in being told that a thoughtful Government has lowered the cost of coal when you have no coal to keep the fires burning.

Now, as an illustration of the practical effects of the reckless order closing down factories and industries of all sorts for five days I give two concrete examples of factories in my own State, both large, well-established, and well-run organizations. The first is as follows:

We believe that you may be interested in knowing the results of the order of the Fuel Administrator with reference to the consumption of coal at our plant during the period of shutdown. By way of comparison we state the amount of coal consumed by us during the same days in the week previous. The consumption was as follows:

	Pounds.	
Friday, Jan. 11	102,310	
Saturday, Jan. 12	73,500	
Sunday, Jan. 13	71,250	
Monday, Jan. 14	104,625	
Tuesday, Jan. 15	105,600	457,285
Friday, Jan. 18	73,335	
Saturday, Jan. 19	45,635	
Sunday, Jan. 20	55,735	
Monday, Jan. 21	55,205	
Tuesday, Jan. 22	70,140	300,050
		157,215

This means that by maintaining our power plant merely for the purpose of keeping our pipes from freezing and for a very small amount of necessary power we were able to save about 15 tons a day. The loss in wages to our employees was about $7,000 a day and our loss in production and profit was obviously considerably in excess. The situation in our case was undoubtedly the same as many other manufacturers. We have sufficient coal on hand to keep our employees busy and to give them full compensation for their services. An order by the Railroad Director withdrawing transportation facilities would have meant the operation of our plant without financial loss. A system could have been devised by which the material which had accumulated for transportation could have been gradually released.

The second relates to an industry which is largely engaged in Government work, and I think the following figures are worth consideration:

The loss of production for the four working days, January 18, 19, 21, and 22, was (net)	$340,000
The loss of wages to our employees was	80,000
The loss to our stockholders by reason of overhead expenses was	50,000
Against which we made a saving of fuel of 146 tons, or practically	1,500

It would seem that the sacrifice was not commensurate with the saving obtained, and that the delay upon necessary and desired materials for war work will be seriously noticed in the immediate future.

These two examples represent thousands of other industries throughout the country and I introduce them to show what a loss and shock to our whole industrial fabric were caused by this ill-considered and violent action of the Fuel Administration.

In this connection I quote an editorial from the New York Times bearing on the results of this order.

The PRESIDENT pro tempore. Without objection, permission is granted.

The editorial referred to is as follows:

PROFIT AND LOSS OF COAL SAVING.

Figures compiled for the Director General of Railways indicate that the five-day coal saving campaign in New York City saved $31,500,395 worth of coal at the cost of $257,498,000 in wages and over a billion loss of production. For 15 leading cities the economy of coal totaled $137,000,000, and the loss of wages $1,221,415,000. The manufactures' loss exceeded three billions. Each dollar's worth of coal cost labor $9 in wages and employers $23 in production. There are no authoritative figures for the entire country, nor is the cost of coalless Mondays known with any precision.

Although the report is by an expert, it is not above criticism. Only in form is it a debit and credit statement, and there are omissions which lessen its worth. The 15 cities for which profit and loss are estimated are all eastern cities necessarily, for the suspension was in the East. The loss in the East had compensation in the West, both directly and indirectly, in the gain to the West of the betterment of transportation. The greatest and fatal omission is that of the worth of breaking the ocean blockade. What was it worth to get hundreds of cargoes of supplies across the seas? What was it worth to have the movement of coal made nearly normal? What was it worth to relieve the railroad congestion, the real motive of the coal order? It is easy to say that the same benefits could have been had more cheaply, but that is discussion of something else than the profit or loss of this plan.

It is true that not even Germany resorted to general industrial arrest as a means of railway relief, but it is also true that no other country than ours undertook to serve the world or experienced such weather troubles. The defects of the Garfield plan are too plain to be denied, and the wisdom of the hindsight criticism is easy. But there was no suggestion of any alternative when it was adopted, and Canada adopted it after our own experience of its objectionable features. Now is the time for the critics of the Fuel Director's plans to say what they would do with the problem of the future.

There is no reason to suppose that the coal problem will end with winter unless spring should bring peace. The coal problem is with us for the war at least, and many think for long after. There is some danger that Mr. Garfield may embark upon an adventure of greater scope than the restriction plan, whatever its merits or demerits. The coal trade was against him originally; it came to his support after an explanation by him of his plans, and it turned against him when it thought it detected signs that he was committed to propaganda rather than to winning the war. Is the Fuel Director embarking upon plans for Government distribution of a necessary of life, thus supplanting the trade of coal production and distribution? The coal trade may be dodging before it is hit. And the profit-and-loss statement of such a plan may be as defective as the one which has suffered such criticism. But propaganda and winning the war ought to be compartmented, and their profits and losses separately considered.

Moreover, the real difficulty when this order was issued and which existed six months ago was with the railroads. Between last summer and the present moment a Director General with the largest powers has been appointed to take charge of the railroads of the country, and yet here is the condition on the 1st of this month, as stated on the 6th of February in Commerce and Finance, an important financial and industrial journal published in New York City:

Reports from 70 per cent of the bituminous mines show that in two days last week, Friday and Saturday, the car shortage caused a loss in production of more than 582,000 tons and that 42,546 miners were forced to be idle. With munition and industrial plants offering miners tempting wages and full time, the continuance of cold weather, the prospect that floods may cause further loss, the outlook is not cheerful.

On the other hand, reports from Washington are that the railroads made such progress in hauling coal on Sunday that Fuel Administration officials are encouraged to hope for the discontinuance of "heatless Mondays."

The condition of New England continues serious, but orders have been issued giving preference to shipments for that section from Newport News.

Gas companies have outdone themselves supplying heat as well as light during the cold snap. Eugene C. Miles, editor of the American Gas Engineering Journal, reads in this fact "the most striking and spectacular justification and indorsement of private ownership that has been revealed in many decades."

It will be observed in the first place that the difficulty is still with the railroads; that what we needed was not a shutting down of industries, with all the enormous losses and dislocations of business thereby entailed, but a freight embargo on the railroads. The country could have stood that and the industries could have borne it much better than the policy adopted. It is striking evidence of the mischief done by the interference of the Fuel Administration with difficulties which could only be solved through the railroads. It will also be noticed in this article the allusion to the gas companies and how extremely well they have done under these adverse conditions in supplying heat and light. This is attributed by the writer to the fact that in that case private interest was at work using all its energy to meet the complications of the time. It shows in a conspicuous manner how much harm has been done by paralyzing private interests and undertaking to solve the difficulties by one bureau largely composed of amateurs in the city of Washington instead of encouraging the spirit of self-reliance and independence, as well as the ardent energy which have made the material prosperity of the United States and which ought to be marshaled behind the Government as an assistant instead of being reduced to impotence by an all-powerful and uninformed Fuel Administration at Washington.

Let me summarize the general conclusions at which I have arrived in these brief reviews of the sugar and coal situations.

Mr. KNOX. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. Certainly.

Mr. KNOX. Before the Senator takes up another topic, I should like to inquire if there was any other reason assigned for increasing the price in the Clearfield district of Pennsylvania, except the thinness of the vein?

Mr. LODGE. Yes; it says here that the Fuel Administrator had announced a reclassification of certain coal-producing counties in the thin-vein district of Pennsylvania.

Mr. KNOX. Were not those veins just as thin when the price was originally fixed as when the 50 cents was added?

Mr. LODGE. They have not changed in width, to my knowledge, in that interval.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from West Virginia?

Mr. LODGE. Certainly.

Mr. SUTHERLAND. Does the Senator from Massachusetts know that they now propose to further affect the price of coal to consumers by abolishing all middlemen?

Mr. LODGE. I referred to that.

Mr. SUTHERLAND. The Senator discussed that?

Mr. LODGE. I have referred to that already—by abolishing the 15 cents commission to all middlemen.

Mr. SUTHERLAND. And they propose to make a further effort by creating a zone system, under which the producers of one region may not ship to the consumers in a certain other region, a great danger existing that if that is done they will prevent consumers in certain localities from getting the proper qualities of coal that their particular needs require.

Mr. LODGE. I have heard that a zone system was under consideration. I have had no opportunity fully to examine it; but from what I have had an opportunity to examine, I am satisfied that it will make the existing confusion worse confounded.

Mr. WADSWORTH. Mr. President, will the Senator state to the Senate if he knows what agency the Government hopes to establish as a substitute for the middleman?

Mr. LODGE. I do not know. As I understand, they expect the middlemen to get their commission, whatever it may be, from the mine owner.

Mr. WADSWORTH. My information is that the jobbers, as we say, the wholesale dealers in coal, are to be eliminated entirely.

Mr. LODGE. Yes; I understand that they are to be eliminated entirely; but I say all these things with caution, because I am never quite sure what they do mean.

Mr. WADSWORTH. I can well understand the caution of the Senator.

Mr. LODGE. I do not want to commit myself to any decision on the meaning of any coal order.

Mr. WADSWORTH. Then, Mr. President, I certainly will not press this question upon the Senator or upon anyone else.

Mr. REED. Mr President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. I do.

Mr. REED. I think I can answer the question of the Senator from New York by reading a paragraph from a paper which I have here. The Senator asked what it was proposed to substitute for the ordinary machinery of distribution. Perhaps the answer can be found in this:

> The multiplication of bureaus and commissions is becoming perplexing and distressing. We shall soon require a bureau to explain bureaus, a commission to elucidate commissions. When a bureau once gets started it throws off sub-bureaus with a rapidity and process akin to the lower biological order in which a cell simply throws off a section of itself, which immediately becomes a new cell, and repeats the operation. Much of this organized activity is moving against the real needs of the Nation. We require concentration, not distribution, of intelligence; centralized, not diffused, authority; a national brain, not imperfectly related masses of nervous ganglia. But the biological process is apparently dominant in Washington to-day. Hordes of sub-bureaus may be expected to appear at any time.

I think perhaps the biological process is the best term to answer the Senator's question.

Mr. LODGE. Mr. President, let me summarize the general conclusions at which I have arrived in these brief reviews of the sugar and coal situations:

Let the idea of price fixing by law or edict for domestic consumption be so far as possible abandoned.

Interfere as little as possible with the natural laws of supply and demand.

Let the international arrangement with Cuba for sugar be maintained and ships be furnished at once to bring the Cuban and Porto Rican crops to this country.

Leave the domestic and Hawaiian crops and, above all, their distribution alone. Unless all signs fail there will be ample sugar for us and for our allies and a large surplus if the Food Administration's restriction on sugar consumption is carried out as it ought to be.

Abolish the Fuel Administration and leave the management of the coal situation to the Secretary of the Interior and Mr. Peabody.

Encourage the purchase and storing of coal for both domestic and industrial use during the summer when the demand is lowest and transportation easiest. I saw that the head of the Fuel Administration had come out in favor of our buying coal yesterday. The day before it was stated that we were to have it rationed.

Above all, direct every effort to supplying rail-and-water transportation for coal during the summer and at all times.

Do not interfere with established methods of distribution and do not make the fatal mistake of destroying distribution machinery.

Enforce thoroughly the laws against profiteering, but in seeking to prevent undue profits do not permit the destruction of reasonable profits.

Stimulate production. This can best be achieved by allowing reasonable profits.

No more valuable work has been done for ourselves and for our allies than the prevention of waste and the large savings in foodstuffs through the exertions of the Food Administration. But it is well to remember that if through price fixing and interference with the regular methods of distribution, as in the case of coal, a scarcity or a famine arrives saving becomes impossible. You are forced to go without coal, but you can not save coal or sugar or money unless you have some of those things to save, I mean, of course, real savings. Imaginary savings are as easily created as imaginary prices and are of as little worth.

Do not indulge in useless meddling with domestic life and do not harass needlessly the domestic consumer of coal. This arouses anger and discontent, both dangerous to the maintenance of a public opinion thoroughly in favor of the war and is perilous to war measures. Ominous signs are not lacking of organized efforts to cripple war measures and to bring about peace at any price. Do not give these efforts aid by causing discontent among patriotic and loyal people through wholly needless and useless interference and by rapidly shifting orders which bring uncalled-for suffering and anxiety, as has been done in the case of coal.

Having thus reviewed in general terms the policies of the Food Administration in regard to sugar and of the Fuel Administration in regard to coal, I desire to make some suggestions or criticisms, if the word is preferred, upon the subject of the grant and the exercise of great and abnormal powers necessary, or demanded as necessary, for the purpose of carrying on the war. That it was immediately necessary to deal by unusual methods with the vital questions of the production and supply of food will not, I think, be questioned by anyone. Whatever the defects or the merits of the legislation passed by Congress in regard to food I think there can be no doubt that such legislation required imperatively to be passed. The successful operation of the law depended, of course, almost altogether on the selection of the Food Administrator, and for that most important place Mr. Hoover was the person naturally indicated. He had had a very severe and extensive experience in the distribution of relief in Belgium, and his work there had met with high and deserved commendation both at home and abroad. In this way he became very familiar with the needs of the allies, and one of the first duties of the Food Administrator was so to husband and distribute the food supply of the United States as to make it possible to feed the allies on the western front—that is, England, France, and Italy—whose fleets and armies were fighting the battle of civilization, were fighting our battle, and had been protecting us as well as themselves for nearly three years from the German onslaught. Although Mr. Hoover disclaimed on the witness stand the title of economist, he showed by his testimony that he was familiar with economic laws and had given them much thought. From the time he came to Washington, before he was formally appointed to his present position as well as afterwards, he addressed himself to the two great questions of feeding the allies and at the same time effecting such savings in our own consumption as to prevent the infliction of any serious hardship in the way of food upon the American people. Speaking for myself, I think that Mr. Hoover has done a very great work in the direction of the conservation and distribution of food by his arguments and appeals widely addressed to the good sense and patriotism of the American people. Feeling very naturally keen indignation at the small minority of people who were deaf to his arguments and his appeals, he was inclined, I think, to base his theory and practice in action too much upon the small dissentient minority instead of upon the large patriotic majority of the people who were only eager to help when the way was once marked out before them. Mr. Hoover's general administration in the great field of conservation was not, however, within the jurisdiction of the committee nor was it within the province of the committee to inquire into the way in which the special problem of wheat had been dealt with. We were confined by the terms of the resolution to the subject of the shortage of sugar, and there, for the reasons which I have already given, I found myself compelled to the conclusion that the policy adopted in regard to sugar was a mistake. But in differing with Mr. Hoover as to the policy of abandoning the natural laws of supply and demand, instead of trusting to the penal statutes to break up those who were seeking to make

illicit and extortionate profits, I differ only as to economic policy.

In the case of the Food Administration, therefore, we have an example of abnormal powers which it was absolutely necessary to confer, and which have not only been exercised patriotically and with the best intentions but, barring the sugar question, have been exercised wisely and well and, no doubt, with great benefit both to the American people and their allies. The case of the Fuel Administration furnishes an example of large and abnormal powers which is equally instructive, but in a diametrically opposite way. The grant of far-reaching and unusual powers to the executive department of the Government can only be excused or sustained by the imperative requirements of a great war. In peace they would be intolerable and would quickly make an end of free and ordered government as we understand it. But these powers, which may be very beneficent in forwarding the cause we all have most deeply at heart, are dangerous in themselves. They should never be granted or used unless they are absolutely necessary and unless it can be shown that the prosecution of the war would break down if they were not employed. The body which grants such powers should grant them only after thorough examination and hedged in with every proper precaution and reasonable limitation. The department which exercises them should be very slow to use them and in the highest degree careful in their exercise. The mere grant and possession of great and unheard of powers to one branch of a constitutional government will not advance the war one step toward victory unless the exercise of those powers is in the largest degree able and efficient, and should never be entered upon unless the absolute necessity of the employment of such powers is demonstrated.

Epictetus said that "great power is always dangerous in a beginner," and human nature is so unchanging that what the famous stoic philosopher said eighteen hundred years ago is as true to-day as it was then. The fact that the man intrusted with extraordinary powers is a beginner implies inevitably that he is abundantly ignorant of the subject with which he has to deal. There is no doubt of the truth of Gray's familiar line that "where ignorance is bliss 'tis folly to be wise," but when ignorance is associated with great political and administrative powers it means anything but bliss for those who are subjected to the vagaries of large powers wielded by untrained hands. It has been suggested that ignorance of a difficult subject intrusted to a government officer was desirable in order to secure impartiality. It is no doubt true that the scales of the mind will hang even when there is nothing in them. And yet it seems as if it were better to have as a judge one who knows the law than a layman, and this appears to be a sound general principle in the selection of any man for the performance of duties which affect the welfare of millions of people. The instinct of the untrained and ignorant beginner is not only to use but to use in an extreme manner the immense authority and power which have drifted into his possession. He is like a child with a mechanical toy. He wants to see the wheels go around. However honest his intentions may be, however patriotic his purposes, the results of the wild efforts of a beginner intrusted with enormous powers are almost certain to be prejudicial to the community at large.

As I have already tried to show, there was no need of the Fuel Administration, no reason why it should exist at all, and the powers, however amiable the purposes of their possessor might be, have been employed in such a way as to make a bad situation worse and do nothing but harm. I know that in what I have just said I am open to the suggestion that my criticism is purely destructive. So it is, but it is the destruction which is intended to precede construction.

I think I have shown that the vital point in the whole coal problem was the railroad situation. Instead of waiting until midwinter to get rid of the chaos of the priority orders and giving a free hand to the Railroad War Board or to a director to deal with the railroad situation, we were saddled with the Fuel Administration, which could do nothing whatever about the railroad situation upon which all the difficulties practically hinged. So far as the coal situation was concerned, it ought to have been turned over to the Secretary of the Interior, within whose department it naturally came. Mr. Lane is a skilled administrator at the head of a trained organization requiring only the extension needful to deal with the new work. With the Secretary of the Interior as an expert adviser should have been placed Mr. Peabody, who was the head of the advisory committee. Mr. Peabody had been dealing with the question. He had made up, as I have pointed out, the best and fairest committee of advisers that I have heard of in my investigation, a committee upon which he had representatives of the miner, of the operator, and of the consumer. He showed on the stand, in my opinion, a wider knowledge and a more thorough grasp of the great and difficult problem involved in the coal supply than anyone who appeared before us. Secretary Lane and Mr. Peabody, through machinery which they had set in motion, had already made an arrangement tentatively which lowered the prices of bituminous coal nearly 100 per cent and yet established only a maximum price sufficiently high to permit flexibility of prices beneath. In other words, they had interfered with the natural laws as little as possible. They are both eminently competent men. Why they were set aside I do not know. They are both undoubted Democrats.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Colorado?

Mr. LODGE. Certainly.

Mr. THOMAS. If I am correctly informed—and I think I am—a very large proportion of the prerogatives of the Secretary of the Interior has been transferred to other departments in practice.

Mr. LODGE. That may be the case.

It is true that Mr. Peabody by character, ability, foresight, and intelligence has been honestly and largely successful in business. I am aware that such a record is thought objectionable by some persons, but it seems hardly a sufficient reason for his displacement from a position for which he was so peculiarly fitted. I can not say why the coal problem was taken from him and the Secretary of the Interior and consigned to Dr. Garfield. It is not for me to try to scale Olympus and seek to penetrate its mysteries. It is enough to record the fact that the change was made. In my opinion, if the coal situation had been left in that way in the hands of Secretary Lane and Mr. Peabody, without building up a new fabric of clerks and deputies, a very large proportion of all the troubles we have had and of the suffering and loss which have been inflicted upon the American people during this winter would have been avoided. If that change were made now, if we were to return to Mr. Lane and Mr. Peabody, despite all the complications which have been created by the Fuel Administration, I believe the situation would improve, and that by next winter with the aid of the work done on the railroads we should be practically without anxiety as to the production and distribution of coal.

In the discussions which have been heard in Congress as to the grant of powers the argument is always advanced in the form of a question, "Can you not trust the President?" Certainly the President is to be trusted; that goes without saying. But the fact is that the President, except on the most important questions, does not and can not exercise the powers granted. They are exercised by persons to whom he delegates them in ninety-nine cases out of a hundred. In the case of coal, for example, the powers granted in the act are delegated by the President to the Fuel Administrator. Then the Fuel Administrator delegates powers to the heads of his various bureaus and departments. Then he further delegates powers to the State fuel administrators. So far as I could learn, the only absolute qualification required of these last gentlemen is that they should be Democrats, and with that qualification, so important as a guide to the management of the coal industry, fulfilled, there appears to be no other insisted upon. I have no doubt that the State administrators are very excellent men, but they are clothed with great powers. These powers they in turn delegate to a fuel administrator in each county, and I think, roughly speaking, there are some 3,000 counties in the United States and to a city administrator in the larger cities. Then the county administrator selects a committee, and large powers therefore pass in this way into the hands of county committees, and they exercise them. To suppose that all these men, scattered over the face of the country, who have never, as a rule, had any experience in public administration or in the exercise of great governmental powers, should use them wisely and not ignorantly, and use them without local or personal prejudices, is to imagine an impossibility. The city administrator also has his committee or corps of assistants. Let me take one simple example from the testimony as to the result of this infinite subdivision in the delegation of powers. On page 297, in the portion of the hearings relating to coal, we find the following statement by Mr. Thorne, a very able man, probably well known to many Senators, and this is what he said:

> Mr. THORNE. Yes. I want to say here that shortly after the statement to which I have referred was filed with Mr. Nims the Federal Trade Commission wired the postmaster at Des Moines, Iowa, to report immediately what the prices on coal were August 1 in that territory. That telegram was sent, I believe, September 12. All of this is a part of the record in the Iowa hearings. We produced the clerk in the Post Office Department that gathered the data, a man with absolutely no experience along this line of work, especially on the subject of cost accounting, or analyzing evidence produced by people when they are trying to put over a proposition.

Senator KENYON. Where did he get his facts?

Mr. THORNE. He went around and asked a number of people he thought would know, and then he sent a telegram to the Federal Trade Commission. We made him produce the substance of that telegram and state the prices he wired. We then produced signed letters from all of the coal operators in the State who had written to the governor before the schedule of August 21 was established, and these signed letters showed that in not one instance was the average price at which they were selling coal as high as the lowest price this man telegraphed the Federal Trade Commission.

The CHAIRMAN. Don't you think that a post-office clerk, particularly if he is under the civil service, is duly qualified to ascertain any matter that concerns humanity?

Mr. THORNE. That will be conceded without argument.

I quote this one example to show how these vast powers are administered in practice and the danger of rashly conferring them. This is particularly true of the powers to fix prices, an attempt to set aside economic laws which has always been attended throughout history with injury, with perils of every kind, and generally with complete failure.

The danger of the delegation of powers to which I have been referring is shown in the fact that to local administrators was left absolute power to fix prices for what are known as wagon mines or "country banks," which are classified by the Geological Survey under the heading of "local" and "semicommercial." The semicommercial mine produces from 500 to 3,000 tons and probably ships a small amount of coal by rail. The wagon mine, or local mine, produces less than 500 tons, but these mines are of immense importance, out of all proportion to their output, to the comfort and well being of the neighborhood they serve. It costs much more to operate these wagon mines than it does to operate with the best machinery one of the mines of high efficiency, but by not paying any freight and through distributing by wagon or, in the case of the semicommercial mine, perhaps by a short haul on the railroads, the coal reaches the consumer at a much lower price than if he bought through the regular channels coal which was produced by a high-efficiency mine but which paid heavy freights. According to the Geological Survey there are 511 semicommercial mines in the country and 14,834 wagon mines. To leave all these small mines, which serve such a useful purpose in the economy of the country, at the mercy of local administrators, many of whom have had no experience in the operation of mines or in the coal business, appears to me to be in the highest degree perilous.

Let me now, in conclusion, speak of three matters which have come out in this investigation and which seem to me to have had a very injurious effect upon all operations of the Government. One is the danger of acting upon theories based upon exceptional cases and not upon general conditions. The principal excuse for departing from dependence upon voluntary action in response to appeals from the Government is that there is a small minority of people who are not patriotic and who do not respond to the appeal. It is common to sum up these people as "profiteers." Let me pause just a moment over the word. It was born in England and has followed the English language round the globe. Whatever may be its linguistic or etymological defects, it seems to have filled a gap. The misconduct or crime, if you choose to use the harsher word, is an old one, but the terms of former days, such as "regraters" and "forestallers," have become antiquated and out of fashion, while "speculator" has seemed not only inexact but insufficient. "Hoarder" is another well-known word employed in the same connection, but it has become difficult of use in this country, because by statute the farmer is permitted to hoard, and hoarding is denounced only when it is indulged in by some one not a farmer. There is an obvious awkwardness in using a word which is virtuous by statute and vicious in all other connections. Hence, I think we may say that "profiteer" as defining those persons who make inordinate profits by taking undue advantage of war conditions has its value and it also has the merit at this moment of being well understood. My own belief is that profiteering on a large scale by business men has practically ceased, because when practiced by great firms or still greater corporations it is necessarily very public and very flagrant, is not tolerated by public opinion, and is easily reached by law. The President has recently used the word in connection with some of the demands of organized labor, but most of the profiteering in food and fuel, so far as I can learn from the testimony, was found among retailers, and was practiced by only a small minority of that class. To base action upon it would be to base action upon a small minority, whereas action should always rest upon the practices of the great majority. Moreover, profiteering can be dealt with in another way. We have abundant power in law to punish those who take advantage of the situation to charge undue or extortionate prices and to make money out of the distresses caused by the war, an almost unpardonable offense. Let them be punished under the law. A few severe and well merited sentences of the court would bring it to an end, and we should then be spared the dangers of altering an entire system of distribution and disturbing the natural economic laws because a comparatively small number of persons decline to support voluntarily the necessary policies of war times. To alter a whole system, throw great trades and occupations into disorder and change the well-established channels of distribution because a small percentage of the population are not as patriotic as they ought to be is like using a trip hammer to kill flies. The resulting damage from this method is wholly out of proportion to the result obtained. This course should be avoided and especially when the same end can be reached by other methods.

Another catch word which has been creeping in and which seems to me full of danger, as shown in the performances of the Fuel Administration, is this talk about "essential" industries. The industries directly concerned in supplying munitions, in producing ships, in feeding and clothing our soldiers, and in aiding our allies with supplies must have not only preference but also the right of way; but where is the line to be drawn if you are going to enter upon a harsh and destructive treatment of many industries because some person in Washington dressed in a little brief authority chooses to define them as "nonessential"? There should be preference among the industries, but none should be destroyed or gravely injured if it can possibly be avoided, because the industries which clothe and house the people are necessary to the well-being of the people, and the well-being of the people is the support of the Army and Navy. Vast as is the demand for labor in munition factories and shipyards and huge as are the sums expended by the Government, they can not begin to take care of all the labor in the country or pay all the wages. That the people should be as well employed as possible and therefore as contented as possible we all must admit to be vitally important, and what they are called upon to suffer by the death of those whom they love in the service of the United States and by the discomforts they are themselves compelled to endure, by the economies they are forced to practice and from which they can not escape, are a sufficiently grievous burden, without needlessly imposing upon them the additional deprivations and suffering which would follow from the destruction of the normal industries of the country. It is entirely wrong to talk about "business as usual," but it is equally wrong to force people to needless deprivations, discomforts, and even to suffering, on the general proposition of economy in expenditures and the necessity of sacrifice being good for the soul. All the necessary sacrifices will be made courageously and cheerfully by the American people, but needless, useless sacrifices forced upon them by blunders of administration will impair unanimity of feeling, lower enthusiasm, and tend to diminish the grim determination which is imperative if we are to win this war, as I believe we shall win it. That was the most vicious feature of the fuel order establishing the heatless days, because, not content with trying to bring about a saving of coal, the Fuel Administration undertook, as appears by Dr. Garfield's testimony, to produce what they called equality, and because somebody else had no water power and no coal, to shut down mills which were run by water power, applied directly or indirectly, and factories which had abundant coal, which they were not summoned to distribute. All were involved in one common injury inflicted by their own Government; and then came a series of exemptions, published at large in the Official Government Bulletin, so as to make clear to our enemies, among other things, just what our munition plants were, and which simply enhanced the inequalities already produced by the order of the Fuel Administration.

Thus the question recurs as to this arbitrary power to say what industries are essential and what "nonessential." Amusements, for example, are not a war industry—the time may come when they must be closed—but there is something to be considered now besides the mere fact that they do not turn out munitions of war, and that is the moral effect upon the temper of the people of suddenly depriving them of all innocent and legitimate amusements. England and France and every nation engaged in the war recognize the fact that it is not well to depress the spirit of the people needlessly. The making of children's toys again is what our officeholders in Washington would call nonessential. Is it well to darken the life of children by depriving them of harmless toys and games before it becomes absolutely necessary? Would it not be better for the spirit and temper of the people to keep the children happy as well as healthy just as long as we can and to keep the people who furnish amusements and the men and women who make toys employed as long as it is reasonably and properly possible? I have taken extreme cases in order to show that this loose talk about essential and nonessential industries can not be trusted and carries with it great perils if blindly acted upon.

But there is one other much more serious objection to the legislation and the administrative action which is deduced from talk about profiteering and nonessential industries, and that is that if you lower any more than is absolutely necessary the normal business activity of the country you are at the same time lowering the earning capacity of the country, you are lowering the saving capacity, you are drying up the sources from which your revenue by taxation must come, and to which you must look for your loans. This seems to be something which is wholly overlooked. The fear, which was acute in certain quarters that somebody might make money, if carried into irrational action dictated by prejudice and passion is entirely incompatible with raising the money, without which the war can not go on at all. It is much better to allow people to make profits, even if in some cases there are unreasonable profits, which can all be taken by taxation, than to deprive them of both profits and employment and bring business to stagnation and despair. The fact is that there is a fundamental error in many of these policies which have been put forth by these commissions and by the heads of departments. The one duty of any man, high or low, charged with the conduct of this war or any portion of it, no matter how slight, is to win the war and not to promote other measures, whether good or bad, which are purely social or political. That is the error which has been made both in the Fuel and Food Administrations. They started out with a proposition that they were going to lower prices and at the same time stimulate production. They were going to lower prices, not merely prices to the Government, but prices generally, whether for export or for domestic consumption, and at the same time they were going to stimulate production. There is only one thing, as human nature is now constituted, which will really and surely stimulate production, and that is the hope of making, first, a living, and, second, a profit. The experiment was an interesting one. Prices were reduced with a blare of trumpets in the newspapers; but, with a reduction of prices, we have had a famine in sugar and in coal. We have had no reduction of coal prices, because, whatever the figure fixed arbitrarily at the mines, by the time the coal reached the consumer he paid more than he had ever paid before. In the case of sugar there was a slight reduction of a cent to a cent and a half a pound from the top price reached in August, 1917. But in certain parts of the country there was no sugar. I am not speaking of what prices might have been. It is the easiest thing in the world to raise or reduce an imaginary price. It reminds me of what Mr. Reed said once about the tariff, that "the best tariff politically was the unmade tariff, for that suited every district." The same is true of prices. It is the easiest thing in the world to reduce a price which has never existed as a matter of fact, and with these newspaper reductions of prices, this lowering the cost of living, which, with the great fundamental causes at work for an advance, was about as possible as stopping the ocean's rising tide with a mop, came scarcities and even famines, and the scarcity and the famines were facts—they, at least, were not imaginary. To have low prices announced for sugar and for coal and then produce in return a scarcity and a shortage of both is a very barren pleasure to the consumer. The average man would rather pay a little more for his sugar and have it and a little more for his coal and be warm than to see a delightfully low price announced in the newspapers and be very short of both coal and sugar.

These two articles of universal consumption are merely examples. The mistake in policy goes much deeper than that, because, as I have already pointed out, it is striking at the savings and the earnings of the country, and if you can not keep business productive and earnings ample you will raise no loans and your revenue will rapidly decline. It all comes from undertaking to do two things at once. It is not the duty of an administrative officer to promote political fortunes or political principles or socialistic doctrines. His one duty is so to conduct his department or his bureau that he will help the war in the most effective way.

But there is one other cry which has been raised, which I am sorry to say has even been heard on the floor of the Senate, that any man, be he Democrat or Republican, who ventures to criticize what he believes to be shortcomings, and who in his desire to quicken our preparations and to strengthen us in the field advises a change in organization or in policy is a friend of Germany. Mr. President, I think it will be wise to omit attacks upon the patriotism of other men merely because we differ from them as to the manner in which the war is being conducted. I think we are safest in assuming that the American people and their representatives are patriotic. Patriotism is not confined to those who have recently had the good fortune to be appointed to more or less important offices here in Washington. It is perhaps to be expected that they should be more or less dazed and overcome by the solemn plausibilities of official rank and title, but they have no monopoly of patriotism. There are thousands upon thousands of people in this country who are making the hardest of sacrifices for the sake of the country who hold no office and never will hold any. There are many men upon this floor at this moment who are making sacrifices, although they say nothing about it, which wring their hearts and which involve those who are far dearer to them than their own lives. They are not to be told by the heads of bureaus and commissions that they fall short in patriotism because they criticize, in the interest of the country as they believe, some of the doings of these departments or commissions or bureaus. It is very easy for some of these gentlemen in office to display a somewhat vociferous patriotism. I have no objection to their doing it, but they must not reflect on the patriotism of other men who differ from them on public policies. There is a tendency, perhaps more than a tendency, to make the test of patriotism a blind unquestioning support not only of the President himself but of everyone whom he sees fit to appoint to a position of responsibility. It is our duty to support the President as the representative in the highest office of the American people to the utmost of our power, but never beyond what our conscientious convictions of duty to the country and the cause demand. Many years ago in a very familiar poem Lowell wrote:

The side of our country must allers be took,
An' President Polk, you know, he is our country,
An' the angel thet writes all our sins in a book
Puts the *debit* to him, an' to us the *per contry*,
An' John P. Robinson, he
Sez this is his view o' the thing to a T.

The first four lines involve a syllogism of which the conclusion, although obvious, is lacking, but the John P. Robinsons are as plentiful now as they were then. The highest allegiance, as I said the other day, is to the country and the cause and then to the President and to the men who represent that country and that cause in the field. Criticism may be false, malevolent, and harmful, just as the falsehood which drips from the lips of interested flattery may be pernicious, but honest criticism may well be helpful. The man who tells the truth as he believes it in a proper way to those charged with responsibility must not be regarded as an enemy by the men to whom he offers the truth or the facts as he understands them. He is laboring for the same end. He had much rather give unstinted praise, but he would be false to his highest duty if in order to give praise he concealed the truth. The greatest men are those who have always looked facts in the face, as Washington did. A truly great man is anxious to hear what is unpleasant even more than what is pleasant because if anything is wrong it is by the knowledge of it and by remedying it that he carries his cause to triumph. Absolutely complete veracity of mind is rare and is found perhaps only in the very greatest men, but any man ought to have the courage to seek the truth and not shrink from hearing the truth because it may be disagreeable to listen to it. "An uncomfortable truth is a better companion in life than a pleasing falsehood." The American people I believe are a brave people and wish to hear the truth and are not afraid to face it, although some who would win their favor seem to think so. If there is anything wrong or anything that can be improved, let us know it and let us set about the work of improvement at once. To lull ourselves with harmonious pæans that everything is for the best in the best of all possible worlds would be fatal. This is a troubled and distracted world. We are battling for the very life of civilization and everything we hold dear. We are engaged in a life and death struggle with barbarism in war and with tyranny in peace. We need to strain every nerve to win a complete victory, but there is no road to that victory except by facing facts as they exist and meeting them with all the strength of body and soul that there is in us.

WAR FINANCE CORPORATION.

Before the conclusion of Mr. LODGE's speech,

The PRESIDENT pro tempore. The Senator from Massachusetts will please suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Massachusetts will proceed.

After the conclusion of Mr. LODGE's speech,

ADJOURNMENT.

Mr. GALLINGER. Mr. President, I move that the Senate do now adjourn.

The motion was agreed to; and (at 2 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 28, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 27, 1918.*

The House met at 12 o'clock noon.

Rev James L. Gordon, D. D., of the First Congregational Church, Washington, D. C., offered the following prayer:

O God, our help in ages past, our hope for years to come,
Our shelter from the stormy blasts, and our eternal home,

We come to Thee, and we thank Thee that Thou hast revealed Thyself in nature, that Thou hast revealed Thyself in us, that Thou hast revealed Thyself in the Old Book, that Thou hast revealed Thyself in the heart of Thy Son, Jesus Christ, the peerless personality of all the centuries and of all the years, and we thank Thee that Thou hast revealed Thyself and that Thou art nigh unto us. We come unto Thee to-day in one of the greatest hours in the history of the world, and we thank Thee that we are living in such a time as this.

We are living, we are dwelling
In a grand and awful time;
In an age on ages telling,
To be living is sublime.

We bless Thee for our residence in this great country, this gathering together of the nations of the earth, this family of States, this blending and mingling of all nations and tongues and races and peoples, and we bless Thee that we are living in such an hour as this when the whole world stands face to face with a new epoch in the history of the world.

We do ask of Thee that Thou wilt grant that the eternal distinction 'twixt right and wrong shall be enthroned in every heart and in every soul. Help us to believe and grant us the faith to believe that the right shall triumph over the wrong, and that eternal good shall be eternally enthroned in this Nation and in this world. Help us to sing,

God moves in a mysterious way His wonders to perform,
He plants his footsteps on the sea and rides upon the storm.

We pray for our Republic, for our flag, for the President of the United States of America, for our Senators, for Members of this House of Representatives, for our soldiers, for our sailors, and for the absent Chaplain—for all. O God, bless us and draw nigh unto us in this great hour, and grant that for each and for all and for every one of us there may be enthroned in the heart and mind and soul and the personality of each one of us a consciousness void of offense toward God and man. In this hour reveal Thyself and grant that we may be true, true to the best instincts of heart and of soul. Lead us on in the way everlasting and grant that as a result of all the trials, tribulations, difficulties, perplexities, and problems there may come out of the turmoil and conflict one God and one humanity, a race united, to serve and to worship Thee. Keep us till the day dawns and the shadows fly away, and then grant us all admission to Thy presence at last. We ask it in the Redeemer's name and for His sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I present herewith a report (H. Rept. No. 343) from the Committee on Invalid Pensions on the bill H. R. 9959, increasing rates of pensions of soldiers and sailors of the Civil War.

The SPEAKER. The gentleman from Ohio presents a report upon a pension bill, which will be referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to have printed my views in connection with the report submitted by the gentleman from Ohio [Mr. SHERWOOD] on the pension bill, H. R. 9959.

The SPEAKER. The gentleman from Indiana asks unanimous consent to file his views as a minority member on the pension bill. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 3915. An act to reimburse Benson County, N. Dak., for money expended in the care of three insane Indians.

The message also announced that the President had approved and signed bill and joint resolution of the following titles:

On February 21, 1918:

S. 1418. An act to authorize the President of the United States to appoint Harry Graham captain of Infantry.

NOTE.—This bill was presented to the President on February 7, 1918; and not having been returned to the House of Congress in which it originated within the time prescribed by the Constitution, it has become a law without his approval.

On February 12, 1918:

S. J. Res. 128. Joint resolution granting to certain persons in the active war service an extension of time within which application for insurance may be made under section 401 of the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 3389. An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMAS F. SMITH for 10 days, on account of death in family.

QUESTION OF PRIVILEGE.

Mr. DIES. Mr. Speaker, I rise to a question of privilege touching the dignity of the House of Representatives and the integrity of its proceedings. I send to the Clerk's desk a newspaper clipping and ask that it be read.

The SPEAKER. The Clerk will read.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is not.

Mr. WEBB. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Eagle	Hood	Nicholls, S. C.
Capstick	Fairchild, B. L.	Husted	Norton
Carew	Fairchild, G. W.	Johnson, S. Dak.	Porter
Chandler, N. Y.	Fields	Jones, Tex.	Riordan
Clark, Fla.	Flynn	Kahn	Robinson
Coady	Garland	Kraus	Rowland
Copley	Good	Kreider	Sabath
Curry, Cal.	Gray, N. J.	LaGuardia	Scott, Iowa
Dallinger	Gregg	Langley	Scully
Dempsey	Hamilton, N. Y.	McCormick	Smith, Thos. F.
Doremus	Heflin	Maher	Snell
Drukker	Heintz	Mann	Wilson, La.
Dunn	Hollingsworth	Mudd	

The SPEAKER. On this roll call 379 Members, a quorum, answered to their names.

Mr. KITCHIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Texas.

Mr. DIES. Mr. Speaker, I ask that the Clerk read the extract from the article sent to the Clerk's desk.

The Clerk read as follows:

CONGRESSMEN SEEK SPITTING RECORDS, SAYS ALVAN FULLER.

Asserting that "the majority of our Congressmen are here telling stories and practicing to see who can spit the farthest, Congressman ALVAN T. FULLER, of Massachusetts, the only Independent in both Houses, to-day characterized Congress as "the most inefficient and expensive barnacle ever attached to a ship of state."

In a letter of vigorous protest to Speaker CLARK against the present system of legislative work, FULLER resigned from the Committee on Expenditures in the Interior Department, saying it hadn't met this session.

Mr. DIES. Mr. Speaker, if the newspaper article which I just caused to be read by the Clerk stood singly and alone I am sure I would not take up the time of the House to comment upon it, but it has become quite the fashion in recent times for every penny paragrapher in the country to make light of the American Congress and seek to belittle it in the eyes of the country. This belittling and aspersion has usually been from persons who knew nothing of this great legislative body or the personality of its membership. The penny paragraphs written by these anemic ink shovers, who could probably earn ten or fifteen dollars a week [laughter and applause] usually spring from brains somewhat prescribed in their limits, both as to intellectual ability and the opportunity to observe this body, but now a Member of the body itself has been found who declares the decadence of the Congress, that it is no longer a useful body in the Republic for the maintenance of the liberties of the people and the conduct of the people's business, and because I know that the penny liners and funny paragraphers will take up what a Member of this body has said and write many funny paragraphs, because there will be old, effete men and young, immature children, and some Bolsheviki, and some scattering ignorance in the country that will believe it and thus despair of the usefulness of the most popular branch of our Government. For that reason, Mr. Speaker, I have felt you might not resent it if I commented briefly on this article or letter written by the gentleman from Massachusetts [Mr. FULLER] to the Speaker. Mr. Speaker, it might not be amiss to propound the question, What is the Congress, this body of 435 men, one branch of Congress, the House of Representatives? I believe in every instance they are chosen—they must be chosen—by a free and untrammeled suffrage of those whom they represent. They represent in the aggregate 100,000,000 of people, and they are chosen for this service every two years. They are chosen by what I conceive to be the most enlightened electorate in the world, and chosen often enough that the people can replace them, or parts of them, as they show themselves inefficient or unworthy of the place they hold. And I may say, Mr. Speaker, that the position of Congressman is sufficiently dignified, carries with it sufficient responsibility and sufficient remuneration to challenge the ambition of the best and brainiest men who are in the several congressional districts of the United States. A reflection upon this body, Mr. Speaker, is a reflection upon those who sent us here. If this body, as the gentleman from Massachusetts [Mr. FULLER] has said in his letter to the Speaker, is a barnacle upon the ship of state, whose Members engage in no more weighty or worthy occupation than seeing who can spit the farthest, if that is true, what must be true of the fallen citizenship of those who sent men of that character into this Chamber. Here, sir, are being determined and have been determined the weightiest questions of state; here are being determined questions of the highest moment affecting the destinies of 100,000,000 of free people; and if it is true that the people have fallen to such a state of decadence of citizenship that they have sent unworthy, lazy barnacles to Congress to represent them, then that must give occasion for despair to those who seek the perpetuity of the Republic. And before I am willing that the people should accept the estimate of the gentleman from Massachusetts, I would like to know in what particular he can qualify as a critic of the American Congress.

I know Charles Dickens came here in an early day, long before the Civil War, I believe; I do not know just when, but probably in 1846; and he made some little light of the American Congress, but probably he was smarting under the defeat of Pakenham by old Andrew Jackson at New Orleans, or probably his national pride had been wounded by the blaze of glory in which our flag had swept the world. Dickens might qualify as a foreign critic of the American Congress, but I would like to know, before we accept this new apostle of iconoclasm [laughter], what qualification he possesses that entitles him to sit in judgment upon this great body, a body from which men have gone to the Presidency, a body from which men have gone to the Supreme Court, a body from which men go almost every four years to the Cabinets of Presidents, to fill the most responsible places as foreign ambassadors in the courts and embassies of the world. It must be some colossal intellect; it must be some man deeply learned in the history and philosophy of the world; it must be some man who has given the world some token of his prowess who essays thus to dub the Congress of America "a lot of barnacles and spitters." [Laughter.] Now, in what I am going to say, Mr. Speaker, I need not assure the House there will be no bitterness. How could a man be bitter against a man he never saw in his life and never heard of, I believe, until this matter came up. [Applause.] When my attention was called to this arraignment of Congress by the gentleman from Massachusetts, I immediately began to inquire among the membership as to who this gentleman is who was so high and holy, so pure and mighty, that he could not sit with "a lot of spitters and barnacles."

Believe me, Mr. Speaker, I had a great deal of difficulty in finding anybody who had ever seen the gentleman. [Laughter.] But that did not prejudice me against the gentleman from Massachusetts [Mr. FULLER], because he is a new Member of this House and the body is numerous, consisting of 435 Members. There are many of them whom I do not know, and that would be no reflection upon him. And so I said that I would go to the Congressional Directory and surely I would get some trace of him in there. And I did. I found he had served a term in the Massachusetts Legislature and that he was the owner of the Packard Motor Car Co., of Boston.

Now, the service in the Massachusetts Legislature is of some value to him in this body. His ownership of the Packard Motor Co. is none. Then I went to the RECORD clerk, and I said, "This man must have been making some speeches and protests against the decay of a great Republic in order to have come now and call attention to its decay to the American people. Surely before he told the men and women of America that this body was rotten he would come before this body and make some protest, even as Demosthenes did before the decay of the Greeks." [Laughter.] But I searched the CONGRESSIONAL RECORDS in vain. I called to the pages of the RECORD for FULLER of Massachusetts, and the answer was silently entombed in the RECORDS there—silence, simply that and nothing more. [Laughter.]

Then I said, "This gentleman who despairs of the Congress surely has introduced some measures here for the relief of the people," and I went to the proper officer of the Congress to secure copies of the bills that he had introduced. I found that on January 11 of this year Mr. FULLER of Massachusetts introduced a bill to establish a common-commodities commission.

This bill is very short, and I want you to read it, because before a man can qualify as a critic of the Congress of this country he must have some knowledge of statecraft. The people of America, no matter if they thought we did spit a little [laughter], and that some of us did not get as many miles out of a gallon of gasoline as we ought to get in the performance of our duties here, would not tear this great edifice of the people down at the beck and call of a man or men who evidenced no knowledge of statecraft. You are not going to let anybody tear your Ford, or Packard, either, down unless they know how to build up another as good as that. You ought to know before you let your machine be torn down that somebody is tearing it down who can rebuild it. The following is the bill:

A bill (H. R. 8633) to establish a common commodities commission.

Be it enacted, etc., That there shall be established a common commodities commission, consisting of five members, to be appointed by the President and confirmed by the Senate, whose duties shall be to establish and regulate the maximum price which shall be paid for the common necessities of life.

This commission shall submit to the President of the United States each month a list of articles which it has designated as common necessities of life, and such a list shall, when approved by the President, be considered as the official list of articles on which said commission shall fix the maximum price for which they shall be sold.

The salaries of such commission and any necessary employees, which it is hereby authorized to employ, shall be established by the President, as well as the terms of office for which they shall be appointed.

The rules and regulations by which this commission shall be governed shall be established by the President of the United States, who is hereby authorized to take all necessary steps to see that the recommendations of the commission are carried out.

Of course, the introduction of that bill would be incongruous by any man who did not think the Congress was not a bunch of barnacles. That would entirely relieve the human family, without any further adoo, from the law of supply and demand. All he would have to do would be to have a book with thousands of articles printed in it relating, among other things, to potatoes, whether frostbitten or not, and eggs, whether more or less spoiled, and the price thereof. And if you had time, and were not blind then, to look it up, before you went to market you could tell whether you had enough money to buy breakfast with or not. [Laughter.]

I found that this bill was referred to the Committee on Agriculture. Naturally, I supposed that the gentleman from Massachusetts, viewing the crumbling of the Government with some alarm, no doubt had gone over to the chairman of that committee posthaste to get a hearing and see if he could get this legislation enacted into law. But I find that the chairman of the Committee on Agriculture did not even know the gentleman, and had not seen him so far as he was able to know. He had not requested a hearing on the bill and had not done anything in the direction at all of causing it to be written on the statute books of the country. Probably the gentleman was ashamed of the child and did not want anybody to know seriously down here that he was the father of it. [Laughter.]

Mr. VENABLE. Will the gentleman yield?

Mr. DIES. Yes.

Mr. VENABLE. I wish to inquire if the gentleman's information is that the reason the gentleman from Massachusetts had not pursued his bill was because he was too busy spitting?

Mr. DIES. I take it from what I learn from the gentleman's letter to the Speaker that he is too decent to spit [laughter], and that if he did spit he would not spit far. [Great laughter.]

The next bill was to require Members of Congress, in obedience to the false clamor of the newspapers, based on false information, to pay an excess-profits tax on their salaries. Well, now, of course we all voted for it, and nobody wants to avoid any sort of tax. The first thing we did when we made an income tax was to tax ourselves. Everyone knew that for a man who came here with no income except his salary and had to pay campaign expenses every two years and go to and from Washington $7,500 a year, if he were fit to be a Congressman, was as low a salary as the Government ought to give him. But we voted to tax ourselves under the provisions of the income tax. Then this gentleman introduced a bill to levy an excess-profits tax on us. I think probably they are going to do that. Let them do it.

Mr. REED. Mr. Speaker, will the gentleman yield?

Mr. DIES. Yes.

Mr. REED. We have exempted the State officials of all the States.

Mr. DIES. Yes. The salary of a Congressman should never have been subjected to an excess-profits tax. Who ever heard of an excess profit in a Congressman's salary [laughter], especially when he has to pay 70 cents a pound here in Washington for butter and 80 cents a dozen for eggs, against one-fourth of that amount that we paid before the war? No more foolish thing could be said than that there should be an excess-profits tax on a Congressman's salary.

Now, there were two other little bills introduced by the gentleman from Massachusetts.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. DIES. Yes.

Mr. FLOOD. I would like to ask the gentleman a question. Did the gentleman from Massachusetts follow this bill up?

Mr. DIES. I thank the gentleman for that suggestion. He did not. My understanding from the committee is that he made no effort to have his bill written into the law.

Then, one other bill was to increase the pension of some worthy soldier to $75 a month, but I understand that no brief or evidence or sworn testimony was ever submitted to the committee, and that the increase was not given.

The only remaining bill I have been able to find is one that was referred to the Committee on Claims, allowing $1,100 to some gentleman who is no doubt entitled to receive it for damages done by the Federal Government. [Laughter.]

Mr. FULLER of Massachusetts is a member of the Committee on Claims, and also a member of a subcommittee of that committee, whose duty it is to handle these claims. I understand that the chairman of that committee is not even acquainted with the gentleman from Massachusetts. [Laughter.] I also understand that as a member of that subcommittee he has a box there of claims of citizens against the Government, a number of important claims, waiting to be considered by the gentleman from Massachusetts, a member of the subcommittee, but that he has never gone there to get acquainted with the chairman or to look into the box and see how many claims are awaiting his attention. [Laughter.]

Now, Mr. Speaker, this gentleman resigned from the Committee on Expenditures in the Interior Department. Let me say that there are no more important committees in this House than the Committees on Expenditures. They are generally inactive, thanks to the fact that there is but little graft and misgovernment in the departments. They were created back in 1816 and later as the departments were created. Let us see what the duties of these committees are. As I said before, they are often quiescent. Often these committees take no action for months and months, and sometimes for a year at a time.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. DIES. Yes.

Mr. GORDON. The inactivities of these committees are frequently due to the absence of members from the Capital and their inability to obtain a quorum, is it not?

Mr. DIES. Well, I confess that there may be something in that. [Laughter.]

Now let me read, so that it may go into the RECORD, the duties incumbent upon a member of the Committee on Expenditures in the Interior Department:

The examination of the accounts and expenditures of the several departments of the Government and the manner of keeping the same; the economy, justness, and correctness of such expenditures; their conformity with appropriation laws; the proper application of public moneys; the security of the Government against unjust and extravagant demands; retrenchment; the enforcement of the payment of moneys due to the United States; the economy and accountability of public officers; the abolishment of useless offices; the reduction or increase of the pay of officers, shall all be subjects within the jurisdiction of the nine standing committees on the public expenditures in the several departments.

I went to the chairman of this committee, the gentleman from Oklahoma [Mr. HASTINGS], and I inquired of him what effort the gentleman from Massachusetts had made to have the committee take up the investigation of these matters. He said he did not believe he would know the gentleman from Massachusetts if he should see him. [Laughter.] I found that the gentleman from Massachusetts had made no effort to have a meeting of the committee on these matters. But he needed no committee meeting to institute an investigation. As a member of that committee, the great Department of the Interior was open to him for investigation and examination and criticism.

Mr. STEVENSON. Mr. Speaker, will the gentleman yield?

Mr. DIES. Yes.

Mr. STEVENSON. I am a member of the committee which the gentleman says never met. We had a meeting and took action to discharge some very important matters, and the gentleman was not there. I have never seen him myself. [Laughter.]

Mr. FULLER of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FULLER of Massachusetts. I rise to answer that false statement that was made.

The SPEAKER. You can not do it that way.

Mr. STEVENSON. I would like very much for the gentleman to make a statement.

The SPEAKER. The House will be in order. The gentleman, if he has anything to say, will get time after the gentleman from Texas is through. The gentleman from Texas will proceed.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Kentucky?

Mr. DIES. I would rather not now; just in a moment.

Now, Mr. Speaker, I have not called attention to these matters in order to be funny, or in order to make a speech at the expense of the gentleman. I have done it because I believe, as a Member of this Congress and as a citizen of this Government, there ought to be something done to put a stop to the querulous, the unjust, and the silly criticism of this body. [Applause.] Why, here is a body of men that possesses more brains and more patriotism, and more information than any other legislative body on earth. How can you value anything except by comparison? Compare the Congress of the United States with any other body that exists in the world; compare it with the French Chamber of Deputies, the German Reichstag, and the British House of Commons, and I undertake to say that both in the patriotism of its Members, their intelligence, and their integrity they bear favorable comparison with any other body that exists upon the earth. I will name just a few of the Members that are here before me: CLARK of Missouri, CANNON, KITCHIN, FORDNEY, COOPER of Wisconsin, SAUNDERS of Virginia, ROGENBERG, MANN, GLASS, GILLETT, GARNER; and I could name a hundred others if your patience would not be exhausted while I proceeded to do it, men who are as fearless in the discharge of their duties, men who are as competent to sit in judgment upon the destiny of a great people, men who are as well informed, and better informed, probably, on the great legislative affairs that occupy the arena of the world than any equal number of men in the world.

Why, do you know, I was riding along in my little jitney out in the park last year or the year before——

Mr. KING. Was it a Packard?

Mr. DIES. No; mine was a Maxwell. I noticed a gentleman in a Ford, rattling along like a tin peddler, and I said to my wife, "There goes the chairman of a committee that is going to appropriate more money this year than will be appropriated by any committee of any other legislative body on earth." That was the gentleman from Tennessee [Mr. PADGETT], chairman of the Naval Affairs Committee. Not long ago I was riding up Pennsylvania Avenue in a street car, trying to hang onto a strap, and I saw the gentleman from Alabama [Mr. DENT] hanging to a strap and wobbling back and forth, and later I told my wife, "That little fellow you saw there hanging to that strap for dear life is at the head of a committee that is going to appropriate more than $8,000,000,000 of the people's money in this Congress."

Not long ago the gentleman from New York, Mr. Fitzgerald, who was then an honored Member of this body [applause], resigned from it to go back into his profession, because he wanted to make enough money to educate his children and to have something to keep the wolf from the door in old age. He was chairman of the great Appropriations Committee that handles and has handled for years the colossal appropriations of the Government. No one ever heard a breath of suspicion against Fitzgerald, against DENT, against PADGETT, or against any other Member of this body. Honest as Paul! A legislative body without reproach! And I think that can not be said as completely of any other legislative body in the world. In my almost 10 years in this Chamber I believe I have served with 1,500 or 2,000 Members of Congress, and as God shall judge me at the last great day, I do not believe I have ever known a man in this body who was venal or unfaithful to his conception of his duty. There are lots of Members with whom I do not agree, but, after all, it is their constituents principally that we do not agree with, because a man comes here to represent the views and ideas and traditions and history of his district, and I respect the opinions of every man here, because I know that if he differs from me it is merely because his constituents differ from my constituents as well as he differing from me.

The gentleman from Massachusetts [Mr. FULLER] does not look upon his seat in this Chamber as the great Speaker of the House looked upon his 10 years ago, before he ascended to his present high position—a gentleman, I may say, who came so near to being President of the Republic that at least half of the people think he ought to have been. [The Members rose and applauded.] Let me read you an excerpt from an extemporaneous speech made on the floor here by the then Mr. CLARK of Missouri. He said:

I have heard a distinguished Member of this House, now a Member of the United States Senate, say on the floor of this House once that he hoped the time would never come when the salary attaching to a public office was the chief inducement to an American citizen to accept that office. [Applause.] I indorse that. I am as proud of my seat in this House as any man here. I will stay here, if I can, at $7,500 a year, and I would stay here if you cut the salary down to-morrow to $5,000 a year. I would stay here if you cut it down to $4,000, if you cut it down to $3,000—I would stay here if you took the salary away, as long as I had bank account enough left to stay. That is because I like the service here. It is the thing that I looked forward to from a time that I can scarcely remember, when I was a poor, barefoot, ragged boy hoeing corn on a rocky hill in Kentucky.

I had never seen a lawyer, I had never seen a Congressman. I had never seen a courthouse, but I made up my mind then that I was going to be a lawyer and that I was going to be a Member of the House of Representatives, and I made good on both propositions. [Applause on the Democratic side.] The picture of that little, ambitious boy working as a hired hand, dreaming of the day when he would be here, abides with me to this day and will abide with me forever.

[The Members again rose and applauded.]

There are many of us, Mr. Speaker, who never have climbed and never will climb life's ladder of fame as you have done, but many of the humble Members of this body have had almost the same experience you had as an humble aspirant. What man would give up his service here? What man would give it up as a heritage to his children, an honorable service in the great Congress of the great Republic? I had rather hand it down to my sons and my daughters than to give them the wealth of Cresus, King of Lydia. [Applause.] And I will say to my friend [Mr. FULLER], for whom I have nothing in this wide, wide world except charitable feelings, that in the years to come, when his children shall gather about the firesides of their homes to mention the father who shall have gone to the great beyond, they will be proud to refer to him not as the owner of the Packard Motor Co. of Boston, but as a Member of the great Congress of the United States of America. [Applause.]

Mr. Speaker, if I may be permitted to do so, let me reminisce for a moment about the House of Representatives. This is not only a wonderful body of men, but a peculiar body of men. Some men come here from agricultural, some from mining, some from manufacturing districts. They come from all over the country. It is a superficial observer who thinks that each of these men has not some strong point and some strong thing about him that has justified his great constituency in making a Member of Congress out of him. I know ofttimes I have been too hasty in my appraisement of Members. I would think there was not much in them, and presently they would flash forth like a meteor across the sky in some great public service for the country. Why, I remember CARTER GLASS. Certainly I never looked upon him as a thing of beauty. [Laughter and applause.] I sat around here, Mr. Speaker, and I did not know there was very much in CARTER GLASS until he became chairman of the Banking and Currency Committee, and in advocacy of that great constructive financial measure that all the world recognizes now as a wonderful piece of legislation I saw him reach down under his more or less plebeian vestments and draw out a rapier and wield it upon the floor of this House, and it was as keen a blade as ever flashed in the morning sun. [Applause.] And then once there came from Maryland a little, short, sawed-off gentleman here, who began to talk to us in a new line about the parcel post, and I heard the Members say, "Who is that little Tom Thumb from Maryland?" But he kept talking to us, and he had something in his head, as well as patriotism in his heart, and David Lewis continued to talk until he helped to write the great parcel-post law in its amplified form upon the statute books of the country. [Applause.]

I would say to my friend, Mr. FULLER, in all charity that a new Member is entitled to have the mantle of charity thrown about him. We have all been new Members. [Laughter]. And it is one of the characteristics of this body of men, with all sorts of sense and all sorts of charity and common sense and horse sense, that they do not hold anything against anybody here. You can make a fool of yourself and get away with it, because they have all done it more or less when they first started. [Applause and laughter.] This is a very charitable body. And I will say further, Mr. Speaker, that the way to get along in this body, the only kind of coin that passes current here, is the coin of brains and of integrity.

Men come here worth millions and we never know it. I sat by the side of a man that afterwards became ambassador to France, and I believe we spit together, too. [Laughter.] He was a most excellent gentleman, and after I had served a number of terms with him and he was appointed as ambassador somebody said that he had several million dollars. I never knew it; it did not make any difference. There is no aristocracy here except of intellect and integrity. [Applause.]

We poor folks have nothing against the rich folks. Nay, nay. I wish I had plenty of money; I would like to have it; I think it would give me more leisure to study the great problems of the Government and do a lot of other things, but it would not help me to get on here, because God neither gives more daylight or more brains to a man on account of his wealth. If a man comes to Congress and wishes to win his way to success and fame, he must come prepared to do service.

I will say, Mr. Speaker, that the gentleman from Massachusetts complains in his letter to the Speaker "that when I am with my constituents they usually greet me with the expression, 'My, you must be busy down in Washington.' I would like to be a little busy, and I am very sure if the proper steps were taken by the present Congress this needless waste could be changed into real agencies for service to the Government."

If I might modestly do so, I might suggest to the gentleman how he could put in his time. Mr. Madison, who wrote, I believe, the majority of the articles in the Federalist, laid down a number of subjects with which a Congressman should be familiar who comes here to make or unmake the laws of the country. I will not undertake to enumerate them all, but I will advert to certain branches in which a man can use his time very profitably. He might work a while on the history of the numerous republics that have existed in the world and the rocks upon which the ship of state went to pieces in these ancient realms. He might get a general view of the philosophy of history by gleaning somewhat its general phases, and then when he had finished his reading of the political side of the question, to show the effectiveness of the bill fixing the maximum price of hairpins, or some other article in the country, he might take down Adam Smith, Ricardo, or John Stuart Mill, and when he got through he might take up the study of the formation of this great Government. He might take up the discussions that gathered around each article of the Constitution; he might take up the Federalist, the articles by Madison, Hamilton, and one article by Jay; and very helpful would be the book written by Mr. McCall, once a Member of this body, on Constitutional Government. I will say that I am proud to have served with Gov. McCall. I look upon him as a great man. [Applause.]

Massachusetts has produced a great galaxy of illustrious names.

The predecessor of the gentleman from Massachusetts [Mr. FULLER], I may say to my friend, because hereafter I shall call him my friend [laughter], your predecessor, Mr. Roberts, had an honorable service of 16 years in this body and stood at the very top of the membership of this House, and in point of intelligence and in point of information and patriotism and ability. [Applause.] My friend from Massachusetts should not despair because Congress did not send a band to meet him at the station. A lot of gentlemen who come here overestimate their importance. I had a friend who came here at one time and he missed the train at Cincinnati. He thought that if he did not get here on time some of the pillars of the Republic would be missing, and so he got a special train to get him here on time. [Laughter.]

Speaking of the characteristics of Congress, why, do you know, you have not got time to be barnacles? The idea of a man being a Member of Congress and having nothing to do! Suppose he did not read about the foundation of the Government, suppose he wanted to tinker a watch without being a watchmaker, suppose he tried to run a locomotive and never

had seen a locomotive, suppose he wanted to go up in an airship before he had any experience or training. Still there are a hundred and one things he can do for his constituents—250,000 in most of our districts, on an average. The requests that are made upon us by our constituents may sound silly to the paragrapher. They may write about a breed of cattle or a breed of chickens; how to set a hen; how to grow tomatoes; they may write for a package of flower or garden seeds, but their requests upon us are as important to them as the request of some business man who wants to know how to escape millions of excess-profit taxes. [Laughter and applause.] Every citizen of this Republic, man, woman, and child, has a right to call on the Congressman. Whom would they call upon? They have no other representative at the Capital to call upon. The Congressman from every district is the ambassador of his people, and it is his duty to read the letters that they write to him. Sometimes you get them in the handwriting of a little child to send out seeds. Sometimes they want a package of seeds, sometimes they want an old coin tested. Then it is that we all remember that we are their Representatives at Washington, and if they can not call upon us to do their bidding, whom can they call upon? So if a man answers all these letters of his constituents, sends out all of the literature, manufacturing and agricultural, that they want, keeps his nose clean all the time, he will earn his salary, believe me, whether he ever served at the head of a committee or not. [Laughter.]

I do not know whether it is true or not, but some one told me that my friend from Massachusetts [Mr. FULLER] never drew his salary, would not have it, would not take it. I do not know upon what theory he goes. He says he is a business man, and I think he must be a good business man. Probably he goes upon the theory that he has not done anything to earn it yet. [Laughter.] I know the Bible says that the laborer is worthy of his hire, and I know that a Member of this great body, who sits upon the destiny of a hundred millions of people, if he is an honest and fearless man and does his duty, is entitled to his salary, and I recommend to the gentleman that he take it. It will be the cleanest and best money he ever had in his pocket. [Laughter.] I do not mean by that to say that he ever had any unclean money in his pocket, but I mean to say that a man who puts Uncle Sam's dollars in his pocket for honorable and patriotic service here not only should be proud of what they will buy, but he should be proud of what they have already bought in the way of honorable and patriotic service. [Applause.] Mr. Speaker, our erring brother has formed a hasty notion of us. You know men sometimes jump at conclusions. First impressions are not always the best. If this gentleman who was elected to the Sixty-fifth Congress had stayed down here and answered to his name when it was called on the roll, had looked into the faces of his fellow Members, and had listened to the debates on public questions, had gotten acquainted with the membership it would never have occurred to him to refer to them as barnacles on the ship of state. In the first session there were 83 roll calls, and the gentleman from Massachusetts [Mr. FULLER] missed 38. In the second session of the Sixty-fifth Congress, up to February 25, there have been 56 roll calls, and the gentleman has missed 33. Now, if the gentleman has never gone to the committees upon which he is appointed to serve, and even gotten acquainted with the chairmen of those committees, if he has never asked a committee to write his bills into law, if he has not even done us the courtesy to come down and sit with us as brethren on a mission of great importance to the American people, I ask him in all fairness if he should indict us for uselessness. Ought he in good charity to dub us barnacles on the ship of state? Mr. Speaker, how much time have I occupied?

The SPEAKER. The gentleman has five minutes remaining.

Mr. DIES. Mr. Speaker, I shall take those five minutes to say that never in my life would I have taken up the time of this Congress to say what I have said on account of what the gentleman from Massachusetts said alone; but I do say, and I repeat again, that the idle talk all over this land, in the newspapers and magazines, that this is a shiftless, idle, unpatriotic body of men is a wrong to us who represent the people here, is a wrong to the people who send us here, and is a wrong to the great Republic whom we serve. More ought to be said about it. I am proud of my service here. May I say, in something of imitation of what the Speaker said, that I, too, fit the description of his career—that is, his career up to the time he got off the farm, not since he has been here—that I, too, in reading the school histories, Davies first, second, third, fourth, fifth, and sixth readers, in reading the great debates in Congress by Hayne and Webster, by Clay and Calhoun, and the great debates of that time—that I, too, retired often to the barn and pranced up and down making embryonic congressional speeches, with the hope that I might become a Member of this great body; and, as I said a moment ago, I would not give my service here, I would not give my clean, unimpeachable record for integrity and patriotism here as a heritage to hand down to my children, for all the balance that I have ever had, put together. [Applause.] No, Mr. Speaker; this body is not decadent, it is not a bunch of barnacles upon the ship of state, and it never will be until the people who send us here fit the description the gentleman seeks to fasten upon us. Let us hope that in the providence of God that rules the nations of the world, the citizenship whom we represent will not fall into such a state of decadency that they will send barnacles to Congress to fasten themselves upon the ship of state. [Applause.]

Mr. STEVENSON rose.

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. STEVENSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. STEVENSON. Mr. Speaker, awhile ago I made a statement in respect to a meeting of a committee, and the gentleman from Massachusetts [Mr. FULLER] rose and stated that he wanted to reply to that "false statement." I want only a minute, but I do not propose to have that inference go out about me in this House.

I did not intend to inject myself into this matter. I am one of the new Members, and I do not believe in interfering in matters generally, but there was a statement in the paper that was read here that said that he resigned from the Committee on Expenditures in the Interior Department, and that the committee never had had a meeting. That is the way I understood the reading of the paper. The committee had a meeting at the office of the chairman, Mr. HASTINGS, at which were present Mr. HASTINGS, myself, Mr. KREIDER, Mr. PURNELL, and Mr. WELLING, of Utah. If the gentleman from Massachusetts [Mr. FULLER] was there, I have done him an injustice when I said that he was not there; but if he was there I do not remember it. But I desire to call attention to this: If he was there, then he knew there was a meeting of the committee, and his statement that was made that the committee never had met was deliberately untrue, and I did not propose to charge him with that. That is all I have to say. If he was there, then I apologize to him for saying that he was not there; but I call upon him to retract the statement that that committee has never met, because if he says that he was there, then necessarily he admits that that statement is incorrect, and if he was there he knew it was incorrect, and he deliberately said so. [Applause.]

Mr. FULLER of Massachusetts. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. FULLER of Massachusetts. Mr. Speaker, I would like to reply to the statement just made by the gentleman from South Carolina.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent that the gentleman has such time as he wishes to reply.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent that his colleague [Mr. FULLER of Massachusetts] may proceed for——

Mr. FULLER of Massachusetts. Two minutes.

The SPEAKER. For two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FULLER of Massachusetts. Mr. Speaker and Members, apparently this is my busy day. I contradicted the gentleman—I have forgotten his name—who said that in my letter I stated there had not been a meeting of that committee. There have been so many misstatements in regard to the letter that I ask as a matter of justice that it be printed. The gentleman said that I made a statement in the letter that there had been no meeting. I made no such statement. There was a meeting, and I was there. I regret I have not the oratorical ability and composure to answer the gentleman in detail. I shall hope to do so later. But I do ask that as a matter of justice my letter and just what I said shall be printed in the RECORD, because it has been badly mangled here this morning. [Laughter.]

The SPEAKER. The gentleman from Massachusetts [Mr. FULLER] asks unanimous consent——

Mr. MOORE of Pennsylvania. Mr. Speaker, may I interrogate the gentleman from Massachusetts?

The SPEAKER. Let the Speaker state the case. The gentleman from Massachusetts asks unanimous consent that the letter which he wrote to the Speaker be printed in the RECORD. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask of the gentleman from Massachusetts, apart from his controversy as to the activities of this

committee, whether in his letter he made the broad charge that the House was a barnacle upon the ship of state?

Mr. FULLER of Massachusetts. Absolutely no, sir.

Mr. MOORE of Pennsylvania. I understood that to be in the gentleman's letter—that he made the direct charge against the entire body of the House, indicating that it was a barnacle upon the ship of state.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

Mr. QUIN. Mr. Speaker, I object.

Mr. STAFFORD. Mr. Speaker, I demand the regular order.

Mr. QUIN. Mr. Speaker, I withdraw the objection as far as I am concerned.

Mr. FULLER of Massachusetts. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. There were at least a dozen Members objected, and the Chair will put the question over again. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I do not want to do the gentleman an injustice——

Mr. SNYDER. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Mr. Speaker, I ask as a matter of order that the gentleman has asked to be heard upon a matter of personal privilege.

The SPEAKER. The Chair heard that, but the Chair can not do everything at one time. If the gentleman rises to a question of personal privilege, he will please state the basis for it.

Mr. FULLER of Massachusetts. Mr. Speaker, I would ask that the letter be read now.

The SPEAKER. The Chair knows, but the House has just objected to the letter being read. The gentleman from Massachusetts asks that the letter which he wrote to the Speaker be read to the House. Is there objection?

Mr. SNYDER. Mr. Speaker, I object.

Mr. RAINEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts be allowed 20 minutes to address the House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts may proceed for not more than 20 minutes. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object——

Mr. MOORE of Pennsylvania. Reserving the right to object, I want to ask the gentleman from Massachusetts if he intends reading the letter in his own time? I have no objection to his doing that.

The SPEAKER. The gentleman can not read it without permission of the House, if anybody objects.

Mr. MOORE of Pennsylvania. If he is given the 20 minutes——

Mr. KITCHIN. Mr. Speaker, reserving the right to object, I hope the gentleman from Illinois will modify his request and ask unanimous consent that the gentleman from Massachusetts [Mr. FULLER] have all the time he desires to say anything he sees fit to say. [Applause.]

Mr. RAINEY. Mr. Speaker, I so modify my request, that the gentleman have all the time he desires and in that time he be permitted to read this letter.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks that the gentleman from Massachusetts be permitted to proceed until he concludes, and in that time that he shall be permitted to read the letter if he wants to do so. Is there objection? [After a pause.] The Chair hears none.

Mr. FULLER of Massachusetts. [Applause.] Mr. Speaker, I shall proceed to read the letter.

FEBRUARY 25, 1918.

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Expenditures in the Interior Department. This committee has had no meeting during the present Congress, excepting one short smoke talk (in this respect I believe it is similar to about half the committees of the House), and, so far as I can judge from inquiry and investigation, will have no public business to justify its existence, and that being the case I do not wish by accepting the honor of membership in it to appear to give even my tacit consent to the existence of a committee which has no real, justifiable reason for existing other than to entail a needless and unjustifiable expense upon the people who pay the bills.

As you know, there are 60 standing committees in the House organization, and more than half of them are as useless and unnecessary as the committee from which I am resigning. At a time like this, when we are passing through a grave national crisis, the House should take account of matters of efficiency and economy within its own confines with a view to increasing efficiency and reducing expense. I am a business man and accustomed to looking at these things from a commonsense standpoint. I was somewhat fearful about my qualifications for undertaking the duties of a Congressman because of a lack of political experience. I find that the duties I have fallen heir to as a Congressman are of an entirely different nature than those I anticipated. When I meet any of my constituents, they usually greet me with the expression, "My, but you must be busy down in Washington!" Now, I would like to be really busy, and I am mighty sure if the proper spirit animated our present Congress that these needless committees could be changed into real agencies for the service of the Government. Why could not some of these needless committees that never meet and that are occupying valuable room and employing secretaries and messengers that have no work to do be utilized for various useful purposes, such as inspecting camps, soliciting labor for shipyards, doing any one of the hundred and one things that the Government is in need of to-day? Instead of this, you and I know that two-thirds of our committees are useless, and, instead of being really busy, the majority of our Congressmen down here are telling stories and practicing up to see who can spit the farthest.

Quite aside from all other aspects, there is a demoralizing element of political deception in the existing House system. The people have been taught to believe that a Member's standing should be judged by his committee appointments. According to that standard, my constituents, having no means of knowing the truth, might conclude that my membership on the committee in question carries with it some implication of opportunity to advance public interests. As a matter of fact, it means nothing at all, excepting that such committees serve to carry out that kind of pretense.

The public should know that Congress is overorganized with standing committees that do no work, whereas the basis should be efficiency, with the people getting full value for every bit of legislative machinery that exists. As it is now, these dead committees are nothing more than their chairmen, who control whatever clerical and office perquisites attach to each of them. Certainly this is no time for such a condition to exist and continue.

In this connection, it is pertinent to suggest that the present parliamentary system of the House operates to make the average Member little more than a figurehead. There should be such a reconstruction of the system as to give each Member a legitimate chance to represent his constituents and the larger public interests of the whole country.

I am making this protest against conditions as they are, not merely to make my own position clear, but also with the hope that Congress may soon rid itself of these practices which do not conform to the principles of economy and efficiency in the interest of those we serve.

The President is asking our business men to economize and become more efficient while we continue to be the most inefficient and expensive barnacle that ever attached itself to a ship of state. Could there be a more appropriate time to initiate economy and efficiency in our governmental affairs?

Faithfully, yours, ALVAN T. FULLER.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Pennsylvania?

Mr. FULLER of Massachusetts. I do.

Mr. MOORE of Pennsylvania. Mr. Speaker, I asked the gentleman when he was on his feet if he had not indicted the entire House of Representatives as a barnacle or barnacles upon the ship of state, and the gentleman said emphatically he had not. Does not the letter which the gentleman has just read prove that he did make that statement against the entire House of Representatives?

Mr. FULLER of Massachusetts. I can assure the gentleman that was not the intent.

Mr. MOORE of Pennsylvania. Does it not so read? I am glad to get the gentleman's statement of his intent, but the impression which the public draws from the statement the gentleman made in that letter is that he intended to indict the entire House of Representatives as a barnacle upon the ship of state.

Mr. FULLER of Massachusetts. I do not think so, because the subject of my letter is the useless committees, which I intended to refer to all the way through.

Mr. MOORE of Pennsylvania. Does the gentleman advance the idea that the entire membership is a barnacle upon the ship of state?

Mr. FULLER of Massachusetts. I do not think so.

Mr. MOORE of Pennsylvania. Was it the gentleman's intent to do so?

Mr. FULLER of Massachusetts. If that is so, I withdraw it now. My reference was to the useless committees of the House.

Mr. MOORE of Pennsylvania. I would like to ask the gentleman one other question while he is on his feet. He said he did attend a meeting of the Committee on Expenditures to which reference has been made. Has the gentleman attended a meeting of the Committee on Claims, of which he is a member?

Mr. FULLER of Massachusetts. There has been no meeting.

Mr. MOORE of Pennsylvania. It has been stated here that there have been meetings and that the gentleman did not attend.

Mr. FULLER of Massachusetts. There has been one, and I did attend. There have been no meetings of the Committee on Claims.

Mr. MOORE of Pennsylvania. The gentleman from Texas [Mr. DIES] indicated that the gentleman from Massachusetts had introduced a bill which had been referred to the Committee on Claims, of which the gentleman is a member. Did the gentleman attend the meeting of the Committee on Claims in view of the fact that he had introduced a bill that was referred to that committee?

Mr. FULLER of Massachusetts. I did not know of the meeting.

Mr. MOORE of Pennsylvania. The gentleman did not attend any meeting of the Committee on Claims?

Mr. FULLER of Massachusetts. No.

Mr. CAMPBELL of Kansas. Mr. Speaker, on what theory does the gentleman from Pennsylvania cross-examine the gentleman from Massachusetts [Mr. FULLER]?

The SPEAKER. Because the gentleman from Pennsylvania asked if the gentleman from Massachusetts would yield—or he pitched in without asking. [Laughter.]

Mr. MOORE of Pennsylvania. I beg the Chair's pardon.

The SPEAKER. The Chair asked the gentleman from Massachusetts the usual formula—if he yielded, which he did, and having yielded the gentleman proceeded to ask him questions.

Mr. CAMPBELL of Kansas. He placed himself at the mercy of the gentleman from Pennsylvania?

The SPEAKER. It is entirely in the hands of the gentleman from Pennsylvania [Mr. MOORE] after he yielded to shut anybody out or let them in, as he pleased.

Mr. MOORE of Pennsylvania. Which the gentleman from Kansas often does.

Mr. RAKER. Will the gentleman yield for a question?

Mr. FULLER of Massachusetts. I yield.

Mr. RAKER. I would like to ask the gentleman whether or not he has made an investigation of the rules as to the duty of the committees he refers to as useless?

Mr. FULLER of Massachusetts. What is your question, again?

Mr. RAKER. Have you made an examination of the rules of the House as to the duty of the committees that you say are useless?

Mr. FULLER of Massachusetts. No. I understood that they probably would not meet again, and that one year had gone by and they had met only once.

Mr. RAKER. Now, what committee or committees of the House does the gentleman say are useless?

The SPEAKER. The gentleman from Massachusetts can proceed if he desires to do so.

Mr. FULLER of Massachusetts. I yield.

Mr. LUNN. Will the gentleman from Massachusetts yield?

Mr. FULLER of Massachusetts. I will; yes.

Mr. LUNN. I do not know how far I can proceed by the gentleman yielding. Was it simply for a question?

The SPEAKER. That is all he yielded for.

Mr. FULLER of Massachusetts. I would like to yield to the gentleman from New York and allow him such time as he desires.

Mr. LUNN. I wanted simply to say this, Mr. Speaker, that I also am a new Member, and I want to feel that the House is always fair. I am sure that it endeavors always to be fair, but as I heard the speech made by the gentleman from Texas I received an entirely different impression than I received from the letter which has just been read by the gentleman from Massachusetts [Mr. FULLER]. It seems to me that in the light of the letter that there was but one charge made, and that in regard to committee dispositions, concerning which the gentleman stated that the House was inefficient and expensive, and so forth and so on; but if I remember aright, in my study of recent history there have been many legitimate criticisms of that kind. I do not believe, in the light of that letter, that the severe arraignment of the Member was justified. It was too sweeping to be fair. I know the House desires to be fair, and for that reason I have made this statement. I am decidedly opposed to any Member bringing wholesale condemnations against the Congress of the United States. It is too important a body. Its influence ought to be tremendous, and it is tremendous, and anything that leads the people at large to feel that we are not doing the right thing is unfortunate. But I do think we would be unfair by allowing the speech by the gentleman from Texas to go without protest from any Member. [Applause.]

The SPEAKER. The gentleman from Massachusetts will proceed.

Mr FULLER of Massachusetts. Mr. Speaker, I have nothing further to say.

The SPEAKER. This is Calendar Wednesday.

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GILLETT. On what subject?

Mr. WALSH. Reserving the right to object——

Mr. HASTINGS. On this same subject. I am chairman of the Committee on Expenditures in the Interior Department.

Mr. KEARNS. I object.

The SPEAKER. The gentleman from Ohio objects.

LEAVE TO PRINT.

Mr. BRITTEN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. BRITTEN. To ask unanimous consent to extend in the RECORD the report of the proceedings of the Interparliamentary Union, which took place yesterday in the House Office Building, at which the gentleman from Texas [Mr. SLAYDEN] presided.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert in the RECORD the report of the proceedings of the Interparliamentary Union held in the House Office Building yesterday, over which Congressman SLAYDEN presided. Is there objection?

Mr. MILLER of Minnesota. Reserving the right to object, will the gentleman from Illinois kindly withhold that or withdraw that for a moment? I am interested in the subject, and I would like to see what it is.

The SPEAKER. Does the gentleman from Illinois withdraw it?

Mr. BRITTEN. Yes; I will.

The SPEAKER. This is Calendar Wednesday.

Mr. TREADWAY rose.

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. TREADWAY. I ask to proceed for two minutes relative to a statement of the amount of war-risk insurance.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for two minutes relative to a statement in regard to war insurance. Is there objection?

Mr. BURNETT. Mr. Speaker, I must object.

CALENDAR WEDNESDAY.

The SPEAKER. The gentleman from Alabama objects. This is Calendar Wednesday, and under a special order the House automatically resolves itself into Committee of the Whole House on the state of the Union.

Mr. BRITTEN. Mr. Speaker, one moment, before that motion is carried out. I think the gentleman from Minnesota [Mr. MILLER] has withdrawn any objection he might have to my request.

The SPEAKER. Is there objection?

There was no objection.

ALIEN-SLACKER BILL.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5667, the alien-slacker bill, with the gentleman from Missouri [Mr. RUSSELL] in the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

SEC. 3. That after 30 days from the passage of this act no alien who is a native or subject of any country that is engaged in the war with Germany, or with any of the central powers of Europe and who is subject to military duty in the country of his nativity or of which he is a subject, shall be permitted to enter the United States except by permission of the President of the United States, and any such alien so entering in violation of this section shall be deemed unlawfully in this country and shall be deported at the expense of the steamship company, railroad company, or other transportation company by which such alien entered the United States. Any steamship company, railroad company, or other transportation company of any nature whatsoever, or any individual who brings in or aids or assists in bringing in any alien excluded by this section shall be fined not less than $1,000 or by imprisonment for not exceeding one year, or both such fine and imprisonment, and any steamship or other water transportation company against which this fine is assessed shall not be granted clearance papers until such fine is paid or secured in such manner as the Secretary of Labor shall prescribe.

The Secretary of Labor is empowered to hear and pass on all violations of this section and to assess and collect the fine provided herein, and to adopt such rules and regulations as may be necessary to carry out the provisions of this section.

Mr. BURNETT. Mr. Chairman, I have an amendment that I desire to offer.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Mr. BURNETT offers the following amendment: Amend by striking out all after the words "United States," in line 14, page 3, down to and including the word "section," in line 3, page 4, and insert in lieu thereof the following:

"That it shall be unlawful for any steamship, railroad, or other transportation company of any nature whatsoever, or for any person, company or corporation, to bring in, or to aid or assist in bringing in, any alien included by this section. If it shall appear to the satisfaction of the Secretary of Labor that any steamship or any vessel or any officer or employee thereof has violated any provision of this section, such violator shall pay to the collector of customs of the district in which the port of arrival is located the sum of $1,000 for each and every such violation, and no vessel shall have clearance from any port of the United States while any such fine is unpaid, nor shall such fine be remitted or refunded. If a violator is a person, company, or corporation not using vessels as means of transportation, there shall be forfeited and paid for every such offense the sum of $1,000, which may be sued for and recovered by the United States as debts of like amount are now recovered in the courts of the United States."

Mr. BURNETT. Mr. Chairman, the purpose of section 2, beginning on line 14, page 3, is to penalize steamship and other transportation companies for bringing in those who are excluded by the first part of the section. It was thought that perhaps the penalties could not be enforced by the Labor Department, and an amendment was suggested by that department that would make it workable. It imposes a penalty of $1,000 for those violating the law, to be recovered in the courts of the country in the way that such sums are usually recovered against transportation companies and individuals who violate the immigration law. In case of steamship companies that are given clearance papers they are held up until they pay this penalty. That is all this amendment is. It is merely for the purpose of perfecting and carrying out those provisions better than the bill as it now stands does.

Mr. ROBBINS. Mr. Chairman, I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. BURNETT. Yes.

Mr. ROBBINS. As I understand it, it takes away the penal laws entirely and relegates the remedy to a civil suit for the penalty?

Mr. BURNETT. That is true as to individuals and transportation companies, except steamship companies, and their clearance papers are withheld. The idea of this is that with these severe penalties the Department of Labor would perhaps not have the power to impose them. There is a fixed penalty. They can impose that penalty on steamship companies; but suppose it is a transportation company that runs across to Canada, or suppose it is an individual running a bus line. The Department of Labor could not enforce the penalty on them and they could not hold up the transportation line, and therefore they are allowed to bring civil suits for the recovery of the penalty. The imprisonment feature is cut out.

Mr. ROBBINS. May I further interrogate the chairman of the committee?

Mr. BURNETT. Yes.

Mr. ROBBINS. Does the gentleman think that would be a practical remedy to correct the evil?

Mr. BURNETT. A thousand dollars penalty for each person they bring in, I think, would be sufficiently practical.

Mr. ROBBINS. How can you enforce it on those who simply assist or aid in bringing immigrants from Canada across the line into the United States, or from Mexico? I think if you do not impose a penalty by imprisonment and fine, as in the case of any other Federal statute, you are going to strike out the means of enforcing this law.

Mr. BURNETT. The Department of Labor, in recommending the amendment, says this policy has worked well in the enforcement of the immigration laws across the border, as well as across the sea.

Mr. ROBBINS. I think it will work very well against steamship lines, where you can hold up the steamship in the port and refuse to issue clearance papers; but against the railroads that run into Mexico and Canada, and against the underground methods that are pursued to get immigrants across the line, and to avoid the regular ports of inspection, I think your bill is going to be weak, and the enforcement of it is going to be futile unless you have the teeth of a criminal statute and the right to prosecute in the criminal courts of the United States.

Mr. BURNETT. The department says this provision in regard to crossing the line from Mexico and Canada has worked well, and they recommend it in this bill for that reason.

Mr. FLOOD. Mr. Chairman, on the 6th of this month, and again on the 13th, when this bill was before the House, I opposed its consideration on the ground that it violated existing treaties between this country and some of our cobelligerents, particularly with Italy, and that its passage through the House would obstruct the negotiation of treaties which the Secretary of State was in process of concluding with England, for herself and Canada, and with Italy and France. Two weeks ago, on the 13th, the matter was postponed until to-day on account of the statement I made with reference to this and the letter I read from the Secretary of State. I desire to communicate to the House the progress that has been made by the Secretary of State by reading a letter that I received from him yesterday:

THE SECRETARY OF STATE,
Washington, February 25, 1918.

MY DEAR MR. FLOOD: Referring to the negotiations which the department is carrying on with certain of our cobelligerents regarding military service conventions, I desire to state for your information that on Tuesday last I signed with the British representative two conventions, one for Great Britain and one for Canada, and that I am now in receipt of telegrams from the American ambassadors at Rome and Paris practically accepting with a few minor changes the proposal of the United States to enter into similar conventions with Italy and France. I am not expecting that any serious obstacle will be placed in the way of early signature to these conventions.

Very sincerely, yours,

ROBERT LANSING.

Hon. HENRY D. FLOOD,
House of Representatives.

Mr. Chairman, the Secretary of State was very appreciative of the action of the House taken two weeks ago in postponing the consideration of this matter until to-day to enable him to conclude these negotiations. I am justified in stating that while the Secretary of State thinks that this matter should be dealt with by negotiation with our cobelligerent Governments and not by legislation by Congress, that officials of the State Department feel that the purpose the Secretary had in asking the delay has been practically accomplished, and I do not believe that action by the House now will interfere with the conclusion of the treaties with the most important of our cobelligerents. The treaties with Great Britain and Canada were sent to the Senate on the 19th, and those with France and Italy have reached a practical conclusion.

Mr. SLAYDEN. Do I understand the gentleman to say that action of the House will not interfere with them?

Mr. FLOOD. I stated that was my opinion. The Secretary stated in the letter I have just read that he was in receipt of telegrams from our ambassadors at Rome and Paris practically accepting the American terms of the treaties by Italy and France. A few minor changes may be made, but the treaties are practically agreed upon, so action by the House to-day would not be considered by those three nations as violative of the comity that should be maintained between friendly and allied nations.

Mr. FOSS. I want to ask the gentleman whether or not the State Department approves of this bill as now amended?

Mr. FLOOD. The State Department does not approve of this bill, either in substance or form, but the official with whom I talked thought that the negotiation of the convention had proceeded so far that the passage of the bill would not prevent their conclusion.

Mr. FOSS. Has the State Department any objection to it?

Mr. FLOOD. It has various objections to the bill, to the form in which it is drawn, to the subject with which it deals, and to the fact that it violates treaty obligations, but the purpose that the Secretary of State had in view in asking a postponement was that the passage of this bill by the House might not interfere with the negotiation of the treaties that were then in progress. If the bill had passed two weeks ago that would have been the result. That is not the case now, and the real object the State Department had in asking for a postponement has been attained.

For myself, I stated to the House two weeks ago that if the bill was postponed until to-day—the time asked for by the Secretary of State—that I would content myself with voting against it. I want to add now that I shall vote for the Rogers amendment, because it carries a simple declaration that this House will not pass a measure that violates a treaty obligation. If the Rogers amendment is adopted I shall vote for the bill, not that I think it will ever become a law, but as an expression of my sentiments on the subject dealt with in the bill. If the Rogers amendment is defeated I will vote against the bill, because I believe it violates treaties we have with some of the nations with which we are associated in this war, and I do not intend to cast a vote to violate or disregard or to make a scrap of paper of solemn treaties of our Government.

Mr. WALDOW. Does not the gentleman believe the Rogers amendment ought to be retained in this bill?

Mr. FLOOD. I do believe so.

Mr. WALSH. Has the gentleman any information as to whether any treaty negotiations are under way with Portugal?

Mr. FLOOD. I have not. The important negotiations were with Great Britain in reference to British subjects, and a separate treaty with reference to Canadian subjects, and with Italy and France.

Mr. WALSH. Portugal is in this war, is it not?

Mr. FLOOD. Yes; but nearly the whole world is at war.

Mr. ROGERS. There are about 18 powers, are there not, which are making common cause against Germany to-day? My information is that the State Department intends to negotiate treaties with every one of these 18 powers, but it thinks very naturally that its best course is to begin with the nations the populations of which in this country make them the most important.

Mr. FLOOD. The nationals in this country of many of these nations do not make it a matter of importance to us or to them.

Mr. SLAYDEN. Am I correct in having gathered from the gentleman's statement a few minutes ago that these negotiations with Great Britain, with Canada, with Italy, and with France have advanced so far that the department is now indifferent as to what we do in this bill, because it will not interfere at all?

Mr. FLOOD. That it will not interfere with the negotiations of these conventions.

Mr. SLAYDEN. Have the British and Canadian treaties reached the Senate?

Mr. FLOOD. Yes; on the 19th.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SLAYDEN. Has the Canadian treaty been sent to the Senate?

Mr. FLOOD. On the 19th.

Mr. SLAYDEN. Have these treaties been acted on?

Mr. FLOOD. They have not. I understood that the Senate Committee on Foreign Relations would have a meeting this morning to consider them.

Mr. HUDDLESTON. The treaties necessarily provide what nationals of these countries may be put in our Armies and how they may be dealt with. Can the gentleman then see any field for the operation of any bill on the subject? Whatever we do must be done under these treaties after they have been negotiated.

Mr. FLOOD. I think the gentleman is right so far as nationals of the nations are concerned with whom we have negotiated these treaties. They constitute the bulk of the aliens in this country who will be affected by this legislation. I can see very little need for this legislation.

Mr. HUDDLESTON. Has the gentleman such information as enables him to know whether this bill is in accordance with the terms of these treaties that we have negotiated?

Mr. FLOOD. I was at the State Department, and the gentleman from Alabama [Mr. BURNETT] was with me. We discussed informally what the treaties were. I do not think there is anything in this bill that is in conflict with those treaties.

Mr. HUDDLESTON. If we put those aliens into our Armies, it must be under the treaties and not under this bill.

Mr. FLOOD. I think that is undoubtedly correct.

Mr. BURNETT. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, in regard to the treaty, I have said over and over again that I have no desire to interfere with the State Department in its efforts to negotiate the treaties. I stated before that they began to negotiate treaties last August. It came on up to the time the bill was reported, and when the Chamberlain bill came over from the Senate, and I went before the Committee on Military Affairs, to which it was referred, and urged them to report it, so that it would be in time for the first draft. The Secretary of State appeared before the Military Affairs Committee of the House and made the same statement on the 26th day of September as to treaties being negotiated. The statement has been made time and time again that these treaties were pending, and that this bill would interfere with them. The Secretary told the Military Affairs Committee that by the 1st of December he thought they would have the treaties negotiated. That committee deferred action on the Chamberlain bill, and I stated then that neither I nor my committee had any pride of authorship in the bill, but what we wanted was to get speedy results.

The State Department is still engaged on some of the treaties. I am not making any reflection on that department; I think the other countries have been mighty slow in this work. The gentleman from Virginia [Mr. FLOOD] has done all he could, and I have no reflection to make on him. On the 30th of last month, when this matter was first called up, the gentleman from Virginia [Mr. FLOOD] stated about what he has stated to-day as to the treaties with Italy and France.

Mr. FLOOD. Oh, no.

Mr. BURNETT. What the gentleman said to-day he said substantially then, that he had been called up by the Solicitor of the State Department and told that not only had an agreement between Great Britain and Canada been concluded, but that our Government was almost in agreement with France and Italy.

That is substantially the same statement that he makes here to-day.

Mr. FLOOD. No; the statement to-day goes further than that. They have just received a telegram from the ambassador at Rome and the ambassador at Paris that there has been an agreement. There have been some verbal changes like there was in the British treaty. As I stated to the gentleman, the situation in reference to the French and Italian treaties is about the same as that of the British and Canadian treaties two weeks ago, that there were some verbal changes to be made. They completed them and sent them to the Senate on the 13th of February. I expect in a few days the Italian and French treaties will be sent to the Senate.

Mr. BURNETT. That is the point I make, that they had concluded the treaty with England and Canada, and now, 30 days after the conclusion of the treaty, they have just got it to the Senate, and the Senate committee is to-day to meet for the first time to consider it. What do we know as to what will become of it in the Senate? The gentleman stated, and no doubt correctly, a month ago that the conscription of the subjects of Great Britain and Canada between 20 and 40 years of age had been agreed on. This treaty will not be self-executing, and will require additional legislation to carry it out and enforce it. You are going to find that you must have legislation to execute it. Such legislation will require time. If it takes 30 days more to get through a treaty with Italy and with France, that carries us up to the 1st of April.

Mr. FLOOD. May I interrupt the gentleman?

Mr. BURNETT. Yes.

Mr. FLOOD. I will say that the information I got was that the treaties were drawn so as to be self-executing in this country, and as to the young manhood of other countries, and there will not have to be other legislation. We will take into our draft any nationals of those countries between the age of 20 and 40 years.

Mr. BURNETT. It seems to me the gentleman is mistaken and the State Department is mistaken if they think the treaties are self-executing. As much so as they are when they say that this bill is in violation of treaties. It is not. In the One hundred and thirtieth United States, in the Chinese-exclusion case, where this very question was raised, the Supreme Court of the United States said:

> The power of exclusion of foreigners being an incident of sovereignty belonging to the Government of the United States, as a part of those sovereign powers delegated by the Constitution the right to its exercise at any time when, in the judgment of the Government, the interests of the country require it, can not be granted away or restrained on behalf of anyone. The powers of government are delegated in trust to the United States and are incapable of transfer to any other parties. They can not be abandoned or surrendered. Nor can their exercise be hampered, when needed for the public good, by any considerations of private interest. The exercise of these public trusts is not the subject of barter or contract.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BURNETT. Yes.

Mr. JOHNSON of Washington. Does the gentleman contend that that applies to the taking into the military service of the nationals of countries having a treaty with the United States which states that the nationals shall not be taken into our Army?

Mr. BURNETT. The gentleman does not remember the terms of this bill. The Chinese case was one of deportation. That is what our bill is. We have all the time, in this bill, avoided any interference with the obligations of a treaty. We only say to an alien subject of a cobelligerent country, "If you are a shirker, a dodger, a slacker, if you will not fight for the very existence of your own country, you are undesirable in this country; get out right now." [Applause.]

Mr. FLOOD. Mr. Chairman, it was never contended on this floor by any gentleman who opposes this bill that this Government does not have control of the question of deportation, and therefore the case cited by the gentleman is no answer to our argument. The contention is that we have a specific treaty with Italy and with other countries that prevented us from compelling the nationals of those countries to render military service of any kind to this country, and that this bill contains a moral and a physical compulsion to render military service—a moral compulsion by the denial of the right to become a citizen; a physical compulsion by deportation. The compulsion is not direct, not open and manly, but, nevertheless, it is a compulsory military service in violation of our treaty with Italy of 1871 and in violation of treaties with other nations. I think this

proposition is clear, and no subtlety of reasoning can change it. This is the opinion of the Secretary of State and his legal adviser, and I believe it would be so held by any court in the world, especially by our courts, in view of the construction put upon it by our State Department. Now, I want to say, Mr. Chairman, that I am not raising the slightest objection to the passage of this bill. I reserved two weeks ago my right to vote as I see fit, but otherwise I agreed then not to oppose it, and I am not now opposing it; but I can not allow the gentleman's contention in reference to the violation of a treaty to go by without making this statement.

Mr. BURNETT. Mr. Chairman, the gentleman from Virginia [Mr. FLOOD], in his remarks a while ago in reply to questions propounded to him, launched into the question as to whether this bill violates a treaty, and I will answer his argument. My contention is that it violates no treaty with any country. The right to deport undesirable aliens, as I have often said during the consideration of this bill, is inherent in the very sovereignty of our Government and could not be contracted or bartered away by any treaty. The gentleman from Massachusetts [Mr. ROGERS], who offered the amendment the other day, admitted that he did not believe it was in violation of a treaty, and yet he does the inconsistent thing of asking this House to adopt his amendment which would, in effect, submit that question to the State Department. He says in one breath that it violates no treaty, and in the next says he is willing to leave that vital question to an unfriendly court.

That is the ridiculous attitude that the Rogers amendment would place us in, and the gentleman who offered it, who, perhaps, has occupied as many pages of New England newspapers as any man in favor of this proposition of dealing with alien slackers. Of course, the legal questions involved would be decided by the courts, but who will be the primary advisor of Gen. Crowder? Who will be the advisor of the War Department on these questions? Certainly the State Department. The gentleman from Virginia [Mr. FLOOD] and the gentleman from Massachusetts [Mr. ROGERS] admitted that the State Department would be the one that would advise in regard to it, and yet the gentleman from Massachusetts [Mr. ROGERS] tells us that while he does not believe it is in violation of a treaty, he wants to refer it to a judge who has already prejudged the case.

Mr. GARD. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. GARD. I wanted to ask, after the gentleman has read what he has from the decision of the Supreme Court, whether he has any information that the present treaties, so far as they have been concluded, will be invaded by the passage of the law which the gentleman now proposes?

Mr. BURNETT. I am glad the gentleman has asked that. The treaties now pending?

Mr. GARD. Yes.

Mr. BURNETT. Mr. Chairman, I think not. Here is my contention and my earnestness in regard to this matter——

Mr. HUDDLESTON. Mr. Chairman, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. HUDDLESTON. I want to find out what the gentleman knows about the treaties. I have been trying to find out something about them. They have not been given to the public, and I do not see how anyone can know what they are.

Mr. BURNETT. That is true, but the gentleman from Virginia [Mr. FLOOD], in his statement three or four weeks ago in this House, and no doubt he had authority from the State Department, gave some important facts in regard to the treaties to which I have called attention. For instance, in regard to the age limit; and if my colleague from Alabama, Mr. HUDDLESTON, will read the gentleman's speech in the RECORD, either on the 6th or the 13th of this month, he will find the statement, which, I have no doubt, the gentleman from Virginia was authorized to make to this body.

Mr. Chairman, I have all the time desired that the State Department should negotiate its treaties, and we have been waiting now for six or eight months for them to do so. Last Wednesday, after a conference with the gentleman from Virginia [Mr. FLOOD] and the Secretary of State, I thought perhaps there was a possibility of their being concluded and ratified by this time, and I did not make any resistance to letting the matter go over until to-day. But now the matter comes up and what do we find? The Senate adjourned last Saturday and was not in session at all. Why could they not have continued their session or at least the committee have acted upon these treaties? It was my purpose if the treaties had reached a state of confirmation by this time, if I could be assured that they were self-executing, to have offered as an amendment to section 1 that it should not interfere with treaties that had been consummated providing for conscription of aliens.

But the time is coming and coming mighty soon when there will be another call for our young men to answer the draft, and my anxiety and earnestness is, like that of other gentlemen who have been pressing this matter, that these slackers shall not be permitted again when the next call comes to sit back and say, "Me no fight; me take your job, you go fight." We not only represent native-born Americans in our efforts to rid the country of the cowardly alien slacker but naturalized Germans and naturalized people from other countries, who have been responding to this call to arms. Many naturalized aliens have volunteered into our armies to fight against their own flesh and blood. Perhaps you gentlemen received a circular from an Irish gentleman a short time ago, in which he analyzed the statement of Gen. Crowder, which shows that more of the Irish waived exemption than any other nationality, that the lowest in point of numbers of those who waived exemption were the Italians, and the British were away down the line, also. People from Canada and from England were claiming exemptions, while the good old Irishman was not. I refer, of course, to people who are not naturalized and who have the right to claim exemption under our laws.

Mr. FLOOD. The gentleman's bill will get the Irishman.

Mr. BURNETT. Of course. The argument that was made in the circular just referred to was that England ought not to treat with us, and that we ought not to treat with them to conscript their people here, because Australia twice has repudiated conscription, because under the English conscript laws the Irish are exempted, and that therefore England ought not to barter away the rights that they would have in Ireland and in Australia. But my bill says to the Australian and to the Irishman, "You are here under the Stars and Stripes, you are here enjoying the blessings of our great country, we believe that you ought to waive your right to exemption from conscription, and if you do not, you ought not to stay here among your brothers and fellows who are being called." [Applause.]

I know many naturalized Germans and Austrians who are to-day following the Stars and Stripes into the trenches of France and Flanders. Before we entered the war the hearts of those people no doubt beat in sympathy with the fatherland, but the very day we declared war they said, "I am now with the country to which I swore allegiance when I became an American citizen." I know a young Jewish gentleman in my own home town, a native of Germany, who, when the classification for the draft was going on, said, "I have a little property from which my wife and babies can draw a support if I am called, and I shall not ask to be placed in the fourth class, but am willing to go to the second class, where men with families not dependent on them are being placed." This he did, while Italians and Englishmen all around him were claiming exemptions from the draft, and refusing to fight for the very existence of their own countries. This he did also when many native Americans, who were loudest in their demand for war were hiding behind dependent families to escape the draft.

Mr. Chairman, I am not opposing the treaties, but I am showing that if we wait for treaties that are not self-executing, perhaps the ides of November will come before we will get anything that will carry these aliens either out of our country or into our armies.

Mr. GARD. If the gentleman will permit, I do not like to be insistent, but I am sure that I, and I know many Members, would like to know whether these treaties as concluded will be at all in conflict with the gentleman's bill.

Mr. BURNETT. I think not; and not only that, Mr. Chairman, but the Senate when this bill passes this House will have the treaties and the bill both, and they can properly amend them so as to make them conform if there should be any conflict. I do not want to clash with the State Department. I would rather they would handle it; but, Mr. Chairman, I do not want to see the time come when the call is made and our men have to go and these cowardly aliens escape because the treaties have not been ratified and put into execution. Gentlemen hug to their hearts the danger of violating some treaty with the devotion that a young mother hugs to her breast her first-born babe, and yet some of these same gentlemen last year voted for a bill—the conscription bill—in which there was a violation of the very treaties that they now invoke. Yesterday there was a bill reported from the House Committee on Military Affairs to repeal the provision in the draft bill passed last year to conscript aliens with first papers. We had no more right, under our treaties, to conscript those with first papers than we had to conscript any other alien, and yet some of these gentlemen who are now shouting to observe the treaties never thought then that they ought to protect the treaty rights of the man who had made his first declaration and had at least lifted one eye to the Stars and Stripes. Now, when we come with this bill and say that the man who has always had his eyes

focused upon the ground, and never lifted them to the Stars and Stripes, should either fight or get out, these gentlemen hug a treaty to their hearts and say wait till the State Department can possibly, at some future time, get an agreement with those countries.

That is what you are really up against. It is not so serious in the South, although Gen. Crowder shows that in the next classification 433,000 men can be reached, if they do not escape on the ground of alienage. How many farmer boys would that enable us to keep at home if we could call this 433,000 aliens to the colors? In that respect the boys of the South, as well as those of the North, are interested. Gentlemen, when you go back home and when the next draft is called and you see the fond mother as she bids good-by to her devoted boy, bids him Godspeed because the laws of the country take him, and then she turns and sees the alien, who is exempted, with gleeful eyes and with ghoulish grin say, "I get that boy's job to-morrow," can you look with satisfaction on a condition that by your vote you have helped to continue?

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. BURNETT. I do.

Mr. JOHNSON of Washington. The gentleman says he hopes these aliens will be in our Army before fall?

Mr. BURNETT. Which ones?

Mr. JOHNSON of Washington. These aliens in the United States who are to be subjected to draft or deportation under this bill.

Mr. BURNETT. If they are not in our Army I hope they will be well on their way somewhere else. [Applause.]

Mr. JOHNSON of Washington. Now, let me ask the gentleman: Suppose we put into our Army an alien who has not taken out his first papers or declared any form of allegiance to the United States; that while in our Army he assassinates a general of the Army of the United States; that we then subject him to military trial and death. What is our relation with his country?

Mr. BURNETT. Well, if he waives his exemption we get him anyhow just the same under the draft law which the gentleman voted for.

Mr. JOHNSON of Washington. Only last Saturday a conspiracy was discovered in a cantonment out in the district which I have the honor to represent, the details of which are not entirely given out, but enough to show that a conspiracy was on foot with some of these first-paper men, and some others, to assassinate the officers of the United States Army in charge of that cantonment and other work of that kind.

Mr. BURNETT. The gentleman, then, would be opposed to the new treaties also, because, according to his view, they ought to stay here and take the wages from the men who do go, and if they would murder a general in the field, they would not hesitate to murder the wife and children of a soldier left behind.

Mr. JOHNSON of Washington. Oh, no; I do not say that.

Mr. BURNETT. You let him stay and escape everything, and carry on his work of destruction and of murder here. I say at least send him where he can not ply his fiendish trade among the defenseless people left here at home.

Gentlemen, the country demands this law. A long-suffering people endured the presence of these alien slackers through one draft, and in the name of right and justice do not let them have to pass through those scenes again. A workingman in Alabama City, a beautiful little cotton-mill town near my home, told me that when the tocsin of war sounded last year his son-in-law felt it his patriotic duty to respond to the call, and is now in the trenches "somewhere in France," and that a few days afterwards an alien slacker got his job.

The only protest that I have had against this bill outside of official Washington was by a manufacturing establishment in Philadelphia, and the argument made in that letter was that they needed the labor of these aliens. I replied by suggesting that they keep some American boys home to work in their industries and let some of the alien slackers go and fight in their stead.

One or two gentlemen in this debate have made the same insistence as to the need of labor. Gentlemen, let us not weigh the blood of American boys in the scales against sordid wealth. Let us not measure the bleeding hearts of American mothers with a dollar mark. Let us think about those of our own flesh and blood. "He that provideth not for those of his own household is worse than an infidel."

The men and women of my district are just as patriotic as any beneath the sun, but they would deem me unworthy of the commission that they have kept in my hands for these 20 years were I to sit idly by and see our young men taken from their homes to fight and die in foreign lands while cowardly aliens fill their pockets here in security, far from the cannon's rattle. It is no pleasant duty for me to press this bill against the wishes of the President and the Secretary of State. But, gentlemen, a brave constituency has not sent me here to be the rubber stamp of any man or of any department.

If we as representatives of the people are to be mere automatons and have no right to act and vote as our convictions of duty lead us, then we had better abolish Congress and admit to our constituents that they have no use for us here.

Any man who comes here or declares his intention to come here to be a mere tool in the hands of anybody is unfit to represent a brave and honest people. So long as my people intrust me with their commission I expect to try to protect their best interests; to act for them, with the fear of God and the love of those whose servant I am as my guiding star. I can do no more; I will do no less. [Applause.] In this fight that I have been making for our young manhood I have been comforted and encouraged by many expressions of approval from all over our broad land. I will insert one letter from a representative of one of the patriotic organizations of the land. This is only a sample of hundreds of others of a similar tenor that I have received. I will also insert a portion of a splendid article written to the New York American by John Temple Graves, one of my long-ago Georgia friends.

Mr. Chairman, I voted against war and against conscription, and I have no apologies to make for either of those votes. But we are now in the war, and it is the patriotic duty of every true American to help to win it.

We now have conscription. I have advised my people to obey the law, and they have; but it makes my blood boil to see cowardly aliens who have not thought enough of American liberty and American opportunity to try to become American citizens take advantage of that very fact, while my constituents are called from homes and loved ones to fight and perhaps to die, not only for America but for the very existence of the countries of those renegades and slackers.

PENNSYLVANIA STATE CAMP,
PATRIOTIC ORDER SONS OF AMERICA,
Philadelphia, Pa., February 21, 1918.

Hon. JOHN L. BURNETT,
Chairman Committee on Immigration and Naturalization,
House of Representatives, Washington, D. C.

DEAR MR. BURNETT: May I, on behalf of the 120,000 native-born members of the Patriotic Order Sons of America of Pennsylvania, which in two days last May furnished over 2,000 trained recruits in Scranton, Pa., to the United States Army, and who to-day has many over 10,000 of its members fighting for the democracy of mankind, commend you for the splendid fight you are making in pressing for passage your alien slacker bill?

We are aware of the opposition you are encountering. At our State meeting last August, with close to 1,200 delegates in attendance, the principle of your bill was considered and unanimously indorsed. Similar action was taken at our national camp meeting in Chicago the following month.

It appears to me that the day has arrived when "America should be for Americans," either native born or those who come to our shores with the idea of becoming American citizens and living up to the principles and ideals of American institutions.

It is difficult to understand why any of our allies should object to such legislation, for it merely proposes to treat, with the liberal option of departures, foreign-born aliens as we have already, months ago, treated our own native born by the conscription act. That act specifically applies to aliens who have taken out their first papers, but I understand in administration is not being applied to such aliens because of treaties. Members of Congress who voted for that law, regardless of treaties, are now opposing this slacker bill of yours because of treaties.

It is our contention that if there are any treaties that stand in the way of the pending bill such treaties ought to be abrogated as the treaty with Russia was abrogated several years ago and as our treaties of peace were abrogated by a declaration of war last April, in order that justice may be done to our own, as we would have it done to the whole of mankind. As a matter of fact, is such abrogation necessary? Do not foreign countries, in making treaties with the President and the United States Senate find in our Constitution, which defines the treaty-making power, a clear-cut description of Congress's legislative power? And can they object to Congress treating their aliens, who are using this country as a "slacker's haven," precisely as we treat our own native born? One may justly ask if any nation which so construes a treaty and insists that their physically fit citizens of military age and of like condition shall stay in this country in good jobs, while our own native born are sent to their territory to defend it from further invasion and to fight to make the world safe for democracy and democracy safe for the world, is worth having treaties with. It is for this reason that we strenuously object to the Rogers amendment. This is a time in our opinion when the men we honor in Congress should demonstrate to the world that we stand four square for justice to mankind and a "square deal" to our own native born and our naturalized.

The fact that Great Britain has just made a treaty with us agreeing to the principle of your bill in a way shows that you and your committee were right in reporting the measure favorably to the House last summer, and that no nation could justly object to such important legislation.

I want to extend to you our hearty and sincere appreciation for the splendid stand you have taken on this patriotic proposition, and our earnest prayer is that patriots such as you may increase in number in Congress.

For America and American principles first, last, and forever,
Sincerely and fraternally, yours,

C. B. HELME, *State Secretary.*

[From the New York American.]

DEMANDS FOR SLACKER LAW GO UNHEEDED—MYSTERIOUS DELAY IN BILL THAT WOULD SEND 1,000,000 ALIENS TO FRANCE IS INEXPLICABLE—MEASURE STATS BEFORE CONGRESS 10 MONTHS, AND EVEN NOW IS RECEIVING LITTLE ATTENTION.

(By John Temple Graves.)

WASHINGTON, *February 22.*

The delay in the presentation and expedition of the alien-slacker bill is one of the distinct mysteries in the legislative and executive branches of the Government and of the present Congress.

In the mightiest war in which our country ever has been engaged or ever will be engaged, and with a steady and increasing clamor among our allies and our own Military Establishment for an ever-increasing man power it is utterly impossible to understand the procrastination and delay which has wrapped itself about a measure practically designed to gather and send to the French front somewhere between 750,000 and 1,000,000 men who ought by every right to be there.

It is a fact that no other legislation of nearly equal importance, of such self-evident justice, and of such vital necessity to the war in Europe has had anything approximating the delay, the apparent indifference, and the incomprehensible procrastination which has wrapped itself about this measure.

NEWSPAPERS FAVOR BILL.

Six weeks after the war began and in the latter part of May the Hearst newspapers, in voicing a simple and general demand of the friends of the American soldier, of our conscript army, and of our allied troops upon the western front of Europe, urged and at frequent intervals continued to urge the rounding up of the million or more of alien slackers who had taken refuge in this country to escape the duty and danger of serving their own countries in the vital emergencies of this war.

Other newspapers took up the appeal, and public opinion, through thousands of voices of parents and friends of the American Army, fervently indorsed the cry to the American Legislature and to the departments to speed the effort to gather and forward these alien slackers to the front—for the sake of their own nations who were our allies and friends and for the purpose of diminishing in some degree the numbers of our own men whose blood and life were being freely offered upon the battle fields of Europe.

From first to last this matter, the importance of which cried aloud to the common sense and humanity of the American people, has been treated with an apathy, with a delay, and with an apparent indifference which no American has been able to understand.

To-day, 10 months after the declaration of the war, the alien-slacker bill is still in the air, with no definite period fixed for its consideration, except in the House, where Congressman BURNETT, of Alabama, has succeeded after consistent and commendable energy in forcing a bill for consideration on Wednesday of next week.

AGREEMENT REACHED.

It was stated some months ago the State Department had requested a delay in the consideration of the measure to give time for diplomatic negotiations with the other allied nations concerned in the matter and with whom our existing treaties presented some difficulties to positive action by this Government.

More than a week ago notice was sent to the Military Committees of both Houses that an agreement had been reached between Great Britain and Canada and the United States by which the alien slackers of these countries, numbering perhaps 400,000 fighting men, could be speedily rounded up and sent to the fighting fronts.

One would have thought, in view of the urgent clamor voiced on both sides of the sea, that every agency of both Governments would have been speeded to the limit to develop and utilize this magnificent addition of man power to what is universally conceded as the very crisis of the war.

But the fact is that with astonishing delay, both in the establishment of the agreement and in the action of the legislative body, the matter has simply been referred to committees in both Houses, an opportunity which it seems should have been swiftly and eagerly seized has been leisurely laid over, and probably will be reported some time during the next week, when as an emergency matter it should have been immediately reported and immediately acted upon.

NO CAUSE FOR DELAY.

I have been unable to find any explanation of the delay which satisfies my judgment of legislation or my interest in the war. With the utmost loyalty toward the Government and the administration and the greatest respect for the Senate and the House, I have been unable to discover any reason why Executive vigor and congressional vigor could not have facilitated long ago the diplomatic arrangements which would have concluded a matter in which all nations, including our own, are so vitally interested. I can not account for the technical and personal divisions which would justify Congress in delaying action upon a question which involved a considerable portion of a million man power to be added to the allies in their supremest need.

I am sure that the Hearst newspapers would wish me once more through their columns to protest against further delay and to appeal for expedition in this matter.

I am very sure that with this matter now at last in diplomatic shape in the hands of the present Congress, the two Houses of that Congress could do nothing more popular or more necessary than to speed up this as an emergency measure with all possible expedition through both branches of our National Assembly and send it without further delay for the signature of the President.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. I would like to ascertain what the parliamentary status of the bill is at the present time.

The CHAIRMAN. An amendment has been offered by the gentleman from Alabama to strike out and insert, page 3, in line 14, after the word "States," to the end of section 3, page 4, and insert an amendment that the Clerk has reported to the committee.

Mr. BANKHEAD. It is an amendment to section 3 of the bill?

The CHAIRMAN. Yes; to section 2. Section 3, by unanimous consent, has been changed to section 2. This is section 3 as printed in the bill, but it is now section 2. The gentleman from Alabama has concluded, the Chair supposes.

Mr. ROGERS. Mr. Chairman, I ask to be recognized.

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROGERS] is recognized.

Mr. ROGERS. Mr. Chairman and gentlemen of the committee, I have said before when this bill was up for consideration that I favored it. I do not wish to be thought to be in the position of a Greek bearing gifts. I sincerely echo the sentiments which the gentleman from Alabama [Mr. BURNETT] has just voiced. I hope that this bill will speedily be passed and become law.

On two different occasions I have found on my desk in the morning a letter signed by the gentleman from Alabama, which I assume was sent to most Members of the House, in which he called upon Members to vote against the "vicious Rogers amendment." It is not entirely clear from the language whether he was characterizing the offerer or the amendment, but I am willing to accept the gentleman's assurance that he was referring to the amendment and not to the author of the amendment. [Laughter.]

But, Mr. Chairman, let us see what this "vicious" amendment is, if we accept the construction of that phrase which I prefer. Let us see what iniquity is proposed in the "vicious Rogers amendment." My amendment is as follows:

Insert the following after the word "citizens," page 2, line 4:

"*Provided*, That this act shall not be construed to supersede the provisions of any existing treaty with such country, the terms of which stipulate that the United States shall not subject the subjects of such country to compulsory military service."

Mr. Chairman, we have a treaty with Italy, made in 1871, and in force to-day, by which each country stipulates that it will not subject the subjects of the other residing within its borders to compulsory military service. Is it "vicious" to suggest that as a Nation we are in honor bound to observe the terms of that solemn covenant? I should expect that Von Tirpitz or Von Hindenberg would characterize my amendment as vicious, but I am very much surprised, I confess, to find that sentiment voiced by the gentleman from Alabama [Mr. BURNETT]. My amendment simply and solely proposes that we as a Nation shall keep our solemnly plighted word.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. KELLY of Pennsylvania. Does the gentleman from Massachusetts contend that this amendment in any way supersedes the treaties we have in force? Is there any necessity for the Rogers amendment?

Mr. ROGERS. I am frank to say that my judgment, after such study as I have been able to give the question, is that the Burnett bill is not in violation of the treaty with Italy or of any other existing treaty. In that respect the gentleman from Alabama was entirely correct in quoting me as thinking that the Burnett bill does not violate any treaty.

Mr. KELLY of Pennsylvania. Is there any necessity for the interpolation of this amendment?

Mr. ROGERS. I am not an international lawyer. I have not been intrusted by the President of the United States with the task of administering our foreign relations. That function has been put not upon me, not upon the gentleman from Alabama [Mr. BURNETT], but upon the Secretary of State and upon the Department of State. The Secretary of State has definitely and positively said that in his judgment the Burnett bill does violate the Italian treaty. If that is true, we ought in honor to retain my amendment, and thus to save the United States Congress from being open to the charge of having deliberately made the Italian treaty a "scrap of paper."

Mr. McCULLOCH. Is there any other reason why the gentleman believes we should give the Italian the benefit of the doubt?

Mr. ROGERS. We are not going to give the Italian the benefit of the doubt. We have made a treaty with Italy. That treaty is in force. There is a prescribed and orderly way by which we can proceed to abrogate that treaty. But we have not the right as an honorable Nation, which is appearing before the world as the exponent of the doctrine of the maintenance of treaties, to fly in the face of that treaty so long as it is in force. We can not as a Nation be a champion of the "scrap of paper" doctrine. We are at war at this moment with a nation because we can not trust her to observe the treaty obligations into which she has entered.

Mr. DOWELL. Does not the Secretary of State in the communication read here to-day approve of the bill that is now before the House for consideration?

Mr. ROGERS. The gentleman from Iowa knows, of course, that the amendment to which I have alluded, and of which I am the author, is already in the bill.

Mr. DOWELL. But without reference to that amendment?

Mr. FLOOD. No.

Mr. ROGERS. Perhaps the gentleman from Virginia [Mr. FLOOD], the chairman of the Committee on Foreign Affairs, who has talked with the Secretary of State, as I have not recently talked with him, can answer the question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD. The Secretary of State simply says in his letter that the negotiations that were in progress in regard to these treaties had been practically concluded; two of them had been signed and sent to the Senate and the other two were almost entirely completed, with the exception of some minor changes. He did not approve the bill. But I want to ask the gentleman if I understand his position correctly. During the last two or three weeks we have been discussing this bill he has expressed himself as heartily in favor of it and did not concur in the view expressed that the bill violated the Italian and Japanese treaties, but yielded his judgment in that respect to the positive statement of the Secretary of State and his legal adviser that it did violate the Italian treaty. He does not want to put his country in the position of violating a treaty, where there is any doubt, and there must be doubt when our own State Department would have to decide against our position. Is that the gentleman's position? I think it is highly honorable and patriotic.

Mr. ROGERS. That is not exactly my position, but perhaps it approximates an accurate statement.

I think we must trust the State Department to administer the affairs of state. Now, the State Department has in a preliminary way, at least, expressed the opinion that this Burnett bill violates the Italian treaty. I do not think it does. I do not think it follows, when the question comes squarely before the State Department, when the State Department must consider the question and reach a decision, that it will itself adhere to its informal opinion. But my position is that we in this House must beyond peradventure exclude the possibility of violating our solemn troth. For that reason we must write into this bill a simple provision excluding any intent upon our part to break our given word.

Mr. BURNETT. Did not the gentleman vote for the draft bill, and did not we violate a treaty in regard to the drafting of aliens with first papers?

Mr. ROGERS. I voted for the draft bill, and the gentleman voted against it.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes; I yield to the gentleman.

Mr. KAHN. It is true there was a provision in the draft bill which violated some of our treaties, but the Committee on Military Affairs yesterday reported out a bill to correct that, so that we would not be in that invidious position.

Mr. BURNETT. What the gentleman from Massachusetts said is correct, and I stand on that.

Mr. ROGERS. I will say to the gentleman from Alabama that the international phase of the question was not presented to me and I do not recall that it was presented to the House last April or May, at the time the draft bill was before the House.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. Yes.

Mr. KEARNS. Is the Italian Government objecting to this bill on account of the fact that it is in contravention of some treaty that we have with Italy?

Mr. ROGERS. The chairman of the Committee on Foreign Affairs says that the Italian ambassador declares that this bill violates the treaty of 1871 between the United States and Italy. But the Italian Government has negotiated a treaty with England for the service in the armies of England of Italian subjects resident in England, and vice versa. There is no question that Italy is willing and indeed eager to enter into an agreement with us similar to that which she has entered into with Great Britain and which we have entered into with Great Britain and Canada. But she desires to do it in her own way. She will quite naturally deplore legislation by Congress which she says unblushingly contravenes a treaty with her, nearly 50 years old, and hitherto scrupulously regarded by both countries.

Mr. Chairman, if this Burnett bill does not violate any treaty, it can do no possible harm to state fairly and squarely that we propose to keep our plighted word. If the Burnett bill does violate a treaty, I have too great faith in the honor of the membership of this House to believe it will not indorse an amendment preventing any such Prussianism in our legislation.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The debate on this section is exhausted.

Mr. SAUNDERS of Virginia. Mr. Chairman, if the debate is exhausted, how comes it the gentleman from Massachusetts got time?

The CHAIRMAN. By unanimous consent.

Mr. SAUNDERS of Virginia. I did not hear anything about unanimous consent, but I will ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman can move to strike out the last word.

Mr. SAUNDERS of Virginia. I will do that. I thought the chairman referred to some agreement. I move to strike out the last word in the amendment.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. SAUNDERS of Virginia. Mr. Chairman, there are two questions involved in the pending measure. One is a question of authority, or power, the other a question of propriety.

I think we are all agreed, whether we favor, or oppose this bill, that if it proposes in any wise to do anything that infringes a treaty, or is in derogation of our national honor, we are, one and all, opposed to it. With respect however to the question of power, I wish to take issue with the contention that has been advanced to the effect that we lack the authority to enact this legislation. In this connection I desire to say that should we chose to exercise our constitutional power—and I do not suggest for a moment that we should do this, if the propriety of its exercise is in doubt—it is perfectly competent for the Congress to avoid every existing treaty. The discussion upon this bill seems to have proceeded, for a time at least, upon the theory that if there is a valid subsisting treaty, we are powerless to take any steps in contravention of its provisions. Nothing could be further from the fact. Congress has the right to pass bills that relate to and provide for the common defense. It has the right to provide for the establishment and maintenance of armies and navies. Further, it has the right to take all the steps necessary to make effectual the powers specifically confided to it by the Constitution. Hence, when the Congress enacts a law in conformity with the Constitution, that law becomes paramount law.

Under the Constitution the President can negotiate a treaty. When that treaty is ratified by the Senate, that treaty becomes paramount law. Both laws are paramount, and if they happen to conflict, the one that is later in point of time, operates a repeal pro tanto of the prior enactment.

The inquiry has been propounded here to-day whether the bill under consideration will violate the treaties that are pending in the Senate. Why, of course not. Whatever may be enacted in the way of statute law, prior to the ratification of treaties negotiated by the Senate, and in conflict with the terms of those treaties will, immediately upon their ratification, be thereby abrogated. So that it is utterly impossible for us by any present action to violate a treaty which is inchoate, which is as yet in the womb of the future, and which, when ratified will thereby, by that very act, abrogate all antecedent and conflicting legislation.

But, Mr. Chairman, while it is perfectly true, as I said, that the Congress possesses ample authority to abrogate the treaty with Italy, without giving that country notice of our intention to that effect, I do not for a moment suggest such a course. As a matter of propriety and national honor, we should hold to the view which is the general view of the modern world, with one flagrant and odious exception, that treaties ought not to be regarded as "scraps of paper," but maintained as solemn and binding obligations. If there is anything in the proposed legislation that is in derogation of our treaty with Italy or of our treaties with any other country the way of our duty is manifest. With one voice this legislation should be rejected. But, Mr. Chairman, I wish to dissent in the most emphatic terms from a suggestion heretofore projected into this debate to the effect that this body should be controlled in its judgment of the constitutionality of pending legislation by the views entertained with respect to such legislation by the State, or any other department of the Government. We are a coordinate branch of the Government, and in connection with the enactment of laws, it is a part of our constitutional function to determine for ourselves whether acts under consideration are, or are not constitutional.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. MOORE of Pennsylvania. Suppose a treaty had been entered into with the usual good faith, which required six months' notice of intended abrogation, and we should pass a law in advance of that six months' notice. Would the gentleman regard that as an act of good faith toward another Government?

Mr. SAUNDERS of Virginia. Certainly not. As a matter of power, we could take such action. But I have just said that if there is anything in the pending bill that is in derogation of

any existing treaty, then as a matter of national honor, and high propriety, the bill should be rejected.

Mr. MOORE of Pennsylvania. In connection with the treaty with Russia, Congress did act but it gave notice that it intended to abrogate the treaty.

Mr. SAUNDERS of Virginia. Yes. That was the proper thing to do—and we did it, but we could have abrogated the treaty without any preliminary notice.

Mr. MOORE of Pennsylvania. Would not the State Department be put in the position of violating a treaty if this House were to pass a bill not in accordance with the treaty?

Mr. SAUNDERS of Virginia. But if this bill does not violate a treaty, how will its enactment put the State Department in the situation suggested by the gentleman's question?

Mr. MOORE of Pennsylvania. That is true if it does not violate the treaty; but the suggestion has been made that this bill does.

Mr. SAUNDERS of Virginia. I intend to discuss that suggestion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent that he may proceed for five minutes. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. I dissent in toto from the view that the suggestion by the Secretary of State, or the Secretary of the Interior, or the Secretary of any other department, that pending legislation is unconstitutional, should cause this body to abandon its own well-considered opinions, fold its hands, so to say, and discontinue its legislative activities on the subject under consideration. That would be a surrender of our proper constitutional function.

Mr. MADDEN. Will the gentleman yield?

Mr. SAUNDERS or Virginia. I yield, Mr. Chairman.

Mr. MADDEN. What is the fact with respect to the terms of the treaty? Would this law in fact violate the terms of the treaty?

Mr. SAUNDERS of Virginia. No. I intend to discuss this question of suggested conflict, but preliminary to that discussion I wished to say a word or two with respect to what I deem to be the proper constitutional authority, and the appropriate action of this body when engaged in the enactment of legislation presenting constitutional, or other difficulties.

Mr. MOORE of Pennsylvania. That brings up the question that the gentleman from Illinois [Mr. MADDEN] has raised. Should not the bill include some notice that we intend to abrogate the treaty?

Mr. SAUNDERS of Virginia. Yes, if we proposed to abrogate a treaty.

Mr. MOORE of Pennsylvania. Rather than simply pass it without notice?

Mr. SAUNDERS of Virginia. But if we do not propose to abrogate a treaty, why should any notice be given? If we are perfectly clear that our legislation will not be in abrogation of a treaty, why should we discount the sincerity of our action by giving a notice that is proper to be given only when the abrogation of a treaty is in contemplation?

Mr. MOORE of Pennsylvania. Our treaty may say "We will give you six months' notice," but our bills says "We will give you no notice." That is the point.

Mr. SAUNDERS of Virginia. If we do propose to abrogate a treaty, why should we give a notice of abrogation? I deny that by this act we will violate any treaty, or moral obligation.

Mr. GALLIVAN. Have any of these other powers intimated that we are violating the treaty? Does the gentleman know whether they insist that we are likely to?

Mr. SAUNDERS of Virginia. I have heard it stated on the floor of the House that the Italian Government or some representative of that Government has intimated that the pending bill is in violation of our treaty with Italy.

Mr. GALLIVAN. But the gentleman does not know whether that is official or not.

Mr. SAUNDERS of Virginia. Pardon me, for a moment—I have wondered since hearing this statement whether it did not relate to the bill as it was originally reported, and not to the bill in its present form. The bill reported by the committee contained a provision for the conscription of aliens. Should we pass the bill with this provision included, it would clearly be in violation of the Italian treaty. Congress would have the authority to pass it, even in that form, but good faith and national honor forbid such action. The offending section has been stricken from the bill.

Mr. GALLIVAN. But the gentleman can not say with any certainty that any of these powers have intimated that the present act under consideration violates any treaty.

Mr. SAUNDERS of Virginia. I know nothing more than what has been stated on this floor. No protest from the Italian Government has been presented to this body or to the Senate, certainly so far as I am aware. The statement to which I referred was made in debate two weeks ago. I do not even know whether this statement could now be made, in view of the present form of the bill.

Mr. GALLIVAN. I notice that the chairman of the Committee on Foreign Affairs has just returned to the Chamber, and I hope he will answer the question which I have just put to the gentleman from Virginia.

Mr. SAUNDERS of Virginia. Now, Mr. Chairman, I stated a moment ago that if this House is sure of its ground and firmly of opinion that this legislation is constitutional and morally proper, it should not be deterred from action by difficulties suggested by the functionaries of another department. Should this body decline to take the action that its own judgment and conscience suggest, when confronted with the critical suggestions, and opposing views of officials in other branches of the Government, much wholesome legislation would remain unenacted. I well recall that when the Webb-Kenyon bill was before this body, the Attorney General of the United States pronounced that measure to be unconstitutional, and so advised the then President. Later that President vetoed the bill on the ground of unconstitutionality. In the exercise of our own proper authority, and fully persuaded that the bill was constitutional the Congress proceeded to pass the same over the President's veto. What was the sequel of that action? The Supreme Court sustained the constitutionality of the act in a decision of the most sweeping possible character, thereby fully vindicating the judgment of the Congress against the opposing view of the Attorney General and the President.

So much then for the suggestion that this body ought to hesitate to act, merely because an official, or officials at the departments maintain an opposing view upon questions that we are perfectly competent to determine. These preliminary remarks may serve to draw attention to the fact that on the question of the constitutionality of this bill, we should exercise our own judgment, and not be frightened away, or deterred from taking action on the suggestion that the Secretary of State differs with us with respect to the propriety and constitutionality of this legislation. We respect the judgment of the Secretary, but we must act on these high matters on our own judgment, and following the suggestions of our own consciences.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SAUNDERS of Virginia. I have been interrupted so much by questions that I will ask for 10 additional minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that he may proceed for 10 minutes. Is there objection?

There was no objection.

Mr. SAUNDERS of Virginia. Returning to the discussion of the propriety of this bill it will be noted, on examination, that what the treaty with Italy denounces is the conscription of Italians in this country.

Mr. MADDEN. Will the gentleman yield there?

Mr. SAUNDERS of Virginia. Certainly.

Mr. MADDEN. While we are not providing for the conscription of the nationals of Italy in this bill, we are in effect doing that same thing, are we not?

Mr. SAUNDERS of Virginia. Not at all, but that is the very question I am now proposing to discuss, and which I have started several times to discuss, but from which I have been diverted by the questions which have been propounded. Looking, as I have said, to the treaty, it will be seen that it specifically provides against the conscription of the subjects of Italy in the United States. There is not a line of this bill in its present form which provides for conscription. It relates to a situation which, it is fair to say, neither of the contracting parties had in mind at the time the treaty was negotiated, and a situation therefore with respect to which the minds of the contracting parties never met.

Mr. GORDON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. GORDON. Does not the joint resolution deal with the condition created by the conscription law, to wit, the status of men who have registered but pleaded their rights under the treaty; does not the joint resolution impose pains and penalties on men who plead their rights under that very treaty?

Mr. SAUNDERS of Virginia. Mr. Chairman, I will endeavor to answer this, and all other questions frankly and fully. As I

have said, the situation that now confronts us is one that was never fairly in contemplation by the parties to the treaty. We are at war, with Italy on our side. This war presents possibilities of far graver consequences to Italy, than to this country. Victory will mean more to that country than to the United States. Under war conditions we find hundreds of thousands of aliens in the United States, the subjects of other countries engaged in a life and death struggle, but who are neither aiding this country, nor the countries to which they owe allegiance. They have scorned to become naturalized citizens of the United States. They are beyond our authority for the purposes of waging war. They are fighting neither in the armies of this Republic, or of the motherland to which they belong.

This Republic is conscripting the sons of America to fight the battles of America, and incidentally the battles of the countries to which these aliens belong. What does this mean for the native American, this inability to put on the firing line either in the armies of the United States or of our allies, this vast aggregate of aliens? It means that in every community of the United States, where these aliens are found, they constitute an occasion of irritation, of dissatisfaction, and of heartburning. It breaks down that solidarity of sentiment, so essential to the successful conduct of the war, its successful prosecution, and speedy conclusion. We should be at this time a united people, free from the canker of irritating comparisons. How can this state of mind exist when in so many communities American parents see their boys going to war, when aliens protected by treaties from conscription, remain to hold their jobs? This is the situation that confronts us. What are we going to do about it? Can we conscript these people? No. Existing treaties hinder us from taking that action. What then? Are our powers as a sovereign nation paralyzed in all other directions? Are we hindered from taking action on lines not covered by these treaties? Of course not. We can not move in any direction where these treaties block the way, but in all other respects we are still sovereign, and can exercise all of the attributes of sovereignty. What then can this country do, in this time of critical exigency? The answer is easy.

We can say to these aliens who cause heartburnings, these aliens whose presence in so many communities is a festering sore, that while we can not conscript them and put them into the Armies of the Republic, side by side with our sons, we can invite them to withdraw from our country. We can say to them that their further presence is not desirable under present conditions. We can say to them that they are hindering us in the great task of winning the war, by preventing a continuous contrast between their favored condition, and that of our sons in the trenches of Europe. They are neither with us, nor with their own countries. We can not conscript them, and their own countries can not reach them. Under these conditions they are not desirable inmates of our country. They are an offense, and a stumbling block. Have we no right under these circumstances to invite them to withdraw or if they wish to remain to come into our Armies? Why not? Is it possible that we have ever agreed to any treaty which renders it impossible for this country in the exercise of its sovereign powers to invite undesirable persons to withdraw from our borders, and if necessary to deport them?

Mr. PLATT. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. PLATT. Does the gentleman mean that he actually wants to deport these people?

Mr. SAUNDERS of Virginia. Yes, if necessary.

Mr. PLATT. You could not run the coal mines of Pennsylvania three weeks without them.

Mr. SAUNDERS of Virginia. It is more important to have soldiers at the front, than to maintain aliens to dig coal in Pennsylvania. I am more interested in our own boys, our patriotic native born Americans, than in alien coal miners. If these people were in our armies, or the armies of the countries to which they owe allegiance, it would not be necessary for so many of our young men to be drafted.

Mr. PLATT. You can not win the war without the operation of the coal mines.

Mr. SAUNDERS of Virginia. The gentleman is getting away from the question of our authority and rights under the treaties.

Mr. GORDON. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. GORDON. Is it the gentleman's judgment that the Government of the United States can not win this war without drafting aliens into the military service?

Mr. SAUNDERS of Virginia. We can win this war without the aliens, but as a matter of justice to American boys, I wish to see these people either fighting in the armies of this country to which they have come of their own choice, or in the armies of the allies' countries to which they owe allegiance. Should our boys fight in Europe to make this country a safe domicile for aliens, where they may wax fat, and flourish, secure against danger?

Mr. GORDON. The gentleman is a good lawyer, but he has not answered my question.

Mr. SAUNDERS of Virginia. I have stated that we can win the war, without calling upon the aliens. But I desire to call upon them.

Mr. GORDON. What authority have we to force aliens into the Army?

Mr. SAUNDERS of Virginia. We are not seeking to conscript them. We give them a choice.

Mr. GORDON. You are or you are driving them out of the country.

Mr. SAUNDERS of Virginia. We say to them "Your presence is not desirable under these circumstances but if you choose to enter our armies, and fight shoulder to shoulder with our boys, you will by that act, remove the objection to your continued presence."

Mr. FESS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. No, I can not yield further. My only reason for not yielding is that I have already been obliged to ask one or two extensions, and I do not care to ask for further time.

Mr. FESS. I wanted to ask the gentleman a question on this line.

Mr. SAUNDERS of Virginia. Very well, I will yield.

Mr. FESS. I want the gentleman's opinion as a lawyer upon one question upon which I am considerably confused in my mind. I am in sympathy with what the gentleman is saying, and still I am withholding my support because of some doubt.

Mr. SAUNDERS of Virginia. What is the gentleman's doubt?

Mr. FESS. Suppose the bill is passed with the Rogers amendment; we can not do under the law with that amendment what I think my friend would like to do.

Mr. SAUNDERS of Virginia. Not if construed by a hostile department, no.

Mr. FESS. In case the law is passed and the negotiations of the State Department will relieve inability by treaty, must there be some additional legislation in order to make it operative upon the person that it is now inoperative upon because of treaty obligations?

Mr. SAUNDERS of Virginia. The difficulty in answering that question is that we do not know what the provisions of the treaty will be. I have pointed out that even should this bill become law, any subsequently ratified treaty will be the law of the land, and will override all antecedent laws of the land, just as this bill if passed, will be the law of the land, and repeal all other laws with which it may happen to conflict.

Mr. FESS. Then the law as passed to-day would be operative on cases that the treaty now would forbid if a future treaty would relieve it?

Mr. SAUNDERS of Virginia. This law would not operate against any treaty ratified subsequent to its enactment. Taking up again the thread of my argument, I repeat that we can say to these aliens, "We do not want you in this country under present conditions. You neither wish to fight with us, nor with your native country. Under these circumstances we will be glad for you to withdraw." To this statement we can add the further statement that if, preferably to withdrawing, they are willing of their own motion to become a part of the military force of this country, we are willing for them to remain. This puts the matter up to them—as a matter of voluntary choice. You may say that the choice is a hard one. That may be, but it does not touch the question of our right in the premises.

It is competent for this country to remove them without giving them the choice of coming into our armies. I suppose that the gentleman from Ohio [Mr. GORDON] will agree that morally, and constitutionally we possess that authority. The greater always includes the less. If as a matter of authority, and without violation of propriety, we can deport these aliens as undesirables, then assuredly we enjoy the lesser power to give them the opportunity to remain, by becoming by voluntary action a part of the armies of the Republic, thereby removing the objection to their continued presence. That is all this bill proposes to do.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. FLOOD. Suppose a Member of Congress thought that it did infringe the treaty?

Mr. SAUNDERS of Virginia. Then, he ought to vote against it, just as every Member who thought that the Webb-Kenyon bill was unconstitutional, ought to have voted against it.

Mr. FLOOD. Is it not a fact that this country has negotiated a treaty with Italy that covers this proposition, and does not that take it out of the question of whether we are violating the treaty or not?

Mr. SAUNDERS of Virginia. No; because the old treaty with Italy endures until the proposed treaty is ratified. We do not know when that ratification will take place. In the meantime, and by way of anticipation we ought to take some action.

Mr. FLOOD. The gentleman does not suppose that the Senate of the United States would at the same time ratify a treaty negotiated between this country and Italy and pass a law that violated that treaty, does he?

Mr. SAUNDERS of Virginia. I will say this, and it is an answer to many of the questions that have been propounded: Why concern ourselves with possible conflicts between this bill, and the treaty now being negotiated with Italy, when both the new treaty and this bill will be before the Senate. That body will be in a position to take care of any conflicts, and make the necessary reconciliations.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. SLAYDEN. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. HARDY. I would like to know if the gentleman believes that strict good faith permits us to do indirectly what our entire good faith declares we ought not to do directly?

Mr. SAUNDERS of Virginia. There is no answer to that, but no.

Mr. HARDY. If this law would by moral compulsion enforce conscription, if it would force these people into the Army although we can not conscript them, are we not keeping the letter of the law and breaking the spirit?

Mr. SAUNDERS of Virginia. No. Whatever is not covered by the treaty either in terms, or spirit, can be dealt with by appropriate legislation. I have tried to point out that doubtless what the Italian Government had in mind, when it objected to this bill was the second section of this bill, the one that provided for conscription. But that section has been stricken out. Neither the Italian Government, nor any other Government could suppose for a moment that this country had ever surrendered its right to deport undesirable aliens. The right is of the essence of national authority. I have tried to point out how undesirable these aliens are under present conditions, when they can not be reached either by this Government, or their own. I will ask the gentlemen who have asked me so many questions, whether they question the power or the right of the United States Government to invite these aliens to go, and to remove them if necessary. I take it for granted there is not a Member of this body who would claim——

Mr. GORDON. I challenge it myself.

Mr. SAUNDERS of Virginia. Then in the gentleman's own time I hope he will support his contention.

Mr. GORDON. If I can get the time, I shall explain why.

Mr. SAUNDERS of Virginia. If we possess this power of removal how can it be in anywise considered that we run afoul of the treaty when we give the alien an opportunity of his own choice to stay with us? That is all we propose to do. We have the power and the moral right to remove them, but we say to them, "If you do not wish to be deported but prefer as a matter of choice to stay in the United States and become one of us in this war, you may exercise that choice." The question of whether it is a hard choice, is not relevant or important. It may be a harsh action toward these aliens to remove them, when they would so much prefer to stay safely in this country far from war's alarms, while our boys are in France, but it could not be argued that the power of deportation is lacking, merely because its exercise would press hardly upon the persons deported.

Mr. McCULLOCH. Mr. Chairman, is it the gentleman's opinion that the Rogers amendment should be eliminated from this bill?

Mr. SAUNDERS of Virginia. I do not think it should have been put upon the bill. We might just as well have put upon the Webb-Kenyon bill that it should not be operative, if it was held to be in violation of the Constitution of the United States.

Mr. McCULLOCH. The gentleman regards the Rogers amendment as unconstitutional?

Mr. SAUNDERS of Virginia. I voted against it, and I think it ought to be eliminated. However I do not believe that if this amendment remains as a part of the bill, it will operate to kill it. It is not expected that this bill should be enforced if it is in violation of a treaty.

Mr. HARDY. Will the gentleman yield for another question?

Mr. SAUNDERS of Virginia. Yes, I will yield.

Mr. HARDY. Does the gentleman recognize that there is duress in this bill? Would not the gentleman make the same defense of a provision in this bill which would say that any alien of this class who should refuse to volunteer might be imprisoned for six months?

Mr. SAUNDERS of Virginia. No, the situation is entirely different. There is a measure of duress in this measure, but it is duress with respect to a matter that is within our constitutional authority, and within our moral rights.

Mr. HARDY. Would not the gentleman recognize we had the constitutional authority to imprison a man who refused to volunteer?

Mr. SAUNDERS of Virginia. But not the moral right. I was careful to include both of them in my answer. I have undertaken to maintain the proposition that this bill is neither a violation of moral propriety, or a treaty obligation.

Mr. KEARNS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will.

Mr. KEARNS. Then the conscription law which we passed to conscript American boys, there was duress in that, also?

Mr. SAUNDERS of Virginia. Of course, of the most direct and effective kind.

Mr. KEARNS. In that if he refused to be conscripted we could put him in jail.

Mr. SAUNDERS of Virginia. We have no right to use duress to compel something to be done that can not, and ought not to be done directly. But when moral propriety does not interfere with the exercise of constitutional authority, then in the exercise of that authority we can use duress. We have the constitutional authority to deport these aliens, if we regard them as undesirable, and their presence under present conditions as a hindrance to the successful prosecution of the war. No treaty obligation, or moral duty interferes with the exercise of this authority. This being so this country can put up to these aliens, call it duress if you will, the choice between deportation and service by voluntary action, in the Armies of the United States.

Mr. KELLY of Pennsylvania. Mr. Chairman, the gentleman from Massachusetts [Mr. ROGERS], in answer to my question a moment or two ago, stated that he did not believe that this measure in any way supersedes our treaties with the nations concerned. That being true, what is the advantage or necessity of the so-called Rogers amendment? It can do no good and may do much harm. I believe it should be eliminated from the bill.

Mr. Chairman, this proposition embodied in the bill under discussion deals solely with the right of America to classify and deport undesirable aliens. Surely it is a gross violation of all the principles of fairness and justice to permit the citizens and subjects of our allied nations, who have taken all the advantages of an American welcome to this country, to now refuse to serve either their native land or their adopted country. Surely they shall not be permitted to stand as onlookers while the self-sacrificing youth of America marches to the trenches. Either those aliens who are fit for military service must serve under the Stars and Stripes of their adopted home or they must leave our shores for some country in which they have a deeper interest.

I maintain that the command to these aliens to either "serve or leave" is not only a fundamental right of a sovereign nation but it is a most pressing American duty. This country has long been known as the melting pot of the world. Now is the time to see whether the melting pot has done its work. We have lighted underneath it the fires of patriotism, of noble ideals, and of American safety. Now, we want to know whether the metal of our peoples has been fused into the steel ingot of common purpose. In this bill we declare that the alien slacker, the elements that will not fuse into Americanism, shall be skimmed off and thrown on the slag heap.

It is repeated on this floor that to serve or leave is a bitter alternative. The process of melting is bound to be painful. Steel is not made by asking the ore if it wants to be melted. But the ore is needed for worthy service of mankind, and it is put into the melting pot so that good metal may be molded and the dross thrown away. So, too, with these aliens in our midst who come from our allies in war. They are tested as by fire, and in this moment of national need and national peril they must either fuse into the forces of Americanism or be cast out. The man who does not think enough of this country to defend it now has no right to live upon its soil.

We have heard much of our treaty with Italy. Let me read a statement sent out by Secretary Lansing in answer to a letter

from the gentleman from Michigan [Mr. JAMES]. It is as follows:

Naturalization of an Italian subject in a foreign country without the consent of the Italian Government is no bar to liability to military service.

A former Italian subject may visit Italy without fear of molestation when he is under the age of 18 years, but between the ages of 18 and 39 he is liable to arrest and forced military service if he has not previously reported for such service. A former Italian subject who returns to Italy after the age of 39 is not liable for service. However, his exemption from punishment for past failure to appear is contingent upon his having complied with certain formalities which may be performed at an Italian embassy or consulate.

A petition for pardon of the offense of desertion or evasion of military service should be sent to the Italian Government directly, as this department does not act as the intermediary in presenting such a petition.

* * * * * * *

There is no naturalization treaty between the United States and Italy affording the rights of citizens or subjects of either country who may obtain naturalization in the other country. It may be stated, for your information, that in the absence of a naturalization treaty between the United States and Italy the Italian Government has taken the position that children born abroad to Italian subjects must be considered subjects of Italy and liable for the performance of military service in the army of that country.

Now, this attitude on the part of Italy simply means that that nation does not admit that former Italian citizens can be made full-fledged American citizens. There is the doctrine of dual nationality, and it shows that the Italian Government has no undue delicacy in its policy of dealing with those whom we regard as citizens of this country. To my mind the absence of a naturalization treaty with Italy at the present time is evidence that Italy will be the last country in the world to enter any protest to our undoubted right to deport undesirable aliens. I have a large number of former Italians in my district, and I want to say that they are loyal Americans and are with America in this war with all their hearts. At the very beginning of this war I received resolutions from a great mass meeting of former Italians held in my district, declaring earnest allegiance to the American cause and offering themselves for service in any way possible. I addressed a meeting on Washington's Birthday, last week, where some 14 different nationalities were represented. I went into the details of this "alien slacker" bill at length, and those present expressed their full approval of this measure. Those aliens who have appreciated the advantages of American citizenship and have taken out their papers of naturalization want that citizenship to mean something. They do not want unjust immunities and advantages to go to those who have never applied for citizenship.

The gentleman from New York [Mr. PLATT] injected the remark a moment ago that the coal mines of Pennsylvania could not run if this measure is passed and carried out. I come from a district where many coal mines are operated, and I want to say that the number of aliens working in them will be lessened tremendously when it is emphatically understood that American citizenship means something and that remaining an alien does not assure unjust advantages over an American citizen. One of the main barriers to greater efficiency and production in the coal mines is that very thing, the absence of the feeling that citizenship means protection and rights as a member of the Nation over those who deliberately choose to remain outsiders. Let the word go out that aliens must either serve here or leave, that they shall not escape their obligations, and you will see renewed efforts in mine and mill and factory. You will see a more whole-hearted and eager response to the stern demand of to-day on the part of American citizens from every home affected by selective conscription.

Justice to Americans demands the passage of a measure to put value into American citizenship, to make it mean rights as well as obligations, and to make alien slackers either serve or get out of America. [Applause.]

The CHAIRMAN. The Chair desires to state that he has noticed that some of the occupants of the galleries are indulging in applause. That is in violation of the rules of the House. The occupants of the gallery have no right as visitors in the gallery to express their approval or disapproval of what takes place on the floor, and the Chair hopes that occupants of the gallery will observe this rule. The Chair will recognize the gentleman from Ohio [Mr. GORDON].

Mr. GORDON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GORDON. Now, Mr. Chairman, I just want to answer a few questions that have been propounded by the previous speakers.

The gentleman from Virginia [Mr. SAUNDERS] is a good lawyer and an able parliamentarian, but his whole contention here, his whole argument, is based upon the erroneous assumption of the legal liability of aliens to render military service in the country in which they are domiciled. Now, any lawyer that will stand upon the floor of the American Congress and make such a contention as that confesses his entire ignorance of international law and the rules and customs of this or any other nation, so far as diplomatic relations are concerned. What is the undisputed truth? During the Civil War we passed a conscription law similar to the one now in force, covering those who had declared their intentions. Secretary of State Seward, after the war was over, in a formal statement declared that in every single instance where an alien declarant was conscripted into the military service of the United States he was discharged if a demand was made by his government that he should be discharged. Unfortunately we embodied that same provision in our draft law. What is the result? The Commander in Chief of the Army and Navy is discharging these aliens on the request of their government. Of course he would discharge them. They are not legally liable to render military service.

Mr. MADDEN. Of course they could not make application to discharge themselves, and they have to apply through their own governments.

Mr. GORDON. They have to apply through their own governments. That is the unfairness and meanness of this legislation. It is taking advantage of the people that are in this household of ours at our invitation. In many instances we are lending enormous sums of money to their governments, which adds materially to the embarrassment of the situation. I do not like to say that we are attempting to take advantage of men who are here by our invitation, and because we are loaning money to their governments, because no alien can come into a country without consent of that country, and nobody can question but that we have given consent.

Mr. JOHNSON of Washington. In an effort to straighten out that situation, the Committee on Military Affairs has reported a bill to the House correcting it, based on the statement of the President himself.

Mr. GORDON. The Secretary of War and the Secretary of State have sent a bill down to the committee, and we have reported it out.

Mr. JOHNSON of Washington. We have not gotten through with one branch before we are forced to take up another bill in regard to the first-paper aliens.

Mr. GORDON. While you are deliberating here and talking about this the President of the United States, in order to avoid trouble with foreign nations, is simply ignoring the law you have already passed and dismissing these men from the military service because they are not legally liable to render it. And the one main point about this whole matter that every speaker insists upon ignoring for the purpose of pandering to the voters of his own district is that you have no legal authority to conscript an alien into the military service. Why should aliens fight for the American flag? Will somebody tell me?

Mr. BURNETT. Will the gentleman yield?

Mr. GORDON. Yes.

Mr. BURNETT. If they are here and will not do it, why should our boys be sent over there and they be allowed to stay here?

Mr. GORDON. I will tell you why. Our men have got to fight the battles of our Nation. They are the only ones liable. The idea that an alien is under obligation to fight for a foreign flag is a mistake. That is a new discovery in international law. They are under no obligation to do it.

Mr. KEARNS. You have not answered the latter part of the gentleman's question. Why should they remain here?

Mr. GORDON. They should remain here, because, in the first place, if you deport these men across this submarine zone without a convoy at this time it means certain death. We can not furnish them with a convoy. It is a breach of faith on our part. They are here on our invitation. The most practical objection to this legislation, against its passage through the House—and it will never get further—and I want you to consider it, is that you will prostrate the industries of this country in all of the large cities, including the one in which I reside. Thirty-two thousand aliens between the ages of 21 and 30 in the city of Cleveland registered under our conscription law. We had a right to require them to register, because we had a right to identify them. We had a right to intern the alien enemies, and it might be necessary for you to do so for the protection of the country during the time of the war, because a state of war between two nations puts at war legally all the citizens of one nation with all the citizens and subjects of another nation. But just because we require them to register confers no right to impress them into military service. There is no such right. Every single authority on international law, regardless of treaties, holds you can not do that. If we were

invaded suddenly, if there was a great insurrection, you perhaps might call upon aliens resident here to assist in suppressing it, but the idea that a sovereign nation can conscript an alien into its military service in order to fight a foreign war is a new discovery of the gentleman from Alabama [Mr. BURNETT] and the gentleman from Virginia [Mr. SAUNDERS] in this debate.

There is no authority for it; none whatever. Our own State Department has thundered against it since the foundation of this Government, and, of course, the reason for it is perfectly obvious. If we insist upon the right to draft aliens into our military service we must concede the same right to foreign nations. And I do not care to be the citizen of a country that will permit its citizens to be drafted into the military service of foreign nations. James Madison, when Secretary of State, discussed this question fully and said that under no circumstances would it be permitted. The War of 1812 arose out of the actual impressment of American seamen into the British Navy more than from all the other causes combined. The assertion was made by the English that "once an Englishman, always an Englishman," and that their citizens could not throw off their allegiance to their mother country and become naturalized citizens of the United States. They did not assert the right then to draft native American citizens into their army or impress them into their navy. They simply claimed this right over men born in England who were naturalized under our laws. We denied their contention, and the War of 1812 was largely fought upon that question. James G. Blaine, in words that burned, denounced the proposition to draft an American citizen into the military service of a foreign country. Thomas F. Bayard did the same thing. It is not a party question. There is no authority anywhere on earth for the proposition that you have a right to compel an alien to enter the military service of a foreign nation in which he is domiciled.

Of course the President of the United States understands that. He is an authority upon history and upon international law. And what is he doing? What is he compelled and required to do? To ignore legislation that you have already enacted in order to keep the country out of war with other foreign nations who are challenging our right to draft their citizens and subjects into our military service, and a bill has been brought in here, at the request of the War Department and of the State Department and the President of the United States, to amend your draft law so as to exempt aliens coming from neutral countries from the provisions of that law. It is a constant source of irritation in connection with the drafting of our Army, although the President merely discharges them. But the unlawful laying of hands on them and subjecting them to the necessity of appealing to their Governments for protection under the rights they have under treaties and international law is a source of great embarrassment.

We have a pretty good-sized war on our hands now. I do not think we should needlessly attempt to take on another. We have denounced the enemy of the United States in this war because he has violated the rights of our citizens under international law and has violated treaties we had with him, but that is exactly what we are attempting to do here by this sort of legislation. Gentlemen, it is a mere pandering to the same sentiment which in the days of President John Adams led to the enactment of the alien laws and which aided to bring about the destruction of the old Federal Party; and I want you to remember that the time will come when some of you will regret this. Of course just now, in time of war, the aliens are a very unpopular proposition in the United States. The alien has no vote in most of the States. In nine of them, I will say to you, he may vote by declaring his intention. That is a situation which ought to be changed by constitutional amendment at once. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GALLAGHER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last two words.

Mr. GALLAGHER. Mr. Chairman, at last it appears that Congress is to remedy a condition regarding alien slackers. This problem has caused a great deal of trouble and dissatisfaction in many of the draft districts where there are a large number of aliens registered. The bill now before Congress provides for the deportation of certain aliens who want to escape military service, and for other purposes. I hope the bill will pass, and I believe it ought to pass.

One of the principal objects of the bill is to prohibit aliens who are natives or subjects of countries who are at war with Germany or with any of the other central countries of Europe from ever becoming American citizens when they claim or hereafter claim exemption from the selective draft, and further it requires the deportation of such aliens as soon as it is practicable to do so. We understand and appreciate that it is impossible at the present time to deport many of these aliens on account of the impracticability of securing immediately ships and other means of deportation, but under this bill it will be done as soon as these means are available.

I am in favor of the passage of this bill without the amendment by the gentleman from Massachusetts [Mr. ROGERS], which is as follows: Insert the following after the word "citizens," page 2, line 4:

Provided, That this act shall not be construed to supersede the provisions of any existing treaty with such country the terms of which stipulate that the United States shall not subject the subjects of such country to compulsory military service.

I do not believe that such an amendment is necessary in view of the statement by the chairman of the Committee on Foreign Affairs regarding existing treaties between this country and some of our cobelligerents, particularly Italy, and further because of a letter received by him yesterday which reads as follows:

THE SECRETARY OF STATE,
Washington, February 25, 1918.

MY DEAR MR. FLOOD: Referring to the negotiations which the department is carrying on with certain of our cobelligerents regarding military service conventions, I desire to state for your information that on Tuesday last I signed with the British representative two conventions, one for Great Britain and one for Canada, and that I am now in receipt of telegrams from the American ambassadors at Rome and Paris practically accepting with a few minor changes the proposal of the United States to enter into similar conventions with Italy and France. I am not expecting that any serious obstacle will be placed in the way of early signature to these conventions.

Very sincerely, yours,

ROBERT LANSING.

Hon. HENRY D. FLOOD,
House of Representatives.

In view of all this I had supposed that the opposition of our cobelligerents had been removed until our friend from Ohio [Mr. GORDON] took the floor. He is very much concerned about the industries that are going to stop because these aliens are likely to be deported if the law passes, as I hope it will. What about the industries in a district such as I represent, where perhaps all of the natives between the ages of 21 and 31 will be compelled to render military service under the selective-draft law as it exists. He tells us that these foreigners are here by our invitation, whereas everybody who has served in this House for any length of time knows that for the last 10 years there has been an effort on the part of Congress, much to my regret, to deny immigrants admission to this country. I have always been and am still in favor of liberal immigration.

Now, let me give you an illustration of conditions as I find them. I represent a district in the very center of the city of Chicago, composed largely of foreigners and the children of foreigners. The great majority are patriotic citizens, with many more anxious to become citizens. Quite a large number are aliens. In my own draft district nearly 60 per cent of those registered of draft age are aliens. Now, you have to get the quota for that district from the 40 per cent of natives or those naturalized and those with first papers. Quite a percentage of those selected have taken out only their first papers. In such a district, or in any like district, nearly all the natives will be drafted to make up the quota for the district. Is that fair? I do not believe you think so.

I had a telegram shortly after the selective-draft law went into force from the local exemption board of the district in which I reside saying that the conditions were such that they would not serve there. Let me read you their telegram:

CHICAGO, ILL., *July 22, 1917.*

Hon. THOMAS GALLAGHER, M. C.,
Washington, D. C.:

We desire to call your attention to the fact that in the forty-second division, comprising the first, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth precincts of the nineteenth ward; there is a total registration of 3,768; of this number there are 2,242 aliens, constituting 59.5 per cent of the total registration, leaving 1,526 citizens to draw from. If quota to be furnished is based upon the total number registered it will be impossible to comply with same. The unfairness of such a request is apparent in due justice to our fellow citizens of this district. The quota should be based upon the number of citizens registered and not upon the total registration unless quota to be furnished is based as suggested above. We, the undersigned members of local exemption board No. 42, of the city of Chicago, county of Cook, State of Illinois, do hereby and herewith tender our resignation, to take effect immediately.

RAOUL R. HAAS, M. D., *Chairman.*
WALTER ARNOLD AMBERG, L. L. Bh., *Clerk.*

I took the matter up with Gen. Crowder, and he said they will have to serve, they can not resign. I wired them back to that effect and told them they must serve to avoid trouble.

Congress did not know of such a condition as this when the selective-draft law was passed, and I have told the people of

the district on several occasions that Congress would remedy the condition, and this bill, if enacted into a law, is a remedy.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. Yes, sir.

Mr. HARDY. Can the gentleman tell us what proportion of the aliens in his district are either alien enemies or alien neutrals?

Mr. GALLAGHER. A large proportion, in the particular district of which I speak, are Italians. The native boy of Italian parents or the boy whose father became a naturalized citizen is as anxious to fight for the Stars and Stripes as any in the country. We also have quite a large number of Greeks there, and as near as I can learn the percentage of exemptions almost equals the number of aliens in this and like districts.

Mr. HARDY. Are there no Germans or Austrians?

Mr. GALLAGHER. Very few; they are scattered.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. With pleasure.

Mr. FESS. Are there not a great many Slovaks and Slovenes and Czech that are very loyal but who would stand under our law as alien enemies?

Mr. GALLAGHER. Yes; and a great many of them are offering to serve and are willing to serve.

Mr. FESS. That situation ought to be cured.

Mr. GALLAGHER. Take the Poles, for instance. Perhaps the largest colony of Poles in this country are in my district, and they have national headquarters there for many of their organizations and associations. There are no people in this country that are as anxious for us to succeed in this war as are the Poles, and none more loyal, either.

Mr. FESS. Yet they are technically alien enemies?

Mr. GALLAGHER. Yes; they are technically alien enemies.

Mr. BARNHART. Mr. Chairman, will the gentleman yield?

Mr. GALLAGHER. Yes, sir.

Mr. BARNHART. These loyal so-called alien enemies have a perfect right to enlist.

Mr. GALLAGHER. Yes; and the Poles and Italians are enlisting in large numbers. Many, very many who are out of the draft age. It is the fellow who is taking advantage of our exemption laws and is trying to stay here and take the job of the boy who is drafted that this bill will regulate. These are the ones we are after.

Mr. FESS. Suppose they were taken prisoners at the front when enrolled in our service. What would happen to them?

Mr. GALLAGHER. They would have a bad time of it, I expect, if captured by Germany.

Mr. GORDON. They would be executed for treason.

Mr. GALLAGHER. Well, they are willing and anxious to take the chance. I do hope that this Congress will remedy the condition I complain of and such as I have described.

If, as President Wilson says, we are fighting "for the rights of small nations, for freedom in the world, for justice and for peace," then, in my opinion, it is the duty of all who love liberty to fight for these principles.

I believe it to be the duty of all men who have come to this country to better their conditions and share with us the blessings of a free government, and especially those who come from a country which is now at war with Germany, to fight with us under our flag, where they will receive adequate pay for their services, compared with that which they would receive in the service of the country from which they came, and where they will receive also the pension or insurance that our law provides and which our boys will receive. If they will not fight under these conditions, they should be made to go back home and fight, and I feel almost certain that the treaties that are now in the making will provide that they be drafted in the service of the country from which they came, if they do not enter our military service. I am simply expressing the indignation of my constituents about the injustice of the condition that I have described in my draft district and which exists to a certain extent throughout the whole congressional district. They do not believe it is fair to fight the battle of liberty, justice, and right for men who will not fight for themselves.

I hope this bill will pass, and pass without the amendment of the gentleman from Massachusetts, because according to the statement made by the chairman of the Committee on Foreign Affairs there is no necessity for that amendment in this bill. It is a proper law, and we ought to pass it, as suggested by the chairman of the committee reporting it. [Applause.]

Mr. HARDY rose.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BURNETT. Mr. Chairman, I would like to have an agreement about the time of debate. Will the gentleman from Texas yield for that purpose?

Mr. HARDY. I will.

Mr. BURNETT. I would like to have 15 minutes agreed upon for debate. The gentleman from Missouri [Mr. MEEKER] is a member of the committee, and I should expect to yield to him. I think this is all there is to it. None of this debate is germane to the amendment I have offered, but I have not objected to it.

Mr. JOHNSON of Washington. But it is very illuminating. I am sure the gentleman is inclined to be liberal. There will be no attempt to consume the time unnecessarily.

Mr. BURNETT. Twenty-five minutes, then, Mr. Chairman.

Mr. JOHNSON of Washington. We should have 15 minutes on this side.

Mr. BURNETT. Thirty minutes, and the gentleman may control 15 minutes.

Mr. JOHNSON of Washington. Let it be controlled by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. BURNETT. Will you allow the gentleman from New York to come in under your time?

Mr. STAFFORD. We have already requests for 15 minutes on this side.

The CHAIRMAN. What is the request?

Mr. STAFFORD. Make it 18 minutes.

Mr. BURNETT. I will make it 20 minutes on a side, and ask that it be upon the entire section and all amendments thereto. There is no amendment pending except the one that I have offered.

The CHAIRMAN. Twenty minutes on a side?

Mr. BURNETT. Yes.

The CHAIRMAN. And who is to control the time?

Mr. JOHNSON of Washington. For this side, let the gentleman from Wisconsin [Mr. STAFFORD] control it.

Mr. BURNETT. Twenty minutes to be controlled by myself and 20 minutes by the gentleman from Wisconsin [Mr. STAFFORD].

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that debate on this section and all amendments thereto be concluded at the end of 40 minutes, half the time to be controlled by the gentleman from Alabama [Mr. BURNETT] and half the time by the gentleman from Wisconsin [Mr. STAFFORD]. Is there objection?

There was no objection.

The CHAIRMAN. Does the gentleman from Alabama desire to use his time now?

Mr. BURNETT. The gentleman from Texas [Mr. HARDY] has been recognized.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] had five minutes before the agreement was made?

Mr. BURNETT. Yes. The gentleman from Alabama [Mr. BANKHEAD] has an amendment to make this section conform to the amendment that was made to the first section, and I would ask that he be allowed his five minutes without it being taken out of the 20 minutes.

The CHAIRMAN. Is there objection to that request?

Mr. RAKER. Reserving the right to object, I ask that I have five minutes in opposition to the amendment of the gentleman from Alabama.

Mr. STAFFORD. I think that would be eminently unfair. The other side would then have 35 minutes to 20 minutes on this side. We are not objecting to the arrangement to allow the gentleman from Alabama to have an additional five minutes, but everybody will be asking five minutes.

Mr. RAKER. Everybody is not going to ask five minutes. I am a member of the committee and I am opposed to the amendment of the gentleman from Alabama. I do not believe the amendment ought to go on to the bill.

Mr. STAFFORD. They will have more time on that side, then.

Mr. BURNETT. Upon that question.

The CHAIRMAN. Is any further time asked?

Mr. BURNETT. I ask that there be 25 minutes on each side.

The CHAIRMAN. The gentleman from Alabama now asks unanimous consent that there be 25 minutes on each side—the time on one side to be controlled by the gentleman from Alabama [Mr. BURNETT] and on the other side by the gentleman from Wisconsin [Mr. STAFFORD], and this does not include the five minutes already granted to the gentleman from Texas [Mr. HARDY]. Is there objection?

Mr. RAKER. Reserving the right to object, does that include five minutes to the "gentleman from California"?

The CHAIRMAN. The Chair knows nothing about that. The time has been extended five minutes on a side.

Mr. RAKER. The chairman of the committee agrees to yield to me five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] is recognized for five minutes, not to be taken out of the time agreed upon.

Mr. HARDY. Mr. Chairman and gentlemen, I want to address myself to the Rogers amendment. There have been clearly expressed two views as to the operation of the bill before the House without that amendment. One opinion is that it will not violate any treaty of ours with any other nation. Another view is that it does clearly violate our treaty with Italy and perhaps other countries. I will not undertake to discuss which one of those views is right as a legal proposition, although in my judgment it does clearly violate our treaty; but I will say this, that if it does not violate a treaty the Rogers amendment does no harm. If it does violate a treaty, then the Rogers amendment is very essential if we wish as a nation to preserve good faith. Now, let me say what the Rogers amendment is. In substance it simply provides that if this bill in any particular does violate any treaty, it shall be so far inoperative and void. We as a Nation have contended that the highest international obligation is good faith, and we have denounced the German Imperial Government because it tore up a treaty as a scrap of paper. Yet forsooth, because the present conditions may not be to our fancy, and many aliens in our midst have not volunteered for our Army, we propose to refuse to attach to this bill a provision that it shall be inoperative if it violates a treaty, which by its express terms agreed that we would not force or compel the citizens of another country to serve in our Army. Let me make this statement, further, that good faith does not depend upon legal obligations. Good faith is a moral question, and if this law violates the moral obligation of the treaties we have entered into, or the moral obligations of international law, which we profess to adhere to, we ought not to pass it. There is not only our obligation of good faith to nations, but under our laws the aliens from all climes and countries who meet the conditions of our immigration laws have been invited to settle among us and locate here and build up their homes and their fortunes here. The very terms of our law are an invitation to them to come and obey our law and live with us under the well-understood obligation on our part that we would not force them to serve in our Armies. These men from other countries have come. They are here with us, and now we propose to say that "We have the legal right, notwithstanding our treaty, to deport you if you do not volunteer, and we will hold over you the threat of deportation.

These gentlemen who say there is no violation of the treaty forget that you may morally break a treaty though you keep it to the letter. They forget that you can compel a man to do a thing by duress as well as by taking him by the nape of the neck; and when a man has his all here, you as much compel him to join your Army when you tell him that you will deport him and confiscate his property as if you had conscripted him.

You may salve your conscience and say that he is not serving by compulsion—because you leave him the choice of volunteering or being deported—but you would quickly take the other side of that question if one of our citizens rightfully in a foreign country, which had agreed with us not to compel our citizens to enter her army, were to be given the same choice. Then there is one other subject I want to call attention to. The gentleman from Alabama [Mr. BURNETT] argues that this bill will do away with the foreigners getting the jobs of the Americans. You recognize that you can not apply this law to the neutral or to the enemy alien. Now, I would like to know what percentage of aliens in our midst belong to Italy, France, or England. Why, the German will go scot free under this law and so will every Austrian who is living here, as well as all neutral nationals.

Mr. JOHNSON of Washington. And where do the Finnish people come in?

Mr. HARDY. I do not know; but every Russian, I think, to-day would be exempt from this law, and only a minor per cent of the aliens would be affected by it. Surely, when the administration tells us that they have about completed negotiations with France, England, and Italy for an amendment of our treaties with them, and when the administration evidently does not want this law passed, we ought not to pass it without the amendment. From every standpoint the Rogers amendment ought to be incorporated into the bill, and then we could hold our skirts so clear from the stigma of violation of our national faith that no man could shake his finger at us and say, "Thou, too, art the guilty man." [Applause.]

Mr. BURNETT. Mr. Chairman, I yield five minutes to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. Mr. Chairman, I ask that my amendment be read for the information of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read as follows:

Page 3, lines 5 and 6, strike out the words "or with any of the central powers of Europe" and insert in lieu thereof "Austria-Hungary, Bulgaria, and Turkey."

Mr. BANKHEAD. Mr. Chairman, when this amendment, in identical language, was offered to section 1 at the time we had the bill up for consideration on the 6th of the month, it seemed to have caused some misapprehension in regard to the purpose for which it was offered. The only purpose I had in view was to clarify and make definite the real purpose of the language of the act.

Mr. ROBBINS. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. ROBBINS. Is there any declaration of war against Turkey? Why should we include that country?

Mr. BANKHEAD. That is what I want to make clear, as to what the committee intended. I am not wedded to the amendment, but I think in justice to the bill it ought to be made clear, so that there will be no misunderstanding. The words "central powers" only refer to the geographical location. It is not in capital letters, so as to give it political significance. It ought at least to be capitalized, so that we will understand what autonomy is intended and what specific countries it refers to. The bill as it stands here says:

That after 30 days from the passage of this act no alien who is a native or subject of any country that is engaged in the war with Germany, or with any of the central powers of Europe—

What are referred to here as the central powers of Europe? Is it Germany and Austria-Hungary, or is it to be taken in its broader acceptation of the term and include Bulgaria and Turkey? I asked a distinguished scholar of the House when the matter was called to my attention what he understood to be meant by "central powers," and he said Germany and Austria-Hungary. I said what classification would you put Bulgaria and Turkey into, and he said they were Balkan powers and, according to the strict political construction, are not included in the words "central powers." My only purpose was to make clear and specific the intention of the committee as to this part of the bill. If we intend to include all the four powers, we ought to so declare it, or at least have the words "central powers" capitalized. I offered it to the first section of the bill. I had no purpose in offering the amendment except to make specific the intention of the committee. I think it is of sufficient importance to clarify it by this amendment. I will ask the chairman of the committee what was the purpose of the committee in using the words "central powers"?

Mr. BURNETT. The committee thought it was all these powers that were at war against the allied powers; that they should be regarded as the central powers.

Mr. BANKHEAD. In other words, Germany, Austria-Hungary, Bulgaria, and Turkey?

Mr. BURNETT. Yes.

Mr. BANKHEAD. If that was the intention and purpose of the bill, it ought to be set out in that language. I want to submit it to the judgment of the House and call attention to it. I think the amendment ought to be adopted.

Mr. BURNETT. I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, this same proposed amendment was offered when the bill was up before to lines 5 and 6, section 1. The only objection is that it is not exactly what the committee wants, but what the bill intends. We do not want to designate those that are not at war with the United States or those we have not declared war against. The gentleman from Alabama has clearly covered the matter. I imagine the committee would have no objection to capitalizing the words "central powers." It seems to be more in harmony with the bill than it would to distinguish by putting in Germany and Austria that we have declared war against and then in addition putting in Bulgaria and Turkey, two countries that we have not declared war against

Mr. BANKHEAD. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. BANKHEAD. If you will read the text, it does not relate wholly to countries that we have declared war against, but to those countries with which ourselves and allies are at war.

Mr. RAKER. As we understood, and it has been so presented by all of the parties, we are not an ally with any country, and therefore that may be an unhappy expression in the bill. I do not believe anything in this bin says we are the ally of any of these countries.

Mr. FESS. We do not use the word "ally" in the bill, but in the explanation we are trying to cover those citizens of the countries that are at war with the central powers. Now, who are the central powers?

Mr. BAKER. Let us be frank, and let us legislate upon matters as they exist.

Mr. FESS. Here is the point. Some of those powers are at war against Germany and Austria, and not against Bulgaria and Turkey.

Mr. BAKER. That is true, and why not let us meet the thing face to face and legislate upon the matter and against the countries we have declared war against?

Mr. BANKHEAD. Then you would exclude a lot of aliens?

Mr. BAKER. I mean the countries that we have declared war against. Why pick out the countries that England and France and Italy have declared war against?

Mr. FESS. That is not the purpose of the committee.

Mr. BAKER. No. Then why complicate the bill by naming Bulgaria and Turkey, because we as a Nation have not declared war against those countries, while England and France have declared war against those two countries. All of the central powers——

Mr. FESS. What does the gentleman include in that?

Mr. BAKER. It is my view of the matter that includes Germany and Austria-Hungary.

Mr. BANKHEAD. That is the very confusion I was seeking to clear up.

Mr. ROMJUE. Mr. Chairman, I think the gentleman is quite right in that, and it is immaterial whether it includes Austria and Germany alone or all the powers. Certainly, Austria and Germany are the central powers, and there is no nation in this war as our ally but what has declared war on Germany and Austria. Of course, there is an exception in the Balkan States.

Mr. BAKER. Yes; and I do not believe that we ought to complicate it, although the gentleman's suggestion that we capitalize the words "central powers" could do no harm, but why include in this bill a specific designation as to Bulgaria and Turkey when the bill clearly specifies what we want and what we are intending to accomplish and will bring about, as I believe, the relief that is sufficient to take these aliens who are here and will not join our own forces abroad. This, of course, is not vital in any way. It can do no harm, though the bill as reported by the committee is plain. The thing we want is this proposed legislation enacted into law and placed on the statute books. It will relieve the present embarrassing situation. The American people are firmly convinced that this legislation should be enacted and enforced. Those who are receiving the benefits of our Nation should be willing to assist in our present troubles. If not, they should not become citizens of America, but should be sent home where they belong. It is entirely optional with them. But when they decline to assist us, then we know they never would make proper citizens of this country, and so state in this bill, and in addition we assist in getting rid of their presence, which is harmful to the Nation. We treat all just and fair. We want like treatment in turn. From all angles I feel myself much impressed with the objects and purposes of the bill. As a member of the committee having consideration and charge of this bill I voted to report it to the House and shall continue to assist all I can in securing its final passage by the House.

Mr. STAFFORD. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Chairman and gentlemen of the committee, I want to call your attention to a condition which existed in the city in which I live during the first draft. When they called for the registrations there were 25,000 young men between the ages of 21 and 31 who registered. Ten thousand of those registrants were aliens, not subject to serve with the United States Government at all. By reason of the registration of these 10,000 aliens this city was compelled to furnish almost twice as many young Americans as it would have had to furnish if those 10,000 aliens had not registered. I claim that is unfair. I want to see something done. I either want to see the means of raising the draft quota changed or else I am going to support this bill. I do not believe that it is fair to compel the young Americans to go to the war while these men stay at home and take their places in the great industries and shops in the district which I represent. I listened to the speech of my friend, the gentleman from Ohio [Mr. GORDON], and I believe it was one of the very best speeches I have ever heard him make, up until the last sentence, and then what did he say? He said, "Some of you men are going to be sorry; the day will come when you will regret voting for this bill." He said a great many of the aliens are not voters now, but they will be some day, thereby intimating that if we dared to vote for this measure we would suffer, as far as these votes are concerned, when the election time rolled around.

Mr. GORDON. Oh, Mr. Chairman, will the gentleman yield? He is entirely mistaken.

Mr. COOPER of Ohio. I yield if I am mistaken.

Mr. GORDON. Certainly. I had no reference to any election in my mind. These men are not voters.

Mr. COOPER of Ohio. Did the gentleman not say that some men would live to regret this day?

Mr. GORDON. Yes; when this war is over and this feeling against aliens has all died out, then gentlemen will see the wrong in it. You are seeking to impose an obligation that these men are exempt from under the law of nations.

Mr. COOPER of Ohio. Why does the gentleman say that these men were not voters now, but soon will be? What do you mean?

Mr. GORDON. I said a lot of gentlemen were supporting this thing because these aliens had no power to assert their rights, because they are not voters. That is what I meant.

Mr. COOPER of Ohio. I want to say to my friend from Cleveland, and I like him, that I come from a district that has probably as many aliens in it as his own district, but that as far as I am concerned I care not what my political future may be, I am going to stand here and do what little I can to protect the American boys and make these men do their part. [Applause.]

Mr. Chairman, we all feel proud of the brave young Americans who have answered the call of our country and stand ready to give their life's blood for the great cause which we are contending and fighting for to-day. These young men have been selected from the finest blood in our land; they are the pick of our young American manhood, and as they leave to fight our battles in a foreign land we realize that many of them will never return again; and, Mr. Chairman, realizing this as I do, I feel that there is no too great a sacrifice for me to make in order to help these young men in the great, noble, patriotic service which they are performing to-day. [Applause.]

The district which I have the honor to represent in this Congress has furnished about 5,000 young men, who have answered the call of our President to follow the Stars and Stripes into a foreign land. I honor and respect these boys, and for that reason I am going to vote for this bill. It is a matter of principle and justice to me, for it is not fair and right to draft our American boys to fight the battle of our country and at the same time allow thousands of able-bodied young aliens who are subjects of the countries that are now at war with Germany and who intend to make this their home for all time enjoying the privileges of our country and taking the place of our young men who are going to a foreign land to fight their battle. I shall vote for this bill as a matter of justice and fair play to our brave boys who are now fighting, shedding their blood in the trenches on the blood-soaked battle fields of France. [Applause.]

Mr. BURNETT. Mr. Chairman, I yield five minutes to the gentleman from Missouri [Mr. MEEKER].

Mr. MEEKER. Mr. Chairman, I think, in the consideration of the bill there are two or three matters that we should keep very clearly in mind as regards not only our right but the wisdom of taking some action of this nature. In the first place, it will help us all the time if we remember that when it comes down to the real fact of the case that we have declared war against Germany and Austria because of what they did to our citizens and because of their attempt to destroy our Nation, and that we would be compelled to fight them and would fight them if nobody else was in the war. To that extent it is our war, so far as we are concerned. In the second place, we certainly, as a Government, have a right to say to men who are within our Government who are not citizens whether they shall remain during such times as this or not. Now, all we say in this bill is this. "We are getting ready to deport men who are not citizens of the United States and send them back to their own countries until this war is over unless those men see fit to join with us in this war." It is not the same thing as saying to a man, "You must serve or go to prison." It is saying to everybody, in giving notice, "You can prepare to pack your trunk until the trouble is over in the family unless you want to help us save the house."

Mr. BUTLER. Will the gentleman yield for one question?

Mr. MEEKER. Yes.

Mr. BUTLER. Could an American complain if a foreign country said to the American resident of that country, "You will either fight with us or go home"?

Mr. MEEKER. I wish they would say it. [Applause.] I wish the foreign countries would say to our men who are there, "You are encumbering the earth. Now, you must pack your bag and return home until our trouble is over, unless you want to help us."

Mr. JOHNSON of Washington. Suppose the Mexican Government did that?

Mr. MEEKER. To our people?

Mr. JOHNSON of Washington. Yes.

Mr. MEEKER. Certainly.

Mr. JOHNSON of Washington. Then what?

Mr. MEEKER. If Mexico stated, so far as the protection of the rights of our people are concerned down there, we are protecting the right of any alien here, certainly Mexico has the right to say to anyone in Mexico at the present time, or any other Government would have, if they did not desire the presence of certain citizens there, that they must go. If we can not say that, then the alien has a greater right in America than we have ourselves. Who is running this Government, aliens?

Mr. COOPER of Ohio. Will the gentleman yield?

Mr. MEEKER. Yes.

Mr. COOPER of Ohio. Does the gentleman believe there is any red-blooded young American in any foreign country to-day but what has offered his services?

Mr. MEEKER. No "red blooded"; the gentleman put in the words "red blooded" with his question, but there are some Americans who have a yellow streak; but when the gentleman says "red blooded," of course not. But now I think we should divest this whole argument of all the question of our associations in the war and simply serve notice on the men in the United States who are here from other countries that we are going to issue a general order of deportation, and these gentlemen will be given the privilege and the opportunity of deciding for themselves whether they want to stay and assist in this program, and if they do not care so to do why should not they go? That is the one question, why should not they go if they are not willing to fight here. It is none of our business whether they are put in the army of their own nations when they get back. It is very evident many of them are not going back, because they know they will be put in the service there, and the way the situation is now they can not be put into service here and their own country can not take them back. They are the "fortunate" men of the struggle who have gone beyond the reach of their own nation and yet are insisting we can not touch them because they are aliens. Now, we simply issue a general order for all aliens of military age to go in 60 days. We do that for the protection and welfare of our own Nation. If the alien comes and says, "I prefer to fight; I want to join your military forces," very well, then. If they want to join our military forces, well enough. If they want to join our military forces, we will accept them in the Army. When this becomes a law, it will no longer leave a twilight zone for the alien slacker who will not fight in our Army because he happens to be here and stands on a technical treaty right. [Applause.] Now, then, we are violating no treaty any more than when we put a city under martial law in a time of great fire or danger. We say to the party, no difference whether he is an alien or who he is, "If you will not help us to fight this fire, we will throw you in the fire," and he ought to be thrown in. That is the one point of this bill. We are violating no treaty; we are standing on our rights, serving notice we will empty this country of aliens within 30 days for the good of the country unless those men want to fight with us. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I want to see in good faith what I understand the situation. As I understand it, all the people of draftable or conscriptive age in the United States have been registered. I think that is so, is it not?

SEVERAL MEMBERS. Yes.

Mr. CANNON. Whether they are citizens of the United States, Germany, Italy, Bulgaria, or any other country. Now, then, as I understand it, we have a treaty, made in time of peace with the principal nations with whom we are at war, that they shall not, notwithstanding the war, force our citizens who may be in such country into their army and we shall not force their citizens into our Army. Is that right?

Mr. GORDON. That is correct.

Mr. CANNON. The gentleman says it is correct. Now, then, I want to understand further. It was stated, whether true or not, that our ally, Italy, refuses to recognize the naturalization of Italian citizens in this country between a certain age, and the gentleman stated the maximum age to be 39 and the minimum age I do not recall—probably 18 or 20, whichever it was. Am I right about that?

The gentleman says it is correct. Now, I understand further, and without information, that there are a great many citizens of countries with which we are at war, and citizens of neutral countries and citizens of our allied countries, in the United States and not naturalized. Now, in that condition it seems to me the trouble as to the slackers comes about very largely from the fact that the Congress of the United States when it passed the law for conscription did not provide for the condition. And in many of our districts there are people in the coal mines, perhaps, and in the munition factories, and upon the railroads that have been registered but exempted on the ground of noncitizenship in the United States. I understand there are some cases, and it has been admitted, where the Italians have gone into our service voluntarily and are subject to be taken as Italian subjects. Whether Italy would take them or not, being an ally, I do not know. Now, it seems to me we can not say that all of these people who under treaties with foreign governments not American citizens shall get out in 60 days. Well, they can not get out. Some of them might, here and there, but we will have great trouble in convoying our soldiers to the other side and shipping munitions and food products to them and to our allies in Europe on account of our insufficient shipping. The dissatisfaction with the present condition arises from the failure of Congress to enact proper legislation when we enacted the draft law under which we enrolled all our population, United States citizens and those who are not citizens, between the age of 21 and 31, and the noncitizens are exempted where drafted, throwing on the citizens the burden of furnishing the quota for themselves and also for the noncitizens. [Applause.] The noncitizens were not evenly distributed among the citizens in the various localities throughout the country.

Mr. BURNETT. Mr. Chairman, I yield five minutes to the gentleman from New York, my colleague on the committee [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman and gentlemen, the gentleman from Washington [Mr. JOHNSON] was greatly in error when he stated here a few moments ago that the bill that has been offered by the chairman of the Committee on Military Affairs [Mr. DENT] applied to any alien of any of the countries that are engaged in the war with Germany. That bill applies only to neutrals, and the present bill which——

Mr. JOHNSON of Washington. It applies to first-paper neutrals. It applies to declarants of neutral countries in the United States who have, as a result of being first-paper men, been taken into the Army.

Mr. SIEGEL. The countries that are not at war with Germany.

Mr. JOHNSON of Washington. Yes.

Mr. SIEGEL. And the bill we now have under consideration expressly and exclusively applies to all of those aliens who are natives or subjects of a country engaged in the war with Germany. And therefore both measures are not in contradiction with each other. The Dent measure applies to men who have come here from countries that are still neutral and not fighting Germany, and this measure applies to those men who are in the United States from such countries as are fighting Germany.

Now, the situation that confronts the average man from a city district, particularly New York, or in any other large city, is this: Take my congressional district, for example, or take the congressional district that is represented by my worthy colleague, Mr. LAGUARDIA, who is now in Italy and is doing his bit over there, fighting for America. [Applause.] In Mr. LAGUARDIA's district about 40 per cent of the men are aliens between the ages of 21 and 31. In my district the percentage is 42 or 43. What has been the result? We have found that in those districts the boy who was born here or the boy whose father became naturalized was taken at the ratio of 1 out of 6, while in other States, particularly the Southern States, only 1 out of 10 was selected, caused by the fact that the native born is greater in numbers and that the percentage of aliens is very small. And then we have another condition of affairs. We have men who came here 20 or 25 years ago, and brought along with them children, did not become citizens. And that applies a good deal to our friends from Great Britain and several of the other belligerent countries. They did not become citizens, with the consequence that their children are aliens to-day, so far as this country is concerned, and they neither enlist in our forces or go abroad to fight for Great Britain. And I feel that either a man coming from a country which is at war with Germany should fight under our flag, the same as our boys are doing, or he should go abroad and fight there. [Applause.] We can not go to work to make a selected class of those who will not become citizens of our own country, and who, when our own boys are going to war, sit idly by in the same block, in the same tenements, or on the same street and laugh at or ridicule the boy whose father became a citizen when he came here years ago.

Now, there has been some discussion here as to whether aliens have voluntarily enlisted, and I say, as far as the forces are concerned, that we have at the present time 76,000 men who are in the military forces of the country to-day. In times of war aliens can and have enlisted. Those 76,000 men are of the high type of aliens that you and I desire to have in this country. I know of no man here in the House who has stood for more

liberal immigration than I have. I stand for that kind of liberal immigration which is represented by our colleague, Representative LAGUARDIA, who is of Italian descent [applause], and when our Republic is in danger goes forward and fights. I do not stand for that kind of immigration which desires to have our protection and then refuses to fight for the country which has given them liberty, justice, a fair deal, and the same opportunity that all have here. [Applause.] We have the same benefits, and we should give the same service. I know that practically all immigrants and their children feel the same way, and are even now making every sacrifice that we require. It is because there are some with different ideas that the question is before us. The proper spirit is shown in the following from the New York Times of Sunday, February 24, 1918:

THE PARADE OF THE DRAFTED MEN.

On Washington's Birthday, in a snowstorm, 10,000 New York City men of the National Army marched down Fifth Avenue.

The marching men, the fighting men,
Glorious youth to the fore again!
A nation's hopes in the rolling beat
Of the drums and the tramp of marching feet;
A nation's heart with the men who go
In quest of a dream through the whirling snow.

Glorious youth to the fore again!
Courage battling with death, as when
Washington faced in a fateful hour
The doom pronounced by a haughty power.
On they go, on they go,
In quest of a dream through the whirling snow.

The marching men, the fighting men,
The soul of Lincoln alive again,
Alive in the sleet of the buffeting North,
Spurring the dark-skinned legions forth,
Shackled no longer, to rise and go
In quest of a dream through the whirling snow.

Glorious youth to the fore again
In the march of the Nation's fighting men!
Erin's host, Judea's sons,
Gaul and Slav with shouldered guns,
Welded in purpose bravely go
In quest of a dream through the whirling snow.

Men of America! Is it a dream—
The peace of the world and the fireside gleam?
A world from the Teuton curse released?
A world set free from the scourge of the beast?
Merely a dream as on ye go,
Tramp, tramp, tramp through the whirling snow?

Men of America! East and West,
North and South, have given their best
To mold as one a will of steel
That shall make the dream we fight for real!
Soldiers of justice, on ye go
For humanity's dream in the whirling snow!

(Elias Lieberman.)

[Applause.]

Mr. BURNETT. Mr. Chairman, how much time have we on this side?

The CHAIRMAN. The gentleman from Alabama has 5 minutes remaining and the gentleman from Wisconsin has 17 minutes.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. ROGERS. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Massachusetts makes the same request. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Chairman, I also ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COOPER of Ohio. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Ohio makes the same request. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. TREADWAY].

The CHAIRMAN. The gentleman from Massachusetts is recognized for two minutes.

Mr. TREADWAY. Mr. Chairman, I have already expressed myself as being in favor of the Burnett bill. It seems to me that we have delayed its passage long enough. I hope before the afternoon is over the final vote may be taken upon it.

I wish to use the short space of time allotted to me in calling the attention of the committee to some interesting statistics which came to my attention yesterday in reference to the amount of war-risk insurance that has been taken out by soldiers and sailors. I happened to call at the office of Commissioner Nesbitt yesterday and was given these figures, which seem to me to be extremely interesting.

The total mail received by the bureau on February 25 was 11,291 letters. There was in force on that date $10,229,685,000 of insurance. There was in force last night—I called up this morning to see what the addition was overnight, or within 24 hours—and there was in force to-day $10,400,313,500. The number of applications, including day before yesterday, was 1,262,447. Last night it was 1,284,665, showing the receipt yesterday of over 22,000 applications. The average amount of these policies day before yesterday was $8,103. Yesterday the average was $8,096. The highest number of applications received in any one day was 54,000. The highest amount written in any one day was $501,622, or an average of $9,289, showing how nearly all the men applying for insurance were taking their full allotment of $10,000. In addition to the insurance there have been filed 1,327,342 applications for allotments and allowances. There have been 518,282 awards sent to the disbursing officer, of which 19,101 were sent day before yesterday. The number of employees in the department yesterday was 2,383, and in addition to that there are about 400 employed during the evening by the hour.

It seems to me that these statistics of the value of the war-risk insurance to the men in the service are well worth the House having a knowledge of. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. JAMES].

The CHAIRMAN. The gentleman from Michigan is recognized for three minutes.

Mr. JAMES. Mr. Chairman, at the outset I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JAMES. Mr. Chairman, it is true that we welcome aliens here to avoid oppression.

I do not believe that the fathers of the Constitution ever intended that we should offer any "harbor of refuge" to people who refuse to fight for the land that befriended them when they needed a friend.

It was never intended that our native born should do all the fighting and the alien slacker go "scot free."

We know what is in this alien-slacker bill; we do not know what is in the proposed treaties.

Those of us who favor this bill want our boys to do part of the easy work here at home and part of the fighting abroad, whereas men of the same views as those expressed by the gentleman from Ohio [Mr. GORDON] would have the alien slacker stay here and do all the easy work and hold down all the light jobs while our boys do all the fighting.

There has been a good deal of talk here about the Italians. I have thousands of them in my district, and few of them are slackers. They want to fight for this country and not for Italy.

I have been in correspondence with Hon. Robert Lansing, Secretary of State, for over two years in regard to the status of Italians and their sons.

According to our treaty with Italy a man who takes out his first and second papers is still regarded as a subject of Italy, according to the Italian law; and when these Italians were ordered to go back, although they were American citizens, they refused to go; but they want to fight for this country.

If a man were born here of Italian parents, even though he were a Member of Congress, and should go back to Italy he could be compelled to fight in the Italian Army; and, according to the statements of our Secretary of State, we could do nothing in such a case. I understand, however, from a letter received from him to-day that he intends to take care of those who have taken out their first and second papers and also those who are of American birth, and yet who, as I have said, according to our treaty with Italy, can be compelled to serve in the Italian Army.

Mr. FLOOD. Mr. Chairman, will the gentleman yield?

Mr. JAMES. Yes.

Mr. FLOOD. I think the gentleman is mistaken.

Mr. JAMES. At present such an American-born boy is not recognized as an American in any treaty with Italy. If he was a man born here of Italian parents—although a Member of Congress, as I say—if he got to Italy he could be compelled to fight in the Italian Army.

Mr. FLOOD. But that is in accordance with the Italian law.

Mr. JAMES. Yes. The Italian Government does not recognize our citizenship.

On January 10, 1916, I wrote the Secretary of State, in part, as follows:

MY DEAR SIR: Among my constituents are several thousand people of Italian birth. Many of them are American citizens and hundreds more have taken out their second papers. Many of them have been asked to come back to Italy and fight under the Italian flag. Very few have gone because they consider themselves American citizens. Seeing that they have not responded to the call to arms, they are afraid in case they went back to Italy they would be tried for desertion. * * * They have asked me to write you and see what their standing would be in case they went back for a visit. * * *.

Yours, respectfully,

W. FRANK JAMES.

Under date of January 13 Mr. Lansing replied and sent me a copy of a circular entitled "Liability for military service in Italy of Italians in this country who have obtained or intend to obtain naturalization."

One statement in this circular reads in part:

Italian subjects are liable for service in the army between the ages of 18 and 39. * * * Naturalization of an Italian subject in a foreign country without consent of the Italian Government is no bar to military service. * * * A former Italian subject may visit Italy without fear of molestation when he is under the age of 16 years, but between the ages of 16 and 39 he is liable to arrest and forced military service if he has not previously reported for such service. * * * There is no treaty between the United States and Italy defining the status of former Italian subjects who have become American citizens.

Have several other letters regarding the matter, and when we declared war against Austria took the matter up again and called attention to the fact that it was even more important then, as it was likely that we would send some of these Italian born to Italy to fight for us against Austria, and they wanted to be positive that they could not be arrested for refusal to come back to fight for Italy when called several years ago.

Under date of December 14 Mr. Lansing stated that the matter would be taken up with the War Department and would then write me again.

Several days ago I received the following letter from Mr. Lansing, which indicates that our Government expects to take care of these Americans of Italian birth:

DEPARTMENT OF STATE,
Washington, February 21, 1918.

MY DEAR MR. JAMES: I have received your letter of February 10 inquiring further with regard to the status of Italian subjects in the United States, former Italian subjects who have become American citizens, and native American citizens of Italian parentage, who may enlist or be drafted in the United States Army and subsequently be sent to Italy. As I informed you in my letter of December 14, it was considered necessary in the first instance to obtain the views of the War Department on this matter. The War Department has expressed the view that it would be desirable to conclude an agreement with the Italian Government providing that such persons would not be regarded by that Government as liable to military service in Italy or liable to any penalty for failure to respond to the call of the Italian Government for the return of such persons to Italy for service in the Italian Army. The department is now undertaking to negotiate a general agreement with the Italian Government with respect to the conscription of Italian subjects in the United States, and an effort is being made to settle this question in conjunction with the proposed agreement.

Very sincerely, yours,

(Signed) ROBERT LANSING.

The Hon. W. FRANK JAMES,
House of Representatives.

The alien slacker holding down a good job, and who is willing to have the boys in the land of his birth shed their blood for liberty and the boys in this land do the same while he lives in safety and ease, should have only one man in favor of him, and that is the Kaiser. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. STAFFORD. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio is recognized for four minutes.

Mr. FESS. Mr. Chairman, in the first place, I would like to call attention to the confusion quite evident in the committee on the significance of comprehension of the phrase "central powers." Some say that it includes only Germany and Autria-Hungary. Others claim that it includes more. Evidently the meaning of the author of the bill is more than Germany and Austria-Hungary, because it says, "in war with Germany or with any of the other central powers," making it plural in meaning, so that I would suggest that this be made clear, to be set out so as to include Germany, Austria-Hungary, and Bulgaria and Turkey.

Mr. BURNETT. That was the purpose of the Bankhead amendment, which was satisfactory to me for the very reason suggested by the gentleman.

Mr. FESS. I think that is wise.

Now, Members of the House, I am in entire sympathy with what has been said here about the necessity of requiring those who come for the shelter of the Government to be willing also to undergo its burdens. I am in entire sympathy with that idea, but I hope that all of us will recognize this embarrassment, that, while the status of a resident of the country, whether a citizen or not, can be fixed by Congress by the authority of this Government, yet it is true that the relationship between citizens of other countries with this while resident here and the reciprocal relationship of our citizens with the same countries while resident outside of our own country is not so much a matter of legislation as of negotiations. That is a matter of treaty. Such relations are fixed by negotiations between nations.

If there is any violation of a treaty now existing, by this legislation, I recognize the strength of what has been said, and will certainly refuse to vote for any measure which does violate a treaty, because I do not think any Member of the House is willing to vote in direct violation of a treaty stipulation if he knows it to be such, and especially when that incubus or embarrassment is in process of being adjusted by negotiations now in action by the State Department.

Mr. BUTLER. Mr. Chairman, will the gentleman yield for a question?

Mr. FESS. Yes.

Mr. BUTLER. Would the gentleman submit the question of interpretation to the House of Representatives?

Mr. FESS. I will say to my good friend from Pennsylvania that on a diplomatic question that must be determined by the State Department I would prefer to leave it to the trained diplomats and the counselors of the State Department rather than to the best lawyer in this House, because, while the best lawyer in this House comprehends more than the technicalities in the State Department, yet he will not see the delicacy of the problem of the State Department as clearly as the Secretary of State and his counselor will, since their main business is confined to such questions. Therefore, with the Rogers amendment, I will have no hesitancy in voting for this bill, but if that amendment goes out it will be quite serious. I note a strong contention that this does not violate a treaty. Then I can not understand why we should hesitate to leave the amendment in the bill, for it can not hurt anything. But in case the bill does violate a treaty, then the amendment saves our good faith in the force of a treaty obligation. Mr. Speaker, I repeat my entire sympathy in the purpose of this measure to compel alien residents to either do their part toward bearing the burdens of the country or submit themselves to deportation. But I should very much prefer to leave the matter with the State Department to be worked out through diplomatic channels than to supersede that method by action by this House, especially so long as there is a doubt of our clear right in the face of existing treaties.

Mr. STAFFORD. I yield one minute to the gentleman from New York [Mr. HICKS].

Mr. HICKS. Mr. Chairman, it seems to me that this whole question resolves itself down to this proposition: Shall aliens who have not patriotism enough to go home to fight for their own country, or who have not manhood enough to fight for the country of their adoption, be allowed to remain here to enjoy our opportunities while our boys are fighting for liberty and for justice and righteousness on foreign fields? Under this bill we do not compel anyone to join our Armies. We merely say to these aliens, who for their personal profit are living among us, "If you will not share our burdens you shall not enjoy our benefits." These profiteers at the expense of American manhood should either stay and fight or go and fight. [Applause.]

Mr. STAFFORD. I yield one minute to the gentleman from Massachusetts [Mr. PAIGE].

Mr. PAIGE. Mr. Chairman, I am in favor of this bill, and I am opposed to the amendment offered by my colleague [Mr. ROGERS]. The Rogers amendment does not voice the sentiments of Massachusetts. The Rogers amendment does not voice the sentiment of the homes that have sent the pride and hope of uncounted households out to fight for the flag. If the Rogers amendment is adopted, in my judgment we might as well have saved the time which has been occupied in discussion for the last two sessions of the House on this amendment, because it leaves the situation practically where it was when we commenced the consideration of the bill. I trust that the bill will pass, and that the Rogers amendment will be defeated. [Applause.]

Mr. STAFFORD. I have only one more speech. I hope the gentleman from Alabama will use his time.

Mr. BURNETT. I yield three minutes to the gentleman from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Chairman, time and again in this discussion statements have been made that if this bill becomes a law certain nationals who are exempt from conscription in their old land will be conscripted under this bill, and particular reference has been made to the Irish. Now, may I be permitted to say that, in my opinion, in view of the fact that 30 per cent of our draft army are now of the Irish race, any Irish alien,

or any other alien, who, enjoying the protection of the Stars and Stripes here in America, is unwilling to fight for this country ought to be brought within the scope of this bill, and my words refer to all aliens. The Irish alien who is afraid to fight, if there be such a man, is unworthy of the land of his birth and the blood that flows in his veins. [Applause.] For that reason, representing a district which has a large and patriotic Irish-American element, with thousands of boys now under the colors "over there" and over here, and speaking for that district, I am in hearty accord with this bill, and I believe my district to a man stands back of me. [Applause.] The mothers and the fathers of these boys want this bill passed to-day. We have too long delayed, and I fervently hope that this day will see this bill enacted into law in this House.

Mr. BURNETT. Will the gentleman use his time? We have only one more speech.

Mr. STAFFORD. I yield five minutes to the gentleman from New York [Mr. DEMPSEY].

The CHAIRMAN. That is all the time the gentleman has. The gentleman from New York is recognized for five minutes.

Mr. DEMPSEY. Gentlemen, it seems to me that the House is proceeding upon an erroneous basis when we debate what shall be done with the alien slacker. We all agree that the alien slacker shall be made to respond to service. We differ only as to the means which shall be employed to reach that end. Now, as I understand it, the State Department and the executive departments say to us that we are allies of Italy, Great Britain, and France, and they say to us that Great Britain, France, and Italy are to-day at the front fighting this war. It is not Americans as yet who are bearing the brunt of the fighting. It is the British, it is the French, it is the Italians who are bearing the brunt of the war at the present time. As I understand it, the State Department say to us that they believe they can make treaties with all of these, our allies, who are fighting our battles at the present moment, which will accomplish in good faith, in friendship, in amity with these, our allies, that which we seek to do by force. Now, gentlemen, is there any haste to force their hand? Is there any reason why we should do instantly and out of hand that which we seek to do by this bill? Can not we do it in a way to agree with our allies and friends? They have millions at the front where we have hundreds of thousands. Should we run the chance of having a disagreement and discord with them as a result of this?

Now, I am not saying that this bill should not pass; I am talking about the haste with which it should pass. I am talking about whether it should pass now or not. We are not going to be able to send any considerable number of men abroad until December. So that all this talk about our boys being at the front, shedding their blood, being in danger, is all anticipatory. But with our allies, with Great Britain, with France, and Italy, it is realization; it is not imagination; it is not anticipation. So I say there is not this haste except so far as we are concerned, and that, I am sure, we do not want to consider whether we shall make ourselves popular with our constituents and in the Nation at large, but whether we shall do that which is right and just and advisable as between us and our allies.

Now we come to a more serious question. We do not, any of us, differ as to what shall be accomplished. I am in favor of making the alien slacker do his part. The question is whether this is the advisable way to do it. If we are going to do it at all, if we are going to pass the bill, there can be no excuse whatsoever for excluding the Rogers amendment. There can be no excuse, particularly in view of this fact, that one of the circumstances that will be taken into consideration in construing this act will be the discussion upon this floor, and the fact that that amendment was offered; and if we fail to pass the Rogers amendment, it is a direct statement by this House that we do intend to flaunt our treaties, that we do intend to dishonor them, that we will not regard them. If the amendment had not been offered, if there had been no discussion, that could not be said. Now it can be said, and can we afford to permit that? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURNETT. Mr. Speaker, as I have said all the time, if these treaties had been ratified and in operation there would be no use for this legislation, and the whole speech of the gentleman from New York who has just taken his seat is a temporizing policy. This does not interfere with treaties the Senate may ratify. If we pass this bill and send it to the Senate, the Senate will have the bill and the treaties also before it. If they ratify the treaties and if they are self-operating, they can amend the bill; but, gentlemen, for God's sake, do not let this legislation go over and let men from your district, boys in khaki, fight the battles of this country and of democracy and the alien slackers here dodge. Do not adopt the Rogers amendment, which will virtually emasculate the bill. Members who are in favor of this legislation, let us have a straightforward, heroic, courageous bill that means something. [Applause.]

In conclusion I desire to say that this debate has gone far afield, and I have not tried to suppress it. The amendment that is pending is an amendment that I have offered, and I do not want anybody to misunderstand it. It was recommended by the Department of Labor, and I hope that it will pass. The distinguished gentleman from Illinois, the able ex-Speaker, referred to the impossibility of deporting these aliens. That is provided for and taken care of by permitting the President to make such rules and regulations as are necessary to carry it out. Not only that, but in the last section of the bill it is provided that the law shall not end at the expiration of the war, so that if these fellows undertake to throw themselves back here and say you can not deport me and that you can not conscript me, we can answer them by saying, "Just as long as you stay here you are subject to this deportation and it must be carried out." I ask for a vote, and hope that the amendment will be adopted. [Applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired, all time has expired, and the question is on the amendment offered by the gentleman from Alabama [Mr. BURNETT].

Mr. DYER. Mr. Chairman, I ask unanimous consent that the Burnett amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk read the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. GORDON. Mr. Chairman, I make the point of order, if it is in order to do so, against that amendment as not being pertinent to the bill.

The CHAIRMAN. The Chair thinks it is too late to raise the point of order. The amendment has been discussed for hours.

Mr. GORDON. That amendment does not apply to anybody covered by this bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment proposed by the gentleman from Alabama [Mr. BANKHEAD].

Mr. ROBBINS. Mr. Chairman, let us have that amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk reported the Bankhead amendment.

Mr. ROBBINS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROBBINS. Would it be in order to amend that by striking out the words "Turkey and Bulgaria"?

The CHAIRMAN. That amendment would be in order.

Mr. ROBBINS. Then I offer that amendment, because we are not at war with those two countries.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amend the Bankhead amendment by striking out the words "Bulgaria and Turkey."

Mr. ROBBINS. And the word "and" should be substituted for the word "or."

The CHAIRMAN. Without objection, the amendment will be so modified. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Alabama [Mr. BANKHEAD].

The question was taken; and on a division (demanded by Mr. BANKHEAD) there were—ayes 107, noes 6.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That this act shall not apply to accredited officials of foreign Governments nor their suites, families, guests, or servants.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I have been in the House quite a number of years, and in these years that I have had the privilege and honor of being a Member there have been many votes upon which gentlemen were sharply divided. I can not recall that there has ever been a vote when I could not reasonably understand why a man was led to his conclusion, but I frankly say that I can not understand how any man can look that flag in the face and vote for this bill. I can not understand how any man

can think of his country and vote for this bill. I can not see how any man with his hand on his heart and with knowledge of his country in his mind can vote for this bill. I say that in all seriousness and earnestness. Such reasoning as I can command leads me violently away from such a course. Many Members evidently believe in the bill, but I can not follow or understand their reasoning.

When this measure was first proposed last summer it was treated as a joke, as it ought to have been. The Committee on Foreign Affairs of the House took up the matter, considered it, and found plainly and clearly their limitations and the limitations this House ought to feel under, and stopped. I find that this bill was introduced on August 3, referred to the Immigration Committee, and reported back to the House on the following day. A magnificent lot of attention and care and study it must have received from the Committee on Immigration! It does not reflect, it can not reflect either the combined judgment or patriotism of that committee. If there is anything this country has had to fight since the Declaration of Independence was acknowledged by Great Britain it is that a man who is a citizen of this country shall not be coerced into the military service by any other country in the world. You can take the reports of the State Department of any year you choose, and I defy you, taking any year at random, with your eyes shut, to find one where three-fourths of the work of the State Department has not been directed to preventing Austria or Italy or Germany or Russia, and, years back, England from compelling our own citizens who were abroad into the military service of that country from which they or their immediate ancestors had come.

And we won. Many of the cases were left undecided, but somehow we won, as far as the individuals were concerned. If you pass this bill you stand up and repudiate your country and your history and the spirit of American institutions. You repudiate everything that has been done for 110 years to make the citizenship of this country stand for something in the world. You tell the nations of the world that all that we have been claiming in the past was rotten buncombe, and that we are a Nation of four flushers.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. I have only five minutes. I would be glad to yield if I can get more time.

Mr. WALSH. I would like to ask the gentleman what he thinks in respect to the effect of the treaties negotiated with England permitting this to be done?

Mr. MILLER of Minnesota. I am just about to come to that. That is an entirely different proposition, an avenue along which we should move. There is a right way and a wrong way to proceed. This way is the wrong way. The right way is to make treaties with countries concerned, just as our State Department is now successfully doing.

Mr. DEMPSEY. You do not need anything except the treaty for that?

Mr. MILLER of Minnesota. Not at all. And these treaties are being made now—already two are before the Senate for ratification. The Secretary of State says others will follow. You could not get Austria and Germany to consent to anything now, because we have no relations with them, but our allies are now making treaties with us to accomplish all the purposes of this bill. Then, too, Norway and Sweden and Denmark, I want to say to you, are not only interested in what you propose to do in this bill but have it very deeply at heart. And there are hundreds of thousands of their people in this country. These nations with whom we are at peace and amity we can, as we are, make treaties with them that will settle the whole question and settle it right according to law.

The rights of citizens of another country domiciled in the United States are fixed, first, by treaties; second, by international law. It is quite probable that the terms of this bill conflict with certain treaties we have made. It is certain that these terms conflict with such citizens' rights given them by international law. Treaties with sovereign nations whose nationals these citizens are is the only legal, the only American, way to proceed. We curse Germany, and rightly, because she violated treaties when she thought their observance no longer served her purposes. In this bill are we not doing precisely the same thing?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOOD. Mr. Chairman, I ask that the gentleman may have five minutes more.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the time of the gentleman from Minnesota be extended for five minutes. Is there objection?

Mr. BURNETT. Mr. Chairman, I object. The gentleman has just come in, and if he had been here listening to the debate on this bill he would have more knowledge about it.

Mr. MILLER of Minnesota. Mr. Chairman, wait a minute. [Cries of "Vote!"] Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Minnesota. When a gentleman objects to a unanimous-consent request has he the right, under the rules of this House, to cast aspersions upon another Member and make a speech?

Mr. BURNETT. I withdraw any statement I made, and I object to the extension of time.

Mr. MILLER of Minnesota. The gentleman will have to do some more objecting before he gets this bill through.

The CHAIRMAN. The gentleman from Alabama objects.

Mr. MILLER of Minnesota. He has a right to object.

The CHAIRMAN. The Chair will state he understood the remark of the gentleman from Alabama was withdrawn.

Mr. MILLER of Minnesota. No; he did not withdraw it; he can not withdraw it.

Mr. TEMPLE. Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. BURNETT. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. BURNETT. I desire to move that all debate on this section be closed in 15 minutes.

The CHAIRMAN. The gentleman from Pennsylvania has been recognized. Does the gentleman yield for that purpose?

Mr. TEMPLE. Provided that it does not affect my rights under the recognition.

Mr. BURNETT. To this section and all amendments thereto.

The CHAIRMAN. The debate to close when?

Mr. BURNETT. In 10 minutes.

The CHAIRMAN. The gentleman does not intend to include within the 10 minutes the 5 minutes now allowed to the gentleman from Pennsylvania?

Mr. TEMPLE. I would say, if I may have the gentleman's attention, I will yield for the chairman of the committee to make that motion, provided it does not affect the rights I have under the recognition that has been already granted.

Mr. BURNETT. I will yield five minutes of that time to the gentleman.

The CHAIRMAN. The gentleman from Alabama moves——

Mr. CANNON. Did the gentleman have recognition?

The CHAIRMAN. The Chair had recognized the gentleman from Pennsylvania before the gentleman from Alabama.

Mr. CANNON. Then his motion is not in order.

Mr. MILLER of Minnesota. I make the point of order the motion is out of order, that the Chair had already recognized the gentleman from Pennsylvania.

The CHAIRMAN. But the gentleman from Pennsylvania yielded for that purpose, the Chair understood.

Mr. MILLER of Minnesota. I will say to the gentleman I propose to offer an amendment to the motion, if it is put, and it may take some time before the amendments are all disposed of.

Mr. TEMPLE. I consented on a condition, and I am afraid the condition can not be met.

Mr. RAGSDALE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAGSDALE. The gentleman from Pennsylvania has the floor, and nobody else can be recognized except by unanimous consent.

The CHAIRMAN. No one can take the gentleman off the floor except by his consent. The Chair understood he yielded to the gentleman from Alabama to make a motion.

Mr. CANNON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. The gentleman from Pennsylvania having been recognized and entitled under the rule to five minutes, he loses the recognition if he yields. Under the rule he can not barter away the rights of the balance of the members of the committee for his specific purpose without losing his recognition.

Mr. TEMPLE. My statement was that I would yield only on the condition that I would not lose those rights.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania for five minutes.

Mr. TEMPLE. Mr. Chairman, I am very much interested in this bill, and I do not understand it as it is understood by the gentleman who spoke last. This is not a bill to compel aliens to serve in the armies of the United States against their will. It is true the supporters of the bill hope that it will have the effect of bringing some of these aliens into the Army, but it does not require them to serve. It merely says that if any alien claims the exemption which we recognize that he has the right to claim, on the ground of alienage, he shall thereafter be ineligible to become an American citizen.

Now, we have the right to say what kind of alien we are willing to naturalize. We have a right to say if a man will not fight for us when we need him that he need not ask us for the privilege of citizenship. [Applause.] This bill does not propose to compel him to serve as a soldier in the Army of the United States, and for that reason I feel quite sure that it does not violate the treaty under which we have bound ourselves not to compel aliens to serve in our armies. Italy does not recognize our naturalization. That is a matter for Italy to determine. It is up to us to protect an Italian-born naturalized American citizen if the occasion ever arises to do so. We have never had any trouble with Italy of that kind to amount to anything. We are not at all likely to have any trouble in the future. This bill is not going to make trouble, for in passing it we are not violating any treaty.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. TEMPLE. Just for a question.

Mr. JOHNSON of Washington. It is being recognized now that we have been violating treaties with first-paper citizens of neutral countries who are drafted into our Army and that these men are now being dropped out of the Army.

Mr. TEMPLE. Yes; aliens are being discharged from the Army.

Mr. JOHNSON of Washington. For fear of violating treaties.

Mr. TEMPLE. For fear of violating treaties.

Mr. JOHNSON of Washington. Thereby making one kind of fish out of that form of alien and another kind of fish out of the other kind.

Mr. TEMPLE. That action has to do with citizens of neutral nations; this bill, on the contrary, applies only to citizens or subjects of nations now at war with Germany.

The gentleman who immediately preceded me said that Sweden, Norway, and Holland are vitally interested in this bill. They need not be. It does not touch a citizen of any one of these countries. It applies only to the subjects of nations that are at war with Germany or with other of the central powers. Sweden is not at war with Germany; Norway is not at war with Germany. It does not touch a citizen or a subject of any one of those neutral powers.

Mr. MILLER of Minnesota. The gentleman is entirely correct. Their interest arises from this fact: That we departed from our traditional policy—the principle heretofore followed by us and insisted upon by every nation of the world.

Mr. TEMPLE. We have not departed in the slightest. We have never——

Mr. MILLER of Minnesota. I differ with the gentleman.

Mr. TEMPLE. We have never asked any nation to grant our citizens naturalization in their country on any terms except the terms that might please the Government of that country. [Applause.] And they can not ask us.

Mr. HARDY. Will the gentleman yield for one question?

Mr. TEMPLE. Very gladly.

Mr. HARDY. When Germany says to the women of Belgium, "If you do not work in the trenches, we will give you no bread," is that forcing them to work in the trenches?

Mr. TEMPLE. I do not care to discuss with any kind of approval the policies of the German Government nor to find any parallel whatever between that course of conduct and that which is proposed in this bill. There is no parallel. [Applause.]

Mr. HARDY. Is not there such a thing as a moral force as well as physical force?

Mr. TEMPLE. There is, and the moral force, let me say, lies with us. We have the right to say to an alien that will not assume our burdens that he can not share in our privileges. [Applause.] The moral right is with us.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. I have not time to yield further. There is one other matter in this bill which I would like to refer to.

The CHAIRMAN. The time of the gentleman from Pennsylvania has just expired.

Mr. TEMPLE. Mr. Chairman, may I ask for five minutes more by unanimous consent?

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Chairman, a few minutes ago the gentleman from Minnesota [Mr. MILLER] was taking the opposite side of the question and was delivering a very interesting talk upon this subject, and he asked unanimous consent to proceed for five minutes more, and the gentleman from Alabama [Mr. BURNETT] objected. I would like to know if he is going to make fish of one and fowl of the other?

Mr. BURNETT. Mr. Chairman, I object to that statement.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. TEMPLE. Mr. Chairman, if I believed that this bill would violate any treaty of the United States, I would vote against the bill. For that reason I am very much in favor of putting into the bill the Rogers amendment, which distinctly affirms that it does not violate and shall not be so interpreted as to violate a treaty. I believe that the bill without that amendment is not a violation of a treaty. I believe that it is not at all out of harmony with the promises we have made. Therefore I am willing to say so in the bill itself. What objection can there be to that on the part of a man who believes that it is not violating a treaty?

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. MOORE of Pennsylvania. Does it not make us perfectly safe on the international question?

Mr. TEMPLE. Yes. It makes us perfectly safe on the international question. I am in favor of the bill, because we have a right to say on what terms we shall make American citizens of foreigners who come to our country. I am in favor of the amendment because it places us where we have always stood—on safe, moral ground. [Applause.]

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. TEMPLE. Yes.

Mr. KELLEY of Michigan. I would like to inquire how long it would take to determine whether this violates any treaty?

Mr. TEMPLE. I do not care how long it takes. If a moral question is involved I will take all the time that is necessary to determine it. It is more important than the service of 100,000 men.

Mr. KELLEY of Michigan. But the practical value of this legislation is its immediate need.

Mr. TEMPLE. The practical value of it is not going to be very great.

Now, in regard to the last clause of the first paragraph in the first section, "as soon as practicable to be deported to the country of which he is a subject or citizen," I would be better satisfied with the bill if that clause were not there, but I do not think that it is particularly dangerous, because it will not be practicable to deport them. In the district that I have the honor to represent, according to the census of 1910 there were 92,000 men over 21 years of age, and 38,000 of these men over 21 were foreign born. Our mills and our mines—the coal mines that we needed this winter, that we shall need next summer—would practically stop operation if those aliens were deported. I am going to vote for the bill in spite of that clause, because I do not think it will be practicable to deport them. We can not get ships enough to take food and munitions and our own soldiers. It will not be practicable to deport these aliens very soon. Therefore that particular clause will not hinder my voting for the bill, especially if the Rogers amendment stays in it. [Applause.]

Mr. BURNETT. Mr. Chairman, I move that all debate on this section and all amendments thereto do now close.

The CHAIRMAN. The gentleman from Alabama moves that all debate on this section and all amendments thereto do now close.

Mr. MILLER of Minnesota. Mr. Chairman, I move to amend by inserting after the language used by the gentleman, "to be closed," the words "in two hours."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MILLER of Minnesota. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 7, noes 44.

Mr. MILLER of Minnesota. Tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota demands tellers.

Mr. TEMPLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TEMPLE. The amendment that was presented to the House was an amendment offered by the gentleman from Minnesota [Mr. MILLER] to strike out the last word. I ask if the debate on that amendment has been exhausted?

The CHAIRMAN. The pro forma amendment was withdrawn. The gentleman from Minnesota [Mr. MILLER] asks for tellers. All those in favor of taking this vote by tellers will

rise and stand until they are counted. [After counting.] Six gentlemen have arisen—not a sufficient number.

So the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the motion of the gentleman from Alabama [Mr. BURNETT] that the debate on this section and all amendments thereto be now closed.

Mr. MILLER of Minnesota. I offer another amendment—to insert, after the language used by the gentleman in his motion, the words "in 20 minutes."

The CHAIRMAN. The gentleman from Minnesota moves to amend the motion made by the gentleman from Alabama by inserting the words "in 20 minutes." The question is on the amendment of the gentleman from Minnesota.

The question being taken, on a division (demanded by Mr. MILLER of Minnesota) there were—ayes 12, noes 89.

Accordingly the amendment was rejected.

Mr. MILLER of Minnesota. Mr. Chairman, I offer another amendment—to insert, after the language used by the gentleman from Alabama, the words "in five minutes."

Mr. WALSH. Mr. Chairman, I move a further amendment.

The CHAIRMAN. What is the amendment proposed by the gentleman from Massachusetts?

Mr. WALSH. The time to be used by the gentleman from Minnesota [Mr. MILLER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] moves to amend the amendment by providing that the five minutes shall be used by the gentleman from Minnesota [Mr. MILLER].

Mr. CRISP. Mr. Chairman, I make the point of order that it is not in order to make a motion to close debate, coupling up with it a statement of who shall control the debate, and I make the further point that the motion of the gentleman is dilatory. [Applause.]

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Georgia. The question is on the motion of the gentleman from Minnesota.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. To make a parliamentary inquiry.

The CHAIRMAN. The gentleman will please state it.

Mr. MADDEN. I want to know whether the gentleman from Georgia can make two points of order at the same time.

The CHAIRMAN. The Chair understands he made only one point of order. The Chair sustains the point of order. The question is on the amendment offered by the gentleman from Minnesota.

The question being taken, on a division (demanded by Mr. MILLER of Minnesota) there were—ayes 71, noes 44.

Accordingly the amendment was agreed to.

The CHAIRMAN. The question now is on the motion of the gentleman from Alabama as amended.

Mr. BURNETT. I ask unanimous consent that the gentleman from Minnesota may have five minutes [applause], and that I may have five minutes for reply, and that all debate on the section be then closed.

Mr. KEARNS. I object.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent that the gentleman from Minnesota be allowed five minutes, and that he, the gentleman from Alabama, be allowed five minutes in reply.

Mr. BURNETT. And that all debate on this section shall then be closed.

The CHAIRMAN. And that all debate on this section shall then be closed. Is there objection?

Mr. WALSH. I make the point of order that that request is not in order until the motion has been disposed of.

The CHAIRMAN. A request for unanimous consent is always in order. Is there objection?

Mr. DYER. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri objects. The question is on the motion made by the gentleman from Alabama as amended.

The motion as amended was agreed to.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] is recognized for five minutes.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman has the floor.

Mr. BURNETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BURNETT. I would like to know whether the gentleman has the right to the floor or not. I make the point of order that he has not.

The CHAIRMAN. The Chair has recognized the gentleman.

Mr. FOSTER. I make the point of order that the gentleman from Minnesota [Mr. MILLER] having once spoken on the amendment has no right to speak again. His motion was to strike out the last word, and that has not been withdrawn.

Mr. MOORE of Pennsylvania. I make the point of order that the gentleman's point comes too late.

The CHAIRMAN. There is so much confusion in the Hall that the Chair can not hear what gentlemen are saying. The Chair would like to hear what the gentleman from Illinois [Mr. FOSTER] is saying. The committee will be in order.

Mr. FOSTER. I make the point of order that the gentleman moved to strike out the last word and spoke five minutes upon that amendment, and that amendment has not been withdrawn. Now he rises again to speak on the same amendment. I insist that he has no right to recognition.

The CHAIRMAN. The Chair understood that the gentleman from Alabama [Mr. BURNETT] made a motion that all debate close. Then the gentleman from Minnesota moved to amend, to close debate in five minutes, and that amendment offered by the gentleman from Minnesota was agreed to. The Chair thought, and believes now, that the intention of the committee was to give the gentleman from Minnesota that five minutes. [Applause.] The gentleman from Minnesota is recognized for five minutes.

Mr. MILLER of Minnesota. Mr. Chairman, when the gentleman from Alabama [Mr. BURNETT] a few moments ago objected to the request for unanimous consent, so kindly made by one of our colleagues, that I might have five minutes more, he coupled with the objection the very generous observation that had I been on the floor this afternoon where I belonged I would not now be asking for five additional minutes. Now, I do not blame the gentleman from Alabama at all for making that observation. I know that he is so interested in this bill that he is absolutely blind to everything else on the face of the earth. [Laughter.] I have been here on the floor of the House all the afternoon, ever since the House convened. I have not sat directly in front of the gentleman from Alabama, for that is not where I belong. I have been here attending to business. I have not been trying to inject myself into the debate every two minutes, but I did hope that before the debate closed I would have an opportunity to express my views briefly and tersely. I know that the gentleman from Alabama is very glad to apologize for that observation which he made, and his apology is now accepted, with many thanks. [Laughter and applause.]

But, seriously, gentlemen of the House, I believe that we are going to turn the clock a long ways back. I understand the temper of the membership of the House, and have understood it for three weeks. It is the disposition to pass this bill anyhow. I think I know from whence comes the voice asking for its passage, and it is no credit to them and less credit to us if we do not sit down carefully and analyze the situation and take that firm stand our judgment leads us to.

Now, let us see as to one or two things. In the first section of the bill it says that any alien eligible under existing law to become a citizen, who does not enter the United States Army but asks to be exempt or for whom some one else asks exemption is to be deported and never can become a citizen of the United States.

Now, take some cases, and there are hundreds of them. Here is a Greek, an Italian, an Englishman, an Irishman, if you please, who is here in this country, of military age, and who is willing to fight. He is desirous of fighting. He is drafted. He wants to go, however, and fight with his own people in his own country. I know of many such cases, and I have asked for some to be exempted myself on the condition that they would be immediately transferred to the army of the country that they came from. Now, that can not be done under this bill, and they could never thereafter become citizens of the United States. This does not say that they may be deprived of the right of citizenship; it says that they shall be deprived of the right of citizenship. This takes from them a right guaranteed by treaty and international law. To deny a person the right to citizenship under such conditions would be to deny him all rights under the favored-nations clause.

Do not talk to me about there being no coercion in the bill. It is coercion with a big club and sharp nails in the club. Why, when you give to a man the option whether or not he will go to a foreign country or stay here and fight in the Army, that is coercion. Let us exercise that coercion under the authority we get from treaties made, not in violation of treaties. Very likely it may be that he is in a condition where he can not get out without a serious loss, in which event there is serious coercion. I do not want to defend any slacker. If there is one

thing on earth that I hope to see it is that every man capable of bearing arms will be fighting in the army of one of the allies until victory comes.

Mr. MEEKER. Will the gentleman yield? How many years does the gentleman think it will take for these fellows so eager to fight to get there?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLER of Minnesota. I wish that I had time to answer the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That this act shall only remain in force during the continuance of the war with Germany, except as to the provisions of section 1 hereof.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, line 8, after the word "the" and before the word "war," insert the word "existing," and, on the same line and page, strike out the words "with Germany."

Mr. BURNETT. Mr. Chairman, that amendment is satisfactory.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was agreed to.

Mr. BURNETT. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House, with the recommendation that the amendments be adopted and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes, and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BURNETT. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BURNETT. Mr. Speaker, I demand a separate vote on the Rogers amendment, and on that I demand the yeas and nays.

The SPEAKER. Is a separate vote demanded on any other amendment? [After a pause.] If not, the Chair will put them en gross. The question is on agreeing to the amendments, except the Rogers amendment.

The question was taken, and the amendments were agreed to.

The SPEAKER. The Clerk will report the Rogers amendment.

The Clerk read as follows:

Page 2, line 4, after the word "citizen" insert the following:

"*Provided, however*, That this act shall not be construed to supersede the provisions of any existing treaty with such country the terms of which stipulate that the United States shall not subject the subjects of such country to compulsory military service."

The SPEAKER. The question is on agreeing to the Rogers amendment, and on that the gentleman from Alabama demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 131, nays 234, not voting 63, as follows:

YEAS—131.

Anthony	Dupré	Helm	Morin
Ashbrook	Edmonds	Hensley	Mott
Bartley	Elliott	Hersey	Mudd
Barnhart	Esch	Hicks	Nelson
Beakes	Evans	Holland	Olney
Beshlin	Fess	Humphreys	Osborne
Black	Fields	Igoe	Parker, N. J.
Blanton	Fisher	Johnson, Wash.	Peters
Borland	Flood	Juul	Platt
Buchanan	Foss	King	Pou
Caldwell	Foster	Kitchin	Ragsdale
Cannon	Francis	Lehlbach	Rainey
Cantrill	French	Lenroot	Randall
Carew	Gandy	Linthicum	Rayburn
Claypool	Gard	London	Reavis
Collier	Garner	Lonergan	Rogers
Connally, Tex.	Garrett, Tenn.	Longworth	Romjue
Connelly, Kans.	Gillett	Lunn	Rose
Cooper, Wis.	Glass	McArthur	Rouse
Cox	Glynn	McKinley	Sanders, N. Y.
Crago	Godwin, N. C.	Madden	Sanford
Cramton	Gordon	Mansfield	Scott, Pa.
Davidson	Green, Iowa	Mapes	Shackleford
Davis	Greene, Vt.	Merritt	Shallenberger
Dempsey	Griest	Miller, Minn.	Sherley
Denton	Hamlin	Montague	Sherwood
Dillon	Hardy	Moore, Pa.	Shouse
Dyer	Harrison, Va.	Moores, Ind.	Snook
Stafford	Sumners	Venable	White, Me.
Stedman	Temple	Volstead	White, Ohio
Sterling, Ill.	Templeton	Waldow	Wilson, Tex.
Stevenson	Tilson	Watson, Pa.	
Strong	Vare	Watson, Va.	

NAYS—234.

Alexander	Ellsworth	Little	Schall
Almon	Elston	Littlepage	Scott, Mich.
Anderson	Emerson	Lobeck	Scully
Aswell	Farr	Lufkin	Sears
Austin	Ferris	Lundeen	Sells
Ayres	Focht	McAndrews	Siegel
Bacharach	Fordney	McClintic	Sims
Baer	Frear	McCulloch	Sinnott
Bankhead	Freeman	McFadden	Sisson
Bell	Fuller, Ill.	McKenzie	Slayden
Blackmon	Fuller, Mass.	McKeown	Slemp
Bland	Gallagher	McLaughlin, Mich.	Sloan
Booher	Gallivan	McLaughlin, Pa.	Smith, Idaho
Bowers	Garland	McLemore	Smith, Mich.
Brand	Garrett, Tex.	Magee	Smith, C. B.
Brodbeck	Goodall	Martin	Smith, T. F.
Browne	Goodwin, Ark.	Mason	Snyder
Browning	Gould	Mays	Steagall
Brumbaugh	Graham, Ill.	Meeker	Stephens, Miss.
Burnett	Gray, Ala.	Miller, Wash.	Stiness
Burroughs	Greene, Mass.	Moon	Sullivan
Butler	Hadley	Morgan	Sweet
Byrnes, S. C.	Hamill	Neely	Swift
Byrns, Tenn.	Haskell	Nichols, Mich.	Switzer
Campbell, Kans.	Hastings	Nolan	Tague
Campbell, Pa.	Hawley	Norton	Taylor, Ark.
Candler, Miss.	Hayden	Oldfield	Taylor, Colo.
Caraway	Hayes	Oliver, Ala.	Thomas
Carlin	Heaton	Oliver, N. Y.	Thompson
Carter, Mass.	Heflin	O'Shaunessy	Tillman
Carter, Okla.	Helvering	Overmyer	Timberlake
Chandler, Okla.	Hilliard	Overstreet	Tinkham
Church	Howard	Padgett	Treadway
Clark, Fla.	Hull, Iowa	Paige	Van Dyke
Clark, Pa.	Hull, Tenn.	Park	Vestal
Classon	Hutchinson	Parker, N. Y.	Vinson
Cooper, Ohio	Ireland	Phelan	Voigt
Cooper, W. Va.	Jacoway	Polk	Walker
Costello	James	Powers	Walsh
Crisp	Johnson, Ky.	Pratt	Walton
Currie, Mich.	Jones, Va.	Purnell	Ward
Dale, N. Y.	Kearns	Quin	Wason
Dale, Vt.	Kehoe	Raker	Welsh
Darrow	Kelley, Mich.	Ramsey	Welling
Decker	Kelly, Pa.	Ramseyer	Welty
Denison	Kennedy, Iowa	Rankin	Whaley
Dewalt	Kennedy, R. I.	Reed	Wheeler
Dickinson	Kettner	Riordan	Williams
Dies	Key, Ohio	Robbins	Wilson, Ill.
Dill	Kiess, Pa.	Roberts	Wingo
Dillon	Kincheloe	Robinson	Winslow
Dominick	Kinkaid	Rodenberg	Wise
Dooling	La Follette	Rowe	Wood, Ind.
Doolittle	Langley	Rubey	Woods, Iowa
Doughton	Larsen	Russell	Woodyard
Dowell	Lazaro	Sabath	Wright
Drane	Lee, Ga.	Sanders, Ind.	Young, N. Dak.
Dyer	Lesher	Sanders, La.	Young, Tex.
Eagan	Lever	Saunders, Va.	

NOT VOTING—63.

Britten	Fairfield	Johnson, S. Dak.	Rowland
Capstick	Flynn	Jones, Tex.	Rucker
Carew	Good	Kahn	Scott, Iowa
Chandler, N. Y.	Graham, Pa.	Keating	Small
Coady	Gray, N. J.	Knutson	Snell
Copley	Gregg	Kraus	Steele
Crosser	Hamilton, Mich.	Kreider	Steenerson
Curry, Cal.	Hamilton, N. Y.	LaGuardia	Stephens, Nebr.
Dallinger	Harrison, Miss.	Lea, Cal.	Sterling, Pa.
Dent	Hougen	McCormick	Talbott
Drukker	Heintz	Maher	Towner
Dunn	Hollingsworth	Mann	Watkins
Eagle	Hood	Mondell	Weaver
Estopinal	Houston	Nicholls, S. C.	Wilson, La.
Fairchild, B. L.	Huddleston	Porter	Zihlman
Fairchild, G. W.	Husted	Price	

So the Rogers amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. HAMILTON of New York (for Rogers amendment) with Mr. SNELL (against).

Mr. DUNN (for Rogers amendment) with Mr. DALLINGER (against).

Until further notice:

Mr. WILSON of Louisiana with Mr. ZIHLMAN.

Mr. CAREW with Mr. BRITTEN.

Mr. COADY with Mr. CHANDLER of New York.

Mr. CROSSER with Mr. COPLEY.

Mr. DENT with Mr. CURRY of California.

Mr. EAGLE with Mr. BENJAMIN L. FAIRCHILD.

Mr. ESTOPINAL with Mr. GEORGE W. FAIRCHILD.

Mr. FLYNN with Mr. FAIRFIELD.

Mr. GREGG with Mr. GOOD.

Mr. HARRISON of Mississippi with Mr. GRAHAM of Pennsylvania.

Mr. HOOD with Mr. GRAY of New Jersey.

Mr. HOUSTON with Mr. HAMILTON of Michigan.

Mr. HUDDLESTON with Mr. HOLLINGSWORTH.

Mr. JONES of Texas with Mr. HUSTED.

Mr. KEATING with Mr. KAHN.

Mr. LEA of California with Mr. MONDELL.

Mr. MAHER with Mr. ROWLAND.

Mr. NICHOLLS of South Carolina with Mr. STEENERSON.

Mr. PRICE with Mr. TOWNER.

Mr. RUCKER with Mr. SCOTT of Iowa.

Mr. SMALL with Mr. DRUKKER.

Mr. STEELE with Mr. CAPSTICK.

Mr. STEPHENS of Nebraska with Mr. JOHNSON of South Dakota.

Mr. STERLING of Pennsylvania with Mr. KNUTSON.

Mr. TALBOTT with Mr. KREIDER.

Mr. WATKINS with Mr. HEINTZ.

Mr. WEAVER with Mr. HAUGEN.

Mr. DENT. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. DENT. I was not.

The SPEAKER. Then the gentleman can not vote.

Mr. CROSSER. I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. CROSSER. I was in the Hall, but I do not know whether my name was called when I was in the Hall or not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. KNUTSON. Mr. Speaker, I desire to vote "no."

The SPEAKER. Was the gentleman in the Hall listening?

Mr. KNUTSON. I was called out just for a few moments——

The SPEAKER. The gentleman can not vote.

The result of the vote was announced as above recorded.

Mr. JOHNSON of Washington. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. JOHNSON of Washington. I desire at the proper time to offer a motion to recommit.

The SPEAKER. The Chair will let the gentleman know. The question is on the engrossment and third reading.

The bill was ordered to be engrossed and read the third time, was read the third time.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to move to recommit the bill with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. JOHNSON of Washington. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. JOHNSON of Washington moves to recommit the bill to the Committee on Immigration and Naturalization, with instructions to report the same forthwith with an amendment striking out all after the enacting clause and inserting the following:

"That during the existing emergency the duly accredited military representatives of any country engaged in war with any country with which the United States is now, or during the continuation of said emergency may be hereafter, at war, may, subject to the provisions of this act, draft into the military or naval service of their respective countries such of their citizens or subjects domiciled or resident in the United States as are not already in the military or naval service of the United States, and for the purposes of said draft of aliens domiciled or resident in the United States the President shall, on the request of said countries, presented through their diplomatic representatives, furnish to said representatives a full and complete list of all the citizens or subjects of the country making the request who registered under the provisions of an act entitled "An act to authorize the President to increase the Military Establishment of the United States," approved May 18, 1917. The President is further authorized and empowered to procure within 90 days of the passage of this act the registration of all other male aliens between the ages of 18 and 45, both inclusive, domiciled in the United States, and upon the completion of such supplemental registration shall on request furnish a full and complete list thereof to the respective diplomatic representatives of said countries of which the said aliens may be citizens or subjects. For the purposes of said supplemental registration the President shall have all the authority conferred by said act of May 18, 1917, and he may prescribe such terms, conditions, and regulations for the operation of said draft as he may deem necessary.

"SEC. 2. That within 15 days after the passage of this act the President may notify all countries engaged in a war with any country with which the United States is now or may be hereafter at war of the enactment of same, and through appropriate diplomatic channels shall ascertain what action said countries may desire to take under the provisions of this act.

"SEC. 3. That the President is authorized to detail such officers and men of the military forces of the United States to cooperate with and assist the military representatives of foreign countries in the operation of the draft as he may deem expedient, and he may cause aliens drafted to be summoned and to be detained temporarily at such places of concentration as he may designate, and may render such assistance in transporting or deporting such aliens as he may think proper.

"SEC. 4. That the penalties prescribed in the aforesaid act of May 18, 1917, shall apply to violations of this act.

"SEC. 5. That any alien who shall willfully refuse or fail to present himself for registration, or to submit thereto, or to appear in answer to any summons issued under authority of this act, shall be taken into custody, and delivered either to the military representatives of the country of which he may be a citizen or subject, or to such commanding officer of the United States military forces as the President may direct.

"SEC. 6. That citizens or subjects of the enemy country or of countries allied with the enemy may be drafted for and assigned to such nonmilitary occupation as the President may prescribe.

"SEC. 7. That the provisions of this act shall not apply to the citizens or subjects of countries who by the provisions of any treaty with the United States are protected from draft for military purposes.

"SEC. 8. That this act shall take effect upon its passage."

During the reading of the above,

Mr. BURNETT. Mr. Speaker, I think enough of the bill has been read to show that it is subject to the point of order, and I make the point of order against the bill that it is not in order. It is a conscription bill and not in order on this bill. The same kind of a question came up in the Committee of the Whole House on the state of the Union, something similar to that, and it was so ruled by the Chairman of that committee.

Mr. JOHNSON of Washington. Mr. Speaker, I do not care to contest the point of order, although I think it is in order. I desire to ask unanimous consent that the remainder of the bill may be placed in the RECORD.

The SPEAKER. The gentleman from Washington asks unanimous consent that the remainder of the amendment or instructions be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none. The point of order is sustained. The question is, Shall the bill pass?

Mr. BURNETT. Mr. Speaker, on that I demand the yeas and nays.

Mr. WALDOW. Mr. Speaker, I demand the yeas and nays on that vote.

The SPEAKER. The gentleman from New York——

Mr. BURNETT. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Alabama demands the yeas and nays. Evidently there is a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 344, nays 21, answered "present" 2, not voting 61, as follows:

YEAS—344.

Alexander	Dillon	Hicks	Morgan
Almon	Dixon	Hilliard	Mudd
Anderson	Dominick	Holland	Neely
Ashbrook	Dooling	Howard	Nelson
Aswell	Doolittle	Hull, Iowa	Nicholls, Mich.
Austin	Dowell	Hull, Tenn.	Nolan
Ayres	Drane	Hutchinson	Norton
Bacharach	Doughton	Igoe	Oldfield
Baer	Dyer	Ireland	Oliver, Ala.
Bankhead	Eagan	Jacoway	Oliver, N. Y.
Barkley	Edmonds	James	Olney
Barnhart	Elliott	Johnson, Ky.	Osborne
Beakes	Ellsworth	Jones, Va.	O'Shaunessy
Bell	Elston	Juul	Overmyer
Beshlin	Emerson	Kearns	Overstreet
Blackmon	Esch	Kehoe	Padgett
Bland	Evans	Kelley, Mich.	Paige
Blanton	Farr	Kelly, Pa.	Park
Booher	Ferris	Kennedy, Iowa	Parker, N. J.
Borland	Fess	Kennedy, R. I.	Parker, N. Y.
Bowers	Fields	Key, Ohio	Peters
Brand	Fisher	Kiess, Pa.	Phelan
Brodbeck	Flood	Kinchelce	Polk
Browne	Focht	King	Powers
Browning	Fordney	Kinkaid	Pratt
Brumbaugh	Foss	Kitchin	Purnell
Buchanan	Foster	Knutson	Quin
Burnett	Francis	La Follette	Ragsdale
Burroughs	Frear	Langley	Rainey
Butler	Freeman	Larsen	Raker
Byrnes, S. C.	French	Lazaro	Ramsey
Byrns, Tenn.	Fuller, Ill.	Lee, Ga.	Ramseyer
Campbell, Kans.	Fuller, Mass.	Lehlbach	Randall
Campbell, Pa.	Gallagher	Lenroot	Rankin
Candler, Miss.	Gallivan	Lesher	Rayburn
Cannon	Garland	Lever	Reavis
Cantrill	Gandy	Linthicum	Reed
Caraway	Gard	Little	Riordan
Carlin	Garner	Littlepage	Robbins
Carter, Mass.	Garrett, Tex.	Lobeck	Roberts
Carter, Okla.	Gillett	Lonergan	Robinson
Cary	Glass	Longworth	Rodenberg
Chandler, Okla.	Glynn	Lufkin	Rogers
Church	Godwin, N. C.	Lundeen	Romjue
Clark, Fla.	Goodall	McAndrews	Rose
Clark, Pa.	Goodwin, Ark.	McArthur	Rouse
Classon	Gould	McClintic	Rowe
Collier	Graham, Ill.	McCulloch	Rubey
Connelly, Kans.	Gray, Ala.	McFadden	Russell
Cooper, Ohio	Green, Iowa	McKenzie	Sabath
Cooper, W. Va.	Greene, Mass.	McKeown	Sanders, Ind.
Cooper, Wis.	Greene, Vt.	McKinley	Sanders, La.
Costello	Griest	McLaughlin, Mich.	Sanders, N. Y.
Crago	Hadley	McLaughlin, Pa.	Saunders, Va.
Cramton	Hamill	McLemore	Schall
Crisp	Hamilton, Mich.	Madden	Scott, Mich.
Currie, Mich.	Hamlin	Magee	Scott, Pa.
Dale, N. Y.	Haskell	Mansfield	Scully
Dale, Vt.	Hastings	Mapes	Sears
Darrow	Hawley	Martin	Sells
Davidson	Hayden	Mason	Shackleford
Davis	Hayes	Mays	Shallenberger
Decker	Heaton	Meeker	Sherley
Dempsey	Heflin	Miller, Wash.	Shouse
Denison	Helm	Mondell	Siegel
Denton	Helvering	Montague	Sims
Dewalt	Hensley	Moon	Sinnott
Dickinson	Hersey	Moore, Pa.	Sisson
Dill		Moores, Ind.	Slayden

Slemp	Sullivan	Van Dyke	Welty
Sloan	Summers	Vare	Whaley
Smith, Idaho	Sweet	Vestal	Wheeler
Smith, Mich.	Swift	Vinson	White, Me.
Smith, G. B.	Switzer	Voigt	White, Ohio
Smith, T. F.	Tague	Volstead	Williams
Snook	Taylor, Ark.	Waldow	Wilson, Ill.
Snyder	Taylor, Colo.	Walker	Wilson, Tex.
Steagall	Temple	Walsh	Wingo
Stedman	Templeton	Walton	Winslow
Steele	Thomas	Ward	Wise
Stephens, Miss.	Thompson	Wason	Wood, Ind.
Sterling, Ill.	Tillman	Watkins	Woods, Iowa
Sterling, Pa.	Tilson	Watson, Pa.	Woodyard
Stevenson	Timberlake	Watson, Va.	Wright
Stiness	Tinkham	Webb	Young, N. Dak.
Strong	Treadway	Welling	Young, Tex.

NAYS—21.

Anthony	Flood	London	Sherwood
Black	Gordon	Lunn	Stafford
Caldwell	Hardy	Merritt	Venable
Claypool	Harrison, Va.	Miller, Minn.	
Connally, Tex.	Humphreys	Mott	
Dent	Johnson, Wash.	Platt	

ANSWERED "PRESENT"—2.

Morin	Sanford

NOT VOTING—61.

Britten	Fairchild, G. W.	Husted	Price
Capstick	Fairfield	Johnson, S. Dak.	Rowland
Carew	Flynn	Jones, Tex.	Rucker
Chandler, N. Y.	Garrett, Tenn.	Kahn	Scott, Iowa
Candy	Good	Keating	Small
Copley	Graham, Pa.	Kettner	Snell
Cox	Gray, N. J.	Kraus	Steenerson
Crosser	Gregg	Kreider	Stephens, Nebr.
Curry, Cal.	Hamilton, N. Y.	LaGuardia	Talbott
Dallinger	Harrison, Miss.	Lea, Cal.	Towner
Dies	Hauzen	McCormick	Weaver
Drukker	Heintz	Maher	Wilson, La.
Dunn	Hollingsworth	Mann	Zihlman
Eagle	Hood	Nicholls, S. C.	
Estopinal	Houston	Porter	
Fairchild, B. L.	Huddleston	Pou	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. HAMILTON of New York (for) with Mr. SANFORD (against).

Until further notice:

Mr. LEA of California with Mr. CURRY of California.

Mr. STERLING of Pennsylvania with Mr. HEINTZ.

Mr. HOUSTON with Mr. JOHNSON of South Dakota.

Mr. COX with Mr. MCCORMICK.

Mr. DIES with Mr. CAPSTICK.

Mr. GARRETT of Tennessee with Mr. BRITTEN.

Mr. KETTNER with Mr. COPLEY.

Mr. POU with Mr. FAIRFIELD.

Mr. RUCKER with Mr. GOOD.

Mr. ROGERS. Mr. Speaker, my colleague, Mr. DALLINGER, is detained at his home in Massachusetts on account of illness. He has requested me to announce to the House that he is in favor of this bill and would have voted "yea" had he been able to be present.

Mr. SIEGEL. Mr. Speaker, I am requested to announce for my colleagues, Mr. LAGUARDIA, Mr. DUNN, and Mr. SNELL, that they would have voted in favor of this bill if they had been present.

The result of the vote was announced as above recorded.

On motion of Mr. BURNETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. JONES of Texas, by unanimous consent, was granted leave of absence for three days, on account of illness.

HOUR OF MEETING TO-MORROW.

Mr. SIMS. Mr. Speaker, I want to submit a request for unanimous consent.

The SPEAKER. The gentleman will state it.

Mr. SIMS. I want to ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11.30 a. m. to-morrow.

Mr. GILLETT. Mr. Speaker, I am very sorry, but I think a great many Members expected that the House was going to meet at 12 o'clock to-morrow.

Mr. SIMS. Let me explain. I understand there is going to be some time in regard to the change of reference of some bill, and I only wanted to get that in at that particular place before we take up the railroad bill.

Mr. BAKER. Mr. Speaker, reserving the right to object, there are two or three committees, particularly the Committee on the Public Lands, that want to have a meeting——

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

SOLDIERS AND SAILORS' CIVIL RIGHTS.

Mr. WEBB, from the Committee on the Judiciary, submitted a conference report on the bill H. R. 6361, the soldiers and sailors' civil rights bill, for printing under the rule.

EXTENSION OF REMARKS.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a patriotic address made in Pittsburgh by the gentleman from Michigan [Mr. JAMES] on Washington's Birthday.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD a patriotic address made by the gentleman from Michigan [Mr. JAMES] on Washington's Birthday. Is there objection?

Mr. WALSH. I object.

Mr. BAKER. Mr. Speaker, I rise for the purpose of presenting a unanimous-consent request. I ask unanimous consent that I may extend my remarks in the RECORD on the bill H. R. 9053, known as the Pacific coast military highway bill, a bill introduced by myself, and also other remarks upon that bill.

The SPEAKER. The gentleman from California asks unanimous consent to print a speech of his own in the RECORD on the bill H. R. 9053, known as the Pacific coast military highway bill.

Mr. BAKER. The speech and remarks in regard to it.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman if this measure has been reported out by any committee?

Mr. BAKER. It has not been reported.

Mr. WALSH. Then I object.

Mr. HUMPHREYS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter on the subject of cotton.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD by printing a letter on the subject of cotton. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed, including the motion to recommit the same.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks on the bill just passed, including his motion to recommit. Is there objection? [After a pause.] The Chair hears none.

Mr. BAKER. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from California makes the same request. Is there objection?

Mr. WALSH. Mr. Speaker, I object to all these.

The SPEAKER. Does the gentleman object to the request of the gentleman from Washington [Mr. JOHNSON]?

Mr. WALSH. Yes; I object to them all.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Thursday, February 28, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the chairman of the board of trustees, National Training School for Boys, transmitting annual report for the fiscal year ending June 30, 1917; to the Committee on the District of Columbia.

A letter from the Secretary of the Treasury, transmitting supplemental estimate of appropriation for increase in compensation of Senior Assistant Chief of Division of Customs, fiscal year ending June 30, 1919 (H. Doc. No. 960); to the Committee on Appropriations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 10293) to amend all existing pension laws granting pensions to minor children of soldiers and sailors of the Civil War, the War with Spain, and the Regular Establishment; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 10294) to authorize free transportation for officers and men of the Army, Navy, and

Marine Corps of the United States when on furlough to and from their homes; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 10295) to authorize absence by homestead settlers and entrymen, and for other purposes; to the Committee on the Public Lands.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10296) authorizing the Post Office Department to acquire and extend the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of government; and promote the service to the public; to the Committee on the District of Columbia.

By Mr. SIMS: A bill (H. R. 10297) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Michigan: A bill (H. R. 10298) to prevent and punish the desecration, defamation, mutilation, or improper use of the flag of the United States of America; to the Committee on the Judiciary.

By Mr. HOLLAND: A bill (H. R. 10331) to credit officers in the United States Naval Reserve with the time served in the naval auxiliary; to the Committee on Naval Affairs.

By Mr. EMERSON: Joint resolution (H. J. Res. 254) requiring the War Department to return to America the bodies of soldiers who die in Europe during the war; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 10299) granting a pension to Hattie C. Huntington; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 10300) granting an increase of pension to Mary J. Spate, helpless child of Joseph Spate; to the Committee on Pensions.

Also, a bill (H. R. 10301) granting a pension to Frank A. Smith; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 10302) for the relief of Ray Markey; to the Committee on Claims.

Also, a bill (H. R. 10303) granting an increase of pension to James Dougherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10304) granting an increase of pension to George B. Amann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10305) granting a pension to Mrs. C. Silberberg; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 10306) granting a pension to Charles W. Cross; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 10307) for the payment of certain claims for services rendered the United States in the construction of a building at Mare Island Navy Yard; to the Committee on Claims.

Also, a bill (H. R. 10308) granting a pension to William Deable; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 10309) granting an increase of pension to Henrietta Archer Forbes; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 10310) granting a pension to Ida M. Cunkle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10311) granting a pension to Katie Clifford; to the Committee on Pensions.

Also, a bill (H. R. 10312) granting an increase of pension to William M. Moore; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 10313) granting an increase of pension to James Cunningham; to the Committee on Pensions.

By Mr. McFADDEN: A bill (H. R. 10314) granting an increase of pension to Peter Minihan; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 10315) granting an increase of pension to William W. Robinson; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 10316) granting a pension to John Taylor; to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 10317) granting an increase of pension to John S. Griffith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10318) granting an increase of pension to William J. Windsor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10319) granting a pension to Isaac James Riggin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10320) granting a pension to George W. Willey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10321) granting a pension to Martin Jackson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10322) granting a pension to Joseph R. Bamberger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10323) for the relief of William H. P. Steward and Emma S. Wise, heirs of John T. Steward; to the Committee on War Claims.

Also, a bill (H. R. 10324) for the relief of the heirs of Elijah Evans; to the Committee on War Claims.

Also, a bill (H. R. 10325) for the relief of the heirs of William E. Bradshaw; to the Committee on War Claims.

Also, a bill (H. R. 10326) for the relief of O. P. Gibson & Co.; to the Committee on Claims.

By Mr. RANDALL: A bill (H. R. 10327) granting an increase of pension to Eric Johnson; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 10328) granting a pension to Herbert B. Holloway; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 10329) granting an increase of pension to Alexander Roe; to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 10330) granting an increase of pension to George H. Young; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 10332) to pay certain taxes to the county of Stevens, State of Washington; to the Committee on Indian Affairs.

Also, a bill (H. R. 10333) to pay certain taxes to the county of Ferry, State of Washington; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRODBECK: Evidence to accompany a bill granting a pension to Frank A. Smith; to the Committee on Invalid Pensions.

Also, evidence to accompany a bill granting an increase of pension to Mary J. Spate; to the Committee on Invalid Pensions.

By Mr. CAREW: Petition of railroad employees against fixing time limit for turning railroads back to private ownership; to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Ohio: Petition of voters of Trumbull and Ashtabula Counties, asking for the passage of Senate bill 352 relating to the granting of pensions to the members of the United States Life-Saving Service who have been injured or incapacitated while in the line of duty; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAGO: Resolution adopted by the council of the city of Pittsburgh, Pa., in favor of improving the Ohio River and the immediate construction of the Lake Erie and Ohio River Canal; to the Committee on Rivers and Harbors.

Also, resolutions adopted by Philadelphia Chamber of Commerce, favoring proper housing facilities for mechanics employed at Hog Island shipyard, and urging early construction of dry-dock facilities; to the Committee on Appropriations.

By Mr. DALE of New York: Petition of the Pierian Club of Seymour, Tex., against increase in postage on second-class matter; to the Committee on Ways and Means.

Also, memorial of the Square Turn Tractor Co., Chicago, Ill., and resolution of the Santa Fe Woman's Club, Santa Fe, N. Mex., urging the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also, petition of Army and Navy Union, Captain Charles V. Gridley Garrison, No. 4, Erie, Pa., favoring passage of Senate bill 3063, to save Commodore Perry's battleship, the *Niagara*; to the Committee on Naval Affairs.

By Mr. DOOLING: Petition of Central Federated Union of New York, against the Borland eight-hour bill; to the Committee on Agriculture.

By Mr. ELSTON: Petition of citizens of Berkeley, Cal., favoring passage of the Kelly bill, House bill 8761; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petitions of clerk and letter carriers of La Salle and Branch No. 245, National Association of Letter Carriers, of Rockford, Ill., favoring passage of House bill 9414; to the Committee on the Post Office and Post Roads.

Also, petitions of the Mishawaka Woman's Club, of Mishawaka, Ind.; the Woman's Federation Club of Long Pine, Nebr.; Harry P. Stoeckell and Lottie Boree, of Wood River, Ill.; the Illinois Woman's Press Association, of Chicago; the Woman's Club of Granby, Mass.; the Pierian Club, of Seymour, Tex.; the

Kappa Alpha Theta Alumnæ Club, of Greencastle, Ind.; and the Woman's Club of San Angelo, Tex., asking the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

By Mr. GALLIVAN: Petition of the Page Kindergarten Alumnæ Association, urging appropriation to provide for the Federal maintenance of the kindergarten division in the Bureau of Education; to the Committee on Education.

By Mr. LINTHICUM: Petition of Mrs. James W. Flack, jr., and A. D. McCommas, secretary of the Baltimore Real Estate Board, protesting against the passage of House bill 9248; to the Committee on the District of Columbia.

Also, petition of Jacob L. Newcomer, of Baltimore, Md., urging the passage of the Keating bill, House bill 7356; to the Committee on Appropriations.

Also, petition of C. W. Hendley, W. W. Boyer & Co., Tidewater Portland Cement Co., the Frederick W. Lipps Co., the Blueridge Knitting Co., John R. Lemmert, Edward A. Strauf, Jones & Lamb Co., the Horn-Shafer Co., the Baltimore Pulverizing Co., B. Nicoll & Co., Enterprise Fuel Co., Henry G. Loewer, and John J. Beahl, protesting against the proposed elimination of fuel jobbers; to the Committee on Agriculture.

By Mr. MORIN: Petition of the Oakland Board of Trade, D. A. Jones, secretary, urging that no change be made in the present postal legislation until same has had thorough trial and that any changes made later be with the view of a rate upon second-class matter that will more nearly cover cost of service; to the Committee on Ways and Means.

By Mr. POWERS: Petition of Mrs. W. T. Horton and others, of Clay County, Ky., relative to increase in second-class mail rates; to the Committee on Ways and Means.

By Mr. TEMPLE: Petition of members of the Methodist Episcopal Church of New Bedford, Pa., favoring national prohibition; to the Committee on the Judiciary.

SENATE.

THURSDAY, *February 28, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the truth of life, the truth that not only pertains to our physical being but for that which has pushed back the curtain and given to us glimpses of the life eternal and of the infinite possibilities of life. We thank Thee for the truth tellers among men, men of vision, men of far-seeing wisdom, who understand and read the signs of the times, and lead on as God's light illumines the way. Now, we pray Thee to guide us this day in all truth, that we may come to its close with a consciousness of having done the Divine will. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. MCKELLAR and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PERSONAL EXPLANATION—MEMPHIS AVIATION FIELD.

Mr. MCKELLAR. Mr. President, some week or 10 days ago the New York World published an article by its Washington correspondent concerning me and certain other Senators. The article, so far as I am concerned, is wholly inaccurate and largely untrue. It is not my custom to notice such articles, and I would not do so in this case, except for the fact that it has since been republished in Tennessee, and for the further fact that I have since learned that the article was prepared largely by a young man who was the former secretary of former Senator Luke Lea, one of my opponents in the late senatorial primary in Tennessee. This subordinate of Senator Lea now represents Senator Lea's paper, the Nashville Tennessean, in Washington. The profiteers and their champions must be hard put to it when they are forced to employ such agencies to villify and abuse a man who has fought them in the open. I therefore ask unanimous consent that the article as it appeared in the World and copied in the Chattanooga Times be printed in the RECORD immediately after this statement. In addition I now desire to read the statement that I have made in reference to said article.

"FEBRUARY 26, 1918.

"THE CHATTANOOGA TIMES,
"*Chattanooga, Tenn.*

"GENTLEMEN: As a rule I do not attempt to answer criticism of the kind that recently appeared in the New York World and republished in your paper of last Sunday, and I would not do so now but for the fact that the Chattanooga Times has always been so loyally my friend, editorially and in its news columns, that I do not wish that you should be misled as to my actions by any such statement.

"I am not complaining of your publishing the article, for your paper is one paper that has a perfect right to criticize me whenever it sees fit, but I do wish you to know the facts.

"The article is adroitly worded, and is not only misleading and untruthful in character, but it is so craftily worded as to conceal the real truth. It gives a garbled statement of the RECORD, it publishes only a part of the RECORD, and it wholly falsifies my position, either by direct statement or by innuendo in three important particulars: First, as to my attitude toward the President of the United States; second, as to my attitude toward the War Department; and, third, my attitude toward the contract for the aviation field at Memphis and the system of letting contracts formerly in vogue in the War Department, now happily dispensed with.

"Mr. Editor, as you know, I have always supported President Wilson. There is no law on the statute books, so far as I can recall, which he has approved since he has been President that I did not vote for or support. I admire and esteem our great President very much. There is no man who could fill his position better in this great crisis. I doubt if anyone could fill it nearly as well. It seems providential that we have as our President in this the greatest crisis of the world's history a wonderfully able, calm, vigorous, determined, splendid man like Woodrow Wilson. My opinion of him is upheld by the records here, which show that every war measure that he has approved has received my vote. I have never publicly or privately criticized him, because I believe he is entitled to praise and support.

"Again, I have no grudge against the War Department. During this war it has done much for which it can be justly praised. It has also done or left undone things for which it has been very greatly criticized, and, in my judgment, properly so. Since the senatorial investigation the War Department has brought about a very complete reorganization of itself, and I believe it is doing better work now than ever before. It has adopted many important, effective, and far-reaching changes, which I think are the result of the Military Committee investigation.

"As to what this article says about the Memphis aviation field contract and my attitude toward contracts let by advisory committees of the Council of National Defense, I beg to say:

"When gentlemen come here from Tennessee seeking a contract, I either give them a letter of introduction or introduce them to the proper contracting officer. When Mr. Harmon, of the Harmon Co., referred to in the article, came here seeking a contract for the aviation field and telling me that he was a resident of Memphis and bringing letters from Memphis citizens, I gave him a formal letter of introduction to Mr. W. A. Starrett, the chairman of the emergency construction committee. There were a number of Memphis contractors wanting this aviation contract, and they all received the same kind of letters of introduction, or were introduced personally by me or by my secretary. I carefully explained to each one of these contractors, including Mr. Harmon, that I did not recommend any particular one for a contract, but that I hoped the contract would go to a Tennessee concern, because the camp was to be built in Tennessee.

"After I had given Mr. Harmon a letter of introduction, upon the faith of letters handed by him to me from Memphis friends, I found that Mr. Harmon had misstated the fact of his residence to me; that while he had done some work in Memphis, his firm was really located in St. Louis, and he himself lived elsewhere than in Tennessee. Upon learning this I protested to the War Department against Mr. Harmon receiving the contract, believing that Mr. Harmon had gotten the letter of introduction from me under a misstatement of facts. The falsity and maliciousness of the article published in the World and republished in your paper is shown by the following letter that I wrote to Capt. C. G. Edgar, of the Aviation Service, on August 24, 1917. This letter was in the RECORD, and if the World correspondent had wanted to be fair about the matter he should have published this letter, and then no statement from me would now be necessary. The letter is as follows:

"'MY DEAR CAPT. EDGAR: Your letter of the 23d about the Memphis contract received and noted.

"'The statement that you refer to in the third paragraph of your letter, which is as follows:

"'"Paragraph 3 of their (the emergency construction committee) letter states that this company was chosen upon recommendation by you."

"'This statement of the emergency construction committee is an absolute, unqualified, and unmitigated falsehood. There is not a word of truth in it. It is a subterfuge for the carrying

out of their nefarious and, as I believe, crooked plans. It is in exact line with what they have been continually doing since it has been managed by these people.

"'A number of contractors from Memphis called to see me about this matter, among them Mr. Harmon, who told me that he was a Memphis contractor. He asked for a letter of introduction, which I gave and which is as follows:

"'"This will introduce to you Mr. I. G. Harmon, who has been in the contracting business for some time and is a member of the firm of Thomas-Harmon Co., of Memphis, Tenn.

"'"He wants to talk to you about building the aviation camp at Memphis. Mr. Harmon is a most excellent gentleman and entirely trustworthy and reliable, and I will appreciate any courtesies you may extend to him."

"'Mr. Alexander called in person, and I sent my secretary down to Mr. Starrett to introduce him.

"'Mr. Young, of Young & Son, came to see me, and I sent my secretary down with him to introduce him. There were perhaps other contractors who either came or wrote me, and to each one I stated that I was taking no part in the matter as to which contractor was selected, but that all I desired was that a Memphis contractor should receive the contract. To make absolutely sure on August 12 I wrote Mr. Starrett as follows:

"'"'Inclosed I hand you an editorial from the Memphis Commercial Appeal, of date August 9, 1917. I have heretofore sent you a number of telegrams and letters of various Memphis contractors who desire to build the aviation school at Memphis.

"'"I have not recommended any particular one of these Memphis contractors. I make it a rule never to do this. However, I desire to commend this editorial to you, and earnestly insist that the work be given to a Memphis contractor or contractors. I believe the work can be done by them cheaper, quicker, and better than any outside contractor. This is naturally so. I stand willing to aid you in any way in giving you information as to any of these Memphis contractors."

"'And on August 16 I wrote Mr. Starrett as follows:

"'"In reference to the aviation camp, I wish to speak to you about two matters. There have been a number of Memphis contractors who have been to see me about the matter and a number more who have written or telephoned me about the matter. These letters and telegrams I have filed with you. I have uniformly told these gentlemen that I had nothing in the world to do with individual contracts and would not take any part as between them, but that I would recommend to you that this contract be given to some contractor in Memphis, to be selected by you, because I believe that, being there on the ground, familiar with prices there, familiar with labor conditions there, such a contractor could do the work more quickly and more cheaply to the Government than any outsider. If it were a small place, the situation might be different; but Memphis being a city of 175,000, what I have said is unquestionably true. In this connection, I herewith inclose you two telegrams that I have just received which explain themselves. It seems that all the contractors in Memphis have gotten behind the James Alexander Construction Co. They are very reputable people and can carry out any contract which they may make. So much for this.

"'"As you know, Memphis is one of the largest lumber markets in this country. The lumber for these camps can be bought more cheaply right there than elsewhere. I am not recommending any particular lumber firm, but I do know that the lumber that goes into these camps ought to be bought in Memphis, provided only that it can be bought there cheaper than it can elsewhere. In other words, the Government's interests should unquestionably be first both as to contractors and as to material. I know that that camp can be built more cheaply by utilizing Memphis contractors and Memphis materials.

"'"With much respect, I am,

"'"KENNETH MCKELLAR."

"'You will see from this last letter that when Mr. Starrett writes you that the Thomas-Harmon Co. received the contract upon my recommendation he writes you what is a deliberate and willful falsehood, as above stated, and which is here reiterated.

"'I have since learned that the Thomas-Harmon Co. is not a Memphis concern and that the only work of any importance that it ever did in Memphis was to dig a tunnel there; that it is a St. Louis concern and in no sense a Memphis concern.

"'I desire to protest against this contract going to this company and to say that if it is awarded to the Thomas-Harmon Co., I shall seek an investigation in the Senate by which the true facts can be ascertained and established.

"'I am informed that this contract was let by reason of influence that had nothing in the world to do with Memphis. As a matter of fact, its letting was a fraud upon Memphis and an outrage and a shame, for which I do not believe your department will for a moment stand.

"'I am sending a copy of this letter to Gen. Squier.

"'With much respect, I am

"'Very sincerely, yours,

"'KENNETH MCKELLAR.'

"Upon the receipt of this letter the contract with the Harmon Co. for the Memphis aviation field was very properly canceled by the War Department, and that contract was afterwards carried out by some other contractor, the name of which I do not now recall, but it was not a Memphis contractor at all. This letter gives the true facts and it speaks my attitude absolutely. I stand by it. I have no apologies to make for it, and I believe that you would have acted the same way if you had been in my place.

"Some time after the foregoing incident, I think probably during the recess of Congress or just before it adjourned, the War Department was appealed to by the Harmon Co. to get another contract, and I was informed that it afterwards received one. If it did, it was simply one of those acts for which the department was frequently criticized some time ago, and for which it deserves to be criticized.

"The man who gave out all of these cantonment contracts was W. A. Starrett, chairman of the emergency construction committee, Council of National Defense, formerly of the Thompson-Starrett Construction Co., of New York City. This Mr. Starrett was before the Senate Military Affairs Committee a few days before this article was published in the World, and I examined him at length about his method of letting contracts. Whether he was the instigator of the article or not I do not know. However, his testimony disclosed the fact that the George A. Fuller Co., of which his brother, Paul Starrett, is president, received several contracts, the fees of one contract alone being $250,000, and all the fees amounted up to considerably over one-half a million dollars—perhaps near three-quarters of a million dollars. It also disclosed that the Thompson-Starrett Co., of which Mr. W. A. Starrett was formerly a member, received in fees from the Government on contracts recommended by W. A. Starrett for building a portion of these cantonments, the sum of $1,002,500 for the 'know how.' The testimony also disclosed that a Mr. Mears was clerk for Mr. Starrett's emergency construction committee, and that he was a representative of the F. T. Ley Co., which got one of the cantonments and made a quarter of a million dollars out of it for the 'know how.' When asked by me what his connection was with these firms, Maj. Starrett replied:

"'We are architects and designed buildings that George A. Fuller Co. build; that the Thompson-Starrett Co. build; that the Fred T. Ley Co. build, Bentley.'

"Stone & Webster was one of the firms which received a cantonment contract at the hands of Mr. Starrett. This is the same Stone & Webster that also received the Hog Island contract. The contracts received by Stone & Webster from the Government amounted, as I am informed, to some $200,000,000 in all.

"There were also 11 men indicted the other day in New York for stealing $5,000,000 worth of uniform cloth from the Government. These gentry received contracts under the peculiar secret system of contracting that was recommended by the committee on supplies, and, I suppose, they and those who will defend them will also soon be saying that I am opposed to the President because I aided in the original investigation which opened the Government officials' eyes to their pilfering.

"Mr. Editor, in letting these Government contracts, one-quarter of them were let in New York State and one-half of them in the three States of New York, Pennsylvania, and Ohio. All the rest of the country received only as many contracts as these three States alone. Can it be wondered that we have railroad and industrial and labor congestion with one-fourth of all Government contracts in one State?"

Mr. KING. If the Senator will permit me, I noticed in a New York paper a few days ago an advertisement that the Thompson-Starrett Co. had a contract for $30,000,000. Is this the same Thompson-Starrett Co. to which the Senator refers?

Mr. MCKELLAR. I know of no other. I know that the company known as the Thompson-Starrett Construction Co. has received in fees on these cantonments $1,002,500 for the "know how."

Mr. KING. It advertised in the New York paper—an advertisement which occupied a third of a page—that it had a contract now with the Government for $30,000,000. I was wondering if the man Starrett to whom the Senator referred had anything to do with letting a contract to the Thompson-Starrett for the erection of a powder plant costing $30,000,000.

Mr. MCKELLAR. I can not say.

"I plead guilty, therefore, to the fact that I desired that Tennessee contractors should be treated fairly and on the same terms as all other contractors. I plead guilty that I stood up for Tennessee and Tennesseans. If my own people think that I ought to be abused for standing by them and for their rights and their interests, they are to say.

"Again, I plead guilty to being opposed to the supply committees of the Council of National Defense and their methods of dealing for the Government with themselves. I have not a word of criticism for the patriotic volunteers who come here and work for the Government without working for contracts or gains for themselves. They are entitled to great credit. It was the "dollar-a-year" volunteer who was feathering his own nest out of the Government that I opposed and to whom I am still opposed.

"I was opposed to the secret contracting system instituted by these supply committees. I was opposed to the letting of contracts with exorbitant fees to friends, favorites, relatives, or business associates who had the "know how" and the pull. I was and am opposed to robbing the Government at any time, at any place, under any pretext, in any way, by anybody. I have been opposed to these profiteers on the supply committees, and I have fought them since they first came here getting contracts, as above stated, and I believe that they have now all been dismissed.

"The Secretary of War has recently notified me of the following changes in his department: First, that the secret contracting system, which was recommended by these volunteer 'dollar-a-year' supply committees, has been abolished; second, that the 'dollar-a-year' patriots (?) serving on these supply committees, supposedly for nothing, but selling enormous quantities of goods to the Government, and who at the same time drew salaries or dividends from their employers while thus serving the Government in purchasing from themselves, have been dismissed; third, that our boys in the Army, many of whom during the recent cold weather were without warm clothing, had been furnished with clothing under the resolution which I got the Military Affairs Committee to adopt; fourth, that the whole Army purchasing system has been reorganized, and that all safeguards against inefficiency, dishonesty, and corruption have been taken in such reorganization. In other words, the War Department itself, by its own acts, has indorsed these several fights that I have been making.

"In addition to this, the President has recently ordered an investigation of the Hog Island contract iniquities, and I am prouder than ever of him for having done so. I am sure he is as much opposed to the profiteers as even I am. The efforts of these profiteers, or their excusers, or the efforts of those puny subordinates of the War Department who are friendly to them to try to make it appear that anyone who opposes their nefarious and profiteering schemes is opposed to the President of the United States is as infamous as it is untrue, because in making these claims these profiteers undertake to place our President in an attitude of approval of them.

"It begins to look, Mr. Editor, as if these profiteers have concluded to make a war on me because I have fought them and have fought their methods and have fought their system of contracting. If they have, I am ready for the fight. I have no apologies to make. Let the truth come out. If they had published all the facts I would have been content.

"If I am to be villified for standing up for the rights of Tennessee and Tennesseans; if I am to be villified for standing up for our Government against these profiteers, grafters, and thieves; if I am to be villified for standing up for our Government against secret contracts let to relatives, friends, favorites, or allied interests, costing the Government many millions of dollars; if I am to be villified for feeling that our boys in the Army should have warm clothing in winter and should always have proper medical attention when sick, then I am willing to stand the villification, knowing that I am right and my traducers are wrong.

"Yours, very truly, KENNETH MCKELLAR."

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

[From the Chattanooga Times, Feb. 24, 1918.]

MCKELLAR IS UNDER FIRE—NEW YORK PAPER REVIEWS HIS MANY ACTIVITIES—THEORY AS TO SENATOR'S CRITICAL ATTITUDE—MORE THAN MERELY INTIMATED THAT TENNESSEAN AND OTHERS OPPOSED WAR DEPARTMENT'S METHODS BECAUSE OF FAILURE TO GET JOBS.

The activities of Tennessee's junior Senator, the Hon. KENNETH D. MCKELLAR, were reviewed at length the other day by the Washington correspondent of the New York World, and the story was given great prominence by that newspaper. It was stated that Senators MCKELLAR, WEEKS, and HITCHCOCK, who have led the opposition to the War Department's methods, have admitted they had failed to get Army contracts or positions for constituents, and a speech by JOHN SHARP WILLIAMS intimating that the opposition of the Senators was due to such failure is quoted. Senator MCKELLAR'S attitude toward the National Council of Defense is also dealt with at length. Here is the World's story as it relates to the Tennessee Senator.

[Washington correspondence New York World.]

Senator MCKELLAR received a rebuff at the hands of the Council of National Defense about the time the war started. He has persecuted it and tried to destroy it ever since. His cross-examinations of witnesses before the Military Committee, in an effort to prove that the members of the council were not actuated by patriotic purposes but by a desire to feather their own nests, have smacked of police-court hearings when common criminals are on trial.

Members of the committee have joked about his ferocity whenever the Council of National Defense came up for consideration.

Senator HITCHCOCK gave Gen. Sharpe a caustic examination to find out just why the War Department did not accept a hot-meal container offered by a constituent about whom the Senator wrote a letter to Sharpe.

Senator WEEKS revealed the fact that he had written a letter for a constituent who had a patent device for measuring feet. He thought that if the invention had been accepted, thousands of pairs of shoes too small to be worn would not have to be shipped to Army camps.

Senator MCKELLAR made his first open attack upon the Defense Council on July 17 last when he tried to curtail its powers. He discussed the question of permitting the council to make contracts.

The law does not permit the council to sign checks, and Secretary Baker testified that it had not signed any.

"I found a remarkable thing when I came to look into the matter," said MCKELLAR in the Senate. "I represent a State of 2,300,000 people, but it seems that no one of the Council of National Defense or its committees has ever found a Tennessean whom he thought capable of serving on any committee in that body.

"That seems rather a remarkable thing to me. In my State we have manufacturers, we have great lumber interests. We have cotton interests. We have cotton mills and great mills of all kinds all over the State. We have great steel mills in east Tennessee, and yet no one from Tennessee has been put on any committee on the Council of National Defense."

ELECTED ON SLOGAN "STAND BY PRESIDENT."

On June 13 Mr. MCKELLAR sent to Secretary Baker 26 questions about the advisory board of the Council of National Defense. He repeated the questions to the various members of the council. Mr. Baker acknowledged the receipt of the questions and promised to have some of them answered. He described the task of answering them as one of "great magnitude." From that time on Mr. MCKELLAR has nagged the council. He has hardly let up a day.

Mr. MCKELLAR is a newcomer in the Senate. He was elected for the term beginning March 4, 1917. One of his campaign slogans was "Stand by the President." That appealed to the stalwart Andrew Jackson Democracy of Tennessee, and Mr. MCKELLAR was elected over his Republican opponent by about 30,000. How well he has "stood by the President" the record discloses.

Early in his senatorial career Mr. MCKELLAR came in contact with the National Council of Defense. The Senator asked that some of his constituents receive a share of war contracts. Members of the council, most of them civilians, captains of industry, unschooled in senatorial prerogatives, insisted on handling these matters on their merits.

Mr. MCKELLAR became angered on one occasion and wrote a letter to the Secretary of War protesting against the failure of the War Department to select a cantonment site in the swamps of Mississippi adjacent to Memphis, which he had strongly recommended.

Later Memphis was selected as the site for an aviation training field. A Memphis contractor wanted the $1,000,000 job of constructing this camp, and when the award went to a St. Louis firm Mr. MCKELLAR turned his wrath against the chairman of the emergency construction committee of the War Industries Board, which made the award.

He has become one of the most persistent naggers of the administration in the Military Affairs Committee, of which he is a member. The members of the committee who have attempted to discredit the conduct of the war eagerly hailed the Tennessee Senator's grievances.

WITH CHAMBERLAIN VOTED AGAINST WAR CABINET BILL.

When the war cabinet bill was submitted to the committee by Senator CHAMBERLAIN, Mr. MCKELLAR and Mr. HITCHCOCK were the only two Democrats who voted with him to report it out unfavorably.

Senator MCKELLAR'S especial grievance against the War Department is the Memphis aviation field contract. The stenographic report of a hearing held to investigate his charges against Maj. W. A. Starrett and other members of the emergency construction committee held in the office of the Secretary of War October 4 has just come to light. The facts developed at the hearing are interesting in connection with the investigations now being conducted by Senate committees.

When the Government determined to locate the field at Millington, near Memphis, a number of contractors entered the competition. The Thomas-Harmon Co., of St. Louis, received the contract over the James Alexander Co., of Memphis. Mr. MCKELLAR protested vigorously. The emergency construction committee replied by exhibiting a letter written to Maj. Starrett, chairman of the board, on August 7, which was construed as a recommendation of the Thomas-Harmon Co. This letter read as follows:

"This will introduce to you Mr. A. G. Harmon, who has been in the contracting business for some time and is a member of the firm of the Thomas-Harmon Co., of Memphis, Tenn. He wants to talk to you about building the aviation camp at Memphis. Mr. Harmon is a most excellent gentleman and entirely trustworthy and reliable and I will appreciate any courtesies you may extend to him.

"(Signed) KENNETH D. MCKELLAR."

Mr. MCKELLAR vigorously denied that he intended to "recommend" Mr. Harmon's firm for the award. This brought up the question, "When is a recommendation not a recommendation?" Maj. Starrett's committee also exhibited several letters from Memphis citizens recommending the St. Louis firm, which had been transferred by Senator MCKELLAR. The Tennessee Senator detailed in a letter to an officer of the Signal Corps the statement that company receiving the award was chosen upon his recommendation was a falsehood.

"It is a subterfuge for the carrying out of their (the emergency construction committee) nefarious and, as I believe, crooked plans," wrote Mr. MCKELLAR.

He had previously explained that when he wrote his letter he was under the impression that the Thomas-Harmon Co. was of Memphis, as he located them in that letter.

COMMITTEE EXONERATED BY COURT AND BAKER.

This charge aroused the War Department. Maj. Starrett demanded an investigation. The hearing was arranged with the Inspector General, Judge Advocate of the Army, and the Secretary of War sitting as a court. All interested parties were notified to appear. Senator MCKELLAR failed to come to the hearing, and the committee was forced to take ex parte testimony. Senator MCKELLAR contended that he should have a "congressional investigation."

The Senator declined to produce any evidence or enter into any specification of his charge of "crooked work." The charge rested solely upon his assertion.

The findings of this court, which were approved by Secretary Baker, held "that the charge must fall by the weight of the committee's great accomplishments, involving as it does the letting of contracts totaling about $150,000,000, carried out with unusual competence and without the breath of suspicion against the motives or the fairness of the experts who constitute the committee."

"It is futile and unfair," continued the report, "to challenge the good faith of the work of this committee in this particular transaction. Its recommendation, which resulted in the selection of the Thomas-Harmon Co., was unimpeachably right and could not have been disregarded. Such a charge could not be made by a fair-minded man familiar with the committee, its source of information, and its methods.

"The emergency committee since May has made systematic inquiries through all available sources of knowledge concerning responsible contractors capable of handling heavy construction under the peculiar conditions under which the emergency war building work for the Army must be done. For this purpose it has drawn on the knowledge of leading architects, civil and Government engineers, and members of the American Society of Civil Engineers for information which these authorities naturally would have.

"The soundness of the committee's conclusions in selecting the Thomas-Harmon Co. is entirely justified by the material in the possession of the committee as to the contractors available for the work."

Pending an investigation of the charges made by Senator MCKELLAR, an independent contractor was substituted for the Thomas-Harmon Co. by the department.

HOLDS MCKELLAR'S LETTER RECOMMENDED THE FIRM.

"It is impossible to avoid the conclusion that Senator MCKELLAR'S attitude was entirely favorable to the Thomas-Harmon Co., and that not only was he not averse to the award of the contract to that company at the time it was made but that it met with his entire approval," continued the findings.

"It is significant in this connection that no word of protest was heard from the Senator until after August 23, one week after the contract had been awarded to the company, when he received from the editor of the Memphis Commercial Appeal, a newspaper, a telegram advising the Senator as follows:

"'Look over St. Louis directory and you will find office of the contracting firm in it. If the Government gives that contract to a St. Louis firm there will be trouble. Kick like a steer and we will back you up.'"

Many other telegrams of similar import were received by Mr. MCKELLAR.

TRANSPORTATION OF FOODSTUFFS IN THE WEST.

Mr. BORAH. Mr. President, I have a large number of telegrams here. I am not going to ask to have them inserted in the RECORD, but, if the Senate will indulge me for just a moment, I will state the contents of them, rather than to burden the RECORD with them.

The telegrams are addressed to my colleague [Mr. NUGENT] and myself; they are in reference to a situation in my State, and are in the nature of petitions which are entitled to consideration at this time. The telegrams relate to the food situation and the inability of the people who have a vast amount of foodstuffs on hand in my State to get it to market. One telegram from Payette, Idaho, states that 500 cars of apples in Payette urgently needs getting to market, and then goes on further to state that unless they are soon marketed they will be lost.

Another telegram from another portion of the State says—

Five hundred carloads of potatoes must be moved within 00 days or a total loss will occur.

A telegram from Idaho Falls, Idaho, covers the same subject matter from another part of the State, stating that—

Several thousand carloads of potatoes are waiting to be moved, and unless moved shortly will be lost.

Another telegram from Blackfoot, Idaho says—

Five hundred carloads of potatoes are stored at Blackwood and must be moved within 60 days.

This telegram is signed by the Bingham County Council of National Defense.

Mr. President, without putting all of these telegrams into the RECORD, I will say that they come from almost every portion of our State; and they disclose the fact that there is a vast amount of food supplies which will be lost within a few weeks if means of transportation are not had to transport them to market.

I think I ought also to say that we have presented this matter to the Food Administrator and to the Railroad Administrator, and we have been assured that everything is being done that it is possible to do to relieve the situation. With that statement I am not about to find fault; but, Mr. President, in considering this matter, both upon the part of the Food Administrator and the Railroad Administrator, we ought to take into consideration its seriousness from the standpoint not only of the immediate loss which is to follow to these people who, at great expense, have produced this food, but of the serious consequences which will result in the coming year's production. The loss immediately to be sustained will be great, but the loss from discouragement which must follow will be greater.

It must follow that if these products can not be cared for, if we are not sufficiently organized and systematized to take care of them when they are produced, the production will be reduced accordingly in all parts of the productive field. This will not be by reason, Mr. President, of any desire on the part of these people who may suffer the loss to revenge themselves against the Government, but for the reason that they will simply be incapacitated from going forward and producing as they had done in previous years.

I trust, Mr. President, in the midst of the multitude of affairs which we have on hand, and not seeking to diminish in any respect the other important phases of this war from any standpoint, that it will not be overlooked that, unless the productive forces of this country are taken care of, it will be little use to transport man power across the ocean to undertake to continue the war.

Mr. KELLOGG. Mr. President, before the Senator from Idaho takes his seat I should like to ask him a question.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. Yes.

Mr. KELLOGG. Is not the condition which the Senator from Idaho states as existing in Idaho substantially the condition in all the other Western States?

Mr. SMITH of Michigan. It is so in Michigan; I know that.

Mr. KELLOGG. From Minnesota I have received telegrams to the effect that hundreds and thousands of carloads of potatoes, many of them needed for seed, can not be moved; that the car shortage in the last 30 days is the worst that was ever known in that State. I am told that that condition exists generally throughout the food-producing districts of the West, and I should like to know if the Senator from Idaho has any information on that subject?

Mr. BORAH. Mr. President, I have no doubt, from what I have read in the newspapers, and so forth, that that is the general condition; but, of course, I was confining myself to the presentation, as it were, of these petitions on the part of these producers. The telegrams I find are sent in the nature of petitions, and, without incorporating them in the RECORD, I took the liberty of epitomizing their contents. I have no doubt that the condition which they represent is the one very generally prevailing throughout the producing region of the West.

Mr. POINDEXTER. Mr. President, I have in mind one instance of the kind which the Senator from Minnesota [Mr. KELLOGG] speaks, in the State of Washington, particularly in the Yakima Valley. An organization of producers there represent that they will need a certain number of cars—which they specify, some 3,000 cars—within a limited period of time to move fruit and the potatoes that are now on hand, and which must be moved within a certain time in order to prevent their loss, because they are perishable products. They state that the Northern Pacific Railroad, which serves them, has furnished a large number of cars, but that the Southern Pacific Railroad system, which also serves them, has furnished a very inadequate number of cars.

I noticed the exchange of communications between Mr. Hoover and Mr. McAdoo on the subject of the distribution of food, and on account of the importance of this matter and the necessity of attending to it immediately, if it is to be attended to at all, I furnished Mr. McAdoo on yesterday, by special messenger, a statement of these conditions, calling his attention to the statement which he had made through the press—that if the places where supplies of food were stored were called to his attention he would guarantee that railroad cars would be furnished to move them. I have hope and expectation that Mr. McAdoo, in accordance with his public declaration, will see that the Southern Pacific Railroad and the Northern Pacific Railroad and their connections which serve this great, productive valley, one of the richest and most productive in the world, will have the necessary cars to move this great supply of food.

It is not only important as it affects the supply of the people of this country and of our allies with necessary and healthful food products, but it is important in its bearing upon the production of food for the coming year and upon the fortunes and conditions of the people who have raised this food, whose entire means are invested in farms and in the business of producing food, who will be ruined if they can not market their crops, and who, if their crops are lost, will be discouraged from going to the labor and incurring the investment which is necessary to produce a crop for the coming year.

I make this public statement in order to emphasize what I have called personally to the attention of the officer of the

Government who now controls all of these transportation agencies, and in order to impress upon him and everybody else who has responsibility in these matters the importance of giving to them immediate and efficient attention.

Mr. JONES of Washington. Mr. President, I simply wish to emphasize what my colleague [Mr. POINDEXTER] and the Senator from Idaho [Mr. BORAH] have said. Some days ago I received several telegrams with reference to this very matter from the Yakima Valley, setting out the conditions there with reference to fruit, and potatoes especially. I took the matter up with the Director General of Railroads and with the Food Administrator, and they both assured me that they would and have given special attention to this situation, and that they have directed the railroads to furnish cars in order to move these products.

The situation can not be emphasized too strongly. The suggestion that my colleague has made is a very valuable one. It is not alone the value of the crops that are already produced, but it is the influence upon future production that taking care of the present situation will have. If the fruit and the potatoes that are now in the pits and in the warehouses are not gotten to market, it will greatly discourage the production of these products for the coming year.

Last year there were special appeals made out in my section of the country, at any rate, and especially in the Yakima Valley, for the production of potatoes, and under the impulse of these appeals many thousands of acres were put into potatoes. Now the producers are threatened with the loss of thousands of tons of these potatoes because of their inability to get them to market. There is a pretty fair market for them; but the cars can not be obtained to transport them. A special effort ought to be made to meet the situation; and, as I have said, I have the assurance of the Railroad Administrator and the Food Administrator that special efforts are being taken to meet that situation.

Mr. SMITH of Michigan. Mr. President, will the Senator allow me to interrupt him?

Mr. JONES of Washington. Certainly.

Mr. SMITH of Michigan. I think we are all impressed with the importance of securing transportation facilities to move these crops; but when the Food Administration arbitrarily classifies farm products and grades this tremendous potato crop and, disregarding a very large percentage of the crop because, forsooth, they have not all grown to just that circumference which, in the judgment of the Food Administration, they should have attained, we are met with a situation that is most perplexing and most discouraging. I know that is the case in my State, where a very large part of last year's potato crop has been utterly disregarded and discriminated against by the Food Administration officials, and our protests are in vain; they disregard common sense and resort to the scientific aspect of potato growing as a justification, and we seem to get no further.

I believe the Senator from Washington is a member of the Committee on Agriculture?

Mr. JONES of Washington. No; I am not.

Mr. SMITH of Michigan. Well, I am sorry; I wish he were.

Mr. JONES of Washington. There are good members on that committee.

Mr. SMITH of Michigan. Yes; that is a good committee; and when that committee appears with the Agricultural appropriation bill and brings in its report, the Senate ought to assert with vigor the rights of its constituency to be heard and not leave this whole question of regulation to the ipse dixit of a few men who have no direct responsibility to the people of the country.

I am thoroughly aroused by the lack of interest shown by the food officials to the pleas of the farmers of the country; and at the first opportunity in this Chamber we are going to have tested the question whether by regulation or by law the rights of these people should be maintained and respected.

Mr. JONES of Washington. Mr. President, with reference to that, I desire to say that while it has not been especially called to my attention by residents of the State of Washington, I have heard something about it. In my judgment, it is extremely unwise to try to impose new regulations and new methods of marketing food products in time of war, when the necessity for getting them to the consumers is so great. It may be important to have potatoes standardized, graded, and so on, but Congress has not yet acted upon that matter; we have not taken steps for the grading of potatoes; and this is not the time to inaugurate a system of that sort, that can only result in delay in getting potatoes to the consumers and also cause irritation upon the part of the producers. If there is any time when potatoes should be marketed as they have been marketed heretofore this is the time. I will not use harsh terms, but it seems to me it is extremely unwise for the Food Administration or any other branch of the Government to try to impose new regulations, and all that sort of thing, that we did not think about imposing in time of peace. It is all right to take them up and consider them in normal times. Apples, for instance, we have graded; and they can be graded without very much trouble; but as to potatoes, it is a very different proposition. I heard some one talking yesterday about potatoes and referring to some nice-appearing large potatoes he was using which, when opened up, were found to have hollows in them. We know how that is, and no system of grading can avoid anything like that.

Mr. SMITH of Michigan. The grading system is unfair to the farmers of Michigan and other sections of the country.

The PRESIDENT pro tempore. The Chair will state that Senators must address the Chair.

Mr. JONES of Washington. No administrative department of the Government ought to try to impose such regulations as this in time of war, when the important thing is to get the products to the consumer. Do not harass the producers now when consumers are longing for products, large or small. Do not try to inaugurate a system of grading potatoes when the people are ready and glad to take them large or small. Furnish cars, let them be gotten to the consumers, and they will take care of the situation so far as grading is concerned. The man who takes advantage of the situation to enforce his ideas of grading food products is aiding our enemy most effectively.

RELIEF FOR CALIFORNIA OIL PRODUCERS.

Mr. PHELAN. Mr. President, I ask unanimous consent to have printed in the RECORD for the information of Congress, which is now considering a relief measure for the oil producers of California, a letter in the form of a petition from the Boston-Pacific Oil Co. The statement is so concise and it puts the question so clearly that I trust it may be read by all Members of this body who desire enlightenment on the subject.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is as follows:

SAN FRANCISCO, *February 13, 1918.*

Hon. JAMES D. PHELAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR PHELAN: Having before me a copy of a proposed bill, designated S. 2812, and believing that you should at this time be accorded all the information and enlightenment possible relative to the facts upon which a majority of the oil operators in California base their respective claims against the Government, in order that you may be enabled to measure the justice of their said claims, I herewith beg to submit for your consideration a short history of our company's operations and a statement of the facts upon which we base its right to the oil land which is the subject matter of the litigation now pending between the Boston-Pacific Oil Co. and the Government.

During the month of February, 1910, I made an examination of the land, title to which is now in dispute, viz: Two certain 80-acre tracts located in Kern County, Cal., and designated as the south half of the southwest quarter, and the south half of the southeast quarter, of section 32, township 31 south, range 24 east, M. D. B. & M., which land was then considered wildcat territory. Thereafter, and on the 15th day of March, 1910, I secured from our predecessors in interest certain leases, with options to purchase said tracts of land, and thereupon assigned the same to the Boston-Pacific Oil Co., a corporation created for the purpose of financing and developing the same; and said corporation thereupon commenced and prepared said tracts for drilling, and began actual drilling upon one of said 80-acre tracts as soon thereafter as water was available therefor, to wit, about the 15th day of May, 1910.

This first effort in drilling, which was made on the south half of the southwest quarter of said section, resulted in an unavoidable accident, whereby we lost the hole at a depth of about 800 feet, and which accident cost the corporation approximately $50,000; and when it became apparent that we could not recover from said hole the broken tools, etc., which had caused the disaster, we started a new hole or well on the same tract, and within 50 feet of said first attempt, finishing the same on the 25th day of April, 1914, at a cost of approximately $95,000.

During the month of June, 1910, the corporation purchased other and additional material for the rig, then upon the second 80-acre tract, viz, south half of the southeast quarter of said section, hauled additional material for derricks thereon, and commenced assembling; and thereafter the work of drilling a well thereon was commenced, and thereafter projected continuously, in good faith, and as expeditiously as possible under the adverse conditions then prevailing in the field until the discovery of oil thereon in paying quantities, on the 8th day of June, 1912, at a cost of approximately $104,000.

Our said predecessors in interest had, prior to the date of the "Taft withdrawal order" of September 27, 1909, performed the necessary assessment work on said land, under the "placer mining laws," and in addition thereto had graded said tracts for derricks and building sites, purchased and hauled upon said land material for bunk houses, derricks, and other equipment, etc., preparatory to drilling when the necessary water could be made available, pursuant to plans then initiated and put into effect by them for bringing it in from a distance of 12 miles (the completion of which work of bringing in said water in the month of April, 1910, alone cost them approximately forty-two thousand ($42,000) dollars). And said predecessors in interest based their claims to said land, upon said work so performed in good faith, and upon the validity of their locations, which elements are not put in issue by the Department of Justice, in said suits in equity heretofore instituted by the Government as aforesaid. Therefore the directors of the company, being advised by able and reputable attorneys, that, by reason of said valid locations and said work done in pursuance thereof, said predecessors in interest had thus acquired a valid, vested right, as against the Government, in said lands, which vested right was alienable; purchased the S. ½ of the SE. ¼ of said section, paying therefor the sum of $124,000, taking a grant, bargain, and sale deed to the same. Subsequently the corporation entered into an agreement to purchase the adjoining 80-acre tract (S. ½ of the SW. ¼ of said section) for the sum of $80,000; and the deed to said tract, duly signed and acknowledged by the grantors thereof, is now in escrow, to be delivered to the corporation upon the payment by it of the balance of said purchase price.

This land was, prior to September 27, 1909, Government land, open to entry, and the United States Government tacitly invited and encouraged its citizens to locate upon and develop the same under the laws then in force governing same. The persons through whom the Boston-Pacific Oil Co. claims title to said oil lands located the same in good faith, and prior to said "withdrawal order" there had been performed thereon all necessary assessment work under and in pursuance of said "placer mining laws." Thereafter the corporation, acting in good faith, purchased all rights theretofore acquired by said predecessors in interest and commenced and diligently continued the development of both of said tracts until its efforts were rewarded by the discovery of oil in paying quantities on both of said tracts, at a total cost of a sum in excess of three hundred thousand ($300,000) dollars, exclusive of the money paid to said predecessors in interest for said lands. And I respectfully submit that—having confidence in my judgment and convictions respecting the potential value of said lands and relying upon the advice given by reputable attorneys relative to the legal status thereof—we were warranted in organizing said corporation, purchasing said oil lands, and selling the shares of stock of said corporation to the public in order to raise money wherewith to develop said land.

Mr. Taft, an admittedly able jurist, at the time of his "withdrawal proclamation" stated that he seriously doubted the validity thereof. Federal Judges Dooling and Reiner, men of great legal learning and experience, decided in cases where they had the issues fairly before them against the validity of said "order"; and learned counsel of the West generally advised their clients that said "withdrawal order" was, and would be held, invalid. Yet the Government, through its Attorney General and Department of Justice, makes the contention in effect that admitting that neither Mr. Taft, Judges Dooling and Reiner, said legal counsel, nor the three dissenting Justices of the Supreme Court of the United States knew the law respecting the validity of said order, nevertheless the locators of said lands should be held strictly to the legal axiom: "Ignorantia legis neminem excusat."

Again, during all the time that we were drilling on both of said tracts the Government's agents and employees at frequent intervals visited our properties to note the progress thereon, and was fully informed relative to all our acts and proceedings, and in particular was informed that we held said land adversely to the United States, but notwithstanding such knowledge the Government made no attempt whatever to interfere with our open and notorious possession of said lands, or to dispute our title thereto, until we had succeeded in bringing in a commercial oil well on each of said tracts of land.

Subsequent to the bringing in of said wells the Government, by proclamation of the President of the United States, has placed a certain portion of the oil lands included in said "Taft withdrawal order" in the Midway district, Kern County, Cal., within "naval reserve No. 2," and now seeks to enforce the contention that by virtue of said "proclamation" the claims of the Government in and to said reserved lands are more strongly fortified, and the rights and interests of the oil operators to said lands are correspondingly weakened, and that by reason thereof the claimants of land in said "naval reserve" are not entitled to the same or equal relief that should be accorded to those holding lands outside of said "naval reserve," which contention, I submit, is not only untenable but unjust.

And now, after having given practically eight years of my time and effort to this enterprise, all the property of the Boston-Pacific Oil Co. is to-day in the custody and under the control of a Federal receiver, to wit: 160 acres of land and approximately seven hundred thousand ($700,000) dollars of impounded money; and the small stockholders of this company who can ill afford to lose their respective holdings are anxiously looking to me as president of the company to help them. You can, therefore, readily appreciate the reasons for my anxiety that some fair and just remedial legislation be immediately enacted in order that the corporation may at least be saved from threatened bankruptcy.

What I have herein written respecting the justice of the claims made by, and the status of, our corporation may be applied with equal force to many other oil operators in the Midway field, whose asserted rights are in many instances based upon a state of facts which merit and demand immediate relief from the Government.

Now, my dear Senator, as I have heretofore stated my reasons for addressing you on this subject I feel that you will understand without further comment; and thanking you for your defense of the rights of the legitimate oil-land claimants of California, I beg to remain,

Yours, respectfully,

FRED G. KING,
President Boston-Pacific Oil Co.

ESTIMATES OF APPROPRIATIONS (S. DOC. NO. 190).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting urgent estimates of deficiencies in appropriations in the sum of $30,155,000 required by the War Department, Quartermaster Corps, to complete the service of the fiscal year ending June 30, 1918, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 5667) to provide for the deportation of certain aliens, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. McLEAN presented a petition of Silver City Branch, No. 227, National Association of Letter Carriers, of Meriden, Conn., and a petition of Local Branch No. 746, National Association of Letter Carriers, of Naugatuck, Conn., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Central Labor Union of New London, Conn., and a memorial of the Trades Council of New Haven, Conn., remonstrating against the adoption of the so-called Borland minimum eight-hour provision, which were referred to the Committee on Appropriations.

He also presented a petition of the Equal Franchise Club of Guilford, Conn., and a petition of the Political Equality Club of Meriden, Conn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. THOMPSON presented a petition of the Wyandotte County Rural Letter Carriers' Association, of Muncie, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

MESSENGER FOR THE MINORITY.

Mr. THOMPSON, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred S. Res. 204, submitted by Mr. NELSON on the 11th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed, on and after the 4th day of March, 1918, to place on the Senate rolls a messenger for the minority at the rate of $1,200 per annum, to be paid from the miscellaneous items of the contingent funds of the Senate until the 1st day of July, 1918.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

Mr. McNARY. For my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], who is confined in the hospital by illness, I introduce a bill and ask that it be referred to the Committee on Claims.

A bill (S. 3977) for the relief of Clarence Chambers; to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 3978) to authorize the purchase of a tract of land in the District of Columbia for the purpose of building houses thereon for employees of the United States; to the Committee on Public Buildings and Grounds.

By Mr. ROBINSON:

A bill (S. 3979) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate Commerce.

By Mr. FLETCHER:

A bill (S. 3980) to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes;

A bill (S. 3981) to establish an Army mine-planter service, and for other purposes; and

A bill (S. 3982) to suspend certain restrictions on the purchase and distribution of military stores and supplies, and for other purposes; to the Committee on Military Affairs.

A bill (S. 3983) to protect Government documents by copyright; to the Committee on Patents.

By Mr. HOLLIS:

A bill (S. 3984) to correct the military record of Samuel C. Rowe (with accompanying papers); and

A bill (S. 3985) for the relief of John Chick; to the Committee on Military Affairs.

By Mr. SAULSBURY:

A bill (S. 3986) to acquire the manuscript of Charles Chaillé-Long, containing an account of the unveiling of the McClellan statue; to the Committee on the Library.

A bill (S. 3987) for the relief of George E. Megee; to the Committee on Claims.

A bill (S. 3988) granting an increase of pension to Caleb S. Woodrow;

A bill (S. 3989) granting a pension to Ada Johnston Cowles; and

A bill (S. 3990) granting an increase of pension to John R. Megee (with accompanying paper); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 3991) granting a pension to Adolphus Lesperance; to the Committee on Pensions.

By Mr. JOHNSON of South Dakota (by request):

A bill (S. 3992) to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians; to the Committee on Indian Affairs.

By Mr. TRAMMELL:

A bill (S. 3993) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum wage board and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and to provide penalties for violation of this act; to the Committee on the District of Columbia.

HOUSE BILL REFERRED.

H. R. 5667. An act to provide for the deportation of certain aliens, and for other purposes, was read twice by its title and referred to the Committee on Immigration.

WAR FINANCE CORPORATION.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3714, known as the war finance corporation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

Mr. HOLLIS obtained the floor.

Mr. GALLINGER. Mr. President, this is a very important bill, and I suggest the absence of a quorum.

Mr. HOLLIS. So far as I am concerned, I should rather the Senator would not do so.

Mr. GALLINGER. Well, I have done so; that is the trouble.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	McCumber	Sheppard
Bankhead	Gerry	McLean	Simmons
Beckham	Gronna	McNary	Smith, Ga.
Borah	Hale	Nelson	Smith, Md.
Brandegee	Hardwick	Norris	Smith, Mich.
Calder	Henderson	Nugent	Sutherland
Colt	Hollis	Page	Swanson
Culberson	Johnson, S. Dak.	Phelan	Thompson
Curtis	Jones, Wash.	Pittman	Tillman
Dillingham	Kendrick	Poindexter	Townsend
Fernald	King	Pomerene	Trammell
Fletcher	Kirby	Reed	Vardaman
France	Knox	Robinson	Wolcott
Frelinghuysen	Lodge	Saulsbury	

Mr. McNARY (when Mr. CHAMBERLAIN's name was called). I desire to announce the absence of my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], on account of illness. I ask that this announcement may stand for the day.

Mr. NORRIS (when Mr. CUMMINS's name was called). I am requested to announce that both the Senators from Iowa [Mr. CUMMINS and Mr. KENYON] are absent from the Chamber and from the city, in Iowa, in attendance upon the funeral of the wife of the senior Senator from Iowa.

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] because of illness in his family. I will let this announcement stand for the day.

Mr. ASHURST (when the name of Mr. SMITH of Arizona was called). My colleague, the senior Senator from Arizona [Mr. SMITH], is detained from the Senate by reason of illness.

Mr. GERRY. I desire to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS]. He has a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I ask that this announcement may stand for the day.

Mr. BECKHAM. I wish to announce the absence of my colleague [Mr. JAMES] on account of illness. I will let this announcement stand for the day.

Mr. SUTHERLAND. I announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], on account of illness.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. There is a quorum present.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. The junior Senator from New Hampshire [Mr. HOLLIS] was recognized. Does he yield to the Senator from North Carolina?

Mr. HOLLIS. Mr. President, I am very anxious to give the Senator from North Carolina an opportunity to finish his speech, but my colleague had asked me if I would not yield to him for a few moments, and if the Senator from North Carolina will consent to that, I will then yield to him so that he may finish his remarks.

WOMAN SUFFRAGE.

Mr. GALLINGER. Mr. President, I asked my colleague to do me the courtesy of giving me about 10 minutes this morning to present a matter not connected with the bill under consideration, I having waited patiently three days for an opportunity to present it. I could have presented it in the morning hour quite as properly as many other things have been presented, but I thought it was better not to interrupt the morning business.

Mr. President, I am in receipt of a letter from a gentleman well known to many members of this body, who calls attention to a matter that will soon come before the Senate for action. I will take the liberty of reading the letter and follow it with some brief comments on the important subject which my correspondent discusses. The letter is as follows:

WASHINGTON, D. C., *February 21, 1918.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR GALLINGER: No argument is needed to convince even the most conservative of men of the inherent justice of the cause of woman suffrage. Some, however, have questioned its expediency, but the logic of events during the past few years must compel a change of heart and mind in even these "Doubting Thomases."

England, ever slow to make radical changes in political thought, has finally recognized both the justice of the cause and the advantage to the Nation in granting woman the vote.

No wise statesman can doubt the ultimate triumph of the cause in this country. Why, then, not concede now what we shall otherwise inevitably be forced to grant after a prolonged and unprofitable contest?

It would be a great misfortune to have this issue injected into our next political campaign, as would be the result of the defeat of the Federal suffrage amendment in this Congress. Winning the war is now the supreme duty of Americans, and the inspiring cooperation of our eager and patriotic women would be of incalculable service in promoting essential legislation by their influence at the polls.

The question is above State, above party; it is national.

JOHN HAYS HAMMOND.

Mr. President, the letter I have read is from the pen of a man of large affairs and broad vision, a man who has doubtless given the matter the most careful and conscientious consideration. When men such as John Hays Hammond reach the conclusion that women have a right to equal participation with men in governmental affairs it is indicative of a growing sentiment on the part of many who have heretofore been indifferent if not hostile to the equal-suffrage movement. When one stops to reflect upon the part that woman is playing in matters connected with the war in which we are engaged it forces one to the conclusion that woman has won for herself the fullest possible recognition in everything that tends to the best interests alike of the home and the State. In all the history of the world there has been no such exhibition of loyal devotion to the cause of liberty and justice as the women have manifested throughout our entire land, a devotion certainly as great as that which our soldiers are showing in the camps and on the battle fields. No sacrifice has been too great, no labor too severe or exhausting, that the women of the country have not accepted cheerfully and performed in a way that can not fail to excite the admiration and gratitude of all lovers of our institutions.

They ask now for full recognition of their political rights. Their request is reasonable and just and should be granted ungrudgingly and without hesitation. Already the House of Representatives, by more than a two-thirds vote, has passed the constitutional amendment submitting to the several States the question of conferring upon them the privilege of full citizenship, so far as suffrage is concerned. It remains for the Senate to take action on the subject, and I venture to express the hope that the requisite number of votes in this body will be secured when the matter shall be submitted for our consideration and action.

For more than 30 years I have been a believer in the right of women to vote, and I have never wavered in my conviction as to the justice of the cause. That right has been denied to women simply because men have had the power to deny it. It has been an illustration of the false doctrine that might makes right, because the principles of justice are not founded on either force or governmental decrees. I have never been able to understand why women who possess every other qualification for suffrage but that of sex should be denied participation in the affairs of the State, and I look forward with pleasant anticipation to the time when the mothers, the wives, and the sisters of men will be given the same rights, so far as the ballot is concerned, that the fathers, the husbands, and the brothers enjoy. A great opportunity is presented to the Senate to wipe out the

inequality that now exists and to submit to the several States an opportunity to make our country a land of absolute equality, based upon the fundamental principles of right, justice, and humanity.

I ask that the letter of Mr. Hammond shall lie on the table, as the constitutional amendment is now on the calendar, from which I trust it will soon be taken and agreed to by the Senate.

While our boys are fighting for democracy abroad let us do our part toward establishing a real, true, genuine democracy at home.

Mr. President, I thank my colleague for his courtesy.

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. HOLLIS] obtained the floor and yielded to the Senator from North Carolina [Mr. SIMMONS].

Mr. SHAFROTH. Will the Senator from New Hampshire yield to me for just a moment?

Mr. HOLLIS. Giving notice that after the Senator from North Carolina finishes his remarks I hope I may obtain the floor, I will yield the floor to the Senator from North Carolina, and he may yield to the Senator from Colorado.

Mr. SHAFROTH. I wish to say merely a few words.

Mr. SIMMONS. Very well.

Mr. SHAFROTH. Mr. President, I am glad to see that the Senator from New Hampshire [Mr. GALLINGER] is taking a deep interest in the question of equal suffrage. It has been a question in which our people of Colorado have been very much interested for many years. A letter such as has been written by Mr. John Hays Hammond can not help but produce good in making people anxious to establish rights which they recognize in themselves and which belong to all humanity.

So clearly just and equitable is this right that it seems to me only one thing should be necessary to make the action of the Senate unanimous. That is simply to discuss the question. We have recognized and do recognize certain fundamental principles of government relative to the rights of human beings. To say that those fundamental principles are to apply to men but not to women is to deny the very principles themselves. We all recognize and have ever recognized that the just powers of government are derived from the consent of the governed. It is for the establishment of that principle we are fighting in this great war, to make the world safe for democracy. How we can fairly eliminate women—our mothers, sisters, and daughters—from the application of that truth I can not conceive. If we do, it seems to me we repudiate the Declaration of Independence, the creation of our own political being.

Mr. KING. Mr. President——

Mr. SHAFROTH. I yield to the Senator from Utah.

Mr. KING. The Senator recognizes, does he not, that we have a dual form of government, and that if suffrage is so desirable, as I concede it is, each State has the right to give the suffrage to women as well as to men? Does not the Senator know that when this Government was formed the 13 sovereign States delegated certain powers to the Federal Government and certain other powers they reserved to themselves and to the people, respectively? I think the indictment of the Senator ought to be of the sovereign States rather than an indictment of the Federal Government. If suffrage is so desirable, as I said a moment ago it is, the women of the States could get suffrage through the instrumentality of the States as soon as the States themselves desire it, and I have no doubt that in nearly every State in the Union the women could get suffrage if they would address themselves to the electorate of the States in which they reside.

Mr. SHAFROTH. Mr. President, as a matter of fact, I believe firmly that if the procedure were to get equal suffrage by States one at a time, it would come; but I look upon the question of woman suffrage as something more than a privilege. It is true the Supreme Court has decided that the right of a person to vote is a privilege, but it is a privilege that exists after man has assumed all the powers of government and has said: "This right shall not be extended except with my consent." That is not fair; it is simply an assumption, a usurpation of power.

Mr. President, it is true that equal suffrage would come, even by State action alone in each instance; but the Senator from Utah must remember that we have a Federal Constitution which provides the manner in which that Constitution can be amended. It can be amended in any particular when three-fourths of the States agree to it. That is the right of the States, and consequently the adoption of a constitutional amendment can not be an invasion of a State's right. When three-fourths of the States want the Constitution to contain any clause, they have a right to have it, and to deny the right would be an invasion of the rights of three-fourths of the States, and hence of each of the same. It is a question as to whether three-fourths of the States——

Mr. BORAH. Mr. President——

Mr. SHAFROTH. In just a moment. It is a question whether three-fourths of the States will desire a matter of that kind to be in the Constitution of the United States. I yield to the Senator from Idaho.

Mr. BORAH. I understand that there is a proposed amendment to the National Constitution extending woman suffrage now on the calendar.

Mr. SHAFROTH. So I understand.

Mr. BORAH. Why do we not have a vote on it and dispose of it?

Mr. SHAFROTH. I have not any doubt that a vote will be taken in time. I am not the chairman of the committee. I have always believed that it should be brought to a vote whenever those in charge of the measure feel that it is the proper time to bring it up.

Mr. BORAH. I state that for the reason that I do not understand why, if the proposed amendment is here for consideration, it should not be considered and disposed of.

Mr. SHAFROTH. There are a good many bills that are here pending that are not disposed of. I have three or four myself which I have not been able to get up. I think that there will be a vote. I think there ought to be a vote, and that it ought to be taken reasonably soon upon this matter.

Mr. PHELAN. Mr. President——

Mr. SHAFROTH. I yield to the Senator from California.

Mr. PHELAN. I desire to ask the Senator that he inform the Senate what States, by reason of their rigid constitutions, are not in a position by a majority vote to confer suffrage upon women?

Mr. SHAFROTH. There are a number of States that can not submit the question except under most difficult conditions. One of the States I understand provides that a constitutional amendment can only be submitted once in 10 years. Others require the joint resolution must be passed by two successive legislatures before the question can be submitted to the people. There are any number of other obstructions contained in State constitutions. But there is one consideration it does seem to me that ought to satisfy every one. It is a matter of right. It may technically be called a privilege, but morally it is an inherent right, and if the men were deprived of their votes they would insist upon it as being an inalienable right. Man would never be satisfied with a denial of the right of suffrage, except with his own consent.

Mr. President, I hope we will get the amendment soon voted upon, and I hope we shall have a fair discussion of it for a few days preceding the taking of the vote.

Mr. BORAH. Mr. President, I simply wish to say that I do not desire to hurry this amendment in case those who are advocating it have not sufficient votes yet to put it through, but I hope sincerely that it will not be unnecessarily delayed and that we shall have a vote upon the amendment just as soon as those who are favorable to it feel safe to have a vote taken upon it.

WAR FINANCE CORPORATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributary to the prosecution of the war, and for other purposes.

Tuesday, February 26, 1918.

Mr. SIMMONS. Mr. President, this bill is an administration measure. It was worked out very carefully in the Treasury Department with a view to meeting a recognized condition with reference to the financial situation. It was introduced contemporaneously in the House by Mr. KITCHIN, and in the Senate by myself, at the request of the Secretary of the Treasury. Because of the importance of the measure the Finance Committee, to which it was referred, has given very careful consideration and investigation to it. That committee devoted something near two weeks to hearings and to consideration, and I am very glad to be able to say to the Senate that as the result of that investigation and consideration all differences of opinion in the committee with reference to the measure were compromised and reconciled, and the measure comes to the Senate with the unanimous sanction and approval of the committee.

The Secretary of the Treasury himself appeared before the committee. His testimony is a comprehensive presentation of the financial situation and the reasons for and the necessity of the proposed legislation as a means of supplying

the financial requirements of certain great industrial institutions and of public service corporations whose operations are necessary to the war preparations of the Government, and who can not in the present condition of the securities market otherwise secure necessary capital to meet their obligations.

There also appeared before the committee two members of the Federal Reserve Board, Mr. Harding, the governor, and Mr. Warburg, a prominent member of that board, both recognized authorities upon financial questions. Governor Harding told the committee that while the board had not taken official action with respect to the bill, it had approved the general principles involved as appropriate and expedient in the present situation, and he gave personal indorsement to the measure. His testimony is an exceptionally clear and forceful statement of the situation and the necessity of the legislation.

Mr. Warburg, a man of broad grasp as well as a recognized financial expert, also gave his approval to the measure. His discussion of the questions of curtailing unnecessary capital expenditures and of expansion of credit and inflation of the currency is both interesting and illuminating.

Mr. Strong, the Governor of the Federal Reserve Bank of New York, and Mr. Bertron, a banker engaged in the business both in the city of New York and of Philadelphia, both well known and eminent in banking and business circles, also appeared before the committee.

These bankers, representing these great financial centers and speaking from their experience and familiarity with the financial situation of the country, expressed the opinion that legislation along the lines of this measure was necessary, and that the best financial thought of the country approved the bill as an appropriate remedy for the disturbing and threatening situation they pointed out.

There also appeared representatives of the great public-service corporations of the country. One of these gentlemen, Mr. Gadsden, appeared as the chairman of a committee representing the four great associations into which these service corporations are divided. His testimony is a frank and intelligent presentation of the difficulties which confront these corporations and the perplexing handicaps under which they labor.

Mr. Gadsden and his associates, who appeared in behalf of these corporations, strongly represented to the committee the difficulties under which these institutions are now laboring. Undoubtedly a great majority of these corporations are to-day performing indispensable services to the Government in connection with its preparation for war. This service is of various kinds. It relates, however, generally to light, transportation, and power. The tremendous operations of the Government have made necessary large expenditures on the part of these corporations to meet the incidental demands upon them for the extension of their facilities and operations.

In addition to the capital demands for these purposes, many of these institutions, in fact most of them, have large maturing obligations which must be met and liquidated. What is true of the service corporations is equally true of many of the railroad corporations, in fact nearly all of them. On account of the present financial situation growing out of the large operations of the Government and the well-known depression in the securities of these corporations, they find it practically impossible to secure capital for these purposes through the ordinary channels, and where it can be secured the rate of interest is excessive.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER (Mr. McKELLAR in the chair). Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. I yield.

Mr. KELLOGG. I have read the testimony before the committee and while I may be mistaken I think I am not. It does not appear that any one appeared before the committee representing any industry in this country except public service corporations and asked for any relief. None of the great manufacturing concerns, none of the concerns manufacturing for the Government, as near as I can find out not one single industry except the public service corporations asked for relief, and I judge nobody but officials of the Government and Federal reserve banks. There may have been one bank in New Hampshire——

Mr. SIMMONS. I will state to the Senator it is true that no one appeared before the committee except the Secretary of the Treasury, the two Federal reserve bank officials, the two New York and Philadelphia bankers to whom I have referred, a number of gentlemen representing public utility corporations and savings banks.

I wish to say to the Senator that the hearings were open to anyone who might desire to come. Wide publicity was given to these hearings by the press. Not only the representatives of the public-utility corporations but the industries of the country must have had knowledge of these hearings. The public-utility companies came before the committee because, I assume, they felt the bill as originally framed would not accord them the relief which they thought necessary. The other industries which will obviously be benefited by the enactment of this bill did not appear before the committee, I assume, because the bill was satisfactory to them.

Mr. KELLOGG. Mr. President——

Mr. SIMMONS. The savings banks came for the same reason that the public utilities companies came. They came because they desired that the provisions of the bill as drawn with respect to them should be amended that they might more fully participate in its benefits. The contention of the representatives of the public-utility corporations and the savings banks was that while the bill took care of the industrial corporations it did not adequately take care of them.

The PRESIDING OFFICER. Will the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. I yield.

Mr. KELLOGG. I wish to ask the Senator if he has any knowledge of any request from any business institutions of the country other than public-service corporations for any assistance, for I believe it to be a notorious fact that the public-service corporations, many of them broken-down concerns, have been hanging around this city for weeks in the hope of getting relief.

Mr. SIMMONS. Yes, I have ample reasons for believing that the business interests of the country heartily approve the bill. I want to say to the Senator, if the statements made to the committee as to the plight of the utility corporations, not only by their representatives, but by others are true, and I believe they are true, they had a right to not only hang around here but to make their situation known to Congress, and it was our duty to hear them, and in the interest of the public protect them and the public as far as possible against the disaster which appears to threaten them. If the situation which confronts them is what I believe it to be and what that evidence showed it to be, it is not a matter of conjecture or speculation, but it is a matter of absolute certainty that without Government assistance these concerns face inevitable bankruptcy, followed by disastrous consequences to every industry dependent upon the service they render, and this includes nearly all the so-called war industries.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. I yield to the Senator.

Mr. KNOX. May I not inquire if the purpose of this corporation is not primarily to allow the industries of the country to conduct themselves through their banks by establishing the corporation, and it is only in exceptional cases that the corporation will deal with a public industry or enterprise directly?

Mr. SIMMONS. Certainly; that is the very point, Mr. President. The public utilities corporations said that they would not be adequately protected under the general provisions of the bill, which required that these loans should be primarily secured through the banks, and they came to the committee asking that they be put into a class by themselves and permitted to make direct application to the board for relief instead of being required, as the industries of the country are required under its provisions, to make their application first to the bank.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. SIMMONS. I yield.

Mr. REED. The Senator states that public utility companies appeared before the committee. How many public service companies appeared before the committee.

Mr. SIMMONS. I could not tell how many were represented.

Mr. REED. Was there one out of a thousand?

Mr. SIMMONS. Oh, the committee headed by Mr. Gadsden, who appeared before the Finance Committee, represented practically all the larger corporations of that kind in the country.

Mr. SMITH of Michigan. If the Senator will permit me, is it not a fact that delegates purporting to represent a very large number, if not a great proportion, of the public utilities of the country came before the committee?

Mr. SIMMONS. There were several gentlemen, I do not know how many. Mr. Gadsden and Mr. Crowell were the spokesmen before the committee.

Mr. SMITH of Michigan. Did not Mr. Crowell say he came officially there?

Mr. SIMMONS. Yes; they both said they came officially.

Mr. SMITH of Michigan. And spoke for the entire body of public utilities companies?

Mr. SIMMONS. Yes.

Mr. REED. Is there any organization the membership of which is made up of public utilities of the country which embraces all public utilities?

Mr. SIMMONS. I will read to the Senator what Mr. Gadsden said in reference to his connection with the public utilities corporations of the country. He said:

> I am chairman of a committee representing the four national public utility associations—the American Electric Railway Association, the National Electric Light Association, the American Gas Institute, and the National Commercial Gas Institute.

Mr. REED. The Senator knows as well as I do and as well as everybody else does that these associations are of that loose class that it is hard to tell whether they are social or financial or just what they are. They generally have a meeting about once a year at which a few gentlemen, for the most part some clerk in the office who can be spared, attend. They have some speeches and they go to a theater and are entertained and they go home. I undertake to say that not one of them is organized for the purpose of looking after legislation; that not one of them has any more authority to speak for their constituent members than I have to speak for them.

Mr. SMOOT. The Senator is mistaken.

Mr. REED. I am not mistaken. I know about it.

Mr. SIMMONS. The Senator makes a very broad statement. I do not desire to enter into any controversy with him about it. All I know is that these gentlemen came before the Finance Committee, as a committee, Mr. Gadsden being the chairman, appointed to represent these four different associations which comprise in the main the public utilities corporations of the country.

Mr. SMOOT and Mr. SMITH of Michigan addressed the Chair.

The PRESIDING OFFICER. Will the Senator from North Carolina yield, and if so, to whom?

Mr. SIMMONS. I yield to the Senator from Utah.

Mr. SMOOT. For the information of the Senator from Missouri (Mr. REED) I wish to call attention to what Mr. Gadsden said in relation to this special committee. He states:

> This committee has grown out of the critical situation which faces the public utilities of this country. It has been officially organized by the appointment from each association of representatives, so that we are officially representing, as far as it is possible for an industry to be represented, all of the electric railway, gas, and electric interests of the country. We have had a number of conferences before coming to Washington, extending over the last 60 days, in which conferences the leading men of the industry from all over the United States have taken part, in order to work out a common line of action and policy. This special committee of which I speak is composed of myself as chairman, and E. K. Hall, of the Electric Bond and Share Co., of New York, and Mr. H. H. Crowell, of the Commonwealth Co., of Grand Rapids, Mich.

Mr. REED. That sounds well, but it gets nowhere. I have attended meetings of the street railway associations, for instance. I know what they are. It is just the kind of organization I spoke of. They are a sort of social affair. They come together and they discuss the latest kind of a car. Somebody tells them of a new device to get an additional nickel, and somebody tells them of a new device for life-saving, and in that respect they are a very laudable concern. That is the general character of these organizations. Organizations put up in that way and for that purpose, of course, elect officers, and when those officers get together and conclude they want to have some legislation passed, they declare that they come down here officially, but they do not represent a body that is organized for the purpose of looking after legislation of this kind or advising Congress as to what is wanted by the constituent members.

I am speaking of this not because I want to indicate an opposition to the bill, but I have witnessed, at this session of Congress especially, time and again, that men appear here and tell us that they represent somebody, when as a matter of fact they represent only themselves. There are a good many thousand public utilities in the United States, and I say again that I question whether there has ever been a board of directors of a single public utilities in the United States which has passed on this legislation.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. I yield.

Mr. KNOX. May I suggest that this does not affect public utilities in the slightest way, except as they want to avail themselves of the provisions of the bill?

Mr. SIMMONS. That is all.

Mr. KNOX. It is immaterial, it seems to me, whether or not these men represented the public utilities, if, in the wisdom of Congress, it is wise to leave the door open so that they may avail themselves of this legislation if the necessity arises.

Mr. SIMMONS. I do not think there can be any question in the mind of anybody who has given any study and investigation to this question, that the public utilities are deeply, I may say profoundly, interested in this legislation; that they look upon this legislation as essential to them and that without some such assistance by the Government they are riding for a fall and the time of that fall is not far distant.

I have no doubt, on the other hand, that the men who appeared before us were thoroughly accredited by the interests which they purported to represent, and that they spoke the sentiments and wishes of the associations they were delegated to represent.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from North Carolina whether the committee have any data going to show the extent to which these power plants are devoting their energies to the manufacture of munitions of war?

Mr. SIMMONS. I do not think the power plants themselves, as a general rule, are manufacturing munitions of war. They are furnishing the power with which others manufacture such munitions.

Mr. SMITH of Michigan. They are furnishing the power to certain of the munition industries, are they not?

Mr. SIMMONS. Yes. The majority of industrial plants, I will say, who are to-day manufacturing the supplies which the Government requires, get their power from these plants.

Mr. SMITH of Michigan. On the other hand, these power plants are unable to obtain any financial relief through the ordinary channels of commerce?

Mr. SIMMONS. They are unable to obtain new credits either from the banks or the general public. First, Because the Government's borrowings have largely preempted the investment money of the country. Second, Because the securities they can offer are ineligible for discount in the reserve banks, and because for reasons I will later discuss, their securities have suffered exceptional depreciation.

Mr. SMITH of Michigan. I rise to make this one point, if the Senator will pardon me——

Mr. SIMMONS. Yes.

Mr. SMITH of Michigan. As a consequence of the conditions which the Senator from North Carolina has just described, it has become necessary for the Government to advance large sums of money to the industrial corporations which are engaged in the making of munitions and supplies in one form and another, is it not?

Mr. SIMMONS. Yes.

Mr. SMITH of Michigan. And it is to avoid that situation and to create a corporate intermediary that the Senator has reported this bill?

Mr. SIMMONS. Mr. President, let me say to the Senator that the corporation which it is now proposed to establish is an instrumentality articulating with the Treasury and the Federal reserve bank, through which the Government can indirectly extend assistance to certain industries which it can not well extend directly through the Treasury.

Mr. LODGE. I desire to make a suggestion to the Senator, though he may have already met the point, in regard to these public utilities. It is to be remembered that they are all under State laws; that their rates are fixed——

Mr. SIMMONS. I was going into a discussion of that phase of the question, but the Senator's interruption is all right, and I will be glad to have the Senator make his statement.

Mr. LODGE. The rates of these public utilities are fixed; they can not raise their earnings as industrial corporations can in order to meet the increases in wages and materials. They stand in a class by themselves. I only want to say in regard to the official report which has been quoted here that a gentleman came from Boston, who represented a firm having connection with a very large number of public utility companies, they having financed them throughout the United States, and he told me that the views expressed by the committee which the Senator from Utah was reading were the views of the public utilities; that they had $225,000,000 which had to be renewed this year, and that if we could not help them to renew that sum it would bring a crash in the market and a business panic.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I do.

Mr. SMOOT. In that connection, I think it will be very interesting for Senators to refer to the hearings, beginning on page

121. Senators will there find a list of public utility companies whose securities mature during the year 1918. Every company in the United States which has securities maturing during this coming year is named in that list, and the amount of the securities that become due, beginning with March 1 of this year, and down to and including the end of the year, it will be found is $233,000,000. These are the maturing securities of public utilities, outside of the railroads, which fall due this present year.

Mr. SMITH of Michigan. Will the Senator from North Carolina allow me to interrupt him further?

Mr. SIMMONS. Yes.

Mr. SMITH of Michigan. The Senator from Minnesota [Mr. KELLOGG] has just informed me that there is upward of $2,000,000,000 of indebtedness of public utility companies and power companies coming due this year.

Mr. KING. The amount is approximately $1,700,000,000, but that includes the maturing obligations of all railroads, of public utility corporations, of manufacturing plants, and foreign indebtedness.

Mr. SMITH of Michigan. Of course that would include railroad obligations. The point I want to make is this: By the creation of this corporation a new means by which to get Federal reserve money is opened to public service corporations, is it not?

Mr. SIMMONS. Not necessarily.

Mr. SMITH of Michigan. Well, ultimately it must come to that, or else it does not afford any relief. If it does come to that, I want to know from the Senator whether there is any plan afoot to strengthen the gold reserve and to maintain the parity of our Federal reserve notes? This question gives me some concern, because we have moved very rapidly in the conversion of bills into Federal reserve notes so that there is a strong likelihood that the Federal reserve notes will exceed two and a half billion dollars before the middle of this year is reached. If that is done, and this plan becomes law, the relationship between those notes and our gold reserves will be very seriously affected, and unless some plan is formed whereby this can be offset, it seems to me we are running into great danger of tremendous inflation through our Federal reserve system. Does the Senator have the right to say whether or not the officers of the Federal reserve board look with favor upon this proposed legislation?

Mr. SIMMONS. Yes; the governor of the Federal Reserve Board and Mr. Warburg, a member of that board, both of whom appeared before the Finance Committee, rejected the suggestion that this legislation would lead to either unsound expansion of credits or inflation of currency.

Mr. SMITH of Michigan. What do they call it? Do they call it by some other name?

Mr. SIMMONS. Inflation or expansion—you can take your choice.

Mr. SMITH of Michigan. Well, are we going to do that with perfect equanimity and unconcern?

Mr. SIMMONS. I think the Senator is unduly alarmed.

Mr. SMITH of Michigan. I do not want the Senator to misunderstand me.

Mr. SIMMONS. The Senator is anticipating me.

Mr. SMITH of Michigan. I will desist, but I did not want the Senator to get a wrong impression from my inquiry. I really feel that something must be done to strengthen the credit and to afford relief to the public utilities companies, who are facing a very serious situation. I am quite in accord with the general purpose of the Senator, but the suggestion which I made a moment ago seriously affects my disposition toward this bill.

Mr. SIMMONS. If the Senator will permit me, I want to say generally right now—and I shall elaborate that a little later on—that this bill does not enlarge the powers of the Federal Reserve Board with reference to the issuance of Federal reserve notes. The only thing which the bill does is to create additional eligible paper for discount by the Federal reserve banks.

Mr. SMITH of Michigan. Without changing the principle upon which the commercial transactions of the country have been proceeding since we passed the Federal reserve law. I do not want the merchants or manufacturers of this country to suffer any hardship.

Mr. SIMMONS. The Senator does not permit me to finish my statement. The only paper that is added by this bill to the paper eligible for rediscount by the Federal reserve banks is the bonds of the corporation which we propose to create. The bill simply proposes to authorize this corporation to issue a certain number of bonds, namely, not in excess of eight times its capital stock. Those bonds are made eligible for discount in the hands of member banks, but they are not otherwise made eligible

Mr. SMITH of Michigan. They can not go direct to the Federal reserve banks?

Mr. SIMMONS. They can not go direct; they are made eligible for rediscount in the Federal reserve banks, and in that respect placed upon a parity with the Liberty bonds. That is all the bill does in this respect. The Liberty bonds are now eligible for discount by the Federal reserve banks.

Mr. SMITH of Michigan. But not by the purchaser directly.

Mr. SIMMONS. The bonds of the proposed corporation will not be eligible for rediscount by the purchaser directly.

Mr. SMITH of Michigan. I am glad to be informed as to that.

Mr. SIMMONS. No purchaser of these bonds can go to the Federal reserve bank and secure their discount or secure notes upon them. If any of the paper authorized by this act is to be discounted by the Federal reserve bank, or if Federal reserve notes are to be issued upon it, it must come to those banks through a member bank and with an indorsement showing that it is collateral security for the note of that bank; and it must be ninety-day paper; in other words, the only way in which the bonds of this corporation connect at all with the loaning or the issuing powers of the Federal reserve bank, is just exactly as commercial paper connects with them. No commercial paper can be discounted directly with the Federal reserve bank; the Federal reserve bank can not issue notes upon commercial paper, but the commercial paper must come to them as collateral security for the notes of a member bank. So these bonds must come to the Federal reserve bank as collateral security for the paper of the member bank, and, coming to it in that way, the Federal reserve bank may either rediscount them or it may issue Federal reserve notes against them. That is my understanding of the matter.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Massachusetts?

Mr. SIMMONS. Certainly.

Mr. LODGE. There is a limitation of $2,500,000,000 on the amount of currency that may be issued by the Federal reserve banks.

Mr. SIMMONS. I will come to that. What I meant to say was this, that in view of the fact that this bill simply makes the bonds of this corporation eligible as security for member banks for rediscount, and in view of the further fact that that is a privilege extended to every Liberty bond that we have issued——

Mr. SMITH of Georgia. And, Mr. President, let me suggest on this question that there is a special provision in the bill putting the issue under the control of the Federal reserve bank, and they can put a special tax on the currency that may be issued.

Mr. SIMMONS. Yes. As I was about to say when interrupted, the thing this bill does is to put the bonds of this corporation upon a parity with Liberty bonds and upon a parity with commercial paper for purposes of rediscount by the reserve bank and as a basis of reserve notes.

Now, what has happened in reference to Liberty bonds? We have issued up to this time, I believe, something over $6,000,000,000 of Liberty bonds. These bond constitute what is known as eligible paper. Of the $6,000,000,000 of Liberty bonds, $300,000,000 have found their way into the Federal reserve banks for rediscount or note issue.

Mr. President, of course we have already a great expansion of credits in this country. We can not carry on the big operations of this Government, we can not put into effect the different agencies that have had to be called into existence to supply the abnormal demands of the country at this time, not only for ourselves but for our allies, without producing an inflation of credits. That is an absolutely inevitable incident to the conditions in which we are living and working. There is an expanded credit in this country and there will be, as we go on in this business, a still larger expansion of credits. It is necessary, it is healthy, it is sound. The members of the Federal Reserve Board expressed the opinion that, while there was expansion of credits and would have to be a still greater expansion of credits, yet there was not, up to this time, any unhealthy expansion.

The question of the expansion of currency is a different question. Of course, if we abnormally expand our credits, we have got to some extent expand our circulating medium, and undoubtedly it has been to some extent expanded, but not to an unhealthy extent, not to an abnormal extent. It will have to be further expanded; but, Mr. President, there are ample safeguards, not only in the provisions of this bill itself but in the provisions of the law under which this additional currency is issued. In the first place, this bill provides that the Federal Reserve Board may require a higher rate of interest on loans made upon the security of the bonds of this corporation. That is one brake. Secondly, it provides that the Federal Reserve Board may impose a special rate of interest upon currency issued

against these bonds, just as the Aldrich-Vreeland Act provided for a special tax. In this case there is merely a difference in phraseology. Whenever, in the judgment of the board, which we have made the custodian of our note issue with the power and the duty to protect it against undue inflation, they see fit to exercise the power, they can do it by prescribing what is, in essence, a tax in the form of interest upon notes issued against this security.

Mr. KELLOGG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. If the Senator will withhold his interruption for a few moments, then I will yield.

Mr. KELLOGG. Very well.

Mr. SIMMONS. That is one of the brakes—a high rate of interest.

Mr. SMITH of Michigan. Higher than the commercial rate?

Mr. SIMMONS. Yes; they make the rate of interest on loans secured by these bonds and on notes issued against them higher than the commercial rate, higher than the ordinary rates fixed for 90-day paper, that is a currency regulation as was the tax imposed in the Vreeland-Aldridge Act.

Mr. SMITH of Michigan. That is about 5½ per cent.

Mr. SIMMONS. They can make it more, if they see fit, to accomplish the object sought. Secondly, they can impose this special tax; but that is not all; in addition to that every dollar of currency issued by the Federal Reserve Board must be covered by a gold cover of 40 per cent.

That applies to the issues under the present law, and that applies equally to any issue that may be made under this bill. So that the amount of Federal reserve notes that may be at any time issued, either under the present law or under this bill if it shall become a law, will be protected by the requirement that it must be covered by at least 40 per cent of gold reserve held by the banks. That safeguard has been sufficient to protect us against inflation. That safeguard has enabled the Reserve Board to place a limitation upon notes issued against Liberty bonds, and it will be a sufficient safeguard against inflation through the issuance of notes against the obligations of this corporation.

Now, Mr. President, let me come back to the general situation.

The real reason why this legislation is necessary at this time grows out of several conditions connected with our business and financial situation. It is due in part to the fact that the Government must have an enormous amount of ready cash, not only to meet its own expenses but to finance our allies. In order to get this money it has been compelled to go into the markets and sell its securities; with the result it has to a considerable degree preempted the securities market of the country. It is further due in part to the naturally timidity of the ordinary investor on account of the uncertainties brought about by war conditions. I think that is very largely a psychological condition, but it is a condition that always accompanies a situation such as we now find ourselves in. The general investor hesitates, and, if he invests at all, invests in the very highest class of securities, generally Government bonds, State bonds, municipal bonds, and bonds of that character.

A third trouble is the one I have been discussing. In the present conditions banks hesitate to give credit unless they can, in case it becomes necessary, rediscount the security taken; that is, pass them on; and generally they resort for this purpose to the Federal reserve banks. There are to-day but few banks which do not find it necessary to rediscount the paper which they themselves discount.

Mr. SMITH of Michigan. A lot of them would live if they supplied the ordinary demands; but they can not supply the extraordinary demands.

Mr. SIMMONS. They can not do it now. They can only partially supply the present demands by rediscounting their loans, so to speak, and for that reason they are discriminating in favor of paper which is eligible for rediscount by the reserve banks.

Mr. SMITH of Michigan. Oh, Mr. President, I think the Senator is wrong about that. There are many banks that have not rediscounted at all, and do not make it a practice, and never have.

Mr. SIMMONS. In my part of the country for the last several years the banks have been making a practice of rediscounting very largely the paper which they take from their customers. The limitation which the present law places upon the powers of the Federal reserve bank does not permit a member bank which has made a loan to pass up that loan to the Federal reserve bank unless the loan is secured by commercial or agricultural paper or by United States bonds not entitled to the circulation privilege; so that by reason of that fact, if these member banks shall loan money to these industrial corporations and to these public utilities and to the railroads and take their long-term securities, under the present law they can not use those securities as collateral to get money from the Federal reserve bank; and because of that situation it was made to appear clearly to your committee that the banks have for some time practically ceased making loans upon commercial and agricultural paper and Government bonds, leaving the great corporations of the country, leaving the great industries that are manufacturing the things that this Government must have with which to win the war, leaving the railroads and the public utilities, without adequate means of securing advances upon such securities as they are able to offer.

Now we come back to the public utility corporations. These gentlemen came before us and they said: "We have $235,000,000 of maturing obligations. They must be met in the next six or seven weeks. If we can not meet them, we must go out of business. We can not get this money from the banks." Why can they not get it? First, because their securities are not such as the banks are willing to deal in at this time. Secondly, because of the fact that their rates are prescribed by the local commissions where they operate, and can not be advanced to offset the enormous increase in operating expenses. So that while the price of labor they must employ has enormously increased, while the price of new construction and maintenance has likewise enormously increased, their rates remain stationary.

For these reasons and for the further reasons that the paper they can offer for collateral is ineligible for rediscount the banks and the investment public refuse to accommodate them.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to his colleague?

Mr. SIMMONS. I do.

Mr. OVERMAN. Suppose in the case of a public utility company having bonds falling due this year, the cost of the entire plant was $100,000, and they had issued bonds to the amount of $200,000. Is the Government's interest thoroughly protected in this bill against the issue of $200,000?

Mr. SIMMONS. Just as thoroughly protected as it would be protected if they were to go to a bank to borrow money.

Mr. SMITH of Michigan. Mr. President, let me add to that just one more suggestion. Suppose their charter is expiring, and, under the present drift of public opinion or governmental action, Government control becomes a dominating feature, and they can not get a renewal of their charter: What are you going to do with a concern like that? Are they to have no rights, or are you to favor them? And if you do favor them——

Mr. SIMMONS. In this bill we have left to this board the matter of advancing money to these corporations.

Mr. OVERMAN. Do they get the money through the banks, or directly from the board?

Mr. SIMMONS In the case of a public utility, they can come directly to the corporation and borrow money.

Mr. OVERMAN. For example, the American Telephone Exchange Co. have $50,000,000 of securities coming due this year. Would they come directly to the board, or would they get the money from the bank?

Mr. SIMMONS. They can borrow from the bank or they can go in the first instance to the corporation and borrow.

Mr. OVERMAN. Does the Senator mean they can go to the member bank?

Mr. SIMMONS. Yes, they can go to any member bank for it and if refused they can go directly to the corporation created by this act or they can apply in the first instance to the corporation.

Mr. KING. Mr. President, will my friend yield to me?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Yes.

Mr. KING. I have examined this bill with a great deal of care, and have read all of the testimony; and while, if I may be permitted to say so, the bill is a great shock to the views of many who have regarded the activity of the Government along banking lines as being entirely outside of its function, yet it seems to me that a measure of the general character of this bill is required. But what I arose to say was that the only criticism of the bill that I care to express now arises out of the feature that the Senator is now discussing; namely, that public utility corporations may address themselves directly to this corporation—that is, to the Government—and obtain a loan from it without going through some other bank.

Mr. SIMMONS. Yes. The corporation not the Government.

Mr. KING. Does not the Senator think that it is rather a dangerous thing to permit the Government to deal directly with

corporations, even though they may have the standing of a public-utility corporation? Was there not some other method by which some intermediary could have been provided between the corporation and the Government corporation created by this bill?

Mr. SIMMONS. I will say to the Senator that it was made clear to the committee that these utility corporations could not, under present conditions, secure money for capital requirements through the banks, and that if they could not secure it through this corporation they could not secure it at all. Now, the Senator will please direct his attention to the provision that limits loans to such of these public utilities whose operations are necessary or contribute to the prosecution of the war.

Mr. KELLOGG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. Yes; I yield.

Mr. KELLOGG. I notice subdivision "(d)," on page 9, which provides that this corporation may loan directly—

to any firm, corporation, or association conducting an established and going business whose operations are necessary or contributory to the prosecution of the war.

Now, is it not a fact that that permits this corporation to loan to any company in the United States, because every company contributes to some degree to the war? Was it intended that it should be limited to those having direct contract relations or furnishing something to the Government?

Mr. SIMMONS. Quite clearly, the language shows that it was intended to be confined to those things having direct relation to supply the Government with the things it needs.

Mr. KELLOGG. That is not the opinion of the Treasury Department, as I am told. They understand that this corporation may loan to all kinds of street railways and suburban railways, whether they have any contractual relations with the Government or not.

Mr. SIMMONS. I have heard no such opinion as that expressed. What is the section?

Mr. KELLOGG. Subdivision "(d)," the one that the Senator from North Carolina is talking about, on page 9.

Mr. SIMMONS. That is what was known as the exceptional case. They can not make loans indiscriminately under that section if the concern is engaged in war work.

Mr. KELLOGG. But who decides the exceptional case? I take it that under that the board may loan to any company in the United States engaged in public service or private business. Now I should like to know why——

Mr. SIMMONS. Well, now, let us see:

(d) To make advances directly (1) to any corporation owning or controlling (directly or through stock ownership) any railroad or other public utility, and (2) to any firm, corporation, or association conducting an established and going business whose operations are necessary or contributory to the prosecution of the war: *Provided*, That such advances shall be made only in such cases as the board of directors in their discretion shall determine to be of exceptional importance in the public interest.

Mr. KELLOGG. Yes; but the board decides the importance in the public interest.

Mr. SIMMONS. Yes.

Mr. KELLOGG. And it is a notorious fact that these concerns here seeking assistance are in no way connected with any Government work, and it is a notorious fact also that they are many of them what you might call the loosest financially.

Mr. SIMMONS. If the Senator will pardon me, I do not think under this bill advances can be made, unless the operations are connected with the war or contributory to it. They are permitted to make these advances where it appears to be important that it should be done in the public interest—not the private interest of the corporation, but the public interest.

Mr. TOWNSEND. Mr. President, may I suggest further to the Senator from North Carolina that in the cases referred to by the Senator from Minnesota—namely, the suburban or electric lines—it probably would be very difficult to find a case that would come to this corporation for relief that was not in some way, directly or indirectly, connected with the war. All of these corporations furnish power, light, and transportation to men and institutions absolutely necessary to the war.

Mr. SIMMONS. I think that statement is absolutely true in the main.

Mr. KELLOGG. Then it is a fact, as I understand the Senator, that the board decides, and the board may hold that any corporation is contributing to the prosecution of the war, and its decision is final.

Mr. SIMMONS. If it is an established and going concern, and the board shall hold that it is exceptionally important in the public interest, then it may make advances.

Mr. KELLOGG. Now, I do not say that it is not necessary, but I think it should receive the careful attention of the Senator and the Senate. No other country has found it necessary to go into private financing; and whenever the public takes hold of financing, private financing is at an end. Furthermore, it is a notorious fact that the worst over-capitalized balloon concerns in this country are the public-service corporations.

Mr. OVERMAN. That is right.

Mr. KELLOGG. I mean, outside of the railroads.

Mr. SIMMONS. The Senator must bear in mind that they do not loan upon the stocks of corporations. There is not a single line in this bill that authorizes any advances to be made by this corporation upon stocks, the things that have been inflated. The advances can only be made upon the securities of these corporations, the bonds; and, of course, the board in one case and the banks in the other will be the judge of whether these securities are adequate to protect the amount of money loaned.

Mr. President, I do not wish to take up much more of the time of the Senate; but I think I had better not conclude before I allude to the situation of the savings banks.

Mr. KNOX. Mr. President, before the Senator passes to that branch of the subject permit me to say that I was not quite clear about his answer to his colleague [Mr. OVERMAN] with regard to the issue of bonds. Do I understand that the mere fact that there is an issue of bonds outstanding will justify this corporation in dealing directly with that corporation and taking care of that issue, without any regard to the circumstances under which the bonds were issued, the amount of actual value that they represent, the amount for which they were sold, whether at a very great discount or not, or are all those matters to be taken into consideration by the board?

Mr. SIMMONS. Such circumstances as a bank would take into consideration in loaning money to a customer, I understand, will be taken into consideration by this corporation in making these loans.

Mr. KNOX. If that is so—and I assume, of course, that it must be so—it is only by implication that it is so. There is no direct provision in this bill that those matters shall be taken into consideration.

Mr. SIMMONS. No.

Mr. KNOX. And it might be argued that there was an implication quite the other way, from this fact. It is suggested that certain things shall be taken into consideration as the basis for the loan; namely, the public interest.

Mr. SIMMONS. Yes.

Mr. KNOX. Now, to express one thing is to exclude all others, as the Senator knows as a lawyer; and it might be possible that it would be urged that notwithstanding defects in the issuance of these bonds, notwithstanding that they may have been sold for sixty or seventy or eighty cents on the dollar and that the holders of the bonds had not paid full value for them, yet there was such a public interest in carrying on this railroad that the corporation should loan the money.

Mr. SIMMONS. I do not think the legal intendment would lead to the conclusion that the corporation would be authorized to make a loan not properly safeguarded with security. I think the requirement as to the public interest is a limitation upon the power to loan to such a concern at all.

Mr. KNOX. There are so many and such ample safeguards in protection of this corporation in respect to the dealings through the banks that it seems to me they could not be improved upon, because in the first place when the loan gets up to the corporation it has the credit of the bank and the credit of the borrower and the value of the securities, and then the amount can be only 75 per cent; but when you come to dealing with these public utilities there seems to be a paucity of provision in that particular that to my mind stands out in very striking contrast.

Mr. SIMMONS. As the case is to be an exceptional case, I think it was the thought of the Secretary and the thought of the committee that we would have to trust to the corporation, representing the Government as it does, dealing with Government money, to see that the advances made were properly secured. If the case is to be exceptional, you could not very well specify the character of security to be taken. It should be ample, but it would be necessary in such cases to invest large discretion in the board of directors.

Mr. KNOX. What is the Senator's own idea of the form that a transaction of that kind might take? Take the citation of his colleague (Mr. OVERMAN): Suppose a public-utility corporation has a $200,000 bond issue maturing within the next 60 days. It takes those bonds to this corporation, because it comes within the class that may deal directly with the corporation, and says: "These bonds have matured, and we want to borrow $200,000, and we want to redeem these bonds. We have to redeem them." Now, they can not borrow, or at least they should not be able to borrow, $200,000 if they are worth only $100,000; and $100,000 would not redeem them, and the bankruptcy and receivership we are seeking to avert would not be averted. There is nothing here to show that the loan would be limited to the market value or to any value that might be determined by the amount that had been paid with relation to the physical property of the corporation or any one of those factors that go to determine the value of securities.

Mr. SIMMONS. But the Senator must not overlook the fact that the corporation may issue bonds for a larger amount than was necessary for meeting the maturity. And these bonds would be good security to the extent of the property behind them.

Mr. KNOX. There would have to be value back of them.

Mr. SIMMONS. There would have to be value back of them, of course, or they should not get the money.

Mr. KNOX. I will not anticipate for one moment that any power conferred under this bill is going to be consciously abused by the directors of the corporation. I am one of those who do not withhold my consent to legislation because I fear the powers conferred may be abused, because if you did you would never get anywhere. All human institutions depend upon personal credit and personal honor. But this is the only point I desire to make. I can see how a case of this kind may be honestly urged upon the board. I do not want to see a $200,000 issue which represents $100,000 of value pressed upon this board, because it is their duty to lend if there is a public interest or it may so happen that a crippled and overcapitalized institution may for the time being stand in a position where it is extremely valuable to the public.

Mr. SIMMONS. I will say to the Senator that the committee was not satisfied with this section (see 7) in the bill as orginally written, and sought to improve it by practically rewriting it. They thought there might be cases in which the public interest required the Government to lend its aid, which would not come under the general provisions of the bill, and that we could trust to the directors of the corporation to properly protect the Government.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield?

Mr. SIMMONS. I yield.

Mr. THOMAS. I wish to say to the Senator from Pennsylvania that I sought to cure the difficulty which he has suggested by an amendment in the committee requiring this corporation to demand the same security as to amount and value as is required by the preceding subsections of the bill, but it was rejected by the committee.

Mr. KNOX. What was the objection to that, if I may be permitted to inquire?

Mr. THOMAS. The objection to it was in substance, as I recall it, that it was exacting too great security for that particular class of exceptional cases.

Mr. SMOOT. Mr. President, I wish also to state to the Senator from Pennsylvania [Mr. KNOX] that I tried to obviate what I considered a loose method in this paragraph by requiring that the loan should never exceed the market value of the security offered. That was disagreed to by the committee. I will state to the Senator the reason for it.

There are a few public utility corporations in the United States that are actually vital to the manufacture of munitions of war and for the successful operation of the war, and there are a few of those institutions that if they were required to put up this security to-day, more than the securities they have upon the bonds issued that will mature in a short time, it would be impossible for them to do so. In other words, it was shown that they are losing money to-day. They are hardly making enough money under the prices that have been fixed by the utility commissions of the States in which they are located to pay the running expenses and pay interest upon the bonds.

I do not want to evade the question, but I think whenever an issue is to be made we ought to meet it squarely. I believe that under paragraph (d) of section 6 of the bill there will be some loans made to public utility corporations of the country that will not be secured. I say that frankly, but I do not think there will be many of them. However, I believe that the case will be presented to the board in such a way that the board will actually feel that for the public interest and for the maintenance of the full production of munitions of war that are absolutely necessary it will be best for the Government to take the chances.

I wish to make just one other suggestion and then I will cease. There was a feeling also, and there is a feeling in the Treasury Department, that the prices the public utility corporations of the country are allowed to charge for their service is too low, taking into consideration the cost of everything that goes into the maintenance and operation of the plants. They feel that there ought to be given time for these public utility corporations to appeal to the commissions of their States and ask them to allow an increase for the service rendered.

I am quite sure, Mr. President, that the Secretary of the Treasury must feel that in most of these cases that request ought to be granted, for I think there are 90 per cent of the public utility corporations of the United States to-day that are serving the public, notwithstanding the wonderful increase in the cost of maintenance and operation, and are only charging what they were charging years before the war began. I want to say frankly that that was taken into consideration in drawing this paragraph (d). The Senator from North Carolina, I am quite sure, will not object if I simply at this time correct a statement made by him, as I understood it, that this corporation could only lend to these public utilities upon their property.

Mr SIMMONS. No, I did not say that.

Mr. SMOOT. I was told the Senator said that, but if he did not say it I have nothing further to say.

Mr. SMITH of Georgia. Will the Senator yield to me for a moment?

Mr. SIMMONS. I yield to the Senator.

Mr. SMITH of Georgia. As I came into the room reference was made to the proviso at the close of page 9. I had been called out for a moment. What I am about to say may have already been stated. Still I wish that it should be in the RECORD. This proviso has no reference to the security. It is provided:

That such advances shall be made only in such cases as the board of directors in their discretion shall determine to be of exceptional importance in the public interest.

It has no reference to the security at all. It is intended as words of limitation without reference to the security. No matter how good the security, these transactions can not be made direct by this corporation except where the case is of exceptional importance and in the public interest. I do not think the board would be justified at all in saying we will waive the question of good security on account of the importance to the public interest. They are only permitted to loan at all except through the banks in exceptional cases in the public interest. Then—

Such advances may be made for periods not exceeding five years from the passage of this act, upon such terms and upon such security and subject to such rules and regulations as may be prescribed—

And so forth.

I only wanted during the discussion of the subject to clearly express my opinion that that language is no excuse for a loan on poor security.

Mr. WADSWORTH. Will the Senator venture an opinion as to whether, so far as this bill affects advances to public service corporations—that is, street railroads—it really might be termed a bill to protect public service corporations against the persistent refusal of local regulatory commissions in raising rates?

Mr. SMITH of Georgia. I do not know that I would say that was the case. I can state what influenced me with reference to it.

Mr. WADSWORTH. May I say if the State commissions in many instances would permit the raising of the rate it probably would not be necessary for these public utility corporations to come to the Government for help?

Mr. SMITH of Georgia. Even then I think this provision should be in the bill. We are desiring to occupy almost exclusively the bond market in the sale of our Liberty bonds. We do not desire these public service companies to have a bond so attractive as to cause it to interfere in any way with the sale of Liberty bonds.

Mr. WADSWORTH. The Senator does not think the public service companies are in a position now to offer a bond that is very attractive?

Mr. SMITH of Georgia. I know companies that could make their bonds quite attractive if the rate was high enough. An 8 per cent bond on a good public service company ought to be quite an attractive investment.

Mr. WADSWORTH. What would be back of the bonds to guarantee the payment of 8 per cent interest?

Mr. SMITH of Georgia. The property itself. I speak of a paying concern.

Mr. WADSWORTH. Very few of them are paying concerns. That is the whole point in this bill, as I understand it.

Mr. SMITH of Georgia. They may not be making money just now, but as a permanent investment nothing is better than public service property. They have proved the most lucra-

tive in the country, and I have not any question but that they will do so again.

Mr. SHERMAN. I think the Senator from Georgia is entirely right because I know of some companies whose bonds are now out in a considerable sum, half a million dollars or more, at 4 per cent, and if the Government sell at 4 per cent of course it would very much impair the ability to renew its maturing loans.

Mr. SMITH of Georgia. I felt that they ought not to be forced to go into the market also to sell their bonds now as against our Liberty bonds, and generally the theory was that they were a class of industries that the Government could well aid in financing their affairs during the present unusual and abnormal conditions.

Mr. TOWNSEND. If the Senator will yield to me for a moment, I take it the principal criticism of this provision is that it does not provide for the corporations taking adequate security. I can see no objection at all to inserting the words that it shall be required to take adequate security, because there was no request on the part of any of the utility men that they should be exempt from the provision which requires adequate security. But there might be a question as to the propriety of stating just exactly the same proportion of security that would be offered as in other cases for the very excellent reasons that have been given by the Senator from North Carolina and the Senator from Georgia. These bonds have been artificially affected by the Government itself, State and local. They have put restrictions not only on the money market which has shut it out from these concerns but the local authorities have put restrictions upon their earning power. I do not think any man could conceive of a public interest being served by the destruction of any one of these going concerns that is prosperous in time of peace.

As I suggested a moment ago to the Senator from North Carolina, if Senators on the floor believe that this provision is defective in that it does not require the corporation to take adequate security there can be no possible objection to putting it in because the Secretary of the Treasury said it would be required and the representatives of these concerns said they were ready to offer such security as they would require. If that would relieve the situation those words could be inserted without any difficulty.

Mr. SMITH of Georgia. I recall quite well in considering the subject that we doubted the wisdom of referring to the market value of the security, because the board might well feel that the market value of the securities was not equal to the real value, and might regard certain securities of a public utilities company adequate although their market value might not meet the amount loaned, treating the subject as one where the use of securities to liquidate the debt would not take place at once.

Mr. SIMMONS. Mr. President, undoubtedly the committee and the Secretary of the Treasury felt that in making these exceptional cases the same rigid rule of determining the amount to be advanced upon a given security should not be applied, because if applied it would probably defeat the very purpose of the Government in coming to the relief of these corporations. It was thought also that some latitude, some exercise of discretion, should be allowed with reference to the securities they would demand in this class of cases, assuming, of course, that the board would not loan upon manifestly inadequate securities and assuming, of course, that the board would protect the interest of the Government; but if the interest of the Government in continuing the corporation as a going concern was great and it was necessary for the Government to take some little chances then those chances might be taken.

The situation it seems to me makes that the wise course to pursue. This class of securities is at present depressed. The value behind those securities is probably as great, if not greater, now as it was when the securities were at a higher price. The condition which has depressed them is one for which the Government—either the National Government or the State government—is responsible. Those conditions will obtain only temporarily, it is believed. They would probably not exist but for the inability of these concerns to advance their rates. If the movement now going on all over the country to induce local commissions to permit an advance in rates is successful the trouble will be largely overcome. Only this morning the papers announced that the President had written a letter, I believe, to the Secretary of the Treasury, in which he strongly urged upon the corporation commissions of the States the wisdom and the justice of allowing advances in these rates to meet the greatly increased cost of operation.

If that is done, the securities temporarily depressed will be advanced to normal value based on the property value behind them.

Mr. SMITH of Michigan. Mr. President, if the Senator will [illegible] that does not meet the situation described by the Senator from Georgia, who very frankly says that the purpose of this measure is that the field may be vacated——

Mr. SMITH of Georgia. I said that was one of the reasons.

Mr. SMITH of Michigan. I thought the Senator said that was the reason.

Mr. SMITH of Georgia. No, I gave that as one of the reasons.

Mr. SMITH of Michigan. I thought the Senator said that was the reason; that the purpose was to avoid any attempt to market the securities in the open market, and thus deprive the Government of the possession of that market for its own securities.

Mr. SMITH of Georgia. I said that was one of the reasons.

Mr. SIMMONS. I do not think the Senator from Georgia meant that.

Mr. SMITH of Georgia. No; I said that was one of the reasons.

Mr. SMITH of Michigan. I thought it was a very frank statement; and perhaps it may be a good reason.

Mr. SIMMONS. That was the reason for the licensing clause, which appears in the bill, but not for this provision.

Mr. TOWNSEND. May I suggest to the Senator, for his consideration afterwards, in view of what the Senator from Pennsylvania said, namely, that the board might feel itself practically bound to grant these loans to the concerns mentioned, what objection would there be to inserting after the words "make advances," the words "upon adequate security," because I think the record will disclose that all the parties interested in this particular clause were agreed that the loan should be made only upon adequate security? Of course, the corporation must determine what "adequate security" is, but the insertion of the three words which I have suggested will make it clear that they must be required to take security, which they would do in any event.

Mr. SIMMONS. Mr. President, my conception of the purpose was to give the board of directors the right to go somewhat behind the market values and to base their loans upon the value of the assets behind the security.

Mr. TOWNSEND. My suggestion would not prevent that.

Mr. SMITH of Georgia. Upon the market value.

Mr. SIMMONS. Not upon the market value, but the value of the assets behind those bonds.

Mr. SMITH of Georgia. Not the market value of the bonds, but their actual value.

Mr. SIMMONS. Their actual value, yes.

Mr. TOWNSEND. The suggestion I have made will not alter that situation. It will permit that to be done.

Mr. GERRY. Mr. President, if the Senator will yield to me for a moment, it seems to me that when we discuss "adequate security," it simply means that we must rely on the discretion of the board; and that really is the meat of the whole question. If the board is efficient and its judgment is wise, then there is no danger; while if the board is inefficient and its judgment is unwise, then, I think, the whole provision of the bill is bound to fall down. It is really a question of the board.

Mr. SIMMONS. The use of that language does not affect the discretion of the board. The board would have the discretion to pass upon the adequacy of the security offered. I think the suggestion of the Senator from Michigan [Mr. TOWNSEND] is worthy of consideration.

Mr. SMITH of Georgia. It is worthy of very serious consideration.

Mr. SIMMONS. Mr. President, there are other features of this bill which I have not discussed, especially those relating to savings banks and those relating to the granting of licenses. It is late in the afternoon, and it has been brought to my attention that, for reasons not necessary to be now stated, certain Senators on this side of the Chamber desire to leave the Chamber at about half-past 5 o'clock. I think I will discontinue my remarks now, and I may renew them in the morning or I may wait until the sections in the bill that I have not discussed this afternoon are reached, when we take the bill up for consideration and amendment and discuss them at that time. I will not, at any rate, continue my remarks further this afternoon.

Thursday, February 28, 1918.

Mr. SIMMONS. Mr. President, when I discontinued my remarks upon the pending bill on a previous day I gave notice that I would resume at some early period in the consideration of the bill. I was discussing at the time I suspended the section of the bill which relates to advances to public utilities and railroad corporations.

I am afraid, Mr. President, that there is some misunderstanding in the minds of some Senators with reference to the conditions and circumstances under which the finance corporation

created by the bill may be permitted to make advances to the class of corporations embraced in this section of the bill.

It is true that so far as the privilege of making a direct application to the corporation for these advances is concerned, there is a differentiation in their behalf of this class of corporations from industrial and business corporations engaged in other lines of business. These other corporations apply through the intervention of the banks. Public utilities and railroads are permitted under this section to apply directly to the corporation.

I have heretofore discussed the reasons for that differentiation and I need not go into it now, but, Mr. President, while these utility corporations and certain other corporations may go directly to the finance corporation they must be engaged directly or indirectly in war work; that is to say, the bill expressly provides, and I am afraid it has not been sufficiently impressed upon Senators, that in order to procure advances from the corporation the money must be asked by a corporation whose operations directly or indirectly contribute to the war.

I think the impression prevails that these corporations may without reference to the relation of their operation to the war requirement of the Government obtain advances from this corporation. That is not true. They can not, as a rule, get advances unless the loan is for the purpose of aiding a concern whose operations are of assistance to the Government in the prosecution of the war directly or indirectly.

Mr. GALLINGER. If the Senator will permit me, I noticed in the discussion held the other day at a time when I was unavoidably absent from the Chamber the junior Senator from Minnesota [Mr. KELLOGG] made the observation that every broken-down public utility would be coming to this corporation for relief. The Senator distinctly recalls the fact, as do I, that that was discussed very thoroughly in the committee and that both the Secretary of the Treasury and Mr. Warburg of the Federal Reserve Board stated to the committee that they would exercise the greatest possible care and not advance anything in aid of utilities that were not in some way connected with the war, and that broken-down public utilities that were not in any way connected with war operations would certainly not get a very cordial hearing from the corporation.

Mr. SIMMONS. The Senator, I think, is entirely right in his statement with reference to the representations made to the committee.

But, Mr. President, so far from these corporations enjoying with respect to the matter that I have just been discussing an advantage over the industrial corporations under the proviso of the bill they are not likely to be able to secure as liberal consideration from the corporation as the industries. This is intended clearly as the proviso shows to meet an exceptional case. It is not intended, I think, and I think the Secretary of the Treasury made it very clear in his testimony, that the finance corporation shall come to the rescue of these utility concerns if they can secure the capital needed to keep them going from the banks or through other investment channels. It is only when they are unable through the ordinary channels to secure credit that they may come to the corporation and get help. The limitation imposed upon the finance corporation in this particular case not only confines it to advances to concerns whose operations are in aid of the war, but it further restricts these advances to—

> such cases as the board of directors in their discretion shall determine to be of exceptional importance in the public interest; exceptional importance to the public interest, not the private interest of the corporation.

So, notwithstanding they may be engaged in war work when they come and make application, the board is not permitted to loan them a dollar, as it would in the case of an industry, until it has investigated, ascertained, and determined that the advance ought to be made in the interest of the public and decided that it is a case of exceptional importance in the public interest. It will then do so unless the application can not secure the requisite advance from ordinary business sources.

Mr. President, only a few days ago we passed through the Senate what is known as the railroad control bill validating and legalizing the action of the President in taking over the railroads. Why did we take over the railroads? Everybody knows that the Executive and Congress were moved to the very extraordinary action by the fact that the railroads, largely because of their financial troubles, were unable to adequately meet the extraordinary demands upon them, and were approaching a condition of collapse and breakdown. It was to save them and protect the public interests against a disaster that they were taken over by the Government.

When we proceeded to legislate with regard to the action of the President in that particular, the very first thing we did in recognition of the fact that I have stated was to appropriate $500,000,000 out of the Treasury, put it in the hands of the Secretary of the Treasury, and authorized him to use it in such way as his judgment and that of his associates might dictate to assist the railroads in obtaining the necessary relief from the financial dilemmas and difficulties in which they had become involved and put their properties in condition to meet the demands made upon them by the public and the Government. Five hundred million dollars is a large sum of money, but the Director General recognizes the fact that it may not be sufficient, that it may be necessary for the Government to furnish additional money to rescue these corporations from financial wreck, and to meet this contingency railroad corporations are included in this section of the bill.

The public utility corporations of the country are in identically the same situation with reference to financing themselves and their operations as are the railroads. The Senator from New Hampshire [Mr. HOLLIS] has alluded to the fact that the Senator from Minnesota [Mr. KELLOGG] stated that this legislation was sought by the broken-down public utilities of the country. Mr. President, no broken-down concerns have appeared before the committee. If any such concerns have been hanging around this Capitol, I have not heard of it. I know, and I think it is pretty generally known, that the public utility corporations of the country are in a desperate condition, and unless they can obtain some relief through the Government, which it is impossible for them to get through the ordinary business and financial channels in the flotation of their securities and the advancement of capital for capital expenditures and to liquidate maturing obligation, they are riding to a certain fall.

Mr. SMOOT. And that applies to the prosperous corporations as well as to the others.

Mr. SIMMONS. It applies to the prosperous as well as to those who are already crippled. In normal times these companies were generally prosperous; the great power corporations of the country were among our most prosperous industries before the war, and they are so yet, but they are in as much trouble, especially as to their approaching maturities, as are the crippled concerns to which the Senator from Minnesota alluded.

Mr. President, I want to say to the Senator that, so far as obtaining adequate security for advances made to these corporations is concerned, I think we may as safely trust the Secretary of the Treasury and the four directors of this concern to protect the interests of the Government as we have trusted him to disburse the $500,000,000 which was appropriated for the railroads and put into his hands.

I think again, Mr. President, that there is some misapprehension with reference to the advances the finance corporation is authorized to make under the bill. If the application comes from an industrial corporation it would come through a bank. Such bank must have made advances to the corporation, and the advances which it has made must have been for war purposes. It is entirely erroneous to suppose that these banks can come to the corporation with any sort of security. It must appear in the application that the bank applying for advances has made like advances to some industry which is serving the Government in this emergency. The bank must give its own promissory note, secured by the collateral which are the bases of such advances by the corporation.

Mr. President, enough about that. I want now to refer very briefly to the only case in the bill where advances may be made by this corporation for other than war purposes; it is the case of the savings banks. The savings bank invests the money of its depositors in miscellaneous securities. Sometimes it may help a war industry, but its securities as a general thing are not of that character, and its investments are not for that purpose. In fact, I do not suppose those banks are making any large investments just at this time of that kind. The most of their securities probably are securities that were accumulated before the war began, or at least before our scheme of preparation for war was actively begun on a large scale. Anyway, much of the paper they hold is not eligible security under the general provisions of the act, because it has not been as a rule given for advances for war purposes.

The savings banks in many States outnumber other kinds of banks, while in a number of States they probably have deposits larger than all other banks put together, deposits made up very largely from the savings and the earnings of the poor people, and particularly the working classes.

These banks and their depositors have been very large purchasers of Liberty bonds, and, if the rate of interest on these bonds shall be raised in the coming issue there will be an additional inducement to these depositors to purchase these bonds.

These savings banks invest the money of their depositors in long-term securities. When withdrawals exceed deposits these banks have to sell securities, and in the present condition of the securities these sales could only be made at a great sacrifice.

Mr. President, in these conditions it is important to the whole financial and industrial fabric of this Government that these banks should be able to secure ready cash to meet their obligations to their depositors without having to sacrifice their securities. So, Mr. President, we included the saving banks in this provision, permitting them to go directly to the proposed corporation and permitting the corporation, when it shall find that it is to the public interest to do so, to make advances to them upon their securities without regard to whether or not they represent advances to concerns whose operations were necessary or contributory to the war.

There is one other provision of the bill, Mr. President, to which I think I ought to allude before I conclude this statement, which has been intended by me largely to try to get before the Senators the provisions of the bill and the reasons assigned by the sponsors of the measure for those provisions. It is well known—I have explained it and there has been no concealment about it—that this is an Administration measure. It comes from the Treasury Department; it has no special sponsor upon this floor; it is as much one Senator's bill as it is another Senator's bill, and, therefore, in justice to the Secretary of the Treasury that the reasons given by him and those who collaborated with him in its initiation and preparation, should be presented to the Senate.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I yield to the Senator.

Mr. GALLINGER. I will venture to assume that the Senator from North Carolina would not ask anything more of the Senate in considering this bill than the consideration that was given to it by the committee, on the part of the majority and on the part of the minority.

Mr. SIMMONS. Absolutely nothing more than that; but we had the views of the sponsors of this legislation, who came before us and gave us their reasons for it; and I wanted to have the Senate put in possession of the reasons given us by them.

Mr. GALLINGER. The Senator was entirely right in doing that. The committee, certainly the minority of the committee—I speak more for myself than for my associates—listened with a great deal of interest to the Secretary of the Treasury, Mr. Warburg and Mr. Harding, of the Federal Reserve Board, recognizing the fact that they were the men best qualified to know what the urgent and absolute necessities of the Government are at the present time in reference to legislation of this nature.

Mr. SIMMONS. I wish every Senator here who has the slightest doubt about this bill would read the testimony of the several witnesses who came before us. I want to say this about them: I do not believe there has ever before been a hearing before a congressional committee, in either House of Congress, where practically every man who appeared to give testimony was a master of the subject which he discussed.

Just one other matter, Mr. President, and then I shall be through. The only other important matter to which I wish to call the attention of the Senate is the provision with reference to licensing, and I shall be very brief about that.

It has been said, and truthfully said, that the duty of this hour, both as it applies to every loyal citizen of this country and to the Government, is to win the war. In order that we may accomplish that great purpose it is admittedly necessary that we should mobilize and conserve capital, labor, and materials—not a part, but we should conserve the whole of it, to the extent that the whole is needed. If all the capital of this country is needed, if all the labor of this country is needed, and all the materials of this country are needed, in order that this Government may prepare itself adequately and sufficiently to successfully wage and terminate the conflict in which we are engaged, then all of it should be conserved and mobilized. Certainly as much of it as is necessary should be conserved and mobilized to that one end.

Mr. President, under those conditions the Secretary of the Treasury and these two distinguished members of the Federal Reserve Board, who appeared before your committee, said that it had become apparent some time ago that in order to secure the necessary finances, even with the ancillary legislation either enacted or contemplated, it was necessary that the Government should exercise a wise but at the same time a plenary supervision over the capital expenditures of the country, to the end that it might curtail and stop the investment of capital and the expenditure of labor and materials in doing things that are unnecessary to be done in this emergency. England started out with the idea—and the world rang with it—I remember, when we were passing the revenue bill here, that I became very much impressed with it, and I know others did—"Business as usual." The result was that the high prices, the big profits, stimulated every line of industry, and especially lines that were not essential to war preparation; and it was not long before England saw that that policy must be modified, and in pursuance of a policy dictated by experience they provided a board invested with the power and authority to regulate, by license or otherwise, the investment of capital.

To-day practically all new business in Great Britain not either directly or indirectly contributory to the war has been stopped.

It has been found expedient to do substantially the same thing in this country. To this end the Secretary established in the Treasury Department a committee composed of several members of the Federal Reserve Board and some outsiders of large business experience to investigate and pass upon the character of the proposed capital issues. Where they have felt that it was not wise that the expenditures should be made, they have been making that fact known to the public; and the banks to a large extent have acted upon their suggestions or findings and withheld loans for new capital expenses found to be incompatible with the public interest. This gives legality to the action of a similar committee. It is not intended that this regulation shall extend to established businesses so far as those businesses are able to carry on their operations without any new issues of capital. It is not intended to interfere with the ordinary borrowings of such institutions through the regular channels of business. It is intended to apply solely to capital issues after the passage of the bill.

Mr. President, I do not think it is possible for us to conserve our resources for the prosecution of the war and its preparation without something of this sort. I think the provision of the bill very important, and that it will immensely aid in conserving our resources in financing of the war.

I think I have covered the important provisions of the bill, and I will not detain the Senate longer.

Mr. HOLLIS. Mr. President, I desire to compliment the distinguished Senator from North Carolina [Mr. SIMMONS] for his very fair attitude toward this bill. He assures us that no one on the Finance Committee has any special favoritism for the measure, and that he merely lays it before us for full and fair discussion.

Mr. SIMMONS. Mr. President, if the Senator will pardon, I should say in that connection, as the Senator has spoken of it in that way, that the bill came out of the Finance Committee with the unanimous approval of its members.

Mr. HOLLIS. I understand that, Mr. President.

Mr. THOMAS. "Unanimous consent" is a better way to put it.

Mr. HOLLIS. What I wish to impress upon the Senate is that this is not the bill of any particular Senator; that it is not the bill of any particular committee; that Senators are free to discuss on the floor of the Senate whatever may be involved in the bill, to amend it as it should be amended, and to pass it or not pass it, as they think wise.

This bill requires from me for the first time in my life, I believe, a speech that may be called ultraconservative. I have been known to be radical all the rest of my life, I believe, up to now. I have believed in having the Government perform progressive functions where they could do it better for the people than the people or private corporations could do it for themselves; but I am obliged to rise to-day and address myself in opposition to the extremely radical features of this socialistic, capitalistic bill.

I have noticed for the last half hour a puzzled expression on the face of the distinguished chairman of the Banking and Currency Committee, the Senator from Oklahoma [Mr. OWEN], who has come into the Chamber and picked up this bill and has been reading it; and I thought I saw astonishment in his face. I hope he will wait to hear the bill discussed, because it is a banking and currency measure, and one to which the Senator from Oklahoma should address himself, and one upon which the Senator from Oklahoma should give the Senate the benefit of his very sound views; for the Senator from Oklahoma was, with the distinguished Congressman from Virginia [Mr. GLASS], the author of the Federal reserve act, which this bill undertakes to amend in a most important particular.

What does the bill provide? This bill grants authority to do six things: To create a central United States bank; to stimulate essential industries; to discourage nonessential industries; to manipulate Government securities; to issue tax-exempt bonds, in competition with liberty bonds, with no limitation on the rate of interest; to appropriate four and a half billions of money

to be spent by this United States bank without accounting to Congress.

These are enormous powers. They will revolutionize United States finances. They are likely to break down the Federal Reserve System; they are likely to depreciate the Federal reserve currency; but if we have gotten into a position where it is necessary to pass this bill, and if it can be demonstrated on the floor of the Senate, I am going to vote for it, ultraradical and socialistic as it is.

Mr. President, the consideration of this bill is very timely. For the first time the Members of the Senate are given an opportunity since last summer to discuss a matter of financing this war, to take note of stock and see where we are. I welcome the discussion. I wish it may be thoroughly debated, and I hope every member of the Banking and Currency Committee of the Senate, and every member of the Committee on Appropriations of the Senate, will address himself to the bill and give us the benefit of his views. I undertake to say this is the biggest appropriation bill that was ever brought out on the floor of the Senate. There may be possibly one exception. Now, if this bill passes in its present form Congress turns the full control of business and governmental finance over to this new war bank. No wonder the distinguished chairman of the Finance Committee hesitated to call this a bank. He called it a concern and a finance corporation, but it is a bank, as I shall presently demonstrate. It is a bank because it is given $500,000,000 of capital, because it is allowed to loan that capital to banks, persons, and corporations, because it is allowed to issue bonds, because it is allowed to buy and sell securities. You say it is not allowed to receive deposits, but what need has it to receive deposits when it has got an endless chain in the Treasury of the United States and a sucking pipe into the Treasury of the Federal reserve banks.

Mr. President, this bill is an attempt to solve the problem of converting a slow long-term credit into a quick liquid asset. I approach this subject with some diffidence and I hope with becoming modesty, but it has happened to be my lot for from three to five years, since I have been in the Senate, by direction of the Senate to devote my energy to the investigation of that particular subject. I have done so, and I have learned certain fundamental, economic principles familiar to all of you but which I desire to call to your attention, so that your minds may be refreshed. I claim no special gift in this direction, but I do claim that I have spent more time investigating it than anybody else on the floor of the Senate; that is, when I was set to the task of investigating the farmer's problem, of converting his long-term credit into a quick capital asset.

Let me, in the first place, discuss the subject of capital and credit. There are three kinds of loans—the long-term investment loan, the short-term investment loan, and the commercial or quick capital loan. We have our savings banks for the short-term investment loan and we have our national banks for the quick-term commercial loan. Under the provisions of the national bank act it was absolutely impossible for a national bank to loan any money on real estate and securities, and the first concession made in that regard was when the Federal reserve act was passed and we permitted national banks to loan on farm lands not to exceed 25 per cent of their capital and surplus. That inroad of the national banks was stoutly resisted. We were told that the national banks were commercial banks, that they were banks of deposit, that they were obliged to keep their assets in a liquid condition, so that they could respond readily and promptly to the call of their depositors. That was the first concession, but that brought up the subject of financing the farmer.

I undertake to say that every principle found in the pending war-bank bill is found in the rural-credit bill which was passed in the summer of 1916. The farmer's problem in raising crops is exactly the problem the Government has in conducting this war. There is no essential difference between them. The farmer must have capital and man power for raising his crops. The Government must have capital and man power for fighting the war. The farmer needs men to till the fields, the Government needs men for fighting, and for every man who fights the Government needs four or five others to produce goods for him to consume. The farmer needs horses, motors, trucks, plows. The Government needs horses and motors for the same purpose. The Government needs machinery. The farmer needs farm machinery. The Government must have nitrates to make explosives, the farmer must have nitrates for fertilizer. The Government must have clothing for its soldiers, the farmer must have clothing for his family and for his men. The Government must have barracks to shelter the soldiers, the farmer must have houses to shelter himself and his farm hands. All must have food, all must have ready cash. We approach this problem from precisely the same standpoint.

Now, note the difference between the two bills. In the first place, the Government gave the farm-loan banks capital to start with. I begged and entreated for $12,000,000 to start the great rural-credits banks. I was finally grudgingly given $9,000,000. This bill gives this war bank $500,000,000 to start with. We formed a farm-loan board of five men—the Secretary of the Treasury and four men to help him. Under this bill a war-bank board is formed of five men, of whom the Secretary of the Treasury is one. Under the farm-loan act the land banks are given power to loan to farmers on the security of their farms. This bank is given authority to loan to banks and corporations on the security of creditors. But note the difference between lending to a man who has productive land up to 50 per cent of the value of the land and loaning to banks and other corporations and people on a security of credit, not property, and that is the essential unsoundness of this plan.

Under the farm-loan act the securities of the bank were tax exempt. The securities to be issued by this war bank are tax exempt. Under the farm-loan act the banks were allowed to issue bonds so as to get fresh funds to loan. Under this bill the same power is given to this war bank. I do not object to it so far. I think we are in a position where we have got to do it or go bankrupt, and we are in this position because the Congress of the United States neglected to provide sufficient revenues through taxation for the Treasury of the United States. No wonder Secretary McAdoo is compelled to come down here and ask us to do these radical socialistic things because he has not the money to spend.

We were told last summer if we would not tax wealthy men so much they would buy the Government issues. It was said: "Do not cripple them; do not take away their income in taxation; we will take it from them when we need it, and we can borrow it at a reasonable figure." We started at 3½ per cent. That was well enough, but when we raised the percentage to 4 per cent the savings banks of course began to break down; and if you raise the rate to 4½ per cent, the financial ruin that will come over the country is appalling.

Now, we did not raise half enough by taxation under the war-revenue bill which we passed last summer. I am saying this perhaps with some heat, because I want to impress Members of the Senate with that fact. I am sure the Senate did not understand what it was doing last summer, and some of us here are in a position where we might say now "I told you so," but that is not a graceful attitude to be in. I am calling the attention of the Senate to this proposition now so that Senators will get their minds ready to pass an adequate tax bill to save the Government from financial ruin through the issue of an unlimited amount of inflated credit.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. HOLLIS. I yield.

Mr. NORRIS. In calling attention to the fact that we did not raise enough money by taxation, of course the Senator knows I am agreeing with him on that proposition; but it seems to me we ought not to lay all the blame on Congress. There was no quarrel between Congress and the administration or the Secretary of the Treasury on that tax proposition. We raised all by taxes that the Secretary of the Treasury wanted us to raise, did we not?

Mr. HOLLIS. I thank the Senator for his question, and I wish to say I shall be glad to answer any question as well as I can, but I hope no one will interrupt me in order to make a speech. I would be very glad to answer the Senator's question. I have perhaps been known somewhat as an administration Senator. I have voted for every administration measure. I have supported the administration heartily. I wish to say to the Senator from Nebraska that it was never intimated to me by the Secretary of the Treasury or anybody connected with the administration that they thought it was unwise to raise more money by taxation. I did get from some one connected with the administration in a financial capacity—I can not think at this moment who it was; if I could, perhaps I ought not to state it—that if we could not get the money at a fair and reasonable rate so that it would not disturb business, we should take it under the power of taxation. I think if the Treasury Department could have foreseen in the present situation how the wealthy people failed to respond to the calls of the Government for loanable funds at a fair rate of interest, it would have been the first to have insisted on our raising more by taxation.

Mr. NORRIS. Will the Senator yield again?

Mr. HOLLIS. Yes.

Mr. NORRIS. Does the Senator have any doubt that we would have raised more by taxation if the Secretary of the Treasury had asked us to do so, and has he any doubt now that we would increase the income tax on large incomes if the Secretary of the Treasury would ask us to do it? Is it not true that the Secretary of the Treasury before the Finance Committee said he did not want to change the tax law, but wanted to raise the balance of the money by bonds?

Mr. HOLLIS. I did not know that that was so; but I do not think it would change the problem in the slightest. I feel that we have our own duties to perform in discussing financial measures and passing them at this session of Congress.

Mr. NORRIS. If the Senator will permit me, I do not want him to misunderstand me. I agree with that statement entirely. I think we ought to determine such questions to the best of our ability in any bills that we will pass. I am satisfied, however, that with the influence of the Secretary of the Treasury, speaking for the administration, if he had wanted a higher rate or if he should want to increase the rate now, there would be no difficulty in getting it through Congress.

Mr. HOLLIS. I do not wish to commit myself to that proposition one way or the other.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. I hope Senators will confine themselves to questions. I have been waiting here two days to make this speech.

Mr. SMOOT. I will not interrupt the Senator, if he does not like an interruption.

Mr. HOLLIS. I am willing to answer a question.

Mr. SMOOT. I simply wished to ask the Senator if it is not a fact that this bill is not providing for money to pay the expenses of the Government. The bill simply provides means by which the Government, having monopolized the money market, can assist the people who can not borrow money or secure money in any way to take care of the refunding of their present obligations?

Mr. HOLLIS. That is very true. The cupboard is bare, and it has been swept bare, because the Government swept the money into the Treasury and used it. The distinguished Senator from North Carolina [Mr. SIMMONS] admitted that. The investment pool was sucked dry by the Government, because the Government had to borrow. It did not take it by taxation. The situation is exactly such as a man who studied this problem last summer ought to have foreseen.

When we were trying to get a rural-credit measure passed I was calling loudly all the time for Government aid. I did not believe that the system could be put in force quickly in this country without substantial Government aid. I had a fight to get the $9,000,000 capital. I did not have to fight so hard for tax exemption, perhaps because I think very few realized its importance, but that was substantially Government aid. Then I had put in the Senate draft of the bill, and as the bill passed the Senate, exactly the proposition that is put into this bill in order to link this United States Government bank up with the Federal reserve banks of the country. In the farm-loan act which passed the Senate there was this provision:

> Any bank of the Federal Reserve System may buy or sell farm-loan bonds—

That is still in the bill—

> any member bank of said system may accept time drafts against a deposit of such bonds as security; acceptances of a member bank thus made, or the direct obligation of such bank maturing within 60 days when accompanied by farm-loan bonds as collateral security not less in face value than the amount of such direct obligation, shall be eligible for discount by any Federal reserve bank.

I saw the necessity, if the farm-loan system was to be a complete success, of linking it up with the Federal reserve bank. I got the Senate to pass such a provision, but when we got into conference I was met by the very expert and learned gentlemen who composed the Banking and Currency Committee of the House, headed by their distinguished chairman, and these gentlemen convinced me that that proposition to link up the long-term investment securities of this country with the Federal reserve banks was dangerous. I did not agree that it was dangerous in practice as connected with the farm-loan banks, but I did agree that it was exceedingly dangerous as a precedent. Now, the precedent has been followed, even though it was not established. This bill provides that same endless chain into the Treasury of the Federal reserve banks. This bill provides a way for cashing in long-term securities by sapping the quick assets of the commercial finances of the country, and I say it is absolutely unsound; it is socialistic, dangerous, ultraradical, and the Senate should know it before it agrees to it.

Now, I wish to discuss in a little more detail the features of the bill that I have outlined. I believe that the financial situation at present makes necessary the passage of the bill. I think it is necessary to establish a United States war bank. I think it is necessary to give it the tremendous powers over the business of the country. The powers given to these four gentlemen in addition to the Secretary of the Treasury will make them veritable war lords, as they will be and I think ought to be. It is necessary that we have such men to conduct the finances of the country successfully through the present crisis. But before I give them authority to issue $4,000,000,000 of bonds and make a raid on the Federal reserve banks of this country I want to know who they are, and I want to see how they spend the $500,000,000 that is appropriated in this bill. They can not spend that $500,000,000 in a moment; it will require collection; and after we see how they spend that $500,000,000, then they can come to us, and if they can make out a good case I will vote to allow them to issue bonds. But I hope I shall never be compelled to allow them to issue bonds to be converted into cash through the medium of Federal reserve notes.

The business of the country is put in the hollow of the hand of these five war-bank men. They can turn their thumbs down on any substantial industrial class or they can turn them up as they see fit. It is an enormous power. I am willing to grant it to them. I have confidence that they will be good men and that they will do their duty to the best of their ability. But I do want them before they become members of this great war-bank directorate to sell out their interest in every other banking concern, to purge themselves of the influences of high finance, and to devote themselves patriotically to the service of their country. That is what we require of the members of the Federal Reserve Board. Mr. Warburg himself is a very famous example. There is a man who belonged to one of the great banking concerns of the world and who was trained in business. Of course, it was a tremendous financial sacrifice for him to give up his business connections, but he did it patriotically, and he has been a most valuable member of the Federal Reserve Board ever since. I believe he would have done his work as well if he had not ceased his connection with the banking interests that he had, but you could not have made the people of the United States believe it. I have hoped that the chairman will not press the amendment which cuts out that provision of the bill requiring members becoming directors of this great war bank to cease their financial connection with every other institution. These men are going to be superfinanciers. From their decision there is no appeal. They are not even obliged under the bill to account to Congress for a cent of what they spend or to tell what they have done. They can kill an industry or they can encourage an industry. I think the time has come when we have got to do that. It is not a question of business as usual in the United States. It is a question of luxury as usual. The only way you can make the people stop spending money foolishly is to tax it out of them.

A year ago I made a speech in the Senate finding fault with some grain journal in Chicago that said we ought not to attempt to regulate the price of flour, because people would not save until the pinch came. I objected to that statement coming from the grain journal because it was a statement made in defense of the right of speculation, and I am not willing to have the people of the United States pinched and go without food in order to allow some gentlemen in Chicago or elsewhere to become rich through speculation. But in order to win this war I am willing to get along on one meal a day, and I am willing to compel other people to get along on two meals a day. The situation that we are facing is too serious for trifling. Business as usual, luxury as usual, profits more than usual, and taxation, oh, yes, more than usual. Now, business should be unusual, luxury should be wiped out, and taxation should be unusually high.

Walk through any city. I had two hours in Boston the other day, and I walked out through the poorer parts of the city. Every tenth store was selling candy and gewgaws. On every substantial corner there was a cigar store or a saloon. The amount of candy that is found on display in the shop windows of this city is shameful. I came by one of the theaters last Monday morning at half-past 9, and there was a line of ticket buyers away across the sidewalk. Go into any drug store and see them lining up at the soda fountain. Go to Palm Beach and see the display of dresses and inordinate luxury. This country has not begun to save.

Mr. THOMAS. Mr. President——

Mr. HOLLIS. I yield to the Senator from Colorado.

Mr. THOMAS. If you go to Palm Beach, would it not be a lack of dresses rather than a display of them?

Mr. HOLLIS. That would depend on who went to Palm Beach. I am willing to allow each Senator to decide that for himself. [Laughter.]

Mr. President, this country has not gotten down to business yet. This country will not get down to business until it suffers more than it has been doing. I venture the statement that if we had had ships enough to ship our men and food and supplies out of the country as fast as we needed them on the other side we would be feeling the effect now, but, I am sorry to say, we have not shipped enough evidently to make a noticeable decrease in these things. But it will come, and when ships begin to roll off the ways and go into the water as fast as we are going to produce them, then they will be able to take our food and clothing as well as our men abroad.

I hope the Senate will indulge itself enough to discuss this bill thoroughly. Some one may have an idea that it will be useful to the Treasury in this war crisis. I am not blaming the Treasury Department for asking for this bill. If I were in power in the Treasury Department, I would ask for the bill. But I should be ashamed, as a Senator of the United States, to allow the financial condition as regards taxation to continue any longer than is necessary in a situation that has made this bill necessary.

This bill transfers the money control from Wall Street to Fifteenth and Pennsylvania Avenue, from the house of Morgan, from the house of Kuhn, Loeb & Co., from the house of Kidder, Peabody & Co. to the Nation's war bank. We heard a good deal a few years ago about a Money Trust. Money Trust meant control of the finances of this country, so that a few gentlemen in Wall Street could turn their thumbs down or turn them up on any large financial proposition. I am convinced that that Money Trust existed, and if we have taken it from Wall Street and planted it in the Treasury of the United States as a war measure I say, Amen. But I am very much interested to know who is going to be on the board before I grant the very extraordinary features that are contained in the latter part of the bill.

Now, reverting to the discussion of the credit and capital from which I was a little diverted, what is spent in the war is what is already on hand. We can not fire a cannon until it is produced. We can not use a soldier until we produce him to manhood. We can not have a blanket or uniform until it is ready to be used. The amount of goods on hand to devote to any purpose at any time is strictly limited.

There are two kinds of capital. One is fixed capital, which is locked up in mills and railroads and ships and so on. The other is called circulating capital or capital goods. The Government in war is a tremendous spendthrift. It does not produce anything—it seldom ever does—but in war it is the greatest spendthrift there is. We call in political economy the man a spendthrift who has wasted his money on tobacco and champagne. That is what they tell schoolboys; later we say on wine, women, and song. That is because the spendthrift takes what he can get and expends it without producing anything to take its place. Business takes capital goods and reproduces more than it put into them or else it is not successful. The farmer takes seed in the spring of the year and reproduces it four or five fold. That is what business is. Business is to take capital goods and turn them over so that you will have more capital goods when you get through. In war that position is absolutely reversed. The Government takes horses, motors, food, clothing, explosives, machinery, aeroplanes, and expends them, and you are all the time taking out of the till and you are never putting anything back. It is obvious that if we go on with luxury as usual and taxation as usual we do not save anywhere, and we should have more taxation for the express purpose of paying our bills and also making people pay.

I do not want a consumption tax. I have on my desk a tax receipt for $1 tax on a citizen of New Hampshire for carrying a watch in war time. Evidently every man who carried a watch had to pay $1 a year for the privilege in war time. I hate to see those taxes come. I would first exhaust our resources in the way of taxes on large incomes, on genuine war profits, and we could get two or three billion more out of that if we had the courage to go at it and take it.

Just think what position the Treasury would be in now if instead of having $3,000,000,000 in taxes coming in the 1st of July it was going to have $6,000,000,000! Then it would be well enough to go to the Federal reserve bank to get short-time obligations on currency, because it would be paid back when the taxes came in. No; this bill diverts the stream of productive capital into essential industries and diverts it from nonessential industries. It takes, practically, capital from the control of one group of capitalization and gives it to another.

This control of productive capital makes it a banking proposition and makes it a national money trust; but instead of being a Wall Street money trust it is a Government money trust. Through it the Government will absolutely control the course of industry in the United States. I hope Senators will not blink the fact. We are doing it, and I say, Amen. We must do it to pull out of this lamentable financial condition in which we are. It should have been done long ago.

Mr. President, this is a currency proposition. It permits an inflation of credit and an inflation of currency. Whenever you issue bonds for war purposes you are inflating credit. That is easy to be shown. Suppose a man has a thousand dollars in a savings bank and takes it and buys a Government bond of a thousand dollars. The Government takes his thousand dollars and spends it. The man has his thousand-dollar bond. He can go and sell that bond if he can find a purchaser, or he can borrow on it almost to its entire value. The issue of bonds for war purposes does inflate credit. We can not lay all this inflation on the increase of gold coming into this country. I wish we could, but it can not be done. In the testimony of Mr. Warburg before the Finance Committee he spoke more than once of the tremendous inflation that would result from this bill. He knows it. He did not say this bill was a desirable thing. Mr. Harding, the governor of the Federal Reserve Board, did not say this bill was a desirable thing. They both said that the bill was a necessary thing, and that they did not know where else to turn if it were not passed.

I am not afraid that the Federal Reserve Board will allow the Federal reserve currency to become tremendously inflated. It has become inflated already. That is one trouble with any elastic currency. They are always ready to inflate it, but they are never ready to deflate it. We have got out now about $1,250,000,000 of Federal reserve currency. That leaves us 66 per cent gold reserve. That is the safest paper currency there is. We could, by carrying out the terms of this bill, issue $2,000,000,000 more, and we would still have a 40 per cent gold reserve, and that would still be the safest paper currency in the world. But what have we done? We have not got another bushel of wheat or another cannon or another blanket in the war out of the performance. We have merely issued $2,000,000,000 more of paper currency that will lift prices all over the world.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. HOLLIS. I do.

Mr. SMITH of Georgia. Is not the amount of the additional issue $1,700,000,000, instead of $2,000,000,000?

Mr. HOLLIS. I took Mr. Warburg's statement concerning it. He is pretty nearly right. That is his specialty, and I think he knows but if it is $1,700,000,000, then it is so much less dangerous. They can not, however, inflate it much more than $1,700,000,000 more than it is now.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Rhode Island?

Mr. HOLLIS. I yield to the Senator.

Mr. GERRY. Does not the Senator think that very likely the mere fact of the creation of this corporation will prevent the use of this power—the sale of these bonds to extend credit?

Mr. HOLLIS. I wish I did.

Mr. GERRY. If the Senator has read the testimony of Mr. Harding and of Mr. Warburg he probably has found that that was their hope.

Mr. HOLLIS. I have studied very carefully the testimony of Mr. Warburg and of Mr. Harding; I have great faith in both those men; but I did not see any evidence of confidence on their part. They said that sometimes when funds were available people did not want them, but I have not any fear that people will be timid under this bill. You will find corporations and individuals all over this country trying to hook on to this great war bank. You will not find any modesty, even on the part of the savings banks or insurance companies from trying to get on in some way. I am sorry to say that I do not believe that the fact that this $500,000,000 or $4,500,000,000 is available is going to abate the appetites of financiers. I think it will rather whet their appetites.

Credit in the form of Government bonds inflates prices. Mr. Warburg said that, and every financier and every economist who has given the matter thought says it. We are putting it in the power of this corporation to take $500,000,000 out of the Treasury. Where will the Treasury get it? The Treasury can only get it by the issue of more bonds. Who is going to buy those bonds? Then we give this corporation the right to issue $4,000,000,000 of bonds on top of its capital. Where is that money coming from? Why, that is merely additional credit; that merely puts those who have those securities in the field to bid against the Government for funds. The reason we have got to do it is because the Government has exhausted the investment field. The Government has got to borrow this $500,000,000 and then it is going to allow this corporation to issue

$4,000,000,000 of bonds without fixing the rate of interest. I had to fix the rate of interest in order to get the rural-credits bill through. Bonds can not be issued by any of the land banks bearing more than 5 per cent interest, but the bonds of the proposed finance corporation can be issued at any rate of interest at which the members of the corporation choose to issue them.

How will it work? We are appropriating this money because we are giving the corporation the right to issue securities by which it can go into the market and buy things—not even things; I wish they were going to buy things; but they are going to buy credit. Credit is nothing in the world but a hope that some one will pay; that is all it is. A credit is a promise to pay; it is faith given to some one that he will pay. How can the men who wish to get money to carry on their essential industries get the money? If they could borrow it from their commercial banks, to be locked up in long-term enterprises, they would bankrupt the commercial banks.

The distinguished chairman of the Committee on Finance [Mr. SIMMONS] complains because the Federal reserve banks are discriminating against this sort of loaning. It is their business to so discriminate, because they are short-term banks.

Mr. SIMMONS. Mr. President, will the Senator pardon me for an interruption?

Mr. HOLLIS. I yield to the Senator.

Mr. SIMMONS. I did not complain. I simply stated a fact; and stated it as a fact.

Mr. HOLLIS. Well, the word "discriminate" carries with it a little tinge of complaint; but it is a fact that these banks do discriminate against locking up their liquid funds in long-term investments.

The captains of industry who want money to put up factories or other enterprises needed to conduct the war can not borrow the money from their regular banks; therefore they go to their respective banks and say, "If you will take our securities, our stock, or our bonds, you can go to this war bank in Washington and they will either give you the funds or will give you their bonds." So the local bank cashes in the securities, and then comes to Washington and finds that the war bank at Washington has exhausted its capital of $500,000,000. The manager of the bank in Washington says, "We can not give you money, but we can give you bonds." That is the scheme of the Hon. David Lubin for financing the rural-credit banks; that is the German landschaften scheme. There a farmer would go to a bank and mortgage his land and he would get a land-bank bond. Then he would sell it in the market for whatever it would bring. That is the great vice of this measure, because the local bank, having come to Washington, cashed in the securities of the local industry for one of these war-bank bonds, or a series of them, at what per cent we do not know, can then go back and dispose of them at 90, 80, or 50 per cent of their face value, depreciating the bonds, or can put them up as collateral security for a note in the Federal reserve bank at a ratio of 1, 2, or 3 to 1. Then the local bank can loan money on the obligation of the local industry, secured by the bonds of the war bank. Then the local bank is in position by giving its note, not to exceed 90 days, to the Federal reserve bank of discounting and drawing from the Federal reserve bank cash on that transaction. Then the Federal reserve bank is in a position to put up the note secured by the bonds and get Federal reserve notes. That is a very long, tedious, and circuitous route; but it will not deceive anybody who really puts his mind on the transaction. It is nothing in the world but an effort to convert the securities of an industrial corporation, with the indorsement of the Government upon them, into a liquid form so that currency can be issued in their stead. That is all it is, and it is all it pretends to be. As I have already said, that will result in greater inflation.

The direct way is the best. I complained two months ago because the Farm Loan Board had not sold its securities on the market. Senators will recall that I came into the Senate and asked permission for the Treasury to purchase $200,000,000 of farm-loan bonds. That was necessary because the investment market had been swept bare. I was told that the Farm Loan Board had not tried to sell the bonds because they did not want to interfere with the liberty-bond drive; and there is something in that, for the farm-loan bonds were a more attractive bond at 4½ per cent than the Government bonds at 4 per cent.

If the proposed Government finance corporation is permitted to issue its bonds, they will come in direct competition with the next issue of liberty bonds—it can not be helped—and they will not sell unless they carry a greater rate of interest than the liberty bonds; but the Government is morally back of them, and the Government will not allow any of these war-bank bonds to be defaulted. We shall be asked to back them up and we will do it. If we have got to have this capital to devote to essential industry in this country for the successful prosecution of the war, the best way to do is to borrow it all on liberty bonds and not place another lot of bonds on the market at a higher rate of interest, possibly, and prevent the Government from borrowing on liberty bonds. I do not want to see the liberty bonds in competition with bonds that carry a higher rate of interest. If the Government is going to finance these great industries, let the Government borrow the money on straight bonds, finance the industries, and take their obligations, for that is all it will get in the end. You can not make credit on such a basis as that. You may deceive some people, but you have not any more back of it by going through all this mummery and setting the printing presses going and issuing these different kinds of bonds. You do not get any more out of it than you do if you borrow the money through the Government direct and loan it to these industries direct.

Mr. SIMMONS. Mr. President, does not the Senator overlook the fact that in all the loans made by this proposed corporation to industries, except public-utilities corporations, the Government receives, in addition to the security of the original borrower, the industrial corporation, the obligation of the bank, through which alone these advances can be made to the industrial corporation?

Mr. HOLLIS. I do not overlook that. The credit of these banks and their soundness are absolutely essential to conducting the ordinary commerce and business of this country; and when those banks are allowed to issue acceptances on obligations of industrial corporations, which is precisely what it is proposed to do, those banks are weakened. If those banks are of any benefit to the community, it is because they serve commerce and business on quick commercial transactions, and when you allow them to write acceptances in an unlimited amount on obligations of this sort you merely allow them to kite securities. Why, they are taking now out of the Federal reserve banks enormous sums——

Mr. SIMMONS. Does the Senator think that the banks of the country would likely be willing to put their indorsement upon the paper that they discount or sell to the finance corporation unless they had carefully investigated and satisfied themselves that the security which they had taken from the borrower was ample and sufficient?

Mr. HOLLIS. Then, if they are satisfied as to that, why do they not lend them the money themselves and not come to the Government?

Mr. SIMMONS. They have not the money, that is the difficulty, and this measure is designed to accommodate that present situation.

Mr. HOLLIS. It is because they have not got the money, and this is to allow them to turn long-term Government securities into quick assets of a commercial bank—something that is unsound.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. HOLLIS. I yield.

Mr. THOMAS. The Senator, I presume, also has not overlooked the fact that the issue of currency upon these securities must be based upon 90-day paper or short-term paper?

Mr. HOLLIS. I am glad the Senator has suggested that, because that is an attempted compliance with the theory of the Federal reserve act, but it is not a compliance with it in its most essential particulars. The currency issued by the Federal reserve banks is based on short-term obligations, but it is, more important still, based on a self-liquidating security. Under the present act there are two classes of securities that can be put up. The principal one that is allowed is the security based on a business transaction, a note for 90 days or less. The other one is more or less of an excrescence; they are allowed to put up Government bonds as security. That, however, was understood to be an excrescence. No one thought that that ought to be done, but it was not desired to discount Government obligations and make them of less value than commercial obligations. The fact that that is not looked upon with favor by financiers is shown by the circumstance that, with all the billions of Government bonds that are now outstanding, the Federal Reserve Board has only permitted $343,000,000 to be put up as security for Federal reserve notes; and I hope that the Federal Reserve Board will stand firm as a rock on that proposition and not permit Federal reserve notes to be issued unless based on a security that is self-liquidating. Of course, Senators understand what is meant by "self-liquidating."

Mr. SMITH of Georgia. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. SMITH of Georgia. The same limitation is placed upon these bonds. The Federal Reserve Board determines whether they may be put up and can also charge an extra rate on the notes issued.

Mr. HOLLIS. Yes; that is true, but the pressure that is already put upon these gentlemen, as appears from their testimony, is enormous. There is nowhere in that testimony a whole-hearted encouragement for or argument in favor of this plan. They are brought in and they tell the bad situation we are in. They say they think this $500,000,000 will tide them over so that they will not need any more, but that if it does not, then they certainly should be given this power to issue bonds up to $4,000,000,000, and that we need not be afraid that they will issue any more than they need, and so on. That is always the argument.

But the vice of allowing these bonds to be put up is that they are to be issued for the express purpose of being put up as security for Federal-reserve notes and that they do not possess the self-liquidating feature. I will explain in a word to the Senate what I mean by "self-liquidating feature." Under the Federal-reserve act a member bank can not get Federal-reserve notes from a Federal-reserve agent without putting up its own obligations secured by notes that have been rediscounted for the member bank, which are payable in 90 days or less, and which are based on a commercial transaction. That means that the man who borrows of any member bank must be engaged in business which will be ended in 90 days, so that the obligation will be paid off with the hope of profit. That is self-liquidating. These long-term bonds are not self-liquidating. I wish they were.

Mr. SIMMONS. Mr. President, I do not suppose the Senator would suggest that liberty bonds, against which notes may be issued, are self-liquidating any more than are the long-term bonds to be issued by the proposed corporation?

Mr. HOLLIS. No; they are not. They are not so quickly liquid, because they run 20 years, while the bonds of the proposed corporation will run 5 years; but 5 years' liquidation in war times is not worth considering.

Mr. SIMMONS. Well, one is as liquid a security as is the other.

Mr. HOLLIS. Just about, and the finance-corporation bonds will be a little more liquid, because they will run for only five years; but I do not call that liquid.

Mr. SIMMONS. I understood the Senator to say that the Federal Reserve Board had not encouraged the issuance of notes against the liberty bonds?

Mr. HOLLIS. That is true.

Mr. SIMMONS. And that resulted, as we all know, in keeping down the additional currency issued on account of the bonds to about $300,000,000. Now, the Senator says he approves of that policy. If the board should apply that same policy to the issuance of notes against these bonds we could not reasonably expect any greater inflation from these bonds than from a like number of liberty bonds.

Mr. HOLLIS. Well, if the Federal Reserve Board had reached its limit in that respect, then it would be useless to issue these bonds with any hope that they are going to be used as a basis for currency—we have got more of it than we can use now—but these bonds are to be issued with the express idea that they are going to be used for that purpose, and these men will be more than human if they are able to withstand the pressure.

Mr. SIMMONS. Does the Senator think he is entirely correct in making that statement? The bonds are to be issued with the express idea that they may be discounted at the Federal reserve bank by the member bank holding them. I do not know that there is any purpose to make them more available or eligible for use for issuing purposes than liberty bonds are eligible for such purpose.

Mr. HOLLIS. The attempt is to hook them up with the commercial banks of the country and get commercial capital to use them for long-term purposes. The Senator speaks of the Federal reserve banks as if they had money to loan. They have not money to loan; they were not created for that purpose. What have they? They have a capital of $73,000,000 that we clubbed out of the national banks, of which we made every national bank pay its share or else go out of business. The Federal reserve banks have that for capital. What else have they? They have Government deposits of just $56,000,000; and if the Government dared to take that away it would do so, as it has use for it. Then, what else have they? All else in the world is the reserves that belong to the national banks. They have $1,400,000,000 of these reserves that were not meant to be loaned and ought not to be loaned. That is the quickest liability this Government has, and it is in the Federal reserve banks. That money belongs to the member banks—it constitutes their reserves—and if there happens to be a run on our banks that money will be needed to put out the conflagration.

The Federal reserve banks were never organized to loan money themselves. The only way that they are in shape to loan anything is by issuing paper currency, which is good paper currency, but nothing but currency. So you can not get any loans out of the Federal reserve banks, because they have not the money to loan. The only thing that can be obtained from them is currency. Their function is to issue currency.

I say this is socialistic, but when I say that I do not mean to condemn it. I am for certain socialistic aims; I am for them when they are sound and when there is reasonable hope that they will work. But I wish to inquire why it is that socialism to help capital and to help the well to do is sound and respectable while socialism to help the poor is unsound and disreputable.

It does not hurt this with me at all to call it socialistic, but I want the conservative gentlemen who have been talking about sound, economic principles during the five years I have been in the Senate to realize that they are doing a socialistic thing. I am proud to have them join me, but I do not want them to ask me to go too far in the path of socialism.

I do not want any Government agency to try to manipulate or stabilize the price of United States bonds. That power is in this bill. They can not do it. If they attempt it, it will be disastrous. The only reason why they should try it is because the price of liberty bonds is declining. Then, if they had money enough they might go into the market and buy liberty bonds and put their price up; but what a foolish thing that would be. That would mean that the people who have bought liberty bonds already and have got credit on them from their local banks will sell them back to the Government and get a lot more credit by borrowing more on the new issue of liberty bonds. I am willing to trust the Secretary of the Treasury and these four superfinanciers if they want to be trusted to that extent, but I hope Congress will stay in session and will watch the proceeding.

I do not want any Government securities indorsed by the Government or permitted to be issued by the Government to be sold in competition with the liberty bonds, especially with no limit on the interest rate. Investors will not buy liberty bonds if they can get other sound bonds at a higher rate. There is no need of other bonds being issued, because we can borrow just as well on liberty bonds.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. As these bonds when sold will be practically always under the control of the Secretary of the Treasury, and as he is directing the selling of liberty bonds, does the Senator suppose that there will be any possible conflict in the sales?

Mr. HOLLIS. Unless he can in some way make them more desirable than liberty bonds, they will perform no function whatever, because he has got plenty of liberty bonds. The only way to use these other bonds, these superbonds, is to put them out on a more attractive basis of some sort; and the only way I know by which that can be done is to pay more interest on them.

Mr. SMITH of Georgia. But the Senator was arguing that they might interfere with the sale of liberty bonds, and I ask him if he does not think the Secretary of the Treasury will certainly guard us against that.

Mr. HOLLIS. The Finance Committee has not guarded us against that. The Secretary of the Treasury asked to be allowed to appoint these other four men himself, but the Finance Committee were not willing to trust him to do that; so that they are to be appointed by the President and confirmed by the Senate, and they will outvote the Secretary of the Treasury 4 to 1. That is in the bill, I will say to the Senator.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the junior Senator from New Hampshire yield to the senior Senator from New Hampshire?

Mr. HOLLIS. I yield.

Mr. GALLINGER. May I suggest to my colleague that the Secretary of the Treasury, of his own volition, stated that he was quite willing to have that change made?

Mr. HOLLIS. Yes; I have no doubt he would compromise on almost anything to get himself out of the financial hole that Congress has plunged him in. If he is to get this bill through, it is necessary to have the Finance Committee with him. He agreed to that and agreed to some other things that I believe he did not want to agree to.

Now, about the savings banks. The savings banks are tremendously important institutions. In my part of the country they pay as high as 4 per cent interest.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. I should like to call the Senator's attention to the fact that the bill itself provides that the rate of interest and terms of sale of these bonds can not be controlled by the directors, but the directors, with the approval of the Secretary of the Treasury, are required to act. The Secretary of the Treasury can veto their action with reference to the sale of these bonds. I think that was intended, perhaps, to guard the very proposition to which the Senator has referred.

Mr. HOLLIS. I hope it will work in that way. I thank the Senator for calling my attention to that; I had overlooked it.

Now, discussing the savings-bank situation. The poor people save their money, and they save it in my part of the country at great personal sacrifice. They have to economize. The people in my section of the country, however, bought war savings stamps and they bought liberty bonds on the installment plan. There is no stimulation of business up there because of the war; in fact, some businesses are very low, because people can not buy the sort of goods they produce. They put their money in the savings banks and they get from 3½ to 4 per cent interest on it. Now, the Government comes along and offers them a bond at 3½ per cent. They will not draw their funds out of the savings banks to buy 3½ per cent bonds; but when the Government offers a bond at 4 per cent they will begin to draw their money out of the savings banks; and if the Government issues a bond at 4¼ per cent, I do not see what any savings-bank depositor is thinking of to let his money remain there.

The savings banks usually invest their funds in long-term securities, because as a rule the savings banks continue to increase their deposits; a large amount of their deposits is never withdrawn at one time and, therefore, it is safe for savings banks to have their investments in semiliquid securities; but at a time like this if a 4¼ per cent bond is issued, savings-bank depositors will find it good business to withdraw their deposits and invest them in Government bonds. You can not appeal to their patriotism and ask them not to do it, because patriotism does not extend much further with the poor people than it does with the rich people; it goes just about as far, but no farther.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. HOLLIS. I yield.

Mr. SMITH of Michigan. Does not the Senator think that if this statement is true, the question of the parity of these bonds is very vital? Of course if the bond drops below par, the savings-bank depositor is just as well off with his savings certificate as he would be with his bond, because that is always at par and easily gotten out of the bank. I do not see just the temptation to surrender the savings-bank certificate for the bond at 4¼ per cent unless its parity is to be assured.

Mr. HOLLIS. The savings-bank investor puts his money in the savings bank and leaves it there to accumulate. When he buys a Government bond, he knows that it is going to be paid in full when it matures. He is not much interested as to whether it depreciates on the market or not. He is satisfied that it is going to be paid. But the point is this: Because these bonds at 4 per cent may not meet a ready sale, the proposition is to put them up to 4¼ per cent, so that they will sell at par; and when a 4¼ per cent bond is put out at par, then the temptation is great for the savings-bank depositor to draw his money and put it into the bonds.

I am willing to give this war bank $500,000,000 of capital. I think they will do an enormous amount of good with it. They will encourage essential industries. Through their investment-issues committee they will discourage nonessential industries. I believe that is true, but I do not want to give them more than $500,000,000, and $500,000,000 to start with. If investors, capitalists, bankers, public utilities, and savings-bank trustees know that they have credit up to the amount of $4,500,000,000, the demand on them will be something frightful, and these men will have to be more than superfinanciers to resist it; and we ought to protect them by limiting the amount appropriated under this bill to $500,000,000.

There are two fundamental objects of government in war times. The first is to win the war and the second is to maintain the people during the war. We must produce subsistence for ourselves, our soldiers, and our allies, and we must produce engines of war to destroy our enemies. Capital goods available for production are limited. If we expend them for luxuries, we can not expend them for munitions and necessities. The best way, as I have suggested, to prevent expenditures for luxuries is to increase taxes. By taking from the people through taxation, we take away the power to waste money on luxuries; we take away the power to compete with the Government for capital goods. That is a better way to curb the production of nonessentials than to constitute a capital-investment committee. This taxation should be imposed on consumption as a last resort. The poor should be saved as long as possible. Instead of harming all the people by borrowing, and consequent inflation, we should get the last dollar from, first, income taxes on large incomes, and, second, genuine excess-profits taxes.

Through our own actions on the floor of the Senate and through the action of the conference committee our taxation on excess profits was robbed of its title. It has no claim to be called an excess-profits tax, or at least a war-profits tax. It is merely a graduated income tax on corporations—something that I have spoken against more than once in the Senate. But this year there will undoubtedly be five billions of profits due to the war. If the stories from Hog Island and other parts of the country are true, there will be a great deal more. Now, we evidently are not able to curb the extravagances in war expenditures; we evidently are not able to keep down the prices of subsistence; but we are able to take out of the excessive profits of capital and business a very large share in the shape of excess profits, and we will be recreant to our duty if we do not do it.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Tennessee?

Mr. HOLLIS. I yield.

Mr. McKELLAR. A little while ago a question was asked by the Senator from Nebraska [Mr. NORRIS] about the attitude of the Secretary of the Treasury toward this tax bill last summer. I recall very distinctly that the Secretary was very much in favor of a larger measure of taxation then, just as I think the Senator from New Hampshire was, and I was, and various Senators were on the floor. I want to say that in my judgment the Senator from Nebraska is wrong in stating that the Secretary of the Treasury was not then in favor of a higher rate of taxation. My recollection is that he started out with a fifty-fifty proposition on expenditures to be made by our own Government, and I think it is fair that that statement should be made at this time.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. HOLLIS. I yield.

Mr. NORRIS. Nobody would be more delighted than I if the Secretary of the Treasury, representing the administration as he does, had favored such a thing as that. No one would be more delighted than I, if instead of saying, as I understand he did before the Finance Committee of this Congress, that he was not in favor of changing the tax law, but wanted to raise this money by bonds, he had taken the other course and said, "Increase the taxes on large incomes and war profits." I never heard it stated, here or elsewhere, when that bill was pending, that the Secretary of the Treasury asked us to increase taxation on large incomes.

Mr. McKELLAR and Mr. SIMMONS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield, and to whom?

Mr. HOLLIS. I yield to either or both of the Senators.

Mr. McKELLAR. I can only say that I recall very distinctly having talked to the Secretary about it at the time, and he was in thorough accord with raising more money by taxation than the committee had reported out at that time. He was actively in accord with it.

Mr. NORRIS. Mr. President, if that is the position——

The PRESIDING OFFICER. The Chair must ask Senators to address the Chair, so that the Chair may be able to protect the Senator who has the floor.

Mr. NORRIS. I addressed the Chair.

Mr. HOLLIS. I am in the hands of my friends.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nebraska?

Mr. HOLLIS. I do.

Mr. NORRIS. If the Secretary of the Treasury holds that position we can double the tax on large incomes in 10 days from now, if we have a message from the President advocating it.

Mr. SMITH of Georgia. Mr. President——

Mr. HOLLIS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Will the Senator from New Hampshire allow me to ask the Senator from Nebraska a question?

The PRESIDING OFFICER. Does the Senator from New Hampshire yield for that purpose?

Mr. HOLLIS. I do.

Mr. SMITH of Georgia. What part of the large incomes do we now take? Do we not take over 60 per cent?

Mr. SIMMONS. Sixty-seven per cent.

Mr. SMITH of Georgia. Then, how could we double it?

Mr. NORRIS. That is not the question involved. If the Secretary is in favor of increasing taxes on large incomes, in my judgment—and I do not believe anyone will dispute it who knows how laws are enacted here and the influence of the administration—if the influence of the administration is behind it, and the President will ask it in an official message, in less than 10 days the law will be changed.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. Yes; but I was asking the Senator how you could double it if you take 67 per cent of the large incomes now? [Laughter.]

Mr. NORRIS. Well, that would not be very hard to do, with the administration behind it. [Laughter.]

Mr. HOLLIS. Mr. President, I made a rash remark a little while ago when I said I was willing to yield to both Senators. It does not work very well when both are yielded to at once, because both can not talk at once.

I recall distinctly that some one connected with the administration said to me last summer, "If we can not borrow enough money to finish this war at 3½ per cent, then we believe that the taxation should be raised." I thought I had some assurance there; but I do not recall who said it, and I will not even say that anyone did; but I felt that those who were running the finances of the Government had an idea that they could borrow all the money that was needed at 3½ per cent, because it was obvious to anyone who studied the question that if they put out bonds at 4 per cent they were going to prevent ordinary businesses from getting money for their ordinary obligations; they were going to drain the savings banks.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Oklahoma?

Mr. HOLLIS. I yield.

Mr. OWEN. I merely wanted to suggest to the Senator that the 3½ per cent bonds, not being taxable, were easily floated, and they have maintained their high price, while the 4 per cent bonds, being taxable, do not sell at so good a figure; and that I am in accord with him that the Government of the United States can not raise the rate of interest above the point which is fixed by the savings banks of this country without having a very serious withdrawal of funds from those banks, which they can not meet.

Mr. HOLLIS. I thank the Senator for his reenforcement of my idea; and since we are on this question of what the Government income is, and how much more it might be, I will submit at this point a few figures.

Under the old revenue laws, as they existed before we passed the war-revenue act last summer, the revenue of the Government was $1,357,000,000. I will give these figures approximately. Under the new revenue law it was estimated that the corporation tax—that is, the excise tax—would yield $360,000,000 additional; that the personal income taxes would yield $450,000,000 additional; that the excess-profits tax would yield $1,500,000,000 additional; spirits, $207,000,000; tobacco, $56,000,000; transportation, $150,000,000; making a total of new taxes of $2,723,000,000, or a total income of the Government for the current year of $4,080,000,000.

Now, the excess-profits tax was figured on profits of $4,000,000,000. I believe myself that they will amount to $5,000,000,000 this year. If we should take 80 per cent of the $4,000,000,000, we would get $1,700,000,000 more than we are getting now. We might easily increase the taxes on large personal incomes by $500,000,000. That would make $2,200,000,000 more that we could raise from taxation from these two sources. That would give the Government an income of $6,280,000,000, which would be 50 per cent more than it is now. I believe that if we were raising that amount through taxation we could raise the rest by floating bonds at a reasonable rate.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Oklahoma?

Mr. HOLLIS. I yield.

Mr. OWEN. I did not hear clearly whether or not the Senator included inheritance taxes there.

Mr. HOLLIS. I did not, because the amount received from them is not very large.

Mr. OWEN. But the receipts from inheritance taxes could be made very large by dealing with some of the gigantic estates, which we know are growing beyond the possibility of the owners of those estates to employ. The Government of the United States could, with great propriety, pass an inheritance-tax law that would appropriate a substantial part of these gigantic estates very profitably for the moral effect upon the country as well as for the effect upon the exchequer; and, besides that, it has the very great advantage of being a tax against which no man kicks, because he is then dead.

Mr. SMITH of Michigan. His estate kicks, however.

Mr. HOLLIS. If he is surely dead, that is true. The Senator has made an investigation of that subject; and I will ask him how much in addition to what we now raise by inheritance taxes he thinks we might fairly raise?

Mr. OWEN. I have no adequate figures with regard to it; but we all have observed, in recent times, the gigantic growth of some of the estates of the country, which have grown as much as an estimated amount of a thousand million dollars, such as the Weyerhauser estate, the Rockefeller properties, and so forth, or like the Bingham estate, which I am told amounted to $68,000,000. There is a proper limit at which the ownership of property serves no useful purpose. After it passes beyond all demands of luxury and of extravagance itself, there comes a time when the ownership of property merely means the unrestrained control over the lives of other people; and I think that the policy of the Government of the United States ought to be adjusted keeping that in view.

The difficulty has been, as I understand it, that the States are to some extent alleged to be jealous of this arrangement; but the fact is that no State can really control that matter, because a very large estate can have itself transferred from one jurisdiction to another whenever the inheritance-tax law promises to be injurious to the heirs of the estate. A man can take his citizenship from one State to another, and evade the law, therefore, until all 48 States have a uniform law, which never will occur; but this matter could be so adjusted that the States should receive a proportionate part of the funds derived from inheritance taxes, and a large inheritance tax on gigantic estates ought to be established as a public policy in times of peace—much more so in times of war.

Mr. HOLLIS. I thank the Senator.

A government is like an individual. If an individual has a large income, he may have enough capital goods at his own disposal so that he does not need to borrow other capital goods, through money or through credits, in order to carry on his business. When such a man goes to a bank to borrow, they will ask him for a statement; and he can borrow or not, and the amount he can borrow will be determined by the showing of his income. If his business is profitable, and he is getting a large income, the bank will loan to him even if he has not very much in the way of investment or fixed capital; and so it is with a government.

The Government gets its money to spend from two sources. One is through its income, which is taxation—and that is substantially all the income the Government of the United States has, through taxation—and it gets its other money to spend through borrowing. If it has a very large income in proportion to its expenditures, of course it can borrow more cheaply than it can if it has a small income and large expenditures; and there is a tremendous difference in the balance sheet of the Government if the Government shows that it has an income of four billions and is spending fifteen billions than if it has income of six billions and is spending thirteen billions. It looks very differently to any financier who looks into it.

We appropriated, last summer, some twenty billions. I was not frightened at that statement, because I knew we could not spend it all in a year. The industries of this country will not produce enough so that you can spend all that money in a year. We have had six months of it, and we have spent about a quarter of the amount we appropriated. We will do well if we produce enough so that we can spend more than a quarter more in the second six months. The expenditures of the Government this year will not exceed ten or twelve billions; and if we could raise six billions by taxes we would be in a splendid financial condition.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Oklahoma?

Mr. HOLLIS. I yield to the Senator.

Mr. GORE. I will remind the Senator that if we would lay as high taxes now as we did lay during the Civil War, they

would yield an annual income of six billions or a little in excess of that.

Mr. HOLLIS. I thank the Senator for calling my attention to that. In the Civil War we did exactly what we are doing in this war. We started out for two or three years and tried to finance the Government on credit. We did other things in the Civil War that we did in the Spanish War: We exposed our soldiers to typhoid fever, and to embalmed beef, and things of that sort. I thought that when we had the Spanish War we would learn better, and we have in those respects; but here we are conducting, as we think, the chief part in the greatest war of history, and we are repeating the financial mistakes that we made in 1861, 1862, and 1863. It was not until the Civil War had been in progress for three years that the Government of the United States awakened to the fact that the only way to fight a war and do business approximately as usual was to increase taxation; and finally it was done. It seems very strange that with all the information at our disposal, with all the history and the books, with all the political economies that are written, and with all the professors of economics dinning this fact into our ears, we have got to wait and learn the lesson by bitter experience by passing this highly socialistic measure.

The refusal of the Finance Committee to levy as large income taxes and excess-profits taxes as possible has made this war bank and this money trust and this undue inflation necessary. I shall support the bill because it is necessary, but I am not going to support any more of its extreme features than I have to. I shall offer some amendments that I hope will improve the bill. If they are voted down, I am going to vote for the bill anyhow, because we have bankruptcy staring us in the face if we do not put this bill through; and we are going to try to take care of an inflated credit by more inflated credit.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. The Senator, I think very correctly, has stated that our real expenditures during the first year probably will not be more than half of our appropriations. Can the Senator state what he thinks our total expenditures will be for the first year, then?

Mr. HOLLIS. I said ten or twelve billions. Let us call it twelve billions; and we will raise four billions of that by taxation, if we are lucky.

Mr. SMITH of Georgia. Does the Senator think it will be as much as twelve billions?

Mr. HOLLIS. I should think so. We spent at about a 50 per cent rate for the first six months, and we probably will increase that the second six months, because we are getting ready for it.

Mr. McKELLAR. Mr. President, is that exclusive of the amounts loaned to our allies?

Mr. HOLLIS. I thing that includes the whole thing. I think it does. I think the amounts loaned to the allies will bring it all up to about twenty billions, and I think that up to the 1st of January we had spent about a quarter of that.

Mr. SMITH of Georgia. Then the Senator's estimate is that we will have raised by taxes about one-third instead of half?

Mr. HOLLIS. Yes; about a third. Now, if our income is large enough, there is no reason why we should not be able to float these bonds at 3½ per cent. There is no reason why we should be talking about a 4½ per cent rate.

Mr. SMITH of Georgia. Mr. President, the difficulty about it is the tax upon the bonds, is it not? We make the income from the bonds subject to our excess-profits taxes, going up to 68 per cent when the income passes a million dollars, or something like that.

Mr. HOLLIS. That has some bearing on it; but I will call the attention of the Senator to the fact that that is only a difference of about one-half of 1 per cent, because the 3½ per cent bonds, which have the tax-exempt feature to its extreme, are selling on about a parity with the 4 per cent bonds, that do not have the tax-exempt feature in its extreme form, so it is worth about one-half of 1 per cent on the figures.

Mr. SMITH of Georgia. The tax-exempt feature?

Mr. HOLLIS. The tax-exempt feature; it is so considered by the investors, because the market shows it. Does the Senator get my reasoning on that point?

Mr. SMITH of Georgia. Yes; I get the Senator's reasoning, but is not this true: Only a little over $50,000,000 of the bonds of the last large issue have been offered on the market. The great bulk of them have not gone upon the market at all, and just a slightly increased buying capacity would put the bonds now on the market right up to par again.

Mr. HOLLIS. I hope that is so.

Mr. SMITH of Georgia. I will state to the Senator that I have been advised—we were so informed by witnesses before the Finance Committee—that the bonds offered for sale did not reach $6,000,000 in all, so far as they could find out, and that just a small buying movement would put them back to par at once.

Mr. HOLLIS. I am afraid that with the investment pool sucked dry there will not be that buying movement again right away.

Money, bonds, currency, credits, securities, stocks, evidences of debt, banks, financial corporations, money trusts, a United States bank, produce nothing. They are merely tools which direct the flow of real capital into certain productive channels and away from others. The amount of production is determined by the amount of wool, cotton, dyes, ore, coal, logs, iron, copper, lumber, lime, wheat, corn, oats, hay, horses, mules, motors, and other supplies and materials which are available. If we assign them exclusively to one industry, other industries must cease. All the dangers we pictured last summer are real ones. We can not borrow enough money at reasonable rates; there is inflation; capital is not available for ordinary uses, and the remedy proposed is more bonds and more inflation. It should be more taxation.

We wer told last summer not to have high income taxes so that capitalists might have capital for business purposes, so we have small taxes and large borrowings. The result is, we are now asked to finance private businesses because capitalists have no money for private businesses.

When the Government gets a dollar by taxation its assets increase exactly $1. When it gets a dollar by borrowing, it adds that dollar to both its resources and its liabilities. It adds nothing to its net assets, because it has to pay back every dollar with interest. You can not get relief in this situation by swapping credits from the war bank to national banks, Federal reserve banks, and Federal reserve notes. You merely cause inflation.

The proposition is to help an essential industry—called in the bill an industry that is necessary or contributory to the prosecution of the war—to get capital by exchanging war-finance bonds for the corporation's stocks or bonds. Let us see how it works out. Take some essential industry that desires to build a power plant for war purposes. Take an electric-power plant, for example. It can not get funds in the market, because liberty bonds have sucked the investment pool dry. It applies to the war bank. It receives war-finance bonds for its stock or bonds. It can not sell the bonds, because the war bank can not, so it goes to a commercial bank and pays a rate high enough to procure the funds. The bank puts up the war-finance bonds as collateral with the Federal reserve bank, which discounts the note, and is allowed to issue Federal reserve notes based on the collateral. The result is an increase in the currency to the amount of the loan. This is expansion of the currency. If it goes too far, it becomes inflation of the currency; but at least the transaction results in taking liquid assets and putting them into fixed capital, where they lose their liquid form, and in doing this you have perverted the Federal Reserve System.

The only way to get relief is to produce a large amount and to save what you are going to expand in the war. It does absolutely no good to issue long-term securities and draw capital goods away from the commercial banks and away from industries that must have them to perform war functions. When we get the people to save, when people do not consume as much as they did before, and, in addition, if we can stimulate them to produce more, then we get the margin that we must have for the terrible extravagance of war.

The theory of the Federal reserve notes was that they were issued against self-liquidating notes arising from commercial transactions. When the transaction ended the notes were paid. In the case supposed, the funds go into a power plant, and they come out over a long series of years in profits. Notes of this kind are not self-liquidating. The Federal reserve banks were not intended for long-term investments. They were not organized to help fund capital issues, to have their funds locked up in long-term obligations. The intention was to limit their transactions and their currency to the amount of business done in short-time commercial turnovers.

The proposition to use farm-loan bonds as security for rediscounts with the Federal reserve bank was turned down as unsound. I resisted it to the last, but I was finally convinced that it was unsound. There are now outstanding one and a quarter billions of Federal reserve notes, with a 66 per cent gold

reserve. These issues can be increased about two billions more and have a 40 per cent reserve, a safe currency. To issue this additional amount for long-term investment purposes is unsound, and inflation of a dangerous character will result.

The resources of the Federal reserve banks are very limited. They were not intended to loan large sums. They were intended to mobilize the liquid capital of the country and to form the basis for a sound currency.

Now, there is English authority for new issues of capital. It has been done in an unofficial way. There has been a committee formed by the Government without sanction from Parliament, and they supervise the issues of all new capital stock and bonds; but there is no English authority for the rest of this bill as it is proposed. There is no English authority for issuing $4,000,000,000 of bonds and hooking it on the banks of England's currency system. The issue of credit in the issuing of bank bonds or Federal reserve notes increases the price of all notes and is inflation to that amount, and if we continue on this course we shall inevitably come to grief.

I received in the mail after I commenced my remarks a letter from the Association for an Equitable Federal Income Tax, dated February 21 and signed by Benjamin C. Marsh, executive secretary. I ask that it be printed as a part of my remarks. I will not read it at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter referred to is as follows:

ASSOCIATION FOR AN EQUITABLE FEDERAL INCOME TAX,
New York, February 21, 1918.

To Members of Congress.

GENTLEMEN: There is still opportunity to prevent the inflation, high prices, and consequent hard times which would result from the policy of financing the war adopted in the last revenue bill. That was not a partisan measure. Both parties were, and are, equally responsible therefor.

By promptly amending the war-revenue act of October 3, 1917, through imposing heavy taxes upon excess profits and large incomes and a moderate tax upon the privilege of holding land, Congress can convince the American people that it comprehends and approves the principles for which we entered the war.

The President, the Speaker of the House, and many administration officials have urged that at least half the cost of the war should be met by current taxation. The National Grange, the American Federation of Labor, the National Nonpartisan League, and numerous other important labor and farmer organizations have demanded such conscription of wealth as would make it possible to do so.

The privileged classes of our country, however, pulled off an unjust but successful strike against democracy in war time, and won. We are paying less than one-quarter of the cost of the war by taxation because Congress capitulated to these strikers of great wealth.

The American people fear that privilege controls the Congress of the United States. Unless Congress shall amend the revenue bill to bring the financing of the war for current fiscal year to a 50-50 basis the people will believe that their fear is well founded.

As the war is being financed, and if monopoly is permitted to reap annually, as now, billions of unearned profits, the dollar will be worth only 50 cents within a year or so.

As the war is being financed a debt of thirty to forty billions will be placed upon the working people of this country, if it should last for two or three years, with annual interest charges of close to a billion and a half.

The enormous unearned fortunes and incomes resulting from this war constitute nearly as grave a menace to democracy, after Kaiserism in Germany is defeated, as that Kaiserism does to-day. We must remove both menaces.

Gentlemen of the Congress, the American people ask, "Will you now cooperate to make the world safe for democracy or will you continue to obstruct that effort?" Upon your action depends the result of next fall's election, for you can not fool all the American people all the time, not even any large proportion of the people.

Yours, truly,

BENJAMIN C. MARSH,
Executive Secretary.

Mr. HOLLIS. Mr. President, the Senator from Massachusetts [Mr. LODGE] yesterday called our attention to the tremendous increase in the currency of this country. I want to add a little to the figures he gave. In 1896 the per capita circulation was $22. Just before we passed the Federal reserve act in 1913 it was $35. February 1, 1918, it was $47.23. The per capita circulation has more than doubled in this country since 1896, in the space of 22 years.

Mr. President, I hope that I have not been too vehement in what I have said. My chief design in speaking was to call the attention of the Senate to the very unusual features of this bill so that they will be discussed. I hope they will be discussed. If they are discussed at length and each Senator makes up his mind for himself, I am sure we will get a sounder bill.

I wish to say now, whatever the Senate decides to pass as a bill I am going to vote for, but I hope that the worse features of the bill will be eliminated.

Mr. THOMAS. Mr. President, I do not wholly approve of the bill now under discussion. But I shall vote for it. It seems essential to the conditions with which the Treasury Department is now confronted, and because any other system of proposed relief would, in my judgment, after considerably more extended discussion than this bill will receive, be rejected.

If I understand the genesis of this bill and the objects which it seeks to accomplish, it is, due to the financial starvation of many industrial concerns, and is designed, or if not designed will result, in the further mobilization of credit, which through the agency of this proposed war finance corporation will materialize in an increased issue of currency, subject to either direct or indirect taxation, that might well be avoided through the adoption of some other system. That the bill will cause added inflation is a self-evident proposition.

But, Mr. President, in times of war inflation can no more be avoided than fighting can be avoided if the war is conducted upon lines conducive to victory. In war the demand for men and for material is abnormal, and, of course, the demand for public money is abnormal. In war business is active and enjoys a feverish prosperity. In war the needs of a nation require the exercise of extraordinary effort, both toward production and consumption, and consequently abnormal conditions are necessarily substituted for those of peace.

No war has ever been prosecuted during the past 500 years which has not disturbed business, caused resort to various mobilizations of credit, and compelled the issue of currency representing that credit, whether covered or uncovered, and generally the latter.

For men to shrink from the term "inflation" and dread its coming at a time like this is to refuse to recognize the inevitable evils of war. You must mobilize credit and you can not do so without causing inflation. It may not find expression in added issues of money, but it is sure to be reflected in rising prices and in scarcity of labor. There is an invasion of the labor market with every soldier who is enlisted and sent to the front. There is an actual scarcity of labor, in fact; but the effect upon production finds expression in higher prices, and as prices increase money diminishes in value, whether the amount in circulation be increased or not, because of the necessary expansion of credit which finds substitutes for actual money if the circulation remains stationary.

This bill is said to be one designed to prevent undue inflation. My recollection is that the Secretary of the Treasury announced before the committee that one of its purposes was the prevention of inflation, which some of us questioned. He then stated that it was to prevent undue inflation. What is or is not undue inflation depends upon the necessities and the resources of the Government in times of war. If inflation to the extent of billions of dollars is essential for the preservation of our institutions, if it is necessary to enable the Government to perform its duty and accomplish the purposes and objects of the war, which are victory, then the amount of it, however pernicious, must be a secondary consideration. Hence the fact that this bill will result in inflation has no terrors for me. I do object, however, to the manner of it, for it imposes an unnecessary burden upon the taxpayers and consumers of the country.

I have said, Mr. President, that this bill is designed to mobilize the remaining credits of the country, by which I mean those credits, which do not now have access to the banks and which can not now be converted by the banks into Federal bank notes for circulation. The bill expressly says so, and while Federal reserve issues, now limited to two and a half billion dollars, as the maximum of Federal reserve issues, shall soon reach and then be compelled to pass that limitation, provided this war continues, as I fear it will, for the next 12 or 18 months.

The wisdom of the committee, the experiences of the Federal Reserve Board, and the judgment of the Secretary of the Treasury have culminated in this bill. It was amended in some degree, perhaps in some very important particulars, by the committee before reporting it back to the Senate.

Mr. President, my principal objection to this bill is the roundabout way in which it proposes to deal with the subject. Another is the fact that we seek to meet this problem of inflation by imposing expense both upon the Government and those who are to receive relief under the bill.

I know it is heterodox in this body at this time for me to give expression to my own view upon the subject. Nevertheless I do not hesitate to do so. I believe that the time is rapidly coming, and we should recognize it, when the Government must issue its Treasury notes bearing no interest in exchange for its obligations, based upon the credit of the Nation and circulating as legal tender, just as the $346,000,000 of Treasury notes now in existence—and happily never destroyed—have always circulated. That is inflation; there is no question about it; yet what is this bill but a taxed inflation, cumbrous and expensive, cumbrous in execution, and materially increasing the burdens of those who need the relief it proposes to extend?

Mr. President, I know of no nation engaged in this war which has not been compelled to resort in some form to the issue of uncovered paper. I know of none which have officially

suspended specie payments. I do not know that any of them will actually suspend specie payments. I have a statement, which I have unfortunately mislaid, showing the amount of added paper currency in the circulation of Great Britain, France, Italy, and Germany since the commencement of the war. Perhaps it is not necessary to be specific. Suffice it, therefore, to say that the figures mount into the billions of dollars in every one of these nations. Of course the inflation in Russia is beyond the comprehension of man. It never will be redeemed, it never can be redeemed, and in all probability the same is largely true of the issues of the other militant nations.

The plan has this advantage, however, which I know will be challenged, that it imposes no tax upon the people, but is given the same circulation which the normal peace currency receives, subject, of course, to that decrease in purchasing power which always comes either through the inflation of credit or currency or both.

Now we shall pass this bill. I am no prophet, neither am I the son of a prophet, but I venture the prediction that within a twelve month from now we shall be compelled to resort to that power which the Supreme Court of the United States has vindicated in several decisions and to which we turned in the days of the Civil War for the preservation of the Republic. We could never have won that war but for the mobilization of the credit of the people through a circulating legal tender, noninterest-bearing Treasury note.

Mr. KELLOGG. Mr. President——

Mr. THOMAS. I yield to the Senator from Minnesota.

Mr. KELLOGG. Do I understand the Senator from Colorado to assert that England, France, Italy, or Germany has issued direct treasury notes or fiat money?

Mr. THOMAS. I am not prepared to say that they have, for paper circulation there emanates from the Government banks by the authority of the Government. It is practically the same thing. Their currency has been necessarily increased, and with us it is the promise of the Government and not of private institutions that must do it.

Mr. KELLOGG. If I may be permitted to make a suggestion to the Senator, while there has been the greatest inflation in Germany of the four nations, Germany's gold reserve has more than doubled since the war commenced.

Mr. THOMAS. Yes; and ours has more than quadrupled, yet we are inflating the currency by this bill, and we have been in the war less than a year.

Now, I do not refer, Mr. President, to this method of relieving the situation as the best one, because it is not. Unless it is carefully safeguarded it is bound to result in great disaster. But I do not perceive the nonexistence of a single condition which was not present during the Civil War just before the issue, when the policy was denounced far more vigorously than inflation has been or will be denounced in the consideration of this bill.

It is coming if the war continues, because every issue of bonds will be more and more difficult to dispose of. That is the experience of every nation, including our own during the days when we were engaged in issuing bonds in the War between the States.

Mr. GALLINGER. If the Senator will permit me——

Mr. THOMAS. I yield.

Mr. GALLINGER. If I remember correctly—and I have personal knowledge of the matter—I think during the Civil War gold went to 240 at one time.

Mr. THOMAS. My impression was that it went higher than that.

Mr. GALLINGER. I know it went that high, because I had a little transaction, a very small one, at one time during the war.

Mr. THOMAS. I have no doubt that on the market—it was then a marketable commodity at 240.

Mr. GALLINGER. If the Senator will permit me, the Senator from North Dakota [Mr. McCUMBER] suggests to me that it went to 265.

Mr. THOMAS. I thought it had gone to $3. But, Mr. President, there are other methods than the stock market for testing the value of gold. Gold is now depreciating, if we judge the value by its purchasing power. A gold dollar is beautiful and brilliant and yellow, but it will not buy any more of the necessities of life than our paper dollars, whether covered by a gold reserve or not. Yet gold is appreciating, for all nations are hoarding it. They part with as little as possible.

As the war continues the nations will more and more hoard their gold. Our own Government has recently placed some sort of an embargo upon the exportation of gold. Every nation becomes a coward when its gold reserve is threatened and hides what it has; and as that policy continues, while quotations will not appear upon the exchanges, gold will be more and more valuable as time passes. If we could escape inflation, of course we should do it, but the steady decrease of the gold current in the channels of trade serve to stimulate the inevitable inflation.

I was about to say when interrupted that we will experience difficulty in the sale of the next issue of bonds, and experience more difficulty in the second successive issue of bonds. The burden of the difficulty will be progressive, and the reason is obvious.

I want to say to my friend the junior Senator from New Hampshire that he may pile taxation upon taxation upon people for the purpose of securing the needful money for the carrying on of this war, but he will fail in his object, for taxes are like tariffs—there is a point beyond which they cease to be very productive and there is a point where they become prohibitive. This war is a war of waste, as are all other wars. It is a war of tremendous expense, as are all other wars. It has all the volcanic forces of an earthquake in its effect upon social and political and economic conditions. We can not judge it or meet it from the standpoint of our normal experience. We must meet it from the standpoint of what it is and what it requires. It requires every ounce of gold, every ounce of credit, and every ounce of economy exercised by every one of the 100,000,000 of our people if we are to win it, and win it we must.

Therefore, to my mind there is no need of blinking at inflation. It is coming; it is here. It began before war was declared through an inflation of credit consequent upon the business which this country received from the allies for war equipment.

Mr. President, I shall not at this time attempt to enter into a consideration of the policy of an unsecured issue, because we are not now face to face with it. It would be beside the discussion. But I want to refer to some of the arguments of my friend, the junior Senator from New Hampshire [Mr. HOLLIS], with whom I am almost always in accord, but with whom I am compelled to differ somewhat on this occasion. I do not think the contrast which the Senator has offered between the farm-loan system of banks and this bill is an apt one. The purpose of the farm-loan bank act was to establish a permanent governmental policy, through the exercise of which cheap and easy money could be furnished to men engaged in agriculture on extremely long time. The bill had my hearty support. I think it is one of the best pieces of legislation which has been placed upon the statute books since I have been a Member of this body. But this bill is designed to meet and tide the Nation over what seems to be a rapidly approaching crisis. It is temporary in its character, and must be as extraordinary as the situation which demands it. To draw a parallel or a contrast between an act designed to establish and perpetuate a wise system whereby farmers may be accommodated as is the merchant in time of peace and a bill of this sort which finds its only possible justification in the imperious necessity of the hour is neither illuminating nor instructive. We can not compare it with anything except those other acts of legislation enacted since the war and those which will inevitably confront us before this session is over.

Neither do I think, Mr. President, that we would be either wise or just to carry our power of taxation to the extreme point for which the Senator contends. To my mind we are already raising more money by taxation than is fair to the people who pay it or to the Government which exacts it. It is far more approximate to our expenditures than the revenues of any other nation engaged in the war.

I do not like the revenue act of 1917 a bit more than the Senator from New Hampshire, but I criticize it upon other than the grounds which appeal to him. I think that the act is a confused kaleidoscopic jumble of contradictions of tax requirements which are neither logical nor just. If the bill as reported to the Senate by the committee had been enacted, or if it had been the model for the bill actually enacted, we would have raised more money by it and we would have been more just to the taxpayer and far more scientific in our legislation. As it is, we have evolved an act which in my judgment is a reflection upon congressional intelligence.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER (Mr. GERRY in the chair). Does the Senator from Colorado yield to the junior Senator from New Hampshire?

Mr. THOMAS. I yield.

Mr. HOLLIS. Will the Senator from Colorado allow me to say that while he does not agree in my conclusion about the bill, I thoroughly agree with him in his conclusion.

Mr. THOMAS. I am very glad then that we are not entirely apart.

Mr. President, I had some part in framing the bill, as did my very dear friend the senior Senator from New Hampshire [Mr. GALLINGER], which was first reported to this body last year. The

income-tax provisions were then raised very considerably higher indeed than I thought was just. The war tax—that is to say the tax upon war profits as such—was not as high as I thought it should be, but it was levied upon war profits; and the junior Senator from New Hampshire very aptly said the only thing left in the law concerning war profits is the title to subdivision 2. We have placed a tax upon excess profits, so called, which consists of all the taxpayer makes whether he made it before the war or since the war or both, over and above a percentage, as I recall, of 7 per cent upon capital, which is so rigidly limited by definition that if a man borrows money to carry on his business he is not permitted to count it as capital in determining the percentage to be deducted from the amount upon which his tax is levied.

Moreover, Mr. President, the small-profit man is taxed far more heavily, relatively speaking, than the man whose income is enormous. That provision, for instance, of the act which places a flat tax of 8 per cent upon all incomes in excess of $6,000, no matter from what source it comes, no matter how it be derived, unless it be derived from investment of idle capital, which it exempts, is about as iniquitous a piece of legislation as Congress has ever enacted, and its widespread and far-reaching injustice will, I think, bring us many telegrams and letters of protest when the time for actual payments draws near.

Mr. KELLOGG. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. KELLOGG. I suppose the Senator from Colorado knows that neither House of Congress passed that provision; that it was a pure piece of legislation by the conference committee.

Mr. THOMAS. Oh, the Senator means they did not originally pass upon it. They had to pass upon it when they enacted the law. But I know how that was done. The bill came back here from the conference committee just in advance of the time fixed for final adjournment. Nobody read it or had time to read it, and the bill must either pass or fail for that particular session, and so it was put through.

Mr. GALLINGER. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. GALLINGER. Before leaving the city last summer on account of illness the Senate committee distinctly and definitely voted down that proposition in the committee.

Mr. THOMAS. Yes.

Mr. GALLINGER. I was very much surprised to learn afterwards that it was in the law.

Mr. THOMAS. That is true.

Mr. GALLINGER. I have offered a proposed amendment repealing that provision of the law, which is, I suppose, quietly resting in the room of the Committee on Finance. I think we ought to take that up at some time. I agree with the Senator that it was utterly illogical and iniquitous.

Mr. THOMAS. And I have introduced a substitute for the whole title. I left the Senate very shortly after the Senator from New Hampshire, and for the same reason; but, after reading that act, I thought Providence would have been extremely kind to the country if it had eliminated every member of the Finance Committee by illness, thus sparing it the infliction of this law. The Senator and I must congratulate each other that we were too ill to be here to vote for that measure. If we had been present we probably would have voted for it, just as the other Senators did, on the eve of adjournment. Rather than see the bill fail, we might have given it our reluctant support.

Mr. President, while I am on this subject let me say something else: I am unable to see any justification for the definition of excess profits which this bill gives to surplus revenue. If John Smith made $50,000 before the war and is making $50,000 since the war, which is more than 7 per cent upon his capital, how can it be called an excess profit? If a gold mine—and gold is the only thing for which a producer receives just so much for his product, neither more nor less—were producing $100,000 in 1913 and 1914, and is producing a million dollars in 1917 because of the fortunate discovery of another body of gold ore, that is not excess profit and can not be. I do not think that it is either natural, logical, or just to place a large tax upon a man's income and an additional large tax upon the same thing because the law defines it as excess profit.

On the other hand, the extraordinary profit made by many in consequence of the war furnishes a very natural and just source of Government income. The tax on it does not touch the normal income as measured by the past; it leaves a goodly portion of the extraordinary profit to the beneficiary and takes the remainder for the Government. It is the only additional tax, in my judgment, which can be assessed in large percentages upon the business of the country which will not disturb it. That has been the policy in England and it has worked splendidly. We have been told to avoid her mistakes. Would to God we had the sense to follow her wise example whenever it is disclosed.

Mr. President, if the revenue law had been enacted as it was originally reported here, it would, in my judgment, have produced a larger revenue than it will as now framed, with less business disturbance, and it would have been robbed entirely of that sense of injustice which every man must feel who pays the extraordinary tax it imposes. We are raising something like $4,000,000,000 as estimated upon this law. I think if we should increase it 50 per cent or 25 per cent we would not raise as much, but we would practically paralyze the great productive industries of the country. As one member of the committee said during one of our discussions, you can not rob a man and then borrow money from him; and yet that is precisely what we have by this law attempted to do. Our income tax is the highest in the world. When to that you add this excess-profits tax, it is the highest tax, in my judgment, that exists anywhere, and the most indefensible.

I want to tax wealth; I believe in doing that; but I think that, as it is imposed, by this law we have placed upon wealth a heavier burden than is either fair or just. We must have sources of revenue or all the revenue bills on earth will prove barren in their results. In order to get revenue, taxes should be so assessed as to interfere as little as possible with the ordinary pursuits of men.

I believe, too, Mr. President, that every generation should bear its own expenses, whether they be those of war or those of peace, but I am unable to subscribe to the doctrine that in times of war the entire burden of expense must be borne by taxpayers while the war is on. Some of it should be postponed to years of peace and prosperity, the taxes to be so distributed as that the burden can be met, as every other great burden is met, in installments that are fairly just and that do the least amount of economic disturbance.

Mr. President, I want also here to record my testimony to the very liberal way in which wealth has responded to our bond issues. I do not think it is just to say that the wealth of this country has been niggardly or backward in its subscription. I am no defender of wealth, particularly that unjust wealth, that oppressive wealth, which is the subject of so much discussion and of so much denunciation—I have indulged in both many times—but fairness and common justice require an acknowledgment that in bearing its part of the burden of this war wealth has done magnificently.

It has come to the front with a willingness and liberality that excites my most hearty and unalloyed appreciation, and I have no question that it will continue, just as the rest of us will, to the extent of its ability to subscribe to the loans of the Government every cent that can be spared; yet, as I have before stated, the time is coming when the raising of interest rates, necessary as that may be, will not enable us to continue to market our immense bond issues at par.

The Senator from New Hampshire [Mr. HOLLIS] spoke of the effect of an increased rate of bond interest upon the savings banks depositors of the country. The deduction which he makes seems to be a natural one, and yet, if my information is not incorrect, the actual effect of the raising of the interest rate upon bonds during the Civil War did not result in any great depletion of the deposits in the savings banks of the country. A man who is accustomed to hoard his savings and put them in a savings bank, who has made that his practice for years, is not apt to remove them, no matter what the temptation in other and strange directions. The fact that some of our bonds have fallen below their par value would necessarily cause apprehension and anxiety to the average savings depositor, the loss of any amount of whose deposits or fluctuations in the value of his security would arouse his lively apprehension.

There is another source, I was going to say, of revenue; another policy which we might well consider and apply in these times which would very sensibly increase the funds of the Government, so necessary to the prosecution of this war. If this Congress could be induced to institute a policy of economy in appropriations, reducing our average normal expenses wherever possible, repudiating all new enterprises and governmental functions not absolutely essential to the prosecution of the war, and holding down the normal expenditures of the Government to the lowest possible level, at the same time jealously and vigilantly inspecting the expenses of the great departments, and exposing their extravagances wherever apparent, the result would be millions upon millions of dollars saved which the Government would have at its disposal but which now will, in a large degree, be wasted. I do not hope for any such consummation. I see no signs of it. Yet that phase of our duties is quite as important as is the enactment of a bill like this and similar ones demanded by the business interests of the country.

Mr. President, I shall not discuss any particular provision of this measure, with the exception of that to which the attention of the chairman of the committee was directed just before the

adjournment day before yesterday. I refer to subsection (d), which is found on page 9 of section 6 of the bill. It will be noticed that that part of the bill which refers to the subject matter of relief to corporations independent of the medium of the banks has been entirely rewritten. It is one of the most important features of the bill; I think the committee gave to it as serious consideration as it gave to any other part of the bill, and perhaps more than it gave to the remainder of the bill as a whole.

The purpose of it is to give the war finance corporation authority in extraordinary cases to make advances directly to certain semipublic corporations contributing to the success of the war and unable to obtain relief from any other source. I confess that I am not satisfied with the phraseology which we have adopted, but I must also state that it is practically impossible to frame the section so that it will meet the wishes and the purposes of the committee as a whole and at the same time be free from a possible ambiguity, thus necessitating construction which might result in undue liberality of relief.

There are, however, many corporations engaged in pursuits which are semipublic, pursuits which in my opinion should never have been delegated to private hands, but which, nevertheless, are there, and whose continued operation is more or less essential to our war purposes—corporations engaged in the production of electric current and its distribution; corporations engaged in urban transportation, which is necessary now more than ever to transport workmen to and from their homes; corporations engaged in the supply of water to large communities. Some of those corporations are confronted with the early maturity of their bond issues, or some of them.

The liquid capital of the Nation has disappeared in the face of the public demand for money; the market for securities is practically wiped out; the banks have advanced money upon liberty bonds and in aid of their regular customers to the extent of their ability; and the question or one of the questions which confront us and which this bill is designed to meet is whether the Government under these circumstances should come to the relief of such of these corporations as are able to furnish adequate security for the accommodation demanded. If it be necessary, Mr. President, to advance money as provided under paragraphs b and c of the section, it seems to me to be a self-evident proposition that it may become more necessary to come to the relief of this class of business, unless it be that if they go into the hands of receivers the operations of their business and of their productive capacity will be limited or will disappear.

I believe that if any of them should be placed in the hands of a receiver because of their inability to meet their obligations the Government would not suffer directly, because the business would go on; but the danger lies in the effect upon the public credit of the sudden transfer of going concerns into the hands of receivers at this time for winding up and dissolution. We must keep our credit good—and when I say "our credit" I mean the general credit of the people, and especially those engaged in the work of the war—to the extent of our ability.

It is true that many of these corporations have been overcapitalized; it is equally true that many of them have been overbonded.

A Senator on this side of the Chamber told me the other day that the cost of the trolley company operating in his little city was $100,000, but that the bond issue had been swelled to $400,000, and the bonds had been floated. I do not think the Government should aid such a concern; the sooner it is wound up and readjusted the better it will be for the stockholders, for the community, and for the corporation; so I would like this section better if we were able to frame it in such wise as to exclude from its operations those concerns which have abused their corporate privileges and capitalized not only the existing business but the future in the undue issue either of bonds or of watered stock, and I shall, before the bill is submitted to a final vote, attempt to meet that condition, if possible, by an appropriate amendment.

I think, Mr. President, that the word "adequate," as has been suggested, should also be inserted before the word "security," on page 10, line 3, of this bill. As it now reads the board may extend relief to corporations of this character upon such terms and upon such security and subject to such rules, and so forth, as may be prescribed. It may be that the word "adequate" would be meaningless and possibly superfluous; yet I am satisfied that it is the duty of Congress to require, in as definite terms as possible and with as much qualification as possible, the acceptance only of such security as will safeguard the Government from loss. If we convey this power qualified by the requirement of accepting such adequate security as may be necessary, we certainly place a limitation upon the power which without that word would not appear in the statute. I do not for a moment mean to be understood as inferring that the corporation after its creation would intentionally fail to properly safeguard the Government, but they might well be induced in some extraordinary case to take chances. If we say to them, "You can only do this upon adequate security," the board will give heed to the qualifying adjective and see to it that the security is adequate. So much for subsection (d).

Mr. President, I can not leave the floor without referring to another phase of the financial situation or, to speak more properly, to another source of relief for the financial situation, which, I fear, will not be received with any great degree of warmth by this body, because I shall hark back to the old question of silver as money of redemption. Like Banquo's ghost, Mr. President, that question will not down until it is properly settled; and this war has demonstrated, as nothing else ever could, the inadequacy of our basis of redemption or absolute money. Upon the back of the gold reserves all over the world there rests a burden too great in times of peace; that burden becomes intolerable in times of war. How much more rational, how much more economical, it would be if, instead of considering extraordinary bills like this, we should enlarge the volume of our basic money, go back to the standard which prevailed for nearly a hundred years in this country, and by that means steady the inflation which we have now and that which is coming—in the end it can not be regulated otherwise. This most obvious method of relief, at present hopeless of accomplishment, is nevertheless the most sensible and, in my judgment, the most beneficial method of currency reform upon which we could embark.

As I stated at the outset, I shall vote for this bill. The administration feels that it is necessary; the committee has unanimously reported it. It is the best we can do under the circumstances. Yet, finally, after going through this valley of tribulation and resorting to many expedients for tiding our finances over the huge demands of the war, we may, I trust, come back to sober common sense, follow in the footsteps of our fathers, and restore our monetary system to the basis provided in the Constitution of our country.

Mr. SIMMONS. Mr. President——

Mr. WADSWORTH. Does the Senator from North Carolina desire to address the Senate?

Mr. SIMMONS. I do not.

Mr. WADSWORTH. I was going to ask the attention of the Senator to one phase of this bill, and ask if he can not agree with me on the proposal I am about to make. Turning to page 14, commencing on line 4 of that page, we find the language:

> No person, firm, corporation, or association shall sell, or offer for sale or for subscription, any issue, or any part of any issue, of securities hereafter issued, the par or face value of which issue shall be in excess of $100,000, except in accordance with such rules and regulations—

And so forth, of the capital issues committee. I was wondering if the Senator would insist that that language should be so all-inclusive?

Mr. SIMMONS. No; in line 6, after the word "issued," I think very likely we ought to insert the words "to such persons, firms, or corporations."

Mr. WADSWORTH. My point is, Mr. President, that that language would prevent, except by the consent of the capital issues committee, not only the issuance and sale of securities in the inauguration of new enterprises, but would also prevent the issue or sale or subscription to securities which are issued simply for the purpose of changing the method of ownership of a going concern. That, I assume, is not the intention of the bill.

Mr. SIMMONS. That is not the intention of the bill. It is not intended to affect a going concern except as to new issues.

Mr. WADSWORTH. As to new issues; yes. But, as will be seen, this language does not confine itself to new issues; it says "any issue." As an example——

Mr. SIMMONS. Mr. President——

Mr. WADSWORTH. As an example, if the Senator will allow me to try to illustrate my thought, it often happens that a man who has been conducting an active business for a generation, as he grows older desires to retire from business, yet he does not want to lose all interest in the business which he has built up. It often happens that men in that position incorporate their business, a business already existing, and invite subscriptions from some of their friends to take a portion of that stock, retaining some of it themselves. A transaction of that character

could not be completed; and I assure the Senator that there must be thousands and thousands of transactions of that and similar kinds. Such a transaction does not involve any new borrowing; it does not involve the inauguration of any new enterprise whatsoever; yet a transaction of that kind can not be completed under this language without the consent of the capital issues committee. My suggestion is that in line 5, after the word "subscription," we insert the words "as a method of borrowing for capital purposes," so that it will read:

> No person, firm, corporation, or association shall sell, or offer for sale or for subscription, as a method of borrowing for capital purposes, any issue, or any part of any issue, of securities—

And so forth.

Mr. SIMMONS. I will say to the Senator that until we have finished the committee amendments that amendment would not be in order, but if the Senator will prepare the amendment and hand it to me I will be very glad to consider it and see whether the committee can accept it.

Mr. WADSWORTH. May I say to the Senator from North Carolina, in just one or two sentences more—and I will not delay him nor the Senate beyond that—that on page 15 that same expression, "borrowing for capital purposes," is used in this bill as defining the kind of borrowing transactions which this bill seeks to affect; and I should like to have the two provisions, the one on page 14 and the one on page 15, made alike.

Mr. POMERENE. Mr. President, as one matter has just been called to the attention of the Senator from North Carolina, I should like to call his attention to another matter. On page 8, beginning with line 7, this bill provides for making advances from time to time "to any savings bank or other banking institution which receives savings deposits." Of course, we can all understand how there might be in time of great stress like this large withdrawals from savings institutions, but why should savings banks and banking institutions be favored rather than building and loan associations?

Mr. SIMMONS. I tried to point out this morning that we were relieving the savings banks because the savings bank deposits were liable to be drawn upon to a dangerous extent in the present conditions for the purchase of Government securities, and in that case the savings banks would have no way of raising the money to pay off their depositors except by raising it on the securities they had purchased with the deposits. This provision is intended to enable them to meet a situation of that sort with which they are really threatened at this time.

In the case of the ordinary building and loan association they do not loan in any such way; they are not subject to a run by their stockholders. Their loans are made for the purpose of enabling the stockholders to construct buildings and homes, and I do not see how they would be subject to the danger which threatens the savings banks.

Mr. POMERENE. Mr. President, sometimes the building and loan associations sell their stock to be paid for on the installment plan, and its purchasers can surrender that stock at any time; they are not necessarily borrowers. The situation is substantially this: All the building and loan associations seek to have their funds loaned. Now, if there should be a special demand on the part of those who have subscribed to their stock, and who are not borrowers, it is going to create such a demand upon the building and loan associations that it seems to me they ought to be cared for just the same as are the savings banks.

Mr. SIMMONS. Yes; but the Senator overlooks the fact that the assessments of the building and loan associations are payable at fixed times and periods. They know when they are to be paid. They know where the money is to come from to pay them. They make certain assessments, and those assessments have to be paid. They are not subject to any run at all. The savings banks, when they receive a deposit to-day, may be called upon a hour afterwards to pay out that deposit.

Mr. POMERENE. Most of the savings banks have regulations whereby they can refuse to pay out deposits until after a given length of time, even though demand is made.

Mr. SIMMONS. I am not as familiar with the savings-bank system as the Senator is, but I have understood that the bulk of the deposits in the savings banks are subject to draft.

Mr. POMERENE. I am not objecting in the least to the relief which the bill grants to the savings banks, but I see no reason why building and loan associations should not be treated in the same way. I think it is necessary.

Mr. SIMMONS. Because you can not bring your building and loan associations within the principle that we apply to the savings banks, nor does the reason for which we adopt that principle apply to building and loan associations. Then, there is another phase of this matter: The Senator will remember that we have the licensing system for the express purpose of preventing investment in unnecessary things—things unnecessary to be used as applied to these war conditions. Now, one of the things that I do not think we want to encourage people to do in this situation is to build houses. Under these conditions I think if a man can possibly postpone the building of his home until after the war, it would be mighty well for him to do it. I think that is one of the sources of unnecessary expenditure. People are making a good deal of money, and naturally, having these fine incomes resulting from the high prices of labor and other things, they are tempted to take that money and invest it in a fine home. I think it would be a great deal better if they would wait until after the war, and that is one of the unnecessary expenditures that I think it is the purpose of one of the sections of this bill to discourage.

Mr. POMERENE. Mr. President, I agree that there ought not to be any unnecessary building; but we have just heard of very large appropriations for the purpose of building houses for workingmen in different localities, and in places of that character there will be very great demands on these building and loan associations.

It does not necessarily follow because a man makes a loan that he is therefore going to build a house. His house may already be built. It may be that it is for the purpose of taking up an old mortgage on a building that is already up and occupied, or for some other reason, and they make these loans at the building and loan associations.

I confess that I see no reason whatever for this distinction between the two. I do not think there is a sound reason.

Mr. SIMMONS. Mr. President, I can see absolutely no reason why building and loan associations should be included. On the contrary, I believe that if we were to include building and loan associations not engaged in war work, we ought to include every institution in this country.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. POMERENE. I yield.

Mr. GALLINGER. Will not the Senator differentiate between mutual savings banks, which pay 3½ to 4 per cent interest, and building and loan associations, which pay 6 per cent interest? I will say that I am a friend of the building and loan associations, but it seems to me that there is a very wide difference on that point. In the testimony before our committee the witnesses laid great stress on the necessity of halting building operations during the war, and I know that the Federal Reserve Board is discouraging all building that can possibly wait until after the war is over.

Mr. POMERENE. Of course, I realize that there should not be unnecessary building. I see the difference between a 3½ per cent stock and one that draws 6 per cent; but, at the same time, not all of these building and loan associations pay 6 per cent on their stock. If I may say this, too, I think that if the Senator will examine into the question of the building and loan associations he will find that there is not a very great difference between the building and loan associations, as they exist in some of the States, and these so-called savings banks.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I have not looked into that matter. I simply take up the newspapers of Washington and find that they are offering stock at 6 per cent.

Mr. POMERENE. Oh, yes; that may be.

Mr. GALLINGER. That is what they are paying here; and I thought likely that was the rate throughout the country, or approximately the rate throughout the country.

Mr. POMERENE. I may offer an amendment later on dealing with that matter.

Mr. OWEN. Mr. President, I should like to ask the chairman of the committee whether or not the Committee on Finance has considered, as a means of protecting the savings banks of the country, a method by which money borrowed by the United States on its bonds should carry an interest charge not exceeding 4 per cent, or not exceeding the common rate of the savings banks?

Mr. SIMMONS. Mr. President, I will say to the Senator that the committee has not considered that question. It has not been even mooted or suggested in any way to the committee.

Mr. OWEN. I should like to say, Mr. President, that everyone will have observed that the 3½ per cent bonds, which are not taxable, have maintained practically a par value—within just a cent or two of par value—while the 4 per cent bonds, bearing a higher rate of interest, but which are taxable, have gone down

4 or as much as 5 per cent on one occasion, I believe. There is, therefore, some question as to the policy which we ought to pursue in protecting the rate of interest which is to be charged in the United States; and it seems to me that it would be better to pursue a policy under which these bonds would not be taxable, and under which we certainly would not exceed a 4 per cent rate. If we can get the money at 3½ per cent, we ought to do that, and not have the bonds taxable, rather than to have the bonds go up to 4½ per cent and then have the United States in active competition with the savings banks and leave the depositors of the savings banks, who have thousands of millions on deposit, to be encouraged to withdraw their savings from the savings banks for investment in Government bonds. If we do that, we may cause a very serious disturbance in the settled financial structure of this country, and I think the Senate ought to have that clearly in mind in connection with this bill and in connection with the future policy in raising funds for carrying on the governmental operations in this war.

There is one other suggestion which I should like to make with regard to the control of the issues of new stocks. I think it is a very extraordinary thing, of course, to give to any committee not named by the President of the United States or not approved by the Senate of the United States the right to exercise such an enormous power at all. It would seem to be almost unavoidable, under the circumstances, that such power should be placed somewhere in order to protect the Government's requirements in the matter of funds; but I observe that the bill as it has been drawn contains no method of appeal in case of some denial, and I do not believe we ought to leave the business men of the country feeling that the arbitrary power will be placed in the hands of any board or any committee from which there would be no appeal whatever. Men who have power, where there is no appeal from it, sometimes, by reason of the frailty of human nature, exercise that power in rather an arbitrary and almost tyrannical spirit, and I think we ought to have such an enormous power exercised with great moderation and with great caution and with reservation. I do not think we ought to leave this bill without providing some means of appeal against a board that should exercise the power of saying to men that they shall not issue securities for carrying on what men believe to be their legitimate business.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER (Mr. GERRY in the chair). Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. OWEN. I yield to the Senator.

Mr. KELLOGG. Does not the Senator from Oklahoma think it would be much wiser for Congress to limit the rate of interest to 4 per cent and leave the bonds taxable?

Mr. OWEN. I do.

Mr. KELLOGG. It seems to me to be a great mistake to issue eighteen or twenty or thirty billions of bonds the income from which will be subject to no taxes. I do not believe it is necessary to raise the rate of interest to sell those bonds, and I am very sure it would be very disastrous to the savings banks of this country.

Mr. OWEN. I think the rate of interest ought not to go beyond 4 per cent; and if it is necessary to have those bonds nontaxable in order to keep down the rate, I think that ought to be done. I do not believe we ought to permit the rate to go above 4 per cent, and to that extent certainly I am in accord with the Senator. I think these bonds will sell at 3½ per cent, nontaxable.

Mr. KELLOGG. I have not any doubt about it.

Mr. OWEN. The fact that the nontaxable 3½ per cent bonds have a better standing in the market than the taxable 4 per cent bonds I think quite clearly demonstrates that, because those transactions have been going on upon a very large scale.

Mr. SIMMONS. Mr. President, when the Senator asked me a little while ago a question with reference to whether the Finance Committee had had under consideration the matter of fixing the rate of interest on these bonds, I assumed that he had reference to a future issue of bonds not covered by the present authorization. Of course, the Finance Committee has heretofore reported a measure carrying a definite rate, to wit, the 4 per cent rate; but that applies only to the issue authorized in that act. We have not yet discussed in the Finance Committee any rate for any future authorization of bond issues.

Mr. KELLOGG. It was the future authorization that I referred to. Congress ought to limit it to 4 per cent.

Mr. OWEN. I, of course, was referring to the future, not to the past. I am acquainted with the existing statute.

Mr. SIMMONS. I just wanted to make it clear that my answer referred to future bond issues.

Mr. OWEN. But in this case even the particular bonds that are being authorized to be issued by this corporation have no amount of interest fixed in them. To all intents and purposes this corporation is a Government bank, receiving deposits from the Treasury of the United States to the extent of $500,000,000, and then having the right—it being a governmental institution, manned by the Secretary of the Treasury and those chosen by the President to cooperate with him—to issue bonds to the extent of four thousand millions. If those bonds, amounting to four thousand millions, have no limitation fixed upon the rate of interest, obviously they may come in conflict with the savings banks in like manner. To all intents and purposes these are Government bonds. They are just as much Government bonds, morally and ethically, as if they were issued by the Government of the United States directly; and I think we ought to put a fixed limit upon the rate of interest carried by these bonds, so that they shall not come in competition with the savings banks of this Nation.

Mr. McCUMBER. Mr. President, let me say to the Senator that undoubtedly they will be very short-term bonds. They would not issue long-term bonds.

Mr. OWEN. Yes; they will be short-term bonds, but they will be sufficient to withdraw deposits from the savings banks. That is the danger which I think we ought to try to avoid.

Mr. McCUMBER. That is right.

Mr. GALLINGER. Mr. President, I think the chairman of the committee will agree with me that there has been a pretty broad suggestion made that in view of the financial condition existing, and which may be made even more exacting in the future, the next issue is likely to be at 4½ per cent.

Mr. SIMMONS. I have heard the suggestion that probably that might be the rate; but there has been no official statement about it.

Mr. GALLINGER. Oh, no.

Mr. SIMMONS. There has been no discussion in the committee about it.

Mr. GALLINGER. No; and on that point, if the Senator will permit me a word, representing a State which is deeply interested in the mutual savings-bank system, I have had great anxiety about the possibility of the rate being higher than is being paid in New England, which is in many cases 3½ and in other cases 4 per cent. I have had much anxiety about what effect it will have on the savings-bank system.

Mr. SIMMONS. With reference to the rate of interest upon these particular bonds, both the rate of interest and the time of maturity, subject to the five-year limit, are left to the director of the corporation, subject to the approval of the Secretary of the Treasury. The Secretary of the Treasury has very much to do with fixing the rate of interest upon the Government bonds, and he will have very much to do with fixing the rate of interest upon these bonds. That money is to be loaned to the industrial corporations of the country; and in making loans—for that is what it is—to the business interests of the country, I do not suppose the Government would want to prescribe a very low rate of interest; probably not as low a rate of interest as is fixed upon its own bonds. In the one case the Government is to pay the interest, and in the other case the interest is to be paid to the Government.

Mr. OWEN. The question which the Senator refers to there, as to the disposition of the money after the money shall have been raised by these bonds, is one thing, and the rate to be fixed upon the bond is another thing. The rate which is to be fixed upon these bonds is left in the hands of the board of directors of this war finance corporation; and they might put it at 6 per cent, and they might withdraw from the savings banks of this country thousands of millions of dollars, and break them to pieces. We assume, of course that they would not do a thing that would be notably injurious; but when the legislative branch is discharging its function of protecting the interests of the country, I think it would be wise to limit the rate of interest on those bonds.

Mr. SIMMONS. The Senator was talking about one thing and I was talking about another. The Senator was talking about the rate of interest upon the bonds. I thought the Senator was talking at that time about the rate of interest to be charged by the corporation when it loans money.

Mr. OWEN. Yes. Well, I was pointing out that the Senator was speaking of one thing and I was speaking of another; but I think that this bill ought to fix the rate of interest on these proposed loans so that the rate of interest will not be permitted to interfere with the savings banks of the country.

Mr. SMITH of Michigan. Otherwise, if the Senator will permit me, the very object of the bill—which is to stabilize the

industrial and commercial situation—will be defeated, because if they withdraw these deposits from the savings banks in great quantities they must withdraw their accommodations from their customers, and the very situation which we have started out to remedy we have really put in about as bad a position as we could.

Mr. OWEN. Mr. President, it is even much worse than the Senator points out, because it is perfectly notorious that since the war took place the securities of the savings banks have suffered a depreciation so severe that the Comptroller of the Currency has been obliged to make a ruling that there should be no charging down of those sound securities because of the market depreciation, because ultimately they will come back, because they are all right; but the market value of the securities has diminished, and if the savings banks were compelled to sell their securities upon this market it would be extremely dangerous to them.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I think the bill itself furnishes evidence as to what is the basis of fixing the rate of interest—not in express terms, but inferentially. We fix the rate of interest in a modified way on loans made to savings banks by providing that the rate of interest charged on those loans shall be at least one-half of 1 per cent in excess of the rate fixed by the Federal reserve bank upon 90-day commercial paper.

Mr. OWEN. The Senator is again addressing himself to a different subject from the one under discussion.

Mr. SIMMONS. I know I am; but I am saying to the Senator that that indicates the thought in the mind of the draftsman and the thought in the mind of the legislature when it adopts that provision, with reference to the same subject matter.

Mr. OWEN. That deals with the disposition of the funds after they shall have been obtained and not with the rate of interest on the funds when they are being obtained; and that is entirely different, of course.

Mr. SIMMONS. Possibly the Senator and myself are mixed again on what we are talking about.

Mr. OWEN. The Senator can speak for himself.

Mr. GALLINGER. Mr. President, the tremendous importance of the point to which the Senator from Oklahoma has called attention is found in the fact, as I have gleaned the figures from the last report of the Comptroller of the Currency, that the total deposits of State, savings, private banks, and loan and trust companies in 1917 were $16,768,060,159.14. That is, the savings in the entire country were over $16,000,000,000.

Now we will come to the mutual savings banks, in which my part of the country is more particularly interested. There are in the mutual savings banks of the country $4,422,489,384.42. The importance of protecting these banks is found in a couple of illustrations which I will give.

For instance, my own little State, with 420,000 or 430,000 people in it, has 46 mutual savings banks, and there are 206,590 depositors, almost one-half of the entire population of the State.

Mr. SMITH of Michigan. And those mutual savings banks are not profit-making affairs. There is no money to be made on them.

Mr. GALLINGER. Not at all. Their deposits are $105,764,673.14, being an average deposit of $511.95, showing that it is the working people who are putting their money in these banks.

Take Massachusetts: There are 196 banks, with 2,506,467 depositors, which I think is about 70 per cent of the entire population of Massachusetts. They have $1,026,822,448.75 in deposits, being an average to each depositor of $400.09.

That runs all through the States where they have these mutual savings banks; and the average deposit in all of the States having these savings banks is $494.96.

So that the Senator has called attention to a very important matter, something that ought to be safeguarded in every possible way; and while this bill, if it shall pass as it is now written, will allow these banks to borrow money at one-half of 1 per cent—unless that is changed—above the commercial rate of 90-day paper, and that may be a sufficient protection to them, I think the interests of the savings banks ought to be considered very carefully and protected in every possible way.

Mr. President, I ask permission to put in the RECORD the table which I have prepared, covering all the States in which mutual savings banks exist, coupled with the statement that I made in the first place concerning the aggregate of savings in other banks where savings are allowed, in addition to those of the mutual savings banks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

The total deposits of State, savings, private banks, and loan and trust companies in 1917 were $16,768,060,159.14.

Mutual savings banks, June 29, 1917.

[From report of Comptroller of Currency.]

State.	Banks.	Depositors.	Deposits.	Average to each depositor.
Maine	46	240,814	$98,689,825.78	$409.81
New Hampshire	46	206,590	105,734,673.14	511.95
Vermont	20	118,864	59,676,772.33	502.05
Massachusetts	196	2,506,467	1,026,822,448.75	400.09
Rhode Island	15	161,470	92,759,759.34	574.53
Connecticut	81	680,682	353,602,570.53	594.16
New York	141	3,452,111	1,991,439,145.62	576.88
New Jersey	24	308,556	128,265,535.35	415.61
Pennsylvania	11	531,531	285,939,338.37	483.49
Delaware	2	39,318	14,645,255.45	372.53
Maryland	19	250,000	101,917,376.07	407.67
Ohio	3	114,023	66,397,224.00	599.85
Indiana	5	34,003	14,337,222.17	421.65
Wisconsin	4	9,366	2,573,369.30	274.78
Minnesota	7	126,308	29,576,539.32	234.18
California	1	88,410	65,295,941.44	738.53
West Virginia	1	6,542	1,743,335.31	266.44
Total	623	8,935,055	4,422,489,384.42	494.91
Total for New England	404	3,974,887	1,747,326,050.01	439.53

Mr. SIMMONS. Mr. President, if no other Senator desires to speak on the bill, I ask that the committee amendments be taken up for action upon them.

The PRESIDING OFFICER. The Secretary will state the first amendment of the committee.

The first amendment of the Committee on Finance was, in section 1, page 2, line 14, after the word "its," to strike out "affairs" and insert "affairs" with a comma, so as to make the section read:

That for the purpose of affording financial assistance, either directly or indirectly, to persons, firms, corporations, and associations whose operations are necessary or contributory to the prosecution of the war, in cases where such persons, firms, corporations, or associations shall be unable to procure funds on reasonable or practicable terms from the general public or through the regular banking channels, and for the purpose of regulating and controlling the sale and offering for sale or subscription of securities hereafter issued, and for other purposes in aid of the prosecution of the war, the Secretary of the Treasury, together with four additional persons (who shall be the directors first appointed as hereinafter provided), are hereby created a body corporate and politic in deed and in law by the name, style, and title of the "War Finance Corporation" (herein called the Corporation), and shall have succession for a period of 10 years, provided that in no event shall the corporation exercise any of the powers conferred by this act, except such as are incidental to the successful liquidation of its assets and the successful winding up its affairs, after six months after the termination of the war, the date of such termination to be fixed by proclamation of the President of the United States.

The amendment was agreed to.

The next amendment was, in section 2, page 2, line 17, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 22, after the words "of the," to strike out "corporation" and insert "Corporation"; and on page 3, line 4, after the words "by the," to strike out "corporation" and insert "Corporation," so as to make the section read:

SEC. 2. That the capital stock of the Corporation shall be $500,000,000, all of which shall be subscribed by the United States of America, and such subscription shall, upon the approval of the Secretary of the Treasury, be subject to call upon the vote of three-fifths of the board of directors of the Corporation at such time or times as may be deemed advisable; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000,000, or so much thereof as may be necessary, for the purpose of making payment upon such subscription when and as called. Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of stock ownership.

The amendment was agreed to.

Mr. SIMMONS. Mr. President, I ask unanimous consent that the Secretary be directed to change the first letter of the word "corporation" in all the 20 amendments to conform with the first amendment.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

The next amendment was, in section 3, page 3, line 6, after the words "of the," to strike out "corporation" and insert "Corporation"; and in line 9, after the words "by the," to strike out "Secretary of the Treasury, with the approval of the President of the United States. And director or directors so appointed may be removed by the Secretary of the Treasury, with the approval of the President, and vacancies, however arising, may be filled by the Secretary of the Treasury, with the approval of the President" and insert "President of the

United States, by and with the advice and consent of the Senate," so as to make the section read:

SEC. 3. That the management of the Corporation shall be vested in a board of directors consisting of the Secretary of the Treasury, who shall be chairman of the board, and four other persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. Whenever a vacancy shall occur among the directors so appointed, the person appointed director to fill any such vacancy shall hold office for the unexpired term of the member whose place he is selected to fill. Three members of the board of directors shall constitute a quorum for the transaction of business.

The amendment was agreed to.

The next amendment was in section 4, page 3, line 22, after the words "of the," to strike out "corporation" and insert "Corporation," so as to make the section read:

SEC. 4. That the principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the board of directors, with the approval of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was in section 5, page 4, line 3, after the words "of the," to strike out "corporation" and insert "Corporation."

The amendment was agreed to.

The next amendment was, in line 4, after the word "provided," to strike out "shall devote their entire time to the business of the corporation (except such part of their time, if any, as shall be devoted to other governmental business) and."

Mr. HOLLIS. Mr. President, the consideration of this amendment will fairly go with the consideration of the amendment that strikes out the provision requiring these officers not to continue as officers, directors, or trustees of any other banking institution; and in view of the importance of those two amendments I will ask that they may both be passed over.

Mr. SIMMONS. I do not object to that.

Mr. HOLLIS. I make the request as to this amendment and when the other amendment is reached I will make the same request.

The PRESIDING OFFICER. It will be passed over.

The next amendment of the Committee on Finance was, on page 4, in line 10, after the word "not," to strike out "however"; in the same line, after the word "exceeding," to strike out "the annual salary of the principal officer of an executive department of the United States" and insert "$12,000"; in line 14, after the words "from the," to strike out "corporation" and insert "Corporation"; in line 18, after the words "by the," to strike out "corporation" and insert "Corporation"; in line 19, after the words "of the," to strike out "corporation" and insert "Corporation"; and in line 22 before the words "shall designate," to strike out "Secretary of the Treasury" and insert "President of the United States," so as to read:

shall receive annual salaries, payable monthly, the amount of which shall be fixed by the Secretary of the Treasury with the approval of the President of the United States, not exceeding $12,000. Any director receiving from the United States any salary or compensation for services shall not receive as salary from the Corporation any amount which, together with any salary or compensation received from the United States, would make the total amount paid to him by the United States and by the Corporation exceed the amount fixed as the annual salary of a director of the Corporation, as hereinbefore provided. Of the four directors appointed, as hereinbefore provided, the President of the United States shall designate two to serve for two years, and two for four years; and thereafter each director so appointed shall serve for a term of four years.

The amendment was agreed to.

The next amendment was, on page 4, in line 25, after the word "years," to strike out "No director or officer of the corporation shall continue to be an officer, director, or trustee of any other corporation or member of any firm of bankers; and, before" and insert "Any director shall be subject to removal by the President of the United States"; on page 5, line 4, before the word "entering," to insert "Before"; and in line 5, after the word "shall," to strike out "certify under oath to the Secretary of the Treasury that he has complied with this requirement, and shall also."

Mr. HOLLIS. I ask that this amendment may go over, because all these amendments are linked together.

Mr. SIMMONS. Very well.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The next amendment was, in section 6, page 5, line 14, before the words "shall be," to strike out "corporation" and insert "Corporation"; in line 16, after the word "make," to strike out "contract" and insert "contracts"; in line 19, before the word "complain," to insert "to"; in line 21, after the words "fix the," to strike out "compansation" and insert "compensation," so as to make the clause read:

SEC. 6. That the Corporation shall be empowered and authorized—

(a) To adopt, alter, and use a corporate seal; to make contracts; to purchase or lease and hold or dispose of such real estate as may be necessary for the prosecution of its business; to sue and be sued; to complain and defend in any court of law or equity, including courts of the United States; to appoint, by its board of directors, and fix the compensation of such officers, employees, attorneys, and agents as are not otherwise provided for in this act, to define their duties, require bonds of them and fix the penalties thereof, and to dismiss at pleasure such officers, employees, attorneys, and agents; and to prescribe, amend, and repeal, by its board of directors, subject to the approval of the Secretary of the Treasury, by-laws regulating the manner in which its general business may be conducted and the privileges granted to it by law may be exercised and enjoyed, and prescribing the powers and duties of its officers and agents.

The amendment was agreed to.

The next amendment was, on page 6, line 18, after the words "by the," to strike out "corporation" and insert "Corporation"; in line 22, after the words "by the," to strike out "corporation" and insert "Corporation"; on page 7, line 2, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 7, after the words "by the," to strike out "corporation" and insert "Corporation"; in line 10, after the word "The," to strike out "corporation" and insert "Corporation"; in line 16, after the words "of the," to strike out "corporation" and insert "Corporation"; on page 8, line 2, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 4, after the words "by the," to strike out "corporation" and insert "Corporation"; and in the same line, after the word "The," where it occurs the second time, to strike out "corporation" and insert "Corporation," so as to make the clause read:

(b) To make advances, upon such terms not inconsistent herewith, as it may prescribe for periods not exceeding five years from the respective dates of such advances, (1) to any bank, banker, or trust company which has made, and which has outstanding, any loan or loans to any person, firm, corporation, or association whose operations shall be necessary or contributory to the prosecution of the war and evidenced by a note or notes, or (2) to any bank, banker, or trust company which has rendered financial assistance, directly or indirectly, to any such person, firm, corporation, or association by the purchase of its bonds or other obligations: *Provided*, That advances so made by the Corporation on the basis of any such loan or loans shall not exceed 75 per cent of the face value thereof: *And provided*, That any advances so made by the Corporation, in cases where such financial assistance shall have been rendered by the purchase of such bonds or other obligations shall not exceed 75 per cent of the market value of such bonds or other obligations at the time of such advance, as estimated and determined by the board of directors of the Corporation: *And provided further*, That all such advances shall be made upon the promissory note or notes of such bank, banker, or trust company, secured by the notes, bonds, or other obligations, which are the basis of any such advance by the Corporation, together with all the securities, if any, which such bank, banker, or trust company may hold as collateral for such notes, bonds, or other obligations. The Corporation shall, however, have power to make advances (a) up to 100 per cent of the face value of any such loan or loans made by any such bank, banker, or trust company to any such person, firm, corporation, or association, or (b) up to 100 per cent of the market value at the time of such advances (as estimated and determined by the board of directors of the Corporation) of such bonds or other obligations by the purchase of which financial assistance shall have been rendered to such person, firm, corporation, or association: *Provided*, That every such advance shall be secured in the manner described in the preceding part of this paragraph, and in addition thereto by collateral security, to be furnished by the bank, banker, or trust company, of such character as shall be prescribed by the board of directors, with the approval of the Secretary of the Treasury, of a market value, at the time of such advance (as estimated and determined by the board of directors of the Corporation), equal to at least 25 per cent of the amount advanced by the Corporation. The Corporation shall retain power to require additional collateral security at any time.

The amendment was agreed to.

The next amendment was on page 8, line 9, after the word "exceeding," to strike out "ninety days" and insert "one year"; in line 12, after the words "whenever the," to strike out "corporation" and insert "Corporation"; in line 17, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 20, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 24, after the word "than," to insert "one-half of"; in the same line, after the words "per centum," to insert "per annum"; and on page 9, line 3, after the word "The," to strike out "corporation" and insert "Corporation"; so as to make the clause read:

(c) To make advances from time to time, upon such terms, not inconsistent herewith, as it may prescribe, for periods not exceeding one year, to any savings bank or other banking institution which receives savings deposits, on the promissory note or notes of the borrowing institution whenever the corporation shall deem such advances to be necessary or contributory to the prosecution of the war or important to the public interest: *Provided*, That such note or notes shall be secured by the pledge of securities of such character as shall be prescribed by the board of directors of the corporation, with the approval of the Secretary of the Treasury, the market value of which, at the time of such advance (as estimated and determined by the board of directors of the corporation), shall be equal in amount to at least 125 per cent of the amount of such advance: *Provided further*, That the rate of interest charged on any such advance shall not be less than one-half of 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrowing institution is located. The corporation shall retain power to require additional collateral security at any time.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to strike out:

(d) In exceptional cases, to make advances directly to any person, firm, corporation, or association whose operations shall be necessary or contributory to the prosecution of the war, for periods not exceeding five years from the respective dates of such advances, upon such terms, and upon the security of such bonds, notes, or other obligations, and subject to such rules and regulations as may be prescribed by the board of directors of the corporation, with the approval of the Secretary of the Treasury. The corporation shall retain power to require additional collateral security at any time.

And to insert in lieu thereof:

(d) To make advances directly (1) to any corporation owning or controlling (directly or through stock ownership) any railroad or other public utility, and (2) to any firm, corporation, or association conducting an established and going business whose operations are necessary or contributory to the prosecution of the war: *Provided*, That such advances shall be made only in such cases as the board of directors in their discretion shall determine to be of exceptional importance in the public interest. Such advances may be made for periods not exceeding five years from the passage of this act, upon such terms and upon such security and subject to such rules and regulations as may be prescribed from time to time by the board of directors of the corporation, with the approval of the Secretary of the Treasury. The corporation shall have and retain power to require additional security from time to time.

Mr. SMOOT. Let this amendment go over.

Mr. CURTIS. Before that order is made I should like to ask the chairman of the committee a question. In line 19 of the amendment I notice the word "person" is left out. I wonder if it was not the intention of the committee to have the word "person" included before the word "firm." As I read the hearings, I understood the Secretary of the Treasury stated that it was intended to apply to persons.

Mr. THOMAS. I wish to announce that before the amendment is passed over that I shall offer two amendments to it when it is considered. One will occur on line 20, where I shall move to amend by inserting, after the word "whose," the words "bonded indebtedness is not in excess of actual invested capital," so that it will read:

and (2) to any firm, corporation, or association conducting an established and going business whose bonded indebtedness is not in excess of actual invested capital operations are necessary or contributory to the prosecution of the war.

I shall also offer an amendment inserting the word "adequate," on page 10, at the beginning of line 3, so that the amendment will read:

upon such terms and upon such adequate security and subject to such rules and regulations as may be prescribed from time to time by the board of directors of the corporation with the approval of the Secretary of the Treasury.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. HALE. I should like to ask a question of the chairman of the committee. Is there anything in this amendment that would prevent banking institutions from coming under it?

Mr. SIMMONS. To which amendment does the Senator refer?

Mr. HALE. Subsection (d), on page 9.

Mr. SIMMONS. It is confined to corporations owning or controlling, directly or through stock ownership, any railroad or other public utility.

Mr. HALE. I see no reason why in an emergency a bank could not come under this provision as well as any firm, corporation, or association.

Mr. SMOOT. They can apply no matter whether it is an emergency or not under paragraph (b) of section 6. It is not required that there shall be an emergency.

Mr. HALE. But there is a provision for security to be given, and in this section there is no provision for security to be given.

Mr. SMOOT. The banks could not get the money unless they gave security.

Mr. HALE. Corporations and firms can do so. If corporations and firms can do so without security, why can not the banks?

Mr. SMOOT. Not without the security in the case of savings banks, and in the case of national banks the percentage of security they shall advance is specifically named, but in the case of railroads and public-utility corporations the same rule can not be applied because of the fact, as I stated the other day, and I now state it again, in some cases it will be impossible for them to put up the same amount of security as required by the bank.

Mr. SMITH of Michigan. But the point the Senator from Maine makes is that, according to this provision, the corporation may make advances to certain artificial persons, and they have a discretionary power to pass upon the character of the security they take. If the term "corporation" in the amendment includes a bank corporation, then the bank has a right to tender to the discretion of the board its application for a loan.

Mr. SMOOT. The paragraph specifically says:

(d) To make advances directly (1) to any corporation owning or controlling (directly or through stock ownership) any railroad or other public utility——

Mr. SMITH of Michigan. That is not the point. It turns on the second line on the tenth page:

upon such terms and upon such security and subject to such rules and regulations as may be prescribed from time to time by the board of directors of the corporation, with the approval of the Secretary of the Treasury. The corporation shall have and retain power to require additional security from time to time.

It is a discretionary matter entirely and, in my judgment, the word "corporation" there does include banks.

Mr. HALE. It seems to me this can be taken care of by putting in the words "other than banking institutions." Then there could be no question about it.

Mr. SMOOT. In that case corporations other than banking institutions would have a right to apply under paragraph 2. Only a railroad or public-utility corporation can secure advances direct from the corporation.

Mr. HALE. I think the Senator is referring to the first paragraph of the section, while I am referring to the second paragraph, which reads, "To any firm, corporation, or association conducting an established and going business," and so forth.

Mr. SMOOT. I see now what the Senator from Maine [Mr. HALE] means, and he is right in his conclusions. The language "firm, corporation, or association" might include a banking association in some instances as well as any other.

Mr. SMITH of Michigan. It would include a banking institution, and I am glad it does, because I think that discretionary power should be given. If the Federal reserve bank, for instance, can not cash these obligations for loans, the bank will go directly to the corporation and appeal to them. It is a broad discretion. I think it means just what the Senator from Maine says it means.

The PRESIDING OFFICER. The amendment will be passed over.

The next amendment was, on page 10, line 12, after the word "its," to strike out "notes or obligations" and insert "bonds"; in line 14, after the word "such," to strike out "notes or obligations" and insert "bonds"; in line 18, after the words "of the," to strike out "corporation" and insert "Corporation"; and in line 20, after the word "Such," to strike out "notes or obligations" and insert "bonds"; in line 22, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 23, after the words "and the," to strike out "corporation" and insert "Corporation"; in line 24, after the word "Such," to strike out "notes or obligations" and insert "bonds"; on page 11, line 5, after the word "Such," to strike out "notes or obligations" and insert "bonds"; in line 11, after the word "such," to strike out "notes or obligations" and insert "bonds"; in line 18, after the words "by the," to strike out "notes or obligations" and insert "bonds"; in line 19, after the words "of the," to strike out "corporation" and insert "Corporation"; on page 12, line 9, after the words "by the," to strike out "notes or obligations" and insert "bonds"; and in line 10, after the words "of the," to strike out "corporation" and insert "Corporation," so as to make the clause read:

(f) To issue and have outstanding at any one time its bonds in an amount aggregating not more than eight times its paid-in capital, such bonds to mature not less than one year nor more than five years from the respective dates of issue, and to bear such rate or rates of interest and may be redeemable before maturity at the option of the Corporation as may be determined by the board of directors, subject to the approval of the Secretary of the Treasury. Such bonds shall have a first and paramount floating charge on all the assets of the Corporation, and the Corporation shall not at any time mortgage or pledge any of its assets. Such bonds may be issued at par in payment of any advances authorized by this act, or for any of the purposes of this act may be offered for sale publicly or to any individual, firm, association, or corporation at such price or prices as the board of directors may determine, subject to the approval of the Secretary of the Treasury. Such bonds may be dealt in by Federal reserve banks in the same manner and to the same extent as bonds or notes of the United States not bearing the circulation privilege, and Federal reserve banks shall be authorized, subject to the regulations of the Federal Reserve Board, to rediscount and purchase paper and make advances secured by such bonds in the same manner and to the same extent and at the same rates or at such higher rates as the Federal Reserve Board may approve, as they may purchase or rediscount paper or make advances secured by such bonds or notes of the United States under authority of the Federal reserve act. Any Federal reserve bank acquiring by purchase or rediscount such paper secured by the bonds of the Corporation may, with the approval of the Federal Reserve Board, use such paper so acquired for any purpose for which it is authorized to use paper secured by such bonds or notes of the United States: *Provided, however*, That whenever Federal reserve notes are issued against the security of such paper the Federal Reserve Board may make a special interest charge on such notes, which, in the discretion of the Federal Reserve Board, need not be applicable to other Federal reserve notes which may from time to time be issued and outstanding. All provisions of law not inconsistent herewith in respect to the purchase

or rediscount by any Federal reserve bank of paper secured by such bonds or notes of the United States and in respect to Federal reserve notes issued against the security of such paper shall extend, in so far as applicable, to the purchase or rediscount of paper secured by the bonds of the Corporation and to the Federal reserve notes issued against the security of such paper.

Mr. OWEN. I wish to give notice that to-morrow I will suggest an amendment to this section providing that these bonds shall not be taxable and shall not exceed 4 per cent. I will not stop to consider that matter now, but to-morrow I will present the amendment.

Mr. HOLLIS. I ask the chairman of the committee to allow me to direct his attention to a verbal error. In line 17, on page 10, the word "may" should be changed to "to," so as to read:

And to bear such rate or rates of interest to be redeemable before maturity.

The word "may" has not the same construction, the courts have held.

The PRESIDING OFFICER. The amendment will go over.

The next amendment was, on page 12, after line 12, to strike out:

(g) To exercise by its board of directors, and its duly authorized officers or agents, all powers specifically granted by the provisions of this act and such incidental powers as shall be necessary or proper to carry out the purposes of this act: *Provided*, That the powers specifically enumerated herein shall be deemed additional to, and not in limitation of, any implied powers granted by this act: *And provided further*, That it shall not exercise any of these powers or perform any business except such as is incidental and necessarily preliminary to its organization until it has been authorized by the President of the United States to commence business under the provisions of this act.

The amendment was agreed to.

The next amendment was, on page 13, line 1, after "SEC. 7," to strike out:

That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, the corporation may, under rules and regulations to be prescribed by the corporation, with the approval of the Secretary of the Treasury, investigate and license, or refuse to license, the sale, or offering for sale or for subscription, of securities, as hereinafter provided.

And insert:

That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital-issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board, which may, under rules and regulations to be prescribed by such committee, with the approval of the Secretary of the Treasury, investigate and license, or refuse to license, the sale, or offering for sale or for subscription, of securities, as hereinafter provided. Such committee shall, however, grant licenses for any such sale, or any such offering for sale or for subscription, which it shall determine to be consistent with the foregoing purposes. The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be $7,500 per annum, to be paid by the corporation.

Mr. SMOOT. As there will be one or two amendments offered to this paragraph, which I do not believe will lead to any discussion, I ask that it may go over.

Mr. SIMMONS. Very well.

The PRESIDING OFFICER. Without objection, the amendment will go over.

Mr. OWEN. I wish to give notice that to-morrow I shall suggest certain amendments to this proposed amendment of the committee so as to provide for a system of appeals from any decision made by the proposed capital issues committee.

The next amendment was, on page 14, line 8, after the words "regulations as," to strike out "the corporation" and insert "such committee"; in line 12, after the words "granted by," to strike out "the corporation. The corporation shall, however, grant licenses for any such sale, or any such offer for sale or for subscription, which it shall determine to be consistent with the foregoing purposes," and insert "such committee"; in line 18, after the word "each," to strike out "Any securities which upon the date of the approval of this act are in the possession or control of, or have been hypothecated by, the corporation, association, or obligor issuing the same, shall not be deemed to have been issued prior to the date of the approval of this act, within the meaning thereof," and insert "Issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the approval of this act, shall not be affected thereby"; on page 15, line 2, after the word "from," to strike out "the corporation" and insert "such committee"; in line 10, after the words "prescribed by," to strike out "the corporation" and insert "such committee"; in line 15, after the words "omitted by," to strike out "the corporation" and insert "such committee"; and in line 16, after the words "approval of," to strike out "the corporation" and insert "such committee," so as to make the section read:

SEC. 7. That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board, which may, under rules and regulations to be prescribed by such committee, with the approval of the Secretary of the Treasury, investigate and license, or refuse to license, the sale, or offering for sale or for subscription, of securities, as hereinafter provided. Such committee shall, however, grant licenses for any such sale, or any such offering for sale or for subscription, which it shall determine to be consistent with the foregoing purposes. The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be $7,500 per annum, to be paid by the corporation. No person, firm, corporation, or association shall sell, or offer for sale or for subscription, any issue, or any part of any issue, of securities hereafter issued, the par or face value of which issue shall be in excess of $100,000, except in accordance with such rules and regulations as such committee, with the approval of the Secretary of the Treasury, shall prescribe, nor, when required by such rules and regulations, except as permitted by licenses granted by such committee. Shares of stock of any corporation or association without nominal or par value shall for the purposes of this act be deemed to be of the par value of $100 each. Issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the approval of this act, shall not be affected thereby. Nothing in this act shall be construed to prohibit, or to require any license from such committee in respect of, any borrowing by any person, firm, corporation, or association in the ordinary course of business as distinguished from borrowing for capital purposes. This section shall not be construed to apply to any securities issued by any railroad corporation the property of which may be in the possession and control of the President of the United States. This section shall not take effect until rules and regulations shall have been prescribed by such committee, as hereinbefore provided, and may continue in effect until the expiration of six months after the termination of the war, the date of such termination to be determined by a proclamation of the President of the United States. Nothing done or omitted by such committee hereunder shall be construed as carrying the approval of such committee or of the United States of the legality, validity, worth, or security of any securities.

Mr. SMOOT. Let the whole section go over.

The PRESIDING OFFICER. It will go over.

The next amendment was, in section 8, page 15, line 21, after the word "license," to strike out "order" and insert "or of any"; in line 22, after the word "issued," to insert "and duly published"; in line 24, after the word "license," to strike out "order" and insert "or of any"; in line 25, after the word "issued," to insert "and duly published"; on page 16, line 2, after the words "more than," to strike out "$5,000" and insert "$1,000"; and in line 3, after the words "more than," to strike out "four years" and insert "one year," so as to make the section read:

SEC. 8. That whoever shall willfully violate any of the provisions of this act or of any license, or of any rule or regulation issued and duly published hereunder, or whoever shall willfully violate, neglect, or refuse to comply with any such license or of any rule or regulation issued and duly published hereunder, shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $1,000, or, if a natural person, imprisoned for not more than one year, or both; and any officer, director, or agent of any corporation or association, or member of any firm who shall knowingly participate in any such violation, neglect, or refusal shall be punished by a like fine or imprisonment, or both.

Mr. SMOOT. Let the section go over.

The PRESIDING OFFICER. It will go over.

The next amendment was, in section 9, page 16, line 8, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 18, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 23, after the words "of the," to strike out "corporation" and insert "Corporation"; and on page 17, line 2, after the words "thereupon the," to strike out "corporation" and insert "Corporation," so as to make the section read:

SEC. 9. That all net earnings of the Corporation not required for its operations shall be accumulated as a reserve fund until such time as the Corporation liquidates under the terms of this act. Such reserve fund shall, upon direction of the Secretary of the Treasury, be invested in bonds, notes, or certificates of indebtedness of the United States, or, upon like direction, may be deposited in member banks of the Federal Reserve System, or may upon like direction be deposited in any of the Federal reserve banks. The Federal reserve banks are hereby authorized to act as depositaries for and as fiscal agents of the Corporation in the general performance of the powers conferred by this act. Beginning six months after the termination of the war, the date of such termination to be fixed by a proclamation of the President of the United States, the directors of the Corporation shall proceed to liquidate its assets and to wind up its affairs. Any balance remaining after the payment of all its debts shall be paid to and become the property of the United States, and thereupon the Corporation shall be dissolved.

The amendment was agreed to.

The next amendment was, in section 10, page 17, line 3, after the words "and all," to strike out "notes and obligations" and insert "bonds"; in line 4, after the words "by the," to strike out "corporation" and insert "Corporation"; in line 13, after the word "such," to strike out "notes and obligations" and insert "bonds"; in line 17, after the word "The," to strike out "corporation" and insert "Corporation"; and, in line 23, after the words "of the," to strike out "corporation" and insert "Corporation," so as to make the section read:

SEC. 10. That any and all bonds issued by the Corporation shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of such bonds the principal of which does not exceed in the aggregate $5,000 owned by any individual, partnership, association, or corporation shall be exempt from taxes provided for in subdivision (b) of this clause. The Corporation, including its franchise and the capital and reserve or surplus thereof and the income derived therefrom, shall be exempt from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except that any real property of the Corporation shall be subject to State, county, or municipal taxes to the same extent, according to its value, as other real property is taxed.

The amendment was agreed to.

The PRESIDING OFFICER. This completes the amendments except those passed over.

Mr. SIMMONS. As all the amendments of the Finance Committee have been agreed to except those that have gone over, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 1, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 28, 1918.*

The House met at 12 o'clock noon.

Rev. John Compton Ball, pastor of the Metropolitan Baptist Church, Washington, D. C., offered the following prayer:

Our Heavenly Father, before the mountains were brought forth or Thou hadst formed the earth or the world, even from everlasting to everlasting Thou art God, and we come to join with all nature this morning in recognizing Thy majesty and Thy wisdom and Thy power. We thank Thee, O God, for the wonderful prominence Thou hast given us among the nations of the earth, for the marvelous way in which Thou hast led us. We thank Thee for the great men of the past who founded the Nation upon the Book of God, and we come to pray that we may be worthy sons of worthy sires. Let Thy blessing, we pray, rest upon this Legislative Hall this day, and may all that is done be done to Thy honor and glory. Lead us in the way of life, and help us to stand for religious liberty, for peace, and for the uplift of humanity. For Jesus Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3915. An act to reimburse Benson County, N. Dak., for money expended in the care of three insane Indians; to the Committee on Indian Affairs.

S. 2776. An act providing for the classification of lands under the stock-grazing homestead act in certain States, and for other purposes; to the Committee on the Public Lands.

DESIGNATION OF SPEAKER PRO TEMPORE FOR SUNDAY.

The SPEAKER. The Chair designates Mr. TILSON, of Connecticut, to preside next Sunday.

CHANGE OF REFERENCE.

Mr. MOON. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads I move a change of reference of House bill 10239, authorizing the Post Office Department to acquire and extend the telephone system of the District of Columbia; to insure the Government complete control of such means of communication in safeguarding its military and executive affairs within the seat of government; and to promote the service to the public, from the Committee on the District of Columbia to the Committee on the Post Office and Post Roads.

Mr. MADDEN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. I want to make the point of no quorum, Mr. Speaker.

The SPEAKER. Do you make it?

Mr. MADDEN. Yes, sir.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present, and the Chair will count. [After counting.] One hundred and seventy-five gentlemen are present, not a quorum.

Mr. CRISP. Mr. Speaker, I move a call of the House.

Mr. MOON. I move a call of the House.

The SPEAKER. The gentleman from Georgia and the gentleman from Tennessee move a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Britten	Fairchild, G. W.	Jones, Tex.	Ragsdale
Campbell, Kans.	Flynn	Kahn	Riordan
Capstick	Focht	Kraus	Robbins
Chandler, N. Y.	Glass	Kreider	Rowland
Copley	Graham, Ill.	LaGuardia	Sanders, N. Y.
Curry, Cal.	Gray, N. J.	Lobeck	Scott, Iowa
Dallinger	Gregg	Longworth	Scully
Dent	Hamilton, N. Y.	McKown	Sisson
Dill	Heintz	Maher	Smith, T. F.
Drukker	Helvering	Mann	Snell
Dunn	Hollingsworth	Mondell	Stephens, Nebr.
Eagan	Hood	Nelson	Wilson, La.
Eagle	Howard	Nicholls, S. C.	
Fairchild, B. L.	Johnson, S. Dak.	Porter	

The SPEAKER. On this vote 37 Members, a quorum, answered to their names.

Mr. CRISP. Mr. Speaker, I move to suspend further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. MOON. Mr. Speaker, in order to explain this motion I ask unanimous consent that the gentleman from Kentucky [Mr. JOHNSON] and myself shall each have five minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on this motion to rerefer a bill he shall have five minutes and the gentleman from Kentucky [Mr. JOHNSON] five minutes. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I ask that I be permitted to divide my five minutes with the gentleman from Michigan [Mr. MAPES].

Mr. MOON. I will amend my motion so as to enable us both to divide our time with the gentleman from Michigan.

The SPEAKER. The gentleman from Tennessee amends his motion so that both he and the gentleman from Kentucky will have the right to subdivide the time. Is there objection?

There was no objection.

Mr. MOON. Mr. Speaker, this motion raises a question of jurisdiction over the bill H. R. 10239 between the Committee on the District of Columbia and the Committee on the Post Office and Post Roads. I will read two sections of the bill, so that the House may have the facts before it on which to determine the legal question under the rule. This bill provides in the first section—

That in order to promote the Postal Service the Postmaster General of the United States is hereby vested with a monopoly of the function and means of electrical communication for hire by telephone within the District of Columbia.

And in the second section—

SEC. 2. That the telephone systems and networks within the District of Columbia employed in the transmission of communications for hire and the central-office equipment, underground cables, underground conduits, aerial cables, aerial wires, poles, building cables, subscribers' stations, including indoor wiring and drops to premises of subscribers, private branch-exchange switchboards, land, buildings, furniture and fixtures, tools and teams, stores and supplies, and all other property used in the telephone service and appropriate and necessary for the operation of the same by the United States within the District of Columbia, are hereby declared to be, and the same are hereby, condemned and appropriated to and for the use of the United States of America, to be used by it for such public purposes as may be proper.

Mr. Speaker, this bill is one that provides for additional facilities of the Post Office Department by taking over telephone companies of the District of Columbia. It provides for an appropriation for the payment to the owners of the telephone company, and an issue of bonds is provided and a direct appropriation in dollars and cents for a partial payment.

Then there are other provisions which provide for the control by the Postmaster General of this telephone system in connection with other postal facilities, and a telephone commission is provided to pass upon questions of dispute between the Government and the telephone companies. I may say here that the Postmaster General requests me to say that he is willing and ready to operate the telephones under the direction and by the

authority of Congress, and that he has made no other suggestions.

Mr. SHERWOOD. What is the amount of the bonds to be issued?

Mr. MOON. Seven million dollars of bonds is provided in the bill. I state these facts as bearing on the question of jurisdiction. This House has never yet held to what committee questions affecting the telephone system of the United States goes.

Before discussing the rule itself, which in positive terms determines this question, let us look at the reason and the authority by which the Congress of the United States exercises control over the telephone and telegraph. It is under those simple words of the Constitution that Congress shall have power "to establish post offices and post roads." And under the well-known interpretation it has the power to pass all necessary laws to carry into effect the express grants of the Constitution or those fairly implied from it. Under that, it controls the transportation of mails, it controls the roads over which mails may pass, and the whole Postal Service. Therefore, in making the rules of the House for the distribution of the powers of Congress between the committees, the House provided that all subjects relating to the Post Office and post roads, including appropriations therefor, should be submitted to the Committee on the Post Office and Post Roads. That defines the jurisdiction of that committee. It provided further that all subjects relating to the District of Columbia, other than appropriations therefor, should go to the Committee on the District of Columbia.

The Committee on the District of Columbia brings into this House a bill that in the very first section of it provides for a postal facility, a means of communication, by which it undertakes to control the Postal Service, to pass a law in reference to it, to give this new and additional facility to the Postal Department of the United States. Whence comes this power? The fact that we propose to take the telephone system in the District of Columbia does not give jurisdiction. The extent of the territory involved does not determine the jurisdiction. The jurisdiction is determined by the subject matter over which you seek to legislate. The subject matter in this instance is postal. The telephone is an adjunct to the Postal Service. Upon that very theory this House once held that the Committee on the Post Office and Post Roads had exclusive jurisdiction of questions affecting the postal telegraph. And what is the postal telegraph? It is a means of communication to be provided for in the Post Office Service. The telephone is only another means. If we have any power to take over and handle either, it is the result of that clause of the Constitution to which I have referred, and the committee that has jurisdiction to determine it is the committee to which that power has been delegated by this section of the rules.

Now, you will see in a moment that if that were not true, still the Committee on the District of Columbia could not handle this appropriation, because its power goes to those things of a municipal nature alone within the specified territory of the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON. I ask unanimous consent for two minutes more.

The SPEAKER. The gentleman asks for two minutes more. Is there objection?

There was no objection.

Mr. MOON. The power of the Committee on the District of Columbia goes to those things that affect the municipality of this territory. This is not a municipal question. This is a postal question, that affects the whole Government, and one section of this bill provides for the handling of this service between the States.

Now, another view: Under the rules of the House this Committee on the District of Columbia is absolutely destitute of any power to make an appropriation for anything. The power to appropriate for a postal facility belongs, by the terms of the rule, to the Committee on the Post Office and Post Roads. I suggest that if this were a bill that provided for a reduction or increase of rates, or for the betterment of the telephone system in the District of Columbia as a public utility, then it would be a municipal question, and that committee might legislate in reference to it; but it makes it a postal facility, and the telephone is a postal facility that would not operate alone in the District of Columbia. If it did, the power would still be in the Committee on the Post Office and Post Roads. The Committee on the District of Columbia might just as well undertake to assume jurisdiction over a pneumatic tube, or over the screen-wagon service, or over any other postal facility in the District. It is not a question affected by territory. It is the subject matter with which this House must deal—that determining the question of jurisdiction.

The power of Congress to take over the telegraph and telephones arises, as I said, from the provisions of the Constitution that enable it to establish post offices and post roads. These instrumentalities must be taken over as a means of communication—as a part of the Postal System. They can not otherwise be constitutionally obtained. The committee that has the right to legislate and appropriate money for the Postal Service under the rules of the House is the committee that properly has jurisdiction to report a bill on this question. Inasmuch as these instrumentalities can be obtained only as postal facilities, no bill could be drafted under the rules over which any committee except the Post Office and Post Roads Committee would have jurisdiction, unless, possibly, the instrumentalities might be taken over under the war power of Congress by a bill from the Military Committee.

Mr. DUPRÉ. May I ask the gentleman a question?

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire the Chair to notify me when I have used four minutes of my time.

The gentleman from Tennessee [Mr. MOON] has asked for the transfer of this bill from the District Committee to the Post Office Committee, because he says the bill deals with post offices and post roads. I assert that it does nothing of the sort. It deals only with telephones and telegraphs, and it deals only with those institutions in the District of Columbia. The provision of the bill is for the District of Columbia to take over the telephones and the telegraphs only within the District of Columbia.

Mr. MOON. That is for the Postal Service, however.

Mr. JOHNSON of Kentucky. The gentleman from Tennessee believes that because the Postmaster General is named in the bill as the one to manage it, therefore it becomes a postal matter. I say that it does not. Anybody else might have been named just as well. The Attorney General, the Secretary of the Navy, the Secretary of War, or anybody else might have been named instead to take charge of the local telephones after they have been acquired. The man in the moon might have been named to take charge of them after they were acquired by the District of Columbia, but even that would not permit the bill to go to the "Moon committee." The District of Columbia Committee has jurisdiction of legislation pertaining to the District of Columbia, and this bill does not undertake to go beyond the District of Columbia. I say it is a clear proposition that the Committee on the District of Columbia has jurisdiction over this question. I wish to impress that; because the bill says that the telephones shall be controlled by the Postmaster General, that fact does not make it a post-office matter. Any other department of the Government or any individual, whether a Government official or not, might be named in this bill to take charge of these telephones and operate them after the District of Columbia has acquired them.

The gentleman refers to the question of appropriations. If the gentleman makes the point that the District of Columbia Committee has no right to make the appropriation, in return I say that the Committee on the Post Office and Post Roads has no right to make the appropriation for this purpose, because, if the motion should prevail at all, it should be that this bill go to the Committee on Appropriations. The gentleman's committee has a right to make appropriations for post offices and post roads, but not for taking over telephones. Would the Committee on Public Roads, of which the gentleman from Missouri [Mr. SHACKLEFORD] is chairman, have jurisdiction to take control of a bill to open a road within the District of Columbia, or to improve a road within the District of Columbia? By no means. The Department of Justice would not have jurisdiction over a local court, that the Committee on the District of Columbia for a hundred years has been conceded to have jurisdiction over.

Mr. MOON. Will the gentleman allow me to ask him a question?

Mr. JOHNSON of Kentucky. Provided he does not break into my four minutes.

Mr. MOON. The very first sentence of your bill is—

That in order to promote the "Postal Service."

Mr. JOHNSON of Kentucky. That is surplusage.

Mr. MOON. Telephones are in promotion of the Postal Service.

Mr. JOHNSON of Kentucky. They may be or may not be. The Postmaster General has been designated in this bill to operate these phones in the District of Columbia after they have been acquired.

Mr. MOON. In connection with the Postal Service.

Mr. JOHNSON of Kentucky. The gentleman from Tennessee himself could be named in that bill instead of the Postmaster

General, and it would not thereby take the matter to his committee any more than it would with the Postmaster General's name.

Mr. MAPES. Mr. Speaker and gentlemen of the House, without regard to the merits of the legislation proposed in the bill in question, I submit that if the motion of the gentleman from Tennessee [Mr. MOON] prevails and the principle of that motion is adopted as the permanent policy of the House, the District Committee will be practically relegated to that class of committees that has little or nothing to do, about which we heard so much yesterday.

The rules of the House provide that all proposed legislation pertaining to all subjects relating to the District of Columbia, except appropriations, shall be referred to the District Committee. They provide also that all proposed legislation pertaining to all subjects relating to the post office and post roads, including appropriations for their support, shall go to the Post Office Committee.

The bill which the gentleman from Tennessee desires to take away from the Committee on the District of Columbia and have referred to the Committee on Post Offices and Post Roads, of which he is chairman, provides for taking over the telegraph and telephone lines of the District of Columbia and putting them under the control of the Post Office Department. It is true that the subject matter of the bill deals incidentally with a subject relating to the service of the Post Office Department, but only incidentally, and there is scarcely a subject within the jurisdiction of the District Committee which does not incidentally touch upon the jurisdiction of some other committee as much as this bill does on the jurisdiction of the Committee on Post Offices and Post Roads.

I submit that under the rules of the House this bill was properly referred to the District Committee. I read from Hinds' Precedents, section 4277:

The Committee for the District of Columbia reports bills proposing legislation as to the general municipal affairs of the District.

The Committee for the District of Columbia has a general and usually an exclusive jurisdiction of all bills proposing legislation relating to the affairs of the District of Columbia, and reports on such subjects as the extension of streets, affairs of the schools and teachers, control of railroads, police and fire department, etc.

The rules of the House of Representatives provide that all proposed legislation pertaining to all subjects relating to the alcoholic liquor traffic shall be referred to the Committee on Alcoholic Liquor Traffic. At the same time the Committee on the District of Columbia has exercised general jurisdiction of bills for the regulation of the sale of intoxicating liquors in the District of Columbia. (Hinds' Precedents, sec. 4281.) In the last Congress it reported the bill providing for prohibition in the District. No one has ever questioned the jurisdiction of the District Committee over such legislation. The Agricultural Committee has jurisdiction of and has reported the pure-food legislation. At the same time the subject of the adulteration of food, drugs, and so forth, in the District is within the jurisdiction of the Committee for the District of Columbia. (Hinds' Precedents, sec. 4280.)

Again, the rules of the House provide that all proposed legislation pertaining to all subjects relating to river and harbor legislation shall be referred to the River and Harbor Committee, but the Precedents say that the harbor regulations for the District have been within the jurisdiction of the Committee on the District of Columbia. (Hinds' Precedents, sec. 4286.)

If this is an appropriation bill, then the subcommittee on the District of Columbia of the Appropriations Committee has jurisdiction of it and not the Committee on the Post Office and Post Roads. The subject of this bill pertains to the telephone and telegraph lines within the District of Columbia and to no other subject.

Mr. MOON. Will the gentleman yield?

Mr. MAPES. I can not yield in three minutes. The Post Office Committee has jurisdiction of post offices and post roads, but up to date the subject of this bill does not relate at all to the Post Office Department. The Post Office Department is merely the vehicle for handling postal matters and has nothing to do with the merits of legislation such as is proposed in this bill. I submit, gentlemen of the committee, without regard to the merits of the legislation, that it comes within the jurisdiction of the District Committee under the rules of the House and that the motion of the gentleman from Tennessee should be voted down. [Applause.]

The SPEAKER. The question is, Shall the House bill 10239 be rereferred to the Committee on the Post Office and Post Roads?

The question was taken; and on a division (demanded by Mr. MADDEN and Mr. MOON) there were—ayes 149, noes 102.

Mr. JOHNSON of Kentucky. I demand tellers.

Mr. CARY. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Wisconsin demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Forty-three, not a sufficient number.

Mr. MAPES. I ask for the other side.

The other side was taken.

The SPEAKER. Two hundred and fourteen gentlemen have arisen. Forty-three is not a sufficient number. The yeas and nays are refused and the motion prevails.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

Mr. SIMS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the railroad bill.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10022, a bill to arrange for the purchase of the Arlington property by the Treasury Department.

Mr. SIMS. I object.

The SPEAKER. The question is on going into Committee of the Whole to consider the railroad bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes. When the committee rose last Tuesday it was about to divide on the amendment proposed by the gentleman from Iowa [Mr. SWEET]. Tellers had been ordered, and the gentleman from Iowa [Mr. SWEET] and the gentleman from Tennessee [Mr. SIMS] will take their place as tellers.

Mr. STAFFORD. Mr. Chairman, I ask that the amendment be again reported.

Mr. FOSTER. I object.

The committee divided; and the tellers reported that there were 164 ayes and 157 noes.

So the amendment was agreed to.

Mr. COOPER of Ohio. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Mr. COOPER of Ohio moves to amend as follows: On page 12, line 9, strike out the words "But no process" and all of lines 10 and 11 and insert in lieu thereof the following:

"No process, mesne or final, shall be levied against any property under Federal control or, in connection with any suit or proceeding that may properly be brought against the carrier under this section, against any property belonging to the owner of a railroad or system of transportation; but the President shall, by regulation, provide for the payment out of the operating revenue derived from Federal control or, if that is insufficient, out of the revolving fund of any judgments or awards, and for the enforcement of any decrees or orders that may be rendered against the United States in any such suit or proceeding."

Mr. COOPER of Ohio. Mr. Chairman, I believe this is one of the most important sections of this bill. I am not just so partial to the amendment that I have offered as to insist upon it being adopted. I understand there will be offered other amendments, which will probably change this section as I would like to have it changed, but the first part of the section relates to the liability of common carriers. It says that the common carriers shall be liable as they now are under the State and Federal laws. On page 12, in line 2, I wish to call attention to the words "or with any order of the President." I touched on this in general debate a few days ago. It seems to me that the wording of this section makes it very clear that the carrier shall be liable for an injury or for damages, providing such injury or damages were not caused by an order of the President or by some one else who had governmental authority. Then, in lines 9, 10, and 12, you will find that in case the injured party received a judgment against the carrier there is no way by which he can collect the judgment, for it is provided—

That no process, mesne or final, shall be levied against any property under such Federal control.

It seems to me that when judgment is rendered, that is conclusive evidence that the injured party ought to be paid, but under the wording of the section there is no way whatsoever by which the party receiving judgment can have the same executed. The amendment I have offered provides that whenever a judgment is rendered the President shall be empowered to pay such judgment out of the revolving fund or out of the earnings of the railroad company. I believe that this amendment is fair. I believe in justice to the thousands of railroad employees in this country there ought to be some way of protecting them, as they are now protected under State and Federal laws, and if

they recover judgment in the courts I believe that that judgment ought to be paid. If you leave this section the way it is now, there will be no way in which you can have the judgment executed. There will be other amendments offered. I do not know whether this is the best one or not, but I do hope there will be something done along this line before we leave this question.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Ohio. Yes.

Mr. PARKER of New Jersey. Mr. Chairman, I sympathize with the gentleman's object, but has he not used the language "judgment against the United States" in his amendment, when, as a matter of fact, he means to say "judgment against the carrier"? Will the Clerk read the amendment again?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

Mr. COOPER of Ohio. Mr. Chairman, I ask unanimous consent to amend the amendment by substituting the word "carrier" for the words "United States," to conform with the suggestion of the gentleman from New Jersey.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to modify his amendment by striking out the words "United States" and inserting the word "carrier." Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I desire to ask the gentleman from Ohio if his amendment does not provide to pay a judgment out of the revolving fund or out of the operating revenues received by the Government for causes arising prior to the taking over of the railroads?

Mr. COOPER of Ohio. I think so.

Mr. SIMS. I think it does, if I heard it read correctly. If the payment of judgments which have been rendered is confined to those rendered against the road while the Government is in control, they would be paid immediately. I understood from the reading of it that a judgment rendered against the railroad company for a cause arising prior to the taking over of the railroads must be paid.

Mr. COOPER of Ohio. Yes.

Mr. SIMS. The bill itself does not prevent and will authorize the President to pay anything for which the Government is liable during Government control.

Mr. COOPER of Ohio. I would be very much obliged to the chairman if he will tell me where such a provision is in the bill.

Mr. SIMS. The Government takes them over, and it is responsible for everything that happens after it takes them over, and therefore would have to pay the judgment.

Mr. COOPER of Ohio. I want to ask the chairman of the committee a question. Does it not say in lines 9, 10, and 11 that no process shall be levied against any property under such Federal control?

Mr. SIMS. Yes.

Mr. COOPER of Ohio. Now, where do you provide in the bill that the President shall pay a judgment?

Mr. SIMS. The property of the United States is never levied on in order to collect a debt owing by the United States. This property after it is taken over is in the hands of the Government and must be operated for war purposes. A judgment rendered against the carrier for a cause of action arising after it is in Government control is a judgment in effect against the President of the United States, and you would not want to levy on a train or an engine and stop it from running or carrying troops, because the Government will pay the judgment without anything of that sort. That is a dangerous amendment and does not do any good.

Mr. COOPER of Ohio. I want to say to the gentleman that my amendment does not provide that you can levy on a train or equipment. It is the very opposite of that.

Mr. SIMS. Let me ask the gentleman. The gentleman strikes out this language:

But no process, mesne or final, shall be levied against any property under such Federal control.

Does not the gentleman strike that out? Of course he does.

Mr. COOPER of Ohio. But I put it in again in the amendment I have offered.

Mr. SIMS. That is exactly what you strike out.

Mr. COOPER of Ohio. The wording of this section, as the Chair knows, is:

And in any suit against the carrier no defense shall be made thereto upon the ground that the carrier is an instrumentality or agency of the Federal Government.

Mr. SIMS. Certainly; that is right and it ought to be.

Mr. COOPER of Ohio. If defense can not be made, how are you going to levy?

Mr. SIMS. You do not want to levy; the Government will pay, because it is liable.

Mr. COOPER of Ohio. Where in the bill does it authorize the President to pay the judgment when it has been rendered by the courts?

Mr. SIMS. Because the Government pays a standard return, and certainly when a railroad is being operated through a governmental agency, through the Director General, and a cause of action arises growing out of his action, of course the Government is liable.

Mr. COOPER of Ohio. I want the gentleman to point to the specific provision where the President is authorized to pay a judgment when it is rendered by the courts.

Mr. SIMS. When a judgment has been rendered against the Director General, or the railroad since the Director General has taken them over, it does not require any further authorization any more than to pay the standard return. We do not provide here that a railroad may bring suit for its standard return.

Mr. COOPER of Ohio. The gentleman is taking for granted the President or the Director General will pay.

Mr. SIMS. It will be a liability, just the same as wages of employees.

Mr. COOPER of Ohio. Why did not the gentleman put such a provision in the bill?

Mr. SIMS. If you put everything in the bill, it will be as long as from here to Jericho.

When you specify you have to include everything, and when you begin to specify you must specify everything, or thereby you exclude everything that is not specified. This amendment is wholly unnecessary and can not possibly do any good, because there is no thought of avoiding liability for anything growing out of the operation of railroads during the Federal control.

Mr. HAMLIN. Will the gentleman yield?

Mr. SIMS. I will.

Mr. HAMLIN. The gentleman is laboring under a very wrong impression as to the provision of the amendment offered by the gentleman from Ohio. He does strike out of the bill the words prohibiting the issuance of any process against any property under such Federal control, but he puts them back in his amendment, and it is in there.

Mr. SIMS. There is no use lumbering this up. There is nothing to keep the Government from being liable for what happens in the way of an accident or such matter while the railroads are under Federal control.

Mr. HAMLIN. Why does the gentleman object to the Government paying out of the operating expenses or the revolving fund obligations in the shape of judgments now existing against railroads when they were taken over by the Government——

Mr. SIMS. That is provided——

Mr. HAMLIN (continuing). When the Government takes the roads over under your bill and John Smith has a valid judgment against the Pennsylvania Railroad, for instance, he can not collect it as long as the road remains under Government control.

Mr. SIMS. It will be paid out of what is going to the railroad at the end of Government operation.

Mr. HAMLIN. There is no provision in the bill to that effect.

Mr. SIMS. I hope the amendment will be voted down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEARNS. Mr. Chairman, after a careful reading of this bill I am constrained to believe that the amendment offered by the gentleman from Ohio [Mr. COOPER], or one similar in character, ought to be adopted and made a part of this bill. Without such an amendment there seems, to my mind, no question but it would be a futile matter for any litigant to bring suit against a railroad company. This matter is not only important to every employee of the railroad company but it is important to every man, woman, and child in the United States who may receive an injury at the hands of any railroad company taken over by the Government. It is important to the traveling public as well as it is to those in the employment of a railroad company. If the chairman of this committee is right in his contention, there would be no necessity for this amendment, but the bill itself is absolutely silent. What authority have we to say, if it is not written in the bill, that the Government will interpret the bill as does the chairman of this committee? What reason can he urge if he wants that idea in his bill for not having a clause in the bill that will make it plain after it is enacted into law? This is very important. We ought not to leave it to chance, because every Member of the

Congress of the United States is directly interested in this piece of legislation. There is not a Member of this House but what every time he takes passage upon a railroad is taking a chance of an injury, and if that injury is caused by the neglect of the company, the company ought to be made to respond in damages, and as this bill is written there is no way that the injured person can collect damages after he has prosecuted his claim to a finality.

Mr. SWITZER. Will the gentleman yield?

Mr. KEARNS. I will.

Mr. SWITZER. As I understand the gentleman's proposal is to put in language by which you can enforce the judgment after it is rendered?

Mr. KEARNS. That is what we want written in this law.

Mr. SWITZER. There is no use having a judgment if you can not enforce it.

Mr. KEARNS. Your judgment, unless it can be cashed, is absolutely worthless, and under this bill I can not help but believe, and I believe it is the consensus of opinion of the lawyers of this House, that the judgment would be a mere scrap of paper, nothing more.

Mr. HARDY. Will the gentleman yield just for information?

Mr. KEARNS. Yes.

Mr. HARDY. Has the gentleman carefully read the amendment, and can he say whether or not it would authorize or require the payment of judgments for causes arising prior to the taking over of the road?

Mr. KEARNS. I do not think it does, but it ought to do so. If you have a judgment against the railroad company, and that judgment is now pending, and to-morrow the railroad shall be taken over by the Government, the mere fact that that railroad company is taken under Government control to-morrow ought not to defeat your rights under your judgment.

Mr. HARDY. But would the gentleman have that judgment paid out of the $500,000,000 we contribute here?

Mr. KEARNS. I would have it paid out of any receipts that might in the future come into the hands of the Government from the railroad companies.

Mr. HARDY. From the operation of the railroad companies?

Mr. KEARNS. From the operation of the railroad companies.

Mr. HARDY. But not out of this $500,000,000?

Mr. KEARNS. No; not out of this $500,000,000.

Mr. HARDY. The gentleman qualifies that. I understand all that you mean is that if there is not enough property of the road and from the operating receipts of the road the gentleman would take from this $500,000,000 to pay it?

Mr. KEARNS. No; I have not said that. I have said that this amendment ought to be so constructed that this judgment should be paid out of any receipts from that road that might be in the hands of the Government or might hereafter come into the hands of the Government.

Mr. DEWALT. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized in opposition to the pro forma amendment.

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, I recognize very fully the importance of this proposed amendment, and were it worded somewhat differently I would unhesitatingly support it. I grant that this bill does not in express terms provide for the payment of a judgment which may be obtained against the companies even during Federal control. And I also grant, for the purposes of the argument, that it nowhere in explicit terms provides for the payment of judgments, awards, and decrees which have been obtained prior to Federal control. Judgments, awards, or decrees for the payment of money against carriers are charged up primarily against operating expenses and income. All railroad accounting is based upon that theory and upon those facts. This bill does provide that out of the standard return obtained by operating the railroads and the calculation of the standard return all expenses and legal expenditures shall be provided for and taken out of that standard return. But even there the language is not quite explicit enough, because it says:

That for the purposes of providing funds requisite for maturing obligations—

Judgments obtained for personal injuries, we will say, would not be maturing obligations—

or for other legal and proper expenditures—

It might be included under that broad term, but it is followed by the words—

or for reorganizing railroads in receivership, carriers may, during the period of Federal control, issue such bonds and notes, equipment trust certificates, stock, and other forms of securities.

But I doubt whether the courts would construe that general phraseology, "or other legal and proper expenditures," as inclusive of judgments obtained for such character of cases as that in the mind of the proponent of this amendment.

But the objection—and permit me to address myself to my colleague on the committee, the gentleman from Ohio [Mr. COOPER]—the objection to this amendment is that you propose to take the payment of these judgments out of the revolving fund, because your amendment says that it shall be the payment out of the operating revenue derived from Federal control, or, if that is insufficient, out of the revolving fund.

Now, this revolving fund——

Mr. CARAWAY. May I ask the gentleman a question?

Mr. DEWALT. Certainly.

Mr. CARAWAY. If the Government takes over the carrier, and so operates it that the return will not pay all the legal liabilities of the company, why should it not pay it out of the revolving fund? Suppose a man is working for the company and he is injured? He is entitled to compensation. He obtains a judgment against it, but the Government so operates the road that there is no revenue out of which it can be paid. Now, then, why should he not be paid out of the revolving fund or any other revenue?

Mr. DEWALT. I do not object to the primary construction given by the gentleman from Arkansas [Mr. CARAWAY], but I am referring to section 6, in which the revolving fund of $500,000,000, as already agreed to and passed by this House, is specifically devoted to certain purposes, and that is that, together with funds available from any funds of the carrier, it may be used by the President for the purpose of paying the expenses of the Federal control, and, so far as necessary, the amount of just compensation, and to provide for terminals, motive power, cars, and other necessary equipment. Now, that exclusively confines that $500,000,000 to the purpose of paying expenses during Federal control. And what is no doubt in the mind of the gentleman from Arkansas [Mr. CARAWAY] and in the mind of the gentleman from Ohio [Mr. KEARNS] is to pay judgments which were obtained even before Federal control. Do I understand it correctly?

Mr. KEARNS. No; that was not my intention.

Mr. CARAWAY. Will the gentleman pardon me a minute?

Mr. DEWALT. Certainly.

Mr. CARAWAY. There is not anything in this bill that, in my opinion, authorizes judgments for injuries occurring before the Government took over the railroads, or, in express terms, for those that may occur during Government control.

Mr. DEWALT. I think I said so.

Mr. CARAWAY. I beg your pardon.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DEWALT. Mr. Chairman, I ask for a minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. May I ask the gentleman one question?

Mr. DEWALT. Certainly.

Mr. LITTLE. Under your system, would the stockholders——

Mr. DEWALT. If the gentleman will permit me just one moment, I wish to say that if the gentleman from Ohio [Mr. COOPER] will reconstruct his amendment in the line of the thought I have tried to present, I will try to give it my support.

Mr. LITTLE. Under your system, would a stockholder of the road receive his compensation before a creditor of the road would receive his pay?

Mr. DEWALT. Oh, no.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. On the contrary, is not that the explicit result of it if you are going to pay him out of the $500,000,000 and not pay the other fellow?

Mr. DEWALT. No. The gentleman is either reasoning in a circle or he did not catch the right point and, therefore, he does not get the right conclusion. I yield to the gentleman from Ohio [Mr. KEARNS].

Mr. KEARNS. I think the statement of the gentleman from Pennsylvania is clear, but I was busy reading the bill part of the time. What is the gentleman's opinion on the payment of the judgment?

Mr. DEWALT. There is nothing in the bill that explicitly provides for that, but——

Mr. KEARNS. Would the gentleman be willing to amend the bill so that the prior judgments would be held on the pending judgments?

Mr. DEWALT. When the judgment is final.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. SHERLEY. Mr. Chairman, I ask that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SHERLEY. Will the gentleman yield?

Mr. DEWALT. Yes; I yield to the gentleman.

Mr. SHERLEY. Here was the thought that I was trying to suggest to the gentleman: That any money that should be paid to the railroads for their use and occupancy by the Federal Government, when so paid, would be subject to the payment of any judgment that had been rendered in favor of any person or corporation against such railroad.

Mr. DEWALT. Certainly, sir. The gentleman from Kentucky is exactly right. If he buys a piece of property with a mortgage resting upon it, he buys the property subject to the mortgage, and this would be a lien——

Mr. SHERLEY. A man holding a judgment against the railroad could collect that judgment out of that fund as against any claim of any stockholder.

Mr. DEWALT. There is no question about that.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. LITTLE. You now state that the creditors who were creditors before the road passed into the hands of the Government would be paid out of the $500,000,000 fund.

Mr. DEWALT. No; I did not say that.

Mr. LITTLE. I think you did. You say the minute the money is due from the revolving fund it becomes liable for the railroad's debts. Now, you say the money due the railroads out of the revolving fund could not be liable to the debts of the road after it had passed into the hands of the Government.

Mr. DEWALT. No; the gentleman is mistaken. The gentleman did not start with the right premise. If he had started with the right premise he would have come to the right conclusion. The gentleman said I said this was to be paid out of the revolving fund. I did not say anything of the kind.

Mr. LITTLE. This money that the gentleman from Kentucky referred to comes out of the revolving fund.

Mr. DEWALT. No; he was not referring to that at all.

Mr. LITTLE. It comes out of the $500,000,000.

Mr. DEWALT. No. If the gentleman had listened to him and to me he would have understood.

Mr. LITTLE. It is the gentleman who is reasoning in a circle, not I. You say the compensation will be due from the Government to the railroads. From that you agree to pay, according to your theory, a deficit that accrued before the matter passed into the hands of the Government. Is that correct?

Mr. DEWALT. We do not agree to do it, but in all honesty we provide that the President shall make regulations by which those just debts should be paid, not by execution but by regulations of the President.

Mr. LITTLE. Why not pay it out of the $500,000,000?

Mr. DEWALT. There is no objection to that except that the $500,000,000 fund is devoted to specific purposes.

Mr. PARKER of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DEWALT. Yes.

Mr. PARKER of New Jersey. I think this matter has been confused by speaking of judgments recovered before the Government takes over the railroads. It should be judgments obtained after the Government had taken control of the roads.

Mr. DEWALT. Yes. That is stated by the gentleman from Ohio [Mr. COOPER].

Mr. PARKER of New Jersey. No. All operating expenses due on bills not rendered are expected to be paid out of the operating expenses in the ordinary course of accounts. Is not that a fact?

Mr. DEWALT. Yes. I have stated that in my remarks heretofore.

Mr. PARKER of New Jersey. Ought not that to be stated in the bill definitely?

Mr. DEWALT. Yes; I agree with the gentleman on that. I have stated to the gentleman from Ohio [Mr. COOPER] that if he will re-form his amendment along the line indicated I will give it my support.

Mr. PARKER of New Jersey. Will you not aid in that way?

Mr. DEWALT. I will if I can.

Mr. CARAWAY. Answering the question before, the gentleman said that moneys paid out for injuries, in satisfaction for injuries, were part of the operating expenses?

Mr. DEWALT. Yes.

Mr. CARAWAY. Does not your bill provide that the carrier shall receive certain fixed compensation, which, of course, will pass to its stockholders? Now, if that comes by agreement with the carrier and is not a fund out of which this money can be paid and the judgment paid, will not the party with the judgment against the railroad lose it? I do not know that I am making myself clear.

Mr. DEWALT. The bill provides that the company shall be paid according to the standard return. Do not forget that portion.

Mr. CARAWAY. I will remember that.

Mr. DEWALT. Now, the standard return is made up in a certain way. How is the standard return made up? It is made up by taking the "annual railway operating income, including therein such income of lines acquired by, leased to, or consolidated with it," and in addition to that the United States may, by deductions from the standard return, or by other proper means and charges, be reimbursed for the cost of any addition, repairs, renewals, and betterments, and so forth. There are to be certain deductions made, and "in the computation of such income, debits, and credits arising from the accounts called in the monthly reports to the Interstate Commerce Commission equipment rents and joint facility rents shall be included. The standard return and the cost of such additions, betterments, or road extensions are to be ascertained by the Interstate Commerce Commission from the reports, books, and other pertinent data of such carrier and certified by it to the President. Its certificate shall, for the purpose of such agreement, be taken as conclusive of the amount of such average annual railway operating income and of such cost." Now, all that process is gone into, and these operating expenses are deducted from the income, and the net result makes the standard return.

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] offers a substitute. The pro forma amendment is withdrawn.

Mr. DEMPSEY. Mr. Chairman, I have decided not to offer my amendment.

Mr. LENROOT. Mr. Chairman, I offer the following as a substitute.

The CHAIRMAN. The gentleman from Wisconsin offers a substitute for the amendment, which the Clerk will report.

The Clerk read as follows:

Page 12, line 11, at the end of the line, insert the following:

"The President shall by regulation provide for the payment out of the operating revenue derived from Federal control, or, if that is insufficient, out of the revolving fund, of any judgments or awards, and for the enforcement of any decrees or orders, that may be rendered against such owners in any suit of such a character that but for Federal control (a) it could be brought against the owner of any railroad or system of transportation; and (b) any amount paid in compromise thereof or in satisfaction of a judgment or decree therein could be charged to operating expenses or to railway tax accruals under the Interstate Commerce Commission of classification of accounts in force on December 27, 1917. The President shall also provide for the payment, out of operating revenues or out of the revolving fund, of any loss accruing to any owner by reason of any process levied against any property of such owner in connection with any suit of the character above described."

Mr. SIMS. Is this to be a substitute for the entire amendment of the gentleman from Ohio [Mr. COOPER]?

Mr. LENROOT. It is now; yes.

Mr. SIMS. One other question: Does it provide for the payment of judgments for causes of action against the railroad arising prior to Federal control?

Mr. LENROOT. It does not.

Mr. SIMS. Then I am certainly in favor of the substitute.

Mr. JOHNSON of Kentucky. I desire to offer an amendment.

The CHAIRMAN. Does the gentleman from Wisconsin yield for that purpose?

Mr. LENROOT. I should like to take a few minutes in the discussion of it.

The CHAIRMAN. The gentleman from Kentucky will have his opportunity later.

Mr. SIMS. The gentleman from Kentucky has an amendment to which I think there will be no objection.

Mr. JOHNSON of Kentucky. I want to offer an amendment to the amendment of the gentleman from Wisconsin.

Mr. LENROOT. That is all right. The gentleman will have his opportunity later.

I do want to discuss the clear necessity, as it seems to me, of adopting some amendment, either of the character of the one proposed by the gentleman from Ohio [Mr. COOPER] or the one that I have now proposed as a substitute, for this reason: That the bill as it now stands prohibits, or attempts to prohibit, any carrier from making any defense that would otherwise be permitted, on the ground that the carrier is an instrumentality or agency of the Federal Government. It seems very clear that we have no right, that we can not constitutionally prevent the carrier from making the defense that negligence charged was

not that of the carrier as an agent but was due wholly to an order of the President of the United States acting through the Director General of Railroads.

Mr. SIMS. I meant to be understood as accepting the substitute on behalf of the committee.

Mr. LENROOT. I did not know whether the gentleman would accept the amendment as amended by the substitute.

Mr. SIMS. I supposed that was all I had to do.

Mr. DEWALT. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. DEWALT. Let me ask this concrete question: Does your substitute for the Cooper amendment intend to pay judgments or executions thereon out of any portion of the revolving fund?

Mr. LENROOT. Yes.

Mr. DEWALT. Then I should have to oppose it. If you confine it to operating expenses, that is all right.

Mr. LENROOT. If the operating expenses are not sufficient to pay the judgments; but I want to state—I do not think the gentleman will disagree with me—that my amendment provides that no judgment shall be paid out of either operating expenses or the revolving fund unless it is a judgment arising out of a cause of action accruing during Federal control and is of such a character that under the Interstate Commerce Commission classifications of accounts it would be chargeable to operating expenses.

Mr. DEWALT. That is all right then, but——

Mr. LENROOT. So it would come out of the revolving fund only in the event that there were not sufficient revenues to pay the judgment.

Mr. DEWALT. I wish the gentleman could see his way clear to express the intent that it shall not be paid out of the revolving fund at all, because the revolving fund is explicitly devoted to other purposes.

Mr. LENROOT. I will very frankly state why I do not do that. If we are to prohibit the carrier from making any defense that it is not an agency of the Federal Government, we must give to that carrier a complete remedy so as to make the carrier only a nominal defendant in fact. The carrier must be assured that while the judgment is rendered against it in form, full provision is made for the payment of it. When it is of such a character that it must be charged to operating revenue——

Mr. REED. Will my colleague yield for a question?

Mr. LENROOT. Yes.

Mr. REED. I understood the chairman of the committee to say that as to those judgments or liabilities arising prior to Government control the parties entitled to recover would have no remedy until after Government control ceased.

Mr. LENROOT. That is true only so far as enforcement of the lien upon the property taken over by the Government is concerned. They could at once levy upon this compensation that we are paying the railroads. They could levy upon any property that was not taken over by the Government belonging to the railroad. They could levy upon any money in the treasury of the railroad corporation.

Mr. REED. I did not so understand the chairman of the committee [Mr. SIMS].

Mr. SIMS. The statement of the gentleman from Wisconsin is correct.

Mr. WINGO. Do I understand the gentleman's statement to be that a man who recovered judgment against the railroad could levy upon this fund in the hands of the United States Government?

Mr. LENROOT. No. I expressly stated the contrary.

Mr. WINGO. I knew the gentleman did not intend to, but I think he did make that statement.

Mr. LENROOT. If I did, I want it corrected. I was saying that they would have the right to levy upon the money that we pay over to the carrier the moment that money gets into the possession of the carrier.

Mr. WINGO. Into the carrier's hands.

Mr. LENROOT. Yes.

Mr. WINGO. But, of course, they could not levy upon anything in the hands of the Government.

Mr. LENROOT. No; certainly not.

Mr. WINGO. That was the reason I asked the question. I did not think the gentleman intended that.

Mr. LENROOT. I thank the gentleman for correcting me if I made that statement.

Mr. COOPER of Ohio. I should like to ask my colleague [Mr. LENROOT] in what way his amendment differs from the one that I offered? I am asking for information.

Mr. LENROOT. There are two differences. In the first place, the amendment that the gentleman offers will cover not only judgments arising out of causes of action accruing before we took over the control of the railroads, but it also covers every judgment rendered against the carrier, whether that judgment would be chargeable to operating expenses or not.

Mr. JOHNSON of Kentucky. In my time, Mr. Chairman, I would like to ask the gentleman from Wisconsin [Mr. LENROOT] whether his amendment would not take care of causes of action arising before the Federal control commenced?

Mr. LENROOT. If the amendment is adopted?

Mr. JOHNSON of Kentucky. Just as it is.

Mr. LENROOT. Just as it is, it will not, out of the money in the hands of the Government, or in the hands of the carrier as an agency of the Government.

Mr. JOHNSON of Kentucky. Does not the gentleman think, then, that that language in his amendment had better come out?

Mr. LENROOT. No; I think all judgments will be collected without the slightest question out of the money in the treasury of the corporation from the property of the corporation. I do not think there will be the slightest difficulty about that.

Mr. LITTLE rose.

Mr. DILLON. Mr. Chairman, I ask recognition as a member of the committee.

Mr. LITTLE. If the gentleman from South Dakota will excuse me, I will be through in a minute.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto close in 10 minutes.

Mr. KEARNS. Mr. Chairman, I think this is one of the most important amendments proposed to this bill.

The CHAIRMAN. It is not debatable, the question is on the request of the gentleman from Tennessee.

Mr. STAFFORD. Can not the gentleman from Tennessee give us a little more time so that the gentleman from Ohio can have some time?

Mr. SIMS. I will make it 15 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the amendment and amendments thereto close in 15 minutes. Is there objection?

Mr. WINGO. I object, unless we have more time, so as to get information on this important question.

Mr. SIMS. Then, Mr. Chairman, I move that all debate on the amendment and amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on the amendment and amendments thereto close in 15 minutes.

The question was taken; and on a division (demanded by Mr. WINGO) there were—30 ayes and 7 noes.

Mr. WINGO. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The Chair will count.

Mr. SIMS. Mr. Chairman, if the gentleman from Arkansas wants time for himself, I will be glad to ask for more time and give him such time as he wishes. The gentleman did not state that he wanted it.

Mr. WINGO. I am not so constituted that I care to jockey over an important matter in the division of time where the gentleman in control shows no disposition to heed any protest and makes no answer to courteous protests against shutting off proper discussion.

Mr. SIMS. I tried to find out how many wanted time and tried to make provision for them.

The CHAIRMAN. All this discussion is out of order unless the gentleman from Arkansas desires to withdraw his point of order.

Mr. WINGO. I do not, Mr. Chairman.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-three Members present, not a quorum.

Mr. SIMS. Mr. Chairman, I move that the committee do now rise.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. SIMS. I demand tellers.

Tellers were ordered; and the Chair appointed as tellers the gentleman from Tennessee [Mr. SIMS] and the gentleman from Ohio [Mr. KEARNS].

The committee divided; and the tellers reported that there were no ayes and 123 noes.

So the committee refused to rise.

The CHAIRMAN. A quorum is present. The vote on the motion of the gentleman from Tennessee was 30 in favor and 7 in the negative. The motion prevails, and the gentleman from South Dakota is recognized.

Mr. WINGO. Mr. Chairman, what was the motion of the gentleman from Tennessee that has been adopted?

The CHAIRMAN. That all debate on the amendment and all amendments thereto close in 15 minutes.

Mr. WINGO. The gentleman from Tennessee simply moved to close debate.

The CHAIRMAN. The gentleman from Tennessee moved to close debate on the amendment and all amendments thereto.

Mr. WINGO. And the Chair rules that debate is closed on the particular amendment?

The CHAIRMAN. On the amendment offered by the gentleman from Ohio [Mr. COOPER] and all amendments thereto.

Mr. WINGO. And unless a gentleman can get time he can not offer an amendment?

The CHAIRMAN. He can offer an amendment.

Mr. WINGO. I would be glad to, but that would be a vain offer on a question of this importance, if sufficient time is not allowed to explain it and discuss it on its merits.

Mr. LITTLE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LITTLE. I asked the Chair for the floor, and the Chair recognized me for five minutes, and then the gentleman from South Dakota said he was a member of the committee and asked to be recognized.

Mr. DILLON. Mr. Chairman, I waive my right in favor of the gentleman from Kansas.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. LITTLE. Mr. Chairman, I think there has been a confusion of terms here that has misled some of us. It has bothered me but I suppose older Members can get around it. I find on looking at the bill that section 6 says:

That the sum of $500,000,000 is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, which together with any fund available from any operating income of said carriers may be used by the President as a revolving fund for the purpose of paying the expenses of Federal control, and so far as necessary the amount of just compensation, and to provide terminals—

And so on. The $500,000,000 appropriated and operating income constitute the revolving fund. The gentleman from Pennsylvania and the gentleman from Wisconsin have been misled in their use of the term "revolving fund." They overlook the fact that it contains the $500,000,000 appropriated by this bill. I have in my hand the amendment of the gentleman from Wisconsin, which says:

The President shall by regulation provide for the payment, out of the operating revenue derived from Federal control, or if that is insufficient, out of the revolving fund, of any judgments or awards and for the enforcement of any decrees or orders.

The operating income is included in the revolving fund, as appears from section 6, and as I stated a few moments ago, the gentleman from Pennsylvania [Mr. DEWALT] and the gentleman from Wisconsin [Mr. LENROOT] were both confused on that, and I think it has misled us all a little. We now find this to be the fact: That whatever judgments they want paid out of this they desire paid out of the revolving fund, which means in the final analysis it shall come out of the $500,000,000, just as I stated to the gentleman from Pennsylvania when he accused me of reasoning in a circle, and he was not reasoning at all, because he had not the basis of facts to reason from. A man brings suit against a railroad, and under this amendment he will be allowed to be paid from the one or the other. This is a confusion of statements. This should be corrected, so as to say whatever he means it shall say. It is an impropriety to say "out of the operating revenue or the revolving fund," because the operating revenue is a part of the revolving fund.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. HARDY. I agree with the construction the gentleman has placed now upon it, but the question in my mind is, Should this law provide for the payment out of the $500,000,000 contributed by the Government of debts arising from causes prior to the taking over of the railroads?

Mr. LITTLE. I was just coming to that. I see penciled in the amendment, to do justice to the gentleman from Wisconsin, what was not there at first, that he is allowing these remedies for causes which accrue during Federal control only, which would refuse a man who had won his suit before the railroads were taken over an opportunity to get his money. That would be a moral injustice and a legal wrong. If you are going to arrange that the man who sues the railroad after it passes into the hands of the Government shall be paid out of the revolving fund, certainly you ought to arrange to pay the man who now has a claim against the Government, a prior lien.

Mr. HARDY. I want to ask the gentleman this question: Suppose there are a lot of bankrupt roads taken over; would the gentleman validate all of the judgments now existing against those roads?

Mr. LITTLE. I would not do that.

Mr. HARDY. And pay them out of the $500,000,000?

Mr. LITTLE. Now, that would not follow at all. The debts of a bankrupt road would be in the same position that they are in now. The fact that they are in bankruptcy fixes their status. If a road is bankrupt, it is bankrupt, and the debts against it follow it into the courts of bankruptcy. They would not be claims here under this bill; they would abide by the courts' decisions.

Mr. HARDY. But if the gentleman provides by the bill that these debts shall be paid out of the $500,000,000——

Mr. LITTLE. Oh, I have not yet drawn my amendment; when I do, that will be arranged for.

Mr. LENROOT. Mr. Chairman, if the gentleman will permit, if the gentleman took over a factory and operated it, would he be willing to pay all of the judgments that might have been rendered against it arising out of causes of action before he took the factory over?

Mr. LITTLE. No; I would not; and why should I? But a railroad is not like a factory. Can the gentleman not get the distinction between a quasi-public corporation and a private factory owned by an individual? The State has a much greater authority over the one than over the other.

Mr. STEVENSON. Judgments against railroads in practically all of the States are made first liens ahead of bonds or any of these liabilities; that is, judgments for personal injuries.

Mr. LITTLE. The gentleman from South Carolina always knows the law; and let me answer the gentleman from Wisconsin [Mr. LENROOT] further before it slips away from me. These judgments are liens now on the railroad, and if somebody had a lien on a factory which I bought, I would have to pay it, and these men who put these railroads in Government hands will escape with their property from those liens if the gentleman's amendment carries, and I think if the other one does, too. Any lien holder might foreclose and take from him any factory he took over, and there is no reason why the Government should help any railroad to avoid that rule of law.

Mr. HAMLIN. Is there not this solution in it for these holders of prior judgments—that the Government guarantees under this bill the return to these carriers at some period these roads in as good condition as they were when we received them?

Mr. LITTLE. I expect that that means physical condition.

Mr. HAMLIN. Can the judgments not be collected then?

Mr. LITTLE. Yes; but why should a man who now has a judgment be delayed while future judgments and compensations to stockholders are paid?

This somewhat revolutionary legislation, involving this Government in such tremendous expenditures, giving the railroad companies such sweeping guaranties endowing somebody to be designated by the President with such unlimited authority, is asked of this Congress under the statement, as we understand, from the administration that this law is essential to the successful prosecution of the great war. I could wish that the petition were more specific, definite, and certain; that the evidence were more competent, more relevant, more material; that the argument were more germane, more profound, more convincing. This Congress is voting simply on an assertion, but the appeal is to one's patriotism, and the resistless sweep of mighty events leaves short time for examination and reflection on a measure that will continue to affect the destiny of the Republic when the bugle blows taps at the funeral ceremonies of the last soldier that returns from Europe.

You have guaranteed to return these highways, which the public made possible by its own investment of the right of eminent domain, in as good condition as they are now. Every lawyer in the House knows that a railroad company may dispute the justice of the Government's definition of that condition and that the claims of the railroads may never be finally adjusted till about the time the last pension is paid for the last time.

Gentlemen, the author of this measure should have provided an accurate system for settling those claims and for protecting the Government against those gigantic demands that will probably run into billions. This $500,000,000 will come from taxes and money loaned by the people to the Government at 4 per cent. There should be some reasonable explanation here why a man with a boy on the firing line should loan money to his Government at 4 per cent and sell wheat at 20 per cent less than the price fixed by the law of supply and demand to pay a higher rate to the railroad investor, who, at the worst, is only making the same sacrifice practically that is required of all our citizens. Equity and justice demands that the railroad stockholders should receive a just, equitable, and sufficient compensation for the use of their property, and for this I shall stand. But these are the only people in effect whose rights are guaranteed by law, and the committee should have so presented the necessities of the administration and the justice of this statute that the taxpayer as he works may read and comprehend. In the paragraph under discussion no provision

was made that guaranteed a creditor of the railroad company that he should receive his due. Do you think an ordinary man would see the justice of that? Even now we are told that a man who has lost his horse or his limb and has a judgment lien against the railroad should not be paid till the war is over, while he must loan money and pay taxes to compensate the stockholder in the railway for the use of his property. Surely, gentlemen, this could have been so drawn and so presented as to treat all citizens fairly.

I want to say that the compensation you pay these stockholders of these railroads is going to come, just as I indicated to the gentleman from Pennsylvania, in the final analysis, from the $500,000,000 the Government advances. Of course, it will be paid out of the operating income if they can, but that is a part of the revolving fund, too. If that part does not pay it—and you know it will not in some cases—you will compensate these people who own these railroads out of the $500,000,000 that you put into it, and you refuse to compensate the creditors who now have debts, liens against these railroads. You will pay the men who own the railroads interest upon their money and refuse to pay their debtors who now have judgments against them, which is a gross injustice.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move to amend the amendment offered by the gentleman from Wisconsin [Mr. LENROOT], in the fifth line, so that it will read, "Upon causes of action arising during or prior to Federal control."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the Lenroot amendment by inserting in the fifth line, after the word "during," the words "or prior to the," so that it will read: "and for the enforcement of any decrees or orders upon causes of action arising during or prior to the Federal control," etc.

Mr. JOHNSON of Kentucky. Mr. Chairman, I think the matter is so plain that I do not care to argue it.

Mr. KEARNS. Mr. Chairman, I desire to offer an amendment to this section of the bill.

Mr. SIMS. Has the time been exhausted for debate?

The CHAIRMAN. It has not. There are nine minutes remaining.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the amendment be read and the gentleman be allowed to discuss it in the time——

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the amendment offered by the gentleman from Ohio may be read for information at this time. Is there objection?

Mr. WINGO. Mr. Chairman, reserving the right to object, has not the gentleman a right to have his amendment offered and read without unanimous consent?

The CHAIRMAN. Not at this time. It is an amendment to the section and not an amendment to the amendment. Is there objection? [After a pause.] The Chair hears none. The gentleman offers an amendment, which will be read for information.

The Clerk read as follows:

After the word "control," in line 11, page 12 of the bill, insert "any final judgment heretofore rendered or that hereafter may be rendered against any common carrier under Federal control shall be paid out of the operating revenues derived from the common carrier against which a judgment has been or hereafter may be obtained."

Mr. KEARNS. Mr. Chairman, the only reason I have offered this amendment is that it might take care of millions, perhaps, in judgments that may be pending against common carriers that will be taken over by the Government. The very fact that these roads, some of them prosperous, should be taken over by the Government is not a sufficient reason why the holder of a judgment, the injured party, should not recover his money. Under the bill as it stands such a person as this would be entirely defeated in his rights to recover on his judgment, because he is without process of law to enable him to levy upon any property of that company. Then, for another reason, that any judgment that may in the future be obtained against any railroad company taken over by the Government, out of the receipts of that company as far as the receipts are ample, shall pay that judgment.

Mr. LENROOT. Will the gentleman yield?

Mr. KEARNS. I will.

Mr. LENROOT. Suppose the receipts are not sufficient for that purpose and the negligence is that of the Government and not of the carrier?

Mr. KEARNS. The Government has taken over the railroads, and unless there is some modification of this bill wherein the Government is to be made responsible, providing it shows in the trial of the case or the courts may decide the Government is responsible by its order or the negligence arising from the Government's order, I can see no reason why the Government ought not to pay that.

Mr. LENROOT. That is what I propose.

Mr. KEARNS. That might come in another place in the bill, but the gentleman's amendment does not cover the ground that is sought to be covered by this amendment. My amendment has not sought to remedy that defect in the bill, although I think the gentleman's amendment or some other amendment ought to be offered in the proper place that the defect may be cured, but the thing I am trying to reach by this amendment, which I do not believe other amendments look after, is the fact that if I have a judgment against a railroad company, a final judgment, that judgment ought to be paid out of the receipts of that company, as far as the receipts are sufficient, and the very fact that the railroads should be taken over by the Government, and all of these railroads are coming to Washington clamoring with the Director of Railroads that they should be taken over, ought not to defeat me from realizing on my legitimate final judgment.

Mr. HARDY. Will the gentleman yield?

Mr. KEARNS. I will.

Mr. HARDY. Would not the gentleman's amendment arrive at the same purpose if he made its terms apply to judgments existing before the taking over and then take the Lenroot amendment——

Mr. KEARNS. That part of it will be all right. I think the Lenroot amendment cures one defect in the bill, another defect from the one I seek to cure, and that is that the Government itself shall pay the judgments that have been obtained in the courts by reason of the fault of the Government itself. The railroad company ought not to be made to pay in that event. But my amendment provides for an injury that has been caused either by the fault of the owners of the railroads or by the fault of the Government, and the Lenroot amendment, a part of it, ought to be enacted into law and it ought to be made a part of this bill, but my amendment undertakes to cure a defect that no other amendment that has been offered to this bill has undertaken to cure.

Mr. SHERLEY. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. SHERLEY. Does not the gentleman get out of one dilemma into another? The gentleman makes a judgment against the road payable out of the revenues earned by the road subsequently, irrespective of whether the earnings are sufficient to take care of it and other obligations or not.

Mr. KEARNS. I think the railroads ought to pay their judgments first.

Mr. SHERLEY. But which judgment?

Mr. KEARNS. Judgments obtained in the courts against the company.

Mr. SHERLEY. But sometimes they ought to pay an old judgment, and sometimes they ought not, depending upon the revenues they have got. There are priorities of judgment, of which the gentleman loses sight.

Mr. KEARNS. But priorities of judgment should be followed by the Government in paying those judgments, too.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTLE. Mr. Chairman, I desire to offer this amendment.

The CHAIRMAN. An amendment to the amendment? That is not in order at this time. There is pending an amendment.

Mr. COOPER of Ohio. Mr. Chairman, I ask unanimous consent to withdraw my amendment and accept the one the gentleman from Wisconsin [Mr. LENROOT] has offered.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none. There remains four minutes of debate——

Mr. LITTLE. Mr. Chairman, I object.

Mr. LENROOT. Mr. Chairman, then I offer my amendment as an original amendment.

The CHAIRMAN. The gentleman from Kansas objected to the withdrawal of the amendment offered by the gentleman from Ohio.

Mr. DILLON. Mr. Chairman, I want to ask the gentleman from Wisconsin [Mr. LENROOT] one question, whether his amendment would require the President to pay a judgment against an insolvent company.

Mr. LENROOT. It certainly would, providing the judgment arose out of a cause of action arising during Federal control and upon such a cause of action that in private control the judgment would be paid out of the operating revenues, but no other.

Mr. DILLON. Assuming that there should be a foreclosure against an insolvent company and a judgment was rendered against that company, then the President would be required to pay, notwithstanding the fact that the company was insolvent?

Mr. LENROOT. Not at all. That would not be a charge against the operating revenue. Any judgment there would be a

in law. The fact that they are in bankruptcy fixes their comprehend. In the paragraph under discussion no provision

ought not to pay that.

against the operating revenue. Any judgment there would be a

charge having nothing to do with the operation of the railroad, and the President would not be permitted to pay a judgment of that kind.

Mr. WINGO. If the gentleman from South Dakota will permit in his time——

Mr. DILLON. Certainly.

Mr. WINGO. Under the gentleman's amendment would a judgment rendered against an insolvent railroad have to be paid out of the revolving fund?

Mr. LENROOT. It would not be paid out of any fund unless it was a judgment arising during Federal control and of such a character that it would be chargeable to operating revenue.

Mr. WINGO. Now, under the gentleman's amendment, a judgment procured 24 hours before the President took charge of the road could not be paid at all?

Mr. LENROOT. Not out of this fund.

Mr. WINGO. Would it be paid at all, under the language of the bill?

Mr. LENROOT. Not so far as the Government is concerned.

Mr. WINGO. But the railroad?

Mr. LENROOT. Certainly.

Mr. WINGO. I have not been able to get enough information to know whether the gentleman's amendment will take out of the bill the provision which prevents a levy to collect a judgment.

Mr. LENROOT. There is nothing in the bill except the levy on the property that we have taken over. They may not levy against any money in the Treasury.

Mr. WINGO. In the case of two roads I have in mind a farmer would be compelled in one instance to go to New York and in the other instance to Louisville in order to levy upon funds in the hands of the railroad treasurer to satisfy a judgment for killing of stock unless the bill is amended. In small judgments the expense that could not be properly charged up as court costs would be larger than the amount of the claim. The gentleman's amendment would not take care of that?

Mr. LENROOT. It would not, and neither does the original bill.

Mr. WINGO. You do not cure it. Under the original bill these creditors who have received a judgment for a little claim that is recognized and properly adjudicated, and which under the law as it stood at the time the judgment was rendered was a first lien in the State upon the roadbed and upon the rolling stock, under this proposed law and under the gentleman's amendment they would have to wait until the Government surrendered control before they could get satisfaction of their judgment?

Mr. LENROOT. If they could not get it out of the property taken over.

Mr. WINGO. All the property they have the Government has taken charge of, except the money?

Mr. LENROOT. Oh, no. Many railroads own property that we have not taken over at all.

Mr. WINGO. All railroad property they have a right to own under some of their charters has been taken over?

Mr. LENROOT. That is true as to railway property, but they have money invested in office buildings, and things of that kind, and in securities and bank accounts.

Mr. WINGO. But those bank accounts are in the centers of the country and their location unknown to the judgment creditor.

Mr. LENROOT. I will say that my amendment neither affects that one way or another.

The CHAIRMAN. The time of the gentleman from South Dakota [Mr. DILLON] has expired.

The question is on the amendment of the gentleman from Kentucky to the amendment of the gentleman from Wisconsin.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. As I understand the parliamentary status, some gentleman—I believe the gentleman from Ohio [Mr. COOPER]—offered an amendment, and the gentleman from Wisconsin [Mr. LENROOT] offered a substitute for that. Was that it?

The CHAIRMAN. That is right.

Mr. WINGO. Now the debate has been exhausted on the Cooper amendment but not on the Lenroot amendment?

The CHAIRMAN. It has been exhausted on the Cooper amendment and all amendments thereto.

Mr. WINGO. The right of amendment?

The CHAIRMAN. The right of amendment has not been exhausted.

Mr. WINGO. I should like to offer an amendment to the Lenroot amendment, then.

The CHAIRMAN. There is an amendment pending.

Mr. WINGO. It is not in order now?

The CHAIRMAN. It is not in order at this time.

The question is on the amendment proposed by the gentleman from Kentucky [Mr. JOHNSON] to the amendment proposed by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment to the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment to the Lenroot amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Line 3 of the Lenroot amendment, after the word "control," strike out the words "or if that is insufficient, out of the revolving fund"; and in line 12 strike out the words "or out of the revolving fund."

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Illinois [Mr. MADDEN] to the amendment proposed by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment to the amendment was agreed to.

Mr. WINGO. Mr. Chairman, I offer an amendment to the Lenroot amendment.

The CHAIRMAN. The gentleman from Arkansas offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment of Mr. WINGO to the Lenroot amendment: After the words "may be," in the fifth line of the Lenroot amendment, insert the words "or have been heretofore."

The CHAIRMAN. The question is on the amendment to the amendment.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas have five minutes in which to discuss his amendment.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. WINGO].

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas may have five minutes.

Mr. WINGO. Mr. Chairman, the committee and the gentlemen who have heretofore used all the time have shut off debate, so that it is impossible to get full information, and now no one can hope to discuss this in five minutes with any degree of satisfaction. Therefore, I decline, with thanks, such limited offer.

The CHAIRMAN. The amendment is not debatable. Does the gentleman from Iowa press his request?

Mr. GREEN of Iowa. No. The request is withdrawn.

The CHAIRMAN. The gentleman from Iowa withdraws his request.

Mr. ALEXANDER. Mr. Chairman, can the amendment be read again?

The CHAIRMAN. The Clerk will read the Lenroot amendment as it would read if modified by the amendment of the gentleman from Arkansas.

Mr. ALEXANDER. What I asked for was the Lenroot amendment as amended by the amendment agreed to and offered by the gentleman from Illinois [Mr. MADDEN].

The CHAIRMAN. The Chair understood the gentleman to make the request that the Lenroot amendment be read as it would be with the amendment of the gentleman from Arkansas adopted. The gentleman from Missouri asks unanimous consent that the amendment of the gentleman from Wisconsin, with the amendment as adopted, proposed by the gentleman from Illinois [Mr. MADDEN], be read. Is there objection?

There was no objection.

The Clerk read as follows:

Page 12, line 11, at the end of the line, insert the following:

"The President shall, by regulation, provide for the payment out of the operating revenue derived from Federal control of any judgments or awards, and for the enforcement of any decrees or orders upon causes of action arising during the Federal control that may be rendered against such carriers in any suit of such a character that but for Federal control, (a) it could be brought against the carrier, and (b) any amount paid in compromise thereof or in satisfaction of a judgment or decree therein that could be charged to operating expenses or to the railway tax accruals under the Interstate Commerce Commission's classification of accounts in force on December 27, 1917. The President shall also provide for the payment, out of operating revenues, of any loss accruing to any carrier by reason of any process levied against any property of such carrier in connection with any suit of the character above described."

The CHAIRMAN. The question now is on agreeing to the amendment proposed by the gentleman from Arkansas [Mr. WINGO] to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

Mr. KEARNS. Mr. Chairman, before the vote is had, can we not have the amendment read again?

The CHAIRMAN. Without objection, the amendment of the gentleman from Arkansas will again be read.

The Clerk read as follows:

Amend the Lenroot amendment after the words "may be," in line 5, by inserting the following: "or have been heretofore," so that, as amended, it will read, "and for the enforcement of any decrees or orders upon causes of action arising during Federal control that may be or have been hereafter rendered against such carriers in any suit of such a character."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. YOUNG of Texas. Mr. Chairman, a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 37, noes 41.

Mr. WINGO. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Arkansas makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and seventeen gentlemen are present—a quorum.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Arkansas offers another amendment, which the Clerk will report.

Mr. WINGO. Before the words in the Lenroot amendment "Federal control" I offer to insert the words "or judgment rendered before."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WINGO to the Lenroot amendment: In the fifth line of the amendment, before the words "Federal control," insert the words "or judgments rendered before."

Mr. MADDEN. Mr. Chairman, I make the point of order against that. We have just voted on that question.

Mr. WINGO. Oh, no, Mr. Chairman; it is a different proposition entirely. I would have offered it even if my other amendment had been adopted.

Mr. MADDEN. Then I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The question is on agreeing to the amendment proposed by the gentleman from Arkansas [Mr. WINGO] to the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WINGO. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 28, noes 40.

So the amendment was rejected.

Mr. JOHNSON of Kentucky. Mr. Chairman, I want to offer an amendment after the Lenroot amendment is disposed of.

Mr. STEVENSON rose.

The CHAIRMAN. Has the gentleman from South Carolina an amendment to the Lenroot amendment?

Mr. STEVENSON. I have an amendment to the amendment that I desire to offer.

The CHAIRMAN. The gentleman will send it to the desk. The Clerk will report it.

The Clerk read as follows:

Mr. STEVENSON amends the Lenroot substitute as follows: Add at the end of the substitute the following: "and when a final judgment is obtained on a cause of action arising prior to the beginning of Federal control he shall provide for its payment, and the sum so charged shall be deducted from the standard return going to the road against which the judgment shall have been obtained, but the payments so made shall not exceed the standard return."

Mr. STEVENSON. Mr. Chairman——

The CHAIRMAN. All debate is exhausted. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

Mr. WINGO. Mr. Chairman, I submit a unanimous-consent request that the gentleman from South Carolina be given 10 minutes in which to discuss his amendment. He is qualified to discuss his amendment.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that the gentleman from South Carolina be permitted to proceed for 10 minutes in the discussion of his amendment, the former order of the House to the contrary notwithstanding. Is there objection?

Mr. FOSTER. I object.

The CHAIRMAN. The question is on the Stevenson amendment to the Lenroot amendment.

The Stevenson amendment to the Lenroot amendment was agreed to.

Mr. LENROOT. I ask unanimous consent that the amendment may be modified by striking out the words "standard return" and inserting the words "the sum accruing."

Mr. STEVENSON. That is perfectly satisfactory. If there is an agreement, it will be the sum accruing. If there is no agreement, it will be the standard return.

The CHAIRMAN. The gentleman asks unanimous consent that the Stevenson amendment to the amendment, just adopted, may be modified by striking out the words "standard return" and in lieu thereof inserting the words "the sum accruing." Is there objection?

Mr. WINGO. Reserving the right to object, Mr. Chairman, following this as closely as I am, and being deeply interested in the proposition, I do not understand what the gentleman means by that. I think instead of running along here not knowing what we are voting on, we ought to know what we are doing by unanimous consent. I am in sympathy with the gentleman's purpose, but as I understand the proposition offered, it would nullify it.

The CHAIRMAN. By order of the committee, all debate has been closed.

Mr. FOSTER. I ask unanimous consent that the gentleman may have five minutes.

Mr. WINGO. I ask for 10 minutes for the gentleman.

Mr. FOSTER. I have objected to ten minutes, but I am willing that the gentleman shall have five.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from South Carolina [Mr. STEVENSON] have five minutes. Is there objection?

Mr. WINGO. I have no objection. I am glad to get any information I can get.

There was no objection.

Mr. LENROOT. I think the words to be inserted should be "the sum accruing as compensation."

Mr. STEVENSON. Yes.

The CHAIRMAN. The gentleman from South Carolina [Mr. STEVENSON] is recognized for five minutes.

Mr. STEVENSON. Mr. Chairman, the whole reason for the change suggested by the gentleman from Wisconsin [Mr. LENROOT] is this: We want to provide for paying these liabilities arising prior to Federal control, but we do not want to provide that the Government has got to pay more than the railroad companies have in their hands.

Mr. WINGO. Before the Government took control a judgment in a State court was a prior lien, if it was rendered in a certain class of cases.

Mr. STEVENSON. Yes.

Mr. WINGO. Now, on a judgment rendered on the day before the Government took control, under the bill as it now stands, the plaintiff could get absolutely no satisfaction in most instances, because the only property out of which he could get satisfaction, and upon which the local sheriff could levy, would be the roadbed and the rolling stock. Will the gentleman's amendment meet that situation and permit the roadbed and the rolling stock either to be levied on, or if that is impracticable, that the judgment shall be a charge against the income that the Government is supposed to pay the carrier and be deducted by the Government?

Mr. STEVENSON. My proposition is that in so far as there is income in the hands of the Government going to that road, the Government shall apply it; and the only suggestion is that that be called the compensation accruing for the use of the road, so that the Government will not have to pay out more money for the road on an obligation that the road owed before the Government took it over than it will get for the road. In other words, the gentleman from Arkansas says, suppose a judgment was obtained the day before Federal control. Then it was a fixed liability, and this section which prevents any process from issuing against that property is as to that absolutely null and void anyway, because, in my judgment, it has taken away the process which the man who holds the judgment is entitled to. I see gentlemen shaking their heads, but I have looked at some of the decisions on this question, and I know it has been so decided. But whether it has or not, you do not want to vote here to require the Government to pay liabilities existing when it takes over the roads in excess of the money which it has for those roads, and thereby assume all of those liabilities. Now, I assume that there will be some method of proceeding in equity to require the assets of the road to be applied whenever the proceeds of operation in the hands of the Government are exhausted.

Mr. WINGO. Does the gentleman think it is any more the duty of the Government to pay the bondholders, who, under the law in most States, would have a junior lien to a judgment creditor in a certain class of cases, than to pay that class of creditors? Would the gentleman have the Government pay

the bondholder who under the law has a junior lien and not take care of the judgment creditors?

Mr. STEVENSON. No; the Government has got to pay the liens in the order of their priority, in the order of their rank; and a man who has an arm cut off, or a man who is crippled for life, or who loses his eyes, and gets a judgment has a first lien, which stands ahead of the claims of the bondholders and of everybody else; and I take it that in making the rules for the enforcement of the law, the Government would certainly have discrimination enough to pay the claims in accordance with the priority of the liens. I am certainly in sympathy with the gentleman's idea about that. In my district day before yesterday, under notorious negligence—admitted by the railroad company—in one accident they killed 12 people and injured 38 very seriously. Those people ought to be provided for, and we ought not to shut the door in their faces; but, on the other hand, we ought not to make this Government assume all that liability and provide for it beyond the funds which it will have in its hands; and I take it for granted that when these cases are reduced to judgment they will have a lien ahead of everybody else. That is the law, and the Government will see that they are paid first, and that these people shall not be deprived of their rights.

Mr. WINGO. I should like to get the gentleman's judgment on this feature: Suppose the standard return is not sufficient to meet the liens of the bondholders; will the Government have to take care of their claims under the law?

Mr. STEVENSON. I have not considered that. That is not an obligation which is reduced to judgment as yet, and it will be an obligation which they will have to consider when it comes to deal with the standard return. I am not familiar with that feature of it.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the amendment to the amendment which has been adopted may be modified in the way which the Clerk will report.

The Clerk read as follows:

Strike out the words "standard return" where they occur in both places in the amendment and insert in lieu thereof the words "sum accruing as compensation."

Mr. WINGO. Mr. Chairman, I ask that the amendment be read.

The Clerk read as follows:

Add at the end of the substitute the following:

"When final judgment is obtained on a cause of action arising prior to the beginning of Federal control he shall provide for its payment, and the sum so charged shall be deducted from the sum accruing as compensation going to the road against which the judgment shall have been obtained, but the payment so made shall not exceed the sum accruing as compensation."

Mr. LENROOT (during the reading). Strike out the word "going."

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin that the amendment be modified so as to read as it has just been read from the Clerk's desk. The Chair hears no objection. The question now is on the substitute proposed by the gentleman from Wisconsin as amended.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now is upon the Cooper amendment as amended by the substitute.

The question was taken, and the amendment as amended was agreed to.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the following amendment as a new paragraph.

The Clerk read as follows:

Amend by inserting, before line 12, page 12, the following:

"The operating accounts and business of the carriers shall be continued as in a going concern, so that overlapping and deferred accounts and claims which in railroad accounts have been and are usually paid as current operating expenses shall be paid out of operating income; and on the surrender of the carrier it shall be returned subject to any such overlapping accounts and deferred claims so overlapping or deferred in the ordinary course of railroad business."

Mr. PARKER of New Jersey. Mr. Chairman, the adoption of the amendment which has just been read makes it necessary that some such provision as what I propose should go in the bill. It was claimed before that it was not necessary, and that was the only reason the clause is not in already. It is now necessary. As we know, every railroad receives its accounts for the past month for what it is to pay and it has its own claims for every past month rendered to different people and may not get them in for several months. Sometimes a claim against a railroad arising out of ordinary operation is deferred because it is litigated, and remains deferred, although it is a small accident, for four or five years. But whenever it comes in to be paid, the course of railroad accounts has always been that it is paid as an operating expense; and the Government, therefore, during the past month in the control of railroads I have no doubt has been paying accounts by reason of accidents and claims which may be several years old. If they have been properly deferred in the ordinary course of railroad business, they ought to be paid out of the operating receipts. When the Government comes to surrender the roads there will be a lot of operating claims against the railroad which the carrier will take with the railroad and the railroad will become subject to.

I did not vote for the last amendment because that provided that all judgments, or some judgments, should be paid, as it were, out of capital. That is to say, the judgments recovered before the railroad came into the hands of the Government should be paid as if they were a claim against capital, although that judgment may have been a claim arising out of operation and ought to be paid in the ordinary course of railroad business as operating expenses. So also when the United States surrender the railroads they do not have to surrender them clean and clear, but as a going concern. The Government does not take the property from the railroads; it takes the carrier and controls his business, and that is all there is to it; that is implied throughout the bill; but it is necessary now, as the House has tried to legislate—and not entirely right as it seems to me, but that makes no difference—it is necessary now to say plainly that you mean the railroad carriers to be taken and run as a going concern. If you mean that, you ought to say so. I therefore offer this amendment as expressing the idea under which the control of these carriers is taken, that they are taken control of as a going concern.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and on a division (demanded by Mr. PARKER of New Jersey) there were 31 ayes and 24 noes.

So the amendment was agreed to.

Mr. JOHNSON of Kentucky. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Amend, page 12, line 9, by adding the following after the words "Federal Government":

"Nor shall any such carrier be entitled to have transferred to a Federal court any action heretofore or hereafter instituted by or against it, which action was not so transferable prior to the Federal control of such carrier; and any action which has heretofore been transferred because of such Federal control or of any act of Congress or official order or proclamation relating thereto shall, upon motion of either party, be retransferred to the court in which it was originally instituted."

Mr. JOHNSON of Kentucky. Mr. Chairman, I believe that a mere statement of facts will show the necessity of this amendment. On December 20 last a most horrible railroad wreck occurred near the little town in which I reside. In that wreck 49 people were killed and a greater number were injured very seriously. Remember, please, that this wreck occurred on the 20th of December, and on the 28th of December, eight days later, Federal control of the railroads came. On the second day after this wreck occurred the president of the road came out in the newspapers in a signed statement admitting the liability of the road and expressing the hope that all of the cases arising out of the wreck might be settled without litigation. However, all of them have not been so settled. Suit has been brought in several cases, and the railroad has gone into court and asked for a transfer of those cases from the State court to the Federal court upon the theory that the Federal Government has control. I do not believe that such is the law of the case, neither do I believe that Members of this House will take that view of it. However, the opposite view has been taken by the State courts and, if I am correctly advised, also by the Federal court. I have a letter in my hand from Nat W. Halstead, who is a very able attorney of our State, in which he says:

It is well known that Judge Kerr, of the Fayette Circuit Court, and Judge Adams, of the Breathitt Circuit Court, have sustained pleas in abatement because of this question of jurisdiction, and I also understant—but of this I am not certain—that the plea has also been sustained by the judge of the Henderson Circuit Court. I think they are greatly in error, but, nevertheless, this has been done.

In a brief which was filed before the Federal court at Louisville, Mr. Charles Carroll, an able attorney, said:

The sole basis of the contention of the plaintiff (the railroad) in this court is that by this proclamation the Louisville & Nashville Railroad Co. passed under the control of the President, and as this control was authorized by an act of Congress it passed under his control by virtue of the Constitution and laws of the United States, and, therefore, any question arising which would affect the revenues of this road or would result in judgment for or against it arises under the Constitution and the laws of the United States, and the Federal courts have jurisdiction if the amount in controversy is sufficient.

I addressed a communication to the Director General of Railroads concerning this question, and in answer he says:

The fact is that he (the plaintiff) is just as free to sue the company now as at any time. The President's proclamation recognizes the right affirmatively, and the House bill, which is now pending before the

Congress, not only expressly authorizes the suit but provides in section 11, page 12, line 7, "no defense shall be made thereto upon the ground that the carrier is an instrumentality or agency of the Federal Government."

The attorney for the Director General, Mr. Payne, takes the same view of it. In a communication to me, he says:

I beg to advise you that the Director General has made no order authorizing the transfer of any action instituted in the State courts to the Federal courts. The policy here is for the rights of litigants to remain as before the President's proclamation. No right to a removal is to be based upon the change.

Mr. DILLON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. DILLON. Are these cases to which the gentleman refers against a foreign corporation?

Mr. JOHNSON of Kentucky. No; all those who were either killed or injured were intrastate passengers, and the suits are against the Louisville & Nashville Railroad, which is a corporation created by the laws of the State of Kentucky. I am clearly of opinion that except that the courts have been holding otherwise, this legislation would not be necessary by anyone; but we have all heard the old story of the lawyer who was asked to go to see a client who was in jail. After the lawyer had heard the fellow's story he said to him, "Why, they can not put you in jail for that." Then the fellow who was in jail replied, "But the trouble is, I am already in jail." That is the condition now before the House.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEWALT. Mr. Chairman, the gentleman evidently is of opinion that lines 5 and 6 on page 12 do not cover the emergency that he has in mind. Lines 5 and 6 read:

Suits may be brought by and against such carriers and judgments rendered as now provided by law.

Mr. JOHNSON of Kentucky. Yes. The amendment that I have offered provides that no transfer shall be made from a State court to the Federal court, except under the law as it existed prior to the accident. Some cases have been so transferred. This amendment would restore them to the court which unquestionably has jurisdiction of the cause of action when it accrued.

Mr. DEWALT. Is it the gentleman's desire to clarify that phrase in those two lines, and particularly the language "as now provided by law"?

Mr. JOHNSON of Kentucky. Yes; that is my purpose.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Chair desires the attention of the gentleman from Ohio [Mr. KEARNS]. While the discussion of the Cooper and Lenroot amendments was in progress the gentleman from Ohio sent to the desk and had read for information an amendment which he gave notice he intended to offer. Does the gentleman desire to offer it at this time?

Mr. KEARNS. I am under the impression the Lenroot amendment embodies the amendment I had in mind, and I desire, therefore, to withdraw the amendment.

Mr. WINGO. Mr. Chairman, I did not offer the amendment, because I was advised by gentlemen upon the floor in response to inquiry that the Kearns amendment had been adopted. If I had not understood that it had been adopted I should have offered it, and I trust my colleague will either offer it or I shall offer the same amendment.

Mr. KEARNS. I prefer that the gentleman should offer it and let us vote for it. As an accommodation to the gentleman from Arkansas, I will not withdraw my amendment, and he can discuss it if he so desires.

The CHAIRMAN. The amendment really has not been offered.

Mr. WINGO. I shall offer it. I think the committee thought it had been adopted, but it was not.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 11, after the word "control," insert: "any final judgment heretofore rendered or that hereafter may be rendered against any common carrier under Federal control shall be paid out of the operating revenue derived from the common carrier against which judgment has been or hereafter may be obtained."

Mr. BARKLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. Is it not a fact that the amendment which was agreed upon as finally modified, offered by the gentleman from Wisconsin, covers that point?

The CHAIRMAN. The Chair hardly thinks that is a parliamentary inquiry.

Mr. WINGO. I will say to the gentleman it does not.

Mr. KEARNS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. KEARNS. Mr. Chairman, in view of the fact there is some controversy whether this question is covered by the Lenroot amendment and the amendment to the Lenroot amendment, I ask unanimous consent that the gentleman from Arkansas be given five minutes.

The CHAIRMAN. This amendment is open to debate.

Mr. WINGO. Mr. Chairman, I will proceed if the gentleman from Ohio does not care to do so. Mr. Chairman, so that the committee may understand what it has done I shall read the Lenroot amendment from the copy which the gentleman has. That will be sufficient for my purposes even if I do not get it exactly as adopted. The language I read will cover the question that is involved in my amendment. It is as follows:

The President shall, by regulation, provide for the payment out of the operating revenue derived from Federal control, or, if that is insufficient, out of the revolving fund—

I believe that was cut out—

of any judgments or awards and for the enforcement of any decrees or orders upon causes of action arising during Federal control that may be rendered against such owners in any suit of such a character that but for Federal control it could be brought against the carrier and any amount paid in compromise thereof or in satisfaction of a judgment or decree therein could be charged to operating expenses or to railway tax accruals under the Interstate Commerce Commission classification of accounts in force on December 27, 1917. The President shall also provide for the payment, out of operating revenues or out of the revolving fund, of any loss accruing to any carrier by reason of any process levied against any property of such carrier in connection with any suit of the character above described.

Now, the amendment offered by the gentleman from South Carolina, and that was adopted, added at the end of the Lenroot amendment this language:

And when the final judgment is obtained on a cause of action arising prior to beginning of Federal control he shall provide for its payment, and the sum so charged shall be deducted from the sum accruing as compensation to the road against which that judgment shall have been obtained, but the payment so made shall not exceed the sum accruing as compensation.

Now, if the committee will follow just for a moment. The Lenroot amendment, of course, does not take care of the proposition covered by the Stevenson amendment and that amendment takes care of judgments hereafter rendered upon causes of action that may have accrued before Federal control. Now, my amendment provides payment of all judgments upon all causes of action. Why have a distinction between one whose cause of action accrued before Federal control, but did not get judgment until after such control, and the man whose cause of action not only accrued before, but also obtained judgment before Federal control? Now, what justification is there to deny relief in one instance and not in the other? The Stevenson amendment takes care of one class of cases but not the other. Under my amendment both classes of judgments would be paid out of funds held by the Government belonging to the railroad against which judgment has been obtained.

Mr. DEMPSEY. Could you not reach the same end in a simpler and more direct way by inserting the proper language in the Lenroot amendment?

Mr. WINGO. Certainly; but the House voted down such an amendment. The Government can lose nothing by my amendment. The Government can simply take the funds of the railroad in its hands and apply them to the satisfaction of the judgments which were rendered before Federal control as well as those rendered after, as provided by the Stevenson amendment. Vote down my amendment and the farmer who obtained a judgment for the wrongful killing of his stock or the employee who has a judgment for personal injuries will not get what is due him by the verdict of a jury and the judgment of a court, but adopt my amendment and each will be paid what is justly due him, and such payment deducted from the funds of the railroads.

Mr. KEARNS. Mr. Chairman, I move to strike out the last word.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Tennessee desire recognition?

Mr. SIMS. I ask unanimous consent that the debate on this amendment close in 10 minutes.

The CHAIRMAN. And all amendments thereto?

Mr. SIMS. Yes; and all amendments thereto.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the amendment proposed by the gentleman from Arkansas [Mr. WINGO] and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. KEARNS. Mr. Chairman, a few moments ago, when I withdrew this amendment, I was laboring under the impression that the Lenroot amendment as amended on the floor of this House covered the point involved in this amendment. Since that time I have learned that I was in error, and for that reason I am now insisting that this amendment ought to be adopted and made a part of this law.

You can go into any State in the Union and you can find men and women holding final judgments to-day against railroad companies, aggregating hundreds of thousands of dollars. If this amendment is not adopted these men and women, who have been diligent in obtaining their rights from the railroad companies, will be defeated. There will be no way left by which they can realize upon those judgments. I do not know how many such men and women in the United States hold judgments, but certainly thousands and tens of thousands of them. Some of them, through the negligence of railroad companies, have lost legs and arms and have been otherwise mangled in body for life, and because they happen to bring suit in the courts and reduce their claims to final judgments before the taking over by the Government of these railroads they will never be able to realize on their claims. There is not a State in the United States but has statutes of limitations that run against judgments.

I do not know how long the Government is going to keep control of these railroads. We all know, however, that it is going to keep that control as long as this war lasts. And, I take it, there is no man in this House who can this afternoon even make a guess as to how long this war is going to last. And if this law is made a permanent law, they never would be able to reduce their judgments to cash.

Men on the floor of this House have said that these judgments will bear interest, and will continue to bear interest as long as the judgment is alive. That is poor consolation for the poor man or the poor woman who has been crippled for life. That is poor consolation indeed for the widowed mother and the orphaned children who have lost, by the negligence of some railroad company, a father and a husband.

Mr. SMITH of Michigan. Will the gentleman yield for a question?

Mr. KEARNS. Yes.

Mr. SMITH of Michigan. Suppose a person has a judgment before the Director General takes charge of the railroad, he has got a claim against the railroad company, and is there anything to prevent him from renewing his judgment or suing it after the Director General takes hold of the railroad?

Mr. KEARNS. There is no provision in this law to take care of that condition, and it is the only question that is involved in this amendment. That is all I seek to do. We are only trying to take care of that class of people, so far as the funds in the hands of the Government that have come out of the railroad company's earnings are concerned.

Mr. SMITH of Michigan. Your amendment would cover that situation?

Mr. KEARNS. My amendment would cover that situation, and nothing else. And I can not understand why men would oppose this amendment when these people are entitled to recover as far as the earning capacity of that road is able to pay. I can not understand how any man would object to this, except the owner of a railroad system.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. CARTER of Oklahoma. If I understand the gentleman, the Lenroot amendment takes care of claims where judgment may be hereafter rendered?

Mr. KEARNS. May be hereafter rendered.

Mr. CARTER of Oklahoma. But where judgments have already been rendered, it has been the contention of the gentleman there can be no satisfaction of the law without this amendment?

Mr. KEARNS. There never can be such a satisfaction as that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINGO. Will the gentleman from Wisconsin (Mr. LENROOT) permit me to submit a unanimous consent request, that my amendment be amended by striking out the words "operating expenses" and substituting "the sum accruing as compensation"? It is the language of the Stevenson amendment, to which I want to make this same language conform.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to modify his amendment in a way which the Clerk will report.

The Clerk read as follows:

Modify the Wingo amendment by striking out the words "operating revenue" and inserting in lieu thereof the words "sum accruing as compensation."

The CHAIRMAN. Is there objection to the modification? [After a pause.] The Chair hears none.

The question is on the amendment.

Mr. LENROOT. I do not think the gentleman has this yet, I will read it as it is.

Mr. WINGO. My purpose, I will say to the gentleman, was to make it comply to the same rule, that it might come from the same fund that the funds come from that satisfy the judgment covered by the amendment of the gentleman from South Carolina [Mr. STEVENSON].

Mr. LENROOT. Mr. Chairman, aside from any merit there is, it seems very clear to me that this matter should be left to the conference committee upon the amendment that has already been adopted, and if it does not cover judgments heretofore obtained, the conferees can include it; but certainly the House does not wish to adopt the amendment in this form, for it would read as follows, and, of course, the intention of the gentleman from Arkansas [Mr. WINGO], and I think we all understand what he means, is not expressed. It would read, if adopted, as follows:

Any final judgment heretofore rendered or that hereafter may be rendered against any common carrier under Federal control, shall be paid out of any of the sums accruing to compensation to be derived by the common carrier against which the judgment has been or hereafter may be obtained.

Mr. WINGO. Mr. Chairman, I ask unanimous consent to make it read "by" instead of "from."

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to modify the language of his amendment as indicated. Is there objection?

Mr. LENROOT. Of course there is no compensation derived by a common carrier until it gets the money.

Mr. DEMPSEY. It should be "to be derived."

Mr. LENROOT. Now you are getting it.

Mr. SMITH of Michigan. Why not change the word "derived" to the word "received"?

Mr. LENROOT. Now, Mr. Chairman, I have only one word to say. I think it would be very proper to have this cover previous judgments, provided they were of the same character, as we provide for the payment of judgments while under Federal control, but I doubt very much the wisdom. Here may be judgments very much in excess of the entire sum accruing to a carrier, especially the short-line roads. How is it to be apportioned? Is the President to apportion it between them? He can not pay more than so much. Is he to pro rate it?

It seems to me it raises a multitude of questions that make it very difficult of administration. Of course with the limitation that is now in it the Government can not be injured, because in no event can the President pay more than the railroad is entitled to receive as compensation from the Government.

Mr. CONNALLY of Texas. Does not the gentleman think it will be best to allow certification of these judgments while in Federal control and then leave it discretionary with the Director General or the President as to their payment, so that he can classify them under the well-known rules of receiverships?

Mr. LENROOT. I think what should be done—and I suggest it to the conferees—is that when they get into conference the way to settle that will be to have a certification of these judgments and let the judgments be a lien on the compensation which the railroad is entitled to receive.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. HELM. If I am not mistaken, in Kentucky the workmen's compensation law does not apply to employees of railroads. As I catch the drift of this amendment, there are regulations only where the compensation law is applicable. I think, under the law of the State of Kentucky, recoveries for personal injuries are not controlled by any standard compensation return. Would this amendment restrict a State where compensation is determined by a jury trying a special case?

Mr. LENROOT. No; I think not.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I want to offer the amendment in a clarified form, as the change that was made necessitated another change.

The CHAIRMAN. Is the gentleman's amendment prepared?

Mr. WINGO. Yes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to withdraw the amendment which he offered and

offer in lieu thereof an amendment which he sends to the Clerk's desk. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. WINGO: After the word "control," on page 12, line 11, insert "any final judgment heretofore rendered or that hereafter may be rendered against any common carrier under Federal control shall be paid out of the sum accruing as compensation to the carrier against which such judgment is or was made."

The CHAIRMAN. Is there objection to the withdrawal of the former amendment and offer of a new amendment?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment just read.

The question was taken, and the Chair announced that the "ayes" seemed to have it.

Mr. BARKLEY. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 43, noes 27.

So the amendment was agreed to.

Mr. SIMS. Mr. Chairman, does that dispose of the entire amendment?

The CHAIRMAN. That is an amendment to an amendment.

Mr. SIMS. Oh, yes; that is an amendment to the amendment. Mr. Chairman, it is just 24 hours at this moment since we commenced on this section yesterday. There has been exceedingly liberal time granted, and I want to ask unanimous consent——

Mr. WINGO. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. There is nothing pending to justify the gentleman's waste of time.

Mr. SIMS. I want to make a unanimous-consent request, that all debate on all amendments and amendments thereto offered on this section close in 20 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this section and all amendments thereto shall close in 20 minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Chairman——

Mr. PARKER of New Jersey. Mr. Chairman, I reserve the right to object. I have an amendment as to the question of taxes at the end of the section, which is an entirely different matter from anything else, and I shall object unless I have the right to bring that matter up.

Mr. SIMS. Mr. Chairman, I move that all debate on this section and any amendments thereto close in 30 minutes.

Mr. WINGO. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. As I understand the gentleman's proposition, he proposes to close debate on something that is to come up hereafter and which is not now being considered and to which amendments have not yet even been offered.

Mr. SIMS. The section is before the House.

The CHAIRMAN. The section is before the House.

Mr. WINGO. Mr. Chairman, may I make a parliamentary inquiry?

The CHAIRMAN. Yes. The gentleman will state it.

Mr. WINGO. I should like to propound this inquiry: If we adopt the motion it will mean, will it not, that we will not be permitted to discuss, except those of them who are fortunate enough to get this 20 minutes, any amendment that may be offered, however important it may be?

The CHAIRMAN. That will be the result. The gentleman from Tennessee [Mr. SIMS] moves that all debate upon this section and all amendments thereto shall close in 30 minutes. The question is on agreeing to that motion.

Mr. STAFFORD. Mr. Chairman, I move to amend that by making it 45 minutes.

SEVERAL MEMBERS. Oh, no!

Mr. STAFFORD. I withdraw the amendment.

The CHAIRMAN. The gentleman from Wisconsin withdraws his amendment. The question is on agreeing to the motion of the gentleman from Tennessee.

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. SIMS. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The Committee divided; and there were—ayes 55, noes 34.

So the motion was agreed to.

Mr. PARKER of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New Jersey, a member of the committee, offers an amendment, which the clerk will report.

Mr. TOWNER. Mr. Chairman, may I make a suggestion? As I understand it, the gentleman from Arkansas [Mr. CARAWAY] has an amendment. May some agreement be made as to the division of time between these three amendments?

The CHAIRMAN. Has the gentleman any request to make?

Mr. TOWNER. I ask unanimous consent that 10 minutes' time be devoted to each one of these three amendments.

Mr. ROMJUE. I should like to make a suggestion to the gentleman.

Mr. TOWNER. Yes.

Mr. ROMJUE. I should like to have five minutes. That will make the division four instead of three. I should like to be included in the time.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent that the 30 minutes of debate may be divided between three amendments.

Mr. PARKER of New Jersey. I have two amendments.

Mr. SAUNDERS of Virginia. A parliamentary inquiry, Mr. Chairman. Will the Chair state what those three amendments are?

The CHAIRMAN. The Chair has no information upon that subject. Will the gentleman from Iowa state his request?

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the time be divided into three parts, to be devoted to three amendments, the amendment offered by the gentleman from New Jersey [Mr. PARKER], an amendment offered by the gentleman from Arkansas [Mr. CARAWAY], and one which I myself will offer.

The CHAIRMAN. And that these three gentlemen control the time?

Mr. TOWNER. I do not care anything about the control of the time. I suppose there will be five minutes in favor of each amendment, and five minutes in opposition.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the 30 minutes of debate may be divided into three parts, 10 minutes each, to be devoted to the amendments offered by the gentleman from New Jersey, an amendment offered by the gentleman from Arkansas [Mr. CARAWAY], and an amendment that is to be offered by himself. Is there objection?

Mr. RAYBURN and Mr. BORLAND objected.

Mr. PARKER of New Jersey. I will ask that both my amendments may be read now, so that they may be understood.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey, and without objection will report the other amendment for the information of the committee.

The Clerk read as follows:

Amendment offered by Mr. PARKER of New Jersey: Page 13, line 10, after the words "laws or powers of the States in relation to taxation," insert:

"*Provided*, That nothing herein contained shall be construed to admit the right of the several States directly or indirectly to tax war business conducted by the United States, or increased values of property, or franchises, or increased operating revenue resulting from such war business."

Amendment offered by Mr. PARKER of New Jersey: Page 13, line 10, after the proviso following the word "taxation," insert:

"*Provided*, That in order to prevent increase or diminution of taxes payable to the several States or under the several State laws by reason of the said war business and Federal control, and in order to avoid dispute and litigation, the President in any case may pay, respectively, to such States or their municipalities or other bodies acting under State laws, during the period of Federal control, taxes standardized at the sums which were assessed and payable by said carriers, respectively, in the calendar year 1917, to be payable in each year at the same time and in the same amount as they were in 1917, as well as the amount of any taxes which were assessed in the year 1917 upon real estate that shall have been acquired by such carrier while under Federal control, or by the United States for the purposes of this act."

Mr. BARKLEY. Mr. Chairman, I make a point of order against the last amendment that was read.

Mr. PARKER of New Jersey. That is not offered yet.

The CHAIRMAN. That is not offered yet.

Mr. BARKLEY. I will reserve a point of order on the first amendment. It is practically the same as a previous amendment that was rejected.

Mr. PARKER of New Jersey. There is no difficulty about that, Mr. Chairman. The objection to the former amendment was that it was not germane to provisions as to how taxes be paid. But it is now provided that nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws and powers of the States in relation to taxation. It is really necessary, however, that a guard be put in. Mr. Anderson, who prepared this bill and who brought it before us, was asked about this. He said that if the States should undertake to levy new taxes in kind or degree that would not have been levied if the money were not coming from the Federal Treasury

Clerk will report.

The gentleman from Arkansas asks unanimous consent to modify his amendment in a way which the

Mr. WINGO. Yes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to withdraw the amendment which he offered and

ber of the committee, offers an amendment, which the clerk will report.

levy new taxes in kind or degree that would not have been levied if the money were not coming from the Federal Treasury

the Government is not helpless; that it could protect itself by litigating the matter. He said that if it appeared that the States had levied taxes which were such in kind or degree that they are really taxes upon a Federal agency and not within the express or implied power of this bill, the courts would hold them unconstitutional.

Mr. Chairman, the States levy their taxes on different principles. Some levy on value. I do not believe a patriotic State would raise that value because of increased business. Some levy it on the gross receipts, and they are important States. They include Illinois, New Hampshire, New York, Ohio, Pennsylvania, and Virginia. There are some six or eight more. They levy on gross receipts. During the war those gross receipts will increase by reason of Government business, war business, the carrying of guns and munitions, and the troops of the United States. We have provided that the railroads shall not get the benefit of the new business as a return, and we ought to see that the States shall not tax that new business, because it is United States business and not the business of the railroads.

Mr. DEMPSEY. Will the gentleman yield?

Mr. PARKER of New Jersey. Yes.

Mr. DEMPSEY. I want to say that the gentleman is entirely mistaken about the New York law.

Mr. PARKER of New Jersey. If the gentleman will look at page 77 of the hearings, he will see it stated there.

Mr. DEMPSEY. The law of New York is not as the gentleman understands it.

Mr. PARKER of New Jersey. At any rate those who do not levy on receipts might increase their valuation. I brought before this committee some time ago a statement of certain railroads showing that they went up 50 per cent before 1863.

In 1862 there was a tax put on gross receipts, and I have the figures of all the railroads since that time. The 3 per cent tax in 1863 netted over $1,106,000—$1,106,817.02. That means that they had $37,000,000 of gross receipts. In 1864 the tax it brought in nearly doubled that sum—$2,127,249.69—showing nearly $71,000,000 of gross receipts. In 1865 on a 2½ per cent tax it brought in nearly $6,000,000—$5,917,293.51—or over $236,000,000 gross receipts. In 1866 tax receipts of $7,614,448.13 show over $304,000,000 in gross receipts, an advance of nearly tenfold in three years.

My first amendment provides that nothing herein shall be construed to admit the right of a State to tax Government business, and in the second amendment I say that in order to avoid litigation which was spoken of by the gentleman who came before our committee, the United States could arrange without dispute to pay the same amount of money they paid for taxes in 1917, which was a prosperous year for the railroads. It does not say that that shall be binding on the States, but they can agree.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. PARKER of New Jersey. Certainly.

Mr. KELLEY of Michigan. How would it be possible to determine the amount of increase of business due to the war of the railroad systems?

Mr. PARKER of New Jersey. That is something that Mr. Anderson, who came before our committee, said was easy to determine. I think it is difficult, and that is why I proposed a second amendment, that the United States without dispute will pay the same amount of taxes that they did before the war.

Mr. FESS. Will the gentleman yield?

Mr. PARKER of New Jersey. I will.

Mr. FESS. In the exercise of priority orders they make a sharp distinction between essential and nonessential products. Suppose the most of the work is for the essentials for war, what about those receipts?

Mr. PARKER of New Jersey. Ought it to be taxed by the State? Is it fair? That is the question I am putting before you. Is it fair that essential war business should be taxed? In order to avoid dispute, I do not say that the States must accept, but the Government without dispute will pay what they did in 1917, just as the carriers pay on the average net return in 1915, 1916, and 1917. I would like to hear from the gentleman from Pennsylvania [Mr. DEWALT].

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The gentleman from New Jersey has another amendment, which has already been read, and the question is on that amendment.

The question was taken, and the amendment was rejected.

Mr. CARAWAY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 13, line 10, after the word "taxation," strike out the period and insert a comma and add the following language: "or the lawful commerce and police regulations of the several States, except wherein those regulations may affect the transportation of troops, war materials, or Government supplies, the regulation of rates, the expenditures of revenues, the addition to or the improvement of properties or the issue of stocks and bonds."

Mr. CARAWAY. Mr. Chairman, if any other gentleman wants to be heard on this amendment, I am willing to limit my time to less than five minutes and divide with him. The amendment proposes to come in at the end of line 10, which says that nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation.

Mr. BARKLEY. If the gentleman from Arkansas will accept the amendment to strike out the words "commerce and," the committee will not oppose it.

Mr. CARAWAY. I will be willing to accept it without discussion. Mr. Chairman, I ask unanimous consent to strike out the words "commerce and."

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to modify his amendment as the Clerk will report.

The Clerk read as follows:

Modify the amendment by striking out, after the word "lawful," the words "commerce and."

The CHAIRMAN. Is there objection to the modification?

There was no objection.

Mr. KING. Mr. Chairman, may we have the amendment read as it will read as modified?

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

Page 13, line 10, after the word "taxation," strike out the period and insert a comma, and add the following language: "or the lawful police regulations of the several States, except wherein these regulations may affect the transportation of troops, war materials, or Government supplies, the regulation of rates, the expenditures of revenues, the addition to or the improvement of properties or the issue of stocks and bonds."

The CHAIRMAN. The question is on the amendment.

The question was taken and the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 2, after the word "control," strike out the words "or with any order of the President."

Mr. TOWNER. Mr. Chairman, the language in section 11, to which my amendment applies, is as follows:

That carriers while under Federal control shall, in so far as is not inconsistent therewith, or with the provisions of this act or any other act applicable to such Federal control, or with any order of the President, be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law.

The amendment which I propose is to strike out the words "or with any order of the President."

Stated a little more plainly, the language of the bill would read:

The railroads while under Federal control shall be subject to all laws and liabilities as common carriers arising under State or Federal laws or at common law now existing, except in so far as such laws are repealed by this law or by laws hereafter to be passed or by order of the President.

To retain the language "or by order of the President" is to place in the hands of the President the power to repeal by a simple order any or all State or Federal laws, or even the common law, controlling railroads and fixing their liabilities for negligence or torts. It even gives him power by an order to repeal all existing laws defining crimes and affixing penalties and punishments. Never before has it been even proposed to grant in this or any other civilized country such power to any man.

Everyone knows that from the earliest periods of English history the common law made carriers responsible for negligence and torts. Not a State of the Union but has added laws passed to regulate carriers and to definitely fix their liability. From the time the Congress began to legislate in control of interstate commerce a large body of national statutory regulations has been enacted. If these are not retained the labor of years for the betterment and safety of service and the protection of the people will be lost.

It is generally understood that in order to repeal an existing law a repealing law must be passed. So carefully is the efficacy of laws guarded that the courts will not allow a law to be repealed by indirection. Either the subsequent enactment in direct terms must state that the existing law is repealed or the subsequent statute must clearly appear inconsistent and in contradiction to the existing law. But here the power is given to repeal any or all existing laws by any law which Congress may hereafter pass—a provision entirely unnecessary because such power exists in any event—and the President is given

power by "any order" to repeal any or all existing laws. This is to grant to the Executive the legislative power to repeal laws.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BARKLEY. On page 11, at the beginning of the section, it is provided that carriers while under Federal control shall, in so far as is not inconsistent with Federal control, be liable.

Mr. TOWNER. Yes.

Mr. BARKLEY. Could not the President under that clause make any order he might see fit to make that would take the roads out from under liability if inconsistent with Federal control as operated by him?

Mr. TOWNER. I think not; for if that was the intent no provision would be made that the carriers were still to be subject during Federal control to all the laws and liabilities now existing.

Mr. BARKLEY. The gentleman does not want any carrier to have a right that is inconsistent with Federal control?

Mr. TOWNER. Certainly not; but this provision is intended to preserve the rights of the people and to prevent the carriers from ridding themselves of their obligations and liabilities. This intent is clearly expressed, and then follows the proposition that the President may take from the people their rights and relieve the railroads of their liabilities by a simple order.

Mr. BARKLEY. Only so far as his action shall be consistent with Federal control.

Mr. TOWNER. Only so far as the President thinks shall be consistent with Federal control. Suppose some adviser tells the President that he could manage the roads a good deal better if the safety appliances laws were abrogated, or that all State laws were but an interference and should be repealed; or that the hours-of-labor laws would interfere—if this provision remains, the President by an order could repeal any or all of these laws. Suppose it should be suggested that it would help the Government in its operation of the roads if no suits for damages for negligence, or for loss of life or property, should be brought. No action would thereafter lie if the President so ordered.

All the existing laws which are thought to be an interference with Federal control are by this bill repealed. If any law is hereafter found to interfere in the slightest degree with Federal control for war purposes, it can be considered by Congress and repealed. We are all ready and willing to grant to the President any power needed to carry on this war to a speedy and successful conclusion. But these are matters apart from the control of the railroads for war purposes. These are guaranties and safeguards secured by the people through long years of struggle, and no one would be heard to contend that they are not as necessary in time of war as in peace. The railroads will be directly managed by the same men, operating the roads in the same way, in so far as the ordinary business of the country is concerned, as before the war. The protection of the lives of the people and reasonable care in the preservation of their property will be just as important in the future as in the past. Gentlemen would not claim that these guaranties and safeguards should be taken away. They seek to retain them by the very clause we are considering. Thus acknowledging their importance and value, the phrase I seek to strike out would, if retained, give the President the power by a mere order to obliterate any or all of them. That certainly is unwise, and I hope my amendment will be adopted.

Mr. DEMPSEY. Mr. Chairman, I offer as a substitute for the amendment, after the word "President," in line 2, page 12, to insert the words "authorized by such acts or any thereof."

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Substitute offered by Mr. DEMPSEY: Page 12, line 2, after the word "President," insert the words "authorized by such acts or any thereof."

Mr. DEMPSEY. Mr. Chairman, I think if the gentlemen who are in charge of this bill will observe the language of this amendment as proposed by me they will see that it is in accord with the act. If there is any question, and I doubt whether there is any question, for I do not believe, with the gentleman from Iowa, that this clause is susceptible of the interpretation he places upon it, I do not believe that the President would be authorized to make any order except an order which would be authorized by the acts which are referred to, but if there is any doubt I think we could well afford to insert the language I suggest.

Mr. BARKLEY. Could he make any order that was not consistent with Federal control and that would be determined by the act of 1906 and this act?

Mr. DEMPSEY. I do not think that he could, and I do not think that my amendment is necessary, but it can do no possible harm, and it answers the objection of the gentleman from Iowa.

Mr. FESS. Will the gentleman yield?

Mr. BARKLEY. As far as the committee is concerned, we are willing to accept the amendment of the gentleman from New York.

Mr. DEMPSEY. So that the membership will understand I will just explain for one moment. The proposition of the gentleman from Iowa [Mr. DOWELL] is that by the language of the bill the President would be authorized to issue orders inconsistent with this act or the act of 1916 by which he would take away all liability of railroads. Now, I do not believe that is so at all, but it is very easily possible in the language proposed by me to obviate any such danger. All you need to say is that you simply authorize the President to make such orders as are authorized by these acts. He can not then make an order by which he avoids liability, he can not then make any order except such orders as are permitted by these acts, and it seems to me that the whole thing disappears, if there is anything to disappear. As I said, I do not think it is necessary in the matter anyway, but by the use of this language it clarifies it beyond the possibility of any dream or imagination.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. DEMPSEY. Yes.

Mr. SAUNDERS of Virginia. In respect to the act as it now stands what is there in this section that limits or prescribes the kind of order that the President can make?

Mr. DEMPSEY. I think that the language of the section, taken as a whole, limits and prescribes the kind of an order that the President can make.

Mr. SAUNDERS of Virginia. Does not the gentleman think it is at least doubtful?

Mr. DEMPSEY. Well, I should hardly say it is doubtful; if it is doubtful, the language proposed by me clarifies it.

Mr. SAUNDERS of Virginia. That raises another question. I am dealing with the section as it stands. It strikes me, if the gentleman will pardon me, that there is no question of doubt but that the section as it stands gives the President most sweeping authority to make any sort of order, and it says in substance that these carriers shall be subject to all the laws and liabilities as common carriers unless the President shall order otherwise.

Mr. DEMPSEY. No; I think what it says is this, that the carriers while under Federal control shall, so far as not inconsistent therewith, or with these two acts, or with any order of the President. Now, I think the order of the President refers back to the preceding part of the sentence and is qualified by the reference to those two acts. But suppose it is not? Then insert this language, which does clarify, and do away with that doubt.

Mr. SAUNDERS of Virginia. Would not the motion of the gentleman from Iowa to strike out the language to which this motion relates bring about in the most direct way that same result?

Mr. DEMPSEY. No; I do not think it would, because the President might want to make some orders.

Mr. SAUNDERS of Virginia. This does not interfere with the making of orders.

Mr. DEMPSEY. He may want to make some orders under those acts which it would be necessary for him to make. He can not make any orders that are inconsistent with them, but at the same time put in the language suggested by my amendment to clarify this section—to make it plain that the right to make orders is limited to such orders as are authorized by the acts.

Mr. SAUNDERS of Virginia. Just strike out that language and there is not any doubt remaining as to what the President can do.

Mr. DEMPSEY. Then you take away the authority to make any order.

Mr. LENROOT. Mr. Chairman, I rise to oppose the substitute. Mr. Chairman, it seems very clear that the amendment offered by the gentleman from Iowa [Mr. TOWNER] ought to be adopted; and it is equally clear that the substitute proposed by the gentleman from New York [Mr. DEMPSEY] does not reach the question at all, because the gentleman knows that the President now claims that none of these acts are in force, that there is no right of action to-day except as he by order permits it; and if he has now the right to permit these actions, the gentleman would continue to give him that right by his language when the very purpose of this section is to save to the injured party the right, in so far as not inconsistent with this act and the Federal-control act, to sue and the right to have a remedy. Now, the gentleman urges that this language carries back the words "or with any order of the President" as some-

thing not being inconsistent with the act. That is not true, because any order that the President makes you expressly provide shall overrule this right that is given. Unless this amendment is adopted as offered by the gentleman from Iowa, unless the words "or with any order of the President," are stricken out, the President will have the power to say there shall be no action against any railroad company. He will have the power to say that there shall be no compensation for any injured railway employee except such compensation as he thinks they ought to have. He will have the power, unless this amendment is adopted, to substitute for the present employers liability act the present United States employees' compensation act.

Mr. FESS. Will the gentleman yield?

Mr. LENROOT. I will.

Mr. FESS. I think the gentleman is entirely correct in the plain reading of the language that carriers while under Federal control shall, in so far as not inconsistent therewith—that means Federal control——

Mr. LENROOT. Certainly.

Mr. FESS (continuing). With this law or with the other law or with the order of the President. Now, certainly——

Mr. DEMPSEY. Of such act.

Mr. FESS. Certainly the President could make an order under this to set aside a liability. That is plain.

Mr. LENROOT. He certainly could with this language.

Mr. FESS. That is the plain reading of it.

Mr. LENROOT. Because when you insert here "any order of the President," that says that there shall be a right of action against the carrier, but if the President orders otherwise there shall be no right of action at all.

That is exactly what it means. It can not mean anything else and I can not see how anyone on either side of the aisle can be willing to jeopardize the right of the 1,700,000 employees and the greater number of shippers not having the right of action to remedy their wrong. The power ought not to be left with any man to say whether or not there shall be a remedy for a wrong that exists. If this is left in the bill, we will give to the President of the United States a greater power than was ever given any monarch upon earth. It puts him above all law and says, "Although we are enacting law, Mr. President, any time you say so the law shall have no application whatever."

Mr. PLATT. Should not the very awkward language be corrected so as to read, "the carriers while under Federal control shall, except"——

Mr. LENROOT. Except what?

Mr. PLATT. "Except in so far as are inconsistent with the provisions of this act," and so forth?

Mr. LENROOT. That would do it. I think you would accomplish the same thing if you would leave out "or with any order of the President," because then it will be subject, and ought to be subject, to all liabilities that are not inconsistent with this act—by the act of Federal control.

Mr. DEMPSEY. I will withdraw my substitute in favor of the substitute suggested by the gentleman from New York [Mr. PLATT]. I think his is very much better than mine.

The CHAIRMAN. The gentleman from New York [Mr. DEMPSEY] asks unanimous consent to withdraw his amendment by way of a substitute. Is there objection? [After a pause.] The Chair hears none.

The gentleman from New York [Mr. PLATT] offers an amendment by way of a substitute, which the Clerk will report.

Mr. PLATT. Mr. Chairman, on page 11, line 24, amend so as to read as follows:

The carriers while under Federal control shall be subject to all loss and liabilities as common carriers, whether arising under State or Federal laws or as common law, except in so far as may be inconsistent with the provisions——

The CHAIRMAN. The gentleman will have to reduce his amendment to writing.

Mr. PLATT. It is all in here except the express provision.

The CHAIRMAN. The gentleman will send it up.

Mr. LENROOT. Mr. Chairman, inasmuch as the proposed substitute does not include the words "the order of the President," let us vote on this, and then the gentleman can offer his amendment.

Mr. BARKLEY. Mr. Chairman, regular order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

The question was taken, and the amendment was agreed to.

Mr. ROMJUE. Mr. Chairman and gentlemen, I have presented an amendment to the pending bill as it stands at the present time, or, rather, an amendment to the Sweet amendment to said bill, as follows:

Provided, In the event freight rates are increased under this act over present existing rates, said increase shall not apply to or affect the rates as to shipments of live stock and grain commonly used as foodstuffs.

If there are two things certain at this time, one is that the allies are going to win this war, and the second is that the food production of the United States is and will continue to be an important factor in winning the war.

We are legislating on a very important matter at this time and there ought not to be any obstruction or impediment placed upon food production in this country.

As this bill stood before the Sweet amendment was adopted it vested some authority with the President, which I believe was the proper thing under the present existing emergency circumstances growing out of the war.

The Sweet amendment takes some authority from the President as provided in the bill in its original form and vests it with the Interstate Commerce Commission, and unless the Sweet amendment is defeated when the matter comes up for final passage, I consider it highly important to the meat and grain producers that the amendment which I offer to the Sweet amendment be adopted.

In brief, the Government takes over the railroads as a war necessity, and agrees for the use of said property to pay a standard return to them. The bill provides that after paying the standard return which is derived from the operating income of the railroads, if there is any operating income left over, the same shall be paid into the United States Treasury, and it is right under present existing conditions that such excess over the standard return should go to the Government. Now, suppose the operating income from the railroads is not sufficient to pay the standard return to the roads. In that event the Government agrees to make it up. So far as I am individually concerned, it is my opinion that we should not increase the freight rates, at least to any material extent, on the shipments of live stock and grain, such as corn and wheat. Now, in the event the freight rate is increased on these products of the farm and by virtue of that increase more income is derived from operating the railroads than is necessary to pay the standard return, the surplus will be paid into the United States Treasury. You will then find yourself in the attitude of requiring him who produces the food products to pay an additional sum in the way of increased rates, a part of which may go to the public. Would it not be better and more just not to require the farmer or producer of these food products to pay that increase, and if it must be met, let it be met by all the people through the Government? The farmer at the present time is not engaged altogether in a work solely beneficial to himself, but is putting forth an extra effort to produce food products for our Nation and its allies. In other words, he is also working for his country, thereby performing a public service. And I would prefer to encourage him and not add any extra burden to his condition. I hope you may agree with me in this, and if not, then at least that we leave the matter to the President to consider this matter, rather than to leave it where the Sweet amendment now places it. I think the farmer is now paying a fair rate for his shipments of stock and grain. The railroads were not taken over by the Government for the farmers' benefit solely, but for the public benefit. Then why should an increased rate be forced upon him? The railroads having been taken over for the public benefit, why not the public or whole people bear this burden in case a deficiency is to be made up, in case such deficiency should arise?

The CHAIRMAN. The gentleman has that permission under the general order of the House. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. ROMJUE].

The question was taken, and the amendment was rejected.

Mr. PLATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. PLATT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 11, beginning with the word "section," in line 24, strike out all to and including the period on line 4, page 12, and insert in lieu thereof the following: "That the carriers, while under Federal control, shall be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law, except in so far as may be inconsistent with the provisions of this act or any other act applicable to such Federal control."

Mr. PLATT. Mr. Chairman, this amendment which I have put in writing is simply a transposition of the words, so as to state the thing affirmatively. It has already been adopted in a negative form. It is the same thing.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. BARKLEY. The gentleman's amendment does not cover "so far as is not inconsistent with Federal control"?

Mr. PLATT. Oh, yes. I have the same thing here. If it is not the same, it should be. It is the same, except that it is transposed.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. KELLEY of Michigan. I would like to inquire of the gentleman from Kentucky [Mr. BARKLEY] whether or not he believes the words "or with any order of the President," on page 12, give the President all the power he would have under the provision that was stricken out under the Towner amendment?

Mr. BARKLEY. No. It has no relationship to what the President orders, but has relationship to Federal control itself.

Mr. KELLEY of Michigan. Who will determine what is inconsistent with the principle of Federal control?

Mr. BARKLEY. That is a judicial question, a matter of law. It provides that Federal control shall not be inconsistent with itself.

Mr. KELLEY of Michigan. The gentleman from Kentucky propounded a query to the gentleman from Iowa [Mr. TOWNER] in which he inquired whether that language did not give the President the power which the gentleman from Iowa was seeking to strike out.

Mr. BARKLEY. The distinguished gentleman from Iowa answered in the negative.

Mr. KELLEY of Michigan. What is the gentleman's opinion?

Mr. BARKLEY. I think it does not. I do not think the words "order of the President" and the words "consistent with Federal control" are inconsistent terms. I think the words "Federal control" ought to be in there.

Mr. PLATT. My language is "not inconsistent with this act or any other act applicable to Federal control." I think that covers it. It states it affirmatively.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. PLATT. Yes.

Mr. FESS. I think the gentleman is correct.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. MONTAGUE. Mr. Chairman, I ask unanimous consent that the ending of the first paragraph on page 13, beginning on line 8, at the word "That," which reads, "That nothing in this act shall be construed to amend, repeal," and so forth, as amended by what is known as the Caraway amendment, which has just been adopted by the committee, be transposed to the end of this act and be known as section 16. The language does not relate itself pertinently to the section in which it is found, or to any other section in the bill. Therefore I think, as a matter of form, it had better go to the end of the bill. The Senate has adopted language similar to that found in this bill unamended, and has put it at the end of its bill as a proviso. I think the better form would be to put it as a separate section.

Mr. TOWNER. I think the gentleman's idea is exactly correct, and I suggest to the gentleman that these two very important parts of section 11 ought really to be separated into two sections. If they are numbered as separate sections, will not the gentleman's object be accomplished?

Mr. MONTAGUE. Perhaps so; but I think this particular section had better go at the end of the bill. It would save renumbering other sections. That is the only reason. I just wanted to save time. I think the gentleman's suggestion is a good one.

Mr. TOWNER. That can be taken care of in conference.

Mr. MONTAGUE. Yes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the language which the Clerk will report be transposed to the end of the bill and offered as a new section.

Mr. SIMS. Including the Caraway amendment.

Mr. MONTAGUE. The language as amended.

The CHAIRMAN. The Clerk will report the language.

The Clerk read as follows:

Page 13, line 8, after the word "interest," "that nothing in this act shall be construed to amend, repeal, impair, or affect the existing laws or powers of the States in relation to taxation."

Mr. MONTAGUE. That language as amended.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the language that has just been read, as amended by the Caraway amendment, may be transferred to the end of the bill and placed there as a new section, to be numbered section 16. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that, on page 12, the word "suits," in line 5, be changed to "actions at law or suits in equity," and I make a similar request as to the word "suit," in line 7.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent for the adoption of the amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 12, line 5, strike out the word "suits" and insert in lieu thereof the words "actions at law or suits in equity"; page 12, line 7, strike out the word "suit" and insert in lieu thereof the words "action at law or suit in equity."

The CHAIRMAN. Is there objection to the adoption of the amendment proposed by the gentleman from Kentucky?

Mr. STAFFORD. Reserving the right to object, may I ask the gentleman whether "actions at law" in a legislative enactment do not include suits in equity?

Mr. BARKLEY. In some jurisdictions there is a doubt about it, and that is the reason I offer the amendment, in order that there may be no doubt at all about it.

Mr. STAFFORD. There is no question that "suits" includes both actions at law and suits in equity.

Mr. HAMILTON of Michigan. A suit is a suit, whether in law or in equity, as the language of the bill reads.

Mr. SIMS. Mr. Chairman, has not all time for debate expired?

The CHAIRMAN. All time for debate has expired.

Mr. SIMS. But we are debating.

The CHAIRMAN. The gentleman from Kentucky [Mr. BARKLEY] asked unanimous consent, and the gentleman from Wisconsin reserved the right to object.

Mr. SIMS. He offered an amendment.

The CHAIRMAN. He asked unanimous consent to offer an amendment. Is there objection to agreeing to the amendment proposed by the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That every person or corporation, whether carrier or shipper, or any receiver, trustee, lessee, agent, or person acting for or employed by a carrier or shipper, or other person, who shall knowingly violate or fail to observe any of the provisions of this act, or shall knowingly interfere with or impede the possession, use, operation, or control of any railroad property, railroad, or transportation system hitherto or hereafter taken over by the President, or shall knowingly violate any of the provisions of any order or regulation made in pursuance of this act, or of any other act concerning such possession, use, operation, or control, shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not more than $5,000, or, if a person, by imprisonment for not more than two years, or both. Each independent transaction constituting a violation of or a failure to observe any of the provisions of this act, or any order entered in pursuance hereof, shall constitute a separate offense. For the taking or conversion to his own use of the embezzlement of money or property derived from or used in connection with the possession, use, or operation of said railroads or transportation systems, the criminal statutes of the United States, as well as the criminal statutes of the various States where applicable, shall apply to all officers, agents, and employees engaged in said railroad and transportation service while the same is under Federal control to the same extent as to persons employed in the regular service of the United States. Prosecutions for violations of this act or of any order entered hereunder shall be in the district courts of the United States, under the direction of the Attorney General, in accordance with the procedure for the collection and imposing of fines and penalties now existing in said courts.

Mr. FESS. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee a question. On page 13, line 14, occur the words "who shall knowingly violate or fail to observe any of the provisions of this act." Could one plead ignorance of the law, and under these words would that be a complete defense?

Mr. SIMS. Ignorance of the law excuses no one.

Mr. FESS. I understand; but this says "shall knowingly."

Mr. BARKLEY. That legally means intentionally.

Mr. SIMS. That means with intent to violate the law. In the committee I personally objected to putting in the word "knowingly," but the committee put it in, and there is not enough in it to make it worth while to spend any time over it.

Mr. FESS. It is the judgment of the committee, then, that "knowingly" inserted in the bill would not allow anyone to plead ignorance of the law?

Mr. SIMS. Oh, certainly not. It means with criminal intent.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. LENROOT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 14, after line 17, insert a new section to read as follows:

"SEC. —. That moneys and other property derived from the operation of the carriers during Federal control are hereby declared to be the property of the United States. Unless otherwise directed by the President, such money shall not be covered into the Treasury, but such moneys and property shall remain in the custody of the same officers and the accounting thereof shall be in the same manner and form as before Federal control. Disbursements therefrom shall, without further appropriation, be made in the same manner as before Federal control, and for such purposes as under the Interstate Commerce Commission classification of accounts in force on December 27, 1917, are chargeable to operating expenses or to railway tax accruals, and for such other purposes in connection with Federal control as the President may direct, except that taxes under Titles I and II of the act entitled 'An act to provide revenue to defray war expenses, and for other pur-

poses,' approved October 3, 1917, or any act in addition thereto or in amendment thereof, shall be paid by the carrier out of its own funds. If Federal control begins or ends during the tax year for which any taxes so chargeable to railway tax accruals are assessed, the taxes for such year shall be apportioned to the date of the beginning or ending of such Federal control, and disbursements shall be made only for that portion of such taxes as is due for the part of such tax year which falls within the period of Federal control.

"Such custody and disbursement shall, however, be subject to the direction of the President, and all officers and employees having custody or control of any of such moneys or property shall be subject to all criminal laws regarding the custody and control of public moneys or property so far as not inconsistent herewith.

"At such periods as the President may direct, the books shall be closed and the balance of revenue over disbursements shall be covered into the Treasury of the United States to the credit of the revolving fund created by this act. If such revenues are insufficient to meet such disbursements, the deficit shall be paid out of such revolving fund in such manner as the President may direct."

Mr. SIMS. I will not object to the amendment if it is satisfactory to others.

Mr. STAFFORD. Will my colleague yield?

Mr. LENROOT. Certainly.

Mr. STAFFORD. I glean from the reading of the amendment that all revenues are to be the property of the United States. Is it intended that they shall remain the property at all times after the roads are turned back into private control?

Mr. LENROOT. Yes; any moneys derived from the operation during Federal control will remain the property of the United States.

Mr. STAFFORD. I was under the impression that the bill was founded on the idea that the moneys accruing from operation at the termination of control by the Government should be turned back to the respective companies.

Mr. LENROOT. The money in the Treasury?

Mr. STAFFORD. The balance remaining after the various deductions necessary for operation.

Mr. LENROOT. That must be a matter of accounting. After the accounting the railroads will owe us so much or we will owe the railroads so much.

Mr. STAFFORD. On what basis? Assume that the Pennsylvania Railroad, for instance, has been making large returns while under Government control, and that there will be a surplus accruing to the railroad after paying it the standard return. Under the amendment of the gentleman there will be no return whatever to the private owners of the roads—to the companies—but these returns would go to the Government.

Mr. LENROOT. Certainly; they ought to. It is Government money. We are paying the railroads a billion dollars a year, and we must turn the roads back in as good shape as when we received them, but they are not entitled to any of the revenues. I think there are two or three things that should be considered in conference. Of course, the moneys that are derived during Federal control must be the moneys of the Government. Certainly if we had a billion dollars surplus at the end of Federal control we ought not to give it to the railroads. The bill expressly provides that any excess of operating revenue from operating expenses shall go into the revolving fund. This amendment is necessary for the reason that if this is Government money, without the legislation, under the present law, the money could not be retained, but must go into the Treasury, and this permits the moneys to be used as they have been used, subject to the control of the President at all times.

Mr. SMITH of Michigan. Is it not true that the Government pays the Pennsylvania or these other roads for the use of the roads?

Mr. LENROOT. Yes. It will be noticed, in reference to the war taxes, that the bill in its present form provides they shall pay war taxes only in case of agreement. Of course, the Government should not pay any war tax if the railroad does not agree. The corporation should pay the war tax, and not the Government. While the Government would be compelled to pay the ordinary taxes, it should not pay the war taxes of a nonagreeing railroad. Again, we took over the railroads in December, and we ought not to be charged for taxes which were payable in February for the previous year. The Government ought not to be charged with all of the taxes assessed against railroads during the previous year. This amendment takes care of that. I think the amendment is very important and necessary.

Mr. SIMS. Mr. Chairman, I ask unanimous consent that all debate on this section and all amendments thereto close in five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on this section and amendments thereto close in five minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I am inclined to favor the amendment offered by the gentleman from Wisconsin on the ground that it is providing for a contingency that may happen, although it is one which, in my judgment, is extremely remote. I do not believe there will ever be a dollar accrue to the Government to which this amendment will apply. We have taken as a standard of compensation for the railways three of the most prosperous years we can find. What we will have over will be what any company should happen to make above the average for those three years.

In that connection must also be considered the amount necessary for the administration of this law. Some railroad official who was before the committee, and whose name I have forgotten, said, in respect to this revolving fund, that the only way it could be considered as a revolving fund was that it pertained to wheels, because that would be the only thing revolving in connection with it; that nothing would ever revolve back into the Federal Treasury. I am satisfied that he was right. This will cost our Government over the $500,000,000 now appropriated, and any sum which by any possibility comes into the Treasury by reason of some railroad happening to make an excess over the three-year period. We already have a large number of high-salaried men employed in connection with this plan we are carrying out with reference to the control of railroads. As yet I have not heard of a single individual whose services are dispensed with, and I do not believe any will be discharged. Already we have had several new bureaus created, with an extensive array of stenographers and clerks. There has been some talk of cutting the salaries of certain railroad officials, who, as it seems to many of us, are drawing exorbitant salaries, but I have no faith that this will be done. In the meantime prices of materials are steadily rising, and it is understood that the wages of the employees are to be increased. Some slight economies have been effected by taking off trains and thereby discommoding the public, but the saving is slight compared to the increase in expense.

Mr. McKENZIE. Does not the gentleman from Iowa believe that this contingency might arise by the exercise of the power to raise rates that is in this bill?

Mr. GREEN of Iowa. The contingency might arise in that kind of way, but why it should arise would be more than I can imagine. Gentlemen talk about having the rates raised, but why should they be raised—to bring a profit to the Government beyond a reasonable amount? The bill provides that rates shall be just and fair and reasonable. They ought not to be raised to bring in any profit to the Government. Indeed they can not be raised for that purpose, if we comply with the terms of the bill. I am hoping, however, without much basis for my hope, that the whole of this gigantic sum of five hundred millions will not be absorbed in this undertaking. Government operation of railroads is, in a sense, on trial. It would not, of course, be entirely fair to test it solely by the total expense in times like these. If, however, we find the only difference is a large increase in the number of officials, an increased operating expense, fewer trains, higher rates, and poorer service, the Nation certainly will not consider any plan to purchase the railroads when the war is over.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, I move to strike out the word "knowingly," in line 14, page 13, and insert in lieu thereof the word "willfully."

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 14, strike out the word "knowingly" and insert in lieu thereof the word "willfully."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 13. That all pending cases in the courts of the United States affecting railroads or other transportation systems brought under the act to regulate commerce, approved February 4, 1887, as amended and supplemented, including the commodities clause, so called, or under the act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, and amendments thereto, shall proceed to final determination as soon as may be, as if the United States had not assumed control of transportation systems; but in any such case the court having jurisdiction may upon the application of the United States stay execution of final judgment or decree until the further action of Congress in respect of control of transportation systems by the United States.

Mr. LENROOT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 5, strike out the words "until the further action of Congress in respect of control of transportation systems by the United States," and insert in lieu thereof the words "until such time as it shall deem proper."

Mr. LENROOT. Mr. Chairman, if I may say a word on that——

Mr. SIMS. Mr. Chairman, there is no contest on the amendment.

Mr. LENROOT. Very well.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 14. That the Federal control of railroads and transportation systems herein and heretofore provided for shall continue for and during the period of the war and for a reasonable time thereafter, which shall not exceed two years next following the date of the proclamation by the President of the exchange of ratifications of the treaty of peace: *Provided, however*, That the President may, prior to July 1, 1918, relinquish control of all or any part of any railroad or system of transportation, further Federal control of which the President shall deem not needful or desirable; and the President may at any time during the period of Federal control agree with the owners thereof to relinquish all or any part of any railroad or system of transportation; and no right to compensation shall accrue to such owners from and after the date of relinquishment for the property so relinquished.

Mr. BARKLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. ESCH. Mr. Chairman, before that is read I desire to make an inquiry. Is the amendment offered by the gentleman from Kentucky to strike out?

Mr. BARKLEY. It is to strike out and insert.

Mr. ESCH. I want to offer an amendment reducing the period from two to one year. Would not that have priority, as perfecting the text?

The CHAIRMAN. A motion to perfect the text would have priority over a motion to strike out.

Mr. ESCH. Then I would like to offer that amendment.

The CHAIRMAN. The Chair does not yet know what the amendment of the gentleman from Kentucky is. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 15, line 10, after the word "war," strike out all down to and including the word "peace," in line 13, and insert in lieu thereof the following: "and until Congress shall thereafter otherwise provide."

The CHAIRMAN. This is a motion to strike out and insert, and in that respect is in itself an amendment to perfect, so the Chair is not prepared to say that the amendment of the gentleman from Wisconsin would take precedence over this amendment.

Mr. STAFFORD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. STAFFORD. To make a suggestion, if the Chair will indulge me.

The CHAIRMAN. The Chair will hear the gentleman with pleasure.

Mr. STAFFORD. The definitive proposition submitted to the committee by the amendment of the gentleman from Kentucky is that instead of a time limit, as provided in the bill itself, it shall be dependent upon some action of Congress, whereas the proposed amendment suggested by my colleague was to bring before the House a vote on the most specific provision of the existing paragraph.

If the one-year proposal was submitted and voted upon, you could get the contested judgment of the committee on that before you would submit the question as to whether they wished to make a more indefinite proposal conditioned upon Congress to act. We should try always, I take it, to submit amendments whereby the judgment of the committee may first be obtained on the proposals contained in the bill before submitting something of an entirely different character. The amendment of the gentleman from Kentucky is something of a different character from that which is proposed by the gentleman from Wisconsin.

Mr. FOSTER. Mr. Chairman, I submit they both stand on the same footing as to striking out and inserting. Of course they may be of a different character, and one may be more definite than the other. I do not see in that case where one takes precedence—that the amendment offered by the gentleman from Wisconsin takes precedence over the other under the rule—because they are both amendments to strike out and insert.

Mr. SABATH. The Chair does not know what the amendment proposed to be offered by the gentleman from Wisconsin may be.

The CHAIRMAN. The gentleman stated what his amendment would be. The Chair does not see, from a parliamentary standpoint, any difference in the two amendments. The amendment of the gentleman from Kentucky is a motion to strike out and insert. The amendment to be proposed by the gentleman from Wisconsin would take precedence over a motion to strike out, but the amendment offered by the gentleman from Kentucky is a motion to strike out and insert, and it is therefore a perfecting motion. So far as the parliamentary situation is concerned, the Chair is unable to distinguish between the two.

Mr. SAUNDERS of Virginia. Would not this be true? Could not the motion of the gentleman from Wisconsin be offered as a substitute for the motion of the gentleman from Kentucky?

The CHAIRMAN. Quite likely that is true.

Mr. SAUNDERS of Virginia. In that event that would be voted upon first.

The CHAIRMAN. It would be voted upon first if offered as a substitute and it was germane.

Mr. BARKLEY. I want to make a parliamentary inquiry of the Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. Whether the gentleman from Wisconsin could offer his amendment, which is a motion to strike out and insert, to my amendment, which is a similar motion. As far as I am concerned, I have no preference as to which one of those amendments should be voted on first.

The CHAIRMAN. The Chair is of the opinion that the gentleman from Wisconsin could offer the amendment which he indicated he would propose as a substitute for the amendment proposed by the gentleman from Kentucky, in which event the vote would come first upon the amendment offered by way of substitute by the gentleman from Wisconsin.

Mr. BARKLEY. May I suggest to the gentleman from Wisconsin that he offer his amendment and have both up at the same time for discussion?

The CHAIRMAN. Does the gentleman yield the floor?

Mr. BARKLEY. I yield for that purpose if the gentleman desires to do it. I do not care to suggest it unless the gentleman desires to do so.

Mr. SIMS. That is a very good way to get the thing through as soon as possible. Personally, I would like to see the gentleman's amendment voted upon first.

Mr. ESCH. I have no objection to the gentleman from Kentucky proceeding. My amendment was to strike out in line 12 the word "two" and insert the word "one," and strike out "years" and insert "year."

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to speak for 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky? [After a pause.] The Chair hears none.

Mr. BARKLEY. Mr. Chairman, this is similar to the amendment which Mr. STEPHENS of Nebraska indicated he would offer, but he is temporarily out of the Chamber. I do not know that I can add anything material to what I said in general debate upon the subject of the limitation of the tenure of Government control. I do not think that in all the history of this Government there has been such a large transfer of property involving so much that affects the commercial welfare and economic conditions of our country as the taking over of the railroads by the Government of the United States, and I do not believe there is any man now in Congress or elsewhere who is wise enough to forecast at this time what legislation will be necessary in turning those roads back to their owners, if they are turned back, after the war is concluded. The Government of Great Britain at the very beginning of the war took possession and assumed control of the British railways. In the North American Review for February Mr. Sidney Brooks, a very well known and prominent English journalist and publicist, in discussing British railways, had the following to say:

It has become progressively clearer and clearer that the railways can not, when the war is over, go back to their old positions and their old methods. Finance alone forbids it. The railway men have received in the past three years three successive additions of 5 shillings a week to their wages. They have been disguised under the name of war bonuses, but nobody that I know of expects them to disappear with the war. On the conclusion of peace the companies will find themselves faced with an increase of considerably over £20,000,000 a year in their wages bill. This sum exceeds by several millions the amount—some £17,000,000—paid out in 1913 as dividend on the ordinary stock. But that is not all. The cost of material has risen by about 60 per cent, the increase is not likely to be scaled down for many years to come, and another huge item is thus added to the working expenses. Moreover all the companies are behindhand with renewals and repairs; their good will, the creation of decades of assiduous labor, has been profoundly affected by a war that has played havoc with the normal channels of trade; some lines have been involuntarily advanced to a position of unwonted importance; others, through no fault of their own, have had to yield ground; and the State, which is responsible for these upheavals, can not, when peace returns, wash its hands of the immense problems of reconstruction they will bequeath.

Were the Government to follow any such course, were it to terminate its contract on the conclusion of peace, and to leave the railways to work out their own salvation, the result would be, first, that the companies as a whole would be hard put to it to pay any dividends at all

the amendment offered by the gentleman from Wisconsin on the ground that it is providing for a contingency that may happen,

States," and insert in lieu thereof the words "until such time as it shall deem proper."

on their guaranteed and preference stocks; secondly, that the dividends on the ordinary stock, representing nearly £500,000,000 of paid-up capital, would be wiped out; and, thirdly, that the directors would all but inevitably be driven to raise their rates just at a time when the national chances of recovering from the devastation of the war and of competing successfully in international trade would largely depend on cheap transportation. The consequences of such a solution have only to be faced to put it out of court as impossible.

"There remain, therefore, two alternatives. One is that the Government should itself acquire the railways by purchase and operate them as it operates the post office; in other words, that the railway system of the United Kingdom should be nationalized. The other is that some such plan as has been found admirably effective in time of war should be continued into the years of peace, and that in return for a financial guaranty the State should assume control of general railway policy, should insist on the companies being worked together as they are now being worked together, and should require the adoption of the reforms, the almost innumerable reforms, that the companies have too long resisted and that the pressure of the war has forced upon them. The choice will be between Government ownership and operation on the one hand, and a far more thorough-going and rational system of State regulation and control and of State responsibility on the other.

He goes on to the conclusion that in England the British railways when the war is over will be met with two propositions, one of them Government ownership absolutely or Government control, under a unified system of legislation and control similar to that which has grown up during the war. Now, that situation is going to confront the railways of the United States. We are liable to spend in betterments and improvements and the purchase of equipment and building of terminals and other facilities necessary for the carrying on of this war a billion dollars, and if the war continues for two or three years we are liable to spend a billion and a half or two billions of dollars in aiding these railroads and making improvements. Because it was stated before the joint commission of the House and Senate that in order to keep up the railways adequately to meet the conditions even of peace it was necessary to expend $1,000,000,000 a year in extensions, betterments, and equipment, and if that were necessary in times of peace, certainly that will not be an exaggerated sum that it will be necessary to spend by the Government of the United States in times of war. Not only that, but the financial affairs of our Government, entangled as they inevitably must become with the railroads during Federal control, will be of such condition and nature that the United States Government can not wisely, from a financial or economic standpoint, turn these railroads back to private control subject to the old competitive methods without providing adequate legislation for the unification of railways after the war is over.

Now, it has come to my knowledge within the last few days that financial institutions are at this very time undertaking to hold up the Government of the United States, and railroads that are either in receiverships or liable to be placed under receiverships during Federal control, because they say that, "Under the terms of this bill you provide that automatically the roads come back to private ownership after two years have elapsed from the day of peace, and, therefore, we do not know when you are going to turn them back upon us, and when you do turn them back, if adequate provision has not been made for all these entangling alliances between the Government and the railroads, the stocks may go down and we be left to hold the bag." And because of that condition financial institutions that are now being depended on, both by the railroads and by the Government, are holding up or displaying a disposition to take advantage of that uncertain and chaotic condition to make harder terms either upon the Government or the railroads than would otherwise be the case if they were sure that before these railroads are turned back to the old chaotic and confused conditions that brought about a breaking down of the railroad system of the United States, the Government and the railroads would be able to obtain better terms from those upon whom they depend for financial support.

Mr. DEMPSEY. As I understand the gentleman, his argument is based upon the probability that the railroads will be in a bad condition financially at the end of the war. Is the gentleman advised that this is the condition in England, namely, that since the war England has paid from operating revenue the dividends paid in the prewar period, and has paid 5 per cent upon all nondividend-paying roads, has carried soldiers without charge, and has carried half of the munitions without charge? Now, I am advised by experts that that is the fact. Is that in accordance with the gentleman's information?

Mr. BARKLEY. Not precisely. I think there are some commodities that the Government has hauled without charge itself, because not to do so would be simply taking the money out of one pocket and putting it into another.

Mr. DEMPSEY. Take the question of paying prewar dividends, and in all cases 5 per cent war dividends had not been paid. Is that in accordance with the gentleman's information?

Mr. BARKLEY. That is substantially true, but the Government has borne all increases of wages out of its Treasury, but this can not happen under private control.

Mr. DEMPSEY. Would not that mean that the railroads, instead of being in bad condition financially, would be in a vastly improved condition financially at the end of this war?

Mr. BARKLEY. But the British interests are going to inherit just what the American railroads are going to inherit, unless there is some provision for coordinating the expenses and the receipts of these railroads; and under the amendment which has been adopted by the House, known as the Sweet amendment, I am very much afraid that notwithstanding the increase in expenses the Government of the United States will have no power whatever to increase the revenues of the railroads, and if that should happen they will inherit a vastly increased expense without increasing the revenues. And these things ought to be left to a future Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent for five minutes more.

Mr. SIMS. How much time has the gentleman from Kentucky already had?

The CHAIRMAN. Ten minutes.

Mr. SIMS. Mr. Chairman, I want to ask unanimous consent that all debate on the amendment offered by the gentleman from Kentucky [Mr. BARKLEY] close in 30 minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent——

Mr. SIMS. I did not mean 30 minutes. I mean 20 minutes. He has already had 10.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate on the amendment offered by the gentleman from Kentucky [Mr. BARKLEY] shall conclude in 20 minutes. Is there objection?

Mr. CANNON. I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. SIMS. Mr. Chairman, I move that all debate on the amendment offered by the gentleman from Kentucky close in 20 minutes.

The CHAIRMAN. The gentleman from Tennessee moves that all debate upon the amendment proposed by the gentleman from Kentucky shall be concluded in 20 minutes. The question is on agreeing to that motion.

Mr. GILLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GILLETT. In that 20 minutes has the gentleman from Kentucky been recognized yet?

The CHAIRMAN. The request of the gentleman from Kentucky has not yet been acted upon by the House.

Mr. CANNON. Mr. Chairman, I will withdraw my objection.

Mr. BARKLEY. Does that give me the five additional minutes that I have asked for?

The CHAIRMAN. No. The question is upon the motion made by the gentleman from Tennessee.

Mr. CANNON. I withdraw the objection.

Mr. SIMS. A motion is pending.

The CHAIRMAN. The question is upon the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The debate will be concluded in 20 minutes. The gentleman from Kentucky [Mr. BARKLEY] asks unanimous consent to proceed five minutes. Is there objection?

Mr. LENROOT. I object.

The CHAIRMAN. The gentleman from Wisconsin objects.

Mr. LENROOT. Mr. Chairman——

Mr. KELLY of Pennsylvania rose.

The CHAIRMAN. Does any member of the committee demand recognition?

Mr. ESCH. I do.

The CHAIRMAN. The gentleman from Wisconsin is recognized for five minutes.

Mr. ESCH. Mr. Chairman, the amendment of the gentleman from Kentucky [Mr. BARKLEY] restores the original draft of the bill, to the effect that Federal control shall continue until Congress orders otherwise. The committee, after two days' deliberation, agreed upon a term of two years. The Senate bill provides for 18 months.

We are convinced that there should be a definite and specific term for the period of Federal control, for the reason that the railroads were taken under the war power, under the act of 1916, as a purely war measure. They were not taken under the commerce clause of the Constitution. They were taken under the war power. The power controlling possession of them therefore should terminate at the time the war terminates. The courts would construe a year as a reasonable time after the conclusion of war through a declaration of peace.

We fixed that limit in our amendment. We believe that it will be ample time for Congress to make the necessary financial readjustments that will be required as a result of the changed status of the roads during the period of war control; for be it remembered that under the terms of the amendment I have offered it will be one year after the proclamation of the ratification of peace, and it will doubtless take many months before terms of peace can be agreed upon. During this period of time Congress will be in session. Congress can enact the necessary legislation, and then have one year additional in which to make the necessary adjustments.

It does not seem to me that we are asking an unreasonable thing, in view of the fact that the roads are being held under the war power, and that within the period of one year after the conclusion of the war by the proclamation of the ratification of peace they can be returned to their owners. We ought to make the contract now. We should fix in the terms of this contract its duration, just as we do when we make any other contract or lease. Therefore, in my opinion, by leaving it wide open, without making any definite term, we are inviting that very uncertainty which some have said would lead to financial chaos. It seems to me a contradiction of terms to say that by fixing the time of the Government's tenure you invite uncertainty and chaos. To me the opposite is true. When you leave the term indefinite yo uinvite uncertainty, you promote speculation, and you bring about the very condition that you wish to ward off.

Mr. COADY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Maryland?

Mr. ESCH. I just have five minutes.

Mr. COADY. Just for a question.

Mr. ESCH. What is it?

Mr. COADY. I think the gentleman's suggestion is that one year after the termination of war, or one year after the close of the war——

Mr. ESCH. I use the same language as is in the bill, "after the declaration of peace."

Mr. COADY. Does the gentleman move to strike out the word "two" and insert "one"?

Mr. ESCH. I have had my amendment read for information.

Mr. COADY. Does the gentleman think one year would be sufficient?

Mr. ESCH. I have tried to argue that.

Mr. COADY. Suppose the war terminated on the 4th of March, at the termination of one Congress. The next Congress would not meet until the next December. Then Congress would have at that session only three months in which to act upon it.

Mr. ESCH. I do not think there is much force to that contention, because this is a matter of nation-wide concern, and this great problem of the future 260,000 miles of railroad would be of sufficient importance for any President, I do not care who he might be, to call a special session of Congress in order to pass the necessary legislation.

Mr. BARKLEY. Will the gentleman yield for a question?

Mr. ESCH. I can not yield, Mr. Chairman. I have only two minutes remaining, and the gentleman had 10 minutes. It seems to me that if we fix no definite time you are putting this whole great question into the form of a political issue; you make it the football of politics. We do not want to do that. We want to fix the term now. We will have time enough for the necessary legislation. The longer the time, the greater will be the financial interest in and obligation of the Government as to these carriers, and the more difficult it will be to unscramble the financial situation. That would be another reason in my mind why we should make as speedy a termination of this situation after peace comes as we can; that the roads may be returned to their owners under such laws as Congress shall enact. [Applause.]

Mr. DECKER. Mr. Chairman and gentlemen of the committee, the question has been pretty thoroughly discussed in general debate, but before this vote is taken I would like to remind you, one and all, just what the vote means. There is no use dodging it or trying to dodge it. A vote for the Barkley amendment means a vote in favor of passing remedial legislation before the railroads are given back to the private owners. That is what it means, and you need not dodge it. [Applause.] If you are afraid to trust the people of the United States to pass upon this question in their wisdom, then vote to put the stop watch on. It has been said, and said truly—said by distinguished men—that this vote means an advantage to one side or the other. The two sides are these: There are some people in the United States so afraid of what they call Government ownership that they would vote these roads back into the hands of the private owners without regard to whether the rights of the American people are protected before they are voted back or not, in order to avoid what they honestly believe is a great danger in Government ownership. Now, gentlemen, let the lamp of experience guide our feet. Who here this afternoon is so wise as to say what the situation in the United States will be when the war is over? We already know of much legislation that was needed before the roads were taken over. Do you mean to say that we will learn nothing during this Federal control that might be of benefit to us in enacting legislation for the regulation or control of the railroads after the war is over? Then, why not give the people at home a chance to speak? I admit frankly that if you put in this limitation it will make it harder for the people to carry out their will, if they should come to a decision as to doing something else about the railroads in America. But what business is it of ours to say that they shall not have as much time as they want to settle this question? How much more time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has two minutes.

Mr. DECKER. You say two years is ample time. Two years is ample provided we have no other questions to settle when this awful struggle is over. You say two years are enough. Then I look you in the face and ask you, Why have we not enacted legislation already regulating the issuance of railroad stocks and bonds in this country? Is there a Congressman here who dares tell his constituents that that kind of legislation has not been needed for 10 years? Since I have been a Member of Congress, in the last four years, we have passed a bill of that kind through the House twice, but still it is not enacted into law. The gentleman on the other side says that two years is ample time in which to settle all the questions, which we must admit will be greater then than they are now, before we turn the railroads back. If you believe that, vote to put in the limitation; but if in your heart you want to protect the American people against such outrages as happened to the New Haven, the Rock Island, and the Frisco, then do not vote for a limitation. Do not vote for a limitation and then go back home and tell the American people that you are a friend of the shipper and the investor, and that you are against the robbery and the looting of the railroad systems of this country.

I do not believe that all railroad men are dishonest, but everybody knows that some of them have been dishonest; and until we get some railroad legislation in this country that will protect investors and that will see to it that money paid for railroad stocks and bonds is put into ties and rails and locomotives and cars instead of into the pockets of railroad officials, then, and not until then, will the American investing public have some confidence in our railroad systems.

Mr. DILLON. Will the gentleman yield?

Mr. DECKER. I have not the time to yield; my time is about up. I want to say in closing that you can act now and protect the American people. They are the ones that have the right to speak on this question. It is their money, not yours and mine, that is voted into these systems at this time in order to take care of the situation caused by private owners' inability to carry on the transportation of this country. It may be a billion dollars or it may be two billion dollars, but, whatever it is, it is their money. Why not give them a chance to speak before you turn them back to private owners? Ah, there will be other questions confronting the American people; their hearts will be sad; they will be troubled with the mighty questions to settle. Why say that the great railroad question has got to be settled on a given day? [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Chairman, I confess I approach the question of railroad management with a good deal of hesitation, because I do not want to appear to know too much about the operation of railroads or too much about that line of business. My chief experience with the railroads has been that of a passenger, and, as far as I could see, the business was profitable.

I have been brought up in a different atmosphere. I never drew a railroad salary, but have heard considerable about them. I think, from custom or otherwise, the high salaries paid railroad officials have been a source of criticism, if not a burden to the companies.

But I wish for a few minutes, however presumptious it may appear, to speak briefly concerning the bill we have been considering for the last few days, and which is now before the House, for the control of the railroads by the Federal Government and the just compensation therefor.

It is common knowledge that agriculture, manufacturing, and commerce are the greatest industries and most vitally affect the welfare of our country. They are interwoven with the progress and prosperity of our Nation and the happiness of our people.

I am in favor of this bill for two reasons which appear to me very essential: First, I am in favor of taking over the railroads as a war measure, and I do not see how there can be a proper

conduct of the war without the facility of the railroads in the transportation of our troops, war munitions, and supplies. The railroads and transportation facilities, including our waterways and navigation, are essential. With 3,000 miles of ocean traffic, the taking over of our shipping is as vital and essential in the conduct of the war as the taking over of the railroads.

Second, I am also in favor of taking over the railroads in order to coordinate the facilities of transportation during the war as a means of procuring the utmost efficiency. In the conduct of the war economy, efficiency, development, and industry will count most, and I do not think that crosshauls, empty trains, or double service tend to best results. I am not only for coordinating the railroads of our country but I am also for coordinating every great branch of industry, including the man power, in the development of the needed resources of our country in winning the war. I am for subscribing every American citizen, male and female, to a pledge devoting his best energy, his property, and his life in the successful prosecution of the war. There can be no division among us. Every man must now do his duty in the hour of his country's need and of his country's danger. It is self-evident to everyone now that the war must be won by the United States. Dissension, sedition, and pro-German sentiment must all be suppressed in the interest of unity, strength, and success. I know there are many splendid citizens of German birth and German descent who are loyal to our country, who have a double burden to bear, and who are rallying to our defense, enlisting in our Army, in opposition to their ancestry, but whose fealty and loyalty to our flag is paramount. A pro-German alien enemy, of whatever nationality, going at large in the United States among our citizens at the present time is more dangerous than if he were in the ranks of the German Army.

I am for coordinating and uniting the citizens of the United States like one man. I am for the coordination of every South American Republic, Canada, and Mexico, so that the Western Hemisphere can present a united front for the prosecution of the war; I am for inviting and procuring the active aid and support of Japan, which has promised its assistance; I am for organizing China, with its great man power; and in every way availing ourselves not only of the armies and navies of friendly nations but of their man power and great resources as well in fighting Germany. I say Germany because Germany is responsible for the war, is undertaking to set up an autocratic monarchy to rule the world, and we are all opposed to that. I understand that in war it is easier to give advice and to say what one should do and what ought to be done than it is to consummate and bring about the result. I do not make this suggestion by way of criticism but as expressing my own conviction. Nor am I banking upon the fact that I always have advocated and voted for preparedness. It is a great step from a peace to a war basis. I had always hoped that the brightest pages of American history would be adorned with peaceful pursuits, art, the progress of agriculture, science, and invention rather than our martial achievements. But we have engaged in the greatest war of all times, and, while there are different opinions about our policy of declaring war and the progress we have made, may I say that there never was a more just war, or one contending for higher or more far-reaching or more beneficial results and principles than the present war.

Of course, just compensation for the use of the railroads must be made to the owners. I think a very good solution of what amount of compensation ought to be made to them is contained in the bill, and that the average annual earnings of these roads for the three prewar years of 1914, 1915, and 1916 is a safe standard. The bill contains an appropriation of $500,000,000 as an operating fund, to which will be added the earnings of the railroads, and out of which they can be paid for their use, maintenance, upkeep, interest, and other expenditures. It seems to me this is a reasonably fair rule for just compensation, and certainly no one wishes to be unfair or confiscatory in relation to what should be paid to the owners of the railroads any more than they would for the just compensation for property of individuals taken over by the Government.

Neither am I afraid of the rate-fixing power provided in the bill. At the present time the railroads fix the rates, and this rate, upon the complaint of any shipper, can be reviewed by the Interstate Commerce Commission. We have a Food Administrator controlling the food situation of the country. We have a Fuel Administrator controlling the fuel situation of the country. The President has, in numerous instances, fixed the price of food products and cereals and the price of fuel. Some one has stated that he fixed the price of demurrage. Also that he did not fix the price of fuel satisfactorily or the price of wheat, and that the demurrage of $10 per car a day only lasted overnight. But the President changed them upon complaint of the people, and it is not reasonable to think that the rate fixed for the common carrier will be unreasonable, even if the President is given that power. I do not think, with public opinion and public censorship, that the President will arbitrarily make an unjust or exorbitant rate. Personally, I would be pleased if the President, by and with the advice of the Interstate Commerce Commission, would fix the rates, and that the Interstate Commerce Commission, which has had great experience and long service in the fixing of rates, has made thousands of decisions and written thousands of opinions in reference to rates, might in some way be preserved and coordinated in the fixing of rates. But this is an administration bill. I am not afraid that the rate purposely or arbitrarily will be made unjust by any President. The power given the President over the control of railroads ends in two years after the war, and the right of the President to fix the rates will likewise end.

We are fighting a great war. We can not hope for success without organization. The armies of all times have had one superior chieftain or commander, and for effective fighting there must be unity in this war all along the line. Some one must lead, and the quicker we determine upon some one for the final say, or who will have the last word, the better work and assurance of success will follow. A large amount of transportation during the war will be troops and munitions. If the Government must pay the standard rate as fixed by the average paid during the three prewar periods, and if the Government must pay for the transportation of its troops and of munitions of war, it will be largely a matter of bookkeeping and of keeping track of the amounts of shipping done and passengers carried. If that rate be high more will flow into the Treasury than would if the rate be low, but the final balance in the end would be with the Government itself, and the Government must make up the shortage and ought to have any net surplus.

There has been much said recently about the breakdown of the railroads. Some here have stated that the breakdown was a misnomer, and there was no breakdown, but simply a failure of the railroads to do the transportation. I heard our Fuel Administrator state that "the mining of coal was purely a question of transportation," and whether or not the failure to deliver fuel last winter was on account of the breakdown of the railroads or their inability to transport coal, which amounts to the same thing, could have been prevented is even now more or less of a live question. At times it looked as if the failure to deliver coal was on account of the failure to mine it. At other times it looked as if the failure to deliver coal was the fault of the railroads. Whatever the fault, it seems to me now that we but confess our incompetency in not supplying ourselves with coal. Coal is the greatest and most abundant natural product on earth. Arkansas is a most promising State, rich in agriculture and mineral resources, and I have heard it stated of that State that there is coal enough in Arkansas to do the United States through all eternity. Be this as it may, I am sure there are mountains of coal in Pennsylvania, West Virginia, and Kentucky, with an abundance of it in a number of other States, say nothing of Alaska. It looks ridiculous that there should be a coal famine in the United States and that people should be allowed to shiver and freeze for the lack of it or that it should be sold a bushel at a time. Truly it is not because we lack the coal in its natural state. The failure of our fuel supply is truly not because of the scarcity of coal. If the mining of coal is a question of transportation, as stated by Dr. Garfield, we should certainly increase our facilities for carrying coal. I do not believe that the railroads are so occupied with freight traffic that the roadbed itself could not accommodate a larger number of coal trains. I think one freight train could follow another every hour on any railroad in the United States to prevent freezing or starving. Perhaps in case of necessity one coal train could follow another within half an hour. And I do not believe that the solution would be more railroad beds or more railroads. Neither would more terminals be a solution. The terminals were loaded to their utmost capacity during the recent months when the weather was cold, and more terminals would but increase the facility for piling up more cars in their yards. If the railroads could not move the traffic in the terminals now possessed, how could the railroads move the traffic accumulated in additional terminals? An additional supply of engines would help solve the terminal congestion. The use of the street railways and subways in our cities would also help to solve it. An additional force to take care of the congested freight and coal upon arrival should be employed. Use the street railways to relieve the congestion in the cities. If need be, an additional track could circumvent the city at congested terminals and the coal and freight cars permitted to pass around instead of through the yards of our principal cities. Some are inclined to give car shortage as an excuse for fuel shortage, but there

never was a time when there were more cars in existence than there are at the present time, and coal at the prevailing prices last winter could profitably have been drawn in any freight, box, gondola, as well as coal cars, and even gravel cars might have been profitably used. However that may be, whether because of the lack of railroads, locomotive power, car congestion, or what not, the people ought now to see that there will be no recurrence of the fuel situation of the past winter. If we need more engines, let us buy more or construct more. If we need more cars, let us now build more or buy more. If congested terminals cause the fuel shortage, let us employ more help to move the congestion, build circuitous spurs or tracks, use the street railways, and avoid the congestion. If it be a lack of miners, let us employ more miners. But whatever the cause, let every coal dealer, chamber of commerce, community association, commercial club, common council, city, village, and miner in the land undertake to prevent a recurrence of fuel shortage and begin now without waiting until the freezing weather comes and the congestion recurs. We have the roadbeds and can supply the facilities. We have the coal and can supply the miners. The city coal yards ought to prepare themselves now by stocking up for the coming winter. The Government in taking over the railroads should see that the people are supplied with coal and that congestion does not recur.

I am in favor of the prosecution of this war. I think the importance of winning it ought to be apparent and reflected by every citizen of the land. In the winning of the war we save our country. Our forefathers pledged their life, their fortune, and their sacred honor to establish the Republic, and ought we to do less in order to save and preserve it? Already Germany speaks of an indemnity of billions of dollars against us, and we know that in case we lose our Nation will be put into slavery as abject and dark as are the people of Belgium to-day. We must win, and never yield, until the last man goes down.

Mr. SHOUSE was recognized.

Mr. GREEN of Iowa. Mr. Chairman, is there any further time on this amendment, and if so, to which side does it belong?

The CHAIRMAN. The gentleman from Kentucky [Mr. BARKLEY] spoke 10 minutes, 5 of which was by unanimous consent. At the end of that 10 minutes the gentleman from Tennessee moved that all debate close in 20 minutes. That motion prevailed. The Chair then recognized the gentleman from Wisconsin [Mr. ESCH] for five minutes in favor of the amendment, and then the gentleman from Missouri [Mr. DECKER] in opposition to the amendment, and then the gentleman from Michigan [Mr. SMITH], whom the Chair thought opposed to the amendment. Now, the gentleman from Kansas is recognized in favor of the amendment.

Mr. LENROOT. May I suggest, Mr. Chairman, that that is an unequal division of time. The gentleman from Kentucky had 10 minutes, and we will only be given 10 minutes on this side.

Mr. DECKER. But the 20 minutes agreed upon was after the gentleman from Kentucky [Mr. BARKLEY] spoke by unanimous consent.

The CHAIRMAN. The Chair took this view of it: That the Chair would divide the time equally after the motion to close debate.

Mr. CANNON. But the Chair has not done so. As I understand it, the gentleman from Michigan [Mr. SMITH] was for the amendment.

The CHAIRMAN. The Chair did not so understand it.

Mr. COOPER of Wisconsin. Mr. Chairman, the reporter's notes will show that the gentleman from Michigan three times said that he was in favor of the bill. He never once referred to the amendment.

The CHAIRMAN. The Chair recognized the gentleman from Michigan upon the supposition that he was opposed to the amendment. The gentleman from Kansas [Mr. SHOUSE] is recognized for five minutes.

Mr. SMITH of Michigan. I am for leaving it to Congress.

Mr. GILLETT. Mr. Chairman, the gentleman from Michigan, as I understand it, states that he is for this amendment.

Mr. COOPER of Wisconsin. But he did not say so in his speech.

Mr. COX. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded. The gentleman from Kansas is recognized for five minutes.

Mr. SHOUSE. Mr. Chairman, one of the great faults connected with the private operation of the railroad systems of the country since the beginning of this war, and one of the things that tended to bring about a degree of confusion recognized on all sides, which made necessary the taking over of the railroads by the Government, was the fact that the railroad systems were operated with a view to private gain to the stockholders of the systems rather than with a primary view to the benefit of the general public, which has paid for the cost of building the railroad systems of the country, either through land grants made by the National Government or through bonds voted by some State or some subdivision of a State. In order to secure the greatest degree of efficiency, in order to make the railroad systems answer the purpose necessary to the winning of this war, necessary to the transportation of the products of the country, the question of profit to private stockholders and to private individuals has to be eliminated in favor of what amounts to the greatest good to the greatest number, the public interest. The result is going to be that if the Director General of Railways and his assistants are hemmed in by a restriction making it necessary to turn back to the present owners of the railroads these various railroad systems within a specified time following the close of the war, then that degree of efficiency that ought to be gotten out of them in the matter of transportation can not be gotten out. In other words, it is going to be necessary to absolutely scramble the eggs, to mix up the railroad systems in a way that perhaps they never can be unmixed again, in a way that would be difficult to unmix them within a specified time.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. SHOUSE. Not now. For that reason it seems to me a matter of good business, a matter of good sense, a matter of good policy for us not to attempt at this time to fix any definite limitation on this Government control of railways. I am perfectly frank to say that personally I believe it is going to become necessary as a result of the conditions brought about by this war, and by the use of the railroad systems during the war, for the Government to take over the railroad systems; and I think you are going to be facing a very definite demand from the people of this country to know where you stand on that proposition before this war is over and perhaps before another congressional election is decided in this country. As I say, personally I think it is going to become necessary for the Government to retain control of the railroads, and I think it would not only greatly embarrass, as the gentleman from Missouri [Mr. DECKER] suggested, the Government in taking over that control, to put this limitation upon this bill, but it would also serve to embarrass the administration of the railroads while the Government has control of them. I now yield to the gentleman from Ohio.

Mr. COOPER of Ohio. Mr. Chairman, the gentleman made a statement in which he said that the reason the Government took over the railroads was because the railroad operators had operated their roads as private property and for private gain. I want to ask the gentleman if there was anything about profits in the act of 1916 which gives the President the power to take over these roads?

Mr. SHOUSE. I am not discussing the act of August, 1916; I am discussing this amendment.

Mr. COOPER of Ohio. The gentleman says that was the reason the Government took the roads over.

Mr. SHOUSE. I think that was the general reason that made necessary the taking of them over.

Mr. COOPER of Ohio. The act of 1916 gives the President the power to take over the railroads for war purposes.

Mr. SHOUSE. Exactly; but, as I say, I think the roads, if they had been one great coordinated system, might have been so operated as not to have made Government control necessary. But they were not one great coordinate system; there were dozens and dozens of different systems and each one being managed by its own management with the idea of earning the greatest possible income for its stockholders, which is natural.

Mr. BLACK. Will the gentleman yield?

Mr. SHOUSE. I will.

Mr. BLACK. Is not the reason they were not coordinated due to the fact that Congress has passed laws itself that have absolutely prevented it?

Mr. SHOUSE. That is one reason.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent, inasmuch as by inadvertence 25 minutes has been used by those in favor of this amendment and only 5 minutes against, that the time be extended for 5 minutes.

Mr. SIMS. To be given to those who oppose the amendment?

Mr. GILLETT. Of course.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time——

SEVERAL MEMBERS. Make it 10 minutes.

Mr. GILLETT. Mr. Chairman, it is suggested to me to make it 10 minutes, 5 for that side and 5 for this side, both against the amendment; 5 minutes to go to the gentleman from Ken-

tucky [Mr. SHERLEY] and 5 to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the time may be extended for 10 minutes, 5 minutes to be used by the gentleman from Wisconsin and 5 by the gentleman from Kentucky. Is there objection?

Mr. HUDDLESTON. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Alabama objects to the unanimous consent.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The question is upon the amendment proposed by the gentleman from Kentucky [Mr. BARKLEY].

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. BARKLEY) there were—ayes 40, noes 143.

So the amendment was rejected.

Mr. ESCH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 11, after the word "exceed" strike out "two" and insert "one" and strike out the letter "s" in the word "years."

Mr. SIMS. What does the gentleman say about time for debating the amendment? [Cries of "Vote!"]

Mr. ESCH. Let us have 20 minutes, 10 to a side. [Cries of "Vote!"]

Mr. ESCH. Ten minutes to be in the control of the gentleman from Tennessee and 10 by myself.

Mr. HUDDLESTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUDDLESTON. It is my understanding the debate on the section was limited to 20 minutes.

The CHAIRMAN. No; on the amendment offered by the gentleman from Kentucky. The gentleman from Wisconsin asks unanimous consent that debate be limited to 20 minutes, 10 minutes to be controlled by himself and 10 minutes by the gentleman from Tennessee [Mr. SIMS]. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Wisconsin is recognized for 10 minutes.

Mr. ESCH. Mr. Chairman, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT.]

Mr. LENROOT. Mr. Chairman, the House is to be congratulated upon the vote that has just been cast refusing to make itself guilty of obtaining property under false pretenses. [Applause.] That is just exactly what the proponents of the amendment just defeated demanded. This property was taken over by us under the war power, and the gentlemen have asked that when this war is over that we shall continue under the assumed war power to hold property after a reasonable time after the war is over. The gentleman from Missouri [Mr. DECKER] talks about the honesty of the people, and I agree with him; but the people have the same right to trust the honesty of this House, and I am very glad by so large a majority they propose that this House shall remain honest and keep its contract. Mr. Chairman, with reference to this limitation, let us see where we would have been if this amendment had not been defeated and where we may be, to a lesser degree, if this amendment of my colleague is not adopted. If there was no limitation in this bill, after this war was over, if prices go down, if wages go down, these gentlemen would have the Government continue to pay a billion dollars a year to the railroads when the fair compensation might be very much less than that sum. These gentlemen would continue to have Congress, to have the Government, hold the railroads when a majority of the Members of this House of Congress might vote to turn them back. It would require a two-thirds vote of each house of Congress if the President chose to exercise his veto.

The gentlemen were not willing to leave this question in the hands of Congress. Their real purpose was to leave the question in the hands of the President of the United States and not of the Congress.

Now, with reference to this one-year limitation or two-year limitation, a one-year limitation is ample time. We can, if necessity arises, extend, by joint resolution, the time, if a reasonable time has not elapsed; and I want to say, Mr. Chairman, that until we take over the railroads under the interstate commerce clause, so long as we hold them under the war power, we have no power upon earth to hold them beyond a reasonable time.

Mr. DECKER. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Missouri?

Mr. LENROOT. No; I do not.

That will be not for the President or us to determine, but for the courts. And these gentlemen would be in this position, that if some of these more prosperous roads would make more money if they ran them themselves, they would say, "We have these roads now. They belong to us. You no longer have any control over them. We will take our revenues and our profits;" but there would be left in the hands of the Government all of the unprofitable roads of the country.

Mr. DECKER. Will the gentleman yield for one question?

Mr. LENROOT. I will not.

Mr. Chairman, the thing to do is to adopt the one-year limitation and trust Congress, which the gentlemen are so anxious to do—trust the Congress, if the necessity shall thereafter arise, to extend that limitation to another year. [Applause.]

I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. SIMS. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. DOREMUS].

Mr. DOREMUS. Mr. Chairman, I desire briefly to refer to the argument of the gentleman from Wisconsin [Mr. LENROOT], who advocates a limitation of one year in this bill instead of two years. He supports his argument by the statement that if one year is not a sufficient length of time, Congress by a concurrent or joint resolution can extend the time, and that is the particular part of his argument to which I desire to call the attention of the House.

I do not know whether the President when he makes this contract with the railroads will write into the contract the limitation that is fixed in this bill or not; but, whether he does or not, there is not a court in the United States that will not write into that contract the language of section 14 of this bill. And there is not a railroad in the country that could not go into court at the expiration of one year, if you fix it at one year, and demand under its contract with the Government a return of its property. And no concurrent or joint resolution nor any act that Congress might pass could prevent the railroad from having its property returned to it.

He talks about the sanctity of contract. I stand for the sanctity of contract just as fully as he does. So I say we must live up to the contract we make with these railroads. And there is not one of them that would not have the right under the law or under the contract to demand a return of its property at the end of the time fixed by this bill, regardless of any action Congress might take. Congress can not impair the obligation of a contract by passing a resolution.

Mr. GREEN of Iowa. Mr. Chairman, a most singular harmony has arisen with reference to this bill. Every stockjobber, every owner of railway stocks and bonds, every man that is in favor of Government ownership, and every socialist is in favor of this bill. It is the first time I ever knew them to unite. The explanation for this most extraordinary harmony is not difficult, but is really simple. Those who believe in ultimate Government ownership think it will be brought about by this bill. The socialist regards it a step in the direction of socialism, which will, year by year, go further. But the stockjobber and the owner of stocks and bonds has the clearest right to be satisfied with it. Railway stocks and bonds have risen since the railroads were taken over by the Government with the understanding that Uncle Sam would pay for them at the rate provided in this bill. During the three years ending June 30, 1917, the average per cent of net income to capital stock outstanding for the Chicago, Burlington & Quincy Ry. was over 22 per cent, the Pennsylvania Co. nearly 12 per cent, the New York Central nearly 13 per cent, the Chicago & North Western over 10 per cent, and that of some short lines above a hundred per cent up to one which made 647 per cent. Railroads controlling about 140,000 miles of track and handling about 75 per cent of the traffic are guaranteed by this bill an average net income of over 11 per cent.

Talk about camouflage! The greatest camouflage we have ever known in this country was created when the railroads carried on their propaganda to influence the people of this country and make them believe that they, the railroads, had not been doing well during the last three years. The last three years of the operation of the railroads have been the most profitable of any three years in succession that they have ever known and possibly any that they ever will know.

Do you gentlemen realize that this bill guarantees and makes as good as a Government bond the revenue which these railroads have been receiving during this period of the highest point of their prosperity? No wonder the railroad magnates and the railroad owners are in favor of this bill, when it makes absolutely secure these unreasonable profits. Think of the situation! Our Government is asking its citizens to purchase liberty bonds drawing 4 or 4½ per cent, and the railroads, in a time like this, ought to have been content with a similar rate. Instead, amendments restricting the profit to 7 per cent have been voted down,

the committee which reported the bill insisting that it should not be changed, and some of its members even denying the accuracy of the figures which I have given, which are all taken from the reports of the Interstate Commerce Commission.

It should be remembered also that this is on watered stock and all. There are roads like the Kansas City Southern, which is capitalized at $99,000,000 when the valuation commission found that the reproduction cost was only $50,000,000. The American people will some day wake up and see the trick that has been played upon them by the provisions of this bill, which allow the railways more than just compensation.

Government ownership is, in one sense, to be on trial. The wholesale looting of railroads in the cases which I have referred to and others have brought many people to believe in Government ownership, but Government ownership will not get a fair trial under the present plan. Apparently dividends are to be raised, surpluses increased, wages made higher, and everybody cared for except the public. What the cost of such a proceeding will be no one can even guess.

Mr. Chairman, I shall vote for this bill not because I approve of these provisions but for other reasons. It has become absolutely necessary that it should pass to provide some method of controlling and managing the railroads, since they were taken over by the Government. Otherwise much could be done without authority of law. This has already happened and probably could not be avoided. I shall also vote for the bill especially because I am unwilling to deny to the President or the administration any power that, if properly exercised, would assist in winning the war, and I shall not insist that my opinion be adopted as to how this great object should be carried out. I have heretofore, and do now, and will in the future, lay aside my convictions rather than to fail to give the most wholehearted support to every measure that can possibly tend to bring victory nearer. Time is the essence of success in war. Victory is never won by hesitation. Unity of control and concentration of power is necessary for the highest efficiency. If there is any delay or any lack of necessary power it shall not be laid to any act of mine, and in common with every patriotic citizen I renew to the administration the pledge that we made at the beginning of the war—to devote all the resources of the Nation to its prosecution.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. ESCH. Mr. Chairman, I yield two minutes to the gentleman from New Jersey [Mr. PARKER].

The CHAIRMAN. The gentleman from New Jersey is recognized for two minutes.

Mr. PARKER of New Jersey. Mr. Chairman, the question of time is not usually of the essence of things. It is so here. We want to name a time that is reasonable, a reasonable time, and show that we really mean to give the railroads back, and we want to do it because, first, we want the railroad men to understand that they must do their very best for the Government, and keep the railroads running as only railroad men know how to do, and not simply fall down and say: "We do not care anything about it, because we are not going to have them back soon."

We want the Director General to remember that in his management of the railroads, wherever possible, he shall conduct them and keep them in such condition as that they can be handed back. We do not want to see the condition that we have seen wherever the Government has had control, that the people were not considered. [Applause.]

I yield back the rest of my time.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. ESCH. Mr. Chairman, I yield the balance of my time to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for two minutes.

Mr. MONDELL. Mr. Chairman, there is ground for a difference of opinion as to what the American people may desire Congress to do touching the railroads and their operation at the close of the war, but there is no legitimate ground for, and there should be no difference of opinion in regard to, the proposition of ending autocratic war control over the railroads as soon as possible with the coming of peace.

I can not understand how any good citizen, whatever may be his opinion of what should be our policy in respect to the railroads eventually—I can not understand how any citizen who values the good faith of the Congress and of the Nation, or who is desirous of preventing a condition of political railroading, can desire to have the autocratic control of the railroads, apparently necessary in time of war, projected far into times of peace.

The sooner this autocratic control ends after peace comes the better, and surely the Congress of the United States can, within a year after the signing of the peace treaty, decide what shall be our permanent policy for the future. I have not been fully convinced that the taking over of all the railroads was wise or necessary as a war policy, but that has been done, and in this bill we are making provision for that war-time control.

Manifestly, this form of control concentrated in the hands of the Director General is not such a control as anyone would desire as a permanent policy in peace, therefore the importance of fixing a reasonably early date after peace comes, prior to which the future and permanent peace status of the roads shall be determined. [Applause and cries of "Vote!"]

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. SIMS. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has six minutes.

Mr. SIMS. I yield three minutes to the gentleman from Pennsylvania [Mr. DEWALT], a member of the committee.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for three minutes.

Mr. DEWALT. Mr. Chairman and gentlemen of the committee, let us for a moment constitute ourselves a jury in this case. What are the facts? After we have the facts, what shall our verdict be in regard to this time limitation?

Now, the primary fact in this case is expressed in the first words of the act, "That the President having in time of war taken over the roads," and therefore we have as an admitted fact that he takes them over in time of war. He does not take them over by reason of the commerce clause of the Constitution, nor does he attempt to take them over by the clause of the Constitution referring to the establishment and maintenance of post offices and post roads. Having taken them over under the war power, necessarily as a matter of law it follows conclusively that the right of the President would instantly cease when the war was at an end, except for one provision, and that is read into the law itself in all cases of this character. What is that? That a reasonable time must be given after the time fixed at which the power ceases.

Now, the power ceases at the expiration of the war. A reasonable time must be given. This act provides what we regard as a reasonable time. It says the reasonable time shall be after the proclamation of peace and the affirmance thereof by the President and the Senate of the United States, not to exceed two years thereafter. Therefore, gentlemen, having all the facts in hand, the only question before this committee is this: What is a reasonable time? Is it one year or is it two years? It is a matter of minutiæ and not of policy. Now, personally, I favor two years, and I will tell you why. In the first place, what might be a reasonable time for one road would be an entirely unreasonable time for another. I grant you that some roads might be given back to their corporate owners in six months, others in one year after the proclamation of peace, and still others possibly not in two years. But when the time is fixed as a reasonable time, not exceeding two years, you give the opportunity for all roads, large or small, to be adjusted.

Now, the other reason——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DEWALT. I am very sorry I can not proceed, but I realize that the debate is limited.

Mr. SIMS. Mr. Chairman, I hope the amendment of the gentleman from Wisconsin will be disagreed to and voted down. I feel that the Members of this House will lay aside prejudice, will lay aside what effect they think a vote one way or the other on this amendment may have on the question of Government ownership as a principle. There is absolutely no principle involved between one year and two years. It is simply a question of policy. Now, under this bill the railroads of the country may necessarily become indebted to the Government in a very large amount of money. They may owe the Government a billion dollars or more at the end of the war. We do not know how long the war is going to last or what the exigency may be, and it only requires such reasonable time after the war, not exceeding two years; that is the provision of the House bill. And remember that the President may release these roads at any time. If the war does not last long and the railroads do not become indebted to the Government to amount to anything, why, they may be turned back to their owners in a very short while. But with the possibility of the war lasting a year or two years or three years, and with the vast amount of railroad securities held by the Government itself, and with the vast amount held by the financial institutions of the country, why put an arbitrary limit of 12 calendar months and take the chance of extending the time by resolution afterwards. We do not know what shape we shall be in, but there is an economic psychological

question to take care of, and that is to prevent the depression of the railroad securities held by financial institutions, trust companies, national banks; and with the guaranteed return which will permit the payment of interest on these securities as long as the Government holds the railroads, there will not be any depression in the market for those securities. But with the absolute certainty that within 12 months, regardless of conditions, regardless of credit, regardless of the amount of railroad property in the shape of bonds that may be owned by the Government of the United States, they are all to be dumped on the market at one time, without any power on earth in the Government through the operations of the Treasury to protect them. If gentlemen on either side are more anxious to determine a mere academic question as to the effect of the longer or shorter time they may have upon the question of Government ownership than they are to protect the people of the country in their public interests, why, then, let them go ahead and vote against the good of their country in time of war; the responsibility will be theirs, and God be merciful to them. [Applause.]

The CHAIRMAN. All time has expired.

Mr. SAUNDERS of Virginia. I desire to offer an amendment to the amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment to the amendment.

Mr. SAUNDERS of Virginia. To strike out that portion of the amendment which provides for one year, and insert in lieu thereof "18 months." This will make the amendment conform to the provisions of the Senate bill, which has already passed.

The CHAIRMAN. The gentleman from Virginia offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment by Mr. SAUNDERS of Virginia: Strike out the words "one year" and insert in lieu thereof the words "18 months."

The question being taken on the amendment of Mr. SAUNDERS of Virginia, on a division (demanded by Mr. ALMON) there were—ayes 35, noes 122.

Accordingly, the amendment to the amendment was rejected.

Mr. LONDON. Mr. Chairman, I offer an amendment to strike out the words "two years" and insert the words "ninety-nine years."

The CHAIRMAN. The gentleman from New York offers an amendment by way of substitute which the Clerk will report.

The Clerk read as follows:

Substitute by Mr. LONDON for the amendment offered by Mr. ESCH: On page 15, line 11, strike out the word "two" and insert the word "ninety-nine."

The question was taken; and on a division (demanded by Mr. LONDON) there were—ayes 4, noes 102.

Accordingly the substitute was rejected.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. ESCH) there were 115 ayes and 97 noes.

Mr. SIMS. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chair appointed the gentleman from Wisconsin [Mr. ESCH] and the gentleman from Tennessee [Mr. SIMS] as tellers.

The committee again divided; and the tellers reported that there were 143 ayes and 111 noes.

So the amendment was agreed to.

Mr. SWIFT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, after section 14, insert the following as a new section:

"That the Committee on Expenditures in the Treasury Department is hereby authorized and directed, in accordance with the powers conferred by paragraph 36, of rule 11, and of the House of Representatives to examine and audit from time to time the accounts and expenditures of all moneys appropriated by section 6 of this act; and said committee is authorized to employ certified public accountants, competent stenographers."—

Mr. SIMS. Mr. Chairman, the reading of the amendment so far has disclosed that it is subject to a point of order, and I make it.

The CHAIRMAN. The gentleman from Tennessee makes the point of order that the amendment is not in order. Does the gentleman from New York desire to be heard on the point of order?

Mr. SWIFT. Mr. Chairman, it is my contention that the language of this amendment covers the subject matter in the bill and does not violate any of the rules of the House. That being the case, I think it is a perfectly proper amendment to the bill under consideration.

The CHAIRMAN. The Chair is prepared to rule. A sufficient part of the amendment has been read, it seems to the Chair, to enable it to be seen quite clearly that the proposed amendment is not germane to any section of the bill, and therefore the Chair sustains the point of order.

Mr. PARKER of New Jersey. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 15, after line 20, after the word "transportation" insert "and the President may relinquish all railroads under Federal control at any time he shall deem such action needful and desirable."

Mr. PARKER of New Jersey. Mr. Chairman, I shall not take time to argue this matter. I only want to state it. We have properly limited the right to surrender particular roads without the consent of the roads to a time before July 1 next. After the United States have taken over a particular road they ought not to discriminate against it by surrendering it except with that road's consent. But, on the other hand, the Senate committee saw that if the control of all railroads, in the opinion of the President, became undesirable, he ought to have the right to surrender all the roads at any time, and therefore they inserted these words that I have just offered, that if the President at any time deems such action desirable he shall have the right to surrender all the roads and end Federal control.

Mr. SIMS. Mr. Chairman, I do not think there is any opposition to the amendment on this side.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 15. That this act is expressly declared to be emergency legislation enacted to meet conditions growing out of war; and nothing herein is to be construed as expressing or prejudicing the future policy of the Federal Government concerning the ownership, control, or regulation of carriers of the method or basis of the capitalization thereof.

Mr. FORDNEY. Mr. Chairman, I move to strike out all on page 16, except the word "war," line 1.

The Clerk read as follows:

Page 16, beginning with the word "and" after the word "war," line 1, strike out all down to and including the word "thereof," line 4.

Mr. FORDNEY. Mr. Chairman, if anyone wishes to speak against the amendment I want to be heard.

Mr. LONDON. Mr. Chairman, would a motion to strike out the entire section take precedence of the motion of the gentleman from Michigan?

The CHAIRMAN. It would not; the motion to strike out a part would take precedence.

Mr. SHERLEY. Mr. Chairman, I want to suggest to the gentleman that he would make his amendment better if he would move to strike out the whole paragraph; it seems to be nothing but language.

Mr. FORDNEY. Well, Mr. Chairman, I will move to strike out the whole paragraph.

The Clerk read as follows:

Amendment by Mr. FORDNEY: Strike out all of section 15.

Mr. FORDNEY. Mr. Chairman, if the committee will bear with me for a moment, the gentleman from Virginia [Mr. MONTAGUE], a gentleman for whom I have the highest regard as a gentleman, and because of his ability, states that to strike out the entire section would be a very serious mistake, but that my first motion is all right; that is, to leave the first portion of the section in stating that the act is expressly declared to be emergency legislation enacted to meet conditions growing out of the war. If permitted, I shall again amend my motion to strike out by striking out only that portion of the section after the word "war," as I first offered the amendment, and changing the semicolon to a period.

The CHAIRMAN. The gentleman from Michigan by unanimous consent withdraws his motion to strike out the paragraph and offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FORDNEY: Page 16, line 1, after the word "war," strike out the semicolon, insert a period, and strike out the remainder of the language in the paragraph.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. DECKER rose.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard upon his amendment? [Cries of "Vote!" "Vote!"]

Mr. FORDNEY. I do not, unless some gentleman desires to be heard against it; then I would like the privilege of using the balance of my five minutes.

Mr. DECKER. Mr. Chairman, is that according to the rule? Has the gentleman not to present his views first?

Mr. FORDNEY. Mr. Chairman, it is late, and I shall not consume any more time, but will ask for a vote.

Mr. DECKER. Mr. Chairman, I have no hopes of changing your views, but I shall discharge a duty that I owe to this House, and that is to see to it that if you vote to strike this out

you do it with your eyes open. It simply means this: The gentleman from Wisconsin and some others on that side have spoken with great vehemence about doing something that will be in favor of the railroads. Yet by striking out this section, what do you do? You give the men who own the railroads, who have been clamoring for the last 10 years for an increase of rates, who have been distributing through this country a propaganda to weaken the power and the influence of the Interstate Commerce Commission, a chance to come in after the war is over and say that the Congress by legislative action has set a precedent as to what the rates should be and what is legitimate compensation for the use of the railroads. Oh, I know you say that it is not binding, but at the same time you have got to admit that it is persuasive evidence on behalf of the private owners of the railroads. Why are you afraid to put in the bill the plain language in these words——

Mr. FORDNEY. Mr. Chairman, I make the point of order that the gentleman is not discussing the amendment.

Mr. DECKER. Mr. Chairman, the gentleman may not see the point, but I think some other men who are on the committee on the other side will. I shall explain it to him a little plainer.

Mr. FORDNEY. All right, go ahead.

Mr. DECKER. The gentleman is speaking to the point, and I shall make it a little clearer so that the distinguished gentleman will understand. One of the clauses which you seek to strike out says this shall not be construed as fixing a basis of future capitalization. What does that mean? Let me say that the railroad brotherhoods had one of the ablest attorneys before our committee that I ever had the pleasure of listening to, and the burden of his whole argument was this—and I do not say that I agree with him. He claimed that no railroad had a right to receive a cent more than reasonable interest on the money judiciously invested in the railroad. You may not agree with that, but the railroad brotherhoods fought for that proposition in this bill as the basis of compensation, but they waived their objection after we put this clause in saying that this bill should not be taken as a basis for any future fixing of rates or fixing of the compensation of railroads in case the people of this country in their power should rise up and take over the railroads permanently.

Mr. CANNON. Mr. Chairman, I want to say just a word. I shall detain you only 30 seconds. While this amendment is not necessary and does not change the bill, I shall vote for it. This is an emergency war measure. If I thought it was not, I would vote against the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. FORDNEY) there were—ayes 80, noes 131.

So the amendment was rejected.

Mr. ESCH. Mr. Chairman, in order to perfect the short-line amendment and in reference to the exclusion of electric urban and interurban lines. I ask unanimous consent that we may return to section 1 that that amendment may be offered.

Mr. SIMS. Mr. Chairman, I have seen the amendment, and I think it is perfectly harmless, and I have no objection.

Mr. ESCH. So as to bring the matter into conference.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to return to section 1 to offer an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, insert at the end of section 1 the following: "That every railroad not owned or controlled or operated by another carrier company, and which has heretofore competed for traffic with a railroad or railroads of which the President has taken possession, use, and control, which connects with said railroad and is engaged as a common carrier in general transportation, shall be held and considered as within the Federal control as so defined and necessary for the prosecution of the war and shall be entitled to all the benefits of the provisions of this act: *Provided, however*, That nothing in this paragraph shall be construed as excluding any street or interurban electric railway which has as its principal source of operating revenue urban, suburban, or local interurban passenger traffic or sale of power, heat, or light, or both.

The question was taken, and the amendment was agreed to.

Mr. PARKER of New Jersey. Mr. Chairman, I ask to return to section 10 by unanimous consent. The gentleman from Wisconsin [Mr. LENROOT] offered an amendment to this section, which is printed on page 2695 of the RECORD, in which he says:

No person employed in connection with the operation of railroads or systems of transportation under Federal control, except those persons referred to in the preceding section—

Which is section 8—

shall be deemed to be an officer or employee under the United States—

And so forth.

And then his amendment went on to say that this should apply for the purposes of the workmen's compensation act or for the purpose of the war excess-profits tax, but it left out the civil-service act, which is the most important of all, and perhaps others, and therefore I proposed to insert after the words "United States" the following:

otherwise than is herein specially provided, nor for the purpose of the laws as to civil service, nor—

And then it goes on in the language of his amendment, specifying the other two acts.

Mr. SIMS. What is the request, unanimous consent to return?

Mr. PARKER of New Jersey. Yes, sir. I ask unanimous consent to return for that purpose only.

Mr. SIMS. It is too late now, and I will have to object. It is immaterial to this bill.

Mr. PARKER of New Jersey. All right, I have stated my point.

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, line 7, after the word "thereof," insert the following: "any securities so purchased shall be held by the Secretary of the Treasury, who shall, on the direction of the President, represent the United States in all matters in connection therewith in the same manner as a private holder thereof."

The CHAIRMAN. The Chair understands permission was given at the time to return to this section. The question is upon the amendment.

The question was taken, and the amendment was agreed to.

Mr. LENROOT. Mr. Chairman, there are two very short amendments that the chairman has agreed to accept, but through inadvertence they were not offered at the time, and I ask unanimous consent that they be offered now.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that two amendments may be offered at this time. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Let them be reported. I reserve the right to object.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 6, line 3, strike out beginning with the comma, through line 6, and insert a period and the following:

"The acceptance of any benefit under this section shall constitute an acceptance by the carrier of all of the provisions of this act, and shall obligate the carrier to pay to the United States, with interest at the rate of 6 per cent per annum from a date or dates fixed in proceedings under section 5, the amount by which the sums received under this section exceed the sum found due in such proceedings."

Mr. SIMS. Mr. Chairman, we have no objection to that.

The CHAIRMAN. Is there objection to returning for consideration of the amendment. [After a pause.] The Chair hears none. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. LENROOT: Page 6, line 18, after the period, insert the following:

"In case of disobedience to a subpœna the board may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any person, corporation, partnership, or association, issue an order requiring appearance before the board or the production of documentary evidence if so ordered, or the giving of evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof."

The CHAIRMAN. Is there objection to returning to this section for the purpose of considering the amendment offered? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Mr. Chairman, I move that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9685) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, and had directed him

Chair, to enable it to be seen quite clearly that the proposed House, and that is to see to it that if you vote to strike this out

to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

Mr. SIMS. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. SIMS. I demand a separate vote on what is called the Sweet amendment, introduced by the gentleman from Iowa [Mr. SWEET].

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. FORDNEY. Mr. Speaker, if it is proper at this time, I want to say that there is such a slight attendance here on such an important matter that I believe this vote ought to go over until to-morrow morning, when we have a quorum here. [Cries of "Vote!" "Vote!"]

The SPEAKER. Is a separate vote demanded on any other amendment than the Sweet amendment?

Mr. NORTON. Mr. Speaker, I desire a separate vote on the amendment for retaining control of the railroads for one year.

The SPEAKER. The gentleman from North Dakota [Mr. NORTON] demands a separate vote on the amendment about retaining control of the railroads for a year—the Esch amendment.

The vote will first be taken on the Sweet amendment.

The question was taken.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Have the other amendments been voted on?

The SPEAKER. No. The Chair will put the question on the other amendments. The question is on agreeing to the other amendments besides the Sweet and Esch amendments.

The question was taken, and the amendments other than the Sweet and Esch amendments were agreed to.

The SPEAKER. The question is on agreeing to the Sweet amendment.

The question was again taken, and the Speaker announced that the ayes seemed to have it.

Mr. SIMS and Mr. HEFLIN demanded the yeas and nays.

The SPEAKER. The gentleman from Tennessee demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. All those in favor of the Sweet amendment will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 165, nays 210, answered "present" 2, not voting 51, as follows:

YEAS—165.

Anderson	French	Lufkin	Sells
Anthony	Fuller, Ill.	Lundeen	Sherwood
Austin	Gillett	McArthur	Sinnott
Bacharach	Good	McCulloch	Sisson
Baer	Goodall	McFadden	Slayden
Black	Gordon	McKenzie	Sloan
Bland	Gould	McLaughlin, Mich.	Smith, Idaho
Britten	Green, Iowa	McLemore	Stafford
Browne	Greene, Mass.	Madden	Steagall
Burnett	Greene, Vt.	Mapes	Steenerson
Burroughs	Hadley	Martin	Stephens, Miss.
Butler	Hamilton, Mich.	Meeker	Sterling, Ill.
Carter, Mass.	Harrison, Va.	Miller, Minn.	Stevenson
Cary	Haugen	Miller, Wash.	Stiness
Chandler, Okla.	Hawley	Mondell	Sweet
Clark, Pa.	Hayden	Moores, Ind.	Switzer
Classon	Hayes	Morgan	Temple
Cooper, Ohio	Hersey	Nelson	Thomas
Cooper, W. Va.	Holland	Nichols, Mich.	Timberlake
Cooper, Wis.	Huddleston	Nolan	Tinkham
Cramton	Hull, Iowa	Norton	Towner
Currie, Mich.	Humphreys	Osborne	Treadway
Dale, Vt.	Hutchinson	Parker, N. J.	Vestal
Davidson	Ireland	Peters	Volstead
Davis	James	Pratt	Walsh
Denison	Johnson, Wash.	Purnell	Ward
Dill	Juul	Ragsdale	Wason
Dillon	Kearns	Ramseyer	Watkins
Dominick	Kelley, Mich.	Rankin	Watson, Va.
Dowell	Kelly, Pa.	Rayburn	Wheeler
Dupré	Kennedy, Iowa	Reavis	White, Me.
Dyer	Kennedy, R. I.	Reed	Williams
Elliott	Kinkaid	Robbins	Wilson, Ill.
Ellsworth	Knutson	Roberts	Winslow
Elston	La Follette	Robinson	Wise
Esch	Langley	Rodenberg	Wood, Ind.
Fairfield	Larsen	Rogers	Woods, Iowa
Farr	Lazaro	Sanders, Ind.	Woodyard
Fess	Lehlbach	Sanders, La.	Young, N. Dak.
Fordney	Lenroot	Saunders, Va.	
Foss	Little	Schall	
Frear	Longworth	Scott, Mich.	

NAYS—210.

Alexander	Edmonds	King	Sabath
Almon	Emerson	Kitchin	Sanders, N. Y.
Ashbrook	Evans	Lea, Cal.	Sanford
Aswell	Ferris	Lee, Ga.	Scott, Pa.
Ayres	Fields	Lesher	Scully
Bankhead	Fisher	Lever	Sears
Barkley	Flood	Linthicum	Shackleford
Beakes	Foster	Littlepage	Shallenberger
Bell	Francis	Lobeck	Sherley
Beshlin	Freeman	London	Shouse
Blackmon	Fuller, Mass.	Lonergan	Siegel
Blanton	Gallagher	Lunn	Sims
Booher	Gallivan	McAndrews	Slemp
Borland	Gandy	McClintic	Small
Brand	Gard	McKinley	Smith, Mich.
Brodbeck	Garland	McLaughlin, Pa.	Smith, C. B.
Browning	Garner	Magee	Snook
Brumbaugh	Garrett, Tenn.	Mansfield	Snyder
Buchanan	Garrett, Tex.	Mays	Stedman
Byrnes, S. C.	Glass	Merritt	Steele
Byrns, Tenn.	Glynn	Montague	Stephens, Nebr.
Caldwell	Godwin, N. C.	Moon	Strong
Campbell, Pa.	Goodwin, Ark.	Moore, Pa.	Sullivan
Candler, Miss.	Gray, Ala.	Morin	Sumners
Cannon	Gray, N. J.	Mott	Swift
Cantrill	Griest	Neely	Tague
Caraway	Hamill	Oldfield	Talbott
Carew	Hamlin	Oliver, Ala.	Taylor, Ark.
Carlin	Hardy	Oliver, N. Y.	Taylor, Colo.
Carter, Okla.	Harrison, Miss.	Olney	Templeton
Claypool	Haskell	O'Shaunessy	Thompson
Coady	Hastings	Overmyer	Tillman
Collier	Heaton	Overstreet	Tilson
Connally, Tex.	Heflin	Padgett	Van Dyke
Connelly, Kans.	Helm	Paige	Vare
Costello	Helvering	Park	Venable
Crago	Hensley	Parker, N. Y.	Vinson
Crosser	Hicks	Phelan	Waldow
Dale, N. Y.	Hilliard	Platt	Walker
Darrow	Houston	Pou	Walton
Decker	Howard	Price	Watson, Pa.
Dempsey	Hull, Tenn.	Quin	Weaver
Denton	Husted	Rainey	Webb
Dewalt	Igoe	Raker	Welling
Dickinson	Jacoway	Ramsey	Welty
Dies	Johnson, Ky.	Randall	Whaley
Dixon	Jones, Va.	Riordan	White, Ohio
Dooling	Keating	Romjue	Wilson, Tex.
Doolittle	Kehoe	Rouse	Wingo
Doremus	Kettner	Rowe	Wright
Doughton	Key, Ohio	Ruley	Young, Tex.
Drane	Kless, Pa.	Rucker	
Eagan	Kinchelo	Russell	

ANSWERED "PRESENT"—2.

McCormick Rose

NOT VOTING—51.

Barnhart	Drukker	Hollingsworth	Nicholls, S. C.
Bowers	Dunn	Hood	Polk
Campbell, Kans.	Eagle	Johnson, S. Dak.	Porter
Capstick	Estopinal	Jones, Tex.	Powers
Chandler, N. Y.	Fairchild, B. L.	Kahn	Rowland
Church	Fairchild, G. W.	Kraus	Scott, Iowa
Clark, Fla.	Flynn	Kreider	Smith, T. F.
Copley	Focht	LaGuardia	Suell
Cox	Graham, Ill.	McKeown	Sterling, Pa.
Crisp	Graham, Pa.	Maher	Volgt
Curry, Cal.	Gregg	Mann	Wilson, La.
Dallinger	Hamilton, N. Y.	Mason	Zihlman
Dent	Heintz	Mudd	

So the amendment was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. SNELL (for) with Mr. HAMILTON of New York (against).

Mr. MCCORMICK (for) with Mr. GRAHAM of Pennsylvania (against).

Mr. GRAHAM of Illinois (for) with Mr. ROWLAND (against).

Mr. SCOTT of Iowa (for) with Mr. DUNN (against).

Until further notice:

Mr. CLARK of Florida with Mr. BOWERS.

Mr. COX with Mr. CAMPBELL of Kansas.

Mr. CHURCH with Mr. DALLINGER.

Mr. CRISP with Mr. CURRY of California.

Mr. EAGLE with Mr. FOCHT.

Mr. ESTOPINAL with Mr. HOLLINGSWORTH.

Mr. JONES of Texas with Mr. GEORGE W. FAIRCHILD.

Mr. FLYNN with Mr. JOHNSON of South Dakota.

Mr. GREGG with Mr. KAHN.

Mr. HOOD with Mr. LAGUARDIA.

Mr. MCKEOWN with Mr. MASON.

Mr. MAHER with Mr. MUDD.

Mr. NICHOLLS of South Carolina with Mr. PORTER.

Mr. POLK with Mr. POWERS.

Mr. THOMAS F. SMITH with Mr. VOIGT.

Mr. STERLING of Pennsylvania with Mr. ZIHLMAN.

Mr. WILSON of Louisiana with Mr. HEINTZ.

Mr. BARNHART with Mr. CHANDLER of New York.

Mr. DENT with Mr. KREIDER.

Mr. MCCORMICK. Mr. Speaker, I have a pair with the gentleman from Pennsylvania, Mr. GRAHAM, and I desire to be recorded as voting "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the Esch amendment, to fix the time beyond the period of the war at one year.

The question being taken, on a division (demanded by Mr. NORTON) there were—ayes 159, noes 174.

Mr. ESCH. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 205, answered "present" 1, not voting 58, as follows:

YEAS—164.

Anderson	Freeman	McArthur	Scott, Pa.
Anthony	Fuller, Ill.	McCormick	Sells
Austin	Fuller, Mass.	McCulloch	Sinnott
Bacharach	Garland	McFadden	Slayden
Bland	Gillett	McKenzie	Slemp
Britten	Glynn	McKinley	Sloan
Browning	Good	McLaughlin, Mich.	Smith, Idaho
Burnett	Goodall	McLaughlin, Pa.	Smith, Mich.
Burroughs	Gould	McLemore	Snyder
Butler	Gray, N. J.	Madden	Stafford
Cannon	Green, Iowa	Magee	Steenerson
Carter, Mass.	Greene, Mass.	Mapes	Sterling, Ill.
Chandler, N. Y.	Greene, Vt.	Meeker	Stiness
Chandler, Okla.	Griest	Merritt	Strong
Clark, Pa.	Hadley	Miller, Minn.	Sweet
Cooper, Ohio	Hamilton, Mich.	Miller, Wash.	Swift
Cooper, W. Va.	Haskell	Mondell	Switzer
Costello	Haugen	Moore, Pa.	Temple
Crago	Hawley	Moores, Ind.	Templeton
Cramton	Hayes	Morin	Tilson
Currie, Mich.	Hersey	Nichols, Mich.	Timberlake
Dale, Vt.	Hicks	Osborne	Tinkham
Darrow	Husted	Paige	Towner
Davidson	Hutchinson	Parker, N. J.	Treadway
Davis	Ireland	Parker, N. Y.	Vare
Dempsey	Johnson, Wash.	Peters	Vestal
Denison	Juul	Platt	Volstead
Dillon	Kearns	Pratt	Waldow
Dupré	Kelley, Mich.	Purnell	Walsh
Dyer	Kelley, Pa.	Ragsdale	Ward
Edmonds	Kennedy, Iowa	Ramsey	Wason
Elliott	Kennedy, R. I.	Rankin	Watson, Pa.
Ellsworth	Kless, Pa.	Reavis	Watson, Va.
Esch	King	Reed	Wheeler
Fairfield	Kinkaid	Robbins	White, Me.
Farr	Knutson	Rodenberg	Williams
Fess	La Follette	Rogers	Wilson, Ill.
Focht	Langley	Rowe	Winslow
Fordney	Lehlbach	Sanders, Ind.	Wood, Ind.
Foss	Lenroot	Saunders, Va.	Woods, Iowa
Francis	Lufkin	Scott, Mich.	Woodyard

NAYS—205.

Alexander	Doolittle	Kettner	Russell
Almon	Doremus	Key, Ohio	Sabath
Ashbrook	Doughton	Kinchelce	Sanders, La.
Aswell	Dowell	Kitchin	Schall
Ayres	Drane	Larsen	Scully
Baer	Eagan	Lazaro	Sears
Bankhead	Elston	Lea, Cal.	Shackleford
Barkley	Emerson	Lee, Ga.	Shallenberger
Barnhart	Estopinal	Lesher	Sherley
Beakes	Evans	Lever	Sherwood
Bell	Ferris	Linthicum	Shouse
Beshlin	Fields	Littlepage	Siegel
Black	Fisher	Lobeck	Sims
Blackmon	Flood	London	Sisson
Blanton	Foster	Lonergan	Small
Booher	French	Lundeen	Smith, C. B.
Borland	Gallagher	Lunn	Snook
Brand	Gallivan	McAndrews	Steagall
Brodbeck	Gandy	McClintic	Stedman
Browne	Gard	Mansfield	Steele
Brumbaugh	Garner	Martin	Stephens, Miss.
Buchanan	Garrett, Tenn.	Mays	Stevenson
Byrnes, S. C.	Garrett, Tex.	Montague	Sullivan
Byrns, Tenn.	Glass	Moon	Sumners
Caldwell	Godwin, N. C.	Morgan	Tague
Campbell, Pa.	Goodwin, Ark.	Neely	Talbott
Candler, Miss.	Gordon	Nolan	Taylor, Ark.
Cantrill	Gray, Ala.	Norton	Taylor, Colo.
Caraway	Hamill	Oldfield	Thomas
Carew	Hamlin	Oliver, Ala.	Thompson
Carlin	Hardy	Oliver, N. Y.	Tillman
Carter, Okla.	Harrison, Miss	Olney	Van Dyke
Cary	Hastings	O'Shaunessy	Venable
Classon	Hayden	Overmyer	Vinson
Claypool	Heflin	Overstreet	Walker
Coady	Helm	Padgett	Walton
Collier	Helvering	Park	Watkins
Connally, Tex.	Hensley	Phelan	Weaver
Connelly, Kans.	Hilliard	Pou	Webb
Cooper, Wis.	Holland	Price	Welling
Cox	Howard	Quin	Welty
Crosser	Huddleston	Raker	Whaley
Dale, N. Y.	Hull, Tenn.	Ramseyer	White, Ohio
Decker	Humphreys	Randall	Wilson, Tex.
Denton	Igoe	Rayburn	Wingo
Dewalt	Jacoway	Riordan	Wise
Dickinson	James	Roberts	Wright
Dies	Johnson, Ky.	Robinson	Young, N. Dak.
Dill	Jones, Va.	Romjue	Young, Tex.
Dixon	Keating	Rouse	
Dominick	Kehoe	Ruby	
Dooling	Kelly, Pa.	Rucker	

ANSWERED "PRESENT"—1.

Rose

NOT VOTING—58.

Bowers	Flynn	Kraus	Powers
Campbell, Kans.	Frear	Kreider	Rainey
Capstick	Graham, Ill.	LaGuardia	Rowland
Church	Graham, Pa.	Little	Sanders, N. Y.
Clark, Fla.	Gregg	Longworth	Sanford
Copley	Hamilton, N. Y.	McKeown	Scott, Iowa
Crisp	Harrison, Va.	Maher	Smith, T. F.
Curry, Cal.	Heintz	Mann	Snell
Dallinger	Hollingsworth	Mason	Stephens, Nebr.
Dent	Hood	Mott	Sterling, Pa.
Drukker	Houston	Mudd	Volgt
Dunn	Hull, Iowa	Nelson	Wilson, La.
Eagle	Johnson, S. Dak.	Nicholls, S. C.	Zihlman
Fairchild, B. L.	Jones, Tex.	Polk	
Fairchild, G. W.	Kahn	Porter	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. EAGLE with Mr. CAMPBELL of Kansas.

Mr. HARRISON of Virginia with Mr. HOLLINGSWORTH.

Mr. HOUSTON with Mr. FREAR.

Mr. RAINEY with Mr. LONGWORTH.

Mr. STEPHENS of Nebraska with Mr. DRUKKER.

On this vote:

Mr. GRAHAM of Illinois (for) with Mr. SANDERS of New York (against).

Mr. MOTT (for) with Mr. SANFORD (against).

Mr. GRAHAM of Pennsylvania (for) with Mr. B. L. FAIRCHILD (against).

Mr. SCOTT of Iowa (for) with Mr. DUNN (against).

Mr. SNELL (for) with Mr. HAMILTON of New York (against).

Mr. FERRIS. Mr. Speaker, has the gentleman from Oklahoma [Mr. MCKEOWN] voted?

The SPEAKER. He has not.

Mr. FERRIS. I ask unanimous consent to make a short statement in reference to Mr. MCKEOWN. I want the RECORD to show that he is absent on account of a severe accident to his wife who was run over by a taxicab. If he were here, he could have voted with the committee on all railroad propositions and for the bill.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on the engrossment of the bill.

The bill was ordered to be engrossed.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the bill S. 3752, a bill of similar tenor, be taken from the Speaker's table and be considered in place of the House bill, and that all after the enacting clause in the Senate bill be stricken out and the House bill as amended substituted.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the bill S. 3752, strike out all after the enacting clause, and insert the House bill as amended. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. DENISON. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 339, nays 6, answered "present" 1, not voting 81, as follows:

YEAS—339.

Alexander	Brodbeck	Collier	Dillon
Almon	Browne	Connally, Tex.	Dixon
Anderson	Browning	Connelly, Kans.	Dominick
Ashbrook	Brumbaugh	Cooper, Ohio	Dooling
Aswell	Buchanan	Cooper, W. Va.	Doolittle
Austin	Burnett	Cooper, Wis.	Doremus
Ayres	Burroughs	Costello	Doughton
Bacharach	Byrnes, S. C.	Cox	Dowell
Baer	Byrns, Tenn.	Cramton	Drane
Bankhead	Campbell, Pa.	Crosser	Dupré
Barkley	Candler, Miss.	Currie, Mich.	Dyer
Barnhart	Cannon	Dale, N. Y.	Eagan
Beakes	Cantrill	Dale, Vt.	Edmonds
Bell	Caraway	Darrow	Elliott
Beshlin	Carew	Davidson	Ellsworth
Black	Carlin	Davis	Elston
Blackmon	Carter, Mass.	Decker	Emerson
Bland	Carter, Okla.	Dempsey	Esch
Blanton	Cary	Denton	Estopinal
Booher	Chandler, N. Y.	Dewalt	Evans
Borland	Classon	Dickinson	Fairfield
Brand	Claypool	Dies	Farr
Britten	Coady	Dill	Ferris

Fess	Juul	Oldfield	Smith, Mich.
Fields	Kearns	Oliver, Ala.	Smith, C. B.
Fisher	Keating	Oliver, N. Y.	Snook
Flood	Kehoe	Olney	Stafford
Fordney	Kelley, Mich.	Osborne	Stengall
Foss	Kelly, Pa.	O'Shaunessy	Steele
Foster	Kennedy, Iowa	Overmyer	Stephens, Miss.
Francis	Kennedy, R. I.	Overstreet	Sterling, Ill.
Freeman	Kettner	Padgett	Stevenson
French	Key, Ohio	Paige	Stiness
Fuller, Mass.	Kincheloe	Park	Strong
Gallagher	King	Parker, N. J.	Sullivan
Gallivan	Kinkaid	Parker, N. Y.	Sweet
Gandy	Kitchin	Peters	Swift
Gard	La Follette	Phelan	Switzer
Garland	Langley	Pou	Tague
Garner	Larsen	Pratt	Taylor, Ark.
Garrett, Tenn.	Lazaro	Price	Taylor, Colo.
Garrett, Tex.	Lea, Cal.	Purnell	Temple
Glass	Lee, Ga.	Quin	Templeton
Glynn	Lehlbach	Ragsdale	Thompson
Godwin, N. C.	Lenroot	Raker	Tillman
Good	Lesher	Ramseyer	Tilson
Goodall	Lever	Randall	Timberlake
Goodwin, Ark.	Linthicum	Rankin	Tinkham
Gould	Little	Rayburn	Towner
Gray, Ala.	Littlepage	Reavis	Treadway
Gray, N. J.	Lobeck	Reed	Van Dyke
Green, Iowa	London	Riordan	Vare
Greene, Mass.	Lonergan	Robbins	Venable
Greene, Vt.	Lufkin	Roberts	Vestal
Griest	Lundeen	Robinson	Vinson
Hadley	Lunn	Rodenberg	Volstead
Hamill	McAndrews	Rogers	Waldow
Hamilton, Mich.	McArthur	Romjue	Walker
Hamlin	McClintic	Rouse	Walsh
Harrison, Miss.	McCormick	Rowe	Walton
Harrison, Va.	McCulloch	Ruley	Wason
Haskell	McFadden	Rucker	Watkins
Hastings	McKenzie	Russell	Watson, Pa.
Hayden	McKinley	Sabath	Watson, Va.
Heaton	McLaughlin, Mich.	Sanders, Ind.	Weaver
Heflin	McLaughlin, Pa.	Sanders, La.	Webb
Heim	Madden	Saunders, Va.	Welling
Helvering	Mansfield	Schall	Welty
Hensley	Mapes	Scott, Mich.	Whaley
Hersey	Martin	Scott, Pa.	Wheeler
Hicks	Mays	Scully	White, Me.
Hilliard	Mecker	Sears	White, Ohio
Holland	Miller, Wash.	Sells	Williams
Huddleston	Mondell	Shackleford	Wilson, Ill.
Hull, Iowa	Montague	Shallenberger	Wilson, Tex.
Hull, Tenn.	Moon	Sherley	Wingo
Humphreys	Moore, Pa.	Sherwood	Winslow
Hutchinson	Moores, Ind.	Shouse	Wise
Igoe	Morgan	Siegel	Wood, Ind.
Ireland	Morin	Sims	Woods, Iowa
Jacoway	Mudd	Sinnott	Woodyard
James	Neely	Sisson	Wright
Johnson, Ky.	Nichols, Mich.	Sloan	Young, Tex.
Johnson, Wash.	Nolan	Small	Zihlman
Jones, Va.	Norton	Smith, Idaho	

NAYS—6.

Chandler, Okla.	Gordon	Ramseyer	Thomas
Denison	Haugen		

ANSWERED "PRESENT"—1.

Knutson	Rose	

NOT VOTING—81.

Anthony	Focht	Kraus	Sanders, N. Y.
Bowers	Frear	Kreider	Sanford
Butler	Fuller, Ill.	LaGuardia	Scott, Iowa
Caldwell	Gillett	Longworth	Slayden
Campbell, Kans.	Graham, Ill.	McKeown	Slemp
Capstick	Graham, Pa.	McLemore	Smith, T. F.
Church	Gregg	Mayse	Snell
Clark, Fla.	Hamilton, N. Y.	Maher	Snyder
Clark, Pa.	Hardy	Mann	Stedman
Copley	Hawley	Mason	Stephens
Crago	Hayes	Merritt	Stephens, Nebr.
Crisp	Heintz	Miller, Minn.	Sterling, Pa.
Curry, Cal.	Hollingsworth	Mott	Summers
Dallinger	Hood	Nelson	Talbott
Dent	Houston	Nicholls, S. C.	Voigt
Drukker	Howard	Platt	Ward
Dunn	Husted	Polk	Wilson, La.
Eagle	Johnson, S. Dak.	Porter	Young, N. Dak.
Fairchild, B. L.	Jones, Tex.	Powers	
Fairchild, G. W.	Kahn	Rainey	
Flynn	Kless, Pa.	Rowland	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TALBOTT with Mr. BROWNING.

Mr. SLAYDEN with Mr. HAYES.

Mr. MAHER with Mr. HOLLINGSWORTH.

Mr. STERLING of Pennsylvania with Mr. YOUNG of North Dakota.

Mr CALDWELL with Mr. ANTHONY.

Mr. HARDY with Mr. CLARK of Pennsylvania.

Mr. HOWARD with Mr. CRAGO.

Mr. MCLEMORE with Mr. DYER.

Mr. STEDMAN with Mr. FULLER of Illinois.

Mr. SUMNERS with Mr. GILLETT.

Mr. CLARK of Florida with Mr. GRAHAM of Illinois.

Mr. CHURCH with Mr. GRAHAM of Pennsylvania.

Mr. CRISP with Mr. HUSTED.

Mr. WILSON of Louisiana with Mr. MAGEE.

Mr. FOLK with Mr. MILLER of Minnesota.

Mr. THOMAS F. SMITH with Mr. MOTT.

Mr. JONES of Texas with Mr. SNYDER.

Mr. HOOD with Mr. WARD.

Mr. FLYNN with Mr. SANDERS of New York.

Mr. DENT with Mr. SANFORD.

Mr. BROWNING. Mr. Speaker, I am paired with the gentleman from Maryland, Mr. TALBOTT. If he were present, he would vote "yea," as did I. I shall therefore allow my vote of "yea" to stand.

Mr. FIELDS. Mr. Speaker, I would inquire if the gentleman from Alabama, Mr. DENT, is recorded?

The SPEAKER. He is not recorded.

Mr. FIELDS. Mr. Speaker, Mrs. Dent phoned me this morning that Mr. DENT was sick and unable to be at the Capitol to-day, and I want therefore to explain his reason for not voting on this roll call.

Mr. PAIGE. Mr. Speaker, my colleague, Mr. DALLINGER, is ill at his home and requests me to state that if he were present he would favor this bill and would vote "yea."

Mr. STAFFORD. Mr. Speaker, I wish also to announce that if the gentlemen from New York, Messrs. SNELL, DUNN, and HAMILTON, were present, they would vote "yea."

The result of the vote was announced as above recorded.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that 1,000 copies of the Senate bill with House amendments be printed.

The SPEAKER. Is there objection?

Mr. ROBBINS. Mr. Speaker, reserving the right to object, I would ask if these are for distribution, because I have some requests for copies of this bill.

Mr. SIMS. Yes; they will go to the document room.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill and ask for a conference.

Mr. STAFFORD. Mr. Speaker, I would have to object.

Mr. SIMS. Very well, I withdraw the request.

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that an amendment which I offered to the bill, which was not fully read, be printed in full in the RECORD.

The SPEAKER. Without objection, it is so ordered.

The amendment is as follows:

Amendment offered by Mr. SWIFT: Page 15, section 14, insert the following as a new section:

That the Committee on Expenditures in the Treasury Department is hereby authorized and directed, in accordance with the powers conferred by paragraph 30 of Rule XI of the House of Representatives, to examine and audit from time to time the accounts and expenditures of all monies appropriated by section 6 of this act; and said committee is authorized to employ certified public accountants, competent stenographers, and clerks, to examine persons and papers, and administer oaths, and to convene during the sessions of the House and to report from time to time the result of its examinations with any recommendations to the House; and that out of any money in the Treasury, not otherwise appropriated, the sum of $250,000 is hereby appropriated for the use of said committee for the purposes herein specified.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee, by direction of the Committee on Appropriations, reported the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, which was read a first and second time, and, with the accompanying report (No. 346), was referred to the Committee of the Whole House on the state of the Union, and ordered printed.

Mr. STAFFORD. Mr. Speaker, I reserve all points of order on the bill.

LEAVE OF ABSENCE.

Mr. KITCHIN. Mr. Speaker, I ask for an indefinite leave of absence for Judge CRISP, of Georgia, on account of the critical illness of his sister.

The SPEAKER. Is there objection?

There was no objection.

By unanimous consent, leave of absence was granted to Mr. SMITH of Idaho, for one day, to attend the funeral of his nephew.

ORDER OF BUSINESS.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that following the consideration of the pension bill, which follows this bill, that we may consider the daylight-saving bill.

Mr. NORTON. Mr. Speaker, I object.

ADJOURNMENT.

Mr. KITCHIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Friday, March 1, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Federal Trade Commission, transmitting a letter from special attorney of the Federal Trade Commission in regard to additional legislation required in regard to the taking of papers where crimes are charged (H. Doc. No. 961), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs, reported the same without amendment, accompanied by a report (No. 345), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. IRELAND: A bill (H. R. 10334) relating to the title to land to be acquired as a site for a post-office building at Spring Valley, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. HULL of Iowa: A bill (H. R. 10335) for the retirement of employees of the classified civil service of the United States and providing an annuity for them; to the Committee on Reform in the Civil Service.

By Mr. GALLIVAN: A bill (H. R. 10336) providing for the issuance of tobacco in its various forms as part of rations to the United States troops as the Secretary of War may direct; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10337) authorizing the acquirement and extension of the telephone system in the District of Columbia; to the Committee on the District of Columbia;

By Mr. SABATH: A bill (H. R. 10338) to amend the act approved December 23, 1913, known as the Federal reserve act; to the Committee on Banking and Currency.

By Mr. GALLIVAN: A bill (H. R. 10339) providing for the issuance of tobacco in its various forms as part of rations to the United States Navy as the Secretary of the Navy may direct; to the Committee on Naval Affairs.

By Mr. FIELDS: A bill (H. R. 10340) providing for the construction of ice piers in the harbor of Ashland, Ky., on the Ohio River; to the Committee on Rivers and Harbors.

By Mr. BYRNS of Tennessee: A bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MERRITT: Resolution (H. Res. 260) relating to the order of the Postmaster General of July 16, 1917; to the Committee on the Post Office and Post Roads.

By Mr. EMERSON: Resolution (H. Res. 261) calling upon the governor of Ohio to call a special election; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. SLAYDEN: Joint resolution (H. J. Res. 255) authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or allied forces; to the Committee on Immigration and Naturalization.

By Mr. TREADWAY: Memorial of the General Court of Massachusetts, urging the passage by the Congress of the United States of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TINKHAM: Memorial of the Commonwealth of Massachusetts, urging the passage of the daylight bill, so called, now pending in Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. EVANS: Memorial of the Legislature of the State of Montana, urging the passage of Senate bill 3439, in the interest of increased food production in the United States; to the Committee on the Public Lands.

By Mr. TAGUE: Memorial of the Legislature of the State of Massachusetts, favoring the passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DOOLITTLE: A bill (H. R. 10341) granting an increase of pension to Charles W. Cross; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 10342) granting an increase of pension to Hiram H. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10343) granting an increase of pension to Samuel V. Bocock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10344) granting an increase of pension to Louis G. Murray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10345) granting an increase of pension to David G. R. Poteet; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10346) granting an increase of pension to Benjamin Puckett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10347) granting a pension to Pauline Saunders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10348) granting an increase of pension to Julia A. Gorman; to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 10349) for the relief of Catherina Rea, administratrix of the estate of John Rea; to the Committee on Claims.

By Mr. HULL of Iowa: A bill (H. R. 10350) granting an increase of pension to James B. Roseman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10351) granting a pension to Henry W. Grady; to the Committee on Pensions.

By Mr. KETTNER: A bill (H. R. 10352) to remove the charge of desertion standing against the record of Francis Fayette Lyons; to the Committee on Military Affairs.

By Mr. ROSE: A bill (H. R. 10353) granting a pension to Elizabeth L. Kinkead; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10354) to appoint Chaille H. Evans second lieutenant of Infantry, and place him on the retired list of the Army as second lieutenant of Infantry; to the Committee on Military Affairs.

By Mr. TEMPLE: A bill (H. R. 10355) granting an increase of pension to Robert T. Parkinson; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 10356) granting an increase of pension to Hanson Harmon; to the Committee on Invalid Pensions.

By Mr. WINSLOW: A bill (H. R. 10357) granting an increase of pension to George W. Webber; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 10359) granting an increase of pension to Amos H. Secrist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10360) granting an increase of pension to James M. Baxter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10361) granting an increase of pension to Rebecca J. Kaylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10362) granting a pension to Tabitha J. Van Rhoden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10363) granting a pension to Mary E. Frederick; to the Committee on Pensions.

By Mr. McCULLOCH: A bill (H. R. 10364) granting a pension to Irwin O. Carson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of sundry clubs of the United States, against increase in second-class mail postage; to the Committee on Ways and Means.

Also (by request), petition of Zion Methodist Episcopal Church, Pen Argyl, Pa., favoring national prohibition as a war measure; to the Committee on the Judiciary.

Also (by request), memorial of board of directors of the Rensselaer County Bar Association, Troy, N. Y., against national prohibition; to the Committee on the Judiciary.

Also (by request), memorial of Missouri Farmers' Association, relative to prevention of shortage of live stock for meat purposes; to the Committee on Agriculture.

By Mr. CAREW: Petition of the Wholesale Coal Trade Association of New York, relative to amendment to or repeal of the Lever law; to the Committee on Agriculture.

Mr. CHURCH with Mr. GRAHAM of Pennsylvania.

this bill, that we may consider the daylight-saving bill.
Mr. NORTON. Mr. Speaker, I object.

Montana, urging the passage of Senate bill 3439, in the interest of Lever law; to the Committee on Agriculture.

By Mr. CARY: Memorial of Milwaukee (Wis.) Lodge, No. 234, International Association of Machinists, favoring Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Wisconsin Live Stock Breeders' Association, Madison, Wis., concerning licensing of dogs; to the Committee on Agriculture.

By Mr. CRAGO: Petition of citizens of Pennsylvania, protesting against Congress taking any action to suspend the game laws of the several States; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of maritime committee of the Chamber of Commerce of Baltimore, Md., favoring passage of House bill 7913, relative to betterment of Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

By Mr. DALE of Vermont: Petition of Woman's Home Missionary Society, Gleaners Sunday-school Class of the Methodist Church, and the local Woman's Christian Temperance Union of Bellows Falls, Vt., favoring national prohibition during the war; to the Committee on the Judiciary.

By Mr. FULLER of Illinois: Petition of the Merchants' Association of New York, favoring the Overman bill, Senate bill 3771; to the Committee on Military Affairs.

Also, petition of Thomas W. Bicknell, founder of the Society of the Sons and Daughters of the Pilgrims, for repeal of the periodical postal amendment; to the Committee on Ways and Means.

Also, petition of Central Bureau Furniture and Casket Manufacturers, opposing House bill 7353, for employment of convict labor; to the Committee on Labor.

Also, petition of National Live Stock Shippers' Protective League, favoring leaving rate-fixing power with Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Memorial of Massachusetts State Federation of Women's Clubs, of Chelsea, Mass., against increase in second-class mailing rates; to the Committee on Ways and Means.

By Mr. HILLIARD: Resolutions adopted by the Travelers' Club of Newark, N. J.; Progress Club of Nevada, Mo.; the Santa Fe (N. Mex.) Woman's Club; Springfield (Mo.) Council of National Congress of Mothers and Parent-Teacher Associations; the Woman's Club of San Angelo, Tex.; Elective Study Club of Minneapolis, Minn.; the Woman's Club of Granby, Mass.; Arkansas Press Association; and the New Mexico Federation of Women's Clubs, protesting against the zone system of periodical postage; to the Committee on Ways and Means.

By Mr. KELLY of Pennsylvania: Memorial of City Council of Erie, Pa., favoring passage of House bill 7095, relative to care, etc., of flagship *Niagara* used in Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. REED: Evidence to accompany House bill 10328 for pension for Herbert B. Holloway; to the Committee on Pensions.

By Mr. TAGUE: Petition of Massachusetts State Federation of Women's Clubs, relative to the establishment of a zone system on magazine publications; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petitions of Adult Bible Class, Protestant Methodist Church, and citizens of New Castle, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. TILSON: Petition of carriers of Bridgeport and Meriden (Conn.) post offices, favoring H. R. 9414, a bill to increase salaries of postal employees; to the Committee on the Post Office and Post Roads.

By Mr. VESTAL: Petition of citizens of Adams County, Ind., favoring prohibition as a war measure; to the Committee on the Judiciary.

Also, petition of citizens of Wells County, Ind., concerning food production and conservation; to the Committee on Agriculture.

SENATE.

FRIDAY, *March 1, 1918.*

Rev. William F. McDowell, of the city of Washington, bishop of the Methodist Episcopal Church, offered the following prayer:

Almighty God, do Thou control our minds and hold our hearts in Thy hand. Direct our deliberations for the highest good of the country and the greatest good of mankind; and grant Thy blessing to the Government of the United States and to our allies in this great struggle. In the name of the Lord we ask it. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House insists upon its amendment to the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SIMS, Mr. DOREMUS, and Mr. ESCH managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. McNARY (for Mr. CHAMBERLAIN) presented a petition of the Marion Lawrence Bible Class, of the Methodist Episcopal Church, of Salem, Oreg., praying for the closing of all breweries and saloons for the period of the war, which was referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of Local Branch, Massachusetts State Federation of Women's Clubs, of Wollaston, Mass., praying for the repeal of the present postage rate on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. KNOX presented memorials of sundry citizens of Altoona, Pa., remonstrating against the placing of railroad tracks directly opposite the Lucy Webb Hayes Training School and the Sibley Memorial Hospital, in the city of Washington, D. C., which were referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce, of Philadelphia, Pa., praying that an appropriation be made providing for the deepening of the Delaware River from Philadelphia to the Atlantic Ocean, which was referred to the Committee on Commerce.

He also presented a memorial of the congregation of the Chartiers Presbyterian Church, of Canonsburg, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge, No. 735, International Association of Machinists, of Beaver Falls; of Local Lodge, No. 708, International Association of Machinists, of Butler; and of sundry citizens of Philadelphia, all in the State of Pennsylvania, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. THOMPSON presented a petition of the Woman's Kansas Day Club, of Topeka, Kans., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of the Woman's Club of Topeka, Kans., praying for the enactment of legislation to protect the United States flag from misuse or desecration, which was referred to the Committee on the Judiciary.

PNEUMATIC-TUBE MAIL SERVICE (S. DOC. NO. 191).

Mr. BANKHEAD. Mr. President, I ask unanimous consent to be permitted to present at this time the report of the joint commission appointed by the two Houses to investigate the pneumatic-tube situation. It is a very short report.

I desire to state for the information of the Senate that there will be quite an amount of additional matter to accompany the report. This additional matter consists of reports of the engineers and their findings and conclusions, reports of accountants who have carefully gone through the books of the pneumatic-tube service companies, and other publications that appear to be essential so that the Senate may have full and complete information.

I make this report to-day, Mr. President, because under the resolution authorizing the appointment of the commission they were required to report not later than to-day.

I wish to state that one member of the commission on the part of the House will file a minority report.

The PRESIDENT pro tempore. In the absence of objection, the report will be printed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. UNDERWOOD:

A bill (S. 3994) to amend an act entitled "An act to authorize condemnation proceedings of lands for military purposes," approved July 2, 1917, and for other purposes; to the Committee on Military Affairs.

By Mr. SHAFROTH:

A bill (S. 3995) to amend section 224 of the Revised Statutes of the United States relating to certificates of discharge; to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 3996) granting an increase of pension to George L. Jaquith (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 3997) to amend an act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved January 21, 1914; to the Committee on Post Offices and Post Roads.

By Mr. THOMPSON:

A bill (S. 3998) granting an increase of pension to William H. Young (with accompanying papers); and

A bill (S. 3999) granting an increase of pension to Alonzo L. Whitcomb (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 4000) to authorize corporations organized in the District of Columbia to change their names; to the Committee on the District of Columbia.

By Mr. LEWIS:

A bill (S. 4001) to amend an act entitled "An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the erection and completion of public buildings; to authorize the purchase of sites for public buildings; and for other purposes," approved March 4, 1913; to the Committee on Public Buildings and Grounds.

A bill (S. 4002) granting a pension to William L. Martin; and

A bill (S. 4003) granting an increase of pension to Sarah J. Lackady; to the Committee on Pensions.

By Mr. REED:

A bill (S. 4004) granting an increase of pension to Dwight Simpson; to the Committee on Pensions.

By Mr. FLETCHER:

A joint resolution (S. J. Res. 134) to reimburse soldiers and officers for uniforms and equipment lost on board the *Tuscania* February 5, 1918, and in other like cases; to the Committee on Military Affairs.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL.

Mr. NELSON submitted an amendment providing for the appointment of a messenger for the minority, at $1,440 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RAILROAD CONTROL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives insisting upon its amendment to the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SMITH of South Carolina. I move that the Senate insist upon its amendment, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. SMITH of South Carolina, Mr. POMERENE, and Mr. TOWNSEND conferees on the part of the Senate.

WAR FINANCE CORPORATION.

The PRESIDENT pro tempore. Morning business is closed, and the calendar under Rule VIII is in order.

Mr. SMOOT. I ask that the Senate proceed to the consideration of the unfinished business, Senate bill 3714.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

Mr. SMITH of Georgia. Mr. President, I am not one of those who think that war ends legislative responsibility. I believe that when the House of Representatives and the Senate have given their best thought to legislation it is more certain to be wise and helpful than when bills are passed simply because they are the work of those connected with administrative branches of the Government. Entertaining these firmly fixed views, and endeavoring at all times to live up to them, I wish to express an earnest appreciation of the splendid work done by the Secretary of the Treasury and those who aided him in the preparation of this bill. I believe that it will prove a great contribution to our war finance.

The war and the sale of Government bonds have necessarily disarranged and will continue to disarrange financial conditions. This corporation will be a national agency which to a great extent may overcome much of the disorganized conditions produced by the war and by the sale of Government bonds.

It is proposed through this corporation to aid banks that are extending credits to corporations and firms that are necessary and contributory to the prosecution of the war, evidenced by the notes of such corporations and firms. It is also proposed to aid these banks by discounting paper secured by the obligations of the corporations and firms necessary and contributory to the prosecution of the war. Thus, Mr. President, we strengthen the banks that help the industries engaged in doing the work essential to the conduct of the war. The bank which helps financially such an industry understands that this corporation we are now creating will be in a position to discount its paper taken from these war industries and discount its paper secured by the obligations of these war industries. Safeguards are thrown around the loans. They are put in a shape to make them secure, but it helps the banks of the country to feel more secure when they are helping to fight the war by advances to war industries.

Next, as to savings banks, we understand fully that depositors in savings banks are likely from time to time to withdraw their money to buy Government bonds. Of course we are gratified to have them do so. The savings banks usually invest the money received from their depositors in long-time nonliquid securities. To make the savings banks stronger, this corporation can loan directly to them where it becomes necessary. Thus these institutions so essential to our national prosperity will be placed in position to meet unusual withdrawals.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Georgia yield to the Senator from Vermont?

Mr. SMITH of Georgia. Certainly.

Mr. PAGE. Is the Senator prepared to express an opinion at this time as to whether the issuance of 4¼ per cent bonds would prompt a large withdrawal from the savings banks?

Mr. SMITH of Georgia. I am not. I hope we shall not be compelled to issue 4¼ per cent bonds.

Mr. PAGE. I put a hypothetical question. If we should do so, what is the Senator's opinion?

Mr. SMITH of Georgia. I doubt whether it would cause as large withdrawals of savings bank deposits as might seem probable. Next year the depositors may need their money, six months from now they may expect to use their money, and there are a great many reasons why the savings bank certificate is more desirable for savings bank depositors than long-time securities.

Mr. PAGE. I agree with the Senator fully in regard to the smaller depositors in savings banks, but we have a few depositors who deposit quite large sums and it becomes, of course, with them a pure, cold matter of profit and loss. I wondered if the issue of 4¼ per cent bonds might not in a small measure at least embarrass the banks unless we have some provision to safeguard it.

Mr. SMITH of Georgia. This legislation is a safeguard against that embarrassment. It is intended to give this corporation with large resources an opportunity to help steady any abnormal conditions that may develop financially as the war goes on and as bond issues are made.

The third class, as I shall handle it, of loans to be made by this corporation are directly to the public utility companies, and the corporations conducting an established and going business, whose operations are necessary and contributory to the prosecution of the war, and which the board finds of exceptional importance in the public interest. That is quite a wide discretion. I favor accepting the suggestion of the Senator from Michigan [Mr. SMITH] and adding, on page 10, before the word "security," in line 3, the word "adequate." I would do this lest the language on the prior page might indicate a different purpose, lest the language on the prior page, which deals with the public interest, might cause the board of directors to feel that they were expected to regard what they deemed the public interest too largely and the value of the securities too lightly. I do not think they would do so, but I believe the word "adequate" should be placed before the word "security," on the third line of page 10.

Thus briefly, Mr. President, I have called attention to the way in which this corporation is expected to help carry the general responsibility that falls upon the Nation financially. It has a further authority to buy Government bonds. Of course, this is not meant as a "pegging" proposition. It is not meant

Amen.

The Journal of yesterday's proceedings was read and approved.

of the United States relating to certificates of discharge; to the Committee on Military Affairs.

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a further authority to buy Government bonds. Of course, this is not meant as a "pegging" proposition. It is not meant

that this corporation will undertake to purchase all Government bonds that fall below par, but I desire to mention in this connection that few Government bonds, our last liberty bonds, have sold below par. The evidence before the Finance Committee disclosed the fact that $50,000,000 of these bonds are about all that have changed hands out of the great volume sold by the Government. Purchasers had supplied themselves in part from patriotic reasons and in part as a permanent investment under the original sale. An active purchaser in the market with $50,000,000 would have put the bonds practically up to par, for only about $50,000,000 of bonds came into the market. I think it is valuable for us to remember this fact, because it shows that there is really no weakness but strength in the Government bonds.

Now, Mr. President, this corporation is to be given a capital of $500,000,000 out of the Treasury as it is called for by the board of directors, and then it has the privilege of issuing from time-to time $4,000,000,000 of bonds. These bonds are required to be of not less than one year's time and not over five years.

It has been asked by the Senator from New Hampshire why should this corporation issue bonds, why not simply issue bonds by the Government and increase its capital out of the National Treasury? There are a number of reasons why it is believed that the bond issue by this corporation to increase its available capital is more desirable than for it to draw upon the Treasury.

These bonds will meet a demand that the Government bonds do not meet. They are shorter-time bonds. They may run for only one year. They can not run over five years. Their time of payment is intended to take them out of the field of the bonds sold by the Government and to fit them into a place where capital will be seeking an investment to which the Government issues do not apply.

If it were suggested that we might have the short-time Government bonds just as well, the reply is that if we made the Government bonds so short we would have to sell again bonds to meet them on maturity, while this corporation issuing its bonds invests the money in assets which it will turn into cash to meet its bonds. Each time it issues a bond and loans money it takes a security maturing before the bond matures, and its maturing securities all the time are expected to enable it to meet its bond issues.

It occupies in that respect a position entirely different from the Treasury. When the National Government meets its bonds it must either have money from taxation or money from other bond sales with which to meet them. In present conditions for the Government to sell a short-time bond would simply be a short-time bond to be met by the sale of another short-time bond. So it is believed that this corporation, with bonds as sound as Government bonds, will, through the short-time bonds, be able to meet a demand that the Government bond would not meet.

Criticism has been made upon these bonds because they have a certain status at the Federal reserve bank.

The suggestion has been made that this bond issue would tend toward an undue expansion of the currency. Mr. President, this bill does not change a single restriction that is placed around the Federal reserve banks in the issue of Federal reserve notes. It only provides that the bonds of this corporation may be used at the Federal reserve banks just as Government bonds are used; it stops there. If a loan is to be obtained at a Federal reserve bank, it still can only be obtained by one of the member banks upon the paper of that member bank, and that paper must mature in not less than 90 days.

The bonds of this corporation can not be used at the Federal reserve banks to change that limitation upon the character of paper that alone must at a Federal reserve bank be made the basis of the issue of Federal reserve notes; these bonds may be given by the member bank as security for its 90-day paper—that is all. It can now give any Government bond as security. The member bank alone can borrow from the Federal reserve banks. The member bank can give one of these bonds as security for its 90-day paper instead of giving a Government bond—that is all—but it must be the paper of a member bank, and that paper must be due in 90 days, upon which a loan is made or Federal reserve notes issued.

Going one step further, the privilege of using these bonds on the part of member banks as security for their notes does not in any way change the provision in the Federal reserve act that requires a Federal reserve bank to maintain 40 per cent of gold against all the Federal reserve notes issued from it. The Federal reserve bank is also required to maintain 35 per cent of gold or of lawful money against its deposits. This bill does not change any of those requirements.

Now, let us see what is the present status of the Federal reserve banks. On February 21 they had available of gold $1,772,000,000; they had legal-tender notes, silver, and so forth, to the amount of $60,000,000; making a total of $1,832,000,000. Of that, $1,773,000,000 were deposits. Against their deposits they must permanently maintain, out of this $1,832,000,000, 35 per cent. This amounts to six hundred and twenty million seven hundred and odd-thousand dollars. They have already issued Federal reserve notes to the amount of $1,314,000,000. Against that issue they must maintain a 40 per cent reserve. When we deduct from their present gold and legal-tender notes and silver the reserve they must maintain against their deposits and against their Federal reserve notes, they have a balance of $682,000,000 against which they can issue Federal reserve notes. Instead of their being authorized, as a result of the passage of this bill, to increase the Federal reserve notes to any great extent, to-day on all classes of securities, on the notes of the Federal reserve banks, on Government bonds, and on these bonds, they could not issue, if they maintained their present deposits, over $1,700,000,000. So I think we need have no disturbance of mind about these bonds affecting in any way our Federal reserve banks.

These are short-time bonds. The large quantity of Government bonds have not gone to any considerable amount into the Federal reserve banks. The Federal Reserve Board is authorized to control the issue of Federal reserve notes, and it is authorized to fix a discriminatory interest rate, applicable to Federal reserve notes issued and secured by these bonds in excess of the amount that it fixes on other transactions in the Federal reserve banks.

Mr. HOLLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. I yield.

Mr. HOLLIS. Unless these bonds are used as the basis for the issue of Federal reserve currency, how will they help to get additional funds for quick asset purposes?

Mr. SMITH of Georgia. I do not exactly understand the Senator's question.

Mr. HOLLIS. The Senator from Georgia says that these bonds will not do any harm, because they will not be used; he argued that because the liberty bonds have not been used to any great extent for the purpose of getting additional currency these bonds will not be so used. Unless these bonds are used for that purpose, what good are they going to do for the purpose of getting quick cash capital?

Mr. SMITH of Georgia. Well, I do not understand exactly what the Senator means by "quick cash capital." These bonds can be sold to individuals just as liberty bonds were sold or can be sold to banks and to investors generally. They can procure "quick cash capital" for this corporation without going to the Federal reserve banks at all.

What I was undertaking to show was that there was no cause for alarm upon the theory that these bonds would be rushed into the Federal reserve banks. There is no rush upon the Federal reserve banks for the issue of Federal reserve notes. These short-time bonds are expected to meet a demand for investment entirely different from the Government bonds. They are made for a length of time shorter than are the Government bonds. They can run for from one to five years; they may be only one year in duration. It is therefore believed that they can and will be used for investment purposes by private citizens as well as by corporations and by estates, where the desire is not to make a long-time investment, and that they will fill a demand in such cases for investment which the Government bond does not meet. These bonds are given this privilege with reference to the Federal reserve banks just as Government bonds are in order that there might be full confidence in their stability, their value as an investment be appreciated by the public, and that banks can use them with the Federal reserve banks as security for their 90-day loans.

The other important provision in the bill is the creation of a board to supervise bond issues. There is already a committee doing that work, and so far there has been nothing but support given by the public to its work. I believe it consists of two members of the Federal Reserve Board and three outsiders, who hold no office, but who cooperate with the other members. I am not familiar with the business of the three outsiders, but I recall that when their names were mentioned before the Finance Committee those who knew them all seemed to think their selection was ideal.

The new plan of organization is to put this responsibility on the Federal Reserve Board. When it was suggested to the Secretary of the Treasury that the Federal Reserve Board should act, he promptly agreed that it was entirely satisfactory to him. The public knows the Federal Reserve Board. That is certainly one organization that has won universal confidence;

and it was believed that those who might have bonds to dispose of, already knowing the work of the Federal Reserve Board, would feel greater confidence if the responsibility was practically put in their hands, and the Secretary of the Treasury, when it was suggested, said it certainly was perfectly agreeable to him. The three members of the Federal Reserve Board and two outsiders, selected, I believe, by the Federal Reserve Board, are to constitute that committee.

Of course, it is the exercise of a very great responsibility, but we all realize that it is essential. I believe there was no dissent in the Finance Committee of the Senate from the view that such action was essential. The question was, How could we perfect an organization that would inspire universal confidence, and that we could lean upon with the assurance that the work of the organization charged with this duty would be acceptable? And the solution proposed was unanimously reached.

This bill, I trust, will substantially help to steady the finances of the country during the war; but our people should finance the war by the economies they practice. It is the patriotic duty of each individual to reduce his expenses to the extreme limit. It requires no high degree of intelligence to see that we are fighting for something nearer to us than world-wide democracy or European boundaries. The Balkan States are in the hands of Germany, and the Prussian war lords are extending their domination over Russia toward the Pacific Ocean. The German people have been taught to hope, to struggle, and to fight for world-wide conquest. They must be stopped or the barbarous treatment accorded to the Belgians may be repeated on our own soil, among our own people, upon our own wives and children. If Germany should win the war, the least that would be exacted of the United States would be a huge war indemnity. We should prefer death to submission. We lacked vision in 1914, or we then would have made preparation for war. Let us not longer be blind; let us at once prepare with every resource for this war; let every man understand that the sacrifices made of comforts, of property, and of life are made because they are necessary to save his own country and his own family.

Mr. CALDER. Mr. President, in September last I introduced a bill to amend the Federal reserve act, which authorized the Federal Reserve Board to accept such bonds or notes of any railroad, industrial, public-utility corporation, or municipality that the Federal Reserve Board might approve as security for temporary loans on the same basis as commercial paper is taken to-day.

At that time I felt that it would not be long before the country would be face to face with a situation which would warrant some such legislation. The Federal Reserve Board and the Committee on Banking and Currency of the Senate, to which my bill was referred, were of the opinion that the enactment of that bill would bring about an inflation in our financial system which might prove disastrous.

I did not agree with their conclusion, and so, when the measure now under consideration was introduced, with the backing of the Federal Reserve Board and of the Secretary of the Treasury, it seemed to me that, to some degree, it was an indorsement of my attitude of last summer.

This measure is a very radical departure from our financial system and one that all of us must approach with the feeling that, except for the extraordinary conditions facing the Nation, no such measure should be considered.

During the last session of Congress upward of $18,000,000,000 were appropriated for the conduct of the war, and a revenue bill was enacted which, it is hoped, will bring to the Treasury for this fiscal year upward of $3,000,000,000. Liberty bonds have been sold aggregating $6,297,000,000.

Treasury notes and other means have been resorted to to secure the necessary money to conduct the Government's business and to finance the war. All of these bond issues and tax levies, as well as other activities of the Government, have so completely changed our normal financial arrangements that some such measure as the one now under consideration becomes absolutely necessary.

It is needless to say that I have conferred with the leading financiers of the city of New York, who have been as much concerned as anyone in America to see that the Nation's finances are kept in such condition as to avoid disaster.

This legislation deals with the very fundamentals of business. It is a proposition which warrants the most careful consideration of the Congress, Mr. President. It has caused wide discussion among those interested in our financial institutions. There is a great divergence of opinion among men of affairs in this country as to whether this bill meets all the requirements and whether there is any possible danger of undue inflation. We must all appreciate the fact that inflation, to some extent, is unavoidable.

I shall not discuss the general terms of this measure, Mr. President. They have already been completely covered by others. I wish to say, however, that the bill, in the main, meets with my approval.

Permit me to call the Senate's attention to certain amendments that I have given notice of my intention to propose.

These amendments secure to the savings banks, building and loan associations, and insurance companies of the country the opportunity to protect their immense interests in case necessity arises. Certainly there are no concerns in this country whose interests should be more carefully safeguarded than these very institutions.

Section 6, paragraph C, provides for advances to savings banks and should include life insurance companies. Calls for money are not so readily made in life insurance companies as in savings banks, but who may tell what may happen if the war continues for any length of time? All modern life insurance policies give the policyholder the right to borrow nearly the whole amount held by the company for his policy, and the loans made by life insurance companies in New York State alone amounted to $693,000,000 in 1916. With a prolonged war these loans might assume dimensions dangerous to the interests of these institutions, which had assets on December 31, 1916, to the total of $5,144,000,000, one-half of which was invested in stocks and bonds and one-third in bonds and mortgages on real estate.

Besides, there is no provision in life insurance policies which enables the companies to require previous notice of desire to borrow.

It is my opinion, Mr. President, that life insurance companies should be in one class with savings banks, so far as assistance by the Government is concerned.

Mr. KELLOGG. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Minnesota?

Mr. CALDER. I do.

Mr. KELLOGG. Do I understand the Senator from New York to say that life insurance companies and fire insurance companies should be taken care of in this bill?

Mr. CALDER. I may say to the Senator that I propose introducing amendments which will permit companies organized under the insurance laws of the respective States to come to this corporation for relief. I am convinced that the very inclusion of a provision of that kind will do much to protect the insurance companies; and if it does not, if they need to come, I believe they should have the right.

Mr. KELLOGG. But insurance companies do not receive deposits. They are loaners of money rather than institutions receiving deposits.

Mr. CALDER. That is true.

Mr. KELLOGG. Does the Senator think that all the business in the United States should be done by the Federal Government?

Mr. CALDER. I will say to the Senator that in these unusual days, when the laws that have been enacted and the operation of the war have so completely disturbed every sort of business, the time may come when insurance companies will need relief, and this bill should be so fixed as to afford them relief.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Jersey?

Mr. CALDER. Yes.

Mr. FRELINGHUYSEN. May I ask the Senator to point out the necessity for such an amendment? Does he know at the present time of any insurance companies, either life or fire, that need relief of this character or that in any way can contribute, by reason of the fact that they are supported by the Government, to any war emergency?

Mr. CALDER. I can readily understand how a condition of affairs might arise that would warrant a life insurance company in appealing to this corporation for relief. I have indicated in my remarks that on the 1st of January, 1917, the life insurance companies in the State of New York had loaned to their policyholders, under the privileges accorded policyholders by their policies, a sum equal to nearly $700,000,000. Suppose the necessities of the war require that policyholders should borrow large sums of money upon their policies. I should like to have this law in such shape that the directors of this corporation could loan to life insurance companies on their securities sufficient money to take care of their immediate needs. The fact that a provision of this character is incorporated in the bill would in itself probably prevent calling upon the corporation for relief.

Mr. FRELINGHUYSEN. Mr. President——

Mr. CALDER. Now, if the Senator wishes me to answer regarding fire insurance companies, I will say this:

A few years ago we had an unusual conflagration in Baltimore, and after that another at San Francisco. As a result

many of the fire insurance companies of this country were very near bankruptcy because of the immense drain upon their resources. My amendment, while not specifically including any particular sort of insurance companies, would permit their coming to the corporation for relief if they were in dire need. I simply afford by these amendments the opportunity to do so.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Utah?

Mr. CALDER. Yes.

Mr. SMOOT. Has the Senator noticed that under section 6, paragraph (d), if a fire insurance company or a life insurance company should be in dire need it could apply directly to the board under that paragraph? I call attention to the paragraph, and then will ask the Senator if that would not be satisfactory. I read paragraph (d):

To make advances directly (1) to any corporation owning or controlling (directly or through stock ownership) any railroad or other public utility—

Now—

and (2) to any firm, corporation, or association conducting an established and going business whose operations are necessary or contributory to the prosecution of the war.

If a life insurance company or a fire insurance company is considered as a corporation whose operations are necessary or contributory to the prosecution of the war, under that provision it could make a direct appeal to the corporation for assistance, and no doubt if it were in peril it would receive the needed relief. Has the Senator thought of that part of this paragraph in connection with the insurance companies, both fire and life?

Mr. CALDER. Mr. President, I have examined the provision referred to by the Senator from Utah, and it is possible that the language might be construed as covering the very thought that I have in mind. I was constrained to offer these amendments at the request of many gentlemen interested in these great insurance corporations, who feel that it is possible that they may be forced to apply for help, and are anxious that this law should be so fixed that they might be afforded the opportunity if necessary.

Mr. SMOOT. I think if the Senator will give that provision of the bill careful consideration he will find that it is so broad in its scope that it can take in almost any kind of corporation or association that is now doing business, and that if they are in dire trouble they can be taken care of by this corporation, and that they will not be forced even to go to the bank and allow the bank to do it for them. In other words, they would be in a privileged class and not forced to put up the security that the banks would have to put up, or even the savings banks, if they went to the corporation for assistance.

Mr. CALDER. Mr. President, perhaps the Senator is correct, and it may be that the language in the provision he has just quoted covers the ground. I was prompted to introduce these amendments because I was anxious that our building and loan companies, which have in the neighborhood of $1,000,000,000 loaned on bonded mortgages throughout the country, that our insurance companies, that our mortgage insurance companies, which alone in New York City have upward of $700,000,000 worth of guaranteed mortgages, might be afforded protection in these days when their money market is drained.

I would also call attention to the fact that the market for property and real property securities has been affected by war conditions, and the Government activities have practically drained this market of all money and left it entirely without resources for payment or the refunding of its obligations, and it is not able to bear its part in assisting the Government to finance the war.

Previous to the entrance of the United States into the war it was not only possible but a matter of routine to pay or refund maturing obligations of this nature. Do you know that the large volume of money hitherto available for these transactions has been diverted entirely and completely to other channels, chiefly to investments in liberty bonds? This to the almost complete paralysis of this great market.

Estimates of the volume of existing mortgages upon real property in the city of New York alone vary between four and five billion dollars. Of this amount, approximately 25 per cent mature and become due and payable every year. Hitherto this has been taken care of and has been performed with little friction, for the exchange currents have always been provided with sufficient current funds.

The war conditions, however, have completely changed the situation. A large number of investors in loans upon real property securities are demanding payment of maturing obligations. This is a peculiarly menacing feature of present conditions in its bearing upon holders of mortgaged property for there is open to them no way of relief from foreclosure and the possible loss of their equities.

There is a peril for the savings banks of the country, also, in the prospect of the offering of a large Government loan issue at a rate of interest higher than 4 per cent. Few savings banks can pay or are paying over 4 per cent interest now. It is feared that their depositors might find in the 4¼ per cent liberty bond attractions superior to that offered by the savings banks. If there should be any general demand for the withdrawal of deposits from the savings banks they would under present conditions be unable to pay.

It is interesting to note, Mr. President, that the assets of the savings banks of New York State are to-day approximately $2,300,000,000. At least one-half of this sum is invested in bonds and mortgages on real estate and 75 per cent of the remaining half is invested in stocks and bonds.

It is also well to take into consideration the calamity that might befall our fire insurance companies if we should have a repetition of the conflagration of several years ago in Baltimore, unless the fire insurance companies were also included within the operations of the corporation authorized by this act.

So, Mr. President, I have offered these several amendments to permit relief to be obtained by corporations organized under banking or insurance laws of any State.

For the successful prosecution of the war it will be absolutely necessary to put at ease the working people, who are the mainstay of the Nation, as well as the savings banks and life insurance companies. If they know that they can get their savings from these institutions any time they need them this assurance would encourage them to deposit their earnings in the savings banks and to carry insurance on their lives. The savings banks and the life insurance companies would in turn invest these savings in securities to provide the Government with funds for the prosecution of the war.

I trust, Mr. President, that the Senators will examine these amendments and that when the vote is taken they will give them their support.

I ask permission to have printed in the RECORD, Mr. President, a statement of the assets of the life insurance companies and savings banks doing business in the State of New York as of December 31, 1916.

The PRESIDENT pro tempore. Without objection, the printing is authorized.

The matter referred to is as follows:

Assets of life insurance companies and savings banks doing business in the state of New York, 1916.

	Life insurance companies.	Savings banks.
Real estate	$149,784,475	$82,054,763
Stocks and bonds	2,377,987,417	837,919,017
Bonds and mortgages	1,651,011,014	1,001,543,465
Collateral loans	9,798,509	1,730,703
Loans to policyholders	695,054,079	
Premium notes, etc.	28,396,835	
Cash in banks, etc.	84,862,399	151,284,190
Deferred and uncollected premiums	69,365,491	
Collectible interest		24,441,716
All other assets	79,568,331	347,628
Total	5,144,034,477	2,139,289,037

Mr. FRELINGHUYSEN. Mr. President, if I understand the purport of this bill, its object is to guarantee at this time the credits of the railroads who are in dire need of funds to enlarge their equipment and to carry on their business. I understand there is nearly a billion dollars of maturities this year that will be required to finance the railroads. I feel that the support of the Government should end there. I do not agree with that portion of the bill which guarantees to individual corporations or individuals these credits.

If we are going as a Government to guarantee and indorse the credit of private business, there will be no end to it. The laws of the various States regulate the life insurance companies incorporated in them, as well as the fire insurance companies. They provide certain reserves for contingencies such as conflagrations and such as depreciation in securities. If the capital of a fire insurance company becomes too greatly impaired, it is insolvent, and it must wind up and reinsure its risks; and I do not believe it is necessary at this time for the Federal Government to guarantee the credit of fire insurance companies. I think if the securities which they hold in the railroad corporations of this country are guaranteed by the Government, that is all that is necessary. I think the fire insurance companies can take care of themselves without this assistance.

Mr. SHERMAN. Mr. President, I should like very much to bring myself into a frame of mind where I could vote for this bill in its entirety. I can not do so, much as I should like to see some of the purposes of the bill carried out.

The bill, as it is now, is a bill to extend relief to indigent millionaires, more or less worthy or unworthy. I do not see any relief here for the average man who is transacting business. He could not get within a thousand miles of help or the Treasury Department.

There are a great many investments of savings banks, fire insurance companies, life insurance companies, and trust companies that handle a variety of trust funds for estates, for guardianships, many of them running for a term of years by the provisions of the testamentary trust. The older a country is the more that class of investment appears. Many of those have their funds invested in municipal bond and in drainage bonds. When I use the term "municipal bonds" I mean it in the general sense that any branch or subdivision of a State government created under any of the laws of a State are comprised in that term. These bonds, especially the serial issues, fall due from time to time. They are drawn by lot or fall due in serial numbers. They are paid off out of the proceeds, sometimes of sinking funds, sometimes from a special tax levied under the provisions of the State constitution requiring a direct annual tax to be levied during the lifetime of the issue, which in some States is for a limited term of years—10 years, 20 years, 30 years. This direct annual levy is for the purpose of creating a sinking fund to discharge the entire indebtedness upon its maturity or for the discharge of a given number of bonds at fixed intervals during the period preceding the maturity of the last or all of them. Not only these sinking funds are invested, but in the instances where the principal is paid off it is necessary, in all the cases I have alluded to of the trust funds waiting investment, to reinvestment those same funds in some adequate security.

Municipal bonds running into very large sums in this country have been an appropriate method of investment. State statutes have been framed authorizing such investment. Many orders have been entered by various courts of the country having a general chancery or equity jurisdiction authorizing investment in certain classes of bonds as securities, very largely of the municipal securities. This measure prohibits in its necessary terms the issue of municipal securities. There is no escape from the conclusion. It is true a municipality may not be expressly hampered by an act of Congress in the issue of its securities; but whenever the securities are issued, whether an original or a refunding issue, it is indispensable for the municipality to find a market. It can not find a market ordinarily by itself peddling the bonds out, as the phrase goes, among the permanent investors. It goes to a bond house or a trust company, some place where the persons are skilled in finding a market for that form of security. Necessarily, then, under the provisions of this bill, a bond house is subject to a penalty the instant it takes a municipal security and attempts to sell it on the market, unless licensed. The municipality can sell to the agent, to the bond house, or to the trust company or to a national bank, but if the bond house undertakes to sell to a third person it is subject to penalties under this bill. Therefore it in effect prohibits the issuing and marketing of municipal securities.

Then comes the utilities, the gas, the electric light, the street car, the interurban, the several forms of activity in which considerable sums are invested. That property has two sources of value. The one is the tangible or physical property and the other is the franchise or permit under which it operates. Both of them are a property value. That is taken into account upon the issuing of bonds and in marketing them to prospective investors. Of these not one issue of any kind can be marketed without a license. First, there is a capital issues committee, under whose permit only are these issues made. If they deny it, the issue must stop. Therefore it stops at the source of issue of all these securities as well as later on stopping the marketing of municipal securities. The power to license implies the power to refuse.

I believe that the powers concentrated in this bill are of that character that never ought to be put in the hands of any living person. There is no one man who lives, or series of men by which he can surround himself, who possesses that universal omniscience that will make him wiser than all the persons interested in the municipal utility securities or municipal bonds of the country where those are sold. There is no man who can be created, no single person, who is wiser than everybody. Heretofore all these securities have been marketed upon the general demand for them when offered to those who are seeking investment. It seems to me that it is a very dangerous thing to interfere with this vital process of our investment affairs.

The Secretary of the Treasury in the hearings before the committee admits and attempts to justify the fact that no municipal security of any kind can be issued without his consent. Practically they can issue them, but they can not get beyond into the general market, because no one can handle them unless the municipality sells direct and undertakes the almost impossible task of finding a general market. The bond house or the trust company acts as the distributor. It finds the small investor, it takes the bonds in an entirety, pays for them, holds them, and finds the public, so that when these securities are digested it is through these agencies that are now prohibited by penalty from selling any of the bonds.

Another thing I think it well enough to keep in mind: I do not know whether we are keeping track of the pace we are driving in the delegation of power or not. I doubt very much whether the general public has kept that in mind. The Secretary of the Treasury has large powers. To begin with, he controls through his influence all the national banks of the country. He necessarily has great influence with the Comptroller of the Currency. In addition to that he has a controlling voice on the Federal Reserve Board. It is by recent legislation put in his power to control two hundred and fifty-odd thousand miles of steam railways in the country, together with all of their securities both past, present, and prospective, some $18,000,000,000 worth of securities. In addition to that he proposes by this bill to put his hand upon the pulse beat of every municipality in the country, so that not one dollar in effect can be issued or marketed without his consent. In addition to that, he has all of the vast powers that go with and through the Federal Reserve Board, the contraction and expansion of the currency.

There is now in this country $3,000,000,000 worth of free gold. That is our gold supply, in round figures, all the net result of our trade balance of some years past of a favorable character, settled by gold shipments to this country. By looking at the daily United States Treasury report of February 25, 1918, I find assets that would be a part of the money in circulation, gold coin a given sum, gold bullion a given sum, both of which added make $2,400,000,000, in round figures, of gold assets. Against that are liabilities of outstanding gold certificates of $1,255,000,000, a gold settlement fund under the Federal Reserve Board of $914,000,000, and the $152,000,000 and over of gold reserve that has been held to preserve the value of the $346,000,000 of greenbacks that are outstanding, together with available gold in the general fund of $78,000,000 and over, making the total liability to balance the total gold assets.

Under this bill there is a $500,000,000 capital stock that is to be subscribed by the United States. So the Government is the only shareholder in the war finance corporation. The only way to pay for these shares is to draw cash from the Treasury. It requires, then, a half billion dollars to begin with to finance this concern and make it a going enterprise.

These resources are to be loaned for the purpose of promoting various distressed millionaires in the country. I do not know of a single utility in all the United States that finally, when you track it down to earth, is not owned by one or two or five men. I do not care what may be the size of the city. After all, these gentlemen ordinarily take care of themselves. None of them is likely to land in a bankruptcy court.

This bill, in the first instance, will extend relief to this needy portion of the American people. I am not particularly interested in relieving the clamorous poor of that kind in my part of the country. All of them can obtain relief on the market. They have been able to do so in the past, and I decline to lend myself to extracting $500,000,000 out of the taxpayers to relieve these gentlemen.

I can call the list of public utilities in one, the third largest State in the Union, from the city of Chicago clear down to East St. Louis. When I call the list of those public utilities, I call the list of enterprises owned by men who do not need relief under this bill. They will survive any and all operations if the Government itself survives. It will be necessary to wreck everything in the way of public or private business before these enterprises will go to the wall.

After this part has been attended to there can be eight times the capital stock of the company with the war finance corporation issued in bonds. Eight times the capital stock makes $4,000,000,000 of bonds to be put upon the market in various ways. I presume along comes one of these distressed utilities. It may have half a million dollars of bonds maturing. If they were to go out on the market, ordinarily, a large part of their bonds paying 5 per cent now, they would pay the same rate when renewed or refunded. The gas company in Chicago, the

People's Gas Light & Coke Co., the electric light, the power, all of those enterprises ordinarily are now paying 5 per cent on their securities. The Government I do not anticipate would loan them at 5 per cent. It probably would loan at some more favorable figure.

After this is done these securties, if the new issue is required or an old issue is to be refunded, are to be called in, taken by the War Finance Corporation, and in lieu of them to the former holders of these securties there is to be issued these bonds of the War Finance Corporation, which, in effect, as I understand, are to be Government bonds. It imposes a liability upon the Government. Reading the hearings on this bill I come to the conclusion, guided largely by the opinion of the Secretary of the Treasury, that they become in effect obligations of the Government. So in substance the Government takes the utility bond issues, or whatever the security is, of whatever enterprise we are considering needful for relief, puts them in the hands of the War Finance Corporation as collateral security, and issues in lieu of what in effect I will denominate "Government bonds." It may do so in all to the extent of $4,000,000,000.

These bonds when issued are available in the hands of the former owners of the security for borrowing purposes. They may go to a member bank of any Federal reserve district, put up those bonds as collateral, give their notes, and the member bank may then carry those notes to the Federal reserve bank and rediscount them. A provision of the bill provides that these notes then become eligible as a basis for the issue of Federal reserve notes. In other words, they thereby broaden the base for the issue of Federal reserve notes.

I have no objection to taking care in a legitimate way of all maturing credits, but in effect it goes further. It furnishes a basis of $4,000,000,000 of expansion of the money in circulation.

It is said there must be a 40 per cent gold reserve. That is true. All of the gold certificates are now being called in. I challenge any Member of the Senate to go down and cash a check in Washington any place or with the financial clerk of the Senate and get a gold certificate. You may travel up and down the Atlantic coast on a several days' journey and it will be an accident if you find a gold certificate at any time or place in your travels. The gold certificates, in fact, are being impounded by the Federal reserve banks of the country. They are calling them in, and wherever they get one in a Federal reserve bank there it stays.

With $3,000,000,000 of free gold in the United States and with $2,400,000,000 reported on February 25, 1918, in the Treasury statement, we have on a 40 per cent basis in the Treasury statement a means of figuring what the possible expansion of Federal reserve notes may be. With a 40 per cent basis on every $1,000,000,000 worth of Federal reserve notes you have got to have $400,000 of gold or gold certificates. That is the reserve. On the entire amount that is in the Treasury statement, taking it in round figures, there could be an expansion of over $5,000,000,000 of Federal reserve notes with the 40 per cent gold reserve back of it. If by any possibility the Government called in or acquired more of the free gold of the United States up to the $3,000,000,000, we could issue more than the figure named out of the $3,000,000,000 of free gold, and the Government, if it were possible to get it all, could issue $7,500,000 of additional Federal reserve notes.

Examine your pocketbooks, all of you, the change you carry and your bills, and you will find that now you have nothing but Federal reserve notes to transact business on around Washington and up and down the coast. I think the Senator from Georgia [Mr. SMITH] gave the figures this morning. We already have—I quote from memory—about one billion seven hundred and some million dollars of Federal reserve notes. If we add to that a potential $5,000,000,000 additional of Federal reserve notes, or going to the full limit of $7,500,000,000, we have reached over $9,000,000,000 of Federal reserve notes alone, and still it is said that we are not traveling on a gallop along on the road to inflation. We are not merely traveling there, we have reached the neighborhood now.

When the amount of securities is increased still further, when more bond issues come along and there are more liberty loans, credit will be still further expanded. To keep pace with the expansion of credit there must be an expansion of the money in circulation. I have some of the figures as to circulation that are given here by the Treasury reports. In 1914 there was per head in the United States $34.35 of money in circulation; there was in January, 1916, two years later, $38.48; in 1917, there was $42 per head in circulation; and on the 1st of January, 1918, there was $48.76 per head in circulation; in other words, we are traveling very rapidly in increasing the money in circulation in this country. That increase in circulation is one of the reasons for the prices that are disturbing a great many gentlemen at this time.

I am not willing to put into the hands of one person these powers. In all candor, without being desirous of starting a political discussion in this Chamber, with these vast powers concentrated in the hands of one official, I should like to inquire what gentleman would feel safe if William J. Bryan were now the Secretary of the Treasury with the powers already vested together with those contemplated in this bill? It is not so much a question of whether Mr. McAdoo may wisely exercise these powers; it is what somebody else with all the financial idiosyncracies of Mr. Bryan might do if afterwards called upon to fill that office. The danger or the wisdom of extending these powers is to be measured by the possible abuse of the powers some time in the future by some one who will not be guided by the wise limitations of the present incumbent of that office. I can not, therefore, Mr. President, bring myself to support this bill.

Mr. KING. Mr. President, will the Senator from Illinois yield to me for a moment?

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. Yes, sir.

Mr. KING. I hold no brief for Mr. Bryan, but if the Senator will remember, Mr. Bryan was never an advocate of fiat money, he never was an advocate of greenbackism. He merely accepted the view that was crystallized into law on the foundation of this Republic that there should be gold and silver as the money of ultimate redemption. The Senator will remember that the first financial bill that was proposed by Hamilton was a recognition of gold and silver as the money of ultimate redemption upon a parity. That was well established and was recognized in all the world. Mr. Bryan, possessing, as the Senator says, idiosyncracies, did not have the idiosyncracy of advocating greenbackism or fiat money, but merely insisted that there should be a free coinage of silver upon a certain established basis, and he proposed that the financial policy of the founders of the Republic should be adopted as the policy of the Republic.

Mr. SHERMAN. Mr. President, I will accept part of the Senator's statement. At the time to which he refers in our earlier history, when gold and silver were both money of ultimate redemption, the ratio was 15¼ to 1. Mr. Bryan went one-half better, and made it 16 to 1, which became at once the consecrated, God-ordained ratio between the two metals. At the time when the ratio was 15¼ to 1 silver in reality was worth more than gold. Silver had not been mined extensively; it was not available in the world's supply at that time so as to make that ratio desirable, and, as a matter of fact, silver went out of circulation during the time when the ratio was unfavorable to silver; it became merchandise rather than money. Just as soon, however, as the ratio was disturbed by its large production and silver became the cheaper money on the market, this idiosyncracy to which I referred began to manifest itself in a very active way.

I am not particularly wedded to gold, but gold is the most stable of the metals. We are on a gold standard basis to-day. Gold is not only stable, but its price is world-wide; it is not subject to fluctuation in the ordinary market at any place in civilized countries. So when it is said that the distinguished commoner was not in favor of fiat money it is true, but I judge of a man's ultimate destination by his symptoms, and by the direction in which his toes are pointed rather than the length of the step he is taking.

At the time, Mr. President, that the distinguished Commoner from Nebraska was cleaving the air all over this country with his peculiar doctrine on monetary reform, with the ratio of the metals separated, I could go down to El Paso, Tex., and buy for 49 cents a silver peso with more grains of pure silver in it than a silver dollar in this country. I carried a bag full of it around until I nearly wore it out. There was free coinage of silver across the Rio Grande River, and there had been for years. Mexico had a dollar which was worth more than ours in point of mere bullion quantity if it had been worth par, but you could pound up the bullion in a Mexican silver dollar and sell it on the market for only 49 cents. Therein was the peculiar attractiveness of that kind of a dollar to Mr. Bryan.

It was the degree of the disease at that particular time that was attractive, and it is the kind of disease that I make the subject of criticism, because ultimately it leads a man to the fiat money destination. With that kind of a man at the head of the Treasury I submit that this kind of a bill if enacted into law would be a public menace. It would put in his hands the instrumentalities to wreck the credit of this country and to bring us to some unheard-of and unthinkable standard of monetary reform.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Utah?

Mr. SHERMAN. Yes.

Mr. KING. I do not want to break into the very interesting and very instructive speech of the Senator from Illinois; and, if he will permit me to say so, his speeches are always interesting and always instructive; but I want to differ from him in one statement which he has just made. Probably I am wrong and the superior knowledge of the Senator will justify the statement which he made, namely, that gold is more stable in value than silver has been or than is any other article or any other commodity. I do not know that I quote the Senator accurately, but the idea that the Senator ought to convey was that gold ought to be the measure or standard of value, because it is more fixed in its price or value when measured by other commodities. I think the Senator is in error in that respect.

So long as silver was a money among the people and had not been demonetized by Governments, I think the record and evidence relative to money, especially if you will read Mr. Jacob and other great writers upon the subject, will tend to show that silver has been more stable in value, measured by a given number of commodities, than has gold.

Gold has fluctuated greatly in value. The discovery of gold in California, the discovery of gold in the Rand Region, in South Africa, the discovery of gold in Australia and in the Klondike, when the golden stream was poured out into the arteries of trade, necessarily caused a tremendous fluctuation in values. Gold then, measured by a given number of articles, did not have the same fixed price as silver would have had under similar circumstances if it had been a money of ultimate redemption the same as gold.

The point I am trying to make is that gold, I think, in the history of the world has shown more violent fluctuations in value, measured by given standards, by the value of a given number of commodities, than has silver when silver has not been demonetized. Silver in this country did not show the disparity in value to which the Senator from Illinois referred until we demonetized it in 1871 and 1873. I think that if we had not demonetized silver there would not have been that disparity between the price of gold and the price of silver.

Mr. SHERMAN. I thank the Senator for his complimentary reference, which I certainly value. I can return the compliment many times over, for I always listen to the Senator from Utah with pleasure. I shall not be drawn aside, however, by the very great respect I have for him and his associates on the majority side of the Chamber from the historic fact that this agitation never begins until the appearance of some cheaper metal that can be used as a legal tender. Then immediately arises the difficulty, and the consequent clamor for a change. It is one of the historic truths that when there is discovered some cheaper form of metal that may be made legal tender advocates of the kind to which I inadvertently referred a while ago are always active in the zeal with which they carry their views forward. The conclusion to which I inevitably arrive is that all of the distinguished advocates of such movements are searching for some easier way to pay debts. Of course, legal-tender decisions in this country have made it possible to make almost anything legal tender that carries a Government promise on its face, and such forms of legal tender will discharge the obligation of a debt. Having paid the debt, no Government can fix its purchasing power.

The Treasury reports, however, refer entirely to gold; our standard on which we measure values is gold; all of our Liberty bond issues are gold obligations; the larger part of the securities maturing at various times—nearly $800,000,000 of them falling due within the current year—are gold obligations and call for the payment of the indebtedness evidenced by the securities in gold coin of the present standard of weight and fineness, or some equivalent expression. So, for the purpose of discussing this bill, we must consider it on the gold-standard basis, and I am asking, in the event these vast powers are centered in the hands of a Secretary of the Treasury at some time in the future who is in favor of disturbing the existing standard, what the necessary effect of it would be on the credit of the country? That is one of the reasons why I hesitate, even in time of war, to concentrate in the hands of a single official, however wise now, these vast powers.

There are a number of sections in this bill upon which I would greatly like to comment, Mr. President, but I shall content myself with the few general remarks that I have submitted on the objectionable features of this bill as they appear to me. I can not support it although I wish to say, for the information of the Senators, that nearly every public-utility man from my section of the country has wired me to support this bill. They have stated that they will not be able to take up their maturing obligations unless the Government helps them. Well, for my part, before voting for such a measure as this I would rather vote for a moratorium and stay the collection of debts in proper cases while the war is in progress. I think that would be attended with less risk than the vesting of such tremendous powers in the hands of the Secretary of the Treasury.

REGISTRATION FOR MILITARY SERVICE.

Mr. FRELINGHUYSEN. Mr. President, I desire to ask unanimous consent to take up for consideration two very important joint resolutions which have been reported by the chairman of the Committee on Military Affairs, Mr. CHAMBERLAIN, who is ill. These measures are very much needed so that the Judge Advocate General may carry on the draft.

Mr. SIMMONS. Mr. President, I understand from the Senator from New Jersey that the joint resolutions to which he refers are very urgent, and that he thinks they can be disposed of in 15 minutes and that there will be practically no debate and no objection to them. I am perfectly willing to have the unfinished business laid aside so that the Senator may call up these joint resolutions, with the understanding that if debate develops lasting more than 15 or 20 minutes the joint resolutions are to be withdrawn.

Mr. FRELINGHUYSEN. I shall be very glad to withdraw my request for the consideration of the joint resolutions if action upon them takes longer than that time. I ask unanimous consent, Mr. President, that the Senate first consider Senate joint resolution No. 124.

The PRESIDING OFFICER. The Senate has heard the request of the Senator from New Jersey and also the explanation of the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I think it is necessary that the unfinished business be temporarily laid aside, and I ask unanimous consent, therefore, that that course be taken.

The PRESIDING OFFICER. The Chair was about to make that suggestion. A request for unanimous consent being made that the pending bill be temporarily laid aside, and the Chair hearing no objection, it is so ordered. The Senator from New Jersey is recognized.

Mr. FRELINGHUYSEN. I ask unanimous consent that the Senate proceed to the consideration of Order of Business No. 244, being Senate joint resolution No. 123.

The PRESIDING OFFICER. The request of the Senator from New Jersey having been heard, and the Chair hearing no objection, it is so ordered.

Mr. FRELINGHUYSEN. Mr. President, instead of considering first Senate joint resolution No. 123, I ask unanimous consent that the Senate proceed to the consideration of the joint resolution (S. J. Res. 124) providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

Mr. NEW. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Indiana will state his parliamentary inquiry.

Mr. NEW. I do not understand what disposition, if any, was made of Senate joint resolution No. 124. I understood the Senator from New Jersey to call up that joint resolution, and now I understand that he calls up another. Is Senate joint resolution No. 124 before the Senate?

Mr. FRELINGHUYSEN. I corrected the request, and asked to substitute Senate joint resolution No. 124 for Senate joint resolution No. 123 as the one to be first considered. Senate joint resolution No. 124 is now before the Senate, as I understand.

Mr. SMOOT. Mr. President, I ask that the joint resolution be read.

The PRESIDING OFFICER. The Chair begs pardon of the Senator from Utah. The Chair has not responded to the parliamentary inquiry of the Senator from Indiana. As the Chair has not information on the subject of the inquiry, if the information imparted by the Senator from New Jersey is satisfactory, then the Chair will take that as an answer to the inquiry of the Senator from Indiana.

Mr. NEW. The Senator from Indiana understands that Senate joint resolution 124 is now before the Senate.

The PRESIDING OFFICER. The Chair so understands; it is. Now, in response to the request of the Senator from Utah, the joint resolution will be read.

The Secretary read the joint resolution, which had been reported from the Committee on Military Affairs with an amendment, in section 2, page 3, line 2, after the word "act," to insert:

Provided, That students who are preparing for the ministry in recognized theological or divinity schools at the time of the approval of this act shall be exempt from the selective draft prescribed in the act of May 18, 1917; and that students entering such theological or divinity schools after the approval of this act and during the continuance of the

gentlemen at this time.

fore voting for such a moratorium and stay the collection of debts in proper cases while the war is in progress. I think that would be attended

May 18, 1917; and that students entering such schools after the approval of this act and during the continuance of the

war, and who would be subject to any future registration as provided for in this act, may upon the recommendation or request of the president or dean of such school be exempt from the selective draft by order of the President.

So as to make the joint resolution read:

Resolved, etc., That all male persons, citizens of the United States or residing in the United States, who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, shall be subject to registration in accordance with regulations to be prescribed by the President, and that upon proclamation by the President, stating the time and place of such registration, it shall be the duty of all such persons, except such persons as in said proclamation may be exempted from registration, to present themselves for and submit to registration under the provisions of the act approved May 18, 1917, and they shall be registered in the same manner and subject to the same requirements and liabilities as those previously registered under the terms of said act.

SEC. 2. That after the day set under section 1 hereof for the registration by proclamation by the President at such intervals as the President may from time to time prescribe, the President may require that all male persons, citizens of the United States or residing in the United States, who have attained the age of 21 years since the last preceding date of registration, and on or before the next day set for the registration by proclamation by the President, except such persons as in the proclamation by the President stating the time and place of such registration may be exempted from registration, shall be registered in the same manner and subject to the same requirements and liabilities as those previously registered under the terms of said act: *Provided*, That students who are preparing for the ministry in recognized theological or divinity schools at the time of the approval of this act shall be exempt from the selective draft prescribed in the act of May 18, 1917; and that students entering such theological or divinity schools after the approval of this act and during the continuance of the war, and who would be subject to any future registration as provided for in this act, may upon the recommendation or request of the president or dean of such school be exempt from the selective draft by order of the President.

SEC. 3. That all such persons when registered shall be liable to military service and to draft under the terms of said act approved May 18, 1917, under such regulations as the President may prescribe not inconsistent with the terms of said act.

SEC. 4. That all such persons shall be subject to the terms and provisions and liabilities of said act approved May 18, 1917, in all respects as if they had been registered under the terms of said act, and every such person shall be deemed to have notice of the requirements of said act and of this joint resolution upon the publication of any such proclamation by the President.

Mr. JONES of Washington. Mr. President, was that the last proviso just read?

Mr. FRELINGHUYSEN. It was.

Mr. JONES of Washington. That is the committee amendment?

Mr. FRELINGHUYSEN. Yes. It provides that students preparing for the ministry shall be exempted.

Mr. JONES of Washington. Why should they be exempted in this hour of trial of the Government? Is that in the original act?

Mr. FRELINGHUYSEN. Yes; it is in the original act, as I understand.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. NEW. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add a new section, as follows:

SEC. 5. That in addition to the persons subject to registration and selective draft under the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917, all male persons between the ages of 19 and 30, both inclusive, shall be subject to registration and draft in accordance with the provisions of said act: *Provided*, That all registered male persons who have attained the age of 19 years shall be subject to military training in accordance with regulations to be prescribed by the President, but shall not be called for active service until they have attained the age of 21 years.

Mr. NEW. Mr. President, I understand that the chairman of the Finance Committee [Mr. SIMMONS] would object to laying aside the finance bill for so long a time as would probably be necessary for the proper consideration of this amendment. There are some things that I should like to say concerning it myself, which might require some little time. I think there are other Senators on the floor who would like to be heard also. If time can be given for its proper consideration now, I am prepared to go ahead with it.

The PRESIDING OFFICER. Does the Chair understand from the Senator from Indiana that he desires to know whether more time than 15 minutes is to be conceded by the chairman of the Finance Committee, or does the Senator from Indiana merely give notice that he wishes to take up this matter without regard to the regular time of discussion?

Mr. NEW. The Senator from North Carolina is absent from the Chamber at this moment. I suggest that he be informed of the situation.

Mr. FLETCHER. I will say, Mr. President, that the Senator from North Carolina agreed to let us take up these matters with the understanding that only a limited time would be devoted to them. I do not know how much time the Senator from Indiana will require, but he certainly can go on until the Senator from North Carolina comes in.

Mr. SIMMONS entered the Chamber.

Mr. FLETCHER. I was wondering if the Senator from Indiana would not allow us to pass the joint resolution without insisting on that amendment at this time?

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Jersey?

Mr. NEW. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. My agreement with the chairman of the Finance Committee is that if the discussion of these joint resolutions takes more than 15 minutes, I shall move that they go over. In view of the fact that this very important amendment has been offered to this joint resolution, and it will lead to extended debate, unless the Senator from Indiana will agree to withdraw the amendment I shall have to move that the joint resolution lie over; but I hope he will consent to withdraw it, for this reason:

At this time the Judge Advocate General is preparing to call the next draft, and this joint resolution provides that the men who have become 21 years of age since June 5 last shall be included in the new registration for the draft, in order that it may be more properly apportioned. It is a very important joint resolution, and the introduction of the amendment by the Senator from Indiana may lead to several days' delay. I do hope that he will consent to withdraw the amendment in order that we may pass the joint resolution at this time.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wyoming?

Mr. NEW. I yield.

Mr. WARREN. I agree with the substance of the amendment; but I think it would be better if the Senator would consent to withdraw it at this time and get the other part of the joint resolution in motion, in consideration of what the Senator from New Jersey has said. It is imperative to have the original portion of the joint resolution acted upon at once.

Mr. NEW. Mr. President, I hesitate to withdraw this amendment. I concede the importance of the joint resolution. As a member of the Military Affairs Committee, I think I realize just what it provides for. I agree with the Senator from New Jersey that the withdrawal of my amendment might save several days' time, but I think that the adoption of the amendment I have offered may ultimately save several months' time. I think that had the provisions of this amendment been law two or three years ago the war in which the United States is now engaged would have been ended in favor of the United States and its allies some time ago.

I feel, Mr. President, that I can not accede to the request to withdraw the amendment.

Mr. FRELINGHUYSEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield the floor, or does he yield to the Senator from New Jersey?

Mr. NEW. I yield to the Senator from New Jersey.

Mr. FRELINGHUYSEN. Under those circumstances I ask that the joint resolution lie over.

The PRESIDING OFFICER. Does the Senator desire to have the joint resolution returned to the calendar?

Mr. FRELINGHUYSEN. I move that it be returned to the calendar; yes.

The PRESIDING OFFICER. If there be no objection, such will be the course.

CALLING INTO MILITARY SERVICE CERTAIN PERSONS LIABLE THERETO.

Mr. FRELINGHUYSEN. I ask the Senate take up for consideration Senate joint resolution No. 123.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 123) providing for the calling into immediate military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," which had been reported from the Committee on Military Affairs with amendments.

The PRESIDING OFFICER. The amendments will be stated.

The amendments were, on page 2, line 2, after the word "for," to insert "military"; on the same line, after the word "act," to strike out "approved May 18, 1917"; in line 7, after the word "classes," to strike out "from any State" and insert "except those exempt from draft under the provisions of said act"; in line 9, after the word "classes," to strike out the

comma and insert "in the various subdivisions of the States, Territories, and the District of Columbia designated by the President under the terms of said act"; in line 12, after the word "immediate," to insert "military" and in the same line, after the word "service," to insert "persons classed as," so as to make the joint resolution read:

Resolved, etc., That if under any regulations heretofore or hereafter prescribed by the President persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," are placed in classes for the purpose of determining their relative liability for military service, no provision of said act shall prevent the President from calling for immediate military service under regulations heretofore or hereafter prescribed by the President all or part of the persons in any class or classes, except those exempt from draft under the provisions of said act, in proportion to the total number of persons placed in such class or classes, in the various subdivisions of the States, Territories and the District of Columbia designated by the President under the terms of said act; or from calling into immediate military service persons classed as skilled experts in industry or agriculture, however classified or wherever residing.

The amendments were agreed to.

Mr. CALDER. Mr. President, I will ask the Senator from New Jersey if this joint resolution takes care of the situation which arose from the fact that in many communities throughout the land the number of aliens was excessive, and that under the original act the burden of the draft has fallen very heavily upon these communities?

Mr. FRELINGHUYSEN. Mr. President, I understand that that is one of the purposes of the joint resolution.

Mr. CALDER. I am very glad that the Military Affairs Committee has asked for the consideration of this measure. It is a matter of very great importance and ought to have immediate action before the new draft goes into effect.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled 'An act to authorize the President to increase temporarily the Military Establishment of the United States.'"

CALLING OF THE ROLL.

Mr. JONES of Washington. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harding	Nugent	Sterling
Beckham	Hardwick	Overman	Stone
Borah	Henderson	Owen	Sutherland
Calder	Hollis	Page	Thomas
Colt	Johnson, S. Dak.	Pittman	Thompson
Culberson	Jones, N. Mex.	Poindexter	Tillman
Curtis	Jones, Wash.	Saulsbury	Townsend
Dillingham	Kellogg	Shafroth	Trammell
Fernald	Kendrick	Sheppard	Vardaman
Fletcher	Knox	Sherman	Wadsworth
France	Lewis	Simmons	Warren
Frelinghuysen	Lodge	Smith, Ga.	Watson
Gerry	McCumber	Smith, Md.	Weeks
Gore	Nelson	Smith, Mich.	Williams
Gronna	New	Smith, S. C.	Wolcott
Hale	Norris	Smoot	

Mr. SUTHERLAND. I announce the absence of my colleague, the senior Senator from West Virginia [Mr. GOFF], by reason of illness.

Mr. LEWIS. Let me announce the absence of the Senator from Arizona [Mr. ASHURST], the Senator from Tennessee [Mr. MCKELLAR], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Utah [Mr. KING] upon official business. I also announce the absence of the senior Senator from Kentucky [Mr. JAMES] and of the senior Senator from Oregon [Mr. CHAMBERLAIN] because of illness.

Mr. NORRIS. I have been requested to announce that both the senior Senator from Iowa [Mr. CUMMINS] and the junior Senator from Iowa [Mr. KENYON] are absent from the city in attendance upon the funeral of the wife of the senior Senator from Iowa.

Mr. CURTIS. I desire to announce the absence of the junior Senator from California [Mr. JOHNSON] on official business. I will let this announcement stand for the day.

Mr. GRONNA. I wish to announce the unavoidable absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness in his family.

Mr. KNOX. I have been requested to announce the unavoidable absence of the senior Senator from Oregon [Mr. CHAMBERLAIN] on account of illness, and the absence of the junior Senator from Oregon [Mr. MCNARY] on account of official business.

Mr. HOLLIS. I have been requested to announce that the senior Senator from Arizona [Mr. ASHURST] is absent on official business, and that the junior Senator from Arizona [Mr. SMITH] is absent because of illness; also that the senior Senator from California [Mr. PHELAN] is necessarily detained.

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present.

WAR FINANCE CORPORATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

The PRESIDENT pro tempore. The Secretary will report the first amendment passed over.

The SECRETARY. The first amendment passed over was in section 5, on page 4, line 3, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 4, after the word "provided," to strike out "shall devote their entire time to the business of the corporation (except such part of their time, if any, as shall be devoted to other governmental business) and"; in line 10, after the word "not," to strike out "however"; in the same line, after the word "exceeding," to strike out "the annual salary of the principal officer of an executive department of the United States" and insert "$12,000"; in line 14, after the words "from the," to strike out "corporation" and insert "Corporation"; in line 18, after the words "by the," to strike out "corporation" and insert "Corporation"; in line 19, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 22, before the words "shall designate," to strike out "Secretary of the Treasury" and insert "President of the United States"; in line 25, after the word "years," to strike out "No director or officer of the corporation shall continue to be an officer, director, or trustee of any other corporation or member of any firm of bankers; and, before" and insert "Any director shall be subject to removal by the President of the United States"; on page 5, line 4, before the word "entering," to insert "Before"; and in line 5, after the word "shall," to strike out "certify under oath to the Secretary of the Treasury that he has complied with this requirement, and shall also," so as to make the section read:

SEC. 5. That the four directors of the corporation appointed as hereinbefore provided shall receive annual salaries, payable monthly, the amount of which shall be fixed by the Secretary of the Treasury, with the approval of the President of the United States, not exceeding $12,000. Any director receiving from the United States any salary or compensation for services shall not receive as salary from the corporation any amount which, together with any salary or compensation received from the United States, would make the total amount paid to him by the United States and by the corporation exceed the amount fixed as the annual salary of a director of the corporation, as hereinbefore provided. Of the four directors appointed, as hereinbefore provided, the President of the United States shall designate two to serve for two years, and two for four years; and thereafter each director so appointed shall serve for a term of four years. Any director shall be subject to removal by the President of the United States. Before entering upon his duties, each director and officer shall take an oath faithfully to discharge the duties of his office. But nothing contained in this act or in the Federal reserve act shall be construed to prevent the appointment of a member of the Federal Reserve Board or of any other governmental administrative body or of a director of a Federal reserve bank as a director of the corporation.

Mr. HOLLIS. I should like to ask the chairman of the committee, the Senator from North Carolina, what reason moved the committee to make that change in the original draft?

Mr. SIMMONS. The only reason that presented itself to the committee that I know was that it was not usual, although it has been done, I think, in one case, in the case of the Federal reserve banks, to provide that a Federal officer should give his entire time to the work. That might mean that he could not take the time that was necessary to attend to some incidental business matter. It might mean that he would have to devote his time so exclusively to this work that he would not be able to attend to those business matters to which every man must give more or less time.

Mr. GRONNA. Mr. President, on this side of the aisle we can not hear the Senator from North Carolina.

Mr. SIMMONS. I said the reason for striking out that part of the section as well as striking out the subsequent provisions of the section which relates to holding a permanent position in other corporations was that with those provisions in the Secretary of the Treasury may find himself unable to secure suitable men for these positions. If a director was required to give his entire time to this work, if he is required to give up his connec-

than as a director of every other corporation or bank or trust company, it might require such great sacrifices on his part that the Secretary would not be able to secure competent men to perform the service. These directors, the committee thought, ought to be men of large familiarity with the financial business conditions of the country. That class of men generally have a great many connections with business enterprises of the country. The requirement to separate themselves entirely from every business connection, so far as occupying an official position in connection with the corporations through which that business is conducted, is coupled with the requirement that they shall give their sole and exclusive time to this work. I was impressed, and I think the committee were impressed, with the thought that it would be very difficult to get the class of men we all ought to want on this board. That is the only reason I know of.

Mr. GRONNA. Mr. President——

Mr. SIMMONS. I yield to the Senator from North Dakota.

Mr. GRONNA. Of course, that would be true with reference to members of the Federal Reserve Board as well, would it not?

Mr. SIMMONS. I stated that there was one instance in which Congress has required that the officer should give his entire time, and I referred to the directors of the Federal Reserve Board, but I am not aware that that has been the custom in creating offices. That is the only instance that has been brought to my attention in which that provision has been coupled with the qualifications of a man for an official position.

Mr. GRONNA. May I ask the Senator if he does not think it would be better, even if we had to pay a large salary of, say, $25,000 to $50,000 a year to these men, and to provide that no one who is connected with a commercial institution or is a director of a commercial institution shall hold this position? I heard the speech of the Senator from New Hampshire [Mr. HOLLIS] on yesterday, and I was very much impressed with his statement that in his opinion it would inspire confidence among all the people of this country to have men appointed to this responsible position who were disassociated from the large commercial institutions.

Does not the Senator think it would be wiser to increase the salary of these men, and then prohibit the appointment of men who are active directors of banking and other financial institutions?

Mr. SIMMONS. I would agree with the Senator if we could secure suitable men who would be willing to abridge their personal rights with reference to their business matters to the extent that this provision would abridge it. I think it would be better, but I doubt very much whether you could procure in that way the right class of men.

I wish to say to Senators that, so far as I am concerned, after stating the reasons which the committee had for striking out these provisions of the bill, if the Senate sees fit to insert them I shall myself make no further opposition.

Mr. SMOOT. Mr. President, I merely wish to say to the Senator from North Dakota [Mr. GRONNA] that if this corporation was to be a permanent affair, if it was the same as the Federal Reserve Board, to exist for 50 years or more, I would be in favor of the original wording of the bill. But this is only a temporary organization.

Mr. OWEN. I remind the Senator that he is overlooking the fact that the term is limited to 10 years.

Mr. SMOOT. I call 10 years a temporary position.

Mr. OWEN. Not for a Senator.

Mr. SMOOT. Not for a Senator, but for a business man, who has an established business, a calling in life and knows nothing else but that one line of business. It is a temporary position, and I wish to say that even it may not last for 10 years under the provisions of the bill. The war may cease next year, and the declaration may be made by the President that it has ceased, and then the affairs of this concern would be wound up before the end of 10 years. If only a temporary organization, we should secure the very best men there are in the United States as members of the board of the corporation. I do not believe that we ought to put a provision in the bill that will limit the number of men from which selections can be made and virtually say that any man who has made a notable success in his line of business shall not be a member of this board. That is why I favor striking out the provision that was written in the bill by the framers of the bill.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. Certainly.

Mr. GRONNA. I wish to ask the Senator a question.

Mr. SMOOT. Certainly.

Mr. GRONNA. Admitting it is true, as the Senator has stated, that this is only a temporary position, is there any reason to believe that we can not find men among these great financiers who are patriotic enough to devote at least a part of their time during the war to financing the country?

Mr. SMOOT. The director in the corporation could not devote only a part of his time, because the wording is that they shall devote their entire time to the business.

Mr. GRONNA. I suppose it means that they should devote all their time while they were holding the position as director in the corporation. I did not mean to intimate that they should only serve a part of the time during the period they would act as a director; but is it not reasonable to suppose that there are hundreds, yes, thousands, of men in this country who have made a financial success who do not require making any more money, who have sufficient, and who are also willing to sacrifice, if need be, in order to win this war. We have more than 100,000,000 people in this country, and with all the millionaires and billionaires we have to-day, is it not possible to find some one willing to give time to this important institution for the benefit of the whole country and not for private parties or corporations? I say, if we are in such a deplorable condition that the men who made these fortunes are unwilling to sacrifice at least a few years of their time and contribute their time not even as a gratuity but for reasonable pay, I believe we are in a very dangerous position, and I do not think we ought to enact the bill at all.

Mr. SMOOT. I wish to say that there are thousands of financiers in the country who are perfectly willing to give their time to the Government during this war period and there are thousands of them who are giving their time to the Government now at a compensation of a dollar a year. But, Mr. President, we have heard on the floor of the Senate criticism time and time again against the Government accepting the services of these so-called captains of industry without compensation, and we have heard Senators from time to time say that no man ought to be employed by the Government of the United States and placed in a responsible position, as they are placed in to-day, without the Government paying for their services.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. VARDAMAN. The men who will perform this function will be paid a salary. I do not understand that the Senator from North Dakota [Mr. GRONNA] asks that they do this service for nothing, but he objects to men performing this particular duty when in the performance of that duty the public interests and their private interests may clash; we all realize that however honest a man may be—

> Where self the wavering balance shakes
> 'Tis rarely right adjusted.

It is not fair to the man appointed to place him in a position where he is called upon to decide this delicate question of propriety, nor is it altogether fair to the public.

Mr. SMOOT. I wish to say in answer to the Senator that I do not believe the President of the United States will select a man with no more honesty in his make-up than to accept such a position and then stoop so low as to take advantage of it, but I believe he will select men in whom the people have confidence and whom the President has confidence, and the Senate must have confidence in them, for the Senate will be asked to confirm their nomination.

The original wording it seems to me would cast reflection upon a man who might be selected as a director. Under the Senate amendment we broaden the number of persons from which the selections can be made. We make it just as broad as possible so that the President of the United States can nominate any man in the United States as a director. I do not believe there is a single man in the United States who has brains enough to fill such a position who would refuse to accept the nomination if requested to by the President.

But it is said he should be required to devote his entire time to the corporation. Suppose he went off for a week end or took a rest for a week, it is just like many people in the United States to find fault with him and say he is violating the law. If there was a necessity for such a requirement I would be in favor of it. If it was a permanent organization I would be in favor of it. But, Mr. President, it is a temporary appointment and I do not believe that you ought to ask men who are now engaged in business, and no doubt a lifelong business, to give it up entirely, or if perchance they are directors in a corporation and have been perhaps from the inception of the business and have seen the business grow, I do not believe

they ought to be asked to resign as a director in a corporation because they are asked to serve as a director of this corporation if the work required does not conflict. If they are men whom you can not trust do not appoint them, and if such men are appointed let the Senate refuse to confirm them.

Mr. McCUMBER. Mr. President, the services that will be required under this act will be the services of those who are peculiarly acquainted with financial conditions in the United States. Those who will be selected must necessarily be from a class who are so acquainted and who have the ability to bring to the service of the Government the greatest possible knowledge upon that particular subject. It was the purpose of the amendment to so widen the scope of the field of opportunity for the President himself to make a selection of men with the greatest degree of capability who would fill these places.

Every Senator knows that to-day the men who have the greatest knowledge of these subjects are as a rule either presidents or vice presidents or members of a board of directors. They are the men who are alive and doing the business of the country to-day. Why should the President say to a man who is upon the board of directors of a great financial institution, "You must get off this board." Possibly that board may need his services; it may not be for more than one day in a month, and yet it needs his services. But without this amendment you would say to him, "We can not accept your services if you are to give even one day a month at a meeting of your directors to look after your own institution." I do not believe the country is going to suffer by reason of a member of this board taking a day off to attend to the private business of a director. I believe the chances are that the President may not be able to secure exactly the kind of men he needs to fill these positions unless he be given the opportunity to select from presidents or vice president or directors of any corporation.

There is no Senator here who gives his entire attention to the business of the country. Every one of them has his own private business to look after to some extent. I do not believe that the country suffers because he has private business to look after. On the contrary, I think if he had no business to look after he would hardly be fit to hold a place in the Senate or to hold any other position.

Mr. President, it seems to me that we broaden the field of opportunity and give the President a scope of opportunity to select just the class of men he wants, and he wants the very best there are in the land. We ought not to say to him, "You can not select such a man unless you compel him to resign from the directorship of a banking institution which he assists in controlling."

Mr. OWEN. Mr. President, there are two parts of this proposed amendment. The first is that these directors shall devote their entire time to the business of the corporation. That has been stricken out by the committee. It is assumed by striking it out that they could manage this corporation with four thousand five hundred million dollars of property by giving only a part of their time. Probably the biggest bank in the United States has a capital of $50,000,000, with assets possibly running up as high as six or seven hundred million dollars, but this bank will start off with $500,000,000 of actual capital drawn out of the Treasury of the United States, and then will have the authority to raise four thousand million dollars, or eight times as much, by bonds. These funds, moreover, will partake of the nature of a revolving fund. It will not be limited to the four thousand five hundred million dollars. It may be converted into revolving funds and involve a larger line of activities.

The work being laid out here, while expressed in a few words, is perfectly gigantic. I think Senators ought not to fail to observe that we are imposing upon these men a duty which obviously must require all of the time of whoever devotes himself to it. So much for the first part of the amendment.

The second part which the amendment proposes to strike out is that no director or officer of the corporation shall continue to be an officer, director, or trustee of any other corporation or member of any firm of bankers. I do not think it turns so much upon the honesty of the man as that he shall be able to give his time to the gigantic labor which is contemplated by the bill.

It does not avail to say that we will select honest men and therefore there is no necessity for requiring all their time to be given. It is better, indeed, as a public policy, to have men in charge of such a high function not swayed by private interest. I think it would suffice, probably, to say that they should not continue as active officers, leaving the question of the possibility of their having a private interest which might interfere with the discharge of their functions to be passed upon by those who consider the question of the nomination. But I am very sure that the entire time will be required of those who undertake to handle this gigantic institution, the biggest institution, probably, in the world, as a banking establishment. The Bank of England has a deposit of only $1,000,000,000. Here is one that will have funds to handle four times as great. The days are short; there are only 8 or 10 hours in an ordinary working day in which a man can judiciously apply himself to intellectual labor. I think it would be a serious mistake to deal with this question as a matter requiring only a part of the time.

Mr. TOWNSEND. Mr. President, I opposed the amendment that is proposed here by the committee when it was before the committee at the time, and inasmuch as it is about to be voted upon I feel like stating the reasons which actuated me at the time to offer such opposition. It was not because I feared the honesty of the men who might be selected, but rather because I felt that this is a most unusual law. We are conferring power about which I think every Senator has some doubt. I think there are very few Senators who look with perfect complacency upon this legislation; but we are all forced to support it, because we think an emergency has arisen and now confronts us which requires perhaps that extraordinary powers should be exerted through this corporation. Already it has been subject to the criticism that it might do things which would result disastrously. We all know that there is criticism more or less extant throughout the United States of the system of appointing men to high positions who are interested in the subject matter or similar subject matter to those dealt with under the proposed statute. It therefore seemed to me that it was the wise plan to avoid all suspicion as far as possible. I believe that any man who will be selected for this position, no matter what his position may be and how important it may be, will be willing for the public good to divest himself of interest in other concerns in order that he may render the most efficient service possible on this board. It was, therefore, more as a matter of policy with me than anything else, that I thought and I think now it is wise to consider in legislation of this magnitude; and that the provision of the bill itself is better than the one proposed by the committee.

Mr. HOLLIS. Mr. President, I devoted some time yesterday to explaining the bill to the Senate and pointing out some of the dangers that I saw in it. I called the corporation to be established under the bill a bank, and it is a bank. No one denies it; but for some reason the friends of the measure are afraid to call it a bank and insist upon calling it by some more euphonious title.

The bill was brought here by the Secretary of the Treasury, so I am informed, and it was referred to the Committee on Finance. It is to be assumed that the bill was drawn about as the Secretary of the Treasury wanted it. I have not heard anyone argue enthusiastically for the bill in any particular. Those who are for it are for it with much apology, and with very little explanation of its need. It is a bad bill, and the only reason it is excusable is because there is a bad situation. I hope the Senate will make it as palatable for those of us who do not approve of it as is possible.

Now, here is a great bank, with powers never before granted to any bank in the United States or probably anywhere else. It is to be put in the sole charge of five directors, of whom the Secretary of the Treasury is one. The time of the Secretary of the Treasury is absorbed in matters of great importance. The duties involved in the handling of the business of the Treasury alone are more than one man can fairly cope with in war times, and the present Secretary of the Treasury has many other functions. He is the chairman of the Farm Loan Board; he is the Director General of the Railroads of the country. He may, therefore, be safely left out of the reckoning so far as sitting on this board of bank directors is concerned. All he can do will be to suggest general policies.

The men who are called to handle this great bank will be called to a position of great honor and of tremendous responsibility. I have no idea where the men will be found. It is suggested by the Senator from Utah that they will be great experts in financial affairs. They ought not to be. They should be merchants, as are the directors of the Bank of England. England will not permit its captains of finance to be on the directorate of its one great bank. As the Senator from Oklahoma [Mr. OWEN] said last week, finance should be the handmaiden of commerce and not the director of commerce. This bank is to serve the commercial interests of the United States, and through the commercial interests to serve us all. Financiers should be disqualified from being on this board at all, but the Senators who argue that they should not lay aside their financial duties and private interests evidently think they must be financiers. If they are to be financiers, if there are no other men in the

country who are fit to sit on the board of this bank, it is because the duties of the bank require remarkable services. If the duties of the bank require remarkable services, those services should be rendered solely to the bank.

I referred yesterday to the fact that these men must be superfinanciers. I meant by that that they must be above the ordinary financiers. Even though they have other important duties, they should gladly lay aside those duties and come to the call of their country. I suspect that some of those who favor this phraseology have in mind men who they think are solely fitted to run the affairs of this great bank, and that those men have been seen and have said that they will not give up their private business. I suspect that; I am afraid of it.

If the Secretary of the Treasury wanted the bill drawn in this way, and if the Secretary of the Treasury insists on having this bill passed granting these tremendous powers, then the wishes of the Secretary of the Treasury ought to be respected by the Senate, for the Secretary of the Treasury is going to be gauged by this measure. For myself I do not believe it will be a success. I think that hereafter Senators and members of the administration will be trying to evade responsibility for it. But let us give it the fairest possible chance; let us treat the proposed corporation like a great bank, as we treated the Federal Reserve Banking System; let us throw the safeguards around these men that we threw around the members of the Federal Reserve Board; and I ask the Senate, since no one or very few seem to care particularly about this Senate committee amendment, to vote it down and to restore the bill to its original form.

Mr. SIMMONS. Mr. President, I do not care to enter into any further discussion with respect to this amendment, but I do want to call the attention of the Senator from New Hampshire to the fact that the prohibition to which he refers is not confined to officers and directors of banks alone, as his remarks would imply, or at least would seem to imply. It is broader and provides that—

No director or officer of the corporation shall continue to be an officer, director, or trustee of any other corporation.

It does not make any difference whether or not it is a financial corporation; no man who happens to be a director of a business corporation is eligible under that language. A merchant whose business has been incorporated would be disqualified under that language.

If the purpose of the Senator from New Hampshire in offering this amendment is to dissociate the directors of this corporation from interests that might possibly be affected by their action as members of the corporation, he will not accomplish that purpose by simply saying that they shall not be directors of any other corporation. In order to accomplish that purpose, if that is his purpose—and it seems to be—he will have to provide that they shall give up any business in which they have an interest in any corporation or any bank or any other concern which happens to be operating under charter. If they are required to give up their business, then, of course, their selfish interest will be removed if it conflicts in the slightest with their duties as directors; but simply to require them to cease to be directors of corporations does not reach the object.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. GERRY in the chair). Does the Senator from North Carolina yield to the Senator from Oklahoma?

Mr. SIMMONS. I do.

Mr. OWEN. I desire to suggest to the Senator in charge of the bill that the end of securing the time of the members of this board could be accomplished simply by putting in the word "active," providing that they shall not continue to be active directors, and so forth; that their time shall not be taken up with other employments of this kind.

Mr. SIMMONS. Of course that would improve it very much.

Mr. OWEN. Because, after all, a man who has his properties invested need not be a director or an officer. A man may own a bank as a stockholder and may name every officer and employee in that bank and control its policy without being an officer or a director. Everybody knows that. Therefore, at last we have got to rely upon the integrity of mind of those who are put upon this board. I think, in view of the gigantic proportions of the establishment, with $4,500,000,000 to be disposed of by it as a banking institution, the men who compose the board of directors ought to give all of their time to its duties. I think the public interest requires that they give all of their time to their duties when the United States puts such an enormous trust in the hands of any men. They ought not to be able to treat it negligently and to give only a fraction of their time to the discharge of their duties.

Mr. SIMMONS. I agree with the Senator from Oklahoma with reference to their giving at least a sufficient portion of their time to the discharge of their duties; all the time that is necessary to efficiently discharge the duties ought to be given; but even when this language is stricken out they will be under the same obligation and responsibility to their consciences and to the Government of giving to this office such time as is adequate for the official discharge of its duties.

We do not, Mr. President, in creating an office say that the officer shall give his entire time to it, and yet we all understand whenever a man is appointed to a Federal office that he assumes the obligation of giving to the discharge of the duties of that office all the time that is necessary properly to perform those duties. It is not necessary to write that into the law; it is implied.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Oklahoma?

Mr. SIMMONS. I do.

Mr. OWEN. I wish to observe to the Senator that when the bill comes into the Senate with the very reasonable requirement that the entire time of the directors of this corporation shall be devoted to their public duties and then the Senate strikes it out of the bill, it is equivalent to putting an interpretation upon the bill that their entire time will not be required.

Mr. SIMMONS. It is stricken out because such a requirement is not ordinarily demanded and striking out the provision puts these officers, I think, upon a parity with every other officer of the United States Government to-day with the solitary exception of the provisions which are contained in the Federal reserve act.

Mr. GALLINGER. Mr. President, the Senator from North Carolina will agree with me that there would be very serious objection to a provision of that kind applying to ourselves or to Members of the other House of Congress.

Mr. SIMMONS. I think so.

Mr. GALLINGER. Yet we are expected to perform all the duties that are incumbent upon us.

Mr. SIMMONS. I wish only to say in addition, Mr. President, that the remark of the junior Senator from New Hampshire [Mr. HOLLIS] seemed to imply that members of the Finance Committee and other Senators had no interest in this matter. I myself am in favor of the amendment of the committee. The remark I made when I first had the floor upon the amendment, to the effect that the Senate could deal with it as it pleased, simply meant to convey to the Senate the idea that whatever the Senate might do with reference to this amendment would be accepted as satisfactory.

Mr. NORRIS. Mr. President, I wish to say merely a few words on this question. I want to compliment the Senator from North Carolina [Mr. SIMMONS] on what he said just as he sat down, when he expressed a willingness to abide by what the Senate might do. It is a relief to know that all of us are absolutely free to vote as we see fit on this amendment; but it does seem to me, Mr. President, that we ought to remember in passing on this amendment, and on all other amendments to this bill, that there is not anything like this bill on the statute books of any country in the world. There is hardly anything with which we can compare it. To my mind it is not fair to compare the duties of the directors of the proposed corporation to the duties of ordinary directors and presidents and other officials of corporations and of banks, because the importance of the greatest of corporations and the largest of banks sinks into insignificance when we compare it with the colossal proposition that is presented before us in this bill. These directors will have charge not of a bank doing an ordinary banking business or a corporation doing the ordinary business of a corporation, but they will have something to do with all of the corporations, with all of the banks, and with all of the business of all of the country. It is the most gigantic proposition that ever was conceived of; it is one that all of us stand almost in awe of; and yet we feel that something of the kind ought to be provided by law.

It is not an aspersion upon any man or upon his honesty or his patriotism to say that when he takes a position on the board of directors of this great institution he ought to give up active connection with any other corporation or any other bank as a manager or officer of any kind. That does not imply that we are suspicious of that man; but there are several reasons to my mind why he ought to be compelled so to do. First, the very magnitude of the undertaking. If he devotes all of his time every day to the work, he will not be able fully to comprehend all of the business of this great institution. The country ought to have all of his energy and all of his ability, and so his mind ought to be entirely divorced from private business, from the management of other corporations, or from the

control of any private banking institution, because he will deal with people engaged in that class of business.

It is said by the Senator from North Carolina [Mr. SIMMONS] that, even though he is not allowed to be a director or an officer of a corporation, he still may have an interest in a corporation. That may be true, and I can conceive how it might be possible that his private interests might even in that case come in conflict with his public duty; but I am not going on the theory that he would permit his private interests to control his public duty if he accepted this place. However, he will occupy a different position as a director of this corporation if he is only a stockholder in a bank than though he were president of that bank. If he be president of that bank, he has a responsibility resting on him that will take his time and his thought. Even though he may say, "I will not devote any time to it," his mind would advert to the business of that bank; it would be an impossibility for him to divorce himself entirely from its affairs, because he would know there was a responsibility on him. That would be natural and perfectly proper; but that responsibility he could not throw off, and he would not be quite so competent to serve on this great corporation in such a case as though his mind were perfectly free and had no responsibility of any kind in the control or management of any other bank or any other corporation.

There is another reason, Mr. President. The members of this board of directors ought, like Cæsar's wife, to be free even of suspicion. They will come in contact with private institutions and private banking firms and corporations, and if they are officers or managers of such institutions their competitors will be suspicious, and even those who are not competitors with them in business will perhaps look with some degree of suspicion upon their activities as members of this great institution. We want and we need, Senators, the confidence of the country in this great corporation as much as in any institution ever created by law. We want the people from the very highest to the very lowest degree to believe and have faith that this great corporation is absolutely above everything except the welfare of our entire country and all the business of it. So we ought to free it if we can from any possibility of such suspicion.

Mr. President, it is said that if we provide that these men shall devote their entire time to this business and shall not be officers of any other corporation or managers of any other bank we will expect too much of a sacrifice; that it will be a sacrifice for a man to surrender his private position. That is true; it will be a sacrifice probably, but are we going to say that there is any man here in the United States who is not patriotic enough to make that sacrifice? We all make sacrifices. The boy in the trenches who gives up a salary of $2,500 a year to go out as a mark for enemy bullets in a foreign land surrenders his position and takes another one at $30 a month. He makes the sacrifice under the draft law, and we require many of our citizens to make the same sacrifice. Are we to say now that a great captain of industry, who is president of a bank, would, if selected by the President to fill a place on this board of directors, say "I can not make that sacrifice"? If he is not willing to make that sacrifice, Mr. President, he will not be a good member of the board of directors, and ought to be left off it. It is not as great a sacrifice as thousands of his fellow citizens make. To my mind, there will be no difficulty in that.

I am not charging that there are any such men; I do not believe that there are. Furthermore, these men are not working for $30 a month or for a dollar a year. When they are appointed, under the terms of the bill the President will fix their salary, and there is only one limitation to the amount, and that is that the salary shall not exceed $12,000 a year. It is safe to say that the President will fix the salary at $12,000 a year. Is there any Senator who doubts it? The very passage of the bill with that provision in it is an invitation to the President to fix the salary at $12,000 a year. So when it comes to the question of pecuniary sacrifice these men are not going to make such a great sacrifice, for they will get $12,000 a year for their services, and if they get $12,000 a year ought they not to devote all their time to this great institution?

Mr. President, it seems perfectly clear to me that this ought to be required as a matter of law; it ought to be in the bill. It will help to free the entire proposition of any lingering suspicion that might rest anywhere; it will help to give moral force to whatever acts this board or corporation may perform, because to the degree that it is humanly possible it will remove any possibility of any of these men doing officially what may profit them privately.

Mr. TOWNSEND. Mr. President, when I discussed this question a moment ago I was not aware that there were two propositions involved in it. I was directing myself then, as I did before the committee, to the last provision, the one at the bottom of page 4 and the top of page 5. I had no objection to striking out the words requiring these men to devote their whole time to this particular work, because I could not imagine a man appointed to this position if he were forbidden to serve any other interest outside, who would not devote to the task the time necessary to do the work. We do not generally apply such provisions to other officers, and, therefore, I can see no particular reason why those words should be left in. It seems to me they are superfluous. But what I was directing my attention to was the fact that we should require that these men during the time they are serving the Government should be divorced from any position of influence or profit which might be construed as interfering with their duties on this board.

Mr. HOLLIS. Mr. President, I want to direct the attention of the Senate to the manner in which this question comes up. The bill originally contained the provision that the members of this bank board—

shall devote their entire time to the business of the corporation (except such part of their time, if any, as shall be devoted to other governmental business).

The question will be on the amendment. Now, by adopting the committee amendment we can not wipe the slate clean. If any question ever comes up under this bill as to whether a member of the board is allowed to conduct other businesses, this copy of the bill will be conclusive evidence to the court that passes on it that the Senate had the matter up and the Senate deliberately voted that these men might be allowed to engage in as many other businesses as they pleased. You can not wipe the slate clean in that way. I hope Senators will vote "nay."

The PRESIDING OFFICER. The question is on the adoption of the committee amendment.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. NORRIS (when the name of Mr. CUMMINS was called). I desire to announce the absence of the senior Senator from Iowa [Mr. CUMMINS], and while I am on my feet I desire also to announce the absence of the junior Senator from Iowa [Mr. KENYON]. Both Senators are absent in Iowa, attending the funeral of the wife of the senior Senator from that State. I will let this announcement stand for the day.

Mr. KNOX (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN], who is absent on account of illness. I understand, however, that if he were present he would support the bill and the amendments reported by the committee, and I therefore feel at liberty to vote and vote "yea."

Mr. GRONNA (when Mr. LA FOLLETTE's name was called). I desire to announce the unavoidable absence of the Senator from Wisconsin [Mr. LA FOLLETTE], due to illness in his family. I wish this announcement to stand for the day.

Mr. TILLMAN (when his name was called). I transfer my pair with the senior Senator from West Virginia [Mr. GOFF] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. WEEKS (when his name was called). I transfer the general pair which I have with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "yea."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], who is necessarily absent. I am informed, however, that if he were present he would vote "yea"; and I desire to vote "yea," and therefore shall so vote.

The roll call was concluded.

Mr. FRELINGHUYSEN. I transfer my general pair with the junior Senator from Montana [Mr. WALSH] to the junior Senator from California [Mr. JOHNSON] and vote "nay."

Mr. BECKHAM. I wish to announce the absence of my colleague [Mr. JAMES] on account of illness. I will let this announcement stand for the day.

Mr. RANSDELL. I desire to announce the absence of my colleague [Mr. BROUSSARD] on account of illness. I ask that this announcement may stand for the day.

Mr. HOLLIS. I have been requested to announce that the senior Senator from Arizona [Mr. ASHURST] is absent on official business, and that the junior Senator from Arizona [Mr. SMITH] is absent because of illness. This announcement may stand for the day.

Mr. McNARY. I announce the absence of my colleague, the senior Senator from Oregon [Mr. CHAMBERLAIN], on account of illness. I ask that this announcement may stand for the day.

Mr. WATSON (after having voted in the affirmative). I am paired with the junior Senator from Delaware [Mr. WOLCOTT].

I voted and have since discovered his absence from the Chamber. I transfer that pair to the senior Senator from Connecticut [Mr. BRANDEGEE], and will let my vote stand.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWNSEND. Do I understand that we are voting on two amendments?

Mr. LODGE. No; only one.

The PRESIDING OFFICER. We are voting upon the first amendment.

Mr. LEWIS. I desire to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness. I also wish to announce that the Senator from California [Mr. PHELAN] and the Senator from Tennessee [Mr. MCKELLAR] are necessarily detained.

The result was announced—yeas 36, nays 32, as follows:

YEAS—36.

Beckham	Jones, Wash.	Page	Smoot
Calder	Kellogg	Ransdell	Swanson
Colt	Lewis	Robinson	Tillman
Dillingham	Lodge	Saulsbury	Townsend
Fernald	McNary	Sheppard	Wadsworth
Fletcher	Martin	Shields	Warren
France	Nelson	Simmons	Watson
Gallinger	New	Smith, Md.	Weeks
Gerry	Overman	Smith, S. C.	Williams

NAYS—32.

Borah	Hardwick	Nugent	Smith, Mich.
Culberson	Henderson	Owen	Sterling
Curtis	Hollis	Pittman	Sutherland
Frelinghuysen	Johnson, S. Dak.	Poindexter	Thomas
Gore	Kendrick	Pomerene	Thompson
Gronna	Kirby	Reed	Trammell
Hale	Myers	Shafroth	Underwood
Harding	Norris	Sherman	Vardaman

NOT VOTING—26.

Ashurst	Goff	Knox	Smith, Ariz.
Bankhead	Hitchcock	La Follette	Smith, Ga.
Brandegee	James	McCumber	Stone
Bronssard	Johnson, Cal.	McKellar	Walsh
Chamberlain	Jones, N. Mex.	McLean	Wolcott
Cummins	Kenyon	Penrose	
Fall	King	Phelan	

So the amendment of the committee was agreed to.

Mr. HOLLIS. Mr. President, I desire to give notice now that I reserve the right to have a separate vote on this amendment when the bill reaches the Senate.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The SECRETARY. On line 25, page 4, and lines 1 and 2, page 5, it is proposed to strike out the following words:

No director or officer of the corporation shall continue to be an officer, director, or trustee of any other corporation or member of any firm of bankers; and, before—

And to insert in lieu thereof:

Any director shall be subject to removal by the President of the United States. Before.

Mr. TOWNSEND. On that amendment I ask for the yeas and nays, Mr. President.

Mr. HOLLIS. Mr. President, I think the Senate ought not to vote on that entire amendment without a division. I think most of the Senate believes in the words to be added:

Any director shall be subject to removal by the President of the United States.

I think the question should come first on striking out the words:

No director or officer of the corporation shall continue to be an officer, director, or trustee of any other corporation, or member of any firm of bankers.

I therefore ask to have the question divided.

Mr. SMOOT. Mr. President, the amendment of the committee in lines 3 and 4 is not a substitute for the other amendment, proposing to strike out certain words.

Mr. HOLLIS. No; it is not.

Mr. SMOOT. They are two separate and distinct propositions, and I think the Senator from New Hampshire is perfectly right.

Mr. SIMMONS. They ought to appear in the bill as two amendments.

Mr. SMOOT. Then I ask for a vote on the first amendment.

Mr. REED. Mr. President, I should like to have the amendment stated.

The SECRETARY. Beginning on page 4, line 25, it is proposed to strike out the following words:

No director or officer of the corporation shall continue to be an officer, director, or trustee of any other corporation or member of any firm of bankers; and, before.

Mr. NORRIS. On that I call for the yeas and nays.

Mr. OWEN. Mr. President, I move a substitute for that language, to read:

No director or officer of the corporation shall continue to be an active officer, director, or trustee of any other corporation.

Mr. VARDAMAN. Mr. President, will the Senator state that amendment again? We could not hear him.

Mr. OWEN. I move a substitute, to read:

No director or officer of the corporation shall continue to be an active officer, director, or trustee of any other corporation.

Mr. SMOOT. Mr. President, I think the proper way would be to vote upon the committee amendment, and then, if the committee amendment is agreed to, offer the amendment just suggested by the Senator from Oklahoma.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 5, line 1, before the word "officer," it is proposed to insert the word "active."

Mr. OWEN. That was not my amendment, Mr. President. I move a substitute for the words to be stricken out, to read:

No director or officer of the corporation shall continue to be an active officer, director, or trustee of any other corporation.

Mr. SMOOT. That is offered as a substitute, Mr. President, and——

Mr. OWEN. The effect of it is to strike out and insert.

The PRESIDING OFFICER. The question is on agreeing to the substitute offered by the Senator from Oklahoma.

Mr. CURTIS. Mr. President, may the substitute be stated, please?

The PRESIDING OFFICER. The Secretary will state the substitute.

The SECRETARY. In lieu of the words proposed to be stricken out by the committee on page 4, line 25, and on lines 1 and 2, page 5, it is proposed to insert the following words:

No director or officer of the corporation shall continue to be an active officer, director, or trustee of any other corporation.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. NORRIS. Assuming that this substitute shall be agreed to, would the amendment of the committee to strike out then be the next motion?

The PRESIDING OFFICER. It would; yes.

Mr. NORRIS. That is what I want to understand. If this amendment is agreed to, then the committee amendment has been disposed of.

SEVERAL SENATORS. No; it has not.

Mr. NORRIS. Well, let us have an understanding.

Mr. LODGE. The motion of the Senator from Oklahoma is a motion to strike out and insert; and if that motion is agreed to, the words offered by the Senator from Oklahoma go into the bill and stay there.

Mr. NORRIS. Mr. President, as I understood, the Senator from Oklahoma offered his amendment as a substitute for the committee amendment.

Mr. LODGE. The committee amendment is a motion to strike out.

Mr. NORRIS. I understand that. I think we all know that. Is that true, Mr. President?

The PRESIDING OFFICER. That is the way the Chair understands the amendment.

Mr. NORRIS. Then I make the point that that motion is improper, because, if that motion should prevail, it would do away entirely with the committee amendment to strike out, or it would substitute something else to be stricken out, and the motion to strike out would still be pending.

Mr. VARDAMAN. Mr. President, if the amendment offered by the Senator from Oklahoma shall be adopted it will be an amendment to the committee amendment. Then the question will recur upon the amendment as amended, as I understand.

Mr. OWEN. That is right.

Mr. NORRIS. But the committee amendment is to strike out certain words. The motion of the Senator from Oklahoma is a substitute for that, to strike out the same words and insert other words. Now, suppose that prevails: You have substituted something in the bill that the committee has moved to strike out, and it ends it, and you do not get a chance to vote on the amendment of the committee.

Mr. VARDAMAN. No; if the Senator will pardon me, the question then recurs on the amendment offered by the committee, which has been amended by the motion made by the Senator from Oklahoma.

Mr. POINDEXTER. Mr. President, Rule XVIII of the Senate provides that a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition. I understand that that is the proposition of the Senator from Oklahoma.

Mr. SIMMONS. Mr. President, the words which the Senator from Oklahoma desires to strike out are in the bill. The fact that the committee has recommended their amendment does not change that fact. Now, the Senator moves to strike out those words in the bill and to insert in lieu of them certain other words. If the Senate shall adopt that course, I take it that that would mean that the other words that he suggests would be inserted in the place of these. Having that view about it, I believe that the amendment of the Senator from Oklahoma is a good amendment, and I am perfectly willing to accept it, so far as I am concerned.

Mr. BORAH. Mr. President, may I ask the Senator a question? If the motion of the Senator from Oklahoma should prevail, would the bill then read as it read when it came from the House?

Mr. SIMMONS. Yes; with the change that he proposes.

Mr. BORAH. Exactly. We would not have any opportunity at all then to vote upon the motion to strike out that part which came from the House.

Mr. TOWNSEND. Mr. President, as I understand the motion of the Senator from Oklahoma, it is not to strike out, but it is to insert the word "active." If I understood the reading, that is all his amendment does. Now, of course the Senate has a right to amend the provision which it is proposed to strike out. Then the vote comes upon whether or not it shall be stricken out. Am I correct? Will the Senator from Oklahoma inform me whether he does more than simply insert a word?

Mr. OWEN. Yes. My amendment accepts the committee amendment which strikes out the words "or member of any firm of bankers," and would leave the language of the bill to read:

No director or officer of the corporation shall continue to be an active officer, director, or trustee of any other corporation.

Mr. TOWNSEND. The Senator does strike out the words following "corporation." Of course, then, that changes the situation. I thought the Senator had simply introduced the word "active."

Mr. OWEN. My amendment, in effect, would strike out the words following the word "corporation," namely, "or member of any firm of bankers; and, before."

Mr. TOWNSEND. Then, Mr. President, it should be clear that if the motion of the Senator should prevail that will dispose of the whole matter.

Mr. OWEN. It will.

Mr. LODGE. Mr. President, the Senator from Oklahoma, of course, could adopt the course suggested by the Senator from Michigan and offer one or more perfecting amendments to the language proposed to be stricken out. He has not taken that course. He has taken a course which he is entitled to take, and which precedes a simple motion to strike out, and that is a motion to strike out and insert. A motion to strike out and insert obviously always takes precedence of a plain motion to strike out.

Mr. BORAH. Mr. President, while the Senator from Massachusetts is on the floor may I ask him a question?

Mr. LODGE. Certainly.

Mr. BORAH. If the motion of the Senator from Oklahoma prevails, then will that portion of the bill which the committee proposes to strike out remain in the bill?

Mr. LODGE. Certainly not. It will go out, and its place will be taken by the language proposed by the Senator from Oklahoma.

Mr. BORAH. Exactly; but then we will have no opportunity to pass upon the other proposition.

Mr. LODGE. No; except when the bill is in the Senate.

Mr. SMOOT. Mr. President, I ask for the yeas and nays on the substitute.

Mr. REED. Mr. President, before the vote is taken, I should like to ask a question of the Senator who offers the substitute. He introduces into the bill the language "an active member." What does he mean by that?

Mr. OWEN. The purpose of my proposed amendment is that these men shall not have any other occupation to divert them from this service which we are putting upon them.

Mr. REED. But they could still be directors of a corporation.

Mr. OWEN. Oh, yes; they might own the corporation, and not be directors.

Mr. REED. One of them could still be the president of the corporation.

Mr. OWEN. Yes; and he might own the corporation and not be the president.

Mr. REED. I understand that.

Mr. OWEN. I am just seeking to provide by my amendment that a man's eligibility shall not be denied by his being an officer, but shall depend upon the time he can give. I only propose precluding those whose time is otherwise engaged by being active officers of other corporations. Of course, he ought not to pass on a case where his own interests are involved.

Mr. REED. But the Senator intends to allow him to retain that interest, and intends to allow him to retain an office also, in addition to that interest, provided he is not active in the office. The question I am raising is, what we gain by introducing the word "active."

Mr. OWEN. The intention was to gain time.

Mr. REED. Time?

Mr. OWEN. Yes. The aspect which the Senator has in mind is another aspect entirely.

Mr. SMITH of South Carolina. That is, the time that they can give.

Mr. OWEN. The time that they can give was all that I was trying to accomplish, because I do not think I can accomplish any more, if I can accomplish that much.

Mr. REED. I have this observation to make touching the amendment: It seems to concede that there should not be an outside interest that would interfere with the performance of the duties.

Mr. OWEN. I should hope so.

Mr. REED. And that, the Senator thinks, is a desirable thing to accomplish. The Senator wants to cut off outside interference, and he therefore proposes to say that an officer shall not be an active officer. Now, I do not think we gain anything by that.

If a man is an officer, he must in some way perform the duties of that office. If he is the president of a corporation, he must do something in that capacity. If he is the director of a corporation, he must do something in that capacity. We either ought to cut off their right to be concerned in the ownership of a corporation that has any business connection with this corporation, or else we ought to impose no restrictions at all, in my judgment.

I think that the proper restriction to place here is that this corporation shall not do any business with any other corporation if any of its members are officers or directors or substantial stockholders in such other corporation, and I should be glad to support such an amendment. I make this distinction: Here is a corporation that ought to call for a very high class of talent, and we can hardly expect to find that kind of talent unless we find the possessor of it to be also interested in the business affairs of the country; and I should dislike to deny to this corporation the employment of that character of talent. At the same time, however, I think it would be utterly wrong to permit this corporation to do any business with a corporation having officers or substantial stockholders represented as officers of this corporation. If this can take some such form that I can prepare such an amendment I will offer it, and I think the chairman of the committee probably would feel inclined to accept that proposition.

Mr. OWEN. Mr. President, I ask permission to withdraw the amendment I proposed.

The PRESIDING OFFICER. The Senator from Oklahoma requests permission to withdraw his amendment. Is there objection?

Mr. SMOOT. Mr. President, just a moment. As I understood the Senator from Oklahoma to state that he would withdraw his amendment for the moment, and as I am in favor of the amendment offered by the Senator from Oklahoma as against the amendment of the committee, I am going to vote against the amendment of the committee with the idea that the Senator from Oklahoma will offer his amendment later.

Mr. President, I want to say just a word in answer to the Senator from Missouri [Mr. REED]. It is not the intention of this bill to advance money for banks to speculate upon or for public utilities to speculate upon. The object of this bill is to assist certain business corporations of this country to refund their bonded indebtedness and for extension of business necessary for the prosecution of the war; and the necessity for so doing is because the Government of the United States has monopolized the money market of the United States. I do not care how good a credit an institution may have in this country; if they have large issues of bonds falling due this year, they can not secure the money to meet them unless they get it through this or some similar corporation. It is an impossibility; I do not care what kind of credit they may have.

Do we want to penalize an institution by refusing assistance to it, which, if it should fail, may drag down other institutions to failure, because the President had appointed as director an officer or a member of the institution who had the attainments necessary to fill the position of director provided for in this bill. I do not believe Senators are going to take that position.

I am pertectly willing to say that the man appointed shall give the required time to the corporation. That would not include such a man as the cashier of a bank or a manager of a business. I think if there is a man preeminently qualified, who knows the value of the securities of this country, and the President of the United States wants him to serve as a member of the board, he should have the right to appoint him and not require him to resign, even if a director of another corporation.

Mr. REED. Mr. President, I was engaged and did not quite hear the first part of the Senator's remarks. Did he say that there was a corporation that had $10,000,000 of bonds coming due and that it could not renew its securities?

Mr. SMOOT. No; I did not put it that way, Mr. President. I stated that the Government of the United States has monopolized the money market in this country; that I care not what kind of security an institution may have if it has falling due a large issue of bonds, we might say twenty or thirty million dollars, it can not refund those bonds in the present condition of the money market unless we pass legislation along this line.

Mr. REED. Now, let us assume that there is such a corporation and it owes $10,000,000 and can not refund. Of course, it might be unable to refund because of the reason the Senator gives. It might be unable to refund because its securities were questioned.

Mr. SMOOT. Then, if the securities are questioned, I want to say it could not refund under the bill.

Mr. REED. I know, but suppose the president and the principal owner of the corporation was one of these directors, does the Senator think he ought to pass upon the question of $10,000,000 of security?

Mr. SMOOT. Mr. President, it is not a question of passing upon any particular $10,000,000 advance.

Mr. REED. Does the Senator think he ought to pass on that $10,000,000?

Mr. SMOOT. I think he could pass on that $10,000,000, or he should never have been appointed by the President.

Mr. REED. Now, let me interject another question, so that the Senator can reply to all at once. Then the Senator is asserting the principle that has been repudiated by every court of equity and every writer of law who has ever lived, that a man may sit and deal with the public moneys for his own use and benefit.

Mr. SMOOT. If the Senator had heard what I said in the beginning, he would have known that this legislation is not for the purpose of advancing money for speculation. That would be quite a different proposition. Such legislation as this was unheard of before this world war. There is not a Senator in this body who a year ago would have thought for a minute of voting for such legislation. We are up against a condition, not a theory, and, Senators, the business interests of the country must receive relief or failures will become general.

Mr. VARDAMAN. If the Senator will permit me, can you not so frame the law as to have it administered by men who will not take advantage of the law to promote their own private interests?

Mr. SMOOT. No such thing will happen under this provision. It is not a question now as to whether some director will want to save some particular business. It is a question of saving the business of the country as a whole. The question is for the Government of the United States to lend its credit to save all classes of business, for if any considerable number of them are allowed to fail, if one fails here and one fails there, unless assistance comes to business concerns of the country it will be like a house of cards, once beginning to fall it will all fall.

Mr. OWEN. Will the Senator permit me to suggest that the real amendment which is now before the Senate is not involved in the question raised by the Senator from Missouri, and we could take that up at a later time after we disposed of the matter which is now before the Senate?

Mr. SMOOT. The Senator from Oklahoma is right. The only reason why I made the statement I did was in answer to a statement the Senator from Missouri made.

Mr. OWEN. I should like to suggest that it would be perfectly easy to provide that no member of this board should pass upon questions in which his corporation was interested, and that would probably meet the point of view of the Senator from Missouri.

Mr. SMOOT. It may be for the public interest to save the institution that one member of this board was interested in. It may be an institution that, if it was allowed to fail, would be the beginning of a panic in the United States; and that must not be allowed. The business institutions of the country would not require assistance in ordinary times, but the situation, and every Senator knows it, is that the Government of the United States has monopolized entirely the money market of the United States and will do so as long as this war lasts, thus preventing money flowing in its regular channels.

While I am on my feet I may say this, Mr. President, that if the war lasts two more years I look for this corporation to advance money to institutions upon securities that would not be considered adequate in ordinary times. The situation is serious, and as long as the Government of the United States has credit she dare not allow business institutions to begin to fail in large numbers, because if such a thing is allowed there will be a financial catastrophe, and the credit of our Nation will be impaired. You must not think for a minute that if the war continues for another year we will not be running the institutions of this country and paying the debts of our Government by paper money. Inflation will be the order of the day, as every other Government involved in this war to-day is running upon inflated currency.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield.

Mr. GRONNA. Is it not true that this bill means inflation?

Mr. SMOOT. Before we really have actual inflation I will say there would have to be an amendment to the Federal reserve act, because the Federal reserve act limits the issue of paper money to $2,500,000,000, with a 40 per cent gold reserve back of all issues. But I have no more question but that limit will be increased than that I stand here, if the war continues another year. It is then that actual inflation will take place. Actual inflation will take place before we ever reach the $4,500,000,000 limit provided for in this bill; but, as I said, that can not happen until the present Federal reserve law is amended.

With the statement I have made I am perfectly willing now to vote against the amendment offered by the committee, with the hope that the Senator from Oklahoma will renew his motion to amend. I am willing to vote for his amendment.

Mr. REED. Mr. President, the vehemence of the Senator from Utah [Mr. SMOOT] is directed against the general financial condition and not to the proposition under discussion. He tells us that we are in a very bad way; that we are liable to become bankrupt; that the Government has withdrawn all the money from the country; that there is no money that can be obtained in the open market with which to finance institutions.

Mr. SMOOT. Credit, I said.

Mr. REED. Very well, the credit. Then the Senator says because that is the case we ought to permit men financially interested in dealings with the Federal corporation we are about to create to sit as members of that corporation and make dealings with themselves. The two propositions are entirely separate propositions. One is the financial condition of the country. That may be as bad as the Senator thinks and it may not be. The necessity for this bill may be very great, and I think we nearly all concede that the necessity is great; but in constructing the bill, in determining what safeguards shall be thrown about the bill, it seems to me that we can decide that question on its merits, and we should not confuse it with the question which the Senator from Utah so eloquently discussed.

Now, what is the question? Stated in plain, blunt language, it is this: Shall a man sit upon the board of directors of this Federal corporation, that is to loan the people's money and at the same time sit with a board of directors of a corporation that is to borrow the people's money from the Federal corporation? In other words, shall he do business with himself? It does not make any difference how great the financial emergency may be; that affords no excuse or reason for permitting a man who is a member of this board to loan our money, the people's money, to himself.

There are plenty of men who can be found who will transact this business for the country who will not find it necessary to borrow or to have dealing with the Government through this corporation, but if it is thought that a restriction which would forbid any man to be a director of the Federal corporation who is at the same time the director of any other corporation is thought to be too stringent, and I am inclined to think it is, then it seems to me there ought to be no question about saying that no man shall be a member of this Federal corporation and have dealings with himself or with the corporation in which he is interested; in other words, no director of this corporation ought to be permitted to act in any transaction between himself and any corporation in which he is interested. I am going to offer as a substitute for the committee's amendment to insert the following:

No director or officer of the corporation shall, directly or indirectly, participate in any transaction in which he is either directly or indirectly interested.

I am not certain in drawing that phrase as I stand on my feet that I have used the happiest language, but I think the thought is expressed.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In lieu of the words proposed to be stricken out by the committee it is proposed to substitute the following:

No director or officer of the corporation shall, directly or indirectly, participate in any transaction in which he is either directly or indirectly interested.

Mr. SMOOT. I will say to the Senator I have not a particle of objection to that amendment.

Mr. SMITH of South Carolina. It is all right.

Mr. SIMMONS. I understand the Senator has offered that as a substitute for the language proposed to be stricken out by the committee, beginning on line 25, page 4?

Mr. REED. Yes.

Mr. SIMMONS. I accept it.

Mr. REED. I hope the conference will have a little more time to find a happier expression than I have employed.

Mr. SMOOT. We all agree upon the principle announced in the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

Mr. HOLLIS. I understand the committee has accepted the amendment of the Senator from Missouri in lieu of its own amendment. If we could vote on adopting the amendment of the Senator from Missouri as a substitute for the committee amendment, and then vote on whether we want the committee amendment, I would be entirely agreeable, because the amendment offered by the Senator from Missouri is a great improvement, but this provision should go at least as far as the provision contained in the bill as originally drawn. There is no particular danger of a man who is a director in a corporation, even in a bank, holding a membership on this board. That is not the trouble. The vice comes in having a member of a banking firm on the board of directors of this war bank, and I will state the reason. The director in an ordinary corporation usually has no individual liability whatever; the stockholder in an ordinary corporation or bank has no individual liability; but the member of a banking firm is liable for every cent of the firm's debts, because he is a partner. That may not be known to Members of the Senate. All the powerful banking concerns in this country are partnerships. There is good reason for that. They have to deal with themselves on the stock exchange. They have to deal with the stock exchange, and the stock exchange will not allow them to be members of the stock exchange unless they are partnerships, so that every partner is individually liable for every dollar's worth of debt. The danger is that some man who is a director in some great corporation will get on this board. The danger is that some man who is a member of a stock-exchange partnership known as a banking house will get on the board.

I hope the amendment will be rejected. If it is rejected we then have restored the original language in the bill, which forbids any man who is a director of another corporation or bank or member of a banking firm from being a member of the board of directors of this war bank.

I have directed the attention of the Senate to the real danger in the suggestion of the Senator from Missouri, which is well intended and which is much better than nothing, but it does not reach the real danger, and I call the attention of the Senate to it.

Mr. REED. The Senator makes the point that my amendment offered in this form shuts out the right to vote directly on the main proposition.

Mr. HOLLIS. Yes.

Mr. REED. I have no desire to do that. I would rather withdraw my amendment than be put in the position of jockeying anybody out of a vote.

Mr. HOLLIS. Oh, no; the Senator——

Mr. REED. I do not mean that unpleasantly. I mean to say that I do not want to do anything that will deny the fullest right to a vote.

Mr. HOLLIS. If the Senator will allow me, I suggest that we be allowed to vote on the Senate committee amendment to strike out certain language, and if the committee amendment is adopted then it will be open to the Senator to offer his amendment.

Mr. NORRIS. If the Senator will permit me, it is immaterial whether the committee amendment is agreed to or disagreed to, the Senator from Missouri can offer his amendment in either case afterwards. He loses no right.

Mr. HOLLIS. The Senator is right, of course.

Mr. REED. I withdraw my amendment for that reason.

Mr. HOLLIS. Then that leaves us to vote squarely on the committee amendment.

The PRESIDING OFFICER. The question is on the committee amendment to strike out certain words.

Mr. GALLINGER. Let the words be read.

The SECRETARY. The committee proposes to strike out, on page 4, beginning at line 25, the words:

No director or officer of the corporation shall continue to be an officer, director, or trustee of any other corporation or member of any firm of bankers.

Mr. BORAH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SIMMONS. Mr. President, I merely wish to say that if the Senate shall adopt the committee amendment I will then accept the substitute offered by the Senator from Missouri.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the committee to strike out the words which have been read.

The Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). Repeating the announcement that I made on the previous vote of my pair and its transfer I vote "yea."

Mr. WARREN (when his name was called). Has the Senator from North Carolina [Mr. OVERMAN] voted?

The PRESIDING OFFICER. He has not.

Mr. SIMMONS. I will state to the Senator that my colleague is absent on business of the Senate and that if present he would vote with the committee. That may be a guide to the Senator in his vote.

Mr. WARREN. Then I am at liberty to vote. I vote "yea."

Mr. WILLIAMS (when his name was called). The senior Senator from Pennsylvania [Mr. PENROSE] with whom I have a pair is necessarily absent. I am informed, however, that if he were present he would vote as I am about to vote. I vote "yea."

The roll call was concluded.

Mr. SHEPPARD. I desire to announce that the Senator from Utah [Mr. KING] is detained on official business.

Mr. FRELINGHUYSEN. Making the same announcement of my pair and its transfer as on the previous vote, I vote "nay."

Mr. WEEKS. Making the same transfer of my pair that I made on the previous vote, I vote "yea."

The result was announced—yeas 31, nays 37, as follows:

YEAS—31.

Bankhead	Hale	Myers	Swanson
Colt	Harding	Pomerene	Underwood
Dillingham	Knox	Robinson	Wadsworth
Fernald	Lodge	Saulsbury	Warren
Fletcher	McCumber	Sheppard	Weeks
France	McKellar	Shields	Williams
Gallinger	McLean	Simmons	Wolcott
Gerry	Martin	Stone	

NAYS—37.

Beckham	Jones, Wash.	Page	Sutherland
Borah	Kellogg	Pittman	Thomas
Calder	Kendrick	Poindexter	Thompson
Curtis	Kirby	Reed	Townsend
Frelinghuysen	McNary	Shafroth	Trammell
Gronna	Nelson	Sherman	Vardaman
Hardwick	New	Smith, Mich.	Watson
Henderson	Norris	Smith, S. C.	
Hollis	Nugent	Smoot	
Johnson, S. Dak.	Owen	Sterling	

NOT VOTING—26.

Ashurst	Goff	King	Smith, Ariz.
Brandegee	Gore	La Follette	Smith, Ga.
Broussard	Hitchcock	Lewis	Smith, Md.
Chamberlain	James	Overman	Tillman
Culberson	Johnson, Cal.	Penrose	Walsh
Cummins	Jones, N. Mex.	Phelan	
Fall	Kenyon	Ransdell	

So the amendment of the committee was rejected.

Mr. OWEN. Mr. President, I move to insert the word "active" before the word "officer," in line 1, page 5, and to strike out line 2 after the word "corporation" and insert a period, so that it will read:

No director or officer of the corporation shall continue to be an active officer, director, or trustee of any other corporation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. SIMMONS. I wish to say on behalf of the committee that I am willing to accept that amendment, and then I shall be glad to accept the substitute which I understand will be offered by the Senator from Missouri [Mr. REED].

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. OWEN].

On a division the amendment was agreed to.

Mr. PITTMAN. Mr. President, I should like to ask the Senator from Missouri whether he now intends to offer his amendment? If not, I will offer it.

Mr. REED. Mr. President——

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. NORRIS. Has there been an order of the Senate that committee amendments shall first be considered?

The PRESIDING OFFICER. The Chair is so informed.

Mr. PITTMAN. Unless the Senator from Missouri desires to offer an amendment to the committee amendment along the lines he has just proposed, I will do so.

Mr. NORRIS. Mr. President, the committee amendment to strike out this language was rejected, and now it is perfectly proper, of course, for any Senator to offer any amendment to this language. If, however, we have agreed to consider committee amendments first, we ought to dispose of them.

Mr. REED. Mr. President, with the language of the bill as it now is, I do not desire at this moment to present the amendment which I previously suggested. I suggested it then believing that the language that has been retained in the bill was to go out. I am, however, not satisfied with the language as it is, but such an amendment as I may want to propose I have not yet perfected. I am therefore quite willing that the Senator from Nevada should offer any amendment that he has in mind.

Mr. PITTMAN. Under the statement of the Senator from Missouri, I move to strike out, on line 25, page 4, commencing with the word "No" and including that word, down to and including the word "before," on the second line of page 5, and to insert——

Mr. LODGE. Mr. President, I do not suppose there is any use of making suggestions as to the parliamentary order, but for the sake of putting it into the RECORD, I will say that under parliamentary law, as I have always understood it, where there is a motion to strike out or to strike out and insert, the language proposed to be stricken out is open to perfecting amendments before the motion to strike out is put. After the motion to strike out has been put and defeated, the language is not open to amendment at that stage, because the Senate has agreed on that precise form of words and has kept them in the bill. We have already amended it and I do not know that it makes any difference if we amend it again, but it is the most loose parliamentary proceeding that I ever saw.

Mr. PITTMAN. Mr. President, this matter was discussed before it came up, and a number of Senators desired to have an opportunity of voting on the amendment offered by the Senator from Missouri [Mr. REED]. I should not have voted as I did vote except with the understanding, which was very plain to this body, that various amendments were going to be added at this time.

Mr. LODGE. I have no objection to the Senator's amendment. On the contrary, I think I am for it, if I understand it correctly, as I was for the amendment offered by the Senator from Missouri; but I merely suggest that this is not the stage when it should be offered. It has got to be offered in the Senate if it is properly offered.

Mr. PITTMAN. Mr. President, I am inclined to agree with the Senator from Massachusetts; but as what I have stated was the understanding beforehand, my vote was governed accordingly. I now desire, under that understanding, to offer the amendment. If there is any objection, of course, I will have to wait.

Mr. LODGE. Of course, by unanimous consent we can do anything.

Mr. SIMMONS. Mr. President, I agree with the Senator from Massachusetts [Mr. LODGE] that the amendment is not in order at this time, because we are operating under the rule that committee amendments shall first be considered and disposed of; but I think that, in view of the situation, unanimous consent should be given for the consideration of this substitute at this time. I knew that several Senators voted against the Senate committee amendment because they expected that this substitute would be adopted. I have said that if the amendment was rejected I should, if the Senator from Missouri did not see fit to do so, myself offer a substitute. I therefore think, under the circumstances, that unanimous consent ought to be given for the consideration of this amendment at this time.

Mr. PITTMAN. I ask unanimous consent for that action.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent for the consideration of his amendment. Is there objection? The Chair hears none. The question is on the amendment offered by the Senator from Nevada to the amendment reported by the committee.

Mr. VARDAMAN. Let the amendment be read, Mr. President.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed to strike out the words:

No director or officer of the corporation shall continue to be an active officer, director, or trustee of any other corporation.

And to insert:

No director or officer of the corporation shall in any manner participate in the determination of any question affecting his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested.

Mr. PITTMAN. Mr. President, just a word in regard to the amendment. I was thoroughly in accord with the purpose of the original provisions of the bill. The purpose was undoubtedly to guard against any of the directors of this institution taking part in the decision of a matter in which he was personally interested. I think, however, that the language is entirely too broad. I believe that it would be a fatal mistake to bar any man from serving the Government in this capacity simply because of the fact that he was a director in some banking institution. I believe that the very highest ability is called for in this undertaking. Indeed, I think the only danger of it lies in the fact that it may be put in incompetent hands. I believe there is far more danger from the mismanagement or the inefficiency of the management of the corporation than there is from corruption. I do not, however, see why we should not follow the regular law governing all corporations in this respect. No director of any corporation is permitted in equity to participate in any action of the board of directors in matters affecting himself. I have hurriedly drawn this language for the purpose of entirely eliminating the possibility of any director of this corporation participating in any manner, either in discussion or in voting, in the decision of any question in which he has a personal interest or any matter affecting the interest of any corporation or association or partnership in which he is directly or indirectly interested. I feel that that is as far as we may safely go in this matter, and that is the reason why I have offered the amendment.

Mr. REED. Mr. President, I have had, since the Senator from Nevada has been speaking, an opportunity to give the language contained in this bill, and which we refused to strike out, a little further examination. As I now construe it, it seems to me that it simply means that before any man can be appointed to serve upon this board he must have absolutely ceased to be an officer or trustee of any corporation whatsoever. Now, that is going a good way. I am not sure but that it is broad enough to cover a directorship in a church corporation. I think the amendment offered by the Senator from Nevada, which is an improvement in phraseology on the amendment I offered, ought to be adopted, and I think it ought to be followed by amending the succeeding language, which requires a certification under oath to the Secretary of the Treasury by the appointee that he has complied with this requirement. I think that language ought to be changed so that there shall be a certification under oath that the person appointed will comply with the requirement which would be provided in the amendment offered by the Senator from Nevada.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Nevada [Mr. PITTMAN] to the amendment of the committee as amended.

The amendment to the amendment was agreed to.

Mr. REED. Now, Mr. President, if it is not out of order under the rule, I should like to suggest this amendment to the language which follows the next amendment. The language is:

Before entering upon his duties each director and officer shall certify under oath to the Secretary of the Treasury that he has complied with this requirement, and shall also—

And so forth.

Mr. President, I am aware that there is an amendment of the committee pending prior to the one that I am discussing, but I ask the chairman of the committee to transpose the proposed amendment of the committee to the end of the section, so that the language which will follow will apply to the amendment which has just been adopted.

Mr. SIMMONS. As I understand, the Senator proposes to retain the words that are stricken out in the committee amendment, namely:

Certify under oath to the Secretary of the Treasury that he has complied with this requirement—

And change it to "certify under oath to the Secretary of the Treasury that he will comply "——

Mr. REED. "That he will comply with this requirement."

Mr. SIMMONS. With the requirement of the substitute offered by the Senator from Nevada [Mr. PITTMAN] and agreed to by the Senate.

Mr. SMOOT. Would it not be better to ask for a reconsideration of the vote by which the committee amendment was agreed to?

Mr. REED. It is not necessary to do that.

Mr. SMOOT. The committee amendment, as I understand, has been agreed to; it was agreed to last evening.

Mr. SIMMONS. The amendment to strike out was agreed to yesterday afternoon. That action will have to be reconsidered, and I have no objection to that being done, Mr. President.

Mr. REED. I can offer it as a new amendment with this new language in it.

Mr. SMOOT. Will the Senator from Missouri, please——

Mr. SIMMONS. Just one moment. If the language of the committee's amendment which has been stricken out had remained in the bill, then the language I have just read requiring the certificate would have been proper. Now, the committee amendment has not been adopted, but there has been adopted for it a substitute which provides in substance that no director of this corporation shall have any personal interest in any transaction of the board. In that condition I think it will be very proper to require some sort of certificate to the effect that the appointee has no such interest. That is what I understand the Senator desires, and only that. The best way to do that, I should think, would be for the Senator to move to reconsider the vote whereby the amendment was agreed to.

Mr. SMITH of Georgia. Let the Senator ask unanimous consent to offer the amendment.

Mr. SIMMONS. Well, I ask unanimous consent, Mr. President, to reconsider the vote by which the amendment in lines 5, 6, and 7 was adopted.

Mr. HOLLIS. Mr. President, I am very sure that the committee amendment has not been adopted. I asked last night that all the amendments to this section go over, and I am sure they all went over

Mr. SIMMONS. Then, I will ask the Chair if the committee amendment has been adopted?

The PRESIDING OFFICER. The Chair will state that the committee amendment has not been adopted.

Mr. SIMMONS. Then the amendment of the Senator from Missouri is in order, and I accept the amendment.

Mr. SMOOT. Before the Senator accepts it, I should like the Senator from Missouri to restate it.

Mr. REED. Mr. President, I will state to the chairman of the committee what I want to accomplish. The amendment as it now stands reads as follows:

No director or officer of the corporation shall in any manner participate in the determination of any question affecting his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested.

I now desire to have the section read following the amendment:

Before entering upon his duties each director and officer shall certify under oath to the Secretary of the Treasury that he will comply with the restriction aforesaid.

Mr. SMOOT. "Will comply with the restriction aforesaid"?

Mr. REED. I will make it "the provision aforesaid."

Then it would read on:

And he shall also take an oath faithfully to discharge the duties of his office.

Mr. SIMMONS. The effect of that would simply be to transpose the portion of the section which reads "before entering upon his duties each director shall," and so forth, and put it at the bottom of the paragraph.

Mr. LODGE. Mr. President, I should like to inquire whether the committee amendment on lines 3 and 4 has been agreed to? Let us try to proceed in order; that is all.

Mr. SIMMONS. I have already made that inquiry, and found that it has not been agreed to.

Mr. LODGE. Does not the Senator think we would proceed more in order if we should adopt that amendment and then adopt the amendment of the Senator from Missouri?

Mr. REED. It would just take that much more time. That question has been raised.

Mr. LODGE. The Senator's amendment comes subsequent to the committee amendment.

Mr. REED. But I ask to transpose it to the foot of the section.

Mr. LODGE. The Senator is going to transpose it?

Mr. REED. Yes.

Mr. LODGE. I understand.

Mr. SIMMONS. I accept the amendment of the Senator from Missouri.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In the first place, before the word "entering," in line 4, it is proposed to insert the word "Before," beginning a new sentence.

The PRESIDING OFFICER. In the absence of objection, the amendment is agreed to.

The SECRETARY. In the committee amendment on lines 6 and 7 it is proposed to strike out the words "has complied with this requirement, and he shall also" and insert "will comply with the provision aforesaid, and he shall also."

Mr. TOWNSEND. Mr. President, what has been done with the remainder of the committee amendments to section 5? There has been a consultation going on on the other side, but I was unable to follow it. Only part of the committee amendment is disposed of by this last suggestion. Are we now perfecting the committee amendment?

Mr. LODGE. That is what is being done, as a matter of fact.

The SECRETARY. So that as amended the paragraph will read:

Before entering upon his duties, each director and officer shall certify under oath to the Secretary of the Treasury that he will comply with the provision aforesaid, and he shall also take an oath faithfully to discharge the duties of his office.

Mr. HOLLIS. Mr. President, I am very sure the Senate does not want to adopt language of that kind, requiring that an officer shall certify that he will do something in the future. "Certify" means to swear to the truth of something that has already been decided, and a man can not certify that he will do something; all he can do is to take a solemn oath that he will do that. I think the language proposed is absolutely incorrect, although I may be mistaken.

Mr. REED. I think it is just as correct to certify that you will do a certain thing as to certify that you have done a certain thing. It is a mere matter of phraseology, but if the Senator prefers to substitute "make an affidavit," I have no objection to that being done.

Mr. HOLLIS. A man can not make affidavit that he will do something; all he can do is to swear that he will.

Mr. SIMMONS. I am perfectly willing to accept the term "certify," but if the appointee is to be required to make an oath to it I am not willing to accept it, and I do not think the Senate ought to ask any such thing of an appointee of the Government

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri to the amendment of the committee. [Putting the question.] By the sound the ayes seem to have it.

Mr. JONES of Washington. I ask for a division.

The question being put, on a division the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. THOMPSON. Mr. President, I should like to know what became of the amendment in lines 3 and 4?

The PRESIDING OFFICER. It has not been dealt with.

Mr. LODGE. That is a perfectly natural inquiry. We are now, I understand, to agree to it and put it in another place. It is a wholly needless amendment in any event.

Mr. THOMPSON. I think that the amendment ought to be adopted, but I do not know what the connection is now.

Mr. SIMMONS. Mr. President, I understand that the amendment in lines 3 and 4 has not yet been adopted.

The PRESIDING OFFICER. The Senator from North Carolina is correct.

Mr. SIMMONS. I move that that amendment be transposed and be placed in line 8 after the word "office," at the end of the sentence.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert on page 5, line 8, after the word "office," the following:

Any director shall be subject to removal by the President of the United States.

Mr. SMOOT. Mr. President, I am not going to oppose the amendment, but I do not think there is any necessity whatever for it, because the President of the United States has that power now.

Mr. SMITH of Georgia. This amendment was put in the bill, I think, by the Finance Committee, because the new institution is to be a corporation, and, while we were disposed to believe that the appointees who will hold office under the corporation will occupy just the same position as any other officer of the Government, we desired to have no possible question about it, and as we were creating a separate entity, a corporation, we put in that provision.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next committee amendment passed over.

The SECRETARY. The next amendment passed over is on page 9, where the committee proposes to strike out—

(d) In exceptional cases, to make advances directly to any person, firm, corporation, or association whose operations shall be necessary or contributory to the prosecution of the war, for periods not exceed-

ing five years from the respective dates of such advances, upon such terms, and upon the security of such bonds, notes, or other obligations, and subject to such rules and regulations as may be prescribed by the board of directors of the corporation, with the approval of the Secretary of the Treasury. The corporation shall retain power to require additional collateral security at any time.

And insert:

(d) To make advances directly (1) to any corporation owning or controlling (directly or through stock ownership) any railroad or other public utility, and (2) to any firm, corporation, or association conducting an established and going business whose operations are necessary or contributory to the prosecution of the war: *Provided*, That such advances shall be made only in such cases as the board of directors in their discretion shall determine to be of exceptional importance in the public interest. Such advances may be made for periods not exceeding five years from the passage of this act, upon such terms and upon such security and subject to such rules and regulations as may be prescribed from time to time by the board of directors of the corporation, with the approval of the Secretary of the Treasury. The corporation shall have and retain power to require additional security from time to time.

Mr. TOWNSEND. Mr. President, on page 9, line 16, after the word "advances," I move to amend the amendment reported by the committee by inserting the words "upon adequate security." That matter was brought up the other day in the Senate by the junior Senator from Pennsylvania [Mr. KNOX], and I think it was agreed that it would be wise to put in some provision relating to the securities. Therefore I have offered the amendment for that purpose.

Mr. SMITH of Georgia. I did not catch the lines where the amendment is to be inserted.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 9, line 16, in the portion proposed to be inserted, after the word "advances," it is proposed to insert the words "upon adequate security," so as to read:

(d) To make advances, upon adequate security, directly—

And so forth.

Mr. TOWNSEND. To what does "such" refer? You have not mentioned and security before.

Mr. SMOOT. It refers to "advances"—"such advances."

Mr. TOWNSEND. You say, on page 10, line 3, "such security." Now, what security? Where have you mentioned security before?

Mr. SMOOT. I will call the Senator's attention to line 24, page 9, at the beginning of the sentence:

Such advances—

That is, the advances to be made to these corporations—

may be made for periods not exceeding five years from the passage of this act, upon such terms and upon such security—

It seems to me that if the Senator wants to use the word "adequate," it would be better to have it read "upon such adequate security" rather than to have it read "make advances upon adequate security."

Mr. OWEN. Mr. President, I call the attention of the Senator to the fact that the word "such," in line 2, is qualified by "as," in line 3—

Such * * * as may be prescribed.

Mr. TOWNSEND. There can be no misunderstanding as to what is meant if the words are inserted where I have them in the bill. It seems to me that it makes it very clear, right on the start, that we are proposing that this board shall demand adequate security for the loan.

Mr. OWEN. Mr. President, I suggest to the Senator from Michigan that it would be better English in the latter place, although the meaning would be the same.

Mr. SMITH of Georgia. Mr. President, the first suggestion of the Senator from Michigan, I think, was that it be put just in front of the word "security" on line 3, page 10. That was his own first suggestion.

Mr. TOWNSEND. No.

Mr. SMOOT. No; the Senator from Colorado [Mr. THOMAS] made that suggestion.

Mr. TOWNSEND. No; it was my suggestion that it go in where I have offered it, on line 16, page 9. If, however, it accomplishes the same result, I do not care; but it seems to me that to put it in at the very beginning makes it entirely clear, and I see nothing the matter with the English as suggested by the Senator from Oklahoma.

Mr. OWEN. The difference in the English is that when in the one case you insert the words "to make advances upon adequate security," and when afterwards you say "upon such security as may be prescribed," there is an apparent conflict of meaning of the terms; while if you introduce the word "adequate" in line 2——

Mr. TOWNSEND. I certainly should want to repeat the word over on page 3.

Mr. OWEN. If you repeat it, then it would not be necessary in the first place—if you make it read "upon such adequate security" on line 3.

Mr. SMOOT. That is the place to put it.

Mr. SMITH of Georgia. That language seems to apply to the entire advances. I do not know how I got the idea that it was the suggestion of the Senator from Michigan, but I gathered it from what he said a day or two ago, and marked "adequate" in front of "security" on line 3, and thought it fully met the subject, and met it very handsomely.

Mr. SMOOT. The senior Senator from Colorado [Mr. THOMAS] gave notice last evening that he intended to propose two amendments to this paragraph, and stated what they were. One of them was to insert "adequate" before the word "security" on page 10, line 3.

Mr. SMITH of Georgia. Yes; but several days ago the Senator from Michigan first called attention to the importance of using the word "adequate" in connection with the security; and while he was on his feet I wrote "adequate" in front of "security" at that place, and thought it came from him.

Mr. TOWNSEND. I did make the suggestion; but my suggestion when I first proposed it was that it be put in here, and I am still convinced that the proper place for those words is after the word "advances" on line 16, page 9, as I offered it.

Mr. SIMMONS. Mr. President, I shall not resist the amendment offered by the Senator from Michigan. I do not think it necessary; I think we can safely trust the board to take adequate security; but it can do no harm.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HOLLIS. Mr. President, the Senator from Colorado [Mr. THOMAS] was called out of the Chamber, and he asked me to offer for him an amendment on page 10, at the beginning of line 3, to insert the word "adequate." I think the amendment just adopted makes that unnecessary, but I should like to have the views of the Senator from Georgia on that point.

Mr. SMITH of Georgia. I should like to have it inserted in front, and there, too, because here we are dealing with their power to regulate and require security.

Mr. HOLLIS. There seems to be no objection; and I therefore move that the word "adequate" be inserted at the beginning of line 3, on page 10.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 10, line 3, before the word "security," it is proposed to insert the word "adequate."

Mr. SIMMONS. I have no objection to that amendment, Mr. President.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. HOLLIS. Mr. President, another amendment to the committee amendment that the Senator from Colorado asked me to submit was this: On page 9, line 20, after the word "whose," insert "bonded indebtedness is not in excess of its actually invested capital, and whose," so that the amendment will read, beginning with part (2)—

to any firm, corporation, or association conducting an established and going business whose bonded indebtedness is not in excess of its actually invested capital, and whose operations are necessary or contributory to the prosecution of the war.

I am quite sure that the directors of this bank would not do that; but it certainly will do no harm to limit it to corporations that have at least invested as much capital in their business as they have outstanding obligations.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 9, line 20, after the word "whose" and before the word "operations," it is proposed to insert "bonded indebtedness is not in excess of its actually invested capital, and whose."

Mr. SMOOT. Mr. President, if I understand that amendment, it means that if a street car line or a railroad or any other public-utility corporation has built the line of railroad, or the plant for furnishing gas or electric light, or is carrying on any other business that could be classed as a public utility, if any corporation has issued bonds for the purpose of building the plant or the road and has not issued as much stock and paid the actual cash for the stock into the company, then it could not receive any assistance under this paragraph. In other words, in order for a public-utility corporation to obtain assistance

under paragraph (d) of section 6 of the bill, they must have paid in cash for their stock an amount equal to the bonds that have been issued and sold for the installation of the plant or the building of the road.

Mr. KNOX. Mr. President, I do not understand that to be the effect of this amendment at all. This amendment, like the amendment offered by the Senator from Michigan a few moments ago, is along the lines of the suggestion I made during the speech of the Senator from North Carolina in presenting this bill; and at that time I understood that provision would be made so that the corporations that had bond issues that represented more money than had actually gone into the corporation would not be entitled to the benefits of this act. We all know that there are a great many paper corporations, where the stock represents nothing and where the bonds very often do not represent much more than 40 or 50 or 60 or 70 per cent of the actual cash that comes into the treasury and is expended for the benefit of the corporation. But the point raised by the Senator from Utah is an entirely different thing. As I understood the amendment of the Senator from Colorado, as presented by the Senator from New Hampshire, it was that the actual money that is invested in the corporation's business must equal the amount of bonds. Now, it does not say that that must come from the proceeds of the sale of bonds. It may come from the proceeds of the sale of bonds and the sale of stock. If a corporation has outstanding an issue of a million dollars of bonds, before it could get the benefits of this act it would have to establish to the satisfaction of the directors of the corporation that a million dollars of the money had gone into the corporation, either from the sale of those bonds which are outstanding to the extent of a million dollars, or from the proceeds of the sale of those bonds plus such money as may have been paid in on the capital stock.

I will inquire of the Senator from New Hampshire if that is not the purpose of the amendment as he understands it?

Mr. HOLLIS. That is exactly my understanding of what it does mean.

Mr. SMOOT. Mr. President, I will say to the Senator from Pennsylvania that I had not seen the amendment and only heard it read once from the desk; but having secured a copy of the amendment and having read it in connection with the paragraph itself, the statement made just now by the Senator from Pennsylvania is correct, and I see no reason why the amendment should not be adopted.

Mr. REED. Mr. President, I should like to have the amendment stated.

Mr. SIMMONS. Mr. President, I had not seen the amendment until this moment. I had in my mind the idea that the amendment was a little differently worded from this. I had in my mind the idea that it used only the word "capital," and I was afraid that that might not include surplus.

Mr. McCUMBER. Mr. President, I should like to hear that amendment stated again.

The PRESIDING OFFICER. The Secretary will again state the amendment.

Mr. SIMMONS. I have in mind a great many industrial corporations whose surplus exceeds their original paid-in capital, and I was anxious that this amendment should include both the surplus and the original capital. I think it does. It reads:

whose bonded indebtedness is not in excess of its actually invested capital——

Mr. McCUMBER. What page and line?

Mr. SIMMONS. That is on page 9, line 20, after the word "whose."

Mr. McCUMBER. Now will the Senator read it again?

Mr. SIMMONS (reading)—

whose bonded indebtedness is not in excess of its actually invested capital, and whose operations——

Mr. SMOOT. It does not say "surplus."

Mr. McCUMBER. Mr. President, let me ask the chairman of the committee a question on that point. Suppose that here is a corporation manufacturing munitions of war. It has a million dollars invested in its plant. It has out bonds to the extent of a million dollars against that plant. Therefore it has no assets, so far as the value of its plant is concerned, in excess of the bonds against it. Suppose, however, that it has sold bonds for $50,000,000, and has the money in its treasury for the purpose of extending that plant to meet the demands of the Government. Now, it has its $50,000,000 and yet the Government could not give it any assistance unless it gave additional security. If the Government required $100,000,000, it could not take any other kind of security, though the corporation had additional security.

Mr. TOWNSEND. Mr. President, there is another matter that I am wondering if I am right about. I mention it in order that I may be set right if I am wrong.

Suppose we have a corporation that has been in business a long time. Its original investment in capital was small, but that business has grown to great magnitude. Possibly it is not all due to additional capital. Possibly it is worth more in the market to-day, and would be worth more as security in the market, than is represented by its bonded indebtedness and original capital; and yet its bonded indebtedness is due and has to be refunded. As I understand, under the provisions of this amendment that corporation could not be loaned a greater amount than its bonded indebtedness at the present time, plus its capital originally invested. Now, might not occasion arise—I do not know; I am not clear about that—where relief might be desired, and desirable on the part of the Government, by a concern of that kind, which this amendment might cut off?

Mr. KNOX. Mr. President, I ask that the amendment may be stated.

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. On page 9, line 20, after the word "whose," it is proposed to insert the words "bonded indebtedness is not in excess of its actually invested capital, and whose.

Mr. REED. Mr. President, it seems to me that that language is a little unfortunate. The actually invested capital might have been a million dollars. It might be all gone, or it might be nine-tenths gone, and yet it was invested. Its actually invested capital might be $100,000 and its actual property might be a million dollars, because the property may have increased vastly beyond the actual investment. It depends on the meaning you give to the term "invested." I think the Senator's idea is not a bad idea; but I think it would be better carried out if, instead of using the term "actually invested," he would say "its actual assets."

Mr. KNOX. Why not say "actually invested capital and assets"? I was just about to make that suggestion when the Senator rose.

Mr. REED. That would be better.

Mr. KNOX. That seems to obviate the objection made by the Senator from Michigan.

Mr. TOWNSEND. That would be all right.

Mr. KNOX. If the Senator will accept that, I think that will cover it.

Mr. HOLLIS. Mr. President, I did not draft this amendment. I had no conversation at all with the Senator from Colorado [Mr. THOMAS] about it. He asked me if I would offer it. I have sent for him, and he can not leave the Military Affairs Committee, where he is presiding to-day. I think myself that "invested capital" means whatever real property has gone into the concern. I do not think there is any doubt about that; but if other Senators think it would make it plainer to say "actually invested capital and assets," I have no objection. I am not sure that the Senator from Colorado would agree to it, but I will take the responsibility of accepting that modification.

Mr. SIMMONS. Mr. President, I think it is very wise to use the word "assets." I am inclined to agree with the Senator from New Hampshire in his statement that assets would be covered by "actually invested capital," because if the corporation has accumulated something since its organization and since its original capital stock was converted into money and put into the corporation, that becomes a part of its actually invested capital; but I think it would be safer to put that in.

Mr. HOLLIS. Then I will modify the amendment by adding, after the word "capital," the words "and assets."

Mr. McCUMBER. Mr. President, I simply wish to suggest to the chairman that we are extending rather than limiting the credit to be given. When we adopted the amendment adding the word "adequate" it meant security which would absolutely protect the Government. Now you propose to allow the Government to make a loan upon security that has no equity beyond the loan. In other words, after making provision for adequate security, you have now changed the language so that you practically allow the Government to make a loan up to the extent of the value of the property and all assets; and that certainly is not adequate from any financial standpoint.

Mr. SMITH of Georgia. Mr. President, it is not so much a question of what they put in as it is what it is worth. They might have put in twice as much as it is worth. It is adequate security that we want. It is something that will pay back the obligation. I agree with the Senator from North Dakota that we already have it stronger than the amendment would make it.

Mr. McCUMBER. Yes; very much stronger than the amendment would make it.

Mr. HOLLIS. Mr. President, the Senator from Colorado [Mr. THOMAS] has sent word that he would like to be here when this amendment is voted upon, and it is impossible for him to leave now. He has asked, therefore, that this committee amendment may go over until to-morrow. I understand the parliamentary situation to be that the pending amendment is subsection (d), and that if that is acted upon it will not afterwards be amendable. In order to save the rights of the Senator from Colorado, this whole committee amendment—that is, subsection (d)—would have to go over. I ask that for him.

Mr. SIMMONS. Mr. President, I will say to the Senator that I am willing that it shall go over temporarily, but I should not like to consent that it go over until to-morrow. If it goes over temporarily, I do not think we will reach it again this afternoon; but if we get through everything else and this is all that is left, I would not wish to have the bill go over until to-morrow for that purpose. I will consent that it go over for the present.

Mr. HOLLIS. Does the Senator expect to pass the bill to-night?

Mr. SIMMONS. I hardly think we will; but——

Mr. HOLLIS. I hardly think the bill will be passed to-night. However, I am willing to take a temporary accommodation and run the risk of its possibly coming up later in the day.

The PRESIDING OFFICER. Without objection, the amendment will be passed over temporarily. The Secretary will state the next amendment passed over.

The next amendment passed over was, on page 10, line 12, after the word "its," to strike out "notes or obligations" and insert "bonds"; in line 14, after the word "such," to strike out "notes or obligations" and insert "bonds"; in line 18, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 20, after the word "Such," to strike out "notes or obligations" and insert "bonds"; in line 22, after the words "of the," to strike out "corporation" and insert "Corporation"; in line 23, after the words "and the," to strike out "corporation" and insert "Corporation"; in line 24, after the word "Such," to strike out "notes or obligations" and insert "bonds"; on page 11, line 5, after the word "Such," to strike out "notes or obligations" and insert "bonds"; in line 11, after the word "such," to strike out "notes or obligations" and insert "bonds"; in line 18, after the words "by the," to strike out "notes or obligations" and insert "bonds"; in line 19, after the words "of the," to strike out "corporation" and insert "Corporation"; on page 12, line 9, after the words "by the," to strike out "notes or obligations" and insert "bonds"; and in line 10, after the words "of the," to strike out "corporation" and insert "Corporation," so as to make the clause read:

(f) To issue and have outstanding at any one time its bonds in an amount aggregating not more than eight times its paid-in capital, such bonds to mature not less than one year nor more than five years from the respective dates of issue, and to bear such rate or rates of interest and may be redeemable before maturity at the option of the Corporation as may be determined by the board of directors, subject to the approval of the Secretary of the Treasury. Such bonds shall have a first and paramount floating charge on all the assets of the Corporation, and the Corporation shall not at any time mortgage or pledge any of its assets. Such bonds may be issued at par in payment of any advances authorized by this act, or for any of the purposes of this act may be offered for sale publicly or to any individual, firm, association, or corporation at such price or prices as the board of directors may determine, subject to the approval of the Secretary of the Treasury. Such bonds may be dealt in by Federal reserve banks in the same manner and to the same extent as bonds or notes of the United States not bearing the circulation privilege, and Federal reserve banks shall be authorized, subject to the regulations of the Federal Reserve Board, to rediscount and purchase paper and make advances secured by such bonds in the same manner and to the same extent and at the same rates or at such higher rates as the Federal Reserve Board may approve, as they may purchase or rediscount paper or make advances secured by such bonds or notes of the United States under authority of the Federal reserve act. Any Federal reserve bank acquiring by purchase or rediscount such paper secured by the bonds of the Corporation may, with the approval of the Federal Reserve Board, use such paper so acquired for any purpose for which it is authorized to use paper secured by such bonds or notes of the United States: *Provided*, however, That whenever Federal reserve notes are issued against the security of such paper the Federal Reserve Board may make a special interest charge on such notes, which, in the discretion of the Federal Reserve Board, need not be applicable to other Federal reserve notes which may from time to time be issued and outstanding. All provisions of law not inconsistent herewith in respect to the purchase or rediscount by any Federal reserve bank of paper secured by such bonds or notes of the United States and in respect to Federal reserve notes issued against the security of such paper shall extend, in so far as applicable, to the purchase or rediscount of paper secured by the bonds of the Corporation and to the Federal reserve notes issued against the security of such paper.

The amendment was agreed to.

Mr. REED. Mr. President, before we proceed any further I should like to refer back to the amendment on the top of page 5. I am informed that on account of the way the motion was put a different result appears on the record than was the intention of myself, and I know of the Senate, because we all understood it one way.

The amendment I am referring to is the one in which I proposed a substitute for the language appearing in the bill in these words:

Before entering upon his duties, each director and officer shall certify under oath to the Secretary of the Treasury that he will comply with the provisions, aforesaid.

I was offering that as a substitute for the language of the bill; but when the Chair put the motion he put it as an amendment to the committee's proposed amendment, and as it appears in the record the committee's amendment was adopted, the committee's amendment being to strike out.

I therefore ask unanimous consent to reconsider the vote by which the committee's amendment to strike out the words "certify under oath to the Secretary of the Treasury that he has complied with this requirement, and shall also" was agreed to.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. REED. Now, I ask that my motion be put in the form of a substitute; that is, that in lieu of the language contained in the bill beginning with the word "Before," in line 4, and extending to the word "also," in line 7, the following language shall be employed:

Before entering upon his duties, each director and officer shall certify under oath to the Secretary of the Treasury that he will comply with the provisions aforesaid, and he shall also——

Mr. TOWNSEND. Mr. President, I shall not call for the yeas and nays on that amendment, but I wish to give notice that when the bill comes before the Senate I am going to ask for a separate vote on that amendment and all the changes we have made in reference to that provision, and also the one commencing with the word "no," on line 25, page 4.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Missouri.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The next amendment passed over was, on page 13, line 1, after "SEC. 7," to strike out:

That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, the corporation may, under rules and regulations to be prescribed by the corporation, with the approval of the Secretary of the Treasury, investigate and license, or refuse to license, the sale, or offering for sale or for subscription, of securities, as hereinafter provided.

And insert:

That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital-issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board, which may, under rules and regulations to be prescribed by such committee, with the approval of the Secretary of the Treasury, investigate and license, or refuse to license, the sale, or offering for sale or for subscription, of securities, as hereinafter provided. Such committee shall, however, grant licenses for any such sale, or any such offering for sale or for subscription, which it shall determine to be consistent with the foregoing purposes. The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be $7,500 per annum, to be paid by the corporation.

Mr. OWEN. Mr. President, I think there ought to be an appeal provided from the judgment of the capital-issues committee. Under the structure of the bill the board of the corporation handles the general business of the corporation, while three members of the Federal Reserve Board——

Mr. SIMMONS. Mr. President, would the Senator object to our taking an adjournment now and bringing up this matter in the morning? I understand that it is desired to have an executive session.

Mr. OWEN. No; not at all. I ask that my proposed substitute be printed in the RECORD, and I will bring it up to-morrow.

The PRESIDING OFFICER. Without objection, that course will be taken.

The substitute is as follows:

Substitute for page 13, down to period on line 4 of page 14:

"That for the purpose of assisting in the prosecution of the war and providing for the public security and defense through the restriction of unnecessary capital expenditures, the corporation may, under rules and regulations to be prescribed by the corporation, with the approval of the Secretary of the Treasury, by a committee of five experts, to be known as the 'capital issues committee,' investigate and license or refuse to license the sale or offer for sale or for subscription all securities as hereinafter provided.

"An appeal shall lie from such committee of experts to the Federal Reserve Board in cases where a license may be delayed or refused.

"All appeals shall be passed on within 30 days, or be held as granted. All decisions and appeals in refusing licenses shall be made in writing and be a public record.

"The members of the capital issues committee shall receive $7,500 per annum."

Mr. POMERENE. Mr. President, will the Senator yield to me while I offer an amendment, not to be voted upon, but to lie upon the table? I should like to have it printed, if I may.

Mr. SIMMONS. Certainly.

Mr. POMERENE. I offer the following amendment, to lie on the table: On page 8, line 11, after the word "deposits," insert the following: "or any building or loan associations."

Mr. OWEN. Before we go into executive session I wish also to give notice that I shall move to strike out section 11 of the bill to-morrow, on the ground that Congress ought not to abrogate its own authority to determine the validity and constitutionality of this act.

Mr. STERLING. Will the Senator from North Carolina yield to me for the purpose of offering an amendment?

Mr. SIMMONS. I yield.

Mr. STERLING. I send to the desk an amendment to the bill, which I ask may be printed and lie on the table.

The PRESIDING OFFICER. It will be so ordered.

Mr. GORE. I wish to give notice that I shall move an amendment on page 15, line 7, after the word "any," to insert the words "State or by any."

EXECUTIVE SESSION.

Mr. SIMMONS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, March 2, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 1, 1918.

MEMBER OF THE AIRCRAFT BOARD.

Harry B. Thayer, of New York City, to be a member of the Aircraft Board.

JUDGE OF THE MUNICIPAL COURT, DISTRICT OF COLUMBIA.

Edward B. Kimball, of the District of Columbia, to be judge of the municipal court, District of Columbia. (Reappointment.)

UNITED STATES DISTRICT ATTORNEYS.

Claude R. Porter, of Centerville, Iowa, to be United States attorney, southern district of Iowa. (Reappointment.)

William C. Hammer, of Ashboro, N. C., to be United States attorney, western district of North Carolina. (Reappointment.)

Francis H. Weston, of Charleston, S. C., to be United States attorney, eastern district of South Carolina. (Reappointment.)

John E. Green, jr., of Houston, Tex., to be United States attorney, southern district of Texas. (Reappointment.)

William W. Ray, of Salt Lake City, Utah, to be United States attorney, district of Utah. (Reappointment.)

Francis A. Garrecht, of Spokane, Wash., to be United States attorney, eastern district of Washington. (Reappointment.)

UNITED STATES MARSHALS.

Charles T. Walton, of Los Angeles, Cal., to be United States marshal, southern district of California. (Reappointment.)

Nicholas F. Reed, of Ottumwa, Iowa, to be United States marshal, southern district of Iowa. (Reappointment.)

Henry M. Cox, of West Liberty, Ky., to be United States marshal, eastern district of Kentucky, vice Robert C. Ford, whose term has expired.

John Q. Newell, of Oklahoma City, Okla., to be United States marshal, western district of Oklahoma. (Reappointment.)

James S. Magee, of Scranton, Pa., to be United States marshal, middle district of Pennsylvania. (Reappointment.)

James L. Sims, of Charleston, S. C., to be United States marshal, eastern district of South Carolina. (Reappointment.)

Aquila Nebeker, of Salt Lake City, Utah, to be United States marshal, district of Utah. (Reappointment.)

James E. McGovern, of Spokane, Wash., to be United States marshal, eastern district of Washington. (Reappointment.)

John M. Boyle, of Tacoma, Wash., to be United States marshal, western district of Washington. (Reappointment.)

Clarence E. Smith, of Parkersburg, W. Va., to be United States marshal, northern district of West Virginia. (Reappointment.)

REGISTERS OF LAND OFFICES.

Carl H. Massie, of Sundance, Wyo., to be register of the land office at Sundance, Wyo., vice William J. Wood, term expired.

Frank Langley, of Idaho, to be register of the land office at Coeur d'Alene, Idaho. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Charles R. Yeoman, of Wyoming, to be receiver of public moneys at Sundance, Wyo. (Reappointment.)

Grant T. Stahl, of Wyoming, to be receiver of public moneys at Buffalo, Wyo. (Reappointment.)

Jacob A. Mayer, of Montana, to be receiver of public moneys at Havre, Mont. (Reappointment.)

Edward J. Hughes, of North Dakota, to be receiver of public moneys at Dickinson, N. Dak. (Reappointment.)

SURVEYOR GENERAL.

Lucius Dills, of New Mexico, to be surveyor general of New Mexico. (Reappointment.)

APPOINTMENTS IN THE NATIONAL ARMY.

CORPS OF ENGINEERS.

Col. Charles Keller, Corps of Engineers, to be brigadier general with rank from February 26, 1918.

APPOINTMENTS IN THE ARMY.

QUARTERMASTER CORPS.

Brig. Gen. Harry L. Rogers, Quartermaster Corps, National Army, to be brigadier general, Regular Army, for a period of four years from February 26, 1918, vice Brig. Gen. Thomas Cruse, retired from active service January 8, 1918.

INFANTRY ARM.

To be captain with rank from date of appointment.

Harry Graham, late captain of Infantry.

MEDICAL CORPS.

First Lieut. Guy Blair Denit, Medical Reserve Corps, to be first lieutenant in the Medical Corps, with rank from February 26, 1918.

To be first lieutenants, with rank from February 25, 1918.

First Lieut. Joseph Price, Medical Reserve Corps.
First Lieut. Laurence Arthur Petty, Medical Reserve Corps.
First Lieut. William Sharp McCann, Medical Reserve Corps.
First Lieut. Joseph Richard Turner, jr., Medical Reserve Corps.
First Lieut. Joseph Emmerson Strode, Medical Reserve Corps.
First Lieut. Frederick Franklin Alsup, Medical Reserve Corps.
First Lieut. William Philip Smale, Medical Reserve Corps.
First Lieut. William Edward Nesbit, Medical Reserve Corps.
First Lieut. Stewart Lawwill, Medical Reserve Corps.
First Lieut. Rollo Preston Bourbon, Medical Reserve Corps.
First Lieut. Wesley Cintra Cox, Medical Reserve Corps.
First Lieut. Joe Harold St. John, Medical Reserve Corps.
First Lieut. Robert Archie Sherwood, Medical Reserve Corps.
First Lieut. Nuckols Thornton Davie, Medical Reserve Corps.
First Lieut. Harold Vincent Raycroft, Medical Reserve Corps.
First Lieut. John Darlington Nourse, Medical Reserve Corps.
First Lieut. Joseph Duerson Stout, Medical Reserve Corps.
First Lieut. William Stanton Martens, Medical Reserve Corps.
First Lieut. Raymond Osborne Dart, Medical Reserve Corps.
First Lieut. Alfred Alexander Schwartz, Medical Reserve Corps.
First Lieut. Frank Hernon Chase, Medical Reserve Corps.
First Lieut. John Manning Venable, Medical Reserve Corps.
First Lieut. Alfred Edward Jones, Medical Reserve Corps.
First Lieut. Floyd Vern Kilgore, Medical Reserve Corps.
First Lieut. Adolph George Christian Schnack, Medical Reserve Corps.
First Lieut. John Christopher Woodland, Medical Reserve Corps.
First Lieut. Walter Leslie Perry, Medical Reserve Corps.
First Lieut. Zera Exley Bolin, Medical Reserve Corps.
First Lieut. Joseph Wheeler Smith, jr., Medical Reserve Corps.
First Lieut. Martin Joachim Seid, Medical Reserve Corps.
First Lieut. Leo Edward Reimann, Medical Reserve Corps.
First Lieut. Bernard Lipscomb Jarman, Medical Reserve Corps.
First Lieut. Roy Terry Haskell, Medical Reserve Corps.
First Lieut. Edmund Anderson Lodge, Medical Reserve Corps.
First Lieut. John Frank Lieberman, Medical Reserve Corps.
First Lieut. Lucius Lamar Handly, Medical Reserve Corps.
First Lieut. John Albert Randall, Medical Reserve Corps.
First Lieut. Robert Shoemaker, 3d, Medical Reserve Corps.
First Lieut. Harvey Robinson Livesay, Medical Reserve Corps.
First Lieut. John Earl Kiley, Medical Reserve Corps.

First Lieut. William Otto Fischer, Medical Reserve Corps.
First Lieut. Harry Beauvoir Hansen, Medical Reserve Corps.
First Lieut. Arthur Nellon Henson, Medical Reserve Corps.
First Lieut. Don Clio Bartholomew, Medical Reserve Corps.
First Lieut. Cedric Eugene Flikins, Medical Reserve Corps.
First Lieut. Henry Andrew Rasmussen, Medical Reserve Corps.
First Lieut. Clyde Everett Shedd, Medical Reserve Corps.
First Lieut. Benjamin Franklin Frazer, Medical Reserve Corps.
First Lieut. Cornelius Stephen Conklin, Medical Reserve Corps.

PROMOTIONS IN THE ARMY.

QUARTERMASTER CORPS.

To be colonels.

Lieut. Col. Robert S. Smith, Quartermaster Corps, with rank from February 14, 1918.

Lieut. Col. Richmond McA. Schofield, Quartermaster Corps, with rank from February 23, 1918.

To be lieutenant colonels.

Maj. Morton J. Henry, Quartermaster Corps, with rank from February 14, 1918.

Maj. William Elliott, Quartermaster Corps, with rank from February 23, 1918.

VETERINARY CORPS.

Asst. Veterinarian Jules H. Uri, Veterinary Corps, to be veterinarian with rank from October 9, 1916.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE ARMY.

INFANTRY ARM.

To be captain with rank from December 29, 1917.

First Lieut. Sigurd J. Simonsen.

To be captains with rank from December 31, 1917.

First Lieut. Thomas G. Bond.
First Lieut. John E. Haywood.

To be captain with rank from January 9, 1918.

First Lieut. Willis H. Hale.

To be captain with rank from January 10, 1918.

First Lieut. Noe C. Killian.

To be captains with rank from January 16, 1918.

First Lieut. Lindsay P. Johns.
First Lieut. Walter R. Mann.

To be captain with rank from January 18, 1918.

First Lieut. Henry W. Lee.

To be captain with rank from January 21, 1918.

First Lieut. Charles A. Shamotulski.

PORTO RICO REGIMENT OF INFANTRY.

To be first lieutenant with rank from January 17, 1917.

Second Lieut. Modesto E. Rodriguez.

TEMPORARY PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

To be colonel with rank from February 5, 1918.

Lieut. Col. Robert H. C. Kelton, Coast Artillery Corps.

To be colonels with rank from February 6, 1918.

Lieut. Col. Percy P. Bishop, Coast Artillery Corps (General Staff Corps).

Lieut. Col. Henry J. Hatch, Coast Artillery Corps.

Lieut. Col. William F. Hase, Coast Artillery Corps.

To be colonel with rank from February 8, 1918.

Lieut. Col. William R. Doores, Coast Artillery Corps.

To be lieutenant colonel with rank from January 26, 1918.

Maj. Hugh K. Taylor, Coast Artillery Corps.

To be lieutenant colonels with rank from January 28, 1918.

Maj. Alden Trotter, Coast Artillery Corps (Ammunition Train).

Maj. Frank S. Long, Coast Artillery Corps.

To be lieutenant colonel with rank from February 5, 1918.

Maj. John P. Spurr, Coast Artillery Corps.

To be lieutenant colonels with rank from February 6, 1918.

Maj. Francis W. Ralston, Coast Artillery Corps (Adjutant General's Department).

Maj. Adna G. Clarke, Coast Artillery Corps.

Maj. Samuel G. Shartle, Coast Artillery Corps (Inspector General's Department).

Maj. Michael H. Barry, Coast Artillery Corps (Ammunition Train).

Maj. Clarence G. Bunker, Coast Artillery Corps.

To be lieutenant colonels with rank from February 8, 1918.

Maj. William H. Tobin, Coast Artillery Corps (Quartermaster Corps).

Maj. Harry J. Watson, Coast Artillery Corps.

To be lieutenant colonels with rank from February 9, 1918.

Maj. Jacob E. Wyke, Coast Artillery Corps.

Maj. Charles O. Zollars, Coast Artillery Corps (Quartermaster Corps).

Maj. John Storck, Coast Artillery Corps.

To be lieutenant colonels with rank from February 10, 1918.

Maj. Jacob M. Coward, Coast Artillery Corps (General Staff Corps).

Maj. John L. Roberts, jr., Coast Artillery Corps.

Maj. Frederick L. Buck, Coast Artillery Corps.

To be lieutenant colonel with rank from February 15, 1918.

Maj. Jay P. Hopkins, Coast Artillery Corps.

INFANTRY ARM.

To be major with rank from August 5, 1917.

Capt. Sydney Smith, additional officer.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

To be second lieutenant of Field Artillery with rank from February 22, 1918.

Second Lieut. Irvin H. Zeliff, Coast Artillery Corps.

TRANSFER TO THE ACTIVE LIST OF THE ARMY.

INFANTRY ARM.

To be captain with rank from October 3, 1915.

First Lieut. Sydney Smith, retired.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy, for temporary service, from the 1st day of February, 1918:

Eddie J. Estess,
James D. Moore,
William W. Wilson,
William H. Stiles, jr.,
Victor D. Herbster,
David F. Ducey,
Donald T. Hunter,
Cary W. Magruder,
Edmund W. Strother,
William H. Pashley,
Fred T. Berry,
William R. Purnell,
Edwin Guthrie,
James D. Smith,
Frederic T. Van Auken,
Marshall Collins,
Kinchen L. Hill,
Thomas C. Kinkaid,
Lee P. Warren,
Ernest F. Buck,
Allan G. Olson,
Charles M. James,
Ralph G. Walling,
Selah M. La Bounty,
Henry E. Parsons,
Harry G. Donald,
Abner M. Steckel,
John L. Schaffer,
Leland Jordan, jr.,
Edward G. Blakeslee,
John H. Everson,
Worrall R. Carter,
James G. Stevens,
Robert R. M. Emmet,
John C. Jennings,
Henry B. Le Bourgeois,
Paul J. Peyton,
Laurance S. Stewart,
Guy C. Barnes,
William A. Hodgman,
Cleveland McCauley,
Martin J. Peterson,
Robert E. Rogers,
Samuel S. Payne,
Leslie C. Davis,
Harry H. Forgus,
Franklin P. Conger,
Raymond G. Thomas,

Aquilla G. Dibrell,
Henry D. McGuire,
Edward H. Connor,
William B. Cothran,
Theodore S. Wilkinson, jr.,
William W. Smith,
David I. Hedrick,
Olaf M. Hustvedt,
Harold T. Smith,
Cummings L. Lothrop, jr.,
Preston B. Haines,
Gerard Bradford,
Mark L. Hersey, jr.,
Frank T. Leighton,
Alva D. Bernhard,
Chester S. Roberts,
Penn L. Carroll,
Benjamin V. McCandlish,
Daniel A. McElduff,
Arthur S. Dysart,
Hugh P. Le Clair,
Edmund S. R. Brandt,
Harold S. Burdick,
James D. Maloney,
Alan G. Kirk,
Fitzhugh Green,
Levi B. Bye,
Granville B. Hoey,
Tracy L. McCauley,
Francis W. Scanland,
Joel W. Bunkley,
Max B. De Mott,
Ernest J. Blankenship,
John J. Saxer,
Leo L. Lindley,
Harold C. Train,
Wallace L. Lind,
Richard McC. Elliot, jr.,
Lee P. Johnson,
Monroe Kelly,
Marion C. Robertson,
Edward C. Raguet,
Ward W. Waddell,
Charles C. Davis,
Robert R. Paunack,
Frank D. Manock,
George K. Stoddard,
Williams C. Wickham,
Freeland A. Daubin, and
Hugh V. McCabe.

Lieut. Claude S. Gillette to be a lieutenant commander in the Navy, for temporary service, from the 15th day of February, 1918.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, for temporary service, from the 1st day of February, 1918:

James A. Scott,
Julius W. Simms,
William E. Miller,
George F. Chapline,
Douglas C. Woodward,
William J. Forrestel,
Armistead C. Rogers,
John S. Roberts,
John D. Price,
Norman O. Wynkoop,
James B. Ryan,
William W. Schott,
Sidney W. Kirtland,
Joseph H. Lawson,
Stanwix G. Mayfield, jr.,
Richard E. Webb,
Edwin F. Cochrane,
Charles T. Gilliam,
Gilbert C. Hoover,
Thomas V. Cooper,
Walter S. Carrington,
Newbold T. Lawrence, jr.,
Roy K. Jones,
Martin B. Stonestreet,
Heman J. Redfield,
Richard H. Jones,
Lowell Cooper,
Linton Herndon,
Andrew C. McFall,
Leon F. Brown,
Herbert S. Jones,
Herbert J. Grassie,
Robert N. Kennedy,
Isaiah Parker,
Carl H. Hilton,
Chaplin E. Evans,
James K. Davis,
George D. Price,
Cassin Young,
Carlyle Craig,
Knefler McGinnis,
James P. Compton,
George G. Robertson,
Fred W. Connor,
Dallas Wait,
Frederick E. Haeberle,
John E. Ostrander, jr.,
Edmund E. Brady, jr.,
Houston L. Maples,
George W. McIver, jr.,
Henry R. Oster,
Randall E. Dees,
Colin Campbell,
Paul W. F. Huschke,
Theodore L. Schumacher,
Clarence W. Johnson,
Douglas W. Coe,
Frank G. Fahrion,
Albert Noble,
Norborne L. Rawlings,
Ingolf N. Kiland,
Frank H. Dean,
Edward A. Mitchell,
Harold S. Klein,
Alexander D. Douglas,
Lawrence Wainwright,
Homer N. Wallin,
Donald B. Duncan,
Sydney J. Wynne,
Earle E. Muschlitz,
Robert B. Dashiell,
Julian L. Woodruff,
John O'D. Richmond,
David C. Fox,
Andrew G. Shepard,
Simon P. Fullinwider,
Lisle F. Small,
William P. O. Clarke,
Edmund B. Caldwell,
Jay K. Allen,
Nicholas Vytlacil,
Stanton H. Wooster,
Edward B. Rogers,
George T. Howard,
Charles L. Hayden,
Robert L. Randolph, jr.,
Robert G. Tobin,
Theodore M. Waldschmidt,
Herbert B. Knowles,
Adolph P. Schneider,
Anson A. Bigelow,
Robert R. Ogg,
John C. Tyler,
Harold B. Sallada,
Benjamin Buchalter,
George R. Fairlamb, jr.,
Joseph W. Gregory,
John R. Cruse,
John T. Metcalf,
Ross F. Collins,
Benjamin F. Staud,
Paul F. Shortridge,
Francis C. Denebrink,
John J. Twomey,
Felix B. Stump,
Robert B. Matthews,
Hugh St. C. Sease,
Walter C. Calhoun,
Carl F. Holden,
Lester J. Hudson,
Kingsland Dunwoody,
Samuel B. Brewer,
Vincent J. Moore,
Frank W. Lively,

James H. Conyne,
Davenport Browne,
Frederic W. Neilson,
Franklin S. Irby,
Allen I. Price,
Colin DeV. Headlee,
Byron K. Presnell,
Merrill Comstock,
Robert W McReynolds, jr.,
Richard W. Gruelick,
Harrison Avery,
Paul U. Tevis,
Leonard Doughty, jr.,
Wilbur V. Shown,
Hanson E. Ely, jr.,
George K. Weber,
Ralph U. Hyde,
William F. Dietrich,
Ralph Wyman,
Andrew G. Reaves,
George C. Cummings,
Richard H. Harper,
George M. Keller,
John B. Heffernan,
Edward J. Moran,
Harry C. Blodgett,
John H. Keefe,
Elliott M. Senn,
Francis W. Benson,
Thomas R. Cooley, jr.,
Vernon F. Grant,
George L. Harriss,
Francis T. Spellman,
Homer W. Clark,
Carl L. Hensen,
Edward Sparrow,
Ben H. Wyatt,
Robert L. Porter, jr.,
Ward P. Davis,
Guido F. Forster,
Volney O. Clark,
Edward H. Jones,
Guile A. Poindexter,
Earl W. Morris,
Robert W. Fleming,
Thomas R. Hendley,
William J. Morcock,
Kenneth L. Coontz,
Karl Keller,
Howard F. Councill,
Robert E. Keating,
Philip W. Warren,
John N. Walton,
Earl S. Hurlbut,
Allan R. McCann,
Evan G. Hanson,
Herbert W. Anderson,
William G. Ludlow, jr.,
Carl W. Brewington,
Leonard B. Austin,
Chester McK. Holton,
John H. Jenkins,
Leonard P. Wessell,
Emile Topp,
Frank L. Worden,
Donald R. Evans,
Frank J. Hanafee,
Andrew R. Mack,
John G. M. Stone,
Ralph F. Skylstead,
Clarence O. Ward,
Guy W. Clark,
Thomas D. Ross,
James P. Conover, jr.,
John V. Murphy,
Francis A. Smith,
Peyton H. Park,
Conrad L. Jacobsen,
Kenneth Floyd-Jones,
William McK. Reifel,
William H. Ball,
Laurence P. Sargent,
Seabury Cook,
Constantine N. Perkins,
Rollin V. A. Failing,
Benjamin O. Wells,
Laurence E. Kelly,
Herbert V. Wiley,
Douglas A. Spencer,
John J. Bartholdi,
Charles W. Weitzel,
Harold F. Ely,
Isidore Lehrfeld,
Stephen E. Dillon,
John H. Forshew, jr.,
William S. B. Claude,
William S. Heath,
Guy B. Hoover,
Kenneth M. Hoeffel,
Joseph W. Paige,
Forrest P. Sherman,
William R. Nichols,
Ernest B. Colton,
Joseph W. Fowler,
William H. Hopkins, jr.,
William J. Malone,
Oscar H. Holtmann,
Lawrence B. Richardson,
James Fife, jr.,
Moses B. Byington, jr.,
Frank R. Dodge,
George T. Cuddihy,
William W. Warlick,
Vincent R. Murphy,
Ralph S. McDowell,
Henry A. Hutchins, jr.,
Charles W. Styer,
Thomas L. Sprague,
Owen E. Grimm,
Einar R. Johnson,
Martin J. Connolly,
Pal L. Meadows,
John D. Crecca,
Frederick L. Douthit,
Frederick S. Holmes,
Thomas B. Inglis,
Earl E. Stone,
James D. Jacobs,
John J. Ballentine,
Edwin H. Price,
Everett B. Browne,
John R. Sullivan,
James V. B. Lawyer,
John D. Alvis,
John N. Whelan,
Daniel W. Tomlinson, 4th,
Edward F. McCartin, and
Hayden H. Smith.

Lieut. (Junior Grade) Donald A. Green to be a lieutenant in the Navy, for temporary service, from the 15th day of February, 1918.

The following-named ensigns to be lieutenants (junior grade) in the Navy, for temporary service, from the 1st day of February, 1918:

Emory F. Hosmer,
Ernest Hellmann,
Otto J. W. Haltnorth,
Percy H. Bierce,
Franklin E. Chester,
Frank G. Mehling,
James J. O'Brien,
Edward Crouch,
William DeFries,
John H. Hupp,
Daniel Dowling,
Edward C. Wurster,
Arthur B. Dorsey,
Arthur D. Freshman,
Gustav C. Tanske,
Leroy Rodd,
Charles W. A. Campbell,
Edward Wenk,
Frank C. Wisker,
Louis M. Wegat,
Harry E. Stevens,
David P. Henderson,
Harry A. Pinkerton,
Herman Kossler,
Oscar E. Anderson,
Henry McEvoy,

Lawrence Wittmann,
Alvin E. Skinner,
Joseph Chamberlin,
Newton R. George,
Ralph G. Moody,
John McN. D. Knowles,
Robert G. Greenleaf,
Charles F. Beecher,
Frank R. King,
William H. Hubbard,
James MacIntyre,
Ernest W. Doble,
Stephen H. Badgett,
Jonathan H. Warman,
Walter M. Shipley,
John C. Parker,
Charles O. Hathaway,
James M. Berlin,
Walter Lau,
Robert B. Sanford, jr.,
Charles D. Welker,
Rufus H. Bush,
John E. Burger,
Patrick J. Solon,
Francis A. Pippo,
Joseph W. Bettens,
Frank Bruce,
Michael J. Conlon,
Henry W. Stratton,
Clyde Keene,
George C. Smith,
William Seyford,
Gottlieb Sherer,
George E. Maynard,
Arthur B. McCrary,
Axel Lindblad,
Seldon L. Almon,
William E. O'Connor,
William Twigg, jr.,
Frederick R. Kalde,
Burton W. Lambert,
Allen I. Seaman,
William D. Dadd,
Charles Swanberg,
Malcolm C. Davis,
William H. Muehlhause,
Leroy Neil,
Oscar D. Parker,
John A. Ward,
John C. Hines,
John Gallagher,
George W. Robbins,
Cyrus S. Hansel,
Ernest A. Healy,
Frederick G. Keyes,
William Eberlin,
Frederick Petry,
John Meyer,
Frederick Evans,
Godfrey P. Schurz,
Clarence L. Tibbals,
Thomas J. Bristol,
William Taylor,
Daniel F. Mulvihill,
Michael J. Bresnahan,
Lafayette P. Guy,
Edmond Delavy,
Frank J. Mayer,
Horace de B. Dougherty,
James J. Joyce,
Fred Rasmussen,
Warner K. Bigger,
Frank Schultz,
Joseph Sperl,
Daniel J. Sullivan,
David F. Mead,
Edwin W. Hill,
Henry A. Lowell,
Charles Antrobus,
Oliver T. Miller,
August Logan,
John J. Coyle,
George F. Blass,
Walter S. Belknap,
George C. Lacock,
Anton Hengst,
John W. Boldt,
Fred San Soucie,
Claude S. Padgett,
Howard H. Chambers,
Percy R. Abrams,
Vincent F. LeVerne,
Charles E. Briggs,
George B. Llewellyn,
William C. Milligan,
Frederick J. Legere,
James Reilly,
John H. MacDonald,
William A. James,
William A. Fulkerson,
Jerry C. Holmes,
Conrad T. Goertz,
Edwin R. Wroughton,
William E. Cook,
Lewis H. Cutting,
Ernest L. Jones,
William C. Carpenter,
Murry Wollfe,
Charles L. Greene,
Arthur T. Brill,
Ward T. Hall,
Michael Garland,
Erich Richter,
John C. Heck,
James L. McKenna,
George W. Waldo,
Anthony E. Bentfeld,
Arthur Boquett,
John Harder,
Sigvart Thompson,
Stephen A. Farrell,
William A. Vick,
John J. Welch,
Arthur S. Rollins,
Charles C. Stotz,
John C. Maxon,
Bailey E. Rigg,
Walter A. Buckley,
Frank E. Nelson,
Norman McL. McDonald,
Philip S. Flint,
Charles W. Wagner,
Henry A. Reynolds,
George F. Veth,
James E. Kemmer,
James A. Newell,
William W. Holton,
Fred C. Wolf,
Charles J. Naprstek,
Max Bayer,
Paxton Hotchkiss,
Leon W. Knight,
Harry M. Peuco,
Henry H. Beck,
Frank F. Webster,
John Reber,
Charles N. Koch,
Fred T. Rider,
William S. Evans,
Sofus K. Sorensen,
George J. Romulus,
Arthur L. Hecykell,
Charles King,
Quintus R. Thomson, jr.,
Ora A. Martin,
John A. Pierce,
Stephen Ingham,
William R. Spear,
William T. Shaw,
Roy K. Madill,
William R. McFarlane,
Nils Anderson,
Melvin C. Kent,
John E. Armstrong,
Albert C. Fraenzel,
William A. Martin,
Ralph B. Wallace,
James Roberts,

Joseph D. Glick,
Anthony Prastka,
Joseph W. Birk,
Edmund D. Duckett,
Raymond A. Walker,
Hermann Jorgensen,
Charles F. Dane,
Arthur J. Holton,
Vincent Benedict,
Ola D. Butler,
Edgar C. Wortman,
Joseph G. N. Johnson,
David Duffy,
Clyde H. McLellon,
Noel Chatillon,
William F. Schlegel,
Lee W. Drisco,
James J. Delany,
William H. Stephenson,
Arthur E. Rice,
John P. Millon,
Frank L. Elkins,
Sol Shaw,
Ernest J. Leonard,
Thomas J. Sullivan,
John P. Sasse,
Will Mueller,
John H. Chase,
Will S. Holloway,
George J. Blessing,
James D. Brown,
Patrick H. Cassidy,
Frank A. Manuel,
Frank Flaherty,
Arthur A. F. Aml,
Bennett McC. Proctor,
James Donaldson,
John A. Silva,
James Hauser,
John E. Sullivan,
Charles A. Armstrong,
Chauncey R. Doll,
James S. Trayer,
Gregoire F. J. Labelle,
Theodore Andersen,
Henry Hartley,
Eugene J. Frieh,
Philip J. Kelly,
Alfred Doucet,
William E. Benson,
Fred C. A. Plagemann,
Peter J. Gundlach,
Albert M. Hinman,
Leon W. Becker,
William Cox,
Stephen A. Loftus,
Herman C. Schrader,
Asa V. R. Watson,
William A. Eaton,
James M. MacDonnell,
Herbert R. Mytinger,
Harold A. Turner,
Charles B. Bradley,
Curry E. Eason,
Samuel C. Washington,
Brice H. Mack,
James A. Featherston,
Walter N. Fanning,
Herbert J. Meneratti,
Niels Drustrup,
Abraham DeSomer,
George Bradley,
Donald McDonald,
Warren E. Magee,
Robert J. Kingsmill,
Charles F. Merrill,
Charles B. Shackelton,
Benjamin F. Ranger,
Robert C. McClure,
Carl S. Chapman,
George C. Martin,
Wilmer W. Weber,
Mark Strosk,
William W. Wilkins,
Helge Ohlsson,
Elroy G. True,
James W. O'Leary,
Warren H. Langdon,
Andrew C. Skinner,
Emery Smith,
Benjamin F. Maddox,
George Keeser,
John A. Rogers,
Alfred E. Raue,
John C. Richards,
Frank W. Yurasko,
Albert H. Mellien,
Philip A. Astoria,
Thomas A. Graham,
William A. Mason,
Everest A. Whited,
John F. Murphy,
Charles A. Kohls,
Clarence R. Rockwell,
Paul E. Kuter,
William E. Snyder,
David McWhorter, jr.,
George H. Kellogg,
Elery A. Zehner,
Samuel E. Lee,
Frank Stinchcomb,
Simon L. Shade,
Ludwig W. Gumz,
Wildon A. Ott,
Hugh W. Nimmo,
Junius G. Sanders,
Frederick B. Webber,
George T. Campbell,
Charles A. Dannemann,
Harold G. Billings,
Albert E. Freed,
Frank Kinne,
Andrew N. Anderson,
Frank C. Nigg,
Frank Kerr,
Arthur H. Cummings,
Harry J. Hansen,
Rony Snyder,
Newcomb L. Damon,
Jack K. Campbell,
George Kleinsmith,
Albert G. Martin,
Daniel McCallum,
John M. Buckley,
John J. Madden,
Robert Semple,
Henry H. Fowler,
Stanley H. Sacker,
Elmer J. McCluen,
John M. Kirkpatrick,
Clyde Lovelace,
Claude B. Arney,
Martin Dickinson,
Jesse J. Alexander,
John J. Enders,
Jesse J. Oettinger,
William H. Farrel,
Thomas M. Buck,
John Shottroff,
John Whalen,
Raymond C. McDuffie,
Oscar Benson,
William Martin,
John S. Conover,
Fayette Myers,
John G. M. Johnson,
Frederick Clifford,
Alexander Anderson,
Frederick T. Walling,
Charles V. Kane,
Joseph M. Gately,
Joseph H. Gerrior,
George S. Dean,
Ralph A. Laird, and
Charles F. Fielding.

MARINE CORPS.

Capt. Arthur B. Owens to be a major in the Marine Corps from the 26th day of March, 1917.

Capt. Clarke H. Wells to be major in the Marine Corps, for temporary service, from the 22d day of May, 1917.

The following-named first lieutenants to be captains in the Marine Corps, for temporary service, from the 26th day of July, 1917:

Harry Paul, and
William Workman.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 28th day of August, 1917:

Frank R. Armstead, and
Lee H. Brown.

First Lieut. Ethelbert Talbot to be a captain in the Marine Corps from the 26th day of March, 1917.

The following-named temporary second lieutenant to be a second lieutenant in the Marine Corps for a probationary period of two years from the 9th day of February, 1918:

Francis B. Reed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 1, 1918.

COLLECTOR OF INTERNAL REVENUE.

Howard Hathaway to be collector of internal revenue for the district of Hawaii.

POSTMASTERS.

LOUISIANA.

Clifford C. Anderson, jr., Lake Arthur.
Edwin H. Hall, Mooringsport.
Maggie E. Jones, Ringgold.

TENNESSEE.

Robert H. Marley, Arlington.
Frank P. Singleton, Copperhill.
O. L. McCallum, Henderson.
Irene M. Chealrs, Spring Hill.
Ira LaF. Lemonds, Tiptonville.
Henry Estill, Winchester.

WITHDRAWALS.

Executive nominations withdrawn from the Senate March 1, 1918.

CORPS OF ENGINEERS.

To be colonel with rank from February 6, 1918.

Lieut. Col. William P. Stokey, Corps of Engineers.

To be colonel with rank from February 7, 1918.

Lieut. Col. Lewis M. Adams, Corps of Engineers.

To be colonel with rank from February 8, 1918.

Lieut. Col. William D'A. Anderson, Corps of Engineers.

HOUSE OF REPRESENTATIVES.

FRIDAY, *March 1, 1918.*

The House met at 12 o'clock noon.

The Rev. Dr. George F. Duncan, pastor Hermon Presbyterian Church, Washington, D. C., offered the following prayer:

Father of all, to whom can we come but unto Thee? Thou art our Creator, our Preserver, and our Redeemer. In Thee we live, move, and have our being. From Thee cometh down every good and perfect gift. May Thy name be hallowed in the session of this day. Give every one of these, Thy servants, a double portion of Thy spirit, leading them into all truth. May all that they do, say, and think be in harmony with Thy holy will, and so for the best good of our beloved land. Grant all these mercies with the forgiveness of all our sins, which we ask in the name of Jesus Christ, Thy Son, our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE.

Mr. MOON. Mr. Speaker, the bill (H. R. 10296), authorizing the Post Office Department to acquire and extend the telephone system, and so forth, was introduced by Mr. JOHNSON of Kentucky on the 27th day of this month. The bill is essentially the same as the one the House passed upon yesterday. I move to change the reference from the Committee on the District of Columbia to the Committee on the Post Office and Post Roads.

Mr. JOHNSON of Kentucky. Just a word, Mr. Speaker. The bill, in my judgment, should go to the Committee on the District of Columbia, but there is not enough difference between this bill and the one voted upon yesterday, and therefore I shall enter into no contest about the matter.

The question was taken, and the motion to rerefer was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, Mr. MAPES was granted leave of absence on account of death in his family.

Mr. STERLING of Illinois. Mr. Speaker, I ask unanimous consent for leave of absence for my colleague, Mr. MASON, on account of sickness in his family.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. KELLY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks by publishing in the RECORD a patriotic address delivered by Mr. JAMES, of Michigan, on Washington's Birthday.

The SPEAKER. Delivered by whom?

Mr. KELLY of Pennsylvania. The gentleman from Michigan [Mr. JAMES].

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing a patriotic address made by the gentleman from Michigan [Mr. JAMES]. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I do not expect to object, but did the gentleman make a similar request yesterday?

Mr. KELLY of Pennsylvania. I did two days ago, and it was objected to by the gentleman from Massachusetts [Mr. WALSH].

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. FESS. To submit a request for unanimous consent that I be permitted to extend my remarks in the RECORD by printing an address delivered by my colleague L. W. FAIRFIELD, of Indiana, here in the city of Washington on Abraham Lincoln on the anniversary of his birth.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD by printing a speech made by Mr. FAIRFIELD, of Indiana, upon Lincoln, somewhere in town. Is there objection? [After a pause.] The Chair hears none.

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by having printed a letter from the Commissioner of Internal Revenue giving his ruling upon the question of the taxation of Congressmen's salaries.

The SPEAKER. The gentleman from Kansas [Mr. DOOLITTLE] asks unanimous consent to extend his remarks in the RECORD by printing a letter from the Commissioner of Internal Revenue, explaining some features of the tax bill.

Mr. MOORE of Pennsylvania. Reserving the right to object, is this letter directed to the gentleman from Kansas?

Mr. DOOLITTLE. Yes.

Mr. MOORE of Pennsylvania. Does it hold that Congressmen's salaries are taxable?

Mr. DOOLITTLE. Yes.

Mr. KITCHIN. Mr. Speaker, reserving the right to object——

Mr. MOORE of Pennsylvania. I have no objection, Mr. Speaker.

Mr. KITCHIN. Has the gentleman from Kansas any objection to putting in his remarks the Treasury decision on that subject, too?

Mr. DOOLITTLE. That is included in the letter. It gives the ruling he has made in the body of the letter.

The SPEAKER. Is there objection?

There was no objection.

FEDERAL CONTROL OF RAILROAD TRANSPORTATION.

Mr. SIMS. Mr. Speaker, I wish to renew the request I made yesterday for unanimous consent to insist on the House amendment to the Senate railroad bill and ask for a conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the railroad bill, S. 3752, and insist on the House amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. SIMS, Mr. DOREMUS, and Mr. ESCH.

REPORT OF PNEUMATIC-TUBE SERVICE COMMISSION.

Mr. BELL. Mr. Speaker, I desire to submit a report of the commission appointed to investigate the pneumatic-tube service, and ask that the same be printed in the RECORD.

The SPEAKER. The gentleman from Georgia presents the report of the Pneumatic-Tube Service Commission, and asks unanimous consent that it be printed in the RECORD.

Mr. STAFFORD. I reserve the right to object so far as the request obtains to printing it in the CONGRESSIONAL RECORD. There have been other reports on this same subject in former Congresses, but they were never printed in the RECORD. This report will be printed as a document and be available to everyone who wishes to obtain a copy. I can not see any especial need for printing this report in the RECORD.

Mr. BELL. I will say to the gentleman that the report is short, embodying only a few pages of typewritten matter, and I think it would be of interest to print this report in the RECORD.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. ROUSE. Mr. Speaker, I ask unanimous consent for five days in which to prepare a minority report on this same matter, I am a member of the commission.

The SPEAKER. The gentleman from Kentucky asks unanimous consent for permission to file a minority report on the same subject within five legislative days. Is there objection? There was no objection.

EXTENSION OF REMARKS.

Mr. JOHNSON of Washington. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. JOHNSON of Washington. I would like to make an inquiry as to my right to unanimous consent, apparently granted, but perhaps afterwards denied. Wednesday, February 27, as shown on page 2768, I asked unanimous consent to extend my remarks in the RECORD on the so-called alien-slacker bill. The Speaker asked:

Is there objection? [After a pause.] The Chair hears none.

Another gentleman then made a similar request, and objection was then made. The Speaker then said:

Does the gentleman object to the request of the gentleman from Washington [Mr. JOHNSON]?

To which the gentleman from Massachusetts [Mr. WALSH] replied that he objected to them all. To avoid a misunderstanding, I now renew the request, as of that date.

The SPEAKER. The gentleman from Washington asks unanimous consent to print an extension of a speech in the RECORD on the alien-slacker bill.

Mr. JOHNSON of Washington. The extension of the remarks already made.

The SPEAKER. An extension of the remarks already made. Is there objection? [After a pause.] The Chair hears none.

DR. GARFIELD AND THE FUEL ORDER.

The SPEAKER. Under the special order, the gentleman from Illinois [Mr. RAINEY] has leave to address the House for not more than 30 minutes. [Applause.]

Mr. RAINEY. Mr. Speaker, it is my purpose to discuss in the time allotted to me the recent fuel order, the reasons for it, and what it accomplished.

On the 17th day of January, acting under authority granted by the Congress, Dr. Harry A. Garfield, the Fuel Administrator, issued an order, effective the next day, limiting the operation of industries whose output was not essential for war purposes, providing for the closing of places of amusement, stores, office buildings, and so forth. The fueless days covered five consecutive days, commencing with January 18. At the expiration of that time Monday of each week was designated as fueless day, or heatless day, through the month of February and until the 25th day of March. The order has now been rescinded, and we have had eight fueless days. A continuation of the order, however, is authorized in the New England States, subject to the decision of the local fuel administrators there. The time has come to examine into the reasons for the order and what has been accomplished by it.

OPPOSITION IN CONGRESS.

The promulgation of the order, on the 17th day of January, provoked bitter speeches in both Houses of the Congress. On this floor gentlemen with no facts at all in their possession proceeded to bitterly criticize the Fuel Administration. It was insisted that the extreme cold and the ice and the snow did not interfere with the loading or unloading of coal. One gentleman insisted that he came from the coldest corner of the United States and cold weather never interfered with the unloading of coal. Another gentleman insisted that the proper way to unload coal was simply to thaw out the cars with steam jets—the inference being that a competent administrator would have accomplished it in that way. Another gentleman with frenzied oratory declared that if this order was necessary we had lost the first battle in this war. It was insisted that declarations of this kind constituted constructive criticism. An ex-Attorney General of the United States, who signed his name as Attorney General of the United States in President Taft's Cabinet issued at once a statement saturated with partisanship, reaching a lower level in the matter of partisan criticism than has yet been reached. This effusion was entitled "The limit of forbearance passed." It appeared in a New York newspaper, and the conference committee on national preparedness, of which Henry A. Wise Wood is chairman, had it reprinted and distributed widely throughout the country. This conference committee may have rendered some good service, but by distributing this particular article they have done their very best to give aid and comfort to the enemy. An organization claiming to be patriotic, which uses its funds for the distribution of a partisan document like this has certainly almost passed its period of usefulness as an instrument of patriotism. Speeches made in this House that day—none of them were made on the Democratic side—will not be dropped from airplanes inside the German lines, and this effusion from an ex-Attorney General of the United States, if it gets into Germany at all, will be sent there by German agencies and will splendidly encourage German armies in the present crisis.

DR. GARFIELD.

The impression created by the speeches here and by partisan newspapers throughout the country is that Dr. Garfield is a college president and nothing more—that he gets his information as to conditions by peering out upon the world from the alcoves of college libraries. A strong partisan attempt has been made to create the impression that Dr. Garfield is absolutely incompetent, that he knows nothing at all about coal or about business of any kind, and that the appointment of incompetent men is made by the President for the reason that he prefers to be surrounded by men of small caliber—that the President himself is an able Executive with a splendid vision, and that his weakness consists in the alleged fact that he surrounds himself with men who are not qualified for the discharge of the duties they perform.

No President of the United States from the time of George Washington has exercised better judgment in the selection of men to discharge important duties, and the success of his administration is to a very large extent due to the splendid judgment exercised at all times by the President in the selection of the men he has appointed for the discharge of important duties. The time has come for the people to get acquainted with Dr. Garfield. I knew him in the old college days when he was a student in the college in New England of which he is now President and when I was a student at another institution not far away, and I have had occasion to observe his career during the years that have passed since then. He is a college president; no man is better entitled to be called "doctor" than he. Four great colleges empowered to confer degrees have conferred upon him the honorary degree of doctor of laws. He is a member of all the learned societies. These facts, however, do not seem to appeal to the critics of this administration. The fact that he is an educated, cultured gentleman in the prime of life, with a carefully trained mind, is used by partisan critics as strong evidence of the fact that he is especially disqualified for the discharge of the duties of the important office he now holds.

Dr. Garfield is a lawyer, and a lawyer of marked ability. No man in the United States better understands the business of operating coal mines. In a section of Ohio 30 miles from railroads he developed a coal mine, having organized a company for that purpose—a particularly rich mine overlooked by coal operators for the reason that it was remote from railroads, but Dr. Garfield, after arranging for the development of the mine, with splendid executive ability organized a company and built a railroad 30 miles long, connecting up the mine he had developed with the great railroad systems of the country.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Not just now. Later on, if I have the time, I will be glad to yield to the gentleman.

Dr. Garfield organized the Cleveland Trust Co., at the present time one of the great trust companies of the country, and Cleveland capitalists and business men and wage earners had enough confidence in his business ability to deposit with his trust company $20,000,000 in cash; and this great company holds also $120,000,000 in securities. He built an office building, one of the most important in Cleveland, in which to house the trust company. This great trust company now has 15 branches. The business men of Cleveland, his neighbors and his friends, have so much confidence in his business ability that they elected him president of the Cleveland Chamber of Commerce, and he discharged the duties of that position with marked ability. He also acted as president of the Municipal Association of Cleveland.

Mr. BLAND. Mr. Speaker, will the gentleman yield at that point?

Mr. RAINEY. I will be glad to yield later on. I can not yield now. I beg the gentleman's pardon.

I have said enough about Dr. Garfield to call attention to his accomplishments along the lines of practical business affairs. I undertake to say that no man in the country can be found who can better discharge the duties of Fuel Administrator than Dr. Garfield, who has been made the subject of so much unreasonable criticism and partisan abuse. When Dr. Garfield issued an order shutting off the heat from stores and office buildings he shut off the heat from the office building he had built himself. He regulated the coal trade of a coal mine he had himself made possible over a railroad he had built himself. He made an order affecting the business men who had been his associates all his life. No man was better qualified than he to understand the necessity for the order and its effect.

THE FUEL-CONTROL ORGANIZATION BUILT UP BY DR. GARFIELD AND MR. P. B. NOYES.

Dr. Garfield selected as one of his assistants to become the Director of the Conservation Bureau of the Fuel Administrator's office Mr. P. B. Noyes, of New York. Mr. Noyes's duties also included the necessary limitation of industries. With reference to Mr. Noyes, I might state that he has been for 23 years the general manager of the Oneida Co. (Ltd.), which manufactures silverware and other things—one of the great manufacturing establishments of the country—and for the last eight years he has also been President of that company. The American Hardware Manufacturers' Association is one of our most important commercial organizations. This great organization had enough confidence in Mr. Noyes as a business man to elect him President, and he served in this position with distinction. He entered Dr. Garfield's office two or three weeks after the appointment of Dr. Garfield and has been with him ever since. An effort has been made to create the impression out through the country that these prominent business men are merely ordinary job seekers, holding the positions they hold on account of the salary and emoluments connected therewith. As a matter of fact neither Dr. Garfield nor Mr. Noyes draw any salary. They have tendered their services to the Government for nothing—or, rather, their compensation has been fixed at a dollar a year, and there is no provision of law by which they can ever hope to collect even the dollar. They are patriotic, conscientious gentlemen, anxious to serve their country. They have both given up their private business and the important positions they held and have made tremendous sacrifices and have come to Washington to serve their country without financial compensation. The heads of the various bureaus established by Dr. Garfield in his department are composed of distinguished citizens especially qualified for the duties they are called upon to perform. I undertake to say that in the history of this country no man has been subjected to such unreasonable and unreasoning criticism as Dr. Garfield, but during all this period of storm and stress he and his assistants in the great organization he has built up have been quietly proceeding, discharging their duties without making the slightest attempt to defend themselves personally against the shafts of unfair and unjust criticism hurled at them. This is one of the men who have been criticized as amateurs in business, as incompetent men. Dr. Garfield built up his organization, built it up from the ground. There were no precedents to follow.

Dr. Garfield surrounded himself with men who are not amateurs in the coal business; he brought down here Mr. Rembrandt Peale, one of the leading coal operators of the country; Mr. L. A. Sneed, a man who had been in the coal business from his youth up; Mr. John White, president of the United Mine Workers; Mr. William Diamond, another leader in the Mine Workers; Mr. H. D. Nims, an authority on trade law; and Prof. S. A. Taylor, a prominent mining engineer, together with Mr. Noyes, whom I have already mentioned.

I might describe also the splendid qualifications of this cabinet of experts, but I do not have the time to do so.

COAL PRODUCTION IN 1917.

We produced in 1900, 269,000,000 tons of coal, including both bituminous coal and anthracite coal. From that period until the calendar year 1917 the production of coal in the United States has increased about 17,000,000 tons per year, and the railroads have adjusted their transportation systems to an increase of about that much each year. During the calendar year 1917, however, our increase in the production of coal over prior years was 64,000,000 tons. As it usually happens, it was necessary to move the greater part of this during the latter half of the year. The production of coal is and must always be a question of transportation. A coal shortage in the ordinary acceptance of the term is as impossible in this country as a shortage of sand or of limestone rock. In our 7,000 coal mines we can always produce as much coal as can be transported over our railroads. In order to understand how much 64,000,000 tons of coal is I have made a computation. Coal cars vary in length from 32 feet to 41 feet. The average length of a coal car is 38 feet. Allowing 3 feet of space between each car, it would require three trains of cars extending across the continent from New York to San Francisco to contain 64,000,000 tons of coal. In addition to these three trains extending across the continent there would be still another train extending from New York to St. Louis. This was the extra coal burden the railroads were called upon to assume in 1917 and this was not the only burden the railroads were called upon to discharge. Our export trade had been speeded up from $2,000,000,000 in value in four years to $9,000,000,000. In 1917 we exported $9,000,000,000 worth of manufactured goods—more than three times as much as any nation ever exported before in the history of the world. It was necessary for railroads to carry these goods from the place of manufacture to the sea, and this of itself would be an unprecedented increase in the burdens upon the railroad systems of any country. In addition to all this, the increased prosperity of the country brought with it in 1916 and especially in 1917 an enormously increased home consumption of foodstuffs and manufactured goods to be transported on our railroads. This was the condition of affairs when Dr. Garfield assumed control of the coal situation of the country in August, 1917. When he assumed control the production of coal was at its lowest mark. During the week preceding his appointment we produced less coal in the United States than was produced during any week of the year 1916. He immediately, by appealing to the patriotism of coal operators and their employees, commenced to increase the production and the distribution of coal. From that time on the production of coal increased until it largely exceeded the production of 1916. On the 8th day of December winter commenced, and winter commenced just at the time when there was a tremendously increased production of war material and of supplies of all kinds needed by our troops in France. The number of men we were sending increased with each passing week. Our transportation system became clogged by our own enormous strength as a manufacturing Nation. Our production was abnormal and the railroads were feeling in December the destructive force of our abnormal production. Our transportation system was breaking down. By the middle of January our lines of communication with France were absolutely destroyed, but not by submarines. Every ship loaded with our khaki-clad soldiers was being safely convoyed through the danger zone. Every ship loaded with supplies was safely reaching its destination, but the abnormal production of the country, our enormous export trade, our unprecedented interstate traffic occasioned by increased consumption in the United States, the demands of factories, every one of them running with full strength every day in the week, and thousands of them running all night long with three shifts of men each 24 hours, demanding, as manufacturing energy of this kind would demand, a great increased supply of coal; all of this strain, absolutely without a precedent in the history of this or any other nation, clogged our transportation systems. We need an increase of 5,000 locomotives every year in order to meet the increased demands on us. We have not been getting half that many; we have been supplying locomotives to France and to Russia. One-half of the thousands of cars at railroad terminals and filling sidetracks were cars loaded with coal, and then there came, increasing our difficulties, the intense cold of the middle of last month and the snow and the ice which accompanied it. Chesapeake Bay, a great coal highway, was frozen up for the first time within the memory of men now living. Great battleships were used for the purpose of breaking the ice in New York Harbor. In the stockyards district of Chicago an army of men were at work clearing away the snow and the ice. Passenger trains came into Chicago 8 to 12 hours late covered with ice, each one of them drawn by three great locomotive engines. All over the country rails were breaking under heavy trains. In New York Harbor and at Norfolk 250 great merchant ships were awaiting coal in order to sail out into the seas bringing to our own troops and to our allies in the war zone necessary supplies. It was of most vital importance to coal these ships at once and start them on their journey. The entire story can not now be told. After the war is over it will be possible to give all the reasons for the coal order of January 17 last.

Under the stress of congressional criticism too much has already been disclosed with reference to the movement of troops and munitions across the Atlantic, and with reference to other matters which should have been kept from our enemies. When the whole story is told, as it will be told after the war, there will be gentlemen, now Members of this House, who would be glad to expunge from the RECORD if they could the speeches they made immediately after the promulgation

of the coal order. A delay of five days was absolutely impossible and inadvisable from every standpoint. I can not discuss the matter along this line further. As far as I am concerned I never expect to be the vehicle through which information which ought to be kept secret reaches the enemy.

FALLING OFF IN MOVEMENT OF WAR MATERIAL.

On account of the clogging of our railroads, not only was the production and shipment of coal falling off by the middle of January, but the shipment of steel plates and steel bars so much needed for the great new fleet we are building had fallen off 50 per cent. It is impossible to build ships in our shipyards without steel plates and steel bars, but more alarming still was the falling off in the shipment of projectile steel, needed for the manufacture of munitions. This had fallen off by the middle of January 45 per cent.

Mr. BLAND. Will the gentleman yield at this point?

Mr. RAINEY. If I have the time I will yield later.

WHAT THE COAL CONSERVATION ORDER ACCOMPLISHED.

The relief brought about by the order was immediately apparent. Every ship ready to sail in our ports in less than one week after January 17 had been bunkered and had started on its journey across the seas. As the result of the coal order it has been possible to load and to coal, since January 17, 480 ships. These ships carried 2,000,000 tons of food and war supplies. Forty of them were loaded with food, 71 were loaded with coal, oil, and gasoline, and 369 of them were loaded with munitions. Nearly every one of them has safely reached its destination. These supplies so necessary for the winning of the war are being now distributed to our own armies and to the armies of our allies in the war zone of France. The movement of steel plates and steel bars, and projectile steel, has rapidly again become normal. Freight is reaching its destination. The situation is relieved. Our overburdened railroad systems are again functioning.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. RAINEY. I ask unanimous consent for 15 minutes more.

The SPEAKER. Is there objection?

There was no objection.

CONSERVATION ACTIVITIES AND PLANS OF THE UNITED STATES FUEL ADMINISTRATION.

Mr. RAINEY. It is an easy matter for an executive officer to take possession of a department in normal times which has been organized and in operation for a long period of time. A department of that kind will almost run itself. Dr. Garfield's task was to build up a department in an abnormal period. In the most wasteful nation in the world, unaccustomed to conservation of economies of any character, it was his task to reorganize the coal-distribution system of the country and to establish a system of coal conservation. In spite of our unprecedented increase in production of coal there is still a coal shortage of 50,000,000 tons. Obviously this shortage can be overcome in only two ways: First, by building immediately more coal cars and more engines. Ten thousand more engines would hardly equal the demand considered in connection with the other demands upon our railroads. The other way to meet the coal shortage is to conserve coal. Dr. Garfield and his able assistants have organized a campaign in that direction. The coal industry has always been in this country a disorganized business. The task which confronts him is greater than any task ever undertaken by an executive officer prior to our entry into this war, and at the present time no executive officer of this Government has undertaken greater or more important duties than the duties which Dr. Garfield is conscientiously and ably discharging. He is blazing his own trail as he goes along—there are no precedents to help him—not much information of value at his command, except the information he is collecting himself. He has started a campaign for conservation of coal in the homes of the land, where we consume 120,000,000 tons of coal each year. By conserving coal in the homes—firing the furnaces and stoves more carefully, saving a shovelful a day, and more than that—it is estimated we will be able to save 12,000,000 tons every year, and Dr. Garfield has perfected an organization to bring about this result. In 250,000 locomotives and stationary steam plants throughout the country we consume approximately 400,000,000 tons of coal. Under a competent engineer, an organization is being perfected to educate firemen of locomotives and in stationary steam plants in the use of coal, and it is estimated that in this way 40,000,000 tons of coal can be saved per year. Under another bureau a campaign to encourage the substitution of wood for coal is being carried on. About 1½ cords of wood are equal to 1 ton of coal. It is estimated that an increase in the consumption of wood of 10,000,000 cords can be accomplished this year, and this would save 6,000,000 tons of coal. By consolidating public utilities plants and using natural ice, in which it is estimated now 50,000,000 tons are consumed, it is expected that 3,500,000 tons can be saved. By prohibiting advertising signs and unnecessary out-of-door lighting, at least 500,000 tons can be saved. The daylight-saving bill, which is being advocated by Dr. Garfield, will save a million tons of coal a year. By a natural reduction of building material this year, it is estimated 6,000,000 tons can be saved. It has been proven by investigations made by Dr. Garfield's department that it takes three times as much power to start a loaded trolley car as it does to run it one block, and Dr. Garfield has perfected, for the use of the street railway systems of the country, a plan by which 1,500,000 tons of coal can be saved each year by skip-stops—that is, stopping every other block.

I have enumerated some of the plans now being worked out and developed by the various bureaus of Dr. Garfield's department for the conservation of coal, and I have called attention to plans which are now in the process of development and which when developed fully will conserve over 70,000,000 tons of coal. Other methods are being planned and developed. We can not in war time conserve too much coal.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. RANDALL. The breweries of the country are using 3,000,000 tons of coal a year. Does the gentleman know whether Dr. Garfield intends to try to save any of that?

Mr. RAINEY. I do not know.

Mr. LONDON. The product of the brewery supplies a certain kind of heat also, does it not?

Mr. RAINEY. The gentleman may be able to qualify as an expert on that. I can not.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BLAND. Does the gentleman regard the order and advice that emanated from the Fuel Department last summer to the effect that the people should not purchase their coal at that time, that the price would be lower, shows any special qualification on the part of the Fuel Administrator?

Mr. RAINEY. That is a part of the misinformation with which some Members of this House have loaded themselves, and that is a part of the misinformation which was disseminated yesterday on the floor of the Senate. The Fuel Administration never made such an order as that.

Mr. BLAND. Who did, in connection with the Fuel Administration?

Mr. RAINEY. Nobody on the part of the Fuel Administration ever made such an order as that.

Mr. BLAND. Or statement to that effect.

Mr. RAINEY. The gentleman who interrupts me might have done it.

Mr. BLAND. Oh, no; the gentleman knows better than that.

Mr. RAINEY. I do not know. I did not do it, but no such advice came from this great department of this Government, and no advice ever came from this department not to buy coal last fall. When this department was organized on the 22d day of last August the production of coal had reached during the previous week a lower mark than it had reached during any week in 1916, and by appealing to the patriotism of operators and their employees in this country the production of coal commenced immediately to increase until just a few days, a few weeks after the appointment of Dr. Garfield the production was again normal and proceeding along the 1916 lines.

Mr. LITTLE. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. LITTLE. If Dr. Garfield issued no statement that people should not buy coal last summer, why did he not correct the statement that was accredited to him to that effect in practically every paper in the United States?

Mr. RAINEY. Oh, thousands of letters were written from Dr. Garfield's department. Every man who wrote to that department asking if they had better wait to buy their coal received a negative reply, thousands of them throughout this country.

Mr. LITTLE. How did it happen that none of them were ever printed in a newspaper, but that, on the contrary, the newspapers widely spread the statement that he told the people not to buy?

Mr. RAINEY. Because the newspapers of this country prefer to be sensational, and the way to be sensational is to misrepresent things.

Mr. LANGLEY. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. LANGLEY. I live in the center of one of the greatest coal fields in the world. There has never been a moment since that order was issued nor for a long period before that that we could not have shipped out twice as much coal as we were doing,

and we had it ready to ship if we had the cars in which to ship it.

Mr. RAINEY. Oh, there is no question about that.

Mr. LANGLEY. How did this fuel order conserve coal in a situation like that? It hurt us there without helping anybody, as it looks to me.

Mr. RAINEY. Oh, I can not yield any further. The gentleman has not been listening to me. He does not appreciate the fact that my argument is that the production of coal is absolutely a question of transportation, and I have been discussing the question of transportation here all the time.

Mr. BLAND. Mr. Speaker, I would like to ask the gentleman what the Official Bulletin had to say on this thing at that time?

Mr. RAINEY. I do not know anything about it.

Mr. BLAND. The gentleman does not know whether it was silent or whether it said something?

Mr. RAINEY. I do not know anything about it.

Mr. LONDON. Mr. Speaker, the gentleman said that the exports increased from $2,000,000,000 to $9,000,000,000.

Mr. RAINEY. Yes; in four years.

Mr. LONDON. To what extent does the increase represent an increase in bulk?

Mr. RAINEY. I am unable to answer the gentleman's question.

I have attempted to call attention to the facts. The country ought to know what the facts are. In spite of violent criticism on this floor, the country is loyally responding to the demands of the present situation. Fortunately, the speeches made here have been absolutely without effect. While violent criticisms, unsustained by any facts, were being launched from this floor on the 17th day of January, telegrams of acquiescence in the order were being received by the President of the United States and by Dr. Garfield. While, on the other side of this House, Representatives from Northern States were denouncing the Coal Administrator, from the very heart of the South, from the great industrial city of Atlanta, Ga., there came to the Fuel Administrator a telegram announcing that the merchants and the manufacturers of Atlanta in a mass meeting held on that day had passed resolutions agreeing to abide strictly by the conservation order. This expression of loyalty and patriotism was the first to reach this Capital after the promulgation of the order, and then from cities and villages, from great banking institutions, from manufacturers throughout the land, there came floods of telegrams, all pledging full performance of the fuel order. The country was loyal—the order was observed—the results are apparent—the first battle has been won. [Applause.]

EXTENSION OF REMARKS.

Mr. LONDON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. LONDON. I ask unanimous consent to extend my remarks in the RECORD on the railroad bill.

The SPEAKER. The gentleman from New York asks unanimous consent to extend and revise his remarks in the RECORD on the railroad bill.

Mr. FOSTER. The gentleman has that right anyway.

Mr. LONDON. I did extend my remarks as delivered on the floor, but I want to insert some historical data as a separate extension.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that all gentlemen who have not already gotten unanimous consent may have leave to extend their remarks on the alien slacker bill.

The SPEAKER. For how long?

Mr. BURNETT. For five legislative days.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen be permitted to extend their remarks on the alien slacker bill for five legislative days. Is there objection?

Mr. STAFFORD. I object.

PENSIONS.

Mr. SHERWOOD. Mr. Speaker, I desire to call up the bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Ohio calls up the bill H. R. 10027 and asks unanimous consent that it be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

A bill (H. R. 10027) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Alfred Cooper, late of Company I, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George H. J. Little, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Arthur R. Pratt, late of Company B, Seventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milton Inners, helpless and dependent child of Hamilton Inners, late of Company K, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of John J. Moll, alias James Moore, late of Company A, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Katin, late of Company I, Twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Low, late of Company I, Two hundred and seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Reid, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. Abbott, late of Company H, Sixth Provisional Enrolled Missouri Militia Infantry, and Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Walter A. Scott, late of Company C, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Phoebe A. Jones, widow of Benjamin Jones, late of Company A, Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of John Spears, late of Companies I and A, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John C. Sneed, late of Company D, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard Starr, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Harper, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Levi G. Hake, late of Company D, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel A. Ham, late of Company B, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Scott, late of Company I, Ninety-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Louis Dixon, late of Company A, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Finley, late of Company A, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Tipple, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Austin P. Jones, late of Company A, Seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Silas M. Lanning, late of Company G, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Cason, late of Company A, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Richardson, late of Company D, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Kirkpatrick, late of Company D, One hundred and thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Taylor Johnson, late of Company G, Forty-second Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Gilbert Scarbrough, late of Company H, Eighth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Hale, late of Company K, Ninety-fifth Regiment, and Company D, One hundred and eighty-eighth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry P. Bradbury, late of Company G, Seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Leander H. Prather, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Hobbs, late of Fourth Battery, Iowa Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isom S. Reeder, late of Company G, Thirteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Dettmer, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Levi Guy, late of Company A, Forty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Henderson Morgan, late of Company D, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Chapman, late of Company B, Twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Charles W. Mealy, late of Company F, Eleventh Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James O. Grant, late of Company C, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anna M. Barrett, widow of William Barrett, late of Company C, One hundred and fifteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William J. Barnett, late of Company E, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Leonidas W. Day, late of Company C, Twelfth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Almeda King, former widow of Robert E. Porter, late of Company D, Thirteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of James M. Shuey, late of Company H, Forty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Winters, late of Company H, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John O. Harmon, late of Company E, One hundred and fifty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alexander B. Groat, late of Company G, Ninth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George A. Parks, late of Company A, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert F. Hart, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hertz, late of Company K, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Landon C. Campbell, late of Company H, Fourteenth Regiment Missouri Volunteer Cavalry, and Company B, Forty-sixth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Richard H. Stinemates, late of Company G, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Silas Waters, late of Company F, Seventy-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George C. Smith, late of Company K, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Byron Truesdell, late of Company B, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William J. Coleman, late of Company I, One hundred and forty-fourth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John McComas, late of Battery B, West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Jordan Johnson, late of Company I, Twenty-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Aretus F. Loomis, late of Company K, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Spear T. Harmon, late of Company A, Thirteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francisco Brown, late of Company A, Eighty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Theodore G. Carlisle, late of Company I, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Pliny Gerow, late of Company I, One hundred and eighteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Thayer, late of Company D, Twelfth Regiment Massachusetts Volunteer Infantry, and One hundred and first Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lewis B. Rex, late of Company E, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cornelius C. Wing, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Maria Miller, widow of Jesse Miller, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John H. Eversole, late of Company I, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred Holmes, late of Company K, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of J. Comly Rich, late of Company G, One hundred and ninety-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edith King, widow of William J. King, late of Company B, Twelfth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of John F. Newman, late of Company B, Tenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Smolinski, late of Company M, Ninth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Baxter Hamilton, late of Company C, Two hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Lydick, widow of Samuel A. Lydick, late of Company K, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Andrew Emmert, late of Company H, One hundred and eighty-eighth Regiment Pennsylvania Volunteer Infantry, and Company E, Sixth Veteran Reserve Corps, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Daniel Bubb, late of Company F, First Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles H. Ellis, late of the United States Navy, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Robert Kepner, late of Company G, Seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Mary J. Titus, widow of Francis J. M. Titus, late of Company F, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $25 per month.

The name of David W. Farington, late of Company F, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hamilton B. Pate, late of Company G, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester C. Loveless, late of Company G, Seventy-second Regiment, and Company I, One hundred and sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William E. Hanigan, late of Company D, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Lamar, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Himes, late of Company H, One hundred and fifty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter S. Huffman, late of band, Fifty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Moore, late of Company E, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram B. Dillon, late of Company H, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaiah W. Wilmeth, late of Company B, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Albert Varnell, late of Company I, Third Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Phebe A. Shisler, former widow of George W. Shisler, late of Company F, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of William D. McCormick, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Pope, late of Company F, Ninety-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham Espelye, late of Company G, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Merit L. Williams, late of Company F, Thirty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Gustavus Odor, late of Company I, Fourteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James W. Moore, late of Company F, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and Company D, Twelfth Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Lattimore, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter W. McGehee, late of Company C, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Ida E. Jones, widow of William A. T. Jones, late of Company E, Sixty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Alfred Hazen, late of Company H, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick Von Dissen, late of Company I, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James A. Kooney, late of Company D, One hundred and forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William Roup, late of Company H, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James J. Mitchell, late of Company C, One hundred and seventy-second Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Higdon, late of Company F, Purnell Legion, First Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John H. Price, late of Company C, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harvey N. Connerly, late of Company K, Forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William W. Decker, late of Company D, One hundred and fifteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mortimer Jones, late of Company B, Ninety-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Archibald Brannagh, late of Company C, Twentieth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Chester P. Tryon, late of Company E, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Bright, late of Company F, Sixth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Charles Stackhouse, late of Company B, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Joshua Westbrook, late of Company K, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Albert Cunningham, late of Company F, Second Battalion, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Alvin O. Thayer, late of Company K, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert J. Davis, late of Company I, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of George S. Armstrong, late of Company B, One hundred and sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias Baker, late of Company B, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Stephen Higgins, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of James W. Brumage, late of Company E, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonathan Bondy, late of Company H, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Owen Moore, late of Company K, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Calvin Miller, late of Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Tilman Lilly, late of Company M, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of John R. Bungard, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jacob McKnight, late of Company B, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cornelius L. Leport, late of Company C, Second Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Woodson, widow of John M. Woodson, late of Company B, Eighty-second Regiment, and Company C, Twenty-second Regiment, Indiana Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Clyde Woodson, helpless and dependent child of said John M. Woodson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary Woodson, the name of said Clyde Woodson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary Woodson.

The name of Jerome B. Summers, late of Company D, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Samuel T. Dowdle, late of Company B, Eighteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Annie L. Marksbury, widow of James W. Marksbury, late of Company G, Thirty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Austin A. Bierce, late of Company K, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John W. Hunter, late of Company C, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Price, late of Company B, Eighty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of William W. Carson, late of Company E, One hundred and forty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles H. Trimble, late of Company H, One hundred and fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Rosella Magee, helpless and dependent child of James Magee, late of Company I, Sixty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Anderson Bandy, late of Company E, Fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Robert S. McCreary, late of Company B, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Martin Brenaman, late of Company F, Third Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Melissa C. Lewis, former widow of Eugene Risley, late of Company C, Twenty-fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $25 per month.

The name of Louis Lady, late of Company E, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. McKechnie, late of Company I, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Johnson, late of Company D, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elam Welch, late of Company M, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Josiah Vanscyoc, late of Company B, Twelfth Regiment, and Company C, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Louisa M. Robinson, former widow of Jesse Robinson, late of Company C, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $25 per month.

The name of John Stockwell, late of Company K, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Samuel Smith, late of Company F, Fifth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper N. Cooper, late of Company G, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John W. McKinley, late of Company G, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu that he is now receiving.

The name of Hezekiah Miller, late of Company I, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Guilford D. Taylor, late of Company C, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lester N. Porter, late of Company H, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Matthew McGoldrick, late of Company H, Ninety-ninth Regiment New York National Guard Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George J. Wright, late of Company D, Seventy-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Augustus B. Tickner, late of Company D, Eighty-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Thomas J. Holman, late of Company A, Forty-fourth Regiment Wisconsin Volunteer Infantry, and Company C, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jacob W. Cline, late of Company D, Forty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John M. Fox, late of Company G, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nicholas Long, late of Company B, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Squire Grisson, late of Company G, Forty-sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $27 per month in lieu of that he is now receiving.

The name of Baty Cecil, late of Company F, Seventh Regiment Tennessee Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Erastus A. Kelly, late of Company L, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Eugene L. Haughton, late of Company I, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Hiram J. Pitsenbarger, late of Company E, Fortieth and Fifty-first Regiments Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John M. Willoughby, late of Company G, Fifty-third Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Morris Springfield, late of Company C, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry D. Combs, late of Company E, Second Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Martha Wilson, widow of Henry Wilson, late of Company D, Eleventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $37 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Harvey M. Wilson, helpless and dependent child of said Henry Wilson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Martha Wilson the name of said Harvey M. Wilson shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the death of said Martha Wilson.

The name of John M. Thorn, late of Company F, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Collins, late of Company M, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lemuel Jones, late of Company D, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at he rate of $50 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 668. Alfred Cooper.
H. R. 865. George H. J. Little.
H. R. 866. Arthur R. Pratt.
H. R. 876. Milton Inness.
H. R. 920. John J. Moll, alias James Moore.
H. R. 1004. Michael Kaitz.
H. R. 1038. Isaac Lee.
H. R. 1384. John Reid.
H. R. 1491. John W. Abbott.
H. R. 1532. Walter A. Scott.
H. R. 1776. Phoebe A. Jones.
H. R. 1790. John Spears.
H. R. 1936. John C. Benedict.
H. R. 1967. Richard Starr.
H. R. 1968. William Harper.
H. R. 2290. Levi G. Hake.
H. R. 2454. Samuel A. Hays.
H. R. 2516. Samuel E. Scott.
H. R. 2554. Louis Dixon.
H. R. 2557. James Fluler.
H. R. 2569. Francis M. Tipple.
H. R. 2630. Amelia F. Jewett.
H. R. 2661. Silas H. Lansing.
H. R. 2779. John B. Cason.
H. R. 3171. David Richardson.
H. R. 3260. Francis M. Kirkpatrick.
H. R. 3432. Taylor Johnson.
H. R. 3489. Gilbert Scarbrough.
H. R. 3586. Andrew Hale.
H. R. 3589. Henry P. Bradbury.
H. R. 3698. Leander H. Prather.
H. R. 3918. William T. Hobbs.
H. R. 3984. Isom S. Reeder.
H. R. 4053. George Deitmer.
H. R. 4277. Levi Guy.
H. R. 4476. Henderson Morgan.
H. R. 4505. George Chapman.
H. R. 4786. Charles W. Healy.
H. R. 4869. James O. Grant.
H. R. 4890. Anna M. Barrett.
H. R. 4985. William J. Barnett.
H. R. 5064. Leonidas W. Day.
H. R. 5127. Almeda King.
H. R. 5179. James M. Shuey.
H. R. 5305. Henry Winters.
H. R. 5394. John O. Harmon.
H. R. 5500. Alexander B. Grosh.
H. R. 5506. George A. Parks.
H. R. 5512. Robert F. Hart.
H. R. 5730. William H. Herbe.
H. R. 5770. Landon C. Campbell.
H. R. 5977. Richard H. Stinemates.
H. R. 5978. Silas Waters.
H. R. 6067. George C. Smith.
H. R. 6081. Byron Truesdell.
H. R. 6084. William J. Coleman.
H. R. 6191. John McCormas.
H. R. 6589. Jordan Johnson.
H. R. 6681. Arctus F. Loomis.
H. R. 6682. Spear T. Harmon.
H. R. 6683. Francisco Brown.
H. R. 6821. Theodore G. Carlisle.
H. R. 6861. Pliny Gerow.
H. R. 6866. James M. Thayer.
H. R. 6911. Lewis B. Rex.
H. R. 6916. Cornelius C. Wing.
H. R. 6922. Maris Miller.
H. R. 7054. John H. Eversole.
H. R. 7217. Alfred Holmes.
H. R. 7369. J. Comly Rich.
H. R. 7371. Edith King.
H. R. 7376. John F. Newman.
H. R. 7514. Joseph Smolinski.
H. R. 7610. Baxter Hamilton.
H. R. 7625. Mary Lydick.
H. R. 7669. Andrew Emmert.
H. R. 7675. Daniel Bubb.
H. R. 7676. Charles H. Ellis.
H. R. 7712. Robert Kepner.
H. R. 7748. Mary J. Titus.
H. R. 7757. David W. Farington.
H. R. 7798. Hamilton B. Pate.
H. R. 7799. Sylvester C. Loveless.
H. R. 7813. William F. Hanigan.
H. R. 7826. Thomas J. Lamar.
H. R. 7837. William Blines.
H. R. 7854. Peter S. Huffman.
H. R. 7856. George W. Moore.
H. R. 7889. Hiram B. Dillon.
H. R. 7901. Isaiah W. Wilmeth.
H. R. 7932. Albert Varnell.
H. R. 7938. Phebe A. Shisler.
H. R. 7941. William I. McCormick.
H. R. 7952. William W. Pope.
H. R. 7965. Abraham Rapelye.
H. R. 8037. Merit L. Williams.
H. R. 8137. Gustavus Odor.
H. R. 8140. James W. Moore.
H. R. 8167. John Laithmore.
H. R. 8176. Walter W. McGehee.
H. R. 8178. Ida A. Jones.
H. R. 8190. Alfred Hazen.
H. R. 8194. Frederick Von Dissen.
H. R. 8232. James A. Kooney.
H. R. 8234. William Roupp.
H. R. 8235. James J. Mitchell.
H. R. 8241. John W. Higdon.
H. R. 8250. John H. Price.
H. R. 8264. Harvey N. Connerly.
H. R. 8265. William W. Decker.
H. R. 8295. Mortimer Johns.
H. R. 8440. Archibald Branaugh.
H. R. 8447. Chester P. Tryon.
H. R. 8540. John H. Bright.
H. R. 8581. Charles Stackhouse.
H. R. 8593. Joshua Westbrook.
H. R. 8597. Albert Cunningham.
H. R. 8675. Alvin O. Thayer.
H. R. 8766. Albert J. Davis.
H. R. 8775. George S. Armstrong.
H. R. 8870. Elias Baker.
H. R. 8871. Stephen Higgins.
H. R. 8874. James W. Brumage.
H. R. 8901. Jonathan Bendy.
H. R. 8962. Owen Moore.
H. R. 8963. Calvin Miller.
H. R. 8966. Tilman Lilly.
H. R. 8982. John R. Rungard.
H. R. 8984. Jacob McKnight.
H. R. 8994. Cornelius L. Leport.
H. R. 8999. Mary Woodson.
H. R. 9000. Jerome B. Summers.
H. R. 9007. Samuel T. Dowdle.
H. R. 9029. Annie L. Marksbury.
H. R. 9058. Austin A. Birrer.
H. R. 9109. John W. Hunter.
H. R. 9128. Henry Price.
H. R. 9131. William W. Carson.
H. R. 9139. Charles H. Trumble.
H. R. 9141. Rosella Magee.
H. R. 9175. Anderson Bandy.
H. R. 9187. Robert S. McCreary.
H. R. 9192. Martin Brennaman.
H. R. 9200. Melissa C. Lewis.
H. R. 9226. Louis Lady.
H. R. 9233. George B. McKechnie.
H. R. 9242. David Johnson.
H. R. 9261. Elma Welch.
H. R. 9264. Josiah Vancyoc.
H. R. 9272. Louisa M. Robinson.
H. R. 9300. John Stockwell.
H. R. 9305. Samuel Smith.
H. R. 9307. Jasper N. Cooper.
H. R. 9308. John W. McKinley.
H. R. 9317. Hezekiah Miller.
H. R. 9328. Guilford D. Taylor.
H. R. 9423. Lester N. Porter.
H. R. 9425. Matthew McGoldrick.
H. R. 9428. George J. Wright.
H. R. 9444. Augustus B. Tickner.
H. R. 9449. Thomas J. Heiman.
H. R. 9450. Jacob W. Cline.
H. R. 9454. John M. Fox.
H. R. 9548. Nicholas Long.
H. R. 9554. Squire Grissom.
H. R. 9617. Baty Cecil.
H. R. 9623. Erastus A. Kelly.
H. R. 9709. Eugene L. Haughton.
H. R. 9718. Hiram J. Pitzenbarger.
H. R. 9720. John M. Willoughby.
H. R. 9723. Morris Springfield.
H. R. 9724. Henry D. Combs.
H. R. 9827. Martin Wilson.
H. R. 9855. John M. Thorn.
H. R. 9891. James Collins.
H. R. 9992. Lemuel Jones.

The SPEAKER pro tempore (Mr. RAINEY in the chair). The question is on the engrossement and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. HELVERING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on pension legislation.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GILLETT. Reserving the right to object, on what subject?

Mr. MADDEN. Let the gentleman state on what subject he expects to extend his remarks.

Mr. HELVERING. I stated that it was on pension legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

Mr. LANGLEY. Mr. Speaker, reserving the right to object, is the gentleman going to discuss politics?

Mr. HELVERING. Not at all.

Mr. LANGLEY. Then I have no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The SPEAKER resumed the chair.

ENLISTED MEN DISCHARGED TO ACCEPT COMMISSIONS.

Mr. DENT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9903) to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes.

The SPEAKER. The gentleman will send the bill up to the desk and the Clerk will report it.

Mr. STAFFORD. Will the gentleman indicate the calendar number?

Mr. DENT. I will in a moment.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9903) to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. GILLETT. Let the whole bill be read. It is very short.

Mr. STAFFORD. Will the Clerk indicate what the calendar number is?

The SPEAKER. It is No. 129 on the Union Calendar.

The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 9903) to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes.

Be it enacted, etc., That any enlisted man of the Army of the United States who has heretofore been, or shall hereafter be, discharged to accept a commission in any component part of the Army of the United States, and who shall tender himself for enlistment within three months after the termination of his commissioned service, shall, subject to such examination for enlistment as is provided by law or regulation, be accepted and be restored to the grade held by him before being discharged to accept such commission; and in computing service for retirement and continuous-service pay he shall be credited with all time served with the forces of the United States, and his service shall be deemed continuous, notwithstanding the interruption thereof by the changes of status provided for herein.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think some explanation should be given by the chairman of the committee as to the purpose of this bill.

Mr. DENT. Mr. Speaker, at the last session of Congress a bill was passed which provided that an enlisted man in the Regular Army who accepted a commission in the National Guard could be reenlisted or restored to his position as an enlisted man after his temporary commission expired. This bill is intended to extend the provisions of that act so as to include any enlisted man who may take a commission in the National Army. There are men who have served for many years in the Army and have noncommissioned positions now such as sergeants and corporals. They do not wish to take a commission in any branch of the service if their length of service as an enlisted man in the Army should be impaired thereby.

Mr. DYER. Will the gentleman yield for a question?

Mr. DENT. Certainly.

Mr. DYER. Does the gentleman's bill also include those who are commissioned from the Regular Army, noncommissioned officers, and who desire to resign before the war is over?

Mr. DENT. The bill provides that they may be reenlisted in the Army and get the benefit of continuous service.

Mr. DYER. How long does the gentleman's bill state after the war is over they have to do that if they desire?

Mr. DENT. They have three months.

Mr. DYER. I know a number of noncommissioned officers of the Regular Army who have been commissioned in the National Army. It was called to my attention, for instance, some weeks ago that two men were commissioned—one as a lieutenant and one as a captain—and they stated to the commanding general there they desired to resign their commissions and return to their noncommissioned positions in the Regular Army, and they wanted to do it now.

Mr. DENT. There is nothing in this bill that will prevent that.

Mr. DYER. This will permit him to do it at this time?

Mr. DENT. Yes.

Mr. CRAGO. Is not the purpose of this bill to enable men of the Regular Army, corporals and sergeants, who accepted commissions in the National Guard organization for service on the border to be reinstated to their positions in the ranks of the Regular Army?

Mr. GREENE of Vermont. Was not that taken care of in the appropriation act of last year?

Mr. DENT. That was taken care of, and this extends the same idea.

Mr. MADDEN. This gives them the right to go back to their former status, then, any time within three months after they surrender their commissions for any cause—that is, if it is an honorable cause?

Mr. DENT. They do not lose any right by reason of this act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. DENT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That any enlisted man of the Army of the United States who has heretofore been, or shall hereafter be, discharged to accept a commission in any component part of the Army of the United States, and who shall tender himself for enlistment within three months after the termination of his commissioned service, shall, subject to such examination for enlistment as is provided by law or regulation, be accepted and be restored to the grade held by him before being discharged to accept such commission; and in computing service for retirement and continuous-service pay he shall be credited with all time served with the forces of the United States, and his service shall be deemed continuous, notwithstanding the interruption thereof by the changes of status provided for herein.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONDEMNATION OF LAND FOR NITRATE PURPOSES.

Mr. DENT. Mr. Speaker, I would like to ask unanimous consent for the present consideration of the bill (H. R. 8409) for condemnation of land for nitrate purposes.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the bill H. R. 8409, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8409) to amend an act entitled "An act to authorize the condemnation proceedings of land for military purposes," approved July 2, 1917, and for other purposes.

Mr. DYER. Mr. Speaker, I ask that the bill may be read.

Mr. BORLAND. Mr. Speaker, I think we can save time. I shall object to its consideration at the present time.

The SPEAKER. If the gentleman is going to object, that ends it. Has the gentleman from Alabama another bill?

APPOINTMENT OF OFFICERS OF PHILIPPINE SCOUTS, ETC.

Mr. DENT. I have. I ask unanimous consent to call up the bill H. R. 9571, a bill providing for the appointment of officers of the Philippine Scouts as officers of the Philippine Militia.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9571) to authorize the appointment of officers of the Philippine Scouts as officers in the militia or other locally created armed forces of the Philippine Islands drafted into the service of the United States, and for other purposes.

The SPEAKER. The Clerk had better read the whole bill.

The Clerk read as follows:

Be it enacted, etc., That officers of the Philippine Scouts be, and they hereby are, made eligible to appointment as officers in the militia or other locally created armed forces in the Philippine Islands which have been or shall hereafter be drafted into the service of the United States; and any such officer of the Philippine Scouts so appointed as an officer in said drafted forces shall not thereby vacate his commission in the Philippine Scouts, and in case his commission in said Philippine Scouts shall terminate while holding a commission in said drafted forces as aforesaid, he shall thereupon be eligible to reappointment as an officer of said Philippine Scouts notwithstanding his retention of a commission in said drafted forces.

SEC. 2. That in computing period of service for any purpose officers of the Philippine Scouts shall be credited with all time served as commissioned officers in the drafted forces mentioned in section 1 of this act.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I would like to have a brief statement from the gentleman in charge of the bill in regard to the necessity for this legislation.

Mr. DENT. Mr. Speaker, the House recently passed a bill authorizing the President to call into Federal service the Philippine Scouts and the Philippine Militia. At the time that that bill passed the House it was generally supposed—in fact, it was known by the War Department—that they would use these American officers of the Philippine Scouts in this new organization, but the Judge Advocate General ruled that the officers of the Philippine Scouts would not be eligible for appointment to office in the Philippine Militia, and this is done in order to correct the law and extend the provisions of the bill we have already passed.

Mr. MONDELL. Will the gentleman explain to the House the effect of the provision in the bill found on lines 8 and 9, to the effect that "an officer in said drafted forces shall not thereby"—that is, by his acceptance of the new commission—"vacate his position in the Philippine Scouts"?

Mr. DENT. I think that is perfectly plain.

Mr. MONDELL. Does that mean that there is for the time being a vacancy among the officers of the Philippine Scouts?

Mr. DENT. I so understand it. In other words, it is proposed to use this organization for war purposes, and then, when the war is over, of course the Philippine Scouts organization will be retained for peace purposes.

Mr. MONDELL. Has the effect of the legislation referred to been temporarily to disband, or will its effect be to temporarily disband, the Philippine Scouts?

Mr. DENT. I think so.

Mr. MONDELL. I assumed that was the case.

Mr. DENT. Yes.

Mr. MONDELL. Then I do not clearly understand the necessity of the officer retaining a commission in the Philippine Scouts.

Mr. DENT. Because when the war is over he will revert to his original commission as an officer of the Philippine Scouts. The organization will be temporarily disbanded during the war, for war purposes.

Mr. MONDELL. Of course, he would be eligible for a commission in the Philippine Scouts organization in that event, so that I do not quite understand the necessity of retaining the Philippine commission. In other words, it is the case of a man holding two commissions at the same time. That is what it really amounts to.

Mr. GREENE of Vermont. Mr. Speaker, will the gentleman yield?

Mr. DENT. Yes.

Mr. GREENE of Vermont. I think its analogy is to be found now in the practice whereby an officer of the Regular Establishment will vacate that office temporarily, perhaps, to hold a higher grade and rank in the National Army, and at the conclusion of his tour of duty in the National Army will revert to his old status in the Regular Army.

Mr. MONDELL. Such an officer in that event does not retain his commission.

Mr. GREENE of Vermont. Of course he does, but he does not act under it. He holds his old place in the lineal list, his old grade and rank, unless under the automatic operation of the law he is advanced in numbers on the lineal list.

Mr. ALEXANDER. But he does not get pay under both.

Mr. GREENE of Vermont. No; not under both commissions.

Mr. MONDELL. I understand that in such a case the officer's place was held open for him.

Mr. GREENE of Vermont. He does not operate under that commission. A man may be put in temporarily to occupy a vacancy caused by his temporary advancement, but the man's old status in the Regular organization is preserved to him.

Mr. CANNON. Mr. Speaker, will the gentleman permit me to ask him a question?

Mr. DENT. Certainly.

Mr. CANNON. Do I understand now that an officer in the Philippine Scouts who is drafted can not be commissioned as an officer in the Army?

Mr. DENT. Certainly he can be commissioned.

Mr. MONDELL. If he were drafted; but he can not be drafted?

Mr. DENT. No; he can not be drafted.

Mr. CANNON. I thought this was a proposal to take in the whole organization.

Mr. DENT. It does propose to take in the organization. We have already passed that bill. It is behind us. That has already been done. The question now is whether or not the Philippine Scout officers shall be eligible to appointment in this militia that we have called into the service.

Mr. CANNON. The Philippine Scouts having been drafted along with the whole shooting match he is not an officer—he is not an officer at all, not a commissioned officer?

Mr. DENT. No; he is not.

Mr. CANNON. And can not be under the law?

Mr. DENT. No; he can not be under the law.

Mr. CANNON. Is he eligible to appointment? Suppose the President should send his nomination to the Senate. Is he eligible to be an officer?

Mr. DENT. A Philippine Scout officer?

Mr. CANNON. No; an officer in the Regular Army. These people go into the Regular Army, do they not?

Mr. DENT. I really do not understand the gentleman's proposition.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a second?

Mr. DENT. No. I would like to understand the position of the gentleman from Illinois.

Mr. CANNON. What is the status of a Philippine Scout company or regiment that has been conscripted? What is the status of a man who was an officer in the Philippine Scouts? Is he now a private?

Mr. DENT. He occupies the status of a noncommissioned officer or private in the Regular Army.

Mr. CANNON. Then he loses his commission in the Philippine Scouts?

Mr. DENT. He does, or would but for the provisions of this bill. This bill takes care of that and protects it.

Mr. CANNON. Does it take care of it while he is in the Army, while the war lasts?

Mr. DENT. It provides that they may get back their commissions when the war ends.

Mr. CANNON. In the meantime he is not eligible for a commission?

Mr. DENT. Not in this organization unless this bill passes.

Mr. CANNON. I think there are officers in the Philippine Scouts who are perhaps Filipinos or half castes or Anglo-Saxons. Is that correct?

Mr. DENT. I think so.

Mr. CANNON. None of those, as I understand the gentleman, are eligible to appointment or commissions as officers in the Army?

Mr. MONDELL. Why not?

Mr. CANNON. I am seeking to find out. I am asking for information.

Mr. DENT. If you mean an appointment of the Filipino in the Regular Army, no. If he is an American citizen, he is eligible to appointment, provided he can stand the examination. A number of them have been tried out, and a number have been appointed, as I am informed.

Mr. CANNON. That answers my question.

Mr. MONDELL. Then the purpose of this is not primarily to make these men eligible to appointment in the new organization. They are now eligible to such appointment, are they not?

Mr. DENT. Yes.

Mr. MONDELL. The purpose of this legislation is to allow these officers to accept commissions in the new organization and retain at the same time the commissions in the old organization?

Mr. DENT. That is true, but to hold and only to exercise one of the commissions that they have.

Mr. MONDELL. The gentleman said in the beginning of his remarks that the purpose of it was to make it possible for these men to accept commissions in the new organization. That is not an accurate statement of the situation.

Mr. DENT. It is an accurate statement of the situation, because the new organization that I was referring to is the organization of the Philippine Militia and the Philippine Scouts, to be used during the war.

Mr. MONDELL. Yes; but these men are eligible to commissions in that organization.

Mr. DENT. The judge advocate says not.

Mr. MONDELL. I understood the gentleman a moment ago to say that they were. They are citizens of the United States, are they not?

Mr. DENT. I said that any Philippine Scout officer who is an American citizen is eligible to appointment as an officer in the Regular Establishment, and the War Department has given these men an opportunity to stand an examination for that purpose, and a number of them have been appointed; but they are not eligible to appointment in this new organization combining the Philippine Militia and the Philippne Scouts, to be used during the war.

Mr. MONDELL. Why not?

Mr. DENT. Because the Judge Advocate General says so.

Mr. MONDELL. That is, the Judge Advocate General has said that they are not eligible for appointment in the new organization while retaining their commissions in the old.

Mr. DENT. Substantially that.

Mr. MONDELL. That is a very different proposition. I do not know that I have any objection to the legislation, but I think we ought clearly to understand its purpose; and its purpose is not to give these men an opportunity to accept commissions in the new organization, for they can do that in any event by resigning from the scouts, but to give them an opportunity to accept commissions in the new organization and retain commissions in the old.

Mr. DENT. I think I have stated that officers of the scouts can not under the ruling of the Judge Advocate General accept a commission in the organization of the scouts and Philippine Militia recently called into service under a bill passed at this session for that purpose. This bill is intended to correct this defect in that bill.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

ARMY CHAPLAINS.

Mr. DENT. Now, Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2917) authorizing the appointment of chaplains in the Army, one for each 1,200 men.

Mr. BYRNS of Tennessee. Reserving the right to object, I want to say to the gentleman that, while I am not opposed to this bill, at the same time, if it is going to take as great a length of time as was taken by the preceding bill, I shall feel constrained to object, because I wish to begin the consideration of the legislative bill.

Mr. DYER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. DYER. As far as I can find out, I am sure that there is no disposition to take time on this bill, and I think it very important. There is a great demand for it, and I hope the gentleman will not object.

Mr. BYRNS of Tennessee. If the gentleman from Alabama [Mr. DENT] will give me his assurance that if it is going to take any very great length of time he will withdraw his request, I shall not object.

Mr. DENT. I ask unanimous consent to consider the bill, and if any opposition develops I will withdraw my request.

The SPEAKER. Is there objection?

Mr. ROBBINS. Reserving the right to object, let the bill be read.

Mr. COX. I am going to demand the regular order, Mr. Speaker.

The SPEAKER. The regular order is, Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. COX. I demand the regular order.

The SPEAKER. The regular order is, Is there objection?

Mr. STAFFORD. A parliamentary inquiry, Mr Speaker.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Is not the mere demand for the regular order under the precedents of the House equivalent to an objection?

The SPEAKER. No; it has not been construed that way.

Mr. STAFFORD. If the Speaker will pardon me, it has been construed that way——

The SPEAKER. Ordinarily that would be the case, but in the matter of getting consent for the consideration of bills the Chair is going to construe it the other way. Is there objection?

Mr. STAFFORD. For the time being, if we can not have the bill reported, I shall be constrained to object.

The SPEAKER. The gentleman can have the bill reported. The Clerk will read it.

The Clerk read the bill (S. 2917) to amend section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," as follows:

Be it enacted, etc., That section 15 of the act approved June 3, 1916, entitled "An act for making further and more effectual provision for the national defense, and for other purposes," as amended by the act approved May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," be, and the same is hereby, amended to read as follows:

"SEC. 15. Chaplains: The President is authorized to appoint, by and with the advice and consent of the Senate, chaplains in the Army at the rate of not to exceed, including chaplains now in the service, 1 for each 1,200 officers and men in all branches of the Military Establishment, with rank, pay, and allowances as now authorized by law: *Provided*, That there shall be assigned at least one chaplain for each regiment of Cavalry, Infantry, Field Artillery, and Engineers."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think this bill would provoke some discussion, and I ask the gentleman from Alabama to withdraw it.

Mr. DENT. I made the promise that if there was opposition to it I would withdraw my request; but I would like to make this statement first, that this is recommended by Gen. Pershing himself in a special cablegram to the War Department, and the Secretary of War has urged the passage of this bill. With that statement, in view of the objection I will withdraw my request.

Mr. DYER. There is great demand in the country for the passage of this bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. For the time being, I object.

HOMESTEAD ENTRIES, FORMER COLVILLE INDIAN RESERVATION, WASH.

Mr. DILL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. J. Res. 92, providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash.

The SPEAKER. The Clerk will report it.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of the Interior is hereby authorized to extend for a period of one year the time for the payment of any annual installment due, or hereafter to become due, on the purchase price for lands sold under the act of Congress approved March 22, 1906 (34 Stats., p. 80), entitled "An act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes," and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due, by the terms of the act under which the entry was made: *Provided further*, That any and all payments must be made when due, unless the entryman applies for an extension and pays interest for one year in advance at 4 per cent per annum upon the amount due as herein provided, and patent shall be withheld until full and final payment of the purchase price is made in accordance with the provisions hereof: *And provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payment at or before the time to which such payment has been extended, as herein provided, shall forfeit the entry, and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand that the gentleman intends, if consent is given, to offer some amendments, so as to grant this privilege to these homesteaders merely for one year and no longer, and also to increase the rate of interest from 4 per cent to 5 per cent.

Mr. DILL. Yes; I will say that a similar bill is on the Union Calendar, reported by the Committee on the Public Lands, which contains these changes that the gentleman suggests, and if he will offer the amendments, I shall have no objection to them. I have not prepared the amendments. The gentleman can offer them, or if he will give them to me I will offer them.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield to me?

Mr. DILL. Yes.

Mr. McLAUGHLIN of Michigan. I understand that there is some legislation on behalf of the men engaged in military service who have made entries, extending their time and giving them some measure of relief. Why should this relief be extended indiscriminately?

Mr. DILL. This applies only to homesteaders who went on the Colville Reservation last year; probably only about 500 purchased land at the appraised value. It is dry land, and last year was a very dry year anyhow. Anybody who knows anything about the conditions there knows that the first year on dry land they have great difficulty in raising crops, and last year they scarcely got their seed.

Mr. McLAUGHLIN of Michigan. Where is this land?

Mr. DILL. It is in eastern Washington, in the dry section between the Cascades and the Rockies. This will mean that these homesteaders can remain on the homestead and pay interest on the deferred payments to the Indians.

Mr. FOSTER. This only extends the time?

Mr. DILL. It extends the time of payment one year.

Mr. STAFFORD. The bill in its present form would extend the time to one year and would grant the entryman the right to have it continued indefinitely until one year after the last payment upon merely paying interest of 4 per cent. I understand the gentleman will offer amendments to grant it for one year only on a payment of interest at 5 per cent.

Mr. FOSTER. This raises the rate of interest from 4 to 5 per cent?

Mr. STAFFORD. The House bill carried a rate of 5 per cent and the Senate bill a rate of 4 per cent. The customary rate in extensions of this character is 5 per cent.

Mr. FOSTER. The regular rate that they pay on deferred payments is 5 per cent?

Mr. DILL. Five per cent.

Mr. MONDELL. What is the rate of the annual payment?

Mr. DILL. It depends on the appraisement of the tract upon which the man enters.

Mr. MONDELL. What is the average?

Mr. DILL. I am not sure about the average, but not a large amount.

Mr. MONDELL. Payment per annum?

Mr. DILL. Yes; but I am not certain about the amount.

Mr. McLAUGHLIN of Michigan. How many deferred payments are there?

Mr. DILL. This year's payments are due—probably three or four hundred of them, at the most. There will be other payments due next year. They can postpone those for one ear. It simply permits the homesteader to postpone each of his payments one year.

Mr. McLAUGHLIN of Michigan. It extends the time of making the payments one year?

Mr. DILL. Yes; and he pays interest of 5 per cent to the Indians for the use of the money. These Indians have a large sum in the Treasury and are not in need of the money.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DILL. Mr. Speaker, I offer the following amendments.

The Clerk read as follows:

Page 1, line 4, after the word "of" insert the words "not longer than"; page 1, lines 11, 12, and 13, strike out the words "and any payment so extended may annually thereafter be extended for a period of one year in the same manner"; page 2, line 2, strike out the word "last"; page 2, line 6, strike out the word "four" and insert the word "five"; page 2, lines 11, 12, and 13, strike out the words "or to make any extended payment at or before the time to which such payment has been extended."

The amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DILL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The House bill (H. R. 5673) of similar tenor was laid on the table.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10358, the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 10358, the legislative, executive, and judicial appropriation bill.

Mr. BYRNS of Tennessee. Mr. Speaker, pending that I would like to ask the gentleman from Wisconsin [Mr. STAFFORD] whether we can not agree on time for general debate?

Mr. STAFFORD. Mr. Speaker, it is now nearly 2 o'clock. I have requests from a number of gentlemen on this side amounting to more than three hours. I would suggest to the gentleman that no limit of time be placed on general debate to-day, but that we go into Committee of the Whole and have the time equally divided between the gentleman and myself and see what the condition will be at the conclusion of to-day's session.

Mr. BYRNS of Tennessee. Does the gentleman think we can close general debate to-day?

Mr. STAFFORD. Not if all the gentlemen on this side demand their time. It will be impossible, but some gentlemen might not claim the time.

Mr. BYRNS of Tennessee. Mr. Speaker, I ask unanimous consent that the time for general debate be equally divided, one half to be controlled by the gentleman from Wisconsin [Mr. STAFFORD] and the other half by myself.

The SPEAKER. The gentleman from Tennessee, pending his motion to go into Committee of the Whole House on the state of the Union, asks unanimous consent that one half of the time for general debate be controlled by the gentleman from Wiscon-

sin [Mr. STAFFORD] and the other half by himself. Is there objection?

There was no objection.

The motion of Mr. BYRNS of Tennessee was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS of Virginia in the chair.

The Clerk reported the bill by title.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, the pending bill which provides for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, carries a much larger sum than has ever been carried heretofore in a bill of this character. It is not necessary for me to say that this fact grows out of the greatly increased appropriations that have become necessary for clerks and other purposes in the departments here in Washington on account of the pending war, and if Members will examine the report submitted by the committee they will find that the great proportion of the increase in this bill over the current law is largely in two or three of the departments of the Government which are more intimately charged with the carrying on of the war. I refer to the War Department, the Navy Department, the Department of the Treasury, the Department of State, and the Bureau of Standards in the Department of Commerce. The estimates upon which this bill is based call for $75,694,852.09. The bill as reported to the House actually carries $69,533,598.25, or $6,161,253.84 less than the estimates submitted by the various departments. The appropriations made for the current year for the legislative, executive, and judicial expenses amount to $55,953,790.17, or $13,581,799.08 less than the amount carried in this bill. The pending bill provides for 17,878 specific salaries, or 1,216 more than are carried for the present year, and 1,105 less than asked for in the estimates.

Unless it is particularly desired at this time, I shall not undertake to discuss the various items in the bill and the various cuts which have been made by the committee in the estimates, preferring to leave discussion of those particular matters until the bill is taken up in due course of consideration under the five-minute rule. But I will say that the Committee on Appropriations believe confidently that there has been no cut made in any of the estimates submitted to the committee and to Congress which will result in detriment to the Government. The committee feels confident that it has provided every dollar necessary for the efficient administration of the Government and provided every sum which will be required for the use of these departments, at least for the greater portion of the year. Certainly, every sum has been provided which can now be anticipated. I do not mean to say that there is not a possibility that in the future some of the departments, to wit, the War Department and the Navy Department, may not require an additional sum for clerical assistance if the war should continue indefinitely. It has been impossible for the heads of those departments and the heads of the various bureaus in those departments to state with any degree of certainty exactly how much clerical assistance they will need during the coming fiscal year, and especially so far in advance. Gentlemen will remember that there is no past experience to guide them and to serve as a criterion for the future. It is evident, however, to anyone who will read the hearings on this bill that it carries a sufficient amount of money to carry those departments possibly for the entire fiscal year, and certainly well into the fiscal year, and if this war should continue and the necessity should become apparent during the next fiscal year for additional money, Congress will be in session in December, and the heads of these departments will then be able to go before the committee and Congress and explain with greater certainty exactly what they will need.

I may say that the committee has allowed every dollar that was asked for in the estimates submitted by the War Department. We have not cut the original estimates submitted by the War Department one single cent. I believe that it is better to appropriate many dollars more than may be needed in this crisis than to fail to appropriate one dollar necessary to the running of the Government during this crisis, if by so doing it would result in either prolonging the war or in a failure to bring about a favorable and successful peace, and the permanent establishment of those principles of freedom and democracy for which we are contending. The country expects Congress to appropriate every dollar that is absolutely necessary for the prompt winning of the war, and it likewise expects the executive departments to spend the money so appropriated wisely and economically, and it will hold both Congress and the executive departments strictly to account for the proper exercise of the functions vested in them. The committee has held long and extended hearings, covering a period of nearly two months. As I have stated, it has been a human impossibility for the committee to determine just how much will be needed in some departments during the fiscal year, but I repeat that we have allowed every sum which we thought and believed from the hearings to be necessary. It is the duty of Congress, of course, to keep close track of these appropriations, immense as they are, which are being made from time to time. The Committee on Appropriations is not charged with the especial duty of investigating how money has been expended, nevertheless in its investigations and its hearings to determine how much money will be needed in the future it never fails to examine particularly how the money carried in a particular bill has been expended during the past.

Mr. SNOOK. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. SNOOK. Has the gentleman any information or any figures as to how large an extent the Bureau of War-Risk Insurance is being extended? How many clerks have they there now?

Mr. BYRNS of Tennessee. The Bureau of War-Risk Insurance at the present time, or nearly a month ago, had about 1,780 clerks in round numbers. This bill carries an appropriation which will authorize an organization consisting of about 2,900 clerks, and I may say that the deficiency bill which was passed some weeks ago by the House carries a similar appropriation for the remainder of this fiscal year.

Mr. SNOOK. At how much cost for the year?

Mr. BYRNS of Tennessee. Three million five hundred and ninety-one thousand dollars.

Mr. SNOOK. That is not the total estimated expense of that bureau for the year, is it?

Mr. BYRNS of Tennessee. It is not the total estimated expense for that bureau for the next fiscal year. I will say to the gentleman that that bureau's estimated expense was $3,897,848.

Mr. SNOOK. It costs a little less than $4,000,000 a year?

Mr. BYRNS of Tennessee. The committee has allowed $3,591,000, and I may say that the committee went very fully into the organization of the War-Risk Insurance Bureau and allowed them for salaries alone the sum of $3,000,000.

The cuts are principally in the matter of rent, stationery, and contingent expenses.

Mr. SNOOK. It will take something like 2,900 clerks when fully organized?

Mr. BYRNS of Tennessee. Yes. Now, Mr. Chairman, while the Committee on Appropriations have always conducted exhaustive hearings, not only as to the requirements of the Government in the future but as to the manner of expenditures of those sums which have been recommended in the first instance by the Appropriations Committee to the House, nevertheless there is a distinct duty and a great public service which the committees on expenditures of this House can render. I know of no more valuable service that can be rendered by any committee of this House than by the committees on expenditures in the departments at this particular time, especially since we are appropriating money no longer in the millions but in the billions. This bill does not carry at this time any general increase of salaries for the clerks, but I may say that the subcommittee of the Committee on Appropriations is now conducting hearings and considering an amendment, which will probably be offered to this bill before it is finally passed, making provision for some general increase in the compensation of clerks. The bill increases very few salaries of the larger class. There is but little legislation in this bill. It does carry a provision which places the Members' clerks upon the roll and provides that they shall be paid directly out of the Treasury rather than under the present custom. It further carries a provision, in accordance with the report made by the Bureau of Efficiency, discontinuing the nine Subtreasuries six months after the war ends. I shall not undertake to present the reasons for that proposed legislation at this time, because I am aware when it is reached in the consideration of the bill it will come up for general discussion.

Mr. LONERGAN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield.

Mr. LONERGAN. I call the gentleman's attention to lines 25 and 26, page 20, of the bill. Now the provision is "that the employment of any clerk or clerks," referring to the clerks of Members of the House, "hereunder shall cease upon the death, resignation, removal, or termination of service of the Member, Delegate, or Resident Commissioner by whom they were appointed."

Did the gentleman's committee take into consideration the advisability of continuing in the service the clerks of deceased Members of the House, or those who resigned during the period, and there was a vacancy, so that the business of constituents could be taken care of during the interval?

Mr. BYRNS of Tennessee. I will say to the gentleman we did not. This provision to which the gentleman has referred simply provides that clerks of Members will go upon the roll and be paid directly out of the Treasury by virtue of the appointment of the Member. Now, when a Member ceases to be a Member of this body, either by resignation, death, or otherwise, why the committee felt that the appointee holding his position upon the roll as the result of appointment should, of course, have his connection with the Government severed.

Mr. LONERGAN. Is the gentleman prepared to express an opinion as to the advisability of giving this consideration?

Mr. BYRNS of Tennessee. I do not really see, I will say to the gentleman from Connecticut, any material necessity for such a provision as the one to which the gentleman refers. We have no such provision now and it has been my observation that vacancies do not exist in the House for many months. Elections are usually called speedily by governors in the States where vacancies exist and the people fill those vacancies.

Mr. LONERGAN. There is a vacancy in the State of Illinois and has been for a good many months.

Mr. BYRNS of Tennessee. And that district has now no representation here either by a Member of Congress or by a clerk of a former Member, so this provision does not make any change in the existing law in so far as the holding over of clerks to Members is concerned.

Mr. LONERGAN. To whom does one write from a congressional district where there is a vacancy in the House of Representatives; to whom do we write to have public business transacted?

Mr. BYRNS of Tennessee. I know of no one to whom to write except the Senators or some Member living in an adjoining district.

Mr. JOHNSON of Washington. In this particular instance, this State has two Congressmen at large.

Mr. BYRNS of Tennessee. So they are well represented, as we all know, in the State of Illinois.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield.

Mr. GARRETT of Tennessee. Upon what theory does the committee recommend the placing of clerks to Members upon the roll?

Mr. BYRNS of Tennessee. Upon this theory, I will say to my colleague from Tennessee: This money which is appropriated from year to year is appropriated not to the Member individually but for the purpose of providing clerical services for the Member. Now I for one have never been able to see why the money so provided, appropriated as it is specifically for clerical service, should be paid to the Member and charged up to him upon the books of the Government as a part of his salary rather than paid directly to the clerks. The gentleman knows that under the recent ruling of the Internal-Revenue Commission on the war-tax law, which was passed last year, it is necessary for Members of Congress to report as a part of their salary the $2,000 which is now allowed them for clerical service. Of course we have the right to deduct——

Mr. GARRETT of Tennessee. A Member takes credit.

Mr. BYRNS of Tennessee. We have the right to deduct from that sum the same amount which has been paid for clerical services. Now, I have never been able to understand why there should be any objection to placing these clerks upon the roll, subject to the will of the Member, to be removed at any time that he may desire, and to have Government checks sent direct to those clerks rather than to the Member of Congress to be indorsed by him or cashed by him and then paid over to the clerk. It is an unnecessary bother and trouble and one that personally I would be very glad to rid myself of.

Mr. GARRETT of Tennessee. Well, if the gentleman will permit, it seems to me that there is a possibility that the provision of the bill carries the implication that Members have diverted funds from the purpose for which the law provided them.

Mr. BYRNS of Tennessee. Well, if there is any such implication it will have to be read in the bill by those who so construe it, because the committee has made no such implication, and it is not for that reason that they are proposing this amendment of the existing law.

Mr. GARRETT of Tennessee. Under the law as it now stands a Member must file in the Clerk's office the names of those whom he employs as clerks.

Mr. BYRNS of Tennessee. That is the law. I do not know whether it is strictly observed or not. I do not think it is material as to whether or not it is observed, because I do not see any special benefit in that particular law.

Mr. JOHNSON of Washington. If the gentleman will permit, the Clerk of the House calls for the names of these clerks and keeps a record of them.

Mr. GARRETT of Tennessee. Under the law each Member must file with the Clerk of the House, if the gentleman from Tennessee [Mr. BYRNS] will permit, the names of those whom he pays this clerical salary.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. MOORE of Pennsylvania. I wish the gentleman from Tennessee [Mr. GARRETT] would keep his feet for a moment I think he is quite right as to the suggestion of the implication which he did not want to set out in detail. I read in one of the newspapers this morning a justification for that statement, in that the purpose of this change in the appropriation bill was said to be intended to correct certain abuses charged up to Members of Congress. Now, that is very cheap talk. But it is the kind of talk that holds in certain districts and weighs against Members of Congress. It seems to me the provision that has been written here is susceptible of very great injustice to Members of the House, in this, that some Members of the House employ one, two, three, or more clerks, and they can not pay them all $2,000 a year.

Mr. BYRNS of Tennessee. If the gentleman will read this provision very closely he will find ample provision has been made for just that sort of a situation. It is abundantly protected in this provision.

Mr. MOORE of Pennsylvania. I question whether the gentleman gets the point. A Member may have one working for him whom he designates as his secretary, but he may have to employ one, two, three, or more, who receive, in the aggregate, $2,000 or more, the extra amount coming out of his own pocket. There are Members here who pay much more than that for the services of a secretary. Some secretaries may be excellent executives, without the capacity to typewrite or take dictation. In such cases the employment of a stenographer or a typist is necessary. Many Members of Congress are compelled to employ at a certain season of the year a number of persons to facilitate the distribution of documents and seeds, as the gentleman perhaps is well aware, and that is all extra money out of the salary of the Congressman, unless he can keep within the $2,000. The newspaper statements conveying the implication referred to by the gentleman from Tennessee [Mr. GARRETT] may be very unfair to Members of the House.

Mr. BYRNS of Tennessee. Any statement which may have been published in the papers this morning or at any other time, I am sure has not emanated from any member of the Committee on Appropriations, either the full committee or the subcommittee. And I wish to assure the gentleman that the committee in recommending this provision to the House has not done so with any such idea.

Now, I hope that Members will not be unduly sensitive about some implication that may arise if we enact a provision of this kind. The gentleman from Pennsylvania has already said that in a number of the States and throughout the country, in many papers, insinuations are constantly being made. More than that, we all know that in some cases general charges have been made that some Members of Congress are not using all of this fund for the purposes for which it is appropriated. I do not subscribe to that any more than the gentleman from Pennsylvania subscribes to it. I resent it, but the gentleman will recall that last year, in another end of this Capitol there was quite a discussion in which many references were made by distinguished gentlemen representing important States in this Union, along the same general lines. The clerks of the Senators are on the roll. They are paid directly out of the Treasury. They get their checks from the Treasury, and no Senator is charged with the receipt of any money for clerk hire, nor is it considered a part of his salary, nor does he have to make a return of that amount as a part of his salary when he undertakes to make his return for income taxes.

Now why, gentlemen, in all reason and in all fairness should we object to placing our clerks upon the same plane as the clerks of the Senators and permit them to be paid out of the Treasury the sums to which they are entitled?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. MOORE of Pennsylvania. I want to say to the gentleman that I know of one Senator who has—but, of course, it is forbidden to discuss this matter in the House.

Mr. JOHNSON of Washington. If the gentleman will permit, I do not think we should start the discussion of it at all.

Mr. BYRNS of Tennessee. It was not my wish to discuss the matter now. I preferred to wait until we reached that provision in the bill.

Mr. JOHNSON of Washington. I mean the discussion of the employment of clerks in any way they please at the other end of the Capitol. I will be compelled to make a point or order.

Mr. MOORE of Pennsylvania. I will ask the gentleman if a Member of Congress ought not to have authority over his own office—authority to dismiss a clerk at will?

Mr. BYRNS of Tennessee. If the gentleman will read this bill, he will find specific and absolute authority is given to a Member to dismiss the clerk at will at any time in the day or month. And he will find, further, that this provision is so drawn as to permit a Member of Congress to employ a clerk one month at $100 and permit the extra $66.66 to accumulate for several months, if he desires, and then to put on four or five, if he should need them, at any time that he may choose, so long as their salaries do not exceed the amount allowed. In other words, it is drawn in such a way that it can not hamper any Member in the conduct of his office and the employment of clerical assistants. That is the intention of the provision, and I believe it is drawn so as to cover it.

Mr. MOORE of Pennsylvania. The gentleman makes a point of the difference between the appropriation for clerks in this body and appropriations for clerks in the other body. This bill provides appropriations for both sets of clerks.

Mr. BYRNS of Tennessee. Precisely.

Mr. MOORE of Pennsylvania. And the gentleman knows perhaps of his own knowledge of Members of Congress and Members of the other body as well who employ more clerks and pay much more money for those clerks than the $2,000 allowed.

Mr. BYRNS of Tennessee. Yes. I am in that class myself, and have been ever since I have been a Member of this body.

Mr. MOORE of Pennsylvania. I have been obliged to employ more than one.

Mr. BYRNS of Tennessee. There has been no time when I have not had two permanent clerks in my office of a high order of ability.

Mr. MOORE of Pennsylvania. And the gentleman ought to have the right to dismiss either of them.

Mr. BYRNS of Tennessee. Yes; and if I thought that this provision would interfere with me in the conduct of the affairs of my office, I would not stand for it.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Not now. But I am quite sure that the provision will not interfere in the least.

Mr. HAMILTON of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. HAMILTON of Michigan. Just for information. I confess that I have not read the bill. What would be done in a case like this, and I think that it has happened to many Members: Suppose a Member's secretary or clerk had entered the military service, had either been drafted or had enlisted. After his departure some time must necessarily elapse, perhaps, before the Member can find a suitable clerk to replace him. What will the Member do in that case, and what will become of the salary?

Mr. BYRNS of Tennessee. You mean during such time he will not have the services of a clerk?

Mr. HAMILTON of Michigan. Yes. In that case, you see, considerable time might elapse before the Member could find a suitable clerk, and he might be obliged to shift from one to another. He might be obliged to employ one or two or three, or he might not be able for a time to get anybody who was satisfactory. How would you manage?

Mr. JOHNSON of Washington. It is permitted by this clause that the money that is withheld and not paid can be paid to the new clerk.

Mr. HAMILTON of Michigan. Suppose a person taken on is not competent to perform the full duties of a clerk, and is taken on temporarily. How would you manage under the provisions of the bill in a case like that?

Mr BYRNS of Tennessee. The provision recommended by the committee does not present the slightest difficulty in a situation of that sort, because it provides that the Member may place any person he pleases upon the roll as his clerk, at any salary that he desires, and whenever he desires to dispense with the services of such person all he has to do is to notify the Clerk of the House that he has done so and the name will be stricken from the roll.

Mr. HAMILTON of Michigan. But if you have to formally employ him you must formally discharge him.

Mr. BYRNS of Tennessee. The gentleman speaks of the formality as something requiring a great deal of time and attention. A mere telephone message or a mere letter would be sufficient.

Mr. JOHNSON of Washington. And a little backbone.

Mr. BYRNS of Tennessee. A mere message or letter to the chief clerk would serve to discharge the clerk.

Mr. HAMILTON of Michigan. The gentleman says so, but after all he recognizes that there is difficulty in that sort of thing?

Mr. BYRNS of Tennessee. No more difficulty now than if the gentleman unfortunately at some time in the future, during the many years that he will continue to faithfully serve the people in Congress, as I hope he will—if in the future he happens to have a clerk whose services he feels it necessary to dispense with, I am sure the gentleman would promptly take proper action.

Mr. HAMILTON of Michigan. While I have been here I have had but two clerks.

Mr. BYRNS of Tennessee. The gentleman is fortunate.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. TOWNER. I think it will meet this condition that exists with a good many Congressmen. They employ a secretary to whom they pay, say, $1,500 a year. Now, in order to do the work of the office during rush times they are required from time to time, sometimes for only a few days, and sometimes for perhaps two or three weeks, to have additional help. I will say that that occurs 8 or 10 times during the year. Would the provision meet such an arrangement as that?

Mr. BYRNS of Tennessee. Precisely; and it is drawn exactly to meet just that condition of affairs. I will say to the gentleman that under this provision a Member does not have to employ even one clerk for any particular month in the year. If he feels that during a certain month he can dispense with clerical service, he can do so, and the sum which has been appropriated for that particular month will accumulate, and if in the next month he needs to take it up by the employment of an additional number of clerks he can do so. In other words, there is no limitation, so far as the number is concerned, in the number of clerks he can employ or when he shall employ them, the only limitation which does obtain being that the total amount paid in a year shall not exceed $2,000.

Mr. TOWNER. Let me see if I understand the gentleman. We will say that a Member has a permanent clerk. He goes on all the time. Of course, that is easily arranged. That would be the secretary, probably. Now, a Member wants to employ additional help or two or three additional employees in his office. He would be required, would he not, to send over a statement that these persons were to be employed and were to be placed upon the list, upon the roll, and then they would be required to make out a statement of what was paid to them, and if the total did not exceed $2,000 they would be allowed that? Is that right?

Mr. BYRNS of Tennessee. If the total amount did not exceed $2,000 for the entire year, he would be allowed that. But it is proper to state that a Member under this provision would not be permitted to anticipate the expenditure of the $2,000. In other words, he could not spend during six months, say, more than $1,000 for clerical help.

Mr. TOWNER. I understand that; but the idea would be, as I understand it, according to the provision, that every time you employ a temporary clerk or assistant in the office you would have to send over the name, and they would have to receive their pay——

Mr. BYRNS of Tennessee. Through the Clerk of the House.

Mr. TOWNER. Through the Clerk of the House.

Mr. BORLAND. I want to reply to the gentleman from Iowa. I heard the gentleman from Tennessee a few moments ago state that if a Member dispensed with his clerk for 30 days the money that would have been paid to that clerk would accumulate to the credit of the Member and could later be paid to some other clerk for additional services. I do not understand that provision in that way, and do not read it in that way. The provision reads:

That each Member, Delegate, and Resident Commissioner may appoint for such periods and at such rates of compensation as he shall determine within the said sum of $2,000 a clerk or clerks, who shall be subject to be removed at the will of the person by whom they are appointed, but no Member, Delegate, or Resident Commissioner shall authorize an expenditure from the said sum of $2,000 proportionately greater for any period of the fiscal year than that portion of the fiscal year bears to the entire fiscal year.

Now, if a Member dispenses with his clerk altogether during the month of January, I do not understand that he can pay a double portion in February, because that would be a greater proportion than the month of February bears to the entire year.

Mr. TOWNER. I think the gentleman's interpretation is correct. It would seem to be true, then, that if in any particular

month you employed additional help, if the total amounted to more than $166, it could not be paid.

Mr. BORLAND. I think that is true. I raised that question in the committee—that a man would not be entitled to spend $200 or $250 during the month of March and then recoup out of a later month.

Mr. BYRNS of Tennessee. That is true. You can not recoup out of a later month; but I think it very clear from this provision that if there was any surplus left over from a preceding month the Member would be entitled to expend it for clerical services.

Mr. TOWNER. Then I will ask the gentleman if this would not be the case: For instance, you pay your secretary $125 a month, and that leaves a very small amount, comparatively speaking, between that and $166, the maximum allowance. Then, for instance, during the season when he is sending out seeds, or matters of that kind, he could not have very much help to assist him, because all he could expend would be the difference between $125 and $166. That would be true under the provisions of the bill, would it not?

Mr. BYRNS of Tennessee. That would be true if he had theretofore expended the full amount of clerk-hire allowance for the months which had passed.

Mr. TOWNER. I think the gentleman is mistaken about that, because he could not recoup from any preceding month more than the amount that would be required to make up the $166.

Mr. BYRNS of Tennessee. I beg to differ with the gentleman.

Mr. TOWNER. I am only seeking for information. The gentleman from Missouri seems to understand it as I have stated it.

Mr. BYRNS of Tennessee. I differ both with the gentleman from Iowa and the gentleman from Missouri on that proposition. It was the intention to draw this provision so as to allow for just that degree of latitude. If it is not altogether clear on that point, or there is any ambiguity, it can be amended, and we would be glad to have such an amendment proposed by those who find difficulty with its present form.

Mr. NORTON. Will the gentleman point out what provision would permit a Member to expend the $2,000 in the last six months of any fiscal year if he failed to expend for clerk hire in the first six months of any fiscal year $1,000?

Mr. BYRNS of Tennessee. It is this provision in lines 8 to 17, on page 20.

Mr. NORTON. I am following the gentleman.

Mr. BYRNS of Tennessee. It provides—

That each Member, Delegate, and Resident Commissioner may appoint, for such periods and at such rates of compensation as he shall determine within the said sum of $2,000, a clerk or clerks who shall be subject to be removed at the will of the person by whom they are appointed.

Mr. NORTON. But that is modified.

Mr. BYRNS of Tennessee. It says—

But no Member, Delegate, or Resident Commissioner shall authorize an expenditure from the said sum of $2,000 proportionately greater for any period of the fiscal year than that portion of the fiscal year bears to the entire fiscal year.

Now, that seems to be perfectly clear. In other words, if four months have elapsed, one-third of the year, then the total amount for clerk hire which would have accrued up to that time would be one-third of $2,000, or $666.66. Now, it says specifically that no Member shall authorize an expenditure from said sum of $2,000 proportionately greater for any period of the fiscal year than that portion of the fiscal year bears to the entire year.

Mr. NORTON. That is just what I want to clear up. Six months are one-half of a fiscal year. Then according to that provision during the last six months the Member would not be permitted to expend more than one-half, the proportionate amount of $2,000. Is not that right? He could not expend more than half of $2,000 during the last six months.

Mr. BYRNS of Tennessee. It would depend on how much he had previously expended.

Mr. NORTON. If he had not spent anything?

Mr. BYRNS of Tennessee. If nine months have elapsed the Member would be entitled to spend for actual clerical services three-fourths of the $2,000, but he could not exceed that amount.

Mr. NORTON. Three-fourths?

Mr. BYRNS of Tennessee. Because he could not anticipate the amount of the future allowance.

Mr. NORTON. I think the gentleman is not correct. It says—

But no Member, Delegate, or Resident Commissioner shall authorize an expenditure from the said sum of $2,000 proportionately greater for any period of the fiscal year than that portion of the fiscal year bears to the entire fiscal year.

Mr. BYRNS of Tennessee. Take the month of October, which is the tenth month in the year. This bill provides that no Member shall authorize an expenditure—

from the said sum of $2,000 proportionately greater for any period of the fiscal year than that portion of the fiscal year bears to the entire fiscal year.

Now, taking October as your month, the preceding portion of the year is three-fourths of the entire year.

Mr. HAMILTON of Michigan. Ending with September.

Mr. NORTON. Three-fourths of the calendar year.

Mr. BYRNS of Tennessee. Now, this says that the Members shall not be permitted to—

authorize an expenditure from the said sum of $2,000 proportionately greater for any period of the fiscal year than that portion of the fiscal year bears to the entire fiscal year.

It seems to me, gentlemen—I may be mistaken about it—that there is no difficulty in construing that provision.

Mr. TILSON. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. TILSON. If the gentleman has not already explained, I wish he would tell us where under this part of the bill the Member is permitted to have any part of the $2,000 accumulate at all. If the period means anything, it would probably mean a month. If it means a month, a man could not spend any more than $166.66 in any one month, regardless of how little he had spent in the preceding month.

Mr. BYRNS of Tennessee. During the first month, under the clear provisions of this bill, a Member would not be permitted to expend more than one-twelfth of $2,000, but during the second month the proportion of the fiscal year would be one-sixth.

Mr. POU. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. POU. Is not the purpose of the bill to require the Member to pay it out monthly as it accumulates?

Mr. BYRNS of Tennessee. Precisely, if that is his desire.

Mr. POU. One month is one-twelfth of the fiscal year, and he can pay out during that month $166.66. When the next month comes along he can pay out $166.66.

Mr. BYRNS of Tennessee. Certainly.

Mr. POU. And he could not do any more than that.

Mr. KEARNS. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. KEARNS. The gentleman has been stating that the period of time referred to in the bill would evidently mean a month. I would like to know why it means a month when you say "any period" of time?

Mr. BYRNS of Tennessee. It does not mean a month necessarily.

Mr. KEARNS. It says "any period of the fiscal year."

Mr. BYRNS of Tennessee. Yes; a Member can discharge his clerk at any time.

Mr. KEARNS. And in any one day you can not expend more than $5.33.

Mr. BYRNS of Tennessee. A Member can not do more than that now.

Mr. KEARNS. The gentleman said he could employ additional help. If your secretary gets $1,500 a year, he would have $500 to his credit; and suppose there is a day you want to employ two or three additional clerks.

Mr. BYRNS of Tennessee. The gentleman knows that when he draws the monthly pay for clerk hire he is required to certify that he has actually expended the sum of $166.66. I submit that if any Member is following the policy of drawing $166.66 and withholding it for one month or six months, then he is not acting in conformity to the certification he is required to make in order to draw the allowance.

Mr. KEARNS. The gentleman is not applying his remarks to me.

Mr. BYRNS of Tennessee. Oh, no.

Mr. KEARNS. For I never have seen a salary check since I have been a Member of Congress. My secretary signs my name to the check and gets the money and, of course, keeps it.

Mr. BYRNS of Tennessee. I can not understand why there should be so much criticism and protest by Members who employ more assistance one month than they do in others.

Mr. KEARNS. I do, and pay it out of my own pocket.

Mr. BYRNS of Tennessee. The solemn certification that Members make when they draw $166.66 is that they have actually expended it during that month.

Mr. KEARNS. Will the gentleman yield further?

Mr. BYRNS of Tennessee. Yes.

Mr. KEARNS. I believe everything the gentleman has said about the salary, but what I want to know is this: The Member

is entitled under the bill to $5.33 a day, and no more. If a Member has a clerk employed at $1,500, he would have $500 to his credit each year, but suppose he wanted to hire three or four girls and pay them $2 or $3 a day. Under this bill you are estopped from paying more than $5.33 a day. Your clerk gets $1,500, or about $4 a day. If you want three girls in the office and pay each one $3, that would be $13, but you could not pay them out of the other $500 remaining to your credit, because you are estopped from paying out more than $5.33 in one day.

Mr. BYRNS of Tennessee. Under the certification Members of Congress are required to make in order to actually draw this money monthly, does the gentleman think any Member has a right to accumulate in his own pocket $500 for any particular month of the year? Is not he pledged and bound by the certification to have actually expended that amount of money during the month?

Mr. KEARNS. I do not think so; no.

Mr. BYRNS of Tennessee. If the gentleman will examine the receipts he has filed he will find that he has certified to that.

Mr. KEARNS. I tell the gentleman I never saw one; my secretary signs them and draws the money himself.

Mr. BYRNS of Tennessee. If he indorses them, he indorses them with the gentleman's assent and approval. I am referring to the receipt which the Member is required to sign.

Mr. KEARNS. In my case he gets the money, too.

Mr. BYRNS of Tennessee. I do not doubt that.

Mr. KEARNS. You can not spend under this provision out of the $2,000 more than $5.33 a day.

Mr. BYRNS of Tennessee. You can spend $166.66 during the entire month.

Mr. KEARNS. But I am talking about a day.

Mr. POU. A month is the unit.

Mr. KEARNS. The bill does not say that a month is the unit. This is what the bill says:

> But no Member, Delegate, or Resident Commissioner shall authorize an expenditure from the said sum of $2,000 proportionately greater for any period of the fiscal year than that portion of the fiscal year bears to the entire fiscal year.

A day is as much a period as a month, or one-thirtieth as much. There is nothing in the bill here which says that a month shall be the unit, for it says "any period."

Mr. WALSH. They do not get a check every day.

Mr. KEARNS. And a day is a period the same as a month would be a period and——

Mr. WALSH. Mr. Chairman, I make the point of order there is no quorum present.

Mr. BYRNS of Tennessee. I hope the gentleman will not make that point.

Mr. WALSH. I will withdraw the point of order, but I would like to hear something that is going on.

Mr. BYRNS of Tennessee. I want to say this to the House, that I have no objection——

Mr. WALSH. One would think this was the only item in the bill.

Mr. BYRNS of Tennessee (continuing). I have no objection in the world to answering questions that may be propounded to me with reference to this section, but I would infinitely prefer that we defer this argument until it is actually reached in the consideration of the bill, because undoubtedly it will provoke argument at the time.

Mr. KEARNS. I was asking in all earnestness; I wanted to get the information.

Mr. BYRNS of Tennessee. And I was very glad to give the gentleman what information I could.

Mr. KEARNS. The gentleman has been very kind.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. HUDDLESTON. I believe it is a universal practice among Members to have their seed franks and speeches addressed by the piece, at so much per thousand. How would you be able to apply any part of this allowance to that expense?

Mr. BYRNS of Tennessee. I do not know how he would be able to apply it, unless he sent in the names to the Clerk.

Mr. HUDDLESTON. How could he send in the names when he does not know what he is going to pay until after the work is done?

Mr. BYRNS of Tennessee. He may then send it in, and it would be paid.

Mr. HUDDLESTON. Their names must go on at the time he sends them in, and then they are dropped at the close of the job, and he only settles after they finish the job.

Mr. BYRNS of Tennessee. He could send the names in to meet that sort of objection, I will say to the gentleman from Alabama, and indicate what sums he wanted paid to them at the conclusion of their labors. I do not think that presents the slightest difficulty. He could put their names on at any time if they had actually rendered clerical service.

Mr. HUDDLESTON. I would ask the gentleman how could he indicate it when the work has not been done and it is paid for by the piece?

Mr. BYRNS of Tennessee. Because the Clerk of the House would have no right to pay any sum to any person employed by any Member unless the Member designated the amount to be paid.

Mr. HUDDLESTON. In advance?

Mr. BYRNS of Tennessee. Not necessarily in advance.

Mr. HUDDLESTON. But when the name is put on the roll it must be designated as the salary of the employee.

Mr. BYRNS of Tennessee. Not necessarily at all.

Mr. HUDDLESTON. I do not see how otherwise.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. GREEN of Iowa. As I understand the gentleman, without reference to what has been done in the past, but after the passage of this bill and it goes into effect, if any Member pays for the first month any sum in excess of the monthly allowance that sum will be gone, he can never recoup it.

Mr. BYRNS of Tennessee. Why, certainly, if this sum is paid in advance.

Mr. GREEN of Iowa. If he should pay $200 the first six months——

Mr. BYRNS of Tennessee. Precisely, because under this provision the money for clerical help would be paid to the person actually performing the services.

Mr. GREEN of Iowa. Why, certainly.

Mr. BYRNS of Tennessee. If the Member paid any sum out of his own pocket in any one month, why, of course, there would be no way of recouping it.

Mr. GREEN of Iowa. Well, during the session a great many of us employ more than we do at other times. I have two in my office at present, whom I am paying an amount in excess of the monthly allowance. Now, if a man should do that in the first part of the year, then, as I understand the bill, it would be lost; but if he in the first part of the year should pay less than the sum, then, in the later part of the year he could pay enough more to make up the total amount of $2,000.

Mr. BYRNS of Tennessee. If he needed the clerical services; that is the way I construe the provision.

Mr. GREEN of Iowa. It seems to me the bill ought to be amended so as to equalize that.

Mr. BYRNS of Tennessee. Now, I will say to the gentleman that this provision would make legal just the sort of practice that a number of Members have presented here this afternoon, because, I wish to repeat, the check that is issued to each Member every month for his clerical help is issued on a receipt which bears the express certification that the same has been actually expended for clerical help, and the Member who indorses so certifies to his Government; and that is the only way that he can draw his clerical hire month by month.

Mr. SUMNERS rose.

Mr. BYRNS of Tennessee. If this provision is adopted it makes it perfectly legal for a Member, if he needs a $100 clerk in January and he needs two clerks at $100 in February, he to be the best judge of that, to make that employment legally by simply sending their names over to the Clerk of the House and having the sum paid directly to them. I want to say this—I will yield to the gentleman from Texas in a moment, if he will permit me—gentlemen will recall that last year an unpleasant incident happened because another distinguished body in another end of this Capitol undertook to provide legislation of this kind, not guarded as this is, but simply a provision placing clerks to Members upon the roll just as their clerks are being paid out of the Treasury.

The amendment adopted by that body came to this House, and a number of Members upon the floor of the House criticized it and opposed it, not on the ground that they were opposing the amendment as a matter of principle, but on the ground that there was an unwarranted interference by another body with this House in the administration of its own affairs. The committee has proposed this provision, with the view of giving to the House an opportunity to express itself on this particular proposition. If a majority of the House does not want to accept it, well and good, but we at least ought to have an honest and a fair expression upon this subject, because I happen to know, from statements made to me by many Members, that there are a great many Members of this House who have been clamoring for just this sort of legislation for years.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. SUMNERS. I just want to ask the gentleman this question: In view of the fact that there is not the same degree of uniformity of work in this body that is imposed upon the Members of the Senate, does not the gentleman think there ought to be a greater latitude in regard to the period of time in which this $2,000 may be expended by Members of the House?

Mr. BYRNS of Tennessee. And there is.

Mr. SUMNERS. So that in those periods of the year when we send out bulletin lists, or get out our garden seed, and do those things in months that are unusual in regard to the amount of work and in regard to the amount of expenditure, we ought to be permitted to make application at that time?

Mr. BYRNS of Tennessee. And if the gentleman who, I know, is a good lawyer studies this provision, and then studies the law authorizing the payment of clerical help to-day, and the manner in which it is paid, I am more than convinced that the gentleman will come to the conclusion that the provision recommended by the committee in this bill does give a much wider latitude just for that very purpose than you have under the present existing law, because it does not require a Member to actually certify that he has expended that much money during the month in order to get it. The money is paid directly to the clerk.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MOON. Does the gentleman from Tennessee not think that it would be quite an inconvenience to Members to have secretaries, two or three, or paying three or four people here for work and none probably at home? At home one would have to do his work by piece, and sometimes pay out in a month a hundred dollars or two hundred dollars. What is the point of this proposition?

Mr. BYRNS of Tennessee. This provision would not interfere with that sort of situation in the least.

Mr. MOON. Suppose, for instance, a Member has only $50 worth of work done last month, but may have to have $250 worth of work done this month. Does it interfere with that?

Mr. BYRNS of Tennessee. It does not interfere if the amount is not proportionately greater than the period of the year bears to the entire fiscal year.

Mr. MOON. What is the reason for having any proportions about it? Is it the idea that Congressmen can not be trusted to pay this out?

Mr. BYRNS of Tennessee. Not at all.

Mr. MOON. What is the use of tying it up?

Mr. BYRNS of Tennessee. And I want to ask the gentleman what is the objection to placing the clerks of the Members of the House upon the roll——

Mr. MOON. I have got none.

Mr. BYRNS of Tennessee. Rather than charging it to the Member?

Mr. MOON. I do not care if he is put upon the rolls. It does not make any difference about that. It is going to be an inconvenience to the Member to put him on the roll unless the secretary can be with him.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. I want to take about 15 minutes more.

The CHAIRMAN. The gentleman has consumed an hour.

Mr. BYRNS of Tennessee. But the time was equally divided between the gentleman from Wisconsin and myself.

Mr. MOON. I shall not ask the gentleman anything further about it. This is new legislation entirely, is it not?

Mr. BYRNS of Tennessee. I do not concede that it is subject to a point of order.

Mr. MOON. I will show the gentleman how to concede it when it comes to the point of order.

Mr. BYRNS of Tennessee. We will thrash that out at the proper time. Just briefly I want to refer to one other point, and that is that no one can thoroughly consider the method and the policy of the Government in paying the salaries of clerks and employees without coming to the conclusion that there is an utter lack of system and lack of uniformity in the present method.

It develops frequently that clerks in departments—clerks, if you please, at the same desk, performing exactly similar services—receive different amounts, which of course is manifestly unfair, inequitable, and unjust. There ought to be, in the interest of fairness not only to the clerks but to the Government, and in the interest of good and efficient administration, a reclassification of the salaries paid by the Government, and I hope that the time will come when Congress will take this matter up seriously and either through a joint committee, appointed from both Houses, or by an interdepartmental commission, conduct an investigation and enact such legislation as will secure uniformity and system in the payment of the employees of the Government, guaranteeing to each clerk that he will receive fair and honest wage for a fair and honest day's work.

I am aware, of course, that this is an inopportune time, because the times are abnormal and it certainly ought not to be considered or taken up during the war. But after the war, when times become normal, I hope that some such steps will be taken.

Mr. FESS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. FESS. I think I am in sympathy with what the chairman of the committee wants to do, yet I am confused by reading the language as to whether I have precisely what the chairman wants to reach. Do I understand that this provision is to prevent the expenditure of any more for any period than $166 per month?

Mr. BYRNS of Tennessee. Does the gentleman refer to clerk hire?

Mr. FESS. Yes.

Mr. BYRNS of Tennessee. As I construe it, and as I attempted to say a while ago, it permits a Member to consume during the entire fiscal year the $2,000, but it does permit a Member to have some latitude, something that he does not possess now, in distributing the $2,000 over the fiscal year, always with the condition that he shall not spend any greater sum at any particular period than is due, or, in other words, that he shall not anticipate in the expenditure of the amount allowed for the entire fiscal year.

Mr. FESS. Now, let me put a concrete example.

There is no possibility under this provision for a Member to spend more than $166 per month, whether he spends it in one month or in two months or three months, because if it is one month it is one-twelfth of the amount, and if it is two months it is one-sixth of the amount, and as I read it the provision is to limit the amount that can be expended, but not necessarily the minimum.

Mr. BYRNS of Tennessee. I think the gentleman is clearly correct. During six months he can not spend over one-half and during the three months not more than one-fourth.

Mr. FESS. If he had not expended it all it would not be possible for him to expend the balance unexpended in a different month?

Mr. BYRNS of Tennessee. I think under this provision it does give that latitude, something, as I say, that does not obtain at this time.

Mr. FESS. I am not contending about it, but I do not think the language will permit it.

Mr. BYRNS of Tennessee. That is the way I construe it, and I think if the gentleman will examine it more carefully he will possibly come to the same conclusion.

Now, gentlemen, in conclusion, and pursuing the remark I made a moment ago with reference to the necessity for reclassification of salaries, I wish to say that there has grown up a condition of affairs whereby some clerks sitting at the same desk, performing exactly the same services, draw a different amount in salary. It is wrong; it is unfair to the clerks and does not make for a good and efficient administration. I think that condition has largely grown up by reason of the fact that a number of committees make appropriations for the payment of clerks' salaries, and on that account these differences have crept in and have continued to grow and magnify. I think that is one argument for the concentration of the appropriation of salaries for employees in one bill. I am aware that when a member of the Committee on Appropriations makes that suggestion he lays himself open to the charge that he is trying to secure extra jurisdiction for the committee of which he is a member. It does not matter, gentlemen, what committee makes the appropriation, but undoubtedly a condition of the kind I have described will necessarily arise when more than one committee has charge of the appropriations for the different employees of the Government and in different departments. I am aware, of course, I am frank to say, that there will not be any change in the rules in that respect; but I do believe that a commission such as I have indicated could, after a thorough and exhaustive investigation, make recommendations to Congress which would cure this evil to a certain extent, for a time or for a period of years, until our manner of making appropriations results in bringing about another disarrangement.

Now, before I close I want to refer briefly to one department of this Government which without action by Congress has undertaken to establish an efficiency rate system, and that is the Post Office Department. The Postmaster General, as you know, was long a distinguished Member of this body and a very influential member of the Committee on Appropriations, and from his investigations during his service here he came to recog-

nize this very evil of which I speak. When he became Postmaster General he called upon the Bureau of Efficiency and requested that bureau to come into the department in conjunction with a department commission that he appointed, and they rearranged and reclassified the salaries. And with what result?—With the result that he has secured better and more efficient administration and at the same time, during the period that he has been Postmaster General, he has actually reduced his force 253 in number, saving sums aggregating several hundreds of thousands of dollars every year.

He has not done that at the expense of anyone or with an injustice to any employee, because he has dismissed no one. He has simply declined to fill vacancies as they occur. And to show that it has operated for the benefit of the employees as well as the Government, the records of his office show that since he became Postmaster General and reduced his force, saving the amount of money that I have stated, the average salaries of clerical help in his department have increased from $1,240 a year to $1,340 a year and the average salaries of the laborers in his department have increased from $720 a year to $776. And I hope other departments will eventually follow this plan. In the interest of good administration and fairness to all the clerks.

Mr. SNOOK. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. SNOOK. In this connection there has been a very large number of young men detailed from different branches of the Army to act in clerical positions in different branches of the Government during the war. How are they paid? Do they receive salaries from the Army or are they carried in this appropriation?

Mr. BYRNS of Tennessee. They do not receive pay under this appropriation unless they are actually serving and performing a service called for in the appropriation bill.

Mr. SNOOK. There are many of them in the Ordnance Department and the Aviation Service in Washington, as well as in the other departments.

Mr. BYRNS of Tennessee. When they enlist they are paid as enlisted men.

Mr. SNOOK. They are officers?

Mr. BYRNS of Tennessee. They are paid as commissioned officers. They do not receive any pay under the appropriations carried in this bill.

Mr. SNOOK. Does not that have a very great tendency along the very line the gentleman is speaking about as to the salary of people working at the same desk and having somebody drawing a salary as captain and some one working opposite to him drawing a less salary?

Mr. BYRNS of Tennessee. So far as I am informed, that condition does not exist in the departments. I know there have been made statements to the contrary, or at least I have heard them, as to the War Department, but inquiry has failed to develop that that condition really exists.

There are, of course, many additional officers now serving in the War Department, but they are not doing what may be called strictly clerical work. The clerical work is performed by civilian employees carried in this bill, with the exception of the Navy, where yeomen and landsmen are called upon to perform clerical service.

Mr. SNOOK. I am talking about men detailed from the Officers' Reserve Corps. What service do they perform if it is not clerical service?

Mr. BYRNS of Tennessee. I assume that it is something of a supervisory nature with reference to carrying on the war.

Mr. SNOOK. You understand they do not do any clerical work at all?

Mr. BYRNS of Tennessee. My understanding is that they do not do any clerical work whatsoever.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Certainly.

Mr. WALSH. On page 18 of this bill there are three or four special messengers and employees under resolutions which are mentioned as of certain dates. What do these employees do? They are under the Doorkeeper's department. On page 18, for instance, there is an assistant department messenger and others in a resolution of December 7, 1897.

Mr. BYRNS of Tennessee. I can not give the gentleman the names of those employees, because I do not know them. They were authorized, as the gentleman knows, by resolution of the House, and are performing the services for which they were originally appointed.

Mr. WALSH. That is, it is presumed they are.

Mr. BYRNS of Tennessee. I think the presumption is not a very violent one; I do not know.

Mr. WALSH. Will the gentleman state in what part of the bill and under what title the barbers in the House Office Building are carried?

Mr. BYRNS of Tennessee. They are carried as laborers.

Mr. WALSH. Do they perform any other labor beside barbering?

Mr. BYRNS of Tennessee. They do.

Mr. WALSH. In the House Office Building?

Mr. BYRNS of Tennessee. Oh, in the House Office Building—I am frank to say to the gentleman that I am not familiar with the status of the barbers in the House Office Building. I thought the gentleman was referring to the barbers in the Capitol Building.

Mr. WALSH. I wish to refer to the ones in the House Office Building.

Mr. BYRNS of Tennessee. If they are carried on this roll they are required to do a certain amount of cleaning up by the Doorkeeper, because they are under his supervision, and during the recess of the House they stay here and perform the general work of a laborer.

Mr. WALSH. It would not be amiss to require them to clean up the barber shop, to keep that clean; but if their principal labor is that of barbers, why are they not called barbers in the bill?

Mr. BYRNS of Tennessee. For the simple reason that Congress does not undertake to provide for barbers. If they were carried as barbers they would be expected to shave Members free.

Mr. WALSH. If they are not barbers, why are they permitted to carry on the work of barbers?

Mr. BYRNS of Tennessee. I suggest that there may be two answers to that. All their time may not be required in performing the work required of them as laborers. I am informed that the barbers here in the Capitol perform work in the early morning and in the evening cleaning up certain corridors of the Capitol and certain rooms.

Mr. WALSH. They are paid $660 a year to put in a couple of hours' work a day, are they?

Mr. BYRNS of Tennessee. They have certain rooms and corridors to look after, for which they are responsible.

Mr. WALSH. For which they are paid?

Mr. BYRNS of Tennessee. For which they are paid $660 a year.

Mr. WALSH. And the rest of the work they perform is merely a gratuity on their part to such Members as may desire to avail of their services?

Mr. BYRNS of Tennessee. I assume that the reason the custom has grown up to permit them to conduct the barber shop during the day is for the convenience of Members, because I apprehend it would be very difficult to secure barbers to come to the Capitol and open a shop, depending entirely or altogether upon the somewhat limited custom of the Members here.

Mr. WALSH. And yet there is such a shop in the Capitol, is there not?

Mr. BYRNS of Tennessee. I am not aware of that fact. Now, gentlemen, I have detained you much longer than I anticipated.

Mr. KNUTSON. I would like to ask the gentleman a question.

Mr. BYRNS of Tennessee. Very well.

Mr. KNUTSON. The gentleman spoke about the efficiency of the Post Office Department. Did the gentleman intend to include in his remarks the Railway Mail Service, for instance?

Mr. BYRNS of Tennessee. No; my remarks were confined altogether to the department clerks here in the District of Columbia. I had no reference whatever to the postal employees in the field. That is a matter which does not come within the jurisdiction of this bill, and I have no information concerning it.

I want to thank the gentlemen of the committee for their patience. I will reserve the balance of my time. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the Chair, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, had agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of South Carolina, Mr. POMERENE, and Mr. TOWNSEND as the conferees on the part of the Senate.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The Committee resumed its session.

Mr. STAFFORD. Mr. Chairman, I yield 30 minutes to the gentleman from Ohio [Mr. FESS].

The CHAIRMAN. The gentleman from Ohio is recognized for 30 minutes.

Mr. FESS. Mr. Chairman, I should like to have the attention of the committee on the question of the need of farm labor, a subject that has been much talked of, and properly so, but which I think is becoming acute, as judged from the vicinity where I live and the letters which come from that community.

Mr. MADDEN. Before the gentleman enters upon the discussion of the question, I would like to make a suggestion to him.

Mr. FESS. I will be glad to have the suggestion.

Mr. MADDEN. I think it might be illuminating to what the gentleman has to say upon that question. All over the United States men who have been prosperous farmers have moved from the farm into the village and have no employment, and they are now whiling away the autumn of their lives in ease and comfort. Why would it not be a good idea to discuss the advisability of having those men who are experienced farmers go back and take another "rip" at it during the war?

Mr. BORLAND. Including possibly the gentleman from Illinois.

Mr. MADDEN. I would be perfectly willing; and I may say to the gentleman from Ohio while I am making this suggestion that I have already asked the Secretary of Labor in a written communication whether he has any statistics showing the number of men of the class I have suggested who might be utilized in the development of the farm and the raising of the food supply of the Nation while they are not within the years that enable them to fight in the ranks.

Mr. FESS. When my friend first offered the query I thought there was a degree of levity in it.

Mr. MADDEN. No.

Mr. FESS. But I admit that there is not, and it is a legitimate question. And as I now recall some of the localities that I know, I am sure there are a good many of what we call retired farmers that have come off the farm and now live in the little village, fed by the farm; and, as I now recall, a good many of them direct farms of their own through their tenants that they have upon the farm. Just how much loss of labor to the farm that element would make is, I think, a matter of legitimate investigation either for the Department of Labor or for the Department of Agriculture.

Mr. MADDEN. The amount of loss would depend on the age of the men who are on the farm and may be drafted.

Mr. FESS. If I may be permitted to give an opinion without knowing exactly the facts, I am rather of the opinion that a large proportion of those people have not only gone away beyond the draft age but really beyond the effective age on the farm for heavy work.

That would be my opinion from personal information. But I could not offer that as comprehensive. Really, members of the committee, this is a critical question, becoming more so with the months. I hesitate to offer any letters I have received, because it is so common to receive letters of complaint that a letter of complaint need not be regarded as conclusive of a situation. But these letters are nearly all of the same tenor, and I am quite certain that they are not in a spirit of faultfinding, although some of them are based upon lack of information. For example, I have three or four letters which openly charge that there has been unfair discrimination in the operation of the draft law as administered through our local boards, in refusing exemptions to farmer boys when they claim that exemptions had been allowed to city boys. Now, I do not believe that there is any real foundation for that statement.

I can see how a farming community would miss a boy who has been a good farmer and who they think ought to be exempted, if he is taken, and a refusal to exempt him would probably intensify the feeling more than the refusal to exempt somebody in a city, where there are so many people that the going would not be so much missed or so noticeable as it would be in a farming community. One of my farmer friends insisted that 90 per cent of the farmer boys who were called were taken, and that very few of them were exempted, while a great number of city boys were exempted. I made the statement to him that he was most likely confusing the idea of exemption with the idea of rejection for defects, and that I thought—although my statement was denied by some Member on the floor the other day—that there were more persons accepted from the farm because of freedom from physical defects than there were from the cities. When I made that statement some one here said that the figures proved otherwise. So that while I think that is true, without a doubt, in my immediate county, it may not be true taken as a general proposition. Therefore I can not speak definitely on that point as a nation-wide statement. I see a good many Members shake their heads, indicating that they do not agree with my statement.

Mr. WALDOW. I understand Gen. Crowder made a statement showing that you are wrong.

Mr. FESS. Does the gentleman give that as an opinion or as a matter of information?

Mr. WALDOW. As a matter of information.

Mr. FESS. That Gen. Crowder has made the statement that the rejections on account of physical or mental defects are not greater in the city than country?

Mr. MADDEN. I will say to the gentleman that Gen. Crowder has a record of all the exemptions, from every class, in every congressional district in the United States, and can furnish detailed, accurate information as to the causes for the exemptions in every congressional district, if Members want to apply for it.

Mr. FESS. Does the gentleman make the statement that he says there are fewer rejections from the city than from the country?

Mr. MADDEN. I do not know; but I know that very few exemptions have been made from my own territory except for physical defects, or because of the fact that they were not citizens, or that they had family obligations that exempted them as a matter of right.

Mr. FESS. The gentleman from Illinois will understand that my statement was that I thought there were not more exemptions in the city, but that there probably were more rejections; but if Gen. Crowder states that there are not more rejections for physical defects from the city than from the country, I would have to revise my opinion. However, I still think that rejections from the city are more numerous than from the country, otherwise our much-vaunted open-air advantage over the congested and badly ventilated city situation does not stand for much, in fact. It is a favorite theme of most of us that we would much prefer to bring up our families in the open country, and health was ever the one desideratum.

Mr. CRAGO. Gen. Crowder divides the physical defects into the urban and the rural, and he says there is a slight difference in favor of the urban—that is, that the percentage of rejections on account of physical defects is slightly less in the city than in the country, but the difference is very slight.

Mr. FESS. As an individual with a good deal of pride in having my statements accurate, I thank the Members for the statements they have made, if made on authority, because if that is true that the health of the city boy is better than that of the country lad, I think it is a very remarkable fact, and I repeat much of our much-boasted country life must be discounted.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from Oklahoma.

Mr. CARTER of Oklahoma. In the Appendix to the CONGRESSIONAL RECORD are some very interesting figures in a letter from Gen. Crowder to Congressman McKEOWN, of Oklahoma, on that subject. If the gentleman will permit me——

Mr. FESS. I would be very glad to have them at this very time, that an authoritative statement on the point may go to the country in connection with this discussion.

Mr. CARTER of Oklahoma. He says:

Statistics to be found in the report of the Provost Marshal General to the Secretary of War, dated December 20, 1917, disclose that in 1917, 13,843,578 persons comprised the field of labor appurtenant to agriculture. Of this number only 205,751, or 1.48 per cent, of the entire field were determined by the boards to be liable to call for military service, and less than .0074 per cent of the labor supply appurtenant to agriculture was actually withdrawn therefrom by the first draft. The effect of that draft is thus shown to have been relatively insignificant, and the conclusion that the shortage in that labor supply is attributable in any substantial degree to the draft is thus shown in a most striking and conclusive way to be erroneous.

Mr. FESS. That statement goes to the question of proportion of farm laborers taken in proportion to other occupations. That does not cover the question I offered as in explanation of the charge that farmers' boys were refused exemption, while city boys were granted it, in which I suggested that these people were confusing exemption with rejection, which would indicate no unfavorable discrimination against the farmer.

However, I do not understand the force of the general's statement that the idea that any large proportion of the agricultural source of labor had been taken is an erroneous idea; because certainly there has been a very large proportion in my own vicinity that has been taken, to the extent that it has worked great harm in my immediate community, which is a very striking agricultural section. What I was trying to urge, how-

ever, is that I do not believe there is any basis for the statement that there has been any discrimination in favor of the city as against the country boys in the operation of the draft. I do not think there has been, but I know there is a suspicion in the country that the charge is true. I think it ought to be cleared up here, because such suspicion creates a bad state of public opinion wherever it exists. I thought the explanation of so many more boys going from the country than from the city in our community was that it was due to rejections instead of exemptions in the city. But we will pass that, with the hope that the real facts may be so clearly set forth by the department that all suspicion may be removed from every community.

Mr. Chairman, agriculture is facing a crisis this spring, due not so much, if at all, to the operation of the draft, but rather by way of comparison with other activities of the war. In my own community, for example, the Wilbur Wright Aviation Field was built during the summer, and not far from my home the Camp Sherman cantonment was built. Both took much of the summer. The war activities, of which the construction of these Government buildings was but a part, stripped our entire community of its labor. This came right in the midst of corn cultivation and a little before the harvest time. It of course ran through the summer and totally absorbed our labor throughout the busiest months of the farm, including harvest time, when to save the farm crop labor had to be secured. The situation in my immediate community was acute. It appeared for a while that the year's work was in certain jeopardy. This, of course, was not due to the draft, but to war preparation.

Mr. CARTER of Oklahoma. The demand for labor was so great and the prices so high that the men went from the farms to accept other employment.

Mr. FESS. That is what I mean. My whole community was totally stripped of labor that theretofore had been dependable for farm work. They went into these cantonments to get large wages and to work where there were a great group of men. The inducements held out by the Government were persuasive not only as a patriotic service but the high wages offered were unlike anything that community had ever experienced.

Mr. Chairman, I want to call attention to these Government activities, recognizing as I do that it had to be done and that additional prices had to be held out in order to induce the farm laborer to leave the farm at a time when the farmer could not afford to lose him. To all protests the reply, of course legitimate, was that this work must be done and that it must be done now; that in order to get it done the Government will have to take from work that is permanent the laborer and place him at temporary labor, and to do that much higher prices than is paid where the labor is permanent, and especially rural, must be paid. Consequently when the Wilbur Wright field got into full swing all the farm labor in our country went. The same thing was true in building the cantonments. I am speaking now of Ohio in my particular section.

If you had gone through the southern and southwestern parts of Ohio in the months of October, November, and December, you would have seen this year what you never have seen before—field after field of corn, some standing on the stalk uncut and others standing in the shock unhusked. Many of the fields were not put in wheat that ordinarily would have been put in wheat. And when you asked why the corn remained unharvested the quick reply comes, "All of our help is gone. We have not the help to husk and put the corn in the crib." And then you ask the question why it is not fed in the shock to live stock, and the reply comes at once, "Well, we have had a very good price for live stock and it has been sold, and what we have left we can not afford to keep for feeding because we have not the help to feed it."

Mr. OVERMYER. Will the gentleman yield?

Mr. FESS. I will yield to my colleague.

Mr. OVERMYER. At the close of the gentleman's remarks I expect to ask unanimous consent to extend my remarks in the RECORD by printing a letter from Provost Marshal Gen. Crowder on the question of exemption of farm labor, and in that letter he gives some interesting figures.

Mr. FESS. The gentleman from Oklahoma [Mr. CARTER] has just read those figures into the RECORD.

Mr. OVERMYER. I thought they were of sufficient interest to be put in the RECORD.

Mr. FESS. Now, whatever be the cause of the loss of labor to the farmer, that is no longer important except as it may be corrected. The fact remains that he has not the labor. The question at once comes before us, How are we going to assure the country that the food supply of next year is not going to be kept up with the past production but most certainly not increased? It can not be unless we find the labor for it. There is no use to mince words, the vast acreage of America means nothing unless cultivated, and cultivation depends almost wholly upon farm help.

Mr. ALMON. The conditions of governmental activities will be different in 1918 from what they were in 1917 as to the construction of cantonments?

Mr. FESS. The construction of cantonments, it is true, will be less if not entirely completed, but in the shipbuilding plants and in the munition plants, the real war activities, it will not be true. There is a city not far from the home of my colleague, Mr. OVERMYER, that is the center of war activities for munition making. Although it is 150 miles from my home, it has attracted many men from my own town. It is war work. That is pretty general over Ohio. So I will say to my friend from Alabama that I can not believe that we have a great hope from the letting up of war activity, so that we can be assured that this labor will come back to the farm. Both the war demands and the abnormal prices paid are against such hope.

Some suggestion has been made that we take the labor out of the loafing places. I have a series of letters, all running in the same line, asking why we do not go to the towns and take out of the saloons and the loafing places those people who would be vastly better off if they were put on a farm and made to work. Probably the same reason such worthless human jetsam would not qualify for the Army would make them wholly undesirable in a respectable farmer's home. Another suggestion is that we go to the city employment bureau, and there find the labor that has been rejected by the draft on the ground of defects or for other reasons have not been called, and take them to the farm.

Now, I am very sensitive myself about making any statements that would be resented by our city dwellers. I have lived in the city and I have lived on a farm. Since I have reached my majority I have lived in the city, including five years in the second city in size in the United States. I fairly know the city, and I know the farm as it used to be, before modern methods came in vogue in scientific farming. I know the customs and habits of the farmer in his home and what he must do and what he expects others to do. I know about their getting up in the morning and about their regularity for meals and about their going to bed at night.

If you will allow me, I will say that it was my pleasure to work on a farm up to the time that I became a citizen of 21 years of age. I have been on farms where the farmer expected me to retire to rest by at least 8.30 o'clock, and in the summer time that is a little after sundown. While that seems to the city dweller incredible, yet had he worked in the field as I have worked he would be glad to find his rest at early dusk. I have been out in the field, my friends, a mile or more from the house and barn, with the horses plowing corn before the sun was up, and that was in the summer time when the sun rose early. That meant up in the morning before the break of day, even before the birds were astir, in order to feed, curry, and harness the horses, feed the other stock, and then take breakfast by lamplight. I was under the regulations of a high-grade farmer, and I want to say now that those were among my happiest and most healthful days. If you would take a city boy out on the farm like that where he hates the night because it is so dark, and longs to stay in the city because it is light, where he hates the country because it is so lonely and quiet and he wants the city because it is so social and gay, you can not get him to bed at night and you can not get him up in the morning. These farmers who know the business of farming simply will not be bothered with that sort of interference, and that is all there is to it. I know whereof I speak. They would prefer to do what they can themselves and leave the balance undone. The average farmer guards carefully his live stock, and especially is careful in the handling of his horses. He will positively refuse to allow every Tom, Dick, and Harry handle his horses.

Mr. SHERWOOD. Will the gentleman yield?

Mr. FESS. Certainly I will yield to my much-respected colleague, Gen. SHERWOOD.

Mr. SHERWOOD. By what authority could we take bums and compel them to work on the farm?

Mr. FESS. My colleague presents a pertinent inquiry and shows by it, although himself a resident of a city, he knows and appreciates the demands of the farm, and discerns keenly the futility of the suggestion that farm labor can be cared for by the bums or saloon loafers. He especially appreciates the matter of handling stock, as no man in the country knows more than he about horses and the importance of proper treatment not only of fine roadsters but great draft and farm horses as well.

The same can be said of the care of fine-bred stock of every character on the farm. To suggest that this is the business of loafers is little short of an insult to the farmer of to-day.

I beg the pardon of my colleague. I was going to answer why we did not take these persons from this or that place when I got into this particular line of thought, and I would not change my answer, because what is true of the city lad would be true of what these people call the loafers in places where they are not working. A farmer would not stand for that thing.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. BORLAND. I take it, then, that the gentleman feels that the farmer does not do business on a seven-hour basis?

Mr. FESS. My friend is so obsessed with that particular contention that he often tries to embarrass gentlemen——

Mr. BORLAND. I should regret exceedingly to embarrass the gentleman. Nothing is further from my thought.

Mr. FESS. There is no embarrassment to me. I would assure my friend from Missouri. I have never been embarrassed by hours of labor.

Mr. BORLAND. I thought the gentleman was discussing labor and the cause of the shortage. I may have misunderstood the gentleman.

Mr. FESS. The gentleman is not going to get anywhere by this sort of publicity; it does not mean anything. The farm situation I do not think can be materially relieved by taking these people from the city. It might be relieved in a degree if there was a wise selection, because we do know that in the city there are numbers of people who are inclined to rural work and who would really work with a heart upon the farm, but you would have to exercise wise selection in order to make it effective.

Mr. HUDDLESTON. Mr. Chairman, will the gentleman permit me to suggest that a city laborer is wholly unfit to work on the farm; that it takes as much experience and skill to make a farmer as to make a mechanic.

Mr. FESS. I know that.

Mr. HUDDLESTON. It is nonsense to talk about sending the men to the farm for a season or for a limited period. It is a business that has to be followed during a long life.

Mr. FESS. I admit that, and I think I could state without hesitation or danger of being embarrassed for stating it that it takes more skill to-day to be a real, successful, scientific farmer than it does to be a very successful lawyer or a success in any of the literal professions which for years have been the ambition of our promising youth, and the preparation for which meant years of training.

Mr. SHERWOOD. Or a Member of Congress.

Mr. FESS. Oh, yes; or a Member of Congress. The farmer has to know the chemistry of the soil, which alone is a world of investigation in itself; he has to know the current of prices to know what to emphasize this year and what the next; he has to be a political economist, so as to know the lines of production; he has to reconcile production with consumption, and to say that all that a farmer needs is the ability to drive two horses and hold a plow handle is simply silly.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. BLANTON. And yet is it not a fact that the champion cotton pickers of the land come from the cities during the cotton-picking season, who never worked anywhere else except in the cities except during the cotton-picking season?

Mr. FESS. I would ask my friend from Texas, admitting that I do not know about that, is the cotton picker that comes from the city selected or does he come in a promiscuous group?

Mr. BLANTON. They wait for the cotton-picking season to come and leave their places as cooks and mechanics and laborers in the city and go to the cotton fields.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. CARTER of Oklahoma. As I understand, the people to whom the gentleman from Texas refers are colored people from the cities.

Mr. BLANTON. Colored and white. Some of the champion pickers are white.

Mr. CARTER of Oklahoma. Colored people are naturally cotton pickers.

Mr. FESS. Is there any particular skill required in cotton picking?

Mr. BLANTON. We draw from the cities in every department of the farm during the harvest season, during the harvesting of oats and the wheat——

Mr. FESS. The gentleman does not answer my question. Is there any particular skill required in cotton picking?

Mr. BLANTON. Certainly there is. I dare say there is not a Member of Congress here, who has not picked cotton, who could pick 100 pounds in a day if he tried; and yet there are men who pick 500 pounds in a day.

Mr. CARTER of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. CARTER of Oklahoma. Is it not a fact that these city people that the gentleman from Texas speaks of are really people who learned to pick cotton in the country before they moved to the city?

Mr. BLANTON. That is largely true.

Mr. FESS. That would be perfectly safe. Of course, there are any number of people in the city who have lived on the farm, whose training was received on the farm, and who could profitably be returned to the farm.

Mr. BLANTON. The point I was trying to make is that in every farming section dependence is placed upon the labor from the city during the harvesting period.

Mr. FESS. That may be true of some sections, but not of every section. I know that it is not true of my section of the country. Our people are scientific farmers, and, by the way, are the most independent of all our citizens.

There is another phase of this labor problem that I am going to mention, and I do not do it with any offense to anyone or any group of our people. The farmer frets terrifically under the exactions of union or organized labor. The purpose of organized labor is to better conditions of the laboring class of our citizenship, a perfectly legitimate ambition, indorsed by the country; to increase wages; to shorten hours; to insure better conditions under which labor is performed. These humanitarian movements, which are always the result of groupings of people, which especially will be noticed in factory life or wherever congestion of population obtains, are entirely wanting, as everyone knows, on the farm. Consequently, if you take some one who has been identified with union labor and put him out on the farm you can see precisely what would happen.

Now, let me read a paragraph or so from one of my correspondents, and this correspondence is simply spontaneous; it has not been the result of any inquiry made by me. These are letters which incidentally come to me about the farming situation. He says, in regard to the farm-labor question:

> I was recently told by a friend what his experience was during the last threshing season. He helped out a job of thrashing on a farm owned by a city man. The owner of the farm brought some help from the city. The farmers that went to help paid no attention to the time of day in commencing work. The town fellows, however, would not begin until a certain time and they would not allow the others to work, either. There you have a sample of organized union labor on the farm. They not only refused to work until they got ready, but they refused to allow anyone else to work. Some of them are not worth much even during working hours or anything except smoking cigarettes and filthy talk. I do not believe I exaggerate when I say that such help is a curse on the farm.

Now, while that statement may be a little overdrawn and it may come from a person who has had an unfortunate experience, yet we all know that such exactions can not be fruitful of good results on the farm and men inclined to demand such observances are a real detriment on the farm, which can not for a moment depend on such labor.

Mr. BLANTON. Will the gentleman yield?

Mr. FESS. If the gentleman will wait a minute, I beg the gentleman's pardon—yet there is some basis for my correspondent's feeling. He is not accustomed to this sort of thing out on the farm. Now I yield to the gentleman from Texas.

Mr. BLANTON. Does the gentleman realize what would happen to a man down in the country in which I live who would try to start something like that on the farm?

Mr. FESS. I do not. There is another suggestion that has some currency, and that is the organization of the boys and girls who are now in school to take them out in the months, say, of April and June. Many of these schools—high schools, like our famous township high schools throughout the country in most of the States—have an attendance that comes largely from the farm, many of them from the little villages. They know the farm. Now, I think in an emergency like these war times, when food is the slogan, while I believe thoroughly in conserving the time in the schools for our boys and girls, yet I believe that in this stress that policy ought to be tried; that there ought to be a unified effort throughout the country, and it ought to be through cooperation with school authorities, to let the boys and girls go out on the farms, to be free certain months in the year; and while we have no authority, of course, I would like to see the school authorities give credit for the work they do on the farm, so that this work need not necessarily prolong the school age. I mean to allow this work on the farm to count for that which otherwise they would have to do in the schoolroom. In other words, I would not want to prolong the school period as a punishment because they had gone out to do this helpful work. I believe that that can be done, and it would be wonderfully fruitful for this reason. All

of you know about the corn clubs and the United States agricultural clubs.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Does the gentleman desire more time?

Mr. FESS. Yes; I have been interrupted so much.

Mr. STAFFORD. How much time does the gentleman desire?

Mr. FESS. Fifteen minutes, if you can allow it.

Mr. STAFFORD. I yield the gentleman from Ohio 15 minutes additional.

The CHAIRMAN. The gentleman from Ohio is recognized for 15 additional minutes.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. FESS. I will.

Mr. CARTER of Oklahoma. I am very much interested in what the gentleman is saying; he is making a very profound discussion of a subject in which the entire country is interested. I know he has given some thought to the subject of furloughing some of the farmer boys who are in the Army for the gathering of the crops this summer. What has the gentleman to say on that subject?

Mr. FESS. I will say to my friend that I am going to take that up in due time. The facts are that these observations are now being made in order that I may present the identical phase of farm help suggested by the question. The movement, as I was discussing when the question was asked, in the organization of corn clubs and the household economic clubs, by offering certain prizes to the boy for the greatest yield of a given character, or to the girl who gets the best results in kitchen or otherwise, whatever the prizes are offered for, has proven to us beyond a doubt that farm ability can be wonderfully enhanced by encouraging general movements of interest among the young people on the farms and in the villages where they know the farm, and I believe that is something that ought to be taken up at once as an emergency measure, both as a State and National movement. I understand that in New York there is an organization of the girls by some woman's movement. I saw a statement here in Washington where there is such a movement on the part of a woman's organization. Such a movement is now in vogue in my own district, where local organizations reaching from city to country are attempting to enlist all the people in a campaign of production. All of these will have helpful results, I am sure. Then there is another phase along that same line However, I do not want to take that up at this particular juncture.

With reference to getting the labor from the Army camps, I will now address myself to what I think is a feasible and workable proposal. There will be, everyone will note, some inconvenience, even if we pass such a law, and there will also be some striking disappointments, because if we pass such a law, which I hope we will, and it ought to be passed soon if it is passed, the farmer will expect his own son to come to his farm.

Now, of course, we can not assure him of that. He would naturally rather work his boy, who is acquainted with the farm and the teams and all that goes with that particular farm, than to have some other soldier and give him a home for the time being, and while that ought to be done in the degree that it is possible to do it, you can see at once that it is bound to work a very great disappointment in various communities, and I have been trying to keep our people informed about that, that they must not expect their own son in every case to be returned. But there ought to be a relief, and I think there can be, from this particular method. Here is a letter that indicates a possible disappointment:

I would like to be furloughed for the reason that I shall now state. As father has a farm now rented of 208 acres, which is located—

I do not want to identify this boy, because he is writing me from his camp, is now in service as a military boy, and it might work him some inconvenience. He continues:

My father is unable to get the help to run the farm. He has out now 80 acres of wheat; he is going to put out the same amount of corn in the spring. If I get out and help him, as I have been the main support of him, he will be able to have this work done. Father has 12 head of horses, 15 head of cattle, 75 head of sheep, 35 head of hogs that he can not give proper attention. He has not been able to get any help all winter, and he has not got the last year's corn crop out yet. He can not get anybody to help take care of the farm, and I think I can farm and do it better and with better results than any hand that he can secure. Father is 65 years old and is unable to do any kind of work in the field. Father has not done any work for the last six years. He has been depending on me to do the work. I have tried to indicate here briefly some of the reasons why I should be furloughed.

Now, you read this letter, and between the lines you have a suspicion that the boy is not entirely happy in the Army and would like to get out. However, what he says would make a strong case for exemption; but if it is impossible to exempt him—and that can not be since I have presented the case to the War Department, which refused exemption, since he is already in the service—but if it is possible, for him to be given a period whereby he could go back on the farm and work for a specific period, it would be a great benefit not only to him but to his community. He would probably be rendering a greater service to his country by so doing than to remain in the military service.

That letter is one of a great many in the same line. The only trouble is you can not discriminate where a boy wants to work the farm from a desire to get out of the Army. We have got to recognize that in the passage of any bill that we enact here.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. FESS. I yield.

Mr. CONNALLY of Texas. Is it the gentleman's idea that the former boys in the Army ought to be permitted to go home and make the crops?

Mr. FESS. My idea is that there ought to be a quota permitted to go home at certain periods of the year and assist on the farm. I would not say all the farmers should do that. That, of course, would be impracticable.

Mr. CONNALLY of Texas. My constituency is a farming constituency, and I was just wondering what would become of the Army if they were to demobilize it to this extent.

Mr. FESS. The Army is not composed wholly of boys that come from the farms to start with, and not all the boys that come from the farms ought to be furloughed, especially at any one time. Nothing can be done to disorganize the plans of the military service. My point is that there is a positive need for farm labor, and we have got to meet it, and I do not know where you can get more effective labor than to collect from time to time selective groups in the camps for turning back to the farm, and allow them to return as soon as the period elapses. I think that is important. They would be the most effective men you could possibly find in the country.

Mr. TILSON. Will the gentleman yield?

Mr. FESS. I yield to the gentleman from the Military Committee.

Mr. TILSON. The gentleman will understand that possibly those men would be furloughed who belong to camps or divisions or organizations that were not immediately destined to overseas work.

Mr. FESS. Certainly. That is my meaning.

Mr. TILSON. Or, in other words, from those units from which they could be spared with the least demoralization to the Army itself?

Mr. FESS. Certainly. I would not think of interfering with the Army in its military requirements.

Mr. TILSON. So that it would be impossible to single out of these men individual men, because they might belong to the very organizations that were going overseas first.

Mr. FESS. And that is the one thing that will make the operation of it inevitably disappointing back home. That is what I meant. Of course, we would not think of emptying the camps. It is a selective method, taking what we can allow to go, where we can do it effectively during this crisis.

Mr. HASTINGS. Will the gentleman yield?

Mr. FESS. Yes.

Mr. HASTINGS. Do you not think if that sort of an act passed or if that kind of a regulation was formed that a very large number of those in the Army would be asking for furloughs?

Mr. FESS. I am sure of it. But their going would not depend upon their wishes, but upon the selection made by the authorities.

Mr. HASTINGS. Do you not think it would have the effect of demoralizing the Army?

Mr. FESS. I will say to my friend that I do not think it would have such an effect. The boys in the Army are under military training, and one of the first things we learn—and I know it by not only my own experience, but by the experience of some people who are very close to me—is absolute obedience to the rules of Army life.

Mr. PLATT. In the good old times, when the schools used to educate great men, and we all know they do not do it nowadays——

Mr. FESS. I do not accept that statement as a fact.

Mr. PLATT (continuing). Boys did not go to school except in the winter, and they worked on the farm in the summer time.

Mr. FESS. I do not know whether my friend thinks that we ought to dismiss the modern schools and go back into the one-room schools or not, where you could teach 55 classes per day, as I did in my first term.

Mr. PLATT. If you will read the life of any great man in the country, you will find he went to school only in the wintertime and worked in the summer time; and that is what we ought to get back to.

Mr. FESS. I am afraid that my friend is in the class of those who consider that under the modern system nobody can spell, because they study other subjects besides the spelling book.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

Mr. STAFFORD. I would like to inquire of the gentleman from Ohio if he requires any more time?

Mr. FESS. If it would not embarrass the gentleman.

Mr. STAFFORD. It is pressing me, but I will yield.

Mr. COOPER of Wisconsin. I have received a number of letters from farmer constituents telling of the impossibility of conducting their respective farms because of the taking away of their help. What does the gentleman from Ohio think of the proposition to have the statute made mandatory that help essential to the carrying on of a farm shall be absolutely exempt from the draft?

Mr. FESS. I do not believe that we would dare exempt agriculturists as a class. I think it would be inequitable and undemocratic.

Mr. COOPER of Wisconsin. Not as a class, not all agriculturists; but we can not exist without food, and the only people that grow the food are the farmers. Suppose, now, there are three boys on a farm; should it be optional with the board to permit all three of those to go or should one of them be exempt from the draft, where the mother is a widow and has no other help? I have exactly that case in my district.

Mr. FESS. It seems to me that such treatment would be unfair to the party in interest. The draft law as it now is written would permit one or two of those boys to be exempt, and it should be so administered.

Mr. COOPER of Wisconsin. If the gentleman will permit, it is left discretionary with the board.

Mr. FESS. Yes; I think it ought to be so left.

Mr. COOPER of Wisconsin. Should it be left discretionary with the board? Should not the public welfare, the necessities of the Government, require in such cases that the statute should be made mandatory, and that the work on the farm shall not cease in the production of food necessary for the Government?

Mr. FESS. Well, I confess it is a little confusing to me to say that you should make it mandatory simply because of the difficulty in many cases to tell whether that particular boy really ought to be kept on the farm or not, when it is a question of whether he is needed or not. I had a case like this brought to my attention and I carried it up for exemption, and the party said to me, "Why, this boy is not needed on the farm. He is in the university." I said, "Certainly; he is in the university, but he is studying agriculture in order to go back and be a trained farmer." I was astonished to be told then that he was not studying agriculture, but he was studying law. They wanted him on the farm, but they had sent him away to study law. He should not have been exempted.

I think we have got to leave a discretion somewhere, and not make the law mandatory. I certainly believe that there ought to be greater favor to agriculture shown in interpreting the law relating to exempting these people than there has been exercised.

Mr. COOPER of Wisconsin. In the case the gentleman cited there must have been somebody on the farm doing the work while the boy was absent.

Mr. FESS. His father was on the farm.

Mr. COOPER of Wisconsin. But supposing his mother was a widow. I have that kind of a case.

Mr. FESS. I think that is a case of unwisdom to refuse to exempt that party. I think there should be greater care exercised in the exemption of the agriculturists. I feel sure it will be used in the future.

Now, in reference to the furlough question, it might be of value of the committee to know that several bills have been introduced, one by the Committee on Military Affairs, and such a measure will come into the House in due time, if it can be brought in by the Committee on Military Affairs. I think that is very wise and ought to be done very soon, because in some sections of the country the time for farming is on.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. TILSON. Before the gentleman leaves that point, I will state that such a bill has been reported out of committee. It has either been ordered reported out or actually has been reported out.

Mr. FESS. So I understand from the chairman of the committee, with whom I talked only to-day.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. LINTHICUM. Who is to use this greater latitude in the future?

Mr. FESS. Of course, it will be the appellate board.

Mr. LINTHICUM. If the gentleman has in mind these local and district boards, I can say to him that I have in mind a young man who is working 70 acres of land. He has an uncle 70 years old and an aunt 75 years old. He was put into one of the low classes and went before the district board and was then put in class A. He has 70 acres of land. I do not think that that is much latitude.

Mr. FESS. When I said "latitude" I was probably misunderstood. I mean there ought to be greater favor shown in exempting the farmer boy than has been exercised hitherto.

Mr. LINTHICUM. I have several cases in mind, cases in my neighborhood, where they have farms; and they take them all without any distinction whatever, apparently.

Mr. ALMON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes; I yield to the gentleman.

Mr. ALMON. While we are discussing the issuing of furloughs to some of the farmer boys who are already in training, at the same time we understand from the press that in all probability there will be another draft, probably about the 1st of May, right in the midst of the crop time, when other boys will be taken from the farms. What would you think of the idea of legislation to the effect that no farmer boys shall be taken into the second draft or be called until some definite time, say, the 1st of August, in order that they may aid in making this crop?

Mr. FESS. That suggestion might work considerable inconvenience in the training ability. We must not allow any of these items to stand out against the training for the war as an entirety, and if it should happen that no call is made up to a certain period, and there would be no training up to that period, I would be fearful that that might interfere with the plans of effectually prosecuting the military program, and I would hesitate to do that.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

Mr. FESS. Certainly. I yield to my colleague.

Mr. COOPER of Ohio. Does not my colleague believe that it is just as essential that we have boys on the farm to work the farms to produce the necessary foodstuffs and supplies as to have them in the Army?

Mr. FESS. Of course, we are compelled to have labor on the farm.

Mr. COOPER of Ohio. I would like to call the gentleman's attention to a case that was brought to my mind a few days ago. It is the case of two brothers living in my district, their father and mother both being dead. They had left to them a farm, and they have worked hard to get the debts cleared off the farm. They have improved machinery and a nice stock of cattle on the farm. There are only two brothers and a sister. The draft board has called both the brothers into the service and placed them in class A. It seems to me that the Government made a serious mistake when it took those young men off the farm when we need all the agricultural help in our country that we can get to do the work.

Mr. FESS. I will say to my colleague that I think, according to his statement of the case, that is a serious situation and ought to be remedied. Surely such cases will be corrected if they are presented to proper authorities. We can not trifle with the question of food production.

Now, gentlemen of the committee, if I may be permitted to go on without interruption until my time expires, I have three or four things that I want to say to the committee connectedly, and the first is this: As to these various suggestions of securing help, another suggestion has been made to take help out of the State prisons, out of the penitentiaries. In a great many places a movement is on foot to take them out in groups, say, to work 10 or more men under one command, and take them from farm to farm. I do not know whether that would be workable at all. I do not know why it could not be, although I have not gone into it. It has already been suggested.

Another suggestion is for the State itself to aid by furnishing to certain areas tractors. Ohio is in great activity just now on that suggestion. The governor of the State has recommended it, and the State university is offering to show how it can be done. The idea is for the State to purchase outright a great number of tractors—not to loan them out, but to put them out under some skilled operator and let him go from farm to farm in the community and gather the community together—and let them, in a community way, work the farms.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. FESS. I did not get to finish what I wanted to say. May I have five minutes more?

Mr. STAFFORD. I yield to the gentleman five minutes more.

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes more.

Mr. FESS. I am very much obliged to the gentleman.

Mr. LINTHICUM. I want to ask the gentleman one or two questions after he gets through.

Mr. FESS. This asking for more time is getting to be a joke, but I did not mean it to be so. The tractor proposition, as I say, is receiving a good deal of consideration in Ohio. New York is also becoming active in this form of relief. I here insert a dispatch in to-day's paper:

The State of New York will furnish 61 tractors for service on the farms of the State this season. The plan under which these tractors may be rented and used is announced to-day by Director C. J. Husson, of the bureau of production of the New York State Food Commission.

Application for these tractors should be made direct to Director Husson at the office of the food commission, Agricultural Hall, Albany, N. Y. Every tractor must be used to plow 200 acres or more for food crops.

The plan under which these tractors may be used will make them of the greatest possible efficiency in plowing and fitting land for food production. In 1917 New York State was the pioneer in this work in the United States, having purchased and put out 42 tractors. This year the lessons learned in 1917 will be put into effect, and each tractor will be more efficient and of greater service because of what was learned last year

TWENTY NEW TRACTORS.

One of these tractors may be had in any one of three ways. Under plan No. 1 an organized group of farmers, five or more; under plan No. 2 an experienced and responsible tractor operator; or under plan No. 3 an individual farmer may get one of the machines. Rules are provided for each plan.

Of the 61 machines 20 will be new (purchased this year), the other 41 those which were used last year. Each machine will be accompanied by either a two-plow or three-plow outfit, including harrow. A specified rental is to be paid the State, as follows: Secondhand two-plow outfit, $50 to $60 for the season; secondhand three-plow outfit, $75; new two-plow outfit, $75; new three-plow outfit, $100.

The full details will be communicated to anyone interested upon request. Some of the more important details are as follows: The organization or individual signing the contract with the State must assume responsibility for the machine and pay the rental; must pay for all necessary repairs, fuel, oil, freight (within the State); and deliver the machine next fall to the nearest railroad station or properly house it for the winter. He must also guarantee to plow at least 200 acres during the season and to keep the machine in use every possible day and only for plowing and fitting land for food production, except when special permission for other use is given by the commission.

PLANS FOR THEIR USE.

Under plan No. 1 the group which gets the tractor must limit its use to 40 acres for each member of the group, one half of which may be done in the spring and the other half in the fall. Under plan No. 2 the operator who may get the tractor may not plow or fit more than 40 acres (20 in the spring and 20 in the fall) for any one individual. Under plan No. 3, if an individual farmer secures one of the machines, he is permitted to plow but 60 acres (one-half in the spring; one-half in the fall) for himself. Under all three plans the tractors must be kept in service as nearly constantly as weather permits. The charge for the use of the tractors is limited to $1.25 per hour for a tractor up to 10-20 size, or $1.50 per hour for a tractor above the 10-20 size, or if the charge is made per acre to $3 per acre for plowing and 75 cents per acre for harrowing once over.

I have heard certain objections to the tractor proposition; that the need of labor is not so great in the planting season as it is in the harvesting season. But I think the need is about as great in the planting season, for the simple reason that in our section of the world every day is not seasonable. We have got to make hay while the sun shines. You have got to get your ground ready. Then you must get your crop in. That is one reason why we are insistent that we must have good seed, for if you plant seed that is not good, by the time you find out that the first planting is a failure the season is gone and it is too late to plant a second crop.

Mr. TILSON. Does not the gentleman think that if a man makes an almost superhuman effort to get a crop planted, and then he gets a good crop, he will make more than a superhuman effort to harvest it?

Mr. FESS. Absolutely; there is no doubt that is true.

So much for the tractor suggestion that has been discussed in Ohio and New York, if not elsewhere.

Another suggestion that I think every Member of the House ought to have in mind is that we are going to suffer from want of crops next year because of the fact that we did not have the assurance of labor, and many of our farmers have sown their farms in grass, which will not be broken up at all and will not produce the cereals. Now, it may sound strange when I state to you that a large proportion of the vicinity in which I live, which is an agricultural community of a very high grade, has done that very thing. Let me read to you from a letter that is exceedingly suggestive. This letter comes from the president of the Red Cross movement in my town, who has given up all of his time to war activities. He has 306 acres of ground, a splendid farm, with tenants on it, but they have gone, all but one, and this is what he says:

From personal observation there is a growing feeling expressed among the farmers, true at that, that the farm products depend upon the farmer; that the people can not live without the farmer and his products. This feeling can easily grow to a condition that might become serious. Labor is his great drawback—good, competent labor. Often his help is on one part of the farm while he is working at a distance. The farmer has been overworked, tired, discouraged from the help standpoint. This leads to his giving up, selling out—

Now, listen—

or, as in my own case, I have prepared to use as much stock on pasture as possible; and if our assistant is called to the colors—and he is subject to be called—our farm will have to go on a 50 per cent capacity. Not that I want to, but am forced to make the best out of a bad condition.

That letter is written by one of the most patriotic men we have in our community, and he is working constantly for the interests of the community.

The CHAIRMAN. The gentleman's additional five minutes have expired.

Mr. LINTHICUM. He had 10 minutes, as I understood.

The CHAIRMAN. The gentleman is recognized for five minutes more.

Mr. FESS. Out of this condition we have this certainty: There is not going to be as great a cultivation in acreage next year, if my community is at all a fair representative, and it will not be because the people are not interested in the war. It will be because they say, "We simply can not do it, and we have got to make the best of a bad situation."

Take that as one thing. Then add to that this other fact that all must admit: The corn last year did not mature, as it usually does, because of the early frost. Corn is out in the field where it has remained all winter. This was the hardest winter that any of us has gone through in reference to the keen cold. All through our country we are told that most of the corn which otherwise would make good seed corn is absolutely worthless as seed corn because of its immaturity and having been out all winter and perhaps other reasons. I had a man come into my office who is one of the best agriculturists in Ohio. He was on his way to see Secretary Houston. I gave him a letter to the Secretary in order to present that corn situation from the standpoint of seed to the Department of Agriculture here. He told me that he had taken the corn and tested it as they usually do, and that he finds section after section of the fields where the corn is perfectly useless for seed. That, I fear, is going to create a great disappointment in the yield this coming year. All through my section there are movements by county organizations attempting to select the good seed from the worthless. There is really a serious situation which is alarming the people.

Mr. LINTHICUM. I dislike to interrupt the gentleman, but there is one matter to which I should like to call his attention, as his time is drawing short.

Mr. FESS. That is all right.

Mr. LINTHICUM. The gentleman has spoken about the need to produce a crop and about the future food products of the country. I want to call the gentleman's attention to an article which appeared in a Baltimore paper, which deals with the subject of the hotels. As the gentleman knows, the hotels have changed their mode of serving meals. Whereas they formerly served a portion that could be divided between two people, now they have made them all individual portions. They charge about the same for an individual portion that they once charged for a large portion and you have no right to divide that with anyone.

I have a clipping here from a Baltimore paper, in which it is said that the hotels claim that this is not an advantage to them, but that what is left over when they serve too much for one person and will not let it be divided with anyone else goes to the waiter. The article says:

These are the property of the waiter, to give away, take home, or sell. What he does not want goes to the bus boy, the waiter's underling.

It was also pointed out by the managers that the practice of serving a portion for two people existed in the days when the individual portion was called the half portion, and that it had been found advisable to refuse to serve individual portions to two people on account of the necessity of restricting patronage to the more desirable class of guests.

"There are plenty of people," said one manager, "who live in hall bedrooms and who would come in and order one portion of a single dish to divide between them. It does not pay us to encourage that class of patronage. The practice of charging an extra amount for service of a single portion to two people is also open to many abuses from the standpoint of the employees. The waiters are apt to play favorites, and it would be next to impossible to check up on them."

Of course, I think we will all agree that the reason stated by that hotel manager is a very foolish one. Does not the gentleman think the hotels of this country ought to be investigated on this question of the waste of food? They have adopted this system for the primary purpose of getting a larger price from the people, and then they serve more than one person can eat. I have particularly in mind one case where two of us went to a hotel; they served me enough for three people. Yet I was compelled to purchase the same amount for the other person, and what was left—about half—was sent into the kitchen for whatever might be done with it. It is an outrage upon the

people for the charge made by most hotels for single portions, and it is discouraging to everybody by the waste of food caused by this method of extortion.

Mr. OVERMYER. I will say to the gentleman that the Lever bill, which has been referred to our committee, will be taken up very soon. It takes up that very question, which we hope to present to the House very soon.

Mr. FESS. I am very glad to hear that.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FESS. May I have three minutes more?

Mr. STAFFORD. The gentleman is so reasonable in his request for time that I certainly will yield him the three minutes and hope that he will not be interrupted.

Mr. FESS. Mr. Chairman, I had not intended to occupy so much time of the committee, but this is a subject that has been fugitively discussed by individual Members who have been offering observations upon it, and I felt and feel now that there is a possibility of a crisis that none of us fully comprehend.

The truth of the matter is the submarine is not out of commission. The truth of the matter is the submarine activity is on the increase. There are more ships being sunk than before, there is more food being sunk than before, and we all know that with our soldiers across the seas we are going to be on the sea more with our food. With a lessening of food in Europe, as must be inevitable, and an inevitable lessening of food in our own country from present conditions, everybody must see that here in the face of the most perfectly organized military machine the world ever saw, in the persistent effort to sink what food it can find on the seas and with those sinkings increasing, you are losing at both ends. You are not only losing in productiveness but in destructiveness. And so it is high time that we not only make every foot of our ground produce to its maximum but make everybody conserve to the very minimum. Then, as to the war-garden proposition, we got $350,000,000 additional fruitage last year; but we want to increase it this year. We ought not to be compelled to suffer loss, as is suggested by my experience in this town when a Government clerk told me that he had a little vacant lot out here that he wanted to plant and they wanted $8 for plowing it. That is an outrage; the Government ought to take over the vacant lots and see that they are cultivated, and if the Government does not do it the city authorities ought to do it.

I need but call attention to the city of Springfield, Ohio, where the office of the city manager undertook the war-garden work last spring. A census of the available garden plots in the city was made, and when seeds were distributed free by the city, if the person asking for seeds had no place to plant them, a lot was turned over. After finding that lots could not be gotten ready for planting on account of scarcity of teams and plows, the city employed several teams to plow and harrow the lots. When fields could not be secured by donations, the city rented them and cut them up into war-garden lots. Ordinances were passed protecting these city lots from vandalism and theft. When the crop was harvested the city established a clearing house where those having vegetables for sale could bring their product and dispose of it without the necessity of peddling it about the city.

This coming year the work will be continued. There now is being planned a systematic campaign to reach out over the county to augment the yield of the farms tributary to the city.

Mr. RANDALL. The Government ought to stop the use of 60,000,000 bushels of grain for the breweries.

Mr. FESS. I emphatically agree with that statement, and will do all in my power to stop it.

Mr. STAFFORD. The gentleman ought to know that brewery products are food. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, I have noticed in the newspapers from my district, and generally throughout Pennsylvania, that it is the intention to close not only the colleges but the public schools one month earlier this year than ordinarily for the purpose of releasing the students, that they may go upon the farms and increase the product of the land.

The result of that patriotic action will, of course, add much to the sum total of the Nation's food products. I represent a great agricultural district of Pennsylvania, including a large portion of the fertile Cumberland, Tuscarora, Kishacoquillas, Trough Creek, Path, Buffalo, and the Big Valleys. A more productive soil nowhere exists on earth, nor are there better farms anywhere; and yet in the newspapers coming from this section I find the statement that more farmers are this year offering to sell out and leave the farms than in any other period in the history of this section.

Mr. LITTLE. Will the gentleman yield?

Mr. FOCHT. Yes; although my time is brief.

Mr. LITTLE. How much an acre do they want for these farms?

Mr. FOCHT. They are very valuable farms. I will answer the gentleman's question more understandingly a little later. The reason they are leaving the farms is because they do not have the farm help to get the maximum of production. As the gentleman from Ohio [Mr. FESS] has said, they are patriotic; the farmers are all patriotic and they have done their share, but they are discouraged to the extent that many do not want to go ahead with their accustomed plans on account of the uncertainty as to help.

Now, I wish to state, without inserting in the RECORD many letters from the section of the country where these boys go from the farms, the fact that many must reduce the acreage under cultivation this year. There is one instance at least, according to a letter I have received, where a farmer was unable to get his potatoes out of the ground last year and where the corn remains to-day unhusked in the field.

There was a farmer here the other day, a patriotic man and fine citizen, whose son volunteered and is down in TEXAS. Inasmuch as the selective method of raising the Army does not carry into practice the early understanding that there would be exemptions in the more needful occupations, such as farming, all he asked was what the gentleman from Ohio [Mr. FESS] suggested—a furlough. I give these instances in the hope that there may be worked out some method of returning to the farm, temporarily at least, on furlough during the planting season and the harvesting season some of these boys—not loafers picked up around in the cities, whom the farmers say would be more of a menace and a nuisance than a help, but these practical farmers who know the farm and who left it to go to the war. And what my farmer friend asked was not that his son should be relieved from any of his obligations as an American citizen and a patriot, but when he was willing and anxious to serve his country he wanted the boy to come home on a short furlough and help put out, then harvest the crops. In the absence of his son he is alone and his wife is an invalid, and he would be obliged to reduce the acreage; and to reduce the acreage now would be as fatal as reducing the activities in the preparation and increase in numbers of our Army and military equipment.

Therefore, representing this agricultural community, and having these specific cases brought to my attention, I am prepared to second the thought of the gentleman from Ohio [Mr. FESS] in the hope that the committee, in their wisdom, may be able to work out some plan by which these farmers whose sons have left the fields to go to the Army may not be compelled under the force of necessity to curtail the productiveness of the agricultural districts. [Applause.]

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. STAFFORD. Mr. Chairman, I yield the gentleman two minutes more.

Mr. RAMSEYER. The gentleman speaks of furloughing during the planting and the harvest time?

Mr. FOCHT. Yes.

Mr. RAMSEYER. Does the gentleman simply mean it for a few weeks?

Mr. FOCHT. Yes; if nothing better can be done, a few weeks, not in excess of a month, since it seems they are not to be exempted entirely.

Mr. RAMSEYER. I do not know anything about the farming conditions in Pennsylvania, but I do know that in Iowa they need about the same amount of help from March until October, because one kind of work follows another. It is planting and then more planting and cultivation and the harvest and the thrashing and in the fall there is the husking of the corn.

Mr. FOCHT. Exactly.

Mr. RAMSEYER. And a few weeks' furlough, if it is in planting time in the spring and a few weeks in the harvest, would not solve the problem with us.

Mr. FOCHT. It would in some measure. Of course the farmer himself would have to be helpful there; but, as for hay and wheat and oats, there is an interval between harvesting these and the harvesting of corn, during which they might go back to the Army. Those are the principal crops of the country I represent. It would differ, to be sure, according to climatic conditions, but it could be adjusted so far as the greater portion of Pennsylvania is concerned.

Mr. RAMSEYER. In a country where they have small grain, like the Dakotas, I can see where a few weeks in planting

and in harvest time and at thrashing time would be of very great help.

Mr. FOCHT. That would have to be worked out by the intelligence and the wisdom of the agencies in charge of the program.

Mr. LITTLE. Mr. Chairman, the gentleman has not yet given me the price of that land.

Mr. TILSON. Mr. Chairman, will the gentleman yield?

Mr. FOCHT. Yes.

Mr. TILSON. In due time the gentleman will have an opportunity to vote for a bill which will permit the Secretary of War to furlough men for a shorter or longer period, as it may be determined is best toward winning the war.

Mr. FOCHT. I consider that a wise provision. I would like to have time enough to answer the gentleman from Kansas, who says he desires to know the value of the land in the seventeenth Pennsylvania district.

Mr. LITTLE. The gentleman said that they had the finest farm land in the world and were anxious to sell.

Mr. FOCHT. No; not anxious to sell the land, but some farmers desire to quit because they would be compelled to reduce acreage.

Mr. LITTLE. The gentleman said he never saw so many who wanted to sell their farms.

Mr. FOCHT. They are mostly tenants advertising stock and equipment because of the labor conditions that exist.

Mr. LITTLE. I want to get the price.

Mr. FOCHT. I assume that the more land there is on the market the lower the price would be, and that price, of course, would be measured according to the quality of the land, buildings, and so forth. In my section land sells anywhere from $50 to $250 per acre.

Mr. LITTLE. That would be my theory.

Mr. FOCHT. That would follow as a matter of common business practice.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. COOPER of Ohio. Mr. Chairman, I will ask that the gentleman be yielded one minute more.

Mr. STAFFORD. Mr. Chairman, I yield one minute more to the gentleman.

Mr. COOPER of Ohio. I would like to ask the gentleman what effect he thinks price fixing has had on the farmers of our country? In other words, the Government has fixed the price at which he must sell his products, when the price of labor is out of sight.

Mr. FOCHT. I will answer, in a general way, that I regard all of the fixing of prices and the attempts to break down the law of supply and demand and the evident fuel regulatory fiasco as necessarily demoralizing and discouraging. Particularly is the arbitrary price fixed for wheat far from commensurate and below adjustment with other commodities and supplies the farmer must buy in the open market. In considering the high wages now paid labor we must not overlook the fact that the purchasing power of a dollar is only half what it was in 1914; hence the increase of wages for labor is the only method by which adjustment to meet high prices of commodities can be accommodated. My answer might be more amply embodied in a few remarks I made on the floor months ago, when the food-control bill was under discussion, and which presumably was to increase the food supply and bring down the then soaring prices. I quote from my observations of prophecy as contained in the CONGRESSIONAL RECORD of August 3, 1917, and also an editorial from the Chambersburg Repository, as follows:

Mr. FOCHT. Mr. Speaker, I simply desire to say that I have grave doubts as to the efficiency of this measure. I doubt that it will accomplish any good results. In the presence of the multitudinous agencies that are now in force to regulate everything and everybody in this country I doubt very seriously whether any single individual is big enough to extend himself with any effect over this great Western Hemisphere, or, in fact, over the whole world, which, according to the provisions of this bill, he will have the authority to supervise. However, this authority has been sought by the Chief Executive and by the majority party in power, and, inasmuch as they have sought it and are to assume the responsibility for it, I am willing that it shall be done. But for the fact that I am called away to the hospital on account of the sickness of my daughter I should vote for the conference report, but I shall not be able to be present when it is voted upon. I wish to reassert that I do not believe the bill is going to accomplish anything whatever except confusion and disorder, disappointment, if not disgust, and dismay throughout the land, much as I hope to the contrary.

[From the Chambersburg Repository.]

THE FARMER'S SIDE OF THE QUESTION.

From reports Repository has been able to gather from over the county there is going to be a material shortage in crops this year as compared with last year. We have made a special effort to learn facts from the farmers as they visit Chambersburg, and all seem to have the same report to make.

No person can justly criticize the farmers of Franklin County after the great efforts they made last year. Nor can anyone question their loyalty to the Government and their desire to help in every way possible to win this war. The question is, Have they been given the square deal they deserve?

The cry is everlastingly going up to conserve food here at home that we may be able to ship more abroad. "Do not waste" is what we see placarded all over the country, and glaring electric signs in large cities tell the people the same thing. And the people, largely, are complying with the request, but what are we to save for our men at the front and in the camps, as well as our allies, if we fail to produce? Production is the great thing that is necessary to win the war. Saving is entirely proper, but production must first be considered and it is being considered, but how? Wheat is the great staple food product and the cry goes up day and night, "Give us more wheat and save the flour that we may have more wheat." The farmers are asked to produce wheat in greater quantities, yet wheat is the one item of farm production on which the Government places a fixed price and says, "So far shalt thou go and no farther."

What is the condition of the farmer, the man who produces the wheat and who is urged to accomplish great results by a price fixed for his crop of wheat. People who do not go into all the facts say that is a good price and any man should be able to raise it at that price. Let us see. Place the normal price of wheat at $1 and the price fixed by the Government is an increase slightly over 100 per cent of the normal. The farmer in order to sustain his family and keep up his farm is obliged, like every one else, to buy other things. Does he find a price fixed on these? Not at all. He pays anywhere from 200 to 300 per cent more for what he buys than he formerly did. Foodstuffs, feed for his stock, machinery of all kinds, fertilizer, everything has advanced far more than the advance allowed him on his wheat.

Another thing. It is impossible to procure help on the farm. The young men whom the Government has not taken away for the Army have found employment in cantonments, manufactories, and elsewhere at wages the farmer could not think of paying. Without help how is he expected to increase his production? He simply can not do it. The result will be that he will sow this year only what he can reap himself and with what aid he can procure from his own family, which, in many cases, has been materially depleted by the draft. The farmer can do so much and no more, and that is just what he will do this year, and this means a big shortage in wheat and all other crops. It is absolutely ridiculous to insist that the farmer should do the impossible.

If crops are to be increased there is but one way to do it. The Government must either stop taking the boys from the farm or provide others to take their places. If the war is to be won by greater production of wheat and other farm crops, men are just as essential on the farm as they are in the trenches, and the Government should make some provision to supply them. There are thousands of men employed in various branches of industry where nonessentials are produced. There are men clerking in stores and in other places where women could fill the positions just as well. If food production is as essential as carrying a gun and the Government can draft for the latter, why can not it do so for the former? It is not improbable that we will come to this before very long. A man has just as much right to sacrifice in order that food can be secured as has the man to sacrifice his business to enter the Army as a soldier. If something like this is not done we may expect greatly reduced crops, not because farmers are unwilling to do their full part, but because they are deprived of the help necessary to produce the crops now demanded. If this war is to be won through the production of large crops to feed the Army and allies, the farmers must be given help with which to do it.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield one minute to the gentleman from Ohio [Mr. OVERMYER].

Mr. OVERMYER. Mr. Chairman, I just wanted to say, as I stated a while ago, that I had intended to ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter from the Provost Marshal General touching the question of farm labor. On investigation, however, I find that a letter in substance the same was inserted in the RECORD under the date of the 25th instant by the gentleman from Oklahoma [Mr. McKEOWN]. The letter contains a great deal of interesting information, especially showing the percentage of farm labor that has actually been withdrawn in the first draft and that will be probably withdrawn in the second draft. I quite agree with the statement of the Provost Marshal General in that regard, that the dearth of farm labor is not due in any large degree to the operation of the draft. It is due to a variety of causes that have been in operation for a number of years. The migration of people toward the city, the auction of industries during the past two or three years, with high wage scales in the cities, has done more to create the present dearth in farm labor than the operation of the draft, and the letter gives interesting figures on that subject.

Mr. COOPER of Ohio. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERMYER. I regret I can not yield to my colleague.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. BELL].

Mr. BELL. Mr. Chairman, in the time allotted to me I desire to submit the report of the commission created by Congress to investigate the pneumatic mail-tube service.

REPORT OF THE COMMISSION TO INVESTIGATE PNEUMATIC-TUBE MAIL SERVICE.

The commission appointed by the act of Congress dated March 3, 1917, to investigate the value of pneumatic-tube mail service, submits herewith the report of its investigations, together with the report of its engineers and auditors, a tran-

script of the public hearings, and copies of reports and briefs submitted by the Post Office Department and the owners of tube properties.

Under the provisions of the act creating the commission, it is directed, first, to investigate the value of the tube service; second, the value of its properties, franchises, and other equipment, with a view to the purchase and operation of the same or any portion thereof by the Government; and, third, to ascertain the cost and terms upon which such purchase may be made. Broadly interpreted, the commission was directed to determine whether the tubes are a valuable and necessary postal facility for a reliable and expeditious mail service in the larger cities.

After having given careful consideration to the testimony submitted at public hearings in the different cities, an inspection of pneumatic-tube service, a consideration of the report of its engineers and auditors, and the briefs submitted by the Post Office Department and the tube companies, the commission has reached the following conclusions:

1. That pneumatic tubes as now installed for carrying letter mail are necessary for proper postal service and should be continued in the cities of New York, Brooklyn, Philadelphia, Boston, Chicago, and St. Louis, but that extensions are necessary in St. Louis to obtain adequate tube service.

2. That being an exclusive postal facility, the systems should be owned and operated by the Government.

3. That a combination of tube and automobile service tends to promote efficient postal service in large cities.

4. That the Post Office Department should operate tube service with its own employees, thereby insuring greater cooperation.

5. That the purchase price of the tube systems should be extended over a period of years in such a manner that partial payments, together with 4 per cent interest on unpaid balances, including costs of operation as reported by the commission's engineers, shall not exceed the present annual expenditure of approximately $976,000 for tube service.

6. That the purchase price for the systems now in use in the Postal Service be determined by a reference to the Interstate Commerce Commission, who shall fix a physical valuation for each of the systems in the cities of New York, Brooklyn, Philadelphia, Boston, Chicago, and St. Louis at a sum not to exceed $4,432,622 for the entire systems. In determining these values, said commission shall consider the nature and condition of the titles to the properties in each of the cities named.

The commission has given careful and extended study and investigation, first, to the utility value of underground pneumatic-tube service as a postal facility in the large cities where the quantity of first-class mail and street congestion demand special consideration; second, to the subject of Government ownership of such methods of mail transportation; and, third, to what is a fair valuation of the properties of the tube companies now under contract with the Post Office Department. For some time this subject has been before Congress. Each member of the commission, by reason of service on the Post Office Committees of the House and Senate, had already given the subject considerable thought and study. A mass of testimony, data, and information has heretofore been submitted during hearings before the House and Senate Post Office Committees and in previous congressional and departmental reports.

The systems in the five cities mentioned are privately owned and operated under contract with the Post Office Department, for which Congress has appropriated during the last 11 years approximately $1,000,000 per year. A 10-year contract for tube service expired June 30, 1916, and since that time the service has been continued by congressional action.

On July 16, 1915, the Postmaster General appointed a committee of postal experts "to make careful investigation and report as to the needs and practicability of pneumatic-tube service in Boston, Mass.; New York, N. Y.; Brooklyn, N. Y.; Philadelphia, Pa.; Chicago, Ill.; and St. Louis, Mo., preliminary to the consideration by the Postmaster General of the issuance of an advertisement for such service for the term beginning July 1, 1916, the report to be submitted not later than October 1, 1915." Their report was filed with the Postmaster General October 13, 1916. He extended the contracts to December 31, 1916. Congress afterwards extended the contracts first to March 4, 1917, and later, in connection with the authorization of this commission, to July 1, 1918.

The report of the postal experts recommended the discontinuance of tube service in all the cities, with the exception of that portion in New York below Forty-second Street, and recommended the retention of the service above Forty-second Street only on condition that it could be secured at a very material reduction in cost.

The recommendations of the Postmaster General coming before Congress for consideration were attacked by Members of Congress, the public, the press, and by the owners of tube properties. Hearings were conducted by the Committees on Post Offices and Post Roads both in the House and in the Senate. They extended over a period of four days before the House committee, and for six days before the Senate committee. The House of Representatives voted to continue the usual appropriation for tube service, and an additional amount for an extension to The Bronx in New York City. The Senate amended the provision by continuing the existing service and authorized the appointment of this commission, which action was later concurred in by the House.

The views of the Postmaster General with respect to tube service may be summarized as follows: That since 1906, when the present contracts were made, the postal conditions have so changed that the tube service is neither necessary nor desirable. The reasons assigned are stated to be:

1. The introduction of parcel post.
2. The use of automobile mail trucks.
3. Increase of letter mail to a point beyond the capacity of the existing tubes.

The commission, therefore, has given careful study to the utility value of pneumatic-tube mail service, has instructed its engineers to make thorough and careful investigation into this phase of their inquiry, and has itself endeavored to ascertain accurately the views and reasons of the public and postal employees as to the value and the necessity for providing such a means of transportation for first-class mail. It has examined the reports of previous post-office administrations, and particularly the report of the congressional investigation submitted to Congress in 1914, of which Senator HOKE SMITH, of Georgia, was chairman. Indeed, the investigation of this latter commission enabled this commission to avoid a great amount of work which it otherwise would have been required to do.

The commission has carefully kept in mind the distinction between the importance of the delivery of first-class mail, in which the Government has a monopoly, and that of other classes of mail delivered through the Postal Service. The former commands a high rate of postage. It is closely identified with the social, business, financial, and industrial life of the Nation, and therefore demands special treatment.

It can not be permitted, except at the expense of efficiency, to go other than in the most direct lines, without delay or hindrance, from the point of origin to destination. Any other consideration that would retard or slacken its progress would ignore the very important duty the Government owes the public to provide a highly developed first-class mail service. Rapid transmission of first-class mail should be provided independent of and divorced from the movement of the less important and lower classes of mail. No other course can be reconciled with the proper and just demands of the public or the duty the Government owes to the patrons of the Postal Service, who provide the funds with which it is maintained. But for first-class mail the social and business fabric of the Nation would be greatly impaired. The greater the efficiency, therefore, in the methods and devices adopted to improve the service the greater it stimulates the social and commercial activities of the people.

All of the larger financial institutions located in the great cities, and many of the large business and manufacturing concerns having active relations with clients, customers, or branches located outside the city, rely upon the mails for handling and recording thousands of necessary details involved in the orderly conduct of their business affairs. Many of them do not rely upon the postman for collections and deliveries, but at their own expense maintain a special service between their offices and the post office or station through which their mail is cleared. Some of them, especially the great banking institutions, send for and receive their mail, in some instances, every 30 minutes during business hours; and many of them maintain such a service, though less frequently, during the entire night in order that clients and customers may sustain the least possible delay with respect to business intrusted to them through the mails.

It is not a question of what character of service is sufficient, but what is the best possible service, within reasonable limits of expense, that can be provided for such important customers of the Postal Service. It must be understood, however, that each patron of the Postal Service can not always receive that degree of service which his individual business demands or that he feels he should have. The Postal Service must be maintained with due regard for conditions in any given locality and in the country as a whole. The policy of those responsible for efficient postal management should be, however, to keep pace with the growth and development of the country and the necessity for a constantly improved service.

The viewpoint of the public, as it appears to the commission, is that letter mail pays for and warrants the highest grade of postal service; that there should be no deterioration in the service; that where cities are spending millions of dollars to widen streets and to put traffic above ground and underground, the Government should not add to that traffic by abandoning existing means of underground transportation of mail; that the mail truck is a menace to the life of persons along the streets and tends to obstruct traffic. These are factors in this inquiry which the commission considers are established by the facts.

The tubes carry a large portion of the first-class mail in the cities where established. They were constructed with the sole purpose of facilitating the delivery of letter mail. To replace the tubes with automobiles would doubtless effect an economy, estimated by Stone & Webster, engineers for the commission, at $114,522 per year. The commission is of the opinion, however, that delays in the delivery of large quantities of letter mail would result from this action. In this connection the engineers say:

No number of automobiles, even at a cost exceeding that of the best combined automobile and tube service, could obtain all the advantages of a combined service.

The records of the Post Office Department indicate that from three to five million letters are advanced in delivery each day by the tubes, which otherwise would be delayed. The commission feels that the additional cost for providing expedition for this amount of mail is fully justified. The engineers for the commission estimate that the extra expense of tube service under Government ownership as compared with the cost of the necessary automobile service to replace the tubes, if discontinued, would be about $312 a day. The commission concludes that for this sum Congress can well afford to provide this special service for three to five million letters daily that are enabled thereby to reach their destination earlier, which would not be true if tube service were dispensed with.

Mr. ROUSE, a member of the commission, does not agree with the recommendations above stated and will submit a minority report.

At the suggestion of the commission, the secretary has prepared and appended hereto, under appropriate subdivisions, certain data and comments, approved by the commission, regarding the various phases of the investigation under consideration.

J. H. BANKHEAD (chairman).
THOMAS W. HARDWICK.
JOHN W. WEEKS.
THOS. M. BELL.
HALVOR STEENERSON.

MARCH 1, 1918.

Mr. RANDALL. Will the gentleman yield?

Mr. BELL. I will.

Mr. RANDALL. I understand the commission recommends a continuance of the pneumatic-tube service in certain cities under certain circumstances.

Mr. BELL. No.

Mr. RANDALL. Are there any cities which have had that service that are omitted from the recommendation?

Mr. BELL. None, so far as I am advised.

Mr. RANDALL. What about San Francisco?

Mr. BELL. Well, I did not know San Francisco ever had this pneumatic-tube service.

Mr. RANDALL. It has had it in the past. I would like to ask whether the commission visited San Francisco before this report was made?

Mr. BELL. The truth is this commission was called upon under the resolution adopted by Congress not to recommend the discontinuance of the pneumatic-tube service only in event the commission came to the conclusion that it was not a good postal facility.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, would the gentleman have any objection to my using five minutes of this time? If not, I will yield five minutes to my colleague, the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman, Tuesday, February 5, 1918, is a day that will long be remembered by the American people. The transport *Tuscania*, with 2,179 American soldiers on board, on their way to the battle fields of Europe, was torpedoed and sunk by a German submarine when off the north coast of Ireland, and 200 American soldiers were lost or unaccounted for.

The news of the sinking of the transport *Tuscania* was flashed over the country and brought home most forcibly to every mother and father in the land the sad realization of war.

The War Department was besieged by people and thousands of telegrams were received by it inquiring of the safety of the boys who were either on or were supposed to be on the *Tuscania*. With commendable promptness and accuracy the War Department made public the list of survivors as they were received by cable.

All are familiar with the vivid accounts given by the press of the torpedoing and sinking of the *Tuscania* on the eve of February 5 by a German submarine; of the tremendous impact and explosion when the torpedo struck the transport; of the lowering of the lifeboats and of the transport settling deeper and deeper in the water; of the fine discipline, splendid nerve, and heroic courage of our boys thousands of miles away from their homes, as they stood at attention, with the Stars and Stripes floating over their heads, waiting their turn to take the lifeboats, every man as cool and under as much self-control as if on dress parade. The fact that out of 2,179 men on board only 200 were lost in this disaster, under all the circumstances, with German submarines lurking in the vicinity, is a high testimonial to the splendid order and self-control of the officers and men. Most of the soldiers rescued were landed at Buncrana and Larne, Ireland, Wednesday morning, February 6, and also on the Scottish coast.

At these small ports of Ireland and Scotland where our troops were landed they met a most warm-hearted reception on the part of the people who did all in their power to administer every comfort and care. The survivors of the *Tuscania* laid their dead comrades at rest, with the usual military honors, on the rock-bound coast of Scotland, where proper monuments will be erected to mark their graves.

On Fame's eternal camping ground
Their silent tents are spread,
And Glory guards, with solemn sound,
The bivouac of the dead.

Nor shall their glory be forgot
While Fame her record keeps,
Or Honor points the hallowed spot
Where Valor proudly sleeps.

WISCONSIN'S PROUD RECORD.

Wisconsin has responded to the call of the country in this war, as in all others, with a patriotism second to no other State. In 1861, within six days after Lincoln's first call for volunteers. Wisconsin responded with its first regiment, and 19 companies more had offered their services. At that time, with a population of only a trifle over 700,000, Wisconsin raised an army of between 90,000 and 100,000 men. After the declaration of war with Spain the War Department was surprised at the early wire from the Governor of Wisconsin to "Send on your medical officers, our National Guard is ready." Wisconsin's second and third regiments were among the earliest arrivals at the camp in Chickamauga.

In the present war no State in the Union has responded more loyally to every demand made by the President than Wisconsin. The United States Naval Institute proceedings of August, 1917, contains a table compiled by the Department of War. This table shows, first, the quota required from each State; second, the number of the National Guard on April 2, 1917; third, the enlistments in the National Guard from April 2 to June 30, 1917; fourth, the enlistments in the Regular Army during the same period; fifth, each State is credited with the total in service on April 2 and the enlistments up to June 30, 1917; sixth, the number of men to be drafted. These figures show the total of the National Army at the last-named date as 1,152,985. The total credits, including those in service on April 2 and those volunteering up to June 30, are 465,985; this left 687,000 to be drafted. The total credits form 40.4 per cent of the Army. Wisconsin's volunteers numbered over 54 per cent of her quota.

Wisconsin thus ranks first in the percentage of credits; in other words, more of her citizens volunteered in proportion to the quota assigned than any other State in the Union. I herewith give a table showing the figures from 12 of the most populous States:

	Quota.	Credits.	Per cent.
New York	122,421	52,971	43.2
Pennsylvania	96,277	37,248	37.0
Illinois	79,091	27,391	34.5
Ohio	66,474	27,586	41.5
Texas	48,166	17,488	36.3
Michigan	43,935	19,569	50.8
Massachusetts	43,109	22,448	52.0
New Jersey	35,623	14,896	41.8
Missouri	35,461	16,740	47.2
California	34,907	11,783	33.7
Indiana	29,971	12,409	41.5
Wisconsin	28,199	15,274	54.3

Wisconsin was the first State to report its registration list to the War Department at Washington under the recent conscription law, and it overran the Government's estimate in its registration. It oversubscribed its apportionment in both

Liberty bond issues, and very much oversubscribed its quota for the Red Cross. One city of 20,000 inhabitants in the district I represent subscribed over $40,000 to the Red Cross. Every city and hamlet in the State has its Red Cross Society, and all are working overtime.

In reading the names of the soldiers who were on the *Tuscania* you will recognize the names of many nationalities. The roster of our great National Army contains the names of almost all nationalities, all Americans, all united in one single purpose—that of winning the war—and inspired by one great motive, love and loyalty for their common country, America.

I ask leave, Mr. Speaker, to print as an extension of my remarks the names of the soldiers from the eighth congressional district who were on the *Tuscania* and those who lost their lives.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to extend his remarks in the RECORD by printing the list indicated. Is there objection. [After a pause.] The Chair hears none.

The list is as follows:

SAVED.

J. L. Barnes, Wautoma; Joseph Bauer, Wautoma; O. Bendixen, Wautoma; W. J. Berry, Wautoma; W. J. Callahan, Wautoma; C. Buchholtz, Wautoma; L. Byse, Wautoma; E. Campbell, Wild Rose; Waren Cotton, Coloma; W. D. S. Horne, Redgranite; L. Garthwaite, Wautoma; Henry Gethers, Coloma; A. W. Grambsch, Bloomfield; Earl Wilder, Coloma; A. Zielke, Redgranite; J. J. Johnson, Wautoma; S. Jarvis, Wautoma; E. F. Riemer, Wautoma; A. D. Robins, Wautoma; A. W. Persons, Wautoma; H. H. Rowe, Wautoma; G. L. Gunderson, Wautoma; N. Perry, jr., Plainfield; Vernon Rusell, jr., Plainfield; Clyde Diggles, Hancock; Glen Diggles, Hancock; A. Thorstad, Wautoma; C. Stratton, Wautoma; R. Simonson, Wautoma; M. J. Johnson, Wild Rose; Ernest Rogers, Coloma; Royal Pierce, Coloma; Edward Ureck, Hancock; F. Reader, Wautoma; N. F. Jensen, Pine River; Joe Parkin, Coloma; E. P. Patterson, Wild Rose; G. H. Gustin, Wautoma; Creal Hopper, Coloma; T. A. Gehrke, Auroraville; Joe Inda, Wild Rose; A. L. Perron, Plainfield; C. W. Knaup, Poy Sippi; L. W. Spear, Plainfield; H. R. Turner, Wautoma; N. Colligan, Wild Rose; I. Peterson, Saxeville; A. P. Selsing, Mount Morris; John Inda, Wild Rose; L. D. Paulson, Poy Sippi; C. G. Larson, Saxeville; L. H. McCue, Poy Sippi; Herman McLaughlin, Coloma; J. Swendrzynski, Wild Rose; R. F. Lind, Poy Sippi; I. Sorenson, Wild Rose; T. Dubke, Plainfield; H. R. Ameigh, Plainfield; C. W. Eagan, Wautoma; Joe Stransky, Coloma; Paul Buettner, Shawano; Clarence Kroeger, Plover; Melvin A. Arneson, Abbotsford; Ray Anderson, Marshfield; Fred Bream, jr., Marshfield; Lyle Barnhart, Waupaca; Arthur Cantwell, Shawano; Byron E. Christian, Wautoma; George E. Doman, New London; Tracey S. Green, Colby; Alexander Steward, jr., Clintonville; Olin R. Thompson, Abbotsford; John C. Barth, Clintonville; Archibald Beaudoin, New London; George D. Danley, Iola; Kirkwood Durrant, Waupaca; Martin E. Evenson, Manawa; Hilding Fagerdalh, Clintonville; Charles Foley, New London; George J. Schunk, Marshfield; Herbert E. Hurd, Almond; John Jacobson, Waupaca; Charles H. Jacobson, Waupaca; Ryder L. Lee, Northland; John Loftis, Waupaca; Theodore Regling, Shawano; Leo W. Spear, Plainfield; Ralph R. Wescott, Shawano; Herman J. Christiansen, Pittsville; Charles Decker, Berlin; Arthur Evenson, Marshfield; John M. Maitland, Berlin; Ralph A. Mayo, New London; Carl Emigh, Neskoro; Irvin A. Ecket, Marshfield; William E. Jacobson, Waupaca; Lee V. Lashua, Northland; Halbert L. Lewis, Stevens Point; Ellsworth W. Ming, Iola; Johnie A. Lonnevik, Ogdensburg; Hallie Dumas, Marshfield; Deane R. Knapton, Marshfield; Frances F. Firnstahl, Colby; Jacob W. Kramer, Abbotsford; and Edmund Palmer Johnson, Iola.

DEAD OR UNACCOUNTED FOR.

Russell F. Bennett, Plainfield; Corpl. Clifford Norrins, New London; Charles E. Swanson, Rothschild; Alcide Corolis, Lohrville; and William B. Spencer, New London.

Mr. STAFFORD. Would the gentleman have any objection if I should yield one minute to the gentleman from Massachusetts [Mr. GILLETT].

Mr. BYRNS of Tennessee. No.

Mr. GILLETT. Mr. Chairman, some time ago the gentleman from Oklahoma [Mr. FERRIS] received permission to extend his remarks in the RECORD by printing an editorial by a distinguished Democratic editor. Now I ask unanimous consent to extend my remarks by printing in the RECORD the remarks of one who I think is the greatest living Democratic editor, the Hon. Henry Watterson, which appeared in last Saturday's Washington Post.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks by making a part thereof the editorial referred to. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Chairman, this bill provides nearly $70,000,000 for the expenses of the legislative, executive, and judicial departments of the Government, a great proportion of which is for salaries in the executive departments in the city of Washington. The expenses of the executive departments in the city of Washington have grown enormously in the last year and promise to grow still more during the coming year. The pay roll in the city of Washington now is approximately $70,000,000 a year. Prior to the war it was about $50,000,000 a year. That money, of course, must be raised not only by taxation of the people but, in this emergency, by the sale of bonds. I have urged on this House, and expect to continue to urge upon it, the absolute, imperative necessity of getting an honest day's work for every dollar expended by Uncle Sam, and I am at a loss somewhat to see why the simple proposal to adopt a standard day of eight hours for the employees of the Government in the District of Columbia should raise such a tremendous objection as it has raised. It apparently finds opponents even on the floor of this House.

Mr. LONDON. Will the gentleman yield for a question?

Mr. BORLAND. For a brief question.

Mr. LONDON. The gentleman has used the expression "a standard day of eight hours."

Mr. BORLAND. Yes.

Mr. LONDON. What does the gentleman mean by that expression, "a standard day"?

Mr. BORLAND. I will say to the gentleman from New York that my judgment is—and I hope that he can concur with me, that there is just as much an honest day's work as an honest dollar or an honest pound or an honest bushel. I would not deal with a merchant who tried to fix his own standard of what constituted a pound.

I would not deal with a man who attempted to tell me how many cents he would give me for a dollar or leave it as a matter of bargaining and chaffering between us, and I believe there is just as much an honest day's work as there is an honest dollar or an honest pound.

Mr. LONDON. The gentleman used the expression, "a standard day."

Mr. BORLAND. I want to answer my friend a little further. I have no sympathy with those people who claim that a day's work is eight hours or less, how much less depending upon how shrewd one party to the trade may be and how helpless the other may be. I have just as little sympathy with them as I have for a man who says that he will get just as much out of the laborer as he can, or that the laborer is not to earn a living.

And there is just as much moral limit to one proposition as there is to the other, in my mind. I hope there is in the mind of the gentleman from New York.

Mr. LONDON. Will the gentleman yield further?

Mr. BORLAND. Yes, sir.

Mr. LONDON. I tried to get a definition of the standard day, because I proceed upon the theory that an honest day's work means a day's work in which the man applies himself to the utmost of his ability to the task allotted to him.

Mr. BORLAND. The gentleman is now in the realm of fog. An honest day's work is the standard that is customarily fixed by the community. When you talk about what a man can efficiently apply himself to, that is mere fog. A merchant might say he would give as many ounces to the pound as his own aspirations required. I want to say that nobody is going to get the worst of that shifting scale any quicker than the laborer is going to get it. He has always got the worst of it when there is not a standard fixed by law.

If the value of a dollar is the matter of bargain in the market place, the poor man always gets the worst of it. If a pound is the matter of shrewdness of dealing, the poor always get the worst of it.

And if an honest day's work is not set by all the community, the poor and the unfortunate get the worst of it and the shrewd and powerful get the best of it. There is not a bit of doubt about that.

I do not think it is necessary for me to explain to the great majority of this House what is meant by an honest day's work. The only question is why have we not gotten the honest day's work from the employees of the Government in the District of Columbia? Cleared of all the technicalities that have been brought in here, all the shrewdness at the command of the people opposing this amendment, it is that it would cut $7,000,000 off of Uncle Sam's pay roll in the District of Columbia. The merchants and landlords of Washington will not submit to the loss of that revenue. That is sufficient answer for all the opposition. It is a square issue between the taxpayers of the Nation and the profiteers of Washington.

I want to read here a letter that I sent to the secretary of a labor union in my district, and I will ask the Clerk to read it from the desk.

The CHAIRMAN. Without objection, the Clerk will read the same.

The Clerk read as follows:

FEBRUARY 23, 1918.

Mr. JAMES H. ANDERSON,
Secretary Central Labor Union, Labor Temple, Kansas City, Mo.

DEAR MR. ANDERSON: I have your letter of February 20 inclosing a set of resolutions adopted by the Central Labor Union February 9, 1918, in regard to the so-called Borland amendment. It seems clear that

these resolutions were suggested by somebody in Washington, and I regret exceedingly that the unions in Kansas City have not had an opportunity to go into the facts of this matter a little more fully.

The overwhelming majority of the present National Army which our country is putting in the field to fight the great battle of democracy is composed of the sons of working men. The life of every one of these boys is as precious to his father as the life of the son of a millionaire. No department of our Government ought to fail to exercise the highest degree of vigilance and efficiency to support this Army in the field. Not one of these boys should be sacrificed by negligence or delay, and our Government and our President are anxious to have at this time the loyal cooperation of all of the Government employees. The President sticks to his post with unremitting fidelity. Congress is working hard and not measuring its hours of service. Men in the mechanical trades of the United States and the Government arsenals and shipyards are working a full eight hours and longer, and there is no reason why the clerks in the departments at Washington should continue to enjoy political privileges and favoritism.

It may mean the prolonging of this war and the sacrifice of thousands of working men's sons. It may mean many sad households in this land; many bereaved mothers, many widows and many fatherless children, most of whom will be among the class of the world's workers.

We are facing a vigilant and relentless foe, and the horrible thing about this disgraceful protest which the Washington clerks are making is that it does not ring true with the best and highest note of Americanism. It does not mean a nation in earnest to win this war at the least sacrifice of blood and treasure.

I am inclosing herewith some resolutions which I hope and trust will be more expressive of the real sentiments of your union. I wish you would read this letter and these resolutions at the next meeting of your body. With kindest regards, I remain,

Yours, very truly,

(Signed) WILLIAM P. BORLAND.

Mr. BORLAND. Ah, there is an answer, of course, as to why the clerks can not work more than seven hours a day. It is the $7,000,000 added to the Government pay roll for the benefit of the business men of Washington. That is always the answer that bobs up like Banquo's ghost. Do you talk about the boys in the field? Seven million dollars jingling in Washington will drown out the cries of the boys across the sea. You talk about the fatherless orphans and widows; $7,000,000 spent in the Nation's Capital would still the cries of the widows and orphans. Do you talk about winning the war for democracy? No. You are winning the war for the profiteers of the Nation's Capital. Seven million dollars added to the pay roll, and every man who gets on the floor of this House to oppose the eight-hour day is consciously or unconsciously talking for the $7,000,000 patriots in the city of Washington.

Now, having answered the sophistry to the effect that this is not in the interest of the laboring man, I want to answer another sophistry, that it is in the power now of the departments in Washington to require eight hours a day and that they are doing it. It is a sufficient answer to that to say that if they were doing it nobody would be injured by an eight-hour day, and there would not be any doubt about the matter. It is manifest the clerks are not putting in an eight-hour day or they would not object to the change.

But the law provides for a seven-hour day. Gentlemen have gotten up here very blandly and said that there was an eight-hour day provided for now. There is an eight-hour day provided for the mechanical laborers of the Government, but not for these clerical positions.

Mr. FOCHT. Mr. Chairman——

Mr. BORLAND. I can not yield to the gentleman.

Mr. FOCHT. Will the gentleman listen to me?

Mr. BORLAND. I have listened to you a good while on the question of the shortage of labor on the farms, in which I agree with the gentleman.

Mr. FOCHT. The gentleman has not listened to me very much.

Mr. BORLAND. I yield to the gentleman for a question.

Mr. FOCHT. I want information. I do not want to take your time. At this juncture I would like to ascertain, speaking of that $7,000,000 less paid out, if that means you are going to reduce the wages $7,000,000?

Mr. BORLAND. I will explain that to the gentleman.

Mr. FOCHT. Also let me ask you this: At the present rate, if what has been said in regard to the employment of these 60,000 or more people that have been called to the city of Washington is true, they can scarcely exist, and how are you going to reduce their wages?

Mr. BORLAND. Why are you bringing them?

Mr. FOCHT. They are here and can not get home.

Mr. BORLAND. The gentleman from Pennsylvania consumed some time this afternoon. He talked about the shortage of labor on the farm. He knows the question of labor on the farm is a question of competition. He knows you can not get labor on the farm when a colored man can come down here to Washington and get $3 a day and sit in a revolving chair kicking his heels in front of an office door in one of these buildings.

The gentleman wants a seven-hour day for that employee. How are you going to get him back to the farm? And he will probably fight for an increase of wages for that employee, not realizing that he is putting his farmer friend up against further competition in the labor market.

Mr. FOCHT. Pardon me, but when you speak of what I would do, let me suggest that there are no colored laborers or any other laborers from my district coming to Washington so long as there are any left down South or out in the gentleman's district in Missouri. [Laughter.]

Mr. BORLAND. There are more Republican laborers, according to my observation, than Democrats in the District of Columbia. The gentleman would know that if he were in anywise familiar with the condition of the departments.

Now, I want to puncture this idea that an eight-hour day is already provided in the law. The statute reads:

Hereafter it shall be the duty of the heads of the executive departments, in the interest of the public service, to require of all clerks and other employees of whatever grade or class in their respective departments not less than seven hours of labor each day, except Sundays and days declared public holidays by law or Executive order: *Provided*, That the heads of departments may by special order, stating the reasons, further extend the hours for clerks or employees in their departments.

That provides for a seven-hour standard, and it can be exceeded by a special order, stating the reasons, in the case of each of these employees. Now, of course, there are bureaus in Washington where, by special order stating the reason, the time is exceeded to-day on account of war preparations, but 65 or 70 per cent of the civil-service employees in Washington are in bureaus where no special order could be issued stating any reason, and that is exactly the class of people we must reach.

The whole Commerce Department, the whole Labor Department, the whole Department of Justice—in fact, all of the departments, except a few bureaus in the Treasury and of the War and Navy Departments—are on a seven-hour basis, and as that is the standard fixed by law you can not change it, except by special order, stating the reason. Legislation by Congress is clearly necessary to remedy the abuse.

Now, my bill provides an eight-hour basis within the same limitations, namely, that you can not increase the hours without stating the reasons and a special order, and you have the standard of eight hours instead of a standard of seven hours, with the same limitations applying to it.

That disposes of all this talk as to whether there is or is not a standard eight-hour day or whether the departments have the power to grant it. In all the departments that are now working on a seven-hour basis they are using an excessive number of people. Those people ought to be put on an eight-hour basis, and the excess ought to be put in the War and Navy Departments, where they are needed, so that it would not be necessary to bring more people to the city of Washington, still further to aggravate the high prices that the gentleman from Pennsylvania [Mr. FOCHT] has spoken of.

The Civil Service Commission reports that in the last year 30,000 additional employees have been passed for Government service. They are not all on this bill. Many of them are in the sundry civil bill, because they are in what are called independent Government establishments. But the civil-service report shows that there are 30,000 additional employees. We had 37,000 here before the war began, so that we have approximately 67,000 now, or will have before the close of the fiscal year. We are taking those from the productive industries of the country.

Who is benefiting from this? The profiteers of Washington. Let us see if the man who is opposing this can even pose as the friend of the Government clerks. What self-respecting Government clerk ought to refuse to work eight hours a day? And if he did, what would he profit himself? What advantage to the individual clerk is there in having an excessive number of people on the Government's pay roll? None. It is a great disadvantage to him. In the first place, it does not put him in a very good light with his fellow citizens outside of the District of Columbia. In the second place, it clogs up the office and reduces his chances of promotion. In the third place, it reduces his chance for an adequate increase of salary as compensation for his services; and, in the fourth place, it practically destroys his chance of securing the enactment of a proper retirement law. So that the individual clerk is undoubtedly a loser by this agitation for a seven-hour-day proposition. Who is the gainer? The $7,000,000 patriots of the city of Washington; and every time you turn and look at this proposition from a new angle you get but one view, and that is the $7,000,000 padding of the Government pay roll for the benefit of the landlords and merchants of Washington. You can not prove that any individual in or out of the District of Columbia is benefited by a

seven-hour day except these men who live off of the earnings of the clerks.

Mr. COX. Mr. Chairman, will the gentleman yield for a question?

Mr. BORLAND. Yes; I yield to my colleague.

Mr. COX. As to the salaries paid to Government clerks and the salaries paid by private employers, I want to say that a very bright young woman came into my office this week, a young woman from Indiana, whose husband had been in the Navy for nine years and is now in the war zone, either in England or in France, and has made an assignment to her of all he proposes to make.

She has a little girl three and a half years old. She sought employment in one of the leading department stores here in the city of Washington. Last July she got the munificent sum of $7 a week. She is now getting the magnificent sum of $9 a week, and she tells me that the average pay roll of the saleladies in this leading department store does not exceed $12.50 a week, working eight hours every day in the year, except Sunday. That is the true condition. Yet there is no question but what that department store is agitating increased payments to Government clerks.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. BORLAND. I will in just a moment. I want to say that what the gentleman from Pennsylvania has heard is mostly the clamor of the opposition. What I have said will find a very small space in the RECORD. In all the amount of brains that the $7,000,000 stake has produced, they have not dared to compare the scale of prices or the terms of service or the hours of service or the number of working days in the year in a single private industry in the whole District of Columbia, and in the District of Columbia are located the general offices of the American Federation of Labor. They have not compared our office force with that office force, either in terms of service or in pay. Now I will yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Chairman, I want to say right here only this: That to me the wages paid by private employers do not necessarily constitute the standard for the Government of the United States.

Mr. BORLAND. I should like to yield only for a question.

Mr. COOPER of Wisconsin. Many private employers pay niggardly wages, and the Government of the United States, which is the wealthiest employer in the world, ought always to pay a living wage regardless of what private employers pay.

Mr. BORLAND. I regret that the gentleman from Wisconsin, who, ordinarily, is very courteous, has not taken advantage of the courtesy I have extended to him to ask me a question instead of making a comment.

Mr. COOPER of Wisconsin. I will ask the gentleman a question.

Mr. BORLAND. I refuse to yield now.

Mr. COOPER of Wisconsin. Does the gentleman think what is paid by private employers necessarily constitutes a fair criterion as to what the Government ought to pay?

Mr. BORLAND. Then the gentleman is condemning the American Federation of Labor, which is a private employer, with the same class of office force in the District of Columbia. Why, of course, what private employers pay is a criterion, because it fixes the standard of wages. What men pay in the market for potatoes fixes the price of potatoes. You can say the Government ought to pay more for potatoes, and perhaps that is a good argument if you have got potatoes to sell. What people will ordinarily pay for a thing under similar conditions or under the best conditions is the criterion.

Mr. COX. Was there not a strike in the city of Washington in the offices of the American Federation of Labor a couple of years ago?

Mr. BORLAND. On that very question—that the force down there, as I understand it, wanted the same hours of labor and the same pay as the Federation was demanding from the Federal Government, and the strikers did not get it. Now, I will ask the Clerk to read in my time a comment from a leading Democratic country newspaper in Missouri, one of the best-edited country newspapers in the State, I think.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

[From the Jackson Examiner, Independence, Mo.]

MICE IN THE MEAL BAG.

Congressman BORLAND has got a glimmer of the labor situation and it should be sufficient to let the light into other places which may be dark. Mr. BORLAND suggests that the thousands of clerks in the departments in Washington be required to work eight hours a day instead of seven, as now, and points out the fact that this additional hour would equal the employment of 6,000 or 8,000 additional clerks, relieve the congestion, and call upon the Washington employees of the Government for the same number of hours now recognized as a standard day by men employed, not by the employers, who often work eight hours before noon and eight hours after noon.

Mr. BORLAND's slogan embodies the entire argument. He demands that an honest day's work be given for every day's pay handed out by Uncle Sam.

Our Member of Congress is absolutely correct. When every patriotic man and woman is straining to meet war emergency and not even looking at the time clock, when hundreds of men are working long hours for no pay at all and happy to make the sacrifice, the office clerks at Washington who do half a day's work may justly be denominated as slackers.

Mr. BORLAND. Oh, there is a reason. Seven million dollars added to the Government pay roll! There is a reason why the Government clerks must occupy that kind of a position before their fellow citizens. And scores of self-respecting clerks have come to me and said that they would be glad to submit to the eight-hour proposition to clear out the dead timber in the Government offices. I should not like to lose faith in human nature and denominate all Government clerks as slackers. Only those who oppose an eight-hour day are slackers.

Mr. MORGAN. Will the gentleman yield?

I would like to ask the gentleman this question: The increase of the hours of labor is equivalent to a reduction of salary?

Mr. BORLAND. That is rather an academic question, but not a hard one to answer. It is not equivalent to a reduction of salary at all. If a man is working on piecework, figuring the output of his labor, of course the increase of hours of work is a reduction of the price per unit; there is no question about that; but it is not a reduction when you are figuring on paying employees according to the cost of living in Washington and not the value of the services.

Mr. MORGAN. I have rather assumed that it was true that an increase of the hours of labor was equivalent to a reduction of salary. If that were true, would it not be inconsistent for Congress to increase the hours of labor and at the same time not increase the pay; would they not be working along two different lines?

Mr. BORLAND. I think the gentleman is right. I do not think we ought to increase the pay and not increase the hours of labor. But without the increase of wages we are paying them what is supposed to be full time, and we are not getting it. Instead of our demand for a noncompensated hour, we are being short changed, and the taxpayers are paying for it.

Now, who is going to win on this proposition? The profiteers! Everybody has friends except the taxpayer, and his friends are not numerous, especially in the city of Washington. Nobody who lives in Washington cares anything about the taxpayer except that he is the cow to be milked. But I say the taxpayer is entitled to a full day's work, and we are entitled to fix the salary at what we think is a full day's pay.

Mr. LONDON. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. LONDON. How old is the law under which they work seven hours?

Mr. BORLAND. It was a war measure passed in 1898. At that time a day's work in the departments here was not more than four, five, or six hours. Up to 1898 the clerks worked four to six hours, as they saw fit. When the war came on in 1898 and the country was facing a foreign foe as it is to-day, it became necessary, as it is now, to get more efficiency, and Congress fixed the number of hours at seven. They had a battle to do it, and we are going through the same battle. I suppose that seven hours was a compromise because it was too big a jump from four hours to eight hours a day. The $7,000,000 patriots—they probably were $2,000,000 patriots then, as they have prospered doubtless since—fought the thing down to seven hours.

Mr. LONDON. Has the head of any department now affected by the seven-hour law asked to have a change in the law?

Mr. BORLAND. Now, my friend, I am going to be excused from answering that kind of a question. I could tell the gentleman some interesting facts, but I am not going to do it on the floor of the House.

Mr. LONDON. That is a legitimate question.

Mr. BORLAND. There is only one Cabinet officer who has taken the open position against it, and it is not hard to guess who that gentleman is.

Mr. MORGAN. Will the gentleman yield again?

Mr. BORLAND. Yes.

Mr. MORGAN. I would like to have the gentleman state whether he has considered this fact: The Government is having some difficulty in getting clerks. Now, I have in mind the fact that comparatively short hours are an inducement to a young man or a young woman to enter the Government service, and

while at first it may seem an advantage it is of some disadvantage. Does not the gentleman think that the Government would secure better service, better talent, with the comparatively short hours than with long hours?

Mr. BORLAND. I think the gentleman is right about the short hours and the many holidays having coaxed a great many people here from the farming community he represents, and made it exceedingly difficult for his constituents to cultivate their farms. The gentleman is entirely right and I agree with him in that whether I agree with him in the idea of helping his constituents or not. It happens that I have only sixty-one hundred farmers in my district, and some very good ones who appreciate the value of service.

Mr. MORGAN. Will the gentleman yield?

Mr. BORLAND. In a minute, I want to answer the second part of the gentleman's question and then I have finished with the gentleman. If we were paying for only seven hours as a basis of pay of a clerk with an 85-cent dollar the gentleman's contention would be right. If a man comes down here too feeble to work eight hours a day, so mentally feeble that he can not stand the ordinary strain and would like to get a job and take it for 85 cents on the dollar, Uncle Sam can do business with him, but I would not. Uncle Sam could hire him and pay him 85 cents on the dollar.

But that is not what you are getting. You are paying for 16 ounces to the pound and getting only 14. That is the trouble with the gentleman, and the gentleman's farmer friend is paying the bill. The money that is being paid out by the American public is going to the merchants and landlords of the District of Columbia, $7,000,000 of it. I want the gentleman to remember this when he gets back home—$7,000,000 of the farmers' money in Oklahoma goes into this proposition, and none of it ever goes back to Oklahoma.

Mr. MORGAN. If there are soft snaps at the National Capital I want to see the farmers come here and get them. I do not sympathize with the idea that it is wrong for the farmer boy to come to Washington either as a clerk or as a Member of Congress.

Mr. BORLAND. I am glad the gentleman feels that way about it. I do not believe that the farms of Oklahoma, however, ought to be abandoned to bring the people down here to work seven hours a day when they are not needed. If the gentleman thinks the farmers of Oklahoma want to work 12 hours a day to pay taxes to support seven-hour clerks in Washington he had better ask them. I would not even want to see the farms of Pennsylvania abandoned, because there might not then be enough voters left to return my genial friend to Congress.

Mr. QUIN. Mr. Chairman, the gentleman from Oklahoma does not think that these people ought to work just seven hours a day and have these farmers pay for it?

Mr. MORGAN. He seems to think that.

Mr. QUIN. Oh, my goodness, there must be a mistake about that.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. FOCHT. Then, let me ask the gentleman one question.

Mr. BORLAND. That was a mere pleasantry.

Mr. FOCHT. I am sure my dear friend from Missouri has not answered, and being from Missouri he ought to be able to answer it and to give us the information. The gentleman has failed to tell us how you are going to save the $7,000,000 by making the clerks work one hour more, unless you discharge some of them.

Mr. BORLAND. I can only furnish the argument. I can not furnish the comprehension. Who is getting the benefit of this? Is the taxpayer of the United States getting the benefit? We know that the laboring man is not getting the benefit, the individual clerk is not getting the benefit, union labor is not getting the benefit, the farmer is not getting the benefit. Perhaps the taxpayer is getting the benefit. Perhaps he is going to get so much better work out of these employees by having them work only seven hours a day, and they are going to do such splendid service in those seven hours a day, they are going to make such a brilliant record, that that will be his pay. That, however, has not been the estimate of men who came down here and investigated the situation. Why is it that they resent the report and work of the Efficiency Bureau that would tend to reduce the number of men in each department and expedite business? Every business man who has ever looked into the situation has said that he could take 60 per cent of the clerks and do better work than is now being done; but the whole cumbersome system of excessive employees and the entire red tape which has embarrassed the Government is due to what? The pressure of $7,000,000 patriots in the city of Washington.

You can not make a reform here without submitting yourself to the most revolting torrent of filth and abuse that can be concocted by the human mind. I do not want to make any personal reference, because legislation is never a personal matter to me, but that is the situation exactly. No man can even suggest a reform in these departments without making it so personally unpleasant that very few men like to undertake it.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the gentleman five minutes more.

Mr. BORLAND. How about the soldier in the field? I expect the friends of the clerks will claim that he is benefited by this seven-hour proposition. How about the soldier's mother, who is anxiously praying every night that the Government may nerve its arm to this great struggle, and that it may be soon over, and that her boy may come back home again? She would not call her boy back. No; that is not in the heart of the American mother. She is glad that he was willing to go and able to go and that he did go; she is glad that he wanted to go and do a real man's part. Think of the gall and wormwood that would have been in that mother's heart if her boy did not want to go and if he could not be made to go. Suppose his highest ambition was a seven-hour job in Washington and he did not want to serve his country and his flag? Suppose he wanted to—

Be carried to the skies on flowery beds of ease,
While others fought to win the prize and sailed through bloody seas?

The heart of the whole world goes out in love and reverence to the mother of a hero, but God pity the mother of a slacker!

That mother may turn for help in her suffering to her God; she will get nowhere else sympathy in her shame and suffering. Does the mother of a soldier who is wearing the khaki uniform ask for a seven-hour day in Washington? Ah, no; she wants this Government to be vigilant, alert; she wants it to win this great cause of democracy. She does not want a single American boy sacrificed upon the altar of political cowardice or political incompetency. She wants every precious American hero's life that is laid upon the altar of his country to count for the great cause of democracy. There is only one way now to do that, and that is for all of us to do our full share. All the sacrifices of this war must not fall upon the boys who go to the trenches. There is a large measure of sacrifice for those of us who stay behind.

The business man is bearing his, the taxpayer is bearing his, the farmer is bearing his, the father is bearing his, the mother is baring her breast to the sharpest arrows of fate; she would gladly give her own life if she could bring her boy back safe. None of these people are asking for a seven-hour day in Washington. No; that is being asked for by the $7,000,000 patriots of Washington. Can any man in this assembly go back home and face an audience composed of fathers and mothers of true American stock, fathers and mothers of boys who are defending the Old Flag upon a foreign field, and tell them that he voted for a seven-hour day in Washington for the convenience of the clerks? Can he tell them that he voted for a seven-hour day because of technicalities in the wording of the law? Can he tell them that he voted for a seven-hour day because of the insistent demand of the $7,000,000 patriots of the District of Columbia? I credit this House with saying, "No"; that no man will dare or find it in his conscience or his heart to vote for a seven-hour day for the clerks in Washington and leave the father and the mother of the soldier in the field without the vigilant service of the Government to which he is entitled. Gentlemen, I thank you. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Chairman, I do not propose to take up much time of the committee this afternoon, but I do want to call attention to the fact that the usual spring drive of the Committee on Appropriations is on against the Subtreasuries of the land. On page 63 of the bill, under the heading "Independent Treasury," there is the following provision:

The Secretary of the Treasury is authorized and directed to discontinue the offices of the assistant treasurers at Baltimore, Boston, Chicago, Cincinnati, New Orleans, New York, Philadelphia, St. Louis, and San Francisco within six months after the President shall have proclaimed the termination of the existing state of war between the United States and Germany.

Mr. Chairman, again the city of Baltimore becomes the center of an attack upon its Subtreasury, although this time it is coupled with the other Subtreasury cities of the land, in which it is provided all the Subtreasuries be discontinued within six months after the war. At no time in the history of that great metropolis of the South has there been a time more inopportune for a change of any of its financial institutions or systems. I have frequently told the House Baltimore during the last few years has progressed in population, in manufactures, and in business generally to an unprecedented extent.

The great Bethlehem Steel Co., which acquired what is known as the Sparrows Point Mills slightly more than a year ago, is rapidly expending some $50,000,000 in the enlargement of its plant, the extension of its territory, and the employment of several thousand additional laborers. The great section to the south of Baltimore Harbor known as Curtis Bay is rapidly expanding so that now some $40,000,000 has been invested within the last few years in the construction of large industries and the enlargement of those which were there originally, together with the erection of houses for the additional laborers employed.

To such an extent has this development grown that now to the east of it what is known as Curtis Creek, another favored inland harbor, has taken a great step forward. A large shipyard will soon be in operation at this point. The land has been purchased and full development will soon begin.

Perhaps the greatest and more important development at this point is the immense storage warehouses of the Ordnance Bureau of the War Department. This bureau has purchased at that point 900 acres of land upon which there is now being erected immense warehouses for the storage, pending shipment, of war munitions.

That harbor, already 25 feet deep, is now being dredged to a depth sufficient to accommodate the largest ships which must carry these munitions to France. This operation is perhaps one of the largest upon which the Government is now working, and it is expected that it will be completed within the next four months. The buildings are not like those of the cantonments, but are more substantial, and will no doubt be utilized for many years to come.

Just below the city of Baltimore, at what is known as Canton, on the Colgate Creek Branch of the Patapsco River, is now under construction immense machine and repair shops, to which will be brought automobiles, truck, and other things of that nature to be assembled, crated, and shipped abroad. To it will also be brought the damaged trucks for repairs and reshipment. It is contemplated that the Government will employ not less than 2,000 men at this point.

A large number of shipyards have sprung up in and around our city, and only a few days ago it was announced through the press that a company owning 1,300 acres of land on the south side of our harbor, just east of Curtis Creek, where the large storage warehouses are being erected, with a capitalization of $5,000,000, was negotiating with the Government for the construction of a number of ships for European service.

Just south of our city about 17 miles is Camp Meade, one of the cantonments established by the War Department for the training of selected men. There are now at that point some 40,000 soldiers and all the necessary help and attendants required for an immense force of that character. Other camps, much smaller, of course, than Camp Meade, are stationed within a short distance of Baltimore. I make mention in particular of that located at Saunders Range, 12 miles from the city; Fort McHenry, which is rapidly being developed into a hospital, and where the modern and up-to-date immigration buildings are to be converted and used for hospital purposes; Fort Howard and Locust Point, where many soldiers belonging to the Coast Artillery Corps, guard the docks, wharves, and munition works of the city; while north of the city is the proving grounds, now employing a vast number of workmen.

This great assemblage of soldiers, development of industries, enlargement of plants, and all those things which necessarily attend the growth of such concerns have sprung up in and around our city within the last two or three years. It will be seen, therefore, that at this time, when business and war necessities require so much money, such great time and energy of every man and woman, the least thing to be desired is anything which will in any wise affect our financial system or jar or disrupt its organization; and this situation will certainly not change within six months after the war.

The Subtreasury of Baltimore was established in 1846, some 72 years ago, so that all of our financial institutions have sprung up in and around this Subtreasury and our people have become accustomed to its presence and to the advantages of such an institution. The Bureau of Efficiency has recommended the suspension of the Subtreasury system, and that the duties of same be placed with the banks and Federal Reserve System now established. The bureau, however, recommends or suggests that the change be postponed until the war is over and normal conditions are again approximated. The bureau further states that it would be possible without confusion to close three of the smaller Subtreasuries at once—Baltimore, Philadelphia, and Cincinnati.

Baltimore does not want any more experiments. It is not proud of the way it has been treated in reference to the Federal reserve bank. It feels that it has been compelled to do business, as it were, uphill, transacting business with Richmond so much farther south and a much smaller city than itself, whereas it should be transacting business with a Federal reserve bank established in Baltimore itself, or with those of Philadelphia or New York, where most of its large financial transactions are carried on. I am not complaining of Richmond, nor am I complaining of its people in wanting a Federal reserve bank at that point, but the point I want to make is that Baltimore has not been given the advantages it should be given for a city of its size.

Every city of the size or larger than Baltimore has a Subtreasury and a Federal reserve bank as well. A Federal reserve branch bank was opened in Baltimore to-day, but even in this instance we are not to have a Baltimorean to head it, but a man is to be brought from Richmond and placed at its head. You might suppose that this is being done because a man of experience is wanted, a man who has been engaged in Federal reserve bank work, but when you know that a Baltimorean was sent to Richmond to head the Federal reserve bank and made the greatest success of that bank of all of the system, you can readily perceive that Baltimore can furnish just as good men to head the Federal reserve branch bank as can be brought forward from anywhere in the country. We are glad to have the Federal reserve branch bank, but do you not see that doing business with a branch bank which must report and obtain its authority from the parent bank at Richmond, can not be as satisfactory as having a Federal reserve bank itself in our city. We are glad to have this branch bank, and will give it every support.

All we are asking for the expense and conduct of the Subtreasury at Baltimore is $31,500—a small amount, indeed, when you consider the advantage it is to the commercial and financial institutions of our city. When you realize that with this small appropriation the Subtreasury at Baltimore is doing a business aggregating some $314,000,000, an increase of $90,000,000 over last year, as is shown by the table I hereto attach, I am sure one will readily realize its worth.

Cash received and disbursed, 1917.

February	$20,136,755
March	18,247,192
April	20,365,815
May	21,394,000
June	23,756,967
July	25,216,882
August	26,244,554
September	30,307,269
October	31,666,937
November	29,274,221
December	33,961,408
January (1918)	33,736,636
	314,308,732

Increase of $90,000,000 over previous year.

We ask, Mr. Chairman, that the Subtreasury at Baltimore be not molested, and we ask not only for Baltimore but for all the Subtreasury cities as well. We realize that during this immense war in which we are now engaged the slightest interruption in financial affairs will vitally affect the whole community. Baltimore, as I have said, has enjoyed the advantages and the benefits of this Subtreasury for almost three-quarters of a century. Its business men, as I have said before in this House, comprise the large packing industries of our State, which need immense quantities of small change, as do all the other financial and commercial enterprises of our State, and they depend upon the Subtreasury in our city in these matters, wherein it has served them for so many years.

We do not know what advantage and just what power and benefit the Federal reserve branch bank will be to our city. It may be that after we have had that institution for a while we will find that it fulfills all the duties of the Subtreasury and that we have no use for the latter. Let us hope that it will more than perform those duties and that it will be even a greater advantage to our people than the present Subtreasury, with its efficient employees. But we are not impressed with the fact that it is a branch bank. We realize that a branch bank must necessarily report and receive its authority from the parent bank. While it may be true that it will fill all the duties of the Subtreasury, yet our people have not yet been convinced. They do not know. They have not had the opportunity of doing business with it. They have not become accustomed to its mode of doing business. When they do, when it meets all the requirements necessary, and not until then should an effort be made to suspend our Subtreasury, and no law in advance of such test should be enacted.

We do not want anything to happen at this time which will interfere with the immense business we are doing nor which will disturb or inconvenience any of our citizens. We are doing our part in this great war; we are making our contributions to

every claim that is made upon us; we are meeting each and every obligation as it is brought to our attention, and it is certainly as little as this great Government can do to let us alone while we are so busily engaged in so many necessary enterprises and in winning this war.

Mr. FESS. Will the gentleman yield?

Mr. LINTHICUM. I will yield to the gentleman for a question, but I prefer that he would allow me to finish, and then I will be glad to yield, as I will not occupy very much more time.

The vast business enterprises which I have enumerated, the great Government works which have been established in and around our metropolis, the requirements of our people, the universal strain under which each and every man of our community and every other community is now laboring should tell us that this is certainly not the time to even discuss, much less suspend, the Subtreasury at Baltimore or to place it in suspense.

Let us finish this war, try out the branch bank, enact additional legislation to enable the branch bank to perform the duties of the Subtreasury, and then take up the question of the suspension of the Subtreasury. Do not establish a "Damocles sword" over the Subtreasuries of the land.

You men of other cities who are enjoying the advantages of a Subtreasury and likewise a Federal reserve bank can readily see and understand my reasons for asking that this action be not taken. I hope, therefore, that when this matter is brought before the House that it will be promptly voted down and that we shall be left this valuable institution that we need so badly.

The great necessity for transportation occasioned by the present war has crowded the port of New York, the port of Boston is jammed, and Philadelphia has as much as it can accommodate, and Baltimore has a very considerable part of the business. But we are fortunate in having an unlimited amount of space for harbor purposes and water-front manufacture. Twelve miles from the Chesapeake Bay to Baltimore one can find innumerable places suitable for factories with water frontage. In this area and with the number of rivers and harbors entering the bay we can accommodate any quantity of business, so that we must look not only to the present as the great commercial and business welfare of Baltimore, but we must look to the future when much of the water-borne commerce of the Nation must be carried through the port of Baltimore. If the ports become so very congested that it will be absolutely impossible to accommodate them they can make use of this wonderful location we have for manufactures, shipbuilding, and various enterprises which should be along a water front.

I now yield to the gentleman from Ohio.

Mr. FESS. I wanted to say a year ago I voted for the elimination of these Subtreasuries under the understanding that when we passed the Federal reserve act that the Federal Reserve System was to take care of the work that they were doing. I had a good deal of protest from Cincinnati for having thus voted, and I am still concerned about whether there is any real need of a Subtreasury with the branch-bank system in vogue.

Mr. LINTHICUM. The branch-bank system legislation has not been passed which gave them the work of the Subtreasuries. It may be all right when the proper legislation is passed and when we have authorized this branch-bank system, but I do not think we ought to put these institutions into effect pending the trial of the branch-bank system and until the proper legislation is passed.

Mr. COX. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. COX. If the gentleman from Ohio will procure the report from the Bureau of Efficiency, provided for in the last legislative bill, he will find the reason why they all ought to be abolished.

Mr. LINTHICUM. That is the opinion of the Bureau of Efficiency, but if that bureau had gone to Baltimore and saw how this institution is connected with all the financial institutions of Baltimore and what a great service is being performed, they would think that the sum of $31,500 for the amount of work done is very small indeed.

Mr. COX. The gentleman would not think that the banks of Baltimore are entitled to preference over the banks of Pittsburgh or Richmond?

Mr. LINTHICUM. Every city in the land as large as Baltimore has a Federal reserve bank in it and Baltimore has none.

And, moreover, when they opened a branch bank they went to Richmond to get the president, although we have a man in Baltimore who was president of the Federal reserve bank in Richmond, and made it the most successful reserve bank of the whole country. I do not want to say that he wanted this position, because he did not, inasmuch as he resigned from the one in Richmond. But I merely state that to show we have men who can take the presidency of this institution. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

Mr. FESS. Mr. Chairman, will the gentleman withhold that for a moment?

Mr. BYRNS of Tennessee. Yes.

Mr. FESS. I ask unanimous consent that I be permitted to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LINTHICUM. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Maryland makes a similar request. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Tennessee [Mr. BYRNS] moves that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, and had come to no resolution thereon.

USELESS PAPERS IN EXECUTIVE DEPARTMENTS.

The SPEAKER laid before the House a report by Mr. TALBOTT (H. Rept. 351) from the Committee on the Disposition of Useless Papers in the Executive Departments, which was ordered printed and filed.

RIVERS AND HARBORS.

Mr. SMALL. Mr. Speaker, by direction of the Committee on Rivers and Harbors I desire to report the river and harbor bill (H. R. 10069, H. Rept. 350), and I also submit minority views of a member of the committee, the gentleman from Wisconsin [Mr. FREAR], and ask that they also be printed; but the minority views are to be printed separately.

The SPEAKER. The gentleman from North Carolina reports the river and harbor bill, together with his report and the report of the minority, which are to be printed separately.

The bill was referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. STAFFORD. Mr. Speaker, I reserve all points of order on the bill.

ADJOURNMENT.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p. m.) the House adjourned until to-morrow, Saturday, March 2, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 667) for the relief of Jeremiah Stover, reported the same without amendment, accompanied by a report (No. 347), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3090) for the relief of Clement H. Cole, reported the same without amendment, accompanied by a report (No. 348), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 2492) to establish the military record of Marshall M. Pool, reported the same without amendment, accompanied by a report (No. 349), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 10365) granting the consent of Congress to the Forsyth special road district of Taney County, Mo., to construct a bridge across White River at Forsyth, Mo.; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMS: A bill (H. R. 10366) to authorize the adoption, registration, and protection of a national trade-mark to

distinguish merchandise manufactured or produced in the United States of America and used in commerce with foreign nations, or among the several States, or with Indian tribes, and to authorize the Secretary of Commerce to license the use of same, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KEATING: A bill (H. R. 10367) to protect the lives and health and morals of women and minor workers in the District of Columbia, and to establish a minimum wage board, and define its powers and duties, and to provide for the fixing of minimum wages for such workers, and to provide penalties for violation of this act; to the Committee on the District of Columbia.

By Mr. CALDWELL: A bill (H. R. 10368) to promote the health and efficiency of the firemen of the District of Columbia by providing a double platoon system in the fire department; to the Committee on the District of Columbia.

By Mr. WALTON: A bill (H. R. 10369) for the relief and civilization of the Pueblo Indians located in the State of New Mexico; to the Committee on Indian Affairs.

By Mr. AYRES: A bill (H. R. 10370) providing pensions at the rate of $32, $35, $38, and $40 per month for certain soldiers and sailors of the Civil War according to age and service; to the Committee on Invalid Pensions.

By Mr. HILLIARD (by request): A bill (H. R. 10371) to establish a bureau for the study of criminal, pauper, and defective classes; to the Committee on Appropriations.

By Mr. CLARK of Florida: Resolution (H. Res. 262) providing for the immediate consideration of House bill 10022; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARY: A bill (H. R. 10372) granting a pension to Phillip Stokes; to the Committee on Pensions.

By Mr. CRAGO: A bill (H. R. 10373) for the relief of Jacob L. Malsberry; to the Committee on Military Affairs.

By Mr. DICKINSON: A bill (H. R. 10374) granting a pension to Mary E. Croasmun; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 10375) granting an increase of pension to Michael Nye; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 10376) granting a pension to Cynthia L. Anthony; to the Committee on Invalid Pensions.

By Mr. FAIRFIELD: A bill (H. R. 10377) for the relief of Ira G. Kilpatrick and Guy D. Dill; to the Committee on the Public Lands.

By Mr. GILLETT: A bill (H. R. 10378) granting an increase of pension to John W. Foster; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 10379) to authorize the President of the United States to appoint Hughie S. Hemingway captain of Coast Artillery Corps; to the Committee on Military Affairs.

By Mr. HILLIARD: A bill (H. R. 10380) granting an increase of pension to Feracane Paolo; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 10381) granting a pension to Peter O. Gaynor; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 10382) granting an increase of pension to John H. Nickerson; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 10383) granting an increase of pension to William D. Dunkerson; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 10384) granting an increase of pension to Foster D. Brown; to the Committee on Invalid Pensions.

By Mr. ROBBINS: A bill (H. R. 10385) granting an increase of pension to Sylvester Lane; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 10386) granting a pension to Julia Agnes Held; to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 10387) granting an increase of pension to Jeannie Burton; to the Committee on Pensions.

By Mr. SNOOK: A bill (H. R. 10388) granting an increase of pension to Peter Jacoby; to the Committee on Invalid Pensions.

By Mr. STERLING of Illinois: A bill (H. R. 10389) granting a pension to W. G. Abbott; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 10390) granting a pension to Sarah Feely; to the Committee on Pensions.

Also, a bill (H. R. 10391) granting an increase of pension to Charles H. Hearing; to the Committee on Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 10392) granting an increase of pension to John M. Curtis; to the Committee on Pensions.

By Mr. WILLIAMS: A bill (H. R. 10393) granting an increase of pension to John L. Bryan; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of Mrs. Jennie D. Wilson, Wichita, Kans., asking that investigation be made of failure to arrest and prosecute a gang operating an extortion, white-slavery, blackmailing scheme; to the Committee on the Judiciary.

Also, petition of Gertrude Hinske and 29 other citizens of Sheboygan, Wis., asking for an appropriation for Federal maintenance of the kindergarten division in the Bureau of Education; to the Committee on Education.

By Mr. DALE of New York: Petitions of Peripatetic Club and the Emerson Co., of New York, against increase in second-class postage; to the Committee on Ways and Means.

Also, petition of Loyal Order of Moose of the World, favoring passage of H. R. 7364, a bill to reincorporate the Loyal Order of Moose in the District of Columbia; to the Committee on the Judiciary.

By Mr. DARROW: Petition of Keystone Branch No. 157, National Association of Letter Carriers, Philadelphia, Pa., in favor of H. R. 9414, proposing increased compensation for postal employees; to the Committee on the Post Offices and Post Roads.

By Mr. DICKINSON: Petition of Miley Brook, William S. Mahan, and 12 others, asking for increase of pensions to soldiers of the Civil War; to the Committee on Invalid Pensions.

By Mr. DYER: Memorial of the Audubon Society of Missouri, favoring Senate bill 1553; to the Committee on Foreign Affairs.

Also, petition of the following insurance men of St. Louis, Mo.; J. W. Estes, representing the Ætna Life Insurance Co.; John D. Lively, representing Royal Union Mutual Life; George Barnes, representing Home Life Insurance Co.; F. T. Rench, representing the National Life Insurance Co.; W. G. Fatheriy, representing the Equitable Life Assurance Society; George E. Black, representing the Mutual Benefit Life Insurance Co.; Eugene L. Isaacs, of the Equitable Life Insurance Co. of Iowa; S. L. Morton, of the Connecticut Mutual Life Insurance Co.; and J. M. Bloodworth, of the Fidelity Mutual Insurance Co., favoring an amendment to the Pomerene bill, allowing the deduction of business insurance from income of corporations; to the Committee on Ways and Means.

Also, petition of the Speckart Bros. Drug Co., Roland A. Grosse, Henry Gruber, and Otto Frank Cejka, all of St. Louis, Mo., favoring the Edmonds bill, providing for a pharmaceutical corps in the United States Army; to the Committee on Military Affairs.

Also, petition of Bernard J. Otting, president of St. Louis University, favoring the use of more chaplains in the Army; to the Committee on Military Affairs.

Also, petition of H. M. McLarin, president of the National Federation of Federal Employees, protesting against the Borland eight-hour amendment; to the Committee on Agriculture.

Also, petition of Stella D. Neun and four other employees of P. F. Collier & Son, urging the repeal of the zonal postage arrangements for second-class mail; to the Committee on Ways and Means.

By Mr. ESCH: Petition of Liventeish Century Club, against increase in second-class postage; to the Committee on Ways and Means.

Also, petitions of the National Council of Farmers' Cooperative Association and others, relative to maintaining present jurisdiction of Interstate Commerce Commission over rates; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petition of the National Council of Farmers' Cooperative Association, favoring the retaining jurisdiction over rates by the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of 68 citizens of Ottawa, Ill., asking legislation to prohibit the use of grain in the manufacture of intoxicating liquors during the period of the war; to the Committee on Agriculture.

By Mr. HILLIARD: Papers to accompany H. R. 10380, granting an increase of pension to Feracane Paolo; to the Committee on Pensions.

Also, petition of Yula Scott and A. Lind, of Denver, Colo., praying for the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

By Mr. LINTHICUM: Petitions of sundry citizens of Baltimore, Md., against House bill 9248, relative to real estate values and rentals in Washington; to the Committee on the District of Columbia.

Also, petition of the commander of General S. M. B. Youngs Camp, United Spanish War Veterans, favoring pension for widows and orphans of Spanish War veterans; to the Committee on Pensions.

Also, petition of employees of monotype section of Government Printing Office, asking increase in pay; to the Committee on Appropriations.

Also, petition of Surry Lumber Co., against proposed eight-hour law for laborers; to the Committee on Labor.

Also, petition of Charles Bagley, of Harford Medical Association, favoring passage of House bill 9563, relative to officers in Medical Corps; to the Committee on Military Affairs.

Also, petition of maritime committee of the Baltimore Chamber of Commerce, favoring passage of House bill 7913, relative to Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Thomas S. Cullen, Charles W. Soper, and J. F. Soper, all of Maryland, against increase in second-class postage; to the Committee on Ways and Means.

By Mr. LUNDEEN: Petition of the railroad men of Minnesota, by W. W. Royster, chairman Minnesota legislative board, Brotherhood of Locomotive Engineers, favoring no time limit to return the railroads to private ownership; to the Committee on Railways and Canals.

Also, petition of the Minneapolis terminal clerks, by Edwin Boutwell, petitioning Congress to pass House bill 3831, having for its object the retirement of superannuated civil-service employees; to the Committee on the Post Office and Post Roads.

Also, petition of the Climax Western Oil Co., asking Congress to leave power with the Interstate Commerce Commission to regulate rates; to the Committee on Railways and Canals.

By Mr. SNOOK: Memorial of 40 postal employees of Defiance County, Ohio, favoring increase in pay; to the Committee on the Post Office and Post Roads.

By Mr. STINESS: Petition of the board of directors of the Providence (R. I.) Chamber of Commerce, favoring the passage of the Dyer bill (H. R. 9563) fixing the grades of the commissioned officers of the Medical Corps and of the Medical Reserve Corps of the United States Army on active duty, and for other purposes; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: Petition of First Methodist Episcopal Church of Grand Junction, Colo., favoring passage of the chaplains bill; to the Committee on Military Affairs.

SENATE.

SATURDAY, *March 2, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in time of our national peril we think most of the spiritual qualities of our men, and we look to Thee for that divine ministry that can heighten, refine, and glorify the qualities of manhood that are consecrated to the highest ideals of a Christian civilization. Grant that in this Senate and in all the departments of Government we may hold as our most sacred trust those high ideals of hearts that love God and love humanity and that work together for the establishment of Thy truth among men. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	Lewis	Nugent
Beckham	Gronna	Lodge	Overman
Borah	Hale	McCumber	Owen
Brandegee	Henderson	McKellar	Page
Colt	Hollis	McLean	Pittman
Culberson	Johnson, S. Dak.	McNary	Poindexter
Curtis	Jones, N. Mex.	Martin	Ransdell
Dillingham	Jones, Wash.	Nelson	Reed
Fletcher	Kendrick	New	Saulsbury
Gallinger	Kirby	Norris	Shafroth
Sheppard	Smith, Mich.	Sutherland	Vardaman
Sherman	Smith, S. C.	Thompson	Wadsworth
Shields	Smoot	Tillman	Wolcott
Simmons	Sterling	Trammell	
Smith, Ga.	Stone	Underwood	

Mr. McNARY. I desire to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN] on account of illness.

Mr. GRONNA. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness in his family.

Mr. NORRIS. I desire to announce the absence of the Senators from Iowa, who are in attendance upon the funeral of the wife of the senior Senator from that State.

Mr. SUTHERLAND. My colleague, the senior Senator from West Virginia [Mr. GOFF] is absent owing to illness.

Mr. ASHURST. I desire to announce that my colleague, the senior Senator from Arizona [Mr. SMITH], is absent by reason of illness.

Mr. CURTIS. I wish to announce the absence of the junior Senator from Maryland [Mr. FRANCE], the junior Senator from New York [Mr. CALDER], and the junior Senator from Minnesota [Mr. KELLOGG] on official business. I will let this announcement stand for the day.

Mr. BECKHAM. I desire to announce that my colleague [Mr. JAMES] is absent on account of illness. I will let this announcement stand for the day.

Mr. HOLLIS. I wish to announce that the Senator from California [Mr. PHELAN] is necessarily absent. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Fifty-eight Senators have answered to their names. There is a quorum present.

RAILROAD CONTROL—CONFERENCE REPORT.

Mr. SMITH of South Carolina. I ask that two additional members of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, be appointed on the part of the Senate.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and names as additional conferees on the part of the Senate the senior Senator from Arkansas [Mr. ROBINSON] and the senior Senator from Iowa [Mr. CUMMINS].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 92) providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9903. An act to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes;

H. R. 9571. An act to authorize the appointment of officers of the Philippine Scouts as officers in the militia or other locally created armed forces of the Philippine Islands drafted into the service of the United States, and for other purposes; and

H. R. 10927. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

PETITIONS AND MEMORIALS.

Mr. FLETCHER. Mr. President, a telegram was submitted yesterday by the Senator from Idaho [Mr. BORAH] and some comments were made on it by the Senator from Washington [Mr. JONES]. It had to do with the matter of shipments of fruits and vegetables. I have received somewhat similar telegrams bearing on the same subject, and I submit one and ask to have it printed in the RECORD. There seems to be an ample production of vegetables and that sort of thing, but the difficulty seems to be to get them to market. I present this telegram as an illustration of those I am getting on the subject, and ask that it be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LEESBURG, FLA., *March 1, 1918.*

Hon. D. U. FLETCHER,
Washington, D. C.:

The South has been urged to grow foodstuff. We have answered the call and now have plenty of early vegetables, lettuce, cabbage, etc., which have been produced at great expense for fertilizer, seed, and labor. On account of slow transportation these perishable goods arrive at destination practically worthless, taking from 9 to 15 days from here

to New York. Our Nation needs this produce. Can you not assist us by taking the matter of quick transportation up with Messrs. Hoover and McAdoo?

J. C. LEE,
President Leesburg City Council.

Mr. GRONNA. I have several resolutions adopted by the Sweet Clover Grange, No. 635, of Valleyford, Wash. The resolutions set forth very vividly and very clearly, I think, some facts as they exist. I wish to have the resolutions printed in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas our country is at war and the Nation is in need of extraordinary supplies of food clothing, fuel, minerals, and lumber to maintain our Army and to succor our allies; and

Whereas it devolves upon the laboring class of our country to furnish the man power of the Army and Navy and to produce the necessary supplies in raw material and manufactured articles for ourselves and our allies; and

Whereas to a very great degree the burden falls upon the farmers of the Nation to furnish the men and material to win this war; and

Whereas our Government has called upon all producers of foodstuff to put forth every effort to the end that a maximum supply may be had; and

Whereas our Chief Executive has seen fit and through an act of Congress has been empowered to regulate prices on all commodities, even to the taking over and operating of the railroads, mines, and factories, at his discretion, in order to get better results through efficient service and the elimination of waste, even to the regulation of the profits that may be allowed to obtain; and

Whereas the Executive has seen fit to exercise his prerogative in the setting of a price on the farmers' wheat and also endeavors to maintain a relative value on hogs through the Food Administrator; and

Whereas the Food Administrator, acting through and under authority vested in him through the Executive, has at the same time endeavored to have the manufacturing and other corporate interests of the country to agree to and undertake to maintain through patriotic principles certain low, definite profits; and

Whereas these manufacturing and corporate interests have in most instances not only failed to cooperate in maintaining the basis of profit and lower prices for their product as agreed, but have in many cases openly violated the confidence and trust placed in them by the administration and wantonly boosted the prices of foodstuff and manufactured articles to such an extent as to not only place a burden on the producing classes through the inequitable condition thus created, but also have actually curtailed the productiveness of labor and also the food production by causing the disposition of breeding stock through the unwarranted prices charged for feed, making it impossible in many instances to even get feed for maintenance of such animals; and

Whereas it is necessary for the farmers of the Nation to resort to power machinery (to replace the man power taken from the farm to bear arms) in order to produce the food necessary for the successful prosecution of the war; and

Whereas the price of farm machinery has been advanced to as much as 30 per cent in some instances since the price was set on wheat and hogs: Now, therefore, be it

Resolved, That Sweet Clover Grange, of Spokane County, Wash., hereby protests against these unfair conditions and respectfully calls the attention of our Food Administrator and the National Council of Defense to the fact that the millers of the Nation are taking a profit of approximately $1 per barrel over the 25 cents agreed upon for the milling of flour, and that manufacturers of farm implements and power machinery are demanding prices up to 30 per cent more now than they did August 1, 1917, and this, too, in face of the fact that prices of steel and iron have been forced down by Federal regulation on an average of approximately 60 per cent in the same time; and be it further

Resolved, That we not only protest against this unpatriotic practice by big business, but that it is also a great hindrance to the farmer in his undertaking of feeding the world and, if allowed to continue, will work out to the very great disadvantage of the Nation in feeding and clothing its Army and Navy; and be it further

Resolved, That in allowing these corporations to extort from the farmer in this manner, after having set a price on what the farmer has to sell, is not only unjust, but a discrimination, and not in accordance with the laws of our country and the Constitution of the United States, but is foreign to democratic principles of government: Therefore be it further

Resolved, That inasmuch as the man power of the Nation has been conscripted to win the war for the Nation, and in order that producers may not be called upon to fight out the financial cost of the war after the war has been won by it, we demand that all wealth be conscripted, beginning with $250,000, and so graduated on a 5 per cent basis as to take all wealth in excess of $500,000, personally, either in private or corporate enterprises, and that all profits accruing either to private individuals or corporations be fully conscripted by the National Government, and that the income tax be so amended that all incomes, from whatever source, in excess of $5,000 a year be taxed 100 per cent, leaving the present rate of income tax on all incomes of $5,000 or less; and that we condemn the practice of the Government control of industries on a guaranteed basis of profits as unfair and not democratic, inasmuch as wealth is not thus called upon to contribute to war necessities to the point of sacrifice, as is labor.

[SEAL.] SWEET CLOVER GRANGE, No. 635.
MRS. ELLA E. STANLEY, *Secretary.*

VALLEYFORD, WASH.

Mr. GRONNA presented a petition of North Dakota Branch, Railway Mail Association, of Grand Forks, N. Dak., praying for an increase in salaries of railway mail clerks during the period of the war, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the congregation of the First Methodist Episcopal Church of Starkweather, N. Dak., remonstrating against the use of foodstuffs in the manufacture of alcoholic drinks, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Woman's Christian Temperance Union of Cando, N. Dak., praying for the repeal of the present zone-system rates on second-class mail matter, which was referred to the Committee on Post Offices and Post Roads.

Mr. NELSON presented a resolution adopted by the City Council of Minneapolis, Minn., favoring the fixing of prices on all foodstuffs and other products essential to the prosecution of the war, which was referred to the Committee on Agriculture and Forestry.

Mr. TILLMAN presented a resolution adopted at a meeting of the farmers of Lexington County, S. C., relative to the scarcity of labor on the farms and requesting that some means be adopted to relieve the present situation, which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEES.

Mr. JONES of New Mexico, from the Committee on Indian Affairs, to which was referred the bill (S. 2120) for the relief of the Wisconsin Band of Pottawatomie Indians, and for other purposes, reported it with an amendment and submitted a report (No. 293) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 3011) for the relief of Winfield S. Solomon, reported it without amendment and submitted a report (No. 294) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 4005) providing for the survey of public lands remaining unsurveyed in any of the surveying districts of Florida, with a view of satisfying the grant in aid of schools made to said State under the act of March 3, 1845, and other acts amendatory thereof; to the Committee on Public Lands.

By Mr. JONES of New Mexico:

A bill (S. 4006) for the relief of Capt. H. C. Smith; and

A bill (S. 4007) for the relief of Bernard S. Rodey; to the Committee on Claims.

A bill (S. 4008) granting a pension to Arthur H. Loomis; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4009) granting an increase of pension to Magna Samson; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 4010) to promote the efficiency of the Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. JONES of Washington:

A bill (S. 4011) relating to admission to the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. OWEN:

A joint resolution (S. J. Res. 135) to exempt from the draft skilled labor on the farm during the year 1918; to the Committee on Military Affairs.

ALSACE-LORRAINE.

Mr. OWEN. Mr. President, I ask to have printed in the RECORD a statement by Foreign Minister Pichon, in which he refers to certain documents bearing upon the German Government taking over Alsace-Lorraine. It is a very important historical statement by Minister Pichon.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

GERMAN DETERMINATION TO FORCE WAR ON FRANCE AND TRUE REASON FOR LORRAINE'S SEIZURE REVEALED—FOREIGN MINISTER PICHON BARES DOCUMENTS OF HOLLWEG AND EMPEROR WILLIAM I—FORMER ORDERED DEMAND FOR TOUL AND VERDUN IF FRENCH STAYED NEUTRAL—OLD KAISER WROTE TO EUGENIE THAT HE TOOK ALSACE-LORRAINE TO PREVENT THEM BEING A "JUMPING-OFF PLACE."

PARIS, *March 1.*

Two historic documents, one showing the German Government's determination to force war upon France and the other setting forth the reasons which induced Germany to take Alsace-Lorraine, were made public to-day, by Stephen Pichon, the French foreign minister. The minister was speaking at the Sorbonne upon the anniversary of the protest made by representatives of the national assembly of Alsace-Lorraine against annexation to Germany.

"I will establish by documents," said M. Pichon, "that the day the Germans deliberately rendered inevitable the most frightful of wars they tried to dishonor us by the most cowardly complicity in the ambush into which they drew Europe. I will establish it in the revelation of a document that the German chancellor, after having drawn up, preserved carefully, and you will see why, in the most profound mystery of the most secret archives.

SIGNED BY BETHMANN-HOLLWEG.

"We have known only recently of its authenticity, and it defies any sort of attempt to disprove it. It bears the signature of Bethmann-Hollweg, German imperial chancellor at the outbreak of the war, and the date July 31, 1914. On that day Von Schoen, German ambassador

in France, was charged by a telegram from his chancellor to notify us of a state of danger of war with Russia and to ask us to remain neutral, giving us 18 hours in which to reply.

"What was unknown until to-day was that the telegram of the German chancellor containing these instructions terminated with these words:

"'If the French Government declares it will remain neutral, your excellency will be good enough to declare that we must, as a guaranty of its neutrality, require the handing over of the fortresses of Toul and Verdun; that we will occupy them and will restore them after the end of the war with Russia. A reply to this last question must reach here before Saturday afternoon at 4 o'clock.'

GERMANY'S "SELF-DEFENSE."

"That," said M. Pichon, "is how Germany wanted peace at the moment when she declared war. That is how sincere she was in pretending that we obliged her to take up arms for her defense. That is the price she intended to make us pay for our baseness if we had had the infamy to repudiate our signature as Prussia repudiated hers by tearing up the treaty that guaranteed the neutrality of Belgium.

"Our mortal enemy in the war of 1871, Von Moltke, declared on the morrow of the treaty of Frankfort," added M. Pichon, on taking up the question of Alsace-Lorraine, "that it would require no less than 50 years to wean the heart of her lost Provinces from France."

M. Pichon contrasted the German acceptance then that the Provinces were in reality French with the reiterated pretensions of German statesmen since, especially the assertions of former Chancellor Bethmann-Hollweg and the present chancellor, Count von Hertling, that most of the Provinces were always German.

WORDS OF WILLIAM I.

The foreign minister made public for the first time the full text of a letter written by William I, the grandfather of the present German Emperor, to Empress Eugenie. The letter is dated Versailles, October 26, 1870.

"After the immense sacrifices for her defense," read M. Pichon, "Germany desires to be assured that the next war will find her better prepared to repel the aggression upon which we can count as soon as France shall have repaired her forces and gained allies. This is the melancholy consideration alone and not a desire to augment my country, whose territory is sufficiently great, that obliges me to insist upon the cession of territories that has no other object than to throw back to the starting point the French armies that, in the future, will come to attack us."

HERTLING'S CLAIMS DESTROYED.

After reading this passage M. Pichon asked:

"Can one better destroy the legend Von Hertling tries to establish that the annexation of Alsace-Lorraine had for its origin in the minds of its authors the wish to return to Germany German Provinces of which she had been dispossessed by French usurpation?"

The foreign minister pointed out that Prince von Bismarck in subsequent conversations with the Marquis de Gabriac, the French chargé d'affaires at Berlin, confirmed what his sovereign had written in his own hand. M. Pichon then cited the words of Frederick II when entering Silesia: "I take possession first. I shall always find pedants to prove my right," and M. Pichon added:

KNOWN AS FRENCH.

"But the rights of the German over our Provinces have never been proved by any pedant, because it can not be done." M. Pichon recalled that from the time of Louis XIV Alsace-Lorraine had been generally known as French, and he quoted the words of Gen. Maximilien Foy, 150 years later, when he said:

"'If ever the love of all that is great and generous weakens in the hearts of the inhabitants of old France, it will be necessary that they cross the Vosges, come to Alsace and temper again their patriotism and their energy.'

"What was true under the restoration," added M. Pichon, "is none the less true now."

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. 3389) to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes.

COLVILLE INDIAN RESERVATION, WASH.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 92) providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash., which were, on page 1, line 4, after "of," to insert "not longer than"; on page 1, line 11, to strike out all after "purposes" down to and including the word "manner," in line 13; on page 2, line 2, to strike out "last"; on page 2, line 6, to strike out "four" and insert "five"; and on page 2, line 11, to strike out all after the word "extended" down to and including the word "extended," in line 13.

Mr. JONES of Washington. I move that the Senate concur to the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were read twice by their titles and referred to the Committee on Military Affairs:

H. R. 9903. An act to provide for restoration to their former grades of enlisted men discharged to accept commissions, and for other purposes; and

H. R. 9571. An act to authorize the appointment of officers of the Philippine Scouts as officers in the militia or other locally created armed forces of the Philippine Islands drafted into the service of the United States, and for other purposes.

H. R. 10027. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

WAR FINANCE CORPORATION.

The PRESIDENT pro tempore. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, Senate bill 3714.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

Mr. OVERMAN. I wish to ask my colleague if he will let me call up the conference report on House bill 6361, known as the soldiers and sailors' civil rights bill. I do not think there is any objection at all to it. The only change made by the conference report is as to verbiage.

Mr. SIMMONS. I am willing to lay the unfinished business aside for 5 or even 10 minutes if necessary for the consideration of the conference report; but if the debate upon it should require a longer time, I feel that I should insist on the regular order.

Mr. OVERMAN. If it takes longer than 10 minutes, I will let it go over.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business be laid aside. Is there objection? The Chair hears none.

SOLDIERS AND SAILORS' CIVIL RIGHTS—CONFERENCE REPORT.

Mr. OVERMAN. I ask the Chair to lay before the Senate the conference report on the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report. The question is on agreeing to the conference report.

Mr. REED. Mr. President, what changes have been made in the report?

Mr. OVERMAN. Practically no changes except some of verbiage. There has been no material change made.

Mr. REED. With that statement I have no objection to agreeing to the report.

Mr. SMITH of Michigan. Let me ask the Senator from North Carolina, does it deal with the question of a soldier's moratorium?

Mr. OVERMAN. Yes; this is a moratorium bill.

Mr. SMITH of Michigan. I wish to ask whether the bill includes any exemptions of a soldier from filing an income-tax return while he is in the Army and away from his home in the service of the country?

Mr. OVERMAN. There is no provision in the bill about that at all.

Mr. SMITH of Michigan. Does not the Senator think that a word or two for that purpose could with perfect propriety be placed in a law of this kind?

Mr. OVERMAN. It could not be done on this bill, because this is only a conference report.

Mr. SMITH of Michigan. Let me ask the Senator, the acting chairman of the Judiciary Committee, what is the situation in which a soldier finds himself who is in the service and unable because of his absence from home to obtain any data which would enable him to make a return?

Mr. OVERMAN. The Secretary of the Treasury has a right to extend the time. It can be done by regulations of the department, I understand.

Mr. SMITH of Michigan. The time has been extended 30 days already to all citizens, but it seems to me a soldier who is in France or a soldier in any other part of the world ought not to be amenable to the penalty which would ordinarily follow because of his inability to make an income-tax return.

Mr. OVERMAN. I agree with the Senator; but that matter was not called to our attention, and it could not, of course, come up on this conference report. I think there is no question but what the Secretary of the Treasury or the President would be

able to extend the time. It has been extended for 30 days, and they can extend it for 12 months or whatever period they deem necessary.

Mr. SMITH of Michigan. Is this a final agreement on the bill?

Mr. OVERMAN. It is.

Mr. SMITH of Michigan. It would not be appropriate to ask that the conferees might take up that phase?

Mr. OVERMAN. No; that could not be done in conference.

Mr. SMITH of Michigan. But I have been here long enough, and so has the Senator, to know many things get into conference reports that have not been, strictly speaking, submitted to Congress. However, I ask for no irregularity. I simply desired to emphasize the fact that soldiers who are amenable to the income-tax law can not comply with the law and should be relieved from its operations during the war.

Mr. OVERMAN. The Senator ought to have brought that to our attention when the bill was under consideration. I agree with him fully that it ought to be done.

Mr. SMITH of Michigan. It ought to be done, and I shall avail myself of another opportunity to meet this situation.

Mr. President, I should like to ask the Senator from North Carolina if he thinks there is discretionary power enough in the Treasury Department to waive a return under the income-tax law as to soldiers who are now in the Army?

Mr. OVERMAN. I think, Mr. President, that if the department could extend the time 30 days in favor of civilians they could certainly extend it 60 days, or even 90 days, for the soldiers, and that they would do so.

Mr. SMITH of Michigan. Of course, I would not care to delay the adoption of the report, but I am sorry that the subject was not thought of before. I do want to impress upon my colleagues that it is really an important matter and one which should have attention.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. REED. Mr. President, I desire to make a brief examination of this report. I do not like to delay the Senate, but I should like to be allowed about five minutes in which to examine the report.

Mr. BORAH. Mr. President, I desire to speak briefly upon this report while the Senator from Missouri is examining it.

Mr. President, I called attention a few days ago to the situation in the country with reference to farm labor, and particularly as to the effect which the next draft would have upon the farm-labor conditions. After those remarks were made in the Senate I received a letter from Gen. Crowder discussing the matter, and I feel disposed to say another word this morning in regard to it. I think it is not perhaps receiving sufficient attention by reason of the absence of knowledge of the facts as they actually exist.

When I formerly discussed this subject, I stated that if the next draft had the same effect upon the depletion of farm labor as the last draft had had it would leave the farm situation in a very serious condition. The statement which Gen. Crowder made was that there had been a comparatively small per cent of farm labor taken in the draft as compared with other industries, and so forth. So far as the per cent is concerned, that may be true; but we must bear in mind, Mr. President, that other industries have been drawing from the farms for the past 10 years, and particularly for the last 3 or 4 years, until the supply of farm labor has been reduced to a minimum, and the taking of any portion of that, unless there was some other means to supply the places of those taken, works a great detriment. Farm labor being reduced to a minimum it is perilous to draw from it if we are to keep up in any degree our production. To my mind the man who produces food is on a par in winning the war with those who serve their country in any other way. Measured in sacrifice it is not so great a service, but measured in importance it ranks with any other service.

Mr. President, I read from an editorial in the New York Times, based upon a report of the New York Board of Trade and Transportation. This report of the New York Board of Trade and Transportation has been epitomized, and, as abbreviated, states:

Maine: Great shortage of farm labor; acreage probably will be reduced by one-fourth or one-third. Texas: More labor needed than ever before, but supply is much below normal. North Dakota: Alarming shortage; farmers discouraged and can not plant for normal crop. Vermont: Shortage means a cut in production. Massachusetts: Serious situation; farmers can not go ahead with only the help of boys and untrained workmen. Connecticut: Depressing conditions; farmers may try to raise only enough for their families. Rhode Island: Many will not plant as much as last year. New Jersey: Farmers think that planting of even the usual acreage will be very hazardous. Pennsylvania: Very great shortage of skilled farm labor; the exodus from farms has been continuous. Delaware: Unless relief comes, the usual acreage can not be prepared. Maryland: Labor situation is acute. Virginia: Lack of labor, and acreage reduced accordingly. Georgia: Impossible to cultivate as much land as last year's area. Florida: Affected by loss of negro workmen drawn to the North; hope the Government will bring Porto Ricans. Ohio: Farmers discouraged and at their wits' ends. Indiana: Probably a reduction of acreage. Illinois: The number of idle acres will be increased.

Commenting upon this, the board says the present prospect is "that acreage this year must be greatly reduced, with consequent short crops, meaning still higher food prices." A farm census taken by the New York Food Commission shows for the year a loss of 35,000 full-time workers, 15,000 of whom have gone into military service. But the addition of women and boys, with the return of about 14,000 men, makes the net reduction 8,000. It is encouraging to be told that in New York there will be no loss of cereal acreage, but an addition of 110,000 acres for corn.

Mr. CURTIS. Mr. President, may I interrupt the Senator from Idaho there?

Mr. BORAH. Yes.

Mr. CURTIS. I have had letters from every section of the State of Kansas, in which the writers advise me that there is a shortage of farm hands in their locality; and in one county alone—a small county—in the western part of the State 5,000 acres of wheat land were abandoned because the farmers could not get the labor to enable them to attend the land.

Mr. BORAH. Yes.

Mr. OWEN and Mr. SMITH of Michigan addressed the Chair.

Mr. BORAH. I yield to the Senator from Oklahoma.

Mr. OWEN. I desire to confirm the report in regard to farm labor which comes from Oklahoma. The farmers are finding a very serious shortage of farm labor there.

Mr. SMITH of Michigan. Mr. President, if the Senator from Idaho will permit me, I desire to make the same observation regarding farm-labor conditions in Michigan. I do this because it does not seem to have been stated in the report which has been read, and I do not want the impression to prevail that we have a surplus of agricultural labor in Michigan. That is very far from the fact.

Mr. BORAH. Mr. President, I have a letter here from Kansas which is written by the editor of what is called the Horse and Farm Review, in which he states:

Allow me to say that if the next draft operates as did the first one, in this section of Kansas the farmers will be unable to operate their farms to anywhere near full capacity. In short, the present prospective wheat crop, if it matures as expected from present conditions, will find the supply of farm help so scarce that I hardly know how it will be harvested or thrashed and taken to market. What I write concerning this small town and its immediate vicinity is true through all those portions of Kansas and Nebraska that I have visited in a business way since last fall, when the first draft took away so many boys and men from the farms. We have a town here of 870 people. Our country population is not as heavy as 10 to 20 years ago, as so many men have added to their holdings of land. Formerly a family resided on practically every quarter section; now the farms are hardly ever smaller than 320 acres, and from that up to 1,000 acres.

Mr. President, I am perfectly aware that it is a very difficult matter for the executive departments to deal with, yet it was supposed to be one of the virtues of the selective draft to enable the Government to protect those industries which were really as essential to the prosecution of the war as the putting of men in uniform. The farm boy and the laborer on the farm, of course, are under the same obligation to serve their Government, and undoubtedly are just as willing to serve their Government, as men in any other walk of life; but the thought which I desire to impress upon those who may be interested in the matter is that if these boys must be taken from the farm there ought to be a labor program devised to provide some method or means by which to supply their places when they are so taken.

One particular point which is impressed upon my mind by reason of correspondence received this morning is the uncertainty as to what the next draft law will do and as to when it will be put into execution. That is deterring men from planting their acreage now. This letter says:

We have about 400 boys in this county who are in class 1 of the next draft. Most of these boys are farmers, as you know this is a farming community.

I am the food and fuel administrator of the county, and a number of these men have asked me to try to find out, if I could, when the next draft would be drawn. These boys are on the anxious seat, in suspense, not knowing what to do about making arrangements for putting out a crop. If they knew they would have time to put the crop in, they would be glad to do it, and if they knew they would not have the time they would make other arrangements.

It is the uncertainty which is producing the disturbance in this instance.

Mr. VARDAMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. VARDAMAN. If the learned Senator will permit me just at this point, I desire to say that I have received from my constituents in Mississippi not less than 25 letters on the subject referred to in the letter which the Senator has just

for other purposes; and

what the Secretary of the Treasury or the President would be

acreage can not be prepared. Maryland: Labor situation is acute.

subject referred to in the letter which the Senator has just

read. These men are pleading with me to ascertain, if I can, whether or not it will be possible to obtain for them a furlough that they may return home to plant and cultivate their crops. I have heard from others who have been drafted and they have universally said to me that on account of the scarcity of labor they are unable to employ men to work their farms and the consequence would be that their farms would lie fallow during the present year. This presents a problem that the wise and prudent statesmen can not overlook at this time. Ample food for Americans and our allies is an indispensable prerequisite to the successful prosecution of this war.

I am glad that the able Senator from Idaho is calling attention to what seems to me a fatal oversight. The well-trained, industrious farmer will produce on the farm more than a half a dozen untrained men from other vocations of life. The man from the cities and towns can take the place of the farmer in the ranks of the Army, but he can not perform the duties or take the place of the farmer on the farm. The town man can keep time in the drill, but he can not keep step with the mule in the furrow. And I submit that it will be a wise economy—an act of great generalship—to permit the men accustomed to agricultural pursuits to remain on the farm, or go back to the farm, and produce the things necessary to feed and clothe the women and children at home and maintain our soldiers and our allies in foreign lands.

Mr. SMITH of Georgia. Mr. President——

Mr. BORAH. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. We brought this subject to the attention of the office of the Provost Marshal General, and were advised that no definite order had been issued; that we would be safe in answering correspondents and saying that the War Department had under consideration a plan to care for the difficulty presented, and that farmers needed to plant the spring crops and care for them until harvest need have no great apprehension in this regard.

Mr. BORAH. Mr. President, I am glad to have that information, and particularly glad to have it stated publicly, so that we may all avail ourselves of it.

Mr. SMITH of Georgia. I wired that to Georgia two or three days ago, and stated that the Provost Marshal General's office felt that the farmers need not hesitate to plant their crops and hoped they would do so.

Mr. BORAH. I assume that when the order is issued it will be a general order applying to the entire country.

Mr. SMITH of Georgia. I have no doubt a general order will be issued when the subject is finally determined. I think it has been delayed on account of some legislation that is pending—just what I do not know—but I may be wrong about that. I feel confident, however, that it is the desire of the Provost Marshal General's office that the men, even in class 1, who have farm work to do should go ahead planting their crops, and it seems probable that such men will be allowed to continue planting.

Mr. GORE. Mr. President——

Mr. BORAH. I yield to the Senator from Oklahoma.

Mr. GORE. I wish to express my approval of what the Senator has suggested, and to emphasize the importance of a liberal policy of exemption with respect to farm labor. I do not know whether the Senator from Idaho has made the statement or not, but I would like to have it go into the RECORD at this place that last year England exempted, or released from Army service, 25,000 skilled farm laborers and 25,000 unskilled farm laborers; that, in addition to that, she released 20,000 laborers during the harvest season, and, in addition even to that, has organized what is called a "woman's land army," consisting of 250,000 women to render service upon the farms. The figures sound small to an American, but in comparison with English farming they form a considerable ratio to the requirements of farm labor.

If the Senator will permit me further, I will say that, in proportion to the registration, a larger percentage of farm hands and farmers have been accepted than from any other class in the United States. I intended to bring the statistics here, but 8.47 per cent of all who registered assigned their business as farming, forestry, and live-stock raising. They stand at the head of the list in percentage, while I believe that certain professional classes only sent some six and a fraction per cent. I will furnish the exact figures before the RECORD goes to press.

The last letter I dictated, only a few moments ago, was in reply to a farmer stating that he had been placed in class 1 and that he would have to shut down his farm and sell his stock if he should be called. I have many letters of similar import.

Mr. BORAH. Mr. President, I read in the news reports a few days ago that the Labor Department was of the opinion that there was really no shortage of labor, but that the difficulty arose out of the inability to fairly distribute the labor in the different parts of the country according to the needs or demands of particular sections. I trust that that is true, Mr. President; and one of the reasons for calling attention to this situation is that those who have in charge the question of mobilizing the labor of the country and distributing it according to the demand may understand that, whatever the reports to the contrary may be, there is an actual shortage of labor upon the farms throughout the entire Middle West and far West, and that there ought to be an assurance to those communities that labor will be forthcoming to take the place of any man who may be taken from the farm hereafter to serve in the Army. The farmer needs labor and he needs to know definitely that he is going to have it.

Those of us who represent farming communities—agricultural communities, particularly—make no plea in this Chamber or elsewhere for exemption of our men from the service which they may be called upon to render along with their fellow countrymen, wherever it may take them; but we realize, as everyone realizes, that the food supply can not with safety to the cause be diminished, and if they are called upon to serve their country in the capacity of soldiers, there must necessarily be some program which will supply their places upon the farm; otherwise the productive capacity of the country will be diminished to such an extent as to be destructive.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield to the Senator from Missouri.

Mr. STONE. What the Senator says, of course, is important and it is accurate in the effect stated upon the food supply of the country and of the world. As I understood the Senator, he said, in substance, that a farmer ought not to be drafted and taken away for the military service unless some program could be devised to have him replaced by some other workman. That is very interesting if it can be done; but has the Senator in mind or has he worked it out sufficiently to make a suggestion as to how that could be done? I confess it is confusing to me. I approve the thing if it is possible or practicable, but I do not see how it is.

Mr BORAH. I base my belief upon the proposition that it may be done upon facts and figures which have been presented through the press from the Labor Department, that there is not a shortage of labor in the country as a whole; that if it is known where the labor is short and where there is a demand for it, it may be had.

The draft law only covers men of a certain age, and there are plenty of men beyond that age in the country who are not earning a dollar or doing anything. These are times, Mr. President, when a man ought not to be permitted to eat unless he performs whatever service he can perform to the community. Last fall on my way East, after being in the West, I stopped over in one of the great cities of the country, and, having been informed to some extent as to the scarcity of labor in that part of the country, I made it my business to inform myself as to the possibility of securing labor from that particular city, men who are practically doing nothing; and there are hundreds, and I think hundreds of thousands, of men beyond the draft age who ought to be at work.

Mr. STONE. It has been proposed, as the Senator knows and as all of us know, and widely discussed, that some program or policy should be entered upon to draft workmen, laborers, as well as soldiers. That is, compulsory labor, of course, on the farms or in the shops or shipbuilding establishments, or wherever the place may be. Now, if we are prepared to enter upon that program and can constitutionally maintain it, it may be the solution. What does the Senator think of that?

Mr. BORAH. Mr. President, I do not think the time has arrived when the conscription of labor is necessary. However, so far as I am concerned, I have no hesitancy in saying that the time may come when the idler in this war will have to heed his country's commands and help to feed the soldier who has offered his life for his country. If the situation ever comes when that is necessary, I think we will be able to enforce it in this country, but I do not think it is necessary yet to do that. As I said a moment ago, the Labor Department has stated that it has the data, the information, and the means by which to supply this labor if it can be known where it is needed.

Mr. McCUMBER. Mr. President——

Mr. BORAH. I yield to the Senator from North Dakota.

Mr. McCUMBER. I think the Senator will recognize that there are two practical questions involved in his theory of securing labor for the farm. The first and the most important one is the question of wages. How are you going to take laborers from the city, where they can get four and five dollars a day for working seven or eight hours a day, and get them onto a farm, where the labor certainly would be more than eight hours

a day, and where farm prices will not justify the payment of those prices to labor?

No farmer in my State, for instance, can raise wheat at $2 or $2.50 a bushel and pay his labor $90 to $100 a month and board. That is what labor is demanding in our State to-day—$90 a month and board, which would be equivalent to about $130 a month. That seems to me the real trouble; and the only way that I see to get out of it now is for us to apply our draft so that we will not take so many of our soldiers from the farm lands during the year 1918, at least not until after the crop is harvested.

Mr. BORAH. Mr. President, I think the suggestion of the Senator may be the practical solution of the matter. It is up to those who have to deal with the situation to determine whether or not labor can be supplied to take the place of those who are drafted. If it is not possible to do so, it is as clear as can be that they ought not to be drafted, because the food supply is just as essential to the situation as the man power upon the western front; and, of course, if its place can not be supplied it ought not to be taken away from the farm.

Mr. WADSWORTH. Mr. President——

Mr. BORAH. I yield.

Mr. WADSWORTH. I simply desired to ask permission to interrupt the Senator, because I was interested in the remark which the Senator from North Dakota made, that the way to get out of the difficulty was to do something by way of changing the draft. I was going to ask the Senator from North Dakota if he did not think a very much larger measure of relief would be afforded to the wheat growers of North Dakota if the law of supply and demand were permitted to operate with respect to wheat?

Mr. McCUMBER. Mr. President, I admit that we would be in very much better condition, because under the present situation we allow the law of supply and demand to operate in the labor field, and allow the labor to secure whatever the demand may be, while in the production of wheat we say that the farmer shall not receive more than a certain amount per bushel, $2.20 a bushel being the price fixed for the 1918 crop.

Mr. RANSDELL. Mr. Prsident——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Louisiana?

Mr. BORAH. I yield.

Mr. RANSDELL. I should like to ask the Senator if, in his judgment, we might not relieve the situation somewhat by applying to the unskilled labor on the farms the rule which I understand, in the practical application of the draft law, is applied to the skilled labor? I understood that the skilled labor would not be required to be taken under questionnaire 1; that the necessary managers of farms and the skilled, expert labor on farms would be exempt, or at least they would not come under questionnaire 1, but that the unskilled labor would. Now, why could we not put all farm labor in the same class and not call them in the first draft? Would it not be wise to do that at the present time, when such tremendous demands are being made on us to produce food?

Mr. BORAH. I am willing to leave that part of it to the executive department, Gen. Crowder, and those who have to deal with it, if they know the actual facts. The general seemed to be under the impression that there was not the shortage upon the farm that some of us thought existed. I am quite sure that he understands as readily as any of us the necessity of keeping up the supply upon the farm; and if he ascertains that fact, certainly some method will be arranged by which either to leave the man on the farm or to furnish some one to take his place. I think, so far as the practical results are concerned, that you had better leave him there, because he knows more about the business than anybody that you are likely to send there.

Mr. HOLLIS. Mr. President——

Mr. BORAH. I yield.

Mr. HOLLIS. I wanted to ask the Senator from Idaho, who is a man of liberal views, a deep student, and philosophical in his handling of these matters, if he does not see a very great difference between drafting a man to fight for his country, where he is given his living by his country, is paid by his country, is under the command of trained officers who are responsible to higher officers for the treatment of the men, and drafting a man and setting him to work on a farm or in a shop under a private man, for the benefit of that man, to earn profits for that man, to be paid as the man chooses, and to be paid or not according as the man is responsible? I think the Senator will see a very great difference.

Mr. BORAH. Undoubtedly there is a difference, Mr. President; and yet, at the same time, if the time ever comes in this country when we can not have a sufficient food supply without putting men to work who now refuse to work, men who are living off the community and in no wise aiding the community, so far as I am concerned I am willing to try out the experiment. I have said, however, that I do not think the time has arrived. It is about the most serious step that we could take in this situation, and it ought not to be taken until all other means have been exhausted. I doubt if the time ever comes when it will be necessary to do so; but the preservation of the country is infinitely more important to me than the right of a man to live in a community to which he is in no sense contributing to the general welfare. Soldiers will not be permitted to go hungry while idlers loaf at home. It is not laborers who I complain of, but idlers, pure and simple.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. JONES of Washington. Does not the Senator think that we ought to get our draft in such shape as to be able to operate it in such a way as to take into the Army the men whom the Senator has just described as idlers and doing nothing, and leave the men who are working until a last resort?

Mr. BORAH. That would be a very good solution. If they feel that they do not want to be drafted for labor, let them be drafted to fight. It is a time of common service. The common country calls for support and every man must do his duty. If there be those so blind to the great issues involved in this conflict, so heedless of the consequences of defeat, so unmindful of their country's need that they will not serve, then they must be directed by their country, by the Government, where to fall into line.

Mr. CURTIS. Mr. President, I was very greatly pleased with the statement made by the Senator from Georgia [Mr. SMITH] that he had had information from the Judge Advocate General's office with reference to labor being permitted to remain on the farm this spring; but I wanted to suggest that if additional legislation is needed, I hope the committee in charge of that subject will report the bill out as soon as possible.

Last fall the labor situation was so serious upon the farms in Kansas that a delegation was sent on here, headed by the former governor of our State, Mr. Stubbs. I arranged a meeting with the Secretary of War, and we called upon the Secretary, and presented very fully the question as to the situation in our State, and showed the shortage of labor on the various farms in every section of the State. The Secretary of War requested that committee to make a full and complete showing in writing, which I am informed was done; and when I called up the department a few days ago no final action had then been taken. I was not advised at that time that additional legislation was needed. If the Senator who has taken up this question with the Judge Advocate General will take it up again and find out what legislation is needed, I shall be very glad to have him do so.

Mr. SMITH of Georgia. Mr. President, I think I understand the bill to which they referred, but I do not desire to mention it. I think it will be passed within a few days.

Mr. CURTIS. If the Senator knows what legislation is required, and what bill is referred to——

Mr. SMITH of Georgia. The Senator repeated my statement a little more strongly than I made it myself.

Mr. CURTIS. I did not intend to.

Mr. SMITH of Georgia. I am sure of that; but I do not wish to place the Provost Marshal General's office in any false position.

Mr. CURTIS. Neither do I.

Mr. SMITH of Georgia. I am sure of that; and if the Senator was doing that, it was due to my misleading him. The information we got, and the statement I have made in consequence of it, was that I could say to those in the first draft who had a crop ahead of them that the wise thing for them to do was to go ahead and plant the crop; that it was not believed that they would be called to camp in a way to prevent it; and it was hoped that provision could be made later, also, even to gather it.

Mr. OWEN and Mr. McCUMBER addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Kansas yield, if to anyone?

Mr. CURTIS I want to answer the Senator from Georgia first, and then I will yield the floor.

Mr. SMITH of Georgia. It was no complete committal; but I concluded that the probabilities were so great that I sent the information at once to my own State, with the advice to go ahead and plant their crops.

Mr. CURTIS. I want to assure the Senator that, so far as I am concerned—and I think I can speak for all the Senators

from the farming States—if that bill is reported, we will assist in getting it through as soon as possible.

Mr. McCUMBER. Mr. President, what I wanted to ask the Senator from Kansas, or any other Senator who can answer the question, is concerning the next draft. Has there been any time fixed for making another draft upon those who are registered?

Mr. CURTIS. Mr. President, I have no personal information on that point, but I read in the newspapers, I think, yesterday or the day before, that the draft was likely to be put in force in June.

Mr. McCUMBER. In June?

Mr. BORAH. There was a statement published, seeming to be authoritative, that it would be put into execution in June.

Mr. McCUMBER. What are we to do with them after we have drafted them? We will put them in cantonments, of course; I appreciate that; but after they have been drilled, then what are we going to do with them?

Mr. BORAH. I do not know. I did not venture upon that uncertain sea. All I know is that if they are drafted and taken into the Army, we shall be badly injured. Whatever the War Department sees fit to do with them, whether it can utilize them or not, is a thing to which I have not given any consideration. I assume that they had reason for taking them or they would not take them, but the injury to which I was addressing myself would have been achieved.

Mr. McCUMBER. I understand the Senator, but I can not for the life of me see any occasion for drafting any soldiers between now and next fall. Secretary Baker stated that he had an Army now of 1,500,000 ready to send to France. Secretary Baker also testified that he did not have the ships, and further, that he did not know where he was going to get the ships to transport them, and to support them.

Now, as a matter of fact, we know that with the most optimistic view that we can give of the shipping situation we can not put 500,000 soldiers over in France during 1918. That being true, inasmuch as we have already a million that we can not put over there with the present situation, then tell me the necessity of taking another three or four or five hundred thousand men from the farms in the United States during the summer of 1918. There is no occasion for it. We can not use them. We can not send them over there. The whole crux of the matter is the question of shipping, and that is the matter to which we ought to give our attention now. Let us get the ships to take over the men that we have here before we think of drafting another army of 1,500,000.

Mr. OWEN and Mr. JOHNSON of South Dakota addressed the Chair.

Mr. CURTIS. So far as I am concerned, I yield the floor, unless the Senator desires to ask a question. I have made the statement I desired to make.

Mr. OWEN. Mr. President, I merely wanted to call attention to an instance which seemed to negative the idea that the farmers would not be called in the first class. I was appealed to a few days ago by a constituent who was farming 400 acres, and had 160 acres of wheat, who was summoned to go into camp, and he was not subject to be relieved because of having this crop on his hands. He has 400 acres of ground, but still he was called away from the administration of that farm. He was in the first selective draft.

Mr. SMITH of South Carolina. Mr. President, I desire to call the attention of the Senator from Oklahoma, right at this juncture, to the fact that there are two things operating right now to cause this uncertainty as to the crops. One is the question raised about when you are going to have your next draft. I know farmers down in my State who are afraid to contract with certain labor for fear that about the time their crops are planted, and the working season comes on, their labor will be drafted. Therefore they are hesitating about employing this labor for fear that they will have a crop left on their hands that they will be unable to work after they have gone to the expense of preparing the ground and buying fertilizer and stock to work it. In addition to the uncertainty as to when the draft is going to be made, there is also the uncertainty as to who is going to be drafted. It seems to me the two things to be settled are, if we are going to have another draft, when it is to be, and what is to be the character of those who are going to be drafted? I think it is very clear that we ought now to determine when the draft is going to be, if possible, or ascertain when it is going to be, and whether or not farm labor is going to be exempted, and then provide that the quota shall be drafted out of those who are not needed on the farms.

In my State, which is almost purely an agricultural State, practically the entire draft will come from the farm laborers, or at least a large percentage of it; so that we are affected now. Men are hesitating right now about planting a crop, and this is planting time with us. We begin to plant corn in March, and the other crops will come on up to about the 1st of May or perhaps the middle of May. Now, as a farmer, I do not know myself whether to employ labor of a certain age, for fear that labor will be interfered with by the draft. It seems to me that if we are going to make a supply of food it is essential for us to go at this thing in a wise way, so that these uncertainties may be eliminated. It is not enough to say that we do not know whether or not the draft is going to be made at a certain time, because upon that depends the contract; and I was a little surprised——

Mr. VARDAMAN. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Mississippi?

Mr. SMITH of South Carolina. I do.

Mr. VARDAMAN. Does not the present law vest in the Chief Executive the discretion in the matter the Senator has just been discussing? Has not the Chief Executive under the law the power to exempt from the draft and permit to remain on the farm the man who owns or works the farm? I thought the President's power was plenary—well-nigh unlimited—in such matters.

Mr. SMITH of South Carolina. That was my impression; but that does not seem to be quite the impression that exists here, and I think at this juncture it ought to be forcibly brought to the attention of those who have this matter in charge that the support of the Army itself is largely dependent upon the discretion they use in this matter.

Mr. VARDAMAN. That can be done, in my judgment, without additional legislation, if I understand correctly the law. The power is already vested in the Executive in conscripting the Army—perhaps it might be more euphonious to say selecting the Army—and to exempt from military service the man on the farm who is so much needed to produce the things necessary to feed and clothe the Army, the men, women, and children of America, and our allies across the waters. I have always understood that the selective feature was the crowning virtue—the excuse, in fact—for giving conscription preference over the old American system of volunteering.

Mr. SMITH of South Carolina. I merely wish to state to the Senator that I was a little surprised to hear the Senator from Georgia speak so optimistically as to what they propose to do here. The expectation is exactly to the contrary. I went to one of the chief heads and had some discussion with him and called his attention to the fact I am now drawing the attention of the Senate to, and his reply was that we would have to go to work and have these men drafted and train them, because we do not know at what time we may need additional trained men, and they are within the draft age. I came away with the impression that they were going to take the pro rata of all, regardless of their occupation.

Mr. SHERMAN. Will the Senator yield?

Mr. SMITH of South Carolina. I yield to the Senator from Illinois.

Mr. SHERMAN. The Senator from Idaho has started, I think, a very useful discussion this morning, and the Senate will probably take time on the subject. My files are filled to bursting with correspondence on this subject from the western country, from my State and adjoining States.

I have among my constituents, Mr. President, in what is known as the loop district in Chicago, a number of ultimate consumers who are living in a state of chronic unproductive idleness. I should like to join with the Senator in devising some remedy—they are within the draft age—and make them bear some useful part in this crisis. I do not know how we will do it. We are losing what mechanics would call a lost motion in very large quantities. We are taking men off the farms, and we are beginning to bring men from the city on the farms in some cases, through labor agencies, Federal and State; and after they are there they meet the difficulty the Senator speaks of, and we are losing one season of profitable work if we undertake to make out of the city man a farm hand. No novice can do that work. It requires artistic ability to do the work. A city man can not develop that in one summer.

Mr. SMITH of South Carolina. I think the whole matter could be summed up in getting before these officers the necessity of drafting just the kind of men the Senator from Illinois refers to until we fill the next draft quota, and allow those who are actually engaged in farming, because it takes some skill, to raise wheat and cotton and corn. A novice can not do it. It takes some skill to use a hoe properly. A novice can not do it. Therefore, in order to get to a maximum crop you must leave your farmer who understands farming on the farm and take those who are nonproductive to fill out the quota.

Mr. KIRBY. Mr. President, I am somewhat interested in this phase of the discussion. It seems to me that Congress might very well provide for a new draft for soldiers and extend the age to 35 or 40 and require men over the age of 31, all unmarried men and all childless married men and all other men in cities whose occupation is not absolutely necessary to the successful prosecution of the war, to go to the firing line, bring them into camp, and make soldiers of them, and to say that a man who is on the farm and stays on the farm and produces stuff shall remain there. Congress might very well do that, and I think it would relieve the conditions, if they are as bad as reported.

There is another thing, Mr. President, that I do not like to hear discussed in the way we hear it discussed. There is a suggestion from the Senator on the other side in the question, "What will we do with these men if we draft them?" There is a like suggestion from a Senator on this side in saying, "If we have another draft." The time has come when we must quit talking about if we have another draft or what we are going to do with these men when drafted. My impression is that you will have 10,000,000 men in camps in this country before the war is successfully finished and over 3,000,000 of them across the sea.

It is time that we realized the condition as it is, time that we got down to business and began to perform something toward its accomplishment. These men must be put in the cantonments; they must be trained; and they can and will be sent to France inside of a year, more than 1,000,000 of them; and there will be another draft and yet another draft, and in my opinion we will draft enough to make 10,000,000 men in camp before we finish the war successfully.

It is time to quit talking about if we are going to do this and if we are going to do that. We are going to do it. We have embarked on the enterprise, and it is necessary that these things must come to pass. Then, let us meet it as the situation demands and quit talking about if we will and if we can.

Mr. OWEN. Mr. President, I think the difficulty in the administration of this draft act is that it is at last in the hands of local committees that are scattered all over the United States and the heads of the deparment were authorized to pass finally upon appeal cases. It does not, as a matter of fact, control the selection of these men. They are selected by the local committees, and their appeals to the local committees are not heard. The local committees are, as a rule, men living in the towns, and they would prefer to distribute the drafted men in the towns and in the country, just as it may happen. They do not want to send all the men from the towns and leave all the men in the country; they want to distribute them. But it is obviously necessary that we provide the allies with foodstuffs and with raw material, and therefore men on the farm are just as necessary as men in the trenches.

That being true, I think Congress ought to adopt a concrete scheme and not merely talk about the matter. I think the men on the farm who understand farming and have been trained as farmers ought to be left where they are, at least for this crop season.

Mr. VARDAMAN. There is a scarcity of workmen on the farm now, the deficiency exists now, and it can only be supplied by returning to the farms men who have been conscripted up to date and taken away from the farm. The deficiency will not be supplied by mere failure to take away more men. The deficiency may be increased, the scarcity enlarged, by future drafts. But the needs existing now can only be supplied by returning the men, whose taking away caused the deficiency, back to their accustomed vocation. You will not improve the situation materially by prohibiting further conscription of the farmers.

Now, Mr. President, I would not in any way weaken our Army by taking the farmer from the ranks if it were necessary and really strengthened our lines to keep him there. But I realize, and every other Senator realizes, that his place in the Army can be supplied by men taken from other walks of life and thereby permit him to go back and work his farm and produce the needed crops. We will have more men left after the agricultural element shall have been taken from the Army and sent back to their homes than we will have ships to carry them to Europe in the next 12 months or 18 months. There is no wisdom or economy in organizing a great Army to be sent to Europe when there is no means of transportation to get it there, and I submit it will not give strength to the Army or efficiency to our forces to train them in the art of warfare when there is nothing with which to feed and clothe them. The strength of an army consists not only in the accuracy of marksmanship and the use of the great cannons, but the first and most important element is something to eat and clothes to cover their nakedness.

Mr. OWEN. I think it would suffice if we did not take any more men from the farms, at least, but we are going on taking them from the farms. The farms have already been much depleted. I was talking to the head of the Farmers' Union only to-day, and he was telling me of a meeting of twelve or thirteen hundred men, and at that meeting of farmers the question was put to them, "How many of you have the same amount of labor that you had a year ago?" Only two or three arose. "How many of you can get along for the year with the labor that you have?" Several hundred arose. "How many can not get along with the labor that you have?" and all the remainder of them stood up, showing that there were at that particular meeting four-fifths or more of the farmers unsupplied with proper labor.

Mr. VARDAMAN. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. VARDAMAN. If the able Senator from Oklahoma will permit an interruption, I would like to suggest that a great many of the men now in the Army have been taken from the industrial life of the country, many of them compelled to abandon their farms and take up arms in defense of the Nation's flag. It is well known that their places on the farm can not be taken or supplied by men from the cities. As I have heretofore stated, the man accustomed to city life is wholly untrained and inexperienced in the matter of performing the duties of the farmer. As little as we think about it, there are no more skilled, artistic, and, in many instances, scientific laborers in the land than the successful tiller of the soil. The successful farmer must not only understand handling agricultural implements but he must know something of the nature and growth of plants, the effect of the change of the season; he must know something about the character of his soil, its deficiencies, and the sort of fertilizer needed to produce an abundant yield. The manner of cultivating the plants, the time to plow, and how to plow are scientific problems which the seasoned farm laborer alone understands. He must also be familiar with the habits, the nature, and general disposition of the live stock upon the farm. To be a successful farmer—and when I use the word "farmer" I mean the laborers upon the farm as well as the director of the farm labor—it requires a lifetime study of experimentation and intelligent observation.

So, Mr. President, in consideration of all of these things, I think if this matter were called seriously to the attention of the Executive and those administrative officers around him charged with the serious duty of conducting this war there is no doubt but that the President, having the power now, to order these bona fide farmers back to the farm and supply their places in the ranks of the Army with other men from the cities or elsewhere, I repeat there is no doubt about such an order issuing forthwith. The necessity for it is manifest. You can supply the place in the ranks of the Army now filled by the farmer boy with town men or professional men, but I insist that you can not supply the place of the trained farmer on the farm with the city-bred, inexperienced man. As I have heretofore stated, I think nothing will contribute more to the cause we are all so deeply interested in now as sending these men back to the farm and permitting them to remain there until they shall make a crop—produce the stuff necessary to clothe and feed the Army, which we now have, and the army yet to be organized. This seems to be one of the most important questions that has engaged the attention of this body for some time. The Congress can not afford to make a mistake in a matter of such far-reaching and vital concern. If you want to strengthen the Army and support our allies, there must be food and clothing for all; and we can not have food and clothing for all unless the man power is supplied to produce it. Talk is cheap and verbal patriotism is all right unless it should mislead us into some serious error of omission. But if this war is to be won it is to be won by the combined use of bullets and bread, clothing and courage, prudent action and heroic determination.

Mr. OWEN. I think the power does exist in the hands of the Executive, but that does not relieve the legislative branch of responsibility.

The PRESIDENT pro tempore. The question is on agreeing to the conference report on the so-called soldiers and sailors' civil-rights bill. Is there objection to the report?

Mr. HOLLIS. Mr. President, I have been told by somebody connected with the Government that it is expected to work out relief for the farmers through furloughs, but that additional legislation is needed before the proper authority is granted. The distinguished general in charge of the draft has done a most admirable piece of work. His chief object was to get an Army and he has gone out and gotten it. The rules that we laid down for his guidance were interpreted by him rather strictly, so that he did not encourage exemptions. For instance, among railroad employees the rule laid down was that a man

must show that he was personally indispensable for conducting the operations of the railroad. The result was that no man could show that he was indispensable, as for running the Boston & Maine Railroad in my part of the country. But 1,800 of them have been drafted and the 1,800 were indispensable for the proper operation of the railroad, and it is largely because of the lack of young and active men of draft age who know the business thoroughly that the railroads have fallen into their present state of inefficiency. It is very largely due to that fact.

Among the farmers I am having complaints, as other Senators are, constantly of men who are indispensable for running a particular farm, but the members of the exemption board live in the villages and towns, as the Senator from Oklahoma [Mr. OWEN] says, and the State board is not composed usually of farmers. The result is that there have been very few exemptions of farmers.

Now, if the farmer knows enough he may appeal to the State board and he may appeal to the President, but the President of the United States should not be charged with deciding on cases of exemption for farmers. That duty should be submitted by Congress to some one who can investigate a case and exempt a man when the facts justify it. But a better way is this, and it will solve largely the labor difficulties that have been suggested here. Draft men, and draft them liberally. Then, if a man is willing to go to work on a farm for some one else give him a furlough. If he is not willing to work there, take him back and let him drill.

Answering the Senator from North Dakota, these men must be taken and trained first. There will be another draft, I assume, if they have not enough men under training now to satisfy the requirements, but if after the men are trained or during training there is a necessity for farm labor, the right should be given somewhere in the department to investigate a particular case and say this man or this company or this group of men shall be granted a furlough during the planting season or the haying season or the crop season. We in that way would give relief, and it is up to the Military Affairs Committee to give us legislation in that particular.

Mr. McCUMBER. The Senator would give them furloughs?

Mr. HOLLIS. I would give them furloughs, and then they would be subject to call.

Mr. McCUMBER. Mr. President, I wish to reply most briefly to the very earnest statement made by the junior Senator from Arkansas [Mr. KIRBY] that we should cease talking about what are we going to do with these men, and so forth, and that we are going to put 3,000,000 men over in France and to have an Army of 10,000,000 men. Mr. President, in my State among the Indians we call that "much big talk." But that big talk is not going to win the war. We have got to have some character of arrangement whereby we can concurrently with the raising of our army also secure ships to take care of that army. That we have not done so far. In 1917 we promised our allies that we would furnish them 6,000,000 gross tonnage of shipping. We did not give them 2,000,000 gross new tonnage afloat in 1917. We promised that we would get nine or ten million tons in 1918. The present outlook is not for half of that.

Now, we want our army. I wish we could put 5,000,000 men over in France, and I would love to support a provision of that character, but I know that we can not put them there until we get our shipping; and all our energy and all our talk should be given first to securing a sufficient number of ships to take care of the million men whom we have now in our cantonments before we attempt to raise another army, with a certain knowledge staring us in the face that it would be two years before it would be possible for us to secure the amount of shipping to take care of the million we already have. That is all I am in hope of securing; and we are not going to put 3,000,000 men over there before that time.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. WILLIAMS. Mr. President, the observation of my friend the Senator from New Hampshire [Mr. HOLLIS] about "giving men furloughs while they go home and harvest a crop" or run home and load the trucks or relieve a railroad congestion, or something of that sort, reminds me of the old story they used to tell of Gov. Joe Brown, of Georgia, during War between the States. It was said that he wrote a letter to Jeff Davis and said, "My dear Mr. President, why do you keep the farmer boys away from home in camps all the time? Why do you not let them stay at home and make a crop until you are about to fight a battle, and then tell the boys to come, and they will all go there and fight it? I know the Georgia boys will." Mr. President, we can not carry on war in that sort of a way.

Now, what is this situation? Whom have we drafted? Have we drafted all the men in the United States? By no means. We have drafted the men between 21 and 31 or the men who have arrived at 21 and arrived at 31. Do you mean to tell me that if all the men between 21 and 31 were to die to-morrow America could not raise food enough for itself and food enough to export? That it would be a great inconvenience, there is no doubt. That it would be a hardship, there is no doubt. That it would be a serious hardship, there is no doubt. But if they all died, so far as the farms of this country are concerned, there would be plenty of men left to work them under 21 and over 31 to make foodstuffs enough to feed the American people.

Now, Mr. President, I am getting a little tired of this "patrioteering" business. I love patriotism, but I have been reading the last two numbers of the Saturday Evening Post and a couple of poems on patrioteering that I found there, and if any Senator has not read them he ought to read them. Men go out and exploit themselves about "meatless Tuesdays" and "wheatless Thursdays," and they seem to think they are doing something very patriotic. The whole Confederacy lived without wheat at all for I do not know how long—about three years, at least, in the coast and southwest departments and the southern department; they had none. I as a boy in the Confederacy did not see anything made out of wheat from the early part of 1862 until the surrender, except now and then we would plant a little patch of wheat and grind it on a corn mill and sift it as best we could in the kitchen for the purpose of making Christmas and birthday cakes.

Then we were confronted with the fact that we did not have any sugar for the cakes, and we had to make them with molasses for "sweetening."

What is the use of talking about the "hardships" of the American people? They have not suffered any hardships. You have not put your front toe into the anteroom of the temple of Mars. You have thus far done nothing except to complain, and to complain again, and to repeat complaints about the efforts of those who are as patriotic as you or I in attempting under official oath and high responsibility to do what they can to win the war. Read those two poems on patrioteering. They are worth reading. I wish I had them here; if I had them, I would read them with proper emphasis right now.

Every man between 21 and 31 years of age who is a common farm laborer, or who is merely a farmer, can, if absolutely necessary, be spared; but is it absolutely necessary? It ought not to be even under these circumstances; unless you find that a man presents an exceptional case. I know an instance of a boy who is running a motor tractor, for example, and cultivating 150 acres of land in corn and peas and oats and soy beans, and with them feeding hogs and cattle. If he lived farther north he would be cultivating it in wheat. He ought not to go out to bear a musket if he claims exemption. This particular boy did not claim it, but he ought not to have been sent, because he could have done infinitely more good with that motor plow than he could do with a musket, even if he killed a German every time he went into the trenches, which is, upon the average, once in four days.

Another class of men ought to be exempt—even of those who are between 21 and 31 years of age—and they are the *skilled* mechanics, carpenters, and miners of the country. Luckily most of the miners are aliens. One of my boys in command of a battalion had in his command 90 men, I think it was, though may be it was 60, who could not speak English. They were Hungarians, Poles, Bohemians, Italians, Slovaks, and Slavonians and Slovenes. One of the first things the boy had to do was to try to teach his soldiers English with what little help he could get. Added to the duty of trying to teach his officers French, he was pretty full of work besides his ordinary drill work.

Every one of those men came from the mining district of Pennsylvania, and they ought to have been left there. But that is an exceptional case. Those mines present an exceptional case, because coal is at the basis of it all, whether in peace or war. If you can not run the transportation and the factories, you can not clothe and ammunition and gun the men. Therefore, there ought to be a special rule for miners and for skilled mechanics for steel and wooden ships.

One more word, Mr. President. It requires just two things to win a war; there is nothing else under God's sun which can do it. Presidential proclamations can not do it; congressional resolutions can not do it; public patriotic addresses can not do it. It takes men and guns and food and transportation; men and guns and food constituting one side of the proposition and transportation constituting the other.

When I say food I mean for the soldiers and sailors. The men and women at home will find food enough to live on for

the next three years even under hysterically anticipated conditions. Men over 31 and under 21 will make it and women can help. So when you want to win a war the thing you have got to do is to get hold of the men first and train them, and do it as rapidly as you can; transport them to the scene of actual operations as rapidly as you can; train them for special work adapted to the locale as rapidly as you can; put them under fire as rapidly as you can; follow them with food and accompany them with the guns and the ammunition, unless you can buy guns and ammunition cheaper and in greater quantities in the locale than you can at home. If you can, then, you will save transportation by buying them there.

I am sometimes afflicted with the utmost pessimism when I hear men talking about the lack of certain supplies to accompany soldiers to France to fight, when I hear men complaining that this or that or the other regiment did not have a hot "food-warming" stove, when I hear men complaining that overcoats were lacking, when, even if a sufficient number had been furnished in the first place, boys, with their carelessness, would have lost or misplaced or sold or pawned a great many of them and more would have had to come from the Quartermaster Department; when I hear men complaining that soldiers and sailors had no sleeping cars to ride on when they were being transported to the point of duty.

Why, do you know, Mr. President, a story was once told me, which I have every reason to believe to be true, that there was a company in the Confederate Army which at one time, in 1864, had but one skillet? The captain wanted it, and he found out that the first lieutenant had it, and he sent for it. The first lieutenant reported that he was sorry, but the sergeant had borrowed it, and they found that the sergeant was washing his feet in it. [Laughter.]

What do you know about war? What do you know about the sufferings of war? Are you going to sit down here dilettante fashion and talk all the time—talk about peace at one end of the avenue and talk about war at the other end of the avenue? What you want is men in France—men in France. What you want to put them there is ships, and what you want to go along with them is something with which to shoot. All the balance of it is secondary. If you can not put up with the hardships that are mere incidents to the first three demands, then you are unworthy of your forefathers; you in the South are eminently unworthy of yours, because if there is anything in God's world that they understood it was hardship, suffering, endurance, fortitude, standing out to the bitter end so long as a man could stand.

What is the use of all this patrioteering camouflage? Why, you have not even done what you ought to have done long ago. You ought to have called the boys of 19 and 20 into the service, not to go to France to fight, but for those 19 years of age to be trained two years until they are 21, so as to be ready for fighting, and for the men of 20 to be training for one year until they are ready to fight.

You have shown the most remarkable instance of American capacity to understand and to adapt itself to a situation that has ever been shown in the history of any country. What was it? When you turned these boys loose—most of them college boys—into the training camps, to make our officers out of them; and you have made thousands of the best subordinate commissioned officers that the world knows to-day, in three months' training. Often they had to take three more months, even better training, while they are training and teaching their men. You have done that. I say "you"; no, it is not you; oh, no. It was not you; it was not the legislating part of the United States, although you laid the foundations wisely; it was the boys; they have done it. They are ready to go; they are ready to put up with some hardships. They do not expect buckwheat cakes for breakfast. This reminds me of what I heard during that "Chickamauga War"—the War with Spain—when a good part of the Army never got any further than Chickamauga. There was a row raised down at Chickamauga because the troops did not have enough to eat; and old Maj. Pat Henry, of Mississippi, came to me and said, "My God, JOHN, I have examined into it, and do you know what they are complaining of, chiefly? They are complaining that they do not get pie over twice a week." He said, "JOHN, if we could have given the Confederate Army pie once a month, it would have had Washington captured in less than six months." [Laughter.]

People suffering on account of the war! Labor suffering! Labor never had as much money in the life of the world, here or anywhere else. Farmers suffering! They never made as much money out of their cattle and corn and oats and wheat and cotton and hogs since agriculture came into existence, here or anywhere else, as they are making now.

There are employees of the Government "suffering" and howling for an increase of pay, "all on account of the war." Howling for an increase while objecting to working eight hours a day—the dream of carpenters and operatives, while most Senators work not less than 12! Everybody is howling for increased pay, "all on account of the war." It is even whispered around the cloakrooms now and then that Senators and Representatives ought to have increased pay "on account of the war." It is said prices are charged you for a mutton chop this big [indicating] that would fit the market value of a lamb in a New York or Washington restaurant, and we are told it is "all on account of the war." We have got to have negro woman suffrage, "all on account of the war" [laughter]; we have to have nation-wide bone-dry prohibition, "all on account of the war." [Laughter.] Such another verbal display of patriotism and such another lack of any real hardship or suffering or sacrifice was never witnessed by any great people engaged in a great war as is witnessed right now in our own land.

Why, people flock into Washington every day to get office, and when they get here come to us and tell us, "My heavens, I can not rent anything nor buy anything; buy me something, rent me something"—"all on account of the war!"

Some of them say, "I have been in the habit of keeping an automobile, a Ford"—and, by the way, that is a luxury that I was never able to indulge in, not even a Ford—and I remember my admiration for those machines when one of them was made a present to the Senator from Michigan; but there are employees down here who keep Fords, and they absolutely tell us that if we do not raise their wages they "can not keep a Ford"—"all on account of the war!"

Where is the spirit of the men that lived and starved and froze with George Washington at Valley Forge? Has it disappeared? Where is the spirit of the men who ate rats and mice and mule meat at Vicksburg? Has it gone? Where is the spirit of the men who suffered at Petersburg, and even upon the day before the surrender won the last brilliant little skirmish of the war? Are their sons degenerate?

Oh, the hardships of the draft upon individuals and upon industry and upon life! Sometimes, Mr. President, when I think of the boys that have got to go "over there," some of them to be killed by poison gas, some of them to be the victims of trench diseases, some of them to be blown into eternity without time to say a paternoster, then think of us living here in luxury—because even the way I live is luxury for three-fourths of mankind, and the way that nine-tenths of you live is luxury compared even to the way I live—when I think of it all it sometimes seems to me that after a man reaches the age of 60—and I have reached that age and passed it—while the Philadelphia doctor is not right in saying that we ought to be chloroformed and "put off," it is a great pity that we can not be either put to something useful, somehow, or else quit pretending that we are doing anything sacrificial for our country.

I suppose most of you are like me. What have you done? I have given all the spare revenue I could get to the country; I have bought bonds; I have put in my little $1,000 for war savings stamps—all the Government will allow you to take of that kind of security. I am collecting from every source that I can in order to lend the money to the Government at 4 per cent, when I can get 6 per cent for it in Mississippi. I am not doing it, though, with any idea that I am making any sacrifice after I have done it all. What have I sacrificed? Just a few luxuries; that is all. Perhaps I will have to smoke cheaper cigars, and I will have to do without a few things that I would like to have—a new suit of clothes right now, for instance, when this one is dingy. What of it? If we lose the war we lose all; if we win, we win much that is better than clothes or cigars or money or bonds. But what of it? What have we done in comparison with the boys who are going "over there"? They have got to stand. What do they want? First, they want reenforcement just as rapidly as you can give it to them; next, they want ammunition and guns; and, third, they want food. "Third," I say, not "first." They will manage to get food some way for a while, if they have to live on the corn in the field. Stonewall Jackson's men made the great valley campaign upon corn gathered from the field. I do not say that is the best way, but I say the first thing is men, the next thing is munitions, and the third thing is food.

Do you imagine that there is no food in France and none in Switzerland or Spain or the Argentine or Cape Colony or India, and none in England? Do you imagine that ours is the only country in the world with any food? What is all this talk I hear of danger of Americans starving? Does anybody believe it? Suppose we have to take a beefsteak less now and then, or a mutton chop less here and there, or a cup of chocolate less in another place, or a little bit less of sugar, would we be any less healthy or strong or wise or good? I think there has been too much of that talk; that hysteria, in fact; and it has given

too much comfort to the enemy. I picked up the other day what purported to be a translation of an editorial in a Berlin paper, and it went on to tell that the "entire transportation system of the United States had broken down," which was not true, but partially true; that the American Government was going to "ration its citizens" pretty soon or "else they would not have food enough"; which was not true in any sense of the word; and that the Americans were "dependent altogether upon the English and French for big guns and ammunition," which was not true at all, even ab initio. The only reason we ever bought any from them at all was because they begged us to do it, and because they could sell them to us cheaper than we could buy them, and save transportation; and yet that article, purporting to be a translation of an editorial in a Berlin newspaper, went on to prove its every assertion by quotations from debates in Congress and from American newspapers!

Then what came to all this investigation business? If you take a great, big glass and look at the sun it does not look like anything but a collection of specks, but it shines all the same, and it shines with a good heat in December and a lurid heat in August, and there are just as many specks on it in August as there are in December; but the main fact is that the sun is shining and that every genial spring that comes it recreates the earth, and that for every living human being it gives food and sustenance, and, through its evaporation of water to the clouds, it gives water to drink, and with these everything else.

I ask you what effect it has all had, except this: It has just simply discouraged, disheartened, frightfulized, cowed a few American mothers and sisters and wives by making them think that a sporadic and exceptional case here and there out of 750,000—so exceptional as to be absolutely remarkable—was the rule of the service, when you knew it was not, and I know it was not, and the men who exploited it on this floor knew that it was not, and all of them knew that the sum of patriotic efficiency was shining, and shining with American effulgence and American warmth and American life-giving properties.

What is the American life-giving property to the whole world? It is the spirit of *a measured democracy*, liberty conjoined with order; and what is threatening it in this world to-day? Prussianism on the one extreme and Russianism on the other—autocracy and bolsheviki; militarism and wild men who do not know what the history of the world has already proven, and are willing to try an experiment over for the forty-first time that has failed already 40 times. We must meet these two things or they will meet and murder our measured democracy. Either can do it unless we "play the man"—not later but to-day.

How have we been attempting to meet most of our difficulties? Why, in a perfectly impracticable way. We have been trying to fix prices. You can no more fix a price than you can moderate the warmth of the sun by a legislative decree. You do one of two things. You fix the price, yes, in a certain sense, because you may keep a fellow from selling higher by threatening him with jail; but if you fix the price too low, you decrease production; if you fix it too high, you breed speculation; and unless you are as wise as God Himself you can not fix it exactly right. There you are, all in a nutshell; just one of these two results—none other possible.

I voted for all of these things, or most of them, because I did not want anybody, even my worst enemy, to suspect that I was lagging anywhere along the line; but I did it when I knew it was not going to do any good—that part of it. I also knew that nothing but the experiment would satisfy and convince Congress and the people. Now, let supply meet demand; let the American people know what the demand is; let prices take care of themselves, and then production will take care of itself, and there will not be any trouble about enough coal nor food nor anything else, though there may be difficulty about prices, except with a few things that the Government itself controls, like postage stamps, and things of that sort.

Suppose we here and now center ourselves upon winning the war, and suppose we center ourselves upon the idea of putting men in France, putting men in France, putting men in France; letting the men carry ammunition, carry ammunition, carry ammunition. Danton said, "What is the first way to win the French Revolution? First, audacity. What is the next? Audacity. What is the third? Audacity—"encore l'audace." So it is with this thing. The way to win this war is men in France with guns, more men in France with more guns, more men in France with more guns, as well trained as you can get them; if you can not get them trained to suit a West Point graduate, then trained well enough to do their part, at any rate.

Mr. President, I started to say I had said enough. I believe I have said too much.

Mr. GORE obtained the floor.

Mr. OVERMAN. Mr. President, before the Senator goes on I hope he will let this report be adopted. He can proceed with his remarks then just the same.

Mr. GORE. I am not going to make any extended argument. I desire to put in the RECORD the figures to which I referred a while ago. I merely want to observe that I think there is no dearth of audacity in the country, certainly none in the Senate. I am as well convinced as anyone that you can neither win this war nor feed the Army by mere eloquent phrases. All that fine phrases and bad names can do to win the war has already been done. We must have recourse to other engines of war.

I adverted a few minutes ago to the fact that Great Britain, in the planting season last year, released 25,000 skilled farm hands and 25,000 unskilled hands, and that during the harvest season she released 20,000 more, in addition to an army of 250,000 women which she had organized for labor on the farms.

I have here the figures to which I adverted then, which I did not have at that time. The statement has been made that in this country only 1 per cent of the farming population has been drawn. Mr. President, that takes into account the entire farming population. I stated—and I have the figures here, the accuracy of which I do not doubt—that a larger percentage of farm registrants were drawn than from any other class of people in the United States. I say that because I do not think the farmers are whining, neither are their friends whining, and I do not think they are mistaken when they assert that bread is as important as bayonets to military success.

I might say, adverting to the last Senator's remarks—I do not know just how material it is—that my father was in the Confederate service for four years and was in prison for six months. He had three brothers in the Confederate Army. One of them is still at Fishing Creek. I think that the sons of Confederates and the sons of Union veterans and everybody else are willing to do their full duty, are willing to bear every necessary burden, are willing to make every necessary sacrifice essential to the winning of this war. But, Mr. President, it is not a test of heroism, neither is it a proof of statesmanship, to permit the bearing of unnecessary and avoidable burdens, or to permit the making of unnecessary and avoidable sacrifices. It is the part of statesmanship to obviate every possible burden and to obviate every possible sacrifice. I believe there will be burdens enough, there will be sacrifices enough, which can not be avoided, without permitting those which can by any possibility be avoided.

I wish to have read here a table of percentages, first showing the ratio of farm hands and other classes drawn, from page 95 of the hearings before the Senate Committee on Agriculture and Forestry.

Then, on page 96, I wish to have read into the RECORD another table or statement; because, while a larger percentage of farm hands have been drawn than from any other class of registrants, that still does not tell the full story, because in the agricultural States of the West 77 per cent of the registrants passed the physical examination. Some of the States went higher than that. In the great industrial States some of them fell as low as 53 per cent. In Pennsylvania the number who passed the physical examination was only 53, in Connecticut it was only 53, in Vermont it was 56, whereas in North Dakota it was 79 per cent, in Nebraska 78 per cent, and the average was around 77 per cent, except in some of the extreme Southern States where there is a large colored population.

I ask to have read first the marked place on page 95 and then the marked place on page 96.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

I have gone through all the classes, and here is what I have found: Agriculture, forestry, and animal husbandry, total registered, 2,564,133; total accepted, 217,285; per cent taken of this registration, 8.47 per cent. Actors, artists, showmen, etc., 7.85 per cent. Breweries and other liquor factories, 8.38 per cent. Banking, brokerage, insurance, 6.83 per cent. Textile mills, 6.30 per cent. Barbers, bartenders, saloon keepers, etc., 7.99 per cent.

* * * * * * *

Here are the figures by States: South Dakota, 85.87 per cent of those that were called to be examined passed.

Senator PAGE. Of the farm boys?

Mr. SIMPSON. No; of the State; it is an agricultural State. Nebraska, 79.85; Wyoming, 78.47. Those were the three highest. Then I took the three lowest: Pensylvania, 53.33; Connecticut, 53.70; Vermont, 56.18.

Senator GRONNA. Have you gotten North Dakota there?

Mr. SIMPSON. All the agricultural States run about 77 per cent, except these three that were exceptionally high, and when you get down in the extreme Southern States, down among the negroes, they run a little lower. But the manufacturing and mining States all run much lower.

The PRESIDENT pro tempore. The question is on agreeing to the conference report on the soldiers' and sailors' civil-rights bill.

The report was agreed to.

WAR FINANCE CORPORATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

Mr. SIMMONS. Mr. President, I think when we adjourned yesterday the Senate had under consideration an amendment offered by the Senator from Oklahoma [Mr. OWEN].

The PRESIDENT pro tempore. The Chair is informed that the amendment under consideration is that offered by the Senator from New Hampshire [Mr. HOLLIS] to the committee amendment on page 9 of the bill.

Mr. HOLLIS. Mr. President, I believe that is the amendment that I offered on behalf of the Senator from Colorado [Mr. THOMAS]. The Senator is now present.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 9, line 20, after the word "whose," it is proposed to insert "bonded indebtedness is not in excess of its actually invested capital and assets, and whose."

Mr. HOLLIS. Mr. President, I may say that without the authority of the Senator from Colorado I permitted to be inserted yesterday the words "and assets." I did not think they were necessary; and I now ask the permission of the Senate to withdraw them, so that the amendment may be turned over to the Senator from Colorado as he gave it to me.

Mr. THOMAS. Mr. President, since the Senator from New Hampshire was so kind as to look after this amendment during my necessary absence yesterday, I shall be bound by whatever suggestion or arrangement he may have made regarding it.

Mr. HOLLIS. Mr. President, I did not commit the Senator or myself. I said I saw no objection to the insertion of those words, but I did not feel at all sure the Senator would not object; and I shall be glad to ask unanimous consent, which probably will be granted, to have them stricken out, if that is not entirely satisfactory.

Mr. THOMAS. Mr. President, I want to express my obligation to the Senate for permitting this amendment to go over until to-day, because of my detention in a very important committee meeting, although I have no doubt that the discussion of the amendment under the direction of the Senator from New Hampshire was quite as illuminating to the Senate as any explanation that I can make of the purpose of the amendment.

I am not satisfied, Mr. President, with subsection "(d)," even with the amendment which I have offered to it. The vast range of authority which it confers upon the new corporation will undoubtedly be exercised for the purpose of safeguarding the interests of the Government at all times; and yet we know that where too much is left to the discretion of an administrative body, appeals in individual cases sometimes are so plausible and so earnest as to mislead or confuse the judgment, resulting in more or less injury to the public interests.

This subsection, as I understand it, is designed to invest the Finance Corporation with authority to deal with enterprises, mostly public utilities, whose financial condition absolutely requires relief, and who are unable to obtain it in any other direction or from any other source. They are not in proper condition to receive advances from their usual sources of borrowing. They are unable to meet and tide over the maturity of obligations the default of which threatens them with complete disaster. At the same time, we assume for the purposes of the bill that the character of the business with which they are occupied and which they are conducting is essential to the prosecution of the war. The cessation of it will therefore tend to impede the progress of the prosecution of the war, or at least make the possibilities of efficiency less than would otherwise be the case.

I concede fully, Mr. President, the essential necessity, if we are to legislate at all upon the general subject of the bill, of making provision to meet such cases when they become urgent, but it is an unfortunate fact that during the days when speculation was rife and investments were easily secured many of the public utilities of the country issued securities which frequently were in excess of the actual value of the property.

To use a common expression of the trade, many of them capitalized the future, capitalized their so-called intangible wealth, and transformed it into real money by placing these huge issues upon the market and selling them sometimes at par and more frequently at much less than par—sometimes at par with a bonus of common stock. Fundamentally the practice is indefensible. I might go further and say that it is dishonest.

I do not believe, Mr. President, that the Government should come to the rescue of those speculative concerns which in defiance of good business ideas and of common sense have yielded to the temptation offered by an easy market of placing bond issues upon the country in excess of the actual capital invested. If concerns of that sort get into trouble because of our present stringent financial war conditions, the chances are 100 to 1 that the trouble has resulted from their misconduct and not from any other cause whatever.

Mr. HOLLIS. Mr. President——

Mr. THOMAS. I yield.

Mr. HOLLIS. Would the Senator extend the principle for which he is contending to earnings made by the company and put back in the property and represent it, say, by stock dividends? That raises, I assume, this question. Would the Senator go as far as that?

Mr. THOMAS. If the amount of earnings placed into the capital as stock dividends has become sufficient in amount to offset the difference between the original capital invested and the amount of bond issue, yes; but I do not believe that there are many such cases.

The Senator from North Carolina [Mr. OVERMAN] during the first day's discussion of the bill said that the traction company, the trolley company, operating the street railways in his city represented an actual investment of $100,000, but that the bond issue of the company which had been negotiated was 400 per cent of that amount; that is to say, $400,000. Now, that is a typical case. Unfortunately it is not a unique one. It has its imitations as well as its precedents from one end of this country to the other. I might refer to one or two, perhaps, in my own State, but that one illustration is sufficient.

Now, why should a concern like that be permitted to fall back upon the generosity of the Government and obtain relief from the condition which it now finds itself in because of its improvidence? I want and always have wanted to discourage that sort of wildcat financiering conducted on the part of men who know better or on the part of those who can with some propriety plead ignorance, and I know of nothing that would encourage the continuation of such practices more than the knowledge of the fact that if trouble comes the Government will put its powerful shoulder to their little wheels and lift them out of the ruts.

Concerns of that kind, Mr. President, generally speaking, meet disaster sooner or later even in the most prosperous times, and that means receivership. I can not conceive of any of those enterprises whose existence is a necessity to Government purposes which would not be run as well if not better by the companies if they are in the hands of a receiver. Of course, something depends upon the competency of the official appointed to fill that position, but surely there is nothing urgent in the event of the translation of the company's affairs from the hands of the concern to those of the court.

So I think this amendment is desirable, and I am willing to limit it to those companies whose earnings have been invested in their capital to the equivalent of the difference between the original capital and the bond issue. But I think we should safeguard the Government as to this very important matter, for when the mass of these companies is concerned it is not a small matter; it is liable to run into the millions, as everything else does at the present time.

I think, Mr. President, that I have completed all that I care to say upon the amendment, and I am quite willing to submit it to the judgment of the Senate.

Mr. HOLLIS. I ask unanimous consent to withdraw the change I made in the amendment. I believe I have a right to do that.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Senator has that right.

Mr. THOMAS. As I understand the Senator's amendment, it would cover the point about which he just interrogated me, and I am willing to accept it.

Mr. SHAFROTH. I should like to have the amendment read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 9, line 20, in the committee amendment, after the word "whose," insert the words "bonded indebtedness is not in excess of its actually invested capital and assets, and whose."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the amendment of the committee as amended.

Mr. SAULSBURY. Mr. President, I had printed and laid on the table a suggested amendment, which I called to the attention of the chairman of the committee and asked him to carefully consider.

Mr. THOMAS. Is the Senator speaking about the amendment which I offered?

Mr. SAULSBURY. No, sir; I am speaking of an amendment which I offered to this same amendment of the committee which has been amended on motion of the Senator from Colorado.

Mr. THOMAS. It is another amendment the Senator is speaking about?

Mr. SAULSBURY. Another amendment. I wish to call the attention of the chairman to the proposed amendment, which has been printed, and to state the object of the amendment, which I think will assist the object intended to be accomplished by the bill. I do not suppose that any of us would be likely to vote for a bill of this character except as a war measure, and I conceive its chief object is stabilizing the money market during the time the Government has practically monopolized the money market for its own benefit.

The clause we have under consideration is intended undoubtedly to relieve the condition in which the many public-utility companies of the country have found themselves, in many cases entirely through their own fault, in some cases, of course, without their own fault. We all know there has been almost for the last generation a tremendous capitalization of public-utility companies. That has caused the heaping of mortgages on top of other mortgages, which have not been in all cases very well secured.

But there are many mortgages issued by these public-utility companies as underlying liens, and afterwards the company has been sold out to some other company and has been recapitalized, leaving the underlying mortgages perfectly good. In the present condition of the money market it is not possible as the bonds secured by the underlying mortgage fall due to get renewals of the lien or to get extensions from the obligation holders under those mortgages.

The amendment which I suggested for the consideration mercy of the chairman of the committee would operate by means of what might be called a temporary stay during the period of the war, where security holders seem to be unreasonable and where the obligor company or its successor is willing to make a fair arrangement with the bondholders. In such case the directors of the finance corporation created by the bill could withhold a certificate from, we will say, the committee of bondholders seeking to foreclose the mortgage, and in that way through the amendment which I have proposed foreclosure proceedings could not be prosecuted during the period of the war on the mortgage which secured the bonds. My idea, Mr. President, is that the question of the reasonableness of the proposed terms of extension during the war of the bonds secured by these underlying mortgages might be safely left to the directors of this business corporation.

Mr. SIMMONS. Let me see if I understand the Senator. Does the Senator mean that no foreclosure proceedings would be entertained by the court unless the plaintiffs in that proceeding had a certificate of this committee that the foreclosure would not be against the public interest?

Mr. SAULSBURY. That is the suggestion of the amendment, and I want to call the attention of the chairman of the committee to this fact——

Mr. SIMMONS. Then the Senator of course means the alternative of that. If they said it would be against the public interest, they would issue no certificate at all.

Mr. SAULSBURY. They would issue no certificate. The certificate would be a prerequisite to the foreclosure of any mortgage exceeding $1,000,000 in amount. Of course, if the chairman of the committee sees fit to adopt this amendment I am perfectly willing we should make that amount anything reasonable. I put in the amount of $1,000,000 because that would practically cover all the serious securities that are falling due the present year.

I wish to call the attention of the chairman to the fact that the effect of this amendment would be very greatly to aid the object of the corporation, which is created, by preventing demands coming into the money market in large amounts where a very little inconvenience would occur to the holders of bonds under the mortgages by the stay from bringing their suits during the war.

It is not a great hardship on me if I hold obligations secured by a mortgage and have held those obligations for years to say to me you may have exactly what you have been getting in the way of interest. The companies, as a rule, are quite willing to make better arrangements, for example, to increase the rate of interest from 5 per cent to 6 per cent in order to obtain the credit during this time of stress in the money market, where the Government is taking up available funds which may be invested.

I shall not press this amendment unless it appeals to the good judgment of the chairman of the committee, but I suggest to him that it would very greatly aid, in my opinion, the end aimed at by the bill.

Mr. SIMMONS. Mr. President, what the Senator proposes is nothing more nor less than a moratorium. He proposes to vest in this committee the power of determining for the court the question whether it shall be permitted to proceed in a foreclosure proceeding instituted by the holder of the bonds of any corporation. It is not only a moratorium but it vests the power of determining whether that drastic course shall be pursued in the committee. I voted for and Congress has passed a moratorium so far as suits against enlisted men, men who are out of the country and engaged in the service of the country and in its defense, are concerned, but I do not think we have yet come to a point when we ought to declare a moratorium of any kind against the collection of obligations.

Of course, I appreciate the purpose which the Senator from Delaware has in view. I appreciate that in this situation it would afford very great relief to a very great many concerns in this country which are in dire need of relief, but I think it is rather a remedy that ought not to be resorted to except in very extreme conditions, and I do not think those conditions have yet been reached in this country. How soon we may have to come to it I do not know. I think we have not come to it yet, and if this bill shall pass I think it will afford such relief in the financial crisis with which we are now apparently threatened that probably we will be able to get along without having even later to resort to any such remedy as the one proposed by the Senator from Delaware. I have talked with several of the members of the committee about it, Mr. President, because I understood the very generous attitude of the Senator from Delaware with reference to myself and his willingness to withdraw his amendment if I would express myself against it. I did not wish to take that responsibility myself and I have talked with a number of the members of the committee about it. I am not speaking now for myself alone but for the committee. We do not feel that we can accept the amendment offered by the Senator from Delaware.

Mr. SAULSBURY. Mr. President, under those circumstances I shall not press the amendment. I am glad the committee have considered this matter, because my impression is that the committee may feel it incumbent upon them later to introduce an amendment of this character to the present act, which I think the Senator incorrectly characterizes as a moratorium. It is merely a stay in a very limited number of cases where the directors of this finance corporation themselves would determine that it would be for the public interest. But I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Delaware withdraws his amendment.

Mr. THOMAS. I gave notice day before yesterday of another amendment to subsection (d). It is the insertion of the word "adequate," on page 10.

Mr. SIMMONS. That has already been adopted.

The PRESIDING OFFICER. That amendment has been agreed to, the Chair is informed.

Mr. THOMAS. It was done during my absence.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. HALE. I wish to offer an amendment.

Mr. HOLLIS. The parliamentary situation is that we are now considering the committee amendment at the bottom of page 9 and the top of page 10, and amendments to that amendment are now in order to the exclusion of other amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLIS. The purpose of subdivision (d) found on page 9 is to extend direct help to corporations owning or controlling railroads or other public utilities and to firms, corporations, or associations whose operations are necessary or contributory to the prosecution of the war. The bill as it came to the Finance Committee made these beneficences applicable to persons as well as to firms, corporations, or associations. The Finance Committee evidently thinks that persons conducting just as big a business as anyone else are not entitled to the same relief as corporations.

I wonder if this was called to the attention of the chairman of the Finance Committee, and if it was intended to exclude men who might need relief and who are doing just the same class of business as corporations. I tried to study out some reason for it. The only reason I can think of is that it was intended to exclude farmers. Farmers are conducting a business that is more important to the Nation than anything else, except the production of munitions of war. It does not make any difference if it was the distinguished Senator from North Dakota carrying on thousands of acres perhaps of wheat farming, a most essential industry, whereas some little corporation with $10,000 worth of capital stock and no real assets might come to this corporation and get relief; individuals could not.

I shall move, first, to insert, in line 19, before the word "firm" the word "person." Then later I shall move to insert the word "person" in line 16. I now offer the first amendment, on page 9, line 19, before the word "firm" to insert the word "person."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire to the amendment of the committee.

Mr. SMOOT. Mr. President, I will say that the committee did consider that question very carefully, and they thought that the word "person" covered such a multitude of people, many with a capital of but a few dollars, that at any time can secure assistance from the regular channels of business and are provided for——

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield to the Senator.

Mr. POINDEXTER. Does the Senator think that the word "person" takes in any wider range of business in a material sense than the word "corporation"? Every imaginable business in the world is within the corporate powers of corporations, and there are all kinds of corporations, some of them promoting wildcat propositions and as totally without merit as any individual business ever engaged in.

It seems to me as far as that section is concerned that the discretion vested in the corporation to pass upon these applications for financial assistance is just as wide under the present bill as it would be if the word "person" were inserted, except that it would be confined to corporations and exclude those that were not incorporated. Yet it would cover business without merit as well as business with merit and business of every imaginable class.

Mr. SMOOT. I will say to the Senator that leaving out the word "person," as I said before, would limit the number who could appeal direct to this corporation for assistance and receive bonds from the corporation upon securities that they may offer. If the word "person" were put into this paragraph, there would scarcely be a person in the United States who could not appeal to the corporation for assistance. We do not want to break the law down. Appeals could be made, and no doubt would be made, where no public interest was at stake. Political reasons, financial reasons, and other reasons would be brought to bear upon the directors, and the time of the board would be consumed in listening to such appeals.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield further to the Senator from Washington?

Mr. SMOOT. In just a moment I will yield.

It is not the intention of the framers of the bill to allow the corporation to issue as low an amount as $100 worth of bonds in one transaction. It is only in special cases that the advances could be made, and they should be made only in a case where it is to the public interest to advance money, and where the parties wanting an advance can not secure the money from any other source and in amounts that can not be secured from the usual sources. Now I yield to the Senator from Washington.

Mr. POINDEXTER. I have no particular reason to interrupt the Senator or to participate in the debate, except that I was present and heard the Senator's answer to the proposition of the Senator from New Hampshire [Mr. HOLLIS], and it struck me as being very unsound, if the Senator will pardon me; I mean from a logical standpoint. Does the Senator mean to say that the magic name of corporation will exclude applications for political purposes or due to political influences? Does the Senator mean to say that you can avoid that by forming a corporation?

Mr. SMOOT. Mr. President, you will cut out at least 99 per cent of them. I do not say that members of a corporation could not use political influence—I have not made such a statement—but when the door is thrown open to every person in the United States and invite every person to make a direct application for an advance, no matter how small the amount, I think it is going too far.

Mr. POINDEXTER. I agree with the Senator that there ought to be certain guards and certain precautions which would prevent the abuse of the power of this corporation in the use of the credit and finances of the Government, but I fail to see how the Senator can even contend that you are going to avoid abuses by limiting it to a corporation. There is not any abuse in financial business that has ever been perpetrated by an individual in business that has not been perpetrated by a corporation, and if the Senator wants a measure of some kind to distinguish the bad from the good and to confine the operation of this Government finance corporation to sound business propositions, he will have to find some other distinction merely than the difference between a man, a natural person, and an artificial person called a corporation. There is not any possibility of accomplishing the object the Senator says is in view by using that test. You will have to get some other test.

Mr. SMOOT. The Senator from Utah has not tried to differentiate between a person and a corporation as far as the abuses that may come under this bill are concerned other than this, that where there is one corporation that would make an application for assistance there would be hundreds of persons who could and no doubt would do it; and if you use the word "person," as I stated, and if the person wanted $100, under such a provision he could apply to the corporation. We have already provided in paragraph (b) that all such cases can be taken care of, and the Government will be a great deal better secured if the corporation does not advance 1 cent to others than the banks of the country, for the banks are compelled to put up 25 per cent more security than the amount of money which is advanced to them.

This paragraph of section 6 does not make any such requirement. It was supposed that it would take care of exceptional cases; but in the way it is now drawn, I want to say to the Senate, if the word "person" is inserted, I do not know what the result will be.

Exceptional cases, in the first place, were to take care of the public utilities and the railroads of the country. The public utilities of the country almost universally to-day are losing money. Their expenses run from 60 to 100 per cent more than they did three years ago; and yet the rate they are allowed to charge for the service has been in only a very few cases increased. It was thought by the framers of this bill that unless there was relief given to these public-utility corporations, and given in a special way, as provided for in this paragraph, very few of them could exist much longer.

During the year 1918 there is to be refunded by public-utility corporations $233,000,000. The securities that they gave for the existing bond issue, and falling due this year, are not as good as they were when the bonds were first issued, because the earning capacity of these corporations has been greatly decreased. As I before stated, few of them are making expenses.

In the case of persons or of corporations other than public-utility corporations, they have the right, whenever the cost of producing their product increases, to advance the price of the product and they have done so in nearly every instance of which I have heard. As the cost has increased, so has the price to the consumer been increased, but that is not the case with a public-utility corporation. I want to say to the Senator from Washington [Mr. POINDEXTER] and to the Senate that I have no doubt, if this war goes on for a couple of years more, there will be advances made to public-utility corporations in this country upon securities that at the time the securities are offered will not be worth the amount of money advanced on them; and if the Government of the United States were forced to realize on the securities in cases such as I have mentioned they could not get their money back.

Mr POINDEXTER. Then the Senator from Utah admits that there is no absolute guaranty of safety merely by the name of a corporation?

Mr. SMOOT. By the name of a public-utility corporation?

Mr. POINDEXTER. Yes.

Mr. SMOOT. No, Mr. President, not under this paragraph; but there would be in paragraphs (b) and (c), the paragraphs referring to the banks.

Mr. POINDEXTER. The Senator does not contend that we can avoid the difficulties he mentions by favoring corporations over others?

Mr. SMOOT. No; but you would multiply the difficulties by thousands.

Mr. POINDEXTER. It is not a question of numbers. There has got to be some discrimination in the administration of this law. It is just as easy for a board of directors to tell whether

a business conducted by an individual is a sound business as it is to tell whether one conducted by a corporation is a sound business.

Mr. SMOOT. Mr. President, I ask the Senator from Washington to consider the case just as it will be presented to this corporation. The Senator knows that if there was an application made by any person in the United States for an advance, say, of $100, it would require the expenditure of $100 on the part of the corporation to make an investigation, if they should decide to do so, as to the security offered. The board would not know the individual's financial standing or responsibility, so there would have to be an investigation in order that the board might ascertain whether or not the security which the person offered was adequate, and it would cost perhaps as much to make the investigation as the amount the individual would desire to have advanced. If we go further than the committee has gone, I am quite sure there will be tens of thousands of such cases; and it would be a physical impossibility for this corporation to pass upon a tithe of them.

The Senator from North Dakota [Mr. GRONNA] suggests that the corporation is not compelled to make the loans to these persons; but what would be the result if a hundred thousand such applications were made and no action should be taken? Of course, there would be an outcry against the corporation throughout the United States. I myself think that the corporation would do everything it could to obviate just such a position as they would be placed in under such circumstances.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the senior Senator from North Dakota?

Mr. SMOOT. Yes; I yield.

Mr. McCUMBER. Did I understand the Senator to say that the question of either inserting or leaving out the word "person" was considered by the committee?

Mr. SMOOT. Certainly it was, Mr. President.

Mr. McCUMBER. I will say it was not considered at any time when I was present.

Mr. SMOOT. That may be.

Mr. McCUMBER. I submit to the Senator that I can not see that the insertion of that word would do any particular harm. Let me call the Senator's attention to this: There are two purposes in subdivision (d): one is to extend these advantages directly to the corporation controlling directly or through stock ownership any railroad or other public utility. That is one of the purposes. The second purpose is:

But any firm—

And I call the attention of the Senator from Washington to the fact that it does not refer to corporations only; that it is not limited to corporations, because it includes—

any firm, corporation, or association conducting an established and going business—

Then—

whose operations are necessary or contributory to the prosecution of the war.

I understand that was to cover certain cases. For instance, there might be a munition plant, or something of that character, that might not be incorporated at all. In attempting to get parts for our ships, we might have one plant making bolts of a certain size and another little plant making bolts of a different character, and such plants might be scattered all over the country, and some of them might be owned individually. If such an individual needed funds in order to expand his business in order to meet the requirements of the Government under subdivision (b), he would be entitled to apply, provided it tended directly to affect the Government in its war work. I notice in the very beginning of the bill that it provides—

That for the purpose of affording financial assistance, either directly or indirectly—

The provisions use the same words—

to persons, firms, corporations, and associations.

It seems to me that this other provision was intended to be just exactly as broad as the first subdivision; and I, myself, can not see any reason why we can not trust the same corporation, the same officials, to make the distinction of what is proper and what is improper in one subdivision as we would trust them in the other. After all, it is a power that may be subject to abuse, as are all of these extraordinary powers, but I can see no good reason why the word "persons" should not be included. I do not think there is any more danger of abuse in this case than there is danger of abuse under the first section of the bill.

Mr. SMOOT. Mr. President, as I now recall, the Senator from North Dakota [Mr. McCUMBER] was not present at the committee meeting at which this matter was finally decided; but, as I have stated, the question was discussed by the committee, and the committee decided that it would be unwise to include the word "persons" in this paragraph. This paragraph is not the same as paragraph (b) because in that paragraph it specifically states what the amount of the security shall be, and not only the amount of security, but that it shall pass through the regular banking channels of the country, and the whole credit of the bank will be behind every one of the securities offered to the corporation for the purpose of securing the credit asked for.

Mr. President, there is no question that it is the intention of the administration or of the framers of this bill to interfere with the regular course of business just as little as it is possible to do, and yet not to allow the business concerns of this country to fail on account of the Government having monopolized the money market; but if the Senate wants to invite and authorize every person in the United States to come directly to this corporation, and for this corporation to issue its bonds for any amount an individual may want—I care not how small the amount may be—then, of course, we should include the word "persons." I desire to say to the Senate, however, that if that is done it will be a very dangerous proposition, and that, instead of the directorate of this corporation being 5 in number, we had better make it about 105, for the applications will come to it by the hundreds of thousands.

I do not know that I have anything more to say upon this subject, Mr. President, except to repeat that I think it would be unwise to include individual persons in this provision.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire [Mr. HOLLIS] to the amendment reported by the committee.

Mr. HOLLIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	Norris	Simmons
Bankhead	Hollis	Nugent	Smoot
Beckham	Jones, N. Mex.	Overman	Sterling
Borah	Jones, Wash.	Owen	Stone
Colt	Kendrick	Page	Sutherland
Curtis	Kirby	Poindexter	Swanson
Fernald	Lodge	Pomerene	Thomas
Gallinger	McCumber	Ransdell	Thompson
Gerry	McKellar	Reed	Tillman
Gronna	McNary	Robinson	Trammell
Hale	Martin	Saulsbury	Warren
Harding	Nelson	Shafroth	Watson
Hardwick	New	Sheppard	Williams

Mr. OVERMAN. I desire to announce that the Senator from Utah [Mr. KING], the Senator from Delaware [Mr. WOLCOTT], and the Senator from South Dakota [Mr. STERLING] are detained on business of the Committee on the Judiciary.

Mr. ROBINSON. The Senator from Arizona [Mr. SMITH] is absent on account of illness.

Mr. KENDRICK. The junior Senator from Mississippi [Mr. VARDAMAN] is absent on official business.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The question is on agreeing to the amendment proposed by the Senator from New Hampshire [Mr. HOLLIS] to the amendment reported by the committee.

Mr. HOLLIS. Mr. President, before this amendment is rejected I want the Senate, or at least a quorum of the body, to know what it is. It has been charged that this bill is to be passed for the benefit of a few distressed millionaires. Now, on the confession of the Senator from Utah [Mr. SMOOT], it appears that it is being passed for the benefit of corporations, and not for the benefit of persons. The bill as it came from the Treasury Department to the Finance Committee provided that direct advances could be made to persons, firms, corporations, or associations. The Finance Committee has seen fit to withdraw that privilege from persons even in essential industries, so that no farmer, no matter how large his business may be, no matter how many thousands of acres he cultivates, if he is in distress can come to this war bank for relief; and the Senator from Utah airily says, "Well, he can go to his bank; he is not a corporation, and no one but a corporation can expect this assistance under this bill." I have seen a good deal of legislation passed in recent years where corporations were discriminated against, but this is the first attempt I have seen since I have been in the Senate to discriminate in favor of corporations.

There is no magic in the word "corporation." It has an alluring sound to hungry mortals; it is likely to have officers with large salaries; it may or may not have; but in my part of the country there are a good many private persons who organize public utilities, waterworks, electric-light plants, and so forth,

and they are just as much entitled, yes, more entitled, to advances from this corporation as is some one who organizes a corporation.

Now, why do individuals organize corporations? Usually to avoid individual liability; for the same reason that some men put their property in their wife's name so that they can do business, and, if they fail, they will have something left. A corporation is not entitled to as good credit as an individual. Many things can be done by corporations in the way of irregular finance that an individual can not do without running the risk of getting into jail.

I have not heard any reason why persons should be discriminated against under this bill. The Senator from Utah said because there are so many of them. Well, I hope that the benefits of this bill are not to be narrowed down to the few capitalists who took enough interest in it to come here to Washington and testify before the Finance Committee. I hope that the amendment will be adopted.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. HOLLIS. Yes.

Mr. HARDWICK. I want to ask the Senator if there is any reason whatever why, if aid is to be extended under this bill at all, it should not be extended just as well to a person conducting an established business whose operations are contributory to the prosecution of the war as to a corporation under similar circumstances?

Mr. HOLLIS. I can not see any reason. I think the reason is even stronger in the case of individuals, because corporations, if they have such fine credit, can go to the banks and get credit when persons can not. There is no reason for the discrimination, and none can be pointed out.

Mr. HARDWICK. Mr. President, I agree with the Senator from New Hampshire [Mr. HOLLIS] that, if a person is conducting a business that is contributing to the success of the war, that person ought to have just the same measure of aid from the Government or from the Government finance corporation as a corporation ought to have, subject to exactly the same limitations as to the amount, kind, character, volume, and soundness of security; and, to my mind at least, in spite of the very plausible argument of my friend from Utah [Mr. SMOOT], there is no reason whatever for the distinction between them. I think the bill as originally drawn by the Secretary of the Treasury is right in that regard.

But, Mr. President, I am opposed to this bill in its entirety. I am opposed to the principle on which it rests. I am opposed to the things that it seeks to accomplish; that is, to their accomplishment in the way and manner suggested and proposed by this bill; and, if the Senate were in a frame of mind to weigh an argument on this question, I would have some hope of my ability to convince it that this measure is totally unnecessary, for the present at least; but it seems to me, Mr. President, that we are rapidly getting into, if we have not already arrived at, that feverish state of mind where when somebody can point out an evil only one remedy will be considered for that situation and that the remedy suggested by administrative officers, whatever view the legislative branch may have as to the proper remedy to be applied.

What is this bill? Where does it come from? What does it propose? Whatever the evils that it seeks to remedy and whatever methods it employs in the effort to meet and cure those evils, this bill has a double-barreled purpose—first, to provide for a change indirectly in our banking laws, and, second, to provide for the licensing of everything that might be termed "big business" by the National Government, the second proposition being wholly unheard of under the American system of government, wholly dangerous to the liberties of the American people, and wholly unnecessary for the adequate and vigorous prosecution of this war.

The report submitted by the Finance Committee is practically nothing except the printing of Mr. McAdoo's statement in support of this bill. The committee does not venture to give us any independent reasons that it may have of its own or any independent views, if, perchance, it entertains any, about the subject, but merely concludes, with some discretion, I reckon, considering what this bill really is, that it will justify it in the words of its able proponent, and therefore gives us Mr. McAdoo's argument in support of the bill.

Mr. McAdoo says this is the reason for the bill:

In Europe—

And you must remember in these days that it is fashionable to model everything we do on Europe and European institutions, instead of being true to American principles. Mr. McAdoo says:

In Europe central banks are permitted to grant to banks and bankers loans upon stocks and bonds upon certain well-defined terms. The Federal reserve act does not provide for these, and the war finance corporation is designed as a war emergency to fill this gap.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. HARDWICK. I will; yes, sir.

Mr. NELSON. This bill conveys one lesson to us. When the Monetary Commission made their report—I do this with the permission of the Senator from Georgia——

Mr. HARDWICK. I yield, of course.

Mr. NELSON. When the Monetary Commission made their report, they recommended one central bank. That report was ignored when the Democratic Party came into power. It said that it was dangerous to create one central bank; that we must have the banking systems distributed into 12 regional banks; that we must not adhere to the system that they have in Europe, of having one central bank. Now, what is this? This is simply supplying the lack of that legislation and attempting to supply it in rather a clumsy way by creating a central bank for the whole country to do what none of these 12 reserve banks could do; that is all.

I am not saying that I am opposed to the bill; but the very principle on which this bill is based, and the justification of it, is that none of the reserve banks are competent to perform this function; that we need a central banking institution to do that work that was omitted in the currency legislation.

Mr. HARDWICK. Mr. President, the Senator from Minnesota undoubtedly has abundant ground for that statement. When we enacted the Federal reserve banking law I did not delude myself for one moment about what we were doing. After denouncing for years Senator Aldrich and his commission we were practically adopting, with some modifications, the Aldrich idea. The result was the Federal reserve banking system, which has been the subject of extravagant encomiums, of praise that to some extent was justified and to some extent, in my opinion, was extravagant, from one end of this country to another, until the country rang with the praises of this marvelous institution which had been recently created. And yet what do we now find? When the very first test comes for the much-vaunted and much-praised Federal reserve banking system its advocates and proponents, almost without exception, lay down and surrender their arms without firing a shot and admit that it is utterly inadequate to carry us in stormy weather, however valuable it was in sunshine.

Mr. HOLLIS. Mr. President——

Mr. HARDWICK. I yield to the Senator.

Mr. HOLLIS. I wish to say that the real friends of the Federal reserve act, so far as I have heard them express themselves, are opposed to this bill. The Federal reserve act was intended to ride like a ship in time of storm, and now that the storm has come they are throwing over the ballast and putting on more sail.

Mr. HARDWICK. Exactly. The statement of the Senator from New Hampshire does him credit, and I am glad to hear him make it on the floor, for he has been one of the stalwart champions of that system, and it is to his credit that he is unwilling to throw it overboard when the first storm comes. I wish as much could be said for the position of other Senators and other Members of another body who were strong in their advocacy of that banking system, and who once contended that it was amply sufficient for times of storm as well as for periods of sunshine.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. HARDWICK. Yes; I yield to the Senator.

Mr. SMOOT. Just for the RECORD I wish to say to the Senator that the Secretary of the Treasury and two members of the Federal Reserve Board appeared before the committee in behalf of this legislation. I will say to the Senator that I am not enamored with it, but I wish to say, further, that in private conversation with members of the Federal Reserve Board I have been told that the members of that board are in favor of this legislation. It does seem to me that the members of that board, particularly the governor and the Secretary of the Treasury, are certainly friendly to the Federal reserve banking system, and the statement made by the Senator from New Hampshire must apply to some friends of the system outside of the members of the board and the Secretary of the Treasury, if they are unfriendly to this legislation.

Mr. HOLLIS. I am talking about Members of Congress in both branches.

Mr. HARDWICK. Now, Mr. President, if I may proceed for just a moment, it is demonstration complete. The words of the

Secretary of the Treasury afford it. What does he say is the reason for the passage of this bill?

In Europe central banks are permitted to grant to banks and bankers loans upon stocks and bonds upon certain well-defined terms. The Federal reserve act does not provide for these, and the war finance corporation is designed as a war emergency to fill this gap.

That is what he says; that is what he means; and that is what it is. Fill this gap? Why not fill it by amending your banking law? If these stocks and bonds and securities must be admitted as collateral upon which the Federal reserve banks can make loans, why could you not do it by amending your banking laws? And if your banking system is worth a cent, if it is worth the paper it is written on, to say nothing of the extravagant campaign encomiums that have been heaped upon its devoted head, it looks to me like you would do that instead of throwing it away the first time even the appearance of a squall darkens a corner of the sky.

No; but it is not fashionable to do that in these days. Instead of making a simple amendment to the banking laws changing the kind of securities that these banks may accept for loans we have got to have a great Government corporation, with thousands and thousands of employees and millions and millions of expense and billions and billions of bond issues, until old John Law, if he were alive to-day, would roll his eyes in envy at the very sight of it, to take the place of a simple proposition to amend the banking laws.

We have got to have a Shipping Corporation, the Government running the railroads, the Government running business credits in this country; we have got to have centralization at the expense of State governments, centralization at the expense of individualism in this Republic, until we have heaped upon our people a system of laws that when the sum total is carefully weighed is just about as obnoxious as the system under which the Russians lived before they got rid of the Czar.

Mr. REED. Otherwise it is all right, I suppose? [Laughter.]

Mr. HARDWICK. No; otherwise it is all wrong.

Now, let us see. The Secretary gave a few more reasons; and the further you go into the reasons, if you feel like you have got any right to an opinion of your own, the stronger your opinion gets that there is very little reason back of it all, except the desire of certain people to grasp a great deal more power in every line and in every direction, whether it is really necessary to have it in order to prosecute this war or not.

The Secretary told us what the primary purpose of this legislation was. I want to give it to you again, from "Secretary McAdoo on purpose":

The bill has been drawn with the double purpose of restricting unnecessary capital expenditures and of providing facilities for aiding those industries whose operations are necessary or contributory to the prosecution of the war. Broadly speaking, all these are "war industries." The bill is purely a war measure; designed to conserve the supply of labor and materials for the purposes of the war, and to help supply the war's financial requirements, and to give them a first claim on capital seeking investment in like manner as the war's material requirements have been given a first claim on productions. By the term "war industries" is meant not only those industries turning out the actual munitions of war but also all those supplying any of the other elements of production or distribution in an industrial structure designed to meet the diversified requirements of the war. The bill is not intended to interfere with the continued existence and operation of existing industries, even though not remotely contributory to the prosecution of the war.

Yet I will show you in another place where he says the very reverse of that is true:

Such industries should not, however, be permitted to assert a first claim on fresh capital or be considered until the requirements of the Government and of the "war industries" have been fully met.

The proposed bill creates the War Finance Corporation to regulate the sale of new issues of securities and to make loans of its funds or its credit in aid of "war industries." It prohibits any person, firm, corporation, or association from selling or offering for sale any securities issued after the date of the approval of the act unless a license for such sale or offering (if required by the corporation) shall have been obtained from the corporation. Through its regulation of security issues the corporation will be able to keep the field somewhat clear for the borrowing operations of the Government, and at the same time will stand ready and able to aid "war industries" whose financial requirements may be rendered difficult if not impossible to meet in competition with Government loans. This regulation of security issues will also tend to prevent the further diversion of labor and materials into nonessential industries.

Mr. President, it is plain from the remarks of the Secretary that this bill is based on almost, if not quite, the identical principle on which the railroad bill was bottomed, namely, to use the expression that was used on this floor yesterday by the Senator from Utah [Mr. SMOOT], I think, on the proposition that the Government, through its necessity to float these liberty loans, had practically commandeered the money market; therefore that the Government, having commandeered the money market for war loans, must afford some substitute for the forms of business which otherwise would be injuriously affected. I think I have stated that proposition fairly.

Well, now, let us see if that is true. Does the necessity to float these immense war loans permanently disarrange the money market? It does temporarily, I admit; and some change in the banking laws may be necessary, and doubtless is necessary. Some liberalizing of those laws with respect to the kind of security that is to be accepted during the war by the Federal reserve banks may be, and probably is, necessary; but further than that there is no necessity. This money that we spend on these great war contracts is not burned up. It is not consumed in fire. It is not subtracted from the sum total of the national wealth. Not even any considerable proportion of it now goes abroad. I think we have gotten through with paying off "our allies"—I hope so, at least for a time. Most of it is spent in this country. It circulates from hand to hand; it is paid out on Government contracts, and the contractors spend it for meat and bread and heat and light, when they are allowed to buy heat, and light if it is not interfered with, and everything else that mortal man needs. It is simply swapping dollars and changing hands. It is in the country all the while; and business, subject to the prior necessities of these people and of these Government securities, will readily and promptly readjust itself to that condition.

Some statement has been made somewhere by somebody on this floor, I think, to the effect that this bill is modeled on something that has been done in England. I am not sure but that one of the Senators on the Finance Committee made that statement. If so, I want to take issue with him. Not yet has such a tremendous power over English business been authorized by any law that anybody has dared to suggest to the English Parliament; not yet. They have some sort of an arrangement regulating the kind and character of loans that shall be made, that is voluntary among the business men in England, which may have the indorsement of boards of trade, of great banks, and of other financial institutions; but not yet in an English-speaking land, among a people who are not thoroughly Prussianized, has any such drastic suggestion for the life-and-death control of Government over business and finance been presented to an English Parliament. We are pioneers along that delightful line.

Section 7 of this bill, Mr. President, is, to my mind, the most monstrous proposition in this bill or in any similar bill that ever was suggested for the consideration of a legislative body that was representing a free people. I want to call your attention to just what it does, just what can be done under section 7, and to the potentialities for evil, for ruin, for despotism, that lurk and lie in it:

That for the purpose of assisting in the prosecution of the war—

And, by the way, no matter what it is desired to do, everything is to assist in the prosecution of the war. Whether it is really for that purpose or not, whether it is really or even moderately connected with that purpose or not, it is fashionable now to hang everything on a provision like that, and to start off with a prelude like that—

and providing for the public security and defense through the restriction of unnecessary capital expenditures—

That is a pretty drastic proposition for a free people—that if a man has capital he will not be allowed to expend it if he wants to, or to invest it in whatever way he pleases, or to throw it away if he wants to. That is a new and novel position to take among a free people, even in time of war—

there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury—

By the way, I think it would have been much wiser to have this committee nominated by the President and confirmed by the Senate than the other one that the bill provides for, because this is the committee that is to hold the sword of Damocles over American business, that is to exercise the power of life and death over American enterprise; and it strikes me that they had better be appointed by the President and selected by and with the advice and consent of the Senate if you are going to have such an institution at all in this free land of ours.

But I will read the bill as it is—

there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board, which may, under rules and regulations to be prescribed by such committee, with the approval of the Secretary of the Treasury—

Why is that necessary if he is a member of the committee? Is he to have a veto power over it all?—

investigate and license, or refuse to license, the sale, or offering for sale or for subscription, of securities, as hereinafter provided.

Senators, what is that proposition? That an institution in my State or in your State, local to Georgia or local to New York, not engaged, as far as the requirements of the law are concerned, in interstate commerce at all, subject, if the dual form of government still survives in America, to local regulation and to local regulation alone, shall not even offer a share of stock for sale unless some Secretary of the Treasury and his board up here in Washington agree and assent thereto.

Such committee shall, however, grant licenses—

It seems that you are going to put this country on the license basis for and during the term of the war, with the hope that we will be able to get it off as soon as the war is ended.

Such committee shall, however, grant licenses for any such sale, or any such offering for sale or for subscription, which it shall determine to be consistent with the foregoing purposes. The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be $7,500 per annum, to be paid by the corporation. No person, firm, corporation, or association—

You will remember this dispute about "person" and "corporation." When it comes to prohibiting anybody from selling anything they propose to make it "person, firm, corporation, or association," so that the prohibition on American business is as broad as language can make it, even if the privileges to American business are to be narrower and more restricted.

No person, firm, corporation, or association shall sell, or offer for sale or for subscription, any issue, or any part of any issue, of securities hereafter issued, the par or face value of which issue shall be in excess of $100,000, except in accordance with such rules and regulations as such committee, with the approval of the Secretary of the Treasury, shall prescribe, nor, when required by such rules and regulations, except as permitted by licenses granted by such committee.

I am not going to read all of that section, but I want to call your attention to one more provision in this remarkable bill before I proceed to a somewhat general analysis of it in addition to the remarks I have already submitted.

Section 8 provides:

That whoever shall willfully violate any of the provisions of this act—

Well, that would be going very far, when you consider that this is an act for the regulation of civil business, but it it does not stop there:

That whoever shall willfully violate any of the provisions of this act or of any license, or of any rule or regulation issued and duly published hereunder, or whoever shall willfully violate, neglect, or refuse to comply with any such license or of any rule or regulation issued and duly published hereunder, shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $1,000, or, if a natural person—

And you see here again the natural person is at least not discriminated against—

imprisoned for not more than one year, or both.

So that you propose, after clothing the Secretary of the Treasury with this remarkable and unprecedented power, absolutely without precedent or parallel in the annals of a free people, to provide not only that whoever violates any provision of the law itself shall be guilty of a felony and put in the penitentiary, but whoever violates any rule or regulation issued under the act; and not only that, you do not confine it to violations, but you say that whoever fails affirmatively to carry out any license or rule or regulation—and he may not know how to carry it out, or his judgment about carrying out the principle involved may differ from that of the committee or the Secretary—shall be punished as a common criminal.

Mr. President, if that is not the very limit to which what I might call legislative tyranny can go, I am totally in error. Not only do we provide that people who violate the law—a civil law, a business regulation—shall go to the penitentiary, but we provide that people who violate, either positively or negatively, any of the rules or regulations of this corporation shall go to the penitentiary.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Georgia yield to the Senator from Oklahoma?

Mr. HARDWICK. I yield to the Senator.

Mr. OWEN. I think it worth while to call the Senator's attention to the fact that such a committee as the Capital Issues Committee was a voluntary organization in England, and it functioned perfectly without any drastic imprisonment accompanying it.

Mr. HARDWICK. I thank the Senator for that. I have just made that statement; and in all other countries, as far as I am advised, or so far as my limited investigations of this subject have permitted me to go, the same thing is true. This is the first country—America, free America!—where any such provision as this, or where any such law as this, has been solemnly and deliberately offered to a lawmaking body.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. HARDWICK. I yield to the Senator from New Hampshire.

Mr. GALLINGER. It is perhaps proper that I should say, being a member of the committee, that some of us were very much opposed to this provision, believing that if we went into this matter at all it ought to be left to a voluntary organization, as it is in other countries.

Mr. HARDWICK. I thank the Senator for that contribution, for that defense of the liberties of the country; and I think the Senate ought to rise up and rebel against any such business as this. What are we here for? Simply to carry out orders? There is not one of us who has studied this question who does not know that by amending the banking laws and by appealing to the patriotism of our business men and of our banks, after we give the banks the tools to work with, we can accomplish every purpose sought to be accomplished by this bill that ought to be accomplished.

If so, why enact this legislation? If so, why lie down in the face of our lifelong principles to the contrary, when we know that there is no necessity for it, when we know that this Federal banking system with some very slight amendments, supplemented by the voluntary and patriotic spirit of the banking and business institutions of this country, will be just as sufficient in this country as they have been in England or anywhere else?

Why do it? Why, my colleagues on this side, let me invite your attention to the fact that for years we have reproached our opponents who sit on the other side of the Chamber with the charge that under their administration of the Government the links were too close be ween big business and the Government.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. HARDWICK. I yield to my friend from Michigan.

Mr. TOWNSEND. I have not heard all that the Senator has said; but I was wondering if he was aware of the fact also that there is already in existence in the United States a voluntary board, composed of members of the Federal Reserve Board and others, who are attempting to regulate this matter, and who, according to the testimony, have never had one of their recommendations violated?

Mr. HARDWICK. I thank the Senator for that contribution. The Secretary of the Treasury states it very well in his statement to the Senate committee, which is incorporated in the report. The Government would lose nothing. There would not be the slightest trouble whatever about getting the recommendation carried out under which the Secretary would adopt what he says: "We ought not to depend upon voluntary action in matters of this sort."

Ah, my colleagues, as I said a moment ago, we have charged the other side repeatedly, in campaign after campaign, with establishing and maintaining too close a connection of Government with big business, and we have demanded, all of us from our peerless leader on down, in campaign after campaign, in thunder tones, that Government and big business be divorced. Yet we are called on here to-day to help remarry them after we claimed that they were finally divorced. I say they ought to be divorced, and not temporarily divorced but permanently divorced. Yet if this law is enacted you have every business man in this country who has what even may be termed a middling business at the mercy of these officials established by this law. If he wants to borrow money, no matter how meritorious his enterprise, he can not get it unless they so wish. If he wants to issue stock and bonds and sell them to the investing public, he can not even offer them unless they consent.

Now, I ask you in all candor, in all fairness, is that right, or ought any administration or any party or any Government be subjected to a temptation of that character or left in a situation of that kind? I say not. I have protested against it in the past when I felt like too much of it was being quietly and clandestinely done when a party other than my own was in power. I thought it was wrong then and I think it is wrong now. We had better keep big business divorced from the Government. Of course, it is better, I reckon, that the Government should run big business interests than that big business interests should run the Government, but neither one of them presents a situation which appeals to me or that is best for the country.

Politics? Yes; as long as human nature remains unaltered, I do not care what party is in power or who is President of the country or who is Secretary of the Treasury, and I make no exception from the general character of this statement, there is danger, grave danger, that power of this sort will be abused, and that it may lead to awful trouble in this country. It is a power that ought not to exist in a free country and among a free people anywhere. There is nowhere where it can be safely lodged. It ought to be lodged, therefore, nowhere.

Now, in the first place, I say that the situation in my judgment, and I have tried to consider this question with all the intelligence I am capable of, is not such as to justify the method in which this bill is being rushed to what its friends hope is an early and easy passage.

Although the Government is demanding and will demand vast amounts of money for its loans in order to prosecute the war, that money is not therefore destroyed, carried out of circulation, burned up, but it is circulating around in the country and coming into other hands, and will be available in a circular and continuous process from whatever hands it is in, and will be ready to help all these enterprises month in and month out, year in and year out. But we need, according to the word of the Secretary of the Treasury, some changes in this banking law, some liberalizing of the kind and character of securities these banks will accept for loans, and that is what we ought to do. Give them just that, instead of creating one more gigantic corporation to put a whole lot of unnecessary power into somebody's hands. My judgment is that when the bill came to the Senate, if the Senate had such a committee, it ought to have been referred to the Committee on Election of President and Vice President instead of the Finance Committee.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. HARDWICK. I yield.

Mr. GALLINGER. I was much interested in the legislation that created the Federal Reserve System, and I recall the roseate pictures that were presented to us as to the great results that would follow the establishment of that system. I knew, of course, it was based largely upon the Aldrich-Vreeland recommendations when the Republicans were in power, and I have noticed that the Senator from Oklahoma [Mr. OWEN], who took great interest in that legislation, has offered a good many amendments to that statute which have been agreed to by the Senate, and I believe the Senator has some amendments pending.

Mr. GRONNA. There are about a dozen amendments pending.

Mr. GALLINGER. There are about a dozen amendments pending, I am told. I am going to venture in the time of the Senator from Georgia to ask the Senator from Oklahoma whether or not he thinks that that statute could be so amended as to accomplish substantially the same results that are aimed at in the bill now under consideration, if the Senator from Georgia will permit the interruption.

Mr. HARDWICK. I yield for that purpose.

Mr. OWEN. Mr. President, in reply to the Senator from New Hampshire, by the courtesy of the Senator from Georgia, I will say that the Federal reserve act in its essential principles was based upon the German statute which permits quick currency against commercial bills under a penalty. The German statute itself grew out of the English instance of 1866, where the Bank of England was authorized by ministerial permit to make legal-tender money with the printing press in order to stop a panic, which it did stop in 24 hours.

Now, the Federal reserve act has had the effect, as it had the intention, of gathering together all the reserves held by the various member banks into a common fund of gold or its equivalent, which should be a constantly available safeguard, first, to the depositors of the member banks, and second, should be available for the purpose of quickly expanding the currency in the case of our industrial life requiring it. In any ordinary time that system would fully meet the exigencies of the case now. It will meet the exigencies of the case now as to all current commercial requirements. The difficulty we are faced with is that there are falling due many very large bond issues, and to refinance those bond issues when the Government is calling for all the available credit has proven difficult, if not in some cases impossible. The purpose and effect of this bill is to put the Government of the United States behind those institutions to which, because of the Government demand in seeking all available credit in the market, there is not left available for the maturing issues of bonds a proper market. I think the bill is justified on that ground.

There are some features in the bill which I have adverted to which I think could be improved, and ought to be improved, and I agree with the Senator from Georgia that the drastic imprisonment provision for disregarding a rule or regulation or a license is highly inexpedient. It is contrary to a proper administration of the government of a free people. I do not think it ought to be in the bill.

Mr. HARDWICK. Now, Mr. President, I want to conclude in a very few moments what I have to say about this bill, because I am afraid if I should go much further I might fully express my real opinion of it and tell the Senate how very much opposed to it I am.

Mr. GALLINGER. Will the Senator further permit me?

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Georgia yield further to the Senator from New Hampshire?

Mr. HARDWICK. I yield.

Mr. GALLINGER. The question I propounded to the Senator from Oklahoma was not answered in the direct way that I think it ought to have been answered. It may be said after this bill becomes a law, if it does, that there was a better method and we could have reached the same result through an amendment of the Federal reserve act. That is the question I asked the Senator, because I know he is an expert and has given great study to that system, whether or not in his judgment we could meet the emergencies that now exist by an amendment of the Federal reserve act. I advance no opinion of my own, but I ask him whether we could meet the emergencies that now exist by an amendment to the Federal reserve act?

Mr. OWEN. I should go so far as to say that from the information which I have, I believe we might possibly do it, but I think it is inexpedient to subject the business of the country to the serious hazard in case available funds were not found to renew the bond issues which we know are maturing.

Mr. HARDWICK. Mr. President, in answer to the Senator's opinion I can quote the Secretary of the Treasury to the contrary. I called the attention of the Senate to it a few moments ago. The Secretary, in answer to the precise question, put in another way, as that propounded by the Senator from New Hampshire, said this:

> In Europe central banks are permitted to grant to banks and bankers loans upon stocks and bonds upon certain well-defined terms. The Federal reserve act does not provide for these, and the War Finance Corporation is designed as a war emergency to fill this gap.

That answers it. All you have got to do is to change the Federal reserve act so as to provide for the very thing that the Secretary of the Treasury recommends and, according to his own words, you have the purpose accomplished.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. HARDWICK. I yield.

Mr. SIMMONS. I desire to call the attention of the Senator from Georgia to the fact that the Federal reserve banks have no power to loan to member banks or issue notes upon anything except commercial paper and bonds of the United States. The governor of that bank appeared before the committee, and after giving his approval to this measure discussed the limitation imposed upon Federal reserve banks. He said the purpose of it was to secure quick credits, to keep the funds of the bank liquid. He announced that the fundamental principle of the Federal reserve bank was that its funds should be liquid, and in order to carry out that fundamental principle their note-issuing powers, their lending powers, were limited to commercial paper running not more than 90 days and United States bonds.

Now, if you give them permission to loan or to issue notes upon long-time security, such security and only such security as these corporations whose maturities have been referred to here are able to give; in other words, if you remove the limitation which now exists and which was put there for the specific purpose of making the funds of this concern liquid at all times and extend their powers of loaning and of issuing notes to long-term paper, you will destroy—and that was the point made by the governor of the bank when he appeared before the committee—you will destroy the very foundation principles of the reserve bank system. Now, I ask the Senator from Oklahoma if that is not true?

Mr. OWEN. Mr. President, it, of course, is the principle of the reserve banking system that the reserves should be kept liquid. There was a very important concession made in the reserve act that loans might be made by the reserve bank with Government bonds as a security, because it was assumed that the Government bonds were always easily marketable.

Mr. SIMMONS. And liquid.

Mr. OWEN. And would serve the function of a liquid paper, although it was an investment. It differs in that respect from other forms of investment in having a larger and more readily available market.

Of course, this particular bill has provided that the bonds of this corporation should be given a like function, and that I confess I regret, because the only extent to which the Government really underwrites these bonds is to the extent of the loan of $500,000,000 of ready capital out of the Treasury in the first instance.

Mr. SIMMONS. That makes it for the purposes of the bank payable in Government bonds.

Mr. OWEN. These bonds might not prove to be as liquid as the Government bonds, although I should hope so, and would really expect so.

Mr. SIMMONS. But the point I wish to impress upon the Senator from Oklahoma is this: I assume that in limiting the powers of these banks as loaning institutions and note institutions to commercial paper and Government bonds, the thought was not that it was necessary that their assets should be liquid.

Mr. OWEN. That is, of course, true.

Mr. SIMMONS. Now, if you permit them to loan upon all the long-term securities of the country without discrimination and to issue notes upon the long-term securities of the country just as you do upon commercial paper and Government bonds, will you not destroy that fundamental principle of the Federal reserve bank?

Mr. OWEN. The Federal reserve act expressly provides against loans upon investment securities for that reason, because investment securities are not always readily marketable.

Mr. HARDWICK. Mr. President, if I may now be permitted to conclude, I just want to suggest to the Senator from Oklahoma that there are more ways to kill a dog besides choking him to death on butter, and what is the difference with these banks if they take these same securities and pass them through a Government-owned corporation and make them the basis of Federal reserve loans.

Mr. SIMMONS. You do not make the notes the security basis.

Mr. HARDWICK. Oh, yes; you do.

Mr. SIMMONS. No; the Senator is entirely mistaken. Not a single solitary security of any corporation, firm, association, or individual can be taken under this bill to the Federal reserve bank and money borrowed upon it or a note issued upon it.

Mr. HARDWICK. If the Senator will pardon me——

Mr. SIMMONS. I do not mean that not a single one of them can be taken to the banks and discounted or notes issued against them. If they reach the bank at all under the present banking law or under this bill they have got to be presented by a member bank. There is a provision allowing certain corporations to go directly to the Finance Corporation and secure advances, but the bonds which are issued to raise the money to make those advances have got to come to the Federal reserve bank through the intervention of a member bank.

Mr. HARDWICK. I did not dispute that.

Mr. SIMMONS. Therefore, if the Senator will pardon me, it is true that we have in no way interfered with or disturbed the present Federal banking system except to make a certain class of bonds, to wit, those of the Finance Corporation, available or eligible for advances.

Mr. HARDWICK. Undoubtedly, but the exception is the kernel of the whole matter. Undoubtedly you have not disturbed the Federal bank reserve system except in providing that the bonds of these industrial corporations that go through your Government corporation and then through the Federal reserve in most instances into a member bank shall be received at the Federal reserve bank as a basis for loans and as a basis for this currency.

Mr. NORRIS. Mr. President——

Mr. HARDWICK. Just one moment, if the Senator will let me finish the sentence, and then I will yield. It is the difference between tweedledum and tweedledee. You do not change the proposition one iota, because you create a Government corporation, and say that the reserve shall go through it, but when they go through it they go through the member bank and finally into the Federal Reserve System and shall be there accepted as a basis of loans by the Federal reserve banks. In other words, you enlarge the volume of securities and you change the character of security upon which the Federal reserve banks may make loans. Now, you have done it indirectly through the intervention of this highly unnecessary corporation. If you are going to do it indirectly through the intervention of this corporation, why could you not do it directly by changing the law? That is the question that I have asked throughout my remarks, and that is the question to which my mind has been directing itself throughout my consideration of this entire bill, and the questions revolving about it and that are represented in it. Now, I yield to my friend from Nebraska.

Mr. NORRIS. The Senator is asking a question that has troubled me ever since I have given any consideration to this bill, and since it has been under debate. He has practically answered the question I wanted to ask. In answer to the question of the Senator from New Hampshire, why we could not have amended the Federal reserve act and avoided this intermediary corporation, the answer is made by the Senator from Oklahoma, that the Federal reserve bank wants to be liquid, and consequently can not handle these bonds. As I understand the pending bill, it would not have much if any virtue left in it if there was not an indirect way by which the bonds of this corporation will eventually get into the Federal reserve bank and currency be issued on them.

Mr. HARDWICK. Undoubtedly; which is an indirect way instead of doing it directly.

Mr. NORRIS. Instead of doing directly the thing which they say is going to be done without injury to the Federal reserve banks.

Mr. HARDWICK. They say you can not do it directly, because you impair the liquidity of the Federal Reserve System, but you can do it indirectly through this governmental system and not impair the liquid character of the Federal reserve securities. I say it is utterly absurd, with all respect to the gentlemen who make the contention.

Mr. NORRIS. What is the advantage of the $4,000,000,000 of bonds that this corporation is authorized to issue unless eventually those $4,000,000,000 of bonds, or whatever amount may be issued, will reach the Federal reserve banks and Federal reserve notes be issued for them?

Mr. HARDWICK. That is the purpose of it. There can be no question about it.

Now, Mr. President, I want to conclude. I have said really more than I intended to say about the bill, and, as I said just now, I am afraid if I keep on I will express, before I get through, my real sentiments about it. I am utterly opposed to it. It is wholly unnecessary. No man can bludgeon me into supporting a proposition like that on the ground and for the reason that it is necessary to do it in order to win the war. My mind revolts as a matter of common sense against any such contention as that. If we are going to comply with somebody else's views about what is the best way to do this, it may be necessary to create another governmental corporation, with more employees, with more power; and it may be necessary for the Government to dip its fingers still further in the conduct and control of business from another and different angle; it may be necessary for people who want to build up on every line and from every angle autocratic administrative powers; but from my standpoint, opposed as I am to that movement and believing as I do that the time has come and has been here for some time when it ought to be checked, to some extent at least, it is utterly impossible for me to accept any such contention as that or to support any such measure. I do not think that even John Law, the canny Scotchman who once dazzled and bamboozled France, ever dreamed of a scheme quite so Utopian and quite so full of financial possibilities as this measure is, and my own idea is that it could have been born in no other brain except the fertile brain of a trained Wall Street promoter.

Mr. SIMMONS. Mr. President, I think the matter pending before the Senate is the amendment offered by the Senator from New Hampshire [Mr. HOLLIS].

The PRESIDING OFFICER. That is the pending question.

Mr. SIMMONS. I have conferred with some members of the Finance Committee, and after a conference with them, and especially with the Senator from Utah [Mr. SMOOT], who had somewhat vigorously opposed the amendment, I am authorized on behalf of the committee to accept the amendment offered by the Senator from New Hampshire.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. HOLLIS] to the amendment of the committee.

Mr. HARDING. Let the amendment be stated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 9, in the committee amendment, line 19, before the word "firm," the first word in the line, insert the word "person" and a comma, so as to read "to any person, firm, corporation, or association."

Mr. GALLINGER. Mr. President, before the amendment is disposed of I want to say that, as a very humble member of the Committee on Finance, it never occurred to me that the committee was legislating for the capitalists of the country as against the common people of the country, nor do I think that the exclusion of the word "persons" would bear out a charge of that kind.

There is a great deal in this bill which is designed to benefit the people of small means in the United States. I called attention the other day to the fact that there are almost $5,000,000,000 of money deposited in the mutual savings banks of this country, and that there are in those banks about 9,000,000 depositors. I called attention also to the fact that in all the savings institutions of the country, mutual and otherwise, there are over $16,000,000,000 of money; and if the same proportion exists as to depositors there are 36,000,000 individual depositors, all of

whom it was designed should be benefited by the passage of this bill; and they will be benefited to an extent that is very desirable.

Mr. President, that is an important consideration, showing that the committee were mindful of the interests of the people of small means in the United States. These 36,000,000 depositors, if there are that many—and, mathematically considered, there must be nearly that many—have deposited between $400 and $500 each in the savings banks; and they are taken care of.

As a member of the committee I did not notice particularly that the word "persons" was stricken from the bill; but I assume that it was done upon the assumption that, as there are, outside of these 36,000,000 depositors, about 75,000,000 other persons in the country, if it were left open for every citizen to make a raid upon this corporation there would be a great deal of disappointment; that it would be utterly impossible for the corporation to yield to the demands; and I can see no reason for keeping the word out. I do not think it will do much harm one way or the other, and I have great faith that if this bill becomes a law, in whatever form it may ultimately assume, the men who are at the head of this corporation will have sense enough to use wise discrimination, and that they will not expend the money of the Government, which must ultimately come from the pockets of the taxpayers, in aiding unworthy persons who perhaps are wanting to secure money for speculative or other purposes of that kind. So I am rather glad that the chairman of the committee, after consultation with some members of the committee, has concluded that it is wise to accept the amendment offered by my colleague [Mr. HOLLIS].

Mr. SMITH of Michigan. Mr. President, the Federal Reserve System, in my opinion, is performing a tremendously useful function to the country. I will say that gladly, because I did not vote for the law, and yet I believe it has really been of tremendous use to the country, especially in this crisis. I think if I were to denominate the most important law as a matter of national defense which has been passed by Congress in several years, I would have to place the Federal reserve law first.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. MCKELLAR in the chair). Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. SMITH of Michigan. I do.

Mr. GALLINGER. As I recall the matter, the Senator from Michigan was very warmly and earnestly in favor of the so-called Aldrich-Vreeland Act, which really was the basis for the Federal reserve act.

Mr. OWEN. Mr. President——

Mr. SMITH of Michigan. I thank the Senator from New Hampshire, who recalls our efforts to set the national financial house in order.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. SMITH of Michigan. I shall yield in just a moment. If Senators will recall, I had something to do with stripping the emergency currency act of one of its great weaknesses, which was the provision allowing the Secretary of the Treasury to take certain bonds of railroads and to capitalize them into liquid money. I made a fight on this floor against this unwise discrimination; and if that provision disappeared from the bill, I will take my share of responsibility for it. But—and I will yield in just a moment—we have 12 Federal reserve banks, every one of them competently managed. We are now proposing to take away from those 12 banks the judgment and the experience and the sound sense which has given to that system an excellent reputation, and we are forcing obligors under certain contracts throughout the country to go to one source for money. I heard—I think I heard, but I will take it back if I am wrong—I think I heard the Senator from Oklahoma [Mr. OWEN] say many times while we were discussing the Vreeland-Aldrich bill that his criticism of the measure was due to the evident purpose of the act to monopolize credits and control, through a single bank, the money market. Am I wrong? The Senator from Oklahoma did not favor one central bank; and yet this proposed legislation centralizes more power in a gigantic financial corporation than could be found in the centralized national bank that Mr. Aldrich and Mr. Vreeland advocated. Yes, many times more; and yet do we look upon it with equanimity.

Mr. OWEN. Mr. President——

Mr. SMITH of Michigan. I yield to the Senator from Oklahoma.

Mr. OWEN. I rose to correct what I thought was an error in the statement of the Senator from New Hampshire [Mr. GALLINGER] that the Federal reserve act was based on the Vreeland-Aldrich Act. The Vreeland-Aldrich Act had one merit; it did provide for a quick expansion of currency against assets. Its objections were pointed out by me in 1908 on this floor in a three-hours' discussion of the bill.

Mr. SMITH of Michigan. I recall the Senator's attitude.

Mr. OWEN. But the beginning of that element in American history, so far as I know, was in a measure which I myself drew in 1900, and which was presented on the floor of the Senate by James K. Jones—a record of which I put into the CONGRESSIONAL RECORD in 1908. The merit of the Vreeland-Aldrich Act was that it adopted that principle, a principle, however, which comes really from the Imperial German Bank, which, as a matter of statute, permits the issuance of quick money against assets under penalty.

Mr. SMITH of Michigan. Why, Mr. President, the Senator from Oklahoma and no other Senator on this floor could compare the proposed Vreeland-Aldrich Act in its power of monopoly in monetary affairs with the power which is proposed to be conferred by this bill.

Why do we not amend the Federal reserve act? It could be easily amended. The Senator from North Carolina [Mr. SIMMONS] talks about that act dealing with liquid assets. Of course it deals with liquid assets. Congress can, however, enlarge its scope and broaden its field of usefulness to meet present necessities. Why do you propose to force these people to come to the Secretary of the Treasury and to four other men? Is it to give the Secretary of the Treasury supervisory power over the industrial and commercial affairs of our country? And he has unlimited power in this bill. I am not criticizing the present Secretary of the Treasury; I would speak of any other Secretary of the Treasury in similar vein. I am talking of the office. The unblushing truth about the matter is that it is desired to concentrate this tremendous power in that office.

I would prefer to spread the power out among the 12 Federal reserve banks of the country, the regulation for the conduct of whose business is made by this board sitting in Washington. Yes, as the Senator from Utah [Mr. SMOOT] says, the original bill shows that the Secretary of the Treasury wanted this vast power, for in the bill, as it came down from the Treasury Department, it contained vastly more power of control over business men than it does now and provided for giving a regulatory veto upon the enterprise and the initiative of citizens by saying that they can do no business until they have obtained the permission of the Secretary of the Treasury, which is such a restraint upon business as I believe will have a most unfavorable and unfortunate effect upon the country.

Mr. President, I want to go along and do the appropriate thing to maintain the national solidarity, to help in every possible way to maintain the national credit; but, really, I think that this is a tremendous and far-reaching power. I think it could, with great propriety, be left to the men who are now engaged in sifting from among the assets of borrowers the good from the bad, bringing experience and sound judgment to the task; and yet, while I did not rise to address myself at any length to this provision, I favor amending the Federal reserve act for this purpose and delegating the authority to extend these credits to the regularly organized Federal reserve banks.

Mr. SIMMONS. If the Senator will allow me to interrupt him, I will say that that is a mere phase of it; that is not the fundamental question here at all.

Mr. SMITH of Michigan. It is the fundamental question.

Mr. SIMMONS. It is not the fundamental question. The fundamental question is, Where are you going to get the money to loan to these institutions?

Mr. SMITH of Michigan. I am frank to say to the Senator from North Carolina that I do not know.

Mr. SIMMONS. That is the question.

Mr. SMITH of Michigan. I do not know; it must be found by some one to avoid ruin.

Mr. SIMMONS. It has got to be found in this way.

Mr. SMITH of Michigan. It has got to be found somewhere, that is certain.

Mr. SIMMONS. The Government has either got to loan these people money directly out of the Treasury or it must establish a corporation of this character for the purpose of performing a function which it would be inconvenient for the Treasury to perform.

Mr. SMITH of Michigan. I differ with the Senator as to detail.

Mr. SIMMONS. If the Senator will pardon me, of course the Government can get the money into the Treasury by taxation or by selling its bonds, and loan it to these people directly; but I do not believe anybody would think it desirable for the Government to make loans to the private industries in this

country. The purpose of this act is largely to set up an institution which can act for the Government, without requiring it, through the Treasury, to act as a securities broker.

Mr. SMITH of Michigan. Well——

Mr. SIMMONS. Now, if the Senator will pardon me, in order to carry out that theory we start this corporation by appropriating $500,000,000 out of the Treasury and putting it into the hands of this corporation. This act authorizes the corporation to issue and sell its bonds for the purpose of getting money to supplement the $500,000,000 and as additional funds are needed.

We have argued, and it is true, that just at this time the banks are discriminating against the character of security these essential war industries and corporations are able to offer, and in favor of commercial institutions not doing war work but whose securities are of a more liquid character.

Mr. SMITH of Michigan. On short-time paper.

Mr. SIMMONS. On short-time paper. Now, the banks can get credit on this from the reserve banks, on the commercial paper, but not on the long-time paper of these industries.

Mr. SMITH of Michigan. But they can get it.

Mr. SIMMONS. They can get credits and funds to buy liberty bonds and to carry on the ordinary commercial business of the country, and this bill provides a way for them to get credits on long-term paper also.

Mr. SMITH of Michigan. But they can get the money, and they can get it from the Federal reserve bank if the act is amended.

Mr. SIMMONS. No.

Mr. SMITH of Michigan. If we will authorize the Federal reserve banks to loan to member banks upon this kind of security, they can get the money, and the loans will be supervised by men of skill and experience in 12 different geographical subdivisions of the country. No bank would like to borrow for 90 days on a long-time unliquid security.

Mr. SIMMONS. Let us see if they can. Suppose you do that, if the Federal Reserve Board should authorize the Federal reserve banks to issue up to the limit, to issue as much money as they may issue under the present law under the gold-reserve limitation, does the Senator think the amount would be sufficient to meet the demand? Besides a bank would hardly think it safe to give it 90-day obligation secured by long-term unliquid securities.

Mr. SMITH of Michigan. I think that is where you are ultimately going to land.

Mr. SIMMONS. No.

Mr. SMITH of Michigan. I think you are going to land in the present national banking system in spite of yourselves if you get any liquid money with which to do business. I do not know where else you can go.

Mr. SIMMONS. I am not able to say just at this moment exactly what amount of note issues the gold reserve would cover. The Senator from Oklahoma [Mr. OWEN] knows that the Federal reserve bank has no authority to issue notes against any kind of paper unless that paper is covered by 40 per cent of gold. Is not that true?

Mr. OWEN. Yes.

Mr. SIMMONS. Now, my understanding is that there is not enough gold in the Federal reserve banks to allow of the issue of probably more than a billion and a quarter dollars of notes by the Federal reserve banks.

Mr. SMITH of Michigan. If that is so, we are approaching a period of the wildest kind of inflation.

Mr. SIMMONS. The Senator says that these industries can take their paper to the Federal reserve bank and get the money. This paper will amount probably to $4,000,000,000 or $5,000,000,000. They will have to have that amount; and the Senator says they can take these notes, amounting to $5,000,000,000, and go to the Federal reserve bank and get the money. I say they could not do it if the act were so amended as to allow it, not only because of the limitation as to the gold reserve but because of the unliquid character of the securities. But suppose the Senator is right, suppose the gold reserve is sufficient to float four and a half billions of dollars, reserve-bank notes, and that that amount of currency should be issued on these securities, does not the Senator think that would be dangerous inflation of the currency?

Mr. SMITH of Michigan. I do; and I would be very sorry to see it done; but I am not going to run so far away from the question of issuing asset currency against good bills for short time as to bring about any such situation as the Senator describes. I think we are straining the gold reserve tremendously under the plan we are now pursuing, and I think this bill will strain it further. We will be obliged to resort to some form of monetary expansion, but I do not want that done on the ipse dixit of the Secretary of the Treasury and one or two other men. I would rather have the sifting process performed by the regularly established Federal banking system of the country.

Mr. SIMMONS. Let me ask the Senator this question: Is it not true that the banks of the country at this time are in a condition that makes it impossible for them to adequately finance the business of this country?

Mr. SMITH of Michigan. I think the banks have gotten along very well with it thus far.

Mr. SIMMONS. Does not the Senator know——

Mr. SMITH of Michigan. Wait a moment. I think they have gotten along very well with it thus far. I think perhaps, unless the Government finds it necessary to put out a form of security drawing a larger rate of interest than banks now pay for deposits, that they may be able to hold their deposits and meet the ordinary, indeed the extraordinary, demands upon them for money; but why put this added weight upon the bent shoulders of the Secretary of the Treasury. I am willing that they should make the regulations; I am perfectly willing that this board should make any regulations necessary, but I should like to have the sifting process go on through the regular banking channels and not become the object of the personal desire and favoritism of any political officer of the Government. The country must not lose faith in the Treasury Department; why tempt it into these untried fields, the end of which no man can foresee? I think the Secretary is doing his best, the problems are new and vexatious, why should we not distribute this responsibility and thus quicken public confidence?

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. SMITH of Michigan. Certainly; I am through.

Mr. OWEN. I think it quite important, in considering the matter which the Senator has been discussing, to determine what is the volume of the maturing obligations. I do not really know; but I understand it is about seven hundred million or eight hundred million dollars altogether.

Mr. SIMMONS. No; I think it is about $1,000,000,000, though I am not quite sure.

Mr. OWEN. What is the authority for that statement?

Mr. SIMMONS. The testimony before the committee.

Mr. SMITH of Michigan. That does not include railroad bonds.

Mr. SIMMONS. I do not think it includes railroad bonds.

Mr. SMITH of Michigan. It includes only public-utility and public-service bonds. If you add the railroad bonds maturing, you will get several billion dollars.

Mr. SMOOT, Mr. SIMMONS, and Mr. WATSON. Oh, no!

Mr. SMITH of Michigan. Well, I am talking about the full scope of this act, which includes munition plants, copartnerships, and individual obligations the country over, coming within the broad scope of this bill.

Mr. SIMMONS. The railroad bonds will add two or three hundred million dollars more.

Mr. SMOOT. They will add much more than that.

The PRESIDING OFFICER. To whom does the Senator from Michigan yield?

Mr. SMITH of Michigan. I yield to the Senator from Oklahoma, because he rose first.

Mr. OWEN. I was merely making the inquiry with regard to the actual amount which would be required, because the bill provides for eight times as many bonds as the original amount of the capital, which would make a total of $4,500,000,000.

Mr. SMOOT. The testimony shows——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. SMITH of Michigan. Certainly.

Mr. SMOOT. The testimony shows that the maturing bonds of all railroads, public-utility corporations, and institutions known to issue bonds regularly for their going business amount to two billion five hundred and odd million dollars.

Mr. SMITH of Michigan. Coming due when?

Mr. SMOOT. Within the next two years.

Mr. OWEN. I think, however, that institutions in the regular business of issuing bonds for their going business ought to be cut out of this.

Mr. SMOOT. It is well enough to say that they ought to be cut out of this, but they would not have been cut out if the Government had not monopolized the money market. They must have credit in order to refinance those bonds, and they can not get the money to do so.

Mr. OWEN. It was not refinancing the Senator referred to.

Mr. SMOOT. Oh, yes.

Mr. OWEN. Oh, no; I beg the Senator's pardon.

Mr. SMOOT. That is what I referred to.

Mr. OWEN. I beg the Senator's pardon. The point I was making was that those institutions that were merely issuing bonds for the expansion of their business ought not to be included in this.

Mr. SMOOT. I had no reference to new issues at all; I had reference to bonds that were already issued and that would mature in the next two years.

Mr. SMITH of Michigan. Now, the Senator is taking public-utility and public-service corporation bonds.

Mr. SMOOT. And railroad bonds.

Mr. SMITH of Michigan. But he has not taken the obligations of any firm, corporation, or association conducting an established and going business whose operations are necessary to the prosecution of the war. It will be necessary to add the amount they require to this tremendous sum; and I want to tell you, Senators, that rather than place that power in the hands of two or three individuals, who may exercise their personal whim and favoritism, I would prefer to have this whole question sifted in 12 Federal reserve banks scattered throughout the country, who have the power and the capacity and the organization to pass upon these questions. Why do we ignore them in an important matter like this, when we have sought to concentrate our entire monetary strength in the Federal Reserve System? I do not know why it is done. Do other Senators? There is the possibility of the most intense favoritism under this bill.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. SMITH of Michigan. Certainly.

Mr. SMOOT. Mr. Warburg, of the Federal Reserve Board, testifying as to the obligations that would fall due for the year 1918, made this statement:

> Mr. WARBURG. The total of maturities for this year amounts to $700,000,000.
>
> Senator GORE. That is, in the year 1918?
>
> Mr. WARBURG. Yes, sir; in the year 1918. Of that, $214,000,000 are railroad, $224,000,000 are public utilities, $182,000,000 are industrials, $120,000,000 are State, county, and municipals, and $58,000,000 are companies in Canada, Cuba, and Mexico, a total of about $800,000,000.

Then, on the following page, he states the months in which the amounts will fall due and the amounts which will fall due each month. Then, in another exhibit that was presented to the committee, he made this statement:

> The best available figures showing the totals of financial issues in the United States exclusive of foreign loans, for the four years prior to America's entry into the war, are as follows:
>
> Corporate financing, $1,864,000,000; State, county, and municipal financing, $696,800,000; or a grand total, on the par value of 1916, of $2,560,800,000.

Mr. OWEN. That is just of financial issues, of course?

Mr. SMOOT. Yes.

Mr. OWEN. But I am astonished to see that the total amount of these maturities during the year 1918 is only $800,000,000, while this bill provides for $4,500,000,000. What is the explanation of that?

Mr. SMITH of Michigan. The bill authorizes the issuance of bonds to the extent of eight times the capital stock of the corporation, or $4,000,000,000; would it not be better to send this whole matter to the reserve banks?

Mr. SMOOT. Why, Mr. President, there has to be, and is going on to-day, a great expansion of the industries of the United States. Congress has already passed a law authorizing the War Department and the Navy Department to advance one-third of the contract price for the manufacture of munitions of war and war material.

Mr. OWEN. That is, in addition to this.

Mr. SMOOT. In addition to this.

Mr. OWEN. How much is that?

Mr. SMOOT. No one can tell, Mr. President.

Mr. OWEN. I thought the Senator knew.

Mr. SMOOT. No; no one can tell, because there has been no report made yet.

Mr. SMITH of Michigan. It runs into many billions; I said a few minutes ago several billions. I think it is somewhere near right. I know it will run into large figures very fast.

Mr. SMOOT. I will say to the Senator that the object that the Secretary of the Treasury has in advocating the passage of this bill is to do away with all of these advances to contractors, and that all of the institutions of the United States that have to be assisted in the way of expansion to provide the necessary requirements of the Government for war materials of any kind shall receive assistance through this corporation.

Mr. SMITH of Michigan. Mr. President, I am not going to continue to occupy the floor because I do not feel that I ought to; but I will request, in a way, what I said when I rose—that this power to make advances directly does not appeal to me at all. I think there is great danger in it. There is great chance of favoritism in it. There is too much power over private business in it, in my judgment, to be vested in any single tribunal. I should much prefer to see the entire situation met in another way, and that by amendment of the Federal reserve bank act, which, I think, could be done in one day's time here if the personal ambitions of men could be subtracted from this situation.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. SMITH of Michigan. Certainly.

Mr. McCUMBER. The Senator has voiced a very fine eulogy upon the management of the Federal reserve banks. Two of the directors of the Federal reserve banks came before the Committee on Finance, and both of them testified to the necessity of a law of this character. Both of them regarded the subject as too great to be handled by the Federal reserve banks under the present condition.

A great deal has been said about giving the Federal reserve banks the power to issue their money, and so forth, upon these ordinary long-time credits and to loan money upon them. The Senator knows that the experience of the banking business for 200 years has demonstrated the danger of long-time securities. The Government can carry those securities. The bank, if there is a run on it, can not reach its hands into the pockets of the people and get their money. The Government can. The bank must depend upon paper which it can liquidate in a very few days, something that will quickly become due. The Government does not have to do that, because it can, by tax law, say to the people, "You must give us that amount of money," and it will take it from them. You can not make a run upon the Government; you can upon a bank.

The point that I want to make is this: In the present condition of the money market, in view of the fact that the Government has preempted that market for every possible dollar that can be obtained for the purpose of selling its bonds, it was thought absolutely necessary by the Secretary of the Treasury, upon the advice of the very men that the Senator is extolling—the members of the board of directors of the Federal reserve bank—that some such measure as this should be enacted.

Mr. SMITH of Michigan. I will answer the Senator. In the first place, I was not referring to the general board of the Federal reserve bank at all. They make rules and regulations, but their function is generally a supervisory one. I was talking about the units composing the system, men of banking experience and experienced in credits, who are thereby enabled to pass upon the securities and paper offered for discount. I have nothing to say in criticism about the general board; they are honorable, able men; but I would very much prefer to leave these discounts to the Federal reserve banks.

With reference to long-time paper, the Senator knows that under our State banking laws about one-half, I think, of the deposits of State banks are invested in long-time securities; and we are obliged to do it under the law.

Mr. McCUMBER. The national law extended it so that they could take, I think, 25 per cent.

Mr. SMITH of Michigan. The national law has been changed; but in the States we loan upon real-estate mortgages practically, and they run for a long time. The longer they run the better they are, if the security in the first instance is good; so that the liquid character of that form of assets can not be questioned.

Now, I want some relief for these people. I am as anxious for it as anyone else. I want to maintain our monetary structure in all its strength and security, but I do not want to open the door to special favoritism. I do not want to leave in two or three hands the discretionary power to loan $4,500,000,000. I dislike to leave that in the hands of two or three people, and I think the same result could be accomplished in a better way.

Mr. McCUMBER. I agree with the Senator, if he will allow me. None of us would wish to vote for a bill of this kind. We have had to put very many measures through the Senate and the House which we never would have put through except under a most urgent condition, where we have had to centralize power. I certainly would not vote for a bill of this kind if I did not think it was necessary; and, while it does not in all respects conform to my own views, I believe that in the present financial condition, with the necessity for not only raising enormous sums of money by taxation but in addition to that raising billions upon billions by the sale of bonds, we have so monopolized the market that there will need to be something to steady that market and to hold up the credit of the country in such a way that we will be able to sell at par our long-term bonds bearing a low rate of interest.

Now, I would not be governed by my own judgment. I am governed by the judgment of the Secretary of the Treasury, which is supported by that of practically all of the financial

men in the country, and especially those in charge of the great Federal reserve banks. I believe it is necessary.

Mr. SMITH of Michigan. Mr. President, the Senator from North Dakota is one of the soundest men in this Chamber, and has a reason for everything he does, and I respect him very highly. I have gone along with him in meeting this extraordinary crisis in the country's affairs in a liberal and a broad and, I was almost going to say, a reckless way. But when we come up to a situation like this, dealing with the money of the country and its credit, I must say that I approach with a great deal of trepidation a proposition with such possibilities in it as there seem to be in this measure. This corporation may loan eight times its capital—$4,500,000,000. When you go to that board and ask for money, what are they going to give you? They have got to give you something with which to pay your debts. They can not give you the morning Post or the Evening Star. They have got to give you money, and they have got to give you current money that will pass for taxes and for other obligations. Where are they going to get that money; where are they going to get it?

Mr. McCUMBER. Mr. President, may I answer that question?

Mr. SMITH of Michigan. Certainly.

Mr. McCUMBER. They will not, in all instances, have to give money.

Mr. SMITH of Michigan. Then there will have to be a moratorium.

Mr. McCUMBER. The fact is that the only money they have to give is the $500,000,000 which we vote, and such sums as may be paid back again. That is all the money they have to spend. But, now, here is an institution. It has a certain character of paper—paper that it can not possibly take to the bank. It may be too long-term paper. It can not take it to even the Federal reserve bank and get currency on it.

Mr. SMITH of Michigan. Or it may be for too large an amount.

Mr. McCUMBER. Now, just let me explain. What will the Treasury do? "If you need a million dollars and take a million dollars of these bonds, we will take those bonds in trade for your paper."

Mr. SMITH of Michigan. That is, the corporation's bonds.

Mr. McCUMBER. Yes; the corporation's bonds. Then, the corporation's bonds can be taken by the institution to a Federal reserve bank, and the Federal reserve bank can issue currency thereon. In that way, and in that way only, can they get currency on the bonds.

Mr. SMITH of Michigan. How much of this kind of obligation does the Senator think will be presented to the Federal reserve bank?

Mr. McCUMBER. Of course the limit would be $4,000,000,000; but in addition to that limit, as has already been explained by the chairman, there is another limit, that the issue altogether must be supported by 40 per cent in gold. Therefore, for each billion dollars that they can issue there would have to be in the Treasury of these banks $400,000,000 in gold, and if they issue the full extent of $4,000,000,000 they must have 40 per cent of that, or $1,600,000,000, in gold in the treasury of the Federal reserve banks.

Therefore I do not think it possible that there can be an inflation of $4,000,000,000 upon these bonds, because the entire amount of gold in the United States, I think, is only a little over a billion dollars now.

Mr. SMITH of Michigan. Mr. President, the Senator is in fairly good health and he has a new certificate of election. I prophesy that before very much time goes by Congress will change the present necessary gold reserve to a new basis, and you will change it before very long. We can not protect our monetary system from inflation and exercise the full powers provided in this bill. When once the door is open for big borrowers to get relief from the Federal Treasury there will be no limit to their desires, and each step will make it more difficult to stay their hand. I think we are courting trouble and that bad results will follow our action. Other and better methods should be employed to aid these people.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. GERRY obtained the floor.

Mr. HOLLIS. Mr. President, if the Senator from Rhode Island will pardon me, there is one other amendment that I said I would offer if this was adopted, to the same effect.

At the beginning of the paragraph, where the word "corporation" occurs, I move to insert, before the word "corporation," the words "person, firm," and then, after the word "corporation," the words "or association."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 16, page 9, before the word "corporation," it is proposed to insert the words "person, firm," and, after the word "corporation," to insert the words "or association," so that, if amended, it will read: "to any person, firm, corporation, or association owning or controlling (directly or through stock ownership)."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from New Hampshire to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the committee amendment as amended.

Mr. HALE. Mr. President, I have an amendment to offer to the committee amendment.

The PRESIDING OFFICER. The Chair will say to the Senator from Maine that the Senator from Rhode Island [Mr. GERRY] has already been recognized, and yielded merely for the purpose of having this amendment agreed to. The Chair now recognizes the Senator from Rhode Island, and the Senator from Maine will be permitted to offer his amendment just a few moments later.

Mr. GERRY. Mr. President, when the Senator from New Hampshire [Mr. HOLLIS] was discussing this bill the other day he referred to the revenue bill which was passed last October, and objected because he said only one-third of the revenue was raised by taxation, and he did not think that was a sufficient amount.

In the New York Times of to-day there is an article on the first page which shows that the cost of running the war for the past three months has averaged about a billion dollars a month, and that one-third of that amount in January was the amount expended for our allies. I find upon investigation that during the past eight months of the fiscal year about $7,000,000,000 has been expended, and that three billion and something over three hundred million dollars of this amount was loaned to the allies. Therefore, I think it is safe to assume, as the Senator from New Hampshire did, that our total expenditures for the fiscal year ending in June will amount to $12,000,000,000. Out of that amount about one-third is money that will be loaned to our allies for their expenditures, making the amount paid by this Government for its own account about $8,000,000,000. If we raise $4,000,000,000 in taxation, as the Senator from New Hampshire suggests—and I think he is right on that; in fact, I think he is conservative; we will probably raise more than that—these figures clearly show that we shall obtain at least 50 per cent of our expenditures in this country from taxation alone. That is a greater amount derived from taxation than any other country has attempted in this war, and, in fact, a greater proportion than I believe has ever been raised by any country in any war.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. The Chair has stated that he would recognize the junior Senator from Maine to offer an amendment.

Mr. HOLLIS. I understood that this question was addressed to me. I can answer it in two minutes, or give my idea of it. I do not desire to engage in any controversy, but merely to make a reply to the Senator.

The income of a Government is like the income of a person in that it depends upon what he is earning and what he can borrow.

The amount that he can borrow depends upon the amount that he is earning—that is, upon his income. A bank will loan a large amount of money to a man who is in business with but little capital if he can show that his earnings are high.

Now, it makes no difference in financing the war whether we raise money and spend it for the purposes of our own Army and Navy, or whether we raise it and loan it to other countries to spend for their purposes when they expend it in our country. Therefore, if we spend for both purposes $12,000,000,000 in this year and raise $4,000,000,000 in taxes, we are raising one-third of the total expenditure; and that that is not enough is shown by the fact that we can not borrow at a reasonable rate as much as is necessary to carry out our intentions in this war.

Mr. GERRY. Mr. President, if the Senator will yield, he will admit that our allies will pay us back this $4,000,000,000 that they have borrowed from us.

Mr. HOLLIS. I do not admit it. I hope so; but we will get it back so late that it will not do us any good. If they could pay us back at once, they would not be borrowing from us. We are spending that money just as much as if we hired their armies and their navies and paid the bills. It is just as hard for us to get it; and when we need such a vast sum over and

above what we get in our income, we have to pay more for it than we ought to pay.

Mr. GERRY. The Senator will admit, then, that we may have to pay more at the present time, but that that money will be paid back, and that what he really is recommending, is that we should have a higher percentage raised by taxation than 50 per cent

Mr. HOLLIS. No; because when we loan it to our allies to spend it is exactly the same as if we spent it ourselves. I have a certain amount of money. It does not make any difference whether I spend it or give it to my family to spend; it will be spent, and I have to borrow more to take its place. It may be that at some time my son will be able to support me in my old age and pay it all back; but it is just as hard for me to borrow it now as if he never were going to.

Mr. GERRY. The Senator does not think that when we loan money which is to be repaid us in the future it is the same thing as giving it away?

Mr. HOLLIS. I hope we are not giving it away. We have given away several hundred millions to Russia. I hope we are not; but it will not do us any good as a quick asset when we get it back in 20 or 30 years.

Mr. SMOOT. Mr. President, in that connection I simply want to say that if we had placed a greater tax upon the industries of this country than we have already placed, we would simply have to advance more money through this bill, if it becomes a law, than we otherwise would. So, Mr. President, it only amounts to this—whether we shall make these loans to the institutions of this country, or whether we shall by direct taxes take money from the institutions of this country when it is absolutely impossible for them to run under present conditions with the tax already imposed.

Mr. HOLLIS. Mr. President, this is a fruitful topic for discussion. I will yield now to the Senator from Maine.

Mr. HALE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the words proposed to be inserted by the committee, on page 10, at the end of line 7, the following words:

And provided further, That the corporation shall file quarterly reports with the Secretary of the Senate and Clerk of the House of Representatives, giving the name and place of business of the firm, corporation, or association to which such advances have been made under the provisions of this subdivision, the amount advanced, the terms, and the security accepted therefor.

Mr. GALLINGER. Mr. President, the Senator ought to put in the word "person," I think, as we have amended the bill.

Mr. HALE. Yes; the word "person" should be inserted.

The PRESIDING OFFICER. Without objection, the amendment will be modified so as to include the word "person."

The SECRETARY. So as to read: "That the person, firm, corporation, or association," and so forth.

Mr. HALE. Mr. President, I do not think it is necessary to make any explanation of this amendment, and unless some Senator desires to discuss it I shall not speak further upon it. The chairman of the committee, I understand, is willing to accept it.

Mr. SIMMONS. Mr. President, on behalf of the committee I will accept that amendment.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Maine to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SIMMONS. Mr. President, before we adjourn I want to put in just a brief statement by the governor of the Federal Reserve Board with reference to this bill. It is very brief, and I will read it.

Speaking of this particular bill, he says:

This particular bill has never been sent to the Federal Reserve Board for its consideration, and the board, therefore, has not taken any stand regarding it, either favorable or otherwise. The board, however, is interested in the objects which the bill seeks to attain, and is impressed with the importance of some measure of relief for the securities market.

Mr. OWEN. Mr. President, who was making that comment?

Mr. SIMMONS. Mr. Harding, the governor of the board.

Mr. OWEN. That this bill was never sent to the Federal Reserve Board?

Mr. SIMMONS. He says that the Federal Reserve Board has never acted upon this bill.

Mr. OWEN. I see.

Mr. SIMMONS. He says:

Some time ago the board adopted a resolution putting itself on record that some governmental intervention was necessary in order to take care of this situation, and it threw out the same idea in its annual report to Congress, which was submitted about two weeks ago.

The CHAIRMAN. Do you mind giving us the benefit of your individual opinion as to the necessity for legislation of this sort?

Mr. HARDING. I think that legislation providing for Government aid is absolutely essential.

Mr. President, I do not think it is a question whether the banks can finance the situation, because I do not understand that anybody familiar with the financial situation of the country believes for a minute, even if the powers of the Federal reserve banks with reference to the discount of paper and issue of notes were broadened as far as can safely be done, that the banks would be in any position to take care of the present financial situation. I think the Senator from Michigan and others who have spoken this evening have entirely misunderstood the general purpose of this legislation. This legislation is based upon the theory that it is necessary for the Government to come to the relief of the money market of the country and to loan the money that is necessary to finance these institutions that can not secure relief through the banks. The question, therefore, is simply one whether the Government shall issue Government bonds, put them on the market and sell them, and thereby further contract the abilities of the banks and the general investment security market to meet the situation, or will the Government extend this necessary aid through the intervention of a corporation of which it is the sole stockholder, authorized to issue bonds, and put them upon the market and sell them for the purpose of getting money.

It is not intended that all these bonds shall be exchanged for securities. Nobody proposes that. There is lodged in this corporation the authority to sell its bonds upon the market—the bonds, it is true, of a corporation, but of a corporation of which the Government is the sole and exclusive stockholder. So the Government is not legally bound for those bonds like its bonds issued through the Treasury Department. It is morally bound, and that moral obligation in this case is as strong and good as the legal obligation. Through the sale of those bonds money can be secured to add to the $500,000,000; but if the corporation is not able to sell its bonds, if an institution comes asking for aid, then the corporation can say, "I can not furnish you the money; the money is not in the Treasury, but I will furnish you my bond."

I merely wished to make that statement.

Mr. OWEN. Mr. President, I wish to ask the Senator a question. He says, very properly, that these bonds are a moral obligation of the Government. I wish to ask him, that being true, and it being true that the Government would be obliged by that moral obligation to have these bonds in case anything should happen with regard to the security of a corporation of an untoward character, would it not be better simply to put in a guaranty of the bond by the Government in the first instance, so as to give them the highest market quality possible?

Mr SIMMONS. Mr. President, I do not think the guaranty of the Government would add anything to the value of these bonds. If the Government is going to guarantee the bonds, it would be just about as well to lend them in the first instance.

Mr. OWEN. The Senator makes a distinction between a bond which is a moral obligation of the Government and a bond which is a legal obligation of the Government. If the Senator makes that distinction, then these bonds ought not to be used by the Federal reserve banks as a basis of issuing currency.

Mr. SIMMONS. I said that while that was a distinction it was practically a distinction without a substantial difference so far as the soundness of the obligation was concerned.

Mr. OWEN. There is a very substantial difference because, where the moral obligation exists it would necessarily lead to an appeal by the bondholders at some future time to the Government to make good any deficiency. But if the legal obligation exists in advance that matter is settled, and it will affect the market value of the securities. It would convert these bonds into what would be practically a quick asset, and there is always a good market for Government bonds at some reasonable figure.

Mr. SIMMONS. I do not share the opinion of the Senator that the Government would attach any more importance to a bond that it was legally liable for than to a bond it was morally liable for.

Mr. OWEN. The Senator misunderstands my position.

Mr. SIMMONS. I am afraid I do.

Mr. OWEN. I am not speaking about the significance which the Government would attach; I am speaking of the significance which the purchaser in the open market would attach to a bond which would be a legal obligation of the Government and a bond which merely had a moral claim on the Government.

Mr. SIMMONS. I do not think there will be any trouble about these bonds of the corporation. There is the moral responsibility of the Government behind it, commanding a price

in the market probably not as great but substantially as great as that of the bonds of the Government itself.

Mr. OWEN. I hope this matter will not take the attitude of being a mere difference of opinion between Senators on the floor, because this is a thing which will affect the Federal Reserve System in a serious way, and it ought not to be dealt with merely as a casual difference of opinion among Senators. It ought to be analyzed, and its consequences ought to be fully weighed before this legislation goes upon the statute books.

Mr. SIMMONS. I do not agree with the Senator that it will affect the Federal Reserve System in any harmful way. I think, however, what some Senators have suggested here this evening, to wit, to amend the Federal Reserve System so as to make these long-term notes eligible for discount, would very seriously impair the Federal Reserve System.

Mr. OWEN. That is another question entirely from the one I was raising on this particular bill. These bonds are put upon a parity with Government bonds as a basis of loan by the Federal reserve bank, and when that is done in this bill and then afterwards it proves that the market does not attach to these bonds the same quality it attaches to other bonds, the Federal reserve banks might have their assets impaired.

Mr. SIMMONS. I do not wish to prolong this colloquy. I think I understand the Senator's idea. His idea, as I understand him, is to have the Government guarantee these bonds. If the Senator desires to discuss that matter on Monday or when the bill is taken up again I shall be very glad to hear his views upon the subject. Now, merely upon the statement of the Senator, I do not think it would be advisable; but when the Senator elaborates his views about it and analyzes it, as I understand he intends to do, he may change my views about it.

Mr. OWEN. I realize the condition.

Mr. SIMMONS. I move that the Senate take a recess——

Mr. GALLINGER. Before the Senator makes that motion, may I suggest that he ask that the bill be reprinted with the amendments that have already been agreed to, so that we can see what shape it is in?

Mr. SIMMONS. I shall be very glad to do so. At the suggestion of my colleague on the committee, I ask unanimous consent that the bill be reprinted as amended.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

RECESS.

Mr. SIMMONS. I move that the Senate take a recess until 12 o'clock on Monday.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate took a recess until Monday, March 4, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *March 2, 1918.*

The House met at 12 o'clock noon.

Rev. John Huddle, D. D., of St. Paul's English Lutheran Church, Washington, D. C., offered the following prayer:

Out of the wreckage of dismembered nations and blighted civilization, a war-weary world, O God, cries unto Thee. O Lord, hear our cry.

In the midst of smoke and blood make bare Thy mighty arm, and confuse the intelligence and paralyze the force of all antagonism to human rights, and give to men everywhere the prerogative to govern themselves according to their own desires and standards, unhindered by the subtle devices of a designing and selfish ambition.

We praise Thee for the purity of America's purpose, for the unselfishness of her motive. We covet no man's gold, no nation's territory. We are responding to humanity's appeal for government of the people, for the people, and by the people, and we plead, O God, for Thy directing wisdom and almighty power.

Bless the legislators and executives of our land in this gigantic undertaking. Strengthen the bodies and inspire the souls of the men in uniform, in the air, on the sea, and in the trench. Vouchsafe unto them the continuance of the splendid courage they have so far displayed, and hasten the time when they, with their brave allies, shall win for the world a righteous and permanent peace.

Bless the loved ones here who are in sorrow, and others to whom grief will come as the days go. Help their patriotism to rise as far as possible above personal attachment, and comfort them with the thought that "greater love hath no man than this, that a man lay down his life for his friend."

Bless all the tender ministries of grace and mercy that bind up the wounded, and fire the hearts of the discouraged with new faith and fortitude. Abide Thou, O God, in all the hospitals, camps, and battle fields of earth, and may men everywhere in this crucial hour find Thee not an empty name, but an all-satisfying reality, giving a peace and a power that pass all understanding.

O Thou Lamb of God that takest away the sins of the world, remove our sins, individual and national, as far as the east is from the west, so that naught may insulate us from the spiritual energies and influences of Him who hath all power in heaven and on earth and is from everlasting to everlasting. In His name we ask it.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 123. Joint resolution providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States."

The message also announced that the Senate had passed the following order:

Ordered, That there be appointed by the President pro tempore two additional members of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 3752) to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes, and that in compliance with the above order the President pro tempore had appointed Mr. ROBINSON and Mr. CUMMINS as such additional conferees on the part of the Senate.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 123. Joint resolution providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

HOUSING FOR WAR NEEDS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 10265, known as the housing bill.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of House bill 10265, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 10265) to authorize the Secretary of Labor to provide housing, local transportation, and other community facilities for war needs.

Mr. GILLETT. Mr. Speaker, did the gentleman ask unanimous consent to consider this now?

The SPEAKER. That is what he did.

Mr. BYRNS of Tennessee. I shall have to object to that, Mr. Speaker.

The SPEAKER. The gentleman from Tennessee objects.

VACANCIES IN THE HOUSE.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 261.

The SPEAKER. The gentleman from Ohio asks unanimous consent for the present consideration of House resolution 261. The Clerk will report it.

The Clerk read as follows:

Whereas there are several vacancies in this House, caused by the death and resignation of Members, and it is of vital importance to the country during this war that all districts be represented; and

Whereas the governors of the States of New York and Illinois have called special elections to fill the vacancies in those States, but that the governor of Ohio although requested, has failed to call a special election to fill a vacancy now existing in the fourteenth district of the State of Ohio——

Mr. GARRETT of Tennessee. I object.

The SPEAKER. The gentleman from Tennessee objects.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10358, known as the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from Tennessee moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10358, known as the legislative, executive, and judicial appropriation bill.

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that my resolution be printed in the RECORD.

Mr. FOSTER. I object.

The SPEAKER. The gentleman from Illinois objects. The gentleman from Tennessee moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10358, the legislative, executive, and judicial appropriation bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, with Mr. SAUNDERS of Virginia in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10358, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman from Wisconsin [Mr. STAFFORD] use some of his time?

Mr. STAFFORD. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. AUSTIN].

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. AUSTIN. Mr. Chairman, I listened yesterday, along with my colleagues, with a great deal of interest to the able Representative from Missouri [Mr. BORLAND]. It was in reference to changing the existing law and writing upon the statute book a compulsory eight-hour provision as it affected the clerks in the various Government departments in Washington City.

Of course, we have listened to many speeches on that same subject delivered by our colleague from Missouri. It has been a continuous performance at every session of Congress, almost upon every appropriation bill carrying pay for Government clerks in times of peace as well as during the war. The gentleman has been here actively in season and out of season riding his hobby. He has become such an expert in hobby riding that I think seriously of commending him to the President for appointment to a high commission in the Cavalry service.

Now, what a severe arraignment was it of the present national Democratic administration, an administration elected upon a platform pledged to economy and the abolition of waste and useless and unnecessary offices! The administration not only obtained power and the confidence of the American people upon a pledge of that kind five years ago, but the pledge was repeated in the last campaign; and here is a gentleman who has been in Congress for nine years, elected as a representative of the Missouri Democracy, a champion of the Wilson administration, in the President's confidence, giving to Congress and the American people a certificate to the effect that the national Democratic administration has failed to keep its pledge of economy.

How often did the gentleman tell us yesterday that Congress was throwing away, by not adopting his oft-repeated amendment, $7,000,000 a year; $7,000,000 a year, and his administration pledged to economy, having controlled public affairs for seven years in the District of Columbia, is a total waste of $35,000,000, according to the testimony furnished by the able Representative from Missouri.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. A little later on.

Mr. BORLAND. Will not the gentleman yield right there?

The CHAIRMAN. The gentleman declines to yield now.

Mr. AUSTIN. The Republican Party was arraigned for being wasteful and extravagant with the people's money, and creating, increasing, and continuing unnecessary and useless offices. After being intrusted with power five years it is not necessary for any Member on the Republican side of the House to point out this glaring failure on the part of a Democratic national administration to redeem its solemn pledge. We have as our leading unimpeachable witness the gentleman from Missouri [Mr. BORLAND]. And by and by, when our congressional election is on, it will only be necessary to say "we submit to you, voters of America, the statement of a leading Democratic member of the Committee on Appropriations, who says that for five years, without a protest, without an effort on the part of the President or any of his advisers, no attempt has been made to save this money."

Mr. SEARS. Will the gentleman yield?

Mr. AUSTIN. I am dealing with my beloved friend from Missouri now, and I ask my colleague from Florida to excuse me. I entered this body, was elected at the same time with this great critic of the Democratic national administration. We were both first elected to the Sixty-first Congress. Well do I remember that fortunate day which gave me my first introduction to him. It was in the great city of St. Louis nine years ago. We had assembled there on an invitation to join the President of the United States, the members of his Cabinet, United States Senators and Members of the House of Representatives, governors of the respective States, to go on that great trip on the father of waters—the Mississippi—from St. Louis to New Orleans.

What a magnificent trip it was. The boats were all beautifully decorated representing the various States and cities along the banks of the Missouri and the Mississippi Rivers. Everything was free. There was no bone-dry law in existence on the Mississippi River and the café ran night and day. Bands, music, and speeches on board the boats and at the various landings where the multitudes had gathered to meet these distinguished representatives of the American people from President Taft down.

It was on this wonderful excursion I first met the able and genial gentleman from Missouri. He had in his equipment, as I now recall, a large supply of magazines with a splendid article on Kansas City, Mo., pointing out its matchless attractions and great possibilities. And along with it a great and convincing argument in favor of the Government expending from twenty to thirty million dollars on the improvement of the Missouri River from his town, Kansas City, to the Mississippi River.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Can the gentleman give me a little more time?

Mr. STAFFORD. I yield to the gentleman 10 minutes more.

Mr. AUSTIN. I was soon captured by the persuasive arguments and the genial smile of the gentleman from Missouri, and pledged my support early to the $20,000,000 Missouri River proposition. Along with it was a proposition for a 14-foot channel on the Mississippi River from St. Louis to New Orleans. When the Army engineers got through with that proposition, they said it would cost in the neighborhood of $200,000,000, and they reported against it. I was told that the Missouri River was so shifting and changeable and so fickle that when a man went to bed at night on the bank of the river the chances were the river would be out of sight the next morning.

Mr. MADDEN. Over in the next State. [Laughter.]

Mr. AUSTIN. But I committed myself to his project, notwithstanding the enormous cost. The gentleman was so persuasive in his argument about the improvement of the Missouri and Mississippi Rivers that I have been voting for every river appropriation for the past nine years. The impression made upon me was lasting, and no sum staggered me at all. During this long period at no time, even when the gentleman as a member of the Committee on Appropriations was sending in bills here that carried countless billions of dollars, without any safeguard as to how it should be expended, whether contracts should be let to the lowest bidder or not, I voted for them until my head swam and I was dizzy. [Laughter.]

A little later on I was honored by a position on the joint commission for the construction of national highways. One night we were charmed and enlightened and made happy by the appearance of my colleague from Missouri [Mr. BORLAND] at the head of a western delegation in favor of building great national highways.

On January 3, 1918, of this year, when we need money so badly for the war, according to his statement of yesterday, the gentleman from Missouri introduced a bill which provided for constructing a highway over every scout and Indian trail known during the Revolutionary or colonial days. While not fully committing myself to the great, enormous, and far-reaching expenditure of the people's money for that purpose, I fail to

find my own State or district named in it, so I shall offer an amendment at the proper time. Mr. BORLAND, on January 3, 1918, introduced the following bill, which was referred to the Committee on Roads and ordered to be printed. It is to be known as the Daughters of the American Revolution old-trails act, to provide a national ocean-to-ocean highway over the pioneer trails of the Nation:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

Then it provides for building a highway beginning on the Atlantic Ocean, going through to the Pacific, with side lines, I suppose, to Alaska, Honolulu, and the Philippines. [Laughter.] That is the bill that this great economist introduced in a war period, when he says we ought to economize by increasing the hours of labor in Washington City.

Mr. LOBECK. Will the gentleman yield?

Mr. AUSTIN. I can not yield.

Mr. LOBECK. I simply wanted to ask if this road came by Omaha.

Mr. AUSTIN. Now, under existing law every member of President Wilson's Cabinet by a stroke of his pen can extend the hours of labor over Government clerks in the city. This proposed law is absolutely unnecessary. It does not require a law. It only requires an order issued by the department to extend the time to eight hours.

Now, I am sure that every member of President Wilson's Cabinet, appreciating and realizing how he obtained office by a platform pledged to economy and the abolition of waste and useless offices, that if he thought it was needed would issue the necessary order and extend the working hour. The gentleman from Missouri has consumed hours of the time of the House of Representatives which might be used to prosecute the war to a speedy termination. We are to delay the signing of the treaty of peace and the closing of this horrible and bloody war, until the gentleman from Missouri can ride his hobby up and down and before the House of Representatives on every appropriation bill from now till the final adjournment of Congress. I appeal to the gentleman in all seriousness, for we are all very fond of him. He is big enough, according to the Missouri standards, to be a Senator from that great State—not according to the Tennessee standards, but according to the Missouri standards. [Laughter.] He has had the training and the experience, he is able, full of energy, trained, tried, and I commend to him to take up a great big proposition which will measure up with his talents, his ability, and his experience.

Mr. BORLAND. I thought the gentleman mentioned three or four big propositions that I had taken up.

Mr. AUSTIN. But the gentleman has abandoned them, and he is now making war upon some old women and men in various departments of this Government. I saw one of them yesterday on crutches trying to get to his office, and I actually saw one of these old men who had perhaps served in the Army actually pulling himself up the balustrade by all the strength that he had, pulling himself along the stairway leading into the entrance of the department to go to his desk.

Mr. BORLAND. It was on pay day that he was there, was it not? [Laughter.]

Mr. AUSTIN. Oh, no; and there is not a department of this Government, on account of our failure to pass a wise and just retirement bill, that is not filled with old, faithful, worn-out superannuated Government officials, and they are compelled to go there daily, some of them driven there by their loved relatives in the morning, and helped to their desks, and here is a great Democratic leader from the imperial State of Missouri spending his time asking us to delay legislation until he can crowd upon these old, withered, and palsied people an extra hour of labor. What has the war done for Washington? It has made this one of the greatest congested centers in the country.

Everything has advanced in price, all the necessities of life, everything that a Government clerk has to purchase has advanced in price. Everything has advanced except the salary of the Government clerk, fixed a half century ago, and there has been no general rearrangement or readjustment or equalization or advancement in Government salaries for a half century, but all during these 50 years every article which he must have for the home, every luxury, every necessity, every want for his loved wife and children has advanced, and he has become the victim of unfortunate circumstances here in the Capital City of his country incident to this great war. The gentleman from Missouri, not thinking of this, not appreciating this, not considering it at all, is here attempting to have his colleagues place upon these people greater and harder burdens and responsibilities. I object to it. He says that we are fighting a world war for democracy, but here is a great Capital City with three or four hundred thousand people, without a voice in Congress, actually being taxed without representation.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. AUSTIN. Mr. Chairman, I will ask the gentleman to give me five minutes more, in which time I think I can finish.

Mr. STAFFORD. Mr. Chairman, I think we are all touched by the graphic narration of conditions in respect to the old, decrepid, and, in the language of the gentleman from Tennessee, withered employees of the Government in the District, and I feel compelled, even though my time is limited, to yield to the gentleman's entreaty and give him five minutes more.

Mr. AUSTIN. Mr. Chairman, here is this great Capital City without representation in Congress, and we are taxing its inhabitants. They have no voice in the selection of their local, municipal, or District officials, and yet we are sending our boys abroad for world-wide democracy, to establish and enforce the rule of the people everywhere in the world, except in the District of Columbia.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. AUSTIN. Yes; I yield to my handsome friend from Chicago.

Mr. MADDEN. Does not the gentleman from Tennessee think that he ought to withdraw a part of the promise he made to the gentleman from Missouri [Mr. BORLAND] in respect to the expenditure of these vast sums of money in this shifting stream that moves from one State to another overnight and ask the aid of the gentleman from Missouri for an increase in compensation of these very worthy employees of the Government in the District of Columbia?

Mr. AUSTIN. Mr. Chairman, that is a very good suggestion, and now, while the gentleman yesterday devoted some of his remarks to profiteering and attempting to get something from the Government by these humble clerks who are without a defender on the floor of the House of Representatives in the shape of their own chosen Representative, I commend to him the hearings of the various committees on Hog Island, on contracts for military camps, for war supplies, where his own committee has voted without a string to it millions of dollars without restrictions as to how they should be expended, without safeguarding the appropriations in reference to the letting of contracts, and I commend to him that he devote some of his talents to that important and far-reaching work if he seriously wishes to champion the interests of the taxpayer and save him money and for the time being give a rest to the Government clerks, to the watchmen, to the messengers, to the scrub women in the various departments of the Government, leaving to the Democratic members of the Cabinet to determine when public business requires an order to extend the hours of labor in the various departments of the Government. Although not a member of his party, but a partisan Republican, I shall not use my time and voice for a condemnation and indictment of the Democratic President and Democratic members of the Cabinet. I yield that honor to the gentleman from Missouri [Mr. BORLAND]. [Applause.] I yield back the remainder of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLDFIELD having taken the chair as speaker pro tempore, a message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The committee resumed its session.

Mr. STAFFORD. Mr. Chairman, I yield 20 minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I ask the attention of the Members to a War Department regulation, which I hope will soon be changed as a matter of justice to soldiers who are properly enlisted, and who are discharged in less than 90 days for disability. I desire also to call attention to some war-risk insurance problems. The people demand that this Nation be fair and just in its treatment of its soldiers and sailors. As a rule, the United States has been fair and just, and I am pleased to report that one unfair regulation is now being adjusted. Recently I received some complaints that soldiers taken into the new Army, who had developed tuberculosis or other disease within three months after enlistment, were being discharged because of disability not incurred in line of

duty. I reported one of these cases to The Adjutant General and received the following statement:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, February 20, 1918.

Hon. ALBERT JOHNSON.

DEAR SIR: In response to your letter of the 12th instant relative to Pvt. Gavin H. Rayne, Company M, One hundred and sixty-second Infantry, I have the honor to advise you that the tuberculosis in the case of this soldier was shown to exist within less than three months after his entry into service, and that under the rules of the Medical Department his disability must therefore be considered to have not been contracted in line of duty.

As this case is like many others, the same action must be accorded all, and no exceptions can be made to rules adopted.

Regretting that I am unable to advise you favorably in this matter, I remain.

Very respectfully, H. P. MCCAIN,
The Adjutant General.

Mr. MADDEN. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. MADDEN. Did this man pass the physical examination before he entered the Army?

Mr. JOHNSON of Washington. Yes. If the gentleman will permit me, I am coming to that. There is a desire on the part of the Medical Department to remedy this situation.

This man, after having been properly examined and enlisted, was found to have developed tuberculosis, and was promptly set out of the Army, the United States refusing to accept the liability it had incurred.

Manifestly, I could not stop with this statement from The Adjutant General, which is based on a regulation made at a time when men were being taken into the Army with great care, and after severe medical examination. I took the matter up with the Surgeon General, and have received the following letter, which will be of interest to the Members of the House and to the public generally:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, February 27, 1918.

Hon. ALBERT JOHNSON.

DEAR SIR: In reply to your letter of February 23, addressed to Gen. Gorgas, the Surgeon General directs me to say that the ruling quoted by The Adjutant General is the ruling which has heretofore obtained, the principle being that men who manifest a chronic condition in less than three months after entering the service must obviously have had the disability before entering the service. It is not believed, therefore, that this ruling is an unfair one.

However, steps have been taken to change the ruling, and the Surgeon General has recently recommended that in all cases a man who has once passed the examination for entering the Army shall be considered to have contracted any subsequent disability in the line of duty.

Yours, very truly, (Signed) G. E. BRUSNELL,
Colonel, United States Army, Retired.

It will be noted that the Surgeon General has recommended that—

In all cases a man who has once passed the examination for entering the Army shall be considered to have contracted any subsequent disability in line of duty.

Clearly such a recommendation must be approved by the War Department.

I sincerely hope that the recommendation will be considered and accepted. I presume that every Member has had cases of this kind.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. I did not hear the first part of the gentleman's statement. Do I understand this is the case of a young man drafted who developed tuberculosis?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. Who is held not to be entitled now, under the ruling made, to the provisions of the benefits that we have provided?

Mr. JOHNSON of Washington. Yes. He was drafted into the Army and passed the medical examination, but within three months this disability was discovered, and it is held that it was not incurred in the line of duty, so he receives his discharge for disability received outside the line of duty.

Mr. WALSH. But there is nothing in the law requiring that.

Mr. JOHNSON of Washington. This is a regulation, nevertheless. These official letters are dated within the last two or three days.

Mr. ROBBINS. How does that affect the war-risk insurance that the man took out when he entered the service?

Mr. WALSH. He gets his benefits.

Mr. JOHNSON of Washington. I am coming to war-risk insurance matters.

Mr. ROBBINS. There are a number of similar cases all over the country.

Mr. JOHNSON of Washington. No doubt of it. I suppose every Member has had numerous cases. I might add that as war-risk insurance problems develop every Congressman will find his office work increased greatly beyond its present heavy run.

Mr. Chairman, the case of discharge I have mentioned refers to the Army, and is based on a regulation. Now, let me tell of a discharge case which I have which has been running in the Navy since last summer. It is this:

From southwestern Washington a boy 18 years old, after seeing and reading the alluring posters inviting enlistment in the Navy, enlisted regularly in the Navy out there, went to Puget Sound, and was put on a warship. He was taken down the far side of the Pacific coast through the Panama Canal into the Atlantic Ocean, and the vessel brought up at Pensacola, Fla., where that boy was discharged for undesirability and set ashore without even a street car ticket in his pocket; 18 years old and 4,000 miles from home, without bed or bread—the position of a tramp. That boy wrote a letter from Pensacola to his mother out in the State of Washington saying that he would try to work his way home and that he would go through New Orleans. His mother's friends telegraphed me to see why he had been discharged. I wrote to the Navy Department asking for the reason, and received a short, sharp letter saying that he was discharged "because he was undesirable and dirty." I could not send any such letter to that mother, who has another son in the service of the United States in the Army. I went down personally to investigate. I found that this boy, in the course of that trip in the service, about four months in the Navy, in coming through the Panama Canal had developed an extreme case of dysentery, had run way down in weight, had been unable to keep himself clean, had become sick and helpless, and was set ashore at Pensacola, discharged as undesirable, left there without a 5-cent piece in money, and was informed that he owed the Government $20 for his naval uniform. The boy reached New Orleans by dead-beating his way. With the aid of the Bankers' Association of the United States detectives were employed and that boy discovered and money was handed him to make his way home, where he arrived sick and helpless. The Navy Department afterwards admitted that a mistake had been made and that the boy should have been transferred back to the Puget Sound naval district before they discharged him. My contention is that once the Navy enlisted that boy and took charge of him this Government was in fact his guardian and he was its ward, and it was its duty to feed and clothe him and care for him in sickness and that instead of discharging him he should have been sent to a United States marine hospital. That boy, in my opinion, has a claim against this Government for money expended by kind-hearted friends in locating him and in sending him home and a further claim for the damage to his health.

Now, that is only one case. I have waited months to hear something further from the Navy Department, which has shown some interest in the matter, and I sincerely believe that the commander of that vessel who set that boy ashore deserves to be punished and reduced in numbers.

Mr. MADDEN. He ought to be dishonorably discharged from the service for doing such a thing.

Mr. JOHNSON of Washington. I have withheld a statement of this kind because we are at war, and I do not want to do one thing to embarrass the Government, but we can not have our parents believe that their boys are not receiving the best possible attention from those we have placed in charge of them, and officers who do not properly care for soldiers and sailors need to be punished.

Now, to get back to this war-risk insurance discussion. The wife of this soldier, sick with tuberculosis, whose case I just described, has been unable up to date to secure the allotment that this soldier undertook to make to her. Neither has she secured the Government allowance for dependence to which she is entitled, and her case is no different from that of many others in the far West, due, no doubt, to the great distance and the general confusion in connection with the organization of a great bureau. I want to say that before long the Bureau of War-Risk Insurance will be as large as the Treasury Department was before the war began. It is a bureau which was confronted on its very first day with a tremendous amount of work. These facts are responsible for a lot of this confusion. I make no criticism of the bureau, but it needs and will need much more help.

I have another case where a wife was receiving her allotment from the War Department up to the time that the Bureau of War-Risk Insurance was established. Her soldier husband is now in France.

When the War-Risk Insurance Bureau was established the allotment which she got under the law was dropped until transfer could be made, after a new application by her husband. That soldier is far away in France, her allowance is cut off, and a long space of time has occurred in an effort to find that boy in France so as to get a new statement formally made. It has not come yet. That woman is without money.

Mr. FORDNEY. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. FORDNEY. I am not differing with the gentleman, but let me give the reason for this. I have had considerable experience in the same line. The War-Risk Insurance Bureau has no authority under the law to pay to a widow any portion of the soldier's salary until they have received an order from that soldier.

Mr. JOHNSON of Washington. I agree to that, of course. I contend that the transfer should have been automatic. This man dealt with the War Department before the war-risk law was enacted.

Mr. FORDNEY. Wait a minute, please; on the other hand, suppose the soldier withdraws that allotment to the family. Suppose he is in France and draws the money over there——

Mr. JOHNSON of Washington. That is true.

Mr. FORDNEY. If the law compels him to pay to his wife any portion of his money, that is one thing——

Mr. MADDEN. It does compel every soldier to allot to his wife.

Mr. FORDNEY. They have no authority to pay the money until they receive an order from him, law or no law.

Mr. JOHNSON of Washington. This man in good faith made an allotment as far as he knew under the law and then went to France. Now, let us see what really happened.

Mr. MADDEN. The law compels the allotment, it is compulsory.

Mr. JOHNSON of Washington. Let us see what really happened in this particular case. Here is a letter from Director Delanoy, of the War-Risk Insurance Bureau, and he advises as follows:

Under the act of October 6, 1917, every enlisted man is required to fill out and file an allotment statement, and unless he does, the bureau is powerless to make an allotment and allowance of his pay to his dependents. A careful search of the records in this bureau has failed to show that said Frank D. Wickersham has filed such an application. The $15 already received by Mrs. Wickersham, as referred to in her letter, evidently came from the War Department before this bureau went into operation under the act of October 6, 1917, and payments from November on are made through this bureau, provided the enlisted man files an allotment statement.

Mr. FORDNEY. Here is where the War-Risk Insurance Bureau's hands are tied. Suppose a man is in France and has a wife who left him and he does not want to allot any more and she has got some right to a portion of his income.

Mr. JOHNSON of Washington. If a man makes an allotment month by month she should receive it until he serves notice that she should be cut off.

Mr. FORDNEY. The gentleman will find that the order of every soldier in every instance is for a specific time.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. WALSH. Is it not true that the law provides that the soldier is compelled to allot that to his wife, and also there is a provision in the law where he is living apart from his wife, she is also entitled to an allotment?

Mr. JOHNSON of Washington. I think so.

Mr. HAMLIN. If the gentleman will permit, in case this soldier refuses to permit the making of an allotment the wife may apply herself and get it.

Mr. JOHNSON of Washington. It runs arbitrarily. Now, a word as to delay in payments. In the far West the delay in making allotments under the system of the organization has been fearful. The delay has caused me to receive a very heavy mail. Almost every day lately I receive a telegram from some commercial organization or municipal organization in my district reading like this one:

VANCOUVER, WASH., *March 1.*

Hon. ALBERT JOHNSON,
Washington, D. C.:

We have men here who were drafted and have now been in the service almost five months who have families and children, and whose pay has been held back because of the allotment to the wife, whose families are now destitute because the allotment due the family held out of the soldier's pay has not been paid. Their families are virtually dependent on charity for houses in which to live and are without credit at the stores, and some of them are in actual want. Something must be done. Why can not the allotment due the families be paid? Applications have been coming to us daily in cases of this kind, and we can not provide for all of them.

W. G. DROWLEY,
President Commercial Club.

Mr. ROGERS. Will the gentleman yield?

Mr. JOHNSON of Washington. In a moment. I wish to call attention to still one more case out in my district. In this case a soldier boy was killed. He was the sole support of a mother who was divorced. That mother was not a widow within the meaning of our generous congressional act of October 6, 1917, as interpreted by the Bureau of War-Risk Insurance. She is not entitled to her dead boy's insurance, which was meant for her and for no one else.

Mr. ROGERS. Will the gentleman yield?

Mr. JOHNSON of Washington. I will; yes.

Mr. ROGERS. The Secretary of the Treasury, in his formal communication, which he sent to the Senate some days ago, said that he expected the work of the war-risk insurance would be right up to the minute by the last week in February. Does the gentleman know whether that statement was correct?

Mr. JOHNSON of Washington. I hope it is correct. If it was up by the last week of February that would mean one week later on the Pacific coast.

Mr. ROGERS. Certainly, but is not the great delay, when we reduce it to the lowest terms, owing to the miles intervening between us and the American Expeditionary Forces?

Mr. JOHNSON of Washington. I realize that and I am not making a criticism of the bureau. I am suggesting an amendment of the law. Of course, the War-Risk Insurance Bureau is working hard, night and day, trying to catch up.

Why they have 2,400 employees down there, and they need a whole lot more, and yet we read in the papers right now that another great bureau, the Shipbuilding Corporation, is just about to establish a weekly newspaper, another governmental newspaper. If I had my way I would order all these embryonic editors over into the War-Risk Bureau to help it catch up, and do it right quick, too. [Applause.]

Mr. ROGERS. Does the gentleman know that the Bureau of War-Risk Insurance has recently perfected a plan by which a wife can receive the allotment to which she is entitled from the Government, even though the soldier's allotment for her had not been received?

Mr. JOHNSON of Washington. I have no doubt they are perfecting a plan to do it, but I am afraid there will be a lot of red tape about it, and in the meantime I dislike to read telegrams from chambers of commerce and others saying that they can not take care of the dependents.

Mr. ROGERS. I am not trying to defend the bureau, but I think the difficulties are enormous.

Mr. JOHNSON of Washington. I admit that. The bureau needs no defense, but I think we should make some changes in the law.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. Of course the gentleman appreciates the fact that this is an entirely new venture on the part of the Government, and that they have to take care of hundreds and hundreds of thousands of cases, and they have to start in anew and get them perfected.

Mr. JOHNSON of Washington. Of course. I say that they started on their first day with a tremendous business in front of them, and I say they need thousands of more clerks, and I contend that we should cut down during the war any and every inactive or dispensable bureau of the Government. For instance, the Geological Survey, suspend it and transfer the clerks over there where they are needed. And I am also inclined to think that before we perfect the War-Risk Insurance System we will be forced to set up a branch in every one of the States.

Mr. HAMLIN. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman.

Mr. HAMLIN. You spoke a while ago about this divorced mother not being able to draw the insurance of this son. Does the gentleman understand that the soldiers name the beneficiaries?

Mr. JOHNSON of Washington. In this case it was automatic insurance. A letter which I started to read shows that.

Mr. HAMLIN. I will be glad to hear it.

Mr. JOHNSON of Washington. This is from the War-Risk Insurance Bureau of the Treasury Department, and is as follows:

FEBRUARY 26, 1918.

Hon. ALBERT JOHNSON.

MY DEAR CONGRESSMAN: I beg to acknowledge receipt of your favor of the 12th instant in the matter of the claim for automatic insurance filed by Mrs. ———, of Tacoma, Wash., inclosing certified copy of the claimant's decree of divorce from her husband, ———, and in reply would advise that inasmuch as Mrs. ——— had been granted an absolute decree of divorce from her husband prior to the death of her son, she was not a widowed mother within the meaning of the term as used in the act of Congress of October 6, 1917, and as interpreted by this bureau.

If she should be able to prove the decree of divorce granted her was merely an interlocutory decree, which had never been made final, and if she could also prove that the deceased's father, ———, is actually

dead as a matter of fact, we would be glad to reopen the matter and give consideration to such proof, but as the case now stands Mrs. ——— is not entitled to automatic insurance on account of the death of her son.

It does not seem probable that the Kreider bill, H. R. 8644, if enacted by Congress, would have any effect upon this claim.

Sincerely yours,

WILLIAM C. DE LANOY, *Director.*

Mr. HAMLIN. Now I think I understand that. I think the gentleman will remember that they made an order that all soldiers or drafted men or enlisted men who happened to die before the 1st of November, as I remember it now, would automatically come in under the law as we passed it.

Mr. KEARNS. The law provides that it shall be payable to his estate if he has named no one.

Mr. JOHNSON of Washington. That is correct; but here is a case of a soldier boy whose mother deserves her insurance and does not get it. Why, I understand that the mother of the first American boy killed in France is unable to get that boy's insurance because she was a widow who had remarried. That is the J. B. Gresham case—one of the three boys killed in the first German raid on our trenches. His was automatic insurance. My colleague, the gentleman from Indiana [Mr. DENTON], has the matter in hand.

In this bill there are some clauses pertaining to the method of payment of clerks to Congressmen. So far as I have been able to observe, most Members of Congress use more clerk hire than allowed to them by the Government; and I will venture the assertion that as this war-risk business goes on every Member will need an additional clerk. This matter has hardly started. From my State a large number of soldiers were sent very early to France on account of their knowledge of forestry, and my mail is loaded with problems and questions arising out of the insurance bill, the automatic insurance, and the allotments and allowances.

Mr. HAMILTON of Michigan. Has the gentleman any experience in the delay in the transmission of things sent to the boys in France?

Mr. JOHNSON of Washington. That is mostly accidental, with some cumbersome regulations in the way.

Mr. HAMILTON of Michigan. Not accidental.

Mr. JOHNSON of Washington. A registered letter can not get beyond New York to a boy in France, and neither can an insured parcel-post package.

Mr. HAMILTON of Michigan. Every once in a while a condition arises which is an absolute outrage. I am weary of that condition.

Mr. JOHNSON of Washington. Some of the little things are going wrong, but the big things are going right.

Mr. SNOOK. I would like to ask the gentleman from Washington what officer it is that has the right to say the final word on this regulation with regard to discharge of sick men?

Mr. JOHNSON of Washington. The Adjutant General, first, I presume.

Mr. MADDEN. The Adjutant General has no power over it. It is the President of the United States.

Mr. JOHNSON of Washington. Well, I think the Secretary of War. Finally perhaps it would run to the President.

Mr. FESS. Will the gentleman yield for a moment?

Mr. JOHNSON of Washington. Yes.

Mr. FESS. In reference to that feature of the compulsory allotment, may I not read the law?

Mr. JOHNSON of Washington. I will be very glad to hear it.

Mr. FESS. It says:

SEC. 201. That allotment of pay shall, subject to the conditions, limitations, and exceptions hereinafter specified, be compulsory as to wife, a former wife divorced who has not remarried and to whom alimony has been decreed, and a child, and voluntary as to any other person; but on the written consent of the wife or former wife divorced, supported by evidence satisfactory to the bureau of her ability to support herself and the children in her custody, the allotment for her and for such children may be waived, and on the enlisted man's application or otherwise for good cause shown, exemption from the allotment may be granted upon such conditions as may be prescribed by regulations.

Mr. JOHNSON of Washington. That is the law, of course, but the questions I have presented deal with the transfer of automatic insurance, the position of widows in connection therewith; and principally the discharge of soldiers who become sick during their first 90 days of service, which is not a war-risk insurance matter at all.

Mr. STAFFORD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. EMERSON].

The CHAIRMAN. The gentleman from Ohio is recognized for five minutes.

Mr. EMERSON. Mr. Chairman and Members of the House, the resolution which I sought to have adopted here by unanimous-consent request reads as follows:

House resolution 261.

Whereas there are several vacancies in this House, caused by the death and resignation of Members, and it is of vital importance to the country during this war that all districts be represented; and

Whereas the governors of the States of New York and Illinois have called special elections to fill the vacancies in those States, but that the governor of Ohio, although requested, has failed to call a special election to fill a vacancy now existing in the fourteenth district of the State of Ohio: Therefore, be it

Resolved, That the Speaker of this House write the governor of Ohio, requesting him to call a special election to fill such vacancy.

That was all my resolution called for—that the Speaker of this House should write to the governor of Ohio requesting him to call a special election in the fourteenth district of Ohio, which was represented by Congressman Bathrick, now deceased. Unless there is a special election called, the fourteenth district of Ohio will be without a Congressman for over a year, because the Congressman that is to be selected this year will not take his seat until the 4th day of March 4, 1919.

Mr. FESS. Mr. Chairman, will my colleague yield?

Mr. EMERSON. No; I can not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. EMERSON. To this, my application for unanimous consent for the consideration of this resolution, some Democrat objected. I do not know what was in the colossal mind of a Democrat to object to the passing of a simple resolution of this kind. The Speaker of this House wrote the Republican governor of New York asking him to call a special election in the districts of that State that were without representation, and that Republican governor did it.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Yes.

Mr. WILLIAMS. The districts in New York are Democratic districts. Has that escaped the gentleman's notice? The district in Ohio is a Republican district.

Mr. EMERSON. It does not make any difference whether the district is Republican or Democratic. That district ought to be represented, and a resolution calling upon the governor to call a special election ought to be adopted by this House.

Mr. FESS. Will my colleague yield?

Mr. EMERSON. Yes.

Mr. FESS. Has my colleague any information as to why the governor refused to call a special election?

Mr. EMERSON. I wrote to the governor two weeks ago requesting him to call a special election in the fourteenth district. I did that upon the request of some residents of that district. He never gave me the courtesy of a reply. Four days ago I telegraphed the governor of Ohio, asking him why he did not answer my letter. I have never received even the courtesy of a reply to that message.

Now, here is what the Speaker of this House said in his letter to the governor of New York:

In these troublous times we need a full membership. Can't you help us out by calling special elections in the New York districts?

Now, if that is true in New York, why should it not be true in Ohio? Why should not the fourteenth district of Ohio be represented on the floor of this House? Whether by a Republican or a Democrat, it makes no difference. And why should a Democratic Congressman object to a unanimous-consent request for the immediate consideration of that simple resolution?

Mr. DILL. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Yes.

Mr. DILL. Does a special election in New York State apply to all the districts, including the one of the Congressman now in the Army?

Mr. EMERSON. I do not know how many districts there are. It does not make any difference. Every district should be filled on the floor of this House during this war.

Mr. DILL. I simply asked that for information.

Mr. EMERSON. Every Congressman from the State of Ohio has been called upon to perform the duties that the Congressman from this district should perform and would perform if he were here.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. Yes.

Mr. HAMLIN. I do not know who it was who objected to the consideration of the gentleman's resolution. May it not have been prompted by the idea that if you would go to the Speaker and make a request that he write to Gov. Cox you would accomplish the same thing?

Mr. EMERSON. I will say to my friend that no one has more respect for the Speaker of this House than I. Possibly the Speaker would have written the letter if I had asked him; but after I had written the governor himself two weeks ago and he did not give me the courtesy of a reply, I felt that a letter from the Speaker of this House, backed up by a resolution of this House, might penetrate his stubborn brain. That is the way I thought about it. [Applause.]

Mr. HAMLIN. I think the gentleman could accomplish the same thing by speaking to the Speaker privately about it.

Mr. EMERSON. That may be true.

Section 4829 of the statutes of the State of Ohio provides:

"When a vacancy to the office of Representative to Congress or senator or representative to the general assembly occurs the governor, upon satisfactory information thereof, shall issue a writ of election directing that a special election be held to fill such vacancy in the territory entitled to fill it on the day specified in the writ."

There is nothing but politics in the refusal of the governor to call a special election. The fourteenth district, although it was represented by a Democrat, is normally Republican. The governor is undoubtedly afraid of the political effect of the election of a Republican Congressman from this district. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STAFFORD. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. ROGERS].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. ROGERS. Mr. Chairman, some weeks ago the House passed a resolution calling upon the Postmaster General for information concerning the Postal Service between the United States and the members of the American Expeditionary Force in France. The Postmaster General replied in due course, stating, in substance, that the usual time for the transmission of mails from the United States to the soldiers in France was from 15 to 30 days. Subsequently to that time I made some remarks in the House in which, I think, I proved from my personal knowledge and experience that the Postmaster General had been misinformed when he made that statement, and that the average time was far in excess of 15 days; indeed, far in excess of 30 days, which the Postmaster General had cited as the maximum of the usual time in transit.

As a result of that speech in the House I have been flooded with letters from all parts of the country, some from as far as San Francisco, and from practically every State of the Union, giving me specific instances of the accuracy of my statements and of the misinformation contained in the report of the Postmaster General. I have time to read but one of these letters. I read it because I think it is typical of conditions which prevail throughout the United States:

I have recently read with interest of your remarks in relation to lost and delayed mail to our forces overseas. In substantiation of your claim I would like to state my own case, which I have every reason to believe is not unusual among those whose relatives are abroad with the American armies.

Since the middle of September, when my husband, who is a major of the Regular infantry, went to France, I have sent not less than three letters to him each week, one package of magazines each week, and during the past months have sent innumerable packages containing toilet articles, tobacco, cigarettes, and such eatables as are not barred by regulations—shelled nuts, prepared coffee, chocolate, etc. I have adhered strictly to postal regulations in every particular and have put my return address on every package. In a recent letter from my husband, written January 19—

And at that time, it will be noticed, he had been in France something over four months—

he tells me but two letters reached him which were written by me during the month of November (which means about 15 were lost, written that month alone), and he had received but two packages of magazines—absolutely no tobacco, though I have sent pounds and pounds; not one package of toilet articles, though dozens have been dispatched. On November 15 I sent by American Express to New York a Christmas box, value upward of $30. This was taken by transport to France with promise of delivery by Christmas. January 19 it had not reached France, or rather had not been delivered, at least.

My husband writes he worries much about us at home, lest I am ill or the children are not well. Why do I not write? Why do I not answer his questions?

Our officers in France have too much responsibility and too much else to concern them to be annoyed in this way.

And I may say that every man in France, whether he be an officer or an enlisted man, has too much on his mind to be bothered about things of this kind—

I am now sending as many as five or six letters each week, hoping he will get part at least, and am registering some of them.

This letter incloses a copy of an article which appeared in the Paris edition of the Chicago Tribune in January, and which I think is of interest because it presents from the point of view of the soldiers who are in France the conditions as they are prevailing across the ocean at this moment:

Although more than six months have elapsed since the first units of the American Expeditionary Force arrived in France there seems to be very little improvement in the mail service between the various units of the forces now in this country, while the mail service between soldiers and their relatives in the United States surpasses anything America ever has seen before in red-tape inefficiency and callousness to improvement.

Mail between units of the forces in France now requires from three days to three weeks for transmission. The French Government transmits mail over the same respective areas in from one to three days, and in rare cases four.

The Army Edition—

Which is the name by which the Paris edition of the Chicago Tribune is known—

has been keeping a careful check on the mail it receives in its shopping department, where from 50 to 300 letters are received each day from soldiers in Europe. Most of these letters come through the Army post office, but a few from isolated units come by way of the French Government post. Almost invariably from three to four times the amount of time is consumed through the American Army post office.

The Army Edition made it the practice to send purchased goods to the soldiers through the American Army post, but several packages have not yet been delivered after one and two months, if they have not been lost altogether. Now an effort is made to send the goods by French express to some town where the buying soldier can call for the goods. In this case the goods are delivered in from one to four or five days.

The reason for the almost insufferable mail conditions in the American Expeditionary Force lies at the door of the Post Office Department in Washington; indeed, of Postmaster General Burleson himself. The Expeditionary post office in Paris does the best it can to handle the mail placed before it, but the force employed is hardly half the number which the volume of business requires.

The officials whom Washington still permits to direct the home postal affairs, seem unable to realize the unusual conditions with which the Expeditionary post office must cope in France. The Paris post-office headquarters never sees a day or a night with the work before it half done. Not only must it handle the mail with an inadequate force but it must turn the mail over to French conveyances. The two systems naturally do not coordinate.

The Army Edition has received several letters from residents of the United States asking us to trace certain soldiers from whom no word had been received for from four to five months. On investigation it was found that some of these soldiers had been writing home regularly, and in two cases had been sending money ever since their arrival in France. There is no way to discover whether or not these letters have been lost or are lying "somewhere in the mails."

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has one minute.

Mr. STAFFORD. At this juncture I will yield to the gentleman five additional minutes.

Mr. MADDEN. Will the gentleman yield for a suggestion?

Mr. ROGERS. Yes.

Mr. MADDEN. I made something of an investigation of this mail situation as a member of the Post Office Committee, and I think it might be illuminating to tell the story, if I may be permitted.

Mr. ROGERS. I should think it would be of extreme value if the gentleman would tell the story, but will he not do so in his own time? I have only six minutes.

Mr. MADDEN. I thought it would be just exactly where the gentleman would like to have it.

Mr. ROGERS. I have only six minutes.

Mr. MADDEN. The gentleman does not want information, then?

Mr. ROGERS. I certainly do, but I have only six minutes.

Mr. MADDEN. I thought perhaps if the gentleman wanted information I could give it to him, and explain the case he describes.

Mr. ROGERS. How long will it take?

Mr. MADDEN. I do not want to do it now.

Mr. ROGERS. If I can get more time, I shall be glad to yield.

Mr. STAFFORD. I shall be very glad to yield time to the gentleman from Illinois, so that he may give this information, which is of value to all Members of the House.

Mr. ROGERS. Mr. Chairman, I am not able to vouch for the accuracy of the article which I read from the Paris edition of the Chicago Tribune. I have quoted it here to-day largely because I assume it is believed to be accurate by the people across the sea, and because it is probably accepted as gospel by our soldiers who very generally read this particular paper to the exclusion of other papers, as it is the only one that contains the sort of news in which they are interested, and which they get fresh from the press. I recognize that the Post Office Department is fully conversant with the deficiencies of the mail service, and is seeking to improve them. I think it is working hard in order to bring about an improvement. I am inclined to think that on the whole the responsibility is not primarily with the Post Office Department, but is at least coordinately shared by some other department of the Government. Of course, the Post Office Department does not deliver the mails actually into the hands of the soldiers.

But we are not told what the Post Office Department is doing. We are not informed what plans it is maturing in order to bring about an improvement. I wish that the Postmaster General felt at liberty to take the House of Representatives and the country into his complete confidence as to where the difficulty lies and as to what steps are being taken in order to improve the service. The service really is execrable, and it is an important matter to the waging of this war. There is no question that the morale of the soldiers rises or falls in

accordance with the excellence or the deficiencies of the Postal Service to France.

Mr. Chairman, the Committee on Expenditures in the Post Office Department has begun an investigation of this question. I do not know how much progress it has made or is planning to make. There are two requests for rules pending before the Committee on Rules which, if reported out, would mean an investigation of this subject. To me it is a question upon which the best minds of the country should be at work in order to bring about a better condition of affairs. I hope that the House of Representatives may take up the matter and may seek to assist the Post Office Department in making conditions very much better than they are to-day. [Applause.]

I yield back the remainder of my time.

Mr. EVANS. I yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Chairman, I was unfortunately detained out of the Chamber for a few moments and did not hear all of the remarks made by the gentleman from Ohio [Mr. EMERSON] just preceding the last speaker. I came in near the conclusion, however, and caught enough to understand that the gentleman was indulging in some criticism of me because I had objected earlier in the day's proceedings to the consideration of a resolution that he presented and asked unanimous consent to consider, calling upon the governor of Ohio to call an election to fill a vacancy which exists in one of the congressional districts in that State. I have simply asked for this time, therefore, Mr. Chairman, to state the reasons why I made that objection.

The Constitution of the United States provides that where a vacancy in representation occurs the executive authority of a State shall issue writs of election to fill such vacancy. I do not know that I quote the exact language, but that is the substance of it. That is a matter which addresses itself to the discretion of the executive authority of the State in which the vacancy occurs, and it seemed to me, and seems to me now, that it would be an unwarranted interference, or attempt at interference, with the discretion of the executive of a sovereign State for this body officially to pass a resolution calling upon that executive to perform that function. It occurs to me that it would be an improper encroachment, or attempt to encroach, upon that discretion for this body to take any such action. I think it would be in extremely bad taste. It was for that reason and that reason alone that I made objection.

Mr. STAFFORD. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. STAFFORD. Would it not be deemed by the governor of Ohio as simply advisory?

Mr. GARRETT of Tennessee. Oh, of course it could not be any more than that. There would be no way by which to compel the governor to do it. But the point I make is that it is in extremely bad taste to essay that advice to the executive authority of a sovereign State.

Mr. STAFFORD. Will the gentleman yield further?

Mr. GARRETT of Tennessee. Yes.

Mr. STAFFORD. The honorable Speaker of the House addressed a letter to the governor of New York requesting him to call a special election to fill vacancies, when, according to newspaper report, the governor was not going to call a special election to fill four vacancies.

Mr. GARRETT of Tennessee. My recollection is that that letter was addressed to the governor of New Hampshire, but possibly he addressed both the New Hampshire and New York governors. Let me say that I do not think there was any bad taste in that. That was the action of Mr. CLARK of Missouri as an individual making a suggestion to the governor.

Mr. STAFFORD. As the titular head of this body.

Mr. GARRETT of Tennessee. I do not so understand it. He was not then Speaker of the House except as he held over from a prior term. His action was that of an individual Member and in an advisory capacity, expressing his views in an effort to have some action.

Mr. STAFFORD. In the letter addressed to the governor of New York he was at that time Speaker of the House of Representatives and acting in the particular capacity of Speaker, and his individual views reflected the judgment of the House.

Mr. GARRETT of Tennessee. I do not remember when the letter was written, whether during the session of Congress or whether it was after the Sixty-fourth Congress had adjourned sine die; but it does not matter either way, because the gentleman from Missouri [Mr. CLARK] signed the letter, and not the Speaker of the House. It was, I understand, signed simply "CHAMP CLARK." But I see a very great distinction between one writing as an individual making a suggestion to the executive authority and this body itself passing a resolution and thus attempting official action. That is all I care to say upon that point. Now, if the gentleman from Tennessee will yield me three minutes more, I want to say something about the matter referred to by the gentleman from Massachusetts [Mr. ROGERS].

Mr. BYRNS of Tennessee. I yield to the gentleman three minutes.

Mr. GARRETT of Tennessee. I simply wanted to make this statement. I presume I violate no confidence in making the statement. I had occasion upon yesterday to have an interview with The Adjutant General of the Army, Gen. Henry P. McCain, in behalf of a mother who had written me asking me to aid her, if I could, in looking up her son, a second lieutenant in the Reserve Artillery Corps in France.

I presented the situation to The Adjutant General, and he said, in substance, "I am in a position to sympathize deeply with this lady. I have myself a son, a captain in the Artillery in France, from whom I have not heard since December last, and an effort to locate him by cable has failed."

Mr. MADDEN. Will the gentleman from Tennessee permit me to state something in reference to the situation which the gentleman from Massachusetts declined?

Mr. GARRETT of Tennessee. Yes; at the end of this sentence. The fact is, in my opinion, the delay in hearing from these young men is not due to faults of the Mail Service. Of course, I have no doubt that there are some inevitable conditions, but that there is wanton and willful neglect no one could convince me, and the very fact that The Adjutant General of the Army himself could not even by cable ascertain the whereabouts or hear from his own son would seem to me to be sufficient evidence that the fault is not in the Mail Service. Now, I yield to the gentleman from Illinois.

Mr. MADDEN. Mr. Chairman, my investigation discloses this situation. Until recently all of the mail sent to the soldiers in France was handled by the French Government, and no attempt was made to distribute or deliver the mail to the soldiers. Buildings under the jurisdiction of the French Government were literally filled with mail, piled up without even being unpacked.

But no such condition has arisen, I think, since the American Government organized and installed the Postal Service for the Expeditionary Force. That activity has been placed under the Second Assistant Postmaster General, who has jurisdiction over the transportation of the mail, and also over the handling of the mail after it reaches France. To-day the mail is sent to the soldier whose name must be written on the envelope, with his unit, care of the Expeditionary Forces in France, and handled by the postal employees of the United States Government, who are delivering the mail to the regimental headquarters for each regiment. The mail is distributed to the soldiers of the regiment by the organization of the regiment.

There ought not to be any difficulty about delivering the mail now, and I do not think there is any serious difficulty. All the complaints that have heretofore been made or the dissatisfaction which existed was due entirely to the fact that the delivery of the mail was supposed to be attempted by the French Government, but no attempt was made by the Government to deliver that mail. Thousands of men have been permitted, as my investigation shows, to go into buildings where the mail is piled up mountain high, and try to pick out their own mail, and you might as well look for a needle in a haystack. Since we have taken jurisdiction I do not believe there is any just cause for complaint, but, of course, the mail is not delivered as quickly as it could be across the street.

Mr. ROGERS. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. ROGERS. When did this improvement begin?

Mr. MADDEN. We have only had the organization a little more than a month, and it could not have begun until recently.

Mr. ROGERS. I had two letters this week postmarked in France December 18.

Mr. MADDEN. There is no trouble about getting the mail here.

Mr. ROGERS. There was in that case.

Mr. MADDEN. From all I can learn, they get the mail here as promptly as they could expect to receive it, considering the irregular movement of the ships.

Mr. STAFFORD. Mr. Chairman, I yield one minute to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I have had a great many letters complaining, as other Members doubtless have, of the inexcusable delay in the mail of our soldiers in France. I had one this morning from a constituent stating:

> I have just received a letter from my brother, dated February 7, advising me that he has not received any mail from his people here at home. We have been sending him letters, papers, and packages regularly since December 1, and it seems as if most of it should be delivered by this time.

> That is just a specimen letter. I have received many similar letters and have referred to some of them before in the House.

Mr. MADDEN. Mr. Chairman, I want to say to my friend that a great many letters came back from soldiers whose parents had sent them letters, and they were handed to me, and that caused me to investigate this situation, and I am just as well satisfied as one can be from investigation that every effort possible is being made to make deliveries of mail now.

Mr. GILLETT. I hope so.

Mr. MADDEN. And that all of the delay up to within the last month was caused by the failure of the French Government to handle the mail.

Mr. WHITE of Maine. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I have not the floor.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. EVANS. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Chairman, I intend to support the bill under consideration with the exception of possibly two or three items in it. Recently there has been considerable criticism in the press of the country and by men in high political positions here in Washington of the War Department for its failure to come up to the ideal standard of certain people in the country. It is not my purpose in these few minutes to open that controversy or to enter into it now, but I believe the time has come when all criticism should cease, and we should all join harmoniously in trying to bring this war to as speedy a conclusion as possible by one and all, young and old, joining in the war against the Kaiser and not warring among ourselves.

Mr. JOHNSON of Washington. Mr. Chairman, the gentleman does not refer to criticism of the kind that I made a few moments ago, which was directed at legislation in accordance with war measures?

Mr. COX. Oh, no; I do not refer to that at all. What the gentleman said was not criticism but constructive pure and simple. I refer to recent criticisms made by a Senator at the other end of the Capitol. Criticism is one thing and constructive legislation is quite another. I never in my life have had much use for an out-and-out critic. I never had much use for a theorist. I have always all my life endeavored to deal with facts. It may be that has come to me as a result of my profession, dealing in cold-steel facts that surround a given proposition. I have never in my life taken very kindly to simply criticism unless the critic at the time of making it was able to substitute a constructive program that would supersede the other that was being criticized.

My friend from Massachusetts [Mr. ROGERS] a moment ago said that he wished the Post Office Department would take the Members of the House into its confidence. I had an occasion the other day to say that the Post Office was not only ready but willing and anxious to take every Member of this House into its confidence, and if the Members of the House will only go down and consult the Postmaster General about the delay in the mail between here and the fighting line in France I am sure they will get the information they desire.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes; for a short question.

Mr. ROGERS. Did not the Postmaster General in his report say there were no delays?

Mr. COX. I do not remember just what his report did say.

Mr. ROGERS. May I read just one short sentence—"The time required"——

Mr. COX. Oh, no; I object to that. The gentleman can put that into his own speech. As a matter of fact, there are some delays in the delivery of mail to the soldiers in France. There is no question about that. The gentleman from Illinois [Mr. MADDEN] hit the keynote. I think the mail is going to the soldiers in France and is being distributed as rapidly as possible. This follows, and will rapidly improve—as fast as the soldiers are definitely settled in their commands. Every foreign government fighting on French soil to-day had for months and months the same trouble that we are having. I had occasion to talk to a man from England the other day who had to do with the delivery of the mails to English soldiers in France for two years, and he told me that they had the same trouble in England getting the mail to and from the soldiers that we are having, and that their trouble lasted six months before they were able to overcome it.

Mr. JOHNSON of Washington. And Canada had the same trouble.

Mr. COX. I think that is true. We must remember that down to this time the soldiers are not permanently stationed over there unless it has been within the last 30 days. They are being moved from place to place and shifted around from point to point. Mail is constantly following the soldier on his rounds from the place where he was shifted to the place where he is going finally to land. I know how trying it must be to fathers, mothers, or wives who are trying to get letters delivered to their boys or husbands, but if people will be a little patient I am sure the Post Office Department will finally work that out, because I happen to know that the Post Office Department is exerting its utmost not only to expedite the mail to our soldiers but to deliver it as expeditiously as possible. Enough of that.

Mr. Chairman, I do not have much respect for theorists, and my idea and my knowledge of warfare is altogether theory. I am unable to offer any constructive legislation to the War Department in order to improve conditions, because I know nothing about it. My whole training in life has been in a different direction. Recently we had some rather unjust and stringent criticisms delivered in the Senate against the operation of the War Department. We have had able replies and answers made to it, not only in the other end of the Capitol but here. But the criticism of the way the War Department is handling the affairs of our country to-day, in a large way, is theoretical, and the men who answered the criticism here and in the Senate, though they are able, are again theorists. I would rather take the word of a man who was on the firing line, who is in the camps training, in the cantonments, on the submarine chasers, or on our dreadnaughts, detailing conditions surrounding those things, than to take the word of the critics, however much more eloquent their word may be than the language of the men who actually know the facts.

There went from my district last summer a young man, a volunteer, a soldier who heard the patriotic call of his country, uneducated except in the school of experience, a graduate with the saw in one hand and a hammer in the other, but imbued with all the fires of patriotism. He has been in the service of his country since last June or possibly last May. This soldier, who has never had the opportunity of becoming a graduate of a school or college, except, as stated, in the school of hard experience, wrote me a letter recently from Camp Selby, Miss., in answer to some of the criticism that is being made now against the War Department, and in my own time, Mr. Chairman, I ask that this letter be read and made a part of the RECORD.

In one short letter, in his own language, in his own way, and in his own thoughts, he has made a complete answer to all the would-be critics of the Secretary of War. Remember this answer comes from a plain soldier in camp, drilling day in and day out to enable him to do his duty and defend his country when the crucial and acid test comes for him to look into the muzzle of a Krupp gun in the trenches of France in defense of the flag of his country.

The CHAIRMAN. The Clerk will read the letter in the gentleman's time.

The Clerk read as follows:

ON THE RANGE, *February 17, 1918.*

Hon. W. E. COX, M. C.,
Washington, D. C.

MY DEAR SIR: It is some time since last I bothered you with a letter, but feel like a letter from me at this time in regard to what I've to say may interest you.

Firstly, I will say that our training course is advancing rapidly and I believe our regiment will soon be ready for service abroad, as soon as we can be shipped. I note with great disappointment that many so-called leading statesmen are causing much embarrassment to our military heads with their criticisms of the way our armies have been equipt. Let me tell you, from my own observation in this Camp Shelby, I never seen one case of suffering due to lack of equipment, and as far as ordnance is concerned we have been fully equipt, as far as I can learn, long ago, with the exception of machine guns; and, take it all in all, consider the enormous amount of work to gather, equip, and house this immense army we have gathered in less than a year and send hundreds of thousand across the pond in the orderly and quiet way in which all this miracle was wrought, my words are only those of thanks, praise, and thanksgiving toward the wonderful leaders we are serving under.

I want also to call to your attention that the majority of soldiers are very grateful for the thoughtful way in which our Government prepared ways for them to send part of their pay back home through the allotment process.

And also how deeply thankful we all are for "the war-risk insurance." It truly is the greatest piece of legislation ever enacted for soldiers of any nation in the world, and its liberality is so fine that my poor education makes it impossible to do it justice. It does all it claims and more for the men for whom framed. I can not feel as I do, a penniless man offering the only thing I have to my country, namely, my life and good health; and when I think that this insurance insures my mother and younger brothers a protection in case I may make the supreme sacrifice, and in case I come back a helpless cripple I am independent of a hated pension system, which in my eyes was unjust and graft ridden; and when one considers what this assurance means to men like me, why, I say, some day these men will bless this insurance bill as the greatest thing ever done for mortal man; and let me assure you

tive authority and this body itself passing a resolution and

larly since December 1, and it seems as if most of it should be delivered by this time.

that the bill was so popular in our company that every man in it took out $10,000 worth, and they will all bless the day they did this; and I am glad I was the instrument that made some of them same men take it after first passing it up as a scheme. Some day I may be able to relate many humorous incidents in regard to same.

But there are other more weighty reasons on my mind why I take the liberty to write you, and it is this confounded peace talk that seems to be sweeping our country like wildfire, and our foolish people and press seems to be taking it up and shouting and proclaiming it so loudly from the house tops that I fear it is even doing our Army harm. Why I've had countless brushes with some of these hair-brained drafted men who hear so much peace talk that their little brains are not in their training, but planning to go home in three or four months, so you can see what damage, untold damage, this damnable and continuous peace talk is doing. It's dividing our people's attention between preparation for a long hard struggle and a speedy peace. And these same people claim they are very patriotic, and yet fail to see that a peace within a year means nothing else than an insecure peace, for Germany in her present position is using all her energy to get the world to talk peace while yet she sits on her dizzy heights of countless victories, and these people are helping this damnable Kaiser yell peace. My God, are they going to let them yell peace until it actually happens, and leave the world insecure in the hands of these heartless barbarians and autocratic beasts? Are we going to "holler" peace and find ourselves in Russia's plight? Or are we going to stop talking peace and sternly face the long years of bitter struggle that are in front of us, to drive these barbarians from power, and really and truly immortalize these noble words of our great President that democracy might be safe for the world?

Our Government is doing its work so nobly and grand that even the meanest partisans can find but few crumbs to chew upon, but isn't it the duty of every preacher, teacher, and writer, and every professional man to start in a campaign to counteract this peace talk that the Kaiser and his agents are spreading here in America.

You have lots to worry and not too much time to waste, but you, through your influence, can turn many people to talk preparation of a long hard war, of great sacrifice from our people, to really and truly crush out this monster, so, therefore, I took this liberty, hoping you will not think me a dreamer, or will not think it a presumption, but hoping you see it in my light.

I remain, your very grateful and respectful friend,

LEO FISCHER,
Corporal, Company I, One hundred and fifty-second Infantry,
Camp Shelby, Miss.

P. S.—We are on the rifle range at present and our regiment had a very beneficial shooting course. We are almost through, and move back to camp soon. Wishing you every success.

LEO FISCHER.

[Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield the gentleman from New York—how much time?

Mr. LONDON. I do not know; 10 minutes.

Mr. BYRNS of Tennessee. I yield the gentleman 10 minutes.

Mr. LONDON. Mr. Chairman, I regret that the gentleman from Missouri [Mr. BORLAND], who has been tin panning so long about the eight-hour day, is not here. Either the gentleman from Missouri is a great watchdog of the Treasury, a great statesman and the only statesman and the only man who takes care of the Treasury of the United States, or the head of every department and every member of the Cabinet who has failed to increase the hours to a minimum eight-hour day is an accomplice in a form of graft. I would not have talked about this proposition if an insiduous effort had not been made to bring about the permanent lengthening of the working day under the guise of war emergency. Every rule of efficiency requires a shortening of the working day instead of the lengthening of it. The shallowness of the reasoning of the gentleman from Missouri appears in his own words. He has characterized himself better than anyone possibly could when, in reply to the question by the distinguished gentleman from Wisconsin [Mr. COOPER], the question being this:

Does the gentleman think what is paid by private employers necessarily constitutes a fair criterion as to what the Government ought to pay?

The gentleman from Missouri replied:

Then the gentleman is condemning the American Federation of Labor, which is a private employer with the same class of office force in the District of Columbia. Why, of course what private employers pay is a criterion, because it fixes the standard of wages. What men pay in the market for potatoes fixes the price of potatoes.

Now, that is exactly what the man who refuses to learn would be expected to say. He would have human labor, he would have the value of human effort, he would have the work of men and women determined by what he calls "the law of supply and demand" supposedly regulating the price of potatoes. He would reduce the human being to the value of a commodity, of an inanimate article, and subject man to the law of supply and demand. I deny that there is a law of supply and demand in which the human agency does not enter as a factor. Every trust, every monopoly limits the operation of the law of supply and demand, and every law, every act of social legislation, every attempt to assert the collective conscience of the people in the direction of an ethical basis in the practices between man and man limits, qualifies, and curbs the operation of the law of supply and demand. There is nothing more absurd than to attempt to apply the law of supply and demand to human relations. There is nothing more iniquitous than to say to the laboring man, "I shall subject you to the law of supply and demand. If a thousand men apply for a job, I will have them work 14 hours and will pay them $1 a day, but if 2,000 men apply for the job I will have them work 18 hours a day and pay them 50 cents a day."

It is this law of competition, as it relates to the labor market, that the American professor, Richard T. Ely, designated as the law of the meanest employer. It is the law of the unthinking and unfeeling man. I would recommend the gentleman from Missouri, if that is all the political economy he knows, that so far as the expression "the law of supply and demand" goes the less he will use that expression the better off he will be. It is a rule to which there is no exception that efficiency is brought about by limiting the hours of labor. When you take one hour and multiply it by 8 it does not mean that you have increased the product by 8. It does not mean that in the eight-hour day the eighth hour you can work as effectively, as productively, as diligently, and as fruitfully as during the first hour of the day. You study the law of efficiency—by the way, there is a very scholarly work on the subject by a woman, Josephine Goldmark's Fatigue and Efficiency, in which she has compiled opinions from the best authorities in the world on the subject of the result of fatigue upon efficiency. Study statistical tables with respect to accidents and you will discover that accidents occur mostly in the afternoon, and the greater number of accidents occur during the last days of the week. It is in the morning when you are fresh, when you apply yourself with new vigor to your work, that you are most effective. The question is not whether a Government employee works seven or eight hours a day. The question is whether within those seven hours he does the work required of him. That is the question. And, judging even by Mr. BORLAND's own standard that what people will ordinarily do in a community constitutes the standard, the seven-hour day which has existed in the District of Columbia since 1898, has by the practice, custom, and habits of 20 years become the standard of this community, and any attempt to lengthen the working-day is going backwards, is retrograding.

That seems to be the only thing a Democrat can do. If he moves at all, he moves backwards. Let him not claim to be the savior of the Treasury—a great statesman. Noise! Noise! "BORLAND, the savior of the Treasury." He will save Uncle Sam $7,000,000 a year, while every head of the Cabinet and the head of every department refuses to save to the Treasury these $7,000,000.

It is about time for the gentleman from Missouri to learn something, to realize that we are not making progress by going backward; that the world's forward march is for shorter hours and higher efficiency and better treatment of every man, and that the Government surely can not afford to be a mean employer.

The only men that will support the gentleman from Missouri in lengthening the hours of labor are those employers who look upon the movement for the reduction of hours of labor as a movement which will ultimately destroy them, the powers of plutocracy, the powers that would destroy every man who sympathizes with the cause of the men and women who work for a livelihood.

You know from your own experience that when you are at your best you are doing in 3 or 4 hours what will take you 8 or 10 hours to do when you are in a state of fatigue, when you are exhausted, when you are tired. Do not measure the value of human labor by the figure "8" or the figure "7." And the contribution which the employee of the Government makes by his seven hours is by the industry, by the intelligence, and the conscientiousness with which he performs the work for which Uncle Sam pays him.

Mr. KEARNS. Why do you say seven hours for the Government clerks. Some of them work 8 or 10 hours.

Mr. LONDON. I am speaking of those departments where they work seven hours to-day. That custom has existed in this city since 1898. It is the custom of the community. It is the practice. It is the standard to which they have become accustomed.

Mr. KEARNS. There is no custom of seven hours in the departments.

Mr. LONDON. I understand that in all the departments in which the gentleman from Missouri [Mr. BORLAND] tries to make a change there is.

Mr. KEARNS. His statements do not accord with the facts entirely. The facts are they have to do the work there whether it takes 6 hours or 10 hours or 12 hours.

Mr. LONDON. The work is and should be measured by the product and not by the length of hours taken to perform the work. It is exactly what I am trying to argue; and the

man who pretends he is going to confer a benefit upon the American people——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. LONDON. Mr. Chairman, I ask for two minutes more.

Mr. GOOD. Mr. Chairman, I yield two minutes more to the gentleman.

Mr. LONDON. And the man who pretends he is going to confer a benefit upon the American people or save the money of the Treasury by increasing the hours of labor is talking hot air.

Mr. KEARNS. I happen to know that in the Post Office Department here in Washington there has been an order issued to about 200 girls to come back after 6 o'clock in the evening and work until 10 or 11 o'clock at night. Now, that order has been issued——

Mr. LONDON. Because they are short of help.

Mr. KEARNS. And they are not getting 1 cent additional pay, either.

Mr. LONDON. And I suppose that every one of them does the work willingly, realizing that they are called upon to do this work because of the extraordinary situation in which the country finds itself.

I suggest to the gentleman from Missouri [Mr. BORLAND] that he begin studying the labor problem. And let him please do away with the talk about supply and demand governing the price of potatoes becoming the law in the relations of human beings. [Applause.]

Mr. GOOD. Mr. Chairman, the gentleman from Wisconsin [Mr. STAFFORD], who is temporarily absent from the Chamber, has requested that I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Wyoming is recognized for 20 minutes.

Mr. MONDELL. Mr. Chairman, on yesterday the gentleman from Illinois [Mr. RAINEY] delivered a most interesting address, splendidly expressed, with regard to the coal production of the United States, with some reference to transportation conditions, and the vast increase of exports. Carefully listening to his statements, I gained the impression that most of this was to be accredited to the industrial shutting-down order issued by Dr. Garfield, head of the Fuel Administration, a short time ago. Possibly the gentleman from Illinois did not intend to credit Dr. Garfield with the increase of 64,000,000 tons in our output of bituminous coal last year; possibly did not intend to credit Dr. Garfield with our enormously increased exports and with the partial clearing up of the railway congestion. But such was the impression.

The gentleman from Illinois had a pretty hard task before him, that of attempting to justify the order of the Fuel Administrator which closed down a very large portion of the industry of the country a short time ago. I have no disposition to unduly, certainly I do not desire to captiously, criticize Dr. Garfield. I do not desire to criticize any public official who is acting in good faith, as I have no doubt Dr. Garfield was. The doctor was, I imagine, to a very considerable extent the goat of the railway administration, for even the gentleman from Illinois emphasized the alleged relief of the freight congestion through his order very much more than any relief in the matter of increased supplies of coal. Furthermore, I have no desire to unduly criticize Dr. Garfield, because, I believe, he has unintentionally performed a very great public service.

Unwittingly, no doubt, but nevertheless, he and his order have performed as great a public service as has been performed by any individual or any governmental agency in a long time, for he has again demonstrated, again illuminated, again emphasized the fact known to all thoughtful men and students of history that no government bureaucratic organization can successfully manage the intricate industrial affairs of a great people; that any attempt to regulate or control the industries of a nation through a government bureau is almost certain to result in disaster. It is necessary, it has been necessary in this time of war, to grant great autocratic power. Congress has not granted this authority in the belief that the grant was of itself desirable, but in the belief that under the circumstances and conditions it was necessary and inevitable. In authorizing the exercise of autocratic power Congress has not lost sight of the fact that in the exercise of that power mistakes will be made, unwise things will be done; while we have hoped for the accomplishment of great good we have realized that inevitably harm may be done.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. JOHNSON of Washington. When Congress authorized great powers to the Emergency Shipbuilding Corporation does the gentleman believe that it was ever intended for that corporation to commence the publication of a weekly newspaper?

Mr. MONDELL. Oh, no; furthermore, I do not believe it was the intent of Congress to have an official court journal published and sent to anyone in the Union who desired it at a time when the supply of print paper was said to be so short and so scarce that the only uncensored journal in the United States, the CONGRESSIONAL RECORD, is not being printed and sent out. That is also true.

Mr. JOHNSON of Washington. Then these powers having been given, and some newspaper of that kind being printed, and another, as I am told, organized, is there any way it can be prevented—any possible way?

Mr. MONDELL. Well, that is one of the difficulties of a grant of autocratic power. There is always danger that it will be abused, that men whose judgment is not sound or whose purposes are not the best may abuse that power.

Mr. JOHNSON of Washington. When a fuel administrator is looking about for a place to cut off nonessential industries, would it not be a good thing for some of the departments to shut off nonessential side lines of expense?

Mr. MONDELL. Of course. The gentleman knows how dangerous it is to have public sentiment formed, controlled, and molded by official publications, published at public expense to express and reflect the official view.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COOPER of Wisconsin. So far as I am concerned, I can see no reason for there being a journal published by the Emergency Shipbuilding Corporation except to mold public sentiment in their own interest. I would like to ask the gentleman from Washington [Mr. JOHNSON] what authority he has for the statement that the Emergency Shipbuilding Corporation is going to establish a newspaper?

Mr. JOHNSON of Washington. Only from the statement of a public newspaper here and from the activity of a number of newspaper acquaintances of mine who expect to find employment on the Shipbuilding Corporation's weekly newspaper.

Mr. MONDELL. So many abuses are likely to grow out of the exercise of wide authority that Dr. Garfield has performed a great public service in challenging our attention to the dangers that lie in the granting of great power and authority and autocratic control. I do not know but it is worth all of the great loss and cost, enormous as it has been. The gentleman from Illinois [Mr. RAINEY] yesterday called attention to the fact that the people loyally responded and obeyed the order. Certainly they did. No one on this floor ever suggested that they should not. No good citizen ever suggested at any time anywhere that the order should not be obeyed, and the people did obey it, as it was their duty to do, to their great inconvenience, loss, and suffering. The fact that they did obey it, instead of justifying the order, should, on the contrary, teach a lesson and have a sobering effect on those who have great and unusual power, restraining them from exercising it in laying on the people great burdens, great hardships, knowing that their patriotism and law-abiding habit will persuade them to obey, however unjust, arbitrary, and needless it may be. There are a lot of good folks in the country who would try their best to stand on their heads if an order were issued through some officer of the Government to that effect, coupled with the claim that it was necessary for the winning of the war.

Those charged with responsibility ought to be careful as to the sort of orders they issue. As to Dr. Garfield—and I do not want to say anything unkindly of him—I never met him, and I know that he comes from an illustrious family, and I have no doubt he is a well-meaning man. But I can not help thinking of that other doctor that I once heard of, who, lacking experience and training qualifying him to diagnose and cure the ordinary ailments of his patients, adopted the very simple expedient of throwing them into fits, being very confident that he was "death on fits" and could cure that malady. [Laughter.]

One would not think very highly of an engineer put in charge of a great and intricate piece of machinery who, having discovered that there was a little leak of steam, a loosening of the joints, a slipping of the belts, a little troublesome friction, should proceed to try to remedy things by throwing a monkey wrench into the most essential part of the machinery.

The fact is—and the fact can not be changed by any argument made by anyone anywhere—that the fuel order to which reference has been made was a crude, cruel, useless, senseless act. As first issued it was proposed to close down manufac-

turing industries run by water power, to close down industries drawing coal from mines immediately adjacent to the factory. It did close down industries making the very locomotives that were the prime essential to the remedying of the conditions of railway congestion, in aid of which the fuel order was issued.

There was an unfortunate situation; there was a condition requiring some action. But no such drastic, far-reaching, all-embracing act of despotic power was necessary. It led to great loss and suffering, to the shutting down of industries of vast importance to the winning of the war. It deprived American workmen of millions of dollars of wages and entailed a loss of even greater magnitude to American industry. It accomplished nothing that could not have been accomplished with little loss or inconvenience. It would have been very easy indeed to have worked out some plan whereby the situation, bad as it was, might have been cured, rather than this plan, which, in my opinion, has not commended itself to the calm, deliberate, sober, unbiased judgment of a single individual under the flag.

And yet Dr. Garfield, as I said at the beginning of my remarks, has performed a great public service. He has reminded us of the danger of placing in any man's hands great autocratic power. We have felt it necessary in the prosecution of this war to do that. We may find it necessary to do it further. I am frank to say—I am glad to be able to say—that in the main and in many matters of moment this authority has been exercised with discretion and judgment.

It is my opinion that a Member of this House is not performing a service to his country when, having joined in granting great power and authority because it seemed necessary, he feels called upon to indorse, approve, and praise every exercise of the powers so granted, no matter how patently unwise and unjustified it may have been. [Applause.]

While I have the opportunity I desire to say a word about the class of people who have come to be designated as "alien slackers." We are engaged in a war against the powers and pretenses of arbitrary, despotic military despotism. We believe the liberties of mankind, the opportunities for independent, free self-government among men largely depend on the winning of the war.

Our young men, the bravest and best, are freely offering themselves and their lives to the service of their country and mankind. There are many men among us of military age who are citizens of the countries which are battling with us in this great contest. If they were in their native land they would be called into service; but here, under the protection of our flag and enjoying the benefits of our hospitality, they seek the exemption which they claim their foreign birth and citizenship gives them.

All honor to such of those of foreign birth and citizenship—and they are many—who claim no exemption and freely offer themselves for service. As to those who do not, when both the land of their birth and the land that has afforded them asylum, security, and opportunity needs and calls them, some way should be found to bring them to a realizing sense of the fact that he who will not share the burdens and responsibilities of free government is not entitled to its protection and opportunities.

I am in hopes that through treaty, or, failing in that, through legislative action, these slackers may soon be compelled to serve the common cause either under the flag of their native land or under the flag of the land which harbors and protects them. Of all slackers the one we have the least respect for is he who seeks under the cloak of foreign citizenship to escape the service our own boys gladly and patriotically undertake.

I yield back the rest of my time and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOOD. I yield 30 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Chairman and gentlemen of the committee, I do not expect to occupy the full 30 minutes allotted to me. I am very glad to take the opportunity to address this very large and enthusiastic gathering of the House, and as I have been subtly reminded, with crowded galleries, on a subject that has not hitherto been discussed, but eventually will receive careful consideration by the people of this country.

We are reminded time and again that the fighting of this great war presents problems new and unique to humanity, new and unique to any nation, and particularly to this Nation of ours that hitherto has been peace loving and isolated so far as international entanglements were concerned. We find ourselves under the necessity of sending a large army a distance of 4,000 or 5,000 miles to fight the battles of the Republic. As I said on one prior occasion I now repeat, it is the most colossal undertaking ever attempted by any nation since history began. As time speeds by gradually there will be unfolded to us new problems connected with this great enterprise. It is in relation to one of these problems that is soon to arise that I want to speak for a few minutes.

First let me call attention to the fact that the news which came to us this morning indicates that the soldiers of Uncle Sam on the fighting line in France met the severe shock of battle and met it like veterans. [Applause.] They have during recent days been subjected to the supreme test of all the fiendish characteristics of this awful struggle. They have met the test of attack by the most intrepid and powerful soldiers, and the best trained, that the Kaiser has. They have met the test of the cold and the wet and the rain and the snow, privation and hunger. They have met these great tests in a way that thrills the heart of every American patriot. We are not, however, in any sense surprised. It was apparent to every man who journeyed along the western front during the autumn just passed and who saw the various troops fighting among the allies, saw the Belgians, saw the Portuguese, saw the various kind of British troops, saw the French, and later mingled and abided for a time among the soldiers of Uncle Sam, that for physical capacity, for courage, spirit, dash, all the elements that go to make a man a great soldier in this great warfare, the soldiers of the United States who have been trained and are in France are the best in the world. [Applause.] And there are many magnificent soldiers to-day in the world. However, we have a problem which is very, very serious; and I may be permitted to add in this connection that the people in the United States may take a great deal of comfort in the knowledge that our soldiers who in the shock of battle are wounded, or who fall a prey to sickness, are to receive the best treatment that has ever yet been given to soldiers of any nation in time of war.

The Medical Department of our Army and the Red Cross of this country are doing a class of work excellent in its character, inspiring in all its details, and any mother in this country can know to a certainty that if her boy is perchance wounded, or if her boy is taken sick, he is going to have as good treatment in France as though he were at home, as though he were back in the great country he is fighting for. And we ought to observe as we pass that no small degree of credit for this satisfactory condition should be given to the women of the United States. The men of this country have been working and performing great deeds during the period that this war has continued, but we recognize that we have fallen down in many respects. But, thank God, the women of the United States have not. [Applause.] Perhaps we are behind in machine guns, behind in artillery, behind in ammunition, behind in uniforms, behind in ships; but we are ahead in bandages, we are ahead in sweaters, we are ahead in socks, we are ahead in everything that woman was called upon to produce. [Applause.] I have not yet heard of any strikes among the knitting workers of this country. [Applause.] I have not found any strikes among the women who are rolling the millions of bandages that are going to relieve the suffering in Europe. And if you only knew the value of a clean bandage to a boy who is wounded! Any day along the front you may see men in the best armies in Europe who are obliged to undergo the danger that comes from a bandage that is not new and not clean. But our women already have provided and will continue to provide bandages and Red Cross supplies sufficient so that every man may be kept free from septic conditions.

But it is my purpose to speak on an entirely different subject. Life at the front in this war is a new life to civilization. It contains no elements at all to which we have accustomed ourselves through generations of civilizing and Christianizing influences. Men in the trenches are reduced back to primeval conditions. They live in holes in the ground. They work in the mud, they work in the rain, in the snow, in the cold. They suffer from hunger, they suffer from thirst, they suffer from cold, they suffer from all the elements of nature when nature seems to be at her worst. A man must battle against these conditions almost as primeval man battles against them. But in addition he must battle against all the forces of destruction that a vigilant and capable enemy can devise. He is not simply cold, he is not simply suffering from lack of food or lack of clothing or lack of water to drink, but he is in the midst of ever present danger. A little movement to one side, lifting the head above the trench, walking along the communicating trench in a way that he should not, moving along a

highway when he should have been in a trench may mean death to him. The atmosphere is charged with eternal vigilance if a man is going to live.

I realize in all this, no matter how strong a man may be physically, no matter how superb his spirit, he can not stand the wear and tear. There must be a letting up, an opportunity for relaxation. He must be allowed to get out of that hell region, out of the sound of shells, out of the sound of the roar of cannon, away from the danger, away from the cold and suffering, away from life under these awful conditions, and get where there is sunshine, get where there is comfort, get where there are refining influences that he knew in his lifetime, that his whole body may relax and recuperate.

The British recognizing this have perfected an elaborate system of leave. Every day there crosses the English Channel from the British front 10,000 men going back to England on leave. They have a period of rest in England of about 10 days, where they are permitted to enjoy some of the comforts that even exist to-day in England. They get out of that hell-charged atmosphere and the change is fairly complete. There is nothing that can express, there is no person that can express, that exultation of soul which comes to these men as they leave the trenches and know that they are going to Blighty.

I went on a troop ship across the Channel one day, and they filled several trains with troops, and I had a chance to watch them on the train. When we reached London they did not wait for the train to stop, they pried open the doors and leaped out on the platform and yelled, "Blighty at last."

I recall going back over that same route, and after we had landed in France we came up to the British front and saw the boys going back, and these fellows that had been on leave said, "God bless you, you are some lucky dogs." That does not spring from a slacker spirit at all. The British soldiers have the utmost interest and a dogged interest to end the war, and there is just one end, and that is victory, and they do not propose to stop until victory is achieved. [Applause.] There is no sacrifice too great to make without grumbling, but they realize the necessity of having frequent relaxation. They give the men leave once in four or five months. They are carrying that out pretty well.

Mr. JOHNSON of Washington. About how often does the gentleman say the British soldier receives leave to go to England?

Mr. MILLER of Minnesota. They intend to give him leave once in four months, but are not always able to do it exactly on time, so that it is four or five months. In the French army we have the same situation.

Mr. TOWNER. Will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. TOWNER. Before the gentleman leaves that subject I think perhaps Members might get the impression that these soldiers were compelled to stay in the trenches until they made the trip to England. That is not the fact, is it?

Mr. MILLER of Minnesota. No; they never stay in the trenches more than 10 or 12 days, or perhaps 2 weeks, and then they have a period off.

Mr. JOHNSON of Washington. They are supposed to be six days in the trenches, are they not?

Mr. MILLER of Minnesota. That depends on the activity in the trenches. In France we find the same custom. There they give the men leave every 90 days, and they go home on permission. It is not any injustice to the French soldier, nor does it do him any lack of credit to say that he looks forward to the period home with a great deal of interest. In fact, I am told that should you deny to the British and French Army this opportunity of relaxation to which I have called attention the morale of the army would decline enormously, and it would be a difficult thing to keep them up to concert pitch.

The Germans themselves have a system somewhat of the character I have briefly outlined, but just pause for a minute and reflect how simple a problem for England and France. Soldiers of the British in France can leave the trench, and on the following day they are in Blighty. They can even leave the trench in the morning, if officers are lucky enough to catch a ride back on some lorry returning from the front—they can get to London that night. French soldiers can leave anywhere along the front line and get to their homes that same evening, no matter where it may be in France, or, at most, on the following day.

Our men are going to be subjected to the same severe trials. They are now subjected to the same severe trials and living conditions. They will have to have relaxation. Where are we going to provide it for them. That is a tremendous problem that disturbs many of our officers in France. Nobody has yet found a solution. There are two or three things, however, that by elimination will enable us to work out the problem as far as its consideration is concerned. First, we can not send them to London or England; second, we can not send them to Paris, nor can we permit them to go to Paris or any other large city. Manifestly they can not be brought home to the United States. In this connection I might observe that I mingled with a good many Australians and New Zealanders among the British troops, and I found the only cause of complaint—they did not care a rap about Gallipoli or the losses they sustained—the only thing that bothered them was that they did not have a home to go to every five months.

Great Britain is doing her level best to accomplish something in relief for the men, and the Canadians have the same situation that the New Zealanders and the Australians have. They are trying their best—the British Government—to bring relief by sending these men to England and permitting them to go in some parts of France.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Minnesota. Yes.

Mr. BORLAND. Has there been any consideration given to having some recreation point in Switzerland available to American soldiers?

Mr. MILLER of Minnesota. There has; and I shall be pleased to mention that briefly in a moment.

Mr. JOHNSON of Washington. Mr. Chairman, it might be interesting to add at this point that at one time in crossing the channel I saw a small shipload of Christmas cards and newspapers furnished by the Australian Government to the Australian soldiers living in France, post cards from the Government to the soldiers.

Mr. MILLER of Minnesota. Yes. That is a splendid testimony of the interest the Government itself takes in her sons, something that we might well emulate. Coming down to the problem of the United States, it is not necessary to state how many soldiers we have in France. We have enough, and some of them have been there now for eight months. We all know that it is our aim to get there a million and a half, at least, as soon as we can. It is my firm conviction that by the time the middle of 1919 shall arrive we will have more than 3,000,000 men in France. If you are going to give these men leave every four or five or six months, you can readily estimate the large number that must be accommodated while on leave. Some of the ways that have been suggested to give relaxation to the men we might enumerate, and, first, that to which the gentleman from Missouri has just alluded. It was suggested that our soldiers might go to the Alps, in Switzerland, where in the winter season they could have tobogganning and skiing and in the summer season Alpine climbing, but that is just what they do not want. They do not want to climb mountains, because they have been having all the hard physical exertion that they want. They do not want to go sleigh riding or skiing, because they have been buffeting their faces against the storms of snow for weeks and months already. They want to get away from that. It was then suggested that you might have a large number of sort of Cook's tours, so the men could be grouped together and taken on itinerant journeys through France, showing them the places of historic interest. Believe me, they do not care about those places of historic interest, at least not now. That would be the worst conceivable thing to inflict upon them. That gives them no rest. It might take them away from the sound of shells and take them from some of the awful conditions under which they are living, but it does not give them that relaxation and rest to which they are entitled. I with hesitancy present a plan which is mostly my own, but was suggested in its origin by certain of our officers in France who have been giving a considerable amount of their time to a study of this question. There is a place in France where relaxation can be had, and I call your attention to the southeastern part called the Riviera, near Cannes and Nice.

What attracted my attention to that first, having this in mind, was that I learned nearly all those magnificent hotels about Cannes and Nice are closed, shut up. A very few are open and accommodations given to certain of our officers, who have been down there, and certain others who could afford it, and the expense of the trip even to-day on a small individual scale is ridiculously low. I found on inquiry that undoubtedly those hotels could be operated in such a way as to give men good accommodations with all the comforts they could ask for, for not to exceed $1.50 a day. That region possesses just the qualifications needed for these men.

Mr. COX. Is that a resort of some kind?

Mr. MILLER of Minnesota. It used to be a great watering place, but now it is closed, and gentlemen might be interested

to know that all of the people who used to flock to France and Switzerland and other places, to these watering places and resorts, are not there now. They are not allowed there.

Mr. COX. I suppose these places are closed on account of the war?

Mr. MILLER of Minnesota. On account of the war entirely; but the buildings and the plants are there.

Mr. MADDEN. Who has control of the Mediterranean?

Mr. MILLER of Minnesota. Our allies have control of the Mediterranean up to date, and we expect to keep control. This is entirely safe here. That is a long distance from the German lines, and we hope it will never be any nearer the German lines than it is now. There is no reason on earth why the hotels there could not be taken over on a large scale, all of them, and a 25-mile zone established around that area, a military zone to keep out all undesirables. Those hotels could be opened and fitted and operated as a place for these men to go, and we could make it a second Atlantic City, if you like. I would give them all the foolishness their hearts might desire, and especially have some of the things that I know our boys want. They can play athletic games there every day of the year, for even during winter the climate is balmy and clear. Readily you can see there is opportunity for boating and all kinds of rowing and racing. There is opportunity for baseball every day of the year, and opportunity for football and any kind of outdoor sport you might name, track athletics, everything. The area is sufficiently large to accommodate any number that might be required to go there, and I think it ought to be done. I do not know that our Government will quite undertake the job. It ought to, but we are the slowest people in the world ever to undertake anything of this character.

We look after hogs and cattle and horses and cows and now and then sheep, but when it comes to the comforts and health of human beings, that is not a governmental function. It is each man for himself and the devil take the hindmost, usually, and I do not know that we can ever get our Government to do it; but it can be accomplished in another way. Already the American Red Cross has found it easy to raise $100,000,000, and it is going to raise another hundred million dollars, and every man who puts a dollar into that fund can feel that it is going to a splendid purpose. But this is not a job for the American Red Cross. This should be a job for an independent association, and if there are some American people who desire to put their money where it will do the most good in comfort for the men, let them organize an association, and the capital should run into millions, because this is no small job, and let them take over something of this character and perfect it.

Now, I come to the most important feature of all, and I say it with some deliberation and with all the earnestness I can command. These men at the war front after a period of time are longing for a touch of home life, that touch only woman can give. There is something about the war life that calls men to chivalric thought, calls them to an ideal state, one in which they long for a glimpse of pure, sweet womanhood. They need to know there is that sweetness in life which only the presence of woman can give. In these hotels, which should be rigorously controlled and operated, there should be a home touch, and American womanhood that already has shown its capacity wherever called upon can here perform a signal service. Under a careful system of matronage something akin to home influences can be provided.

Mr. MADDEN. Will the gentleman yield?

Mr. MILLER of Minnesota. Women of especial matronly qualities, with the assistance of such young ladies as might be called into the service, trained and discreet, should undertake this work and give the touch of home influence to these places.

Mr. MADDEN. That could, of course, be done under the direction of the Government, and should be done under the direction of the Government.

Mr. MILLER of Minnesota. I was about to say it should be put under the exclusive control of Gen. Pershing, where it belongs.

Mr. MADDEN. And at the expense of the Government of the United States?

Mr. MILLER of Minnesota. Entirely; because the Government ought to do it at its own expense. I am not certain it will or not; but if the Government will not, private individuals should.

Mr. MADDEN. Why should private individuals ever be called upon for that purpose? The governments of other countries are doing it.

Mr. MILLER of Minnesota. They are.

Mr. MADDEN. Why should not this Government be just as generous as any other Government in the world, and I think we are.

Mr. MILLER of Minnesota. We ought to do so.

Mr. MADDEN. The men who are sitting here have the decision on that question, have not they?

Mr. MILLER of Minnesota. Yes.

Mr. MADDEN. Then let us do it.

Mr. BUTLER. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. BUTLER. Why does the gentleman think this Government would not do it, because it is the right thing for the Government to do?

Mr. MILLER of Minnesota. But the Government is very slow about taking up matters of this character.

Mr. BUTLER. As the gentleman from Illinois said, it could originate here, and there are certainly enough red-blooded men in this House to do this thing.

Mr. MILLER of Minnesota. I hope it will be done and done speedily, and you have no idea what it will mean. For instance, men coming back every four or five months, a team will play a football match, they will play baseball matches, have field events, have races, have tennis matches, going on all the while. Why, it is the greatest opportunity in the world for the development of athletes and clean manhood. Life there can be made so attractive that the men will look forward to it with the keenest anticipation.

Mr. MADDEN. Will the gentleman yield further?

Mr. MILLER of Minnesota. Certainly.

Mr. MADDEN. Of course the hotel system runs a great many miles along the coast there?

Mr. MILLER of Minnesota. It does.

Mr. MADDEN. I do not know how many men the hotels that are there would accommodate, but a large number, but the chances are if our men on the other side amount to 3,000,000, and they are relieved every four months, that would mean a million men on furlough.

Mr. MILLER of Minnesota. There would not be that many, of course.

Mr. BUTLER. Fighting men.

Mr. MADDEN. Suppose you would not have accomodations for a million men in all the hotels along the Mediterranean coast?

Mr. MILLER of Minnesota. Oh, no.

Mr. MADDEN. We could provide means by which they could be accommodated easily enough.

Mr. MILLER of Minnesota. I should suggest we ought to make provision for about 250,000 at a time, ultimately, for I think that would be as many as we would ever be called upon to have there, and during another year accommodations for fifty or sixty thousand would be ample, and it is something that needs immediate attention.

Mr. COX. Will the gentleman yield?

Mr. MILLER of Minnesota. I will.

Mr. COX. Has the gentleman introduced a bill of this character?

Mr. MILLER of Minnesota. I have not.

Mr. COX. I hope the gentleman will and press it. I think he can get enough men behind it to put it through.

Mr. MILLER of Minnesota. I am very thankful to the gentleman for his cooperative suggestion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARLAND. Will the gentleman yield for one question?

Mr. MILLER of Minnesota. I will.

Mr. GARLAND. As to whether the gentleman knows that there has been action of that kind taken by the Government or intended action?

Mr. MILLER of Minnesota. Not on a comprehensive scale; no.

Mr. GARLAND. I remember three or four weeks ago I went up there with others to get passports for parties going over. We were informed that there was an intention, and especial intention, to establish what is known as an American city down on the Riviera along this very coast.

Mr. MILLER of Minnesota. That was discussed somewhat last fall when I was over, but no adequate plan has ever been attempted or even conceived of. [Applause.]

Mr. STAFFORD. May I have the attention of the chairman of the subcommittee for a moment? There is one other gentleman here to whom I would like to yield five minutes. The gentleman asked for it some time ago, and I promised it to him. I yield five minutes to the gentleman from Pennsylvania [Mr. FOCHT], and that will be the last speech under general debate.

Mr. FOCHT. The excellent speech of the distinguished gentleman from Minnesota [Mr. MILLER], who visited European points, has been accepted with great unanimity, due to the patriotic spirit which prevails throughout this House as well as the country, and I am confident that what he has suggested

is workable and would have the support of this House and the Nation.

The other subject discussed here to-day related to a matter that to my mind is next in importance in maintaining the morale of the troops in Europe to that of giving them entertainment while there. On account of the impossibility of their being able to come home on a furlough communication with the home folks, with the home family, with the fireside should be free, frequent, and unbroken. There is nothing that would inspire and thrill a soldier more than the martial music and the patriotic airs of his home country than a letter from the fireside he left when he went forth to battle for his home. A suggestion was offered this morning by the gentleman from Massachusetts [Mr. ROGERS] and other gentlemen, the gentleman from Indiana [Mr. COX] among them, and a spirit not of criticism—far from it—but from a desire to bring about a correction with regard to the transmission of mail to and from our soldiers in Europe. The gentleman from Illinois [Mr. MADDEN] said that the failure to make a distribution of mail might be on account of the language in France and it may have been due to the inability to promptly land the letters and the packages. But in support of what the gentleman from Massachusetts [Mr. ROGERS] said, and that it might be understood that these distressing and intolerable conditions exist, I would like to have the Clerk read a letter from a gentleman who would do anything but criticize, who is a distinguished scholar, a gentleman and a patriot, whose son is in France to-day fighting for his country. I wish to have the Clerk read this letter from President Warfield, of Wilson College, Chambersburg, Pa.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read as follows:

WILSON COLLEGE,
Chambersburg, Pa., February 18, 1918.

MY DEAR MR. FOCHT: Individually and as president of one of Pennsylvania's colleges I have endeavored to boost and not to knock, to support the Government and to abstain from criticism. But there comes a time when patriotism seems to mean to correct as well as to promote the activities or inactivities of the Government.

The outcry on behalf of the boys in France a short time ago was so entirely expressive of my own experience that I venture to ask your interest in so stirring up those who administer the mails as to secure for our boys at the front the enjoyment of the many efforts that are put forth for their happiness.

That they are not getting their letters or packages I know from the experience of my own boy and what he writes me of those who are with him. My family is a large one and my son in France has been sent several letters every week and a large number of packages, beginning about November 1. Some of the packages that arrived had been plundered of their contents, and the poignancy of this kind of disappointment only those who have served at the front are able to understand.

He complained in October that he was not able to keep his feet warm or to get warm socks in France. I sent him a large package from Philadelphia on November 3, which I know was properly addressed, and it had not reached him January 12.

He writes:

"December 25: We had a very nice Christmas, though I have not had a letter for six weeks and no package has arrived, but I will keep my eye open and have a long Christmas, extended through the 'guerre,' if necessary."

"January 17: Letters are rare things here. I have had only one from you all winter, in December, one from papa, and only one from E., so that altogether, adding the wet, rainy weather, I feel like 'going out in the garden to eat worms.' But that, I fear, would not be economical as long as I have received one box of books and one box of chocolates, and you say others are coming."

A large number of magazines have been regularly sent, none of which has reached him except an occasional number of the Independent. Among the magazines which have been sent and which have not reached him are the Red Cross, Literary Digest, National Geographic, Harper's, Scribner's and others. Packages of books, packages of chocolates—only two out of many have been received intact—knit goods, sweater, helmet, socks.

Many of these things have only been intended for recreation and relief from the strain of service, but some of them have been to replace the inadequate clothing supplied by the Government.

What I feel for my boy tens of thousands are feeling for their boys—and they are all "our boys."

Yours, very truly,

E. D. WARFIELD.

Hon. BENJAMIN K. FOCHT
House of Representatives, Washington, D. C.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOCHT. I wish but a second to say that I have submitted this letter in order that the country may know the conditions that prevail in specific instances and that it is not some vague and unsupported rumor we are discussing.

Mr. COX. Mr. Chairman, I ask unanimous consent to revise and extend my remarks made to-day.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

SENATE.

For compensation of Senators, $720,000.

Mr. GARLAND. Mr. Chairman, I move to strike out the last word. I wanted to say a few words only along the lines of efficiency and the getting out of work during this war in the shipyards and in all the operations that have been taken over and taken charge of by the Government.

It will be well remembered that in the Sixty-fourth Congress when these several large appropriation bills passed with reference to Navy work and Army work that onto each of them was hitched an amendment providing that no man should be required to work on the time-measuring system, and that the system then established in the navy yards be abolished. And I charge it largely to the impracticability of the Democratic side, and among others, I believe, too, the gentleman from Missouri [Mr. BORLAND], who, I think, voted in that particular way and who now proposes to get more efficiency from the employees by increasing the number of hours of labor. But there is no other thing as efficient as giving men piece or tonnage work in shops and mills and factories. And I speak from absolute experience.

Only about three weeks ago, I think it was, an article appeared in the Washington Post, of several columns in length, deploring the fact that in every shipyard of the United States the output had "fallen way off," and further stating this fact: That the average number of rivets driven by an individual prior to the war and the taking over of these works by the Government, or, rather, the supervision of them, was 350 per day, and that the same individuals were now driving but 130 rivets per day, a falling off of from 350 to 130. Now, at the time these measures were up it was conceded that there would have to be some effort to try to incite work, although the necessity for it did not seem as plain as now. But the gentlemen on that side, almost to a man, stood up and voted to eliminate the right to reward men for work on piecework. Now, a man that is working in these shipyards must have some incitement to cause him to work, or else he will not do all that he can do, and it is true we need the output and we want the men to be content. The prices of living are advancing all the time, and by having the right to work on piece or tonnage work and not adding one minute more to the hours of employment, it would increase the output in that way and in the direction I have just stated. I have seen time and again in factories and in mills going from the use of the day's work to that of output, where the increase, starting at $40 a month—and this is in railroad shops—run up to $65 a month in less than two months, and shortly after doubled. That is an established fact in some shops over in the State from which I come.

I think there is where the last Congress erred very much; and it seems to me if we want to remedy this matter, if we want to get the output, if we want to stop strikes, if we want to have the men content, we should permit the practice that was in force before the passage of the decision against it by the last Congress.

Mr. COX. The gentleman is making, to me, a very interesting and instructive statement. As I understand the gentleman now, he is taking the position of favoring the pieceworkers?

Mr. GARLAND. Yes, sir; and I did at that time.

Mr. FOCHT. Bonus.

Mr. GARLAND. It is not bonus; it is piecework.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. COX. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended two minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Pennsylvania be extended two minutes. Is there objection?

There was no objection.

Mr. COX. What is the position of organized labor on that? Does the gentleman know?

Mr. GARLAND. It varies. A large number of the organizations favor and use piecework entirely. The trade to which I belonged, that of iron and steel workers, uses tonnage work. It has always done it.

Mr. COX. What is the policy in that regard of the organization known as the American Federation of Labor?

Mr. GARLAND. It has no decided policy, except that some of our trades affiliated with the American Federation of Labor prefer daywork and decide for that. As a matter of fact, that is where the mistake came in here. They do not declare in any of their conventions for entire daywork. Some of the organizations, I believe—among which are the machinists and others—do declare for daywork only.

Mr. COX. If I recall correctly, the American Federationist, the paper or organ of the American Federation of Labor, when this contest was going on heretofore in regard to the stop-watch system, stated that the test of the friendship of Members of Congress was soon to come on the vote on the stop-watch question.

Mr. GARLAND. There was not a resolution of the American Federation of Labor as a whole asking Congress to vote against it that I am aware of.

Mr. COX. It was stated that piecework had a tendency to overspeed the men and affected their physical endurance, and things like that. What does the gentleman think of that?

Mr. GARLAND. I do not think it does. It is claimed that situation occurred down here under what is known as the Taylor system. As a matter of fact, no one can determine the cost of operation of making a single article in iron or steel or any other article in any other line of manufacture unless they measure it by some kind of time and wage computation, and the attempt at that time was not to permit the use of the clock and thereby determine the cost of an article. I claim that by using a system of piecework you can more readily and more fully determine the cost of the production of an article. But it seems to me the Democrats were so intent on taking the industry of armor-plate making from the State of Pennsylvania they did not want that kind of legislation.

Mr. COX. The gentleman is correct. I want to say to the gentleman that in my little town there are three desk factories, and the ambition of every man working there is to be put on piecework, where they get seven or eight dollars a day. When a man gets to doing piecework he is not overworked at all.

Mr. GARLAND. A man used to drive 350 rivets as an average day's output before the war in these shipyards, but owing to its being Government work and owing to the laws passed by the Sixty-fourth Congress, which I have already explained here, they went onto the basis of daywork, and the same authority in the newspaper article I referred to says that they are now driving 130 rivets a day and consider that a day's work.

Mr. FOCHT. Mr. Chairman, I would like to ask the gentleman a question, inasmuch as he is regarded in Pennsylvania as the fountain to which we go on the labor question. I would like to know what the distinction is as to the piecework method and the bonus system which is in operation where they are making shells for the Government. As I understand, they pay them $3 a day for a whole day, and a certain percentage above a certain number of shells that they grind. How does that relate to this policy in regard to the piecework system, which you say they were prohibited from using at a certain time? I know that they are working on the bonus system in Government work.

Mr. GARLAND. On daywork they do a day's work irrespective of the amount turned out. If they are working on piecework, they agree to pay them on the piecework plan, and that, I insist, incites a man to greater effort; he does more work and not one minute more of labor.

Mr. ROBBINS. They work the same length of time?

Mr. GARLAND. Yes. They work the same length of time, but it keeps them from loafing on the job. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. SIMS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing letters from the Secretary of War and the Secretary of Agriculture and the Secretary of the Interior respecting proposed water-power legislation.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by printing the document indicated. Is there objection?

Mr. WALSH. Reserving the right to object, Mr. Chairman, I did not understand what the document was.

Mr. SIMS. It is a letter from the Secretary of War, the Secretary of the Interior, and the Secretary of Agriculture respecting proposed water-power legislation, addressed to me as chairman of the Committee on Interstate and Foreign Commerce. It is an official document.

Mr. WALSH. Has it not been included in the hearings?

Mr. SIMS. No. I have just received it. The hearings have not been commenced.

The CHAIRMAN. Is there objection?

There was no objection.

Following is the letter referred to:

WASHINGTON, *February 27, 1918.*

Hon. T. W. SIMS,
House of Representatives.

DEAR MR. SIMS: It is understood your committee will take action at an early date upon various proposals which have been made concerning water-power legislation. On account of the conditions now affecting the power industry and the need of maintaining our entire industrial machinery at its highest efficiency, a satisfactory solution of the water-power problem is, in our judgment, one of the most important steps for the consideration of this Congress and one which should receive attention at the earliest practicable date.

The industrial expansion which has been necessary in order to produce the materials and equipment needed in the prosecution of the war has placed unprecedented demands upon the electric-power industry, to such an extent in fact that the output of commercial central stations has increased more than 60 per cent since 1914. This increase has been greatest in the manufacturing sections of the East where water-power development is comparatively limited, and has been chiefly in the form of steam-generated power, because steam power can be developed more quickly and at less capital cost than water power. This increase in power output has taken place notwithstanding advances in costs of construction and of operation.

While the form of bill which has been presented for your consideration is directly concerned with water-power development only, an adequate solution of this problem will have a favorable and stabilizing effect upon the whole power industry. Probably no considerable increase in new water-power development can be expected immediately, but legislation is urgently needed in order to put existing water-power developments, which have been made under inadequate law, into a position of security which will enable them to make extensions and to meet maturing obilgations upon favorable terms.

There is also need of legislation in order that time may be given to prepare for the developments that must take place after the close of the war, if the United States is to maintain its proper place in world trade, or even to supply its domestic needs. A survey of our water-power resources is needed, particularly with relation to specific districts and specific industries. The various establishments of the Federal Government which have had to do with the administration of water power should be coordinated through a single agency, and as far as practicable all agencies, Federal, State, and private, should be brought into cooperation. It is urgently recommended that a Federal power commission be established as provided in the proposed bill and be given ample authority to undertake this work of preliminary investigations.

Beyond the need of power development as such is the need of increasing the proportion of water power in order to reduce the drain on our coal and petroleum supplies, particularly the latter. Even if the coal supply were unlimited, the reduction in the demands upon labor and transportation equipment would be sufficient reason for substituting water power for steam power whenever possible. The petroleum supply, particularly in the West where the greatest proportion is used for fuel, is being rapidly depleted, consumption has exceeded production and stocks in storage are fast disappearing. With the substitution of water power for steam power in central stations and with the electrification of railroads, a large part of the use of petroleum for fuel could be eliminated.

Water-power legislation should have in view not only the maintenance of the rights of the public in the national resources, but also the adequate protection of private capital by which such resources are developed. The bill before you aims to do both. After careful consideration, however, it is believed that certain changes in language could be made which would more clearly express the intent of the proposed legislation.

It is particularly important that the conditions which affect the disposition of the property at the termination of the license should be so definite that uncertainties will be reduced to a minimum. If the properties are not taken over, the conditions under which a new license may be secured should be entirely clear. If the properties are taken over, the price to be paid should not include alleged values not represented by investment, or, on the other hand, require needless amortization of capital during the period of the license in order to protect the investment. It is, therefore, believed advisable to define in specific language the items which should or should not enter into the price to be paid. The following definition which it is recommended should be inserted at the end of section 3 has been prepared after thorough consideration and after consultation with accounting and banking experts. It is believed to be eminently fair from the point of view of the public and of the investor. The use of this term will require certain changes in other parts of the bill, particularly section 14:

"'Net investment' in a project means the actual legitimate original cost thereof as defined and interpreted in the 'Classification of investment in road and equipment of steam roads, issue of 1914, Interstate Commerce Commission,' plus similar costs of additions thereto and betterments thereof, minus the sum of the following items properly allocated thereto, if and to the extent that such items have been accumulated during the period of the license from earnings in excess of a fair return on such investment: (a) Unappropriated surplus, (b) aggregate credit balances of current depreciation accounts, and (c) aggregate appropriations of surplus or income held in amortization, sinking fund, or similar reserves, or expended for extensions or betterments. The term 'cost' shall include, in so far as applicable, the elements thereof prescribed in said classification, but shall not include expenditures from funds obtained through donations by States, municipalities, individuals, or others."

The language of section 6, which fixes the period of the license, has been changed somewhat in order to make its intent more clear and in order to make certain that there shall be no time when the holder of a license may not have the privilege of receiving a new license if the properties are not taken over either by the United States or by a new licensee.

Certain other changes, minor in character, have been made for the purpose of clarifying the language or improving the form of the bill. All these changes are shown upon the attached copy of the confidential committee print.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.
FRANKLIN K. LANE,
Secretary of the Interior.
D. F. HOUSTON,
Secretary of Agriculture.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of contingent fund of the Senate, $6,500; assistant secretary, Henry M. Rose, $5,000; chief clerk, $3,250; financial clerk, minute and Journal clerk, principal clerk, and enrolling clerk, at $3,000 each; reading clerk, $3,600; executive clerk, and assistant financial clerk, at $2,750 each; librarian, file clerk, chief bookkeeper, assistant Journal clerk, and printing clerk, at $2,500 each; first assistant librarian, and keeper of stationery, at $2,400 each; assistant librarian, $1,800; skilled laborer, $1,200; clerks—3 at $2,500 each, 4 at $2,220 each, 2 at $2,100 each, 1 $1,800, 2 at $1,600 each, 1 $1,440; assistant keeper of stationery, $2,000; assistant in stationery room, $1,200; messenger, $1,440; assistant messenger, $1,200; laborers—3 at $840 each, 3 at $720 each, 1 in stationery room $720; in all, $94,410.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. Mr. Chairman, this morning in the general debate two Members of the House came valiantly to the defense of the profiteers in Washington who are the beneficiaries of the seven-hour law, and they did me the honor to refer rather pointedly to me in person. One of them was the gentleman from New York [Mr. LONDON] and the other the gentleman from Tennessee [Mr. AUSTIN].

Now, as to the gentleman from New York, I have always had the misfortune since he has been a Member of this House of not being able to communicate with him. For some reason or other he and I do not speak the same language. I have never been able to arrive at his mental processes. It may be my misfortune. If so, I am too old to change, but I do not either read, speak, or understand the bolshevik language, so that I am at loss to discuss his proposition. [Laughter.]

But it is quite otherwise with the distinguished gentleman from Tennessee. I think I understand clearly what he says. The gentleman from Tennessee has had a unique reputation in this House, and I rather think, if I am not mistaken, that he has somewhat gloried in it. He has taken the position, as I understand, that he never votes against any appropriation and never votes for any tax. By some strange system of magic all of these beautiful expenditures that he is in favor of come out of a clear blue sky, and none of them come out of the pockets of the American taxpayer. None of them represents the sweat and blood of our constituents, according to his beautiful optimistic ideas and statements. I wish I could subscribe to them.

He never wants to levy a tax on the American people. He wants the other Members of Congress to do that; but he always wants to vote for an appropriation. Now, that is a very beautiful theory. It is a good rule to go by, but, like all rules, there are exceptions. They say it takes an exception to prove the rule and this particular rule of the gentleman from Tennessee has had one conspicuous exception. In the 10 years I have served with him I have never known him to vote against any appropriation except one, and that was the appropriation for the investigation of the Beef Trust. When the appropriation came before this House for the investigation of the Beef Trust, that had the American farmer by the throat, the gentleman from Tennessee voted against that appropriation. Why, he not only voted against it, but he worked with feverish energy over here at the door as his colleagues were coming in to vote on the floor. He was determined to beat that investigation. That is the sole exception that I know of. Now, I do not know how the gentleman is going to explain to his farmer constituents in eastern Tennessee why they should work 12 and 14 hours a day in the field to support seven-hour clerks in Washington, but I understand even less how he is going to explain to his farmer constituents why, when he never votes against an appropriation——

Mr. KEARNS. Mr. Chairman, I rise to a point of order. What right has the gentleman to discuss the previous votes or conduct of the gentleman from Tennessee on a motion to strike out the last word of this bill?

The CHAIRMAN. Does the gentleman make the point of order against the gentleman's remarks?

Mr. KEARNS. I do.

Mr. BORLAND. Then I ask unanimous consent to proceed out of order

The CHAIRMAN. The gentleman must proceed in order.

Mr. BORLAND. I ask unanimous consent to proceed out of order.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed out of order.

Mr. KEARNS. I object.

The CHAIRMAN. To which objection is made.

Mr. BORLAND. I will endeavor to proceed in order.

Mr. BUTLER. Can you do it?

Mr. BORLAND. I can. I would not refer by name to any gentleman in this House. I want simply to explain the necessity and bearing and some of these expenses that we are now levying on the American people. I have noticed, however, that there are a certain class of gentlemen in the House who always come valiantly to the rescue whenever the special interests are attacked.

Mr. MADDEN. What does the gentleman mean by that—"when special interests are attacked"?

Mr. BORLAND. Mr. Chairman, that is not a question of order. If the gentleman will pardon me, I have been held down here to a question of order.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MADDEN. There is nothing before the House dealing with "special interests."

The CHAIRMAN. The gentleman from Missouri must speak, of course, with reference to what is before the committee. The Chair would not hold that a reference to "special interests" was out of order, but as the Chair understands, the gentleman has made no motion.

Mr. BORLAND. I moved to strike out the last word.

The CHAIRMAN. Then the gentleman must speak to that.

Mr. BUTLER. The gentleman must speak to the motion to strike out the last word.

Mr. BORLAND. Gentlemen are getting very sensitive on that side of the House. I do not blame them, but I am very glad to say that I do not refer to the gentleman from Illinois.

Mr. MADDEN. The gentleman from Illinois needs no defense from the gentleman from Missouri.

The CHAIRMAN. The gentleman from Missouri must proceed in order.

Mr. BORLAND. I renew my request to speak for five minutes out of order.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for five minutes to speak out of order. Is there objection?

Mr. MADDEN. I object.

Mr. BORLAND. Mr. Chairman, I notice that the gentleman from Tennessee [Mr. AUSTIN] has returned to the Hall of the House. I renew my request to speak for five minutes out of order.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. AUSTIN. I hope the request will be granted, and I regret I was not here to hear the gentleman's interesting talk.

Mr. MADDEN. If the gentleman from Tennessee requests that the gentleman from Missouri be given the time, of course I am not going to object.

The CHAIRMAN. Is there objection? No objection is heard. The gentleman from Missouri will proceed.

Mr. BORLAND. Mr. Chairman, I regret also that the brilliant gentleman from Tennessee was not present when I began my remarks. I was discussing his attitude toward appropriations and expenditures in this House, and I recalled the fact that during our service here, which has been equal in length of time, my understanding has been that he never voted against an appropriation and never voted for a tax; but I called attention to one conspicuous exception to that rule. That was the appropriation made in this House for the investigation of the Beef Trust. In that particular instance the gentleman overstepped his usual rule and voted against the appropriation.

As I say, it may be somewhat difficult, to my mind, for the gentleman to explain to the farmers of eastern Tennessee why they should be taxed for seven-hour clerks in Washington.

Mr. DYER. Will the gentleman yield for a question?

Mr. BORLAND. No; I regret I can not.

The CHAIRMAN. The gentleman declines to yield.

Mr. BORLAND. But it would seem more difficult to my mind to explain to them why, in view of the revelations which have come out in regard to the activity of the swarm of attorneys for the Beef Trust who were here in Washington, the gentleman from Tennessee should vote against that particular appropriation when he was universally in favor of all other appropriations. I said that whenever the special interests were attacked in this House there were always gentlemen ready to come to their defense, whether it was the profiteers of Washington or any other class,

How sweet to hear the watchdog's honest bark
Bay deep-mouthed welcome as we draw near home.

[Applause.]

Mr. AUSTIN. Mr. Chairman, I ask the indulgence of the House for five minutes. I regret that I am unable to answer that part of the gentleman's [Mr. BORLAND'S] speech, which was delivered in my absence from the floor of the House. I believe the gentleman was present this morning when I discussed him, and attempted in my feeble way to answer his observations of yesterday. In reference to his statement that I never vote against an appropriation, although I began pledging myself to enormous expenditures of money under the spell of his magic while on that wonderful Mississippi River trip—$230,000,000 at the very beginning of our acquaintance—I want to tell him that on several occasions here in the House I have voted against appropriations. I voted against the appropriation giving the Members of the House of Representatives their mileage; that is, I voted in favor of putting it on the actual amount expended rather than the 20 cents per mile basis. I do not know how the economist from Missouri voted on that proposition and I do not care.

This proposition about investigating the Beef Trust—I think the gentleman will find in the RECORD that I have consistently opposed and voted against all the so-called Democratic investigations from the Sixty-second Congress down to the present Congress, which I considered simply a waste of time and the public money in order to furnish gentlemen on that side for partisan purposes campaign material and not to advance the interests of the taxpayers.

The Beef Trust investigation was a proposition to investigate the high cost of living; that was the propaganda and the argument made in the House of Representatives. I took the position that all we needed to stop the high-cost-of-living prices was the enforcement of present laws and the indictment by the Federal grand jury of the packers and other people who were attempting to oppress the people; that we were paying for the expenses of the necessary prosecuting attorneys and assistant prosecuting attorneys who had access to Federal grand juries, and instead of wasting this money—$250,000—to furnish jobs for Democratic office seekers we should put the district and assistant attorneys appointed by President Wilson to work in the Department of Justice and in every Federal courthouse in the United States to investigate before the grand juries the doings of the packers and all other people who were seeking to advance the price of the necessities of life and who were outraging the American people rather than to dissipate the money and time in a political investigation originated by the gentleman in favor of cattle raisers in his district for whom he seemed to be the special champion.

The Clerk read as follows:

For captain, $1,800; 3 lieutenants, at $1,200 each; 2 special officers, at $1,200 each; 47 privates, at $1,050 each; 10 additional privates, at $840 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House; in all, $65,550.

Mr. GREENE of Vermont. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. GREENE of Vermont. Under this item for Capitol police is there any provision for these so-called Capitol guides, or are they anywhere taken care of in this bill?

Mr. BYRNS of Tennessee. They are not.

Mr. GREENE of Vermont. What are the duties of Capitol guides with regard to being in any sense under the control of the authorities in charge of the Capitol?

Mr. BYRNS of Tennessee. They are permitted, as I understand it, to act as guides here in the Capitol under a permit which they receive, and they are permitted to receive such compensation as is given them by those who employ them.

Mr. DYER. Who gives the permit to these gentlemen?

Mr. BYRNS of Tennessee. I am informed that the Sergeant at Arms of the House and the Sergeant at Arms of the Senate jointly issue these permits. Probably one issues one half of them and the other the other half.

Mr. GREENE of Vermont. Do the Sergeants at Arms have any authority of law for this, or is it a long-established practice and custom that they are following?

Mr. BYRNS of Tennessee. It is a custom that has obtained for many years, and I assume that they have taken jurisdiction of it, because they have jurisdiction in the Capitol.

Mr. GREENE of Vermont. Of course my remarks should not be interpreted as meaning that I hint that there is anything wrong on the part of those who have followed the practice or custom, but it gives me this opportunity to suggest to the gentleman's committee, with his permission, that it seems to me there is something strangely inconsistent in the administration of a democratic form of government when a citizen who comes to this Capitol has to pay 25 cents to see his own building.

Mr. BYRNS of Tennessee. That is, of course, not necessary unless he desires to do it.

Mr. GREENE of Vermont. That is what he does.

Mr. BYRNS of Tennessee. If he wishes to go through the building without an escort, he can go through.

Mr. GREENE of Vermont. I understand that; and yet, by way of contrast, at the Treasury Department, for instance, when the visitor presents himself—and that is his building, too, in the same general sense—he is met by a guide who takes him about and shows him his own property.

Mr. MADDEN. He could not steal anything up here except a Member of Congress, and they do not care if he does do that.

Mr. BORLAND. Mr. Chairman, there have been repeated attempts to get these guides put on the pay roll, and a great many arguments have been urged in favor of it, among others the argument of the gentleman from Vermont, that the public ought to have free service. Of course, the public does not have to pay those guides unless it chooses to do so. The building is free and it is policed. The guides are supervised by the Sergeant at Arms, and they are kept in order and their fees are kept within limits and they are respectable, law-abiding men. That is the only object in licensing them.

Mr. CANDLER of Mississippi. The guides will not show a man through unless they are paid.

Mr. BORLAND. It is a fee which is voluntarily given on the part of the visitors; but it is apparent that if the guides were put on the pay roll and paid a salary, and distributed around as patronage among the Members, that exactly the same thing would occur that now occurs in respect to the barbers. A Member of Congress who patronizes the barber shop pays the same price exactly for the service that he would have paid if the man was not on the public pay roll. The only difference is that the public pays an additional price. That would be the only difference here in the practical operation of it. For a short time there might be free service given by a few guides, but you can not prevent the American public from tipping that class of service. You can not prevent it by law or in any other way, and the public would begin to do it and it would become a custom.

Mr. DYER. Can not you prevent the guide from accepting it?

Mr. BUTLER. Is it impossible to put the obligation upon the American Republic?

Mr. BORLAND. But you can not prevent the public from giving the quarter extra.

Mr. BUTLER. Does the gentleman understand that tipping is an absolute necessity?

Mr. BORLAND. Some believe it is a necessity.

Mr. GREENE of Vermont. It seems to me absolutely belittling the dignity and majesty of this Government and all of its theories of democratic ownership and equality of rights of the owners that when a man comes here from across the continent, maybe, to see the property he has been told by the school books he owns, he is held up at the door of the great Capitol of this great Nation and has to pay a quarter to see it.

Mr. BORLAND. No. He is not held up at the door.

Mr. GREENE of Vermont. It is a distinction in terms and not in effect; in language, and not in what it amounts to the pocketbook. That is all. Even if it is true that the visitor has his option of paying or not paying to have the features of interest in his own Capitol shown to him and explained to him, the fact is that if he does not pay he is not shown them and they are not explained, while other people, willing to pay and having the money to pay, have all that courtesy extended to them. I believe that some arrangement should be made whereby guides, paid by the Government, shall regularly conduct parties of sightseers about the Capitol Building without exacting any fees from the visitors themselves.

Mr. BORLAND. If we had the guides on the pay roll the man whom the guide suspected would not tip would not find a guide. There might be plenty of guides, but he could not find them.

Mr. MADDEN. Does this illustrate what would happen in the case of great business enterprises controlled by the Government?

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman in charge of the bill with reference to the item on page 10, beginning line 10, in reference to the automobile provided for the Vice President. Can the gentleman state how long the present automobile has been in use?

Mr. BYRNS of Tennessee. It was purchased in July, 1914, nearly four years ago.

The CHAIRMAN. The Clerk will read.

Mr. GOOD. Mr. Chairman, I move an amendment, on page 11, line 12, after the second word "each," to strike out "one-half" and all of lines 13 and 14 and insert "said privates to be selected by the Superintendent of the Capitol."

Mr. FOSTER. I reserve a point of order on that, Mr. Chairman.

Mr. GOOD. It is not subject to a point of order.

Mr. FOSTER. I do not know whether it is or not. I want to find out.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa [Mr. GOOD].

The Clerk read as follows:

Amendment offered by Mr. GOOD: Page 11, line 12, after the second word "each," strike out "one-half" and all of lines 13 and 14 and insert "said privates to be selected by the Superintendent of the Capitol."

Mr. GOOD. Mr. Chairman, as I understand, one-half of the amount appropriated for the policing of the Capitol is disbursed by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House. One-half of this police force is selected by the Sergeant at Arms of the Senate and the remaining half by the Sergeant at Arms of the House, and now for the remainder of this year the Superintendent of the Capitol will select the persons to be added to this force, who will be under his direction.

The point brought out by the gentleman from Massachusetts [Mr. GILLETT] was that we are dividing here the responsibility of a little army brought here to protect the Nation's Capitol, to preserve the property, and yet we are scattering the responsibility, so far as dividing the command of that army among three officials of the Government is concerned. There ought to be one man responsible for that force—one man responsible for any depredations to the Government property here at the Capitol—and I do not believe you will ever get that desired responsibility until you place the control in one single person. I do not know whether Mr. Elliott Woods, the Superintendent of the Capitol, is the person to be in command of this force or not, but I do know that that responsibility—and it is a great responsibility—ought not to be vested in three persons. It ought not to be vested in two persons. There ought to be but one responsible head, and it seems to me that when a suggestion is made that is so eminently sound and businesslike as that made by the gentleman from Massachusetts [Mr. GILLETT] our committee and this House ought to adopt it.

Mr. FOSTER. Mr. Chairman, this amendment proposes to place the Capitol police force all under the control of Mr. Elliott Woods. Mr. Woods, as we all know, is one of the most efficient men that there is up here on Capitol Hill. He has to do with the management of the Capitol Building and Grounds. No man has a higher regard for Mr. Woods than I have.

If this police force is to be reorganized, it seems to me that the committee should have taken the action necessary before they reported this bill to the House. I do not know whether this force ought to be brought under the control of Mr. Woods or not, but the police force as now constituted is under one head—a captain. I do not know who he is. It may not be a good thing to have the responsibility of the management of this police force divided between three persons, but I think before the House takes action of this kind it ought to be studied out, and there ought to be a properly prepared amendment, and that no one ought to undertake to offer an amendment here, as the gentleman from Iowa [Mr. GOOD] has done, who is a member of the committee, and had a long time to study this proposition. I think the provision offered by the gentleman from Iowa is subject to the point of order.

Mr. BYRNS of Tennessee. The law authorizing the appointment of this force provides—

There shall be a captain of police, the member of which shall be appointed by the Sergeants at Arms of the two Houses and the architect of the Capitol Extension. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

It seems to me it is clearly subject to a point of order. Do I understand the gentleman to make it?

Mr. FOSTER. I will make the point of order; but let me say before I do so that I am not averse to any proper arrangement, but I believe we ought to have it done in the right way. If there is to be a reorganization, I shall not object to it; but I do not believe we ought to adopt this amendment at this time and in this way. If the gentleman wishes to draw a provision placing the police force of the Capitol all under one head, I should not object to such a provision if properly worked out. I make a point of order on this amendment.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the point of order?

Mr. GOOD. No.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Office of the Speaker: Secretary to Speaker, $4,000; clerk to Speaker's table, $3,600 and for preparing Digest of the Rules, $1,000 per annum; clerk to Speaker, $1,600; messenger to Speaker, $1,440; messenger to Speaker's table, $1,200; in all, $12,840.

Mr. WALSH. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman in charge of the bill a question. We have had a rather strenuous week. I wonder how late he expects to continue with this measure today?

Mr. BYRNS of Tennessee. I had hoped that the committee would be willing to sit patiently in session until 5 o'clock. The gentleman is aware of the fact that very liberal time was extended in general debate, and we have not had much opportunity to read the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Office of the Clerk: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $6,500; hire of horse and wagon for use of the Clerk's office, $900, or so much thereof as may be necessary; chief clerk, $4,500; journal clerk, and two reading clerks, at $4,000 each; disbursing clerk, $3,400; tally clerk, $3,300; file clerk, $3,250; enrolling clerk, $3,000 and $1,000 additional so long as the position is held by the present incumbent; chief bill clerk, $3,000; assistant to chief clerk, and assistant enrolling clerk, at $2,500 each; assistant to disbursing clerk, $2,400; stationery clerk, $2,200; librarian, $2,100; assistant file clerk, $1,900; two assistant librarians, messenger and assistant Journal clerk, at $1,800 each; clerks—one $1,800, three at $1,080 each; bookkeeper, and assistant in disbursing office, at $1,600 each; four assistants to chief bill clerk, at $1,500 each; stenographer to Clerk, $1,400; locksmith, who shall be skilled in his trade, $1,300; messenger in chief clerk's office, and assistant in stationery room, at $1,200 each; messenger in file room, messenger in disbursing office, and assistant in House library, at $1,100 each; stenographer to chief bill clerk, $1,000; seven telephone operators, at $900 each; three session telephone operators, at $75 per month each from December 1, 1918, to March 31, 1919; substitute telephone operator when required, at $2.50 per day, $500; two laborers in bathroom, at $900 each; six laborers, at $720 each; page in enrolling room, $720; two janitors, at $720 each; allowance to chief clerk for stenographic and typewriter services, $1,000; in all, $102,270.

Mr. WALSH. Mr. Chairman, I notice that this paragraph totals nearly $2,000 more than last year. What increases have been inserted? Have these laborers in the bathroom had their salaries raised?

Mr. BYRNS of Tennessee. I may state to the gentleman that the only increases in this paragraph consist of $1,000 additional for the enrolling clerk. The gentleman will notice that the provision reads:

Enrolling clerk $3,000, and $1,000 additional so long as the position is held by the present incumbent.

That was incorporated in this bill because of a House resolution passed heretofore, which is now the law so far as the House is concerned.

Mr. WALSH. I notice that increase.

Mr. BYRNS of Tennessee. The other increases are two telephone operators, at $900 each. Those are the increases. The appropriation is reduced from what it would otherwise have been on account of the fact that the next session will be a short session.

Mr. WALSH. May I ask the gentleman another question?

Mr. BYRNS of Tennessee. Yes.

Mr. WALSH. In lines 19 and 20 there are two laborers for the bathroom, at $900 each. Does that refer to the bathroom in the House Office Building?

Mr. BYRNS of Tennessee. I so understand.

Mr. WALSH. How is it that the bathroom in the House Office Building is under the jurisdiction of the Clerk, while the tonsorial parlors are under the jurisdiction of the Doorkeeper?

Mr. BYRNS of Tennessee. I really can not tell the gentleman why that is. It has been the custom ever since the House Office Building was erected and first occupied, as I understand. The committee have simply followed the established custom and have continued the appropriation in this manner. I do not know whether it was because originally the Clerk was supposed to have peculiar knowledge and qualifications concerning the duties of a bathroom attendant or not, or whether the Doorkeeper was supposed to have peculiar tonsorial abilities.

Mr. HUMPHREYS. These bathroom laborers were under the Clerk of the House before the House Office Building was erected, when the bathroom was in the Capitol.

Mr. BYRNS of Tennessee. The gentleman from Mississippi [Mr. HUMPHREYS], who has been here a great number of years, longer than the gentleman from Massachusetts [Mr. WALSH] and myself, has, I think, given a very clear explanation.

Mr. WALSH. They were under the jurisdiction of the Clerk before the House Office Building was erected, in the old days when they not only had bathrooms, but when thirst might be quenched downstairs in the Capitol.

Mr. HUMPHREYS. The gentleman says I have been here a long time. I have not been here so long as that. [Laughter.] There was no place where a thirst could be satisfied when I came here.

Mr. WALSH. I would like to know if these two laborers are in the classified service or in the patronage that goes to the party that may be unfortunate enough to be in power?

Mr. BYRNS of Tennessee. One, I understand, has been here 40 years and another 17 years.

Mr. WALSH. I think they are classified. [Laughter.]

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee a question. Where is the provision for the compensation of the Speaker?

Mr. BYRNS of Tennessee. That is carried on page 12. His salary being fixed by law it is carried in that lump appropriation.

Mr. COOPER of Wisconsin. In express terms you provide for the salary a little later for the President, $75,000, and the Vice President, $12,000. Their salaries are fixed by law. Why should the Speaker be omitted and these two salaries mentioned which are fixed by law?

Mr. BYRNS of Tennessee. The President is an executive officer and it has been the custom to appropriate his salary in specific terms. It is a matter of custom; this bill could appropriate for each Member individually if it was desired to do so, but this has been the custom.

Mr. COOPER of Wisconsin. The salary of the President is fixed by law and so is that of the Vice President.

Mr. GARRETT of Tennessee. If the gentleman will pardon me, let me say that the Vice President is not a Member of the Senate, while the Speaker of the House is a Member of the House.

The Clerk read as follows:

Clerks, messengers, and janitors to the following committees: Accounts—clerk $2,500, assistant clerk $1,800, janitor $1,000; Agriculture—clerk $2,500, assistant clerk $1,800, janitor $1,000; Appropriations—clerk $4,000 and $1,000 additional so long as the position is held by the present incumbent, assistant clerk and stenographer $2,500, assistant clerks—1 $1,900, 1 $1,800, janitor $1,000; Banking and Currency—clerk $2,000, assistant clerk $1,200, janitor $720; Census—clerk $2,000, janitor $720; Claims—clerk $2,500, assistant clerk $1,200, janitor $720; Coinage, Weights, and Measures—clerk $2,000, janitor $720; District of Columbia—clerk $2,500, assistant clerk $1,800, janitor $720; Election of President, Vice President, and Representatives in Congress—clerk $2,000; Elections No. 1—clerk $2,000, janitor $1,000; Elections No. 2—clerk $2,000, janitor $720; Elections No. 3—clerk $2,000, janitor $720; Enrolled bills—clerk $2,000, janitor $720; Flood Control—clerk $2,000, janitor $720; Foreign Affairs—clerk $2,500, assistant clerk $1,800, janitor $720; Immigration and Naturalization—clerk $2,000, janitor $720; Indian Affairs—clerk $2,500, assistant clerk $1,800, janitor $720; Industrial Arts and Expositions—clerk $2,000, janitor $720; Insular Affairs—clerk $2,000, janitor $720; Interstate and Foreign Commerce—clerk $2,500, additional clerk $2,000, assistant clerk $1,500, janitor $1,000; Irrigation of Arid Lands—clerk $2,000, janitor $720; Invalid Pensions—clerk $2,500, stenographer $2,100, assistant clerk $2,000, janitor $1,000; Judiciary—clerk $2,500, assistant clerk $1,600, janitor $720; Labor—clerk $2,000, janitor $720; Library—clerk $2,000, janitor $720; Merchant Marine and Fisheries—clerk $2,000, janitor $720; Military Affairs—clerk $2,500, assistant clerk $1,500, janitor $1,000; Mines and Mining—clerk $2,000, janitor $720; Naval Affairs—clerk, $2,500, assistant clerk $1,500, janitor $1,000; Patents—clerk $2,000, janitor $720; Pensions—clerk $2,500, assistant clerk $1,600, janitor $720; Post Offices and Post Roads—clerk $2,500, assistant clerk $1,400, janitor $1,000; Printing—clerk $2,000, janitor $1,000; Public Buildings and Grounds—clerk $2,500, assistant clerk $1,200, janitor $720; Public Lands—clerk $2,000, assistant clerk $1,200, janitor $720; Revision of the Laws—clerk $2,000, janitor $720; Rivers and Harbors—clerk $2,500, assistant clerk $1,800, janitor $1,000; Roads—clerk $2,000, janitor $720; Rules—clerk $2,000, janitor $720; Territories—clerk $2,000, janitor $720; War Claims—clerk $2,500, assistant clerk $1,200, janitor $720; Ways and Means—clerk $3,000, assistant clerk and stenographer $2,000, assistant clerk $1,900, janitors—1 $1,000, 1 $720; in all, $171,790.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. I want to make a few observations in reference to some of the inequalities, apparently, in the treatment of compensation that is paid to the assistants for these various committees. I desire to direct the attention of the committee to one very important committee which has been able to struggle along without a janitor, and I congratulate the distinguished chairman of that committee, the gentleman from Missouri [Judge RUCKER], the Committee on Election of President and Vice President, in being able to get along with simply a single clerk. And I wonder how it is that the great and extremely busy Committee on Elections No. 1 requires a clerk at $2,000, a janitor at $1,000, when the equally distinguished and busy Committee on Elections No. 2 gets along with a clerk at $2,000 and a janitor at $720.

Mr. MADDEN. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. MADDEN. I notice that there are only one or two cases where a janitor gets $1,000; most of the others get $720.

Mr. WALSH. Yes.

Mr. MADDEN. I do not know why the particular service in these two places are so much more valuable than the other places.

Mr. WALSH. That had occurred to me in making these observations. I wondered why it was that the janitor of the Committee on Printing received $1,000 and the Committee on Invalid Pensions has a clerk at $2,500, a stenographer at $2,100, an assistant clerk at $2,000, and a janitor at $1,000, while the Committee on War Claims, which has not been very active during this Congress, is given a clerk at $2,500, an assistant clerk at $2,200, and a janitor at $720.

It seems to me, Mr. Chairman, that when the Committee on Military Affairs and the Committee on Naval Affairs can get along with a clerk at $2,500, an assistant at $1,500, and a janitor, that these other committees, which especially during the war session have not been very active, can get along with less help. This Committee on Military Affairs and the Committee on Naval Affairs have had some measures of the greatest importance, and yet we provide them in this bill—I do not know whether there are any special resolutions or not—for less assistance than we do to some other committees that have had much less to do. I suppose there must be some reason for it.

Mr. MADDEN. Has the gentleman noticed that the important Committee on Industrial Arts and Expositions has a clerk at $2,000 and a janitor at $750? How many expositions have there been for the last year or so?

Mr. WALSH. I do not know of any expositions which have been held in the country as a result of legislation initiated by this committee within the last year or so.

Mr. MADDEN. I should think that this clerk would be overworked, and I am sure that the janitor must be. Some day, if the committee should by chance have a meeting, I suppose they will bring in a bill for extra compensation.

Mr. WALSH. Either that or for services of a doctor. I would like to ask the gentleman in charge of the bill further, in all seriousness, whether this is a matter that is taken as a matter of course each year, or whether any attempt is made in framing the bill to ascertain whether the services are needed or whether it is necessary to have these assistants that have heretofore been provided for.

Mr. BYRNS of Tennessee. I will say to the gentleman that the committee never investigates the necessity of the employment of these clerks and assistant clerks and janitors to committees, for the reason that they are already provided for by House resolution. The committee therefore feels that it has no discretion, in view of the action of the House taken by resolution, to fail to make appropriation for their salaries.

Some committees have stated that they do not have sufficient help and we have informed them that the proper way to secure it was by a resolution formally introduced in the House, so that it could go to the Committee on Accounts and be taken up in the regular way.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WALSH. Does the gentleman mean that if way back in 1897 Congress appropriated for an employee for some of these committees the Appropriations Committee would from year to year continue the appropriations?

Mr. BYRNS of Tennessee. No; not if the Appropriations Committee was convinced that the services of an employee in any department of the House was not necessary to be continued. In such case it would call the attention of the House to it and the House could take such action as it pleased. But I assume that the committees are as busy to-day as they were in 1897. The work of the committees of the House has grown tremendously, and it is certainly a safe assumption to say that if clerks were necessary in 1897 they are necessary now.

Mr. WILLIAMS. Will the gentleman yield?

Mr. WALSH. I will.

Mr. WILLIAMS. I notice that the Committee on Roads has a clerk at $2,000 per annum and a janitor at $720 per annum. This committee has not been a very active one during this session, yet during the last Congress it was one of the important committees of the House and did a great deal of work. I have the honor to serve on that great committee.

Mr. MADDEN. Did the gentleman say "serve"?

Mr. WILLIAMS. Yes.

Mr. MADDEN. Does not the gentleman mean that he is a member of that committee?

Mr. WILLIAMS. I am a member of that committee. But there has not been a meeting of our committee now for sometime.

Mr. DYER. That clerk must be overworked.

Mr. WILLIAMS. Of course, I am at loss to know what the duties of the clerk and the janitor of that committee are at this time.

Mr. BYRNS of Tennessee. I am sure the gentleman ought to know more about the duties of the clerk and the janitor to his committee than the gentleman who is in charge of this bill. Has the gentleman any idea that there would be objection to a motion to eliminate the clerk and janitor of this committee?

Mr. WILLIAMS. Oh, no; I would not object. I do not know what the chairman of the committee thinks about it.

Mr. MADDEN. Mr. Chairman, let us try. I move to amend on page 15, line 24, by striking out the provision for the clerk.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 15, line 24, strike out, after the word "roads," the words "clerk, $2,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. ROBBINS) there were—ayes 3, noes 33.

So the amendment was rejected.

Mr. COOPER of Wisconsin. Mr. Chairman, I beg the indulgence of the House while I recur to a suggestion I made a moment ago and the reply that was made to it by the chairman of the committee and the gentleman from Tennessee [Mr. GARRETT]. I called attention to the fact that on page 29 there is this provision:

For compensation of the President of the United States, $75,000.
For compensation of the Vice President of the United States, $12,000—

And that there is no similar provision in express terms for the compensation to the Speaker. Thereupon the gentleman from Tennessee [Mr. GARRETT] rose and said that the reason that there was an express provision for the Vice President was that the Vice President is not a Member of the Senate, whereas the Speaker is a Member of the House. That, however, is merely the custom—that the Speaker is a Member of the House. The House could elect anybody not a Member of the House as its Speaker at any time. It could, in its discretion, depose the present Speaker and elect another who is an entire outsider, and if that should happen this provision would not be applicable at all.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. In a moment. Then this provision would not be applicable to the next House of Representatives until it shall have chosen a Member of the House as its Speaker, and in strict accuracy the language ought to be changed. I do not desire to be hypercritical about it, but my suggestion was well founded, because the next Speaker of the House of Representatives may not be a Member of the House of Representatives.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. FESS. By what authority does the gentleman say that this House could elect some one its Speaker who is not a Member of the House?

Mr. COOPER of Wisconsin. Because the Constitution provides simply that the House of Representatives shall elect a Speaker, and we could elect a Speaker who is not a Member of the House, exactly as does the House of Commons in England.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. FESS. Mr. Chairman, I rise in opposition to the pro forma amendment, to make the observation that I do not believe that that statement of the gentleman from Wisconsin [Mr. COOPER] that the House could elect as its Speaker one who is not a Member of the House.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman permit one interruption right there, so that I may call his attention to the language of the Constitution, for then he may not wish to continue his statement.

Mr. FESS. I yield.

Mr. COOPER of Wisconsin. The Constitution reads:

The House of Representatives shall choose their Speaker and other officers.

The words "and other officers" have uniformly been held to mean that they could in their discretion elect anyone a Speaker who is not a Member of the House, just as they choose their officers from gentlemen who are not Members of the House.

Mr. FESS. Mr. Speaker, simply because there has not been a Speaker elected who was not a Member of the House would not, of course, be conclusive that it could not be done.

Therefore I do not offer that as an argument that it could not have been, but the language employed, read by the gentleman from Wisconsin, is not to be interpreted, I take it, that the membership of this House could go beyond its membership to select its chief officer, because under the rules of the House the Speaker of the House can vote on every measure whether his vote will change the result or not. Now, in the Senate the presiding officer can not vote on every measure, but only in case of a tie, but in this House the presiding officer can vote on every measure. Now, in case that he was not a Member of this House he certainly could not vote on any measure.

Mr. MADDEN. Will the gentleman yield?

Mr. FESS. I do.

Mr. MADDEN. I thought perhaps the gentleman from Wisconsin might have it in his mind the danger of the House electing the Secretary of the Treasury to another job. [Laughter.]

Mr. GARNER. Will the gentleman yield?

Mr. FESS. That is a very pertinent observation.

Mr. GARNER. It occurs to me the gentleman from Wisconsin is absolutely correct in the construction of the Constitution, and I do not see where the point that the gentleman from Ohio makes is tenable here because the rules are made after the Speaker has been elected and the House is organized, and it is only by virtue of the rules that the Speaker is permitted to vote. I will illustrate. Suppose we come in here and elect some distinguished gentleman, as suggested by the gentleman from Illinois, Speaker of the House and made no change of the rules providing that he could not vote; he would still be Speaker of the House and would not violate the Constitution.

Mr. HAMLIN. If the gentleman will permit a suggestion. I think the gentleman from Texas is wrong in his premises. The Speaker of the House is permitted to vote by virtue of the fact that he is a Member of the House, and the House would not be authorized to take from him that privilege because he is a Member of the House.

Mr. FESS. That would be my interpretation of it.

Mr. HAMLIN. That is unquestionably and undoubtedly so.

Mr. FESS. I think the observation made by the gentleman from Tennessee [Mr. GARRETT] a while ago was well made and is the real explanation of putting it in a lump sum in one case and setting out the Vice President in the other.

The Clerk read as follows:

Office of Doorkeeper: Doorkeeper, $5,000; maintenance and repair of folding room motor truck, $500, or so much thereof as may be necessary; special employee, $1,500; superintendent of reporters' gallery, $1,600; janitor, $1,500; messengers—16 at $1,180 each, 14 on soldiers' roll at $1,200 each; laborers—17 at $720 each, 2 known as cloakroom men at $840 each, 8 known as cloakroom men, 1 $600 and 1 $120 additional so long as the position is held by the present incumbent, and 7 at $600 each; 2 female attendants in ladies' retiring rooms at $800 each; superintendent of folding room, $2,500; foreman, $1,800; 3 clerks, at $1,600 each; messenger, $1,200; janitor, $720; laborer, $720; 32 folders, at $900 each; 2 drivers, at $840 each; 2 chief pages, at $1,200 each; 2 messengers in charge of telephones (1 for the minority), at $1,500 each; 46 pages, during the session, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $13,800; superintendent of document room, $2,900; assistant superintendent, $2,100; clerk, $1,700; assistant clerk, $1,600; assistants—7 at $1,280 each, 1 $1,100; janitor, $920; messenger to press room, $1,000; in all, $147,920.

Mr. MADDEN. Mr. Chairman, I move to strike out the last word. I may not be quite in order in this place in what I wish to say, but I thought, while we were here close to the paragraph for employees of the Office Building, that it would not be amiss to call attention to the fact that in my room they have only washed the windows once since this session began and only furnish towels every other day, and the rest of the time we have not got any, and no attempt is being made to keep the rooms clean. If the kind of janitor service which we are receiving there was rendered in a private office building there would be a good deal of a row about it. There is not any reason why we should not have the offices kept clean, there is no reason why the windows should not be washed, there is no reason why towels should not be supplied and soap. It may be that some people do not care to wash, but I do once in a while.

Mr. HAMILTON of Michigan. Does not the gentleman think cobwebs ought to be removed once in a while?

Mr. MADDEN. I think we ought to have a real janitor service. We have got enough people on the pay roll to give the service.

Mr. BYRNS of Tennessee. I just wondered if the gentleman had called the attention of the commission which has charge of the House Office Building to this.

Mr. MADDEN. No; I have not. I do not think it is necessary for me to get down on my knees to the man in charge of the building to get service. We ought to have it without appealing to him.

Mr. BYRNS of Tennessee. I was not referring to the superintendent of the building.

Mr. MADDEN. I do not want to be put in the attitude of asking favors from the man in charge of the building.

Mr. BYRNS of Tennessee. The point of my inquiry, if the gentleman will pardon me, was this: The commission, which the gentleman knows consists of three distinguished Members of this House, no doubt is not acquainted with the facts the gentleman has stated, and I am sure they would be very glad to have the gentleman give them this information.

Mr. MADDEN. I do not know the membership of the commission——

ing with a clerk at $2,500, an assistant at $1,500, and a jani-

Mr. MADDEN. Mr. Chairman, let us try. I move to amend on page 15, line 24, by striking out the provision for the clerk.

measure. Now, in case that he was not a Member of this House he certainly could not vote on any measure.

Mr. MADDEN. I do not know the membership of the commission——

Mr. HUMPHREYS. Will the gentleman yield for a second? I suggest this, that if the gentleman makes a complaint to the House Office Building commission or any member thereof he will have to leave the House Office Building in order to find those Members, because no one of the Members has his office in the House Office Building itself, strange as it may appear.

Mr. MADDEN. Of course, the men who are acting as commissioners for the building are a favored set.

Mr. HUMPHREYS. No; I understand it is the statute. The statute was framed, undoubtedly, without due consideration of the fact that the Speaker, who is a member of it, has his room in the Capitol; that the minority leader has his room in the Capitol; and the chairman of the Committee on Appropriations has his room in the Capitol. So it finally results that the three gentlemen charged with the administration of the House Office Building have their offices in the Capitol.

Mr. MADDEN. Of course, they do not understand the importance of having clean rooms in the other building. They do not visit the building at all and do not understand the situation.

And I wish to call attention also while I am on my feet to the fact that the elevator service over there is very poor, and the elevator men do not give much attention. I do not want to complain about the men if I can help it, but I am complaining about the system, and there is no regulation requiring them to give respectful consideration to those who ride upon the elevators. They joke when ladies are on the elevators, which ought not to be allowed. They come when they please. If you are on the second floor and you ring for them to come, they pass you by frequently without waiting to find whether you want to go up or down. They do not know whether you are a Member of Congress or not, and do not care.

Mr. COX. Can the gentleman tell why during the rush hour, when we quit here at night, that nine times out of ten there is but one elevator there, and we have to stay down in the basement and wait for an elevator? And at the noon hour it is the same way.

Mr. MADDEN. We have 14 elevator men over there, and I think only six elevators. I think if we have 14 men we ought to have sufficient elevators to keep them employed.

Mr. COX. They ought to work.

Mr. MADDEN. That is what I say.

Mr. ROBBINS. My experience over there is that they have gone into my offices and taken out the hair brushes and——

Mr. MADDEN. You would not say that about the elevator force.

Mr. ROBBINS. I say that about the janitor force.

Mr. MADDEN. All I can say is that when I leave here I take everything of any value and lock it up, and no matter how hard it is locked up, when I come back it is gone.

Mr. PURNELL. Will the gentleman kindly pay his respects to the cockroaches while he is on his feet?

Mr. MADDEN. I do not associate with them. [Laughter.]

Mr. WALSH. Mr. Speaker, this is a very important item, and of course the criticisms that have been made are also very important, and I think are of vital interest to the Members, in view of the present emergency, and I think we ought to have a larger attendance in order to discuss this matter. I do not want to hasten the gentleman from Tennessee unduly, but I do make the point of no quorum.

Mr. BYRNS of Tennessee. Will not the gentleman from Massachusetts allow us to get down to the bottom of the next page?

Mr. WALSH. I have a great many inquiries that I wish to make in reference to this item, and I do not think we can do that before 5 o'clock.

Mr. BYRNS of Tennessee. Of course, if the gentleman insists I will yield to him and move that the committee do now rise.

The CHAIRMAN. The gentleman from Tennessee moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, and had come to no resolution thereon.

ADJOURNMENT.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Sunday, March 3, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a proposed clause of legislation for inclusion in the sundry civil appropriation act for the fiscal year ending June 30, 1919 (H. Doc. No. 963), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SLAYDEN, from the Committee on Immigration and Naturalization, to which was referred the joint resolution (H. J. Res. 255) authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or allied forces, reported the same without amendment, accompanied by a report (No. 353), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (S. 3299) authorizing the President to reappoint Maj. Chalmers G. Hall, retired, to the active list of the Army, reported the same without amendment, accompanied by a report (No. 352), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9331) granting an increase of pension to Alonzo Brown, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SINNOTT: A bill (H. R. 10394) to add certain lands to the Minam National Forest, Oreg.; to the Committee on the Public Lands.

By Mr. FIELDS: A bill (H. R. 10395) providing for the repair, improvement, and construction of ice piers in the harbor of Maysville, Ky., on the Ohio River; to the Committee on Rivers and Harbors.

By Mr. DILL: A bill (H. R. 10396) relating to admission to the United States Naval Academy; to the Committee on Naval Affairs.

By Mr. DENT: A bill (H. R. 10397) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; to the Committee on Military Affairs.

By Mr. CARLIN: A bill (H. R. 10398) to amend and reenact sections 139, 157, 164, and 175 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: A bill (H. R. 10399) to ratify and confirm the constitution of the Seneca Nation of Indians, to enact as a Federal law certain provisions of the Indian law of the State of New York, and to grant to the council of the Seneca Nation of Indians the right to regulate hunting, fishing, and trapping on reservation lands; to the Committee on Indian Affairs.

By the SPEAKER: Memorial from the Commonwealth of Massachusetts, urging the passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLIVAN: Memorial from the Commonwealth of Massachusetts, urging the passage of the daylight bill, so called, now pending in Congress; to the Committee on Interstate and Foreign Commerce.

By Mr. LUFKIN: Memorial adopted by the General Court of Massachusetts, urging the passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS: Memorial of the General Court of the Commonwealth of Massachusetts, urging the passage of the daylight-saving bill, so called, now pending before Congress; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 10400) granting a pension to Herman Platz; to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 10401) granting an increase of pension to Lorenzo D. West; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 10402) granting a pension to Sabina Chaney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10403) for the relief of the heirs, assigns, and legal representatives of William Watson; to the Committee on the Public Lands.

Also, a bill (H. R. 10404) to reimburse John Anderson, former postmaster at Sandborn, Knox County, Ind., for stamps and funds stolen from the post office; to the Committee on Claims.

By Mr. CARY: A bill (H. R. 10405) granting an increase of pension to Benjamin Macy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10406) granting an increase of pension to Henry F. Cuplick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10407) granting an increase of pension to John Felzen; to the Committee on Pensions.

Also, a bill (H. R. 10408) granting a pension to Catharine Bamberg; to the Committee on Pensions.

Also, a bill (H. R. 10409) granting a pension to Jane F. Taylor; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 10410) granting an increase of pension to Amanda Foster; to the Committee on Pensions.

By Mr. HAMILTON of New York: A bill (H. R. 10411) granting an increase of pension to Thomas McKay; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 10412) for the relief of Stephen J. Huff; to the Committee on Military Affairs.

By Mr. KEY of Ohio: A bill (H. R. 10413) granting an increase of pension to John W. Edie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10414) granting an increase of pension to John A. Couts; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 10415) granting a pension to William Bowman; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 10416) granting an increase of pension to David H. York; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10417) granting an increase of pension to Jackson Brandenburg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10418) granting an increase of pension to William P. Dorton; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 10419) granting a pension to Arthur E. Garland; to the Committee on Pensions.

By Mr. STAFFORD: A bill (H. R. 10420) granting an increase of pension to Michael Reichert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10421) granting an increase of pension to John A. Hollander; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 10422) granting an increase of pension to Edward McIntyre; to the Committee on Invalid Pensions.

By Mr. VESTAL: A bill (H. R. 10423) granting a pension to Andrew F. Weifley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10424) granting a pension to Mary H. Mills; to the Committee on Pensions.

Also, a bill (H. R. 10425) granting an increase of pension to Thomas Paxson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10426) granting an increase of pension to Joseph Horner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10427) granting an increase of pension to William D. Harris; to the Committee on Pensions.

Also, a bill (H. R. 10428) granting an increase of pension to Frances L. Young; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 10429) granting a pension to William B. Stroope; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 10430) granting an increase of pension to James Ross; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the farmers of Franklin County, Mo.; members of the Smith Schoolhouse Farm Club, of Lincoln County, Mo.; and sundry farmers of Lincoln County, asking that the Food Administration set more equitable prices for produce of the farm; to the Committee on Agriculture.

Also (by request), a resolution of the City Council of Minneapolis, requesting Congress to grant the President broad powers to fix prices of food products; to the Committee on Agriculture.

Also, resolution of the Yavapai (Ariz.) County Chamber of Commerce, protesting against the passage of the Foster bill; to the Committee on Mines and Mining.

Also (by request), memorial of Lincoln County Sunday School Association, urging passage of emergency war prohibition law; to the Committee on the Judiciary.

Also (by request), resolution of St. Luke's Hospital Social Service, asking that military rank after the model of the Canadian service be given to members of our Nursing Corps; to the Committee on Military Affairs.

Also (by request), memorial of the Missouri State Medical Association, favoring the Dyer bill, H. R. 9563; to the Committee on Military Affairs.

Also (by request), resolutions of the Lithuanians of Shenandoah, Pa., asking that Lithuania be allowed to send delegates to the peace conference, at the close of the war, as an independent nation; to the Committee on Foreign Affairs.

Also (by request), resolution of the board of governors of the Investment Bankers' Association of America, favoring the principles of the war corporation finance bill and suggesting changes; to the Committee on Ways and Means.

Also (by request), resolution of the Winodausis Club, Gordon, Ga., and the Luverne Tourist Club, Luverne, Minn., asking for the repeal of the second-class postage provisions of the war-revenue act; to the Committee on Ways and Means.

Also (by request), letter of Alan R. Hawley, president of the Aero Club of America, protesting against the proposed reduction of pay to our aviators, giving reasons for position taken; to the Committee on Appropriations.

By Mr. BLAND: Evidence to accompany a special pension bill to grant a pension to Sabina Chaney, widow of William J. Burcham; to the Committee on Invalid Pensions.

Also, evidence in the case to reimburse John Anderson, former postmaster at Sanborn, Knox County, Ind., for funds stolen from the post office on the night of February 18, 1907; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Resolution of the Milwaukee Typographical Union, No. 23, favoring the Sherwood bill to pension all American workers of a certain age; to the Committee on Pensions.

Also, resolution of the New York Zoological Society, regarding enabling act for migratory-bird treaty with Canada; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Resolution of the New York Zoological Society, regarding enabling act for migratory-bird treaty with Canada; to the Committee on Foreign Affairs.

By Mr. EMERSON: Resolution of the Cleveland Clearing House Association, relative to extension of time of payment of income and excess-profits tax; to the Committee on Ways and Means.

By Mr. GEORGE W. FAIRCHILD: Memorial of the Underwriters' Association of Chicago, favoring universal military training; to the Committee on Military Affairs.

By Mr FAIRFIELD: Evidence to accompany House bill 10377 in re claim of Ira C. Kilpatrick and Guy C. Dill; to the Committee on the Public Lands.

By Mr. GALLIVAN: Resolution of the Boston Typographical Union, No. 13, favoring the Sherwood bill, providing old-age pensions for all American workmen; to the Committee on Pensions.

Also, memorial of board of governors of the Investment Bankers' Association of America, favoring the principles of the War Finance Corporation bill, but suggesting certain changes in it; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Resolution of the Lumbermen's Exchange, of the city of Philadelphia, favoring a board of war control and a director of munitions; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of the Gottschalk Co., Baltimore, Md., protesting against the passage of House bill 9248; to the Committee on the District of Columbia.

By Mr. MORIN: Petition of 65 citizens of Pittsburgh, Pa., urging an increase in the salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of the Chamber of Commerce of Pittsburgh, Pa., urging the provision of necessary money for the early completion of the improvements of the Ohio River, and also for the enactment of legislation providing for the immediate construction by the Government of the Lake Erie and Ohio River Canal; to the Committee on Rivers and Harbors.

Also, petition of the council of the city of Pittsburgh, Pa., urging the provision of necessary money for the early completion of the improvements of the Ohio River, and also for the enactment of legislation providing for the immediate construction by the Government of the Lake Erie and Ohio River Canal; to the Committee on Rivers and Harbors.

HOUSE OF REPRESENTATIVES.

SUNDAY, *March 3, 1918.*

The House met at 12 o'clock noon, and was called to order by Mr. TILSON, as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, our Heavenly Father, we bless Thee for the faith that holds our course to Thee; for the hope that cheers us on our way; for the love that reflects itself from a thousand angles in crystallized thought and acts, in deeds of kindness and generosity, in the sacrifices around the fireside which pour themselves out in motherly solicitude and fatherly care, in the heroism for the principles we love, and in the glory of the holy sacrifices on the field of battle; for these angels enthroned in the heart of man; the wireless telegraphy that keeps us in touch with Thee.

We are here to-day in memory of a statesman who has finished the work Thou didst give him to do for his constitutents, State, and Nation. Strong in his conceptions, pure in his motives, firm in his convictions, he leaves behind him a record worthy of a place on the pages of history.

Comfort his colleagues, friends, and those who were near to him in the ties of love; and bring us all, in Thine own good time, to dwell together with the faithful in Him who taught us life, liberty, truth, justice, mercy; and everlasting praise be Thine. Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent that the reading of the Journal be dispensed with.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that the reading of the Journal be dispensed with. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE HILL OF CONNECTICUT.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. MERRITT, by unanimous consent,

Ordered, That Sunday, March 3, 1918, be set apart for addresses upon the life, character, and public services of Hon. EBENEZER J. HILL, late a Representative from the State of Connecticut.

Mr. MERRITT. Mr. Speaker, I offer the following resolution.

The SPEAKER pro tempore. The gentleman from Connecticut offers a resolution which the Clerk will report.

The Clerk read as follows:

House Resolution 263.

Resolved, That the business of the House be now suspended, that opportunity may be given for tributes to the memory of Hon. EBENEZER J. HILL, late a Member of this House from the State of Connecticut.

Resolved, That as a particular mark of respect to the memory of the deceased, and in recognition of his distinguished public career, the House at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. MERRITT. Mr. Speaker, it is hard for me to appreciate that I speak here not merely as Mr. HILL's friend and constituent but as his successor. He had for so many years and so adequately represented the district that he had become an institution, and, I may add, an institution which the district and the country could ill afford to lose. The district regarded him with confidence in his honesty and wisdom, and those who knew him, with affection, also. While it is true that he was a strong party man, it is true, also, that he regarded all individuals and all interests in his district as under his care, and they received it, Democrats and Republicans alike, so that after election was over all parties regarded him as their Representative and he accepted the trust in that broad way. He had a peculiar right to represent Fairfield County. There have been in this country no hereditary titles or privileges, but fortunately there are some families with hereditary ability and character. The Hill family is one of these, and its paternal ancestors have been residents in Fairfield County from its earliest settlement. Andrew Ward, the only man appointed by the Colony of Massachusetts on both its Committee of the Church and Committee of the State to organize the Colony of Connecticut, was an ancestor.

William Hill, the first Hill ancestor in America, was a member of the first colonial Connecticut Legislature, at Hartford, and so continued until his death.

Two hundred and fifty years later his descendant, EBENEZER J. HILL, was a member of that same legislature, by that time, however, the legislature of a sovereign State.

During that interval of two hundred and fifty years there was no time when members of the family were not serving the church and state.

The Rev. John Jones, of Concord, Mass., the first minister of the town of Fairfield, was an ancestor, and was publicly recognized as active in forwarding the interests of the colony.

Many other persons prominent in the county history from colonial times down to the present are among his ancestors.

And a study of this ancestry shows also how and why he was among the earliest to form and avow the conviction that women should have equal rights and opportunities with men.

Mr. HILL's own mother was the wife of a minister of Hartford, and when her husband was ill for some weeks she conducted the services to the satisfaction of the congregation. His grandfather Hill was one of the early Methodists in Connecticut and was also a leading abolitionist and suffered considerable persecution on that account.

His maternal ancestors were Scotch and came to Portland, Me., then called Falmouth and under the jurisdiction of the Colony of Massachusetts.

These ancestors were of the same sort, and, being nearer the frontier, took even a more active part in the Indian and colonial wars.

Pacifists were at that period neither popular nor numerous, and if there were any slackers they were not in the Hill ancestry.

Time will not permit to follow this inquiry over the seas, but it is of interest to note that the wife of the first Hill in America was the daughter of Ignatius Jourdain, who was deputy mayor of Exeter, in England; and he, during a plague, when the mayor had fled, remained at his post and did almost superhuman relief work. Later he was summoned before the star chamber under the Stuarts for refusing to yield his religious convictions.

And so, to represent this line of God-fearing and man-serving people, EBENEZER J. HILL was born in Redding, Conn., in 1845.

This lineage and this background were a precious inheritance and a strong incentive, and well did he profit from the first and respond to the second.

His ability and industry were early shown by the fact that he passed his entrance examination for Yale at the age of 14, but owing to the regulations he could not enter until 1861, in the class of 1865.

The young men of that time, like our young men now, felt the call of country, and in his sophomore year, 1863, he tried to enlist, but was still too young, so he took the only opening that presented itself and entered in the Quartermaster's Department as assistant to his brother, Maj. Asbury Hill, and there remained until the end of the war.

He did not complete his undergraduate course, but in 1895 Yale conferred upon him the degree of A. M. in recognition of his public services.

Upon reentering civil life after the war he at once went into active business, not neglecting his public duties and responsibilities.

To indicate his varied activity it may be mentioned that for 25 years and until he was elected to Congress he was in the lumber business; and also, at different times, he was president of the Norwalk Street Railway Co., Norwalk Gas Light Co., Norwalk Mills Co., and later vice president and then president of the National Bank of Norwalk, which office he held at the time of his death.

During this period he was active in performing his duties as a citizen in the town and borough of Norwalk, serving as a member of the city government and also upon the board of school visitors.

In 1884 he was a delegate to the Republican national convention at Chicago, which nominated James G. Blaine; and in 1886 he was elected a member of the Connecticut State Senate, and some valuable constructive legislation was credited to him at that time.

In 1894 he was elected to the Fifty-fourth Congress, and began that service which lasted, with the exception of a single Congress, the Sixty-third, until his death, in 1917.

This period of service in the House, consisting of more than 20 years, was longer by over two years than that of any man who had previously represented Connecticut.

His ability and industry early gave him a standing in the House which time and experience confirmed and strengthened. Aside from other committee work, he served for 8 years on

the Banking and Currency Committee and 14 years on the Ways and Means Committee. Of his work on those committees and in Congress his colleagues here present can speak with more intimate knowledge and greater authority than I. We in his district, however, had good reason to know of his untiring devotion to his work, his constant study of economic conditions, especially with regard to manufactures in this country and abroad, and his wonderful accumulation of facts, which was indeed encyclopedic.

In his later years he had a deserved national reputation as an authority on matters of the tariff and banking. In addition to his studies he added to his store of knowledge by wide travel and careful and accurate observation. Scarcely a vacation passed without his going to some foreign land for pleasure and study combined, and he always added to his store of useful information.

I say useful advisedly, because he was no collector of dry facts but rather of facts as tools for use.

He cared for this knowledge not as a historian but as a forward-looking statesman. This is shown by the fact that he not merely helped on good measures, but he either originated or was among the pioneers in legislation which was now and has been most beneficial in this country.

He had a leading part in establishing the gold standard, his speech in Congress on that subject being used throughout the United States as a textbook and authority. To his credit largely are to be placed the establishment of rural free delivery, his own district being the second district in which rural free delivery was established; free alcohol for the arts; and the chemical schedule in the present tariff bill, which promises to establish the dyestuff industry in this country.

He was also an ardent supporter of national enfranchisement of women—and this years before it became a political issue or even popular. Indeed, he stood on this platform in the face of threats that it might imperil his renomination. He was prominent in the Methodist Church and in the order of Odd Fellows.

And with all this tremendous activity and diversity of interest and occupation he had a fine capacity for friendship and good fellowship.

There was no town in his district where he had not hosts of friends; no assembly where he was not welcome nor where his coming did not add to its pleasure. To illustrate one phase of his character which did not always appear on the surface, may I give one personal anecdote?

Among his friends was a Catholic priest, Father Furlong, of Norwalk. Before his trip to the Holy Land Mr. HILL called on his friend, then sick unto death, and asked him if there was anything he could bring him. Said the father, "If I live so long I should like, above all things, to have you bring me a rosary from the Holy City." When Mr. HILL was in the Garden of Gethsemane, which was under the care of monks of the Franciscan order, he noted an old olive tree said to have been there since the days of our Lord. In conversation with the abbot he learned that the olive stones were carefully preserved and made into rosaries, but were reserved strictly for the members of the order and never sold. Thereupon Mr. HILL told the abbot the story of his dying friend, the priest in Norwalk, and what a solace and inspiration this rosary coming from this particular place and made by the monks of his order would be to this dying man. The abbot was touched by the story and said that he felt justified in breaking the rule, and presented Mr. HILL with this rosary, which, fortunately, he was able to place in the hands of his friend before he died; and when he died this rosary was clasped in his hand.

Mr. HILL's high devotion to duty never left him. Although he was too ill, he made a special trip to Washington last July in order to speak on an important pending measure. On the 25th of July he made a brilliant speech in the House that attracted the attention both of the House and the country. Then he went home, and on the very next day, though suffering from exhaustion and overwork, he went to the station to join in the farewell to the boys of the Sixth Company of Coast Artillery, of which his own nephew, Albert Mossman, is captain. He spoke inspiringly to those young men, pointing out to them that they were not going out for conquest, but for the fulfillment of a patriotic duty, and then called on those remaining at home to fulfill their duty in the maintenance of democracy in its best form.

That was his last public appearance, and from then until the 27th day of September, 1917, when he died, he grew steadily weaker, until his splendid constitution was worn out, although his mind remained clear and alert until the last. And I think we can say of him that he, like his friend the priest, died clasping to his heart his rosary of public duty.

Gentlemen, this seems to me a record of a happy and well-spent life. President Eliot has said that the only real happiness is in doing some good thing well. Our friend did many good things in the service of his town, his State, his country, and his fellow men; and he did them all well.

We can readily believe that he has heard the Master say "Well done, thou good and faithful servant; enter thou into the joy of thy Lord."

Mr. CLARK of Missouri. Mr. Speaker, I served several years with our lamented friend, EBENEZER J. HILL, on the great Committee on Ways and Means, long service on which is, within itself, a liberal education. First and last, strong men of almost all occupations or professions testify or argue before it—in fact, every class of men except fools. So far as I know, they never appeared before that committee. Mr. HILL was a working member of both the committee and the House. He was one of the most industrious of mortals, and by constant toil he accumulated a vast quantity of information on a variety of subjects—particularly on economic subjects, on which he was an expert.

One of my college professors frequently said that some people had memories like a tar bucket, to which everything that touched it stuck. Certainly Mr. HILL's memory was of that variety. Consequently he probably possessed as much information as any other man in the House.

He was not an orator, but a forceful speaker—a crack debater. He was exceedingly tenacious of his opinions, advocating and defending them with energy—indeed, with vehemence. He enjoyed a mental and linguistic contest, and when he thought he had the best of a clash the evidences of his pleasure were patent to all observers.

A staunch Republican partisan, he was a thoroughgoing American, fighting for his country in his youth, serving her faithfully in his mature years in this great arena of intellectual struggles.

He was a seasoned traveler, and illumined his speeches and his conversation with facts and illustrations garnered in foreign lands—always to the edification of his hearers.

He was an intense protectionist, but he never fell out with men of different views or underrated their capacity.

He was an agreeable companion and estimated highly the value of friendship.

His death was a positive loss to this House, to his State, and to the country.

Mr. KITCHIN. Mr. Speaker, when I first met Mr. HILL, back in the Fifty-seventh Congress, his fourth term and my first, he impressed me as a most forceful character and a most courteous and considerate gentleman. In my 15 years of service with him here I never saw anything to impair, but everything to strengthen that impression. For more than a decade preceding his death HILL was a commanding figure in the House. His intellect, his integrity, his courage, his sense of right and truth, his diligent study of legislation, his courteous deportment, his sympathetic impulses combined to qualify him as such. And he looked the part.

If we except the gentleman from Illinois [Mr. MANN], the incomparable minority leader, I doubt if any man in Congress in the last 15 years was as tireless a worker or as diligent a student of legislation as he. While well informed on every subject of legislation, he was more of an expert on questions of finance and the tariff. I doubt if the late Mr. PAYNE in his best day had more accurate information with respect to the tariff or gave to it closer study that had Mr. HILL.

I remember hearing Speaker CLARK say once that Mr. Payne knew more about the tariff than any living man. In the Sixty-second Congress, when the House under Democratic control was attempting to revise the tariff, schedule by schedule, I regarded Mr. HILL the most aggressive, the most agile, and the most dangerous opponent of the several revision measures. Frequently I was struck with amazement at the fund of information, and the accuracy of it, he displayed on this floor. He was a splendid debater, with a keen, penetrating mind. He saw at once the weak and strong points of every question, argument, or position. He was a factor to be reckoned with in every contest. His logic and arguments seemed convincing. He was never rhetorical. He expressed his thoughts with emphatic clearness. His delivery was earnest and forceful and oftentimes picturesque. At times he rushed on his opponent like a whirlwind. In the fiercest combat he never gave offense but remained civil and courteous throughout. He was a foeman worthy of the best steel. He was a hard hitter but never an unfair one. He struck always in the open. He and I had many a lively tilt, both on the floor and in the Ways and Means Committee, of

which, for many years, he was a leading member. We have given and taken many hard blows, but they never left a sore spot on either. I admired him and held him in the highest esteem. I am happy in the belief that we enjoyed one another's confidence and friendship.

He frequently visited my office, especially in the Sixty-fourth Congress. The last time he visited the Capitol we spent together in my office an hour of most pleasant conference. He was then a sick man, but his mind was as vigorous as ever. He was then keenly interested in and anxious over coming legislation. I never saw him, well or sick, that his eagle eye and nose did not reveal the fighter. I observed it with admiration on this last occasion. As the gentleman from Connecticut, his honorable successor, indicates in his interesting and splendid address, he came from a race of fighters. Yet he was as genial and sweet-spirited and lovable a gentleman as one cares to meet. He was of unimpeachable character. I never heard the slightest reflection cast upon him. The breath of the faintest suspicion never blew about him. He led a clean, pure, open life, both private and public. He was a Christian gentleman in the truest sense. The State and the district, which he served so long, so faithfully, so ably, were most fortunate in having such a man to represent them at the Nation's Capital.

His loved ones who mourn his death have full right and reason to be proud of his career and of his name. The House in honoring to-day the memory of one so worthy does honor to itself. The opportunity extended me by his distinguished successor to speak these simple words of appraisement of our deceased friend and comrade I count as a real privilege, as it is a genuine happiness.

Mr. MANN. Mr. Speaker, I was shocked and inexpressibly saddened when I learned of the death of Mr. HILL. Of course, I knew that he had been ill, like myself. We had mutually advised each other to cut out work and rest.

Mr. HILL was a real statesman. He became a recognized authority, particularly upon economic problems, and especially upon finance, and under that on banking currency and the tariff.

When I became the Republican leader in the House I often turned to Mr. HILL for advice and information. I had a number of sessions with him, and his remarkable fund of information was very striking. He was one of the most intense characters that I have ever met. I used to wonder sometimes, in the House, when Mr. HILL was in debate, with that fiery earnestness and intensity, with his hand and finger pointed as though his words would burn—I used to wonder sometimes, looking at him, whether he would come down to earth again. Then would come that genial smile following the intense argument, showing that his feet were on the ground all the time. I never saw him when he was so intense that he could not be a good-natured, smiling, sweet-tempered gentleman.

If it were not for my own condition I should be glad to speak longer. This is the first time, Mr. Speaker, that I have spoken in the House since toward the middle of last July, and it was only because of my intense admiration and affection for Mr. HILL that I felt obliged to-day to satisfy myself in making these few remarks in memory of one of the great men of the House, a distinct loss to the House and to the country, and also my particular friend.

Mr. FORDNEY. Mr. Speaker, every great country recognizes and honors its great men. To-day we meet to honor the memory of a veteran Member, who for more than a score of years stood among the foremost in the framing of legislation. Almost from the first he was known as a strong, fearless, able, and intelligent advocate of all that tends to make us great and keep us free. He came here an accomplished, energetic, successful man of affairs, and in all matters pertaining to business, revenue, and finance his advice was early recognized as wise, conscientious, and sound. In the days when Payne of New York, Dalzell of Pennsylvania, Grosvenor of Ohio, and Boutell of Illinois were often spoken of as the big four of the Republican side, it would have been hard to say that HILL of Connecticut was not just as much entitled to membership in the leading quartet.

He represented an element of which there is always too small a representation in Congress—the constructive, successful man of affairs. In its hours of ease the Congress has been prone to bait and belittle the men of this country who organize and finance its business, and to imagine that in some way the lawyer and politician can run things; but after doing a great deal to hamper and handicap the men who accomplish results, the recent months of stress and peril have seen the Government turn its appealing hands to these men as the hope of the country. And they are.

Mr. HILL came here at the opening of the Fifty-fourth Congress, on the first Monday in December, 1895. Of the Members who outranked him in length of service only six remain with us—JOSEPH G. CANNON, of Illinois, with 21 terms to his credit; WILLIAM A. JONES, of Virginia, 14 terms; HENRY ALLEN COOPER, of Wisconsin, and FREDERICK H. GILLETT, of Massachusetts, 13 terms; CHAMP CLARK, of Missouri, and J. FRED TALBOTT, of Maryland, 12 terms each. GEORGE EDMUND FOSS, of Illinois, FRANK W. MONDELL, of Wyoming, and RICHARD WAYNE PARKER, of New Jersey, each with 11 terms of service, first came to this House in the same Congress, and stood before the Speaker's desk to receive the oath of office at the same time as Mr. HILL. Two Members of shorter service, CHARLES R. CRISP, of Georgia, and BENJAMIN L. FAIRCHILD, of New York, also served in the Fifty-fourth Congress.

A glance at Mr. HILL's early speeches will show that from the very start he showed that broad, piercing vision that always is found in the statesman and the man of large affairs. The very first speech that he delivered, on February 11, 1896, reads almost like a prophecy. He said that the issues were three: First, adequate revenue, based on protection lines, to fully meet expenses, reduce to some extent the national debt and develop the resources of the Nation; second, a sound system of national finance, and give the business interests of the country pence; third—and could he have said it better if he had been speaking today—we must maintain the honor and protect the rights of the American people everywhere, abroad as well as at home, and give sympathy, encouragement, and hope to men who are fighting for freedom in other lands.

Throughout his whole membership here he was always the champion of the rights and prerogatives of the House, and his very last utterance on this floor was on July 25, 1917, when he rose to a question of privilege and, as a member of the Ways and Means Committee, called attention to the fact that he thought the privileges of the House were being invaded by the action of the Senate in proposing to raise money by certificates of indebtedness, the function of this House to originate. He said the Republican Members of the House proposed to stand by the administration, but they wanted to do it "legally, fairly, and squarely." Legally, fairly, and squarely! That was the way Mr. HILL always did things. He was manly, straightforward, direct, affirmative, constructive—an American of whom his associates, his State, and his country are proud.

Mr. HILL's two great specialties in legislation were our financial system and the tariff. In matters relating to banking and currency he possessed a practical knowledge and a breadth of vision rarely equaled and never surpassed by any Member within this generation.

He was sent here by a constituency that recognized the value of long service, and so was able to develop his capacity as a legislator, and to give to his district and his country the benefit of the ripe experience that can come only from years of apprenticeship in the business of being a Congressman.

I have said that there were six men of longer service than Mr. HILL remaining in the House and two others who had served as long. It is only a little while ago, and yet, of the great company of 357 men who formed the House of the Fifty-fourth Congress, where are the rest? Some, like Pitney, of New Jersey, and McMillin, of Tennessee, now occupy high posts in other departments of the Government. A few others, like BANKHEAD, of Alabama, CURTIS, of Kansas, SHAFORTH, of Colorado, SMITH, of Michigan, and UNDERWOOD, of Alabama, now hold places of honor in the Senate of the United States. Some are prosperous in private life. But we have held solemn services like these for many of them, and many others have died since their membership here was ended.

In that Congress the Speaker was Thomas B. Reed, of Maine, who was ex-officio chairman of the Committee on Rules. Nelson Dingley, of Maine, was chairman of the Committee on Ways and Means. Among the other members of that committee were Sereno E. Payne, of New York; Charles H. Grosvenor, of Ohio; Jonathan P. Dolliver, of Iowa; Charles F. Crisp, of Georgia, ex-Speaker and father of our honored colleague CHARLES R. CRISP. JOSEPH G. CANNON, of Illinois, was chairman of the Committee on Appropriations. In his right hand is length of days, in his left hand honor and affection. Long, long, indeed, may he be spared to us and to his country. The chairman of the Committee on Interstate and Foreign Commerce was William P. Hepburn, of Iowa; on Banking and Currency, Joseph H. Walker, of Massachusetts; on the District of Columbia, Joseph W. Babcock, of Wisconsin; on Education, Galusha A. Grow, of Pennsylvania; on Foreign Affairs, Robert R. Hitt, of Illinois; on Indian Affairs, James S. Sherman, of New York; on Invalid Pensions, John A. Pickler, of South Dakota; on the Judiciary, David B. Henderson, of Iowa; on the Merchant Marine and Fisheries, Sereno E. Payne, of New York; on Naval Affairs, Charles A. Boutelle, of Maine; on Pensions, Henry C. Loudenslager, of New Jersey; on the Post Office and Post Roads, Eugene F. Loud, of California; on Public Buildings and Grounds, Seth L. Milliken, of Maine.

On what was then the minority side of the House were Leonidas F. Livingston, of Georgia; Francis G. Newlands, of Nevada; James D. Richardson, of Tennessee; James E. Cobb, of Alabama; David A. De Armond, of Missouri; William H. Crain, of Texas; Hernando D. Money, of Mississippi; Josiah Patterson, of Tennessee; and Henry G. Turner, of Georgia. Scores of others that I might mention call up vivid memories of great debates and great service. As we hear their names their voices echo again in our ears. We see their faces; we recall their hearty handclasps as we greeted them session after session. They make for us a moving picture of friendship, of character, of manly strength. Yesterday they were with us. Now the calling of the roll of their names is answered only by silence and our own heartache. Our Members fall like soldiers. And, Mr. Speaker, what a scene of struggle this Hall has been. The issues for which the men of 22 years ago were fighting here have many of them gone. Then Grover Cleveland was in his second term, and the country was divided on the question of the free and unlimited coinage of silver. Since then the legislative pendulum has swung both ways on the tariff question. Government operation of utilities, the efficient coordination of all business activities, the development to the utmost of national resources, the conservation of food and fuel, the quick development of a great merchant fleet, these and the other paramount questions now under discussion were unborn and unknown subjects in legislative halls. The great roll of missing men, as well as the new subjects that we must discuss and settle as best we can, serve to remind us of the thought so eloquently expressed long ago by Edmund Burke, when, on hearing of the death of his opponent for a seat in Parliament, he exclaimed, "What shadows we are, and what shadows we pursue!"

Mr. MOORE of Pennsylvania. Mr. Speaker, we call the flower of American manhood for the purposes of war. The aged we leave behind for counsel. The infirm, the halt, the unfit, we do not take. It is one of the curious inconsistencies of our times that when the sound of battle calls we send forward to the supreme test the best we have and leave behind, even as a burden or a menace, much that the body politic might well dispense with; but this is the soldier's way.

If we go into the orchard when the fruit is ripening, we take not the gnarled and unfit fruit. We leave it to sap the strength of the tree, possibly, and take that fruit only which is wholesome, that which is rosy-red. When we enter the garden we do not pluck the thistles and the thorns nor the rose that is shedding its bloom. We pick that flower which is purest and fairest.

Sometimes I think it is so with men in private and in public life. We yield up those who have been most serviceable, those who are most capable by experience and learning to sustain our aims. Strange, is it not, that when one has perfected himself for public work and has acquired such knowledge and information as has been accurately attributed to our lamented colleague, Mr. HILL, that we should suddenly be bereft of his association and services? But this surely is not our way; it is God's way, and we may neither question nor resist it.

EBENEZER J. HILL, as has been so eloquently stated by the distinguished leader of the majority [Mr. KITCHIN] and by our beloved minority leader [Mr. MANN], was of statesman stature. He was a strong legislator. The foundation was in him. He had grown step by step, through the influences that environed him yonder at Norwalk and throughout Connecticut, until he was the peer of those with whom he came in contact here.

He had specialized upon economics, upon finance, upon the national revenues. He made these great national topics his special study, but he equipped himself in other ways to match the masters of debate in this House and to bring credit to his State and his country. He was a genius at figures, and he noted the small things, so that he might be able to control the larger ones. Did he give information to the gentleman from Illinois [Mr. MANN], as indicated in the feeling speech so recently delivered? Yes; because he had studied, because he had investigated, because he had made notes, and was sure of his facts. Passing events of importance did not drift from his memory; he noted and preserved them for such emergencies as might arise. He did not let the incidents of the day pass by so that they might be useless to-morrow. Therein was much of his strength as a debater.

My personal acquaintance with Mr. HILL began about that time when he was a contemporary in this House, with Mr. Payne, Mr. Dalzell, and Mr. FORDNEY on the one side, and with Mr. CLARK, now Speaker, Mr. UNDERWOOD, and Mr. KITCHIN on the other. I came here in the Fifty-ninth Congress when Mr. HILL was in the heyday of his activities. It was my privilege to observe and to follow him in all essentials, for in the larger, broader sense EBENEZER J. HILL stood for the rights of America and the preservation of those rights. He had observed and studied the economic conditions that prevailed elsewhere. He believed in American ideals, and hoped for the perpetuation of all that was superior in American life.

Mr. GREEN of Iowa. Mr. Speaker, I first became acquainted with Mr. HILL when I entered this House in 1911. As a new Member, my attention was naturally called to him as one of its leaders. I well remember in the early days of my membership seeing him take the floor in the midst of an exciting political conflict to deliver one of those powerful addresses for which he was noted. The impression which he made I shall not easily forget. With all the energy he possessed he struck, without fear or favor, and like some champion of old, whose blows sounded upon his enemy's shield, his voice rang out in challenge to his adversaries. Striding back and forth in front of the rostrum, with gestures as vigorous as his speech, always in attack and never in defense, he seemed the impersonation of a parliamentary debater.

He who rises to eminence in so great a parliamentary body as a House of Representatives selected from a hundred millions of people must possess both ability and industry and one or the other to a marked degree. Nor is that all. The path to that elevation is usually a long and weary road, ascended through struggle and combat, by toil and labor. At rare and long intervals some genius has speedily risen, but often generations pass without any quick and dazzling success. In the few years that I have been in the House I have seen lawyers of rare talent, jurists of high standing, authors of note, scholars of reputation, business men of renown, come, and in many cases go, only to find that a high position here must be established by capacity shown for the new work which they were undertaking.

In truth, the science of legislation is the most comprehensive of all studies. He who would understand it fully must know not only the history of his own country, but the history of all countries. He must be familiar with the development and growth of society, the principles upon which civilization rests, and the lines upon which it must advance. Nor must he be a mere theorist or a dreamer. In no place is a capacity for the practical so much needed. Nowhere is a vision for the future so much desired. The learning of the past, the tendency of the present, the demands of the future, the methods of business, and the toil of labor must be considered. The field is limitless. None can hope to cover it all, and many must content themselves with but a small portion of the ground within its boundaries. But the field is divisible, and if a legislator has thoroughly mastered one of its important divisions, we say that he has done well.

Mr. HILL brought to his duties a mass of useful material. He had been both a student and a man of affairs. No economic work worth while had escaped his attention. There was no line of business with which he did not have an acquaintance, and his personal experience and practical knowledge in connection with and in relation to some of the most important lines of industry qualified him to speak as an expert. He had traveled widely, both at home and abroad, not with the carelessness of the sightseer, but as a student of world conditions, and often made use of the knowledge thus acquired to illuminate discussion and shape the course of his own legislative action. Few men in this House have brought to their duties such a wealth of acquired knowledge and practical experience. As a result, his counsel and advice was sought not only by members of the House, but by Cabinet Secretaries and Presidents.

But no amount of information and learning, however great it may be, will complete the finished legislator. There are many who think they are able to see what ought to be done. To the uninitiated the enactment of a statute seems an easy task. Knowing the object of legislation, they fancy it is easy to so express it in a law that the purpose will be carried out. In fact, it is most difficult. Hence the orator, no matter how great he may be, has his limitations in Congress. Speeches seldom change votes. Debates may possibly turn the tide of history. But the man of high legislative ability must be capable of originating constructive policies and forming statutes which will effectuate their purpose. For this there is needed not only a creative mind, but also one which is logical, accurate, and precise. Men have passed through Congress and emerged with the fame of great orators; sometimes with the reputation of great debaters, and yet have left upon the statute books not so

much as a mark to indicate that they have ever been Members of that body. Their ability was, in fact, confined to a flow of eloquence or a capacity for sharp retort and stinging repartee. Mr. HILL was not one of that class. In fact, I may say truthfully he rose far above it. His abilities were of the solid and enduring type, and his course in Congress marked by definite achievements. He could not only shape and defend a policy, but he could look beneath the glitter and veneer which covers the vagaries of the thoughtless and the wiles of the demagogue and expose their fallacies with merciless logic. As he passed along the evidence of his work remained behind him. We find it securely preserved in the laws of the land.

While connected with large enterprises, Mr. HILL realized fully that the greatness of this country must depend upon the prosperity and advancement of the masses of its people. Indeed he was too just in his perceptions and too clear in his thought to in any event deny them that to which they were justly entitled. While never a theorist, his dream was to make this land one which throughout its boundaries was inhabited by a prosperous, contented, and enlightened people. He believed that the laborer was worthy of his hire and that his wages should always be commensurate with his production. He wished to put hope in the mind of the toiler and ambition in his breast; to have our social system and laws so maintained as to give opportunity for all and justice to everyone. Thus the great problems of labor and capital were ever studied by him to find some solution which would rightfully apportion the share which each could claim, always regarding the necessities of the toiler as coming first and endeavoring that conditions should be so adjusted that his reasonable demands should be met. He rightfully considered that the policies of this Nation should be such as would give the greatest return and the widest opportunity possible to the working man. To accomplish this purpose he advocated that the foundation for this policy should be laid on a system of protection to our industries, and no one was better able to present the argument in favor of this position than he. He believed in it with all his heart and soul and mind and brought to its support a wealth of argument, experience, and logic which made him one of the great champions of this cause.

The ability and industry which Mr. HILL possessed in such a marked degree and the natural bent of his talents drew him into a branch of work in which industry of the highest order was absolutely necessary to complete success. While I was not in Congress during the early stages of his career, I can readily see why he was chosen to sit as a member of the Ways and Means Committee, that great committee which not only provides the means of carrying on our Government but also outlines to a large extent our fiscal policies. For proper service on this committee unremitting toil and study is necessary. So, also, a thorough mastery of every system of taxation must be acquired, and the application of these systems is so highly technical that it produces a never-ending round of labor. In this division of legislative work none excelled Mr. HILL, and few equaled him. He was indefatigable in his labors, but it was not the mere routine of the pendant. He reveled in figures, but in his hands they were not cold and dull, but lifelike and speaking. He explored all the labyrinths of the tariff until its provisions became so familiar to him that it was easy for him to enlighten others, and only one who is a member of the Ways and Means Committee can fully understand Mr. HILL's wonderful grasp of the legislation which fell under its jurisdiction. I had the honor to become a member of that committee and the good fortune, sitting by his side, to receive the benefit of his study and application.

It must not be supposed, however, that Mr HILL confined himself to the duties of his committee, vast as they are, or that his duties were discharged with a thought single to the benefit which might be received by the region which he represented. His mind was too broad and comprehensive to be so confined. With far-seeing vision and discerning eye he looked beyond the boundaries of his own State with whirring spindles and clanging hammers. He saw the great city with its skyscrapers and its port teeming with ships from every mart of the world, toward which all our commerce centers; he saw the regions where boundless supplies of coal and iron are brought together, marked by the smoke of thousands of chimneys; he saw the broad expanse of the prairies, where under a smiling sun and beneficent sky a bounteous soil brings forth its stores to feed the waiting nations; he saw the rugged sweep of the western mountains wherein were hidden treasures surpassing the fabled wealth of the Orient and the dreams of magic; he looked across the broad expanse of the ocean to our islands blooming with tropical verdure, then again far beyond the Arctic Circle, where the midnight sun still shines upon our possessions, and south to where the Atlantic and Pacific are joined by that great canal which is the monument to the genius and enterprise of the American people. His was the vision of the statesman, which had no limitations but that of the world itself.

Mr. HILL was first of all and above all an American. He had unbounded confidence in the people of this Nation, its institutions, its form of government, its future, and believed that its destiny was to lead the march of civilization in the triumph of democracy and representative government. Well might he say with the poet:

When the centuries behind me like a fruitful land reposed,
When I clung to all the present for the promise it reposed,
When I dipt into the future far as human eye could see,
Saw the vision of the world and the wonder that would be.
Yet I doubt not through the ages one increasing purpose runs,
And the thoughts of men are widened with the process of the suns.

He saw, as many did not see, that we had come to be a world power, with duties which we must perform and responsibilities from which we could not escape. He saw that our future depended to a large extent upon that of other nations and that our policies must be broadened and our actions shaped to meet the crisis which might, and eventually did, arise. When the resistless tide of time carried us into the great European war his patriotism, ever present, arose to meet every emergency which confronted us.

Unfortunately he was sick. His mind was as active as ever, but he was weakened physically by age, incessant toil, and disease. The strain imposed by the new and staggering problems which the war brought upon us was too much for him to endure. The frail body could no longer contain the soul which still burned with tireless energy; the weakened cord snapped, and he passed away just as the curtain was rising upon the greatest drama which all history has ever known.

I had thought that perhaps he would have liked to have played his part in these eventful scenes which are now about us, just as we would have wished to have had the benefit of his judgment and capacity in this crisis of our Nation's affairs; but an all-wise Providence has said that his work is done, and we can say that it has been well and nobly done. A great debater, a great legislator, a statesman in the best of all that work implies has left us; but his work will endure ineffacably recorded in the history of his country.

Mr. FREEMAN took the chair as Speaker pro tempore.

Mr. SLOAN. Mr. Speaker, it is fitting that this House should set aside this sacred Sabbath to do honor to the memory of EBENEZER J. HILL. The tribute to him should be the product of careful thought and choice construction. His life and work are subjects that would call for the beauties of the poet's dream and the most profound thought of the philosopher. I regret that the halting sentences I may offer will not be a more finished tribute to his life and memory.

I came here in the Sixty-second Congress when he and those who had wrought with him had been reduced from the majority to the minority. As a new Member I watched with interest the changed conditions, observed how men met these changed conditions. The course of the once majority leaders had changed. There was demonstrated what we often see among men. They are often strong in battle when the offensive is on, but when reverse comes it takes a strong and peculiar character to still show that militancy which quails not before adversity but can battle in the minority as effectively as in the majority.

It is easy to advance to the blare of the bugle, but it is sometimes difficult in the forced retreat to save as many positions as may be possible. I thought, among the characters of the few men I studied, that there was in the eminent statesman from Connecticut that which made him not only a strong and militant character when the offensive was on, but a mighty force in defeat.

When legislation reversing that which he had aided in passage was presented upon this floor, never did I see a debater who seemed to successfully save as much of the situation as did EBENEZER J. HILL.

He was a remarkable character here. He was persistent, intense, and industrious in laying out plans and aiding the plans of those with whom he worked. When he came to the floor in debate he was militant. He charged like a Rupert, a Navarre, a Stonewall Jackson, or a Sheridan. He threw all his intellectual force and all the might of his militant being into the debate. Seldom, if ever, did I see EBENEZER J. HILL worsted in an intellectual combat on this floor. He combined the two qualities of militancy in debate and persistency in preparation.

Years ago Prof. Swing, in criticising the then great iconoclast, Robert G. Ingersoll, attributed Mr. Ingersoll's peculiar course to an interesting trait of human nature that compelled a man who had been a great advocate, once having taken up a cause, to follow it so far that it became his master. Out of

his discussion Prof. Swing crystallized his thought into this expression, "The master of a learned profession at last becomes its slave."

The best that we have in life, those things that we idolize, those virtues that we extol, often become the most tyrannic of our being, the most destructive of our lives. As I sat here this afternoon and listened to the words of our eminent and beloved leader, JAMES R. MANN, paying rich, deserved, and loving tribute to his deceased colleague, I thought of him and EBENEZER J. HILL together; not that they were of the same trend and bent of thought—because they frequently differed—but because in the matter of industry they resembled each other so much. True, our deceased brother had passed his three score years and ten; yet he seemed vigorous, and promised well for years to come. I have no doubt that, speaking by and large, call the malady to which he succumbed what you will, it was industry, excessive, overwrought industry that called him home. That industry is calling home so many I hope the warning will be effective to some who are now straining under the lash and scourge of tyrannic industry.

Our Brother HILL had his triumphs. They have been recounted here. But one remarkable triumph I must advert to, which must have been a matter of distinctive pride to him. He was a lifelong supporter of a policy on which he believed the welfare of America and Americans rested, the protection of American industry and American labor. He was in the minority. Yet when the great world war came on, after a great line of industries had been neglected in America, over the repeated warning of Representative HILL, he presented to an adverse Ways and Means Committee the facts developed by his study on the dye industry. He pointed to our national need, and overcame the prejudice of a majority of that committee. They said: "Yes, Mr. HILL, we accept your facts, we acknowledge the force of your reasoning, and we will write into law a concrete admission to you that you are right, and the country will profit by it. We will lay a measure of protection around this great industry that we need so much to keep our textile industries going, and furnish a measure of preparation for the conflict that is on."

The protection that Mr. HILL obtained for the dye industry will be the greatest legislative monument which can be raised in his behalf. It will stand as a tribute to his industry and a vindication of his life's course. With others I was permitted to attend the last rites accorded him up there in that New England State. They were held on a beautiful, bright autumn afternoon in Norwalk, the city of his home. The silenced mill wheel, the closed business doors, the vast concourse of people, the coming from every part of the State of the Commonwealth's greatest, attested the esteem in which he was held. The tributes paid from the pulpit before which he had so often sat were worthy of the gifted men who spoke them and of the great subject which called them forth.

Under the soft radiance of a sinking sun we repaired to the hillside resting place of Norwalk's dead. We passed under the trees which were already paying tribute to earth for their season's glory and annual life.

There was the fading leaf. Every color of the rainbow was depicted in the foliage of Connecticut's fields and forests. There was the maturing of corn. There were the ripening pome and grape ready for gathering before the winter came. Nature was giving evidence that time's penalties were being exacted as well as man's rewards were being granted. There on that afternoon we laid away all that remained of that stalwart character—a character as rugged as the rocks and hills round his Connecticut home. I saw the rich fruitage ready for the gathering, but the richest ripened product of all New England that day returned to earth was this eminent citizen, mighty legislator, and true American.

Mr. TILSON. Mr. Speaker, others have referred to the long and honorable history of the Hill family in Connecticut. I shall touch upon that subject no further than to say that with Mr. HILL it was not only a matter of pardonable family pride but it was both a source of inspiration and a challenge to his best efforts not only to maintain the high record already made by his progenitors but to add to it. Instead of being content to rest upon laurels won by those gone before, he acted upon the belief that he had a heritage which could be maintained only by his own highest endeavor. The record of Mr. HILL as business man and public official prior to his first election to this body has been referred to also and may be summed up by saying that both were worthy of the man whom later you came to know here, worthy of the long line of his forbears, and worthy of the great State that he loved, served and honored by serving.

He took his seat in this body in 1895 at the beginning of the Fifty fourth Congress. He came with no previously acquired reputation as a public speaker. In fact, there was nothing on the surface at that time to indicate that he would prove to be more than simply a worthy Member of that honorable class of substantial men of affairs known here as safe, level headed, and dependable, but not leaders of the thought of other men.

In this respect Mr. HILL furnishes in some measure a parallel to another distinguished son of Connecticut. I refer to the lamented Senator Orville H. Platt, who, coming to the Senate without being known outside the boundaries of his own State and with no outward apparent promise of special distinction, rose slowly but surely by his own fine effort and the irresistible force of his own high character to be one of the truly great Senators of his time, known throughout the land and across the seas.

The development of Mr. HILL into one of the most forceful and convincing debaters this House has produced in many years is an interesting story well known to the older Members of the House. The fact that he was such is well known to all of us, having been demonstrated many times on the floor of this House and on the stump in many a hard-fought campaign.

The secret of Mr. HILL's success as a public speaker and debater is really no secret at all. His power lay not so much in fine phrases or rhetoric of any kind as in the irresistible force of the logic of facts. So buttressed with stubborn facts was every argument that it was a most difficult matter to dislodge him or drive him from a position. He spared no pains, toil, or expense in thoroughly equipping and arming himself with essential facts, and so carefully were they marshaled that he was ready at all times to use them to advantage against all comers.

During the vacation periods between sessions of Congress—and, strange as it now may seem, there were formerly vacations—while other Members enjoyed a needed rest or replenished depleted bank accounts by attending to business at home, Mr. HILL made it the rule rather than the exception to journey abroad, sometimes to our outlying possessions, frequently to foreign countries, and one time all the way around the world. These trips he made not simply for pleasure, not even for his own information or education, but for the purpose of more thoroughly equipping himself for the effective performance of his duties as a Representative of the people. The natural result followed. He became a tower of strength in his own political party, a power in this House, and a most effective and useful Representative of his people.

Whatever else may be said of the House of Representatives, good, bad, or indifferent, this is true: The Member who knows what he is talking about, knows his subject thoroughly, knows it better than other Members know it, invariably commands the attention, the interest, and the respect of the House On this sound premise Mr. HILL proceeded and by adhering to it preeminently succeeded.

Others might be content with skimming the surface. He insisted upon going to the bottom of whatever subject engaged his attention. Recognizing the illimitable realm of human knowledge and the narrow limitation upon human endeavor, he did not attempt to cover the field of the universe and did not pretend to know all that is to be known. The field chosen by him, however, was always covered in a most thorough manner. He never hesitated to admit his lack of information or to seek information from others on a subject with which he had reason to believe them to be more familiar than himself.

On the other hand, he was ready to impart information to those less informed on any subject than himself, and he was so widely known to be thoroughly posted on a number of such highly important matters that he was being called upon constantly to give information.

The two most important specialties to the study of which Mr. HILL devoted his tireless energy and commanding ability were revenue legislation, especially tariff legislation, and banking and currency. On these two subjects he was the peer of any Member of either branch of Congress.

It is often said of him that he was a tireless worker. He needed no prodding. The spur of a biennial election was misapplied in his case. His district, his State, and the country would have been the gainer if he could have been elected for 20 years at one time, so that he could have given his entire time and energies to the work he loved so much. He did not complain, however, but in every even year for twelve successive times he made a vigorous campaign, never failing of success except in 1912, when his own party, rent in twain, went down before the united opposition.

As we saw him toiling here under the load that grew heavier year by year we knew what would be the inevitable and all too early result.

Near the close of the twenty-first year of his service here he fell in the harness. He had passed the allotted span of three

score and ten years and yet appeared to be unusually vigorous until he suffered a breakdown less than a year before his death. After that he made a brave fight, appearing in his place in the House oftentimes, and on one occasion, not many weeks before the end, making a somewhat extended speech with much of his old-time zeal and vigor. However, the inexorable destroyer would not be denied, and on September 27, 1917, all that was not mortal of this able, loyal, and faithful son of Connecticut and servant of an entire Nation passed to the beyond. Of him it may be said as truly as of any man who ever died on the field of battle that he gave his life for his country.

Mr. GLYNN. Mr. Speaker, a considerable portion of the district which I represent was formerly a part of the district long represented in Congress by the Hon. EBENEZER J. HILL, whose memory we honor to-day. My home county of Litchfield was a part of his district, and for 18 years he was our Representative. We were proud of him in those days, and we continued to be proud of him until the day of his death. We knew of his ability, his integrity, and his energy. We realized that he was one of the leaders in this great body and that we did honor to ourselves in returning him to the halls of legislation term after term. From the Fifty-fourth to the Sixty-second Congresses, inclusive, his district comprised the counties of Litchfield and Fairfield, and, because of the great confidence we had in him, no other candidate was seriously considered during all of those years. We had learned to know him and to love him. We had learned to admire his force of character, his tireless energy, his keen and penetrating intellect, his power to cope with and to solve difficult economic questions.

He was not one of those who measured his value to his constituents by the amount he was able to obtain for his district in the way of appropriations, and to the honor and glory of his constituents be it said that they never measured his worth by any such yardstick. The scope of his vision was too broad to be limited by any such narrow horizon, and while he was always loyal and faithful to the interests of his district and State, he was of that splendid type of men who think and legislate from a national viewpoint.

My acquaintance with Mr. HILL commenced more than a score of years ago and gradually grew in intimacy. In the early years I knew him as the average man knows his Member of Congress back home, meeting him only infrequently when he happened to be in that part of the district where I resided; but I early realized, as did his constituents, that he was a tower of strength. When we were asked by a stranger the name of our representative in Congress, we were proud to say that it was E. J. HILL. We somehow felt that we had contributed more than our share, that we had a man in Congress great enough to be a leader. Respect and admiration ripened into genuine affection. He made enduring friendships and never went back on a friend. He was faithful to every trust. It was not in his nature to wrong any human soul nor to take a mean advantage of any man. He was a friend to every man in need.

Others have spoken of his ancestry and his business activities, and it is unnecessary for me to dwell upon these. During his service of more than 20 years in Congress he was identified with practically all of the important legislation enacted during that time and rendered invaluable service as a member of the Committee on Banking and Currency and the Committee on Ways and Means. He possessed a constructive mind and was a statesman of the best and truest type. He abhorred sham and hypocrisy. He had the courage of his convictions and would never compromise upon a question of principle. He had no sympathy for the demagogue or timeserver. As a speaker and debater he was always ready, always eloquent, keen and irresistible in his logic—a veritable intellectual gladiator.

Mr. HILL's last appearance in the House was on July 25 last, when he rose to a question of privilege involving the constitutional rights of the House of Representatives. In the course of a five-minute talk he vigorously assailed the attempt on the part of the Senate to invade the prerogatives of the House, and called attention to the fact that under the Constitution the power of issuing bonds and incurring indebtedness must originate in the House of Representatives. The day before the Secretary of the Treasury had appeared before the Finance Committee of the Senate and proposed $5,000,000,000 of additional funds, part to be raised by bonds and part to be raised by certificates of indebtedness, matters within the function of the House to originate.

In closing, he drew vigorous and prolonged applause when he said:

I feel it my duty, Mr. Speaker, to call the attention of the House of Representatives to this invasion of its prerogatives, so that in the future, when such a bill comes to us for consideration, if nobody else does it, I will move to send it back, as Mr. Serano E. Payne once did under similar circumstances, and the House refused to consider it. I think we ought to stand on our rights and have this business attended to more promptly than it has been attended to. If I am not mistaken, I have the support of the Republican Members of this House in standing by the Administration during the war, but we want to do it legally, fairly, and squarely, and I therefore call the attention of the House to this invasion of our prerogatives.

The story of his life is the story of a boy reared from good New England stock, who early learned the value of time and the value of a dollar, because he had little of either to spare in his early days. It is the story of a boy who made the most of his opportunities and was not afraid to work, a boy of splendid mental attainments, rugged honesty, and force of character, who would command respect anywhere and who knew no such word as failure. Others might spend their time complaining because of lack of opportunity, but not so with E. J. HILL. He turned stumbling blocks into stepping stones and could succeed where others failed. All his life he was a student of men and things and was never satisfied with a superficial knowledge of anything. He was an encyclopedia of information. He has carved for himself an enduring name in the history of his country, and his work will be a lesson and an inspiration to the young men of this Nation through the coming years. With many things yet undone, with many splendid dreams yet unrealized, with his intellectual powers still undimmed, he passed from this earthly abode, leaving as a rich heritage a splendid record of accomplishment and the memory of a life well spent.

Mr. LONERGAN. Mr. Speaker, it was not my privilege to know EBENEZER J. HILL intimately. I first meet him five years ago, but from the opening of the Sixty-fifth Congress to the time of his illness I was associated with him on several occasions and had opportunity to observe his work as a legislator.

He was a companionable man, ready and effective in debate, a leader not only in his own party but in the House. His record stands out as one of service and achievement. His appointment to the Ways and Means Committee was a merited recognition of his ability.

Mr. HILL was always informed because he was always a student. With unlagging industry he applied to every new problem the test of experience of years. There was not a subject of financial or economic importance which might affect the welfare of his district, his State, or his country on which he was not informed. He worked always with directness of purpose and sureness of plan. He believed that a public office is a public trust.

To his duties he was ever faithful, and in this he was true to the best traditions of New England.

The power of New England in the Congress of the United States has always been recognized. In April, 1910, the Hon. THETUS W. SIMS, of Tennessee, present chairman of the House Committee on Interstate and Foreign Commerce, quoted from an article in the Kansas City Times, in which it was pointed out that the aggressiveness, the sagacity, the courage of the people of New England commanded admiration, for despite a sterile soil and an inhospitable climate they controlled the politics and policy of the United States. And further, it was added:

The six States which form the New England group have figured prominently in the settlement of every question that has been presented to the Republic.

The reason given for the recognized leadership of New England by the writer was that long service of Members from the States mentioned naturally entitled such men to greater influence.

Mr. HILL's life was a conspicuous example thereof. No man in Connecticut's history served the State in the House of Representatives so long as he. The Hon. E. Stevens Henry, it is true, entered Congress at the same time in 1895, but his service numbered 18 years. Mr. HILL was completing his twenty-first year. The late Senator Joseph R. Hawley, whose 28 years of public life at Washington stand unequaled for Connecticut, was in the House but four years, advancing to the United States Senate in 1881. The Hon. Orville H. Platt was 26 years in Washington, during all of which time he was in the Senate. Excepting these two illustrious men, the only other public servant of the State whose record as a national legislator exceeded that of Mr. HILL's was the Hon. Samuel W. Dana, of Middletown. Mr. Dana was in the House from 1796 to 1810, and in the Senate from 1810 to 1821, a total of 25 years in Washington. In his own district, one must go back to the days of the Hon. John Davenport, of Stamford, who was in the House as Representative at Large and later as Congressman from the fourth district, from 1799 to 1817, 18 years, to approach the service of the man whose memory we have come to-day to honor. Mr. HILL's record is indeed an unique one, and one that will not be excelled in Connecticut in many years.

There are but nine men in Congress to-day who sat in the Fifty-fourth Congress when Mr. HILL first entered national life—Mr. CANNON of Illinois, Mr. JONES of Virginia, Mr. COOPER of Wisconsin, Mr. GILLETT of Massachusetts, Mr. FAIRCHILD of New York, Mr. CRISP of Georgia, Mr. FOSS of Illinois, Mr. MONDELL of Wyoming, and Mr. PARKER of New Jersey. Our beloved Speaker had been in the Fifty-third Congress, and returned in the Fifty-fifth Congress, from which time he had been associated with Mr. HILL in many important matters, and has on more than one occasion indicated his admiration of our deceased colleague.

The longer an industrious man remains in service, the more valuable he is to his constituency, the greater opportunity he has for the development of his talents, and the richer is his State for his achievements.

Mr. HILL was in Congress when the United States declared war against Spain in 1898, and when the existence of a state of war thrust upon it by the Imperial German Government was formally declared in 1917. He has seen other problems, less historic, indeed, but in themselves large, met and overcome by the country he served so faithfully.

He left to his family the priceless heritage of a life well spent. It should be to them a rich source of consolation; and it should be to every man an incentive to added effort.

When a man has worked so ceaselessly as did Mr. HILL for the things he thought best, one wishes that an All-Knowing Providence had granted him more years in which to continue his constructive activity and to enjoy association with those for whom and with whom he labored, but in his being taken off "still achieving, still pursuing," his family and his friends are comforted with the assurance that when he entered into his reward, his stewardship was accounted for a hundredfold.

Mr. TILSON resumed the chair as Speaker pro tempore.

Mr. FREEMAN. Mr. Speaker, it is acknowledged by all that in the death of the late EBENEZER J. HILL the State of Connecticut has lost an able and faithful Representative, and this Congress and the Nation at large has been deprived of a strong and experienced legislator at a time when such effective services as Mr. HILL was able to render were most sorely needed.

I remember in 1894 when he was first elected to represent the fourth district of Connecticut, and since that time I have watched his career here in Congress with ever-increasing interest and appreciation. It was my privilege first to meet him personally in the summer of 1903 when he paid a visit to his son at the encampment of the Connecticut National Guard, and at that time I was impressed with his thorough knowledge of the subjects he discussed, his wealth of information, and his strong, sincere convictions upon the financial and economic questions of the day. At that time his party was in control of the affairs of the Government, and he certainly devoted to his share of the task all his energy, industry, and talent. Because of the unfortunate division of our party in 1912 Mr. HILL failed of reelection, but I had a long talk with him at Bridgeport in the winter of 1913–14, and I was surprised at his intimate acquaintance with the affairs of Congress—his knowledge of the state of the national Treasury, and of many other matters which indicated that with the exception of not being daily upon the floor of the House, he was as active and as interested as if still a Member of Congress.

When he was reelected by his district in 1914 it was my fortune to be elected as his colleague, and from that time until his death I relied upon his counsel and advice. I found him one of the most hard-working Members of Congress, but never too busy to aid, encourage, and advise a new Member of Congress. During his last illness he remained constantly in touch with the situation here, with intellect unimpaired, and when "God's finger touched him" he had well earned eternal rest and peace.

LEAVE TO PRINT.

Mr. MERRITT. Mr. Speaker, I ask unanimous consent that Members desiring to print remarks on the life and services of Mr. HILL may have permission to do so.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent that Members desiring to print in the RECORD remarks on the life and services of Mr. HILL may have permission to do so. Is there objection? [After a pause.] The Chair hears none. In compliance with the resolution already adopted the House will stand adjourned.

ADJOURNMENT.

Accordingly (at 4 o'clock and 58 minutes p. m.) the House adjourned until tomorrow, Monday, March 4, 1918, at 12 o'clock noon.

SENATE.

MONDAY, *March 4, 1918.*

(Legislative day of Saturday, March 2, 1918.)

The Senate met at 12 o'clock meridian.

THOMAS J. WALSH, a Senator from the State of Montana, appeared in his seat to-day.

DISTRICT OF COLUMBIA TELEPHONE SYSTEM.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Postmaster General in response to a resolution (S. Res. 207) of February 25, 1918.

Mr. GORE. I ask that the communication be printed in the RECORD.

The PRESIDENT pro tempore. Is there objection?

Mr. NORRIS. What is the request?

The PRESIDENT pro tempore. That the communication of the Postmaster General, in response to a resolution passed February 25, regarding the telephone service of the District of Columbia be printed in the RECORD.

Mr. NORRIS. Why not have it read? It seems to me that the answer of the Postmaster General ought to be read.

Mr. OWEN. I should like to hear it read.

Mr. SIMMONS. I hope the communication will not be read. We took a recess on Saturday for the purpose of expediting the unfinished business, and I am very anxious to begin the consideration of Senate bill 3714.

Mr. NORRIS. I do not want to delay the unfinished business, but it seems to me that the answer of the Postmaster General on the question we have submitted to him ought at least to be read to the Senate, although if the Senator from North Carolina objects I will be content to have it printed in the RECORD.

Mr. SIMMONS. I have no earthly objection to its being printed in the RECORD.

Mr. GORE. I will state that I did not prefer the request to have it read, because I apprehended the objection suggested by the Senator from North Carolina.

Mr. NORRIS. Let it be printed in the RECORD, then.

The PRESIDENT pro tempore. The request is that the communication of the Postmaster General be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The communication is as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., March 4, 1918.

Hon. THOMAS R. MARSHALL,
Senate of the United States of America.

MR. PRESIDENT: I have received Senate resolution of date February 25, reading as follows:

"Whereas it is reported in the public press that the Postmaster General of the United States offered to take over and operate in behalf of the United States the telephone system of the Chesapeake & Potomac Telephone Co. within the District of Columbia: Therefore be it

"*Resolved*, That the Postmaster General be, and he is hereby, directed to transmit to the Senate the proposition made by him to the Chesapeake & Potomac Telephone Co., and also to transmit to the Senate any information which he may possess authorizing him to make such, or any, proposition looking to the taking over of the operation by the Government of said telephone system."

In compliance with this resolution I deem it proper to recite the circumstances referred to therein and officially reported by the Commissioners of the District of Columbia sitting as a public utility commission, to wit:

"Chairman BROWNLOW. I asked the Postmaster General if he desired to be heard in this matter, since I know of the interest of the Post Office Department in the telephone situation. He was not able to be present, but he sent as representing him the chairman of the telephone and telegraph committee of the Post Office Department. Mr. Chance is present and desires to make a statement.

"Mr. CHANCE. Mr. Commissioner, my statement is very short. I am here representing the Postmaster General, and he has directed me to say that, if he is given authority, the Post Office Department can take over the entire telephone service within the District of Columbia and operate it without increased charges to the patrons and without reducing the salaries of the employees and pay for it out of the surplus revenues of the Postal Service.

"That is all I have to say."

will show to send it back, as Mr. Serano E. Payne once did under similar circumstances, and the House refused to consider it. I think we ought

unique one, and one that will not be excelled in Connecticut in many years.

adjourned until tomorrow, Monday, March 4, 1918, at 12 o'clock noon.

Postal Service.

"That is all I have to say."

With respect to the information upon which the statement made by Mr. Chance was made, beginning with the statement of the undesirable telephone situation prevailing, and threatened, in the District of Columbia, it may be well to briefly detail the history of the subject matter, the measures proposed heretofore by Members of Congress looking to its treatment, and the relation of the Post Office Department to such measures, as well as the proposals of the Chesapeake & Potomac Telephone Co. itself.

In the Sixty-fourth Congress, early in 1917, bills were introduced in the Senate by the Hon. THOMAS P. GORE, of Oklahoma, and the Hon. ATLEE POMERENE, of Ohio, and in the House of Representatives by the Hon. David J. Lewis, of Maryland, which provided for the taking over of the Washington telephone system by the Government, with a view to its substantial extension and development to meet existing and future needs. These bills made provision for the development of an adequate telephone service for both public and private needs, as they should arise. The bill of Senator POMERENE was referred to the Committee on the District of Columbia of the Senate, which committee requested the opinion of the Postmaster General as to its merits. The Postmaster General, in response to such request, gave the bill his approval.

The like bill in the House of Representatives was referred to the Committee on the District of Columbia of the House, and the Postmaster General was asked in like manner by said committee for his opinion on the merits of the bill, as were also the District Commissioners of the District of Columbia. Both the Postmaster General and the commissioners made reply, giving their approval to the measure. If any of those measures had been enacted into law, the present telephone system in Washington, which may be described at this time as deplorable, would have been avoided.

The House bill was made the subject of extended hearings before the Committee on the District of Columbia which continued so near to the close of the session that no final action was taken on the bill.

Meanwhile, with the same objects in view, the Postmaster General caused to be made by telephone experts a careful study and investigation of the telephone situation in Washington, with a view to definitely ascertaining the necessary operating expenses of conducting the system as a part of the Postal Service. These experts reported on the 1st day of May, 1917, that the final cost of a network—including value of the existing plant—embracing 80,000 telephone stations, would be $10,862,310. The network of the present system in 1915, the latest previous data, included 54,671 telephones. The larger network proposed would have fully met the needs of the city for both its present and prospective emergencies.

With respect to the costs of operating the telephone system these experts, after careful study, reported that including capital, depreciation, and all operating expenses—if conducted by the Post Office Department as a part of the Postal Service—the cost per telephone could easily be reduced more than one-third. The Chesapeake & Potomac Telephone Co. estimates the expense per telephone in 1918, without making allowance for capital charges or taxes, to be $38.10, which is grossly in excess of what the cost would be if the service were operated by the Post Office Department. Such was the proposal of Members of Congress and the Post Office Department to meet the requirements of a public and private character for telephone service within the District of Columbia.

In its statements made before the Public Utilities Commission the Chesapeake & Potomac Telephone Co. reports having 71,276 telephones in December, 1917, and it proposes to increase this number to 75,000 during the year 1918, a number which may prove inadequate. The study made for the Post Office Department by the expert engineers referred to above, contemplated a network of 80,000 telephones. Their study was based on the data of the year 1915, it being the latest available, and represented as stated 54,671 telephone stations, with a capital of $6,241,134. Thus the addition of an investment of $4,621,176 would have added 25,329 stations to the network, raising it to 80,000 in number, and at the same time rendering it susceptible to prompt and economical extension and development. The proposal of the Chesapeake & Potomac Telephone Co. for the year 1918 raises its capital to $10,694,001, but raises the number of telephones to only 75,500.

The quality of service rendered in the city of Washington was extremely low before the war, the lowest per telephone reported for any city in the United States in 1914, while the average rate charged for completed calls was the highest for all the cities reporting, with one exception, as is shown by the following table:

Average calls per telephone and average rate per 100 calls in different cities.

	Annual calls per phone.[1]	Average telephone rate per 100 local calls.[1]
New York, Manhattan[2]	962	$4.45
Brooklyn[2]	875	4.21
Washington, 1914[3]	823	4.21
Washington, 1915[3]	888	3.88
Washington, 1917[3]	1,099	3.13
Baltimore[2]	993	3.53
Philadelphia[2]	1,445	2.20
Pittsburgh[2]	1,998	1.52
Cleveland[3]	2,090	1.48
Indianapolis[3]	2,238	1.15
Spokane[3]	2,155	1.08
Kansas City[3]	3,366	1.05
Rochester[3]	2,940	1.04
Plattsburg	2,090	.94
Buffalo[3]	2,710	.77
Louisville[3]	4,027	.69

[1] Not counting toll calls. [2] Bell System. [3] Independent.

While Washington is given a service of only 800 to 1,100 calls per telephone, the average calls per telephone in the United States was 2,055, according to the census of 1912, and some of the cities show a phone utilization of more than 3,000 calls per annum. For this half-normal service I am informed that the average paid per 100 calls in Washington was $3 to $4, when the average for the United States was 89 cents per hundred for the independents, with a general average of less than $1 per hundred in some of the large cities.

Obviously, the test of any service institution is the amount and quality of service rendered the public, stated in terms of the number of employees and the amount of capital employed to obtain such service.

The committee of the Post Office Department on telephones and telegraphs which made an elaborate investigation of this subject, the report of which I had the honor to transmit to the Senate on the 31st day of January, 1914, and which was published as Senate Document No. 399, second session Sixty-third Congress, found that the assumption by the Post Office Department of the function of electrical communication would permit of substantial savings and economies through the coordination of these two now diversely organized and operated services of communication. They differ only in this: That the railroad or personal carrier bears one communication and the wires carry the other.

The following bureaus or services are now maintained, each independently, by the Post Office Department and the telephone system:

THE POST OFFICE.	THE TELEPHONE SYSTEM.
Postmaster General.	President of the company.
Four assistants.	Vice presidents and directors.
Law department.	Law department.
Auditor.	Auditor.
Treasurer's office.	Treasurer's office.
Purchasing bureau.	Purchasing bureau.

The "commercial account" under private management includes such items as "advertising, canvassing, promotion, revenue accounting, revenue collecting, collection expense, salaries of general officers, and their clerks." These are susceptible of complete elimination by postal methods. Indeed, it is not too much to say that their entire revenue-collecting and accounting system can be practically displaced under postal methods and the work reduced substantially to one of maintenance and development.

Much—indeed, nearly all—the above duplicating official telephone personnel represent established functions in the Post Office Department, dischargeable by it with slight, if any, additional expense. There is, besides, the very considerable item of earnings on investment. Public utility commissions proceed on the theory that private enterprises are entitled to claim, if they can earn, a return of 8 per cent per annum, which is not unreasonable to private enterprise. Government capital, on the other hand, should cost only about one-half this amount. Taking the savings from unification of mail and telephone communication systems, along with the immense saving in capital charges, I have the fullest confidence in the statement made to the District Utilities Commission as to the results of postal management of the District telephone system if authority be given to unite it with the Postal Service.

In fact, the accomplishments suggested present a very great understatement of what postal policy and postal management

can accomplish in operating the telephone system in the District of Columbia.

The suggestion that the Post Office Department enter the field of electrical communication is in no sense new or recent. As Postmaster General I have made the recommendation in my annual reports five successive times. The recommendation was made by my immediate predecessor and by many other Postmasters General. In the infancy of telephone communication a like recommendation was made by Postmaster General John Wanamaker. Among other things he stated:

"A year from next March the telephone patent expires, and unless Congress acts promptly to authorize its adoption for communication among the people it requires no stretch of the imagination to believe that in the next two years one immense syndicate will unite and control all the hundreds of telephone plants of the country as the telegraph is now controlled, or the two will be united, and then for the next 20 years the most astute attorneys will be legitimately earning large salaries in indignantly opposing the so-called attacks of future Postmasters General upon defenseless vested rights."

How prophetic this statement was! At this time how familiar we are with it! How often did we hear it when there was pending before the Congress the propositions for the establishment of the parcel post and the postal savings!

The function of communication so clearly appertains to the Government that it is provided for in the Constitution of the United States.

Communication is a means primal to the gratification of all human requirements. It should therefore be made accessible to all persons, whatever their fortunes may be, as considerations of public economy will allow. This means that ample facilities should be provided by the Government which is charged by the Constitution with this great function. It means, too, that the service should be provided at reasonable cost; in fact, at as low cost as efficient service permits, so that the largest number possible may use it. The Postal System has so realized these great objects, so formulated its rates, that the poorest self-sustaining human being can afford to use any service it performs. The only postal limitation on his communicating from end to end of the Republic is the cost of a 2-cent stamp. On the other hand, the use of these great facilities of communicating by electricity is woefully restricted among the masses of the people by the necessities of the interest of private persons who own and manage them. Among the masses of the people, even here in Washington, the Capital of the richest country of the world, the majority are shown to be denied this great convenience. The following table on the testimony of the president of the Chesapeake & Potomac Telephone Co., testifying as to the distribution of the telephone service among the residences of the city before the Committee on the District of Columbia of the House of Representatives, speaks conclusively as to the effect of high rates and private control upon this great agency of communication:

One hundred families, paying a house rent—

Up to $20, have 10 phones—10 per cent.

Up to $35, have 23 phones—23 per cent.

Above $35, have 82 phones—82 per cent.

It is no criticism of private endeavor to quote the above facts. They represent failures—grave failures—in modern communication; but they are failures judged by postal standards, not by the standards of private enterprise. The wealth of the United States is ample to justify a complete telephone service in its Capital. Private endeavor does not have the kind of motive necessary for the accomplishment of this or other postal objects. Great organizations of national scope it has built up in that part of the field of communication which the Government has so long neglected—neglected, I say, but not surrendered either its right or duty to perform. While the postal rates in the United States are the lowest among postal systems, the following table, taken from the report of the telephone and telegraph committee of the Post Office Department, shows how postal telephone rates in other countries compare with the private rates in the United States:

Statement of the average rates for nine countries on the Continent of Europe:

Toll telephone rates.

	Distance.				
	100 miles.	200 miles.	400 miles.	500 miles.	700 miles.
Continental rate	$0.20	$0.37	$0.30	$0.46	$0.53
Bell rate	.60	1.80	2.40	3.00	4.20

Of the long-distance telephone rates it has been stated by one who has made a most searching study of the question that "it costs the American as much to ship his communication over the wires, mile for mile, as it costs him to ship a ton of freight on the railway. The telephone rate equals 6 mills a mile, the average railway rate about 7 mills."

It should be added that the aggregate postal revenues in the 16 great postal systems conducting these, as well as other functions of organized communication, show a surplus profit of 20 per cent in their annual receipts. A reason why the postal system can achieve cheap rates and provide efficient service is that it has no uneconomic, no wasteful interests to serve. Hence the great disparity of the telephone rates in the United States as compared with those of postal systems, notwithstanding our postal rates are as low or lower. Hence, too, the humiliating knowledge that instead of ranking first in the frequency of our use of the telephone communication we rank low, and not high, in the use of these services.

The conclusion can not be escaped that private rate making is responsible for the out-of-date and inadequate telephone service, and for its resulting breakdown upon congestion of traffic, in Washington. And the local company proposes relief only by destroying, through higher rates, even more of the existing traffic of the city. The rates now restrict the use of the phone to about one-half the utilization obtaining throughout the country. Its proposed remedy is to eliminate, by higher rates, a large part of the service that is left.

PROPOSITIONS RESTATED.

Finally, I wish to add that there is much other information gathered, studied, and compiled by the Post Office Department, reflecting on the proposition that, if given authority, the Post Office Department can achieve the results stated in the announcement made before the Utilities Commission.

In concluding I wish to repeat, on the basis of the information hereinbefore produced, and as the result of careful studies:

First. That, if given authority by the Congress, the Post Office Department can take over the telephone service of the District of Columbia and be able to—

(a) Operate it without increased charges to the patrons.

(b) Without reducing the salaries of employees.

(c) And pay for the system out of the surplus revenues of the Postal Service.

To which propositions I am able to add another:

Second. That within a reasonable time after receiving such authority the Post Office Department will permanently remove the present congestion of telephone traffic and bring about a more general use of the lines to both the Government and private patrons.

I have only to further add that so much as might be necessary of the surplus of the Post Office Department for the fiscal years 1916 and 1917 could nowhere and in no way be more appropriately applied than in giving the Government, in its stress, and the people of the Capital City permanent, adequate facilities for communication, and at reasonable rates.

Permit me also to direct attention to the fact that there is no Government engaged in the present war—there is hardly a government anywhere—which intrusts its official secrets and correspondence to unofficial and private carriers.

Respectfully,

A. S. BURLESON,
Postmaster General.

PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of Lewis McKune Post, No. 27, Grand Army of the Republic, Department of Minnesota, of Waseca, Minn., praying for an increase in the pensions of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. THOMPSON presented a petition of W. T. Sherman Post, No. 113, Grand Army of the Republic, Department of Kansas, of Concordia, Kans., praying for an increase of pensions to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of Local Branch, International Brotherhood of Locomotive Engineers, of Parsons, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Farmers' Union, of Groveland, Kans., praying for the enactment of legislation fixing the price of the 1918 wheat crop at $2.50 per bushel, which was ordered to lie on the table.

Mr. JONES of Washington presented a memorial of Local Branch, Brotherhood of Railroad Trainmen, of Bellingham, Wash., remonstrating against the enactment of legislation providing for the placing of railroad employees under the pro-

visions of the Federal employees' compensation act, which was referred to the Committee on Interstate Commerce.

Mr. McLEAN presented a petition of Local Branch No. 192, National Association of Letter Carriers, of New Britain, Conn., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Bridgeport and New Haven, in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. TOWNSEND presented a petition of the Board of Commerce of Detroit, Mich., praying for the creation of a commission to report a plan for the adoption of a national budget system, which was referred to the Committee on Appropriations.

He also presented a petition of the Ladies' Literary Club, of Shelby, Mich., and a petition of the Pastors' Association, of Jackson, Mich., praying for national prohibition as a war measure, which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. FLETCHER, from the Committee on Military Affairs, to which was referred the bill (S. 3426) to empower the President to requisition timber and timber products for war purposes, reported it with amendments and submitted a report (No. 298) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3980. A bill to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes (Rept. No. 296); and

S. 3982. A bill to suspend certain restrictions on the purchase and distribution of military stores and supplies, and for other purposes (Rept. No. 297).

STATUS OF ARMY NURSE CORPS.

Mr. FLETCHER. On January 16 the Senator from Florida [Mr. TRAMMELL] submitted a resolution (S. Res. 185) directing the Committee on Military Affairs of the Senate to investigate and report as to the available number of trained nurses for service in the United States Army. The resolution was agreed to, and I am directed by the Committee on Military Affairs to make a report (No. 299) pursuant to that resolution, which I ask to have printed in the RECORD.

There being no objection, the report submitted this day by Mr. FLETCHER was ordered to lie on the table and to be printed in the RECORD, as follows:

[Senate Report No. 299, 65th Cong., 2d sess.]

Mr. FLETCHER, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, which was directed by the Senate to investigate and report upon certain matters relative to the status of the Army Nurse Corps, having had the matter under consideration, begs leave to submit herewith a memorandum from the Surgeon General of the Army giving detailed information on the subject, together with a communication of similar import from Dr. Franklin Martin, member of the advisory commission, Council of National Defense, which your committee presents as its report:

MEMORANDUM FOR THE SECRETARY OF WAR RELATING TO STATUS OF THE ARMY NURSE CORPS.

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, January 24, 1918.

There are at present in the United States about 200,000 nurses, of whom it is estimated between 80,000 and 90,000 are registered, the remainder being composed of graduate nurses and the so-called practical nurses. Approximately 30,000 nurses will be needed for service in the Army hospitals during the present year. In 1909 the plan was evolved whereby the enrolled nurses of the American Red Cross were constituted the reserve of the Army Nurse Corps for service in time of war or other emergency. It is estimated there are about 16,000 nurses enrolled with this organization at this time, 8,000 of whom have enrolled since the declaration of war. Nurses are also admitted into the regular corps, and for the period of the war emergency. The applications of all graduate nurses who are professionally, morally, and physically qualified for service will be given consideration, whether registered or not.

There are at present 40,000 student nurses in accredited training schools for nurses in this country, and about 13,000 graduate annually. The plan of organizing training schools in connection with Army hospitals is not believed to be practicable, and it is thought preferable to accept only nurses who have graduated from civil institutions.

It is not contemplated at this time to employ any but graduate nurses in the Army hospitals, but should conditions indicate there will be a shortage of graduate nurses, steps will be taken in ample time for the establishment of courses for nurses' aids in certain civil institutions in this country. These aids will be selected from among those women who have taken the course in home care of the sick and elementary hygiene under the American Red Cross, and also other women who are considered suitable. They will be given a course of practical instruction in a civil institution with a view to assignment as nurses' aid in an Army hospital if needed.

At the present time there are 534 members of the regular corps and 4,204 who have entered the service as reserve nurses, Army Nurse Corps, through the American Red Cross. It is believed that the present supply of nurses is sufficient to meet the prospective needs of the service.

W. C. GORGAS,
Surgeon General, United States Army.

COUNCIL OF NATIONAL DEFENSE,
Washington, January 24, 1918.

From: Dr. Franklin Martin, member of advisory commission.

To: Hon. GEORGE E. CHAMBERLAIN, chairman Senate Committee on Military Affairs.

Subject: Present and prospective supply of nurses for military service.

1. We have the honor to submit to you the following report:

2. The committee on nursing of the general medical board, Council of National Defense, will be pleased to appear before your committee at any time and submit full information regarding the present and prospective status of the nursing supply for military service.

3. In the meantime, however, I submit the following facts: There are approximately 80,000 registered nurses in the United States, 40,000 student nurses in accredited schools, 13,000 nurses graduating annually.

4. The following are figures received to-day from the Army, Navy, and Red Cross Department of Nursing:

Assigned to active duty in the Army:	
From the Army Nurse Corps	534
From the Red Cross	4,204
Total	4,738
Assigned to active duty in the Navy:	
From the Navy Nurse Corps	257
From the Red Cross	570
Total	827
Assigned to active duty under the Red Cross:	
United States Public Health Service	70
Over-seas service	64
Specialized services in United States	3
Total number furnished by Red Cross to Army and Navy, now on active duty	4,911
Total number awaiting orders	2,500

Nine thousand nurses have been enrolled by the Red Cross since the declaration of war. The total enrollment of Red Cross nurses is approximately 17,000, which includes, however, those enrolled for special service and a proportion who are not available for active service.

5. At the present date the Army, Navy, and Red Cross are filling all demands. A mobilization camp for nurses has just been established which will facilitate the movement of nurses to their posts.

6. A definite publicity program has been planned and is in progress by the committee on nursing for the purpose of rapidly increasing enrollment for service and for strengthening the reserve. Since war was declared approximately 1,000 nurses have been enrolled for service each month.

7. This committee now has under serious consideration other radical measures to propose which, if found feasible, will, in its judgment, insure an adequate supply of nurses for the anticipated future increments, taking into consideration the increased demand when the Army shall more largely engage in active conflict.

FRANKLIN MARTIN,
Member the Advisory Commission.

URGENT DEFICIENCY APPROPRIATIONS.

Mr. MARTIN. With the consent of the Senator from North Carolina [Mr. SIMMONS], who has charge of the pending bill, I ask leave out of order to report back from the Committee on Appropriations with amendments the bill (H. R. 9867) making appropriations to supply urgent deficiencies in appropriations for the fiscal year ending June 30, 1918, and prior fiscal years, on account of war expenses, and for other purposes, and I submit a report (No. 295) thereon. As the matters in the bill are very urgent, I shall endeavor to have the Senate take it up tomorrow.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

ISSUANCE OF WAR-RISK INSURANCE.

Mr. WILLIAMS. I ask permission to make a favorable report from the Committee on Finance on Senate joint resolution 133, authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured, and I shall follow that, after the joint resolution has been read, with the request for unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Mississippi asks unanimous consent for the immediate consideration of the joint resolution reported by him from the Committee on Finance. Is there objection?

Mr. SMOOT. Mr. President, I wish to have the joint resolution read first. I am a member of the Finance Committee, but I know nothing about it.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The joint resolution (S. J. Res. 133) was read, as follows:

Resolved, etc., That insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, shall be granted by the Bureau of War-Risk Insurance on application made by the person to be insured or, subject to such regulations as the bureau may prescribe, by any other person.

Mr. SMOOT. Mr. President, I should like the Senator from Mississippi, reporting the joint resolution, to explain it, because I have not seen the joint resolution, nor have I heard it read, except as it was read from the desk just now.

Mr. WILLIAMS. Mr. President, in reply to the question of the Senator from Utah, I will say that we have found some difficulty in the execution of the insurance clause of the soldiers and sailors' allowance and allotment and insurance bill, growing out of the fact that we provided in the bill that the soldier alone should make the application. Many of these soldiers have gone to France; and when their agents here, or somebody on behalf of them, wants to make the application the law stands in the way. This joint resolution does not change the beneficiaries under the law; it does not widen or restrict them, or the choice of them, in any way; but it merely permits the father or the mother or any other person here to make the application for the soldier, under the provisions of the law as now written, for the insurance as now provided. It was accompanied by a letter from the Secretary of the Treasury, who wanted as quick action as possible. As a consequence, the committee, not being able to be called together, was polled and all of the members of the committee that could be seen immediately signed it. It happened that the Senator from Utah was not in the Chamber, I suppose, at the time; but it was signed by the Senator from Massachusetts [Mr. LODGE], the Senator from North Carolina [Mr. SIMMONS], the Senator from Rhode Island [Mr. GERRY], and myself.

Mr. SMOOT. Mr. President, I have had a chance to read the joint resolution, and I hope it will pass at this time.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 4012) to protect persons in the military or naval forces of the United States during the present war from loss of rights under claims initiated upon the public lands, and for other purposes (with accompanying papers); to the Committee on Public Lands.

A bill (S. 4013) to amend certain sections of the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, and for other purposes; to the Committee on Military Affairs.

A joint resolution (S. J. Res. 136) providing for the registration for military service of the subjects or citizens residing in the United States of a foreign country with whose Government the United States has concluded or hereafter concludes a convention or agreement consenting to such aliens being drafted into the military forces of the United States under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and all amendments thereto; to the Committee on Military Affairs.

AMENDMENT TO URGENT DEFICIENCY BILL.

Mr. LODGE submitted an amendment proposing to appropriate $15,000 for the installation of an electrically operated fog-signal whistle on the east breakwater, Nantucket Harbor, Mass., intended to be proposed by him to the urgent deficiency appropriation bill (H. R. 9867), which was ordered to lie on the table and be printed.

CLAIMS OF OFFICERS AND ENLISTED MEN.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3527) to amend an act entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States," approved March 3, 1885, which was ordered to lie on the table and be printed.

CALLING OF THE ROLL.

Mr. SIMMONS. I suggest the absence of a quorum. I think it important before we take up the amendments to Senate bill 3914 to secure a fuller attendance than we now have.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Owen	Smoot
Beckham	Johnson, S. Dak.	Page	Sterling
Brandegee	Jones, N. Mex.	Pittman	Stone
Colt	Jones, Wash.	Poindexter	Sutherland
Culberson	Kendrick	Pomerene	Swanson
Curtis	King	Ransdell	Thomas
Dillingham	Kirby	Reed	Thompson
Fernald	Lodge	Saulsbury	Tillman
Fletcher	McCumber	Shafroth	Underwood
Gallinger	McKellar	Sheppard	Vardaman
Gerry	McNary	Sherman	Walsh
Gore	Martin	Shields	Warren
Gronna	Nelson	Simmons	Watson
Hale	New	Smith, Ga.	Williams
Harding	Norris	Smith, Md.	Wolcott
Hardwick	Nugent	Smith, Mich.	
Henderson	Overman	Smith, S. C.	

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent, due to illness in his family.

Mr. ASHURST. I wish to announce that my colleague, the senior Senator from Arizona [Mr. SMITH], is absent by reason of illness.

Mr. BECKHAM. I desire to announce that my colleague, the senior Senator from Kentucky [Mr. JAMES], is detained on account of illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-six Senators have answered to their names. There is a quorum present.

DISTRICT OF COLUMBIA TELEPHONE SERVICE.

Mr. KING. Will the Senator from North Carolina yield to me for a moment?

Mr. SIMMONS. I yield.

Mr. KING. On the 25th day of February I offered a resolution, which reads as follows:

Senate resolution 207.

Whereas it is reported in the public press that the Postmaster General of the United States offered to take over and operate, in behalf of the United States, the telephone system of the Chesapeake & Potomac Telephone Co. within the District of Columbia: Therefore be it

Resolved, That the Postmaster General be, and he is hereby, directed to transmit to the Senate the proposition made by him to the Chesapeake & Potomac Telephone Co., and also to transmit to the Senate any information which he may possess authorizing him to make such, or any, proposition looking to the taking over of and the operation by the Government of said telephone system.

I am just advised, Mr. President, that in response to this resolution, which was adopted, the Postmaster General transmitted this day to the Senate——

Mr. NORRIS. Mr. President, we are unable on this side to hear the Senator. I should like to hear what he has to say. I ask that we may have order.

The PRESIDENT pro tempore. The Senate will be in order.

Mr. SIMMONS. The Senator from Utah was not in the Chamber at the time I think when the Senator from Oklahoma [Mr. GORE] asked that the communication of the Postmaster General be ordered printed in the RECORD.

Mr. KING. I rose for the purpose of submitting an objection to what was done by the Senate.

The PRESIDENT pro tempore. The Chair will inform the Senator from Utah that the communication came to the President pro tempore and by the Chair was laid before the Senate, and on request of the Senator from Oklahoma and by unanimous consent it was ordered printed in the RECORD. That is the situation.

Mr. KING. Later during the day I may offer a motion to set aside the order for the printing of the report. I have just come into the Chamber and have had no opportunity to examine the communication from the Postmaster General, except very hastily, but, I believe it goes beyond the terms of the resolution. The resolution merely requested the Postmaster General to state under what law he had made a proposition, if any, for the Government to take over and operate the telephone system owned by the Chesapeake & Potomac Telephone Co. In response to such resolution there is submitted an argument of 10 pages of typewritten matter in favor of the Government taking over the telephone system. We did not ask him for an argument in favor of governmental ownership or operation of the telephone system; we asked him by what authority of law he submitted a proposition, if one was made, to the telephone company.

Mr. STONE. Do I understand the Senator favors taking over the telephone system?

Mr. KING. I have hardly looked at the report, but I gather from it that the Postmaster General is in favor of the Government taking over the telephone system.

Mr. STONE. The Postmaster General, I understand, is in favor of it. I was asking the Senator if he is in favor of it?

Mr. KING. I am very much opposed to it. I will state to the Senator from Missouri I think that the Government of the United States has burdens enough now, and ought not to be called upon to assume additional ones, unless absolutely necessary. In my opinion, it ought not to purchase and take over the telephone system of the District of Columbia or undertake its operation. However, the question of governmental ownership or operation and control is one which can be considered in a proper way and at the proper time. But the point I am making is that when an executive officer is asked for the authority for a certain proposition, it is not a proper response to submit an argument in favor of the proposition.

Mr. STONE and Mr. JONES of Washington addressed the Chair.

Mr. KING. I yield to the Senator from Missouri.

Mr. STONE. I have nothing to say at the present moment as to whether the reply of the Postmaster General to the resolution is proper or not, nor have I anything at this moment to say as to whether the Government should take upon itself the burden indicated by the Senator from Utah, if the taking over of the system of telephones is a burden, but I do undertake to say that the system as operated in the District of Columbia is so absolutely inefficient that it would seem to me that even the Government's business would require that some better service be rendered. Whether or not that service can be better rendered in this way I do not know, but I do undertake to assert that the service could not be worse than it is.

Mr. KING. Mr. President, that is not the question which is involved in this matter. A simple resolution was adopted asking the Postmaster General to state whether he had submitted a proposition to take over and operate a certain telephone system, and if so, what law existed authorizing it; and I submit that it is not proper under that resolution for an argument to be sent to this body in favor of Government ownership or operation of the telephone system. It is that of which I am complaining. We did not ask in the resolution for the opinion of the distinguished and able official or for an argument in favor of governmental control or operation of the telephone system.

Mr. JONES of Washington and Mr. NORRIS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Utah yield, and, if so, to whom?

Mr. KING. I yield to the Senator from Washington, who first addressed the chair, and then I will yield to the Senator from Nebraska.

Mr. JONES of Washington. I was merely curious to know whether the Postmaster General has in fact given the Senate the information asked for in the resolution.

Mr. KING. In a certain way he does furnish it. In effect he says there is no statute authorizing governmental control, but he furnishes an argument in support of the Government taking over the control and operation of the telephone system in the District. I now yield to the Senator from Nebraska.

Mr. NORRIS. I should like to suggest to the Senator from Utah that it seems to me his suggestion is that the answer of the Postmaster General is not responsive to the request of the Senate. If that be true, I presume it would be perfectly proper for the Senator or the Senate to call on the Postmaster General for another reply, but it must be apparent to the Senator that the Senate can not decide that question until it has before it the response of the Postmaster General. Therefore I think it ought either to be read to the Senate or it ought to be printed in the RECORD, so that the Senate will be able to see whether the response of the department is responsive; and if it is not, it would be very proper, it seems to me, to pass an additional resolution calling attention to the fact that it is not responsive and ask him for a more definite reply.

Mr. KING. I am inclined to think, without reading the entire reply submitted by the Postmaster General, that it is apparent he concedes a lack of authority for making a proposition for governmental control and also alleges that any proposal made was conditioned upon congressional approval. The resolution could have been answered categorically in half a dozen words. My point is that in the report submitted in reply to the resolution I do not think that part of the report which contains an argument for Federal control was responsive or proper.

Mr. SMITH of Michigan. Mr. President——

Mr. KING. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. I should like to ask the Senator from Utah if in the reply of the Postmaster General there is any indication that in the interest of the conduct of the war private conversation should be controlled in the District of Columbia?

Mr. KING. I have not had the opportunity to sufficiently acquaint myself with the report in order to determine.

Mr. SMITH of Michigan. And that certain hours of the day should be assigned for Government business exclusively?

Mr. KING. I do not know whether such a suggestion as that was made, but that does not reach the point to which I am calling the attention of the Senate. I am submitting to the Senate this proposition: A resolution was adopted asking the department if it made a certain proposition; and if so, to state whether there was any legal authority for the same; and I am contending that it is not the proper or orderly way for the department to submit a reply which contains an argument in favor of some governmental policy.

Mr. HARDWICK. Mr. President——

Mr. KING. I yield to the Senator from Georgia.

Mr. HARDWICK. As the Senator knows, I am quite in sympathy with his views on this matter, but it occurs to me that on an examination of the communication which the Postmaster General has sent it will be seen that he is simply saying, "I did not make any proposition; I merely said I would do this thing if Congress gave me authority," and besides that he goes further to make an argument to the Senate that Congress ought to give him authority. That is about the situation.

Mr. KING. I ask the Senator from Georgia if he thinks that was warranted by the resolution which was adopted?

Mr. HARDWICK. It is difficult to say. Of course the Postmaster General ought to have answered directly the question of the Senate. I think possibly he has done so, if the Senator will examine what he says. He states that the postmaster of Washington, Mr. Chance, went before the Utilities Commission and stated that if the Postmaster General would give him the opportunity he would be glad to take over and operate this system.

Of course the question of propriety which the Senator raises is not of much interest, but there are many precedents on both sides of the question in both Houses as to whether or not a Cabinet officer, having answered the specific inquiry of either one of these legislative bodies, should proceed further to advance argument in support of his views on the question about which he is asked. That is all there is in it.

Mr. KING. Will the Senator yield to me, and allow me to ask him another question?

Mr. HARDWICK. Of course, I yield, and in the Senator's time.

Mr. KING. Does the Senator think that the departments and branches of the Government should be volunteering information or suggestions to Congress with respect to legislation when they are not asked for their opinions with respect to the matter?

Mr. HARDWICK. I quite agree with the Senator. I want the Senator to understand exactly what has happened. If the Senator wants my opinion, I will say that I do not think the Postmaster General delivers a message to Congress under the Constitution, and I do not think he has any right to make an argument, except as that argument is invited by the Senate or by the House. I do not think that the resolution of the Senate, which was introduced by the Senator from Utah, invited the Postmaster General to make an argument. It invited him simply to state what the facts were in connection with this matter.

Mr. KING. I wish merely to say, in conclusion, that I was not in the Chamber when the present occupant of the chair submitted this report, or I should have objected to the request of the Senator from Oklahoma that it be printed in the RECORD. The order having been made that it be printed in the RECORD, I shall not move to reconsider it; but I do want to register my protest against the course which has been pursued by the Postmaster General in this matter.

Mr. REED. Mr. President, I want to make an inquiry.

Mr. KING. I yield to the Senator for that purpose.

Mr. REED. I understand the complaint of the Senator from Utah is that he asked the Postmaster General to answer a specific question, and that he has sent a rather long argument to the Senate?

Mr. KING. He has sent 10 pages here.

Mr. REED. Has the Senator from Utah been acquainted with the Postmaster General very long?

Mr. KING. I have had the pleasure of knowing the Postmaster General for 18 years.

Mr. REED. Then, I think the Senator might be charged with at least contributory negligence. [Laughter.]

Mr. KING. I might plead guilty.

Mr. WILLIAMS. Mr. President, I want to go on record in connection with this question as saying that when either House of Congress propounds an inquiry to the chief of a department, that chief is not confined to making a categorical reply. He not only can give reasons for what has been done by his department, if "invited" by the legislative branch in making an inquiry, but he can do it if it be relevant to the inquiry. So far as I have been able to see—I have not read the resolution itself but only a synopsis of it in the newspapers—the reply or the argument—call it that if you choose—is perfectly relevant to the inquiry. The inquiry is, What have you done? The reply is to state what was done, which was merely to say that if the Post Office Department were given authority, it would be glad to take over this function. Then, the inquiry was, "By what authority did you do it?" And the answer was, "By no authority of law"; but then the Postmaster General goes on to make an argument—if you choose to call it such—which is perfectly relevant to the inquiry about the reasons which, seemingly to him, justified Mr. Chance in making the proposition.

There also comes into play the other side of that; whether it is proper and right for a Senator to criticize an officer of the executive department because that officer has exercised his right of judging for himself whether or not what he said in his reply, outside of a categorical "yes" or "no," was or was not relevant. If it be granted that he has a right to go further than a mere "yes" or "no" and to put in such other things in his reply as are relevant, then it seems to me that he must be the judge of the relevancy.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. I do.

Mr. POINDEXTER. I desire to ask the Senator from Mississippi what this question has to do with the general policy as to the taking over of the telephone company by the Government? What does the question of whether or not this is printed in the RECORD have upon that, and what bearing has it on the winning of the war?

Mr. WILLIAMS. It has no bearing upon the winning of the war; but I have sat here for about two weeks now and have heard some thousands of words per day—per Senator in some cases—that had no bearing at all upon the winning of the war. But it has this bearing, to answer the other part of the Senator's question, that if it were a wrong thing to ask to be authorized by Congress to do, that is one thing; if it were a right and proper and useful thing to be asked to be authorized to do, then the Postmaster General had a right to say that in his opinion it was proper, and that if it were achieved as a purpose it would be useful.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. Yes.

Mr. STONE. I understood the Senator from Washington [Mr. POINDEXTER] to ask what the taking over of the telephone system of the District of Columbia had to do with the winning of the war.

Mr. POINDEXTER. May I correct the Senator from Missouri?

Mr. STONE. Certainly.

Mr. POINDEXTER. The Senator has misstated my question. My question was, What bearing would the discussion here in the Senate—the taking up of the morning hour—on the subject of whether or not this communication should be printed in the RECORD, have upon the winning of the war? If the Senator from Mississippi [Mr. WILLIAMS] will allow me, I will say that it took me on one occasion four hours to get the War Department on the telephone. I think if it can be arranged in some way so that one could get the War Department on the telephone inside of half an hour, that that would have some bearing upon the winning of the war.

Mr. STONE. If my friend from Mississippi will permit me, I wish to say——

Mr. WILLIAMS. Let me conclude, and then I will yield.

Mr. STONE. No; I wish to make the statement in the time of the Senator from Mississippi.

Mr. WILLIAMS. Very well.

Mr. STONE. I wish to say that it does seem to me that the effective use of the telephone in Washington has something to do with the public service of the Government, which public service has a vast deal to do with the winning or the losing of the war. I do not know what the department's troubles may be in getting telephonic connection, but my experience is something like that which has just been detailed by the Senator from Washington [Mr. POINDEXTER]. If it takes a half hour for him, as it has often taken for me, to get connection with the departments or the bureaus of the departments, to communicate with them about the public business, then I am prepared to say that it is a matter of great importance to the public service of the Government.

Mr. WILLIAMS. Mr. President, I agree perfectly with the Senator from Missouri, of course, but the inquiry of the Senator from Washington was not directed to that phase of the matter. If I had been asked the question, "What taking over the telephones had to do with the winning of the war," my answer would have been that it might have a great deal to do with it or it might not; I think probably it would have; but I was asked what all this so-called argument of the Postmaster General and what the argument now going on, in which I am participating, had to do with the winning of the war, and my answer was frankly nothing at all.

Mr. KING. Mr. President, just a word. The Senator from Missouri and the Senator from Mississippi are good lawyers, but certainly they have forgotten the rules of evidence or have misapplied them when justifying the reply of the Postmaster General to the simple interrogation which was propounded to him.

Mr. WILLIAMS. Mr. President——

Mr. KING. I will not yield for the present; I will do so in a moment. We are not discussing whether or not it is advisable to take over the telephone system. We are not discussing whether or not the telephone system has been inefficient. We may come to a discussion of that question, and the great knowledge of the Senator from Missouri about telephone systems will doubtless be of great advantage to us when we shall discuss that question; but I submit again that when a proposition is submitted to an executive officer asking a question——

Mr. STONE. The Senator must not misrepresent me.

Mr. KING. Let me complete my statement. I do not yield until I conclude, and then I shall yield to the Senator. When a question is submitted asking for a reply as to whether or not there is any legal authority for a proposition which it is reported the Postmaster General submitted, in my opinion it is not relevant for him to submit an elaborate argument in favor of the governmental control of a telephone system. It would have been just as irrelevant if a question had been submitted to the Secretary of the Treasury, if there had been some publication to the effect that he had proposed to take over for the Government all of the railroads of the United States, asking him by what authority he made the proposition, and he had replied with an exhaustive argument in favor of governmental ownership and control of railroads. That would not be relevant; it would not be proper; and I submit the propriety of it could be challenged by any Senator.

Now I yield to the Senator from Missouri, if he desires to propound a question.

Mr. STONE. No; I do not.

Mr. WILLIAMS. I had asked the Senator to yield to me first.

Mr. KING. I beg the Senator's pardon; I yield to him.

Mr. WILLIAMS. Mr. President, in the first place, the Postmaster General made no proposition to take over the telephones. All that was said was that, if the authority were granted by the Congress, the Post Office Department would gladly take them over. So much for that.

Now, the Senator from Utah is himself a great lawyer, and, being a lawyer, he ought to know that a Cabinet officer having an inquiry directed to him is not in the attitude of a witness on the stand in a court of justice and that the technical rules of legal evidence do not apply to him; but, even if the technical rules of legal evidence did appear, when a witness in court is asked a question the court will not let counsel confine the witness to a categorical reply; the witness has a right to explain the reasons why he makes the reply or to explain the reply or to modify it from a "yes" or "no."

Mr. NORRIS. Mr. President, the Senator from Utah [Mr. KING] introduced a resolution, which the Senate passed, and so it became a Senate resolution, making an inquiry of the Postmaster General. The Postmaster General has responded to that resolution, and the response is laid before the Senate by the Presiding Officer. It has never been read and it has not yet been printed in the RECORD, so that Members of the Senate may have an opportunity to read it. I have not read it, and I presume no Member of the Senate has read it. The Senator from Utah himself, who has the copy in his possession at the present time, has only glanced through it, and he says in effect that it is not responsive to the resolution of the Senate. Now, it seems to me the proper course to pursue, since we have not been allowed to hear it read, is to wait until to-morrow, so that Senators may have an opportunity to read the response, and then if the Senator from Utah still thinks the answer of the Postmaster General does not respond to his resolution, it would be perfectly proper, and I would be glad to see it done, to have a resolution introduced and passed that would call for a more definite response; but we certainly ought not to be asked now

to say that the answer of the Postmaster General is not responsive when we have neither read it nor had an opportunity to read it.

The Senator from Utah referred to other Senators as great lawyers. That reference can also be made to the Senator himself, and I should like to suggest to him that if he made a motion in a court and in response to his motion some document or report had been introduced on the other side by order of the court and he determined that the production of the paper or the document was not an answer and a compliance with the order of the court, he could not expect the court to pass on his request, reject the report, and ask for an additional report until the court had an opportunity to examine the report that had been made.

Mr. KING. Mr. President, will the Senator yield to me?

Mr. NORRIS. I yield.

Mr. KING. The Senator from Utah is not making any request that calls for a determination by the Senate as to whether or not the resolution adopted was complied with or was not complied with.

Mr. NORRIS. I understood from what the Senator said that he did not regard the reply as a proper answer. It may be that when we have an opportunity to read it we may all agree with the Senator. Certainly I am not finding fault with him for wanting a direct reply to the resolution. I would be glad, so far as my vote goes, to assist in bringing about such a reply, if the answer of the Postmaster General is not responsive; but before I take any action officially to do that I want an opportunity either to read or to have read that response.

When it is read I do not believe that we ought to take it upon ourselves to say that the Postmaster General might have answered this request with fewer words; that he might have done it in one sentence, whereas he has used 100 sentences. We must permit him to use some discretion in his answer; in other words, we ought not to begin now in the Senate a censorship proposition. I confess if we ever did begin it the Postmaster General would be the right official to begin with, because it would give him some of his own medicine.

Mr. KING. Mr. President, will the Senator yield for just a moment?

Mr. NORRIS. But instead of doing something that might be in the nature of a censorship of his department, we ought to give the Postmaster General the widest latitude to respond. I now yield to the Senator from Utah.

Mr. KING. Mr. President, I think the Senator misunderstood the statement which I made. I said in substance, as I recall, that, taking the entire report, I believed that it was an answer, that it was a confession that there was no law authorizing him to take control or operate the telephone system, and that any proposal made calls for legislation. My criticism is that the distinguished Postmaster General submitted an argument, for which we did not ask, in favor of legislation by Congress.

Mr. NORRIS. Mr. President, it may be that when I have examined the reply of the Postmaster General I will entirely agree with the Senator; but I understood the Senator to say, when he first took the floor on this subject being brought up, that he expected later on to make a motion of some kind affecting it.

Mr. GALLINGER. Mr. President, I dislike to take a moment of the valuable time of the Senate in continuing this discussion, but if the Postmaster General did make his usual argument in behalf of Government ownership of telephones it does not surprise me, although I think he had no right to do it in answering a direct question that emanated from the Senate. The Postmaster General loads down every report that he makes with arguments in favor of Government ownership of telegraphs and telephones; but Congress has not paid any attention to them, and I do not believe that Congress will pay any attention to what he has said in response to the Senate resolution in this instance.

Just one further word, Mr. President, and I am done.

In view of what has been said, I can not for the life of me understand how a minority Senator, in my person, can get connection with the War Department very promptly over the telephone. I have had no trouble, not the least in the world, and I have had my secretary call the War Department a dozen times in the last 10 days. I have always gotten the connection, and have made appointments to see officials of the War Department. For Senators to say that it takes two hours to get telephone connection with the War Department surprises me beyond measure.

Mr. LODGE. Mr. President——

Mr. GALLINGER. I yield to the Senator from Massachusetts.

Mr. LODGE. May I ask the Senator a question just there?

Mr. GALLINGER. Certainly.

Mr. LODGE. I have never found any difficulty in being landed at the War Department by the telephone company in Washington; but after you get into the War Department, under the management of Government employees, they pass you about from one place to another, and it may take hours or it may take five minutes.

Mr. GALLINGER. I confess I have not had that trouble; but, if that be so, it is not the fault of the telephone company.

Mr. President, we have had 40,000 people loaded into this District in the last six months, and of course there is some disarrangement of everything connected with the Government service. While I do not speak for the telephone company, because I do not know anything at all of the officials, I think this is a matter that might well rest until we have an investigation, if one is required, to ascertain whether the service here is good or bad or indifferent. I know that in every country on the face of the earth where they have tried government ownership of telephones they have had a service that was utterly execrable, and some of us know that from personal experience in Germany and in England and in France; and it does not compare with the service we have had in the United States.

Mr. GORE. Mr. President, the Senator from Nebraska [Mr. NORRIS] seems to overlook the fact that in the Senate the less we know about a subject the more we are disposed to discuss it. The Postmaster General served for a number of years in the House. He is familiar with the rules and practices which prevail in the Senate. He knows that there is no rule in the Senate which requires a speech to be germane to the subject. If not the rule, that certainly is the practice; and if he had confined himself rigorously to the subject he would have sinned not only against the rule but against all the precedents and practices which obtain in this body. I may say that if his answer is not direct—and I have not had an opportunity to examine it—of course steps will be taken to obtain a direct answer. For the present we ought to proceed on the maxim that that is certain which can be made certain.

My purpose, however, in rising was to say that my original intention was to ask that the report be read into the RECORD, in order that Senators might hear it this morning. This discussion has hardly risen to the dignity of an ex parte proceeding, because Senators have not heard it. I asked that the report be printed, rather than that it be read, because I feared that objection might be made to the reading. I knew how anxious, not to say how impatient, Senators were to proceed with the regular order. I say this in explanation of why I did not ask to have it read, so that if a discussion was to be had Senators could proceed with the document clearly in their minds. I will merely add to that that the objections indicated by the Senator from North Carolina and the Senator from Utah justify the fear which I entertained as to having the document read.

WAR FINANCE CORPORATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

The PRESIDENT pro tempore. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is in section 7, on page 13, where it is proposed to strike out and insert——

Mr. SIMMONS. Mr. President, in order that we may save time I have consented that the bill be laid aside until to-morrow. I have conferred with the committee about it, and I am satisfied that owing to certain conditions we shall facilitate final action upon the bill by letting it go over until to-morrow.

I therefore ask that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AGRICULTURAL APPROPRIATIONS.

Mr. GORE. I ask unanimous consent that the Senate proceed to the consideration of House bill 9054, being the Agricultural appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

The PRESIDENT pro tempore. The Secretary will state the pending amendment.

The Secretary proceeded to state the pending amendment.

Mr. GORE. Mr. President, it has been suggested with considerable force that Senators did not apprehend that this measure would be taken up at this time. I therefore suggest the absence of a quorum in order to afford Senators an opportunity to be advised.

The PRESIDENT pro tempore. The Senator from Oklahoma suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, S. Dak.	Overman	Swanson
Beckham	Jones, N. Mex.	Page	Thomas
Borah	Jones, Wash.	Poindexter	Thompson
Culberson	Kirby	Ransdell	Trammell
Curtis	Lodge	Saulsbury	Underwood
Dillingham	McCumber	Shafroth	Vardaman
Fernald	McKellar	Sheppard	Wadsworth
Fletcher	McLean	Sherman	Walsh
Gallinger	McNary	Shields	Warren
Gore	Martin	Simmons	Watson
Gronna	Nelson	Smith, Ga.	Weeks
Hale	New	Smoot	Williams
Harding	Norris	Stone	Wolcott
Hardwick	Nugent	Sutherland	

Mr. SHEPPARD. I desire to announce that the Senator from California [Mr. PHELAN] is necessarily detained.

Mr. HOLLIS. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] and the Senator from South Carolina [Mr. SMITH] are detained on official business.

Mr. McNARY. I desire to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of illness.

Mr. NORRIS. I wish to announce the absence of the senior Senator from Iowa [Mr. CUMMINS] and the junior Senator from Iowa [Mr. KENYON], who are in Iowa in attendance upon the funeral of the wife of the senior Senator.

Mr. ASHURST. I announce the absence of my colleague [Mr. SMITH of Arizona] on account of sickness.

Mr. SUTHERLAND. I desire to announce the absence of the senior Senator from West Virginia [Mr. GOFF] on account of illness.

The PRESIDING OFFICER (Mr. FLETCHER in the chair). Fifty-five Senators have answered to their names. There is a quorum present. The Secretary will state the pending amendment.

The SECRETARY. The amendment of the committee is, on page 13, on line 19, after the word "authorities," to strike out "$250,000" and to insert "$500,000: *Provided*, That hereafter the act approved May 29, 1884 (23 Stat. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia for immediate slaughter in accordance with rules and regulations prescribed by the Secretary of Agriculture," so that, if amended, the paragraph will read:

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and methods of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State or county authorities, $500,000: *Provided*, That hereafter the act approved May 29, 1884 (23 Stat. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia for immediate slaughter, in accordance with rules and regulations prescribed by the Secretary of Agriculture.

Mr. GRONNA. Mr. President, I should like to have the attention of the chairman of the committee. This is an amendment which was offered by the Senator from Nebraska [Mr. NORRIS]. I was, however, in favor of increasing this amount to $750,000. That amendment was proposed by the Senator from Wyoming [Mr. WARREN]. I shall not, of course, now attempt to further increase the appropriation, but I wish only to say that there never was a time when this country was in need of meat and of beef as much as it is to-day, and when we realize, as has been stated by the Secretary of Agriculture, that it has been estimated we are losing $25,000,000 worth of meat by this tubercular disease it seems to me it would be well to appropriate at least $1,000,000.

While I am on my feet I wish to ask the chairman of the committee if he has any objection to striking out the amendment which the committee proposed, limiting the shipment of tubercular cattle to immediate slaughter?

Mr. GORE. I would not object to striking out the words "immediate slaughter."

Mr. GRONNA. I was going to suggest that the latter part of the amendment I believe takes care of the whole situation—"in accordance with rules and regulations transmitted by the Secretary of Agriculture." That gives the Secretary of Agriculture entire control, and it seems to me we can well afford to trust it to the discretion of the Secretary of Agriculture.

Mr. GORE. Upon further investigation I am inclined to believe that the words "immediate slaughter" ought to be stricken out.

Mr. SMOOT. Before that is done I should like to have a little more information.

Mr. NORRIS. May I make a suggestion in regard to the parliamentary situation? The Secretary read it all as one amendment. As a matter of fact, there are two amendments, and it was so considered in the committee. I think the Chair stated that it was agreed to.

The PRESIDING OFFICER. The Chair was about to announce that the amendment was agreed to when the Senator from North Dakota [Mr. GRONNA] rose.

Mr. GRONNA. I have no objection to the first amendment. I am perfectly willing that the first amendment shall be adopted.

Mr. GORE. I think that would be better.

The PRESIDING OFFICER. Without objection, the amendment will be divided, and the amendment proposing to increase the appropriation from $250,000 to $500,000 will be agreed to without objection.

Mr. GRONNA. I move to strike out——

Mr. WARREN. Will the Senator wait a moment until I offer an amendment which may meet the point, and then the Senator can go on with his remarks?

Mr. GRONNA. I will be glad to hear the amendment.

The PRESIDING OFFICER. It will be stated.

The SECRETARY. After the amendment just agreed to—that is, after the numerals $500,000—insert the following proviso:

Provided, however, That if in carrying out the purpose of this appropriation destruction of tuberculous animals becomes necessary, there may be paid from this appropriation not more than one-third the net loss to the owner, and in no event shall there be paid more than $20 for any grade or $50 for any pure-bred animal so destroyed, or a greater sum than shall be paid by the cooperating State or municipality.

Mr. WADSWORTH. May the last paragraph be read again? This is exceedingly important legislation.

The Secretary again read Mr. WARREN'S amendment.

Mr. SMOOT. I should like to ask the Senator from Wyoming, first, what is the law now in relation to paying for cattle which may be affected by tuberculosis?

Mr. WARREN. I do not know of any specific law regarding payments for stock killed on account of tuberculosis, but the Government has provided payment for stock killed because of other diseases.

Mr. SMOOT. Has the Government in the past paid for it?

Mr. WARREN. The Government has in cases of the foot-and-mouth disease adopted similar legislation and paid a third to a half of the value of the cattle killed.

Mr. SMOOT. Has the Government ever paid in the past for tubercular cattle that may be killed upon the order of the Government?

Mr. WARREN. I think so. The States themselves have usually provided a part, as this amendment proposes, the Government paying the expenses and some proportion of the value of the animals killed.

Mr. SMOOT. Then this is imposing an additional burden upon the Government of the United States.

Mr. WARREN. The facts are as follows: We want to appropriate money to arrest and stamp out tuberculosis wherever it may be. This mainly is for the reactionists, for those that have had the tuberculin test applied and have reacted. We provide in another amendment which the department has asked for, and which the Senator from North Dakota may move to strike out, that these cattle can be shipped across State lines, which they can not do under the present law, provided they are consigned for immediate slaughter. For instance, Utah or Wyoming may ship to the market at Omaha, if it is for slaughter.

The destruction of tuberculosis which would be taken care of by the Government is in isolated cases. For instance, in a dairy where it is discovered that there may be only one or two animals that are past the point where they can be shipped for meat slaughter, those one or two or more can be immediately destroyed, and the Government will pay its part of it, one-third of the value.

Mr. SMOOT. In the past the State has always paid for cattle killed within the State?

Mr. WARREN. No; they have not always done so.

Mr. SMOOT. I mean it was supposed they would.

Mr. WARREN. Some of the States have provided fully and some have not.

Mr. GORE. This is not to be available in any State where the local authorities may make any provision for it.

Mr. WADSWORTH. There is no such provision in the amendment.

Mr. GORE. It says it shall not exceed the amount paid by the local authorities.

Mr. WADSWORTH. That does not prevent their paying.

Mr. GORE. If they pay nothing, then the Government pays nothing.

Mr. WARREN. This is not a matter that I care to impress unduly upon the Senate. If under this appropriation we leave it to the Government and we meet the losses of this kind, of course we can still perhaps take care of it in the western country as they have done in some parts of the East. The trouble with tuberculosis is mainly in the dairies. I think myself the amendment is one that will cost the Government a very trifling sum, but it does insure a sum on which they can immediately act in case tuberculosis is discovered in a very advanced stage.

Mr. SMOOT. I do not believe we ought to pass legislation now imposing on the Government of the United States an expense that they have never yet assumed. It seems to me it should be paid by the State itself. If this amendment is adopted, I think the result will be that wherever there is a tubercular animal, I care not in what State it may be, the Government of the United States will have to pay at least $20 if a common cow or calf or steer, but if it is an improved animal the Government will have to pay not to exceed $50.

Mr. WARREN. It is much the same as in the case of the foot-and-mouth disease, no more and no less.

Mr. GORE. I think the Senator from Wyoming is mistaken about that. I think the foot-and-mouth diseases proceeded on the "fifty-fifty" ratio.

Mr. WARREN. It is the same system; but the Government was more liberal than in this proposal.

Mr. GORE. This contemplates that the State or municipality will meet one-third of the loss, the Federal Government one-third of the loss, and the individual owner of the stock slaughtered will sustain one-third of the loss, and as an additional limitation in no case shall it exceed $20 for grade or $50 for a pure-bred animal. I call the attention of the Senator from Utah to the further fact that it does not relate to the amount of appropriation at all.

Mr. SMOOT. Of course, it does not relate to the amount of appropriation, but it will have to be paid by the Government of the United States, no matter what it amounts to.

Mr. GORE. And none will be paid in States where no provision is made to meet any part of the expenses.

Mr. WARREN. Under the regulation of the Agriculture Department it never has been paid except where the States share the loss.

Mr. WADSWORTH. May I ask the Senator from Oklahoma if he understands that the Federal Government to-day is authorized to kill tuberculous cattle without the consent of the owner?

Mr. GORE. I am not able to answer the question.

Mr. WADSWORTH. I think not.

Mr. GORE. I think not, myself.

Mr. WADSWORTH. They may do it with the consent of the owners or they may invoke the law of the State in which they are cooperating where the State law may authorize the State to kill the animal, not the Federal Government.

Mr. GORE. I think the Federal statute relates to interstate shipments.

Mr. WADSWORTH. The point I am endeavoring to bring out is that the Federal Government, not being clothed with the power to do as it pleases, is yet compelled by this suggestion to pay the money for what somebody else desires to have done.

Mr. WARREN. Except that the State pays its share, of course.

Mr. WADSWORTH. I am not entirely certain about the last clause of the proviso.

Mr. WARREN. If the amendment does not cover that, I desire that it shall do so.

Mr. WADSWORTH. I would like the Secretary to read it again. This is a very important question.

The PRESIDING OFFICER. The amendment submitted by the Senator from Wyoming will be again read.

The Secretary read as follows:

Provided, however, That if in carrying out the purpose of this appropriation destruction of tuberculous animals becomes necessary there may be paid from this appropriation not more than one-third the net loss to the owner and in no event shall there be paid more than $20 for any grade or $50 for any pure-bred animal so destroyed, or a greater sum than shall be paid by the cooperating State or municipality.

Mr. WADSWORTH. The amendment forbids the payment of a sum greater than that paid by the cooperating State. Now, the State of New York pays for animals killed on the order of the State department of agriculture. My recollection is that they can pay as high as $100 for a registered dairy cow.

Mr. WARREN. Under the State law.

Mr. WADSWORTH. And under this amendment the Federal Government may pay another $50. There is no question about it. Is not that the understanding of the Senator from Oklahoma?

Mr. GORE. Mr. President, I feel sure that no practice of that sort would prevail under this provision. I take it that it would be administered a good deal like the taking and slaughtering under the foot-and-mouth disease appropriation.

Mr. WADSWORTH. As I recollect that appropriation there was a specific provision that there should be a definite amount paid.

Mr. GORE. No; I think not, but that was the practice which prevailed.

Mr. WADSWORTH. At least the Federal Government had a right to kill the animal on its own motion.

Mr. GORE. No; I do not think so.

Mr. WADSWORTH. This legislation does not give the Federal Government that right?

Mr. GORE. I do not think that gave the Federal Government the right to slaughter the animals. In fact I do not think that this could.

Mr. WADSWORTH. Under what authority did they slaughter them?

Mr. GORE. I think this is essential to the eradication of tuberculosis among animals. The reason it has persisted so long is the fact that the Federal Government has not had power to make this arrangement. It is the opinion of experts that this would arrest the progress of the disease and I think at present we ought to be more generous and more insistent that the disease be eradicated.

I send to the desk and ask to have read a telegram from the president of the Live Stock Exchange of Chicago which illustrates the importance of the subject by those more familiar with it. It is believed that legislation of this sort is necessary for the eradication of the disease itself.

The PRESIDING OFFICER. The Senator from Oklahoma desires to have the telegram read?

Mr. GORE. Yes, sir.

The PRESIDING OFFICER. The Secretary will read it.

The Secretary read as follows:

UNION STOCK YARDS, ILL., *February 16, 1918.*

Senator THOMAS P. GORE,
Senate Office Building, Washington, D. C.:

Wire received. Records of Government meat inspection show that out of total of 40,000,000 hogs slaughtered under Federal inspection in the United States last year 10 per cent were found affected with tuberculosis. It comes from infected cattle, either through milk or dropping. Losses from tuberculosis more than all other diseases combined, approximately $30,000,000 annually. Enormous waste of meat condemned as inedible. Urge appropriation of $1,000,000 so Department of Agriculture can indemnify owners of cattle which react to tuberculosis test in those States which will cooperate by appropriating additional funds. Tuberculosis among cattle in the District of Columbia reduced from 18.8 per cent to less than 1 per cent by tuberculosis testing and payment of indemnity by Department of Agriculture. Similar results can be had in all States, and the general feeling among stockmen and legislators of these Middle West States is that the States will make liberal appropriations if Congress will take the initiative in providing indemnity. Tuberculosis is our biggest conservation problem, discouraging increased production of meat and milk. Tuberculin testing of cattle and partial indemnity to owners of reacting cattle slaughtered is only way by which rapid progress can be made in eradicating this disease. Our committee will come to Washington if needed.

CHICAGO LIVE STOCK EXCHANGE,
By EVERETT C. BROWN, *President.*

Mr. WADSWORTH. Mr. President, I am not out of sympathy with the object of this amendment and not in the slightest degree with the object of this legislation generally. I have seen the ravages of tuberculosis among dairy cattle in the State of New York. That State embarked several years ago on the problem of eradicating it. It has established a thorough system of compensation for the cattle that are killed on the order of the inspectors of the State department of agriculture.

My contention is with respect to the amendment offered by the Senator from Wyoming, that while it seeks to place a limit which the Federal Government shall pay from its Treasury for the destruction of grade cattle and registered cattle, it does not attempt to place any limit upon that payment when combined with the payment made by the State. The closing sentence of the amendment of the Senator from Wyoming recites that the Federal Government shall not pay a sum greater than the sum paid by the cooperating State.

Mr. GORE. That point ought to be met, and I would be glad if the Senator would offer an amendment.

Mr. WARREN. The amendment has been offered on the assumption that no States were paying in full; and I know of none except New York, and that New York is doing it I am very glad. I congratulate the Senator upon his State having

taken it up so thoroughly, but is he aware of any other State that has the same law and pays in full?

Mr. WADSWORTH. I am not positive, but I think Massachusetts pays liberally and I think Pennsylvania pays liberally.

Mr. GORE. That point can be easily met if the Senator thinks there would be an overpayment by the Federal Government.

Mr. GALLINGER. I will state to the Senator from Wyoming that I am quite sure the State of New Hampshire does pay a portion, I think 40 per cent, of the value of the stock.

Mr. WARREN. Without regard to the United States Government?

Mr. GALLINGER. Without regard to the United States Government. I think that the point that the Senator from New York [Mr. WADSWORTH] has made is a very good one, and it ought to be guarded against so that the payments may not be duplicated.

Mr. WARREN. I agree and I have no objection whatever to that; but the telegrams and letters which I have had from great cattle States, like Iowa and other similar States, have sought to bring about an amendment whereby the State would pay a third, the owner stand for a third, and the United States pay a third. I should be glad to have the amendment so framed that it may cover and protect the States generally, if the Senator knows what States should be covered.

Mr. WADSWORTH. Mr. President, it is rather difficult to introduce or to suggest an appropriate amendment.

Mr. WARREN. I suggest that the matter go into conference, where it can be properly shaped.

Mr. GORE. I suggest that the amendment be passed over for the present. If the Senator from New York desires that the amendment be framed on the theory that one-third of the total loss shall be devolved on the owner of the stock, of course it would be well enough to safeguard the possibility of making excessive payments. It seems to me there should be a proviso that in any case the payment should be by the Federal Government, except one-third of the actual loss, and that in no case should the aggregate payment made exceed the loss.

Mr. WARREN. Let me ask the chairman of the committee a question: Would it not be better to let the matter be voted on and go into the bill, if it can be so ordered, and then take the subject before it goes to conference and provide against what the Senator from New York has brought to our attention?

Mr. GORE. I suggest that the amendment be passed over, and that the Senator from New York offer his amendment when the bill comes into the Senate.

Mr. GALLINGER. Mr. President, I think the wiser course is to pass the matter over for the present and let those of us who want to look into it have an opportunity to do so.

The PRESIDING OFFICER. The present order, the Chair understands, is that the Senate is first considering committee amendments. This is not a committee amendment, and the regular order is to first dispose of committee amendments.

Mr. GORE. Then I ask that this amendment be passed over for the present.

The PRESIDING OFFICER. Without objection, the amendment will be passed over. The Senate will proceed with the consideration of committee amendments. The next committee amendment will be stated.

The next amendment of the Committee on Agriculture and Forestry was, on page 13, line 19, after the word "authorities," to strike out "$250,000" and to insert "$500,000: *Provided*, That hereafter the act approved May 29, 1884 (23 Stat. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia for immediate slaughter, in accordance with rules and regulations prescribed by the Secretary of Agriculture," so as to make the clause read:

For investigating the disease of tuberculosis of animals, for its control and eradication, for the tuberculin testing of animals, and for researches concerning the cause of the disease, its modes of spread, and method of treatment and prevention, including demonstrations, the formation of organizations, and such other means as may be necessary, either independently or in cooperation with farmers, associations, State or county authorities, $500,000: *Provided*, That hereafter the act approved May 29, 1884 (23 Stat. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia for immediate slaughter, in accordance with rules and regulations prescribed by the Secretary of Agriculture.

Mr. GRONNA. Mr. President, as I understand, the chairman of the committee has no objection to striking out the words "for immediate slaughter."

Mr. GORE. I have no objection to that. I rather think it ought to be done.

The PRESIDING OFFICER. Does the Senator from North Dakota make that motion?

Mr. GRONNA. At the top of page 14, line 1, in the committee amendment, I move to strike out the words "for immediate slaughter."

Mr. SMOOT. Mr. President, I want to ask the Senator having the bill in charge if cattle which have reacted to the tuberculin test are sound cattle in every respect, and whether or not they could be used as milch cows with safety to the public health?

Mr. GORE. Mr. President, I would say that about 80 per cent of the reactors are used as human food.

Mr. NORRIS. But not for milk?

Mr. GORE. Not for milk, I think.

Mr. SMOOT. That was my question. They are never used for milk purposes, are they?

Mr. GORE. I would not want to give a categorical answer to that question.

Mr. SMOOT. But generally they are not so used?

Mr. GORE. No; I think not.

Mr. SMOOT. I have understood that such use would be unsafe. Mr. President, if we strike out the words "for immediate slaughter," then there will be nothing in the bill to prevent such tubercular cattle from being shipped into any part of the United States.

Mr. GORE. The Senator will observe that the language used is "in accordance with rules and regulations prescribed by the Secretary of Agriculture."

Mr. SMOOT. But that applies only to shipments.

Mr. GORE. Yes, sir.

Mr. SMOOT. And the Secretary of Agriculture may say that such cattle should be shipped in a car by themselves; he may say that they can only be shipped upon certain trains running on certain days in the week, and so forth; but there is nothing to prevent such cattle being shipped into any State in the Union where they may be sold to any person and used by any person for milk purposes.

Mr. GORE. I would say as to the history of this amendment that it was prepared by the Department of Agriculture and sent to the Senate Committee on Agriculture and Forestry. It has, I think, the approval of the stock-breeding associations of the country. As the amendment was prepared and sent to me it did not contain the words "for immediate slaughter," but when the committee came to consider it they decided to insert those words out of an abundance of caution and in anticipation of such results as the Senator indicates. The Department of Agriculture, however, expressed the opinion that the words ought not to be inserted, for this reason: As I have said, 80 per cent of these cattle are still available for human food. It is suggested—and it seems to be a very forcible suggestion—that if the words "for immediate slaughter" are retained in the amendment, then the situation will be turned over to the packers, and they can probably dictate and control the price, because the cattle can not be held by the feeders for any length of time but would have to be sold immediately. It would, therefore, subject the owners of cattle to further control and combination on the part of the packing houses.

Mr. SMOOT. Mr. President, I believe that the owner of a tubercular cow ought to keep that cow until it is to be sold for slaughter. I do not think such cows should be sold indiscriminately to anybody anywhere in the United States.

Mr. GORE. This does not affect that situation at all. It does not affect the availability of these cattle for slaughter at all. The illustration used by the department as they look upon this subject is that, for instance in the State of Iowa, cattle just across the Missouri River from Omaha may be in this position: They could not be shipped 1 mile to a packing house in Omaha but they must be shipped to Des Moines or to some other point in Iowa for slaughter.

Now, as to the availability of cattle for slaughter, this provision makes no difference whatever. It simply provides that in that sort of case the owner of cattle could ship to Omaha and not be subjected to the loss which would result from paying freight for a longer shipment.

Mr. SMOOT. But, Mr. President, I am not trying to interfere at all with the shipment of these cattle from one State to another.

Mr. GORE. But that is all this provision proposes to do.

Mr. SMOOT. No; but I do think, if such cattle are to be shipped from one State to another, they ought to be shipped for immediate slaughter; and if not shipped for immediate slaughter, then a cow could be shipped from one State to another and from that State to another and sold to an innocent purchaser, he never knowing at all that she had been diseased

in any way, and she might be innocently used for the purpose of producing milk for the family of such a person.

Mr. GORE. Mr. President, if there is any objection to that, I will say that a similar situation now prevails in Texas, which is larger than either France or Germany. Such cattle are now shipped from one point to another, and not for immediate slaughter.

Mr. SMOOT. But Texas is the only State in the Union as to which that is true.

Mr. GORE. That is true as to any State in the Union, so far as the Federal Government is concerned. Take Iowa. Cows may be shipped from the neighborhood of Des Moines to the northeastern part of Iowa. This simply saves the owners of stock the loss resulting from long shipments. They do not have to ship them now from point to point in the State for "immediate slaughter."

Mr. SMOOT. Yes; but that is within the State, and this provision widens the scope so that they may be shipped all over the United States.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. Certainly.

Mr. NORRIS. Mr. President, I have a good deal of sympathy with the argument the Senator is making, and it seems to me there is something in it. At the same time I can see that it might be a hardship to require immediate slaughter. As the chairman of the committee has said, it would force a man to sell immediately and would place him, perhaps, at the mercy of the packing interests, when it might be desirable for him to hold the cattle for a few days, to feed them, or something of that kind.

I should like to have the attention of the Senator from North Dakota to the suggestion I am about to make, as he has made the motion to strike out. Would not the result be accomplished, and would it not meet all the requirements of the situation if, instead of of striking out the words "for immediate slaughter," we should strike out the word "immediate." Then it would permit the shipment for slaughter and would obviate the objection the Senator from Utah [Mr. SMOOT] makes, that diseased cattle might be shipped in interstate commerce and the milk produced by them then be used.

Mr. GRONNA. Mr. President——

Mr. NORRIS. Mr. President, if I may be permitted to go on for just a moment. The adoption of the amendment I have suggested would permit the department to make regulations by which the shipper of the stock would not be required to offer his stock for immediate sale, but it would not permit the shipment of the stock if the milk of the animal was to be used. Would not that meet the entire situation?

Mr. GRONNA. No, Mr. President; that would not meet the entire situation; but I am perfectly willing for the present to withdraw my amendment, and I shall take it up again later on.

Mr. NORRIS. If the Senator withdraws his amendment, I desire to make a motion to strike out the word "immediate."

Mr. SMOOT. Mr. President, so far as the motion of the Senator from Nebraska is concerned, its adoption will obviate the objection which I have, and I shall then be perfectly willing that the amendment be agreed to.

Mr. NORRIS. I think that it would accomplish all the other suggestion seeks to accomplish.

The PRESIDING OFFICER. The Senator from North Dakota [Mr. GRONNA] withdraws his amendment and the Senator from Nebraska offers an amendment to strike out the word "immediate." The Secretary will state the amendment to the amendment.

The SECRETARY. On page 14, line 1, before the word "slaughter," it is proposed to amend the committee amendment by striking out the word "immediate."

Mr. GRONNA. I prefer, rather than to have that word stricken out, that the amendment go over.

Mr. NORRIS. I have no objection to that; that is perfectly satisfactory to me.

Mr. SMOOT. Let the amendment go over, then.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over. The next amendment reported by the committee will be stated.

The next amendment of the Committee on Agriculture and Forestry was, on page 14, line 4, after the words "cattle ticks," to strike out "$620,420" and insert "$750,000," so as to read:

For all necessary expenses for the eradication of southern cattle ticks, $750,000, of which sum $50,000 may be used for live stock and dairy demonstration work, in cooperation with the States Relations Service, and of this amount no part shall be used in the purchase of animals

Mr. GALLINGER. Mr. President, I will ask the chairman of the committee if there is a recommendation for an increase of this appropriation? There appears to be a very specific amount named in the bill as it came from the House. It is $620,420, and it is proposed by the Senate committee to make the amount an even $750,000.

Mr. GORE. I will say that there has not been a specific recommendation upon this subject.

Mr. GALLINGER. Then I either want the amendment passed over or I will make a point of order that it makes an increased appropriation which has not been recommended. On second thought, however, the amendment having been reported by the committee, perhaps a point of order will not lie.

Mr. GORE. I think that would save the point of order. If the Senator desires, I have no objection to the amendment going over; but I do not think it would be subject to a point of order.

Mr. GALLINGER. I think it had better go over. This is a pretty large appropriation, and it is one of the appropriations we are constantly increasing year by year. Whether this trouble, or whatever it may be called, is becoming more and more serious, I do not know.

Mr. GORE. Mr. President, I will say that the work of the Federal Government is entirely in conjunction with that of the States and local authorities.

Mr. GALLINGER. Certainly.

Mr. GORE. They are required to put up dollar for dollar. The record of the results obtained, I think, is remarkable.

Mr. GALLINGER. So that if we should allow the appropriation to stand as it comes from the House, there will be over $800,000 available for the work of eradicating the cattle tick.

Mr. SMOOT. The amount would be over a million dollars.

Mr. GALLINGER. Yes; the amount will be over a million dollars. I was thinking the amount appropriated by the House was $420,000, but it is over $620,000, and if the State and local authorities contribute an equal amount, the total will be nearly $1,300,000.

Mr. GORE. Yes, sir.

Mr. SMITH of Georgia. Mr. President, I should like to say to the Senator from New Hampshire that they are just gradually driving the tick toward the ocean. A large section of territory has been freed from the presence of the tick. By the system employed of dipping in vats and washing cattle with the character of chemicals necessary, the tick is being gradually eradicated, and as the process goes on the tick will be entirely eradicated in time.

Mr. GORE. The record of the progress of this work has been most remarkable.

Mr. GALLINGER. They may drive the tick into the ocean, I presume.

Mr. GORE. We all hope so.

Mr. SMITH of Georgia. It should be driven into the ocean.

Mr. GALLINGER. As was done in the case of a certain other plague in the Scriptures.

Mr. GORE. I am quite sure nobody would rejoice more than the Senator from New Hampshire if the work were successfully completed. It has been a most remarkable record. We have rescued 379,000 square miles from the domination of the tick. There still remain, however, 349,000 square miles subject to its ravages. Seventy thousand square miles were rescued last year. The department says that it is really a matter of available funds and that they can expand their organization to the limit simply by the cooperation of the local authorities.

Mr. GALLINGER. If I may ask the Senator a question, the department I apprehend recognized that the amount that is now in the bill as it came from the House was sufficient, and they did not ask to be given any larger amount?

Mr. GORE. Yes. Of course the department has to balance these various appropriations for various purposes. The committee, however, realized the importance of this work, and the fact that it was merely a matter of time and money, there being no doubt that the tick can be entirely eradicated from the United States, and we thought that under existing circumstances it was a matter of wisdom and of conservation to increase this appropriation in order to facilitate this work.

It is a matter serviceable to all sections of the country. Breeders are shipped from the North into the South, and when the territory is rid of these ticks feeders are shipped from the rescued territory in the South to parts of the North for feeding. It is of double service; and no argument against it can be made, except the one of general economy; but it seems to me that it would be very short-sighted economy in this situation to withhold an appropriation of this character, simply tolerating the tick, rather than getting rid of it, and realizing the benefits that may come from its eradication, because wherever territory is rescued there is a great stimulus to cattle breeding. I may say that the State of Mississippi is now entirely out from under quarantine.

Mr. GALLINGER. Will the Senator kindly state what territory is still infected?

Mr. GORE. I think that parts of Florida, Georgia, South Carolina, Louisiana, and Texas are still infected.

Mr. GALLINGER. I am not going to be factious about this at all, but the point is that the extent of the infected territory is lessening, while the appropriation grows larger year by year.

Mr. GORE. That is true; it is merely a matter of speed; that is all.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me in this connection, I want to call the attention of the Senator from New Hampshire to the fact that there is a good deal of skepticism in the efficacy of and opposition to the work of cattle dipping and employing vats for that purpose. Four years ago, however, officers came to my farm, which was infected with the Texas fever tick, and began their operations, and in two years they had my entire place freed from the tick.

The peculiar biology of this little insect is that he does not go over a space of 2 feet. When the tick that propagates the little tick drops from the cattle, it then propagates millions of the species. They are very small insects, called "seed ticks," and the cattle in moving over them pick them up by coming in contact with the little twigs or whatever the little colonies of ticks may cling to. If they can be kept from propagating on a given piece of ground for one year, that piece of ground will be entirely immune, provided a tick infested cow or animal is not allowed to come on that land any more. Now, when you get rid of them it is permanent. The reason why we have suggested this larger amount was that since we have the force educated and know the territory, in place of spreading it out over these years, in a short time we can eradicate the pest from the whole tick-infested region of this country, and there will not be any danger of reinfection.

Mr. GALLINGER. Yes; but upon the theory of the Senator from South Carolina we ought to make this appropriation five or ten million, so as to try to clean up the job in one year.

Mr. SMITH of Georgia. If we had the force ready to do it, I would be in favor of making it five million to finish it.

Mr. GORE. By all means.

The PRESIDENT pro tempore. The Chair must suggest that Senators address the Chair, because otherwise the Chair can not tell whom to recognize.

Mr. FLETCHER. Mr. President, may I interrupt the Senator a moment?

The PRESIDENT pro tempore. The Senator from New Hampshire has the floor. The Senator from North Dakota has requested a number of times the privilege of interrupting.

Mr. GALLINGER. I yield to the Senator from North Dakota.

Mr. GRONNA. Mr. President, the Senator from South Carolina and the Senator from Oklahoma have really explained what I was going to explain to the Senator from New Hampshire. I want to say that the committee was convinced that it was in the interest of economy to appropriate a larger amount, and I am quite sure that this money can be expended with splendid success. The Agricultural Department have done most wonderful work in the eradication of ticks, and as long as they have the force to do the work I believe we ought to be liberal in the appropriation for this purpose.

Mr. FLETCHER. Mr. President——

Mr. GALLINGER. I yield to the Senator from Florida. I am seeking light on this important subject.

Mr. FLETCHER. I do not know that I can be of any assistance, but perhaps I can in this way—that I know that this plan is successfully operating in Florida. At first there was a disposition to resist interference by the Federal Government, and a great many of the cattle growers were disposed to say, "We do not like to have our business interfered with at all; we propose to handle this thing ourselves." But it has been so thoroughly demonstrated to the people of the State that the plan is absolutely successful—there is no theory about it; there is no guess about it at all; they clean up the tick wherever they dip the cattle—that now the people have become thoroughly sympathetic with it and are cooperating with the Federal Government, and the tick is being absolutely eliminated from portions of the State wherever they are putting it in practice, and they are doing it rapidly.

For instance, they have demonstrated it at the country fairs, and now at the State fair at Jacksonville. They have a vat there, and they actually bring in the cattle and put them through this dipping process. The people are shown the results, and, as I say, there is no longer objection to it on the part of the people, and there is not any question at all about its effect. So that it is just a question of spending enough money to carry on the work as rapidly as the department can carry it on, because no one will deny that it is a splendid work, and the effect of it is to increase very greatly not only the size of the cattle but the cattle industry itself.

I hope the Senator will not object to this amendment, because whereas a few years ago they might have not been able to utilize as much of an appropriation as they can utilize now, there is not any doubt but that their forces are thoroughly organized, the plant is thoroughly demonstrated to be a success, and the people are cooperating. It is just a question of pushing it on to completion; that is all.

Mr. RANSDELL. Mr. President, will the Senator yield to me?

Mr. GALLINGER. I yield to the Senator from Louisiana.

Mr. RANSDELL. Mr. President, I should like to remind the Senator of a little piece of history in connection with the first legislation on this subject. It became a law in June, 1906. Mr. Wilson was then Secretary of Agriculture. He had studied this subject very carefully, and I remember an address he made before the Committee on Agriculture of the House. He said at that time that if Congress would give him enough money he would very speedily drive the cattle tick into the Gulf of Mexico; that it would take a considerable amount of money; that the cattle tick was at that time costing the Government nationally between seventy-five and one hundred million dollars every year. It is a very expensive proposition to the Nation to allow the cattle tick to go ahead with its ravages.

That was nearly 12 years ago. As stated by the Senator from Oklahoma [Mr. GORE], the tick has been eradicated from a very large portion of the South; but it still exists in many portions, and it is quite a difficult problem. I raise a few cattle myself, and I know that on my plantation for the past three years we have been religiously dipping the cattle and doing our utmost to eradicate the ticks; but, unfortunately, that is a largely wooded area. Only a small percentage of the land in my portion of Louisiana is cultivated, and it is thought that these ticks get on the deer and other wild animals. At any rate, we have not been able to entirely free East Carroll Parish, where I live, from the tick, in spite of the fact that we have done everything that was humanly possible for three years. The people in the adjoining parish did not make the same attempts that we did. They did not have the dipping vats and they did not try to eradicate the tick, and the cattle would move from one place to the other in this big, continuous forest; but at the last session of the legislature in Louisiana stringent laws were passed making it obligatory on every community to eradicate the ticks.

I will say that the dipping vats are constructed by the local communities. The Government does not contribute for that purpose. It is done locally, and the people are most enthusiastic and earnest in their endeavors and their determination to get rid of the tick. As one result in my community, let me say that some cotton plantations there which could not make anything at all in cotton have gone into cattle raising. There is one plantation near me where there are 3,500 head of cattle which have been brought in from the north and west. The good varieties of cattle have been bought, as I understand, largely in Missouri, and I have no doubt they have come in from Iowa and other parts of the West. Hundreds of fine bulls were brought into that community and the people are beginning to increase the grade of their stock there very much. Formerly if you would bring in these fine animals they would die with the Texas fever, and there was no inducement to bring them in; the loss was too great. Now we are protecting our animals and we are increasing the grade very, very rapidly, with the result that I think there is a strong hope of increasing the national supply of livestock from the South so much as to give us cheaper meat; and that certainly is something in which we are all very much interested.

I know that in my State every effort is being made to eradicate these ticks. I know it is said that in Mississippi the people have been successful, and Mississippi is practically free from the tick. The papers last fall stated that they were having a big celebration in Mississippi of the complete eradication of the cattle tick from that State. I understand that the whole State was to come out from under the cattle-tick quarantine on the 1st of January, and they are raising many fine cattle there. It is certainly a matter of the greatest national importance, and I hope the Senator will not insist on his motion to strike out this amendment.

Mr. GALLINGER. Mr. President, I have not made any motion. I am not going to make any motion. I have been seeking light, and I have received some light and some darkness as a result. The suggestion that we are going to have cheaper meat is so often made that it has failed to produce much impression on my mind. I think it is a delusion and a snare.

Mr. RANSDELL. I will say to the Senator that we will probably have more. Whether it will be any cheaper or not I can not say.

Mr. GALLINGER. It is the cheapness to which I am addressing myself. My impression is that the more we get the higher the price will be.

But however that may be, Mr. President, I am not opposing this amendment. I was asking some questions about it. I am so deeply impressed with the feeling—and perhaps I ought not to be, because I belong to the minority of this body, and the responsibility of making the appropriations is upon the other side of the Chamber—I am so deeply impressed with the feeling that we are going recklessly along, appropriating the money of the taxpayers of the country, that I had hoped there would be some effort at economy at some point in our proceedings.

I have just come from a committee that considered a bill that came over from the House. The committee added only $73,000,000 to it in addition to what the House appropriated. I presume it is necessary, and I am not going to criticize the additions that were made to that bill, although there was a time when it would have startled every one of us and would have startled the country, and there would have been a protest against it that would have been heard around the world. But now it does not disturb us at all to add half a million or a million dollars, or $10,000,000 for that matter, to any bill that we may have under consideration.

Mr. RANSDELL. Mr. President, will the Senator permit a suggestion?

Mr. GALLINGER. Certainly.

Mr. RANSDELL. We added only $1,115,160 to the House agricultural bill.

Mr. GALLINGER. Well, I know; but $1,000,000 used to trouble us somewhat. It does not now, because we are dealing in billions nowadays; and I have observed this in connection with the Agricultural appropriation bill: We put an item in the bill to cure some evil connected with the live stock of the country, and the next year it is increased, and the next it is further increased, and it goes along until we lose all interest in it and pay no attention to it. I just thought that it might be well for us to look at this a few minutes, and see whether it is absolutely essential that this added appropriation should be made.

The Agricultural Department is very apt to suggest a sum large enough to meet emergencies, and they recommended certainly not more than the sum that was in the bill as it came from the House of Representatives, and without any suggestion from the department the committee think that they had better add a hundred or a hundred and twenty-five thousand dollars to it. It is not much, and there is an emergency existing, so it is said, and we are supposed to vote for it without giving it any special consideration.

As far as I am concerned, I am not going to make any factious opposition to this thing. I am quite willing that it should be voted on at this very moment. I shall vote against it, because I am getting anxious about the Democratic majority in this matter of appropriations. I am afraid that they are going at a rate that will be very troublesome to them in the near future, and I want to save them from their own indiscretions as far as I can. That was the feeling I had when I occupied a good deal of time in debate on a certain river and harbor bill not long ago; and while I have never advertised it to anybody, it was a great gratification to me that the minority did save thirty millions on that bill, and it did not do any harm. If we can save a hundred thousand dollars in this bill, I think it will be worth trying for; but I am not going to take up the time of the Senate. I am quite ready to vote on the proposition.

Mr. THOMAS. Mr. President, like the Senator from New Hampshire [Mr. GALLINGER], I have tried on one or two occasions to limit the appropriations in the agricultural bill; but the only success—if success it may be called—that has thus far attended my efforts has been the adoption of every appropriation that I have opposed. Consequently, I have come to the conclusion that the only headway I can make, in view of my past experiences, toward reducing them is to advocate the bill, or to suggest their enlargement.

Now, the cow tick is a very insidious and pernicious little insect. It interferes with the growth and prosperity of live stock, and particularly of cattle, and it should be exterminated; but it would seem that we are not making much headway in that direction, or that of the various other insects so long sheltered under the ægis of the agricultural appropriation bill. Indeed, the cow tick seems to thrive in proportion as our appropriations to extinguish it increase. It not only holds the trenches all the time, but frequently comes over the top; and whenever that occurs we cheerfully increase the appropriation, and so it goes with the others. The increase of cow ticks and the increase of appropriations to head them off are much like increasing salaries that employees may overcome the high cost of living. But the "H. C. of L." has better facilities for climbing than the salary enjoys. To keep pace with it is impossible.

Therefore, this bill should embrace something more than cow ticks. We should extend the appropriation to enable the department to investigate bedticks as well. They are the origin and the lair of a number of very pernicious insects, whose activities seriously decrease the efficiency of labor; and inasmuch as we can strike at the source of their creation, and possibly cut them off in their youth, why not make an appropriation not only for the investigation of bedticks as well as cow ticks, but also create a bureau to investigate the anatomy, the physiology, and the habits of the flea, the louse, and the nit? [Laughter.] I think it is very important, Mr. President, if we are to develop our economic productivity to the highest possible point of efficiency during the war.

Mr. WADSWORTH. These are war measures?

Mr. THOMAS. This is decidedly a war measure, and I think I can demonstrate it. Mr. President, no man can be as efficient when his body is infested with the louse or with the flea as when he is free from those parasites. They work while he sleeps [laughter], and the victim of their toil must necessarily scratch whenever the industry of the parasite becomes serious and irritating; and if accurate time were kept of every such interruption of the activities of the individual it would show that a man so unfortunately infested loses probably 30 per cent of his efficiency.

There is another standpoint from which this subject may be considered. I have said that these pestiferous insects never stop their activities. They work all the time and overtime; and, as a consequence, the activities of the individual to get rid of them, or at least to mitigate their disagreeable attention, tend to violate the eight-hour law. When a man is bitten by these insects, no matter whether he has worked eight hours or not, he must stop to relieve himself of their attentions; and that requires an expenditure of physical energy. So I am sure that we should also utilize this bill to work both ends of the line—the insects which attack crops, and those which attack those who plant and who reap them. By that means, Mr. President, we shall reach the point of complete efficiency, which some departments and bureaus would do well to imitate. I therefore suggest an increase of this appropriation, with a view to doing everything possible to win the war; and certainly if we can add to the efficiency of the farmer by relieving him of these pests and conserving all his time we ought to do it.

Now, the flea is perhaps the worst of these pests, because he is superactive and his powers of locomotion are so infinitely out of proportion to all the other representatives of the insect world that in all probability if we could provide funds for the study of the little beast we might discover some way of hamstringing him, and thus, if we can not rid ourselves of him we could reduce his activities to the "nth" power. [Laughter.]

The suggestion is well worthy of consideration. Perhaps the flea should deserve our special attention at this time if we can not cover them all, for they are the most irritating of all these pests. Moreover, they feed other parasites. I think Dean Swift once said:

> And little fleas have other fleas
> Upon their legs to bite 'em;
> And lesser fleas have other fleas,
> And so ad infinitum.

Therefore the annihilation of the little flea would necessarily annihilate those infinitely microscopic parasites which, the poet says, infest the larger insect and is infested in turn by others. So why, Mr. President, should we make several bites at the cherry?

We have the assurance of the distinguished Senator from Louisiana that the appropriations of this bill have been increased in the Senate by only $1,115,150. What are $1,115,000 between friends? I am surprised by the committee's exceptional conduct. I am really ashamed of this meanly modest showing. It is completely out of proportion to the magnitude of our other increases, to one of which the Senator from New Hampshire has just referred; and I have no doubt he feels, as to that increase of $73,000,000, that the committee making it could well say with Lord Clive that it is astonished at its own moderation.

Indeed, Mr. President, in these times any Senate increase of less than $100,000,000 is too trifling to arrest our attention; it amounts to nothing. I heard some time ago that the chairman of one of the House committees was visited by a constituent who had a tremendous scheme for relieving the Government which required an initial expenditure of $100,000,000. The

Representative said: "Go and see my secretary; I am dealing in billions; he will attend to your trifling affair, no doubt. I am too busy with billions to consider it."

Seriously, Mr. President, we have reached and long ago passed the limit of appropriations designed to investigate and destroy certain insectiverous parasites which do very seriously interfere with the growth of plants and with the healthy increase of live stock, because we do not seem to get actual results. Whenever an item of this sort, however small and insignificant, is designed to meet, study, and, if possible, remove these little plagues, it becomes a greater source of legislative concern and is far more deadly to the Treasury of the United States than the pest is to the thing to which it relates.

I think I can say that, without exception, if a solitary pest has been destroyed by these means, if the amount needed for continuing the study of its habits, of chasing it from its lurking places, and killing it has ever been reduced in succeeding bills I ask the chairman to inform me what particular insect has been so unfortunate?

Mr. GORE. Mr. President, I would not undertake to enumerate the insects, but I would instance as an illustration of Government service of this character the eradication of the foot-and-mouth disease. It took $10,000,000 to do it, but it was cheap at that price. It would not have done at all to permit that worst of all animal maladies to range unbridled throughout the country.

Mr. THOMAS. Let met ask the Senator if the foot-and-mouth disease is caused by an insect or parasite?

Mr. GORE. It is a microbe; it is not an insect.

Mr. THOMAS. A microbe is perhaps too small to come under the provisions of a bill like this, except it be disguised under the cover of a disease.

Mr. GORE. The Senator, though, seems to have greater faith in his ability to prevail over it than over the insect. The smaller the enemy the more animated is his hostility.

Mr. THOMAS. The fundamental difference between the microbe and the tick is that you can extinguish the microbe if he exhibits himself in the shape of the foot-and-mouth disease, but the tick, like the poor, is with us forever; and so I may say of the cow tick, the boll weevil, and the gypsy moth, and the moth that has nothing to do with gypsies. These, Mr. President, are constantly occurring sources of appropriation from the Treasury. I am now advocating extensions of such appropriations. I may offer an amendment appropriating a certain sum of money—not a great deal—starting with only a few millions to the consideration of the matters to which I have called attention in the hope that by advocating the bill in that shape I may be able to defeat some of its more objectionable features.

Mr. PAGE. Mr. President, I should like to ask a question of the chairman of the committee. I was not present, although a member of the committee. I was ill at the time this appropriation was increased from $620,000 to $750,000. Is it not true that the Secretary of Agriculture made a very careful estimate of what he could profitably spend in the eradication of the cattle tick?

Mr. GORE. Mr. President, of course we have to assume that the estimates of these items are made with more or less care, but I am pretty sure the attitude of the department is that the speed of exterminating the cattle tick is largely a matter of money and organization.

Mr. THOMAS. Particularly money.

Mr. GORE. Every dollar expended by the Federal Government is matched by a dollar expended by the State or local authorities. That is a perfect guaranty against extravagance. If the money can not be expended under those circumstances it will not be expended. It will lapse; it will return to the Treasury.

I wish to say, while I am on my feet, that the Senator from Colorado [Mr. THOMAS], who ordinarily has accurate information as to facts, in this instance is incorrectly advised when he assumes that the cattle tick is spreading. When this crusade was commenced there were 728,000 square miles infested and infected with ticks—larger than Germany, France, Spain, Portugal, Italy, Switzerland, Holland, and Denmark combined. I am satisfied that there is not a Government on this globe making any pretension to civilization that would tolerate a pest of this sort for one year if it were possible to exterminate it. It is merely a matter of time and money. It will be exterminated in time. We will appropriate the money in time to carry out this work. The only question is, Will we appropriate it in larger amounts and speed the day of extermination or spread it over a longer series of years? Now, that is the only question.

I suggested a few moments ago that 379,000 square miles have already been rid of the tick, and 349,000 square miles are still subject to its ravages. Seventy thousand square miles were released from quarantine last year. I reiterate the statement that the only question is as to whether wisdom would recommend that larger appropriations be made and the time of eradication be shortened in order that we may enjoy the larger benefits at an earlier date, or whether we shall procrastinate and project those benefits further into the future.

Mr. CURTIS. May I ask the chairman of the committee whether there was an unexpended balance last year, or was the appropriation last year expended? Has the Senator that information at hand?

Mr. GORE. I am advised there was no unexpended balance. There is no doubt that the amount would be expended. I will say this, not by way of criticism at all, I think that the opposition of Senators to appropriations is in inverse proportion to their amount. Some bill has been increased $73,000,000, and, as suggested by a Senator across the aisle, I apprehend the Senate will concur in the $73,000,000 increase in less minutes than are taken upon this item of the bill. I doubt if any measure could occupy as much time of the Senate as this particular amendment. As suggested by the Senator from Louisiana, we have increased the appropriation $1,100,000, with, I believe, only one exception. The amounts have been studiously limited to questions of production and conservation of food, an urgent and important question in peace times, but a matter of supreme importance in times of war. The fate of this war may depend even more than Senators realize upon an available food supply in the United States, and for this small amount we ought not to jeopardize the fullest possible service in that direction. I do not believe it is sound economy.

In the main I agree with the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Colorado [Mr. THOMAS] in their efforts to maintain reasonable appropriations and to obviate unreasonable appropriations, but I think this appropriation comes in the former category and is in no sense unreasonable.

Mr. PAGE. May I ask the Senator one question at that point? Is it not true that there has been no estimate made showing that we need $130,000 more? Many seem to go on the simple principle that if $620,000 was good, $750,000 might be better, and we might just as well have gone on and increased the appropriation to $1,000,000.

Mr. GORE. The Senator was away for a few minutes. I have already stated that there was no estimate for this amount. The Senate Committee on Agriculture ventured to take one step forward, without being commanded to do it by some executive department of the Government. The committee has not abdicated either its appreciation of public questions or its devotion to the common good.

The Senate Committee on Agriculture, in the absence of the Senator from Vermont, thought if we could, by increasing this appropriation $130,000, speed the extermination of the cattle tick, if we could encourage the cattle business in this country, if we could provide larger supplies of cattle and of beef, not only for the civilian population and our own armies but for the civilian population and armies of our allies, we had rendered a service; and the fact that $130,000 is essential to that purpose did not deter the Senate Committee on Agriculture from venturing to submit such a recommendation to the Senate. It is, of course, a matter for the Senate entirely to determine whether the Committee on Agriculture outran either the propriety or the safe limitations upon public expenditures.

Mr. PAGE. I simply suggest, Mr. President, if I may be allowed, that it is quite common for the Committee on Agriculture to take the estimate of the Secretary of Agriculture and, without any showing whatever except the general claim, as it has been made by the Senator from Oklahoma this morning, that there is a great evil, and without any especial reason being given, without the facts or figures having been submitted, increase it by $130,000.

Mr. GORE. The Senator is aware, of course, that the Senate has already voted an increase of $250,000 to eradicate tuberculosis, an increase of 100 per cent upon the amount recommended by the Department of Agriculture. I think it a wise appropriation. It will be used to exterminate tuberculosis in every part of the United States where that disease prevails; and I think it would be a shortsighted, a niggardly sort of economy that would withhold a quarter million dollars in an effort to save an annual loss of $25,000,000 in the value of meat products. The loss used to be estimated from the cattle tick at $70,000,000. I believe it has now dropped to between $40,000,000 and $50,000,000. An increase of $130,000 to reinsure against a loss of $40,000,000 to $50,000,000 of foodstuffs when the world faces a crisis in foodstuffs is the act of boldness which the Committee on Agriculture has committed.

Mr. PAGE. Why not, on the same principle, may I ask the Senator from Oklahoma, increase this appropriation of $620,000 to $1,000,000?

Mr. GORE. Mr. President, nothing that the Senate could do and nothing that it will do would afford a higher or more unmistakable proof of statesmanship than to make such an appropriation increasing this amount to $1,000,000. Nothing, I say, would betray symptoms of intelligent patriotism on the part of the Senate to a greater extent, except an appropriation of $2,000,000 or $3,000,000 or $4,000,000, or whatever amount it would take to rid this great country, professing to be enlightened and civilized, of this pest which costs $50,000,000 a year and places a limitation upon our food supplies.

Mr. President, there is no act which I would rather be the author of than an appropriation securing at one time a sufficient and a perpetual fund available until the tick is eradicated, so that the spectacle will not be exhibited every time the Agricultural appropriation bill comes up for consideration in the Senate that this very debate has to be gone through with, and have Senators sit here and pare cheese and nibble at cherries when the destiny of the Nation may be to a measurable extent affected by this measure. I think it is extremely short-sighted.

I do not mean to be critical when I say that we ought like a great Nation and like, I believe, any other nation on earth would do, make an appropriation to carry this work out and complete it. Say it will take $5,000,000 to do it and we extend the appropriations over 8 years. We have been 12 years now. We will probably be 8 years more. It would have been wiser to have made the appropriation in the beginning and to have cleaned up the entire country by this time. We would not then in war times find in our country with 350,000 square miles subject to a pest which is eradicable and which places a limitation upon our food supplies.

Mr. PAGE. I thank the Senator. The Secretary of Agriculture is a very good man; he has made his estimates as to what sums he can use properly and efficiently for the coming year. I do not know but that we might by adopting the theory which the Senator from Oklahoma has just expressed increase every one of these appropriations immensely to our advantage. So far as I am concerned I propose to vote against the amendment, because we have a man at the head of the department who has given the matter his careful consideration, and who says that $620,000 is what he can wisely and properly expend. We ought to stop there and not increase it by $130,000, without some facts or some figures or some data upon which to vote a larger sum.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Agriculture was, on page 10, line 23, after the words "general expenses," to strike out "$2,743,098" and insert "$3,122,678," so as to make the clause read:

In all, for general expenses, $3,122,678.

The amendment was agreed to.

The next amendment was, on page 17, line 6, after the words "Animal Industry," to strike out "$3,700,008" and insert "$4,079,588," so as to make the clause read:

Total for Bureau of Animal Industry, $4,079,588.

The amendment was agreed to.

The next amendment was, on page 22, line 11, after the words "United States," to strike out "$85,510" and insert "$107,510," so as to read:

For acclimatization and adaptation investigations of cotton, corn, and other crops introduced from tropical regions, and for the improvement of cotton and other fiber plants by cultural methods, breeding, and selection, and for determining the feasibility of increasing the production of hard fibers outside of the continental United States, $107,510.

The amendment was agreed to.

The next amendment was, on page 23, line 18, after the word "production," to strike out "$241,505" and insert "$291,505"; and in line 21, after the word "That," to strike out "$50,000" and insert "$100,000," so as to make the clause read:

For the investigation and improvement of cereals and methods of cereal production and the study of cereal diseases, and for the investigation of the cultivation and breeding of flax for seed purposes, including a study of flax diseases, and for the investigation and improvement of broom corn and methods of broom-corn production, $291,505: *Provided*, That $40,000 shall be set aside for the study of corn improvement and methods of corn production: *Provided also*, That $100,000 shall be set aside for the investigation and control of the diseases of wheat, oats, and barley known as black rust and stripe rust, which sum shall be immediately available: *Provided also*, That $25,000 shall be set aside for the investigation of corn root and stalk diseases and for the inauguration of such control measures as may be found necessary.

The amendment was agreed to.

The next amendment was, on page 27, line 19, after the words "general expenses," to strike out "$2,232,698" and insert "$2,304,698," so as to make the clause read:

In all, for general expenses, $2,304,698.

The amendment was agreed to.

The next amendment was, on page 27, after line 19, to strike out:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $242,320. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable and flower seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall upon their requests, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided, also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable seeds, bulbs, mulberry and other rare and valuable trees, shrubs, vines, cuttings, and plants.

And, on page 30, line 10, after the words "Plant Industry," to strike out "$2,915,038" and insert "$2,744,718," so as to make the clause read:

Total for Bureau of Plant Industry, $2,744,718.

Mr. SMOOT. I ask that the amendment may go over.

Mr. GORE. I have no objection.

The PRESIDING OFFICER. Without objection, the amendment will go over for the present.

The next amendment was, under the subhead "Forest Service," on page 45, after line 17, to strike out:

That, during the existing state of war, the Secretary of Agriculture is authorized to make sales, without advertisement, at a fair valuation, to be determined by him, of national forest timber which is to be used so far as suitable for the construction of aeroplanes.

And in lieu to insert:

That hereafter during the existing state of war, the Secretary of Agriculture is authorized under regulations to be prescribed by him, to permit the War Department, or any other department, board, or commission, of the Government, to take from the national forests such timber as may be needed in the prosecution of the war, and the Secretary of Agriculture is further authorized to sell, or otherwise dispose of, any timber necessarily cut in carrying out the provisions of this paragraph and any materials manufactured therefrom which are not necessary for war purposes.

Mr. WADSWORTH. Mr. President, the chairman of the committee is absent for a few moments and in his absence he asked me to suggest an alteration in the amendment now before the Senate to conform to the suggestion made by a memorandum from the Forestry Bureau. I therefore move, on page 46, lines 3 and 4, that the words "the Secretary of Agriculture is further" be stricken out and to insert:

Secretaries of the departments, the boards, or the commissions which may obtain such timber are severally.

Mr. SMOOT. I ask that the amendment may be read at the desk.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The Secretary read the amendment to the amendment.

The PRESIDING OFFICER (Mr. THOMPSON in the chair). The Senator from Utah [Mr. SMOOT], then, has the floor. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I do.

Mr. GRONNA. Mr. President, I merely want to say a word. I assume that the reason for suggesting this amendment is that the sale of this timber will come under various departments. The committee thought, of course, it would come under the Department of Agriculture, but I can readily see that the Secretary of the Interior may have something to say about the sale of some of this timber. I can see no other reason for the change.

Mr. SMOOT. That is not what the amendment provides for, I will say to the Senator from North Dakota.

Mr. GRONNA. It speaks of different departments.

Mr. SMOOT. It authorizes all of the departments or any of the departments.

Mr. GRONNA. It simply authorizes them to cooperate.

Mr. SMOOT. No; it authorizes them to sell the timber.

Mr. GRONNA. Yes; on examination I see that is correct.

Mr. SMOOT. It authorizes any board that we create to sell this timber, and it authorizes any commission to sell the timber.

Mr. GRONNA. The Senator from Utah, of course, understands that this timber is simply for the purpose of constructing ships or aeroplanes; that it is absolutely for nothing else but for use in this war. This does not authorize anyone to sell any timber except what may be used in the construction of ships and aeroplanes.

Mr. SMOOT. Mr. President, the Senator from Utah understands that, because it is specifically so stated in the amendment. What I desired time for was merely to see what the amendment did provide, because a Senator can hardly ascertain that by the reading from the desk, and without reading it in connection with the amendment itself.

Mr. WADSWORTH. Mr. President, I can enlighten the Senator from Utah on that point.

Mr. SMOOT. After comparing the Senator's amendment with the amendment of the committee I see that his amendment is a wise one and I think it ought to be adopted.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 46, after line 7, to strike out:

Whenever, during the fiscal year ending June 30, 1919, the Secretary of Agriculture shall find that the expenses of travel can be reduced thereby, he may, in lieu of actual traveling expenses, under such regulations as he may prescribe, authorize the payment of not to exceed 2 cents per mile for a motorcycle or 6 cents per mile for an automobile, used for necessary travel on official business in the Forest Service: *Provided*, That there shall be no payment of mileage for the use or travel of motorcycle or automobile furnished or owned by or maintained by the Government of the United States.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge if the provision proposed to be stricken out has not generally been in Agricultural appropriation bills and also in other appropriation bills?

Mr. RANSDELL. I understand that the department is anxious to have that provision, and that it has usually been in the bill, but in this case it is proposed to strike it out. I was not present in committee, I will say to the Senator from Utah, when that action was taken, and the Senator in charge of the bill has momentarily left the Chamber.

Mr. SMOOT. I remember when the wording contained in this proviso of this bill was first placed in an appropriation bill; and, if I remember rightly, it has been generally in regular appropriation bills. It reads:

Provided, That there shall be no payment of mileage for the use or travel of motorcycle or automobile furnished or owned by or maintained by the Government of the United States.

The reason for inserting those words in previous appropriation bills, Mr. President, was because there had been claims for mileage and there had been payments for mileage, in which the persons claiming the mileage had used motorcycles and automobiles which had been furnished by the Government of the United States. The claim for such mileage was unfair to the Government and should never have been allowed. I have, therefore, wondered why the committee proposed to strike this provision out of the bill.

Mr. RANSDELL. I can not give an explanation of that, and I will suggest to the Senator from Utah, if he desires such explanation, that the amendment be passed over until the chairman of the committee returns.

Mr. SMOOT. I should like to have some explanation of that matter, and so I ask that the amendment go over until the chairman of the committee returns.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the subhead "Bureau of Soils," on page 54, line 9, after "$217,600," to insert:

Provided That the product obtained from such experimentation may be sold at a price to be determined by the Secretary of Agriculture, and the amount obtained from the sale thereof shall be covered into the Treasury as miscellaneous receipts.

So as to make the clause read:

For the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, $127,600: *Provided*, That the product obtained from such experimentation may be sold at a price to be determined by the Secretary of Agriculture, and the amount obtained from the sale thereof shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Entomology," on page 56, line 4, after the word "nuts," to strike out "$83,380" and insert "$93,380"; so as to read:

For investigations of insects affecting deciduous fruits, orchards, vineyards, and nuts, $93,380.

The amendment was agreed to.

The next amendment was, on page 57, line 12, after the words "general expenses," to strike out "$557,300" and insert "$567,300"; so as to make the clause read:

In all, for general expenses, $567,300.

The amendment was agreed to.

The next amendment was, on page 58, line 11, after the words "Bureau of Entomology," to strike out "$976,680," and insert "$986,680"; so as to make the clause read:

Total for Bureau of Entomology, $986,680.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Biological Survey," on page 60, line 25, after the words "wild animals," to strike out:

Provided further, That of this sum $10,000, or as much thereof as may be necessary, shall be used for the purpose of investigating the extent and effect of the killing and harassing by dogs of sheep and other meat-producing animals and of the best methods for reducing and preventing the same;

So as to make the clause read:

For investigating the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry, including experiments and demonstrations in destroying wolves, coyotes, prairie dogs, and other animals injurious to agriculture and animal husbandry, and for investigations and experiments in connection with rearing of fur-bearing animals, including mink and marten, $394,820: *Provided*, That of this sum $15,000 shall be used for the destruction of ground squirrels on the national forests, and other public lands: *And provided also*, That of this sum not less than $125,000 shall be used on the national forests and the public domain in destroying wolves, coyotes, and other animals injurious to agriculture, animal husbandry, and wild game: *And provided further*, That of this sum not more than $125,000 shall be used on the public lands, national forests, and elsewhere in the Western and Northwestern States for the protection of stock and other domestic animals through the suppression of rabies by the destruction of wolves, coyotes, and other predatory wild animals.

Mr. WADSWORTH. Mr. President, I simply desire at this time to congratulate the Senate, if it is about to adopt this amendment, on its wisdom in refraining from the attempt to teach people how to kill dogs.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 61, line 13, after the words "insectivorous birds," to insert "and any act of Congress to give effect to the treaty with Great Britain relating to migratory birds"; so as to make the clause read:

For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stats. L., pp. 847 and 848), relating to the protection of migratory game and insectivorous birds, and any act of Congress to give effect to the treaty with Great Britain relating to migratory birds, and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $50,000.

Mr. SMOOT. Mr. President, I will ask the Senator having the bill in charge to make an explanation of that amendment.

Mr. GALLINGER. First, I should very much like to have the paragraph read and then read in conjunction with the proposed amendment.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary again read the clause as proposed to be amended.

Mr. VARDAMAN. Mr. President, I will ask that this section be passed over until the Senator from Oklahoma [Mr. GORE] returns to the Chamber. He will be here in a moment.

Mr. SMOOT. Mr. President, the treaty with Great Britain relating to migratory birds has not yet been ratified, and it

seems to me rather strange that we should put into an appropriation bill an item referring to a treaty that is yet to be ratified by Great Britain and the United States. The only question in my mind is whether or not it is really consistent legislation.

Mr. VARDAMAN. Mr. President, if the Senator will pardon me, though I am not a member of this committee, I am very sure there was some good reason for putting the amendment into the bill. In order that the chairman of the committee may be permitted to explain it, I ask that the section may be passed over until he returns, which will be in a few moments.

The PRESIDING OFFICER. Without objection, the amendment will be temporarily passed over.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the subhead "Bureau of Public Roads," on page 76, line 2, after the word "expenses," to strike out "$25,000" and insert "$60,000, of which sum $35,000 shall be made immediately available," so as to make the clause read:

For investigating farm domestic water supply and drainage disposal, the construction of farm buildings, and other rural engineering problems involving mechanical principles, including the erection of such structures outside of the District of Columbia as may be necessary for experimental purposes only, the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, $60,000, of which sum $35,000 shall be made immediately available.

The amendment was agreed to.

The next amendment was, on page 76, line 7, after the words "general expenses," to strike out "$489,520" and insert "$525,420," so as to make the clause read:

In all, for general expenses, $525,420.

The amendment was agreed to.

The next amendment was, on page 76, line 8, after the words "Public Roads," to strike out "$593,540" and insert "$629,440," so as to make the clause read:

Total for Bureau of Public Roads, $629,440.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Markets," on page 79, after line 7, to strike out—

For enabling the Secretary of Agriculture to investigate and certify to shippers the condition as to soundness of fruit, vegetables, and other perishable farm products when received at such important central markets as the Secretary of Agriculture may from time to time designate and under such rules and regulations as he may prescribe, including payment of such fees as will cover the cost of the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts as prima facie evidence of the truth of the statements therein contained, $113,000.

And insert—

For enabling the Secretary of Agriculture to investigate and certify to shippers and other interested parties the quality and condition of fruits, vegetables, and other perishable farm products when received at such important central markets as the Secretary of Agriculture may from time to time designate, under such rules and regulations as he may prescribe, including payment of such fees as will be reasonable for the service rendered: *Provided*, That certificates issued by the authorized agents of the department shall be received in all courts as prima facie evidence of the truth of the statements therein contained, $113,000.

The amendment was agreed to.

The next amendment was, on page 81, after line 15, to insert:

To enable the Secretary of Agriculture to install an experimental flour mill, baking and other apparatus, in order to investigate the milling and baking qualities of wheat and other grains, including the payment of rent in the city of Washington, $50,000.

Mr. JONES of Washington. Mr. President, I do not care particularly to discuss this amendment, but I have a matter which I wish to put in the RECORD, and I will take this opportunity to do it.

At the last session of Congress a bill looking to the control of food products was prepared and sent to Congress by the administration. In that bill provision was made giving the President full control over the matter of the use of food products in the manufacture of malt, vinous, and distilled liquors. When the matter came up in Congress, Congress was prepared to relieve the President from that responsibility and prohibit by positive act the use of food products in the manufacture of liquors of this kind. One body of Congress adopted a positive provision to that effect. That provision was substantially reported by the Senate committee, and the Senate was prepared to pass it, when the President practically requested us to leave that authority in him and place upon him that responsibility. That was done; and although Congress did prohibit the manufacture of distilled spirits, Congress, as the President requested, left the authority in him and the power in him to permit or prohibit the use of food products in the manufacture of malt and vinous liquors.

There is a tremendous sentiment throughout the country in favor of war prohibition independent of the merits of the question in times of peace, and much pressure has been brought upon Congress; but the country is beginning to understand and realize that this power is in the hands of the President, that the responsibility is his, and that while Congress was perfectly willing to assume this responsibility and discharge this duty, it left it with the President at his own request.

A few days ago, Mr. President, one of the most remarkable petitions ever prepared was presented to the President of the United States, asking in very respectful terms that he exercise the power that Congress has given him and, as a war measure, prohibit the further use of grain and other food products in the manufacture of malt and vinous liquors. That petition was signed by many of the most prominent women of this country of every class and occupation. It was signed by the representatives of all of the temperance organizations in the United States. It represented over 6,000,000 of the patriotic women of this country, of the most representative character, not only in their own persons but in those whom they represented as the officials of organizations of various kinds. This was distinctly a "winning of the war" appeal by the patriotic women of this country, who are doing everything in their power to bring this war to a successful termination. The women of America are doing their part now, as they have always done in the history of the Nation, and they presented the petition to the President as a war proposition. They believed that it would have much to do with the winning of the war, and as patriots they presented it to him and not as partisans of any particular idea.

Mr. President, I have the letter transmitting this petition to the President. I have also the petition signed by about a thousand of the most representative women in this country. Not all of the representative women of the country who would have signed it have signed it, simply because they did not have the opportunity; but these women do represent the patriotic, loyal sentiment of the great majority of the women of the Republic.

I think this is the first time in the history of the temperance movement that all of the leading organizations of women have united in behalf of a particular proposition. They have all united in behalf of this proposition and they are all represented in the petition that was presented to the President.

This petition is signed by and represents the women whose husbands, sons, and brothers are in training camps, on ships, and at the battle front. They favor the conservation of our food products for the boys at the front, and are denying themselves and will deny themselves to the limit. They favor the use of food products for bread rather than for beer, and make this appeal to the Commander in Chief of the Army and Navy as stanch patriots whose highest aim and purpose now is "to win the war."

This petition was prompted by that great organization the Woman's Christian Temperance Union, and, in my judgment, will take rank among the historic petitions of the world. I have, as I have said, the letter tendering this petition to the President; I have the petition with the names which was presented to him March 1, and also a summary of the petition and the character and standing of the signers. I ask that they be printed in full in the RECORD, including the names.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

Mr. PRESIDENT: We deeply appreciate the privilege of presenting to you a memorial representing 6,000,000 women patriots of the United States.

We believe this is the first petition in the history of our country in which all leading organizations of women—civic, fraternal, social, patriotic, and religious—as well as hundreds of notable women in the educational and official life of the Republic, have united. It comes to you, Mr. President, as the voice of the women of America. It comes to you, our Commander in Chief of the Army and Navy, at the time of an appalling crisis which peculiarly concerns the mothers of the Nation.

Educated by the Government to believe that food will win the war, these women, whose magnificent war service and sacrifice are everywhere attested, plead for the maximum conservation of food materials for the duration of the war. They earnestly and respectfully ask that all food materials now used in the production of malt liquors be diverted to food supplies desperately needed by our Army and the armies of the allies.

On behalf of the 6,000,000 petitioners, Mr. President, we thank you for the steps in this direction already taken, and we beg your early and favorable consideration of the prayer of the memorial we have the honor to place in your hands.

ANNA A. GORDON,
President National Woman's Christian Temperance Union.

—

To Hon. WOODROW WILSON,
President of the United States:

Believing that the women of the United States are loyally doing their utmost in our national crisis to carry out all Government plans for the conservation of food; and

Realizing that there is still an alarming waste of foodstuffs in the production of malt and vinous liquors;

We, in behalf of mothers, wives, daughters, sisters, and sweethearts of enlisted men, appeal to you, our Commander in Chief of the Army and Navy, to prohibit the further waste of these foodstuffs in the production of malt and vinous liquors during the period of the war.

NATIONAL PRESIDENTS WOMEN'S ORGANIZATIONS—OFFICIAL SIGNERS.

Mrs. Josiah Evans Cowles, president general Federation of Women's Clubs, Los Angeles, Cal.	2,600,000
Sarah E. Guernsey (Mrs. George Thacher), president general National Society Daughters American Revolution, Independence, Kans.	101,178
H. K. Schoff (Mrs. Frederick), president National Congress of Mothers and Parent-Teacher Association, Philadelphia, Pa.	150,000
Emma Bailey Speer (Mrs. Robert E.), president Young Women's Christian Associations of America, New York City	362,191
Myra Kingman Miller, president National Federation of College Women, New York City, N. Y.	70,000
Mrs. Alice V. Morrill, president Woman's Board of Foreign Missions of Christian Church, Dayton, Ohio	5,000
Mrs. Wilbur P. Thirkield, president Woman's Home Missionary Society of the Methodist Episcopal Church, New Orleans, La.	280,000
Mrs. M. Katherine Bennett, president Woman's Board of Home Missions, Presbyterian Church, Englewood, N. J.	175,000
Mrs. William Watters, acting president the Woman's Foreign Missionary Society of the Presbyterian Church, Philadelphia, Pa.	90,000
Marietta B. Wilkins, president Women's National Missionary Association of the Universalist Church, Salem, Mass.	6,200
Mary A. Davis, honorary president National Free Baptist Women's Missionary Society, Pittsburgh, Pa.	9,000
Clotilda L. McDowell (Mrs. Wm. F.), president the Woman's Foreign Missionary Society of the Methodist Episcopal Church, Washington, D. C.	220,804
Helen Barrett Montgomery (Mrs. W. A.), president Woman's American Baptist Foreign Missionary Society, Rochester, N. Y.	752,000
Maude M. Chadsey, president Woman's Home and Foreign Missionary Society of the Advent Christian Church, Boston, Mass.	1,700
Miss Lucy Lowell, president of the Alliance Unitarian and Other Liberal Christian Women, Boston, Mass.	21,700
Bina M. West, supreme commander Woman's Benefit Association of the Maccabees, Port Huron, Mich.	194,000
Mrs. Walston Hill Brown, president National Child Welfare League, New York City, N. Y.	400
Mary B. Talbert, president National Association of Colored Women, Buffalo, N. Y.	100,000
Mrs. Charles H. H. Koch, national president Dames of the Loyal Legion, Evanston, Ill.	360
Anna A. Gordon, president National Woman's Christian Temperance Union, Evanston, Ill.	450,000
Emmeline B. Wells, president National Woman's Relief Society, Salt Lake City, Utah	50,000
Mary Eleanor Tarbox (Mrs. Wallace R.), president Ladies of the Grand Army of the Republic, Fryeburg, Me.	38,000
(Mrs.) Lois M. Knauff, national president Woman's Relief Corps, Chagrin Falls, N. Y.	160,000
Alice Cary Risley, president National Association Army Nurses Civil War, Jefferson City, Mo.	113
Mrs. Cynthia Westover Alden, president general the International Sunshine Society, New York City, N. Y.	50,000
Louisa King (Mrs. Francis), president Woman's Farm and Garden Association, Alma, Mich.	16,000
Mary Clark Barnes (Mrs. Lemuel Call), president Neighbors' League of America, New York City, N. Y.	100
Martha H. Tingey, president Young Ladies' National Mutual Improvement Association, Salt Lake City, Utah	35,080
Mary M. North, president American Woman's Press Association, Herndon, Va.	150

WIFE OF FORMER PRESIDENT OF THE UNITED STATES.

Frances F. Cleveland Preston (Mrs. T. G. N.), Princeton, N. J.

WIFE OF FORMER SECRETARY OF STATE.

Mrs. William J. Bryan, Lincoln, Nebr.

WIVES OF UNITED STATES SENATORS AND REPRESENTATIVES.

Mrs. William F. Kirby, wife of United States Senator, Little Rock, Ark.

Marie Bankhead Owen (Mrs. Thomas M.), daughter of United States Senator; State chairman League for Service; first vice chairman Woman's Council of Defense, Birmingham, Ala.

Mrs. Charles A. Sulzer, wife of United States Delegate, Juneau, Alaska.

Mrs. Carl Hayden, wife of United States Representative, Phoenix, Ariz.

Mrs. C. H. Randall, wife of United States Representative, Los Angeles, Cal.

Mrs. William Kent, wife of former United States Representative, Kentfield, Cal.

Margaret Keating (Mrs. Edward), wife of United States Representative, Pueblo, Colo.

Margaret Timberlake (Mrs. Charles B.), wife of United States Representative, Sterling, Colo.

Mary T. Henderson (Mrs. J. B. H.), wife of late United States Senator, Washington, D. C.

Mrs. Duncan U. Fletcher, wife of United States Senator, Jacksonville, Fla.

Mrs. Park Trammell, wife of United States Senator, Lakeland, Fla.

Mrs. Frank Clark, wife of United States Representative, Gainesville, Fla.

Mrs. Hoke Smith, wife of United States Senator, Atlanta, Ga.

Mrs. Thomas W. Hardwick, wife of United States Senator, Sandersville, Ga.

Mrs. W. H. Felton, wife of former United States Representative, Cartersville, Ga.

Mrs. S. J. Tribble, wife of late United States Representative, Athens, Ga.

Mrs. Henry R. Harris, wife of late United States Representative, Odessadale, Ga.

Mrs. Charles Crisp, wife of United States Representative, Americus, Ga.

Mrs. S. A. Roddenbery, wife of late United States Representative, Thomasville, Ga.

Irene M. Brady (Mrs. James H.), wife of late United States Senator, Boise, Idaho.

Mrs. Addison T. Smith, wife of United States Representative, Twin Falls, Idaho.

Mida H. McCracken (Mrs. R. M.), wife of former United States Representative, Boise, Idaho.

Mrs. Medill McCormick, wife of United States Representative, Chicago, Ill.

Mrs. M. D. Foster, wife of United States Representative, Olney, Ill.

Mrs. Richmond Pearson Hobson, wife of former United States Representative, Evanston, Ill.

Mrs. Charles Curtis, wife of United States Senator, Kansas City, Kans.

Mrs. Dudley Doolittle, wife of United States Representative, Strong City, Kans.

Mrs. John W. Langley, wife of United States Representative, Pikeville, Ky.

Mrs. Bert M. Fernald, wife of United States Senator, Poland, Me.

Mrs. Martin Holcomb, wife of former United States Representative, Grand Rapids, Mich.

Annie S. Beakes (Mrs. S. W.), wife of United States Representative, Ann Arbor, Mich.

Mrs. Louis C. Crampton, wife of United States Representative, Lapeer, Mich.

Ona Winants Borland (Mrs. William P.), wife of United States Representative, Kansas City, Mo.

Ellie L. Norris (Mrs. George W.), wife of United States Senator, McCook, Nebr.

Mrs. Dan V. Stephens, wife of United States Representative, Fremont, Nebr.

Emma L. Lobeck (Mrs. C. O.), wife of United States Representative, Omaha, Nebr.

Natalie S. Jones (Mrs. Andrieus), wife of United States Senator, East Las Vegas, N. Mex.

Anna M. Hawley (Mrs. W. C.), wife of United States Representative, Salem, Oreg.

Elizabeth H. Cooper (Mrs. John G.), wife of United States Representative, Youngstown, Ohio.

Elizabeth P. Griest (Mrs. W. W.), wife of United States Representative, Lancaster, Pa.

Vida Ruth Kelly (Mrs. M. Clyde), wife of United States Representative, Braddock, Pa.

Mrs. B. R. Tillman, wife of United States Senator, Trenton, S. C.

Mrs. E. W. Martin, wife of former United States Representative, Deadwood, S. Dak.

Mrs. Newell Sanders, wife of former United States Senator, Lookout Mountain, Tenn.

Ida L. Padgett (Mrs. L. P.), wife of United States Representative, Columbia, Tenn.

Jeannette S. D. Shields (Mrs. John K.), wife of United States Senator, Knoxville, Tenn.

Mrs. Mary E. Byrns, mother of United States Representative, Nashville, Tenn.

Mrs. Charles B. Wilson, sister of United States Representative, Nashville, Tenn.

Mrs. Carter Glass, wife of United States Representative, Lynchburg, Va.

Anna Portner Flood (Mrs. Henry D.), wife of United States Representative, Appomattox, Va.

Mrs. E. W. Saunders, wife of United States Representative, Rocky Mount, Va.

Augusta M. Dale (Mrs. Porter H.), wife of United States Representative, Island Point, Vt.

Elizabeth Gale Poindexter (Mrs. Miles C.), wife of United States Senator, Spokane, Wash.

Lavalette C. Hadley (Mrs. Lindley H.), wife of United States Representative, Bellingham, Wash.

Elizabeth Gray Bowers (Mrs. George M.), wife of United States Representative, Martinsburg, W. Va.

Mrs. Stuart F. Reed, wife of United States Representative, Clarksburg, W. Va.

Emma B. Woodyard (Mrs. Harry C.), wife of United States Representative, Spencer, W. Va.

Mrs. Edward E. Browne, wife of United States Representative, Waupaca, Wis.

Mrs. John B. Kendrick, wife of United States Senator, Sheridan, Wyo.

UNITED STATES REPRESENTATIVE.

JEANNETTE RANKIN, Missoula, Mont.

WIVES OF GOVERNORS AND FORMER GOVERNORS.

Anna Hall Strong (Mrs. J. F. A.), wife of governor, Juneau, Alaska.

Mrs. Alfred P. Swineford, wife of former governor, Ketchikan, Alaska.

Abigail M. W. Miller (Mrs. Charles R.), wife of former governor; chairman Woman's Committee Council of National Defense, Wilmington, Del.

Mrs. Julius C. Gunter, wife of governor, Denver, Colo.

Mrs. Sidney J. Catts, wife of governor, Tallahassee, Fla.

Mrs. N. E. Harris, wife of former governor, Macon, Ga.

Mrs. W. Y. Atkinson, wife of former governor, Newnan, Ga.

Mary Dillingham Frear (Mrs. W. F.), wife of former governor, Honolulu, Hawaii.

Mrs. James P. Goodrich, wife of governor, Indianapolis, Ind.

Anna Larrabee (Mrs. William), wife of former governor, Des Moines, Iowa.

Mrs. Arthur Capper, wife of governor, Topeka, Kans.

Mrs. E. W. Hoch, wife of former governor, Marion, Kans.

Mrs. W. R. Stubbs, wife of former governor, Lawrence, Kans.

Mrs. A. E. Noel, wife of former governor, Lexington, Ky.

Emma V. Milliken (Mrs. Carl E.), wife of governor, Augusta, Me.

Mrs. Edith H. Curtis (Mrs. Oakley C.), wife of former governor, Rockland, Me.

Mrs. William T. Haines, wife of former governor, Waterville, Me.

Mrs. John F. Hill, wife of former governor; chairman woman's committee on liberty loan for Maine, Augusta, Me.

Mary C. Sleeper (Mrs. Albert), wife of governor, Lansing, Mich.

Mrs. Luren D. Dickinson, wife of lieutenant governor, Charlotte, Mich.

Lillian Osborn (Mrs. Charles S.), wife of former governor, Marie, Mich.

Alice Tye Noel (Mrs. E. P.), wife of former governor, Lexington, Miss.

Marion B. Longino (Mrs. A. H. L.), wife of former governor, Jackson, Miss.

Linda Bilbo (Mrs. Theo. G.), wife of governor, Jackson, Miss.

to the hands of the President, that I diction of malt and vinous liquors during the period of the war.

Boise, Idaho.

Jeannette V. Gardner (Mrs. Frederick), wife of governor, Jefferson City, Mo.
Mrs. Chester H. Aldrich, wife of former governor, Lincoln, Nebr.
Margretta S. Dietrich (Mrs. C. H.), wife of former governor, Hastings, Nebr.
Mrs. J. H. Mickey, wife of former governor, University Place, Nebr.
Mrs. D. H. Goodell, wife of former governor, Antrim, N. H.
Mrs. John McLane, wife of former governor, Milford, N. H.
Mrs. Henry B. Quimby, wife of former governor, Lakeport, N. H.
Olive Whitman (Mrs. Charles S.), wife of governor, Albany, N. Y.
Mrs. Lynn J. Frazier, wife of governor, Bismarck, N. Dak.
Mrs. L. B. Hanna, wife of former governor, Fargo, N. Dak.
Mrs. Andrew L. Harris, wife of former governor, Eaton, Ohio.
Alice D. Willis (Mrs. Frank B.), wife of former governor, Delaware, Ohio.
Flora B. Brumbaugh (Mrs. Martin G.), wife of governor, Harrisburg, Pa.
Mrs. Richard I. Manning, wife of governor, Columbia, S. C.
Mrs. Peter Norbeck, wife of governor, Pierre, S. Dak.
Mrs. Frank E. Byrne, wife of former governor, Faulkton, S. Dak.
Mrs. T. C. Rye, wife of governor, Nashville, Tenn.
Mrs. John Farris Nolan, daughter of governor, Nashville, Tenn.
Mrs. W. H. Mann, wife of former governor, Petersburg, Va.
Isabel S. Graham, sister of governor, Craftsburg, Vt.
Mrs. Eva B. Steunenberg, wife of former governor of Idaho, College Place, Wash.
Alice Lister (Mrs. Ernest), wife of governor, Olympia, Wash.
Mrs. A. B. Fleming, wife of former governor, Fairmont, W. Va.
Mrs. W. H. Upham, wife of former governor, Marshfield, Wis.

STATE SENATORS AND REPRESENTATIVES.

Mrs. Pauline M. O'Neill, former member State legislature, Phoenix, Ariz.
Mrs. Frances Willard Munds, State senator, Prescott, Ariz.
Helen Ring Robinson, former State senator, Denver, Colo.

WIVES OF STATE OFFICIALS.

Octavia A. White (Mrs. Frank S.), wife of former State senator, Birmingham, Ala.
Mrs. H. W. Hill, wife of Associate Justice Supreme Court, Atlanta, Ga.
Mrs. T. E. Patterson, wife of State prison commissioner, Atlanta, Ga.
Mrs. Agnes Hall Boyd Judd, wife of Chief Justice Hawaiian Islands, Hawaii.
Mrs. S. M. Brewster, wife of attorney general, Topeka, Kans.
Jeshie Botkin (Mrs. Thomas), wife of secretary of state, Topeka, Kans.
Mary C. Tunis (Mrs. J. T.), wife of former State senator, Lexington, Ky.
Mrs. R. M. Salmon, wife of State senator, Madisonville, Ky.
Mrs. Frank C. Greene, wife of member of State legislature, Carrollton, Ky.
Mrs. S. D. Pearce, wife of State senator, Ruston, La.
Lena Allen Price (Mrs. Fred W.), wife of State representative, Ruston, La.
Mrs. W. R. Pattengall, wife of former attorney general, Augusta, Me.
Edith Hayes Wheeler (Mrs. Alton C.), wife of member of legislature, South Paris, Me.
Mrs. J. Morgan Stevens, wife of judge of supreme court, Jackson, Miss.
Mrs. Lee F. Russell, wife of lieutenant governor, Oxford, Miss.
Alfreda G. Collins (Mrs. Ross A.), wife of attorney general, Jackson, Miss.
Edith Hyde Colby (Mrs. Everett), wife of former State senator, West Orange, N. J.
Mrs. William A. Carson, wife of State senator, Rushville, N. Y.
Mrs. Sarah M. Witter, wife of assemblyman, Berkshire, N. Y.
Hattie M. Fenner (Mrs. Casper), wife of assemblyman, Heddens, N. Y.
Mrs. J. C. Allen, wife of State assemblyman, Clinton Corners, N. Y.
Marion McGiffert Whitney (Mrs. George H.), wife of State senator, Mechanicsville, N. Y.
Lena M. Sweet (Mrs. Thaddeus C.), wife of speaker of New York Assembly, Phoenix, N. Y.
Mrs. Andrew A. Bruce, wife of judge of supreme court, Bismarck, N. Dak.
Mrs. Richard H. Grace, wife of judge of supreme court, Bismarck, N. Dak.
Mrs. J. N. Hagan, wife of judge of supreme court, Bismarck, N. Dak.
Mrs. D. H. McArthur, wife of former State senator, Fargo, N. Dak.
Mrs. Walter Ferguson, wife of State representative, Cherokee, Okla.
Mrs. J. O. McCollister, wife of former representative, Mangum, Okla.
Mrs. W. W. Murray, wife of late judge of Federal court of land claims, Huntingdon, Tenn.
Mrs. J. Taylor Ellyson, wife of former lieutenant governor, Richmond, Va.
Mrs. A. T. Lincoln, wife of former State senator, Marion, Va.
Mrs. G. Walter Mapp, wife of State senator, Accomac, Va.
Mrs. B. F. Buchanan, wife of lieutenant governor, Marion, Va.
Mrs. Martin Williams, wife of former member of legislature, Pearisburg, Va.
Mrs. John F. Mains, wife of judge of supreme court, Olympia, Wash.
Mrs. Louie Pemberton (Mrs. W. H.), wife of superior judge, Bellingham, Wash.
Mrs. J. T. Ronald, wife of superior judge, Seattle, Wash.
Mrs. C. W. Lynch, wife of judge of supreme court, Charleston, W. Va.
Mrs. John S. Darst, wife of State auditor, Charleston, W. Va.
Harriet P. Williams (Mrs. L. Judson), wife of judge of supreme court, Charleston, W. Va.
Helen J. Bits (Mrs. Harold A.), wife of judge of supreme court, Charleston, W. Va.
Grace E. Montgomery, wife of commissioner of labor, grand chief of West Virginia Pythian Sisters, Charleston, W. Va.

EDUCATORS.

Julia C. Lathrop, Chief Child Labor Bureau, Washington, D. C.
(Mrs.) Ella Flagg Young, former president National Education Association; recently superintendent of schools; member of woman's Liberty loan committee, Chicago, Ill.
Mary C. C. Bradford, State superintendent of public instruction of Colorado; president National Education Association, Denver, Colo.
Marion Churchill, dean of women, Colorado College, Colorado Springs, Colo.
Ellen Spencer Mussey, honorary dean and founder of Washington College of Law; first dean of a law school; president Woman's Bar Association of District of Columbia, Washington, D. C.
Mrs. S. D. Weakley, president Girls' Training School, Birmingham, Ala.
Mrs. T. G. Bush, treasurer Boys' Industrial School, Birmingham, Ala.
Grace E. Berry, dean of women, Pomona College, Claremont, Cal.
Irene S. Myers, dean of women, Occidental College, Los Angeles, Cal.
S. Antoinette Bigelow, dean of women, University of Colorado, Boulder, Colo.
Anne McKeen Shuler, dean of women, University of Denver, Denver, Colo.
Jessie E. Arbuckle, superintendent of Blakeslee Training School, New Haven, Conn.
Lucy Hale Tapley, president Spelman Seminary, Atlanta, Ga.
Mrs. John K Ottley, chairman State Library Commission, Atlanta, Ga.
(Miss) Martha Berry, founder Berry School, Mount Berry, Ga.
Mrs. S. B. C. Morgan, president and founder of the State Association for the Education of Georgia Mountaineers, Savannah, Ga.
(Miss) Ethel E. Redfield, State superintendent of public instruction, Boise, Idaho.
Mary Ross Potter, dean of women, Northwestern University, Evanston, Ill.
S. P. Breckenridge, dean of women, Chicago University; lawyer, Chicago, Ill.
Grace A. Starr, dean of women, Knox College, Galesburg, Ill.
Laura T. Brayton, educator, Chicago, Ill.
Katharine S. Alvord, dean of women, De Pauw University, Greencastle, Ind.
Eliza A. Blaker, president The Teachers' College of Indianapolis, Indianapolis, Ind.
Martha Doan, dean of women, Earlham College, Richmond, Ind.
Ruby E. C. Mason, dean of women, Indiana University, Bloomington, Ind.
Anna M. Klingenhagen, dean of women, professor of history, State University of Iowa, Iowa City, Iowa.
Carrie Louise De Nise, dean of women, Grinnell College, Grinnell, Iowa.
Emily Cunningham, adviser of women, Iowa State College, Ames, Iowa.
Mrs. Eustace H. Brown, adviser of women, University of Kansas, Lawrence, Kans.
Cora Wilson Stewart, presideat Kentucky Illiteracy Commission; superintendent midnight schools, Frankfort, Ky.
Mrs. Evan S. Rees, educator, Louisville, Ky.
May Stone, director Hindman Settlement School, Hindman, Ky.
Florence Offutt Stout (Mrs. R. L.), physical director of Women, University of Kentucky, Lexington, Ky.
Ruth Huntington, director Hindman Settlement School, Hindman, Ky.
Katherine Pettit, founder Settlement School, Pine Mountain, Ky.
Mary E. Sweeny, dean agriculture, Kentucky University, Lexington, Ky.
Sarah Frances Whiting, professor emeritus physics and astronomy, Wellesley College, Wellesley, Mass.
Ellen F. Pendleton, president Wellesley College, Wellesley, Mass.
Mary E. Woolley, president Mount Holyoke College, South Hadley, Mass.
Caroline S. Davies, dean of Jackon College, Tufts College, Somerville, Mass.
Myra B. Jordon, dean of women, University of Michigan, Ann Arbor, Mich.
Annie E. Shelland, chairman Patriotic Education, St. Paul, Minn.
Maria L. Sandford, professor emeritus department of English, University of Minnesota, Minneapolis, Minn.
Amy P. Morse, professor home economics, University of Minnesota, Minneapolis, Minn.
Elizabeth H. Foss, teacher plant industry, Minneapolis, Minn.
Mary L. Benton, dean of women, Carleton College, Minneapolis, Minn.
Eva Johnston, adviser of women, University of Missouri, Columbia, Mo.
Katherine Devereaux Blake, educator and writer, New York City.
Annie F. Petty, librarian State Normal School, Greensboro, N. C.
Laura H. Coit, teacher State Normal School, Greensboro, N. C.
Mary M. Petty, teacher of State Normal School, Greensboro, N. C.
Elizabeth Kelly, director of schools for illiterates, Raleigh, N. C.
Mary Shannon Smith, department of history, Meredith College, Raleigh, N. C.
Lillian Baker Griggs, librarian, Public Library, Durham, N. C.
Ella L. Fulton, dean of women, University of North Dakota, Grand Forks, N. Dak.
Minnie J. Nielson, county superintendent of schools, Valley City, N. Dak.
Mrs. M. C. Budlong, secretary and director North Dakota Library Commission, Bismarck, N. Dak.
Laura B. Sanderson, secretary and registrar, Wesley College, University of North Dakota, Grand Forks, N. Dak.
Grace P. Tracy (Mrs. Charles Alden), member of faculty of Kimball Union Academy, Meriden, N. H.
Mrs. Kathryn McLean, associate dean, Ohio Wesleyan University, Delaware, Ohio.
Vivian B. Small, president Lake Erie College, Painesville, Ohio.
Caroline M. Breyfogle, dean of women, Ohio State University; chairman of woman's committee, council of national defense of Franklin County, Columbus, Ohio.
Elizabeth Hamilton, dean of women, Miami University, Oxford, Ohio.
Helen M. Smith, dean of women, Western Reserve, Cleveland, Ohio.
Florence M. Fitch, dean of women, Oberlin College, Oberlin, Ohio.
Miss Louden Pattee, dean of women, University of Cincinnati, Cincinnati, Ohio.
Elizabeth F. Fox, dean of women, University of Oregon, Eugene, Oreg.
M. Carey Thomas, president Bryn Mawr College, Bryn Mawr, Pa.
Anna Garlin Spencer, professor sociology and ethics, Meadville Theological School, Meadville, Pa.
Lida Shaw King, dean of women's college, Brown University, Providence, R. I.
Frances Lucas, principal Lincoln School for Girls, Providence, R. I.
Ella G. Agnew, assistant director demonstration work for girls, Blacksburg, Va.
Bessie Bacon Goodrich, principal Normal School, Johnson, Vt.
Alberta L. Beeman, vice principal high school, vice president State teachers' association, St. Albans, Vt.
Josephine Corlins Preston, superintendent public instruction, State of Washington, Olympia, Wash.
Ethel Everett, county superintendent of schools, Bellingham, Wash.
Rhoda M. White, dean of women, Washington State College, Pullman, Wash.

Mabel Graham, county superintendent of schools, Mount Vernon, Wash.
Mrs. R. A. Small, ex county superintendent of schools, Everett, Wash.
Susan Maxwell Moore, dean of women, University of West Virginia, Morgantown, W. Va.
Martha Brock, educator, Morgantown, W. Va.
Anna P. Cooper, dean of women, Beloit College, Beloit, Wis.
Carrie E. Morgan, superintendent of schools, Appleton, Wis.
Edith K. O. Clark, State superintendent public instruction, Cheyenne, Wyo.
Agnes R. Wright, State librarian, Cheyenne, Wyo.
Martha Post, assistant State librarian, Cheyenne, Wyo.

AUTHORS, EDITORS, ARTISTS, PENWOMEN.

(Mrs.) Rosa Meyers Mumma, Alabama representative League of American Pen Women, Robertdale, Ala.
Ella Polk Hubbert, Birmingham Ledger, Birmingham, Ala.
Martha B. Keller, journalist, Skagway, Alaska.
(Mrs.) Bernie Babcock, Arkansas representative League of American Pen Women, Little Rock, Ark.
Julia Ellen Rogers, author, Long Beach, Cal.
(Miss) May E. Countryman, Connecticut representative League of American Pen Women, East Hadden, Conn.
Annie A. Preston (Mrs. Charles F.), author, Willington, Conn.
(Mrs.) C. V. S. Wilson, Florida representative League of American Pen Women, Sarasota, Fla.
(Miss) Eugenia Estill, Georgia representative League of American Pen Women, Atlanta, Ga.
Mrs. Grace Tower Warren, Hawaiian representative League American Pen Women, Honolulu, Hawaii.
Julia F. Deane, managing editor the Union Signal, Evanston, Ill.
Gail Calmerton, Indiana representative League of American Pen Women, Fort Wayne, Ind.
Gene Stratton Porter, author, Geneva, Ind.
Emilie B. Stapp, Iowa representative League of American Pen Women, Des Moines, Iowa.
Margaret Hill McCarter, author, Topeka, Kans.
May Belleville Brown, author, Salina, Kans.
Alice Hegan Rice, author, Louisville, Ky.
Eleanor Talbot Kinkead Short, author, historian, Lexington, Ky.
Anna E. Raison, Kentucky representative League of American Pen Women, Newport, Ky.
Emma Abbott Gage, editor; Maryland Representative League of American Pen Women, Annapolis, Md.
Margaret Slatterly, author, Boston, Mass.
Katherine Lee Bates, writer; teacher, Wellesley, Mass.
Cora Frances Stoddard, editor, Boston, Mass.
Louise Manning Hodgins, author, Wellesley, Mass.
Lillian Whiting, author, Boston, Mass.
Alice Hering Christopher, Massachusetts representative League of American Pen Women, Boston, Mass.
Mrs. H. C. Hotaling, Minnesota representative League of American Pen Women, Minneapolis, Minn.
(Mrs.) B. T. Hobbs, journalist, Brookhaven, Miss.
(Mrs.) Ella T. Brooks, journalist, Meridian, Miss.
Mrs. Lily Arnold Frost, editor, Vandalia, Mo.
Grace Sorenson, editor; Nebraska representative League of American Pen Women, Omaha, Nebr.
Annetta J. St. Gaudens, sculptor, Windsor, N. H.
Marie F. Ryerson New Jersey representative League of American Pen Women, East Orange, N. J.
Carolyn Wells, author, Rahway, N. J.
Florence Morse Kingsley (Mrs. Charles), author, Staten Island, N. Y.
Adelia B. Beard, artist; author; formerly secretary Girl Pioneers of America, Flushing, N. Y.
Mary Mears, sculptor, New York City, N. Y.
(Mrs.) Louise Seymour Houghton, editor, New York City, N. Y.
Marietta Holley (Samantha Allen), author, Pierrepont Manor, N. Y.
Martha Foote Crow, author, New York City, N. Y.
(Mrs.) Cora Leonard, editor, Bartlesville, Okla.
(Mrs.) Alice Blackburn, author; editor, Elk City, Okla.
Jessie Willcox Smith, artist, Philadelphia, Pa.
(Mrs.) Emma Shaw Colcleaugh, editorial writer, Providence, R. I.
Sarah J. Eddy, artist, Bristol Ferry, R. I.
(Mrs.) Mary Ligon Miller, South Carolina League of American Pen Women, Trenton, S. C.
(Miss) Kate Lilly Blue, writer; vice chairman Marion Red Cross, Marion, S. C.
(Miss) Sarah Ruth Frazier, Tennessee representative League of American Pen Women; president General A. P. Stewart Chapter, United Daughters of the Confederacy, Chattanooga, Tenn.
Theodora Peck, author, Burlington, Vt.
Laura E. Brown Smith author; journalist; Washington representative League of American Pen Women, Seattle, Wash.
Zona Gale, author, Portage, Wis.
Mary A. P. Stansbury, author, Appleton, Wis.
Vivia A. B. Henderson (Mrs. Harry B.), Wyoming representative League of American Pen Women, Cheyenne, Wyo.

STATE OFFICERS' ORGANIZATIONS AND COMMITTEES.

[The signatures that follow represent the individual and not the organization.]

(Mrs.) J. Morgan Smith, president Colonial Dames of Alabama, Birmingham, Ala.
Ellen Peters Bryce, former president Colonial Dames, Tuscaloosa, Ala.
Maude McIver Roundtree (Mrs. J. A. R.), president Alabama Division, United Daughters of the Confederacy, Birmingham, Ala.
(Mrs.) Annie K. Weisel, State president Woman's Christian Temperance Union, Birmingham, Ala.
(Mrs.) Cornelia Templeton Hatcher, president Alaska Woman's Christian Temperance Union, Juneau, Alaska.
(Mrs.) Henry A. Morgan, president Arizona Federation Women's Clubs, Willcox, Ariz.
(Mrs.) George Day, president Arizona Christian Woman's Board of Missions, Phoenix, Ariz.
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Martha T. Buckham, president Vermont Woman's Board of Foreign Missions, Burlington, Vt.
Mrs. John A. Mead, president Vermont Colonial Dames of America, Rutland, Vt.
Isabel Reynolds Marsh, State regent Daughters American Revolution, Brandon, Vt.
Mrs. J. E. Weeks, State chairman woman's committee, Council of National Defense, Middlebury, Vt.
Mary B. Coan, vice president Vermont Parent-Teacher Association, Rutland, Vt.
Mrs. Henry A. Harman, president Vermont Branch National Congress of Mothers, Rutland, Vt.
Mrs. Minnie L. Pearson, State president Woman's Christian Temperance Union, Orleans, Vt.
Mrs. Martha A. Stoddard, grand matron Vermont Chapter, Order Eastern Star, Charlotte, Vt.
Nellie C. Crowley, Department Vermont Woman's Relief Corps, Rutland, Vt.
Mary D. Hickman Price, president Washington Colonial Dames of America, Seattle, Wash.
Mrs. Solon Shedd, former State president Federation of Women's Clubs, Pullman, Wash.
Mrs. Lottie P. Shotwell, president West Washington Woman's Missionary Society, Christian Church, Seattle, Wash.
Mrs. N. L. McCready, president Washington State Federation of Women's Clubs, Olympia, Wash.
Ruth Karr McKee, former State president Federation of Women's Clubs, Hoquiam, Wash.
Mrs. Carrie M. Barr, State president East Washington Woman's Christian Temperance Union, North Yakima, Wash.
Mrs. Harriet B. Dunlap, State president West Washington Woman's Christian Temperance Union, Seattle, Wash.
Mary Isabel McRae, State commander Ladies' Maccabees, Olympia, Wash.
Mrs. Kate Carlin, department president Woman's Relief Corps, Spokane, Wash.
Mary M. De Bolt (Mrs. George), State president Federation of Women's Clubs, Fairmont, W. Va.
Julia W. Buhl, president West Virginia Equal Suffrage Association, Clarksburg, W. Va.
Lenna Lowe Yost (Mrs. Ellis A.), State president Woman's Christian Temperance Union, Morgantown, W. Va.
Mrs. Kittie E. Moore, State supervising deputy Ladies of the Maccabees, West Virginia.
Mrs. D. O. Kinsman, former State president Federation Women's Clubs, Appleton, Wis.
Mrs. J. C. Thurman, president Wisconsin Woman's Board of Missions, Green Bay, Wis.
Lellie R. Harvey (Mrs. L. D.), State president Federation Women's Clubs, Menomonee, Wis.
Mrs. John Faville, president Wisconsin Woman's Home Missionary Union Congregational Church, Appleton, Wis.
Mrs. John Hume, State regent Daughters American Revolution, Milwaukee, Wis.
Mrs. W. A. Lawson, State president Woman's Christian Temperance Union, Milwaukee, Wis.
Mrs. R. A. Morton, president Wyoming Federation Women's Clubs, Cheyenne, Wyo.
Mrs. Edward Gillette, president Wyoming Colonial Dames of America, Sheridan, Wyo.
Mrs. Anna Allison, State president Woman's Christian Temperance Union, Cheyenne, Wyo.
Miss Winifred D. Stuart, deputy commissioner public lands for Wyoming, Cheyenne, Wyo.
Cornelia B. Mills, secretary State Board of Charities and Reform, Cheyenne, Wyo.
Mrs. L. B. Bush, State factory inspector, Montgomery, Ala.
Mrs. Thomas W. Palmer, wife of president Alabama School for Girls, Montevallo, Ala.
Miss Ethel Moore, vice president southern Pacific section, Association of Collegiate Alumnæ, Oakland, Cal.
Mrs. Alice Stebbins Wells, president International Association Policewomen, first policewoman, Los Angeles Cal.
Helen Wooster Peckham, Berkeley, Cal.
Mrs. William H. Crocker, San Francisco, Cal.
Mrs. Annie E. K. Bidwell, philanthropist, Chico, Cal.
Mrs. Luther Burbank, Santa Rosa, Cal.
Margaret G. Hyatt (Mrs. Edward), deputy superintendent public instruction, Sacramento, Cal.
Dr. Mary Elizabeth Bates, second vice president Medical Women's National Association; president Humane Education Society; Denver, Colo.
Mrs. Daisy Harrison Snyder, wife of president Fort Lewis School of Agriculture, Hesperus, Colo.
Clara B. Kelley (Mrs. J. H.), wife of president State Normal School, Gunnison, Colo.
Carrie Richards Lory (Mrs. Charles A.), wife of president State Agricultural College, Fort Collins, Colo.
Clara Ruth Mozzor, assistant attorney general, Denver, Colo.
Mrs. Fannie Shattuck Howe, wife of dean Denver University, Denver, Colo.
Mrs. J. G. Crabbe, wife of president State Teachers' College, Greeley, Colo.
Mrs. R. C. Newton, Woodbridge, Conn.
Mrs. A. N. Farnham, Westville, Conn.
Katharine Houghton Hepburn, member national executive committee Woman's Party, Hartford, Conn.
Mary H. Salisbury, sister of late United States Senator, Wilmington, Del.
Elizabeth Everett du Pont (Mrs. Victor), Guyencourt, Del.
Florence Bayard Hilles (Mrs. W. S.), member national executive committee Woman's Party, Wilmington, Del.
Josephine du Pont (Mrs. Victor du Pont, sr.), Wilmington, Del.
Lucy Madeira Wing (Mrs. David L.), vice president southern Atlantic section, Association of Collegiate Alumnæ, Washington, D. C.
Mrs. Cato Sells, wife of United States Commissioner Indian Affairs, Washington, D. C.
Mrs. Philander P. Claxton, wife of United States Commissioner of Education, Washington, D. C.
Mrs. Kirk Munroe, club woman, Miami, Fla.
Eloise M. Hulley, wife of president Stetson University, De Land, Fla.
Flora B. Brown, traveling teacher, Orlando, Fla.
Mrs. James L. Dickey, jr., president Catholic Altar Society, Atlanta, Ga.
Mrs. W. L. Pickard, wife of president Mercer University, Macon, Ga.
Bernie Sheffield Covington (Mrs. W. A.), Moultrie, Ga.
Mrs. Lillian Kemp Malone (Mrs. J. W.), wife of president Andrew College, Cuthbert, Ga.
Mrs. Sam P. Jones, wife of evangelist, Cartersville, Ga.
Mrs. L. G. Hardman, Commerce, Ga.
Mrs. Seaborn Wright, Rome, Ga.
Mary Harris Armor, Macon, Ga.
Mrs. H. R. Black, Lagrange, Ga.
Mrs. W. R. Stubbs, Savannah, Ga.
Mrs. Marvin McT. Parks, wife of president Georgia Normal and Industrial College, Milledgeville, Ga.
Mrs. Jere M. Pound, wife of president State Normal School, Athens, Ga.
Mrs. C. R. Jenkins, wife of president Wesleyan College, Macon, Ga.
Mrs. W. L. Hopper, Honolulu, Hawaii.
Mrs. C. B. Ross, Boise, Idaho.
Ethel W. Cunningham (Mrs. R. D.), president Evanston Political Equality League, Evanston, Ill.
Jane Addams, founder and head of Hull House, Chicago, Ill.
Frances Pride Parks, corresponding secretary National Woman's Christian Temperance Union, Evanston, Ill.
Margaret C. Munns, treasurer National Woman's Christian Temperance Union, Evanston, Ill.
Margaret Robins (Mrs. Raymond), president National Trade Woman's League, Chicago, Ill.
Grace Abbott, Hull House, Chicago, Ill.
Celia Parker Woolley, lecturer, Chicago, Ill.
Katharine Puncheon Pomeroy, treasurer National Association Collegiate Alumnæ, Chicago, Ill.
Elisabeth A. Sweets, general secretary Young Woman's Christian Association, Indianapolis, Ind.
Adelaide G. Mason (Mrs. W. N.), wife of former president Baker University, Topeka, Kans.
Mrs. G. A. Supple, president Good Government Club, Topeka, Kans.
Mrs. O. L. Moore, president The Woman's Club, Topeka, Kans.
Mrs. D. Lee Curry, Harrodsburg, Ky.
Mrs. V. O. Gilbert, wife of State superintendent of education, Frankfort, Ky.
Mrs. A. J. G. Wells, Lexington, Ky.
Mrs. W. A. Frost, wife of president Berea College, Wingo, Ky.
Mrs. Sarah E. Morse, Pineville, Ky.
Mrs. Henry L. Stone, Louisville, Ky.
Mrs. Charles A. Hardin, wife of Commonwealth attorney, Harrodsburg, Ky.
Julia Washburn, M. D., Lexington, Ky.
Mrs. Edwin P. Morrow, Somerset, Ky.
Mrs. H. V. McChesney, Frankfort, Ky.
Rebecca Gordon Averell, president Philanthropy Club, Frankfort, Ky.
Mrs. J. E. Grubbs, Winchester, Ky.
Mrs. S. M. Hubbard, Hickman, Ky.
Mrs. W. W. Tinsley, Harbourville, Ky.
Mrs. James M. Benton, Winchester, Ky.
Alice Lloyd, chairman Food Conservation Campaign, Maysville, Ky.
Mrs. Frank L. McVey, wife of president State university, Lexington, Ky.
Alice Lewis (Mrs. William), London, Ky.
Mrs. J. H. Gilliam, wife of Commonwealth attorney, Scottsville, Ky.
Mrs. Mary B. R. Day, Frankfort, Ky.

Kate M. Gordon, New Orleans, La.
Fannie R. Gordon, New Orleans, La.
Mrs. J. E. Kenny, Ruston, La.
Mrs. A. F. Storm Morgan City, La.
Mrs. A. M. Mayo, Lake Charles, La.
Helen Frye White (Mrs. W. H.), daughter of late United States Senator, Lewiston, Me.
Eunice H. Frye (Mrs. George C.), club woman, Portland, Me.
Julia D. Dow (Mrs. Frederick Neal), Portland, Me.
Harriette Gray (Mrs. Carl R.), Roland Park, Md.
Mrs. Wilfred T. Grenfell, wife of medical missionary to Labrador, Boston, Mass.
Miss Ellen M. Stone, missionary to European Turkey, Chelsea, Mass.
Laura A. C. Hughes, former national president Spanish-American War Nurses; medical inspector, department of health, Boston, Mass.
Mary Almira Smith, M. D., chairman committee, Women's Army Hospitals in Home Zone of Medical Women's National Association, Boston, Mass.
Emma B. Culbertson, M. D., Boston, Mass.
Adeline A. Davidson (Mrs. F. P.), vice president Review Club, Auburndale, Mass.
Gertrude Halladay Leonard, lecturer, Brookline, Mass.
Mrs. Austin C. Wellington, president Daughters of the American Revolution, Cambridge, Mass.
Mrs. Emory F. Chaffee, vice president Harvard Woman's Club, Belmont, Mass.
Ida Marion Chase Baker (Mrs. George Minot), president Fathers and Mothers' Club, Concord, Mass.
Maud Wood Park, lecturer; congressional chairman National American Woman Suffrage Association, Boston, Mass.
Lucia Ames Mead, lecturer, Brookline, Mass.
Rev. Ada C. Bowles, Gloucester, Mass.
Mary Hutcheson Page, president Equal Suffrage Association, Boston, Mass.
Mrs. Kenyon L. Butterfield, wife of president Massachusetts Agricultural College, Amherst, Mass.
Elizabeth L. Clark (Mrs. S. F.), vice president North Atlantic Section Association Collegiate Alumnæ, Williamstown, Mass.
Mary Thompson Stevens, M. D., Detroit, Mich.
Mrs. Truman H. Newberry, president Needlework Guild of America, Detroit, Mich.
Mrs. Samuel Dickie, wife of president Albion College, Albion, Mich.
Mary C. Barret (Mrs. Thomas), president Central District Woman's American Baptist Foreign Mission Society, Detroit, Mich.
Mrs. H. J. Van Zalingen, child welfare work, Muskegon, Mich.
Cora E. Ketcham (Mrs. John) wife of master State Grange, Hastings, Mich.
Mrs. Huntley Russell, Grand Rapids, Mich.
Margaret U. Ferguson (Mrs. C. M.), club woman, Minneapolis, Minn.
Emily H. Noyes, president St. Paul Young Women's Christian Association, St. Paul, Minn.
Grace Swift Strong (Mrs. A. W.), chairman Minneapolis Division, Public Safety Commission, Minneapolis, Minn.
Mabel W. Sprong (Mrs. C. E.), Duluth, Minn.
Mrs. George H. Patridge, Minneapolis, Minn.
Edith G. Mayo (Mrs. C. H.), wife of surgeon, Rochester, Minn.
Mrs. J. L. Washburn, club woman, Duluth, Minn.
Mrs. N. H. Winchell, Minneapolis, Minn.
Mrs. W. H. Smith, wife of president Agricultural and Mechanical College, Mississippi.
Mrs. W. H. Fraser, wife of president Belhaven College, Jackson, Miss.
Daisy McLaurin Stevens, member Naval Commission on Training Activities, Hattiesburg, Miss.
Stella C. Stimson (Mrs. S. C.), club woman, Terre Haute, Ind.
Mrs. Philip N. Moore, president National Council of Women, St. Louis, Mo.
Mary H. McLean, M. D., third vice president Medical Woman's National Association, St. Louis, Mo.
Mrs. W. H. Breland, president Woman's Presbyterian Board of Foreign Missions of the Southwest St. Louis, Mo.
Mrs. G. V. R. Mechin, president Woman's Council of St. Louis, St. Louis, Mo.
Maria M. Dean, M. D., vice president North Rocky Mountain Section Association of Collegiate Alumnæ, Alma, Mont.
Mrs. C. F. Zoller, Roundup, Mont.
Mrs. Carrie E. Armstrong, Culbertson, Mont.
Mrs. J. A. Morrow, Rivegate, Mont.
Mrs. Mary J. Wilkinson, Antrim, N. H.
Marguerite Whipple Stoddard, president Teachers' Guild, Manchester, N. H.
Grace P. Tracy (Mrs. Charles Alden), wife of principal Kimball Union Academy, Meriden, N. H.
Fanny E. Minot, past national president Woman's Relief Corps, Concord, N. H.
Mabel Nevins Adams (Mrs. Wesley), home economics committee; woman's committee, Council of National Defense, Derry, N. H.
Mrs. Olive Rand Clark, president Manchester Equal Suffrage Association, Manchester, N. H.
Mrs. Mary Packard Cass, club woman, Tilton, N. H.
Mrs. Stephen B. Harrison, club woman, Newark, N. J.
Mrs. Margaret Dye Ellis, national legislative representative, Woman's Christian Temperance Union, Newark, N. J.
Emily P. Dennis (Mrs. Laban), Orange, N. J.
Emily P. Jenkinson (Mrs. Richard C.), president Newark Young Woman's Christian Association, Newark, N. J.
Mrs. Julius Levy, Newark, N. J.
Mrs. John Francis Yawger, president New York City Federation of Women's Clubs, New York City, N. Y.
Miss Mabel Cratty, president New York City Young Women's Christian Association, New York City, N. Y.
Fanny G. Villard (Mrs. Henry), daughter William Lloyd Garrison, New York City, N. Y.
Katharine Bement Davis, chairman Parole Commission, New York City, N. Y.
Mrs. James S. Allen, corresponding secretary Woman's Board Missions, Reform Church, East Branch, N. Y.
Eliza M. Mosher, M. D., honorary president Medical Women's National Association, Brooklyn, N. Y.
Isabella Charles Davis, cofounder International Order King's Daughters and Sons, New York City N. Y.
Marion Craig Potter, M. D., chairman membership committee, Medical Women's National Association for War Service, Rochester, N. Y.
Mrs. Richard M. Colgate, New York City, N. Y.
Belle Thomas, M. D. Medical Women's National Association, New York City, N. Y.
Gertrude S. Martin, executive secretary Association Collegiate Alumnæ, Ithaca, N. Y.
Elizabeth Johnson Van Slyke, M. D., superintendent Woman's Hospital, New York City, N. Y.
Maud Ballington Booth, Volunteers of America, New York City, N. Y.
Elizabeth Bisland Wetmore, Flushing, N. Y.
Rosalie Slaughter Morton, M. D., chairman American Women's Hospitals organized by war service committee of the Medical Women's National Association; member of the general medical board of the Council of National Defense; New York City, N. Y.
Mary G. Hay, chairman New York City Woman Suffrage Party, New York City, N. Y.
Carrie Chapman Catt, New York City, N. Y.
Mrs. Stephen S. Wise, wife of Rabbi Wise, chairman child adoption committee of Free Synagogue Social Service, New York City, N. Y.
Angenette Parry, M. D., New York City, N. Y.
Martha Wollstein, M. D., chairman laboratory work committee of Medical Women's National Association, New York City, N. Y.
Georgina F. Dewey, New York City, N. Y.
Daisy H. Finley, New York City, N. Y.
De Lan Kinney, DD. S., New York City, N. Y.
Mrs. E. W. Bedell, Clinton Corners, N. Y.
Edith B. Hatch, M. D., chairman substitution in private practice committee of Medical Women's National Association, Buffalo, N. Y.
Mrs. William L. Poteat, wife of president Wake Forest College, Wake Forest, N. C.
Mrs. F. P. Hobgood, wife of president Oxford College, Oxford, N. C.
Mrs. C. P. Blalock, teacher, Raleigh, N. C.
Sally S. Kirby, president Charity Organization Society, Goldsboro, N. C.
Mrs. R. M. Pollock, chairman press committee North Dakota Federation of Women's Clubs, Fargo, N. Dak.
Minnie B. Featherstone (Mrs. J. E.), president Tuesday Club, Valley City, N. Dak.
Mrs. W. J. Kneeshaw, wife of district judge, Pembina, N. Dak.
Mrs. J. A. Coffey, wife of judge district court, Jamestown, N. Dak.
Mrs. Charles Malcolm Cooley, wife of judge, Grand Forks, N. Dak.
Eleanora S. Evarhard M. D., chairman committee care of soldiers' dependents Medical Woman's National Association, Dayton, Ohio.
Mrs. G. B. Hester, temperance missionary, Muskogee, Okla.
Mrs. Lillah D. Lindsey, secretary and treasurer Tulsa County Council National Defense, Tulsa, Okla.
Mrs. Booth Tarkington, wife of author, Indianapolis, Ind.
Evalyn C. Lovejoy (Mrs. Owen R.), New York City, N. Y.
Miss Laura Clay, Lexington, Ky.
Mrs. Charles L. Houston, Coatsville, Pa.
Caroline McDowell (Mrs. J. C.), chairman of temperance bureau of Woman's Home Missionary Society of Methodist Episcopal Church, Pittsburgh, Pa.
Rosamond K. Bender, secretary the Needlework Guild of America, Philadelphia, Pa.
Mrs. Samuel Semple, member of industrial board Pennsylvania Department of Labor and Industry, Titusville, Pa.
Carrie H. Smith (Mrs. Howard Wayne), president Atlantic District Woman's American Baptist Foreign Missionary Society, Philadelphia, Pa.
Mrs. J. D. O'Neil, wife of commissioner of highways, McKeesport, Pa.
Anna Jarvis, founder of Mothers' Day, Philadelphia, Pa.
Margaret E. Hodge, former president Woman's Foreign Missionary Society Presbyterian Church, Philadelphia, Pa.
Eliza G. Chase (Mrs. Arnold H.), Providence, R. I.
Maude Howe Elliott, daughter of Julia Ward Howe, Acquidneck, R. I.
Helen C. Putnam, M. D., former president American Academy of Medicine, Providence, R. I.
Alice B. Ham (Mrs. Livingston), Providence, R. I.
Mrs. Henry Fletcher, wife of former mayor of Providence, Providence, R. I.
Mrs. W. H. P. Faunce, wife of president Brown University, Providence, R. I.
Ingeborg Kindstedt, suffrage lecturer, Providence, R. I.
Ada Wing Mead, state chairman food conservation committee woman's division Council of National Defense, Providence, R. I.
Ellen A. Stone, M. D., city school physician, Providence, R. I.
Edith Weir Perry (Mrs. James De Wolf), wife of Episcopal bishop, Providence, R. I.
Mrs. Trisham Tupper Hyde, wife of mayor of Charleston, Charleston, S. C.
Lucie Barrow Gonzales, Columbia, S. C.
Mrs. W. G. Bickelhaupt, Aberdeen, S. Dak.
Mrs. May P. King, St. Lawrence, S. Dak.
Elizabeth Kane, M. D., first vice president Medical Woman's National Association, Memphis, Tenn.
Eunice Pitts Yost (Mrs. Pickling H.), wife football coach, University of Michigan, Nashville, Tenn.
Mrs. John M. Hanna, chairman Southwestern Field Committee Young Woman's Christian Association, Dallas, Tex.
Mrs. John G. Willacy, San Antonio Tex.
Mrs. Cone Johnson, Tyler, Tex.
Mrs. A. V. Lane, vice president general National Society Daughters American Revolution, Dallas, Tex.
Kate Waller Barrett, president National Florence Crittenton Mission, Alexandria, Va.
Mrs. Henry Louis Smith, wife of president Washington and Lee University, Lexington, Va.
Mrs. E. H. White, Leesburg, Va.
Grace W. Sherwood, M. D., St. Albans, Vt.
Mrs. Guy Potter Benton, wife of president University of Vermont, Burlington, Vt.
Mrs. Frances C. Axtell, vice chairman United States Employers' Compensation Commission, Bellingham, Wash.
Maud M. Gill (Mrs. Hiram C.), wife of mayor Seattle, Seattle, Wash.
Mrs. J. W. Bryan, Seattle, Wash.
Mrs. George F. Cotterill, wife of former mayor Seattle, Olympia, Wash.
Genevieve S. Blethen, Seattle, Wash.
Laura Whipple Carr (Mrs. Alvah L.), vice president Southern Pacific Association Collegiate Alumnæ, Seattle, Wash.

Mrs. Corwin S. Shank, president Columbia River District Woman's American Baptist Foreign Missionary Society, Seattle, Wash.

Harriet B. Jones, M. D., Glendale, W. Va.

Mrs. R. L. Hutchinson, director general Federation Women's Clubs, Huntington, W. Va.

Rev. Olympia Brown, national president Federal Suffrage Association, Racine, Wis.

Mrs. A. P. Nelson, wife of president Wisconsin University, Grantsburg, Wis.

Mrs. Edward Dwight Eaton, wife of president Beloit College, Beloit, Wis.

Mrs. Donald D. MacLaurin, president Northwestern District Woman's Baptist Foreign Missionary Society, Madison, Wis.

WASHINGTON, D. C., *March 1, 1918.*

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Headed by the name of Mrs. Frances F. Cleveland Preston, a notable petition representing nearly 6,000,000 women was presented to the President to-day, urging that the production of malt liquors in the United States be stopped in the interest of the conservation of foodstuffs. The petition states that the grain being used in the brewing of beer and ale and other malt beverages in America is enough to make more than 4,000,000 loaves of bread daily. It also states that the women of America ask that this great saving be made by a proclamation of the President.

The petition contains the official signatures of 28 presidents of national organizations, representing 5,917,976 women. Among these signatures are to be found the names of Mrs. Josiah Evans Cowles, president General Federation of Women's Clubs; Mrs. George Thacher Guernsey, president general Daughters American Revolution; Mrs. H. K. Schoff, president National Congress of Mothers and Parent-Teacher Association; Mrs. Robert E. Speer, president of the Young Women's Christian Association of America; Myra Kingman Miller, President National Federation of College Women; Anna A. Gordon, president National Woman's Christian Temperance Union.

In addition to this official group there are individual signatures of almost a thousand noted women of America. Among the signers are many wives of United States Senators and Representatives, wives of governors and former governors, women members of State legislatures, and Miss JEANNETTE RANKIN, of Montana, the woman Member of the National Congress.

Among the educators who have signed the petition are Mrs. C. C. Bradford, president National Education Association; Ella Flagg Young; Julia C. Lathrop; Mary E. Wooley, president Mount Holyoke College; Ella F. Pendleton, president Wellesley College; M. Carey Thomas, president Bryn Mawr College; and the dean of women of many of the largest colleges in America.

With the individual group of petitioners are presidents and chairmen of State organizations, such as Colonial Dames, Daughters American Revolution, Woman's Christian Temperance Union, Red Cross societies, Florence Crittenton missions, missionary societies of all denominations, equal-suffrage associations, Federation Women's Clubs, woman's committees Council National Defense, Dames of Loyal Legion, Woman's Liberty Loan Committee, Woman's Relief Corps, National League for Women's Service, Federation Music Clubs, war work councils, Order Eastern Star, Mother's Congress and parent-teacher associations, Juvenile Protective Association, State boards charities and corrections, Sunshine Society, Good Government Leagues, Royal Neighbors, Anti Suffrage Association, Ladies' of the Grand Army of the Republic, Graduate Nurses' Association, Home Makers' Associations, Child Welfare Leagues, International Order King's Daughters and Sons, Ladies of the Maccabees, consumers' leagues, humane education societies, woman's party, Catholic altar societies, medical women's associations, associations collegiate alumnæ, needlework guilds, woman's farm and garden associations, neighbors leagues; Rebekah assemblies, Pythian Sisters, playground associations, Council Jewish Women, United Daughters Confederacy, women's bank associations.

There are the signatures of women State officials in suffrage States—deputy commissioners public lands, members labor commissions, State factory inspectors, deputy superintendents public instruction, chairmen State public safety commissions, and assistant attorneys general.

Standing out conspicuously are the signatures of women of national reputation—Jane Addams, Hull House; Mrs. Raymond Robins; Laura Clay; Kate M. Gordon; Jean Gordon; Mrs. Truman H. Newberry; Daisy McLaurin Stevens, member Naval Commission on Training Activities; Maud Ballington Booth; Mrs. Frances C. Axtell, vice chairman United States Employees' Compensation Commission; Alice Stebbins Wells, president International Association of Policewomen; Katherine Bement Davis; Anna Jarvis, founder Mother's Day; Kate Waller Barrett; Helen Ring Robinson; Mrs. John A. Logan.

Of wives of prominent men in America, Mrs. Philander P. Claxton, Mrs. William J. Bryan, Mrs. Wilfred T. Grenfell, Mrs. Stephen S. Wise, Mrs. Booth Tarkington, Mrs. Owen Lovejoy, Mrs. Luther Burbank, and wives of United States Senators and Representatives, of governors, of members State supreme courts, attorneys general, State senators and representatives, State auditors, commissioners labor, secretaries state.

Among the petitioners are authors, editors, artists penwomen, doctors, lawyers. From almost every State in the Union are the signatures of journalists. Conspicuous are the names of the authors, Alice Hegan Rice, Gene Stratton Porter, Marietta Holley; of artists and illustrators, Mary Mears, Jessie Wilcox Smith, and Annetta St. Gaudens.

It is a "win-the-war" appeal from women who are responding to all conservation requests of the United States Government.

The PRESIDING OFFICER. The question is on the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 81, line 24, after the words "general expenses," to strike out "$961,705" and insert "$1,011,705," so as to make the clause read:

In all, for general expenses, $1,011,705.

The amendment was agreed to.

The next amendment was, on page 82, line 24, after the words "Bureau of Markets," to strike out "$1,973,255" and insert "$2,023,255," so as to make the clause read:

Total for Bureau of Markets, $2,023,255.

The amendment was agreed to.

The next amendment was, on page 82, after line 24, to insert:

In the performance of the duties required of the Bureau of Markets in the administration or enforcement of provisions of acts (United States cotton-futures act, 39 Stat. L., 476; United States grain standards act, 39 Stat. L., 482; United States warehouse act, 39 Stat. L., 486; standard container act, 39 Stat. L., 673; and the acts making annual appropriations for the Department of Agriculture) relating to the Department of Agriculture, the Secretary of Agriculture, or any representative authorized by him for the purpose, shall have power to administer oaths, examine witnesses, and call for the production of books and papers during the fiscal year ending June 30, 1919.

The amendment was agreed to.

The next amendment was, on page 85, line 26, after the words "ordinary work," to strike out "$25,195,173" and insert "$25,500,333," so as to make the clause read:

Total, Department of Agriculture, for routine and ordinary work, $25,500,333.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 91, line 6, after the word "distribution," to strike out "$400,000," and insert "$700,000," so as to make the clause read:

To conduct surveys and inspections in Texas or in any other State to detect any infestation and to conduct such control measures, including the establishment of cotton-free areas, in cooperation with the State of Texas or other States concerned, as may be necessary to stamp out such infestation, to establish in cooperation with the States concerned a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico, and to cooperate with the Mexican Government or local Mexican authorities, or otherwise, by undertaking in Mexico such measures for the extermination of the pink bollworm of cotton as shall be determined to be practicable from surveys showing its distribution, $700,000: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of crops or other property injured or destroyed.

Mr. GALLINGER. Mr. President, I ask that the entire provision relating to the comparatively new pest called the pink bollworm be read, commencing in line 23, page 89.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Eradication of pink bollworm: To enable the Secretary of Agriculture to meet the emergency caused by the existence of the pink bollworm of cotton in Mexico, and to prevent the establishment of such insect in the United States by the employment of all means necessary, including rent outside of the District of Columbia and the employment of persons and means in the city of Washington and elsewhere, as follows:

To prevent the movement of cotton and cotton seed from Mexico into the United States, including the regulation of the entry into the United States of railway cars and other vehicles, and freight, express, baggage, or other materials from Mexico, and the inspection, cleaning, and disinfection thereof, $50,000;

To make surveys to determine the actual distribution of the pink bollworm in Mexico and to exterminate local infestations in Mexico near the border of the United States, in cooperation with the Mexican Government or local Mexican authorities, $25,000;

To investigate in Mexico or elsewhere the pink bollworm as a basis for control measures, $25,000;

To conduct surveys and inspections in Texas or in any other State to detect any infestation and to conduct such control measures, including the establishment of cotton-free areas, in cooperation with the State of Texas or other States concerned, as may be necessary to stamp out such infestation, to establish in cooperation with the States concerned a zone or zones free from cotton culture on or near the border of any State or States adjacent to Mexico, and to cooperate with the Mexican Government or local Mexican authorities, or otherwise, by undertaking in Mexico such measures for the extermination of the pink bollworm of cotton as shall be determined to be practicable from surveys showing its distribution, $400,000: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of crops or other property injured or destroyed.

Mr. GALLINGER. Mr. President, I want to ask the Senator in charge of the bill what the appropriation was last year for the eradication of this pest called the pink bollworm?

Mr. GORE. Mr. President, I will say to the Senator that there was no appropriation under this item last year. It is a new pest that has been introduced, I believe, into Mexico and comes to the United States from Mexico.

Mr. GALLINGER. Is the Senator quite sure that there was no appropriation last year? There surely was at some time an appropriation.

Mr. VARDAMAN. That was for the boll weevil.

Mr. GORE. I fear the Senator has confused this with the Mexican boll weevil.

Mr. GALLINGER. Not at all. I know all about that appropriation; but I am very sure that last year the question was up as to this new pest, called the pink bollworm.

Mr. GORE. There was an item in regard to it in the urgent deficiency bill, not in the Agriculture appropriation bill.

Mr. GALLINGER. Yes; that is it. Can the Senator state the amount?

Mr. GORE. Two hundred and fifty thousand dollars.

Mr. GALLINGER. We have made quite a jump in this matter. It is taking a wide range now. There are several paragraphs relating to it—one of $50,000, another of $25,000, another of $25,000, and another of $700,000. It seems to me that we are traveling at rather a rapid rate, a most extraordinary rate, concerning this new pest.

Mr. GORE. Mr. President, I will say to the Senator that the appropriation is based on the theory that it is better to prevent the spread of this pest than to wait until it has spread and then try to eradicate it. It has lately come over from Mexico. It is the most deadly and destructive pest which has yet attacked the cotton plant; and in this case we have raised the appropriation to the amount estimated by the department. They estimated $800,000.

Mr. GALLINGER. Can the Senator tell the Senate how extensive this pest is, so far as our own territory is concerned?

Mr. GORE. I think not very extensive at this time. I have here a letter from the department that I will have read to the Senate, and also a suggested amendment to this provision.

Mr. GALLINGER. I will say to the Senator that I thought, from the reading of the text, that this was rather a preventive measure.

Mr. GORE. It is; yes, sir.

Mr. GALLINGER. They are going to arrest it at the Mexican border and keep it on Mexican territory.

Mr. GORE. That is so.

Mr. GALLINGER. I wish we might do that, because I think it is a good thing to keep those pests on Mexican soil rather than on the soil of the United States.

Mr. GORE. Yes; and they have no troubles down there. We have enough of our own already.

Mr. GALLINGER. Well, they have some, I think, in Mexico at the present time.

Mr. GORE. I believe Abe Martin said he would rather be wrong than be President of Mexico.

Mr. GALLINGER. Does the Senator desire to have that letter read? I am interested in this matter, but I will not ask for it.

Mr. GORE. Then I will not inflict it on the Senate.

Mr. VARDAMAN. Mr. President, if the Senator will permit me, I will state that even as far away from the Mexican line as Mississippi the cotton planters are very much exercised over the appearance of this pest. Recently a convention of the planters of the entire State was held at the capital, and it was stated that the pest really menaces the entire cotton industry of the South if it is not stopped.

Mr. GALLINGER. Mr. President, I was rather startled by recalling the fact that we had made a small appropriation for this purpose—I had forgotten what appropriation bill it was in, but my memory is refreshed by the suggestion of the Senator from Oklahoma that it was $250,000—and now $800,000 is asked; and yet the bug is not yet on the territory of the United States to any considerable extent.

Mr. GORE. I think it is in Texas to some extent.

Mr. GALLINGER. To some extent?

Mr. GORE. Yes, sir; in Texas.

Mr. VARDAMAN. It is in several States.

Mr. GALLINGER. I presume we have got to try to exterminate this insect if we can. I am much interested in the development of the cotton industry, which seems to be doing mighty well in these days, when cotton is selling at $180 a bale.

Mr. GORE. No; about $150 to $170. Including the seed, it would be more, however.

Mr. GALLINGER. Yes; about $180 a bale. But however that may be, Mr. President, we want to protect that great crop. It is very essential to our own welfare and to the conduct of the war. I have sometimes thought it ought to be taxed; but that, I presume, we will never accomplish, and perhaps we ought not. I am not so sure on that point. But the rapid increase in these appropriations attracted my attention, and I wanted to ask this question. If this insect is as deadly as is suggested to the culture of cotton, of course this will be a wise appropriation, provided we can halt its progress into the cotton States; but it was so great a jump from the appropriation of last year to this proposed appropriation that I wanted some information about it.

The truth is, it seems to have become rather an industry to hunt up some insect that is going to attack an agricultural crop. Somebody said to me that the sweet potatoes are in danger. I do not know how that is. It has been suggested to me that we ought to look after some insect that threatens that crop; and I shall be very sorry if that crop is in danger or in danger of being destroyed.

I am satisfied with this matter so far as the answer concerning it is concerned, and shall make no objection to it, beyond expressing the hope that we may not be met by a proposed appropriation of $1,000,000 next year; and I trust they will be able to stop the ravages of that pink insect at the Rio Grande. That is where it ought to be. It ought to be relegated to Mexican soil, and kept there, rather than to come into Texas or any other State of the Union.

Mr. GORE. Mr. President, I entirely coincide with the Senator, in the hope that we can stay this invader at the border. I now send to the desk an amendment suggested by the department to the amendment which has just been read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 90, at the end of line 11, it is proposed to insert——

The PRESIDING OFFICER. The Chair will say to the Senator from Oklahoma that that will be an amendment to the bill and not an amendment to this amendment. The question is on the adoption of the amendment to strike out "$400,000" and insert "$700,000." This has not any relevancy to that amendment.

Mr. GORE. Yes; it does not refer to the amendment, but to the bill.

Mr. WADSWORTH. Mr. President, before the committee amendment is adopted I want to ask the chairman of the committee, or some Senator from one of the cotton States, to state, in a few words, if possible, the results thus far accomplished under the appropriations which have been made by Congress for several years in the attempt to eradicate the boll weevil. What has been done with an average of $600,000 per year?

Mr. GORE. Mr. President, I will say that the Government has not been able to eradicate the weevil, but on account of the weevil the production of cotton was reduced. I understand, as much as 75 per cent in some portions of the great cotton belt of Texas. In Louisiana and in Mississippi there was a corresponding reduction when the pest first made its appearance in that region, but the department has succeeded, by cooperative methods with farmers, in restoring the production of cotton to the old level by improved cultural methods and ways and means of circumventing the weevil and counteracting its effects, but not in the way of direct extermination of the weevil itself.

Mr. WADSWORTH. Is it the opinion of the Senator that it is necessary to continue to appropriate this sum indefinitely in order to circumvent the weevil?

Mr. GORE. I think for the present it is, because the weevil has not extended itself over the entire cotton country, but is extending its invasion eastward all the while, and it is necessary to institute these ways and means wherever it does make its advance; and until that is done I presume the necessity will continue. I imagine that the Senator from Texas [Mr. SHEPPARD] or the Senator from Mississippi [Mr. VARDAMAN] could give some statistics as to the actual losses from the appearance of the weevil in those two States. They have been enormous.

Mr. WADSWORTH. Of course I realize that the losses have been very, very severe, but I think it can be contended that after this series of years we should have some report as to progress.

Mr. GORE. I think I might, however, express the opinion that this appropriation will not disappear.

Mr. WADSWORTH. I never knew one that did, Mr. President.

Mr. GORE. That is too true; but I will say to the Senator that it is connected in a way with the general demonstration work and the improvement of agriculture generally; and the appropriations were growing so large, and the benefits were so great and were so well recognized, that Senators from other sections insisted that corresponding appropriations be made to carry forward the same sort of work in their States, notwithstanding they were not cotton-growing States. That has been done. Demonstration agents all over the country have grown out of that; and I think the appropriations for other sections outside of the cotton States amounted to something more than $400,000 a year or two ago, and I think they are above that now. So it has come to be a permanent part of our agricultural education, and to some extent in the cotton States this is really a misnomer.

Mr. WADSWORTH. That is just what I was driving at. Is not this a misnomer?

Mr. GORE. Yes; it is. It was born of this necessity, but its name has never been changed; and the service has been extended, I think, to the entire country. There are 2,800 counties in the United States. I think that 2,100 counties now have agents corresponding to those who were evolved in the Southern States to meet this situation; and they are being rapidly extended to all the counties.

Mr. WADSWORTH. Mr. President, I do not desire to be overinquisitive. I have had a fleeting idea that this boll-weevil appropriation was, in fact, not alone an appropriation for stamping out the boll weevil; that it was an appropriation to extend the farm-agent system throughout the counties. Now, I am in entire sympathy with the extension of that system; and I

remember also, as the Senator has already reminded the Senate, that when these great appropriations were first commenced another section of the country said: "We must have our share."

Mr. GORE. Yes, sir.

Mr. WADSWORTH. So they promptly got their share.

Mr. GORE. They did; yes, sir.

Mr. WADSWORTH. And it has been going on ever since. One part of the country calls it the farm county agents' work and another part of the country says: "We are chasing the boll weevil with it."

Mr. GORE. That is the state of facts.

Mr. WADSWORTH. Very well. I am glad to have it cleared up.

Mr. GORE. I will say to the Senator that the Government has never professed to be able to eradicate the boll weevil. It has discovered no ways and means of combating the weevil so as to exterminate the insect itself; but it has so countervailed its ravages as to restore the production of cotton to normal, even where the weevil was most riotous where it first made its appearance.

Mr. WADSWORTH. I venture the hope that the pink boll weevil will not give rise to a pink-colored farm agent.

Mr. GORE. If so, then there will probably be a pink invader of some sort in all sections of the country. I will say that this appropriation, I think, has been abundantly rewarded, not only in the Southern States but in other States, although agriculture was perhaps more scientific in other sections than in the South; but it has been serviceable even in those States, and abundantly so in the Southern States.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Washington?

Mr. GORE. I yield.

Mr. JONES of Washington. I wanted to ask the Senator about the character of this pink boll weevil and what damage it does.

Mr. GORE. Mr. President, I shall have to have read the letter of the department to which I referred a few moments ago.

Mr. JONES of Washington. Can not the Senator state the matter just briefly?

Mr. GORE. It destroys the fruit entirely. It even destroys the seed, so that it will not reproduce.

Mr. JONES of Washington. To what extent has it gotten into our territory?

Mr. GORE. I think only to a limited extent, and only in the State of Texas, as I am informed.

Mr. JONES of Washington. And it is hoped, by this appropriation and under this appropriation, to devise ways and means, in conjunction with the Mexican authorities, to keep it out of our territory, at least?

Mr. GORE. That is the point exactly; yes, sir—to eradicate where it has already made its appearance, and so to inspect and disinfect cars coming over as to prevent its introduction in the future.

Mr. JONES of Washington. How is it propagated? That is, I mean, how does it get into this country from Mexico?

Mr. GORE. It is supposed to have come in in cars in which cotton seed has been shipped from Mexico.

Mr. JONES of Washington. It comes in with the seed?

Mr. GORE. Yes, sir; or it comes in cars which have been used for the shipment of seed.

Mr. JONES of Washington. Have we been inspecting these cars during the last year, and have we tried to prevent its being brought in?

Mr. GORE. I do not know to what extent that has been done. I assume so, and I assume also that the letter explains the matter fully. I had not expected to reach this item this afternoon. Consequently I am not familiar with the contents of the letter.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Colorado?

Mr. GORE. I yield.

Mr. THOMAS. I merely wish to express my surprise to the Senator from New York that he should be surprised to discover in this bill an appropriation of this nature. We have a number of appropriations called revolving appropriations. They are so called because they never revolve; they only jam.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma now proposes an amendment, following line 9, on page 91, which will be stated by the Secretary.

The SECRETARY. It is proposed to insert, on page 91, after line 9:

Any moneys hereafter received by the United States in payment of charges fixed by the Secretary of Agriculture on account of such cleaning and disinfection at plants constructed therefor out of any appropriation made on account of the pink bollworm are hereby appropriated and made immediately available during the continuance of such emergency, in the discretion of the Secretary, for expenditures necessary to prevent the movement of cotton and cotton seed from Mexico into the United States and the establishment of the pink bollworm in the United States.

Mr. SMOOT. Mr. President, do I understand that this is a committee amendment?

Mr. GORE. No, sir. The committee did not report it. It was sent up by the department since the bill was reported.

Mr. SMOOT. Did the Senator having the bill in charge offer this amendment?

Mr. GORE. Yes, sir.

Mr. SMOOT. Let it be stated again, Mr. President.

The PRESIDING OFFICER. The amendment will be stated again.

The Secretary again stated the amendment.

Mr. SMOOT. Mr. President, that may be necessary; but I want to call the Senator's attention to the fact that that is reviving a practice that grew to such an extent that we were compelled to stop it by legislation, and to provide that all moneys received from all sources should go into the Treasury of the United States, and all moneys to be appropriated should be carried in a regular appropriation bill for any expense that the Government desired to undertake. I do not believe that the Senator having the bill in charge can say how much money will come from these charges. Was there any information on that subject before the committee?

Mr. GORE. I have no estimate on that subject, Mr. President. I will say, while I am interrupting the Senator, that I think the principle he lays down is a sound one, generally speaking.

Mr. SMOOT. There is not any doubt about its being a sound principle. If I wanted to take the time of the Senate this afternoon, I could rehearse here dozens of cases where it has been abused in the most flagrant manner; and as far as I am concerned, I believe that every single cent that is collected from any source by the agencies of the Government of the United States ought to go into the Treasury of the United States, and not a dollar of it ought to come out of the Treasury of the United States unless it is appropriated directly for the purposes named.

Mr. GORE. The Senator will remember, however, that we created a revolving fund of $150,000,000 under the food-control act.

Mr. SMOOT. Well, we have done so many things during the past year that can not be defended that I do not want to take time now even to undertake to defend that kind of legislation.

Mr. GORE. No; I do not cite that as justification for this practice.

Mr. SMOOT. I should very much prefer that whatever charges are imposed by the Secretary of Agriculture for the cleaning under this paragraph shall go in the regular channels. Then, if an additional appropriation is wanted by him for this purpose, let him come to Congress and ask for the appropriation, and I have no doubt that it will be granted.

I hope the amendment will be rejected.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oklahoma [Mr. GORE]. [Putting the question.] By the sound the ayes seem to have it.

Mr. SMOOT and Mr. WADSWORTH called for a division.

The PRESIDING OFFICER. A division is called for.

Mr. GALLINGER. I suggest that the question be stated again.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma [Mr. GORE] and read by the Secretary.

On a division, the amendment was rejected.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Jones, N. Mex.	Ransdell	Sutherland
Brandegee	Jones, Wash.	Reed	Swanson
Culberson	McCumber	Robinson	Thomas
Curtis	McNary	Sanisbury	Thompson
Frances	Martin	Shafroth	Trammell
Gallinger	Myers	Sheppard	Vardaman
Gerry	New	Smith, Ga.	Wadsworth
Gore	Norris	Smith, Md.	Warren
Gronna	Overman	Smith, Mich.	Williams
Henderson	Page	Smoot	

Mr. CURTIS. I desire to announce the absence of the senior Senator from Maine [Mr. FERNALD] and the junior Senator from Maine [Mr. HALE] on official business. I will let this announcement stand for the balance of the afternoon.

Mr. ROBINSON. The junior Senator from South Carolina [Mr. SMITH], the senior Senator from Ohio [Mr. POMERENE], and the junior Senator from Michigan [Mr. TOWNSEND] are absent from the Senate Chamber on business of the Senate.

Mr. SUTHERLAND. I announce the absence of my colleague [Mr. GOFF] on account of illness.

Mr. CURTIS. I have been requested to announce the absence of the Senator from Minnesota [Mr. KELLOGG] and the Senator from New Jersey [Mr. FRELINGHUYSEN] on official business, and the unavoidable absence of the Senator from New York [Mr. CALDER].

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of absent Senators, and Mr. COLT, Mr. HARDWICK, Mr. KING, Mr. LODGE, Mr. SMITH of South Carolina, Mr. TILLMAN, Mr. UNDERWOOD, and Mr. WOLCOTT answered to their names when called.

Mr. FLETCHER, Mr. KENDRICK, Mr. POMERENE, Mr. POINDEXTER, Mr. TOWNSEND, Mr. JOHNSON of California, Mr. JOHNSON of South Dakota, and Mr. NUGENT entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. There is a quorum present. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill at line 10, page 91, and read as follows:

No part of any amount herein appropriated shall be used to pay salaries or for personal services in any department, bureau, or office in the District of Columbia which does not, subject to the provisions and exceptions of section 7 of the legislative, executive, and judicial appropriation act, approved March 15, 1898, require eight hours of labor each day.

Mr. SHEPPARD. I move to strike out lines 10 to 16, which have just been read.

Mr. GORE. I ask that that amendment may go over.

Mr. SHEPPARD. I understand the bill is being read merely for action upon the amendments of the committee at the present time.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. SHEPPARD. Was there a unanimous-consent agreement to that effect?

The PRESIDING OFFICER. There was.

Mr. SHEPPARD. Then I am willing to have the matter passed over for the present.

The PRESIDING OFFICER. It will be passed over.

Mr. BORAH. I desire to ask the chairman of the committee if he expects to dispose of the bill this evening?

Mr. GORE. I do not expect to dispose of the bill this afternoon.

Mr. BORAH. I will state the reason why I asked the question. I do not object to having the amendment offered by the Senator from Texas go over, but I do not want to remain here this afternoon, if I can help it, waiting for it if it is not coming up.

Mr. GORE. My impression is that it will not come up this afternoon. I apprehend that it will involve a good deal of discussion. There are other items that will not take much time, and I prefer to dispose of those first. I think the Senator will be safe in going away.

The next amendment of the Committee on Agriculture and Forestry was, on page 91, after line 16, to insert the following:

That any moneys heretofore or hereafter received by the United States for or in connection with the disposition of nitrate of soda pursuant to section 27 of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917 (Public, No. 41, 65th Cong.), are hereby appropriated and made immediately available as a revolving fund to be used at the discretion of the President for further carrying out the purposes of said section and extending its operation throughout the period of the existing war as ascertained and proclaimed in accordance with section 24 of said act: *Provided*, That nothing herein shall be construed as prohibiting the sale or disposal of any nitrates remaining on hand at the time of, or contracted for previous to, such termination.

Mr. SMOOT. The same objection could be urged against this amendment that is urged against the paragraph beginning after the word "destroyed," in line 9 on page 91. This, however, is an emergency matter and it refers particularly to the question of securing a product that is absolutely necessary during the continuation of this war. For that purpose, and that only, I shall not object to its adoption, but the principle of it, as I stated before, is absolutely wrong.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 92, after line 9, to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, to be used and expended by the Secretary of Agriculture as herein provided in offering and awarding prizes and premiums for the encouragement of the growing of staple foodstuffs on the farms throughout the country. The money appropriated by this paragraph shall be apportioned among the several States in accordance with the value of the farm products as shown by the last Federal census, and shall be expended under rules and regulations to be prescribed by the Secretary of Agriculture.

Mr. THOMAS. Mr. President——

Mr. GORE. I desire to offer a substitute for this amendment.

The PRESIDING OFICER. Does the Senator from Colorado yield?

Mr. THOMAS. I should like to inquire of the Senator having charge of the bill whether there is a sum of $250,000 in the Treasury not otherwise appropriated?

Mr. GORE. We expect to issue Liberty bonds to the amount of $3,600,000,000. I do not think it is all appropriated.

Mr. THOMAS. If there is that amount in the Treasury, it is blessed news to the country.

Mr. SMOOT. I wish to say to the Senator from Oklahoma that I think he is rather mistaken when he says it has not all been appropriated. It has already been appropriated.

Mr. GORE. I believe it has a time or two over.

Mr. HARDWICK. If the money is not there, they can not get it.

Mr. GORE. I thank the Senator for that suggestion. That is the only thing that will stand them off, I think.

Mr. GALLINGER. The Senator offers a substitute?

Mr. GORE. I do.

Mr. GALLINGER. I understand from reading the section that we are going to engage in giving prizes.

Mr. GORE. The substitute relates to another paragraph.

Mr. GALLINGER. We used to give chromos and now we are going to give money, I suppose, for certain experiments in agriculture.

Mr. THOMAS. Only in case the money is not otherwise appropriated. I do not think there is any danger of doing that.

Mr. GALLINGER. We may get some money in the Treasury——

Mr. OVERMAN. After the war is over.

Mr. GALLINGER. Before the war is over; after the taxes which are becoming due are collected. Then we may have money.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. GORE. I yield if I have the floor.

Mr. REED. Mr. President, it is very entertaining to hear the plaintive wailing begin the minute it is proposed to appropriate a little money to the farmers of this country. I did not hear any of it the other day when it was proposed to give the railroads very favorable terms for the period of the war.

Mr. THOMAS. Will the Senator allow an interruption?

Mr. REED. As soon as I conclude the sentence. What we have been doing to the farmer up to this time is to take his market away from him, fix his prices, upset all his calculations, and leave him at the mercy of abnormal conditions made worse by the abnormal acts of some abnormal men. That goes without challenge, and when it is proposed to give a little money to help the agriculturist it arouses a great deal of comment.

But a few days ago, as I looked over the floor of this Chamber, it seemed to me that there was about the same enthusiasm in trying to take care of the railroads handsomely that you would find among the aspirants for a premium among a lot of bread makers at a country fair. Everybody was there to do his best. Now, I hope that even if there is no money otherwise appropriated from the Treasury we will not begin cutting down the farmer. Whether there is any money otherwise appropriated now or not, there will be plenty of money appropriated in this Chamber within the next 30 days, plenty of thousands of dollars, plenty of millions of dollars, and probably plenty of thousands of millions of dollars, and it will then be done in the high name of patriotism, and whoever dares hold out an arresting hand or raise a questioning voice will be classed as an enemy of his country. But when it is proposed to spend a few dollars with the farmer that may help to make better crops, produce more food for the world, it at once becomes the object of scorn and contemptuous remark.

I hope the bill will not be treated in that form.

Mr. THOMAS. Mr. President, the Senator from Missouri will recall that so far as I am concerned——

Mr. REED. Evidently, I did not mean my remarks to apply at all to the Senator from Colorado. I was referring to the general situation.

Mr. THOMAS. Of course I accept the Senator's explanation, but his remarks were of so sweeping a character that it called for a statement from myself.

Let me say, while I have the floor, that it is my intention to vote for every appropriation which I think is absolutely necessary for the prosecution of the war or for the proper conduct of the Government's business. My objection to many of the items of this bill is not a new one. I have opposed them in past years because I have felt that they were not essential.

I made the remark before the Senator from Missouri came in that I had become so accustomed to see every appropriation to which I objected pass the Senate that I was becoming somewhat discouraged. I have no doubt that my attempt in this regard will be another instance of love's labor lost. I am not objecting to any of these items because this is an agricultural bill any more than I objected to the very large rewards that were recently awarded to the railroads because the bill affected the railroads. In each instance my criticisms have been designed to center attention upon conditions which, in my judgment, in the one case did not warrant so high a return, and which in this case do not seem to be now essential, when of all times we should be frugal.

Mr. GALLINGER. I ask that the proposed amendment be read again.

The PRESIDING OFFICER. The Secretary will again read the amendment.

The SECRETARY. On page 92, after line 9, insert:

> That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, to be used and expended by the Secretary of Agriculture as herein provided in offering and awarding prizes and premiums for the encouragement of the growing of staple foodstuffs on the farms throughout the country. The money appropriated by this paragraph shall be apportioned among the several States in accordance with the value of the farm products as shown by the last Federal census, and shall be expended under rules and regulations to be prescribed by the Secretary of Agriculture.

Mr. WADSWORTH. Mr. President, I am not in the habit of opposing any appropriation which I think will actually advance the agriculture of this country, but this particular appropriation, which I confess meets my view for the first time, as I was absent from the meeting of the committee at which the amendment was adopted, excites my curiosity and fails to excite my admiration.

The Senator from Missouri [Mr. REED] has said something about a more liberal treatment of the farmers of the country. He has recited how their markets have been taken away to a large extent and their prices fixed in many articles, generally fixed in a downward direction. What he says is true. I do not think this appropriation, however, will move one inch toward curing that evil. Here it is proposed to spend $250,000 to award prizes as a premium for the encouragement of the growing of stable foodstuffs. You might just as well appropriate 250 cents as $250,000 to a country of this size and expect that it is going to increase the production of stable foodstuffs.

This reads to me like a pleasant little sop to the farmer, something handed to him that does not cost the Government very much, and which, it is hoped, will make him feel good when he reads about it. You might just as well throw the money out in the middle of the street.

Let me suggest that you do not fool the farmers with this kind of legislation. There is item after item in this appropriation bill that seems to assume that the people who live in the rural parts of the United States are children, little babies, and have to be taught the simplest things—how to conduct their daily life, how to conduct their business from morning until night, and here we have a suggestion in this time of war, when the farmer knows perfectly well what the trouble is—it does not need the Congress nor the Secretary of Agriculture nor anybody else to tell him—to soften his feelings with the distribution of $250,000 in prizes. To my mind, it seems ridiculous.

I do not think there is any Senator here who will contend that the distribution of these prizes apportioned among the States in accordance with their relative production is going to encourage at this time the production of stable foodstuffs. The only thing that will encourage the production of stable foodstuffs at this time is a more liberal attitude on the part of the Food Administration, and nothing else. Had some of the Senators listened to the testimony that was given before the Committee on Agriculture within the last two weeks they would be, I am quite sure, deeply disturbed as to the food prospects in this country and in our allies' countries. The distribution of prizes, may I say to the Senator from Missouri, is not going to do any good. It is not going to make the farmer feel much better about it.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Missouri?

Mr. WADSWORTH. I yield.

Mr. REED. Mr. President, I should like to say at this point that I have been with the Banking and Currency Committee and had just come into the Chamber when I heard the remark made that occasioned my remark. I did not intend my remarks to apply to this question of prizes at all. I intended it to apply to the general cheese-paring policy that has been pursued here in regard to our agricultural bills in the Senate and the attitude that has been assumed so often. I am glad to have the opportunity to make that statement.

Now, while I am on my feet, if the Senator from New York will allow me, I wish to make a further statement. There is absolutely no question that the Senator from New York, so far as he has stated the case, has stated the absolute fact with regard to the conditions that confront the country.

I expect in a day or two to pay some attention to this policy that has produced a higher price for rye and barley and inferior grain than wheat is permitted to bring, to this policy that makes it more profitable for a farmer to plant rye and barley and oats than it does to plant wheat, and much more profitable to plant corn than either, to this policy that is causing thousands of immature hogs to be marketed because the corn is worth more in the bin than it is when it has been transformed into pork, to this policy of the Food Administration that has produced consternation among the farmers of this country from one end to the other, and that instead of giving us that stability which is necessary to investment and to labor has given us instability, to this policy which tells us for 8 or 10 months of the year to have meatless days, and then turns around and tells us all at once that we need to eat more meat in order to save wheat, this policy which tells us one day that there is wheat that can not be moved and that the railroads are to blame, and the next day when the cars are tendered backs away from the proposition and then assigns, as it assigned this morning, as the cause of wheat shortage, that the wheat is not in the country, when everybody knows that there has been less wheat shipped abroad than has been shipped in normal years.

I think that statement is so everybody knows it. I feel confident of it. I have not looked it up, but this policy, I say, that gave us meatless days and prescribed that we should eat chicken, and then turned around and provided that we should have meat days and that chicken should not be marketed, to this foolish, idiotic policy which seems to think you can save food by eating all of a certain kind one day and all of another kind the next day, alternating in that manner, instead of eating in the ordinary and usual way that human beings have done until our friend came here from England to reform the world and change the habits of the American people and to introduce a good deal of confusion into American life, and who, according to the Chicago Tribune, has taken into his working force some representatives of the packers who have been drawing very large salaries and who are the occasion of examination by Mr. Henry.

Mr. WADSWORTH. I simply desire to express the hope that the Senate will save this $250,000 and use it for something real.

Mr. WILLIAMS. Mr. President, I do not want to enter into any debate with the Senator from Missouri [Mr. REED] concerning the Food Administration or the Food Administrator. What he said upon that subject is irrelevant to the present question under discussion. But I do want to answer something that was said by the Senator from New York [Mr. WADSWORTH].

The Senator from New York criticizes the appropriation which is made for this purpose of encouraging improved agriculture by prizes and premiums as being absolutely useless amongst a people of 100,000,000 with our agricultural production. If the Senator from New York means by that that the appropriation ought to be larger, I agree with him, but if he means by it that prizes to men in the agricultural business do not have any effect upon the production of agricultural products I beg leave to disagree with him, and my disagreement grows out of observation and experience.

The prizes offered to the boys' corn clubs in the South—every southerner here will bear me out—have led almost to a revolution in corn production in that part of the country. It has not been very long since nearly every southern State imported the major part of its food for man and beast, while it raised other things. It has not been very long since in my State an average crop of corn was 10 to 22 bushels per acre, depending upon the year. After the State and Federal agricultural agencies and other interests began giving prizes to boys in corn clubs and to girls in canning-food clubs, and all that, the production of corn per acre went up and the supply of vegetables for winter increased very much. Why? Because the boys made more corn? No. They did make more corn, but that could not affect the entire production in any appreciable percentage. They made more corn, I say, because in my county three or four boys made over 100 bushels to the acre, and a young fellow in South Carolina made 236 bushels, I believe, though I have forgotten the exact figures—anyhow, the largest production per acre in the Union. That was all in a country not regarded as a good corn country.

It does not compare with the "Egypt" country in Illinois, nor Indiana, nor Iowa as a corn country. The real increase came from this, that when these boys had learned it it astonished their fathers, and their fathers got on the methods which the boys had been taught and which resulted in this miraculous added production. Their fathers took advantage of the lessons which their children had learned, and the consequence has been that the production per acre has been increased enormously. That is not all; the Senator from Missouri tells us that we have been "marketing immature hogs." That is also erroneous. Southern corn has not been going into hogs for the market hitherto. No southerner felt that he could make money at fattening hogs with corn, because the corn in the market was worth more than the hogs. But so far from that statement of marketing immature hogs being true, I saw the report yesterday or the day before that the average weight of hogs in the American market had gone up some 20 pounds this year over the year before, and that I think is very largely due to the fact that in the South more hogs were kept, and the hogs were better fed. Instead of being merely called up to be fed when we were ready to kill them they were fed pretty nearly all the year around, not upon corn always but upon products of various sorts.

The Senator from New York is mistaken in thinking that prizes given to men for increased production in agriculture stop with the prize-maker. The achievement goes all over his neighborhood. It spreads from one neighborhood to another. "You say that John Martin's boy raised 102 bushels of corn to the acre!" "Yes; I do. I saw it gathered and measured." "In the name of Heaven how did he do it?" Then, the other fellow sits down and tells him how it happened, how he fertilized, what sort of seed corn was planted, what was the species of cultivation, and all about it, and then the inquirer goes home and attempts at any rate to imitate him, and the emulation or rivalry spreads all over the country.

Mr. President, there are all sorts of expenditures made by the Federal Government less profitable than this, and I do not speak of war expenditures, because as far as I am concerned I would drop the appropriations for almost everything in the world, if necessary to have money in order to win the war. My soul is so wrapped up in this war that if I thought the other side of the Chamber could bring it to a successful termination and this side could not, I would be willing to give that side full power. I am so wrapped up in the necessity of winning it, caused by the conviction upon my part that national life will not be worth living unless we do win it, that I would not take one dollar from military purposes, and if I thought this money was to be subtracted from military purposes I would not do that. I would not vote, and will not vote, for a single new building nor park nor monument, and I will not vote for anything useful merely for peace purposes that we can postpone until after the war. But here is a direct war purpose. Increase the production of corn; increase the production of cattle; increase the production of hogs, into which the corn and the other agricultural products go. How? By forcing the people to do it? You can not do that under a free government. By inducing them to do it is the answer. In the South I know that the process of inducing has been begun, and that it has been very highly successful.

I served for 10 years in the House of Representatives upon the Agricultural Committee with the father of the Senator from New York [Mr. WADSWORTH]. His father was the chairman of the committee, and I was its senior Democratic member. We held appropriations down to a reasonable point all the time. I have never been extravagant about an Agricultural appropriation bill. His father and I together saved the Treasury from the expenditure of many a useless dollar that was put on the bill for the purpose of "farming the farmer," and not for the purpose of farming the land. In this particular case, however, the Senator from New York is mistaken. This is a matter of great importance and will result in great good. My only objection to it is that, being of the utmost importance, we yet can not very well at this time appropriate any more than the bill now carries.

Mr. McCUMBER. Mr. President, I am going to ask the chairman of the committee if he will not consent to put this appropriation of $250,000 in another portion of the bill, where it will bring practical results? I presume the Senator has had before him, and that there has been before the committee, some argument concerning the rust and the methods of meeting the rust. I notice that $100,000 has been appropriated for that purpose.

Let me call the attention of the Senator in charge of this bill to the fact that three days of a change of weather in 1916 caused a loss in three States in the Union of very close to $100,000,000 in the value of a crop. That was caused by the black rust. The black rust differs in no respect from the yellow rust, except that the spore are a little older. Several hundred years ago, in France, after a careful investigation, it was found that the origin of these spores was located and that they were always developed on a certain kind of vegetation, which is known here as the barberry bush. Scientists and those of the highest standing in biology tell us that the rust spores always originate from the barberry bush hedges, and so forth; that, at least, they have never been known to originate anywhere else; that they will travel with the wind, and in a single day may spread over a thousand miles from the place of their origin.

Now, it is proposed to appropriate $100,000 for the eradication of the rust. The loss every year from that source will run into many millions of dollars; and, if the straw is exceptionally heavy and there is the likelihood of a moist season, the loss will even run into the hundreds of millions of dollars.

These same scientists say that the only remedy now is to destroy the barberry bush, which is used for hedges in different cities and throughout the States. You can not destroy them by an act of Congress, because we can not reach by our legislation into the States and assume police authority, but we can act in conjunction with the several agricultural States. I do not believe there is an agricultural college in any one of the States that does not agree, and absolutely agree, with the assertion that the rust spores always originate in the barberry bush, and if you can destroy that you can probably destroy the ravages of rust.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. I shall do so in just one moment.

This bill carries about $28,000,000 or $29,000,000, if I remember rightly, and here is a damage that is never less than twenty-eight or thirty or forty million dollars in a year, and it often runs very close to a hundred million dollars in a year.

There is no necessity of studying further as to the question of where the rust originates, because I understand that all scientists practically agree about that. So it is not simply a question of destruction. That being the case, you will do a hundred times as much good if you will take that extra $250,000 that you now appropriate for prizes and provide that it may be used, in conjunction with the States, in the extermination of the barberry bush, from which originate the spores that destroy the crops of the Northwest.

I now yield to the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I desired to ask the Senator from North Dakota if it were possible, by spraying or other similar treatment, to destroy the insect, germ, or whatever it may be, that produces the rust. Is it necessary, in order to accomplish that object, to destroy the bush?

Mr. McCUMBER. When I state to the Senator from Mississippi that in a single day, if the wind is blowing in the right direction, those spores cover an acreage equivalent to three or four of the big States of the Union, he will see the impossibility of affording a remedy by spraying.

Mr. VARDAMAN. I did not ask the Senator if the spores could be killed by spraying after they fall on the wheat, but I asked the Senator if they could be destroyed by spraying the bush where they originate.

Mr. McCUMBER. Well, they might possibly be.

Mr. VARDAMAN. I want to say to the Senator that I shall cheerfully vote to give him or the farmers of his section any amount that he thinks could be prudently and profitably expended for the destruction of that pest, and I think the money would be well invested if the appropriation should be made. Agriculture is the base, the substratum, upon which all permanent prosperity rests in this country, and I deem it a privilege as well as a patriotic duty to vote for every measure which has for its purpose and that I believe will promote the interest

and prosperity of the people who till the soil. I believe that any help to the farmers by the Government which increases their yield promotes the well-being of all classes of society.

Mr. McCUMBER. Mr. President, there is a limit, of course, to our right to expend the people's money. We can not in any appropriation bill give everything that we should like to give. We ought, however, to appropriate the money which is raised by taxation in such manner that its use will do the greatest possible good; and I insist that this $250,000, if it is used for the purpose of meeting the ravages of rust, will accomplish a thousandfold more good than it would be possible for it to accomplish in the matter of these prizes. I hope the chairman of the committee will be willing, if there can not be appropriated more than the amount which is provided for in this bill, to drop the provision which proposes to appropriate $250,000 for the purpose of giving prizes, and use it in meeting the evil of the rust.

Mr. GORE. Mr. President, I wish to say that I do not underestimate the importance of the proposition which has been advanced by the Senator from North Dakota [Mr. McCUMBER]. The desirability of exterminating the source and origin of the rust must be obvious to every man. My recollection is that the committee gave what the department estimated upon that item. The Senator's argument has convinced me that the estimate was not sufficient. There is nothing binding about estimates. I shall not, therefore, as chairman of the Committee on Agriculture and Forestry, hesitate to vote for an increase in that particular item.

Mr. GALLINGER. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. I will ask if the Senator knows whether or not the department made an estimate and advised the committee to place in the bill the item under consideration covering prizes?

Mr. GORE. No; I will say that it did not, Mr. President; and I will touch on that point in a moment. This was another instance where the committee felt that it had an opportunity to render some public service without a direct commission from the department to render that service.

I wish to say, in reference to the remarks of the Senator from New York [Mr. WADSWORTH], that I think he put his finger on the fundamental aspects of the present situation. I think that the Food Administration has discouraged production. I think the production of wheat this year will be less than it would otherwise have been. I think that is a misfortune, which certainly may amount to a calamity.

I also agree with him that perhaps the Food Administration and perhaps the Senate do not appreciate the real gravity of the situation. The president of Cornell University, which is one of the largest agricultural institutions in America, recently declared that there was only a narrow margin between this country and an inferno of starvation. That is pretty strong language; I do not know whether I should use language so strong as that; but I do know that the situation is serious, and that we may before long be looking famine in the face, which we ought to have averted. It is incumbent upon us to avert not only the danger but the possibility of a shortage of foodstuffs in this country, so far as human foresight can anticipate conditions and meet them looking to that end.

Evidence is accumulating as to the food crisis which is threatened. I hope that before long a report may be submitted to the Senate, or an argument may be presented to the Senate, which will impress the gravity of the situation upon each and every Member of this body.

One of the Senator's complaints was that the amount provided in this amendment was not enough. I think that is the only objection to which the amendment is liable. I do not think it is enough.

I do not agree with the Senator that the prospect of prizes and premiums would not stimulate increased production. The spirit of emulation is one of the strongest instincts and impulses of human nature. It has impelled men to feats of heroism which mere sordid gain could never inspire. This is not a matter of theory; it has been applied in many of the Southern States. The production of corn in the Southern States has been doubled, and in many localities it has been trebled by the prizes which have been offered on the part of voluntary organizations and associations. I have proved my faith by my works. For five years in my State I gave an annual premium of $100 to the boys making the best record in contests between the boys' corn clubs in that State. These contests, born of a spirit of emulation and a desire to excel, have borne splendid fruit in many of the Southern States.

There are 46 State fairs in the United States; there are 2,000 or more county fairs; and I have no doubt that by wise administration and distribution of these prizes and premiums production can be greatly stimulated.

Mr. GALLINGER. Mr. President, I desire to ask the Senator from Oklahoma whether all of those State fairs and all of those county fairs are not giving prizes for the best exhibition of the products of the farm?

Mr. GORE. I think they are; but the Committee on Agriculture felt that this was a national problem—not a State problem and not a local problem. The Committee on Agriculture was not willing to be outrun in this great national service by the States, by the counties, or by mere local organizations of merchants and commercial clubs. We felt that we ought to have sufficient vision to appreciate the importance of this situation. The Committee on Agriculture feels that some responsibility devolves upon it to aid in arousing interest in the conditions as they relate to food and to food supply, and in recommending any wise means possible which may contribute to a satisfactory solution of that problem. If these prizes increase production a half million dollars only, we will have realized 100 per cent profit on our investment. That it will do so, if wisely administered through the various State and county fairs, I think there can not be the slightest possibility of doubt.

While much has happened under the Food Administration which might profitably have happened otherwise—and I shall not be diverted at this point to a discussion of that question—the fact that it has done somethings it ought not to have done, that it has discouraged production, and that it may be beyond our power to remedy that situation, is no reason why we should not, so far as we can, meet our responsibility and discharge our duty at least by stimulating production. I hope the amendment will be adopted, and I have no doubt——

Mr. WILLIAMS. This will encourage States and counties and other organizations to offer additional prizes.

Mr. GORE. Undoubtedly it will, and the national prize, in addition to the State prize, would be an object worthy to be striven for and undoubtedly would be an object of ambition. Boys' corn clubs and boys' pig clubs and girls' poultry clubs throughout the country have contributed a great deal to increased production. Production, production, production is the supreme and paramount purpose to-day.

Some have minimized production by laying too much emphasis on distribution. I think that has been the fundamental defect in our policy up to this time. We have magnified the importance of distribution and have minimized the importance of production. A perfect system of distribution, the most elaborate and perfected machinery for distribution, would be utterly vain if there be nothing to distribute. We can not, Senators, overdo production this year. However much we may expand it, there will be an urgent and an insistent demand for more. We will hear from the lips of our allies the cry of the horse leech's daughter, worthily made, and it should be our desire to gratify it—more, more, more, and still more food. To meet that cry let us have more production, and in this instance let us resolve the doubt in favor of offering the prizes and premiums in the hope that it will stimulate production, and if it fails short of that result, if evil days come, if lean months come upon us in the future, let no one say that the Senate Committee on Agriculture at least was derelict in its duty. That is the theory upon which the committee acted.

Mr. GRONNA. Mr. President, I shall detain the Senate only a few moments, because I have been called to the Committee on Banking and Currency; but, in addition to what my colleague [Mr. McCUMBER] has said, I desire to state that his estimate as to the loss from the black rust within one year alone is not high enough.

I desire to say to my colleague and to the Senate that we estimated in North Dakota in 1916 that we would produce 160,000,000 bushels of wheat, but, due to the black rust, as my colleague has stated, we raised only 30,000,000 bushels.

I have pleaded and pleaded with those in authority to make recommendations and ask for appropriations to destroy the barberry bush, because there is where the black-rust microbe originates. I have stood on this floor time and again asking Members of this body to take action, and calling the attention of the department to the necessity of increasing these appropriations in order to increase the production of grain, and I think we must all agree that that is highly necessary, especially at this time.

I am not opposed to this particular appropriation. I am a member of the Committee on Agriculture and Forestry, and I

was present when the amendment was proposed. I said at that time to the other members who were present that, while I had no objection to it, I knew of other methods which would be far superior to this one to increase production, especially of wheat.

I am glad the Senator from Mississippi [Mr. WILLIAMS] is here, because I want to read to him and to the Senate a statement which can not be controverted. I heard the Senator from Mississippi say the other day that prices could not be fixed by law, but that ultimately they would be regulated and fixed on a competitive basis under the law of supply and demand.

Mr. WILLIAMS. Mr. President, I do not want to be misquoted.

Mr. GRONNA. I do not desire to misquote the Senator.

Mr. WILLIAMS. I did not say that prices could not be fixed, but I said if they were fixed the result would be either to disturb production if they were fixed too low or to encourage speculation if they were fixed too high.

Mr. GRONNA. That is absolutely true.

Mr. WILLIAMS. Of course there is a psychological influence of an appeal to patriotism that might have some effect, but it is a natural economic law that governs, and there is no escape from it.

Mr. GRONNA. That is perfectly true. I wish at this point to read from a newspaper the quotations on different kinds of grain. On February 27 the market at Duluth, Minn., was, for No. 1 dark northern, $2.21; for No. 1 northern, $2.17; for No. 2 dark northern, $2.18; for No. 2 northern, $2.14; for No. 3 dark northern, $2.14; for No. 3 northern, $2.11; for No. 1 durum, $2.11; for No. 2 durum, $2.14; for No. 3 yellow corn, $2.14 to $2.15; for barley, $1.83 to $2.16; for rye, $2.53.

A bushel of barley has to weigh only 48 pounds, and yet, Mr. President, a bushel of barley is worth more in the market than a bushel of wheat. Every sensible man knows that a bushel of barley is not as valuable for food as a bushel of wheat. Every sensible man knows that a bushel of rye, weighing 56 pounds, is not as valuable for bread and for food as is a bushel of wheat. The economic conditions have been disarranged, and people in the agricultural sections of the country have been discouraged from producing wheat.

That is not the whole story. While we are talking about the microbes propagated on the barberry bush, let us refer also to the microbe at the other end which we have to confront every year, whether we have the barberry bush and the black rust or not, and that is some of the combinations and grain exchanges, also called chambers of commerce, which are always operating. I am going to take the time of the Senate when we reach the amendment which I introduced at the suggestion of the Secretary of Agriculture, proposing that standardization of grades shall be fixed on milling tests, and he realizes now the importance of it. I will try to show the effects of the false standards now prevailing and also show the effects in the prices of grain. We will say that No. 1 hard wheat is mixed with 15 per cent of No. 1 winter wheat. One is as good and as valuable for flour as the other, but if there is a small percentage of this winter wheat mixed with the spring wheat it is reduced to No. 4. I have a sample of that kind on my desk. The difference in the price to the farmer is from 24 to 25 cents a bushel; and yet when we ask an appropriation of $50,000 for a little flour mill—and it is not intended to erect a building, but to provide machinery in order to make tests—but when it is proposed to fix standards based upon the baking and milling qualities of grain we are laughed to scorn by some of the Senators here, although the reduction in grade involves millions and millions of dollars of loss to the farmers of this country. That is how production is discouraged.

I understand the item for the flour mill has been passed over; I was not here at the time because I was in attendance upon other business of the Senate, but I understand that item has been passed over.

Mr. WARREN. I understand that amendment has been accepted.

Mr. GRONNA. I refer to the item for a flour mill to make tests as to milling and baking properties, and I understand it was passed over. It was designed to enable the Agricultural Department to make tests to ascertain the value of different kinds of grain and then to make their standardization accordingly. Yet Senators on this floor say that it is an extravagance to appropriate $50,000 to enable the Secretary of Agriculture or the Bureau of Standards to get the information which is needed in order to do justice not only to the section of the country from which I come but to the entire country.

Now, Mr. President, I am not objecting to the appropriation of $250,000 for prizes and premiums, as is proposed in this bill. I believe it will do some good and perhaps help to stimulate production; but why should we discriminate against the people in certain sections of the country, restrict the price on wheat, and discourage production, and then let the industries in the other sections of the country go unrestricted? The production of wheat can not be increased by any such method as is proposed here; I know that very well. Perhaps you can increase the production of vegetables and encourage some schoolmarm who has a few spare dollars to buy a pig and enter the new field of patriotic pig raising, or something of that sort, but you can not increase the production of wheat by promising such premiums as proposed in this amendment after having taken from the farmer his market, as you did a year ago.

What is the result? What did we have to do in my State this year? The governor of the State called the legislature together in extraordinary session for the purpose of enacting a law that would enable the counties in the State to issue bonds to buy seed and feed for the farmers and sell it to them on time. This is not a very good story to tell; it presents a gloomy picture, but it is true. It shows the financial condition of the wheat farmer. In my State there are many counties that have voted to bond themselves for upward of $300,000, to be used in the purchase of seed, to be sold to the farmers on time. Does that indicate that these people have made an unduly large amount of money? On the other hand, does it not indicate that they have been discriminated against and that they are unable to go on with their farming operations simply because they have not received as much for the product as it has cost them to produce it?

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. MYERS in the chair). Does the Senator from North Dakota yield to the Senator from Connecticut?

Mr. GRONNA. Yes.

Mr. BRANDEGEE. I am very much interested in what the Senator is saying, but I wondered why the farmers did not have the seed wheat. Did they not raise enough wheat for seed or did they sell all the wheat they raised without reserving any for seed?

Mr. GRONNA. I will say to the Senator that I think the State raised more than enough to meet the seed requirements. In the so-called Red River Valley we raised a good crop. In the western section of the State the farmers averaged about from 2 bushels to 3 bushels to the acre, and that would have been more than enough for seed. The quality was exceptionally good; we raised no poor wheat in our State this year because we had a dry season, but every bushel of wheat cost them a great deal more than they received for it. The average for the State was about 7 bushels, and any man who knows anything about the cost of cultivating an acre of ground in the West knows that it can not be done for $14 an acre, without even taking into consideration the cost on the investment.

Mr. BRANDEGEE. What I am trying to get at is, why the farmers parted with their seed wheat? I supposed their primary duty was to keep enough wheat for next year's seed.

Mr. GRONNA. I want to say to the Senator that the reason why they parted with the seed was that they had to sell in order to meet certain obligations and in order to get something to eat, something to live on. That is the condition.

Mr. President, as I said, I shall not oppose this amendment; but I believe, as my colleague [Mr. McCUMBER] said, that we should have appropriated more money for the destruction of the barberry bush, and we should also change the language so that we could be sure that we could use the money for its destruction. The language of this provision is to enable the department to study and to learn something about these insects. Why, we know what is to be done. It is the same with the barberry bush as it is with the cattle tick. All you have to do is simply to get the men and means to do it, to eradicate it, to get rid of it. That is all there is to it; and I doubt whether the Agricultural Department will let us use any of this money for the real destruction of the barberry bush.

Mr. WILLIAMS. As I understand, then, the Senator wants to change the language so that it can be appropriated for the purpose of being used in cooperation with the State authorities for the destruction of the barberry bush. Is that it?

Mr. GRONNA. Exactly. That is what I should like to have done.

Mr. WILLIAMS. If it is known that that is the cause of this spore, it seems to me evident that there ought to be no

indefiniteness about the language which will prevent its being used for the purpose of reaching the evil.

Mr. GRONNA. That is exactly the truth. There is no need of further study of it, because, as my colleague has said, practically all the scientists agree that it orginates in the barberry bush, and all we have to do to eradicate this evil is simply to destroy the barberry bush.

Mr. McCUMBER. Mr. President, if I may have the attention of the chairman of the committee again, I am not complaining at all against a proper appropriation to be expended in prizes. I agree that it may stimulate production to some extent, but I want the earnest and serious consideration of the chairman to this point:

He provides for an appropriation of $250,000 to be expended in prizes to stimulate production. He thinks that that may stimulate production $500,000, half a million dollars, in value. Possibly that is true; but what is more important than increasing the production half a million dollars is to decrease the destruction $100,000,000; and he appropriates only $100,000 to meet this great ravage, which, my colleague says, amounted in our State alone to more than $100,000,000 in a single year, while he appropriates $250,000, or two and a half times as much, to stimulate production which he himself thinks might produce half a million dollars more. It is the disproportion in the matter of these appropriations that appeals to me.

Mr. GORE. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. GORE. The Senator does not have to reason with me about the importance of this matter. I have no objection. I hope the language will be changed, if a change be necessary or even desirable, so as to authorize the use of this money for the extermination of the barberry bush. I will say to the Senator that the Senate Committee on Agriculture and Forestry increased the estimate for the rust $50,000. We were venturesome enough to increase that appropriation $50,000 without any special permit to do so. If that is not enough, I am willing to go farther, and I am willing to go faster. I doubt if anybody will go farther or faster than I will go in advocacy of any proposition which really promises, on the one hand, to stimulate production, to increase production, or, on the other hand, to obviate the artificial, arbitrary, or accidental destruction of production. I think that both purposes ought to be studiously observed. They are the same in effect.

Mr. McCUMBER. Let me say to the Senator that I think the language of the bill as proposed is sufficient to cover destruction. I do not think it is absolutely necessary as a matter of fact, although I think it is preferable to insert the words "for the destruction," because the provision is that $100,000 shall be set aside for the investigation and control of these diseases; and if the only method of control is the destruction of the barberry bush, where the germ originates, then I should think that that was broad enough to cover it. But I want to say to the Senator that before we get through with this bill I shall ask to have that $100,000 increased to $250,000, and I hope the Senator will agree also to an amendment that it shall be used in the investigation and the destruction of this particular bush. As I stated before, that can not be done without the assistance of the several States; but I do not know of a single agricultural State, in the spring-wheat section at least, that would not find means to assist in getting rid of every such bush in the State.

Mr GORE. Mr. President, I think it would be very short-sighted for the Senate to overlook anything which might carry out the Senator's object and stay the ravages of the spores originating with the barberry bush. The only point I was making is that we are associating here, in this debate, two things which have no relation to each other. It is desirable to have an abundance of milk available for infants and growing children. It is also desirable to find ways and means to eradicate infantile paralysis, but there is no reason to diminish the supply of available milk in order to eradicate the paralysis. Let us do both. Let us offer these prizes to stimulate production, and let us eradicate the barberry bush and eradicate the rust. It seems to me that the proposition which the Senator from North Dakota has advocated is not inferior to the proposition touching the cattle tick which was discussed here this afternoon. They are of equal importance; and it would be extremely short-sighted on the part of the Senate to practice an unwise or niggardly economy in arresting the prosecution of that work of eradication.

Mr. BRANDEGEE. Mr. President, may I suggest to the Senator from North Dakota that if he will offer an amendment to carry out his views, I think——

Mr. GORE. We have not reached it yet.

Mr. GRONNA. My amendment would not be to the particular question now under consideration.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment. [Putting the question.] The Chair is in doubt.

Mr. FLETCHER. Mr. President, I think if the question is put again, the Chair will be satisfied.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The SECRETARY. On page 92, after line 20, in lieu of the amendment proposed by the committee, the Senator from Oklahoma proposes the following substitute:

To enable the Secretary of Agriculture to establish and operate plants for the drying or dehydration of vegetables, fruits, and other edible products, including the erection or rent of necessary buildings and cooperation ——

Mr. GORE. Mr. President, is the Secretary reading the substitute or the amendment reported by the committee?

The PRESIDING OFFICER. The Secretary is reading the substitute of the Senator from Oklahoma.

The SECRETARY (continuing)—

with plants maintained and operated for the manufacture of such products, to purchase raw material, to standardize, sell, or otherwise dispose of dried products, and for all necessary expenses including salaries in Washington and elsewhere, $250,000, which sum shall be immediately available upon the passage of this act, and this fund may be used as a revolving fund until June 30, 1919.

Mr. SMOOT. Mr. President——

Mr. WILLIAMS. Mr. President, the Secretary has read the substitute, but I do not remember his having read the committee amendment for which it is a substitute.

The PRESIDING OFFICER. Does the Senator ask that the committee amendment may be read also?

Mr. WILLIAMS. Yes.

The PRESIDING OFFICER. The Secretary will read the amendment of the committee.

The SECRETARY. On page 92, after line 20, the committee proposes to insert the following:

To enable the Secretary of Agriculture to establish plants for the drying and dehydration of vegetables, fruits, and other edible products, in connection with the land-grant colleges in the several States, $250,000: *Provided*, That the Secretary of Agriculture may establish such plant at some other location in any particular State whenever in his judgment the public interest would be subserved thereby: *Provided further*, That the Secretary of Agriculture may, in his discretion, establish such plant in any particular State in cooperation with States, counties, municipalities, individuals, or associations not organized for profit, in which case the Secretary of Agriculture shall not pay more than one-half of the cost of establishing such plant.

Mr. NORRIS. Mr. President, I had not heard the substitute until it was read and did not know the Senator from Oklahoma was going to offer it. I have prepared an amendment that I was going to offer to the committee amendment, but I will offer it to the substitute.

Mr. GORE. Mr. President, in view of the Senator's statement, I think it would be better to pass over this matter.

Mr. NORRIS. I am going to ask that it be passed over when my amendment is offered, so that it will be printed together with the substitute, because I expect to address the Senate at some length on this question of dehydration. I am not prepared to do it this evening.

I offer to the substitute the amendment that I send to the desk. It may be that it will not exactly correspond, because, as I say, I have had no opportunity to examine it; but if it does not, I will correct it later on, when it comes up before the Senate.

The PRESIDING OFFICER (Mr. KIRBY in the chair). Is there objection to the request that the amendment go over?

Mr. GORE. Mr. President, I hope it will take that course; and I ought to say, in justification of offering the substitute, that it was prepared by the department. I offered it without conference with the Committee on Agriculture and Forestry as a substitute for the committee amendment, but, as Senators know, I did not anticipate that the bill would come up for consideration this afternoon.

Mr. NORRIS. I ask that the amendment that I send to the desk be read by the Secretary.

Mr. GORE. Yes, sir: let it be read, and then I will ask that the whole matter be passed over.

The PRESIDING OFFICER. Is this an amendment to an amendment or an amendment to a substitute for an amendment?

Mr. NORRIS. No; my amendment is offered as an amendment to the substitute. I have a right, as a matter of course, under the rules to offer this amendment. A substitute is subject to amendment.

The PRESIDING OFFICER. Without objection, the further consideration of this amendment will be postponed for the day.

Mr. NORRIS. I should like to have my amendment read before it goes over.

The PRESIDING OFFICER. The Chair is in doubt as to whether the amendment of the Senator from Nebraska is in order.

Mr. NORRIS. I can be read, however.

The PRESIDING OFFICER. Yes; let it be read.

The SECRETARY. At the end of the substitute proposed by the Senator from Oklahoma it is proposed to add the following proviso:

Provided, That the Secretary of Agriculture is hereby authorized, upon request of the President, to use all or any part of this appropriation for the establishment of such plant or plants at any place in the United States for the purpose of supplying food for the Army and Navy.

The PRESIDING OFFICER. Without objection, the further consideration of this amendment will be passed over. The Secretary will state the next amendment of the committee.

The next amendment was on page 93, after line 9, to insert:

Farmers' National Congress and Pan-American International Farm and Live-Stock Exposition.—To enable the Secretary of Agriculture to cooperate with and make and exhibit illustrative of the investigations, products, and processes relating to farming in the United States at the Pan-American International Farm and Live Stock Exposition, to be held at Jacksonville, Fla., in conjunction with the Florida State Fair and Exposition, during the fiscal year ending June 30, 1919, including labor and all expenses in the city of Washington and elsewhere, $10,000.

The President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the Farmers' National Congress, to be held at Jacksonville, Fla., in connection with said Pan-American International Farm and Live-Stock Exposition: *Provided*, That no appropriation shall be granted or used for the expenses of delegates.

Mr. SMOOT. Mr. President, I will inquire of the Senator if this is the first appropriation that has been made by the Government to assist the Pan-American International Farm and Live Stock Exposition to hold a session in conjunction with the Florida State Fair and Exposition, or any other State fair?

Mr. GORE. I will say that so far as I know this is the first appropriation; but the precedent was found in the appropriation for the International Dry Farming Congress, for which a series of appropriations has been made, extending over some five or six or seven years. At that congress exhibits are made from the various arid and semiarid States, and the Federal Government has been appropriating about $20,000 a year, I think, with the possible omission of last year, to make an exhibit representing the National Government at this international exposition. I believe this year it is to meet at Kansas City. So far as I know, this is the first appropriation for this particular purpose.

Mr. SMOOT. Then hereafter we will have an annual appropriation, will we, for the Farmers' National Congress and Pan-American International Farm and Live Stock Exposition?

Mr. GORE. I should not imagine so.

Mr. SMOOT. I think we will, if we start it.

Mr. GORE. I do not know anything that justifies that apprehension.

Mr. FLETCHER. Mr. President, I will state to the Senator and to the Senate that this suggestion arises by reason of a very important meeting in Jacksonville, at the time of this State fair and exposition, of the Farmers' National Congress in conjunction with the Pan-American International Farm and Live Stock Exposition. The Farmers' National Congress and the Pan-American International Farm and Live Stock Exposition are all holding sessions on the exposition grounds, the exposition furnishing the buildings and all that sort of thing. This is a small appropriation to exhibit there what the Government has to offer, showing its investigations, products, and processes relating to agriculture, but mainly live stock and matters of interest both to the Farmers' National Congress and to this international exposition. It is a small appropriation of only $10,000. I think the Government usually makes those exhibits anyhow, but it is directly in line with precedents where these conventions or congresses have been held in Western States. In such cases appropriations similar to this have been made, but of a larger amount. I think it is entirely appropriate, and will be of very great advantage, because this Farmers' National Congress is itself a very large organization, and has a large membership, and is doing splendid work; and then, in addition to that, the International Farm and Live Stock Congress is a large organization, doing splendid work in that field. This is simply to furnish an exhibit there of the result of the investigations and studies of the Department of Agriculture, which will thus be carried to the members of these organizations that happen to be holding their session now at this exposition.

Mr. SMOOT. Mr. President, I am not at all surprised at the appropriation. Not only do I expect that this association will ask for $10,000 or more each year, but I expect that there will be new organizations established in the future, and, seeing that the Government appropriates annually certain amounts for these associations to meet at different parts of the country, they will be added to annually hereafter.

Mr. TOWNSEND. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SMOOT. I do.

Mr. TOWNSEND. I have not been able to attend the session this afternoon. I should like to have the Senator from Utah tell me briefly of what advantage the Government is going to be to this exposition down in Jacksonville, Fla., for which this $10,000 is to be appropriated?

Mr. SMOOT. I think the only advantage is that unless the Government of the United States appropriates this money, perhaps the Farmers' National Congress and Pan American International Farm and Live Stock Exposition could not make a show at that State fair. They, perhaps, could not collect enough money in order to have their representatives down there. I think that is all there is to it.

Mr. TOWNSEND. Is the United States to make an exhibit there, or to do anything as a Government which would be beneficial to the farmers?

Mr. SMOOT. I will say to the Senator that there has been no appropriation for that purpose, and I doubt whether the Government does make an exhibit there. I think this is a Florida State fair and exposition.

Mr. FLETCHER. Mr. President, I will say in answer to the Senator from Michigan that the Florida State Fair & Exposition Co. is holding a State fair at Jacksonville. That happens to be going on. That fair will be held irrespective of any appropriation, and it is asking nothing from the Government. The Farmers' National Congress is not a Florida organization or a southern organization. The Pan American International Farm and Live Stock Exposition is not a southern organization nor a Florida organization. This is no appropriation made to either of those associations. This is simply to cover the expense of the Government making an exhibit where these organizations are holding their conventions. They happen to be holding them this time in Florida. If they had been held anywhere else we would not have heard a word about the matter, because the Government has appropriated year after year $20,000 for these congresses to be held in the semiarid States, and nobody has ever raised any objection to that action. It has been going on year after year. It happens now that the proposition is to appropriate $10,000 to cover the expense of an exhibit in Florida, and we hear a great deal of talk about it, and raise a lot of questions about it.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Michigan?

Mr. FLETCHER. I do.

Mr. TOWNSEND. What kind of an exhibit will the Government make down there?

Mr. FLETCHER. The Government has been making investigations and studies for years and years relative to the subjects in which this farmers' congress and this international congress are interested. I do not know what the exhibit covers. It covers a great deal, the result of their studies and investigations, and the point is to bring that result home to the members of the associations that are holding their convention at this point.

Mr. TOWNSEND. Does the Senator believe that will be brought home to them in any other way than through lecturers sent out, possibly, Government representatives, and publications?

Mr. FLETCHER. Oh, no; they carry there the actual exhibits of what has resulted from their studies appertaining to the live-stock industry, all the diseases and ailments of animals, and that sort of thing. That is of immense educational value to the people engaged in those industries. They carry out those exhibits in cases. The exhibits are very considerable, I think, and very instructive. This is a place and an opportunity to bring these things home to the people who are engaged in those industries.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the committee.

Mr. THOMAS. Mr. President, I should like to have the amendment stated again.

The Secretary again stated the pending amendment.

Mr. SMOOT. Mr. President, I want to ask the Senator if he will not insert, after the word "shall," on page 94, line 2, the word "hereafter," so as to read:

Provided, That no appropriation shall hereafter be granted or used for the expenses of delegates.

I think that is the language that is generally used in the provisions affecting legislation of this sort.

Mr. FLETCHER. I have no objection at all to that amendment, if the Senator desires to offer it.

Mr. SMOOT. Then, Mr. President, I move that the word "hereafter" be inserted after the word "shall," on line 2, page 94.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 94, line 4, after the words "Department of Agriculture," to strike out "$26,943,773" and insert "$28,058,933," so as to make the clause read:

Total carried by this bill for the Department of Agriculture, $28,058,933.

Mr. SMOOT. Mr. President, that will not be the correct amount of the total appropriation; but I take it for granted that it is understood that the clerks will have the right to put in the exact figures.

The PRESIDING OFFICER. Without objection, the clerks will be authorized to correct the total.

Mr. VARDAMAN. Mr. President, I ask permission to have inserted in the RECORD a letter which I have received from the entomologist of the Agricultural and Mechanical College of Mississippi, treating of the sweet-potato weevil—a new bug to me, but it seems he has been busy in the sweet-potato business for some years, and has operated extensively in the States of Georgia, Florida, Mississippi, Louisiana, Texas, and Alabama. He has been in Florada for very many years, and the people of the State of Florida have spent a great deal of money in the effort to exterminate this rapacious little bug. The importance of destroying the pests is seen in the fact that unless something is done to stop the ravages of this little insect it will materially reduce the great crop of potatoes, which amounts annually to something like $90,000,000. The sweet potato is a valuable article of food, and at this time anything that interferes with its production is an evil to be feared. The matter calls for prompt and vigorous attention on the part of the Government.

I also ask to have inserted in the RECORD an amendment, which I shall offer to-morrow or when the bill comes up for consideration, carrying an appropriation of $25,000 for the investigation and possible extermination of the pest.

The PRESIDING OFFICER. Without objection, the matter referred to will be included in the RECORD.

The letter is as follows:

MISSISSIPPI AGRICULTURAL AND MECHANICAL COLLEGE,
Agricultural College, Miss., February 21, 1918.

Senator JAMES K. VARDAMAN,
United States Senate, Washington, D. C.

DEAR SENATOR VARDAMAN: I understand that an effort is being made to get an appropriation from Congress to be used in a campaign to eradicate the sweet-potato weevil, *Cylas formicarius*, from the Southern States, but that this item has been left out of the agricultural appropriation bill now before the Senate.

The sweet-potato weevil is by far the most serious insect pest of the sweet potato. From the nature of this insect it seems that it will not be a very difficult task to eradicate it. The insect seldom, if ever, dies, and is only known to feed upon the sweet potato and morning glory. At the present time our records show that this pest is only known to occur in four counties in Mississippi. These counties are Hancock, Harrison, Jackson, and Pearl River. We know of only 28 properties that are infested. There are probably many others that we do not know about. If steps are not taken to eradicate this pest, it will gradually spread to other properties until it becomes so generally distributed that eradication will be much more difficult. On one property in this State we found 99 per cent of the potatoes infested with these weevils, and on several other properties the infestations were as high as 85 to 90 per cent. In parts of Louisiana and Texas conditions are even worse, so far as this insect is concerned.

At this time, when we are in need of all kinds of foods, I believe that it is important that this pest be not allowed to spread further, and that every effort be made to eradicate it. I sincerely hope that the Secretary of Agriculture will be authorized to carry on this work.

With kind personal regards, I am,
Very respectfully, yours,

R. W. HARNED, *Entomologist.*

The proposed amendment of Mr. VARDAMAN is as follows:

For applying such methods of eradication or control of the sweet-potato weevil as in the judgment of the Secretary of Agriculture may be necessary, including the payment of such expenses and employment of such persons and means in the city of Washington and elsewhere, in cooperation with such authorities of the States concerned, organizations, or individuals as he may deem necessary to accomplish such purposes, $25,000, which shall be immediately available, and, in the discretion of the Secretary of Agriculture, no expenditures shall be made for these purposes until a sum or sums at least equal to such expenditures shall have been appropriated, subscribed, or contributed by State, county, or local authorities or by individuals or organizations for the accomplishment of such purposes: *Provided*, That no part of the money herein appropriated shall be used to pay the cost or value of sweet potatoes, sweet-potato plants, or other property injured or destroyed.

EXECUTIVE SESSION.

Mr. GORE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m., Monday, March 4, 1918), the Senate adjourned until to-morrow, Tuesday, March 5, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 4 (legislative day of March 2), 1918.

SURVEYOR GENERAL.

Ingwald C. Thoreson, of Utah, to be surveyor general of Utah. (Reappointment.)

REGISTER OF LAND OFFICE.

Peter Hanson, of Utah, to be register of the land office at Vernal, Utah. (Reappointment.)

RECEIVER OF PUBLIC MONEYS.

Albert F. Young, of Vernal, Utah, to be receiver of public moneys at Vernal, Utah, vice Samuel L. Page, resigned.

APPOINTMENT IN THE NATIONAL ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be brigadier general with rank from February 18, 1918.

Lieut. Col. Edward A. Kreger, Judge Advocate.

TEMPORARY PROMOTION IN THE ARMY.

INFANTRY ARM.

To be lieutenant colonel with rank from August 5, 1917.

Maj. Lorenzo D. Gasser, Infantry.

To be major with rank from August 5, 1917.

Capt. Lorenzo D. Gasser, Infantry.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

FIELD ARTILLERY ARM.

Second Lieut. Frederick D. Sharp, Infantry, to be second lieutenant of Field Artillery, with rank from October 26, 1917.

PROVISIONAL APPOINTMENT, BY TRANSFER, IN THE ARMY.

INFANTRY ARM.

Second Lieut. Mark A. Van Liew, Field Artillery, to be second lieutenant of Infantry with rank from October 26, 1917.

POSTMASTERS.

ALABAMA.

Edmund P. Lakeman to be postmaster at Haleyville, Ala., in place of W. H. Cleere, resigned.

ARKANSAS.

Archibald S. Rogers to be postmaster at Osceola, Ark., in place of Adah L. Roussan, resigned.

CALIFORNIA.

Elmer S. Slade to be postmaster at Calipatria, Cal., in place of Charles W. Brown, resigned.

Myrtle M. Crawford to be postmaster at Ceres, Cal., in place of C. H. Bronaugh, resigned.

COLORADO.

Marshall Q. Starr to be postmaster at Hayden, Colo., in place of Robert E. Norvell, resigned.

Cornelia C. Simpson to be postmaster at La Veta, Colo., in place of Fanny Hamilton Simpson, resigned.

FLORIDA.

Israel F. Titus to be postmaster at Lynn Haven, Fla., in place of Florida E. Gay, resigned.

GEORGIA.

Bessie Waldrop to be postmaster at Jackson, Ga., in place of I. J. Slaughter, resigned.

Joseph W. Osborn to be postmaster at Porterdale, Ga., in place of John A. Cowan, resigned.

HAWAII.

M. G. Santos to be postmaster at Lihue, Hawaii, in place of L. D. Timmons, not commissioned.

IDAHO.

Lida Cox to be postmaster at Rigby, Idaho, in place of Edmund Ellsworth, jr., resigned.

INDIANA.

Harry C. Harness to be postmaster at Hamlet, Ind., in place of George H. Weninger, resigned.

KANSAS.

Roy F. Santner to be postmaster at Glen Elder, Kans., in place of Alice W. Lee, removed.

KENTUCKY.

Henry H. Caudill to be postmaster at Morehead, Ky., in place of J. D. Caudill, resigned.

MICHIGAN.

Floyd Sanford to be postmaster at Addison, Mich., in place of Herbert E. Iveson, resigned.

Frank G. Hamilton to be postmaster at Mesick, Mich., in place of Charles E. Dean, resigned.

William D. Colegrove to be postmaster at Remus, Mich., in place of Frederick H. Miller, resigned.

MINNESOTA.

Mabel C. Benson to be postmaster at Clara City, Minn., in place of Cornelius Berghuis, removed.

MISSISSIPPI.

Grey Jack to be postmaster at Scooba, Miss., in place of Elisha E. Jack, resigned.

MISSOURI.

Willard N. Bledsoe to be postmaster at Atlanta, Mo., in place of John H. Lyda, removed.

MONTANA.

Louis C. Bade to be postmaster at Bigtimber, Mont., in place of Augusta C. Sheridan, resigned.

Chauncey W. Griffin to be postmaster at Dodson, Mont., in place of Ovid J. Gagnon, resigned. Office became presidential October 1, 1916.

Clarence R. Miller to be postmaster at Circle, Mont., in place of Earl L. McClatchie, resigned. Office became presidential January 1, 1917.

James S. Honnold to be postmaster at Joliet, Mont., in place of John B. Farrell, resigned.

NEW MEXICO.

Robert J. Lentz to be postmaster at Magdalene, N. Mex., in place of H. A. Hodges, resigned.

NEW YORK.

Lewis O. Wilson to be postmaster at Long Beach, N. Y., in place of Clinton A. Parsons, removed.

NORTH CAROLINA.

Bessie F. Nicholson to be postmaster at Maxton, N. C., in place of O. C. Nicholson, deceased.

OHIO.

Fred W. Pace to be postmaster at Roseville, Ohio, in place of J. W. Stoneburner, resigned.

OREGON.

Charles M. Crittenden to be postmaster at Hubbard, Oreg., in place of Kenneth B. Grimm, resigned.

PENNSYLVANIA.

Frederic P. Laub to be postmaster at Bath, Pa., in place of John J. Remaly, resigned.

Loyal G. Hoffman to be postmaster at Boswell, Pa., in place of of Thomas J. McClelland, resigned.

John F. Henry to be postmaster at Cresco, Pa., in place of John A. Seguine, resigned.

Iva S. Martin to be postmaster at Masontown, Pa., in place of C. C. Sterling, deceased.

RHODE ISLAND.

James A. Wright to be postmaster at Wakefield, R. I., in place of J. Elmer Thewlis, deceased.

SOUTH CAROLINA.

Jean C. Sloan to be postmaster at Pendleton, S. C., in place of Paul H. E. Sloan, jr., deceased.

Robert R. Miley to be postmaster at Walterboro, S. C., in place of J. Mitchell Witsell, resigned.

Richard W. Adams to be postmaster at Ridgeway, S. C., in place of H. W. Des Portes. Incumbent's commission expired August 6, 1916.

TEXAS.

Robert E. Watson to be postmaster at Crowell, Tex., in place of J. G. Witherspoon, resigned.

Grace Lemmon to be postmaster at Garland, Tex., in place of Nora Lemmon. Incumbent's commission expired May 22, 1917.

Hoyte H. Burchard to be postmaster at Harlingen, Tex., in place of Hugo J. Letzerich, removed.

Florence K. Winsett to be postmaster at Higgins, Tex., in place of J. W. Winsett, deceased.

William J. Hamlett to be postmaster at Milford, Tex., in place of Z. T. Bundy, deceased.

Sallie P. Lunday to be postmaster at Naples, Tex., in place of James M. Kennedy, deceased.

Ben B. Ward to be postmaster at Newcastle, Tex., in place of Henry C. Williams, resigned.

Annie Kilpatrick to be postmaster at Ratcliff, Tex., in place of Joe Green, resigned.

VIRGINIA.

G. C. Turner to be postmaster at Dante, Va., in place of R. W. Ervin, resigned.

Ethel V. Vaughan to be postmaster at Timberville, Va., in place of Charles E. Fahrney, deceased.

WEST VIRGINIA.

William E. McDowell to be postmaster at Mount Hope, W. Va., in place of J. Frank Grimet, resigned.

Armistead S. Lucas to be postmaster at Shepherdstown, W. Va., in place of William L. Reinhart, deceased.

WYOMING.

J. Arthur Mecham to be postmaster at Afton, Wyo., in place of William H. Cazier, removed.

Edith E. Sumner to be postmaster at Glenrock, Wyo., in place of Kinsler H. Padden, resigned.

Walter E. Patterson to be postmaster at Wheatland, Wyo., in place of Malcolm R. Merrill, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 4 (legislative day of March 2), 1918.

UNITED STATES DISTRICT ATTORNEYS.

William C. Hammer to be United States attorney, western district of North Carolina.

Francis H. Weston to be United States attorney, eastern district of South Carolina.

William W. Ray to be United States attorney, district of Utah.

UNITED STATES MARSHALS.

Henry M. Cox to be United States marshal, eastern district of Kentucky.

Aquila Nebeker to be United States marshal, district of Utah.

PUBLIC HEALTH SERVICE.

Marion Flint Haralson to be assistant surgeon.
John Friend Mahoney to be assistant surgeon.
Hugh David Ward to be assistant surgeon.

POSTMASTER.

ILLINOIS.

Patrick H. Fitzgerald, Tiskilwa.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders:
Eddie J. Estess,
James D. Moore,
William W. Wilson,
William H. Stiles, jr.,
Victor D. Herbster,
David F. Ducey,
Donald T. Hunter,
Cary W. Magruder,
Edmund W. Strother,
William H. Pashley,
Fred T. Berry,
William R. Purnell,
Edwin Guthrie,
James D. Smith,
Frederic T. Van Auken,
Marshall Collins,
Kinchen L. Hill,
Thomas C. Kinkaid,
Lee P. Warren,
Ernest F. Buck,
Allan G. Olson,
Charles M. James,
Ralph G. Walling,
Selah M. La Bounty,
Henry E. Parsons,
Harry G. Donald,
Abner M. Steckel,
John L. Schaffer,
Leland Jordan, jr.,
Edward G. Blakeslee,
John H. Everson,
Worrall R. Carter,
James G. Stevens,
Robert R. M. Emmet,
John C. Jennings,
Henry B. Le Bourgeois,
Paul J. Peyton,
Laurence S. Stewart,

Guy C. Barnes,
William A. Hodgman,
Cleveland McCauley,
Martin J. Peterson,
Robert E. Rogers,
Samuel S. Payne,
Leslie C. Davis,
Harry H. Forgus,
Franklin P. Conger,
Raymond G. Thomas,
Aquilla G. Dibrell,
Henry D. McGuire,
Edward H. Connor,
William B. Cothran,
Theodore S. Wilkinson, jr.,
William W. Smith,
David I. Hedrick,
Olaf M. Hustvedt,
Harold T. Smith,
Cummings L. Lothrop, jr.,
Preston B. Haines,
Gerard Bradford,
Mark L. Hersey, jr.,
Frank T. Leighton,
Alva D. Bernhard,
Chester S. Roberts,
Penn L. Carroll,
Benjamin V. McCandlish,
Daniel A. McElduff,
Arthur S. Dysart,
Hugh P. Le Clair,
Edmund S. R. Brandt,
Harold S. Burdick,
James D. Maloney,
Alan G. Kirk,
Fitzhugh Green,
Levi B. Bye,
Granville B. Hoey,
Tracy L. McCauley,
Francis W. Scanland,
Joel W. Bunkley,
Max B. De Mott,
Ernest J. Blankenship,
John J. Saxer,
Leo L. Lindley,
Harold C. Train,
Wallace L. Lind,
Richard McC. Elliot, jr.,
Lee P. Johnson,
Monroe Kelly,
Marion C. Robertson,
Edward C. Raguet,
Ward W. Waddell,
Charles C. Davis,
Robert R. Paunack,
Frank D. Manock,
George K. Stoddard,
Williams C. Wickham,
Freeland A. Daubin,
Hugh V. McCabe, and
Claude S. Gillette.

The following-named lieutenants (junior grade) to be lieutenants:

James A. Scott,
Julius W. Simms,
William E. Miller,
George F. Chapline,
Douglas C. Woodward,
William J. Forrestel,
Armistead C. Rogers,
John S. Roberts,
John D. Price,
Norman O. Wynkoop,
James B. Ryan,
William W. Schott,
Sidney W. Kirtland,
Joseph H. Lawson,
Stanwix G. Mayfield, jr.,
Richard E. Webb,
Edwin F. Cochrane,
Charles T. Gilliam,
Gilbert C. Hoover,
Thomas V. Cooper,
Walter S. Carrington,
Newbold T. Lawrence, jr.,
Roy K. Jones,
Martin B. Stonestreet,
Heman J. Redfield,
Richard H. Jones,
Lowell Cooper,
Linton Herndon,
Andrew C. McFall,
Leon F. Brown,
Herbert S. Jones,
Herbert J. Grassie,
Robert N. Kennedy,
Isaiah Parker,
Carl H. Hilton,
Chaplin E. Evans,
James K. Davis,
George D. Price,
Cassin Young,
Carlyle Craig,
Knefler McGinnis,
James P. Compton,
George G. Robertson,
Fred W. Connor,
Dallas Wait,
Frederick E. Haeberle,
John E. Ostrander, jr.,
Edmund E. Brady, jr.,
Houston L. Maples,
George W. McIver, jr.,
Henry R. Oster,
Randall E. Dees,
Colin Campbell,
Paul W. F. Huschke,
Theodore L. Schumacher,
Clarence W. Johnson,
Douglas W. Coe,
Frank G. Fahrion,
Albert Noble,
Norborne L. Rawlings,
Ingolf N. Kiland,
Frank H. Dean,
Edward A. Mitchell,
Harold S. Klein,
Alexander D. Douglas,
Lawrence Wainwright,
Homer N. Wallin,
Donald B. Duncan,
Sydney J. Wynne,
Earle E. Muschlitz,
Robert B. Dashiell,
Julian L. Woodruff,
John O'D. Richmond,
David C. Fox,
Andrew G. Shepard,
Simon P. Fullinwider,
Lisle F. Small,
William P. O. Clarke,
Edmund R. Caldwell,
Jay K. Allen,
Nicholas Vytlacil,
Stanton H. Wooster,
Edward B. Rogers,
George T. Howard,
Charles L. Hayden,
Robert L. Randolph, jr.,
Robert G. Tobin,
Theodore M. Waldschmidt,
Herbert B. Knowles,
Adolph P. Schneider,
Anson A. Bigelow,
Robert R. Ogg,
John C. Tyler,
Harold B. Sallada,
Benjamin Buchalter,
George R. Fairlamb, jr.,
Joseph W. Gregory,
John R. Cruse,
John T. Metcalf,
Ross F. Collins,
Benjamin F. Stand,
Paul F. Shortridge,
Francis C. Denebrink,
John J. Twomey,
Felix B. Stump,
Robert B. Matthews,
Hugh St. C. Sease,

Walter C. Calhoun,
Carl F. Holden,
Lester J. Hudson,
Kingsland Dunwoody,
Samuel B. Brewer,
Vincent J. Moore,
Frank W. Lively,
James H. Conyne,
Davenport Browne,
Frederic W. Neilson,
Franklin S. Irby,
Allen I. Price,
Colin DeV. Headlee,
Byron K. Presnell,
Merrill Comstock,
Robert W. McReynolds, jr.,
Richard W. Gruelick,
Harrison Avery,
Paul U. Tevis,
Leonard Doughty, jr.,
Wilbur V. Shown,
Hanson E. Ely, jr.,
George K. Weber,
Ralph U. Hyde,
William F. Dietrich,
Ralph Wyman,
Andrew G. Reaves,
George C. Cummings,
Richard H. Harper,
George M. Keller,
John B. Heffernan,
Edward J. Moran,
Harry C. Blodgett,
John H. Keefe,
Elliott M. Senn,
Francis W. Benson,
Thomas R. Cooley, jr.,
Vernon F. Grant,
George L. Harriss,
Francis T. Spellman,
Homer W. Clark,
Carl L. Hansen,
Edward Sparrow,
Ben H. Wyatt,
Robert L. Porter, jr.,
Ward P. Davis,
Guido F. Forster,
Volney O. Clark,
Edward H. Jones,
Gaile A. Poindexter,
Earl W. Morris,
Robert W. Fleming,
Thomas B. Hendley,
William J. Morcock,
Kenneth L. Coontz,
Karl Keller,
Howard F. Councill,
Robert E. Keating,
Philip W. Warren,
John N. Walton,
Earl S. Hurlbut,
Allan R. McCann,
Evan G. Hanson,
Herbert W. Anderson,
William G. Ludlow, jr.,
Carl W. Brewington,
Leonard B. Austin,
Chester McK. Holton,
John H. Jenkins,
Leonard P. Wessell,
Emile Topp,
Frank L. Worden,
Donald R. Evans,
Frank J. Hanafee,
Andrew R. Mack,
John G. M. Stone,
Ralph F. Skylstead,
Clarence O. Ward,
Guy W. Clark,
Thomas D. Ross,
James P. Conover, jr.,
John V. Murphy,
Francis A. Smith,
Peyton H. Park,
Conrad L. Jacobsen,
Kenneth Floyd-Jones,
William McK. Reifel,
William H. Ball,
Laurence P. Sargent,
Seabury Cook,
Constantine N. Perkins,
Rollin V. A. Failing,
Benjamin O. Wells,
Laurence E. Kelly,
Herbert V. Wiley,
Douglas A. Spencer,
John J. Bartholdi,
Charles W. Weitzel,
Harold F. Ely,
Isidore Lehrfeld,
Stephen E. Dillon,
John H. Forshew, jr.,
William S. B. Claude,
William S. Heath,
Guy B. Hoover,
Kenneth M. Hoeffel,
Joseph W. Paige,
Forrest P. Sherman,
William R. Nichols,
Ernest B. Colton,
Joseph W. Fowler,
William H. Hopkins, jr.,
William J. Malone,
Oscar H. Holtmann,
Lawrence B. Richardson,
James Fife, jr.,
Moses B. Byington, jr.,
Frank R. Dodge,
George T. Cuddihy,
William W. Warlick,
Vincent R. Murphy,
Ralph S. McDowell,
Henry A. Hutchins, jr.,
Charles W. Styer,
Thomas L. Sprague,
Owen E. Grimm,
Einar R. Johnson,
Martin J. Connolly,
Pal L. Meadows,
John D. Crecca,
Frederick L. Douthit,
Frederick S. Holmes,
Thomas B. Inglis,
Earl E. Stone,
James D. Jacobs,
John J. Ballentine,
Edwin H. Price,
Everett B. Browne,
John R. Sullivan,
James V. B. Lawyer,
John D. Alvis,
John N. Whelan,
Daniel W. Tomlinson, 4th,
Edward F. McCartin,
Hayden H. Smith, and
Donald A. Green.

The following-named ensigns to be lieutenants (junior grade):

Emory F. Hosmer,
Ernest Heilmann,
Otto J. W. Haltnorth,
Percy H. Bierce,
Franklin E. Chester,
Frank G. Mehling,
James J. O'Brien,
Edward Crouch,
William DeFries,
John B. Hupp,
Daniel Dowling,
Edward C. Wurster,
Arthur B. Dorsey,
Arthur D. Freshman,
Gustav C. Tanske,
Leroy Rodd,
Charles W. A. Campbell,
Edward Wenk,
Frank C. Wisker,
Louis M. Wegat,
Harry E. Stevens,
David P. Henderson,
Harry A. Pinkerton,

Herman Kossler,
Oscar E. Anderson,
Henry McEvoy,
Lawrence Wittmann,
Alvin E. Skinner,
Joseph Chamberlin,
Newton R. George,
Ralph G. Moody,
John McN. D. Knowles,
Robert G. Greenleaf,
Charles F. Beecher,
Frank R. King,
William H. Hubbard,
James MacIntyre,
Ernest W. Dobie,
Stephen H. Badgett,
Jonathan H. Warman,
Walter M. Shipley,
John C. Parker,
Charles O. Hathaway,
James M. Berlin,
Walter Lau,
Robert B. Sanford, jr.,
Charles D. Welker,
Rufus H. Bush,
John E. Burger,
Patrick J. Solon,
Francis A. Pippo,
Joseph W. Bettens,
Frank Bruce,
Michael J. Conlon,
Henry W. Stratton,
Clyde Keene,
George C. Smith,
William Seyford,
Gottlieb Sherer,
George E. Maynard,
Arthur B. McCrary,
Axel Lindblad,
Seldon L. Almon,
William E. O'Connor,
William Twigg, jr.,
Frederick R. Kalde,
Burton W. Lambert,
Allen I. Seaman,
William D. Dadd,
Charles Swanberg,
Malcolm C. Davis,
William H. Muehlhause,
Leroy Neil,
Oscar D. Parker,
John A. Ward,
John C. Hines,
John Gallagher,
George W. Robbins,
Cyrus S. Hansel,
Ernest A. Healy,
Frederick G. Keyes,
William Eberlin,
Frederick Petry,
John Meyer,
Frederick Evans,
Godfrey P. Schurz,
Clarence L. Tibbals,
Thomas J. Bristol,
William Taylor,
Daniel F. Mulvihill,
Michael J. Bresnahan,
Lafayette P. Guy,
Edmond Delavy,
Frank J. Mayer,
Horace de B. Dougherty,
James J. Joyce,
Fred Rasmussen,
Warner K. Bigger,
Frank Schultz,
Joseph Sperl,
Daniel J. Sullivan,
David F. Mead,
Edwin W. Hill,
Henry A. Lowell,
Charles Antrobus,
Oliver C. Miller,
August Logan,
John J. Coyle,
George F. Blass,
Walter S. Belknap,
George C. Lacock,
Anton Hengst,
John W. Boldt,
Fred San Soucie,
Claude S. Padgett,
Howard H. Chambers,
Percy R. Abrams,
Vincent F. LeVerne,
Charles E. Briggs,
George B. Llewellyn,
William C. Milligan,
Frederick J. Legere,
James Reilly,
John H. MacDonald,
William A. James,
William A. Fulkerson,
Jerry C. Holmes,
Conrad T. Goertz,
Edwin R. Wroughton,
William E. Cook,
Lewis H. Cutting,
Ernest L. Jones,
William C. Carpenter,
Murry Wolfe,
Charles L. Greene,
Arthur T. Brill,
Ward T. Hall,
Michael Garland,
Erich Richter,
John C. Heck,
James L. McKenna,
George W. Waldo,
Anthony E. Bentfeld,
Arthur Boquett,
John Harder,
Sigvart Thompson,
Stephen A. Farrell,
William A. Vick,
John J. Welch,
Arthur S. Rolling,
Charles C. Stotz,
John C. Maxon,
Bailey E. Rigg,
Walter A. Buckley,
Frank E. Nelson,
Norman McL. McDonald,
Philip S. Flint,
Charles W. Wagner,
Henry A. Reynolds,
George F. Veth,
James E. Kemmer,
James A. Newell,
William W. Holton,
Fred C. Wolf,
Charles J. Naprstek,
Max Bayer,
Paxton Hotchkiss,
Leon W. Knight,
Harry M. Peaco,
Henry H. Beck,
Frank F. Webster,
John Reber,
Charles N. Koch,
Fred T. Rider,
William S. Evans,
Sofus K. Sorensen,
George J. Romulus,
Arthur L. Heckyell,
Charles King
Quintus R Thomson, jr.,
Ora A. Martin,
John A. Pierce,
Stephen Ingham,
William R. Spear,
William T Shaw,
Roy K. Madill
William R. McFarlane,
Nils Anderson,
Melvin C. Kent,
John E. Armstrong,
Albert C. Fraenzel,
William A. Martin,
Ralph B. Wallace,

James Roberts,
Joseph D. Glick,
Anthony Prastka,
Joseph W. Birk
Edmund D. Duckett,
Raymond A. Walker,
Hermann Jorgensen,
Charles F. Dame,
Arthur J. Holton,
Vincent Benedict,
Ola D. Butler,
Edgar C. Wortman,
Joseph G. N. Johnson,
David Duffy,
Clyde H. McLellon,
Noel Chatillon,
William F. Schlegel,
Lee W. Drisco,
James J. Delany,
William H. Stephenson,
Arthur E. Rice,
John P. Millon,
Frank L. Elkins,
Sol Shaw,
Ernest J. Leonard,
Thomas J. Sullivan,
John P. Sasse,
Will Mueller,
John H. Chase,
Will S. Holloway,
George J. Blessing,
James D. Brown,
Patrick H. Cassidy,
Frank A. Manuel,
Frank Flaherty,
Arthur A. F. Aim,
Bennett McC. Proctor,
James Donaldson,
John A. Silva,
James Hauser,
John E. Sullivan,
Charles A. Armstrong,
Chauncey R. Doll,
James S. Trayer,
Gregoire F. J. Labelle,
Theodore Andersen,
Henry Hartley,
Eugene J. Frieh,
Philip J. Kelly,
Alfred Doucet,
William E. Benson,
Fred C. A. Plagemann,
Peter J. Gundlach,
Albert M. Hinman,
Leon W. Becker,
William Cox,
Stephen A. Loftus,
Herman C. Schrader,
Asa V. R. Watson,
William A. Eaton,
James M. MacDonnell,
Herbert R. Mytinger,
Harold A. Turner,
Charles B. Bradley,
Curry E. Eason,
Samuel C. Washington,
Brice H. Mack,
James A. Featherston,
Walter N. Fanning,
Herbert J. Meneratti,
Niels Drustrup,
Abraham DeSomer,
George Bradley,
Donald McDonald,
Warren E. Magee,
Robert J. Kingsmill,
Charles F. Merrill,
Charles B. Shackelton,
Benjamin F. Ranger,
Robert C. McClure,
Carl S. Chapman,
George C. Martin,
Wilmer W. Weber,
Mark Strosk,
William W. Wilkins,
Helge Ohlsson,
Elroy G. True,
James W. O'Leary,
Warren H. Langdon,
Andrew C. Skinner,
Emery Smith,
Benjamin F. Maddox,
George Keeser,
John A. Rogers,
Alfred E. Raue,
John C. Richards,
Frank W. Yurasko,
Albert H. Mellien,
Philip A. Astorin,
Thomas A. Graham,
William A. Mason,
Everest A. Whited,
John F. Murphy,
Charles A. Kohls,
Clarence R. Rockwell,
Paul E. Kuter,
William E. Snyder,
David McWhorter, jr.,
George H. Kellogg,
Elery A. Zehner,
Samuel E. Lee,
Frank Stinchcomb,
Simon L. Shade,
Ludwig W. Gumz,
Wildon A. Ott,
Hugh W. Ninmo,
Junius G. Sanders,
Frederick B. Webber,
George T. Campbell,
Charles A. Dannemann,
Harold G. Billings,
Albert E. Freed,
Frank Kinne,
Andrew N. Anderson,
Frank C. Nigg,
Frank Kerr,
Arthur H. Cummings,
Harry J. Hansen,
Rony Snyder,
Newcomb L. Damon,
Jack K. Campbell,
George Kleinsmith,
Albert G. Martin,
Daniel McCallum,
John M. Buckley,
John J. Madden,
Robert Semple,
Henry H. Fowler,
Stanley H. Sacker,
Elmer J. McCluen,
John M. Kirkpatrick,
Clyde Lovelace,
Claude B. Arney,
Martin Dickinson,
Jesse J. Alexander,
John J. Enders,
Jesse J. Oettinger,
William H. Farrel,
Thomas M. Buck,
John Shottroff,
John Whalen,
Raymond C. McDuffie,
Oscar Benson,
William Martin,
John S. Conover,
Fayette Myers,
John G. M. Johnson,
Frederick Clifford,
Alexander Anderson,
Frederick T. Walling,
Charles V. Kane,
Joseph M. Gately,
Joseph H. Gerrior,
George S. Dean,
Ralph A. Laird, and
Charles F. Fielding.

Capt. Arthur B. Owens to be a major in the Marine Corps.

Capt. Clarke H. Wells to be a major in the Marine Corps.

The following-named first lieutenants to be captains in the Marine Corps:

Harry Paul, and
William Workman.

The following-named second lieutenants to be first lieutenants in the Marine Corps:

Frank R. Armstead, and
Lee H. Brown.

First Lieut. Ethelbert Talbot to be a captain in the Marine Corps.

Francis B. Reed to be a second lieutenant in the Marine Corps.

HOUSE OF REPRESENTATIVES.

MONDAY, *March 4, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, source of all good, help us to concentrate our wisdom, power, and influence, with our allies, with whom we are associated, against the powers of evil; that we may overcome their machinations and inhuman desires; and bring order out of chaos, peace out of war, righteousness out of evil, and establish liberty, truth, justice, righteousness in the heart of mankind; that Thy Kingdom may come in all its fullness, in the spirit of the Lord Jesus Christ. Amen.

The Journals of the proceedings of Saturday, March 2, and Sunday, March 3, 1918, were read and approved.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is Unanimous-Consent Calendar day. The Clerk will report the first bill on that calendar.

RESERVE OF THE PUBLIC-HEALTH SERVICE.

The first business on the Calendar for Unanimous Consent was S. J. Res. 63, to establish a reserve of the Public-Health Service.

The Clerk read the title of the joint resolution.

Mr. COADY. Mr. Speaker, I ask unanimous consent that that joint resolution be passed over without prejudice.

Mr. FOSTER. Mr. Speaker, reserving the right to object, I think that where bills have been passed over twice already they ought to go to the foot of the calendar. They ought not to be allowed to clog the calendar, and I suggest that if this joint resolution is passed over it be with that understanding—that it go to the foot of the calendar.

Mr. BORLAND. Why is it to be passed over? This is a very important measure, and it seems to me we might pass it.

Mr. COADY. It is a very important measure, but I understand there is objection to it on the part of some Members.

Mr. BORLAND. The need for this public-health reserve is critical right now.

Mr. COADY. I agree with the gentleman. I would have it considered now if I felt that there would be no objection to it.

The SPEAKER. Is there objection to the request of the gentleman from Maryland to pass this joint resolution over without prejudice?

Mr. FOSTER. If it goes to the foot of the calendar I have no objection.

The SPEAKER. Yes; but there is no rule to put it at the foot of the calendar.

Mr. FOSTER. I object.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. STAFFORD. I have no objection to the matter being passed over without prejudice.

The SPEAKER. But the trouble about that is that the gentleman from Illinois [Mr. FOSTER] does have objection to it.

Mr. FOSTER. I think it is hardly fair that a bill should be passed over day after day and retain its position at the head of the calendar.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield in that particular? If the Chair will indulge me just a moment, I think there is considerable merit in the position taken by the gentleman from Illinois [Mr. FOSTER]. I think that the Committee on Rules should bring in a rule providing for the consideration of bills on Unanimous-Consent Calendar day, so that the call of committees shall begin where it left off on the last preceding unanimous-consent day. Under the existing practice we rarely get to the bills that have been recently placed on the Calendar for Unanimous Consent.

The SPEAKER. All this is out of order. The gentleman from Wisconsin [Mr. STAFFORD] objected to the present consideration of this joint resolution, and it will be stricken from the calendar. The Clerk will report the next bill.

ADDITIONAL JUDGE, EASTERN DISTRICT OF MISSOURI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 294) to provide for the appointment of an additional judge of the district court of the United States for the eastern district of Missouri.

The Clerk read the title of the bill.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice and placed at the foot of the calendar.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that this bill be passed over and put at the foot of the calendar.

Mr. STAFFORD. I object to the consideration of the bill, and also to the request of the gentleman from North Carolina.

The SPEAKER. The gentleman from Wisconsin objects to the whole thing. The bill will be stricken from the calendar.

VOCATIONAL EDUCATION.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 110, to amend an act entitled "An act to provide for the promotion of vocational education," approved February 23, 1917.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. CLARK of Florida. I ask unanimous consent that this joint resolution may be passed over informally.

Mr. STAFFORD. Will the gentleman yield?

Mr. CLARK of Florida. Yes.

The SPEAKER. The gentleman from Florida [Mr. CLARK] asks unanimous consent that joint resolution be passed over without prejudice.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, will the gentleman from Florida allow me?

Mr. CLARK of Florida. Yes.

Mr. STAFFORD. The matter covered by this joint resolution was taken care of in the deficiency appropriation bill that recently passed the House, and there can be no need of it in case the item is agreed to in the Senate as it passed the House. I have no objection, however, to letting this matter go over until it is known whether the Senate agrees to the provision as incorporated in the deficiency appropriation bill.

Mr. CLARK of Florida. Very well.

The SPEAKER. The gentleman from Florida [Mr. CLARK] asks unanimous consent that this joint resolution be passed over without prejudice. Is there objection?

Mr. FOSTER. To take its place at the foot of the line, Mr Speaker.

Mr. CLARK of Florida. That is all right, Mr. Speaker. We understand each other.

The SPEAKER. To be placed at the foot of the calendar. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, if the gentleman from Florida will allow me, I think there ought not to be any blanket authority granted to any officer of the Government to go where he pleases and when he pleases to put up buildings.

Mr. CLARK of Florida. We are not talking about buildings. This is the educational matter.

Mr. MADDEN. I thought it was the building bill. This is all right.

The SPEAKER. Is there objection to passing this joint resolution over and putting it at the foot of the calendar?

Mr. SHERLEY. Mr. Speaker, I object.

Mr. CLARK of Florida. Mr. Speaker, I want to state my reason. It will take only a moment to do it.

My colleague [Mr. SEARS] is interested in the joint resolution and made the report. He is before a very important meeting of the Committee on Agriculture. I want it passed until he can be here on the floor.

Mr. SHERLEY. I have no objection to that.

The SPEAKER. The gentleman from Florida asks unanimous consent that this joint resolution be passed over temporarily, so that it may be called up again to-day. Is there objection?

There was no objection.

POST OFFICES AT GLENDALE AND ALHAMBRA, CAL.

The next business on the calendar for unanimous consent was the bill (H. R. 7230) to amend the postal laws.

Mr. RANDALL. Mr. Speaker, this is a bill to reestablish two post offices in California.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I feel inclined from the information I now have in my possession to

object, although I am willing to withhold it for further information if the gentleman from California can give it to us.

REESTABLISHMENT OF SECOND-CLASS POST OFFICES.

Mr. RANDALL. Mr. Speaker, this is not a bill to establish new post offices; it is to reestablish post offices which were formerly independent post offices but were discontinued against the will of the inhabitants of the cities in which they were situated. This is a bill simply to restore the status of second-class post offices in the cities of Glendale and Alhambra, Cal., discontinued several years ago and made substations of the city of Los Angeles. If gentlemen desire further information before consideration of the bill I can give it.

Mr. GARD. By whose order were the post offices discontinued and made substations?

Mr. RANDALL. By order of the Postmaster General; and they can not be reestablished as post offices of the second class except by enactment of Congress.

Mr. GARD. When were they discontinued?

Mr. RANDALL. About seven years ago.

Mr. GARD. And they have since operated as substations?

Mr. RANDALL. Yes. I will ask the Clerk to read the resolution of the city councils of the two cities and the chambers of commerce of Alhambra and Glendale.

The Clerk read as follows:

ALHAMBRA, CAL., *February 15, 1918.*

Hon. CHARLES H. RANDALL, *Washington, D. C.*

DEAR SIR: At a meeting of the Alhambra Chamber of Commerce held February 5, 1918, I was authorized to convey to you the wishes of the chamber concerning an independent post office for Alhambra and to assure you that the members of the chamber are back of you in the undertaking.

This is a city of 10,000 population, with a property valuation amounting to the sum of $15,000,000. We have 66 miles of streets, of which 45 miles are paved and 50 miles are illuminated with an ornamental lighting system. We have spent over $700,000 in streets and sidewalks alone.

The building which is being used for post office at present is really an insult to the intelligence of the people of this city, not only being too small and inadequate altogether, but the same is closed at 6.30 every evening and one is unable to obtain mail from the boxes after that time.

It might be well at this time for me to cite an instance which occurred about eight months ago, when an $80,000,000 corporation opened its offices in this city and were unable to rent a post-office box adequate to their needs, with the result that they were compelled to take one of the small boxes at a monthly rental of 15 cents. This will give you an idea as to the character of advertising our city is getting from our post office.

I am inclosing herewith a few photographs and cuts which will show you the character of our post office as compared with our other buildings.

In order to advise you of the caliber of the residents of this city, I might take this opportunity to inform you that we oversubscribed our quota in each of the liberty loan campaigns, together with the Red Cross and Y. M. C. A. movements.

In conclusion, kindly be informed that it is the unanimous desire of this body, the Alhambra Chamber of Commerce, that the Government establish an independent post office in this city, although we know it will cause considerable increase in our expense, due to the additional postage that will be required between here and the city of Los Angeles.

ALHAMBRA CHAMBER OF COMMERCE,
M. B. GRAVES, *Secretary.*

RESOLUTION OF CITY COMMISSION OF ALHAMBRA, CAL.

Whereas Representative C. H. RANDALL has presented to the House of Representatives bill No. 7230, which is a bill to reestablish as a post office of the second class the substation of the post office at Los Angeles, Cal., known as Alhambra; and

Whereas the City Commission of the City of Alhambra believes that said change from a branch office to an independent office will prove a material benefit to the entire city: Now, therefore, be it

Resolved, That the city commission heartily approves the action of Representative C. H. RANDALL and earnestly urges the passage of this bill; and be it further

Resolved, That the city clerk of the city of Alhambra be, and he is hereby, instructed to forward a copy of this resolution to Representative C. H. RANDALL.

Ayes: Commissioners Hall, Bailey, Williams, and Stuart.

JAMES STUART,
President of the Commission of the City of Alhambra.

The foregoing resolution was duly adopted at a regular meeting of the commission of the city of Alhambra held on the 4th day of February, 1918.

ALBIN E. JOHNSON,
City Clerk of the City of Alhambra.

RESOLUTION OF CITY COUNCIL AND CHAMBER OF COMMERCE OF GLENDALE, CAL.

GLENDALE, CAL., *February 17, 1918.*

Hon. C. H. RANDALL,
Member of Congress, Washington, D. C.:

At a joint meeting of members of board trustees and chamber of commerce of Glendale, Cal., the following resolution was adopted:

"Whereas Glendale is city of 13,000 and has contiguous thereto 3,000 additional, and is entitled to an independent post office: Therefore

"*Resolved*, That we hereby affirm our former action and petition for an independent post office to serve needs of our city and population tributary thereto."

J. S. THOMPSON,
Chairman, Board of Trustees.
A. T. COWAN,
President, Chamber of Commerce.

Mr. RANDALL. Mr. Speaker, these cities are not suburbs of Los Angeles. They are independent cities; in one case 7 miles from the Los Angeles post office, and in the other case 8 miles. The service given by the substation method has been entirely unsatisfactory.

Mr. SHERWOOD. Will the gentleman yield?

Mr. RANDALL. Yes.

Mr. SHERWOOD. What is the reason given by the Postmaster General for their discontinuance?

Mr. RANDALL. The Postmaster General is willing to reestablish the offices. The initiative was taken in the city of Los Angeles, which desires to consolidate all the cities of Los Angeles County with that city, and it began by influencing the department to discontinue the independent post offices. That is the origin of it.

Mr. FOSS. Is there any proposition by Los Angeles to annex these cities?

Mr. RANDALL. None in an official way, except the agitation in the city of Los Angeles.

Mr. FOSS. But there has been no vote or referendum?

Mr. RANDALL. No.

Mr. WHEELER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHEELER. Has unanimous consent been given for the consideration of this bill?

The SPEAKER. It has not.

Mr. WHEELER. Then why can we be considering it at this time?

The SPEAKER. Because the gentleman from Wisconsin reserved the right to object.

Mr. RANDALL. Mr. Speaker, the only action we have had on this question of annexation is in the case of the city of Tropico, lying between Glendale and Los Angeles, which recently voted on a proposition to annex to Los Angeles, and voted it down. Then at a later election Tropico voted to annex to Glendale. Apparently some cities would rather annex themselves to cities outside than to Los Angeles.

Mr. GILLETT. Will the gentleman yield?

Mr. RANDALL. Yes.

Mr. GILLETT. Do I understand that these post offices were established as substations by the department without action of Congress?

Mr. RANDALL. Yes; the offices were discontinued by the Postmaster General and made substations, but he has no power to reestablish them except as post offices of the fourth class. In such a case there is no money available for clerk hire or carrier service.

Mr. GILLETT. Then I understand that the Postmaster General has power to destroy but not to restore?

Mr. RANDALL. He has power to destroy any presidential post office, but he can not restore it without action of Congress.

Mr. GILLETT. When was this done?

Mr. RANDALL. About seven years ago.

Mr. STAFFORD. What is the attitude of the present Post Office Department as to a change of the status of postal stations tributary to large city post offices?

Mr. RANDALL. I can not inform the gentleman as to the general attitude, but I can say that the Post Office Department drew the language of the bill in this particular case.

Mr. STAFFORD. Has the gentleman a letter from the Postmaster General in which he says that he approves of this?

Mr. RANDALL. No. The First Assistant Postmaster General was before the Post Office Committee and interrogated, and there he drew the language for this bill. The Post Office Committee has unanimously recommended the passage of this bill.

Mr. STAFFORD. Mr. Speaker, until we have some express recommendation from the Postmaster General favoring this administrative policy I shall have to object.

The SPEAKER. Objection is made, and the bill will be stricken from the calendar.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendments of the House of Representatives to joint resolution (S. J. Res. 92) providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation.

The message also announced that the President had, on March 1, 1918, approved and signed bill of the following title:

S. 3389. An act to authorize and empower the United States Shipping Board Emergency Fleet Corporation to purchase, lease, requisition, or otherwise acquire, and to sell or otherwise dispose of improved or unimproved land, houses, buildings, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to joint resolution of the following title:

S. J. Res. 62. Joint resolution providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash.

FOREIGN DECORATIONS AND MEDALS OF HONOR.

Mr. CALDWELL. Mr. Speaker, I ask unanimous consent that the two next bills on the Calendar for Unanimous Consent, S. 2796 and S. 1720, be passed momentarily, as both Mr. SHALLENBERGER and Mr. ANTHONY are attending a meeting of the Committee on Military Affairs.

The SPEAKER. The Clerk will report both of these bills by title, and the Chair will then put the request.

The Clerk read as follows:

S. 2796. An act to permit American citizens to wear medals or decorations received from certain foreign countries on entering the military or naval service of the United States, and for other purposes.

S. 1720. An act to provide for the award of medals of honor and distinguished service medals.

The SPEAKER. The gentleman from New York requests that the bills just reported by the Clerk be passed temporarily, to be brought up later, when the gentleman from Nebraska [Mr. SHALLENBERGER] and the gentleman from Kansas [Mr. ANTHONY] are in the Chamber. Is there objection?

There was no objection.

DESERT-LAND ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 175) to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. STAFFORD. Mr. Speaker, as no member of the Committee on Public Lands is present, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin that the bill be considered in the House as in Committee of the Whole?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, this bill comes from the Committee on Public Lands?

Mr. STAFFORD. It does.

Mr. COOPER of Wisconsin. Is any member of the Committee on Public Lands present?

Mr. JOHNSON of Washington. I think that committee is engaged in important hearings on the leasing bill at this time.

Mr. STAFFORD. This bill merely seeks to extend the date of a bill that passed here in 1915 so as to permit certain entrymen that entered under the desert-land law a few months subsequent to the passage of this act to have the benefits of the provisions of the law. It is a remedial measure of minor character in which the gentleman from Colorado [Mr. TIMBERLAKE] is interested.

Mr. COOPER of Wisconsin. Mr. Speaker, I have not a copy of the bill before me, but from what the gentleman from Wisconsin has just said, the bill we passed in 1915 allowed certain entrymen who had already made certain entries to have certain privileges, and now this amendment, he says, merely permits other people who made entries after that to have the same privilege. It strikes me that this grants a privilege of some consequence.

Mr. STAFFORD. To permit those who made entry, as I recall it, in the few weeks pending the legislation, to have the same privileges as were conferred by the law that was passed at that time. I may say that this bill has the approval of the Secretary of the Interior, as is evidenced by a letter which is incorporated in the report.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin to consider the bill in the House as in Committee of the Whole?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the last three paragraphs of section 5 of the act of March 4, 1915, "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915, and for prior years, and for other purposes," be, and the same are hereby, extended and made applicable to any lawful pending desert-land entry made prior to March 4, 1915: *Provided*, That in cases where such entries have been assigned prior to the date of the act the assignees shall, if otherwise qualified, be entitled to the benefit hereof.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. STAFFORD. Mr. Speaker, I have a minor amendment which I desire to offer, on page 2, line 1, after the last "the," to insert the words "approval of this."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, after the word "the," where it occurs the last time in the line, insert "approval of this."

The SPEAKER. The question is on agreeing to the amendment.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to have the gentleman from Wisconsin explain precisely what that amendment does.

Mr. STAFFORD. Mr. Speaker, this proviso grants the privileges of this act, not only to those who entered upon the land under the desert-land laws in the period prior to March 4, 1915, and subsequent to July 1, 1914, but to any assignees of those entrymen in which the assignment has been made prior to the approval of this act. The purpose of the proviso is to grant the same privilege to the assignees of these entrymen as to the original entrymen, and the purpose of my amendment is merely to clear up the phraseology; but if there is any objection to it I shall withdraw it, because it is merely to improve the phraseology.

Mr. COOPER of Wisconsin. All of these entrymen could assign to the same assignee?

Mr. STAFFORD. They could under the provisions of the bill as recommended by the Secretary of the Interior.

Mr. SHERLEY. Do I understand the gentleman's amendment is to clarify the meaning of the language on page 2 of the bill, "prior to the date of the act"?

Mr. STAFFORD. Yes.

Mr. SHERLEY. And how does the gentleman propose it shall read?

Mr. STAFFORD. "Prior to the date of the approval of this act."

Mr. SHERLEY. I think that enlarges the bill very much.

Mr. STAFFORD. I think that was the purpose of the framer of the bill; but if there is objection I shall withdraw the amendment.

Mr. SHERLEY. Mr. Speaker, if the gentleman will yield further, I suggest to him that the real amendment ought to be to make this language so clear as to indicate without doubt that the assignment must have been made prior to March 4, 1915.

Mr. STAFFORD. I will say to the gentleman from Kentucky it was not the purpose, as the gentleman will see from reading the letter of the Secretary of the Interior, to limit the privileges to only those assignees who received the assignment prior to that date.

Mr. SHERLEY. Why should it not be?

Mr. STAFFORD. I am merely carrying out the suggestion of the Secretary of the Interior. Under the original law incorporated in the appropriation bill, which this is seeking to amend, the privilege was granted to all assignees of these rights up to a certain date.

Mr. SHERLEY. The Secretary does not seem to be overly enthusiastic about the bill at all.

Mr. STAFFORD. I agree with the gentleman that it merely extends certain privileges to certain entrymen who made entry in an interregnum so as to give them the same privileges. I am merely doing this in the absence of the gentleman from Colorado, who is engaged in committee work.

Mr. SHERLEY. I think the way the act is now drawn it is limited to that date, so I am willing to let it go.

Mr. STAFFORD. Then I withdraw my amendment upon the suggestion of the gentleman from Kentucky.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. TIMBERLAKE, a motion to reconsider the vote by which the bill was passed was laid on the table.

RELIEF OF SETTLERS UNDER FORFEITED CAREY ACT PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5559) to authorize a preference right of entry by certain Carey Act entrymen, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to know something about a bill as important as this before it passes.

Mr. TAYLOR of Colorado. Mr. Speaker, I will be glad to explain the bill to the gentleman and to the House. Mr. Speaker, in several of the Western States there are a number

of what are known as "Carey Act" irrigation projects. Those projects are started by agreement between the Federal Government and the various States. The States enter into an agreement with some large corporations to build large irrigation ditches, reservoirs, and so forth, and allow settlers to come in and take a 160-acre homestead on those projects. On some of those projects the companies that have agreed to build the ditches have fallen down. They have been unable to get the money to finance the proposition, or the available supply of water has proven insufficient, and for various reasons the parties have been unable to go ahead with it, and there are a number of those projects where hundreds of people have been living on the land for a number of years, hanging on the best they could, and improving their claims as much as they can, and waiting and hoping that some day the company would build its ditches and extend water to their land. After nearly 10 years of waiting, the Interior Department has the authority, under certain conditions, to cancel and forfeit the project and declare the lands thereunder open to entry under the public-land laws, and there is no law that allows those settlers on these Carey Act projects any prior or preference right to take or hold their claims. They may have lived on their land 5 or 10 years, they may have put in all the improvements they could, and all of their time, and yet, when the entry is canceled the land is thrown open to public entry by the Interior Department; if somebody else can get a faster horse and beat these men to the land office, they can file on the land and get the first right to it and beat the man out of his home. This bill of mine merely gives the settler who has established a bona fide residence upon the land, made valuable and permanent improvements upon the land, 90 days' prior right to file upon the land that he is living on. This bill, if passed, would hold that claim as against all strangers 90 days for the rightful occupant to go to the land office and file on it. The bill is very short, and reads as follows:

That the Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under section 4 of the act of August 18, 1894, and the acts and resolutions amendatory thereof and supplemental thereto, commonly called the Carey Act, is authorized, in his discretion, and under such rules and regulations as he may establish, to allow for not exceeding 90 days, to any qualified person, a preference right of entry under applicable public land laws of any of such lands to which such person had initiated a claim under the State laws, and upon which such person had established actual bona fide residence, or had made substantial and permanent improvements.

This bill was referred to the Department of the Interior for recommendation, and the Acting Secretary reported thereon as follows:

DEPARTMENT OF THE INTERIOR,
Washington, August 29, 1917.

Hon. SCOTT FERRIS,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your letter dated August 3, 1917, transmitting a copy of H. R. 5559, introduced by Mr. TAYLOR of Colorado.

In the operation of the Carey Act it has unfortunately occurred that lands segregated thereunder to a State, and entered under the State laws by individuals, have been eventually abandoned by the State, with consequent prejudice to the interests of its entrymen, whose legal rights depend upon those of the State, and terminate with the cancellation of the segregation. The purpose of the bill is to minimize the losses of such entrymen, so far as it may be done. The bill as presented is workable, but it is believed that with slight changes in phraseology the purpose can be better effectuated.

The bill is intended to apply to every case where lands are eliminated from a segregation under the Carey Act and the introductory clause, "In cases where Carey Act projects upon the public lands are not consummated by the States holding same," adds nothing to the meaning of the act, and might well be eliminated, since there is a possibility that some might take the clause to limit the operation of the act to cases where the project is abandoned in its entirety, while the bill should cover, as well, cases where only part of the lands are eliminated from the project.

The granting of the preference right is in the nature of an equitable action, and should be granted only when the equities are clear. It would be difficult to provide, in advance of actual consideration of cases, for general rules that would be applicable to all cases. While some such "claims" initiated under the State laws are meritorious, others are of a more or less doubtful character. Accordingly, it would appear that the Secretary should have the authority to allow the preference in his discretion, and to make special rules in any particular case that seemed to require such action, as, for instance, in restricting the preference right to those who had made entry prior to a specified date, on which the State had been advised of the opinion of the department or of the General Land Office, that the water supply would be insufficient. It should be stated in this connection that it is not now the practice of the States to allow filings under the State law until the successful completion of the project is reasonably assured.

Ordinarily the only law under which the contemplated entries could be made would be the homestead law. However, it might be well to broaden the scope of the act to include any applicable public-land law so as to govern any exceptional cases that might arise in which entries could be made under other laws.

It is accordingly suggested that the act be amended to read as follows:

"*Be it enacted, etc.*, That the Secretary of the Interior, when restoring to the public domain lands that have been segregated to a State under section 4 of the act of August 18, 1894, and the acts and resolutions amendatory thereof and supplemental thereto, commonly called the Carey Act, is authorized, in his discretion, and under such rules and regulations as he may establish, to allow for not exceeding 60 days to any qualified person a preference right of entry under applicable public-land laws of any of such lands to which such person had initiated a claim under the State laws, and upon which such person had established actual bona fide residence or had made substantial and permanent improvements."

Cordially, yours,

ALEXANDER T. VOGELSANG,
Acting Secretary.

The committee adopted the substitute recommended by the Interior Department as an amendment, the only change being to extend the time in which entrymen are allowed to take advantage of the law to 90 days rather than limit it to 60 days, because of the fact that in many cases the settlers would not be able to learn of their rights within the 60 days recommended by the Secretary. The time really ought to be longer, because some of these settlers have gone into the Army or Navy and are now in France.

There have been started in former years a very large number of Carey Act projects throughout the Western States. Some of them have been successful, others have been partially successful, and a number of them have already been forfeited, and many others undoubtedly ought to be and will be forfeited, because of their utter failure. These failures have very few been fraudulent, or through bad faith, or bad management. Many of them have been started through a misunderstanding of the quantity of water available, and through incompetency in engineering, and failure to properly estimate the necessary expenses of construction of reservoirs and dams and canals, etc., and some have failed through the inability of the parties to properly finance their enterprise. In many cases large numbers of innocent home-seekers and poor people have been induced to go upon these projects and locate upon 160 acres of land and commence improving it.

Many of them have built houses and lived there in good faith for years, claiming the land and improving it as best they could without any water to irrigate with, waiting and hoping that the irrigation works would be constructed. And after spending years of time and labor and money the projects have proven a failure and been abandoned and forfeited and thrown open to settlement by the Secretary of the Interior. At the present time there is no law that in any way protects the prior rights of the settlers upon those projects to the lands they actually occupy. When the lands are thrown open to entry, any person who can beat them to the land office can file and get a first right to the land upon which these settlers have spent many years of hard labor and time and all of their money toward improving and making a home.

This bill merely protects them to the extent of giving them a 90 days' preference or prior right after the land is forfeited and thrown open to entry by the Secretary of the Interior in which they may go to the land office and file upon the lands themselves under the homestead law or the desert-land law, or the preemption law in some cases—that is, they can file under whatever law that is applicable to the character of land that is thrown open to entry. No one could take more than 160 acres, because that is all he can take under the Carey Act, and that would be the extent of the amount of land that he is living upon or improving. It is a humane measure in the interest of protecting the homes and improvements and property rights of these pioneer settlers who have in good faith been trying under the Carey Act projects to acquire a home. The Government loses nothing under this proposed act, and certainly the people who are living upon and who have improved the land are more entitled to a first claim to the land and a preference right to enter it than a mere stranger who has done nothing toward living upon or improving it. For the above reasons the committee is heartily in favor of expeditiously passing this bill, because several of those projects will probably be forfeited and opened to entry in the near future.

Mr. SHERLEY. Does it not do this: Does it not give him an inducement to take this matter out of the Carey Land Act and put it in the hands of the Government, and thereby put a burden on the Government in connection with irrigation?

Mr. TAYLOR of Colorado. No; the bill has no such effect or tendency. I do not think so; no.

Mr. SHERLEY. If he had not a preferential right, he would still try to get the State to do what it agreed to do and had fallen down on.

Mr. TAYLOR of Colorado. The State and the settlers have been trying for many years to induce the promoters of the projects to complete work and furnish water to the lands under it. These projects have been started in good faith, but the difficulties encountered have been too great and they have been unable to complete the projects.

Mr. SHERLEY. If the gentleman will yield, I want to say this to him: It is impossible for a Member to examine bills of this character who is not familiar with them as a member of

the Committee on Public Lands, so as to determine whether they ought to be taken up by unanimous consent. I do not think the Committee on Public Lands should ask of the Congress constant consideration by unanimous consent of bills of this magnitude. They ought to be taken up as other public bills are on the regular calendar, and I shall for that reason object to its consideration.

Mr. TAYLOR of Colorado. Will the gentleman withhold his objection for a moment?

The SPEAKER. Is there objection?

Mr. SHERLEY. I will withhold the objection, but I am going to make it on account of the principle I have announced.

Mr. MONDELL. Mr. Speaker, I hope the gentleman will not. This is a very simple matter, and it is an act of such simple justice if my friend will listen to me, that there certainly ought to be no objection to it.

Mr. SHERLEY. If the gentleman will permit, he does not get the point of it at all——

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts objects, and the bill is stricken from the calendar.

Mr. TAYLOR of Colorado. Will the gentleman from Massachusetts permit the bill to remain on this calendar until I have an opportunity to more fully explain it to him and the gentleman from Kentucky [Mr. SHERLEY]?

The SPEAKER. The gentleman from Colorado asks unanimous consent that this bill be passed over without prejudice and go to the foot of the calendar. Does the gentleman from Massachusetts agree to that?

Mr. WALSH. I have no objection.

The SPEAKER. It is so ordered, and the bill goes to the foot of the calendar.

AMENDMENT TO THE ESPIONAGE ACT.

The next bill in order on the Calendar for Unanimous Consent was the bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right, I do not think we ought——

The SPEAKER. The Chair could not hear the gentleman; he had his head tucked down.

Mr. SHERLEY. I am making myself heard now.

Mr. WEBB. Mr. Speaker, I will be very glad to explain the effect of this amendment to section 3 of the espionage act.

The committee amended section 3 of the espionage act by inserting the following words:

Or shall willfully make or convey false reports or false statements with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States.

It is perfectly apparent, Mr. Speaker, that any man who falsely and willfully circulates a report for the purpose of injuring the sale of bonds upon which the success of this war is bound to be based ought to be declared to be guilty of an offense and punished, and that is all this bill does as an amendment to section 3 of the espionage act.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I have no objection whatever to this amendment. I think we need some legislation going even further than this goes. The reason for my reserving the right to object was this, that I think with matters that are not purely local—private bills, practically—that we ought to have some sort of explanation made to the committee touching them before they are taken up on this calendar. If we do not do it, all of us are going to wake up with regret touching some bills that will go through under misapprehension or nonappreciation of their importance. I have no objection to this bill.

The SPEAKER. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8753) to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917.

Be it enacted, etc., That section 3 of title 1 of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both."

Also the following committee amendment was read:

Insert on page 2, line 7, the words: "shall willfully make or convey false reports or false statements."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. MILLER of Minnesota. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MILLER of Minnesota. I move to amend by striking out the last word.

The SPEAKER. This is a House Calendar bill. The Speaker will recognize the gentleman.

Mr. MILLER of Minnesota. I desire to ask the gentleman from North Carolina [Mr. WEBB] a question. Perhaps he made a statement, but I did not hear it through the confusion in this part of the Chamber, definitely stating how this amends the existing law. I did not understand that he so stated. I wish he would kindly explain it. I could not get it from the reading which the Clerk just made.

Mr. WEBB. Section 3 of the espionage act contains these words:

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or—

And this amendment adds—

shall willfully make or convey false reports or false statements—

And then—

with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States.

I may say that this amendment is urgently recommended by the Secretary of the Treasury and the Attorney General. They say they know of a number of cases where disloyal persons have been going around making false reports in order to influence people against the buying of liberty bonds. And a man who does that is disloyal, and we think the act ought to be amended so as to make him guilty of a crime.

Mr. MILLER of Minnesota. The purpose of this bill is to make it a crime and punishable as a crime any act that tends to obstruct this Government in the sale of its bonds?

Mr. WEBB. Not any act, but any false statement deliberately made for the purpose of obstructing the sale of bonds.

Mr. MILLER of Minnesota. I think it is timely legislation.

Mr. JOHNSON of Washington. For instance, Judge Rutherford, of Georgia, I think, who is the president of the American Bible Study Club, a successor to Pastor Russell, has been going through the Northwest to advise people to get rid of their bonds, in that we are going to have a revolution in this country. Will this get a man of that character?

Mr. WEBB. I do not think so. It is hardly that broad. I think this bill covers prospective purchases and not those already made.

Mr. SHERLEY. Will the gentleman yield?

Mr. WEBB. I will.

Mr. SHERLEY. Has this committee under consideration additional legislation dealing with this broad general subject?

Mr. WEBB. Not with reference to bonds.

Mr. SHERLEY. No; but the general subject of acts of people ill disposed toward the Government that do not come technically under the law as to sedition or treason?

Mr. WEBB. We have a bill which we are going to offer as a substitute to the bill S. 383, defining what war utilities and premises are, and make it a crime for anybody to injure or obstruct those war utilities, which will get the man who can not be convicted of treason, and yet commits an offense that ought to be punishable.

Mr. SHERLEY. How soon may the House hope to have it?

Mr. WEBB. I hope to have that in the House by Wednesday. The committee has agreed on a substitute.

Mr. COX. I want to ask the gentleman a question along the line propounded by the gentleman from Kentucky, as to the proposition which his committee will bring out probably soon.

Take a case of this kind, where a citizen of this country advises drafted soldiers to go into the Army, learn drilling tactics, and become efficient in the use of the gun, in that the time will come when those soldiers will be asked to turn their guns upon the President of the United States. I am told down here at the Department of Justice that with declarations like that, that do not amount to treason, there is no Federal law that will catch men of that kind, and it strikes me they ought to be caught and prosecuted most vigorously. Now, will your proposed bill touch men of that kind?

Mr. WEBB. No, sir. We have been as diligent as possible in passing all the legislation recommended by the heads of these departments, including the Attorney General and the Secretary of the Treasury, but of course new conditions arise and demand new legislation, and we shall meet them as rapidly as the rules of the House permit.

Mr. SHERLEY. The point I was asking the gentleman about, I think, is the same point the gentleman from Indiana is interested in. We are constantly told of instances arising in different parts of the country where the department claims to be unable to act because there is no penal statute that covers the case. Now, there is no doubt that the sentiment of this Congress and the country is such that they do not propose to tolerate the continuation of those acts, and if additional legislation is needed it ought to be forthcoming.

Mr. WEBB. I want to say to my friend that I agree with him, and the legislation, so far as that is concerned, will be presented to the House.

Mr. COX. In that connection, now, does the Attorney General recommend any legislation as suggested by the gentleman from Kentucky and myself?

Mr. WEBB. It covers the legislation suggested by the gentleman from Kentucky, and we will offer it as a substitute for Senate bill 383.

Mr. COX. I beg the gentleman's pardon; I am not expressing any dissent from what the committee is going to do, but it strikes me that if the Department of Justice is correct in its opinion as to what the law is now—and no doubt the department is correct—we ought to have some wider and broader and deeper legislation in this country that would reach out and take hold of the men who are uttering seditious statements against this Government, criticizing the President right and left, and talking about a revolution to come.

Mr. WEBB. I think a great many of those people have been arrested by the authorities and put in jail under the espionage and other acts.

Mr. COX. I have been trying my best to have action taken, but it seems I can not do it to save my life.

Mr. JUUL rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. JUUL. I rise to say that I wish the gentlemen would let us in on this debate.

Mr. WEBB. The Committee on the Judiciary of the House is in close touch with the Department of Justice, and we are gladly acting on practically every suggestion which they make to us.

Mr. COX. I am seeking information, because I am called upon almost every day to advise some action back in my district. Suppose a case of this kind comes up: A man says to another man, "You and I should stand together, and your people and my people should stand together, because there is going to be a revolution in this country before long, and we have got to stand together in this thing." If a case like that is brought to the attention of the Department of Justice, or a case similar to that, I am told that there is no remedy for it. I am told that "it is all up to the boys on the hill." Has the gentleman in view such legislation as that?

Mr. WEBB. No recommendation as to that has been made to us.

Mr. COX. They told me that they had substantially that kind of legislation, I think, embodied in the espionage act last fall, designed to cover the very case I was citing, but that it was cut out up here. They said that if we enacted such legislation they would enforce it down there.

Mr. WEBB. I have no recollection of such legislation being proposed, but we thought, and the country thought, that the espionage act covered practically every offense that we could then think of.

Mr. COX. It may not have been the espionage act that they referred to, but they said they had urged it, and that Congress had eliminated it.

Mr. GARD. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. GARD. I would suggest that the language of section 3 might cover the case suggested by the gentleman from Indiana [Mr. Cox].

Mr. COX. What does it provide?

Mr. GARD. It provides that—

Whoever, when the United States is at war, shall willfully make or convey false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States, or to promote the success of its enemies, or with intent to obstruct the sale by the United States of bonds or other securities of the United States or the making of loans by or to the United States, and whoever, when the United States is at war, shall willfully cause, or attempt to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or shall willfully obstruct the recruiting or enlistment service of the United States, to the injury of the service or of the United States, shall be punished by a fine of not more than $10,000 or imprisonment for not more than 20 years, or both.

Mr. COX. Well, it strikes me that that is pretty broad language.

Mr. GARD. I do not see how it could be broader. If the Department of Justice wants it, it seems to me they could get action under that clause.

Mr. COX. Why not pass it?

Mr. WEBB. That is in the law now—a part of the espionage act, which came from our Committee on the Judiciary.

Mr. COX. Well, then, if I may express my opinion, it is that we have plenty of law now.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. MILLER of Minnesota. I want to make a statement and call it to the attention of the gentleman and to the committee. I recently received information of a thoroughly reliable character—and I got it at first hand—that efforts will undoubtedly be made by sinister individuals to reduce the agricultural output, especially of the Northwest, where breadstuffs are grown, the method being to try to organize farm hands and cause them to strike at the critical or harvest time.

This is not anything new. They have been at it for two or three years. I refer to the Industrial Workers of the World. They have tried it in North Dakota. They tried it farther west, and apparently agents are now busy in Minnesota. Unfortunately, however loyal people may be as a whole in any region, there are always some malcontents. In addition, the Industrial Workers of the World, during the year 1916, brought on a big strike in the iron mines of my State. The iron mines are now running at their full capacity, and they are furnishing 75 per cent of all the iron ore used in this country.

The department was able by extra activity and the thorough cooperation of local people to prevent that which was attempted in the way of organizing strikes in the iron mines shortly after we entered the war. I find that these same agents are just now getting busy up in that country. If a man sets a wheat stack on fire or burns an elevator or bridge he has committed a crime and may be punished; yet that crime is mild compared to that of an individual who goes among farm hands and pours into their ears the worst kind of seditious stuff quietly and privately and forms them into an organization that will cause them to strike and demand impossible conditions about the time the harvests are on. I hope I am not seeing things dark, or through a dark glass. I do not think I am, but I know that that danger exists.

Mr. WEBB. Have you got a State law providing against that kind of activity?

Mr. MILLER of Minnesota. We have not a State law providing for that kind of activity. I do not think there is any State law that provides that men can not organize. Men have the right to organize themselves into any kind of an economic organization.

Mr. WEBB. But that amounts to disloyalty or treason.

Mr. MILLER of Minnesota. These things are not really economic, although on their face they may appear to be so. They are absolutely hostile to the welfare of the country. It seems to me the General Government ought to be armed with full legal authority promptly to handle a situation like this, if the committee can formulate legislation that will do more good than harm.

Mr. WEBB. If the State government can not pass such legislation, how can the Federal Government?

Mr. MILLER of Minnesota. The State can not pass such laws that will protect the Government.

Mr. WEBB. It can pass laws that will protect itself and the Government, and ought to. The gentleman says the State government has no right to prevent a man from going around and organizing labor organizations; neither has the Federal Government such right or, at present, such inclination. If you go fur-

ther and make a man guilty of organizing for the purpose of interfering with the prosecution of the war, you can get him under the State and Federal Governments both.

Mr. MILLER of Minnesota. I hope the gentleman will support legislation of that character.

Mr. WEBB. I rather think a man of that kind can be caught under the espionage law that we passed last summer, and he ought to be apprehended, because he is a dangerous character and a dangerous citizen.

I ask for a vote, Mr. Speaker.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COCONINO AND TUSAYAN NATIONAL FORESTS, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 273) to extend the time for cutting timber on the Coconino and Tusayan National Forests, Ariz.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object——

Mr. WALSH. Mr. Speaker, I object.

LAND IN BATTERY COVE, ALEXANDRIA, VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8834) authorizing the sale of a tract of land lying below the original high-water line of the Potomac River in what is known as Battery Cove, at Alexandria, Va.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. FOSTER, Mr. COOPER of Wisconsin, and Mr. TAYLOR of Colorado reserved the right to object.

Mr. HARRISON of Virginia. Mr. Speaker, I will undertake to explain this bill if I may have the opportunity. A dispute arose between the United States Government and certain private parties as to the ownership of certain lands in Alexandria. It was agreed that the dispute should be transferred from the land to the purchase price of the land. Certain parties wanted to buy the land for private purposes, and the Secretary of War and the United States Government entered into a contract with the other claimants for the land that the Government should sell the land to these parties who desired to buy it and that the money should be paid into court and the question litigated to determine who was entitled to the purchase money.

The bill has been approved by the Secretary of War. The letter of the Secretary of War is here, desiring that the bill pass, and it has been favorably reported by the Military Affairs Committee.

Mr. FOSTER. May I ask the gentleman under what authority the Secretary of War enters into a contract to sell this land?

Mr. HARRISON of Virginia. He simply agrees that these parties shall purchase it, the title to the land being in litigation in the courts.

Mr. FOSTER. I understand that.

Mr. HARRISON of Virginia. This is to give him the authority to do that.

Mr. FOSTER. That is what I did not understand—how he could do it without authority from Congress. I understand that this land was reclaimed by the Federal Government, that there are nearly 47 acres of it, and now there is a manufacturing plant there building ships, so the report says, and they want to get this land in order to be used by this ship-manufacturing company.

Mr. HARRISON of Virginia. I so understand.

Mr. FOSTER. Now it is proposed to sell the land to the ship-manufacturing company for $70,000.

Mr. HARRISON of Virginia. Something like that.

Mr. FOSTER. I see that the rent of the land amounts to $42,000 a year.

Mr. CARLIN. Four thousand two hundred dollars, which is 6 per cent on the amount of the proposed purchase price.

Mr. FOSTER. Why not give them a lease of this land instead of selling it? What is the objection?

Mr. CARLIN. It is to be leased for five years under this agreement. I can explain the reason for this. The expenditure require to be made on the land by the shipbuilding company is about $1,500,000, and they are unwilling to make that expenditure without owning the title to the land.

Mr. FOSTER. They refuse to make it unless they can buy the land?

Mr. CARLIN. There is a claim by the Government to the ownership of the fee.

Mr. FOSTER. I understand that.

Mr. CARLIN. Against the riparian owner. The title is in dispute. The Government has not yet established its claim. The shipbuilding company have bought the rights of the riparian owners and have negotiated a contract with the Secretary of War, subject to the authority of Congress, providing that the Secretary of War may sell them the land and given them title, and then pay the money into court and let the courts adjudicate the question to whom the money shall be paid, so that the litigation will be concerning the money and not concerning the land.

Mr. FOSTER. More than that, I understand the rental that comes to the Government is to be deducted from the $70,000.

Mr. CARLIN. Only in the event that the Government establishes its title.

Mr. FOSTER. So that they would buy it for $70,000, less the amount paid for rental?

Mr. CARLIN. In the event that the Government establishes its ownership of the land. If the Government loses out, the Government does not get anything. This is a suit between the riparian owners and the Government.

Mr. FOSTER. It seems to me a bad policy to sell this land.

Mr. MONDELL. Will the gentleman from Virginia yield?

Mr. CARLIN. Yes.

Mr. MONDELL. The gentleman from Virginia understands, of course, that the whereases which precede this bill would not become a part of the law.

Mr. CARLIN. I understand that.

Mr. MONDELL. Has the gentleman's attention been called to the fact that with the whereases separated from the bill, the bill would be hardly understandable?

Mr. CARLIN. This is in the form suggested by the War Department, which practically drew the bill. I understand there is an amendment to be offered by some on that side striking out the whereases, which would be perfectly acceptable.

Mr. MONDELL. But in that event I doubt if anyone could interpret or carry out the act.

Mr. CARLIN. I think it would be better to leave them in. In other words, the whole contract is set out in the bill so that Congress may understand it.

Mr. MONDELL. It would be very easy to redraft the bill so as to make reference to the contract in such a way as would identify it; but as the act stands, the enacting portion of it with the whereasas left out would not be understandable.

Mr. CARLIN. Oh, yes; it would, if you strike out only a portion of the whereases. The whereases simply recite the contract. That was done so that Congress might have before it every line and letter of the contract.

Mr. MONDELL. I suggest to the gentleman that he redraft his bill.

Mr. CARLIN. This is the form suggested by the War Department.

Mr. MONDELL. I suggest to the gentleman that he redraft the bill so that without the whereases it would be clear and definite.

Mr. CARLIN. The only effect of redrafting would be to shorten the bill. It is longer by this process, but it was lengthened so that we might know what the contract was. If that was not recited in the bill you could say that nobody knows what the contract is and nobody knows anything about it. It was put in the bill so that you could know all about it.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I call the attention of the gentleman from Virginia to the fact that if the preamble should be stricken out the law enacted would read in this way:

That whenever the title to the whole of said reclaimed area—

"Said" refers to something preceding that language. If the preamble is stricken out there will be nothing in the language preceding it, and therefore "said" will refer to nothing.

Mr. CARLIN. That is correct, unless you insert something in its stead.

Mr. COOPER of Wisconsin. Before I make the objection, Mr. Speaker, I wish to say that the Government of the United States has already relinquished very much more of its title to the water front in the United States than it ought ever to have relinquished. State after State is now being compelled, in order to get justice at the hands of transportation companies—steamboat and even railroad companies—to buy land at terminals at enormous prices, whereas if they had always retained

the title and leased the land on suitable terms the transportation facilities of this country would have been greatly enhanced and improved. Here it is proposed to rent property for $4,200 a year, which would aggregate in five years $21,000, and then when the five years are up sell the same land for $70,000. No legislation of such importance as this should come up on the Unanimous Consent Calendar, and I object.

Mr. CARLIN. Will the gentleman withhold his objection for a moment?

Mr. COOPER of Wisconsin. I will withhold it, but I am going to renew it.

Mr. CARLIN. I have no objection to that, but I want to reply to what the gentleman has said. In the first place, if the gentleman will take time to figure he will find that the rental value of $4,200 is exactly 6 per cent on the purchase price of $70,000.

Mr. COOPER of Wisconsin. Then that is good property for the Government to keep.

Mr. CARLIN. But the gentleman does not understand; the Government has not yet acquired the title.

Mr. COOPER of Wisconsin. But you seem to expect that it will.

Mr. CARLIN. The contest will go on between the riparian owners and the Government and the Government may never own it; and yet the gentleman will stop the shipbuilding plant where they will have to spend a million dollars. It may be that the gentleman does not want the Government to build ships.

Mr. COOPER of Wisconsin. After that somewhat insulting speech——

Mr. CARLIN. I did not mean it in that way, and if it is offensive to the gentleman I will withdraw it.

Mr. COOPER of Wisconsin. I have heard of gentlemen like the gentleman from Virginia getting up and making insinuating reflections of that kind when a man was simply interested in protecting the people of the United States from being robbed——

Mr. CARLIN. I have withdrawn the remark.

Mr. COOPER of Wisconsin (continuing). By asking for great privileges on navigable streams. I do not know whether the gentleman is interested in this iron company or some other company in trying to get under unanimous consent this important legislation, but I do know that when he undertakes by unanimous consent of this kind to make me withdraw an objection, I notify him that he is pursuing the wrong tactics. That will not affect anybody who has at heart the interests of the country, and who knows what the practical giving away of the water front does and has done, so far as the transportation facilities of this country are concerned. Therefore I object.

The SPEAKER. Objection is made, and the bill will be stricken from the calendar.

Mr. CARLIN. Will the gentleman withhold it? The gentleman has prevented me from replying to his insinuations.

The SPEAKER. All this is out of order, and the bill will be stricken from the calendar.

CHEROKEE NATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4699) providing for the payment of certain interest on items 1 and 4 of the judgment of the Court of Claims of May 18, 1905, in favor of the Cherokee Nation.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object. I will withhold the objection if the gentleman from Oklahoma wishes to say something.

Mr. HASTINGS. Mr. Speaker, this bill provides for the payment of interest on items 1 and 4 of a judgment entered by the Court of Claims and afterwards affirmed by the Supreme Court of the United States in 1906. It is contended by the Cherokee Nation that an error was made in the calculation of the interest on two of the four items. It is contended that there was a mistake in the calculation of the interest on items 1 and 4 of the judgment. Now, this bill has been referred to the Interior Department and has been referred to the Comptroller of the Treasury, and by reference to the report, as shown on pages 4 and 5, it will be seen that the Comptroller of the Treasury recommended it and the Department of the Interior recommended it.

Mr. STAFFORD. The gentleman says in his closing statement that the Department of the Interior recommended this legislation, and yet I find in a letter from the Secretary of the Interior a strong protest to allowing this fund to go to an attorney, who seemingly is more interested in this issue than the Cherokee Nation. He strongly objects to the language of the proviso as incorporated on page 3, which provides for the payment of these funds to this attorney by name of Boudinot, if I remember correctly. I have no objection, and I do not believe the House would have any objection to the payment of interest on this fund, which was virtually a trust fund that failed to be placed to the trust fund of the Cherokee Nation because of some oversight of bookkeeping in the department. There is a question whether we should in this bill give interest for 10 years on another item which is ascribed to have been the result of a clerical error of the Court of Claims.

Mr. HASTINGS. And the comptroller states that, and the department concedes it.

Mr. STAFFORD. The comptroller does not state it positively. He states that it may have been the result of a clerical error. In the bill following on the Unanimous-Consent Calendar it is purposed to refer certain interest claims that have already been passed upon by the Court of Claims for reinvestigation by the Court of Claims of items 2 and 3, and I can not see any reason—though I think that bill is much more objectionable than this one—why you should not incorporate in that bill the finding by the Court of Claims as to that interest which is claimed to have been overlooked by reason of clerical error.

Mr. HASTINGS. The only difference is that the department has already conceded that the interest is due on items 1 and 4. There is no dispute about that.

Mr. STAFFORD. I grant that, and I have no objection to the payment of that interest, but the department, if the gentleman will bear with me, does most strenuously object to having this money turned over to a claim agent who has a contract that will not expire until 1920 for the payment of this fund.

Mr. COX. What is his per cent?

Mr. STAFFORD. Fifteen per cent of the amount recovered under that contract.

Mr. HASTINGS. And that was the amount of fee given on the original judgment, but if that would overcome the gentleman's objection to the bill, I shall be very glad to have him make a motion or make a motion myself to strike out the objectionable proviso to the bill.

Mr. STAFFORD. I think we should have some further assurance than that.

Mr. HASTINGS. I say that I shall make the motion myself.

Mr. STAFFORD. I think we should have an assurance from the gentlemen who will be conferees on the bill.

Mr. HASTINGS. Of course, I could not say anything about that.

Mr. STAFFORD. Here we have a bill coming into this House with a provision that is strongly opposed by the Secretary of the Interior. The bill may leave this Chamber and go to another body where that same objectionable provision may be incorporated, and still the wishes of the Secretary of the Interior may be thwarted by the agreement in conference. Until I can have some assurance from the chairman of the committee or others who may be conferees that that objectionable feature will not be assented to, I shall feel constrained to object.

Mr. HASTINGS. Let me say to the gentleman that with the elimination of this proviso, then, it would leave this bill, as I recall it, in the verbatim language as reported upon by the department, and they concede that the interest is due on items 1 and 4.

Mr. STAFFORD. Yes.

Mr. HASTINGS. And that this legislation ought to be enacted. I have done all that I possibly could do. I have assured the gentleman that so far as I am concerned I shall make a motion to strike out the proviso and pass it in the form the department recommends, which is conceded by all is due the Cherokee Nation. Let me say one word more. There is not an officer living of the Cherokee Nation to-day. Every dollar of their money except this has been provided to be paid out. The principal chief of the Cherokee Nation who made this contract with this attorney, as shown in the report, died in November last. There are no executive officers left of the Cherokee Nation. We are trying to wind up their affairs. It is the biggest tribe in point of numbers of the Five Civilized Tribes, and, as I recall, the biggest tribe of Indians in America. They have completed the making of their roll, they have allotted their lands, and their affairs are practically all wound up. We have one or two pieces of legislation that I am endeavoring to get Congress to enact so that their affairs will be completely and finally settled up. I can not give the gentleman any assurance of what another body will do, but I do say to the gentleman in good faith, in order that this might be wound up, in order that this attorney might apply elsewhere, wherever he can—and, of course, that is open to him—I shall make the motion to strike out this objectionable proviso, although I do not agree with the gentleman that it is objectionable or unjust. He has a contract with the principal chief of the Cherokee Nation. I do agree with the gentleman that that proviso as to the manner of its being receipted for is objected to by the de-

partment, but there is no objection to the payment of the interest, and there is no objection to any other provision of the bill. It is conceded by all that this interest is due.

Mr. STAFFORD. I see the gentleman's colleague [Mr. CARTER of Oklahoma], and I would like to ask him, if he has no objection, what his attitude will be?

Mr. CARTER of Oklahoma. Mr. Speaker, without reference to what my position might be, I always consider it my duty if I happen to be a member of a conference committee to carry out the will of the House to the letter, and I have always attempted so to do.

Mr. STAFFORD. The gentleman has that record in this House, and I know that no one will question it.

Mr. CARTER of Oklahoma. I am somewhat inclined to agree with the gentleman from Wisconsin.

Mr. STAFFORD. I have not at this moment before me the recommendation of the Secretary so as to say whether the bill with the proviso stricken out would leave the bill in the form so that the money will be paid over to the Cherokee Nation, as suggested by the Secretary of the Interior.

Mr. HASTINGS. There is no question but what it would be.

Mr. STAFFORD. Would the gentleman have any objection to having the bill passed over without prejudice so as to take it up two weeks hence?

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. FOSTER. To go to the foot of the list.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that this bill be passed over without prejudice.

Mr. FOSTER. And go to the foot of the list.

The SPEAKER. And go to the foot of the docket. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, Mr. HOWARD was granted leave of absence for to-day, on account of serious illness in his family.

CERTAIN CLAIMS OF THE CHEROKEE NATION AGAINST UNITED STATES.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 357) conferring jurisdiction upon the Court of Claims to hear, consider, and determine certain claims of the Cherokee Nation against the United States.

The title of the bill was read.

Mr. HASTINGS. Mr. Speaker, I make the same request with reference to this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it goes over without prejudice, and goes to the foot of the calendar.

TWO ADDITIONAL JUSTICES, SUPREME COURT OF THE DISTRICT OF COLUMBIA.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 2489) to create two additonal associate justices of the Supreme Court of the District of Columbia.

The SPEAKER. Is there objection to this bill creating two new judges in the District of Columbia?

Mr. COX. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, and let it go to the foot of the calendar.

The SPEAKER. The gentleman asks unanimous consent that this bill be passed over without prejudice and go to the foot of the calendar. Is there objection? [After a pause.] The Chair hears none.

Mr. COX. Now, Mr. Speaker, I ask unanimous consent at this place to insert in the RECORD a statement furnished me by the clerk of this court, showing the volume of business which they have done down there in the law department for the last 15 years, and I respectfully ask the Members of the House to read it.

The SPEAKER. The gentleman asks unanimous consent that the printed communication from the clerk of the court stating the quantity and quality of the business transacted by this court in the last 15 years——

Mr. COX. And that it go in the RECORD as this place.

The SPEAKER. And that it go into the RECORD at this particular place. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

INFORMATION FURNISHED BY CLERK OF DISTRICT SUPREME COURT TO CONGRESSMAN WILLIAM R. COX, IN RESPONSE TO LATTER'S REQUEST.

Q. Are lawsuits filed in District Supreme Court docketed in consecutive order as filed and given consecutive law cause numbers?—A. Yes.

Q. Are appeal and certiorari cases from municipal court docketed as lawsuits filed, and included among such consecutive numbering?—A. Yes.

Q. How many lawsuits were filed in 1895? Commencing with what number and ending with what number?—A. One thousand seven hundred and twenty-eight cases; 37409 to 39136, inclusive.

Q. How many lawsuits were filed in 1896? Commencing with what number and ending with what number?—A. One thousand five hundred and ten cases; 39137 to 40646, inclusive.

Q. How many circuit court cases (excluding the appeal and certiorari separate calendar) were on the printed law trial calendar of October, 1895?—A. Nine hundred and seventeen cases.

Q. How many circuit court cases (excluding the appeal and certiorari separate calendar) were on the printed law trial calendar of October, 1896?—A. Five hundred and ninety-one cases.

Q. How many of such circuit court cases on the printed law trial calendar of October, 1896, were carried forward from the October, 1895, law trial calendar?—A. Four hundred and thirty-nine cases.

Q. By what method did the court make such progress upon the law trial calendar between October, 1895, and October, 1896? How many hours a day and how many days a week did each of the two circuit divisions hold jury trials during that year?—A. By striking old cases long pending from the calendar under rule of court.

Q. How many contested jury trials were conducted in circuit division No. 1 between October, 1895, and October, 1896?—A. One hundred cases.

Q. How many contested jury trials were conducted in circuit division No. 2 between October, 1895, and October, 1896?—A. Sixty cases.

Q. How many contested jury cases were conducted in circuit division No. 1 between October, 1916, and October, 1917?—A. Forty-five cases.

Q. How many contested jury trials were conducted in circuit division No. 2 between October, 1916, and October, 1917?—A. Sixty-nine cases. (None of the foregoing answers in any way disclose the full amount of work accomplished.)

Q. Are both of the circuit divisions conducting jury trials now; and, if not, which division is not, and when did it last conduct any, and when will it commence again?—A. No. Circuit court No. 1. Last jury trials held January 23, 1918. The justice assigned to this branch has been called by the President to serve on the Railroad Wage Commission.

Q. How many hours a day and how many days a week does either circuit division regularly conduct jury trials?—A. Four days a week. Convening at 10 a. m. and adjourning at 3 p. m. usually.

Q. Was there any period during your connection with the court when the circuit divisions made it a general practice to conduct jury trials during a longer schedule of days or hours, or both? If so, during what period or periods?—A. From 1863 down to fall of 1896 jury trials were held every day in the week excepting Saturdays.

Q. How many circuit court cases (excluding the appeal and certiorari separate calendar) were on the printed law trial calendar of October, 1916?—A. Eight hundred and nineteen cases.

Q. How many of such circuit court cases on the printed law trial calendar of October, 1916, were carried forward from the October, 1915, law trial calendar?—A. Four hundred and forty-nine cases.

Q. In October, 1917, how many of the circuit court cases on the October, 1916, trial calendar remained untried?

Q. How many new circuit court cases were calendared and ready to go on the law trial calendar of October, 1917, if one had been printed? (Do not include appeal and certiorari cases which belong on a separate calendar to be heard by criminal division No. 2).—A. Three hundred and ninety-two cases.

Q. Has there been any year since 1880 when as many as 600 new circuit court cases (excluding appeal and certiorari cases) were placed on the law trial calendar within one year? If so, please state each year separately, followed by the number of such new cases during each of such years. A. No.

Q. How many new circuit court cases went on the law trial calendar of October, 1915, in addition to those carried over from the previous year? And how many were carried forward from previous year?—A. Carried forward from 1914, 214. New cases added, 222.

Q. How many lawsuits were filed between January 1, 1890, and January 1, 1900? Commencing with what number and ending with what number?—A. Thirteen thousand three hundred and forty-nine cases; 30231 to 43580, inclusive.

Q. How many lawsuits were filed between January 1, 1908, and January 1, 1918? Commencing with what number and ending with what number?—A. Ten thousand eight hundred and sixty cases; 50094 to 60954, inclusive.

Q. How many lawsuits were filed in 1917? Commencing with what number and ending with what number?—A. One thousand and ninety-eight cases; 59858 to 60955, inclusive.

Q. How many lawsuits were filed in 1880? Commencing with what number and ending with what number?—A. One thousand and ninety cases; 21450 to 22539, inclusive.

J. R. YOUNG,
Clerk, Supreme Court of the District of Columbia.
By A. J. G. BEEKMAN,
Assistant Clerk.

FEBRUARY 28, 1918.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement showing that the District Supreme Court judges terminated last year 1,313 cases per judge. No other United States judge ever approached such a record.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

The statement is as follows:

Cases commenced.

1907–8	4,830
1911–12	5,350
1912–13	5,433
1913–14	7,088
1914–15	7,220
1915–16	9,667
1916–17	9,682

For the last year there was an average of 1,613 cases commenced for each of the six judges.

Cases terminated.

1907–8	4,892
1911–12	5,256
1912–13	5,345
1913–14	6,936
1914–15	6,900
1915–16	8,188
1916–17	7,884

For the last year there was an average of 1,313 cases terminated for each of the six judges.

Cases pending June 30, 1917	12,520
Cases pending June 30, 1916	11,119
Accumulation on the docket for year	1,401
Cases pending June 30, 1917, for each judge	2,086
Cases terminated per judge last year for District of Columbia	1,313
Cases terminated per judge last year in Indiana	183
Cases terminated per judge last year in Pennsylvania	129
Cases terminated per judge last year in Ohio	159
Cases terminated per judge last year in Nebraska	182
Cases terminated per judge last year in southern district of New York, with many relief judges	639

INCREASE OF LIMIT OF COST OF PUBLIC BUILDING AT MOULTRIE, GA.

The next bill in order on the Calendar for Unanimous Consent was the bill (H. R. 7223) to increase the limit of cost for the purchase of a site and the erection thereon of a public building at Moultrie, in the State of Georgia.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object——

Mr. TAYLOR of Colorado. Mr. Speaker, reserving the right to object, a few moments ago there were a couple of bills called from the Public Lands Committee, and each one of them was objected to by the gentleman from Massachusetts. Another distinguished Member of the House said that he objected to the Unanimous Consent Calendar being used by the Public Lands Committee as a clearing house for its measures. Now, I want to say to the House that, generally and practically speaking, the only way that the western Members can secure imperative and pressing relief for the protection of public-land settlers and absolutely necessary legislation for the development of the Western States is by using the Unanimous Consent Calendar; and, in the main, the House has been very fair and liberal in its recognition of our necessary use of that calendar. But I do feel, as a western Member, when the statement is made here on the floor of the House and the statement is made that the Public Lands Committee is improperly using the Unanimous Consent Calendar as a clearing house, and that it will not be hereafter permitted, or words to that effect, that if there is to be hereafter a discrimination made on this floor against that committee, that I ought to and must resent it, and that if that is going to be carried out I ought to make the same discrimination against all other committees. No other committee has any more right to or as much need of that calendar as the Public Lands Committee.

The SPEAKER. The Chair will inquire of the gentleman if he is talking about this bill that has been called up?

Mr. TAYLOR of Colorado. I am reserving the right to object to this bill; yes, sir; and I expect to object to it, and to others.

Mr RUCKER. I hope the gentleman will not do that until he hears from us

Mr. TAYLOR of Colorado. If this House is going to take that unjust position here against my committee——

Mr. WEBB. The House has not done any such thing, but an individual Member.

Mr. TAYLOR of Colorado. It looks to me like a plain and announced discrimination against the Public Lands Committee, and I feel it is time we ascertained here now what committees are going to be penalized and what are not. There are 33 bills on this Unanimous Consent Calendar for consideration to-day, and only 4 of them came from the Public Lands Committee, and all 4 of them are so plain and fair and eminently just that they ought to pass without any objection, and yet two of them are already objected off.

The SPEAKER. Is there objection?

Mr. TAYLOR of Colorado. I object.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to say a word. It is evident the gentleman from Colorado had me in mind because of a statement which I made a few moments ago, but which, unfortunately, he has not accurately quoted. I said then, and I say now, I do not think the Public Lands Committee ought to use the Unanimous Consent Calendar as a clearing house for that character of legislation which is not of a local and private nature. The Unanimous Consent Calendar was not created for the purpose of affording an easy medium for the consideration of bills of a general nature. It was created for the purpose of considering in an easy method bills which were local or private and to which no general policy attached. Now, no one more than the gentleman from Colorado ought to know that there has never been in this House a discrimination against the West as such.

And no man ought to know better than the gentleman from Colorado that no Member of this House has ever shown less disposition to discriminate against any section or against any committee than myself. In the doing of things on this floor many of them are not personally pleasant, but they have always been done simply from a sense of public obligation. The Committee on the Public Lands will receive, I am sure, at the hands of the House that same treatment that the other committees do. If there has been any discrimination, men could say it was in favor of that committee, because most of us realize some of the pressure on Members from a new country. But the West in point of legislation and of time and of consideration on the floor has had more than any other section of the country. Now, I do not say that against it. I state what are simply the plain facts, known to every man here.

Mr. MONDELL and Mr. RUCKER rose.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] has the floor.

Mr. TAYLOR of Colorado. I yield to the gentleman from Missouri a moment.

The SPEAKER. Does the gentleman yield?

Mr. RUCKER. I want to say to the gentleman——

Mr. TAYLOR of Colorado. I yield to the gentleman from Wyoming, if the gentleman from Missouri will——

Mr. RUCKER. I am trying to talk, but the gentleman from Colorado is all the time trying to talk, begging the gentleman's pardon.

The SPEAKER. To whom does the gentleman from Colorado yield?

Mr. TAYLOR of Colorado. I yield three minutes to the gentleman from Missouri.

The SPEAKER. The gentleman can not yield time.

Mr. RUCKER. So far as I am concerned, if the gentleman wants to be discourteous to one of his colleagues, I do not care. He may go ahead and be discourteous, but you will not pass much legislation by unanimous consent.

Mr. TAYLOR of Colorado. I do not intend to be discourteous.

The SPEAKER. Both gentlemen are out of order. The question is, Is there objection to the present consideration of this bill?

Mr. TAYLOR of Colorado. I reserve the right to object.

Mr. RUCKER. I demand the regular order. Make your objection, if you want to object

The SPEAKER. The gentleman from Massachusetts objects, and that is the end of it. And the bill is stricken from the calendar.

Mr. WALSH. Mr. Speaker, what gentleman from Massachusetts objected?

The SPEAKER. The gentleman from Massachusetts, Mr. WALSH.

Mr. WALSH. No; I did not.

The SPEAKER. Did not the gentleman from Massachusetts call for the regular order?

Mr. RUCKER. I called for the regular order.

The SPEAKER. Is there objection?

Mr. TAYLOR of Colorado. I object.

The SPEAKER. The gentleman from Colorado objects, and the bill is stricken from the calendar.

The Clerk will report the next bill.

TO AMEND SECTION 4067 OF THE REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9504) to amend section 4067 of the Revised Statutes by extending the scope to include women.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. Is there objection to the consideration of the bill?

Mr. RUCKER. Reserving the right to object, is it in order to strike out the last word in order to get a minute or two?

The SPEAKER. It is not. The gentleman has the right to reserve the right to object.

Mr. WEBB. I will be glad to explain the features of the bill.

Mr. RUCKER. Wait a minute.

Mr. Speaker, the bill I desired to have the House consider a moment ago is one that presents much merit in my opinion. This Congress appropriated money to erect a building upon a site bought by it in the State of Georgia. The authorizations for the site and the building are in the same act—so much for the site and so much for the building. The building was contracted for. After the building was well up and practically complete, as it is to-day, other Government activities were established in this town, and the Secretary of the Treasury says it is absolutely necessary to provide housing for these activities by enlarging the building now under construction or the Government will have to erect a new building or rent a building. The Secretary reported that it would require a very small additional sum to add an additional story while the house is in process of construction. In the absence of the chairman and the gentleman who introduced the bill I felt justified in saying this much. The bill ought to pass. But by reason of the fact

that some gentleman suggested, and perhaps very wisely suggested, that this calendar should not be made a clearing house for the disposal of the public domain, the gentleman from Colorado [Mr. TAYLOR] is objecting to everything. He will make haste slowly if he continues such tactics. I want to say that much for his benefit.

The SPEAKER. Is there objection?

Mr. CRAMTON and Mr. MONDELL rose.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] is recognized.

Mr. CRAMTON. Mr. Speaker, it occurs to me that the bill that has just come up from the Committee on the Judiciary is a very good answer to the position which the gentleman from Kentucky [Mr. SHERLEY] has taken. As I understood his statement, it was this: That no bills coming from any committee, not only the Committee on the Public Lands but from any committee, because he stated it was not his purpose to discriminate between committees, that no bill coming from any committee that was of a general nature ought to come up on this Calendar for Unanimous Consent. And if the position is sound and correct the gentleman from Kentucky ought to be on his feet now to object to this present bill. I do not anticipate that he will so object. I hope that no one will object, because this is a bill to which probably no one in the House has any objection. It is a bill of importance, and there is no good prospect that it can be reached at any time soon or in any other way except on this calendar. I was not here when the House adopted the rule for the Unanimous Consent Calendar, but it seems to me ridiculous to say now that it shall have such a limited scope that a bill of general purpose that everyone wants to see passed must fail of passage because the Unanimous Consent Calendar was not created to take care of it. This is a bill to make the present statute as to spies and aliens applicable to women as well as to men. It ought to be enacted on the call of this calendar.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. CRAMTON. In a minute. If that bill, to which no one has objection, should be passed to-day, a bill from the Public Lands Committee of a general nature, and to which no one has objection, likewise should be passed.

I will be glad to yield to the gentleman from Colorado.

Mr. TAYLOR of Colorado. Is it not true that no private bill could go on this calendar—no private claim could come on this calendar? They are absolutely forbidden.

Mr. CRAMTON. The gentleman will admit there are bills of more or less local application——

Mr. TAYLOR of Colorado. Private claims can not be considered.

Mr. CRAMTON. No; private claims can not be considered, but the bill just stricken off was, of course, a bill of local interest. I think that is the distinction that the gentleman from Kentucky wanted to make.

Mr. SHERLEY. Mr. Speaker, if the House will indulge me a moment, I do not want unduly to detain it, but the proposition is not simply that no matter of a general nature should ever be considered by unanimous consent. No one ever so stated; but, speaking by and large, the Unanimous Consent Calendar should not be the medium for the consideration of matters of complicated legislation affecting general policies.

Now, everyone knows that public-land legislation is very involved. There are a great many public-land laws that only a very limited number of men in this House are familiar with. I submit in all candor—and I submit it not as a critic, but as one friendly to the West—that gentlemen from that section ought not to ask of the House constant consideration on the Unanimous Consent Calendar of bills involving detailed consideration of public-land laws, either from the Committee on Public Lands or any other committee.

Now, I do not claim infallibility. I have made objections when I felt it my duty to make them, and I shall do it in the future, undeterred by the scoldings of anybody or the threats of anybody. All I can say is that, as a general rule, this calendar should not be used to deal with matters of a general nature.

Mr. CRAMTON. Mr. Speaker, I think the distinction the gentleman now makes is a much different one, and one on which we can better agree, that a bill of a complicated and involved nature should not be considered, not that any bill of a general nature should not be considered.

Mr. MONDELL. Reserving the right to object, Mr. Speaker, I think the difficulty in regard to the bill introduced by the gentleman from Colorado [Mr. TAYLOR] grew out of the fact of a misunderstanding of its nature, character, and scope. The gentleman from Kentucky [Mr. SHERLEY] very properly, I think, suggested that general legislation of a very complicated nature, difficult of understanding by those not familiar with the subject matter, should not be taken up and disposed of by unanimous consent. This is not that kind of a bill. It is an exceedingly simple bill, and it is quite limited in its application.

Under the Carey Act, which is a law authorizing the States under certain conditions to reclaim desert lands, the States have in certain instances attempted to do that; in some cases the attempts have not been successful. Settlers, however, had gone upon the land, expecting to have it reclaimed. Now, it so happens that the Interior Department holds that in a case of that kind the settler who has gone upon the land, without regard to the length of his residence there or the character or value of the improvements, does not have the preferential right of entry under the homestead law which the same citizen would have had he settled anywhere else on the public domain except on public lands within the Carey Act.

My own opinion is that the department should not so hold, but it does. Those men are clearly settlers upon the public domain, in good faith, for the purpose of making and securing a home, and this bill only grants such persons a preference right to make a homestead entry on the lands which they have settled upon under the Carey Act. It is very limited in its effect. It is very conservative in its provisions. It is too conservative, as a matter of fact, and it will only help in comparatively few cases. It should give a preference right without regard to homestead qualification.

I hope the gentleman from Kentucky [Mr. SHERLEY] will withdraw his objection, because none of the suggestions that he has made as to the class of legislation that should not be considered under unanimous consent applies to this bill.

Mr. SAUNDERS of Virginia. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the consideration of the bill?

Mr. TAYLOR of Colorado. I object.

Mr. WEBB. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. TAYLOR of Colorado. Yes.

Mr. WEBB. I want to state, Mr. Speaker, that this bill is recommended by the President of the United States as a war emergency bill. It was so recommended last December in his annual message, and it was recommended by the Attorney General, and it is very urgent legislation, because it enables the Government to take care of female alien enemies as well as male enemies. The present statute—Four thousand and sixty-seventh Revised Statutes—is confined to persons being males over 14 years of age. We strike out the word "males" and make the statute include women among the alien enemies of the country. If the gentleman wants to object to this kind of important matter to our country he is at perfect liberty to do so.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 4067 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 4067. Whenever there is declared a war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of 14 years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety."

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. While the bill as reported is in exactly the same language as the existing law, with the exception of eliminating the word "male," I wish to inquire of the chairman of the committee whether the language in the first line of the section is not rather awkward—"Whenever there is declared a war"?

Mr. WEBB. Yes, it is awkward; but that is the way we find it in the Revised Statutes.

Mr. STAFFORD. Yes; but while we are amending the law, why not use proper language—"Whenever a war is declared"?

Mr. WEBB. I agree with the gentleman entirely; but we believed we would not trouble the language of the statute, which is hoary with age, passed in 1791.

Mr. STAFFORD. Well, if the Committee on the Judiciary is wedded to the cobwebs of the past and to the language of a century ago, I am not going to interpose any suggestion of a change in making the language modern, and therefore I withdraw the pro forma amendment.

The SPEAKER. The pro forma amendment is withdrawn. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FREE SURVEY OF HOMESTEAD IN ALASKA.

The SPEAKER. The Clerk will report the next one.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8563) to amend the homestead law in its application to Alaska, and for other purposes.

The title of the bill was read.

Mr. SULZER. Mr. Speaker, this bill seeks to extend a certain measure of assistance and relief to certain deserving and worthy homesteaders in the Territory of Alaska by extending to them the privilege of free surveys of their homesteads where the public land surveys have not been extended over them.

The legislation here contemplated has been recommended by various officials of the Government for a number of years. It has the approval of——

Mr. MADDEN rose.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. MADDEN. I would like to know what the gentleman is asking permission to do?

Mr. SULZER. I ask that the bill be considered in the House as in Committee of the Whole.

Mr. MADDEN. The gentleman has not yet got consent to consider the bill at all.

The SPEAKER. No. The Chair supposed that the gentleman thought it necessary to make a preliminary statement.

Mr. SULZER. I ask unanimous consent for the present consideration of the bill, and that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SHERLEY. Reserving the right to object, we want to find out something about it.

Mr. FERRIS. Let the gentleman explain the bill. I think there will be no objection to it. It is a very inoffensive little bill.

Mr. STAFFORD. Even though it comes from the Committee on the Public Lands. [Laughter.]

Mr. FERRIS. Yes.

The SPEAKER. Is there objection?

Mr. RUCKER. Even if it does come from the Committee on the Public Lands, I reserve the right to object.

Mr. SULZER. Mr. Speaker, this bill is purely of a local character, and applies only to certain homesteaders in the Territory of Alaska. As I was about to state, it has the approval and recommendation of the Secretary of the Interior, and the unanimous recommendation of the Committee on the Public Lands. The area of surveyed land in the Territory of Alaska is to the total area of that Territory as the area of one-half of the State of Maryland is to the total area of the United States. Undoubtedly it will be many years before the public-land surveys can be extended all over Alaska, whereas there are certain homesteads being located in various parts of the Territory wherever development is taking place and wherever markets are afforded. This bill is to provide relief for these homesteaders, who will not come under the public-land surveys without it. It is designed to extend to them the free public surveys upon application and proper showing that they have complied with the various requirements of the homestead laws.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. SULZER. I yield to the gentleman.

Mr. MONDELL. Does this bill modify the present law, or enact new law in any way, except in its provisions for a free survey?

Mr. SULZER. That is all. It simply modifies the present law by adding a section, which is section 2 of this bill.

Mr. MONDELL. Do you modify section 1 at all?

Mr. SULZER. No, sir.

Mr. MONDELL. Then, why is section 1 set out?

Mr. SULZER. It is simply a repetition.

Mr. MONDELL. The gentleman is quite certain that there is no change in section 1 of the existing law?

Mr. SULZER. I will read from the report of the Secretary of the Interior, in which he says:

This bill amends the act of July 8, 1916 (39 Stat., 352), by the addition of a new section, which will be numbered section 2, providing that if the system of public surveys has not been extended over the land included in a homestead entry, the entryman may, after compliance with the terms of the homestead law, submit proof thereof to the register and receiver, who thereupon, if satisfied with the showing, will so advise the surveyor general of the Territory, this officer to then take the necessary steps for the survey of the homestead at the expense of the Government.

Mr. MONDELL. But does the gentleman know, as a matter of fact, that section 1 as set out in the bill is section 1 of the present law, which is sought to be amended by the addition of a section?

Mr. SULZER. This was copied from the present law.

Mr. STAFFORD. Will the gentleman yield?

Mr. SULZER. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. I assume that the framer of the bill, instead of drafting it so as to provide for an additional section which is included in section 2, framed it in this form because section 3 is part of the existing law, which is now section 2, and therefore the drafters of the bill wished to have the whole law presented for consideration in one measure?

Mr. SULZER. I will state to the gentleman that the bill was drafted by the Interior Department.

The SPEAKER. Is there objection?

Mr. SHERLEY. Still reserving the right to object, I have been trying to read this report and listen to the gentleman at the same time, but I have missed a good deal of what the gentleman stated. I would be obliged to the gentleman if he would repeat what he has already said so that I may know what the single effect of this bill is.

Mr. SULZER. I will state to the gentleman that there is a very small area of the public land of Alaska that has been surveyed.

Mr. SHERLEY. I understand that.

Mr. SULZER. There are certain areas that probably will not be surveyed for a great many years, for instance, along the coast. It is a very mountainous country but there are certain small areas at the mouths of streams, or in pockets in the mountains, that are suitable for homesteading, and where homesteads have been located, and it is designed to enable these people to have the same privilege as those who come under the public-land surveys; that is, that the Surveyor General can authorize a survey of their homesteads free upon application and proper showing to be made that they have complied with the homestead laws. That can be done very much more cheaply than the individual homesteader can have his homestead surveyed, because it can be done in groups.

Mr. SHERLEY. What you mean is to take the expense off the back of the homesteader and put it on the Government.

Mr. SULZER. That is it precisely.

Mr. SHERLEY. Why?

Mr. SULZER. Because they are a very deserving class of people.

Mr. SHERLEY. I understand; and the Government is occasionally deserving, and is at present struggling under very difficult circumstances to get money enough to keep itself from going bankrupt.

Mr. SULZER. This will involve a very small expense to the Government; as a matter of fact it will not make any more expense to the Government because when the homesteader has his homestead surveyed the Government has to go and check that up and that means a resurvey, and the work under the present conditions is done twice which puts the homesteaders to great expense unnecessarily.

Mr. SHERLEY. Do you require the Government to survey this land?

Mr. SULZER. It is at the Government's discretion upon the application of the homesteader who is required to make a proper showing.

Mr. SHERLEY. You propose to let the homesteader go on the land and establish a homestead right prior to a survey being made.

Mr. FERRIS. That always has been permitted in the States.

Mr. SHERLEY. It depends upon what you mean by "right." He may establish a claim but not establish a right.

Mr. JUUL. There could not be any settlement on the land without a survey.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, I am not trying to delay the House, but I can not determine these matters offhand.

Mr. MADDEN. In order to expedite matters, Mr. Speaker, I object. I do not think the Government ought to be compelled to pay the expenses of these surveys.

EXCLUSION OF SUBJECTS OF AUSTRIA-HUNGARY AND GERMANY FROM ALIEN ENEMY ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9159) to authorize the President of the United States to exclude certain subjects of Austria-Hungary and Germany from the classification of alien enemies and to naturalize certain members of the Army, Navy, and Marine Corps.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, this is a most important bill. It is rather involved in some of its provisions and would require some time to consider it. If it is considered I hope the gentleman from Virginia will be rather liberal in the time allowed for its consideration.

Mr. FLOOD. I have no objection to any reasonable debate on the bill. It is an important measure. The most important features of the bill are those which authorize the naturalization of men in our Army, Navy, and Marine Corps who are subjects of our enemies.

Mr. STAFFORD. Will the gentleman yield?

Mr. FLOOD. I will.

Mr. STAFFORD. I have had difficulty—I may be obtuse—in ascertaining the purpose of the committee in the phraseology of the last paragraph of section 2, found on page 3. It is as follows:

And except as hereinafter specified in this act, the method herein provided for acquiring citizenship shall apply to all aliens hereinbefore described, whether or not they are natives, citizens, subjects, or denizens of a country, State, or sovereignty with which the United States is at war: *Provided*, That they are not otherwise ineligible to become citizens of the United States under the naturalization laws now in force.

My specific question is as to whom that phraseology pertains—that "the method herein provided for acquiring citizenship shall apply to all aliens hereinbefore described." Is it limited merely to the men of alien birth who are serving in the Army, Navy, and Marine Corps, or is it more general in its scope and extends to the class of aliens enumerated in the first section of the bill?

Mr. FLOOD. It only extends to aliens serving in the Army, Navy, and Marine Corps.

Mr. STAFFORD. But the language expressly states otherwise. You have already in prior language authorized aliens serving in the Army and Navy to avail themselves of citizenship by applying to the district court and showing that they have been residents of the United States one year, and now you go on in this general language and provide:

And, except as hereinafter specified in this act, the method herein provided for acquiring citizenship shall apply—

To whom?

to all aliens hereinbefore described.

They are found in the first section. They are:

Alsatians, Bohemians, Croatians, Hungarians, Italians, Jews, Lithuanians, Loranians, Moravians, Poles, Roumanians, Ruthenians, Serbs, Slovaks, Slovenes, and other natives, subjects or denizens of Austria-Hungary or Germany, or any individual or class thereof from the classification of alien enemies, wherever such classification now exists by reason of any act of Congress of the United States.

Why does not the general language to which I have directly referred relate to aliens hereinbefore described in section 1?

Mr. FLOOD. The intention of the committee was to restrict that to the aliens described in section 2.

Mr. STAFFORD. If that was the intention of the committee, what is the necessity of making any reference whatever to them in the language referred to in the last paragraph? They have already been taken care of by the direct provision in section 2.

Mr. SABATH. If I may be permitted, I may be able to explain this provision to the gentleman from Wisconsin. It has reference to those who can not under present naturalization laws be naturalized, namely, the Japanese and such other people. That is what was intended. As to the first section, I wish to say to the gentleman that it has been agreed on the part of the chairman of the committee to strike out the first section, and then we will have only section 2; so that the objection that the gentleman from Wisconsin has raised to that wording will not apply, because section 1, as I understand, will go out.

Mr. COOPER of Wisconsin. Mr. Speaker——

Mr. STAFFORD. I will yield to my colleague.

Mr. COOPER of Wisconsin. Mr. Speaker, I think I can explain to the satisfaction of my colleague from Wisconsin the provision he is discussing. The language is:

And except as hereinafter specified in this act the method herein provided for acquiring citizenship shall apply to all aliens hereinbefore described, whether or not they are natives, citizens, subjects, or denizens of a country, State, or sovereignty with which the United States is at war: *Provided*, That they are not otherwise ineligible to become citizens of the United States under the naturalization laws now in force.

My colleague will observe in lines 5 and 6 the provision is that it shall apply to all aliens, whether they are citizens of a country with which we are now at war or not. The first part of the bill applies to aliens who are citizens of a country with which the United States is at war, but there may be aliens in our Army who are citizens of a neutral country. For instance, they might be citizens of Holland, of Norway, of Sweden, of Spain, of Brazil, or any other country in South America or Central America. That language would cover them, because they would be citizens of a country with which the United States is not at war; but, Mr. Speaker, recurring to the first part of that clause, "and except as hereinafter specified in this act," and coming down to section 3 we find this language:

That application for naturalization in the mode herein provided shall not be open to natives, citizens, subjects, or denizens of Austria-Hungary or Germany, except such individuals and classes as may be exempted by the President under the provisions of section 1 of this act.

The first class to which my colleague referred covers all aliens who are citizens of a country with which we are at war who are in our Army, and also aliens who are citizens of neutral countries who are in our armies, and the next section excludes those who can not be naturalized.

Mr. FLOOD. Mr. Speaker, I want to say to the gentleman from Wisconsin [Mr. STAFFORD] there may be something in the suggestion he makes. I think probably there is. If it is an error, I think that it grew out of the fact that this bill was largely amended after it was introduced. Section 2 was taken from one bill and section 1 was taken from another bill. I have been requested by the Department of Justice, for very good reasons, to strike out the first and third sections. If that is done, the gentleman will see that the language to which he called attention is very proper in the bill with reference to section 2 and the rest of it.

Mr. MADDEN. Sections 3 and 1 will go out?

Mr. FLOOD. Yes.

Mr. STAFFORD. The gentleman will agree that if section 1 should remain the general language in section 2 would apply to all those aliens referred to in section 1.

Mr. FLOOD. It would seem so.

Mr. STAFFORD. I can readily understand the error the committee got into by reason of framing this composite bill from different measures. Of course, if it is the purpose to strike out section 1 everything in section 2 will be intelligible.

Mr. MADDEN. And section 3 will have to go out also.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. WALSH. How does the gentleman contend that this bill comes within the rule laid down in section 8 of the Constitution requiring uniform rules of naturalization to be provided throughout the United States?

Mr. FLOOD. This is uniform. This applies only to men who are in war and men who have rendered special services. It has been held that such legislation does not violate the provision requiring uniformity.

Mr. WALSH. It is not uniform with those not in the war. It gives a certain class certain privileges with reference to naturalization.

Mr. MILLER of Minnesota. But the rule of uniformity has reference to the laws of the various States of the United States.

Mr. WALSH. I submit it does not do anything of the kind. Under the Supreme Court decisions you can not set up certain classes and say that gentlemen from England can come in here and be naturalized under certain conditions, and that gentlemen from Italy can come in and be naturalized under certain other conditions.

Mr. MILLER of Minesota. That is not what we say.

Mr. WALSH. But you are setting up classes.

Mr. MILLER of Minnesota. Oh, no; we simply say that any man who serves in the armies of the United States under certain conditions may be naturalized.

Mr. DYER. As he ought to be.

Mr. MILLER of Minnesota. As he ought to be.

The SPEAKER pro tempore (Mr. FOSTER). Is there objection?

Mr. CAMPBELL of Kansas. Mr. Speaker, reserving the right to object, this is a very important measure and should be carefully considered. These sections 1 and 3 are to be stricken out. I think it is due to the House that it has an opportunity to consider the measure, and I suggest to the gentleman from Virginia that he pass the matter over until we reach the close of the Calendar for Unanimous Consent and take it up at that time.

Mr. MILLER of Minnesota. Mr. Speaker, I trust the gentleman will not insist upon that.

Mr. DYER. I hope the gentleman will not ask that.

Mr. SABATH. Will the gentleman yield for a moment?

Mr. CAMPBELL of Kansas. Yes. This is an important measure.

The SPEAKER pro tempore. Is there objection?

Mr. CAMPBELL of Kansas. I simply suggest that the bill be passed over until the Calendar for Unanimous Consent has been concluded, and that we take it up then as the last bill on the calendar to-day.

Mr. FLOOD. Mr. Speaker, I agree with the gentleman that it is an important measure. It involves the well-being if not the retaining in our armies of probably 75,000 splendid soldiers and drawing to our standard many others whom we are in duty bound to protect as far as we can when they go abroad and meet the soldiers of the Governments to which they owe some sort of allegiance now. I am willing to accept the gentleman's suggestion if we can——

Mr. CAMPBELL of Kansas. We can let the bill go over until the calendar is completed and then take it up.

Mr. MONDELL. Mr. Speaker, reserving the right to object——

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the bill be taken up at 4 o'clock.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think that is a very bad practice, and I shall have to object to setting any definite time.

The SPEAKER pro tempore. The gentleman from Wisconsin objects.

Mr. MONDELL. Mr. Speaker, will the gentleman from Virginia yield?

Mr. FLOOD. Yes.

Mr. MONDELL. Does the gentleman know whether or not there is now in force an order issued by the Secretary of War to the effect that no native of Germany or of any of the territory within the German Empire, though he may now be a citizen of the United States, shall be given a commission in the Army?

Mr. FLOOD. I do not.

Mr. MONDELL. Unless I am very much mistaken, there is such an order; and if there is an order of that sort, how much good does section 2 do the Government, anyway? I have a constituent, born in Schleswig-Holstein of Danish parents, who came to America as a very young child, served 12 years in the Regular Army, a fine soldier, who has passed several examinations and stood high, and was refused a commission on the ground of an order issued by the Secretary of War to the effect that no native of any of the territory within the German Empire or Austria-Hungary, I presume, may receive a commission. Now, that is the word I received directly from the War Department, as I understand it.

Mr. MILLER of Minnesota. How recently is that order supposed to be issued?

Mr. MONDELL. I do not know; but I do know this young man—very capable, very efficient, very anxious to serve his Government—was refused a commission after having passed a number of examinations splendidly and having all sorts of favorable recommendations from people who have known him for years because, as he understands it, he was born in Germany, though of Danish parents.

Mr. FLOOD. It must be a recent order.

Mr. MILLER of Minnesota. There must be a mistake——

Mr. FLOOD. I know of cases where they have gotten commissions.

Mr. MONDELL. That must have occurred, I assume, or this legislation would not be here.

Mr. HAMLIN. Mr. Speaker, I do not object to considering this measure, but I do object to having it considered in this manner, and I therefore ask for the regular order.

The SPEAKER pro tempore (Mr. FOSTER). The regular order is, is there objection to this bill. [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9159) to authorize the President of the United States to exclude certain subjects of Austria-Hungary and Germany from the classification of alien enemies and to naturalize certain members of the Army, Navy, and Marine Corps.

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and empowered by proclamation or otherwise to exclude Alsatians, Bohemians, Croatians, Hungarians, Italians, Jews, Lithuanians, Loranians, Moravians, Poles, Roumanians, Ruthenians, Serbs, Slovaks, Slovenes, and other natives, subjects, or denizens of Austria-Hungary or Germany, or any individual or class thereof from the classification of alien enemies, wherever such classification now exists by reason of any act of Congress of the United States: *Provided, however*, That such exclusion shall not apply to any individual who claims exemption from the military service of the United States under the selective-draft act of May 18, 1917, on the ground of alienage.

SEC. 2. That during the present war any alien now or hereafter in the service of the United States as a member of the Army, Navy, or Marine Corps, who has an honorable record in such service, may, while in such service be admitted to become a citizen of the United States upon his petition filed in any district court of the United States, the United States district courts for the Territories of Hawaii or Alaska, the United States district court for Porto Rico, the Supreme Court of the District of Columbia, or a court of record of any of the States having a common-law jurisdiction and a seal and a clerk, whether or not any such alien be a resident of the State, Territory, or District in which the application is made; the court before admitting such alien to citizenship shall require oral or documentary proofs, by witnesses under oath or by affidavits, that he is of good moral character and loyal to the United States, but shall not require him to prove more than one year's residence in the United States previous to filing such petition, and shall also require him to make the oath of allegiance to the United States as now prescribed under the law relating to naturalization. And except as hereinafter specified in this act, the method herein provided for acquiring citizenship shall apply to all aliens hereinbefore described, whether or not they are natives, citizens, subjects, or denizens of a country, State, or sovereignty with which the United States is at war: *Provided*, That they are not otherwise ineligible to become citizens of the United States under the naturalization laws now in force.

SEC. 3. That application for naturalization in the mode herein provided shall not be open to natives, citizens, subjects, or denizens of Austria-Hungary or Germany, except such individuals and classes as may be exempted by the President under the provisions of section 1 of this act.

SEC. 4. That the President of the United States is hereby authorized to make and promulgate such regulations as may be necessary to carry out the purposes of this act, whether or not such regulations conform to the procedure now existing.

SEC. 5. That certificates of citizenship obtained in the mode provided in this act shall be subject to cancellation in any district court of the United States upon proof that the person so naturalized has been guilty of mutiny, sedition, desertion, or of committing a felony against the criminal laws of the United States, or of committing a crime which, according to the laws of the place where it was committed, is punishable by death or imprisonment for a term exceeding one year in a penitentiary, or that he has been dishonorably discharged from the military or naval service of the United States. The procedure in the district court of the United States for such cancellation shall follow the procedure described in the act of June 29, 1906 (ch. 3592, sec. 15), and shall be in addition to modes of cancellation and of expatriation provided by all statutes now in force.

SEC. 6. That the provisions of this act shall remain in force and effect during the continuance of the present war, and all laws or parts of laws in conflict with the provisions of this act are hereby suspended during the continuance of the present war.

During the reading of the bill,

Mr. FLOOD. Mr. Speaker, I ask unanimous consent to go back a little, and I want to move to strike out——

Mr. WALSH. The bill has not been read yet.

The SPEAKER pro tempore. The bill is being read under the five-minute rule.

Mr. STAFFORD. This is a House bill, and at the conclusion of the reading of the bill the gentleman from Virginia has a right to offer an amendment or to move the previous question on the passage of the bill.

The Clerk proceeded with and concluded the reading of the bill.

Mr. FLOOD. Mr. Speaker, I move to strike out all of the first section after the enacting clause.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out all of section 1 after the enacting clause.

Mr. COOPER of Wisconsin. Mr. Speaker, I would like to ask the chairman to explain just why it is necessary to strike out that first section.

Mr. FLOOD. I am making this motion, Mr. Speaker, in deference to a request of the Attorney General, supplemented by a request of the State Department. The reasons given for wanting this section stricken out were that there was no necessity now for it, the liberal terms of the proclamation of the President in reference to subjects of Austria-Hungary satisfying those most interested in this section that the President by his proclamation could serve the same purpose as the enactment of this law. Then, the Department of Justice feared that if the President should exclude any one of the races named in the bill from the classification of alien enemies he would automatically lose power to intern dangerous members of that particular race, and evildoers or dangerous persons of that particular race could therefore be reached only by the ordinary course of judicial process. Exemption by him of one of these races would result also in releasing from the war prison camps any members of that particular race who have already been interned.

Again, to confer upon the President this discretion would make him the center of a strong agitation on the part of members of each of the races mentioned in the bill, requesting that he exempt members of that particular race from the classification of alien enemies. This fact would foment great discontent, particu-

larly if he should, after consideration, exempt part of the races and not the rest.

The chief object of this measure is to protect the members of the different classes or races who have volunteered or have been willingly drafted into our Army. There are quite a number of them. Gen. Crowder stated before the committee when we were considering this bill that there were nearly 11,000 subjects of Austria-Hungary alone—Bohemians, Slovaks, Slovenes, Italians, and others—who have been drafted into the Army and many thousands who have volunteered to go into the Army. There are probably 75,000 subjects of Austria-Hungary and Germany in our Army, Navy, and Marine Corps to-day and who will soon be sent abroad to face the armies of the governments to which they belonged in the past and which still claim their allegiance. These soldiers would be treated, if captured, as traitors and shot as such. The chief desire of those who advocated this measure was to give what protection we could to those people and put us in the position of insisting that the rules of war should be applied to them just as they are to our other soldiers.

Mr. HAMLIN. Will the gentleman yield right there?

Mr. FLOOD. I will.

Mr. HAMLIN. I am in entire sympathy with the suggestion and the purpose of this matter, but has the gentleman any assurance that the other nations, Germany, for instance, would recognize the citizenship of these people after we had them naturalized and not treat them as deserters, as the gentleman says they would be, and correctly, under existing conditions?

Mr. FLOOD. None in the world. We have no assurance in the world that they would recognize this. I believe Austria-Hungary does not recognize extradition now, but I believe that by the practice of reprisal we could force these countries to recognize this citizenship.

Mr. HAMLIN. That is exactly what I had in mind.

Mr. FLOOD. This is all we can do.

Mr. HAMLIN. And very likely it would not be any protection to these people if we granted it.

Mr. FLOOD. It is all the protection we can give; it is the very best we can do for them, and it may not amount to very much, yet it is the very best protection this Government can give to them, and that is what we are trying to do by this bill.

Mr. MILLER of Minnesota. Would not it amount really to a great deal? If these men of whom the gentleman speaks are citizens of the United States and are captured by Austria, for instance, and are not treated by her as prisoners of war, citizens of a belligerent country with which Austria is at war, then retaliation is always in order in war.

Mr. FLOOD. Yes.

Mr. MILLER of Minnesota. We have in our possession Austrian soldiers, German soldiers, and we would mete out to them exactly what they meted out to these men, and they would drop it mighty quick. That is the only way to stop the central powers.

Mr. HAMLIN. We should do it even if these boys are not naturalized if they are loyal enough to fight in our Army.

Mr. MILLER of Minnesota. We could not at this time grant anything but naturalization.

Mr. HAMLIN. I am in favor of naturalization; I think they ought to be naturalized. I was asking if the measure was in force would it be any protection to them?

Mr. FLOOD. None, except the question of retaliation and reprisal. I want to say to the gentleman from Wisconsin [Mr. COOPER] that those are the reasons why the Attorney General requested that the bill be amended.

The reason the Committee on Foreign Affairs was very much wedded to section 1 was on account of the moral effect we thought at that time it would have on the subjects of Austro-Hungary. I do not believe anything we can do now will have any great effect upon those who are not hostile to that Government, at any rate, and the importance of that section does not seem to me as great now as it was a month ago.

Mr. COOPER of Wisconsin. During the consideration of the bill it was my impression that section 1 was looked on as the important section of it.

Mr. FLOOD. I believe it was then. But the important thing now, it seems to me, is to give what protection we can to these 75,000 men who have volunteered to go into our service and take upon themselves the risk that service will entail upon them.

Mr. WALSH. Will the gentleman yield?

Mr. FLOOD. I yield.

Mr. WALSH. What do the brilliant legal experts of the State Department, to whom the gentleman referred the other day, think of this measure?

Mr. FLOOD. I can not hear the gentleman.

Mr. WALSH. I ask the gentleman what the brilliant legal experts of the State Department, as he termed them the other day, have to say in reference to this measure?

Mr. FLOOD. They are very much in favor of it.

Mr. WALSH. Where do they say so?

Mr. FLOOD. What?

Mr. WALSH. Where in the report do they say so?

Mr. FLOOD. They do not say so in the report. They said so in the hearings. The Acting Secretary of State, Mr. Polk, appeared at the hearings and so stated, and he subsequently wrote me a letter, which I have here, in which he withdraws his support of section 1, but not to the rest of the bill.

Mr. WALSH. And renews it to the other sections of the bill?

Mr. FLOOD. He withdraws his support only to section 1. Here is the letter:

THE COUNSELOR FOR THE DEPARTMENT OF STATE,
Washington, February 9, 1918.

The Hon. HENRY D. FLOOD,
House of Representatives.

DEAR MR. FLOOD: The Attorney General has called my attention to the fact that the bill in Congress, H. R. 9159, which relates in part to the subject of naturalizing alien enemies in the military forces, has a provision in the first section conferring on the President the power to exclude from the present classification of alien enemies some 15 races. This feature, I understand, is opposed by the War Department and the Department of Justice, and this department is in agreement with these other departments.

I am taking the liberty of writing you, as I stated at the hearing before your committee when this bill first came up, that I saw no objection to conferring discretionary powers on the President. This was an off-hand opinion, and I gave it before I had had an opportunity to read the bill. I think I also stated that this was a matter peculiarly within the province of the Attorney General, and the department felt that his views on the subject should control.

With warm regards, yours, sincerely,

FRANK S. POLK.

Mr. WALSH. Will the gentleman answer a question with reference to section 2, which has now, I understand, become section 1? Is it intended to permit these men to file their petitions for naturalization in courts which do not now have jurisdiction over naturalization matters?

Mr. FLOOD. No.

Mr. WALSH. It says here:

That upon his petition filed in any district court of the United States or a court of record in any of the States having a common-law jurisdiction and a seal and a clerk.

Now, that would include a great many courts that do not now have naturalization jurisdiction in some States.

Mr. MILLER of Minnesota. I would like to have the gentleman name any court having common-law jurisdiction that is not now having jurisdiction over naturalization cases.

Mr. FLOOD. That section, I will say to the gentleman from Massachusetts [Mr. WALSH], was drawn by a very distinguished Harvard professor of international law——

Mr. WALSH. That is the reason I think we ought to scrutinize it right closely.

Mr. FLOOD. I have not finished. Drawn by this Harvard professor in conjunction with a district attorney of the United States, and in explanation of that language, about which the committee questioned them closely, they stated that they were substantially following the language of the existing statute.

Mr. WALSH. The naturalization law?

Mr. FLOOD. Yes.

Mr. MILLER of Minnesota. I think the gentleman from Massachusetts [Mr. WALSH] will find that any court of to-day having common-law jurisdiction is competent to give naturalization.

Mr. ROGERS. How about the police courts and the district courts of Massachusetts? I think they have common-law jurisdiction?

Mr. WALSH. They have a seal and have a clerk.

Mr. MILLER of Minnesota. No police court in the world has common-law jurisdiction. They may exercise it.

Mr. FLOOD. That was the statement made. The draftsmen of this section undertook to follow, as near as possible, the existing naturalization laws. They only changed it where it was necessary to give these privileges contained in this bill to the men to whom it applied.

Mr. BURNETT. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Alabama.

Mr. BURNETT. Mr. Chairman, when the bill was originally drawn, as is stated by the chairman of the committee and the gentleman from Wisconsin [Mr. COOPER], the important section of it was the first section. I think the chairman of the committee—but if he did not, the gentleman from Wisconsin [Mr. STAFFORD]—spoke to me about the second section, which is peculiarly within the province and jurisdiction of the Committee on Immigration. And viewing as I did the fact that the first section was the important section, I stated to those gentlemen that, so far as I was concerned, we would make no point on that.

It seems it has progressed to the point where the first section should be stricken out, and the bill having been reported and gone that far, I still would make no objection to it. I think the statement of the gentleman, the chairman of the committee, is

correct in regard to the naturalization law, that the language there used in regard to naturalization, as to the courts that may have jurisdiction, is the exact language of the general naturalization law. I examined it when the gentleman from Illinois [Mr. SABATH], who is a member of both our committee and the Committee on Foreign Affairs, called my attention to it, and I felt that it was in proper form for the adjudication of the courts of the country having jurisdiction in this matter, and, so far as I was concerned, I could see no objection to that part of it. And the fact that the main part, or the head, has been stricken out will not cause me to make any objection to the jurisdiction of the committee as to the other part.

Mr. FLOOD. Mr. Speaker, I will state that when section 2 and the other sections of this bill were being considered I realized the fact that the committee having jurisdiction was the Committee on Immigration and Naturalization. I went to the gentleman from Alabama [Mr. BURNETT] and told him that we were considering this matter, and he generously said that, in view of the importance of it and in view of the fact that we had the whole subject under consideration, he would be glad to have the Foreign Affairs Committee proceed with it and report it. His statement now is the statement he made then.

Mr. BURNETT. Here is the language of the statute:

The courts having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

Mr. SABATH. That is the present law.

Mr. WALSH. I could not hear the gentleman.

Mr. BURNETT. I think this conforms to the present general law.

Mr. WALSH. Mr. Speaker, may I ask somebody to read that section again? I could not hear the gentleman.

Mr. BURNETT. I read:

That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts: United States circuit and district courts now existing or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the Supreme Court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That is the language covering the jurisdiction of the courts under the general law.

Mr. MILLER of Minnesota. And the language in the proposed act is really more restrictive than that?

Mr. BURNETT. Yes.

Mr. FLOOD. We undertook to make it conform to that.

Mr. ROGERS. The suggestion is made that the law may be too narrow. My inquiry is as to whether it is not too narrow in another respect. A great many of our soldiers are going to be abroad in France. They are not going to be able to take advantage of this law in its present form, because this permits them to acquire citizenship only before a court within the territory of the United States. Would the gentleman think it practicable to allow the consul general to France or some other officer of the United States to bestow citizenship on our soldiers while they are in France, while they may be especially anxious to take advantage of it?

Mr. FLOOD. I think this goes far enough. We were informed that the purpose of the War Department was, as soon as this became a law, to get these judges to go into the camps and hold court and facilitate the naturalization in every way. But that was some time ago, probably two months ago, and many of these aliens may now have gone abroad.

Mr. ROGERS. The judges would not go abroad?

Mr. FLOOD. No; they would not go abroad, but would give opportunity to the soldiers in the camps and cantonments here.

Mr. ROGERS. The soldiers will be going abroad every month. Many of them not now are eligible, but they will become eligible later. We recently passed a repatriation statute somewhat analogous to this and applying to men who enlisted in the armies of the allies. They can go before the consular officers in France. Would there be any objection to following that analogy here? I would like the gentleman to answer my question.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. FESS. It is not likely that any of these soldiers who are not citizens who are now in camp will be sent to a foreign field until this limitation is removed?

Mr. FLOOD. My understanding is that if this bill passes in reasonable time an opportunity will be given to all these soldiers to become citizens before they go abroad. That is, those who will not already have sailed.

Mr. FESS. It is not possible that our Government will send these soldiers abroad until this disability is removed?

Mr. FLOOD. I think most of them will be held here until they have opportunity to be naturalized.

Mr. HUDDLESTON. I understand that all of those not naturalized have been returned to the United States. I understand they have been weeded out abroad and have been sent back here.

Mr. FESS. That is to prevent embarrassment. Now, the gentleman will recall that when Paderewski was before our committee his idea of naming these particular classes was that it would be psychological, and it would create a very important situation on the part of those over there under the Government who were still suffering, although their sympathy was with us. That is why it was put in. It was purely psychological.

Mr. FLOOD. Yes.

Mr. ROBBINS. Is not this bill drawn to cover the very persons cited by the gentleman from Ohio? It says a petition may be filed in any district and proved by affidavit. I understand it is broad enough in the provision to permit an alien soldier to file his affidavit, and it would cover the case that has been raised of an absent soldier taking out papers.

Mr. CAMPBELL of Kansas. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes; I yield.

Mr. CAMPBELL of Kansas. If the bill does not provide for a soldier to be represented by attorney, does not the gentleman think that that should be done?

Mr. ROBBINS. I think it does provide in line 23 for the very contingency that the gentleman from Kansas suggests.

Mr. CAMPBELL of Kansas. I thought perhaps it did, but it is not entirely clear. I thought that the court should clearly have jurisdiction to grant citizenship in the absence of a soldier with his company on appearance by attorney.

Mr. FLOOD. The gentleman does not think that is accomplished by the bill?

Mr. CAMPBELL of Kansas. It is not clear.

Mr. FLOOD. The bill provides that the courts before admitting such alien to citizenship shall require oral or documentary proofs by witnesses under oath or by affidavits to show that he is of good moral character and loyal to the United States, but shall not require him to prove more than one year's residence in the United States previous to filing such petition.

Mr. CAMPBELL of Kansas. There should be a proviso here that that should be done on the application of the alien, either in person or by attorney.

Mr. FLOOD. Certainly there would be no objection to that.

Mr. TOWNER. In line with what the gentleman from Kansas says, the present law, of course, requires the application to be made and presented in person, and unless there was a specific section in the bill to modify that the courts, I think, would hold that that would still be required.

Mr. CAMPBELL of Kansas. I think it will be necessary. If the gentleman from Virginia, who has the floor, can offer an amendment that will do that, I think it should be done.

Mr. FLOOD. I will do it.

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. FLOOD. Yes.

Mr. COOPER of Wisconsin. I think it would be well to consider that very carefully. If the aliens now in the Army of the United States who were in France or abroad anywhere have been, a large proportion of them, already returned to the United States because of their alienage, and the others are to be returned, I think the law then should still be as it is, requiring the applicant himself to appear and be identified, and so forth, before the officer where he makes the application.

Mr. CAMPBELL of Kansas. May I make this observation? Many of these young men are far from the courts having jurisdiction. Some of them are located 1,500 miles from their homes. It would take 15 days' leave.

Mr. FLOOD. That is not intended. The language could not be construed that way.

Mr. COOPER of Wisconsin. They do not have to go to the home courts, but to any court?

Mr. FLOOD. It was stated before the committee that the judges could go into those camps and hold court there for naturalization.

Mr. COOPER of Wisconsin. Will the gentleman permit another suggestion?

Mr. FLOOD. Yes.

Mr. COOPER of Wisconsin. He can go to a court in the vicinity of the cantonment, and not only that, but he can prove his moral character by affidavits sent from his home?

Mr. FLOOD. Yes.

Mr. COOPER of Wisconsin. So that every convenience is afforded to the soldier.

Mr. FLOOD. Yes.

Mr. CAMPBELL of Kansas. Even though the bill with the consent of the Department of Justice should provide for that. I think the better practice would be for the friends and neighbors of the applicant to appear in court and testify to his right to become a citizen, upon his application by an attorney who knows him, and on his affidavit that might be prepared and sent to him. The applicant may go into a court established in the camp, but he has no one there who knows him. He has no affidavit there. It is more difficult to arrange the details of the application for citizenship in the camp, away from the friends of the soldier, than it would be to have it arranged in the home court, where witnesses and friends know the soldier.

Mr. GALLAGHER. Will the gentleman yield?

Mr. FLOOD. I yield to the gentleman from Illinois.

Mr. GALLAGHER. Here is the situation: A great many people in our city have gone to Canada and enlisted in the Canadian Army. They were not taking volunteers in the United States, and these men went over there because they wanted to fight, and they are in the army over there. What becomes of that element, of whom great numbers are over there?

Mr. FLOOD. They are not in our Army.

Mr. GALLAGHER. No; they are in the Canadian Army.

Mr. FLOOD. This would not apply to them, and I do not think it ought to apply to them. Does the gentleman think so?

Mr. GALLAGHER. They are citizens of this country

Mr. FESS. They could not enlist over there without relinquishing their American citizenship.

Mr. BURNETT. This is not a repatriation bill.

Mr. SABATH. I think the gentleman means residents of the United States not citizens.

Mr. GALLAGHER. They resided here and many of them became citizens, and then they went over there and enlisted.

Mr. FLOOD. They would come in under a bill that we passed sometime ago.

Mr. SABATH. And another bill which is pending and liable to be called up at almost any time.

Mr. FLOOD. I yield to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Speaker, having the utmost confidence in the loyalty and patriotism of the people of the nationalities described in section 1, I introduced a resolution some time ago exempting them from the operations of the alien-enemy act. Since that time the President of the United States in a proclamation has exempted all of these people and has added other nationalities, exempting them from the operations of the alien-enemy act. That I have been justified in my confidence I offer this fact, that nearly 100,000 aliens of these nationalities are now in the Army, Navy, and Marine Corps of the United States. It is to protect these men, to enable them to remain in our armies, that this legislation is sought. All this bill aims to do is to naturalize all these men who desire to fight for the country of their adoption, who otherwise would have no chance or opportunity to become American citizens.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Does not section 2 admit of the naturalization of other aliens apart from those referred to in section 1?

Mr. FLOOD. Oh, yes.

Mr. SABATH. Section 2 applies to all of the aliens who are now serving in the United States Army, Navy, or Marine Corps; it matters not of what nationality they are. I believe that any man who has volunteered, or any man who has not claimed exemption under the selective act, is a good enough man, is made of the right material, has the right conception of his duty to this country, and as such is entitled to all the protection that we can give him, and is also entitled to become a citizen of the United States without any unnecessary trouble or delay.

Mr. MOORE of Pennsylvania. The gentleman has made a study of this matter and has introduced a bill, as he indicates. While the gentleman is on his feet, and since he is talking in the time of the gentleman from Virginia [Mr. FLOOD], the chairman of the Committee on Foreign Affairs, I desire to ask him one or two questions. Is it not a fact that any alien, not those particularly mentioned in paragraph 1, but any alien who has been in the country one year and who has enlisted for service in the Army or Navy, may become a naturalized citizen of the United States on petitioning a court of competent jurisdiction, as referred to here?

Mr. SABATH. Yes; and on complying with the rules and laws and regulations of our country pertaining to the naturalization of aliens.

Mr. MOORE of Pennsylvania. As the gentleman is something of an expert I want to ask this question, so that this matter may be made clear to my constituents, who are interested in it: If an alien comes forward to-day and enlists in the Army, he may apply to-morrow for naturalization and be naturalized a citizen of the United States if he can prove that he has been in the country one year. Is not that the fact?

Mr. SABATH. He must prove that he has been in the United States for one year, and he must also prove that he is a man of good moral character, and in addition to that, that he has an honorable record in the Army or Navy or Marine Corps of the United States.

Mr. MOORE of Pennsylvania. He must have the usual qualifications.

Mr. SABATH. Yes.

Mr. TOWNER. Yes; and be loyal to the United States.

Mr. SABATH. And be loyal to the United States is right.

Mr MOORE of Pennsylvania. Exactly. That is one of the qualifications. Now, ordinarily a man must wait in this country for five years before he can become a citizen of the United States.

Mr. SABATH. Not only that, but he is subjected to examination, and must prove that he is capable of answering a great many questions that are propounded to him; he must know how to read and write the English language, and there are a great many other things that he is obliged to do before he can become an American citizen.

Mr. MOORE of Pennsylvania. Let us get down to the point I wanted to make. An alien under the law must remain in the United States for five years before he can become a citizen of the United States?

Mr. SABATH. Yes.

Mr. MOORE of Pennsylvania. If he joins the Army or the Navy or the Marine Corps and has one year's residence in the United States, he may apply for citizenship and secure it if he has the necessary qualifications?

Mr. SABATH. Yes.

Mr. MOORE of Pennsylvania. That is to say, he can cut short the period of residence four years and become a citizen if he joins the Army or the Navy?

Mr. SABATH. Yes; that is the intention.

Mr. MOORE of Pennsylvania. Following up the purpose of the alien-slacker bill, if this bill is adopted, it means that anyone who is an alien in the United States who has been here one year may become naturalized if he enlists in the Army or Navy?

Mr. SABATH. Yes; it means that he will be permitted to fight for our country, because otherwise, if the law is not enacted, there is great danger that he may be discharged on account of being an alien; that he is not an American citizen; and thereby this country would lose from the Army and the Navy seventy-five to a hundred thousand deserving men desirous of fighting for our country.

Mr. MOORE of Pennsylvania. Some gentlemen on this side seem to misunderstand the point that the gentleman has been making, and I want to repeat it. This will apply to any alien now or hereafter in the service of the United States, and not only to those specifically referred to in paragraph 1.

Mr. SABATH. That enlist in the Army, Navy, and Marine Corps.

Mr. MOORE of Pennsylvania. It would apply to anyone. Any alien except a German enemy alien could become a citizen of the United States after one year's residence upon enlistment if he wanted to.

Mr. SABATH. It will apply to all aliens that are now or will be in the Army, Navy, or Marine Corps.

Mr. FESS. Not quite as broad as that, for there is a proviso.

Mr. SABATH. There is a proviso as to people who can not become citizens now.

Mr. FESS. That is what the gentleman from Pennsylvania is driving at.

Mr. MOORE of Pennsylvania. I want to show that if a man likely to be deported from the country under the slacker bill is qualified to become a citizen he can make a short cut to citizenship under this bill by enlisting in the Army, the Navy, or the Marine Corps if he has had a year's residence and the requisite qualifications.

Mr. SABATH. Yes.

Mr. JAMES. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. JAMES. The people in paragraph 1 have been ordered back by Austria to fight in the Austrian Army. They have not gone, but in case they should be caught they will be treated as deserters. They will be deserters according to the law of Austria and according to our own law, and therefore, unless this bill is passed, we will place all these men in an embarrassing position. If it passes we can claim the men and look upon them as American citizens.

Mr. WALDOW. Will the gentleman yield?

Mr. SABATH. Yes.

Mr. WALDOW. Does this bill give a change of status to the Poles who have formed themselves into an independent organization? A great many of them have gone to France to fight. We have right outside of my city an army of about 8,000 men, all of them of Polish nationality. Is this going to change their status in any way?

Mr. SABATH. We can not aid them in this bill. There is a separate bill pending now in which I hope we will be able to protect the brave Poles and men of other nationalities who are now joining the so-called Polish and Cecho-Slovak Army in France as well as in Canada. I expect that the bill will be shortly reported and that it will receive the unanimous support of all Members of the House.

Mr. WALDOW. Why is it not possible to have that bill incorporated in this bill?

Mr. SABATH. I think it is a very wise suggestion, and if it will not be objected to I would be more than pleased to look upon the amendment with favor.

Mr. WALDOW. I am very much interested in the proposition. We have over a thousand men from the city of Buffalo alone who have joined the Polish brigade, and it seems to me that they ought to have the protection of the United States.

Mr. SABATH. They are entitled to all the protection we can give them.

Mr. JAMES. Are these people going in a Polish legion—are they going as Poles or Americans?

Mr. SABATH. They are going as Americans. Many of them are citizens of the United States and many of them are not as yet citizens of this country.

Mr. JAMES. Who pays the expense?

Mr. SABATH. The Polish-American people in the United States, as well as other people vitally interested in organizing this splendid body of men. And what applies to the Polish legion and the Polish Army applies to the so-called Bohemian-Slavic Army that is being formed here, in Russia, and France, and is now fighting the cause of the allies across the sea.

Mr. JAMES. Those who are citizens will be taken care of.

Mr. SABATH. No; they will not be taken care of by our Government.

Mr. JAMES. Those who are citizens of the United States?

Mr. SABATH. Yes; but they will not be entitled to any pension or special benefits because they are not joining our forces. For that reason they are entitled to greater consideration than the men who are drafted and who are American citizens, because they do not have to go, but do it of their own free will, desirous of being of aid and assistance to the country of their adoption.

Mr. GALLAGHER. If the gentleman will permit, I want to say that this is the army I referred to a moment ago when I was talking to the chairman. They are not in our Army and therefore this bill would not cover them. They joined the French forces.

Mr. SABATH. I realize the force of the gentleman's statement, and, as I stated before, if an amendment can be framed and will meet with the approval, as it should, of Members here, we should embody it in this bill.

Mr. MILLER of Minnesota. Mr. Chairman, I would like to ask the gentleman a question. Can he conceive of any legislation that we could pass which would protect men not citizens of this country who join the armies of one of our allies?

Mr. SABATH. I say in answer to that that we are trying to reach that before the Immigration Committee in this way: We have a bill pending there whereby we will suspend the operation of the immigration law as to all of the aliens who are now going abroad with our forces or with the Polish legions or the Jugo-Slovak armies, or who join the allied forces in Europe

Mr. MILLER of Minnesota. That is true. That will enable those men ultimately, after the war is over, to come back to the United States to become citizens, not having lost any rights by reason of absence from the United States, but it does not protect them during this war.

Mr. SABATH. No; it does not, but the amendment suggested by the gentleman from New York [Mr. WALDOW] might help the situation.

Mr. FLOOD. The gentleman does not think we ought to undertake to enact a law here throwing the protection of this Government around soldiers enlisted in the army of another nation, does he?

Mr. SABATH. I will say this: They are there fighting the same cause, and where they are of aid and benefit to our country I think we ought to extend to them all the protection and advantages we possibly can.

Mr. MILLER of Minnesota. That is very true. We ought to give them every bit of help in our power, and if we take no action at all, if men joining this legion go over and are captured and their lives are in danger, our country ought to aid them and do everything that we can in a moral way, even to the extent of threats of retaliation, to protect them, but could we in any way be justified in passing a law that would say that a man fighting in the Army of Italy or a man fighting in the Army of France or a man fighting in the Army of England, not a citizen of this country, should be a citizen of the United States?

Mr. SABATH. As to those fighting in the allied armies, it might be very hard, because we have no organization by which we could bring about the aid in giving them the benefits of this legislation. We have no courts there and no instrumentalities by which we could make them citizens.

Mr. WALDOW. Mr. Chairman, will the gentleman yield?

Mr. SABATH. Yes.

Mr. WALDOW. Why I am so vitally interested is this: Not so much that the men shall receive the pensions and the benefits that our soldiers are going to receive, but, as I said before, there are fully 8,000 men in training now at Fort Niagara, and the great majority of those are not citizens of the United States. I understood our chairman to say that we expected to have a judge visit our different camps and confer citizenship upon the men.

Mr. FLOOD. Upon those who were in our Navy or Marine Corps, not those who are in the armies of other nations.

Mr. WALDOW. Can we not have an amendment to this bill that would take care of that particular camp, because some of them are American citizens and they are all going to fight for the American cause, and I think they ought to have that protection.

Mr. SABATH. Mr. Speaker, to those in whom there remains any doubt as to the merits of this bill I desire to say that the people covered by this bill came to these shores to escape a tyrannical dynasty, allegiance to which they never subscribed and the overthow of which they have struggled and sought for centuries. They came here eager to grasp the opportunities afforded under our institutions and denied them in the land of their birth. They sought to advance and educate themselves and their children, to understand our institutions and the form of government that had given them every opportunity and every advantage afforded to its own citizens and that had made them free men and women. They came here to better their own conditons and to relieve, if possible, their oppressed and persecuted brethren abroad.

That they have done this none can deny. In the mines and in the factories, in the mills and in the shops, upon the farms and in the forests, in the industries and in the professions, in commerce—everywhere they have toiled, labored and studied for the increased development of the land of their adoption. They have helped and are now helping to turn the great wheels of our industry. They have aided our commerce. They have contributed to our science. They have always been good, true, and loyal residents of this great country of ours. Who can challenge their industry? Who can question their constancy? Who dare impugn their loyalty?

And now, in the hour of our Nation's trial, they have sprung to the support of our country, to sustain our glorious flag, by the thousands, aye, by the tens of thousands, patriotically volunteering and loyally waiving all claims for exemptions, to the end that the Stars and Stripes may ever float over a free and happy people.

We who live in this wonderful democracy of ours can only speak of the wrongs of autocratic government from a theoretical knowledge, but these people who have suffered under it know this form of government from bitter, practical experience.

We are at war to preserve "humanity and democracy." They go to war not only for this reason but in the fond and passionate hope that they might help to secure it for their oppressed kinsman across the seas. Shall we deny them this opportunity because in a technical, and a purely technical, sense they are subjects of Austria-Hungary and Germany? Shall we say to these people that because a brutal and overpowering military force has subjugated you to despotic and tyrannical rule you are barred from assisting in its overthrow, even though you are a loyal and devoted resident of this country? Shall we discourage and dishearten these people, interfere with the wheels of our industries, deplete the mines and the factories of their much-needed man power, diminish the output of our workshops, increase our economic problems, already stupendous, and thereby give "aid and comfort" to our enemies, who are even more their enemies, because of a status beyond their control, the removal

of which they have sought with their life's blood these many centuries? Shall we deny them the right to fight for the colors of their adoption and force them into the foreign legion division of France and Italy?

Mr. Speaker, I do not believe such action would be compatible with the principles for which we are striving. In the mines and in the steel mills, in the great ammunition factories, they are steadfastly preparing this country for the mighty conflict in which we are engaged. Whether it be before the fiery furnaces of the steel mills, the stifling depths of the coal mines, the hazards of the ammunition factories, they go about their work steady and contented, satisfied to be of service to this country, the country of their adoption. To be of service is all they ask. Shall we deny them this?

In our Army, Navy, and Marine Corps they are represented by over 76,000, and, if I am reliably informed, that if they are not excluded from the operation of the "alien enemy" laws, our armed forces will in the course of time be deprived of some 400,000 men. What is there that would justify such a course of action?

I know that some will say that these people are responsible for this unpleasant situation because they did not become naturalized. This, however, is due to the harshness and stringency of our naturalization laws.

Mr. Speaker, with a deep faith and irrepressible confidence, I have stood upon the floor of this House upon many an occasion and vouchsafed the good and unimpeachable conduct and behavior of these people. I have never had occasion to regret it, and I say now, with a calm assurance that rests upon my complete faith in them, that they will never give me cause to regret one word or one sentiment. I call upon them now to vindicate my every assertion, to sustain my every utterance, to uphold my every assurance. I call upon them to prove, as I know they will, true to their best traditions, to meet every condition and make every sacrifice required of them with firm resolve and stout hearts, to uphold the ideals of the flag of their adoption—the red, the white, and the blue—to give their lives and their all in defense of these glorious colors, to the end that liberty and democracy may forever be preserved to our sacred country and to her brave "comrades in arms."

I call upon them to inspire and encourage their oppressed brethren in despotic Austria and military-controlled Germany; to rise in their might and break the chains that have held them in bondage and slavery, in misery and in want; to throw off the yoke of their oppressors and those tyrants who are responsible for this terrible war that has destroyed millions of lives; that has taken from mothers their sons, from wives their husbands, from millions of innocent children their fathers; that has driven from the humblest shelter and deprived of life's every necessity—life's every means of sustenance—millions of aged men, women, children, and babes. I also beseech them to call to their kinsmen across the seas and with loud voice exclaim, "Rise from your slumber, you Czecho-Slovaks, descendants of Huss-Ziska! Rise you Poles, descendants of Sobieski, Pulaski, and Kosciusko! Rise you Jugo-Slavs, descendants of Dusan and Kara George! Rise all you subjugated peoples so that the liberty and freedom for which your forefathers hoped, suffered, bled, and died may be attained and to you forever made secure.

And when, aided by all other democracies of the world who are engaged in this monumental struggle to obtain for you this liberty and freedom, you will have helped to break the chains that have shackled you these centuries, then extend in the spirit of brotherly love and benevolence to the peoples of Germany, who are dominated by the iron and ruthless heels of military lords, the hand of friendship and aid, so that they, too—the great common masses of these German peoples who would live in peace with all the peoples of the world, but who are forcefully subjugated by the brutal power of Prussian militarism, which is attempting to conquer the nations of the world.

And, in conclusion, I fervently hope that the great Russian people and their leaders will have the wisdom and foresight to realize that the freedom they have attained and the liberty they have gained can be protected only in concert with the allied democracies of the world; that they will detect the cunning and deceit of the archenemies of every form of democracy and liberty, the autocracies of the Hapsburgs and the Hohenzollerns; that they will not, after all these years of struggle and sacrifice, lose the freedom for which they have paid with their life's blood; that they will once more join hands with the other democracies of the world, so that the sunshine of liberty and democracy may throw its light and its warmth upon all the oppressed countries of the world, be they large or small, powerful or weak; that the peace we seek shall be a righteous and permanent peace wherein all tyrannized peoples and nations shall ever more breathe the air of freedom and independence.

Therefore, Mr. Speaker, in justice to these peoples, in recognition of their unquestioned and devoted loyalty, in consideration of their industry and constancy, and, finally, as a measure of self-protection, a means to sustain and increase our tremendous war preparations, this bill should be passed.

Mr. FLOOD. Why do they not stay here and join the American Army?

Mr. GALLAGHER. They could not do that under our laws. They are outside of the draft age.

Mr. WALDOW. That was the amendment that I had in mind.

Mr. FLOOD. Thousands and thousands of these people have joined the Regular Army, volunteered, who are outside of the draft age.

Mr. GALLAGHER. But these men started since we stopped volunteers from joining the Army. They had no chance to volunteer.

Mr. MILLER of Minnesota. Mr. Speaker, will the gentleman from Virginia yield?

Mr. FLOOD. Yes.

Mr. MILLER of Minnesota. Can I have a moment or two? I would like to have about three minutes.

Mr. FLOOD. I yield three minutes to the gentleman from Minnesota.

The SPEAKER. The gentleman has just three minutes remaining.

Mr. MILLER of Minnesota. Then I had better take two and a half minutes, so that the gentleman from Virginia will have a half minute left.

Mr. Speaker, I have long been interested in organization of this Polish legion. I think it is a splendid thing, and one of the finest things on earth about it is that these Poles do not hesitate to join that legion for fear they will be captured by Germany or Austria. I had opportunity to meet with these gentlemen who came from the Continent of Europe when they first started the propaganda in this country. Most of them had been in the German Army, and had been captured or had gotten out, and are now organizing the forces of their brethren to go home to Europe and fight for liberty. That meant to fight against Germany. Those people are not going to be deterred at all because we are not able to give them citizenship, and if we could adopt the suggestion of the gentleman from New York [Mr. WALDOW] it would be splendid, but we can not do it. They are not fighting in our forces, nor fighting strictly for our country. I do not believe that those in the Bohemian organization are going to be one whit less courageous and vigorous than those in the Polish organization; and the fact that we can not give them the protection of citizenship is not going to deter them from performing this highly patriotic service. The man who is willing to enlist, who has the courage and the patriotism to enlist in that cause, does not need to be helped by any little addition we might give in a legislative way. He has staked his all, and he is going through with it, and while they should receive every bit of encouragement that we can give, we can not go that far. But this, too, must be said——

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. FLOOD. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman has half a minute.

Mr. FLOOD. I yield that to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I ask unanimous consent to speak for three minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to speak for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. Mr. Speaker, I want to say to the committee that the question raised by the gentleman from New York [Mr. WALDOW] as to why we should not allow this bill to cover these Poles, who are not citizens of the United States, but are in a training camp, came to us in a very interesting way through the great pianist, Paderewski, when he made a plea before the committee to give these Poles an opportunity to form an army here not to be coalesced with the American Army. When our friends are asking why we did not cover them with citizenship, may I say that he requested that it be not done; that they did not want to lose themselves in the American or any other army. When we raised the question with him that we could not give any particular protection to them if they did not become either American citizens or enter our own Army, he said that we did not really appreciate what the Poles were trying to do. His point was that the Poles in Europe were suffering so much from persecution that they wanted to know there was an army over here, not Polish-Americans nor Polish allies, but an army of Poles and formed as a unit, fighting beside our Army and the allied army, but still as an automatous army that belonged to Poland. He

said that it was not any disrespect to the American Government nor any suggestion that they did not want to be allied with the American Government, but the psychological effect it would have upon people back in Poland if they had a real Polish army as a unit fighting for the same thing that we were fighting for. So if it does not cover it it is upon the suggestion of their representatives over here.

Mr. BURNETT. Mr. Speaker, I ask for three minutes, by unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. BURNETT. Mr. Speaker, I do not agree with the gentleman from Minnesota [Mr. MILLER] that we could not grant citizenship to these people, but I do not believe it would be wise to encumber this bill with that proposition now. We have a bill before the Committee on Immigration looking to the admission of these very people, not as ordinary immigrants, not as aliens, but just like any other American citizen coming back to this country. If these men were to be discharged or if any alien were to be discharged who had joined our Army on the other side and should possibly remain on the other side for a period of several months and not come back with his uniform on, or as a soldier, he would have to come back as an ordinary alien, and if he had been shot up over there, although a former member of our Army, having volunteered in our Army or having joined these Czecho-Slovak and Polish independent legions, he could not come back here, because he would be excluded by the immigration law. Therefore, in order to meet that very condition, the Department of Labor sent a bill to me as chairman of the committee, the purpose of which was to allow such alien to come back just like an American citizen who had fought in our Army would come back. We have reported the bill, introduced by Mr. SLAYDEN, and reported by unanimous vote of the members of our committee who were present, which will permit these people to come back. I believe, Mr. Speaker, it ought to pass, and I would not object upon a proper bill being framed and properly considered that these people should be granted the right to make an immediate application for citizenship, if they desire to, and immediately become citizens of this country.

They are not in the same class, Mr. Speaker, with resident alien subjects of cobelligerent nations who join our armies, because every Hungarian, every Pole, who is a citizen or subject of Austria-Hungary or Germany who joins those independent legions and goes over there and fights for the same causes that we are fighting for, if he is captured he will not be treated as an ordinary prisoner as those of cobelligerents who joined our Army would be. He would be treated as a traitor and shot at sunrise, perhaps, because he was guilty of treason against his country. Sometimes I have been denounced as an A. P. A. and an enemy of all foreigners. There is not a man in this House in whose heart beats a greater admiration and reverence for those men who absolutely take their lives into their own hands and know that when they join these independent legions, or join our armies, if they are captured by the Germans or Austrians they will be shot down at once as traitors to their country. It takes almost superhuman courage to volunteer to fight under such conditions. Hence, I believe that upon a properly framed bill—I had not thought of it until this discussion arose—I believe we should endow these men with the same rights and privileges of citizenship that we do other aliens who join our marines, our naval forces, or our armies. I do not believe, as has been said by the chairman of the committee, that we ought now without due consideration to undertake to cumber what seems to me to be a wise bill with provisions which we might well consider at a more opportune time.

The SPEAKER. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

Mr. FLOOD. Mr. Speaker, I have another amendment to offer, and that is to strike out section 3.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 3.

Mr. WALSH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Massachusetts rise?

Mr. WALSH. Is the motion to strike out debatable; is this amendment debatable?

The SPEAKER. Of course it is debatable; but the Chair wanted to find out what the gentleman wanted to do.

Mr. WALSH. I wanted to ask the chairman of the committee a question in respect to his amendment.

This says:

That application for naturalization in the mode herein provided shall not be open to natives, citizens, subjects, or denizens of Austro-Hungary or Germany, except such individuals and classes as may be exempted by the President under the provisions of section 1 of this act.

Now, is it open to all the other nations associated with Germany and Austria-Hungary in the war?

Mr. FLOOD. I did not catch the gentleman's question. I understood what he said at first.

Mr. WALSH. Is a Bulgarian permitted to become a citizen if he happens to be——

Mr. FLOOD. The amendment I submitted struck out section 3. That would leave the provisions of the bill applicable to any alien of any nation who served in our Army and had had a residence of a year in this country and had complied with the other provisions of this bill, except, of course, those who by our laws are not permitted to become citizens.

Mr. WALSH. That would include, then, enemy aliens?

Mr. FLOOD. Certainly.

Mr. WALSH. And would permit them to be naturalized?

Mr. FLOOD. Yes.

Mr. WALSH. If they qualified by having become connected with the military and naval forces of the United States?

Mr. FLOOD. Yes.

Mr. WALSH. And having resided here for a year. Now, does the gentleman think that it is a wise provision to make them citizens of the United States?

Mr. FLOOD. Yes; I thought so.

Mr. WALSH. Although they may have only recently joined the Army or the Navy?

Mr. FLOOD. If they join the Army or Navy of their own free will, showing their desire to fight for this country, can prove their loyalty and a good moral character, I think it is very advisable to make them citizens in order to give them this protection. In the Austro-Hungarian Empire, for instance, half the population is hostile to the Government of that Empire—probably over half of the population—and their feelings are friendly toward the allies and to us. A great many of those people—the Bohemians, Italians, Poles, Slovenes, and others—are in this country. Many of them are already in our military service and are entitled to the protection of our citizenship; others will be encouraged by this legislation to join our forces. They want to fight for America and the cause of human liberty. They want to fight the Government which has suppressed their wills, and they go into the Army for the purpose of making war on the Governments that still claim them as subjects. When they go over to the other side and meet the armies of those Governments and happen to be captured, they are subjected to very much more rigorous treatment than an American soldier with American citizenship would be; they will be treated as traitors, and I think that men who had shown their patriotism to this country, had shown their love of liberty, as they have, and have taken such great risks, should have some consideration shown them, and should have such a law as this passed in their behalf and for their protection.

Mr. SNYDER. Does the gentleman think that if a man became a citizen in the Army a few days after a year in the country that that qualification would be looked upon with favor by Germany in case he should be taken prisoner?

Mr. FLOOD. I do not know about that. As I said in answer to a question asked by the gentleman from Missouri, we do not know what attention the German Government will pay to this action of ours. But as has been stated here by the gentleman from Minnesota [Mr. MILLER] and myself, we can retaliate on German and Austrian citizens if those countries treat our citizens, however they may have acquired citizenship, in a way contrary to the rules of civilized warfare.

The SPEAKER. Does the gentleman from Massachusetts yield to these gentleman in debate?

Mr. WALSH. I yielded to the gentleman from New York [Mr. SNYDER] in order to ask a question, and I am yielding to the gentleman from Virginia [Mr. FLOOD] to answer the question.

Now, if he has answered, I desire to ask a question myself. I would like to ask the gentleman from Virginia how these aliens about whom he has been talking, who are made eligible to become citizens, could in any way be punished by the foreign nations of which they were subject, when under the terms of this bill they are not required to renounce their allegiance to those nations? I would like the gentleman to answer the question, and will yield to him for that purpose.

Mr. FLOOD. What was the question?

Mr. WALSH. I said I would yield to the gentleman from Virginia.

Mr. MOORE of Pennsylvania. Look at the proviso on page 3. I think that answers the gentleman's question.

The SPEAKER. Does the gentleman from Virginia desire to answer?

Mr. FLOOD. I want to answer if I can find out what the question is.

Mr. WALSH. The gentleman has been talking about these aliens who are now subjects or citizens of certain of the European nations who have seen fit to join our military or naval forces, and stated that if they become citizens under this act these aliens of these foreign nations would probably be punished by their native countries because they joined our forces and because under the provisions of this act they became naturalized. Now, what I want to ask him is why that should necessarily follow, if they are not required to renounce their allegiance to those foreign countries of which they have been heretofore subjects or citizens?

Mr. FLOOD. Because under this law we will naturalize them. They will become citizens of this country under this law, when they take the oath of allegiance to this country.

Mr. WALSH. But that does not divest them of their citizenship in other countries.

Mr. SABATH. It does.

Mr. FLOOD. Oh, yes.

Mr. ROGERS. The requirement of this law is that they shall take the oath of allegiance to the United States as now prescribed under the law relating to naturalization.

Mr. SABATH. If the gentleman from Massachusetts would read section 4 of the naturalization act he would save himself all this trouble in repeating his question, because that sets it out clearly that such an alien, before he can become a citizen under this act, must subject himself and do all other acts required under the present act.

Mr. WALSH. The gentleman contends that that is contained in section 4?

Mr. SABATH. Yes; section 4. Has the gentleman the law there—the naturalization act?

Mr. WALSH. Yes.

Mr. SABATH. Well, if he will read it he will find that what I say is correct. The gentleman has the bill. I was referring to the naturalization act.

Mr. WALSH. I have the law before me in this volume. I was holding the bill. I was not holding the book.

Mr. SABATH. If the gentleman desires, I can read the section to him. The gentleman is satisfied now, I presume?

Mr. WALSH. I am satisfied nobody has answered the question.

Mr. SABATH. It has answered itself. It is the law.

Mr. MEEKER. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. The gentleman from Missouri moves to strike out the last two words.

Mr. MEEKER. Mr. Speaker, in reply to the gentleman from Massachusetts [Mr. WALSH], I think the proviso at the end of section 2, taken in connection with section 4 of the immigration law, takes care of the thing about which he has some concern. There would be absolutely no possibility of making anyone a citizen of the United States until he had renounced his allegiance to the nation whence he comes, so that for that he need have no fear of this law.

I only want to say one thing in regard to the principle contained in this law in connection with what might be termed the companion bill, which has already been reported out from the Committee on Immigration, which provides, as was stated by the chairman of the committee, Mr. BURNETT, for the admission of aliens who have served under our flag and who had taken out their first papers. That bill should be reported and should be acted upon at the earliest possible moment, and when that bill shall have been passed and this one it will practically complete the work of Congress, so far as providing for the care of the immigrant or alien soldier is concerned. About a year ago I took it upon myself to try to ascertain the status of alien soldiers in the armies of all the different nations of the world. It has been a most difficult thing to get exact facts in regard to the status of men in the armies of the different nations, but I have obtained within the last few days the last reports from the different nations throughout the world as to the status of alien soldiers, and with the permission of the House in the very near future I shall address the House on that subject.

I want to say that when we shall have passed this bill in connection with the other laws which we have enacted the United States will be centuries ahead of the rest of the world in caring for its alien soldiers. There is no question so involved as the status of an alien soldier in the several armies of the world. We have been working along here in a spirit of fairness in our attempt to do justice to any man who is willing and ready to don the uniform of the United States and go and fight for our cause and under our flag. With the completion of this legislation—and I speak also when I refer to that to the Slayden bill, which is yet to come—there has been no civilized nation on the earth that has ever dealt so fairly and so honorably and with such consideration for the alien soldier as we have done here.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. GALLAGHER. Is it not a fact, too, that the pay that we give our soldiers, compared with what other soldiers get, and the insurance and the pensions, are greater than those of any other country?

Mr. MEEKER. There has never been anything like it in the world's history—the way this Congress has attempted to provide for our military forces.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. FESS. Our country has a larger proportion of people who have come to us, not natives, than any other country in the world. Is not that a fact?

Mr. MEEKER. Yes.

Mr. FESS. And it is a greater problem with us than with any other nation?

Mr. MEEKER. Certainly. But the attitude of the American Congress, which of course is the voice of the American people on this question, the willingness on the part of the American Government to go the whole length for the alien soldier under our flag, is one of the most striking illustrations of the really cosmopolitan spirit of the United States that could be given. I am sure that when I submit to you the different reports of the nations throughout the world as to what they will do and what they will not do for alien soldiers in their armies it will be a surprise to the Members of this House as to how far we have gone. And yet we have not gone beyond the line of justice in any instance, in my judgment, but we have done only the fair thing.

Mr. SHALLENBERGER. Mr. Speaker, will the gentleman yield?

Mr. MEEKER. Yes.

Mr. SHALLENBERGER. I think it would be interesting to add there that the record of the Provost Marshal on this shows that the proportion of aliens is 8 to 5; in other words, out of 123,000 men called out, 85,000 are aliens under the law.

Mr. MEEKER. I thank the gentleman for his statement.

Mr. MILLER of Minnesota. Mr. Speaker, I rise to oppose the amendment and to ask the chairman a question. The gentleman from Kansas [Mr. CAMPBELL] suggested that the language ought to be changed so that the applicant will not personally have to appear in court. I desire to ask the chairman if he has an amendment pending to accomplish that purpose? I understood that it was expected to be accomplished.

I will say, after a further reading of the bill, that I do not know but that the point raised by the gentleman from Kansas is well taken, although I did not think it was at first. For instance, on line 25 it reads:

And shall also require him to take the oath of allegiance to the United States as now prescribed under the law relating to naturalization.

Now the man has to take that personally in the presence of the court, before the court, and if we do not make an exception he would still have to do that.

Mr. CAMPBELL of Kansas. I noticed that provision in the law. He should make the oath before the commanding officer in the presence of his comrades.

Mr. MILLER of Minnesota. If the gentleman has nothing better to offer, I will make a suggestion.

Mr. FLOOD. What is the gentleman's suggestion?

Mr. MILLER of Minnesota. To amend the bill in two places. In line 20, after the word "require," I propose to insert the words "the appearance of the applicant in person or by attorney, and," so that it will read:

The court before admitting such alien to citizenship shall require the appearance of the applicant in person or by attorney, and oral or documentary proofs—

And so forth. And then, in line 25, strike out the word "as" and at the end of the sentence, or after the word "naturalization" and before the period, insert:

Such oath to be taken orally in court or to be made in writing by subscribing to such oath in writing and in the presence of at least two witnesses.

Mr. SNYDER. I should like to ask the gentleman what section 4 does to that? Does not that authorize the President to make rules and regulations?

Mr. MILLER of Minnesota. I do not think the President could make a rule or regulation that would violate the law.

Mr. SNYDER. No; but he might make a rule or regulation that would establish a court.

Mr. MILLER of Minnesota. The gentleman from Alabama [Mr. BURNETT], who is thoroughly familiar with this question, can inform us whether or not under section 2, without that, the applicant himself would not be required to go into court.

Mr. BURNETT. It is a question of the construction of legal terms more than of familiarity with these rules. I will ask the gentleman, as it is upon petition filed, a man may file a petition either himself or by attorney, or by sending it, that following it up by "oral or documentary proofs," taking those two together, does not the gentleman think the fact that he is required to file a petition does not require his personal appearance there?

Mr. MILLER of Minnesota. I think that would be true as to the first part but not as to the latter.

Mr. CAMPBELL of Kansas. But the general law provides that he must appear in court.

Mr. BURNETT. As I recollect it. I can not recall all those details.

Mr. BUTLER. He is subject to catechism when he reaches court.

Mr. SNYDER. How can you get a man into court when he is in France?

Mr. FLOOD. Mr. Speaker, it seems to me that the amendments proposed by the gentleman from Minnesota [Mr. MILLER] are all right. I suggest to him that he ask unanimous consent to return to those sections and offer those amendments.

Mr. BUTLER. It does not require unanimous consent.

Mr. MILLER of Minnesota. All right. I move to amend——

The SPEAKER. There is already an amendment pending. The gentleman from Virginia [Mr. FLOOD] moves to strike out section 3.

The question being taken, the amendment was agreed to.

The SPEAKER. The gentleman from Missouri [Mr. DECKER] withdraws his pro forma amendment, and the gentleman from Minnesota [Mr. MILLER] is recognized to offer his amendments.

Mr. MILLER of Minnesota. I move to amend, in line 20, page 2, after the word "require," by inserting the words "the appearance of the applicant in person or by attorney and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Minnesota: Page 2, line 20, after the word "require," insert the following: "the appearance of the applicant in person or by attorney and."

The amendment was agreed to.

Mr. MILLER of Minnesota. I move to amend, on page 3, line 1, after the word "naturalization," by inserting the following: "such oath to be taken orally in court or to be made in writing by subscribing his name thereto under oath and in the presence of at least two witnesses who are citizens of the United States."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Minnesota: Page 3, line 1, after the word "naturalization," insert the following: "such oath to be taken orally in court or to be made in writing by subscribing his name thereto under oath and in the presence of at least two witnesses who are citizens of the United States."

Mr. BURNETT. Mr. Speaker, I suppose that would necessarily imply that the oath must be taken before some officer authorized to administer oaths.

Mr. MILLER of Minnesota. Yes.

Mr. BURNETT. We would not want any lapsus on that.

Mr. PADGETT. That ought to be specified.

Mr BURNETT. Possibly the debate showing that was the intention might be sufficient, but it would not hurt us to have it so stated.

The SPEAKER. Does the gentleman from Minnesota offer that language?

Mr MILLER of Minnesota. I do. After the word "oath" in the amendment which has been submitted insert "before an officer authorized to administer an oath."

Mr. PADGETT. Having a seal of office.

Mr. MILLER of Minnesota. And having a seal of office.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MILLER of Minnesota modifies the amendment as follows: After the word "oath" insert "before an officer authorized to administer an oath and having a seal of office."

Mr. WALSH. Mr. Speaker, I am opposed to this amendment, for the reason that we are opening the door here pretty wide to all sorts of opportunities for abuses and fraudulent naturalization, although I heartily favor conferring citizenship on the thousands of patriotic aliens who have joined our colors. The general law upon the matter of administering the oath to the certificate of naturalization requires that before a person can be admitted to citizenship he shall declare on oath in open court that he will support the Constitution of the United States, and so forth. Now, the amendment here proposes that the applicant, after having filed his petition in court in accordance with the requirements of law, which set forth his intention to subscribe to the oath of allegiance and to take the oath of renunciation against any foreign Government, can go before some official and take the oath in the presence of two witnesses. It may be a justice of the peace or a notary public having a seal of office, and we divest that act of all the solemnity and dignity with which we now clothe the administration of the oath of citizenship to the applicant under the general law. A further objection, in my opinion, is that I have grave doubts whether we can prescribe in this way for these particular people under the Constitution a rule of naturalization and take them out of the general law in the way we are attempting to do here. I agree with the gentleman from Minnesota and the gentleman from Virginia and the gentleman from Alabama that it is wise to naturalize these patriotic men who have responded to the call, who have joined our Army and Navy, and have gone forth to fight for the preservation of humanity, and to make the world safe for democracy and democracy safe for the world.

Mr. TILSON. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. TILSON. Does the gentleman realize that this is intended to apply to men in the Army and in the Navy, and if it is to be of any avail it will have to be provided that the oath can be taken where the soldier and the sailor is?

Mr. WALSH. I realize the difficulty, and I appreciate that there are many gentlemen on the high seas who will not be able to subscribe to the oath because there is no official there having a seal; but when they come into port they can go into a court of record having a seal prescribed by the law and take that oath. I think that is not too much to require of them, even though they are performing heroic service, and in a sense are hereby rewarded for it by this legislation.

Mr. TILSON. If this is intended to make it easy, ought it not to be provided that they may take the oath before the Judge Advocate General?

Mr. MILLER of Minnesota. Oh, no; it ought to be in some court of record.

Mr. WALSH. It would destroy the uniformity of the law, and the Constitution requires that we shall have established uniform rules of naturalization.

Mr. BURNETT. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. BURNETT. I recognize the force of the suggestion in regard to the uniformity required by the Constitution, but I call the gentleman's attention to the fact that for many years we have had a species of this kind of naturalization—that of a discharged alien soldier, seaman, or marine; that has lacked uniformity in the way that there is a difference in the period of time. Those were cases which, under the strict construction made by the gentleman, would be a lack of uniformity of naturalization; but the courts have upheld them. The main difference between this and the statutes that have existed is the personal status that they were granted a naturalization after discharge, and this is for the purpose of making all the statutes harmonize and uniform and allowing them naturalization independent of a discharge. That is the difference between the law as it exists and this bill.

Mr. WALSH. The gentleman will not contend that this law harmonizes the naturalization laws?

Mr. BURNETT. According to the construction of the court those previous laws harmonized with the naturalization laws, and this makes it more harmonious.

Mr. WALSH. Since the general naturalization law was passed, which differed materially from the law prior to that time, the Supreme Court of the United States has not passed on the question which the gentleman raises and which he says arose during the days of the Civil War. My contention is that we are not providing a uniform rule, but that in enacting this statute we are affecting the uniformity that prevailed under the general law and destroying it. In that respect we are not harmonizing the naturalization laws of the country.

Mr. BURNETT. These other statutes were not technically harmonious, and yet the courts have construed it where it applied to a general class, not to individuals, as not conflicting with the constitutional provisions that the gentleman refers to.

Mr. WALSH. I have serious doubts as to whether any court would hold that the provisions of this law were applicable to a class; they are only applicable to certain individuals who may have joined the military forces. There is no class about that; it is an individual action, purely voluntary; the action of these gentlemen who may volunteer and join these forces is an individual action, and would not seem to me to establish a classification in the true sense of the word.

Now, what do you do? Any man who may hereafter join our military forces, who may be a pacifist, who may be the subject or a citizen of Austria-Hungary, who may have lived here for 20 years, who may have been a citizen or subject of Germany, who may have been voting in certain jurisdictions throughout the country, may join the Army—and he may have joined the Army in some occupation which does not require him to shoulder a gun—he files his petition, and he can get two of his pacifist colleagues to go before some little obscure official, make oath of allegiance to the United States, if that official has a seal. And after having filed his petition and making his oath submitting his oral proof, not by himself as an individual but through an attorney, we confer upon him the citizenship of this great Republic. I say the mere fact that these gentlemen have joined our forces and are assisting us in fighting these battles, rather than joining the forces of their own nation, is not a sufficient reason why we should tear down the naturalization laws and make it easy to procure naturalization and open the door for opportunities for fraudulent practices.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. CAMPBELL of Kansas. I think the gentleman from Massachusetts has unintentionally borrowed a good deal of trouble that he has put into the statute. A petitioner for citizenship who is in the service of the United States, either on land or sea, may file his petition for citizenship in the court at his home having jurisdiction, through his attorney, where his friends will appear, and when he has been notified that the court has passed upon his case he may appear before an officer and subscribe to the oath sent to him by the court. That I take it is the procedure if this bill becomes a law.

Mr. SNYDER. With the permission of the gentleman from Massachusetts, I would like to ask how that would benefit a man who has gone to France.

Mr. CAMPBELL of Kansas. In the same way exactly.

Mr. SNYDER. When would he become a citizen? As soon as he got back to this country?

Mr. CAMPBELL of Kansas. As soon as the oath was returned and filed in the proceedings of the court.

Mr. SNYDER. He could become a citizen practically in the field?

Mr. CAMPBELL of Kansas. Certainly.

Mr. SNYDER. That is the way I want it.

Mr. CAMPBELL of Kansas. That was the intention of the amendment, to apply to any man on the seas or in the foreign service who can comply with the necessary requirements. All that he would have to do would be to submit the matter to his attorney. He would go through the usual proceedings in the court having jurisdiction, offer his proof as to the loyalty or good character of the applicant, as is provided in the general statute, and then the soldier or the sailor, as the case might be, whether on the sea, in a camp 1,500 miles from his home, or in a foreign field, would subscribe the oath provided for, return that to the court having tried the case, and file it with his petition. That is the intention I think of this bill. Unfortunately the bill has been considered in a rather informal way. The bill would have more effective consideration if it had come up on some other calendar. I think there is no danger of opening the door to fraud or injustice by simply providing that these men who have regularly enlisted, whose enlistments are known, shall have the opportunity to become citizens.

Mr. WALSH. Mr. Speaker, of course the gentleman is aware that frauds are practiced under the law as it now exists?

Mr. CAMPBELL of Kansas. Yes.

Mr. WALSH. I would like to ask the gentleman what is his understanding as to when this alien becomes a citizen?

Mr. CAMPBELL of Kansas. As soon as the oath is filed in the court that heard the proceeding.

Mr. BURNETT. Mr. Speaker, I would like to ask the Chairman of the committee a question that suggested itself to my mind. Is there anything in this second section that presupposes that the applicant or the petitioner shall have been a resident? I do not believe that we ought to let people become citizens who have never been here?

Mr. SABATH. They must have been residents of the United States for at least a year.

Mr. BURNETT. I had overlooked that.

Mr. WALSH. Mr. Speaker, the explanation of the gentleman from Kansas [Mr. CAMPBELL] certainly does not satisfy me that we ought to adopt the amendment proposed by the gentleman from Minnesota [Mr. MILLER]. I have expressed my views upon it, and I hope that it will not prevail.

The SPEAKER. The question is on agreeing to the Miller amendment.

The question was taken and the amendment was agreed to.

Mr. ROGERS. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: Insert, after section 2, as a new section the following:

"Any alien who comes within the provisions of section 2 and who is in the performance of his duties in a foreign country may be admitted to citizenship by a consul general or consul of the United States stationed in such country: *Provided, however*, That the requirements of section 2 in respect to proofs and the oath of allegiance shall apply to aliens seeking citizenship under the provisions of this section: *And provided further*, That the Secretary of State and the Secretary of Labor shall jointly prescribe regulations for the administration of this section."

Mr. MADDEN. Mr. Speaker, will the gentleman yield before he begins his argument?

Mr. ROGERS. Yes.

Mr. MADDEN. Does not that do away with all court proceedings?

Mr. ROGERS. Yes.

Mr. MADDEN. Then I think it ought not to be passed.

Mr. ROGERS. Mr. Speaker, Congress last autumn passed a law permitting repatriation of Americans who had lost their citizenship by enlisting in the armies of our allies before the United States entered the war and who had taken the oath of allegiance to such countries, which under our laws automatically operated as an expatriation. That law which Congress passed provided that citizenship could again be acquired simply by appearing before a consular officer of the United States abroad and taking the oath of allegiance to the United States. In other words, Congress has already committed itself to the policy of permitting the acquisition of American citizenship while the seeker of citizenship is abroad. That law had the approval of both the Secretary of State and the Department of Labor, and was very carefully considered by the Committee on Immigration of the House as well as by the Committee on Military Affairs. I think we are all in sympathy with the purpose of the bill which is now under consideration. I think we want to make it easy for these American boys to acquire the name of American citizenship in addition to possessing the attributes of American citizenship, which they have shown they already possess by their service in our Armies. Gov. SHALLENBERGER a few moments ago stated that there are 123,000 aliens in our draft camps to-day, all of whom will presumably be going over to France within a very few months. We do not know how long this bill will be under consideration in Congress; we do not know how long it will take before it becomes a law. Even if it should be enacted promptly, many men would not realize the opportunity that was held out to them by the provisions of the law and would not take advantage of it to acquire citizenship before they sailed for France.

After they are in France they could, perhaps, under the amendments offered by Mr. MILLER which have just been adopted, in time acquire citizenship; but we all know it would be an exceedingly cumbrous and an exceedingly lengthy process if they should undertake to acquire citizenship over in France in view of the slow mail service, of the delays incident to working out the mechanical processes, and of the scantiness of the information at their disposal upon the procedure to be followed. Suppose a man performs an act of great bravery; suppose a man shows himself worthy of a commission while he is in France. He can not be an officer unless he is a citizen. It may be months, it may be a year, before he gets his papers in such shape that he may receive an award of a commission of which his superior officers deemed him abundantly worthy and which is held up only by the fact, and the incidental fact, of his noncitizenship.

Mr. HICKS. Will the gentleman yield?

Mr. ROGERS. I will, with pleasure.

Mr HICKS. My friend spoke a moment ago about the repatriation law which we passed last fall. Does the gentleman from Massachusetts happen to know or can he give a guess as to the number of our citizens who are now in foreign armies, that is to say, approximately?

Mr. ROGERS. I have no information on that particular point. I do recall, however, that the best estimate we could obtain of the men covered by that act was from forty to sixty thousand. It has been taken advantage of by a considerable number of men. I regret that I can not tell the gentleman from New York how many are left who might come within its terms or the exact number of men who have already acquired citizenship under it.

As I said a moment ago, Congress has established the policy of granting American citizenship abroad. It did it in that exceedingly worthy case, and I submit to the House there can be no serious argument why it should not extend the policy so as to apply in this worthy case. The amendment

which I have offered provides that the regulations shall be arranged jointly by the Secretary of State and by the Secretary of Labor. They are the naturalizing and the citizenship officials of our Cabinet, and they can be depended upon to surround this process with every possible safeguard.

Mr. SABATH. Will the gentleman yield for a suggestion?

Mr. ROGERS. I do.

Mr. SABATH. The amendment as the gentleman submitted it for consideration refers to section 2?

Mr. ROGERS. Yes.

Mr. SABATH. As section 1 has been eliminated, section 2 will be numbered section 1 by the Clerk, and I suggest to the gentleman in those two particulars that the gentleman change it to section 1.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to amend my amendment by inserting section 1 in lieu of section 2.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MONDELL and Mr. MILLER of Minnesota rose.

The SPEAKER. To whom does the gentleman yield?

Mr. MONDELL. Mr. Speaker, I desire to be recognized in my own right.

Mr. MILLER of Minnesota. Mr. Speaker, may I make a further suggestion to the gentleman?

Mr. ROGERS. Certainly.

Mr. MILLER of Minnesota. I gathered, when the Clerk read the amendment offered by the gentleman, it made no reference to procedure, excepting in a few instances, and my suggestion is, would it not be advisable in that part of the gentleman's amendment in which he refers to this act that he use the word "procedure." If I had the amendment before me, I could tell exactly where it should come in.

Mr. WALSH. I would like to ask my colleague what is the object in allowing the Secretary of State and Secretary of Labor to make regulations, when in section 4 the President is authorized to make such regulations as may be necessary to carry out the purposes of the act. I wondered——

Mr. ROGERS. Mr. Speaker, I think the point is well taken, and I will eliminate that portion of my amendment.

Mr. MILLER of Minnesota. That portion of the gentleman's amendment to which I referred was where it reads "that the requirements of section 1 in respect to proof and the oath of allegiance shall apply," and so forth. Now, that does not cover the procedure which they are put to on account of taking the oath and submitting proof, and I therefore suggest that the word "procedure" be substituted——

Mr. ROGERS. Be added?

Mr. MILLER of Minnesota. Be added just ahead of the word "proof." That also would make it conform to section 4, which would be section 3.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to have read the amendment as modified and that it be considered in lieu of the amendment offered by me which was just read.

The SPEAKER. The gentleman asks unanimous consent to have the modified amendment read in lieu of the other, which he withdraws. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOOD. Mr. Speaker, I would like to know if we can not get an agreement. I would like to move the previous question on the bill and all amendments——

Mr. MONDELL. I would like to have about five minutes.

Mr. BURNETT. I would like to have about three minutes in opposition to the amendment.

Mr. FLOOD. How would it do to say at the end of 10 minutes?

Mr. WALSH. I would like to know whether there are any other amendments.

Mr. FLOOD. I have not heard of any more.

Mr. WALSH. Perhaps the gentleman from Massachusetts, my colleague——

Mr. ROGERS. I have no other amendments to offer.

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that at the end of 10 minutes' debate the previous question be considered as ordered.

The SPEAKER. The gentleman from Virginia asks unanimous consent that at the end of 10 minutes the previous question be considered as ordered. Is there objection?

Mr. MONDELL. Who is to have the 10 minutes?

Mr. FLOOD. How much did you say you wanted?

Mr. MONDELL. Five minutes.

Mr. FLOOD. And the gentleman from Alabama three.

Mr. MONDELL. The gentleman from Massachusetts [Mr. ROGERS] may desire more time.

Mr. ROGERS. I do not wish any more time.

Mr. BURNETT. Do you mean the previous question on the bill?

Mr. FLOOD. And all amendments thereto.

The SPEAKER. The amendments and the bill to final passage. Is there objection to the requestion of the gentleman from Virginia [Mr. FLOOD] for 10 minutes? [After a pause.] The Chair hears none. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment by Mr. ROGERS: Insert, after section 1, as a new section the following:

"Any alien who comes within the provisions of section 1 and who is in the performance of his duties in a foreign country, may be admitted to citizenship by a consul general or consul of the United States stationed in such country: *Provided, however*, That the requirements of section 1 in respect to procedure, proofs, and the oath of allegiance shall apply to aliens seeking citizenship under the provisions of this section."

Mr. MONDELL. Mr. Speaker, a few days ago we were considering the case of alien slackers. To-day we are considering the case of alien patriots. Many thousands of patriotic men, citizens of the lands with whom we are at war, have enlisted in the service of the United States. Those men when they reach foreign shores and take their places on the battle line, if captured while still citizens of their native lands will be subject to the pains and penalties of treason. It is not altogether certain that we can beyond question save them from such punishment. Whatever we may do, Germany and Austria may still claim them as citizens and if captured treat them accordingly. We should at least go as far as possible toward protecting them in case of capture. We can give them the opportunity to become American citizens and then insist with all our might that they shall if captured be treated as other American citizens taken as prisoners of war. If this is to be done, as it should be for these patriotic men, it must be done in a way that will be effective, and make it possible for them to take advantage of the American citizenship we hold out to them and secure the protection that it affords. It may be said that what is proposed is irregular, that this is not a usual and approved procedure.

It is true it is not the proper procedure for conferring citizenship under ordinary conditions, but unless we make some such provision as is contained in the amendment offered by the gentleman from Massachusetts we might just as well forego any attempt to bring these men within the protection of American citizenship, for some of them are not and will not be able to appear before the courts or have their cases considered by the courts in time to afford them the protection they deserve. Some of them are already on foreign shores, some of them are on the ocean on their way over there, and we must make it possible for them to acquire citizenship in some such way as this amendment provides or it will be utterly impossible for us to protect them or to attempt to protect them as American citizens. That being true, it seems to me we ought to waive all questions of unusual or irregular proceedings. These are unusual and extraordinary cases, and we must depart from the usual procedure if we are to give these men the protection we seek to give them. Let us do it in a way that will be effective by adopting the amendment offered by the gentleman from Massachusetts [Mr. ROGERS]. I glory in the courage and loyalty of these men, who boldly and freely offer themselves to our cause though by so doing they subject themselves to dangers the native born is not subjected to. There are no better patriots than these men of foreign birth. Let us give them the protection of American citizenship.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] is recognized for three minutes.

Mr. BURNETT. Mr. Speaker, my recollection is that I had a conversation with some gentleman representing the Bureau of Naturalization in regard to a question of this kind, and if I am correct in that statement, and I think I am, the suggestion was made by him that it would greatly confuse the records, and that there would be so much uncertainty involved in the whole question, that there would be nothing here to determine the question of the citizenship for months perhaps after they had made their attempt to acquire citizenship. Granting naturalization is at least a quasi judicial function that is sought to be conferred on American consuls and consuls general. It seems to me that the Miller amendment makes the bill go as far as it ought to go unless we have mature deliberation upon it. The committee evidently considered very carefully the other phases of the bill——

Mr. SNYDER. Will the gentleman answer this question?

Mr. BURNETT. Yes.

Mr. SNYDER. How long do you think it would take under the Miller amendment for a man who is now in France, a soldier, who lived out in Kansas somewhere, to get his papers back and become a citizen, from the time he applied?

Mr. BURNETT. No longer, Mr. Speaker, than it would take for the consul general or the consul to get the papers back here, if he took the testimony over there.

Mr. SNYDER. That does not quite answer the question. I would like the gentleman's judgment on the time it would take to do what I asked.

Mr. BURNETT. With the retarded mails, I would refer the gentleman, with due respect, to the Post Office Department, but I can not say either when the decision of the consul general would get here——

Mr. MONDELL. What would be the status of the soldier in the meantime if he was captured?

Mr. BURNETT. If you conferred this judicial function upon the consul or consul general, perhaps his status would be that of a citizen. But, gentlemen, it is doubtful whether we should thus rapidly citizenize. Who is the consul general? The consul general usually performs his duty over there by a deputy, and frequently that deputy is an alien himself who would pass upon that question. I remember at Messina the deputy consul was an Italian, who never was naturalized, and he performed the duties of a consul.

Mr. SNYDER. Will you not kindly make an estimate of the time you think it would take to make a soldier who is now in France, who might be a resident of some city in Kansas, a citizen?

Mr. BURNETT. It ought not to take, Mr. Speaker, in due course of mail, more than three or four weeks. He could mail his application and affidavits, and the judge would pass upon it eo instanti, because when it got there that would be the duty of the judge, and he could pass on it in court or in chambers, as they frequently do.

Mr. FLOOD. Mr. Speaker, I move the previous question on the bill and amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Massachusetts [Mr. ROGERS.]

Mr. LONDON. Mr. Speaker, may we have that amendment read again?

The SPEAKER. Without objection, the amendment will be again read.

The amendment was again reported.

The SPEAKER. The question is on the Rogers amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. FLOOD. Mr. Speaker, I move to amend the title of the bill.

The SPEAKER. Without objection, the title of the bill will be amended in conformity with the text.

There was no objection.

On motion of Mr. FLOOD, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SOLDIERS AND SAILORS' CIVIL RIGHTS.

Mr. WEBB. Mr. Speaker, I desire to call up the conference report on the bill H. R. 6361, known as the soldiers and sailors' civil rights bill.

The SPEAKER. How long will it take?

Mr. WEBB. It would not take longer than for the Speaker to put it, unless some gentleman wants to ask a question.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

Mr. WEBB. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the conference report.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The statement was read.

CONFERENCE REPORT (NO. 334).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 6, 11, 12, 22, 23, 24, 25, 26, and 28.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 7, 8, 9, 10, 14, 16, 17, 18, 19, 20, 21, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 42, and 43, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Army field clerks; field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces detailed for service abroad in accordance with provisions of existing law"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "or against a person secondarily liable under such right"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 103. Whenever pursuant to any of the provisions of this act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may in the discretion of the court likewise be granted to sureties, guarantors, indorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

"When a judgment or decree is vacated or set aside in whole or in part as provided in this act, the same may in the discretion of the court likewise be set aside and vacated as to any surety, guarantor, indorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the word "chiefly"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter stricken out and the matter inserted by said amendment, strike out the following in lines 10, 11, 12, 13, and 14, page 13: ", and in all cases where under the terms of the contract of insurance any person other than the insured has a vested interest therein the consent of such other person shall be included in such application"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In line 1, page 18, after the word "settlement," insert the words "or payment of dividend"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Before any dividend is paid or any loan or settlement is made the written consent of the Bureau of War-Risk Insurance must be obtained"; and the Senate agree to the same.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

LEE S. OVERMAN,
D. U. FLETCHER,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war submit the following written statement explaining the effect of the action agreed on:

On amendments Nos. 1, 3, 16, 17, 18, 19, 20, 21, 31, 32, 33, 34, 35, 36, 37, 39, and 43, on which the House recedes: Are but changes in the verbiage and do not substantially change the meaning of the act.

On amendment No. 2: The House here recedes with an amendment. This amendment relates to those who are entitled to come

in and have the benefits of the act. The House included "field clerks who have taken the oath as members of the military forces of the United States." The Senate amended the bill by striking this out and inserting "Army field clerks; field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces or detailed for service abroad in accordance with provisions of existing law." The amendment agreed upon in conference to the Senate amendment was to strike out the word "or," and the effect thereof is to make the act apply only to civilian clerks and employees when detailed for service abroad.

On amendment No. 4: The Senate recedes. The amendment added by the Senate was deemed surplusage.

On amendment No. 5: The House here recedes with an amendment. The Senate amendment was added to protect the rights of persons secondarily liable, including guarantors, sureties, and indorsers, in cases where relief under the terms of the act had been granted to the principal obligor. The amendment as agreed upon in conference rewrites the section 103 as added by the Senate without substantially modifying the meaning. The part of the Senate amendment which provides that "such contract or obligation shall be construed as if such payment were not due or the time for the performance of such act had not arrived" was so modified as not to provide for a change in the date when payment was due or the date when the act was to be performed, but provided for relief by a stay, postponement, or suspension of proceedings, or by the setting aside and vacating judgments or orders.

On amendment No. 6: The Senate here recedes. The effect of the Senate amendment was to require the fact to appear by affidavit that the defendant is in the military service. As agreed upon in conference, this fact may appear from any competent testimony.

On amendments Nos. 7 and 8: The House recedes as to both amendments. The effect of these amendments is to make the provisions of the act applicable where the person in military service is the plaintiff as well as where he is the defendant in any action or proceeding.

On amendment No. 9: The House recedes. As the bill passed the House relief was to be given the party in military service unless his ability to comply with the judgment or order sought was not materially affected by such service. The amendment agreed on makes the test depend upon his ability to conduct his defense.

On amendment No. 10: House here recedes. This amendment makes a verbal correction.

On amendment No. 11: The Senate recedes.

On amendment No. 12: The Senate recedes. The matter contained in this Senate amendment seemed to the conferees to be sufficiently covered by the provisions in the bill as it passed the House.

On amendment No. 13: The House recedes with an amendment by which the word "solely" is changed to "chiefly." The effect of this change is apparent.

On amendment No. 14: The House recedes. This amendment makes section 300 apply in proceedings as well as actions.

On amendment No. 15: The House recedes, with an amendment which strikes out the clause requiring the insured to file with his application for the benefits provided the consent of any person other than the insured who may have an interest in the insurance. This will leave this matter of detail to be taken care of by the rules promulgated by the Bureau of War-Risk Insurance.

On amendments Nos. 22, 23, 24, 25, and 26: The Senate recedes as to these amendments. Section 402 as passed by the House applied to contracts of insurance. The Senate amendments would make it apply to insurance where policies had been issued. The conference agreement leaves the section applicable to all contracts of insurance whether covered by policies or not.

On amendment No. 27: The House recedes. This amendment takes out of the class of policies which the Government will keep from lapsing those on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per cent of its cash surrender value.

On amendment No. 28: The Senate recedes. This amendment was made by the Senate to effect the change sought to be made to section 402 as pointed out above.

On amendments Nos. 29 and 30: The House recedes as to these. The House bill provided that where the applications were on policies aggregating more than $5,000, whether on one or more policies or in one or more companies by a person in military service, the Bureau of War-Risk Insurance should select which of such applications should be rejected. These amendments permit the insured to indicate an order of preference, and in event he does not then it required the Bureau of War-Risk Insurance to reject the policies having the least cash surrender value sufficient to reduce the face value of the insurance within the $5,000.

On amendment No. 38: The House recedes. This amendment added by the Senate requires semiannual statements to be made by the insurer to the Bureau of War-Risk Insurance.

On amendment No. 40: The House recedes with an amendment. This Senate amendment provides for the Government holding the policies on which premiums have been paid by it free from liens except such as existed at the time the policy became subject to the act. The amendment added in conference prohibits the payment of dividends on the policy which may prejudice the security given the Government by the lien provided.

On amendment No. 41: The House recedes with an amendment. This Senate amendment requires the consent of the Bureau of War-Risk Insurance, in writing, before any loan or settlement is made by the insurer, and by the amendment agreed to in conference such consent must also be obtained before any dividend is paid by the insurer.

On amendment No. 42: The House recedes. This Senate amendment excepts those proceedings, remedies, privileges, stays, limitations, accountings, or other transaction from the effect which would result from the clause limiting the act to six months after the termination of the war, when authorized under any section or provision of the act, for such time as may be necessary for their exercise or enjoyment.

E. Y. WEBB,
C. C. CARLIN,
A. J. VOLSTEAD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. WEBB. I do.

The SPEAKER. How much?

Mr. WEBB. Just for a question.

Mr. STAFFORD. Will the chairman of the committee explain in a general way what changes have been made in the bill as it originally left the House, and particularly as to amendment No. 5, covering section 103, which I believe is a substantial amendment to the bill?

Mr. WEBB. I will say, Mr. Speaker, that the bill has not been changed in any substantial degree from the way it passed the House. The Senate added 42 amendments, but most of them were verbal, and in many cases we substituted new language for their amendment.

Now, as to amendment No. 5, if the gentleman will read the substitute for it he will notice that that takes care of those secondarily liable. The Senate in its amendment arbitrarily deferred the obligation for payment on the part of the person secondarily liable, but the conferees objected to that because they felt that there were occasions when indorsers for bonding companies ought to pay the soldier's obligation if it appeared to the court that the soldier was bankrupt, and we therefore drew an amendment leaving it to the discretion of the court to determine whether the indorser or bonding company should immediately pay the obligation of the soldier.

Mr. STAFFORD. Is there any substantial change as to insurance companies?

Mr. WEBB. No; excepting that we add that no dividends should be paid to the soldier without consent of the Government; in fact, that the dividend should be paid to the Government after the policy is transferred to the Government.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

CIVIL-SERVICE EXAMINATIONS.

Mr. KITCHIN. Mr. Speaker, to facilitate the passage of this joint resolution rather than make a motion to suspend the rules and pass it, I would ask for unanimous consent for the immediate consideration of Senate joint resolution 117, relative to the holding of civil-service examinations.

The SPEAKER. The gentleman from North Carolina asks unanimous consent for the present consideration of Senate joint resolution 117, which the Clerk will report.

The Clerk read as follows:

Joint resolution (S. J. Res. 117) amending the act of July 2, 1909, governing the holding of civil-service examinations.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the act of July 2, 1909 (36 Stat. L., 1), is hereby amended so as to permit the United States Civil Service Commission, during the period of the war, to hold examinations of applicants for positions in the Government service in the District of Columbia, and to permit applicants from the several States and Territories of the United States to take said examinations in the said District of Columbia. Said examinations shall be permitted in addition to those required to be held by said act of July 2, 1909 (36 Stat. L., 1).

With the following committee amendments:

Page 1, line 6, insert, after the word "the," the word "present."

Line 10, after the word "Columbia," insert "and elsewhere in the United States where examinations are usually held."

Page 2, at end of line 4, add:

"*Provided*, That nothing herein shall be so construed as to abridge the existing law of apportionment."

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, is this the bill that was formerly submitted by the gentleman from North Carolina [Mr. GODWIN] for consideration?

Mr. KITCHIN. Yes, sir.

Mr. STAFFORD. I believe when it was under consideration before that he had no objection to certain amendments that were suggested at that time. I believe they were suggested by the gentleman from Illinois [Mr. FOSTER]. Can the Chair inform the House what the calendar is of this bill?

The SPEAKER. House Calendar 86.

Mr. KITCHIN. I will say to the gentleman from Wisconsin that the gentleman from Illinois [Mr. FOSTER] does not insist on the amendment now. He is of the opinion, as are other gentlemen who have made the same objection to it, that the resolution covers the objection. The amendment of the committee covers it.

Mr. FOSTER. I am satisfied, after looking into the matter, that it does cover it, and that it will not go back beyond the 12 months' time, so that I see no necessity for putting that amendment in.

Mr. KITCHIN. Each one of those who made the objection, including the gentleman from Iowa [Mr. DOWELL], have looked into it and have withdrawn their objections.

Mr. STAFFORD. The gentleman from Pennsylvania [Mr. ROBBINS] desired to offer an amendment to this resolution when it was considered. He was in the Chamber a few minutes ago. He desires to offer an amendment to the following effect: At the end of the proviso on page 2, to change the requirements of the existing law as to legal residence and domicile of such applicant.

Mr. KITCHIN. That is absolutely unnecessary. I looked up the law myself. This resolution does not change the law as to residence and domicile of applicants. It simply gives the qualified applicant the privilege of taking the examination in the District of Columbia or elsewhere when an examination is held, if he be temporarily absent from the State of his residence and domicile, without compelling him to return to his State to take the examination, as the law now requires. Mr. McIlhenny, the chairman of the Civil Service Commission, is emphatic in the opinion that this resolution does not change any of the requirements as to residence and domicile; that an applicant, if this resolution is passed, must have the same identical qualifications that he must now have under the law.

Mr. STAFFORD. The gentleman from Pennsylvania [Mr. ROBBINS] stated that he had taken this matter up with the Civil Service Commission and had also given considerable study to the law itself, and he was of the opinion that this amendment should be incorporated. I can not see where any harm can be done by incorporating it.

Mr. KITCHIN. We would like this to be a law at the earliest possible moment.

Mr. STAFFORD. I do not desire to delay.

Mr. KITCHIN. I will assure the gentleman that the gentleman from Pennsylvania [Mr. ROBBINS] is mistaken in his construction, and that his proposed amendment is unnecessary; that the resolution itself as it is accomplishes what he wishes. If he were here, I think I could convince him. The plain language is to permit the applicant, who must be a qualified applicant under existing law, to take the examination in the District or State where he is temporarily, instead of requiring him to go back to his home State. For instance, in Wisconsin——

Mr. STAFFORD. Will not the gentleman kindly defer consideration of this measure until the gentleman from Pennsylvania comes into the Chamber?

Mr. KITCHIN. We have postponed this a half a dozen times until some gentleman or other came in.

Mr. STAFFORD. I would even be willing to have an order made to consider it to-morrow under a suspension of the rules.

Mr. KITCHIN. The gentleman by a reading of it will see that this resolution needs no amendment to prevent what the gentleman from Pennsylvania fears.

Mr. FESS. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. I will.

Mr. FESS. In conversation with the man who has charge of the allotments from the Civil Service Commission in the Ordnance Department I was told that the present practice was very hurtful and quite inconvenient, and without this bill under the present regulations people would be sent back, and that it would be very hurtful. He urged that it be passed.

Mr. KITCHIN. I am glad the gentleman called the attention of the House to the necessity of early passage of the resolution. A member of the War Trade Board has been to see me not less than three times urging it. Mr. McIlhenny, chairman of the Civil Service Commission, and Mr. Gans, a member of the War Trade Board, came down four or five days ago to see the gentleman from Massachusetts [Mr. GILLETT] and myself. I will say that the gentleman from Massachusetts [Mr. GILLETT], who has just stepped out, favors the bill, and both of us were convinced that the resolution should not be delayed longer. Here is what this will remedy——

Mr. STAFFORD. I understand the whole purpose of the bill, but I have not given as much thought to the amendments as the gentleman from Pennsylvania [Mr. ROBBINS] has, and in his absence I am acting in his stead.

Mr. KITCHIN. If the gentleman will permit me, he will remember that before our holiday recess the gentleman from Oklahoma [Mr. CARTER], member of the Committee on Reform in the Civil Service, attempted to get this bill or a similar bill without the present amendments up by unanimous consent. I objected, because I thought it ought to be amended. It came over from the Senate. The Committee on Reform in the Civil Service, as I recollect, had reported the bill or resolution without amendment.

Mr. STAFFORD. I think the gentleman is in error. The bill was not reported until the middle of January.

Mr. KITCHIN. Oh, no; I am not mistaken as to what took place with regard to this or a similar bill unamended.

Mr. STAFFORD. Oh, yes.

Mr. KITCHIN. Such a bill or resolution came over from the Senate just before we adjourned for Christmas, and it was sought to take it up in the House.

Mr. STAFFORD. It never came into this House until January 4.

Mr. KITCHIN. Evidently since the holidays another bill or resolution was introduced and sent over here. The gentleman from Oklahoma the day we adjourned or the day before asked that the bill or a similar bill without the present amendments be considered. The gentleman from Oklahoma [Mr. CARTER] will recall that.

Mr. CARTER of Oklahoma. Yes; that is true.

Mr. KITCHIN. The gentleman from Oklahoma came to me with some kind of a bill or joint resolution to amend the civil-service act so that parties could take their examinations here instead of going back home, and I objected to it because the amendments now in the resolution were not in it.

Mr. CARTER of Oklahoma. Yes.

Mr. CAMPBELL of Kansas. How much time will this bill take if unanimous consent is granted?

Mr. KITCHIN. Oh, it is just a page and a half long.

Mr. CAMPBELL of Kansas. Will it provoke discussion?

Mr. KITCHIN. We are discussing it now, and as soon as we get unanimous consent it will pass, I hope, without any further discussion.

Mr. MONDELL. Mr. Speaker, reserving the right to object—and I shall not object—I do, however, want to call attention to the condition of affairs that renders this sort of legislation seemingly necessary. It seems that there are a large number of people here from the various States of the Union, who, it is to be assumed, came here with the understanding that they were to obtain positions in the Government departments. A large number of them are now holding temporary positions. Who brought these people here? Where did they come from? On whose invitation did they come here? Did any gentleman on the Republican side suggest to any constituent that there was a chance of securing a job, however insignificant or temporary, without passing a civil service examination? I imagine not. These folks come here, did they not, on the invitation of gentlemen on the Democratic side? "Yes, come on," we can imagine the gentlemen on the Democratic side saying to their inquiring constituents, "there are opportunities galore, plenty of jobs for deserving Democrats. Come ye all; come ye all. Come to Washington. Your Uncle Sam will give you a good job instanter on the recommendation of a Democratic Congressman or Senator." And they are here in large numbers; good folks, no doubt, well intentioned probably. It is not their fault that they have been brought here without an understanding of the situation as a part of the patronage of Democratic Congressmen and Senators; but that every one of them is a deserving Democrat, or a Democrat who claims to be deserving, there is no manner or sort of

doubt. What we on this side are asked to do is to give an opportunity to Democrats who have been brought from hither and yon, invited here by their Congressmen or their Senators, and given temporary employment to fill up the Government service—we are now asked to give these people an opportunity to take the civil service examinations in order that they may become permanently attached to the Federal crib. Well, I think probably some of them at least are needed, and it is hardly fair to compel them to go back home to take the examinations. We will try and overlook the fact that probably few, if any, of our political faith will be aided or affected by the legislation. I can say that with knowledge, so far as I am personally concerned. And yet I am very glad to have this done. In fact I think it is necessary and important under the circumstances that it should be done.

Mr. COX. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COX. There are two from my district and both are Republicans.

Mr. MONDELL. What Democratic Congressman invited them here?

Mr. COX. I did not do it. [Laughter.]

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, the gentleman from Pennsylvania [Mr. ROBBINS] is on his way here from his office. Will not the gentleman defer the case for a few minutes?

Mr. MADDEN. The regular order!

The SPEAKER. Is there objection?

Mr. STAFFORD. If that reasonable request can not be granted, I will object.

Mr. KITCHIN. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution as amended by the House Committee on Reform in the Civil Service.

The SPEAKER. The Clerk will report the bill with the amendment.

The Clerk read as follows:

Joint resolution (S. J. Res. 117) amending the act of July 2, 1909, governing the holding of civil-service examinations.

Resolved, etc., That the act of July 2, 1909 (36 Stat. L., 1), is hereby amended so as to permit the United States Civil Service Commission, during the period of the present war, to hold examinations of applicants for positions in the Government service in the District of Columbia, and to permit applicants from the several States and Territories of the United States to take said examinations in the said District of Columbia and elsewhere in the United States where examinations are usually held. Said examinations shall be permitted in addition to those required to be held by said act of July 2, 1909 (36 Stat. L. 1): *Provided*, That nothing herein shall be so construed as to abridge the existing law of apportionment.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. STAFFORD. I object.

The SPEAKER. The gentleman from Wisconsin objects, and the Chair appoints as tellers the gentleman from Wisconsin [Mr. STAFFORD] and the gentleman from North Carolina [Mr. KITCHIN] to act as tellers.

The committee divided; and there were 102 ayes and 3 noes.

The SPEAKER. The gentleman from North Carolina is entitled to 20 minutes and the gentleman from Wisconsin to 20 minutes.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. ROBBINS].

Mr. ROBBINS. Mr. Speaker, the purpose of this bill is to enable those who wish to enter the Government employment who come here to take the civil-service examination. The present law requires them to take the examination in the district in which they reside. This bill proposes to permit them to take it in Washington City or elsewhere, wherever they happen to be.

Now, there is, I think, an amendment that ought to go in the bill in order to protect the various districts against an unfair assignment of civil-service employees against them. For instance, if a man has lived in Washington 25 or 30 years, held a Government position, raised a family, and that man still continues to go back in presidential years to his district to vote, he is a resident of that district, and under the civil-service law he is charged against that district. The children that have grown up in his family, if this bill is passed, can take an examination in Washington City, take a Government position under the civil-service law, and yet be assigned or charged against the district of the parent's residence, although they have never lived a day therein.

I am speaking of a concrete example that occurred in my own district. I know a man that has not been in my district except on presidential-election days, and not always then, who holds office in Washington, enjoys a large salary, and is charged against my district. His family, if this bill passes, will be entitled to take Government service, be examined here in Washington City by the Civil Service Commission, and be charged up against my district, to the exclusion of bona fide residents there who should be charged against it, and no others should be so charged.

Mr. MADDEN. Will the gentleman yield?

Mr. ROBBINS. I would like to finish my statement.

Mr. MADDEN. I want to ask a question right here. Does not this bill provide that whoever takes the civil-service examination in this bill within the District of Columbia shall be charged to the District of Columbia?

Mr. ROBBINS. No; it provides on page 2, line 4:

Provided, That nothing herein shall be so construed as to abridge the existing law of apportionment.

The purpose of that amendment was to cover the cases where the people had lived all their lives in the District that they should be charged back to their district from which their parents came.

Now, I propose an amendment to be added to the proviso after the end of line 5, in these words: "Or change the requirements of the existing law as to legal residence and domicile of such applicant."

Not only is the man who applies in the District of Columbia to be resident of some district, if he is to be charged against his home district, but he ought to have a domicile in that district if he is to be charged up against it. In other words, the concrete example which I have in mind, which confronts every Member of the House, is that the men who are living in the District of Columbia, have been born and raised here, or have lived here so long that they are not attached to any district and do not vote in any congressional district, ought to be charged to the District of Columbia and not to the respective districts from which their parents came.

Mr. BORLAND. Mr. Speaker, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. BORLAND. If these Government clerks are so underpaid and badly treated as they claim to be, why does anyone want to come from any district, why should it be any attraction to anyone?

Mr. ROBBINS. Oh, that is foreign to what I am trying to discuss. The gentleman enjoys a monopoly upon that theme, and I shall not invade his province.

Mr. BORLAND. I want to know why the gentleman is insisting upon this as a right.

Mr. GILLETT. Mr. Speaker, will the gentleman yield?

Mr. ROBBINS. Yes.

Mr. GILLETT. Why does the gentleman favor having other men from his district come down here and become practically aliens from the district and be charged up against the district, rather than to have the children of those who are here. I should think the gentleman would rather keep people at home.

Mr. ROBBINS. I would.

The SPEAKER pro tempore (Mr. CALDWELL). The time of the gentleman from Pennsylvania has expired.

Mr. ROBBINS. I will ask the gentleman from Wisconsin to grant me five minutes more.

Mr. STAFFORD. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. ROBBINS. What I want to do is this. Take the case of a man who comes here and wishes to enter the Government service. If he wants to take the examination outside of his district, he must not only have a residence in the district but he must be domiciled there also. Then he can be charged up against the district. That is a fair requirement. If these offices are to be filled up and apportioned to the various congressional districts of the Nation, and that is right, then the men who are charged against our districts should be residents of our districts; but that is not enough, because the man that I speak of has a residence in my district, but is not domiciled there. He comes back there every presidential election, and parades up and down, and claims that he carries that district in his pocket, and yet at the same time he is not domiciled there. I want the children of this man, or any other resident who comes here to Washington and who is to be charged against my district and against your district, not only to be a resident of my district or your district but to have a domicile there also. This amendment merely provides for that thing, that they shall

not only be residents, but must be domiciled there. I do not happen to have the civil-service act before me, but I have read it in connection with this proposed law, and I want to make that specific provision very clear, and that is the object of this amendment. It does not change the purpose of the bill, but does clinch that fact.

Mr. STEVENSON. I have a great many stenographers who have come up here at the solicitation of the departments, who now have to take civil-service examinations before they can continue permanently in the departments. To return to take the examination would involve a thousand miles of travel. Would the gentleman's amendment affect them?

Mr. ROBBINS. Oh, no. Those people have a residence in the gentleman's district, and a domicile there as well. This amendment strikes only at people who live here in the city of Washington, who have lived here for years, who are the sons of people who have come on from some district or from my district and are charged against those districts, but who have no domicile in the gentleman's district or in mine. I do not think it is right that they should be charged against our districts. The people the gentleman speaks of have a residence and a domicile in his district, and it is proper that they should be charged against the gentleman's district. They must be charged some place.

Mr. LUFKIN. Does the gentleman contend that the children of his constituent who has lived here for 25 years and who has maintained a voting residence back in the district, can go back there and take the civil-service examination as residents of his district?

Mr. ROBBINS. They can not go back there certainly. They have no other residence, but they have no domicile there which the law requires.

Mr. LUFKIN. They must have a domicile there under existing law.

Mr. ROBBINS. Then, they can not go back there.

Mr. LUFKIN. Then, they have to take the examination here, and they must be charged here.

Mr. ROBBINS. That is it exactly.

Mr. LUFKIN. Then, this bill does not change it in the least.

Mr. ROBBINS. Yes, it does. This amendment I propose prevents them being charged against my district, but they can be charged against the District of Columbia where they have a domicile as well as a residence.

Mr. LUFKIN. There is an amendment proposed here:

Provided, That nothing herein shall be so construed as to abridge the existing law of apportionment.

Mr. ROBBINS. That is all right as to apportionment, but I want to go further and have this amendment:

That it shall not change the requirements of existing law as to the legal residence and domicile of such applicants.

I want "domicile" put in there, because I consider that is an important fact in determining the districts against which applicants shall be charged.

Mr. FESS. Will the gentleman yield?

Mr. ROBBINS. I will.

Mr. FESS. Would the amendment of the gentleman preclude the appointment of anybody who is domiciled here and has no domicile elsewhere?

Mr. ROBBINS. Not at all. They will be appointed from the District of Columbia. It only provides that a man who has a domicile here and a residence here and was born here must be appointed and charged to this district and not to the district from whence his father came and where his father maintains the right to vote.

Mr. CARTER of Oklahoma. What the gentleman's amendment does is to substitute in the civil-service law the word "domicile" for the word "residence."

Mr. ROBBINS. No; I retain both.

Mr. CARTER of Oklahoma. The gentleman adds the word "domicile."

Mr. ROBBINS. That is the idea. I simply add "domicile" to the word "residence," so that he must be charged to the district where he is both domiciled and resident; having a domicile in the District of Columbia, he must be charged here to the district.

Mr. KEARNS. Will the gentleman yield?

Mr. ROBBINS. Certainly.

Mr. KEARNS. Take a case where a man comes here from, say, Indiana and who has a position here as a clerk in one of the departments. He and his family have moved here, and he is living here with his family, although he is credited to some district in Indiana——

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. Does the gentleman desire more time?

Mr. ROBBINS. Two minutes more.

Mr. STAFFORD. I yield the gentleman five minutes additional.

Mr. KEARNS. Suppose one of his children would want to take an examination, and passes a successful examination, and be appointed, would he be credited to the same district?

Mr. ROBBINS. He would have to have a domicile in Indiana, otherwise he would be credited to the District of Columbia.

Mr. KEARNS. Suppose this boy wanted to go back to his father's old home or his voting district and vote. Would that estop the boy from voting?

Mr. ROBBINS. No; that does not affect any qualifications for voting. This is not a voting law, this is a civil-service law with reference to the apportionment of the various persons who wish to enter the civil service from the various States.

Mr. KEARNS. I think that is a very important matter.

Mr. ROBBINS. But it does not affect that. Your voting qualification is fixed in the constitution of your State, and nothing Congress could do would in any way impair or curtail or limit that.

Mr. KEARNS. Suppose I certified my domicile and perhaps my residence is here in the District of Columbia?

Mr. ROBBINS. You would have to get your appointment where your domicile and residence are under this bill.

Mr. KEARNS. This boy I was talking about, his domicile would be here if he was credited to the District of Columbia?

Mr. ROBBINS. He would have to get his appointment here.

Mr. KEARNS. Even when he goes to vote in Indiana——

Mr. ROBBINS. That does not affect it. Residence is a question of intention.

Mr. ROSE. Will the gentleman yield?

Mr. ROBBINS. I will.

Mr. ROSE. I presume then there are clerks in the employ of the United States Government who have never seen the district from which they are credited for 40 years under the gentleman's statement?

Mr. ROBBINS. Why, there are some of them, I suppose, but I have only this concrete example in mind, because it is unfair to my district, and the working out of this proposition was very unfair in that it filled up the quota of my district with appointments from the District of Columbia to the exclusion of bona fide residents of my district who deserve these places, and that is the reason why I cling so tenaciously to the amendment, which I think should be put in the bill now.

Mr. COOPER of Wisconsin. Will the gentleman from Pennsylvania permit me to read what is the legal definition of "resident" and "domicile"?

Mr. ROBBINS. I yield.

Mr. COOPER of Wisconsin. I think there has been some contradiction here in the distinction given to the words "domicile" and "residence," respectively, and I invite the attention of the gentleman and the membership of the House to what Bouvier says, in his law dictionary, in defining "residence" and "domicile."

Residence indicates permanancy of occupation as distinguished from lodging, or boarding, or temporary occupation, but does not include so much as domicile which requires an intention continued with residence.

Mr. ROBBINS. That is true.

Mr. COOPER of Wisconsin. I understood the gentleman to say that the resident was not a man living in a place, but who intends making the place his home. I notice in Bouvier's definition of domicile, he says:

Domicile is that place where a man has true, fixed, and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning.

He also says:

Two things must concur to establish domicile—the fact of residence and the intention of remaining. These two must exist or must have existed in combination.

Mr. ROBBINS. There is no quarrel with that law.

Mr. COOPER of Wisconsin. How does that agree with the gentleman's amendment?

Mr. ROBBINS. Perfectly, because the amendment only means that a man must have a domicile and residence. He can swear that it is his intention to maintain his residence in Pennsylvania if he works in Washington. This is a temporary place, although he lives here. He can go back there if he is in the Government service. He does not vote here. A residence in Washington does not preclude the elector from exercising his electoral franchise. But domicile is a fact. That is the place where he actually lives and maintains his abode.

Mr. COOPER of Wisconsin. I understand the gentleman to say that the children who are here must have, for instance, a home in your district, to which they must return.

Mr. ROBBINS. If they are to be charged by the Civil Service Commission as coming from my district. It would be manifestly unfair for those who have their domicile or abode here, but never go to my district to be appointed under the civil-service law as coming from and residing in my district. This amendment makes the law clear and specific as to what Congress intends to do, and I hope the amendment may be adopted.

The SPEAKER. The gentleman can not amend this except by unanimous consent.

Mr. KITCHIN. Mr. Speaker, I think the gentleman from Pennsylvania——

The SPEAKER. Who has the floor?

Mr. KITCHIN. I have taken it. I think the gentleman from Pennsylvania misconstrues the language of this resolution.

I am for exactly the same thing that the gentleman from Pennsylvania [Mr. ROBBINS] is for, and I would not be in favor of the resolution at all unless it safeguarded the objects he wishes to accomplish. I have no serious objection to his amendment, because it in no way affects the resolution, as it would mean the same thing without as with his amendment. If he would read this resolution, he would find his amendment does not add to it at all. The only thing—as I explained before the gentleman came in—that this resolution does is just simply to provide that a qualified applicant, who must be qualified under the act of 1909 as to residence and domicile, can take the examination in the District of Columbia or any State in which he happens to be without being required to return to his own State in which to take the examination. No right of apportionment under the present law is abridged, according to the expressed provision of the resolution. The qualification of an applicant, so far as his residence and domicile are concerned, remains by the resolution as it is under existing law. He must be both a resident and domiciliary of the State to which he is charged for the 12 months next preceding the date of the examination. Now, this act does not take away from any qualification of the applicant. He must still be a resident and still be a domiciliary of the State to which he is credited for the 12 months next preceding the date of the examination.

And the only thing this does is to permit that qualified applicant, say, of Wisconsin, who has been a domiciliary and actual resident of that State for the 12 months next preceding the date of examination, if he is here, temporarily absent in the district or in another State, to take the examination in the District or such State instead of being required to go back to Wisconsin and take the examination there. But he will be charged or credited to Wisconsin. If he takes it here in the District, he is charged up to Wisconsin and not to the District of Columbia. However, if that applicant had remained here in the District for 12 months, then he would be charged or apportioned to the District. The gentleman from Pennsylvania [Mr. ROBBINS] is clearly mistaken in assuming that under this resolution an applicant who, coming here, say, from Wisconsin years ago, could take the examination here and be charged to Wisconsin. If he had been here for the 12 months preceding the examination, he would be charged to the District. Therefore, what the gentleman fears could not take place, but if he is serious, and I think he is, in wanting to doubly and specifically safeguard the situation which he fears, I do not object to his amendment, and will therefore ask unanimous consent to let him put that amendment in.

Mr. GILLETT. Will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. GILLETT. Are you sure that this amendment accomplishes just what he intends? I am not certain as to that.

Mr. ROBBINS. That is the whole purpose I want to reach. I submitted this amendment over the telephone to the Civil Service Commission, because it struck me right away that the danger that we saw in this act was one that was really serious to the apportionment under the Civil Service Commission.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent, if the gentleman will yield, to have the suggested amendment read for information.

Mr. KITCHIN. I will read it in my time.

The SPEAKER. Without objection, the statement will be read.

Mr. KITCHIN. After the proviso in the resolution add the words "or change the requirements of existing law as to legal residence and domicile of such applicant."

As the gentleman from Oklahoma [Mr. CARTER] knows, I at first made the same objection to the original bill presented before the hearing. After the Committee on Reform in the Civil Service had put in the present amendments I was convinced that the resolution was all right and was not open to the objections made.

Mr. CARTER of Oklahoma. I will say that the gentleman from North Carolina made practically the same suggestion to me about the resolution prior to the holidays.

Mr. KITCHIN. It makes it all right. Here is what Mr. McIlhenny writes:

Special attention is invited to the fact that the resolution merely proposes to amend that part of the act of July 2, 1909, which requires a person to be examined in the place where he has established his residence, and the other part of the act is to remain in full force and effect which requires that, before a person can be examined anywhere, he must establish actual domicile in the place of his residence.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. KITCHIN. Yes.

Mr. JOHNSON of Kentucky. The gentleman from North Carolina and the gentleman from Wisconsin had some discussion as to the meaning of the word "residence" and of the word "domicile." A gentleman sitting near has given a definition of "domicile" which I think is quite pertinent. A domicile "from" is the place from which he is home, and when "to" he is said to be "to home." [Laughter.]

Mr. ROBBINS. I was starting out a moment ago, Mr. Speaker, to state that I had read this over the telephone to the Civil Service Commission. I would not, of course, offer an amendment to a bill affecting that commission without consulting them. But Mr. McIlhenny thought it was already sufficient. After discussing it, he said he thought it would do no harm, because it simply amplified what it should be.

Mr. KITCHIN. To make doubly sure and to facilitate the passage of the resolution I ask unanimous consent, Mr. Speaker, that the gentleman's amendment may go in after the word "apportionment" on the second page.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the amendment be inserted at the proper place. Is there objection?

There was no objection.

Mr. KITCHIN. Now, Mr. Speaker, I move to suspend the rules and pass the resolution as amended.

The SPEAKER. The question is on suspending the rules and passing the resolution embodying the amendments.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the Senate joint resolution was passed.

On motion of Mr. KITCHIN, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. LEHLBACH, by unanimous consent (at the request of Mr. BROWNING), was granted leave of absence indefinitely, on account of death in his family.

CUTTING TIMBER ON COCONINO AND TUSAYAN NATIONAL FORESTS, ARIZ.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to recur to No. 59 on the Unanimous Consent Calendar, H. R. 273. Objection was made before to the consideration of that bill. I now ask that Senate bill 389, an identical bill on the Speaker's table, be considered in lieu of this bill.

The SPEAKER. The gentleman asks what?

Mr. HAYDEN. To return to No. 59 on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Arizona asks unanimous consent to return to No. 59 on the Unanimous Consent Calendar, House bill 273. Is there objection?

Mr. COOPER of Wisconsin rose.

The SPEAKER. For what purpose does the gentleman from Wisconsin rise?

Mr. COOPER of Wisconsin. I do not like to consent to take up a bill that I know nothing about. I shall object to consideration. Can not that go over two weeks just as well as not?

Mr. HAYDEN. I ask unanimous consent, Mr. Speaker, that the bill remain on the calendar as it was; that the bill retain its place on the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Arizona asks unanimous consent that the House bill 273 retain its place on the Unanimous Consent Calendar and go over without prejudice. Is there objection?

Mr. FOSTER. At the foot of the calendar.

Mr. FORDNEY. Do not do that. Let it take its place.

Mr. COOPER of Wisconsin. I reserve the right to object, unless the Senate bill is different from the House bill.

Mr. HAYDEN. I want the House bill to retain its place on the calendar. Objection was made to it some time ago. I will offer the Senate bill two weeks from to-day.

Mr. FOSTER. Mr. Speaker, I think it ought to go to the foot of the calendar.

The SPEAKER. The gentleman from Illinois objects unless it goes to the foot of the calendar. Is there objection with that condition?

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to extend my remarks on H. R. 9159.

Mr. GILLETT. What bill is that?

Mr. SABATH. The naturalization bill which we passed a little while ago.

The SPEAKER. Is there objection?

There was no objection.

BRIDGE ACROSS FOX RIVER, ILL.

Mr. CAMPBELL of Kansas. Mr. Speaker, on the Unanimous Consent Calendar the next bill is H. R. 7998. I ask unanimous consent for its immediate consideration.

The SPEAKER. Is it on the calendar?

Mr. CAMPBELL of Kansas. It is on the calendar, the next bill.

Mr. KITCHIN. What is it, a bridge bill?

Mr. CAMPBELL of of Kansas. A little bridge bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read the title of the bill (H. R. 7998) granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the village of East Dundee and the village of West Dundee, in the county of Kane, in the State of Illinois, to construct, maintain, and operate a bridge and approaches thereto across the Fox River from Main Street in East Dundee to Main Street in West Dundee, in the county of Kane, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. CAMPBELL of Kansas, a motion to reconsider the last vote was laid on the table.

Mr. STAFFORD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Wisconsin makes the point of order that there is no quorum present. Evidently there is not.

ADJOURNMENT.

Mr. KITCHIN. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until to-morrow, Tuesday, March 5, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 10225) striking from the pension roll the name of Jennie M. Heath, reported the same without amendment, accompanied by a report (No. 354), which said bill and report were referred to the Private Calendar.

Mr. CRAGO, from the Committee on Military Affairs, to which was referred the bill (H. R. 925) for the relief of Thomas J. Rose, reported the same without amendment, accompanied by a report (No. 356), which said bill and report were referred to the Private Calendar.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. LINTHICUM, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 10243) to supplement existing legislation relative to the United States Court for China and to increase the serviceability thereof, reported the same with amendment, accompanied by a report (No. 355), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HICKS: A bill (H. R. 10431) to define necessary skilled labor engaged in necessary agricultural enterprise for the purposes of the selective draft, and to authorize the Secretary of War to grant furloughs with or without pay and allowances to enlisted men of the Army of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. LENROOT: A bill (H. R. 10432) to abolish the office of receiver of public moneys at Wausau, Wis., and for other purposes; to the Committee on the Public Lands.

By Mr. CANTRILL: A bill (H. R. 10433) to authorize the city of Winchester, Ky., to divert water from the pool in the Kentucky River formed by Lock and Dam No. 10; to the Committee on Interstate and Foreign Commerce.

By Mr. MONTAGUE: A bill (H. R. 10434) to release certain fixtures in building on post-office site at Richmond, Va., inadvertently embraced in condemnation; to the Committee on Public Buildings and Grounds.

By Mr. McFADDEN: A bill (H. R. 10435) to exempt from taxation certain property of the Daughters of the American Revolution in Washington, D. C.; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 10436) to provide for the survey of any unsurveyed school lands in the State of Florida; to the Committee on the Public Lands.

By Mr. LUFKIN: Resolution (H. Res. 264) directing the Secretary of the Navy to send to the House of Representatives facts and papers relating to the alleged unseaworthiness of the U. S. naval tug *Cherokee*; to the Committee on Naval Affairs.

By Mr. CLARK of Florida: Resolution (H. Res. 265) providing for immediate consideration of H. R. 10265; to the Committee on Rules.

By Mr. LONDON: Joint resolution (H. J. Res. 256) protesting against the suggested invasion of Russian territory; to the Committee on Foreign Affairs.

By Mr. DENT: Joint resolution (H. J. Res. 257) providing for the registration for military service of the subjects or citizens residing in the United States of a foreign country with whose Government the United States has concluded or hereafter concludes a convention or agreement consenting to such aliens being drafted into the military forces of the United States under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," and all amendments thereto; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 10437) granting a pension to John R. Batty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10438) granting an increase of pension to Chester Coon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10439) granting an increase of pension to Allen C. Harris; to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 10440) granting an increase of pension to John M. Sherrard; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 10441) granting an increase of pension to William T. Eager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10442) granting an increase of pension to Aaron Hall; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 10443) granting a pension to Mrs. Frank Schultz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10444) granting a pension to Frank Behan; to the Committee on Pensions.

Also, a bill (H. R. 10445) granting an increase of pension to John Stephan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10446) granting an increase of pension to C. M. Burt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10447) granting an increase of pension to John F. Brommom; to the Committee on Invalid Pensions.

By Mr. DENT: A bill (H. R. 10448) for the relief of the estate of William Booth, deceased; to the Committee on War Claims.

By Mr. HOLLINGSWORTH: A bill (H. R. 10449) granting a pension to William S. Kiddy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10450) granting a pension to John Vandyne, alias John Vandile; to the Committee on Pensions.

Also, a bill (H. R. 10451) granting an increase of pension to Andrew J. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10452) granting an increase of pension to Joseph Morrison; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10453) granting an increase of pension to Dallas Runyon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10454) granting an increase of pension to Irwin Jordon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10455) granting an increase of pension to Caroline Stroble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10456) granting an increase of pension to William Ira Britton; to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 10457) granting an increase of pension to John H. Davidson; to the Committee on Invalid Pensions.

By Mr. KELLEY of Michigan: A bill (H. R. 10458) granting a pension to Nina L. Beaumont; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 10459) granting a pension to Jean N. Roach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10460) granting an increase of pension to John H. Allen; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 10461) granting a pension to Mary Ett; to the Committee on Invalid Pensions.

By Mr. SCHALL: A bill (H. R. 10462) granting a pension to Annie White; to the Committee on Invalid Pensions.

By Mr. SCOTT of Michigan: A bill (H. R. 10463) granting a pension to Thomas G. Aldreg; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 10464) granting an increase of pension to Henrietta Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10465) granting an increase of pension to Henry Weitzel; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 10466) granting an increase of pension to John H. Shaver; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 10467) granting an increase of pension to James C. Smith; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CARY: Petition of Harrington Emerson, urging the repeal of the zone system for second-class postage; to the Committee on Ways and Means.

By Mr. DALE of Vermont: Petitions of Edward J. White, of Barton, No. 1.; William E. Woodcock, of Corinth, No. 1; Bert J. Jenness, of Barton, No. 2; A. J. McLellan, of Greensboro, No. 1; Lowell Frank Hammond, of Ludlow, No. 2; Warren E. Carpenter, of Groton, No. 4; John N. Taggart, of Randolph Center, No. 3; Ralph Fifield, of Thetford Center, No. 1; Edward E. Munn, of Bradford, No. 1; Guy R. Gawin, of North Craftsbury, No. 1; Herbert W. Dutton, of Springfield, No. 1; George A. Ballou, of Tunbridge, No. 2; Patrick F. O'Connor, of Putney, No. 3; Harold H. Fulton, of Strafford, No. 1; Ernest H. Carpenter, of Wilmington, No. 1; Rufus M. Farrand, of Hardwick, No. 1; Frank A. Johnson, of Brattleboro, No. 3; William Rush, of Derby, No. 2; William J. Kidder, of Derby, No. 1; Hugh F. Copeland, of Reading; Corydon O. Chamberlin, of Brattleboro, No. 5; Abner P. Eddy, of West Brattleboro, No. 2; Bion F. Humphrey, of East Burke, No. 1; George B. Bush, of Newfane, No. 1; Alfred C. Hooker, of Hardwick, No. 2; J. C. Carpenter, of Irasburg, No. 2; Bert H. Townsend, of Plainfield, No. 1; A. N. Flood, of Plainfield, No. 2; Truman H. Bartlett, of Plainfield, No. 3; A. Louis Taft, of Ludlow, No. 1; Leon A. Ross, of Sheffield, No. 1; Frank M. Carley, of South Londonderry, No. 3; Earl Taylor, of Marlboro, No. 1; Frank A. Blake, of Northfield, No. 3, rural-delivery carriers, all of Vermont, praying for substantial allowance to help meet the cost of upkeep of equipment necessary for a proper and satisfactory service, additional pay for mileage in excess of the standard length of 24 miles as fixed by law, and a reasonable allowance for carriers who are required to carry pouch mail to intermediate post offices or for intersecting loop routes to save the cost of star-route service; to the Committee on the Post Office and Post Roads.

By Mr. DILL: Petition of the city council of the city of Spokane, Wash., urging the passage of certain water-power legislation; to the Committee on Water Power.

By Mr. GALLIVAN: Resolution of the New York Zoological Society, favoring the migratory-bird treaty act; to the Committee on Foreign Affairs.

By Mr. HAMILTON of New York: Affidavits to accompany H. R. 10411, granting an increase of pension to Thomas McKay; to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: Four affidavits in support of H. R. 10455, granting an increase of pension to Caroline Stroble; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10456, granting a pension to William Ira Britton; to the Committee on Invalid Pensions.

Also, affidavits of witnesses in support of H. R. 10450, granting a pension to John Vandyne, alias John Vandile; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10454, to grant an increase of pension to Irwin Jordan; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10453, granting an increase of pension to Dallas Runyon; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10452, granting an increase of pension to Joseph Morrison; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10451, granting an increase of pension to Andrew J. Martin; to the Committee on Invalid Pensions.

Also, evidence in support of H. R. 10449, granting a pension to William S. Kiddy; to the Committee on Invalid Pensions.

By Mr. MERRITT: Papers to accompany H. R. 10461, granting an increase of pension to Mary Ett; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: Petition of the citizens of South Kingstown, urging the passage of the bill to provide a Pharmaceutical Corps in the Medical Department; to the Committee on Military Affairs.

Also, petition of the American Silk Spinning Co., Providence, R. I., protesting against the passage of a bill to eliminate coal jobbers; to the Committee on Agriculture.

By Mr. ROGERS: Papers to accompany House bill 10419, granting a pension to Arthur Garland; to the Committee on Pensions.

By Mr. SCHALL: Resolution of the Minneapolis City Council, requesting Congress to grant to the President of the United States broad power to fix prices of all foods and other products essential to the conduct of the war; to the Committee on Agriculture.

By Mr. YOUNG of North Dakota: Resolutions of the War Emergency Board of American Plant Pathologists, indorsing efforts to eradicate the common barberry; to the Committee on Agriculture.

Also, resolutions of the North Dakota Dairymen's Association, regarding dairying interests; to the Committee on Agriculture.

Also, a petition of C. A. Ryder and 14 others, of Pettibone, N. Dak., urging the passage of the Baer seed and feed bill; to the Committee on Agriculture.

Also, resolutions adopted by extension department of North Dakota Agricultural College, urging modification of wheat grades at country elevators; to the Committee on Agriculture.

SENATE.

TUESDAY, *March 5, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the light. In Thee there is no darkness at all. We thank Thee for coming out of the shadows and revealing more and more of Thy will and of Thy nature to man. We thank thee for leading on men and nations in the fulfillment of a divine plan, and that Thy purpose is seen more and more clearly day by day. Thou art shaking the nations that the desirable things may come, and that the things may remain which can not be shaken. We bless God for the coming of His kingdom. We pray Thee to hasten the day for His final victory in all the earth. For Christ's sake. Amen.

The Journal of the proceedings of the legislative day of Saturday, March 2, 1918, was read and approved.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Norris	Smith, S. C.
Brandegee	Johnson, S. Dak.	Nugent	Smoot
Calder	Jones, N. Mex.	Overman	Sterling
Colt	Jones, Wash.	Page	Sutherland
Culberson	Kenyon	Poindexter	Swanson
Fernald	Kirby	Pomerene	Tillman
Fletcher	Lewis	Robinson	Townsend
France	Lodge	Saulsbury	Trammell
Gerry	McCumber	Shafroth	Vardaman
Gronna	McKellar	Sheppard	Walsh
Hale	McLean	Simmons	Warren
Harding	McNary	Smith, Ga.	Watson
Henderson	Nelson	Smith, Md.	Williams
Hollis	New	Smith, Mich.	

Mr. McNARY. I desire to announce the absence of my colleague [Mr. CHAMBERLAIN] on account of illness. I will let this announcement stand for the day.

Mr. ASHURST. I wish to announce that my colleague [Mr. SMITH of Arizona] is absent by reason of illness.

Mr. LEWIS. I rise to announce the absence of the Senator from Kentucky [Mr. JAMES] and the Senator from Oregon [Mr. CHAMBERLAIN] because of personal illness. I also announce that the Senator from California [Mr. PHELAN] is necessarily absent.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent by reason of illness.

Mr. LEWIS. The Committee on Banking and Currency is in session, and if the number present is not sufficient to make a quorum I will let them know.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. There is a quorum present.

AFFAIRS IN SIBERIA.

Mr. LEWIS. Mr. President, I have certain telegrams which I am asked to present to the Senate. For reasons satisfactory to me, I do not wish these telegrams put in the RECORD, but I beg the Senate to indulge me for a minute of time that I may state their purport and serve the object of my rising.

Mr. President, these telegrams are from personal acquaintances, some from the Pacific coast and some here from the East, repeating telegrams received by them from Mexico. They disclose a fright, a scare, based upon what they claim to be information coming from the Orient, charging that the United States is in some form of alliance or compact with Japan which permits Japan to enter into Siberia and take possession of that portion of the East without our hindrance, in consideration of the United States "allowing Japan a free hand in the Philippines, permission to establish bases in Mexico, and the allowance of her citizens to come ad libitum to the United States."

Mr. President, it is to be regretted that any such views have been sent forward from any source whatever. Whether they are sent to Mexico to stimulate Mexico in opposition to us, I can only surmise; whether they are sent by the East by agencies who are opposed to us, I can only approximate; but from my position, sir, let me assume to state that there is no ground for such fear as expressed in these messages. There is no alliance between the United States and Japan; there is no compact between the United States and Japan prescribing conditions as to the European war, and no services are being exacted of Japan by the United States in the war, and no arrangement wantever by the United States with Japan as to anything anywhere as a consideration for anything Japan does in this war for the United States.

Let the country understand now, as these reports which we are getting constantly may inflame minds not accustomed to be met with propaganda, that the attitude of Japan in this war is the result of her compact with Great Britain; that Japan has an understanding, an alliance in form, with Great Britain guaranteeing to Britain her services in any manner of assault against the rights of either Japan or Britain, particularly in the East; that whatever Japan is doing she is doing in pursuit of and in obedience to this understanding between herself and Britain; and, I may add, in nowise is the result of any alliance or contract with the United States.

Mr. President, as to emigration or as to Japanese coming in the United States, there is existing between Japan and the United States an arrangement designated as a "gentleman's agreement." This has to do with the question of immigration of the people of the East—of Japanese—into the United States. There is no movement now by our country or Japan to modify that agreement as a condition of any service by Japan in this war, nor is there any understanding consummated and existing at this time for the enlargement of that agreement in anywise whatsoever.

Mr. President, I dare to take it upon myself to say this to the Senate, without regard to any differences of little local political matters sometimes engaging us. I prefer to have certified to the world from this body that the United States under President Wilson will, while it fights for the principles of democracy, under no circumstances allow them to be violated by any agreement on our part with any country anywhere that would lessen the protection we owe to the American citizen, nor would we under the present administration in anywise repeal the policies which have so long preserved America and are necessary to be continued for its perpetuity and preservation.

I thank the Senate for indulging me.

Mr. POINDEXTER. I should like to ask the Senator from Illinois if he has any objection to giving the names of the parties who sent the telegrams to which he refers.

Mr. LEWIS. I will say to the Senator from Washington I personally have no objection, but the senders request that their names be withheld lest they should be put in some disadvantageous position by having them disclosed. That is why I can not put them in the RECORD as requested, because the senders ask to have their names withheld. But for that I would gladly do so. To the Senator or any other Senator, personally, I will exhibit the wires at any time.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator from Illinois, who has made the statement which we have just heard, which apparently purports authoritatively to state the views of the Senate and the policy of the Government about matters in the Orient, whether his statement has been made upon the authority of the State Department or the President, or whether it represents his own views merely?

Mr. LEWIS. First, I wish to say to my eminent friend, the Senator from Connecticut, that when I stated I was sure the Senate would stand as sponsor for the expression of what Wilson stood for, I did not mean, of course, to speak for any Senators who differed from me. I meant to say that our confidence in our own Government and in its President was of the kind that we at this time would not permit the suggestion without some authoritative evidence somewhere that there could be any violation of any established policy. I say to the Senator, therefore, I spoke upon my own authority. I spoke upon my own judgment, upon my knowledge of the affairs of my country, my knowledge of President Wilson, and because I recognize that there can be no compact in the form of an alliance between the United States and any country that does not come to this body for its final consummation. Therefore I naturally assume that the whole Senate would know that such could have no existence, and I assert upon my own authority that it does not have existence.

Mr. BRANDEGEE. Not knowing what the allegations were in the telegrams which the Senator has referred to but has not seen fit to put in the RECORD, and inasmuch as he thinks it involved rumors of alliances between Japan and Mexico, and the United States and Great Britain being in it, at such a point I would not want the Senator's statement to go forth as having been subscribed to and guaranteed by the Senate of the United States, which is one-half the treaty-making power.

What the facts are in relation to allegations which have not been read, but which are contained in the telegrams which the Senator from Illinois says he has received, I have no knowledge whatever. It seems to me, however, to be a matter of such a delicate nature and so serious in its intendment and possible consequences that I, for one, would not want to sit silent and appear to be giving consent to everything the Senator has said.

Mr. LEWIS. Mr. President, I may say, of course, that there are Senators who view our relations, whatever they are, with a little different construction than that which I put upon them, but I put my own construction and assumed that there was hardly any difference as to that construction. If there is any Senator who differs as to the construction of our relations or course, of course he is not bound by an observation of mine.

Mr. GORE. Mr. President, I rise to say that I was so much pleased with the last assurance given by the Senator from Illinois [Mr. LEWIS] just before the remarks of the Senator from Connecticut [Mr. BRANDEGEE] that, much as I dislike to interrupt discussions between eminent Senators, I desire to call for the regular order.

Mr. JOHNSON of California. May I ask the Senator from Oklahoma to yield to me for just one instant?

Mr. GORE. Yes, sir.

Mr. JOHNSON of California. Mr. President, the very delicate subject which has been touched upon by the Senator from Illinois [Mr. LEWIS] is one of extraordinary importance to the State from which I come. I do not at all discuss any of the matters that have been suggested by the Senator from Illinois, but, like the Senator from Connecticut [Mr. BRANDEGEE], by mere silence I do not wish at this time to subscribe to aught that has been said in this regard or to any of the matters that are matters now of public rumor concerning the various alliances and the various activities which have been mentioned by the Senator from Illinois.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the House agrees to the report of the committee on conference on the disagreeing votes of the two Houses to the amendments of the Senate to the bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

The message also announced that the House had passed the joint resolution (S. J. Res. 117) amending the act of July 2, 1909, governing the holding of civil-service examinations, with

amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 175. An act to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915 and for prior years, and for other purposes";

H. R. 7998. An act granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River;

H. R. 8753. An act to amend section 3, title 1, of the act entitled "An act to punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes," approved June 15, 1917;

H. R. 9159. An act to provide for the naturalization of certain members of the Army, Navy, and Marine Corps; and

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women.

The message also transmitted to the Senate resolutions on the life and public services of Hon. EBENEZER J. HILL, late a Representative from the State of Connecticut.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 92) providing additional time for the payment of purchase money under homestead entries within the former Colville Indian Reservation, Wash., and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. JOHNSON of South Dakota presented a memorial of the Sunday School of the First Methodist Church of Mitchell, S. Dak., comprising 1,500 members, remonstrating against the use of foodstuffs in the manufacture of alcoholic drinks, which I ask may be printed in the RECORD without reading.

There being no objection, the memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

The world is cold and hungry because of lack of sufficient fuel and food.

Because of this fact the people of the United States are asked to deny themselves many things that have heretofore been considered necessities. At the same time millions of dollars worth of foodstuffs are being destroyed and thousands of tons of coal are being wasted in the manufacture and distribution of malt and brewed liquors: Now, therefore, be it

Resolved by the Sunday School of the First Methodist Episcopal Church of Mitchell, S. Dak., this 5th day of February, 1918, That the waste and destruction of fuel and food in the manufacture and distribution of malt and brewed liquors in this time of need are hereby condemned; and be it further

Resolved, That the beer drinkers of America be asked, in the name of patriotism, to deny themselves the harmful luxury of beer drinking; and be it further

Resolved, That we hereby earnestly request and urge our Senators and Representatives in Congress to do all in their power to secure the speedy enactment of a law that will assist these people in this very useful form of self-denial, and that will fully and effectually prohibit the waste and destruction of fuel and foodstuffs in the manufacture and distribution of malt and brewed liquors in the United States; and be it further

Resolved, That a copy of these resolutions be sent to each of our Senators and Representatives in Congress.

LAURITZ MILLER,
Chairman of Committee.

Mr. WARREN presented a petition of sundry railway postal clerks of the Lincoln and Billings Railway Post Office, of Sheridan, Wyo., praying for an increase in the salaries of railway postal clerks, which was referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of the Labor Council of San Francisco, Cal., praying for the fixing of prices on all necessities of life, which was referred to the Committee on Agriculture and Forestry.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent the second time, and referred as follows:

By Mr. POINDEXTER:

A bill (S. 4014) to establish the Mount Baker National Park in the State of Washington; to the Committee on Public Lands.

A bill (S. 4015) granting an increase of pension to Edward Shattuck (with accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 4016) granting an increase of pension to Virginia A. Porter (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 4017) for the relief of Catherine Grace; to the Committee on Claims.

By Mr. JOHNSON of South Dakota (by request):

A bill (S. 4018) to assist in increasing farm products; to the Committee on Agriculture and Forestry.

AMENDMENT TO URGENT DEFICIENCY BILL.

Mr. CALDER submitted an amendment proposing to appropriate $36,000 for additional clerks to Senators intended to be proposed by him to the urgent deficiency appropriation bill, which was ordered to lie on the table and be printed.

IMPROVEMENT OF TENNESSEE RIVER.

Mr. BANKHEAD submitted the following resolution (S. Res. 208), which was referred to the Committee on Printing:

Resolved, That there be printed 400 additional copies of House Document No. 1262, Sixty-fourth Congress, first session, entitled "Tennessee River between Brown Island and Florence, Ala.," for the use of the Senate document room.

HOUSE BILLS REFERRED.

H. R. 175. An act to amend an act entitled "An act making appropriations to supply deficiencies in appropriations for the fiscal year 1915, and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

H. R. 7998. An act granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River, was read twice by its title and referred to the Committee on Commerce.

H. R. 9159. An act to provide for the naturalization of certain members of the Army, Navy, and Marine Corps, was read twice by its title and referred to the Committee on Immigration.

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women, was read twice by its title and referred to the Committee on the Judiciary.

WAR FINANCE CORPORATION.

Mr. GORE. Mr. President, I ask unanimous consent that the Agricultural appropriation bill be now laid before the Senate.

The PRESIDENT pro tempore. If there be no further morning business——

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. The Chair has not yet announced the close of morning business. The Senator from North Carolina is recognized.

Mr. SIMMONS. Mr. President, I simply wish to make a statement with reference to the suggestion of the Senator from Oklahoma [Mr. GORE]. On yesterday I had temporarily laid aside the war finance corporation bill for the consideration of the Agricultural appropriation bill. I did that not intending to call that bill up any more during the day. I did expect, however, to call it up to-day immediately after the routine morning business. For reasons that I need not now state, I have decided that I will not ask the Senate to take that bill up until after the routine morning business, that is after 2 o'clock. For that reason I am perfectly willing that the Senate may proceed with the consideration of the Agricultural appropriation bill until 2 o'clock. At that time I shall ask that the war finance corporation bill be taken up.

I wish to make this statement primarily because I know a number of Senators have stated to me that they were staying in the Chamber expecting that the war finance corporation bill would be called up. I now give this notice so that until 2 o'clock Senators shall have an opportunity to attend to any other business which they may desire.

Mr. BORAH. Mr. President, may I ask the Senator in charge of the war finance corporation bill is there any doubt about that bill coming up at 2 o'clock?

Mr. SIMMONS. None in the world, so far as I know.

Mr. BORAH. The reason why I ask that question is that I had intended to be away from the Senate to-day, but I do not desire to be absent if the war corporation bill is really coming up.

Mr. SIMMONS. I think there is no doubt about its coming up.

AGRICULTURAL APPROPRIATIONS.

The PRESIDENT pro tempore. Morning business is closed. The Senator from Oklahoma [Mr. GORE] has asked unanimous consent that the Senate proceed to the consideration of the Agricultural appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9054) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1919.

The PRESIDENT pro tempore. The first committee amendment passed over will be stated.

personally have no objection, but the senders request that their

1909, governing the holding of civil-service examinations, with

Pensions.

By Mr. SHERMAN:

The PRESIDENT pro tempore. The first committee amendment passed over will be stated.

The SECRETARY. The first committee amendment passed over at the request of Mr. GRONNA was, on page 13, line 19, after the word "authorities," to strike out the numerals "$250,000" and to insert "$500,000: *Provided*, That hereafter the act approved May 29, 1884 (23 Stat. L., p. 31), be, and the same is hereby, amended to permit cattle which have reacted to the tuberculin test to be shipped, transported, or moved from one State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia for immediate slaughter, in accordance with rules and regulations prescribed by the Secretary of Agriculture."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. GRONNA. Mr. President, I asked to have this amendment go over, because it had been suggested to me that the three words "for immediate slaughter" should be stricken out. Upon reflection, I think that the amendment suggested by the Senator from Nebraska [Mr. NORRIS] to the amendment, that the word "immediate" be stricken out, if adopted will be satisfactory to the members of the committee at least.

Mr. GORE. I have no objection to having the word "immediate" stricken out in the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 14, line 1, of the committee amendment, before the word "slaughter," it is proposed to strike out the word "immediate."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. WADSWORTH. Mr. President, in some respects the suggestion made by the Senator from North Dakota [Mr. GRONNA] meets my views more nearly than the original suggestion that the words "for immediate slaughter" be entirely eliminated, yet I am not at all convinced that this is a very safe proceeding. If the word "immediate" is taken out, the provision will mean that tuberculous cattle may be taken from one State to another for slaughter. Taking out the word "immediate" really means substituting the word "eventual." There would be no limitation as to how long such cattle might be permitted to live, and I fear that they will spread the disease. They might be kept two or three years in the hands of the man who has received them, and he might say "they are going to be killed sometime."

Mr. NORRIS. Mr. President——

Mr. WADSWORTH. I yield to the Senator from Nebraska.

Mr. NORRIS. If the Senator from New York will notice the amendment, it provides that the shipment can only be made "in accordance with rules and regulations prescribed by the Secretary of Agriculture." The objection to having the word "immediate" inserted seemed to be almost universal when we had the matter up yesterday, and that was that it would subject the owner of the cattle to the mercy, perhaps, of the packers; that the cattle would have to be sold, and sold at once, and it might be advantageous to a party to keep them a while and wait over a day or two for a better market or something of that kind, so as not to put the owner of the cattle absolutely at the mercy of the buyer at that particular point.

It seems to me that the department, under proper rules and regulations, could certainly prevent these cattle being held any length of time, and leaving in the word "slaughter" would absolutely prevent them from being shipped for any other purpose, so that they could not be used for milch cows or for breeding purposes or for anything of that kind.

It seemed to be the opinion of most of those who were present the other day that to require the cattle to be slaughtered immediately would impose such a harsh rule that it might result in a great deal of hardship.

Mr. WADSWORTH. Mr. President, the provision for immediate slaughter is not at all new in the legislative history of the country. A large number of the States compel immediate slaughter, and one of the amendments now pending to this bill, may I say to the Senator from Nebraska, provides that in the event of immediate slaughter the Federal Government shall pay something like one-third of the value to the owner, which is a good deal more drastic treatment than even the very wicked packers would accord to a tuberculous cow.

As a matter of fact, Mr. President, the cattle that have tuberculosis are almost invariably dairy cattle. They become infected with the disease by being constantly housed and fed a very rich ration. They are not out doors as much as cattle upon the range. The disease is scarcely known in the far Western States. It is found in the dairy States, and when a dairy cow has become infected with tuberculosis her value for beef is rather slight in any event.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from North Dakota?

Mr. WADSWORTH. I yield to the Senator from North Dakota.

Mr. GRONNA. As the Senator from New York knows, this whole amendment was prepared by the Agricultural Department, but the original amendment did not contain the words "for immediate slaughter."

Mr. WADSWORTH. Those words were left out of the original amendment; I know that.

Mr. GRONNA. It is not in any sense of the word my amendment at all, but it has been suggested to me that it would be a hardship in many cases upon those who buy stock to have this drastic language in the amendment. Inasmuch as the Secretary of Agriculture will have the right to prescribe rules and regulations governing the shipment of these cattle, I thought perhaps there would be no objection to permitting the buyer of perhaps expensive cattle to fit his cattle for market as well as it could possibly be done. I shall not, however, insist on the amendment, if the Senator from New York thinks that it is objectionable.

Mr. WADSWORTH. Mr. President, I know that the amendment originally came from the Department of Agriculture; that it was sent to the Committee on Agriculture and Forestry; and that the committee itself, or a majority of it, insisted that the words "for immediate slaughter" be inserted in the language prepared by the department officials. The committee took that ground because without those words the amendment would constitute an entire reversal of the legislative and governmental policy of the country with respect to interstate commerce in diseased animals.

I wish I had entire confidence that rules and regulations prescribed by the Secretary of Agriculture could follow these cattle wherever they went and stay by them every day and every night; but that can not be done. The disease is transmitted by contact, and to make the keeping of such cattle absolutely safe they have to be watched all the time. It is necessary to place absolute trust in the owner that he will not let them be stabled with healthy cattle. I doubt whether rules and regulations, no matter how honestly contrived or how earnestly the attempt is made to enforce them, can provide for following and watching the cattle in all circumstances.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Oklahoma?

Mr. WADSWORTH. I yield to the Senator from Oklahoma.

Mr. GORE. I will say to the Senator that such cattle are now shipped in intrastate commerce, and I suppose that the rules and regulations in force to prevent the spread of the disease in intrastate business might also be applied to interstate shipments. The purpose of slaughter is not at all affected by this amendment, and I suppose whatever safeguards are now employed to prevent the spread of the disease in a State may be applied to prevent its spread across the boundaries of States and undoubtedly that ought to be done.

Mr. WADSWORTH. The Senator says that these cattle are now shipped in intrastate business, apparently with no rules and regulations. That applies only to those States that are careless about this proposition. There are some States that have the most rigid laws, enacted in a desperate effort to stamp out this disease, and those States that have such laws do not permit the shipment intrastate of tubercular cattle except for immediate slaughter. Now, this is a proposal to endanger those States that have made this fight against tuberculosis by handing over the entire problem to Federal inspectors, whose duty it will be—and, in my judgment, it will be an impossible duty—to follow such cattle wherever they go and watch them to see that they never come in contact with the healthy cattle in States that are trying to stamp out the disease. I think it is a dangerous proceeding.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. WADSWORTH. Certainly.

Mr. GALLINGER. The Senator from New York has had an opportunity to investigate this matter; I have not. I want to ask the Senator if, after the tuberculin test has been applied and the reaction occurs, is the animal free from the possibility of becoming diseased?

Mr. WARREN. Oh, no.

Mr. GALLINGER. I judge not.

Mr. WADSWORTH. The tuberculin test does not involve the question which the Senator raises. The tuberculin test is applied to cattle to determine whether or not they have tuberculosis.

Mr. GALLINGER. I understand.

Mr. WADSWORTH. It does not make them immune.

Mr. GALLINGER. No; it does not.

Mr. WADSWORTH. It is simply an aid to a proper diagnosis.

Mr. GALLINGER. That is all. So that it would be safe, the Senator thinks, to have such cattle transported without the provision "for immediate slaughter" and allow them to come in contact with other cattle?

Mr. WADSWORTH. If they are transported for immediate slaughter under rules and regulations prescribed by the Federal Government they can be kept away from contact with other cattle. They will be shipped in cars by themselves, and when they reach the stockyards they will be put in pens by themselves and will be slaughtered within 24 hours after they arrive. Then there is no more danger. In a goodly portion of the carcass, in many cases, is good beef, depending upon the progress that the tuberculosis has made.

Mr. GALLINGER. Such cattle are sometimes used for beef even when diseased, to a limited extent. Is that the idea?

Mr. WADSWORTH. To a limited extent. The Government inspectors are in every slaughterhouse and they throw out the beef that is bad and admit the beef that is good.

Mr. GRONNA. Mr. President, of course the Senator knows that the same rule he has just explained would apply in case the shipment was deferred.

Mr. WADSWORTH. Yes; but during that interval, while the shipment is deferred, I doubt if the Federal Government can watch these cattle.

Mr. GRONNA. That may be true. I believe, however, we can let the matter go to conference, and, if the Senator then shall have any objection, the conference committee may take out the provision.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Dakota to the amendment reported by the committee.

Mr. KENYON. Let the amendment be stated, Mr. President.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The SECRETARY. On page 14, line 1, before the word "slaughter," it is proposed to amend the committee amendment by striking out the word "immediate."

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now recurs on the amendment reported by the committee.

Mr. WARREN. Mr. President, an amendment that was suggested yesterday has been perfected, and I now send it to the desk and ask for its adoption.

Mr. GORE. I suggest that the committee amendment be first acted upon.

Mr. WARREN. The amendment I propose is an amendment to the committee amendment.

The PRESIDENT pro tempore. The Chair understands the Senator from Wyoming offers an amendment to the committee amendment.

Mr. WARREN. Yes.

The PRESIDENT pro tempore. The amendment to the amendment is in order, and will be stated.

The SECRETARY. On page 13, line 19, after the numerals "$500,000," it is proposed to insert:

Provided, however, That in carrying out the purpose of this appropriation, destruction of tuberculous animals becomes necessary, there may be paid from this appropriation not more than one-third the net loss to the owner, and in no event shall there be paid more than $20 for any grade or $50 for any pure-bred animal so destroyed, or a sum greater than one which combined with the sum paid by the cooperating State, or municipality, equals the value of the animal destroyed.

Mr. WARREN. That amendment refers to the entire paragraph preceding, and comes in after the insertion of the numerals "$500,000."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming to the amendment reported by the committee. [Putting the question.] The Chair is unable to determine. Those in favor of the amendment will rise. [A pause.] Those opposed will rise. [A pause.] The amendment to the amendment is agreed to.

Mr. WARREN. Mr. President, after the word "*Provided*," in line 19, I think the word "*further*" should be inserted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wyoming to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on the committee amendment as amended.

Mr. SMOOT. Mr. President, do I understand that the words "for immediate slaughter," on line 1, page 14, are still in the amendment?

The PRESIDENT pro tempore. They are still in the amendment.

Mr. KENYON. Mr. President, I do not have my papers here, nor a letter I received from the Agricultural Department concerning these words "for immediate slaughter." I think there was very little discussion in the committee about that matter. I do not believe it is very well understood now. The Agricultural Department are very strongly of the opinion that those words should go out.

There are two phases of that. Nobody wants to spread tuberculosis, of course, among cattle; but there are instances of this kind among blooded cattle that are shipped from one State to another: One may have a pedigreed bull that is of great value. When it gets to the other State it may respond to this tuberculin test. There is no way then to bring it back to the owner or to the party who may have sold it, but it must be immediately killed. Now, it could be brought back under the regulations of the Department of Agriculture, and, under the system which they designate, I think, as the Bang system, with absolute protection against the spread of the disease. That animal can be brought back and used in developing the herd. Tuberculosis in cattle is not handed down by heredity; it comes from contact; so that these animals that may have it, and may respond to the tuberculin test, are serviceable for breeding purposes. The herd of cattle at the Soldiers' Home here, I understand, was entirely developed from that class of cattle; and there are other instances of the kind which I might narrate.

I think the words "for immediate slaughter" ought to go out. I think the matter will be safe enough in the regulations which the Department of Agriculture will establish. At a later time I shall put in the RECORD the letter I received from the department along that line, with the hope that the conference committee may consider it.

The PRESIDENT pro tempore. The question is upon agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

Mr. SMITH of Georgia. Mr. President, the Senator from Iowa [Mr. KENYON] stated that tuberculosis is not handed down by heredity. Do cattle occupy a different position from human beings in that regard? Medical investigation and medical conviction are most clear that tuberculosis is in a sense a hereditary disease, and is handed down.

Mr. KENYON. As to cattle, it is only produced by contact. It is not handed down by heredity, so the experts of the Department of Agriculture say.

Mr. SMITH of Georgia. The life insurance companies reject the children of persons who have had tuberculosis.

Mr. KENYON. There is no doubt about that.

Mr. SMITH of Georgia. And unquestionably there is at least a physical condition attached which is handed down, and makes the disease probable.

Mr. KENYON. I understand so.

Mr. SMITH of Georgia. And my vote for the immediate slaughter was because I am very anxious that they shall not send any of that class of animals into my immediate section, or anywhere.

Mr. KENYON. So am I. I agree with the Senator entirely as to that, but under the Bang system they can be transported with no danger of contagion.

Mr. WARREN. Mr. President, responding to the inquiry, I will say that there has been great study over the question whether the disease of tuberculosis is not transmitted through the milk of the cows, and in that way transmitted from the animals to the human race. It is true that doctors disagree, but I think the predominating opinion of to-day—and it has been going that way of late years—is that it can be communicated through the milk.

The PRESIDENT pro tempore. The Secretary will state the next amendment passed over.

The SECRETARY. On page 27, the committee proposes to strike out lines 20 to 25, all of pages 28 and 29, and down to and including line 9 on page 30, with reference to the purchase and distribution of valuable seeds. The amendment was passed over at the request of the senior Senator from Utah [Mr. SMOOT].

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. SMOOT. Mr. President, I do not think it is necessary for me to take the time of the Senate this morning to discuss the action of the Senate committee upon this particular item. For a number of years past the Agricultural Committee of the Senate has taken the position that it has taken in this bill, by striking out the provision to purchase and distribute valuable seeds to the people of the United States.

As far as I am personally concerned, Mr. President, years past I have recognized that there was an evil in the distribu-

York yield to the Senator from North Dakota?

Mr. WADSWORTH. I understand.

Mr. WADSWORTH. It does not make them immune.

Mr. GALLINGER. No; it does not.

"for immediate slaughter, on line 1, page 14, are still in the amendment?

past I have recognized that there was an evil in the distribu-

tion of seed as the seed was usually distributed; but of late, Mr. President, the seed that go into my State—and I have heard other Senators say the same thing—go principally to the schools of the State. The distribution has had a wonderful influence during the last three or four years upon the children of the schools. It has created in them a desire to plant, and see the fruit of the seeds grow, and gather the products produced from their efforts; and the good that has resulted can hardly be estimated and can not be counted in dollars and cents.

Mr. NORRIS. Mr. President——

Mr. SMOOT. I yield to the Senator from Nebraska.

Mr. NORRIS. I am in sympathy with the argument the Senator is making, although in the committee I voted to strike out the provision, and I have always voted to strike it out since I have been in Congress. But if we want to do what the Senator suggests has been done in Utah, and what, as far as I have been able to bring it about, especially since the war has been on, has been done in my State, then we ought to provide by law for doing that thing.

This provision does not do it. This is the same old provision that turns these seeds over to Members of Congress. If we are going to handle seeds in that way, there is not any use of putting them up in small packages and putting the individual Congressman's frank and name on them, and sending them to the schools. We ought to do it directly.

I think that at least while the war is on and we are anxious to increase production I would support an amendment along the lines the Senator has suggested; but does he not think that if we want to do that we ought to take the direct course, and do it directly instead of leaving it as it is, when, as a matter of fact there probably will be very few instances where the schools will get them? They will only get a small portion of them, anyway. If we want to appropriate for seeds to go to the school children, then, it seems to me, we ought to authorize the sending of these seeds by the Agricultural Department directly, without the intervention of Members of Congress or Members of the Senate.

Mr. SMOOT. Mr. President, there is a good deal of wisdom in the statement that has been made by the Senator from Nebraska; but I think that this, of all times, is a time when seed should be generally distributed, and thus increase the production of food. I have had this year ten times the number of requests that seed be sent to individuals that I have ever had before since I have been in the Senate of the United States; and some of the letters state that the writers would not ask for the distribution of the seeds if they could buy them in their home towns.

Mr. KENYON. Why can they not buy them?

Mr. SMOOT. I want to say to the Senator that in many sections of the country it is impossible to purchase the seed that it has been possible to in years past. The prices have soared so high and generally the amount of seed in the hands of the distributors of this country is so limited that it has not reached to the further ends of the country, and in many places it is absolutely impossible to buy seed. If we are going to prevent the distribution of seed, let us do so at some time when it will not have so detrimental an effect upon the food production of the United States.

I know it may be said, Mr. President, that the same plea has been made in years past, that "now is not the time to do it." I can not say that I ever made that excuse, because I have believed, since the seeds have been used by the schools of my State, at least, that the distribution ought to continue. I think once or twice I have voted against the further distribution of seed, but I have changed my mind after I have seen the result of the policy that I have adopted, and I think the Congressmen of Utah generally have, of distributing these seeds not so much to individuals as to organizations, those organizations having the responsibility placed upon them to see that they are used in the proper way.

Mr. President, I do not want to take any more of the time of the Senate now, but I felt that now, of all times, we ought at least to distribute these seeds to the schools and to the individuals who really will write and ask for them, because I am quite sure that the effect will be beneficial, not only to those that receive the seeds but to all of the people of the United States.

Mr. SMITH of Georgia. Mr. President, if the Senator will allow me, there are women's garden clubs now in every State that are asking for these seeds, that are devoting their time to using them, and I think they occupy an entirely different position from the position they occupied a few years ago.

Mr. SMOOT. The Senator is right; and I want to say to the Senator that in many of the States some of the leading papers have started a campaign for garden-truck raising. I know that last year one of the leading papers in Ogden started that propaganda, and seed was sent them from here, all that I could spare. I made a special request of the department to send additional seed to them, and I was happy to read the report of what had happened in that district from the distribution of these seeds.

Mr. SHAFROTH. Mr. President, unlike the Senator from Utah, I have always believed in the distribution of these seeds, and I have believed in it on account of the enormous production and the enormous improvement that arises from transplanting even common seed from one portion of the country to a distant portion of the country. There has been a development in agriculture, by reason of the wide-spread distribution of seed, that has been perfectly immense. When we realize the fact that all of the 3,500 varieties of apples came from the original crab, we realize that it means simply cultivation, transplanting; it means the sowing of seed under certain climatic conditions in one portion of the country and under entirely different climatic conditions in another. That alone is of immense value in improving the various varieties.

It is well known that the peach tree, which now yields 500 varieties of the most delicious fruit in the world, came originally from simply a bush that was thought to be poisonous; and, in fact, the peach seed now contains a bitterness that somewhat resembles the original taste. Those conditions arose from transplanting not necessarily fine seeds or rare seeds, but ordinary seeds, from one portion of the country to the other. You may take, also, any number of the fruits that are now being raised.

We have an illustration of that in Colorado in the Rocky Ford melon. It was not raised from a special seed; it was seed that drifted there from one place or another, and any distribution of seed produces that condition. It fell upon a peculiarly favorable soil in a very favorable climate, and it has produced a melon that is perfectly wonderful and is known throughout the entire world, as shipments are made to various portions of the entire United States; and the same thing is true of many of the other fruits.

Now, that probably can not be traced to these particular seeds that are sent out by Congress, but that is an element. The seed so distributed from various portions of the United States must of necessity find a lodgment somewhere in a way that produces a different variety. That being the case, it seems to me it is an encouragement in the line of progress which has been going on by reason of the distribution of seed. The conditions which the Senator from Utah has described magnify the importance of this appropriation. They make it so that now there will be more attention paid to the seed.

It may be said that this is somewhat of a political distribution, but that is not true. I do not believe there is a single Senator who picks out a particular line of people to whom to send seeds. He generally sends them through organizations of some kind, or else he asks them to give the seeds to people that can use them. The distribution is not in any way political. Nobody thinks of the political affiliations of the man who writes for seeds. These conditions, it seems to me, make as fair a distribution as can be devised, because each Senator and each Representative gets his allotment, irrespective of politics.

Mr. President, it seems to me that we ought to encourage the planting of seed, and when we consider what an enormous amount is produced from a little seed we can readily see that even if only a small portion of them are planted great results must follow. It may be that the seed houses do not like it, but that is not any reason why there should not be a benefit and an encouragement given to the people, especially at this time, when we need the production and are in every way facilitating the increase of agriculture.

It seems to me, therefore, that the House provision ought to remain in the bill.

Mr. WADSWORTH. Mr. President, I do not intend to discuss the general proposition of the distribution of seed. I wish simply to say that if the Senate disagrees to the committee amendment and thereby restores the language of the House bill involving a general congressional distribution of seed, I shall offer an amendment, and beg the Senate to adopt it, limiting the seed to food-producing seed. I am not yet convinced that the distribution of geraniums, tulips, hyacinths, and crocus is going to help win the war.

Mr. NORRIS. Mr. President, I am going to offer an amendment and have the Senate vote on it. I move, on page 28, line 22, commencing after the words "United States," to strike out all down to and including the word "Departments," in line 24, on page 29, and to insert the language I send to the Secretary's desk. That, I will say to the Senate, leaves the purchase of seeds in the bill, but takes out that part of the amendment which gives to Members of the House of Representatives and Senators

a quota, and authorizes them to send out the seed, and puts in lieu of that language that which I have sent to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out all from page 28, line 22, after the words "United States," down to and including the word "Departments," in line 24, on page 29, and to insert:

Such seed shall be distributed by the Secretary of Agriculture to schools, societies, associations, and individuals under such rules and regulations as the Secretary of Agriculture shall prescribe.

Mr. GRONNA. Mr. President, a parliamentary inquiry. If I have the same print the Senator from Nebraska is reading from, he is offering to strike out something that has already been stricken out.

The PRESIDENT pro tempore. The amendment of the committee to strike out has not yet been adopted.

Mr. NORRIS. The amendment of the committee seeks to strike out certain language from the House text. It is proper at this stage and it is the proper time, I think, to move to amend the House text in any way that we may see fit. I am proposing to strike out by my amendment a portion of the House text, including other language. In other words, before we vote on striking out and before we vote on the Senate committee amendment we have a right to perfect the committee amendment and also the House text. My amendment seeks to strike out a part of the language of the House bill and put in other language; in other words, to change it, so that it takes precedence over the amendment of the committee.

Mr. SMITH of Georgia. The Senator proposes to perfect the text before we vote on the motion to strike out.

Mr. NORRIS. Exactly; that is just what I am trying to do.

Mr. JONES of Washington. Mr. President, I am not going to discuss this matter, but I ask to have the letter I send to the desk read.

The PRESIDENT pro tempore. Without objection, the Secretary will read the letter.

The Secretary read as follows:

CLOVERLAND, WASH., *February 12, 1918.*

W. L. JONES,
Washington, D. C.

DEAR SIR: As secretary of Cloverland Grange, No. 595, of Cloverland, Wash., have been instructed to express the voice of the members of above-said grange relative to this so-called free distribution of garden seeds.

We consider it an imposition of the public from the fact that they are not free as you would have the people believe. As we as taxpayers have to bear this unnecessary burden, and all the members that have received the seeds have been instructed to return them, thus strengthening our voice on the above subject.

Yours, truly,

IRENE JOHNSON,
Secretary Cloverland Grange.

Mr. KENYON. I should like to inquire where this remarkable document is from?

The PRESIDENT pro tempore. The Chair is informed that it is from Cloverland, Wash. The letter was presented by the Senator from Washington.

Mr. KENYON. I am glad to hear the letter. It is the most remarkable indication of an awakening of the public conscience on throwing away the public money upon a lot of garden seed.

Mr. JONES of Washington. I thought it would be a rare contribution.

Mr. THOMAS. It looks like an oasis in the desert.

Mr. NORRIS. Mr. President, I wish to discuss the amendment briefly.

As I said before, I have been opposed to this congressional distribution of seeds for many years. However, I concede that if there ever was a time in the history of the country when it was justifiable it is perhaps now. That justification, however, does not go to the point, in my judgment, of dividing up these seeds among Members of Congress.

Two years ago, I think it was, I offered an amendment in the Committee on Agriculture and Forestry striking out the provision and inserting in lieu a provision permitting the Secretary of Agriculture to distribute these seeds and to send them to anyone who made a request for them. I was opposed to the entire provision, but we have had this experience year after year. The Senate, with one or two exceptions, for a great many years has stricken this out of the bill; it goes to the House and they refuse to concur in the amendment; it then goes to conference, and it is put back in the bill. That has been the experience. There has not been an Agricultural appropriation bill in the last 15 years that has not contained this congressional seed distribution when it was finally enacted into law. I offered that amendment on the floor of the Senate afterwards and it was voted down. It was voted down principally, I think, because Members of the Senate, like myself, were opposed to the entire matter. I did it on the theory that we had better get something than go into conference and get nothing, as we have always been doing.

The amendment which I have offered leaves the appropriation in the bill, and the machinery, as far as the department is concerned, is left in the bill. The same amount of seeds will be purchased, but it will not be turned over to Members of Congress. Under the provisions of the amendment the Secretary of Agriculture, under such rules and regulations as he shall determine, will send the seeds to schools, societies, associations, and individuals. It seems to me that it frees the question of the objections that have always been made, and I think with a great deal of merit, that this was just a little petty graft on the part of Congress. I do not charge that it is. I am assuming that Members of Congress are distributing the seeds in good faith, but that is the impression; that is the belief. No one denies but that the great bulk of these seeds when they are sent out, as they are, promiscuously to people are never planted. It is a waste of money; and as that letter——

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I will yield in just a moment to the Senator. As the letter the Senator from Washington had read shows it is not a free distribution. It is not getting something for nothing. It costs just as much in this way as any other way to get these seeds. It can not be done for nothing. We are not saving any money by dividing the seeds among Members of Congress and having them send them out. Now I yield to the Senator from Mississippi.

Mr. VARDAMAN. I arose to ask the Senator to give me the source of his information that these seeds are not planted. My experience and observations in the matter lead me to an entirely different conclusion from that which the Senator has stated. The people to whom I have sent seeds have planted them, and I have had applications for probably twice as many seeds as were allotted to me by the Agricultural Department for distribution.

It is my judgment that if the Agricultural Department should do its duty in the matter of selecting seeds it would be an unwise economy to discontinue the distribution. I realize, of course, that the value of the system or the policy of the Government distributing depends largely upon the character of the seeds selected and distributed. If the Agricultural Department is sending out good seeds, seeds that will increase the yield per acre of the crop and enlarge the total production of the entire country, whatever money may be spent by the Government in that way will prove a most profitable investment.

Mr. NORRIS. Mr. President, the Senator or the Member of the House who sends seeds out does not send them simply to men who make requests for them. If that was done then they would be used properly. Under the amendment I have offered, if it is agreed to, anyone wanting seeds by making a request of the Secretary of Agriculture will be able to get them. Each Member of the Senate, for instance, has 20,000 packages of seeds; I believe somewhere in that neighborhood. No matter how careful he may be he must necessarily send them out more or less promiscuously, and there are lots of them that are not planted. I think almost every Member of the Congress has numerous instances brought to his attention where the seeds have not been used. The Senator's experience is different, I think, from the average if all the people to whom he has sent seeds have planted them.

The Senator asked me the question as to where I got the idea. Now, I am going to give him an actual illustration. Seven or eight years ago when I was in the House of Representatives and came down here with my family I rented my home and a tenant lived in it for a year, I think. When we got back into the house one of the things we found was a whole lot of congressional seeds bearing the frank of a Representative from our State. The tenant not only had those packages there in the kitchen but he had another bunch of seeds, the packages unopened, bearing the frank of one of the Senators from our State. I am not accusing the men who send the seeds. They did their duty probably, but I have felt that it was my duty to send them out, although there may be a question about that. However, there are thousands of instances of that kind. If you could go through the country after the seed distribution is made you would find thousands of instances where the seed is simply thrown away.

Mr. KENYON. Mr. President——

Mr. NORRIS. In just a moment I will yield. You will find this, too, that if this amendment is agreed to, everyone who wants Government seeds and will go to the pains of writing a letter can get them, and, as far as he is concerned, get them free. That is still left in the bill. It is not interfered with. It takes it away from the Representatives and Senators and that is something that ought to be taken away from them. It does not pertain to any of their official duties to look after these matters. Now, I yield to the Senator from Iowa.

Mr. KENYON. I wish to call the Senator's attention, and that of the Senator from Mississippi also, to the fact that in the urgent deficiency bill there is an appropriation of $4,000,000 to be used as a revolving fund for the purchase of seeds where it is essential to send them out. That ought to be sufficient. I shall support the Senator's amendment, because it is better than the original amendment, but the whole thing of sending out these seeds has come to be a howling farce.

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Of course, I do not know whether the American people regard it as a howling farce or not. It is a custom which has prevailed for a great many years. It has stood the test of trial; the American people have at least expressed tacitly their approval of the farce; and since they are to pay the expenses of the farce, and they want the farce, and the farce has been beneficial to them, I am not inclined to relieve them of the benefits of the farce.

A gentleman said to me a moment ago—a Member of the other House—and it recalls the fact that I have received a great many letters in which the same statement is made to me, "If you have them, send me the character of seeds, the variety, that you sent me last year"—radishes or some other vegetable. There may be a great many instances where they are thrown in the waste basket—I do not know about that—but if the Government of the United States, through the Secretary of Agriculture, can distribute over the country an improved variety of seeds from which there will grow plants that will increase the yield to the farmer, it is, I repeat, a wise economy; it is a good investment.

In answer to the suggestion that the Government has appropriated $4,000,000 to be used to buy seeds for the farmers, that, of course, is to meet this war emergency. It is a war measure, and I approve it most heartily. I do not know that any of that seed to be distributed will go to the State which I have the honor, in part, to represent—I think the people there are pretty well supplied—but evidence has doubtless been brought to the attention of Congress or the Senate that seeds are needed, and I think it prudent to make the appropriation to meet the demands.

I want to say that I very much prefer that these seeds should be distributed through the Secretary of Agriculture. It would relieve me as a Senator.

Mr. NORRIS. Then I suppose the Senator will support my amendment.

Mr. VARDAMAN. So far as I am personally concerned it would be agreeable to me. I should like to be relieved of the labor of distributing the seeds, but the present method has been in vogue so long that I see no necessity for a change. A great many people who want the seeds will receive them under the present system or method of distribution who would not know how to get them if the Senate should adopt the amendment offered by the Senator from Nebraska.

Mr. GALLINGER. Will the Senator permit me?

Mr. NORRIS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, on several former occasions I have taken exceptions to the action of the Senate committee in striking out this provision, but my mind remains unchanged on the subject. I was attracted by the suggestion of the Senator from Nebraska that Senators and Representatives in Congress are sometimes accused of practicing petty graft in sending out these seeds. It is inconceivable to me that any Representative in either House of Congress would make any political capital by sending out a few seeds. More likely he would be criticized by those who did not get them.

I make use of the seeds that I get. In one sense it is immaterial whether I get them or not. It is my habit to send them largely to schools. I have sent more than one-half the quota this year to schools. I commenced that a few years ago, and I know they have been planted, and the results have been very satisfactory. In addition to that I am getting many letters every day, and I have reason to believe that by the time planting comes around all the seeds sent by me for distribution will be distributed to people who really want them and who will use them.

The objections I have to the Senator's amendment is that the Secretary of Agriculture might not act as wisely as I have done in sending the seeds to schools. I have written to the head masters and superintendents of schools over the State asking if a movement of that kind might not be inaugurated to advantage, and we have got their cooperation.

Undoubtedly there is a great deal of waste in this matter, just as there is in the Agricultural Yearbook. I sent out 800 copies of the Yearbook of last year, and I did not get a single reply from the men to whom I sent them. I did not write letters, but I sent them through the mail, and I presume that a very large portion of those will be found in the kitchen or on a shelf somewhere or down cellar, and not read; but that is no reason why we should abolish the printing of the Agricultural Yearbook.

So this is at best but a trifling matter, and the fact that the Government has recognized its necessity to the extent of appropriating $4,000,000 in another bill, indicates that the $200,000, more or less, that we have been in the habit of appropriating year by year must have been a wise action on the part of Congress, because the Government is now recognizing it to the extent of appropriating $4,000,000. I have little hope that the amendment offered by the Senate committee will be defeated, but I know just as well as the Senator from Nebraska knows that this provision will appear in the law, beyond a question.

Mr. NORRIS. Mr. President, I want to take this occasion to commend the course which has been taken by the Senator from New Hampshire in the distribution of seeds. This amendment simply perfects that proposition, as I understand it. In my weak way I have tried to do the same thing, and I found cooperation. I find it this year. I have made arrangements to send these seeds mostly to schools, and, as a rule, they have organized.

I can see how that would not only assist in producing food, which we are all anxious to assist in producing, but it would cultivate in the minds of the children where they have cooperative gardens or school grounds or vacant lots ideas of economy and ideas of agriculture which will result in good. But, Mr. President, do we want to do that now—something that we command directly by law—or do we want to say that 20,000 packages of seed shall be given to each Member of the Senate and to each Member of the House of Representatives, and that they may send them out as they please? There are very few Members of Congress who will do as the Senator from New Hampshire has done. The great bulk—I think the great majority—of these packages are absolutely wasted, and that is a loss that we ought to avoid, especially in these times.

This amendment, as I have before stated, does not take away the appropriation; it does not take away any of the seed; but it takes the control away from Members of Congress and puts it where it ought to be, I think, in the hands of the Agricultural Department. I commend the provision in the other bill, which has been mentioned by the Senator from Iowa and the Senator from New Hampshire, appropriating $4,000,000 for seed. I expect to support it, though I would not support it every year. This, however, is a year when I shall support it gladly. This amendment will have a tendency to put what were known as congressional seeds in that same class. It will be found, if Senators read the provisions of that bill, that it does not divide the seeds up among Members of Congress to be distributed by them as is provided under this provision. To get the best results, then we ought when the bill appropriating $4,000,000 comes before the Senate, to amend it so as to provide that the Secretary of Agriculture shall divide the seeds up among Members of Congress.

I do not suppose there is a Member of either House who would think for a moment of suggesting that; but that is what we do with this $243,000, which we are appropriating in this bill, if the bill as it came from the House remains unamended.

I do not care to discuss the matter any further, Mr. President; but I should like to have a roll-call vote on this amendment, as I presume there will be a roll-call vote on the committee amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment which has been offered by the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. I ask for the yeas and nays on the amendment to the committee amendment.

Mr. JONES of Washington. Mr. President, several Senators have asked me to make a point of no quorum in case this matter came to a vote, as they desired to be present. So I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beckham	Johnson, S. Dak.	Page	Swanson
Borah	Jones, N. Mex.	Poindexter	Thomas
Brandegee	Jones, Wash.	Pomerene	Thompson
Calder	Kendrick	Ransdell	Tillman
Curtis	Kenyon	Reed	Townsend
Dillingham	King	Saulsbury	Vardaman
Fernald	Lewis	Shepard	Wadsworth
France	Lodge	Sherman	Walsh
Gallinger	McKellar	Shields	Warren
Gore	McLean	Smith, Ga.	Watson
Gronna	Martin	Smith, Md.	Weeks
Hale	New	Smith, Mich.	Williams
Harding	Norris	Smoot	Wolcott
Hardwick	Nugent	Sterling	
Henderson	Overman	Stone	
Hollis	Owen	Sutherland	

Mr. GONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness in his family. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present. The question is on the amendment to the committee amendment which has been offered by the Senator from Nebraska.

Mr. NORRIS. I ask for the yeas and nays, Mr. President.

The PRESIDENT pro tempore. Is the demand seconded?

Mr. VARDAMAN. A parliamentary inquiry, Mr. President. Are we about to vote on the amendment to the amendment that has been offered by the Senator from Nebraska?

The PRESIDENT pro tempore. That is the pending amendment. The question is on seconding the request for the yeas and nays. [A pause.] The Chair can not grant the yeas and nays, the number of Senators requesting them not being sufficient. The question is on the amendment of the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment of the committee.

Mr. WADSWORTH. I offer the amendment to the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 27, line 22, after the word "valuable," it is proposed to insert "food producing"; on page 28, line 8, after the word "valuable," to insert "food producing"; on page 28, line 14, before the word "seeds," to strike out "and flower"; and on page 30, line 7, after the word "valuable," to insert "food producing" and on page 30, line 8, after the word "valuable," to insert "food producing," so as to read:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable food-producing seeds, bulbs, trees, shrubs, vines, cuttings, and plants; all necessary office fixtures and supplies, fuel, transportation, paper, twine, gum, postal cards, gas, electric current, rent outside of the District of Columbia, official traveling expenses, and all necessary material and repairs for putting up and distributing the same; for repairs and the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, $242,820. And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase, testing, and distribution of such valuable food-producing seeds, bulbs, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seeds so purchased shall include a variety of vegetable seeds suitable for planting and culture in the various sections of the United States: *Provided*, That the Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States. An equal proportion of five-sixths of all seeds, bulbs, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the department upon the receipt of their addressed franks, in packages of such weight as the Secretary of Agriculture and the Postmaster General may jointly determine: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each Member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided, also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-fourth parallels of latitude shall be ready for delivery not later than the 10th day of January: *Provided, also*, That any portion of the allotments to Senators, Representatives, and Delegates in Congress remaining uncalled for on the 1st day of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress and who have not before during the same season been supplied by the department: *And provided, also*, That the Secretary shall report, as provided in this act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, testing, propagation, and distribution of valuable food-producing seeds, bulbs, mulberry and other rare and valuable food-producing trees, shrubs, vines, cuttings, and plants.

Mr. WADSWORTH. Mr. President, I think the object of the amendment which I have sent to the desk is plain. It is simply to confine the distribution of seeds, bulbs, trees, shrubs, vines, and cuttings to those which can be of economic use to the country.

Mr. GALLINGER. I will ask that the first part of the amendment be again read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. On page 27, line 22, after the word "valuable," it is proposed to insert the words "food-producing," so as to read:

Purchase and distribution of valuable seeds: For purchase, propagation, testing, and congressional distribution of valuable food-producing seeds, bulbs, trees, shrubs, vines, cuttings, and plants.

Mr. GALLINGER. Will not the Senator put in the word "and" after the word "seeds," so that it will read "food-producing seeds and"?

Mr. WADSWORTH. "Food-producing seeds and bulbs"?

Mr. GALLINGER. Yes; bulbs are hardly food producing.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New York to the amendment reported by the committee.

Mr. SMOOT. Mr. President, I can not see why that amendment should be adopted. The distribution of seeds this year will be made exactly as it has been made in the past, and the adoption of this amendment may restrict the distribution to certain kinds of seeds. I can not see why the Senator offers the amendment.

Mr. WADSWORTH. I will endeavor to explain, Mr. President. Here in the Senate we have heard of the great value to the country, and particularly to the rural districts, of the distribution of seed, and a certain amount of money is appropriated by this item for that purpose, amounting, I think, to $243,000. The item as it now reads permits the distribution not only of vegetable seeds, but also of flower seeds. I humbly submit that at this time if it is necessary, as it has been contended, to supply more seeds to the farmers, we should confine them to seeds that will produce food. I can not understand why anybody at this time, in view of the situation, should insist that there be sent out the usual quota of geranium seeds or hyacinth bulbs or tulips and pansies, buttercups, or daisies, or whatever they may be. We are not going to win the war with such things. My suggestion is that the distribution be confined to seeds that will be of some real value. It may be that the suggestion is unorthodox, but I submit it for the action of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York to the amendment reported by the committee. [Putting the question.] The Chair is unable to determine. Those in favor of the amendment to the amendment will rise. [A pause.] Those opposed to the amendment will rise. [A pause.] The amendment to the amendment is rejected. The question recurs on the adoption of the committee amendment.

Mr. GORE. I wish to give notice that that amendment will be renewed in the Senate, and I will then ask for a record vote upon it.

The PRESIDENT pro tempore. The question is on the adoption of the amendment reported by the committee. [Putting the question.] By the sound the ayes seem to have it.

Mr. VARDAMAN. I ask for a division.

The PRESIDENT pro tempore. A division is called for.

Mr. SMITH of Georgia. The amendment of the committee strikes out the seed provision.

Mr. GALLINGER. That is right.

The PRESIDENT pro tempore. Those in favor of the amendment striking out the provision for the distribution of seed will rise.

Mr. SMITH of Georgia. Mr. President, the action of the committee strikes the provision from the bill.

The PRESIDENT pro tempore. So the Chair stated.

Mr. SMITH of Georgia. I understood the Chair to say "those in favor of the provision as to seeds will rise."

The PRESIDENT pro tempore. The Chair stated, and thought distinctly, that the question was on striking out, according to the committee amendment, the provision for the distribution of seed. Those in favor of agreeing to the amendment reported by the committee will rise and be counted. [A pause.] Those opposed to the amendment will rise and be counted. [A pause.] The amendment reported by the committee is lost. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over is on page 46, where it is proposed to strike out the paragraph beginning with line 8, as follows:

Whenever, during the fiscal year ending June 30, 1919, the Secretary of Agriculture shall find that the expenses of travel can be reduced thereby, he may, in lieu of actual traveling expenses, under such regulations as he may prescribe, authorize the payment of not to exceed 2 cents per mile for a motorcycle or 6 cents per mile for an automobile, used for necessary travel on official business in the Forest Service: *Provided*, That there shall be no payment of mileage for the use or travel of motorcycle or automobile furnished or owned by or maintained by the Government of the United States.

The PRESIDENT pro tempore. The question is on the adoption of the committee amendment.

Mr. SMOOT. Mr. President, I ask that this amendment go over because the Senator having the bill in charge happened to be temporarily absent from the Chamber and there was nobody in the Chamber to explain why the committee adopted the amendment.

It seems to me that by striking out this proviso we open the door for undue charges for the use of automobiles or motorcycles in the forest reserves; and the proviso, as I stated yesterday, is the wording that has been adopted in most of our appropriation acts. I can not see why the action of the committee should be sustained. I think that the provision as put in the bill by the House is a protection against extortionate charges by employees of the Government who happen to use an automobile or a motorcycle belonging to themselves. The charge is limited by the House provision, and I do not think the amount named in the bill is an excessive one; but I do believe that there ought to be a limitation. I therefore hope that this amendment will be defeated, unless some adequate explanation of it can be made by the chairman of the committee.

Mr. GORE. Mr. President, this provision, of course, was inserted by the House. Some time ago rules and regulations were adopted which provided for the payment of from 2 to 6 cents a mile to officers in the Forestry Service for the use of their own cars. That was afterwards modified so that the payment could only equal the cost of operation. That, I understand, is the rule and regulation now. The committee was rather under the impression that officers who are already in the employ of the Government, and who had their own machines, probably ought to be required to operate them, as they are now required to operate them, at cost. When you permit these officers to charge from 2 to 6 cents a mile it is a pretty high charge for running their own cars in their own business. We thought it might possibly lead to abuse. The department evidently thought so or they would not have adopted the subsequent regulation, although I am not familiar with the history of the change limiting it to the cost of operation.

Mr. SMOOT. Do I understand the Senator to say that the employees of the Government are charging 2 cents a mile for using a motorcycle for their own purposes?

Mr. GORE. That is not true now; no, sir. They are limited now to the cost of operation. Under a previous order, though, officers of the Forestry Service did charge and were paid for operating their own motorcycles and automobiles in the public service. The Committee on Agriculture and Forestry rather thought that ought to be stopped, or at least not reauthorized.

Mr. SMOOT. Mr. President, I am fearful that under the present law, limiting it to actual cost, the charge will exceed 2 cents a mile for a motorcycle or 6 cents a mile for an automobile; and the House provision is that that charge can only be made in case they are traveling on official business of the Forest Service. The Senator knows that wherever a man is traveling in the forests, in the mountains, uphill and downhill, the wear and tear of his automobile and the cost of oil and gasoline are going to amount to at least 6 cents a mile; and if you allow the actual cost to be charged there is no telling what the amount claimed might be. One man will say that the cost is so much per mile, and another man will say it is so much per mile. One will figure in the wear and tear of his machine, and another will not; and there will be no stable price charged or allowed for such travel.

Mr. GORE. If there is any justification at all for such a charge on the part of such officers, the charge certainly ought to equal the cost of operation.

Mr. SMOOT. I agree with the Senator.

Mr. GORE. We have authorized the purchase of a number of automobiles, and it has been the policy of the Government heretofore to pay for them, and I suppose they have a good many on hand now. This seems to be in addition and supplemental to that.

Mr. SMOOT. I agree with the Senator that the charge should not be more than the actual cost; but I believe that if the House provision is stricken out we will never pay for only the actual cost. I think some will put in a bill for more than the actual cost, and perhaps some less. I think it would be very much better to state specifically what the Government will pay. If this is too much, lower the price; but let us have a fixed price that all will know what to charge.

Mr. GORE. I will say to the Senator that the Comptroller of the Currency, as I am now informed, has ruled that the department had no authority to pay more than the cost of operation.

Mr. SMOOT. Under the law?

Mr. GORE. Under the law.

Mr. SMOOT. Yes.

Mr. GORE. For that reason the practice of paying them so much a mile was stopped, and they are limited now to the cost of operation.

Mr. SMOOT. As I understand, Mr. President, the law is now that they shall pay the actual cost, and, of course, under that law the comptroller could rule in no other way; but this is an amendment to that as far as the Forest Service is concerned. I believe that the House provision is a wise one and ought to be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

On a division, the amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over will be found on page 61, and was passed over at the instance of the Senator from Mississippi [Mr. VARDAMAN]. The committee proposes to insert on line 14, after the word "birds," the words "and any act of Congress to give effect to the treaty with Great Britain relating to migratory birds," so that, if amended, the paragraph will read:

For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stat. L., 847, 848), relating to the protection of migratory game and insectivorous birds, and any act of Congress to give effect to the treaty with Great Britain relating to migratory birds, and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, $50,000.

Mr. SMOOT. Mr. President, yesterday I made a statement in relation to this amendment, based upon information that I had received just before I made the statement which I find is not altogether correct. The treaties between Great Britain and this country relating to migratory birds have been agreed to by both countries; but there is a bill that passed the Senate giving effect to these treaties, and it is now in the House of Representatives, and has not passed the House, although it passed the Senate. I believe that this amendment is a good one and ought to be adopted.

Mr. McCUMBER. Mr. President, I desire to state to the Senator from Utah that the treaty was made in December, 1916; but while the treaty made all necessary provision for the protection of migratory birds, of course it carried no appropriation with it, and none of the rules and regulations by which the conditions of the treaty are to be carried out. It seems to me that we ought not to wait to take a chance with the bill before the House, but that it may as well be placed in this bill.

Mr. SMOOT. I agree with the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the next amendment passed over.

The SECRETARY. The next amendment passed over will be found at the foot of page 92, where the committee proposes to insert the following paragraph, beginning on line 21——

Mr. GORE. I will ask that the substitute which I sent to the desk be read in lieu of the committee amendment.

The PRESIDENT pro tempore. The Chair is not informed where the substitute sent up by the Senator is.

Mr. GALLINGER. Let the committee amendment first be read, and then we will better understand the substitute.

The SECRETARY. The committee proposed to insert, beginning on line 21, page 92, the following words:

To enable the Secretary of Agriculture to establish plants for the drying or dehydration of vegetables, fruits, and other edible products, in connection with the land-grant colleges in the several States, $250,000: *Provided*, That the Secretary of Agriculture may establish such plant at some other location in any particular State whenever in his judgment the public interest would be subserved thereby: *Provided further*, That the Secretary of Agriculture may, in his discretion, establish such plant in any particular State in cooperation with States, counties, municipalities, individuals, or associations not organized for profit, in which case the Secretary of Agriculture shall not pay more than one-half of the cost of establishing such plant.

The Senator from Oklahoma [Mr. GORE] proposes, in lieu of those words, the following:

To enable the Secretary of Agriculture to establish and operate plants for the drying or dehydration of vegetables, fruits, and other edible products, including the erection or rent of necessary buildings and cooperation with plants maintained and operated for the manufacture of such products, to purchase raw material, to standardize, sell, or otherwise dispose of dried products, and for all necessary expenses, including salaries in Washington and elsewhere, $250,000, which sum shall be immediately available upon the passage of this act, and this fund may be used as a revolving fund until June 30, 1919.

The Senator from Nebraska [Mr. NORRIS] offered as an amendment to this proposed amendment, and it was pending at the time the amendment was considered on yesterday, the following:

Provided, That the Secretary of Agriculture is hereby authorized, upon request of the President, to use all or any part of this appropriation for the establishment of such plant or plants at any place in the United States for the purpose of supplying food for the Army and Navy.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator having charge of the bill whether this appropriation is needed. I understand that the business of dehydrating vegetables is an active one and is pursued by private enterprise. It is not an experimental affair, but it is demonstrably a success. The business is pretty firmly established in a number of places in the United States; and, unless my information is incorrect, I am unable to perceive the necessity for this appropriation, unless it be that the Government proposes to take over that business or engage in it in competition with citizens.

Mr. GORE. Mr. President, I will say that the business is being engaged in to some extent. Since the falling off in the drying of hops the establishments on the Pacific slope have been turned largely to the dehydration of fruits and vegetables. It is an industry, however, that is in its incipiency. The committee was of the impression that, in view of the present threatened food shortage, nothing could be done which would accomplish so much in proportion to the money expended as the stimulation of this business, which is comparatively new in the United States.

I may say that in Germany there are between 1,000 and 2,000 of these dehydration plants. They dehydrate some 800,000,000 bushels of potatoes annually. They dehydrate twice as many potatoes as we produce in the United States. This largely accounts for the great resisting power of the German Empire—the dehydration of vegetables and the preservation of practically everything. Under this system there is substantially no waste.

There is one concern in Canada which is turning out 40,000,000 pounds annually, under the supervision of the British Government, furnishing supplies for the British Army. As I say, the business is carried on upon a very limited scale in this country.

One illustration: One carload of dehydrated tomatoes is equivalent to 30 carloads of canned tomatoes, and quite as nutritious, and almost, if not quite, as palatable.

Mr. THOMAS. Mr. President, if the Senator will permit me, I am not questioning the value of the process. Indeed, I think it is one of the most useful, and at the present time one of the most needed, methods of economizing and conserving food. My inquiry is devoted rather to the question whether the Government should at the present time be required to go into the business, when, its success having been established, it is the subject of private enterprise all the country over?

Mr. GORE. Mr. President, so far as I know this is limited to the Pacific coast and has grown out of the falling off of the hop-drying business. The matter came to my attention originally through a representative of Gov. Stephens, of California, who sent a man here to Washington to impress the importance of this industry upon the attention of those in authority, and the possibilities which this business afforded greatly to enhance our food supplies and to avoid the waste in perishable stuffs, which too often occurs in this country. Now, this process practically abolishes the perishability of foodstuffs. It makes them all nonperishable, or, we might say, it makes the summer perpetual. I am sure that there are not facilities in this country to meet what the Government demands might amount to if the stuff were available.

To illustrate the keeping qualities of dehydrated vegetables and fruits, I may say that one concern that was supplying materials of this sort to the British Government during the Boer War had certain supplies left on hand. They sealed them up, and they were called on during the present war to know if they could furnish supplies of these materials again. They still had on hand the surplus left over from the Boer War. They opened it up and found that it was as good as it was when it was put up. Of course, it is not necessary to say that to the Senator, but the committee thought that the enormous possibilities involved in this project would justify the outlay.

Mr. THOMAS. Mr. President, as I stated before, I do not question the value of this process and the necessity of adapting it to the preservation of our foodstuffs at the present time. I question only the expediency or the necessity of experimental governmental plants regarding a subject that has been demonstrably a success. Now, $250,000 certainly will not establish plants of sufficient capacity to increase very materially the food supply, and certainly not for the supply of the needed vegetables to the Army.

Mr. GORE. I will say to the Senator that the one concern in Canada that is turning out 40,000,000 pounds annually cost $200,000.

Mr. THOMAS. Well, 40,000,000 pounds annually is a great deal, relatively, but it is hardly worth considering in connection with the demands now made upon this Nation for foodstuffs. I happen to know, through the agency of one of the attachés of the Food Commission, who is from my State, that the drying apparatus of the various beet-sugar factories of the West is now used to increase this supply. I also know, through him, that a number of plants for this purpose are being erected; and at this time, when the needs for money are so great, I do not think we should devote sums to objects that are not positively and directly and obviously necessary.

Mr. GORE. I appreciate the Senator's point of view, and I will say that the committee acted a good deal on the principle that inspired us when we established munition plants. Under ordinary circumstances, I myself should not favor the Government embarking on this enterprise; certainly not beyond a mere demonstration work.

WAR FINANCE CORPORATION.

The PRESIDENT pro tempore. The Senator will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 3714.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

Mr. SIMMONS. I ask that the Secretary state the pending amendment.

Mr. CURTIS. Before that is done, Mr. President, may I ask a question of the Senator from Oklahoma?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. SIMMONS. I do.

Mr. CURTIS. I will ask the Senator from Oklahoma if he expects to call up the Agricultural appropriation bill again before to-morrow?

Mr. GORE. I feel certain that there will be no possibility of bringing up the bill again this afternoon, but the Senator from North Carolina will be better authority than I am on that subject.

Mr. CURTIS. Does the Senator from North Carolina think the pending bill will take all the afternoon?

Mr. SIMMONS. I think the bill before the Senate will probably occupy the remainder of the day.

Mr. CURTIS. The reason why I asked the Senator is because a Senator wishes to be here when the vote is taken on the eight-hour proposition, and I wanted to notify him if necessary.

Mr. SIMMONS. I ask that the first amendment passed over be stated.

The SECRETARY. The next amendment passed over was, in section 7, on page 13, to strike out lines 1 to 8 in the following words:

That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, the corporation may, under rules and regulations to be prescribed by the corporation, with the approval of the Secretary of the Treasury, investigate and license, or refuse to license, the sale, or offering for sale or for subscription, of securities, as hereinafter provided.

And in lieu thereof to insert:

That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board, which may, under rules and regulations to be prescribed by such committee, with the approval of the Secretary of the Treasury, investigate and license, or refuse to license, the sale, or offering for sale or for subscription, of securities, as hereinafter provided. Such committee shall, however, grant licenses for any such sale, or any such offering for sale or for subscription, which it shall determine to be consistent with the foregoing purposes. The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be $7,500 per annum, to be paid by the corporation.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The SECRETARY. The next amendment was passed over at the request of the junior Senator from New Hampshire [Mr. HOLLIS], on page 16, line 2, to strike out "$5,000" and insert "$1,000."

Mr. SIMMONS. Mr. President, I am going to suggest the absence of a quorum, because I think some Senators who are

interested in the amendments were not aware of the fact that we were going to take up the bill at this time.

The PRESIDING OFFICER (Mr. KING in the chair). The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson, Cal.	Page	Thomas
Beckham	Jones, N. Mex.	Poindexter	Thompson
Culberson	Jones, Wash.	Pomerene	Tillman
Curtis	Kendrick	Reed	Townsend
Dillingham	Kenyon	Saulsbury	Trammell
Fernald	King	Sheppard	Underwood
Fletcher	Lewis	Sherman	Vardaman
France	McCumber	Simmons	Walsh
Gallinger	Martin	Smith, Ga.	Warren
Gore	Nelson	Smith, Md.	Watson
Gronna	New	Smith, S. C.	Williams
Hale	Norris	Smoot	Wolcott
Hardwick	Nugent	Sterling	
Henderson	Overman	Stone	
Hollis	Owen	Sutherland	

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, there is a quorum present. The Chair calls the attention of the Senator from North Carolina to the fact that there are a number of amendments passed over, which have not received the attention of the Senate, on page 14. They will be stated by the Secretary.

Mr. SIMMONS. Very well.

The SECRETARY. On page 14, line 8, strike out the words "the corporation" and insert "such committee."

The amendment was agreed to.

The SECRETARY. On the same page, lines 12, 13, and 14, strike out the words "the corporation. The corporation shall, however, grant licenses for any such sale or any such offer for sale or for subscription which it shall determine to be consistent with the foregoing purposes" and insert "such committee."

The amendment was agreed to.

The SECRETARY. On the same page, line 18, strike out the following words:

Any securities which upon the date of the approval of this act are in the possession or control of, or have been hypothecated by, the corporation, association, or obligor issuing the same, shall not be deemed to have been issued prior to the date of the approval of this act, within the meaning hereof.

And insert:

Issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the approval of this act, shall not be affected thereby.

The amendment was agreed to.

The SECRETARY. On page 15, lines 2 and 3, strike out the words "the corporation" and insert "such committee."

The amendment was agreed to.

The SECRETARY. On the same page, lines 10 and 11, strike out the words "the corporation" and insert "such committee."

The amendment was agreed to.

The SECRETARY. On the same page, line 15, strike out the words "the corporation" and insert "such committee."

The amendment was agreed to.

The SECRETARY. On the same page, in line 17, strike out the words "the corporation" and insert "such committee."

The amendment was agreed to.

The SECRETARY. On the same page, in section 8, line 21, strike out the word "order" and the comma and insert "or of any."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 16, at the request of the junior Senator from New Hampshire [Mr. HOLLIS], to strike out "$5,000" and insert "$1,000," so as to read: "shall upon conviction in any court of the United States of competent jurisdiction be fined not more than $1,000," and so forth.

Mr. HARDWICK. Is it in order now to offer an amendment other than a committee amendment?

The PRESIDING OFFICER. Not until we have concluded the committee amendments.

Mr. HOLLIS. Mr. President, I asked to have this amendment passed over last week in order that I might direct the attention of Senators to what this paragraph seeks to accomplish. The paragraph provides punishment by confinement in State prison and by fine for any person who violates any rule or regulation provided in the bill. There is provided in the bill a committee on capital issues, to be appointed by the Federal Reserve Board. They are to provide rules and regulations under which capital issues may be issued. It seems to me that the Senate ought not to allow a State-prison penalty to be attached to a violation of a rule laid down by a committee of the Federal Reserve Board without considering the subject carefully. That was my only object in bringing the matter up.

Mr. HARDWICK. Mr. President, I earnestly hope that the amendment will not be agreed to; and after the committee amendment is voted down, I think all this third section should be stricken out by the Senate except that part of it which makes it unlawful to violate any provision of the act.

I very much doubt, Mr. President, whether, if the Senate understands the question, it will vote to make it a penal offense for people to violate the regulations of a board or a committee or a bureau. Those regulations may be constantly shifting and changing. I very much doubt the power of Congress to delegate its legislative authority in any such manner and to provide that citizens of the United States shall be put in the penitentiary or shall be fined or shall be treated as felons because they violate, not the provisions of some statute law enacted by authority of Congress, but because they violate a bureau regulation or a committee rule.

I earnestly hope the Senate will disagree to this particular amendment of the committee.

Mr. OWEN. Mr. President, I assume that when the Senators on the floor acquiesce in these committee amendments for perfecting what the committee reported, that that shall not be understood as precluding a Senator from voting against the whole section. I am myself opposed to the whole of this section.

The capital issues committee in England was a voluntary organization. It functioned perfectly. It had the backing of the boards of trade and of the banks, and when the capital issues committee disapproved an issue as against public policy the banks and the boards of trade everywhere gave their disapproval and the issue could not be floated. The record was made before the Committee on Finance showing that to be a fact.

Here not only is a penalty for disregarding a license imposed in proposing to put a man in the penitentiary, but it even goes further and says that anyone "violating any license, order, or any rule or regulation issued hereunder." We are organizing a corporation by this bill, and the corporation would issue its rules and regulations under the authority of the bill. I think it is very ill-advised, I think it is entirely unnecessary, and I think it ought to go out, because it will not impair the operation of the bill in the slightest degree if it does go out.

Mr. HARDWICK. Mr. President, I want to detain the Senate but a moment. I suppose, although I am in thorough sympathy with the Senator from Oklahoma [Mr. OWEN], that we shall have to agree to the committee amendment, as it merely perfects the proposition and probably renders it less obnoxious than it might otherwise be.

Mr. OWEN. Yes; I merely wanted to point that out.

Mr. HARDWICK. But as soon as we get through with the committee amendments it will be in order to strike out the entire section or retain only so much as punishes for a violation of the law itself. If that is so, I want to make such a motion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. On page 16, line 3, after the word "than," strike out "four years" and insert "one year," so as to read: "or, if a natural person, imprisoned for not more than one year, or both."

Mr. REED. I move to amend the committee amendment by striking out the entire clause.

The PRESIDING OFFICER. The Chair begs leave to state to the Senator from Missouri that until the committee amendments are disposed of the amendment offered by the Senator from Missouri to strike out the entire section is not in order.

Mr. REED. No; the Chair did not catch my amendment. The clause before the Senate is the amendment of the committee to change "four years" to "one year." Is not that correct?

The PRESIDING OFFICER. Yes; that is the amendment before the Senate.

Mr. REED. I move to strike out the clause "imprisoned for not more than one year, or both."

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri has the floor. Does he yield?

Mr. McCUMBER. I rise to a parliamentary question.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCUMBER. I do not think that motion is in order now simply because it includes within its scope a portion of a committee amendment, and it also includes that which is not

included in the committee amendment but is the text of the original bill, and therefore is contrary to the rule we are following to consider only committee amendments first.

Mr. REED. The construction placed by the Senator from North Dakota would not fit, that the committee amendment is dealing with the terms of imprisonment and all you can do is to lengthen or shorten the term. If I were to move to amend the committee amendment by striking out the words "one year" I would then have a clause which would be expressionless. The gist of the committee amendment is to change the reading of the clause "or if a natural person imprisoned for not more than four years" so as to read "or if a natural person imprisoned for not more than one year." The only way to get rid of the penalty altogether, it seems to me, would be simply to attack the whole clause.

Mr. McCUMBER. If the Senator will allow me I am not questioning the merits at all or the method by which the Senator seeks to accomplish what he desires to accomplish. My point is simply that he has and will have an opportunity when we get through with the committee amendments to dispose of the motion which he now makes and he is not deprived of it, but it is simply a question as to what time in the proceedings that kind of a motion would be in order.

Mr. REED. I am of the opinion that the amendment offered by the committee goes to the clause, the very spirit and soul of the clause, and I am trying now to attack the clause. I submit it to the Chair for what ruling the Chair desires to make.

The PRESIDING OFFICER. It seems to the Chair that there is very much merit in the contention of the Senator from Missouri, but the Chair is of the opinion that it carves out of the section a portion of the text which was not involved in the committee amendment and that therefore the amendment now offered by the Senator from Missouri will not be in order until the committee amendments are disposed of.

Mr. REED. Then it would not be proper, I suppose, until we get through with the bill?

The PRESIDING OFFICER. Until we get through with the committee amendments.

Mr. REED. I would then make the parliamentary inquiry, How I am at this time to get a vote that will test the question whether the Senate wants to impose the one-year penalty.

The PRESIDING OFFICER. The Chair will suggest to the Senator in reply that this is the last amendment and when it is disposed of the Chair will entertain the motion submitted by the Senator from Missouri if he desires to move to strike out any portion of the section.

Mr. REED. Rather than argue it, in view of the fact that we are right up to it, I will let it take that course, although I insist that I am right in my position.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. REED. Now I move to strike out the clause "or, if a natural person, imprisoned for not more than one year, or both."

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Missouri.

The SECRETARY. On page 16, line 2, to strike out the following words: "or, if a natural person, imprisoned for not more than one year, or both."

Mr. OWEN rose.

Mr. REED. Does the Senator from Oklahoma desire to interrupt me?

Mr. OWEN. I was going to move to strike out the entire section as a substitute, but I do not want to interrupt the Senator if he wishes to discuss that particular feature of it.

Mr. REED. What I have to say may apply to the whole question, and while I have the floor I will proceed very briefly.

I hope we are not going to get affairs in this country in such a condition that every man who has an ambition to engage in business will have to examine not only the criminal statutes but also the orders of a board sitting in Washington and composed of five men lest he be sent to the penitentiary for violating the latest order of that august body.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. I do.

Mr. WATSON. I was wondering why the Senator did not include, as a part of his amendment to strike out, the other words, over on page 15, "or of any rule or regulation issued and duly published hereunder," because that goes to the merits of the proposition the Senator is discussing and is pertinent.

Mr. REED. I will be frank with the Senator. I just came into the Chamber a moment ago from service on a committee. When I entered, this particular clause being discussed, I at once made a motion attacking the clause, because the clause was then being pressed for a vote. What little I have to say can be said now, and possibly some one who desires later to make a motion of a broader character will do so.

Mr. President, because we are at war and are therefore obliged to imperil the lives of the gallant youth of America upon the battle fields of France, it does not necessarily follow that we should place all other American citizen in jeopardy of the penitentiary if peradventure they venture to transact business of a perfectly honest character.

The bill provides—

That there shall be appointed by the Federal Reserve Board * * * a capital issue committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board, which may * * * under rules to be prescribed (by itself), with the approval of the Secretary of the Treasury, investigate and license or refuse to license the sale or offering for sale or offering for sale or subscription of securities. * * * No person, firm, corporation, or association shall sell or offer for sale or for subscription as a method of borrowing for capital purposes any issue or part of any issue of securities hereafter issued the par value of which shall be in excess of $100,000, except in accordance with the rules and regulations of such committee, nor when required by such rules * * * except as permitted by license granted by such committee.

Railway securities are exempted from the bill. The next section (8) provides—

That whoever shall violate any provision of this act or of any license or of any rule or regulation issued * * * or shall violate, neglect, or refuse to comply with the license or of any rule or regulation issued and published hereunder—

shall be fined $5,000, and if a natural person sent to the penitentiary for one year.

That is the most astonishing proposition I have seen written in a bill even at this astonishing session of Congress. Let us for a moment examine its unparalleled character.

It is not proposed to send a man to the penitentiary for violating a statute solemnly drawn and aimed at some act that is malum in se, or which is at least malum prohibitum, but it is proposed to send to the penitentiary any man who shall violate certain regulations that may have been prescribed by five gentlemen to be hereafter selected by the reserve board—and they may select themselves. We propose to give this council of five authority first to destroy the credit of an institution by refusing it a license to do business, and then to send its owner to the penitentiary if in an effort he dares to escape total bankruptcy by selling his perfectly sound securities to some one who may want to buy. It is difficult to discuss a question of that kind in parliamentary language, and as this is a parliamentary body I shall have to proceed under considerable restraint.

Draco's laws provided penalties so severe that it was said they were written in blood. I sometimes think modern legislators are envious of the reputation of the ancient tyrant. But Draco's penalties were reserved for those who violated a law, while this bill sends to prison a citizen not for violating a statute passed by Congress but for refusing to obey the order of five men, not one of whom has been clothed by the people with authority to even cast a vote in a legislative assembly.

The proposition, Mr. President, is absolutely monstrous. I do not believe it would be brought forward in the German Reichstag. Why do we have legislation of that kind tendered to us? Why does any committee bring it into this body?

My attention has been so engrossed with other matters that I have not been able to give this bill the consideration it deserves. With its general purpose and scope I was in hearty sympathy, and had said I would support it; but, Mr. President, not only is section 8 wrong, but the section—section 7—that proposes to vest in any 5 men or in any 50 men on earth the right to say that securities may not be offered upon the market, if they are honest securities, is wrong in principle and will do infinite evil and no good. Like some other restrictive legislation that is being attempted, it will work the opposite of that which is intended. We try to legislate the price of an article down; but we succeed only in putting it up, because the minute we try to legislate the price down everybody knows that the article is scarce and everybody begins immediately to want it.

The main purpose of this bill is to keep the financial market open, so that the Government can float its securities and so that certain essential securities may find a ready market. If I wanted to destroy that helpful market; if I wanted to make it so that the people of the country would immediately begin to have financial shivers, to become fearful and doubtful; if I wanted to create a panic in the money market of the country, I could think of no better way than to propose to send to the penitentiary any man who dared offer to sell a share of stock or a bond.

Such a provision in the bill will do more harm than the creation of the bank can possibly do good. It is, in fact, a certification to the world that the Congress of the United States regards the financial situation as so uncertain, as so shaky, as so panicky, that it must stop the sale of securities. Just as certain as you pass that kind of law you will alarm everybody, because you tell everybody the market is weak; because you tell everybody that the market can not absorb securities; because you tell everybody that we are walking over financial quicksands and are liable to sink at any moment.

That is not the way to keep up the value of securities; that is not the way to keep up the money market. The money market is dependent upon confidence. Destroy confidence, and no matter what conditions you have, you will have hard times if you do not have panics. By the provisions I am discussing we go before the country declaring that the financial market is so bad that it can not absorb securities, even though absolutely sound and well secured. The people will certainly conclude that the financial situation is precarious and likely to go to pieces at any moment, else they will ask, why does Congress find it necessary to send honest men to prison for merely offering to sell honest, well-secured bonds?

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. OWEN. May I remind the Senator from Missouri that the resources of the banking system of the United States are now shown to be over $40,000,000,000?

Mr. REED. I thank the Senator from Oklahoma for that information.

Mr. President, you can legislate to destroy confidence, you can legislate to destroy markets; but you can not by the application of force create confidence; you can not by threatening to send to the penitentiary every man, woman, and child in the United States create one dollar of value or one atom of confidence. It is said there is no new thing under the sun. The weary treadmill of the centuries is just turning over and over again, and the same old experiences return to inspire us or to plague us. These things have been tried.

I wish I had here with me Allison's History of the French Revolution. It tells how the French revolutionists undertook to bolster up the value of their assignats. The purchasing value of that money was going down, so they passed a law prescribing heavy penalties for anyone who refused to accept it at its face value; but, instead of keeping the value of their money up, they drove it down. Then then increased the penalties, and just in proportion as they increased the penalties they drove the value of the money down. Manifestly, when it becomes necessary to send a man to the guillotine in order to make him take money, the money is not worth taking. Even the French peasants in the days of the French Revolution had sense enough to know that.

All that part of this bill that proposes in any way to prohibit the citizen from offering his securities upon the market ought to be stricken out—every word of it.

Let us create this great loan bank; I am in favor of it. It is revolutionary, but these are times when we need to mobilize resources. The creation of that great loan bank will help to do that. Let us create this great reservoir, to which the essential industries of the country may go for support, and let us withhold from the benefits of that reservoir every institution that is not essential to the country in the opinion of the men that will govern this bank, and you will have already given such advantage to the concerns that you deem worthy of help, and you will have already placed at such disadvantage those that are denied the privileges of this great institution, that you will need absolutely no other power whatsoever to maintain the conditions you desire. But do not say to the citizen, "If you offer to sell a bond to a man who wants to buy, you will be sent to the penitentiary." Do not say to the individual or small corporation that is doing a legitimate business, "You shall not get any money in the market, and if you dare try we will send you to the penitentiary."

Mr. OWEN and Mr. HARDWICK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Missouri yield; and if so, to whom?

Mr. REED. I yield first to the Senator from Oklahoma, who, I think, first addressed the Chair.

Mr. OWEN. I merely want to call the attention of the Senator to the very important fact in support of his argument that Mr. Warburg, who it seems conceived this plan, made this statement before the committee:

> The British committee simply provided that anybody who wanted to issue securities had to get the O. K. of this committee.
>
> Senator LODGE. Was this a law?
>
> Mr. WARBURG. No; it was voluntary, but it acted at once as a law, and the result was a surprising one. The statistics are here. As a matter of fact they went so far that practically every issue of new securities stopped, municipal issues stopped, even where commitments had been made, and the Government stepped in and indemnified people where it was necessary in order to stop building operations already contracted for.

Mr. REED. I thank the Senator. I simply pause at this moment long enough to call attention to the last sentence the Senator read, to the effect that the Government stepped in and indemnified those who had sustained losses.

Mr. OWEN. Yes.

Mr. SIMMONS. It says where contracts had already been made.

Mr. REED. Yes; where contracts had already been made—showing the tremendous power that is vested in the board when we give it the machinery this bill creates, and showing also that that power may be very destructive and may injure those whom the Government has no desire to injure; and hence, in the case referred to by the Senator, indemnification had to be made.

I now yield to the Senator from Georgia.

Mr. HARDWICK. Mr. President, I merely want to suggest to the Senator that he stated a moment ago, as I remember, substantially this, that, although this bill did not provide any penal punishment for individuals, if corporations offered their stocks for sale, yet they are liable to financial penalty. Is that the substance of the Senator's statement?

Mr. REED. Yes.

Mr. HARDWICK. Well, as a matter of fact, a penal clause is provided against individuals if they offer stock for sale, because the provision is that—

> any officer, director, or agent of the corporation or association, or member of any firm, who shall knowingly participate in any such violation, neglect, or refusal shall be punished by a like fine or imprisonment, or both.

So that if the officer or agent or director of a corporation offers to sell any stock contrary to the provisions of this bill he would actually go to the penitentiary.

Mr. President, while I am on my feet, if the Senator will pardon me——

Mr. REED. Certainly.

Mr. HARDWICK. I know the Senator is in thorough sympathy with what some of us are trying to do, and if the Senator would change his motion so as to strike out, on page 14, in line 13, all after the word "act," down to and including the word "shall," in line 17, then the effect of that would be not to make it a crime to do anything except to violate the law itself, which would be some improvement. Then we could take a test vote, I think, on the proposition as to whether we propose to make it a penal offense to violate the regulations. Such an amendment would leave violations of the law still penalized, but would eliminate from the bill the proposal to make violations of regulations, and so forth, punishable. I think that would be what the Senator is striking at and what a number of us would like to vote for.

Mr. REED. Now, Mr. President, let me say this in conclusion: Appealing to Senators here for their candid judgment, I insist—and I hope the chairman of the committee can concur in this—that there is no necessity in the world for any penalty. Let us see what situation will exist if this bill is passed, what powers the Government will possess, and what the condition of the financial market will be? First, we have the Federal Reserve System, which is completely controlled by a board appointed by the President, and it may now as well be taken as a fact as much so as if it had already happened, that the Federal Reserve Board will see to it that the moneys of the Federal reserve banks will never be used to help out financially the sale of stocks or bonds of any corporations which are under the ban of this commission of five men.

It is proposed now to create a bank with $4,000,000,000 potential assets. That bank will deny credit to any institution unless the institution shall have been approved by the capital issues committee. When the capital issues committee shall have refused to list as entitled to credit any institution, the effect will be almost as disastrous as it would be, yes, it will be more disastrous than it is to-day for an institution to have its stocks and its bonds stricken off a stock exchange as unworthy of consideration.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. OWEN. I desire to suggest to the Senator that, under the practice already agreed upon with regard to the voluntary capital issues committee of the Treasury, a stock exchange will not list any stock that receives their disapproval.

Mr. REED. How can a company sell its stock if it has been refused the right of being listed by the capital issues committee, if, in addition to that, it has been refused the right to be listed on the stock exchanges; if, in addition to that, it is barred from the benefits of the Federal Reserve System; and if, in addition to all that, it can not under any circumstances have its stocks or bonds received as worthy of a loan by this great bank that is to absorb so much of the credits of the United States and is to become so potential a thing?

Mr. President, under those circumstances no criminal penalty is necessary. I am going to change the motion——

Mr. OWEN. Will not the Senator accept the substitute which I offered and make that his motion—to strike out section 8?

Mr. REED. That is just the motion I am going to make.

Mr. OWEN. Then I withdraw my substitute, Mr. President.

Mr. REED. Well, I will accept the substitute, if that is more agreeable. In lieu of the motion I made I am going to move to strike out all of section 8.

Mr. WATSON. What is the amendment, may I ask?

Mr. REED. To strike out all of section 8.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Calder	Kenyon	Poindexter	Swanson
Culberson	King	Pomerene	Thomas
Curtis	Kirby	Reed	Thompson
Fernald	Lodge	Saulsbury	Trammell
Fletcher	McCumber	Sheppard	Underwood
France	McKellar	Sherman	Vardaman
Gerry	Martin	Simmons	Wadsworth
Gronna	Myers	Smith, Ariz.	Walsh
Harding	Nelson	Smith, Ga.	Warren
Hardwick	New	Smith, Md.	Watson
Henderson	Norris	Smith, Mich.	Williams
Hollis	Nugent	Smoot	Wolcott
Johnson, Cal.	Overman	Sterling	
Jones, Wash.	Owen	Stone	
Kendrick	Page	Sutherland	

Mr. THOMAS. I desire to announce that my colleague, the junior Senator from Colorado [Mr. SHAFROTH], is detained on official business.

The PRESIDING OFFICER (Mr. KING in the chair). Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. OWEN. Mr. President, the motion before the Senate is to strike out section 8, which imposes a very serious penalty upon anyone who disregards any license, order, or any rule or regulation of the committee on the issue of securities.

In Great Britain and France they did not find any necessity for imposing a penalty. The testimony of Mr. Warburg before the committee was to this effect:

> The British committee simply provided that anybody who wanted to issue securities had to get the O. K. of this committee.
>
> Senator LODGE. Was this a law
>
> Mr. WARBURG. No; it was voluntary, but it acted at once as a law, and the result was a surprising one. The statistics are here. As a matter of fact, they went so far that practically every issue of new securities stopped, municipal issues stopped, even where commitments had been made, and the Government stepped in and indemnified people where it was necessary in order to stop building operations already contracted for.

He then gives the figures of what occurred in Great Britain.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. OWEN. I do.

Mr. SMITH of Michigan. Will the Senator allow me to call attention to what Mr. Warburg said before the Ways and Means Committee?

Mr. OWEN. Certainly.

Mr. SMITH of Michigan. He says:

> In England they have an act which they call the D. O. R. A.—the defense of the realm act—which is a very broad act, and which they can readily put behind anything they want to enforce. Such an act we have not got; but I believe that without such an act, probably with the spirit in which the work of the committee has been accepted—

That is, the voluntary committee—

> we probably would have very good results.

Mr. OWEN. Mr. President, this committee, when it refuses its approval, has behind it the New York Stock Exchange and all other exchanges, which will refuse to list the security; it has behind it the exchanges of the whole country; it has behind it the banks of the country; and it has behind it the moral influence and patriotism of the country. It is not necessary to threaten American citizens with the penitentiary on a matter of this sort, and I do not believe we ought to do it. I think it is an unnecessary offense on our part to the citizens of the United States, who deserve our trust and our deepest respect.

Mr. STONE. Mr. President——

Mr. OWEN. I yield to the Senator from Missouri.

Mr. STONE. How does the Senator know that these rules or requirements would have behind them the New York Stock Exchange?

Mr. OWEN. Because Mr. Warburg says the exchange will refuse to list unapproved securities.

Mr. STONE. Oh, Mr. Warburg says so?

Mr. OWEN. Yes; he says so, and it is not necessary for anybody to say so. It is perfectly obvious that with the enormous power of the United States conducting the financial affairs of this country under such conditions the stock exchanges will cooperate and are obliged to do so. They could not do otherwise, and they have already agreed to cooperate.

Mr. STONE. Then, Mr. President, if all that be true, and if this legislation is deemed necessary to the proper prosecution of the war and the maintenance of public credit, if, despite the New York Stock Exchange, the securities were offered without a license, or in violation of the license, why should there not be a punishment for it?

Mr. OWEN. Because it is unnecessary to threaten people who are not going to violate this rule, except possibly in the most obscure and negligible and accidental manner.

Mr. STONE. If people will not violate the law or the rules, then I submit that they are not threatened; but, for example, if a man is not going to commit burglary or murder or other crime, he is not threatened by the passage of a law punishing such crimes when committed.

Mr. OWEN. I do not think I can debate the matter with a Senator who regards the possibility of some man asking for credit contrary to a rule of the Treasury as being coincident with murder and rape. I have no further comment on it.

Mr. STONE. Mr. President, that remark, I think, was hasty and hardly kind, for I was using the examples I mentioned as mere illustrations. I was seeking to show that if we passed a law against any crime, whether felony or misdemeanor, if any people affected by the law were not likely to render themselves amenable to its penalties, why, all right; but laws of that nature, penal statutes, are passed to reach those who do violate the law, and I see no particular reason why my friend from Oklahoma should be aroused to any feeling because I happened to mention particular crimes that usually come to the thoughts of men when they are making illustrations pertinent to a subject of this kind.

Mr. President, I think if we are going to enact a law of this kind, we should provide a definite means for enforcing it. If we are going to enact it, we ought not to write it and leave it as a mere blank on the statute books.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. STONE. Certainly.

Mr. HARDWICK. I want to ask the Senator this question: Even if he thinks that about the provisions of a statute, does the Senator believe that we ought to make it a penal offense to violate the rules and regulations of any board or bureau or committee?

Mr. STONE. Mr. President, as to that, when you pass a law fixing a general policy of the Government, and authorize and empower a department of the Government to arrange, prepare, and promulgate rules and regulations for the enforcement of the general policy of the Government as expressed in the law, I think there is no reason why it should not be prescribed in the statute that the penalties should apply to the rules and regulations thus prescribed; and, Mr. President, that has been done over and again.

Mr. HARDWICK. And the courts have held that it was illegal in case after case.

Mr. STONE. I do not agree to the Senator's statement as made.

Mr. HARDWICK. Let me state to the Senator further, if he will yield further, that there is this good reason why it should not be done—because those regulations may be very easily and very swiftly changed, and very frequently changed, and they may be changed almost without the knowledge of the people affected by them.

Mr. STONE. Of course, there is always a possibility of abuse, but we can hardly proceed upon the theory that abuses will be indulged in intentionally or for the mere sake of abuse. Abuses will be exceptional, if they occur at all; and I assert

that in the course of our governmental administration where any such abuses have occurred they have been exceptional, and against such abuses the courts are a shield.

Mr. President, I do not think we ought to incorporate a provision in this bill calculated to weaken it. If we are against this bill, if we want to cripple it by all sorts of amendments, very well; but if we are for the bill, and want to make it effective and worth while, then this section ought not to be struck out, because it would leave the licensing provision of the bill as a practical nullity. And, according to the Senator, upon whom are we to depend if we strike this provision out? Not upon the law of the land; not upon established authority, certainly. We must depend, as the Senator says, upon the Stock Exchange of New York and other like concerns, who will get behind the Government, and see to it that offerings of securities will be regulated by them. It is said that security offerings will not receive recognition by the brokers, much less by the New York Stock Exchange itself, unless indorsed in some visionary way by this proposed voluntary committee. Mr. President are we to turn in the enforcement of our public policy from the organized agencies of the Government to the New York Stock Exchange? To me that is a new doctrine.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. STONE. Surely.

Mr. OWEN. The patriotism of the people of this country is sufficient, as the patriotism of the people of Great Britain was found sufficient, to make effective the rules of the British committee, and the same thing was true of the French committee. It is true that the New York Stock Exchange is the great market, where these securities would be handled, and the patriotism of the New York Stock Exchange has already expressed itself by agreeing not to list securities of this kind. I hardly think the Senator is justified in making the argument that the New York Stock Exchange is being substituted for a governmental power.

Mr. STONE. Mr. President, if Senators approve the licensing program outlined in the bill, if they think it is a wise thing to do—and if they do not think it is they ought not to put it into the statutes—but if they think it is right, and if we mean to pass it, then we ought to make it effective; otherwise it would be a farce.

Mr. President, I want to ask a question in regard to the New York Stock Exchange, which within the hour has been thrust upon our confidence as one of the great patriotic and delightfully unselfish institutions of the country—one of those institutions which during its eventful life has sought only and solely to contribute to the welfare of the Nation and the people.

This appeal has struck my heart at an angle that I can not exactly calculate; but if the view which confuses me is understood and prevails in the Senate, I want to ask, even aside from the tremendous power of the New York Stock Exchange, which seemingly Senators would substitute for governmental authority and depend upon, what harm is going to result even in that strange view—what reason can be given against the insertion in the statute itself of a provision for its effective enforcement? If you do not favor the provision in question, you ought not to put it in; but if you do favor it, then, in the name of common sense, what objection can there be to putting a provision in the law that would make it enforcible, despite even the autocratic will of the New York Stock Exchange? I lift my hat now for the first time and bow my head humbly before the stock exchange as a great moral and financial agency in the United States throughout a long and eventful history, made even in my generation. For the first time I take my hat off and bow before it; but despite this tremendous agency, thus charmingly presented to us as the force that is to command public attention, arouse public enthusiasm and patriotism, and all that sort of thing, and therefore compel obedience to the general national policy, I still insist upon what I think even the New York Stock Exchange should not seriously object to, since no great harm could come of it even in the hands of the exchange, namely, the vesting somewhere of a power to enforce the law.

Mr. President, I beg to say, with all due apologies to the New York Stock Exchange, that the exchange is not a court. Up to date it has no power to administer punishment officially. It may do it in some indirect way financially; I do not know about that; but it can not arrest or arraign a man, or bring him before it as a tribunal to be tried and sentenced to pay a fine or go to prison. I speak now of the present; not the future. We have not yet clothed the New York Stock Exchange with judicial authority. That may be one of the surprises of the future.

Mr. President, is it not plain common sense to put into this bill a provision that would make it forceful and effective, a provision that would subject men violating the law to penalties commensurate with the offense?

Mr. REED. Mr. President, the New York Stock Exchange has very little to do with this case. In speaking against this provision I called attention to the fact that a criminal penalty is unnecessary, because, when the capital-issues committee shall have refused to list the securities of any company, that in itself will practically drive those securities off the market. I called attention to the fact that the Federal reserve banks would not receive any such securities, and that in itself would make it impossible for them to be marketed in any great number; and that the great bank we are creating would not receive these securities, and that would make it impossible for them to be received by any of the banks of the country; and, therefore, that it was not necessary to impose a prison penalty in order to bolster up the orders of the capital-issues committee. It was at about that time that the Senator from Oklahoma [Mr. OWEN] rose and said that my statement was so much the case that securities refused recognition by the present unauthorized committee had already been stricken from its lists by the New York Stock Exchange; and thus the New York Stock Exchange got into this case, and in that slight degree alone. So I hope nobody here will decide this question, and that my distinguished colleague will not decide it, upon the basis of any feeling against the New York Stock Exchange.

I desire now to answer, if I can, the argument that has been put forward; but, first, let me ask, What is in this bill? What is the proposition that is now before the Senate? The bald proposition before the Senate is to put into the hands of five men, called the capital-issues committee, the power, first, to destroy any private enterprise in the United States that has to borrow a single cent of money, that has a single security it may want to offer. It may be a private corporation with not more than three or four stockholders that has been borrowing money from its local bank upon its bonds, and that desires to renew its bonds; it may be a family affair. And yet, if the capital-issues committee—five men sitting here in Washington—see fit, they can deny the right of those men who own that little institution to go into the market, or to go to their neighbor, or to go to their bank, and get a dollar of money. Such a power as that never was lodged in any five men in any free country of this earth.

Mr. SMITH of Michigan. Mr. President, will the Senator allow me to interrupt him right there?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. Certainly.

Mr. SMITH of Michigan. I merely want to say that that is notwithstanding the fact that a board properly created under the laws of a State—and most States have them—has approved of the issuance of the very security which the Senator says can not be used for the purpose of borrowing money.

Mr. REED. What is the next proposition contained in this bill? It is that these five men, at least three of whom are to be members of the Federal Reserve Board—we do not know which three—are to have the right to make rules and regulations; and it is proposed that any citizen of the United States who shall violate any such rule shall be sent to the penitentiary for four years.

Mr. STONE. It has been reduced from four years to one year.

Mr. REED. Yes; it has been reduced to one year. But has it ever been laid down in a free country that five men not occupying a legislative position, not occupying a position recognized by the Constitution of the country as in any wise lawgivers, and make rules or laws for the violation of which a citizen can be sent to the penitentiary for any period of time, whether for one year or one day or one second? What kind of a madness is——

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Montana?

Mr. REED. In a moment. What kind of a madness is it that proposes to take a citizen who is handling his own property and is doing nothing that is wrong in itself, who is cheating nobody, and to send him to the penitentiary because he offers the bonds of his company fairly and openly on the market or sells them to a private individual? I yield to the Senator.

Mr. WALSH. I did not rise to take issue with the statement the Senator has just made. It was the preceding one to which I desire to direct his attention. I take it, the Senator was advancing the idea that the board was not authorized to establish rules the violation of which would be criminal?

Mr. REED. I am well aware of the fact that there have been some decisions of courts holding that under certain circumstances certain boards or tribunals may be authorized to make regulations the violation of which may be punished by imprisonment. But I do not think they apply to a case like this.

Mr. WALSH. I merely rose to state to the Senator that it has been held that the violation of a rule and regulation established by the Secretary of Agriculture under authority of law could be proceeded against.

Mr. REED. Having to do, however, with a thing which is essentially injurious to the public health or to the public morals or to the public property. This is not of that kind at all; and even those cases were long debated, and, in my opinion, of doubtful authority.

Mr. President, I do not like to differ from my colleague. It is the first time in my life I have ever differed from him in public.

Mr. STONE. I wish to say that I was not aware when I made my statement that I was differing from my colleague. I thought I was with very great reluctance differing from my friend from Oklahoma.

Mr. REED. Mr. President, in my opinion all of section 7 ought to go out and all of section 8 ought to go out. Let me as briefly as I possibly can offer the reasons. I have already stated them once, but there are Senators in the Chamber who were not here at that time. This bill has two parts. One is the creation of a great financial institution, the greatest in the world; it is to have authorized assets of four thousand million dollars—that is its bond-issuing power. Its securities may become the basis, after passing through banks, of the issuance of money of the Government through the Federal reserve banks. It is intended to be powerful enough to completely dominate the financial market.

Mr. President, I believe thus far the bill is a splendid conception. It is radical, it is revolutionary, but we must meet extraordinary conditions by extraordinary remedies. But it is wholesome. It destroys nobody's business. It destroys no vested interest. It is intended, on the other hand, to sustain the credit of the Nation by sustaining the general financial structure of the country. It is in my opinion so powerful a thing that it would be very dangerous if it was in the hands of men who would not administer it wisely. It is so powerful a thing that any security upon which it places its mark of disapproval will have no market value in the United States except it be a local market where the institution is known to men who are in the immediate neighborhood. It is so tremendous a force that under other circumstances than those confronting us I would not be in favor of its creation at all.

Now, this institution, in addition, has this great buttressing power. The men who manage it will be so intimately connected with the Federal reserve banks that the two systems will each work in harmony, and if they do work in harmony I want to ask what institution in the United States can borrow very much money or can get very far with the fact known that its securities will not be received in either of these banks; for that, of course, means that the securities will be at least at a great discount in every bank of the United States.

Mr. President, under those circumstances we need no penalty. Under those circumstances it is not necessary to lodge in three or four men the power of life or death over the enterprises of citizens. Already the power that will be concentrated in the Federal Treasury and in these boards, that are merely auxiliaries of it, will be of such vast proportions that the whole financial situation will be dominated.

Now, let us not debase a good measure by putting in these extreme penalties. While we live under the flag that typifies individual liberty and the rule of law and the rights of property, let us not put in the hands of any five men on earth the power to make rules and regulations that will send a citizen to the penitentiary because he may have tried to sell the securities of a company in which his fortune, great or small, may be invested.

I hope the amendment I have offered will be accepted.

Mr. McCUMBER obtained the floor.

Mr. GALLINGER. Before the Senator from Missouri takes his seat, as I have been necessarily absent from the Chamber a little while, may I ask the Senator from Missouri if he moves to strike out section 8 in its entirety?

Mr. REED. Yes, sir.

Mr. McCUMBER. The Senator from Missouri has moved to strike out section 8 of the bill in its entirety. The argument of the Senator from Missouri was directed primarily against section 7 of the bill. Logically it seems to me that his amendment should have been first directed to section 7 rather than section 8 of the bill. If section 7 is stricken out, I know of no necessity whatever for the punitive provision in section 8. Section 7 is the only section of the bill, as I now remember, which positively prohibits anything.

Now, I want to call the Senator's attention to one provision in section 7. He does not pretend in his motion to strike out section 7. Section 7 provides that—

No person, firm, corporation, or association shall sell, or offer for sale or for subscription, any issue, or any part of any issue, of securities hereafter issued, the par or face value of which issue shall be in excess of $100,000.

Anything less than $100,000 is not prohibited. Section 7 provides for a license. There were those members of the committee who did not deem it expedient to have section 7 in the law at all. The majority of the committee preferred to maintain that section in the bill. It is in the bill at the present time. There is no proposition at present to strike it out of the bill. That provision prohibits any person, not a stock exchange, not the New York exchange or Chicago exchange, or any other exchange, but any person or any bank or any association from selling these securities where the issue is over $100,000. There is a positive provision.

Now, suppose that some individual or association outside entirely of your exchanges does in defiance of this positive law attempt and succeed in selling these securities. What are we going to do about it? It is quite a simple proposition. Are we going to say in the bill we prohibit you from doing anything of the kind and have no provision in the bill that will make our provision of any value to us? How are we going to stop it? Is it not almost ridiculous to make a proposition in a bill which prohibits the doing of a thing, and at the same time make no provision whatever for the enforcement of our prohibition?

If the Senator would move to strike out section 7, of course that is entirely a different proposition. His amendment, I say, is certainly far broader than his argument, because section 8 provides:

That whoever shall willfully violate any of the provisions of this act—

Not merely to violate the provisions of a regulation. There might be considerable said about a prohibition against violating a mere regulation which would carry with it a punishment for its violation after it has been published, but here Congress enacts a positive law, and it provides a punishment for disobedience of that law, not which the Secretary of the Treasury or the board has made but one which Congress has made. It does seem to me in all good faith that we should have some punitive legislation upon that particular point.

Mr. REED. Mr. President, I desire to ask the Senator a question. With the exception of section 7, which prohibits certain things and which, I frankly say, ought to go out, and have said it ought to go out if the penalty clause goes out, at least I want to see it go out—with the exception of section 7 what is there in the bill of a prohibitive nature at all?

Mr. McCUMBER. That is what I have stated. I stated in the very beginning that the Senator's position would be absolutely logical if we strike out section 7.

Mr. REED. But the Senator in his argument goes further than that. The Senator has stated that my motion to strike out section 8 does not include the language "whoever shall violate any of the provisions of this act." But if we strike out section 7 then there is nothing left in the bill except the construction of this banking system and the regulations concerning it.

Mr. McCUMBER. That is true; but suppose we adopt the Senator's motion to strike out section 8 and then a further motion to strike out section 7 should not prevail, you have section 7 still in the bill without section 8 imposing a penalty for a violation of it.

Mr. REED. That is true. We might proceed the other way; but if we strike out this penalty at least it can be said that the other clause left in the bill will not be one that can be enforced by sending human beings to the penitentiary.

Mr. McCUMBER. My argument is, and the Senator finally agrees with me, that certainly if we strike out section 8 we ought to strike out section 7.

Mr. REED. I do agree with the Senator.

Mr. McCUMBER. I go further and say if we strike out section 7 then there would be time enough to determine whether we should strike out section 8, but unless we strike out section 7 we ought not to strike out that portion of section 8 which relates to a positive act.

Mr. OWEN and Mr. WATSON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield, and if so, to whom?

Mr. McCUMBER. I yield to the Senator from Oklahoma.

Mr. OWEN. The logical force of what the Senator says I think can hardly be disputed. However, I want to call his attention to the facts as they now exist. There is already established a voluntary capital issues committee in the Federal Reserve Board. They are exercising that power now and it is working very well. It is not absolutely necessary to have sections 7 or 8, although it would give somewhat greater dignity to the organization. If the British committee and the French com-

commensurate with the offense?

regulations the violation of which may be punished by imprisonment. But I do not think they apply to a case like this.

section 7. Section 7 provides that—

the organization. If the British committee and the French com-

mittee worked perfectly well without a penalty, I think we might with perfect propriety strike out the prohibition that no person shall do so, leaving it to the patriotism of this country and to the powerful influences that would control such issues. I think it would function just as well in the United States as it would in Great Britain or France, because I think our people are just as patriotic as those are there. After all, we have got to go back down to the grass roots appealing to the people of this country and to their patriotism to stand by the Government and support these bond issues, to raise money by war savings stamps, to provide the funds for the Red Cross. In my own State they had a house-to-house canvass for the Red Cross in every county. To assume that we can not rely upon the patriotism of the country, but we must threaten them with the penitentiary upon a matter of this character I thought was a bad policy, and I agreed with the junior Senator from Missouri that it would have the effect of disturbing the confidence of the people in the sobriety and dignity of the Government itself.

Mr. McCUMBER. There are other Senators, and some on the committee, who agreed with the Senator from Oklahoma and the Senator from Missouri that section 7 ought to have been stricken out entirely, that there is no occasion for it.

Mr. OWEN. I do not agree that section 7 should be stricken out.

Mr. McCUMBER. They believed that this voluntary association would have accomplished exactly as much, and that there was no necessity for those sections. Section 7 is the section which refers to the licensing. I am not attempting to make any issue on that particular argument at this time. While I think it is well to retain section 7, I admit that there can be much said against it. But the point now is, in my opinion, that we ought at this time to defeat a motion brought as it is to strike out all of section 8 as long as section 7 remains in the bill.

Mr. WATSON. Mr. President——

Mr. McCUMBER. I yield to the Senator from Indiana.

Mr. WATSON. Even though section 7 be not stricken from the bill, would the Senator have any objection to striking out on page 15, section 8, the words "or any rule or regulation issued and duly published hereunder"?

Mr. McCUMBER. I should not have any serious objection, although I say to the Senator candidly in a number of bills we have already passed conferring these exclusive powers upon the department we have included those words. So we have a precedent for it. I think it is not only in the food bill but in a number of other bills that have been passed during the present session.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I yield.

Mr. HARDWICK. The Senator does not regard those as precedents that are wise or safe?

Mr. McCUMBER. I will not say that. I think when we provide a punishment for an offense we ought to know beforehand what the offense is and what offense ought to be fixed by the law itself.

Mr. HARDWICK. And not depend on shifting and changing regulations.

Mr. McCUMBER. I agree with that.

Mr. HARDWICK. Then, that part of the bill certainly ought to go out.

Mr. McCUMBER. Now, I wish to answer the statement of the Senator from Oklahoma that we do not need this extra power——

Mr. OWEN. If the Senator please, I am in favor of section 7 in so far as it establishes this issues committee.

Mr. McCUMBER. But I have reference to the issuing of licenses to sell securities of a greater amount than $100,000.

Mr. OWEN. I think it is better to have that committee established by statute rather than by a mere regulation. Although the regulation would do very well, I think it better to have it established by statute.

Mr. McCUMBER. But the Senator does not believe that we should impose any penalty for the refusal of any person to comply with the license provision.

Mr. OWEN. No; I think we can rely on the patriotism of the country.

Mr. McCUMBER. I wish to read just one brief excerpt from the testimony of Mr. Warburg when this same question came up. Mr. O'SHAUNESSY was examining him in the Committee on Ways and Means.

Mr. SMITH of Michigan. On what page?

Mr. McCUMBER. On page 35:

Mr. O'SHAUNESSY. I would like to ask Mr. Warburg about the committee, of which he is a member, dealing with these securities. Do you think they will go on and perform their duties effectually without any law being passed to define their duties and responsibilities?

Mr. WARBURG. You mean in case you do not give the power to enforce orders?

Mr. O'SHAUNESSY. Yes; I mean will they go along in a voluntary way just as this English committee did? Will they go along with the same duties and power as if they were created by law?

Mr. WARBURG. In England they have an act which we call D. O. R. A., the defense of the realm act, which is a very broad act, and which they can really put behind anything they want to enforce. Such an act we have not got. But I believe that without such an act probably, with the spirit in which the work of the committee has been accepted, we probably will have good results.

Mr. O'SHAUNESSY. And it will be just as effective?

Mr. WARBURG. It is very important, however, that there should be some big stick in the background. I mean that we should have power, if necessary, in case we can not get the cooperation, particularly of some less patriotic operators. For instance, there are still a great many oil propositions of a very doubtful kind which absorb a great deal of money, and some people offering them do not care what we say—

Evidently he had had some experience in it already—

It is very important, therefore, to have a big stick in the background which would indicate that if we can not get voluntary cooperation we can get it by act of law. I think that would be useful.

Mr. WADSWORTH. Is the Senator able to say that that portion of Mr. Warburg's testimony which refers to prospective oil investments would indicate that Mr. Warburg feels that anybody can go into the production of oil without taking chances?

Mr. McCUMBER. No; I do not suppose he thought anything of the kind. On the contrary, I have an idea that he thought the public would take a bigger chance and spend their money more freely with a certainty that gasoline and oil are bound to go up than in possibly any other field, and they would be taken in more easily along that line, and without some such power would not be able to control the amount of money that would be used for that purpose.

Mr. WADSWORTH. If the Senator will pardon me for a remark or two before I ask him a question, this brings up an exceedingly interesting phase of the whole situation. That sentence of Mr. Warburg is to my mind the most significant contribution to this discussion. It would imply that he believes that anything like a prospective venture toward the development of oil wells is something that should be discouraged. That is what it means, because it is something that is an effort or an undertaking involving a good deal of risk. Everyone knows, of course, that that is a fact in the oil business as well as in mining. Now, are we to understand from Mr. Warburg's position before the committee that the development of the oil fields of the country is to cease until the war is over, because it might take a little too much capital and some capital be wasted? Perhaps it is unfair to put such a question to the Senator from North Dakota——

Mr. McCUMBER. Not at all.

Mr. WADSWORTH. But I could not help, on that phase of the matter, as he read Mr. Warburg's testimony, to direct the attention of the Senator to it.

Mr. McCUMBER. It is not unfair to me although I think it is a little unfair to Mr. Warburg to draw any such conclusion from his testimony. All that he is seeking in this law is to require these companies to take out a license. There is no prohibition in the law on their selling securities, but this board may pass upon those the same as it would upon any other character of stock. Gold may be just as essential as oil, silver may be just as essential as oil, but whether the American people shall expend hundreds of millions or almost billions in gold-mining stock and silver-mining stock might well be a subject, at least during this war, that might be to a certain extent checked.

Mr. WADSWORTH. The Senator has said there is no prohibition in the bill against that. I call the attention of the Senator that this whole discussion is about a prohibition penalty.

Mr. McCUMBER. The prohibition in section 7 is against selling without first obtaining license. The license can not be obtained until the whole subject is presented to this board.

Mr. WADSWORTH. Exactly so.

Mr. McCUMBER. It is true that the board must pass judgment upon whether that investment is of a nature that would be helpful in the war or whether it would be against the interests of the Government.

Mr. WADSWORTH. I shall have some observations to make upon that point.

Mr. McCUMBER. Of course there is no occasion for it unless it is to cover cases of this character.

Mr. SHERMAN. Mr. President——

Mr. McCUMBER. I will yield in just a second. But, Mr. President, my main point is that we ought not to accept this amendment until the question whether or not we shall retain section 7 has been determined by the Senate. I yield to the Senator from Illinois.

Mr. SHERMAN. Before the Senator leaves that part of the discussion, I wish to ask him if he does not think that the moral pressure that is to be exerted by the Federal Reserve Board

would accomplish all the practical results? I do this in view of the fact that I have on my files a number of advertisements in the absence of any law of companies carrying on business with a certificate that these issues are not incompatible with the public interest, that certificate being signed by Mr. Warburg.

Mr. McCUMBER. I think it would accomplish very much indeed, but I think it would accomplish more if there was a positive law back of the efforts of the board.

Mr. SHERMAN. Mr. President, as it is now, with Mr. Warburg on the committee, it is now a voluntary committee on the part of the Federal Reserve Board, and by refusing the certificate it announces to the investing world that their ban is upon it; and it, in effect, serves all useful purposes in conserving capital and preventing unwise investment, because that is notice to the public generally that the application has been made and denied. As it is now, the issues that carry this certificate find it advantageous to promote the sale of the bond issue by attaching the certificate to the prospectus. All of the bond houses that I have had occasion to examine that have that certificate now attach it to the prospectus sent out. I have a number of them which have come to my office, and have cut some from the advertisements in the metropolitan newspapers carrying that certificate, notifying the public that this issue has received the approval of and evidently would be a security on which the Federal reserve bank and the member banks would look with favor as a proper investment. That moral pressure exerted upon the investing public, I have found, is the most valuable of all the means that can be employed, even more so than penal sections.

Mr. SMOOT. Mr. President, I think the position taken by the Senator from Oklahoma [Mr. OWEN] is an inconsistent one, if I understood his statement in relation to these two sections of the bill. I think if we strike out section 8—the penalty section of the bill—there will be no need of retaining section 7, for with no penalty provided for we might as well have, and I much prefer, a voluntary system. The result will be the same, as far as restrictions of issues are concerned, in the one case as in the other.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I do.

Mr. OWEN. The Senator from Utah constantly ignores the experience of France and of Great Britain.

Mr. SMOOT. No; I will come to that, I will say to the Senator.

Mr. OWEN. Those countries did not have to threaten anybody with the penitentiary. This has worked well there and has worked perfectly well up to this time in the Treasury.

Mr. SMOOT. Mr. President, the Senator from Oklahoma is right as to that, and I agree with him. I am going to call attention to how it has worked in England.

I say the Senator is inconsistent, because if section 8 goes out of the bill section 7 ought also to be eliminated, and then we would have a voluntary system. I know of no board that could be appointed which would be better able to pass upon licenses than the board that is now established in the Treasury Department.

Mr. OWEN. I think it is true that that board is a splendid board and has been splendidly selected; and this bill proposes to give them salaries and to give them a legal status.

Mr. SMOOT. Mr. President, I think that the board that is now appointed is doing the work successfully. Should it be necessary for them to have additional assistance, it can be furnished in the shape of clerks or attorneys or experts as needed. I suppose they will require some additional help; I am quite sure of that; but it seems to me, if we are going to have a voluntary system, the board that is now in existence in the Treasury Department is as good as could be selected.

Mr. STONE. Mr. President, will the Senator tell me just what the power of that board is? I will ask, does it materially matter, if we are going to create an official board by law, with power to do things and to enforce its judgment, whether it is this particular board or another?

Mr. SMOOT. The present board has a moral suasion——

Mr. STONE. That is all.

Mr. SMOOT. That, to my mind, will be just as potent in preventing the issue of improper securities in the future as it would be if they were clothed with all the power in the world, and I want to take time now to show why that is so.

I refer, Mr. President, here to what has happened in England under a voluntary system. Take the year 1916 and the first six months, to June, 1917, and let us see what issues have been entirely eliminated under this voluntary system. Not a pound has been loaned to the colonial corporations in England.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Yes.

Mr. SIMMONS. I wish to inquire of the Senator from Utah if what he means to say is that he is opposed to section 7 and desires that it shall be stricken from the bill?

Mr. SMOOT. I will say to the Senator from North Carolina that I was opposed to it in committee, and I myself believed that it would be better to have a voluntary system than to have such a one as provided for in section 7. Let us consider the restrictions of loans in England by her voluntary system. We find that for the last two years not a pound has been loaned to the Indian and colonial rails; not a pound to the foreign government loans; not a pound for foreign corporations; not a pound for foreign railroads; not a pound for American railways; not a pound for British municipal loans; not a pound for British railways; not a pound for the gas and water corporations of England; not a pound for the mining companies of England; not a pound for exploration and financial operations; not a pound to the breweries and distilleries; not a pound to merchants—that is, during the year 1917, though there was during the year 1916—not a pound to stores and trading; nothing whatever to estates and lands.

I might go on down the list. It will be found that the only loans that were actually indorsed under this voluntary system in England and the bulk of the loans which were made were British Government loans.

We are not as yet in as critical a financial condition as England, and I have no reason to think that any system adopted by the committee appointed would be so strict as they have been compelled to be in the last year and a half in England.

Mr. SIMMONS. Mr. President, may I ask the Senator from Utah a question?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Yes.

Mr. SIMMONS. In Great Britain what is known as the defense of the realm act confers upon the Government ample power to create a board of the character which was created, and which exercised the functions which led to the result that the Senator from Utah has indicated in the memorandum which he has read to the Senate. In view of the fact that this act of the English Parliament vested in the Government the power to create such a board as this, with the functions it exercised, does not the Senator think that that board is more than a voluntary institution?

Mr. SMOOT. No, Mr. President; I do not think it is more than a voluntary institution. It is created not by act of Parliament, but under the power delegated to the board; and the board in turn appoint the license committee, just the same as certain powers have been delegated to the Secretary of the Treasury and he in turn has appointed the voluntary committee that is acting to-day.

Mr. SIMMONS. But when the law vests in the Government power to create a board, and the Government creates that board, is it not to be assumed that it was created in accordance with and in pursuance of that power?

Mr. SMOOT. The Senator must know from what I said in the beginning that if that board were created by an act of Parliament, without any penalty attached, it would be virtually a voluntary committee just the same as this will be a voluntary committee if section 8 is eliminated from the bill and section 7 remains.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. LODGE. I think that we are confusing the situation really by referring, as we all have been doing, to a voluntary committee. That committee, of course, is appointed by the Government as is this committee here, which the Secretary of the Treasury has selected. The voluntary element is in the compliance of the public or of persons desiring to raise new capital with the orders of that committee. It is the voluntary compliance of the people affected by the action of the committee; but the committee itself is, of course, not voluntary.

Mr. SMOOT. I took it for granted that we all understood that.

Mr. STONE. Mr. President, will the Senator from Utah allow me to interrupt him?

Mr. SMOOT. Certainly.

Mr. STONE. Mr. President, the Senator from Utah and I are members of the Finance Committee. I looked with a good deal of doubt and hesitancy upon section 7, but I did not look with

any doubt upon section 8, if section 7 was to go in, except possibly as to the details of it—whether the penalty should be $5,000 fine and five years' imprisonment, or something less.

Mr. President, I thought that all of us in the committee room, after we had gone over these sections 7 and 8, notwithstanding our several doubts and objections to these sections, had agreed to them. I am prepared now to support section 7; but I am left wondering. Does the Senator from Utah, or does any member of the Finance Committee come now to oppose section 7? Are we going to ask that it be rejected; that it be eliminated from the bill? If so, then I am up against that proposition so far as the committee is concerned, and I should like to know just where I stand with reference to the committee.

Mr. SMOOT. Mr. President, as the Senator from Missouri will remember, there were a good many Senators on the committee who voted against section 7 of the bill.

Mr. STONE. But there was no minority report. We agreed and authorized the chairman to report the bill.

Mr. SMOOT. I know there was no minority report, but I gave notice at the time that I reserved the right to vote against section 7 of the bill in the Senate. I suppose the Senator from New Hampshire and the Senator from Massachusetts remember my doing so. I want to be perfectly frank about the matter. I say that I did not intend to say one word in opposition to this section and had intended to let the Senate vote; but, in view of the statement which was made by the Senator from Oklahoma [Mr. OWEN], I felt that it ought at least to receive some explanation. It was for that purpose I rose to speak, and for none other.

I will only detain the Senate a very few moments more by referring to one other question. I care not, Mr. President, whether or not the committee act under a voluntary or compulsory system; I care not whether the penalties as provided in section 7 shall attach for failure to observe the orders of the committee—and if the penalties were greater it would make no difference as to the final result—if this bill should become a law and should go into operation, and there were no penalty whatever attached for failure to comply with the orders of the committee, if such a committee as the one which has been appointed and which is acting to-day were given jurisdiction of the subject and some company in the United States decided to issue new capital or to refund or refinance bonds which had become due, and appealed to the committee and the committee decided against them, and would not for some reason that we need not mention now "O. K." the new issue, I want to say that, under such a condition, we all know that the issue could not be successfully placed on the market.

If the committee decided against the issuing of the bonds or obligations of that company, and the company itself should say, "Well, we will put these bonds upon the market, notwithstanding the objections of the committee; we can go to some bank that has been accommodating us in the past and can borrow money from the bank again, and we do not care whether the committee approves the issue or not; we can get the money." I do not believe they could do such a thing. It has not been done in England; it has not been done in France. The bank that would undertake to buy or place securities that had been decided against by the committee would find itself, Mr. President, in a very, very delicate position when it undertook to secure credit. What would the officials of the corporation say to such bank?

Mr. OWEN. The Comptroller of the Currency would also have something to say about it.

Mr. SMOOT. I will come to that in a moment. What would the directors of the corporation say? They would immediately say, "Your institution needs no assistance, as you bought not long ago securities when it was decided that the issuing company was not to be allowed to issue them."

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Yes; I yield to the Senator from North Carolina.

Mr. SIMMONS. I think what the Senator is saying is, to a very large degree at least, true with reference to the banks; but the Senator loses sight of the fact that the banks are not the only investors that it is proposed by this section of the bill to regulate. The banks are large investors in securities, but the general public is also a large investor in securities. The restraints which the Senator says would operate as against the banks investing in prohibited securities would not apply to a capitalist who had money to invest. That is one of the troubles with the voluntary system. The voluntary system, if the Senator will pardon me——

Mr. SMOOT. Certainly; I yield to the Senator.

Mr. SIMMONS. The voluntary system reaches rather completely the banks, and for the reason which the Senator has given, but the voluntary system does not reach the general investor at all.

This bill is not intended to include one and let another investor out, because the evil which it is sought to remedy is as great where the securities are taken by the general public as where they are taken by banks. Now, if the idea of the Senator prevails—and that idea is the basis of the voluntary system—we will have this case: One man representing not a bank but his own capital might see fit voluntarily to comply with the decrees of the committee, but another might not be so complacent and might refuse to comply, and so we would have a system which would operate to restrain one man who might, for reasons of patriotism and the public good, submit to it, but would not affect the actions of another man representing capital who was not quite so scrupulous or not quite so patriotic.

Mr. SMOOT. The Senator evidently has not taken into consideration the regular course of security issues or he would never have made the statement he has made.

Mr. OWEN. Mr. President——

Mr. SMOOT. Just a moment, and then I will yield. There is no corporation, Mr. President, that puts forth an issue of bonds or obligations of any kind that is not in need of the money to be received from the sale of the bonds or obligations, and it must have it. There is no bond issue, to speak of, in the United States that is marketed unless it is marketed through some bank or some other agency organized to handle such securities. It is true that there are individuals who buy such obligations in small quantities, but seldom at the initial sale. I also say that the securities so disposed of amount to very little, and if that were all that we were undertaking to cover there would be no necessity whatever for this legislation.

Mr. SIMMONS. Does the Senator mean to say that the amount of money that is invested by the general public in securities, as distinguished from the amount invested by the banks, is small? I do not think the Senator means to say that.

Mr. SMOOT. I said that under this proposed law securities passed upon by this board as unwise, whether issued by a bank, by a corporation, or by an individual, in my opinion, could not be successfully sold with an adverse report made by the issues committee.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I yield.

Mr. OWEN. I desire to suggest to the Senator from Utah that, even as to private investors who have money to invest in stocks, no investor who has any financial knowledge or any money is going to be foolish enough to invest his money in a stock that has no bank value.

Mr. SMOOT. And in a stock that can not be sold upon a stock exchange or sold in the ordinary channels of business. An investor is not going to put his money in a security from which he can not get his money out and which he can not sell to invest in some other direction if he so desires, and if he should purchase a security that had been rejected by the committee he would purchase a security that he would have to hold indefinitely, and investors do not like to do that.

Mr. STONE. Mr. President, will the Senator explain this to me: If we strike out section 7 and establish what has been called the voluntary system, no limitation will be imposed by law upon any broker or upon any other person to offer to the public any security that may be issued. There will be no restriction by law; there will be no penalty. It will be voluntary; it will be dependent upon what Senators have been pleased to call patriotic sentiment, and so on. Now, Mr. President, I ask the Senator if some broker or banker offered certain securities for sale, securities, for example, of a water-power company, or a manufacturing company or whatever it might be, and I had some money to invest, and the security seemed to be an inviting one, does the Senator suppose I or he or any ordinary investor would inquire of some committee at Washington whether they had passed upon that issue? Would not the individual go ahead and buy if he thought the investment a safe and profitable one to make?

Mr. SMOOT. Mr. President, I am quite sure that no investor would ever invest in a stock unless he knew something about the stock, and it seems to me that the very first question an investor would ask is, "Is this a new issue of this company? If it is, has it passed the scrutiny and has it received the approval of this board appointed by the Government of the United States to pass upon new issues of security?" Just as soon as the

investor found that those securities had not received the approval of this committee appointed by the Treasury, he would decline to purchase, and for this reason——

Mr. STONE and Mr. OWEN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Utah yield, and if so, to whom?

Mr. SMOOT. I will yield in a moment—for this reason an investor who buys stocks does not always buy them to hold; he may have a thousand dollars to-day which he knows he will have occasion to use in six months or three months, perchance, and he buys securities because of the fact that he knows he can turn the securities into money the very day he is required to raise the money he needs; and, therefore, if securities are issued and the committee acts upon them——

Mr. STONE. But I want to get to the bill itself.

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SMOOT. The result would be just the same if section 7 is adopted as it would under the so-called voluntary committee.

Mr. STONE. Mr. President, if the Senator will permit me at this point, what is the purpose of this bill?

Mr. SMOOT. Well, I——

Mr. STONE. Wait just a moment; let me answer it myself.

Mr. SMOOT. Very well.

Mr. STONE. I asked the question because I want to get at it. I ask what is the purpose of the bill? I say it is to conserve the credit of the Nation and to prevent, so far as possible, the issue and sale or offering for sale on the markets of the country of a vast amount of securities that are not considered as even contributory to the success of the war? That is, as I see it, the underlying principle of these provisions of the bill.

Mr. SMOOT. That is one of them.

Mr. STONE. Well, it is a great underlying principle. Mr. President, I want to know of the Senator if a man organizes a corporation to do certain things which this voluntary committee may not think contributory to the success of the war, and they advise against it, but, without legal restriction upon the freedom of individual action, he goes on doing it anyhow, and an investor is offered through a broker or a bank the securities such a man or his corporation presents to the investing public, would the investor ask what this voluntary board without official authority had said about it, or would he look at the business proposition itself and say whether he thought it safe?

Mr. WILLIAMS. It might be safe and not be contributory to the war.

Mr. STONE. Why, of course it could be safe, absolutely safe, in his opinion, at least, although it had nothing to do with the war and did not help the conduct of the war or the prosecution of the war. The object we have in putting this official board in here to control the situation is to prevent just such things as that.

Mr. SMOOT. The best answer I can give to the Senator is that the investor in England, the investor in France, the investor in Italy—and all those countries have been in greater and more dire distress for capital than we—have recognized and used this so-called voluntary system. I have read to the Senate this afternoon long lists of securities showing that in England not one pound sterling worth of such securities had been sold for 18 months, all prevented by the voluntary system, and the only restriction found necessary was the moral suasion on investors by the board telling the investors of England that the issue should not be made.

Mr. WATSON. Mr. President, as far as it has gone in this country, has it not worked in the same way up to this time?

Mr. SMOOT. So the testimony shows.

Mr. McCUMBER. Mr. President, has there not been a greater restriction even than that, and that is the restricted quantity of money for investment in the United Kingdom outside of war purposes?

Mr. SMOOT. Yes, Mr. President; and we will be in that same position in a very little while.

Mr. STONE. But we are not yet.

Mr. SMOOT. The Senator says we are not yet. I admit it, but the only excuse for this legislation is the knowledge that we will be there if the war continues much longer. Do you think, Senators, that I would vote for the provisions of this bill if it were not absolutely necessary to save the business of this country? Many of the provisions of the bill are abhorrent to the American idea of government. But I recognize that we have got to choose between two evils. We have got to adopt such legislation or let the business of this country drift until failure overtakes it. The ability of business to secure financial assistance has been destroyed by our Government monopolizing the money market.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Utah yield to the Senator from Connecticut?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. BRANDEGEE. I was interested in the inquiry of the Senator from Missouri, in which he states that the object of this bill is to restrict investments and credits. I had not supposed that that was the object of the bill, Mr. President.

Mr. SMOOT. That is only one of them, but not the principal one.

Mr. BRANDEGEE. The title of the bill states that it is "To provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war."

I am willing to vote for a bill carrying as great powers as this does which will help finance industries necessary to the prosecution of this war; but, Mr. President, I find here, on page 14, a paragraph which evidently has not fallen under the observation of the Senator from Missouri. The Senator from Missouri seems to think that if a corporation or a person issues bonds, the person to whom they are offered would look at the security offered and would govern himself according to the security offered and what he thought the market value of the security was. But here I read, on page 14, in addition to aiding all of the corporations out of the Public Treasury with the taxes collected from all the people:

> No person, firm, corporation, or association shall sell, or offer for sale or for subscription, any issue, or any part of any issue, of securities hereafter issued the par or face value of which issue shall be in excess of $100,000, except in accordance with such rules and regulations as such committee, with the approval of the Secretary of the Treasury, shall prescribe, nor when required by such rules and regulations, except as permitted by licenses granted by such committee.

Mr. STONE. The Senator is now reading section 7?

Mr. BRANDEGEE. I am; and my criticism of that is this: It not only proposes to take $5,000,000,000 of the taxes of the people—or $500,000,000 at first, and ultimately, by security issues, to bring it up to five billion—to finance such corporations as this subcommittee of the Federal Reserve Board, under the thumb of the Secretary of the Treasury at every step, shall say are necessary, but it proposes to dry up and prohibit every other transaction of security issues in the country.

Have we arrived at that point in this war where it is necessary not only to tax all the people to make special loans to such corporations as the Secretary of the Treasury shall think, in his unaided opinion, are necessary to the winning of the war but to put a ban upon the issue of all other securities over $100,000 in amount, so that it shall not only be impossible for the purchaser to purchase them because this committee of the Secretary will not give them their O. K., but an inhibition is laid upon the company which is trying to struggle to its business existence against issuing over $100,000 of bonds, except it comes down here and gets a license from the Secretary of the Treasury and this committee?

If after a year or two of war the country arrives at that condition of desperation where it is necessary to dry up every source of credit in the country that is not manufacturing a technical war supply, I am willing to vote for it then; but right at the opening of the war, in the four corners of a bill which starts out to aid war industries, to have concealed in its vitals a club to kill every other industry in the country and to prevent its refunding an issue of bonds if it happens to be over $100,000, it seems to me is the height of insanity.

Mr. SMOOT. Mr. President, in answer to the Senator from Connecticut, I want to say that the financial conditions existing in this country are such that some drastic measures must be passed; and it is true that one of the primary objects of this bill is to prevent the issuing of new securities that the proposed committee say should not be issued. I know that the bill places in the hands of these men a power which, if unjustly used, could bring and would bring disaster to the institutions of this country.

Mr. BRANDEGEE. But, Mr. President, if the Senator will pardon me there, it is not a question of the unjust use of power. The Secretary and the committee are prohibited from allowing an issue of bonds unless they find it is for a particular war purpose; and every industry in the country has to be put out of business unless it has enough capital now to carry on its business as long as this law shall remain in force.

Mr. SIMMONS. Mr. President, if the Senator will pardon me——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I do.

Mr. SIMMONS. At the very beginning of the section to which the Senator refers the purpose of this capital issues committee is defined. It is declared that this committee is created for the purpose of assisting in the prosecution of the war and providing for the public security and the defense through the restriction of unnecessary capital expenditures. That is the purpose of the committee. It is created to conserve the investment capital of the Nation for war purposes. Now, it is not expected or intended that the committee will interfere in any way with the issue of securities by a concern or business whose operation is necessary or contributory to the prosecution of the war. Its investigations will be confined to those concerns whose operations are not necessary or contributory to the prosecution of the war. The committee is authorized to make rules and regulations to carry out this general purpose. Established business, though its operations in no way contribute to the war, is not to be disturbed. The only restraint is as to new capital expenditures after the passage of the bill. There is to be no interference with loans for renewals or borrowings in the ordinary course of business.

Mr. BRANDEGEE. Why, Mr. President——

Mr. SIMMONS. If the Senator will pardon me, I do not know whether I have made myself clear; but what I mean to say is that if this committee, in making its investigations, shall find that the concern applying for permission to make a new issue for capital expenditures is not engaged in a business whose operation is contributory to the war, and it shall find that the purpose of the issue is to enlarge and expand its business and not for the purpose of taking care of the old business, then it may determine that issue would be incompatible with the public interest and it may prohibit it.

Mr. BRANDEGEE. No, Mr. President, if the Senator will submit to a correction at that point.

Mr. SIMMONS. Yes.

Mr. BRANDEGEE. They can not give it a license unless they find affirmatively that it is contributing directly to the prosecution of the war. A man can not issue his securities without getting that affirmative finding. Under the provisions of the bill as drawn, unless it is amended, you could not extend a trolley road in the United States; you could not organize a gas company or a water company in the United States nor sink an oil well until this war is over. You could not issue a hundred thousand dollars of bonds for any such purpose.

Mr. SIMMONS. I think the Senator is mistaken about that. I think they must find that the new expenditure is not compatible with the public interest before they can refuse to grant licenses, and that finding must be based upon the fact that its operations are not contributory to the war.

Mr. BRANDEGEE. Why, of course. Well, would the Secretary of the Treasury find that the extension of a trolley road in Indianapolis for 5 miles into the interior to accommodate the workers in a mill was contributory to the war? He would not do that.

Mr. SIMMONS. He would if the employees in that mill were engaged in war work or the trolley by furnishing transportation to them or in any other way contributed to the successful or efficient operation of the factory or any other war interest.

Mr. BRANDEGEE. If they were employed in a war factory; yes.

Mr. SIMMONS. And if that line in a way facilitates, aids, or contributes to the successful prosecution of this war enterprise by affording transportation to men or material necessary to its operations.

Mr. BRANDEGEE. It will strangle every kind of business except that which is directly engaged in the manufacture of munitions of war. The Secretary's decision is unreviewable; and what men can get capital for any enterprise depends upon just the way it strikes him.

Mr. SIMMONS. I think the Senator is entirely wrong about that. I do not think that in effect the action of the proposed committee would be materially different from that of the committee that is now organized and operating in an unofficial way to accomplish the same purpose. The purpose is to give the sanction of law to what that voluntary committee is doing.

Mr. SMOOT. Mr. President, I recognize that something must be done to relieve the business interests of this country from the burdens that have fallen upon them. The Government of the United States has completely monopolized the money market, and every issue of liberty bonds hereafter will restrict the money market that commercial institutions have used in the past to extend their business and carry on their regular trade. As I said before, unless legislation of this character is passed, the business of this country can not survive if the war should continue a year or longer.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I do.

Mr. SIMMONS. I understand the Senator, then, to take the position that it is absolutely essential in this condition, in order to conserve the capital of the country, that there should be some power somewhere that can exercise a supervision and a regulatory control over the issues of unnecessary capital?

Mr. SMOOT. There is no question about it in my mind, and the Secretary of the Treasury to-day has provided a committee for that very purpose. I think that the action taken by the present committee will be just as restrictive on the business interests of this country in their future issues of indebtedness as if we passed this law, and it contained section 7 and section 8, creating a committee, and also imposing penalties for the violation of the law. That is my position. I know that something has to be done, and of the two evils—on the one hand, doing nothing, and on the other hand voting for legislation which, in my opinion, in some of its provisions is vicious in the extreme—I would prefer to do the latter a thousand times than to see a panic in the United States that would destroy the business and the productivity of our institutions that contributes to the making of munitions of war and other articles necessary to the carrying on of the war successfully.

Mr. SIMMONS. Then, Mr. President, if the Senator will permit me, if he thinks that it is absolutely necessary in some way or other to accomplish this purpose of restricting unnecessary investments, if the Senator approves of the committee that is now doing that very thing, why does he denounce as vicious the legislation which simply provides that that shall be legal?

Mr. SMOOT. I referred to certain provisions of the bill when I designated it as vicious.

Mr. SIMMONS. I understood the Senator, with reference to the other provisions of the bill, to say that while in ordinary times he would not give it his sanction and support, in these conditions he held that it was necessary, and that he was in favor of it.

Mr. SMOOT. Absolutely. That is what I said and what I say again.

Mr. SIMMONS. Then I think the Senator ought to withdraw his remark that the provisions of section 8, which simply make lawful a thing that is now being done without the sanction of law, are vicious.

Mr. SMOOT. Why, Mr. President, I never made any such statement as that.

Mr. SIMMONS. I think the Senator used that very word.

Mr. SMOOT. I never referred to any particular section of the bill. I referred to the legislation as a whole, and I still take that position.

Mr. REED. Mr. President, I should like to put a question to the Senator, if I will not interrupt the thread of his discourse.

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I do. I will say to the Senator that I was through with what I had to say.

Mr. REED. Let us assume that it was proposed to pass a law to create a board consisting of three members of the Federal Reserve Board and two other men to be selected by some officer of the Government—say that the board in itself would be a board of great standing and weight—and it was proposed to confer upon that board the right to make a list of those securities of the United States which were regarded by the board as sound. Does not the Senator believe that that would be equivalent to putting upon the blacklist every security not so listed?

Mr. SMOOT. I have stated that in substance, Mr. President, and I really believe it. No matter whether there is a penalty attached or not, the securities that were disapproved of by this committee, or even by the committee that we have now in the Treasury of the United States, could not be successfully sold in the market of the United States any more than the securities have been sold in England of which the English committee has not approved.

Mr. REED. Now, is it not also true, in the opinion of the Senator, that if the proposition were baldly made to create a board or a committee and to authorize it to publish a blacklist of securities of the United States, it would, under normal conditions, be regarded as a monstrous proposition?

Mr. SMOOT. There is no doubt of it, Mr. President; and this whole bill would be considered in the same light in ordinary times. There is only one excuse for this legislation, and that is that it is the only way in which money can be secured to be advanced to the commerce of this country that will enable it to

carry on the regular trade of the country and to make the expansions that are absolutely necessary.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. STONE. I wondered a moment ago if our policy should be to create or authorize the creation of a voluntary board with the tremendous power of making a list of securities that might be offered for sale and blacklisting all others——

Mr. SMOOT. In substance.

Mr. STONE. Well, the Senator says "in substance"; I say "blacklisting all others." If this Federal voluntary board should be clothed with this enormous power, would it not in fact be more dangerous than the official board provided for in this bill, with a well-defined statutory authority?

Mr. SMOOT. I think it would be just the same. I do not think it would make any difference.

Mr. STONE. Well, I think the so-called voluntary board would be far more dangerous.

Mr. SMOOT. I do not.

Mr. STONE. And yet I understood my friend from Utah rather to favor the voluntary board upon the idea that it could accomplish the desired result by blacklisting everything it did not indorse. Mr. President, I can not conceive of the idea of setting up a mere voluntary organization, in a large sense irresponsible, that would undertake to say to the vast investing interests of the United States that this or that particular thing is proper and safe, but that everything that does not have their indorsement is unfit, and therefore blacklisted. I do not see how a more dangerous power could be conferred upon any body of men, and I confess I would rather have a body such as is provided for in this bill, an authorized body, regulated by law, and with legal responsibility clearly and definitely defined, than to have this thing that the Senator from Utah and other Senators seem to prefer.

As a matter of choice between the two, I hesitate not to say I prefer the board provided for in the bill than such a board as the Senator suggests, with unrestricted and unregulated powers; no definite powers; just something invested in them to put the stamp of their approval or disapproval, directly or indirectly, upon what is going on, and at their pleasure. I would rather have a board that was more authoritative and responsible.

Senators, there ought to be no differences between us about this. We should want simply to get at the best plan; that is all. That is where we all stand, I hope, and I think that is where we do stand.

Mr. President, when we brought this bill from the Committee on Finance, when, without a dissenting vote, we authorized the Senator from North Carolina, chairman of the committee, to report it, I thought, so far as the committee were concerned, that we were in substantial accord. I am somewhat surprised that we now are brought up, for some reason—some reason that I do not understand—to face an opposition, an apparent opposition even from the members of the committee.

Mr. President, before the consideration of this bill is concluded, if I have the opportunity—although it is not unlikely that I will waive the privilege if we can get a vote—I have in mind to state the reasons why I support this bill, not the reasons why it might be opposed, as some members of the committee seem to be doing. For myself I say that as a member of the committee I came out here behind the chairman to support the bill.

Mr. SMOOT. Mr. President, I have no quarrel with the Senator from Missouri. The Senator has a perfect right to believe that the committee provided for in section 7 is less dangerous than a voluntary committee. The only difference between us is that I can not agree with the position taken by him. I do not believe the voluntary committee is more dangerous; I believe it is less so, and I believe also that it will bring the same result that we are trying to attain in the passage of this bill.

I desire to state to the Senator that whether section 7 remains in the bill or not I am going to vote for the bill. I have stated the reason why I shall so many times this afternoon that I do not think it necessary to repeat it now. I never intended to say what I have this afternoon, but I have been forced to by questions asked me and statements made by Senators.

I simply rose, Mr. President, to state that in my opinion the position taken by the Senator from Oklahoma that he would support section 7 of the bill and would oppose section 8 of the bill seemed to me was inconsistent. I simply wanted to express that opinion before the vote was taken on this amendment.

That is the position, Mr. President, that I wanted to have the Senate understand that I took in relation to those sections. I think I said to the chairman last week, or a day or two after the consideration of the bill began, that I concluded that I would not say a word about the bill and allow it to come to a vote just as quickly as possible. I had intended to speak upon the bill and I had intended to say why I thought the legislation ought to pass and let it rest with that. I have said it in so many different ways this afternoon and in a chopped up fashion that I do not know whether it was understood by all or not, but I still claim, no matter whether section 7 is in, no matter whether section 8 is in, no matter whether it is made even worse than it is written to-day by the committee or even in the form that it came from the Treasury, Mr. President, no one informed of present conditions doubts the absolute necessity of some such legislation in order that the commerce of the country may be provided with the necessary financial assistance to keep it from failing. Therefore I am going to vote for the bill.

Mr. HOLLIS. Mr. President, I share the surprise of the distinguished Senator from Missouri that any member of the Finance Committee dares oppose this bill in any form or in any line. The Senator from Missouri knows, as we all know, that the Finance Committee is one of the old, reliable, well-disciplined committees of the Senate; that there are 17 members on it true and tried; and when a measure is brought down here drafted by the assistant solicitor of one of the bureaus they are supposed to take it up and put it through, whether they like it or not.

Mr. SIMMONS. Mr. President, I think the statement of the Senator that the committee is a well-disciplined committee and that whenever the Treasury Department or any other department of the Government brings a bill down here the committee passes it is unwarranted, unjust, unfair, and I resent it.

Mr. HOLLIS. I am very much surprised that the Senator does not agree with me. That has been my observation. There are 17——

Mr. SIMMONS. I insist that no Senator on this floor has a right to impugn the motive, the integrity, or independence of a committee of this body.

Mr. HOLLIS. Mr. President——

Mr. SIMMONS. That is exactly what the remarks of the Senator implied, if they implied anything at all.

Mr. HOLLIS. I have the floor. I have not impugned anybody's motives. I have been placing before the Senate the result of my observation that the Senate Committee on Finance is an old, reliable committee, well disciplined; that it stands together; and when they come to report a measure, the members of it all understand they should not criticize it; they should not oppose the action of the committee in any regard; and I was particularly surprised at the Senator from North Dakota——

Mr. SIMMONS. Mr. President, no suggestion of that sort was made. The only suggestion that has been made here by the Senator from Missouri was to the effect that he was surprised that a member of the committee who supported this bill in the committee should be opposing it upon the floor of the Senate.

Mr. HOLLIS. Mr. President, I am expressing my own surprise and astonishment now, and if I have not the support of the Senator from Missouri any more I should like to express it still further.

Mr. GALLINGER. Mr. President——

Mr. HOLLIS. I yield to my colleague.

Mr. GALLINGER. Mr. President, I have belonged to a great many committees during my long service in the Senate and I belong to quite a number now, but I never in my life when I dissented in committee from any provisions of a bill but permitted it to be reported thereby yielded my judgment, nor do I yield my judgment in reference to this bill. I was opposed in committee to sections 7 and 8. I am still opposed to them, and no committee or member of a committee can call my action in question because I do not follow the majority of the committee in the consideration of the measure.

I wish to say, furthermore, that the Senator from Utah [Mr. SMOOT] specifically reserved the right when we were considering this bill to oppose the sections in the Senate if he concluded to do so.

Mr. HOLLIS. I am glad to have the Senator from Utah exonerated. I hope there will be others who will dare to declare their independence of the action of the committee and vote as they really think on this bill. It is not only insubordination to the decree of the committee but it is insubordination to those who have proposed this bill. I have just ascertained that it was drafted by the assistant solicitor in one of the departments, but it was suggested and brought to life last October by a very distinguished gentleman, and he among others has appeared in conference with some of the members of the Committee on Banking and Currency yesterday and to-day, and we have learned from him the things that must be put through and the things

that we are allowed to debate on the floor of the Senate. Section 8 was brought up and he was asked whether it was not rather a severe penalty to put a man in State's prison for four years for disobeying a regulation of a committee, and he said yes, that that was one of the things that might be left with the Senate to decide, but not section 7. He never suggested that we were at liberty to discuss section 7, and that is what I want to criticize the Senator from North Dakota for. We were discussing section 8. That is on the program, but no one told us that we could discuss section 7, and we have been discussing it all this afternoon.

Mr. STONE. Mr. President——

Mr. HOLLIS. I yield.

Mr. STONE. Will the Senator tell me who this distinguished gentleman is?

Mr. HOLLIS. Oh, no; that is not permitted. It is not good form. You must not do that. All you can do is to hint, and I have just hinted.

Mr. STONE. I understood the Senator to say that this distinguished gentleman appeared before the committee.

Mr. HOLLIS. Yes; but he was one of several, so that we can conceal his identity. It is not right to tell who he was.

Mr. STONE. There can be no play about this. If a man appeared before the committee and made a statement such as the Senator has made here, I would be very pleased to know who he is.

Mr. HOLLIS. But the Senator can not find out from me. My lips are sealed.

Mr. STONE. Why are your lips sealed?

Mr. HOLLIS. Because I say so. That is the only reason I can give. They are sealed. As a gentleman I must play the game as it is played.

Mr. SMITH of Georgia. Mr. President——

Mr. HOLLIS. I yield.

Mr. SMITH of Georgia. Did not the committee have the observations of those who appeared before it taken down?

Mr. HOLLIS. Oh, no.

Mr. SMITH of Georgia. We had the hearings in the Finance Committee reported and printed.

Mr. HOLLIS. Yes; but these were not taken down. It was a conference. It was not a committee hearing. It was a conference; it did not bind anybody, and it was not taken down. It might be very interesting to discuss why it is necessary to establish a United States bank in Washington, so that anyone who wants to borrow any money can kowtow to the five gentlemen who are running this great bank. We must not discuss that. It might be interesting to decide on its merits how the capital issues committee was to be appointed. It is to be appointed by a board of gentlemen over whom we have no control at all; that is, by the Federal Reserve Board, and it must be composed of three of their own members, and they can go and pick out two others. Now, some think it would be a fine idea to have the President appoint them and the Senate confirm them, if it sees fit, but we must not discuss that. We might adopt some other way in which to appoint this committee. We might think that their authority is too extensive. All they have got to decide on is whether business is essential or nonessential, and that is a very serious thing. I might think some business was essential to winning the war, but I have to go to this committee, appointed by a board over which the Senate has no control, and they can rain me or make me, just as they see fit, and there is no appeal to anyone. But I will not suggest this question. Some one will get interested and discuss it. I beg to return to the program. You are allowed to discuss section 8 as between one year and four years, and I deprecate the suggestion that section 7 ought to be discussed or stricken from the bill. I hope the Senate will get back to its mutton.

Mr. SIMMONS. Mr. President, I simply want to say a word. Of course, the Senator from New Hampshire [Mr. HOLLIS] can cast reflections upon the heads of departments of the Government and denounce them as autocrats and as attempting to dictate or stifle legislation if he desires. That is his affair and his responsibility. I do not think anybody will agree with him in the insinuations he has made against them, nor do I think the country will respond to that sort of an attack upon men who are serving the Government as well and as faithfully as are the heads of the departments of the Government at this time.

But when the Senator assumes to attack a committee of this body in the way the Senator attacked the Finance Committee, I think he transcends the rights and privileges of a Senator upon this floor. His language and insinuations flagrantly violate the well-established rules of this body, and if it was thought proper or expedient to do so, I think he would be subject to be called to order. I did not see fit to pursue that course.

I want to express now, as strongly as I can, my resentment to his reflections upon the integrity and the independence of the Finance Committee. No committee in this body has exercised greater independence of action and of decision than that committee.

Some time ago that committee, since my chairmanship of it, had under consideration a tariff bill which probably was very largely framed by the Treasury Department; most of these fiscal bills are in the first instance, whether they be appropriation or tariff or financial bills. When we had under consideration one of those tariff bills, after the House had acted upon and amended it, and it was sent to the Senate, the Finance Committee reported it back to the Senate with nearly 600 amendments, and the great bulk of those amendments were adopted.

No important bill of the character that is generally framed by the department has been reported to the Senate from the Finance Committee since I have been a member of it, so far as I recall, without the recommendation of material emendation. Members of the Finance Committee will bear me out in the statement that though this bill was sent here as an administration measure—and I am glad it was sent, because I think some of its provisions are entitled to be characterized as an inspiration in their adoption and efficacy to meet a very acute and a very difficult situation—the committee did not, as the Senator intimates, tamely acquiesce in all its provisions nor deal with it differently than a bill presented by an individual Senator; the very nature and character of the two sections under discussion was changed. The whole of one of these sections was rewritten. Not these, but many other sections, were materially amended and others rewritten, every member of the committee exercising the utmost independence in criticizing and offering amendments, and they were adopted or rejected, as they were thought to be well or ill founded by the committee. There was no partisanship or cringing, but absolute freedom of action in all its considerations and actions in respect to this measure and its amendment. This bill was reported back to the Senate with the consent and sanction practically of the whole committee.

Mr. President, it is true that while this committee report was a unanimous report, signifying that it had as a whole the sanction of every member of the committee, some members of the committee stated in committee, as is usual under those circumstances, that while they approved of the bill as a whole they did not approve of certain amendments to the bill, and so reserved the right to oppose those amendments upon the floor of the Senate.

When the Senator from Missouri apparently criticized the attitude of the Senator from Utah he was under the impression that that Senator did not know he had reserved such right with respect to this amendment, and he was under the impression the Senator from Utah had supported this amendment in the committee, and laboring under this erroneous impression he expressed surprise at the action of the Senator in opposing the amendment.

I do not at all impugn the right of the senior Senator from New Hampshire [Mr. GALLINGER] as a member of the committee to exercise his full independence upon this floor, although he approved the bill as a whole, and for that reason agreed to the report of the committee.

Mr. STONE. I think so, whether he reserved the right or not.

Mr. SIMMONS. Yes; I have no doubt he may rightfully do it, whether he reserved the right or not. Nobody has questioned that. Because of the criticism of the Senator from Missouri, based on a misapprehension, as I stated, the junior Senator from New Hampshire [Mr. HOLLIS] seizes upon the circumstance to indict the Finance Committee both before the country and the Senate as so subservient and disciplined that it habitually accepts every bill sent to it by the departments and votes for these measures just as reported. A Senator suggests to me that his voice will not reach the country. His voice will not reach the country when he engages in unjust and unfair and unfounded criticism, either of the members of a great committee of this body or the head of one of the great departments of the Government.

Mr. President, I have said this much because my resentment is somewhat hot at the course which the Senator has seen fit to pursue in the matter, a nagging course, nagging the committee and nagging the department, and trying to put men in high place, with heavy responsibilities, in a false position before the country. I think I am warranted in displaying some heat about it, Mr. President.

Mr. President, I beg the pardon of the Senate if I have spoken with unwarranted heat, for I did not wish to display any temper in the matter; I simply desired to give emphatic expression to my feelings of surprise and resentment and nothing more.

Mr. President, as the hour is late, and I know a number of Senators have left not expecting that this rather important amendment would be voted upon to-day, I will move a recess.

Mr. LODGE. Before the Senator makes that motion will he allow me two minutes?

Mr. SIMMONS. I will, with pleasure.

Mr. LODGE. I only wanted to say, Mr. President, that in my experience in the Senate the fact that a committee votes to report a bill favorably and there is no minority report never implies that every member of the committee is bound to vote for every amendment and every section of the bill just as it comes from the committee. It is the custom to reserve the right to offer amendments and to vote against an amendment on the floor. In this particular case that reservation was made.

Mr. President, as far as discipline goes I have never observed any attempt to discipline anybody on the Finance Committee. We have had great differences of opinion there and long discussions, more than in any committee on which I have ever had the opportunity of serving. We have done very hard work, and I think that there has been an abundance of independence shown, although no party feeling has been shown since this war began. I think, Mr. President, that members of the Finance Committee are perhaps quite as free from outside dictation as are some of those who criticize us. I have never observed any sign in the Finance Committee of outside dictation either from departments or from organizations which are in the departments. I have never seen any successful attempt to dictate to members of the committee.

I feel much honored by being a member of the committee on account of the work which it has done during the past year; and, if I may make one general observation, I think it is a mistake that it does not advance good legislation, that it does not advance that spirit which I think we all ought to have at this time in the Senate—a spirit of real unity—to make personal attacks on a committee and to jeer at it because most of its members have had the honor to be returned many times to the Senate instead of only once. I think it is possible for a man to have served long in the Senate and to give honest and useful service. I quite understand the feelings of the chairman, who has worked so exceptionally hard over the bills which have been before us, and who, I should like to take this opportunity of saying, has been so extremely considerate to all the members of the committee.

Mr. HOLLIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Yes; I yield to the Senator.

Mr. HOLLIS. Mr. President, I did not jeer at the committee; I did not criticize them; but it is a fact that when an important bill comes on the floor of the United States Senate we find a committee like the Finance Committee voting almost solidly. That is so much required or expected of them that when a member of the committee says that he is not going to support a certain measure reported by the committee it is cause for surprise on the part of another member.

With 17 members of the committee voting solidly for a bill—that is about one-third or one-fourth of the Members who are usually voting—it gives very little opportunity for free, fair discussion and decision on the floor of the Senate.

I deprecate any attempt in a measure of this kind to bind 17 members of the Finance Committee to all of the provisions of the bill. My remarks were made to bring that fact before the Senate. I think it is a just criticism, and I cleave to it. I have no criticism to make of the members of the committee individually. It is their collective action that I find to be sometimes injurious.

Mr. WILLIAMS. Mr. President, the criticism in itself is the highest possible tribute to the committee, because there can be no higher tribute to the merits of a bill than that 17 members, from as many diverse parts of the country, representing two great political parties and several factions within each party, should come with a united front to vote for the bill as a whole, and with only, I believe, 2, or possibly 3, members expressing difference of opinion as to particular provisions of the bill. So far from the fact that a committee vote solidly for a bill being a reason to criticize either the committee or the bill, it is a proof almost positive of the fact that the bill must be one of exceptional merit or else that could not have occurred.

Mr. THOMAS. Mr. President, as we are all making explanations, confessions, and protests, being a member of the committee, let me make one.

I have never supported either slavishly or otherwise everything in a Finance Committee bill since I have been here unless the Democratic caucus ordered me to do so. I have never yielded my convictions to a majority when it existed as to the expediency or the right of anything which a majority of the committee thought otherwise about. I have never impeded legislation except on one occasion, and that was legislation reported by a committee with which I had nothing to do.

I have in the case of this bill objected to some of its terms, and have offered and have succeeded in having the Senate accept certain amendments which seemed to me to be desirable to certain parts of the bill. So I must deny the sweeping statement of my friend from New Hampshire [Mr. HOLLIS] when he asserts here that this committee and all of its members slavishly follow the report of the committee, stand by the bill in solid mass, and obey the orders of the Treasury Department.

I wear no man's collar here, nor the collar of any committee. While I shall continue to do my duty on the committee and acquiesce in the report of any bill which a majority desires to report, or which it thinks it is its duty to report, I shall advocate and support its various provisions, provided only they address themselves to my better judgment. Otherwise I shall not do so.

RECESS.

Mr. SIMMONS. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, March 6, 1918, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *March 5, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father who art in heaven, impress us as a people, with all the spiritual fervor of Thy power, with the stupendous task which has been thrust upon us, that every man, woman, and child throughout the length and breadth of the land may be impressed with the sacrifices, which he or she may be called upon to make, in the great struggle which confronts us.

Let those who can work give themselves with patriotic zeal to the necessities of the hour. Let those who can fight give themselves heart and soul to the cause. Let those who can minister to the sick and wounded and comfort the dying give themselves whole-heartedly to their calling, that we may defend with all the physical, intellectual, moral, spiritual power the precious heritage of our fathers—life, liberty, and the pursuit of happiness—not only for ourselves but for humanity, after the manner of the Lord Jesus Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 133. Joint resolution authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 133. Joint resolution authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured; referred to Committee on Interstate and Foreign Commerce.

READMISSION OF CERTAIN ALIENS.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to call up House joint resolution 255, authorizing the readmission to the United States of certain aliens who have been conscripted or have volunteered for service with the military forces of the United States or allied forces.

It is a joint resolution which authorizes the readmission to the United States at the close of the war, or when they shall have been discharged for wounds or other physical reasons, certain aliens, notwithstanding the act of April 6, 1917, they having gone

into the Army of the United States or into that of the cobelligerents.

Mr. GILLETT. Let the joint resolution be reported.

The Clerk read as follows:

Resolved, etc., That, notwithstanding the provisions of section 3 of the immigration act of February 5, 1917, excluding from the United States aliens who are likely to become a public charge, or who are physically defective, or who are contract laborers, or who have come in consequence of advertisements for labor printed, published, or distributed in a foreign country, or who are assisted by others to come, or whose ticket or passage is paid for with the money of another or by any corporation, association, society, municipality, or foreign government, or who are stowaways, or who are illiterate, aliens lawfully resident in the United States when heretofore or hereafter enlisted or conscripted for the military service of the United States; and aliens lawfully resident in the United States who, prior to April 6, 1917, declared their intention to become citizens of the United States, and who have enlisted for service with Czecho-Slovak, Polish, or other independent forces attached to the United States Army or to the army of any one of the cobelligerents of the United States in the present war, who may, within one year after the termination of the war, apply for readmission to this country, after being honorably discharged or granted furlough abroad by the proper military authorities, or after being rejected on final examination in connection with their enlistment or conscription, shall be readmitted; and that any alien of either of the two foregoing descriptions who would otherwise be excluded under said section of the immigration act on the ground that he is idiotic, imbecile, feeble-minded, epileptic, insane, or has had one or more attacks of insanity, or on the ground that he is afflicted with constitutional psychopathic inferiority, tuberculosis, a loathsome or dangerous contagious disease, or mental defect, shall be readmitted if it is proved that the disability was acquired while the alien was serving in the military forces of the United States or in an independent force of the kind hereinbefore described, if such alien returns to a port of the United States within one year after the termination of the war; and that the head tax provided in the immigration act of February 5, 1917, shall not be collected from aliens readmitted into the United States under the provisions of this resolution: *Provided*, That if any alien readmitted to the United States in pursuance of the terms hereof shall at any time thereafter become a public charge the expense of maintenance and care shall be paid out of the Treasury of the United States.

The SPEAKER. Is there objection?

Mr. MADDEN. Reserving the right to object, Mr. Speaker, I wish to ask the gentleman from Texas if this joint resolution, in part, does not cover the conditions provided for in a bill passed by the House yesterday?

Mr. SLAYDEN. No, Mr. Speaker; I do not think it does. I just talked that matter over briefly with the gentleman from Massachusetts [Mr. ROGERS], who is of the committee that reported the other bill. He can more clearly explain the terms of that bill.

Mr. MADDEN. I remember the terms of that bill very well.

Mr. SLAYDEN. This joint resolution treats of two classes of aliens in the United States.

Mr. BURNETT. If the gentleman will permit me, the bill of yesterday was to admit them to citizenship, and this joint resolution is merely to admit them into this country.

Mr. MADDEN. I realize that this joint resolution provides for men who volunteered into the service of the United States as well as in the service of the allies.

Mr. SLAYDEN. I did not catch the gentleman's remark.

Mr. MADDEN. The joint resolution says "those hereafter enlisted or conscripted for the military service of the United States and aliens lawfully resident in the United States." The question is whether that part of the joint resolution is not covered by the bill which we passed yesterday.

Mr. SLAYDEN. This is not to make them citizens, but to readmit them.

Mr. MADDEN. I think myself the readmission of men who have volunteered to serve in defense of the cause in which the United States is engaged, who have been in the country but are not citizens of the country, should be dealt with as a matter of simple justice through the provisions of this joint resolution, and there ought not to be any serious opposition to the joint resolution; but I was wondering, when I asked the question, whether it did not also include some of those who were covered by the bill yesterday.

Mr. SLAYDEN. That bill was to admit them to citizenship.

The SPEAKER. Is there objection?

Mr. ROGERS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Texas whether, in case the joint resolution is considered by the House, he would consent to the elimination of the words, in lines 16, 17, and 18, "or after being rejected on final examination in connection with their enlistment or enoscription, shall be readmitted"?

These words seem to give immunity to a man who has never been in the military service, whose application for military service must be difficult to prove, and for whom it would seem no special ground or favor of this kind was necessary or proper.

Mr. MADDEN. At the same time, if the gentleman will allow me, he did the best he could to surrender his life to the cause of the allies. He was in this country, he went abroad voluntarily, and if, after having done everything he could to get into the Army, he is to be discriminated against because he did try to do the thing he ought to do, I think it would be unjust.

Mr. BYRNS of Tennessee. Mr. Speaker, it is evident that this joint resolution is going to cause considerable discussion.

Mr. STAFFORD. Mr. Speaker, this joint resolution has just been reported, and I would like to have some information about it. I think it should go over for a day or two.

The SPEAKER. Is there objection?

Mr. STAFFORD. For the time being I object.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of H. R. 10358, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly, the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SAUNDERS of Virginia in the chair.

Mr. WALSH. Mr. Chairman, when we completed consideration of the bill the other day we had just read the paragraph on page 17, ending at line 20. I want to ask the gentleman in charge of the bill if he can inform me which of the employees in this paragraph are the barbers in the House Office Building.

Mr. BYRNS of Tennessee. Those are appropriated for on page 17, lines 5 and 6.

Mr. WALSH. Are they among the cloakroom men?

Mr. BYRNS of Tennessee. Yes; they are known as cloakroom men.

Mr. WALSH. Is this one at $600 and $120 additional so long as the position is held by the present incumbent?

Mr. BYRNS of Tennessee. That is one of them.

Mr. WALSH. He is a barber?

Mr. BYRNS of Tennessee. Yes; and the others are carried at $600 each.

Mr. WALSH. Mr. Chairman, I offer the following amendment, in line 4, page 17, to strike out the figure "8" and insert in lieu thereof the figure "7," and, in line 5, to strike out the words and figures "one $600 and $120 additional so long as the position is held by the present incumbent," and to strike out the word "seven" and insert "four."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 17, line 4, strike out the figure "8" and insert in lieu thereof the figure "7"; line 5, after the word "men," strike out "one $600 and $120 additional so long as the position is held by the present incumbent," and, in line 6, after the word "and," strike out the word "seven" and insert in lieu thereof the word "four."

Mr. WALSH. Mr. Chairman, I remember several years ago reading a speech delivered in the House by the distinguished gentleman from Texas [Mr. DIES], who at that time—I think it was during the Fifty-sixth Congress—directed attention to the enormous expenditures which were being made by the Government in order to support the legislative and executive branches of the Government; and he called attention to the various employees that were required and the salaries that were paid to them. It seems to me that in a time like this we Members of the House can afford to forego some of the luxuries, and I presume that these barbers might be classed as luxuries, because they are paid for by the Government, although we pay them for the individual services which they render when we are permitted to enter their establishment. It seems to me that we might relieve the people at large from this tax that is imposed upon them, particularly in view of the fact, as I said before, that we pay for the services they render; and I understand that in one of the shops there is one barber who receives no compensation except that which he gets from the Members who patronize the establishment. I understand that the others receive salaries, and it is presumed that the services which they render in cleaning up and keeping their shop clean and neat and tidy early in the morning and in the afternoon after they have closed the place is sufficient to warrant us in carrying them in this bill as cloakroom men, or cleaners-up. I believe it is time, if we are going to carry them as barbers, to say so and denominate them as such in the legislation, and let our constituents know that we are paying for barbers, even though they perform no work for us gratis.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. HAMLIN. I ask this question for information. Are the barbers in the shop here in the Capitol Building included in lines 5 and 6?

Mr. WALSH. I understand not. I asked first with reference to the barbers in the House Office Building, and that was the information given.

Mr. BYRNS of Tennessee. Then I gave the gentleman incorrect information. I understood the gentleman referred to the barbers here in the Capitol.

Mr. WALSH. No; I referred to the barbers in the House Office Building, but I intend to offer a similar amendment with reference to those in the Capitol.

Mr. HAMLIN. I agree very largely with what the gentleman has said, but I wanted to call attention to the fact that if the barbers in the Capitol Building are included in these lines, then they are charged with the responsibility of cleaning the Hall in addition to their barber shop. They are compelled to either personally come here each day and clean this Hall or else hire it done out of their own pockets.

Mr. WALSH. I understand the amendment that I have offered strikes out the barbers in the Capitol?

Mr. BYRNS of Tennessee. Yes.

Mr. WALSH. I intended to make that motion also, but I intended to do so first in reference to the House Office Building. Let me suggest to the gentleman that I understand that we give them the use of the quarters; we furnish them with the linen, with the light, with the heat, with the water, and that they come up here and ply their occupation, and each Member has to pay the same price for the work they do that he would have to pay if he went into a barber shop in another section of the city; and if the privilege which we give them to occupy those quarters, to ply their occupation there, to perform the services for Members of the House, is not worth their cleaning up the building in the vicinity of that shop and the keeping of that shop tidy and neat, then I say that we could afford to pay charwomen $20 a month to perform that service in the halls approaching them or else impose that duty on some of the other janitors or messengers of these various committees that are overloaded with janitors and messengers.

Mr. HAMLIN. What I wanted to call the gentleman's attention to is to draw a distinction between the barbers in the Capitol Building who are limited to the membership of the House when they come to shaving anyone, who are not permitted to shave anyone else than Members—if Members do not keep them busy they have nothing to do at all—and the barbers over in the House Office Building, who have no other work to do except to follow their trade. These barbers in the Capitol Building have to clean this hall. The barbers in the House Office Building can shave anyone who comes along, while these barbers can not.

Mr. WALSH. I admit that possibly the barbers down here have a little more to do, but I do not admit that there is any justification for carrying this class of employees as laborers.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BROWNING. Mr. Chairman, is the gentleman aware that these barbers, excepting when Congress is in session, have practically no work to do in the barber shop, not only here in the Members' shop but over in the office building; there are a few clerks there, but they can not get any outside trade at all, especially downstairs here.

Mr. WALSH. But that has not been so for some little time; but even if they have no work to do I do not think we should carry them on the pay roll.

Mr. BROWNING. And that at that time they are janitors; that they have to move furniture and do all kinds of work; they are laborers.

Mr. WALSH. If Congress is not in session, it does not require any more cleaning up or moving of furniture or any more janitor service than when Congress is in session.

Mr. BROWNING. That is where the gentleman is mistaken. It is when Congress is not in session that the changing of all of the furniture in the building and the cleaning up occurs, and then they become laborers, especially those downstairs. I am not speaking of those in the Office Building.

Mr. WALSH. I submit if that be so we might transfer this troublesome task of moving furniture to some of these overworked janitors at $1,000 per year who are being carried upon the rolls for some of these committees that have not filed any reports, or have filed but few during this session of Congress, and that are not holding hearings, but I submit it is a deception to carry these men in this bill as laborers, and pay them as laborers at $720 per year for one of them and the other at $50 a month, when a greater part of their time is being devoted to their occupation of barbering and that they then receive the fees that are customary for Members to pay for that work. I say, as I said before, while it does not amount to very much in the main, that at this crisis it is a good example for the House to set to economize here and there wherever possible within its own establishment and not let it be said that we during this war session, when taxes are being levied and when appeals are being made for every sort of charity, are not willing to economize and cut down in our expenses and to dispense with the services of barbers carried upon the roll as cloak-room men when a greater part of their time is occupied for their own private gain. If we give them the use and occupany of these rooms, with the furnishings and equipment, it must be worth something, as to procure similar quarters elsewhere would amount to a considerable item in the way of rent.

Mr. HICKS. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from New York.

Mr. HICKS. Does not the gentleman from Massachusetts think other barbers would be glad to have those stands down there even if no pay was given to them?

Mr. WALSH. I have no doubt plenty of competent men would be glad to have those quarters for a barber shop and to perform incidental janitor service as a remuneration for the privilege of performing such services.

Mr. MEEKER. Will the gentleman yield?

Mr. WALSH. I will.

Mr. MEEKER. The gentleman is not retaliating and giving these barbers the same kind of a deal they gave when they got at him with a razor?

Mr. WALSH. Oh, no; I do not know what treatment they give, as I seldom patronize them.

Mr. GOOD. Will the gentleman yield?

Mr. WALSH. I will.

Mr. GOOD. Has the gentleman considered this fact, that on the 4th of March next Congress will adjourn until some time in December? During that time this Hall must be kept clean. Other work around the Capitol must be performed by these four men. They can not perform very much work then and barber. They are not allowed to go into business generally down here and serve the public, therefore they will have no compensation during that time Congress is not in session, and yet they are performing a work here that the Government must have performed and for which it must pay.

Mr. WALSH. The gentleman does not contend that these four men that he speaks of are the only ones employed around this Capitol or the House Office Building that can be secured to come in here and keep this Chamber clean when Congress is not in session?

Mr. GOOD. These four men are the only men on the pay roll, as I understand it, whose duty it is to keep this room in order.

Mr. WALSH. That does not answer my question. Does the gentleman say that there are no other men to whom this duty could be transferred? It certainly does not require as many to keep the House Chamber clean when we are not in session as when we are meeting every day.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, the effect of the adoption of the amendment offered by the gentleman from Massachusetts, as explained by him, would be to dispense with four laborers now employed and who during a part of the day run the barber shop here in the Capitol. I may say to the gentleman from Massachusetts, as Members of the House will recall, that in 1912 when this side of the House came into control there was a reorganization of the employees of this House and at that time 62 employees of the House were dropped from the rolls whose salaries aggregated $82,750 every year.

Mr. MADDEN. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will.

Mr. MADDEN. How many have been added since that time?

Mr. BYRNS of Tennessee. None to this particular roll. There have been some special police——

Mr. MADDEN. How many more employees are there in the House organization now than there were before?

Mr. BYRNS of Tennessee. I will say to the gentleman I am confident there are a good many less; there is not any question about that.

Mr. MADDEN. Will the gentleman state as a fact that there are less?

Mr. BYRNS of Tennessee. There are less, a good deal less, I will say to the gentleman, and I have no hesitancy in making that statement. Now, the gentleman from Massachusetts proceeds on the wrong assumption. In the first place he proceeds upon the idea that those four laborers do nothing else but attend upon the barber shop for which he says they receive pay from those who call upon them for their services, but I want to submit to him and to the House that these laborers are very necessary. As a matter of fact if his motion should prevail it would be necessary for the House to provide four laborers in

order to do the work that these men are now performing at $600 a year, and when we provide four laborers it will be necessary to pay them $720 a year instead of $600, that being the amount that is paid to other laborers.

Mr. DYER. That does not apply to the barbers of the House Office Building, but to those in the Capitol?

Mr. BYRNS of Tennessee. I was speaking particularly of the barbers in the Capitol itself.

Mr. DYER. Those in the House Office Building do not do work as laborers.

Mr. BYRNS of Tennessee. I am informed to the contrary; but the motion of the gentleman from Massachusetts is directed particularly at the barbers of the Capitol Building, and I am confining these remarks to them.

Mr. MEEKER. Will the gentleman yield for one question?

Mr. BYRNS of Tennessee. I will.

Mr. MEEKER. This is a barberous discussion, but then there is one bit of information we have not got. Is it not true that the men of the House Office Building out of what they are paid pay the salaries of the two men here in the toilet room? Are not they employed by those men over there and are they paid by these men downstairs?

Mr. BYRNS of Tennessee. No; they are not.

Mr. MEEKER. Are they paid by the men downstairs?

Mr. BYRNS of Tennessee. In the toilet room of the House?

Mr. MEEKER. Yes.

Mr. BYRNS of Tennessee. They are employees of the House and carried on the roll. Now, gentlemen, four of the laborers are employed in the Members' private shop in the Capitol. Their duties are, as stated by the gentleman from Iowa [Mr. GOOD], to clean up the House floor and keep it in proper condition, and that is what they are charged with doing every day. They work here in the morning, they work late in the evening, in order to get the floor of this House cleaned for the business of the succeeding day. I repeat that if you drop these four laborers from the roll, then it will be necessary to provide laborers to take care of this floor.

Mr. RUCKER. You have reference to the four laborers downstairs?

Mr. BYRNS of Tennessee. Yes.

Mr. RUCKER. How many months has the House been in session? It has been in session a large part of the time during the last four years.

Mr. BYRNS of Tennessee. With the exception of one vacation, which ran from March to December.

Mr. RUCKER. There has been very little recess.

Mr. BYRNS of Tennessee. Comparatively; yes.

Mr. RUCKER. If it requires four men to do this work during that short time——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent for three minutes more. Is there objection?

There was no objection.

Mr. RUCKER. If it requires a forenoon of a day for four men to do the work, would it be necessary to employ four men solely for that work if they were changed?

Mr. BYRNS of Tennessee. I am informed by the Doorkeeper that if they were dropped, he would have to have four laborers to do this work.

Mr. RUCKER. Does not the gentleman know, as far as the work in the Hall is concerned, it could be done by one man?

Mr. BYRNS of Tennessee. I do not agree with the gentleman.

Mr. RUCKER. By two, then?

Mr. BYRNS of Tennessee. I do not know; but I do know that these men are engaged, early in the morning and late in the evening, cleaning up this entire floor and galleries.

And I want to say to the gentleman, in response to the statement of the gentleman from Massachusetts, that these men get a certain amount of income by virtue of the barbering they do. Now, as a matter of fact, we know that their custom is necessarily limited to such portion of the membership as patronize them. And I venture the assertion if they were taken from the roll it would be impossible to secure anyone to come up here and run that shop.

The gentleman refers to the fact that they are furnished the room, the heat, the linen, and the light. That is true. A few years ago they were furnished their supplies, but that has been cut out, and now they get only the room, the heat, the light, and the necessary linen. But I submit if you undertake to remove them from the roll you will have to supply four laborers to do the work they are now doing, and in addition to that you will not be able to secure men on the outside to come up and run the barber shop.

Mr. RUCKER. As far as I am concerned, I would like to see it tried once.

Mr. WALSH. Will the gentleman yield for a question? Has the gentleman any information as to how much time these four laborers occupy in cleaning up this Hall?

Mr. BYRNS of Tennessee. I have not. But I will say to the gentleman it must take considerable time. It is a large Hall, and I dare say it requires considerable cleaning at the end of each day's session. I think anybody would agree with me in that statement.

Mr. WALSH. But four men are able to do it. They have the whole forenoon, when the House is not in session.

Mr. BYRNS of Tennessee. I understand they work at night frequently. This has to be done to avoid dust in the day. I will say to the gentleman that this arrangement has been going on for some time, and these men have been carried on the roll in this way for more than 20 years.

Mr. WALSH. That is not conclusive.

Mr. HAMLIN. I know very little about the barbers over at the House Office Building, but I made some inquiries quite a while ago as to the barbers in the shop in this building, their duties and what compensation they received, and so forth. Now, they tell me down there that they are compelled to clean this Hall, as the gentleman from Tennessee [Mr. BYRNS] says, and I am sure it is no light job, because I have been through here when they were at work on it and I know it is considerable work in picking up papers, dusting, and cleaning the desks and seats, and so on, while Congress is in session. They tell me down there unless they come and do it themselves they have to hire somebody to do it and pay them out of their own pockets.

Now, there is another thing to think about. We will not permit them to serve anybody but Members. If there are a half dozen Members who come there to be shaved during the day they can serve them. Otherwise they get nothing at all in the way of compensation for their services as barbers. When Congress is not in session, I am told by them, that it is their duty to clean these corridors, clean the cuspidors, move furniture, and do every thing else incident to the work of a janitor, because they are carried on the janitor's roll and are under his supervision and control.

Now, the gentleman from Massachusetts [Mr. WALSH] says that that work might be performed by some of these janitors that are assigned to committees that seldom meet and have very little work to do. I want to say to him this, that I know something about one of those committees that does not meet frequently, but that committee does not enjoy the luxury of a janitor.

There is a janitor to the Committee on Expenditures in the State Department in connection with the six or seven other committees. One man takes care of six or seven different committee rooms and carries the mail—the mail of all of these committees—for the pay of a common laborer so that it is not accurate to say, and I did not want the information to go out unchallenged, that these so-called expenditure committees have each a janitor, because we have not. We have one taking care of six or seven different committees.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. I will.

Mr. WALSH. I did not refer to any of the expenditure committees.

Mr. HAMLIN. I am glad to hear that, but I thought that inference might be drawn.

Mr. ROBBINS. Mr. Chairman, will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. ROBBINS. In the paragraph beginning at the bottom of page 14, running to page 15, there is provision made for 35 committees. The janitors in 12 of those are paid $1,000, and those in the remaining 25 are paid only $60 a month. Some of these committees, I notice in looking them over, are inactive and have no duties at all. There is $3,480 expended. Why do we not make it a uniform charge and save that money?

Mr. HAMLIN. The gentleman from Kentucky [Mr. SHERLEY] has suggested to me that you are asking the wrong man about that. I do not know about that myself.

Mr. ROBBINS. You are defending certain expenditures of janitors to committees.

Mr. HAMLIN. No. The gentleman is entirely wrong. I am only defending in a friendly way the barbers, so called, in the Capitol Building. I am not defending those over in the House Office Building who do no janitor work, as I understand. I only say that the small committees that I though the gentleman from Massachusetts was referring to did not each have a janitor.

Mr. BYRNS of Tennessee. In response to the gentleman from Pennsylvania [Mr. ROBBINS], these janitors' salaries have been fixed by formal resolution of the House. If there is any desire to reorganize the janitor service to committees, it should be by resolution.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. WALSH. A division, Mr. Chairman.

The CHAIRMAN. A division is called for.

The committee divided; and there were—ayes 9, noes 51.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I wish to ask the chairman of the committee if he will now indicate in this bill under which item the barbers in the House Office Building are carried?

Mr. BYRNS of Tennessee. They are carried under the provision providing for "7 at $600 each," in line 6. Two of those seven are those employed in the House Office Building.

Mr. WALSH. But there are three over there on the rolls, are there not?

Mr. BYRNS of Tennessee. Only two on the rolls, and those two who are on the rolls, I will say to the gentleman, are charged with the duty of looking after the gallery corridors of the House.

Mr. WALSH. Do they look after all the corridors around here?

Mr. BYRNS of Tennessee. The gallery corridors; yes.

Mr. WALSH. I move to amend by striking out the word "seven," in line 6, and inserting the word "five."

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 17, by striking out the word "seven," in line 6, and inserting the word "five."

Mr. MILLER of Minnesota. Mr. Chairman, I desire to be recognized in opposition to the amendment. I want to ask a question of the gentleman from Tennessee [Mr. BYRNS]. Do I understand the gentleman correctly to say that there are four barbers in the House Office Building, two of whom are on the rolls drawing $50 a month?

Mr. BYRNS of Tennessee. I can not state the number from my own knowledge, because I have never been in the House Office Building barber shop; but I know that only two there are carried on the rolls.

Mr. MILLER of Minnesota. There is a distinction made between those.

Mr. BYRNS of Tennessee. That is because those who are on the rolls are required to perform service here in looking after the galleries in the building, an arrangement that has obtained for many years.

Mr. MILLER of Minnesota. Do they perform any service over here in the corridors?

Mr. BYRNS of Tennessee. They do. They are charged with the duty of looking after and keeping clean the gallery corridors surrounding the House.

Mr. MILLER of Minnesota. How did the others come to be there?

Mr. BYRNS of Tennessee. They are barbers. They are not carried on the rolls and do not receive anything from the Government.

Mr. MILLER of Minnesota. Does the gentleman think it right—I am simply asking for information—does the gentleman think there should be two on the rolls and two off?

Mr. BYRNS of Tennessee. There is very good reason for it, because those on the rolls are required to perform services which are necessary and which are entitled to compensation.

Mr. MILLER of Minnesota. On its face that appears to be a distinction; but I will say to the gentleman that I do not think the service they perform outside of the barber shop amounts to anything.

Mr. BYRNS of Tennessee. Some one has to look after the gallery corridors.

Mr. MILLER of Minnesota. It looks to me as though it were a situation where two of the four are getting something that the other two are not getting. That is all. If they are, they should not do it.

Mr. DOWELL. Mr. Chairman, will the gentleman answer one other question?

Mr. BYRNS of Tennessee. Yes.

Mr. DOWELL. How did the other two secure their places in the House Office Building?

Mr. BYRNS of Tennessee. They secured them by permit.

Mr. DOWELL. Is it true that they are barbers and that the permit came from the ones that have charge of the House Office Building?

Mr. BYRNS of Tennessee. That building, as the gentleman knows, is in charge of a commission.

Mr. DOWELL. And the commission grants this privilege to the two extra ones?

Mr. BYRNS of Tennessee. I do not know whether they receive their permits from the commission or from the superintendent who acts for the commission, or whether they receive their permits from the Doorkeeper.

Mr. DOWELL. Does the Doorkeeper have charge of that room in the House Office Building?

Mr. BYRNS of Tennessee. I think not.

Mr. DOWELL. Then, there would be no reason for his giving a permit for that.

Mr. BYRNS of Tennessee. I take it that the permit was granted because the additional men were needed. They are not on the pay roll. They serve the convenience of Members who go in there for a shave or a hair cut.

Mr. DOWELL. Would it not be possible to secure the services of two barbers in the same way?

Mr. BYRNS of Tennessee. That would be so if they were not needed for a distinct purpose, and that is to look after the gallery corridors.

Mr. DOWELL. Does the gentleman know that they perform this duty in the Capitol?

Mr. BYRNS of Tennessee. I do not understand the gentleman.

Mr. DOWELL. Does the gentleman have knowledge that these two barbers perform the service in the Capitol Building as janitors?

Mr. BYRNS of Tennessee. Yes. In addition to that, when Congress adjourns for recess those men are required to stay here and continue to serve through the year as laborers, whereas those who are not on the rolls, of course, are free to go and secure employment elsewhere.

Mr. MEEKER. Mr. Chairman, I might state there that the two men to whom reference has been made during the session pay the men to do this work here. They employ those men; so I was told by those men over in the House Office Building. When Congress is not in session those who were employed are discharged, and the others have to do this work.

The CHAIRMAN. The pro forma amendment is withdrawn. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Clerk hire, Members and Delegates: For clerk hire for Members, Delegates, and Resident Commissioners, necessary in the discharge of their official and representative duties, $2,000 each per annum, $880,000, or so much thereof as may be necessary: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners from and after July 1, 1918, shall be placed on the roll of employees of the House of Representatives and shall be paid in the same manner as other employees of the House are paid: *Provided further*, That each Member, Delegate, and Resident Commissioner may appoint for such periods and at such rates of compensation as he shall determine within the said sum of $2,000 a clerk or clerks who shall be subject to be removed at the will of the person by whom they are appointed, but no Member, Delegate, or Resident Commissioner shall authorize an expenditure from the said sum of $2,000 proportionately greater for any period of the fiscal year than that portion of the fiscal year bears to the entire fiscal year: *Provided further*, That Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States shall be entitled, from the date of commencement of their respective terms, to make appointments and removals of clerks under this application: *Provided further*, That the employment of any clerk or clerks hereunder shall cease upon the death, resignation, removal, or termination of service of the Member, Delegate, or Resident Commissioner by whom they were appointed.

Mr. GARRETT of Tennessee. Mr. Chairman, I reserve a point of order to the paragraph, and I make the point of order to all that part of the paragraph beginning with the word "Provided," in line 3, and ending with the word "appointed," in line 2, page 21.

Mr. DYER. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

Mr. GARRETT of Tennessee. I am making a point of order.

The CHAIRMAN. The gentleman from Wisconsin will state his parliamentary inquiry.

Mr. STAFFORD. I understand the gentleman from Tennessee reserves a point of order on the entire paragraph?

Mr. GARRETT of Tennessee. I reserve a point of order on the entire paragraph, and I am making now a point of order against all that part of the paragraph after the word "Provided," in line 3, on the ground that it is new law.

The CHAIRMAN. Does the gentleman in charge of the bill desire to say anything about the point of order?

Mr. BYRNS of Tennessee. Mr. Chairman, I will say, for the information of the House, that in the colloquy which ensued the other day, when I was undertaking to present this bill, I made the statement that the amendment proposed was so drawn as to provide for elasticity in the payment of this fund for clerical help. In other words, that if the amount was not consumed in one month it would be subject to the disposal of the Member for clerk hire in any succeeding month. A great many expressed themselves as in doubt and some to the effect that they thought the amendment did not so provide.

Now, in order to remove any ambiguity it was my purpose, if the point of order had not been made, to offer the following amendment: On page 20, in lines 13, 14, 15, 16, and 17, strike out, ", but no Member, Delegate, or Resident Commissioner shall authorize an expenditure from the said sum of $2,000 proportionately greater for any period of the fiscal year than that portion of the fiscal year bears to the entire fiscal year," and insert in lieu thereof the following:

Provided further, That any accrued amounts remaining unexpended at any time during the fiscal year shall accumulate and be available for expenditure at any time during the remainder of the fiscal year.

I hoped that the point of order would not be made against this section, in order that I might offer that amendment, and I bring this to the attention of the House now so that those who may be proceeding upon the idea that the amendment was not drawn as it was intended may understand that it is the purpose to correct it.

Of course, I concede that the whole provision is subject to a point of order, but the gentleman from Tennessee [Mr. GARRETT], in the point of order that he has made as to a portion of the paragraph, seeks to cut out from this section a provision which has been carried for a number of years. That is the provision that Members shall report to the Clerk of the House the names of those whom they have appointed as their clerks or secretaries. I am frank to say to you that unless the gentleman proposes to leave that provision in, then I shall make a point of order against the remaining part of this paragraph, because I do not think that the House ought now to undertake to cut out that particular provision.

Mr. GARRETT of Tennessee. Will my colleague yield?

Mr. BYRNS of Tennessee. I will yield.

Mr. GARRETT of Tennessee. I will state to my colleague that in the event that the point of order is sustained it is my purpose then to offer as a substitute for the language which will remain in the paragraph the current law, which does carry the provision that the names shall be placed upon the rolls as the gentleman has stated.

Mr. BYRNS of Tennessee. In the exact language?

Mr. GARRETT of Tennessee. In the exact language of the current law, with an addition to it which will make it permanent law.

Mr. BYRNS of Tennessee. I will ask the gentleman, under the circumstances, why not strike out the whole provision and offer it as one amendment? I mean why not make your point of order against the whole provision and then offer the amendment?

Mr. GARRETT of Tennessee. I will say to the gentleman that I should have no objection to that, provided we can be sure that the provision can be voted upon. Of course, the proposition is subject to a point of order.

Mr. BYRNS of Tennessee. I will say frankly to the gentleman that, so far as I am concerned, I would not be disposed to make a point of order against an amendment carrying the law as now carried.

Mr. GARRETT of Tennessee. Mr. Chairman, pending the decision of the point of order, I ask unanimous consent that the amendment, which I send to the Clerk's desk, may be read for the information of the committee.

The CHAIRMAN. Without objection, the amendment will be read.

The Clerk read as follows:

Amendment offered by Mr. GARRETT of Tennessee as a substitute for the entire paragraph:

"Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $2,000 per annum, in monthly installments, $880,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointments: *Provided further*, That said amount of $2,000 shall be the annual allowance for clerk hire for each Member, Delegate, and Resident Commissioner hereafter to be paid under the limitations and upon the conditions herein prescribed."

Mr. BYRNS of Tennessee. That is not offered now. It is read simply for information.

Mr. GARRETT of Tennessee. Simply for information. Mr. Chairman, if I may be indulged for a moment, I will state to my esteemed colleague from Tennessee [Mr. BYRNS] that the particular thing in the paragraph as drawn, to which I object, is the first proviso, beginning in line 3 and ending in line 8. The reason I object to that is that it would change the system of payments. Ever since the passage of the resolution of March 3, 1893, which was the beginning of the allowance of clerk hire to Members, in so far as I have been able to find from a hasty examination of the statute, the payment has been made to the Member direct, and he, of course, has been at liberty to make his contracts with one or with any number of persons to render the clerical service required. That system has been satisfactory. It has been a system which has enabled the Member to proceed with least trouble in securing the clerical assistance necessary.

Mr. DYER. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. I will.

Mr. DYER. Can the gentleman inform the House if he knows the occasion which caused the Committee on Appropriations to report this other provision to which the gentleman has made the point of order?

Mr. GARRETT of Tennessee. Does the gentleman mean the one to which I am objecting?

Mr. DYER. Yes; the one to which the gentleman has made the point of order. Why has the Committee on Appropriations seen fit to offer that provision?

Mr. GARRETT of Tennessee. I assume that the Committee on Appropriations offered it because they thought it was right.

Mr. DYER. There is no doubt about that, but they ought to be able to give to the House some justification for offering it.

Mr. BYRNS of Tennessee. If the gentleman had been on the floor last Saturday, probably he would have heard the attempt I made to give some of the reasons.

Mr. DYER. I heard the gentleman's very able speech.

Mr. GARRETT of Tennessee. I wish to say this, Mr. Chairman, if I may be further indulged: Last year another legislative body somewhere in the United States essayed to become the guardian of the payment of clerical hire to Members of the House and put into a bill the identical provision to which I am objecting in this bill, and in violation of all the rules of that body the Members of that body were permited upon the floor of that body to cast aspersions, not upon individual Members of this House but upon the House as a whole. When the opportunity came this House, without emulating that other distinguished body by violating the rules of the House, gave vent to its indignation concerning it. The proposition was stricken from the bill, and the system which had been in vogue from the beginning of the allowance of clerk hire was permit ed to prevail, and was continued as the deliberate choice of this House of Representatives. The Committee on Appropriations now, for reasons satisfactory to them—I am not criticizing that committee—have brought in that very provision to which this House objected and which it insisted should go out of the bill.

Mr. HAMLIN. Will the gentleman yield for a question?

Mr. GARRETT of Tennessee. Certainly.

Mr. HAMLIN. Does not the gentleman think that his intimated criticism of the Appropriations Committee is hardly justified in that connection? Does not the gentleman think that the reason why the House perhaps so overwhelmingly resented the action of another body somewhere in the United States was due to the fact that they felt that they were able to take care of their own business?

Mr. GARRETT of Tennessee. No; I will say to the gentleman——

Mr. HAMLIN. I am decidedly in favor of the provision, and yet I resented what another legislative body in the United States did last year.

Mr. GARRETT of Tennessee. No; I will say to the gentleman, since he has asked the question, I do not think that was the only reason. I think the reason why this body resented it, and the reason why there may be some feeling now concerning this provision brought in by the committee, is that it carries with it the implication that the Members of this House

can not be trusted to administer $2,000 per annum clerk hire as honest men. [Applause.] That, in my opinion, is the reason that Members resented it.

Mr. DOWELL. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. DOWELL. Could not the Members of the House, on the same argument and for the same reason, be intrusted with the pay of the other employees of the House? Is it any reflection on Members of the House that the employees are put on the pay roll?

Mr. GARRETT of Tennessee. Mr. Chairman, I do not wish my secretary to become known as an employee of the House. I want my secretary to be my secretary. [Applause.] The employees of the House render service to the House, and the secretary to a Member renders service to the Member—officially, it is true; but service peculiar to the Member—and there is a very confidential relationship existing between the Member and his secretary. Many Members have entered into contracts. Members have different methods by which they have the service done. In my own case, if gentlemen will pardon me for mentioning it, my office in Washington remains open the year round. The secretary remains in that office the year round, except what little vacation may be taken for rest. While I am at home, therefore, I employ stenographic assistance there—perhaps this person to-day and that person to-morrow and another the next day. That is the plan which I have adopted. Other Members have different plans. Contracts have been entered into. The existing law is satisfactory, and it seems to me that the existing law should prevail; and it seems to me that it should be made permanent, because it is not now permanent law.

Now, I want to state—and I hope the gentleman from Tennessee will pardon me, but I happen to know that he personally has, ever since the beginning of his service, like many of the rest of us, paid out much more than he receives for clerical hire—the reason I made the point of order on this proposition was in order to be absolutely sure that that provision would go out of the bill. For that reason I made the point of order to that part and reserved a point of order to the remainder, in order that after this goes out on the point of order I can offer that which I have had read at the desk.

Mr. BYRNS of Tennessee. Mr. Chairman, I will say to my friend from Tennessee that the same purpose which the gentleman seeks to accomplish can be secured by striking the whole paragraph out and offering his amendment. I am frank to say that if the gentleman makes the point of order to the portion he indicates I shall make the point of order to the whole paragraph. The gentleman may then offer his amendment, to which as a whole I will not interpose a point of order.

Mr. GARRETT of Tennessee. I am leaving enough in there to offer a substitute.

Mr. BYRNS of Tennessee. I understand; but I shall feel constrained, if the gentleman makes the point of order to a portion, to make a point of order to all of it so that the gentleman can offer his amendment; and, so far as I am concerned, I do not intend, and have no idea of, making a point of order against any amendment which seeks to carry the existing law. But I do object, I will say to the gentleman in all frankness, to that portion of the gentleman's amendment which seeks to make this permanent law. I am opposed to making it permanent law unless we place these clerks on the roll. [Applause.]

This is not a case for feeling; it is simply a proposition of whether a Member believes that they ought or ought not to be on the roll. For my part, I believe that they ought to be placed on the roll. The gentleman says that he wants his secretary to be his secretary and not an employee of the House. I submit that the secretaries of the Senators are paid from the roll. They are on the roll, receiving their pay out of the Treasury, just as, I think, our clerks ought to be paid out of the Treasury. Nobody has ever questioned the fact that a Senator has absolute authority over those who perform clerical services in his office.

Now, there is another thing which I wish to call to the attention of gentlemen of the House, and that is the fact that you are doing an injustice to the employee who performs the clerical service to a Member of the House, as compared to those who perform clerical services for the Members of the Senate. Why do I say that? Because if, as you expect to do before this bill is concluded, you adopt a general increase of salary applying to those who are on the pay rolls of the Government, that increase will apply to the clerical help of those in the other body who, as we all know, are paid vastly more for services they render than are paid to those rendering similar and equally important service to Members of this House, and will not apply to Members' clerks.

Mr. STAFFORD. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. I hardly think I am violating any confidence of the committee when I state that it has been considered that the limitation to which the increase of salary will apply is $2,000. The clerks to another body are mostly paid above that sum.

Mr. BYRNS of Tennessee. I want to say that as far as I am concerned there has been no limit as a maximum, and even if the committee had determined upon it I do not know what the House will do. I think the gentleman from Wisconsin is anticipating when he says it will come in with a limitation of $2,000. It may be more and it may be less. I simply threw that in by way of suggestion, as an injustice you are about to do to your own clerks. For my part I believe that the clerks ought to be placed on the roll, and certainly there is no Member of this House, not one, who is further from making the suggestion or implication that Members of the House are acting improperly, as was suggested by the gentleman from Tennessee, might be the conclusion drawn if this provision is adopted.

What are you doing in this bill? You place limitations upon your Cabinet officials. There is a small sum of $30,000 carried in the bill for legislative reference, and this bill places a limitation upon the Librarian as to the manner in which he shall expend it and as to the amount of salary that he may pay under that appropriation. Does the librarian think that that is an implication in respect to his honesty of purpose? Is there any Member of this House who votes for it with the idea that the librarian would act improperly if we would leave that fund to him without the limitation upon it? You can go through this bill from one end to the other and you will find many, many limitations placed upon Cabinet officials. Is that an implication or an insinuation against them as to the manner in which they would act if left free? Certainly not. Then why should Members who oppose this provision choose to construe it as an implication against them? Then why should Members who oppose this provision choose to regard it as an implication against themselves? There is not an appropriation bill that is passed by the House that does not carry some sort of limitation upon it, limiting those who have charge of the expenditure, and yet this is the first time that it has ever been suggested that a limitation of this kind serves as an imputation of dishonesty upon those having charge of its administration.

Mr. TILSON. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. TILSON. Does not the gentleman realize the difference between the House and the Senate in this particular? In the Senate each committee is provided with a clerk, an assistant clerk, and a messenger, so that the chairman of each Senate committee has three clerks, practically, and this bill carries a provision that each Senator who is not the chairman of a committee shall have a clerk, an assistant clerk, and a messenger, whereas by this requirement you practically make it imperative that a House Member have only one clerk?

A Member is not at liberty to split up and divide his allowance—oh, theoretically he can, but practically he is limited to paying it to one person and must go into his own pocket for anything paid to additional assistants. There is a difference between the Senate and the House in that respect. Each Senator has at least three persons in his office to help him, whereas a Member of the House has but one. He needs two.

Mr. BYRNS of Tennessee. I will say to the gentleman in the first place that there is no limitation upon any Member in respect to the number of clerks he may employ out of the $2,000 allowed for clerical hire, and if the gentleman had listened to the amendment I proposed to offer a moment ago——

Mr. TILSON. I heard it read.

Mr. BYRNS of Tennessee. He would understand that if the House is willing to adopt it it will provide that a Member may expend the $2,000 just as he pleases during the fiscal year, the only difference being that he puts his secretary or secretaries upon the pay roll. The people of this country do not object to giving to the Members of the House every particle of clerical assistance that they need for the prompt and efficient administration of their duties here. The people of the country want the membership of the House to have sufficient clerical assistance.

Mr. TILSON. Does the gentleman not know that Members of this House have not sufficient clerical help? Does he not know that their work is greatly hampered for lack of clerical assistance, especially since the war began. That is the fact so far as the membership of the House is concerned, and the people of this country who know anything about the duties of a Member of Congress know it.

Mr. BYRNS of Tennessee. And I want to say this, in continuance of what I started to say, that they do not object to it, but

I do believe that before this House undertakes to increase its appropriation for clerical help it ought to place the secretaries upon the pay roll. That was one reason why a year ago I voted against the increase that was given at that time.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. WALSH. The gentleman from Connecticut has called attention to the fact that Members of the House did not have sufficient clerical assistance. Is the gentleman aware that there are 17 or 18 committees of the House whose clerks are also the secretaries of the Members?

Mr. BYRNS of Tennessee. There are about 60 committees in the House, I think.

Mr. WALSH. But there are 17 or 18 of those whose clerk is also the secretary of the Member. They have time enough to act as clerk of the committee.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. LINTHICUM. Does not the gentleman realize that since this war began the clerical work of the Congressman has doubled to what it was?

Mr. BYRNS of Tennessee. I know that is largely true, and I know, as a matter of fact, as my colleague from Tennessee [Mr. GARRETT] stated, that there are very many Members of this House, possibly all of them so far as I know, who have to pay out much more money than they get for clerical assistance.

Mr. LINTHICUM. I want to say to the gentleman that I am compelled to employ not only my secretary but two others, the work has increased to such an extent, and it is desired to split this matter up. You can not afford to pay it all out of your own pocket. All of us pay out a large sum as it is. The exigencies of this war, it seems to me, demand that this ought not to be interfered with at this time, at least until we can get other help.

Mr. BYRNS of Tennessee. I can not see how the exigency of the war has anything to do with the question of whether or not those who are employed to render clerical assistance to Members shall be paid for their services directly by the Government.

Mr. LINTHICUM. It is almost impossible to get stenographers. If you get one, you will have her for only two or three weeks, and then she goes into the Government service, and you are changing almost monthly.

Mr. BYRNS of Tennessee. Mr. Chairman, I hope if the gentleman from Tennessee makes the point of order that he will make it to the entire paragraph.

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that that part that I indicated. I reserve the point of order as to the whole.

The CHAIRMAN. As the Chair understands, the point of order made by the gentleman from Tennessee is directed to all the matter beginning on line 24 with the word "provided," page 20, and continuing down to and including the word "appointed," in line 2 on page 21.

Mr. GARRETT of Tennessee. That is correct.

The CHAIRMAN. As the Chair understands it, the basic law in this matter is simply a provision of law that a definite amount may be appropriated for clerk hire for the Members of the House.

The fact that matter subject to a point of order is carried from year to year in an appropriation bill gives it no status against a point of order when it is raised. The fact that it goes over from time to time without objection does not prevent the objection being proper to be made and one to be sustained when it actually is made. Now, the gentleman from Tennessee directs, as I have said, his point of order to all the matter included within the limits stated. All of that matter is legislation, and very plainly it is all out of order, and therefore the Chair sustains the point of order.

Mr. BYRNS of Tennessee. Now, Mr. Chairman, I reserve the point of order against the remaining language, and I want to say in explanation of what I intend to do that I shall make the point of order against the remaining language in view of the fact that the gentleman from Tennessee has said that it is his purpose to offer an amendment which will take care of the clerical help. There will therefore be no danger of Members being deprived of the clerical assistance they are now receiving.

Mr. MILLER of Minnesota. Will the gentleman permit an inquiry? Would the gentleman be willing to submit that matter to a vote of the membership?

Mr. BYRNS of Tennessee. If the gentleman and other Members of the House will submit to the House the proposition to place secretaries upon the roll I will gladly do so, and that is what I want.

Mr. MILLER of Minnesota. I will say to the gentleman that has been voted on here ever since I have been a Member.

Mr. BYRNS of Tennessee. I beg the gentleman's pardon; it has not.

Mr. MILLER of Minnesota. The gentleman does not need to beg my pardon; I have been here and I know.

Mr. BYRNS of Tennessee. I will gladly submit to a vote if the gentleman and other Members permit.

Mr. MILLER of Minnesota. I have no objection to it.

Mr. GARRETT of Tennessee. If I understand the gentleman from Tennessee, he states that if the House be permitted to have a vote upon the proposition involved in his bill placing them upon the roll that he then will not make the point of order.

Mr. BYRNS of Tennessee. No; if we can have a vote in the House.

Mr. GARRETT of Tennessee. Not in the Committee of the Whole House. The gentleman will insist upon a vote in the House?

Mr. BYRNS of Tennessee. Yes.

Mr. GARRETT of Tennessee. I have no objection if we can arrange a parliamentary way of getting at it, but I do not see exactly how to get at it in a parliamentary way.

Mr. BYRNS of Tennessee. I can tell the gentleman how to get at it, although the gentleman is a better parliamentarian than I am. If the gentleman will not make the point of order on this paragraph as reported by the committee and will propose in addition thereto the language he wishes to insert in lieu of that portion of this amendment reported by the committee to which he offers objection, it will afford opportunity in the House to get a roll call.

Mr. GARRETT of Tennessee. Would not this be satisfactory to the gentleman from Tennessee——

Mr. LINTHICUM. I will say if the gentleman does not make the point of order I will.

Mr. GARRETT of Tennessee. Let us see if we can arrive at some conclusion on this. I will say this: I do not know whether Members have investigated the matter or not, but if I may be permitted a minute, it does seem to me, let me say, that there ought to be some means devised by which this annual recurring trouble over this clerical hire could be dispensed with.

Mr. DOWELL. Put them on the roll and that will settle it. [Applause.]

Mr. GARRETT of Tennessee. That might settle it to the satisfaction of the gentleman, but it does not settle it to the satisfaction of a great many other gentlemen. They are on the roll now. I will say to the gentleman, under the law, A Member is required to make profert of those whom he appoints regularly as clerical help. I am not objecting to that. What I am objecting to is the change in the system of payments.

Mr. MADDEN. Will the gentleman yield?

Mr. GARRETT of Tennessee. I will.

Mr. MADDEN. It was suggested that we put them on the roll and do away with the annual controversy. I say if we put them on the roll it will just result in adding one new clerk every year until they get so many clerks, because you are not required to pay them out of what you receive, that there will be a scandal about it. That is the situation.

Mr. GARRETT of Tennessee. In all probability that would be the result. What I was about to say was this: I am extremely anxious that if possible we may in some way get away from this annual worry and embarrassment concerning this question, and if we can arrange a way whereby the gentleman from Tennessee can have a vote upon the proposition I am willing myself to withdraw my point of order and offer a substitute for the proposition. If it then be adopted, the gentleman from Tennessee can demand a separate vote in the House upon that and have a roll call. Will that be satisfactory to the gentleman from Tennessee?

Mr. BYRNS of Tennessee. I have just indicated my desire to perfect the amendment.

Mr. GARRETT of Tennessee. I should be willing if we can have an agreement whereby I withdraw the point of order, the gentleman offers the amendment to perfect in the way he desires, and then I offer my proposition as a substitute, and if it be adopted in committee then the gentleman can have a roll call in the House by demanding a separate vote.

Mr. MILLER of Minnesota. If the gentleman will permit, I for one take exception to the language the committee has used in framing this paragraph, and if the gentleman does not make the point of order I shall.

Mr. BYRNS of Tennessee. What particular language?

Mr. MILLER of Minnesota. I object to nearly all the language and the imputations in the language. It may not be——

Mr. BYRNS of Tennessee. Mr. Chairman, under these circumstances——

Mr. MILLER of Minnesota. The gentleman has talked for half an hour, and will he permit some one else to talk for a minute? If the gentleman can frame language that will not be an

insult and will accomplish what he wants, I will not make the point of order. But the language as it stands——

Mr. BYRNS of Tennessee. The gentleman takes exception to the language. I fail to see anything in the language that carries the slightest imputation.

Mr. MILLER of Minnesota. I see it and others see it.

Mr. BYRNS of Tennessee. The gentleman is in the habit of offering amendments. What would the gentleman offer?

Mr. MILLER of Minnesota. The gentleman from Tennessee [Mr. BYRNS] is sufficiently able to take care of himself. It is easy enough to draw language that does not contain any imputation.

Mr. BYRNS of Tennessee. I insist on my point of order, Mr. Chairman, to removing part of the paragraph so that the gentleman from Tennessee [Mr. GARRETT] can offer his amendment.

Mr. STAFFORD. Mr. Chairman, as a member of the committee I desire to offer an amendment.

The CHAIRMAN. The Chair will first dispose of the point of order. The point of order is made to the remainder of the paragraph. I presume it is on the ground that the salaries contained in the remaining language are in excess of that afforded by the basic law?

Mr. BYRNS of Tennessee. Yes.

The CHAIRMAN. The point of order is sustained.

Mr. STAFFORD. Mr. Chairman, I ask recognition for the submission of an amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Does the sustaining of the point of order now wipe out the appropriation itself?

The CHAIRMAN. In its present form. It is perfectly competent to offer an amendment in conformity with the basic law. The gentleman from Wisconsin [Mr. STAFFORD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 19, after line 23, insert:

"To pay each Member, Delegate, and Resident Commissioner for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $2,000 per annum in monthly installments, $800,000, or so much thereof as may be necessary."

Mr. GARRETT of Tennessee. Mr. Chairman——

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order on that.

Mr. STAFFORD. Mr. Chairman, I grant that to the extent of the salary that is stated, $2,000, it is subject to a point of order. Other than that I contend it is not subject to the point of order, because prior law has authorized the employment of clerks to Members of the House. The basic law is at present $1,200 for our clerk hire. If the chairman of the committee wishes, in view of the action taken by this body last year, to make the point of order to the amount that the Members of the House should use for the employment of clerk hire, it is his privilege to do so. I perform my duty in offering this amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order against that. If the gentleman will offer the current law, I will not do it.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Wisconsin, the Chair understands, has an amendment.

Mr. GARRETT of Tennessee. Does that rule apply? I know the gentleman has the right to the floor, but can he keep the floor indefinitely?

The CHAIRMAN. The Chair is not going to let any one Member keep the floor for an indefinite time.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. STAFFORD offers the following amendment: Insert the following: "Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner, for clerk hire necessarily employed by him in the discharge of his official and representative duties, $2,000 per annum, in monthly installments, $880,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointments."

Mr. COX. Mr. Chairman, I reserve a point of order on that.

Mr. STAFFORD. Mr. Chairman, the amendment which has just been read by the Clerk is the language in the existing law that was incorporated in the bill last year. It makes no change whatsoever, and does not make it permanent law, but merely carries for the next fiscal year the same appropriation under the same conditions as the existing appropriation.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. Does not that go further than existing law in this, that it requires the Member to register the names of all persons employed by him to assist in his office? What I want to avoid is the necessity of reporting to somebody the name of every person employed by a Member to conduct his clerical work, his seed distribution, and similar matters—per diem employees. I passed the office of one Member yesterday who had no less than 11 persons employed addressing material. They were evidently on a per diem pay roll and at his own expense, because his secretary needed the help.

A Member of the House ought to have jurisdiction over this $2,000. I am perfectly willing to have the name of the secretary reported to somebody if the conscience of the House thinks that is necessary to meet public criticism. But the idea of being accountable to somebody for every person that may be employed throughout the year on various jobs which come under the designation of clerk hire seems to me supremely ridiculous in the first place and a direct reflection upon the integrity of the Member in the other.

Documents have to be sent out, as the gentleman knows; seed have to be sent out—few secretaries do that single handed—and there are some Members who have to employ from one to three and four assistants; some of them regularly. Does not the gentleman's amendment require that each Member shall keep an account of all money spent in this way—enter it up and report it here to somebody? That, I think, is an unnecessary requirement.

Mr. STAFFORD. The fear of the gentleman in making an accounting is not involved in the amendment here proposed. This amendment is existing law, and under it Members are required merely to report to the Clerk of the House the names of the clerks who are the recipients of this fund. The construction of this statute does not place any undue hardship upon the Members in the payment of the fund to the respective employees whom they require for their clerical service.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask for two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman asks for two minutes more. Is there objection?

There was no objection.

Mr. STAFFORD. I attempted to offer an amendment whereby the amount should be $2,000 per annum, payable in monthly installments without any restriction whatsoever. My purpose was that Members would be certain to secure $2,000, and not be deprived of that amount for their use during the next fiscal year. The Chairman of the subcommittee having this bill in charge made a point of order to that and stated he would not make the point of order to the existing law, and I am offering the existing law so that we all may continue during the next fiscal year under the same terms and practice as in the past.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the gentleman from Wisconsin may have one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE of Pennsylvania. Do I understand that the amendment offered by the gentleman is the existing law?

Mr. STAFFORD. Exactly, word for word.

Mr. MOORE of Pennsylvania. And does not necessitate the detailed accounting to which I referred?

Mr. STAFFORD. It does not.

Mr. DYER. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. If I have time.

Mr. DYER. I would like to ask the gentleman as a member of the committee if he can say, representing the judgment of himself and the committee, if this matter is allowed to pass without a point of order, we will have no repetition of this unseemly performance in the next Congress and forever after?

Mr. STAFFORD. I can make no predictions as to the future.

Mr. DYER. I ask for one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DYER. I think the House is thoroughly sick of this unseemly performance. I hope this will be the end.

Mr. COX. Mr. Chairman, I reserved this point of order for a purpose. I do not know whether I can develop the purpose for which I really reserved it or not.

First, I desire most earnestly to say that I was in favor of the original language placed in the bill by the committee. I am utterly at a loss, utterly unable to read the English language, when I would undertake to read into the provision reported by the committee an aspersion on any Member of this House. Not a right is taken from him; not a privilege is taken from him. He can put on the roll whomsoever he pleases, and let his clerk get his own or her own money. He can put on more than one, if he wants to, and they can get their money.

It has happened to me more than once—and I dare say it has happened to many Members on the floor of the House in the same way—particularly during the campaign time, when I am absent from my home and my residence for two or three weeks at a time, campaigning in my district, that my secretary, who really needs her check, which may be lying in my office at the time at my home city, is unable to get her money until I return and indorse that check. Gentlemen seem to look upon that rather lightly. It may be that I am an exception to the rule. If I am, I am nevertheless stating exactly what has occurred to me on more than one occasion.

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. COX. For a question.

Mr. REAVIS. I think that has occurred to every Member, who merely indorses the check and turns it over to his secretary.

Mr. COX. I take it, and I assume that every Member of this House indorses his check and turns it over to his private secretary. I hope that I am not exercising myself in a violent assumption when I thus make that statement.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. COX. Yes.

Mr. KEARNS. I will say to the gentleman that I never saw one of these checks in my life. My secretary signs my name to it and goes and gets it cashed.

Mr. COX. My secretary signs my name to a lot of letters, but I will not let my secretary, though I have undoubted confidence in her honesty, sign my name to a check. I will not let any mortal do that except my wife.

Mr. RUCKER. But it is the secretary's check.

Mr. COX. But I must indorse that before she can cash it.

Mr. KEARNS. It is her own money, is it not?

Mr. COX. Yes.

Mr. KEARNS. What is the difference, then, if she signs for it?

Mr. COX. There is a vast difference. I say, I assume that every Member of this House indorses the check and turns it over to the secretary. I assume, and have a right to assume, that every Member of this House has a private secretary somewhere, and that he is turning over every dollar of that money to the private secretary. Otherwise he is not entitled to the money. I am not here to cast aspersions on any Member of this House. I say, I assume that they do that; in fact, I think they do.

Now, then, gentlemen, this provision came up here last session and it was kicked out. The objection was that the Senate interfered with our prerogatives. That was the objection to it then. We first refused to accede to the Senate amendment, and then the leader on that side [Mr. MANN], moved to adhere to the House motion, and the House conferees, of course, finally yielded on that provision, because the House had to adhere.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield for a question?

Mr. COX. Yes.

Mr. GARRETT of Tennessee. Let me ask the gentleman this: If that provision as it appears in the bill reported by the committee should become a law, then the clerk of the Member becomes a House employee. That is true, is it not, designated by the Member?

Mr. COX. Yes; technically true; but not her work.

Mr. GARRETT of Tennessee. Under the law as it now stands, there is allowed to the Member $2,000 for clerical hire. He can expend all of that for one clerk or he can expend all of that for half a dozen clerks, if he desires so to do, perfectly legitimately. Now, if you change the law and provide that the clerk shall go upon the roll and that the check for $2,000 per year shall be sent to that individual, then have you not prevented yourself from using any part of that $2,000 to pay any except one individual?

Mr. COX. No; the language under this bill is wide enough to permit you or any other Member of the House to appoint one or more than one upon the rolls here. I do not care whether you put one on at $1,200 and another one on at $800; let them go on the roll and let them draw their own money.

Mr. KINCHELOE. Will the gentleman yield?

Mr. COX. Yes; I will yield for a question.

Mr. KINCHELOE. If the gentleman feels that way about it and puts his secretary on the roll, and if some other Member of the House can manage his better in some other way, what kick has the gentleman got? [Applause.]

Mr. COX. I have no kick at all, except to kick this question out of Congress and keep it out of here. It will come back to plague us forever unless we put these people on the roll. It will come up every year when the legislative bill comes in; and there is just one way to prevent that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that he be allowed to proceed for five minutes. Is there objection?

Mr. KNUTSON. I object.

The CHAIRMAN. Objection is heard.

Mr. COX. It will come home to roost on you.

Mr. BYRNS of Tennessee. I should like to know whether the gentleman from Indiana proposes to make the point of order?

Mr. COX. I can not announce that now. I want to propound a question to the House, as I said before, with a view to seeing whether or not there are any other amendments to be offered to this proposed amendment.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. Has the point of order been disposed of?

The CHAIRMAN. It has not.

Mr. GOOD. Has a point of order been made?

The CHAIRMAN. It has not.

Mr. GOOD. Has it been withdrawn?

The CHAIRMAN. It has not. The point of order has been reserved. That is the status of this amendment.

Mr. GOOD. Then I ask for the regular order.

Mr. COX. I withdraw the point of order.

Mr. MOON. I reserve the point of order for a moment.

The CHAIRMAN. Does the gentleman from Tennessee make the point of order?

Mr. MOON. No; I just reserve it for a moment. I want to say that I have no objection to the legislation that is desired, to put these clerks upon the rolls. But we have an illustration here to-day of the trouble we get into when a committee of this House attempts to usurp the power and authority of another committee. Under the law and the rules of this House the Committee on Appropriations has no authority to legislate about anything. It makes appropriations. Yet it is placing legislation upon its bills right along. There was no necessity for placing this legislation upon this bill. The committee might have made the appropriation as authorized by law. Of course no objection could be made before the bill came into the House and was reported, except to the whole bill, and that could not be done. The report having been made, then the committee got jurisdiction to bring the question before the House for consideration, provided it did not conflict with that other rule which is now being applied, of legislation on an appropriation bill. It is the insidious way in which they attempt to get in here that I object to. What condition have they put this House in to-day? The only law on this subject for the payment of secretaries is for $1,200 per annum. The increases have been carried in the annual appropriation bills. Now the amount is $2,000 a year. Any amendment above $1,200 is subject to the point of order.

Mr. GARRETT of Tennessee. Will my colleague yield?

Mr. MOON. Yes.

Mr. GARRETT of Tennessee. The gentleman's statement as to the permanent law is not quite accurate.

Mr. MOON. Was it $1,500 instead of $1,200?

Mr. GARRETT of Tennessee. No; all the permanent law that I have been able to find upon the question is $100 per month during a session of Congress to those Members who are not chairmen of committees having clerks, and to those who are chairmen of committees having clerks, $100 a month during vacation.

Mr. MOON. I may be wrong as to the exact language of the law, but assuming that it is as my colleague says, it does not alter this situation one iota. Now what situation have they put us in in reference to this question? My colleague, the gentleman from Tennessee [Mr. GARRETT], makes the point of order on the language following the appropriation of $880,000.

The point of order is well taken, because of the fact that it is legislation upon an appropriation bill. Then my other colleague from Tennessee [Mr. BYRNS] makes the point of order on the appropriation of $880,000, and that is well taken, because it is beyond the amount for which the committee could appropriate. In other words, the Committee on Appropriations comes into this House with new legislation that it ought not to have brought in, and then it comes in and of its own motion strikes from the bill the appropriation for the salaries of the clerks to the Members of the House and leaves the bill naked on that question.

Now, the amendment comes again from the gentleman from Tennessee [Mr. GARRETT]. It is subject to a point of order. All these amendments are subject to points of order. You could not get anything into this bill now except the old salary under the old law if the point of order is insisted upon.

I mention these facts to show you the attitude that the House is put in by an attempt to usurp power that does not belong to the committee. The only thing that can be done legally, if this point is insisted upon, is to put back the old salary and then for the Judiciary Committee to bring into this House a bill that will authorize an increase of the salary to $2,000. The Committee on Appropriations has no power to do it, and it ought not to interfere with these questions. I am not going to attempt to further embarrass the House by making parliamentary suggestions. I simply reserved the point of order, not for the purpose of embarrassing the House in this matter and reducing the salary of these clerks, but to show you how wrong it is and what an error we can get into in an attempt to override the rules of the House and usurp a jurisdiction that does not belong to us. I withdraw the reservation of the point of order.

Mr. BYRNS of Tennessee. Mr. Chairman, I am not going to reply to the gentleman from Tennessee in kind, but the gentleman is chairman of the Committee on the Post Office and Post Roads, and I say in all good feeling that his committee has violated the rules of this House repeatedly. As we all know, it has been necessary for him frequently to go to the Committee on Rules to make in order propositions that he carried in the Post Office appropriation bill. They were placed there in clear violation of the rules of the House, as much so as any action of the appropriation committee about which the gentleman complains. I cite this to show the inconsistency of some complaints which are being made.

Mr. MOON. Will the gentleman yield?

Mr. BYRNS of Tennessee. No; I do not yield now. The facts are these: The gentleman from Tennessee [Mr. GARRETT] has correctly said that the law now on the statute books provides only $100 a month for Members during the actual session, and $100 in vacation for those who are chairman of committees. Now, if the committee had brought in that sort of a proposition, it would have been a great injustice to you gentlemen who are not chairman of committees, with $5,000 for clerk hire by virtue of such chairmanship. This provision is primarily for the Member without a chairmanship, and not for the chairman of a big committee, who not only has possibly $5,000 for clerical help by reason of such chairmanship but also the help provided for each Member.

Long before I came to Congress the legislative appropriation bill carried a provision giving to clerks of the House a sum in excess of that provided by law. The Committee on Appropriations in this particular instance has done no more than Appropriation Committees have done for the last 20 years or more. The gentleman, my colleague, for whom I have great regard and great personal admiration, has been a Member of the House for 22 years, and yet this is the first time he ever rose on the floor of the House to criticize the Appropriation Committee because it has brought in a provision giving Members of the House adequate clerical service to enable them to perform their duties.

Mr. BUTLER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BUTLER. Why not equalize it by taking away some of the money from the chairmen of the great committees?

Mr. BYRNS of Tennessee. I do not think that would meet with favor from them.

Mr. BUTLER. I belong to a party that is very unfortunate. [Laughter.]

Mr. BYRNS of Tennessee. The gentleman is correct in that; but so far as clerical assistance is concerned he is no more unfortunate than I am.

Mr. BUTLER. But I do not want you to reduce it. [Laughter.]

Mr. MOON. Mr. Chairman, I did not desire to arouse bad temper in my friend from Nashville, nor did I rise for the purpose of making a statement that would in any way interfere with the salary given Members' clerks. His suggestion that a chairman of a committee could well afford, because he has other clerks, to let this go out on a point of order is not in accordance with the fact, because there is no desire on the part of any chairman of a committee that I know of to prevent the membership of this House from having $2,000 for their clerical assistance. I was just showing the attitude in which the gentleman can put the House and regretting that he did such a thing. With all kindness toward my good friend from Tennessee, he has put us in the attitude so that any man on the floor of the House, if he sees fit to do it, can object to these amendments and force this whole question to the Judiciary Committee for legislation in order for you to get over $1,200 a year for your clerks. I have not proposed to do it. I have said that I would not do it, because I did not want a thing of that sort done, and yet he gets up here and assumes that I have said that my purpose and intention was to do that, because I have some other clerical assistance.

Well, as far as I am concerned, I suppose our committee does about as much work as any of them, and I do about as much as any clerk. I do not want to put the House in an embarrassing situation at all. I wanted to emphasize the fact that this is an usurpation of power and authority which has to stop and is going to stop as far as I can help to stop it. If it was not for further embarrassing the House and doing an injustice, I would like to insist on the point of order and show the gentleman how necessary and how essential it is for committees to follow the law in this country instead of attempting to violate it by encroachment on the jurisdiction of other committees. The gentleman says that I have made no point of order against provisions heretofore. I have always made it a point in this House to look after the business of the committee that I had charge of and the work on that committee, if I could. I have not undertaken to interfere with other committees and do not propose to do it until they begin to encroach upon the committee that I am interested in. Then I am going to sustain the jurisdiction and dignity of that committee, if I can, and the gentleman will find before the consideration of this bill closes that it contains some other items that are going to be stricken out because of the assumption of jurisdiction that is not warranted. The Committee on Appropriations has to keep within its own boundaries, and if it goes into those of others it has to be driven out.

Mr. CANNON. Mr. Chairman, will the Chair indulge me by unanimous consent for just a word or two on the point of order?

The CHAIRMAN. There is no point of order pending. The reservation of a point of order was withdrawn.

Mr. CANNON. Then, Mr. Chairman, I move to strike out the last word. Ever since I have been a Member of this House there has rarely been an appropriation bill, before the bills were divided or since they were divided, that has not had in it one or more and sometimes 15 or 20 propositions not provided for by permanent law. Every such proposition is subject to a point of order, and any one of the 435 Members can make the point of order. So, after all, I apprehend that with members of these respective appropriating committees it is a case of the pot calling the kettle black. If these outrages are committed it is within the power of any Member to trim the bill. It is said that it is responsible for all this hurrah about clerk hire. I think I understand why the hurrah. The law is $1,200 for each fiscal year during the session. There you are. That is legal. If this whole thing goes out on a point of order some one can offer the amendment for $1,200, and it will not be subject to a point of order, but there is not a man in the House now who does not understand that, and we have the language, because there is no Member that wants to cut down below $2,000; and there you are.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment in the nature of a substitute.

Mr. GARRETT of Tennessee. Mr. Chairman, I have an amendment to perfect, and I submit that that takes preference.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] can offer an amendment to perfect the pending amendment.

Mr. GARRETT of Tennessee. I offer as an amendment the following proviso, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. GARRETT of Tennessee offers an amendment to the amendment of Mr. STAFFORD by adding at the end thereof the following proviso:

"*Provided, further*, That said amount of $2,000 shall be the annual allowance for clerk hire for each Member, Delegate, and Resident Commissioner hereafter, to be paid under the limitations and upon the conditions herein prescribed."

Mr. GOOD. Mr. Chairman, I reserve the point of order on the provision that makes it permanent law.

Mr. GARRETT of Tennessee. Mr. Chairman, it is not subject to the point of order, and I suggest that it be disposed of.

Mr. GOOD. Mr. Chairman, the whole question, it seems to me, has been brought about by an attempt upon the part of the House to be economical. If this body would appropriate a suffi-

cient amount of money to permit each Member to transact his business in an orderly way and with dispatch, there would be no question then but what we could put upon the rolls every one of the employees of such Members. The membership of this House is composed of men who are comparatively poor. A great many of the Members of this House can not afford to go into their pockets, as they are compelled to do every year, and hire clerks to transact the Government business. Let me call attention to what we have done already, without any objection at all. We have given to the other body an allowance for clerk hire. Take the Committee on the Disposition of Useless Papers in the Executive Departments, and I take it there is no more inactive committee in Congress than that.

Mr. MADDEN. That is in the Senate?

Mr. GOOD. That is in the Senate. On page 4 of the bill you will find that we appropriate for the chairman of that committee a clerk at $2,220 a year, an assistant clerk at $1,440 a year, a messenger at $1,200 a year. The chairman of that committee has a force to do his work that costs the Government every year $4,800. After we have taken care of all the Members of the Senate who are chairmen of committees—and there are 24 Senators who are not chairmen of committees—we incorporated this provision:

For assistance to Senators who are not chairmen of committees, as follows: Twenty-four clerks, at $2,000 each; 24 assistant clerks, at $1,200 each; 24 messengers, at $1,200 each; in all, $105,600.

That amounts to $4,400 a year to every Member of that body who is not the chairman of a committee, so no Senator has less than $4,400 a year for clerk hire. The House has attempted to be economical. It has attempted to enact legislation that would permit a Member who can not afford to pay out of his pocket for clerical services necessary to perfrom his work to employ more than one clerk out of the allowance. Each Member of the House can put on the roll in the Clerk's office the names of the persons to whom he pays this $2,000, and he can pay it for such service just as he pleases during the year.

Mr. Chairman, I am one of those who believe that the membership of this House is honest. I do not believe there is a man in the House who will take a single penny that is voted to him by Congress for clerk hire and use it for his own benefit. I have no objection to this amendment excepting this. I do not believe that now is the time, when our people are being taxed as they were never taxed before, to raise salaries, or to increase the expenses of the House or any department of the Government if it can be avoided. Adopt this resolution, and put on the rolls the secretary of the Member at $2,000, and the membership of this House will rise, as it will have a right to rise and ought to rise, and demand that each Member have an additional clerk in order that Members of the House can perform their work.

Now, I do not believe we ought to do that now. I do believe that we ought, if possible, to economize a little longer along this line. Advocating economy in other Government departments, let us set the example. This is not the time to change the law in this respect, for it will result in increased appropriations, and therefore I am for the amendment of the gentleman from Wisconsin [Mr. STAFFORD].

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. GOOD. I do.

Mr. CARTER of Oklahoma. Does the gentleman know of any time when a Member of Congress had more work to do and needed additional help any worse than he does at this time since this war has been in progress?

Mr. GOOD. No; I think that is true, and I think the consensus of opinion of the committee which has investigated this matter for years is that Members of Congress will get along by paying two and sometimes three employees as clerks and dividing up this $2,000, and thereby in a way perform their duties.

Mr. LITTLE. Will the gentleman yield?

Mr. GOOD. I do.

Mr. LITTLE. Is there any other branch of this Congress the Members of which have more work for their clerks to do than the Members of this branch?

Mr. GOOD. No; no other branch has as much to do, of course.

Mr. LITTLE. Excuse me, but how much less is the clerk hire of a Member of this House under this law than the clerk hire of Members of some other body?

Mr. GOOD. Twenty-four hundred dollars or more.

Mr. KNUTSON. Twenty-four hundred dollars.

Mr. LITTLE. Just put that answer in the RECORD.

Mr. GOOD. I make the point of order.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARRETT of Tennessee. Mr. Chairman, does the Chair care to hear from me? I invoke the well-known rule of parliamentary practice in this House that where a proposition which would as an original proposition be subject to a point of order is offered to an amendment or to a proposition which would have been subject to the point of order if made, that amendment or proposition is in order. The situation is this: The amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] was subject to a point of order had that point of order been made, and the Chair would have sustained it, of course; but it not having been made, it having been admitted, then the amendment which I have offered, although as an original proposition it would have been subject to the point of order, is under the well-fixed rule in order.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard?

Mr. GOOD. Mr. Chairman, I think the gentleman from Tennessee has correctly stated the status of this amendment, but the point which I desired to call to the Chair's attention was this: The amendment offered by the gentleman from Wisconsin [Mr. STAFFORD] had only reference to appropriations for this year. It did not attempt to enact permanent law that would control in the future appropriations under this item. The gentleman from Tennessee [Mr. BYRNS] offers an amendment, a part of which I concede is in order, but a part of which is not germane, in that it attempts to enact permanent law on an appropriation bill.

Mr. BYRNS of Tennessee. The gentleman means the gentleman from Tennessee, Mr. GARRETT?

Mr. GOOD. No; Mr. BYRNS. If I correctly heard the reading the amendment or the substitute offered by the gentleman from Tennessee [Mr. BYRNS] it provides that hereafter, and so forth.

Mr. BYRNS of Tennessee. That substitute has not been read, and it does not provide——

Mr. GARRETT of Tennessee. The amendment which I offered is to make it permanent law.

Mr. GOOD. This is the provision to which I desire to direct the attention of the Chair. It is that part which would enact this as a permanent law to which I object. I made no point of order on the other provision. It seems to me that portion is not germane to the amendment offered by the gentleman from Tennessee.

The CHAIRMAN (Mr. SAUNDERS of Virginia). The Chair will ask the indulgence of the committee for a few moments while he states the principles upon which his ruling will be based. These principles are often appealed to, and merit a very precise and definite statement in order that they may be clearly understood, and their application readily followed. If a paragraph contains any offending matter, and I mean by this any matter that is subject to a point of order, then the entire paragraph is subject to a point of order. It is competent, however, for a Member to direct his point of order to the offending matter alone, and if he thus restricts his objection, then the offending matter only, will be expunged. But if the point of order is directed to an entire paragraph, any portion of which is not in order, the point of order will be sustained as to the paragraph in its entirety. On the other hand a paragraph containing offending matter but not objected to on that account, remains in the bill as a whole, and within certain limitations, is open to amendment. The statement is often made that under the conditions last stated, the paragraph is open to amendments that would otherwise be out of order. But this is not a very precise statement of the rule since it is calculated to convey the erroneous idea that the door is wide open to amendments whatever their character, or the extent of their illegality. The true ruling and the one fully supported by the precedents is that a paragraph embodying legislation which is allowed to remain in an appropriation bill, may be perfected by a germane amendment, but this does not permit an amendment which adds additional legislation. Fourth Hinds, section 3836, ruling by Theodore Burton, Chairman. The Chairman, as a part of his ruling, made the following statement:

The Chair, though somewhat doubtful, thinks the best rule is: That if a paragraph has been included in a bill which has in it a taint of illegality, or of being contrary to existing law, that paragraph can be corrected or perfected by an amendment: but if the further paragraph which is proposed, as an amendment, carries a further degree of illegality, affecting the whole paragraph as amended, then it is not in order.

Manifestly this ruling is fundamentally sound. The existence of illegality in a paragraph should not furnish the groundwork, or afford the excuse, to engraft upon the paragraph additional and perhaps more sweeping illegalities in the form possibly of radical changes of existing law. The principle fundamental to the whole situation is that it is undesirable to enact essential legislation in an appropriation bill. The distinction made by the Chairman in the decision cited, is clearly in the interest of good legislation, and wholesome procedure. It is one that was not only proper to be made upon the facts in that case, but one

that ought to be followed, since otherwise, if some nonessential, but offending matter, should be allowed to remain in a paragraph, amendments of the most sweeping character, embodying new and additional illegalities might be construed to be in order, upon the theory that the presence of the offending matter in the paragraph under consideration, removed the right to object to new illegalities. Further rulings sustaining the position of Chairman Burton will be found in Fourth Hinds, section 3823, section 3826, section 3832, section 3838.

The conclusion of this matter then is that:

In an appropriation bill a paragraph embodying legislation and allowed to remain in the bill may be perfected by a germane amendment,

that is, an amendment germane to this otherwise illegal matter,

but this does not permit an amendment which adds additional legislation which is not a development, or perfecting of the original offending matter.

The amendment which the gentleman from Tennessee submits, proposes to add a new feature of permanent law to the proposition now under consideration. If there is illegal matter in the pending proposition, to what extent can the matter proposed by the gentleman from Tennessee, be considered a dedevelopment, or perfecting of that matter? It is an enlargement of the illegal content of the proposition before the committee, in the way of new and permanent legislation. The Chair does not consider that this amendment fairly comes within the principle announced with respect to perfecting offending matter allowed to remain in an appropriation bill, and the point of order is sustained.

Mr. CALDWELL. Mr. Chairman, I offer a perfecting amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CALDWELL to the Stafford amendment: After the word "appropriation" in the Stafford amendment, and before the word "*Provided*," insert, "And in addition thereto each Member, Delegate, and Resident Commissioner, who shall certify that additional help is necessary in the discharge of his official duties, one clerk, who shall be a stenographer, $100 per month during the session of Congress, to pay which so much as may be necessary is hereby appropriated."

Mr. COX. Mr. Chairman, I offer an amendment to the amendment.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I reserve a point of order on it.

The CHAIRMAN. Two gentleman reserve the point of order on the amendment.

Mr. BYRNS of Tennessee. Mr. Chairman, I would like to ask the Clerk to read the amendment as it will read if adopted.

The CHAIRMAN. Without objection, the amendment will be read again for the information of the committee.

Mr. BYRNS of Tennessee. I mean the entire amendment.

The CHAIRMAN. Without objection, the Clerk will read the amendment of the gentleman from Wisconsin [Mr. STAFFORD] as amended by the amendment of the gentleman from New York [Mr. CALDWELL].

The Clerk read as follows:

After line 23, on page 19, insert: "Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner for clerk hire necessarily employed by him in the discharge of his official and representative duties $2,000 per annum, in monthly installments, $880,000, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation. And in addition thereto each Member, Delegate, and Resident Commissioner who shall certify that additional help is necessary in the discharge of his official duties, one clerk, who shall be a stenographer, $100 per month during the session of Congress, to pay which so much as may be necessary is hereby appropriated: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointments."

Mr. BYRNS of Tennessee. Mr. Chairman, I make the point of order against the amendment.

Mr. CALDWELL. Mr. Chairman, I make this point: This amendment is practically a statement of the law as it now stands, and if offered alone, without the Stafford amendment, would be in order. In addition to that, it is germane to the Stafford amendment, because it extends and perfects the proposition as submitted to this House in the matter of employment of necessary help in the discharge of the official duties of the Members, Delegates, and Commissioners in this House. This proposition was submitted to this House in the Sixty-fourth Congress, second session, and the gentleman from Mississippi [Mr. HARRISON] was in the chair. The matter was there passed upon and the Chair ruled that it was in order, and the House voted upon it. And under that precedent, and under the precedents already established and read by the Chair here to-day, and in view of the fact that this is a germane amendment, is a repetition of the law as it now stands, and was ruled to be in order in connection with the identical amendment as proposed by the gentleman from Wisconsin [Mr. STAFFORD] in the Sixty-fourth Congress, I submit this is in order.

The CHAIRMAN. The Chair will not restate the principles previously announced.

The Chair has been cited to the decision of Mr. Chairman HARRISON, and has examined it carefully, and also the other decisions on the principle involved. Mr. Chairman HARRISON seemed to consider that the amendment was in order on the general ground that the paragraph contained illegal matter, and therefore other illegal matter could be submitted by way of amendment. There was no precise statement of the principle, or citation of precedents. I have tried to point out the limitations which surround the admission of illegal matter to a paragraph already tainted with illegality.

The amendment provides an additional allowance for clerk hire for Members, and provides further that this additional allowance shall be expended for a stenographer. Looking to the proposition proposed to be amended, what is the illegal matter in that proposition which this amendment will develop, and perfect, and to which it may be fairly considered germane?

It would be difficult I think, to indicate this matter. The amendment is illegal in more than one respect. The paragraph, or amendment to which this amendment is offered, contains illegal matter, in that the amount allowed by basic law is increased from $1,200 to $2,000. Can it be fairly construed that an amendment which increases further that allowance, and provides in addition that this increase shall be expended upon a stenographer, merely perfects the illegal increase in the original allowance, without adding a new element of illegality, namely that the Members will be compelled to apply this increase to the employment of a stenographer? The amendment reduces the discretion of the Members in the application of the money appropriated for clerk hire. It directs their discretion, and requires it to be exercised in an accurately prescribed fashion.

It would be perfectly appropriate and in order to increase by amendment the amount of $2,000, and make it $3,000, if the committee chooses to do so, or $4,000, or any other amount that may be desired. Such amendments would be germane developments of the illegal matter. Should this be done, the Members could utilize the increase over the original allowance for the employment of a stenographer, since there is no limitation in the basic law upon the use of the money appropriated for clerk hire.

A Member may expend his allowance upon one, two, three or four clerks; they may be all stenographers; they may be clerks who are not stenographers; they may be typists; they may be both stenographers and typists. These details are left to the discretion of the Member when selecting his clerks. But this amendment takes away this discretion in the use of the increase proposed. It prescribes that the increased amount to be appropriated for clerk hire shall be expended upon the employment of a stenographer, and for no other purpose. Existing law leaves to the Members the free exercise of discretion in the application of the funds to be expended to secure clerical assistance. The amendment proposes new law. It creates an additional fund for clerk hire, a fund that can be expended in but one direction, namely the employment of a stenographer. This will be legislation on an appropriation bill, and new illegality. It is not a perfecting amendment to existing illegality, that is to say to what would be existing illegality if the increased appropriation for clerk hire had not been allowed to remain in the amendment without objection. The point of order is sustained.

Mr. MEEKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MEEKER. If an amendment had been offered to change the sum from $2,000 to $3,200, would that be in order?

The CHAIRMAN. According to the precedents, certainly.

Mr. MEEKER. I move that the Stafford amendment be amended to read "$3,200" instead of "$2,000."

The CHAIRMAN. The gentleman from Missouri moves to amend the Stafford amendment by striking out the sum "$2,000" and inserting in lieu thereof the sum "$3,200." The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MEEKER. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 67, noes 63.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask for tellers.

Mr. CANNON. Mr. Chairman, I ask unanimous consent to make a parliamentary inquiry.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to propound a parliamentary inquiry. Is there objection?

There was no objection.

Mr. CANNON. If this addition should be adopted it becomes a part of the other amendment and would be reported to the House; and when reported to the House it would be subject to a yea-and-nay vote, as I understand it, and then how many of us will vote "yea"? If the vote is "nay" it cuts out everything.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. BYRNS of Tennessee and Mr. MEEKER to act as tellers.

Mr. KINCHELOE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The House is in the process of voting. Those in favor of the amendment will pass through the tellers and be counted.

The committee again divided; and the tellers reported—ayes 60, noes 83.

So the amendment was rejected.

Mr. BYRNS of Tennessee. Now, Mr. Chairman, I offer an amendment as a substitute.

The CHAIRMAN. The gentleman from Tennessee offers an amendment as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. The Clerk will report it.

The Clerk read as follows:

Mr. BYRNS of Tennessee offers the following substitute for the Stafford amendment:

"Clerk hire, Members and Delegates: For clerk hire for Members, Delegates, and Resident Commissioners, necessary in the discharge of their official and representative duties, $2,000 each per annum, $880,000, or so much thereof as may be necessary: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners from and after July 1, 1918, shall be placed on the roll of employees of the House of Representatives and shall be paid in the same manner as other employees of the House are paid: *Provided further*, That each Member, Delegate, and Resident Commissioner may appoint for such periods and at such rates of compensation as he shall determine within the said sum of $2,000 a clerk or clerks who shall be subject to be removed at the will of the person by whom they are appointed: *Provided further*, That any accrued amounts remaining unexpended at any time during the fiscal year shall accumulate and be available for expenditure at any time during the remainder of the fiscal year: *Provided further*, That Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States shall be entitled, from the date of commencement of their respective terms, to make appointments and removals of clerks under this appropriation: *Provided further*, That the employment of any clerk or clerks hereunder shall cease upon the death, resignation, removal, or termination of service of the Member, Delegate, or Resident Commissioner by whom they were appointed."

Mr. MILLER of Minnesota. Mr. Chairman, I reserve a point of order.

Mr. STAFFORD. I reserve a point of order, Mr. Chairman.

Mr. GARRETT of Tennessee. I make the point of order that the substitute is not in order.

The CHAIRMAN. Several gentlemen make a point of order.

Mr. GARRETT of Tennessee. I direct the attention of the Chair to the language of the first proviso—

Provided, That all clerks to Members, Delegates, and Resident Commissioners from and after July 1, 1918, shall be placed on the roll of the employees of the House of Representatives and shall be paid in the same manner as other employees of the House are paid.

Now, I invoke the two rulings of the Chair, just made, in support of the point of order which I now offer, namely, that it is not in order to offer a proposition not germane when it would add to the illegality of the original proposition.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. And this proposition would radically change the existing law, in that it would change the method of payment to the clerk, and it would change the character of the clerk by designating him or her as an employee of the House.

Mr. WALSH. Mr. Chairman, I make the point of order that the point of order comes too late; that this amendment has been considered, and that an amendment offered to it was voted down and disposed of therefore it is too late.

The CHAIRMAN. This substitute was not offered to the House before, and as soon as it was offered the gentleman from Tennessee made a point of order to it.

Mr. WALSH. Is not this the substitute that was read to the House some little time ago?

The CHAIRMAN. For the purpose of information.

Mr. WALSH. Only for information?

The CHAIRMAN. Yes.

Mr. BYRNS of Tennessee. I concede the fact that, in view of the ruling of the Chair, the amendment as read at the Clerk's desk is subject to a point of order, because under the terms of the amendment it would have the effect of making it permanent law. That was intended, because I believe we ought to have a permanent law on the subject if we can place these clerks on the roll. But in view of the point that has been made, if it is insisted on and in order to make the amendment, in my judgment, clearly in order, I want to ask unanimous consent that the words "from and after July 1, 1918," be stricken from the amendment.

Mr. MADDEN. I object to any modification in the way of amendment if there is any point of order pending. I am going to make the point of order on this myself, if nobody else does.

The CHAIRMAN. Does the gentleman object to the unanimous-consent request of the gentleman from Tennessee?

Mr. MADDEN. I object.

The CHAIRMAN. The gentleman objects. If the Chair is right in the ruling heretofore, this substitute amendment is clearly out of order.

Mr. BYRNS of Tennessee. I offer an amendment with the date "July 1, 1918," stricken out. I do not see that there is any necessity of reading it.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Strike out the words "from and after July 1, 1918."

Mr. MADDEN. Now, Mr. Chairman, let us have the amendment reported as it would read.

The CHAIRMAN. Without objection, the Clerk will report the amendment as it would read with the correction made by the gentleman from Tennessee.

Mr. MADDEN. I would like to have the amendment reported as it would read if it were added to the Stafford amendment.

The CHAIRMAN. It is a substitute amendment.

Mr. GARRETT of Tennessee. It has to be reported if anyone demands it. It is a new proposition.

The CHAIRMAN. The gentleman from Wisconsin reserved a point of order on the substitute.

The Clerk read as follows:

Substitute offered by Mr. BYRNS of Tennessee to the Stafford amendment:

"Clerk hire, Members and Delegates: For clerk hire for Members, Delegates, and Resident Commissioners, necessary in the discharge of their official and representative duties, $2,000 each per annum, $880,000, or so much thereof as may be necessary: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House of Representatives and shall be paid in the same manner as other employees of the House are paid: *Provided further*, That each Member, Delegate, and Resident Commissioner may appoint for such periods and at such rates of compensation as he shall determine within the said sum of $2,000 a clerk or clerks who shall be subject to be removed at the will of the person by whom they are appointed: *Provided further*, That any accrued amount remaining unexpended at any time during the fiscal year shall accumulate and be available for expenditure at any time during the remainder of the fiscal year: *Provided further*, That Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States shall be entitled, from the date of commencement of their respective terms, to make appointments and removals of clerks under this appropriation: *Provided further*, That the employment of any clerk or clerks hereunder shall cease upon the death, resignation, removal, or termination of service of the Member, Delegate, or Resident Commissioner by whom they were appointed."

Mr. GARRETT of Tennessee. Mr. Chairman, I make the point of order that the substitute is not in order; and I again direct the attention of the Chair to the language of the first proviso, which I quoted a few moments ago in making the point of order to the amendment as originally offered by the gentleman from Tennessee; that is, that it vitally changes the present law and therefore is not germane to the amendment, in that it changes the character of the clerk by making him or her an employee of the House instead of the employee of the Member, and that it changes the plan of payment by directing that the check be paid to the clerk instead of through the Member as heretofore.

Mr. BYRNS of Tennessee. Mr. Chairman, I submit that this amendment is germane to the amendment now pending. As I understand, that is the only question before the Chair.

The amendment does not make the clerk an employee of the House. The gentleman from Tennessee is mistaken about that.

Mr. GARRETT of Tennessee. I do not know whether it changes it or not, but it says that it does. It provides that the clerk "shall be paid in the same manner as other employees of the House."

Mr. BYRNS of Tennessee. The only thing it does is to change the method of payment. It says he shall be paid "in the same manner as other employees of the House are paid."

Mr. GARRETT of Tennessee. May I ask the gentleman what the word "other" means.

Mr. BYRNS of Tennessee. It reads "other employees of the House." The gentleman is right about that, but I submit that if this amendment is read from beginning to end it does not make the clerk an employee of the House, for it gives to the Member full and complete authority to appoint him, to discharge him, to give him any sum that he may please for any period of time that he employs him, and that being so he can not possibly be construed to be an employee of the House.

The only point I want to make is that this amendment is germane to the amendment pending, because it only seeks to change the method in which the clerk shall be paid. In one amendment it is provided that the amount appropriated for Members' clerks shall be paid to the Members themselves, whereas in the amendment which I have offered it provides that they shall be paid through the Clerk of the House.

Mr. MEEKER. Will the gentleman yield, Mr. Chairman?

Mr. BYRNS of Tennessee. It makes no change in the law. It makes no change in the number of clerks who may be employed.

Mr. MEEKER. Then why use the words "other employees," if this does not make the clerk an employee of the House?

Mr. BYRNS of Tennessee. I take it that is a distinction without a difference.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Under the existing law the clerks whom we employ are not employees of the House of Representatives and therefore they are subject to military duty. Under the phraseology of the substitute of the gentleman, would they not be employees of the House and relieved from military duty, so that a Member might employ a number of clerks and thereby exempt them from military duty because they are employees of the House, and as employees of the Congress they would, under the draft act, be relieved from military duty?

Mr. BYRNS of Tennessee. By no means. I do not think this amendment can be construed as making these clerks employees of the House.

The CHAIRMAN. The Chair will read the language of the amendment, in order to get the precise facts before the House. The amendment contains this provision:

Provided, That all clerks to Members, Delegates, and Resident Commissioners, shall be placed on the roll of employees of the House of Representatives, and shall be paid in the same manner as other employees of the House are paid.

The Chair is advised by the Clerk that that is the portion of the amendment to which the point of order is directed. It seems to the Chair that this language makes a very definite change in existing law. The basic law does not impose any requirement of this character in regard to the clerks of the Members, or require that they shall be paid as other employees of the House are paid. It is true that this change in existing law is for the duration only of this act, but the principle involved is the same. The Chair does not think that so large an increase of illegality as this amendment proposes, can be fairly said to be a perfecting amendment to the increase in the amount allowed by the basic law for clerk hire. If it could be fairly so construed, then this amendment would be in order.

The Chair is of opinion that this, like the other amendment, is controlled by the principle heretofore announced, and is not in order. The point of order is sustained.

Mr. GARRETT of Tennessee. But, as I understand, the Chair does not base his ruling on the fact that the word "other" is used in the amendment?

The CHAIRMAN. Not entirely.

Mr. CALDWELL. Mr. Chairman, I move to amend the Stafford amendment by striking out the words "two thousand" and inserting in lieu thereof the words "twenty-four hundred." At present Members are getting $166.66 per month for clerk hire. I think the amount should be $200 a month. After the amendment has been reported, then I would like to speak upon it.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. CALDWELL moves to amend the Stafford amendment by striking out the figures "$2,000," in the fourth line, and inserting in lieu thereof "$2,400."

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. MOORE of Pennsylvania. Would this remedy the difficulty the gentleman has in mind? The trouble is that when you fix the amount at $2,000 the clerk expects to get that amount. If you increase the amount to $2,400, the clerk will expect to get that. That bars the Member from employing additional help unless he pays for it out of his own pocket.

Mr. CALDWELL. In a great many instances that is true, but the trouble is that the chairmen of all of these committees, who have plenty of help, refuse to permit the other Members of the House to have the amount of help that they are entitled to, unless we write this bill in such a way as to meet with their approval. Now, personally I desire that enough money should be appropriated to enable us to pay for the necessary help to discharge our official duties.

Mr. MOORE of Pennsylvania. The gentleman wants to get one or more clerks?

Mr. CALDWELL. I do.

Mr. MOORE of Pennsylvania. That is what I want, and I presume most Members do.

Mr. CALDWELL. If this amendment is adopted, instead of "clerk hire" why not say "two clerks," so that a Member will have to divide it?

Mr. MADDEN. Will the gentleman yield?

Mr. CALDWELL. I will.

Mr. MADDEN. I think it ought to be thoroughly understood in what the gentleman is going to say that he intends the $2,400 shall be used to pay for such number of clerks as a Member may think proper to employ.

Mr. CALDWELL. Absolutely.

Mr. MADDEN. So that the secretary or the clerk of the Member will not feel that it is his as a matter of right and that the Member has no rights.

Mr. CALDWELL. I think the amendment should be further amended to provide for two clerks.

Mr. MADDEN. To employ all that a Member likes to employ.

Mr. DYER. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. DYER. Would the gentleman object to having the names of the clerks on the roll?

Mr. CALDWELL. No.

Mr. COX. Will the gentleman yield?

Mr. CALDWELL. Yes.

Mr. COX. Would it not obviate the objection if the gentleman's amendment should carry, to put in a proviso providing that this shall not apply to chairmen of committees who have annual or session clerks?

Mr. CALDWELL. Mr. Chairman, in the Sixty-fourth Congress I attempted to get additional help for Members who are not chairmen of committees. At that time I was paying out of my own pocket a sufficient sum of money to be considered as an item in my annual expenses. I found when I started this agitation that there were a great many Members of Congress who did not have chairmanships in exactly the position that I was in. I find that many men who voted against the proposition in the Sixty-fourth Congress, and are still here, admit that they made a mistake in not giving additional help to Members. Now, it happens that in this session of Congress we are in a war, and we have here in the course of the operation of that war a great deal of military legislation requiring the attention of Members of Congress. We are the only representatives of the families left at home who have boys gone away to the trenches and who need the assistance that the Government of the United States is prepared to give to those families left here dependent upon us. [Applause.]

Every day my mail is filled with complaints of mothers and sisters and of the children of the men that we sent away to France to defend our country that they are not receiving the appropriation that we have made for the support of these families. It is necessary for me to conduct a great deal more correspondence than I did before, and I know that I am not unique in that position, but that every other Member of the House is under the same obligation. I want to say that I have the courage and conviction to vote for the necessary appropriation to enable me to discharge my duties for which I was elected, and I hope that there are enough other Members in the House to back me up. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I do not care to detain the House on this amendment, but I express the earnest hope that the House will not adopt it. Here is a proposition, Mr. Chairman, that adds to the pay roll $176,000. I want to appeal to the Members of this House at this time, when we are heavily taxing the people in order to meet the enormous expenditure of this great war in which we are engaged, when no man can tell how much more taxes we will have to levy upon them before we bring this war to a successful conclusion—I say I want to appeal to the Members of this House not to increase the burden of the people by adding $176,000 to their present burdens for our own benefit in the way of payment to our clerks.

Mr. BUTLER. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. BUTLER. How much additional work has the gentleman had this year over last year? I will answer that myself by saying that I have had very little.

Mr. BYRNS of Tennessee. I have had some additional work growing out of the war.

Mr. BUTLER. Is it not a fact that every year there is debate in this House as to the appropriation for clerk hire? Why should it not be written down who the clerks are?

Mr. BYRNS of Tennessee. Mr. Chairman, I submit in all fairness that we can not afford to increase the clerk hire up to $2,400, especially since a year ago we raised it from $1,500 to $2,000. We ought not to do it in the interest of the taxpayers of this country, who are now overburdened, although they are willing to bear the burden and will bear others in order to win the war. I appeal to you to vote the amendment down.

Mr. BARKLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. If this amendment is voted into the bill, when the bill gets into the House and a separate vote is demanded on the amendment, will the vote come on the amendment as a whole, and if the amendment is then voted down there will be no appropriation for clerk hire?

Mr. MEEKER. Mr. Chairman, I move to strike out the last word. Gentlemen of the committee, I offered a little while ago an amendment to make this $3,200, and I did it in good faith. I do not know what may be the obligations of other Members of the House. I think that it is just as well to be frank in regard to the expenses as to anything else. Since this war has been declared my office force has cost $325 a month. They work all the time, and there is no man who has a district that is a live district, if he is a live man, who can divide $2,000 among his clerks and look them squarely in the face when he does it.

We put anybody into the civil service at $75 a month, and ask people to work in our office for $50 and $60, and then we talk about good wages. Now, some gentlemen in this House are financially able not only to pay for all help in the office but to hand back their salary checks; but, thank God, there are not very many of that kind. [Applause.] There are some other Members in the House who are running for office in the district because of the cheap way in which they get along when they are here; but, thank God, there are not many of those. People in this country want service.

They want efficiency. The Senators now get on an average of $5,500 a year for clerk hire—almost $6,000. Everywhere else in all appropriations this year we have been giving money by the billions, for all of the departments, without a moment's hesitation; yet when it comes to the man who does the work, the man who stands between the people and the Government, the man who acts as the go-between for both, in all of the departments, we get up here and camouflage for two hours about a hundred dollars a month more in war time with which to serve the people. I venture to say there is not an efficient Congressman in this House who is within $1,000 of what he gets from his appropriation for this work now; that he is paying anywhere from $100 to $200 a month out of his own pocket. Some gentleman awhile ago wanted to know who would vote yea on the $3,200 proposition. I will do it, quickly. [Applause.] It is only honest, and when we stalk around talking to our people we can do one of three things: We can either neglect our work, or keep our office force at so low a pay that we are ashamed to tell how many we have and what we pay, or pay for them out of our own pockets. I do not think the people of this country expect or want that a man shall come here and do all the work that needs to be done and at the same time bear such a heavy portion of the burden financially; and it is only practical common sense that we should see to it that the office force should be kept up. You have go to do one of two things: If you attend to your departmental work yourself, you neglect the work on the floor of the House as a legislator; if you attend to the work here as a legislator, somebody has got to look after that departmental work.

The danger to the American Congress to-day is that the membership shall become mere departmental flunkeys for their district and forget the legislative end of it, the thing for which they were sent. We should have $5,000 a year to run our offices. We should be able to put men in those offices who are recognized as competent, efficient departmental men, who could give all of their time to the work of the details of all matters for the people back home, and the men on this floor should be given and should take more time to go over the legislative matters that are coming before us. The chairman of the committee appealed to us not to vote this $400 extra. All it would amount to would be $200 a month total. I have over 500,000 people in my district. Mail comes into my office at the rate of from 100 to 250 letters and telegrams a day since we have declared war. I can either throw all of that in the wastebasket or go out and pay for the extra help to attend it. There is nothing about this thing in any way but just an attempt so that a man can go back to his district and say that while he voted billions for everything else he kept his office down to a cheap line all of the time. [Applause.]

Mr. SISSON. Mr. Chairman, I have been on the Committee on Appropriations for several years. It is most difficult to understand the demands made upon the Public Treasury until you are brought face to face with the conditions every day as are the members of the Appropriations Committee. The present salary of Members' secretaries is ample. It was increased last year from $1,500 to $2,000 by the House over the protest of the Committee on Appropriations. Now, we see some Members voting to increase their clerk hire to $3,200. This was voted down a moment ago by a small majority. Now comes a proposition to increase the salary from $2,000 to $2,400. This can not be defended anywhere or at any time upon any ground of reason or fairness. These places were created to enable Members of Congress to attend to their official duties by being relieved of a great deal of office work. These places were not intended to be used to assist Members in their campaigns. Those Members who think that your campaign funds should be furnished by the Government should have voted for the $3,200 and should now vote for this $400 increase. My own opinion is that when a Congressman confines his clerical business to the business of his office, there is not a Congressman here who can not have all this character of legitimate business attended to, but if he expects to conduct a political campaign at the expense of the Government, and is a constant campaigner of his district and is a constant searcher out in the departments for something he may send out to make a vote, and if the Public Treasury shall respond to keep him in Congress, then say so by voting to increase the private employment of the Members of Congress to an unlimited extent.

Mr. BLAND and Mr. CALDWELL rose.

The CHAIRMAN. Does the gentleman yield?

Mr. SISSON. I have only five minutes.

Mr. CALDWELL. I will get the gentleman some more time.

Mr. SISSON. Very well; I will yield if the gentleman will get me more time.

Mr. CALDWELL. I want to say to the gentleman that if he means that as a reflection upon me, I would like to know it right here.

Mr. SISSON. I have not intended any reflection upon anyone. I have only stated my own position and my own views on this question, and in so doing only assume responsibility for my own vote. I have simply stated the fact to be that if a man gets $2,000 for clerk hire and that clerk devotes all of his time and attention to the business of the Member as a Congressman, of a legitimate nature, not connected with matters which may help to reelect him, as a part of his campaign, that the American people are responding liberally, and I am trying to be honest at least with myself and say that my clerk is able to do that work and that his present compensation is ample.

Mr. LITTLE. Mr. Chairman——

Mr. SISSON. One moment. Not only that, but I want to say that if you had a dozen clerks, you gentlemen who want to do departmental work effectively would have to make frequent visits to the bureau chiefs and the departments to get your work done and be honest with yourself. For many things can better be done by the Congressman than by a clerk.

Several Members rose.

Mr. KEARNS. How many voters has the gentleman in his district?

Mr. SISSON. About 30,000 registered voters. Mr. Chairman, I can not yield to all of these gentlemen who are clamoring to interrupt me. I did not know that so many Members were so touchy.

The CHAIRMAN. The committee will be in order. The gentleman will discontinue until order is restored.

Mr. SISSON. I decline to yield at present.

Mr. LITTLE. Will the gentleman yield?

Mr. SISSON. I decline to yield at present. I had no idea that when I made that statement that it would touch so many people personally or that it would touch so many people who themselves have greedy eyes upon the Treasury. [Applause.] I had no idea that men's consciences were that tender about this matter which affects themselves and their own private offices, and when I made the statement a moment ago that I believe that a Member of Congress who retains to himself that proper amount of intellectual integrity so that he could confine his clerk

hire, which last year was increased from $1,500 to $2,000, to the services that the clerk renders of that nature which devolves upon him only as a Congressman and not to help in his campaign [applause] that it would create such a storm among so many Members. Think more of the taxpayer and less of your own interest, and you will be better Congressmen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I would ask for five more minutes.

Mr. BLAND. Mr. Chairman, I object unless the gentleman yields to me.

Mr. SISSON. I will yield as much as I can, but I can not yield to 25 or 30 at a time when I only have five minutes.

Mr. BLAND. I only want the gentleman to yield to me.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes.

Mr. BYRNS of Tennessee. Mr. Chairman, reserving the right to object, I would like to ask——

Mr. JOHNSON of Washington. Mr. Chairman, regular order!

Mr. BYRNS of Tennessee. That debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. The regular order is demanded, and the regular order is, Does anybody object to the request of the gentleman from Mississippi for five minutes? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. Now, Mr. Chairman, may I submit a request for unanimous consent? I ask unanimous consent that all debate on the pending amendment and all amendments be closed in 20 minutes.

Mr. DYER. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that all debate upon the amendment and all amendments thereto terminate at the expiration of 20 minutes. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Pennsylvania objects.

Mr. LITTLE. Will the gentleman now yield?

Mr. SISSON. Yes; I promised to yield to the gentleman from Kansas.

Mr. LITTLE. I notice the suggestion that everything above $2,000 would be used practically for political purposes. I find that there is another body of people in this building who receive an average of $5,562 for clerk hire. What I wanted to ask was, Does the gentleman think the excess they draw above what we draw is used for political purposes?

Mr. SISSON. Well, in some instances it may be so used. I do not know; but a Senator from one of the States has just as many times more voting population to care for as there are congressional districts in the State than the Member from the district in this House, and——

Mr. JOHNSON of Washington. I would suggest that a Member of this body should not discuss the Members of another body.

Mr. SISSON. I do not think the gentleman from Kansas had infringed upon that rule because he did not mention the other body; but, as a matter of fact, two wrongs do not make a right. What I am endeavoring to leave with each man and each man's conscience is this, that in voting the people's money for your clerk hire do you say on your conscience that if you were to restrict your clerk to those proper duties which devolve upon you as a Congressman and not to do your campaign work, would you need the extra clerk hire?

Mr. MEEKER. Will the gentleman yield for a question?

Mr. SISSON. Let me finish this sentence.

Mr. MEEKER. Is it not true that the total vote of the gentleman was 4,684 votes?

Mr. SISSON. In the general election; but we have no opposition after the nominations. [Laughter.] I yield to the gentleman from Indiana.

Mr. BLAND. I was going to ask about the same question.

Mr. DYER. How many white people and how many negroes are there in the gentleman's district?

Mr. SISSON. It is about equally divided between the whites and negroes.

I can not yield to all, and decline to yield further. I do not intend to permit the statements that have been made here to go unchallenged, that if the $2,000 is used for legitimate purposes, and, by the way, I do not say you do anything illegitimate in the sense that you violate the law; I mean if you will consult your intellectual integrity and act on your oath as officers of this House you do need that much. I doubt extremely whether many of you would answer in the affirmative and say, "Yes; I need more and want the taxpayers to pay more."

Mr. MEEKER and Mr. KEARNS. Will the gentleman yield?

Mr. SISSON. I can not yield to all. Too many of you seem to be hit.

Mr. MOORE of Pennsylvania. Mr. Chairman, I demand order.

Mr. SISSON. Mr. Chairman, I realize fully——

Mr. MOORE of Pennsylvania. Mr. Chairman, I demand order.

The CHAIRMAN. The committee will be in order.

Mr. SISSON. Mr. Chairman, I started to say I realize the difficulty in keeping many people out of the Federal Treasury, but I did not know that you would ever find such a grand rush upon the Treasury here from Members of Congress to get funds for their own use, because you and you only, together with the other body, are the sole guardians of the Treasury of the United States. Now, if you have made up your minds that notwithstanding the fact while this Government is being taxed white for war purposes and is called upon to respond in every line to the ever increasing demands made upon Congress, until the burdens are intolerable, that you will for your own offices demand this increase, you have the power to do it now. But mark you this, the day of reckoning will come, and may come soon, when the outraged people will right the wrong. Vote down this amendment. I ask you Members on the Republican side to join us on our side and vote this amendment down. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent——

The CHAIRMAN. Does the gentleman from Tennessee desire to make a unanimous-consent request?

Mr. BYRNS of Tennessee. I desire to ask unanimous consent that all debate on this amendment and all amendments close at the end of five minutes.

Mr. MEEKER. Mr. Chairman, I object.

Mr. QUIN. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. Let me state the unanimous-consent request first.

Mr. BYRNS of Tennessee. I move that all debate close in five minutes.

The CHAIRMAN. The gentleman can not move that now, because the gentleman from Illinois [Mr. CANNON] has been recognized.

Mr. BYRNS of Tennessee. If the gentleman from Illinois [Mr. CANNON] will permit me to do it.

Mr. CANNON. If I can have the five minutes.

The CHAIRMAN. What is the extent of the motion of the gentleman from Tennessee?

Mr. BYRNS of Tennessee. I move that all debate on this amendment and all amendments to this paragraph close in five minutes.

The CHAIRMAN. The gentleman from Tennessee moves that all debate on this amendment and all amendments to this paragraph will terminate at the expiration of five minutes.

Mr. MILLER of Minnesota. Mr. Chairman, I desire to offer an amendment to the motion just made. I move to insert the word "fifteen" in place of "five," and ask that five minutes be given to the gentleman from Illinois [Mr. CANNON].

The CHAIRMAN. Does the gentleman from Tennessee accept the amendment?

Mr. BYRNS of Tennessee. No.

The CHAIRMAN. How does the gentleman from Minnesota move to amend the motion?

Mr. MILLER of Minnesota. By adding the words "fifteen minutes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. MILLER] to the motion of the gentleman from Tennessee [Mr. BYRNS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Tennessee [Mr. BYRNS].

The motion was agreed to.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

Mr. CANNON. Mr. Chairman, as I understand it, this amendment is to increase the amount of clerk hire from $2,000 to $2,400.

Now, just let me call your attention to a little ancient history. In my first Congress, the Forty-third, the salary was $7,500, having been increased from $5,000 by the Forty-second Congress by a great majority just on the eve then of hard times. "Hell was to pay and no pitch hot." [Laughter.] Men that voted for that increase turned it back into the Treasury and were ridiculed, and that increase had more to do with giving you wicked Democrats three-fourths of the House than almost any other matter. People were out of humor, their taxes were high, and all that sort of thing.

Now, this war is on us and we have to win it no matter how long or short it may be. [Applause.] That is number one. Number two: We spoiled an hour or two this morning on $100

increase to a laborer. Number three: As the money decreases in value, and as everything else, as measured in dollars, goes up, it is wonderful how much we have got to increase wages where we ought to increase them, to Government employees, and all this, that, and the other. Our salary is $7,500, with clerk hire of $2,000. This is a proposition to increase the clerk hire by $400. I do not care whether I continue longer in public service or not—and this is from a personal standpoint—but as I look into your faces I think you all, on both sides of the House, want to bring your experience into the next Congress. How many of you are to have opponents I do not know, but if you increase the clerk hire $400 that will let the demagogue in. It lets the man in who is now outside, and if I was a strong partisan just at this time, and if I could get all the Democratic side of the House to vote for it, and all my side of the House to vote against it, we would knock you out.

Mr. CALDWELL. Will the gentleman yield?

Mr. CANNON. I will.

Mr. CALDWELL. I ask the gentleman to yield in order to say that if any demagogue in my district could beat me over an appropriation of $400 to assist us in our duties here, I hope he would be able to do it.

Mr. CANNON. I have only five minutes. Let me say that the gentleman may have a fortunate constituency. It is a bad time for us, with our $7,500 and $2,000 for clerk hire, with all the appeals that are made to us for legislation, to increase salaries, and make all kinds of expenditure. It is a bad time from every standpoint to increase our pay one cent. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Chair understands that the original amendment has not been adopted. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For packing boxes, $4,500, or so much thereof as may be necessary.

Mr. BLACK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 21, strike out lines 13 and 14.

Mr. BLACK. Mr. Chairman, I do not wish to make any speech on this amendment. I desire to state the effect of it. It is to strike out the appropriation for oak and cedar boxes that are ordinarily distributed to Members of Congress during the session. I do not wish to make any speech on it, but I do think that it is an item that might well be dispensed with. Therefore I move to strike it out.

Mr. BYRNS of Tennessee. Mr. Chairman, I will state that a similar provision to this was passed without objection for the Senate. This is for the benefit of the individual membership, and every Member will vote whether or not he has official need of these boxes. I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. COX. Division, Mr. Chairman.

The committee divided; and there were—ayes 7, noes 45.

So the amendment was rejected.

The Clerk read as follows:

Congressional Reference Library: Custodian, $1,500; assistants—1 $1,200, 1 $960, 1 $840; 2 junior messengers, at $420 each; in all, $5,340.

Mr. FESS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. FESS: Page 24, line 12, after the figures "$1,500" insert "and $500 additional so long as the position is held by the present incumbent."

Mr. BYRNS of Tennessee. I reserve a point of order on that.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I would like to have close attention, if I can ask for such a thing in this House, to a few observations that I want to make very briefly.

This amendment is intended to add to the compensation of the present incumbent, the custodian of the Representatives' reading room over here in the Congressional Library, the sum of $500 so long as he holds the position. It is intended to add $500 to his annual salary, beginning this year.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. FESS. Just in a moment. While I was in Ohio, before I became a Member of this body, I was considerably interested in library work, and my interest was stimulated in this custodian of the Representatives' reading room through one of Ohio's men most interested in library work.

The man who holds this position, Mr. Lawrence Washington, is the only living man to-day born in Mount Vernon. He was born in the room in which the general died. He is the great-great-grandson of John Augustine Washington, the brother of Gen. Washington, the Father of his Country, and thereby he makes a connection with the Government back to the founder of this Republic.

He has been in the Library for over 20 years. Some 20 years ago he collected and sorted out the British parliamentary papers, which have been bound and now form 900 volumes, a very valuable piece of work, especially valuable to anyone interested in political or parliamentary history, as it makes a treasury of original information. He also made a careful notation of all the missing documents in the set of United States documents, a mammoth work for anyone to undertake and a most valuable contribution for our convenience, because when undertaking to find how many volumes there were in that set—I suppose there are at least 10,000 volumes in it—one is simply amazed at the stupendous task carried out by this man who has gone through all of them and has pointed out the missing documents and, where it was possible, ascertained where they could be found, if they are available.

I say nothing about his very courteous attitude toward the public or his very scholarly attainments. I do not think it is worth while for me to say that, because his position would warrant our expectation of that character. But, speaking of him personally, I may say he has eight sons, five of whom have entered or will enter the war, and four daughters, a family that he has brought up and educated, which, to say nothing of such contribution to his country, proves the burdens undertaken by a citizen who to-day gets only $1,500 a year. I do not want to ask that the salary of that position be raised permanently, although I am sure it ought to be done. If salary is measured by standard of service, but so long as this man is holding that place he ought to be given an additional amount of money. I at first thought it ought to be $1,000 additional, making the salary $2,500. Some may think that figure is out of order. But it is not out of order. A man who can do the work he has done and is doing on behalf of Members of this body, and whose past service has saved to the Government the amount of money he has saved, because it would have cost the Government if it had been compelled to expend money to have this work done by experts, deserves this additional compensation. But aside from the amount of money saved, and aside from mere sentiment, and aside from his efficiency and cordiality and the valuable service he renders to this House, it seems to me he is worth an additional sum of money because of his devotion to the task he so cordially performs. It requires a familiar knowledge of books, a fairly good comprehension of subjects, and especially a facility to find what one is anxious to know. His service is valuable because to his knowledge is added an evident anxiety to render service. He must also be a man to deal with men of various temperaments. He has been especially valuable to Members who have occasion to look into documents and ascertain the sources of information. It is not important to know things but rather to know how to find what one does not know. This is the function of Mr. Washington.

Mr. CARLIN. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. CARLIN. I think the House would very quickly respond to the gentleman's wishes if the gentleman from Tennessee [Mr. BYRNS] will not interpose a point of order. If the gentleman from Tennessee will let the House vote on it, I think we will all agree with you.

Mr. FESS. I agree with you that the House will not hesitate a minute if we can get over the difficulty of the point of order.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Just one moment more.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for one minute more. Is there objection?

There was no objection.

Mr. FESS. Speaking for myself, as one who frequently makes investigations on subjects that we have up for discussion, it is my custom to telephone over to the Representatives' reading room and call for Mr. Washington and tell him that I want to come over by a certain time this evening and look up some particular line of research. I tell him what I want, and say, "Will you please have the documents on the table, so that I will have access to them?" I go over there; there the books are, an abundance of them. Not only are the books there, but not infrequently the subject has been looked into and places marked, whereby with the expenditure of a very short time and the

expenditure of very little energy I can look through the books and ascertain the facts that I want. Now, you can not pay for that. That is cordiality, based upon ability, of course, which is valuable and rare, and it is a service that all of us ought not only to appreciate, but show our appreciation of; and in the interest of the man and his work, I hope that the gentleman from Tennessee will withdraw his point of order. I feel quite sure that those of you who have made frequent visits to the Library and know Mr. Washington must be as much surprised as I was to learn that the Government only paid him $1,500 per year. If for no other reason, it would appear sufficient that a man who serves the membership of this House intellectually, as he must, would be rated differently, and especially when so efficient and when his name and birth link him with Mount Vernon and with the Father of his Country. I hope the point of order will be withdrawn and the House be given a chance to vote on the amendment.

Mr. HUMPHREYS. Mr. Chairman, I would not undertake to add anything to what the gentleman from Ohio has just said, but I do hope that the gentleman from Tennessee [Mr. BYRNS] will not make his point of order.

I do not believe in all the departments of this Government a man can be found whose work is more efficient than Mr. Washington's, and I do not believe that an employee can be found the efficiency of whose work is as far out of proportion to the compensation that he receives from the Government. He not only does the things that Dr. FESS has referred to, but does them efficiently and effectively and intelligently. There are few Members who in the course of their service do not call upon Dr. Washington for help, and they never call in vain. The assistance that he renders by reason of the universality of his information is worth many, many times to the Government the money that we pay him in salary. Think of it! Think of a man of his qualifications, a man who does the valuable work that he does and renders the efficient service to the Government that this man renders, receiving only $1,500 a year!

I am told he has been in that library 20 years. I know he was here when I came here 15 years ago. I have gone to him for assistance more than I have to any other one man in the Government, and I have never gone in vain. I have never asked him about any matter touching legislation here that he was not only willing and anxious to help me but also able to render most valuable assistance. Even if the gentleman from Tennessee [Mr. BYRNS] thinks it is a bad precedent to set in this bill, I hope the gentleman will realize the fact that this is certainly an exceptional case.

Mr. LONDON. Will the gentleman yield?

Mr. HUMPHREYS. I yield to the gentleman from New York.

Mr. LONDON. What is his salary now?

Mr. HUMPHREYS. Fifteen hundred dollars.

Mr. LONDON. And what is proposed in the amendment?

Mr. HUMPHREYS. Two thousand dollars.

Mr. LONDON. Five hundred dollars more?

Mr. HUMPHREYS. Yes.

Mr. LONDON. Is not $1,500 rather small compensation for a man of the efficiency and ability that the gentleman has described?

Mr. HUMPHREYS. I doubt if there is another man in the Government, certainly there are few as thoroughly equipped, who get so small a salary. No man will gainsay the fact that he is as thoroughly efficient and as thoroughly well equipped as the gentleman from Ohio [Mr. FESS] has indicated. I hope very much that the gentleman from Tennessee will not insist on his point of order.

Mr. HICKS. If the gentleman will allow me a couple of minutes, I wish to say that for the last 12 months I have had a good deal to do in the Library, in investigation and research, and I want to pay my tribute to Mr. Lawrence Washington, not only for his courtesy and politeness, but for his ability in intellectual pursuits, and I think we ought all to indorse heartily what has been said of him by the gentleman from Ohio [Mr. FESS] and the gentleman from Mississippi [Mr. HUMPHREYS]. I want to add my appeal also to the chairman of the committee that he will not raise the point of order against this.

Mr. SMITH of Michigan. Would it not be a distinct loss to the Members and to the Library if his services were in any way impaired or we were unable to avail ourselves of the splendid services of this gentleman?

Mr. HICKS. In answer to my friend from Michigan, I will say I think it would not only be our loss, but a loss to the entire country, because he is doing work there which is a benefit to all our constituents.

Mr. BYRNS of Tennessee. I do not question for a moment the high tributes that have been paid to Dr. Washington by the gentleman from Ohio [Mr. FESS], the gentleman from Mississippi [Mr. HUMPHREYS], and the gentleman from New York [Mr. HICKS]. On the contrary, I am quite sure that all they have had to say concerning him is entirely true. In addition to that, there is a sentiment touching the name of Washington which appeals to every Member of this House. But the truth of the matter is, Mr. Chairman, that the amendment offered by the gentleman from Ohio [Mr. FESS] is several hundred dollars more than the amount estimated for. The matter was considered in subcommittee, and the majority of the committee decided to leave this salary at the present figure. The general committee, of course, met and authorized the reporting of the bill. Frequently a Member has some very unpleasant duties to perform, but I feel that under the circumstances I am constrained to make the point of order.

Mr. HUMPHREYS. Just a moment. Will the gentleman allow the Committee of the Whole here to express its judgment on this matter? Let us vote on it.

Mr. BYRNS of Tennessee. I will say to the gentleman that he knows that in the consideration of this bill there are many similar requests made, and, to be perfectly frank with the gentleman, I do not feel that I am authorized to waive the point of order.

Mr. HUMPHREYS. The gentleman remembers that we made an exception here in the matter of the salary of the Chaplain, and no point of order was raised, and the committee was permitted to vote on it. Now, that was a very exceptional case, and so is this. I hope the gentleman will not feel that his duty compels him to interpose this summary protect, by which the House will be denied the right to express its judgment

Mr. FIELDS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Kentucky.

Mr. FIELDS. In view of the fact that the House seems almost unanimously in favor of this increase, I want to ask the chairman of the committee if he does not think he could well afford to withhold his point of order?

Mr. BYRNS of Tennessee. If the gentleman will look around I think he will see that there are not very many Members on the floor to express themselves one way or the other.

Mr. FIELDS. I think that if the attendance were larger the support to this amendment would increase equally.

Mr. BYRNS of Tennessee. Mr. Chairman, for the reasons stated I feel constrained to make the point of order.

Mr. HARRISON of Mississippi. Will the gentleman yield for one moment?

Mr. BYRNS of Tennessee. I yield to the gentleman from Mississippi.

Mr. HARRISON of Mississippi. The gentleman said the amount named in the amendment was several hundred dollars higher than the estimate. What was the amount estimated?

Mr. BYRNS of Tennessee. The amount of the estimate was $1,600.

Mr. HARRISON of Mississippi. Would the gentleman make any objection to $1,600?

Mr. BYRNS of Tennessee. The same reasons would necessarily apply to that. As I stated, the committee considered this matter. It was not passed over lightly, and by a vote of the committee it was decided to let the salary stay at the present amount. Much as I have been moved by the very strong appeals made here on the floor, I do not feel that I have the authority to waive the point of order.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. BYRNS of Tennessee. I yield to the gentleman from Minnesota.

Mr. MILLER of Minnesota. Does not the gentleman think that a man who will raise nine children, five of whom are in the service of the United States in the Army——

Mr. FESS. Twelve children, eight sons and four daughters.

Mr. MILLER of Minnesota. Twelve children, and who has given five splendid men to the military service of the United States, and who has worked for the Government for 20 years on $1,500 a year, ought to have a medal, the thanks of Congress, and a pension of at least $500 a year?

Mr. BYRNS of Tennessee. I think there is only one answer to that question.

Mr. GOOD. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman from Iowa.

Mr. GOOD. I think the gentleman from Tennessee has stated the matter fairly, that the committee did consider the question. It considered it, however, under the light that the committee had. As a member of the committee, I must confess that I have received some information that I did not have when the matter was before the committee; and I know that the gentleman from

Tennessee now is in possession of facts that he did not have when the committee considered the question.

Mr. BYRNS of Tennessee. I will say to the gentleman that when the matter was first taken up I was lacking in some information that I now have, but the gentleman remembers that before the subcommittee finally acted on this matter all that information was brought to us.

Mr. GOOD. I do not recall that the size of the family of Mr. Washington and the number of men that he will send from his own family to fight our battles was stated before the committee.

I want to call the gentleman's attention to the fact that when this bill goes to the other body, when it goes to any deliberative body, and they consider these facts they will not hesitate to give this man a salary that ought to have been received by him for the last 10 years. [Applause.] When I found that this man was receiving a salary of only $1,500 I was amazed. I did not know that he was the man that was performing the duties of custodian in that position. I hope the gentleman will not make the point of order. I hope he will let the House to-day perform what is a simple act of justice to this Government official and let the House take the responsibility. I do not believe that the gentleman from Tennessee wants to take it. I know how he feels about it. I know the gentleman is fair at all times and wants to be generous, and he wants to do what is right in regard to these things. I am sure he would not intentionally deprive this man of the salary that he thought he was justly entitled to, though the express letter of the law gave him a lower salary. I hope he will let the Members of this House determine this question, because it is a most meritorious one.

Mr. RUCKER. Will the gentleman yield?

Mr. GOOD. I will.

Mr. RUCKER. There are a good many increases in this bill, are there not?

Mr. GOOD. There are some as much as $500.

Mr. RUCKER. Some as much as $1,000?

Mr. GOOD. Yes.

Mr. RUCKER. If one-half that gentlemen have said here is true, and I presume it is all true, I should like to know what sort of a mountain of testimony was presented to the chairman to induce him to raise the salary of a bureau chief $1,000?

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman assumes that I am the whole committee, which is far from the truth. I am only one member of the committee.

Mr. RUCKER. I have always found that the gentleman had his own way about it in the House.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman from Iowa [Mr. GOOD], who is a member of the subcommittee, I am sure knows the situation as I know it, and notwithstanding this, makes an appeal that I waive this point of order. I know and the gentleman from Iowa knows that it is my duty as a member of the committee toward the other members of the committee to stand by what that committee did. I feel reasonably sure that if the gentleman from Iowa were in my place in this particular instance, he would feel constrained, notwithstanding his own personal feelings in the matter, to make the point of order, and I therefore insist on the point of order.

The CHAIRMAN (Mr. FOSTER). The point of order is sustained.

Mr. HARRISON of Mississippi. Mr. Chairman, I move to strike out the figures "$1,500" and insert "$1,600," on line 12, page 24.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 12, strike out "$1,500" and insert in lieu thereof "$1,600."

Mr. BYRNS of Tennessee. Mr. Chairman, for the reason heretofore stated, I must make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Distribution of card indexes: For service in connection with distribution of card indexes and other publications of the library: Chief of division, $3,000; chief assistant, $1,800; assistants—2 at $1,600 each, 3 at $1,500 each, 3 at $1,400 each, 4 at $1,200 each, 4 at $1,100 each, 4 at $1,000 each; for services of assistants at salaries less than $1,000 per annum and for piecework and work by the hour, $17,000, including not exceeding $500 for freight charges, expressage, traveling expenses connected with such distribution, and expenses of attendance at meetings when incurred on the written authority and direction of the librarian, $46,900.

Mr. MILLER of Minnesota. Mr. Chairman, I move to strike out the last word. I would like the attention of the chairman of the committee. I have been trying to find the paragraph under the title of Library of Congress, which contained a provision for printing of documents.

Mr. BYRNS of Tennessee. That is carried in the sundry civil bill and is not carried in this bill.

Mr. MILLER of Minnesota. May I inquire of the gentleman if there is in this bill no provision of any character in reference to printing documents?

Mr. BYRNS of Tennessee. This does not carry any provision for the printing in the Library.

Mr. MILLER of Minnesota. The gentleman's committee, the Committee on Appropriations, reports the sundry civil bill.

Mr. BYRNS of Tennessee. Yes; but it is prepared by a different subcommittee.

Mr. MILLER of Minnesota. I understand; that may be; but may I be permitted to make this observation: Certain documents have been issued by the Library of Congress in recent years of extreme value from a historic point of view, and from the standpoint of information. Among others, I refer to the publication of the proceedings of the second Continental Congress which sat throughout the Revolutionary War. I notice that the publication of this document has been suspended; that is, no further publications have occurred in about three years. I took this up with the Librarian of Congress and he informed me that the reason was their appropriation for printing had either been cut down or found insufficient to do this and other work.

It seems to me that out of all the documents that the Government publishes these that come from the Library of Congress are, by and large, the most meritorious from most any standpoint. At all events, they are of a high character and of high grade. If they are handicapped in the matter of funds for printing, it seems to me the Committee on Appropriations ought to take care of that item.

Mr. BYRNS of Tennessee. I will say to the gentleman that the current law gives the Congressional Library $200,000 for printing.

Mr. MILLER of Minnesota. Is that the same sum they have had from year to year?

Mr. BYRNS of Tennessee. That is the same that they have had for several years.

Mr. MILLER of Minnesota. If they have a shortage it is because of printing other documents of greater importance?

Mr. BYRNS of Tennessee. Possibly so.

Mr. MILLER of Minnesota. I admit that the sum of $200,000 is a considerable item. Has the gentleman any information as to how many important documents like the one I have called attention to have been suspended for lack of funds for printing?

Mr. BYRNS of Tennessee. No; I have not. That is a matter that we did not consider in connection with this bill.

Mr. FESS. Mr. Chairman, I rise in opposition to the pro forma amendment, to second with what emphasis I can summon what the gentleman from Minnesota [Mr. MILLER] has just said. The First and Second Continental Congresses, from the standpoint of our history, occupy a very unique and important period in our country. Prior to this period two attempts had been made by the colonies to come together, the Albany Council in 1754 and the stamp-act congress in 1765. But the Continental Congresses were the first legislative bodies. The first one lasted only about six weeks and came into session in 1774, in September. It announced a Bill of Rights, and then adjourned, to meet again provided England did not heed its requests. The second one came into session the 10th of May, as I remember, 1775, and continued as one body, and covering that very interesting period running through the entire Revolutionary War up to the time of the adoption of the Articles of Confederation, which was the 1st of March, 1781. This body was revolutionary, both in the manner of its authority in assembling and in the power it exercised. It was superseded in 1781, two years before England recognized our independence, by the Congress provided for in the Articles of Confederation, which were adopted under the authority of that Congress. That particular period has no record of any legislative proceedings outside of this record of this Continental Congress. There were about 15 different presidents of these two Congresses, including the country's most famous names. In this connection it is interesting to us to recall that wonderful statement of William Pitt, who, in speaking of this particular Second Continental Congress, said that for wisdom of conclusion, force of sagacity, and solidity of reasoning, that body had never been excelled in the history of the world. The Second Continental Congress covered one of the most interesting periods in the history of legislative life, not only in America but in the world. It was the span that connected the period when 13 separate colonies all exercised more or less legislative power separately, and the same colonies exercised that power as a confederation. For a long time these documents were unpublished. They were in scattered form. Some years ago the Government began to show proper interest in permanent preservation of the records of important proceedings of our fathers in various times of activity. This is one item. These proceedings have been brought together

and published by the Government. The Government has published many documents covering the period of the Constitution, including documentary history of the Constitution. These and other such documents should be placed in every university and college library; it would be very valuable contributions for the study of our early history and should be looked upon as a wonderful achievement. It would seem to me that every Congressman ought to have them in his own library.

Mr. PLATT. Is that the set of some 30 or 40 volumes?

Mr. MILLER of Minnesota. Twenty-three have thus far been published.

Mr. PLATT. There is a whole shelf of them. I have got them.

Mr. MILLER of Minnesota. Those are the ones.

Mr. PLATT. Can not any library get them?

Mr. MILLER of Minnesota. No; the publication has been discontinued.

Mr. SMITH of Michigan. How many volumes were ever printed?

Mr. FESS. I do not remember.

Mr. MILLER of Minnesota. Twenty-three volumes.

Mr. SMITH of Michigan. How many sets?

Mr. MILLER of Minnesota. I do not know.

Mr. FESS. The proceedings of the First Continental Congress were printed in two volumes, as I now recall—perhaps but one. Those of the Second Congress ran through a period of years and go beyond 20 volumes, as I remember.

Mr. SMITH of Michigan. The gentleman does not know how many sets were published?

Mr. FESS. No; but they could not be very numerous, since only libraries and special history students would demand them. Of course, to a body of men like this they would be valuable.

Mr. SMITH of Michigan. It seems to me there is a scarcity of them, a limited number of sets being published. They are very valuable and more ought to be published.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For procuring manure, soil, tools, fuel; purchasing trees, shrubs, plants, and seeds; services, including skilled laborers and laborers at not exceeding $2 per diem; materials and miscellaneous supplies; traveling expenses and per diem in lieu of subsistence of the superintendent and his assistants not to exceed $200; street car tickets not exceeding $25; office equipment and contingent expenses in connection with repairs and improvements to Botanic Gardens; care and maintenance of motor-propelled delivery vehicle; under the direction of the Joint Committee on the Library, $15,000.

Mr. COX. Mr. Chairman, I move to strike out the last word, to ask a question in regard to the item which has just been read, referring particularly to that providing for laborers at $2 per diem. Did those men get the benefit of the last summer increase?

Mr. BYRNS of Tennessee. They did. The gentleman refers to the 5 and 10 per cent increase?

Mr. COX. Yes.

Mr. BYRNS of Tennessee. They did.

Mr. FESS. Mr. Chairman, I would like to ask the chairman of the committee what is going to be done about the removal of the Botanic Garden?

Mr. BYRNS of Tennessee. I can not tell the gentleman. I think there is a bill now pending providing for its removal.

Mr. COX. The bill which we passed through the House never did go through the Senate.

Mr. FESS. I do not know.

Mr. STAFFORD. Mr. Chairman, perhaps I am in a position to give the gentleman some information. In the last Congress, I think it was, we passed through the House a bill providing for the removal of the Botanic Garden and that it be placed in Rock Creek Park. In another body that measure met with opposition, particularly that part which referred to the Botanic Garden proper. A gentleman in the other body, chairman of the committee having the bill in charge, was favorable to the idea of having the arboretum transferred to Rock Creek Park, but was opposed to having the garden proper transferred, and the bill met the usual death that bills meet with when opposed by one person in another body.

Mr. FESS. Does that mean that the garden will remain where it is?

Mr. STAFFORD. I am not a prophet nor the son of a prophet; but the Botanic Garden, including the fence around it, has been the subject of a good deal of comment of late years——

Mr. FESS. Has it not been ordered taken away?

Mr. STAFFORD (continuing). Will remain until both bodies can come to some agreement as to what shall be done. Those who have studied the subject believe that Rock Creek Park is the proper place for the permanent establishment of the Botanic Garden. Sooner or later, as soon as the plans devised by the Art Commission are developed into fruition, of course the Botanic Garden will have to be removed, but with the large temporary office buildings in Henry Park and the adjoining parks, that, of course, must be postponed until the termination of the war and for some years thereafter.

Mr. FESS. My concern arose from a good deal of talk about the removal of it, and I thought we had once authorized it.

Mr. STAFFORD. The bill passed through the House after thorough consideration, as I recall, two Congresses ago, but nothing has been done with the proposal since that time.

Mr. TILSON. Mr. Chairman, I desire to ask the chairman of the committee a question. How many skilled and unskilled laborers are secured at the price of $2 per day?

Mr. BYRNS of Tennessee. They vary in number. They are not employed, as the gentleman knows, regularly, but as they are needed. Sometimes he has a greater force than at others.

Mr. TILSON. Does the gentleman mean that he can get skilled and unskilled laborers at $2 for the entire day?

Mr. BYRNS of Tennessee. There has been no complaint made by the Superintendent of the Botanic Garden. I will say to the gentleman that up until a year ago the per diem paid to the laborers was $1.75, but it was increased to $2 a year ago.

They now get $2 and the 10 per cent increase which was allowed for the current year.

Mr. TILSON. But wages of laborers in other parts of the country have gone up not 25 per cent but they have gone up 100 per cent.

Mr. BYRNS of Tennessee. The gentleman will understand, of course, the work required of these particular laborers does not require any particular amount of skill. I fancy that all that is required is one who knows how to handle a hoe or a rake, and, of course, that class of labor is not paid the same sum that is paid to laborers to whom the gentleman refers.

Mr. TILSON. My own experience was that ordinary laborers, leaving off the word "skilled," that the ordinary laborers were receiving a much higher wage in most parts of the country than $2 per day.

Mr. BYRNS of Tennessee. I will say there was no complaint of any kind made by the Superintendent of the Botanical Gardens and no request for an increase of the rate.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as it is drawn.

There was no objection.

The Clerk read as follows:

To enable the Bureau of Efficiency, authorized by the urgent deficiency appropriation act approved February 28, 1916, to establish and maintain a system of efficiency ratings, to investigate administrative needs of the service relating to personnel in the several executive departments and independent establishments, required by the legislative, executive, and judicial appropriation acts for the fiscal years 1913 and 1914, respectively, and to investigate duplication of statistical and other work and methods of business in the various branches of the Government service; for purchase or exchange of equipment, supplies, stationery, books and periodicals, printing and binding, traveling expenses not exceeding $3,000, and street car fare not exceeding $50; in all, $110,000: *Provided*, That no persons shall be employed hereunder at a rate of compensation exceeding $4,000 per annum except the chief of the bureau, whose compensation is fixed hereby at the rate of $5,000 per annum.

Mr. HAMLIN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MOON. Mr. Chairman, I rose to reserve a point of order also on the section.

Mr. HAMLIN. I want to ask the chairman of the committee a question. I notice in the current law the same item carrying the same amount exactly, but the totals are different, to quote from the current law—

Provided, That not to exceed $3,000 a year traveling expenses and street car fare not exceeding $50, in all $60,000—

But in the present bill the total is $110,000. How does that come about?

Mr. BYRNS of Tennessee. Well, I will say to the gentleman that while the current law carries only $60,000 there were two deficiencies, one of $20,000, which would make a total of $80,000, and the bill which passed the other day carried an amount of $38,000, which would make $118,000, which has already been appropriated for this bureau for the current year.

Mr. HAMLIN. Then how did the gentleman happen to reach the figures of $110,000?

Mr. BYRNS of Tennessee. That was reached in this way, I will say to the gentleman: The estimate submitted to the committee called for $120,000. Now, the Bureau of Efficiency has been conducting a number of investigations; some of them have been completed and others are about finished, and still others are in contemplation. Among the investigations which the bureau has been conducting is one relating to civil-service retirement,

the bureau having taken up that investigation under express direction of the Senate by resolution.

Now that has been completed and cost something like $20,000. After full consideration the committee thought that $110,000 would be sufficient to pay the salaries necessary to be employed in this bureau, and that if it developed next year that they needed more money they would have the privilege of coming back to Congress and submitting their request just as they have done this year.

Mr. HAMLIN. What I especially reserved the point of order on was the increase of salary from four to five thousand dollars per annum for the chief of the bureau. Now, I want to say, Mr. Chairman, just a word or two not only as to this particular item, but other similiar items in this bill. If there are any criticisms, in my judgment, that can be leveled against this bill, it is the fact that the increases of salaries we find in it have been given to those receiving considerable salaries and not to the clerks in the office who do the work, the real labor, and who are receiving only a small amount, not enough really to keep soul and body together in decency. In other words, the bill is top-heavy. I do not believe that is the right attitude for this House to adopt or follow. We find here that the salary of this chief is increased $1,000 per annum. We do not find that the salaries of many of the employees of this bureau are increased a penny. We find in subsequent portions of the bill, one which just follows this, an increase in the Civil Service Commissioners' salaries, one $500 and two $1,000 each per year, without any increase in the wages of a single employee, except four messenger boys, who were given the munificent increase of $5 per month each.

I do not believe that is right, and that same system seems to run all the way through this bill, and I think unless the clerks in the offices receiving $900, $1,000, and $1,100 and $1,200, and those receiving less, down to the laborers, who must pay out as much to live as the man at the head of the bureau must pay, I can not conceive why the high-salaried people should get the increases and the rank and file be ignored. I am going to object and raise the point of order against the increase of all salaries ranging from $3,000, $4,000, $5,000 and up a year unless the clerk who now does the drudgery and gets from $720 to $1,200 or a little more is provided for.

Mr. BYRNS of Tennessee. I will say to the gentleman that if he will go through the estimates submitted to the committee and then take this bill as reported, he will find that the committee has reported the fewest number of increases of salaries and only in those cases which seemed to the committee to be compelling.

Mr. HAMLIN. Now, if the gentleman will allow me right there. I think the gentleman has put his finger right on the sore spot. When I say this bill should be criticized I do not mean that as a criticism of the members of the committee personally. My criticism goes, and I think the gentleman will agree with me, to the heads of these different departments who make these recommendations, that they make their estimates and make their recommendations to the committee seeking to increase their own salaries and the salaries of others occupying some similar position, and they lose sight entirely or else are indifferent to the clerks who are drawing these small salaries and barely eking out a livelihood. I think that is where the real criticism is deserved.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. HAMLIN. I will.

Mr. CONNALLY of Texas. Do you not think it would weaken their claim for increase, or perhaps have something to do with it, if they recommended an increase for these clerks?

Mr. HAMLIN. If they made too many recommendations possibly none of them would be accepted. They look after number one first, and I do not think that is right. I think that if I am getting a salary of $3,000 or $4,000 a year I have a better chance of maintaining myself in some degree of comfort than some one who is drawing only $1,200 a year or less. I do not mean to say that there are not some men who are worth $10,000 or $12,000 a year, while there are some others that are not worth more than $2,000, perhaps, but these clerks do not make these recommendations and, in fact, do not dare to even make request of the heads of departments for increase. They would be regarded as insubordinate if they were to do so. So the fellows at the head of the departments who are permitted to make these recommendations are not acting fairly by asking an increase of their own salaries and losing sight of the clerks, who really do the hard work. And I am not willing to stand for that kind of business.

Mr. BYRNS of Tennessee. I want to say to the gentleman from Missouri [Mr. HAMLIN]—and I hope he will not insist on the point of order—that the chief of this bureau did not make any specific request for an increase of his salary. He did submit an estimate, asking that $120,000 be appropriated, and that the limitation now existing in the law be taken off. It came to the attention of the committee that there was a likelihood of this very competent man leaving for other service. He is very efficient. He is an accountant of long experience, and there is no question in my mind but that he could secure much larger salary in private employment.

Now, I am sure, if the gentleman from Missouri and if the other members of the committee would take the time to investigate fully just what this bureau has accomplished and what it is now seeking to accomplish, they would be convinced of the fact that the bureau has saved to the Government of the United States many, many, many times more than has been appropriated for it since it was first created. Now, in the first place, I want to say to the gentleman that a few years ago and about the time a number of clerks were brought to the Treasurer's office from the Subtreasuries——

Mr. HAMLIN. Will the gentleman yield right there, just for a suggestion?

Mr. BYRNS of Tennessee. I will.

Mr. HAMLIN. That is true; but does the gentleman take into consideration the fact that we are in a war and that everybody is called upon to make sacrifices?

Mr. BYRNS of Tennessee. I do.

Mr. HAMLIN. And does the gentleman also take into consideration the fact that the President issued an Executive order, and I think properly, prohibiting clerks being transferred from one bureau to another during the war where they could get better pay if they were transferred, but that that is not permitted now, for very good and sufficient reasons, and yet we go to work and increase the salaries of the heads of the bureaus but turn a deaf ear to the clerk?

Mr. BYRNS of Tennessee. As indicating the value of this particular gentleman, Mr. Herbert D. Brown's service——

Mr. HAMLIN. I do not care anything about who the man is.

Mr. BYRNS of Tennessee. A few years ago the Treasurer's office submitted an estimate to the Congress asking for $213,000 additional for clerical help. I happened to be a member of the subcommittee at the time. On investigation, and in the hearing, the committee became convinced that certain change of method of accounting and disbursing could be put in effect in that office which would do away with the necessity for this greatly increased appropriation. Finally, after considerable discussion and consideration, and with the consent and the entire and hearty approval of the Treasurer, the Bureau of Efficiency was requested to go down to that office and to cooperate with the Treasurer's office in the effort to evolve a different method of transacting the business of that office. And within a week or two the Treasurer came to the committee and submitted a supplemental estimate, in which he cut out the $213,000, and ultimately his former estimate was reduced $50,000.

Now, that is one instance, and one instance only, of what this bureau has accomplished for the Government.

Mr. HAMLIN. Will the gentleman yield?

Mr. BYRNS of Tennessee. Now, just a minute. Let me get through.

Mr. HAMLIN. In the interest of accuracy I want to ask this question: Is it not true, though, that while what you say may have happened in one particular department or bureau, that the number of clerks in the service of the Government has gradually increased all the time and appropriations increased in amount all the time?

Mr. BYRNS of Tennessee. That may be owing to increased business, but certainly the gentleman can not charge that up to the Bureau of Efficiency.

Mr. HAMLIN. I do not know whether it is due to increased business or not.

Mr. BYRNS of Tennessee. I venture the assertion there is not an office or bureau that has been investigated by this Bureau of Efficiency in which there has not been a resulting decrease in clerks and appropriations required. It may be, as in the case of the Internal-Revenue Office, that the appropriations have been greatly increased; but, of course, in that it is due to the fact that we have passed bills providing for the collection of taxes of more than $3,000,000,000, necessarily requiring a greatly increased force. Now, in addition to that, this Bureau of Efficiency was instructed by Congress to investigate the Indian Bureau and its method of accounting and disbursing. It made an extended investigation in the field, and has reported and recommended a different method of accounting and disbursing in so far as the field service of the Indian Bureau is concerned, which has saved admittedly many thousands of dollars to the Indians to whom those funds belong. Those recommendations will be put into effect by the Indian Bureau.

Mr. COX. Mr. Chairman, will the gentleman yield for a question?

Mr. BYRNS of Tennessee. I will.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. COX. I ask that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Tennessee may proceed for five minutes more. Is there objection?

There was no objection.

Mr. COX. I agree with my friend from Missouri [Mr. HAMLIN] that I am not very much enamored of these increases of salaries, especially for these high-class men; but in that connection is it not also true that this Bureau of Efficiency in the last Congress was directed to investigate the question of Subtreasuries, and has not that commission made a recommendation which, if Congress will carry it out, will save the Government $450,000 after the war?

Mr. BYRNS of Tennessee. The gentleman is clearly correct, and I was going to bring that to the attention of the House in a few moments.

Before I get to the point raised by the gentleman from Indiana, however, I want to say that when the present Postmaster General first assumed charge of the Post Office Department, having been a Member of this House and a member of the Committee on Appropriations, he was familiar with the work being done by this Bureau of Efficiency, and immediately upon his assuming charge of that department he called the Bureau of Efficiency into the department and asked it to cooperate with him and with the commission appointed by him for the purpose of seeing whether or not efficiency ratings could not be established.

Now, what has been the result of the work done by this bureau in cooperation with the Post Office Department and with the entire and hearty approval of the Postmaster General? It has resulted, gentlemen, in a net decrease of the clerical force of the Post Office Department by 189 persons, drawing salaries annually aggregating $174,360. That is not for one year, but it has been for several years, and it will continue on and on. So I say it is impossible to estimate just what this Bureau of Efficiency has been worth to the Government since its creation.

The gentleman from Indiana referred to the Subtreasuries. Last year Congress directed the Bureau of Efficiency to investigate whether or not it would be possible to eliminate or discontinue the Subtreasuries. They have submitted a very full, and, I may say, a very able report, which has been published in the form of a document, and I hope that every Member here will get that document and read it carefully before we reach the provisions with reference to Subtreasuries in this bill. They recommend that the Subtreasuries be discontinued after the war, and your committee has followed their recommendation and submitted such a proposition to Congress. Now, as the gentleman from Indiana says, if that provision is adopted it will save $450,000 a year, not for one year, but for all years to come.

Now, in addition to that, they were called in by the Secretary of the Treasury and by the Director of the War-Risk Bureau when they began to form the organization for that great bureau, having now 1,700 employees and which will be increased to 2,000. The Bureau of Efficiency was requested by the Secretary of the Treasury to go to that particular bureau and assist those in charge in organizing on an efficiency basis; and the Director of the War-Risk Bureau, in his hearings before the committee, paid high tribute to the Bureau of Efficiency, and particularly to its chief, Mr. Brown, for the splendid services he had rendered in assisting to put that bureau upon an efficient basis.

Now, that is not all. Under direction of Congress the Bureau of Efficiency was directed to investigate the methods of business in the Internal Revenue Office. By the entire consent and hearty approval of the present Internal Revenue Commissioner, Mr. Roper, and with the approval of the Secretary of the Treasury, this Bureau of Efficiency, with a part of its force, has been for some time in the Internal Revenue Commissioner's office investigating and assisting and cooperating with the Internal Revenue Commissioner in order to put his great force upon the best possible efficiency basis. I am not violating any confidence when I say that I saw a letter from the Internal Revenue Commissioner—in fact, a copy was sent to me, addressed to the chairman of the Committee on Appropriations—in which he took occasion to refer to the work that this Bureau of Efficiency had been doing in his bureau and suggested that the work done by it and the expert knowledge required of those who are capable of doing this kind of work prompted him to say that they ought to receive better salaries at the hands of Congress.

Now, that is not all. A moment ago I referred to the fact that the Senate had passed a resolution directing the Bureau of Efficiency to make investigations with a view of establishing facts concerning the advisability or nonadvisability of putting into effect civil-service retirement legislation. This committee has spent months in the performance of that duty, and I understand it has made its report to the chairman of the Committee on Reform in the Civil Service of the Senate. That is not all. This Bureau of Efficiency was directed to investigate and report upon the rates of pay and the question of a reclassification of the employees of this Government, and they have been proceeding with that inquiry and are in a position to make a partial report if not a full report.

Then, in addition to that, they were directed by legislation to cooperate with the Pension Commissioner to determine the value of machines for addressing checks in the Pension Office, the sum of $4,000 having been appropriated to purchase some necessary machines. Those investigations have been made and the machines have been purchased.

Gentlemen, these are some of the things that this Bureau of Efficiency has accomplished, and I say without fear of successful contradiction by anyone who has carefully investigated the great work that has been done by this bureau that it has saved hundreds of thousands of dollars to this Government. For my part, I would not deny a single necessary dollar to a bureau of efficiency such as this, charged as it is with the duty of investigating the expenditures of the people's money, making investigations for Congress, and rendering aid in placing the departments of our Government on the best possible business and efficiency basis.

Mr. HAMLIN. Will the gentleman permit me right there?

Mr. BYRNS of Tennessee. Yes.

Mr. HAMLIN. Neither am I seeking to withhold from that bureau whatever money is necessary for them to carry on their work, but the committee seems not to have been solicitous about anybody in that bureau, those who are doing the actual work, except the chief himself, and you want to raise his salary.

Mr. BYRNS of Tennessee. I want to say to the gentleman that there is absolutely no limitation placed on the pay of employees there, and never has been, except the $4,000 limitation.

Mr. HAMLIN. I venture the assertion that they are not getting any more than the average clerks receive.

Mr. BYRNS of Tennessee. Dr. Holcomb, who was professor of government in Harvard University is now drawing $3,600 under this appropriation. He is a man of splendid experience and training.

Mr. HAMLIN. You are not seeking to raise his salary?

Mr. BYRNS of Tennessee. No; but if this is provided the chief of the bureau will get $5,000 and the other employees of that bureau will get under $4,000. I think there are about 30 employees in that bureau, and my impression is that their average compensation is about $2,700 or $2,800.

Mr. STAFFORD. If the gentleman will permit——

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. There are 10 of the employees of this bureau who receive $3,000 and over. In the administration of this bureau it is very necessary to have high-priced men of rare ability. The commercial world to-day is demanding and paying salaries of twice the amount that these people are receiving from the Government, and it is most difficult to retain in the Government service these accountants, who are being sought after by accounting concerns and others to assist them in the preparation of their income-tax returns and war-profits returns. That is the testimony before our committee.

Mr. BYRNS of Tennesee. I want to suggest to the gentleman from Wisconsin that in the aviation department and possibly in the War Department there are accountants now who are drawing from $4,000 to $6,000 a year. In fact, the Civil Service Commission are holding an examination now for accountants, some of whom will get $6,000 a year.

Mr. STAFFORD. The testimony before the committee shows that in the department where there is no limit on the amount which may be paid for the services of experts war conditions to-day demand and they are paying the salaries paid in commercial lines, which are above $4,000 a year.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. In determining the salary of a chief of a bureau in framing a bill of this magnitude the committee must take into consideration the pay of the chiefs of the bureaus of other departments. If you scan this bill you will find no instance—there may be an exceptional case—where any chief of a bureau receives less than $5,000. The Commissioner General of the Land Office receives $5,000; the Commissioner of Indian Affairs

receives $5,000; the Commissioner of Pensions, $5,000; the Commissioner of Patents, $5,000. The same is true of the head of the Bureau of Immigration and the head of the Bureau of Labor Statistics. It has been the rule, and the subcommittee has been very careful when they do find themselves impelled by conditions to raise a salary, never to go above the salary that is provided for like positions in other departments.

Now, what were the conditions that presented themselves to the committee so far as the increase of the salary of this valuable man at the head of this great bureau is concerned? The Members know that a few years ago this was a branch of the Civil Service Commission. It was hampered in its work while a division of that commission. The Committee on Appropriations thought it wise, so that they would not be restricted in activity, so that they could go into any department of the Government at the direction of Congress and investigate conditions there, to make it an independent bureau. So three years ago we established the Bureau of Efficiency and placed the salary of the head of that bureau at $4,000.

The salary list for the men in the employ of that bureau shows that 10 are employed above $3,000, 1 at $3,800, 2 at $3,600, and others between $3,600 and $3,000, and 10, I believe, employed at a salary of between $2,000 and $3,000. That is the practical situation that confronted us. We have a man at the head of the bureau who is in charge of this responsible work having men receiving a salary of $3,800 and $3,600 under him. Instances have been cited by the chairman of the subcommittee where men have been loaned to the bureau for work in this exigency who can receive more money in the commercial world, but who are willing to come here and aid the Government at the statutory salary. Here we have only $200 difference between the salary of the head of the bureau and the employees, with responsibility of work the value of which can not be counted, as narrated by the chairman of the committee, that is saving the Government hundreds of thousands of dollars, and at present engaged in other work of an independent character that will result in a great saving, receiving but $4,000, out of proportion to the salary paid to the head of the bureaus in charge of responsibilities similar to those with which this bureau is charged.

The gentleman makes the unwarranted charge against the report of the committee on this bill that we have given more consideration to the higher-class officials and not sufficient consideration to the salaries of the clerks. There is no appropriation bill that is presented to Congress that involves the detail that this bill does. It relates to the clerks and officials in all the executive departments of the Government and also to the legislative and judicial branches as well. The hearings show that the head of this bureau, when pressed by the exigencies of the committee, was called to investigate the wages being paid throughout the country to the employees in the commercial and industrial establishments of a similar grade of work to those provided in this bill; that he worked until beyond midnight in order to prepare a chart of the pay of the different classes so that the committee would have some reliable information upon which to act in determining the percentage of increase that the committee would recommend to this House for all Government employees to receive by reason of the high cost of living.

What did that chart show? It showed that the Government to-day for similar work was paying higher wages in the clerical grade of $1,200 and under than is paid in private establishments, and that in the grade from $1,600 to $1,800 the Government for that character of work is paying somewhat less. But that the Government had been paying more even in those grades prior to the time when there was a rapid increase in private employment occasioned by the withdrawal of men in commercial employment into the war. The head of that bureau devoted hour after hour in the preparation of that character of work. The Postmaster General has given him a letter of credit——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. I ask unanimous consent for five minutes more.

Mr. RUCKER. Reserving the right to object, I want to say that when the gentleman from Wisconsin gets through I hope to get the eye of the Chair, because the committee has had about time enough on this proposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. STAFFORD. So, Mr. Chairman, the committee can not be charged with presenting a bill that is any way top-heavy. In fact, we have not increased the salary of the high grade of individuals except in a very few instances, and this is one which I believe can be well defended, and has been well defended by the chairman of the committee.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. HAMLIN. Of course, the gentleman understands that I did not mean to be severe in my criticisms. The fact is, however, I find that the bill bears out the statement I have made, that a majority of the increases have been in the higher offices, and not in the little ones.

Mr. STAFFORD. Mr. Chairman, if the gentleman will permit, I have here a statement made by the clerk of our committee, comprising 21 typewritten pages, containing the increases recommended by the committee. I read that over closely last evening, and I shall loan it to the gentleman so that he may have at his command the increases recommended in the bill. If he will go through the pages he will find that the recommendations made by the committee have been, first, that we have leveled up every laboring man who was receiving less than the statutory pay and put him at the statutory rate. He will also find that we have increased the pay of artisans, and he will also find that in the lower grades of clerks of a thousand dollars, twelve hundred dollars, fourteen hundred dollars, we have in the respective departments made increases, and in addition to that we have made those increases in those lower grades with the full contemplation that this committee would bring in a more favorable recommendation for a horizontal percentage increase to all of the employees than it did last year.

Mr. HAMLIN. Mr. Chairman, of course I can not nor can any other Member anticipate what the committee will do in the future. I am talking about this bill. Take the Civil Service Commission. The committee has recommended an increase of $500 to the president of that commission and a thousand dollars increase to each one of the other two commissioners. Of the over 100 clerks in that bureau alone you have recommended to four messenger boys an increase of $5 a month each. Does not that bear out my statement that this bill is "top-heavy"?

Mr. STAFFORD. It does not, because the gentleman speaks only a half truth.

Mr. HAMLIN. That is absolutely the whole truth.

Mr. STAFFORD. Oh, I beg the gentleman's pardon. We provide in the Civil Service Commission for additional employees to the amount of $150,000.

Mr. HAMLIN. I am not talking about additional employees.

Mr. STAFFORD. But it is under that omnibus clause that we can provide additional help at increased salaries. If the gentleman wants the specific information as to the Civil Service Commission and what we did as to those lower-grade clerks I will call attention to just what we did. The gentleman says that the only increase was with some messenger boys. Permit me to call his attention to the fact—and I hope the gentleman will give me his attention, having asked me the question——

Mr. HAMLIN. I shall be delighted to give the gentleman my undivided attention.

Mr. STAFFORD. Last year we provided 6 of class 4, which is the $1,800 grade, in the Civil Service Commission. This year we increase that grade to 9. Last year we provided 28 of class 3——

Mr. HAMLIN. The print I have reads "6 at $1,800," just the same as it is in the current law.

Mr. MADDEN. The gentleman has not the amended form of the bill. They have two bills here, one for the committee and one for the lay Members of the House.

Mr. HAMLIN. Oh, is that it? I have the bill furnished me at the desk.

Mr. MADDEN. That is not the bill

Mr. HAMLIN. That is identical with the current law.

Mr. MADDEN. That is not the bill they are considering.

Mr. STAFFORD. With the aid of the additional information furnished by the genial gentleman from Illinois, of course, it is not necessary for us to say much further, but the fact is that we have provided additional help and allowances for the Civil Service Commission to meet their needs.

Mr. HAMLIN. But it is also true that you recommend increase in pay only for the heads of the bureau and not for the clerks.

Mr. MADDEN and Mr. RUCKER rose.

The CHAIRMAN. The Chair will recognize the gentleman from Missouri.

Mr. RUCKER. Mr. Chairman, if the gentleman from Illinois were a member of this great and august, this most powerful and almost arrogant committee, I would surrender the floor——

Mr. MADDEN. But since I am not, I bow in reverence to the gentleman from Missouri.

Mr. RUCKER. I could tell from the genial smile on the gentleman's face to whom reference has just been made that he is not a member of that committee. Mr. Chairman, I have been somewhat perplexed over this——

Mr. MADDEN. I am sorry to hear that. [Laughter.]

Mr. RUCKER. The gentleman is always sympathetic. Mr. Chairman, here in the last few minutes discussion has clustered around items of increases of compensation and, as suggested by my colleague [Mr. HAMLIN], and I think, with all deference to others, that it looks like his suggestion is well founded, though, of course, it can not be true——

Mr. MADDEN. Will the gentleman yield? That must be due to the fact the gentleman is from Missouri, and you have got to show him. [Laughter.]

Mr. RUCKER. Mr. Chairman, the gentleman from Illinois lives very close to Missouri, and if he will just cross the Mississippi River he will be shown.

Mr. Chairman, the suggestion has been made, and I think correctly, that it seems in some way or another some great chieftain, some man who presides over a great bureau, perhaps the Bureau of Efficiency, may make a more vivid and more lasting impression upon the minds and hearts of gentlemen on the Committee on Appropriations than men who do the real drudgery which gives fame to those chieftains.

Mr. MADDEN. Does the gentleman from Missouri say the "hearts" of members of the Committee on Appropriations?

Mr. RUCKER. I did that in deference to the members because they have the forms of human beings, I want to say by way of parentheses. [Laughter.] Mr. Chairman, members of that committee vie with each other in fervid eloquence, deep pathos, and much enthusiasm, occupying the floor most of the time, in defending their bill, which, I think, is subject to a good deal of just criticism. The distinguished and worthy gentleman from Tennessee, having this bill in charge, talked eloquently and forcefully——

Mr. MADDEN. And mightily.

Mr. RUCKER. And made a speech wonderful for its depth and breadth and length, and especially for its length——

Mr. MADDEN. And vision.

Mr. RUCKER. In defending his committee's action. The gentleman from Wisconsin [Mr. STAFFORD] came to his rescue and held the floor during two or three extensions of his time.

Mr. MADDEN. Would the gentleman be able to select a man who could come to his rescue in any better form?

Mr. RUCKER. Admirably, sir; admirably; it was a wonderful defense, and yet, Mr. Chairman, within the hour a most distinguished and learned Member of this Congress stood before this committee and detailed to us the incomparable achievements of a man who is not drawing a great salary, a man who could only have acquired the inexhaustible store of valuable information he has accumulated and which he imparts to the Members of this House and of the Senate of the United States and others every day, by long, assiduous, faithful, patient toil and struggle, and yet, when the gentleman from Tennessee [Mr. BYRNS] is appealed to, appealed to pathetically by gentlemen on this side of the aisle and gentlemen on that side, while admitting all the facts recited and conceding the force of the arguments made, he tells us that by reason of the ironclad rules of the Committee on Appropriations, by which he is fettered and bound, his manhood—no, I will not say that, but will say his judgment as a Member of this House—is taken from him, that he is compelled to obey the mandates of that committee, and therefore he must insist upon the point of order and prevent the House from considering meritorious amendments.

Mr. FERRIS. Will the gentleman yield?

Mr. RUCKER. In one minute. And when a gentleman from this side of the aisle, a member of the Appropriations Committee, ran across the aisle with hands stretched out pathetically and earnestly pleading, "My friend, after we voted on this question information came to me that I did not know before," the gentleman from Tennessee, determined in his way, and autocratic in his will, entrenched behind the orders of this great and powerful committee, said, "Oh, I knew all about those things." Yes; the gentleman from Tennessee knew how many boys this man working for a meager salary had given to his country to be sent to the war; he knew his long and faithful service; he knew the pitiful salary he was being paid, and yet he said, "I passed on all those questions and determined that $1,500 was enough for him." But when we reach this item he pleads with us that because a secretary of one of the departments of Government said the Chief of the Bureau of Efficiency did a great work and saved the country large sums of money, we should yield to the wisdom and bow with respectful deference to the action of the Committee on Appropriations, though its action is without authority or sanction of law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. Mr. Chairman, I am not a member of the Appropriations Committee, but I ask the indulgence of the committee for a few minutes longer.

Mr. SMITH of Michigan. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. How much time does the gentleman desire?

Mr. RUCKER. Five minutes, and if I do not use that the committee will not censure me.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER. I yield to the gentleman from Ohio.

Mr. FESS. It might be interesting to know that the young assistant of Mr. Washington has been called to the Ordnance Department, leaving a salary of $1,200 over here, and he is now being paid $2,400.

Mr. RUCKER. The gentleman says it might be interesting to me to know that?

Mr. FESS. It might be interesting to the committee.

Mr. RUCKER. The gentleman is too wise to indulge that forlorn hope. I doubt if the gentleman, with all his learning, can suggest anything interesting to the committee, unless he suggests absolute submission to its will.

Mr. Chairman, I speak with great respect of the Committee on Appropriations. I concede to them for the moment, although I may not abide in that concession, that it is the embodiment of all the wisdom and all the patriotism of the House. I say I might concede it, and to do so would not offend the committee, but I will not concede it. I do concede that it is a great committee, each member possessing a towering intellect and each a loyal, faithful public servant. But the trouble is we have allowed ourselves to drift into a rut, a rut that the Democrats fell heir to as an inheritance of the old party which we succeeded in power, a custom of allowing committees to write into a bill what it desires and to keep out of a bill everything not in harmony with its sweet will; and I tell you, in the language of Shakespeare, "It is a custom more honored in the breach than in the observance." We allow the committees of the House to domineer and rule the House. If the time should ever come when the baseless accusations against us shall be true and this House does in fact become a worthless and useless body, it will be because we shall have degenerated into a lot of moral cowards, afraid to do the things we know ought to be done, and ignominiously cringe and bow to the autocratic will of some chairman or subchairman of a committee. I for one am determined to break the shackles which some committees attempt to put on me if I have manhood and power left to do it. [Applause.]

Mr. Chairman, I take it the point of order has been made. But I want to announce now that it is my purpose, the point reserved is not adhered to, to make the point of order myself. I will not remain silent merely because gentlemen cry, "High taxes, great burdens, enormous expenses of war," and give these as reasons for their action and as a response to the piteous wails that come to us from the poor when I observe them turn to the other side and grasp hands with a man who is drawing a higher salary than others performing equally valuable services, living in the same community, and having to bear the same kind of living expense. If I can discover them, I will make a point of order against every proposed increase of salary where the salary is already fixed at a high figure, until the committee shows some disposition to respond to the cry of those who really need help. But the trouble is you can not find them. It takes an expert to locate one of these items. Nobody but the chief of the Efficiency Bureau can tell what is in the bill.

We ought to quit carrying barbers on the pay roll of this Government as laborers. Gentlemen may declaim and proclaim as much as they please that these barbers—these laborers, as designated in this bill—work themselves to death trying to keep this Hall clean when Congress is not in session, but the question arises, if they are laborers, why are qualified barbers, and only barbers eligible for appointment to those places? Strange to say, here in this bill we provide pay for common laborers, but before you get on the eligible list to fill one of these positions you have got to be a barber. Why, Mr. Chairman, the chairman of this great committee [Mr. SHERLEY], the chairman of this subcommittee [Mr. BYRNS of Tennessee], nor his able assistant on that side of the aisle [Mr. STAFFORD], neither one of them could qualify as common laborers within the meaning of the words as used in this bill, because they are not barbers. They may shave us—and I think they do sometimes—but they do not use lather in doing it. [Laughter.]

Now, Mr. Chairman, if these men are to be carried on the roll, they ought to be carried as barbers, or else gentlemen ought to come out like men in the open and say to the American people, "We have some particular pets"—God knows, they are not mine—"and we are paying them under the guise of laborers out of the public crib, but they really are barbers and nothing more." But for fear some one would be lacerated and torn at home these barbers are concealed under the more attractive term of "common laborers."

Mr. MADDEN. Mr. Speaker, I move to strike out the last word.

This has been a delightfully interesting day. The speeches of the committeemen have been edifying and instructive, and it seems to me that in view of all the good things they have said and the information they have imparted, and the intelligence they have displayed, and in view of the progress the committee has made in this work, those of us who are not members of the committee ought to be given a chance to go home and study over the words of wit and wisdom that have been uttered. And I therefore raise the question of no quorum.

Mr. BYRNS of Tennessee. Will the gentleman yield just a minute? Why could we not dispose of this?

Mr. MADDEN. I think we ought to adjourn. The gentleman has taken up all the afternoon making speeches.

Mr. BYRNS of Tennessee. I want to say something in reply to the gentleman from Missouri [Mr. RUCKER].

Mr. MADDEN. I think you can do that to-morrow. I want to make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes the point of no quorum. Evidently the point is well taken.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10358, the legislative, executive, and judicial appropriation bill, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6361. An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war

ADJOURNMENT.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Wednesday, March 6, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHOUSE, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 10477) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported the same without amendment, accompanied by a report (No. 357), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 10468) to authorize the opening of a minor street from Georgia Avenue to Ninth Street NW., through squares 2875 and 2877, and for other purposes; to the Committee on the District of Columbia.

By Mr. HICKS: A bill (H. R. 10469) to prescribe the personnel of the Navy Nurse Corps, the qualifications for appointment, and the method of appointment therein, the pay, allowances, and leave of absence of members of said corps, and the conditions under which they may be retired, and for other purposes; to the Committee on Naval Affairs.

By Mr. FRANCIS: A bill (H. R. 10470) providing medals for certain persons; to the Committee on Military Affairs.

By Mr. CARAWAY: A bill (H. R. 10471) to amend section 3279, Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. TILSON: A bill (H. R. 10472) to provide for the appointment of a commission to standardize screw threads; to the Committee on Coinage, Weights, and Measures.

By Mr. HICKS: A bill (H. R. 10473) to define necessary skilled labor engaged in necessary agricultural enterprise for the purposes of the selective draft, and to authorize the Secretary of War to grant furloughs with or without pay and allowances to enlisted men of the Army of the United States, and for other purposes; to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 10474) to authorize and direct the payment of pensions monthly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10475) for the establishment of a uniform system of weights and measures in the United States; to the Committee on Coinage, Weights, and Measures.

By Mr. VOLSTEAD: A bill (H. R. 10476) authorizing the States of Minnesota, North Dakota, and South Dakota to establish standards for the grading of grain in said States; to the Committee on Agriculture.

By Mr. WEBB: A bill (H. R. 10478) to amend section 35 of the Criminal Code, and for other purposes; to the Committee on the Judiciary.

By Mr. CARY: Joint resolution (H. J. Res. 258) providing for an increase of pay to the custodian employees of the Treasury Department; to the Committee on Expenditures in the Treasury Department.

Also, joint resolution (H. J. Res. 259) providing for the appointment of a committee by Congress to assess the value of the Carlyle House, located in the city of Alexandria, Va.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. SHOUSE: A bill (H. R. 10477) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House.

By Mr. CRAGO: A bill (H. R. 10479) providing medals for certain persons; to the Committee on Military Affairs.

By Mr. CURRIE of Michigan: A bill (H. R. 10480) granting an increase of pension to Arvilla I. Briggs; to the Committee on Invalid Pensions.

By Mr. DENTON: A bill (H. R. 10481) granting an increase of pension to Isaac A. Lockwood; to the Committee on Invalid Pensions.

By Mr. DILL: A bill (H. R. 10482) granting an increase of pension to John Neavill; to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 10483) granting a pension to Earl P. Ridgman; to the Committee on Pensions.

Also, a bill (H. R. 10484) granting a pension to Fred Craig; to the Committee on Pensions.

By Mr HARRISON of Mississippi: A bill (H. R. 10485) granting a pension to J. A. Beaumont; to the Committee on Pensions.

By Mr. HAUGEN: A bill (H. R. 10486) granting an increase of pension to Zerah T. Baker; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 10487) granting an increase of pension to Richard J. Stoops; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10488) granting a pension to Harold A. Salisbury; to the Committee on Pensions.

By Mr. HELVERING: A bill (H. R. 10489) granting an increase of pension to William Logan; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 10490) granting an increase of pension to Wedding Colgate; to the Committee on Pensions.

Also, a bill (H. R. 10491) to correct the military record of Cyrus Edwards; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 10492) granting an increase of pension to Susan S. Theall; to the Committee on Pensions.

By Mr. KEARNS: A bill (H. R. 10493) granting an increase of pension to Eli McMinnis; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 10494) granting an increase of pension to Thomas J. McNeal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10495) granting an increase of pension to Abraham H. Caylor; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 10496) granting an increase of pension to John Charles; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10497) granting an increase of pension to M. L. K. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10498) grabting an increase of pension to William P. Dorton; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 10499) granting a pension to Ethel A. Kane; to the Committee on Pensions.

Also, a bill (H. R. 10500) granting a pension to Adell O'Neil; to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 10501) granting an increase of pension to James Buggle; to the Committee on Invalid Pensions.

By Mr. McKINLEY: A bill (H. R. 10502) granting a pension to Mertilla Crawford; to the Committee on Invalid Pensions.

By Mr. POLK: A bill (H. R. 10503) granting an increase of pension to Richard G. Paynter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10504) granting an increase of pension to Elijah L. Wyatt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10505) granting an increase of pension to Kendal J. Warrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10506) granting an increase of pension to Joshua J. Daisey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10507) granting an increase of pension to Alfred P. Pepper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10508) granting an increase of pension to Joshua S Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10509) granting an increase of pension to John T. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10510) granting an increase of pension to Nathan C. Messick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10511) granting an increase of pension to John H. Walls; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10512) granting an increase of pension to Joshua J. Workman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10513) granting an increase of pension to Molten R. Pepper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10514) granting an increase of pension to John H. Swain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10515) granting an increase of pension to Zachariah W. McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10516) granting an increase of pension to John J. Morath; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10517) granting an increase of pension to John W. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10518) granting an increase of pension to James P. Leonard; to the Committee on Invalid Pensions

Also, a bill (H. R. 10519) granting an increase of pension to Henry O. Bennum; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10520) granting an increase of pension to George A. Coverdale; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 10521) granting an increase of pension to Jefferson O'Hara; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Missouri State Board of Health, urging the passage of House bill 9563, regarding military rank of Medical Reserve Corps; to the Committee on Military Affairs.

Also (by request), memorial of students of the short course in agriculture, opposing proposed amendment to the farm-loan act, and asking that the law remain as it is; to the Committee on Banking and Currency.

Also (by request), petition of members of the Good Hope Farmers' Club, New Haven, Mo., urging an increase of the minimum price of wheat and other farm products; to the Committee on Agriculture.

Also (by request), petition of 13 women of Middletown, Mo., urging the closing of the breweries for the period of the war; to the Committee on the Judiciary.

Also, a resolution of a Mooney mass meeting, held in Los Angeles, Cal., asking justice for Rena Mooney and Israel Weinberg and their associates; to the Committee on the Judiciary.

By Mr. CAREW: Resolutions of the Brooklyn Surgical Society, favoring the bill to give advanced rank to medical officers; to the Committee on Military Affairs.

By Mr. CRAGO: Resolution adopted by Washington Camp, No. 826, Patriotic Sons of America, Carmichaels, Pa., favoring prohibition of the manufacture of intoxicating liquors during the war; to the Committee on the Judiciary.

By Mr. DOOLING: Resolution of the New York Zoological Society, favoring the migratory-bird treaty; to the Committee on Foreign Affairs.

By Mr. FULLER of Illinois: Petition of the National Pharmaceutical Service Association, favoring H. R. 5531, to provide a pharmaceutical corps in the Army; to the Committee on Military Affairs.

Also, petition of Charles Bulfer and other citizens of Peru, Ill., favoring a bill for universal military training; to the Committee on Military Affairs.

Also, memorial of Woman's Association of Commerce of Chicago, Ill., urging equal pay for women workers, etc.; to the Committee on Labor.

Also, memorial of New York Zoological Society, urging passage of the migratory-bird treaty bill; to the Committee on Agriculture.

Also, petition of Cushman's Automatic Tool Co., of Champaign, Ill., opposing taking the rate-making power from the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

By Mr. HILLIARD: Petitions of Jennie Hanlon and Etta Stangle, of Denver, Colo., praying for the repeal of that section of the war-revenue act providing for increased postage rates on periodicals; to the Committee on Ways and Means.

Also, evidence in support of House bill 6857, for the relief of Richard A. Schwab; to the Committee on Claims.

By Mr. KAHN: Petition of Ladies' Auxiliary, Connaught Social and Benevolent Association, of San Francisco, Cal., urging a report from committee on joint resolution 204 in regard to Irish freedom, by Miss RANKIN, and open debate on the floor; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Petition of John H. Harmanson, of Baltimore, Md., opposing the Johnson rent bill; to the Committee on the District of Columbia.

Also, petition opposing the increased rates on second-class mail matter; to the Committee on Ways and Means.

Also, petition of National Association of Letter Carriers, favoring legislation for permanent increase of pay; to the Committee on the Post Office and Post Roads.

Also, petition of Baltimore Federation of Labor, opposing Borland eight-hour amendment; to the Committee on Agriculture.

Also, petition of Thomas S. Cullen of Baltimore, Md., favoring House bill 9563, giving rank to enlisted surgeons in Medical Reserve Corps; to the Committee on Military Affairs.

Also, petition of Baltimore Lodge, No. 70, Loyal Order of Moose, favoring House bill 7364; to the Committee on the Judiciary.

Also, petition of Baltimore (Md.) Branch, United National Association of Post Office Clerks, urging the passage of bill to increase pay of post-office employees; to the Committee on the Post Office and Post Roads.

Also, petition of Charles D. Sullivan, of Baltimore, Md., against the Borland eight-hour law; to the Committee on Agriculture.

Also, petition of J. T. Wade, president Baltimore County Medical Association, favoring the passage of Senate bill 3748 and House bill 9563; to the Committee on Military Affairs.

By Mr. MERRITT: Petition of the New York Zoological Society, urging the immediate passage of the enabling act providing regulations for the enforcement by the United States of the treaty with Canada for the protection of North American migratory birds; to the Committee on Foreign Affairs.

By Mr. WARD: Petition of members of Woman's Christian Temperance Union, of Port Ewen, N. Y., favoring war prohibition; to the Committee on the Judiciary.

SENATE.

WEDNESDAY, *March 6, 1918.*

(Legislative day of Tuesday, March 5, 1918.)

The Senate met at 11 o'clock a. m.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones, Wash.	Nugent	Smith, Md.
Dillingham	Kendrick	Phelan	Smith, S. C.
Gallinger	Kenyon	Pittman	Smoot
Gerry	King	Ransdell	Stone
Hale	Kirby	Robinson	Swanson
Hardwick	Lodge	Saulsbury	Tillman
Henderson	McCumber	Shafroth	Townsend
Hollis	McLean	Sheppard	Underwood
Johnson, Cal.	McNary	Sherman	Vardaman
Johnson, S. Dak.	Myers	Simmons	Watson
Jones, N. Mex.	New	Smith, Ariz.	Williams

Mr. McNARY. I desire to announce that my colleague [Mr. CHAMBERLAIN] is absent on account of illness. I will let this announcement stand for the day.

Mr. HOLLIS. I was requested to announce that the junior Senator from Florida [Mr. TRAMMELL], the junior Senator from Kentucky [Mr. BECKHAM], and the senior Senator from Illinois [Mr. LEWIS] are temporarily absent on official business. I also desire to announce that the senior Senator from Kentucky [Mr. JAMES] is detained by illness.

Mr. KING. I desire to announce that the Senator from Connecticut [Mr. BRANDEGEE] and the Senator from Delaware [Mr. WOLCOTT] are unavoidably detained on official business.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. FRANCE, Mr. McKELLAR, Mr. POINDEXTER, and Mr. SUTHERLAND answered to their names when called.

Mr. SUTHERLAND. I wish to announce that my colleague, the senior Senator from West Virginia [Mr. GOFF], is absent on account of illness.

Mr. CURTIS, Mr. FLETCHER, Mr. CULBERSON, Mr. HARDING, Mr. BANKHEAD, Mr. WEEKS, Mr. NELSON, Mr. OVERMAN, Mr. REED, Mr. SHIELDS, Mr. WALSH, Mr. SMITH of Georgia, Mr. THOMAS, and Mr. STERLING entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, announced that the Speaker of the House had signed the enrolled bill (H. R. 6361) to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war, and it was thereupon signed by the President pro tempore.

PETITIONS.

Mr. McLEAN presented a petition of Horeb Lodge, No. 25, Independent Order of B'nai Brith, of New Haven; of the Teachers' League, of New Haven; and of sundry citizens of New Haven and Bridgeport, all in the State of Connecticut, praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

Mr. PHELAN presented a petition of the California State Grange, of Santa Rosa, Cal., praying for the enactment of legislation to provide for Government control and conservation of streams and water supplies, which was referred to the Committee on Commerce.

Mr. SHEPPARD presented a petition of the Discussion Club, of Austin, Tex., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of Eagle Tent, No. 2, Independent Order of Rechabites, of Washington, D. C., praying for the enactment of legislation to prohibit the shipment of intoxicating liquors into the District of Columbia, which was referred to the Committee on Post Offices and Post Roads.

WATER SUPPLY OF SAN DIEGO, CAL.

Mr. PHELAN, from the Committee on Public Lands, to which was referred the bill (S. 3646) to grant rights of way over Government lands for reservoir purposes, for conservation and storage of water to be used by the city of San Diego, Cal., and adjacent communities, reported it with amendments and submitted a report (No. 300) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STONE:

A bill (S. 4019) granting a pension to Margaretha Arendes (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 4020) to correct the military record of Burton Hubbell (with accompanying papers); to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 4021) to authorize the incorporated town of Seward, Alaska, to issue bonds in any sum not exceeding $25,000 for the purpose of constructing dikes, flumes, and other works to confine the waters of Lowell Creek for the protection of said town; to the Committee on Territories.

By Mr. PHELAN:

A bill (S. 4022) for the relief of James L. Vai (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON of California:

A bill (S. 4023) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906; to the Committee on Public Lands.

AMENDMENT TO URGENT DEFICIENCY BILL.

Mr. BANKHEAD submitted an amendment proposing to appropriate $150,000 for war-materials investigations, etc., intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the censorship of the mails from $300,000 to $500,000, intended to be proposed by him to the urgent deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

MISSISSIPPI INDIAN CLAIMS.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the bill (S. 3948) to authorize the Secretary of the Interior to adjudicate claims covering the expense of removing certain Choctaw Indians from Mississippi to Oklahoma, which was referred to the Committee on Indian Affairs and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. GORE. Mr. President, I desire to give written notice of an intention to move to suspend the rule when the Agricultural appropriation bill is under consideration, and authorize an amendment thereto, being the joint resolution 132, to increase the price of wheat to $2.50 a bushel.

The PRESIDING OFFICER. The notice given by the Senator from Oklahoma will be duly entered.

The notice is as follows:

I hereby give notice that when the Agricultural appropriation bill, H. R. 9054, is being considered in the Senate, I shall move to suspend paragraph 3 of Rule XVI, prohibiting the reception of general legislation to any general appropriation bill, in order that I may propose the following amendment, to be inserted at the proper place in said bill as a new paragraph:

"That section 14 of the act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917, be amended to read as follows:

"'SEC. 14. That whenever the President shall find that an emergency exists requiring stimulation of the production of wheat and that it is essential that the producers of wheat, produced within the United States, shall have the benefits from time to time, seasonably and as far in advance of seeding time as practicable, to determine and fix and to give public notice of what, under specified conditions, is a reasonable guaranteed price for wheat, in order to assure such producers a reasonable profit. The President shall thereupon fix such guaranteed price for each of the official grain standards for wheat as established under the United States grain standards act, approved August 11, 1916. The President shall from time to time establish and promulgate such regulations as he shall deem wise in connection with such guaranteed prices, and in particular governing conditions of delivery and payment and differences in price for the several standard grades at the local elevator or the local railway market where such wheat is delivered from the farm where produced, adopting No. 1 northern spring or its equivalent as the basis. Thereupon the Government of the United States hereby guarantees every producer of wheat produced within the United States that, upon compliance by him with the regulations prescribed, he shall receive for any wheat produced in reliance upon this guarantee within the period, not exceeding 18 months, prescribed in the notice a price not less than the guaranteed price therefor as fixed pursuant to this section. In such regulations the President shall prescribe the terms and conditions upon which any such producer shall be entitled to the benefits of such guaranty. The guaranteed prices for the several standard grades of wheat for the crop of 1918 shall be based upon No. 2 northern spring or its equivalent at not less than $2.50 per bushel at the local elevator or the local railway market where such wheat is delivered from the farm where produced.

"'This guaranty shall not be dependent upon the action of the President under the first part of this section, but is hereby made absolute, and shall be binding until May 1, 1919. When the President finds that the importation into the United States of any wheat produced outside of the United States materially enhances or is likely materially to enhance the liabilities of the United States under guaranties of prices therefor made pursuant to this section, and ascertains what rate of duty, added to the then existing rate of duty on wheat and to the value of wheat at the time of importation, would be sufficient to bring the price thereof at which imported up to the price fixed therefor pursuant to the foregoing provisions of this section, he shall proclaim such facts, and thereafter there shall be levied, collected, and paid upon wheat when imported, in addition to the then existing rate of duty, the rate of duty so ascertained; but in no case shall any such rate of duty be fixed at an amount which will effect a reduction of the rate of duty upon wheat under any then existing tariff law of the United States. For the purpose of making any guaranteed price effective under this section, or whenever he deems it essential in order to protect the Government of the United States against material enhancement of its liabilities arising out of any guaranty under this section, the President is authorized also, in his discretion, to purchase any wheat for which a guaranteed price shall be fixed under this section, and to hold, transport, or store it, or to sell, dispose of, and deliver the same to any citizen of the United States or to any Government engaged in war with any country with which the Government of the United States is or may be at war, or to use the same as supplies for any department or agency of the Government of the United States. Any moneys received by the United States from or in connection with the sale or disposal of wheat under this section may, in the discretion of the President, be used as a revolving fund for further carrying out the purposes of this section. Any balance of such moneys not used as part of such revolving fund shall be covered into the Treasury as miscellaneous receipts.'"

WAR FINANCE CORPORATION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment of the Senator from Missouri [Mr. REED] to strike out all of section 8.

Mr. SIMMONS. Mr. President, I am not going to detain the Senate for many minutes. Of course, I take it that every Senator will agree that in the present situation it is highly important that the resources of this country of capital, of labor, and material should be conserved in every possible way in order that the Government may secure the things which are necessary to win the war. That is a conclusion which has been reached as a result of experience by our allies. England started out in this war with the idea that it was not necessary in any way to impose restrictions upon ordinary business, and for a long time no restrictions were imposed, but a situation was created which made it necessary to change that policy. It was discovered that the nonessential industries were absorbing a large part of the capital, were utilizing a large part of the labor and materials of the country, and that the production of these things imposed a heavy burden upon the transportation facilities of the country. As a result it was determined to impose first moderate restrictions upon the use of capital in the production of unnecessary things. That policy has progressed until it can be said that as a general thing no business is permitted to be conducted in Great Britain to-day unless it is thought to be necessary in connection with the war. France has had the same experience.

We were confronted by the same situation, and to meet it the Secretary of the Treasury upon his own initiative organized in the Treasury Department in connection with the Federal Reserve System a committee for the purpose of investigating and passing upon issues for new capital not thought to be necessary or contributory to the war. That policy is being pursued to-day in this country just as it is being pursued in Italy, in France, and in Great Britain. So I take it it may be assumed it is the consensus of opinion as the result of experience in all the allied countries that it is important for the winning of the war that the capital, labor, and materials should be conserved for the purpose of being used by the industries that are engaged in war work.

Upon its face the British system appears to be a voluntary system, but behind that system is a power which has the force and effectiveness of law. The defense of the realm act in that country invests in the Government broad powers, sufficient to authorize the creation of the commission or board that they have set up. If it has not been created and organized as an official institution it is well known that in a day, at the discretion of the Government, it may be given that sanction. The same thing is true of the French system. There is no such authority in this country. This voluntary committee can not be given official authority except by statutory enactment.

Mr. President, I do not find any opposition, or, if any, but negligible opposition, to the Government exercising through a voluntary committee advisory powers with respect to new capital issues.

Mr. HARDWICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. Yes.

Mr. HARDWICK. This voluntary committee advises the Federal reserve banking system.

Mr. SIMMONS. It advises the public.

Mr. HARDWICK. But it has no possible effect except on the operation of the banks through the reserve system.

Mr. SIMMONS. And on the operation of the investment public, so far as it may be influenced by its findings with respect to the compatibility of the issue with the public interest.

Mr. HARDWICK. Of course, that might have a moral effect, but I mean it has no financial effect.

Mr. SIMMONS. It has no binding effect; yet to a very large extent its findings have been accepted and acted upon, both by the banks and the investment public, but not as fully, probably, as is desirable. For that reason it is thought necessary that it should be made a legal body and that its action should have the legal force and effect.

As I was saying when interrupted, speaking generally, there seems to be but little objection to a committee such as we now have, and to what it is doing or the object sought to be accomplished, because its functions are only advisory and its findings are not as effective as is desirable.

Mr. SMITH of Michigan. Mr. President, will the Senator allow me to ask him a question?

Mr. SIMMONS. Yes.

Mr. SMITH of Michigan. The Senator from North Carolina speaks of their disregarding the limitations which are——

Mr. SIMMONS. No; disregarding the findings of this board. As I understand, this board does this: It simply, after making its investigation, advises the banks and the public that a particular issue of capital securities is or is not regarded by it as compatible with the public interest, and its findings ordinarily determine the attitude of the banks and private investors with respect to that issue.

Mr. SMITH of Michigan. Right there let me say to the Senator from North Carolina that in my State and in most of the other States such securities of public utility companies as are issued must first bear the investigation of a State board, and they must be approved by the State authorities before they can be put out at all. When they have been put out, they must have an earning power which justifies their issuance. After you get that far, it is then proposed to arrest the privilege of citizens to make use of such a credit. That is a very drastic power.

Mr. SIMMONS. Mr. President, there are boards of that sort in the several States; they existed in peace times as well as now. Their purpose is to deal with the sufficiency of the security and questions relating to the protection of the investment market.

Mr. SMITH of Michigan. Yes; and the bona fides of the corporation.

Mr. SIMMONS. And the bona fides of the corporation. This committee in the Treasury Department does not attempt in any way whatsoever to deal with the question of the bona fides of the issue or of the sufficiency of the security which it may be proposed to emit.

Mr. SMITH of Michigan. I understand that.

Mr. SIMMONS. The committee deals only with the question of whether the operations of the concern proposing to issue the securities are necessary or contributory to the war; that is all.

Mr. SMITH of Michigan. I understand that; and that is a tremendous power to lodge in the hands of any single individual, especially when the authorities of the State have carefully examined the entire matter and approved the plan.

Mr. SIMMONS. It is not the proposition I am addressing myself to, Mr. President——

The PRESIDENT pro tempore. The Chair has thus far allowed the debate to run along in very informal fashion, but he must hereafter insist that a Senator desiring to interrupt another Senator who has the floor must first address the Chair.

Mr. SMITH of Michigan. Mr. President, I ask the privilege of interrupting the Senator from North Carolina.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. I yield.

Mr. SMITH of Michigan. I shall finish what I have to say in a word. It is merely this, that it is now proposed after a State has found an enterprise to be desirable and wholesome and worthy of credit, that the enterprise must still run the gantlet of a single officer, perhaps, at the Federal Treasury before it can find appropriate standing in the financial markets of the country. I think that is a tremendous power, and if it were to be exercised by a board such as compose the Federal reserve boards, who have knowledge of the local community and its necessities and the needs of the people who apply for assistance, I would not find fault with it at all.

Mr. SIMMONS. It may be wise to encourage many industries in times of peace which should not only not be encouraged but restrained in times of war. I think opinion in the countries at war to-day has finally crystallized in the belief that in order to conserve the capital of the country for war purposes it is essential that unnecessary expenditures should be curtailed and restricted.

Mr. McCUMBER and Mr. HARDWICK addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield; and if so, to whom?

Mr. SIMMONS. I yield to the Senator from North Dakota.

Mr. McCUMBER. Mr. President, I merely want to make a suggestion to the Senator from North Carolina [Mr. SIMMONS] in answer to the question asked by the Senator from Michigan [Mr. SMITH]. We will suppose that in Michigan its people decide that they want to spend $50,000,000 for good roads in that automobile State.

Mr. SIMMONS. Yes; or for building a park.

Mr. McCUMBER. That enterprise will take thousands and thousands of men besides millions of dollars that ought to go into war purposes. That might be a splendid thing for Michigan, and, especially in peace times, it would be a splendid thing; but I think that the interests of the Government are such that those charged with carrying on this war should have some voice in deciding whether or not at this time that amount of money should be spent for such a purpose in any State.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. I do.

Mr. SMITH of Michigan. If the Senator from North Carolina will allow me I desire to say that we do not propose to do what the Senator from North Dakota describes; but suppose a concern wanted to refund an obligation already issued and soon maturing upon a useful enterprise, having the approval of the authorities of the State and having an unquestioned market, is he to be deprived of that privilege and is it to fall by the mere ipse dixit of the head of the Treasury Department? If so, chaos and disorder will surround private business undertakings.

Mr. SIMMONS. Mr. President, do I understand the Senator from Michigan as seriously contending that in the conditions now existing no effort should be made by the Government to conserve the capital of the country for war purposes?

Mr. SMITH of Michigan. No; Mr. President, I do not want the Senator from North Carolina to get that impression.

Mr. SIMMONS. I think that is the logical conclusion one would reach from the Senator's argument.

Mr. SMITH of Michigan. I do not want the Senator from North Carolina to get that impression. I want him to get the impression that what I seek to do in the perfection of some relief legislation is to avoid the temptation to favoritism. I am not referring to any particular person or board; I am aiming at possible favoritism and desire the widest possible field in the application of this proposed law.

Mr. HARDWICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. Yes; I yield.

Mr. HARDWICK. I merely want to ask the Senator from North Carolina one question, and then I shall be through with this part of the debate. Does the Senator think that it is either right or that it can possibly be lawful for us to pass any sort of a law that will prohibit an individual—I am not now mentioning a corporation—from lending his money to whomsoever he pleases, or from giving it away, or from doing anything else that he cares to do with it?

Mr. SIMMONS. Mr. President, the money that an individual has, the money that the great capitalists of this country have, is as necessary to the winning of the war as is money in the bank; and if the Government, through a well-considered and wise public policy, shall reach the conclusion that the exigencies of the situation require that the money of the country, whether in the hands of the banks or in the hands of individuals, should not be dissipated in being employed in those things that do not contribute to the war, and which are unnecessary at this time, the Government has the right by legislation, indirectly if not directly—and it is by indirection that we seek to accomplish this purpose—to make such provisions as will effectually secure such capital for the purpose in which the Government is engaged, for, in my judgment, the only business of this Government and the only business of the people of this country, whether they be bankers or capitalists, is the winning of this war.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. Yes.

Mr. SMITH of Georgia. The Senator from Michigan [Mr. SMITH] suggested a few moments ago to the Senator from North Carolina that, if this power were put in the Federal Reserve Board, he would not object to that. I only wanted to call his attention to the fact.

Mr. SIMMONS. I did not hear that statement.

Mr. SMITH of Georgia. That, if this power is put in the Reserve Board, three members of that board and two citizens selected by the reserve board will perform the duties. The only reason these two additional members were added was because the view of the Federal Reserve Board was that they would need additional help.

Mr. SIMMONS. The statement of the Senator from Georgia is correct.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. Yes.

Mr. SMITH of Michigan. Of course, I would not have the Senator from Georgia think that I do not understand how this board is to be composed. When I speak of the Federal reserve bank I refer to the 12 Federal reserve banks, who could appropriately clear these securities through their banks after a well-considered and carefully planned scrutiny; and I think the object desired could be easily attained by an amendment to the Federal reserve bank act, which would obviate much of the danger which I see in the plan now proposed.

Mr. SIMMONS. Mr. President, the statement has been made repeatedly upon this floor—the Senator from Michigan is not the first one who has uttered it—that this bill proposes to place in the hands of one man the enormous power of regulating the business affairs of this country. I suppose he means place it in the hands of the Secretary of the Treasury. This bill proposes no such thing. This bill creates a committee composed of five members, three of them to be members of the Federal Reserve Board and two of them to be outsiders. It is true the Secretary of the Treasury is to be a member of that committee. So is he a member of the Federal Reserve Board; but because the Secretary of the Treasury is a member of the Federal Reserve Board nobody will contend that he controls and dominates the action of that board, and nobody ought to contend that, by reason of his being a member of the committee it is proposed to create by this bill, the power will be lodged in his hands and not in the hands of the committee and that he will dominate its action.

As a matter of fact, I do not suppose the Secretary of the Treasury will to any material extent personally participate in the investigations and the findings of this committee. The committee will have to deal with the thousands and tens of thousands of cases that would come before it from every quarter of the country, and it would be impossible for the Secretary of the Treasury, with the great and burdensome duties imposed upon him, to give very much time to these investigations. He would not do it. These questions would be heard and determined and settled by the other four members of that committee.

Can we not trust this committee of five men? They will be prominent and distinguished citizens, three of them members of the Federal Reserve Board, who have already shown themselves eminently worthy of the confidence of their countrymen, and the high positions they now occupy certify to their integrity and to their ability and to the confidence of the people of this country in them. I do not believe we need to fear that these gentlemen will be guilty of any act of favoritism or that they will discharge their duty with any purpose whatsoever except the accomplishment of the essential purpose of the legislation itself which is to conserve the capital of the country for financing the Government, our allies, and the industries whose operations are necessary and contributory to the war.

But, Mr. President, I do not wish to take up the time of the Senate discussing the question of whether there ought not to be some governmental authority to regulate and reasonably control the investment of money in things unnecessary to be done during this war; in the production of things which do not contribute to the winning of the war. I think, while there may be objection on the part of some to it for one reason or another, it may reasonably be assumed that the country and the Congress are agreed that that is necessary at this time; at least I do not care further to discuss that question. That was not the purpose of my taking the floor; it was only an incidental statement in connection with the argument that I propose making.

The issue that I understand is presented at this time is whether the capital issue committee which the Secretary of the Treasury has established shall remain a voluntary committee, performing only the functions and duties now imposed upon it by the order of the Secretary of the Treasury, or whether it shall be made an official body, with the sanction and the authority of law behind it. That I understand to be the issue.

I want to say generally that while I think the present arrangement has been to a very considerable extent effective, I do not believe that it has resulted in that full and complete conservation of capital which is to be desired. I believe that it will add very much to the effectiveness of this committee in the accomplishment of the purpose we have in view if it is made a legal body.

Now, as to the powers that should be conferred upon it, that is, of course, a matter for the Senate to consider and determine; but I think we would be shortsighted if we should not invest this committee with great authority, which it now has.

I assume the Secretary of the Treasury would not have asked for this legislation if he had not thought to accomplish the purpose of its creation it should not be confined simply to investigation, suggestion, and advice. The alleged sufficiency of an advisory committee in England does not imply that a committee of similar character and power would be effective in this country.

There are other circumstances that differentiate that case from ours. England is relatively a small country. As I understand, the whole banking business of England is controlled by about 40 great banking corporations, all dominated by the Bank of England, the fiscal agent of the Government. In this country we have thousands of independent banking institutions scattered over a territory many, many times greater than that of Great Britain, and a system that might be effective where the whole financial system of the country is controlled by only 40 banks could not reasonably be expected to be as effective in a country with many thousand banks, some under Federal and some under State control, and without centralized control.

I do not wish to pursue that branch of this matter further. It is said that section 8, which imposes penalties for the violation of the decrees, rules, and regulations of the proposed capital issues committee, should be stricken out, because it is said that we ought not to impose penalties for the disregard of the actions of any agency of the Government; that penalties ought to be imposed only for violations of legislative enactments; that penalties ought not to be imposed for the violation of any action of a department or of any rules or regulations of a department of this Government; that the proposition contained in this section is a monstrous proposition; that it is an unconstitutional proposition; that it is one never heard of before; and it is one hardly worthy of an autocracy, much less of a republic.

Mr. President, even in peace times Congress has often expressly provided that a violation of the rules and regulations of departmental bureaus should be punished by fine or imprisonment. That was no new thing when this war began. But this is not the first time that we have indulged in legislation of this character since the war began. Some time ago we created a Food Conservation Commission. What is the object of that commission? In principle it is the same as sought in the creation of the proposed capital issue committee. This country was confronted by the menace of a food shortage. It was held to be absolutely essential, to enable us to supply our own demands and the demands of our allies for food, that in some way or other we should conserve our food supply and production by minimizing the food consumption of the country. If it was necessary to adopt drastic action in order to conserve food to supply our allies as well as ourselves, is it any the less necessary to adopt drastic action in order to conserve the finances of the country, in order that we may finance ourselves and our allies in the war?

In the food-control act we invested that administrator with broad authority to issue licenses to regulate the public and the private business of the citizens of the country.

This was denounced at the time as monstrous. Well, in peace times it would have been monstrous. Unless it had been absolutely necessary to accomplish a great and essential purpose it would have been monstrous. I voted for it reluctantly. I would not have voted for it had I not thought the exigencies of the situation made it imperatively necessary.

Mr. President, the same is true with reference to our coal situation. We not only had to supply the ordinary demands of this country for coal, but we had to supply the great industrial plants and factories required to supply the abnormal demand of this country and our allies in part with coal for the manufacture of munitions and other war materials. In order to conserve our coal supply for these essential purposes, we invested the Fuel Administrator with powers absolutely autocratic; with powers that nobody in his senses in this country would have consented to unless he had been convinced that it was imperatively necessary in the public interest. We gave him sweeping powers. We provided severe penalties in each of these enactments for the violations of the licenses, rules, and regulations established by the administrators of these functions. Indeed, Mr. President, I think it will be admitted now that if we had not provided these penalties and put them behind the action of the Food Control Commission and of the Fuel Control Commission, regulatory efforts in these behalves would have been largely nugatory and ineffective.

Under ordinary circumstances it would be clearly unconstitutional, whether it was connected with the production, use, and sale of food and the production of coal, this fixing of the price at which these things should be sold and bought and these penalties for the violation of administrative regulation with respect thereto would, under ordinary circumstances and except in those of war, have been clearly unconstitutional, clearly monstrous, clearly not to be thought of. But, Mr. President, we did it, and we did it because we thought nothing else would meet the situation; and I think now everybody will agree that nothing less drastic would have met the situation.

The point I wish to impress upon Senators is that we are doing in the part of the bill under discussion nothing that is more violative of ordinary principles of republican government, nothing that is more violative of the rights of the individual citizen or the individual business man, nothing that is more violative of the principles of our constitutional government, than was done in connection with these other two commissions which we established. I wish to further emphasize the statement that in the situation which confronts us every man who gives proper consideration to these matters must reach the conclusion that it is just as essential for this Government at this time to conserve its money supply and to see to it that that money is not dissipated in unnecessary expenditures, but that it performs the service which the public interest requires that it should perform in this great emergency, as it is to conserve our food supply and our fuel supply.

Mr. SHERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Illinois?

Mr. SIMMONS. Yes.

Mr. SHERMAN. In 1914 cotton was 6 cents a pound. Cotton closed yesterday at 33.6 cents, an advance of more than 500 per cent. The war can not be carried on without it. Will the Senator include cotton in the list of regulations?

Mr. SIMMONS. I am not discussing the articles that ought to be included. I am willing to include anything and everything that the judgment of this Congress and the judgment of the people of this Nation shall determine it is necessary to include in order to win this war.

Mr. SHERMAN. I ask the majority of the Senate, then, to bring that question before the Senate.

Mr. SIMMONS. That is a question which can be taken up later if the Senator from Illinois desires to take it up. It has no relevancy to the question I am now discussing.

Mr. President, the question is, If it is necessary to do these things in order to conserve the capital of the country, shall we refuse to confer upon the body which we create to perform the duties incident to doing these things the power to enforce its decisions and decrees?

I know it is said that this section is drastic. I do not hesitate to say that I question the expediency of prescribing the penalty; but I think there ought to be some penalty, otherwise the effectiveness of the enactment may be seriously weakened and impaired. Whether it ought to extend to the regulation and rules established by the committee or not is, I concede, debatable. In my judgment I repeat, however, that it is important to the efficient operation of the system that we are about to create that there should be some penalty imposed upon a willful disregard of the action and the findings of the committee.

The Senate will deal with that question as it sees fit. I have no pride of opinion, and I am sure the members of the committee have none in the matter.

Mr. President, I did not rise with any view to entering into quite such an extended discussion of these matters as I have indulged in and I will not trespass further upon the time of the Senate.

Mr. LODGE and Mr. STERLING addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. STERLING. Will the Senator from North Carolina allow me to ask him a question before he takes his seat?

The PRESIDENT pro tempore. The Senator from Massachusetts has been recognized. Does he yield to the Senator from South Dakota?

Mr. LODGE. Certainly.

Mr. STERLING. I yield to the Senator from Massachusetts.

Mr. LODGE. Mr. President, I think this bill is of the utmost importance, and I am very anxious for its speedy passage.

The conditions created by the war have, of course, disturbed all the financial conditions of the country. That is inevitable. The enormous loans which the Government is required to place, the enormous taxes which it is required to collect have shaken our financial fabric. Perhaps the most important single thing for the successful prosecution of this war is the placing of the great Government loans. We have placed several billions. We are going to place many billions more. The result of this preemption of the loan market by the Government is that securities, no matter how good and how safe they may be, have no market at anything approaching their real value. Selling them back and

forth to each other does not help us at all, and we have no foreign market to sell them in.

Mr. President, it was perfectly clear to me, and I think to others, that something would have to be done to enlarge credits. We were drifting straight toward a financial crash, in my opinion. We have this next loan coming. The ordinary savings of the people from month to month probably will not be sufficient. As the law now stands, it is impossible to borrow on collateral from the Federal reserve banks. It was of vital importance to enlarge the opportunity for borrowing on collateral. That will enable people to put up as collateral good securities which they will otherwise have to sell at an enormous sacrifice. That is provided for by this bill. A man desirous of investing in a Government loan can take securities to a member bank and get the money, and the member bank can then go to the financial corporation and borrow the money, and on the notes of the corporation can secure money from the Federal reserve bank. In other words, the bill enlarges the opportunity to borrow money on collateral, and I think that is an absolutely vital thing to do. I think we must have it.

The bill also provides methods of relieving the savings banks. If we have to raise the rate of interest—as we are very likely to do—on the next Government loan, you may have a run on the savings banks, and, their assets not being liquid assets, you might bring on a business panic which would not only cause enormous losses everywhere, but which would shatter all prospects of a successful placing of the loan. There are some fourteen billions in the savings banks. I think the same thing applies to the insurance companies, which are all operated under careful laws of States. There must be an opportunity for such institutions to get relief in order to guard against a widespread business panic. The same thing is true of the public utilities. They are obliged in this year to renew $225,000,000 of securities.

They are all under State laws. Their rates are fixed. Their wages and their expenses have increased enormously. Their rates must be and will be, no doubt, advanced by the action of the States; but that is a slow process and the crisis will not wait. Their earning capacity does not justify a bank in advancing money to them on their security. We should precipitate a panic if we allowed the public utilities of this country to fail and go generally into the hands of receivers. It is not a question whether they are contributory to war work; it is a question of public interest, of maintaining their credit, of enabling them to go on. That is provided for in this bill. Provision is made that they can get money through financial corporations. I mention those points as showing the immense importance of passing this bill.

Now, I come, Mr. President, to sections 7 and 8. They never had my approval. Not that I am against licensing; on the contrary, I think that we must take some method of preventing improvident issues of new capital. That must be done. It has been done by every nation at war. They have a committee now in the Treasury which is approving or disapproving new issues of capital, and which has worked very well. It is a strong committee and its work is good. Necessarily this must be done, and it has been done by every other nation; but in England, at least, compliance with the action of the committee is voluntary. Now, this is an effective method. It has proved to be effective in other countries and it has been effective here.

Let me give an illustration to show how perfectly well it works. We can pass no law that will prevent a State or a municipality from issuing a loan. We can not interfere with them by law. The municipality or the State can sell its bonds over its own counter and we can not prevent it; and yet the voluntary committee in England has reduced municipal loans and municipal demands for new capital to £6,000—practically to nothing.

I know cases where this committee now in operation at the Treasury has stopped a loan of one municipality simply by refusing its approval, and has cut another down. Those must be voluntary, and there is more danger of the improvident use and improvident demand for new capital for municipalities than in any other single direction.

The voluntary system has worked in England and has worked perfectly well with municipalities. The fact is that investors generally and those who lend money will not lend money to enterprises and will not take securities which the board in Washington declares to be adverse to the public interest, and you must put it on that broad ground.

It was proposed, as the bill originally stood, to give the directors of the corporation the power to issue or to withhold licenses and then put a penitentiary penalty on anybody who undertook to act without a license. It seemed to me that this was one of the errors of which too much of our legislation has been guilty, and which arises from basing the legislation on the action, or the probable action, of a very small minority of people instead of basing it on the attitude and the action of the great majority of the people. I believe it is a vicious principle to pass drastic legislation in order to reach a small and inconsiderable minority of people who are not ready to do their patriotic duty, and thereby to punish and interfere with and harass the great body of patriotic citizens who ask nothing better than to help the Government in every possible way.

I think, Mr. President, that the purpose, the importance of which I fully recognize, can be entirely attained by a committee which can only reach voluntary compliance. As I have said, it has worked perfectly in England, and, so far as we have tried it, it has worked here.

The committee felt that in any event the question of licensing ought to be trusted to the Reserve Board, who are already dealing with it, who have better sources of information than the new corporation could possibly acquire in a short time. We framed the amendment creating this committee on capital issues which appears in the italics on page 14, and it received an overwhelming majority of the committee as a substitute for leaving the licensing in the hands of the directors of the financial corporations.

Mr. President, I am personally opposed to section 8. I think it is a dangerous provision. I am not going to discuss the constitutional question. I do not think that is a point which has much effect upon anybody's mind at this moment. But putting that aside, admitting that it is constitutional, I think it is extremely dangerous to give into the hands of any board or commission the power to send an American citizen to the penitentiary because, in the judgment of that board, the loan that he is asking for is not in the public interest. Without their approval he never could get it, and to give this drastic authority to any board here seems to me not only needless but in the highest degree dangerous and likely to lead to great abuses.

I think section 8 ought to be stricken out. I think the prohibition which begins in line 24 of page 14 and runs down to line 10 on page 15 ought to come out. I have no objection to giving to the committee now operating a legal status and proper means and authority to carry on their work. I have no objection to that. I think there is this point also to be considered, that if we should strike out the committee altogether it might cripple and hamper the committee now existing. I am very firmly of the opinion that we need that committee; that we need the opportunity to stop improvident issues of new capital. Therefore I have no objection to leaving in those italics—that is, the amendment of the committee creating the committee on new issues—and I can not believe that the Treasury Department would have the slightest objection. They might think—I have no doubt they do think—that the present form is better, but I can not believe that they would seriously object to the Senate making this change. I am sure they can work under it, because they are working under it now, and I am sure also that the Secretary of the Treasury would feel as I feel, that the vital points of the bill, the great objects to be attained, are contained in the other clauses.

Those members of the committee who are opposed to these sections did not think it necessary to get up a minority report. They had no desire to break in that way, but they reserved the right to discuss and to oppose these two sections.

Mr. FLETCHER. Mr. President——

Mr. LODGE. I yield.

Mr. FLETCHER. May I ask the Senator if he feels that there is no necessity for any penalty whatever for any violation of the act?

Mr. LODGE. I do.

Mr. FLETCHER. Not merely a violation of these regulations or orders, but a willful violation of the act itself?

Mr. LODGE. Oh, the act itself is quite apart.

Mr. FLETCHER. From the order.

Mr. LODGE. I mean as far as licensing goes. I think there ought to be no penalty. I think it ought to be a voluntary compliance.

Mr. FLETCHER. I can see a distinction between a violation of the act and a violation of rules or regulations. There might be a violation of the act itself under the provisions of the law, as to which there should be some penalty.

Mr. LODGE. Of course section 8 includes the licenses and orders, and I want that out. I have no desire to leave out the other provisions of the act. I do not think that the other provisions need penal clauses.

Mr. HARDWICK. If the Senator will allow me, if section 7 is left in we do not need penal clauses.

Mr. LODGE. I think the penal clauses ought to go out.

Mr. STERLING. I wish to ask the Senator from Massachusetts a question which I intended to ask the Senator from

North Carolina. Is it not a question just when the operation of any industry will be contributory to the prosecution of the war? Might it not be said, in other words, that any enterprise or business on which the prosperity of a community is more or less dependent, at least indirectly, contributes to the prosecution of the war? Would you give to the committee the unlimited power conferred by the bill to prevent the issue or the sale of securities of such business or industry if it be lawful and the prosperity of the particular community in which it is situated is dependent upon that business or industry?

Mr. LODGE. I agree with the Senator. That is one reason why I desire to get rid of the penal clauses. But I think that we can not afford to confine the action of the committee to acts contributory to the war. I think, for instance, as I have already said, that it is of immense importance to prevent the public utilities from failing and going into the hands of receivers in the course of the next six months. It is not because they carry men to the shipyards or do something directly contributory to the war, but because I think it is against public interest to allow such a blow to credit and finance as that would cause.

Mr. STERLING. I think of another illustration.

Mr. LODGE. If the Senator will allow me, if the words "important public interest" are left in then they have a right, of course, to approve loans of the character the Senator describes.

Mr. STERLING. It occurred to me that the bill should be so amended as to provide that this committee should not have the power to restrict the capital expenditures necessary for the proper maintenance or the safe development of any lawful business or that the committee should not have the power to prevent the issuance of municipal securities where the welfare of the inhabitants of a city or of a political subdivision of or a State, for example, were dependent upon the public improvements which could only be made upon the sale of such securities.

Mr. LODGE. There I am afraid I entirely differ from the Senator. I think nothing is more important than to have a committee which will have the power not to stop, they can not do that, but to disapprove municipal issues or bonds for a project that can perfectly well wait. The greatest waste of money necessary for the war will be in the municipal loans.

Mr. STERLING. But take the question of sewage for a city, take the question of waterworks for a city, the health and welfare of the people of that city are dependent upon the construction of the improvement.

Mr. LODGE. The committee can not stop it.

Mr. STERLING. It can stop the sale of bonds necessary to raise the money for the purpose of making the improvement.

Mr. LODGE. Well, Mr. President, I think the number of proper expenditures which it will stop will be very few, and I think it will stop millions which do not need to be expended now and which would not be expended if the municipalities were private corporations.

Mr. STERLING. It occurred to me that some amendment might be made that would guard that point.

Mr. LODGE. I think the Senator's amendment would nullify the whole thing.

Mr. WILLIAMS. I will say that this committee would hardly undertake to interfere with floating bonds for a sewage system of a city. Of course, it is possible to imagine their doing that, but it will never happen.

Mr. LODGE. Mr. President, there was a case of a city that came before the new capital committee with a loan for a million and three-quarters. It was to be used for sewerage and lighting and improving the water supply. I think those were the principal items. The committee went over it very carefully with the representatives of the city, and they agreed that they did not need more than a million dollars at this time and they cut it down three-quarters of a million. I think that was a distinct benefit.

Mr. WILLIAMS. In other words, all that was necessary for their present necessities and health could be accomplished by a a million dollars.

Mr LODGE. Absolutely.

Mr WILLIAMS. The balance was just for the purpose probably of encouraging real estate speculation.

Mr. LODGE. Precisely.

Mr. GALLINGER. If the Senator from Massachusetts will permit me, I think our attention was called to a case where a large appropriation had been made for the building of a magnificent school house, and after the committee consulted with the officials of the city it was decided that they could wait until after the close of the war.

Mr. LODGE. Building courthouses and everything of that sort. We shall stop our public-building expenditures, as we ought to do, and if we can do it the cities can.

Mr. GALLINGER. If the Senator will permit me further, we have the assurance, which we all rely upon, that in determining whether or not aid shall be given to public utilities at various times a wise discrimination should be exercised.

Mr. LODGE. No doubt.

Mr. GALLINGER. Where some might feel it ought to be helped a great many might feel that it ought not to be helped.

Mr. LODGE. And a much wiser discrimination than if they had the power to put a man in the penitentiary.

Mr. WILLIAMS. Mr. President, I doubt the efficiency of the operation of this act if we are going to trust entirely to the voluntary compliance of citizens. I do not see the force of the argument by analogy with what is taking place in Great Britain. England is a tight little island; it is a very small country. The people in England who are engaged in large commercial, industrial, and bank enterprises are either personally, or almost personally, acquainted and intimate with one another. The consequence is that there is a degree of elbow touch, a degree of confidence in the men when they are selected for a committee which can trust to nothing except voluntary compliance with its advice that can not exist in a country of 100,000,000 people divided into different sections, industrially, commercially, and otherwise. There are no men who can be selected in America who can engage the absolute business confidence of the people upon the Pacific slope and the Gulf coast and the Atlantic coast and the Middle States and the Mississippi Valley, while a committee in Great Britain could very easily obtain the absolute trust and confidence of all the business enterprises of Great Britain.

It would be much easier to find somebody who could work a system depending entirely upon voluntary compliance, even in the great State of New York, than to find one who could work the same system all over the United States, having to rely upon voluntary compliance in Mississippi, South Dakota, Vermont, Texas, Louisiana, Washington, Arizona, and the balance of this country; in other words, this is not, and it never was in the consolidated sense, just one nation. It is a Republic of republics; and there exists, and there always will exist, a diversity of sectional interests—I do not mean in the political sense, of course, but in the industrial and commercial sense—that never can be avoided so long as the country is as big as it is, and diversities will grow in number as the country grows in population.

Mr. SMITH of Georgia. Mr. President, there is no division in this body about our duty to contribute in every way toward success in the great struggle that confronts our country. We should be ready to make every sacrifice that is necessary as a Nation and as individuals, and I believe we will make them. This does not mean that every suggested piece of legislation is wise or that every objection to a suggested piece of legislation is wise. It is our duty, with the earnest purpose of finding out what is best, to confer and express in legislation our conviction of what will really serve our country, and I am sure that we shall do so.

With regard to the control of bond issues, we all understand the great task that confronts our country in financing the war. We know that it is the duty of the States, of municipalities, and of individuals to refrain from unnecessarily seeking to occupy the bond market and to refrain from unnecessarily placing a call upon the labor forces of the country for work not required. I believe it most important that there should be a national agency to consider and to act upon bond issues. We have had a voluntary agency of that sort. So far as I have learned no organization has disregarded the recommendations of that agency. When we add to that voluntary agency the sanction of Federal indorsement and make it a governmental agency, I do not believe there is a State or a municipality in this country which would disregard its recommendations; I do not believe there is any large organization that would seek to do so; and if either did, I do not believe the bonds would be salable.

You create a Government agency to pass upon this problem, and the first question that a bond buyer would ask would be, "Has your issue met the approval of the Government agency? If not, why not?" I am most heartily in favor of a Government agency to pass upon such issues, because I do believe it essential and helpful in the struggle we are conducting.

So far as section 8 is concerned, I have regarded it as almost immaterial. Even without it I do not believe that any bonds can move, unless approved by the Government board; I do not believe the penalty will stop bonds seeking to move, because, the issue having been disapproved by the Government agency, I hardly think it possible that any municipality or State would seek to put bonds upon the market.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. GRONNA. Will it disturb the Senator from Georgia if I ask him a question?

Mr. SMITH of Georgia. Not at all. I yield to the Senator for that purpose.

Mr. GRONNA. I have in mind a condition which actually exists in my State. We were unfortunate enough not to have raised a very good crop there last year, and our farmers do not have their own seed grain. Our legislature has passed an act authorizing the counties to issue bonds to cover the situation, and many of the counties will issue bonds to the amount of $300,000. The result of the proceeds of the sale of those bonds will, of course, all be new capital; it will not be for the purpose of redeeming outstanding bonds. I desire to ask the Senator his opinion——

Mr. SMITH of Georgia. About such a bond issue as that?

Mr. GRONNA. I desire to ask whether, in the Senator's opinion, under this bill which we are now considering, if enacted into law, there would be a possibility of stopping a bond issue for the purpose which I have stated?

Mr. SMITH of Georgia. I would regard a member of a board who would stop such a bond issue in the aid of food production and of agriculture as being almost subject to impeachment; such action would be so stupidly ignorant.

Mr. GRONNA. I am very glad to hear the Senator from Georgia say that.

Mr. SMITH of Georgia. That would be my view as to such action on the part of any board.

Mr. McCUMBER. Does not the Senator from Georgia think that such a member of a board would be subject to an inquiry as to his sanity rather than to impeachment?

Mr. SMITH of Georgia. I think St. Elizabeth's Asylum for the Insane would at least be a proper place to send such a member.

Mr. McCUMBER. We especially need food; that is one of the things which we have declared are necessary for the success of the war.

Mr. SMITH of Georgia. I think in such a case the board ought to say: "You are doing a necessary work in the effort to stimulate food production; we believe you are carrying a necessary burden, and we thank you for it.

Mr. GRONNA. Mr. President, I am very glad the Senator from Georgia places that construction upon the language, or I am glad to have it explained in that way, because this bond issue, of course, will be for production for the purpose of carrying on the war, and for nothing else.

Mr. SMITH of Georgia. The bill as it first came to us provided that the new board of directors of this war finance corporation should pass upon this question. After considering the subject, we concluded that we had an organization which was already known to the public and which enjoyed the popular confidence—the Federal Reserve Board—and that it would be better to place this power there than to say that it should go into the hands of men who were as yet unknown. How did we do it? Discussing it with members of the Federal Reserve Board, they advised us that their work was laborious and that they would be glad to have two additional outsiders to help them; to take the majority of this new organization from the Federal Reserve Board, and to give them two outside men to do the detail work for them, to make the investigations for them, and they would come in to help decide, after those men had carried a good deal of the detail work.

As a result of our conference we made the board consist of five members, three from the Federal Reserve Board and two to be selected by the Federal Reserve Board to help the three do the work. I think it was a wise determination; I think it will work splendidly.

Mr. President, so far as I am concerned I am indifferent about section 8. Generally speaking, I do not like that kind of legislation. I do not think it will do any harm, because I think the good will be done without it; and I do not think it will do any harm to strike it out, because I think the good will still be accomplished without it.

I believe this discussion has been valuable; I believe in the advantage of conference and short discussion upon the floor of the Senate when Senators are present and listen and when time is not uselessly consumed. I think we have made progress; I think we are all reaching the conclusion that section 8 is not as harmful as many have thought, because it is not so important as they have thought; and it is not as necessary as some have thought, because section 7 will accomplish the result, even if we do not have section 8.

Mr. HARDING and Mr. McCUMBER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. HARDING. I do not suppose, Mr. President, there are any infallible Government agencies, though I have a strong notion that, if there are such, they ought to be attached to the Treasury Department. A village banker came into my office this morning and told me one of the discouraging experiences of a citizen who wished patriotically to contribute to the financing of the Government's needs. He had just laid aside a communication from the Treasury Department urging his bank to invest the allotted percentage of its resources in war certificates, when a depositor of his bank came in to get his advice about the proposed withdrawal of a time deposit amounting, let us say, to $20,000. That would be a very considerable deposit in a village bank. The banker very properly called attention to the need of the Government and the problem of the banks in meeting Government requirements, and suggested that the time deposit be left in the possession of the bank. Whereupon the depositor drew from her pocket a prospectus of a stock issue of a very notable concern in this country offering a preferred stock bearing an 8 per cent dividend rate, and said, "I prefer to withdraw my money and invest in this 8 per cent proposition because it likewise is a Government need." When the banker expressed surprise thereat, his attention was called to an indorsement on the prospectus signed by a member of the Federal commission which passes upon such matters, saying that this industry was essential to the Government in war and, by imputation at least, had the sanction of the voluntary committee which recommends securities. But for the intervention and explanation of the banker that depositor would have undoubtedly invested her entire resources in this proposed issue of preferred stock; and I may say, knowing the broadening industry as I do, and knowing its high character as I do, that its additional financing at this time is no more essential to the prosecution of the war than my enlistment in the aviation service is necessary to the prosecution of the war.

So, Mr. President, I find myself in a strange conflict of opinion. I think the licensing feature of this bill is calculated to accomplish a very great good, because if there is any one thing needed in the United States of America to-day it is a deterrent on expenditures; but, on the other hand, I could no more vote for the licensing feature proposed in this bill than I could vote at the same time to discontinue our part in the war. Therefore I find myself a great deal embarrassed.

I suppose I might preface these few remarks by a rather unusual admission in the Senate, namely, that I do not know very much about big finance, but some of us have qualities of instinct, if nothing else, and I confess I am unable to bring myself to give assent or approval to the pending measure. To begin with, it is premised on a false assumption. The bill starts out by saying it is for the purpose of financing industries connected with the war. I doubt very much if there is a Senator on this floor who does not know that every industry necessarily connected with the prosecution of the war is financed by the department with which it operates, if such financing is necessary.

The Shipping Board has indulged in a system of financing that in ordinary times would drive a sober financier to drink; the War Department has been financing industries connected with munitions in a manner so liberal that it could not enlist approval were not the necessities of the Government so urgent, and the Navy Department has likewise been extending its funds to necessary industries, so that everything directly or indirectly connected with the war has the Government's financial aid at this time.

That is even true of the farmer who is seeking to raise the necessary food for the conduct of the war. Then, if you will pass on to the great railroad interests of the country, they have already been taken under the wing of the Government, and if I read correctly the railway-control bill recently passed and now in conference, every railroad security in this country is cared for by that measure. So if you look over the field of Government financing I know of nothing remaining of a serious character, except the Government's sale of its own securities.

Let me say, however, lest I be misunderstood, that I am not unaware of the fact that there are securities of public utilities and great solvent corporate industries in this country which are maturing from month to month and which it is essential should in some way be cared for, but I was rather agreeable to the comment offered by the Senator from Illinois [Mr. SHERMAN] the other day, when he said that solvent institutions of that character could usually pretty well care for themselves. Nevertheless, I think, Mr. President and Senators, there is necessary some agency to help the financial institutions of this country to meet the obligations of many great and important operations, and I think that there must be a practical way of doing so without the enactment of this bill.

I am conscious that one who opposes a proposition without offering a substitute is in a more or less indefensible position;

but I have a very strong conviction, Senators, that it would be a very simple matter to modify the banking act, under which this country finances its operations, so as to meet the requirements of the present situation.

I know of no way whereby you can create wealth with the wave of a magician's wand. I can see nothing in this bill that is going to create four billions of additional wealth in the United States of America, and I do know that if the assets of public-utility corporations and other institutions that are to benefit by the enactment of this measure are worth what they purport to be, it ought to be a very simple matter to provide a plan whereby the Federal reserve bank can issue currency on those assets.

Mr. President, I apprehend that one of the great difficulties of the situation is the drain on the financial world by the issue of our bonds. I think that is true, and my complaint is that we are not doing all that we ought to relieve that situation.

If it will not seem lacking in respect by one on the Hill for those in authority at the other end of the Avenue, I want to put in the RECORD at this moment the statement that there has been appeal after appeal for this body to modify the existing revenue measure so that the banks of this country can meet the drain due to the excess-profits and income war taxes and pay them without exhausting their reserves; and there has been insistent objection at the other end of the Avenue, and it has been impossible to secure any action on the part of the Congress. And yet, Mr. President, to illustrate, the payment of the taxes under the new revenue law in the industrial sections of this country, under the provisions of the law, by the 30th day of next June, will wipe out essentially every dollar of the reserves in the banks of the State of Ohio

Under such circumstances, it is very easy to see that a new bond issue will fail to go "over the top," as they have heretofore, because the banks have not the resources; no matter how patriotic the banks and their depositors may be, because the drain for the time being is on their resources to meet the current tax demands. I am not sure that an extension of the time of payment, providing for the acceptance of partial tenders, would wholly relieve the situation, but my judgment is that it would go a long way in that direction; and since there are so many Members of Congress asking for that modification, I should like to speak for a moment for a little coordination between the executive and the legislative branches of the Government to meet a very necessary situation; and we might very reasonably, Senators, meet this financial situation by a little further coordination in seeing how much we can save from expenditure instead of trying to see how much we can spend.

I think, Mr. President, that I know something about the temper of the country. I think we have gone war mad. I think it is important that somebody shall begin to think soberly, and try to get this country's hat on straight; we need some sane thinking. Why, out in my State the other day they put over a county ditch improvement which requires the expenditure of $190,000, which the proponents had been urging for seven or eight years, and the common sense of the situation was against the improvement; and only a few days ago they put it over in the name of war, because they were going to reclaim land to raise food to feed ourselves and our allies. Yet the improvement can not be completed inside of three years, and, if my recollection is good, it takes a few months after that to raise a crop!

I do not know how closely some of you have been watching the proceedings, but up in the Committee on Commerce there have been some manifestations of this tendency to expenditure that would prove a national farce if it were not so serious. There are dreamers sitting about the committee room, wanting the sanction of our committee, who want to build ships for the Government, who have not yet even acquired a hammer for driving a rivet; and they want the Government to buy the yards and construct the ways and furnish them the materials and spend without limit when the most optimistic of them could not promise you the delivery of a ship short of 18 months ahead.

Quite apart from that, Mr. President, one Senator on this floor, and a number of Members of Congress, and particularly the distinguished Postmaster General—who does not know one-tenth as much about the telephone business as I do—propose with a wave of the hand to take over the District telephone system. Somebody else—somebody of very great eminence—wants to buy the docks and wharves of an enemy in the harbor of New York. Well, Mr. President, we have the use of them now. Then, what in the name of sense is there to justify an expenditure of countless millions when we are worrying ourselves gray about how we are going to raise the money? Does it not seem sensible that in this hour of peril and anxiety and extraordinary need somebody might cry out against countless expenditures and commit this Government to the use of available funds for the requisite needs of the prosecution of the war?

I am not in agreement with my distinguished friend, the Senator from California [Mr. JOHNSON] about the railroad policy for this country, and I think it is very inopportune to press the issue in this trying moment; and yet, Mr. President and Senators, the process of scrambling the railroad eggs is being so vigorously pushed forward right now that I will stake my reputation as a prophet, poor as it may be, that the unscrambling will never take place in the United States of America. I do not want anybody to misconstrue my remarks as meaning that I am committed to that policy, but I can read the signs of the times, and one of the difficulties of the United States of America to-day is that everybody is seeking to work his reformation in the name of war.

Why, Mr. President, I have been visited by seemingly countless charming women interested in the suffrage proposition who have repeated again and again and again that the grant of suffrage to women is a war measure, when I think my understanding of history is that noble womanhood, from the dawn of civilization, has been making her sacrifices and contributions to the onward movement in both war and peace without any thought heretofore of the suffrage opportunity. However, that is merely a remark in passing.

This is the thought that I have in mind: If this country, Mr. President, must commit itself to a financial policy that would not be tolerated for five seconds in a time of peace, in order to enlist the patriotic devotion of the financiers of this land, and if this country must do all that is asked for in order to persuade the farmers of this country to raise food to support us during the war, and then if, added to that, this country must grant limitless compensation to the labor that is engaged in war enterprises, I would not give you very much for the patriotism that there is left to save the American Republic. If I could call, Mr. President, for the performance of that thing which is so needful at this moment, I would ask those in executive authority in this country to say not less to those of the world who are interested in this enterprise, but more to those of America who are directly concerned in our part in the war. I think it quite possible for the executive function to be so exercised that America will be just a little more harmoniously and enthusiastically committed to the war; and I think it will be possible, with the exercise of the proper authority already granted, to coordinate American activities into a more effective prosecution of the war.

Mr. President, I am sure I will sound no note which can be misconstrued to-day. I think such votes as I have cast in this body, and such utterances as I have ventured to make to the public, will afford me a guaranty against the charge of copperheadism, which is ever too ready to be uttered on the part of the "court journals" and some of the press critics in this country. I am just as much interested in the successful prosecution of this war as anybody connected with the Government or in the Army or Navy; and if you would let me enunciate the policy of the United States, I would say that we are committed to this war until Germany is brought to her knees, or these United States are not worth residing in; and I am willing to vote for every measure that is necessary for the successful conduct of this war. I have surrendered my personal convictions time and time again; and I want to be counted as one of the Senators, "rubber stamp" or otherwise, ready to give sanction to the necessary measures for the successful conduct of the war. But, Mr. President, I reserve the right to exercise such little judgment as I possess concerning measures not directly concerned with the conduct of the war; and in my humble judgment the pending bill has infinitely more to do with the period after the war than it has to do with the successful financing of the war.

The Senator from North Dakota [Mr. McCUMBER] asks me to explain the latter remark, but he is polite enough not to insist. I have no veiled thought. I have a profound conviction, Mr. President, that in the name of war efficiency we are completely undermining our form of government. I think the Senator from North Carolina [Mr. SIMMONS], who speaks with great earnestness and official inspiration and with complete understanding, made reference this morning to the autocratic administration of certain functions of government. I am not finding fault with that. If all these grants of autocratic power will only expire with the termination of the war. I shall have no great fear thereat. I hope we can always be sane and thoughtful enough to provide for the early expiration of such powers. But, Mr. President, since the Senator from North Dakota has ventured his inquiry in an aside, let me point out a danger in popular government.

It has not been demonstrated yet that popular government can survive. I hope it will; but the very weakness of it is that we yield to political and personal prejudices and have more concern about our own political careers than we have about the perpetuity of the Government. If I do not make myself

ought to do, and if we can do it the cities can.

Georgia yield to the Senator from North Dakota?

clear on that point, let me say now that I am thinking more to-day about the future of the United States of America than I am about my own succession to the Senate. Some one high in authority has said that he was very anxious to know what the people were thinking about the firesides of America. I can say the people about the firesides of America are eager and anxious to mobilize the resources of this country to win the war, but they do not want to overturn our representative form of republican government to accomplish it. I say, with all due respect, that there has been a tendency since the beginning of this war to center in the Department of the Treasury an authority that is unthinkable; and I for one say now that the end has come to such proceedings for me.

When I say that I have no ill will, no unkind criticism, for the distinguished gentleman who holds the portfolio of Secretary of the Treasury. He may be infallible, for all I know; I will assume that he is invulnerable; but we used to have a saying when I was a lad about the impropriety of riding a willing horse to death; and I do not think the Senate ought to impose upon any one American, great as he may be, so many responsibilities in these hours of peril.

Mr. President, I said a moment ago we should be stronger if we cried out against abnormal and endangering expenditures in this hour of peril. Let us wait upon the reform that calls for countless millions of Government money until we can act affirmatively in the deliberations of peace. Let us not buy everything that somebody has a grudge against in order to satisfy the man with the grudge. Let us not assume to reach into this mysterious Treasury with its seemingly inexhaustible fund and take under the Government wing that activity in our daily affairs which somebody wants brought under the wing for selfish purposes—not altogether, of course. Let us not assume that here in Washington is some vein that reaches into a mysterious supply of gold that no profligacy can exhaust, and let us assume that you can try the patience of the country with shocking expenditures and extraordinary obligations.

Mr. President, I am not petty about these things. If I were to choose a classification I would rather be a spender than otherwise when the means are available, but here is the richest Nation in the world; here is a Nation with more gold than any other in the world; here is a Nation with more resources than any other in the world; and we find ourselves unconsciously admitting in the United States Senate that rich as we are and late as we were in entering the war, we are harassed to finance our operations, while the central powers of Europe, with scarcely more than 40 per cent of our possession in gold, are able to carry on their operations without any manifestations of deep concern. I am not so self-satisfied, Mr. President, but what I can say, if it is demonstrated to me that our policy is wrong and somebody else's is supreme, we might well pattern after the other fellow whose supremacy is proven.

At any rate, in this financial proposition, if the United States of America, with Great Britain and France, can not evolve a successful plan of financing the war, in my judgment the war is in a very serious way. I am not willing to confess American weariness over the task we have assumed. Of course, the world grows weary of any great work, but any weariness manifested in the United States of America must be psychological, because the American heart is strong and weariness does not indicate unwillingness to complete a task. But let us not add to the concern of the country by these perfectly abnormal financial operations.

Mr. President, I said a little while ago in these rambling remarks that I recognize the need of some sort of governmental assistance in meeting the maturing obligations of many public utility corporations and possibly some private enterprises other than those in the public service. It is easily conceivable to me that if our Federal Reserve System is all that we have believed it to be, and I have taken occasion to commend it on all occasions, it would be a very simple matter to add to its authority in making available a currency through the assets in the securities of these institutions. A particularly appealing thing to me about it is that that process ought to be made effective without creating some enormous new department here at Washington.

Senators, without knowing precisely how far the need extends, I call your attention to the fact that we have made the Capital City of this country very much like a mining camp with a new discovery of gold, and Government employees are being brought into this great Capital City on every incoming train, and they are falling over each other; and the pity of it is that, however good the intent may be, the needed executive efficiency is lacking and we are spending millions on employees that ought never to be spent.

I venture to give you an illustration. Like many of you I went to a certain department of the Army only yesterday to do what all of you are called upon to do, to intercede for the recognition of a very worthy constituent in the matter of a military commission. In this particular instance I met one whom I look upon as the most courteous and considerate of division chiefs with whom I have come in contact in the activities incident to the war. He said, "My dear man, your case is hopeless, because I have discovered that there are 280 commissioned men waiting for assignment for whom there is not a single place open. I have myself within the last week removed many men from this department because there was nothing for them to do, and they were in the way of our efficient operation." That is an easily conceivable situation, resulting from feverish effort. We were unprepared, everybody was eager to do the most and best possible, and there was the call for every character for Government service, and essentially every element in our American life responded, to its credit. I am not finding fault with the Government employees who have come here; I am finding fault with the chiefs who employ them when they do not need them.

But they are not the only ones who are coming to Washington. Have you ever studied the personnel of a Pullman car of passengers coming into Washington? I have had occasion during the last few weeks to travel only a little bit; I assure you that it was no more than seemed necessary, to me at least. If you will take note of the average Pullman car of pilgrims to Washington, you will find that three out of every four of them are talking money, money, money. I will not say that it is all without patriotism, nor do I wish anyone to think that I am referring solely to profiteering. We hear much about profiteering. Let me put into the RECORD that profiteering is personal; it does not belong to any particular class; but thousands headed for Washington seemingly have some design on the Treasury, not an unlawful one, not always an unpatriotic one. But I would like to see the thing, Mr. President and Senators, that would bring a halt to the notion that this struggle of the Republic is a scramble for gold.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. NELSON in the chair). Will the Senator from Ohio yield to the Senator from Idaho?

Mr. HARDING. Certainly.

Mr. BORAH. Do I understand the Senator to be expressing the view that four-fifths of the people of the United States who come to Washington come actuated by a desire to get next to the Treasury?

Mr. HARDING. I distinctly said the opposite. I said that four-fifths of the people who come to Washington are talking money, but I expressly said that many of them come with high motives and patriotic motives, and I supplemented it by the statement that profiteering is purely a personal matter.

Mr. BORAH. Then the Senator did not desire to have the inference drawn that these people who were talking money were not talking in a proper way?

Mr. HARDING. The Senator can make such inferences as he desires. I am sure he will not think that I am indicting everybody in this country, nor am I indicting everybody who comes to Washington.

Mr. BORAH. That is the reason why I asked the Senator the question. I think when the Senator comes to look over his remarks he will see that that would be the inference which his remarks would naturally sustain.

Mr. HARDING. I thank the Senator. If that is his impression, I am sure that any impression which he has would be the natural impression of a person of intelligence.

Mr. THOMAS. Has the Senator studied the psychology of the passengers on the Pullman trains leaving Washington?

Mr. HARDING. I think if I did I would find that instead of discussing the subject of money they would be discussing the question of credit.

Mr. THOMAS. It seems to me that if they had put up at any of our Washington hotels they would be very apt to be discussing the absence of it. [Laughter.]

Mr. HARDING. I can understand the point the Senator makes without having been called upon myself to stop at hotels here.

Mr. President, I had not thought to detain the Senate this long, and I have regretted that I have been unable to offer the specific substitute for the pending measure which will accomplish the things that I would like to have accomplished.

I want to revert again to the fact that I think some repressive measure which will stop unjustified and unjustifiable expenditure at this particular time would be a very helpful thing to the country. Yet I understand the motives and the feelings of the man who wants his particular enterprise to go on just as it has heretofore. The man who builds highways, who paves the streets, wants the customary bond issue because he can thereby continue his operations. But the man who thinks about

the public which pays for those operations might well advise the public to wait, because the cost at this time is double the normal figure, and it is a very unwise proposition that we should go on with these expenditures not absolutely essential at a time of abnormal cost.

Yet, Mr. President, when I think of the power that would be lodged in the license committee, the thing is so abhorrent to me that I want it known I can not vote for such a measure. Nevertheless, I can see there might and ought to be some instrumentality which would perform this needed function without the menace that comes from such a grant of power.

Of course, it is very difficult to bring men who have large operations in various lines to an understanding that they must make some sacrifices for this war. I tell you, Senators, the people of America have never at any time come to an understanding of the seriousness of this war. They have not to this day.

When I hear representatives of the agricultural world saying that farmers are mad, and they will not put out crops as they did last year because they are not satisfied with the compensation they received, I reflect that surely no one who speaks for the patriotism of the agricultural world would make such a remark if he understood the seriousness of the war situation, and the radicals of the labor world must have called to their attention the crisis of the situation and the extreme need of their patriotic participation if we are going to reach a position where we would avoid the conflicts that the unheeding unfailingly brings on. Capital, for whom much has been said in this body, surely has not come to any understanding of the seriousness of this tremendous world conflict, else capital would bend itself voluntarily to the restrictions of capital issues and the conservation of reserves of the banks and the available funds of this country to finance the necessary issues of bonds to carry on the war.

While I am addressing the chairman of the Committee on Finance, I invite his cooperation in relieving the situation that is attending the required payment of the war taxes of this country by the 30th day of June. Let us see if we can not do a little cooperation and coordination, not to relieve the burden of the taxes, and not to relieve the taxpayer himself, but to relieve the banks in meeting the requirements of the taxpayers.

Mr. President, it has been a very difficult thing for a good many people in this country to understand the difficulties of meeting the war taxes which we imposed. I can say to you that there are many concerns called upon to pay more in war taxes in 1918 than they ever had cash on hand in their corporate or individual business existence, and that brings a very heavy burden upon the banks of the country, and for the banks, not the taxpayers, I suggest that this body ought to persuade the Secretary of the Treasury to consent to an extension and partial-payment plan which will relieve that situation.

Of course all taxpayers must expect some hardships, and you may as well preach the doctrine now. Business is going to have its hardships, and new undertakings not urgently demanded for public good may well stand aside. We ought to enunciate the doctrine this day that the dreamers and schemers and promoters must momentarily pass out of activity in American life.

You can not do things, Mr. President, with Government money with any propriety in 1918 which will bear no fruit in adding to our war strength until 1920 or 1921. That would be the most inexcusable policy that anyone could suggest. Yet my attention has been called again and again to men who are seeking Government financial aid in undertaking enterprises that could not accomplish one useful thing until 1920 to add to our strength in war. I will give you an illustration. The distinguished Senator who is presiding at this moment [Mr. NELSON in the chair] has been in attendance upon the session of the Committee on Commerce. There have come the advocates of the Government's building steel barges and towing tugs to establish new lines of inland waterway traffic, feasible enough no doubt, but it would require not less than three years to put such an agency into effective operation.

Mr. REED. Mr. President, if I am not interrupting the Senator, I hope he will revise that statement. There is not a particle of evidence, and I have been over the plans and figures. A very material addition can be made to the transportation facilities of the country within the next six months.

Mr. HARDING. The Senator from Missouri and I can have no disagreement about the possibility of developing an effective agency of Government service on our waterways, but we can not agree on his statement that it can be accomplished in six months. If I had my way, there would be no expended energies in that direction as an essential war measure.

Mr. KING. Will the Senator yield?

Mr. HARDING. Certainly.

Mr. KING. Does the last statement of the Senator imply that the Government has already entered upon that activity?

Mr. HARDING. I think the Government has already entered upon that activity, but not with any knowledge of mine as to a specific authority so to do.

Mr. KING. I was going to ask the Senator by what authority had it so entered upon that work, which agency of the Government had undertaken it, and where was the appropriation for it.

Mr. HARDING. I assume it is within the particularly broad powers of the Shipping Board on one hand, which are ample to cover almost any undertaking. There has been something done toward the construction of barges for inland-waterway service, and it may have gone so far as to provide for the towing tugs. Just where the Government control of railways comes in I am not yet aware, but I think there would be no question about the authority of the Shipping Board to supply such agencies of commerce.

Mr. REED rose.

Mr. HARDING. Does the Senator wish me to yield further?

Mr. REED. Mr. President, I only want to direct the Senator's attention to the statement he made and to which I understand he substantially adheres. I am very sorry that he does.

Mr. HARDING. There can be no serious controversy between the Senator and myself on that question. I think it is the most feasible and practical thing in the world for the development of inland-waterway service in cooperation with the Government control of railways, but I can not agree that it can be accomplished in 1918, and I would not, if I had the say, divert one ounce of energy needed in other lines to the undertaking of such an enterprise at this time.

Mr. REED. I am glad to know that the Senator at heart is in favor of the proposition, and I think at the proper time I shall be able to show that he is mistaken as to the length of time.

Mr. HARDING. That may be a matter of judgment.

Mr. President, the Senator's interruption and the trend of the colloquy has called to my mind the very argument I want to emphasize on this floor. I want the resources and the granted authority given by Congress to the executive departments to be concentrated on efficiency for the successful conduct of the war. I call the attention of the Senate to what, to my mind, is a very important manifestation of the failure in that direction. We are crying in this country for ships, ships, more ships, to meet the shipping situation. Do you not think, Senators, that while we are struggling for a great accomplishment in that direction it would be worth while to centralize somebody's attention on getting efficiency out of the ships we have? I think it will do no harm to say so, because Germany knows it a good deal better than the people of the United States, that we have been so unable to adjust ourselves to efficient activities that our ships to-day are employing 70 days in a round trip between the American ports and the ports we use on the other side of the Atlantic, while an efficiently loaded and unloaded ship ought to make the round trip in 35 days. What is the result? We are losing just half of American efficiency and effectiveness, because we have not yet learned how to do things, or we have been lacking in devoting the administrative attention to a problem that ought to be solved if America is to win the war. And it must be won! It is just as important to handle the ships you have effectively as it is to make a heroic struggle to secure more ships.

This is the point I am trying to make, Mr. President, that in the creation of new commissions and undertakings, new adventures and experiments, we are dividing our forces instead of concentrating them. I am speaking at this moment for the policy of centralization of authority in finance, and to put into the hands of the Federal Reserve Board the problem of meeting the needs of the capitalistic interests in this country in serving during the war.

Senators, that seems to me a simple proposition, and I think there is no lacking in respect for administrative or executive authority if this body should exercise its judgment and apply some different remedy than that which came from the department, and put upon one of the Government agencies already established the problem of meeting this more or less difficult situation.

For these reasons, Mr. President, I want to be known as favoring any needed financial operation for the successful conduct of the war, but I am not in favor of a proposition which will fasten itself upon the country and put the capital of this country along with that of many of our industries and the railroads in the hands of a Government department. Let us have a system

of individual operation such as that which made us what we are, and a committal on all sides to the problem which the country has on hand, and I have a conviction that we can solve it.

Mr. SWANSON obtained the floor.

Mr. REED. Mr. President——

Mr. SWANSON. I yield to the Senator from Missouri.

Mr. REED. Mr. President, I understand the pending motion is one which I offered to strike out section 8 of the bill. At the time I made that motion I stated, in substance, that I expected also to offer a motion to strike out section 7. There has been considerable debate upon the motion I made and upon the whole question as to whether section 7 ought to remain in the bill. As a result there have been conferences and talks among Senators and others, and I think a satisfactory adjustment has been arrived at, or at least one which will be satisfactory to a number of us who have been vigorously opposing the retention of the licensing clause; and the criminal penalty as it is in the bill is applied to violations of orders of the board. As a result of all this, I think a situation has been worked out which will be presented, I understand, in a motion by the Senator from Virginia [Mr. SWANSON]. In order that that motion may have the right of way, I desire to now withdraw the pending motion.

Mr. SWANSON. Mr. President, there has been a great deal of discussion in the Senate regarding section 7 and there has been a great division of sentiment regarding its provisions. Most Senators and the country at large, I think, have been very desirous of giving authority to some one to regulate the issuance of securities. The Government now must have a monopoly as to the borrowing of money if it is to float the bonds which are necessary to the successful conduct of this war. Consequently there must necessarily be some control of the issuance of securities. There has been some debate and a division of opinion as to what extent this authority should be given. Some are in favor of a very severe regulation in licensing bond issues, while others have thought this provision went too far. The various Members with various views have consulted with some of those who are to be responsible for the administration of the law, and I think most of them have reached the conclusion which is embodied in the substitute which I am about to offer for section 7 and also for section 8, after the substitute for section 7 has been voted on. I now send to the desk and ask to have read the substitute to the pending bill, which I offer for section 7.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to strike out section 7 and to insert in lieu thereof:

SEC. 7. That for the purpose of assisting in the prosecution of the war and providing for the public security and defense through the restriction of unnecessary capital expenditures, there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board. Such committee may, under rules and regulations to be prescribed by it from time to time, with the approval of the Secretary of the Treasury, investigate, pass upon, and determine whether or not the sale or offering for sale or for subscription of any issue or any part of any issue of securities hereafter issued, the par or face value of which issue shall be in excess of $100,000, is compatible with the public interest. The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be $7,500 per annum, to be paid by the corporation. Shares of stock of any corporation or association without nominal or par value shall, for the purpose of this act, be deemed to be of the par value of $100 each. Nothing in this act shall be construed to apply to borrowing by any person, firm, corporation, or association in the ordinary course of business as distinguished from borrowing for capital purposes. This section shall not be construed to apply to any securities issued by any railroad corporation the property of which may be in the possession and control of the President of the United States. Nothing done or omitted by such committee hereunder shall be construed as carrying the approval of such committee, or of the United States, of the legality, validity, or worth of any securities.

Mr. UNDERWOOD. Mr. President, may I ask the Senator from Virginia a question on this point?

Mr. SWANSON. Yes.

Mr. UNDERWOOD. I understand that the original bill had no provision to limit renewals; in other words, if securities fell due there was nothing in the original bill to prevent the corporation from renewing its existing issues. If this amendment is adopted as it is read from the desk, does it affect the provision of the original bill in reference to renewals?

Mr. SWANSON. Not at all.

Mr. UNDERWOOD. The opportunity for the renewal of bonds falling due is still granted, and there would be no control of that?

Mr. SWANSON. There is no alteration of the bill, as I understand, in reference to that.

Mr. SMOOT. I think there is.

Mr. SWANSON. To what extent?

Mr. SMOOT. As I recall—I have not had a chance to read the amendment now offered—I believe that the amendment which the committee agreed to, preventing the retroactive part of the amendment as originally written, does not appear in this amendment as I heard it read.

Mr. SWANSON. As I understand this amendment——

Mr. OWEN. The Senator from Utah is right about that. It does not appear.

Mr. SIMMONS. I think that ought to be inserted.

Mr. SWANSON. I have no objection to that. I think it ought to be inserted. It is intended to make the issues of new securities subject to the moral effect of the approval or disapproval of the proposed committee.

Mr. UNDERWOOD. I was not criticizing the Senator's amendment as it stands, but I do think it is of the utmost importance that there should be nothing in this bill to prevent any man who has already issued bonds and whose bonds are falling due having the right, without going to the Government to ask permission, to renew his bonds if he can do so.

Mr. SWANSON. Without this approval or disapproval?

Mr. UNDERWOOD. Without approval or disapproval.

Mr. SWANSON. I have no objection to that. I think that ought to be included.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Connecticut?

Mr. SWANSON. I do.

Mr. BRANDEGEE. I want to say to the Senator from Virginia, who answered the inquiry of the Senator from Alabama and stated that there was nothing in the bill that would prevent a refunding or a reissue of outstanding bonds, that I do not think he is correct about that. It seems to me that the language on page 14, where it states that "no person, firm, corporation, or association"——

Mr. OWEN. But, I will say to the Senator from Connecticut, that language goes out.

Mr. BRANDEGEE. Mr. President, the Senator stated that there was nothing in the original bill that would prevent the reissue. This would prevent the reissue if it stands, in my opinion.

Mr. SMOOT. Mr. President, I certainly would want this amendment agreed to:

Issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the approval of this act, shall not be affected hereby.

Mr. SWANSON. I think that ought to be included.

Mr. SMOOT. That certainly ought to be included in this amendment.

Mr. GALLINGER. Mr. President, I will ask the Senator from Virginia if he does not think the substitute which he has offered ought to be printed, so that we may have an opportunity to read it before it is acted upon?

Mr. SWANSON. I will say that if the Senator from North Carolina desires this bill to go over, and does not want to put it through earlier—I would largely defer to him and to his wishes in that respect——

Mr. BRANDEGEE. I think, as the amendment is very short, it could be printed in half an hour at the Government Printing Office and sent right up here.

Mr. SMITH of Georgia. In addition to the amendment suggested by the Senator from Utah [Mr. SMOOT], there should be added "nor shall this act apply to issues of bonds made for the purpose of meeting maturing securities."

Mr. SMOOT. I will say to the Senator from Georgia that I think that they would not be affected under the amendment, as I caught its meaning from the reading at the desk.

Mr. SWANSON. The amendment, as I understand, entirely eliminates the issuance of any license.

Mr. SIMMONS. If the Senator will pardon me, I am inclined to think that this amendment, so far as the question we are now discussing is concerned, is not very different from that amendment. It reads: "Or offering for sale or for subscription, of any issue or any part of any issue of securities hereafter issued." So it does not apply to securities heretofore issued.

Mr. UNDERWOOD. I will say to the Senator from North Carolina that I do not think that covers the case, because it, at least, might be construed, and probably would be so construed, when you say "securities hereafter issued," to mean securities issued hereafter, not the indebtedness. What I am speaking to is securities issued for the refunding of existing indebtedness.

Mr. SIMMONS. That could be met by simply adding the words "and shall not apply to renewals."

Mr. UNDERWOOD. I think that would be satisfactory.

Mr. SWANSON. I think that ought to be included; and I will accept that.

Mr. SIMMONS. Insert "shall not apply to renewals."

Mr. SWANSON. I will do so.

Replying to the senior Senator from New Hampshire [Mr. GALLINGER], I will say that this amendment, as I understand, was prepared by gentlemen who had differences and divisions of opinion. I was with them when they prepared and went over it. As I understand it, it eliminates from section 7 the issuance of licenses, and allows this board to pass upon new issues, to give its moral support for their approval or its moral support in disapproval of the issues of new securities. That is the main feature of the amendment.

Section 8 contains the penalties applying to violations of the act, but the penalties do not apply to violations of the rules and regulations promulgated by this board. I have not had an opportunity to study it so thoroughly as I should like to have done, but that is practically the change which is made in this provision of the bill.

Mr. GALLINGER. Mr. President, what attracted my attention was that apparently the committee having this bill in charge has abdicated its functions, and a Senator not a member of the committee offers an amendment that some of us, at any rate, have not seen. I think we ought to have opportunity to examine it.

Mr. SWANSON. Mr. President, I will say to the Senator that I did not offer this amendment until I had seen Senators who had been antagonizing section 7 and section 8 and also the Senator who is chairman of the committee; and I would not have offered the amendment except with the approval of these gentlemen. The chairman of the committee can, of course, speak for himself as to how he feels in regard to that.

Mr. GALLINGER. I did not offer my suggestion as a criticism; but the circumstance I have indicated attracted my attention; that is all. I have been very strongly opposed to section 8 and have had very grave doubt as to the propriety of section 7. I did not expect to be consulted, of course, in any unusual way; but I should like to know exactly what change has been made. The proposed substitute has been amended already three times on the floor, the Senator offering it having accepted three proposed amendments. I think the Senator's amendment is a very great improvement over the original bill as it came from the committee, but whether or not it meets the objection that some of us have is a matter of doubt in my mind because I have not had an opportunity to examine it; that is all.

Mr. SIMMONS and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Virginia yield; and if so, to whom?

Mr. SWANSON. I yield first to the Senator from North Carolina.

Mr. SIMMONS. As I understand, the substitute proposed by the Senator from Virginia does not change the amendment reported by the committee in any particular except that it eliminates the prohibitory power of the committee and strikes out the licensing provision and substitutes for those two provisions an authorization to do the very things, and the only things, which the present voluntary committee is now doing, namely, it provides that this committee shall investigate all applications for new issues, pass upon them, and determine whether they are compatible with the public interest. All it does in effect is——

Mr. STONE. At that point will the Senator permit me to interrupt him?

Mr. SIMMONS. Yes.

Mr. STONE. He says that this committee shall investigate all new offerings appearing.

Mr. SIMMONS. Under rules and regulations to be established; yes.

Mr. STONE. Is there any provision in this amendment that requires new offerings of securities to be submitted to the committee before they are presented to the public?

Mr. SIMMONS. No; it is not mandatory; it is merely intended to require the things to be done that are now being done by the voluntary committee. The language is as follows:

Such committee may, under rules and regulations to be prescribed by it from time to time, with the approval of the Secretary of the Treasury, investigate, pass upon, and determine whether or not the sale or offering for sale or for subscription of any issue or any part of any issue of securities hereafter issued, the par or face value of which issue shall be in excess of $100,000, is compatible with the public interest.

Mr. STONE. Now, Mr. President, if the Senator will permit me, with the view of getting a consistent provision in the bill relating to this subject, I will ask this question: Suppose a corporation in some part of the country desires to offer its bonds or securities in any form for sale to the public without consulting this committee, as evidently the corporation would not be obliged to do, and the officers of the corporation should go to New York or Chicago, or wherever it might be, and put their securities on the market—what I wish to know is how would this committee pass upon such securities? How would they know about them unless they should be brought to them? The law if passed in this form would not require that they should be submitted to the committee; it would be a voluntary act; but suppose the corporation offering these securities does not care to submit them to the committee?

Mr. SIMMONS. Mr. President, neither is there at present any regulation or law requiring anybody to present his application to the committee now existing under the Treasury Department. They have the power, though, by rules and regulations, to require that to be done; but whether that be done or not, in the condition of the market it is believed that, in the main, nobody who does not do that can be able to float securities.

Mr. SWANSON. Mr. President, I should like to say, if the Senator will permit me——

Mr. SIMMONS. Just a moment. The proposed substitute preserves the present voluntary system which obtains in this country and largely in all the other countries at war. It does nothing more, however, in that respect than what is being done now through the voluntary committee, except that it makes that committee an official body; it gives their action the color, at least, of official action. In the main, the principle of voluntary action on the part of those who wish to float securities will be continued, but with the certainty that if institutions desiring to issue new securities refuse, in compliance with the rules and regulations of this committee, to submit their application to the committee, the banks of the country and the investors of the country will probably not be disposed to invest in their securities. The strength of the system will depend upon its persuasiveness, and its persuasiveness will grow out of the fact that those who do not comply with the rules and regulations of the committee in this respect will probably not be able to sell their securities. That is what I understand the amendment is.

Mr. SWANSON. Mr. President, in addition to that, I will say to the Senator from Missouri [Mr. STONE] that the committee can be active or inactive, as the public interest may dictate it to be. If conditions are such that they do not see fit to approve or disapprove of securities, the committee may permit securities to be sold without their approval or disapproval, as I understand the proposed substitute; but if they see that the time has come when the issuance of private securities is interfering with the sale of Government bonds or other vital interests of the Nation, the committee, on its own motion, may pass upon any securities offered and give its approval or disapproval, according as the public interest may require. As I understand, the amendment leaves it largely for the committee to determine to what extent its approval or disapproval is necessary in the public interest.

Mr. SIMMONS. Mr. President, I think it can be stated in a nutshell that all it does is simply to continue the present capital-issues committee and to make that committee an official body instead of an unofficial body, as it is now.

Mr. KING. Mr. President, let me ask——

Mr. SIMMONS. I say that is all it does.

Mr. KING. I was just about to propound a question, with the Senator's permission. I was not here when the amendment was offered, and I was about to ask the question whether or not it provides that this committee may promulgate rules the violation of which will be attended by any penalty?

Mr. SIMMONS. No; it does not.

Mr. KING. What would be the penalty if the committee refused consent to the issue of certain securities and the securities were issued notwithstanding their disapproval?

Mr. SIMMONS. The only penalty would be that in that case the parties interested would not be able to float their securities on the market.

Mr. KING. They might attempt to do so, though.

Mr. SIMMONS. They might attempt to do so.

Mr. KING. But they would have the opposition of this organization?

Mr. SIMMONS. Yes.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Utah?

Mr. SWANSON. I yield.

Mr. SIMMONS. Will not the Senator allow me to finish a brief statement I want to make?

Mr. SMOOT. I thought the Senator had concluded. I yield to the Senator.

Mr. SIMMONS. Mr. President, this substitute is familiar to me; I have examined it very carefully, and I wish to say to the Senator from New Hampshire [Mr. GALLINGER], who is an honored member of the Finance Committee, that I called a meeting of the committee this morning. The Senator came into

the room, but for some reason had to retire before we took up the bill.

Mr. GALLINGER. I will say to the Senator that I had an appointment to meet with the Committee on Appropriations at that very hour; and so I could not remain.

Mr. SIMMONS. I merely make this statement because the Senator seemed to think that he had not been consulted about this matter at all. I presented the substance of this proposed substitute to the committee this morning, and it was discussed in the committee, but the Senator was not present.

Mr. GALLINGER. If the Senator will permit me, it is proper that I should say that I inquired of one or two Members of the Finance Committee after the committee adjourned and they said nothing had been done.

Mr. SIMMONS. We took no action about it, I am going to state that; we discussed it, and, therefore, the purpose of the substitute was known to the members of the committee who were present, and would have been made known to the Senator from New Hampshire if he had found it convenient to remain in the committee. I merely make the statement so that the Senator may not think he has been disregarded.

Mr. GALLINGER. I am not at all sensitive on that matter or any other; it is all right so far as offering the amendment is concerned. My only anxiety was to be granted the privilege of examining it; that is all; looking it over cooly and calmly, and seeing exactly what it contemplates. I think it is better than the original provision of the bills.

Mr. SIMMONS. The main controversy, Mr. President, about this matter has been not with regard to the necessity of some such authority as this, but, in the first place, as to whether this committee should be a voluntary committee such as now exists in the Treasury Department, or a legal body; and, in the second place, whether its power over securities should be of a prohibitory character or whether it should be given merely the power to investigate and to express an opinion to the investing public of the country as to whether proposed issues would be in the interest of the country or against the interest of the country under present conditions.

This substitute creates the committee and gives to it an official status, but does not give it the power of prohibiting issues that may come under its ban. It merely gives it the power, after investigation, of advising the public, for such consideration as the investing public may see fit to give its advice, as to whether, in its judgment, it would be compatible with the public interest to have the new securities thrown upon the market.

Mr. SMITH of Maryland. Mr. President, may I ask the Senator a question?

Mr. SIMMONS. Certainly.

Mr. SMITH of Maryland. Suppose that the parties desiring to issue securities should proceed to place their bonds or other obligations on the market in the face of the advice of the committee, there would be no penalty attached to that action, would there?

Mr. SIMMONS. There is no penalty attached in the proposed substitute.

Mr. SMITH of Maryland. There is no penalty; they can proceed to try to place the securities if they so desire; but, of course, they will have to do so in the face of the judgment of the committee.

Mr. SIMMONS. Yes.

Mr. SMOOT. That is provided section 8 is stricken out of the bill.

Mr. SMITH of Maryland. What is now proposed, as I understand, is to so provide that the decision of the committee shall have a moral effect.

Mr. SIMMONS. That is right.

Mr. SMITH of Maryland. And if the parties issuing the securities violate the rules laid down by the committee no penalty will attach; but, of course, they can not violate the act without becoming subject to the penalties?

Mr. SIMMONS. That is right.

Now, Mr. President, I understand that the substitute for section 7 is to be followed by the Senator from Virginia offering a substitute for section 8. The substitute which he will offer, as I understand, to section 8 will practically retain the present section 8, except it will eliminate from it the penalty that it would impose upon the violation of the orders, rules, and regulations of the committee.

Mr. SWANSON. The Senator is correct. If the amendment I have already offered is adopted, then I will follow it with an amendment proposing a substitute for section 8.

Mr. SIMMONS. Mr. President, as the Senator from New Hampshire [Mr. GALLINGER] has indicated, at the meeting of the committee this morning there was no action about this matter, and I am not, therefore, authorized to accept this amendment on behalf of the committee. I wish to say though for myself personally that I shall under the circumstances feel constrained to give my support to this substitute.

Mr. SMITH of Georgia. Mr. President, I wish to offer an amendment to the substitute.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I wish to inquire whether the Senator from Virginia has offered his amendment, or whether he has simply sent it to the desk with a notice that he would offer it at the proper time?

Mr. SWANSON. I have offered it, and it has been read. It is offered as a substitute for section 7.

Mr. BRANDEGEE. It is, then, the pending amendment?

Mr. SWANSON. It is.

The PRESIDING OFFICER. The amendment has been offered and is pending.

Mr. BRANDEGEE. Mr. President, just a minute before the Senator from Georgia [Mr. SMITH] offers the amendment that he proposes. I desire to say a word about the pending amendment, and it is this:

If this capital issues committee is to be appointed with the approval of the Secretary of the Treasury, which means that nobody can get on it that he does not O. K. and does not have confidence in, and if it is to consist of three members of the Federal Reserve Board, who are certainly experts on financial matters, and two other members, to be chosen by the Federal Reserve Board, who will be likewise experts—if you appoint this special capital issues committee of five financial experts, why is it necessary to fetter that commission by placing it under the thumb of the Secretary of the Treasury at every point? He is there at its birth; he is one of the creators of it, the approver of it, and the organizer of it; and yet the bill in its language, as well as the language of the amendment proposed by the Senator from Virginia, inhibits this committee even from proceeding to investigate a case except subject to the approval of the Secretary of the Treasury. In other words, we have a Secretary of the Treasury who manages the whole Treasury of the United States, who is in the same person the Government director of all the railroads of the United States, who is the head of several other great war activities, and now we propose to place this specially created committee of experts right under his thumb and give him the veto power over its every act and breath during its whole existence. What is the sense of it?

Mr. SWANSON. Mr. President, the Senator is mistaken. The rules and regulations are all that are to have the approval of the Secretary of the Treasury.

Mr. BRANDEGEE. Mr. President, the amendment itself is now in the possession of the Senator from New Hampshire, and it is the only copy that I know of; but I clearly understood from the reading from the desk that this committee could, subject to the approval of the Secretary of the Treasury, investigate any application for the issuing of bonds, and I submit that it gets on my nerves to set up a Pooh-Bah, no matter how able he may be, and make him the head of every function of governmental activity during this war. I do not care what party he belongs to, or what his motive may be, it is not right, and if this committee is worthy of any existence at all it ought to have an independent existence the same as any other self-respecting committee.

Mr. REED and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. REED. Mr. President, the language of which the Senator speaks is the language which is now in the bill. It has not been changed.

Mr. BRANDEGEE. Yes; I know that.

Mr. REED. The part of the bill which I now read, and which is repeated in the amendment, is repeated without change until I shall indicate:

> That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board—

A change occurs there, the word "which" being made to read "such committee," which is purely a matter of language and not of difference of idea—

> such committee may, under rules and regulations to be prescribed by it—

It reads—

> with the approval of the Secretary of the Treasury—

Now—

> under rules and regulations to be prescribed by it, with the approval of the Secretary of the Treasury, investigate, pass on, and determine whether or not—

Such securities are compatible with the public interest. As I understand that—and I confess that its meaning depends somewhat on the punctuation—the committee makes its own rules and regulations, subject to the approval of the Secretary of the Treasury; and then it proceeds to investigate and pass upon public securities.

While I have the floor, if I may—I think I am trespassing on the good nature of the Senator from Utah, and will yield if he desires.

Mr. SMOOT. No; go on.

Mr. REED. If you have the bill before you, you will notice that the licensing clause which follows in the bill is stricken out in the amendment. It is omitted altogether; that is, this part is omitted:

> Such committee shall, however, grant licenses for any such sale, or any such offering for sale or for subscription, which it shall determine to be consistent with the foregoing purposes.

That is taken out. Then we come to the language of the bill again:

> The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be $7,500 per annum, to be paid by the corporation.

That is likewise taken from the body of the bill. Now, if Senators are interested, I will proceed just a word further.

There follows in the amendment this language, which is taken from the bill, which is found a little further on:

> Shares of stock of any corporation or any association without nominal or par value shall, for the purposes of this act, be deemed to be of the par value of $100 each.

That is a clause that is lifted from another part of the language.

> Nothing in this act shall be construed to apply to borrowing by any person, firm, corporation, or association in the ordinary course of business as distinguished from borrowing for capital purposes.

That language is lifted out of the section a little further on, and the Senator from Georgia [Mr. SMITH] has proposed an amendment to include——

Mr. SMITH of Georgia. Since the Senator has just read it, if he will permit me to do so, I will read the amendment that I desire to offer following that language:

> Nor shall it apply to borrowing to renew or refund indebtedness existing at the time of the approval of the act.

Mr. REED. The next language that we find in here is:

> This section shall not be construed to apply to any securities issued by any railroad corporation the property of which may be in the possession and control of the President of the United States.

That language is also taken from the bill.

> Nothing done or omitted by such committee hereunder shall be construed as carrying the approval of such committee, or of the United States, of the legality, validity, or worth of any securities.

That is taken from the bill. So that, speaking broadly now, the change in section 7 amounts to this: The licensing power is taken away, and any penalties that are prescribed in the bill are taken away, but the committee is given a legal status, and is authorized to pass upon securities. If it does pass upon securities, there is no penalty going with it, except that it is deemed that if this committee declares that the security is inimical to the public interest it will practically destroy the market for that security, and at least it will assure it of no reception by any of the national banks or by this corporation.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Missouri yield to the Senator from Kansas?

Mr. REED. I do.

Mr. CURTIS. I understood the Senator from Missouri to state that the penalty clause was eliminated. Does the Senator mean all penalty clauses or just those in reference to violations of rules and regulations issued by the committee?

Mr. REED. I am coming now to answer that.

Mr. CURTIS. I thank the Senator.

Mr. REED. As the bill is presented now, with section 8 amended as it is proposed to amend it, the only penalty clause that is left is a penalty for violating the act; and from reading the bill I confess I can not see where that would apply except possibly to an officer of the corporation who loaned money in violation of the provisions of the act.

Mr. STONE. That is about all there is to that.

Mr. SMOOT. Mr. President, there is no doubt but that this amendment is a wonderful improvement over section 7 as reported to the Senate. In effect, it is the voluntary system for which some of us contended yesterday. If I had my way I would strike out section 7 entirely and allow the present committee appointed by the Secretary of the Treasury to pass upon all these issues for the future. I believe the result of it would be all that we could hope for. I do not believe there will be one thing gained by adopting this provision, with the single exception that the committee will have a legislative standing.

I want to predict now, however, that if the substitute is adopted it will result in the building up of a new bureau, with new offices, hundreds of employees, and the expense will be many, many times greater than if administered by the three members of the Federal Reserve Board under the system now in operation; but of course the expenditure of a few hundred thousand dollars or a few million dollars makes no difference in these days of extravagance and as long as it will give employment to five hundred or a thousand more men or women.

Mr. President, I think there is something in what the Senator from Connecticut [Mr. BRANDEGEE] called attention to; and I intended asking the Senator offering the amendment if he would not agree to one amendment to his proposed substitute by striking out the words "with the approval of the Secretary of the Treasury" in the second paragraph of the substitute. It occurs at two other places in the substitute; but I really believe that if we are going to give the committee any power whatever, and if it is to be a committee in very deed, then we ought to strike out the words "with the approval of the Secretary of the Treasury" as found in the second paragraph of the substitute.

Mr. SIMMONS. Mr. President, I do not know whether it has occurred to the Senator or not, but it seems to me that it is a matter of very great importance that this committee in its work should articulate, so to speak, with the Federal reserve bank and with this finance corporation. They are all necessary factors in accomplishing the purpose which we have in view.

Mr. SMOOT. I agree with the Senator perfectly.

Mr. SIMMONS. The Secretary of the Treasury is ex officio a member of the Federal Reserve System and of the finance corporation, and he is the responsible head in all the financing by the Government of this situation; and this committee ought to articulate with both of the two bodies through which this financing is to be done.

Mr. SMOOT. Mr. President, I agree thoroughly with the Senator. I believe they ought to articulate and cooperate in all the actions affecting future issues, and therefore I am not asking that the words "with the approval of the Secretary of the Treasury" shall be omitted in the appointment of the board. They have got to be appointed by and with the approval of the Secretary of the Treasury, and I think that is right.

Mr. SMITH of Georgia. Mr. President, let me ask the Senator whether it would not be better to let the appointment be without the approval of the Secretary of the Treasury, but to have the rules and regulations subject to his approval? Then the appointment would be entirely independent.

Mr. SMOOT. No; I think it ought to be just the reverse.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from New Hampshire?

Mr. SMOOT. I do.

Mr. GALLINGER. Does not the Senator from Utah think that in these important matters it might be better to have the President approve, rather than the Secretary of the Treasury?

What the Senator from Connecticut [Mr. BRANDEGEE] said in reference to the Secretary of the Treasury appeals very strongly to me. I had marked my bill to move amendments striking out those words in every instance in the original bill. Now, here even the term of office of the members of this board is to be determined by the Secretary of the Treasury. It seems to me that that is a function which the President might better exercise than the Secretary of the Treasury; and by so providing we would get rid of the duplication of language that puts this matter practically in the hands of the Secretary of the Treasury in every instance.

Mr. SMOOT. The reason why I thought I would not move to strike out the approval of the Secretary of the Treasury respecting the terms during which the several members of the committee shall serve was this: The members of the Federal Reserve Board appoint these other two members. The President does not appoint as members of this committee the members of the Federal Reserve Board. The act itself provides for that, and it provides that the Federal Reserve Board shall make the appointment of the other two members; and I thought perhaps it would be well enough to say that the board appointing them should do so with the approval of the Secretary of the Treasury.

Mr. GALLINGER. Might it not be better for Congress to determine the length of service?

Mr. SMOOT. I think that would be better, Mr. President; but when it comes to the question of authorizing this committee

to investigate and to pass upon and determine whether or not there shall be sold or offered for sale or for subscription any issue or any part of any issue of securities hereafter made, I think that ought to be wholly within the power of the committee, not with the approval of the Secretary of the Treasury. Not only that——

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. SMOOT. I know what the Senator from Virginia is going to say. He is going to say that the rules and regulations are to be made with the approval of the Secretary of the Treasury. But what difference is there? If the board can not make rules and regulations according to its views to investigate as to these issues, the board can not really pass upon them, unless the Secretary approves.

In the other places where this language occurs in the substitute I can not see any good reason why it should not be, but in this case it does seem to me that the board ought to have full power, because, in the first place, they are appointed by and with the approval of the Secretary of the Treasury. No member of the board can be appointed unless the Secretary approves it, but after they are appointed it seems to me that they ought to have the power to investigate all issues and pass upon them without reference to the Secretary.

Mr. SIMMONS. Mr. President, I understood that the Senator on yesterday was contending that the present voluntary system was all that was necessary, and he was perfectly willing that that should be continued.

Mr. SMOOT. Yes; as against section 7 of the bill.

Mr. SIMMONS. Does not the Senator know that all the rules and regulations under which the present committee is operating must have the approval of the Secretary of the Treasury?

Mr. SMOOT. Well, Mr. President, the law does not say so, and there is no provision that they shall be subject to his approval. It may be true that that is the practice, and I will say to the Senator that perhaps it is the practice; but we have not so stated in the law.

But why put it in this bill, when there is no necessity for it? I do not think there ought to be a provision that could bring about a conflict between the Secretary of the Treasury and the board which is to investigate these issues. I think we ought to say that the board shall have the right to investigate and pass upon these issues, irrespective of what the Secretary or anybody else says.

If the words were taken out as suggested by me, the amendment would read as follows:

Such committee may, under rules and regulations to be prescribed by it from time to time, investigate, pass upon, and determine whether or not the sale or offering for sale or for subscription of any issue or any part of any issue of securities hereafter issued, the par or face value of which issue shall be in excess of $100,000, is compatible with the public interest.

Mr. President, I do not desire to take the time of the Senate further on this matter; but while I am on my feet I want to offer the following amendment to the substitute. After the word "interest," insert "issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the approval of this act, shall not be affected hereby."

Mr. SIMMONS. That is a provision in the present bill that is omitted from the amendment.

Mr. SMOOT. Yes; that is a provision that the Senate committee agreed to and reported to the Senate, and it follows in this substitute the same place that it followed in the original committee amendment.

Mr. SWANSON. I will accept that, Mr. President.

The PRESIDING OFFICER. The Senator from Virginia accepts the amendment offered by the Senator from Utah to the amendment, as he has a right to do. The Secretary will state the pending amendment as it will read with the incorporation of the amendment suggested by the Senator from Utah.

The SECRETARY. After the word "interest," about halfway in the amendment offered by the Senator from Virginia, insert:

Issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the approval of this act, shall not be affected thereby.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Utah will be incorporated as a part of the original amendment offered by the Senator from Virginia.

Mr. SMITH of Georgia. Mr. President, I offer as an amendment in the eighth line from the bottom of the page, just before the period in the center of the line, the following:

Nor shall it apply to borrowing to renew or refund indebtedness existing at the time of the approval of this act.

Mr. SWANSON. Mr. President, I will accept that amendment. That is included in the bill.

The PRESIDING OFFICER. The Senator from Virginia accepts the amendment offered by the Senator from Georgia. The Secretary will state it in connection with his amendment.

The SECRETARY. To come after the word "purposes" and before the period, the Senator from Georgia offers the following:

Nor shall it apply to borrowing to renew or refund indebtedness existing at the time of the approval of this act.

Mr. GALLINGER. Mr. President, if the matter is in such shape that the Secretary can state the amendment as it is now before the Senate, I should like very much to have that done.

Mr. HARDWICK. Mr. President, does the Senator want the amendment stated now?

Mr. GALLINGER. It ought to be stated at some time.

Mr. HARDWICK. I think it ought to be stated before we vote on it, and probably immediately before we vote on it.

Mr. GALLINGER. I will withhold that suggestion until the Senator from Georgia has spoken.

Mr. HARDWICK. Mr. President, I do not expect to detain the Senate for more than a moment. I think the time has come when we all understand this proposition and are prepared to vote on it. So far as I am concerned, I have been prepared to vote on it for some time.

I think the amendment is a very great improvement over the text of the original bill. It meets, to some extent, two of the most serious of the objections I pointed out on last Friday to this bill. There ought not to be any censorship of business in this country. The power ought not to exist anywhere, in anybody, to say that a man shall not lend to anybody his own money if he wants to, or give to anybody his own money if he wants to give it, or spend his own money in any way he wants to spend it; and the Senate will be going a long way whenever it occupies any such position as that, either in time of war or in time of peace.

But, Mr. President, while it is true that this amendment will remove the one most objectionable feature of the bill—namely, the licensing system—and will give to this capital issues committee only the same status that it occupies now, except, possibly, that it will give it legal recognition and probably will be the occasion for spending a little more money; while that is true, it is perfectly apparent now, as it has been all the time, that with these things taken out of the bill, all in the world that we needed was a few simple, common-sense amendments to the banking law. That is what we ought to have had.

So that I can not support the bill, even with the amendments, although the amendments proposed by my friend from Virginia along the lines of the suggestions of a good many opponents of this bill during the progress of the debate are acceptable and, I think, in one way or another remove some of the objections to the bill.

Mr. HOLLIS. Mr. President, I believe the amendment offered by the Senator from Virginia is the best present solution of the problem. I shall support the amendment heartily. I do believe it is necessary to have some control over the capital issues in this country, but any control of that sort may be objectionable; it may be abused. We have practically the same control now. That has gone along unofficially. I have not heard any particular complaint that it has been abused. Congress will probably be in session during the most of this year, and if it is abused or if more authority is needed, more can be granted.

I should like to call the attention of the Senator from Virginia to one verbal error in his amendment, as it strikes me. The last sentance reads:

Nothing done or omitted by such committee hereunder shall be construed as carrying the approval of such committee or of the United States of the legality, validity—

And so forth. I think it should read "the approval by such committee or by the United States."

Mr. SWANSON. I accept the amendment.

The PRESIDING OFFICER. The proposed modification will be stated.

The SECRETARY. After the word "approval," insert the word "by," and, in the same line, after "or," strike out "of" and insert "by," so as to read: "by such committee or by the United States."

Mr. SWANSON. I accept those amendments.

The PRESIDING OFFICER. Without objection, the Secretary will make the modification in the amendment.

Mr. SMOOT. I should like to have the amendment read as amended.

The PRESIDING OFFICER. It will be read.

The SECRETARY. In lieu of section 7 as amended insert the following:

SEC. 7. That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board. Such committee may, under rules and regulations to be prescribed by it from time to time, with the approval of the Secretary of the Treasury, investigate, pass upon, and determine whether or not the sale or offering for sale or for subscription, of any issue or any part of any issue of securities hereafter issued, the par or face value of which issue shall be in excess of $100,000, is compatible with the public interest. Issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the approval of this act, shall not be affected thereby. The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be $7,500 per annum, to be paid by the corporation. Shares of stock of any corporation or association without nominal or par value shall, for the purposes of this act, be deemed to be of the par value of $100 each. Nothing in this act shall be construed to apply to borrowing by any person, firm, corporation, or association, in the ordinary course of business as distinguished from borrowing for capital purposes, nor shall it apply to borrowing to renew or refund indebtedness existing at the time of the approval of this act. This section shall not be construed to apply to any securities issued by any railroad corporation, the property of which may be in the possession and control of the President of the United States. Nothing done or omitted by such committee hereunder shall be construed as carrying the approval by such committee, or by the United States, or the legality, validity, or worth of any securities.

Mr. McCUMBER. Mr. President, I was out of the Chamber for a short time and I desire to ask the chairman of the Committee on Finance whether or not during my absence the chairman, on behalf of the committee or on behalf of himself, accepted the amendment proposed?

Mr. SIMMONS. I will say to the Senator that I have not accepted it on behalf of the committee, but I have stated that while I had no authority to do that and did not do it, personally I am disposed to support the substitute.

Mr. McCUMBER. Mr. President, we had before us members of the Federal banking board, also the Secretary of the Treasury, who very strongly supported all the provisions of the bill which was reported, and at that time deemed those essential for the proper working out of this scheme of protection to the industries, financial and otherwise, of the country. May I ask the chairman whether or not he has received any word from the Secretary of the Treasury indicating any change of his position on that subject?

Mr. SIMMONS. I have been advised by the Secretary of the Treasury that he would greatly prefer the amendment drawn and reported by the committee, but the Secretary does not feel that the substitute would be seriously objectionable.

Mr. McCUMBER. I understand that information was given directly to the chairman.

Mr. SIMMONS. That statement was made to me by the Secretary over the telephone, and I had that statement from Senators who have conferred with the Secretary.

Mr. HARDWICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Georgia?

Mr. McCUMBER. I yield for a question.

Mr. HARDWICK. Does the Senator feel that we should get the consent of the Secretary of the Treasury for legislation in this Chamber?

Mr. McCUMBER. I was wondering why it was necessary to get the consent of the Secretary of the Treasury also to make an amendment after it came into the Senate. I confess I am a little bit puzzled, possibly because the committee included myself as not having been sufficiently disciplined to follow even our chairman in all the suggestions which have been made here.

Mr. President, every objection was fully discussed in the committee that has been made upon the Senate floor. I did not agree to every one of the provisions of the bill, but I did feel that when we came back into the Chamber with the bill the chairman ought not to carry under his coat a white flag that might be displayed whenever opposition seemed to grow in the Senate. It seems to me that before we abandon a bill entirely we ought at least to have a vote upon the particular sections which the committee as a whole have reported.

There are several other provisions of the bill that do not strike me favorably. I objected, for instance, as strongly as I could to paying a $12,000 salary to the other persons who are to be placed upon the board. I do not wish to urge it in the Senate, because I did not make a minority report. If the Secretary of the Treasury desires it to be $12,000, I do not suppose my voice as a legislator could go very far, even in the Senate of the United States. I simply regret the position we are placed in in reporting a bill practically unanimously and then surrendering the principal features upon the floor without even a vote.

Mr. LODGE. Mr. President, of course the amendment offered by the Senator from Virginia to section 8 is immediately connected with the amendment as a substitute for section 7. I should like to ask the Senator from Virginia whether in his opinion the penal section applies to the authority granted to the board which is to investigate the new issue of capital?

Mr. SWANSON. I have not offered an amendment to section 8, which is the penal section.

Mr. LODGE. I understood the Senator was going to offer it.

Mr. SWANSON. My understanding is that the substitute amendment for section 8 will not apply to the violation of any rule or regulation of any department. It applies to a violation of the specific act itself.

Mr. LODGE. Would it apply to the determination reached by section 7?

Mr. SWANSON. It would not, I think. I understand it applies simply to a violation specifically of what is included in the act. It may in morals discountenance an issue of these securities, but section 8, as proposed to be amended by me, would not apply to it.

Mr. LODGE. My understanding is that the amendment offered as a substitute for section 8——

Mr. SWANSON. I have not offered it.

Mr. LODGE. I know, but it will be offered—I understand it provides for any violation of the act. The act confers upon the board power to pass upon, investigate, and determine. Suppose they determine that an issue of bonds bid before it is not for the public interest and the people who desire to issue those bonds go on and make the attempt to place them, do they come under that punitive section?

Mr. SWANSON. They would not, because that is entirely voluntary, and there is nothing to prohibit them. All that is done in section 7 is to get a moral approval or disapproval of the issue.

Mr. REED. The Senator is of the opinion that section 8 as it is about to be offered would apply a criminal penalty only to some act that is expressly prohibited by the statute we are about to pass. That is to say, if we find in the statute a command that officers of a corporation shall do a certain thing in a certain way and they should do it in a different way they might come within this penalty.

Mr. McCUMBER. I call the Senator's attention to a specific instance where it will apply. The Senator will note the language on page 5, "no director or officer of the corporation shall in any manner participate in the determination of any question affecting his personal interests," and so forth. It would apply in a case of that kind.

Mr. REED. It will apply there, and it would probably apply if the officers of a corporation were to advance more than 75 per cent of the market value of the securities, and do it willfully. I am speaking now of the class that do not come within 100 per cent. Do I understand that the Senator from Virginia who offers the amendment agrees that the provisions of section 8 would not apply to a citizen who had asked to have securities approved and they had been disapproved, or who was handling securities that had been disapproved by the board and condemned as incompatible with the public interest? There is nothing in the criminal penalty that would apply to that citizen if he thereafter undertook to sell or otherwise handle those securities. That is the position of the Senator from Virginia?

Mr. SWANSON. I fully concur with the Senator in that contention, because in order to have the penalty applied the man must violate a provision of the act. There is nothing in the act or in section 7 offered forbidding it. If they make rules and regulations, the penalty would not apply to it.

Mr. LODGE. I asked the question because I wanted to be very sure that it was understood in that way. Sometimes, not always, the court will look at what was said in Congress in order to gather the intent of Congress in interpreting an act, and I wanted to make of record the intent as I understand.

Mr. REED. I desire to concur in the construction that has been placed upon the language and to concur in it with the express purpose manifested by the Senator from Massachusetts to the end that there shall never be any question hereafter as to the purpose of those who vote for the bill that it shall be limited to a violation of the act itself.

In this connection I call attention to another fact. It will be observed that we are striking out the language I quote now—

Or of any license, order, or of any rule, or regulation issued and duly published hereunder, or whoever shall willfully violate, neglect, or refuse to comply with any such license, order, or of any rule, or regulation issued and duly published hereunder.

Mr. LODGE. Those words go out, which I understand the Senator to read. It would be impossible to attempt to prosecute a man on the ground that he had violated a regulation or a rule.

Mr. REED. I think so. That is my opinion.

Mr. OWEN. That has been the understanding of those who have agreed on this measure.

Mr. LODGE. I thought it well to have it in the RECORD.

Mr. GALLINGER. Mr. President, I want to inquire of the chairman of the committee or of the genial Senator from Virginia, who seems to have charge of the bill at the present moment, whether it is the intention to try to pass the bill to-day?

Mr. SIMMONS. Mr. President, with reference to what the Senator said about the Senator from Virginia, I assume it is the common practice in this body where a Senator offers a substitute that he has charge of it, for the purpose of accepting or rejecting an amendment to it. I have not interfered with the Senator from Virginia in the matter of his accepting amendments to his substitute. In reply to the Senator's inquiry as to whether we expect to pass the bill to-day, I wish to say to the Senator that I do sincerely hope we shall reach a vote this afternoon.

Mr. GALLINGER. Then I will modify the question and ask the Senator from Virginia if it is his purpose to urge an immediate vote on his substitute.

Mr. SWANSON. I shall ask for an immediate vote upon it.

Mr. GALLINGER. I asked that question for this reason: If the bill is to be voted upon to-day, there will be no opportunity to make a critical examination of the substitute. If it is to go over until to-morrow, the substitute will appear in the RECORD and we would have an opportunity to give it careful consideration. If the bill is not to be voted upon to-day—and that is the purpose of my inquiry and it is a proper inquiry—there will be an opportunity, if this substitute should be agreed upon at the present time, to move to amend it in the Senate when the bill gets into the Senate; but if it is to be agreed to at the present time and the bill is to be passed to-day, there will be no such opportunity. I think we are entitled to that consideration and that we should have an opportunity to examine a substitute that is not in print, that is offered at a time when some of us had no knowledge of the fact that it was to be offered, and it is only a proper request that we should have a chance to examine it before the bill receives the approval of the Senate.

Mr. SWANSON. The final disposition of the bill is left with the senior Senator from North Carolina [Mr. SIMMONS], the chairman of the committee. I am anxious to have a vote on this amendment, but I will be controlled as to the time when a vote shall be had by the wishes of the Senator from North Carolina, who has charge of the bill.

Mr. GALLINGER. Mr. President, while I am on my feet I want to express the hope that was mildly suggested by the Senator from Ohio [Mr. HARDING] to-day that the time may come when the committees of this body will undertake to formulate bills, and not have them formulated at the other end of the Avenue and sent to us with an urgent demand that we shall enact them into law. I believe that if this bill had been framed by the Senator from North Carolina [Mr. SIMMONS], as chairman of the Committee on Finance, or the Senator from Oklahoma [Mr. OWEN], as chairman of the Committee on Banking and Currency, we would have had very much less trouble than we have had in considering it during the last two or three days and it would have been a better bill, in my judgment.

We are told to-day that the Secretary of the Treasury has conferred with certain Senators and suggested certain amendments, and that the Secretary of the Treasury thinks we ought to pass this substitute. For my part I resent such interference. I think it is not right. I think we are abdicating our functions, and I earnestly believe that the time will come, and not in the distant future, either, when Congress will assert its right to frame its own bills and legislate in its own way, subject to the approval or disapproval of the President of the United States.

I repeat, Mr. President, I think we have a right to examine as critically as we may think proper the proposed substitute before we vote upon the final passage of the bill, and that is all I ask.

Mr. SIMMONS. Mr. President, I am exceedingly anxious that the bill should not be delayed. I think the public interest requires its speedy passage. We have now had it under consideration for nearly two weeks. The particular subject dealt with in the substitute is one that has been most thoroughly discussed in the Senate. We have spent several days discussing it, and it seems to me it is very easy to understand the changes that the substitute proposes to make in the amendment of the committee which we have spent so much time in discussing. I do not see that it is necessary to postpone action on the bill for a day on account of the substitute under the circumstances.

It has been very common in legislation here when a substitute has been offered which changes the text of the bill, if it is so complicated and so difficult that it takes a long time to understand what changes have been proposed in the substitute, that that is given as a reason why it should not be acted upon, but I do not think that that is this case.

Mr. OWEN. I wish to suggest to the Senator, since the Senator from New Hampshire only desires an opportunity if he finds it necessary to offer an amendment in the substitute after the bill passes from the Committee of the Whole, we might proceed with the matter up to the very point of the passage of the bill and then let it go over for the Senator from New Hampshire to have an opportunity to look at it. Then it would come up in the Senate to-morrow morning the first thing.

Mr. SIMMONS. I would have no objection to that course, and I would have no objection if we could have a unanimous-consent agreement to vote on the bill to-morrow.

Mr. GALLINGER. So far as I am concerned, I would be very glad to agree to that, because I am quite as anxious as the Senator from North Carolina for this legislation. I believe it is absolutely necessary legislation in its broad features, but at the same time I do not think that we ought to rush it through to-day, especially in the face of a substitute which we have not seen in print.

Mr. SIMMONS. If it is satisfactory to the Senate that we shall proceed with the consideration of the bill with the understanding that the final vote in the Senate will not be taken until to-morrow——

Mr. GALLINGER. That is entirely satisfactory to me.

Mr. SIMMONS. That course will be satisfactory to me.

Now, Mr. President, let me, before I take my seat, make reference to some remarks somewhat personal to myself. I have followed very closely the proceedings of this body, and I think I am pretty familiar with the situation here. I recognize the fact, Mr. President, that legislation in this and every other legislative body in the world is very largely the result of compromise. For reasons that I think it unnecessary to go into I have had the view, and have had it for some time, certainly since early yesterday afternoon, that it would be necessary in some way to compromise this measure if we were to secure any legislation at all.

Before the Secretary of the Treasury had expressed an opinion about this matter my mind upon that question had been made up. I did not express a purpose to support this substitute because the Secretary of the Treasury approved it. I intend to support it because I approve of it as a compromise measure. I would prefer the amendment as reported by the committee, but as a matter of settlement and a satisfactory adjustment of this very much disputed question I am of the opinion, independently of the views of the Secretary of the Treasury about it, that the substitute ought to be adopted.

Mr. President, so far as the Finance Committee is concerned, it is the common practice in this body that members of a committee reporting a bill may exercise their judgment as to amendments or substitutes offered upon the floor of the Senate. I have not understood that a member of the committee was compelled to stand here and vote against his judgment upon a substitute or an amendment because it was in conflict with something the committee had reported. Members of the Finance Committee have risen on the floor of the Senate and asserted their independent right in this respect. It is a right that ought not to be abridged; it ought not to be challenged. I think that I as chairman and as every other chairman of a committee in this body have the same right in these respects as the members of the committee. It can not be that a member of a committee may exercise his judgment in the vote that he casts upon a substitute for an amendment of the committee and that the chairman of the committee can not do the same thing. I understand that he is limited in this way, that he can not accept an amendment in the name of the committee unless he is authorized to do it.

In taking the position I have assumed on this matter, I have taken it upon my independent judgment. Of course, the views of the Secretary of the Treasury with regard to this matter are persuasive with me. I stated when I introduced this bill that it was introduced as an administration measure; that it was a scheme which had been worked out by the Treasury Department under the direction of the Secretary of the Treasury to enable the Government to come to the assistance of the industries of the country and of the security market of the country.

Therefore, Mr. President, the legislation having come from that source, I think the views of the Secretary of the Treasury with respect to the effect upon the scheme which he has presented

and asked the judgment of Congress upon are entitled to respect, but they do not control. The committee saw fit to amend the bill in particulars wherein they did not agree with the Secretary of the Treasury. The committee may change it now in particulars wherein the Secretary of the Treasury might differ, but I think under the circumstances, as he is the man responsible for the financing of the Government and as this is a recognized administration measure, the opinion of the Secretary of the Treasury ought not to be resented by Senators, and his suggestion of an emendation of the measure ought not to be resented by Senators.

Mr. KING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I yield.

Mr. KING. I agree with the last statement of the Senator, and I wish to state in this connection that I think the Secretary of the Treasury is one of the ablest of the officials who ever occupied that position. But what I rise to inquire is whether the committee in the consideration of this very important subject examined the present fiscal system, especially the Federal reserve regional bank system, and determined after full investigation that that law could not be so amended as to effectuate the same results which are sought in this bill?

I have read the proposed substitute of the Senator from Oklahoma, and it seems to me that we could have accomplished the same results by amending the Federal reserve law as are sought to be accomplished by this bill. We could have done it without creating another agency or instrumentality, and have done it in a way that would have been far better for the country as a whole. These bills providing for a central bank will tend to congest all financial matters in this one region or one section, and of necessity will be discriminatory against the policy which was sought to be engrafted into the statutes in the Federal reserve law.

Mr. SIMMONS. Mr. President, I will say to the Senator from Utah that the committee did not directly have a proposition of that sort before it, but I think the trend of the hearings will indicate that the committee gave consideration to the question. I know that personally I have given a great deal of consideration to that question and have discussed it with members of the Federal Reserve Board, with the Secretary of the Treasury, and others, and I am absolutely certain that an amendment of that sort would not accomplish the purpose, but that, on the other hand, it would undermine the fundamental principles of the present reserve system.

Mr. GALLINGER. Mr. President, the Senator from North Carolina [Mr. SIMMONS] took the observations I made more seriously than I think he ought to have done. I have no disposition to do injustice to any officer of the Government, but I am rather old-fashioned in some of my views. That is my misfortune, no doubt. I have not "kept up with the procession." I have read the Constitution of the United States, which states that the President shall recommend to Congress matters of public concern, and he never hesitates to tell us what he thinks about legislative action.

As I look upon this bill, Mr. President, it is one of the most important measures that has come before Congress for its consideration since the beginning of the war, and I would much have preferred the President to have sent a communication here in the old-fashioned way or to address Congress, as he has been in the habit of doing, in this matter and then leave it to Congress to formulate the measure; of course, upon consultation with the officials of the Treasury Department. But that was not done; and I am not going to multiply words in saying that I think the system is a bad one, into which we have, perhaps, inadvertently fallen.

Mr. SIMMONS. I wish to ask the Senator from New Hampshire is it not one of the most common practices here on the part of all committees of the Senate to constantly refer bills which are presented here to the departments which they affect for their advice?

Mr. GALLINGER. It is a very good practice. Bills formulated in either House of Congress and going to a committee, as a rule, should be referred to the head of the department having jurisdiction over the subject. That was my habit when I was chairman of a committee of some consequence in the Senate. All such bills were referred to the head of the department or the officials of the Government having jurisdiction over that particular subject. That is undoubtedly a good custom; but I do not think it is a good custom to have it understood that bills can be formulated in the departments or at the White House, if you choose, to be sent to Congress with the statement accompanying them that it is necessary for Congress to act speedily in the matter, because the administration wants it done. I think it is a vicious habit, and I believe the time will come when it will be changed.

I recall when the late Senator from Idaho, Mr. Heyburn, sat at my right, with what indignation he resented that habit, which we were then falling into to some extent, and, if he were here to-day, I know exactly what he would say about the present situation. But we have passed that point; it has become a habit; and we have a bill here that was formulated by the department and sent to us with the suggestion that we should rush it through, and we have done the best we could to pass it.

The Senator from North Carolina will not deny, nor will the Senator from Virginia nor any other Senator deny, that we have spent time to great advantage in discussing this bill. The Secretary of the Treasury will hardly recognize his child when it reaches the President for his official action, provided the conferees on the part of the Senate stand by the action of this body. I am glad that the bill has been discussed as it has been and I am glad that it has been amended.

Mr. SIMMONS. Mr. President, if the Senator from New Hampshire will pardon me, I want to say that, while I think this licensing section—that is the term, I believe, that has been used in speaking of it, though it is not a licensing section, but it is a substitute—while the section under consideration is, in my judgment, important, as I have tried to impress upon the Senate this morning, the real important part of this legislation is not these two sections, but it is the balance of the bill.

Mr. GALLINGER. Mr. President, I agree absolutely with the Senator from North Carolina on that point, and if it were not for the balance of the bill we would not be wasting time here in discussing the licensing clause.

But, Mr. President, I have said about all I care to say. If the Senate thinks it wise to adopt, as in Committee of the Whole, the substitute which has been offered by the Senator from Virginia, with the understanding that on to-morrow there will be an opportunity to amend it, if we see fit to undertake to do that, I am content.

I want to say to my good friend, the Senator from North Carolina, the chairman of the committee, that in any observations I made a little while ago I had no intention at all of reflecting in any way upon him. I have served on a great many committees of the Senate and it is a pleasure for me to say that I never have served under a Senator who was so courteous, so kind, so considerate of the rights of each individual member of the committee as has been the Senator from North Carolina. I want him to know that I have not intended to make any observations that could in any way reflect upon his management of this bill or upon his management of any of the bills that are being considered by that important committee.

Mr. STONE. Mr. President, before the Senator from New Hampshire takes his seat, if I may, I desire to say that I understood the Senator to state that on to-morrow there will be some opportunity of considering this very question now under consideration. I have been called out of the Chamber for half an hour or more, and I desire to ask, Is there an understanding of that kind?

Mr. SIMMONS. I would state to the Senator from Missouri that, at the suggestion and request of the Senator from New Hampshire, there was an understanding between him and myself that we would, so far as his objection was concerned, proceed with the vote upon this substitute, but that there would not be a vote upon the committee amendment in the Senate until to-morrow; that is, that we would proceed, if we could do so, to act as in Committee of the Whole upon this and any other matters that may arise.

Mr. STONE. To-morrow?

Mr. SIMMONS. No; to-day.

Mr. STONE. What are we to do to-morrow under this understanding?

Mr. SIMMONS. If the Senate, as in Committee of the Whole, acts upon the bill to-day, it will be then halted until to-morrow, when we shall take the vote in the Senate.

Mr. GALLINGER. On the final passage of the bill.

Mr. SIMMONS. On the final passage of the bill.

Mr. GALLINGER. I will say to the Senator from Missouri that, in response to the suggestion of the Senator from North Carolina, I intimated my entire willingness to have a unanimous-consent agreement to-day, if no other Senator objected to it, to take the final vote upon the bill at some hour to-morrow.

Mr. STONE. And the matter would be open for discussion to-morrow? Is that the understanding?

Mr. GALLINGER. I think so; yes.

Mr. STONE. I mean, there would be no complaint or criticism or objection to any Senator discussing the bill and stating his views on it to-morrow?

Mr. GALLINGER. Not at all.

Mr. SIMMONS. The bill would be open to any amendment that might be reserved, as I understand.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. SMITH of Michigan. Mr. President, I have looked this substitute over rather hastily, but, if I gather its full purport, it has entirely eliminated from section 7 the license principle?

Mr. SIMMONS. Yes.

Mr. SMITH of Michigan. The issuance of any licenses or the withholding of licenses is entirely eliminated from this act. I think another clause has been added exempting a concern in the midst of its refunding operations. Am I right about that?

Mr. SIMMONS. Yes; the Senator is right about that. I will say to the Senator that the committee which is now in existence has never interfered with such refunding, and we were told that it was not their purpose to interfere with issues for refunding. That was not in the original bill.

Mr. SMITH of Michigan. I think the amendment goes even a step further than that and provides that borrowing on undertakings already entered upon, although not completed, may go on.

Mr. SIMMONS. That is in the original bill.

Mr. SMITH of Michigan. Mr. President, I want to say just a word now to the Senator from North Carolina, who seems to be a little sensitive about some remarks which have been made here. I do not think he ought to be sensitive at all. I think he ought to feel complimented upon his willingness to listen and to hear what has been said, and to lend his assistance to the perfection of this really important bill. I think that the discussion, if it has had any effect at all, has had the effect of driving this autocratic license system out of the bill. That is an achievement which latitude of debate has fully justified.

So far as I am concerned, I think the measure has been greatly improved, and I want to compliment the Senator from North Carolina for it. I do not know whether he drafted the amendment, or who drafted it, but wherever this ray of light came from it is entitled to be received with satisfaction and appreciation. We, in the midst of a great crisis, whatever is necessary to be done to win this war should be done and done promptly. Old idols must be put aside and the situation met in the broadest spirit, and met without unnecessary delay; whoever administers this law will do it with an eye single to the public good. Under ordinary conditions I could never vote for such a bill, but the occasion is so extraordinary that I feel it my duty to give the measure in its present form my support.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Virginia [Mr. SWANSON] as amended.

The amendment as amended was agreed to.

Mr. SWANSON. Mr. President, I desire to offer the substitute to section 8, which I send to the desk. I ask that it may be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. As a substitute for section 8 it is proposed to insert the following:

That whoever shall willfully violate any of the provisions of this act shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $1,000, or if a natural person, imprisoned for not more than one year, or both, and any officer, director, or agent of any corporation or association, or member of any firm who shall knowingly participate in any such violation, neglect, or refusal shall be punished by a like fine or imprisonment, or both.

Mr. THOMAS. Mr. President, that amendment, if I understood it correctly, would subject a natural person to a much heavier penalty than a corporation. A corporation can only be fined a thousand dollars in the event it disregards the provisions of the law and is convicted, while a natural person can not only be fined a thousand dollars under similar circumstances, but as well can be imprisoned for a year. That is not right.

Mr. SWANSON. If the Senator will permit me, the officers of a corporation who violate the law are subject to the same penalty as the individual.

Mr. THOMAS. Then, why should we say anything about "a natural person"?

Mr. SWANSON. We could say "a corporation," because a corporation can only operate through its officers.

Mr. THOMAS. That is very true, but an individual may not be an officer of a corporation, and at the same time he may violate some provision of the law.

Mr. SWANSON. The provision is similar to that contained in the bill as it was reported from the committee of which the Senator is a member. The only difference is that the amendment now offered eliminates any penalty for violation of rules or regulations.

Mr. THOMAS. I understand that perfectly, but if the bill which the Senator says I joined in reporting is the model for this amendment that fact should not prevent us from amending the proposed substitute so that the penalty will be the same in the case of an individual as in the case of a corporation.

Mr. SIMMONS. It is the same, Mr. President, as in the original bill.

Mr. THOMAS. Let us see. It provides—

That whoever shall willfully violate any of the provisions of this act shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $1,000—

That is the penalty which is provided by this proposed amendment; that is the penalty and sole penalty that would be inflicted upon those who are not natural persons; that is to say, corporations.

Mr. SWANSON. As I understand, the fine would apply both to corporations and to individuals.

Mr. THOMAS. Certainly; but the amendment provides further—

or, if a natural person, imprisoned for not more than one year, or both.

Mr. SWANSON. I suggest that the Senator read a little further.

Mr. THOMAS. Very well. The amendment proceeds—

and any officer, director, or agent of any corporation or association, or member of any firm, who shall knowingly participate in any such violation, neglect, or refusal shall be punished by a like fine or imprisonment, or both.

That is merely surplusage, because an officer, director, or agent of a corporation is a natural person and must be, and if this section be designed to apply only to natural persons, then the use of that expression is entirely superfluous.

Mr. SWANSON. Mr. President, if the Senator will permit me, a corporation will have to pay a fine if it violates the law, and then when it comes to that the officers of the corporation will have to suffer the penalty.

Mr. THOMAS. A corporation will have, upon conviction, to pay a $1,000 fine, but a natural person, if convicted, may be imprisoned for not more than one year and fined in addition.

Mr. McCUMBER. Mr. President, may I ask the Senator from Colorado a question?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. THOMAS. Yes.

Mr. McCUMBER. I should like to ask the Senator to point out anything in the bill as it now stands which commands a corporation to do anything or prohibits a corporation from doing anything. I want to know what provision there is in the bill which a corporation as such could violate?

Mr. THOMAS. If there be no provision in this bill which a corporation can violate, there is no need at all of using the words "natural person"; there is no need of making any distinction between artificial and natural persons.

Mr. McCUMBER. I want to suggest to the Senator that we might as well strike out reference to corporations entirely.

Mr. THOMAS. The word "corporation" does not appear to be necessary. If a special penalty different from the general penalty in the bill is made to apply to natural persons, then the implication is that corporations are included or may be included in the operation of the bill.

Mr. SMITH of Georgia. Suppose we strike out the words "If a natural person."

Mr. THOMAS. I was just going to suggest that if the words "If a natural person," in line 4, are eliminated, the objection which I am urging will be removed.

Mr. SWANSON. I accept the amendment.

Mr. THOMAS. Then I move that the words "If a natural person" and the commas after the word "or" and after the word "person" be stricken from the proposed amendment.

Mr. REED. And the word "and" inserted.

Mr. SMITH of Georgia. That is not necessary.

Mr. STONE. So that it will read how?

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Colorado to the substitute amendment offered by the Senator from Virginia.

Mr. UNDERWOOD. I should like to have the amendment stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In line 4 of the proposed substitute it is proposed to strike out the words "if a natural person" and the commas, so as to read:

That whoever shall willfully violate any of the provisions of this act shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $1,000, or imprisoned for not more than one year or both, and any officer, director, or agent of any corporation or association, or member of any firm, who shall knowingly participate in any such violation, neglect, or refusal, shall be punished by a like fine or imprisonment, or both.

The amendment to the amendment was agreed to.

Mr. SMOOT. Mr. President, I desire to ask the Senator offering the amendment if it would not be well to strike out all after the words "imprisoned for not more than one year or both." It is simply a repetition. The provision before that covers any violation.

Mr. REED. I think the remainder of the amendment ought to go out.

Mr. SMOOT. That is my opinion.

Mr. SWANSON. I do not know to what extent it would exonerate officers of corporations in case they should violate the law; but if Senators in charge of the bill think that there is no corporation affected by this provision, I can see no use of retaining the language.

Mr. SIMMONS. I do not think there is any corporation that would be affected——

Mr. SWANSON. Then I accept the amendment.

Mr. SIMMONS. The Senator did not permit me to finish my sentence—that would be affected by any violation of section 8, but I have not gone over the remainder of the bill for the purpose of seeing whether there may not be some corporations which would be affected by other sections of the bill.

Mr. SMITH of Georgia. The word "corporation" is not used. The amendment would apply only to those who could violate the act; and I think it only applies to persons.

Mr. SMOOT. The Senator is right.

Mr. SMITH of Georgia. I do not think there is any serious objection to the language, however, being left in.

Mr. SMOOT. I do not think there is any necessity for repeating that language, because the wording preceding the portion which reads "and any officer," and so forth, is so plain and direct that it covers anybody who might violate any of the provisions of the act. I think that the last part of the amendment is a limitation, if anything.

Mr. SMITH of Georgia. I do not think that. It is a more definite indication that action by the officers of a corporation looking toward doing something that the law did not permit, would be treated as an individual act and, therefore, illegal. I think that is the only effect that the language would have, but I would myself hold that that would be the effect of the provision in any event.

Mr. SMOOT. Certainly; and I think that the words ought to go out.

Mr. SMITH of Michigan. Mr. President, I should like to ask what provision of this law can be violated so as to subject a person to fine or imprisonment? If I recollect aright, the only one who can be brought within the purview of this law is an officer of the Government in case he should do something prohibited by the act.

Mr. SWANSON. If the Senator will permit me——

The PRESIDING OFFICER (Mr. NEW in the chair). Does the Senator from Michigan yield to the Senator from Virginia?

Mr. SMITH of Michigan. Yes.

Mr. SWANSON. The bill provides in another place that—

No director or officer of the corporation shall in any manner participate in the determination of any question affecting his personal interests, or the interest of any corporation, partnership, or association in which he is directly or indirectly interested.

Mr. SMITH of Michigan. A director or officer who violates that provision is the only person under this act who can be fined or imprisoned, with the possible exception of the case where there is an acceptance of a pledge for more than 75 per cent of its face value. Is not that so, I will ask the Senator from Missouri?

Mr. REED. If the Senator will pardon me——

The PRESIDING OFFICER. Just a moment. Does the Chair understand the Senator from Virginia has accepted a further amendment?

Mr. SWANSON. I do not accept that amendment. I do not know to what extent it might exonerate officers of a corporation, and I have not looked into it thoroughly. I think if an officer of a corporation violates the proposed law, he ought to be punished as much as an individual, and, as I have said, I have not looked into it sufficiently to determine that question. If it is surplusage and there is no necessity for it, it can be corrected when the bill reaches the Senate or in conference.

Mr. SMITH of Michigan. I do not see how an officer of a corporation can violate the proposed law; there is nothing for a corporation to do under the law; the corporations are not referred to in the law. The entire matter turns upon the question of the power of this committee to approve or disapprove of an application made to it.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. SMITH of Michigan. Yes; I yield to the Senator from Missouri, because he has given the matter a great deal of thought.

Mr. REED. I think I can perhaps suggest a reason why it is wise to leave these words in. I believe that if the officers of the corporation we are creating by this bill were to do things in violation of the provisions of the bill—and attention has been called to two or three clauses of the bill they might violate—then, if this language is left in the bill, any one of those officers who concurs in an act which results in a violation by the corporation we are creating of some provision of the law would become thereby liable. So I think we had better leave the language in.

Mr. SMITH of Michigan. Very well, Mr. President.

Mr. HOLLIS. Mr. President, now that we are on the question of the violation of the proposed law and the punishment therefor, I direct the attention of the chairman of the committee to the fact that this bill creates a financial corporation, which I consider a bank, gives it millions of dollars, and does not provide a penalty for embezzling or appropriating the funds of the institution. This being a Federal statute, the common law would not apply to it; and it is necessary, just as we have done in the case of our national banks, to provide penalties to be imposed for misappropriation of funds. I found that out at the time the farm-loan act was under consideration. It was called to my attention by an official of the Treasury, who said that there was no provision in the Federal reserve act for punishing the embezzlement or misappropriation of funds of the Federal reserve banks. I think that there should be such a provision adopted in connection with this bill; and, if the chairman agrees with me, I shall be very glad to prepare such a provision and offer it to-morrow.

Mr. SIMMONS and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. THOMAS. Mr. President, I wish merely to say that I think the provisions of the Criminal Code cover all cases of embezzlement and are sufficiently comprehensive for the purpose.

Mr. SIMMONS. Mr. President, I must confess that the statement of the junior Senator from New Hampshire [Mr. HOLLIS] somewhat amazes me. He may be correct about it, however; but these are Government funds in a sense, and that the embezzlement of such funds would not be such an offense as the courts could take jurisdiction of seems to me to be almost incredible. It may be true; but I have not investigated that question, and I understand the Senator says he has done so.

Mr. HOLLIS. I can show the Senator that I am correct. The very reason for establishing this central bank or finance corporation is because we do not want to put the Government into the banking business. We organize a separate corporation, and the Government is merely the stockholder. The Government does not own the funds—the corporation owns the funds—and if they are misappropriated they are not Government funds but they are funds belonging to a corporation.

Mr. REED. I understand that there is no amendment to the amendment now pending. In view of that, and in order to clear up a matter that has been much discussed here to-day, I want to offer an amendment to the proposed substitute.

There is a doubt expressed upon the floor of the Senate as to whether or not the criminal penalty, as it is now drawn, would apply to those who might sell securities that the board condemned, and, in view of the mere suggestion of that doubt, I think we might as well remove it. Accordingly, I move to add at the end of the proposed substitute the following language:

Provided, That the violation of any rule, order, or decision of the capital issues committee shall not be held to be a violation of this act.

Mr. SMITH of Georgia. Mr. President, we struck out all of the provisions about license. We struck out all of the provisions about rules. We have omitted it all. Now, when we have omitted it and exempted it, why say that it shall not be a violation of the act not to comply with it?

Mr. REED. Just to be sure.

Mr. SWANSON. Mr. President, it seems to me that the effect of this will come from the moral support the people will give to what the board does. I do not think we should put in the bill an advertisement that they should pay no attention to any recommendations that are made. I believe that is the law, but I see no necessity for putting it in. This amendment has been agreed to by various gentlemen, and I introduced it understanding that there was an agreement, and it seems to me that the agreement ought to be carried out.

I hope the Senator will not insist on his amendment.

Mr. REED. Mr. President, I know a good deal about that agreement. I know that the purpose was to eliminate any pos-

sibility of penalizing any citizen for a mere violation of the ruling of the board. That was to be left without any penalty, and I though, the language perfectly clear, but good lawyers and Senators have suggested a doubt, and in view of the suggestion of the doubt it ought not to be left open to question in the future. I hope there will be no objection to the language proposed going in.

Mr. SIMMONS. Mr. President, does the Senator, as a lawyer, believe that that is necessary?

Mr. REED. I have already said that I thought the proper construction of the bill would be such as to make this not necessary, but several Senators, good lawyers, have suggested to me that they want that possible doubt removed, and I therefore hope my amendment will be adopted.

Mr. SIMMONS. Mr. President, I can not see how the question could be a serious one, in view of the fact that this committee can do absolutely nothing but investigate and find that the issue of a security is or is not compatible with the public interest. There its functions end; there its findings end; and I do not see what there is to violate. Whether a man will or will not take their advice or act upon their suggestions is left absolutely discretionary. There is not a single element of compulsion about it.

Mr. REED. I am offering the amendment out of an abundance of caution. I have learned, in drawing contracts and papers, when I find candid men arriving at a construction different from the one I thought the words implied, that it is very well to guard it. I hope there will be no objection to putting in this language, and then we will all know that we are perfectly safe.

Mr. SIMMONS. I do not think it will accomplish any purpose or object, but I do not think it can hurt anything, and therefore I am not disposed to make any controversy about it or to consume time in the discussion of it.

Mr. McCUMBER. Mr. President, the Senator says he does not think it will do any harm. Truly the pendulum of legislative conviction has swung from one extreme to the other during the last few hours in the Senate Chamber. We had before us a bill which provided rather a severe punishment for anyone who should violate the law as it was then drawn, and the Secretary of the Treasury thought not only that we should have the law compelling obedience to the commands of the Government, or what it might desire in this respect, but that we should impose quite a severe penalty.

Mr. SIMMONS. Mr. President——

Mr. McCUMBER. Just a moment. Now the persuasive oratory of those in the Senate who thought that we should depend upon the persuasive qualities of this bill rather than any power contained in it has swung the pendulum in the other direction, and now we go so far as to say in the proposed amendment that not only shall no one be bound by anything that is in this bill, but the amendment invites the public to disregard it by saying to them that they can be assured that there will be no penalty whatever for their disregard of this law.

I think we ought to get a little more information from the Office of the Secretary of the Treasury before we vote finally even upon this portion of the bill.

Mr. SIMMONS. Mr. President, the provisions contained in the bill before the substitute of the Senator from Virginia [Mr. SWANSON] was presented are entirely different from the provisions of these sections as they appear in the printed bill. In the original bill, which we have been discussing here, and about which the remarks to which the Senator refers, were made upon the floor not only by myself, but by many other Senators, there was an authority vested in this committee to prohibit the issue of certain securities; and the violation of that prohibition was sought to be made an offense and was properly sought to be made an offense. Now, we have eliminated those provisions and have not conferred upon this committee any power to prohibit anything being done. We have confined its functions solely and exclusively to finding and reporting whether, in its judgment, a certain state of facts exists, and that is all. There is no finding that the committee is authorized to make under the statute that could be made the basis of a criminal offense.

Mr. McCUMBER. Then, the Senator depends entirely upon the voluntary acquiesence of the public in conforming to this law?

Mr. SIMMONS. That is what the substitute offered by the Senator from Virginia brings about.

Mr. McCUMBER. Then, does not the Senator think that after inviting the voluntary acquiesence of the public it is a little inconsistent to say to the public in the same bill: "You need pay no attention to this"?

Mr. SIMMONS. That would be so if we were going to impose a penalty upon the public if they did not comply with the suggestions made by the committee; but no penalty is to be imposed upon the public or any one else.

Mr. McCUMBER. I do not think we ought to call their attention to the fact that we really do not mean anything by this bill.

Mr. SWANSON. Mr. President, I hope this amendment will not be adopted. We are relying on the moral support the country will give to the action of this committee. Its influence will depend entirely upon the voluntary acquiescence of the country. In the same law in which we do that we are asked to invite them to pay absolutely no respect to it. Now, I am not going to accept that amendment. The Senate can put it in if they see proper. I see no occasion for putting in an act which is left to voluntary, moral support the statement that they need pay no attention to it.

Mr. REED. Mr. President, there is nothing in this amendment that in any way tells the public to pay no attention to the orders of the board. There is a statement that it is not the intention or purpose to send anybody to the penitentiary for failing to obey some regulation of the board. It is admitted that that is the intent and purpose of the Senate. That is the reason why section 8 is being amended; and if it is the intent and purpose of the Senate, it ought to be expressed.

It is contended, however, that it is sufficiently expressed. If it is sufficiently expressed, it is certain people will find it out; but if it be the intent and purpose of the Senate and it is not sufficiently expressed, then we ought now, while we are making the rule, to remove all doubt.

I hope the amendment will go in. I very much more desire it now than if it had never been offered, for the reason that if this amendment now, having been offered, be rejected, it will be to a certain extent persuasive in a court of the fact that the Senate rejected the amendment because they wanted to reject the idea. Therefore I think it is now imperatively necessary that the amendment should go in.

Mr. SMITH of Georgia. Mr. President, I do not at all agree with the view of the Senator from Missouri. It is impossible for me to find anything leading to a construction that would hold penal a violation of a regulation because we declined to say that we did not intend to make it penal, when we did not have anything at all in the bill that indicated that it was to be penal. We have stricken out every line that could possibly be construed as rendering penal a failure to comply with the regulations of the bond commission or a failure to comply with the advice of its members. We have intentionally done that. There is not a syllable left in the bill from which it could possibly be construed that it was penal. Then why should we go further and say that the act shall not be construed as making penal a failure to comply with regulations when we have used a word that made noncompliance illegal?

I do not like to put myself in the attitude of adopting that kind of an amendment, and I will vote against it.

Mr. UNDERWOOD. Mr. President, I have listened with much interest to the discussion of these two sections of the bill. I have had very great doubt whether this bill should become a law or not, but as the bill is now written I do not think there is any grave danger growing out of section 7, because section 7 as it now stands in the bill is merely advisory. There is no compulsion in the bill. Of course, there is this power behind section 7: That if a board, made up in its majority part of the members of the Federal Reserve Board, refused to O. K. or approve of a financial issue, it almost goes without saying that their negativing the issue will prevent it from being quoted or being sold, because practically in peace times the Federal Reserve Board's influence over the great banks and trust companies of this country is such that they can prevent the acceptance of securities by advising against them; and certainly in war times, when there is no other means of securing the surplus money of the country, except through Government agencies, their request is a command, and nobody can float securities in defiance of it.

That, however, exists to-day without this law. It is not necessary to put this law on the statute books to bring that about. It is a law to-day so far as its effect is concerned, because they have already organized a bureau in the Treasury Department under the Federal Reserve Board for this purpose, and it is doing business, and doing it effectively, now. But when you come to the next section, I should have been very much opposed to voting for any law that provides that the rules and regulations made by some subordinate official shall be punished as a crime if not obeyed. It is bad legislation in any case. It would be particularly bad legislation if it had been attached to this bill; but that has been removed. It has been stricken out. Now, the law stands that any man who violates this act shall be subject to certain pains and penalties.

I should like to know how he can violate the act. I should like to have some Senator tell me in what particular he can violate this act as it stands now. He can not violate the act by offering securities. He may not be able to sell his securities; he may not be able to float them, but you have pulled the teeth out of section 7, and as it is now written any man can offer securities as far as he wants to go. Of course, he probably will not go any further than offering them, but it will be no violation of the act. The outside person who is not connected with the corporation can not violate the law by doing something with the corporation, because these are going to be Government agencies. The only possible violation of the act is that somebody connected with the corporation might steal some of the corporation's money, and that is punished under the general statute. The general law of the land will punish a man for committing of embezzlement, either against the corporation or against the Government. Therefore, so far as I see, as it stands now—and I am glad of it—the penal clause of this bill does not mean anything, and I think it would be just as well if it were left out entirely.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from New Hampshire?

Mr. UNDERWOOD. I yield.

Mr. HOLLIS. I am interested in the Senator's statement that the general crime of embezzlement would be punished if the funds of this bank were embezzled. I hope the Senator will look that up, because, unless there is such a law, I shall offer to-morrow an amendment making it an offense to embezzle from the bank.

Mr. THOMAS. Mr. President, may I interrupt to call the attention of the Senator from New Hampshire to section 47 of the Penal Code, which I think exactly meets the suggestion which he made a few moments ago. If I have the permission of the Senator from Alabama——

Mr. UNDERWOOD. I yield.

Mr. THOMAS. The section reads as follows:

> Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever of the moneys, goods, chattels, records, or property of the United States shall be fined not more than $5,000 or imprisoned not more than five years, or both.

Mr. HOLLIS. That is exactly the point. We set up a corporation here and give it funds. We do it because we do not want the Government of the United States in the banking business. When we appropriate that money and turn it over to this corporation it is accounted the property of the corporation, and ceases to be the property of the Government. That is exactly the point that I make.

Mr. THOMAS. Then, if the Senator is right, we would have to amend this bill also by providing penalties against the forgery of securities.

Mr. HOLLIS. Yes; we should—exactly so.

Mr. SMOOT. Mr. President, will the Senator yield for just a moment?

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Utah?

Mr. UNDERWOOD. I do.

Mr. SMOOT. I want to say to the Senator from New Hampshire that I think this corporation is the property of the Government of the United States, because the Government of the United States owns all of the stock of the corporation.

Mr. HOLLIS. No; that is not so, Mr. President.

Mr. SMOOT. Does the Senator mean to say it is not so that they own all of the stock?

Mr. HOLLIS. They do own all of the stock; but I may own all of the stock of a corporation, and yet if some one else steals its funds he does not steal my funds; he steals the funds of the corporation.

Mr. SMOOT. He steals the property of the owner.

Mr. HOLLIS. Oh, not at all. The owner is the corporation. That is entirely different. Any lawyer knows that.

Mr. UNDERWOOD. Mr. President, I am not contending that there is a Federal statute now in existence that punishes a man for committing a crime against a Federal corporation, nor do I think there should be. That is not what I contended for at all. We have had Federal corporations before this time. The Union Pacific Railroad was chartered and run and exercised its functions until a few years ago under a Federal charter. If somebody embezzled the funds of the Union Pacific Railroad, it seems to me there could be no question that under the laws of the State where the embezzlement took place he could be arrested, fined, and imprisoned. I do not know that a banking corporation is any more important than a railroad corporation. The position I take is that in each State of the Union or in the District of Columbia, wherever this corporation is performing its functions, if a crime is committed, the laws of the community where the crime is committed will be sufficient to punish the individual who commits it. I do not think there can be any doubt about it, and I do not think it is necessary for us to create penal statutes every time we create a Federal corporation. There may be some cases where it is necessary to have laws to prevent counterfeiting, or depredation of the mails, or some peculiar Federal function. It is not a peculiar Federal function that we are building up here. As a matter of fact, wiping all the camouflage and the clouds away from it, we are building a financial trust. That is all there is to it. We are building the biggest financial trust that this country has ever seen. We are building it because it is necessary for war purposes.

Mr. President, I regret that it is necessary to carry this Government so far afield from the usual course of government. I regret that it is necessary to invade the business of the people of the United States, but I want to say that I do not believe in fighting this war in a half-hearted way. I think if there is any criticism anywhere along the line, it is not that we have not made mistakes; it is that this war has been on, so far as the Government of the United States is concerned, for nearly a year, and we have not got the men that we ought to have on the firing line of France, and we have not got the ships that we ought to have on the sea. I do not believe in fighting this war with a half-way punch. There is but one way to win it, and one way that it ever will be won, and that is to fight it all along the line, in arms, in ships, and in finance. Therefore I am going to vote for this bill, and I am going to vote to create a governmental financial trust, because I think it is necessary to sustain not only the finances of the Government but the finances of institutions on which this Goverment is relying to perform its war functions. That is the only justification for this bill, and it is a real justification for it.

The real power that is left in this bill is all the power that it is necessary to have in the bill; and that is, we turn over to a corporation to sustain the credits of the country a half billion dollars and give them a credit of $4,000,000,000 more to place about the country to keep the great industries of this country moving and doing business. That is the real power in the bill. The real power that is carried in the bill is turning over to five men, as a corporation, the right to divert where they please a half billion dollars in cash and four billions in credits. It would be an unthinkable thing in time of peace, but in time of war it is the only course to pursue. The only way to win the war is for this country to get behind this war, not in piecemeal, but with its full power and strength.

Your boys, the boys of this country, stand on the firing line of France to-day. Your enemy is trying to drive through their trenches. He will not come through this year; but if this country does not respond financially and industrially to a greater extent than it has already responded, you are in danger next year; and if we do not want a "next year," but want victory to perch on our banners this year, then we have got to consent to yield our peace-time ideas, our peace-time precedents, and adopt the method that is going to be effective.

So far as the criminal provision in this bill is concerned, it does not help this bill. It does not help the war. It does not accomplish any results. It may be used to threaten somebody with, but it is not necessary. The real steam behind this financial locomotive is the money that is carried in the bill. Therefore I do not see any reason why the amendment of the Senator from Missouri should not be adopted; but, far better, I should like to see the whole of section 8 stricken out of the bill, as it accomplishes no result.

Mr. McCUMBER. Mr. President, the Senator from Ohio [Mr. HARDING] this forenoon spoke to us very entertainingly upon the psychology of Pullman sleeping cars. I think he could entertain himself to a far greater extent if he would study the psychology of the Senate in passing and in expressing its objections to certain measures in certain bills, and note how, for scores of years, Senators have voted time and time and time again to insert certain provisions in certain bills and in almost every important bill, and then finally have come to the conclusion that the provisions for which they have voted day after day are abhorrent to every sense of justice and propriety, and they are extremely shocked that anyone should dare to propose the insertion in any bill of a provision of the kind against which they are hurling their oratory.

I am impelled to note the remarks of the Senator from Alabama just now in discussing his serious objection to any penal clause affecting a mere rule or regulation of any department. Mr. President, while he was speaking I lifted up from this desk the revenue law approved October 3, 1917, and I notice that that revenue law provides as follows:

> (f) All persons, corporations, partnerships, or associations undertaking as a matter of business or for profit the collection of foreign payments of interest or dividends by means of coupons, checks, or bills

of exchange shall obtain a license from the Commissioner of Internal Revenue, and shall be subject to such regulations enabling the Government to obtain the information required under this title, as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe—

Now—

and whoever knowingly undertakes to collect such payments as aforesaid without having obtained a license therefor, or without complying with such regulations, shall be deemed guilty of a misdemeanor and for each offense be fined in a sum not exceeding $5,000, or imprisoned for a term not exceeding one year, or both, in the discretion of the court—

Following exactly the terms of the proposed law that we have been discussing. The Senator from Massachusetts was shocked, the Senator from Alabama was shocked, and both the Senator from Massachusetts and the Senator from Alabama and the Senator from North Dakota voted for this provision in that bill without ever batting an eye; and it never occurred to anyone of us to raise this awful objection.

Mr. UNDERWOOD. Will the Senator yield?

Mr. McCUMBER. I yield.

Mr. UNDERWOOD. I do not like to have the Senator quote me as voting for a revenue bill when I did not vote for it. One of the proudest moments of my life is to be able to stand here and say that I did not vote for that bill, if the Senator means the last revenue bill.

Mr. McCUMBER. There were just exactly such provisions in the Underwood revenue bill.

Mr. UNDERWOOD. No.

Mr. McCUMBER. Did not the Senator vote for that bill?

Mr. UNDERWOOD. I think the Senator is mistaken.

Mr. McCUMBER. In every revenue bill that we have passed in the last 20 years I will guarantee the Senator will find a provision making it a penal offense to disobey the regulations of the Treasury Department which were found necessary to collect the revenue.

Mr. UNDERWOOD. If the Senator will yield to me for a moment——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Alabama?

Mr. McCUMBER. I yield with pleasure.

Mr. UNDERWOOD. I did not say that we did not often find in the law penal statutes against regulations. I do say that since I have been in Congress I have refrained from favoring that kind of legislation except where the statute clearly defines what the regulation shall be. More than that, as the Senator from Massachusetts suggested this morning, when it is a general provision, without any indication in the statute as to what the regulations shall be, I doubt very much whether it comes within the terms of the Constitution and as to whether the courts would uphold it. But I have not denied that it can be done. Sometimes it has been done; but I do say, and it is not a new assertion on my part, I have said it for 20 years, I do not believe there is any more unwise legislation or unsafe legislation that a legislative body can enact than to sever itself from its own function of legislation and in a bill to prescribe a general penalty clause, endangering the liberties of the citizens of the United States, and then turn over to some departmental clerk the right to prescribe what the rules shall be the violation of which shall send a man to the penitentiary. Now, I do not believe that that is wise legislation. I do not say that there has not been a precedent for it. The Senator misunderstood me if he thought I said there had not been a precedent for it.

Mr. McCUMBER. No; I did not say that.

Mr. UNDERWOOD. I still contend there is no more unwise legislation that we can pass than to surrender our own function and turn it over to a departmental clerk when the very liberties and reputation of American citizens are involved.

Mr. McCUMBER. Mr. President, I think every legislator should be extremely wary about providing a penalty for a rule when he does not know what that rule may be. But the point that I wished to make is this, that we make this the principal excuse for changing the law in our argument, while we have placed in our statute books, in every one of our revenue laws and every other important law, rules and regulations exactly in the same way as we place them in this bill, and we all voted for them because we thought it was necessary; and it is simply the fact that we are surprised and shocked and horrified at this particular time that anything of that character should have been found in any bill before the Senate of the United States.

Mr. HARDWICK. Mr. President, I do not want to say anything at this time except to express my thorough approval of what the Senator from Alabama suggests and to invite the attention of the Senate to the fact that on Saturday the distinguished Senator from North Dakota himself thought it was an unwise and unsafe thing to do. Whether it was an unwise and unsafe thing to do or not, that is no reason why we should keep on doing it.

Mr. REED. Mr. President, I offered the amendment to the amendment for the purpose of clearing up not what I thought was a doubt, but what some other Senators had thought was a doubt. It has provoked a great deal of discussion, most of which has not been pertinent to the particular matter. A number of Senators have asked me to withdraw the amendment in order that we may get along, and have insisted that there is no possibility of any court ever taking the view that the penal clause applies to a mere failure to obey some order or rule of the committee. I am so thoroughly grounded in that view and believe it so well taken that for that consideration alone and for that reason I will withdraw the amendment, and the Senate may vote on the question whether we want to impose any penalty at all.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn.

The question is on the amendment offered by the Senator from Virginia [Mr. SWANSON] as modified.

The amendment as modified was agreed to.

Mr. POMERENE. Mr. President, I send to the desk the following amendment.

The PRESIDING OFFICER. The Secretary will state it.

The SECRETARY. On page 8, line 11, after the word "deposits," insert "or any building and loan association."

Mr. POMERENE. Mr. President, I hope the Senate will indulge me for a very few minutes while I explain the necessity for this amendment.

The bill provides that "any savings bank or other banking institution which receives savings deposits" shall have the benefits of the act, but it does not grant any privilege of this kind to building and loan associations. It seems to me that the position of those who may oppose this amendment is due to their failure to appreciate the charter powers of many of the building and loan associations.

I have no objection whatever to extending this privilege to the savings banks and savings societies, but the same reasons which suggest that they should have the benefit of the provisions of this bill apply also to building and loan associations.

I want the Senate to realize the importance of this amendment. In 1915 there were 6,806 building and loan associations in the United States. They had a membership of 3,334,890. They had assets amounting to $1,484,205,875.

In Ohio there were 657 of these institutions, with a membership of 649,126, including depositors, and the assets of the building and loan associations in Ohio amounted that year to $263,106,613.

In my own State building and loan associations have the right to receive deposits, and they do receive deposits. They have a right to sell stock, and they do sell stock, with withdrawal privileges, to the stockholder. I wish to call the attention of the Senate to the provisions of the Ohio code in that behalf. Section 9647 provides that—

Such corporations shall have all the powers set forth in the following sections of this chapter.

Then section 9648 provides, among other things, that they shall have the right "to receive money on deposits."

Section 9649 provides the right "to issue stock to members on such terms and conditions as the constitution and by-laws provide," and that includes the right to provide that these stockholders shall have the privilege of withdrawing all the money they have paid upon this stock.

Section 9651 provides the right "to permit members to withdraw all or part of their stock deposits at such times and upon such terms as the constitution and by-laws provide."

Section 9652 reads:

To permit withdrawal of deposits upon such terms and conditions as the association provides except by check or draft.

I will not take the time to go further into the provisions of the statutes.

Mr. SMITH of Michigan. Mr. President——

Mr. POMERENE. I yield to the Senator.

Mr. SMITH of Michigan. Let me ask the Senator from Ohio if he has considered the language on line 5 page 1. In my opinion the word "association" used there is sufficiently broad to cover building and loan associations, and if the board sees fit to avail itself of the securities of such an association for housing purposes or otherwise, wherever it is regarded as essential in the conduct of the war, it could include the very associations suggested by the Senator from Ohio.

Mr. POMERENE. If the Senator's construction of section 1 is correct, then there can be do objection to this amendment.

Mr. SMITH of Michigan. I think it is broad enough. I will say further to the Senator that I am very sure the word corporation includes banks.

Mr. POMERENE. But the Senator will notice the committee has seen fit to specially provide for savings banks and other banking institutions which receive savings. In my own State the building and loan associations, or many of them, are substantially savings banks. For instance, in my own city we have two building and loan associations that advertise on the front of their buildings that they will pay 5 per cent interest for deposits. The building and loan associations have millions of deposits, and these millions are loaned out in part for building purposes and in part on other securities, and they have already been seriously embarrassed because they have not been able to get the necessary accommodations. Under the Ohio building and loan laws they are required to keep their deposits in some bank as a depository.

I have before me a communication from Mr. H. F. Cellarius, the secretary of a building and loan association in Ohio. I am not going to take the time to read it all, but I want to call attention to a paragraph or two.

For instance, in the city of Dayton, which was in the midst of the flood district in 1913, during this last season there were withdrawals to the amount of more than a million dollars. These building and loan associations went to their banks to get accommodations. They were not able to get them. They tried to get accommodations from the Federal reserve bank, but under the provisions of the Federal reserve act they could not get these accommodations, and they were very much embarrassed by reason thereof.

It so happens that we have provided in the State of Ohio for the organization of conservancy districts. These conservancy districts are authorized to sell bonds for the purpose of building dams and otherwise providing against damages by succeeding floods. Bonds were sold in anticipation of the collection of assessments, and those in charge of these conservancy sales made deposits of a portion of the proceeds of these bonds in the building and loan associations. Otherwise they would have been very much embarrassed financially.

Mr. SMITH of Michigan. Will the Senator allow me to interrupt him?

Mr. POMERENE. Yes.

Mr. SMITH of Michigan. I think there is a great deal to be said in favor of the amendment proposed by the Senator from Ohio, but if I wanted that amendment specifically incorporated in the law I would hesitate to offer it, in view of the fact that it will probably be defeated, and thus the general terms of the bill, which in my opinion include building and loan associations, would by reason of that rejection afford some excuse, perhaps, for not including them, either within the first section or in subdivision (d), which authorizes this board to make advances "to any corporation owning or controlling," and so forth, "any railroad or other public utility and to any firm, corporation, or association conducting an established and going business, * * * whose operations are necessary or contributory to the prosecution of the war." I think that language includes building and loan associations. Therefore, I should dislike very much to see the amendment voted down.

Mr. POMERENE. Either my friend, the Senator from Michigan, is right in his construction or he is wrong. If he is right in his construction, there can be no objection to my amendment. If he is wrong in his construction, then I insist the amendment shall be placed in the bill.

Mr. SMITH of Michigan. But a vote would give a legislative construction to the view which perhaps prevails among Senators that it is not included. I would not like to have that vote.

Mr. POMERENE. I am going to go on the presumption that the Senate is going to do the right thing.

Mr. SIMMONS. I think the Senator from Michigan is entirely in error. I do not think the savings banks or building and loan associations would be included in the sections to which the Senator from Michigan has referred. Those sections provide for assistance only to industries whose operations are necessary or contributory to the war. That qualification applies to every loan that may be made to any institution provided in the bill except building and loan associations. Believing they were of an exceptional character, it was thought necessary to make a provision for their exclusion because of the fact that the operations of savings banks are not necessary or contributory to the war. It is true that depositors may take the money out of the concern and contribute it, but the operations of the corporation itself in their very nature could not be necessary or contributory to the war. Therefore it was necessary to insert a provision——

Mr. POMERENE. Do I understand the Senator to say that it was his judgment and the judgment of the committee that the savings banks were not necessary to the war?

Mr. SIMMONS. The Senator understood me to say that we expressly provided for the inclusion of the savings banks, not because the operations of the banks themselves were necessary or contributory to the war but——

Mr. POMERENE. Then, why should they have the privileges of this act?

Mr. SIMMONS. Because it was considered of great public importance by reason of the fact that they accept deposits from the laboring people of the country, and they take those deposits and buy securities with them. It was suggested that when the withdrawal of these deposits for the purpose of investment in Liberty bonds or other securities offered by the Government reduces the deposits beyond the safety point the bank had no way of protecting itself except by putting its securities upon the market and thereby reimbursing itself the loss of those deposits, and those securities were of a character that was not liquid and for which there was not at present a sufficient market.

The only argument I am making, if the Senator will permit me, is—I am not arguing against his proposition now; I am saying nothing about it; I am simply showing him that savings banks and building and loan associations are not included in the word "association," because the associations which the other sections of the bill authorize to come to this board and secure loans are associations whose actual operations are inherently necessary or contributory to the war.

Mr. POMERENE. Mr. President, I think I know the chairman of the committee desires to be perfectly fair in this matter. There is not any reason why he should discriminate in favor of the savings banks and against the building and loan associations.

Mr. SIMMONS. Mr. President, the Senator misunderstands me. I have not expressed any view upon that subject at all. I am merely trying to show the Senator——

Mr. POMERENE. The purpose of my statement is to compel, if I can, the admission from the Senator from North Carolina that the same reasons which urged him to include savings banks in this bill will require him to consent to the placing therein of building and loan associations.

Mr. SIMMONS. If the Senator can satisfy the Senate that the building and loan associations stand upon a parity with reference to the reason which I stated induced us to include savings banks specifically, why, of course, the Senate ought to adopt his amendment. If he can not do that, the Senate ought not, in my judgment, adopt the amendment.

Mr. POMERENE. Did the Senator from North Carolina hear the reading of the Ohio statutes upon this subject?

Mr. SIMMONS. I did.

Mr. POMERENE. Those statutes provide specifically that stock can be sold to members with withdrawal privileges. That means that, whether the stock is paid up in full or only 50 per cent of it is paid up, when the stockholder complies with the regulations of the building and loan association he can withdraw the amount he has paid plus dividends and less charges thereon, and surrender the stock.

The statute also provides that these building and loan associations may receive savings deposits and that they can be withdrawn. I am going to take the liberty to send to the desk a memorandum from Mr. H. F. Cellarius, the secretary of the United States League of Local Building and Loan Associations, and respectfully ask Senators to listen to its reading.

Mr. GALLINGER and Mr. REED addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Ohio yield; and if so, to whom?

Mr. POMERENE. I yield to the Senator from New Hampshire, who first addressed the Chair.

Mr. GALLINGER. Before the memorandum is read, will the Senator from Ohio permit me a word?

Mr. POMERENE. I have yielded to the Senator.

Mr. GALLINGER. When the Senator discussed this matter on a former occasion, I suggested that there was a marked difference, in my opinion, between building and loan associations and savings banks, citing the fact that, as I understood, the building and loan associations were paying 6 per cent interest. I did not then know that they deposited their money as savings in any of those banks. The Senator from Ohio now states that they do; and I presume they do so all over the country. If that be so it affects the aspect of this question very materially, to my mind, and I am strongly inclined to think that the amendment of the Senator ought to be adopted.

Mr. POMERENE. I can assure the Senator from New Hampshire that the practice to which I have referred is very general in my own State.

Mr. GALLINGER. I am, therefore, inclined to think that the amendment offered by the Senator from Ohio ought to be agreed to. Building and loan associations are very numerous in my State, and, indeed, throughout New England. If they are losing their deposits and fail to find any medium of relief, it seems to me they ought to come under the provisions of this bill.

Mr. POMERENE. The memorandum which I have just sent to the desk to have read will demonstrate that very conclusively, indeed.

I now yield to the Senator from Missouri.

Mr. REED. Mr. President, I desire to ask the indulgence of the Senator from Ohio long enough to give notice of a reservation of an amendment which I may desire to offer in the Senate as a substitute for section 7, which was adopted in the Senate, as it occurs in the substitute which is as follows:

Such committee may, under rules and regulations to be prescribed by it from time to time, with the approval of the Secretary of the Treasury, investigate, pass upon, and determine whether or not the sale or offering for sale or for subscription—

And so forth.

I desire to reserve the right to offer an amendment; to substitute for the words "with the approval of the Secretary of the Treasury," the words "and approved by the Secretary of the Treasury." That will remove an ambiguity which has been discussed here, and I think will make it plain that the committee shall have the power to make its rules, and once they have been approved by the Secretary of the Treasury, then to proceed in its own way to investigate and to pass upon and determine the questions that may come before it.

Mr. POMERENE. Mr. President, I now ask that the memorandum which I have sent to the desk may be read.

Mr. SMOOT. Will the Senator yield to me merely to give a notice?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. POMERENE. I yield to the Senator.

Mr. SMOOT. I also desire to reserve the right of offering an amendment when the bill gets into the Senate to strike out the words "with the approval of the Secretary of the Treasury"; and if the amendment suggested by the Senator from Missouri [Mr. REED] is adopted, then I also reserve the right to move to strike out those words also.

Mr. POMERENE. I ask that the memorandum which I have sent to the desk may now be read, Mr. President.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

Memorandum urging relief for building and loan associations in the war finance corporation bill.

In behalf of the United States League of Local Building and Loan Associations, representing the domestic building and loan associations in the several States, I desire to call your attention to the urgent necessity of making some provision in the war finance corporation bill for the relief of these associations similar to that which has been made for the savings banks.

There is even greater necessity for providing for the building associations than there is for savings banks, for the reason that their assets, amounting to nearly $2,000,000,000, are almost entirely invested in mortgage loans on real estate and are not as liquid as the assets of most savings banks. Every argument which applies to a savings bank applies with equal force in favor of the building association.

Since the liberty loan issues have been floated there have been very heavy withdrawals from the associations by their members for investment in liberty bonds, and for the past four or five months the ordinary business of making loans to members for building purposes has practically ceased and most of the receipts have been paid out to withdrawing members. This condition will undoubtedly continue during the period of the war, and as further issues are floated there will be increasingly heavier withdrawals, with the result that the ordinary receipts which are already being diminished will not be able to take care of the withdrawals, and withdrawal applications will have to be filed to await their order of payment. In ordinary times the associations are able to go to their depository banks and make temporary loans to take care of withdrawing members, but under existing war conditions the banks are refusing to loan money to these association because their paper is not rediscountable with the Federal reserve banks. Building associations ordinarily pay their withdrawals on demand in the same manner as do the savings banks.

During the floating of the last liberty loan the withdrawals of members who bought liberty bonds from the building associations in the city of Dayton, Ohio, were so heavy that the ordinary functions of these associations were halted for a number of months. They first sought relief in vain from their banks and then also applied to the Federal reserve bank, but were informed that under the law no financial assistance could be granted them. Fortunately, the Conservancy Flood Relief Board had just floated a $10,000,000 issue, and this board came to the relief of the Dayton associations by depositing with them nearly $1,000,000 realized from the bond sale.

Situations similar to that which existed in Dayton will arise in other localities as further drives are made for the sale of liberty loan bonds, and unless some provision is made for the relief of building associations when the necessity arises, their members will not be permitted to withdraw money from these associations with which to purchase liberty bonds, so that it is important, as far as the Government itself is concerned, to afford every possible relief, for by so doing it will be actually helping itself.

It is represented that under the conditions imposed by the bill no building association would make application to the war finance corporation for assistance unless the dire necessities of the situation compelled it to do so. It is respectfully urged, in order to avoid a financial disturbance among these associations, that some source should be provided to which they may go to relieve their stress, when ordinary banking channels are closed to them.

Respectfully submitted.

H. F. CELLARIUS, *Secretary.*

CINCINNATI, OHIO, *March 1, 1918.*

Mr. POMERENE. Mr. President, it seems to me that the statement made by Mr. Cellarius is complete in and of itself. He points out especially the condition in Dayton, and that is just the condition which our good friend, the chairman of the committee, anticipates may happen in every town where there is a savings bank.

I want to call attention to the further fact—and I do it because in the discussion the other day some reference was made to it—that it is the desire to discourage building. If that is limited to nonessential or unnecessary building, I am in hearty accord with the suggestion at this particular time; but in many of our growing industrial towns one of the serious problems with which it is necessary to deal is the housing problem for the laboring men. I know that is true in my own city of Canton and in many other cities in the State of Ohio. I trust that the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Ohio.

Mr HOLLIS. Mr. President, the savings of the poor go into building and loan associations exactly as they go into savings banks. Building and loan associations are for two purposes: One is to enable people to build their own homes, and the other is purely to afford an opportunity for investment. Many people who take out building and loan association shares never borrow on them and never build.

These institutions will probably have to cease their building operations largely. That will largely cut off their income, and they stand in my section of the country almost exactly as the savings banks do.

To include them in the paragraph that deals with savings banks does not make it compulsory on the war-finance corporation to advance funds. The provision will be merely permissive; they will advance sums in cases where an unfortunate financial situation might arise if the relief were not extended. They will not do it unless such a financial situation does arise. I can not see that the amendment will do any harm and it may afford very necessary relief to include them.

Mr. President, while I am on my feet I submit an amendment to the bill, and ask that it lie on the table and be printed.

The PRESIDING OFFICER. Without objection, that action will be taken. The question is on the amendment offered by the Senator from Ohio [Mr. POMERENE].

Mr. OWEN. Mr. President, I desire to give my assent to the amendment. I think it ought to go in the bill for the reasons which have already been stated. I merely want to say that I approve the amendment.

Mr. SMOOT. Mr. President, if the operations of building and loan associations are necessary or contributory to the prosecution of the war, then they are already provided for in this bill, and they are provided for under paragraph (d) of the bill, which is very much more favorable to associations and corporations than the paragraph to which the Senator from Ohio has offered his amendment. If the Senator will turn to page 9 of the bill he will find that under paragraph (d) this provision is made:

To any firm, corporation, or association conducting an established and growing business whose operations are necessary or contributory to the prosecution of the war—

I think I have heretofore said to the Senate that that was a very far-reaching provision. Under it, in my opinion, all corporations and all associations not specifically provided for in paragraphs (b) and (c) of the section can apply for assistance.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. I yield.

Mr. POMERENE. I do not quite understand the opposition of the Senator to this amendment.

Mr. SMOOT. If the Senator will wait until I get through, perhaps he will.

Mr. POMERENE. Very well.

Mr. SMOOT. The amendment, Mr. President, is offered to paragraph (c) of section 6 of the bill, and that paragraph provides:

(c) To make advances from time to time, upon such terms, not inconsistent herewith, as it may prescribe, for periods not exceeding one year, to any savings bank or other banking institution which receives savings deposits—

The information that the committee had, Mr. President, was that outside of a very few building and loan associations in the United States there was no chance whatever of making a run on building and loan associations. Very few of them have demand deposits, and I call attention to the letter that the Senator had read at the desk, for, among other things, it stated that in case they did not receive assistance the depositors would have to await their order of payment.

I understand, Mr. President—I know it is the case in my own State—that members of a building and loan association, if they desire to withdraw their so-called deposits, not demand deposits, from the association, await their turn, and they are paid in the order in which the application is made for withdrawal. No run can be made upon any building and loan association, that I am aware of, in the United States. Members of the association can not put the association in the hands of a receiver. That can only happen through losses in the administration of the association—losses so great that they impair the standing of the association. The object of this bill is to assist institutions that have been prevented, by reason of the Government of the United States monopolizing the money market, from realizing quickly upon their assets in order to meet any emergency or run upon the bank or the institution that would cause its failure.

If the building and loan associations were in that position they ought to be included in this bill and, perhaps, ought to be specifically referred to; but my construction of the bill is that they are already provided for in paragraph (d), and under much more favorable conditions than they would be under paragraph (c). But if we begin to enumerate the different associations that are to be taken care of, I want to say now that the irrigation companies of the West and the Middle West certainly ought to be included in the bill, as they contribute directly to the production of food, which is so necessary in the carrying on of the war. And they are in this position: Bonds that they have issued in the past are maturing. I do not think there are very many of them maturing this year, but no doubt some of them will be. They are not mentioned; and if we are going to undertake to mention all of the associations or corporations to be taken care of in this bill, I doubt very much whether we can do so in such a way that every kind of business in the country will be covered.

I thought, and I still think, that paragraph (d) of this section is altogether too broad in its scope. It may be administered so that no harm will come, and no doubt it will be, but the provisions of the paragraph are such that thousands of applications will be made that can not and should not be favorably considered.

Another thing, Mr. President, I want to say that the witnesses who appeared before the committee thought that the capital issues committee ought to follow the policy that has been followed by England and France, and, as far as possible, prevent the building of houses from one end of the country to the other. That does not mean that no homes shall be built, but it does mean that while we are in this war if there are families that have lived in a home for the past 20 years or more, they can wait at least until the war is over before undertaking to build a larger or a better house. Every time one is built it interferes with the production of the lumber that is necessary for the construction of our ships. Every time one is built it takes from the steel production of this country an amount of steel that ought to have been converted into the ships that we so greatly need. I approve that policy, Mr. President, and it has been approved of by England and by France, and if Senators will take notice they will find that the amount of money that has been spent in those countries for the erection of homes of any sort since this war began amounts to very little indeed, and in fact is almost negligible.

Therefore, Mr. President, I believe that the provisions of the bill are broad enough. If the board want to render any assistance whatever to building and loan associations, or to life insurance associations, or to fire insurance associations, or corporations of any kind or character I have no doubt but that they can do it under the provisions of the bill as it stands to-day, but I do not believe it is wise for us to undertake now to begin to enumerate all of these different institutions.

Mr. CALDER. Mr. President, I do not agree with the conclusions of the senior Senator from Utah on this question. I do agree with him that we ought to do everything in our power to discourage the building of factories for other than war purposes, large office buildings, hotels, and other structures that require large quantities of steel and building material; but to say that we should discourage the building of homes ordinarily constructed through building and loan associations I think a mistake.

Mr. President, I know of no better instrument to utilize for the construction of homes where they are needed for munition plants, our shipyards, and for other purposes than building and loan associations. In my own State these institutions are conducted on exactly the same basis as savings banks. They are chartered under the savings-bank law.

Mr. SMOOT. Mr. President, will the Senator yield to me before he leaves that phase of the matter?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Utah?

Mr. CALDER. Certainly.

Mr. SMOOT. The Senator must know that we have already appropriated $50,000,000 for building these homes in the neighborhood of munition plants, and I will say to the Senator that there is another bill that will be passed that carries $50,000,000 more for the same purpose. I agree with the Senator that homes of that kind ought to be built because they are absolutely necessary.

Mr. CALDER. Mr. President, I am aware that we have authorized the appropriation of $50,000,000 for the building of houses by the Shipping Board; but my notion is that we can use these very building and loan associations, and they will be utilized, without being compelled to go to the Shipping Board for assistance. My judgment is that there will be very little call upon this corporation by the building and loan associations; but the very fact that they can call upon it will renew confidence in them and will tend to encourage people to deposit their money in them.

I have an amendment which covers this matter in a different way; but I shall vote for the Senator's amendment because I believe it will do no harm and may be very helpful.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Ohio [Mr. POMERENE].

The amendment was agreed to.

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 6, line 10, after the word "company," it is proposed to insert "or company organized under the banking or insurance laws of any State," so that if amended the paragraph will read:

(b) To make advances, upon such terms not inconsistent herewith, as it may prescribe for periods not exceeding five years from the respective dates of such advances, (1) to any bank, banker, or trust company, or company organized under the banking or insurance laws of any State which has made and which has outstanding any loan or loans to any person, firm, corporation, or association—

And so forth.

Mr. SIMMONS. Mr. President, I want to ask the Senator if he would not be willing to confine his amendment to insurance companies? To extend it to any banking concern or other concern that may be authorized under the banking laws of a State is mighty broad.

Mr. CALDER. Mr. President, this amendment would include insurance companies and mortgage companies. If the Senator will permit the amendment to go in reading "any company organized under the insurance laws of any State"——

Mr. SIMMONS. Why not say "any insurance company"?

Mr. CALDER. The reason why I can not accept the Senator's suggestion is that I have in mind mortgage companies.

Mr. SIMMONS. Well, the Senator knows that we can not include every concern.

Mr. CALDER. Mr. President, we have in New York mortgage companies that have mortgages on real estate aggregating a billion dollars, and I am exceedingly anxious to have this law in such shape that these companies, if necessary, may come to the corporation for relief.

While I am on my feet, Mr. President, I want to say that I heartily concur in the main provisions of this measure. I believe it is a necessary one and one that will contribute much to the stability of business. I doubt if the country could go much farther with its business affairs without the enactment of some such measure as this. I simply ask that this amendment be adopted and that one other in exactly the same language be put in the next paragraph, which permits companies organized and doing business under the banking laws or insurance laws of the respective States to come in under the operation of this bill. I can see no reason why this amendment should not be adopted. I believe it strengthens the measure. I believe it will popularize the measure, and I am certain it will do no harm.

Mr. WEEKS. Mr. President, I rise to indorse what the Senator from New York [Mr. CALDER] has said. It does not seem

a provision——

In my own State.

to me that it can do any possible harm to insert his amendments in the bill.

The cooperative banks, building and loan associations, and insurance companies organized under the laws of States are somewhat different in character, and the laws of the States are materially different. If none of these institutions need assistance, of course it will not be given to them; but if they do need assistance, their funds being essentially the savings of the people, it does seem to me that it would be desirable to have the power to give them such assistance as they may require.

I hope, therefore, that those amendments will be adopted.

Mr. SMITH of Georgia. Mr. President, I should like to have the amendment stated in full.

The SECRETARY. On page 6, line 10, after the words "or trust company," it is proposed to insert the words "or company organized under the banking or insurance laws of any State."

Mr. SIMMONS. Mr. President, my objection to this amendment is its indefinite character. I do not know what it would embrace. It refers to corporations organized under certain departments of certain States. If the Senator's amendment specified the corporations that he desires to have added, we would be able to deal with it with knowledge. If the Senator will content himself with including insurance companies, I shall not make any objection to that.

Mr. CALDER. Mr. President, I am familiar with the banking and insurance laws of my own State; and in that State the amendment would include life insurance companies that have assets in New York State of over $5,000,000,000, and loans to their policyholders of over $800,000,000. Under the terms of these policies the policyholders can borrow nearly the total of the premiums paid, and it is possible that at times there may be some need for relief for these insurance companies. I pointed out the other day, in discussing this subject, that a great conflagration might occur that would require the fire insurance companies to have relief. It is possible, too, that the same thing might be true in the matter of mortgage companies, which loan vast sums of money on bonds and mortgages. This corporation will not loan to these companies unless they have the proper security, and under such conditions that it ought to be loaned; but this is very important, Mr. President, and this amendment is asked for by men who are in sympathy with this measure and who believe that it should be extended to protect the great interests of the country that may become involved as the result of the drain upon the finances of the Nation.

As an example, we have in New York City alone over $4,000,000,000 loaned out on bonds and mortgages on real estate. At least one-third of this becomes due every year and must be taken care of. To-day there is no money available in the city of New York to be loaned on bonds and mortgages, largely because the money in that market has been taken up in the purchase of liberty bonds. I am exceedingly anxious to meet this situation, and it is in part my object in offering this amendment.

Mr. SIMMONS. Mr. President, I have just gotten the amendment. The language the Senator wishes to incorporate in the bill are the words:

Or any company organized under the banking or the insurance laws of the State.

It does not make any difference what sort of a company the banking laws or the insurance laws of the State may authorize to create they would be included in the language. I think it is entirely too indefinite.

Mr. CALDER. Will the Senator read the language which follows?

Which has made and which has outstanding any loan or loans to any person, firm, corporation, or association whose operations shall be necessary or contributory to the prosecution of the war and evidenced by a note or notes—

And so forth.

Mr. SMITH of Georgia. That is not the language first used. If it would go further and limit the loans on those securities taken in connection with furthering the war the proposition would be a very different one from the one suggested by the Senator from New York, but if we put the whole insurance field and the banking field into the attitude of being invited to this bank for their relief whenever they need any you will demand an amount of capital and funds that this corporation can not possibly command.

Mr. CALDER. May I ask the Senator where will these concerns go for relief?

Mr. SMITH of Georgia. Where will I go? Where will a great many others go? Where will the great body of the people go?

Mr. CALDER. But the Senator——

Mr. SMITH of Georgia. I am answering the Senator now, and I am not yielding.

Mr. CALDER. I beg the Senator's pardon.

Mr. SMITH of Georgia. It is not proposed to take care of everything and everybody. That is utterly impossible in such a case as this. I think they ought to be left to take care of themselves, as the public generally will be left. I do not think it will do to say that every bank can come. We have limited the banks that are to come to paper which they have procured in connection with war industries.

Mr. WEEKS. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Massachusetts.

Mr. WEEKS. I wish to submit to the Senator from Georgia that his answer to the Senator from New York is not a good answer to the question. Where he would go would be to his bank, where his note would be readily taken; and then if his bank wished the funds, it would rediscount that note with the Federal reserve bank as provided for under the present law. This provides for a means of obtaining money by such corporation that can not obtain it in that way and that can not have their notes secured by collateral and rediscounted in the Federal reserve bank.

Mr. SMITH of Georgia. It is supposed the banks would use Federal reserve banks for their ordinary business, and they ought to so manage their business. They never had the Federal reserve bank until recently; they handled it through and among themselves. They have the Federal reserve bank now.

If we broadened the work of this corporation to any substantial extent beyond where it was first planned, I fear the consequences, unless the board of directors decline to make loans and decline to go into the field. Of course, it is only permissive; they are not compelled to do it. Unless they simply decline it, I am afraid we will exhaust its funds without its handling those more important responsibilities that seem so essential to be handled.

Mr. WEEKS. May I ask the Senator one more question?

Mr. SMITH of Georgia. Yes.

Mr. WEEKS. Assuming that there is to be a decent administration of this law, how would it be possible to do any harm? If a corporation of this kind did not need assistance, of course, the directors would not make the loan. I think the point made by the Senator from New York relating to insurance companies is extremely apt. We might have a great conflagration. The insurance company's funds are invested in bonds. It might not be possible, without a tremendous sacrifice, to sell the bonds to pay its losses. This would be a natural place for it to go.

Mr. SMITH of Georgia. I do not think so. In the first place, I hope we are not to have any very unusual conflagrations in the next 12 months such as are not incident to ordinary life. I do not think we have any reason to anticipate it. We have taken a great part of the burden off the life insurance companies by carrying the insurance of our soldiers in the National Treasury. Their war risks have largely been canceled and transferred to the Treasury Department, and there we have relieved the life insurance companies.

Now, as to the fire insurance companies, I do not see why they should have any special strain put upon them by reason of the war. I will state the difficulty I have in my mind. I am very much opposed to broadening the list of those who may come to this bank beyond what the bank can possibly do and leave the bank in any sense picking favorites of a class. I wish it to be strong enough to care for the classes we authorize it to handle. I do not mean this as any reflection, but human nature——

Mr. SIMMONS. Will the Senator pardon me for one minute for an interruption?

Mr. SMITH of Georgia. Yes.

Mr. SIMMONS. I think the fire insurance companies have been among the very largest purchasers of Liberty bonds in this country, and I think the Government is looking to the large funds of the fire insurance companies for help in the next sale.

Mr. CALDER. Does not that apply to life insurance companies, too?

Mr. SIMMONS. I think it applies to both. I think both have invested largely in Liberty bonds, and I do not think there is any reason why we should not include them, because I think we want to encourage them to make these purchases. Now, unless they can sell their securities in case their money runs very low they would have to be very guarded in making purchases in our sale of bonds.

Mr. SMITH of Georgia. The run of the business of life insurance in the shape of loans is steady. I do not agree with the chairman. I do not believe it is wise to add them to the list.

Mr. CALDER. Will the Senator permit me?

Mr. SMITH of Georgia. Yes.

Mr. CALDER. May I say to the Senator from Georgia that the life insurance companies operating in New York City have loaned something like $800,000,000 to policyholders alone, and unusual casualties in Europe may bring demands that these companies may have difficulty in meeting. Has the Senator concluded?

Mr SMITH of Georgia. No; I was simply listening to the Senator. I still do not agree with his view that it is wise to spread it to life insurance companies. We would simply carry it to cases where it can not meet the demand that we put it up against, and I think that is unwise.

Mr. THOMAS. Mr. President, I rose to make a suggestion to the Senator from Georgia, but as he has yielded and as the Chair has recognized me, I want to say a word upon this proposed amendment. Its terms are very broad. It proposes to extend the benefits of this measure to all corporations which are organized under the banking or insurance laws of any State. There are 48 States in the Union and, of course, there are as many banking and insurance laws as there are States. They vary very materially both as to the conditions under which corporations may be organized to do business under them and also as to the object for which such corporations may be organized. Take, for instance, the subject of insurance. Almost every conceivable subject to which insurance may relate has been covered in a greater or a less degree in some of the States of the Union.

Mr. CALDER. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. CALDER. I am going to withdraw the amendment and offer an amendment merely relating to insurance companies. I thought I would advise the Senator of that fact.

Mr. THOMAS. It is the insurance feature of the Senator's amendment to which I want to address myself. We have companies organized to insure against hail, against floods, against pests of various kinds, automobile insurance, plate-glass insurance. Indeed, it is difficult to conceive of any subject against which insurance may be effected that is not provided for in some of the laws of the United States. Consequently, if an amendment of the character which has been offered or which has been contemplated, if this is withdrawn, should be incorporated in the bill, I think we should make a capital of $1,000,000,000 instead of $500,000,000. The demands that will be presented to the corporation, if the war continues indefinitely, will in consequence swamp any corporation with the amount of capital which is provided for in the bill. I do not think that we should do it.

I believe that subsection (d) of section 6 of the bill is sufficient to enable any corporation whose business is necessary or contributory to the war and which needs relief to present its application for relief to this bank corporation. Of course, the subsection to which I refer is intended as a kind of general clause to cover cases which might be found to be outside the pale of the provisions of sections (c) and (d). As it was stated by the Senator from Utah some time ago, if we are going to indefinitely enlarge by specific inclusions the terms and scope of sections (c) and (d), we should not stop at the corporations which will be covered by the proposed amendment of the Senator from New York. The corporations to which the Senator from Utah referred are corporations which are essential to the prosecution of the war. Let me say, Mr. President, that there is no legitimate business of any kind, character, or description which is productive or semiproductive in its character that does not contribute to the war and to which the Nation must not in some degree depend for the successful prosecution of the war.

As the Senator from Georgia stated, the purpose of the bill is not to help everybody and everything, although it does extend its provisions to those concerns which are contributory to the success of the war, because if we attempt to so enlarge the scope of the bill as to practically make it the equivalent of the territorial boundaries of the United States and every occupation which is carried on within our boundaries, then the Government will have undertaken a task which, powerful as it is, rich and resourceful as it is, it will be impossible to perform.

Mr. CALDER. I ask unanimous consent to withdraw the amendment and offer in lieu thereof the following.

The PRESIDING OFFICER. Without objection, the amendment will be withdrawn

Mr. CALDER. On page 6, line 10, after the word "company," I move to insert "fire or life insurance company."

Mr. President, in response to the remarks of the Senator from Colorado [Mr. THOMAS] I will say that this amendment offered by me will be in connection with the language following—

which has made, and which has outstanding, any loan or loans to any person, firm, corporation, or association whose operations shall be necessary or contributory to the prosecution of the war and evidenced by a note or notes—

And so forth. That seems to answer the objections made by him, for only those fire or insurance companies who would have loans as indicated can secure relief from the corporation.

Mr. SMITH of Georgia. Will the Senator modify it still further and provide that it shall only be with reference to said loans?

Mr. CALDER. I would prefer not to.

Mr. SMOOT. Mr. President, I wish to say to the Senator from New York I would hesitate to offer the amendment the Senator has presented, because if his amendment is adopted the insurance companies will fall under paragraph (b) and not under paragraph (d), as now provided for. The conditions under paragraph (b) are much more drastic than under paragraph (d). Paragraph (d) is very broad in its provisions and advances made on remarkably easy terms. If there was a conflagration, as suggested by the Senator, that involved the financial standing of a fire insurance company and that would require it to raise a large amount of money in a very short time in order to pay the claims made against it, paragraph (d) covers just such cases, and under such cases the application for relief is not made to a bank but to the corporation itself, and the security required in order to obtain an advance would not necessarily be as much as required under subsections (b) and (c).

Now, let me call attention to the wording of it again:

To any firm, corporation, or association conducting an established and going business whose operations are necessary or contributory to the prosecution of the war.

Then there is a proviso added referring to such cases as cited by the Senator, as follows:

That such advances shall be made only in such cases as the board of directors in their discretion shall determine to be of exceptional importance in the public interest.

If there was a conflagration that threatened the financial existence of a fire insurance company, it seems to me it would be of great public interest that it be assisted, but if insurance companies are put under paragraph (b), along with banks and trust companies, such a company might be unable to furnish the required security. Paragraph (d) not only covers exceptional cases, but covers insurance companies that find themselves in need of assistance.

If I was interested in having the insurance companies, either life or fire, especially cared for, I would rather have them fall under paragraph (d) than paragraph (b).

Mr. SMITH of Georgia. What is the Senator's amendment?

Mr. CALDER. To paragraph (b).

Mr. SMITH of Georgia. On page 6?

Mr. CALDER. Yes; line 10 of the first print, after the word "company," to insert "fire or life insurance company."

Mr. President, all that the Senator from Utah says may be true. He has studied the bill and unquestionably he knows what he is talking about. But there can be no harm in inserting these words at the point I have offered them, and it may be the means of steadying these great fire and life insurance companies. For the benefit of the Senator I will say that the great life insurance companies of the country believe themselves that it is important that they should have this opportunity in case they become involved, and I am free to say that it was partly at their suggestion that I have offered the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York [Mr. CALDER].

On a division the amendment was agreed to.

Mr. SMITH of Georgia. I reserve the amendment for a separate vote in the Senate.

The PRESIDING OFFICER. The reservation will be noted.

Mr. OWEN. I move to strike out, on page 11, line 5, the words "Such bonds may be dealt in by Federal reserve banks in the same manner and to the same extent as bonds or notes of the United States not bearing the circulation privilege, and."

Mr. President, I can explain that amendment in two or three minutes. In writing the Federal reserve act we authorized the member banks of the Federal Reserve System to use the gold reserve deposited with the Federal reserve banks in buying United States Government bonds. They have used that privilege to a moderate degree, but the issues of United States bonds are scattered among private holders, are in locked boxes, and are not very active on the market. This bill proposes to issue corporation bonds amounting to four thousand million dollars, and there will be a great pressure by New York business men and the New York banks to have the gold which is held as the reserve for the deposits of the member banks of the United States withdrawn for substitution by these bonds, and the directors of the Federal Reserve Board will have difficulty in resisting the urgency of the local demand in that respect. It is, in effect, an open-market operation that I am objecting to.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Yes; I yield.

Mr. SMOOT. That question has not been brought to my attention, and I really would like to have the amendment go over until to-morrow morning. In the meantime I will look over the law as it is.

Mr. OWEN. I have no objection to the amendment going over.

Mr. SMITH of Georgia. I understood the Senator from Oklahoma to speak of the reserves of the Federal reserve banks being put in United States bonds.

Mr. OWEN. I spoke of the reserves of member banks deposited in reserve banks.

Mr. SMITH of Georgia. I did not catch the words "member banks," and I was just wondering if I were mistaken in supposing that those banks could not invest their reserves in anything, but must keep them in gold or lawful money.

Mr. OWEN. I said the reserves of member banks which are deposited in the reserve banks in gold ought not to be withdrawn for the bonds of the proposed war finance corporation. I will say incidentally that the committee of the House have already struck it out, and that the chairman of the Committee on Banking and Currency of the House of Representatives agrees with me that it ought to go out of this bill.

Mr. SMOOT. I think the Senator is right, but I should like to look it up to-night.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from North Carolina?

Mr. OWEN. Certainly.

Mr. SIMMONS. I do not know of any other amendment likely to be presented.

Mr. OWEN. I have several others, and it will only take me a few minutes to present them. I think the Senator will be able to get through with this bill this evening, so far as I am concerned.

Mr. SIMMONS. The Senator from Utah has asked that the amendment of the Senator from Oklahoma go over, and I have uniformly deferred when I could do so to requests of that kind.

Mr. SMOOT. I want to say to the Senator that there are a number of Senators who have left the Chamber within the last 15 minutes with the understanding that we would not reach a vote upon the bill to-night, and therefore I think it is only proper that the amendment should go over until to-morrow.

Mr. OWEN. I think the Senate is nearly ready to act on the bill.

Mr. SMITH of Georgia. Would it not be well to ask the Senator from Oklahoma to present, at least for the information of the Senate, such other amendments as he contemplates offering? So far as the amendment he has submitted is concerned, I have grasped it at once, and I am in perfect accord with it. I think it is a wise amendment.

Mr. SIMMONS. I think the amendment ought to be adopted; and, so far as I am personally concerned, I am perfectly willing that it shall be placed in the bill.

Mr. SMOOT. If the present law is as stated by the Senator from Oklahoma, and, of course, I have no reason to doubt that it is, I myself think that his amendment ought to be adopted. I only thought at the time I should really like to look it up.

Mr. SIMMONS. I suggest to the Senator from Utah to let us act upon it. I am very anxious to get this bill out of the Committee of the Whole to-night. The amendment can be reconsidered to-morrow, if the Senator from Utah shall so desire.

Mr. SMOOT. I have no objection to it.

Mr. HOLLIS. Mr. President, the bill can not be gotten out of the Committee of the Whole to-night; that is impossible.

Mr. SIMMONS. Has the Senator some amendments to offer?

Mr. HOLLIS. I have several; I think probably a dozen or 15.

Mr. SIMMONS. Then I move that the Senate adjourn.

Mr. OWEN. I ask the Senator to withhold that motion.

Mr. SIMMONS. I withhold the motion.

Mr. OWEN. I send to the desk an amendment, to which I call the attention of the chairman of the committee. I wish to have it go into the RECORD. I do not intend to press it; but I want to put in the RECORD a view of what I think ought to be done in giving this relief. I only ask that the amendment be printed in the RECORD, and I will submit a few remarks on it in the morning.

The PRESIDING OFFICER. Without objection, the amendment proposed by the Senator from Oklahoma will be printed in the RECORD.

Mr. OWEN's proposed substitute is as follows:

That for the purpose of affording financial assistance, either directly or indirectly, to persons, firms corporations, and associations whose operations are necessary or contributory to the prosecution of the war, in cases where such persons, firms, corporations, or associations shall be unable to procure funds on reasonable or practicable terms from the general public, or through the regular banking channels, and for the purpose of regulating and controlling the sale and offering for sale or subscription of securities hereafter issued, and for other purposes in aid of the prosecution of the war, the Secretary of the Treasury, together with four additional persons, shall comprise a war finance board (herein called the board).

SEC. 2. The Secretary of the Treasury is hereby authorized through the board to advance to the Federal reserve banks an amount not exceeding $500,000,000, which amount is hereby appropriated out of any money in the Treasury not otherwise appropriated. Such advances shall be made to such Federal reserve banks as the fiscal agents of the United States to be used for the purposes herein set forth.

SEC. 3. The four members of the board shall be appointed by the President of the United States, by and with the advice and consent of the Senate. Whenever a vacancy shall occur in the board, the person appointed to fill such vacancy shall hold office for the unexpired term. Three members of the board shall constitute a quorum. The term of office of the board shall end within one year from the termination of the war.

SEC. 4. The principal office of the board shall be located in the District of Columbia, but the board may have agents in any Federal reserve city.

SEC. 5. The four members of the board, appointed as hereinbefore provided, shall receive annual salaries, payable monthly, the amount of which shall be fixed by the Secretary of the Treasury, with the approval of the President of the United States, not exceeding $12,000. The total compensation paid to any member as annual salary by the United States for any purpose shall not exceed $12,000. Of the four members appointed, as hereinbefore provided, the President of the United States shall designate two to serve for two years, and two for four years; and thereafter each member so appointed shall serve for a term of four years.

Any member shall be subject to removal by the President of the United States. Before entering upon his duties, each member shall take an oath faithfully to discharge the duties of his office. Nothing contained in this act or in the Federal reserve act shall be construed to prevent the appointment of a member of the Federal Reserve Board or of any other governmental administrative body or of a director of a Federal reserve bank as a member of the board.

SEC. 6. The board shall be authorized to appoint and fix, subject to the approval of the Secretary of the Treasury, the compensation of such officers, employees, attorneys, and agents as are not otherwise provided for in this act, to define their duties, require bonds of them and fix the penalties thereof, and to dismiss any of them at pleasure.

The Secretary of the Treasury, upon the advice of the board, may make advances from the funds appropriated and the bonds authorized herein to any Federal reserve bank. Such Federal reserve bank shall open an account to be known as the "war finance fund" against such advances of funds and bonds. Out of the "war finance fund" such Federal reserve bank is authorized, subject to the approval of the board—

(a) To make advances, upon such terms not inconsistent herewith, as it may prescribe for periods not exceeding five years from the respective dates of such advances, (1) to any bank, banker, or trust company which has made, and which has outstanding, any loan or loans to any person, firm, corporation, or association whose operations shall be necessary or contributory to the prosecution of the war and evidenced by a note or notes, or (2) to any bank, banker, or trust company which has rendered financial assistance, directly or indirectly, to any such person, firm, corporation, or association by the purchase of its bonds or other obligations: *Provided*, That advances so made by the Federal reserve bank on the basis of any such loan or loans shall not exceed 75 per cent of the face value thereof: *And provided*, That any advances so made by the Federal reserve bank, in cases where such financial assistance shall have been rendered by the purchase of such bonds or other obligations, shall not exceed 75 per cent of the market value of such bonds or other obligations at the time of such advance, as estimated and determined by the Federal reserve bank: *And provided further*, That all such advances shall be made upon the promissory note or notes of such bank, banker, or trust company, secured by the notes, bonds, or other obligations, which are the basis of any such advance, together with all the securities, if any, which such bank, banker, or trust company may hold as collateral for such notes, bonds, or other obligations. The Federal reserve bank shall, however, have power to make advances up to 100 per cent of the face value of any such loan or loans made by any such bank, banker, or trust company to any such person, firm, corporation, or association, or up to 100 per cent of the market value at the time of such advances (as estimated and determined by the Federal reserve bank) of such bonds or other obligations by the purchase of which financial assistance shall have been rendered to such person, firm, corporation, or association: *Provided*, That every such advance shall be secured in the manner described in the preceding part of this paragraph, and in addition thereto by collateral security, to be furnished by the bank, banker, or trust company, of such character as shall be prescribed by the Federal reserve bank, of a market value, at the time of such advance, equal to at least 25 per cent of the amount advanced.

(b) To make advances from time to time, upon such terms, not inconsistent herewith, as it may prescribe, for periods not exceeding one year, to any savings bank or other banking institution which receives savings deposits, on the promissory note or notes of the borrowing institution whenever the Federal reserve bank shall deem such advances to be necessary or contributory to the prosecution of the war or important to the public interest: *Provided*, That such note or notes shall be secured by the pledge of securities of such character as shall be prescribed by the board with the approval of the Secretary of the Treasury, the market value of which, at the time of such advance, as estimated and determined by the board, shall be equal in amount to at least 125 per cent of the amount of such advance: *Provided further*, That the rate of interest charged on any such advance shall not be less than 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrowing institution is located.

(c) To make advances directly (1) to any corporation owning or controlling (directly or through stock ownership) any railroad or other public utility, and (2) to any person, firm, corporation, or association conducting an established and going business whose operations are necessary or contributory to the prosecution of the war: *Provided*, That such advances shall be made only in such cases as the board of directors in their discretion shall determine to be of exceptional importance in the public interest. Such advances may be made against securities of one and a third times the advance made and for periods not exceeding five years from the passage of this act, upon such terms and upon such adequate security and subject to such rules and regulations as may be prescribed from time to time by the board, with the approval of the Secretary of the Treasury.

(d) To subscribe for, acquire and own, buy, sell, and deal in bonds and obligations of the United States to such extent as the Secretary of the Treasury may from time to time determine.

SEC. 7. The Secretary of the Treasury is authorized to issue and have outstanding at any one time United States war finance bonds in an amount aggregating not more than $1,000,000,000, such bonds to mature not less than one year nor more than five years from the respective dates of issue and to bear a rate of interest of 4 per cent per annum and to be redeemable before maturity at the option of the board, subject to the approval of the Secretary of the Treasury. Such bonds shall be issued in terms of foreign money and sold American importers at par to the extent necessary for them to acquire foreign currency or foreign credits needed to cover their importations in countries whose currency is at a premium.

Such bonds may be issued at par in payment of any advances authorized by this act, or for any of the purposes of this act may be offered for sale publicly or to any individual, firm, association, or corporation at such price or prices, not less than par, as the board may determine, subject to the approval of the Secretary of the Treasury.

SEC. 8. For the purpose of assisting in the prosecution of this war and providing for the public security and defense through the restriction of unnecessary capital expenditures there shall be appointed by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board, which may, under rules and regulations to be prescribed by such committee, with the approval of the Secretary of the Treasury, investigate and license, or refuse to license, the sale or offering for sale or for subscription of securities, as hereinafter provided. Such committee shall, however, grant licenses for any such sale or any such offering for sale or for subscription which it shall determine to be consistent with the foregoing purposes. The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury, and the compensation of the several members of such committee who are not members of the Federal Reserve Board shall be $7,500 per annum, to be paid by the board. Shares of stock of any corporation or association without nominal or par value shall for the purposes of this act be deemed to be of the par value of $100 each. Issues of shares or securities heretofore made, only a part of which have been sold or disposed of prior to the approval of this act, shall not be affected thereby. Nothing in this act shall be construed to prohibit, or to require any license from such committee in respect of, any borrowing by any person, firm, corporation, or association in the ordinary course of business as distinguished from borrowing for capital purposes. This section shall not be construed to apply to any securities issued by any railroad corporation the property of which may be in the possession and control of the President of the United States. This section shall not take effect until rules and regulations shall have been prescribed by such committee, as hereinbefore provided, and may continue in effect until the expiration of six months after the termination of the war, the date of such termination to be determined by a proclamation of the President of the United States. Nothing done or omitted by such committee hereunder shall be construed as carrying the approval of such committee or of the United States of the legality, validity, worth, or security of any securities.

SEC. 9. The war finance bonds shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of such bonds the principal of which does not exceed in the aggregate $5,000 owned by any individual, partnership, association, or corporation shall be exempt from the taxes provided for in subdivision (b) of this clause.

SEC. 10. The board shall make monthly reports to the Congress, giving the name and place of business of the person, firm, corporation, or association to which such advances have been made under the provisions of this act, the amount advanced, and the security accepted therefor.

SEC. 11. The term "securities," as used in this act, includes stocks, bonds, notes, certificates of indebtedness, and other obligations.

SEC. 12. The right to amend, alter, or repeal this act is hereby expressly reserved.

Mr. OWEN. Now I move, on page 11, line 5, after the words "Secretary of the Treasury," to insert as a new sentence the words "Such bonds shall be issued in terms of foreign money and sold to American importers at par to the extent necessary to cover their importations from countries whose currency is at a premium." I will explain that in the morning. If it needs any explanation. It will par the American gold dollar.

On page 11, where the language reads "Federal reserve banks shall be authorized, subject to the regulations of the Federal Reserve Board, to rediscount and purchase paper and make advances secured by such bonds in the same manner and to the same extent and at the same rate or at such higher rates as the Federal Reserve Board may approve," I wish to insert as an amendment the words "at not less than 1 per cent in excess of the interest rate fixed upon commercial paper by the Federal Reserve Board in that district"

I will consider that to-morrow, but I do not wish to take any time in discussing it now, and I do not want to delay the Senate in its adjournment. I have nothing further to offer.

Mr. SIMMONS. I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oklahoma [Mr. OWEN], pending which the Senator from North Carolina moves that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Thursday, March 7, 1918, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 6, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Ogden, D. D., offered the following prayer:

We stand in Thy holy presence, O God, our heavenly Father, with bowed heads and open hearts, that we may receive of Thine infinite wisdom, power, and goodness sufficient unto the needs of the hour; that we may be wise in our conceptions, strong in our convictions, firm in our purposes; that the work of this day may be well pleasing in Thy sight and conducive to the best interests of mankind; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PNEUMATIC-TUBE SERVICE.

Mr. ROUSE. Mr. Speaker, I desire to present a minority report of the Commission to Investigate the Pneumatic-Tube Service, and I ask unanimous consent that the report be printed in the RECORD.

The SPEAKER. The gentleman from Kentucky presents a minority report of the Pneumatic-Tube Service Commission and asks that it be printed in the RECORD.

Mr. CANNON. Was the other report printed in the RECORD?

Mr. ROUSE. The majority report has been printed in the RECORD.

Mr. JOHNSON of Washington. It was printed by the gentleman getting time in debate and extending it in his remarks.

Mr. ROUSE. I did it in that way because I did not want to use that time.

Mr. MADDEN. Inasmuch as the other report is in, let this go in.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to inquire how lengthy is the report of the minority views.

Mr. ROUSE. It is about 70 pages.

Mr. STAFFORD. Mr. Speaker, that is entirely too cumbersome a report to load down the RECORD with, and I object.

The SPEAKER. The gentleman from Wisconsin objects.

Mr. ROUSE. Then I ask unanimous consent that a summary of the report be printed in the RECORD. It is only about 14 typewritten pages.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that a summary of the report be printed. Is there objection?

Mr. STAFFORD. Has the summary been prepared?

Mr. ROUSE. Yes.

The SPEAKER. Is there objection?

There was no objection.

Following is the summary referred to:

MINORITY REPORT OF THE COMMISSION TO INVESTIGATE THE PNEUMATIC-TUBE SERVICE.

This commission was created for specific purposes. Its duties were clearly defined by the Congress. It had an opportunity to render a service of great value but, in my judgment, failed to do so.

The act creating the commission directed that it should:

"(a) Investigate the value of the pneumatic-tube service."

In prosecuting its investigation in compliance with this direction the commission did not summon before it a single expert postal official to ascertain his views and judgment as to the value of the pneumatic tubes. In neglecting to do so the commission failed to obtain at first hand the judgment of the only men qualified by experience and technical knowledge of the Postal Service to pass intelligently on this subject. The commission employed Stone & Webster, consulting engineers of Boston, Mass., to investigate the utility value of the pneumatic tubes. There is no evidence that any person connected with this firm has any technical knowledge of the postal methods and necessities of the present day.

In making their investigations the representatives of Stone & Webster did not confer with any person connected with the Post Office Department, neither does their report indicate that they obtained the judgment of responsible persons at the post offices where the tubes are operated as to the utility value of the tubes. It must be conceded that those in daily contact with the tubes and who are responsible for the expeditious handling of the mails are best qualified to testify to the

value of the tubes as a mail-carrying device. This was fully recognized in the early history of the tubes. The Search Commission, of which S. C. Mead, now secretary of the Merchants' Association of New York City, was a member, and which considered the question as to whether the pneumatic tubes should be owned, leased, or discontinued by the Government, in its report of December 20, 1900, stated:

"The Government, through its responsible officials, should be the final judge of the extent of ultimate adoption [of the tubes]."

The Congress fully recognized the value of the judgment of experienced postal officials in this matter and would not even trust the Postmaster General to pass on the value of the pneumatic-tube service, because he might lack expert and scientific postal knowledge, but required by the act of April 21, 1902—

"That no advertisement shall issue until after a careful investigation shall have been made as to the needs and practicability of such service and until a favorable report, in writing, shall have been submitted to the Postmaster General by a commission of not less than three expert postal officials to be named by him."

This act applies to the pneumatic-tube service only and has never been repealed.

The commission was further directed to ascertain—

"(b) The value of the tubes, franchises, and other equipment with a view to the purchase or operation of the same or any portion thereof by the Government."

The commission made no investigation to determine the present physical condition of the properties of the pneumatic-tube companies, and so can not state their value. With reference to the franchises, the commission appointed in accordance with the provision of the act of August 24, 1912, employed Mr. Nathan B. Williams, a well-known attorney, to look into and report on their duration, and his report is, in part, as follows:

"Boston occupies all streets, revocable on order of city council."

"New York, 25 years, from 1897." This franchise will expire in 1922, or four years hence.

"Chicago, 20 years, from October 12, 1903, with right of purchase after October 12, 1913." This franchise expires in 1923, and under its provision the property reverts to the city of Chicago.

"St. Louis, 25 years, presumably from June 10, 1903." This franchise will therefore expire in June, 1928.

"Philadelphia, no terms."

In connection with this franchise, however, attention is called to section 12 of an ordinance regulating the laying and construction of underground wires, electrical conductor, conduits, cables, or tubes, approved the 5th day of August, 1886, which was submitted by Mr. Williams, and which reads as follows:

"Should any company, corporation, firm, or individual to which privileges have heretofore or shall hereafter be granted for the laying of underground wires, electrical conductors, conduits, cables, or tubes, dispose of any of the franchises granted by ordinance, or lease to, consolidate, or merge with any other company, corporation, firm, or individual, they shall forfeit all rights and privileges granted to them by the city of Philadelphia, and upon satisfactory proof being furnished to the chief of the electrical department and the city solicitor, they are hereby authorized and directed to take similar action against the offending company, corporation, firm, or individual, as provided for in section 9 of this ordinance."

With respect to keeping the streets in repair, the franchises for the different cities require, according to the report of Mr. Williams:

"Boston: Person opening surface of street must make repairs for 12 months.

"New York: Streets must be restored and maintained.

"Chicago: Deposit covering estimates for repair costs must be maintained.

"St. Louis: Deposit covering estimates for repair costs must be maintained.

"Philadelphia: Repairs must be maintained for three years."

For the Government to spend millions of dollars to purchase tube systems operating under franchises which will expire within such a short period of time would be indefensible, as in one instance the property will revert to the city upon the expiration of the franchise and in another all rights and privileges granted by the city shall be forfeited upon sale. No business man would think of spending a dollar of his own money under like circumstances and surely we should not vote to squander the money of the public under circumstances where we would not be willing to spend our own.

The commission was also directed to:

"(c) Ascertain the cost and terms upon which such purchase may be made."

While the commission has not determined the cost of the tubes, the majority report outlines a method of payment which is clearly impracticable. After payment of the interest on deferred payments it is proposed to deduct the costs of operation from the amount now appropriated for rental and to apply the difference to the purchase. In my judgment after the interest and operating cost and proper charges as such there will be little or nothing left to apply to the purchase of the tubes and they will be worn out long before final payment can be made. In justice to the pneumatic-tube companies, and if their properties are to be purchased they should know how and when they are to be paid. In justice to the public if Government funds are to be used for that purpose they should know the extent of the cost.

The evidence before it and upon which the commission must base its conclusions consists of the testimony of representatives of commercial and civic organizations, the report of Stone & Webster, the briefs of the pneumatic-tube companies and of the Post Office Department, together with the accompanying exhibits.

I wish every Member of Congress would read the report of the departmental commission of 1916, the brief of the department, the report of the Post Office inspectors, and the report of the various postmasters and supervisory officials (pages 64 to 241, Briefs and Data) that they might comprehend the question from the clear, concise reasoning of broadminded men, men of experience and technical knowledge of the Postal Service and who, when they discuss postal affairs, know what they talk about.

These reports analyze the service in the minutest detail. The statements and conclusions contained therein are fully supported by facts. They are unanswerable and clearly disprove the arguments of the owners that the tubes are efficient and necessary to the Postal Service. This being true, the companies now resort to personal abuse and generalities to effect the sale of the tubes to the Government.

In reviewing the data before the commission the most careful consideration must necessarily be given to the respective interests of the parties involved. The owners of the tubes are in no wise responsible for the efficiency or conduct of the Postal Service. They are, however, vitally interested, from a selfish standpoint, in disposing of their property to the Government. They have inspired every possible sentiment to enable them to consummate this end. On the other hand, the Post Office Department, upon which rests the responsibility for efficiency in the Postal Service, must of necessity be vitally interested in procuring utilities best adapted to postal needs. The majority of the commission have entirely waived aside the facts presented by the department, as well as the judgment of the ablest men in the Postal Service. They have accepted instead the statements of the pneumatic tube owners and such inspired testimony as the latter, through hired agents, have been able to procure. If this commission questioned the judgment of the postal officials subscribing to the brief and reports of the Post Office Department and postal officials (pp. 64–241, Briefs and Data) it was clearly its duty to summon these officials and ascertain the facts upon which their opinions and conclusions were based and to determine the value of their judgment. These officials expected to be called before the commission and be so examined, and the fact is that the department urged that this be done.

While many investigations have been made of the pneumatic tubes by expert postal officials, only one of such officials recommended that the Government purchase the tubes. He served on two commissions within a short period of time and recommended both ways, once against and once for the purchase of the tubes.

In referring to the Postal Service the majority report states:

"The policy of those responsible for efficient management should be, however, to keep pace with the growth and the development of the country and the necessity for a constantly improved service."

This policy is sound in principle, and the Post Office Department urges that it be permitted to follow it in practice. This commission can not expect the Post Office Department to keep pace with the growth and development of the country and meet the demands for a constantly improved service if compelled by Congress to use antiquated and obsolete devices.

This commission fully appreciates the importance of letter mail and the necessity for its expeditious handling. The majority report states:

"The records of the Post Office Department indicate that from three to five million letters are advanced in delivery each day by the tubes, which otherwise would be delayed. The commission feels that the additional cost for providing expedition for this amount of mail is fully justified. The engineers for the commission estimate that the expense of tube service and Government ownership to supplant the necessary automobile service to replace the tubes if discontinued would be about $312 a day. The commission concludes that for this sum Congress can well afford to provide this special service for three to five million letters daily that would be enabled thereby to reach their destination earlier, which otherwise would not be true if tube service were dispensed with."

On this statement is based the recommendation for the purchase of the tubes.

It may be true that from three to five million letters are now advanced in delivery each day by the tubes, but in view of the evidence before the commission it is not justified in assuming that these letters will be delayed if the use of the tubes is abandoned, because the department proposes to handle them more expeditiously by other means. The report of the departmental commission, dated October 13, 1916, page 12, states:

"The statements and reports heretofore prepared by different commissions on pneumatic tubes show the number of pieces of mail advanced by the use of the tubes. This should not be construed to mean that if the tubes were displaced the same quantity of mail would be delayed, for the reason that the existing screen-wagon schedules are so arranged as to permit of the greatest possible use of the pneumatic-tube service for the dispatch of letter mail."

The representatives of the department contended, when appearing before committees of Congress, that by rearrangement of the automobile schedules and by supplementing them with additional trips that practically all of the mail then advanced by tubes could have been handled without delay, and that much of the mail then delayed by the tubes advanced. They also showed how that later dispatches could be made by automobile than were being made by the pneumatic tubes. Experience has demonstrated that this claim was true. In the report of the investigation of the New York service (p. 82, Briefs and Data) it is stated:

"During the latter part of 1916 an investigation was made into the cause of the failure to dispatch mail for Washington, Baltimore, and Philadelphia to the train above referred to, a considerable portion of which was postmarked at Madison Square Station. At that time the closing for the last wagon to this train, which leaves the Pennsylvania Terminal Station at 9.45 p. m., was 8.48 p. m., while the closing for the tube to the same train was 8.53 p. m. Our investigation showed that the dispatch of mail to this train was jeopardized when placed in the tube containers at 8.53 p. m., and that the connection frequently was missed. Following our investigation a wagon, known as trip 155, was scheduled to leave Station D at 9.07 p. m., Madison Square Station at 9.18 p. m., and Station F at 9.27 p. m., arriving at the Pennsylvania Terminal Station with closing mail from those stations for train 139, above mentioned. The previous closing time of the tube for this train at Station D was 8.50 p. m., a difference in favor of the wagon of 17 minutes; Madison Square at 8.53 p. m., a difference of 25 minutes; and Station F at 8.50 p. m., a difference of 37 minutes. The records show that the wagon is regularly making the connection, whereas the connection at that hour by the tube was very uncertain. We cite this instance from the fact that this wagon was scheduled especially to make this connection, the tube service being undependable.

"In the event a complete wagon system is inaugurated, wagons for closings for the heavier connections would be scheduled from the other stations accordingly. It is unfair to compare the present schedules of wagon service with the tube closings for connections with trains, as, due to the fact that the tube service is maintained, the wagons have not been scheduled to provide for the transfer of final dispatches, but for the handling of the heavier and more bulky mail. In fact, heavy trucks are used, whereas if dispatches of first-class mail were dependent upon the operation of wagons lighter and more rapidly moving vehicles would be used. The conditions above described would substantially obtain under a complete system of wagon service, and while in some instances of longer haul a small amount of time would be lost, the greater volume of the mail would be correspondingly advanced."

The postmaster at Philadelphia states (p. 136, Briefs and Data):

"In summing up the comparative merits of the pneumatic-tube system and any other means for the transportation of mails, consideration should be given to the essential features, which are speed, reliability, and cost.

"It has been shown that 4,297 letters are advanced in delivery by tube service, but this advantage is offset by the more expeditious delivery of special-delivery parcels and large packages of first-class mail which the increased automobile service would give."

Hon. MARTIN B. MADDEN, of Chicago, a distinguished Member of this Congress, who is ever zealous in guarding the interests and efficiency of the Postal Service and whose judgment in matters of postal affairs is eagerly sought, stated, on page 366 of the hearings before the Post Office Committee in December, 1913:

"Mr. MADDEN. Would you be surprised to know that an investigation that I made of the pneumatic-tube service in Chicago led me to the conclusion that it was a service of no special value, except in the matter of the 12 minutes' time saved in closing the mail; that they would have to close 12 minutes earlier if they did not use the service; but that all mail sent through the pneumatic tubes from the office to the railway stations had to be broken up and be put in small packages in order to put it through the tubes at all, and then it had to be redistributed for transportation over the railroad at a cost of $60,000? A number of clerks sufficient to consume $60,000 a year in pay had to be maintained to put that mail back into form. Perhaps it might surprise you to be told that I could take a wheelbarrow from the main post office and start up to any of the ordinary railroad stations with it and load it in and get it sealed on the train as quick as the pneumatic-tube service, taking the time for redistribution into consideration."

What has been demonstrated to be true in New York, Philadelphia, and Chicago is equally true in the other cities where the tubes are operated. This clearly demonstrates that but few of the letters referred to by the commission will be delayed. It also clearly demonstrates that many letters now delayed through the use of the tubes can be materially advanced. The conclusions in the majority report, being based on false assumption, must naturally fall of their own weight.

It is the judgment of postal officials who are in daily contact with the tube service that it is of so little value as a postal utility that if tendered the department as a gift it would not be justified in asking the Congress for funds to operate it. Their judgment in this respect appears to be in accord with that of Congress with regard to pneumatic tubes, because the Congress itself fails to operate the tube which connects the Capitol with the House Office Building, although it is of much larger diameter than the tubes used in the Postal Service. Even the merchants of Boston abandoned more than 15 years ago a tube installed in that city for commercial purposes, and the most expert postal officials and engineers of Great Britain, after a thorough investigation of the tube system installed in this country, recommended to their Government against its adoption, and stated that it possessed no advantage as a means of transporting mail over the ordinary road van.

The conclusions in the majority report, in my judgment, are not justified for the following reasons:

First. Because they are not in accordance with the facts. When viewed in the most charitable manner, the data before the commission do not justify the purchase, retention, or operation of the tubes.

Second. The expenditure of millions of dollars by the Government to purchase the present pneumatic-tube equipment, which the postal officials state is inefficient, antiquated, and worn out, and of so little value that it would not be accepted as a gift, can not be justified.

Third. To compel the department by law to continue the use of these tubes which delay millions of letters annually and damage and destroy thousands of others would be indefensible.

Fourth. The purchase by the Government of the present tube systems, with tubes of various sizes, operating under franchises which are either revocable or which will expire long before final payment can be made, and in one instance which will revert to the city at the expiration of the franchise, would be little short of scandalous, and will justly deserve the condemnation of the public.

Fifth. The purchase of approximately 5 miles of pneumatic tubes which were abandoned as a commercial failure, and for which the Government has already paid a rental far in excess of the original cost to the tube company, is preposterous.

Sixth. The proposed method of payment for the tubes outlined in the majority report is but a weak attempt to justify and camouflage an extravagant waste of public funds at a time when the Government must sell liberty bonds and greatly increase taxes to secure funds to successfully prosecute the war.

Seventh. To ignore the facts presented and the judgment of eminently qualified postal experts not only of the United States but of Great Britain, and yield to the importunities of those financially interested and the inspired sentiment created by professional boosters who have no intimate knowledge of the service or responsibility for its successful operation would also be indefensible.

It is admitted by the owners of the pneumatic tubes that the Government is not under the slightest moral obligation to purchase or continue their use. In view of their inefficiency, and the destruction, damage, and delay which they cause to an enormous quantity of letters, I can not too strongly urge that the present tube systems be not only not purchased by the Government but that their use be discontinued entirely. I wish to state, however, that I am very much in favor of an underground system which will transport all mail of all classes in the congested districts of large cities, but I am not in favor of the purchase by the Government of an obsolete toy, which the present pneumatic-tube system is.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the list of committees.

The Committee on the Judiciary was called.

TO PUNISH DESTRUCTION OF WAR MATERIAL.

Mr. WEBB. Mr. Speaker, on behalf of the Committee on the Judiciary, I desire to call up Senate bill 383, House Calendar No. 4, I believe.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

A bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

Mr. WEBB. Mr. Speaker, on behalf of the committee, I desire to offer a committee substitute for Senate bill 383 and have it read at this time for discussion.

The SPEAKER. The gentleman from North Carolina offers a committee substitute, which the Clerk will report.

The Clerk read as follows:

A bill to punish the willful injury or destruction of war material, or of war premises or utilities used in connection with war material, and for other purposes.

Be it enacted, etc., That the words "war material," as used herein, shall include arms, armament, ammunition, clothing, food, supplies, stores, and all other articles of whatever description intended to be used by the United States, or any associate nation, in connection with the conduct of the war.

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

The words "war utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or about to be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished to the military or naval forces of the United States or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to the military or naval forces of the United States, or any associate nation.

The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

The words "associate nation," as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that this act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

SEC. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

The SPEAKER. Does the gentleman from North Carolina desire to ask leave to consider the substitute for the Senate bill?

Mr. WEBB. I desire to offer the substitute in lieu of the Senate bill.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to consider the committee substitute in lieu of the Senate bill. Of course, the time has not come to offer the substitute, but the Chair wants to warn the House that it is a House substitute for the Senate bill that the gentleman desires to discuss.

Mr. WEBB. That is right.

The SPEAKER. The gentleman from North Carolina has 45 minutes and the gentleman from Minnesota [Mr. VOLSTEAD] 45 minutes.

Mr. WEBB. Mr. Speaker, when this bill was before the House on a Calendar Wednesday last April a number of gentlemen, among them our esteemed friend, the honored Republican floor leader [Mr. MANN], interposed very serious objections to certain language which was in the Senate bill, and it was seriously objected to by a number of Members. The language which at that time seemed to be most objectionable to those gentlemen was this, as found in lines 5, 6, 7, 8, and 9 in the Senate bill:

And all other articles of whatever description requisite to or intended to be used in connection with the conduct of war by the United States, as well as all machinery and other articles and accessories required for or connected with the production or manufacture of such war material.

The words "requisite to" seemed to cause most debate and most objection. The objections of those gentlemen ran to the Senate bill entirely.

We did not finish the bill on that day, and the chairman of the Committee on the Judiciary asked a special subcommittee to go over the Senate bill, which was reported hastily, I may say, and they proposed a substitute. The substitute that we now offer I think very largely eliminates that objection.

My recollection is that there was another objection which the debate did not fully develop, which was that it made the defendant guilty of a crime if he injured or destroyed by fire or other violent means either war materials or war utilities or war premises without requiring any evidence to show that he

knew that they were war materials or war premises or utilities, or that he intended to obstruct the operations of the war, so that the committee in the substitute provides that whoever in time of war, with intent to injure, hinder, or delay the prosecution of the war, or whoever, with reason to believe that his act would hinder, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, even if not by violence or explosion, injures or destroys any war materials or war utilities, shall be guilty of a crime.

In one sense we have restricted the bill a little and in another broadened it. It seemed that the words "requisite to" were objected to on the ground that they might cover anything that might possibly be used directly or indirectly to prosecute the war. It might cover corn or wheat in the fields, growing or otherwise, and, of course, the committee did not want to make it too broad. At the same time, they wanted to make it broad enough to cover anybody who would try to prevent or delay or hinder the successful prosecution of the war.

Mr. MADDEN rose.

Mr. WEBB. I yield to the gentleman from Illinois.

Mr. MADDEN. Will the gentleman yield?

Mr. WEBB. I yield to my friend from Illinois.

Mr. MADDEN. Of course, this gives any person charged with a crime described in this bill the right to a defense, to prove his case if he is innocent?

Mr. WEBB. Oh, absolutely. This is a civil bill and will be enforced by the civil court.

Mr. MADDEN. I do not think it can be too drastic myself. If we are in this war to win, we have got to provide the means to win, and we must surround the Government with every safeguard to enable it to carry out the functions that devolve upon us by reason of the fact that we are in the war. Personally I believe that the committee have done a good job, and there ought not to be any question about the adoption of this bill without debate, it seems to me.

Mr. WEBB. I thank the gentleman. If there is any further question about the substitute, I will be glad to try to answer it.

Mr. ROBBINS. Will the gentleman yield?

Mr. WEBB. I do.

Mr. ROBBINS. This bill applies to Government property. It does not apply to private property.

Mr. WEBB. Oh, yes; it does apply to all sorts of property if it is intended to be used in the prosecution of the war.

Mr. ROBBINS. Would it apply to works like the Westinghouse works, near Pittsburgh, if they are engaged in the manufacture of munitions.

Mr. MADDEN. Undoubtedly.

Mr. ROBBINS. These works have been burned down, and there have been explosions in them, all of which have been believed to be because they were engaged in the manufacture of munitions; but they are privately owned property, not under the jurisdiction of the United States.

Mr. WEBB. Let me read to the gentleman the definition of war premises:

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

Mr. ROBBINS. That description is quite broad, but would it yet include a privately-owned manufacturing concern engaged in the manufacture of munitions?

Mr. WEBB. I imagine a privately-owned manufacturing concern "wherein such war material is being produced, manufactured, repaired, or stored," intended for the use of the United States, would be covered by this bill.

Mr. ROBBINS. I think it should be broad enough to cover these cases.

Mr. WEBB. We are perfectly willing to make it as broad as necessary, and if the gentleman can make any suggestion we shall be glad to consider it. This is practically the language suggested by the Attorney General. We have taken practically his definition of war premises.

Mr. DYER. If the gentleman will yield, I will say that there is not any question but what the committee wants to include all matters of that kind.

Mr. WEBB. That is correct.

Mr. DYER. And it seems to me that that definition is ample for the purpose that the gentleman has referred to.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. WEBB. I do.

Mr. STAFFORD. In hastily glancing over this bill I notice that it is much broader and more drastic than the original bill that we considered here some months ago.

Mr. WEBB. As I said in my opening statement, in one respect it restricts and in another respect it is a little broader, because the Senate bill provided that a man could only be punished when he committed some of these offenses by some violent means—by fire or explosion. We provide that he shall be punished if he injures or destroys any of these war utilities or premises, whether by violent means or not. We thought that a man who deliberately, with intent to delay the prosecution of the war, injured any utilities which were described in this substitute, which manifestly are necessary for the prosecution of the war, and did it with intent to injure or delay, or with the knowledge or belief that it may injure or delay the prosecution of the war, ought to be punished.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. WEBB. If my friend from Wisconsin has concluded his remarks, I will yield.

Mr. GRAHAM of Illinois. I observe that the penalty fixed in the act is only fine or imprisonment. Suppose these acts result, as they frequently do, and have during the last few months, in the death of one or more persons; do you not think there ought to be some provision by which the death penalty could be inflicted in a case of that kind?

Mr. WEBB. The difficulty heretofore, as I understand, has been in apprehending the guilty person. If in any State of the Union a man blows up a building, and in blowing it up kills some one, he is liable to be hanged under the State law. This bill will put it in the power of the Government to run down and apprehend violators of this act.

Mr. GRAHAM of Illinois. Yes.

Mr. WEBB. And this is a remedy which is additional to what the State has against these very same offenses. We are defining offenses which are now punishable under the State laws, also offenses against the Government of the United States. We have not covered the death penalty; but we thought if we covered the others, then if the Government catches a man who actually committed any offense of this kind under the circumstances the gentleman suggests the State would probably hang him, and properly so.

Mr. STAFFORD. This bill in its phraseology would not prevent labor from striking to redress any grievances that they might conceive they had——

Mr. WEBB. Not unless——

Mr. STAFFORD. In case that labor was employed in the manufacture of munitions or articles necessary for carrying on the war.

Mr. WEBB. No; not unless labor injured these war utilities by a combination whose intent was to delay the prosecution of the war.

Mr. DYER. Does the gentleman mean to say that a man who was working in one of these factories, a laborer who wants to go on a strike and does go on a strike, is to have any privileges that are not accorded to any other citizen under this proposed bill?

Mr. WEBB. Of course I do not say that. If a man strikes and injures war utilities or war premises as a striker, and does that with intent to delay or interfere with the prosecution of the war, he would be just as guilty as anybody else who does not labor, and of course he ought to be.

Mr. REAVIS. Will the gentleman yield?

Mr. WEBB. I yield to my friend from Nebraska.

Mr. REAVIS. Section 1, page 2, lines 6 and 7, war utilities, is defined in the bill to comprehend "railroad or railway fixture." Now, suppose in the course of a strike some railway fixture were injured with intent to injure the railroad company, but not with an intent to interfere with the prosecution of this war. In that event the striker would not be liable, unless he had reason to believe that his act would interfere with the prosecution of the war.

Mr. WEBB. That is why we have two offenses in the bill; one, if he knowingly interferes with the prosecution of the war he is guilty of a crime, and, secondly, if he does an act with reasonable ground to believe that it will interfere with the prosecution of the war, that makes him guilty, too.

Mr. STAFFORD. Will the gentleman permit me?

Mr. WEBB. Yes.

Mr. STAFFORD. I want to direct the gentleman's attention to section 2, as I believe the phraseology is broad enough to make it a crime under this bill in case the striker destroys property of the railroad company with the intention to gain his means of winning the strike. If it in any wise affects the dispatch of the war under that section, he would be guilty of a crime.

Mr. REAVIS. Will the gentleman from North Carolina permit me to answer the gentleman from Wisconsin?

Mr. WEBB. Yes.

Mr. REAVIS. Under clause 2 of this bill the provision is as follows:

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall—

And so forth.

Now, if the act of the striker is done without an intent to interfere with the prosecution of the war, and without reason to believe that it would so interfere with the prosecution of the war, he is not amenable to this bill.

Mr. STAFFORD. Who determines that?

Mr. REAVIS. That is a question of fact for the jury.

Mr. STAFFORD. Yes; it is for the jury, of course; but it occurs to me that under the drastic language of the section the case of the striker instanced by the gentleman from Nebraska would be liable.

Mr. WEBB. The striker's body is no more sacred than the body of anybody else.

Mr. STAFFORD. But I understood the gentleman to say that he would not be liable.

Mr. WEBB. I did not say that he would not be liable; I said he would be if he commits the acts denounced in the bill, just the same as anyone else.

Mr. REAVIS. Would the gentleman be in favor of acquitting a striker who did an act with reason to believe that it would interfere with the prosecution of the war?

Mr. STAFFORD. I would not; but I say that under the phraseology, under a strict construction, he would be guilty of a crime in the case instanced by the gentleman from Nebraska.

Mr. REAVIS. I can not agree with the gentleman in the absence of an intent or something to put him on notice of the fact that he was interfering with the prosecution of the war.

Mr. WEBB. I will say that if the striker should throw a bomb into a munition plant, in which he had been at work, for the purpose of blowing up and killing or injuring the man for whom he is at work, he would be guilty under this bill, if the jury should find, and, of course, it would find without any hesitation, that he had reason to believe that blowing up the factory would interfere with the prosecution of the war.

Mr. STAFFORD. There is no one in this Chamber who does not wish to punish that character of man to the greatest extent, and not only give State authorities the jurisdiction which they now have, but give national authority to prosecute such act.

Mr. WEBB. I am glad the gentleman has interjected the question, because I want it understood that the striker can not violate the law more than anybody else can violate it.

Mr. RUCKER. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. RUCKER. The gentleman states if a striker throws a bomb for the purpose of blowing up a factory he would be guilty.

Mr. WEBB. Yes.

Mr. RUCKER. Would the Government be required to show that he had the purpose in blowing up the factory when he knows that the bomb would be likely to blow it up?

Mr. WEBB. No.

Mr. RUCKER. If he throws a bomb, regardless of any purpose, he ought to be guilty.

Mr. WEBB. We do make him guilty if he has reason to believe that destruction would retard the prosecution of the war.

Mr. RUCKER. A man must be held to be responsible for the ordinary consequences of his act. If he throws a bomb into a munition factory, the natural and usual consequence would be to delay it, and he must be held responsible for it.

Mr. WEBB. Yes; even if the bomb did not explode, if he made the attempt he would be guilty under this bill.

Mr. CANNON. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. CANNON. The gentleman is now discussing the House substitute?

Mr. WEBB. Yes.

Mr. CANNON. I have not had my attention directed to the House substitute, and therefore what I say is rather a hop, skip, and a jump. When the President addressed the Congress before the Adamson bill passed he recommended the bill, as I recollect it, and for which I voted. In his address he also favored, in substance, legislation that when a dispute arose about wages between employers and employees it should be arbitrated, and pending arbitration it should be unlawful not for one man to quit his job, but unlawful to strike in pursuance of a conspiracy, until the award was made, and when made the award should be made a judgment of the court. Now, is there anything in this act or in any other bill pending that would tend to prevent these strikes until there was arbitration and the arbitration made the judgment of the court?

Mr. WEBB. As far as my knowledge is concerned, I will say that I know of no bill pending before the Judiciary Committee along the line of the gentleman's suggestion that would squarely and simply prevent men from striking under any circumstances. Such bill may be pending before the Committee on Interstate and Foreign Commerce. However, I do not know of any such bill. That committee might have jurisdiction of it, as it had jurisdiction of the Adamson railroad bill. I do not know whether such proposed legislation is pending or not.

Mr. HAMLIN. If the gentleman will permit me, in connection with the suggestion of the gentleman from Illinois [Mr. CANNON], would not that bill have this effect? Section 2 reads:

That when the United States is at war whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war—

A strike would not come within that provision.

Mr. WEBB. No; unless the strikers have the intent to interfere with the prosecution of the war and injure or destroy some class of property defined in the bill.

Mr. HAMLIN. But that is preliminary. It continues—

or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war.

Now, if men employed in a munition factory, for instance, should by common consent agree to strike, would not they have reason to believe that their conduct would interfere with and obstruct the United States in preparing for the war and carrying on the war? In other words, would not that act come within the provisions of this substitute?

Mr. WEBB. Their act would have to be accompanied by willful injury or destruction of some of the property described in the bill. If they committed that sort of act with intent or reasonable ground to believe the act would delay the United States in the prosecution of the war, then they would be guilty under this bill, but the mere fact of a peaceable strike, without some accompanying injury and without intent to injure the United States in the war, would not I think be covered by this bill.

Mr. HAMLIN. The gentleman perhaps is right about that, but the way the substitute is punctuated it would seem to me to stand alone and to be somewhat disconnected from the provision of the substitute which the gentleman has just quoted.

Mr. WEBB. I will say to my friend that in section 2 there are two offenses defined.

Mr. HAMLIN. Are there not three? That is the point I am making. The first is, "whoever shall interfere with intent to injure or obstruct."

Mr. WEBB. Yes.

Mr. HAMLIN. The second is, "Whoever with reason to believe that his act may injure, interfere, or obstruct the United States or associate nations in preparing or carrying on the war," and then the third is, "whoever shall willfully injure or obstruct."

Mr. WEBB. Oh, no. Now, you come to the predicate of that whole sentence—"whoever with intent or with reasonable ground to believe shall destroy," and so forth.

Mr. HAMLIN. That is the point I want to have clear.

Mr. CANNON. Would the gentleman accept or himself offer an amendment which during the war would prevent conspiracies to strike? Evidently there have been conspiracies, especially on the Pacific coast and elsewhere. Would the gentleman object to an amendment or offer an amendment himself—he could do it better than I—that would substantially put upon the statute books the recommendations of the President when we passed the Adamson law and which he repeated in his annual message?

Mr. WEBB. I will say to my friend that that is a tremendous question, as he knows, and I would not undertake to draw an amendment in a moment to cover the question. I imagine that when such bill does come to the House, if it comes at all, that the committee which handled the Adamson law will probably be requested to handle such bill.

Mr. CANNON. But this matter I speak of would not be in conference in the event the House adopts the substitute.

Mr. WEBB. If this bill goes to the Senate, the Senate can add to our substitute, and then both Senate bill and our substitute would be in conference.

Mr. CANNON. Yes; they could agree to our substitute with an amendment.

Mr. WEBB. Yes.

Mr. CANNON. But suppose the Senate does not do that?

Mr. WEBB. Then we have only the House substitute.

Mr. CANNON. Does not the gentleman think it would be well to put in the conference a provision, which could be drafted readily, I think?

Mr. WEBB. I can not tell. I do not know whether that sort of an amendment right now would do more harm than good. These heads of the departments who are in closer touch with the labor situation than I am might be better judges about it. Of course, I do not think labor ought to be permitted to conspire to do anything with intent to injure the conduct of the war.

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Yes.

Mr. DYER. I want to state with reference to the inquiry of the gentleman from Illinois [Mr. CANNON] that I doubt the advisability of attempting to amend this bill with such an amendment. That is too great and too important a matter, and it ought to be very carefully studied. England has enacted a law along the lines suggested by the gentleman from Illinois in the munitions act, and in effect strikes are not permitted there. They must submit their grievances and they are considered by a board of arbitration, and so forth. The matter would have to be very carefully drawn and carefully considered by the committee before it should be brought to the House, and I think it would be unwise to attach it to this bill.

Mr. CANNON. Mr. Speaker, if the gentleman will permit me in his time, as a war measure, during the war, it seems to me that it is vital and patriotic both that that legislation should be enacted.

Mr. WEBB. Of course, as far as I am concerned, I expect the labor people of the country, through their duly elected spokesman—Mr Gompers—to be loyal to the Government and not to have any useless strikes, or even strikes that appear to be useful, if in so doing the progress of the war will be retarded.

Mr. CANNON. Does the gentleman think that Mr. Gompers has the power to control the I. W. W.?

Mr. WEBB. No; nobody can control them.

Mr. DYER. Shot guns.

Mr. CANNON. Therefore, they have had the power so far to raise hell.

And now it seems to me, as a war measure—I am not going to speak about it as peace legislation—but as a war measure it could not hurt Mr. Gompers's organization whatever he might believe in time of peace should be the legislation, but whether it hurt or not, it seems to me that this legislation should cover everybody who conspires along the line of which I have spoken.

Mr. WEBB. Now, Mr. Speaker, I would be very glad if the gentleman from Minnesota desires to use some time that he do so.

The SPEAKER. The gentleman from North Carolina occupied 25 minutes and the gentleman from Minnesota is entitled to 45 minutes.

Mr. VOLSTEAD. Mr. Speaker, I do not know that there is anything I need add to what has been said. I desire only to call attention in a general way to the character of the bill as it was originally introduced and as the committee modified it. The original bill was much more comprehensive in some respects, in fact it seemed to be broad enough to cover anything in the United States. The committee has modified it by limiting the scope of the bill to those things which are being used more directly by the Government in carrying on the war. The committee also broadened it, as the chairman has called attention to, as to the methods of committing the offenses, and having broadened it so as to comprehend a great many things that were not included in the original bill, it occurred to the committee that it would be necessary to again limit it so that it would not cover too much ground, so we inserted provisions in sections 2 and 3 limiting the same to acts of injury committed with intention to interfere with, obstruct, or delay the war, or to acts where the person committing the injury would have reason to believe that he was obstructing, delaying, or interfering with the war. As amended, I think this act will be so administered that it will only comprehend those things that we ought to reach. Those matters where slight injury is done, should not come under this act. The bill aims to protect docks, bridges, buildings, food, clothing, and almost everything that you can imagine. Now, a slight injury to any of those things would not, as a rule, be punished by this bill because it could not ordinarily be shown that the injury was done with the intention to interfere with the war, nor could it be said that the person would have reason to believe that such slight injury would so interfere. It seems to me that the substitute for the Senate bill submitted here safeguards the individual; he will not be in jeopardy unless he desires to be, and I think the bill is broad enough so that every case where the Government needs protection it can prosecute under this act and secure a conviction.

I think it is true that during this session and the preceding session the administration has been asking for powers that might be abused. I think the committee can justly claim that it has tried honestly to prevent giving the Government such powers. I realize that in a time like this we ought to be careful. Public excitement runs high, and unless there is some protection in the law itself, some clear definition of every offense, men may be convicted and punished in cases where they ought not to be punished. I think, on the whole, the bill is fair and I hope will prove a salutary law.

Mr. STAFFORD. Will the gentleman yield?

Mr. VOLSTEAD. I will.

Mr. STAFFORD. I am having some difficulty in getting the real meaning of the committee in the phraseology contained in section 2, particularly as it may affect the right of action of individual workmen in their right to strike for the improvement of their condition.

Mr. WALSH. Will the gentleman yield?

Mr. STAFFORD. I am directing my inquiry to the gentleman from Minnesota. Take the wording of the first part of that paragraph, assuming the case of a railroad strike, where the railroad men had done nothing but impede the carriage of munitions of war, including grain that might deteriorate, on the roadway in case they are not hauled, they would undoubtedly under the first clause of section 2 be interfering with the United States in preparing for or carrying on the war. There is no question about that.

Mr. WEBB. If my friend will permit——

Mr. STAFFORD. The next question is whether they will by that act come under the subsequent penal provision as found in lines 13 and 14. Let me read it, having in mind the case of a striker on a railroad committing no overt act in injuring property, but only striking and impeding the carriage of grain or other foods that deteriorate because they are not carried to their destination, to the depots and the posts where they are needed for the support of our Army. Let us read it:

But when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war—

That goes down to line 15, where it goes on to say—

shall willfully injure or destroy—

Of course, he is not willfully injuring anything—

or shall attempt to so injure or destroy any war material, war premises, or war utilities——

Mr. VOLSTEAD. Just a minute.

Mr. STAFFORD. He is attempting to interfere with the war activities and his act of interfering with the transportation of foodstuffs is in effect injuring and destroying them.

Now, why is not the language broad enough to make it a crime under those circumstances for a man to strike and be punished under the phraseology of this section?

Mr. VOLSTEAD. If you will pardon me, that question makes almost a speech.

Mr. STAFFORD. I knew the gentleman was not pressed for time, and I thought I would set forth fully my proposition. If I knew the gentleman had been pressed for time I would have condensed it in two words, perhaps.

Mr. VOLSTEAD. Let me say that a criminal statute ordinarily is construed strictly. We have to-day upon the statute books a law authorizing strikes, permitting them. This bill could not be construed to repeal that statute.

Mr. STAFFORD. If the gentleman will permit me.

Mr. VOLSTEAD. That would remain in force.

Mr. STAFFORD. Will the gentleman permit there?

Mr. VOLSTEAD. Just a minute. Now, the language is not only that a person must intend to obstruct the preparation for war, but he must also injure or destroy certain property.

Mr. STAFFORD. Or attempt——

Mr. VOLSTEAD. Or attempt to injure or destroy certain things. I do not think that last part changes it at all. There must be an attempt to destroy or injure certain property.

Mr. STAFFORD. If the gentleman will permit, what is the natural consequence of a railroad strike, when in the organization of railroad men they determine to leave their employment and leave the freight cars on the tracks, which cars contain food and articles to supply our Army, except that the food and articles become deteriorated so that they can not reach their destination and be of value to the Government?

Mr. VOLSTEAD. That is not their act; that is their failure to act. This requires an act to injure or destroy.

Mr. STAFFORD. This would be construed under this phraseology as an attempt to injure and destroy war material, which would include food.

Mr. VOLSTEAD. If it could be so construed, I would not hesitate a minute to make it the law, as the act would have to be done with intention to interfere with carrying on the war.

Mr. STAFFORD. The gentleman is not hesitating. But the question is how far are we going under this phraseology? What is the real extent of this phraseology when actually applied by our judicial officials?

Mr. WALSH. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. WALSH. Would the gentleman say that if the members of a railroad union struck and left food upon the tracks so that soldiers might starve, they ought not to be punished?

Mr. STAFFORD. I do not say they should not; but I am only pointing out the fact that if your law goes to the extent as worded that they will not be enabled to strike for the improvement of their conditions under this law.

Mr. WALSH. They will not be enabled to strike and interfere with the United States in the conduct of this war, and that is what the language says. The gentleman is an expert in the English language and knows what it says.

Mr. STAFFORD. And, furthermore, another member of the committee, the gentleman from Nebraska [Mr. REAVIS], contended that if a railroad striker would in the strike injure the railroad property without intent to interfere with the war this phraseology would not extend to him. I am presenting a case, and I wish to call it to the attention of the House, that under the phraseology as drawn it would prevent, apparently, any strike whatever where the strikers were engaged in the manufacture or connected with the manufacture of munitions.

Mr. DYER. What is the gentleman's position upon that question that he is asking questions about?

Mr. STAFFORD. I am trying to ascertain from the committee whether they know fully the extent to which the phraseology of the law applies. There is a difference of opinion between members of the committee. I am pointing out a case where I say the law would apply, but the members of the committee say it would not.

Mr. DYER. The gentleman is a very distinguished lawyer, and if he thinks it would apply, would he take it that it changed a law or a subject like this?

Mr. STAFFORD. This bill when it was last considered was punctured by the leader of the minority. It has been thrown upon us here without any time for consideration. The members of the committee differ as to the application of this law.

Mr. WALSH. There is no difference at all.

Mr. STAFFORD. The gentleman from Nebraska [Mr. REAVIS] differed in the construction of the law from the distinguished gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. No; he did not.

Mr. VOLSTEAD. Mr. Speaker, I want to add a few words. I do not think there is any question about this language. It will have to be given a fair and reasonable interpretation, and it seems to me when you give it that it can not mean that a person is guilty because he may neglect to do certain things. He must be guilty of an act, not neglect. He must be charged with willfully injuring or destroying property with a certain intention or with a knowledge that it will result in injury to the Government. Now, the position that the gentleman assumes is that because laborers quit and neglect to do work, therefore they would be guilty. I do not think a criminal statute would ever be construed in any such fashion as that. It is an act that we condemn; it is not neglect. Of course, if men strike, and in that strike destroy or injure property, they would be guilty and ought to be punished. There is not any reason why the mantle of a labor organization should shield them from punishment any more than any other citizen of the United States.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. STAFFORD. As I stated before, there is not a Member here on this floor that does not wish to punish that very character of act that the gentleman is referring to, but there are Members here who take a different construction of this bill from what the gentleman and other Members place upon it.

Mr. VOLSTEAD. Mr. Speaker, I reserve the balance of my time.

Mr. GARLAND. I want to ask the gentleman a question.

Mr. VOLSTEAD. Very well.

Mr. GARLAND. What is the actual effect of the language here? Does it not stop the right of railroad men to strike when they are carrying war material?

Mr. VOLSTEAD. I do not think so at all.

Mr. GARLAND. I want to be sure of that. I am not objecting to it.

Mr. VOLSTEAD. I do not think it could ever have such an effect.

Mr. GARLAND. There is a difference of opinion in the committee as to the effect. Let us know.

Mr. VOLSTEAD. We can only give you an opinion. Here is the language. It does provide for an affirmative, a specific act, a willful act. It can only be construed to interfering with labor organizations or strikes if it can be held to condemn omissions to do things. For instance, it is suggested that if you delay food in a train, that food will deteriorate and thus be lost to the soldiers.

Mr. GARLAND. Then it does mean that?

Mr. VOLSTEAD. It does not condemn anything of that kind. I am positive it could not be construed as meaning anything like that. It would not repeal the statute giving a right to strike. Repeals by implication are not favored.

Mr. GARLAND. It stops men from striking when carrying war materials?

Mr. VOLSTEAD. I do not think so.

Mr. SUMNERS. Mr. Speaker, will the gentleman yield? I want to make a suggestion to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. VOLSTEAD. Yes.

Mr. SUMNERS. Under this section the gist of the offense would be the destruction of war material, willfully injuring or destroying war material. That would have to be proved in the event the Government sought a conviction, and the Government would have to go further than that and prove that the destruction was with the intent and purpose to injure the United States or some nation engaged with it in this war. Two things: First, the willful destruction or attempt to destroy war materials; second, that that attempt was made with the deliberate purpose to injure this Government or one of its allies engaged in this war. That is all that is in the section, and that is in the section.

The SPEAKER pro tempore. Does the gentleman from Minnesota desire to use some time?

Mr. VOLSTEAD. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. CANNON. Mr. Chairman, there seems to be a difference of opinion among the members of the committee as to just what this proposed substitute means. It has been a long time since I practiced law on a country circuit, 40 years plus, so that I do not know that my opinion as to what this bill means is of much account to myself or much account to the House.

But I will tell you what I would like to see done. I would like to see carried out President Wilson's recommendations when he addressed Congress on the Adamson bill, for which I voted, for that part that was then vital, with the crops ready to move, when I believed there would be a tie-up of the great terminals that would be disastrous. I doubt if I would have voted for it if it had not been for all of the recommendations in his address, which I had the right to believe would be enacted into law when the Congress met in December.

Now, I have never gotten along very well with Samuel Gompers. I agree with him in some things and I disagree with him in others. But it seems to me as a war measure he and every other patriotic citizen ought to agree upon this proposition—I will not say as peace legislation, because I know that he would not agree with me, touching peace legislation—but for war legislation I believe this or some other similar bill ought to be enacted that would render it unlawful, pending disagreement during the war, to interfere with production or transportation in American bottoms on the sea or on the railroads in the United States, on the farm, in a munition factory; that whoever conspired—mind you, now, not whoever refused to work as individuals, but whoever conspired—to obstruct the Government in the conduct of the war should be guilty of a crime.

Why, think of it! We draft the men and send them into the trenches, our citizens. They have got to have food, they have got to have munitions, with all that that means. They have got to have clothing, and they depend upon the people, their fellow citizens, to give them all that is necessary, and they do that without regard to the hours of labor. My God, if there should be a proposition that they should not fight for more than eight hours, they would be absolutely of no account in the event they were attacked or in the event they were attacking the enemy.

Now, whoever conspires to strike in an iron mine, or in a coal mine, or in a copper mine, or in a zinc mine, or in a factory; or whoever strikes where there is production of food; whoever strikes where it is necessary to have transportation, and does it by virtue of a conspiracy, he ought to be guilty of a crime.

As I had occasion to say formerly, a chain is no stronger than its weakest link. Now, then, if this legislation is broad enough to cover the people, over 100,000,000 of them, that have organized an army and sent it into the trenches and that have constructed railroads and set them in operation and have

constructed ships and put them upon the sea—if it is broad enough to cover all the balance of us in giving them proper protection and proper support to enable them to be efficient in war, why, then, I am for the bill, and whoever is not in favor of just what I have spoken all along the line, to cover every one of 100,000,000 people during the continuance of this war, in my opinion is not a good citizen, and, if necessary, I would vote for legislation to punish him if he or they violate the law. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. GARD], a member of the committee.

The SPEAKER pro tempore. The gentleman from Ohio is recognized for five minutes.

Mr. GARD. Mr. Speaker, this is essentially a matter of war legislation. In answer to the inquiries of the gentlemen from Pennsylvania, Wisconsin, and Illinois, I beg leave for a few moments to call attention to certain existing laws and what this law seeks to put in their place.

Section 1668 of the present Revised Statutes provides a penalty for anyone who procures or entices any artificer or workman retained or employed in any arsenal or armory from leaving his work or to avoid or to break any contract he has for the performance of labor with and for the United States. Section 1669, the following section, provides a penalty for any workman who willfully and obstinately refuses to perform work assigned to him or who willfully and obstinately breaks a tool or any material used by him in the manufacture of Government work. These are the laws which have been enacted in times of peace. The committee substitute deals with the assemblage of the powers of the United States in three branches: First, war material; second, war buildings; and, third, war utilities; and it assembles these things, whether they be owned by the United States or by a private individual. Any building wherever war material is being made, even though privately owned, is under this committee substitute "war premises." It is, as I say, essentially a matter of war legislation, for it is an assemblage under the control and protection of the Government of things which are thought necessary for the continuance and perpetuity of the national life. Therefore, to the centralized power of the Government of all of the States—not in time of peace, but in time of war—is intrusted the protection of war materials, of war premises, and of war utilities. There is no doubt but that this bill covers a willful attack with intent to injure the United States in the destruction of material in any privately owned building.

There is equality no doubt under this bill that it applies not alone to the United States but to the associate nations, and by "associate nations" we say in this committee substitute any nation at war with any nation with which the United States is at war. So that this bill seeks to protect with all of the power of the United States the things which are necessary for the winning of this war by the United States and its associate nations.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman yield?

Mr. GARD. Yes.

Mr. JOHNSON of Washington. I did not get the citation of the gentleman at the beginning of his remarks.

Mr. GARD. I referred to two sections, one section 1668 and the other section 1669 of the Revised Statutes. These are statutes essential in time of peace.

Mr. JOHNSON of Washington. Those are Federal statutes?

Mr. GARD. Yes.

Mr. JOHNSON of Washington. I understood the gentleman to say Ohio.

Mr. GARD. No; they are Federal statutes. They are essentially peace statutes, and this is equally as essentially a war measure. I do not think there can be any reason by which you can read anything into this law other than the very vital and controlling principles which appear on line 13 of page 3, for the crime which is carried all through this bill is willfully injuring or destroying or attempting to so injure or destroy any war material, war premises, or war utility.

Mr. COX. Mr. Speaker, will the gentleman yield for a question?

Mr. GARD. Yes.

Mr. COX. I am very much in sympathy with what the gentleman from Illinois [Mr. CANNON] said a moment ago, and I want the gentleman's opinion on section 2 of the bill, as to whether it would be broad enough to cover the cases suggested by the gentleman from Illinois, where men conspire to strike and to quit, and things like that, which would bring production to a standstill. Of course, that is destroying the power of the Government.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. COX. Mr. Speaker, I ask unanimous consent that the gentleman be given five minutes more.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WEBB] has control of the time.

Mr. WEBB. I can yield the gentleman one more minute for the question, but I have promised all of the time allotted to me. Will the gentleman from Minnesota yield me five minutes?

Mr. VOLSTEAD. Yes.

Mr. WEBB. Then I yield five minutes more to the gentleman from Ohio.

Mr. COX. Is the language in section 2 or 3 of this bill broad enough to cover cases of that kind?

Mr. GARD. Mr. Speaker, I am frank to say to the gentleman from Indiana, and likewise in answer to the suggestion or inquiry of the gentleman from Illinois [Mr. CANNON], that I do not think the language of section 2 would apply to a condition of conspiracy, or to any attempt by inaction, by not doing something to create the condition of which the gentleman speaks, and of which the gentleman from Illinois has spoken. The language of the bill in section 2, and it follows its meaning all through the bill, is that whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall do what? "Shall willfully injure or destroy or shall attempt to so injure or destroy." That is the crime—that he shall willfully injure or destroy any war material, war premises, or war utilities. I think the only construction which can be given to this law as it is presented by this committee substitute is that something must have been actively done by which one willfully and with intent to injure, interfere with, or obstruct the United States does something to injure or destroy or attempts to injure or destroy. I do not believe that the mere fact that one leaves a work, though essential to the Government, however wrong it may be from a moral standpoint, however it may be lacking in patriotism, would come within this law. In other words, I want to insist that my opinion of this statutory language as at present suggested is that it means some willful act must have been done or attempted to be done which would destroy or injure war materials, war premises, or war utilities.

Mr. COX. Does not the gentleman think it ought to be broad enough to cover that case?

Mr. GARD. I think it the primary duty of the people to-day, whether it is labor in the field or the shop or the shipyard, to labor for one thing, and that one thing is the winning of this war. I do not believe it should be obstructed or interfered with either by open act or by conspiracy. But so far as this act is concerned, it establishes a regulation of two things: First, the destruction of property; and, second, it goes beyond section 1669 of the Revised Statutes and creates a new act that when the United States is at war, one who willfully makes or causes to be made in a defective manner any war material—for instance, who willfully makes an engine for a submarine with a faulty cylinder, or one who willfully makes a defective gun barrel, or one who willfully puts weak material into the planes for an aeroplane—any man who does it willfully with the intent to interfere with and obstruct the United States in its conduct of the war, is held to be guilty of a crime. It is a crime essentially of war time and made necessary because of war conditions.

Mr. CANNON. Will the gentleman yield?

Mr. GARD. Surely.

Mr. CANNON. The gentleman says this is a war measure?

Mr. GARD. It is; it has no application except in time of war.

Mr. CANNON. What would the gentleman say to this amendment: In line 8, section 2, after the word "injure," insert the words "by conspiracy or otherwise to"? It seems to me that would cover the whole shooting match.

Mr. GARD. The objection I would have to that—and my objection is a legal one—my objection is that that should be added to the present conspiracy statutes which the United States already has.

Mr. CANNON. But we are not liable to get that. It would be legal to insert those words and have it enacted into law during the war, and it would prevent conspiracy to destroy production.

Mr. GARD. I see nothing against the legality.

Mr. WEBB. Let me say that it is a crime now under the general law of the United States to conspire to violate any United States statute. When this bill passes it will be a crime to conspire to violate any act prohibited by it.

Mr. CANNON. I do not know about that, but I will test the sense of the House and offer the amendment.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY], a member of the committee.

Mr. CARAWAY. Mr. Speaker, I did not at first desire to discuss the bill. I want to do so now to answer the suggestion of some gentlemen on the Republican side of the Chamber that this is an act that could be construed to prohibit strikes. If gentlemen will bear with me one minute, I wish to point out its real intent. There are three sections in the proposed act. The first deals wholly with definitions, undertaking to define what it is that the act declares shall be a crime if they be destroyed with intent to injure the United States in times of war. Section 2 and section 3 are the penal provisions of the act. They give to the Federal courts in time of war power to punish willful and malicious acts. That is all. Under a penal statute "willful" means an act done with wrongful intent or a bad motive. Therefore, a conspiracy is not touched in this act at all, nor is the right to strike interfered with. The proposed act provides "that if anyone shall willfully, with intent to injure property or interfere with the conduct of the war, destroy or attempt to destroy property." That is the only offense. It does not say that a man shall work or he can not work. Intent or knowledge is the essence of the act. If he accidentally or unintentionally injures property he is not guilty of an offense. But if he willfully, with a wrongful intent, does something that in its nature is calculated to interfere with the waging of the war by destroying property of the United States or property that has already been designed or intended for or set aside for the use of the United States in waging the war, he is guilty. That is all.

Mr. MILLER of Minnesota. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. MILLER of Minnesota. Does the gentleman think it ought to be extended so as to include ships?

Mr. CARAWAY. Absolutely no. This bill is not intended to affect workingmen in their relation to the Government. Whether Congress should undertake to conscript labor is a question which we are not now considering. Some people think we should. That is the only way you could keep anybody from striking, because the Constitution says you can not make a man work if he wants to quit unless as a punishment for crime. Congress has not the power to say you shall not strike.

Mr. MILLER of Minnesota. I am anxious to get the gentleman's opinion on this: Congress could not, and I do not think it ever should, tell a man that he can not quit work if he wants to, but Congress could properly say that a man should be guilty if he tries to organize his fellow workers for the purpose of bringing on a general cessation of work?

Mr. CARAWAY. That could be done.

Mr. MEEKER. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. MEEKER. Suppose, for illustration, there is a strike, and incidental to the strike trouble that is going on war materials are destroyed. Would this bill reach that case?

Mr. CARAWAY. Incidental may mean anything. If a man incidentally destroys property in his pursuit of a lawful end in a lawful manner as an incident of the strike, he is not guilty, but if in asserting his right to strike he should willfully and intentionally destroy property that was necessary for the Government to carry on this work he would fall within the provisions of this bill, and be punished under it.

Mr. REAVIS. Will the gentleman yield?

Mr. CARAWAY. I will.

Mr. REAVIS. Does not the bill go a little bit further than that? One of the provisions does not require intent on the part of the acting party to injure the United States, but if he destroys or attempts to destroy property that he has reasonable cause to believe would injure the United States——

Mr. CARAWAY. Of course.

Mr. REAVIS. No matter what his intent was, his intent might be to injure the railroad company or to get even with some enemy, but acting under that intent if he has reasonable cause to believe that the consequences of his act are an injury to the United States he comes under the provisions of the bill?

Mr. CARAWAY. Of course.

Mr. MILLER of Minnesota. Is that so?

Mr. CARAWAY. That is in the provisions of the bill.

Mr. MILLER of Minnesota. I can not find the language, and I would like to have it pointed out.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MEEKER. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes additional.

Mr. IGOE. Mr. Speaker, I ask unanimous consent that the gentleman have five minutes.

Mr. MILLER of Minnesota. I certainly hope the gentleman will have it, because I used a part of his time.

The SPEAKER pro tempore. This is Calendar Wednesday, and the time is regulated automatically by the rules of the House.

Mr. WEBB. Mr. Speaker, maybe I can straighten out the matter. I ask how much time the gentleman from Minnesota has.

Mr. VOLSTEAD. Eighteen minutes, I think.

Mr. MILLER of Minnesota. Could I have some of that time?

The SPEAKER pro tempore. The gentleman from Minnesota has 18 minutes left and the gentleman from North Carolina 10 minutes.

Mr. KEATING. Mr. Speaker, I desire to make a point of order that there is no quorum present.

Mr. WEBB. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas, as I have 10 minutes.

The SPEAKER pro tempore. But the gentleman from Colorado makes a point of order that there is no quorum present. Does the gentleman insist upon his point of order?

Mr. KEATING. Yes; I think the matter is of such importance that the Members of the House should hear the discussion.

The SPEAKER pro tempore. The Chair will count. [After counting.] Evidently a quorum is not present.

Mr. WEBB. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Austin	Dooling	Kehoe	Saunders, Va.
Bland	Doukker	Kennedy, R. I.	Scott, Pa.
Brand	Dunn	Kraus	Scully
Britten	Eagle	Kreider	Sells
Byrns, S. C.	Fairchild, B. L.	Lafuardia	Shallenberger
Campbell, Pa.	Fairchild, G. W.	Lehlbach	Sims
Cantrill	Ferris	Lenroot	Sinnott
Capstick	Foss	Lever	Small
Carew	Freeman	McClintic	Snell
Carter, Mass.	Godwin, N. C.	McCormick	Steele
Carter, Okla.	Graham, Pa.	McCulloch	Stephens, Nebr.
Clark, Fla.	Gray, Ala.	McLaughlin, Pa.	Stevenson
Clark, Pa.	Greene, Mass.	Maher	Stiness
Claypool	Griest	Mann	Strong
Coady	Hamill	Mapes	Sullivan
Cooper, Ohio	Hamilton, N. Y.	Mason	Taylor, Colo.
Cooper, W. Va.	Harrison, Va.	Pou	Templeton
Copley	Haskell	Powers	Tinkham
Costello	Heintz	Pratt	Van Dyke
Crisp	Helvering	Price	Vare
Curry, Cal.	Hilliard	Ragsdale	Vestal
Davidson	Hollingsworth	Riordan	Watson, Pa.
Davis	Hood	Robinson	Weaver
Dempsey	Husted	Rodenberg	Wilson, La.
Denton	Johnson, S. Dak.	Rowland	Wilson, Tex.
Dewalt	Jones, Tex.	Rucker	Winslow
Dies	Kahn	Sanford	

The SPEAKER pro tempore. Three hundred and twenty-two Members have answered to their names, a quorum.

Mr. WEBB. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY], who had not completed his statement.

Mr. CARAWAY. Mr. Speaker, I want merely to supplement what I said rather imperfectly. I undertook to say that this bill did not deal with labor nor labor disturbances at all. It undertook to make a penal offense where anyone willfully destroyed or undertook to destroy certain properties, if he had the intent to destroy the property to injure the Government or had reasonable information to believe that his act would interfere with the prosecution of the war. Broadly speaking, it merely gives to the Federal courts the power to punish malicious mischief; that is all. The gentleman from Illinois [Mr. CANNON] undertook to inject in, it a minute ago the suggestion for an amendment which would punish conspirators and strikers. Now, the general law has a provision that punishes people who conspire to commit an act that is made a crime by statute, so therefore the only effect, if the amendment of the gentleman from Illinois should be adopted and made a part of this bill, under the language as it is now drafted, would be to prevent people from conspiring to strike because there is a law on the statute books now that would punish them for conspiring to do an unlawful act, and it will be an unlawful act if this becomes a law if they

undertake to destroy or try to destroy certain properties designated in this bill. Therefore I am inclined to believe that anyone who stops to consider will see that the suggested amendment has no standing in this particular bill.

We are not dealing with labor troubles. We are undertaking, as I said, to extend the jurisdiction of the Federal court to punish malicious mischief. In section 2, which is the first penal section, we say:

That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities as herein defined.

Now, that is the penal part of section 2, namely, where he destroys or attempts to destroy, with the intent to injure or with knowledge that the destruction may injure the United States in preparing for or carrying on the war, the things that are defined in section 1 as war utensils or war materials, and nothing else.

Section 3 makes it a crime where a workingman, dealing with war materials or with war utensils as herein defined, shall make, willfully and intentionally, these things defectively. The intent to do wrong, the intent to injure, or with the knowledge that it may injure, must always be present if there is any crime.

Now, I hope after reading it that any gentleman will see we are not dealing with the labor situation at all; not undertaking to say that men shall or shall not strike. We are not preparing a statute dealing with conspiracies, but with acts themselves; and therefore the suggested amendment of the gentleman from Illinois [Mr. CANNON] is wholly out of place in this act, and I do not think anyone who has read the bill with care and who is in sympathy with the legislation can afford to inject that question in this bill now. If Congress should deal—and I am not saying it should—with labor conditions, it ought to be in a bill prepared for that specific purpose.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CARAWAY. Yes.

Mr. JOHNSON of Washington. Would this section 3 of this bill be likely to deal with sabotage as practiced by men who are destroying material or articles, and would it deal probably with the slowing up of labor in munition plants?

Mr. CARAWAY. It would not. It must be a willful act to injure or hinder the Government in waging war. We have laws now on the books to meet the other situation.

Mr. JOHNSON of Washington. That might be sabotage.

Mr. CARAWAY. It is the workman himself who makes in a defective manner the tool he is manufacturing for the Government we here deal with, where the defect is with a willful intent to injure the Government.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Speaker and gentlemen of the House, this is a very drastic bill and one that ought to command the attention of the Members because of that fact and because of its importance. We all realize and understand that were we not at war such a bill would not be considered by Congress at all. These provisions that this bill affects, and for which it would punish, are all now taken care of by States. There are laws in every State that prohibit in effect everything that is covered by this bill. Congress with its war powers feels that it is important that this legislation should be considered and enacted. I believe, gentlemen, that it should be, and that there should not be any amendment made to this bill such as has been suggested by several gentlemen.

The gentleman from Wisconsin [Mr. STAFFORD], by an inquiry, endeavored to lead to the belief that this bill would affect labor organizations, and that it would prevent strikes and combinations of men along that line. This bill, if enacted into law, would cover anyone who violated its provisions. If a laboring man in a factory where munitions were made and assembled, and so forth, should do anything with reference to destroying or making ineffective the machinery of the war, he would be amenable to it. But to say that the mere striking or his refusal to work would be punishable by this bill if enacted into law is, in my opinion, not so. There has been some discussion in this country as to the possible necessity of enacting a law to prevent strikes without first submitting the matter to arbitration. That law, if enacted by this Congress, should, as has been suggested by my colleague on the committee, the gentleman from Arkansas [Mr. CARAWAY], be considered by a committee with due deliberation and consideration. Other countries that are engaged in this war have enacted legislation somewhat similar to the suggestion made by the gentleman from Illinois, the distinguished ex-Speaker [Mr. CANNON], and others. The munitions-of-war act of Great Britain provides that it is unlawful for anyone to take part in a lockout or in a strike in connection with any difference, and where war munitions are being made, and so forth, unless the differences have first been reported to the board of trade and 21 days have elapsed since the date of the report and the difference has not during that time been referred by the board of trade for settlement in accordance with the act. That is the law in Great Britain. That would be the proper way to take up this question regarding labor.

Mr. COX. Will the gentleman yield?

Mr. DYER. I yield to the gentleman.

Mr. COX. For information only. As I understand it, the proposed bill is a war bill, pure and simple. Now, there is a statute in force against conspiracy——

Mr. DYER. Yes.

Mr. COX. Is there any statute in force now in this country making it unlawful for men to strike?

Mr. DYER. There is none that I know of.

Mr. COX. I understood some one in the course of this discussion to say there was a statute in force making it a criminal offense to strike; and if this bill should become a law, would that law that is now on the statute books be affected?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DYER. Will the gentleman yield me one minute more?

Mr. VOLSTEAD. I yield.

Mr. REAVIS. In answer to the gentleman from Indiana [Mr. COX], the suggestion, as I remember it, was this, that there is a statute making conspiracy to destroy property a crime.

Mr. DYER. But not to strike.

Mr. REAVIS. Or a conspiracy to violate law a crime. If this bill is enacted into law, then a conspiracy to do the acts prohibited by this act would come under it.

Mr. COX. Is that a dead letter until this becomes a law?

Mr. REAVIS. It is not, for this reason, namely, that this is not the only offense prescribed by statute.

Mr. COX. Would this be an enabling act to the law now in force?

Mr. REAVIS. There is a statute making conspiracy to destroy property an offense.

Mr. DYER. But not to strike.

Mr. REAVIS. Not to strike.

Mr. JOHNSON of Washington. But is there not always a misunderstanding where that law acts, as compared with where the State laws act, with regard to conspiracy to destroy property?

Mr. DYER. Mr. Speaker, the provisions of the munitions-of-war act, 1915, of Great Britain, to which I have referred, are as follows:

2. (1) An employer shall not declare, cause, or take part in a lockout, and a person employed shall not take part in a strike, in connection with any difference to which this part of this act applies, unless the difference has been reported to the board of trade and 21 days have elapsed since the date of the report, and the difference has not during that time been referred by the board of trade for settlement in accordance with this act.

(2) If any person acts in contravention of this section, he shall be guilty of an offense under this act.

14. (1) Any person guilty of an offense under this act—

* * * * * *

(b) Shall, if the offense is a contravention of the provisions of this act with respect to the prevention of lockouts, be liable to a fine not exceeding £5, in respect of each man locked out, for each day or part of a day during which the contravention continues; and

(c) Shall, if the offense is a contravention of the provisions of this act with respect to the prohibition of strikes, be liable to a fine not exceeding £5 for each day or part of a day during which the contravention continues; and

* * * * * *

19. In this act, unless the context otherwise requires—

(a) The expression "lockout" means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment.

(b) The expression "strike" means the cessation of work by a body of persons employed acting in combination, or a concerted refusal, or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workmen in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment.

Mr. REAVIS. Now, then, if this bill is enacted into law, making the acts prohibited an offense, and people conspire to commit those acts but do not commit them, they are amenable to the conspiracy law, but not under this act.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

The SPEAKER pro tempore. The gentleman from Michigan is recognized for five minutes.

Mr. MCLAUGHLIN of Michigan. Mr. Speaker, there is a law now on the statute books making a criminal offense of many of the things forbidden or prohibited in the measure we are now considering, and it occurs to me that there may be confusion if this bill also should become a law. The food-control act, as it is known, approved August 10 last, makes it unlawful to destroy any necessaries, and "necessaries" in that act are described as food, feed, fuel, including fuel oil, gas, and implements and machinery required in the production of any of these things. Those are all war materials as they are described by other words in this bill, and punishment is provided for the violation of that act. A fine not exceeding $5,000 may be imposed, or imprisonment for not more than two years, or both. There might be a conflict between that law and this one.

Mr. GARD. Mr. Speaker, will the gentleman yield in that connection?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GARD. Such destruction is only for the purpose of enhancing prices.

Mr. McLAUGHLIN of Michigan. Not that alone. The law provides punishment for destroying "necessaries" in order to reduce the supply or enhance the price.

Now, as to the offense described in this bill, in my judgment the offense is better described in the food-control bill. This bill makes it an offense if one destroys property that he knows is "intended to be used by the United States" in its different activities in carrying on the war. Also, it is made an offense, and must be established in the trial, that one has "reason to believe" that these articles—naming them—are to be used by the Government or are useful in certain respects connected with the war.

We studied a long time, Mr. Speaker, when we were framing the food-control act to find the best words to be used in setting forth the offense connected with the waste and destruction of food and other "necessaries," and it seemed to us that the words that would best fit the situation were the words used in this statute, "in order to reduce the supply or enhance the price."

Now, the idea that we are trying to reach in this bill is to prevent the destruction of goods of one kind and another, so that the supply may not be decreased, and it seems to me that it would be easier to establish the guilt and to secure conviction if one charged with the offense of destroying property with intent to reduce the supply thereof than if he were charged and proof must be made in accordance with this bill as it is now worded. It will be difficult to establish the fact that the man charged with the crime knew that these goods were "intended for the use" of the United States or that he "had reason to believe" that they were necessary for use by the Government in carrying on the war, and so forth.

I simply call the attention of the House to the fact that there is already on the books a law, broad in its provisions, treating with much of the same matter that is treated in this bill, and that there may be confusion, and that, in my judgment, the words used in the food-control bill, some of them, are better than are the words used in the pending measure. I suggest these matters to the careful consideration of those who have this bill in charge.

I wish to call attention to another section of the food-control act—section 9 of that act. It forbids and provides punishment for conspiracies practically as follows:

That any person who conspires, combines, agrees, or arranges with any other person to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any "necessaries"; to restrict the supply of any necessaries; to restrict the distribution of any necessaries; to prevent, limit, or lessen the manufacture or production of necessaries, and so forth, shall upon conviction thereof be fined not exceeding $10,000 or be imprisoned for not more than two years, and so forth.

Here is an act for the punishment of conspiracies in relation to many of the things with which the bill we are now considering deals. This portion of the bill is not necessary, and the rest of it, whatever may be necessary or proper, ought to be in better form. Many of the things described in this bill are the identical things described as "necessaries" in the food act, and it is certainly not necessary or proper to enact another law for the punishment, as this bill seeks to do, of those who would combine or conspire to destroy or prevent or interfere with the production of all these things.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired. The gentleman from Minnesota [Mr. VOLSTEAD] has seven minutes remaining, and the gentleman from North Carolina [Mr. WEBB] has five.

Mr. WEBB. Through an arrangement with Mr. WALSH, he kindly yield to me five minutes given to him by the gentleman from Minnesota.

The SPEAKER pro tempore. The gentleman has five minutes remaining, counting that. Some gentleman who was on the floor, I think the gentleman from Ohio [Mr. GARD], was permitted to go on for five minutes after the gentleman had yielded five minutes. It was deducted from the time of the gentleman from Minnesota and credited to the time of the gentleman from North Carolina. The gentleman from Minnesota has now seven minutes left, and the gentleman from North Carolina has five.

Mr. WEBB. I yield five minutes to the gentleman from Missouri [Mr. IGOE], a member of the committee.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for five minutes.

Mr. IGOE. Mr. Speaker, I am in favor of the substitute offered by the committee. There seems to be some confusion, however, in regard to the purposes of the bill. It was introduced in April a year ago at the suggestion of the Department of Justice, and passed the Senate and was reported to the House. After some discussion in the House the bill was thought to be too drastic and was again taken up by the committee, and a substitute has been reported after the Attorney General had urged the necessity of some additional legislation.

As the bill came from the Senate a year ago, almost, it provided only for the punishment of offenses as the result of the use of explosives or by fire or by violent means. As the bill is now reported, it relates to any injury willfully inflicted. The bill, as I understand it—and I am sure that that is the purpose of the bill—is to make a Federal offense of what is now a State offense in the States for willful and malicious destruction of property.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. IGOE. Yes.

Mr. KEARNS. What law of any State does the gentleman recall at this time that would include the offenses enumerated in section 3 of the bill as to making defective ammunition and the like? Where is there any State law providing against that?

Mr. IGOE. I speak of section 2. I do not know of any State law that relates to the provisions of section 3.

Mr. KEARNS. I am not objecting. I think the law ought to pass.

Mr. IGOE. Mr. Speaker, I hope that the Members of the House will not inject into this bill the labor question. It has no place in this bill. It was not considered by the committee. There is no question in this country or any of the nations that are at war more far-reaching and important than that very question, and it is not proper and it is not statesmanlike to propose a bill or an amendment, in a few minutes without proper consideration, affecting that very important and far-reaching question.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. IGOE. I do.

Mr. COX. Has the gentleman any bill before his committee that would deal with this labor problem?

Mr. IGOE. No. The gentleman's committee, so far as I know, has not suggested a bill. But I do know this, that the President of the United States and the Cabinet have been dealing with that question and considering it almost from the day this war began.

Mr. COX. I know; but they deal with it one day and apparently settle it to-day, and it breaks out again to-morrow worse than ever. Can we not get some law that would take hold of that bunch of men?

Mr. IGOE. The trouble is that the gentleman is trying to settle in two minutes on this floor by devising an amendment a question that the President and all the nations at war have not been able to settle thus far.

Mr. COX. Something ought to be done.

Mr. IGOE. The gentleman is trying to make an amendment to prevent men from going on a strike. If his amendment were adopted, it would be an offense to say that the farmers shall not plant wheat because they can get more for corn.

Mr. COX. Ought it not to be?

Mr. IGOE. That would be diminishing the supply. I am not prepared to say what we will be called upon to do, but I do say that whatever we do ought to be done only after mature and careful consideration and consultation with the people affected by the legislation. [Applause.]

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. IGOE. I do.

Mr. CANNON. Would the gentleman think it wise to provide that the boys in the Army might conspire?

Mr. IGOE. That has been provided against by the rules of war which have been in force for hundreds of years and everybody knows that.

Mr. COX. If the boys in the Army conspired they would be court-martialed and shot.

Mr. CANNON. Will the gentleman permit another question?

Mr. IGOE. Yes.

Mr. CANNON. Is it not more important, or equally important, that the boys shall be clothed and fed and armed? [Applause.]

Mr. IGOE. I agree with that, and we are all for doing that, but I venture to say that if you undertake to put a brand upon every laboring man and every farmer in the United States, without giving him a chance to be heard, without consulting with him, you are going to run up against a condition that in the end will be worse than the condition that the gentleman sees now.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield for a question?

Mr. IGOE. I do.

Mr. McLAUGHLIN of Michigan. There is a law on the books now, passed last August, against conspiracies, combinations, and agreements or arrangements, and that law includes farming—a law against the destruction of foodstuffs or any of the necessaries of life.

Mr. IGOE. Can not an individual farmer now say, "I am not satisfied with the price of wheat and I will grow corn," and if he chooses to do so can you now prevent it?

Mr. McLAUGHLIN of Michigan. An individual farmer can not make a conspiracy, but two farmers together can make a conspiracy.

Mr. IGOE. These gentlemen are not trying to reach conspiracies. They would reach the individual, because, under the bill it is provided that no individual may do certain things. There is a law now, as the gentleman knows, against conspiracy, under which if men combine to do things which are denounced in this act they may be punished as for a conspiracy. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. WEBB. Mr. Speaker, I hope very much that the House will not adopt this amendment offered by my distinguished friend from Illinois, if he means to include strikes. It is certainly too short a time in which to handle such a stupendous and important question. Whatever our personal feeling may be about the man who strikes, it is a very dangerous thing to legislate upon that with as little consideration as we are able to give it here. Besides that, the amendment that the gentleman offers does not cover the ground which he wants to cover. He wants to insert after the word "injury," in line 8, page 3, the words "by conspiracy or otherwise." That would mean that if anybody through a conspiracy injures or destroys Government property he will be guilty of a crime under the act. That adds nothing at all to the bill and is absolutely useless and unnecessary.

The SPEAKER. The time of the gentleman has expired.

Mr. WEBB. I understood I had five minutes from the gentleman from Minnesota.

The SPEAKER. It was all used up by the gentleman from Missouri.

Mr. VOLSTEAD. I have two minutes, and I yield those two minutes to the gentleman.

Mr. CANNON. I ask unanimous consent that the time may be extended five minutes, to go to the gentleman from North Carolina [Mr. WEBB].

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time be extended five minutes, to go to the gentleman from North Carolina [Mr. WEBB]. Is there objection?

There was no objection.

Mr. WEBB. Let me finish this statement, Mr. Speaker.

Mr. CANNON. Now, will the gentleman yield to me?

Mr. WEBB. When I finish this statement.

Mr. CANNON. I wanted to give the gentleman the amendment that I propose to offer.

Mr. WEBB. Let me finish my statement about the amendment.

Mr. CANNON. I have not offered any amendment yet.

Mr. WEBB. I yield to the gentleman, of course.

Mr. CANNON. If the gentleman will take the House substitute and turn to page 3, line 15, I propose, after the word "defined" to insert:

or shall conspire to prevent the erection or production of such war premises, war material, or war utilities.

Mr. WEBB. Mr. Speaker, I do not think that amendment is germane. We are dealing above, in that same section, with persons who with intent to delay the progress of the war injure or destroy something. I do not think the amendment is germane.

The SPEAKER. The Chair will decide that when he gets to it.

Mr. WEBB. Now, the gentleman offers an amendment making it an additional crime to conspire—not to prevent an overt act but just simply to conspire to do something without denouncing the act. It does not require that a man shall do something, but just a mere conspiracy behind closed doors would make it a crime under this statute.

Mr. REAVIS. Will the gentleman yield?

Mr. WEBB. I yield to my friend from Nebraska; yes.

Mr. REAVIS. It is existing law now that a conspiracy to offend against the law of the United States is an offense. If this bill is enacted and becomes a law, will not a conspiracy to perform the act prohibited by this bill be punishable under the conspiracy act?

Mr. WEBB. I will say to my friend, as I said a while ago, that section 37 of the criminal code provides that if two or more persons conspire to commit any offense against the United States, and so forth, he is guilty of a crime. So if this bill is passed as we recommend in the substitute, then a conspiracy to commit any of the offenses denounced in the bill will be a crime. I know what my friend wants, but it is rather difficult to accomplish unless you simply pass a bill absolutely forbidding laboring men to strike; but that is too big and broad a question at present to handle in this summary way. I am afraid the adoption of the gentleman's amendment would probably delay the passage of the bill, which we do think is so important at this time.

Mr. VOLSTEAD. I yield two minutes to the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. I understood a moment ago that the gentleman from Minnesota had agreed to yield to me the remainder of his time.

Mr. VOLSTEAD. That is it—two minutes.

Mr. WEBB. I do not care for that, Mr. Speaker, and I ask for a vote.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk began the reading of the bill.

The SPEAKER. Is there any amendment pending?

Mr. WEBB. The committee substitute for the House bill and no other.

Mr. COX. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COX. Will amendments be offered to the committee substitute or to the Senate bill?

Mr. STAFFORD. I suggest that the committee substitute for the Senate bill be read.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

A bill to punish the willful injury or destruction of war material or of war premises or utilities used in connection with war material, and for other purposes.

Be it enacted, etc., That the words "war material," as used herein, shall include arms, armament, ammunition, clothing, food, supplies, stores, and all other articles of whatever description intended to be used by the United States, or any associate nation, in connection with the conduct of the war.

The words "war premises," as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States or any associate nation.

The words "war utilities," as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or about to be transported, either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures, and buildings whereby or in connection with which water or gas is being furnished to the military or naval forces of the United States or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to the military or naval forces of the United States or any associate nation.

The words "United States" shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

The words "associate nation," as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

SEC. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

Mr. WEBB. Mr. Speaker, before moving the previous question I desire to yield ample time to gentlemen who have amendments to offer to discuss them.

Mr. COX. I have an amendment to offer.

Mr. CANNON. Mr. Speaker, I offer the following amendment.

Mr. WEBB. Mr. Speaker, I would like to get an agreement. I desire to yield five minutes to the gentleman from Illinois [Mr. CANNON] and five minutes to the gentleman from Indiana [Mr. COX].

The SPEAKER. The trouble is that the gentleman has no time to yield.

Mr. WEBB. I can move the previous question, but I do not want to do so until gentlemen discuss their amendments.

The SPEAKER. Has the gentleman from North Carolina any proposition to make?

Mr. WEBB. I ask unanimous consent that each amendment offered shall be debated five minutes, and after that time the previous question on the substitute and bill shall be considered as ordered.

Mr. JOHNSON of Washington. Reserving the right to object, does the gentleman mean five minutes, pro and con?

Mr. WEBB. Yes.

Mr. CANNON. I think the gentleman had better postpone that temporarily; it may be that we will want a little more time.

Mr. WEBB. I would have no objection to that if I could get an understanding as to time. I want to state that once I got caught in this condition. I had a bill to which there was no objection, and a Member got the floor and talked an hour.

The SPEAKER. Any Member who gets the floor under the general rules of the House has a right to take an hour if he wants it. If the gentleman asks to proceed under the five-minute rule as it is conducted in Committee of the Whole, the Chair will put that request.

Mr. WEBB. I think that is fair. I ask unanimous consent that on each amendment there may be five minutes for the proponents and five minutes in opposition.

Mr. CANNON. There may be amendments to an amendment. But, Mr. Speaker, I believe that the committee will be liberal in this matter.

Mr. WEBB. I will say that I will. Mr. Speaker, I ask unanimous consent to consider the bill under the five-minute rule.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to consider amendments to this bill under the five-minute rule as used in Committee of the Whole House on the state of the Union. Is there objection?

Mr. GRAHAM of Illinois. Reserving the right to object, does that include pro forma amendments?

Mr. WEBB. It includes anything germane or appropriate under the five-minute rule of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CANNON].

The Clerk read as follows:

Page 2, line 16, after the word "defined," insert "or shall conspire to prevent the erection or production of such war premises, war materials, or war utilities."

Mr. CANNON. Mr. Speaker, I hoped that the gentleman from North Carolina would accept the amendment. Does it add anything to the law? Some gentlemen have said that it does not add anything to it. If so, it can do no hurt.

Mr. WEBB. I make the statement, if the gentleman will permit, that his amendment punishes conspiracy without any overt act. The gentleman has not made the matter, he speaks of in his amendment—that is, the prevention of the erection or production, and so forth—a crime. He undertakes to punish a man who conspires, simply, without punishing the completed act.

Mr. CANNON. Let me read it as it would read if the amendment was adopted.

Section 2 would read as follows:

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, or shall conspire to prevent the erection or production of such war premises, war materials, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisoned not more than 30 years, or both.

Now, I fancy that it would amount to something if the amendment went in there. I believe it ought to go in. What is the use of shying? I ask it in all good faith. This is a war measure and not a peace measure. If the Industrial Workers of the World or any other set of people—if the farmers, if the producers, or anybody that produces anything that is necessary to carry on this war—conspires, in the language of this section and of this substitute, then they are guilty of a crime.

You may say that it is crude, that it has no place here. Well, for everything a place, for all times a season. The fact that the war is on, and especially this war, makes this amendment apt. Does any Member who listens to me want to say that we have sent these soldiers abroad and yet that men can conspire to keep them from getting food, to prevent the construction of ships to carry the food, or of convoys to transport them when they cross, and all along the line—that the coal that is necessary, the iron that is necessary, the munitions that are necessary shall not go? If so, I am not in harmony with him, and I am here to say if anybody wants to criticize me for holding these opinions, by political threat or otherwise, and no one on the floor of the House desires to make a political threat, I would rather take the criticism and die than not to attempt to put the law on the statute books. [Applause.]

Mr. WEBB. Mr. Speaker, I say again that I do not think that this is the way to reach this tremendous subject.

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Colorado makes the point of order that there is no quorum present. Evidently there is not.

Mr. WEBB. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Estopinal	Kitchin	Sanford
Austin	Evans	Kraus	Saunders, Va.
Blackmon	Fairchild, B. L.	Kreider	Schall
Brand	Fairchild, G. W.	LaGuardia	Scott, Pa.
Brumbaugh	Flood	Lehlbach	Scully
Caldwell	Focht	Lenroot	Sells
Campbell, Pa.	Godwin, N. C.	Linthicum	Shallenberger
Cantrill	Good	Lobeck	Sherley
Capstick	Goodall	Longworth	Sisson
Carew	Green, Iowa	Lufkin	Slemp
Carlin	Greene, Mass.	McClintic	Small
Carter, Mass.	Griest	McCormick	Snell
Church	Hamill	McLaughlin, Pa.	Steele
Clark, Fla.	Hamilton, N. Y.	Maher	Stephens, Nebr.
Clark, Pa.	Harrison, Miss.	Mann	Sterling, Ill.
Coady	Harrison, Va.	Mapes	Stevenson
Cooper, Ohio	Haskell	Martin	Stiness
Cooper, W. Va.	Haugen	Mason	Strong
Copley	Hawley	Mordell	Sullivan
Costello	Hayes	Montague	Templeton
Crisp	Heintz	Moore, Pa.	Tinkham
Curry, Cal.	Hilliard	Mott	Treadway
Davis	Hollingsworth	Mudd	Van Dyke
Dempsey	Hood	O'Shaunessy	Vare
Dewalt	Howard	Parker, N. Y.	Walker
Dickinson	Hull, Tenn.	Pou	Watson, Va.
Dies	Husted	Pratt	Weaver
Dixon	Johnson, S. Dak.	Purnell	Williams
Dooling	Jones, Tex.	Ragsdale	Wilson, La.
Doremus	Jones, Va.	Rainey	Winslow
Dowell	Kahn	Rayburn	Wise
Drukker	Kehoe	Riordan	Wood, Ind.
Dunn	Kelley, Mich.	Robinson	
Dupré	Kennedy, R. I.	Rucker	
Eagle	Kettner	Sanders, Ind.	

The SPEAKER. On this call 291 Members, a quorum, answered to their names.

Mr. WEBB. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CALDWELL, for one week, on account of important business;

To Mr. JONES of Texas, for one week, on account of illness;

To Mr. BRAND, for the day, on account of sickness;

To Mr. COOPER of Ohio, for a few days, on account of sickness in family; and

To Mr. KEHOE, until 4 o'clock p. m. to-day, on account of official business.

INJURY TO WAR MATERIAL.

Mr. WEBB. Mr. Speaker, the amendment of the gentleman from Illinois [Mr. CANNON] introduces a brand-new offense into the bill. We propose in the bill to punish any person who intends to interfere with the war, and with that intent destroys or injures some war utility or premise. The gentleman from Illinois provides a brand-new offense and says whoever shall conspire to prevent the erection or production of such war premises, and so forth, shall be punished. We have said nothing about the production or erection of war premises in the definition of war utilities, war premises, and so forth, so his amendment is entirely new. If the House desires to put a new offense into the bill, of course it can do so, and I have no objection; but in doing so it seems to me it would desire to require the same of the man who commits this offense as we do of the man who commits the other offenses set out in the bill. We propose that the man should intend to injure or delay the prosecution of the war, or that he had reasonable ground to know that his act would do that. Mr. Speaker, it seems to me that if the House desires to add this new offense, it ought to add the words "Whoever with intent to interfere with or obstruct the United States or any associate nation in preparing for and carrying on the war shall conspire to prevent the erection or production," and so forth, so as to make it harmonize with the preceding definitions of offenses. Otherwise you have two plans of finding men guilty. With one class, where a man blows up some war utility you have to prove that he had intent to injure or interfere with the prosecution of the war; but with another class, where two men sit down and talk about their refusal to build a telegraph line or an aqueduct or a sewer, while they may not be guilty of any overt act at all, if you prove they simply conspired together, without any intent to injure the war at all, you make them guilty of crime.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. WEBB. Therefore, unless the gentleman's amendment is amended to correspond to the rest of the bill, I do not think the house ought to adopt it, in view of the requirements as to the other offenses in the bill.

Mr. HUMPHREYS. Will the gentleman yield?

Mr. WEBB. I do.

Mr. HUMPHREYS. If the amendment offered by the gentleman from Illinois is amended by the insertion of the words "with such intent," would the gentleman from North Carolina object to it then?

Mr. WEBB. You could not use the words "with such intent."

Mr. HUMPHREYS. Why not?

Mr. WEBB. You can meet it by adding the language I have just read.

Mr. HUMPHREYS. Why would not the words "with such intent" cover the proposition?

Mr. WEBB. If you put after the word "defined"——

Mr. HUMPHREYS. Personally, I do not agree with the gentleman's construction. I think the language of the gentleman from Illinois now includes all that goes before it, but certainly it would if you said, "with such intent." Would the gentleman object to it then?

Mr. WEBB. I have no objection, but if you put in the language "whoever, with intent to injure, interferes with, or obstructs the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises or war materials or war utilities," then, you have something in keeping with the rest of the bill.

Mr. HUMPHREYS. Has the gentleman any objection?

Mr. WEBB. I do not see any objection, but I do not see much use of it, because we have a general conspiracy statute now.

Mr. CANNON. If the gentleman will permit, if I understood the gentleman aright, he wants to do just what I want to do. Now, I will tell you the people I want to catch. Take the I. W. W.——

Mr. WEBB. I want to catch those, too; of course we all do; in fact, everybody who is trying to delay or obstruct the prosecution of the war.

Mr. CANNON. Take a thousand of them in the shipyards or in the forests and they go to work and conspire and arm. They do not commit any act. Have we got to wait until they kill and destroy and burn or commit any of these acts? I have no objection, if I understand the modification, to the amendment as amended, but I think it means that now.

Mr. KEATING. Will the gentleman yield for a question?

Mr. WEBB. I will.

Mr. KEATING. When the gentleman introduced this bill was it his intention, or was it the intention of his committee, to prevent a man from striking?

Mr. WEBB. I will answer that question in the negative; it was not. We have eminent and patriotic men, representing the Government at the request of the President, looking after all strikes or threatened strikes.

Mr. KEATING. Is not the object of the amendment offered by the gentleman from Illinois to prevent strikes? Is not that the real object of the proposition?

Mr. WEBB. His language does not do so.

Mr. KEATING. Is not that what he seeks to accomplish?

Mr. WEBB. I do not know what is in his mind, but I know what his language is. He now proposes to say, if he adopts my suggestion that whoever shall conspire to prevent the erection or production of such war premises or war materials or utilities with intent to hinder, delay, or to injure the prosecution of the war shall be guilty of an offense. That would not apply to strikers any more than anybody else.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. Mr. Speaker, I ask that the time be extended for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from North Carolina have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. WALSH. I want to ask the gentleman from Colorado a question in the time of the gentleman from North Carolina.

The SPEAKER. Does the gentleman from North Carolina yield to the gentleman from Massachusetts to interrogate the gentleman from Colorado?

Mr. WEBB. I yield.

Mr. WALSH. Does the gentleman from Colorado believe, if it is going to interfere with our winning the war, that people ought to have the right to strike?

Mr. KEATING. If the gentleman from North Carolina will permit me to answer the interrogation of the gentleman from Massachusetts——

Mr. WEBB. I will.

Mr. KEATING (continuing). I will state my position. I do not believe that the interests of this country can be advanced by putting into law the thought that the gentleman from Illinois [Mr. CANNON] expressed on the floor to-day, which is that this bill should be so amended as to prevent workmen from combining for the purpose of quitting work. Our labor problems, I will say to the gentleman from Massachusetts, are being very ably handled by the executive branch of this Government——

Mr. CANNON. Will the gentleman yield——

Mr. KEATING (continuing). And I prefer to permit Woodrow Wilson, the President of the United States, to continue to work out the various phases of this issue in the way that he has decided to be the best way, rather than toss this apple of discord, of which the gentleman from Illinois [Mr. CANNON] is the creator, into the industrial problems of this country.

Mr. CANNON. Will the gentleman yield?

Mr. KEATING. I am opposed to coserripting labor because our experience has shown it is unnecessary. In my judgment, it would be a monumental blunder.

Mr. CANNON. Will the gentleman yield?

The SPEAKER. Does the gentleman from North Carolina yield?

Mr. WEBB. I yield to the gentleman.

Mr. CANNON. So far as I know and believe, in recent days Mr. Gompers is doing what he can to control a great body of men, so far as a man can by influence control them. There is a great body of men that he does not control.

Mr. KEATING. Oh, but the trouble with the gentleman from Illinois is that when he talks in this House about controlling the Industrial Workers of the World he is merely indulging in camouflage. His idea is to control all classes of labor in this country—those who would not think of joining the Workers of the World—and deprive them of essential rights. This bill does not apply to the Industrial Workers of the World, and the gentleman's amendment is not confined to that obnoxious organization.

Mr. CANNON. I would control everybody in the United States that does anything by conspiracy to disable us from supporting the boys in the trenches. [Applause.]

Mr. WEBB. Mr. Speaker, I hope that we can agree on this amendment by adding the words which have been suggested.

Mr. CANNON. If I can get the gentleman to just sit down and fix the amendment.

Mr. WEBB. I can suggest the amendment if the Clerk can get it.

Mr. CANNON. The amendment to the amendment?

Mr. WEBB. Yes.

The SPEAKER. What is it the gentleman from North Carolina suggests?

Mr. WEBB. I want to add the following words before that amendment which has been offered by the gentleman from Illinois [Mr. CANNON].

The SPEAKER. Is the gentleman offering an amendment to the amendment?

Mr. WEBB. Yes, sir.

The SPEAKER. The gentleman will send it to the Clerk.

Mr. WEBB. I want to suggest this, Mr. Speaker:

or whoever with intent to obstruct the United States or any associate nation in preparing for or carrying on the war——

The SPEAKER. Where does that come in?

Mr. WEBB. Immediately after the word "defined," in line 15, and just ahead of the amendment of the gentleman from Illinois [Mr. CANNON].

The SPEAKER. It is an amendment to his amendment then?

Mr. WEBB. Yes, sir.

Mr. GRAHAM of Pennsylvania. Will the gentleman from North Carolina permit me to make a suggestion?

Mr. WEBB. Of course.

Mr. GRAHAM of Pennsylvania. Your amendment ought to come in after the word "or" in the amendment offered by the gentleman from Illinois.

Mr. WEBB. Yes. And then the language:

or whoever with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent—

And so forth.

Mr. CANNON. I accept the amendment.

Mr. WEBB. I hope we can get out of it in that way.

The SPEAKER. Now, the Clerk will read these two amendments together, each a part of the same thing, and see how they will read, the Webb amendment and the Cannon amendment hitched together.

The Clerk read as follows:

or whoever with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises, war material or war utility.

Mr. CANNON. I am satisfied with that amendment.

The SPEAKER. Now, the whole business will be voted on at once, then.

Mr. CANNON. I accept the amendment if there is no objection.

Mr. KEATING. Mr. Speaker, may I ask the gentleman from North Carolina a question?

Mr. WEBB. Yes.

Mr. KEATING. Before the House votes on this proposition I think we should have from the gentleman from North Carolina his idea of what this amendment accomplishes. It is just possible that personally I may fully agree with the gentleman. I will say that if the amendment carries out the thought that I think is in the mind of the gentleman from Illinois [Mr. CANNON] I would not agree to it.

Mr. CANNON. My mind is mine, and the language speaks for itself.

Mr. KEATING. What is it the gentleman from North Carolina believes the amendment would accomplish?

Mr. WEBB. It means this, that wherever two or more persons conspire or agree together not to construct or manufacture any war materials and that conspiracy is formed for the purpose of injuring and delaying or interfering with the carrying on of the war, those persons shall be deemed guilty of a crime.

Mr. BUTLER. If the purpose is to injure or interfere with our preparation for the war.

Mr. WEBB. I have just stated that.

The SPEAKER. The vote when it is taken will be taken on the combined Cannon and Webb amendments, they being considered as one. Debate on this amendment is exhausted.

Mr. NOLAN. Mr. Speaker, I move to strike out the last word.

The Committee on the Judiciary, when they gave consideration to this measure, which I understand was drafted by the Department of Justice, had in mind the punishment of anybody who would willfully injure or destroy war material, or war premises, or utilities used in connection with war material, or other purposes. Now, you are called upon here to vote upon an amendment that a great many of us are not clear upon. I do not know as the gentleman from North Carolina [Mr. WEBB], the chairman of the Judiciary Committee, is entirely clear in his mind as to what his amendment would accomplish if adopted.

I have in my mind pretty clearly what the gentleman from Illinois [Mr. CANNON] intends to accomplish. I think he has frankly stated his position to the House. I think, however, if you adopt the amendment as proposed by the gentleman from Illinois and amended by the chairman of the committee, that you will do more to disarrange the plan that the Government of the United States has had in mind regarding coordination and cooperation of labor in the production of war materials, both for our own armies and the armies of our allies, than anything that can possibly be done.

You are going to hold over the head of men and women engaged in the production—that is, on private contracts for the Government of the United States—the threat of punishment by penal statute, providing they get together for the purpose of improving their condition.

SEVERAL MEMBERS. Oh, no!

Mr. NOLAN. Oh, yes! It is conspiracy if they get together for the purpose of improving their conditions and striking to improve those conditions. There is no question about that.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. NOLAN. No; I have only five minutes.

Mr. WALSH. The gentleman is in error.

Mr. NOLAN. No; I am not in error. I think I know what the gentleman from Illinois [Mr. CANNON] proposes to accomplish, and he has frankly stated it.

Now, you have in the District of Columbia, in this city, meeting to-day, five representatives of employers and five representatives of organized labor, with Mr. Taft representing the employers and Mr. Frank P. Walsh representing labor. They were gotten together here for the purpose of formulating a plan whereby strikes will be discontinued during the war, so that the workers will produce munitions and materials to supply our armies in the field without cessation of work. They have gotten together to formulate some plan, and I think they will succeed. You have got a wage-adjustment board connected with the Emergency Fleet Corporation that settled the strike question on the Pacific coast. They have recently rendered a decision along the Delaware River that affects fifty or sixty thousand men. They are going to New York next week, and the week after they will be on the North Atlantic coast, and the week after that they will be on the South Atlantic coast. When they hand down their decisions I am satisfied you will not have any trouble in the shipyards of the country.

I am satisfied that if you permit the Government of the United States to work out this labor problem you will have no trouble in war industries. But if you want to stir this thing up, if you want to hold over organized labor in this country the threat of jail simply because they might strike to better their conditions while working for a private employer who has got a Government contract, whether it be at Hog Island or at some other place, no matter what conditions the employer may impose on labor, I think you will disarrange the whole program. I think if this Congress, or some committee of Congress, wants to settle this question, they ought to do it in committee; they ought to allow those who have given time and attention to the subject an opportunity to come before the committee and have a free and frank discussion of the whole subject.

Let us find out what the Government itself proposes. Let the men who are handling the labor problem for the Government handle this question, tell us what legislation is needed, and then it is time for Congress to act. But here you are asked, with 10 or 15 minutes' discussion, to adopt an amendment offered by the gentleman from Illinois [Mr. CANNON], supplemented by another amendment by the chairman of the Committee on the Judiciary, that if adopted will seriously disarrange your entire labor program during the war. [Cries of "Vote!" "Vote!"]

The SPEAKER. The pro forma amendment is withdrawn.

Mr. LONDON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Two hundred and twenty-one Members are present, a quorum. [Cries of "Vote!" "Vote!"]

Mr. MORGAN rose.

The SPEAKER. For what purpose does the gentleman from Oklahoma rise?

Mr. MORGAN. I rise to move to strike out the last word.

The SPEAKER. The gentleman from Oklahoma moves to strike out the last word.

Mr. MORGAN. Mr. Speaker, I was somewhat surprised at the chairman of the Committee on the Judiciary, who has this bill in charge, who seemed to agree to this amendment as modified.

Mr. WEBB. I did not agree to it. The gentleman from Illinois [Mr. CANNON] accepted it. I said I had no objection if he would accept it. It harmonizes with the rest of the bill.

Mr. MORGAN. Then, I will modify my statement and say I was somewhat surprised that he should agree to the modification. In other words, I think this House has the impression

now that this amendment as modified meets with the approval of the Committee on the Judiciary. That is my impression.

Now, I will say that I recognize the chairman's right to do that, generally speaking, but I think where an amendment is offered to an important bill like this, covering an entirely new field, that brings in questions that were not involved in the original bill, which broadens the scope of the original bill, that it is not usual for the chairman of the committee, without much discussion, to virtually concede such an amendment.

Now, I am opposed to this amendment. In the first place, if we are to make a new law, a new criminal statute, which affects the right of labor to strike, we should consider it very carefully, very thoroughly, and very patriotically.

Mr. COX. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Oklahoma yield to the gentleman from Indiana?

Mr. MORGAN. Yes.

Mr. COX. Does the gentleman believe that organized labor or any other body of men or women in this country should be given the right to strike and destroy the instruments of production and munition plants? [Applause.]

Mr. MORGAN. I believe that labor has the right to strike. [Applause.] I believe that at present labor, as a rule, is as loyal to the Government as capital. I believe that it is unwise to enact the legislation included in this amendment at this time.

It may be wise for the House here, with very little discussion, with practically no consideration, to authorize the courts of this land to indict every man who enters into a strike during the war; but I do not believe that that is wise. I have never posed as the champion of organized labor. There are others in this House more entitled to that position than I. But, at the same time, I do not think it is necessary for the Congress of the United States at this time to authorize the courts of the United States to prosecute every man connected with organized labor who strikes. [Applause.]

We can not win this war without the sympathy and support of the laboring men of this country. By this I mean all the men in our mills, factories, manufacturing plants, in the operation of our railways, on our farms, and in all our industrial establishments. These men are performing the labor necessary to clothe, feed, equip, arm, and maintain the soldiers and sailors of the Army and Navy.

Not only this, perhaps 90 per cent of our soldiers and sailors go from the homes of the laboring classes of the country. Certainly we ought not to question the loyalty and patriotism of these men by hastily adopting an amendment which might be used to intimidate or prosecute and possibly to convict men who may have a just cause to strike even in war times. I have no sympathy with any man, whoever he may be or whatever may be his calling or occupation, who interferes with the American people in the prosecution of the war. I am willing to vote for any legislation that will mete out proper punishment for such men. But I am not willing to vote for a "conspiracy" provision which might be construed to interfere with the just rights of labor now so universally recognized. As a member of the Judiciary Committee, I have supported every measure designed to strengthen the arm of the Government in the great struggle in which we are engaged. As a Representative, I am anxious to contribute in every way possible to aid our brave soldiers and sailors to win the war. I desire to lighten their burdens, to lessen their sacrifices, and to relieve them of every danger and hardship possible. But I do not believe a conspiracy statute, applicable to labor generally, without proper safeguards thrown around it, will aid our Army or our Navy or contribute to our national strength in this hour of peril and danger.

Mr. WEBB. Mr. Speaker, I move that all debate on this amendment be now closed.

The SPEAKER. The gentleman moves that all debate on this amendment be now closed.

The motion was agreed to.

The SPEAKER. The pro forma amendment of the gentleman from Oklahoma [Mr. MORGAN] is withdrawn. The question is on the joint amendment of the gentleman from Illinois [Mr. CANNON] and the gentleman from North Carolina [Mr. WEBB].

The question being taken, on a division (demanded by Mr. NOLAN) there were—ayes 112, noes 45.

Mr. NOLAN and Mr. KEATING made the point of order that there was no quorum present.

Mr. CANNON. Mr. Speaker, the Chair just counted. I think that point of order is dilatory.

The SPEAKER. The Chair thinks not. The point of order is made that there is no quorum present. The Chair will count. [After counting.] Two hundred and three Members present, not a quorum. On the rising vote the ayes were 112, the noes were 45——

Mr. BLAND. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLAND. When can we demand and obtain a roll call?

The SPEAKER. The gentleman will get it in about half a minute. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. WINGO. May we have the amendment reported, Mr. Speaker? Let me suggest that as the section is short, the entire section be read as it would be if this amendment were adopted.

The SPEAKER. Without objection, the Clerk will report the entire section, with the amendment.

The Clerk read as follows:

SEC. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy any war material, war premises, or war utilities as herein defined, or whoever with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises, war material, or war utilities, shall, upon conviction thereof, be fined not more than $10,000 or imprisonment not more than 30 years, or both.

Mr. JOHNSON of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Washington. As I understood the amendment, it used the word "obstruct"; as the section was just read I understood that the words used were "interfere with."

Mr. CANNON. The word "interfere" is in the text as it was reported, if the gentleman will look at the top of section 2.

Mr. JOHNSON of Washington. All right.

The SPEAKER. The question is on agreeing to the amendment. The Clerk will call the roll.

The question was taken; and there were—yeas 257, nays 59, not voting 112, as follows:

YEAS—257.

Alexander	Farr	Kennedy, Iowa	Randall
Almon	Ferris	Kiess, Pa.	Reavis
Anderson	Fess	Kincheloe	Redenberg
Ashbrook	Fields	Kinkaid	Rogers
Aswell	Fisher	Kitchin	Romjue
Bacharach	Focht	La Follette	Rose
Barkley	Fordney	Larson	Rouse
Barnhart	Foss	Lea, Cal.	Rowland
Beakes	Foster	Lee, Ga.	Rubey
Beshlin	Francis	Lesher	Rucker
Black	Frear	Lever	Russell
Blanton	Freeman	Little	Sabath
Booher	French	Littlepage	Sanders, Ind.
Borland	Fuller, Ill.	Lobeck	Sanders, La.
Bowers	Fuller, Mass.	Logergan	Sanders, N. Y.
Brodbeck	Gandy	Longworth	Saunders, Va.
Browning	Gard	Lufkin	Scott, Iowa
Brumbaugh	Garner	Mc Andrews	Scott, Mich.
Buchanan	Garrett, Tenn.	McArthur	Sells
Burnett	Garrett, Tex.	McFadden	Shackleford
Burroughs	Gillett	McKenzie	Shallenberger
Butler	Glass	McKinley	Shelley
Byrns, Tenn.	Glynn	McLaughlin, Mich.	Shouse
Campbell, Kans.	Goodwin, Ark.	Madden	Sinnott
Candler, Miss.	Gould	Magee	Sisson
Cannon	Graham, Ill.	Mansfield	Slayden
Cantrill	Graham, Pa.	Martin	Sloan
Caraway	Gray, Ala.	Mays	Smith, Idaho
Carlin	Gray, N. J.	Merritt	Smith, Mich.
Carter, Okla.	Green, Iowa	Miller, Minn.	Snook
Chandler, N. Y.	Greene, Vt.	Miller, Wash.	Snyder
Church	Gregg	Mann	Steagall
Clark, Fla.	Griest	Moores, Ind.	Stedman
Claypool	Hadley	Neely	Steenerson
Collier	Hamilton, Mich.	Nicholls, S. C.	Stephens, Miss.
Connally, Tex.	Hamlin	Nichols, Minn.	Sterling, Ill.
Connelly, Kans.	Hardy	Norton	Stevenson
Cox	Harrison, Miss.	Oldfield	Sumners
Crago	Harrison, Va.	Oliver, Ala.	Sweet
Cramton	Hastings	Olney	Swift
Crosser	Haugen	Osborne	Switzer
Currie, Mich.	Hawley	O'Shaunessy	Talbott
Dale, N. Y.	Heaton	Overstreet	Taylor, Ark.
Dale, Vt.	Heflin	Padgett	Temple
Dallinger	Helm	Paige	Tillman
Darrow	Helvering	Park	Tilson
Davidson	Hensley	Parker, N. J.	Timberlake
Decker	Hersey	Parker, N. Y.	Towner
Dickinson	Hicks	Peters	Treadway
Dill	Holland	Platt	Venable
Dixon	Houston	Polk	Vestal
Doolittle	Hull, Tenn.	Powers	Vinson
Doughton	Humphreys	Pratt	Volstead
Drane	Hutchinson	Price	Walsh
Dyer	Jacoway	Purnell	Walker
Eagan	Johnson, Ky.	Quin	Walsh
Elliott	Johnson, Wash.	Rainey	Ward
Ellsworth	Jones, Va.	Raker	Watson
Esch	Juul	Ramsey	Watkins
Fairfield	Kearns	Ramseyer	Watson, Pa.

Watson, Va.	Whaley	Wilson, Tex.	Young, S. Dak.
Weaver	Wheeler	Wingo	Young, Tex.
Webb	White, Me	Wood, Ind.	
Welling	White, Ohio	Woods, Iowa	
Welty	Wilson, Ill.	Wright	

NAYS—59.

Ayres	Emerson	Langley	Rankin
Baer	Flynn	London	Reed
Bankhead	Gallagher	Lundeen	Robbins
Bland	Garland	Lunn	Roberts
Browne	Gordon	McCulloch	Sherwood
Cary	Hayden	McKeown	Siegel
Classon	Hilliard	McLemore	Smith, T. F.
Cooper, Wis.	Huddleston	Mondell	Stafford
Davis	Igoe	Morgan	Tague
Denison	Ireland	Morin	Taylor, Colo.
Denton	James	Nelson	Thomas
Dillon	Keating	Nolan	Walton
Dominick	Kelly, Pa.	Oliver, N. Y.	Woodyard
Edmonds	King	Phelan	Zihlman
Elston	Knutson	Porter	

NOT VOTING—112.

Anthony	Drukker	Kelley, Mich.	Robinson
Austin	Dunn	Kennedy, R. I.	Rowe
Bell	Dupré	Kettner	Sanford
Blackmon	Eagle	Key, Ohio	Schall
Brand	Estopinal	Kraus	Scott, Pa.
Britten	Evans	Kreider	Scully
Byrnes, S. C.	Fairchild, B. L.	LaGuardia	Sears
Caldwell	Fairchild, G. W.	Lazaro	Sims
Campbell, Pa.	Flood	Lehlback	Slemp
Capstick	Gallivan	Lenroot	Small
Carew	Godwin, N. C.	Linthicum	Smith, C. B.
Carter, Mass.	Good	McClintic	Snell
Chandler, Okla.	Goodall	McCormick	Steele
Clark, Pa.	Greene, Mass.	McLaughlin, Pa.	Stephens, Nebr.
Condy	Hamill	Maher	Sterling, Pa.
Cooper, Ohio	Hamilton, N. Y.	Mann	Stiness
Cooper, W. Va.	Haskell	Mapes	Strong
Copley	Hayes	Mason	Sullivan
Costello	Heintz	Meeker	Templeton
Crisp	Hollingsworth	Montague	Thompson
Curry, Cal.	Hood	Moore, Pa.	Tinkham
Dempsey	Howard	Mott	Van Dyke
Dent	Hull, Iowa	Mudd	Vare
Dewalt	Husted	Overmyer	Voigt
Dies	Johnson, S. Dak.	Pou	Williams
Dooling	Jones, Tex.	Ragsdale	Wilson, La.
Doremus	Kahn	Rayburn	Winslow
Dowell	Kehoe	Riordan	Wise

So the amendment was agreed to.

The following pairs were announced:

Until further notice:

Mr. SEARS with Mr. DUNN.

Mr. STEPHENS of Nebraska with Mr. HASKELL.

Mr. HOOD with Mr. MAPES.

Mr. DUPRÉ with Mr. HOLLINGSWORTH.

Mr. MAHER with Mr. LEHLBACH.

Mr. WILSON of Louisiana with Mr. SNELL.

Mr. JONES of Texas with Mr. DOWELL.

Mr. MONTAGUE with Mr. SANFORD.

Mr. ROBINSON with Mr. HAMILTON of New York.

Mr. STEELE with Mr. COOPER of West Virginia.

Mr. DEWALT with Mr. GEORGE W. FAIRCHILD.

Mr. BELL with Mr. ANTHONY.

Mr. BLACKMON with Mr. AUSTIN.

Mr. BRAND with Mr. BRITTEN.

Mr. BYRNES of South Carolina with Mr. CARTER of Massachusetts.

Mr. CALDWELL with Mr. CHANDLER of Oklahoma.

Mr. CAMPBELL of Pennsylvania with Mr. CLARK of Pennsylvania.

Mr. CAREW with Mr. COOPER of Ohio.

Mr. CODY with Mr. COPLEY.

Mr. CRISP with Mr. DEMPSEY.

Mr. DENT with Mr. COSTELLO.

Mr. DOOLING with Mr. CURRY of California.

Mr. DOREMUS with Mr. DRUKKER.

Mr. ESTOPINAL with Mr. BENJAMIN L. FAIRCHILD.

Mr. EVANS with Mr. GOOD.

Mr. GALLIVAN with Mr. ROWE.

Mr. HOWARD with Mr. GOODALL.

Mr. FLOOD with Mr. GREENE of Massachusetts.

Mr. KEHOE with Mr. HULL of Iowa.

Mr. GODWIN of North Carolina with Mr. HAYES.

Mr. KEY of Ohio with Mr. HUSTED.

Mr. HAMILL with Mr. KAHN.

Mr. LAZARO with Mr. KELLEY of Michigan.

Mr. KETTNER with Mr. MASON.

Mr. POU with Mr. KENNEDY of Rhode Island.

Mr. OVERMYER with Mr. LENROOT.

Mr. LINTHICUM with Mr. KREIDER.

Mr. RAGSDALE with Mr. MCLAUGHLIN of Pennsylvania.

Mr. MCCLINTIC with Mr. MEEKER.

Mr. RAYBURN with Mr. MOORE of Pennsylvania.

Mr. RIORDAN with Mr. MUDD.

Mr. SCHALL with Mr. MOTT.

Mr. SIMS with Mr. VOIGT.

Mr. STEVENSON with Mr. STINESS.

Mr. SMALL with Mr. STRONG.

Mr. SULLIVAN with Mr. SLEMP.

Mr. CHARLES B. SMITH with Mr. TINKHAM.

Mr. THOMPSON with Mr. WINSLOW.

Mr. RAKER with Mr. LAGUARDIA.

Mr. WISE with Mr. KRAUS.

Mr. VAN DYKE with Mr. WILLIAMS.

Mr. STERLING of Pennsylvania with Mr. JOHNSON of South Dakota.

Mr. EAGLE with Mr. VARE.

Mr. SCULLY with Mr. CAPSTICK.

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

Mr. WEBB. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The SPEAKER. The gentleman from North Carolina moves the previous question.

Mr. WEBB. Mr. Speaker, I will withdraw that motion and allow the gentleman from New York [Mr. LUNN] to offer an amendment.

Mr. LUNN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Add as a new section to follow section 2:

"Nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with a bona fide purpose of securing better wages or conditions of employment."

Mr. WEBB. Mr. Speaker, I reserve a point of order against the amendment.

Mr. Speaker, I make the point of order that this amendment is not in order, and I insist on the point of order. I believe it ought to be sustained, because there is nothing in this bill that refers to employees or labor or wages or conditions; it only applies to conspiracies and doing certain things for the purpose of injuring or interfering with the Government in prosecuting the war. I can not see how the amendment is germane. You might as well write into the bill that it is not intended to catch an honest man. True, some gentlemen have mentioned labor on the floor, but there is nothing in the bill referring to labor, employees, or conditions of labor.

Mr. FOSTER. Mr. Speaker, but this amendment just placed upon the bill does speak of conspiracy. Now, the amendment of the gentleman from New York is only, as I understand it, to explain that this shall not apply in this way, so it seems to me that if the amendment which has just been placed upon the bill is in order it would not do to say that this amendment is not in order. It might have been so if this amendment had not been first placed upon the bill, but having been placed upon the bill and voted on by the House, it seems to me that this amendment is now in order.

The SPEAKER. The Chair is ready to rule. This amendment is simply a limitation on this bill, and the point of order is overruled. [Applause.]

Mr. WEBB. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from North Carolina moves the previous question on the bill and amendments to final passage.

Mr. HUDDLESTON. Mr. Speaker, I make the point of order that we are considering the bill under the five-minute rule, and the motion is not in order until the Clerk finishes the reading of the bill for amendment.

Mr. FOSTER. The bill has been read.

Mr. HUDDLESTON. By unanimous consent it was agreed that we should consider the bill under the five-minute rule.

The SPEAKER. The bill has been read.

Mr. HUDDLESTON. We have just had read the second section for amendment. We have not had read the third section under the five-minute rule.

Mr. FOSTER. The whole bill has been read.

Mr. HUDDLESTON. But not since that agreement was made.

The SPEAKER. The previous question is in order.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from New York [Mr. LUNN].

The question was taken, and the Speaker announced that the ayes seem to have it.

On a division (demanded by Mr. LANGLEY) there were—ayes 93, noes 69.

Mr. CANNON. Yeas and nays, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] demands the yeas and nays. The Chair will count. [After counting.] Sixty-five gentlemen have arisen, a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 273, nays 38, answer of "present" 1, not voting 116, as follows:

YEAS—273.

Alexander	Flood	Lonergan	Sanders, N. Y.
Almon	Flynn	Longworth	Saunders, Va.
Anderson	Focht	Lufkin	Schall
Anthony	Foss	Lundeen	Scott, Mich.
Ashbrook	Foster	Lunn	Sells
Aswell	Francis	McAndrews	Shackleford
Ayres	Frear	McArthur	Shallenberger
Baer	Freeman	McCulloch	Sherwood
Bankhead	French	McFadden	Shouse
Barkley	Fuller, Ill.	McKenzie	Siegel
Barnhart	Fuller, Mass.	McKeown	Sinnott
Beakes	Gallagher	McKinley	Slayden
Bell	Gandy	McLaughlin, Mich.	Smith, Idaho
Beshlin	Gard	McLemore	Smith, Mich.
Black	Garland	Maher	Smith, C. B.
Blackmon	Garrett, Tex.	Mansfield	Smith, T. F.
Bland	Gillett	Mays	Snook
Booher	Goodwin, Ark.	Meeker	Snyder
Bowers	Gordon	Miller, Wash.	Stafford
Browne	Graham, Ill.	Mondell	Steagall
Brumbaugh	Gray, Ala.	Moon	Stedman
Buchanan	Green, Iowa	Moore, Pa.	Sterling, Ill.
Burnett	Gregg	Morgan	Stevenson
Burroughs	Hadley	Morin	Sumners
Butler	Hamilton, Mich.	Mott	Sweet
Byrns, Tenn.	Hamlin	Mudd	Swift
Campbell, Kans.	Hardy	Neely	Switzer
Candler, Miss.	Harrison, Miss.	Nelson	Tague
Caraway	Harrison, Va.	Nicholls, S. C.	Taylor, Ark.
Carlin	Hastings	Nicholls, Mich.	Taylor, Colo.
Carter, Okla.	Hawley	Nolan	Temple
Cary	Hayden	Norton	Thomas
Chandler, N. Y.	Heflin	Oldfield	Thompson
Classon	Helvering	Oliver, Ala.	Tillman
Claypool	Hensley	Oliver, N. Y.	Tilson
Collier	Hersey	Olney	Timberlake
Connally, Tex.	Hicks	Osborne	Towner
Connelly, Kans.	Hilliard	O'Shaunessy	Treadway
Cooper, Wis.	Holland	Overstreet	Venable
Crosser	Houston	Paige	Vestal
Dale, N. Y.	Huddleston	Park	Vinson
Dallinger	Hull, Tenn.	Parker, N. Y.	Volk
Darrow	Hutchinson	Phelan	Waldow
Davidson	Igoe	Powers	Walker
Davis	Jacoway	Price	Walsh
Decker	James	Purnell	Walton
Denison	Johnson, Wash.	Quin	Wason
Denton	Juul	Rainey	Watkins
Dickinson	Kearns	Raker	Watson, Pa.
Dill	Keating	Ramsey	Watson, Va.
Dillon	Kelly, Pa.	Ramseyer	Weaver
Dixon	Kennedy, Iowa	Randall	Webb
Dominick	Key, Ohio	Rankin	Welling
Dooling	Kincheloe	Raybourn	Welty
Doolittle	King	Reavis	Whaley
Doughton	Kinkaid	Reed	Wheeler
Dowell	Kitchin	Robbins	White, Me.
Drane	Knutson	Roberts	White, Ohio
Dupré	La Follette	Rodenberg	Wilson, Ill.
Dyer	Langley	Rogers	Wilson, Tex.
Eagan	Larsen	Romjue	Wingo
Ellsworth	Lazaro	Rose	Woodyard
Emerson	Lea, Cal.	Rouse	Wright
Fairfield	Lesher	Rubey	Young, N. Dak.
Farr	Lever	Ruckler	Young, Tex.
Ferris	Little	Russell	Zihlman
Fess	Littlepage	Sabath	
Fields	Lobeck	Sanders, Ind.	
Fisher	London	Sanders, La.	

NAYS—38.

Bacharach	Dale, Vt.	Heaton	Parker, N. J.
Blanton	Edmonds	Helm	Peters
Borland	Elliott	Humphreys	Platt
Cannon	Fordney	Johnson, Ky.	Sherley
Cantrill	Garner	Kless, Pa.	Steenerson
Church	Garrett, Tenn.	Madden	Stephens, Miss.
Cox	Glass	Merritt	Volstead
Crago	Glynn	Miller, Minn.	Ward
Cramton	Gray, N. J.	Moores, Ind.	
Currie, Mich.	Greene, Vt.	Padgett	

ANSWERED "PRESENT"—1.

Talbott

NOT VOTING—116.

Austin	Costello	Godwin, N. C.	Ireland
Brand	Crisp	Good	Johnson, S. Dak.
Britten	Curry, Cal.	Goodall	Jones, Tex.
Bruckner	Dempsey	Gould	Jones, Va.
Browning	Dent	Graham, Pa.	Kahn
Byrnes, S. C.	Dewalt	Greene, Mass.	Kehoe
Caldwell	Dies	Griest	Kelley, Mich
Campbell, Pa.	Doremus	Hamill	Kennedy, R. I.
Capstick	Drukker	Hamilton, N. Y.	Kettner
Carew	Dunn	Haskell	Kraus
Carter, Mass.	Eagle	Haugen	Kreider
Chandler, Okla.	Elston	Hayes	LaGuardia
Clark, Fla.	Esch	Heintz	Lee, Ga.
Clark, Pa.	Estopinal	Hollingsworth	Lehlbach
Coady	Evans	Hood	Lenroot
Cooper, Ohio	Fairchild, B. L.	Howard	Linthicum
Cooper, W. Va.	Fairchild, G. W.	Hull, Iowa	McClintic
Copley	Gallivan	Husted	McCormick
McLaughlin, Pa.	Pratt	Sims	Sullivan
Magee	Ragsdale	Sisson	Templeton
Mann	Riordan	Stemp	Tinkham
Mapes	Robinson	Sloan	Van Dyke
Martin	Rowe	Small	Vare
Mason	Rowland	Snell	Williams
Montague	Sanford	Steele	Wilson, La.
Overmyer	Scott, Iowa	Stephens, Nebr.	Winslow
Polk	Scott, Pa.	Sterling, Pa.	Wise
Porter	Scully	Stiness	Wood, Ind.
Pou	Sears	Strong	Woods, Iowa

So the amendment was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TALBOTT with Mr. BROWNING.

Mr. JONES of Texas with Mr. HOLLINGSWORTH.

Mr. MCCLINTIC with Mr. LEHLBACH.

Mr. SIMS with Mr. GREENE of Massachusetts.

Mr. BRODBECK with Mr. HUSTED.

Mr. CLARK of Florida with Mr. KELLEY of Michigan.

Mr. DIES with Mr. STINESS.

Mr. JONES of Virginia with Mr. TINKHAM.

Mr. LEE of Georgia with Mr. WINSLOW.

Mr. MARTIN with Mr. AUSTIN.

Mr. POLK with Mr. MAGEE.

Mr. SCULLY with Mr. PORTER.

Mr. SISSON with Mr. SLOAN.

Mr. TAYLOR of Colorado with Mr. TEMPLETON.

Mr. TALBOTT. Mr. Speaker, I am paired with the gentleman from New Jersey [Mr. BROWNING]. If he were present, I would vote "aye," and I desire to state that my impression is that if Mr. BROWNING were present he would also vote "aye."

Mr. FERRIS. Mr. Speaker, I desire to announce the unavoidable absence of Mr. MCCLINTIC, of Oklahoma, who is sick in the hospital with typhoid fever.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on agreeing to the committee substitute as amended.

The question was taken, and the committee substitute was agreed to.

The SPEAKER. The question is on a third reading of the Senate bill as amended.

The question was taken, and the bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays. There were some of us who voted against the Cannon amendment who wish now to vote for the bill.

The SPEAKER. The question is on passing the bill.

The question was taken.

Mr. IGOE. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Missouri makes the point of order that there is no quorum present. The vote just taken discloses the presence of a quorum. The gentleman from Wisconsin demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Eighty-four Members have arisen, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 321, not voting 107, as follows:

YEAS—321.

Alexander	Carter, Okla.	Dupré	Gordon
Almon	Cary	Dyer	Graham, Ill.
Anderson	Church	Eagan	Gray, Ala.
Anthony	Clark, Fla.	Edmonds	Gray, N. J.
Ashbrook	Classon	Elliott	Green, Iowa
Aswell	Claypool	Ellsworth	Greene, Vt.
Ayres	Collier	Emerson	Gregg
Bacharach	Connally, Tex.	Esch	Griest
Baer	Connelly, Kans.	Fairfield	Hadley
Bankhead	Cooper, Wis.	Farr	Hamilton, Mich.
Barkley	Cox	Ferris	Hamlin
Barnhart	Crago	Fess	Hardy
Beakes	Cramton	Fields	Harrison, Miss.
Bell	Crosser	Fisher	Harrison, Va.
Beshlin	Currie, Mich.	Flood	Hastings
Black	Dale, N. Y.	Flynn	Hawley
Blackmon	Dale, Vt.	Focht	Hayden
Bland	Dallinger	Fordney	Heaton
Blanton	Darrow	Foss	Helm
Booher	Davidson	Foster	Helvering
Borland	Davis	Francis	Hensley
Bowers	Decker	Frear	Hersey
Browne	Denison	Freeman	Hicks
Brumbaugh	Dent	Fuller, Ill.	Hilliard
Buchanan	Denton	Fuller, Mass.	Holland
Burnett	Dickinson	Gallagher	Houston
Burroughs	Dill	Gandy	Huddleston
Butler	Dillon	Gard	Hull, Iowa
Byrns, Tenn.	Dixon	Garner	Hull, Tenn.
Campbell, Kans.	Dominick	Garrett, Tenn.	Humphreys
Candler, Miss.	Dooling	Garrett, Tex.	Hutchinson
Cannon	Doolittle	Gillett	Igoe
Cantrill	Doughton	Glass	Jacoway
Caraway	Dowell	Glynn	James
Carlin	Drane	Goodwin, Ark.	

Johnson, Ky.	Miller, Minn.	Rogers	Taylor, Ark.
Johnson, Wash.	Miller, Wash.	Romjue	Taylor, Colo.
Juul	Mondell	Rose	Temple
Kearns	Montague	Rouse	Thomas
Keating	Moon	Rowe	Thompson
Kehoe	Moore, Pa.	Rubey	Tillman
Kelly, Pa.	Moores, Ind.	Ruckler	Tilson
Kennedy, Iowa	Morgan	Russell	Timberlake
Key, Ohio	Morin	Sabath	Towner
Kiess, Pa.	Mott	Sanders, Ind.	Treadway
Kincheloe	Neely	Sanders, La.	Venable
King	Nelson	Sanders, N. Y.	Vestal
Kinkaid	Nicholls, S. C.	Saunders, Va.	Vinson
Kitchin	Nichols, Mich.	Schall	Volk
Knutson	Nolan	Scott, Iowa	Volstead
La Follette	Norton	Scott, Mich.	Waldow
Langley	Oldfield	Sells	Walker
Larsen	Oliver, Ala.	Shackleford	Walsh
Lazaro	Oliver, N. Y.	Shallenberger	Walton
Lea, Cal.	Olney	Sherley	Ward
Lesher	Osborne	Sherwood	Wason
Lever	O'Shaunessy	Shouse	Watkins
Lindquist	Overstreet	Siegel	Watson, Pa.
Little	Padgett	Sims	Watson, Va.
Littlepage	Paige	Sinnott	Weaver
London	Park	Slayden	Webb
Lonergan	Parker, N. J.	Sloan	Welling
Longworth	Parker, N. Y.	Smith, Idaho	Welty
Lufkin	Peters	Smith, Mich.	Whaley
Lundeen	Phelan	Smith, C. B.	Wheeler
Lunn	Platt	Smith, T. F.	White, Me.
McAndrews	Pou	Snook	White, Ohio
McArthur	Powers	Snyder	Wilson, Ill.
McCulloch	Purnell	Stafford	Wilson, Tex.
McFadden	Quin	Steagall	Wingo
McKenzie	Rainey	Stedman	Wise
McKeown	Raker	Steenerson	Wood, Ind.
McKinley	Ramsey	Stephens, Miss.	Woods, Iowa
McLaughlin, Mich.	Ramseyer	Sterling, Ill.	Woodyard
Madden	Randall	Stevenson	Wright
Maher	Rankin	Sumners	Young, N. Dak.
Mansfield	Raybourn	Sweet	Young, Tex.
Martin	Reavis	Swift	Zihlman
Mays	Robbins	Switzer	
Meeker	Roberts	Tague	
Merritt	Rodenberg	Talbott	

NOT VOTING—107.

Austin	Eagle	Jones, Tex.	Ragsdale
Brand	Elston	Jones, Va.	Reed
Britten	Estopinal	Kahn	Riordan
Bruckner	Evans	Kelley, Mich.	Robinson
Browning	Fairchild, B. L.	Kennedy, R. I.	Rowland
Byrnes, S. C.	Fairchild, G. W.	Kettner	Sanford
Caldwell	French	Kraus	Scott, Pa.
Campbell, Pa.	Gallivan	Kreider	Scully
Capstick	Garland	LaGuardia	Sears
Carew	Godwin, N. C.	Lee, Ga	Sisson
Carter, Mass.	Good	Lehlbach	Stemp
Chandler, N. Y.	Goodall	Lenroot	Small
Chandler, Okla.	Gould	Lobeck	Snell
Clark, Pa.	Graham, Pa.	McClintic	Steele
Coady	Greene, Mass.	McCormick	Stephens, Nebr.
Cooper, Ohio	Hamill	McLaughlin, Pa.	Sterling, Pa.
Cooper, W. Va.	Hamilton, N. Y.	McLemore	Stiness
Copley	Haskell	Magee	Strong
Costello	Haugen	Mann	Sullivan
Crisp	Hayes	Mapes	Templeton
Curry, Cal.	Heintz	Mason	Tinkham
Dempsey	Hollingsworth	Mudd	Van Dyke
Dewalt	Hood	Overmyer	Vare
Dies	Howard	Polk	Williams
Doremus	Husted	Porter	Wilson, La.
Drukker	Ireland	Pratt	Winslow
Dunn	Johnson, S. Dak.	Price	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. GALLIVAN with Mr. SANFORD.

Mr. SCULLY with Mr. AUSTIN.

Mr. SISSON with Mr. COSTELLO.

Mr. LOBECK with Mr. GREENE of Massachusetts.

Mr. MCLEMORE with Mr. KENNEDY of Rhode Island.

Mr. POLK with Mr. MUDD.

Mr. CRISP with Mr. CHANDLER of New York.

Mr. GALLIVAN with Mr. FRENCH.

Mr. EAGLE with Mr. GARLAND.

Mr. PRICE with Mr. GOULD.

Mr. STEELING of Pennsylvania with Mr. IRELAND.

Mr. JONES of Texas with Mr. DEMPSEY.

Mr. MONTAGUE with Mr. PORTER.

Mr. RIORDAN with Mr. CURRY of California.

Mr. TALBOTT. Mr. Speaker, how am I recorded?

The SPEAKER pro tempore (Mr. GARRETT of Tennessee in the chair). The gentleman is recorded as "present."

Mr. TALBOTT. I am paired with the gentleman from New Jersey, Mr. BROWNING. If he were present, he would vote "yea." I therefore change my vote from "present" to "yea."

Mr. SIEGEL. Mr. Speaker, I want to say that if my colleagues Mr. LAGUARDIA and Mr. MAGEE were present they would vote "yea."

The result of the vote was announced as above recorded.

On motion of Mr. WEBB, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MADDEN. Mr. Speaker, I make the point of no quorum.

LEAVE OF ABSENCE.

Mr. MCCLINTIC, by unanimous consent, was granted leave of absence indefinitely, on account of illness.

EULOGIES ON THE LATE REPRESENTATIVE HELGESEN.

Mr. BAER. Mr. Speaker, I desire to ask unanimous consent that Sunday, March 24, 1918, be set aside for addresses on the life, character, and public services of HENRY T. HELGESEN, late Representative in Congress from the first district of North Dakota.

The SPEAKER pro tempore. The gentleman from North Dakota [Mr. BAER] asks unanimous consent that Sunday, March 24, 1918, be set aside for eulogies upon the life, character, and public services of the late HENRY T. HELGESEN, a Representative from North Dakota. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. IGOE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on this bill.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to revise and extend his remarks in the RECORD on this bill. Is there objection?

There was no objection.

Mr. LUNN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DYER, Mr. MORGAN, Mr. HEFLIN, Mr. LINTHICUM, and Mr. SIEGEL requested unanimous consent to extend their remarks in the RECORD on this bill.

The SPEAKER pro tempore. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I have no objection to gentlemen who spoke on the bill extending their remarks in the RECORD on this measure, but as to those who did not I shall object.

The SPEAKER pro tempore. The Chair is unable to distinguish. Is there objection to the request of the gentleman from Oklahoma [Mr. MORGAN]? [After a pause.] The Chair hears none.

Is there objection to the request of the gentleman from Missouri [Mr. DYER]? [After a pause.] The Chair hears none.

Is there objection to the request of the gentleman from Maryland [Mr. LINTHICUM]? [After a pause.] The Chair hears none.

Is there objection to the request of the gentleman from Alabama [Mr. HEFLIN]?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. SIEGEL]?

There was no objection.

Mr. KEATING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed?

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

DAYLIGHT SAVING.

Mr. SIMS. Mr. Speaker, I want to ask unanimous consent that upon the conclusion or disposition of the appropriation bill now before the House it shall be in order to take up and consider what is known as the daylight-saving bill.

Mr. MADDEN. Mr. Speaker, I object.

Mr. SIMS. I want to make a statement.

Mr. MADDEN. The finance corporation bill is coming in.

Mr. SIMS. This will take but one hour.

Mr. MADDEN. I object.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent that at the conclusion of the legislative, executive, and judicial appropriation bill it shall be in order to consider what is known as the daylight-saving bill. Is there objection?

Mr. MADDEN. I object.

EXTENSION OF REMARKS.

Mr. HEFLIN. Mr. Speaker, I made the request that I might be permitted to extend my remarks in the RECORD, and there were several others who did so. Was there objection?

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. WALSH] made an objection.

Mr. HEFLIN. Did he object to others?

The SPEAKER pro tempore. He did not.

Mr. WALSH. I withdraw the objection.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Copley Gallivan Husted McCormick Carlin Drane Goodwin, Ark. James

PRACTICE AND PROCEDURE IN FEDERAL COURTS.

Mr. WEBB. Mr. Speaker, I desire to call up the bill H. R. 9354, to amend the practice and procedure in Federal courts, and for other purposes, and I propose to yield five minutes to the gentleman from Arkansas [Mr. CARAWAY] to explain it, and then I intend to move to adjourn.

The title of the bill was read.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. CARAWAY].

The SPEAKER pro tempore (Mr. SHERLEY). Does the gentleman from North Carolina ask unanimous consent to dispense with the first reading of the bill?

Mr. WEBB. I do.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. CARAWAY] is recognized for five minutes.

Mr. CARAWAY. Mr. Speaker, I shall want but one minute of that time.

The bill seeks merely to limit the right of Federal judges in the trial of causes submitted to juries. In some jurisdictions—at least, it is true of my own—the court elects to give his personal opinion as to the credibility of witnesses and the weight of testimony, and it was thought that it invaded the province of the jury. This bill seeks to correct that, and to make the judge confine his instructions to the law applicable to the case.

That is all I want to say at this time.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned until to-morrow, Thursday, March 7, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Commissioners of the District of Columbia submitting a supplemental estimate of appropriation required for three additional clerks in the office of the collector of taxes of the District of Columbia for the fiscal year 1919 (H. Doc. No. 964); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting a supplemental estimate of appropriation for the contribution of the United States toward the maintenance of the Interallied Institute for the Restoration and Reeducation of Crippled Soldiers (H. Doc. No. 965); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the joint resolution (S. J. Res. 133) authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured, reported the same without amendment, accompanied by a report (No. 358), which said joint resolution and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9715) extending the time for the construction of a bridge across the Bayou Bartholomew, in Ashley County, Wilmot Township, State of Arkansas, reported the same with amendment, accompanied by a report (No. 359), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROGERS: A bill (H. R. 10522) authorizing the Secretary of War to reimburse officers, enlisted men, and civilian employees in the Military Establishment for certain disbursements while on furlough necessitated by disabilities originating in the service and in line of duty; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 10523) to establish an American recreation camp for commissioned officers, soldiers, and sailors on duty overseas; to the Committee on Military Affairs.

By Mr. OSBORNE: A bill (H. R. 10524) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Cal., to the city of Los Angeles, Cal.," approved June 30, 1906; to the Committee on the Public Lands.

By Mr. CARY: A bill (H. R. 10525) to authorize and direct the Postmaster General to procure postal cars and contract for hauling them, and appropriating money therefor; to the Committee on the Post Office and Post Roads.

By Mr. McFADDEN: A bill (H. R. 10526) providing for partial payments of war excess-profits taxes; to the Committee on Ways and Means.

By Mr. BAER: A bill (H. R. 10527) to provide for the national security and defense and further to assure an adequate supply of food, by authorizing the Secretary of Agriculture to contract with farmers in certain areas for the production of grain through advances, loans, and otherwise, and by providing for the voluntary mobilization of farm labor, and for other purposes; to the Committee on Appropriations.

By Mr. CARY: Joint resolution (H. J. Res. 260) proposing an amendment to the Constitution for the election of Representatives for a four-year instead of a two-year term; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. EDMONDS: Resolution (H. Res. 266) authorizing the printing as a House document the proceedings of the foreign war missions; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 10528) granting an increase of pension to Patton Coomer; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 10529) granting a pension to Mrs. Frank Schultz; to the Committee on Pensions.

By Mr. ELSTON: A bill (H. R. 10530) granting a pension to Sarah E. McCaleb; to the Committee on Invalid Pensions.

By Mr. GANDY: A bill (H. R. 10531) granting a pension to Paul J. Flynn; to the Committee on Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 10532) granting an increase of pension to Uriah T. Alley; to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 10533) granting a pension to Sarah C. Frankford; to the Committee on Invalid Pensions.

By Mr. LONGWORTH (for Mr. HEINTZ) A bill (H. R. 10534) granting a pension to Warren W. Kendall; to the Committee on Pensions.

Also, a bill (H. R. 10535) granting a pension to Louis Brockman; to the Committee on Pensions.

Also, a bill (H. R. 10536) granting a pension to Laura A. Duncan; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 10537) granting an increase of pension to John K. McBain; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H. R. 10538) granting an increase of pension to Edward W. Lauck; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 10539) granting a pension to Harry C. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10540) granting an increase of pension to Daniel H. Harter; to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 10541) granting an increase of pension to Columbus Sampson; to the Committee on Invalid Pensions.

By Mr. NEELY: A bill (H. R. 10542) granting an increase of pension to Edward W. Lauck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10543) granting a pension to Michael Mulvey; to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 10544) granting an increase of pension to John Wesley Melton; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 10545) granting an increase of pension to William A. Campbell; to the Committee on Invalid Pensions.

By Mr. WALDOW: A bill (H. R. 10546) granting a pension to George Plewacki; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 10547) granting a pension to Henry M. Agenbroad; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CAREW: Memorial of New York Zoological Society, favoring migratory bird treaty act; to the Committee on Foreign Affairs.

By Mr. DALE of New York: Memorial of the American Defense Society (Inc.), urging that the charter of the German-American Alliance be taken away; to the Committee on the Judiciary.

Also, memorial of Public Service Commission, second district, State of New York, urging the protection of the State commissions in their right to regulate intrastate rates; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Boise Commercial Club, favoring House bill 9928; to the Committee on Interstate and Foreign Commerce.

Also, resolution of Yavapai County Chamber of Commerce, opposing the Foster bill placing the mining industry under Federal control; to the Committee on Mines and Mining.

Also, memorial of Trumbull County tax map department, Warren, Ohio, favoring the bill granting pensions to members of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Springfield Chamber of Commerce, opposing any increase in second-class postage at present and opposing a zone system at any time; to the Committee on Ways and Means.

By Mr. DOOLING: Petition of the Merchants' Association of New York, favoring Overman bill (S. 3771) for creation of a board of war control and a director of munitions; to the Committee on Military Affairs.

By Mr. FOSTER: Petition of Grand Army of the Republic post, Noble, Ill., asking for increase of pension to Civil War veterans; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: Petition of the National Live Stock Association, the Chamber of Commerce of Kansas City, the Western Oil Jobbers' Association, the Western Petroleum Refiners' Association, and the National Petroleum Association, opposing taking the rate making from the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Ream, Otto Lauer, jr., Herman Kuester, Andrew Hebel, and Joseph J. Lennig, of Peru, Ill., favoring universal military training; to the Committee on Military Affairs.

By Mr. GRAHAM of Pennsylvania: Resolution of the war shipping committee of the chamber of commerce, urging prompt action looking to the early construction of much-needed dry-dock facilities; to the Committee on the Merchant Marine and Fisheries.

By Mr. McARTHUR. Petition of U. S. Grant Post, No. 17, Department of Oregon, Grand Army of the Republic, favoring increase in pensions of G. A. R. veterans; to the Committee on Invalid Pensions.

By Mr. SABATH: Memorial of the board of governors of the Investment Bankers' Association of America, favoring the principles of the war finance corporation bill and suggesting certain changes to be made in it; to the Committee on Ways and Means.

Also, petition of the Woman's Association of Commerce of Chicago, protesting against any scale of pay which does not give equal pay for the same work, against an insufficient wage scale, against a longer working-day than eight hours, and pledging support to all efforts to secure better conditions for working women; to the Committee on Labor.

Also, resolution of the New York Zoological Society, favoring the migratory-bird treaty law; to the Committee on Foreign Affairs.

Also, resolution of the Chicago Typographical Union, No. 16, favoring the Sherwood pension bill for the benefit of all American workers; to the Committee on Pensions.

By Mr. SNOOK: Papers to accompany H. R. 9245, relative to military record of William L. Wiles; to the Committee on Military Affairs.

By Mr. STINESS: Petition of Dorothy French and numerous other citizens of Rhode Island, praying that better parcel-post rates be provided for packages sent to the American Expeditionary Forces in France; to the Committee on the Post Office and Post Roads.

Also, petition of Typographical Union, No. 33, of Providence, R. I., favoring the passage of the so-called Keating bill, granting increased compensation to Federal employees; to the Committee on Appropriations.

By Mr. TEMPLE: Papers to accompany H. R. 10355, granting an increase of pension to Robert T. Parkinson; to the Committee on Invalid Pensions.

By Mr. TILSON: Petition of Meriden (Conn.) Branch, No. 154, United National Association Post Office Clerks, in behalf of H. R. 9414; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, *March 7, 1918.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy kingdom is an everlasting kingdom. Thy mercies extend to all generations. Thou art not a respecter of persons. Thou dost embrace all mankind in Thy loving-kindness and in Thy favor. We are saddened by the sinfulness of men. We are perplexed by evil influences that are constantly about us. Many are impelled by selfish motives and pride. We pray that Thy Holy Spirit may sanctify the hearts of the people to respond more fully to the Divine will, that we may walk in Thy way and accomplish all of Thy Divine purpose in us as a Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Tuesday, March 5, 1918, when, on request of Mr. FRELINGHUYSEN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM NEW JERSEY.

Mr. FRELINGHUYSEN. Mr. President, I have received from the governor of my State credentials appointing Mr. DAVID BAIRD a Senator to fill the vacancy in the Senate occasioned by the death of my late colleague, Senator HUGHES. I send the credentials to the desk and ask that they be read and placed on the files of the Senate.

The PRESIDENT pro tempore. The Secretary will read the credentials.

The credentials were read and ordered to be filed, as follows:

STATE OF NEW JERSEY.
EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of New Jersey, I, Walter E. Edge, the governor of said State, do hereby appoint DAVID BAIRD a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of WILLIAM HUGHES is filled by election, as provided by law.

Witness: His excellency our governor, Walter E. Edge, and our seal hereunto affixed at Trenton, this 23d day of February, A. D. 1918.

[SEAL.] WALTER E. EDGE,
Governor.

By the governor:

THOMAS F. MARTIN,
Secretary of State.

Mr. FRELINGHUYSEN. Mr. President, Mr. BAIRD is present in the Chamber, and I ask that the oath be now administered to him.

The PRESIDENT pro tempore. The Senator appointed will come forward and the oath will be administered to him.

Mr. BAIRD was escorted to the Vice President's desk by Mr. FRELINGHUYSEN; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. KNOX presented a petition of the Woman Suffrage Party of the twenty-third legislative district of Philadelphia County, Pa., and a petition of Local Union No. 541, International Association of Machinists, of New Kensington, Pa., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Pittsburgh, Pa., praying for an appropriation for the early

completion of the improvement of the Ohio River and also for the enactment of legislation providing for the immediate construction by the Government of the Lake Erie and Ohio River Canal, which was referred to the Committee on Commerce.

He also presented a memorial of the Game and Fish Protective Association, of Shamokin, Pa., remonstrating against the enactment of legislation providing for the annulment of the present game laws, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. NELSON presented a petition of sundry citizens of Duluth, Minn., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

He also presented a petition of Minnesota congressional district No. 10, praying for the adoption of an amendment to the revenue law to provide for lower rate of postage on second-class mail matter, which was referred to the Committee on Finance.

Mr. McLEAN presented a petition of the American Defense Societies of the Counties of Hartford, New Haven, Fairfield, Litchfield, Tolland, Middlesex, Windham, and New London, all in the State of Connecticut, praying for an amendment to the espionage act, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Branch No. 32, National Association of Letter Carriers, of Bridgeport, Conn., and a petition of Local Branch No. 154, United National Association of Post Office Clerks, of Meriden, Conn., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of the California State Board of Health, praying for the creation of a sanitary reserve corps for the United States Public Health Service, which was referred to the Committee on Military Affairs.

Mr. THOMPSON presented a petition of R. B. Hayes Post, No. 176, Grand Army of the Republic, Department of Kansas, of Pratt, Kans., praying for the enactment of legislation to provide increased pensions to veterans of the Civil War, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Rice and Reno Counties, in the State of Kansas, praying for the enactment of legislation to provide the same rank for physicians in the Army as those received in the Navy, which was referred to the Committee on Military Affairs.

Mr. HALE. I present resolutions adopted by the Maine Branch of the National Woman's Party, which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

NATIONAL WOMAN'S PARTY,
Portland, Me., February 6, 1918.

Senator FREDERICK HALE,
Washington, D. C.

MY DEAR SIR: At a meeting held at Mrs. W. M. Leonard's, Carroll Street, Portland, Wednesday, February 6, the following resolution was unanimously adopted:

Resolved, That this meeting call upon the President and the Democratic administration to give their effective support to the Federal suffrage amendment, now before the Senate, by making it an administration measure and securing its passage in this session of Congress at this time, when the Nation is calling upon the women of America for every kind of service in the prosecution of the war; be it also

Resolved, That this resolution be sent to the President, the Vice President, Senator THOMAS S. MARTIN, Senator JACOB GALLINGER, Senator A. A. JONES, Speaker CHAMP CLARK, Hon. CLAUDE KITCHIN, Representative JAMES R. MANN, Representative E. Y. WEBB, and the Maine Senators and Representatives.

Respectfully,
ELLA A. CLARKE.
Secretary Woman's Party, Maine Branch.

REPORT FROM COMMITTEE ON NAVAL AFFAIRS.

Mr. TILLMAN, from the Committee on Naval Affairs, to which was referred the bill (S. 3405) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, reported it with amendments and submitted a report (No. 301) thereon.

FOX RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (H. R. 7998) granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River, and I submit a report (No. 302) thereon. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MYERS:

A bill (S. 4024) for the relief of the Indians on Fort Peck Reservation in Montana; to the Committee on Indian Affairs.

A bill (S. 4025) granting an increase of pension to Webster A. Whiting; and

A bill (S. 4026) granting a pension to George A. Atkinson; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 4027) granting a pension to Edwin C. Gasque; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 4028) to correct the military record of William McCormick (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 4029) granting a pension to Charles F. Lufkin; to the Committee on Pensions.

By Mr. CALDER:

A bill (S. 4030) granting a pension to Fanny Wood Arnold; to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4031) granting an increase of pension to Mary Miller (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A joint resolution (S. J. Res. 137) proposing an amendment to the Constitution of the United States by amending section 1 of Article III thereof; to the Committee on the Judiciary.

FORT PECK INDIAN RESERVATION.

Mr. MYERS submitted an amendment providing that Indians of the Fort Peck Reservation in Montana entitled to allotments under existing laws may select lands classified as coal and receive patents therefor in accordance with the act of May 30, 1908, intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

REQUISITION OF TIMBER.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (S. 3426) to empower the President to requisition timber and timber products for war purposes, which was ordered to lie on the table and be printed.

WAR FINANCE CORPORATION.

The PRESIDENT pro tempore. If there be no further morning business, the morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, the so-called war finance corporation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 3714) to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and for other purposes.

The PRESIDENT pro tempore. The pending amendment is an amendment offered by the Senator from Oklahoma [Mr. OWEN] on page 11 of the bill.

Mr. SIMMONS. Mr. President, I see that the Senator from Oklahoma [Mr. OWEN] is not in the Chamber, and there is a very small attendance of Senators. I think, on account of the absence of the Senator from Oklahoma and the small attendance, it would be well to have a roll call. I therefore make the point of no quorum.

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Henderson	New	Smith, Mich.
Baird	Hollis	Norris	Smith, S. C.
Beckham	Johnson, Cal.	Nugent	Smoot
Borah	Johnson, S. Dak.	Owen	Sterling
Brandegee	Jones, N. Mex.	Page	Stone
Calder	Jones, Wash.	Pittman	Sutherland
Culberson	Kellogg	Poindexter	Swanson
Curtis	Kenyon	Pomerene	Thomas
Dillingham	King	Ransdell	Tillman
Fernald	Kirby	Reed	Townsend
Fletcher	Knox	Robinson	Trammell
France	Lodge	Saulsbury	Underwood
Freilinghuysen	McCumber	Shafroth	Vardaman
Gallinger	McKellar	Sheppard	Wadsworth
Gerry	McLean	Sherman	Walsh
Gronna	McNary	Shields	Watson
Hale	Martin	Simmons	
Harding	Myers	Smith, Ariz.	
Hardwick	Nelson	Smith, Md.	

Mr. GRONNA. I desire to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent due to illness in his family. I ask that this announcement may stand for the day.

Mr. BECKHAM. I wish to announce that my colleague [Mr. JAMES] is detained by illness. I will let this announcement stand for the day.

Mr. McNARY. I desire to announce that my colleague [Mr. CHAMBERLAIN] is absent on account of illness.

Mr. SUTHERLAND. My colleague, the senior Senator from West Virginia [Mr. GOFF], is absent owing to illness. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Seventy-three Senators have answered to their names. There is a quorum present. The pending amendment will be stated.

The SECRETARY. On page 11, beginning with line 5, it is proposed to strike out the following words:

Such bonds may be dealt in by Federal reserve banks in the same manner and to the same extent as bonds or notes of the United States not bearing the circulation privilege, and.

Mr. OWEN. Mr. President, the Federal reserve act——

Mr. SIMMONS. As I indicated on yesterday, I am perfectly willing to accept the amendment proposed by the Senator from Oklahoma.

Mr. OWEN. If it is accepted, I do not care to submit anything in explanation of the amendment.

Mr. GALLINGER. I should like to have an explanation of it before the Senate accepts it.

Mr. OWEN. I shall be very glad to give it.

Mr. SIMMONS. If the Senator will pardon me, I will say that I think the Senator from Oklahoma gave an explanation of it yesterday.

Mr. OWEN. Mr. President, the Federal reserve act provided that the reserves of the member banks, which comprises all the national banks of the United States and all the large State banks and State trust companies, should have their gold reserves cared for and protected by the Federal reserve banks. These banks hold all the gold practically which the various member banks have for their reserves against the demands of the depositors of the banks of the United States. Those deposits amount to enormous sums, very many billions of dollars, and those depositors ought not to have their confidence shaken in the security of the reserves which are held against the payment of those deposits.

Moreover, the gold which is held in the reserve banks is held there as a basis upon which to issue Federal reserve notes on a basis of 40 per cent of gold against each dollar of Federal reserve notes. That expensive policy of the Federal reserve banks is based upon the quantity of gold which they have.

This provision permits the bonds of this corporation to be substituted for the gold which is held as the reserve of the banks of the country against their deposits, and anything which would weaken the confidence of the depositors of the country in the Federal Reserve System might lead to the most unhappy results.

Mr. GALLINGER. And the purpose of the amendment is to give added protection to the depositors?

Mr. OWEN. The purpose of the amendment is to protect the depositors, and by protecting the depositors and protecting the Federal Reserve System to protect the credit system of the United States, without which this war can not be successfully waged. I think that is perfectly obvious.

Mr. GALLINGER. The latter part of it I do not know anything about.

Mr. OWEN. I think the Senator will agree with me when he considers it, because if the credit system is disturbed in the United States it would be the most serious injury to the conduct of the war.

Mr. GALLINGER. There is no question about that. What particularly attracted my attention was that this is in the interest of the depositors in banks.

Mr. OWEN. Oh, yes.

Mr. GALLINGER. Of course, for that reason it ought to be agreed to, beyond a doubt.

Mr. McCUMBER. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. McCUMBER. Does the Senator claim that the words he desires to have stricken out authorize those banks to issue currency without having 40 per cent of gold back of it?

Mr. OWEN. No; not at all. The part I am asking to have stricken out permits the banks to buy these bonds and take their gold to buy them with.

Mr. McCUMBER. There is nothing mentioned about gold in that particular provision.

Mr. OWEN. No; nothing is mentioned of gold, but that is what they have to buy the bonds with. They have to buy them with the gold they have if they buy them at all.

Such bonds may be dealt in by Federal reserve banks in the same manner and to the same extent as bonds or notes of the United States not bearing the circulating privilege.

Mr. McCUMBER. I understand the Senator.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from North Carolina?

Mr. OWEN. I do.

Mr. SIMMONS. My understanding is—and I wish to ask the Senator if I am correct—that under the Federal reserve act the reserve banks are permitted to use the deposits of the member banks for the purchase of Government bonds. Am I correct in that understanding?

Mr. OWEN. Yes; the Senator is correct in that.

Mr. SIMMONS. This amendment would not permit them to use the gold of member banks to purchase the bonds of the corporation to be created?

Mr. OWEN. Yes; that is right.

Mr. SIMMONS. But they would still have the right to use that fund for the purchase of liberty bonds?

Mr. OWEN. Yes; that is right.

Mr. SIMMONS. And the Senator, I understand, differentiates between liberty bonds and the bonds of this corporation?

Mr. OWEN. Very widely; and I wish to explain why I so differentiate.

Mr. TOWNSEND. Mr. President, will the Senator from Oklahoma tell us where the amendment which he is discussing comes in the bill?

Mr. OWEN. It is on page 11, line 5.

Mr. WADSWORTH. May we have order, Mr. President?

The PRESIDENT pro tempore. The Chair must appeal to the Senate to assist in preserving sufficient order so that Senators addressing the Senate may be heard.

Mr. SIMMONS. Mr. President, I wish to add, if the Senator from Oklahoma will permit me, that I heard his statement of the differentiation which he made on yesterday in this matter, and I am inclined to think that it is well founded.

Mr. OWEN. There is a very important differentiation between the bonds of the United States and the bonds of this corporation. The bonds of the United States are very widely scattered in private hands; they are not very active in the market; and there would be no urgent demand on the Federal reserve banks to take the bonds of the United States in exchange for their gold; but in this bill we are providing for $4,000,000,000 of these corporation bonds to assist corporations that have difficulty in renewing their maturing obligations. Those bonds will go into the financial centers in very large amounts; those who are interested in those financial centers will bring pressure to bear upon the directors of the Federal reserve banks to accommodate them by taking over those bonds and it would be a hazard to the Federal Reserve System to have the directors subjected to a pressure of that kind.

Mr. SMITH of Georgia. Mr. President, I wish to give my very cordial support to the amendment of the Senator from Oklahoma. The actual quantity of free gold now in the Federal reserve banks is only about $600,000,000. I not only believe it would be unwise to use any portion of that fund for investment in these bonds, but I very much doubt the wisdom of using it to buy any bonds. I certainly am pleased, therefore, to join in excluding these bonds from purchase by the Federal reserve banks.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. OWEN].

Mr. REED. Mr. President, let the amendment be stated. Some of us have come in from committees since the amendment was read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 11, beginning in line 5, it is proposed to strike out the following words:

Such bonds may be dealt in by Federal reserve banks in the same manner and to the same extent as bonds or notes of the United States not bearing the circulation privilege, and.

Mr. REED. Mr. President, I have been working in committee and have not therefore had the benefit of the discussion which has taken place in reference to this amendment. I am very fearful that if adopted the amendment will seriously cripple the usefulness of the organization which we are about to create. This corporation, in fact, is to be a great bank, in the sense that it is to procure funds to take care of the maturing obligations of many great concerns and small concerns which

can not get money because the Government has applied so powerful a suction to the financial market in order to get money for its bonds that it is necessary to come to the relief of the financial market. The money which this corporation is to obtain is to be largely obtained from the sale of its bonds. Now, the very first thing it is proposed to do is to limit the use to which those bonds may be put. When that is done you impair their sale in the market and you almost certainly advance the interest charge.

While I generally agree with my friend from Oklahoma [Mr. OWEN] on matters concerning banking legislation, I believe it is unwise to undertake to float four thousand million dollars of securities and to discredit them to a certain extent in advance by refusing them the privilege of being handled through the Federal reserve banks and having all the privileges of the Federal reserve banks.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. REED. I do.

Mr. OWEN. The Senator from Missouri evidently misunderstands the purpose of the amendment. It does not provide that these bonds may not be used as collateral for notes coming through member banks to the Federal reserve banks for discount. They may come in that way. The only purpose of the amendment is to require that the gold held by the reserve banks shall not be directly used in buying these bonds and substituting these bonds for that gold.

Mr. REED. But this amendment, in my judgment, goes much further than that. It strikes the language out of the bill which gives to these bonds certain privileges, and to that extent discredits the bonds.

Mr. OWEN. If the Senator will read the words remaining in the bill immediately following the words proposed to be stricken out, on page 11, he will find that these bonds, although an investment security, are given a very extraordinary status of being used as a basis for the issuance of Federal reserve notes when they are indorsed by a member bank.

Mr. REED. Well——

Mr. OWEN. The Senator will observe that following the words which I have moved to strike out there appears this language:

> Federal reserve banks shall be authorized, subject to the regulations of the Federal Reserve Board, to rediscount and purchase paper and make advances secured by such bonds in the same manner and to the same extent and at the same rates or at such higher rates as the Federal Reserve Board may approve, as they may purchase or rediscount paper or make advances secured by such bonds or notes of the United States under authority of the Federal reserve act.

That really accomplishes, I think, what the Senator has in mind. I think that he rather misunderstood the scope of the proposed amendment.

Mr. REED. As I stated, I am under the disadvantage of coming in after the discussion has taken place in part. The proposition, however, is to strike out—

> Such bonds may be dealt in by Federal reserve banks in the same manner and to the same extent as bonds or notes of the United States not bearing the circulation privilege, and.

Mr. OWEN. Mr. President, I now remind the Senator that we provided in the Federal reserve act that these banks might buy the bonds of the United States directly and use their gold for that purpose, which they have done to a limited degree.

Mr. SIMMONS. That is, Mr. President, the gold of the member banks, as I understand.

Mr. SMITH of Georgia. Oh, no.

Mr. OWEN. The gold held by the Federal reserve banks against the reserves of the member banks.

Mr. SIMMONS. That is right.

Mr. SMITH of Georgia. It does not make any difference whether it is gold held against the member banks or gold held against anything else; it is their gold.

Mr. OWEN. Yes; it is their gold.

Mr. SMITH of Georgia. And they can invest it in Government bonds.

Mr. OWEN. It is their gold; yes.

Mr. SMITH of Georgia. The object of this amendment is to provide that they shall not invest their surplus gold in the bonds of the proposed corporation.

Mr. OWEN. Yes; and they ought not to be allowed to do it.

Mr. SMITH of Georgia. I think to-day it would be very unwise for them to invest their surplus gold in any bonds.

Mr. OWEN. I agree with the Senator.

Mr. SMITH of Georgia. They need it for the broader purposes of the Federal Reserve System.

Mr. OWEN. That is right.

Mr. SMITH of Georgia. And those provisions were put in the bill originally that they might be used in case of a surplus of money and a lack of demand.

Mr. OWEN. That is correct.

Mr. SMITH of Georgia. To-day we have an extreme demand and a limited surplus.

Mr. OWEN. Yes.

Mr. SMITH of Georgia. And this is no time for them to be investing their gold in bonds.

Mr. OWEN. And it is not necessary.

Mr. SMITH of Georgia. Therefore I gladly join in not providing this additional opportunity to invest their gold in bonds.

Mr. REED. Mr. President, I should like to ask the chairman of the committee if it would be possible to let this amendment lie over and take up another matter and return to it in the course of half an hour?

Mr. SIMMONS. I have no objection, if the Senator from Oklahoma does not object.

Mr. OWEN. I have no objection.

Mr. REED. I should like to have an opportunity to compare it with the Federal reserve act.

Mr. OWEN. I have no objection.

Mr. REED. Then let the amendment be passed over temporarily.

Mr. OWEN. I temporarily withdraw the amendment, Mr. President.

The PRESIDENT pro tempore. The amendment is withdrawn. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. HOLLIS. I send to the desk an amendment which was printed last night.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section in the bill the following:

> SEC. 2. That any applicant for a loan or advance under this act who shall knowingly make any false statement in his application for such loan or advance, and any member of a loan committee who shall willfully overvalue any security for loans or advances under this act, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or both.
>
> Any person who shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting any bond, coupon, or paper in imitation of, or purporting to be in imitation of, the bonds or coupons issued by the Corporation; or any person who shall pass, utter, or publish, or attempt to pass, utter, or publish any false, forged, or counterfeited bond, coupon, or paper purporting to be issued by the Corporation, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering any such bond, coupon, or paper, or shall pass, utter, or publish as true any falsely altered or spurious bond, coupon, or paper issued, or purporting to have been issued, by the Corporation, knowing the same to be falsely altered or spurious, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.
>
> Any person connected in any capacity with the Corporation who embezzles, abstracts, or willfully misapplies any moneys, funds, or credits thereof, or who without authority from the directors draws any order, assigns any note, bond, draft, mortgage, judgment, or decree thereof, or who makes any false entry in any book, report, or statement of the Corporation with intent in either case to defraud the Corporation, or any other company, body politic or corporate, or any individual, or to deceive any officer of the Corporation, and any person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding five years, or both.
>
> The Secretary of the Treasury is hereby authorized to direct and use the Secret Service Division of the Treasury Department to detect, arrest, and deliver into custody of the United States marshal having jurisdiction any person or persons violating any of the provisions of this section.

Mr. HOLLIS obtained the floor.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. HOLLIS. I yield.

Mr. THOMAS. I want to suggest the manifest conflict between some of the provisions of the proposed amendment and section 8 as we adopted it yesterday, particularly with regard to the amount and extent of the penalty.

Mr. HOLLIS. Mr. President, under this bill we are about to organize a corporation which will have public funds of the United States in effect, although not in name. The corporation will perform a banking business; it will receive a capital from the Government of $500,000,000. That $500,000,000 is supplied to the corporation as capital, and it will be absolutely the property of the corporation. Under the laws as they now exist anyone could steal the entire $500,000,000 of capital and not be punished under any statute or by any court or officer of the United States. It might be possible, if the corporation had a branch in some State and its money were stolen or embezzled, that the culprit might be convicted under some State statute,

but the courts of the United States and officers of the United States could not prosecute such a person.

The national banks have been created under a special statute and in that statute there is a provision for punishing embezzlement or misapplication of funds. The same is true of the farm loan banks. I prepared this amendment yesterday after looking over the other statutes, and I think it will answer the purpose.

The penalties are made much more severe than in the case cited by the distinguished Senator from Colorado, because it is a much more serious offense to steal large sums than it is to disobey regulations of the noncriminal provisions of a statute.

Mr. THOMAS. Mr. President——

Mr. HOLLIS. I yield to the Senator.

Mr. THOMAS. I am not objecting to the Senator's proposed amendment, but section 8 was written so as to apply to every violation of the provisions of the act, and, if we adopt both the section proposed by the Senator from New Hampshire and the one we adopted yesterday, there certainly will be a manifest conflict with regard to the penalty. I think, therefore, section 8 should be stricken from the bill.

Mr. HOLLIS. I thank the Senator for his suggestion. I understand that the amendment to section 8 will again be considered when the bill gets into the Senate, and at that time we can doubtless make the two sections compatible. I will look at section 8 with that in view.

Mr. THOMAS. I want also to suggest to the Senator before he takes his seat what seems to me to be largely an immateriality in that part of his proposed amendment which requires the Secretary of the Treasury to use the Secret Service of the Government in the detection of offenses that may be committed under the law. Would he not have that right, anyhow? Is not that one of the duties of the Secret Service as now organized?

Mr. HOLLIS. My attention was called to that provision by a member of the Treasury Department, and I was informed that the Secretary of the Treasury would not have that authority unless it were expressly conferred for this purpose.

Mr. SIMMONS. Mr. President, I have examined very carefully the amendment offered by the Senator from New Hampshire. Until the Senator stated upon the floor on yesterday that the Federal laws would not be sufficient to authorize a prosecution for forgery of the bonds of this corporation or embezzlement of its funds, I was under the impression that the law was otherwise. Whether this be a corporation organized under the laws of the United States for private or public purposes, I was under the impression that there was authority of law for the prosecution of forgery and embezzlement of the character described in the amendment of the Senator from New Hampshire. Until his statement was made, I did not have any doubt that in the creation of a corporation of this kind, in which the Federal Government would be the sole stockholder—and it therefore would own the corporation, and the bonds of the corporation would be its property—there was ample authority to punish offenses of the character described in the amendment against the property of that corporation. The Senator from New Hampshire assured the Senate that he had investigated the matter and that there was no such authority. I have not had time myself to investigate it. Assuming that the Senator is right, of course this legislation is necessary, and for that reason I shall accept the amendment.

I can not see the force of the suggestion made by the Senator from Colorado [Mr. THOMAS]. Section 8 of the bill simply punishes violations of the provisions of the act. There is no provision in this act with reference to embezzlement of any kind. That is not one of the provisions of the act.

Mr. THOMAS. No; but, Mr. President——

Mr. SIMMONS. That is a substantive thing growing out of the wrongdoing of some officer with reference to the funds of the bank or with reference to the bonds of the bank.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Colorado?

Mr. SIMMONS. If the Senator will pardon me, I shall be through in just a moment. I think this merely provides that offenses of this character shall be punished by a heavy penalty, while violations of the ordinary provisions of the act shall be punished by a lighter penalty.

I hope, Mr. President, that the amendment will be adopted.

Mr. THOMAS. Mr. President, if a general law or a law in general terms provides specific penalties for the violation of certain portions of it, and is then followed by a section which provides a penalty to be inflicted upon any person who violates any of the provisions of the act, and the penalty in the general clause differs from the penalty in the specific one, and especially if the penalty in the general clause is milder, less severe, than the specific one, that will be the penalty inflicted by the courts upon a violation of any of the provisions of the act. I think that is a proposition which every lawyer will accept without a question. In the construction of criminal laws, where any doubt exists, the doubt will be construed in favor of the milder penalty, or the milder construction will be given if the words of the statute are susceptible of it.

The Senator from North Carolina would be correct in his criticism of my objection if section 8 were specifically limited to all other violations than those mentioned in this proposed section 2. If not, then in the event of a violation of the act, followed by a conviction, the maximum penalty will be $1,000 and one year's imprisonment. Consequently, I think one or the other should be eliminated.

The Senator from New Hampshire [Mr. HOLLIS] has given specific attention to the need of the amendment which he has offered, and which he says is essential in the event we propose to punish the specific class of offenses to which it refers. I am perfectly willing to take his statement upon that subject. He has given it his personal attention. He is an excellent lawyer, and he has come to that conclusion; but I certainly must protest against incorporating that amendment in this bill and at the same time leaving section 8 as it is now framed.

Mr. HOLLIS. Mr. President, yesterday, when the amendment to section 8 was under consideration, no Senator was able to tell of any offense that might be punishable under it. I have tried to think of one myself, and I can not. I therefore suggest to the Senate that each Member try to think of something that might be covered by it; and if none is suggested when we are considering section 8 in the Senate—as it will be considered—we can strike out section 8, and leave this section in place of it. I make that suggestion.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from New Hampshire [Mr. HOLLIS].

The amendment was agreed to.

Mr. OWEN. Mr. President, I should like to renew now the proposed amendment on page 11, to strike out, in lines 5 to 8, the words:

> Such bonds may be dealt in by Federal reserve banks in the same manner and to the same extent as bonds or notes of the United States not bearing the circulating privilege, and——

Mr. SIMMONS. Mr. President——

Mr. OWEN. I will state that the Senator from Missouri [Mr. REED] has already agreed to that amendment, and has withdrawn his objection.

Mr. SIMMONS. Very well. I was simply going to suggest the absence of the Senator from Missouri.

Mr. OWEN. I spoke to the Senator from Missouri about it, and he withdraws his objection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. HOLLIS. Mr. President, I move to strike out the balance of section 6 immediately following the part that has just been stricken out; that is, on page 11, I move to strike out all after line 8, and, on page 12, I move to strike out the first 12 lines.

I will read the part that it is proposed to strike out, beginning with line 9, on page 11:

> Federal reserve banks shall be authorized, subject to the regulations of the Federal Reserve Board, to rediscount and purchase paper and make advances secured by such bonds in the same manner and to the same extent and at the same rates or at such higher rates as the Federal Reserve Board may approve, as they may purchase or rediscount paper or make advances secured by such bonds or notes of the United States under authority of the Federal reserve act. Any Federal reserve bank acquiring by purchase or rediscount such paper secured by the bonds of the Corporation may, with the approval of the Federal Reserve Board, use such paper so acquired for any purpose for which it is authorized to use paper secured by such bonds or notes of the United States: *Provided, however*, That whenever Federal reserve notes are issued against the security of such paper the Federal Reserve Board may make a special interest charge on such notes, which, in the discretion of the Federal Reserve Board, need not be applicable to other Federal reserve notes which may from time to time be issued and outstanding. All provisions of law not inconsistent herewith in respect to the purchase or rediscount by any Federal reserve bank of paper secured by such bonds or notes of the United States and in respect to Federal reserve notes issued against the security of such paper shall extend, in so far as applicable, to the purchase or rediscount of paper secured by the bonds of the Corporation and to the Federal reserve notes issued against the security of such paper.

This is a very important amendment to the Federal reserve act, and in order that the Senate may know just how it affects the act I will explain briefly the reasons for enacting the Federal reserve act.

We had been for a century acting under banking laws which did not provide for the mobilization of banking reserves. Each bank kept its own reserves, in part in its own vaults and in part with reserve banks in other cities. There was no mobilization. In case of a panic, when there were sudden calls on

any bank to meet its liabilities, its reserves were insufficient for the purpose. We provided, therefore, that there should be 12 reserve banks; that the major part of the reserves of the national banks or State banks becoming members of the system should be kept in the Federal reserve banks; and the Federal reserve banks now have about a billion and a half of reserves belonging to member banks of the system. Those reserves are not reserves unless they are kept in liquid form; that is, when pressure comes on the banks, through panic or otherwise, these reserves must be in shape to respond immediately and effectively to the call for funds. If they are locked up in securities, however safe, but not liquid, they can not meet the call for reserves.

The resources of the Federal reserve banks are very limited anyway. They have only about $73,000,000 of capital; and that is a very insignificant item compared with the financial transactions of this country. Then, they have the billion and a half of reserves. That is all that the Federal reserve banks have to buy anything with. Their earnings are inconsiderable. They can not receive deposits from anyone, and all the money they have with which to buy bonds or other securities is comprised in these two items—their capital of $73,000,000 and their reserves.

There was long consideration given to the subject of what reserves should be invested in. Some thought they should be invested in some things; some thought they should be invested in other things; and the Federal reserve act was finally predicated upon the proposition that the reserves should be invested only in commercial paper of short maturity. Later an excrescence was permitted on that law to the effect that they might invest a certain amount of the reserves in Government bonds, and the reason advanced for that was that Government bonds, as a rule, have a quasi-liquid character; that is, they are quickly salable on the market.

The advantage of notes based on commercial transactions is that if the commercial transaction is short, when it is completed the security will pay itself out. That is, it is self-liquidating. If a merchant buys a bill of goods, in 90 days he will probably have turned them over, so that out of the proceeds of sale he can pay his note, and it works in this way:

A member bank rediscounts for a merchant his note at 90 days or less. The member bank is then allowed to rediscount that note with the Federal reserve bank, and the Federal reserve bank is allowed to advance to the member bank part of the reserves of the system. When that note becomes due, if the maker of the note is able to meet it, the obligation is canceled, the member bank gets its money, the Federal reserve bank gets its money, and the reserves remain intact.

Under the bill as it stands, if a member bank desires to obtain money from a Federal reserve bank, it may give its own obligation, not necessarily secured by a commercial note, but secured by Government bonds, and the bank may rediscount that obligation. After the Federal reserve bank has discounted paper in this way for a member bank, it may make that paper the basis for the issue of Federal reserve notes or currency, and the great merit of the Federal reserve note as currency rests upon the fact that it is based on self-liquidated short-time paper.

I appreciated the beauties of linking a new banking system to the Federal Reserve System and obtaining access to the quick commercial capital of the country, and I had inserted in the farm-loan act when it passed the Senate exactly this same provision. I thought that was the best way for the farmer to turn his long-term investment security into a quick capital asset. The matter was particularly called to the attention of the Senate; but when it got over to the House, the House Committee on Banking and Currency refused to agree to it. The House followed their suggestion, and when the matter went into conference I was met with the most earnest resistance on the part of the House Banking and Currency Committee. I yielded that proposition, the last one that I yielded, and I only yielded it because I was convinced that it was essentially unsound.

We enact a law for a Federal Reserve System in times of peace, when we can view things quietly, and rig the ship so that it will go through a storm. You can not get your ship rigged for a storm when the storm is on. Your judgment is not good. The time to prepare a safe ship is in times of calm. We prepared the Federal Reserve System so that it should be safe. We made it safe, and we did not suppose that after the country had been in war less than one year, when the banks were full of money, and when the credit of the United States is good, some one would want to tinker with the Federal reserve act and make some drain upon it that we did not approve when we were looking at the matter calmly.

This is an inroad on the Federal Reserve System. I became satisfied of that when the farm-loan act was under consideration. I did not believe the privilege of rediscounting securities based on farm-loan bonds would be carried out enough to imperil the system. I did not think it would be dangerous. In practice, I was not afraid of it; but I did think it would be a most dangerous precedent, and because it is now being urged in this case to a very serious extent, perhaps to the extent of four billions, I urge the Senate to consider the matter thoroughly before it adopts this provision.

The powers given under this bill, as everyone admits, are very, very great. They contain elements of the greatest danger to the financial system of the country. This corporation is given authority to issue $5,000,000,000 of these bonds. Currency may be issued on the strength of those bonds to the extent of $2,000,000,000 in excess of the billion and a quarter which is now outstanding. The Federal Reserve System was not established for the purpose of converting long-term securities, even Government securities, into quick capital for capital purposes. The Federal Reserve System was established to make our commercial banks safe and valuable to the country. This has no tendency to make them safe. It has every tendency to endanger their solvency.

I hope the matter will be thoroughly debated and that we shall have the views of Senators on the floor who are familiar with the Federal reserve act. I do not want to make a long fight on it. I want to put it squarely before the Senate, and I shall hope for an intelligent vote upon it.

Mr. SIMMONS. Mr. President, I hope the amendment offered by the Senator from New Hampshire will not be adopted. The section of the bill that he proposes to strike out, at least a part of the section that he proposes to strike out, is vital to this measure. It is so regarded, I think, by every member of the committee. It is so regarded, I am sure, by the Secretary of the Treasury.

It is true, as the Senator says, that the Federal reserve act only permits Federal reserve banks to discount commercial paper and Government bonds, and only permits those two classes of securities to be used as a basis of Federal note issue.

In order to make these bonds salable, in order to make them perform the purpose and office contemplated in the act, it is proposed that the bonds of this corporation so far as the right of the Federal reserve banks to discount them, so far as their being the basis of note issue, shall be placed upon a parity in these banks with commercial paper and Government bonds.

If this section of the bill is stricken out the bill will be undermined, its purpose will be largely defeated, the liquidity of its bonds will be in a measure affected, and it will be fatal, in my judgment, to the legislation proposed.

Mr. President, the Senator is entirely right in saying that the principle of the Federal reserve act is to require these banks to deal only in liquid securities, commercial paper. Ninety-day commercial paper is liquid security. The Federal reserve act recognizes Government bonds as liquid security, not because they will be due in 90 days but because there is a ready market for them. It is anticipated that there will be a ready market for these bonds also, and that they will be of as liquid a character substantially as Government bonds, and that in no way will the general principle of the Federal reserve act, which requires the banks to confine their operations to liquid securities be impaired or undermined.

Mr. NORRIS. May I ask the Senator a question?

Mr. SIMMONS. Yes.

Mr. NORRIS. I have been a good deal impressed by the fear that there might possibly be some danger to the Federal Reserve System if we legislate in such a way that it would have a tendency to disturb the liquidity. Of course, the Senator realizes that that would be a very dangerous thing to do.

Mr. SIMMONS. Of course, that is exactly what we are trying to avoid. The Senator suggested the other day, if he will pardon me, that we might amend the Federal reserve act and permit securities of these industrial corporations and war factories to be discounted by the Federal reserve bank. If we had done that we would have undoubtedly destroyed the liquidity of their securities. But we do not do that. We require that before those can be utilized at all they must be converted into the bonds of this corporation. If the bonds of this corporation will not be liquid, then they will not be of any value at all.

Mr. NORRIS. I understand that. I wish to ask the Senator further, does he think that the change of the securities of the private corporation that is getting assistance through the instrumentality of this corporation that we have organized into the long-time bonds of this corporation——

Mr. SIMMONS. They are not long-time bonds. They are not less than one year nor more than five years; they are short-term bonds.

Mr. NORRIS. Say, for a year, that would not be considered liquid in the ordinary commercial sense.

Mr. SIMMONS. If a Government bond——

Mr. NORRIS. I will say to the Senator I can see a reason why this should be done. Of course, I think it would make these bonds more valuable, and I would not like to do anything that would destroy their value; but at the same time I do not believe that these bonds are ever going to be as liquid as Government bonds. If they are liquid, it is because they will sell on the market, and not because of their maturity. That is the reason why a Government bond is liquid, if it is liquid. It is because it has a ready sale. You can convert it into money. Commercial paper is liquid because it matures and the theory is that it will be paid when due, not exceeding four years. That attribute of liquidity to these bonds certainly can not be applied, because they will probably run four or five years before they are due; at least, they will have to run one year.

Mr. SIMMONS. Mr. President, the Senator will pardon me, unless he is through.

Mr. NORRIS. I am asking the Senator for information.

Mr. SIMMONS. It is expected that these bonds will stand in the markets of the country very largely upon a parity with Government bonds.

The Senator from Oklahoma [Mr. OWEN] the other day in discussing this matter indicated his opinion that the interests upon these bonds should not be materially different, if at all different, from that of the liberty bonds. I suppose that was based upon the theory that they would be a very attractive class of securities. The bonds themselves have back of them two things which give them strength. First, they have behind them, in a moral sense at least, the responsibility of the United States Government; and, secondly, they have behind them, as a rule, when they have been exchanged for other securities, the obligation of the corporation and the securities which the corporation puts up in order to secure an exchange of their securities into these bonds.

Now, they do not run as long as liberty bonds. They do not run as long as the average Government bond. They are of a shorter period. This is the theory of the bill, the theory of its sponsors, and the theory of the committee, and the legislation is largely based upon that theory, and if that theory is wrong, then the legislation will not be effective in accomplishing its purpose. The theory is that these bonds will command a ready sale in the market, just as United States bonds do; and as United States bonds are treated in the Federal Reserve System as liquid assets for the purpose of discount by these banks and note issues, that same quality is given to these bonds.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Will the Senator from North Carolina yield to the Senator from Georgia?

Mr. SIMMONS. I yield the floor. I am through.

Mr. OWEN. Before the Senator yields the floor I want to remind him and the Senate that when I said that the bonds proposed under this bill should bear 4 per cent, I coupled with it that these bonds should have the legal obligation of the Government behind them and not an implied moral obligation. I understand that there is a very substantial difference of opinion as to whether there is any moral obligation behind these bonds. I agree with the Senator from North Carolina that the Government's moral obligation will be behind these bonds for reasons which are obvious.

Mr. SIMMONS. Mr. President, if the Government can under any conceivable circumstances become morally obligated to pay an indebtedness the Government will be obligated to pay these bonds. It is the sole property of the corporation. It is to be the beneficiary of these bonds; it alone is interested in them, and to assume for a minute that the Government would repudiate that sort of an obligation seems to me to be very far-fetched.

Mr. SMITH of Georgia. Mr. President, I agree thoroughly with the Senator from North Carolina. I regard the Government as absolutely behind these bonds. The only reason why they are not issued formally as Government bonds is because it would be unwise to issue Government bonds for so short a period, and it would be unwise for the Government through the Treasury to conduct this business, or, at any rate, it is deemed much wiser to conduct the business through a corporation all the stock of which is owned by the Government.

This corporation begins with $500,000,000 capital. It is required to take the best of securities for all its advances. Instead of losing money the interest that it makes on its discounts and its loans should accumulate a handsome profit. It should at least earn interest upon the $500,000,000 that the Government places with the corporation. It could only lose by reckless improvident management. As the Government makes its directors Government officers the Government is behind these bonds. I should feel as a legislator that I had undue regard for the character of my Government if I for one moment questioned the fact that the Government would see these bonds paid.

Now, Mr. President, let us come to the amendment of the Senator from New Hampshire [Mr. HOLLIS]. I yield to no one——

Mr. NORRIS. I wish to ask the Senator a question before he leaves that point.

Mr. SMITH of Georgia. I wish to get through, but if the Senator wishes to ask a question, I would be glad to answer it.

Mr. NORRIS. I intended to ask the Senator a question.

Mr. SMITH of Georgia. All right.

Mr. NORRIS. The only point about which I have doubt in regard to the amendment is whether the bonds of this corporation will sell in the open market as readily as Government bonds.

Mr. SMITH of Georgia. I think they will sell as well as Government bonds and fill a place unoccupied by Government bonds. We could not properly make our Government bonds so short as from one to five years. These bonds are prepared upon a plan of furnishing an opportunity for investment in funds that the parties desire to have mature in a shorter period than the maturity of Government bonds.

Now, Mr. President, I desire to come to the Federal reserve banks and the effect of this action upon them. I yield to no one interest in these banks. I yield to no one in the desire that these banks should be absolutely above question. Mr. President, I may be pardoned for saying that I contributed toward making them sound in the Senate as much as perhaps any other Senator. It was upon my motion that the reserve for Federal reserve notes was required to be 40 per cent instead of 25, and that the reserve as to deposits was increased from 20 to 35 per cent.

Mr. HOLLIS. Will the Senator make that clear? What does he mean by reserve?

Mr. SMITH of Georgia. Back of the Federal reserve notes there must be 40 per cent of actual gold kept in the Federal reserve banks. Back of the deposits by member banks there must be 35 per cent of gold or lawful money kept in the Federal reserve banks. These are the reserves of the Federal reserve banks, the one against the notes issued, the other against their deposits. It is true these amounts were fixed in the Democratic caucus, and upon the floor of the Senate they were reported as the action of the committee, but no one among Democrats was more zealous than myself in insisting that the notes issued should be limited to 2½ per cent of the gold kept in the vaults of the banks, and that 35 per cent in gold or lawful money for all deposits should always be retained in the Federal reserve banks. These two reserves are the great bulwarks of the reserve banks that preserve perpetually their strength under any reasonable management. Back of their loans, back of their deposits, back of their notes, at all times we have 35 per cent gold or lawful money reserve against deposits and 40 per cent gold reserve against reserve notes.

Now, let us come to the character of paper that they may discount. There are two kinds of paper that they may discount. The one is 90 days' paper and the other is 15 days' paper, all the paper of a member bank. No paper of a member bank can be discounted in a Federal reserve bank running for a longer maturity than 15 days, based simply upon security. The 90 days' paper is a commercial paper supposed to be in itself self-liquidating, taken by the customer of a member bank, a paper given for an actual commercial transaction or else additionally secured and rediscounted by the member bank in the Federal reserve banks for a period running not more than 90 days.

Mr. HOLLIS. If that is so, then what is the necessity of having any bonds back of it as security?

Mr. SMITH of Georgia. The commercial paper has no bonds back of it as security. You need not put a bond back of that paper to make it good. The paper of the member banks back of which the bonds may be placed as security can run for only 15 days.

Mr. HOLLIS. I think the Senator is a little confused there. A 90-day note in the hands of a member bank which is not based on a commercial transaction may be rediscounted, and the reserve bank has for it a Government bond as security.

Mr. SMITH of Georgia. But I stated that the note of the member bank itself could only be a 15-day note, no matter if these bonds were given as security.

Now, Mr. President, these bonds are perfectly good. They are as good as Government bonds. We all so recognize them. They are as liquid as Government bonds, and they will be taken as security at their market and salable value. There is no requirement that the Federal reserve bank shall accept them as security at par. The Federal reserve bank will have

the note of the member bank and the security in the shape of bonds only when the note is for 15 days; that is to say, if a member bank gives only its note with a bond as security the note can run only 15 days, and if the member bank gives a note from a customer indorsed by itself, that note not being what is termed a "commercial note," it must also give additional security, and these bonds may be the additional security. In that case the Federal reserve bank would have the note of the customer of the member bank which the member bank took, it would have the indorsement of the member bank on this note, and it would have the bond as security in addition.

Mr. President, that in no way will involve the strength of the Federal reserve bank. It can not possibly lessen the fluidity of their issue. I feel that it is wise and eminently proper if a member bank has some of these bonds and wishes at some time to put some security back of its notes, if merely its notes for 15 days, these bonds will be good. If it is the note of a customer indorsed by a member bank to which additional collateral must be added, then certainly these bonds would be good.

Mr. President, we must always keep in mind the fact that the Federal reserve banks reserve 40 per cent in gold for every dollar of Federal reserve notes that pass out from them, and that can not be loaned; it can not be borrowed by member banks. Again, they keep 35 per cent in gold or lawful money against their deposits. That is not to be loaned; that can not be borrowed by member banks.

I voted for the amendment of the Senator from Oklahoma to strike out the provision that would allow the Federal reserve banks to invest in these bonds any of their funds available for business. Of course, at no time could they invest in these bonds their 40 per cent gold reserve, which is held against the Federal reserve notes, nor could they invest in Government bonds or these bonds any of their 35 per cent gold and lawful money which must be held as a reserve against deposits. I am opposed to their investing in these bonds any of their surplus funds which are available for loan purposes, available for Federal reserve bank business proper, just as I am opposed to their investing any of such funds now in Government bonds. I do not think it wise that any of the funds upon which business is to be done by the Federal reserve banks shall be invested in bonds at this time. I think those funds ought to be maintained for the conduct of the commercial business or general business of the Federal reserve banks.

The provision in the original bill allowing the investment in Government bonds was placed there upon the theory that business might be dull; that the Federal reserve banks might have an accumulation of reserves, of their own money, not called for and needing some mode of investment, and Government bonds were designated as the class of investment which they could make. I think it would be very unwise for the Federal reserve banks to-day so to invest and thereby lessen their $600,000,000 of available gold and lawful money not covered by their reserves and Federal reserve notes and their reserve for their deposits or to use it where it would cease to be fluid and ready for general business.

Mr. SIMMONS. Mr. President, I understand the Senator's position is that he only wants the Federal reserve banks to deal through commercial transactions for the purpose of relieving the market.

Mr. SMITH of Georgia. Yes; and I see no objection whatever to classing these bonds as Government bonds, as a security for a transaction in the Federal reserve banks. I think that advisable. I think they are as good a security as could be had. I think a bank which offers these bonds at their market value back of a discounted note of one of its customers for 90 days is giving a very liquid security; and if the note is only for 15 days—the note of the bank itself—then they certainly are a good security. I feel no fear of in any way adversely affecting the Federal reserve banks by such a transaction.

Mr. SMOOT. Mr. President, if the amendment offered by the Senator from New Hampshire [Mr. HOLLIS] is adopted we might as well defeat the bill and not pass it at all. I agree with the position taken by the Senator from Georgia [Mr. SMITH]. The Government of the United States is not only morally bound to protect the bonds which are to be issued by this corporation, but in my opinion, if any administration undertook to repudiate such bonds in anyway the American people would never stand for it. The bonds to be issued by this corporation will be just as good as any bonds that have ever been issued by the Government of the United States, with the single exception of some of the bonds that have been issued with special privileges—circulating privileges, for instance—but the bonds themselves are in reality obligations of the Government of the United States.

Mr. OWEN. I think that is true.

Mr. SMOOT. And so far as the Federal reserve banks are concerned, Mr. President, they are not going to fail so long as the Government of the United States has one dollar of credit in the world.

Mr. OWEN. I think that is also true.

Mr. SMOOT. I do not care whether or not those banks have the 40 per cent reserve gold required by the law to-day, they are going to do business just as long as business is done by the citizens of this Republic.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. Yes.

Mr. OWEN. I desire to cordially acquiesce in the doctrine that the Federal reserve banks never will be permitted to fail by the Government of the United States so long as it has the taxing power and there is any property inside our limits.

Mr. SMOOT. So long, Mr. President, as the Government of the United States has a dollar of credit anywhere in the world I am not fearful that this legislation is going to interfere with the stability of the Federal reserve banks. I am not afraid to say now that if this war continues a year or two longer we shall not have 40 per cent gold reserve for the Federal reserve notes that may be issued. I expect the Federal reserve act to be amended in that respect; I expect that act to be so amended that there may be a greater issue than $2,500,000,000 at one time if we are in the war another year.

I am not afraid of the word "inflation" under conditions existing to-day. So far as I am concerned, I like the word inflation better than expansion, as seems to be agreed upon by the officials of the Treasury Department.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Utah. Does he not believe that in the conditions we have now surrounding us, whether it is called expansion or inflation, it is really necessary to expand our credits to some extent—to expand or to inflate our currency?

Mr. SMOOT. It is absolutely necessary, Mr. President, as I have said so many times during the discussion of this bill. We have got to do it whether we like it or not.

This question arose before the committee when Mr. Warburg was testifying, and I desire to read a part of the testimony, as follows:

Senator SMOOT. Let me cite a case to you of what I think is going to happen, after the organization of this corporation with a capital of $500,000,000. There is authorized an issue not to exceed eight times the amount of capital stock of that corporation, which is $4,000,000,000. Then you issue a billion dollars of notes and obligations of this corporation. Now, they go onto the market, and we will say that half of those go into the hands of the investing public and the other half goes into the banks.

Mr. WARBURG. Yes, sir.

Senator SMOOT. Now, when the banks take $500,000,000 of those bonds they no doubt will go to the Federal bank and get currency on that $500,000,000.

Mr. WARBURG. They might not get currency. They might want credit.

Senator SMOOT. Suppose they do get it.

Mr. WARBURG. Yes.

Senator SMOOT. Suppose they do get it; then, when issued, there is that much inflation of the currency.

Mr. WARBURG. Expansion.

Senator SMOOT. Well, what is the difference? It is inflation. Now, I do not see why the Secretary of the Treasury wants to shy at the word "inflation." Everybody knows that we are going to have it. Why not say so?

Mr. President, those are the facts of the case as they really exist to-day. There is not a bank or a business man in the United States but knows that it is coming. I am aware that our currency is not inflated to-day. We have only issued on the gold reserve. We have one and a quarter billion dollars of currency. I am now speaking of the Federal reserve banks. Under the law they have the privilege of issuing another billion and a quarter of dollars and with the gold reserve that we have we could issue another $500,000,000; or, in other words, to-day with the gold reserve that we have, even under the provisions of the present law, we could issue additional currency to the amount of $2,000,000,000. Mr. President, we all know that $2,000,000,000 is not going to be sufficient to meet the financial needs, taking into consideration all that we may collect by direct taxation. We have got to have more money.

Mr. HOLLIS. Mr. President, I am interested in what the Senator says. Does the Senator think that the amount of the Government's expenditures bears any relation to the amount of currency in circulation?

Mr. SMOOT. It will bear a relation, Mr. President, just as soon as we reach the limit of the issue of currency.

Mr. HOLLIS. Mr. President, this year we are going to spend three times all the currency there is in the United States.

Mr. SMOOT. Certainly, Mr. President, and as we increase our expenditures next year and expand credits more and more

we will have to increase the currency issue. We will have to get it somewhere; we only have $3,000,000,000 of gold in the United States—not in the banks but in all the United States. There are only $12,000,000,000 of gold in all the world, and we have control of one-fourth of it. That amount will not be sufficient to carry on the business of this country with our Government monopolizing the money market. It is true that the business of the country to the extent of 90 or 95 per cent is done upon credit, but the credit and business of this country has expanded so that there must be additional credits, and that only can be done in the manner I have already suggested.

Now, if we adopt the amendment offered by the Senator from New Hampshire, that will prevent the Federal reserve banks rediscounting the paper of business institutions that may have these bonds back of it as security. There is nothing to be gained by that, Mr. President, but everything to be lost.

The Senator from New Hampshire the other day thought that the corporation about to be created ought only to have $500,000,000 of capital, and that there should be no authorization for the issuance of $4,000,000 of bonds, and he thought that if they needed more than the $500,000,000 Congress then could increase the amount, but that the corporation should use it all as capital. Why, Mr. President, if we undertook to pass a bill at this time giving the war finance corporation only $500,000,000 the business interests of the Nation would simply say, "This will not relieve the situation; this will be used up before the year is over." Everyone knows that this corporation will have to make advances, as provided in paragraphs (b) and (c) and (d) of section 6, to the extent of more than $500,000,000. If we leave out of consideration all of the business concerns of this country that require money daily for carrying on of their business, bar the question of the expansion of trade that is absolutely necessary, and only consider the one question of the bonded indebtedness and obligations of corporations that fall due this coming year the $500,000,000 would not be enough to cover them.

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Dakota?

Mr. SMOOT. I yield to the Senator.

Mr. GRONNA. I am very much interested in the argument of the Senator from Utah, and I am very glad that he has made his valuable contribution to the discussion, because I know that it will be read with a great deal of interest by the business people of the country. The other day I suggested that it made but very little difference whether the Government issued its bonds or whether the Federal reserve banks issued notes the same as currency. I can not distinguish any difference between the two. In either case the obligation is an obligation of the Government, is it not?

Mr. SMOOT. Morally it is an obligation of the Government, and I will say further that there will be no time in the history of the country when the Government of the United States will not meet the obligation.

Mr. GRONNA. And in the final analysis will it not result in this: The only capital of this corporation will be the amount of money deposited with it by the Government of the United States, namely, $500,000,000, will it not?

Mr. SMOOT. That is the only capital; yes.

Mr. GRONNA. We will say now that this corporation uses every dollar of the $500,000,000, and it will only get in securities $625,000,000, which will then be all the assets the corporation will have. Now, in order to get more the corporation will be authorized to issue eight times the amount of its capital stock; in other words, it will have to have a reserve of 12½ per cent; but whether that is issued in bonds of the United States—and I think it is confusing to use the word "notes"—we ought to use the word "bonds," because that is exactly what they will be; they will be bonds.

Mr. SMITH of Georgia. That is what we have done.

Mr. SMOOT. I will say to the Senator that is exactly what the committee has already done. As it was originally written it read "notes or obligations."

Mr. GRONNA. Yes.

Mr. SMOOT. We have stricken out the words "notes" and "obligations" and inserted "bonds."

Mr. GRONNA. I think that is what it ought to be.

Mr. President, if the Senator will permit me further, what I want to call attention to is this: I have listened to many Senators here who have used the argument that it would weaken the Federal reserve banks to take this function over. Now, what is the difference whether we allow the corporation to issue these bonds, which morally the Government of the United States must pay in any event, or whether we authorize the Federal reserve banks of the country, by the circumlocution of taking the Government bonds and upon the securities given by this corporation allow the Federal reserve bank to issue its notes? In my judgment there is no difference.

Mr. SMOOT. I am very glad, Mr. President, that the Senator has made the statement he has.

Mr. GRONNA. I want to know if the Senator from Utah agrees with me in that argument.

Mr. SMOOT. I have already stated my position, Mr. President.

Mr. GRONNA. Very well.

Mr. SMOOT. Mr. President, I do not know that it is necessary to take any more of the time of the Senate in discussing the pending amendment; but I do want to impress upon the Senate——

Mr. SIMMONS. Mr. President, I did not understand the Senator from Utah to say that he agreed that it would accomplish the same purpose if the Federal reserve bank were authorized to issue enough notes to take the place of these four billions of bonds.

Mr. SMOOT. Oh, no.

Mr. SIMMONS. That is the argument of the Senator from North Dakota.

Mr. SMOOT. No; this is what the Senator from Utah said and what I understood the Senator from North Dakota to mean: That as far as the security of the bonds issued by the corporation is concerned, they are as good as Government bonds, because the Government is morally obligated in either case.

Mr. SIMMONS. So far as it affects the obligation of the Government.

Mr. SMOOT. So far as the obligation of the Government is concerned.

Mr. President, I simply want to impress upon the Senate that if the pending amendment is adopted we might just as well, in my opinion, defeat the bill, as this is the very heart of the measure, and I sincerely trust that it will not be agreed to.

Mr. OWEN. Mr. President, in its relation to the need for credits in financing the Government needs and of maturing bonds and of war industries, the relief of which is contemplated by the bill before the Senate—War Finance Corporation—I merely wish to call attention to the banking power of the banks of the United States, which will be found on page 109 of the report of the Comptroller of the Currency. He says:

As illustrating the marvelous growth in banking subsequent to the organization of the Federal reserve banks, it will be of interest to note that since June, 1914, the estimated banking power of the United States has increased from $24,340,000,000 to $34,473,100,000 in June, 1917—a gain of $10,133,100,000, or over 41 per cent, in three years.

Now, I favor giving the power sought for in this bill where needed to assist our war industries and business people. I favor these bonds, either as Government bonds or as the corporation's bonds. I would prefer to have them Government bonds, because I agree with the Senator from North Carolina, chairman of the Finance Committee, that these bonds are a moral obligation of the United States; and since there may be 1 per cent market difference between a moral obligation and a legal obligation of the Government, and that 1 per cent as compared to 4 per cent is a 25 per cent increase, I would prefer to have them Government bonds simply and plainly, because I do not discriminate between a moral responsibility and a legal responsibility. That is the reason why I contemplated offering a proposal of 4 per cent, which would be a fair rate upon the legal obligation of the Government; but I do not favor imposing a limitation of 4 per cent upon these proposed bonds as the corporation's bonds, because they will not go at 4 per cent; and there ought to be no limitation upon it if it is going to be merely a corporation bond. That bond will have to seek the market price, whatever it is, and pay 4½ or 5 per cent or whatever may be found necessary, even if it may disturb deposits in the savings banks, which I should exceedingly deprecate and which I had hoped to avoid.

Mr. SMOOT. Our liberty bonds did not have to pay that much.

Mr. OWEN. Our liberty bond, though, has behind it the patriotism and the taxing power of the Government of the United States; and everybody knows that if these gentlemen who have the great property of the country do not take the liberty bond they will find the alternative of a tax receipt in place of a Government bond; they are obliged to support these bond issues of the Government of the United States to carry on this war or pay the money over without a bond in the form of taxes to carry on this war. The Government is compelled to offer them a bond or a tax receipt, and they will prefer the bond unless their brains have ceased to function.

I wish to put into the RECORD this observation:

When the Government of the United States raises a thousand million dollars by taxes, or raises a thousand million dollars by floating a loan, these checks come in from the Atlantic to the Pacific in payment of the bond or in payment of the tax, and flow into the Treasury of the United States. Immediately the money flows right out of the Treasury again, just as fast as the transactions of the Government make it possible; and these credits from a million people flow out of the Treasury back and are distributed among many other million people, and the credits of the country, as far as their volume is concerned, are not impaired at all.

Mr. SMOOT. But the distribution is not uniform as to localities.

Mr. OWEN. There is some difference in the matter of localities; for where these taxes are drawn from the Pacific coast and from the Rocky Mountain States and from the Western States, and are then poured out in contracts in the part of the country which has the great factories, and where these contracts necessarily are very largely placed and must be largely placed, it does abstract credits from one part of the country and expands the credits in another, where these war activities are being carried on. It takes credits from the South and West and places them in the North and East. I have thought that the administration was bound by sound policy to see to it that these contracts for war industries should be distributed with some degree of equity in those parts of the country from which these large credits are withdrawn. I will say that there is not any contract whatever in Texas; there are no contracts in Kansas or Nebraska; none of them in the Rocky Mountain States; none of them in my own State of Oklahoma. I make no complaint of it. I only call the attention of the country to an existing condition, which I had hoped and still hope the administration may adjust as far as possible.

Mr. President, when these bonds are issued they are, of course, an investment security. Whether or not it is an investment which is quickly exchanged into cash must depend upon the market. A Government bond certainly has a quick and stable market; and therefore we did permit the Federal reserve banks to buy Government bonds and to receive Government bonds as security against notes which are discounted by the Federal reserve banks. This bond, if it has a quick, good market, might possibly be classed with a Government bond. If it has not the same market, if it appears to be a fluctuating bond, going from 100 to start on down to 95, and then to 92, and then to 88, or some such figures, it would not have a stable, reliable market. I do not think it is liable to go down very far, probably not very much below the Government bonds, if it is understood that the moral obligation of the Government is behind it.

I would prefer to make it a legal obligation, because in that case it would certainly make a quick market, and if that were done the bonds would have the status of a quick stable security on the notes which will be offered to the Federal reserve banks just as any other Government bond. It could be bought by the Federal reserve banks, if it were a Government bond, just as any other Government bond; and that is within the terms of the amendment which I offered for the RECORD last evening as a substitute for the pending bill.

I agree with the Senator from Utah that the Government of the United States is so fully and completely behind the Federal reserve act that if anything should miscarry with the Federal reserve act the Government of the United States would stand behind it to its last credit. But what I think is really the case is that these resources of the banks of $34,000,000,000 are abundant to take care of all investment securities that have a right to be offered. The only reason for the passage of this act is that the Government, in making a sweeping demand for large loans, is exhausting the readily available credit which is required by companies to carry on these war industries, required by companies that have maturing bonds falling due and which they find difficulty in getting capital with which to renew. I keenly sympathize with that situation, and I desire to give them relief; and when we put the credit of the United States behind the relief sought, when we take five hundred millions of cash out of the Treasury to start on, we are giving a gigantic aid, whether administered by a central bank called "the War Finance Corporation" or administered by the reserve banks, as I propose and which I should greatly prefer.

I remind the Senate of what is I think perfectly well known—that when Mr. Warburg drew this bill last September it only provided for fifty millions of capital and four hundred millions, or eight times the capital, for this purpose. He thought, and those who were in sympathy with this idea of giving assistance thought, that four hundred and fifty millions would be enough. Well, now, we are giving five hundred millions in primary capital out of the Treasury in this bill. It has been expanded ten times since it was born. It has been growing rapidly. I think more rapidly than necessary, because all of the maturities of these bonds will not amount to over eight or nine hundred millions this year. Many of them can be financed out of their own funds. The Government is advancing 30 per cent on contracts ahead of deliveries. The member banks can handle nearly all others easily in my opinion, but the other needs I wish to cordially help.

Mr. SMITH of Georgia. Mr. President, if I may make a suggestion, it is not contemplated to issue any large amount of bonds at once. Even this capital is only to be drawn from the Treasury by a vote of two-thirds of the directors.

Mr. OWEN. Yes; but that means nothing, as men authorized to draw $500,000,000 to help others will promptly draw it.

Mr. SMITH of Georgia. It is the power for strengthening confidence that is important. The chances are that there will not be a large amount issued at once.

Mr. OWEN. I think there is a psychology in that proposal; that by offering to do this matter in a very big way it will establish confidence; and I think that confidence being established, the only thing in the world which is necessary to safeguard this matter fully is merely to give time for the digestion of these changing credits as they pass into the Treasury and pass out again. When they pass out again, these credits are immediately available for new credits.

That being true, it only requires a little element of time; and what the Senator says has force, that it is not intended to use it very largely. I do not think it would really require to be used very largely, and therefore that if these funds were placed with the reserve banks as a war finance fund it would suffice to give confidence and not require a new gigantic central bank in Washington, with its obvious disadvantages. The point which was made by the Senator from New Hampshire was that when we depart from our system of using any other than a Government bond for the purpose of withdrawing gold from these banks it is really in conflict with the fundamental idea of the Federal Reserve System that these reserves in gold of the member banks should be understood to be sacred and not to be used for anything less than a positive Government obligation or for commercial bills of quick maturities where the payment will be assured, so that these reserves will always be available to protect the twenty-four thousand million dollars of deposits in these banks.

I merely make this comment for what it may be worth, in order to express my own judgment as to the conditions.

Mr. HOLLIS. Mr. President, this is a most valuable discussion that we are having in the Senate to-day. We can not, as Senators, discharge our duties to the country in war times without discussing the finances of the country. I am sounding the alarm here to-day against this assault on the Federal reserve system and against the further assaults that the Senator from Utah says are coming.

I had no apprehension before this discussion started that there would be a reduction of the gold reserve behind the Federal reserve notes in this country. The Senator from Utah says that he expects that there will be a proposition shortly to reduce the gold reserves that are behind the Federal reserve notes to 35 per cent and even lower. Now, that will surely come. I have already called the attention of the Senate to the fact that we established a sound Federal reserve system, based on sound banking principles, after years of study, after months of consideration in the Senate. We built it strong, and we intended it to be permanent. We did not assume that at the first flurry that came under war conditions we would hurry to amend it and make it less sound.

Mr. OWEN. Mr. President——

Mr. HOLLIS. I yield.

Mr. OWEN. I want to say that so far is it true of the resources of the Federal reserve banks to lend money that those banks now, with their gold reserves, by lowering the reserve of the Federal reserve banks to the legal limit, as permitted by the terms of the Federal reserve act, could make further loans of about forty hundred million dollars.

Mr. HOLLIS. That is, the banks themselves?

Mr. OWEN. The Federal reserve banks could to the member banks, and therefore the member banks themselves could by rediscounting.

Mr. SMOOT. Oh! The Senator is speaking now of the Federal reserve banks?

Mr. OWEN. The Federal reserve banks, by lowering the amount of reserve against their loans, could expand loans to nearly $4,000,000,000—to be more exact, about $3,899,000,000—without asking the banks for additional gold, and they have $1,502,502,070, a substantial part of which could be used. (Rept. Comp. Cur. 1917, pp. 100, 120, 130, etc.)

Mr. SMOOT. I think, Mr. President, that may be true.

Mr. OWEN. The reserve banks have $1,777,000,000 in gold and about $54,000,000 in lawful money, total $1,837,000,000, against which stands a gold charge at 35 per cent on deposits of $1,710,000,000, equal to a gold charge of $598,000,000, leaving $1,239,000,000 of gold, or its equivalent, which at the minimum rate allowed by law of 25 per cent would permit an issue of reserve notes of four times as much, or $4,956,000,000. Deducting reserve notes already issued—$1,057,000,000—would leave a net amount of $3,899,000,000 of reserve notes possible.

Mr. HOLLIS. Mr. President, I hope that no such inflation as that will occur, either under the present law or under amendments to the law.

This matter of finance is not as difficult as Senators would have us think. The Government has gone into the market to borrow vast sums. It has swept the investment market bare, because it needed the money for war purposes. Now, we find the conditions of the money market disturbed because the Government has practically commandeered the funds that are available. We are disturbed at that, and well we may be, because banking conditions are out of gear; so the proposition is to have the Government come to the rescue. We would not ask the Government to come to the rescue of financiers unless we thought that necessary, and the first contribution we make is $500,000,000 of the money that has been borrowed from capitalists for the use of the Government. We contribute that to this great United States bank, and we are afraid that is not enough, and we are giving the bank authority to issue its bonds to eight times the amount of its capital, or $4,000,000,000. Then we are afraid that these bonds will not sell on the market. If they would sell on the market there would be no reason to give them any discount facilities with the Federal reserve banks, and it is for the sole purpose of giving the bonds a market that we attach this discounting privilege to them. Then Senators say that it will not do any harm to allow currency to be issued on these bonds, because they will meet with a ready sale; and yet it is for the very reason that they will not meet with a ready sale that we find it necessary to give them these discounting privileges with the Federal reserve banks.

I am not afraid of the soundness of the Federal reserve banks under the present conditions. The Government, we are told in a grandiloquent way, will not permit the Federal reserve banks to fail. Why, the credit of the Federal reserve banks to-day is away above the credit of the Government. Every obligation of the Federal reserve banks is at 100 cents on the dollar; it is at par, while the Government obligations, the liberty bonds, are at 96 or 97. Instead of the person leaning on the staff, the proposition is to have the staff lean on the person. The banks are sound to-day. I want to keep them so, and it is because I fear that this inroad, if once started, will undermine the credit of the Federal reserve banks that I offer this amendment.

The amount of money or currency that is circulating in a country bears no relation whatever to the needs of the Government. We have an enormous supply of currency now, quite as much currency as we had in 1896. There is no stringency so far as currency is concerned. Now, what happens when the Government wants to borrow more money? We do not get gold as the proceeds of the liberty bonds; we do not get greenbacks; we do not get paper money; we do not get any cash; we get checks. Now, assume a man wants to purchase $100,000 of liberty bonds to help the Government. He goes to his bank; he puts up his note for $100,000; the bank gives him credit on the books for $100,000 as a transfer and puts his note on the other side of the ledger. They have then a liability in the shape of a deposit of $100,000 on one part of the ledger, and they have the man's note in the shape of a resource on the other side of the ledger, and there is no more money in the country; the bank has merely given its credit to the man, and the man has turned that credit over to the Government. The Government, for instance, has no relation whatever to the amount of currency that is available; but the amount of currency that is launched by the Federal reserve bank bears a very distinct and vital relation to the assets of the Federal reserve bank and to the amount of gold it has as a reserve. The proposition made here deliberately on the floor of the Senate to begin to lower the gold reserve back of our Federal reserve notes merely points to the path of danger we are pursuing by making a start under this bill.

Mr. SMOOT. Mr. President, just one word. I will say that what the Senator from New Hampshire [Mr. HOLLIS] has already said, if it were peace times I would most heartily approve of. I want nothing to come to interfere with the stability of every note issue of the Federal banks. I recognize the interest that the Senator has in them, and I have the same interest he has.

But, Mr. President, we are passing legislation every day that no Senator would ever think of voting for or no one ever would dare to request in ordinary peace times. We are in war, Mr. President, and it is this kind of legislation that requires a war to secure its passage.

It is for that reason that I made the suggestion I did, and the Senator will remember that I qualified it by saying if we are in war for another year or two then what I stated would happen.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from New Hampshire [Mr. HOLLIS].

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). I have a general pair with the Senator from Oregon [Mr. CHAMBERLAIN]. In his absence I withhold my vote.

Mr. LODGE (when Mr. PENROSE's name was called). The Senator from Pennsylvania [Mr. PENROSE] is unavoidably absent. He has a general pair with the Senator from Mississippi [Mr. WILLIAMS]. If the Senator from Pennsylvania were present, he would vote "nay."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. He is absent, and I withhold my vote.

The roll call was concluded.

Mr. OVERMAN. I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Maryland [Mr. SMITH] and vote "nay."

Mr. WILLIAMS. I have a general pair with the Senator from Pennsylvania [Mr. PENROSE]. It having been announced that if he were present he would vote "nay," as I desire to vote that way, too, I feel at liberty vote. I vote "nay."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH]. I am informed that if he were present he would vote "nay." I therefore feel at liberty to vote and do vote "nay."

Mr. KNOX. I transfer my pair with the Senator from Oregon [Mr. CHAMBERLAIN] to my colleague [Mr. PENROSE] and vote "nay."

Mr. STERLING. May I ask if the Senator from South Carolina [Mr. SMITH] has voted?

The PRESIDENT pro tempore. He has not.

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from Rhode Island [Mr. COLT] and will vote. I vote "nay."

The result was announced—yeas 5, nays 61, as follows:

YEAS—5.

Hollis	King	McNary	Sherman
Johnson, Cal.			

NAYS—61.

Ashurst	Hardwick	Overman	Sutherland
Baird	Henderson	Page	Swanson
Bankhead	Johnson, S. Dak.	Phelan	Thomas
Beckham	Jones, Wash.	Pittman	Thompson
Borah	Kellogg	Poindexter	Tillman
Calder	Kenyon	Ransdell	Townsend
Culberson	Knox	Saulsbury	Trammell
Curtis	Lewis	Shafroth	Vardaman
Dillingham	Lodge	Sheppard	Wadsworth
Fernald	McCumber	Shields	Walsh
Fletcher	McKellar	Simmons	Watson
France	McLean	Smith, Ariz.	Williams
Frelinghuysen	Martin	Smith, Ga.	Wolcott
Gallinger	New	Smith, Mich.	
Gerry	Norris	Smoot	
Hale	Nugent	Sterling	

NOT VOTING—29.

Brandegee	Gronna	Myers	Smith, S. C.
Broussard	Harding	Nelson	Stone
Chamberlain	Hitchcock	Owen	Underwood
Colt	James	Penrose	Warren
Cummins	Jones, N. Mex.	Pomerene	Weeks
Fall	Kendrick	Reed	
Goff	Kirby	Robinson	
Gore	La Follette	Smith, Md.	

So the amendment of Mr. HOLLIS was rejected.

Mr. OWEN. Mr. President, I did not vote on the last item. If I had voted, I should have voted "yea." The reason why I did not vote was because I knew that the vote would be overwhelmingly in favor of the committee report, because when this matter was being debated in the Senate there were only a very few Senators on the floor. Senators are called away by their committee meetings and other obligations and in reality the discussion is not heard on the floor. These matters are very largely controlled in committee, so that in reality the

discussion on the floor is very difficult indeed, and, in nearly all cases, quite futile. I knew, therefore, what was going to happen and I simply withheld my vote in order to make this comment.

Now, Mr. President, I have an amendment which I offer which will take but two or three moments. On page 11, line 5, after the words "Secretary of the Treasury," I move to insert as a new sentence the following words:

Such bonds shall be issued in terms of foreign money and sold to American importers at par to the extent necessary to cover their importations from and credit transfers to countries whose currency is at a premium.

I understand the Secretary of the Treasury intends in selling liberty bonds to have some of these bonds issued in the terms of foreign money. In that way these corporation bonds can be taken and transferred to a foreign country as a basis of credit there, and in that way our importers and those concerned in transacting business can avoid the present high premium on foreign money.

Mr. SIMMONS. Will the Senator please read the first part of his amendment again?

Mr. SMOOT. I should like to have the Senator read the amendment again.

Mr. OWEN (reading)—

Such bonds shall be issued in terms of foreign money and sold to American importers at par to the extent necessary to cover their importations from and credit transfers to countries whose currency is at a premium.

Mr. SIMMONS. Why does the Senator use the word "shall"?

Mr. OWEN. It is "shall" to the extent that they can be used by importers to avoid the present high premium.

Mr. SIMMONS. I am in entire sympathy with the purpose of the Senator. I think it is a very good purpose. I wish to look more closely at the amendment, however.

Mr. OWEN. The Senator will have abundant opportunity. I prefer that he should look at it because it is very simple and very easily understood.

Mr. SIMMONS. That, of course, gives the discretion to the Treasury Department when these applications are made. I suggest to the Senator that he change the word "shall" to "may."

Mr. OWEN. I will change it to read "may be issued in terms of foreign money."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. OWEN. On page 11, lines 13 and 14, after the words "the Federal Reserve Board may approve," I move to insert the words—

at not less than 1 per cent in excess of the interest rate fixed upon commercial paper by the Federal Reserve Board in this district.

That would give the Government a margin of 1 per cent in making these advances so that the fund would have what might be called an insurance fund in protecting it against the possibility of some of these securities proving to be unsound in any way.

Mr. SMITH of Georgia. We have left that matter in the discretion of the Federal Reserve Board, and I for one think it would be better to leave it there now.

Mr. SMOOT. The Senator from Oklahoma will notice in the paragraph referring to the savings banks we there provide for one-half of 1 per cent. As originally drawn it was not less than 1 per cent. The committee changed it to one-half.

Mr. OWEN. That was done because of the character of the savings banks.

Mr. SIMMONS. This does not apply to savings banks.

Mr. OWEN. It does not apply to savings banks.

Mr. SMOOT. I was going to state to the Senator the reason why it was not put in. We thought there ought to be an expression in relation to the amount charged, but that the discretion ought to be left entirely with the Federal Reserve Board as to the amount of interest and general business. There may be times when one-half of 1 per cent or three-fourths of 1 per cent would be sufficient, and there may be of course times when it would be 1½ per cent. The Senator's amendment, however, would not affect that; but if the Senator's amendment is adopted, no matter what condition may arise or what the situation of the money market may be, they would be compelled to charge at least 1 per cent.

Mr. OWEN. Will the chairman of the committee agree to one-half of 1 per cent, that the same rate fixed for the savings banks should apply to these lines of business?

Mr. SIMMONS. I would very much prefer to have the Senate vote upon the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

The amendment was rejected.

Mr. HOLLIS. Mr. President, it is very evident that the Senate intends to pass the bill in its present form. If I felt that Senators were interested in the financial affairs of the Government, I should offer some other amendments. For example, I would limit the rate of the bonds to be issued by the central banks to 5 per cent. It is evident that they will come in direct competition with the Government bonds. It is evident that under the terms of the bill the five directors of the bank may issue them at any rate that they care to fix. I think we ought to limit it. I feel that the bond provision of the bill ought to be stricken from the bill altogether. The bonds issued in this way will surely plague the flotation of the liberty loan bonds. They will be in direct competition with the Government. Many people will not buy liberty loan bonds because they know that these bonds will shortly be for sale at a higher rate. They must be for sale at a higher rate in order to sell at all, because while the question is discussed here as to whether these bonds will be the moral obligation of the Government, they certainly are not the direct obligation of the Government, and no investor will pay as much for them as he would pay for the bonds of the Government. If the Government is coming to the relief of distressed capitalists and financiers, as it is under the bill, the best way for the Government to do so is to borrow the money or get it in taxation and advance the money to the capitalists. That is very much the better way, instead of going through this rigmarole of organizing a central bank, giving them authority to issue bonds, and if the bonds are not saleable allowing the banks to put them up as security for rediscount to the Federal reserve bank. I would very much prefer it that way.

The Senator from Oklahoma [Mr. OWEN] has presented to the Senate an amendment. I do not know whether he intends to present it for the consideration of the Senate to come to a vote.

Mr. OWEN. Mr. President, I presented the amendment in the form of a substitute, but I know the futility of discussing it to empty benches and then having the Senate come in and sustain the committee. There are only about a dozen Senators now present. For that reason, although chairman of the Banking and Currency Committee, I am really precluded from discussing it, because I have no audience. The arguments which I would make would not reach the ears of the Senate. The only way in which the Senate may be reached is through its parliamentary eyes and ears comprised of its committees, is to have measures submitted to its committee for examination, and have the committee report upon the bill. Knowing that perfectly well—as everybody knows, familiar with Senate procedure—and the Committee on Banking and Currency having, of course, had no opportunity whatever of passing upon this war finance corporation bill, establishing this great bank and amending the reserve act, that committee has not been able to make its suggestions to the Senate as a committee, and realizing, as I keenly do, the futility of discussing it when the Senate can not or does not hear it, under the circumstances I do not feel inclined to take the time of the Senate to discuss it at all, except casually, in trying to make some minor amendments.

Mr. HOLLIS. Then I will explain the amendment of the Senator in a word, because the Senator's plan would be infinitely better than the one the Senate is about to adopt. Under the Senator's plan the Government in extending this relief to capitalists and financiers would extend it through the Federal Reserve System. It would merely make the Federal reserve bank the Government fiscal agent for the purpose of advancing these sums to those who wanted to procure them through their member banks. That is, a man who wanted money for a proper purpose would go to his member bank as he goes now to his regular banking house. That bank would look into the proposition, and, if it thought he ought to have the money, it would loan it to him. Then the member bank could go to the Federal reserve bank in the district and turn the obligation of the borrower, with the indorsement of the member bank, over to the Federal reserve bank, and out of the war fund placed by the Treasury at the disposal of the Federal reserve bank for that purpose the loan would be made. It would not weaken the Federal Reserve System, because there would be no obligation of the Federal reserve bank to pay the money back to the Government. The Federal reserve bank, through the machinery already in existence, through its agents and through the member bank, would loan the Government money on securities that the member bank and the Federal reserve bank thought were sound. That is in place of having five directors of a central bank we would have the directors of each Federal reserve bank and the directors of the member banks. There is no infirmity in that system. If it were adopted we would avail ourselves of the existing machinery. That is all paid for by the Federal reserve bank. The Federal reserve banks are a paying institution now. They are earning dividends for the Government,

and they could well afford to do this. I believe they would be glad to do it rather than to have their funds in competition with the funds of this great central bank. I think that could be done. I have heard no objection to it.

The plan was submitted to the Secretary of the Treasury the other day, and he merely said that he preferred this way, because he had had a chance to consider it, and the other plan had not been brought to his attention so that he cared to give an opinion upon it.

I think I ought to say at this time, before the debate closes on the bill, that my reference day before yesterday to a distinguished gentleman who appeared before the Banking and Currency Committee was not to the Secretary of the Treasury. The Secretary of the Treasury was perfectly frank. He said that he was in charge of the Government financing for the war, that he took the responsibility of wanting this measure, and if this measure was not given to him, but if some other measure were given, he did not want to take the responsibility for it, but he would go ahead and do the best he could. His attitude was perfectly fair. He did not say the bill should not be discussed. That suggestion came from another source.

Now, there are many omissions in this bill. It has not been worked over carefully. The microscope should have been put on it. For instance, there is not authority in the bill for the Bureau of Engraving and Printing to get out the bonds that will be issued under it. That can not be done without an authorization, because this is a private corporation, although the funds are contributed to the capital of the corporation. The American Bank Note Co., that will probably be represented on this corporation, will get the contract for printing and engraving these bonds and securities. It can not be done by the Government unless we authorize it. There is no provision in the bill whatever for examining or auditing this bank. These five gentlemen take over the $500,000,000, they sell the $4,000,000,000 of bonds, they handle the money as they please, merely making a report under the amendment of the Senator from Maine [Mr. HALE] to Congress once a quarter. There is no requirement that the five directors who are to handle this four billion of money should give a bond to the Government. They are merely appointed and confirmed by the Senate. They handle this money exactly as they please. They loan it at such rates as they please. They issue bonds at such rates as they please. They give no bond whatever for the performance of their duty. They need not even be citizens of the United States. We will not permit a man to be a director of a national bank without being a citizen of the United States. There is no restriction on the amount of loan that can be made to any one person or corporation whatever. They can loan all the capital of the bank and all its resources to one corporation or to one person if they see fit. The bonds are sold to the public. They are claimed to be as good as United States bonds, and the assets to secure the bonds are in the absolute possession and control of unbonded officials. There is no prohibition upon receiving commissions or fees as the result of any loans that they may make.

I venture to hazard a guess that a great bank of that kind can not be safely put into business under the provisions that are contained in the 12 pages of the act devoted to that purpose.

But, as the Senator from Oklahoma has said, the bill as it comes before the Senate has had the sanction of the committee that has been intrusted with it, and it is useless to offer amendments that are not satisfactory to the committee. I, therefore, refrain from doing so. I shall, however, when the bill gets into the Senate, reserve the amendment with reference to the requirement that the directors of the corporation shall devote their entire time to the business of the corporation and that they shall before taking office cease their connection with any other financial institution.

Mr. GRONNA. Mr. President, I share the opinion of the Senator from New Hampshire [Mr. HOLLIS] and the Senator from Oklahoma [Mr. OWEN], but I have not opposed any of the provisions of this bill. I have, however, given it some attention. I believe, as the Senator from New Hampshire has stated, that in the interest of economy and good administration it would have been better to have done this work through the Federal reserve banks, but I shall not oppose the final passage of the bill.

I desire to remind the Senate, however, that the so-called corporation about to be created is nothing more nor less than a Government bank. I want to remind the Senate and the country of the fact that this legislation is communistic; that it is socialistic. It is a measure which would make Carl Marx and other great socialists turn in their graves. We are taking four hundred or five hundred million dollars of money from the Treasury of the United States to finance this corporation. It will be administered by officials of the Government. We are further authorizing this so-called corporation—which is nothing more nor less than the Government itself—to expand its operations, to issue bonds to the extent of eight times the amount of the capital stock so called.

In a few days there will be before this body—I think it will be here, for I understand it will be passed by the other body—a bill providing that the Government of the United States shall appropriate some $10,000,000 out of the Treasury to be invested in farm securities to help the farmers of the country procure feed and seeds. I am quite sure when that measure comes to this body many of the Senators who have so eloquently spoken in favor of this bill will construe it as being fraught with the gravest danger and characterize it as being socialistic, but Mr. President, that is not their contention when we take four thousand five hundred million dollars of the people's money to assist corporations. There is not a Senator here who will say that the pending measure is for any other purpose than to assist corporations. I find no fault with that; I believe that in this hour of peril it is our duty to assist public-utility corporations, banking corporations, and others, but I simply want to remind the Senate of the fact that they will soon have the opportunity of voting on another measure, which will be for the purpose of assisting individual citizens of the United States and not merely corporations which have no souls.

Mr. OWEN. Mr. President, I desire to offer an amendment to the bill, and I make the point that there is no quorum present.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Baird	Hollis	Martin	Smith, Ga.
Beckham	Johnson, Cal.	New	Smith, Mich.
Calder	Johnson, S. Dak.	Norris	Smoot
Curtis	Jones, N. Mex.	Overman	Sterling
Dillingham	Jones, Wash.	Owen	Stone
Fernald	Kellogg	Page	Sutherland
Fletcher	Kendrick	Phelan	Thomas
France	Kenyon	Pittman	Tillman
Frelinghuysen	King	Reed	Trammell
Gallinger	Kirby	Saulsbury	Underwood
Gerry	Knox	Shafroth	Wadsworth
Gore	Lewis	Sheppard	Walsh
Gronna	Lodge	Sherman	Warren
Hale	McCumber	Shields	Watson
Harding	McKellar	Simmons	Wolcott
Henderson	McNary	Smith, Ariz.	

The PRESIDENT pro tempore. Sixty-three Senators have answered to their names. There is a quorum present. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. OWEN. Mr. President, I wish to move an amendment to section 7 to this effect:

The members of the capital issues committee shall be appointed by the President of the United States, by and with the advice and consent of the Senate.

We have amended the bill so as to provide that the board of the corporation which is to manage these great funds shall be confirmed by the Senate, but the power to restrict all credits is very much more important than the power to grant limited credit through this corporation. I think that the Senate of the United States ought to have a voice in saying who this committee shall be, and that they ought to have the opportunity of advising and consenting to its membership.

The parliamentary status of this matter, as I understand, is that section 7 went over subject to amendment to-day, if we might think wise to offer amendments.

Mr. SMITH of Michigan. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. OWEN. I yield to the Senator.

Mr. SMITH of Michigan. I should like to ask the Senator if his amendment is intended to include the appointment on this committee of the Federal Reserve Board members?

Mr. OWEN. Oh, yes.

Mr. SMITH of Michigan. They have already been appointed by the President.

Mr. OWEN. But the "capital issues committee" under this act will be a legal body established by Congress with entirely different functions, and the members of that new legal body should be nominated by the President and confirmed by the Senate.

Mr. SMITH of Michigan. Such members of the Federal Reserve Board as will be designated for service upon this committee have already been appointed by the President and confirmed by the Senate.

Mr. OWEN. Not for a position on the "capital issues committee," which is a new legal entity.

Mr. SMITH of Michigan. I quite sympathize with the purpose of the Senator from Oklahoma, in so far as it relates to

The amendment was rejected.

tution now. They are earning dividends for the Government,

further authorizing this so-called corporation—which is nothing | pose of the Senator from Oklahoma, in so far as it relates to

the members of the committee who have not previously been appointed by the President.

Mr. KNOX. Mr. President, may I inquire of the Senator from Oklahoma, would they not automatically cease to be members of the Federal Reserve Board if they were nominated and confirmed for a new office?

Mr. OWEN. I think they ought to be so nominated and confirmed, because the members of the Federal Reserve Board have a tremendous task on their hands now. They have charge of 8,000 member banks and of 12 great Federal reserve banks. I think that they ought, if they become members of the "capital issues committee," to give their entire time to this new work. It will be of very great importance—of commanding importance.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I yield.

Mr. GALLINGER. My attention was diverted for a moment, and I desire to ask, Does the amendment which the Senator from Oklahoma has offered provide that the President shall appoint the members of the committee?

Mr. OWEN. That was the amendment that I intended to offer.

Mr. GALLINGER. Has the Senator offered the amendment?

Mr. OWEN. I have not yet offered it.

The PRESIDENT pro tempore. The Chair will say to the Senator from Oklahoma that at present the Chair does not think his amendment would be in order. The bill has not yet been reported to the Senate. The amendment will be in order when the bill reaches the Senate.

Mr. OWEN. Permit me to call the attention of the Chair to the agreement which was made last night that section 7 if it went over until to-day would be subject to further consideration.

The PRESIDENT pro tempore. When the bill got into the Senate, the Chair understands.

Mr. OWEN. Then, I shall reserve the right to offer the amendment when the bill arrives in the Senate to strike out the words "of whom at least three shall be members of the Federal Reserve Board" and to insert "the members of the capital issues committee shall be appointed by the President of the United States, by and with the advice and consent of the Senate." If that fails, then I shall offer an amendment to insert "the members of the capital issues committee shall be appointed by the President of the United States, by and with the advice and consent of the Senate."

Mr. GALLINGER. Mr. President, lest I might not be present when this matter is considered, when the bill arrives in the Senate I want to say that I think the effort I made to have this provision go over until to-day was fully justified, in view of the amendment which the Senator from Oklahoma proposes to offer. I think it is important that the President shall appoint these men, and I shall take great pleasure in voting for the amendment proposed by the Senator from Oklahoma when it is presented to the Senate.

Mr. McCUMBER. Mr. President, I desire to ask the Senator from Oklahoma whether or not in his amendment he desires to strike out the provision which reads:

There shall be appointed by the Federal Reserve Board—

Not by the President, but—

by the Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee—

Three members of which shall be members of that board?

Mr. OWEN. Mr. President, the motion which I intend to make will be to insert words to the effect that there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a capital issues committee to consist of five members.

Mr. McCUMBER. Without reference whence they are to be selected?

Mr. OWEN. Without reference whence they come.

Mr. McCUMBER. The amendment does not require three of them to be selected from the Federal Reserve Board?

Mr. OWEN. No. It would leave the President with discretion to choose them as he liked.

Mr. McCUMBER. That will kill the whole purpose of the committee amendment.

Mr. LODGE. Mr. President, the amendment offered by the Senator from Oklahoma would destroy the entire purpose of the committee amendment and what they thought it very important to bring about.

Mr. SIMMONS. Mr. President, I think the Senator from Massachusetts is laboring under a misapprehension. The Senator from Oklahoma, I think, does not offer the amendment now, because the Chair holds that it is not in order. The Senator said he would offer the amendment when the bill gets into the Senate.

Mr. LODGE. Very well.

The PRESIDENT pro tempore. The bill is still before the Senate, as in Committee of the Whole, and is subject to amendment.

Mr. HOLLIS. Mr. President, there is one verbal correction that I think the chairman of the committee will accept. On page 10, line 17, I move to strike out the word "may" and insert the word "to." The language immediately preceding is descriptive of the bonds.

Mr. SIMMONS. If the Senator will pardon me, my attention was diverted, and I will ask him to restate his amendment.

Mr. HOLLIS. In line 17, on page 10, I move to strike out the word "may" and insert the word "to." The language is descriptive of the bonds.

Mr. SIMMONS. That amendment is all right. I talked with the Senator about it the other day.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, it is a gratification to me to be able to offer an amendment to this bill which I think will not be objected to by any Senator. I call the attention of the Senator from North Carolina to page 10, line 10, where the word "corporation" has not been changed, as it has been throughout the entire bill, by spelling it with a capital C and putting it in italics. The Senator will observe that is the only place where that has not been done.

Mr. SIMMONS. I think it should be amended in that particular.

Mr. GALLINGER. I move that the word "corporation," on page 10, line 10, be spelled with a capital C and be printed in italics, as it is throughout the remainder of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

The amendment was agreed to.

Mr. HOLLIS. Mr. President, there is one other verbal change which should be made on page 2, line 7, to correct what appears to be a grammatical mistake. At that place the word "are" should be changed to "is" The subject of that verb is 'the Secretary of the Treasury, and, while he is performing many functions, he is one person. It should read:

The Secretary of the Treasury, together with four additional persons (who shall be the directors first appointed as hereinafter provided), is hereby created—

And so forth.

Mr. SIMMONS. The Senator is correct, I think.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

The amendment was agreed to.

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 6, line 15, after the word "company," it is proposed to insert "fire or life insurance companies."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York.

Mr. SIMMONS. I understand that amendment is inserted in a different place than where it was inserted yesterday.

Mr. CALDER. No; I propose to insert it a second time, so as to make the bill conform with the similar amendment adopted last evening.

Mr. SIMMONS. Is it necessary that it be inserted twice?

Mr. CALDER. Yes.

Mr. SIMMONS. Very well.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole, with the exception of those amendments on which a separate vote has been reserved in the Senate.

Mr. HOLLIS. I have reserved two amendments, one at the top of page 4 and the other at the bottom of page 4 and the top of page 5.

Mr. SMOOT. Mr. President, it is not necessary again to announce the reservations, is it? I have already reserved the right to offer an amendment, and I do not think that I need to do so again.

The PRESIDENT pro tempore. If an amendment has been reserved, that is all that is necessary. The question is on concurring in those amendments upon which a separate vote has not been reserved.

The amendments not reserved were concurred in.

Mr. LODGE. Mr. President, I desire now to say the few words that I intended to say a few moments ago, but which I deferred until the bill reached the Senate, with reference to the amendment proposed by the Senator from Oklahoma [Mr. OWEN].

The purpose of the committee was to put the regulation of new capital issues in the hands of the Federal Reserve Board; that was the main object of the amendment, and I think the object was a wise one. I believe that from every standpoint the Federal Reserve Board is much better fitted to deal with that subject. In the first place, they have been dealing with it already through a voluntary committee, and, in the second place, the Federal Reserve Board has the confidence of the country and is well known. It would take a long time for the directors of the new corporation to acquire and make themselves masters of the information which the Federal Reserve Board now possesses. It seems to me that it would be most unfortunate to break down the main purpose of the amendment prepared by the committee which was designed to leave this heavy duty in the hands of the Federal Reserve Board and not have another new committee.

Then, Mr. President, as we provide that three members of the committee shall be members of the Federal Reserve Board, I think it ought to be left to them to select the two additional members who are to assist them with the work. The members of the Federal Reserve Board have been before the Senate, having been appointed by the President, and have received the confirmation of the Senate. If this function is to be placed in the hands of the Federal Reserve Board, of course, to confirm them again for another office, it seems to me, would be out of the question and would raise all kinds of objections possibly which it would be well not to raise.

I hope, Mr. President, that the provision will be allowed to stand as it is. It was given great consideration by the committee, and I am firmly of the opinion that the wisest way to deal with the matter is to have for this important work an independent committee of this kind based on the Federal Reserve Board.

Mr. OWEN. Mr. President, the amendment which I propose does not take from the Federal Reserve Board or any members of that board any power whatever. The President can nominate them if he thinks fit. This is avowedly an administration measure. It came here from the Treasury Department; it is unchanged so far as that feature is concerned; and if the President desires to nominate three members of the Federal Reserve Board to hold positions on the capital issues committee he will certainly be at liberty to do so.

Mr. LODGE. Mr. President, will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Massachusetts?

Mr. OWEN. Certainly.

Mr. LODGE. The words as they now appear in the bill are not the words that were in the bill as it came from the Treasury Department.

Mr. OWEN. In what particular do they differ?

Mr. LODGE. Under the bill as it came to us from the Treasury Department the whole power was left in a board organized in the war finance corporation. We altered it entirely, and this provision as to the Federal Reserve Board is the work of the committee.

Mr. OWEN. That is all right. Then, the object of the committee will not be interfered with, because it is the desire of the committee evidently that the members of the Federal Reserve Board, who are in charge of this matter now shall continue in charge, and the President of the United States undoubtedly will be in harmonious relation with the Federal Reserve Board and will be able to nominate members of that board to the Senate, but I do not think the Senate ought to abdicate its high functions as a coordinate body. Here is a committee which will absolutely control the entire credits of the United States in all new enterprises; it will affect thousands of millions of dollars, and why should the Senate of the United States abdicate its functions and transfer this gigantic power to a subordinate bureau of the Treasury, the Federal Reserve Board, and have no voice whatever as to the personnel charged with carrying this work out, for it will be these individuals at last who will carry out the law. The Senate ought to have a voice in the matter, at least to the extent of saying that those individuals are satisfactory to the Senate unless the Senate desires to abdicate its powers and relieve itself of all responsibility. I do not think the plan proposed by the committee is a prudent policy. I think the Senate ought to be satisfied with regard to who shall be on this committee. There never was a committee given so great power in the history of this Government; there has never been established a committee that has or ever has had anything like the power being now given to this committee; but if the Senate chooses to abdicate its right of a voice in the choice of the personnel to carry the law out, I can not help it; I must be content with expressing my opinion as a Member of this body, and that duty I have performed as I have felt obliged to do.

Mr. SMOOT. Mr. President, when the bill was submitted to the committee it gave the power of appointing the members of this committee to the corporation itself. I presume there is nothing in the bill that has been discussed more thoroughly by the committee than this particular item. What the Senator from Oklahoma says is true, that this committee will have almost untold power. It will be able to make or be able to break almost any institution in this country; that is, it could have done so under the original provision, although section 7 now has been greatly modified, but not modified so that this committee will not still have great power that it may exercise against a person or for a person, against a corporation or for a corporation. Therefore, Mr. President, the committee thought that the Federal Reserve Board, having the confidence of the people of the United States, having been nominated by the President and confirmed by the Senate, and having knowledge of the value of securities and of the situation generally from a financial point of view, should have the right to appoint this committee.

Again, Mr. President, I do not believe that there ought to be any political influence whatever in the appointment of this committee. It may be said that the President would not let such considerations interfere, but who knows what pressure will be brought to bear upon him by certain interests or certain politicians to appoint certain men on this committee. The Federal Reserve Board, if the responsibility is placed upon them, will appoint men in whom they have confidence, and men they know are especially qualified. Three members of that board are to be members of the capital issues committee, and the other two members of that committee outside of the Federal Reserve Board are to be appointed by the Federal Reserve Board.

Mr. President, I believe that the information in the possession of the Federal Reserve Board will be of great value in selecting the members of this committee. The Committee on Finance was so careful that they provided that a majority of the capital issues committee must be members of the Federal Reserve Board, because they wanted the people of the country to understand that the Federal Reserve Board was virtually responsible for the capital issues committee, and that they themselves would appoint men in connection with the three members of the Federal Reserve Board who would give thorough consideration to all the business interests of this country that needed assistance. I sincerely hope, Mr. President, that the Senate will not agree to the amendment offered by the Senator from Oklahoma.

Mr. NORRIS. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Nebraska?

Mr. SMOOT. I yield to the Senator.

Mr. NORRIS. At least as far as the two members of this board who are not members of the Federal Reserve Board are concerned, does not the Senator think that all the safeguards that can be thrown about their appointment ought to be thrown around it? Does he not think it would add to it if they must be confirmed by the Senate?

Mr. SMOOT. I do not think it would add anything, Mr. President. I think the man that would be appointed by the President of the United States would be confirmed by the Senate whether a politician or a business man.

Mr. NORRIS. Does the Senator advocate that? Has he not always considered, I think in one of the amendments to this bill, that confirmation by the Senate is an additional safeguard? Why would it not be better in this case? Why should part of the committee be selected at large, without any power of Congress, or any branch of Congress, to pass upon it?

Mr. SMOOT. Mr. President, I think that in this particular case there should be no semblance of a political appointment.

Mr. NORRIS. I fully agree with the Senator on that.

Mr. SMOOT. And I am quite sure, with the make-up of the Federal Reserve Board, and with the knowledge that they have of the financial conditions of the country, that they are not going to make a political appointment. We can not say that. I am afraid, if the matter is left to the President of the United States. He may not want to be influenced by political considera-

tions; but the Senator from Nebraska knows the pressure that is brought to bear upon the President in making appointments, and the Senator from Nebraska knows that there are very few appointments made by the President that ever come to the Senate of the United States that the Senate refuses to confirm.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. I do.

Mr. BORAH. Does the Senator think that the pressure upon the Federal Reserve Board would be less, or less effective, than upon the President?

Mr. SMOOT. I do; and not only that, the pressure would have to influence at least a majority of the board before it would be successful.

Mr. BORAH. That is according to where it comes from.

Mr. SMOOT. Well, Mr. President, I believe that it would be very unwise.

I am informed by the Senator from Oklahoma that he has not yet offered his amendment; but what I have said with relation to it stands, as far as I am concerned, as if it had been offered.

Mr. OWEN. Mr. President, I now offer the amendment. I will read the beginning of section 7:

That for the purpose of assisting in the prosecution of the war, and providing for the public security and defense, through the restriction of unnecessary capital expenditures, there shall be appointed by—

At that point I move to strike out "the Federal Reserve Board" and what follows to the end of the sentence, and to insert:

by the President, by and with the advice and consent of the Senate, a capital issues committee, to consist of five members, three of whom shall be members of the Federal Reserve Board.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oklahoma.

Mr. KENYON. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. GALLINGER. Let the amendment be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out of the amendment agreed to on yesterday, as section 7, the words:

The Federal Reserve Board, with the approval of the Secretary of the Treasury, a capital issues committee, to consist of five members, of whom at least three shall be members of the Federal Reserve Board.

And to insert:

by the President, by and with the advice and consent of the Senate, a capital issues committee, to consist of five members, three of whom shall be members of the Federal Reserve Board.

Mr. GALLINGER. Mr. President, when the Senator from Oklahoma offered his amendment in the first place, I confess that I was laboring under a misapprehension as to its exact purpose. I have some doubt as to the amendment in the form in which it is presented now.

If the two additional members were to be appointed by the President, I could see great propriety in that; but it does not quite appeal to me that these three members of the Federal Reserve Board, who have already been appointed by the President and confirmed by the Senate and have been sworn into office, shall again go through the routine of appointment and confirmation.

So that I am a little in doubt as to the propriety of the amendment offered by the Senator from Oklahoma, notwithstanding I suggested, when it was first offered, that I thought it ought to be agreed to. I shall reserve my vote until I give it careful thought, when it is voted on.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Oklahoma, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). I have a pair with the senior Senator from Oregon [Mr. CHAMBERLAIN]. I am informed that if he were present he would support the measure as it came from the committee. Therefore I feel justified in voting. I vote "nay."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. Owing to his absence, I withhold my vote.

Mr. WILLIAMS (when his name was called). I vote "nay." In explanation of my vote I will say that the senior Senator from Pennsylvania [Mr. PENROSE], with whom I am paired, if present would vote the same way, and therefore I am at liberty to vote.

The roll call was concluded.

Mr. SMITH of Michigan. I should like to inquire if the junior Senator from Missouri [Mr. REED] has voted?

The PRESIDING OFFICER (Mr. WALSH in the chair). He has not.

Mr. SMITH of Michigan. I have a pair with that Senator and withhold my vote.

The result was announced—yeas 37, nays 35, as follows:

YEAS—37.

Baird	Hollis	Norris	Townsend
Borah	Jones, Wash.	Nugent	Trammell
Curtis	Kendrick	Owen	Underwood
Fernald	Kenyon	Phelan	Vardaman
Fletcher	Kirby	Poindexter	Wadsworth
France	Lewis	Pomerene	Walsh
Frelinghuysen	McKellar	Sheppard	Wolcott
Gronna	McLean	Sherman	
Hale	McNary	Sterling	
Henderson	New	Sutherland	

NAYS—35.

Bankhead	Kellogg	Pittman	Smoot
Beckham	King	Ransdell	Stone
Calder	Knox	Saulsbury	Swanson
Dillingham	Lodge	Shafroth	Thomas
Gerry	McCumber	Shields	Tillman
Gore	Martin	Simmons	Warren
Harding	Nelson	Smith, Ariz.	Watson
Hardwick	Overman	Smith, Md.	Williams
Johnson, S. Dak.	Page	Smith, S. C.	

NOT VOTING—23.

Ashurst	Cummins	Johnson, Cal.	Robinson
Brandegee	Fall	Jones, N. Mex.	Smith, Ga.
Broussard	Gallinger	La Follette	Smith, Mich.
Chamberlain	Goff	Myers	Thompson
Colt	Hitchcock	Penrose	Weeks
Culberson	James	Reed	

So Mr. OWEN's amendment was agreed to.

Mr. HOLLIS. Mr. President, I now ask for a separate vote on the amendment by the Committee of the Whole to be found on the top of page 4, section 5.

The amendment by the Committee of the Whole is to strike out the provision that the directors shall devote their entire time to the business of the corporation, except such part of their time, if any, as shall be devoted to other governmental business. The question, as I understand it, will come on agreeing to the committee amendment, so that those who believe that the directors of the corporation should devote their whole time to the corporation's business will vote "nay."

Mr. President, we have heard a great deal about the patriotism of the dollar-a-year men who have come to Washington and are contributing their whole time to the Government for a dollar a year. We have heard somewhat less about the young men who are drafted to serve on the firing line for $30 or $35 a month. They are required to give all their time to the job for which the Government has drafted them; and is it any hardship on one of these superfinanciers who are to manage this great central bank, receiving a salary of $12,000 annually, that he shall devote his entire time to the job that he is called to perform?

There is no need to argue the matter further. It was argued at considerable length when it was voted on in the Committee of the Whole; but I appeal to the Senate to insist that this part of the bill, which was brought here by the administration, and which for some reason was cut out by the committee, shall stay in the bill; and I ask them, on this question, to vote "nay."

The PRESIDING OFFICER. The Chair will state, for the information of the Senator from New Hampshire, that the question before the Senate is upon concurring in the amendment agreed to as in Committee of the Whole, as amended by the amendment offered by the Senator from Oklahoma, as a substitute for section 7.

Mr. HOLLIS. I had overlooked that.

The PRESIDING OFFICER. That will be disposed of before taking up the amendment referred to by the Senator from New Hampshire.

The question is upon concurring in the amendment agreed to as in Committee of the Whole, as amended, by which a substitute was made for section 7.

Mr. STERLING. Mr. President, may I ask, if this substitute now is agreed to, whether it will preclude any further amendment being offered to section 7?

The PRESIDING OFFICER. Undoubtedly.

Mr. STERLING. Then I offer the amendment, which I send to the desk, to section 7.

The PRESIDING OFFICER. The Senator from South Dakota offers an amendment, which will be stated.

The SECRETARY. After the words "United States," in the fourth line from the bottom of the print, it is proposed to insert "nor to the securities issued by or under the authority of any State, and payable by the State."

Mr. STERLING obtained the floor.

Mr. SIMMONS. Mr. President, may I ask the Senator where he proposes to insert that amendment?

Mr. STERLING. I am not able to designate now where the amendment would come in the substitute for section 7, as that was offered separately, and the only form in which I have the substitute is the typewritten form which was given out to Senators yesterday.

Mr. SIMMONS. It will have to go in somewhere.

Mr. STERLING. I will read the language which it will follow:

This section shall not be construed to apply to any securities issued by any railroad corporation, the property of which may be in the possession and control of the President of the United States.

Then, after these words, follows the amendment which I have just offered.

Mr. SIMMONS. Will the Senator read his amendment again?

Mr. STERLING. I will ask the Secretary to state it.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from South Dakota.

The SECRETARY. The amendment, as adopted, reads as follows:

This section shall not be construed to apply to any securities issued by any railroad corporation, the property of which may be in the possession and control of the President of the United States—

Then comes the amendment—

nor to the securities issued by or under the authority of any State, and payable by the State.

Mr. STERLING. Mr. President, just a word with reference to this amendment.

It occurs to me that this committee should not pass upon the securities of a State. By "the securities of a State," I mean the bonds issued under the authority of the State or by the State, and payable by the State. This, of course, would exclude municipal securities which I think should come under the provisions of the bill, and should be considered by the committee, and it should be determined whether or not they are necessary capital expenditures under the terms of the bill; but it seems to me, Mr. President, that it ought to be assumed in regard to State securities, State bonds, that they are necessary, else a State of the Union would not have authorized the issuance of such securities.

Mr. President, it may be urged, as it frequently is, that the committee never would exercise the power to disapprove any State bonds or securities; but I am able to refer, as an illustration, to what has occurred already.

The present advisory committee of the Federal Reserve Board has assumed the authority of passing upon State securities. We have, in South Dakota, a rural-credit law. It is analogous to the Federal rural-credit law. The law is framed along the same general lines, and provides for farm loans for the purpose of purchasing farm lands and for the purpose of improving and equipping farm lands. The Rural Credit Commission of South Dakota has made a great many loans and has issued a great many bonds in pursuance of the law of the State. It has granted applications for many more loans. There are many other applications yet to be passed upon by the rural credit commission of the State; but, anticipating that there might be objection on the part of the Federal Reserve Board, they sent to me a communication asking me to see that committee to see if subsequent issues of bonds will be approved of. I took the communication, together with the law, together with a questionnaire gotten out by the commission for the purpose of informing prospective borrowers as to the law, to the committee, and they took the matter very seriously. The question arose as to what the loans were to be made for and what was the basis of the bond issues. When informed that the loans were to be made largely for the purpose of equipping and improving farms and thereby adding to the production of food supplies they considered that that was quite a factor in the consideration of the question as to whether or not they should approve of the issuance of the bonds. I say they took the matter very seriously. They had it under advisement for a week, and finally I was informed that these bonds would be approved if issued by the State.

So, Mr. President, taking this case simply as an illustration, I think that the committee provided for in this bill should not pass upon the necessity of the issue of State bonds. I may say further that there is little danger now, under constitutional limitations in regard to the amount and the purposes for which State bonds may be issued, of an improvident or an unnecessary issue of such bonds. Therefore I think this amendment ought to prevail, and that this should be just the one class of securities, in addition to the railroad securities, upon which this committee should not be called upon to pass or assume authority to pass.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. STERLING. I yield to the Senator from North Dakota.

Mr. GRONNA. I am very much interested in the Senator's amendment and in what the Senator says. Yesterday I called attention to conditions in my State, and stated that several of the counties in the State have been authorized, by an act of the legislature, to issue bonds. Of course that money will not be used for the purpose of refunding. It is entirely new business. I asked the question if those bonds would be acceptable, and I was told by some of the members of the Finance Committee that any member of the capital issues committee who would refuse to accept such bonds ought to be sent to some insane asylum. I was glad to have that statement, of course, but it does not really satisfy me that the bonds would be accepted by this committee. I want to ask the Senator if, in his opinion as a lawyer, this would not apply to the bonds issued by the counties the same as if they were issued by the State?

Mr. STERLING. I am inclined to think not. I do not believe that class of bonds would fall under the provisions of my amendment, for the reason that they are not payable by the State. In the amendment which I have offered the bonds are to be bonds issued or authorized by the State and payable by the State, whereas in the case cited by the Senator from North Dakota the bonds would be payable by the county or the local subdivision.

Mr. GRONNA. That is true; they would be payable by the county.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. STERLING. I yield to the Senator from Michigan.

Mr. SMITH of Michigan. The amendment of the Senator from South Dakota makes no attempt to restrict the State in its issuance of bonds. It, however, gives no authority to the municipality to do so.

Mr. STERLING. It gives no authority whatever.

Mr. SMITH of Michigan. In the case of the State, it frequently occurs now that States that have had no bonded indebtedness for many years have recently incurred an indebtedness purely for war purposes.

Mr. STERLING. Yes.

Mr. SMITH of Michigan. My State, for instance, has agreed to the issuance of $5,000,000 of securities, because the legislature meets only once in two years, and this was the form in which they desired to meet certain war expenses. That having been done, however, the bill could not reach such a case nor affect even the refunding of that class of bonds, even if the amendment of the Senator from South Dakota is not adopted. It seems to me, however, that there might appropriately be a restriction upon the form of the security issued and its purpose.

Mr. STERLING. My main thought in regard to that is, I will say to the Senator from Michigan, upon the issuance of State bonds, especially when we consider their own State constitutional limitations upon the amount of bonds that may be issued and the purposes for which the bonds may be issued, it ought to be assumed that under those conditions they were necessary.

Mr. SMITH of Michigan. I wish to say this, if the Senator will permit me, that under the bill as it now stands the State of Michigan could issue its bonds and could sell them in its own way without violating the letter or spirit of this law.

Mr. STERLING. I admit that the bonds may be sold by the State, but the disapproval of those bonds by this committee would surely affect the negotiation and sale of the bonds. It might utterly prevent the sale of the bonds.

Mr. SMITH of Michigan. This committee might disapprove a security issued by the State of Michigan until it was black in the face and it would not affect the standing of that security, because the State banks and private individuals in our State would take the bonds of Michigan very quickly. The war debt is the only indebtedness we have, and Michigan bonds are perfectly good. I do not believe that the bill in its present form seriously restricts the State, and I would not want it to do so.

Mr. STERLING. Let me say to the Senator from Michigan that all States are not in so fortunate a situation as the State of Michigan. They have not the capital that his State has and there would not be the ready disposal of bonds within the State to capitalists or financial interests that there would be in the State of Michigan. Take the newer States, for example, like my own. They would have to negotiate their bonds outside the State, at the financial centers of the country.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. STERLING. I yield to the Senator. I yield the floor.

Mr. NORRIS. I wish to answer the suggestion that even in the State of Michigan, so well situated financially, as the Sena-

for said. I imagine that, with the disapproval of this committee, the banks would hesitate somewhat before they invested in the securities, because the connection of this committee with the Federal Reserve System and the control that it would have through all the financial avenues of the country would well make any bank anywhere hesitate against their objection that they put any of their money into any of the bonds that had the disapproval of this committee.

Mr. STERLING. I will say to the Senator from Nebraska that I can very well conceive how that might be the case even in the State of Michigan.

Mr. SMITH of Michigan. Of course I can not let the statement of the Senator from Nebraska pass unchallenged in so far as it relates to my State, because the State owes nothing except its war debt. It borrowed $5,000,000 for war purposes and is expending the money in the public interests. I say under this bill there would be found a ready market for those bonds. Indeed, the ink on them was not dry before they were taken, and they will be taken again, even though this bill passes.

Mr. NORRIS. This bill, of course, will not affect those bonds, but notwithstanding the financial credit and lack of indebtedness of the State of Michigan—and I admit it all; I am not finding fault at all with the Senator's State—a bank connected with the Federal reserve bank or any other big financial institution would hesitate before it used its money, no matter how plentiful it might be, to invest in securities that were condemned by this committee. It does not mean that the banks would not have the money or anything of that kind, but they are connected with the entire financial system. I am not finding fault with the financial institutions for doing it. I think it would be a natural thing that they would not want to invest their money in such securities.

Mr. SMITH of Michigan. I will say to the Senator I think there are several hundred banks in the State of Michigan that are not at all affiliated with the Federal Reserve System.

Mr. NORRIS. They are not directly affiliated.

Mr. SMITH of Michigan. They are gradually coming into the Federal System. I believe that under this bill, if it becomes a law, our State may issue the war securities and go on the market and sell them without in any way infringing this act or subjecting themselves to the disapproval of the committee.

Mr. NELSON. Will the Senator yield to me?

Mr. SMITH of Michigan. Certainly.

Mr. NELSON. I understand under section 7 of the bill as amended a State would not be obliged to present its bonds to this board in any event for approval. There is nothing compulsory about it.

Mr. SMITH of Michigan. They are not obliged to do it.

Mr. NELSON. A State, therefore, is not obliged to present its bonds before this commission. I think it would be of great advantage to the States, if they felt they had bonds that would meet the approval of the board, to submit them to the board and get their approval. It would afford them a bigger and better market than they could otherwise get. For that reason, as section 7 has been amended, if this was a matter which pertained to the State of Minnesota I should be very glad to have the board pass upon the bonds, because it would give them an extra credit in the money market to have the approval of the board.

Mr. SMITH of Michigan. The Senator from Minnesota, of course, understands that the only function of this committee is to investigate the issue, and after they have investigated the issue they may approve or disapprove, and there the matter ends, except so far as it may influence the action of the Federal reserve banks in accepting such loans or the financial corporation in loaning its money direct upon this class of securities. The Senator's suggestion that they might submit to an investigation and have their security passed upon by this committee would probably give them added prestige, and I would not set up one standard for my own State and another for the State of the Senator from South Dakota. I think in meeting the situation which now confronts us all the States are all entitled to full consideration. State expenses must be met in the manner best calculated to preserve their credit.

Mr. McCUMBER. Mr. President, I wish to ask the Senator from Nebraska [Mr. NORRIS] if he thinks for a single moment that there could be any possibility of this board tabooing by their action any issue of a State intended to be for the general benefit of the public, and especially as assistance in carrying on the war, such as is suggested by the Senator from Michigan. The very purpose of the bill and the purpose of this section, reading the very first clause, is that it is for the purpose of assisting in the prosecution of this war. The bonds that are issued by the State of Michigan are issued for the purpose of assisting in the prosecution of the war. There can be no possibility that any member of a board would think of objecting to anything of that character any more than he would think of objecting in the case suggested by my colleague, of a State or county issue of bonds to buy seed wheat for farmers to plant their crops in 1918. One of the necessary things for the prosecution of the war is to create a sufficient amount of food to support the people of this country and our allies, and for which we are paying out enormous sums. There could be no possibility that any board would do anything further than to encourage the bonds that are spoken of by my colleague. If they were presented to such a board, the board would put its O. K. on them immediately and assist in the sale of them.

I do not think that the amendment is at all necessary. I do not think that this board could interfere in any way with any ordinary State issue unless it was so abnormally large that it threatened to invade the field of investment where the Government itself must look for the money to carry on the war.

Mr. STERLING. I should like to ask the Senator from North Dakota before he takes his seat, if the committee will not have the power under the terms of the bill to say whether or not the bonds proposed to be issued by a State are necessary or unnecessary. Under the very terms of the bill they have that power, have they not?

Mr. McCUMBER. I would not say that they would pass upon the question whether they were necessary or unnecessary. They would pass upon the question whether they were conducive to the public interest in carrying on the war, or whether they were not conducive to the public interest in the prosecution of the war, and I think they ought to have the right to do that. That is the very purpose of the bill.

Mr. STERLING. The Senator from North Dakota has now put a broader construction upon the bill than I had supposed he would. If they are to have the power which he says they have under the terms of the bill, then that is the more reason for the amendment I have proposed. Under the Senator's construction they would have the right to say not only whether the issue of the bonds of the State under the limitations of the State constitution and the restrictions there found are necessary capital expenditures or not, but whether they were conducive to the public interest in carrying on the war.

Now, in answer to the Senator from Minnesota [Mr. NELSON] just a word. He referred to the fact that the State does not have to ask the approval of its bonds by this committee. That is true, and it is true with reference to every other interest. An association or corporation does not have, in the first instance, to ask the approval nor does a municipality have to ask the approval of the committee in the first instance. They probably would all ask the approval of the committee, knowing that after the issue and before negotiation and sale it will be determined by the committee whether it is a necessary capital expenditure or not, and it having been determined that it is unnecessary there will be no sale and negotiation of those securities.

That may be well enough with reference to all other securities, and I am willing to admit it for the purpose of the argument, except the securities issued by a State of the Union. In regard to these, it ought not to be left with this committee to determine whether or not they are for necessary capital expenditures. It ought to be assumed that they are, else the State would not have issued them.

Mr. NORRIS. Mr. President, the Senator from North Dakota [Mr. McCUMBER] made quite an extended argument and prefaced it with a question which he propounded to me. The argument he made in following up the question before I had any opportunity to answer it seemed to indicate that he was of the opinion that I was finding fault with this committee for fear it would not do its duty. He said in case the State of Michigan submitted an issue to it there would not be any doubt but what the committee would put its O. K. on the bonds at once. I concede that. I never denied it. There is not any question in my mind about it. Assuming that the committee are fair-minded men, and I presume they will be, there will not be any doubt about it. But that does not do away with the right that they would have if the bill is not amended to pass on the bonds issued by a State of the Union, and that is the question involved in the amendment of the Senator from South Dakota. No State, no municipality, no corporation of any kind is required under the bill to go to this committee, but the committee has the power, connected up as it is with the financial interests of the entire Government, and with the Secretary of the Treasury, when it puts its denunciation on a bond to prevent it from circulating in the financial markets of the United States or anywhere in the world.

It is a good deal like the Food Administration. They do a great many things indirectly that the statute does not give them the right to do directly. They fixed the price of wheat this

year without any statute specifically saying that they had the power, but because of their control of elevators and mills, and under the licensing system, because of the enormous amount of grain that it takes for our Army and Navy and for the allies and the neutrals, they were absolutely empowered to say what the price of wheat should be to every man in the United States, and that is what the committee did.

Mr. WADSWORTH. For 1917?

Mr. NORRIS. I have reference to the 1917 crop. This committee would not have any technical legal authority to say to South Dakota you can not issue your bonds, but if they disapproved of them after they were issued the bonds would not sell. If that is not true, then you had better wipe this committee off of the face of the earth, because it has no other power. That is what it is there for, and that is what it will do. That is its proper function.

The amendment in effect provides that they shall have nothing to do with the bonds of a State. In other words, we conclusively presume in the case of a State that the bonds are issued for proper purposes and that the money is going to be used for a proper purpose. It seems to me it is not going too far to say when State bonds are issued we will assume conclusively that the bonds are all right. Every State has a constitution. Every State is loyal, and they have limitations in their constitutions as to the amount and the purposes for which bonds may be issued.

It seems to me, therefore, that the amendment of the Senator from South Dakota is a proper one and ought to be agreed to.

Mr. McCUMBER. Mr. President, I will ask the Senator another question, and will follow the same rule I did before in answering my own question. I do not assume at all that there will be many cases, if any, in which the committee will ever pass judgment against the issue of any State bonds, but I do not want the power there for it to do so. Suppose the State of Ohio would conclude in 1918 that it desired to expend $500,000,000 in draining some of the swamp land in that State, a work which could not be completed for five years, or until after the war was over, and that they would not only expend that $500,000,000 during the time the Government was making every effort in the world to raise money to carry on the war, but they would take 5,000 or 10,000 men, whose services ought to be utilized either upon the firing line or in the munition or shipbuilding plants, and set them to work digging ditches out in the State of Ohio. I believe there ought to be the power lodged in this committee to say that it is against the interest of the United States to attempt to float those bonds at this time, and I do not want to take that power away from the committee.

Mr. STERLING and Mr. NORRIS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from North Dakota yield; and if so, to whom?

Mr. McCUMBER. I do not know who first addressed the Chair. I will yield first to the Senator from South Dakota.

Mr. STERLING. I merely wish to ask the Senator from North Dakota if he thinks the constitution of the State of Ohio or the constitution of any other State would permit such an excessive issue of bonds?

Mr. McCUMBER. As $500,000,000?

Mr. STERLING. Yes.

Mr. McCUMBER. Yes. Ohio is out of debt, and I believe there is nothing in the constitution to prevent her from raising funds up to that amount. New York, I think, expended about $500,000,000 in the last two years for her good roads. I know she spent over $200,000,000, and I do not know how much more has been paid by the counties. I ask the simple question whether the power ought not to be lodged in this committee to say to a State, as well as a municipality, "Do not go into improvements at this time which can not be completed in several years and take the money of the country and the labor of the country, which we so badly need now in the prosecution of the war."

Mr. WADSWORTH. Will the Senator yield to me?

Mr. McCUMBER. I yield the floor.

Mr. WADSWORTH. Then, I just have one or two comments to make on the point raised by the Senator from North Dakota. The consideration which appeals to me as being rather important when we attempt by inference to lodge power in Federal boards or committees to prevent a State from doing what it wants in the matter of borrowing money is this: In a large majority of instances when a State seeks to issue bonds in large amounts the issuing is done following a vote of the people of the State. To my mind it would be an insufferable condition for a committee of five gentlemen at Washington to tell, for instance, the people of the State of New York, after they had voted in a popular referendum to issue $10,000,000 of bonds for the extension of the public highways of that State, that they can not sell their bonds. To my mind that is an invasion—it is true, by an indirect method—but if I take the word of the Senator from North Dakota, literally, nevertheless, an effective invasion of the sovereignty of the State of New York which is intolerable.

Mr. KELLOGG. Mr. President, may I ask the Senator a question? Is there any difference between a municipal security and the bonds of a State or county, as far as the invasion of the power of the State is concerned?

Mr. WADSWORTH. I do not pose as a constitutional lawyer, but it strikes me that the only sovereignty of the country is in 48 States of the Union, and the municipalities are not sovereignties. I do not want the committee here at Washington to tell the people of a sovereign State that they can not borrow money.

Mr. KELLOGG. I do not believe the Federal Government has any more power over the issue of bonds by a subdivision of a State than of the State.

Mr. WADSWORTH. That may be so; but if the power were exercised over the State, in my mind, it would be more serious than an attempt to exercise it over a municipality. Of course, the bill does not say in so many words they can exercise that power; but the Senator from North Dakota wants them to have that power, and assumes that it can be exercised by this indirect method.

Mr. McCUMBER. Only exercising it by declaring that, in their opinion, they deem it inadvisable in the interest of the country.

Mr. TOWNSEND. Mr. President, I agree with the Senator from Minnesota [Mr. NELSON]. I stated before the committee that I do not believe we have any authority to authorize the committee to prohibit the issuance and sale of bonds upon the part of a State or any subdivision thereof. The provision in the bill does not go that far. It is simply advisory, and if the law is desirable, if it is important to place a check upon the expenditures at this time, as far as the advice of a skilled committee can place a check, it seems to me that it ought to extend even as far as the State.

I repeat, I do not think it is of any consequence legally; but if this commission could discourage at this time the reckless expenditure of money, I can conceive of nothing more for the general good, more in consonance with patriotic duty, than to do that very thing. I do not believe that this goes too far.

The Senator from South Dakota himself has stated that the voluntary committee now in existence has reported to him that it would not inhibit even by indirection the issuance or sale of bonds such as he has mentioned. I can not conceive of a condition of that kind that would arise. I could also as readily conceive in any other case where a concern asked for money or asked to issue its bonds and sell them the Government would discourage them if it was not for a patriotic purpose. They may make mistakes, perhaps.

But, Mr. President, much as I deplore the necessity of this kind of legislation, and I think it is deplorable, yet I was convinced that something of this kind was absolutely necessary. The great lesson this country has got to learn, and it is learning slowly, is that of economy. It must learn the lesson that everybody has got to contribute to the success of this war and that money, which is going to be needed in large volume, should be conserved for the interests of the Government in the war. If a State thinks it is a proper time to issue bonds which require money from the people to build roads in this urgent time, and even the people themselves vote to do it, I think if the Federal Government by stating the facts to the country should discourage it, it would perform a very patriotic duty to the country at this time.

Mr. STERLING. Let me ask the Senator if he does not think the States themselves and the authorities of the several States would not be governed by some such considerations as he now mentions? They will know the conditions as to war; they will know that there should not be extravagant expenditures; and they will restrain themselves in the matter of needed improvements even in order that the country may be secure in such a time.

Mr. TOWNSEND. It is to be presumed that the States will act in that way. It might be presumed that every patriotic business man in the country will do the same thing. If every man, every State, every municipality, did its duty, we would need no legislation at all, and that would be a very happy condition; but the fact is that we need legislation in some instances. I do not wish to be invidious and speak about any particular State, because I may be mistaken about it, but the report has already come to us that some States are going to take advantage of conditions which would materially embarrass the country at this time.

I do not think this provision is anything to be afraid of. It is not compulsory. It is purely advisory. This skilled commission investigates and reports that it is not compatible with the

assisting in the prosecution of the war. There can be no possibility that any member of a board would think of objecting

great many things to them the right to do directly. They fixed the price of wheat this

is true, by an indirect method—but if I take the word of the

sion investigates and reports that it is not compatible with the

public interest to float certain bonds. If that will retard them and will enable the Government to obtain money that is needed for war purposes, then I am in favor of it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Dakota [Mr. STERLING].

Mr. STERLING. I ask for the yeas and nays.

Mr. SMITH of Michigan. Let the amendment be read again.

The SECRETARY. In the substitute, after the words "United States" insert the words "nor to the securities issued by or under the authority of any State and payable by the State."

The PRESIDING OFFICER. The yeas and nays are called for. Is the call seconded?

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on the amendment of the Senator from South Dakota [Mr. STERLING] to the amendment. [Putting the question.] The noes seem to have it.

Mr. STERLING. I call for a division, Mr. President.

The question being put, on a division the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on concurring in the substitute for section 7 as it has been amended.

Mr. SMOOT. Mr. President, I desire to call the attention of the chairman of the committee to an inconsistency in the section. The Senator from Oklahoma [Mr. OWEN] offered an amendment, which was agreed to, by which the President is to appoint the members of this board, by and with the advice and consent of the Senate. About the middle of the amendment, which I have in my hands, there is this provision:

The terms during which the several members of such committee shall respectively hold office shall be determined by the Federal Reserve Board, with the approval of the Secretary of the Treasury.

In view of the adoption of the amendment of the Senator from Oklahoma, it ought to read:

The terms during which the several members of such committee shall respectively hold office shall be determined by the President of the United States.

Mr. SIMMONS. I shall not object to that amendment to the amendment.

Mr. SMOOT. That would be the proper language, and I offer that amendment to the amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is upon concurring in the substitute as amended.

The substitute as amended was concurred in.

Mr. HOLLIS. Mr. President, it was stated yesterday, and I think it was agreed to by unanimous consent, that section 8 of the bill should be reexamined when the bill reached the Senate. Since then the Senate, as in Committee of the Whole, has adopted a section regarding penalties which is, as the Senator from Colorado [Mr. THOMAS] suggests, inconsistent with section 8 as adopted. Unless some Senator can suggest some reason for the retention of section 8 I ask unanimous consent that it be stricken out.

The PRESIDING OFFICER. The Senator from New Hampshire asks unanimous consent that section 8 be stricken from the bill.

Mr. SIMMONS. Mr. President, I have not thoroughly and maturely considered the question that has been raised, but I do not think that section 8 should be stricken from the bill. I think the amendment of the Senator from New Hampshire relating to the penalties to be imposed for the forgery of the bonds or the embezzlement of the funds of the corporation is confined by its terms to those specific offenses and that the adoption of the amendment does not at all militate against the reasons which led the Senate to adopt the substitute for section 8, which refers to offenses for violation of the provisions of the bill. So we have one general section in the bill which imposes penalties of $1,000 fine or a year's imprisonment for a violation of the provisions of the bill, and then we have another section which makes certain acts against the property of the corporation—not against the provisions of the bill but against the property of the corporation—either the embezzling of its property or the forging of its securities, specific offenses and provides a specific penalty much higher than the penalty prescribed for a violation of the provisions of the bill.

It does not strike me that the two things are inconsistent; and I hope the Senate will not eliminate section 8. When the matter is in conference we shall have an opportunity to very thoroughly investigate and consider the question. If, then, we discover that I am mistaken and those who agree with me are mistaken and that there is any inconsistency, we can take care of it.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. If the Senator from Colorado will pardon the Chair for a moment, the Chair desires to say that he is of the opinion that if the motion of the Senator from New Hampshire is now not in order, it is at least superfluous. A vote was reserved as in Committee of the Whole upon the substitute for section 8. So, in due course, a vote in the Senate will be taken upon concurring in the substitute, and the question will then be determined by the Senate, without the necessity of such a motion as that now made by the Senator from New Hampshire.

Mr. HOLLIS. May that question come up now, Mr. President?

The PRESIDING OFFICER. If there is no objection, the question of concurring in the substitute for section 8 can be considered now.

Mr. HOLLIS. I ask that the substitute for section 8 be now laid before the Senate.

The PRESIDING OFFICER. Without objection, that may be done. The question now is upon concurring in the substitute for section 8, which was adopted as in Committee of the Whole.

Mr. THOMAS. Mr. President, I think if this section is inconsistent with section 2, which we adopted this morning, it is the duty of the Senate to eliminate it from the bill and not to relegate it to the committee of conference. When section 8 was being considered yesterday the junior Senator from Alabama [Mr. UNDERWOOD] made the statement that he was unable to find any section of the bill which was susceptible of criminal violation after we had stricken out section 7 or so amended section 7 as reported by the committee as to eliminate many of its features and virtually to change its scope.

Section 8 is a general section. It provides that any person who shall violate any of the provisions and terms of the bill shall be punished by a fine of $1,000 or by imprisonment for a year or both. The best reason perhaps why that section should be eliminated is that there is no offense which can be committed under the bill to which that would relate, unless, of course, we take into consideration the amendment which was made this morning. There is no need, in other words, of placing a penal section in the bill when there is nothing to be penalized. I have not been able—and I have made a careful investigation of the bill this morning—to find any violation which can be predicated on the bill to which section 8 will apply. I think the Senator from Alabama is correct.

Mr. McCUMBER. May I call the Senator's attention to one such provision on page 5 of the amended bill?

Mr. THOMAS. Yes.

Mr. McCUMBER. On page 4, section 5, of the amended bill—that is, the print which was made on March 2—the Senator will find it. If the Senator will read the amendment at the top of that page, he will see a provision for the violation of which punishment should be inflicted.

Mr. THOMAS. The provision to which the Senator from North Dakota refers reads:

No director or officer of the Corporation shall in any manner participate in the determination of any question affecting his personal interests.

The copy of the bill which I examined this morning was not the print which I now hold in my hand. However, Mr. President, assuming that there are provisions of this bill the violation of which should be punished, and that consequently section 8 should be retained in the bill, then it should be limited to those offenses not covered by section 2 for the commission of which the offender is convicted.

Section 2, accepted upon the motion of the Senator from New Hampshire [Mr. HOLLIS] this morning, prohibits the embezzlement of the funds of the proposed bank; it prohibits the forgery of any of its securities or of its bonds, and it provides a penalty of $5,000 fine for each of such violations. If I remember aright, it also provides for a term of imprisonment as the alternative. That is specific; it is intelligible; but section 8, previously adopted, provides that any person who shall violate any of the provisions of this act shall be subject to the penalty of $1,000 only, or imprisonment for one year only, or both. As I said this morning, in a penal statute that construction would be followed which would be most liberal to the offender; in other words, penal statutes are always strictly construed. If both these sections remain in the bill, the manifest inconsistency of providing that offenses shall be punished by a fine of $5,000 and that the same offenses shall be punishable by a fine of $1,000 will cause a great deal of difficulty in the construction of the law and in its application in given cases.

Mr. HOLLIS. Mr. President, will the Senator from Colorado permit me to interrupt him?

The PRESIDING OFFICER (Mr. KING in the chair). Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I yield the floor, Mr. President?

Mr. HOLLIS. But I should like the Senator's opinion as to this suggestion: Would it not meet the objection if section 8, as finally adopted, should be amended so that the first line should read: "That whoever shall willfully violate any of the provisions of this act in any particular not specifically provided for herein"?

Mr. THOMAS. That will cover the difficulty.

Mr. HOLLIS. If that is agreeable to the chairman, we might agree to that.

Mr. THOMAS. I am perfectly willing, Mr. President, so far as I am concerned, to waive the objection that I make to section 8 as amended if the addition which is suggested by the Senator from New Hampshire is made to it.

Mr. HOLLIS. If the Senator from North Carolina——

Mr. SIMMONS. I thought while the Senator from New Hampshire was speaking that if we should merely insert the words "the preceding provisions" or the words "not otherwise specifically provided for" it might be sufficient.

The PRESIDING OFFICER. The Senator from New Hampshire has suggested an amendment.

Mr. HOLLIS. I suggest that there be inserted the words "in any particular not specifically provided for herein."

Mr. SIMMONS. That would meet the point that the Senator from Colorado is making.

Mr. THOMAS. My only purpose is to harmonize the two sections with each other.

Mr. SIMMONS. I am perfectly willing to accept the amendment proposed by the Senator from New Hampshire.

The PRESIDING OFFICER. The amendment suggested by the Senator from New Hampshire will be stated.

The SECRETARY. After the word "act," at the end of line 1, it is proposed in the amendment to insert "in any particular not specifically provided for herein."

Mr. THOMAS. It should read "not otherwise specifically provided for herein."

Mr. WILLIAMS. "Not otherwise specifically provided for."

The PRESIDING OFFICER. The Secretary will again state the amendment.

The SECRETARY. It is proposed to insert "in any particular not otherwise specifically provided for herein," so that if amended it will read:

That whoever shall willfully violate any of the provisions of this act, in any particular not otherwise specifically provided for herein, shall upon conviction in any court of the United States of competent jurisdiction, be fined not more than $1,000—

And so forth.

Mr. LODGE. As I heard the amendment read it seems to me to be obnoxious to all the objections I ventured to submit to it yesterday; in other words, it is putting it back in the form in which it was, so that it will apply to the licensing provision, and I think that is dangerous legislation.

Mr. GALLINGER. I will ask that the proposed amendment be again stated.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from New Hampshire to the proposed substitute.

The SECRETARY. It is proposed to amend the substitute as agreed to as in Committee of the Whole by adding after the words "this act," in line 1, the following words: "in any particular not otherwise specifically provided for herein," so that if amended it will read:

That whoever shall willfully violate any of the provisions of this act, in any particular not otherwise specifically provided for herein, shall, upon conviction in any court of the United States of competent jurisdiction, be fined not more than $1,000 or imprisoned—

And so forth.

Mr. GALLINGER. Mr. President, I will venture to inquire whether the words "not otherwise specifically provided for" would not apply to a violation of the rules and regulations, a proposal that was very seriously objected to in the debate a couple of days ago? It so strikes me, although I may be wrong about it. If they would so apply I should not feel like voting for the amendment.

The PRESIDING OFFICER. The question recurs upon the amendment offered by the Senator from New Hampshire to the substitute agreed to as in Committee of the Whole.

Mr. SIMMONS. Mr. President, I wish to inquire of the junior Senator from New Hampshire, who offered this amendment, if he does not think that the same purpose would be accomplished, without incurring the objection presented by the Senator from Massachusetts and the senior Senator from New Hampshire, if it were made to read "that whoever shall willfully violate any of the foregoing provisions"?

Mr. HOLLIS. The words "foregoing provisions" would include counterfeiting and embezzling, because the provision relating to those acts come before this provision in the bill.

Mr. LODGE. There is the same objection to the amendment suggested by the Senator from North Carolina as to the one offered by the Senator from New Hampshire.

Mr. HOLLIS. I am ready to withdraw my suggestion, if that is agreeable to the chairman of the committee.

Mr. SIMMONS. Mr. President, I think this matter had better be left as it is. This will not be a final disposition of the matter; the conferees will have control of it, and then we can adjust it after careful consideration.

Mr. HOLLIS. Mr. President, I withdraw my amendment to section 8.

The PRESIDING OFFICER. The amendment offered by the Senator from New Hampshire is withdrawn. The question is on concurring in the substitute amendment for section 8, which has just been read and which was agreed to as in Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The bill is in the Senate and open to amendment.

Mr. HOLLIS. Mr. President, the amendments made as in Committee of the Whole have not yet all been concurred in. There were other amendments reserved before the bill was reported to the Senate, and I now ask for the consideration of the amendment made as in Committee of the Whole in lines 4, 5, 6, and 7, on page 4.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. In section 5, on page 4, as in Committee of the Whole the following words were stricken from the bill, as recommended by the committee:

Shall devote their entire time to the business of this Corporation (except such part of their time, if any, as shall be devoted to other governmental business) and.

Mr. HOLLIS. Mr. President, this matter has been debated once at least, and it seems to me entirely reasonable that the members of this corporation should devote themselves to this war work solely without dividing their attention between this and some private business. The members of the Federal Reserve Board are required to do it, and, as I have already indicated to-day, soldiers who are drafted to serve in the Army at a moderate compensation are obliged to give their whole time to it. Certainly men who are appointed to perform the very important duties of this office, with a salary of $12,000 a year, ought to give their whole time to it.

Mr. GALLINGER. Mr. President, if the recommendation of the committee is rejected, I think we ought to include in the bill a provision that United States Senators and Members of the House of Representatives shall devote their entire time to the service of the Government.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in the Committee of the Whole.

Mr. SIMMONS. Mr. President, before the vote is taken, I simply wish to say I do not think this language has ever been applied except in the case of the Federal Reserve Board to any officer whose office has been created or who has been appointed by the Federal Government. This is only a temporary organization; it is not a permanent institution. The law presumes that every officer of the Government will give such time as is necessary to perform the functions and duties of the position and he swears faithfully to execute the duties of his office. I have never heard of a State putting a provision of this sort in any of its statutes and I have never heard of the United States Government putting a provision of this sort in its statutes as a qualification upon an officer appointed to a governmental position.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole. (Putting the question:) The "noes" have it, and the amendment is nonconcurred in.

Mr. HOLLIS. I now ask to have laid before the Senate the amendment at the bottom of page 4 and the top of page 5.

The PRESIDING OFFICER. The Secretary will state the amendment.

Mr. SIMMONS. Mr. President, I was under the impression that the amendment, the question on concurring in which was just put, had been agreed to as in Committee of the Whole and was concurred in in the Senate.

The PRESIDING OFFICER. The Chair did not so state. It was agreed to as in Committee of the Whole and disagreed to in the Senate, so that the original language is restored to the bill.

Mr. McCUMBER. I can not understand how that can be.

Mr. SIMMONS. Mr. President, my understanding is that as in Committee of the Whole the Senate sustained the committee amendment.

Mr. SMOOT. With one amendment.

Mr. SIMMONS. Yes.

Mr. SMOOT. By inserting the word "active" before the word "of."

Mr. SIMMONS. Yes; and the Senator from New Hampshire reserved the right to ask for a separate vote in the Senate. He has asked for that vote, and I understand the Senate now sustains the committee amendment.

Mr. HOLLIS. I understand the Chair has ruled to the contrary.

Mr. McCUMBER. I think the Senate voted under a misapprehension. I think I am the only Senator who voted to concur in the amendment.

Mr. SIMMONS. Mr. President, I am inclined to think the Senator from North Dakota is correct. The vote in the Senate, as was the vote as in Committee of the Whole, was a vote to determine whether this provision should remain in the bill as originally written; and we have voted here to strike it out, contrary to our intentions. I ask unanimous consent that the vote be taken over.

Mr. HOLLIS. To that I object.

Mr. TOWNSEND. Mr. President, a parliamentary inquiry.

Mr. SIMMONS. I move that the vote whereby the amendment was nonconcurred in may be reconsidered.

The PRESIDING OFFICER. The Senator from Michigan will state his parliamentary inquiry.

Mr. TOWNSEND. Will the Chair please state the question that we voted on a little while ago?

Mr. SIMMONS. I think the Chair incorrectly stated the question.

Mr. TOWNSEND. I should like to have the RECORD show, because I thought I was voting right.

The PRESIDING OFFICER. As in Committee of the Whole it was voted, as the Chair is advised, to strike out certain words found in section 5, on page 4 of the bill, in lines 4, 5, and 6, and a portion of line 7. The question in the Senate was on concurring in the amendment made as in Committee of the Whole.

Mr. SMOOT. That is the way the Chair put it before, and we voted "aye."

Mr. TOWNSEND. What was the result of the vote? How did the Chair decide?

The PRESIDING OFFICER. The vote was negative upon the proposition as submitted by the Chair upon concurring in the amendment.

Mr. LODGE. Then, Mr. President, the Senator did not understand the question.

Mr. TOWNSEND. I voted in the negative under a misapprehension, supposing that the question had been put otherwise. I move to reconsider the vote by which the amendment was nonconcurred in.

Mr. SIMMONS. I have made that motion.

Mr. HOLLIS. Mr. President, if there was a misapprehension, I will withdraw my objection to the request for unanimous consent and agree that the vote may be taken over, if the Chair will now state it so that the Senate will understand how they are voting.

The PRESIDING OFFICER. The question is on concurring in the amendment on page 4, lines 4, 5, and 6, and a portion of line 7, made as in Committee of the Whole. As in Committee of the Whole it was agreed to strike out of the bill the lines to which the Chair has referred. Now the question is on concurring in the action taken as in Committee of the Whole.

Mr. LODGE. Those who wish to sustain the action taken as in Committee of the Whole will vote "yea."

Mr. SIMMONS. Those who wish to sustain the action of the committee will vote "yea."

Mr. LODGE. Those who are in favor of sustaining the action of the committee will vote "yea."

Mr. SIMMONS. Mr. President, I ask that the amendment be read.

The PRESIDING OFFICER. The Secretary will read the amendment, and then the Chair will put the motion.

The SECRETARY. As in Committee of the Whole, in sustaining the Senate Committee on Finance, the following words were stricken from the bill, on page 4, beginning in line 4:

Shall devote their entire time to the business of the corporation, except such part of their time, if any, as shall be devoted to other governmental business) and.

The PRESIDING OFFICER. The question is on concurring in the action of the Senate as in Committee of the Whole. [Putting the question.] By the sound the ayes seem to have it.

Mr. HOLLIS. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. KNOX (when his name was called). Repeating the announcement that I made upon the previous roll call, I vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. WEEKS (when his name was called). Announcing the same pair that I announced on the previous roll call, I withhold my vote, on account of the absence of my pair.

Mr. WILLIAMS (when his name was called). Notwithstanding my pair with the Senator from Pennsylvania [Mr. PENROSE], who is necessarily detained from the Chamber—because if he were present he would vote the same way that I vote—I vote "yea."

The roll call was concluded.

Mr. WEEKS. I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. STERLING. Has the junior Senator from South Carolina [Mr. SMITH] voted?

The PRESIDING OFFICER. He has not.

Mr. STERLING. I transfer my pair with the junior Senator from South Carolina to the senior Senator from Rhode Island [Mr. COLT] and vote "nay."

Mr. HARDING (after having voted in the negative). I ask if the junior Senator from Alabama [Mr. UNDERWOOD] has voted?

The PRESIDING OFFICER. He has not.

Mr. HARDING. Because of my general pair with the junior Senator from Alabama, I withdraw the negative vote which I cast.

The result was announced—yeas 46, nays 28, as follows:

YEAS—46.

Baird	King	Reed	Sutherland
Bankhead	Knox	Robinson	Swanson
Beckham	Lodge	Saulsbury	Tillman
Calder	McCumber	Sheppard	Townsend
Dillingham	McLean	Shields	Wadsworth
Fletcher	Martin	Simmons	Warren
France	Nelson	Smith, Ariz.	Watson
Frelinghuysen	New	Smith, Ga.	Weeks
Gallinger	Overman	Smith, Md.	Williams
Gerry	Page	Smith, S. C.	Wolcott
Henderson	Pittman	Smoot	
Kellogg	Ransdell	Stone	

NAYS—28.

Borah	Johnson, S. Dak.	Myers	Smith, Mich.
Curtis	Jones, Wash.	Norris	Sterling
Gore	Kendrick	Nugent	Thomas
Gronna	Kenyon	Phelan	Thompson
Hale	Kirby	Poindexter	Trammell
Hardwick	McKellar	Pomerene	Vardaman
Hollis	McNary	Shafroth	Walsh

NOT VOTING—21.

Ashurst	Cummins	James	Penrose
Brandegee	Fall	Johnson, Cal.	Sherman
Broussard	Fernald	Jones, N. Mex.	Underwood
Chamberlain	Goff	La Follette	
Colt	Harding	Lewis	
Culberson	Hitchcock	Owen	

So the amendment made as in Committee of the Whole was concurred in.

The PRESIDING OFFICER. Will the Senator from New Hampshire advise the Chair of the extent of the next amendment reserved by him for a separate vote in the Senate?

Mr. HOLLIS. I will not ask for a vote on that amendment.

The PRESIDING OFFICER. The question, then, is upon concurring in the remainder of the amendments to section 5.

The amendments were concurred in.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is, Shall the bill be engrossed and read a third time?

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read three times, the question is, Shall it pass?

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LEWIS (when Mr. CHAMBERLAIN's name was called). I announce the absence of the senior Senator from Oregon [Mr. CHAMBERLAIN], occasioned by personal illness.

Mr. HARDING (when his name was called). I transfer my pair with the junior Senator from Alabama [Mr. UNDERWOOD] to the senior Senator from Pennsylvania [Mr. PENROSE] and vote "nay."

Mr. LEWIS (when Mr. JAMES's name was called). I announce the absence of the senior Senator from Kentucky [Mr. JAMES], occasioned by personal illness.

Mr. KNOX (when his name was called). Repeating my announcement made on a previous roll call, I vote "yea."

Mr. LODGE (when Mr. PENROSE's name was called). The senior Senator from Pennsylvania [Mr. PENROSE] is unavoidably absent. If present, he would vote "yea."

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. BANKHEAD (when Mr. UNDERWOOD's name was called). My colleague [Mr. UNDERWOOD] is unavoidably absent from the Chamber. If he were present, he would vote "yea."

Mr. WEEKS (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Connecticut [Mr. BRANDEGEE] and vote "yea."

Mr. WILLIAMS (when his name was called). Repeating the announcement made by me on the previous roll call as to my vote and the reason therefor, I vote "yea."

The roll call was concluded.

Mr. OWEN. I answer "present," refraining from voting. If it were necessary for me to vote "yea" to pass this bill, I would vote "yea" rather than see the relief fail which I desire the country to have in any event, whether by this bill or by the substitute which I offered. As it is not necessary, and as the bill does not meet with my approval in its present form, and as I do not approve the manner in which it has been forced through the Senate without consulting the Committee on Banking and Currency, I withhold my vote.

Mr. SMOOT. The RECORD will show that the rule has not been complied with in the request made by the Senator from Oklahoma. The rule provides that whenever a Senator asks to be excused from voting the matter must be submitted to the Senate, and the Senate decides the question.

Mr. SIMMONS. I desire to state that the senior Senator from Arizona [Mr. ASHURST] is unavoidably absent from the Chamber. If present, he would vote "yea."

Mr. RANSDELL. I desire to announce the absence of my colleague [Mr. BROUSSARD] on account of sickness.

The result was announced—yeas 74, nays 3, as follows:

YEAS—74.

Baird	Jones, Wash.	Overman	Smoot
Bankhead	Kellogg	Page	Sterling
Beckham	Kendrick	Phelan	Stone
Borah	Kenyon	Pittman	Sutherland
Calder	King	Poindexter	Swanson
Curtis	Kirby	Pomerene	Thompson
Dillingham	Knox	Ransdell	Tillman
Fletcher	Lewis	Reed	Townsend
France	Lodge	Robinson	Trammell
Frelinghuysen	McCumber	Saulsbury	Vardaman
Gallinger	McKellar	Shafroth	Wadsworth
Gerry	McLean	Sheppard	Walsh
Gore	McNary	Shields	Warren
Gronna	Martin	Simmons	Watson
Hale	Myers	Smith, Ariz.	Weeks
Henderson	Nelson	Smith, Ga.	Williams
Hollis	New	Smith, Md.	Wolcott
Johnson, S. Dak.	Norris	Smith, Mich.	
Jones, N. Mex.	Nugent	Smith, S. C.	

NAYS—3.

Harding	Hardwick	Sherman

NOT VOTING—18.

Ashurst	Culberson	Hitchcock	Penrose
Brandegee	Cummins	James	Thomas
Broussard	Fall	Johnson, Cal.	Underwood.
Chamberlain	Fernald	La Follette	
Colt	Goff	Owen	

So the bill was passed.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. I ask unanimous consent that the Senate proceed to the consideration of the Diplomatic and Consular appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9314) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1919, which had been reported from the Committee on Appropriations with amendments.

Mr. OVERMAN. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for action on the committee amendments.

Mr. GALLINGER. I think the bill ought to be read. It is not a long bill.

The PRESIDING OFFICER. Objection is made. The Secretary will read the bill.

The Secretary read the first page of the bill.

Mr. GALLINGER. Mr. President, I withdraw the objection I interposed with regard to dispensing with the formal reading of the bill, and, as far as I am concerned, will let it be read for action on the committee amendments.

The PRESIDING OFFICER. The Secretary will read the bill for action on the committee amendments.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the subhead "Salaries of secretaries in the Diplomatic Service," on page 3, line 21, after the word "Total," to strike out "$202,800" and insert "$317,905," so as to make the clause read:

Total, $317,905.

The amendment was agreed to.

The next amendment was, under the subhead "Transportation of diplomatic and consular officers in going to and returning from their posts," on page 7, line 19, after the words "Secretary of State," to insert "at the rate of not exceeding 10 cents per mile," so as to make the clause read:

To pay the actual and necessary expenses of transportation under such regulations as the Secretary of State may prescribe, of diplomatic and consular officers and clerks in embassies, legations, and consulates in going to and returning from their posts, or when traveling under orders of the Secretary of State, at the rate of not exceeding 10 cents per mile, but not including any expense incurred in connection with leaves of absence, $125,000.

Mr. LODGE. Mr. President, I hope that amendment will not be agreed to. It seems to me that at this time it is an unfortunate one. The men who are at these posts, obliged to come home—recalled, perhaps, as we recalled all our consuls in Turkey, for example—come home on the public business. They can not, as in normal times, travel directly by train and steamship.

Mr. OVERMAN. I will say to the Senator that if he will let that amendment go over we will go on with the bill and come back to that, if he has no objection.

Mr. LODGE. Why should it take any time to discuss the amendment? We have got to discuss it sooner or later.

Mr. OVERMAN. All right.

Mr. LODGE. I mean, why not now? I am perfectly willing to pass it over if the Senator desires, but I think we can finish the bill in a few minutes, this matter included. I am not going to speak at any length.

Mr. SMOOT. I will say to the Senator that we can not finish the bill to-night.

Mr. LODGE. Why not?

Mr. SMOOT. Because there are a number of items in the bill that will lead to discussion.

Mr. LODGE. There are only one or two other amendments here.

Mr. SMOOT. There are some items in the bill itself that are going to lead to discussion.

Mr. LODGE. Oh, well, if there is going to be discussion of a lot of items, we might as well go on with this matter now.

Mr. SMOOT. It is 5 o'clock now.

Mr. LODGE. If Senators want to adjourn, of course I will not go on.

Mr. OVERMAN. Mr. President, I understand that the Senate is weary. I understand, also, that an executive session is desired. With the permission of the Senator from Massachusetts——

Mr. LODGE. I yield, of course, for that purpose.

EXECUTIVE SESSION.

Mr. OVERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Friday, March 8, 1918, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate March 7, 1918.

GOVERNOR OF ALASKA.

Thomas Riggs, jr., of Alaska, to be governor of Alaska, vice John F. A. Strong, term expired and resigned.

UNITED STATES DISTRICT JUDGE.

Edwin Louis Garvin, of Brooklyn, N. Y., to be United States district judge, eastern district of New York, vice Van Vechten Veeder, resigned.

JUDGE OF MUNICIPAL COURT, DISTRICT OF COLUMBIA.

Michael M. Doyle, of the District of Columbia, to be a judge of the municipal court, District of Columbia. (Reappointment.)

UNITED STATES DISTRICT ATTORNEYS.

Wilson S. Hill, of Clarksdale, Miss., to be United States attorney, northern district of Mississippi. (Reappointment.)

Bert E. Haney, of Portland, Oreg., to be United States attorney for the district of Oregon, vice Clarence R. Reames, resigned.

RECEIVER OF PUBLIC MONEYS.

John V. Killion, of Kansas, to be receiver of public moneys at Dodge City, Kans. (Reappointment.)

BOARD OF ORDNANCE AND FORTIFICATION.

Fred T. Dubois, of Idaho, to be civilian member of the Board of Ordnance and Fortification.

TEMPORARY PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

To be colonels with rank from January 4, 1918.

Lieut. Col. William P. Stokey, Corps of Engineers.
Lieut. Col. Lewis M. Adams, Corps of Engineers.
Lieut. Col. William D'A. Anderson, Corps of Engineers.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Lieut. William A. Hall to be a lieutenant commander in the Navy from the 1st day of July, 1917.

Surg. William Seaman to be a medical inspector in the Navy, with the rank of commander, from the 15th day of October, 1917.

Passed Asst. Surg. George B. Tribie to be a surgeon in the Navy, with the rank of lieutenant commander, from the 15th day of October, 1917.

Paymaster George P. Dyer to be a pay inspector in the Navy, with the rank of commander from the 29th day of August, 1916.

The following-named passed assistant paymasters to be paymasters in the Navy, with the rank of lieutenant commander, from the 1st day of July, 1917.

Charles E. Parsons,
William J. Hine,
Kenneth C. McIntosh,
Francis J. Daly,
Roland W. Schumann,
Franklin P. Williams, and
Leon N. Wertenbaker.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant (junior grade) from the 1st day of July, 1917:

Josiah Merritt,
Charles G. Holland, and
Hiram P. Tudor.

Gunner Edward C. Wurster to be a chief gunner in the Navy from the 21st day of December, 1915.

Gunner Harry R. Hayes to be an ensign in the Navy, for temporary service, from the 10th day of October, 1917.

Carpenter Alfred L. Johnson to be an ensign in the Navy, for temporary service, from the 11th day of October, 1917.

The following-named warrant officers to be ensigns in the Navy, for temporary service, from the 1st day of March, 1918:

Stephen E. Haddon,
Clarence E. Jackson,
Arthur V. Holmes,
Frederick Ellison,
James K. Smallwood,
Thomas J. Malarkey,
Frederick T. Mayes,
Edward J. Murnane,
Harold H. Ralph, and
Matthew Woessner.

The following-named enlisted men to be ensigns in the Navy, for temporary service, from the 1st day of March, 1918:

Albert Woods,
Kenneth H. Stetson,
Joseph Murtagh,
John E. Pedersen,
Lansford F. Kengle,
Stanley A. Jones,
Frank A. Brandecker,
Arthur Wrightson,
Joseph A. Clark,
Arthur A. Hewitt,
William A. Lynch, and
Edward H. Smith.

The following-named ensigns of the United States Naval Reserve Force to be ensigns in the Navy, for temporary service, from the 1st day of March, 1918:

Marvin F. Comeau,
Robert B. McEwan, jr.,
Watson K. Blair,
Francis H. Cabot,
Ralph Horween, and
Harold K. Snioot.

The following-named ensigns of the National Naval Volunteers to be ensigns in the Navy, for temporary service, from the 1st day of March, 1918:

Clifford F. E. Ward,
Forest W. Allen,
Dwight L. Jennings,
Robert A. Hayude, and
Adolph Bloom.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 7, 1918.

BOARD OF ORDNANCE AND FORTIFICATION.

Fred T. Dubois to be civilian member of the Board of Ordnance and Fortification.

RECEIVER OF PUBLIC MONEYS.

Jacob A. Mayer to be receiver of public moneys at Havre, Mont.

SUPREME COURT OF HAWAII.

James L. Coke to be chief justice.
Samuel B. Kemp to be associate justice.

CIRCUIT COURT OF HAWAII.

William S. Edings to be second judge of the first circuit.
L. L. Burr to be judge of the second circuit.

UNITED STATES MARSHAL.

James L. Sims to be United States marshal, eastern district of South Carolina.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 7, 1918.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Oh, Thou, who art supremely great, an imminent God, working in and through everything; creating, re-creating; upholding, sustaining, guiding all; presiding over the destiny of men and of nations;

That God, which ever lives and loves,
One God, one law, one element,
And one far-off divine event,
To which the whole creation moves—

make us, we beseech Thee, sensible of our dependence upon Thee, for life and all things; and help us to fulfill our destiny, as individuals and as a nation, as it is disclosed to us, moment by moment, hour by hour, as the years come and go; that we may be the instruments in Thy hands, for the furtherance of Thy purposes, as revealed in the life, character, and sublime precepts of the Jesus of Nazareth. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE.

Mr. RANDALL. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

Mr. DOWELL. I object. I desire to raise the point of order that there is no quorum present.

Mr. HICKS. Will the gentleman defer that just a moment?

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present.

Mr. MADDEN. I ask the gentleman to withhold that for a moment.

The SPEAKER. Does the gentleman withhold his point?

Mr. DOWELL. The gentleman can have the floor when a quorum is present.

Mr. MADDEN. The gentleman is not willing to yield, then?

The SPEAKER. Evidently there is no quorum present.

Mr. KITCHIN. In order to save time why not wait until the motion is made to go into the Committee of the Whole House on the state of the Union, and then let there be a roll call on that?

Mr. DOWELL. I think this is the proper time.

Mr. KITCHIN. Then, Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

Bell	Drukker	Jones, Tex.	Mudd
Brand	Dunn	Kahn	Nolan
Britten	Eagle	Kelley, Mich.	O'Shaunessy
Butler	Fairchild, B. L.	Key, Ohio	Parker, N. J.
Byrnes, S. C.	Fairchild, G. W.	Kraus	Parker, N. Y.
Caldwell	French	Kreider	Pou
Campbell, Pa.	Glass	LaGuardia	Pratt
Capstick	Good	Lazaro	Price
Carter, Mass.	Goodall	Lea, Cal.	Purnell
Clark, Fla.	Graham, Pa.	Lee, Ga.	Ragsdale
Clark, Pa.	Greene, Mass.	Lehlbach	Robbins
Cooper, Ohio	Hamill	Lenroot	Roberts
Cooper, W. Va.	Hamilton, N. Y.	McAndrews	Robinson
Costello	Haskell	McClintic	Rowland
Crisp	Heintz	McCormick	Schall
Curry, Cal.	Hollingsworth	McCulloch	Scott, Pa.
Davidson	Hood	McLaughlin, Pa.	Scully
Davis	Huddleston	Mason	Sherley
Decker	Humphreys	Mondell	Sims
Dempsey	Husted	Montague	Small
Dies	Johnson, S. Dak.	Mott	Snell

Steele	Strong	Vare	Woodyard
Steenerson	Templeton	Vestal	Wright
Stephens, Nebr.	Tinkham	Wilson, La.	
Sterling, Pa.	Van Dyke	Winslow	

During the roll call Mr. LONERGAN took the chair as Speaker pro tempore.

At the conclusion of the roll call the Speaker resumed the chair.

The SPEAKER. On this roll call 330 Members, a quorum, have answered to their names.

Mr. KITCHIN. I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Young, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 7998. An act granting the consent of Congress to the village of East Dundee and the village of West Dundee to construct a bridge across the Fox River.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 6361. An act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

THE SPEAKER'S BIRTHDAY.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Illinois asks to address the House for three minutes. Is there objection?

There was no objection.

Mr. CANNON. This is the birthday of the Speaker of the National House of Representatives. [The Members rose and applauded.]

I want to say just a word. I was Speaker when he was on the floor of the House, and now when I am on the floor of the House he is Speaker. While at times I do not agree with him about policies, yet, looking him in the eye, I want to say that he intends, as Speaker of the House of Representatives, to be correct in his rulings and at all times is fair and courteous. [Applause.] I wish him many recurring anniversaries, and that he may live to be a hundred years old, and then run a foot race, intellectually and physically. [Applause.]

The SPEAKER. Gentlemen of the House of Representatives, I have to plead guilty to being 68 years old. They say that a woman is no older than she looks and that a man is no older than he feels. If that is so, I am no older than I was when I entered this House 25 years ago. [Applause.] There is not a man on earth in better health than I am, for which blessing I humbly and fervently thank Almighty God. [Applause.]

To talk about the House of Representatives is always an enticing theme to me. I really believe that I am the only man living who always takes up the cudgels for the House. No man ever says anything against it when I am present that I do not get back at him. [Applause.]

Out of the 68 years of my life I have spent 23 years in this House, and they have been very active ones, too. I made more speeches in the first Congress that I was here than I have made in any three Congresses since. [Laughter.] It came about in a very peculiar way. I was nominated over a sitting Member, a fine man, very handsome, a man of intelligence and ability, a fine lawyer, who had been here for four years. We were doing everything on earth that was proper—and in the retrospect I am afraid we did some things that were improper—to carry the election. Among other things, I charged that he had not been as active during his four years here as he ought to have been, considering his ability. He countered with the proposition that a man had to be here four years before he could branch out much, or the old Members would run over him roughshod. I answered that if a man had in him the stuff out of which statesmen were made he could go to the front whenever he got ready. That pleased the audience. [Laughter.] But when I got here I found that I was under obligation to make that promise good, and hence the number of speeches I made in that Congress.

This House changes about one-quarter every two years. Amos J. Cummings, one of the most beloved men that ever sat in this House, a great newspaper man, said that the average life of a Congressman was four years. One of two things is true—either he was wrong then or time and circumstances have changed, for the average life of a Congressman here now is a little over seven years. I think the primary elections have a tendency to increase the tenure of the sitting Member.

There are only four men here now who have been here longer than I have. Mr. CANNON has been here longer than anybody ever was. [Applause.] I am sure that I express the sentiment of every man in this House, whatever his politics or religion, or anything else may be, we all hope that he will serve in this House as long as he lives. [Applause.]

Mr. CANNON and I have had some right hot times in this House together. [Laughter.] They were not glove contests but with bare knuckles. [Laughter.] In addition to the ex-Speaker, the gentleman from Wisconsin [Mr. COOPER] and the gentleman from Massachusetts [Mr. GILLETT] and the gentleman from Virginia [Mr. JONES] have served longer than I have, and the service of my good friend from Maryland, Mr. TALBOTT, extends back almost into the twilight of fable. [Laughter and applause.] If he had stayed here all the time consecutively, he would outrank anybody that ever was here except Mr. Speaker CANNON, but he has been off and on in his service—a good deal off as well as on. [Laughter.]

It is a noble privilege to be a Member of the House of Representatives. Very few people can ever attain it, and it is a high privilege to be a Speaker of this House. There have been 36 of us, counting one man who was Speaker one day. I have a great many things to be thankful for—a good wife, good children, a boy in the Army [applause], a fine grandson 13 months old—never been sick a minute in his life. [Applause.] He looks like his granddad. [Laughter and applause.]

I am thankful for troops of friends, and nowhere is there a more loving troop than in this House. [Applause.] I thank you for this evidence of your love and affection. Mr. Speaker CANNON says that I always try to be right, and I do, and if I find I am wrong I change it. I look upon the Speakership with the same high regard that a judge of a high court should regard his judicial duties, and I would be ashamed of myself forever and eternally if I ever made a partisan ruling in this House. [Prolonged applause.]

EAST ST. LOUIS RIOTS.

Mr. MADDEN. Mr. Speaker, I wish to ask unanimous consent for permission to the special committee on the East St. Louis riots to make their report in the House, when they do make it, instead of filing it in the basket. I do not know what the report is to contain, but I assume that it will be a report dealing with the facts, and will call a spade a spade. The subject of the report is of sufficient importance to justify the widest publicity. So I ask unanimous consent that when the report is made it may be made in the House.

Mr. DYER. Reserving the right to object, Mr. Speaker, I am very anxious to have the report published. I would like to know if the gentleman intends to include in the request the publication of the testimony taken on the investigation?

Mr. MADDEN. I should be delighted to have the testimony printed. I really think it ought to be printed, and if that will lead to getting unanimous consent to my request, I will include that in my request.

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent that the special committee appointed to investigate the matters at East St. Louis may make their report in open House instead of filing it through the basket. Is there objection?

Mr. MILLER of Minnesota. Reserving the right to object, I would like to ask the gentleman from Illinois if he can state to the House how much testimony has been taken and how many printed pages it will make?

Mr. MADDEN. I think the testimony is very voluminous, but very important to the people of the country, and especially to the people of my State. Every suggestion that has been made by anybody in our State is to the effect that they would like to have the testimony published.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, do I understand that the gentleman is only making a request that the testimony be printed?

Mr. MADDEN. Yes.

Mr. STAFFORD. And not made a part of the regular report?

Mr. MADDEN. No.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the special committee appointed to investigate the matters at East St. Louis shall report in open House instead of filing their report through the basket, and that the testimony be printed with the report. Is there objection?

Mr. BLACK. I object.

Mr. MADDEN. Not with the report, Mr. Speaker, but as a public document.

Mr. BLACK. I am going to object if it means the printing of all this testimony.

Mr. MADDEN. I hope the gentleman will not object to that.

Mr. BLACK. I think it is just like the testimony in the Industrial Relations matter; of no use to anybody, and I object.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent, then, that the committee make its report in the open House.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when the committee makes its report it make it in the House instead of through the basket. Is there objection?

Mr. DYER. Reserving the right to object, will not the gentleman from Texas withdraw his objection to printing the testimony?

The SPEAKER. Let us get through with this request first. Is there objection? [After a pause.] The Chair hears none.

MEMORIAL EXERCISES FOR LATE REPRESENTATIVE HELGESEN.

Mr. BAER. Mr. Speaker, I ask unanimous consent that the memorial exercises for the late Representative HELGESEN, of North Dakota, be held on the 10th of March next at 12 o'clock instead of on the 24th of March.

The SPEAKER. The gentleman from North Dakota asks unanimous consent to change the date for the memorial services for the late Representative HELGESEN from the 24th to the 10th of March. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10358, the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the legislative, executive, and judicial appropriation bill, with Mr. SAUNDERS of Virginia in the chair.

Mr. BORLAND. Mr. Chairman, when the committee rose last there was under consideration a point of order made by my colleague from Missouri [Mr. HAMLIN] to the increase of pay for the head of the Efficiency Bureau. I will ask the gentleman to withhold that for a few minutes, until I can discuss it.

Mr. HAMLIN. Mr. Chairman, I reserve the point of order.

Mr. BORLAND. Mr. Chairman, I want to appeal to my colleague who made this point of order to withdraw it, and I want to present if I can an aspect of the subject which may not have occurred to him. It is impossible on these isolated and sporadic cases to discuss the relative value of public services and the relative scale of salaries, and so forth. It is easy enough to say that some man's salary has been increased, and that there are a great many worthy and deserving cases that have not been increased. That kind of argument can go on forever, of course, without any particular result. I would not want to go into that, but I do want to say this in fairness to the subcommittee that drew the bill, that, as I recollect, there are only three increases of salary in this bill that amount to anything. One is the head of this Bureau of Efficiency and the other are the members of the Civil Service Commission, both of which I think are fully justified by exceptional circumstances. The committee was not disposed to increase salaries and held down rigidly every request that was made for that purpose. As to the poor clerks, the clerks that my colleague seems to be interested in, as a matter of fact, it is incorrect to say that those men's salaries have not been increased for a long term of years. While the salaries are fixed by law for the position, the personnel is fluctuating all the time, and men are constantly promoted from the lower to the higher grades, so that the salary of the low-class man does not remain fixed and stationary, and that impression is not quite an accurate one. Here is the point I desire to present to my colleague's mind: There is not a doubt in the world but that an expert accountant who is able to be at the head of the Efficiency Bureau is worth $5,000 a year in the open market. We pay that for bureau chiefs whose work is of infinitely less value to the public than this man's work. The great difficulty about increasing this particular salary is that this man has been doing very substantial work in saving money for the taxpayers of the United States. He has actually obtained results, and he occupies a peculiar position in the Federal Government. His position is not a popular one. He does not appeal to any of the element here in Washington that is so eager to increase the salaries and add to the Federal expenses. In fact, his work is absolutely opposed and brings him into sharp opposition with the element who desire to increase the burdens of the taxpayer.

Mr. RANDALL rose.

Mr. BORLAND. In a moment I shall yield if I have the time. That is the reason why there has been such a persistent attack upon this man who is at the head of this bureau. He has been actually getting results, like any expert accountant ought to get results in a great business institution. He has been showing where money could be saved, not by the few dollars but by the hundreds of thousands of dollars, and if he had a wider opportunity for usefulness I am confident that he could make it more and more to the advantage of the taxpayers of the United States. That very fact, the very efficiency of this man and his usefulness in cutting down public expenditures and decreasing the burden of the taxpayer, has brought him sharply into conflict with some of the elements in this community who are not anxious to reduce the burdens of the taxpayer. I am sure my colleague does not want to put himself in the attitude of being in line with that element, and yet this is a direct attack upon this man to drive him out of the public service. They want to make it so unpleasant, so unprofitable personally for a man to be efficient and save money for the American taxpayer that he will not agree to stay; that he will not be able to afford to stay. This man could go into private employment as an expert accountant and get $5,000 a year.

Mr. WATSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. And the only thing that I know of that keeps him here is the high regard he has for the success of his work. I yield to the gentleman.

Mr. WATSON of Pennsylvania. Is it not a fact that he did eliminate 30 clerkships in the United States Treasury?

Mr. BORLAND. I could not give the exact figures in the various departments where he has been at work. He has reduced the number of clerkships, and he has promoted the efficiency of the public business. That is true also of the Post Office Department, where he has been at work, and I am quite sure that this attack, designed to drive him out of the service, is not in the mind of my colleague from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Chairman, I desire to say that I have not made any attack upon this Chief of the Bureau of Efficiency. I do not even enjoy the pleasure of his acquaintance. There is nothing personal whatever in my action in reserving the point of order against an increase in his salary.

I do not know to what my colleague who has just spoken refers when he talks about certain interests who are very much opposed to this man and his work and intimates that I am aligning myself with that "certain interest," whatever it is, in seeking to drive this "efficiency expert" out of the service of the Government. I do know that I am not aligned with any interest except the public interest in endeavoring to hold down salary increases.

I repeat that I do not know to whom my colleague referred, but I have suspicion and shall assume that he had in mind when he made that insinuation the great army of clerks in the different departments of the Government, because he seems to have thoroughly convinced himself that he has a grievance against these clerks which he airs each day on the floor of the House, "lest we forget."

In reserving the point of order the only purpose I had in mind was to try to hold the balances level between the chiefs of the bureaus and the clerks who do the work.

There are certain expenses common to everybody employed here in Washington, regardless of whether they receive $360 a year or whether they receive $12,000 a year. A pound of meat, a pound of coffee, a pound of sugar, and all other vital necessities of life cost a man who is receiving only $360 a year just as much as it costs one receiving $12,000 a year. Now, until you get to the point of giving the employee enough money to meet these vital, necessary expenses you are going to hurt that fellow very badly, but after his salary reaches a point which will enable him to meet these necessary expenses and enjoy some of the comforts of life it does not make so much difference whether his salary is increased or not during the war. He is assured that the wolf can not get through the door, and if he is not able to lay up any money during war times it does not make so much difference. Now, I can not understand the theory of these gentlemen who are talking about this efficiency expert being so valuable and that if we do not give him this increase he is liable to leave the Government service and go into private life. It does not argue well for this man's patriotism for his friends upon this floor to make that threat to this House. It does not count any with me. There are any number of men who have left their private employment, have sacrificed their private businesses, and have volunteered their services and are to-day in Washington City serving this Government patriotically and faithfully for $1 per year.

Mr. FOCHT. Will the gentleman yield?

Mr. HAMLIN. Here is a man drawing $4,000, and his friends upon this floor say, "If you do not give him $1,000 a year more he will leave the service of the Government." If there is any patriotism in that, it is with profit. I yield to the gentleman.

Mr. FOCHT. May I ask who may be this mysterious gentleman, what he does, and what he gets?

Mr. HAMLIN. I am glad the gentleman asked that question. I said I did not know him, and that is true. I think his name was given the other day as Brown. No doubt he is a good man. I am not saying that he is not, and perhaps he is rendering some good services, but I am saying there are plenty more men in the service of this Government who are rendering good services. He is not alone if he is rendering good service. Now, I want to call attention to another thing. He has been in the employ of this Government over two years or about two years. The chairman of the Committee on Appropriations of this House only recently called attention to a very important matter which this efficiency expert might have remedied to the good of the service. He said the system of bookkeeping in vogue in this Government was of such a character that you could not tell to save your life how the money when appropriated was expended, except that it was arranged so that you can keep tab——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAMLIN. I ask unanimous consent for five minutes more.

Mr. MOON. May I ask if the gentleman is going to insist on his point of order?

Mr. HAMLIN. I do not think I shall.

Mr. MOON. Then why discuss it?

Mr. HAMLIN. I likely will explain before I close why I am not going to insist on the point of order. May I have five minutes more?

The CHAIRMAN. The gentleman from Missouri asks unanimous consent for five additional minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HAMLIN. Just let me finish this sentence—that the system of bookkeeping was so arranged that you could only keep tab upon one proposition, and that was as to whether a department had expended more money than appropriated for its use.

This is what the chairman of the Appropriations Committee said:

> Now, in order that that may happen we must have a reform in the methods of governmental bookkeeping. At present your governmental bookkeeping is for one purpose, and one purpose only, and that is to prevent embezzlement or misappropriation of funds, and it performs that service exceedingly well, but it performs no other. All of your appropriations are so made and your bookkeeping accounts so kept that they serve only in preventing Smith or Brown from spending money for some purpose other than that for which it was appropriated, but do not require or show economy of expenditure. There is no system by which the legislative body could take the expenditures of a previous period and from them determine whether they have been economically or wastefully expended; and as a result, in order to ascertain that, we go through a cross-examination of individuals that amounts at times to a severe grilling of them and frequently without obtaining any real result. When we find some abuse we come in and recommend a particular provision prohibiting the doing of something that we think brought on the abuse and we tie the hands, or try to tie the hands, of an incompetent administrative officer, and then wake up a few weeks afterwards and find we have also tied the hands of all the good administrative officers as well and that the bad administrative officer has usually found some method of circumventing the prohibition that we placed upon him.
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> Now, if you will get a system so you can know whether an administrative officer is well or badly performing his functions, then the remedy will be not to curtail his power, but to cut off his head when he does not deliver. [Applause.] When he fails to show that he is an efficient officer let him go into the discard and let some man of capacity take his place. [Applause.] That is the tendency of all modern government everywhere except here on this floor and in national matters.

Now, I think what the chairman of the Appropriations Committee said is true because it accords with my experience in investigating the expenditures of the Government. Then, what has this efficiency expert, this splendid accountant, which my colleague talks about, been doing the last two years that he has not suggested some change in the system of bookkeeping that will enable us to know something about how this money that we appropriate is being used?

Now I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I have been watching this matter of commissions for some time, and I understand that this particular one has cut down the expenses of certain of the departments. Does the gentleman observe that while cutting down the expenses of certain departments its own expenses have correspondingly increased?

Mr. HAMLIN. I do.

Mr. MOORE of Pennsylvania. Whereas they had $60,000 last year, they now ask $110,000——

Mr. HAMLIN. No; they had $40,000 the first year, the next year $60,000, and this year they ask for $120,000.

Mr. BYRNS of Tennessee. In order that the gentleman from Pennsylvania may not misunderstand, I want to say the bureau had $118,000 for the current year. There were two deficiency bills passed——

Mr. HAMLIN. I was just about to mention that.

Mr. MOORE of Pennsylvania. That does not appear in the corresponding legislative, executive, and judicial bill of last year. In the law of last year there appeared to be $60,000 appropriated, and in the corresponding item of this bill $110,000 is asked for——

Mr. BYRNS of Tennessee. But in the deficiency bill passed in October $20,000 additional was added, and in the bill which passed the other day the gentleman voted for $38,000 additional, making a total of $118,000.

Mr. HAMLIN. Mr. Chairman, I can not afford to yield further. The statement I made is absolutely accurate, that two years ago, the first year of this Efficiency Bureau, they asked for $40,000; then the next year for $60,000; and this time for $120,000; and then, as the chairman of the committee has said, there have already been two different deficiency appropriations made for this bureau. There seems to be no limit upon the amount of people they can employ. Now, perhaps that is all right. I do not know about that.

Here is the point I had in mind all the time and that I have in my mind now. We ought to be fair to all the people in the departments regardless of position occupied. Perhaps this man earns $5,000 a year, but I say that we ought not to increase these high-salaried men unless you are going to take care of the people of the rank and file and who do the work of the departments down in the bureau. I do not know that I shall finally make this point of order. I believe I ought to make it, but I have been appealed to, and this one statement has somewhat appealed to me. I am informed from a reliable source that there will be within the next few days brought in a proposition that is intended to take care of and will take care of, perhaps, the class of people that I believe ought to have some consideration as well as these very high-salaried men. Now, if that is done it eliminates very largely my objections to this increase of salaries of the higher-ups. And for that reason, and with this statement, I shall not insist upon this point of order, yet I feel that I ought to do so.

Mr. GOOD. Mr. Chairman——

Mr. MOON. Mr. Chairman, I make the point of order.

Mr. RUCKER. The point of order is still pending, as I understand it.

Mr. BYRNS of Tennessee. I would like the point to be made, so that we can proceed.

Mr. GOOD. Mr. Chairman, have I been recognized?

The CHAIRMAN. The Chair will state the situation before the committee. The gentleman from Iowa [Mr. GOOD] is recognized for the purpose of debate, but the Chair wants to ascertain the status. Is the point of order made?

Mr. MOON. I made the point of order at the time the gentleman from Missouri [Mr. HAMLIN] withdrew it. He has withdrawn his point of order. Then, I reserve it.

Mr. BYRNS of Tennessee. To what?

Mr. MOON. I reserve the point of order to the $110,000 a year, and I reserve the point of order to the increase in the salary.

Mr. GOOD. I hope the gentleman will reserve it. I would like to speak on the subject.

Mr. MOON. I am not going to say a word.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] is recognized to participate in the debate.

Mr. GOOD. Mr. Chairman, if the gentleman from Tennessee will——

Mr. MOON. I understand the gentleman from Iowa [Mr. GOOD], being a member of the committee, as a matter of courtesy is entitled to be recognized.

Mr. GOOD. I will waive that point if the gentleman will reserve his point of order, so that I can speak.

Mr. MOON. I will do this. The gentleman from Iowa can proceed now, and then I will make the point of order.

Mr. BYRNS of Tennessee. The reservation still exists.

Mr. MOON. Yes, sir.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] is recognized.

Mr. GOOD. Mr. Chairman, the President during the past few years has been called upon to make a great many appointments. I do not believe he has made an appointment during

his entire incumbency as President of the United States that is more meritorious than the appointment of Mr. Herbert Brown as chief of this bureau. While the appropriations for this bureau have been increasing, the bureau has had greatly increased duties, and it has saved many times over the amounts appropriated for it. In the office of the Treasurer alone it saved many times all of the appropriation by Congress for the bureau in reducing the number of clerks in that department. It has gone into the other departments and has, by conducting examinations, and by installing scientific methods saved a great many thousands of dollars to the Government. I personally know a number of men who have followed the business of accounting and are expert accountants. I know that if you hire an expert accountant you can not get one for less than $20 to $50 per day. I have never come in contact with an expert accountant who knows his business any better than Mr. Brown and the little force that he has gathered around him.

The gentleman from Missouri [Mr. HAMLIN] says that he has been in the employe of the Government for two years. Mr. Brown has been in the employ of the Government for more than 10 years. In the Sixty-first Congress he was in the employ of the Government, receiving then, in addition to his private employment—from which he had an income of almost $1,000—$4,000 a year. I do not believe there is any question about Mr. Brown receiving in private employment immediately more than $6,000 or $8,000 a year. He is worth to the Government of the United States more than he is worth to any person. I am sure that if the gentleman from Tennessee [Mr. MOON] will take this question up and look at it from a practical standpoint, from the standpoint of actual saving to the Government of the United States, as the committee that brought out this bill considered it, he would not think of making a point of order. He would only wonder that the committee had not in instances like this given even larger salaries to men of this character. I am sure I know of no Government employee or official who is more entitled to an increased salary in all the Government service than the man who is chief of this bureau. The gentleman from Tennessee I know is interested in the salaries of these lower paid clerks. But the committee has been considering the pay of lower paid clerks, and, as his colleague from Tennessee [Mr. BYRNS] has already stated, will bring out a bill to take care of them. But in the meantime I hope he will not make a point of order, because if he does he then reduces the salary that this man is paid by $800 from the amount which he received in the Sixty-first Congress.

Mr. MOON. Mr. Chairman, my objection does not arise so much upon the mere increase of this particular salary, for I am sure I have no objection to Mr. Brown getting a proper salary, or anybody else getting a proper salary, if it is right to have it. But the objection goes further in that it is an objection to the exercise of power and jurisdiction of the Committee on Appropriations on this question, whether for one sum or another. They can not increase salaries.

Then, there is no merit, in my judgment, in this proposition anyway. This Bureau of Efficiency, which people sometimes call the "bureau of inefficiency," was a bureau in the Civil Service Department and in 1916 was established as a separate and independent bureau, and the office force that had been connected with that branch of the service, in the civil-service branch of the Government, went over to this bureau, and the money that they were limited to in the act creating them was $12,000 for expenditure for all the purposes connected with the efficiency system. Then, the next year there comes $40,000—a growth. And yet departments like the Agricultural Department, as I am advised, prohibit them from coming in the department to consider these questions affecting their clerks. I understand one branch of the Post Office Department does not permit it. It is not permitted to come into several of the departments; and there is no law compelling these examinations by these efficiency bureaus in any of the departments.

Then, in the next year they got $60,000, and then, as my friend and colleague from Tennessee [Mr. BYRNS] says, these deficiencies ran the amount up to $118,000. So you see we just have established a branch of a service that was practically an unimportant bureau in the Civil Service, and in three or four years it has grown ten times as great, so far as expenditures are concerned, as was authorized at the beginning.

My judgment is that this bureau ought to be wiped out of existence. I believe we never can have any reform or any honest government in this country until the whole civil-service fraud—because it is a fraud as it has been practiced before, and it is a fraud as it is practiced now—is wiped out of existence. [Applause.] I make a point of order against it.

Mr. BYRNS of Tennessee. Mr. Chairman, just what is the point of order?

The CHAIRMAN. The Chair was just going to ascertain. Is the point of order directed against the whole paragraph or merely against the proviso?

Mr. MOON. The point of order is directed against the appropriation of $110,000 and against the proviso, but mainly to the proviso.

Mr. BYRNS of Tennessee. Certainly it is not good as to the $110,000; and the proviso, Mr. Chairman, is simply a form of limitation upon the appropriation.

Mr. MOON. The proviso fixes a salary at $1,000 greater than it was before.

Mr. BYRNS of Tennessee. The statute does not fix any salary whatever, and the proviso is simply a limitation upon the appropriation.

The CHAIRMAN. The Chair has before him the act by which this Bureau of Efficiency was established as an independent entity. The appropriation for this bureau is a lump-sum appropriation. That being so, it is perfectly competent for the House to appropriate any amount it chooses for its operations. It may appropriate one amount this year, and increase or reduce that amount next year. In other words, the amount of the appropriation is entirely in the discretion of the House. Looking to the proviso, it will be noted that the effort is made to fix directly the compensation of the head of the Efficiency Bureau. The proviso declares in terms that the compensation of this head is fixed at the rate of $5,000 per annum. Hence the proviso limits the discretion of the bureau to fix salaries. A limitation or curtailment of the power of discretion, is certainly a change of law. It seems to me that the point of order with respect to the proviso is good, but not good as to the amount of the appropriation. The Clerk will read.

The Clerk read as follows:

For commissioner, acting as president of the commission, $5,000; two commissioners, at $5,000 each; chief examiner, $3,500; secretary, $2,500; assistant chief examiner, $2,250; three chiefs of division, at $2,000 each; examiners—1, $2,400, 3 at $2,000 each, 6 at $1,800 each; clerks—6 of class 4, 28 of class 3, 39 of class 2, 52 of class 1, 34 at $1,000 each, 22 at $900 each; messenger; assistant messenger; skilled laborer, $720; 4 messenger boys, at $420 each. Custodian force: Engineer, $840; general mechanic, $840; telephone-switchboard operator; 2 firemen; 2 watchmen; 2 elevator conductors, at $720 each; 3 laborers; 4 charwomen; in all, $288,470.

Mr. MOON. Mr. Chairman, is that the end of that section or not? Is that the end of the paragraph?

The CHAIRMAN. It is the end of the paragraph.

Mr. MOON. Then it is time to make a point of order upon it. I make the point of order that there is legislation here increasing the salaries of the commissioners, which is out of order on this bill.

Mr. BYRNS of Tennessee. Will the gentleman reserve it for a moment until I can make an explanation?

Mr. MOON. Inasmuch as it is my good friend from Tennessee, I will reserve it.

Mr. BYRNS of Tennessee. Mr. Chairman, I do not want to take up the time of the committee, but I do think an explanation is due as to why the committee saw fit to increase the salaries of the three Civil Service Commissioners. For a number of years estimates have been submitted to the committee asking for a salary of $7,500 for these three commissioners.

Those salaries were fixed when the law was passed back in 1880 or 1883, and at that time the salary of $4,500 was fixed for the chairman of the commission and $4,000 each for the other two commissioners. The salary has not been changed since the organic act was passed. For a number of years estimates have been submitted asking that these salaries be increased to $7,500. The point has been made that the members of the Federal Reserve Board get $10,000, that the Farm Loan Commissioners get $10,000, that the Federal Trade Commissioners get $10,000, that the members of the Tariff Commission get $7,500, that the Canadian Boundary Commissioners receive $7,500 each, and other commissioners that I could name, all created recently by Congress, have been given salaries of $7,500 or more.

Mr. HELM. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. HELM. Were all these salaries fixed before the country was in war?

Mr. BYRNS of Tennessee. Yes; they were fixed within the last few years.

Mr. HELM. Does the gentleman think it is good policy on the part of Congress to increase every branch of United States salaries while we are in war?

Mr. BYRNS of Tennessee. I do not think so; and if the gentleman will examine the estimates upon which this bill is based he will find any number of requests for increases, and that the committee has declined to accede to those requests except in a very limited number, three or four, and only in those cases because the committee thought they were abundantly justified.

Mr. HELM. The committee cites these other cases in justification for this proposed increase. If this increase of salaries continues to go on, we will find ourselves embarrassed.

Mr. BYRNS of Tennessee. The gentleman misunderstood entirely what I was trying to do. I was simply stating the reason advanced for these commissioners in support of the estimates for an increased salary.

Mr. MOON. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. In just a moment. Let me complete the statement. The committee has declined during these years to increase the salaries, but the committee has felt that on account of the fact that the work of the Civil Service Commission has increased 300 per cent within the year, as is shown by their records of the number of papers examined and the civil-service positions newly created, it was only fair to these gentlemen to give them, not the increase asked for, but the small increase allowed in this bill.

Now, I may say that these same estimates provided for an increase for the chief examiner and for the secretary of the commission, both most efficient gentlemen, and had we not been engaged in war I think the committee would have looked with some degree of favor upon those estimates also. But the committee limited the increase to these three commissioners.

Now, I want to say just another word in reply to the gentleman from Missouri [Mr. HAMLIN]. He stated that he believed that the salaries of clerks should be increased, and that he was opposed to these increases of high salaries. I am in thorough accord with the gentleman, and my whole conduct and record here has been in line with that idea. But the gentleman from Missouri certainly spoke without information when he assumed that the clerks in the city of Washington have not received increases. I hold in my hand a statement showing that of the entire number of Government employees during the calendar year ending December 31, 1917, 46.1 per cent received increases averaging $145 a year. There is no department in Washington in which salaries have not been increased for at least 26.1 per cent of the entire force, and in one department the increase has been as high as 131 per cent of the force during the calendar year of 1917.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. MOON. Mr. Chairman, I ask unanimous consent that the gentleman may have an additional minute. I want to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. MOON. What is the salary now of the president or chairman of the commission?

Mr. BYRNS of Tennessee. Four thousand five hundred dollars.

Mr. MOON. And the salary of the other two?

Mr. BYRNS of Tennessee. Four thousand dollars.

Mr. MOON. Is it not a fact that the president of the commission gets $4,000, another commissioner gets $4,500, and another one $4,000?

Mr. BYRNS of Tennessee. No; the chairman of the commission under the statute gets $4,500 and the other two $4,000.

Mr. MOON. I am informed that one commissioner is getting $500 more than the other, and that member is not the chairman.

Mr. BYRNS of Tennessee. I have no information of that kind.

Mr. MOON. I have been informed by a reliable gentleman that that is the fact.

Mr. BYRNS of Tennessee. I will say that I have not the slightest information about that matter.

Mr. MOON. Mr. Chairman, I make the point of order.

The CHAIRMAN. Is the point of order directed to the salary of the three commissioners?

Mr. MOON. Yes.

The CHAIRMAN. The Chair will ask the gentleman from Tennessee [Mr. BYRNS] whether these salaries are fixed by law.

Mr. BYRNS of Tennessee. Yes.

The CHAIRMAN. And whether these salaries are in excess of those fixed by law?

Mr. BYRNS of Tennessee. Yes, Mr. Chairman; I concede that it is subject to a point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment: To insert in place of the first figures "5,000," on page 31, line 9, the figures "4,500," and after the word "at," in the same line, in place of the figures "5,000" insert "4,000."

Mr. MOON. I would like to ask the gentleman from Tennessee whether any other salaries have been increased under this section?

Mr. BYRNS of Tennessee. They have not, but there were a great many requests for increase, which the committee consistently denied.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

Mr. BYRNS of Tennessee. Mr. Chairman, the Clerk calls my attention to the fact that I was in error when I stated that there were no other increase of salaries in this section. I do not want to misinform the gentleman from Tennessee. There are four messenger boys carried in line 16 who were getting $360, and the committee increased the salary of these four from $360 to $420.

Mr. MOON. I think that is a proper increase. I wish it had been put at $500.

The Clerk read as follows:

For additional employees for the Civil Service Commission, $150,000: *Provided*, That not more than two persons shall be employed hereunder at a rate of compensation exceeding $1,400 per annum.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I reserve a point of order to the proviso. I should like to ask the chairman of the committee if I am right in my idea of the meaning of this provision:

Provided, That not more than two persons shall be employed hereunder at a rate of compensation exceeding $1,400 per annum.

The other employees besides the two may be paid any amount of salary that those in authority may wish to give them?

Mr. BYRNS of Tennessee. No; quite to the contrary. That limitation provides that the other employees shall receive not exceeding $1,400.

Mr. KEARNS. What do these two persons get?

Mr. BYRNS of Tennessee. One receives $1,600 and the other about $1,800. They are paid out of a lump sum furnished by the President, amounting to $240,000. They were put in the service at this salary, and the committee felt that it was hardly warranted in reducing the amount being paid them out of the lump sum.

Mr. McLAUGHLIN of Michigan. Would it not be proper and to be preferred to have the rates of compensation fixed, instead of leaving them entirely to the discretion of the high officers whose duty it is to employ the men and fix their salaries?

Mr. BYRNS of Tennessee. As evidence of the spirit of economy that has actuated the commission, I want to say that they were granted a lump sum of $20,000 under the deficiency act of last year. The President, under the necessities of the service, gave them $240,000 out of his emergency fund, which made $260,000 with no strings attached to it. Yet this Civil Service Commission has obligated all of it in the employment of the required force, and have only given two salaries equal to the $1,600 and $1,800. The rest of the force draw $1,400 and less.

Mr. McLAUGHLIN of Michigan. The answer of the gentleman justifies the objection to this language. I do not think that $240,000 should be turned over in a lump sum to be used by any bureau without any restrictions whatever.

Mr. BYRNS of Tennessee. That was done by the President and not by Congress.

Mr. McLAUGHLIN of Michigan. It furnishes a better illustration of the need of limitation on the authority of the heads of bureaus than had occurred to me when I rose.

Mr. GOOD. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GOOD. If the gentleman will look further along he will find that there is $10,000,000 turned over without any strings to it.

Mr. McLAUGHLIN of Michigan. There may be activities concerning which we can make no restrictions, but where we can we ought to make them. I am a member of the committee that has to do with one department of the Government. The committee prepares an appropriation bill, and, among its many provisions, the bill carries lump-sum appropriations for different bureaus. I have some knowledge of how lump-sum appropriations are used, and I feel that sometimes they are used different from the expectation of the committee when the authority was given. It seems to me that it is not a proper way to make appropriations—to leave the head of a bureau absolutely without limit as to the manner in which he can use $150,000. For that reason I make the point of order, trusting that the chairman of this committee will suggest better language.

Mr. SHERLEY. Mr. Chairman, will the gentleman withhold his point of order for a moment?

Mr. McLAUGHLIN of Michigan. I reserve the point of order.

Mr. SHERLEY. Mr. Chairman, I think it is well for the committee to understand what the effect of the point of order of the gentleman from Michigan [Mr. McLAUGHLIN] would be.

The language now restricts the expenditure of the $150,000 to salaries that shall not be greater than $1,400, except as to two.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, may I ask the gentleman what the amount of those two salaries is?

Mr. SHERLEY. Just a moment. The result of the point of order would be to leave the $150,000 to be paid to any number at any rate of salary, no matter how high. The result of the point of order would be to take off the restriction and to give unlimited power. The result of the point of order would be to let down all of the bars that are thrown around expenditures and invite the abuse that the gentleman complains of. I say this in order that the gentleman from Michigan, in making his point of order, may know the effect of it.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. SHERLEY. Yes.

Mr. GARRETT of Tennessee. I understand perfectly the effect of the point of order, but I think the gentleman from Michigan on reflection will desire to withdraw it, because I believe it will accomplish the purpose that he does not desire to accomplish. I want to ask the gentleman from Kentucky this: I presume the reason that the lump-sum appropriation has been continued is that it is supposed that this will be more or less temporary. Am I correct in that assumption?

Mr. SHERLEY. Not only that, but there is another reason. The reason is for the protection of the Treasury of the United States.

Mr. GARRETT of Tennessee. I am not speaking of the proviso, but of the lump-sum appropriation.

Mr. SHERLEY. So am I; and I want to explain, because it raises a very important and a very interesting proposition. The reason why the committee saw fit to continue sums for additional employees, without specifying those employees and arranging them in classes, was for the purpose of making them only temporary employees, whereas if you increase all of your personnel by feeding into it these additional employees now needed you would find that at the end of the war, when the need had passed, all of your statutory rolls would be increased manyfold, in some departments three and four hundred and a thousand fold, and the difficulty of ever separating those people from the rolls and reducing your salary list to the normal condition would be infinitely greater than if we carry them in these lump-sum appropriations and check, as the committee has endeavored to do in each instance, the expenditure of money.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. SHERLEY. Certainly.

Mr. GARRETT of Tennessee. I had supposed that was the reason. That is to say, it is regarded as temporary; it is not thought that at the conclusion of the war the number of employees now required will then be required?

Mr. SHERLEY. Exactly so.

Mr. GARRETT of Tennessee. And to make it thoroughly easy to dispense with the services of those, it is not deemed desirable to place them upon the roll individually?

Mr. SHERLEY. As permanent employees; and it is really for the protection of the Treasury of the United States. Any other system will result in adding manyfold to the expense of the Government in the days that are to come.

Mr. GOOD. Mr. Chairman, will the gentleman from Michigan yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GOOD. Mr. Chairman, I appreciate what the gentleman has in mind, but I do not believe that he will find in the entire bill a lump-sum appropriation which has been treated with that same consideration to save for the Government as has been the case with the Civil Service Commission. The chairman of the commission, regarding this expenditure, said:

> Most of these clerks are employed at $900, $1,000, $1,200; a very few—three or four, possibly—at $1,400; one at $1,800. This $1,800 man was a man who had gone out because of illness and his place had been filled by promotion, and he was brought back again.

Further on, as I recall, the other person referred to was receiving a salary of either $1,600 or $1,800. There are no large salaries paid out of this fund at all, and I do not believe the gentleman ought to make the point of order because the committee can not offer an amendment designating the number of clerks of each class that the commission could use under this item. I think a great deal of money will be saved by making a lump-sum appropriation in this case and by leaving the language just as the committee incorporated it in the bill.

Mr. McLAUGHLIN of Michigan. Under this lump sum is there any limit to the salary that can be paid? In some of the bureaus there is.

Mr. SHERLEY. If the gentleman will permit, they can not, except as to two, pay any of them more than $1,400.

Mr. GOOD. And those two are employed now, one at $1,800 and, according to my recollection, the other at $1,600 or $1,800, notwithstanding that under the lump sum given this department this commission could have paid as high as it wished in the exercise of its discretion. They have not abused the appropriation in the slightest, for out of this large lump-sum appropriated for clerk hire only two persons have been paid salaries of $1,800 or over per annum.

Mr. McLAUGHLIN of Michigan. Does not the gentleman think there ought to be some limit placed on the discretion of the salary-fixing authority? Could not some limit be placed?

Mr. GOOD. There is a limit. He can not pay a salary in excess of $1,400, with the exception of two persons.

Mr. McLAUGHLIN of Michigan. Then, as to those two should there not be some limit?

Mr. GOOD. The committee did not feel, in view of the fact this commission had not abused its right and had only paid salaries to the extent of $1,800, that it was necessary to put a limitation on those two.

Mr. BYRNS of Tennessee. And with the further assurance on the part of the commissioners that they did not intend to increase those salaries.

Mr. STAFFORD. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. STAFFORD. In considering the merits of the proviso in limiting the discretion of the commission in the use of the $150,000 lump-sum appropriation, whereby they can not use it in the employment of any officials except two having a salary in excess of $1,400, will the gentleman also consider that the provisio is not subject to the point of order, because its limitation is within the precedents and does not come within the rule that forbids legislation on an appropriation bill?

Mr. McLAUGHLIN of Michigan. Well, I made the point of order with the idea it was good, and it is up to the Chair to determine whether or not it is good.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. BYRNS of Tennessee. Of course, if the point of order of the gentleman is sustained it leaves absolutely no limitation upon the lump sum.

Mr. McLAUGHLIN of Michigan. I realized when I made the point of order if it was sustained it would leave the expenditure of the $150,000 without any limitation or restriction whatever, but I believed, of course, when that situation confronted the House it would be taken care of. I know also that if the proviso is stricken out something further must be done with the paragraph. Now, I have had some experience in seeing how lump-sum appropriations are employed and how the use of lump-sum funds has been abused. I will say also, in my judgment, no small part of the ill feeling among employees of a bureau as to salaries grows out of abuse of discretion by the chief, salaries being increased some times beyond the merit of those who receive the increases; whenever that is done there is dissatisfaction and ill feeling and demand all along the line for increase of salaries. I have known that to be the case, and, as I say, no small part of the trouble and the demands for increases, sometimes justly and sometimes otherwise, are due to the fact that lump-sum funds have not been used with good judgment by those in authority.

Mr. STAFFORD. Would it be satisfactory to the gentleman if we add after the word "provided" the words "and not higher than $1,800"? Would that meet the objections of the gentleman?

Mr. McLAUGHLIN of Michigan. I have those words written as an amendment to be offered if my point of order is not sustained.

Mr. SHERLEY. Will the gentleman let me ask him something?

Mr. McLAUGHLIN of Michigan. I yield.

Mr. SHERLEY. The gentleman suggests that if the point of order is sustained, then he expects the House to be able to remedy the situation. Will the gentleman inform the committee—the Committee on Appropriations, at least—if no legislation, even to safeguard the Treasury, is to be permitted on the bill, how, after the limitation is stricken out which does safeguard the Treasury, we can then turn around and by legislation protect the Treasury?

Mr. McLAUGHLIN of Michigan. If the chairman of the committee and those having charge should refuse to have anything further to do with the provision simply because it was amended against their wishes, the situation which the gentleman from Kentucky points out would arise.

Mr. SHERLEY. We have had two statements made here to-day, more than two, that nothing that was in the form of legislation, irrespective of merit, should be on these bills.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I withdraw the point of order with the hope that the amendment suggested by the gentleman from Wisconsin will be presented and adopted.

Mr. STAFFORD. Mr. Chairman, if the gentleman withdraws the point of order on the assumption that an amendment would be offered, I feel it is my duty to offer the amendment, and so I move to amend the paragraph by adding, after the last word, the words "and not higher than $1,800."

Mr. BYRNS of Tennessee. Mr. Chairman, the Clerk tells me that one of these employees gets $1,890.

Mr. STAFFORD. In view of the statement of the chairman of the committee that one clerk is now employed at a salary of $1,890, I wish to modify the amendment so as to make it $2,000.

The CHAIRMAN. Without objection, the modification suggested by the gentleman from Wisconsin will be agreed to.

Mr. GARRETT of Tennessee. Let the amendment be reported as modified.

Mr. McKENZIE. Let me ask the gentleman whether or not under that amendment it would not be possible to pay all persons appointed under this $2,000?

Mr. BYRNS of Tennessee. They could only pay two.

The CHAIRMAN. The Clerk will now read for the information of the committee the amendment as modified.

The Clerk read as follows:

> Page 31, line 24, after the word "annum," strike out the period and insert the words "and not higher than $2,000."

Mr. BYRNS of Tennessee. I submit that this provision is absolutely safeguarded. It provides that not more than two shall receive $1,400. Now, the commissioners stated to the committee that one was receiving $1,890, which allows the 5 per cent increase, and the other gets $1,600, as I stated a moment ago. Now, Mr. Chairman, the commissioners stated in the hearings to the committee that they did not propose to increase the salaries of those two clerks, and that none of the other clerks were getting more than $1,400. From the very fact that they had $260,000 in a lump sum and have not abused their discretion, but have employed only two people at more than $1,400, I think is a guaranty to this House that they are not going to abuse their discretion in the case of these two employees. These gentlemen are anxious to serve the public interest in every way possible.

Mr. STAFFORD. Will the gentleman yield? The gentleman knows I was in entire sympathy with the provision as reported by the committee, and having made a suggestion to the gentleman, and he having withdrawn the point of order relying upon the suggestion that the amendment would be offered, I offered it in good faith to carry out the purpose and understanding with the gentleman from Michigan.

Mr. BYRNS of Tennessee. I hope the amendment will not be adopted.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I wish to say that I have not made this objection because I feel that the salaries paid are too high. All I have had to do with the fixing of salaries bears out the statement that I am not particular about salaries. I wish them to be sufficient. I have voted for every increase within reason, I believe, that has been suggested in the committee of which I am a member. I have labored to the extent of my ability to further legislation looking to general increases of these lower salaries. I do not care whether these two are paid $1,600, $1,800, $2,000, or $2,500 if the work they do justifies such salaries as that. But I was calling attention to the latitude that is allowed the head of the bureau to pay any salary he pleases. I know that discretion exercised in some cases has not worked well, and as far as I am able I would take away that discretion and have a definite salary paid and have the amount right. I think if the words "and no salary paid hereunder shall be in excess of $2,000," if that is proper, would be in better form than the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD], and I therefore move to amend by substituting those words, namely, "and that no salary paid hereunder shall exceed $2,000." Only two shall be paid $1,400 and none shall be paid over $2,000.

Mr. SHERLEY. I want the amendment reported, and then I want to make a statement.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment to the amendment offered by Mr. McLAUGHLIN of Michigan: Page 31, line 24, after the word "annum," strike out the period and insert the words: "and no salary paid hereunder shall exceed $2,000."

Mr. SHERLEY. Mr. Chairman, I hope that both the amendment to the amendment and the amendment may be defeated, and I hope that they may be defeated in the interest of good administration. If we were voting a huge sum, without any limitation, to this commission, and if there had been anything in its past history that warranted the belief that there were going to be extravagant salaries paid, I should be in favor of one or two courses, either restricting the salaries that could be paid or the removal of those commissioners and putting efficient administrators in their place. But the fact remains that the only leeway given at all is that they may employ two employees at a salary in excess of $1,400. If they are fit for their jobs at all, they are fit to have that much responsibility placed in them.

I took occasion the other day in presenting the deficiency bill to call the attention of the House to the fact that many of our attempts—attempts that come all of a sudden, and come up frequently because some one has had some complaint from some employee in some department touching his salary against somebody else's—resulted in tying the hands of good men and simply giving to the bad officials an opportunity to exercise their ingenuity in evading such limitations, which they speedily proceed to do.

Now, we ought not to encumber this bill with undue restrictions. It may be very likely that there will develop some work in connection with this special fund at this time, when this Civil Service Commission has had its work increased many, many fold, whereby they may need to employ some one at a greater compensation than $2,000. They would be unable to do it with this provision. If you are going on the theory that these men can not be trusted at all, then you ought to strike out this paragraph. Otherwise, you ought not to tie them within such narrow lines that there is no flexibility. Now, there is not a business man in the world that could run his business successfully and economically with the restrictions and the wrapping of red tape that we place around these bureaus. And the same Congress that inveighs against red tape in one breath in the next breath insists on winding its own particular brand of red tape around administrative officers.

I hope that the two amendments will be defeated.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

> No detail of clerks or other employees from the executive departments or other Government establishments in Washington, D. C., to the Civil Service Commission, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year 1919. The Civil Service Commission shall, however, have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board.

Mr. JOHNSON of Kentucky. Mr. Chairman, on page 32, line 12, I move to strike out the word "Washington" and insert the word "the."

I have no doubt the committee will agree to the proposed amendment, but a few words of explanation might not be out of place. Throughout the bill, where the seat of government is intended to be used, sometimes "the city of Washington" is used and sometimes "the District of Columbia," and sometimes "the city of Washington in the District of Columbia." There ought to be uniformity about it, particularly since the use of the language, as it appears in the bill in many places, apparently at least, gives recognition to a historical condition which does not exist. There are peculiarities about the charter which was granted to the city of Washington, and to its repeal finally, to which I called attention last summer in some remarks. After I had done so the President of the United States changed the manner of concluding his proclamations. Theretofore the proclamations of all Presidents had concluded by saying "Done at the city of Washington." Since then President Wilson concludes his proclamations by saying "Done in the District of Columbia." I sent a copy of those remarks to the distinguished gentleman who edits the Star. He wrote me a letter acknowledging receipt of it, and saying that he, too, was entirely satisfied that the seat of government was the District of Columbia. Strange to say, in 1802, when the city of Washington was first chartered, there were no limits fixed for the municipal corporation. It

The language now restricts the expenditure of the $150,000 to salaries that shall not be greater than $1,400, except as to two.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, may I ask the gentleman what the amount of those two salaries is?

Mr. SHERLEY. Just a moment. The result of the point of order would be to leave the $150,000 to be paid to any number at any rate of salary, no matter how high. The result of the point of order would be to take off the restriction and to give unlimited power. The result of the point of order would be to let down all of the bars that are thrown around expenditures and invite the abuse that the gentleman complains of. I say this in order that the gentleman from Michigan, in making his point of order, may know the effect of it.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. SHERLEY. Yes.

Mr. GARRETT of Tennessee. I understand perfectly the effect of the point of order, but I think the gentleman from Michigan on reflection will desire to withdraw it, because I believe it will accomplish the purpose that he does not desire to accomplish. I want to ask the gentleman from Kentucky this: I presume the reason that the lump-sum appropriation has been continued is that it is supposed that this will be more or less temporary. Am I correct in that assumption?

Mr. SHERLEY. Not only that, but there is another reason. The reason is for the protection of the Treasury of the United States.

Mr. GARRETT of Tennessee. I am not speaking of the proviso, but of the lump-sum appropriation.

Mr. SHERLEY. So am I; and I want to explain, because it raises a very important and a very interesting proposition. The reason why the committee saw fit to continue sums for additional employees, without specifying those employees and arranging them in classes, was for the purpose of making them only temporary employees, whereas if you increase all of your personnel by feeding into it these additional employees now needed you would find that at the end of the war, when the need had passed, all of your statutory rolls would be increased manyfold, in some departments three and four hundred and a thousand fold, and the difficulty of ever separating those people from the rolls and reducing your salary list to the normal condition would be infinitely greater than if we carry them in these lump-sum appropriations and check, as the committee has endeavored to do in each instance, the expenditure of money.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. SHERLEY. Certainly.

Mr. GARRETT of Tennessee. I had supposed that was the reason. That is to say, it is regarded as temporary; it is not thought that at the conclusion of the war the number of employees now required will then be required?

Mr. SHERLEY. Exactly so.

Mr. GARRETT of Tennessee. And to make it thoroughly easy to dispense with the services of those, it is not deemed desirable to place them upon the roll individually?

Mr. SHERLEY. As permanent employees; and it is really for the protection of the Treasury of the United States. Any other system will result in adding manyfold to the expense of the Government in the days that are to come.

Mr. GOOD. Mr. Chairman, will the gentleman from Michigan yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GOOD. Mr. Chairman, I appreciate what the gentleman has in mind, but I do not believe that he will find in the entire bill a lump-sum appropriation which has been treated with that same consideration to save for the Government as has been the case with the Civil Service Commission. The chairman of the commission, regarding this expenditure, said:

Most of these clerks are employed at $900, $1,000, $1,200; a very few—three or four, possibly—at $1,400; one at $1,800. This $1,800 man was a man who had gone out because of illness and his place had been filled by promotion, and he was brought back again.

Further on, as I recall, the other person referred to was receiving a salary of either $1,600 or $1,800. There are no large salaries paid out of this fund at all, and I do not believe the gentleman ought to make the point of order because the committee can not offer an amendment designating the number of clerks of each class that the commission could use under this item. I think a great deal of money will be saved by making a lump-sum appropriation in this case and by leaving the language just as the committee incorporated it in the bill.

Mr. McLAUGHLIN of Michigan. Under this lump sum is there any limit to the salary that can be paid? In some of the bureaus there is.

Mr. SHERLEY. If the gentleman will permit, they can not, except as to two, pay any of them more than $1,400.

Mr. GOOD. And those two are employed now, one at $1,800 and, according to my recollection, the other at $1,600 or $1,800, notwithstanding that under the lump sum given this department this commission could have paid as high as it wished in the exercise of its discretion. They have not abused the appropriation in the slightest, for out of this large lump-sum appropriated for clerk hire only two persons have been paid salaries of $1,800 or over per annum.

Mr. McLAUGHLIN of Michigan. Does not the gentleman think there ought to be some limit placed on the discretion of the salary-fixing authority? Could not some limit be placed?

Mr. GOOD. There is a limit. He can not pay a salary in excess of $1,400, with the exception of two persons.

Mr. McLAUGHLIN of Michigan. Then, as to those two should there not be some limit?

Mr. GOOD. The committee did not feel, in view of the fact this commission had not abused its right and had only paid salaries to the extent of $1,800, that it was necessary to put a limitation on those two.

Mr. BYRNS of Tennessee. And with the further assurance on the part of the commissioners that they did not intend to increase those salaries.

Mr. STAFFORD. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. STAFFORD. In considering the merits of the proviso in limiting the discretion of the commission in the use of the $150,000 lump-sum appropriation, whereby they can not use it in the employment of any officials except two having a salary in excess of $1,400, will the gentleman also consider that the provisio is not subject to the point of order, because its limitation is within the precedents and does not come within the rule that forbids legislation on an appropriation bill?

Mr. McLAUGHLIN of Michigan. Well, I made the point of order with the idea it was good, and it is up to the Chair to determine whether or not it is good.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I will.

Mr. BYRNS of Tennessee. Of course, if the point of order of the gentleman is sustained it leaves absolutely no limitation upon the lump sum.

Mr. McLAUGHLIN of Michigan. I realized when I made the point of order if it was sustained it would leave the expenditure of the $150,000 without any limitation or restriction whatever, but I believed, of course, when that situation confronted the House it would be taken care of. I know also that if the proviso is stricken out something further must be done with the paragraph. Now, I have had some experience in seeing how lump-sum appropriations are employed and how the use of lump-sum funds has been abused. I will say also, in my judgment, no small part of the ill feeling among employees of a bureau as to salaries grows out of abuse of discretion by the chief, salaries being increased some times beyond the merit of those who receive the increases; whenever that is done there is dissatisfaction and ill feeling and demand all along the line for increase of salaries. I have known that to be the case, and, as I say, no small part of the trouble and the demands for increases, sometimes justly and sometimes otherwise, are due to the fact that lump-sum funds have not been used with good judgment by those in authority.

Mr. STAFFORD. Would it be satisfactory to the gentleman if we add after the word "provided" the words "and not higher than $1,800"? Would that meet the objections of the gentleman?

Mr. McLAUGHLIN of Michigan. I have those words written as an amendment to be offered if my point of order is not sustained.

Mr. SHERLEY. Will the gentleman let me ask him something?

Mr. McLAUGHLIN of Michigan. I yield.

Mr. SHERLEY. The gentleman suggests that if the point of order is sustained, then he expects the House to be able to remedy the situation. Will the gentleman inform the committee—the Committee on Appropriations, at least—if no legislation, even to safeguard the Treasury, is to be permitted on the bill, how, after the limitation is stricken out which does safeguard the Treasury, we can then turn around and by legislation protect the Treasury?

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Mr. SHERLEY. We have had two statements made here to-day, more than two, that nothing that was in the form of legislation, irrespective of merit, should be on these bills.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I withdraw the point of order with the hope that the amendment suggested by the gentleman from Wisconsin will be presented and adopted.

Mr. STAFFORD. Mr. Chairman, if the gentleman withdraws the point of order on the assumption that an amendment would be offered, I feel it is my duty to offer the amendment, and so I move to amend the paragraph by adding, after the last word, the words "and not higher than $1,800."

Mr. BYRNS of Tennessee. Mr. Chairman, the Clerk tells me that one of these employees gets $1,800.

Mr. STAFFORD. In view of the statement of the chairman of the committee that one clerk is now employed at a salary of $1,800, I wish to modify the amendment so as to make it $2,000.

The CHAIRMAN. Without objection, the modification suggested by the gentleman from Wisconsin will be agreed to.

Mr. GARRETT of Tennessee. Let the amendment be reported as modified.

Mr. McKENZIE. Let me ask the gentleman whether or not under that amendment it would not be possible to pay all persons appointed under this $2,000?

Mr. BYRNS of Tennessee. They could only pay two.

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Page 31, line 24, after the word "annum," strike out the period and insert the words "and not higher than $2,000."

Mr. BYRNS of Tennessee. I submit that this provision is absolutely safeguarded. It provides that not more than two shall receive $1,400. Now, the commissioners stated to the committee that one was receiving $1,800, which allows the 5 per cent increase, and the other gets $1,600, as I stated a moment ago. Now, Mr. Chairman, the commissioners stated in the hearings to the committee that they did not propose to increase the salaries of those two clerks, and that none of the other clerks were getting more than $1,400. From the very fact that they had $260,000 in a lump sum and have not abused their discretion, but have employed only two people at more than $1,400, I think is a guaranty to this House that they are not going to abuse their discretion in the case of these two employees. These gentlemen are anxious to serve the public interest in every way possible.

Mr. STAFFORD. Will the gentleman yield? The gentleman knows I was in entire sympathy with the provision as reported by the committee, and having made a suggestion to the gentleman, and he having withdrawn the point of order relying upon the suggestion that the amendment would be offered, I offered it in good faith to carry out the purpose and understanding with the gentleman from Michigan.

Mr. BYRNS of Tennessee. I hope the amendment will not be adopted.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I wish to say that I have not made this objection because I feel that the salaries paid are too high. All I have had to do with the fixing of salaries bears out the statement that I am not particular about salaries. I wish them to be sufficient. I have voted for every increase within reason, I believe, that has been suggested in the committee of which I am a member. I have labored to the extent of my ability to further legislation looking to general increases of these lower salaries. I do not care whether these two are paid $1,600, $1,800, $2,000, or $2,500 if the work they do justifies such salaries as that. But I was calling attention to the latitude that is allowed the head of the bureau to pay any salary he pleases. I know that discretion exercised in some cases has not worked well, and as far as I am able I would take away that discretion and have a definite salary paid and have the amount right. I think if the words "and no salary paid hereunder shall be in excess of $2,000," if that is proper, would be in better form than the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD], and I therefore move to amend by substituting those words, namely, "and that no salary paid hereunder shall exceed $2,000." Only two shall be paid $1,400 and none shall be paid over $2,000.

Mr. SHERLEY. I want the amendment reported, and then I want to make a statement.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the amendment offered by Mr. McLAUGHLIN of Michigan: Page 31, line 24, after the word "annum," strike out the period and insert the words: "and no salary paid hereunder shall exceed $2,000."

Mr. SHERLEY. Mr. Chairman, I hope that both the amendment to the amendment and the amendment may be defeated, and I hope that they may be defeated in the interest of good administration. If we were voting a huge sum, without any limitation, to this commission, and if there had been anything in its past history that warranted the belief that there were going to be extravagant salaries paid, I should be in favor of one or two courses, either restricting the salaries that could be paid or the removal of those commissioners and putting efficient administrators in their place. But the fact remains that the only leeway given at all is that they may employ two employees at a salary in excess of $1,400. If they are fit for their jobs at all, they are fit to have that much responsibility placed in them.

I took occasion the other day in presenting the deficiency bill to call the attention of the House to the fact that many of our attempts—attempts that come all of a sudden, and come up frequently because some one has had some complaint from some employee in some department touching his salary against somebody else's—resulted in tying the hands of good men and simply giving to the bad officials an opportunity to exercise their ingenuity in evading such limitations, which they specially proceed to do.

Now, we ought not to encumber this bill with undue restrictions. It may be very likely that there will develop some work in connection with this special fund at this time, when this Civil Service Commission has had its work increased many, many fold, whereby they may need to employ some one at a greater compensation than $2,000. They would be unable to do it with this provision. If you are going on the theory that these men can not be trusted at all, then you ought to strike out this paragraph. Otherwise, you ought not to tie them within such narrow lines that there is no flexibility. Now, there is not a business man in the world that could run his business successfully and economically with the restrictions and the wrapping of red tape that we place around these bureaus. And the same Congress that inveighs against red tape in one breath in the next breath insists on winding its own particular brand of red tape around administrative officers.

I hope that the two amendments will be defeated.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

No detail of clerks or other employees from the executive departments or other Government establishments in Washington, D. C., to the Civil Service Commission, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year 1919. The Civil Service Commission shall, however, have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board.

Mr. JOHNSON of Kentucky. Mr. Chairman, on page 32, line 12, I move to strike out the word "Washington" and insert the word "the."

I have no doubt the committee will agree to the proposed amendment, but a few words of explanation might not be out of place. Throughout the bill, where the seat of government is intended to be used, sometimes "the city of Washington" is used and sometimes "the District of Columbia," and sometimes "the city of Washington in the District of Columbia." There ought to be uniformity about it, particularly since the use of the language, as it appears in the bill in many places, apparently at least, gives recognition to a historical condition which does not exist. There are peculiarities about the charter which was granted to the city of Washington, and to its repeal finally, to which I called attention last summer in some remarks. After I had done so the President of the United States changed the manner of concluding his proclamations. Theretofore the proclamations of all Presidents had concluded by saying "Done at the city of Washington." Since then President Wilson concludes his proclamations by saying "Done in the District of Columbia." I sent a copy of those remarks to the distinguished gentleman who edits the Star. He wrote me a letter acknowledging receipt of it, and saying that he, too, was entirely satisfied that the seat of government was the District of Columbia. Strange to say, in 1802, when the city of Washington was first chartered, there were no limits fixed for the municipal corporation. It

just simply incorporated the city of Washington, without even saying it was in the District of Columbia, and no limit was fixed to the boundary of the corporation. It had been commonly accepted that Florida Avenue was the northern boundary of it, that the Eastern Branch of the river was another boundary, and that the Potomac River was another boundary. But that is not true.

No boundary whatever, as I stated, was ever fixed for the city of Washington when it was incorporated as a municipality. By the act of February 21, 1871, the charter of the city of Washington was repealed entirely. But the Constitution of the United States fixes the District of Columbia as the seat of government. The act of July 16, 1790, provides for the acquirement of the District of Columbia, and that act also makes the District of Columbia as the seat of government.

In 1790 the capital was in New York, and a compromise was made at that time by permitting the capital to go to Philadelphia for the next 10 years, and then to be removed to the District of Columbia in December, 1800.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. KEARNS. Is what we call "Georgetown" here part of the seat of government?

Mr. JOHNSON of Kentucky. Georgetown, if I remember correctly, was incorporated under the British Crown in 1750, and when the District of Columbia was established it took in the city of Georgetown. Until the act of February 21, 1871, the city of Georgetown was a separate municipality, and by that act its corporate existence was repealed.

Mr. KEARNS. It is now known as part of Washington City, is it not?

Mr. JOHNSON of Kentucky. It is part of the District of Columbia.

Mr. KEARNS. Is it not a part of Washington City?

Mr. JOHNSON of Kentucky. It is not a part of Washington City, because there is no "city of Washington."

Mr. KEARNS. Then "where are we at"? [Laughter.]

Mr. JOHNSON of Kentucky. I appreciate the fact that the amendment that I have just offered does not in any wise affect the bill, and I am making it only for the purpose of inviting the attention of the committee to it, so that next year, when the bill comes to be made up again, it may be made up using the words "District of Columbia" advisedly and not inadvisedly using "the city of Washington" in lieu of "the District of Columbia."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Kentucky: Page 32, line 12, strike out the word "Washington" and insert the word "the," so that it will read "Government establishments in the District of Columbia."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON of Kentucky. I ask unanimous consent, Mr. Chairman, that the two commas, the one in from of "District of Columbia" and the one after, be also taken out.

The CHAIRMAN. Without objection, the amendment suggested by the gentleman is agreed to.

There was no objection.

Mr. KEARNS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. KEARNS. I do so for the purpose of asking the gentleman from Kentucky [Mr. JOHNSON] a question. The gentleman from Kentucky has just made a statement that there is no such thing as "the city of Washington."

Mr. JOHNSON of Kentucky. I have.

Mr. KEARNS. The gentleman's speech has been rather interesting, and I would like——

Mr. JOHNSON of Kentucky. I will state that I made some extended remarks on that subject last summer which are in print, and if the gentleman desires I will send him a copy of them, or any other gentleman who desires to have them.

Mr. ELSTON. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from California moves to strike out the last two words.

Mr. ELSTON. Mr. Chairman, on the last two votes in the House on the Senate bill 383 yesterday I was unavoidably detained from the House. Had I been present I would have voted for the Lunn amendment and for the bill on its final passage.

I yield back the remainder of my time.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF STATE.

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; Director of the Consular Service, $4,500; counselor for the department, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; officers to aid in important drafting work—four at $4,500 each, four at $3,000 each, to be appointed by the Secretary, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; three assistant solicitors of the department, to be appointed by the Secretary, at $3,000 each; chief clerk, who shall sign such official papers and documents as the Secretary may direct, $3,000; law clerk, $2,500; law clerk and assistant, to be selected and appointed by the Secretary to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; chiefs of bureaus—two at $2,250 each, five at $2,100 each; two translators, at $2,100 each; additional to chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary, $1,800; clerks—17 of class 4, 19 of class 3, 25 of class 2, 43 of class 1 (3 of whom shall be telegraph operators), 18 at $1,000 each, 18 at $900 each; chief messenger, $1,000; 6 messengers; 23 assistant messengers; 2 messenger boys at $420 each; packer, $720; 4 laborers; 2 telephone switchboard operators; chauffeur, $1,080; in all, $321,320.

Mr. GARRETT of Tennessee. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Tennessee moves to strike out the last word.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Tennessee about the language in line 9 of page 33, "to be appointed by the President, by and with the advice and consent of the Senate." Is there any real necessity for that language being carried in the bill? That is a permanent place, is it not?

Mr. BYRNS of Tennessee. It is a permanent place; but, of course, Congress could abolish it at any time it chooses.

Mr. GARRETT of Tennessee. Yes; just as it could abolish the Third Assistant Secretary?

Mr. BYRNS of Tennessee. There is no law, I will say to the gentleman, stipulating that he shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. GARRETT of Tennessee. There is no law for that except that it is carried in an appropriation bill?

Mr. BYRNS of Tennessee. Only as it is carried in the appropriation bill; but, of course, the gentleman will understand that under the statute which was passed March 4, 1915, the salary carried in that bill was permanently fixed.

Mr. GARRETT of Tennessee. Of course I understand that.

Mr. BYRNS of Tennessee. But there is no law providing for the manner in which this counselor shall be appointed except as carried in the appropriation bill from year to year.

Mr. GARRETT of Tennessee. Does the act provide for the appointment of a counselor?

Mr. BYRNS of Tennessee. It does.

Mr. GARRETT of Tennessee. Does that make it a permanent position?

Mr. BYRNS of Tennessee. No. That act reads as follows—section 6 of the act:

The officers and employees of the United States whose salaries are herein appropriated for or established shall continue from year to year to the extent that they shall be appropriated for by Congress.

Now, I submit that there might be some question as to the manner in which they should be appointed.

Mr. GARRETT of Tennessee. I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Office of the chief clerk and superintendent: Chief clerk, including $300 as superintendent of Treasury Building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant superintendent of Treasury Building, $2,500; administrative clerk, $2,000; clerks—1 $2,000, 4 of class 4, 1 of class 3, 3 of class 2, 3 of class 1, 1 $1,000, 1 $900; operator of photographic copying machine, $800; 2 messengers; 3 assistant messengers; mimeograph operator, $720; messenger boy, $420; storekeeper, $1,200; telegraphers—1 $1,400, 1 $1,200; telephone and telegraph operator, $1,200; 3 telephone switchboard operators; chief engineer, $1,400; 3 assistant engineers, at $1,000 each; 8 elevator conductors, at $720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; 8 firemen; coal passer, $600; locksmith and electrician, $1,400; captain of the watch, $1,400; 2 lieutenants of the watch, at $900 each; 65 watchmen; foreman of laborers, $1,200; 7 chauffeurs, at $720 each; and the transfer to said positions of six laborers from the rolls of the chief clerk's office is hereby authorized independently of the civil-service rules); skilled laborers—2 at $840 each, 2 at $720 each; 2 electricians, at $1,200 each; wireman, $900; 45 laborers; plumber, $1,100; painter, $1,100; plumber's assistant, $780; attendant for emergency relief room, $660; 85 charwomen; carpenters—2 at $1,000 each, 1 $720. Winder Building: Engineer, $1,000; 3 firemen; elevator conductor, $720; 4 watchmen; 3 laborers (1 of whom, when necessary, shall assist and relieve the elevator conductor); forewoman of char force, $480; 8 charwomen. Cox Building, 1709 New York Avenue: Two watchmen-firemen, at $720 each; laborer.

Auditors' Building: Forewoman of char force, $480; 25 charwomen; elevator conductor, $720; 5 laborers (1 of whom, when necessary, shall assist and relieve the elevator conductor); 2 female laborers, at $480 each; skilled laborer, $840; in all, $204,520.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. HAMLIN. I want to ask the chairman of the committee about some new items in this paragraph. I see an Assistant Secretary, two additional Secretaries, page 33, at $5,000 each. What is the occasion for increasing that force?

Mr. BYRNS of Tennessee. They are authorized by law. The gentleman will remember—and, by the way, that is the preceding paragraph——

Mr. HAMLIN. Yes. I beg the gentleman's pardon; it is.

Mr. BYRNS of Tennessee. The gentleman will remember that under the act of 1917 two additional Assistant Secretaries were provided for in the Treasury Department.

Mr. HAMLIN. Are these those that were provided for?

Mr. BYRNS of Tennessee. Yes.

Mr. HAMLIN. Here is an administration clerk at $2,000, on top of page 37. What is the necessity of that clerk?

Mr. BYRNS of Tennessee. That is a new place. That clerk has charge of requisitions and supplies. The chief clerk of the Treasury Department made this statement to the committee: He said that when these requisitions came into his office from the various bureaus in the departments, he had no one to make a personal investigation to determine whether or not they ought to be allowed in whole or in part, and he needed some man of administrative ability whom he could send to the bureaus to ascertain the facts. For instance, if a bureau made a request for an additional desk, or a chair, or a typewriter, or any other supply, he wanted a man he could send to the bureau to make a personal investigation as to the need of it.

Mr. HAMLIN. If the man does his whole duty he will earn his money.

Mr. BYRNS of Tennessee. The committee thought so.

Mr. HAMLIN. That is true, and I withdraw the pro forma amendment.

The Clerk read as follows:

Bureau of War-Risk Insurance: For expenses of the Bureau of War-Risk Insurance, authorized by the act approved October 6, 1917, and prior acts, as follows: For salaries of the director and commissioners, and of such deputies, assistants, accountants, experts, clerks, and other employees in the District of Columbia or elsewhere, as the Secretary of the Treasury may deem necessary, $3,000,000; rental of quarters, $140,000; stationery and miscellaneous expenses, including not exceeding $100 for law books and books of reference and subscriptions to periodicals, and not exceeding $150 for street car tickets, $60,000; printing and binding to be done at the Government Printing Office and necessary printing of forms, etc., for use abroad may be done abroad, $200,000; furniture, equipment, and supplies, $150,000; traveling expenses, including not exceeding $4 per diem in lieu of subsistence, $40,000; purchase, maintenance, and repair of a motor-driven passenger-carrying vehicle, $1,000; in all, $3,591,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the measure a question. Has the gentleman any information as to the salaries that are paid the experts that will be paid out of the $3,000,000 lump-sum appropriation, and what kind of experts are they going to employ?

Mr. BYRNS of Tennessee. If the gentleman will look at the hearings on page 187, he will find a complete list of the salaries provided for in this bill.

Mr. WALSH. I notice that the experts apparently are employed as insurance experts, except experts in the nature of legal assistants. Do I understand that this table that is set forth in the hearings represent the salaries that have been fixed by somebody else and which are to be paid to these gentlemen?

Mr. BYRNS of Tennessee. Yes; they were fixed by the director, with the approval of the Secretary of the Treasury. I think the director and the commissioner and members of the advisory board were the only salaries fixed in the act.

Mr. WALSH. Are any of these people under the classified civil service?

Mr. BYRNS of Tennessee. I understand all the clerical positions in the War-Risk Bureau are being filled through the Civil Service Commission.

Mr. WALSH. Under this provision they need not be.

Mr. BYRNS of Tennessee. I do not want to be understood as saying that all of these positions have been filled through the civil service, particularly those so-called experts to which the gentleman refers. I understand they have been appointed without the civil service.

Mr. WALSH. The only class that has been within the civil service are the clerks?

Mr. BYRNS of Tennessee. I do not think that all of them were originally appointed under civil service, because the gentleman will remember that during a number of months—since the war began—the Civil Service Commission was unable to furnish a sufficient eligible list, and authority was given to various bureaus to make appointments temporarily pending the examination. The gentleman will find, if he will examine the act, that section 17 provides that, with the exception of the director, the commissioners, and such special experts as the Secretary may from time to time find necessary for the conduct of the war, all of the employees shall be appointed from such eligibles supplied by the Civil Service Commission in accordance with the civil-service law. As I stated, I think it is entirely possible that there were clerks appointed temporarily, in the beginning of the organization of the bureau, with the understanding that they would subsequently take the civil-service examination and stand or fall thereby.

Mr. GILLETT. But it would not be a competitive examination, would it? They would have to pass a class examination.

Mr. BYRNS of Tennessee. The gentleman may be correct in that; at any rate, they were required to stand the examination prescribed by law.

Mr. WALSH. Is it not a fact that these positions have been filled from the list made up by the Civil Service Commission from the applications that have been filed, and that the applicants have been rated upon the experience and qualifications which they set forth in their application blanks, and that they did not have to assemble anywhere and take the civil-service examination?

Mr. BYRNS of Tennessee. No; all these clerks placed here had a civil-service examination.

Mr. WALSH. A competitive examination?

Mr. BYRNS of Tennessee. I am not certain that it has been competitive in the sense that the gentleman uses the term. They have been required to stand the regular civil-service examination provided for clerks.

Mr. WALSH. That may be true concerning this bureau, but I think the custom is for the applicant to file an application, in which he is required to set forth his experience and his qualifications and his education, and he is rated by the commission upon the facts stated in the application; that they do not have to assemble at any point and proceed to answer the questions upon examination.

Mr. BYRNS of Tennessee. I will say to the gentleman that I know that is true as applied to certain positions, but I never heard that that practice was followed with reference to clerical positions.

Mr. HAMLIN. Right on that point I may be able to give the gentleman a little information. I know of some clerks who have gone into this particular bureau who took the regular competitive civil-service examination.

Mr. BYRNS of Tennessee. Yes.

Mr. HAMLIN. And they were appointed on their examination. I do not know whether all of them have been or not, but I know that appointments are being made through the Civil Service Commission from those who have stood the competitive examination.

Mr. BYRNS of Tennessee. My statement as to the possibility of clerks being appointed temporarily pending the examinations applied only to the appointments made when this bureau was first organized.

Mr. HAMLIN. I know that.

Mr. BYRNS of Tennessee. But the gentleman is entirely correct in his statement that competitive examinations are now being held.

Mr. HAMLIN. And they are appointed in that way now.

Mr. BYRNS of Tennessee. Yes.

Mr. STAFFORD. Will the gentleman from Massachusetts yield?

Mr. WALSH. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. The fact is that in the organization of this bureau, as in many other additional activities thrown upon this Government by reason of our entry into the war, the Civil Service Commission were without a list of eligibles to fill the positions. It was necessary, therefore, to fill them with temporary employees. Those temporary employees were given tentative employment, subject to the subsequent examination which would show them to be qualified for those positions.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. STAFFORD. I ask unanimous consent that the time of the gentleman from Massachusetts be extended five minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent that the gentleman from Massachusetts have five minutes additional. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman yield further?

Mr. WALSH. I yield to the gentleman from Wisconsin.

Mr. STAFFORD. Certainly at the present time, and for some time past, the Civil Service Commission has been in a position to furnish all the additional help from the civil-service rolls, and the War-Risk Bureau is not employing any temporary employees at the present time, but is employing those selected from the civil-service register to supply the additional employees needed from time to time as our Army is increased, imposing greater burdens upon that bureau.

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. If the gentleman from Massachusetts [Mr. WALSH] will permit me, I will yield to the gentleman from Ohio.

Mr. FESS. Will the gentleman from Massachusetts permit that?

Mr. WALSH. I will permit it.

Mr. FESS. I think the gentleman from Wisconsin understands the situation fairly well, and therefore I want to ask him what is the ability of the War-Risk Insurance organization to take care of the cases that come before it, with reference to expedition? I have an immense amount of correspondence as a result of the delay in the War-Risk Bureau, and I wish to know whether the delay is because of the recent organization, and the lack of clerical help, or whether it is due to failure to file the necessary facts upon which to base the insurance? I have so much correspondence that the obtaining of information sufficient to give definite answers has been an embarrassment

Mr. STAFFORD. As the gentleman knows, this War-Risk Bureau is only five months old. It was created under the act of October 6 last. It had from the very start a herculean task to perform. As the days went on the work multiplied so enormously that no human agency could keep the work current until sufficient help was obtained, and still more necessary, modern labor-saving devices which would expedite the work of the bureau. The delay has been due in a way not only to the want of help but largely to the need of a system whereby they could plan for and expedite this work. They are devising a plan of utilizing labor-saving machinery whereby they can stamp with one process five or six different pieces of paper or cards, that will serve for five different operations in the allotment of pay and the like. The chief of the bureau, Mr. De Lanoy, came before our subcommittee, as well as before the subcommittee on deficiencies, and I know he impressed me, and I think he impressed other members of our committee very favorably by his statement as to the progress of the work. If the work is not current now, he stated that it would be current in a short time. As with the gentleman from Ohio [Mr. FESS], so with myself and others, we have been receiving letters which we have submitted to them; yet, so far as the replies to my letters are concerned, the delay has not been unnecessarily long. The chief of the bureau, Mr. De Lanoy, states that replies will be given attention as speedily as possible; but gentlemen must realize that here is not only a great insurance bureau, but a pension bureau, and it has been subject to all the delays incidental to a new organization; but they are getting the machinery together, and in a very short time they will be up with their work and able to give satisfaction, I hope, to those who come under the provisions of this law.

Mr. GARRETT of Tennessee. If the gentleman will permit me to make this statement in connection with what the gentleman from Wisconsin [Mr. STAFFORD] said, I had a letter from the War-Risk Bureau this morning, in which it is said that there are 1,200,000 applications on file.

Mr. WALSH. About $12,000,000,000 worth of insurance.

Mr. HAMLIN. Will the gentleman permit another suggestion? I think that a great deal of the trouble and annoyance which they have had comes from the fact that the soldiers do not understand that they must make application for the allotment of this pension, and therefore the Government can not take up and consider that part of it. That seems to be the trouble in my section.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. WALSH] have five minutes more. I do not think he has had any part of the last five minutes.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time of the gentleman from Massachusetts be extended five minutes. Is there objection?

There was no objection.

Mr. WALSH. I thank the gentleman for securing for me an extension of time. There are one or two other questions I should like to ask in connection with this item. I notice that apparently the Secretary of the Treasury is authorized under this item to employ these various experts, clerks, and other employees in the District of Columbia or elsewhere, and that when the director was before the committee he stated that they had not given very much consideration to the matter of establishing branch offices with headquarters in the various States, but he conveyed the impression, I think, from a fair reading of his statement, that they intended to have a sort of flying squadron, as he said, which would presumably move about the country and establish headquarters temporarily at different places. Has the gentleman any further information as to that, other than what is contained in the hearings?

Mr. BYRNS of Tennessee. Mr. Chairman, I will say to the gentleman that, of course, these applications which come from soldiers are based, some of them, on the fact that they have a wife, others that they have so many children, others that they have dependent mothers, fathers, brothers, or sisters, and it is necessary to have some one make a personal investigation in order to determine whether or not the facts stated are true. It was stated by the director that there were cases where the soldier had been married three or four times, and those matters have to be investigated. They can not be investigated in camp, and it is the idea of the director, as I understand, to appoint a State agent and to have whatever force may be necessary in the various States to make these investigations and determine the accuracy of the applications which are submitted. The gentleman will realize that that is absolutely necessary in order to protect the Treasury and to see that justice is done in every case.

Mr. WALSH. I realize that, of course, but I also appreciate how easy it is to build up a great organization with branch offices in the various States, with different officials that would in many respects resemble the various pension bureaus or offices that were abolished some years ago. I believe that if there is any such intention as that in this large appropriation it ought to be carefully guarded. I do not think we ought to permit this very important and valuable bureau of the Government to become top-heavy, because I think that when it gets on a proper footing it can be administered economically and efficiently in the city of Washington. If it is not, it certainly will not be for lack of room for quarters.

Mr. BYRNS of Tennessee. I will state to the gentleman that it was called to the attention of the director that it would be inadvisable to establish extensive branch offices in the various States, and that there was really no necessity for the establishment of such offices. The gentleman will remember that a number of years ago we had pension agencies in the various States, and Congress subsequently discontinued them and brought the forces in charge to the Pension Office here. Those things were brought to the attention of the Director of the War-Risk Bureau, and he stated that he had no intention of building up any such organization; but he did say that it would be necessary to have some one in the various States who could make the investigations to which I have referred. He said his bureau was in a state of formation; that it was impossible for him to indicate or to know just what would be necessary and just what he would have to do in order to have these investigations conducted, but he assured the committee that it was not his intention to build up any great organization in any State. I may say to the gentleman that I was personally, and I think the whole committee was, very much impressed with the Director of the War-Risk Bureau. He is a business man of excellent ability and has a very clear and a very high conception of the obligations which rest upon him. The director and the commissioner are men of a high order of ability. They are exceedingly efficient and are building up a very efficient organization.

Mr. WALSH. But the gentleman realizes how easy it is for that sort of thing to become fixed?

Mr. BYRNS of Tennessee. I appreciate that.

Mr. WALSH. I would like to ask the gentleman a little about the furniture. Does the gentleman know anything about the method followed in purchasing furniture, either for this department or which will be purchased——

The CHAIRMAN. The time of the gentleman from Massachusetts has again expired.

Mr. TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. TOWNER: Page 41, line 21, after the figures "$3,591,000," strike out the period and insert a colon and the following words:

"*Provided*, That all clerks and employees hereafter to be appointed in this bureau shall be from the classified service."

Mr. BYRNS of Tennessee. Mr. Chairman, on that I reserve a point of order.

Mr. FOSTER. Mr. Chairman, I make the point of order.

Mr. TOWNER. Mr. Chairman, will the gentleman reserve the point of order?

Mr. FOSTER. It is subject to a point of order.

Mr. TOWNER. That may be true; but I ask the gentleman to reserve it.

Mr. FOSTER. I shall reserve it for a few minutes; yes. If the gentleman is going to make a long talk, I shall not.

Mr. TOWNER. Mr. Chairman, I would like to have the attention of the chairman of the committee. Much of the matter referred to in this proviso has already been discussed and explained by the chairman of the committee. The appointments that have been made so far, as I understand, outside of the classified service, have been temporary appointments?

Mr. BYRNS of Tennessee. In so far as the clerical force of the bureau is concerned.

Mr. TOWNER. That is what I understood. It is the intention, I understand, that hereafter appointments shall be made from the classified service?

Mr. BYRNS of Tennessee. Exactly.

Mr. TOWNER. In accordance with the language of the act?

Mr. BYRNS of Tennessee. That is correct.

Mr. TOWNER. Of course, knowing as many of us do that appointments have been made outside of the classified service, notwithstanding the provisions of the act, it is a source of some curiosity to us to know why that has been done.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman pardon me there?

Mr. TOWNER. Certainly.

Mr. BYRNS of Tennessee. I want to read to the gentleman a short statement from Mr. De Lanoy, right on that point. Mr. De Lanoy, as the gentleman knows, is the director of this bureau. He was asked about the employees:

Mr. GOOD. What about the other employees?

Mr. DE LANOY. They are all civil-service employees, sir, following the law. We obtained permission from the Civil Service Commission in the great rush and pressure that we were under not long ago, to take on temporaries, as they call them; stenographers and typewriters, with a proviso that they must pass an examination within 60 or 90 days, and then if they did not measure up to the proper standard, they would have to go. That tided us over. The Civil Service Commission was unable to supply these employees from the rolls.

The chairman of the Civil Service Commission also made a similar statement.

Mr. TOWNER. Mr. Chairman, the explanation is satisfactory and I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman from Tennessee a question. I notice in the hearings in the statement of the persons employed by the bureau a large number of men drawing $2,000, $2,400, $2,500, $3,000, and $4,000.

The director of the bureau announced in the beginning of the organization that with the exception of the members of the advisory board, the commissioners, deputy commissioner, and men of that character, there would not be any places for the employment of extraordinary men above $1,800. Can the gentleman explain, or did the director explain to the committee, why he was forced to pay $2,000 and $2,500 and $3,000 for those men?

Mr. BYRNS of Tennessee. I will say that the director stated that it was impossible to secure insurance experts, men possessing knowledge——

Mr. WINGO. But I am not talking about experts. The gentleman did not catch my question. Take, for instance, the assistant chief clerk. He does not have to be an insurance expert. Take the superintendent of mails and files, chief of supplies, chief of information, chief of the stenographic section, and men like that. I had in mind a very high-class man who was offered an $1,800 position because he was informed that was the limit and no one could be appointed above that.

Mr. BYRNS of Tennessee. Well, the gentleman will note that there are very few who are paid above $2,000.

Mr. WINGO. But the inference was at that time there would be only six or eight drawing more than $1,800 outside of the commissioners themselves, and I was wondering what was the occasion for his having changed his plan in respect to that?

Mr. BYRNS of Tennessee. The gentleman will notice that there is——

Mr. WINGO. I will give the gentleman a concrete case: There is a man drawing $2,500 in his present position who was perfectly willing and anxious to go into this service. He is an expert in particular lines of work and who could fill about two-thirds of the positions that are designated in the first list on page 187 of the hearings. He was told that they were limited to $1,800 for this class of men. Subsequently he picked up a man of less ability, and that man was put on at over $2,000, while this man of extraordinary experience was rejected because he was not permitted to pay him over $1,800 under his organization scheme.

Mr. BYRNS of Tennessee. The bureau is not limited, I will say to the gentleman, in the amount he shall pay for these experts. The gentleman will notice there are only about 29 or 30 who are paid exceeding $1,800——

Mr. WINGO. Yes.

Mr. BYRNS of Tennessee. And I think when you consider the fact that this represents a force of 2,900 employees——

Mr. WINGO. The gentleman misunderstands me.

Mr. BYRNS of Tennessee. That it makes a good showing.

Mr. WINGO. I agree that they ought to pay them the salaries. I took the position at the time they ought to pay men of that type more than $1,800 or you could not get them. In this short time I could not discuss that, but at some subsequent time I am going to get about 30 minutes and give concrete facts and statements and put in the RECORD certain information with reference to the matter.

Mr. BYRNS of Tennessee. I want to call the attention of the gentleman——

Mr. WINGO. I was just trying to ascertain why it was that finally they changed their plan. Was it a necessity in order to get men of this type?

Mr. BYRNS of Tennessee. Well, of course, I can not inform the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I ask that the gentleman have three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. BYRNS of Tennessee. I take it that when he could not employ this friend, who was urged by the gentleman, at a salary exceeding $1,800 that at the time he felt that he could not do so——

Mr. WINGO. The gentleman misunderstands me. He did employ men at a larger salary than $1,800.

Mr. BYRNS of Tennessee. I want to say this to the gentleman: That the director of that bureau has built up this great organization—which will ultimately consist of 2,900 employees—and that the average salary is only $1,080.

Mr. WINGO. The gentleman misunderstands me.

Mr. BYRNS of Tennessee. So the director has been remarkably economical. I may say also that he has not been actuated or controlled by political influence. He has a most efficient organization, although some no doubt have been disappointed at not securing positions.

Mr. WINGO. I am not complaining about his paying too high salaries——

Mr. BYRNS of Tennessee. Another thing; this bureau in itself has more employees than some of the departments, and a salary of $2,500 to an assistant chief clerk is not an unusual salary.

Mr. WINGO. I am not objecting to it. I say I think he ought to have it.

Mr. BYRNS of Tennessee. The gentleman referred to it, and I do not think it is subject to criticism.

Mr. WINGO. At the time this organization came into being I thought that the chief of the stenographic section should have a salary of $2,400. I see he is given $2,000. I thought that the salary of the assistant disbursing clerk should be $2,400. I now see he is given $2,250. As to the man who is chief of information I thought at the time that they could not get a competent man for less than $2,400. It is now $2,250. Yet they turn down a man who applied for one of these positions, because they said they could not pay more than $1,800. I am glad that he saw finally he had to pay proper salaries in order to get men qualified to do the work of this character; indeed, I am sorry he did not ascertain it sooner so as to prevent some of the delays from which we are now suffering.

The man I have in mind was one whose ability to fill one of these positions was admitted, and regret expressed that the director was not permitted to pay more than $1,800 for men of this character; yet, subsequently, men of no greater ability, and at least in one instance of less ability, were appointed at salaries ranging from $2,000 to $3,000. Of course, I am aware of the political influence that was responsible for such conduct. At a later date I shall go into detail as to that.

Mr. RUCKER. Mr. Chairman, I rise in opposition to the pro forma amendment, and I want to ask the gentleman in charge of the bill a question. I hope I can have the attention of the chairman of the committee. Some question has been raised here about compensation of experts in the War Risk Insurance

Bureau—and let me say I am not antagonizing these appropriations at all, because, as far as I have information, they are meritorious.

I understood the gentleman from Tennessee [Mr. BYRNS] to say that some item under consideration probably applied to expert insurance men. Now, the question I want to ask is this: What use has the bureau for an expert insurance man? I understand that under the law every soldier is eligible to insurance without medical examination. The amount for which the policy can be written is fixed by law. It can not be less than a specified sum, and in multiples of 500 up to a certain figure, and it can not go beyond that. The rate of premium is fixed and determined, or can be determined by any business man, and the query to my mind is: What use has the bureau for an expert, so called?

Mr. BYRNS of Tennessee. The gentleman knows that this is a very complicated law.

Mr. BUCKER. It may be that you need an expert to interpret the law, but you do not require the services of an expert insurance man to write those policies.

Mr. BYRNS of Tennessee. There are all kinds of allowances made, depending upon this condition and that condition.

Mr. BUCKER. I realize that; but let me ask another question. It is true that that bill, unfortunately, did not come from the gentleman's committee, and he did not have a chance to prepare it, or he would have prepared it well, but do I understand the gentleman to say that the great committee which did report that bill reported such a conglomeration that an expert is needed to interpret it?

Mr. BYRNS of Tennessee. Oh, no.

Mr. BUCKER. Or is so confused that we have to have experts to tell what Congress did?

Mr. BYRNS of Tennessee. Oh, no. I was not criticizing the Committee on Interstate and Foreign Commerce.

Mr. BUCKER. I understand the gentleman did not by direct statement.

Mr. BYRNS of Tennessee. I am quite sure it was drawn as carefully and as clearly as it was possible for it to be drawn, but the gentleman knows that it covers a multitude of subjects.

Mr. BUCKER. Let me say to the gentleman that I am not antagonizing this feature of the bill, but I do insist there ought to be a better reason for these high-priced salaries than to talk about their being experts, because I do not think they have any occasion for experts.

Mr. BYRNS of Tennessee. Now, the gentleman knows, and if he will examine the hearings he will find, that out of this entire force, as I said awhile ago, including the director, including the members of the advisory board, including the commissioners, the actuaries, the chief clerk, and the chief of division; and the experts—only about 30, I think it is—have been employed at a salary exceeding $1,800. Now, I submit to the gentleman that is not a very great number of experts. And the director stated, if the gentleman will pardon me, that he must have experts who have some knowledge of insurance and experience in making settlements, and so forth, and also some who have some legal information. He could not procure men possessing these qualifications for a less sum.

Mr. BUCKER. If the gentleman has concluded, I hope I may use a part of my time.

I said, and I repeat, that I am not criticizing the number of gentlemen who draw $2,000 or $2,500. I am assuming they are worth it, and I believe they are worth it, but it seems to me, in defense of the bill we ought to have a better reason than to say that it is because they are experts, when the particular work to which his attention is directed does not require expert service at all.

Mr. BAMLIN. Mr. Chairman, I desire to submit a request for unanimous consent. I want to ask permission to extend and revise some desultory remarks that I made some time ago.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I withdraw my pro forma amendment.

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words.

I have no desire or disposition to indulge in captious criticism of the manner in which appointments have been made since the beginning of the war, particularly to the new and the growing and enlarging bureaus of the Government. I realize that under these circumstances, under the conditions that have existed, it has not been possible at all times to select and to secure all of the help needed from those who have regularly passed civil-service examinations. But I do think that it would be enlightening and helpful to have a little plain talk on the subject of the manner in which appointments have been made.

It is all very well for the gentlemen at the head of these bureaus, which are supposed to be under civil service, to use the language of "camouflage" in their statements as to the way in which appointments have been made. The fact is, the plain, unvarnished fact, that these new bureaus and these enlarging departments have been vitalized as glorified plum trees for the use and benefit of Democratic Representatives and Senators. I do not know of any Republican, I have not heard of any, who has secured these temporary appointments. So far as I am personally concerned, I have not sought any of them, and therefore I have not been disappointed. I am not complaining because of the fact that those appointed have been in the main or probably wholly appointed on recommendation of Democratic Members of the House and Senate. But I think it is just as well for some one to state that fact. There has been a good deal of very polite conversation and discussion here with regard to this matter, which is all very well in its way. The fact remains that there has been no effort—well, I will not say that; I will not say there has not been any effort—to comply with the civil-service rules. I presume there has been an honest effort on the part of some officials and probably some effort on the part of all, but I do not think that many of the men in charge of the War-Risk Bureau, for instance, have made any very special effort to comply with the civil-service law. They have appointed about everybody bearing recognized Democratic credentials, so far as my information goes, and largely young and inexperienced people, who were recommended by the proper folks, bearing indorsement from approved Democratic sources. Let us assume for the purpose of the discussion that that is all right. Let us understand about it, however, and let the country know about it if the country is interested in it.

We on this side have had nothing to do with it, and it has been largely without very much regard to civil service. What I fear—and I have some information on which to found that fear—is that the appointments to a very considerable extent have not been with very great regard for merit or qualification. It has been, I imagine, largely a question of who recommended the appointee. From the standpoint of patronage it has been a perfectly glorious time to be a Democratic Congressman.

Of course, I expect gentlemen on the other side, one after another, to arise and declare that they personally have not participated in this game of patronage; but if they have not, then they have allowed their colleagues to get away with something that legitimately, under the rules of the game as it has been played under the present administration, belongs to them. No gentleman arises in his seat to make the declaration I suggested, so I assume that all of the gentlemen here present have participated.

Mr. SHERLEY. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. SHERLEY. If it is the rule of the game, why is the gentleman complaining if, under the rules of the game, he has not been a participant?

Mr. MONDELL. I have made no complaint. I have merely stated the fact.

Mr. SHERLEY. You were just voicing an appetite, then, instead of a complaint? [Laughter.]

Mr. MONDELL. If the gentleman had listened to me, he would have realized that I simply rose to perform a duty. [Laughter.] Some one ought to perform it, after all the polite and somewhat obscuring talk we have heard on the subject.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. After all the polite and somewhat befogging talk we have had upon this subject of appointments, it seemed to me but proper that some one should speak for a moment in words which would outline the situation as it is, and not as it would seem to be from some of the evidence presented before the committee and from some remarks that have been made on the floor.

I was about to remark when interrupted by my friend from Kentucky that it has been a perfectly glorious time to be a Democratic Member. If any of the gentlemen have any deserving constituents in their districts that are not now feeding at the public crib, it is an evidence of their lack of energy and activity in securing the jobs, which, in the division of the spoils, they seem to be entitled to.

Mr. GLASS. Might it not be an absence of taste for that sort of business?

Mr. MONDELL. Well, there may be gentlemen who do not have a taste for that sort of thing; and if there are any such, I am perfectly willing to yield to any such gentleman to now declare his lack of taste for patronage.

Mr. GLASS. I do not hesitate to declare mine, and I do not think it is anything creditable to anybody to say that he spends his time here looking for jobs.

Mr. MONDELL. Well, no Republican has put in his time in that way I am confident. If any have they have probably had no rewards for their trouble. I do not think, however, there is anything wrong about a man's getting positions for his constituents. I do not criticize anyone for doing that. I think if there are opportunities for public service and people are qualified and seek that service, it is the duty of Members of Congress to assist them in securing it. I am criticizing no one. I am simply putting into the RECORD a statement of the fact. I am not quarreling with the fact, but it occurred to me that it was well to have the fact stated while we were discussing these matters.

Mr. SHERLEY rose.

Mr. MONDELL. Did the gentleman from Kentucky desire to ask me a question?

Mr. SHERLEY. Oh, no. I was just waiting until the gentleman had concluded his desultory remarks.

Mr. MONDELL. I had about concluded. The Government has needed a great many new employees. It has been impossible to secure them from the civil-service lists as rapidly as they have been needed. It is quite the natural thing for the party in control to make appointments on the recommendations of its members. I am not quarreling with that at all. But let it be understood; let it be known. I congratulate you gentlemen on your opportunities and on the heroic manner in which, so far as I am informed, you have availed yourselves of those opportunities. I hope that all those whom you have recommended will perform their service well, to the benefit of the whole country, and to the winning of the war.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. SHERLEY. Mr. Chairman, the committee and the country will feel like congratulating the distinguished gentleman on the moderate tone of his speech. Considering the pain that one with his political antecedents and appetite must undergo in seeing any enlargement of the public service without being able entirely to control its personnel, he has given an exhibition of self-restraint upon which I desire to heartily congratulate him. [Applause.]

Evidently the gentleman thinks that instead of having many of the heads Republicans, we ought to have the heads and those under them Republicans. It so happens that at the head of some of the very largest bureaus that have undergone the greatest expansion have been appointed men not because they were Republicans, but men because they were patriotic and proper citizens, but who nevertheless are Republicans and are administering those offices.

Mr. MONDELL. Will the gentleman be good enough to name some?

Mr. SHERLEY. I might name Mr. Garfield. I presume you claim him. [Laughter.]

Mr. MONDELL. I invited a former chairman of the Committee on Appropriations to put the names in the RECORD and he declined.

Mr. SHERLEY. One moment. As I said once before, it is so hard to define what is a Republican in good standing now that it is difficult to say what particular Republican will be admitted into association with a particular group of other Republicans. But I had hoped that as the result of the great amount of publicity we have seen lately there would be a getting together of those various wings of the party whereby you would be able to include so distinguished and prominent a gentleman as Mr. Garfield in your ranks. Now, there is your friend, Mr. Willcox. [Laughter.] Of course, he brings up such unpleasant memories that I do not like to mention his name now, but I could go on enumerating a number of these distinguished gentlemen who supposedly belong to your party. [Laughter.]

Mr. STAFFORD. He received a deserved reward.

Mr. SHERLEY. Perhaps so.

Mr. MONDELL. Will the gentleman furnish us a list of men who have been appointed to superior positions of honor and responsibility, with a good salary attached, whom he calls Republicans?

Mr. SHERLEY. I will if the gentleman will give me such a definition of Republicanism as will enable anybody to classify them. [Laughter.]

Mr. MONDELL. I said as you will define them.

Mr. SHERLEY. I am not willing to undertake to determine who shall be considered in good standing in your party. I have no desire to have such a responsible job devolved on me, or to undertake to answer for the future; but whenever you furnish the definition I will be glad to supply the list. [Laughter.]

Mr. GILLETT. The gentleman in response to a question of my colleague has been able to mention two men whom he calls Republicans who have been given places in this administration, and I guess he mentioned all anyone could recollect. One of those, Dr. Garfield, was a supporter of Mr. Wilson. I do not call a man who voted for the President a Republican; and, at any rate, I do not call it an act of nonpartisanship in this administration to appoint such a man. It is no recognition of Republicans. It is an act of gratitude, of course. [Laughter.]

Mr. SHERLEY. I suppose you explain Mr. Willcox's appointment on the ground of gratitude. We certainly are grateful to him as a party. [Laughter.]

Mr. GILLETT. Exactly. If there is one Republican to whom I think the Democrats ought to feel grateful it is Mr. Willcox. Therefore the two gentlemen whom the gentleman from Kentucky [Mr. SHERLEY] has mentioned are two men whom it seems to me were clearly appointed not as an act of nonpartisanship but as a mere act of gratitude by the President. They were just the ordinary cases of patronage—giving an office in return for favors done.

Mr. SHERLEY. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. SHERLEY. I want to suggest to him that I hope the party will be equally generous to Mr. Hays in the future.

Mr. GILLETT. You will not have any occasion to be.

The CHAIRMAN. The pro forma amendment will be withdrawn without objection, and the Clerk will read.

The Clerk read as follows:

Federal Farm Loan Bureau: Four members of the board, at $10,000 each; secretary, $4,500; assistant secretary $3,000; 4 private secretaries, at $2,000 each; chiefs of divisions—bond division $3,000, statistical division $3,000, appraisement division $3,000, charter and reports division $3,000; assistant chief, bond division, $2,500; custodian of securities, $2,500; 5 examiners of securities, at $2,400 each; 12 registrars, at $4,000 each; chief examiner, $5,000; irrigation expert adviser, $4,800; clerks—3 of class 3, 5 of class 2, 9 of class 1, 7 at $1,000 each, 6 at $900 each; stenographers—4 at $1,200 each, 1 $1,000; messenger; 4 assistant messengers; in all, $186,820.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BYRNS of Tennessee: Page 42, line 4, strike out "five" and insert "seven," and in line 10, strike out "$186,820" and insert "$189,220."

Mr. BYRNS of Tennessee. That is simply to correct an error.

Mr. WINGO. Right on that point, Mr. Chairman, I should like to ask the gentleman a question. What does the gentleman understand the duties of these examiners of securities to be?

Mr. BYRNS of Tennessee. These examiners of securities are men who are required to have legal information and banking information——

Mr. WINGO. I am not talking about their qualifications, but what "securities" does the Farm Loan Board hold?

Mr. BYRNS of Tennessee. If the gentleman will be patient for a moment I will tell him. These examiners are required to have legal information and also some banking experience. Roughly their duties are to investigate the securities that are taken by all of these 12 land banks. These securities are sent in here by the local banks which make the loans. These examiners of securities are expected to examine them closely and see whether or not the law has been complied with, whether the loan was justified upon its face, and whether every step necessary to comply with the law was taken, and upon their statement is based the action of the farm-loan commissioners in determining whether or not these farm-loan banks are entitled to issue bonds upon the loans so made. If they are rejected, of course the securities are turned back to the banks, and the banks must carry the loans themselves or correct them in accordance with the law.

Mr. WINGO. Are these men legal examiners?

Mr. BYRNS of Tennessee. As I have just stated, they are legal examiners, and it was stated by the Federal Farm Loan Commissioner that they must have some banking information, also. At least that has been required in making the appointments.

Mr. WINGO. They do not examine any stocks or bonds, or anything of that kind, do they?

Mr. BYRNS of Tennessee. They do not examine any stocks or bonds; no.

Mr. WINGO. Is the farm-loan bank authorized to invest in any securities except land securities?

Mr. BYRNS of Tennessee. No.

Mr. WINGO. So that really they are lawyers? Is that what the gentleman understands?

Mr. BYRNS of Tennessee. I do not know whether they are all graduates of law or not.

Mr. WINGO. They are supposed to have at least a reasonable amount of legal intelligence.

Mr. BYRNS of Tennessee. Yes.

Mr. WINGO. Will the gentleman tell me whether or not these are the gentlemen who have undertaken to determine what is necessary in abstracts of title?

Mr. BYRNS of Tennessee. No; these gentlemen have nothing to do with that. Their duties are confined exclusively to the examination of securities.

Mr. WINGO. Will the gentleman tell me what official named herein is responsible for the present requirements with reference to abstracts?

Mr. BYRNS of Tennessee. I can not state that to the gentleman, unless it is the board itself. Of course, as the gentleman knows, each bank has a legal adviser. Now, I take it that the broad question as to what is necessary in the way of abstracts of title was in the end left with the entire Farm Loan Board.

Mr. WINGO. So the gentleman thinks the only duty of these men is to see whether the loans have been properly made, and whether or not bonds are to be issued on securities which have been taken by the bank, which, of course, are nothing but mortgages on land?

Mr. BYRNS of Tennessee. Their duties are to examine these securities, which are sent in here by thousands from these banks and to pass upon them.

Mr. WINGO. They are sent in here to Washington, are they?

Mr. BYRNS of Tennessee. They are sent in to Washington.

Mr. WINGO. All these mortgages?

Mr. BYRNS of Tennessee. All these mortgages are sent in to Washington, and they are here examined, and if approved by the Farm Loan Board, then that particular farm-loan bank is authorized——

Mr. WINGO. To make the loans?

Mr. BYRNS of Tennessee. No; the loans are made in advance, as I just said.

Mr. WINGO. That was what I understood.

Mr. BYRNS of Tennessee. As I have stated, when loans are improperly made they are turned back to the bank, and the bank has to carry them itself, and is not permitted to issue bonds upon them unless the securities are corrected so as to comply with the law.

Mr. WINGO. Who is the attorney for this board? What is his designation?

Mr. BYRNS of Tennessee. The board has no attorney expressly provided for it. One of the commissioners is an attorney.

Mr. WINGO. Who is that?

Mr. BYRNS of Tennessee. Judge Lobdell.

Mr. WINGO. Yes; that is true; but they have no advisory attorney here?

Mr. BYRNS of Tennessee. No.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I want to ask the chairman of the committee upon what basis is the rating of salaries in these new bureaus, such as the one under consideration, made so much higher than the salaries in some of the old established institutions of the Government, like the Library of Congress, for example? Do we understand that the men who are capable of taking these positions must be of a higher grade of ability than the men who are in the research work in the Library of Congress, for instance? I have looked over the rating of salaries for the Farm Loan Board and see that they are very much higher.

Mr. BYRNS of Tennessee. If there is any difference in the salaries provided for in the new bureaus and those carried in the old bureaus, I take it that it is due in some measure to the time when they were fixed, because the gentleman knows that a dollar does not go so far now as it did a number of years ago. I want to say that in fixing these salaries it is necessary for the Farm Loan Board to compete with banks and trust companies in order to secure competent and capable employees. The gentleman will notice that when it comes to the clerical force that they are provided for in the same grades carried in other bureaus, but when it comes to men required to have some expert knowledge they have been compelled to pay them salaries somewhat in excess of the high-paid clerks.

Mr. FESS. I am not penurious about the matter and do not want to make any comparisons without foundation.

Mr. BYRNS of Tennessee. I agree with the gentleman that, so far as the salaries in the Congressional Library are concerned, many of them are ridiculously low. That has been my opinion ever since I have been a member of this committee. This committee has undertaken, with reference to some of the very low salaries, to raise them.

Mr. FESS. I am glad to know that.

Mr. BYRNS of Tennessee. We have raised them to a slight extent; but I will say that it is not the province of the Appropriation Committee to enter into the work of revising the entire salaries of any particular bureau, because that is legislation which Congress can enact in the usual way if it sees fit to do so.

Mr. FESS. I want to make an observation, if the Chairman will indulge me, that the war bureau has to do with the handling of wealth and securities and things of an unusual money value, and ask whether the salaries would likely be greater than those that have reference purely to educational work. That seems to run through the entire gamut of society. However, I do not think it is quite well founded, because the amount of money required to prepare one for research work is tremendously expensive and ought to be recognized by the payment of better salaries.

Now, in this increase of the number of employees that must go through the civil service I presume there has been a great demand for help put upon the civil service and a great deal of labor in getting these people ready. I have wondered whether there has not been a little abuse there growing out of the increased demand. I have in mind this instance that I would like to have the chairman know.

The head of one bureau called a man to assist him. I know these facts, or at least I have been told by persons in whom I have confidence, so that I can give the names of the head of the bureau and the man, if desired. The man called was very much desired because of the character of the work he had already done, which was very well known. He was told that he would have to take an examination. An examination was taken, and he ascertained when the report came in that he had failed to pass. In making some investigation he found that his own papers had been graded by some high-school assistants who had been called in to do this work.

I can see how a list of examinations might be graded by a high-school boy, but in a case of this kind it seemed that here was a great abuse of the civil service in calling in that kind of service that would require more than mere verbal knowledge.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. BYRNS of Tennessee. I ask unanimous consent that the gentleman may have three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. That sort of a performance I think is an abuse wherever it was done, and especially where the one whose examination must show some expert knowledge.

Mr. BYRNS of Tennessee. Do I understand the gentleman to say that the papers were graded by a high-school student?

Mr. FESS. That is what I understand, some assistant that was called in.

Mr. BYRNS of Tennessee. I am surprised to hear that. I agree with the gentleman in his criticism of that sort of action. I will state to the gentleman that the chairman of the Civil Service Commission stated to the committee that, in order to dispose of a great amount of work and a great number of papers, he had employed public-school teachers of the city to work in the evenings, paying them for two or three hours' time, in order to dispose of as many papers as possible. I did not understand that anyone had employed a high-school student.

Mr. FESS. I think it might be well to make an investigation to see whether the high-school teachers did not pass it over to the students.

Mr. BYRNS of Tennessee. If they did, it was an improper thing to do. However, I may say that the school-teachers who have been doing the work did it in order to get extra pay, for, as the gentleman is aware, their salaries are ridiculously low.

Mr. FESS. Oh, I would not object to their doing the work.

Mr. BYRNS of Tennessee. And the work was done at the office of the commission and not at their home.

The CHAIRMAN. The time of the gentleman from Ohio has expired. The pro forma amendment is withdrawn, and the question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Office of Supervising Architect: Supervising Architect, $5,000; executive officer, $3,250; technical officer, $3,000; drafting division—superintendent $3,000, assistant superintendent $2,750; mechanical engineering division—superintendent $2,750, assistant superintendent $2,400; structural division—superintendent $2,750, assistant superintendent $2,400; superintendents—computing division $2,750, repairs division $2,400, accounts division $2,500, maintenance division $2,500; files and records division—chief, $2,500, assistant chief $2,250; head draftsman, $2,500; administrative clerks—8 at $2,000 each; 4 technical clerks, at $1,800 each; clerks—9 of class 4, additional to 1 of class 4 as bookkeeper $100, 4 at $1,700 each, 14 of class 3, 6 at $1,500 each, 13 of class 2, 8 at $1,300 each, 21 of class 1, four at $1,100 each, 7 at $1,000 each, 5 at $900 each, 2 at $840 each; photographer, $2,000; foreman, duplicating gallery, $1,800; 2 duplicating paper chemists, at $1,200 each; foreman, vault, safe, and lock shop, $1,200; 5 messengers; 2 assistant messengers; messenger boys—1 at $600, 2 at $480 each, 2 at $360 each; skilled laborers—4 at $1,000 each, 7 at $900 each, 1 at $900, 1 at $840; laborers—1 at $660, 1 at $600; in all, $221,020.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. In this item for the Supervising Architect it appears possible that there is no deserving Democrat in the country who is competent to be appointed Supervising Architect. For the last two years, I think, or more this office has been vacant and the duties have been performed by the executive officer, Mr. Wetmore, a very competent and courteous official, and one who is fully able to perform the duties of the Supervising Architect. While I am not calling attention to this in the hope that perhaps some nondeserving Republican may be appointed to this office, I think it is unfair in a great department like this that we should appropriate for a Supervising Architect the sum of $5,000 and leave that position vacant and impose upon the executive officer, without increase in salary, in addition to the duties of his position, the work of the Supervising Architect. It may be that by reason of the order issued by the Secretary of the Treasury, under date of December 26, 1917, to the effect that no matter what the Congress of the United States might decide, no matter how much money they should appropriate or what authorizations they should issue, the Supervising Architect, or the Office of the Supervising Architect, was ordered to cease work and directed that no new buildings were to be placed under contract unless their urgency was established to the satisfaction of the Assistant Secretary in charge. In other words, if Congress should deem a new building urgent and authorize an appropriation and authorize the acquisition of a site, the Secretary of the Treasury decrees that that money should not be expended unless some Assistant Secretary of the Treasury is satisfied as to its urgency. All expansion of buildings he orders, where the urgency is established to the satisfaction of the Assistant Secretary, are to be placed on the market for bids, and then he also decrees that no additional sites are to be selected until further orders are given by the Secretary. It would seem that an order such as this goes a little beyond the bounds of an Executive order, and Congress is the proper body to determine the urgency of a building or the urgency of acquiring sites, and also that we are the proper body to determine whether such buildings should be constructed.

With these few preliminary remarks, I now desire to ask the gentleman in charge of the bill if he has any information respecting the reason why the office of Supervising Architect is now vacant, and has been vacant for the past two or three years; and, further, whether there is any likelihood that an official will be found in the near future to fill that office?

Mr. BYRNS of Tennessee. Mr. Chairman, I will say to the gentleman from Massachusetts [Mr. WALSH] that I have no information as to why that office is not now filled. My recollection is that it has been vacant for at least a year, and possibly longer. In reply to the statement of the gentleman that it may be due to the fact that no competent and deserving Democrat can be found to fill the place, I want to say that that is clearly a mistake, because if the Secretary of the Treasury would call on me I could name several exceedingly competent and deserving Democrats from my own district, and I am sure other gentlemen could do likewise. I take it the reason this position is not filled now is due to the fact that there is not any great existing need for a Supervising Architect, particularly at this time. The gentleman has just referred to an order curtailing the work of this bureau. The executive officer, who is a very competent gentleman, and who has been in the service for many years, has taken care of the office with entire satisfaction. Inasmuch as the failure to make this appointment results in a saving to the Treasury of $5,000 each and every year, I assume the gentleman is not disposed to offer any serious criticism of the failure to fill the office.

Mr. WALSH. Mr. Chairman, my criticism or suggestion was that it seemed to me unfair to the executive officer, Mr. Wetmore, that he should have these additional burdens and responsibilities placed upon him when we provide by law for an official to assume those responsibilities, and that if we are going to conduct that office without a Supervising Architect we might well provide that he should be the head of the office and compensate him accordingly.

Mr. BYRNS of Tennessee. His duties now are not nearly so onerous as they would have been a year or two ago, because the department, as the gentleman has just indicated, has suspended the erection of Federal buildings throughout the country, except where there is a peculiar and important reason for putting them up.

Mr. MONDELL. But Mr. Wetmore has been serving at a time when there was a great deal of activity in the office.

Mr. BYRNS of Tennessee. I think that is true.

Mr. MONDELL. And has been filling the position with great credit.

Mr. BYRNS of Tennessee. I think the gentleman is entirely correct in that statement.

Mr. MONDELL. I think when the time comes to make an appointment—and I am not insisting upon it at this time—it would be a commendable thing to appoint the present Acting Supervising Architect.

Mr. BYRNS of Tennessee. That may be entirely true; but I want to say to the gentleman that the fact that here is an office that pays $5,000 a year which remains unfilled is a refutation of the gentleman's remarks awhile ago, in which he accused the Democrats of being overanxious to secure places in the Government.

Mr. MONDELL. Oh, if the gentleman will allow me, not at all. The opportunity was lacking in this particular case. That is the real reason.

Mr. BYRNS of Tennessee. The Secretary of the Treasury, who is a distinguished Democrat, has had the authority to fill this place ever since it became vacant.

Mr. MONDELL. I have no doubt but that that distinguished and astute gentleman had very excellent reasons for not calling on the faithful to present candidates for this particular position, and we are somewhat enlightened in regard to that by the remarks the gentleman has just made himself to the effect that he thought he could find two or three candidates who could fill the office acceptably from his own district.

Mr. BYRNS of Tennessee. I am quite sure of that, and I have no doubt that the gentleman has some one in his own State who could fill the position acceptably. I have not requested the appointment of anyone.

Mr. MONDELL. I have not been looking up any material recently.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. REAVIS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee if it is not a fact that during the time the Office of Supervising Architect has been vacant the architectural work has been done outside of the department? Have not the plans and specifications for Federal buildings which have been constructed during the vacancy which is now existing in this office been drawn outside of the department?

Mr. BYRNS of Tennessee. I will say to the gentleman my impression is—in fact, my very clear understanding is—that plans and specifications are drawn in the Office of the Supervising Architect, except, possibly, in one or two instances.

Mr. REAVIS. The gentleman who is now in charge of the department is not an architect?

Mr. BYRNS of Tennessee. No.

Mr. REAVIS. That is what I wanted to know.

Mr. BYRNS of Tennessee. He is provided, of course, with quite a number of draftsmen who are not carried in this bill but are carried in the sundry civil bill.

Mr. REAVIS. Mr. Chairman, what I have to say probably is not pertinent to the pro forma amendment I have made, and, as a Republican, I may be somewhat offside in saying what I have in mind. I have encountered a great deal of the inefficiency complained of in several of the departments in Washington, particularly with reference to departments directly connected with military activities. I feel, however, that it is only fair for me to state that my experience with the War-Risk Bureau has demonstrated that there is not a more accommodating, a more efficient department in Washington. I have never gone to them that I have not been treated with the utmost courtesy, and I have never gone there upon an errand asking for information that it has not been promptly furnished me. I felt it was fair to them, inasmuch as it was my experience, that I state this. I could only wish that other departments were as efficient as I have found the War Risk Bureau to be. They are undertaking a tremendous work, a work that is in a new field so far as this Nation is concerned. Largely by the activities of that department over 90 per cent of a million and a half of soldiers in the American Army are to-day insured. I have gone to them in one instance in particular where I made a request for service that was exceedingly difficult to perform. Mr. De Lanoy, who was at the

head of the bureau I went to, put several of his assistants to work on it and I had the information before night that I had no expectation of getting within a week. This brief statement is purely voluntary, but I felt it was due, inasmuch as they have been subject to some criticism here, to state that my experience with them indicated to me at least that they are both accommodating and efficient. [Applause.]

Mr. MONDELL. Mr. Chairman, I do not know whom the gentleman from Nebraska [Mr. REAVIS] had in mind when he said there had been some criticism of the War-Risk Bureau. I have been paying some attention to the discussion, and I can not recall having heard any special criticism of the bureau, though I did say something of their practice in the matter of appointments. I will say this, however, that my experience with the bureau has not been along the line of the happy experience of the gentleman from Nebraska, probably due to the fact that the cases I have called to their attention were of a character with respect to which it was impossible just at the time to give the desired information. I have no doubt but what they have tried to do the best they could under the trying circumstances and conditions under which they have organized and gotten under way.

Referring again for just a moment to the general matter of appointments, let me say that no one on this side complains because under a Democratic administration appointments outside of the civil service are made from among the faithful. It is true, in other days of war a great administration called men of other parties than that of the President to the councils of the Nation, but I have no criticism to offer because that has not been done under this administration. What strikes me as being rather remarkable, and in a way regrettable, is that in the midst of a great war, when those charged with responsibility should be giving all their time and attention to matters connected with the war and the winning of it, some one about the administration has found the time and the inclination to search the country with a fine-tooth comb, in connection with appointments to the few commissions where the law requires that at least a part of the membership shall be of another political party than that of the majority, to find appointees who, whatever they may be are not Republicans, even by their own definition. In all such cases some one has found time in the midst of war and its stress, alarms, and trials to search the country over to find some one who, according to some peculiar classification might be called a Republican, all the time exercising very great care that those so selected were in no case Republicans by the test and proof of having supported Republican candidates and Republican policies.

Mr. BORLAND. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BORLAND. Have not we the word of the newly elected chairman of the Republican committee that there are no factions now in the Republican Party? Does the gentleman mean to inform us there are real factions in the Republican Party and the Republicans are in very doubtful shape?

Mr. MONDELL. No; there are no factions, but the President has found men who were descendants of Republicans or who at one time were said to be Republicans, but who, at least in late years, have been supporting Democratic candidates, gentlemen who organized Wilson clubs and aided in the election of the President who he has seen fit to name as the Republican representatives on boards and commissions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Now, speaking seriously, when the Congress says that a commission shall be bipartisan, would not it reflect good taste and indicate good intent really to make it bipartisan and put on the commission some one definitely and beyond question of the minority party? Is it not extraordinary that in time of war men should find time or have the inclination to turn aside from the great affairs of the Nation and spend time hunting up folks whose appointment does not fairly and honestly meet the intent of Congress? In my opinion it does not reflect credit on anyone, that sort of political camouflaging, especially at a time when the minority is stanchly supporting the administration. This searching the country over as though there were not competent men of the opposition to find some one who supported the party in power, who may, however, by some peculiar and questionable definition invented for the occasion be classified as a Republican, does not strike me as being a very commendable or honorable employment.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. BYRNS of Tennessee. I submit to the gentleman from Wyoming that is the misfortune of the Republican Party, the fact that there are so many different kinds of Republicans that it is impossible to get the appointment of the particular kind whom the gentleman might characterize as a Republican.

Mr. MONDELL. No; the party is suffering from no such misfortune. It is the misfortune of the peculiar frame of mind of the men who stoop to do those things.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I rise in opposition to the pro forma amendment.

I am not inclined to make any criticism of any character of inefficiency that might grow out of the creation of new bureaus or the enlargement of old ones, since such observations frequently fall of any good purpose on the scale of mere criticism. And I am free to overlook some of these lapses, if they are inevitable, from lack of preparation, or if they are not serious. But once in a while we have brought to our attention some things that ought really never to take place, which demand public attention to induce greater care in public service.

I hold in my hand an envelope sent from my home town by the father of a boy in the ranks, now overseas, who was here in the engineering training camp at the American University grounds. This letter was returned to the father and marked in red ink, "Deceased," and in another place on the envelope the word written out, "Died." These parents were in the most agonized condition of mind, and, not having heard anything of serious illness, they took it up with me at once, to know why that, if the soldier had passed away, the parents had not been notified. The envelope was postmarked at the home office November 28 and at the receiving office February 9. Before I could make an investigation they had received a letter from their son overseas, which of course relieved them of further anxiety. I sent an inquiry at once to The Adjutant General, asking him about this boy, and he referred the matter to the headquarters of the American University Camp. Under date of March 2, 1918, was received a letter, as follows:

The man alluded to herein is a member of Company E, Second Battalion, Twentieth Engineers, which organization left this camp for over-seas duty about November 10. No reason is known at this camp for the word "Died" on the inclosed envelope. It is the practice at this camp to forward all mail for members of organizations which have left for overseas to the foreign station of the organization. The enlisted men who handled mail at the time this letter was received have departed for overseas. There is no record at this camp of the death of W. W. Drake. Every effort is made to see that all mail for men of organizations which have occupied this camp is forwarded to its proper destination and to exercise every consideration for all personal inquiries made of this camp.

It is evident that the boy is all right, because they have received at home a letter from him. But I think that a thing of this kind is totally inexcusable and ought not to have any basis for an apology. Had it taken place at the front no one would be greatly surprised, or in camps where thousands of men are stationed, but it should not occur where small groups are collected. And while, as I say, at this time one does not want to seem to be frivolous in criticism, because of the tremendous work the War Department has to do, here is a case that certainly ought not to have occurred. I do not offer this as hypercritical criticism in time of war, neither did I call attention to the exasperating delays of the war-risk insurance work in adjusting the family allowances for the sake of mere faultfinding, since I am not unaware of the tremendous work this bureau must shoulder, but simply as a suggestion that more care be given to matters now of importance when the public is being called upon to give its undivided support to the country.

The Clerk read as follows:

Auditing accounts abroad: For salaries and expenses incurred under section 12 of the act of September 24, 1917, including traveling expenses, per diem not exceeding $4 in lieu of subsistence for officers and employees absent from Washington, rent, cablegrams and telegrams, printing, law books, books of reference, periodicals, stationery, office equipment and exchange thereof, supplies, and all other necessary expenses, $700,000, of which not exceeding $25,000 may be expended at Washington for the purposes of this section, but no officer or employee shall receive for duty in Washington any compensation other than his regular salary.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. What is the idea of the provision in lines 9 and 10? Can the gentleman state that this is for auditing accounts abroad, with a limit of $25,000, of the $700,000, that may be expended in Washington?

Mr. BYRNS of Tennessee. That is to take care of the additional work thrown on the office in order to handle the accounts as they are sent here after they have been audited abroad.

Mr. WALSH. Well, they have already increased the allowance in the comptroller's office for the work here, have they not?

Mr. BYRNS of Tennessee. That is quite true; but the idea was to keep this particular work separate from the other work

of the bureau. I will say to the gentleman that this work is being performed by the Comptroller of the Treasury and the Auditor of the War Department jointly. They requested that this amount be set apart for use here in Washington to take care of these particular accounts.

Mr. WALSH. That is the only reason for that limitation?

Mr. BYRNS of Tennessee. That is the only explanation I can give the gentleman.

Mr. WALSH. And that is probably for services and not purchase of equipment?

Mr. BYRNS of Tennessee. That is for personal service.

The Clerk read as follows:

Office of Auditor for Post Office Department: Auditor, $5,000; assistant and chief clerk, $3,000; law clerk, $3,000; expert accountant, $3,000; four chiefs of division, at $2,250 each; four assistant chiefs of division, at $2,000 each; three principal bookkeepers, at $2,000 each; clerks—25 of class 4, 43 of class 3, 49 of class 2, 51 of class 1, 12 at $900 each; skilled laborers—5 at $840 each, 11 at $720 each, 5 at $660 each; messenger boys—5 at $540 each, 4 at $480 each, 5 at $420 each; 9 mile laborers, at $660 each; forewoman, $480; 19 charwomen; in all, $324,520.

For compensation to be fixed by the Secretary of the Treasury, of such number of employees as may be necessary to audit the accounts and vouchers of the Postal Service, $297,130: *Provided*, That not exceeding $43,200 may be used for the payment of compensation to said employees absent on leave.

Mr. FESS. Mr. Chairman, I move to strike out the last word. Is it not rather unusual for the compensation of any of these clerks to be fixed by the head of the department rather than by act of the committee?

Mr. BYRNS of Tennessee. Those who are employed under this lump sum are paid on a piecework basis. They are not paid regular stipulated salaries, but they are paid according to the work done.

Mr. FESS. That explains it.

The Clerk read as follows:

Secret Service Division: Chief, $4,500; assistant chief, who shall discharge the duties of chief clerk, $3,500; clerks—2 of class 4, 1 of class 3, 2 of class 2, 2 of class 1, 1 $1,000; assistant messenger; in all, $20,120.

Mr. FESS. Mr. Chairman, I move to strike out the last word. It is not possible that $20,120 is all the money expended in the interest of the Secret Service?

Mr. BYRNS of Tennessee. This is just the office force, I will say to the gentleman. The field force is carried in the sundry civil appropriation bill.

Mr. MADDEN. There is over $20,000,000 spent every year in the Secret Service in one way or another.

Mr. BYRNS of Tennessee. The gentleman refers to the entire Government and not to the Treasury Department.

Mr. MADDEN. Before the war, and in times of peace, we spent over $20,000,000 in Secret Service work. This has only to do with counterfeiting.

Mr. BYRNS of Tennessee. And the customs, too, and also the protection of the President. But the field force in this particular bureau is carried in another appropriation.

Mr. FESS. The Secret Service work since the war began must have increased tremendously over what it was before the war.

Mr. BYRNS of Tennessee. It has, in the Department of Justice. There has been no great increase of the Secret Service in the Treasury Department, but there have been a great many additional special agents appointed in the Department of Justice. Then I am reminded that the intelligence service of the Army and Navy has been largely increased.

Mr. FESS. It probably would not be advisable to make public the amount of money expended under this particular service. I wondered whether we had access to the amount.

Mr. BYRNS of Tennessee. I am quite sure that the Attorney General would be very glad to furnish the gentleman with that information. He made statements along that line as to the number of special agents employed at the time of his hearing, but stated that he preferred that no publicity should be given to the facts. I may say that the sundry civil bill carries a specific appropriation, although it does not attempt or undertake to provide how many special agents there shall be.

Mr. FESS. That line of service is very effective, is it not, just now?

Mr. BYRNS of Tennessee. It is. They are doing a splendid work under the leadership of the chief of the special agents in the Department of Justice.

Mr. FESS. It is all-pervasive, reaching every part of the United States?

Mr. BYRNS of Tennessee. Yes. It reaches every section of the country, and other countries also.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

Office of Surgeon General of Public Health Service: Surgeon General, $6,000; chief clerk, $2,250; private secretary to the Surgeon General, $1,800; statistician, $2,000; technical assistant, $2,000; assistant editor, $1,800; librarian, $1,600; clerks—4 of class 4, 6 of class 3, 8 of class 2 (1 of whom shall be translator), 14 of class 1, 6 at $1,000 each, 3 at $900 each; messenger; 3 assistant messengers; telephone operator, $720; 2 laborers, at $540 each; in all, $74,130.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri moves to strike out the last word.

Mr. BORLAND. Mr. Chairman, legislation is very badly needed to permit the President to rearrange and reassign the various bureaus and offices between the executive departments. In fact, that legislation ought to go further in giving him the right to consolidate a great many bureaus. Most of these bureaus which the Committee on Appropriations finds in existence in certain departments were fixed there years ago, at a time when the Cabinet was very much smaller and the duties, of course, were purely incidental.

As to this office of the Surgeon General of the Public Health Service, nobody on earth can give any reason why that should be in the Treasury Department. There is some reason why the Coast Guard should be in the Treasury Department, because originally that was the Revenue-Cutter Service, designed to prevent smuggling, and it was an aid in the collection of the revenue. But that particular system of detecting smuggling has practically passed out of existence. Smuggling by fast clipper ships, sailing vessels, does not take place any more nowadays. Every vessel on the ocean approaching our shores is known to the Government hours before it reaches port, so that nothing of that sort or character can occur. There is not a particle of reason why that service should not be under the Department of Commerce, or possibly under the Navy Department. It certainly should not be under the Treasury Department.

The same is true of this office of Public Health Service. I will call the attention of the House to the fact that we keep making appropriations year after year for these various bureaus that may be in great danger of overlapping. In fact, practical experience has shown that they are in danger of overlapping the duties of other bureaus, and the reason for that is very largely due to the fact that one bureau happens to be under one department and another bureau happens to be under another department. As I say, I think that legislation ought to go fully to the extent of permitting the consolidation of any two or more bureaus, so as to reduce the number of bureaus and increase the efficiency of the departments.

Whenever any new proposition comes up the simplest way for Congress to solve it is to create a new bureau, entailing a new and permanent expense on the people. That new bureau usually starts out with some popularity; it seems to answer a public demand; and it is a good way to assure the people that their rights are being taken care of. Then when another proposition comes up we always create another bureau, and that immediately has a popularity.

Here is one temptation these bureaus have: Every bureau that is under the charge of a live and ambitious man—and I hope most of them are, and some of them seem to be—has a tendency to enlarge its own jurisdiction. It reaches out and sees fields of usefulness that it can cover, where it can render useful service. It attempts to absorb those fields, although they may sometimes be partially and sometimes be wholly within the legitimate sphere of other bureaus of the Government. There are a number of overlapping activities now in the departments, too many for us now to enumerate, but there are large numbers of them that ought to be eliminated at this time when we are at war and when we are trying to have the highest efficiency in the Federal Goverment. Now is an excellent time for us to have a complete readjustment and reassignment of these bureaus and abolish, I think, quite a number of them.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. STAFFORD. Is there any law that forbids the head of a department from merging the activities of one bureau with another, or from rearranging the respective bureaus and merging their work with that of other bureaus?

Mr. BORLAND. There are some laws that evidently forbid it, because some laws create special bureaus specially.

Mr. STAFFORD. If the gentleman will permit further, for instance, since the war broke out, in the Navy Department the Division of Naval Militia Affairs has been consolidated——

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. STAFFORD. I ask unanimous consent, Mr. Chairman, that the time of the gentleman from Missouri may be extended three minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STAFFORD. It has been consolidated with the Bureau of Navigation. When I was a member of the Committee on the Post Office and Post Roads I remember distinctly that it was stated that the head of the Post Office Department had authority to consolidate the activities of the respective bureaus and transfer the work of the Fourth Assistant's office to the First Assistant's office. That was done frequently, so that I do not think that there is any law that forbids the rearrangement of the bureaus or the consolidation of them if the head of a department sees fit to do so.

Mr. BORLAND. I do not think the matter is quite so simple as the gentleman from Wisconsin seems to think it is. Doubtless there are some bureaus that are created by Executive order which can be abolished or changed by an Executive order.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BORLAND. In a moment. But there are a large number of bureaus created by specific acts of Congress over which heads of the departments would have no such power.

Mr. MADDEN. The gentleman's idea is that we would have better economy if we would coordinate the work?

Mr. BORLAND. I think so.

Mr. MADDEN. There would not be any trouble about the head of the bureau deciding to have 10 men instead of 15 if he could do the work with 10?

Mr. BORLAND. Unless human nature is reformed, there is no possibility of that thing happening.

Mr. MADDEN. They could do it, could they not?

Mr. BORLAND. It does not happen. What happens is just this: We go on creating new bureaus for new activities. We leave all the old ones in existence. Just now we are creating a large number of new activities of the Government, some of which we hope will pass out of existence when this war is over; but that hope may not be justified in the realization. Most of them will hang on tenaciously for years after this war is over. Wherever a man is put at the head of a bureau, however small, insignificant, or obsolete it may be, the inclination of human nature is to attempt to convince the public that it is an important factor and that there is some very important work that it can do for the public. If there is not any work to be found in its immediate activity, the head of that bureau will immediately search for new activities that he thinks he can perform. That is a very creditable trait in these men. It shows that they are active and ambitious public servants.

Mr. DUPRÉ. Is the gentleman speaking academically, or is he referring particularly to the Public Health Service?

Mr. BORLAND. I have no particular reference to the Public Health Service, although its activities have been wonderfully expanded; but I have been very strongly in favor of their being expanded. But I am not in favor of their being under the Treasury Department.

Mr. BYRNS of Tennessee. What department ought they to be under?

Mr. BORLAND. The Department of the Interior.

Mr. BYRNS of Tennessee. Why?

Mr. BORLAND. That is where they belong.

Mr. MADDEN. Mr. Chairman, I move to strike out the last 10 words. Replying to the remarks of the gentleman from Missouri in reference to tendencies in the public service, the tendency at the present time is not toward economy but rather toward extravagance. In my judgment, the coordination of the bureaus would not result in any degree of economy.

Mr. BORLAND. Mr. Chairman, will the gentleman pardon me just a moment?

Mr. MADDEN. Yes.

Mr. BORLAND. In all the years I have served with the gentleman I have failed to find any suggestion of a great economy that did meet the gentleman's views. His views on economy are rather abstract.

Mr. MADDEN. I have never wasted much of the time of the House, as a rule, in arguing how you could create a more economical administration of national affairs by the coordination of bureaus. The gentleman says he hopes that if the thing which he describes can be done, we will get greater efficiency and certain economies. There is nothing in the world to prevent the bureau chiefs now from instituting economies if they have the public interest at heart. I am inclined to agree with the statement made by my friend from Missouri [Mr. BORLAND] that when the war is over all these new activities will linger on, because those on the floor of the House and the Senate who were responsible for the appointment of most of these people in the bureaus and departments will insist that their political patronage shall not be curtailed. And I have no doubt that the gentleman from Missouri will be one of these, for I assume that he is very close to the throne and that he has not hesitated to ask the king for a proper division of the patronage from Missouri. As long as the character of service which the gentleman renders remains, with his time partially taken up with camouflage on the floor and the rest of the time trying to find jobs for his constituents, we will not reach that stage of economy to which the country is entitled.

I would like to join the gentleman in a movement for economy if I knew what he had in mind.

Mr. BORLAND. I can suggest one to the gentleman.

Mr. MADDEN. The purpose which the gentleman has in mind is kept so well covered up that a novice like myself is never able to discover it. He is very adept at words, and he understands how to express words to cover up his thought so well that when he concludes one of these speeches intended to elucidate a complicated situation, it is more complicated than it was before. So I am always at a loss to know just exactly what position I ought to take, if I am to base my reasoning on the offerings of the gentleman in the way of new reforms. Economy can be instituted only at the fountain head, and if the men who are in control of the executive branches of the Government want economy, the economy will follow as a matter of course, because they will not employ three men where one man will do the work, and I fear that in many cases to-day we have three men doing one man's work and sometimes three men not doing one-third of one man's work. They are in the way of one another. When you walk through the hallways in some of the public buildings you have to push your way through to get by the messengers in the hallways, but if you stop to inquire from any messenger whom you meet in the hallway what is the name of the officer in the next room to where he is sitting, he will not be able to tell you.

Mr. LINTHICUM. Why is it that it takes so long, then, to get a reply to inquiries for information in these places?

Mr. MADDEN. The reason it takes so long is that nobody there knows anything. That is the reason we are not getting anywhere.

Mr. LINTHICUM. Has the gentleman any suggestions to make?

Mr. MADDEN. What is the use of making suggestions to people who do not understand intelligent organization? It would be throwing suggestions to the winds to make them to the gentleman from Baltimore.

The CHAIRMAN. The pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Contingent expenses: For stationery, including tags, labels, and index cards printed in course of manufacture, for the Treasury Department and its several bureaus and offices, $62,200, and in addition thereto sums amounting to $235,800 shall be deducted from other appropriations made for the fiscal year 1919, as follows: Contingent expenses, Independent Treasury, $6,000; contingent expenses, mint at Philadelphia, $700; contingent expenses, mint at San Francisco, $300; contingent expenses, mint at Denver, $300; contingent expenses, assay office at New York, $700; materials and miscellaneous expenses, Bureau of Engraving and Printing, $6,000; suppressing counterfeiting and other crimes, $700; Public Health Service, $3,500; Quarantine Service, $1,000; preventing the spread of epidemic diseases, $600; expenses of Coast Guard, $5,000; general expenses of public buildings, $6,000; collecting the revenue from customs, $40,000; miscellaneous expenses of Internal-Revenue Service, $50,000; expenses of collecting the income tax, $70,000; stationery and miscellaneous expenses, Bureau of War-Risk Insurance, $45,000; and said sums so deducted shall be credited to and constitute, together with the first-named sum of $62,200, the total appropriation for stationery for the Treasury Department and its several bureaus and offices, with the exception of field officers located in foreign countries, for the fiscal year 1919.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the subcommittee what this language, line 10, page 54, means, "general expenses of public buildings, $6,000."

Mr. BYRNS of Tennessee. That is an item carried in the sundry civil bill. The gentleman will see that this is only a transfer of $6,000 of that fund to the contingent expenses for the Treasury Department for the purchase of stationery through one central agency. There is an appropriation made in the sundry civil bill for general expenses to pay draftsmen, superintendents of public buildings, inspectors, traveling expenses, office rent, expenses of superintendent, and so forth, in the field service.

Mr. COOPER of Wisconsin. Those are all appropriations for a specifically named purpose. This is for general expenses for buildings. That covers a good deal of ground.

Mr. BYRNS of Tennessee. That refers to the title under which the general appropriation is made. The gentleman will understand that this is not an additional appropriation, but a

transfer of a portion of that fund for the purchase of stationery, and it is carried under the head of general expenses because that is the title under which it is carried on the books of the Treasury.

Mr. COOPER of Wisconsin. I understand. If that is carried under that head on the books of the Treasury, would anyone looking at the books know what that money was to be used for? If this is a specific appropriation for the purchase of stationery, why does it not say so?

Mr. BYRNS of Tennessee. The account is carried under the head of general expenses of public buildings. The sundry civil bill names the purposes.

Mr. COOPER of Wisconsin. But this is the legislative, executive, and judicial appropriation bill.

Mr. BYRNS of Tennessee. Precisely; but this does not make any additional appropriation. It simply transfers $6,000 of that fund to the contingent expenses of the Treasury, so that stationery may be purchased through one general supply committee.

Mr. COOPER of Wisconsin. I still think, notwithstanding the very clear and lucid statement of the gentleman from Tennessee, that that is not a good way to appropriate money. The transfer of appropriations ought to be made perfectly clear, so that anyone reading it would know what the particular money transferred and appropriated is to be used for.

Mr. BYRNS of Tennessee. If the gentleman will read the beginning of the paragraph, he will find that it is "for stationery, including tags, labels, and index cards." The only way to transfer it was to use the same language that was used in making the general appropriation.

Mr. HAMLIN. Mr. Chairman, if gentlemen will permit me, I made a statement the other day that my observation led me to think that they had some kind of a system in the department whereby they would transfer one fund to another fund, borrow it out of another fund, and then pay it back. That statement was contradicted. I thought I was right about it. It seems to me that the statement just made by the gentleman from Tennessee to the gentleman from Wisconsin rather bears out that idea.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. HAMLIN. Mr. Chairman, I move to strike out the last word.

Mr. BYRNS of Tennessee. If there is any such practice it is in plain violation of law. Now, this appropriation here is an entirely different proposition. Here is a paragraph which is for the purchase of stationery for various bureaus of the Treasury Department. The sundry civil bill carries an appropriation for general expenses for public buildings amounting to more than $500,000. The legislative bill does not undertake to increase the amount, but simply transfers $6,000 of that to the contingent expenses of the Treasury for the particular and sole purpose of purchasing stationery. It is purely in the interest of economy to have the stationery purchased through one head.

Mr. HAMLIN. I was not criticizing the action of the committee. Now, one other thing. I was impressed the other day by the statement of the gentleman from Kentucky [Mr. SHERLEY] in regard to the methods of bookkeeping down there. I think he was eminently correct in that. My experience is that nobody on earth, even the efficiency expert that we have talked about, could tell very much about how this money is expended by looking at the books of the Treasury Department. I would like to get the gentleman's idea, if he has looked into the matter carefully, as to whether or not the impression I have in regard to it is correct. Now, I found at one time what I thought was conclusive evidence that there was this shifting about, borrowing and paying back, and so forth.

Mr. SHERLEY. Mr. Chairman, if the gentleman will yield, this is what I meant to convey and what I think is true. The system of bookkeeping is accurate enough to prevent the misuse of funds——

Mr. HAMLIN. That is, one department paying out more money than is appropriated for it.

Mr. SHERLEY. Or paying it out for other than what it was appropriated for. The system of bookkeeping is not such as to enable one to determine from a statement of the expenditures whether work is economically performed or not. For instance, the system of bookkeeping would prevent money that was appropriated for a specific purpose, like those enumerated for contingent expenses, being expended for some other purpose.

There is no system of bookkeeping which would show you whether contingent expenses, or purchases made for matters enumerated under the item of contingent expenses, were economically made or not. Modern methods of bookkeeping do permit that ascertainment from a review of them.

Mr. HAMLIN. Mr. Chairman, I will ask the gentleman whether it is not true that there is some kind of a system whereby a part of a fund, for instance, a contingent expense fund, in case of shortage in another fund, might be transferred to that fund and afterwards transferred back, so that in the end the aggregate expenditure does not exceed the sum appropriated. Is there a shifting of funds?

Mr. SHERLEY. This is the situation. The law requires the allotment of funds over a certain period so as to prevent the creation of deficiencies, and permits, under certain contingencies, a rearrangement of allotments to a certain extent. In such instances there is permitted the taking of sums from one fund for expenditure under another fund. Then there are also cases where, under the terms of appropriations, certain percentages of funds for one purpose may be made available for other purposes, and in such instances there can be borrowing, but there is no right to do it except where there is express provision of law.

Mr. HAMLIN. There ought to be some system that would prevent that.

Mr. SHERLEY. Unquestionably.

Mr. HAMLIN. Because great harm could come from that. I withdrawn the pro forma amendment.

The Clerk read as follows:

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services either within or without the District of Columbia, $15,000.

Mr. WALSH. Mr. Chairman, I move to strike out the last word. This item is for investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, or in the obtaining of better administrative methods in any branch of the service. I notice in looking through the hearings that in spite of all the new bureaus and commissions and offices and departments that have been created, growing out of the war emergency, all that the department has been able to expend of this sum last year was about $3,000. It seems to me that in view of the showing made by the gentleman who appeared before the committee it is not necessary to appropriate $12,000 a year to enable a man to run hither and yon to find out whether he can approve the expenditure of public money. Certainly in these days there is not any need of increasing efficiency in the expenditure of the public money. There may be a need of greater economy, but it is a significant fact that in the expenditure of the appropriation for endeavoring to secure greater economy in the expenditure of public money they have practiced apparently a very great economy in that item and have spent only $3,000. I would like to ask the gentleman having charge of the bill if he really believes that in view of the great emergency it is necessary to carry this appropriation this year for the purpose set out in the hearing by the gentleman who appeared representing the department?

Mr. BYRNS of Tennessee. Mr. Chairman, I think so, I will say to the gentleman. This appropriation has been carried since 1910, for the purpose of securing better methods of administration in the department. I may say that the first appropriation was in 1910 in the deficiency act, and was for $25,000, and that for the next two years $75,000 was carried for this purpose. It was then reduced to $20,000 and is now $15,000. It is true that the chief clerk of the Treasury Department stated that only $3,000 had been expended at the time of the hearing, which was about the middle of the fiscal year, but he also stated that it was expected to consume either all or a portion of the remaining fund during the remainder of the fiscal year for the purpose of improving administration methods in the department.

Mr. WALSH. I thought we had a Bureau of Efficiency for that.

Mr. BYRNS of Tennessee. That is true, a Bureau of Efficiency which is organized for the purpose of securing better administration and more efficient administration in all of the departments; but this very small sum of $15,000 is appropriated in order to enable the Secretary of the Treasury within his department to organize and put into effect better administrative methods.

I may say to the gentleman that there has been a committee in the Treasury Department composed of a number of bureau chiefs who have been making investigations and recommendations with a view of improving the service, and some improvements were made last year as a result of their report. It may be, and is true, as the gentleman says, that only $3,000 was expended the first six months of the year, but the chief clerk

says that that fund will be put to good use between now and July, and they were anxious to have it carried for another year. I submit to the gentleman that a dollar that is spent wisely for the purpose of securing better administration in any of the departments is not improperly spent or extravagantly spent.

Mr. MADDEN. Is the gentleman talking about public money?

Mr. BYRNS of Tennessee. Yes.

Mr. MADDEN. Talking about money being spent wisely?

Mr. BYRNS of Tennessee. Of course.

Mr. GILLETT. Mr. Chairman, I seem to have a recollection, I may be mistaken, of the Treasury having refused to allow the Bureau of Efficiency to work in their department. Was not that so? I did not know but this was a substitute for it.

Mr. BYRNS of Tennessee. That, I think, was true. I do not know whether it amounted to an express refusal, but there was some question raised two or three years ago; but I will say to the gentleman that since that time, as he knows, the Bureau of Efficiency has been doing a great deal of work in the Treasury Department, the War-Risk Bureau, the Internal-Revenue Service, and also in the Treasurer's office.

Mr. GILLETT. I had a vague recollection this was instead, but I may be mistaken.

Mr. BYRNS of Tennessee. No; this has been carried since 1910.

Mr. WALSH. Mr. Chairman, I move to strike out the paragraph. The hearings disclose that the Bureau of Efficiency has undertaken some of this work in the Treasury Department, and apparently this item is carried in order that the Treasury Department do its work itself, and I submit that it can not achieve as valuable results by having it done by its own officials as it can by an independent bureau. One of the wonderful accomplishments last year, I note, which was brought about, was that they bought a comptometer in the auditor's office. Now, apparently by way of criticism of the Bureau of Efficiency, it was stated it has been working in the Internal Revenue Department, and in the words of the gentleman who appeared before the subcommittee:

"The Internal Revenue Bureau was reorganized, and turned upside down," and this appropriation sought to be justified was so that they can send men out in the field to travel around.

Now, I believe that while we have adopted a policy of having a bureau for this particular purpose that we ought to leave it to that bureau, and if their appropriation is not sufficient increase it, but I do not believe we can get the result from the appropriation left to the official in control of the department which is seeking to reorganize or under the direction of an official when in the performance of his work it may be necessary for him to criticize his superior officers or make suggestions reflecting on their judgment or methods of administration. I do not believe that sort of an official will be as free to make recommendations as one under an independent bureau or department of the Government. They only spent $3,000 last year, and here is an opportunity, in view of the amount we have given the Bureau of Efficiency this year, to save $12,000. Why, that would hire 12 extra janitors for some of the committees of the House at $1,000 per annum, or several barbers to operate on the gallery corridors or the carpet of the House. Here is an opportunity, I submit in all seriousness, to economize in this department and not in any way to hamper the efficiency or the investigations and the experimentations that may be made upon any office or official, and therefore I submit that the appropriation can be dispensed with and that it will be true economy if we eliminate it this year.

Mr. BYRNS of Tennessee. Mr. Chairman, I hope this amendment will not be adopted. It has been carried for seven or eight years and, as a matter of fact, is the only fund provided not only for the purpose indicated, but out of which the Secretary of the Treasury may pay traveling expenses.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption for a question?

Mr. BYRNS of Tennessee. I will.

Mr. COOPER of Wisconsin. Is not the work that is provided for or contemplated to be done under the provisions of this paragraph work that is now being done by the Bureau of Efficiency?

Mr. BYRNS of Tennessee. Oh, undoubtedly the Bureau of Efficiency is doing work——

Mr. COOPER of Wisconsin. But is not this a duplication of work?

Mr. BYRNS of Tennessee. I will say this to the gentleman: The Bureau of Efficiency, with the very little force it has at its command, $110,000 being carried in this bill—and to which I was surprised to note there was some objection raised by one or two Members—can not possibly investigate all of these departments and make all the investigations necessary in order to put into effect improved methods of administration. For instance, the Bureau of Efficiency for nearly four years has been at work in the Post Office Department with part of its force and has not yet fully completed the work of establishing efficiency ratings. They have been at work in the War-Risk Bureau; they are now in the Internal-Revenue Office; they have been in the Pension Office and in the Treasurer's office; but I submit that with 10 departments it is impossible for that bureau to do all this work for some time to come.

Mr. COOPER of Wisconsin. Have they in the four years they have been at work made any recommendations leading to efficiency?

Mr. BYRNS of Tennessee. Yes, indeed; in the Post Office Department alone they have reduced employees more than 190, with an average saving of over $173,000 every year.

Mr. COOPER of Wisconsin. May we say that this would be a duplication of work and that it might interfere possibly with the work of the Bureau of Efficiency? One hundred and ten thousand dollars of annual appropriation is a considerable appropriation——

Mr. BYRNS of Tennessee. That is true.

Mr. COOPER of Wisconsin. They ought to make the investigation with $110,000.

Mr. BYRNS of Tennessee. That is true, and I submit to the gentleman they have made, as I attempted to show here Tuesday, extended investigations. In the Indian Bureau they have saved a considerable sum by way of interest, it is estimated, for the Indians.

Mr. COOPER of Wisconsin. The Bureau of Efficiency?

Mr. BYRNS of Tennessee. The Bureau of Efficiency, as a result of its investigation of the methods of accounting and disbursing in the field service.

Mr. COOPER of Wisconsin. Why could they not be permitted to do this work in the Treasurer's department?

Mr. BYRNS of Tennessee. Undoubtedly, I say to the gentleman, the Bureau of Efficiency, if they had the time and had the force and the number of men qualified to do the work could go into this department and all the departments of this Government; but it is going to take many years with the limited force given to the Bureau of Efficiency to do this work. Now, I take this position, that here is the small sum of $15,000 appropriated for this particular purpose. The gentleman from Massachusetts [Mr. WALSH] says only $3,000 has been expended in the first six months, but if he will read further in the hearings that the chief clerk says he expects to spend an additional amount during the balance of the year.

Mr. COOPER of Wisconsin. Who will have charge of this investigation in the Treasury?

Mr. BYRNS of Tennessee. The Secretary of the Treasury, who acts through a committee appointed in the department.

Mr. COOPER of Wisconsin. Exactly. The Treasury officials, or the bureau chiefs, probably, or other men belonging to that particular department. Of necessity it will be impossible for the Secretary of the Treasury to give the slightest attention to it. The duties which have been imposed upon him by law are so manifold, onerous, and important that it would be impossible to think of his looking after this at all.

Mr. BYRNS of Tennessee. I said through a committee. It is impossible for him to give it his personal attention. That committee is headed by Judge Warwick, the Comptroller of the Treasury, who has under his jurisdiction the passing of accounts of this Government.

Mr. COOPER of Wisconsin. How many men in the employ of that department does the gentleman think the employees of that department are going to recommend to be discharged or done away with? It is going to take outside influence and outside investigation to do that.

Mr. BYRNS of Tennessee. It does not necessarily mean the discharge of employees. And I do not think that is the scope of this appropriation. It means better administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BYRNS of Tennessee. I hope the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WALSH. Division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 23.

So the amendment was rejected.

Mr. DUPRÉ. Mr. Chairman, I have made a private suggestion to the gentleman in charge of this bill, that to-day being the Speaker's birthday, and he will never have the opportunity to celebrate his sixty-eighth birthday again, it would be opportune for the committee to rise.

Mr. SHERLEY. I hope the gentleman will not press that suggestion. We have a bill here of 155 pages——

Mr. DUPRÉ. Mr. Chairman, have I the floor?

Mr. BYRNS of Tennessee. I hope the gentleman will not insist on that. I will state to the gentleman that we can proceed through the Internal Revenue Bureau here without trouble.

Mr. MOORE of Pennsylvania. Let us hear, on this side, what the gentleman is proposing?

Mr. DUPRÉ. What is the gentleman's suggestion?

Mr. BYRNS of Tennessee. I am trying to persuade the gentleman from Louisiana [Mr. DUPRÉ] to permit us to proceed with the bill a little further.

Mr. MOORE of Pennsylvania. Does the gentleman propose to go beyond page 62 to-night?

Mr. BYRNS of Tennessee. I will state to the gentleman that if we should reach page 62 and the gentleman, or any other gentleman desires it, so far as I am concerned I will be glad to pass that until to-morrow.

Mr. MOORE of Pennsylvania. The gentleman will consent to rise if we get to page 62?

Mr. BYRNS of Tennessee. Well, I have just stated I would be very glad to pass the Subtreasury item until to-morrow.

Mr. MOORE of Pennsylvania. If the gentleman from Louisiana withdraws his objection, will the gentleman move to rise when we get through with page 62?

Mr. DUPRÉ. I would not withdraw my suggestion, but I have not pressed it beyond that stage.

Mr. MOORE of Pennsylvania. The gentleman from Louisiana and myself, I think, are interested in having some gentlemen here when we reach page 63.

Mr. SHERLEY. If the gentleman will permit, there is no desire to-night to press the controverted matter in this bill, which is that relating to the Subtreasuries. Here is a bill of 155 pages. We are getting to the point in the legislative program where, if we do not make more progress, we are going to have a considerable congestion and jam before the fiscal year ends. Everybody wants to adjourn Congress as early as possible. It is the delays such as this, not noticed, that in the aggregate make impossible the getting through of the work of Congress in good season.

Mr. DUPRÉ. Mr. Chairman, I understand I have the floor.

Mr. SHERLEY. I hope the committee will continue the consideration of the bill until we strike some controversial matter, and then it can either be passed over or the committee can rise.

Mr. DUPRÉ. I want to say, Mr. Chairman, that the reason why we do not make more progress is the hectoring we receive occasionally from the gentleman from Kentucky.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For salaries and expenses of collectors of internal revenue, deputy collectors, surveyors, clerks, messengers, and janitors in internal-revenue offices, $3,565,000: *Provided*, That no part of this amount be used in defraying the expenses of any officer, designated above, subpœnaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

Mr. MOORE of Pennsylvania and Mr. WALSH rose.

The CHAIRMAN. The gentleman from Pennsylvania will be recognized first.

Mr. MOORE of Pennsylvania. Mr. Chairman, this paragraph provides a lump-sum appropriation of $3,565,000 for the purpose of paying salaries and expenses for those employed in the office of the Collector of Internal Revenue. Does the gentleman from Tennessee have detailed information as to the manner in which this money is expended?

Mr. BYRNS of Tennessee. I will say to the gentleman that the committee has information as to the manner in which it is expended by districts, and also the number of people that are employed under it, and the rates of pay.

Mr. MOORE of Pennsylvania. Can the gentleman enumerate the number of men and women employed through this appropriation?

Mr. BYRNS of Tennessee. At the present time the bureau has 1,450 persons employed.

Mr. MOORE of Pennsylvania. Fourteen hundred and fifty persons?

Mr. BYRNS of Tennessee. Yes.

Mr. MOORE of Pennsylvania. They are employed throughout the United States, or in the District of Columbia?

Mr. BYRNS of Tennessee. This is the field force.

Mr. MOORE of Pennsylvania. What range do the salaries take, from the highest to the lowest?

Mr. BYRNS of Tennessee. From $4,500 for the collectors down to $300 for the janitor.

Mr. MOORE of Pennsylvania. May I ask why, inasmuch as all other salaries are set out in detail, this lump-sum provision is made in this particular case?

Mr. BYRNS of Tennessee. The collectors' salaries are fixed by law, as the gentleman knows.

Mr. MOORE of Pennsylvania. Yes; and therefore under ordinary conditions they would be specifically reported in an appropriation bill.

Mr. BYRNS of Tennessee. I can not say to the gentleman why it has not been done, but it has never been the practice. It is simply a matter of custom to make a lump-sum appropriation. It has been done for years. I will say to the gentleman that so far as the deputy collectors are concerned, those salaries range from $2,500 down to the sum I named awhile ago, a great majority of them being at $1,200.

Mr. MOORE of Pennsylvania. This appropriation is for $3,565,000, and following it comes an appropriation of $1,200,000, and following that an appropriation of $3,000,000, and following that one of $8,000,000, all for the one office.

Mr. BYRNS of Tennessee. That is true; and there is an additional appropriation for the administration of the narcotic law, amounting to over $300,000.

Mr. MOORE of Pennsylvania. We give all those salaries in great detail for offices that are created by statute, and we have points of order constantly with regard to attempted increases which could not be made here. I would like to know whether, under this lump-sum appropriation system, where such vast sums are involved as in this case, it does not come within the discretion of the appointing power to increase or to reduce the salaries without the knowledge of Congress?

Mr. BYRNS of Tennessee. Of course, it would be possible to set them forth here specifically; but, as I stated, it has never been the custom to do it, and the latitude that has been given to the Internal-Revenue Commissioner, both under Republican and Democratic administrations, never has been abused.

I submit to the gentleman that with the tremendous amount of increased work devolving upon the Internal Revenue Commissioner's office at this time, it was practically impossible for the Internal Revenue Commissioner to estimate with any degree of certainty how many employees he will need for the next year.

Mr. MOORE of Pennsylvania. In the Department of Agriculture the employees are checked up, so that we know what they get, except in certain instances where lump-sum appropriations are made for groups of men or particular branches of the service; but here is an instance in which for one bureau of the Treasury Department we appropriate in a lump sum substantially $16,000,000—that is my rough guess of the total—which is at the disposal of the appointing power.

Mr. BYRNS of Tennessee. I will say to the gentleman that so far as the Department of Agriculture is concerned, I understand that all its lump sums are available for salaries.

Mr. MOORE of Pennsylvania. Has the committee information in print, from the Collector of Internal Revenue or the Treasury Department, specifying the various employees who are paid within the limitations of approximately $16,000,000 lump-sum appropriations.

Mr. BYRNS of Tennessee. The committee has that information. I will say to the gentleman that the Commissioner of Internal Revenue has submitted through the Secretary of the Treasury to Congress a statement showing just how he will expend the money appropriated, giving detailed information as to the number of employees, the salaries which will be paid, and so forth. This information is in the book of estimates, and is accessible to the gentleman or any other Member of the House.

Mr. MADDEN. Mr. Chairman, I regret very much to disturb this delightful colloquy by making the point of no quorum present.

Mr. BYRNS of Tennessee. I am very sorry the gentleman will not let us read the bill a little further.

Mr. MADDEN. You have done so well to-day——

Mr. BYRNS of Tennessee. We have not done as much as we did yesterday.

Mr. MADDEN. Oh, you have done very well indeed.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum present. Evidently there is no quorum present. The Clerk will call the roll.

Mr. BYRNS of Tennessee. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SAUNDERS of Virginia, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee had had under consideration the

bill (H. R. 10358) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1919, and for other purposes, and had come to no resolution thereon.

SOLDIERS' INSURANCE.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to take up at this time and pass Senate joint resolution 133.

Mr. DYER. Let it be reported and see what it is, Mr. Speaker.

The SPEAKER. We will find out what it is. The gentleman from Texas [Mr. RAYBURN] asks unanimous consent for the present consideration of a Senate joint resolution, which the Clerk will report.

The Clerk read S. J. Res. 133, authorizing the granting of insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, on application by a person other than the person to be insured, as follows:

Resolved, etc., That insurance under the act entitled "An act to authorize the establishment of a Bureau of War-Risk Insurance in the Treasury Department," approved September 2, 1914, as amended by the act approved October 6, 1917, shall be granted by the Bureau of War-Risk Insurance on application made by the person to be insured or, subject to such regulations as the bureau may prescribe, by any other person.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I should like to have the gentleman from Texas explain whether this is simply to provide for the application for insurance of men who are in the trenches, and who are not able to make a personal application, by some one on their behalf?

Mr. RAYBURN. It is. The right to take out this insurance expires April 12. The law now is that the soldier himself must make the application, or if another person makes application, the soldier must indorse the application. That is impossible for some men now in the service, because some have been captured by the Germans, and they have no chance whatever to make the application themselves or to indorse the application that may be made for them. This would cover such cases as that. I feel it would be a great injustice to these men not to give them any chance whatever to take out this insurance.

Mr. DYER. Is that the only exception—those who may be prisoners?

Mr. RAYBURN. No; this is general.

Mr. DYER. Relatives of the man in France could make the application.

Mr. RAYBURN. Yes; but this does not change the law at all. It does not change the law as to whom the insurance shall go. It does not allow anybody to speculate on the insurance with reference to these soldiers.

Mr. FOSTER. It only permits those to make the application who might be benefited under the law.

Mr. CANNON. The gentleman says "the indorsement of the soldier," but you might not be able to get at him.

Mr. RAYBURN. This is to do away with that requirement.

Mr. CANNON. So that any relative or one who is interested in him, or through selfishness, might make the application.

Mr. RAYBURN. Selfishness would not have anything to do with it, because the law provides that this insurance shall only go to a certain class of people, and this does not change that at all.

Mr. CANNON. I can see how it might be abused, and still I am not going to object to it.

Mr. GILLETT. Let me ask the gentleman, has this been reported by the Committee on Military Affairs?

Mr. RAYBURN. No; but it has been reported by the Committee on Interstate and Foreign Commerce. It passed the Senate a few days ago.

Mr. GILLETT. As I heard it read it provides that anybody can make the application for the soldier.

Mr. RAYBURN. Yes.

Mr. GILLETT. Then why does it not allow anyone to do it for speculation?

Mr. RAYBURN. Because the law says that the insurance can go to nobody but certain ones. I will read the law if the gentleman wishes.

Mr. GILLETT. I understand what the gentleman means. But why does not it allow anybody—I do not know that they would have any motive for doing it, but without regard to whether the soldier was in a condition to do it himself or not, I wondered whether it ought not to be limited so that it would apply to the soldier who could not do it himself.

Mr. RAYBURN. That would involve a lot of proof that would put some in a position that we do not want to put them in.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, along the line suggested by the gentleman from Massachusetts, take the case of a soldier who might not wish to take out insurance to the full amount. For instance, if the soldier only wished to carry $2,000 somebody might take out insurance for the additional amount up to $10,000. Why should the Government carry it for $10,000 for the beneficiary who would receive the insurance. I realize that there is a necessity in the case instanced by the gentleman from Texas where the soldier could not obtain the insurance because he is a prisoner, or some condition like that. But why should it not be restricted to these exigent conditions. I presume the gentleman is not in favor of allowing even relatives or a stranger to take out insurance to the full amount designated to the beneficiary in the existing law should the soldier not approve.

Mr. RAYBURN. I should not say I was in favor of that; but if we pass this we have got to set aside some of these things. I think it would do the soldier a greater injustice if he was a captive and could not take out the insurance than it would to put more insurance on him than he wanted to take out.

Mr. WALSH. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. WALSH. Is it not covered by the regulations of the department?

Mr. STAFFORD. These regulations would grant them the privilege of allowing a stranger to take out the maximum amount for the benefit of the designated beneficiary. Why can not you restrict it so as to provide for those who are not in a position to take it out for themselves?

Mr. RAYBURN. That would call for proof, and it would be April 12 before the proof could be developed.

Mr. STAFFORD. We could throw the protecting arm over such soldiers. I do not think any person here wishes to allow a stranger, or even a relative, to take out the full amount of insurance on a soldier's life if the soldier does not wish it. The Government is not in the business for that purpose.

Mr. RAYBURN. I understand that; but this is a proposition to try to accommodate the soldiers who are in a position where they can not apply for themselves.

Mr. STAFFORD. But we are amending the law for all time.

Mr. RAYBURN. He does not have to keep it up.

Mr. STAFFORD. But the stranger is the one to keep it up; it is not the soldier. The stranger can take out insurance for the beneficiary.

Mr. SEARS. Does not the soldier have to pay the insurance?

Mr. STAFFORD. Not at all, under this provision. The soldier may pay it, but under this a stranger might.

Mr. RAYBURN. It is subject to regulations of the Treasury Department, and I do not think the Treasury Department would make an order allowing a stranger to do it.

Mr. STAFFORD. From the testimony of Mr. De Lanoy, he prophesied that this war insurance was going to grow so that we would be in the business for all time.

Mr. RAYBURN. We are, so long as these men live.

Mr. STAFFORD. And that it will be branched out to take in others than the soldiers.

Mr. RAYBURN. I do not think that comes in this proposition; but as long as these men live, under the law now, and they want to pay their premiums, we are going to have this bureau.

Mr. STAFFORD. I see the necessity for throwing the protecting arm of the Government around these soldiers, but——

Mr. RAYBURN. I do not see any excuse for limiting this thing, except in one way—and I do not know that that would be wise—and not allow anybody outside of a permitted class to make application for the soldier.

Mr. STAFFORD. Will the gentleman withdraw this until to-morrow? I do not think there will be any objection to its consideration.

Mr. CANNON. Could a creditor take the insurance?

Mr. RAYBURN. Yes; but this is not assignable to a creditor.

Mr. CANNON. Can a creditor take out the insurance to secure himself?

Mr. RAYBURN. No; he could not secure himself, because this insurance is not assignable.

Mr. CANNON. The law designates who can be the beneficiary?

Mr. RAYBURN. Yes.

Mr. STAFFORD. Will it not be assignable after the termination of the war?

Mr. RAYBURN. Not as long as it is Government insurance.

Mr. STAFFORD. Would the gentleman have any objection to withdrawing this and bringing it up to-morrow?

Mr. RAYBURN. No; except that I fear the gentleman from Tennessee [Mr. BYRNS] will object, as he will know it will take as much time then as now.

The SPEAKER. Is there objection?

Mr. STAFFORD. For the present I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CLARK of Florida for one week, on account of important business.

ADJOURNMENT.

Mr. BYRNS of Tennessee. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until to-morrow, Friday, March 8, 1918, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HADLEY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 2617) to ratify the compact and agreement between the States of Oregon and Washington regarding concurrent jurisdiction over the waters of the Columbia River and its tributaries in connection with regulating, protecting, and preserving fish, reported the same without amendment, accompanied by a report (No. 360), which said bill and report were referred to the House Calendar.

Mr. SAUNDERS of Virginia, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 1549) to require numbering and recording of undocumented vessels, reported the same without amendment, accompanied by a report (No. 361), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SMITH of Idaho: A bill (H. R. 10548) to increase the productive agricultural area of the United States by the reclamation of arid and swamp lands; to the Committee on Irrigaiton of Arid Lands.

By Mr. MILLER of Minnesota: A bill (H. R. 10549) to amend the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: A bill (H. R. 10550) to provide for national ownership and Government operation of transportation systems, for the just compensation of their owners, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WELTY: A bill (H. R. 10551) to authorize the appointment of a board of engineers to make a preliminary location, survey, and plans for a ship canal connecting the waters of Lake Erie and the Ohio River on the line of the Miami and the Erie Canal from Toledo to Cincinnati, Ohio, and to estimate the cost thereof; to the Committee on Railways and Canals.

By Mr. O'SHAUNESSY: A bill (H. R. 10552) fixing the compensation of United States customs inspectors; to the Committee on Ways and Means.

By Mr. SEARS: A bill (H. R. 10553) to promote military training by providing scholarships for students enrolled in public institutions of higher learning, and for other purposes; to the Committee on Appropriations.

By Mr. BLANTON: A bill (H. R. 10554) to amend an act entitled "An act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August 10, 1917; to the Committee on Agriculture.

By Mr. DENT: Joint resolution (H. J. Res. 261) to reimburse soldiers and officers for uniforms and equipments lost on board the *Tuscania* February 5, 1918, and in other like cases; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWERS: A bill (H. R. 10555) granting an increase of pension to David Wilhelm; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10556) granting a pension to Sarah M. Collett; to the Committee on Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 10557) granting a pension to Annie E. Arnold; to the Committee on Pensions.

By Mr. CARY: A bill (H. R. 10558) for the relief of Mathew Horrigan; to the Committee on Military Affairs.

By Mr. COX: A bill (H. R. 10559) granting a pension to Mathias Klingle; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10560) granting a pension to Archable Dougherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10561) granting a pension to Henry W. Wright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10562) granting a pension to Daniel Johnson; to the Committee on Invalid Pensions.

By Mr. ELLIOTT: A bill (H. R. 10563) granting a pension to Exira C. Gilmore; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 10564) granting a pension to Sarah M. Doan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10565) granting a pension to Clarence W. Durr; to the Committee on Pensions.

By Mr. GANDY: A bill (H. R. 10566) granting an increase of pension to Henry G. C. Rose; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 10567) granting an increase of pension to Jonathan M. Valentine; to the Committee on Invalid Pensions.

By Mr. KRAUS: A bill (H. R. 10568) granting an increase of pension to Winfield S. Stalnaker; to the Committee on Invalid Pensions.

By Mr. McARTHUR: A bill (H. R. 10569) granting an increase of pension to Henry Lee; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 10570) granting an increase of pension to Martin De Glopper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10571) granting an increase of pension to Daniel W. Spring; to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 10572) granting an increase of pension to Alexander P. Settle; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 10573) granting an increase of pension to William A. Huffine; to the Committee on Invalid Pensions.

By Mr. ROWE: A bill (H. R. 10574) granting an increase of pension to John P. Simonds; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 10575) granting an increase of pension to Arrena T. D. Beverly; to the Committee on Invalid Pensions.

By Mr. CHARLES B. SMITH: A bill (H. R. 10576) granting an increase of pension to John B. Williams; to the Committee on Invalid Pensions.

By Mr. TILLMAN: A bill (H. R. 10577) to pay $600 to A. M. Webb, heir of Benjamin C. Webb, for property taken and used by the United States Army during the Civil War; to the Committee on War Claims.

Also, a bill (H. R. 10578) granting a pension to Frank Flaherty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10579) granting an increase of pension to Rebecca M. Beorden; to the Committee on Pensions.

Also, a bill (H. R. 10580) granting a pension to Easter A. Cantrell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10581) granting a pension to Mrs. H. A. L. Tanner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10582) granting an increase of pension to Abiather F. Crane; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10583) granting an increase of pension to Luther Beal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10584) granting a pension to Mace H. Corsble; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 10585) to extend letters patent No. 618762; to the Committee on Patents.

Also, a bill (H. R. 10586) to extend letters patent No. 42279; to the Committee on Patents.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of Springfield (Mass.) Chamber of Commerce and Woman's Christian Temperance Union of St. Albans, W. Va., against increase in second-class postage; to the Committee on Ways and Means.

Also (by request), petition of Albany County Bar Association against section 2 of the proposed prohibition amendment; to the Committee on the Judiciary.

Also (by request), petition of Boise Commercial Club, Boise, Idaho, favoring passage of House bill 9928, a long-and-short-

haul bill; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS of Tennessee: Papers accompanying H. R. 10557, granting a pension to Annie E. Arnold; to the Committee on Pensions.

By Mr. CARY: Petition of Northern Hemlock and Hardware Manufacturers' Association, of Oshkosh, Wis., favoring appropriation for keeping up work of the laboratory; to the Committee on Agriculture.

By Mr. DALE of New York: Petition of Thomas Potter Sons & Co., of New York, favoring passage of the daylight-saving bill; to the Committee on Interstate and Foreign Commerce.

By Mr. DILLON: Memorial of board meeting of the South Dakota Division of the Farmers' Union, relative to dealing with those who shirk their duty toward their country; to the Committee on Military Affairs.

Also, memorial of Sunday School of the First Methodist Episcopal Church of Mitchell, S. Dak., favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Travelers' Club, Chamberlain, S. Dak., against increase in second-class postage; to the Committee on Ways and Means.

By Mr. FLYNN: Resolution of the board of governors of the International Allied Printing Trades Association, protesting against the second-class postage provision of the war-revenue act; to the Committee on Ways and Means.

Also, memorial of International Photo-Engravers Union and others, against increase in second-class mailing rates; to the Committee on Ways and Means.

Also, memorial of Association of Lithuanian Patriots of America, favoring independence for Lithuania; to the Committee on Foreign Affairs.

By Mr. FULLER of Illinois: Petitions of the Sorosis Club, of Chillicothe, Mo.; the Woman's Literary Club, Evansville, Wis.; the Progress Club, Nevada, Mo.; the Arkansas Press Association, Little Rock, Ark.; the Springfield Council of National Congress of Mothers and Parent-Teachers' Association, Springfield, Mo.; the Luverne Tourist Club, Luverne, Minn.; the Wimodausis Club, of Gordon, Ga.; the Square Turn Tractor Co., Chicago, Ill.; the Illinois Woman's Press Association, Chicago, Ill.; Condon Bros., Rockford, Ill.; Mr. and Mrs. D. W. Robinson, Rockford, Ill.; and the New Century Club, of Wichita Falls, Tex., favoring the repeal of the second-class postage provision of the war-revenue act; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Resolution of the Pennsylvania State Chamber of Commerce, urging Congress to pass a law allowing excess-profits taxes to be paid in four installments, on the 15th of June, August, October, and December of 1918 and each year thereafter; to the Committee on Ways and Means.

Also, resolution of the Jefferson County Good Roads Association, urging the necessity of the early designation, construction, and maintenance of a system of national highways, to be built and maintained by the National Government; to the Committee on Roads.

By Mr. KENNEDY of Rhode Island: Resolutions of Providence (R. I.) Typographical Union, No. 33, favoring passage of Sherwood old-age pension bill; to the Committee on Pensions.

By Mr. MAGEE: Petition of Mr. Samuel Clayton and other residents of Skaneateles, Onondaga County, N. Y., for immediate passage of national war prohibition; to the Committee on the Judiciary.

By Mr. MILLER of Minnesota: Resolution of a mass meeting held at Big Fork, Minn., urging legislation to prohibit, for the period of the war, the manufacture of alcoholic beverages from grains as a measure for the conservation of food; to the Committee on the Judiciary.

By Mr. O'SHAUNESSY: Resolution of the Rhode Island Life Underwriters' Association, urging the adoption of a particular form of universal military training; to the Committee on Military Affairs.

By Mr. RAKER: Petition of Los Angeles County (Cal.) Medical Association, favoring legislation creating advanced rank for medical officers in the Army; to the Committee on Military Affairs.

Also, petition of postal clerks in and about Gerber and Local 148, of San Francisco, Cal., favoring increase in pay for postal clerks and letter carriers; to the Committee on the Post Office and Post Roads.

By Mr. RANDALL: Resolutions of the Pasadena Board of Trade, Pasadena, Cal., urging drastic punishment of those who attempt to destroy property, and wherever these acts can be traced to aliens or enemies of the country that the extreme punishment for treason be rigidly enforced; to the Committee on the Judiciary.